

RESOLUTION NO. R-2010-0684

RESOLUTION APPROVING ZONING APPLICATION DOA-2009-04539  
(CONTROL NO. 1989-00052)  
a Development Order Amendment  
APPLICATION OF Palm Beach Aggregates, LLC  
BY Carlton Fields, P.A., AGENT  
(Palm Beach Aggregates Excavation Expansion)

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, 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 Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended), have been satisfied; and

WHEREAS, Zoning Application DOA-2009-04539 was presented to the Board of County Commissioners at a public hearing conducted on April 22, 2010; 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, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended) is authorized and empowered to consider, approve, approve with conditions or deny the request; 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Development Order Amendment.

WHEREAS, Article 2.A.1.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-2009-04539, the petition of Palm Beach Aggregates, LLC, by Carlton Fields, P.A., agent, for a Development Order Amendment to add land area and to reconfigure the site plan in the AP/SE Zoning District, 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 22, 2010, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

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

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Nay
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Nay
Commissioner Priscilla A. Taylor	- Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 22, 2010.

Filed with the Clerk of the Board of County Commissioners on April 28, 2010.

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 R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

**NEW MINING AREA AND SPOIL RIBBON**

**O.R.B. 23400, PAGE 1577**

**PARCEL 3, NEW MINING AREA:**

"Beginning at the Southeast corner of Section 7, Township 43 South, Range 40 East, which is the same as the Northeast corner of Section 18, Township 43 South, Range 40 East; Thence North 89°46'45" West 5016.61 feet along the South line of said Section 7, to the Southwest corner of said Section 7; Thence North 1°34' 21" East 4016.79 feet along the West line of said Section 7; Thence South 89°42'22" East 5030.07 feet to the East line of said Section 7; Thence South 1°46'01" West 4010.73 feet along the East line of said Section 7 to the Point of Beginning. Containing: 462.725 Acres (20,156,301 square feet), more or less."

**TOGETHER WITH ORB 23404, P 1707**

**PARCEL 4, SPOIL RIBBON**

"Commencing at the Southeast corner of Section 7, Township 43 South, Range 40 East, which is the same as the Northeast corner of Section 18, Township 43 South, Range 40 East; Thence North 1°46'01" East 4010.73 feet along the East line of said Section 7 to the Northeast corner of Parcel 3 Mining Area and the Point of Beginning of the hereinafter described Parcel 4; Thence continue North 1°46'01" East 1319.58 feet along the East line of said Section 7; Thence South 89°43'38" West 4897.20 feet; Thence South 2°32'15" West 264.18 feet; Thence North 89°52'23" West 134.24 feet to a point on the West line of said Section 7; Thence South 1°34'21" West 1006.60 feet along the West line of said Section 7, to the Northwest corner of Parcel 3 Mining Area; Thence South 89°42'22" East 5030.07 feet along the North line of said Parcel 3 to the Point of Beginning. Containing: 148.692 Acres (6,477,042 square feet), more or less."

**TOGETHER WITH O.R.B.23400, PAGE 1581 PARCEL 5, NEW MINING AREA**

"A parcel of land lying in part of Section 18, Township 43 South, Range 40 East and lying in part of Sections 11,12,13 and 14 Township 43 South, Range 39 East, all lying and being in Palm Beach County, Florida, more particularly described as follows: Beginning at the Northeast corner of Section 18 which is the same as the Southeast corner of Section 7, Township 43 South, Range 40 East, Palm Beach County, Florida; Thence North 89°46'45" West 5016.61 feet along the North line of said Section 18 to the Northwest corner thereof, which is the same as the Southeast corner of Section 12, Township 43 South Range 39 East; Thence North 1°34'21" East 4016.79 feet along the East line of said Section 12, Township 43 South, Range 39 East; Thence North 89°42'22" West 5245.70 feet to the West line of said Section 12, which is the same as the East line of Section 11, Township 43 South, Range 39 East; Thence into Section 11, Township 43 South, Range 39 East, North 89°42'22" West 928.50 feet; Thence South 0°08'12" East 4668.66 feet through part of Section 11 and part of Section 14, Township 43 South, Range 39 East; Thence North 89°47'21" East 873.21 feet to a point on the East line of Section 14, Township 43 South, Range 39 East, which is the same as the West line of Section 13, Township 43 South, Range 39 East; Thence continue North 89°47'21" East 178.79 feet into Section 13, Township 43 South, Range 39 East; Thence South 0°08'12' East 2250.01 feet into Section 13, Township 43 South, Range 39 East; Thence North 89°47'04" East 1149.68 feet in Section 13, Township 43 South, Range 39 East; Thence South 0°04'01" East 2499.87 feet to a point which falls South 89°34'23" East 1325.24 feet and North 0°04'01" West 25.97 feet from the Southwest corner of Section 13, Township 43 South, Range 39 East; Thence South 89°34'23" East 1497.59 feet along a line which is the Westerly extension of the

South line of "Parcel 2" as described on Exhibit A of the Warranty Deed recorded in Official Record Book 12139, Page 1594, Palm Beach County, Florida, to the Southwest corner of said Parcel 2; Thence North 0°04'24" East 2575.77 feet along the West line of said Parcel 2 to the Northwest corner of said Parcel 2; Thence North 89°47'27" East 5113.51 feet along the North line of said Parcel 2 to the Northeast corner of said Parcel 2 which is the same as the Northwest corner of "Parcel 1" as described in the Warranty Deed recorded in Official Record Book 12139, Page 1587, Palm Beach County, Florida; Thence North 89°47'27" East 2201.61 feet along the North line of said Parcel 1 to the East line of Section 18, Township 43 South, Range 40 East; Thence North 0°54'15" East 2753.07 feet along the East line of said Section 18 to the Northeast corner of said Section 18 and the point of beginning.  
The above described parcel containing: 1309.863 Acres (57,057,615 square feet), more or less,"

**TOGETHER WITH ORB 23404, PAGE 1703 PARCEL 6, SPOIL RIBBON**

"A parcel of land lying in part of Sections 11, 12, 13 and 14, Township 43 South, Range 39 East, all lying and being in Palm Beach County, Florida, more particularly described as follows:

Commencing at the Southeast corner of Section 12 which is the same as the Southwest corner of Section 7, Township 43 South, Range 40 East, Palm Beach County, Florida; Thence North 1°34'21" East 4016.79 feet along the East line of said Section 12, Township 43 South, Range 39 East to the Point of Beginning of the hereinafter described Parcel 6; Thence North 89°42'22" West 5245.70 feet to the West line of said Section 12, which is the same as the East line of Section 11, Township 43 South, Range 39 East; Thence into Section 11, Township 43 South, Range 39 East, North 89°42'22" West 928.50 feet; Thence South 0°08'12" East 4668.66 feet through part of Section 11 and part of Section 14, Township 43 South, Range 39 East; Thence North 89°47'21" East 873.21 feet to a point on the East line of Section 14, Township 43 South, Range 39 East, which is the same as the West line of Section 13, Township 43 South, Range 39 East; Thence continue North 89°47'21" East 178.79 feet into Section 13, Township 43 South, Range 39 East; Thence South 0°08'12" East 2250.01 feet into Section 13, Township 43 South, Range 39 East; Thence North 89°57'20" West 2538.39 feet; Thence North 0°04'56" West 3121.73 feet; Thence North 1°05'04" West 4826.53 feet; Thence South 89°59'46" East 2550.70 feet; Thence South 30°42'31" East 60.83 feet; Thence South 89°57'40" East 2561.42 feet; Thence South 89°52'23" East 2624.29 feet to a point on the East line of Section 12, Township 43 South, Range 39 East; Thence South 1°34'21" West 1006.60 feet along the East line of said Section 12, to the Point of Beginning.  
Containing: 472.144 Acres (20,566,605 square feet

**TOTAL AREA OF THE NEW PARCELS ABOVE IS: 2393.424 ACRES  
(104,257,563 square feet)**

**TOGETHER WITH LEGAL DESCRIPTION: TRACTS 1, 2 AND 3  
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 00°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, 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, and the Point of Beginning; 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)

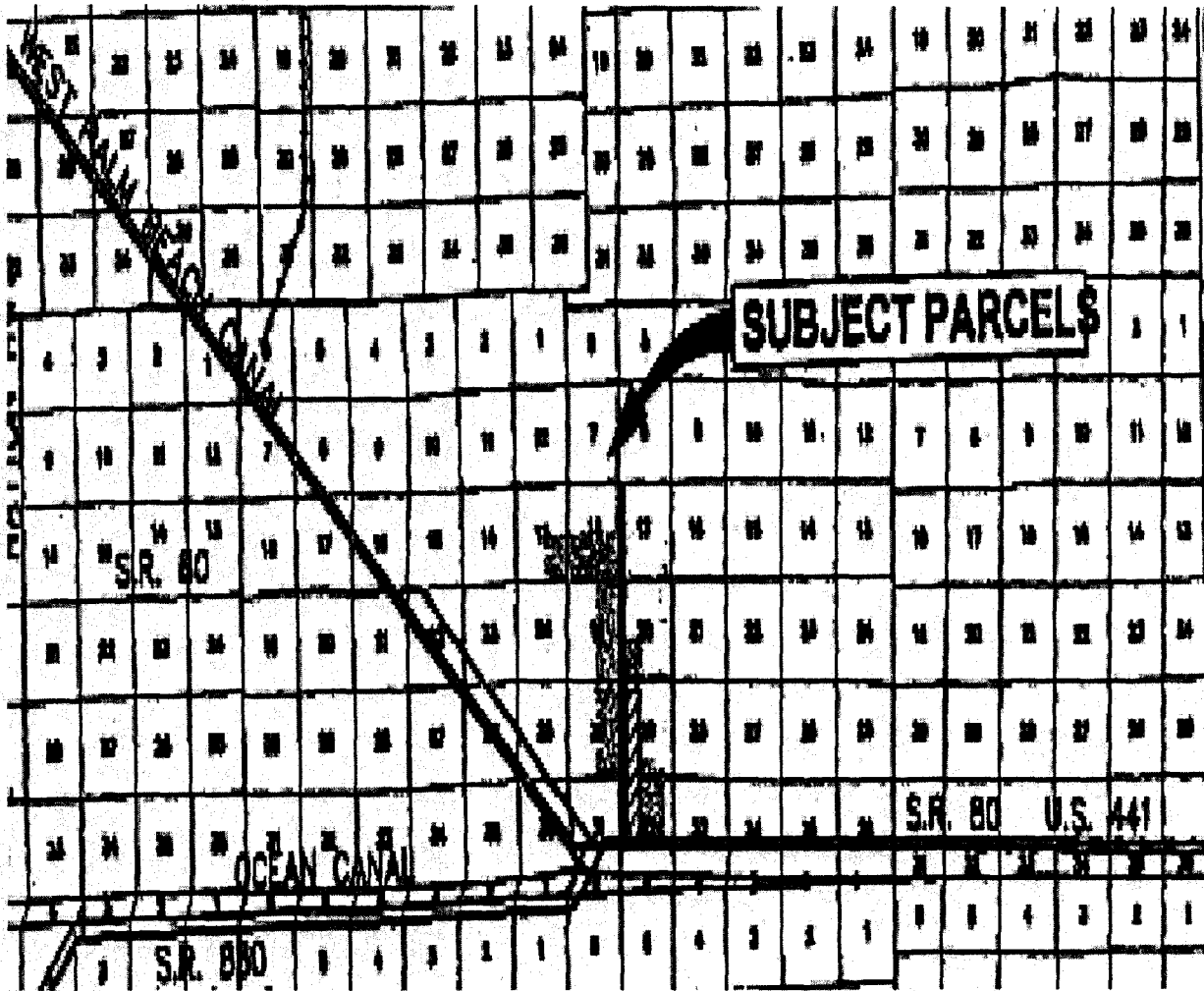
**AND TOGETHER WITH TRACT 3**

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 6 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 of the 3 Tracts above is: 2841.11 Acres (123758752 square feet)  
**THE TOTAL AREA CONTAINED IN LEGAL IS: 5234.534 ACRES (228,016,301 SQUARE FEET)**

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ALL PETITIONS

1. All Petition Condition 1. of Resolution R- R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolution R-2007-2144 (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.] No changes are being made to the Power Plant site and the only changes potentially affecting the SFWMD property relate to the Wildlife Corridor.

2. 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.] (Previous All Petitions Condition 2. of Resolution R-2007-2144, Control No. 1989-052)

3. All Petition Condition 3. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby amended to read:



Development of site is limited to the uses and site design as approved by the Board of County Commissioners. The approved preliminary site plan is dated March 10, 2010. 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 ERM 2, ERM 3, ERM 5, ERM 7, ERM 10, Landscape 1, Landscape 2, and Landscape 3, as carried forward herein may 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, and SFWMD.]

4.All Petition Condition 4. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby amended to read:

All plans submitted dated November 7, 2003 (Power Plant) shall remain in effect for the Power Plant. 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 the power plant.]

5.All preliminary excavation phasing and reclamation plans submitted dated March 10, 2010 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.

6.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-2007-2144, Control No. 1989-052)

7.Resolution R-89-2225 is hereby repealed. (ONGOING: ZONING - Zoning) (Previous All Petition Condition 6. of Resolution R-2007-2144, Control No. 1989-052)

8.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 2007-2144, Control No. 1989-052)

9.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-2007-2144, 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 2007-2144, 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 2007-2144, Control No. 1989-052)

## DRO-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-2007-2144, Control No. 1989-052)

2. DRI Condition 2. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby amended to read:

Daily water consumption for the mine shall not exceed 3 million gallons per day (mgd). (ONGOING: CODE ENF - Zoning) [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). (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous DRI Condition 3. of Resolution R-2007-2144, Control No. 1989-052)

## DRO-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 Condition Monitoring 1. of Resolution R-2007-2144, Control No. 1989-052)

2. Previous Condition Monitoring 2. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby deleted - [Reason: Duplicate of DRO-MONITORING Condition 1)

3. Previous Condition Monitoring 3. of Resolution R-2007-2144, Control No. 1989-052)

which currently states:

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.]

Is hereby amended to read:

The Maintenance and Monitoring Report of Reclaimed Areas required by Article 4.D.5.E.7 of the ULDC shall be submitted to the Environmental Resources Management Division starting on March 15, 2011 and submitted annually thereafter until completion of the excavation activity and reclamation of the site. The report shall include an "as built" survey for the lake being excavated at the same scale as the approved site plan, delineating the excavation boundaries of the excavator for the current year and previous year activity to verify compliance with the DRI Thresholds and Mining Phasing Plan. (DATE: MONITORING - ERM/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: DRO - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Monitoring 4. of Resolution R-2007-2144, 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 Condition Monitoring 5. of Resolution R-2007-2144, 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 Condition Monitoring 6. of Resolution R-2007-2144, Control No. 1989-052)

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)

8. Mining may be permitted only to support public roadway projects or agricultural activities, or water management projects associated with the ecosystem restoration, regional water supply or flood protection, on sites identified by SFWMD or ACOE where such uses provide viable alternative technologies for water management. (ONGOING: MONITORING-ERM/ZONING) This condition is applicable to Palm Beach Aggregates only.]

9. The property owner shall submit a five (5) year monitoring report in a form determined by the Zoning Director on July 1, 2014. The report shall record the last five (5) year site activities. The Zoning Director shall schedule an Administrative Inquiry to the Board of County Commissioners (BCC) to discuss ongoing status of the project to ensure consistency with the BCC's approval. (DATE: MONITORING Zoning) This condition is applicable to Palm Beach Aggregates only.]

**DRO-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 Condition Phasing 1. of Resolution R-2007-2144, 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 Condition Phasing 2. of Resolution R-2007-2144, Control No. 1989-052)

**DRO-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 Condition Reclamation 1. of Resolution R-2007-2144, 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 Condition Reclamation 1. of Resolution R-2007-2144, Control No. 1989-052)

**DRO-SEPARATION**

1. Previous Condition Separation 1. of Resolution R-2007-2144, Control No. 1989-052 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.]

Is hereby amended to read:

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 7, 11, 12, 17	900 feet
South - Section 13, 14, 18, 30, 32	900 feet
East - Sections 7, 17 & 20	900 feet
East - Sections 29 & 32	946 feet
West 11, 13, 14, 19, 30`	900 feet

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

**DRO-SETBACKS**

1. Previous Condition Setbacks 1. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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	2,500 feet from residential uses located in Sections 9, 16 and 21, Range 40 East, Township 43 South 946 feet the easternmost property line adjacent to Sections 28 and 33, Range 40 East, Township 43 South  200 feet from SR 80 and all property lines not expressly covered by this condition
Stockpiles	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  300 feet from all other property lines
Accessory buildings	100 feet

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

Is hereby amended to read:

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**

<b>Property Line</b>	<b>Required Setback</b>
North - Sections 7, 11, 12, 17	50 feet
South	108 feet
East - Section 7	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 – Sections 11, 13, 14, 19, 30	108 feet
Internal R-O-W	50 feet
Processing Equipment	2,500 feet from residential uses located in Sections 9, 16 and 21, Range 40 East, Township 43 South 946 feet the easternmost property line adjacent to Sections 28 and 33, Range 40 East, Township 43 South  200 feet from SR 80 and all property lines not expressly covered by this condition
Stockpiles	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  300 feet from all other property lines
Accessory buildings	100 feet

(DRO: Zoning - Zoning) [This condition is applicable to Palm Beach Aggregates only] (Previous Condition Setbacks 1. of Resolution R-2007-2144, Control No. 1989-052)

#### ENGINEERING

1. Previous condition E1 of Resolution R-2007-2144, Control No. 1989-052, which currently states:

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) [Note: COMPLETED]

- 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: ENGINEERING-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: ENGINEERING- Eng) [This condition is applicable to Palm Beach Aggregates only.]

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 and the area of the existing connection between Lake 1 and 2 of the SFWMD L-8 Reservoir. This right-of-way corridor shall be through an alignment acceptable to the County Engineer. (DRO: ENGINEERING-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 2 years of the road being placed on the 5 Year Road Program for construction. (ONGOING: ENGINEERING-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 2 years of the road being placed on the 5 Year Road Program for construction. 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 and the SFWMD easement at the existing connection between Lake 1 and 2 of the SFWMD L-8 Reservoir. The property owner shall convey right of way in a suitable graded, compacted surface and/or structure to accommodate a crossing for the proposed extension of Okeechobee Boulevard in the area of the connection between Lake 1 and 2, as approved by the County Engineer. The Grantor agrees to hold Grantee harmless and shall be responsible for all costs of the grading and compaction of the surface or structure crossing. 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: ENGINEERING- 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: ENGINEERING - 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) [This condition is applicable to Palm Beach Aggregates only.]
- c. Construction shall be completed prior to July 1, 1997. (DATE: MONITORING - Eng) [This condition is applicable to Palm Beach Aggregates only.] (Previous condition E2 of Resolution R-2007-2144, Control No. 1989-052) [Note: COMPLETED]

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: ENGINEERING - Eng). [This condition is applicable to Palm Beach Aggregates only.] (Previous condition E3 of Resolution R-2007-2144, Control No. 1989-052)

4. Previous condition E4 of Resolution R-2007-2144, Control No. 1989-052, which currently states:

The property owner shall convey to Palm Beach County sufficient road DE(s) thru the project's internal drainage system, as required by and approved by the County Engineer, to provide LPO for runoff from those segments of Okeechobee Blvd along the property frontage; and a maximum 800 feet of these adjacent roadway(s). Conveyance of these DEs shall be concurrent with the right of way dedication of Okeechobee Blvd as provided for in E2 above. The limits of this additional 800 feet of drainage shall be determined by the CE. 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 DE from the point of origin, to the point of LPO. 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 SFWMD, 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 CE the property owner shall construct within the proposed DEs a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the CE. Elevation and location of the entire drainage system shall be approved by the CE. Any and all excess fill material from excavation by PBC within said easements shall become the property of PBC which at its discretion may use this fill material. (ONGOING: ENGINEERING - Eng). [This condition is applicable to Palm Beach Aggregates only.]

Is hereby amended to read:

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 E1 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. (ONGOING: ENGINEERING - Eng). [This condition is applicable to Palm Beach Aggregates only.]

5. Previous condition E5 of Resolution R-2007-2144, Control No. 1989-052, which currently states:

#### 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: ENGINEERING - Eng) [This condition is applicable to Palm Beach Aggregates only.]

Is hereby amended to read:

#### Landscape Within the Median of SR-80

The Property Owner shall design, install and perpetually maintain median landscape within the median of all abutting right of way of SR-80. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioner's approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph c and d below.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for from Palm Beach County Land Development prior to March 31, 2011. (DATE: MONITORING-Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to June 30, 2011. (DATE: MONITORING -Eng)
- c. At property owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner 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 Property Owner. The Property Owner 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 Property Owner. (ONGOING: ENGINEERING-Eng)

d. Alternately, at the option of the Property Owner or if the construction of the required landscape and irrigation is not possible due to physical constraints, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program prior to March 31, 2011. This payment option is only available if the roadway segment is included in the County's current OTIS Master Plan and 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. (DATE: MONITORING -Eng)

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: ENGINEERING - Eng). [This condition is applicable to Palm Beach Aggregates and the power plant.] (Previous condition E4 of Resolution R-2007-2144, Control No. 1989-052)

7. The Property Owner shall fund the construction of an eastbound turn lane, plus appropriate tapers, on Southern Boulevard at its 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: COMPLETED]

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) [This condition is applicable to Palm Beach Aggregates only.] (Previous condition E7 of Resolution R-2007-2144, Control No. 1989-052) [Note: COMPLETED]

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. (BLDG PRMT: MONITORING-Eng). [This condition is applicable to both Palm Beach Aggregates and the power plant.] (Previous condition E8 of Resolution R-2007-2144, Control No. 1989-052)

## ENVIRONMENTAL

1. 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-2007-2144, Control No. 1989-052)

2. A minimum 400 foot wide 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 which will permit the establishment of a wildlife corridor within an area to be mutually agreed upon by the South Florida Water Management District and ERM. 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] (Previous Environmental Condition 2. of resolution R-2007-2144, Control No. 1989-052)

3. Previous Environmental Condition 3. of Resolution R-2007-2144, Control No. 1989-052 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 final site plan approval by the Development Review Officer (DRO). (DRO: ERM:ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD]

Is hereby deleted. [REASON: superceded by new condition]

4. Maximum depth of all excavations 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-2007-2144, Control No. 1989-052)

5. Previous Environmental Condition 5. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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]

Is hereby deleted. [REASON: superceded by new condition]

6. The Wildlife Corridor shall be conveyed to Palm Beach County on a schedule to be mutually agreed upon by the South Florida Water Management District and Palm Beach County (DRO:ERM ERM) [This condition is applicable to Palm Beach Aggregates and SFWMD] (Previous Environmental Condition 6. of Resolution R-2007-2144, Control No. 1989-052)

7. Previous Environmental Condition 7. of Resolution R-2007-2144, Control No. 1989-052 which currently states:

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.]

Is hereby deleted. [REASON: superceded by new condition]

8. A natural resource extraction fee is to be provided yearly for the expansion area of this mining operation from the operators of this mine or its successors. The basis for the extraction fee is calculated at \$.05 per ton of material sold from the mine. The tonnage will be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of \$.05 per ton provided by February 15. To receive these funds, ERM will set up a separate account for natural resource extraction fees. The funds will be used for environmental enhancement activities which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources

extraction fee shall escalate annually at the rate prescribed by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount. (ONGOING: MONITORING-ERM)

9. A Wildlife Corridor Planting Plan (Plan) shall be submitted to the Department of Environmental Resources Management (ERM) as part of a DRO Master Plan certification submittal.

a. a. The Plan will include; 1) A double row of native canopy trees planted for the length of the corridor 15' on-center with half of the trees a minimum of 14' high and half of the trees 6' high or a mixture of trees, shrubs, and ground covers of equivalent value approved by ERM; and 2) an average 150' wide meandering slope area planted for the length of the corridor with native grasses and ground cover taking into account the topography of the site; and 3) all remaining areas of the corridor planted with native tree saplings at 18" high, for every 2500 square feet of corridor. The Plan will be specific as to plant species and shall address long-term survivorship of the plantings as well as at least five years of annual survivorship reporting until planting success.

b. Planting survivorship will be successful when 80% of the plantings survive for three contiguous years without the need for supplemental plantings.

c. The Plan will assume 107 acres of planting area within the corridor based upon a current depiction of available planting area provided by the South Florida Water Management District. The Plan will incorporate an 8-10 foot shell rock multi-use trail through the corridor along with (3) chickee huts (10' x 12') evenly spaced along the trail.

d. The Plan shall commit to specific time frames contingent upon the availability of the graded area to be planted from the SFWMD.

e. By June 30, 2015, or when 50% of the authorized excavation is completed, whichever occurs sooner, Palm Beach Aggregates (PBA) shall provide a performance bond equivalent to 110% of the cost of implementing the Plan to completion. ERM shall be the beneficiary of the performance bond. It is the intent of this provision to ensure that the Plan is implemented to completion if the SFWMD does not make the area available for planting within five years or if PBA's authorized activities is nearing completion prior to planting availability.

f. At the time SFWMD makes the corridor available for planting, the grades, slopes and elevations may differ from what exists today and may necessitate adjustment of the Plan to reasonably expect planted survivorship. PBA shall, with direction from ERM, make any necessary adjustments, including final spacing, to the planting plan.

g. Items a, b and c above shall be submitted to and shall necessitate approval by ERM prior to DRO Master Plan approval, but no later than August 1, 2010. ERM shall not certify the Master Plan request absent these listed items.

h. PBA may, at it's election and with written concurrence from ERM, choose to provide funding for complete implementation of the Plan prior to SFWMD making the corridor available for planting. At the time of any such future written agreement between the parties, PBA shall be considered to have satisfied this condition. (DRO: ERM-erm)

## HEALTH

1. Prior to final site plan approval by the Development Review Officer (DRO), an 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 shall be submitted to the Palm Beach County Health Department. (DRO: HEALTH-Health) (Previous Condition Health 1. of Resolution R-2007-2144; Control 1989-052) COMPLETED

2. Prior to the final site plan approval by the Development Review Officer (DRO), an application and engineering plans to construct a non-transient, non-community water system 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 Condition Health 2. of Resolution R-2007-2144; Control 1989-052) COMPLETED

3. In accordance with Chapters 62-4, 62-17, 62-210, 62-212, and 62-213 of the Florida Administrative Code, the applicant shall apply for and obtain all federal/state air pollution

construction permits and/or certifications prior to commencement of construction. Copies of each application shall be submitted to the Palm Beach County Health Department's Air Pollution Control Section at 901 Evernia Street, West Palm Beach, Florida 33401 at time such applications are submitted to the permitting authority. (ONGOING: HEALTH-Health) (Previous Condition Health 3. of Resolution R-2007-2144; Control 1989-052) COMPLETED

4. Pursuant to condition A.2 the property owners 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 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-Health) (Previous Condition Health 4. of Resolution R-2007-2144; Control 1989-052) (This condition applies to the Power Plant only)

5. Upon submittal of an air permit application to the Florida Department of Environmental Protection (FDEP); the property owners shall submit to the Palm Beach County Health Department (PBCHD) a multi-source NAAQS and Class II PSD increment analyses of 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 the 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 the 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-Health) (Previous Condition Health 5 of Resolution R-2007-2144; Control 1989-052) (This condition applies to the Power Plant only)

#### LANDSCAPE - GENERAL

1. a. 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.  
b. 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.  
c. 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 Condition Landscape 1. of Resolution R-2007-2144, Control No. 1989-052) [This Condition is subject to ongoing discussions between ERM and the applicant].

2. 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. (DRO: ZONING - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Landscape 4. of Resolution R-2007-2144, Control No. 1989-052). [This Condition is subject to ongoing discussions between ERM and the applicant].

3. Prior to April 22, 2011, the property owner shall replace all dead and missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

#### 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 Condition Lighting 1. of Resolution R-2007-2144, 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 Condition Lighting 2. of Resolution R-2007-2144, Control No. 1989-052)

#### PLANNING

1. Previous Condition Planning 1 of resolution R-2007-2144, Control No. 1989-052, which 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, recorded and preservation status determined, as required by the ULDC. (Previous Condition Planning 1 of Resolution R-2006-027, Control No. 1989-052) (ONGOING- CODE ENF/PLANNING-Planning) [This condition is applicable to Palm Beach Aggregates and the Power plant.]

Is hereby amended to Read:

Should any archaeological artifacts be uncovered during development or soil disturbing activity, excavation shall halt; the County Archaeologist contacted and allowed to comment on the significance of the find as provided for in Article 9 of the ULDC. (ONGOING: PLANNING-Planning)

2. Prior to issuance of building permits or commencement of excavation activities, the property owner shall provide a copy of the SFWMD, ACOE and DEP permits associated with the proposed mining activities. (DRO: PLANNING-Planning)

3. Starting the year excavation activities commence, within 30 days of March 15 annually, the property owner shall submit an annual report as required by Article 4.D.5.E.7 of the ULDC to the Planning Director, Development Review Officer (DRO) and the Director of ERM that shall demonstrate compliance with the requirements of Future land Use Element (FLUE) Policy 2.3-e.3 regarding permitted mining and excavation activities within the Agricultural Production (AP) Future land Use (FLU) designation. The document shall also contain the following:

- a) Status of each phase of the operation.
  - b) Total tonnage removed from the site and associated tonnage fee paid to ERM.
  - c) Documentation as to the intended use of the material complies with the County requirements, such as but not limited to the quarry's aggregate status with FDOT and other usages for the mined aggregate.
  - d) Status of compliance with conditions contained within Resolution
  - e) Status of compliance with SFWMD and DEP permits. Copies of all modifications to permits shall be submitted in their entirety to PBC Planning, Land Development and ERM.
  - f) Status of eligibility for the mined areas to be utilized for Water Management or ecosystem restoration purposes with a letter from each corresponding agency discussing eligibility or any executed binding agreements pertaining to the reclaimed mined areas future proposed uses.
- (ONGOING: PLANNING-Planning)

4. Upon completion of each phase submit the following documents where applicable:

- a) Should the reclaimed mined area be used for agricultural activities associated with flood control or irrigation submit an executed binding agreement, or other such documentation as approved by the County Attorney's office, between the property owner and the lessee describing how the use of the area will be for agricultural purposes and submit a copy of the modified SFWMD Water Resource Permit demonstrating the use of the area for agricultural activities associated with flood control and or irrigation.
- b) Should the mined reclamation area be used, with consent of the property owner, for water management projects associated with ecosystem restoration, regional water supply, flood protection or other such projects in direct association with the SFWMD, ACOE, DEP or other applicable governmental agency, submit either a copy of an executed binding agreement with the subsequent agency illustrating the use of the reclaimed areas within

the proposed project or a copy of the deed transferring the reclaimed area to the subsequent agency. (ONGOING: MONITORING-Planning)

5. Should any permits associated with the requested mining operations be found in violation, revoked, suspended or otherwise nullified, the county shall be notified within 15 working days. Should compliance not be achieved or a consent/settlement agreement not be executed within 120 working days of notification, the Development Order shall be brought to the Board of County Commissioners for further review at which time they may require operations to cease or take other appropriate action. (ONGOING-MONITORING-Planning)

**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 Condition Sign 1. of Resolution R-2007-2144, Control No. 1989-052)

**SITE DESIGN-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 2007-2144, Control No. 1989-052)

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

**BLASTING REGULATIONS**

<b>PARAMETER</b>	<b><u>INSTRUMENT REQUIREMENTS</u></b>	<b>PERFORMANCE REQUIREMENTS</b>
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 <sup>2</sup> , 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 2007-2144, 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-2007-2144, 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-2007-2144, 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-2007-2144, 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 R2007-2144, 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-2007-2144, 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-2007-2144, 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-2007-2144, 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, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

#### 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 Condition Tower 1. of Resolution R-2007-2144, 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 Condition Tower 2. of Resolution R-2007-2144, 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 Condition Use Limitations 1. of Resolution R-2007-2144, 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 Condition Use Limitations 2. of Resolution R-2007-2144, 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. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Use Limitations 3. of Resolution R-2007-2144, 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. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Use Limitations 4. of Resolution R-2007-2144, 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. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Use Limitations 5. of Resolution R-2007-2144, Control No. 1989-052)

6. All pumps shall be limited to electric only. This condition shall not be applicable to the SFWMD. (ONGOING: CODE ENF - Zoning) [This condition is applicable to Palm Beach Aggregates only.] (Previous Condition Use Limitations 6. of Resolution R-2007-2144, 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-2007-2144, 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-2007-2144, 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 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 Statute. (ONGOING: PBCWUD - PBCWUD) [This condition is applicable to Palm Beach Aggregates, SFWMD and the power plant.] (Previous Utilities Condition 3. of Resolution R-2007-2144, 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) (Previous Utilities Condition of Resolution R-2007-2144, Control No. 1989-052)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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)

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 (CO); 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 Unified Land Development Code (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 the 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 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

3. 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:

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

<b>CONDITION</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER</b>
DRO-DRI 3	YES	NO	NO
DRO-Monitoring 1	YES	NO	NO
DRO-Monitoring 2	N/A	N/A	N/A
DRO-Monitoring 3	YES	NO	NO
DRO-Monitoring 4	YES	NO	NO
DRO-Monitoring 5	YES	NO	NO
DRO-Monitoring 6	YES	NO	NO
DRO-Monitoring 7	YES	NO	NO
DRO-Monitoring 8	YES	NO	NO
DRO-Monitoring 9	YES	NO	NO
DRO-Phasing 1	YES	NO	NO
DRO-Phasing 2	YES	NO	NO
DRO-Reclamation 1	YES	YES	NO
DRO-Reclamation 2	YES	NO	NO
DRO-Separation 1	YES	NO	NO
DRO-Setbacks 1	YES	NO	NO
Engineering 1 A & B	YES	NO	NO
Engineering 2 A, B & C	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
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	N/A	N/A	N/A

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
Management 3			
Environmental Resources Management 4	YES	YES	NO
Environmental Resources Management 5	N/A	N/A	N/A
Environmental Resources Management 6	YES	YES	NO
Environmental Resources Management 7	N/A	N/A	N/A
Environmental Resources Management 8	YES	NO	NO
Environmental Resources Management 9	YES	YES	NO
Environmental Resources Management 10	N/A	N/A	N/A
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
Landscaping 1	YES	NO	NO
Landscaping 2	YES	NO	NO
Landscaping 3	YES	NO	YES
Lighting 1	YES	YES	YES
Lighting 2	YES	NO	NO
Planning 1	YES	NO	YES
Planning 2	YES	NO	YES
Planning 3	YES	NO	NO
Planning 4	YES	NO	NO
Planning 5	YES	NO	NO
Signs 1	YES	NO	YES
Site Design-Blasting 1	YES	NO	NO

<b>CONDITION</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY PALM BEACH AGGREGATES, INC.</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT</b>	<b>CONDITION TO BE MAINTAINED IN COMPLIANCE BY POWER PLANT OWNER</b>
Site Design-Blasting 2	YES	NO	NO
Site Design-Blasting 3	YES	NO	NO
Site Design-Blasting 4	YES	NO	NO
Site Design- Blasting 5	YES	NO	NO
Site Design-Blasting 6	YES	NO	NO
Site Design-Blasting 7	YES	NO	NO
Site Design-Blasting 8	YES	NO	NO
Site Design-Blasting 9	YES	NO	NO
Towers 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
Use Limitations 6	YES	NO	NO
Utilities 1	YES	YES	YES
Utilities 2	YES	YES	YES
Utilities 3	YES	YES	YES
Utilities 4	YES	NO	NO
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,	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
	Inc.	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

(Previous Compliance Condition 3 of Resolution R-2007-1244, Control No. 1989-052)

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-2007-1244, 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-2007-1244, Control No. 1989-052)