

p. 90-6

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PALM BEACH, FLORIDA, RELATING TO A DEVELOPMENT OF REGIONAL IMPACT KNOWN AS NORTH PALM BEACH COUNTY GENERAL AVIATION AIRPORT (THE "AIRPORT"); MAKING FINDINGS OF FACT AND CONCLUSIONS OF LAW PERTAINING TO THE AIRPORT, ESTABLISHING DEVELOPMENT LIMITATIONS, RESTRICTIONS AND CONDITIONS RELATING TO APPLICATIONS, COMMENCEMENT, AIR, HISTORIC AND ARCHEOLOGICAL SITES, HABITAT, VEGETATION AND WILDLIFE, DRAINAGE, WATER SUPPLY AND WASTEWATER, HAZARDOUS MATERIALS AND WASTE, SOLID WASTE, ENERGY, TRANSPORTATION, LAND USE COMPATIBILITY, POLICE AND PUBLIC SAFETY, AND FIRE PROTECTION, CONSTITUTING THIS RESOLUTION AS A DEVELOPMENT ORDER BY PALM BEACH COUNTY IN COMPLIANCE WITH LAW; PROVIDING AN EFFECTIVE DATE; PROVIDING A TERMINATION DATE; AND FOR OTHER PURPOSES.

* * *

WHEREAS, an Application for Development Approval for North Palm Beach County General Aviation Airport Development of Regional Impact, known as the "Airport" was originally submitted to the Treasure Coast regional Planning council on March 9, 1989, and was supplemented with additional information submitted June 6, 1989, and October 17, 1989, in accordance with Section 380.06(10), Florida Statutes; and

WHEREAS, the applicant, Palm Beach County Department of Airports, through its authorized agent, Bruce Pelly, proposes to construct a general aviation airport consisting of parallel east-west runways of lengths of 4300 feet and 3700 feet, a cross wind runway of a length of 4300 feet, 10,300 square feet of administration/office space, a fuel farm with 25,100 gallon capacity, 502,700 square feet of T-hanger and fixed base aircraft operation space, 500 fixed base aircraft, 200 acres of subsidiary development and airport related safety features and navigational aids constituting a Development of Regional Impact on approximately 1832 acres of property legally described in Exhibit "A", attached hereto, and located immediately west and north of the intersection of PGA Boulevard and Beeline Highway in Palm Beach County, Florida; and

WHEREAS, the Palm Beach County Department of Airports has filed with the PALM BEACH COUNTY an Application for Development Approval of a Development of Regional Impact under the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Board of County Commissioners as the governing body of Palm Beach County has jurisdiction pursuant to Chapter 380, Florida Statutes to authorize and consider applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Palm Beach County and Section 380.06(11), Florida Statutes, have been satisfied and notice has been given to the Florida Department of Community Affairs, Treasure Coast Regional Planning Council, and the South Florida Water Management District; and

WHEREAS, the County and the Treasure Coast Regional Planning Council have considered the application, as submitted and as subsequently supplemented, and found it to be in compliance with applicable law; and

WHEREAS, the Board of County Commissioners, on February 22, 1990, held a duly noticed public hearing on the Development of Regional Impact Application for Development Approval, and has heard and considered the testimony taken and the reports,

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recommendations, exhibits, and other documentary evidence submitted at the public hearing; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendations of the Treasure Coast Regional Planning Council; and

WHEREAS, the Board of County Commissioners has made the findings of fact and conclusions of law hereinafter set forth with regard to the Application for Development Approval and has entered the following order; and

WHEREAS, the County, having considered all of the foregoing and being fully advised and informed in the premises, has determined that it is in the best interests of the citizens of Palm Beach County to approve a Development Order for the property which is the subject of the aforementioned Application for Development Approval, subject to specified conditions and limitations.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, IN A PUBLIC MEETING, DULY CONSTITUTED AND ASSEMBLED THIS 22 DAY OF FEBRUARY 1990, that:

SECTION 1: The Board of County Commissioners hereby makes the following

FINDINGS OF FACT:

1. The Palm Beach County Department of Airports (the "Developer") has filed with PALM BEACH COUNTY, FLORIDA (the "County") an Application for Development Approval for a Development of Regional Impact ("North Palm Beach County General Aviation Airport DRI Application for Development Approval") pursuant to provisions and requirements of Section 380.06, Florida Statutes.
2. Copies of the North Palm Beach County General Aviation Airport DRI Application for Development Approval were submitted to the TREASURE COAST REGIONAL PLANNING COUNCIL ("TCRPC") and the DEPARTMENT OF COMMUNITY AFFAIRS OF THE STATE OF FLORIDA ("DCA") pursuant to Section 380.06(10)(a), Florida Statutes, March 9, 1989.
3. On May 25, 1989 and July 10, 1989, the TCRPC requested additional information in writing from the Developer and additional information was filed on June 6, 1989, and October 17, 1989.
4. The North Palm Beach County General Aviation Airport DRI Application for Development Approval, as supplemented, seeks development approval for approximately 1832 acres of real property (hereinafter "Airport") which is legally described in Exhibit A, attached hereto and incorporated herein.
5. The County has given notice that the proposed development is undergoing development of regional impact review.
6. The County has given notice and held a public hearing to consider the Airport DRI Application for Development Approval in accordance with Section 380.06(11) and the Zoning Code of the County.
7. On January 19, 1990, TCRPC submitted its report and recommendation on the regional impact of the proposed DRI.

8. The proposed development is not in an Area of Critical State Concern, designated pursuant to the provisions of Section 380.06, Florida Statutes.
9. The proposed development is in the public interest and will advance the goal of public safety by providing a means to separate commercial and general aviation operations at Palm Beach International Airport.
10. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport, in accordance with the Airport DRI Application for Development Approval, does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan.
11. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport, in accordance with the Airport DRI Application for Development Approval is consistent with the State Comprehensive Plan.
12. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport, in accordance with the Airport DRI Application for Development Approval is consistent with the County's comprehensive plan, as amended, and land development regulations thereunder including, but not limited to, the County's Environmentally Sensitive Lands Ordinance.
13. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport, in accordance with the Airport DRI Application for Development Approval, is compatible with all surrounding land uses as designated in the County's comprehensive plan.
14. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport, in accordance with the Airport DRI Application for Development Approval, is consistent with the report and recommendations of the Treasure Coast Regional Planning Council submitted pursuant to Section 380.06(12), Florida Statutes, in that:
 - A. Negative impacts of environmental, natural and historical resources will be minimal and these impacts will be minimized, eliminated or mitigated by compliance with the conditions of approval.
 - B. The Airport development will have a positive impact on the economy of the region.
 - C. There are adequate public facilities available or planned and funded to serve the development of the Airport in a safe and efficient manner, provided that such development is carried out in accordance with each and every condition and limitation of this Development Order.
 - D. Based on the transportation conditions of approval, Phases I-III of the Airport development will efficiently use transportation facilities. Development beyond Phase III is contingent on the transportation and transportation-related impacts being addressed through the substantial deviation process.

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- E. The demand on energy resources has been reduced through the conditions of approval.

SECTION 2: The Board of County Commissioners hereby makes the following

CONCLUSIONS OF LAW:

After having considered the Airport DRI Application for Development Approval, the report and recommendations of the TCRPC, the recommendations of the County's own professional staff, the opinion, advice and counsel of the public, and based on the above Findings of Fact, the Board of County Commissioners of the County hereby concludes that:

1. Provided the developer complies with the conditions of approval contained in this Development Order, the development of the Airport DRI Application for Development Approval complies with the requirements of Section 380.06(14) in that:
 - A. The development proposed in the Airport DRI application for Development Approval will not unreasonably interfere with achievement of the objectives of the State Land Development Plan;
 - B. The development proposed in the Airport DRI Application for Development approval is consistent and compatible with the Comprehensive Plan of the County as amended, and all applicable land development regulations adopted thereunder; and
 - C. The development proposed in the Airport DRI Application for Development Approval is consistent with the report and recommendations of the TCRPC.
 - D. The development proposed in the Airport DRI Application for Development Approval is consistent with the State Comprehensive Plan.
2. This Development Order supersedes any and all other Development Orders issued the County regarding the Airport pursuant to Section 380.06 or any other authority.
3. The Airport DRI Application for Development Approval and this Development Order has been considered and approved in accordance with each and every applicable requirement of Section 380.06.

SECTION 3: IN ACCORDANCE WITH THE PROVISIONS OF SECTION 380.06, FLORIDA STATUTES (1989), THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY DOES HEREBY GRANT THIS DEVELOPMENT ORDER APPROVING THE AIRPORT DEVELOPMENT OF REGIONAL IMPACT, SUBJECT TO THE CONDITIONS, RESTRICTIONS AND LIMITATIONS HEREINAFTER SET FORTH.

APPLICATION FOR DEVELOPMENT APPROVAL

1. The North Palm Beach County General Aviation Airport Application for Development Approval is incorporated herein by reference. It is relied upon, but not to the

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exclusion of other available information, by the parties in discharging their statutory duties under Chapter 380, Florida Statutes. Substantial compliance with the representations contained in the Application for Development Approval, as modified by Development Order conditions, is a condition for approval.

For the purpose of this condition, the Application for Development Approval shall include the following items:

- A. Application for Development Approval dated March 9, 1989; and
- B. Supplemental information dated June 6, 1989, and October 17, 1989, and a December 29, 1989, letter from Terry E. Lewis, representing the Palm Beach County Department of Airports, to Daniel M. Cary.

COMMENCEMENT OF DEVELOPMENT

2. In the event the developer fails to commence significant physical development within four years from the effective date of the Development Order, development approval shall terminate and the development shall be subject to further development-of-regional-impact review by the Treasure Coast Regional Planning Council pursuant to Section 380.06, Florida Statutes. For the purposes of this paragraph, physical development shall be deemed to have been initiated after placement of permanent evidence of a structure (other than a mobile home) on site, such as the pouring of slabs or footings, subgrade work for runways, taxiways or aprons; wetland creation; permanent roadways; or any permanent work beyond the stage of excavation or land clearing.

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3. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, and fencing work, construction of buildings, runways, taxiways, and aprons, shall commence within 30 days after completion of clearing and grading for specific building sites, runways, taxiways, aprons and clear zones. Clear zones or areas around runways, taxiways, and aprons necessary to be cleared to comply with Federal Aviation Administration (FAA) safety regulations and the north parallel runway shall be immediately grassed 30 days after establishment of finished grade.
4. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulate, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the developer to comply with Palm Beach County Public Health Unit and the Florida Department of Environmental Regulation air quality standards.
5. Following removal of exotics in the subsidiary development area, planting of a minimum of 50 acres in this area with native shrub and tree seedlings shall be instituted by the developer to ameliorate air quality impacts of the development and to provide a nursery for plant material to be utilized in landscaping the site. Planting shall occur prior to completing Phase I.

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HISTORIC AND ARCHEOLOGICAL SITES

6. No clearing or other ground disturbance activities shall be undertaken in hammock areas identified on Exhibit HAS-1 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact.
7. In the event of discovery of any archeological artifacts during project construction, the developer shall stop construction in that area and immediately notify the Division of Historical Resources, Florida Department of State.

WETLANDS

8. Preserves A and B, encompassing approximately 788 and 137 acres respectively (as shown on Exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment report for the North Palm Beach County General Aviation Airport Development of Regional Impact), shall be established in perpetuity. Perpetual preservation of Preserves A and B shall be guaranteed by an interlocal agreement or other instrument acceptable to the Treasure Coast Regional Planning Council and South Florida Water Management District in consultation with the Florida Department of Environmental Regulation, Florida Game and Fresh Water Fish Commission, and U.S. Fish and Wildlife Service. The instrument assuring preservation is to be recorded within 120 days of when the berm(s) surrounding Preserves A and B have been constructed. No construction shall take place in the preserves other than that necessary to: 1) carry out the approved management plan; 2) build roadways as shown in Exhibit HVW-2; 3) construct necessary navigation aids required by the FAA; 4) conduct clear zone maintenance; and 5) implement the following design criteria which shall apply to Preserve A:
 - A. Sufficient culverts shall be installed underneath the perimeter/safety road between the preserve area in Section 3 and the preserve area of Section 34 to re-establish historical wetland connections between those Sections.
 - B. Sufficient culverts shall be installed underneath the safety/access road encircling the clear zone of runway 8R-26L to maintain existing hydrological connections between the preserved wetlands within Section 3.
 - C. The berm which encloses the preserve area in Section 34 shall be repaired and maintained so that there is no outfall from the preserve except at 100-year flood stage.
 - D. The entire preserve area shall be enclosed either by perimeter road or berm as shown in Exhibit HVW-2 to prevent outfall except at 100-year flood stage.
 - E. No runoff from the developed portion of the site shall be pumped into Preserve A.

The above criteria shall be provided for in South Florida Water Management District applications for conceptual, construction, and operation permits and permits issued for the property as allowable under Chapter 373, Florida Statutes.

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9. Any use of the preserves shall be consistent with: 1) preserving their values as a remnant of undeveloped Florida; and 2) implementation of the approved preserve management plan. No off-road vehicle use shall be allowed except for emergency access or in carrying out prescribed management efforts. No hunting, trapping, or collecting will be allowed except for scientific purposes.
10. Prior to destruction of more than 33 acres of wetlands identified on Exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, 29 acres of wetland functions and values must have been shown to be completely and fully replaced. Plans for replacement of wetland functions and values which may include enhancement of existing on-site wetlands, wetland creation, or other innovative techniques, shall be approved by Treasure Coast Regional Planning Council and South Florida Water Management District in consultation with U.S. Fish and Wildlife Service, Florida Game and Fresh Water Fish Commission, U.S. Army Corps of Engineers, and the Florida Department of Environmental Regulation. The determination of whether the functions and values of wetlands to be destroyed have been completely and fully replaced shall be made by the Treasure Coast Regional Planning Council, in consultation with the above noted agencies. Exceptions to allow elimination of more than 33 acres of wetlands prior to replacement may be granted to the extent that it is demonstrated to the satisfaction of the Treasure Coast Regional Planning Council that: 1) sufficient financial and institutional ability is guaranteed to carry out the required replacement of wetland functions and values proposed to be eliminated; and 2) replacement will occur within a time period consistent with maintenance of current populations of species significantly dependent upon wetlands proposed to be eliminated.

Reasonable guarantee of financial and institutional ability to carry out replacement of wetland function and values proposed in this manner can be provided by a surety bond, cash bond, or letter of credit from a financial institution; escrow agreements which include money, land, and improvements; or any combination thereof, in an amount appropriate as determined by Treasure Coast Regional Planning Council to implement the approved wetland mitigation and monitoring plan. The cost of plan review to Treasure Coast regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

11. In addition to preserves A and B, 32 acres of wetlands identified on Exhibit HVW-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact shall be preserved. The developer shall provide and maintain a buffer zone of native upland edge vegetation around all preserved, restored, or created wetlands on site and all deepwater habitats which are constructed on site in accordance with the following provisions and consistent with FAA clear zone safety regulations. The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species only. The edge habitat shall begin at the

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upland limit of any wetland or deepwater habitat and shall include a total area of at least ten square feet per linear foot of wetland or deepwater habitat perimeter. This upland edge habitat shall be located such that no less than 50 percent of the total shoreline is buffered by a minimum width of ten feet of upland habitat. The upland buffer shall be clearly delineated and roped off prior to any land clearing within 100 feet of any wetland to be preserved or restored.

HABITAT PRESERVATION

12. Prior to issuance of a vegetation removal permit, the limits of the preserve area shall be established to the satisfaction of the Zoning Division and Environmental Resources Management Department. Temporary barriers shall be installed at preserved wetland or preserve boundaries by the developer prior to commencement of site clearing within 100 feet of such preserve boundaries. Such barriers shall be of a type that will clearly identify and designate the boundaries of the preserve or wetland areas during land clearing and construction. The perimeter of Preserves A and B shall be permanently fenced and posted with signs intended to discourage access. All permanent perimeter fencing of the preserves shall allow animals to access the preserves, but not airport development.
13. Prior to issuance of a building permit for the facility, the developer shall prepare a habitat management plan for Preserves A and B. This plan shall be approved by the Palm Beach County Zoning Division and Environmental Resource Management Department. At a minimum, the plan shall:
 - A. Establish a schedule and method(s) for the removal of exotic vegetation.
 - B. Provide for a controlled burning program. At a minimum the controlled burning program shall include: 1) objectives; 2) pre-burn considerations, including smoke management objectives; 3) the Northern Forest Fire Laboratory fuel model; 4) its prescription and range of suitable parameters; 5) a fire containment plan; 6) provisions that any burn will be conducted by or under the supervision of an experienced burn contractor or suitable public agency; and 7) a schedule or monitoring criteria that will determine the interval between burns. The burn program should simulate the historical fire pattern as closely as safety permits. Soil disturbance is to be minimized by utilizing natural fire breaks.
 - C. Provide for the location and details of fencing and other means to discourage trespassing and allow animals ingress and egress.
 - D. Address passive recreational or scientific uses consistent with preservation of the ecological integrity of the preserves and compatible with airport operations.
 - E. Address continued wetland viability.

The cost of habitat management of the preserves shall be the responsibility of the developer. The cost of plan review to Treasure Coast Regional Planning Council

shall be paid by the developer within 30 days of submission of evidence to the developer by the Treasure Coast Regional Planning Council supporting the costs of review.

14. The habitat management plan required for Preserves A and B must be approved by the Treasure Coast Regional Planning Council in consultation with Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service before commencing construction of any runways, taxiways, aprons, fixed base operation structures, or other airport related facilities.

SPECIES OF SPECIAL REGIONAL CONCERN

15. Prior to commencement of clearing activities on any portion of the airport site, the developer must prepare and have approved a plan for surveying for, and protecting in situ, or relocating into a suitable on-site or off-site preserve area, all plants and animals of special regional concern that are determined to exist on or be "significantly dependent" upon (see Species of Special Regional Concern, Treasure Coast Regional Planning Council Assessment Report for North Palm Beach County General Aviation Airport) parcels to be developed. The plan shall be approved by Treasure Coast Regional Planning Council in consultation with the Florida Game and Fresh Water Fish Commission and the U.S. Fish and Wildlife Service. After approval of the plan, specific parcels may be cleared and developed subject to compliance with the methods and procedures stated in the plan. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review. The annual report required by Section 380.06, Florida Statutes, shall include a summary of survey and relocation efforts prepared by a qualified biologist.
16. In the event that it is determined that any additional representative of a plant or animal species of special regional concern (as defined in the Treasure Coast Regional Planning Council Assessment Report for North Palm Beach General Aviation Airport) is resident on, or otherwise is "significantly dependent upon" (see Species of Special Regional Concern, Treasure Coast Regional Planning Council's Assessment Report for North Palm Beach County General Aviation Airport) the airport property, the developer shall cease all activities which might negatively affect that individual population and immediately notify Treasure Coast Regional Planning Council. Proper protection, to the satisfaction of Treasure Coast Regional Planning Council in consultation with the U.S. Fish and Wildlife Service and the Florida Game and Fresh Water Fish Commission, shall be provided by the developer.

EXOTIC SPECIES

17. Melaleuca, Brazilian pepper, Australian pine, and Downy myrtle which occur on the site shall be removed entirely concurrent with Phase I construction. Removal shall be in such a manner that avoids seed dispersal of any of these species. In areas of high concentration, the exotic species shall be cleared and burned as close to the area in which they were removed as possible to avoid seed scatter. In areas of low concentration, or single individuals, the exotic species shall be killed by herbicide and ultimately cut and removed after the

total kill has been completed. There shall be no planting of these species on site. The project site shall be maintained to assure removal of volunteer exotic species as necessary.

DRAINAGE

18. The developer shall design and construct a stormwater management system to retain the maximum volume of water consistent with providing flood protection. At a minimum, the system shall be designed so that: 1) development of the airport will not result in the loss of storage in the C-18 Basin; 2) discharge from the site shall not negatively impact lands along the flow route to the Loxahatchee Slough; 3) the quality and quantity of water discharged from the site shall not adversely affect the Loxahatchee Slough, Loxahatchee River, Water Catchment Area, or the North County wellfields; 4) water in the sub-basins shall be staged or flows otherwise modified to maximize the retention capabilities of the site; and 5) post-development runoff volumes shall not exceed pre-development runoff volumes for a storm event of three-day duration and a 25-year return frequency. All discharges from the surface water management system shall meet the water quality standards of Florida Administrative Code Rule 17-3. Prior to commencing physical development, the drainage plan shall be reviewed by Palm Beach County Environmental Resource Management Department and approved by the Treasure Coast Regional Planning Council and the South Florida Water Management District in consultation with the Loxahatchee River Management Coordinating Council and the North Palm Beach County Water Control District. A sufficient conceptual water management permit application showing the above information shall serve as the plan to be submitted. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.
19. The developer shall design and construct the surface water management system so that maintenance of normal hydroperiods within improved and preserved wetlands can be guaranteed against the negative impacts of activities within the project boundaries, and so that the functions and values provided by these habitats will be maintained. Under no circumstances shall unfiltered runoff from large impervious surfaces and parking areas be diverted directly into wetlands on site. A plan or plans establishing wetland control elevations shall be submitted to Palm Beach County Environmental Resource Management Department for its review and to South Florida Water Management District and the Treasure Coast Regional Planning Council for approval. The plan(s) shall demonstrate how sufficient quantities of surface runoff from portions of the developed areas will be conveyed to wetland areas in order to maintain or improve their existing hydroperiod. The plan(s) shall be approved by Treasure Coast Regional Planning Council prior to submittal of construction permit applications to the South Florida Water Management District. A sufficient conceptual water management permit application showing the above information shall serve as the plan to be submitted. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by

Treasure Coast Regional Planning Council supporting the costs of review.

20. Maintenance and management efforts required to assure the continued viability of preserved wetland habitats and the proper operation of all components of the surface water management system shall be the financial and physical responsibility of the developer. Any entities subsequently approved by Palm Beach County to replace the developer shall be required, at a minimum, to assume the responsibilities outlined above.
21. By the end of Phase I, a vegetated littoral zone shall be established for the lake(s) constructed on site. Prior to construction of the surface water management system for any phase of the development, the developer shall prepare a design and management plan for the wetland/littoral zone that will be developed as part of that system. The plan shall be subject to review by Palm Beach County Environmental Resource Management Department and approval by South Florida Water Management District and the Treasure Coast Regional Planning Council prior to beginning any excavation activity. Littoral zones shall be constructed concurrent with lake excavation and final grading. Operational permits for that portion of the surface water management system shall not be utilized until such time as littoral zones have been found to be constructed in conformance with approved plans. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

WATER SUPPLY AND WASTEWATER

22. At such time as municipal water service becomes available to the site, the development shall connect to such service.
23. At such time as municipal wastewater service becomes available to the site, the development shall connect to such service and the one existing septic tank system shall be abandoned in accordance with Chapter 10D-6, Florida Administrative Code and Palm Beach County ECR-I.
24. Xeriscape landscaping as defined by the South Florida Water Management District shall be exclusively used on the project. The field areas in between and around the runways shall not be irrigated. The areas may only be temporarily irrigated to establish newly planted, seeded, or sodded areas.
25. All development in North Palm Beach General Aviation Airport shall use water-saving plumbing fixtures and other water conserving devices as specified in the Water Conservation Act, Section 553.14, Florida Statutes, to reduce water use.

HAZARDOUS MATERIALS AND WASTE

26. Before construction plans are approved for any portion of the site, the developer shall provide a hazardous materials management plan which shall be reviewed and approved by Palm Beach County Environmental Resource Management, the Treasure Coast Regional Planning Council, South Florida Water Management District, The Palm Beach County Public Health Unit, and Florida

Department of Environmental Regulation. For the purposes of this plan, hazardous materials are those constituents found in reportable quantities on site identified pursuant to 42 USC, Section 6921 (RCRA); 42 USC, Section 9602 (CERCLA); 42 USC, Section 11011 et seq. (SARA Title III); and Part IV, Chapter 403, Florida Statutes. At a minimum, the plan shall:

- A. require disclosure by all owners or tenants of the property of all hazardous materials or waste proposed to be stored, used, or generated on premises;
- B. require the inspection of all premises storing, using, or generating hazardous materials or waste prior to commencement of operation, and periodically thereafter, to assure that proper facilities and procedures are in place to properly manage hazardous materials projected to occur;
- C. provide minimum standards and procedures for storage, prevention of spills, containment of spills, and transfer and disposal of such materials or waste;
- D. provide for proper maintenance, operation, and monitoring of hazardous materials and waste management systems including spill and hazardous materials and waste containment systems;
- E. detail actions and procedures to be followed in case of spills or other accidents involving hazardous materials or waste;
- F. guarantee financial and physical responsibility for spill clean-up; and
- G. include a program for continued monitoring of surface and groundwater on the site.

The approved plan shall be incorporated into the development by including it as part of any lease or sale agreement provided to tenants and owners that will use, handle, store, display, or generate hazardous materials or waste. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

27. All site plans and layouts for the North Palm Beach County Airport shall be in accordance with the requirements of the Palm Beach County wellfield protection ordinance. All plan approvals shall note specifically what development will be allowed in areas within the zone of influence of any existing or proposed on-site well or municipal wellfield in the area.
28. The fuel farm shall be constructed to comply with Chapter 17-61, Florida Administrative Code. In addition, the following design criteria shall be met:
 - A. fuel shall be stored in above-ground, horizontal tanks on elevated cradles to allow for ease of inspection and maintenance;
 - B. the fuel spill containment area shall be constructed of reinforced concrete and shall be

- capable of containing 200 percent of the fuel storage capacity of the largest tank; and
- C. the containment area shall have its drainage system segregated from the main airport system and shall include fuel/water separators and a pump out system so that stormwater can be discharged from the containment area relatively free from spilled fuel.

The above criteria shall be provided for in all permit applications and permits for construction and operation of the fuel farm provided the conditions are acceptable to the Florida Department of Environmental Regulation.

29. All drainage and stormwater runoff systems serving the runways, taxiways, aprons, airplane washdown areas, and other paved areas shall be designed and constructed in such a manner as to prevent soil, surface water, and groundwater contamination through the use of pollution retardant basins, oil/grease traps, and other means to segregate and collect pollutants.
30. Prior to commencing construction of the fuel farm, the developer shall install a system of surface and groundwater monitoring stations and maintain an ongoing water quality monitoring program. The locations of sampling stations and monitoring wells, as well as a sampling and testing schedule, shall be developed in conjunction with and reviewed by Palm Beach County Environmental Resource Management Department and approved by the Treasure Coast Regional Planning Council, the South Florida Water Management District, and the Florida Department of Environmental Regulation and shall include monitoring at the point of surface water discharge from the site.
31. Disposal of hazardous materials or wastes into the sanitary sewer system shall be prohibited. For the purposes of this paragraph, hazardous materials are those constituents identified pursuant to 42 USC, Section 6921 (RCRA); 42 USC, Section 9602 (CERCLA); 42 USC, Section 11011 et. seq. (SARA Title III); and Part IV, Chapter 403, Florida Statutes.

SOLID WASTE

32. As a part of any site plan application for any portion of the project, a commitment shall be obtained from the Solid Waste Authority of Palm Beach County to provide solid waste disposal service to that portion of the project.
33. As part of any site plan application for any portion of the project, the developer shall submit a solid waste stream reduction/recycling plan approvable by the Solid Waste Authority of Palm Beach County.

ENERGY

34. In the final site and building design plans, the developer and each subsidiary developer shall: 1) incorporate those energy conservation measures identified on pages 25-4 and 25-6 of the North Palm Beach County General Aviation Airport Application for Development Approval; 2) comply with the Florida Thermal Efficiency Code Part VII, Chapter 553, Florida Statutes; and 3) to the maximum extent feasible, incorporate measures identified in the Treasure Coast Regional Planning Council's Regional Energy Plan.

35. The developer shall incorporate each of the 16 energy saving methods outlined in the ENERGY section discussion of the Treasure Coast Regional Planning Council's Assessment Report for the North Palm Beach County General Aviation Airport unless it can be demonstrated to the satisfaction of Palm Beach County that individually each method is not cost effective.

TRANSPORTATION

36. No building permits for Phase I shall be issued for the North Palm Beach County General Aviation Airport Development of Regional Impact until an irrevocable letter of commitment from the Palm Beach County Department of Airports has been provided committing to dedicate a 200-foot right-of-way along the proposed SR 7 to Palm Beach County free and clear of all liens and encumbrances and consistent with the Palm Beach County Thoroughfare Right-of-way Protection Plan.
37. No building permits for Phase I of the North Palm Beach County General Aviation Airport Development of Regional Impact shall be issued until contracts have been let for construction of the following intersection improvements at the proposed site entrance and Beeline Highway:

North approach	-	right-turn lane
South approach	-	left-turn lane
West approach	-	left-turn lane
	-	right-turn lane

No certificates of occupancy shall be issued and no fixed based aircraft shall be permitted to occupy the airport until the above improvements have been completed.

38. Palm Beach County Department of Airports shall monitor traffic conditions on an annual basis on the following roadway segments and at the following intersections starting with commencement of Phase II through completion of Phase III:

Road Segments

- A. Beeline Highway from the project site entrance to PGA Boulevard;
- B. PGA Boulevard from Beeline Highway to west of Florida's Turnpike (PGA entrance);
- C. PGA Boulevard from west of Florida's Turnpike (PGA entrance) to Florida's Turnpike; and
- D. Northlake Boulevard from Beeline Highway to Military Trail.

Intersections

- A. PGA Boulevard/Beeline Highway;
- B. PGA Boulevard/Florida's Turnpike;
- C. Northlake Boulevard/Beeline Highway; and
- D. Northlake Boulevard/Military Trail.

Prior to commencing Phase II construction, traffic monitoring methodology shall be approved by the Treasure Coast Regional Planning Council in

consultation with the City of Palm Beach Gardens, and the Florida Department of Transportation. A monitoring report utilizing the approved methodology shall be submitted by December 31 of each year and shall be approved by the Treasure Coast Regional Planning Council in consultation with the above mentioned agencies. If this report indicates that the road segment(s) and/or intersection(s) has exceeded Council's objective level of service standard during the year, and that project traffic meets or exceeds the regional threshold, then no further building permits shall be issued until contracts have been let for roadway improvements required to eliminate over capacity conditions on the roadway segment(s) and/or intersections(s). No certificates of occupancy or increase in the number of fixed base aircraft shall be granted until the subject roadway improvements have been completed. The costs of monitoring methodology and monitoring report review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

39. The developer shall pay a fair share contribution consistent with a fair share impact fee ordinance applicable to the North Palm Beach County General Aviation Airport Development of Regional Impact.
40. No additional building permits or increases in fixed base aircraft shall be granted after December 31, 2005, unless a traffic study has been conducted by the developer, and submitted to and approved by Treasure Coast Regional Planning Council in consultation with Palm Beach County, City of Palm Beach Gardens, and Florida Department of Transportation that demonstrates that the regional roadway network can accommodate a specified amount of additional North Palm Beach County General Aviation Airport general traffic and growth in background traffic beyond 2005 and still be maintained at Level of Service C during average annual daily conditions and Level of Service D during peak season, peak hour conditions. The traffic study shall:
 - A. be conducted in 2005; and
 - B. identify the improvements and timing of those improvements necessary to provide Level of Service C under average annual daily traffic conditions and Level of Service D under peak season, peak hour operating conditions for the subject transportation network during the projected completion of the project, including project impacts and growth in background traffic.

Additional building permits or increases in fixed base aircraft shall not be granted until a new project phasing program and roadway improvement program (necessary to maintain Level of Service C average annual and Level of Service D peak season, peak hour operating conditions) has been approved by Treasure Coast Regional Planning Council in consultation with Palm Beach County, City of Palm Beach Gardens, and Florida Department of Transportation for the remainder of the development. The cost of plan review to Treasure Coast Regional Planning Council shall be paid by the developer within 30 days of submission of evidence to the developer by Treasure Coast Regional Planning Council supporting the costs of review.

41. Except for utilities necessary to serve the approved airport development, development occurring outside the airfield fence, and beyond what is described on the legend of the Master Development Plan (Map H-R) dated October 16, 1989, and in Table 12.1, Airport Facilities Summary, dated November 11, 1988, of the North Palm Beach County General Aviation Airport Application for Development Approval shall be reviewed as a substantial deviation under Section 380.06(19)(g), Florida Statutes.

LAND USE COMPATIBILITY

42. Restrictions contained in Exhibit LUC-2 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, a copy of which is attached hereto as Exhibit "B", are hereby incorporated by reference as though fully set forth herein. Such restrictions shall be incorporated in requirements and lease agreements with any tenants and fixed based operators on the site. For clarification, Restriction #1 should be modified to indicate that the Crosswind Runway (13-31) has a 12,500 pound limitation. Any further changes to these restrictions shall constitute a substantial deviation and shall be subject to further review under Section 380.06(19)(g), Florida Statutes.
43. The interlocal agreement between the City of Palm Beach Gardens and Palm Beach County contained in Appendix C of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact, a copy of which is attached hereto as Exhibit "C", is hereby incorporated as part of this Development Order for the North Palm Beach County General Aviation Airport Development of Regional Impact. Any changes to this agreement shall constitute a substantial deviation and shall be subject to further review under Section 380.06(19)(g), Florida Statutes.
44. All lands inside the projected 65 Ldn contour area as shown on Exhibit LUC-1 of the Treasure Coast Regional Planning Council Assessment Report for the North Palm Beach County General Aviation Airport Development of Regional Impact shall continue to carry land use designations which are compatible with the use of the airport facility as proposed, and consistent with natural resource and other features of such property. Land use compatibility may be further enhanced within the projected 65 Ldn contour designated RR-10 by consideration of:
- A. Use of TDR's;
 - B. Cluster housing techniques;
 - C. Required dedication of avigation easements;
 - D. Noise attenuating construction and design standards;
 - E. Comprehensive plan amendment; or
 - F. Other appropriate actions as the county may determine

within one year after adoption of this development order.

LOCAL CONDITIONS

POLICE AND PUBLIC SAFETY

45. No certificates of occupancy should be issued for any parcel of the North Palm Beach County General Aviation Airport until adequate assurance of security or police protection by the Palm Beach County Sheriff's Department or other applicable local service provider is confirmed guaranteeing that there is sufficient manpower and equipment to provide safe and adequate protection to the development in that parcel.
46. Prior to the approval of any site plans for North Palm Beach County General Aviation Airport, the developer should consult with the Palm Beach County Sheriff's Department or the applicable local service provider to ensure that all development plans enhance the ability of the Department to provide for public safety through consideration of lighting and building layout, and other features which will ensure the safety and security of the project.

FIRE PROTECTION, WATER AND WASTEWATER

47. No certificates of occupancy should be issued for any parcel of the North Palm Beach County General Aviation Airport until adequate assurance of fire protection by the Palm Beach County Fire Department or other applicable local service provider is confirmed guaranteeing that there is sufficient manpower and equipment to provide safe and adequate protection to the development in that parcel.
48. Prior to the approval of any site plans for the North Palm Beach County General Aviation Airport, the developer shall consult with the Palm Beach County Fire Department or the applicable local service provider to ensure that all development plans enhance the ability of the Department to provide for public safety through consideration of adequate access to all parts of the project site, consideration of lighting and building layout, consideration of fire hydrant location and spacing, and other features which will ensure the safety and security of the project.
49. The developer shall provide an optimally located site for a crash, fire, rescue (CFR) station, and shall suitably equip and man it as indicated on page R-30-1 of the Application for Development Approval, for the North Palm Beach County General Aviation Airport.
50. The application and engineering plans, calculations, etc. to construct well and/or septic tank must be submitted to the Health Department prior to site plan approval (or prior to issuance of Building Permit for straight rezoning).
51. This approval is limited to construction of the Administration Building for office use only. Any further use requires the project to be connected to public water and sewer or receipt of a septic tank variance from the Department of Health and Rehabilitative Services or a special exception from Palm Beach County for a package plant if flow exceeds 5,000 g.p.d. Facilities not requiring sewer such as runways, tie down facilities and T-hangers may be constructed but not operated prior to issuance of any variance or special exception required.

SITE DEVELOPMENT

52. A 25 foot wide landscape buffer shall be maintained along Bee Line Highway. This buffer shall be landscaped to include:
- A. A double row of native canopy trees planted 20 feet on center.
 - B. A 36 inch continuous native understory planting.
 - C. No additional landscape treatment will be required within preserve areas.
 - D. Landscape plans shall be subject to Department of Airports' review.
 - E. Existing vegetation may be credited toward this condition.
53. Individual building site plans shall be approved by Site Plan Review Committee prior to site development. These plans shall conform to County Codes in effect at the time of development and conditions of approval.
54. All buildings shall maintain a 60 foot setback from property lines.
55. As provided in the Palm Beach County Zoning Code, Sections 400.2 and 402.6, failure to comply with any of these conditions of approval at any time may result in:
- A. The denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property; and/or
 - B. the revocation of the Special Exception and any zoning which was approved concurrently with the Special Exception as well as any previously granted certifications of concurrency or exemptions therefrom; and/or
 - C. A requirement of the development to conform with updated standards of the development, applicable 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.

Appeals of any departmental-administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code. Appeals of any revocation of Special Exception, Rezoning, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Operational Conditions

56. Constructed in accordance with the FAA standards, the southern east-west runway will be limited to 4,300 feet in length with a maximum 12,500 pound limitation. The northern east-west runway will be limited to 3,700 feet in length. The crosswind runway will be limited to 4,300 feet in length.

57. In accordance with the FAA airspace determination, runway alignment for the east-west runways will be 08-26. Runway alignment for the crosswind runway will be 13-31.
58. The Palm Beach County Department of Airports, in their proprietary capacity of operating the North County Airport, will restrict flight training activities to non-populated areas by including in its leases with each resident fixed base operator who conducts flight training a requirement that flight training procedures will be designed to keep the flight training activities away from the populated portions of Palm Beach Gardens and other residential communities.
59. Aircraft allowed to use the airport will be those specifically identified in FAA Advisory Circular 36-3E that comply with the FAA computer model determinations using a 65 dba noise level upon designated monitoring sites in the residential area existing as of February 1988 in the City of Palm Beach Gardens and other residential communities, including P.G.A. National Resort Community, while using noise abatement flight tracks and noise abatement profiles developed, implemented, monitored and enforced by Palm Beach County.
60. Nighttime Operations - Nighttime operational procedures shall be in effect between 10:00 p.m. and 6:00 a.m. During those hours the northwest-southeast runway will be the preferred runway utilized, except when conditions do not allow a northwest-southeast operation. In such an event, westerly departures will be the preferred runway utilized unless windy conditions are prohibitive; and, in that event only easterly departures may be conducted by aircraft identified in Condition No. 59 above.
61. Remote noise monitoring stations will be installed by the County at the northwest corner and southwest corner of P.G.A. National Resort Community and at the western edge of Eastpoint. These stations will be installed, maintained and operated by Palm Beach County with adequate reporting of noise levels.
62. Aircraft noise emission levels will not exceed 65 dba maximum within the present residential areas of the City of Palm Beach Gardens and other residential communities as determined and identified in Condition No. 59 above.
63. Instrument Landing System (ILS), if installed, will pertain to landings from the west only.
64. Palm Beach County will prohibit all regularly scheduled commercial aircarrier passenger flights.
65. A fine system for aircraft using the airport in violation of these conditions of Palm Beach County Department of Airports shall be as follows:

First Offense:	Warning.
Second Offense:	\$100 for each such second offense and \$100 for each decibel over that determined under Condition No. 59 above.
Third Offense:	Suspend Use of airport facilities.

66. Palm Beach County and the community of Palm Beach Gardens will act to keep those areas between the P.G.A. National Resort Community and the proposed aviation facility in a land use category compatible with aircraft operations.
67. An airport manager will be employed to assist in enforcement of restrictions.

SECTION 4: The requirements in Conditions 45 through 55 are local in nature. Therefore, any changes to these conditions authorized by the County shall not constitute substantial deviations and shall not be subject to the substantial deviation provisions of Section 380.06(19), Florida Statutes. Any modifications or deviations from the other requirements of this Development Order shall be submitted to the County's Planning, Zoning and Building Administrator for a determination by the Board of County Commissioners of the County of Palm Beach as to whether the change constitutes a substantial deviation as provided in Section 380.06(19), Florida Statutes, and such modification shall be processed pursuant to Section 380.06, Florida Statutes, as the same may be amended from time to time.

SECTION 5: Compliance with the Development Order shall be monitored through normal County permitting procedures, the procedures in specific conditions of approval, and review of the annual report. The local official responsible for assuring compliance with this Development Order is the Planning, Zoning, and Building Administrator for Palm Beach County.

SECTION 6: The annual report required by Section 380.06(19), Florida Statutes, shall be submitted each year within ten (10) days of the anniversary date of the effective date of this Development Order. The annual report shall be submitted to Palm Beach County, the Treasure Coast Regional Planning Council, the Department of Community Affairs, the City of Palm Beach Gardens, the State of Florida Department

of Environmental Regulation and the South Florida Water Management District. This annual report shall include the following items:

1. Any changes in the plan of development, or in the representations contained in the Application for Development Approval, or in the phasing for the reporting year and for the next year.
2. A summary comparison of development activity proposed and actually conducted for the year.
3. Undeveloped tracts of land that have been sold to a separate entity or developer.
4. Identification and intended use of any lands purchased, leased or optioned by the developer adjacent to the original DRI site since the Development Order was issued.
5. An assessment of the developer's and the local government's compliance with the conditions of approval contained in this DRI Development Order and the commitments which are contained in the Application for Development Approval and which have been identified by Palm Beach County, the Treasure Coast Regional Planning Council or the Department of Community Affairs as being significant.
6. Any request for substantial deviation determination that was filed in the reporting year or is anticipated to be filed during the next year.
7. An indication of a change, if any, in local government jurisdiction for any portion of the development since the Development Order was issued.
8. A list of significant local, state and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each.
9. A statement that all persons have been sent copies of the annual report in conformance with subsections 380.06(15) and (18), Florida Statutes.
10. A copy of any recorded notice of the adoption of a Development Order or the subsequent modification of an adopted Development Order that was recorded by the developer pursuant to subsection 380.06(15)(f), Florida Statutes, during the reporting year.

SECTION 7: Compliance dates for commencing development and complying with conditions of approval are listed in the conditions of approval. This Development Order shall terminate twenty years after the effective date of this Development Order.

SECTION 8: Palm Beach County hereby agrees that the North Palm Beach County General Aviation Airport Development of Regional Impact shall not be subject to downzoning or intensity reduction for a period of twenty years from the effective date of this Development Order, unless Palm Beach County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred or that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by Palm Beach County to be essential to the public health, safety, or welfare.

SECTION 9: The definitions found in Chapter 380, Florida Statutes, shall apply to this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced government agency in existence on the effective date of this Development Order.

SECTION 10: The approval granted by this Development Order is conditional and shall not be construed to obviate the duty of the developer to comply with all other applicable local, state, and federal permitting requirements.

SECTION 11: Certified copies of this Development order shall be transmitted by certified mail to the State of Florida Department of Community Affairs, the Treasure Coast Regional Planning Council and the Developer. A Notice of Adoption of this Development Order shall be filed and recorded in the public records of Palm Beach County, Florida, by the developer, within ten (10) days after adoption.

SECTION 12: This Development Order shall not be construed as a waiver of any Municipal, County, or State requirements for other necessary permits, building permits, certificates of occupancy, or similar matters provided for by statute, rule, or ordinance, unless said requirements are specifically waived in this Order.

SECTION 13: This Development Order shall be binding upon and inure to the benefit of the developer and its assigns or successors in interest and the present owners and their assigns or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to also include any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties or, any referenced governmental agency in existence on the effective date of this Development Order.

SECTION 14: In the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or section of the Development Order which shall remain in full force and effect.

SECTION 15: This Development Order shall become effective immediately upon adoption.

Commissioner Marcus moved for approval of the Resolution. The motion was seconded by Commissioner

Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	-	AYE
Ron Howard	-	AYE
Karen T. Marcus	-	AYE
Carole Phillips	-	ABSENT
Carol Roberts	-	ABSENT

The Chair thereupon declared the Resolution was duly passed and adopted this 22nd day of February, 1990.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY:


County Attorney

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JOHN B. DUNKER
COUNTY CLERK

BY:


Deputy Clerk