

EXHIBIT A

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

MINUTES OF THE APRIL 18, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Monday **April 18, 2011**, the Renewable Energy (Wind) Subcommittee met at the Vista Center, Room VC-1E-58, at 2300 North Jog Road, West Palm Beach, Florida.

Third 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 1:10 p.m.

1. Introductions

Subcommittee Members: Raymond Puzzitiello and Lori Vinikoor.

Interested Parties: George Gentile, Jamie Gentile, Dodi Glas, Cliff Hertz, Ryan Fair, Robin Saiz, Joseph Verdone and Mary Kendall.

County Staff: Rebecca Caldwell, William Cross, Zona Case, Robert Kraus and Bryce Van Horn.

2. Additions, Substitutions and Deletions to Agenda

None

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Puzzitiello, seconded by Ms. Vinikoor.

4. Adoption of March 30, 2011 Minutes (Exhibit A)

Motion to adopt the minutes by Mr. Puzzitiello, seconded by Ms. Vinikoor.

B. REVIEW OF PROPOSED ULDC AMENDMENTS (EXHIBIT B)

Mr. Cross selected various sections of the proposed amendments and they were discussed as set out below.

C. DISCUSSION

o Administrative Review

Mr. Cross referred to the amendments on page 2 and pointed out that the revisions will limit the addition of Wind Turbines to 10% of the original number approved by the BCC.

Ms. Vinikoor asked for clarity on use of the word "structure" and said she did not understand why it is being replaced with the word "turbines". She went on to say that in her opinion a turbine is a portion of the structure and the units are wind-power generating structures. Industry, she said, refers to it as Wind Turbine Generating Structure, the group that manufactures these structures is WTG (Wind Turbine Group), and she requested that the word "Structure" be retained.

Mr. Cross said he would refer to his peers to get opinions on the name "Renewable Wind Turbine Structure." However, he clarified that the text "other similar systems" on Line 25 of Page 2, is generic and did not refer to a particular system. The additional text is being added to accommodate new technology that cannot be anticipated at this time. The Zoning Director has the authority to interpret what is consistent with the definition.

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- **Environmental Permitting**

Mr. Kraus said he would like to see consistency regarding US Fish and Wildlife. He has met with the applicant on behalf of Environmental Research Management and his department will be continually involved. He stated that so far all is in compliance.

- **Minimum lot size**

Mr. Cross said he had amended the language and wished to stress the importance of the added caveat which is necessary to get non-conforming lots included within the project boundaries

- **Decommissioning of abandonment**

Mr. Cross said he would be meeting with representatives of the Building and Survey Department to discuss decommissioning. He referred to line 20 – 32, on page 5 and the following topics were discussed:

- Ms. Caldwell questioned who will pay for demolition or removal, as there have been instances in the past where the expense has been left for the County to pay. She would like to see it spelled out.
- Mr. Gentile replied that usually there is a contract in place whereby the company doing the replacement project is responsible for the expense. It will not be left to the County. Mr. Saiz added that there is a process for evaluating the cost of the decommissioning, which includes the remaining salvage value of the equipment. Miss Caldwell stated that the salvage value is variable and Mr. Saiz advised that even after 25 years the salvage value will be high due to projected needs for wind energy equipment in less developed Countries, which gives them a high resale value.
- Ms. Glas clarified that most wind energy firms establish decommissioning agreements with the land owner. What is done at a certain point in the process is that the County may ask to review to ensure there is a provision. That can be done internally. Also a request can be made that it be included in the agreement of lease.
- Miss Caldwell expressed some doubt about the proposals put forward and said she did not see the value of the County reviewing the agreement. She asked about the possibility of having the decommissioning included and also whether it has a 50 year life.
- Mr. Puzitiello said that the landowner would know.

- **Wind Turbine/MET Tower Placement – Timing of Certificate of Completion**

Ms. Vinikoor noted that there is no provision in the language for changing and upgrading. When the turbine is changed it has to meet standards so there should be a letter of understanding with the EPA.

Mr. Cross responded by saying that the turbines are subject to Conditional Use approval and it was decided to keep the language broad and simple as the technology is changing rapidly. Where necessary, this would enable unanticipated technology with potential adverse impacts addressed via Conditions of Approval.

Mr. Cross further stated that with regard to Certificate of Occupancy, the building permit will not be issued unless the setback regulations are met.

Ms. Caldwell questioned the validation of the “as built” as she said that the Building Department prefers to check before concrete is poured.

Mr. Cross said he would insert in lines 39 and 40 to clarify that amendments to the Final Site Plan will be required prior to issuance of Building Permits.

Mr. Puzitiello said that the Building Division uses the Site Plan for permitting and questioned what would happen if the application goes to the BCC and the structure is moved, say, 50 feet from permit. Mr. Cross stated that at that point an Administrative

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Amendment would have to be applied for and he advised that before concrete is poured a survey should be done.

Mr. Jamie Gentile said once the excavation is started they would know, and he went on to say that if they find something wrong it would be corrected administratively. This is done regularly.

Ms. Glas stated that the challenge is the timing. There is no fixed length of time for the Administrative process so it is subject to staffing. Mr. Cross advised that he would discuss this concern with applicable staff to verify if there would be any obstacles to the timely processing of potential administrative amendments.

Mr. Saiz said that such checks are usually made when they are staking out the project.

- **DRO Approval**

In response to a question from Mr. Cross, Ms. Glas said that it ceases to be temporary and becomes permanent after 3 years, and a caveat can be inserted stating that if there is any unavoidable delay the time will be extended. Mr. Jamie Gentile added that the lease contains the provision to extend temporarily if there is any kind of administrative or other delay.

- **Parking**

Mr. Cross noted that there were no changes to the parking language.

- **Color**

Mr. Cross reiterated the question as to whether or not color should be regulated by the ULDC. The Exhibit shows white turbines. Ms. Vinikoor inquired whether changing the color would be subject to BCC approval. Mr. Cross suggested that the color be left until site plan as there may be problems with some agencies. He also noted that absent any specific standards – colors presented to the BCC at time of Conditional Use approval would be considered a part of the record, and by default could not be significantly changed without BCC approval. Mr. George Gentile commented that white has been the accepted color for years.

Public Comment

Mr. Cliff Hertz informed the subcommittee that on behalf of his client, he had met with Mr. Gentile, but noted that he reserved the right to submit comments to the LDRAB or BCC.

Mr. Puzzitiello made a motion to approve the proposed amendments with the suggested changes. Ms. Vinikoor seconded.

Mr. Cross confirmed that the proposed amendments will go to the LDRAB on May 25, 2011, and that there may be several minor changes to decommissioning and terminology.

C. Adjourn

The meeting adjourned at 1:50 p.m.