

## PLANNING AND ZONING BOARD MINUTES

The Brevard County Planning & Zoning Board met in regular session on **Monday, September 9, 2019**, at **3:00 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 3:00 p.m.

Board members present were: Ron Bartcher; Ian Golden; Rochelle Lawandales; Brian Hodgers; Ben Glover; Mark Wadsworth, Chair; and Peter Filiberto, Vice Chair.

Staff members present were: Amanda Elmore, Interim Planning and Zoning Manager; Jad Brewer, Assistant County Attorney; George Ritchie, Planner III; Darcie McGee, Natural Resources Management Assistant Director; Virginia Barker, Natural Resources Director; and Jennifer Jones, Special Projects Coordinator II.

### **Approval of the August 5, 2019, Minutes**

Motion by Rochelle Lawandales, seconded by Peter Filiberto, to approve the minutes of August 5, 2019. The motion passed unanimously.

#### **1. Rocco J. Citeno:**

A CUP (Conditional Use Permit) for a Private Boat Dock Adjacent to a Single-Family Residence in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.04 acre, located on the south side of Ross Avenue, approximately 620 feet west of Lakeview Drive. (425 Ross Avenue, Melbourne Beach) (19PZ00046) (District 3)

Rocco Citeno, 255 Spoonbill Lane, Melbourne Beach, stated he recently purchased a boat dock and is now applying for the conditional use permit. The boat dock has been in existence for 25 – 30 years, but none of the previous owners applied for the permit.

No public comment.

Motion by Rochelle Lawandales, seconded by Ben Glover, to approve the CUP for a Private Boat Dock Adjacent to a Single-Family Residence in an RU-1-13 (Single-Family Residential) zoning classification. The motion passed unanimously.

#### **2. Think Green Brevard, LLC (Stuart Buchanan):**

A CUP (Conditional Use Permit) for Alcoholic Beverages (full liquor) for On-Premises Consumption in conjunction with a restaurant and wedding venue, in an IU (Industrial Use) zoning classification. The property is 7.86 acres, located on the northwest corner of Parrish Road and U.S. Highway 1. (2030 U.S. Highway 1; 2900 Parrish Road; and 2920 Parrish Road, Titusville) (19PZ00066) (District 1)

Motion by Ben Glover, seconded by Rochelle Lawandales, to table the CUP for Alcoholic Beverages (full liquor) for On-Premises Consumption to the November 4, 2019, Planning and Zoning meeting. The motion passed unanimously.

#### **3. Scott Merson:**

A change of zoning classification from RU-2-10 (Medium Density Multi-Family Residential) to BU-1-A (Restricted Neighborhood Commercial). The property is 0.46 acres, located on the south side of Sellers Lane, approximately 150 feet east of North Wickham Road. (2565 Sellers Lane, Melbourne) (19PZ00090) (District 4)

Scott Merson, 3046 Pineda Crossing Drive, Melbourne, stated he owns the house behind his business and he would like to rezone it for professional services. He explained he has a friend who owns a business teaching speech and music to children, and he offered to let her live in the house after she lost her sight, but she would like to work from the home. He said he is requesting to rezone to BU-1-A to allow his friend to continue to conduct her business. He noted when she no longer lives in the house he will use it as an office for his produce business.

Rochelle Lawandales asked staff if there is a provision for a home occupation instead of rezoning.

George Ritchie replied there is a home occupation section of the Code that spells out what kind of uses can be done from home, as well as uses that have to be done away from the home, or that are not permitted to be done from home. He said a home occupation would not allow for a commercial office, and those would require the proper zoning. Ms. Lawandales stated it is a place for her to do tutoring and music lessons. Mr. Ritchie stated she could get a business tax receipt for certain training, such as music lessons, but it will limit the number of people who can come to the home at one time in order not to overload the traffic on the street. Ms. Lawandales asked how many students she has at one time. Mr. Merson replied it is one student at a time.

Ms. Lawandales asked Mr. Merson if he also lives in the home. Mr. Merson replied no, he does not, and he does not intend to live in the home in the future, but he would like to use it as an office for himself in the future.

No public comment.

Mr. Merson noted his friend currently has a business license in Brevard County and the City of Cocoa, so it would just be a transfer of the license.

Ms. Lawandales asked why the applicant cannot get a home occupation as opposed to a rezoning, unless the property was rezoned with a BDP (Binding Development Plan) limited to this particular use. Mr. Merson stated he would like to eventually have his office there. Ms. Elmore stated if Mr. Merson wants to look forward he would need the rezoning now, but if he just wanted to do the music and teaching lessons, those can be done under a home occupation.

Mr. Ritchie stated if the board does not approve the change of zoning, she can apply for the business license. He said there is also an RP (Residential Professional) zoning classification, but it is for a professional office such as a real estate agent or attorney's office, so it depends on what kind of commercial Mr. Merson wants. Mr. Merson stated he was told the use of tutoring would fall under professional offices.

Mark Wadsworth asked if Mr. Merson would prefer to have the property zoned so that he can conduct his business after his friend is no longer there. Mr. Merson replied he would like to rezone now and still allow his friend to work from the home.

Brian Hodgers stated the board could look at commercial rezoning for Mr. Merson in the future so he does not have to come back before the board, but apply a conditional use on it so it isn't just any type of business. Ms. Lawandales stated she would agree to limit it to teaching services for right now until Mr. Merson is ready to use it as an office. Ms. Lawandales noted BU-1-A (Restricted Neighborhood Commercial) opens up the property for a lot of different things that could be intrusive to the neighborhood.

Ms. Lawandales asked staff what other uses are allowed in BU-1-A (Restricted Neighborhood Commercial). Mr. Ritchie replied there is an extensive list in the Code, but if the board is concerned about what types of commercial zoning can go there, Mr. Merson can look at the list and say what he would want to have, or what uses he will refrain from, but it also allows retail activities, not just office uses. He said the RP (Residential Professional) zoning would be a better choice to make it a professional office, but there is a difference between training and tutoring, if those are considered professional offices, and he does not think they would be. He said if Mr. Merson wanted an attorney's office or a doctor's office, those would be professional offices that RP zoning would encompass. Ms. Lawandales if educators are not considered professional. Mr. Ritchie replied no, there are institutional zonings for schools.

Ms. Lawandales asked if the board could recommend approval of the BU-1-A zoning limited to only office uses and no retail uses. Mr. Ritchie replied yes.

Motion by Rochelle Lawandales, seconded by Brian Rodgers, to approve a change of zoning classification from RU-2-10 (Medium Density Multi-Family Residential) to BU-1-A (Restricted Neighborhood Commercial) limited to office uses only. The motion passed unanimously.

#### **4. Monica Ellis:**

A change of zoning classification from AU (Agricultural Residential) to SR (Suburban Residential). The property is 0.95 acres, located on the east side of North Tropical Trail, approximately 0.27 mile south of Lucas Road. (950 North Tropical Trail, Merritt Island) (19PZ00092) (District 2)

Monica Ellis, 950 North Tropical Trail, Merritt Island, stated as far as she knows there are no issues with any of the reviewing agencies; there are some wetlands in the back, but there is enough land in the front to build a house.

Mark Wadsworth asked if she wants to split the lot into one-acre tracts. Ms. Ellis replied no, the parcel is a total of seven acres, but she does not use the .95-acre she is requesting the rezoning on; she would just like to split off the .95-acre and sell it to someone to build a home. She stated she is keeping the remaining six acres intact and has no intention of ever splitting them.

Brian Rodgers asked if she is currently using the property for agriculture and tree farming. Ms. Ellis replied no, the property is wooded and has never been used.

Rochelle Lawandales asked staff if she understood correctly that because the subject property is less than one acre, it would not meet the requirements to be sold or used as a single-family residence because it would be non-conforming, and that is why Ms. Ellis is asking to rezone to SR. Ms. Elmore replied the minimum lot requirement for SR is a half-acre, so it would be conforming with SR.

No public comment.

Motion by Ben Glover, seconded by Rochelle Lawandales, to approve the change of classification from AU (Agricultural Residential) to SR (Suburban Residential), with the stipulation that the remaining acreage of the parent parcel not be divided. The motion passed unanimously.

#### **5. Lazy River Investments, LLC (Bruce Moia):**

A BDP (Binding Development Plan) limited to a maximum of 8 lots, in an RU-1-13 (Single-Family Residential) zoning classification. The property is 20.39 acres, located on the southwest corner of

Fleming Grant Road and Seabird Lane. (No assigned address. In the Micco area.) (19PZ00093)  
(District 3)

Bruce Moia, 1250 West Eau Gallie Boulevard, Melbourne, stated the board may remember the request from a few months ago when it was for 20 units on 20 acres; that request was rejected by the Board of County Commissioners. He said they listened to the neighbors and they are back before the board asking for approval of a BDP (Binding Development Plan) so that the zoning on the property becomes compatible with the land use, so it can be developed. He said the BDP would limit development to eight units, which is what he heard from the neighbors that they would like to see, to maintain the 1 unit per two and a-half acres. He said the existing zoning is RU-1-13 (Single-Family Residential), which is the same zoning as the adjacent property to the west.

Peter Filiberto asked if there will be an access road. Mr. Moia replied it will be built like a traditional subdivision, there will be an access road to access all of the lots, all of the lots will access internally, and there will be one single access onto Fleming Grant Road.

Ron Bartcher stated the zoning is remaining as-is, which is 7,500 square-foot lots, which only uses one and a-half acres. Mr. Moia stated the Code will be the least restrictive because the most restrictive will be the fact that there is no water or sewer, so it will be subject to State standards, which is a half-acre minimum, and that is 100 feet wide by 200 feet deep. He said that is the minimum, but that is not the desire, because the lots on the river will be larger. He said they want flexibility because the property has wetlands, aquifer recharge soils, floodplain, coastal high hazard areas, surface water classifications, septic overlay, and heritage specimen trees. Knowing there are all of those issues on the site, they want to retain the flexibility that the current zoning has, knowing that the State is going to have a requirement of no less than a half-acre lot.

Public comment.

Ann Briggs, 9735 Fleming Grant Road, Micco, stated according to Code, zoning classifications depicted on official zoning maps of the County shall be consistent with the Future Land Use Map and policies and criteria relating to the application of Future Land Use designations on the Future Land Use Map. She said the subject property is designated as Residential 1:2.5 on the Future Land Use Map, and that designation was recently reaffirmed by the Board of County Commissioners' unanimous decision to deny the request to change the Future Land Use to Residential 1. The current zoning designation, dating from 1972, is RU-1-13, which allows a minimum lot size of 7,500 square feet, or .172 acres. She said the request is incompatible with the 1988 Comprehensive Plan and the Future Land Use Map. She stated the zoning should be changed to AU (Agricultural Residential) to be consistent with the Comprehensive Plan. She asked why the developer is proposing a zoning designation of RU-1-13. She said the subject property will house eight lots at two and a-half acres each; however, no concept plan has been provided by the developer, so there is no way to determine how much acreage will be available after environmental constraints and normal development issues have been accounted for. She said her concern is that the RU-1-13 zoning will allow the developer to put in eight units on lots smaller than two and a-half acres.

Michelle Woods, 9912 Riverview Drive, Micco, stated she likes the eight units, but she wants to know what kind of septic will be installed, how the stormwater management will happen, and how many lots will be placed on the river. The property is in the AE flood zone, there is the coastal high hazard situation, and she would like to see a buffer between all of that and the new houses. She said the St.

Sebastian River is very sensitive and whatever happens to the area happens to the Indian River Lagoon. She said the neighbors are confused because they thought the minimum lot size would be 2.5 acres.

Mary Sphar, 825 Clifton's Cove Court, Cocoa, stated she hopes staff will answer the questions from the previous speakers regarding the discrepancy between the 2.5-acre lots required by the Comprehensive Plan and the RU-1-13 (Single-Family Residential) zoning, as it is very confusing. She said she sees a couple of ways for development of the property to proceed; one is to request a zoning classification that requires 2.5 acres as the minimum lot size; and there also may be the possibility of clustering the eight homes and preserving the most environmentally sensitive portions of the property. She said the proposed BDP states the project will be limited to eight residences, and asked if the applicant plans to cluster the homes, but offer nothing in return in the way of environmental protection over and above County ordinances. She noted the board is being asked to approve the request without any concept plan showing the layout of the homesites. She said the State agencies have already pointed out how sensitive the property is and how valuable it is. She stated the board should require the applicant to install the advanced septic systems throughout the property, and ask that no residences or stormwater treatment systems be built in the coastal high hazard area. She also asked that the board request a concept plan with a lot layout to ensure that an environmentally sound development is planned for this very important property bordering the St. Sebastian River just before it enters the Indian River Lagoon.

Bruce Moia stated maintaining the RU-1-13 zoning gives them the opportunity to provide the kind of development the speakers said they want, such as clustering, preserving open space, and not impacting the areas of concern. He said he is surprised Ms. Sphar doesn't understand that the zoning and land use is not identical. Just because a land use is 1:2.5 acres doesn't mean that each lot has to be 2.5 acres, it just establishes density on the overall property, and there is plenty of Residential 2.5 where there are one-acre lots or less. To require 2.5-acre lots, the entire development would be lots and there would be no preservation at all. He said density does not establish lot size, it just establishes density, which is what it's meant to do. He said they are going to provide the only stormwater system on that side of Fleming Grant Road along the river; there are currently septic tanks right along the shoreline; the whole area has had no planning and no regulation since it's inception; and this will be the only development that meets some kind of standard.

Rochelle Lawandales asked if Mr. Moia will use the advanced septic systems. Mr. Moia replied they will use them where they are required. Mr. Hodggers stated without a site plan, they do not know how many lots are going to be on the river. Mr. Moia stated that's correct, and it's typical at this point because they don't want to spend thousands of dollars to design something that they don't know will be approved or not. He noted they will comply with all of the regulations, and if approved, they will start the design process.

Mr. Hodggers asked about buffers on both sides of the property. Mr. Moia replied the Code requires a 15-foot buffer along the east, west, and north sides of the development, and a Natural Resources buffer along the river.

Darcie McGee, Natural Resources Management Assistant Director, stated the blue area on the Indian River Lagoon Septic Overlay Map is in the septic overlay, so the advanced septic systems would be required be on the southern portion.

Ms. Lawandales stated with eight lots being the limit, she thinks there is an opportunity to stay out of the sensitive areas, which would make everybody happy, and it is a good answer for the owners' ability to use the land that is done sustainably that brings in stormwater where there is none. She said she would prefer the advanced septic, even though he is out of the area. She said what is being proposed is consistent with the plan and is a good solution.

Motion by Peter Filiberto, seconded by Rochelle Lawandales, to approve the request for a BDP (Binding Development Plan) limited to a maximum of 8 lots, in an RU-1-13 (Single-Family Residential) zoning classification. The motion passed 6:1, with Ron Bartcher voting nay.

### **Local Planning Agency Agenda**

1. An ordinance amending Article III, Chapter 62, of the Code of Ordinances of Brevard County, Florida, entitled The Comprehensive Plan, setting forth the transmittal of Large Scale Plan Amendment 2019-2; amending Section 62-501, entitled Contents of the Plan; specifically amending Section 62-501 as described below; and provisions which require amendments to maintain internal consistency with this amendment; providing legal status; providing a severability clause; and providing an effective date.

**Plan Amendment 2019-2.2**, a proposal initiated by Brevard Medical City, LLC, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from PI (Planned Industrial) to CC (Community Commercial). The property is 16.33 +/- acres, located at the intersection of North Wickham Road and Hardoon Lane. (No assigned address. In the Melbourne area.)

Robert Lee, 405 Pinetree Drive, Indialantic, stated he is the Civil Engineer for the project. He said this is the first step in creating a PUD (Planned Unit Development) for the area of the property designated as senior living. An assisted living facility has been built and is in operation, and now they want two additional buildings, one for assisted living, and one for independent living. In order to meet height limitations and spatial relationships, they would like to rezone to PUD in order to have a resort-style project, and in order to do that, they need a Comprehensive Plan change from Planned Industrial to Community Commercial.

No public comment.

Motion by Rochelle Lawandales, seconded by Ben Glover, to approve the transmittal of Plan Amendment 2019-2.2, a proposal initiated by Brevard Medical City, LLC, to amend Part XI, the Future Land Use Element, to change the Future Land Use Map Series designation from PI (Planned Industrial) to CC (Community Commercial). The motion passed unanimously.

### **2. Proposed 180-day moratorium on any new applications of biosolids to lands within the County.**

Virginia Barker, Natural Resources Management Director, stated biosolids are the waste product of wastewater treatment plants, they contain relatively high levels of nitrogen and phosphorous nutrients, and excess amounts of those nutrients can be algae blooms, including toxic blooms, especially in the ratios of nitrogen/phosphorous that are found in biosolids. Biosolids are frequently used as a soil amendment and fertilizer for agriculture; all of the biosolids from the County's wastewater treatment plants goes to the landfill in Cocoa. Due to recent toxic blooms in Blue Cypress Lake in Indian River County, and then Lake Washington in Brevard County, the water management district looked at data they've been collecting monthly in the St. Johns River at multiple stations to look for patterns and try to explain what could be the potential cause of those toxic blooms. What they found was strong relationship correlations between the placement of biosolids and increasing phosphorous levels and blooms. It's not conclusive, it's not causation; it's correlation. They went through a process using multiple lines of evidence to try to eliminate other potential sources of the nutrients. In

that same monthly data there were no increases in turbidity or total suspended solids, so the source of nutrients was probably not related to erosion. There was no increase in total organic carbon, so the source of the nutrients was probably not natural decomposition processes. There was no substantial change in land use or development; nearly all of the land is agricultural and has been agricultural. There was no significant change in the number of septic tanks. To try to rule out fertilizer, they looked for any correlation with potassium. Most commercial fertilizer mixes include nitrogen, phosphorous, and potassium. The nitrogen was decreasing, the phosphorous was increasing, and the potassium was level, so that indicated to the district that the source was probably not commercial fertilizer. When staff met with the local agricultural interests that are using these biosolids, they said they don't usually use those pre-mixed commercial fertilizers, they test their soils, they know what their crop requirements are, and if they need 100 pounds of nitrogen they order 100 pounds of nitrogen, if they need three pounds of potassium, they order three pounds of potassium. They took issue with the District using that process to rule out potassium. The leading potential sources for these increased nutrient levels in the river are down to either fertilizer, or biosolids application, with inconclusive data to determine. It could be a combination of both. The St. Johns River upper basin is already impaired for phosphorous; Brevard County and other stakeholders already required to reduce phosphorous levels by 52%. Whether the source of the potassium is biosolids or fertilizer, the soils are probably already saturated with phosphorous, so any additional phosphorous application is going to increase the amount of phosphorous leaching through the soils into the river. The State formed a technical advisory committee that met four times and made recommendations to the State for statewide rule revisions. Those rule revisions are expected to come back to the legislature in the next session; in the meantime, the County Commission wanted a stop-gap measure to temporarily prevent any new permits for biosolids application within the county. In 2013, rule changes protected the Everglades and the Kissimmee River Basin, so it, in effect, stops the placement of biosolids on agricultural land in those areas. That means all of the South Florida biosolids, if not going to a landfill, it's being trucked north, up the state. In 2013, the amount of biosolids trucked and placed in the upper basin of the St. Johns River tripled, and it's been holding at that higher rate ever since. This measure is to try to prevent that increased push from South Florida coming to Brevard County's land and waters. The existing biosolids permit locations have implemented nutrient management plans to try to keep those nutrients onsite, and the County Commission has directed staff to work with the local agricultural interests to collect information over the next six months; not just on phosphorous and nitrogen leaching from those lands, but also compounds that are commonly found in biosolids and contaminants. This agenda item is for a six-month moratorium on new application of biosolids within the county.

Ron Bartcher asked if staff intended to ban Class A biosolids. Ms. Barker replied there are almost no Class A biosolids produced in the State of Florida. About one-third of the biosolids in the state go to landfills; about one-third is Class B, which is what the moratorium is regarding; and the other one-third is Class AA, which is treated to a higher level and usually cut with mulch or some other organic material, at which point it becomes classified as fertilizer and it is no longer tracked, so we have no idea where the Class AA is going, and there is some debate about whether local jurisdictions have any authority to regulate Class AA.

Mr. Bartcher asked why Brevard county doesn't create Class A biosolids with its waste, and if it is an expense problem. Ms. Barker replied there is an expense to converting and processing biosolids to convert it to Class AA, and there is also a space requirement for that to happen, and the County made the decision that it was more cost effective to haul material to the landfill.

Motion by Ron Bartcher, seconded by Rochelle Lawandales for discussion, to approve the proposed 180-day moratorium on any new applications of biosolids to lands within the County.

Ms. Lawandales asked if 180 days is enough time. Ms. Barker replied hopefully the legislature will adopt statewide rules, but the problem right now is each county has been adopting local moratoriums pushing the material farther north. If the ordinance is approved, Brevard County will join that game and push the material even further north or to the west. A statewide solution would adopt new requirements that would apply

everywhere, and hopefully determine the best timing, location, and condition. She said she believes 180 days is enough time for staff to collect information on not just the nutrients, but the other contaminants of concern.

Ian Golden stated the 180 days doesn't stop the Board from pushing it further. Ms. Barker stated that is correct, and the Board could adopt an extension through an ordinance amendment.

Peter Filiberto asked where will the biosolids be moved to after the 180-day moratorium. Ms. Barker replied she does not know exactly where they are going to go, but the way biosolids are typically handled is that the wastewater utilities contract with a hauler, the hauler finds agricultural lands that are willing to take the material, and they work with the agricultural owner to put in permit applications to the State to permit the land application areas. The County is trying to do is stop the materials coming in from Indian River County or St. Lucie County.

Mr. Filiberto asked if the 180 days is only for it not to be dumped in Brevard County.

Jad Brewer, Assistant County Attorney, replied the moratorium would only be for new permits. A farmer that has a contract with a hauler right now that is dumping biosolids can continue under the moratorium. The haulers being kicked out of counties to the south of Brevard cannot get new permits under the moratorium.

Public comment.

Douglas Sphar, 825 Clifton's Cove Court, stated he and his family are directly affected by the spreading of biosolids in the St. Johns River Upper Basin and the Deer Park Ranch. The St. Johns River Water Management District has a water quality monitor close by his property at the end of Lake Poinsett, and the site is showing phosphorous trending higher. He said accumulative biosolids have been spreading in the Upper Basin for 19 years, and biosolids applications have skyrocketed since all of the South Florida grandfathered permits have sunset in 2013. Before that, 20 years ago, Billy Kempfer was using commercial fertilizer to grow watermelons and there was no phosphorous problem back then. So, it's been a direct correlation from biosolids coming to Brevard from South Florida. The last recital in the moratorium ordinance states, "The Board specifically finds that this temporary moratorium on land application of Class B biosolids is necessary and appropriate to protect the public health safety and welfare of the citizens of Brevard County." He said he doesn't see how the moratorium accomplishes that, because the two biggest spreaders in the Upper Basin are Deseret Ranch and Deer Park Ranch, and their ranch fields are fully permitted and grandfathered-in, as are the two spread sites used by Titusville's Osprey Facility. Deseret's application summary for 2018 states, "all spreaders are required to submit an annual summary of everything they did". In 2018 they spread over 26,000 tons, but they have a total of 52,000 under permit. Deseret states they typically spread these fields on a three to four-year cycle. The Deer Park summary for 2018 shows they spread 7,487 tons, but they also have 5,503 acres on permit. He stated he is only aware of one permit, the Poteet Ranch, that has applied for a permit earlier this year, but last week he was told that permit was withdrawn in July. He concluded by saying the moratorium needs to go back to the drawing board to have some teeth put in it in both quantity and acres spread, and the only way to do that would be to totally ban spreading for 180 days for the people who already have permits, or a partial ban based on spreading allowed in conjunction with an aggressive monitoring of water quality.

Mary Sphar, 825 Clifton's Cove Court, Cocoa, stated the moratorium is an unusual ordinance because unless something totally unexpected happens, it will do nothing in its six-month applicability, because the threat of a new biosolids site no longer exists. She said the ordinance is a missed opportunity to do something meaningful, such as specified parameters for surface and groundwater testing in the Brevard portion of the St. Johns River Upper Basin. She asked the Local Planning Agency to recommend adding testing methodology information to the ordinance. The sites to be tested could be identified, and what is being tested could be listed, which would be pharmaceuticals, or any other chemical substance of emerging concern, plus

phosphorous and nitrogen. She asked that the board do something positive with this ordinance rather than give the impression that something halfway significant is being done when it is not.

Mr. Hodgers asked staff for a breakdown of what farmlands the biosolids are going on to, such as cattle versus tree nurseries. Ms. Barker replied the biosolids coming to Brevard are going to cattle operations. Mr. Hodgers asked if the biosolids are coming from South Florida and not being produced and re-distributed in Brevard County. Ms. Barker replied some of them are coming from cities within Brevard County.

Brian Hodgers asked if the danger of these biosolids are strictly getting into the water supply, or is it also getting into city water. Ms. Barker replied there are higher levels of phosphorous in the St. Johns River and in Lake Washington. To her knowledge, nobody is testing the St. Johns River or the water supply that comes out of Lake Washington. The City of Melbourne did testing for compounds several years ago and did not find a problem at that time, but there's not an ongoing project that she's aware of.

Mr. Hodgers stated from what he has ready, it's more of a problem for people who are on agricultural land and getting their water from a well. Ms. Barker stated there are different levels of potential problems, so just the increase in nutrients, which is definitely happening, is feeding algae blooms, and some of those blooms are toxic and those toxins are coming into the water treatment plant. The city then has to spend the additional funds to ramp up the treatment process that would prevent those toxins from going out in the drinking water supply provided for the residents.

Mr. Hodgers asked if it is strictly cattle farms that are using these, or is it anyone else using them. Ms. Barker replied she's only talked to the agricultural interests in Brevard, and in Brevard it's in the cow/calf operations. She stated Deseret Ranch has said they have no plans to place any biosolids in Brevard County in the coming year, and Kempfer and Deer Park Ranch agreed that the County can sample on their properties.

Mr. Hodgers stated his concern with the ban is that businesses will look for another way around an issue so they can stay in business. He asked what businesses will use as an alternative if the moratorium is adopted.

Ms. Barker replied they will look at their crop needs and they will order commercial fertilizers in exactly the amount they need. The problem with biosolids is it's pre-mixed and the way the State rules are right now, farms look at how much nitrogen they need and how much nitrogen is in the biosolids, and that's how much biosolids are spread.

Ms. Lawandales stated the County is not setting the rules by this ordinance, and asked if staff is asking for time to set rules. Ms. Barker replied staff is asking for time before any additional permits could be considered in the County. She clarified that for the Poteet application, the State requested more information from the applicant; the applicant withdrew, and she doesn't know whether the applicant withdrew because they have no plans to reapply or whether they just needed time to collect that data and resubmit.

Ms. Lawandales asked if there will be public meetings throughout the process. Ms. Barker replied staff has already had a teleconference with the St. Johns River Water Management District to gather the methodology information that Ms. Sphar requested, and will work with them on that methodology that can hopefully be comparable to other sites where similar data has been collected. Those results will be brought back to the Commission in a public meeting. If the State does or doesn't amend the rules, the County, with this additional data, with whatever changes the State may or may not adopt, can decide what is needed to do going forward through a public hearing process.

Mark Wadsworth called for a vote on the motion as stated and it passed unanimously.

Upon consensus of the board, the meeting adjourned at 4:20 p.m.