

# Alachua County Local Planning Agency/ Planning Commission Meeting Minutes: September 2, 2020

The Alachua County Planning Commission held a *virtual* public meeting on **September 2, 2020 at 6:00 p.m.** The meeting was held as a **virtual ZOOM meeting**. (This meeting is continued from the August 19, 2020 Local Planning Agency and Planning Commission Meeting).

## COMMISSIONERS PRESENT:

Tim Rockwell, Chair  
Kali Blount  
Ishmael Rentz  
Jason Teisinger  
Kristen Young

*James Ingle absent*  
*Keith Hazouri absent*  
*Robert Hyatt absent*

## STAFF PRESENT:

Missy Daniels, Director, Growth Management Department  
Jeff Hays, Principal Planner, Development Services, Growth Management (in Grace Knight)  
Jerry Brewington, Senior Planner, Development Services, Growth Management  
Corbin Hanson, Assistant County Attorney, County Attorney  
Patricia McAllister, Staff Assistant, Growth Management

### Meeting Called to Order:

**Meeting called to order by Chair Rockwell at 6:00 p.m.**

*Patrice Boyes, Attorney for applicant*, reminded the Planning Commission that there was a request for a site line analysis from the August 19, 2020 meeting. *Ms. Boyes* stated that analysis is done and can be presented in just a few minutes when appropriate.

*Commissioner Blount was having technical difficulties with the zoom meeting. Jeff Hays assisted Mr. Blount.*

Commissioner Rockwell stated we will begin with the parties presentation.

Corbin Hanson stated there are three additional names that wish to be considered parties.

- 1) Eddie and Nora Nattiel—property located close to this application.
- 2) Caroline Mells—owns property across the street from this application
- 3) George Mells—8710 SW 170<sup>th</sup> Street--own property directly across the street from this application. and wish to be recognized as a party.

**Voted as parties with a unanimous vote 5-0.**

1. EXPARTE COMMUNICATION: None declared.

2. QUASI-JUDICIAL ITEM: ZOX-01-20 (Special Exception)

A request by Archer Solar Project LLC (Mark Dypiangco, Agent) on behalf of various owners for a special exception to permit a major utility (solar array and associated distribution lines) on approximately 650.6 acres located in an 'A' (Agriculture) district with a Rural/Agriculture land use designation (one dwelling unit per five acres). The project is located on the northeast corner of SW 170<sup>th</sup> Street and SW 95<sup>th</sup> Avenue on parcel numbers 04588-000-000, 04588-001-000, 04588-001-001 and portions of parcels 04595-000-000 and 04631-000-000.

Continued from August 17, 2020 LPA/PC Meeting

Swear In Staff: Clerk swore in staff.  
Swear In Applicants: Clerk swore in applicants.

*Robert Walpole* from CHW will be presenting that Site Line analysis showing the north west corner, the north east corner, and black angus road: day 1 landscape buffer simulation at the time of installation of the buffer, 5 years landscape buffer, and landscape buffer in 10 years.

*Commissioner Young* stated she is the one that requested the site line analysis and she is satisfied with this simulation.

*Terrell Arline*, Attorney, representing the St.Peter/St. Paul Community Council, Inc.(non-profit) introduced the presentation and stated his clients include: (*Betty Durdley, James McGee, Susan McGee, Cindy Wonders, Connie Lee, December & Lee McSherry, McSherry Farms, Delores Clyde Johnson, Gerie Crawford, Gerie Williams, Rosa Rutlege, Michelle Rutledge, Peggy Hood, Sara Beachboard and Eddie & Nora Nattiel*) .

*Mr. Arline* stated that his clients oppose the solar facility and recommend denial with the policies listed in my letter of August 13, 2020 that outline that this application violates the Comprehensive Plan in regard to social equity, environmental justice and compatibility with surrounding community by placing a public utility in this location, high karst area, the potential for a sink hole and this application does not support sustainable agriculture in the area.

#### Public Comments:

##### **Parties**

- 1) *Gerie Crawford* stated the council wishes to recommend denial of this application as this is the wrong location for a solar array, wish to preserve historic, conservation and health of residents and she provided a brief history of the area and she submitted public comments and petitions. She feels County staff did a poor job of processing this application during a pandemic especially when the SW Alachua area does not have Cox Cable and have digital issues. She also spoke regarding solar heat island effect-temperatures are warmer due to solar panels.
- 2) *Charles McGee* speaking on behalf of his parents, James McGee & Susan McGee, stated this is the wrong location of a solar plant what about the property by the airport or the 97 acres of fairgrounds that's no longer being used instead of this location. He stated there is an issue with environmental justice and an issue of conservation. He stated this is a neighborhood—there are 80 plus homes in this area. He further stated there is an impact on the Aquifer High Recharge area, environmental effects on leakage, and the drinking water needs to be safe. He spoke about the wildlife in the area and potential use of herbicides on the solar farm and his ability to operate an organic farm.
- 3) *Lee McSherry* spoke regarding the history of his farm and the use of herbicides on the solar farm property that may interfere with his farm. He also spoke about the wildlife in the area. He recommends the Board deny this application.
- 4) *Michelle Rutledge* spoke regarding environmental justice and stated there is a direct violation of environmental justice for this solar plant and this will affect the culture of the area and wants the Board to deny this application.
- 5) *Lee McSherry* spoke again (in his wife December's place as she was having technical difficulties) and stated some of the history of the area including the county shut down all the landfills except the one closest to Archer, polluted wells, sewage treatment plant in area, biosolids application—this area has been continually under attack by Alachua county and does relate to environmental justice.

- 6) *Gerie Crawford* stated the conclusions of the applicant's presentation by stating the council recommends denial of this application, process has been unfairly allowed to progress with minimal consideration of the community both during the pre-application process and a pandemic, council suggest harvestin solar be restricted to areas already zoned for industrial use and the council has signed a submitted petitions against this application.

Parties (not part of presentation by council)

- 7) *Nora Nattiel* as the closest proximity neighbor was concerned with solar array that will create more noise than just the substation and lighting around the substation and at the entrance to this solar plant and will negatively impact our quality of life. She requests the Board deny this application.
- 8) *Cynthia Wonders* stated she moved here because of the area. She is concerned with water-aquifer, her animals-goats, her garden and this solar farm is not compatible with the rural homestead farming lifestyle of this area.
- 9) *Betty Durdley* stated this application does not fit in an agricultural farming community. She stated she did not want a solar farm in her backyard—three primary issues cherishing the beauty of this environment, issues of our neighborhood area, incompatible to surrounding area and this application does not protect the interest of the people that live here.
- 10) *Connie Lee* spoke regarding environmental justice and respecting the rights of the citizens. Ms. Lee stated she is a member of the Alachua County NAACP and the NAACP supports the St Peter/St Paul Community Council, LLC .
- 11) *Peggy Acosta Hood* spoke regarding this quiet community, wildlife in this area, vegetable garden with no herbicides, racial injustice and she recommends denial of this application
- 12) *Rosa Rutledge* spoke regarding the quiet neighborhood, have been here for 50 years, and this application site is directly across the street and will interfere with the peace and quiet of this historical black community and please deny this application.
- 13) *Michelle Rutledge* requested that the Planning Commissioners read the emails and public comments submitted.
- 14) *George Mells* mentioned his proximity to the application site and he agrees with previous Comments by Ms. Crawford and Mr. McSherry.
- 15) *Terrell Arline*, Attorney, stated that he represents the St. Peter/St. Paul Community Council, Inc. (non-profit)

Public Comments:

- 1) *Eric Godet* spoke in favor of the solar project stating this site was selected because the land is flat, already has transmission lines , has an existing substation, and is located in unincorporated Alachua County. He stated solar is being very popular and he is excited that this facility will be providing energy to over 22,000 people.
- 2) *Ben Campen* spoke in support of Archer Solar project will bring clean renewable energy to the state. He stated this property is and has been used for silviculture.
- 3) *Jacquelyn Solett* represents Audobon Florida and Alachua Audobon was in favor of the Archer Solar project.
- 4) *Evelyn Foxx*, NAACP, stated she hopes this board will listen to the people being affected and urge you to vote no to the solar farm.
- 5) *Joani White*, Commissioner with City of Archer, stated the City of Archer sent a letter is not in favor of this application due to dealing with the landfill in the past and the torn up roads from the traffic.
- 6) *Peggy Acosta Hood* stated that this is the first phase of development for this land so there will be more traffic for the second phase.
- 7) *Sara Younger* spoke regarding in opposition of this application and was concerned with the toxic materials in the solar panels (cadmium telluride) and the disposal of the panels once decommissioned. With no other individuals that have called in or are present in County Administration building, Public Comment was closed.

Applicant responds to questions asked by staff, parties and other public comment speakers.

*Robert Walpole* addressed questions regarding water use—concerning cleaning the panels with water. He stated these panels do not need cleaning. Mr. Walpole stated herbicide would be used around building perimeters and inverters and is only done twice a year. He stated that existing wells on site and that the intent is to close all the wells except one to serve the operation maintenance building that will have three full time employees and the water used to mix herbicide twice a year and that very little water would be used equivalent to one single family home. Mr. Walpole also addressed the 34.5 kV line and stated that line is a buried underground line.

*Ricky Sinha* stated that the solar panels are recycled at the end of life and when a panel is determined that it is not working properly, the panel is removed from service. Mr. Sinha stated, when asked about the life span of the solar facility and why the solar facility would end in 25 to 30 years, that is up to the property owner to determine whether they wish to continue with the solar facility or not to continue operating the solar facility at this location.

*Laura Abrams* addressed the questions regarding reaching out to neighbors and listening to their concerns. She stated this solar facility will provide clean air benefits, have buffers that are filled with vegetation and will be virtually unseen and unheard. She spoke regarding the buffers for the cemetery. Ms. Abrams concluded by stating this solar project will benefit the community.

**Discussion** with staff, planning commissioners and applicant's agents regarding herbicides, recycling the panels, consideration for the cemetery with a higher density buffer, job opportunities for working at the solar facility, environmental justice—no negative impacts to surrounding communities, the existing transmission line that goes through the property, Visual aspects of the solar facility from the adjacent properties, noise, and using sheep to maintain the growth on the property instead of herbicides, chemicals used in panels Cadmium and Telluride, groundwater contamination and ongoing community involvement regarding the cemetery.

*Corbin Hanson* clarified that the Governor of the State of Florida authorized virtual meetings and there have been numerous successful meetings with public participation. He further stated that with this meeting being virtual, we also established a physical location to accommodate those without resources to watch or participate virtually.

**Motion** was made by *Commissioner Teisinger* to **approve** this application with the bases and conditions as noted in the staff report.

**Motion** was made by *Commissioner Blount* to **revise** the motion by **adding** a condition that requested the developer (currently Duke Energy) to create a relationship with the community involving a formed and constructed community council and urge EPC (Engineering Procurement Construction and Contractor) to continue the relationship ongoing based on Comprehensive Policy 5.2.1 regarding preservation and strengthening of community and neighborhood character through design.

Motion was **seconded** by *Commissioner Young*.

**Public Comments: (to the motion)** (Limit to 2 minutes):

- 1) *Rosa Rutledge*-there was no communication with me –doesn't seem that anyone is listening to the community.
- 2) *Gerie Crawford*-clarify that prior to council being formed-no one from Duke Energy spoke with the people of this community especially on 95<sup>th</sup> Avenue. We have not had conversation, just presentation.
- 3) *Michelle Rutledge*-stated there are environmental risks including the cadmium telluride in the solar panels. She further stated there was no early community involvement..
- 4) *Terry Lee*-stated that due to the time the motion was stated and not seconded right away-the original motion should have died due to lack of second.
- 5) *Evelyn Foxx*-stated that the county needs to listen to the community and the citizens of Archer.

6) *Cynthia Wonders*-stated no one is listening to the community and respond to neighborhood questions. She stated she lives on 79<sup>th</sup> Avenue and she received notification of meeting from a neighbor.

7) *Lee McSherry*-stated this is an Industrial use and should not be allowed here as it is not compatible with the neighborhood or the community.

**End public comment.**

*Missy Daniels* stated the requirement for the Neighborhood Workshop Meeting is that the Neighborhood Workshop Meeting meeting must occur before the application is submitted.

**Action:** Vote: By a roll call vote: *Commissioners Rockwell and Commissioner Teisinger* in favor of this motion with *Commissioner Blount, Commissioner Young and Commissioner Rentz* voting against this 2-3 for approval. This motion fails.

**Motion** was made by Commissioner Teisinger **to deny** this application with no bases stated. Motion was **seconded** by Commissioner Blount.

**Action:** By a roll call **vote of 3-2**, this application **ZOX-01-20** was **denied** by the Planning Commission. (*Commissioners Blount Rentz and Young in favor and Commissioners Teisinger and Rockwell did not approve this motion*).

*Jeff Hays* stated there will be a Special Meeting for the Board of County Commission for this application on Tuesday, September 29, 2020 and we are not sure of the time yet.

Next Local Planning Agency and Planning Commission meeting will be on Wednesday, September 16, 2020 at 6 p.m.

**Meeting adjourned at 11:20 p.m.**