

AGRICULTURAL ECONOMIC DEVELOPMENT PROGRAM

Agricultural Enhancement Council

Wednesday, April 24, 2024, 2:30 pm

Vista Center

Meeting started at 2:30 p.m.

I. Chair Instructions

Representative Rick Roth (acting Chair) called AEC to order with the following instructions:

This is the scheduled Quarterly meeting of the Palm Beach County Agricultural Enhancement Council. Anyone from the public who wishes to speak to the council must do so at the time provide for public comments listed on the agenda. In case of a vote, public comments can be made after the council discussion of the issue and before the vote. All public speakers must hold their comments until that time. Each public speaker will be allowed three minutes to address the council. Special presentations must be arranged through the Office of Agricultural Economic Development staff at least two weeks prior to the meeting. Disruptions of the Council meeting will not be allowed.

II. Roll Call

The following members were present:

Present: Rick Roth, Richard Sanchez, Krista Erickson (Webex), Stephen Basore Chair (Webex), John Taylor, Brandon Balch, Richard Faver

Absent: Eric Hopkins

Quorum: Yes

Also Present: Commissioner Sara Baxter (District 6), Ron Rice (Director PBC Extension Department), Cindy Hoskin (Deputy Director, PZB), Lisa Amara (Director, Zoning Division PZB), Alex Viray (Site Planner, Zoning Division PZB), Georgia Power (Senior Planner, Zoning Division PZB), Kevin Andrews (Principal Planner, Zoning Division PZB).

Mark Baker, Mark Perry (attorney), Matt Reinholtz (White Trails, Jupiter), Darren Swank (Swank Farms, Lox Groves), Frank Gonzalez (Homestead), Michael Weber (Gardens of Weber Manor, Homestead), Keely Haverland (FNGLA), Mike Atchison (FNGLA, Atchison Exotics), Michelle (RayShell Ranch, Loxahatchee), Katie Reinholtz (White Trails, Jupiter)

III. Approval of the Minutes (November 7, 2023 meeting)

Representative Rick Roth made a motion to approve the minutes. Ron Rice stated that the Minutes were not ready so this will be addressed at the next AEC meeting.

IV. Discussion with PZ& B Regarding Agritourism

Ron reminded the group about the meeting objectives, namely to have an open discussion about Agritourism between the AEC and PZB leadership, to include input from the public. We need your advice and opinions regarding your vision for Agritourism in PBC. Have you seen examples where Agritourism operations worked well in PBC, other counties, or in other states? What worked and what didn't work? What's your opinion as to what kinds of operations should fall under Agritourism? County is seeking your input, opinions, ideas, advice. Ron asked PZB for introductions, which included: Cindy Hoskin (Deputy Director of PZB), Lisa Amara (Director, Zoning Division, PZB), Kevin Andrews (Principal Planner, Zoning Division, PZB), Alex Viray (Site Planner, Zoning Division, PZB), and Georgia Power (Senior Planner, Zoning Division, PZB). Ron reminded the audience that their participation would occur under agenda item 7 Public Comments, and that acting Chair Representative Rick Roth stated each member of the public has 3 minutes for their comments.

Cindy Hoskin thanked the AEC for including PZB in today's meeting, indicated she is fairly new to PZB, and gave the group her brief background. Cindy grew up in the orange groves and small cattle farms in west central Florida, so she has a special place in her heart for the agricultural industry. Prior to joining PZB, she spent seven years in Miami-Dade County, working in code compliance and planning/zoning. In these capacities, Cindy had a great working relationship with the Miami-Dade Agricultural Practices Board (similar to our AEC), which she hopes to replicate here with the AEC. Cindy stated that the PBC Board of County Commissioners (BCC) has asked county staff to develop an Agritourism ordinance. Thus, PZB is requesting stakeholder input to develop a work product that fairly addresses the needs of the majority of stakeholders and which also addresses the request by the BCC. Cindy and her PZB colleagues are here today to listen to your thoughts, concerns, and comments and to take notes. As PZB develops an ordinance, it's our intention to spend time with you (the AEC) to get your input since this process affects the agricultural industry, so it's important that we understand it.

Rick had a number of questions. Rick asked if PZB is distributing any written documentation related to Agritourism in PBC? Cindy replied that PZB would not presume what should be currently documented since today's objective is to first seek input and feedback from the AEC and stakeholders in the audience. Rick asked if PZB had researched Agritourism ordinance information from other counties, and if there are currently "problems" in PBC that warrant this research. Cindy replied that the PZB leadership is aware of Agritourism information in other counties, and she has some experience in Miami-Dade, but that PZB holds no pre-conceived notions (regarding an Agritourism ordinance for PBC), and thus they have nothing in writing, since the first step is to gain understanding by seeking input from the AEC and other stakeholders, which is part of the directions established by the BCC.

Rick reported that Loxahatchee Groves was perhaps thinking about developing their own Agritourism ordinance, and wondered if other municipalities and/or other government agencies in PBC had created these kinds of ordinances already. Rick asked if the Miami-Dade Agriculture Practices Board included members from the agriculture industry, and Cindy confirmed “yes”, and indicated that Miami-Dade has already considered different ordinances that could relate to Agritourism. Rick indicated that the AEC would benefit by having examples in front of them that showed Agritourism policies from other counties that worked, so as not to re-invent the wheel in PBC. Cindy indicated that the true starting point is the state statute for Agritourism, since local counties should not enact measures that contradict state law, and that PZB intentions were to absolutely not broach areas that would be preempted by the State. Cindy confirmed Rick’s talking point that PBC agriculture operations are unique, including agriculture lands described as very large to medium and small parcels, and how to reasonably determine what percentage of these parcels could be reasonably used for tourist-type activities (including education-type activities), and what the off-site impacts might be. PZB wants to properly address the uniqueness of PBC agriculture operations. These are factors that should be considered, which is why we (PZB) are all here today to talk about these Agritourism topics.

Brandon Balch indicated that the nursery/landscaping businesses have struggled with rules that focus on land usages based on percentages of overall land. Rick brought up a past history at Bedner’s Farm in the Ag Reserve, where certain rules were beneficial to their farm market operation but other rules were not beneficial, since they hampered vertical integration efforts. Rick’s own vertical integration of his vegetable farming operation (construction of his packing house in Belle Glade) helped his farming operation weather the Covid epidemic. Rick suggests that PBC has a reputation of not protecting agriculture, and thus urges county to approach the Agritourism ordinance with the strategy to help agricultural operations stay in business. Cindy explained that county intentions were to provide ample chances for stakeholder input, which would include individuals beyond just the AEC, since the whole point is to acquire in-depth knowledge on factors related to Agritourism. John Taylor suggested that if county had acquired Agritourism-related documents (with rules and regulations) from other municipalities or counties, that these would be helpful for the AEC to review. It would help the AEC envision their own talking points based on examples (good or bad) in front of them. Cindy agreed to this point-of-view, and she has seen several different Agritourism ordinance documents from other places, with the caveat that they are all different from each other due to local dynamics, and they don’t necessarily capture everything that they should have captured, where bits and pieces look good while other areas are off-topic or still need work. As for PZB, they want to approach the Agritourism ordinance correctly, and not go “too far”, and to be reflective of local stakeholder input, but with the foreknowledge that off-site impact considerations need to be addressed. She has had preliminary conversations with the Florida Agritourism Association and with the Florida Agriculture Commissioner office, with the goal for the PBC agriculture industry to succeed in Agritourism conducted in the “right way”, which includes avoiding scenarios where we lose agriculture land to commercial business operations that are operating in the guise of Agritourism. Rick suggested that the recent experiences by White Trail Farms (Jupiter) included a magistrate hearing that addressed differences between a commercial operation and an Agritourism operation. Some discussions occurred about a “what-if scenario” where an

agriculture operation had invested in Agritourism infrastructure, but then they sell their property, might the land be vulnerable to being declassified from bonafide agriculture, and if so, what happens with all of the Agritourism infrastructure, and would this impact how the land is re-classified (presumably as a commercial operation).

Commissioner Sara Baxter joined the group to provide the BCC background that led to the current county interest in Agritourism. She agreed that any local PBC Agritourism ordinance must align with the state statute for Agritourism. The BCC is aware of evolving agriculture practices in PBC, and they see a need for an ordinance to be developed (with local input and understanding) that provides sensible guidance and a good path forward. As a follow-up to operations that might (or might not) be related to agriculture and/or green space, Lisa Amara summarized a recent proposal by an operator in the Ag Reserve that is proposing a botanical garden with signature plants and art-inspired aesthetics (sculptures, etc), a venue for weddings and public events, which falls into the category of “rural events venue”. When attending the 2023 Agritourism Conference in Alachua County, Lisa and PZB colleagues visited a rural event venue that included a horse barn converted into a wedding venue, and also included a recent expansion plan with a much larger public events structure with indoor bathrooms. By following the rural events venue strategy, the Alachua landowner was exempted from various building permits and other infrastructure development requirements. This is an example of a project that straddles the concepts of bonafide agriculture and Agritourism, and some clarity needs to be documented.

V. Report from Extension

Ron announced the upcoming April 27-28 Mounts Botanical Garden Plant-a-Palooza event that will feature around 70 vendors that sell a wide variety of landscaping and house plants. And to celebrate PBC agriculture, don't miss the April 28 Sweet Corn Fiesta at the South Florida Fairgrounds.

VI. AEC Member Items

None.

VII. Public Comments

Mark Baker questioned the agriculture status of the proposed rural events venue site in the Ag Reserve, which was originally a palm tree farm which is now converting into a specialized botanical garden with sculptures. Mark indicated that his Agritourism events in Ohio were coordinated with local government in a much easier and less complicated way than what he has encountered in PBC. Lisa indicated that the owner doesn't want the ag classification, and has initiated a request to write an ordinance (an exception) that will allow him to grow his plants, do tours, and hold public events. They (PZB) are required to bring this proposal to the BCC. Cindy suggested two possible options (a bifurcation of the process), one focused on rural event venues that lack an agriculture land classification, and another focused on Agritourism activities that carry the agriculture land classification. The current rural event venue site has privately initiated an ordinance to the BCC to serve as an exception, since he proposes a botanical garden

operation in the Ag Reserve on land lacking the agriculture classification, and where his operation is not Agritourism.

Mark Perry (attorney representing agriculture operations) is attending the AEC at the request of Steve Bedner. Mark reviewed the past history of developing the Bedner's Farm Market, which encountered recurrent difficulties with PBC rules/regulations. He indicated that ordinances are designed to regulate, and the proposed Agritourism ordinance is viewed this way. And it is the BCC that asked for an Agritourism ordinance, thus the ordinance request did not come from agriculture stakeholders.

Commissioner Baxter emphasized that recent difficulties made it clear that county needs a documented process that guides opportunities in Agritourism. This is not a random directive, it comes from an acknowledged need, stakeholder input is important, the Florida state statute for Agritourism will be confirmed within the future PBC Agritourism ordinance, and the local attention to off-site impacts should align with whatever restrictions (say, noise) that are already in place. As for the rural events venue concept, we need to support investments in worthwhile projects that maintain their value should the owner one day decide to sell, with no conflicting worries if the property is classified as bonafide agriculture (Agritourism) or not. Rick cautioned that the rural event venue process is likely not agriculture, and to be careful about losing current agriculture lands to these kinds of projects. Commissioner Baxter explained her understanding that the rural event venue route allows the owner to sell to a purchaser who is then allowed to maintain the rural event venue status, since this is a permitted process that gets sold with the property to the new owner. And the rural event venue concept allows people to grow amazing plants (for public enjoyment) without a requirement to sell the plants, while bonafide agriculture requires the selling of product grown on the land. With the Agritourism route, the agriculture land classification only applies to the current owner, and when they sell, this agriculture land classification does not carry forward to the purchaser, even if the purchaser intends to do agriculture activities.

Matt Reinholtz (White Trails, Jupiter) reviewed the difficulties that his family encountered with their operation that was ultimately finalized at a magistrate hearing. The current PBC process related to Agritourism is overly complicated. At White Trails, he addressed all of the required "check boxes", including some that seemed irrelevant. As for the proposed Agritourism ordinance, PBC already had rules in place (say, noise), so just use them, it shouldn't be complicated.

Darren Swank (Swank Farms, Loxahatchee Groves) indicted his operation is one of the longest-lived in the county. He recently faced 6-8 weeks of code enforcement issues with the Town of Loxahatchee Groves. Off-site impacts were the key concerns, and over the years he has addressed all of them (noise levels, noise curfews, dust, traffic, parking, timing of public events). All the rules exist already, do we need an Agritourism ordinance? Just apply the current rules equally, don't single out specific operations for enforcement. There was a town effort to enact stricter noise level rules on his Agritourism operation in response to complaints, yet he was operating within the existing rules. Commissioner Baxter talked with town officials, and

cautioned them against writing new rules that may not be legal. Regarding the proposed county-wide Agritourism ordinance, there is no intention to create new rules. The idea is to honor the current state statutes within the PBC Agritourism ordinance, which gives equal protection to everyone. Rick proposed enacting a dual verification system that would identify the people that lodge complaints against Agritourism venues, an effort to discourage frivolous reporting or harassment behaviors. This might promote the co-existence of agriculture with ag residential neighborhoods. Rick asked Cindy to provide a copy of the Miami-Dade Agritourism ordinance(s), either proposed or recently passed. Cindy indicated that while there is a recent Miami-Dade ordinance, it is related to commercial uses in agriculture and is off-topic for Agritourism. Furthermore, PZB has no intention of “duplicating” anything that Miami-Dade might have for the purpose of designing a PBC Agritourism ordinance.

Frank Gonzalez (Homestead) has been fighting Miami-Dade county for 5 years. Once ordinances are passed, county attorneys interpret them differently. He has contacted Florida Ag Commissioner Wilton Simpson, and there are efforts underway by growers to sue Miami-Dade County. He recommends against an Agritourism ordinance. Cindy one again emphasized that PZB has no intentions or interest in duplicating anything that emanates from Miami-Dade. Ron stated that we are hearing some experiences that are still raw, but just a reminder that the original objective of this AEC meeting is to give our PZB leadership your input, your ideas, your advice, your vision for Agritourism in PBC.

Michael Weber (Gardens of Weber Manor, Homestead) is a military veteran and his operation includes a plant nursery and an Agritourism venue for public events like weddings. Although he researched and addressed all the rules to set up his business, he is the recipient of many complaints which results in police visits, who inspect and say all is good. Miami-Dade is revising and/or writing new Agritourism ordinances which are increasingly difficult to comply with, and likely chases away business (fear of a wedding getting canceled by a code enforcement complaint). Complaints are anonymous, so there is no recourse. New condensed housing tracts next to historic farms is the issue, and noise complaints are continuous, even though his operation is in compliance. Off-site impacts are addressed, but county could install improved infrastructure (wider roads, sidewalks) to help achieve preferred off-site conditions. Minimizing the number of weekly events (as an ordinance) is problematic since he cannot hire full-time employees for part time work. Unreasonable head count rules limit his business opportunities, since he can easily absorb more people. Attorney fees are damaging.

Keely Haverland (Past President, FNGLA PBC Chapter) is disappointed that the AEC website is out-of-date with no access to the Minutes from previous AEC meetings. Ron was unaware of this AEC website and apologized and will fix these deficiencies. Keely is worried that Commissioner Baxter has good intentions for the Agritourism ordinance, but other commissioners might alter the final product which could create a difficult situation much like she suffered with her commercial landscaping and plant nursery business. Since we have the state statute for Agritourism, we should just rely on that document.

Mike Atchison (President FNGLA PBC Chapter, Atchison Exotics) owns a farm in Delray (Ag Reserve) and another farm in Venice Florida. He thanked the Miami-Dade farmers for making the effort to join the AEC discussion. Mike discussed the aforementioned rural events venue, indicating that the operator originally wanted to secure the agriculture land classification but was informed to consider the rural event venue route because the operator had lost his agriculture land classification. He worries about the previous discussion about percentages and how they are applied to how the Agritourism land is used. Best to keep things simple and just refer to the state statute for Agritourism.

Mark Baker returned at Rick Roth's request, to reveal his experiences with PBC code enforcement, and how his landscaping business in the Ag Reserve was ultimately shut down when his land lease was not renewed by FPL. Mark outlined a lengthy list of business expenses that have increased dramatically over the years.

Michelle (RayShell Ranch, Loxahatchee) has an operation that includes barn weddings and horse camps. Her property has suffered from outside activities like late-night 4-wheeling, random nightly gunfire, horse signs being shot up, donkeys braying next door and outside activities that damage her roadways. These intrusions occur despite existing noise-level ordinances, which are not being enforced. Rick urged Michelle to connect with her county commissioner to address these recurrent issues. Krista Erickson stated that the Agritourism and zoning discussions had been wandering off track, and that for now the AEC should consider not supporting the creation of a new Agritourism ordinance, at least not until the AEC holds more public meetings to get more input. Later the ordinance idea can be revisited. Brandon Balch appreciates the input from the Miami-Dade visitors, and worries that PBC might be risking similar issues as a result of enacting new ordinances.

Katie Reinholtz (White Trails, Jupiter) reminded the group that 10 months ago, the magistrate informed PBC that creating an ordinance was illegal, that PBC could only define/address significant off-site impacts (typically traffic related). The state statute on Agritourism means the state preempts the discussions that have occurred today. She urges county to educate staff on these issues, continuously. Rick provided a clarification on law vs case law (as defined by a judge), which complicates the jobs of county staff. He emphasized that the AEC needs to provide advice and direction to the BCC, since they asked for it. Current AEC options are:

1. The AEC should hold additional meetings to further discuss the Agritourism ordinance;
2. The AEC could consider proposing prohibitions in ordinance language.

Given that PZB presents the proposed rural event venue ordinance to the BCC on May 23, the next AEC meeting should occur on Wednesday May 22 (2:30 pm) at the PBC Extension Department campus.

VIII. Confirm next meeting of the AEC

The next meeting will take place on May 22, 2024 at the Clayton Hutcheson Center, PBC Extension Department.

IX. Adjourn

Representative Roth adjourned the meeting at 4:45 pm.

Next Meeting – May 22, 2024

A copy of the recorded minutes is available upon request

Proposed 2024 AEC Meeting Dates

Wednesday	24 April, 2024	2:30 – 4:00 pm
Wednesday	22 May, 2024	2:30 – 4:00 pm
Wednesday	10 July, 2024	2:30 – 4:00 pm
Wednesday	18 September, 2024	2:30 – 4:00 pm
Wednesday	13 November, 2024	2:30 – 4:00 pm