

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of June 19, 2013 Meeting

On Wednesday, June 19, 2013 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. Call to Order/Convene as LDRAB

1. Roll Call

Chair Wes Blackman called the meeting to order at 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 13

Wesley Blackman (PBC Planning Congress)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)*
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 1)
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
Leo Plevy (Member At Large/Alternate)

Members Absent: 4

David Carpenter (District 2)
Jim Knight (District 4)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
James M. Brake (Member at Large/Alternate)

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium Association)

County Staff Present:

Leonard Berger, Assistant County Attorney
Rebecca D. Caldwell, Executive Director, PZ&B
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

The Chair noted that there were amendments related to Exhibit B. Motion by Ms. Vinikoor to accept the amendments, seconded by Ms. Katz. Motion passed (12 - 0)*.

3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0)*.

4. Adoption of May 22, 2013 Minutes (Exhibit A)

Mr. Baumoehl requested that Exhibit A, May 22, 2013 Minutes be changed to clarify a comment on Adult Day Care. The amendment reads:

Mr. Baumoehl, Mr. Knight and Mr. Tedtmann cited **health** concerns **about the quality of life** for clients which will result from lack of exercise due to insufficient space to move around freely. Motion to adopt as amended by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0)*.

B. ULDC AMENDMENTS

1. Exhibit B - Best Management Practices (BMPs) for Livestock Waste

Mr. Cross stated that the Add/Delete replaces Exhibit B for ease of use. He acknowledged the presence of Rebecca Caldwell, Executive Director of Planning Zoning and Building who is coordinating this multi agency amendment, Audrey Norman and Arthur Kirstein representing the Co-operative Extension Service and Kenny Wilson from the Health Department. He also noted input from ERM, Solid Waste Authority and other agencies. Mr. Cross summarized the exhibit as follows:

- The amendment will enable enforcement and regulation of illegal dumping of horse manure exceeding the nutrient values beneficial to fertilize soil. The standards were expanded from horse manure to include other livestock waste to address future needs. The equestrian industry is seasonal and excessive waste is generated during the season.
- Whereas the Village of Wellington passed a comprehensive livestock waste management plan, the proposed County Ordinance focuses only on properties that receive livestock waste. It does not regulate properties that generate waste on site, some of which are protected by the Right to Farm Act.
- Definitions on Page 1 expand the terms to clarify BMPs. Florida laws for BMPs relate to environmental issues mostly focused on water management practices for water protection.

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- Thanks to public input, domesticated livestock now includes horses. Section 2 clearly points out that the standards shall apply to properties that receive livestock waste. Florida Statutes pre-empt local jurisdictions so there might be situations where this Ordinance will not apply; however, the filing of a Notice of Intent to follow a State agency's best management practices has to be demonstrated. Zoning does not regulate where compliance with the Palm Beach County Fertilizer Ordinance is required.

Mr. Henry Studstill arrives at 2:12 p.m.

Mr. Cross continued:

- Exemption No. 5, page 2, line 25, states ten cubic yards in any 12 month period and there was public request at the community meeting on June 17, 2013 to increase this from ten to twenty.
- Spreading should take place within 72 hours, unless stated otherwise under an approved management plan. Soil testing and analysis is available from the Cooperative Extension Service to determine quantity, time and place.
- The suggested separation distances are mainly for health reasons which can be explained by the representative from the Health Department.

Ms. Vinikoor questioned the word "aerobic" on line 22, page 1, and after a brief discussion and recommendation by Mr. Arthur Kirstein, it was agreed that the word "aerobic" should be deleted from the language.

The Chair was informed by Mr. Berger that the number of the Fertilizer Ordinance referred to in the Exhibit is 2012-039.

The Chair opened the meeting for public comments.

Ms. Patricia Curry thanked staff for working very diligently with the public. She said the changes being requested are the result of consultation with other Loxahatchee residents and are as follows:

- Add "from outside sources" to line 5, page 2, for emphasis and clarity.
- Exemption # 5, page 2: request to increase to twenty cubic yards, bearing in mind that properties in the County vary in size and ten cubic yards might be overwhelming for some and insufficient for others. A preference for the measurement to be in inches or feet per year was stated.
- Storage and separation: It was suggested that setbacks be in accordance with the ULDC, namely 15 ft. for nonconforming lots and 25 ft. for conforming lots and to replace "within 100 ft of a potable water supply" with "in accordance with State best management practices."

Ms. Ann Kuhl submitted a handout entitled "Public Health: General Provisions" and a list of requested changes.

Motion by Ms. Vinikoor to accept, seconded by Ms. Katz.. Motion passed (13 - 0).

Ms. Kuhl expressed support for Ms. Curry's recommendation on setbacks and read suggested changes:

- Exemption #5, page 2: change to ten cubic yard limit per acre of stored material.
- For both Storage and Spreading separation: reduce location to within 10 feet of any property line and 75 feet of potable water supply well and add within 15 feet of the high water line of retention and detention areas, swales or ditches.
- Spreading: insert text to allow "6 inches of depth" before requiring a Nutrient Management Plan.

Mr. Gert Kuhl submitted a handout with information on bio-composting.

Motion by Ms. Vinikoor to accept, seconded by Ms. Katz.. Motion passed (13 - 0).

- Mr. Kuhl spoke about the issue of water contamination due to excessive manure dumping and expressed support for burning the manure for power usage. He said the bigger problem for the County is the use of "Roundup", especially on golf courses, as it

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does not break down and goes into the water supply. He urged the Board and the BCC to become proactive in making an effort to limit the use of Roundup.

Mr. Tod McClellan said that the word "agriculture" was left out of Definition 52 on page 1, and requested that it be inserted to be in accordance with Art. 4, Bona-fide Agriculture.

The following responses were made to the suggestions from the public:

- Ms. Norman suggested that anyone accepting livestock waste must have a Livestock Management Plan. The Plan is tailored for various types of soil and different seasons and the quantities that should be applied accordingly.
- Mr. Kenny Wilson stated that Florida Statutes and Florida Administrative Code state 75 feet separation from septic systems in good soil. Unfortunately the areas of Loxahatchee, Acreage, Jupiter farms have restrictive soil, hence the extra 25 feet requirement. The manure does not percolate quickly and runs off the surface.
- Ms. Caldwell explained that ten cubic yards is an exemption not an ultimate limitation. Anything over ten cubic yards has to go to a testing process. The Fertilizer Ordinance was written to address water contamination. Those areas that did not have the problem were not required to pass a Fertilizer Ordinance. She added that for the same reason the separation requirement of 25 feet has to be retained as the properties concerned have historical drainage problems and shared drainage in some cases, and this is to prevent livestock waste from going over lot lines.
- The Chair inquired whether the amount of waste allowed could be scaled relative to the size of the properties rather than having an absolute number. Ms. Norman confirmed that the relationship could be proportionate; however, Ms. Caldwell said this was one alternative suggestion and it was not applied. She would be happy to support ten cubic yards per acre with a maximum of twenty overall in a twelve-month period, similar to the Wellington Ordinance.
- Ms. Caldwell responded to Ms. Brinkman's inquiry as to whether licenses will be required and said that every effort was made to make the Ordinance as unobtrusive as possible so waste generated on site was exempted. The Ordinance is necessary to have the authority to address waste from off site.

Motion by Ms. Vinikoor to approve with the change "ten cubic yards up to twenty cubic yards for a year", removal of the word "aerobic" and support for staff's recommendations, seconded by Ms. Brinkman.

A discussion on the motion followed:

Mr. Kozell proposed limiting the total amount at any one time, with provision for the opportunity to move it in small amounts. He also recommended that 75 feet from the potable water system be allowed wherever the soil condition is sufficient and 100 feet be required where necessary.

Mr. Wilson recommended usage of pre-packaged fertilizer on smaller properties with restrictive soil conditions as most of the bacteria is removed in processing.

Mr. Bailey explained that septic standards require twelve inches of dirt over the drain-field so when it rains the leaching will go down. Manure is a surface application which will run off when it rains, hence the need for the extra 25ft protection, especially as these are flood prone areas.

Ms. Brinkman opined that it is safer to have the more restrictive 100 feet separation.

Ms. Caldwell said that Code Enforcement does not have the ability to determine the type of soil and clarified that the entire ten cubic yards could be spread over an acre at once.

Mr. Kozell stated that in light of information coming out of the discussion, he wished to withdraw his proposal.

The Chair noted the discussion on the Motion and inquired whether the maker of the Motion was satisfied with the Motion.

Ms. Vinikoor affirmed that she would keep the Motion as it was made.

The motion passed (13 - 0).

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C. CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Mr. Zimmerman, seconded by Ms. Vinikoor. Motion passed (13 - 0).

2. Consistency Determination

Mr. Blackman requested that Exhibit B be looked at for consistency. Mr. John Rupertus, Senior Planner, Planning Division, stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Ms. Vinikoor, seconded by Ms. Katz. The motion passed (13 - 0).

D. ADJOURN AS LDRC

Adjourned as LDRC at 3.00 p.m.

E. RECONVENE AS LDRAB

Reconvened at 3:00 p.m.

F. PUBLIC COMMENTS

There were no public comments.

G. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

Ms. Cantor updated the Board as follows:

- The standards in the Industrial uses are now being reviewed. Concerns coming out of subcommittee meetings are being addressed and will be presented to the subcommittee at the end of July.
- LDRAB will be asked to review at the meeting in August.
- A landscape subcommittee meeting was held earlier that day.

H. STAFF COMMENTS

Mr. Cross introduced Ms. Lauren Benjamin, who was promoted to Planner II and temporarily transferred to the Code Revision Section to assist with the Use Regulations Project. He advised that:

- Accessory Structures will be included in the 2013-02 Round of Amendments and will come back to the LDRAB in August.
- Zoning will be accepting a privately initiated application to delete the minimum 5 acre lot size requirement for a Hospital or Medical Center.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:05 p.m.

Recordings of all LDRAB meeting are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5213.

Minutes drafted by: Zona Case  7/24/13