

EXHIBIT A

RENEWABLE ENERGY (WIND) SUBCOMMITTEE A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MINUTES OF THE MARCH 30, 2011 SUBCOMMITTEE MEETING

Prepared by Ann Deveaux, Zoning Technician

On Wednesday **March 30, 2011**, the Renewable Energy (Wind) Subcommittee met at the Vista Center, Room VC-1E-58, at 2300 North Jog Road, West Palm Beach, Florida.

2nd meeting of the Renewable Energy (Wind) Subcommittee for Amendment Round 2011-01.

A. CALL TO ORDER

Mr. Puzzitiello, LDRAB member called the meeting to order at 10:35 a.m.

1. Introductions

Subcommittee Members: Joanne Davis*, Rosa Durando, Raymond Puzzitiello, and Lori Vinikoor.

Interested Parties: Carlos Berrocal, George Gentile, Jamie Gentile, Dodi Glas, Cliff Hertz, Ryan Fair, Robin Saiz, Ralph Butts, Carl Jones, III, Mary Kendall, Don Mathis, Joseph Verdone, Juan Lopez, Eleanor Rizzo, and Debbie Evans.

County Staff: Rebecca Caldwell, William Cross, Ann DeVeaux, Joanne Koerner, Robert Kraus, Craig Pusey, and Bryce Van Horn.

2. Additions, Substitutions and Deletions to Agenda

None

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Ms. Durando.

4. Adoption of March 2, 2011 Minutes (Exhibit A)

Motion to adopt the minutes by Ms. Vinikoor, seconded by Ms. Durando.

B. Review of Proposed ULDC Amendments (Exhibit B)

Mr. Cross gave a brief outline of the proposed language that was revised based on feedback received from the March 2nd subcommittee meeting.

C. Discussion

Ms. Durando expressed concern that many birds may die if wind towers are allowed to be constructed in the proposed area as it was the conclusion of a study conducted for California. Mr. Kraus commented that the towers reviewed in the study referred by Ms. Durando involved older types of towers and they are not the same type of Wind Turbines being proposed for this area. Additionally, he asserted that the impact of the towers and the ratio of dead birds are potential issues and only assumptions can be made at this time. Ms. Durando posited that the County will be in a better position to determine the impact of the Wind Turbines when the data from a study performed in Florida is received. However, Mr. Saiz clarified that their studies indicate that wind power would be viable in the areas targeted, and that they would be subject to any operational limitations imposed by regulating environmental agencies.

Mr. Cross indicated that proposed language is separated primarily into three areas:

- Requirements for environmental permitting;
- Provisions to allow relocation of Wind Turbines on site; and,

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- Clarification of proposed language related to decommissioning or abandonment of wind turbines.

Part 1 – A brief discussion ensued on the definitions and the different types of surveys. Highlights are:

- Meteorological (MET) Tower definition will be included in Art. 1.1.1, Definitions. Note: Ms. Vinikor questioned the lettering of the abbreviation for meteorological towers (MET) and suggested that the term be spelled out in some instances. Staff concurred.
- Specific Purpose Survey definition - Mr. Pusey requested addition of language to state that survey requirements will be determined by the County Engineer's office as the survey will be site specific and all the elements necessary to evaluate a survey will not be required if the property is not being purchased. The horizontal and vertical placement of the grids will be required to be shown on the survey for correct and adequate placement.
- Mr. Cross stated that the definition for Specific Purpose Survey may not need to be in the ULDC because as it seemed more related to requirements specified in the Technical Manual.

* Joanne Davis arrives.

Part 2 – Mr. Cross explained that the applicant was requesting that the Development Review Officer be granted the authority to relocate Wind Turbines or Meteorological Towers within the boundaries of a wind facility approval by the BCC.

- Ms. Glas raised the question of conflicts or inconsistencies when the Planning Division implements changes to the Future Land Use (FLU) Designation and Zoning does not enact a consistent zoning district. Mr. Cross explained that the focus of the amendment is centered on where the use is consistent now which is in the AP Zoning District. Staff is not considering land that has FLU designations such as Low Residential 1 (LR-1) at this time. If the zoning district is inconsistent with the land use of AP, then a rezoning will be required.

Part 3 – Discussion ensued regarding environmental permitting documentation and lot size. The floor was open for discussion and comments. Highlights are:

- Letter of Engagement – Mr. Cross pointed out that the applicant had requested that the use of the term Letter of Engagement be used in lieu of the current requirement for a documentation from environmental permitting agencies. There could be similar documentation from various agencies with different titles that may serve the same purpose. Mr. Kraus stated that letters should address the uniqueness of each project and should not be standardized. Mr. Gentile interjected that the letter's title is general enough to encompass other agency documents as a receipt, but are titled differently.
- Ms. Durando stated she had concerns about areas with standing water or wetlands around towers; Mr. Cross commented that wetlands are under the jurisdiction of the Florida Department of Environmental Protection (FDEP) and that such was noted in the proposed amendments.
- Mr. Kraus – Inquired as to whether or not a Letter of Engagement would state that there are no fatal flaws as is required in the PAL letter required for excavation. Mr. Gentile stated that the US Fish and Wildlife Commission will not state this in the documentation. Mr. Saiz answer was that U.S. Fish and Wildlife Commission has authority to require a facility be removed if a letter of engagement is significant; however there are other alternatives to taking down a facility such as turning turning off turbines (locking the

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blades) during certain periods, whether day or night, seasonal, or as needed to respond to wildlife activity or migration patterns;

- Ms. Caldwell questioned the impact of bird mortality due to the size of the blades versus the speed of blades rotation per minute; what is the speed necessary to produce electricity; and, what is the difference between the blades being proposed to the ones that are known to be “bird killers”. Mr. Gentile explained that the blades that are cited as being “bird killers” were multiple blades that spun faster, and lacked mechanisms to reduce the speed of the blade or lock it. He clarified that proposed is a three-blade facility with the aforementioned mechanisms located within the turbines which rotates slower than the ones normally seen. Mr. Saiz indicated that the blades rotate at a cut-on speed of 5-6 mph and cut-off speed of 55-60 mph when the wind is too high. Ms. Davis requested information on the speed of free-spinning blades. Mr. Saiz indicated that he would secure that information for the next meeting.
- Ms. Caldwell stated that legal access to lots get more importance than lot size for which Mr. Hertz interjected that the leased area will include access. Mr. Cross indicated that only parcels that meet the minimum lot size requirements in the ULDC and is a legal lot of record with legal access will be considered. Several concerns were cited with this limitation, and Mr. Cross indicated he would look further into the issue.
- Approval and number of towers that can be located in the AP district – Mr. Cross explained that the BCC determines and approves the number and location of towers. Moreover, legislation has been considered that would prohibit local jurisdictions from requiring the attainment of an environmental permit as part of the land use or zoning approval. Allowing for minor revisions to location of Wind Turbine placement could easily be accommodated prior to the issuance of a Certificate of Completion.
- Buffering – Staff did not agree with the removal of the buffering requirements for the facility but wished to retain language that is currently in the ULDC. Staff agrees that there should be standards specifically for the AP district. If located in farmland, there should be no problem; however, language has been added to state that the farm land must be actively cultivated for at least six months out of the year. The base of the tower must be screened with a six-foot high hedge if located within a quarter mile of the R-O-W.
- Decommissioning or Abandonment – Language is open-ended and will require revision when feedback is received. Mr. Gentile agreed to forward the language that is standard in the industry on decommissioning.
- Tower Placement – Provisions for Temporary and Permanent Towers were made specifically for the Glades Tier where parcels have an AP FLU designation and Zoning. Additional standards will apply to any Meteorological Towers placed within a quarter of a mile or less from aR-O-W.
- Parking – Wind Turbine facilities and Meteorological Towers are proposed to be exempt from parking requirements unless required by the Zoning Director. Mr. Cross indicated that other accessory uses, such as operational offices or any manned facilities would be required to comply with applicable parking standards.

D. Public Comment

Debbie Evans of the Sierra Club expressed concerns and requested that Zoning examine and consider:

- An ongoing study on bat fatalities;
- How Turbines interact with wildlife;
- How will everyone’s environmental concerns be met for future use of the lands that are flyways and ensure that Everglades restoration is not inhibited, or farmers from planting certain crops; and,

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- Maximizing the energy output of the turbines from a generational standpoint and limiting the output of the loss of energy output by the towers.

E. Topics for Next Meeting

The proposed amendment language will be revised and brought to the next subcommittee meeting for review. Prior to the next meeting on April 18th, a meeting will be scheduled with Ms. Caldwell, from the Building Division and Mr. Mark and Mr. Pusey from the Survey Division along with Zoning Staff to discussed issues to be considered in the Zoning Technical Manual and the associated administrative processes that affect agency requirements in the ULDC.

F. Adjourn

The meeting adjourned at 11:52 a.m.