

RESOLUTION NO. R-2008- 0707

RESOLUTION APPROVING ZONING APPLICATION CA-2006-1930
(CONTROL NO. 2006-554)
CLASS A CONDITIONAL USE
APPLICATION OF RINKER MATERIALS CORPORATION
BY GREENBERG TRAUIG, PA, AGENT
(SOUTH BAY QUARRY)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application CA-2006-1930 was presented to the Board of County Commissioners at a public hearing conducted on April 24, 2008; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

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

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
3. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the

environment.

6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CA-2006-1930, the application of Rinker Materials Corporation, by Greenberg Traurig, PA, agent, for A Class A Conditional Use to allow a Type III B excavation in the Agricultural Production Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on April 24, 2008, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty moved for the approval of the Resolution.

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

Addie L. Greene, Chairperson	-	Absent
Jeff Koons, Vice Chair	-	Aye
Karen T. Marcus	-	Naye
Robert J. Kanjian	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Naye
Jess R. Santamaria	-	

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 24, 2008.

Filed with the Clerk of the Board of County Commissioners on 24th day of April, 2008.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

Description of Lease Tract - As Written by Surveyor:

A PORTION OF THE FOLLOWING DESCRIBED TRACT: (PARENT TRACT)

Being all of that part of Sections 23, 24, 25 and 36, Township 45 South, Range 36 East, lying North and East of the Northeasterly Right-of-Way line of the South Florida Water Management (formerly the Central & Southern Florida Flood Control District) North New River Canal Levee L-19 Right-of-Way

AND

Government Lots 2, 3, and 4 of Township 45 South, of the Hiatus between Ranges 36 and 37 East

AND

That part of Government Lot 5, Township 45 South, of the Hiatus between Range 36 and 37 East, lying North of the of the Westerly extension of the South line of Section 19, Township 45 South, Range 37 East and North and East of the Northeasterly Right-of-Way line of the aforesaid North New River Canal Levee L-19 Right-of-Way

AND

All of Sections 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, Township 45 South, Range 37 East

AND

The West one-half of Sections 19 and 30, Township 45 South, Range 38 East, and all of Sections 31, 32, 33, 34, 35, and 36, Township 45 South, Range 38 East

AND

That portion of Sections 31 and 32, Township 45 South, Range 39 East, lying South and West of the Southwesterly Right-of-Way line of the South Florida Water Management's (formerly the C. & S.F.F.C.D.) Hillsboro Canal Levee L-15 Right-of-Way

AND

All of the Hiatus Lots 1 thru 6 of the Hiatus between Township 45 and 46 South, Range 38 East, LESS AND NOT INCLUDING the South 5274 feet thereof and all of Hiatus Lot 6 of the Hiatus between Township 45 and 46 South, Range 39 East LESS AND NOT INCLUDING the south 5274 feet thereof and that part of Hiatus Lot 5 of the Hiatus between Township 45 and 46 South, Range 39 East, LESS AND NOT INCLUDING the South 5274 feet thereof, lying South and West of the Southwesterly Right-of-Way line of the aforementioned Hillsboro Canal Levee L-15 Right-of-Way.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (LEASE TRACT)

BEGINNING at a one (1) inch capped iron pipe stamped "LB 3411", said point being the intersection of the North Boundary of Section 31, Township 45 South, Range 39 East, and the Southwesterly Right-of-way Boundary of the L-15 Canal (also known as the Hillsboro Canal); thence departing said North Boundary, coincident with said Southwesterly Right-of-way Boundary for the following four (4) courses: 1.) thence S 35°12'02" E a distance of 4230.97 feet; 2.) thence S 35°18'43" E a distance of 2204.47 feet; 3.) thence S 35°18'44" E a distance of 3036.99 feet; 4.) thence S 35°24'03" E a distance of 1252.32 feet to a one (1) inch capped iron pipe stamped "LB 3411", said

point also being the intersection of said Southwesterly Right-of-way Boundary and the North Boundary of the South 5274.00 feet of Hiatus Lot 5, said Hiatus Lot lying and being between Township 45 South, Range 39 East, and Township 46 South, Range 39 East; thence departing said Southwesterly Right-of-way Boundary coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, S 89°35'18" W a distance of 4890.40 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, with the West Boundary of said Hiatus Lot 5, also being the East Boundary of Hiatus Lot 6, said Hiatus Lot 6 lying between Township 45 South, Range 39 East, and Township 46 South, Range 39 East, thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 5, S 89°35'18" W a distance of 84.18 feet to a point coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 6; thence departing the North Boundary of the South 5274.00 feet of Hiatus Lot 5 coincident with the North Boundary of the South 5274.00 feet said Hiatus Lot 6, S 89°38'08" W a distance of 5190.99 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 6 with the West Boundary of said Hiatus Lot 6, also being the East Boundary of Hiatus Lot 1, said Hiatus Lot 1 lying between Township 45 South, Range 38 East, and Township 46 South, Range 38 East; thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 6, S 89°38'08" W a distance of 85.41 feet to a one (1) inch iron rod; said point also being coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 1; thence departing the North Boundary of the South 5274.00 feet of Hiatus Lot 6 coincident with the North Boundary of the South 5274.00 feet said Hiatus Lot 1, S 89°35'52" W a distance of 5197.94 feet to the intersection of the North Boundary of the South 5274.00 feet of said Hiatus Lot 1, and the West Boundary of Hiatus Lot 1; thence continuing coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 1, S 89°35'52" W a distance of 88.20 feet to a point coincident with the North Boundary of the South 5274.00 feet of Hiatus Lot 2; said Hiatus Lot 2 lying between Township 45 South, Range 38 East, and Township 46 South, Range 38 East; thence departing the North Boundary of the South 5274.00 feet of said Hiatus Lot 1 coincident with the North Boundary of the South 5274.00 feet of said Hiatus Lot 2, S 89°37'01" W a distance of 5196.61 feet to a point coincident with the West Boundary of said Hiatus Lot 2; thence departing the North Boundary of the South 5274.00 feet of said Hiatus Lot 2 coincident with the West Boundary of said Hiatus Lot 2, N 00°33'06" E a distance of 3568.32 feet to the Northwest corner of said Hiatus Lot 2, also being the Southwest corner of Section 35, Township 45 South, Range 38 East; thence departing the West Boundary of said Hiatus Lot 2 coincident with the West Boundary of said Section 35, N 00°01'10" E a distance of 5173.49 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 34, Township 45 South, Range 38 East; thence departing the West Boundary of said Section 35 coincident with line paralleling the North Boundary of said Section 34, S 89°53'14" W a distance of 5279.77 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 33, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 34 coincident with the line paralleling the North Boundary of said Section 33, N 89°59'05" W a distance of 5279.86 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 32, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 33 coincident with the line paralleling the North Boundary of said Section 32; S 89°51'32" W a distance of 5283.35 feet to a point coincident with a line 100.00 feet South of, and parallel with the North Boundary of Section 31, Township 45 South, Range 38 East; thence departing line paralleling the North Boundary of said Section 32 coincident with the line paralleling the North Boundary of said Section 31; S 89°53'59" W a distance of 4533.07 feet to a tangent curve concave to the Northeast; said curve having a radius of 575.00 feet, a delta angle of 89°54'35", subtended by a chord bearing N 45°08'43" W, for a distance of 812.53 feet; thence coincident with said curve a distance of 902.30 feet to a point of tangency; thence N 00°11'26" W a distance of 4408.38 feet to a tangent curve concave to the Southwest; said curve having a radius of 575.00 feet, a delta angle of 89°59'13", subtended by a chord bearing N 45°11'02" W, for a distance of 813.08 feet; thence coincident with said curve a distance of 903.08 feet to a point of tangency; thence S 89°49'21" W a distance of 4884.65 feet; thence S 89°44'35" W a distance of 5280.62 feet; thence S 89°44'45" W a distance of 6379.19 feet to a tangent curve concave to the

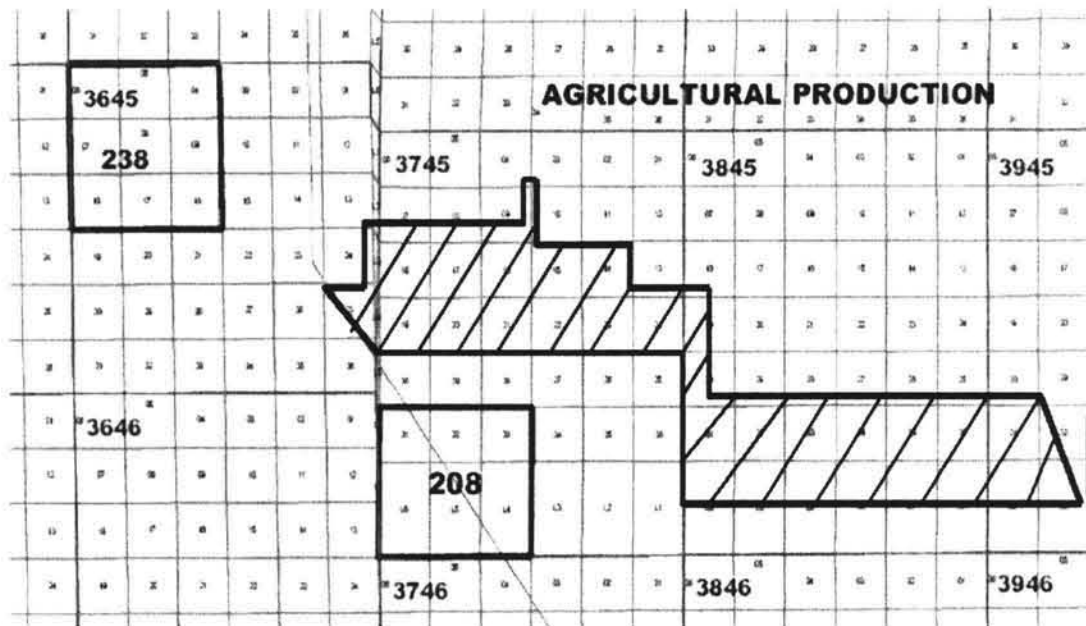
Northeast; said curve having a radius of 575.00 feet, a delta angle of 90°00'00", subtended by a chord bearing N 45°15'15" W, for a distance of 813.17 feet; thence coincident with said curve a distance of 903.21 feet to a point of tangency; thence N 00°15'15" W a distance of 1868.32 to a point coincident with a line 50.00 feet South of and parallel with the centerline of a limerock road that lies North of an East-West canal; thence coincident with line paralleling said limerock road for the following three (3) courses: 1.) S 89°56'14" W a distance of 13902.64 feet to a tangent curve concave to the Southeast; said curve having a radius of 200.00 feet, a delta angle of 34°26'06", subtended by a chord bearing S 72°43'11" W, for a distance of 118.40 feet; 2.) thence coincident with said curve a distance of 120.20 feet to a point of tangency; 3.) thence S 55°30'07" W a distance of 1964.13 feet to the Northeasterly Right-of-way Boundary of the L-19 canal; thence departing said parallel line coincident with said Northeasterly Right-of-way Boundary, N 35°20'11" W a distance of 400.04 feet; thence N 55°30'07" E a distance of 300.03 feet to a point coincident with a line 300.00 feet Northeast of, and parallel with said Northeasterly Right-of-way Boundary; thence coincident with said parallel line, S 35°20'11" E a distance of 300.03 feet a point coincident with a line 50.00 feet North of and parallel with the centerline of a limerock road that lies North of an East-West canal; thence coincident with line paralleling said limerock road for the following three (3) courses: 1.) departing said parallel line N 55°30'07" E a distance of 1665.57 feet to a tangent curve concave to the Southeast; said curve having a radius of 300.00 feet, a delta angle of 34°26'06", subtended by a chord bearing N 72°43'11" E, for a distance of 177.60 feet; 2.) thence coincident with said curve a distance of 180.30 feet to a point of tangency; 3.) thence N 89°56'14" E a distance of 13902.31 feet; thence departing said parallel line, N 00°15'15" W a distance of 8540.65 feet to a tangent curve concave to the Southeast; said curve having a radius of 575.00 feet, a delta angle of 90°09'37", subtended by a chord bearing N 45°20'04" W, for a distance of 814.31 feet; thence coincident with said curve a distance of 904.82 feet to a point of tangency; said point of tangency also being coincident with a line 124.00 feet South of, and parallel with the North Boundary of the King Ranch Tract; thence coincident with said parallel line for the following three (3) courses: 1.) thence S 89°35'08" W a distance of 3010.31 feet; 2.) thence S 89°37'01" W a distance of 5279.02 feet; 3.) thence S 89°45'16" W a distance of 5308.21 feet to a point coincident with the East Boundary of a Hiatus Lot 3 lying East of Section 24, Township 45 South, Range 36 East, and a line 124.00 feet South of, and parallel with the Easterly projection and the North Boundary of said Section 24; thence coincident with said parallel line, N 89°43'29" W a distance of 5937.85 feet to a point coincident with the East Boundary of Section 23, Township 45 South, Range 36 East, and a line 124.00 feet South of, and parallel with the North Boundary of said Section 23; thence departing line parallel to the North Boundary of said Section 24 coincident with the line parallel with the North Boundary of said Section 23, S 89°41'29" W a distance of 728.22 feet to the East Right-of-way Boundary of the L-19 Canal; thence departing said parallel line coincident with said East Right-of-way Boundary, N 01°15'44" W a distance of 60.01 feet to the North Boundary of the King Ranch Tract; thence departing said East Right-of-way Boundary coincident with the North Boundary of said King Ranch Tract for the following ten (10) courses: 1.) N 89°41'31" E a distance of 136.00 feet; 2.) thence S 00°18'32" E a distance of 13.00 feet; 3.) thence N 89°41'28" E a distance of 47.00 feet; 4.) thence N 00°18'32" W a distance of 13.00 feet; 5.) thence N 89°41'28" E a distance of 546.52 feet; 6.) thence S 89°43'29" E a distance of 5937.03 feet to the East Boundary of the Hiatus Lot lying East of Section 24, Township 45 South, Range 36 East; 7.) thence coincident with the East Boundary of said Hiatus Lot, N 00°16'31" E a distance of 64.00 feet; 8.) thence departing the East Boundary of said Hiatus Lot, N 89°45'16" E a distance of 5308.06 feet; 9.) thence N 89°37'01" E a distance of 5278.84 feet; 10.) thence N 89°35'08" E a distance of 2946.17 feet to a tangent curve concave to the Southwest; said curve having a radius of 738.99 feet, a delta angle of 90°09'37", subtended by a chord bearing S 45°20'04" E, for a distance of 1046.55 feet; thence departing the North Boundary of said King Ranch Tract coincident with said curve a distance of 1162.87 feet to a point of tangency; thence S 00°15'15" E a distance of 8570.02 feet; thence S 00°15'15" E a distance of 1898.78 feet to a tangent curve concave to the Northeast; said curve having a radius of 475.00 feet, a delta angle of 90°00'00", subtended by a chord bearing S 45°15'15" E, for a distance of 671.75 feet; thence coincident with said curve 746.13 feet to a point of tangency; thence N 89°44'45" E a distance of 6379.19 feet; thence N 89°44'35" E a distance of

5280.69 feet; thence N 89°49'21" E a distance of 4884.72 feet to a tangent curve concave to the Southwest; said curve having a radius of 675.00 feet, a delta angle of 89°59'13", subtended by a chord bearing S 45°11'02" E, for a distance of 954.48 feet; thence coincident with said curve a distance of 1060.13 feet to a point of tangency; thence S 00°11'26" E a distance of 4408.38 feet to a tangent curve concave to the Northeast; said curve having a radius of 475.00 feet, a delta angle of 89°54'35", subtended by a chord bearing S 45°08'43" E, for a distance of 671.22 feet; thence coincident with said curve a distance of 745.38 feet to a point of tangency, said point of tangency being coincident with the North Boundary of Section 31, Township 45 South, Range 38 East; thence coincident with the North Boundary of said Section 31, N 89°53'59" E a distance of 4533.03 feet to the Northwest corner of said Section 32, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 31 coincident with the North Boundary of said Section 32, N 89°51'32" E a distance of 5283.45 feet to the Northwest corner of said Section 33, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 32 coincident with the North Boundary of said Section 33, S 89°59'05" E a distance of 5279.89 feet to the Northwest corner of said Section 34, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 33 coincident with the North Boundary of said Section 34, N 89°53'14" E a distance of 5279.89 feet to the Northwest corner of said Section 35, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 34 coincident with the North Boundary of said Section 35, N 89°53'38" E a distance of 5281.21 feet to the Northwest corner of said Section 36, Township 45 South, Range 38 East; thence departing the North Boundary of said Section 35 coincident with the North Boundary of said Section 36, N 89°52'23" E a distance of 5278.59 feet to the Northwest corner of said Section 31, Township 45 South, Range 39 East; thence departing the North Boundary of said Section 36 coincident with the North Boundary of said Section 31, N 89°31'00" E a distance of 3943.39 feet to a one (1) inch capped iron pipe labeled "L.B. #3411", said point being the POINT OF BEGINNING.

Containing an area of 164381150.56 square feet, 3773.672 acres more or less.

EXHIBIT B
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2006-1930
Zoning Quad None assigned


NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Board of County Commissioners. The approved site plan is dated June 25, 2007. All modifications must be approved by the Board of County Commissioners or Zoning Commission unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (DRO: ZONING - Zoning)
2. Reconfiguration of the site plan necessary to comply with State or Federal permitting requirements or relocation of accessory concrete asphalt or batch plants shall be permitted subject to DRO approval. (DRO: ZONING - Zoning)

ACCESS

1. The site shall be limited to one vehicular access point on to US Hwy 27. (ONGOING: CODE ENF - Zoning)

BLASTING

1. The property owner shall comply with the following blasting regulations:

BLASTING REGULATIONS

Method of Extraction

METHOD	IMPACT
Processing of material	At identified Rock Plant Sites pursuant to DEP Lime Rock Processing Permit
Storage of material	On site pursuant to plans
Hauling operation	24 Hours 7 Days a week by Rail only: Max 10% by Truck pursuant to Traffic approvals and Haul Permit
Time of blast	Between 10 am 5 pm daily, excluding Saturday, Sunday and legal holidays
Blasting schedule	Subject to State Fire Marshall standards
Established noise and vibration	Subject to State Fire Marshall Standards
Compatibility study by consultant	N/A- Property surrounded by applicant-owned property and sugar cane fields. All required setbacks and separation provided as required by ULDC. (ONGOING: CODE ENF - Zoning)

DRI

1. No subphase shall exceed one-hundred (100) acres of land per year. (ONGOING: CODE ENF- Zoning)

ENGINEERING

1. The Property owner shall construct:
 - a) left turn lane east approach on the projects facility entrance at US 27
 - b) left turn lane north and a right turn lane south approach on US 27 at the project entrance
 - c) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
 - d) Permits required by Palm Beach County shall be obtained prior to the issuance of the Building Permit (BLDG PERMIT: MONITORING-Eng)
 - e) Construction shall be completed prior to the issuance of the first Certificate of Completion . (CO/MONITORING:ENG-Eng)
2. SIGNALIZATION REQUIRMENTS
 - a) The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at project entrance and US 27. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation. Funds in the form of a cash bond or escrow agreement shall be provided to the Traffic Division in an amount as determined by the Director of the Traffic Division prior to January 1, 2008. (BLDG PERMIT:MONITORING-Eng).
 - b) In order to request release of the surety for the traffic signal, the Property Owner shall provide written notice to the Traffic Division stating that the excavation has ceased and the property owner is requesting that a final signal warrant study be conducted. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. (ONGOING: ENG-Eng)

ENVIRONMENTAL

1. Prior to final plan approval by the Development Review Officer (DRO), the property owner and/or applicant shall provide a Phase I or Phase II Audit, for all portions of this application that may have stored or utilized regulated substances currently or have in the past . The Phase 1 or Phase II Audit shall be determined by ERM whichever is deemed most appropriate.(DRO: ERM-ERM)
2. The property owner shall report to the Environmental Resources Management on January 31, 2009, and on an annual basis verifying that there will be no off site discharge from the property during a 25 year, three day storm event, either during or post construction into adjacent canal system. (DATE: ERM -ERM)
3. If the proposed excavation exceeds the depth standards of Article 4.D, the property owner shall request a waiver pursuant to the requirements of Article 4.D.9. of the Unified Land Development Code prior to final approval by the Development Review Officer (DRO). (DRO: ERM-ERM)
4. Prior to final approval by the Development Review Officer (DRO), the property owner shall verify to Environmental Resources Management the complete separation of the farm field agricultural activities from the industrial mining/ excavation activities. (DRO: ERM-ERM)
5. Prior to final approval by the Development Review Officer (DRO), the property owner shall obtain an Environmental Resource Permit from the Florida Department of Environmental Protection, which provides a monitoring program for chorides acceptable to the Department of Environmental Resources Management. (DRO: ERM-ERM)

6. Commencing on April 30th, 2009, a natural resource extraction fee shall be provided annually for this mining operation from the operators of the mine or its successors. The basis for the extraction fee shall be calculated at \$.05 per ton of material sold from the mine. The tonnage shall be calculated at the end of each calendar year with the information provided to ERM by January 31 of the succeeding year with the payment of \$.05 per ton provided by February 15. To receive these funds, ERM shall set up a separate account for natural resource extraction fees.

The funds shall be used for environmental enhancement activities, which include, but are not limited to: Purchase land; restore land to a more natural state; and, enhance the flora and fauna of already preserved natural areas. The natural resources extraction fee shall escalate annually at the rate prescribed by Section 373.41492(5) as amended, of the Florida Statutes. In the event the legislature of the State of Florida or the County imposes, by legislation, ordinance, or other means, an extraction fee, tax, or charge, then this natural resources extraction fee shall be reduced by the same amount. (DATE: MONITORING-ERM)

7. During the Notice of Intent to Construct (NIC) application process, the property owner and or the operator of the mining facility shall provide a Chloride Monitoring Plan acceptable to ERM that includes exploratory monitoring, monitoring for lakes, and daily monitoring during construction.
 - a. Should chloride levels exceed 250 ppm in any one sample during exploratory monitoring, the operator shall submit to ERM within 30 days for review and approval, a plan to address the exceedance. The Chloride Management Plan may include increased monitoring prior to excavation to isolate areas with exceedances, not mining in the affected cell, not mining certain areas previously approved for mining or not mining certain areas to the depth previously approved.
 - b. As part of the Notice of Intent to Construct Approval (NIC), the operator is to monitor each lake to ensure that chlorides do not exceed 250 ppm. In the event that the monitoring data for the lake as evaluated by a mixing analysis, exceeds 250 ppm, the operator shall submit for ERM's review and approval within 30 days a remediation plan for the affected lake. The mixing analysis is to provide for reasonable assurances and shall be based on a protocol acceptable to ERM. Possible remedial actions may include, but is not limited to, additional monitoring at new locations, more frequent monitoring, restrictions on mining depth or on mining locations, cessation of mining in the affected lake or suspension or revocation of the NIC with restoration. The remediation plan shall include provisions for lowering the chloride level in the affected cell and/or isolating the affected cell from surface and subsurface movement of chlorides. (ONGOING: ERM-ERM)
8. If the DEP permit is not issued within 3 years (May 1, 2011) of the BCC approval the application shall be scheduled for a BCC hearing for consideration. (DATE: MONITORING/ERM-ERM)

HEALTH

1. Prior to the issuance of the first building permit, the property owner shall apply and obtain a construction permit for an onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 64E-6, FAC, and Palm Beach County ECR-I. (BLDG PERMIT: HEALTH -Health)
2. Prior to the issuance of the first building permit, the property owner shall submit an application and engineering plans for approval of an onsite drinking water system by the Palm Beach County Health Department in accordance with Chapter 64E-8 and Palm Beach county ECR-II. (BLDG PERMIT: HEALTH -

Health)

3. The property owner shall utilize Best Management Practices to minimize breeding of mosquitoes in the surface water management system. Management of the system shall include control methods that minimize the need for aerial spraying and reduce potential impacts of mosquito control activities on the surrounding natural areas. (ONGOING: CODE ENF-Health)

LANDSCAPE STANDARD

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan or an Alternative Landscape Plan to the Landscape Section for review and approval. The Plan shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING- ANCILLARY USE PARCELS

2. Landscaping along the property lines for the west frontage parcel and the 64 acre ancillary use parcel on the east (for portions not affected by the right of way landscape buffer conditions.)

Landscape buffer width along the above referenced parcels, except where other more restrictive conditions apply, shall be upgraded to include:

- a. A minimum ten (10) foot wide compatibility landscape buffer strip. No width reduction or easement encroachment shall be permitted
- b. One (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters.
- c. Perimeter landscaping shall be installed prior to the building permit approval for the ancillary parcels. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF SR 827)

3. Landscaping along the south 7260 feet of the east property line(abutting L-15 Canal and SR 827 frontage), and shall be upgraded to include:
 - a. A minimum one hundred (100) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous minimum eight (8) feet high berm graded at a 3:1 slope and shall be subject to FP&L guidelines;
 - c. The plateau of the berm shall include canopy trees planted fifteen (15) feet on center with fifty (50) percent of the trees a minimum fourteen (14) feet high;
 - d. All berm slopes shall be planted with native grasses and ground cover; and
 - e. The landscape buffer shall be installed within one year of commencement of excavation activity. (BLDG PERMIT: LANDSCAPE - Zoning)

LANDSCAPING ALONG THE WEST PROPERTY LINE (FRONTAGE OF US HWY 27)

4. Landscaping along the 400 feet of the west property line, (abutting US HWY 27 frontage), shall be upgraded to include:
 - a. A minimum thirty (30) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
 - b. A continuous minimum four (4) feet high berm graded at a 3:1 slope and shall be subject to FP&L guidelines;
 - c. The plateau of the berm shall include a double row of canopy trees planted fifteen (15) feet on center with fifty (50) percent of the trees a minimum fourteen (14) feet high;

- d. All berm slopes shall be planted with native grasses and ground cover; and,
- e. The landscape buffer shall be installed within one year of commencement of excavation activity. (BLDG PERMIT: LANDSCAPE - Zoning)

PERIMETER RECLAMATION AREA

- 5. Prior to final site plan approval by the Development Review Officer (DRO) the applicant shall provide a final reclamation plan with a 180-foot setback and upland buffer along the north, south, and west property lines. (DRO: Zoning-Landscape)

MONITORING - ZONING

- 1. The Excavation Activity Monitoring Report required by Section 7.6.H.5.a. of the ULDC shall be submitted to the Zoning Division and Environmental Resources Management Department annually by January 31st. (DATE: ZONING/ERM - Zoning)
- 2. The property owner shall submit a five (5) year monitoring report setting forth the ongoing status of the project to ensure consistency with the Board of County Commissioners' approval, in a form to be determined by the Zoning Director. The report shall include the last five (5) year site activities, with the first such report due January 31st, 2012, and again every five years subsequent. The Zoning Director shall prepare a report to the BCC and, if deemed necessary, will schedule an Administrative Inquiry. (DATE: MONITORING - Zoning)
- 3. The Maintenance and Monitoring Report of Reclaimed Areas required by Article 4.D.8.E of the ULDC shall be submitted to the Environmental Resources Management Division starting on January 31, 2011 and submitted annually thereafter until completion of the excavation activity and reclamation of the site. The report shall include an "As Built" survey for the lake being excavated at the same scale as the approved site plan, delineating the excavation boundaries of the excavaton for the current year and previous year activity to verify compliance with the DRI Thresholds and Mining Phasing Plan. (DATE: MONITORING - ERM/Zoning)

MONITORING - PLANNING

- 4. Should any archaeological artifacts be uncovered during development or soil disturbing activity, excavation shall halt, the County Archaeologist contacted and allowed to comment on the significance of the find as provided for in Article 9 of the ULDC. (ONGOING: PLANNING-Planning)
- 5. All potential areas containing Calcrete shall be identified, with the findings provided to the County Archaeologist, prior to Final Site Plan approval. (DRO: PLANNING-Planning)
- 6. All areas with identified Calcrete shall adhere to the specific conditions outlined within the Certificate To Dig issued by the County Archaeologist. (ONGOING: PLANNING-Planning)
- 7. The property owner shall obtain the services of a professional archaeologist to monitor the mechanical removal of muck soils for any areas within phases identified in the approved Certificate to Dig. The County Archaeologist is to be notified in writing within two working days prior to removal of muck soils in those identified areas. (ONGOING: PLANNING-Planning)
- 8. Prior to issuance of building permits or commencement of excavation activities, the property owner shall provide a copy of applicable governmental permits associated with the proposed mining activities. (BLDGPERMIT: PLANNING-Planning)

9. Starting the year excavation activities commence, within 30 days of January 31st of that year, and every year thereafter, the property owner shall submit an annual report to the Planning Director and Development Review Officer (DRO) that shall demonstrate compliance with the requirements of Future land Use Element (FLUE) Policy 2.3-e.3 regarding permitted mining and excavation activities within the Agricultural Production (AP) Future land Use (FLU) designation. The document shall contain the following as applicable:
 - a) Status of each phase of the operation.
 - b) Total tonnage sold from the site and associated tonnage fee paid to ERM.
 - c) Documentation as to FDOT certification of quarry status and that the intended use of the material complies with the County requirements.
 - d) Status of compliance with conditions contained within Resolution
 - e) Status of compliance with SFWMD and DEP permits. Copies of all modifications to permits shall be submitted in their entirety to PBC Planning, Land Development and ERM. (ONGOING: PLANNING-Planning)
10. Upon completion of each phase submit the following documents where applicable:
 - a) Should the reclaimed mined area be used for agricultural activities associated with flood control or irrigation submit an executed binding agreement, or other such documentation as approved by the County Attorney's office, between the property owner and the lessee describing how the use of the area will be for agricultural purposes and submit a copy of the modified SFWMD Water Resource Permit demonstrating the use of the area for agricultural activities associated with flood control and or irrigation.
 - b) Should the mined reclamation area be used, with consent of the property owner, for water management projects associated with ecosystem restoration, regional water supply, flood protection or other such projects in direct association with the SFWMD, ACOE, DEP or other applicable governmental agency, submit either a copy of an executed binding agreement with the subsequent agency illustrating the use of the reclaimed areas within the proposed project or a copy of the deed transferring the reclaimed area to the subsequent agency. (ONGOING: MONITORING-Planning)
11. Should any permits associated with the requested mining operations be found in violation, revoked, suspended or otherwise nullified, the county shall be notified within 15 working days. Should compliance not be achieved or a consent/settlement agreement not be executed within 120 working days of notification, the Development Order shall be brought to the Board of County Commissioners for further review at which time they may require operations to cease or take other appropriate action. (ONGOING-MONITORING-Planning)

PHASING

1. A maximum of one phase shall be in active excavation at any time. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Freestanding point of purchase signs fronting on US Hwy 27 shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 100 square feet;

- c. Maximum number of signs - one (1); and
- d. Style - monument style only. (CO: BLDG - Zoning)

USE LIMITATIONS

1. All uses shall not exceed 50 dBA as measured in the Performance standards of Article 5.E.3. of the ULDC. Noise shall be measured from the residential property line closest to the area under excavation. (ONGOING: CODE ENF - Zoning)
2. Stock piles of rock or other material shall not exceed a maximum height of hundred (100) feet from the undisturbed average finished grade. (ONGOING: CODE ENF- Zoning)
3. The west 2.75 acre frontage parcel adjacent to US HWY 27 shall be limited to parking and offices uses. No aggregate storage or excavation shall be permitted on this location. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In granting this approval, the Zoning Commission relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:
 - a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or
 - b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or
 - d. Referral to code enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or a Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Article 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Departmental administrative actions made pursuant to this condition may be appealed as provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of a Conditional Use, Type II Variance, Development Order Amendment or other actions based on a Zoning Commission decision shall be by petition for writ of certiorari to the Circuit Court, Appellate Division, 15th Judicial Circuit of Florida. (ONGOING: MONITORING - Zoning)

This resolution will become effective when filed with the Clerk of the Board of County Commissioners.