

RESOLUTION APPROVING ZONING APPLICATION CA-2023-01791  
(CONTROL NO. 2023-00122)  
a Class A Conditional Use  
APPLICATION OF Philips and Jordan - Matt Edison  
BY Carlton Fields, P.A., AGENT  
(Southland Water Resource)

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;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application CA-2023-01791 was presented to the Board of County Commissioners at a public hearing conducted on May 22, 2025;

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;

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Application Processes and Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Class A Conditional Use;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application CA-2023-01791, the Application of Philips and Jordan - Matt Edison, by Carlton Fields, P.A., Agent, for a Class A Conditional Use to allow a Type 3B Excavation on 8,611.52 acres, on a parcel of land generally described as shown on the legal description 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 May 22, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Baxter moved for the approval of the Resolution.

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

Commissioner Maria G. Marino, Mayor	- Aye
Commissioner Sara Baxter, Vice Mayor	- Aye
Commissioner Gregg K. Weiss	- Aye
Commissioner Joel G. Flores	- Aye
Commissioner Marci Woodward	- Aye
Commissioner Maria Sachs	- Absent
Commissioner Bobby Powell, Jr.	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 22, 2025.

Filed with the Clerk of the Board of County Commissioners on May 27th, 2025.

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

BY:   
COUNTY ATTORNEY

JOSEPH ABRUZZO,  
CLERK & COMPTROLLER

BY:   
DEPUTY CLERK



## EXHIBIT A

### LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 OF SECTION 24, AND ALL OF SECTIONS 25, 26, 35, AND 36, TOWNSHIP 45 SOUTH, RANGE 35, AND THE WEST 1/2 OF SECTIONS 19, 30, AND 31, TOWNSHIP 45 SOUTH, RANGE 36 EAST, AND ALL OF SECTIONS 5, 6, 7, AND 8, TOWNSHIP 46 SOUTH, RANGE 36 EAST, AND SECTION 1, THE EAST 3/4 OF SECTIONS 2 AND 11, AND ALL OF SECTION 12, TOWNSHIP 46 SOUTH, RANGE 35 EAST, OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

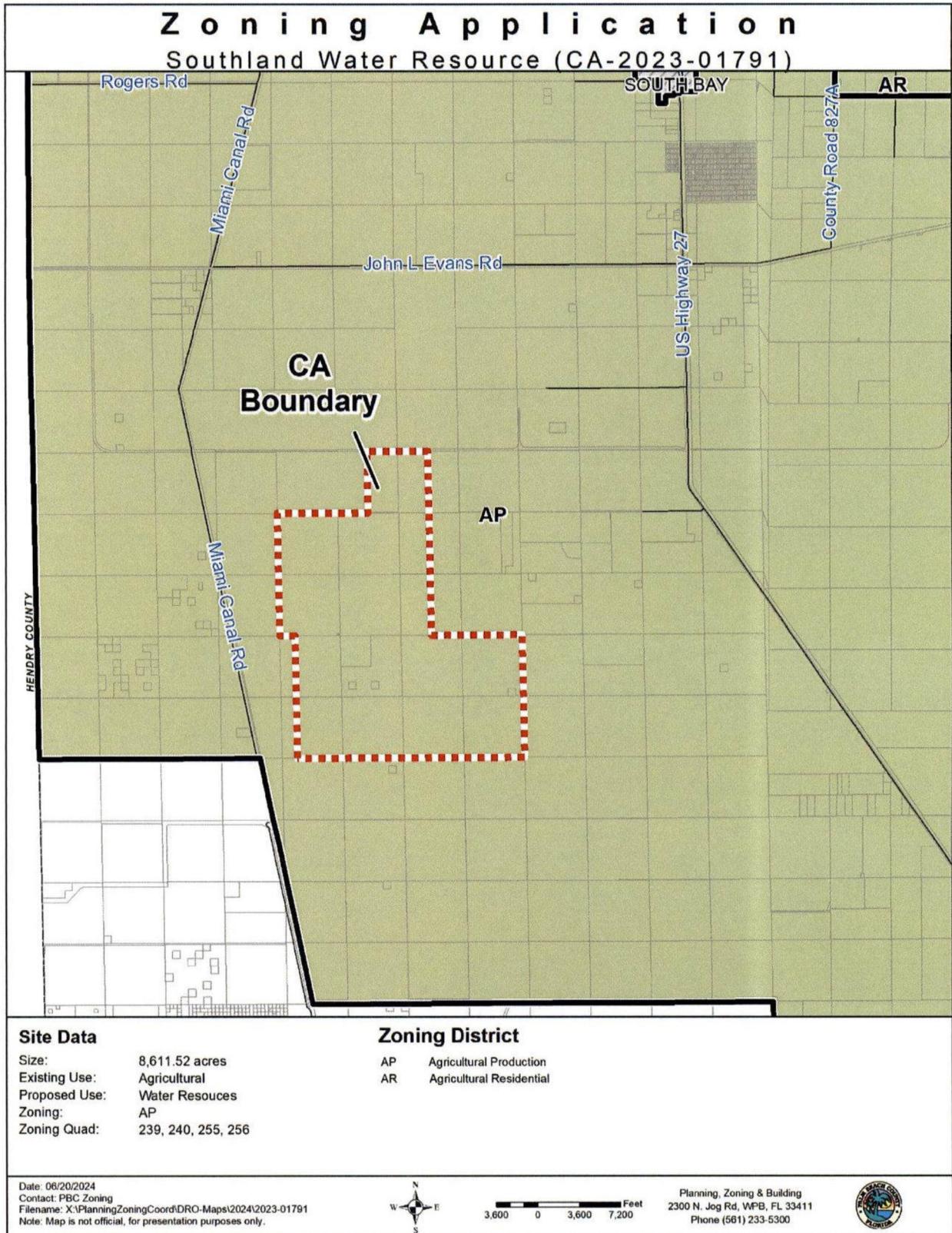
BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35, SAID CORNER BEING DESIGNATED BY A FOUND 1-INCH IRON PIPE AND CAP STAMPED "LB 4108" AS PER THE CERTIFIED CORNER RECORD, DOCUMENT #113169, FILED WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THENCE NORTH 01°06'43" WEST, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 5,281.04 FEET TO THE NORTHWEST CORNER OF SAID SECTION 35, SAID CORNER BEING DESIGNATED BY A FOUND 1-INCH IRON PIPE AND CAP STAMPED "LB 4108" AS PER THE CERTIFIED CORNER RECORD, DOCUMENT #113167, FILED WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ALSO BEING THE SOUTHWEST CORNER OF SAID SECTION 26, THENCE NORTH 01°09'33" WEST, ALONG THE WEST LINE OF SAID SECTION 26, A DISTANCE OF 5,279.24 FEET TO NORTHWEST CORNER OF SAID SECTION 26, SAID CORNER BEING DESIGNATED BY A FOUND 1-INCH IRON PIPE AND CAP STAMPED "LB 4108"; THENCE NORTH 89°48'05" EAST, ALONG THE NORTH LINE OF SAID SECTION 26, A DISTANCE OF 5,275.17 FEET TO THE NORTHEAST CORNER OF SAID SECTION 26, ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 25, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE NORTH 89°47'42" EAST, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 2,638.74 FEET TO THE NORTHWEST CORNER OF THE EAST ONE-HALF (1/2) OF SAID SECTION 25, ALSO BEING THE SOUTHWEST CORNER OF THE EAST ONE-HALF OF SAID SECTION 24, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE NORTH 01°07'46" WEST, ALONG THE WEST LINE OF THE EAST ONE-HALF OF SAID SECTION 24, A DISTANCE OF 5,281.79 FEET TO THE NORTHWEST CORNER OF THE EAST ONE-HALF (1/2) OF SAID SECTION 24, SAID CORNER FALLING IN A CANAL AND BEING REFERENCED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "REFERENCE LB 364", BEARING SOUTH 01°07'46" EAST, 20.00 FEET; THENCE NORTH 89°51'14" EAST, ALONG THE NORTH LINE OF THE EAST ONE-HALF (1/2) OF SAID SECTION 24, A DISTANCE OF 2,640.36 FEET TO THE NORTHEAST CORNER OF SAID SECTION 24, ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 19, TOWNSHIP 35 SOUTH, RANGE 36 EAST, SAID CORNER FALLING IN A CANAL AND BEING REFERENCED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "REFERENCE LB 364", BEARING SOUTH 01°06'44" EAST, 20.00 FEET; THENCE NORTH 89°42'41" EAST, ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 2,639.97 FEET TO THE NORTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID SECTION 19, SAID CORNER FALLING IN A CANAL AND BEING REFERENCED BY A 1-INCH IRON PIPE AND CAP STAMPED "REFERENCE LB 364", BEARING SOUTH 01°05'09" EAST, 25.00 FEET; THENCE SOUTH 01°05'09" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (1/2) OF SAID SECTION 19, A DISTANCE OF 5,279.02 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) SAID SECTION 19, ALSO BEING THE NORTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID SECTION 30, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 01°08'48" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (1/2) OF SAID SECTION 30, A DISTANCE OF 5,280.58 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID SECTION 30, ALSO BEING THE NORTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID SECTION 31, SAID CORNER FALLING IN A CANAL AND BEING REFERENCED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "REFERENCE LB 364", BEARING NORTH 01°08'48" EAST, 15.00 FEET; THENCE SOUTH 01°06'44" EAST, ALONG THE EAST LINE OF THE WEST ONE-HALF (1/2) OF SAID SECTION 31, A DISTANCE OF 5,272.14 FEET TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF (1/2) OF SAID SECTION 31, ALSO BEING THE NORTH QUARTER-CORNER (1/4) OF SECTION 6, TOWNSHIP 46 SOUTH, RANGE 36 EAST, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE NORTH 89°40'43" EAST, ALONG THE NORTH LINE OF SAID SECTION 6, A DISTANCE OF 2,638.92 FEET TO THE NORTHEAST CORNER OF SAID SECTION 6, ALSO BEING THE

NORTHWEST CORNER OF SAID SECTION 5, SAID CORNER BEING REFERENCED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE NORTH 89°40'43" EAST, ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 5,277.85 FEET TO THE NORTHEAST CORNER OF SAID SECTION 5, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 01°12'05" EAST, ALONG THE EAST LINE OF SAID SECTION 5, A DISTANCE OF 4,618.77 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 5, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 89°41'22" WEST, ALONG THE NORTH LINE OF THE SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1,319.84 FEET TO THE NORTHWEST CORNER OF THE SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 01°11'48" EAST, ALONG THE WEST LINE OF THE SAID SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 659.79 FEET TO THE SOUTH LINE OF SAID SECTION 5, SAID CORNER BEING DESIGNATED BY A SET 5/8-INCH STEEL ROD AND CAP STAMPED "LB 364"; THENCE NORTH 89°41'27" EAST, ALONG THE SOUTH LINE OF SAID SECTION 5, A DISTANCE OF 1,319.89 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 5, ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 8, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 01°10'04" EAST, ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 5,279.74 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 8, SAID CORNER BEING DESIGNATED BY A FOUND 1-INCH IRON PIPE AND CAP STAMPED "LB 4603" AS PER THE CERTIFIED CORNER RECORD, DOCUMENT #113718, FILED WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; THENCE SOUTH 89°39'07" WEST, ALONG THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 5,277.47 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 8, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 7, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 89°42'13" WEST, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 5,278.15 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 7, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 12, TOWNSHIP 46 SOUTH, RANGE 35 EAST, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 89°45'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 12, A DISTANCE OF 5,273.25 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 12, ALSO BEING THE SOUTHEAST CORNER OF SAID SECTION 11, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 89°46'10" WEST, ALONG THE SOUTH LINE OF SAID SECTION 11, A DISTANCE OF 3,958.41 FEET TO THE SOUTHWEST CORNER OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 11, SAID CORNER FALLING IN A CANAL AND BEING REFERENCED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "REFERENCE LB 364", BEARING NORTH 89°46'10" EAST, 25.00 FEET; THENCE NORTH 01°09'24" WEST, ALONG THE WEST LINE OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 11, A DISTANCE OF 5,284.25 FEET TO NORTHWEST CORNER OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 11, ALSO BEING THE SOUTHWEST CORNER OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 2, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE NORTH 01°12'03" WEST, ALONG THE WEST LINE OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 2, A DISTANCE OF 5,275.24 FEET TO NORTHWEST CORNER OF THE EAST THREE-QUARTERS (3/4) OF SAID SECTION 2, ALSO BEING THE SOUTH LINE OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 35 EAST, SAID CORNER BEING DESIGNATED BY A SET 1-INCH IRON PIPE AND CAP STAMPED "LB 364"; THENCE SOUTH 89°46'08" WEST, ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1,319.49 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 35 AND THE SAID POINT OF BEGINNING.

PROJECT SITE ACREAGE= 8,611.52 ± OR 375,117,644.4 SQUARE FEET ±

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Class A Conditional Use

##### ALL PETITIONS

1. Development of the site is limited to the excavation activities approved by the Board of County Commissioners. The approved site plan is dated January 27, 2025, and depicts the 8,611.52 acre site. Excavation is limited to 6,052 acres within the approved site plan. All modifications must be approved by the Board of County Commissioners unless the site plan is modified to meet conditions of approval or in accordance with Article 2. of the ULDC. (ONGOING: ZONING - Zoning)

2. Reconfiguration of the site plan necessary to comply with the State or Federal permitting requirements shall be permitted subject to DRO approval. (ONGOING: ZONING - Zoning)

##### ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2042. A time extension for this condition may be approved 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. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall modify the existing i) right turn lane north approach on US-27 at project entrance ii) left turn lane south approach on US-27 at project entrance, if required by the FDOT. This construction, if required by the FDOT, 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.

a. Permits required from FDOT for this construction shall be obtained prior to the approval of the Final Site Plan by the Development Review Officer. (DRO: ENGINEERING - Engineering)

b. Construction shall be completed prior to approval of the Notice of Intent to Construct (NIC) or January 1, 2027, whichever shall occur first. (DATE/ONGOING: MONITORING - Engineering)

3. Prior to the approval of the NIC, or January 2027, whichever shall occur first, the Property Owner shall construct two (2) - 12 feet wide travel lanes, to Land Development Design Standards for a Non-plan Collector Road, beginning at the project entrance at US 27 then west for a distance of 200 feet. 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. (DATE/ONGOING: MONITORING - Engineering)

##### ENVIRONMENTAL

1. No off-site discharges are permitted from the excavated portion of the site during excavation and post excavation for rainfall event volumes up to the 3-day 100 year flood event "Base Flood" pursuant to ULDC Article 1 Chapter H. The volume of the 3-Day 100 year rainfall event will be determined based on the center of the proposed mine using the National Oceanic and Atmospheric Administration's (NOAA's) web tool ([https://hdsc.nws.noaa.gov/pfds/pfds\\_map\\_cont.html?bkmrk=fl](https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=fl)) and the 90 percent confidence interval value with no discharge during the three day event. The applicant shall report to the Environmental Resources Management Department (ERM) in an annual report, certified by the Engineer of Record, verifying compliance with this condition. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

2. Maximum depth of all excavations shall be no more than 15 feet below the Ordinary Water Level (OWL) or consistent with the FDEP Environmental Resource Permit (ERP) specifications, not to exceed 15 feet below OWL. The elevation of the OWL shall be determined and a ground surface elevation survey (certified by a FL licensed surveyor or FL licensed engineer) for each proposed sub-phase shall be provided to ERM and approved by County Water Resource Engineer prior to any site work. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

3. Applicant shall provide all necessary permits from SFWMD, FDEP ERP, and ACOE for the excavation operation prior to Notice of Intent to Construct for Excavations (NIC) approval pursuant to Art. 4.B.10.B.6 and the Administrative Waiver Criteria pursuant to 4.B.10.B.8. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

4. Prior to NIC approval, provide a Phase I or Phase II Environmental Site Assessment (ESA), whichever is most appropriate, for entire area contained within the NIC that may have stored or utilized regulated substances currently or have in the past as one full report. Additional requirements may be necessary to comply with separation items in Art. 4.B.10.B.7.b, Construction Standards. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

5. Prior to excavation of any sub-phase contained within the NIC, a draft bond for the subsequent phase should be provided to ERM for review and should conform with the January 27, 2025 bond phasing plan in the applicant's Excavation Operation and Construction Statement:

- a) Sub-phase (Cell 1) - 154 acres = \$154,000.00
- b) Sub-phase (Cell 2) - 586 acres = \$586,000.00
- c) Sub-phase (Cell 3) - 592 acres = \$592,000.00
- d) Sub-phase (Cell 4A) - 435 acres = \$435,000.00
- e) Sub-phase (Cell 4B) - 359 acres = \$359,000.00
- f) Sub-phase (Cell 5) - 487 acres = \$487,000.00
- g) Sub-phase (Cell 6) - 413 acres = \$413,000.00
- h) Sub-phase (Cell 7A) - 489 acres = \$489,000.00
- i) Sub-phase (Cell 7B) - 492 acres = \$492,000.00
- j) Sub-phase (Cell 8) - 572 acres = \$572,000.00
- k) Sub-phase (Cell 9) - 290 acres = \$290,000.00
- l) Sub-phase (Cell 10) - 591 acres = \$591,000.00
- m) Sub-phase (Cell 11) - 592 acres = \$592,000.00 (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

6. NIC pursuant to Art. 4.B.10.B.6 and the Administrative Waiver Criteria pursuant to Art. 4.B.10.B.8 must be approved by ERM prior to excavation of any sub-phase. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

7. The NIC Administrative Waiver for slopes request shall be consistent with the FDEP ERP specifications and will include a reduction in the interior slope angle from 4:1 to 3:1 to provide additional storage. Pursuant to Art. 4.B.10.B.8, appropriate technology and methods will be used to ensure consistency with the intent of the Code. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

8. Pursuant to Art.4.B.10.B.8.a. Administration and Enforcement [Administrative Waiver from Construction Criteria for Agricultural, WCAA, Type 2, and Type 3 Excavations], the NIC Administrative Waiver for littoral planting relief request shall include an alternative plan with a contribution to the Pollution Recovery Trust Fund of twice the amount calculated by the formula for a guarantee located in Art. 4.B.10.B.7.d.5)c), Littoral Zones and for review and approval by the Director of ERM prior to NIC and Administrative Waiver approval. The cash out amounts shall be done in three sub[1]phases (initial NIC for sub-phases 1 - 4 and NIC modifications for the two remaining sub-phases 5 - 8 and 9 -13, respectively) and will be based on the average of the two current market rates at that time. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

9. Prior to the NIC approval, including subsequent NIC sub-phase modifications, the Applicant shall submit a drainage statement to ERM certified by the Engineer of Record for all land area contained within the NIC verifying the isolation of the excavation water from the farm field agricultural activities. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

10. Prior to excavation of any sub-phase contained within the NIC, the Applicant shall provide a current or updated Phase I or Phase II ESA for that sub-phase, whichever is most appropriate, to ERM for review. Additional requirements may be necessary to comply with separation items in Art. 4.B.10.B.7.b, Construction Standards. (BLDGPM: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

11. Applicant shall provide a natural resource extraction fee pursuant to Article 4.B.10 and PBC PPM # EV-O-314 "Calculating the Annual Escalator Rate for Type III Excavations". This is to be calculated annually from data provided in the Annual Report which is submitted to ERM by January 31 of the succeeding year. Payment shall be provided to ERM by February 15 of that same year and rates are expected to escalate annually. To receive these funds, ERM has defined a separate account for natural resource extraction fees. The funds will be used for environmental enhancement and compliance and monitoring 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. 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. (DATE/ONGOING: MONITORING - Environmental Resources Management)

12. The Applicant shall submit the Maintenance and Monitoring Report of Reclaimed Areas required by Article 4.B.10.B.7.e, Maintenance and Monitoring, of the ULDC to ERM starting on July 31, 2026 and submitted annually thereafter until completion of the excavation activity and reclamation of the site. The report shall include a red-lined as-built survey, certified by the Engineer of Record, for the lake being excavated and the water resource project construction progress at the same scale as the approved site plan, delineating the boundaries of the excavation and construction for the current year and previous year's activity. (DATE/ONGOING: MONITORING - Environmental Resources Management)

### **PHASING**

1. The approved Preliminary Regulating Plan (PRP) - Phasing is dated January 27, 2025, for the 8,611.52-acre Type 3 Excavation site. As described in the PRP-Phasing, a sub-Phase Cell Breakdown chart was included. In accordance with Art 2.E and Art 2.and Art 4.B.10., an Type 3B Excavation shall include a Condition of approval establishing the number and duration of each phase.

a. There shall be a maximum of 13 Sub Phases, which includes the total acres of each Sub Phase, the water acres, upland acres, pit acres, storage acres, required seeded upland area acreage, the duration of each excavation phase, and the projected Reclamation date, as provided in the Water Resource Cell/Sub Phase Breakdown Chart within the PRP-Phasing.

b. Sub Phase 1: excavation duration of 1.5 years.

c. Sub Phase 2: excavation duration of 3 years.

d. Sub Phase 3 excavation duration of 3 years.

e. Sub Phase 4A: excavation duration of 2 years.

f. Sub Phase 4B: excavation duration of 2 years.

g. Sub Phase 5: excavation duration of 2 years.

h. Sub Phase 6: excavation duration of 2 years.

i. Sub Phase 7A: excavation duration of 2 years.

j. Sub Phase 7B: excavation duration of 2 years.

k. Sub Phase 8: excavation duration of 2 years.

l. Sub Phase 9: excavation duration of 2 years.

m. Sub Phase 10: excavation duration of 3 years.

n. Sub Phase 11: excavation duration of 3 years.

o. Administrative Extensions to the projected Reclamation date may be allowed so that the Completion of all Sub Phases is no later than June 30, 2069. (DATE/ONGOING: MONITORING/ZONING - Zoning)

### **PLANNING/MONITORING COMPLIANCE CONDITIONS**

1. To ensure consistency with the County's Comprehensive Plan, the Type 3B Excavation approval shall only be used to support public roadway projects, or to support water management projects associated with ecosystem restoration, regional water supply, or flood protection, on the subject site, as identified by the South Florida Water Management District in correspondence dated December 31, 2024; any other use, including a commercial use to remove material for purposes other than the above, is prohibited. (ONGOING: PLANNING-Planning)

2. Prior to May 31, 2026, or Final Site Plan approval, whichever shall occur first, the property owner shall provide a copy of the fully executed Florida Department of Environmental Protection (FDEP) permit associated with the proposed Type 3B Excavation necessary to implement the proposed water resources project. If the property owner has not received the state permit by May 31, 2026, Staff shall prepare a Status Report to the Board of County Commissioners with a recommendation to revoke the zoning approval for the Type 3B Excavation on this site. No administrative time extension to this condition shall be allowed. (DATE/ONGOING: PLANNING-Planning)

3. Prior to the commencement of any excavation activity, the property owner shall submit to the Planning Director, permit documentation from the FDEP that states that excavated areas are required to be reclaimed to create water storage reservoirs and/or will be used to contribute to increased water storage capacity in the Everglades Agricultural Area (EAA), or provide other benefit in support of water management projects associated with ecosystem restoration, regional water supply or flood protection, on sites identified by the South Florida Water Management District (SFWMD) or the U. S. Army Corps of Engineers (USACE) where such uses provide viable alternative technologies for water management. (ONGOING: PLANNING-Planning)

4. Starting May 31, 2026, and every year thereafter, the property owner shall submit an annual report as required by Article 4.B.10.C.5.h of the ULDC, to the Planning Director, the Director of

ERM, and the Development Review Officer (DRO) 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. To ensure compliance with the restrictions in this policy, the document shall 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 that the qualifying use complies with the County Comprehensive Plan requirements for that qualifying use, such as but not limited to:
  - i. The Type 3 B Excavation status as a water management project associated with ecosystem restoration, regional water supply or flood protection, and consists of the following:
    1. Status of eligibility for the excavated areas to be utilized for water management or ecosystem restoration purposes including a letter from SFWMD or FDEP identifying the status of the project relating to an agreement leading to operation and maintenance of subphases 1, 2 and 3 and any subsequent subphase then under construction or a copy of the fully executed comprehensive agreement, permit or letters from other governmental agencies or not-for-profit entities which could provide operation and maintenance of the subphase discussing eligibility or any executed binding agreements relating to the operation and maintenance of the water resource facility with an applicable governmental agency or not-for-profit entity pertaining to the reclaimed excavated areas future proposed uses; or
    - ii. the Type 3B Excavation status with Florida Department of Transportation (FDOT) and use of the excavated aggregate for public roadway projects, and consist of the following:
      1. Copies of all contracts for removal of fill from the site with FDOT or its vendors, or any other entity building public roadway projects or its vendors; and
      2. Listing of the amount of fill to be taken from the site to entity(s) or its vendors constructing public roadway projects, with documentation confirming that the entity/vendor received that amount of fill for the year.
  - d. Status of compliance with conditions contained within this resolution.
  - e. Status of compliance with the requirements of Article 4.B.10.C.5.i Compatibility Standards of the ULDC.
  - f. Status of compliance with FDEP permits. Copies of all modifications to permits shall be submitted in their entirety to the County's Water Resources Manager, Planning Director, Land Development Director, and Director of ERM.
  - g. Should the property be found in non-compliance with this condition or per FLUE Policy 2.3-e.3, Staff shall prepare a Status Report to the Board of County Commissioners with a recommendation to revoke the zoning approval for excavation on this site. No administrative time extension to this condition shall be allowed. (ONGOING: ERM/ZONING/PLANNING-Planning)

5. Prior to the construction of any sub phase the property owner shall provide a restrictive covenant recorded in the public records of Palm Beach County, in a form approved by the County Attorney's Office, that limits the use of and reclamation of that sub phase to a water resource facility to be built and reclaimed in accordance with the approved plans and FDEP ERP permit, notwithstanding the foregoing, the covenant shall allow the property owner to perform or cause to be performed agricultural activities on any portion of the property within any sub phase until such time as such portion is excavated. (DATE/ONGOING: MONITORING/COUNTY ATTORNEY/PLANNING-Planning)

6. Upon completion of each sub phase, excluding sub phases 1 and 2, should the excavated reclamation area be used with consent the 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, USACE, FDEP, or other applicable governmental agency, submit the following documents, either:

- a. A copy of an executed binding agreement with the government agency or not-for-profit entity illustrating the use of the reclaimed areas within the proposed project, or
- b. A copy of the deed, easement, or other conveyance transferring the reclaimed area to the government agency or not-for-profit entity. (ONGOING: PLANNING-Planning)

7. Should any permits associated with the requested Type 3B Excavation be found in violation, revoked, suspended or otherwise nullified by the permitting agency, the property owner shall notify the County Planning Director in writing no later than 15 business days after the date on which the property owner receives such notice of violation, revocation, suspension or nullification. If the property owner does not bring the permit violation(s) into compliance or executes a consent agreement or settlement agreement no later than 120 days after it receives the notice from the permitting agency, Staff shall prepare a Status Report to the Board of County Commissioners with a recommendation to revoke the zoning approval for the Type 3B Excavation on this site. (ONGOING: MONITORING-Planning)

## **PLANNING-COUNTY ARCHAEOLOGIST CONDITIONS**

1. Should any archaeological artifacts, archaeological human remains, and/or paleontological vertebrate fossils/remains be uncovered during any ground 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 the commencement of any ground disturbing activity that penetrates calcrete in each sub phase of the project, all areas identified as "Zones of Archaeological Potential" in the Archaeological Consultants, Inc., Cultural Resource Assessment Survey report, dated September 2023, shall be further investigated by a professional archaeologist. A written report of the findings shall be provided to the County Archaeologist. The County Archaeologist shall be allowed to comment on the report prior to any excavation beneath the calcrete layer. The County Archaeologist is to be notified in writing within five working days prior to penetrating and removing of calcrete in the Zones of Archaeological Potential. (ONGOING: PLANNING-Planning)

## **RECLAMATION**

1. Prior to Final Approval by the Development Review Officer, the Site Reclamation Plan shall be submitted and approved. (DRO: ZONING/ERM - Zoning)

2. In accordance with Art 4.B.10.B.7.c.4)c), Timing of Upland Reclamation, Reclamation shall occur immediately following the end of excavation or immediately following each sub phase of excavation, whichever occurs first. By June 30, 2028 or upon commencement of reclamation and rehabilitation of the initial phase of this excavation, the second phase may commence upon written authorization by the DRO. (DATE: MONITORING - Zoning)

3. Prior to final approval by the DRO, Guarantees for the reclaimed upland area and upland planting areas shall be submitted and approved. For the phased project, the guarantees may be bonded separately. (DRO: ZONING - Zoning)

## **SITE DESIGN-SEPARATION AND SETBACK**

1. In accordance with Art. 4.B.10.C.5.i.3)b), the BCC shall set the separation requirements in accordance with compatibility criteria.

a. Minimum Separation from Residential Use:

- 1) North Property Line: 2 miles
- 2) South Property Line: 2 miles
- 3) East Property Line: 2 miles
- 4) West Property Line: 2 miles
- 5) Asphalt and Concrete Plants: 2 miles (DRO: ZONING - Zoning)

b. Minimum Separation Construction Standards

- 1) Public water Supply Well: 300 ft
- 2) Wetlands: 200 ft
- 3) Site of Known Contamination: 300 feet
- 4) Class 1 and 2 Land Fill: 300 ft
- 5) Septic System: 100 ft
- 6) Potable water well: 100 ft
- 7) Conservation & Preservation Areas of Record, or ESL: 200 ft (DRO: ZONING - Zoning)

c. Minimum setback from property lines

- 1) Excavated Lake (Water Resource Edge): 50 feet
- 2) Processing Equipment: 200 feet
- 3) Stockpiles: 100 feet
- 4) Accessory Buildings: 100 feet (DRO: ZONING - Zoning)

## **USE LIMITATIONS**

1. The Hours of Operation shall be limited as follows:

a. Excavation and Hauling activities may be allowed to operate 24 hours a day, 7 days a week.  
b. Blasting activity shall be limited to 10:00 a.m. to 5:00 p.m., Monday through Friday. Blasting will not occur on Saturday, Sunday, or official holidays recognized by the State of Florida. (ONGOING: CODE ENF - Zoning)

2. The Applicant shall comply with the methods and procedures for material extraction, processing, storage, and hauling operations outlined in the Mining Impact Study dated January 27, 2025. All blasting shall comply with the blasting schedule established in the Mining Impact Study and comply with the requirements of State Fire Marshall as set forth in F.S. 552.30. (ONGOING: CODE ENF/ZONING/FIRE – Zoning/Fire)

3. In accordance with the requirements for Noise and Vibration Monitoring, the Applicant shall maintain a daily Noise and Vibration Monitoring Report 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; and,
- l. Frequencies of peak ground vibrations. (ONGOING: ZONING - Building Division)

4. The Noise and Vibration Monitoring Report may be requested by PZB at any time. The Property Owner shall provide the Noise and Vibration Monitoring Report within two working days from the date of the request. (ONGOING: CODE ENF - Zoning)

5. The Applicant shall maintain all Noise and Vibration Monitoring Reports for a minimum of three (3) years. (ONGOING: CODE ENF - Zoning)

6. Excavated material that is to be removed off-site, shall be hauled exclusively via a rail system, as provided in the Justification Statement dated February 13, 2025 and the Mining Impact Study dated January 27, 2025. (ONGOING: CODE ENF - Zoning)

### **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; 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; the 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 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 of Approval; 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)

### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.