

## EXHIBIT A

### AGRICULTURE MARKETPLACE SUBCOMMITTEE (FKA: PRODUCE STAND AND RELATED USES SUBCOMMITTEE) A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### MINUTES OF THE MARCH 12, 2012 MEETING

Prepared by Zona Case

On Monday, March 12, 2012, the Produce Stand and Related Uses Subcommittee met at the Vista Center, Room VC-1E-60, at 2300 North Jog Road, West Palm Beach, Florida.

#### A. CALL TO ORDER

##### 1. Roll Call

Ms. Lori Vinikoor, Chair, called the meeting to order at 2:10 p.m. She welcomed the new Subcommittee members, Joni Brinkman, Barbara Katz and Terrence Bailey and said Jim Knight had served with her on the Subcommittee last year and she was happy to have more members participating.

##### 2. Introductions

Those in attendance were asked to introduce themselves.

**Subcommittee Members:** Lori Vinikoor, Terrence Bailey, Barbara Katz, Joni Brinkman.

**Interested Parties:** Steve Bedner, Jeff Brophy, Mark Perry, Ken Lassiter, Dagmar Brahs and Rick Warner.

**County Staff:** Jon Macgillis, Audrey Norman, Arthur Kirstein, Danna Ackerman-White, Monica Cantor, William Cross, Maria Bello\* and Zona Case. [\* Note: Bryan Davis and Nora Bolivar attended initial portion of meeting on prior to Maria Bello arriving].

##### 3. Additions, Substitutions and Deletions to Agenda

Mr. Cross noted that Mr. Mark Perry, Attorney for the Bedner's Farm Fresh Market, submitted a list of events and uses to be included in the new use regulations. The list was attached as the last page.

##### 4. Motion to adopt Agenda

Motion by Joni Brinkman, seconded by Barbara Katz. Motion passed (4-0).

##### 5. Adoption of November 15, 2011 Minutes (Exhibit A)

Motion to Adopt by Joni Brinkman, seconded by Barbara Katz. Motion passed (4-0).

#### B. OVERVIEW OF JANUARY 17, 2012 BCC DIRECTION

Mr. Cross reported that at the January 17 (2012) Board of County Commissioner (BCC) Workshop, the Planning Division presented an overview of the Agricultural Reserve (AGR) Tier. At this meeting, Mr. Perry had requested that the BCC direct staff to reconvene the Produce Stand and Related Uses Subcommittee to address the AGR Tier.

Mr. Cross noted that Maria Bello would represent the Planning Division and assist the Subcommittee as relates to ensuring consistency with the Comprehensive Plan.

Ms. Katz said it was her understanding that the BCC had toured the Agricultural Reserve, were very impressed, and saw it as eye-opening. Ms. Katz wondered whether details of the tour would be of help to the Subcommittee. Audrey Norman who arranged the tour said that it was publicly noticed and the public was encouraged to participate. The tour was considered a public meeting so as not to contravene Florida Sunshine Laws. The Commissioners visited seven or eight locations, including packing houses, equestrian centers, farmers markets, etc. Mr. Cross added that Minutes taken by the Clerk's office may be available soon.

Mr. Bailey asked about the source of controversy that spurred the need for a subcommittee and said this information would help the Subcommittee to come to a consensus as to expectations.

Mr. Rick Warner stated that initially the Subcommittee meetings were convened around Produce Stands in the Urban Suburban Tier but that has been taken off the table. Mr. MacGillis said that last year the Subcommittee was charged with looking into the uses in the Urban Suburban Tier and changes were made to the Code in Round 2011-02. The proposed amendments are related to the AGR Tier only and will be the focus of the Subcommittee at this time. He further elaborated that Zoning would be reviewing the entire Use Matrices in Articles 3 and 4, and during the process additional changes may be proposed to Produce Stands in the Urban/Suburban Tier. Mr. Warner replied that the Use Matrices review is expected to last at least one year and he is of the view that the U/S Tier issue has been cut off at the knee.

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Mr. Cross confirmed, at the request of Ms. Vinikoor, that a subcommittee will address the issues in the U/S Tier when the uses are being reviewed. He said that these are complicated issues and given the limited staff resources, Zoning only has the capability to focus on the AGR Tier at this time. In the meantime Zoning is willing to meet with Mr. Warner and his client. [Note: Staff followed up with Mr. Warner to schedule a meeting.]

Mr. Bailey expressed the view that it makes good sense to address the U/S Tier as part of the general review during the next twelve months.

### C. TENTATIVE SCHEDULING FOR SUBCOMMITTEE AND AMENDMENTS

#### 1. ULDC 2012-01 LDRAB and BCC Zoning Hearing Scheduling

Mr. Cross anticipated that the amendments will be presented to the LDRAB in May and to the BCC for Public Hearings on June 28, 2012, July 26, 2012 and for approval on August 23, 2012.

#### 2. March 21, 2012 Agricultural Enhancement Council Meeting

The Agricultural Reserve policies and issues will be presented for discussion at the Agricultural Enhancement Council Meeting on March 21. Mr. Cross said he anticipates that the Agricultural Marketplace topic will be discussed at this meeting, which will assist the Subcommittee and Zoning in moving forward.

#### 3. Additional Subcommittee Meetings

Mr. Cross anticipates the need for two more meetings which will be held in April. The goal for today's meeting, he said, is to discuss and assess how to address BCC direction to promote certain agricultural uses in the AGR Tier, through recommendation from the Subcommittee on possible Code amendments.

### D. REVIEW OF PRELIMINARY ULDC AMENDMENT DRAFT (EXHIBIT B)

#### 1. Review of Back-up Provided by Industry (where applicable)

Mr. Cross said he would give a brief outline of the proposed amendments, move to a full discussion, then to Mr. Perry's list of events. Mr. Cross summarized the proposed amendments as follows:

- **Definition of Agriculture Marketplace**, (Page 1), clarified that definition was intended to accommodate additional uses that promote agriculture for owners of bona-fide agricultural operations.
- **Temporary and Permanent Green Market**, (Page 1), corrects a glitch in the Use Matrix for a Temporary Green Market in the AGR district to match the special permit approval process stated in the supplemental standards; and, expands the Permanent Green Market to be allowed in conjunction with an Agricultural Marketplace.
- **Establishment of Agriculture Marketplace**, (Page 2), new use standards added as an accessory use to Bona fide Agriculture in the AGR Tier and Zoning District to be approved as Conditional Use. It allows sale of agricultural products that provide additional economic viability for farming operations; required to have frontage on arterial street, separated at least 500 feet from residential; a minimum of 75 contiguous acres of bona fide agriculture with 70 percent of overall land area to be continuously maintained for bona-fide agricultural production.
- **Use Limitations and Sale of Products**, (Page 3), similar concept of sales of products allowed in the Produce Stand use, but expands scope of uses subject to specific criteria, as follows: floor area limited to maximum of 10,000 sq. ft.; permits grocery sales, with maximum square footage of five percent or 500 sq. ft, whichever is less; additional collocated uses such as Permanent Green Market and Recycling Drop Off Bins subject to additional standards and Special Events if associated with agricultural; restaurants, sale of food and retail sales are to be subject to additional discussion with the Subcommittee members. In addition the amendments include regulations for outdoor displays, storage, parking and hours of operation. Error noted on Page 3, line 55 - Hours of Operation, to be corrected by replacing the word "Friday" with "Saturday".
- **Green Market, Temporary and Permanent** (Page 4), clarify existing standards are applicable to Temporary Green Market and establish language for Permanent Green Market which includes specific parking standards.

#### 2. Discussion

Ms. Vinikoor said that the name Agriculture Marketplace is appropriate as it suggests multiple uses and describes what we are attempting to have. She thanked Mr. Perry for the list of suggested new uses and invited him to comment.

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- Mr. Perry said that he had prepared a definition but the Zoning staff's definition is excellent. He described different types of events and uses proposed by Bedner's that support agritourism and can be considered educational or recreational. There will also be staff on location to give agricultural related tours and opportunities will be offered for visitors to tour Loxahatchee through a special arrangement in conjunction with Loxahatchee.
- Ms. Vinikoor also invited comments from Ms. Norman who stated that Palm Beach County needs and deserves a lot of support as it is one of the richest agricultural areas in Florida. She further mentioned that in order for agriculture to continue, it has to be profitable and sustainable. She also clarified that agricultural products are typically food and fiber. Mr. Kirstein added that counties the local Property Appraiser does not take the exemption out, the land is agricultural.
- Mr. Bailey asked if there is a definition for agriculture; is it limited to things produced on a farm and what is allowed to be sold. Ms. Katz added that it is probably easier to ask what cannot be sold as the category of uses seems very broad. Mr. Perry commented that restrictions to sell processed or cut food is an issue for his client. Mr. Cross explained that products listed in the Supplementary Standards under Bona Fide Agriculture are permitted. The sale of Cottage foods is allowed and is described by Florida Statute which stipulates what products can be made and where they can be sold.
- Mr. Cross stated in response to Ms. Vinikoor's question, that the owner or operator of a marketplace does not have to own the land but if the land is leased the owner's consent is required.
- Mr. Cross explained that the term "groceries" is a broad category and will need further study to determine the products included. Cut-up fruits are allowed and subject to license by the Department of Agriculture. Mr. Lassiter said that vendors are not allowed to have soda vending machines. Sodas can be sold from the shelf or from a cooler but not from a vending machine.
- Mr. MacGillis was of the view that the term "groceries" is too broad and explained that Zoning is allowing 500 sq. ft. for grocery sale and Code Enforcement should do the regulating. Replying to Ms. Brahs, Mr. Cross said the determination of whether groceries include meat and fish is pending and will be discussed further. Zoning will also look at other Ordinances for guidance.
- Ms. Brahs referred to the word "or" in the Agricultural Marketplace definition, ("...allow for the sale of agricultural products or enhanced opportunity for education") and asked how special events will be treated. Mr. MacGillis clarified that the construction of the Code states that "or" means either or both cases apply.
- Ms. Brinkman said that "...70 percent ...continuously maintained..." has a connotation that the entire 70 percent has to be fully planted. Mr. Cross clarified that this would also include drainage canals, access roads, windbreaks and other farming related improvements. Mr. Kirsten provided additional detail as relates to typical farming operations.
- Mr. Bailey asked how many weekends of operation are covered by a Special Permit issued for Temporary Greenmarket. He said this information impacts on whether the ventures will be successful and investors should know the process before risking their capital. He further asked if the duration of the permit allow sufficient time for investors to assess if a temporary greenmarket is viable before committing to a permanent market. Mr. MacGillis replied that a Special Permit is an approval process, and some of them are required to be renewed annually. He stated that Special Events are different, and the Code currently allows three applications per year per site. Mr. Cross added that Special Event permit is for temporary use e.g. a carnival, and is effective for a maximum of fourteen days.
- Miss Katz solicited comments from Mr. Perry regarding the issues at Bedner's and Mr. Perry made the following points:
  - The concept of Greenmarket, Temporary and Permanent as written in the Exhibit, is a good one. He was surprised and disappointed about the list of allowed items. He has visited other Greenmarkets in Delray and Boynton and sale of processed food is allowed. He referred to the list of suggested uses which was circulated to attendees.

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- Bedner's was cited for code violations for selling barbequed foods and hand crafted goods. They would like approval for a restaurant with food sales and were of the view that barbequed ribs are part of a pig or cow presented as food and should be allowed. They are also seeking approval to sell hand crafted goods, wine and beer, ice cream and cut-up fruits. All items listed under Collocated Uses are of interest and they would like approval to continue all activities they have carried on in the past as it is good for the family experience.
- Bedner's will meet the code requirements for recycling drop off bins.
- The marketplace is suitable for family visits, agritourism, u-pick fruit, etc., and also to hold special events. Seventy-five acre minimum is satisfactory but whereas they were of the view earlier on that the maximum floor area should be increased to 30,000 sq. ft., they are now of the opinion that they will need even more than 30,000 sq. ft. He questioned why it is not based on the F.A.R.
- Ms. Katz commented that the violations are what the Subcommittee needs to look at as they are interested in addressing existing problems. Ms. Vinikoor commented that a car show can attract large attendance and parking would be required for educational tours in Loxahatchee.
- Ms. Bello said that the role of the Planning Department is to give guidance to ensure consistency with the Comprehensive Plan. Much of what was discussed does not fall in line with the Comprehensive Plan. The objective of the Comprehensive Plan in respect of the Agricultural Reserve is to preserve and enhance agricultural productivity, environmental and water resources and open space. This is to be done by limiting the uses to agriculture and conservation, restricting residential to low density and non residential to serving the uses of the residents of the Tier. She further mentioned that sale of the products is in keeping with the goals and the size of the building, that way will probably not trigger any Comprehensive Plan issues. She recommended that a framework be developed and then go forward with what is appropriate. Planning will continue to assist the Subcommittee through the meetings as recommendations are developed.

### E. NEXT MEETING AGENDA

Ms. Vinikoor said the next meeting will focus on square footage and understanding collocated uses.

Ms. Katz said Bedner's is important to the community and the Subcommittee is trying to determine what Bedner's needs. She urged Mr. Perry to make those needs known so that the Subcommittee can see which ones can be accommodated. The Subcommittee is trying to assist them to be profitable and to co-exist so all can benefit. She went on to say that it's the kind of place that visitors to the State would like and COWBRA would welcome a presentation from either Mr. Bedner or Mr. Perry.

Mr. Cross reiterated the need for additional information on desired square footage, functional characteristics of the proposed use, etc. in order to answer specific questions associated with the promotion of agriculture in the County. Note that similar information had been requested at each of 2011 Subcommittee meetings. He went on to briefly explain the difference between collocated and accessory use to assist Subcommittee members for the next meeting.

Mr. Cross said that the date for the next meeting is tentatively April 2. A lot depends on the outcome of the Agricultural Enhancement Meeting on March 21 and the amount of feedback coming out of it. If there is a lot of feedback Zoning will need time to research.

### F. ADJOURN

Ms. Vinikoor moved for adjournment and this was seconded by Ms. Brinkman. The meeting adjourned at 4:10pm