Agenda Item #: 6C-2

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 15, 2008		[] []	Consent Workshop	[X] []	Regular Public Hearing	
Department:	Planning, Zoning & Building Department					
Submitted By:	Planning, Zoning & Building Department					
Submitted For:	I For: Planning, Zoning & Building Department/Environmental Resource Management					

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: a conceptual enhanced mining review process and direct staff to bring the process to the BCC for final approval.

Summary: County staff and BCC have been attempting to find an acceptable way to review pending mining applications to ensure that the impacts can be addressed before Conditional Use approval is given. Consistent with prior direction to have South Florida Water Management District (SFWMD) technical review prior to making a staff recommendation, staff is recommending a process be developed with Department of Environmental Protection (DEP) to do a review, to be defined and agree to, which would be required before Development Review Officer (DRO) certification. District 6 (RB)

Background and Policy Issues: Mining is permitted in the EAA subject to a Conditional Use approval. Criteria in the Unified Land Development Code (ULDC) to approve a Conditional Use, requires a determination that the design minimizes any adverse or environmental impacts. County staff does not have the expertise to make those determinations on mines. An enhanced review prior to petition certification by DEP would allow the project to be evaluated appropriately. DEP has regulatory authority over mine permitting for water quality and wetlands issues, and can also request SFWMD input on CERP and other concerns.

Attachments:

Proposed Steps and Process for Enhanced Mining Review

Recommended by: Data atta

xecutive Director

1/10/08 Date 1/11/08

Approved By:

County Administrator

II. FISCAL IMPACT ANALYSIS

A.	Five	Year	Summary	of	Fiscal	Impact:
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Fiscal Years	20 <u>08</u>	20_09	20 <u>10</u>	20 <u>11</u>	20 <u>12</u>
Capital Expenditures Operating Costs External Revenues Program Income (County In-Kind Match (County) NET FISCAL IMPACT	/)				
# ADDITIONAL FTE POSITIONS (Cumulative Is Item Included In Curre Budget Account No.:		ALCOHOLD AND A REAL PROPERTY A REAL PROPERTY A REAL PROPERTY AND A	 No t Un	 iit Obj	 ect
		Program _		1.000000000000000000000000000000000000	

Β. **Recommended Sources of Funds/Summary of Fiscal Impact:**

No Fiscal Impact

C. Departmental Fiscal Review:

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III. REVIEW COMMENTS

OFMB Fiscal and/or Contract Dev. and Control Comments: DEP will not charge the County for their services. A.

10/08 OFMB 108

yop ract Dev. and

Β. Legal Sufficiency:

Assistant County Attorney

Other Department Review: C.

Department Director

U:Exec/BCCitems/Mining01152008

Proposed Steps and Process for Enhanced Mining Review

- 1. Work with DEP to define preliminary review issues and criteria
 - This would be a preliminary review to identify any fatal flaws
 - Review would be required before DRO certification of a mining application
 - Identify what would occur if a major or minor problem is revealed through the review
- 2. Ask other identified parties to provide written input into preliminary review issues to be included in agreement with DEP.
- 3. Bring agreement with DEP to BCC for final approval by April 15, 2008
- 4. This process will not be required of petitions currently certified by DRO.
- 5. Initiate ULDC amendments to codify process
 - May include "use it or be reviewed" criteria specifically for mines
 - Review of regional transportation issues
- 6. Continue looking at additional criteria, if appropriate, to be applied to future mining applications