



EXHIBIT – A

PERVIOUS TASK FORCE (PTF) A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MINUTES OF THE SEPTEMBER 24, 2008 SUBCOMMITTEE MEETING

On Wednesday, September 24, 2008 at 10:00 a.m. the Pervious Task Force (PTF) met at the Palm Beach County Vista Center Room VC-2E-12), located at 2300 North Jog Road, West Palm Beach Florida.

A. CALL TO ORDER

1. **Roll Call**

Bill Cross called the meeting to order at 10:10 a.m.

In Attendance

Ron Last (Last Devenport), Ryan Chandley (Cemex USA), Garry Cuthbertson (Cemex USA), Greg Bolen (Simmons and White), Rebecca Caldwell (PBC Building Director), Jon MacGillis (Zoning Director), Maryann Kwok (Chief Planner, Zoning), William Cross (Senior Planner, Zoning), Rodney Swonger (Zoning), Bill Megrath (OldCastle Coastal), Collene Walter (Kilday & Assoc., Inc.), Dodi Glas (Gentile, Halloway & O'Mahoney, et al), Brian Terry (Land Design South), Diep Tu (Florida Concrete Products Assoc.), Renee Williams (Florida Concrete Products Assoc.), Joanne Koerner (Land Development), Bryan Davis (Planning), Ed Nessenthaler (Planning), Etim Udoh (Planning), Khurshid Mohyuddin (Planning), Christopher Roog (Gold Coast Builders Assoc.), Eileen Platts (Zoning), Jan Wiegand (Zoning)

2. **Amendment(s) to the Agenda**

No Quorum, only one LDRAB member present, Ron Last.

3. **Motion to Adopt Agenda**

No Quorum, only one LDRAB member present, Ron Last.

B. INTRODUCTION

1. **Purpose and Intent**

Bill Cross outlined that the general intent of this project was to convene a multi-disciplinary cross section of land development professionals for the purposes of determining the following: 1) if current Zoning pervious surface area (PSA) requirements are redundant and can be deleted; 2) if deleted, whether or not additional clarification and definition of open space requirements will be needed and if so, what they would be; and, 3) If they cannot be deleted, are there alternative means, such as pervious pavement and other similar materials, that might be defined as meeting some pervious requirements (by percentage).

While the Zoning Division only has the authority to address Zoning pervious and open space requirements, it was indicated that time would be made to discuss engineering related drainage issues, as the two are oftentimes interrelated. Should it be determined that new or alternative methods of addressing drainage requirements appear to be feasible and in compliance with state, local and standard engineering practices/requirements, that the PTK would be able to forward such information to County Engineers.

It was noted that there are multiple influences that resulted in the Zoning Division convening this task force, including but not limited to: prior variance applications for open space reductions in a

PUD (see Julian Bryan); prior variance applications for reduced PSAs in various Tiers, including a 2007 Land Design South project in the Exurban Tier that proposed to use pervious concrete to offset reductions; and, the need to identify solutions to facilitate the proposed Zoning Infill/Redevelopment Project, where the use of infill and mixed use Plan Policies are to be used to allow increased density/intensity, among many others. Reference was also made to the Managed Growth Tier System (MGTS) and language that requires that certain tiers had to be more naturalistic, by providing for more pervious, natural or open space areas.

2. General Overview of Current ULDC Requirements (Exhibit A)

The PTF reviewed Exhibit A, a synopsis of all ULDC provisions for pervious and open space. Highlights include PDD open space requirements and the MGTS landscaping chart stating the PSA for the Urban/Suburban Tier (30%), AGR and Glades Tiers (40%) and Exurban and Rural Tiers (50%). Development potential is obviously reduced in some Tiers, without a clear understanding as to whether or not pervious areas result in the provision of natural or usable open space.

Ron Last and Collene Walter both stated that the definition of Pervious needs to be changed or there needs to be an Engineering definition of pervious and a Zoning definition of open space or the other way around and then what constitutes open space and what constitutes pervious.

Rebecca Caldwell suggested that the definition of green be brought in along with pervious and open space because the municipalities and the County may ultimately adopt Green Building Ordinances.

Bryan Terry and Collene Walter stated that DEP technical advisory committee has been meeting all summer and by next July there will be new Drainage Permitting rules that hopefully is pretty favorable to allowing pervious pavement types and giving credit for it. They were talking about treating pervious surfaces as dry detention area.

Dodi Glas brought up low impact development and the storm water issue; she believes these issues should be discussed in greater detail.

3. Compliance with the Managed Growth Tier System

Bill Cross stated that even though we jumped ahead and spoke about a lot of different agency requirements, under the introduction we spoke about Compliance with the managed growth tier system. Again, there are two different intermingling topics here. One is the fact that we have to have drainage. The other is that we have used pervious to maybe create open space. How do we define these areas that are required without creating new regulatory hurdles or inconsistencies or problems with code language? Back to the Comp Plan, what we need to know is a clear picture of what each tier requires so we can understand exactly how flexible we can be with the Zoning code.

C. DISCUSSION – OTHER PERVIOUS REQUIREMENTS

- 1. Land Development Division**
- 2. South Florida Water Management District**
- 3. Drainage Districts**
- 4. Others**

The aforementioned regulator bodies were discussed intermittently in prior and following discussions. In summary, while the County can work closely with Land Development to address PBC pervious and open space requirements, outside agencies such as the DEP, SFWMD, individual drainage districts (including LWDD, Indian Trail and Northern Palm Beach County, among others) have regulatory approval and may not agree with, nor allow, alternative means or other solutions to drainage and pervious issues.

Editors Note: Should there be any radical or solutions considered different from current practices or norms, it will be beneficial to consider a workshop with many of these agencies.

D. DISCUSSION – REDEFINING OTHER RELATED REQUIREMENTS

1. Open Space

Discussed above in B-2.

2. Landscaping

Discussed above in B-2.

3. Side yard Setbacks

It was noted that there are well know drainage issues with scenarios such as ZLL developments, where the 10' building separation combined with owner improvements (pools, generators, sidewalks, sheds, etc.) and natural site deterioration produce adverse drainage issues for homeowners. Any discussions on pervious and open space need to take such factors into consideration.

There was reference to a Sheet Flow Ordinance that may have been adopted a few years ago to address historical drainage between different property owners – not to be confused with legal positive outfall. There was a short discussion on the issue of previously approved subdivisions that were not County approved nor planned, where infill development oftentimes exacerbates drainage due to the use of building pads and other site improvements. Examples included Palm Beach Country Estates and the Acreage.

E. AGENDA TOPICS AND DATE FOR NEXT MEETING

It was determined that staff would prepare a summary handout of Plan Goals, Objectives and Policies that relate to pervious, open space, natural areas and other similar standards. Ron Last asked if the Green Definition for Pervious comes out prior to the next meeting to please bring it.

The next PTF meeting is scheduled for Wednesday, October 22nd from 2:00-4:00 p.m.

F. ADJOURN

The Pervious Task Force meeting adjourned at 4 p.m.