

The Equestrian Preserve Area (EPA) comprises nearly 30 percent of Wellington's developable land area. The EPA is a contiguous area encompassing most of the southern portion of the Village, with the exception of Palm Beach Little Ranches to the northeast. The EPA is visually and characteristically distinct from other neighborhoods within Wellington and offers a lifestyle not normally found in suburban communities.

Wellington's Charter clearly and emphatically establishes the preservation and protection of its neighborhoods as a guiding principle of governance. The Charter finds and declares that it is the intent of the charter and the incorporation of the Village "to preserve and protect the distinctive characteristics of the individual communities within the boundaries of the Village." Nowhere is this statement of intent more applicable than it is to the Equestrian Preserve. In 2015, the Village's Charter was amended to strengthen protections of the Equestrian Preserve by changing the criteria for removing land from it and adding additional restrictions on non-equestrian uses. The Charter amendment emphasized the importance of the equestrian community by adding a new section, the "Equestrian Preserve Area", specifically protecting the distinctive characteristics of Wellington's equestrian community and the lifestyle it offers. The new section of the Charter states:

Expanding on the legislative intent at incorporation that the unique characteristics of individual communities be preserved and recognizing the importance of Wellington's equestrian community to the vitality of Wellington, it shall be a village priority to preserve and protect the equestrian community as outlined in the village's comprehensive plan. Accordingly, the village may increase the boundaries of the Equestrian Preserve Area by majority vote, but may not contract the boundaries except by affirmative vote of not less than four members of council.

While the priority is to "preserve and protect" the EPA, the term preservation has a different connotation within the EPA than is normally associated with the word "preservation." Within the EPA, preservation is not focused on setting aside large open, green, or natural areas for public purposes. Instead, the Equestrian Preserve seeks to protect and promote the uniqueness of this "*Equestrian Lifestyle*". Wellington's Equestrian Preserve is not the traditional rural setting normally associated with farms. The character of the EPA is more "*exurban*" than classic rural which, could be described as "*a region or settlement that lies outside a city and usually beyond its suburbs.*"

Development patterns within the EPA have been fixed since the 1980's. The majority of the land within the EPA is privately held, the exceptions are one small community park, the public roadway system, and ACME Improvement District canals. The EPA has been developed primarily as equestrian farms ranging in size from two acres to more than 100 acres with a majority of the farms at five acres in size.

Three major equestrian competitive venues support and sustain the equestrian community and the EPA. Many farms in the EPA have been developed to support competitors who participate in one of three equestrian disciplines: Hunter Jumpers, Dressage, and Polo. The competitive venues and the associated equestrian disciplines foster the “equestrian lifestyle.” In 2018, the equestrian sector of Wellington’s economy represented 10 percent of the total full-time employment and six percent of business revenue in the Village. Many of these businesses are directly related to the equestrian industry and the care of horses.

Equestrian farms consist of home sites, groom’s quarters, stables, paddocks, and other equestrian appurtenances. These farms typically surround the privately operated equestrian venues. Connectivity between these farms and the venues is available via the Village’s roadway network and/or bridle paths. In portions of the EPA, roadways serve dual service roles as bridle paths and the Village’s canal rights-of-ways not only convey storm waters, but also serve as bridle paths. This infrastructure system forms the basis for the private public partnership between the private community and the public uses.

Development within the Equestrian Preserve since 2015 presents several challenges to the Village. Almost all development has happened on smaller farms. There has been very little real change to the competitive venues. Development on individual farms is now largely outside of a local government’s ability to regulate and direct. State law has changed as it relates to nonresidential development on bona fide agricultural properties. Local controls have been severely eroded on bona fide agricultural properties. The diminution of local regulatory authority can be tracked through the evolution of Florida Statute 604.50. The relevant excerpt of that statute is:

604.50 Nonresidential farm buildings; farm fences; farm signs.—

(1) Notwithstanding any provision of law to the contrary, **any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any county or municipal code or fee**, except for code provisions implementing local, state, or federal floodplain management regulations. A farm sign located on a public road may not be erected, used, operated, or maintained in a manner that violates any of the standards provided in s. 479.11(4), (5)(a), and (6)-(8).

[Formatting provided for emphasis.]

Florida’s Attorney General has taken the position that bona fide agricultural uses as provided in 604.50, F.S., are exempt from municipal land development regulations and by extension, municipal Comprehensive Plans. The Attorney General concluded the opinion with the following statement (AGO 2013-01, January 29, 2013):

In sum, it is my opinion that section 604.50, Florida Statutes, exempts nonresidential farm buildings, farm fences, and farm signs from land

development regulations adopted by the Town of Loxahatchee Groves pursuant to Chapter 163, Florida Statutes.

Florida's Fourth District Court of Appeals has affirmed the exemption of certain bona fide farm activities from local land development regulations and Florida's Supreme Court declined to hear the appeal generally solidifying the application of the exemptions.

The effects of the State preemption of the local government's ability to apply development standards on property with bona fide agricultural tax status is beginning to manifest within the EPA. The unintended consequences of property owners developing without considering EPA wide impacts includes:

- Degradation of water quality
- Loss of storm water storage (nearly 6,000 acre-feet)
- Increase of vehicular traffic
- Development of property uses inconsistent with the original low intensity, low impact small farm uses anticipated by the original 1999 Comprehensive Plan

Maximizing development on individual farms has lasting and debilitating impacts on the common elements that have defined the EPA since its establishment and that support the equestrian lifestyle. The common elements, and in many cases, identity elements, which are becoming strained, include:

- *Shell Rock Roads:* Wellington's original 1999 Comprehensive Plan envisioned shell rock roads as an EPA identity element. That Plan sought to preserve unpaved roads. Roadway usage and traffic projections were based on an average farm size of five acres with a limited number of horses on each property. The primary function of any roadway is to provide access and circulation; however, within the EPA, the roads were also intended to serve as bridle trails. Over the last decade, roads within the EPA have seen significant increases in vehicular traffic and significant decreases in the number of horses using the roads. Increased traffic can be directly traced to the number of horse stalls and barns being constructed under 604.50 exemptions. Additional stalls bring additional riders, vets, farriers, and suppliers, which directly affect vehicular traffic. The increase in traffic volume has seen a rise in resident petitions to pave roads to reduce noise, dust, and improve access by larger vehicles. The paving of the formerly shell rock roads contributes to the changing character of the EPA.
- *Bridle Trails:* The 1999 Comprehensive Plan and the Equestrian Trail Master Plan envisioned an interconnected bridle trail system connecting individual farms to competition venues. In almost every case, individual farm owners have refused to dedicate land for the trail system. Consequently, the only real equestrian connectivity is provided by ACME canal rights-of-way and public

road rights-of-way. Public bridle trails are an important element of the EPA; however, the Village has been unable to link properties not directly adjacent to an existing public right-of-way to ACME's canal rights-of-way. The inability to connect these trail segments minimizes the use and attractiveness of the overall trail system.

- *ACME Canals.* The canals function as Wellington's stormwater management and conveyance system, and have become the de facto primary equestrian trail system throughout the EPA. Stormwater management is the principal and overarching purpose of ACME canals and takes precedence over all other uses. Increasing discharge from development far beyond the canal system's design requires widening of canals and the placement of drainage structures, potentially causing trails to become narrower and in some cases even removed. Reduced trail widths create a concentration of equestrian traffic in certain areas and results in a host of problems including de-stabilizing the canal banks, increasing maintenance requirements and reducing grassed canal bank widths, which provide nutrient uptake. All of these affect the sustainability of the character of the EPA.
- *Water Quality.* Water quality is important to everyone in Wellington, including equestrians. Phosphorus, an element used in fertilizers and a by-product of horse waste, is a major contributor to the decline of water quality within Wellington. Wellington is required to limit its phosphorus discharge into the South Florida Water Management District canal system, specifically the C-51 Canal, along with each landowner within the EPA. Wellington is seeing greater impacts to water quality in the EPA with the continued development.

As the State continues to change the requirements to improve water quality by reducing the phosphorus level limits permitted to be present in discharged water, Wellington farm-owners should expect to see discharge limitations that will require additional water quality measures to be implemented on their farms.

Comprehensive Plans are, by their very nature, aspirational; however, local governments rely on their Comprehensive Plans and the Land Development Regulations that implement that plan to direct growth and development in patterns consistent with their long-range vision. In the case of the Equestrian Preserve, Wellington's regulatory authority has been all but removed by State Statute. It is important to note that local governments cannot adopt ordinances, regulations, or rules that conflict with state statutes. Wellington's regulatory authority is limited to:

- Enforcing flood plain management regulations;
- Permitting residential and non-farm structures;
- Regulating the volume and quality of water discharged into Wellington-owned canals; and

- Managing Wellington-owned roads and rights-of-way.

Despite the regulatory limitations, Wellington is committed to the preservation and protection of the EPA. The Equestrian Element has three goals, with supporting objectives and policies, focused on:

- Preserving the equestrian lifestyle,
- Establishing a comprehensive multi-modal transportation network, and
- Supporting the equestrian competition industry.

However, the ultimate preservation of the EPA is almost entirely dependent on the actions of individual farm owners and their desire to preserve the equestrian lifestyle.