

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: April 12, 2011 Consent Regular
 Workshop Public Hearing

Department: Planning, Zoning and Building

Submitted By: Zoning Division

Submitted For: Zoning Division

I. EXECUTIVE BRIEF

Motion and Title: Mining Update

Summary: In accordance with BCC direction and facilitation contract with Rafael Montalvo, James Murley and Jean Scott, three public workshops have been held. Representatives of the landowners, mining operators and the environmental community along with other interested parties have participated with the goal of reaching some consensus on land development regulations to provide the BCC with additional discretion when reviewing applications for commercial mines. This workshop will provide an update on those public meetings. After this meeting, a fourth and final public workshop is planned. Subsequent to that, staff will present a final report to the BCC. Unincorporated (RB)

Background and Policy Issues: After the approval of several new mining operations in the Everglades Agriculture Area (EAA), the BCC directed staff to hold a series of meetings with interested parties to try to reach consensus on how best to review and consider the applications for approval of new mines. The facilitators were contracted to conduct these workshops to develop, if possible, additional or new procedures or criteria. To date, three workshops have been held. These workshops have consisted of presentations of county staff and state and federal staff as to review procedures and criteria that are evaluated followed by participant's discussion and feedback. There has been significant input from participants and some beginnings of consensus testing.

Attachments:

1. Memo from Rafael Montalvo
2. Attendance lists and agendas for January 5, 2011, February 8, 2011 and March 25, 2011

Recommended by:	Executive Director	Date
Approved By:	 Deputy County Administrator	4/5/2011 Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>20 11</u>	<u>20 12</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<i>* See Below</i>	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____
Is Item Included In Current Budget?	Yes _____	No _____			
Budget Account No.:	Fund _____	Department _____	Unit _____		
	Object _____	Reporting Category _____			

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* There is no funding or fiscal impact associated with this Workshop item.

C. Departmental Fiscal Review:

Barbara Altman by Walt Stubb

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature]

 WS 4-5-11
 OFMB 5/2 4/5/11
 4/4/11 JT

[Signature]

 Contract Dev. and Control 4/16/11

B. Legal Sufficiency:

[Signature]

 Assistant County Attorney

C. Other Department Review:

 Department Director

MEMORANDUM

TO: Palm Beach County Board of County Commissioners
FROM: Rafael A. Montalvo, FCRC Consensus Center
DATE: March 31, 2011
RE: Update on EAA Mining Workshop Series

This memo provides an update on the activities and status of the series of workshops requested by the Board of County Commissioners (BCC) on rock mining in the County's portion of the Everglades Agricultural Area (EAA). The BCC contracted with the FCRC Consensus Center for design and facilitation of the workshops to explore whether stakeholders could identify and agree on refinements to the County's zoning or other Unified Land Development Code provisions related to mining in the EAA.

While no agreement or consensus has yet emerged in the workshops, participants have identified a number of possible approaches and are still actively engaged in evaluating those. This memo summarizes workshop series activities to-date and the current status of discussions. More extensive treatment of discussions at the workshops can be found in the Meeting Summary for each. (The summaries and other workshop series material are available at <http://www.pbcgov.com/pzb/> under *Mining Workshops*).

ACTIVITIES TO-DATE

As of March 25, three workshops had been held. After the second workshop a "drafting group," comprised of volunteers representing a sampling of the range of perspectives among participants, has been working to develop more detailed "straw materials" to bring back to the full workshops for consideration.

Workshop and Drafting Group Topics

Workshop 1 (January 5, 2011) – The first workshop began with presentations outlining the history of the issue and events leading to the workshop series. After the presentations, participants identified considerations that should be kept in mind by anyone seeking to make good decisions on the issue of mining in the EAA. The workshop concluded with a quick brainstorming of potential strategies for improving decisions. Common themes in the discussion included the questions of whether sufficient information is available about the immediate and long-term impacts of mining, the relationship of mining to current and future Everglades restoration efforts, the adequacy and relationship to each other of agency and local government reviews of applications for proposed mines, and what should be the process and criteria for making decisions about mining. A wide range of perspectives was offered on each of those topics.

Workshop 2 (February 8, 2011) – In response to requests for additional information at Workshop 1, the first part of Workshop 2 focused on presentations about the processes and information used by permitting agencies in their review of mining applications in the EAA. The purpose of the presentations was to help participants develop a shared

understanding of current review processes. Presenters included representatives of: FDEP, SFWMD, Palm Beach County ERM, ACOE, Palm Beach County Health Department, FFWC, and the State Fire Marshal. After the presentations, participants discussed in more depth a range of strategies suggested at Workshop 1. Among the more extensively discussed questions were what it might mean to try to avoid mining in areas important to future Everglades restoration efforts and whether those areas could be identified, and to a lesser extent the possibility of combining stronger criteria with a requirement for rezoning.

Drafting Group – The drafting Group began its work after Workshop 2, and met for the first time on March 2, 2011. The current focus is on potential criteria and other ideas that could be included in either a rezoning approach or a strengthened conditional use approach.

Workshop 3 (March 25, 2011) – The third workshop focused on participants’ discussion and exploration of whether stronger criteria are needed, what they would mean and how they might work. Discussion was informal and designed to generate feedback to drafting group. Because the ideas being developed by the drafting group were not yet ready, participants focused on types of criteria, rather than specific potential criteria. Types of criteria discussed included: need, environmental impact, land use compatibility, infrastructure impacts, and compliance with other provisions of the code. (It is important to note that some participants did not believe that all of the types of criteria discussed are needed or appropriate.) Participants were asked to defer discussion of whether the criteria should apply to a rezoning or a strengthened conditional use approach until after more detailed drafting group ideas are available.

CURRENT STATUS AND NEXT STEPS

The Drafting Group is continuing to develop ideas regarding criteria for making decisions about mining in the EAA and may address other ideas as well. They have discussed but are deferring for now the question of whether those ideas should be included in a rezoning or strengthened conditional use approach. They will return to that question before presenting their ideas to the next workshop. The group is expected to meet at least once more before Workshop 4.

Any ideas developed by the Drafting Group and other ideas developed in the course of the workshop series will be made available to participants and the public in advance of Workshop 4.

Workshop 4 will be designed to review and evaluate the ideas developed by the drafting group for the workshop participants’ consideration and to provide the BCC with as clear a sense as possible of the kind and degree of support enjoyed by each.

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

**WORKSHOP 1
JANUARY 5, 2011
AGENDA**

Objectives

- Review current land use regulations that apply to mining in the EAA
- Review recent history of discussions regarding mining in the EAA
- Identify considerations the County should take into account in making decisions regarding mining in the EAA
- Preliminarily identify strategies the county might use to address the identified considerations, for further development in later workshops in the series

9:00 Welcome and introductions
Agenda and guidelines review

9:15 Presentation – How did we get here? A brief history of current discussions regarding mining in the EAA

Questions for clarification

Presentation – How does the County currently make decisions regarding mining in the EAA? What revisions have been implemented recently? What additional revisions have been suggested so far?

Questions for clarification

10:15 What considerations should the County take into account when making decisions about mining in the EAA?

Small group discussions

Participants will be asked to form discussion groups and develop a preliminary list of considerations for discussion by the full group

10:30 Break

10:50 What considerations should the County take into account when making decisions about mining in the EAA? (continued)

Full Group discussion

Facilitators will ask each table to offer one of the considerations they identified, and record answers on screen. Process will be repeated as many times as needed to hear all substantively different answers.

Questions and discussion for clarification

11:30 What strategies or approaches might the County use to address the considerations you have identified?

Identification and listing

12:00 Lunch

1:00 What strategies or approaches might the County use to address the considerations you have identified? – (continued)

Discussion for clarification

Consensus-testing as appropriate

2:15 Next steps

2:30 Adjourn

Mining Workshop January 5, 2011

Name	Organization	Phone #	e-mail
ANDREW RIDDLE	FDOT-D4	954-777-4665	andrew.riddle@dot.state.fl.us
Cara Capp	Clean Water Action	954-769-1268	CCAPP@cleanwater.org
Scott Benyon	CEMEX	561-790-3245	benyonconsulting@AOL.com
Veronica P. Pate	PBC Admin	561-3556726	VPate@pb.gov.org
JOANNE KOERNER	PBC ENG.	561-684-4090	JKOERNER@PBC.GOV.ORG
DREW MARIN	SIERRA CLUB	561-537-6814	DMarin@sierraclub.org
Michael O'Berry	VULCAN	904-355-1781	oberry@vmcmail.com
DON MATHIS	THE MATHIS GROUP	571-625-3900	MATHISGRP@AOL.COM
TIM MURPHY	FAM	305-968-4881	Tmurphy@fam.edu
BOB VERRASTRO	SFWMD	561-481-3568	bverras@sfwmd.gov
Barbara Alterman	PBC P219	239-5000	balterman@pb.gov.org
John Morgan	SFWMD	561-682-2288	jmorgan@sfwmd.gov
Richard Grosso	N.S.U.	954-262-6140	rgrosso@nsu.law.nova.edu

Mining Workshop January 5, 2011

Name	Organization	Phone #	e-mail
Dennis Lipp	PBC Dist 6	561 355-4919	dlipp@pbcgov.org
Ross Davidson	ASE	945-2420	
Dennis Abraham - wife	PBC Dist 3	355-2205	DAbraham@pbcgov.org
Albert Wozniak	Palm Beach Agriculture	561 718-0768	awozniak@palmbeach.org
HELI TODD	PBC	561-355-4000	htodd@co.palm-beach.fl.us
ROD BRAUN	SFWWS	561-682-2425	rbrun@sfwfw.com
Josh Long	Gunster	561-650-0719	jlong@gunster.com
Mike Jones	Economic Council	561 684 1551	mjones@EconomicCouncilPBC.org
MICHE STADE	RANGER CONSULT	561-793-9406	mstade@rangerconsult.com
Chokemayaka	Zirin	561-833-5209	crechemi@pbcgov.org
Tom Mackie	SFWWS	561-682- 2425	tmackie@sfwfw.com
ERIN COX	PBA	561-762-2282	erinc@PalmBeachPBA.com
Patricia Curry	Self	561 793 8546	ltdedish@aol.com

Mining Workshop January 5, 2011

Name	Organization	Phone #	e-mail
Chet Kennedy	FDEP	561-681-6706	William.C.Kennedy@DEP.STATE.FL.US
Cliff Hertz	B+C	561-832-3300	clhertz@iscudandcusa1.com
Alan Macvicar	CEMEX	561-820-8683	amacvicar@cemexwa.com
Kerri Walsh	Greenberg	305-574-0742	BalahK@gtlaw.com
Mark Davin	Erdene	561-373-2988	mdavin@erdyahoo.com
Bob Kraus	PBC-ERM	561-235-2476	bkraus@pbcgov.org
CHRYL DEVENA	Kieffer LP	352-783-1444	cdevena@environmental.com
Jess Santama	BCC Dist G	561-355-6300	jsantama@pbcgov.org
Alex Larson	People Against Steel	791-0875	damlarson@bellsouth.net
Cynthia Plocke	ASE	561-585-1278	cplocke@windspan.com
Bob Banks	County Atty	561-355-7190	rbanks@pbcgov.org
ISAAC HOYOS	PBC Planning	561-233-5347	ihoyos@pbcgov.org
George Gurfel	OTTO Future	561-575-8157	george@landscape-architect.com

Mining Workshop January 5, 2011

Name	Organization	Phone #	e-mail
Lamson Bullock William Grant	PBC Massy City PBC P235	532-5820 561.233.5206	Bullocky@pbcgov.org wcross@pbcgov.org

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

**WORKSHOP 2
February 8, 2011**

PLEASE NOTE: Today's workshop focuses on understanding review processes applicable to rock mining in the EAA, and possibly identifying ways to improve those that relate to land use. Participants are strongly encouraged to review *Permitting Process Regarding Mining Impacts within the EAA* in advance of the meeting. This report by Ken Todd of Palm Beach County staff provides a comparative overview of the topics to be covered today.

To download the report, go to <http://www.pbcgov.com/pzb/>, click on the link for *Mining Workshops* near the middle of the page. This will take you to the news release regarding this process. The link to download the report is on the first page of the news release, under *Related Links*.

AGENDA

Objectives

- Review and understand agency and county permitting and other review processes and responsibilities regarding rock-mining in the EAA
- Preliminarily identify what is working well and what might be improved in review processes
- Review, refine and consensus-test preliminary strategies from Workshop 1

- 9:00 Welcome and introductions, agenda and workshop discussion guidelines review
- 9:15 FDEP reviews and related processes – *presentation and questions for clarification*
SFWMMD reviews and related processes – *presentation and questions for clarification*
- 10:15 Break
- 10:30 Palm Beach County Department of Environmental Resources – *presentation/ clarifications*
Other reviews -- *presentation and questions for clarification*
- Army Corps of Engineers
 - Palm Beach County Health Department
 - State Fire Marshall
- 11:30 Presenter and participant discussion – initial discussion in small groups
- *What parts of the review process are working well?*
 - *What needs to be improved?(Overlaps?Gaps? Other issues?)*
 - *What additional information is needed?*
- 12:00 Lunch
- 1:00 Presenter and participant discussion – continuation of discussion in full group
- 1:30 Review, refine and consensus-test preliminary list of potential strategies.
In light of today's discussions, participants will be asked to:
- *Review preliminary list of strategies from Workshop 1*
 - *Add or refine strategies based on today's discussion*
 - *Offer acceptability ratings and other input on the identified strategies*
- 2:45 Next steps
- 3:00 Adjourn

Mining Workshop – February 8, 2011

Sign-In Sheet

Name	Organization	Phone Number	e-mail
ROD BRAUN	SFWMD	682-2125	rbraun@sfwmd.gov
Tracy Robb	FDEP	242-4520	trobbe@sfwmd.gov
Ken Wilson	FDCH	837-5900	KENNY.WILSON@DOH.STATE.FL.US
Krista Sabim	USACE	472 3518	Krista.D.Sabim@usace.army.mil
Alexandria Larson		561-791-0875	danlarson@bellsouth.net
Cliff Hertz	Broad + Canal	(61-832)-3300	chertz@broadandcanal.com
Scott Benyon	CEMEY	561-371-7932	benyon@usnetmg.com
Bonnie Finn	ERM	233-2400	bfinnea@pbconing
Judy Sanchez	U.S. Sugar	501-261-3167	jsanchez@ussugar.com
William Crow	PBC Zoning	561.233.5206	wcrow@pbc.gov.org
Josh Long	Gunstar	561-650-0719	jlong@gunstar.com
Camille Lem	Zoning	561-233-5209	crechem@pbc.org
David Goodlett	Sugar Cane Growers Coop	561-7996-4775	
Kelli Barb	Franklin	305-579-0772	BarbK@jthru.com

Mining Workshop – February 8, 2011

Sign-In Sheet

Name	Organization	Phone Number	e-mail
Howard J. Hayes	B of Mining & Mineral Reg - DEP	850-480-8217	howard.hayes@DEP.STATE.FL.US
Tom Colios	SFWMD	561-682-6944	tcolios@sfwmd.gov
Barbara Alterman	PBC P2B	561 233-5008	balterma@pbcgov.org
Rafael A. Montalvo	FCRC	386-736-5488	rafael.montalvo@fcrc.edu
Viviana C. Parker	PBC Admin	355-6726	Vparker@pbcgov.org
Fred Chaplin	State Fire Marshal	561-640-6705	Fred.Chaplin@myfloridacfo.com
Bob Bank	PBC Attorneys Office	561-355-4190	OBANK@pbcgov.org
Bob Kraus	ERM	561 233-2476	bkraus@pbcgov.org
John Morgan	SFWMD	561-682-2288	jmorgan@sfwmd.gov
John Koch	Starna Club	561 968-8645	banymjohn@att.net
AKHUR KRSTEVIC	PBC Coop Enr	561.233.1715	AKRSTEVIC@PBCGOV.ORG
Leah Oberlin	WSACE	561-472-3506	Leah.A.Oberlin@usace.army.mil
Cara Capp	Clean Water Action	954 769 1268	ccapp@cleanwater.org
KEN TODD	PBC	561-355-4600	ktodd@pbcgov.org
MUSA DURAN DO	ASE	765 2420	

U:\Zoning\CODEREV\Research - Central\Excavation\2010-2011 EAA Amendments\2 Mining Stakeholders Meetings\3 February 8, 2011 Meeting #2\Sign - In Sheet - Mining Workshop #2

Mining Workshop – February 8, 2011

Sign-In Sheet

Name	Organization	Phone Number	e-mail
DONALD MASON	USSC	863-902-2651	DMASON@USSC.MI.COM
Steve Lamb	MFL	561-689-1702	slamb@mfl.org
Chick Kenner	FDEP	561-719-5973	WILLIAM.C.KENNER@DEP.STATE.FL.US
ALAN MacVicar	CENEX	561-820-8683	amacvicar@cenexw9.com
Jim Murley	FAM	305-968-4881	JMurley@fam-fla.com
GARY BRANCKENBURG	GMB ASSC.	799-1414	gary@brankenburyPA.com
DREW MARTIN	SIERRA CLUB	516-533-6814	DMandCH@aol.com
JOANNE DAVIS	1000 FRIENDS OF FLORIDA	582-8992	capercat@bellsouth.net
Joe Verdome	CF/PBA	659-7070	JVerdome@coaltonfields.com
HOLLY COOK	Neighborhood Center	324-8240	hollycookfla@yahoo.com
Richard GROSS	SPf	954-262-6140	grosson@nsu.law.nova.edu
Dou MATHEIS	THE MATHEIS Group	561-625-3900	MATHEIS@aol.com

U:\Zoning\CODEREV\Research - Central\Excavation\2010-2011 EAA Amendments\2 Mining Stakeholders Meetings\3 February 8, 2011 Meeting #2\Sign - In Sheet - Mining Workshop #2

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

**WORKSHOP 3
March 25, 2011**

AGENDA

Please note: Workshop 3 will focus on discussion and evaluation of potential land-use related criteria and strategies that might be used to address mining in the EAA. The potential criteria and strategies listed below are general descriptions based largely on Workshop 1 & 2 discussions, and some Drafting Group discussion. More detailed material based on further Drafting Group work may be distributed before or at the workshop.

Objectives

- Review potential zoning-related strategies and criteria that might be used to address mining in the EAA, as identified in Workshops 1 & 2 and by Drafting Group
- Discuss, refine and rate the acceptability of potential criteria and strategies
- Identify next steps and additional work needed

9:00 Welcome and introductions, agenda and workshop discussion guidelines review

9:15 Recap of Workshop 1 and Workshop 2 discussions

9:30 Review, discussion and acceptability-rating of potential criteria and strategies

For each of the following, participants will: 1) discuss whether and how the potential criteria or strategies should be defined and implemented; 2) discuss pros and cons; 3) rate using acceptability scale.

- Types of potential Criteria
 - Need
 - Environmental impact
 - Land use compatibility
 - Roads and infrastructure
 - Consistency with other provisions of code
- Other potential strategies
 - Strengthening of conditional use criteria
 - Rezoning
 - Other

10:30 Break

10:45 Review, discussion and acceptability-rating of potential criteria and strategies (continued)

11:45 Next steps – What additional work is needed?

12:30 Adjourn

Mining Workshop - March 25, 2011

Sign-In Sheet

Name	Organization	Phone Number	e-mail
Jean Scott	SLC/LIC	561-220-3015	jean.scott@art-net
ISAAC HOYOS	PBC Planning	561-233-5347	ihoyos@pb.gov.org
ROSA DURAN DO	ASE	905-2420	
JOHN MORGAN	SFWMD	561-682-2288	jmorganj@sfwmd.gov
Clifford Hertz	BOARD OF CASER		
Ramsay Bulkeley	Stewart Mining	561-301-7608	rbulkeley@stewartmin.com
Alex Larson	People Against Stupidity	791-0875	alex.larson@hellsouth.net
Josh Long	Gunster	561-650-0719	jlong@gunster.com
Chad Kennedy	FDEP	561-681-6706	William.C.Kennedy@DEP.STATE.FL.US
Coranne Vincent	BOARD OF CASER		N/A
Judy Sanchez	U.S. Sugar	863-902-2210	jsanchez@ussugar.com
ERIN COX	FLR/FBA	561-762-2282	ERIN@FAMILYLANDSANDWATER
Tom Valent	Everglades Foundation	305-251-0001	tvalent@evergladesfoundation.org
DREW MARTIN	SIZZLE CLUB	561-833-6814	DM and crew@aol.com
Barbara Alterman	PBC P20	233-5008	balterman@pb.gov.org

Mining Workshop – March 25, 2011

Sign-In Sheet

Name	Organization	Phone Number	e-mail
Gara Capp	Clean Water Action	239 994 9393	ccapp@cleanwater.org
Jean Lawrence	USDOJ	305-348-1661	lawrence@sfrestore.org
Stella Rossi	Coalition Wilderness Fed	1-561-732-4786	
Scott Benyon	CEMEX	561-371-7932	benyonsconsulting@aol.com
ROD BRAUN	SFWMD	501-682-2925	rbraun@sfwmd.gov
Joanne Davis	1000 Friends of Florida	582-8992	capercat@bellsouth.net
Joseph Vardon	Coalition Fields PA	680-8044	JVardon@CoalitionFields.org
David Goodlett	Sugar Cane Growers Coop.	996-5556	
Bob Santer			
LORI VINHACK	LD RAB	5624954694	Vin-Jean@bell.net
William Cross	PR&B		