

RESOLUTION NO. R-2007- 2144

RESOLUTION APPROVING ZONING APPLICATION DOA/EAC2007-1182
(CONTROL NUMBER 1989-052)
DEVELOPMENT ORDER AMENDMENT
APPLICATION OF FLORIDA POWER & LIGHT COMPANY
BY JOSEPH VERDONE, CARLTON FIELDS, P.A., AGENT
(FLORIDA POWER AND LIGHT)

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, as amended, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) have been satisfied; and

WHEREAS, Zoning Application DOA/EAC2007-1182 was presented to the Board of County Commissioners at a public hearing conducted on November 29, 2007; and

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

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Development Order Amendment complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Development Order Amendment also meets applicable local land development regulations.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Development Order Amendment has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
6. 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.

7. This Development Order Amendment, with conditions as adopted, will result in logical, timely and orderly development patterns.
8. This Development Order Amendment, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
9. This Development Order Amendment, with conditions as adopted, is consistent with applicable Neighborhood Plans.
10. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Development Order Amendment.

WHEREAS, Article 2.K.3.b (Action by BCC) 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 Application DOA/EAC2007-1182, the application of Florida Power & Light Company, by Joseph Verdone, Carlton Fields, P.A., agent, for a Development Order Amendment to modify a condition of approval (All Petitions, limiting megawatts) 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 November 29, 2007, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Robert Kanjian moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	¥Absent
Jeff Koons, Vice Chair	¥Aye
Karen T. Marcus	¥Aye
Robert J. Kanjian	¥Aye
Mary McCarty	¥Aye
Burt Aaronson	¥Aye
Jess R. Santamaria	¥Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on November 29, 2007.

Filed with the Clerk of the Board of County Commissioners on December 5th, 2007

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON BOCK, CLERK &
COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTIONS FOR PALM BEACH AGGREGATES, INC.

TRACT 1. A parcel of land in Sections 17,18,19,20, 29,30, 31 and 32, Township 43 South, Range 40 East, and also in part of Section 13, Township 43 South, Range 39 East, Palm Beach County, Florida, described as follows:

Commencing at the Southeast corner of Section 31, Township 43 South, Range 40 East, thence North 0°56'55" East 1890.54 feet along the East line of said Section 31 to the North right-of-way line of State Road 80, Section 93120-2515, sheets 4,5,6, and 7 of 14 sheets, dated 5-23-84, no revisions shown, and the Point of Beginning, thence North 88°28'56"W 24.01' along said right-of-way line to a point on the West line of the East 24 feet of Section 31, Township 43 South, Range 40 East, thence North 0°56'22" East 3383.35 feet along said West line of the East 24 feet of said Section 31, to the South line of Section 30, Township 43 South, Range 40 East, thence North 0°56'22" East 287.04 feet, to the South line of a parcel labeled Parcel 1, per O.R.B. 11634, P.1507 thence North 88°37'31" West 2460.91 feet, along the South line of said parcel, thence North 1°16'02" East 1415.91 feet, along the West line of said parcel thence North 2°14'35" East 3522.67 feet along said West line to the North line of Section 30, Township 43 South, Range 40 East, thence continue North 2°14'35" East 5448.95 feet to the North line of Section 19, Township 43 South, Range 40 East, thence continue North 2°14'30" East 43.37 feet into Section 18, Township 43 South, Range 40 East to the South line of a parcel labeled Parcel 2, per O.R.B. 11634, P.1507 thence North 89°34'23" West 2824.18 feet along the South line of said Parcel 2, to the East line of Section 13, Township 43 South, Range 40 East, thence continue North 89°34'23" West 2189.72 feet into Section 13, Township 43 South, Range 39 East, thence North 0°04'24" East 2575.77 feet, along the West line of said Parcel 2, thence North 89°47'27" East 2261.43 feet to the West line of Section 18, Township 43 South, Range 40 East. Thence continue North 89°47'27" East 2852.08 feet to the Northeast corner of said Parcel 2, thence North 89°47'27" East 2201.62 feet, along the North line of a Parcel labeled Parcel 1, to a point on the East line of Section 18, Township 43 South, Range 40 East, thence North 0°54'15" East 2753.07 feet along said East line of Section 18 to the Northeast corner thereof, thence South 87°51'09" East 85.00 feet along the North line of Section 17, Township 43 South, Range 40 East to the West line of Florida Power & Light Company's 500 Kv Transmission line corridor as recorded in Official Records Book 2315, Page 1823, thence South 0°54'15" West 5466.71 feet along said West line of the Florida Power & Light Company's corridor, to the North line of Section 20, Township 43 South, Range 40 East, thence South 0°57'12" West 5466.81 feet along said West line to the North line of Section 29, Township 43 South, Range 40 East, thence South 0°49'13" West 5230.28 feet along said West line to the North line of Section 32, Township 43 South, Range 40 East, thence South 0°56'55" West 3384.80 feet to the North right-of-way line of State Road 80, as defined at the beginning of this description, thence North 88°28'56" West 85.00 feet to the Point of Beginning.
Containing: 1049.53 Acres (45,717,739 square feet)

TOGETHER WITH:

TRACT 2. A parcel of land in Sections 17, 20, 29, and 32, Township 43 South, Range 40 East, Commencing at the Southeast corner of Section 31, Township 43 South, Range 40 East, thence North 0°56'55" East 1890.54 feet along the East line of said Section 31 to the North right-of-way line of State Road 80, Section 93120-2515, sheets 4,5,6, and 7 of 14 sheets, dated 5-23-84, no revisions shown, and the Point of Beginning, thence South 88°28'56" East 845.03 feet along said right-of-way line to a point on the East line of the Florida Power & Light Company's 500 Kv Transmission Line corridor as recorded in Official Records Book 2222, Page 1696, thence North 0°56'55" East 880.76 feet along said East line, thence North 89°03'05" West 100.00 feet to the East line of the East 660 feet of the West 745 feet of Section 32, Township 43 South, Range 40 East, thence North 0°56'55" East 2501.94 feet along said East line of the East 660 feet of the West 745 feet of Section 32 to the South line of Section 29,

Township 43 South, Range 40 East, thence North 0°49'13" East 4647.51 feet along said East line of the East 660 feet of the West 745 feet of Section 29, Township 43 South, Range 40 East to the Southwest corner of the Florida Power & Light Company's Corbett Sub-Station, thence South 88°52'46" East 900.00 feet to the Southeast corner of said Corbett Sub-Station, thence North 0°49'13" East 589.00 feet to the South line of Section 20, Township 43 South, Range 40 East, thence North 0°57'12" East 761.00 feet to the Northeast corner of said Corbett Sub-Station, thence North 88°52'46" West 900.00 feet along the North line of said Corbett Sub-Station to the East line of the East 660 feet of the West 745 feet of Section 20, Township 43 South, Range 40 East, thence North 0°57'12" East 4699.97 feet along the East line of East 660 feet of the West 745 feet of said Section 20 to the South line of Section 17, Township 43 South, Range 40 East, thence North 0°54'15" East 5460.72 feet along said East line of the East 660 feet of the West 745 feet of Section 17, Township 43 South, Range 40 East to the North line of said Section 17, Township 43 South, Range 40 East. thence South 87°51'09" East 4055.53 feet to the West right-of-way line of the South Florida Water Management District's Levee L-8, thence South 0°57'59" West 19495.10 feet along said right-of-way line of Levee L-8, to the North right-of-way line of State Road 80 as defined at the beginning of this description, thence North 88°28'56" West 3933.29 feet along said right-of-way line to the Point of Beginning. Containing 1782.32 (77637664 square feet)

ALSO TOGETHER WITH

TRACT 3. A parcel of land in Sections 20,21,28,29,32 and 33, Township 43 South, Range 40 East, Commencing at the Southeast corner of Section 32, Township 43 South, Range 40 East, thence North 1°11'57" East 1910.38 feet along the East line of said Section 32 to the North right-of-way line of State Road 80, Section 93120-2515, sheets 4,5,6, and 7 of 14 sheets, dated 5-23-84, no revisions shown, and the Point of Beginning, thence South 88°28'56" East 38.36 feet along said right-of-way line to a point on a line parallel with and 46.00 feet East of, measured at right angles to the East right-of-way line of the South Florida Water Management District's Levee L-8, according to Deed Book 910, Page 364. (See surveyor's note number 7 below) thence North 0°57'59" East 3370.40 feet along said line parallel to Levee L-8, to the South line of Section 28, Township 43 South, Range 40 East, thence North 0°57'59" East 5279.72 feet along said line parallel to Levee L-8, to the South line of Section 21, Township 43 South, Range 40 East, thence North 0°57'59" East 120.02 feet along said line parallel to Levee L-8, to a point on the North line of the South 120.00 feet of Section 21, Township 43 South, Range 40 East, said line being the same as the South line of a Florida Power & Light Company's transmission line corridor as recorded in Official Records Book 5111, Page 1324, thence North 88°17'38" West 46.00 feet to the East right-of-way line of the aforementioned Levee L-8, thence South 0°57'59" West 120.47' along the East right-of-way line of Levee L-8 to the North line of Section 29, Township 43 South, Range 40 East, thence South 0°57'59" West 5279.29 feet along the East right-of-way line of Levee L-8 to the North line of Section 32, Township 43 South, Range 40 East, thence South 0°57'59" West 3370.54 feet along the East right-of-way line of Levee L-8 to the North right-of-way line of State Road 80, as defined at the beginning of this description, thence South 88°28'56" East 7.64 feet along said right-of-way line of State Road 80 to the Point of Beginning. Containing: 9.26 Acres (403414 square feet)

The total area within the 3 parcels is: 2841.11 Acres (123758752 square feet)

EXHIBIT B
VICINITY SKETCH

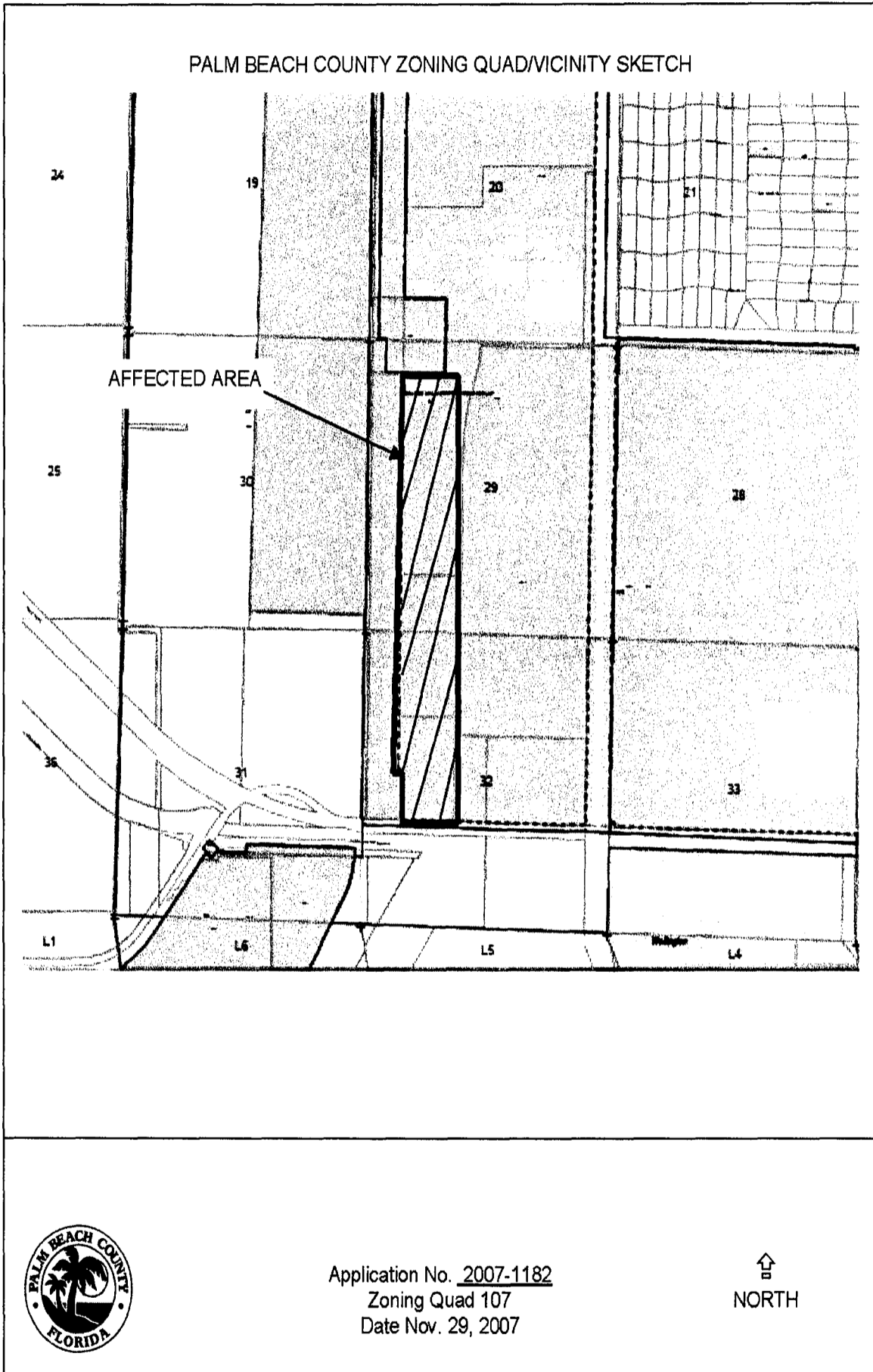


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petition Condition 1. of Resolution R-2006-0027, Control No.1989-052 which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2004-0401 (Petition 1989-052F) and all prior resolutions applicable to the subject property, 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: ZONING - Zoning) [This condition is applicable to the overall site.]

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2006-0027 (Control No. 1989-052) and all prior resolutions applicable to the subject property, 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: ZONING - Zoning) [This condition is applicable to the overall site.]

Previous All Petition Condition 2. of Resolution R-2006-0027, Control No. 1989-052) which currently states:

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 - Zoning) [This condition is applicable to the power plant only.]

Is hereby amended to state:

The power plant parcel is limited to a nominal 3,800 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).

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 - Zoning) [This condition is applicable to the power plant only.]

3. Development of site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated October 17, 2005. 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 of Resolution R-2004-0401, as carried forward herein) 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) 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.] (Previous All Petition Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
4. All plans submitted dated November 7, 2003 (Power Plant) and October 17, 2005 (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.] (Previous All Petition Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. 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.] (Previous All Petition Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. Resolution R-89-2225 is hereby repealed. (ONGOING: ZONING - Zoning) (Previous All Petition Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. 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.] (Previous All Petition Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
8. 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.] (Previous All Petition Condition 8. of Resolution R-2006-0027, Control No. 1989-052)

ACCESS

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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Access and Internal Circulation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Access and Internal Circulation Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. The petitioner shall comply with the following blasting regulations:

BLASTING REGULATIONS

PARAMETER	<u>INSTRUMENT REQUIREMENTS</u>	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/lb², 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/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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

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

(ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 3. of Resolution R-2006-0027, Control No. 1989-052)

4. No blast shall be detonated within a required setback or separation area established herein or depicted on a site plan approved by the Development Review Officer (DRO). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
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: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. All seismographs shall measure all ground vibration in excess of 0.10 in/sec. and all air blast in excess of 125 dBLinear peak. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 8. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Blasting Condition 9. of Resolution R-2006-0027, Control No. 1989-052) Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Circuit Court,

DRI

1. 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.] (Previous DRI Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Daily water consumption for the mine shall not exceed 1.5 million gallons per day (mgd). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
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). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 3. of Resolution R-2006-0027, Control No. 1989-052)

ENGINEERING

1. 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). [This condition is applicable to Palm Beach Aggregates only.]
 - 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. Any transmission facilities required to be relocated shall be funded by the property owner. (ONGOING: ENG Eng) [This condition is applicable to Palm Beach Aggregates only.] (Previous Engineering Condition E1 of Zoning Resolution Number R-2006-0027, Control No. 1989-052)

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). [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) [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.] Previous Condition E2 of Zoning Resolution Number 2006-0027, Petition Number 1989-052
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). [This condition is applicable to Palm Beach Aggregates only.] Previous Condition E3 of Zoning Resolution Number 2006-0027, Petition Number 1989-052
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). [This condition is applicable to Palm Beach

Aggregates only.] Previous Condition E4 of Zoning Resolution Number R2006-0027, Petition Number 1989-052

5. 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 January 1, 2008. (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, 2008. (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.] (Previous Engineering Condition E5 of Zoning Resolution Number R-2006-0027, Control No. 1989-052)
6. 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). [This condition is applicable to Palm Beach Aggregates and the power plant.] Condition E6 of Zoning Resolution Number 2006-0027, Petition Number 1989-052
7. 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.] Note: Complete
 - 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 E7 of

Zoning Resolution Number R-2006-027, Petition EAC1989-052(E)). [This condition is applicable to Palm Beach Aggregates only.]

8. 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). [This condition is applicable to both Palm Beach Aggregates and the power plant.] Previous Condition E8 of Zoning Resolution Number 2006-0027, Petition Number 1989-052

ENVIRONMENTAL

1. Condition F.1. of Resolution R-2004-0401, Petition DOA1989-052F, 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 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.]

Is hereby amended to read:

All necessary permits from SFWMD, FDEP and Army Corps of Engineers for the mining operation including an approved Chloride and Mercury Monitoring Plan for the proposed site plan 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.] (Previous Environmental Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

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 final approval by the Development Review Officer (DRO). (Previous Condition F.2. of Resolution R-2004-0401, Petition DOA1989-052(F)) (DRO: ERM - ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 2. of resolution R-2006-0027, Control No. 1989-052)
3. 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). (Previous Condition F.3. of Resolution R-2004-0401, Petition DOA1989-052F (DRO: ERM:ERM) (DRO: ERM ERM) [This condition

is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 3. of resolution R-2006-0027, Control No. 1989-052)

4. Maximum depth of all excavation shall be -50 feet from OWL. (ONGOING: ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm Beach Aggregates and SFWMD.] (Previous Environmental Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. The Wildlife Corridor shall be conveyed to Palm Beach County prior to DRO final site plan certification. (DRO:ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD] (Previous Environmental Condition 6. of Resolution R-2006-0027, Control No. 1989-052)
7. All littoral shelves along the eastern boundary, that are contiguous to the Wildlife Corridor, shall be constructed at a minimum 20:1 slope, be a minimum of 92 feet wide, measured from top of bank to edge of pit and constructed by grading only and not through excavation. (ONGOING:ERM ERM) [This condition is applicable to Palm Beach Aggregates only.] (Previous Environmental Condition 9. of Resolution R-2006-0027, Control No. 1989-052)

HEALTH

1. 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) (Previous Health condition 1. of Resolution R-2006-0027, Control No. 1989-052 [This condition is applicable to Palm Beach Aggregates and the power plant.]
2. 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) (Previous Health condition 2. of Resolution R-2006-0027, Control No. 1989-052)[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 Health condition 3. of Resolution R-2006-0027, Control No.1989-052) [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) (Previous Health condition 4. of Resolution R-2006-0027, Control No.1989-052) [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) (Previous Health condition 5. of Resolution R-2006-0027, Control No.1989-052) [This condition is applicable to the power plant only.]

ZONING – LANDSCAPING

1.
 - 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.(ONGOING: LANDSCAPE - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
2. 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. (ONGOING: LANDSCAPE - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
3. 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 Landscaping Conditions 1, 2 and 3 above. (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
4. 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. (Previous Condition 1.7. of Resolution R-2004-0401, Petition DOA1989-052F) (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Landscape Condition 5. of Resolution R-2006-0027, Control No. 1989-052)

LIGHTING

1. All outdoor lighting used to illuminate the subject property shall be shielded and directed down and away from adjacent residential properties and streets. (ONGOING: CODE ENF - Zoning) [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous Lighting Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. 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. (Previous Condition I.6. of Resolution R-2004-0401, Petition DOA1989-052F) (BLDG PERMIT: BLDG - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Lighting Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

MONITORING

1. The Excavation Activity Monitoring Report required by Article 4.D.8.E.1. 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: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. The Excavation Activity Monitoring Report required by Article 4.D.8.E.1. 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: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
3. The Maintenance and Monitoring Report of Reclaimed Areas required by Article 4.D.8.E.2.d. of the ULDC shall be submitted on or before March 15 annually including a map identifying ownerships of land as shown on plan dated October 17, 2005. (DATE: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
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: DRO - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 4. of Resolution R-2006-0027, Control No. 1989-052)

5. The blasting log shall be made available to the public or any government official on request. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
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. (Previous Condition K.6. of Resolution R-2004-0401, Petition DOA1989-052F)(ONGOING: ZONING - Zoning) [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. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 7. of Resolution R-2006-0027, Control No. 1989-052)

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. The petitioner shall maintain all blasting activity logs for a minimum of three (3) years. (ONGOING: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Monitoring Condition 7. of Resolution R-2006-0027, Control No. 1989-052)
2. 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.] (Previous Phasing 2. of Resolution R-2006-0027, Control No. 1989-052)

PLANNING

1. 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, recorded, and preservation status determined, as required by the ULDC. (Previous Condition Planning 1 of Resolution R-2006-0027, Control No. 1989-052) (ONGOING: CODE ENF/PLANNING - Planning) [This condition is applicable to Palm Beach Aggregates and the power plant.]

RECLAMATION

1. 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.] (Previous Reclamation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Prior to December 31, 1999, the petitioner shall complete reclamation of all previously excavated areas within Lake 1. (DATE: MONITORING - Zoning) [NOTE: Completed.] [This condition is applicable to Palm Beach Aggregates only.] (Previous Reclamation Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

SEPARATION

1. Condition O.1. of Resolution R-2004-0401, Petition DOA1989-052F, which currently states:

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
South - Section 32	900 feet
East – Sections 17 & 20	900 feet
East - Sections 29 & 32	946 feet
West	900 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Separation Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

SETBACKS

1. The site shall be governed by the following minimum setback distances, 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
South	108 feet
East - Section 17 & 20	308 feet
Easternmost point of land included within this approval and falling within Sections 28 and 33	946 feet
West - Section 32	795 feet
West – Sections 13,19,30	108 feet
Internal R-O-W	50 feet
Processing Equipment	<p>2,500 feet from residential uses located in Sections 9, 16 and 21, Range 40 East, Township 43 South</p> <p>946 feet the easternmost property line adjacent to Sections 28 and 33, Range 40 East, Township 43 South</p> <p>200 feet from SR 80 and all property lines not expressly covered by this condition</p>
Stockpiles	<p>2,500 feet from any property line adjacent to existing residential uses located in Sections 9, 16, 21, 28 and 33, Range 40 East, Township 43 South</p> <p>300 feet from all other property lines</p>
Accessory buildings	100 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Setback Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

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. (BLDG PERMIT: BLDG - Zoning) [This condition is applicable to Palm Beach Aggregates and the power plant.] (Previous Sign Condition 1. of Resolution R-2006-0027, Control No. 1989-052)

TOWERS

1. 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. (BLDG PERMIT: BLDG - Health) [This condition applies to Palm Beach Aggregates and the power plant.] (Previous Tower Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. 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. (ONGOING: AIRPORTS - Airports) [This condition applies to Palm Beach Aggregates and the power plant.] (Previous Tower Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

USE LIMITATIONS

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) [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
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) [This condition is applicable to Palm

Beach Aggregates only.] (Previous Use Limitations Condition 2. of Resolution R-2006-0027, Control No. 1989-052)

3. All uses shall not exceed 45 dBA as measured in the Performance Standards of Article 5.E of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
4. 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. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
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. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 5. of Resolution R-2006-0027, Control No. 1989-052)
6. All pumps shall be limited to electric only. This condition shall not be applicable to the SFWMD. [This condition is applicable to Palm Beach Aggregates only.] (Previous Use Limitations Condition 6. of Resolution R-2006-0027, Control No. 1989-052)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications. (ONGOING: PBCWUD - PBCWUD) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Utilities Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
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: PBCWUD - PBCWUD) [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous Utilities Condition 2. of Resolution R-2006-0027, Control No. 1989-052)
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 potable 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 Statute. (ONGOING: PBCWUD - PBCWUD) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Utilities Condition 3. of Resolution R-2006-0027, Control No. 1989-052)
4. Florida Power & Light Company shall utilize reclaimed water from Palm Beach County as its primary water source for cooling water at its West County Energy Center, conditioned upon the following:
 - (a) Palm Beach County delivers the reclaimed water to the site at a quality that satisfies the criteria for reclaimed water user requirements and limitations as set forth in the relevant sections of Rule 62-610, FAC, including Part III;

- (b) Palm Beach County supplies a quantity of water (up to an annual average of 22 million gallons per day) that is adequate to meet cooling water purposes at the West County Energy Center;
- (c) Palm Beach County delivers the reclaimed water in a timely manner to coincide with the startup of West County Energy Center Unit 3;
- (d) FPL receives all necessary regulatory approvals for West County Energy Center Unit 3;
- (e) FPL constructs West County Energy Center Unit 3; and
- (f) In the certification of West County Energy Center Unit 3, consistent with the requirements of the Power Plant Siting Act, FPL maintains its allocation of groundwater and excess stormwater to provide a backup water supply to the West County Energy Center from the South Florida Water Management District. (ONGOING: PBCWUD - PBCWUD)

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: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Compliance Condition 1. of Resolution R-2006-0027, Control No. 1989-052)
2. Monitoring Condition 2 of Resolution R-2006-0027, Control No. 1989-052 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 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.

(Previous Condition V.2. of Resolution R-2004-0401, Petition DOA1989-052F) (ONGOING: MONITORING - Zoning) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.]

Is hereby amended to state:

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 Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as 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 Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

- 3. Monitoring Condition 3. of Resolution R-2006-0027, Control No. 1989-052 which currently states:

Responsibility amongst the various property owners for compliance with a particular condition of approval contained herein shall be as set forth within the following chart:

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 1	YES	YES	YES
All Petitions 2	NO	NO	YES
All Petitions 3	YES	YES	YES
All Petitions 4	YES	NO	YES

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 5	YES	NO	NO
All Petitions 6	N/A	N/A	N/A
All Petitions 7	NO	NO	YES
All Petitions 8	NO	NO	YES
Access 1	YES	NO	NO
Access 2	YES	NO	NO
Blasting 1	YES	NO	NO
Blasting 2	YES	NO	NO
Blasting 3	YES	NO	NO
Blasting 4	YES	NO	NO
Blasting 5	YES	NO	NO
Blasting 6	YES	NO	NO
Blasting 7	YES	NO	NO
Blasting 8	YES	NO	NO
Blasting 9	YES	NO	NO
DRI 1	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
DRI 2	YES	NO	NO
DRI 3	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A & B	YES	NO	NO
Engineering 3	YES	NO	NO
Engineering 4	YES	NO	NO
Engineering 5	YES	NO	YES
Engineering 6	YES	NO	NO
Engineering 7	YES	NO	YES
Engineering 8	YES	NO	NO
Engineering 9	YES	NO	YES
Environmental Resources Management 1	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
Environmental Resources Management 2	YES	YES	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Environmental Resources Management 3	YES	YES	NO
Environmental Resources Management 4	YES	YES	NO
Environmental Resources Management 5	YES	YES	NO
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 9	YES	NO	NO
Health 1	YES	NO	YES
Health 2	YES	NO	YES
Health 3	YES	NO	YES
Health 4	NO	NO	YES
Health 5	NO	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Use Limitations 6	YES	NO	NO
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	NO
Landscaping 4	YES	NO	NO
Landscaping 5	YES	NO	NO
Lighting 1	YES	NO	YES
Lighting 2	YES	NO	NO
Monitoring 1	YES	NO	NO
Monitoring 2	YES	NO	NO
Monitoring 3	YES	NO	NO
Monitoring 4	YES	NO	NO
Monitoring 5	YES	NO	NO
Monitoring 6	YES	NO	NO
Monitoring 7	YES	NO	NO
Phasing 1	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Phasing 2	YES	NO	NO
Reclamation 1	YES	NO	NO
Reclamation 2	YES	NO	NO
Separation 1	YES	NO	NO
Setback 1	YES	NO	NO
Signs 1	YES	NO	YES
Towers 1	YES	NO	YES
Utility 1	YES	YES	YES
Utility 2	YES	NO	YES
Utility 3	YES	YES	YES
Planning 1	YES	NO	YES
Compliance 1	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
Compliance 2	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
Compliance 3	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
Compliance 4	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
Compliance 5	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

(ONGOING: ZONING - Zoning)

Is hereby amended to read:

Application No. DOA2007-1182
Control No. 1989-052
Project No. 5795-000

Responsibility amongst the various property owners for compliance with a particular condition of approval contained herein shall be as set forth within the following chart:

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
All Petitions 1	YES	YES	YES
All Petitions 2	NO	NO	YES
All Petitions 3	YES	YES	YES
All Petitions 4	YES	NO	YES
All Petitions 5	YES	NO	NO
All Petitions 6	N/A	N/A	N/A
All Petitions 7	NO	NO	YES
All Petitions 8	NO	NO	YES
Access 1	YES	NO	NO
Access 2	YES	NO	NO
Blasting 1	YES	NO	NO
Blasting 2	YES	NO	NO
Blasting 3	YES	NO	NO
Blasting 4	YES	NO	NO
Blasting 5	YES	NO	NO
Blasting 6	YES	NO	NO
Blasting 7	YES	NO	NO
Blasting 8	YES	NO	NO
Blasting 9	YES	NO	NO
DRI 1	YES (ONLY FOR AREAS NOT OWNED BY SFWMD)	NO	NO
DRI 2	YES	NO	NO
DRI 3	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A & B	YES	NO	NO
Engineering 3	YES	NO	NO
Engineering 4	YES	NO	NO
Engineering 5	YES	NO	YES
Engineering 6	YES	NO	NO
Engineering 7	YES	NO	YES
Engineering 8	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Engineering 9	YES	NO	YES
Environmental Resources Management 1	YES - REQUIREMENT EXPIRES WHEN SFWMD ACCEPTS POSSESSION OF COMPLETED RESERVOIRS	NO	NO
Environmental Resources Management 2	YES	YES	NO
Environmental Resources Management 3	YES	YES	NO
Environmental Resources Management 4	YES	YES	NO
Environmental Resources Management 5	YES	YES	NO
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 9	YES	NO	NO
Health 1	YES	NO	YES
Health 2	YES	NO	YES
Health 3	YES	NO	YES
Health 4	NO	NO	YES
Health 5	NO	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Use Limitations 6	YES	NO	NO
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	NO
Landscaping 4	YES	NO	NO
Lighting 1	YES	NO	YES
Lighting 2	YES	NO	NO
Monitoring 1	YES	NO	NO

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
Monitoring 2	YES	NO	NO
Monitoring 3	YES	NO	NO
Monitoring 4	YES	NO	NO
Monitoring 5	YES	NO	NO
Monitoring 6	YES	NO	NO
Monitoring 7	YES	NO	NO
Phasing 1	YES	NO	NO
Phasing 2	YES	NO	NO
Reclamation 1	YES	NO	NO
Reclamation 2	YES	NO	NO
Separation 1	YES	NO	NO
Setback 1	YES	NO	NO
Signs 1	YES	NO	YES
Towers 1	YES	NO	YES
Use Limitations 1	YES	NO	NO
Use Limitations 2	YES	NO	NO
Use Limitations 3	YES	NO	NO
Use Limitations 4	YES	NO	NO
Use Limitations 5	YES	NO	NO
Utility 1	YES	YES	YES
Utility 2	YES	NO	YES
Utility 3	YES	YES	YES
Utility 4	NO	NO	YES
Planning 1	YES	NO	YES
Compliance 1	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
Compliance 2	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
Compliance 3	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	YES, for those conditions to be maintained in compliance by Power Plant

CONDITION	CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.	CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT	CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER
		Water Management District	Operator
Compliance 4	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
Compliance 5	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

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: ZONING - Zoning) (Previous Compliance Condition 4. of Resolution R-2006-0027, Control No. 1989-052)
5. The petitioner contained in all the above conditions of approval shall mean property owner(s). (ONGOING: ZONING - Zoning) (Previous Compliance Condition 5. of Resolution R-2006-0027, Control No. 1989-052)