

PALM BEACH COUNTY WORKSHOP SERIES: STRATEGIES TO ADDRESS MINING IN THE EVERGLADES AGRICULTURAL AREA

Meeting Summary, Workshop 4: May 18, 2011

Palm Beach County Vista Center, West Palm Beach, Florida

This report summarizes the May 18, 2011, public workshop to address mining in the Everglades Agricultural Area (EAA). The workshop was the last of four such workshops to identify areas of consensus regarding mining activities that relate to land use in the EAA. It was conducted by the Florida Conflict Resolution Consortium (FCRC) Consensus Center on behalf of Palm Beach County. The report is organized as follows:

- Introductions and reviews
- An overview of the county review process for mining applications in the EAA
- Ideas for consensus testing
- Summary of next actions

Introductions and Reviews

Introductions

Deputy County Administrator Verdenia Baker opened the workshop with a welcome and thanked participants for taking part in the prior three workshops. She also thanked the drafting group members for volunteering their time to provide input for the workshops. This is the last of four such workshops, she noted. The results will be reported to the Board of County Commissioners (BCC). She closed by encouraging the group to find areas of agreement, recognizing that they will not be able to agree on all things.

Reviews

Rafael Montalvo, Associate Director of the FCRC Consensus Center and the lead workshop facilitator, followed with a request for participant self introductions, a review of the role of the FCRC Consensus Center, a recap of the process to date, and an overview of the workshop agenda and worksheets.

Participants

The workshop participants (listed in Appendix A) brought diverse backgrounds and a variety of perspectives to the discussion. They included representatives from environmental organizations and mining companies, affected property owners, and interested citizens. Also participating were

representatives from the South Florida Water Management District (SFWMD), the Florida Department of Environmental Protection (DEP), and the Palm Beach County planning staff.

FCRC Consensus Center

The FCRC Consensus Center was established by the Florida Legislature to provide an independent public resource to help public and private interests prevent and resolve disputes, build consensus on public policy issues, and support collaborative actions. Its role in this series of workshops is to help structure and guide discussions and ensure that all perspectives have an opportunity to be heard, maintain an accurate record of group products, and prepare a workshop report that is accurate and balanced. Also working under the auspices of the Consensus Center to assist with the workshops are Jim Murley, Assistant Dean for External Affairs, College of Design and Social Inquiry, Florida Atlantic University, and Jean Scott, Strategies for Livable Communities/SLC, LLC.

Prior Workshops and Related Activities

Montalvo reviewed the purpose of the workshop series (see Appendix B) – to explore and develop as much agreement as possible among stakeholders on whether changes are needed to Palm Beach County’s land use regulations addressing rock mining in the EAA, and, if so, what those changes should be. A formal land use map change was not part of the BCC workshop series charge, Montalvo noted.

The last three workshops focused on identifying potential changes to the county’s land use regulations. Additional input has been provided by a volunteer drafting group that was formed after the second workshop. The drafting group met twice (March 2 and April 25). Those meetings resulted in ideas for three potential options that the workshop participants took back to their respective organizations to discuss. That, Montalvo observed, allowed additional participants to review them and provide input into their development.

The three options developed by the drafting group were:

- Implement a rezoning requirement
- Strengthen the current conditional use approach with additional detailed criteria
- Strengthen the current conditional use approach with additional broad criteria

The drafting group did not discuss the no action option (continuation of the current approach) nor an approach that would establish a mining category for the Future Land Use Map and require land use map amendments for future applicants at any length because they were not a part of the workshop charge.

Montalvo also briefed participants on the April 12 workshop update presentation to the BCC. The update provided information on the status of the EAA Mining Workshops and the discussions to date. (Additional information on the update can be viewed at www.pbcgov.com/pubInf/Agenda/20110412/200PM.pdf).

Workshop Agenda and Worksheets

The workshop agenda and worksheets (Appendix C) were designed to help participants fully understand and evaluate (identify pros and cons) the ideas developed by the drafting group or in earlier workshops in the series. The evaluation allowed participants to indicate the degree to which they supported or had reservations about each idea and to briefly discuss the idea of a study of long-range cumulative impacts of mining in the EAA. The results of that informal analysis will be taken back to the BCC as part of its next steps and decision-making.

Overview: County Review Process for Mining Applications in the EAA

To help workshop participants understand what staff does and does not look at in its review, Palm Beach County Planning and Zoning and Environmental Resource Management (ERM) staff provided a refresher overview of the county's current review process for mining applications in the EAA:

- An overview of the zoning and ULDC requirements, by Carrie Rechenmacher, Zoning Division
- The Pre-Application Checklist and the Preliminary Assessment Letter (PAL), by Bob Kraus, ERM

In response to questions, staff clarified that mining is only allowed (as a conditional use) in the Agricultural Production zoning district and land use category. The proposed use must be compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development. Staff also clarified that a mining applicant is allowed to excavate to a depth of 15 feet. To go deeper, samples from different areas at the requested depth must be provided.

(The zoning review presentation can be found on the mining workshop webpage < www.co.palm-beach.fl.us/pzb/Zoning/Mining_Workshops/index.htm> under the title, Mining Workshop Four Zoning Review.)

Ideas for Consensus Testing

The purpose of the May 18 workshop, Montalvo explained, is to give participants an opportunity to:

- Evaluate the ideas from previous workshops and the work of the volunteer drafting group
- Indicate the degree to which they supported or had reservations about each of the ideas

A set of worksheets (listed on the following page and contained in full in Appendix C) were used to facilitate the discussion and evaluation process. Although participants will have an opportunity to evaluate Worksheets 1A and 1D, Montalvo noted, the ideas they contain (i.e., the approach currently in place and the one that requires establishing a new Future Land Use Map category) are outside the

BCC's workshop charge. The fourth worksheet provides an opportunity to discuss the need for a cumulative and long-range impact study.

Each worksheet allows the workshop participants to:

- Review and clarify the ideas
- Discuss the advantages and disadvantages of each idea and anything that should be brought to the attention of the group or BCC regarding an idea
- Individually rate the support enjoyed by each idea and, in some cases, individually indicate the importance of the idea

The ratings will be compiled and any reservations or comments noted. The ratings, comments, and key points of the workshop discussion will be compiled in a report for the BCC to use in its decision-making process about next steps. The report will include a description of the options that participants considered and their related comments, both the pros and the cons. Planning and Zoning staff may also submit a report to the BCC. That depends on what comes out of the day's workshop. Any potential BCC actions will need to occur prior to the August expiration of the moratorium on rock mining in the EAA.

Discussion Worksheets
Worksheet 1: Potential Overall Approaches
<ul style="list-style-type: none">• 1A, Require Rezoning• 1B, Strengthen the Conditional Use Process – Detailed Criteria• 1C, Strengthen the Conditional Use Process – Broad Criteria• 1 D, Retain Current Process• 1E, Require a Comprehensive Plan Land Use Amendment• 1F, Preferences
Worksheet 2: Potential Detailed Criteria
Worksheet 3: Potential Broad Criteria
Worksheet 4: Additional Study of Cumulative and Long-Range Impacts

The following describes the ideas described in each worksheet listed above and the participants' comments about those ideas. Whether the comments were seen as pro or con depended on the participant's perspective.

Worksheet 1A: Require a Rezoning

Approach Description

The approach would entail:

- Removing rock mining from the list of currently allowable uses in ULDC AP agricultural zoning classification.
- Adding a new zoning classification to the ULDC specifically for mining.
- Developing criteria for rezoning from AP to the new mining classification.
- Requiring applicants for new mines to request rezoning to the new classification. (Existing mines would automatically be assigned the new classification or grandfathered in.)

Participant Observations

Summary of Observations. Requiring a rezoning:

1. Would give the BCC more discretion than it has now with the conditional use process.
2. Could lead to spot zoning.
3. Could reduce property values and raise issues of entitlement and the Bert Harris Act.
4. Would differentiate mining from agriculture.

Comments. Participants offered the following comments regarding the above:

- Related to 1, more BCC discretion could result in more compatible uses and mine siting.
- Related to 2, spot zoning could lead to uses that are incompatible with surrounding uses.
- Related to 3, removing a use from the land negatively impacts its fair market value (i.e., fair market is based on the land uses associated with it).
Another comment was that more information would be needed to reach that conclusion.
- Using conditional use criteria could have the same outcome as requiring a rezoning.
- Requiring a rezoning would demonstrate that mining is not an agricultural or agricultural-related use.

Level of Support Categories
5 – Strong support. This is what I would do.
4 – Can support. May not be my first preference.
3 – Minor reservations. May be able to support, but need clarification or refinement first.
2 – Major reservations. Not acceptable without major changes.
1 – Not acceptable.

Level of Support Exercise. Participants noted that it was not possible to rank this option without knowing what the criteria for rezoning would be. When asked to indicate their level of support (options listed to the right), environmental organization representatives indicated that they could support a rezoning requirement, and landowner representatives found the requirement unacceptable. Mining industry representatives did not favor such a requirement but indicated that their ultimate response would depend on the criteria used.

Worksheet 1B: Strengthened Conditional Use Process – Detailed Criteria

Approach Description

The approaches described in Worksheets 1B and 1C are intended to provide the BCC with more discretion without impacting landowner property values. They look at how the current conditional use approval process could be improved: 1B, using detailed criteria (sample list in Worksheet 2), and 1C, using broad criteria (sample list in Worksheet 3).

Approach 1B would entail:

- Retaining the existing basic framework of conditional use approval for rock mines (i.e., retaining the presumption that mining is an appropriate use if the criteria can be met).
- Adding new specific criteria or new detail to existing criteria for rock mine applications. For potential examples of additional specific criteria, see Worksheet 2. (Consultant analysis may be required for criteria which staff does not have the expertise to evaluate.)

Participant Observations

Summary of Observations. Using a strengthened conditional use process with detailed criteria:

1. Places an additional burden on the applicant.
2. Makes it difficult to separate concept from the detailed language of the proposed detailed criteria that appear later in the packet (see Worksheet 2, Potential Detailed Criteria).
3. Raises questions about the reality of being able to meet the specific criteria and whether they are redundant or needed.
4. Serves as a positive way to refine and enhance the current criteria.

Comments. Participant comments focused on the need to know what the additional criteria would be. That would require reviewing the existing criteria and then determining what additional criteria that are within the county's purview may be needed. "Giving attention to additional criteria is a step further than what exists today," a participant noted. "It all depends on what the criteria are." It also depends on how the additional criteria are worded, another participant commented. (Also see related comments under Worksheet IC, below.)

Level of Support Exercise. When asked to indicate their level of support for spending some time to explore additional detailed criteria, a number of participants indicated a willingness to do so. A large number of landowner and industry participants, however, noted that if they had to rate the option based on the wording of the proposed detailed criteria in the packet (Worksheet 2), they would have major reservations or feel compelled to rate the approach as not acceptable.

Worksheet 1C: Strengthened Conditional Use Process – Broad Criteria

Approach Description

Approach 1C would entail:

- Retaining the existing basic framework of conditional use approval for rock mines. An applicant would need to meet only the current existing criteria to support an approval.

- Adding new broad criteria drawn from the current purpose statement. Those criteria would address long-term and cumulative environmental and water quality impacts, compatibility with surrounding land uses, and public welfare. (As the purpose statement is deemed to be implemented by the criteria, it is not currently used by staff to evaluate applications.)
- Allowing opponents of the application to present evidence that the application does not meet the broad criteria.
- Establishing deadlines for submission of evidence supporting a denial, and for responses to that evidence.
- Stating in the ULDC that the Commission may deny an application for rock mining if it finds that these broad criteria have not been met based upon evidence presented by opponents, regardless of the application's performance on the narrower existing criteria.

Participant Observations

Summary of Observations. Using a strengthened Conditional Use process with broad criteria:

1. Raises questions about whether the degree of Board discretion described in the approach is compatible with a conditional use framework, which traditionally assumes a use is appropriate if the criteria are met.
2. Would require that expert testimony be provided in advance.
3. Would need to be implemented in a way that does not produce loss of standing if evidence is not provided in advance.
4. Establishes a point at which environmental issues are addressed as a part of conditional use or further permitting.

Comments. Participants' comments centered on a number of topics. In explanation of the approach, a proponent noted that the idea was suggested as a way to address the criticism that the current criteria are too narrow and do not provide the Board sufficient discretion to address broader issues. The approach broadens the criteria without putting the burden of proof on the applicant and would mean that the BCC could deny a conditional use request if someone can provide any competent and substantial evidence that there will be short- or long-term impacts. The BCC would have to determine if the evidence submitted is adequate and substantial.

The approach triggered a number of additional comments. One related to whether it is possible to draft criteria that would give the Board such broad discretion, within a conditional use framework, and whether denials using such broad criteria would be legally defensible. In response, Assistant County Attorney Bob Banks noted that if evidence submitted shows adverse impacts, the BCC can deny a conditional use request.

Other comments and concerns related to costs, timing, and the current process.

Costs: One area of concern was about the potential cost to opponents of paying for experts to say that evidence submitted is accurate and sound. That is something that opponents to an application have to do now, Bob Banks noted.

Timing: Another area of comments was about being required to submit evidence earlier in the process. In further discussion, participants observed that there would be benefits to opponents as well as to the applicant and that the details would have to be worked out to ensure that the guidelines are effective but not unduly onerous. That timing is important, which is why expert testimony should be provided in advance, a participant commented. The intent is to give the applicant an opportunity to prepare a response. The timing requirement should apply to technical reports that relate to evidence that would support denial or approval of a permit. It should not apply, participants agreed, to a citizen's ability to speak at a hearing. In a related comment, another participant observed that when county staff does not have the required expertise to review some aspect of a mining application, a consultant should be used, not an agency that could be subject to the political process.

The Current Process: As demonstrated through the Workshop Two presentations, the current process, several participants suggested, is sufficient. It is very thorough and efficient and provides a high level of agency review. It is also the only planning review process in the county that requires both an annual and five year monitoring report and a Preliminary Assessment Letter (a process that recognizes that mining in the EAA is outside the normal county planning procedures). In an additional comment about the current process, a participant suggested that DEP manage the mining review process for the county since it is already the agency that addresses most of the concerns raised by representatives of environmental organizations. That raised concerns about the effects of the political environment on DEP. An additional concern was about the appropriateness of an approach that treats mining differently from other uses. In response, a participant noted that mining in the EAA is such a long-fought issue that doing something out of the normal box is needed.

Level of Support Exercise. Rather than ask for participants to indicate their relative support for this approach, 1C, or approaches ID and IE, Montalvo offered to summarize where the group stood regarding its charge to identify areas of consensus regarding mining activities that relate to land use in the EAA.

The workshop participants remain polarized. The representatives of environmental organizations prefer the comprehensive plan land use change approach, while landowner and mining representatives prefer the existing conditional use process. All are willing to explore ways to improve the criteria used for decision-making. Environmental groups prefer to have those criteria applied to a rezoning requirement, while mining and landowner representatives prefer to explore using them to enhance the current conditional use process.

When asked if participants would be willing to invest time to develop specific and broad criteria, mining and landowner representative expressed a willingness to spend that time. Environmental representatives expressed a preference for looking at such additional criteria as part of a rezoning requirement. They were explicit that they did not support applying additional criteria to the conditional use process; with regard to the options considered at the workshops, they were only in favor of requiring a rezoning for mining in the EAA.

In other comments, environmental representatives indicated that any use of additional criteria would need to be enforceable and should be rigorously and fully enforced. A concern about developing criteria without knowledge of the ultimate CERP footprint (where it goes) was also expressed. Several participants noted that the county already requires that nothing in the Comprehensive Plan can conflict with CERP and that any conditional approvals should refer to compatibility with CERP. Approving mines, another participant noted, should not be put on hold until CERP is complete.

Worksheet Four: Additional Study of Cumulative and/or Long-Term Impacts

Approach Description

Worksheet Four relates to a discussion point raised throughout the workshop series. That was the possibility of conducting a large-scale study of the cumulative and/or long-term impacts of rock mining in the EAA, including water quality impacts and the potential interaction of mining and future Comprehensive Everglades Restoration Plan (CERP) efforts. Such a study would also compile and evaluate existing science in addition to completed studies related to the subject. At various times, the study has been suggested as a county-sponsored study and as an Area-Wide EIS under the auspices of the Army Corps of Engineers. (A comment was that the Army Corps of Engineer's role was part of a current lawsuit.)

Participant Observations

Comments. Workshop participants shared the following concerns and thoughts:

- There are concerns about what would happen to mining in the short term while such a study of cumulative and long-range impacts is underway. Additional concerns include the timing and scope, including the specifics of what is looked at and the starting point, and who pays.
- An additional concern related to how information generated by such a study is validated and how it is used. Some participants suggested that such a study would be essential to inform decision-making.

Level of Support. Workshop participants were asked to indicate:

- Their level of support for moving forward with the concept of a study of the potential cumulative and long-range impacts of rock mining in the EAA. Environmental group representatives generally strongly supported such a study, while landowner and industry

participants indicated reservations or that such a study would not be acceptable without major clarifications or changes.

- How important it was that such a study be undertaken. On that point, the participants were evenly divided between those who indicated that they thought such a study was very important (a 5 on a scale of 5-1, with 5 the most important and 1 the least important) and those who thought that the study was not that important (a 2 on the scale of 5-1).

Summary of Next Actions

Because the workshop participants did not reach agreement on actions they could support, the next step will be to ask the BCC for direction. Prior to that, workshop participants will be given an opportunity to review a short summary highlighting their thinking. That summary will be included in a final report that summarizes the workshops and the results.

APPENDIX A: LIST OF May 18, 2011 WORKSHOP ATTENDEES
(listed on the next three pages)

APPENDIX B: WORKSHOP SERIES

The purpose of the workshop series is to explore and develop as much agreement as possible among stakeholders on whether changes are needed to Palm Beach County land use regulation addressing rock mining in the Everglades Agricultural Area, and if so, what those changes should be.

Workshop 1 (January 5, 2011)

- Review current Palm Beach County mining regulations, including applicable zoning requirements
- Identify considerations that should be taken into account when making decisions
- Identify potential new zoning strategies to address mining in the EAA

Workshop 2 (February 8, 2011)

- Review discuss and understand agency review processes and information used for rock mining applications in the EAA
- Review, refine and add to strategies suggested at Workshop 1
- Consensus-test identified strategies
- Establish “drafting group”

“Drafting Group” – 1st Meeting (March 2, 2011)

Workshop 3 (March 25, 2011)

- Discuss approaches to categories of criteria
- Provide additional input to “drafting group.”

Update to Board of County Commissioners (April 12, 2011)

“Drafting Group” – 1st Meeting (April 25, 2011)

Workshop 4 (May 18, 2011)

- Review and evaluate ideas identified in Workshops 1 -3 or developed by “drafting group”
- Consensus-test proposed draft
- Discuss and suggest refinements to proposed draft
- Consensus-test suggested refinements
- Revise proposed draft, if needed

APPENDIX C: AGENDA AND WORKSHEETS

Palm Beach County Workshop Series

Workshop 4: Strategies to Address Mining in The EAA

Objectives

- Review and discuss ideas developed by the “drafting group” or in earlier workshops in the series.
- Assess the kind and degree of support enjoyed by each idea, for the Palm Beach County Commission to consider when deciding next steps on this issue.

1:30 Welcome and introductions, agenda and workshop discussion guidelines review

Recap of Workshop process to-date

Recap of “drafting group” activities

1:45 Overview of current Palm Beach County process, criteria and practice for evaluation of mining applications in the EAA

2:00 Overview of ideas and items for consensus-testing

Discussion and consensus-testing

Potential approaches – Rezoning requirement

Potential approaches – Strengthening conditional use – additional detailed criteria

Potential approaches – Strengthening conditional use – additional broad criteria

Potential detailed criteria

Potential broad criteria

Break

3:00 Discussion and consensus-testing

Potential approaches – Retain current process

Potential approaches – Require comprehensive plan land use amendment

Preference rating (all five approaches)

Additional study of cumulative/long-term impacts

4:30 Next steps

5:00 Adjourn

WORKSHEETS

BACKGROUND AND INSTRUCTIONS

The ideas on the Worksheets have been drawn from discussion at previous workshops or from the work of the “drafting group”.

The purpose of today’s discussion is to give Workshop participants an opportunity to evaluate these ideas and to indicate the degree to which they support or have reservations about each one.

Overview of Worksheet Items for Discussion and Consensus-Testing

Worksheet 1—Potential Overall Approaches

1A Require Rezoning

1B Strengthened Conditional Use Process – Detailed Criteria

1C Strengthened Conditional Use Process – Broad Criteria

1D Retain Current Process

1E Require Comprehensive Plan Land Use Amendment

1F Preferences

Worksheet 2 – Potential Detailed Criteria

Worksheet 3 – Potential Broad Criteria

Worksheet 4 – Additional Study of Cumulative and Long-Range Impacts

Process

For each worksheet, we will:

- Review and clarify the idea or item;
- Discuss its advantages and disadvantages (starter lists are provided for some items, based on discussion at earlier workshops or in the drafting group), and anything else participants may wish to bring to the attention of the group or Commission regarding the item;
- Individually rate the support enjoyed by the item, compile the ratings, and note any additional reservations or comments about it;
- In some cases, individually indicate the importance of the item.

Ratings, comments, and key points of today’s discussion will be compiled in meeting report format for use by the Commission in making decisions about next steps.

WORKSHEET 1A

Potential Overall Approaches

REQUIRE REZONING

This approach would entail:

- Removing rock mining from the list of currently allowable uses in the County's Unified Land Development Code (ULDC) AP agricultural zoning classification
- Adding a new zoning classification to the ULDC specifically for mining
- Developing criteria for rezoning from AP to the new mining classification
- Requiring applicants for new mines to request rezoning to the new classification.
(Existing mines would automatically be assigned the new classification or grandfathered in.)

Pros	Cons

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

Other Reservations or Comments: _____

WORKSHEET 1B

Potential Overall Approaches

STRENGTHEN CONDITIONAL USE APPROACH — DETAILED CRITERIA

This approach would entail:

- Retaining the existing basic framework of conditional use approval for rock mines (i.e. retaining the presumption that mining is an appropriate use if the criteria can be met)
- Adding new criteria specific criteria or new detail to existing criteria for rock mine applications. For potential examples of additional specific criteria, see Worksheet 2.
- Consultant analysis may be required for criteria which staff does not have the expertise to evaluate

Pros	Cons

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

Other Reservations or Comments: _____

WORKSHEET 1C

Potential Overall Approaches

STRENGTHEN CONDITIONAL USE APPROACH — BROAD CRITERIA

This approach would entail:

- Retaining the existing basic framework of conditional use approval for rock mines. An applicant would need to meet only the current existing criteria to support an approval.
- Adding new broad criteria drawn from the current purpose statement. These criteria would address on long-term and cumulative environmental and water quality impacts, compatibility with surrounding land uses, and public welfare. (The purpose statement is deemed to be implemented by the criteria, and so is not currently used by staff to evaluate applications). For potential examples of broad criteria language, see Worksheet 3.
- Allowing opponents of the application to present evidence that the application does not meet the broad criteria.
- Establishing deadlines for submission of evidence supporting a denial, and for responses to that evidence.
- Stating in the ULDC that the Commission may deny an application for rock mining if it finds that these broad criteria have not been met, based upon evidence presented by opponents, regardless of the application's performance on the narrower existing criteria.

Pros	Cons

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5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

Other Reservations or Comments: _____

WORKSHEET 1D

Potential Overall Approaches

Note: This approach has been included at the request of some workshop participants, and in the interest of evaluating a complete range of options. It may not be within the core charge of the Palm Beach County Commission to this process.

RETAIN CURRENT PROCESS

This approach would entail:

- Retaining the existing framework of conditional use approval for rock mines (i.e. retaining the presumption that mining is an appropriate use if the criteria can be met)
- No changes to ULDC

Pros	Cons

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5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

Other Reservations or Comments: _____

WORKSHEET 1E

Potential Overall Approaches

Note: This approach has been included at the request of some workshop participants, and in the interest of evaluating a complete range of options. It may not be within the core charge of the Palm Beach County Commission to this process.

REQUIRE COMPREHENSIVE PLAN LAND USE AMENDMENT

This approach would entail:

- Removing rock mining from the list of currently allowable uses in the County’s Unified Land Development Code (ULDC) AP agricultural zoning classification
- Adding new land use criteria in the Comprehensive Plan specifically for mining
- Adding a new zoning classification to the ULDC specifically for mining
- Developing criteria for land use amendment and rezoning from AP to the new mining classification.
- Requiring applicants for new mines to request comprehensive plan land use amendment and rezoning to the new classification. (Existing mines would be grandfathered in.)

Pros	Cons

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

Other Reservations or Comments: _____

WORKSHEET 1F

Potential Overall Approaches

Please rank the following 3 overall approaches in order of preference by placing a 1, 2, or 3 next to each one (i.e. 1 would be your first choice, 2 your second choice, etc.).

REQUIRE REZONING _____

STRENGTHEN CONDITIONAL USE — DETAILED CRITERIA _____

STRENGTHEN CONDITIONAL USE — BROAD CRITERIA _____

Please rank the following 5 overall approaches in order of preference by placing a 1, 2, 3, 4 or 5 next to each one (i.e. 1 would be your first choice, 2 your second choice, etc.).

REQUIRE REZONING _____

STRENGTHEN CONDITIONAL USE — DETAILED CRITERIA _____

STRENGTHEN CONDITIONAL USE — BROAD CRITERIA _____

RETAIN CURRENT PROCESS _____

REQUIRE COMP PLAN LAND USE AMENDMENT _____

WORKSHEET 2

Potential Detailed Criteria

The following potential detailed criteria were developed by the environmental organization participants on the “drafting group.” These criteria are intended to be compatible with either a rezoning requirement (with or without a comprehensive plan land use amendment) or the variant of the strengthened conditional use approach oriented towards detailed criteria.

Potential Criteria

For properties where Type III excavations as established in the Unified Land Development Code are proposed, the following shall apply in addition to other applicable criteria in the ULDC:

- a. The approval shall not apply past the physical boundaries of the property requested for the specific mining project proposal.
- b. The property shall be located in an area that is suitable for mining based upon its geology, environmental impacts, potential impact on reasonably foreseeable future adaptive management options for the Comprehensive Everglades Restoration Plan and other regional water management projects, considering short and long-term impacts, and based upon, but not limited to, information available from the South Florida Water Management District the U.S. Army Corps of Engineers, and other state and federal agencies with management responsibilities over components of the Everglades ecosystem.
- c. Demonstration that excavation and operation of the proposed mine will be compatible with adjacent existing and future land uses; The determination of compatibility shall be based on, but not be limited to, an assessment of any negative impacts to surrounding land uses with regards to density, intensity, function, air quality, water quality, noise, traffic, aesthetics, vibrations, smoke, odors, radiation, property values, interference with ecosystem restoration goals, or any other land use conditions.
- d. Demonstration that excavation and operation of the proposed mine will be conducted in an environmentally sound manner, such as, but not limited to, depth restrictions and impacts on littoral zones, ground and surface water quality and quantity, distribution of dissolved chlorides, nutrients, heavy metals and other potentially harmful materials, or negative impacts existing and future wellfields and private wells.
- e. Demonstration that excavation and operation of the proposed mine will be performed to protect presumed and previously unidentified archeological sites, as defined in the Unified Land Development Code, from destruction until the site has been examined, cataloged and recorded, and the preservation status determined, pursuant to ULDC Sec.9.A.2.A.2.
- f. Demonstration that the property is geographically located to minimize distances to major transportation facilities to reduce impacts on roadways and residential neighborhoods, and shall not interfere with existing traffic patterns in the County.
- g. Mining activities will be limited to transportation routes which are primarily on roadways that are currently operating as major arterials or collectors which can withstand the effects of transporting the volume and weight of the extracted material.
- h. Demonstration of consistency with other applicable provisions in the Plan and the Code.

WORKSHEET 2

(Continued)

- i. Lands shall be granted approval only to support public roadway projects or agricultural activities or regional water management projects for the stated purpose of ecosystem restoration, regional water supply or flood protection, on sites identified by the South Florida Water Management District or the U. S. Army Corps of Engineers where such uses provide viable alternative technologies for water management. Demonstrated need for such materials for these projects within Palm Beach County must be provided and documented.

Reservations or Comments: _____

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

WORKSHEET 3

Potential Broad Criteria

Portions of the purpose and intent section of current ULDC provisions governing Type III excavations are reproduced below (Article 4.D of the ULDC). The introductory language and A, B, F, and I of Article 4.D have been suggested by landowner representatives on the “drafting group” as potential starting points for the development of broad criteria to be used as described in Worksheet 1c.

Excavation (Article 4.D) -- Section 1 Purpose and Intent

The purpose of this Chapter is to provide for the health, safety, and welfare of the residents of PBC by ensuring beneficial and sound land management practices associated with excavation and mining activities. To prevent a cumulative negative impact on PBCs natural resources and to achieve these goals, it is the intent of this Section to:

- A. ensure that mining and excavation activities do not adversely impact the health, safety, and welfare of the citizens of PBC;

- B. prevent immediate and long-term negative environmental and economic impacts of poor land development practices;

- F. protect existing and future beneficial use of surrounding properties from the negative effects of excavation and mining;

- I. ensure that excavation and mining activities and resulting mined lakes are not allowed to become public safety hazards, or sources of water resource degradation or pollution.

Reservations or Comments: _____

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

WORKSHEET 4

Additional Study of Cumulative and/or Long Term Impacts

Throughout the workshop series, participants have raised the possibility of conducting a large-scale study of the cumulative and/or long-term impacts of rock mining in the EAA, including water quality impacts, and the potential interaction of mining and future Everglades Restoration efforts. Such a study would also compile and evaluate existing science and already completed studies related to the subject. At various times, the study has been suggested as a County-sponsored study, and as an Area-Wide EIS under the auspices of the Army Corps of Engineers (ACOE).

Pros	Cons

Please rate your support for the concept of a study of the potential cumulative and long-range impacts of rock mining in the EAA.

5 – Strong Support. This is what I would do	4—Can support. May not be my first preference.	3 – Minor reservations. May be able to support, but need clarification or refinement first.	2—Major reservations. Not acceptable w/o major changes.	1—Not Acceptable.

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Please indicate how important you think it is that such a study be undertaken.

Very Important

Not Important

5

4

3

2

1

Who do you think should undertake the study?

Other Comments: _____
