

**Wellington  
Equestrian Preserve Committee Meeting  
August 3, 2016  
Village Hall  
12300 Forest Hill Boulevard**

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**MINUTES**

**I. Call to Order/Pledge of Allegiance**

Chair Cleveland called the meeting to order at 6:15 p.m.

Members present: Jane Cleveland, Dr. Kristy Lund, Doug Hundt, Carol Cohen, Robert Bushey, Dr. Rachel Eidelman and Dr. Sergio Guerreiro.

Staff present: Paul Schofield, Laurie Cohen, Michael O'Dell, Cory Lyn Cramer, and Ryan Harding.

**II. Approval of the August 3, 2016 Equestrian Preserve Committee Agenda**

The agenda for the August 3, 2016 Equestrian Preserve Committee meeting was approved with the reordering of item EPC-114, Discussion of the Equestrian Plan of Action Draft, State Statute 604.50 to occur before item EPC-115, Ordinance No. 2016-20.

**III. Approval of the April 13, 2016 Equestrian Preserve Committee Minutes**

Mr. Hundt made a motion to approve the April 13, 2016 Equestrian Preserve Committee minutes; Dr. Eidelman seconded the motion. The motion carried unanimously (7-0).

**IV. Approval of the June 1, 2016 Equestrian Preserve Committee Minutes**

Mr. Hundt made a motion to approve the June 1, 2016 Equestrian preserve Committee Minutes; Dr. Eidelman seconded the motion. The motion carried unanimously (7-0).

**V. Workshop – Discussion of the Equestrian Plan of Action Draft, State Statute 604.50**

Ms. Cleveland stated this is probably the most controversial item in the Equestrian Plan of Action, so this is our night to learn about it.

Mr. O'Dell started with a historical timeline regarding development of the Equestrian Preserve Area (EPA). He then explained the differences between an Agricultural Classification and an Agricultural Exemption.

Laurie Cohen explained the classification is a tax break based on good faith, bona fide agricultural use of the land. It is administered by the Palm Beach County Property Appraiser. It only applies to the land, not the structures on the land.

She continued, the exemption is from State Statute 604.50 which provides exemptions from the zoning and building codes on a farm for non-residential buildings, fences, and signs; and it only applies to the structure itself, not the property as a whole. It is administered by the Village of Wellington. The Village

makes the determination of whether the structures applied for meet the criteria for exemption. Structures still have to comply with flood plain standards and the state fire code. Ms. Cohen stated Wellington has taken the position that the exemption does not preempt Wellington's police powers and zoning authority. If the particular use and particular structure are permitted within the zoning district, then you get to the question of whether the structure would be exempt under the statute. For example, you could not build a barn in Bink's Forest and claim an exemption under the statute because the structure is not allowed there.

Dr. Guerreiro inquired about The Right to Farm Act. Ms. Laurie Cohen and Mr. Schofield stated it was a different subject. Ms. Carol Cohen stated people are having a big problem with that because it seems like the Village of Wellington and the inspectors are dictating to the farm owners, "You can't do this, you can't do that, you have to do this, you have to do that," by people who do not own farms, don't ride, and don't know equestrian sports. She stated it feels like us against them and there lies a huge problem of misunderstanding and polarizing.

Mr. Schofield explained where he believes the Village's interest lies with The Right to Farm Act. He stated The Right to Farm Act says an existing agricultural use cannot be classified as either a public or private nuisance. The use has to be in existence. You cannot move next to a farm and then claim that it is a nuisance.

Mr. Schofield continued, there have been changes to 604.50 over time. There were changes in 2013 and proposed changes in 2014 and 2015. There will likely be changes next year. When it comes to what the Village is looking at, we would prefer you not build a barn on property lines where you are right next to a residential unit, but if it is determined to be a bona fide agricultural structure, we're not even going to tell you that. The Village will tell you where to put your manure bin, but that is a water quality issue.

Dr. Lund asked if the Village has had any complaints about manure bins being too close to neighboring properties, or any other complaints from equestrians wanting a change in regulating the properties. She stated she keeps hearing the Village wants this, but what about the equestrians; what do they want?

Mr. Schofield replied, "We haven't changed the requirements for manure bins in long time, and we're doing that under a federal court order." The Village entered into an agreement with the federal government around 2000 where we agreed to stop pumping water into the Everglades. As part of that, the Village had to agree to reduce our phosphorus loads and spent around \$40 million on those changes. Soon, Wellington's South Basin is probably going to be part of an impaired body of water list, and then a whole series of federal criteria will have to be met. The height limitations, the barns, the paddock setbacks, those are really issues for the committee to decide. The Village is concerned with the quality of water we are putting out and the federal regulations we need to deal with.

Dr. Lund stated she had a manure bin that was five feet too close to the fence, but it was in the middle of nowhere. It cost \$8,000 to move it. She received threatening letters, a codes officer stated "if I see manure in this I'm taking you to court." She stated that's not how you deal with people; that's how you get the reputation that you're difficult to deal with.

Dr. Lund also stated she read the statute many times and it only mentions flood plain management; it does not talk about water quality standards. Mr. Schofield replied we get to water quality because the

water body we're discharging into is one we own fee simple. We have a federal mandate for what water quality can go into that.

Mr. O'Dell continued to give a historical background on Florida Statute 604.50. Mr. O'Dell also explained the exurban classification stating it's not something Wellington created. It is part of a tier system that is already in place in Palm Beach County. The exurban classification is a way of defining a land use that is between urban and rural.

Dr. Lund asked which areas would be considered exurban in the EPA because not all areas in the EPA are alike. Little Ranches is not like Palm Beach Point. Mr. Schofield replied he would like them to consider a definition where all of the property in the EPA is agricultural. The land would continue to be entitled to agricultural classifications, it would continue to be entitled to exemptions under 604.50 and some of the agri-tourism rules. But recognizing every part of the equestrian community affects every other part, there are certain things the Village needs to do. We need to make sure the roads are available.

Ms. Cleveland asked if there have been any extreme cases in which the statute has been taken advantage of. Ms. Laurie Cohen replied there have not been any cases yet, but if you interpret the statute the way some people would like to interpret it, you could wind up in that situation and the Village and the equestrian community would be powerless to stop it.

Dr. Lund asked if there had been any complaints so far regarding the statute and Mr. Schofield replied there have been; he has them in writing and can get them to her. Ms. Laurie Cohen added that the regulations that are in place and have been in place did not come out of the blue. They were made in coordination and communication with equestrians. They were the regulations that were agreed at that time were appropriate for the Equestrian Overlay Zoning District (EOZD). If the idea is that they're no longer appropriate, that's part of the discussion that the committee should be having. That's something that can be changed legislatively by the Village Council.

Mr. Schofield stated there are properties that in the last couple years have had as many as 25 stalls per acre with the agricultural exemption. Dr. Guerreiro replied it is not for the Village to determine that a property should be limited to a particular amount of horses. There are dressage riders whose grand prix horses never see the light of day. They get their exercise at the competitions. Dr. Guerreiro asked if he had plans to build a barn with no groom's quarters and met the water quality standards, beyond that, what authority the Village would have over his building the barn. Ms. Laurie Cohen replied under that scenario the Village would have no authority as long as the structure and use were approved.

Ms. Carol Cohen stated she feels the exurban classification is going to open up a can of worms. She also always hears about the "problem" with equestrians. Ms. Cohen stated she doesn't think equestrians are a "problem." They bring a lot of positives to Wellington; they bring capital to Wellington and make it a great place to live. Mr. Schofield stated he doesn't see the equestrians as a problem. If there is a problem in the EPA it's that if the land is not maintained for equestrian uses it will become like Olympia. It would be a crime against nature to turn those 11 square miles into more residential subdivisions. Dr. Lund stated that is the equestrians' point. They are concerned if the Village over-regulates them, they will leave and people have already started to leave.

Ms. Cleveland stated maybe the committee should look at it from another angle. A lot of time was spent by their predecessors putting the regulations together to preserve the EPA. Maybe the committee should consider ways to have less regulation, but broad oversight to continue the preserve over time.

Mr. Schofield recommended the committee examine the regulations in place now and determine if they are still appropriate and if the community still wants those regulations. Ms. Cleveland stated the item from the Plan of Action that is scheduled for the next meeting is the local zoning category, so it is good timing.

The discussion was opened to public comment. Tatiana Yaques of 819 Cindy Circle Lane stated she thinks the Village staff made some valid points, but the one thing all equestrians agree on is they don't want the Village to regulate them. What everyone has experienced before 604.50 is over-regulation. A push to do away with 604.50 is a terrible idea; nobody wants it. The committee should examine the regulations in place and then if people want to follow the regulations they're there, if not, there is 604.50. She stated she does not agree with the way the Village is applying the statute. She thinks it was intended to be a broad exemption.

Cynthia Gardner of 3380 Fairlane Farms Road stated she has applied for a number of exemptions in the Village over the past 18 months. She always discusses the exemption and what she has planned with the Planning, Building, and Engineering Departments before the project begins. She has built more than one barn on a number of properties less than 10 acres, built more than four stalls per acre in Saddle Trail Park, and built properties where the zoning setbacks were not to code. She worked with the village on these projects, had no problem, and everything was terrific. Then in September or October of 2015 all this changed and she cannot get an exemption unless the zoning allows for it. Where the Village was allowing for some flexibility, now there is none. She recommended utilizing the statute and allowing staff to help when it is needed. However, equestrians do not need regulations because they have developed the greatest equestrian preserve in the world without the help of Wellington's staff.

#### **VI. Building Height Exclusions, Ordinance No. 2016-20**

Ms. Cramer stated originally this item was going to be postponed. However the item which was going to apply village wide has been revisited and now will only apply to the EOZD. Therefore, the item was brought forth to the EPC as originally planned.

Ms. Cramer stated currently the code allows for a maximum building height of 35 feet. Staff is proposing some language changes to allow for changes to the maximum height allowed in the EOZD for architectural features. She then explained the various standards that must be met to qualify for the additional height.

The meeting was opened to public discussion. Jeff Kurtz of 12230 Forest Hill Boulevard used an example of one of his client's projects that would utilize the additional height allowance for an architectural feature if the zoning text were to be approved by council. He distributed plans for the building and explained how the height allowance would be incorporated to his client's plans.

**Dr. Sergio Guerreiro made a motion to recommend approval of Ordinance No. 2016-20. The motion was seconded by Dr. Kristy Lund and it carried unanimously (7-0).**

**VII. Staff Comments**

Ms. Cramer informed the committee of the Winding Trails application which is tentatively scheduled for the September or October Equestrian Preserve Committee meeting.

**VIII. Board Comments**

There were no board comments.

**IX. Public Comments**

There were no public comments.

**X. Adjournment**

**The meeting adjourned at 8:30 p.m.**

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**Jane Cleveland, Chair**

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**Ryan Harding, Recording Secretary**