

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



Application No.: DOA-2008-01196
Control No.: 1992-00014
Applicant: Okeelanta Corp
Owners: Okeelanta Corp
Agent: Kilday & Associates, Inc. - Joni Brinkman
Telephone No.: (561) 689-5522
Project Manager: Anthony Wint, Site Planner II

Location: Approximately two miles West of US 27, South of Bolles Canal (Okeelanta CO-Generation Plant)

TITLE: a Development Order Amendment **REQUEST:** to add land area, reconfigure the site plan and modify conditions of approval

APPLICATION SUMMARY: Proposed is a Development Order Amendment for the Okeelanta Cogeneration Facility. The 349.34-acre parcel was previously approved by the Board of County Commissioners on August 2, 2007 to increase the overall site area, reconfigure the site plan, and modify conditions of approval, for an Electric Power Facility. The current conditions of approval (B.2 Building and Site Design, D.5 Health, and J.1.a Use Limitations) restrict the building envelope to 8.12 acres, limit the total annual emissions approved by the BCC, limit the land area to 349.34 acres, and limit the building square footage to 354,055. The applicant is requesting to amend these conditions to allow for and increase in the building envelope to 11.1 acres, eliminate the requirement for the BCC to review a change in annual emissions allowed by the FDEP permit, increase the total acreage to 378.71 acres and increase the square footage to 483,516. These changes are to accommodate the addition of a fourth boiler and an increase in the fuel materials storage area. Access to the site will remain from US Highway 27.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the proposed request for a Development Order Amendment (DOA) to add land area and reconfigure the site plan to accommodate a fourth boiler and to modify the Conditions of Approval to the Okeelanta Cogeneration Facility. Staff has found the request to be consistent with the site's Agricultural Production (AP) Future Land Use (FLU) designation.

- o Compatibility with Surrounding Land Uses

The adjacent property to the north is the 160-foot wide Bolles Canal that is owned by South Florida Water Management District (SFWMD). The surrounding properties all have an AP Future Land Use designation, are in the AP Zoning District, and are all active sugar cane farms. In fact, the Okeelanta Corporation owns all the property to the east, west and south of the subject DOA and expansion of the Conditional Use Class A application. As proposed and conditioned herein, staff anticipates no adverse impacts to the surrounding properties from the request.

BCC

April 23, 2009

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Application No. DOA-2008-01196
Control No. 1992-00014
Project No. 09999-000

BCC District 06

o Modification of Conditions

The applicant is proposing a Development Order Amendment to amend the site plan by: increasing the overall site area from the currently approved 8.12-acre building envelope to an 11.1 acre building envelope, an increase of 2.98 acres, in order to accommodate a fourth boiler; addition of 29.42 acre fuel materials storage area and to amend Conditions B2, Building and Site Design; D.5, Health; and J.1.a. Use Limitations. This will allow the applicant to add a fourth boiler, maximize its operations and maximize the Facility's production of electricity with renewable resources.

Building and Site Design Condition 2 currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a 8.12 acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (DRO:ZONING-Zoning)

Applicant's Request: The proposed revision changes the building envelope size from 8.12 acres to 11.1 acres.

Staff Response: Staff has no objection to this change which will allow the addition of a fourth boiler.

Health Condition 4 currently states:

The total annual emissions for this facility shall be in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. The property owner shall not deviate from the emission limiting requirements specified in permit PSD-FL-196(O) without prior authorization from the Board of County Commissioners. (ONGOING: HEALTH-Health)

Applicant's Request: The proposed revisions include correcting the Air Permit Number, removing the date the permit was issued, and requiring authorization from the FDEP rather than the Board of County Commissioners.

Staff Response: Staff has no objection to these changes.

Use Limitations Condition 1 currently states:

a. Use of the site shall be limited as follows:

Land Area 349.34 acres
Total Floor Area 354,055 square feet
Maximum Floor Area 10%
Electrical Production 140 net mega watt maximum
Fuel Yard 45 acre max. net land area

b. Prior to site plan approval by the Development Review Officer (DRO), the site plan shall be revised to reflect the most updated condition consistent with the use limitation condition as identified on J.1.a. (DRO/BUILDING PERMIT: ZONING/BUILDING-Zoning)

Applicant's Request: To revise the Land Area from 349.34 to 378.71 acres, the Total Floor Area from 354,055 to 483,516 square feet and to revise the Fuel Yard from 45 to 74.4 acres.

Staff Response: Staff has no objections to these changes which are necessary to accommodate the addition of land area, enlargement of the building envelope and expansion of the fuel yard.

o Traffic

The Engineering Department estimates that there will be a net increase of 20 traffic trips per day due to this request.

- o Landscape/Buffering

The proposed site plan indicates a 20-foot right-of-way buffer fronting the Bolles Canal Road rights-of-way. There is no requirement for landscape buffer along the south, east and west property line because the property is not open to the public, not visible from any street or parcels with a conservation, commercial or residential FLU designation or use.

- o Signs

The applicant is proposing no signs with this petition.

- o Development Order Amendment – Changed Circumstances

Global Warming has been an issue of importance to the applicant who points out the increases of new greenhouse gas emissions as well as the increase in fuel costs since the August 23, 2007 BCC approval of Resolution R-2007-1140. The applicant also cites the efforts of the State of Florida to reduce greenhouse emissions within the state by the signing of Executive Order 07-127, which is designed to promote the use of clean, renewable energy technologies. The applicant believes that the current request to increase the building envelope to accommodate a fourth boiler will increase efficiency and comply with the intent of Executive Order 07-127 specifically the requirement that utilities should produce at least 20% of their electricity from renewable sources. To achieve this goal, the applicant is requesting a Development Order Amendment to amend the site plan by increasing the overall site area from the currently approved 8.12 acre building envelope to an 11.1 acre building envelope, in order to accommodate a fourth boiler. The applicant believes that with the addition of the proposed fourth boiler, the facility could maximize its operations by running both generators simultaneously during the harvest and non-harvest seasons and thus maximize the facility's production of electricity with renewable resources.

- o Zoning Commission (ZC) Hearing

At the November 6, 2008 ZC hearing, this item was on the consent agenda. The agent agreed to the Conditions of Approval and the Zoning Commission voted unanimously (7-0) in support of the request.

- o Board of County Commission (BCC) Hearings

At the December 4, 2008 BCC hearing this item was postponed at the applicant's request to February 25, 2009.

- o Board of County Commission (BCC) Hearings

At the February 25, 2009 BCC hearing this item was postponed at the applicant's request to April 23, 2009.

TABULAR DATA

	EXISTING	PROPOSED
Property Control Number(s)	00-36-45-04-01-000-9010 00-36-45-05-00-000-9010 00-36-45-08-01-000-0010 00-36-45-16-00-000-1010	Same
Land Use Designation:	Agricultural Production (AP)	Same
Zoning District:	Agricultural Production District (AP)	Same
Tier:	Glades	Same
Use:	Cogeneration Facility and Ash Monofil	Same
Acreage:	349.34 acres	371.78 acres (+ 22.44)
Access:	US Highway 27	Same

CODE ENFORCEMENT: N/A

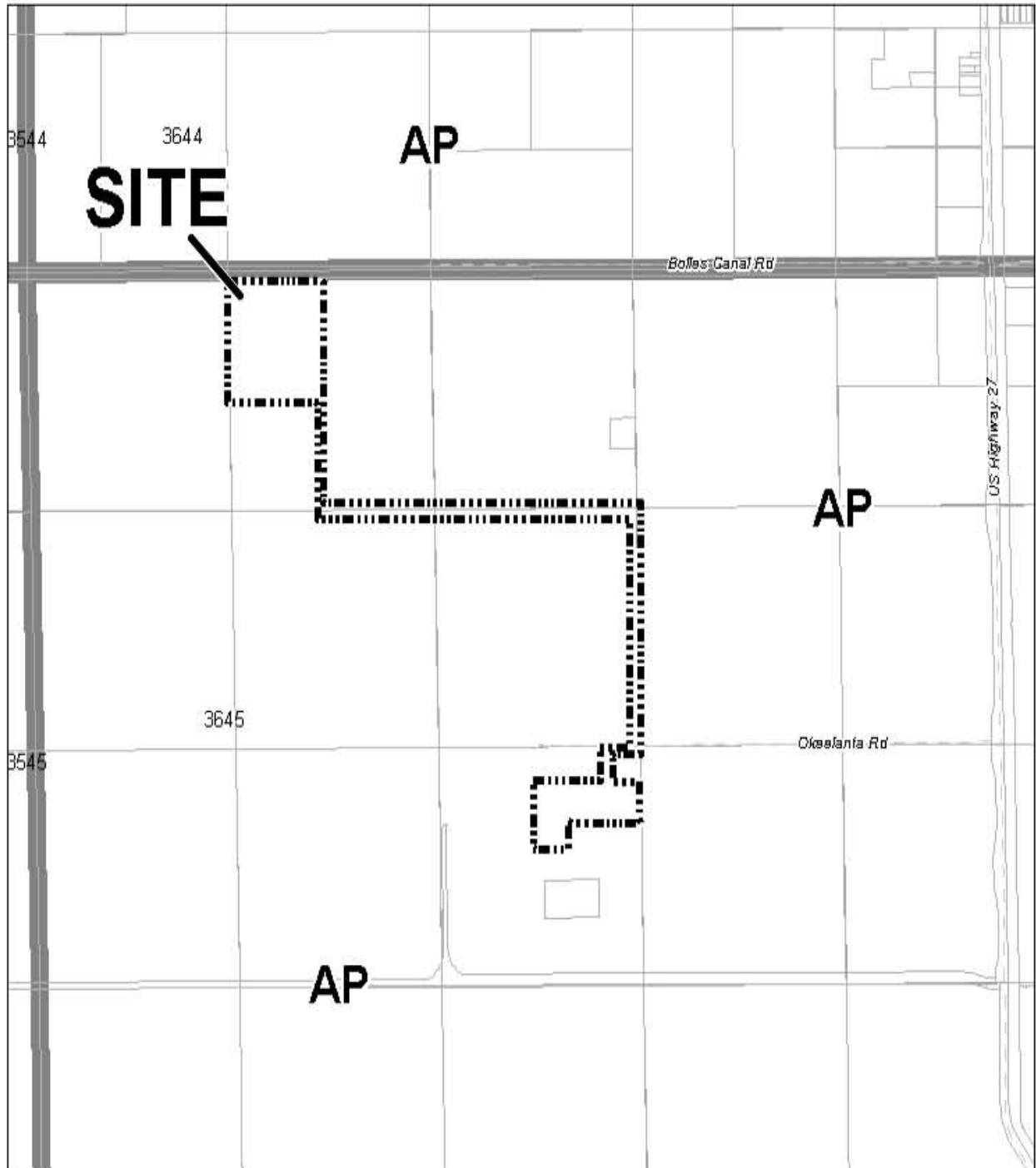
PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contacts from the public regarding this project.

RECOMMENDATION: Staff recommends approval of the request, subject to thirty-nine (39) conditions as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: November 6, 2008: At the ZC hearing, this item was on the consent agenda. The agent agreed to the Conditions of Approval and the Zoning Commission voted unanimously (7-0) in support of the request.

MOTION: To adopt a resolution approving a Development Order Amendment to add land area, reconfigure site plan and modify conditions of approval.

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND LAND USE



Application Number: DOA-2008-1196
 Control Number: 1992-0014
 Land Use Atlas Page: 3645
 Date: 09/25/08(OkeelantaCo-Gen Plant)



Figure 1 Future Land Use Map

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. DOA2008-1196
Zoning Quad 238
Date

↑
NORTH

Figure 2 Zoning Quad Map



<p>ZONING APPLICATION Control 1992-014 (DOA 2008-1196)</p>	<p>PROJECT NAME Okeelantana</p>
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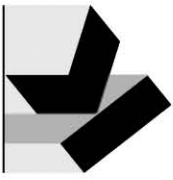
<p>Planning, Zoning and Building Department - GIS 200 N. Jig Road West Palm Beach, FL 33411 (561) 233-0868 gis@cityofwestpalmbeach.com www.cityofwestpalmbeach.com</p>	
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Figure 3 Aerial

BCC
Application No. DOA-2008-01196
Control No. 1992-00014
Project No. 09999-000

April 23, 2009
BCC District 06



Landscape Architects / Planners
Kilday & Associates
 1351 E. Palm Beach
 West Palm Beach, Florida 33411
 Phone: (561) 883-5232
 Fax: (561) 883-5233
 The drawings are a representation of the proposed work and are not to be construed as a contract. The drawings are the property of Kilday & Associates, Inc. and shall remain the property of Kilday & Associates, Inc. if not used within possession.

PROJECT BOUNDARY PLAN
OKELANTA COGENERATION FACILITY

PALM BEACH COUNTY, FLORIDA

Scale: 1" = 800'
 Date: 04-18-07
 Design By: TW
 Drawn By: JBP
 PLS No: 16489.02
 Drawn No: 07-05

REVISIONS / SUBMISSIONS

1	02-16-06	CORR. SUBMITTAL
2	03-08-06	OR. BY: J. B. JENSEN, JRM/ML
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PROJECT BOUNDARY

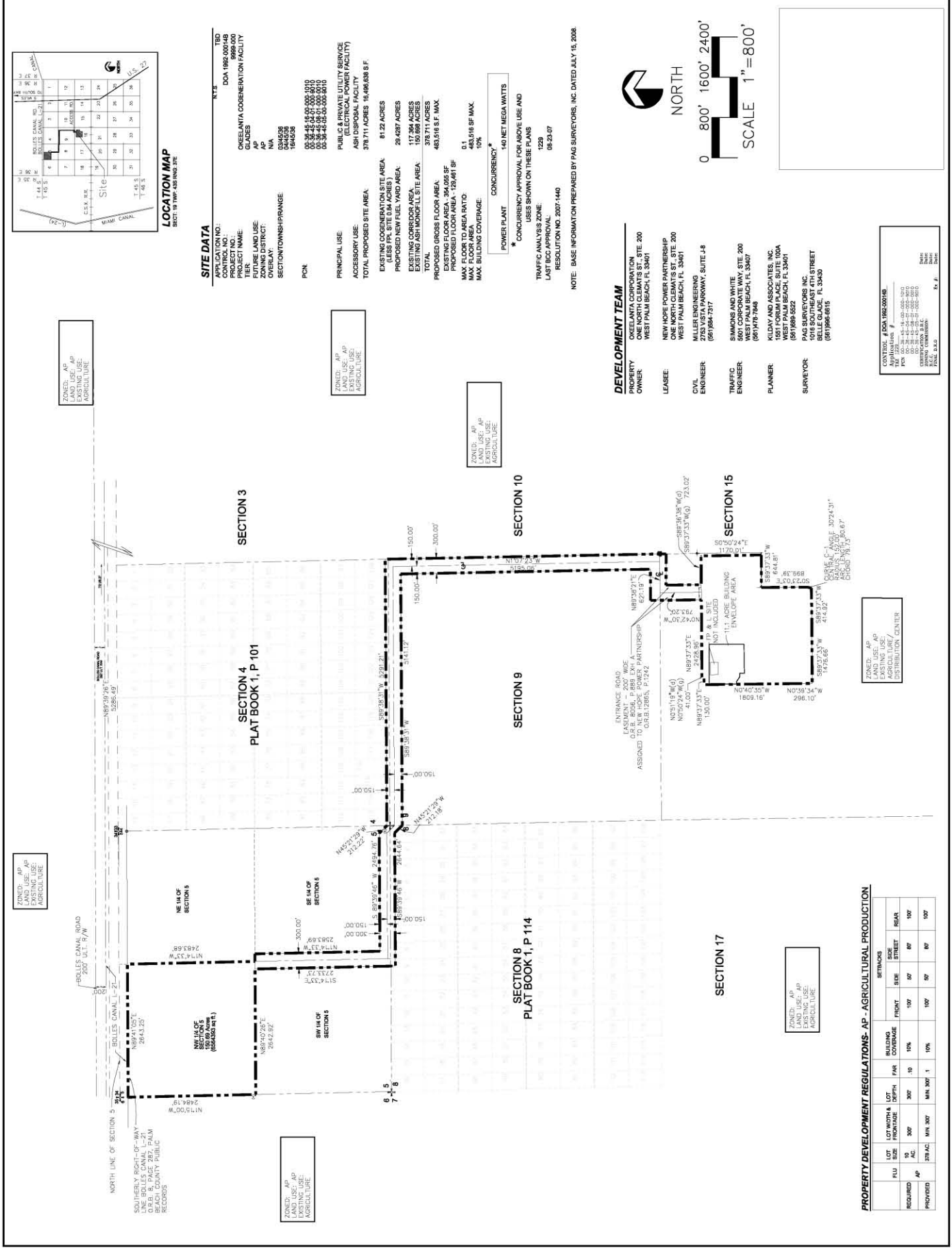
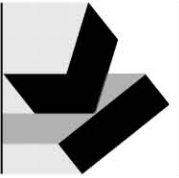
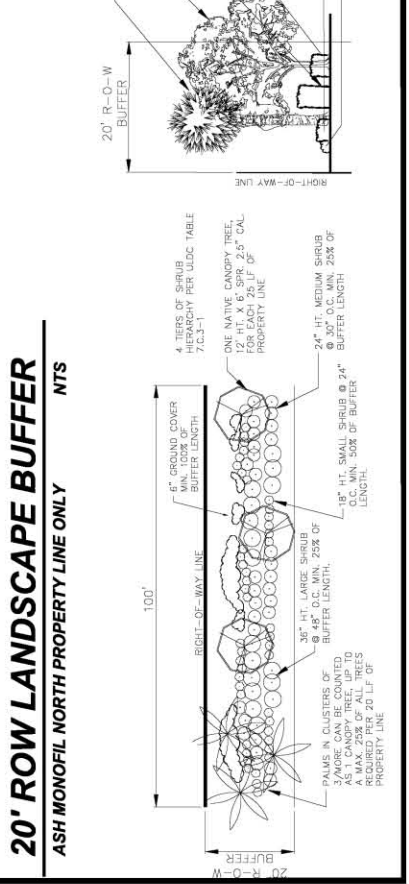
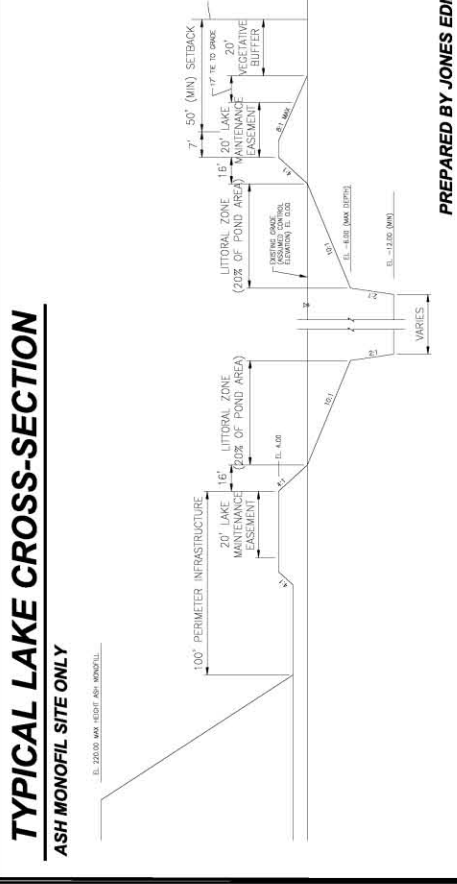
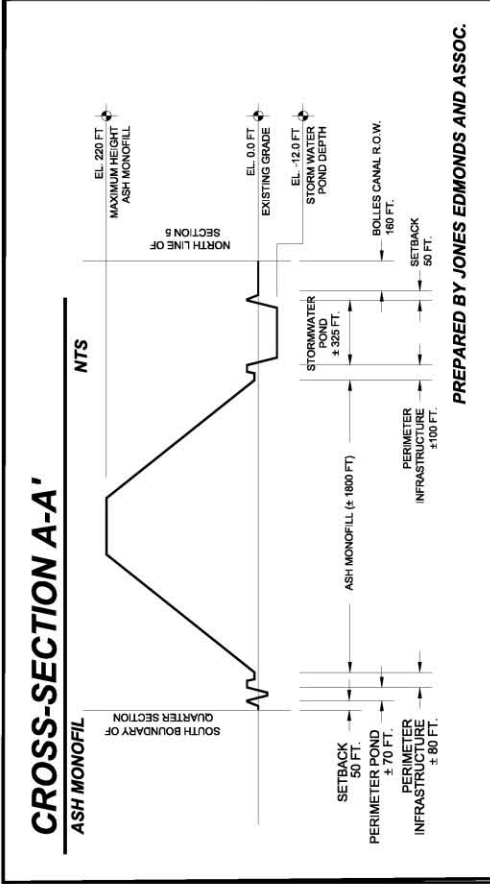


Figure 4 Boundary of Project



Landscape Architects / Planners
Kiley & Associates
2501 North Loop East
1501 Prairie View
P.O. Box 55082
Houston, Texas 77205
Phone (832) 499-8322
Fax (832) 499-0930
www.kileyandassociates.com
This Drawing is a submission of the project to the City of Palmdale, California, and is the property of Kiley & Associates, P.C. It is to be used only for the project and site as indicated on this drawing. No other use or reproduction is permitted without the express written permission of Kiley & Associates.

OKEELANTA COGENERATION FACILITY
PALM BEACH COUNTY, FLORIDA

DETAILS

Scale: NA
Date: 07-16-08
Design By: JEA
Drawn By: TW
Checked By: JEA
File No: 1640-02
Drawing No.: 07-05

- REVISIONS / SUBMISSIONS
- 07-16-08 CHD SUBMITTAL
 - 08-26-08 EXISTING SUBMITTAL
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DETAILS

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STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

FUTURE LAND USE (FLU) PLAN DESIGNATION: The future land use (FLU) designation of Agricultural Production (AP).

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to add land area, add a fourth boiler and modify/delete conditions of Approval related to site design, health and use limitations. Staff has found the request to be consistent with the property's FLU designation.

The proposed request for a total of 482,209 square feet is consistent with the maximum FAR calculations for the AP land use. The FAR of .10 allowed for a use with an AP FLU designation (378.71 acres X 43,560 X .10 = 1,649,660 square feet maximum).

TIER: The subject property is in the Glades Tier.

FUTURE ANNEXATION AREAS: Within the future annexation area, and within one mile of: none.

INTERGOVERNMENTAL COORDINATION: none.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: none.

FINDINGS: The request is consistent with the land use designation of the Palm Beach County Comprehensive Plan.

ENGINEERING COMMENTS:

STAFF REPORT FOR APPLICATION NUMBER: DOA-2008-1196

CONTROL NUMBER: 1992-0014

PETITIONER: Okeelanta Corp

REQUESTED ACTION: To amend the site plan by increasing the overall site area from the currently, approved 8.12 acre building envelope to an 11.1 acre building envelope, an increase of 2.98 acres, in order to accommodate a fourth boiler. Addition of 29.42 acre fuel materials storage area. Amend Conditions B2, Building and Site Design; D.5, Health; and J.1.a. Use Limitations

LOCATION: The site is generally located approximately 1.8 miles west of US Highway 27, at the terminus of Okeelanta Road, directly south of the Bolles Canal and Bolles Canal Road. Okeelanta Road, also known as Mill Road.

TRAFFIC IMPACTS:

Total net new traffic expected from this project is 20 trips per day, 10 trips in the PM peak hour. Additional traffic is subject to review by the Traffic Performance Standards.

There are no improvements to the roadway system required for compliance with the Traffic Performance Standards.

PALM BEACH COUNTY HEALTH DEPARTMENT:

The Health Department has no objections to this project. Please be aware that other State regulations may apply.

BCC

April 23, 2009

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Application No. DOA-2008-01196

BCC District 06

Control No. 1992-00014

Project No. 09999-000

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site has been previously.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond removal of vegetation in compliance with ULDC requirements.

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS: No educational impact created by this project.

PARKS AND RECREATION: This is a non-residential application and Parks & Recreation U.L.D.C standards do not apply

CONCURRENCY: Concurrency has been approved for a Cogeneration Facility.

WATER/SEWER PROVIDER: Palm Beach County Water Utilities Department (PBCWUD)

FINDING: The proposed Zoning Map Amendment complies with Article 2.F of the ULDC, Concurrency (Adequate Public Facility Standards).

FINDINGS:

Development Order Amendments:

When considering a development order application for a conditional or requested use, or a development order amendment, the BCC and ZC shall consider standards 1 – 9 indicated below. A conditional or requested use, or development order amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. Staff has reviewed the request for compliance with the standards that are expressly established by Article 2.B.1.B and provides the following assessment:

1. **Consistency with the Plan.** The proposed amendment is consistent with the Agricultural Production (AP) Future Land Use designation of the property. The property is within the Glades Tier which is also consistent with the proposed Development Order Amendment DOA so the proposed DOA is consistent with the Palm Beach County Comprehensive Plan.
2. **Consistency with the Code.** The proposed DOA to add land area and reconfigure the site plan and to increase the size of the building envelope to accommodate a fourth boiler is in accordance with the Palm Beach County Unified Land Development Code (ULDC). The Cogeneration plant meets all the standards in Article 4.B.1.A.44-1,

Electrical Power Facility. Therefore, this DOA is consistent with all the development standards, supplemental standards and use standards of the ULDC.

3. **Compatibility with Surrounding Uses.** The addition of land area for fuel storage and increase in the size of the building envelope to accommodate a fourth boiler associated with the proposed DOA is compatible and generally consistent with the surrounding uses. The surrounding properties all have an AP Future Land Use designation, are in the AP Zoning District, and are all active sugar cane farms. In fact, the Okeelanta Corporation owns all the property to the east, west and south of the subject DOA and expansion of the Conditional Use Class A application. The overall Okeelanta Corporation holdings in this area of Palm Beach County are estimated at over 90,000 acres. The only adjacent property not controlled by Okeelanta Corporation is to the north, which is owned by the South Florida Water Management District (SFWMD). The SFWMD controls both the Bolles Canal and Bolles Canal Road rights-of-way. US Sugar Corporation owns the property to the north of the Bolles Canal Road right-of-way, which is approximately 270 feet from the subject property. Therefore, the proposed DOA and expansion of the Okeelanta Cogeneration Facility is compatible with the surrounding uses.
4. **Design Minimizes Adverse Impact.** As stated above, the Okeelanta Corporation owns all the property to the east, west and south of the subject DOA. The only adjacent property not controlled by Okeelanta Corporation is to the north, which is owned by the South Florida Water Management District (SFWMD). The SFWMD controls both the Bolles Canal and Bolles Canal Road rights-of-way. US Sugar Corporation owns the property to the north of the Bolles Canal Road right-of-way, which is approximately 270 feet from the subject property. Therefore, the proposed DOA and expansion of the Okeelanta Cogeneration Facility has been designed to minimize adverse effects of the proposed use on adjacent lands.
5. **Design Minimizes Environmental Impact.** The site is currently being used for agricultural production and is not located within a Wellfield Protection Zone. The 110.70 acres inclusive of the affected area for the fourth boiler and the fuel material expansion area is actually 2 ± miles from the Bolles Canal rights of way. The Ash Monofill that was approved under Resolution R-2007-1440 will be constructed to meet the environmental standards required by the Florida Department of Environmental Protection (FDEP) for a Class I landfill per Rule 62-701 Florida Administrative Code (FAC). Class I standards are the most stringent standards for solid waste facilities in the State of Florida. Therefore, the proposed DOA and expansion of the Okeelanta Cogeneration Facility will minimize negative impacts to the environment and increase efficiency.
6. **Development Patterns.** The proposed DOA to increase the size of the building envelope from 8.12 acres to 11.1 acres to accommodate a fourth boiler and the increase of 29.42 acres of fuel materials storage area is consistent with the development patterns in this area, which are predominantly agriculture production. This amendment is an effort to maximize the electrical production of the renewable energy plant year round.
7. **Consistency with Neighborhood Plans.** The site is not located within a neighborhood plan area.
8. **Adequate Public Facilities.** The proposed Development Order Amendment complies with Article 2.F, CONCURRENCY (Adequate Public Facilities).
9. **Changed Conditions or Circumstances.** As discussed above in the Issues Summary section of this report, the proposed addition of land area and increase in the size of the building envelope to accommodate a fourth boiler to the Okeelanta Facility is in response to recent increases of new greenhouse gas emissions and the goal of becoming more energy efficient. The applicant also cites the efforts of the State of Florida to reduce greenhouse emissions within the state by the signing of Executive

Order 07-127, which is designed to promote the use of clean, renewable energy technologies. The applicant believes that the current request to add a fourth boiler will increase efficiency and comply with the intent of Executive Order 07-127 specifically the requirement that utilities should produce at least 20% of their electricity from renewable sources. To achieve this goal, the applicant is requesting a Development Order Amendment to amend the site plan by increasing the overall site area from the currently approved 8.12 acre building envelope to an 11.1 acre building envelope, in order to accommodate a fourth boiler. The addition of the fourth boiler will allow the Okeelanta Facility to maximize its year round electrical production by turning biomass material into a useful energy source, whereby increasing the generation of electricity through an alternative renewable energy source. This will be beneficial to the public by providing electricity to Florida's electrical transmission line grid.

EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. All Petitions Condition 1 of Resolution R-2007-1440, Petition 1992-014(B) which currently states:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2004-1372 (Petition 1992-014(B) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

Is hereby amended to read:

All previous conditions of approval applicable to the subject property, as contained in Resolutions R-2007-1440 (Petition 1992-014(B) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Article 2.E of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING-Zoning)

2. All Petitions Condition 2 of Resolution R-2007-1440, Petition 1992-014(B)) which currently states:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated May 25, 2007. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

Is hereby amended to read:

Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 25, 2008. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING-Zoning)

BUILDING AND SITE DESIGN

1. Maximum total floor area shall be limited to 10% of the total lot area of the subject property. (BUILDING: ZONING-Zoning) (Previous Building And Site Design Condition 1 of Resolution R-2007-1440, Petition 1992-014(B)

2. Building And Site Design Condition 2 of Resolution R-2007-1440, Petition 1992-014(B) which currently states:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a 8.12 acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (DRO:ZONING-Zoning)

Is hereby amended to read:

Prior to final site plan approval by the Development Review Officer (DRO), the site plan shall be amended to indicate a 11.1 acre building envelope on the site and the square footage to be contained therein. All construction and development of the principal structure and accessory facilities shall occur

within this envelope. All accessory uses indicated on the site plan outside of the building envelope shall be subject to the requirements and regulations of Section 402.7(E)2(b) (Site Plan Review Committee Powers and Standards of Review). Uses and building locations within the envelope shall not be subject to this requirement. (DRO:ZONING-Zoning)

3. The maximum height from finished grade to highest point, for all fuel storage structures/areas, shall not exceed fifty (50) feet. (BLDG. PERMIT BLDG. -Zoning) (Previous Building And Site Design Condition 3 of Resolution R-2007-1440, Petition 1992-014(B)).

4. With the exception of clearing for access roads, survey lines, construction trailers, equipment staging areas, fencing, and specific building sites, construction shall commence within 90 days after completion of clearing and grading. Any cleared zones or areas not necessary to the operation of the site shall be planted in grass within 90 days after establishment of finished grade. (CO:LANDSCAPE-Zoning) (Previous Building And Site Design Condition 4 of Resolution R- 2007-1440, Petition 1992-014(B)).

ENGINEERING

1. Condition E.1 of Resolution R-99-4, Control No. 1992-00014, which stated:

The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board. (ONGOING:CODE-Eng)

was deleted by Resolution R-2007-1440. [REASON: drainage is now a code requirement]

2. If required by the County Engineer or the South Florida Water Management District the Property Owner shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site (ONGOING:MONITORING- Eng) (Previous Condition E.2 of Resolution R-2007-1440, Control No. 1992-00014)

ENVIRONMENTAL

1. Plans for all underground and above ground storage tanks must be approved by the Department of Environmental Resources Management prior to installation. The petitioner shall perform all necessary preventative measures to reduce the chances of contamination of the groundwater. Double walled tanks and piping with corrosion protection or their equivalent shall be a part of those measures. (BLDG. PERMIT ERM- ERM) (Previous Condition C.1 of Resolution R-2004-1372, Petition 1992-014(B) is hereby deleted.) CODE REQUIREMENT

2. Secondary containment for stored Regulated Substances, including but not limited to fuels, oils, solvents, or other hazardous chemicals, is required. Department of Environmental Resources Management staff are willing to provide guidance on appropriate protective measures. (BLDG. PERMIT ERM- ERM) (Previous Condition C.2 of Resolution R-2004-1372, Petition 1992-014(B)) is hereby deleted. COMPLETED

3. All new excavated lakes shall possess a littoral shelf area. A littoral shelf shall be an area with a slope not greater six (6) feet horizontal to one (1) foot vertical, ranging in depth from ordinary high water (OHW) or the controlled water level (CWL) to four feet below OHW or CWL. A minimum of 30% of the surface area of all lakes shall be planted with native aquatic vegetation on a minimum of three foot centers.

a. A littoral shelf planting plan and maintenance plan shall be submitted to the Department of Environmental Resources Management concurrent with Site Plan Review application and approved by ERM prior to Site Plan certification. This information shall also be provided on a mylar for the Zoning Division as part of the site plan application. (ERM)

b. Prior to the issuance of a Certificate of Occupancy and within three working days of the completion of littoral plantings ERM shall be notified. This planting shall not be credited as compensation required by wetland permits. (BLDG. PERMIT ERM- ERM) (Previous Condition C.3 of Resolution R-2004-1372, Petition 1992-014(B)) is deleted. Superseded by code.

4. Areas disturbed as a result of the construction of the cogeneration facility and transmission lines shall be continually maintained to be free of Brazilian Pepper, Australian Pine and Melaleuca. (BUILDING-Zoning) (Previous Condition C.4 of Resolution R-2004-1372, Petition 1992-014(A)) is deleted. Superseded by code.

HEALTH

1. This facility shall operate and maintain, all air pollution control devices and processes required by the Florida Department of Environmental Protection (FDEP) and the United States Environmental Protection Agency (EPA). (ONGOING: HEALTH-Health) (Previous Condition HEALTH 1. of Resolution R-2007-1440, Control 1992-014)

2. Previous condition Health 2. of Resolution R-2007-1440 which reads:

Continuous Emission Monitors shall be operated in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: HEALTH-Health)

Is hereby amended to read:

Continuous emission monitors shall be operated in accordance with Air Permit No. PSD-FL-196 issued by FDEP. (ONGOING:HEALTH-Health)

3. Previous condition Health 3. of Resolution R-2007-1440 which reads:

Stack tests shall be conducted in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. (ONGOING: HEALTH-Health)

Is hereby amended to reads:

Stack tests shall be conducted in accordance with Air Permit No. PSD-FL-196 issued by FDEP. (ONGOING:HEALTH-Health)

4. Previous condition HEALTH 4. of Resolution R-2007-1440 which reads:

The total annual emissions for this facility shall be in accordance with Air Permit No. PSD-FL-196 (O), Project No. 0990332-016-AC issued on October 29, 2003 by FDEP. The property owner shall not deviate from the emission limiting requirements specified in permit PSDFL-196(O) without prior authorization from the Board of County Commissioners. (ONGOING: HEALTH-Health) (Previous Condition D.5 of Resolution R-2004-1372, Petition 1992-014B)

Is hereby amended to read:

The total annual emissions for this facility shall be in accordance with Air Permit No. PSD-FL-196 issued by FDEP. The property owner shall not deviate from the annual emission limiting requirements specified in Air Permit No. PSD-FL-196 without prior authorization from FDEP. (ONGOING:HEALTH-Health)

5. During land clearing and site preparation, wetting operations or other soil treatment techniques appropriate for controlling unconfined particulates, including grass seeding and mulching of disturbed areas, shall be undertaken and implemented by the Petitioner to comply with state and federal air standards. (ONGOING: HEALTH-Health) (Previous Condition HEALTH 5. of Resolution R-2007-1440, Control 1992-014)

6. The petitioner shall comply at all times with the requirements of all permits issued by all agencies having jurisdiction over the facility. (ONGOING:CODE ENF-Health/Erm) (Previous Condition HEALTH 6. of Resolution R-2007-1440, Control 1992-014)

7. Potable water supply for the proposed project is to be provided by a reverse osmosis non-transient non-community water supply system in accordance with Chapter 62-550 & 62-555, F.A.C. (ONGOING: HEALTH-Health) (Previous Condition HEALTH 7. of Resolution R-2007-1440, Control 1992-014)

8. The industrial waste stream generated by this site shall be disposed of in accordance with all applicable Florida DER regulations. (ONGOING: HEALTH-Health) (Previous Condition HEALTH 8. of Resolution R-2007-1440, Control 1992-014)

9. Cogeneration boiler fuels shall be limited to Biomass Waste as defined in condition Health 15, and approved fossil fuels.

a. The use of Biomass Wastes shall include provisions for the substantial exclusion of painted and chemically treated wood, household garbage, toxic or hazardous materials or wastes and special wastes. (ONGOING: MONITORING- Health)

b. The use of fossil fuels shall be limited to pipeline natural gas or new low sulfur distillate with sulfur content not more than 0.05% sulfur by weight. The facility will consider replacing this fuel with ultra low sulfur fuel of sulfur content not greater than 0.0015 % by weight as secondary fuel when it becomes available. The burning of coal as an alternate fuel shall be prohibited. [Note: It is expected that ultra low sulfur distillate fuel will be widely available by 2006 due to federal regulations for highway fuel as outlined in Federal Register / Vol. 66, No. 12 / Thursday, January 18, 2001 / Rules and Regulations, on the Fuel Quality Standards.1]. (ONGOING: MONITORING-Health) (Previous Condition HEALTH 9. of Resolution R-2007-1440, Control 1992-014)

10. All fly ash and bottom ash from the facility which is produced during any period in which fossil fuels are used, and thereafter for a reasonable time shall be segregated and managed as set forth in the ash management plan. (ONGOING:HEALTH-Health) (Previous Condition HEALTH 10. of Resolution R-2007-1440, Control 1992-014)

11. The facility shall revise the current fuel management plan to incorporate "The Inclement Weather Operating Procedures" and "Wood, Bagasse and Ash, Inspection and Testing Plan" as submitted to the Palm Beach County Health Department on March 30, 2004. The facility shall request that the revised fuel management plan be included in the Title V operating permit. Revisions to this plan shall be made in concurrence with Palm Beach County Health Department. (DRO: HEALTH-Health) (Previous Condition D.13 of Resolution R-2004-1372, Petition 1992-014B)

12. The facility shall revise the current ash management plan to incorporate the revised testing procedures for the ash as submitted to the Palm Beach County Health Department. The facility shall request that the revised ash management plan be included in the Title V operating permit. (DRO: HEALTH-Health) (Previous Condition HEALTH 12. of Resolution R-2007-1440, Control 1992-014)

13. Previous condition Health 13. of Resolution R-2007-1440 which reads:

Onsite storage shall be contained within the area designated on Exhibit 48 and shall be processed and stored in a manner which controls fugitive and dust particulate emissions. (ONGOING:CODE ENF-Health)

Is hereby amended to read:

Onsite storage for the ash monofil shall be contained within the area designated on Exhibit 48 and shall be processed and stored in a manner which controls fugitive and dust particulate emissions.(ONGOING:CODE ENF-Health)

14. The storage of fuel on site shall be limited to the areas designated on the certified site plan and shall be limited to the storage of bagasse and biomass waste only. (ONGOING:CODE ENF-Health) (Previous Condition HEALTH 14. of Resolution R-2007-1440, Control 1992-014)

15. "Biomass Waste", as referred to herein, shall mean bagasse, vegetative and woody matter, including material resulting from landscaping, maintenance, land clearing operations, clean wood, cellulose material, tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, wood from land development operations, clean wood debris from demolition operations; it shall not include trash, garbage or sludge (FAC 62-701), biohazardous waste (62-712 FAC), or biological waste (62-712 FAC). (ONGOING:CODE ENF-Health) (Previous Condition HEALTH 15 of Resolution R-2007-1440, Control 1992-014)

16. The existing boilers at the adjacent sugar mill facility shall be subject to the conditions contained within the permits issued by the State of Florida Department of Environmental Protection (FDEP). (ONGOING: DERM /HEALTH - Zoning) (Previous Condition HEALTH 16 of Resolution R-2007-1440, Control 1992-014)

17. The ashfill shall be constructed with liner and leachate collection systems that comply with the requirements established by the Florida Department of Environmental Protection (FDEP) for Class I landfills.

Before the County issues its building permit for the ashfill, the property owner shall (a) submit an application to FDEP demonstrating compliance with these requirements, (b) obtain an appropriate construction permit from FDEP, and (c) provide a copy of the FDEP permit to the Palm Beach County Health Department. (BLDG PERMIT:HEALTH-Health) (Previous condition HEALTH 17. of Resolution R-2007-1440, Control 1992-014)

18. Within six (6) months of final approval by Development Review Officer for the addition of the fourth boiler, the property owner shall provide the Palm Beach County Health Department's Air Pollution Section with a signed "FDEP consent order" addressing all previous compliance violations associated with the three existing boilers.(DATE: HEALTH-Health)

19. Prior to the installation of the fourth boiler, the property owner shall obtain and provide the Palm Beach County Health Department's Air Pollution Section with copies of the PSD Air Construction Permit issued by the Florida Department of Environmental Protection (FDEP), and conditions of certification issued pursuant to the Florida Electrical Power Plant Siting Act which authorize construction of the fourth boiler. (BLDG PERMIT:HEALTH-Health)

USE LIMITATIONS

1. Use Limit Condition 1 of Resolution R-2007-1440, Petition 1992-014(B) which currently states:

a. Use of the site shall be limited as follows:

Land Area 349.34 acres
Total Floor Area 354,055 square feet
Maximum Floor Area 10%
Electrical Production 140 net mega watt maximum
Fuel Yard 45 acre max. net land area

b. Prior to site plan approval by the Development Review Officer (DRO), the site plan shall be revised to reflect the most updated condition consistent with the use limitation condition as identified on J.1.a. (DRO/BUILDING PERMIT: ZONING/BUILDING-Zoning)

Is hereby amended to read:

a. Use of the site shall be limited as follows:

Land Area 378.71 acres
Total Floor Area 483,516 square feet
Maximum Floor Area 10%
Electrical Production 140 net mega watt maximum
Fuel Yard 74.4-acre max. net land area

b. Prior to site plan approval by the Development Review Officer (DRO), the site plan shall be revised to reflect the most updated condition consistent with the use limitation condition as identified on 1.a. (DRO/BUILDING PERMIT: ZONING/BUILDING-Zoning)

2. There shall be no repair or maintenance of vehicles on site. (ONGOING:CODE ENF-Zoning) (Previous Use Limit Condition 2 of Resolution R-2007-1440, Petition 1992-014(B)).

3. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (Previous Use Limit Condition 3 of Resolution R-2007-1440, Petition 1992-014(B)). (ONGOING: CODE ENF-Zoning)

4. All vehicles utilizing public rights-of-way to carry biomass waste (i.e. vegetative matter) to the site shall be equipped, at a minimum, with covering or screens over top of the open bed of the vehicle to prevent the loss of material during transportation to the facility. (ONGOING: CODE ENF-Zoning) (Previous Use Limit Condition 4 of Resolution R-2007-1440, Petition 1992-014(B)).

UTILITIES

1. All transmission lines required by this facility are to be constructed in accordance with the National Electric Safety Code. (BLDG.PERMIT: BLDG-Zoning) (Previous Utility Condition 1 of Resolution R-2007-1440, Petition 1992-014(B)).

2. All transmission lines leaving the site and required by this facility shall not exceed 138 KV. (BLDG.PERMIT: BLDG-Zoning) (Previous Utility Condition 2 of Resolution R-2007-1440, Petition 1992-014(B)).

COMPLIANCE

1. In granting this approval, the Board of County Commissioners 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 Board of County Commissioners 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 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)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

C O R R E C T E D
DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Daniel D. Ross, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [] Vice President and Real Estate Csl. [position—
e.g., president, partner, trustee] of Okeelanta Corporation [name and type of
entity—e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership
interest in real property legally described on the attached Exhibit "A" (the "Property").
The Property is the subject of an application for Comprehensive Plan amendment or
Development Order approval with Palm Beach County.

2. Affiant's address is: One North Clematis Street, Suite 200
West Palm Beach, Florida 33401

3. Attached hereto as Exhibit "B" is a complete listing of the names and
addresses of every person or entity having a five percent or greater interest in the
Property. Disclosure does not apply to an individual's or entity's interest in any entity
registered with the Federal Securities Exchange Commission or registered pursuant to
Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm
Beach County policy, and will be relied upon by Palm Beach County in its review of
application for Comprehensive Plan amendment or Development Order approval
affecting the Property. Affiant further acknowledges that he or she is authorized to
execute this Disclosure of Ownership Interests on behalf of any and all individuals or
entities holding a five percent or greater interest in the Property.

5. Affiant further acknowledges that he or she shall by affidavit amend this
disclosure to reflect any changes to ownership interests in the Property that may occur
before the date of final public hearing on the application for Comprehensive Plan
amendment or Development Order approval.

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Daniel D. Ross

Daniel D. Ross, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 14th day of August, 2008, by Daniel D. Ross, [] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Denise G Singleton
Notary Public

Denise G. Singleton
(Print Notary Name)
NOTARY PUBLIC
State of Florida at Large
My Commission Expires: August 17, 2008



EXHIBIT "A"
PROPERTY

EXHIBIT A

Legal Description of Amended Leased Premises described in Exhibit A of Amendment to Amended Memorandum of Ground Lease Agreement, recorded in O. R. Book 22626, at Page 79, Palm Beach County, Florida.

The "Power Plant Site" consisting of Parcels A and B below:

Parcel A:

A parcel of land in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:
Commencing at the Northeast corner of the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said corner being the same as the Northeast corner of Section 16, Township 45 South, Range 36 East;
Thence South 0°51'19" East 793.03 feet along the East line the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 50.00 feet to the point of beginning of the hereinafter described parcel:
Thence South 0°51'19" East 1170.01 feet along a line parallel with and 50 feet West of the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 1700.00 feet;
Thence South 0°51'19" East 680.26 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence South 89°36'38" West 864.13 feet;
Thence North 0°40'35" West 1809.16 feet along the West edge of a paved road;
Thence North 89°36'38" East 130.00 feet;
Thence North 0°51'19" West 41.00 feet along a line parallel with the East line of the Northeast Quarter of said Section 16;
Thence North 89°36'38" East 2428.43 feet to the point of Beginning.

LESS AND EXCEPT the following parcel (Florida Power & Light Substation) parcel as described as follows:

Commencing at the Northeast corner of Section 16, Township 45 South, Range 36 East,
Thence South 0°51'19" East 793.03 feet along the East line of said Section 16;
Thence South 89°36'38" West 50.00 feet
Thence South 89°36'38" West 2022.43 feet
Thence South 42°05'52" West 124.65 feet;
Thence South 89°36'38" West 402.64 feet;
Thence South 0°56'16" East 75.00 feet
Thence North 89°36'38" East 145.00 feet; to the point of beginning of the

(cont'd)

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hereinafter described parcel, thence
South 0°56'16" East 148.00 feet;
Thence North 89°36'38" East 248.00 feet;
Thence North 0°56'16" West 148.00 feet
Thence South 89°36'38" West 248.00 feet to the point of beginning.
The net area of Parcel A 81.22 Acres.

NOTE: Bearings shown on these descriptions are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1927 North American Datum, 1972 Free Adjustment."

Parcel B: (New Fuel Yard Parcel):

A parcel of land in Section 16, Township 45 South, Range 36 East, Palm Beach County, Florida, described as follows:

Commencing at the Northeast corner of said Section 16, Township 45 South, Range 36 East,
Thence South 0°50'24" East (previously recorded bearing South 0°51'19" East) 1963.04 feet along the East line of said Section 16,
Thence South 89° 37'33" West 50.00 feet to the southeast corner of the parcel described in the Amended Memorandum of Ground Lease Agreement recorded in O. R. Book 18017, at Page 1380, Palm Beach County, Florida ("**Former Power Plant Parcel**") as described in Official Records Book 18017, Page 1380, public records of Palm Beach County, Florida,
Thence continue South 89°37'33" West 644.81 feet along the South line of the Existing Power Plant Parcel to the West edge of pavement of the existing asphalt paved road and the Point of Beginning of the hereinafter described parcel,
Thence South 0°23'03" East 899.39 feet along the West edge of pavement of the aforementioned road, to the beginning of a curve concave to the West having a radius of 152.00 feet,
Thence Southwesterly 80.67 feet along said edge of pavement and the arc of said curve through a central angle of 30°24'31". The subtended chord bears South 14°49'13" West 79.73 feet,
Thence South 89°37'33" West (previously recorded bearing South 89°36'38" West) 414.92 feet to the Northeast corner of the Distribution Center parcel designated as Parcel "D" of Exhibit "A" as recorded in Official Records Book 19090, Page 826, public records of Palm Beach County, Florida ("Distribution Center Parcel"),
Thence continue South 89°37'33" West (previously recorded bearing South 89°36'38" West) 1,476.66 feet along the North line of the Distribution Center Parcel and its Westerly extension to the East edge of pavement of the existing North-South road,
Thence North 0°39'34" West (previously recorded bearing North 0°40'35" West) 296.10 feet along said edge of pavement to the Southwest corner of the Former Power Plant Parcel,
Thence North 89°37'33" East (previously recorded bearing North 89°36'38" East) 864.13 feet along the southernmost line of the Former Power Plant Parcel,
Thence North 0°50'24" West (previously recorded bearing North 0°51'19" West) 680.26 feet to the South line of the Former Power Plant Parcel,
Thence North 89°37'33" East (previously recorded bearing South 89°36'38" West) 1055.19 feet along said South line to the Point of Beginning.
Containing: 29.4287 Acres, more or less.

This bearings of this description use NAD'83.

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Mono-Ash Fill Parcel

The NW 1/4 of Section 5, Township 45 S, Range 36 E, palm Beach County, Florida, less and except the right-of-way of Bolles Canal. Containing 150.698 Acres, more or less.

Connecting Corridor Parcel:

The centerline of a 300-foot wide corridor, running through the Northeast Quarter of Section 16, Township 45 South, Range 36 East, and through the South 182 feet of the East 921 feet of Section 9, Township 45 South, Range 36 East, and through the East 300 feet of said Section 9, and through the North 240 feet less the East 300 feet of said Section 9, and through the South 60 feet of Section 4, Township 45 South, Range 36 East which is the same as the South 60 feet of lots 113 through 128, of the OKEECHOBEE FRUITLANDS COMPANY'S subdivision as recorded in Plat Book 1, Page 101, public records of Palm Beach County, Florida; and through the South 210 feet of the Southeast Quarter of Section 5, Township 45 South, Range 36 East and through the West 150 feet of said Southeast Quarter of Section 5, and through the East 150 feet of the Southwest Quarter of Section 5; and through the North 90 feet of that part of Section 8, Township 45 South, Range 36 East through Lots 1 through 8 and the East Half of the North 90 feet of Lot 9, all said lots of the OKEECHOBEE FRUITLANDS COMPANY'S subdivision of Section 8, Township 45 South, Range 36 East, as recorded in Plat Book 1, Page 114, public records of Palm Beach County, Florida.

The centerline of the 300 feet-wide corridor, terminates at the Center of Section 5, Township 45 South, Range 36 East.

Described as follows:

Beginning at a point on the **North line of Parcel A of the Power Plant Site** as recorded in O. R. Book 22626 at Page 79, Palm Beach County, Florida, in the Northeast Quarter of Section 16, Township 45 South, Range 36 East, said point located

South 89°37'33" West 723.02 feet from the **Point of Beginning of Parcel A of the Power Plant Site,**

Thence North 0°42'30" West 793.20 feet along the centerline of the Cogeneration Entrance Road as recorded in Official Record Book 8056, P.889, said centerline being the same as the centerline of the hereinafter described 300-foot wide corridor, to a point on the North line of Section 16, Township 45 South, Range 36 East;

Thence North 89°38'21" East 621.19 feet along the North line of said Section 16, which is the same as the South line of Section 9 Township 45 South, Range 36 East, to a point which lies South 89°38'21" West 150.01 feet from the Northeast corner of Section 16 Township 45 South, Range 36 East, which is the same as the Southeast corner of Section 9, Township 45 South, Range 36 East;

Thence through said Section 9, North 1°07'23" West 5195.06 feet, said centerline being 150.00 feet West of and measured at right angles to the East line of said Section 9, Thence South 89°38'31" West 5141.12 feet through said Section 9 along a line parallel with and 90 feet South of, measured at right angles to the North line of said Section 9 to the West line of said Section 9;

Thence North 45°21'29" West 212.20 feet into the Southeast Quarter of Section 5, Township 45 South, Range 36 East;

Thence South 89°39'46" West 2494.76 feet through the South 210 feet of the Southeast Quarter of said Section 5 and through the North 90 feet of the East-half of Section 8, Township 45 South, Range 36 East, to the North-South Quarter-Section line of Section 5, Township 45 South, Range 36 East, which is the same as the West line of the Southeast Quarter of said Section 5 and the East line of the Southwest Quarter of said Section 5; thence along said North-South Quarter line to the Center of Section 5, Township 45 South, Range 36 East and the terminus of the herein above described centerline.

The sidelines of the proposed corridor to be extended or shortened to meet at angle points,

(cont'd)

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To begin at the North line of the Cogeneration Plant Site Parcel and to terminate at the East-West Quarter-Section line of Section 5, Township 45 South, Range 36 East. Containing 117.364 Acres, more or less."

PAG SURVEYORS, INC.
CERTIFICATE OF AUTHORIZATION NO. LB 3411
1016 SOUTHEAST 4TH STREET
BELLE GLADE, FL 33430-4330
REPORT OF BOUNDARY SURVEY FOR: NEW HOPE POWER
PARTNERSHIP
DATE OF SURVEY: MARCH 27, 2008, WORK ORDER No. 08027
REVISED JUNE 26, 2008, CHANGING NAME TO NEW HOPE POWER
COMPANY
ACCORDING TO O.R.B. 22626, PAGE 0079

The survey of the property shown and described hereon was executed according to the description furnished by client, which is shown transcribed verbatim. No search of the public records was made by PAG SURVEYORS, INC. PAG SURVEYORS, INC. has no knowledge of any recorded or unrecorded instruments other than the ones furnished by client and shown under DESCRIPTION.

The boundaries shown on this survey reflect only those called for in the description and may not necessarily be the same as the lines of ownership.

DESCRIPTIONS: Furnished by Daniel D. Ross, Esq. as recorded in Official Records Book 22626, Page 0079, public records of Palm Beach County, Florida. Descriptions shown on the left hand side of this sheet.

Blanket easements and other reservations not specifically described are not plotted.

BASIS OF BEARINGS: Bearings shown hereon with the suffix (g) are Grid Bearings of the Florida State Plane Coordinate System, East Zone, on the 1983 North American Datum, 1998 Adjustment, the East line of Section 16, Township 45 South, Range 36 East bears South 0°50'24" East and all other bearings with the suffix (g) are relative thereto.

Bearings shown with the suffix (d) are from the recorded descriptions.

SURVEYOR'S NOTE: the rotation between the 1927 bearings and the 1983 bearings is: counterclockwise (-) 0°00'55".

ACCURACY: The present use of the subject lands is Rural. The Minimum Technical Standards set forth by the Florida State Board of Professional Surveyors and Mappers (61G17-6 FAC) require a minimum relative distance accuracy for this type of survey of 1 foot in 5,000 feet. This survey meets said requirements.

This report and the map of boundary survey are not valid without the signature and the embossed seal of the Florida Licensed Professional Surveyor and Mapper whose name appears below.

Pedro A. Gonzalez, P.S.M.
Florida License No. 2287

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name *	Address **	Percentage of Interest
Okeelanta Corporation		
New Hope Sugar Co-Op		
King Sugar Corporation		
B & B Sugar Corporation		
Belle Glade, Inc.		
Connecticut Sugar Corporation		
Hawthorne Sugar Corp.		
S. D. Sugar Corp.		
New Hope Sugar Company		
Florida Crystals Corporation		
Flo-Sun Incorporated		
Alfonso Fanjul		[CONT'D]

*Each entity or individual listed has a direct or indirect ownership in the Property of 5% or more.

**Address for all is: One N. Clematis Street, Suite 200, West Palm Beach, FL 33401.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	Percentage of Interest
[CONT'D]		
Jose F. Fanjul		
Lillian de Fanjul de Azqueta		
Alexander L. Fanjul		
Andres B. Fanjul		
Flor-Ag Corporation		
Brandy Trust Crystals, LLC		