

**PALM BEACH COUNTY WORKSHOP SERIES
STRATEGIES TO ADDRESS MINING IN THE EAA**

WORKSHOP 4

May 18, 2011

AGENDA

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

2:45 Break

3:00 Discussion and consensus-testing

Potential approaches – Strengthening conditional use – additional broad criteria
Potential approaches – Retain current process
Potential approaches – Require comprehensive plan land use amendment
Potential detailed criteria
Potential broad criteria
Additional study of cumulative/long-term impacts

4:30 Next steps

5:00 Adjourn

WORKSHOP GUIDELINES

Discussion Guidelines

- Say everything that needs to be said – concisely
- Balance participation
- Express and acknowledge differing views
- Ask questions and verify assumptions
- Seek shared understanding
- Be willing to explore solutions that address as many interests as possible
- Make sure recording is accurate
- Share in keeping to the agenda

Palm Beach County Staff Role

- Provide background information
- Serve as a resource – answer questions, provide clarification

The Facilitators' Role

- Help structure and guide discussions
- Help ensure that all perspectives have an opportunity to be heard
- Maintain an accurate record of group products
- Prepare the workshop report

Consensus or Acceptability Rating Scale

At various times in today's workshop, you may be asked to respond to ideas using the following scale.

- 5 Strong Support. This is what I would do.
- 4 I can support or accept this this, even though it might not be my first preference.
- 3 Minor reservations. I may be able to support or accept this, but I would like clarification or refinement of the idea first.
- 2 Major reservations. Not acceptable without significant changes.
- 1 Not acceptable

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

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

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

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.

WORKSHEET 2

(Continued)

- 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.
- 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.

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: _____

WORKSHOP 4

May 18, 2011

MEETING EVALUATION

Average rating using a 0 to 10 scale, where 0 means totally disagree and 10 means totally agree.

1. Please assess the overall meeting

- _____ The agenda packet was very useful.
_____ The background information and presentations were very useful.
_____ The objectives for the meeting were stated at the outset.
_____ Overall, the objectives of the meeting were fully achieved.

2. Do you agree that each of the following meeting objectives was achieved?

- _____ 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.

3. Please tell us how well the facilitators helped the participants engage in the meeting.

- _____ The facilitators made sure the concerns of all members were heard.
_____ The facilitators helped us arrange our time well.
_____ The members followed the direction of the facilitators.

4. Please tell us your level of satisfaction with the meeting?

- _____ Overall, I am very satisfied with the meeting.
_____ I was very satisfied with the services provided by the Facilitators.
_____ I am satisfied with the outcome of the meeting.

5. Please tell us how well the next steps were explained?

- _____ I know what the next steps following this meeting will be.
_____ I know who is responsible for the next steps.

6. What did you like best about the meeting?

7. How could the meeting have been improved?

8. Do you have any other comments that you would like to add (Please use back of form if needed)?