

AGRICULTURAL ADVISORY BOARD
JULY 14, 2010

1. ROLL CALL

The meeting was called to order at 6:39 p.m. Board members present were Chair Jason Hurley, Vice-Chair Dave Parrish, Julie Aitken, and Sam Scott (arrived at 6:48 p.m.). Also present was Deputy Planning and Zoning Manager David Abramson and Board Secretary Jenevia Edwards recording the meeting. Jacque Daniels was absent.

2. DISCUSSION

2.2 ZB(TXT) 6-3-08 Agricultural Definitions

Chair Hurley asked that this item be taken out of order of the agenda. The Board agreed.

Deputy Planning and Zoning Manger David Abramson, indicated that he had been directed by Planning and Zoning Manager David Quigley to begin working on this project which he was very excited about.

Mr. Abramson provided a draft copy of the ordinance to the Boardmembers, and provided a brief overview of the items that would be discussed including a map highlighting the agricultural areas, tables of permitted uses, definitions, background, and timeline. Mr. Abramson indicated that much of the information he had was that which was obtained from the Boardmembers and from Code Compliance Official Danny Stallone; however, he needed the board's assistance and he would answer any questions that Boardmembers had. He added that the draft was completed on July 9th, and there was public advertisement on Monday, July 12th.

Discussion ensued regarding changes that should be made to certain items in the Agricultural Definitions. Mr. Abramson indicated that based on State Statutes, there were requirements that had to be followed outlining each step of the ordinance. This item would be presented at a Planning and Zoning and Local Planning Agency meeting on July 28th. He explained that because this was an ordinance it required two readings, the first adoption would be scheduled for August 17, 2010 before the Town Council, while the second reading and final adoption would be scheduled for September 1, 2010. He added that the board could either discuss general items or specific items.

Discussion commenced regarding the map with Mr. Abramson highlighting the different areas by zoning. In responding to Ms. Aitken's question concerning United Ranches, Mr. Abramson indicated that when the Town annexed United Ranches, part of the agreement was that the parcel would remain as A-1 County.

Mr. Abramson provided background information and referred to a number of previous code amendments and specifically referred to the amendment in 2000 that allowed properties that were farms to not be limited on the number and types of animals of the property. Additionally, there was language that provided for equestrian facilities and farm uses to be permitted as well as discussion about farm and nuisances and farm signs. Mr. Abramson indicated that two ordinances were adopted in 2001; one was a rewrite of the agricultural section of 12-34(B) and an agricultural amendment regarding stall regulations, the non restricting of farms to the number and types of animals, the removal of fish hatcheries and the introduction of Potbellied Vietnamese Pigs. This is a permitted use that was not previously allowed. There was also the implementation of farm claims and agricultural exemption determination by staff as well as some definitions to 4-503.

Mr. Abramson highlighted previous code amendments in 2002 that dealt with revision to the table of permitted uses with a minor change to agricultural commercial uses. He added that in 2003 and 2006 the hobby farm was introduced into section 12-34(B).

Mr. Abramson briefly discussed the plan of action and advised that the information that was provided to him by this board was added to 12-503, and there were some changes that had to be made. He indicated that the table of permitted uses had to be modified because some uses and where they were permitted was unknown, and it was not known how those uses were associated with other uses in the Town. Regarding section 12-34 which related to agricultural and animal uses, Mr. Abramson indicated

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that it was very difficult to understand how everything would come together when there were additional terms, so, section 12-34 was also reworked. He highlighted the definitions received from the board which provided amendments as well as new definitions which were reviewed and clarified. Amendments and new definitions under proposed amendments, as well as development and hobby farms which were items submitted by this board, were amended and placed in the proper location in the table of permitted uses. Mr. Abramson indicated that under proposed definitions, commercial agriculture was added to provide clarification in the table of permitted uses. He indicated that in the table of permitted uses all the items were proposed items. All the underlined items were new items with animal uses and farms being the only existing items.

Mr. Abramson highlighted items based on existing uses in the Town's Code that were not properly located and explained the changes that were made. He added that everything on the list under residential districts from animal hospital to private stable in the RR, AG and A-1 districts were permitted uses. Mr. Abramson commented that there may be some uses that were permitted and he was willing to review everything with the board to determine what should remain because he was still not sure how to handle this issue.

Reference was made to the commercial table listing animal uses where some changes were made, additionally, under general use was listed commercial, commercial agricultural. Mr. Abramson indicated that there was no definition in the Town's Code and therefore one was added. He explained that based on how the items were listed, it appeared that agricultural in general use was permitted as well as commercial agriculture; however, he was not sure that was what the board had in mind for an industrial district.

Jason Curtis cited state law as it related to commercial agriculture and zoning category in the State of Florida.

Mr. Abramson commented that commercial agriculture could not be prohibited, hence his reason for further specifying commercial agriculture which was permitted in BP, M-1, M-2 and M-3 zoning. He indicated that the way in which it was listed, it appeared that any type of agriculture was allowed.

Ms. Aitken asked if Mr. Abramson was aware that there was no rural ranches in Davie. Mr. Abramson responded in the affirmative. A brief discussion ensued with Mr. Abramson commenting that it was one item that he did not know whether to remove it let it remain; but he felt more comfortable removing it.

In discussing the items under section 12-34, Ms. Aitken indicated that under animal uses, kennel may or may not be agriculture, but aviary was agriculture as well as beekeeping in R-1; however, some of the items listed in R-1 was not agriculture. Mr. Curtis indicated that in Davie a property had to be five acres or more for beekeeping. He further highlighted additional rules for safety and security as it related to beekeeping in the Town.

Mr. Abramson posed a question regarding beekeeping as it related to the right-to-farm act, tax reduction, agricultural classification and the size of a property. In responding, Ms. Aitken provided information relating to state law and the Property Appraiser's Office that determined the agricultural classification defining a farm. She also explained the right to farm act.

Following Ms. Aitken's response to his question regarding commercial agriculture, Mr. Abramson commented that he had a problem "wrapping his head" around the difference between farm, farm operations and agricultural operations, and he was not sure if there was much of a difference. Ms. Aitken explained that the property with the agricultural classification would be considered commercial to which Mr. Abramson asked if agricultural classification could only be derived if the property was commercial. Ms. Aitken responded in the affirmative. Mr. Abramson questioned if commercial agriculture could be prohibited in a residential district. Ms. Aitken explained that the way legislation was written, in state law some places specified most properties that did not have the agricultural classification, while other places farms were defined in the right-to-farm act which did not necessarily

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require the agricultural classification. She spoke of properties that might not qualify for the agricultural classification, with other protection that might still be farms in other respect and still be entitled to protection such as exemption for land development rights. Mr. Abramson questioned if agricultural uses referred to beekeeping. Ms. Aitken responded in the affirmative.

Discussion ensued regarding farm claims with Ms. Aitken explaining that it was the Town made the determination when an application was submitted.

Due to technical difficulty relating to the recorder, this portion of the minutes were transcribed from handwritten notes.

Following a lengthy discussion, the Board modified Gardeners, Landscape Contractors to Landscape Maintenance Contractor. Vice-Chair Parrish explained the difference between a landscape contractor and an arborist. The Board also provided the definition of a garden center and plant nursery and made recommendations.

Mr. Abramson provided his email address in case any of the boardmembers wished to contact him on any of the items discussed.

2.1 Task Force Response to Agricultural Advisory Board Recommendation

Vice-Chair Parrish advised that the task force was divided in responding to the recommendation. Dr. Scott inquired about the next meeting date for the task force and commented that he might postpone his travel overseas in order to attend the meeting. He heard that there was solicitation for proposal and he asked about the recommendation to the task force. Dr. Scott asked about the minutes from the last task force meeting which was not yet available. He indicated that the task force response to this board's recommendation should be included in those minutes.

Chair Hurley commented that at the task force meeting it appeared that a large number of the board members and staff that was involved, felt that the project was getting too big for them to get their arms around. He believed that they would like to see the focus return to Battens. Chair Hurley advised that at the next task force meeting the members would be working on drafting request for proposal for Battens Farm. He indicated that the board wanted more input, so staff would be drafting the request for proposal.

In response to Dr. Scott's inquiry concerning when the next meeting would be held, Vice-Chair Parrish indicated that the meeting would be held on the fourth Wednesday of the month. Dr. Scott indicated that he would be out of the country and unable to attend.

Ms. Aitken asked if Dr. Scott had a written proposal. In responding Dr. Scott advised that he has had a written proposal for almost 18 months as well as partial funding for the project. He indicated that a decision will have to be made as to what he will say to the folks in Washington about the project. Dr. Scott commented that if he had knew that it would have taken to so long for a decision to be made, he would have contacted a private individual.

Dr. Scott asked boardmembers if they knew of anyone who wanted to get involved in urban farming because the North South Institute was hosting an Urban Farming and Small Farmer Shop Workshop at Long Key Nature Center on August 5th from 10:00 a.m. to 4:00 p.m. and on August 6th from 10:00 a.m. to 2:00 p.m. He indicated that August 5th would be the workshop and on August 6th there would be tour in Davie observing a number of projects. Dr. Scott distributed flyers to the boardmembers and added that the workshop might be of interest to anyone with a backyard garden. He highlighted the representatives who would be attending the workshop, adding that representatives from Washington, D.C. would be attending as well and he hoped that he would not be embarrassed when he explained that he had not been able to do too much in Davie.

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Dr. Scott commented that he felt comfortable that there was no competition around that he would spend more time writing a better proposal.

Chair Hurley advised that at the next task force meeting they would be working on the request for proposal for Battens. Vice-Chair Parrish commented that there is a lot of input from the task force as to what to include in the request for proposal. He indicated that the presence of arsenic was still a concern. Dr. Scott commented that the concern about promoting agriculture should be the amount of lead, and he did not believe that the arsenic should be a concern. Vice-Chair Parrish indicated that a task force member, Dr. Scott Weinstein had a knowledge of soil and believed that the level of arsenic was tolerable. Dr. Scott commented that if the produce was grown in containers or in raised beds of at least 15 inches or more there should not be a problem.

Dr. Scott commented that he was passionate about this issue and argued that developing the farmers market at Battens Farms had nothing to do with lead or the land because the produce along with other items would be placed inside the building.

3. OLD BUSINESS

3.1 Farm Vehicles on Roadways

Ms. Aitken advised that she wrote to Police Chief Patrick Lynn asking for a status report on the issue but had not received a response. Chair Hurley advised that the individuals who were involved in the traffic issue were very happy with the result. Ms. Aitken wanted to know if Chief Lynn planned to communicate with Florida Highway Patrol to make sure that the officers knew what the law was relating to farm vehicles.

Ms. Aitken planned to follow up on the issue by contacting Mayor Judy Paul.

4. NEW BUSINESS

There was no new business discussed.

5. AGENDA ITEMS FOR NEXT MEETING

Following a brief discussion regarding municipal leased property and Town owned properties, the following items were suggested for the August meeting:

- Broward County Property Appraiser Tax Determination on Municipal Leased Property
- Town Owned Property and Their Uses

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestion.

7. ADJOURNMENT

There being no objections and no further business to discuss, the meeting adjourned at 8:52 p.m.

Date Approved

Chair/Board Member