

Alachua County Local Planning Agency/ Planning Commission

Meeting Minutes: August 19, 2020

The Alachua County Planning Commission held a *virtual* public meeting on August 19, 2020 at 6:00 p.m. The meeting was held as a **virtual ZOOM meeting**.

COMMISSIONERS PRESENT:

Tim Rockwell, Chair

James Ingle

Keith Hazouri

Kali Blount

Robert Hyatt (School Board)

Ishmael Rentz

Jason Teisinger

Kristen Young

STAFF PRESENT:

Missy Daniels, Director, Growth Management Department

Jeff Hays, Principal Planner, Development Services, Growth Management

Ken Zeichner, Principal Planner, Comprehensive Planning, Growth Management

Jerry Brewington, Senior Planner, Development Services, Growth Management

Ken McMurry, Planner, Comprehensive Planning, Growth Management

Corbin Hanson, Assistant County Attorney, County Attorney

Steve Hofstetter, Acting Director, Environmental Protection Department

Lalit Lalwani, , Public Works

Patricia McAllister, Staff Assistant, Growth Management

Meeting Called to Order:

Meeting called to order by Chair Rockwell at 6:01 p.m.

1. APPROVAL OF AGENDA:

Motion was made by *Commissioner Rentz* to approve the agenda.

Motion was **seconded** by *Commissioner Teisinger*.

Action: The **agenda** was **approved** with a vote of 4-0.

2. LEGISLATIVE ITEM: CPA 04-20 (Large Scale Comprehensive Plan Text Amendment)

A County-initiated amendment to the Alachua County Comprehensive Plan: 2019-2040 to amend policies in Section 6.0 of the Future Land Use Element relating to clustered rural residential subdivisions including permitted and prohibited uses in the open space, management plans, implementing land development regulations, and increasing the incentive for inclusion of agriculture area such as community gardens in the open space; and lowering the threshold for requiring subdivisions in the Rural/Agriculture Future Land Use category to be developed as clustered rural residential subdivisions from 25 or more lots to 10 or more lots, and any related policies; and amending policies on requirements for internal roads in rural residential subdivisions to allow internal roads to be private easement roads that are not paved for subdivisions with a maximum of 9 lots instead of the current adopted maximum of 6 lots.

Staff Presentation:

Ken McMurry presented this application. *Mr. McMurry* summarized this application by stating the amendments to policies relating to rural residential subdivisions in 3 categories; 1) Lowering the thresholds for requiring clustering, clarifying uses in open space and clarifying management plans and their implementation; 2) Increase the incentives for inclusion of agriculture uses in the open space to further the local food initiative and 3) More flexibility regarding internal road paving requirement for rural residential subdivision by increasing the maximum number of lots allowed to have internal unpaved private easement roads. Staff recommends approval of this application for transmittal to the state and

other agencies for review.

Discussion with staff and planning commissioners regarding open space, management plans and agriculture uses within the open space including non-intensive ag uses and community gardens.

Applicant's Presentation: Alachua County is the applicant for this application.

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

Motion was **seconded** by *Commissioner Rentz*.

Public Comment:

1) *Charles McGee* was concerned with ensuring clusters are not built in high aquifer refresh.

Staff Response;

Ken McMurry responded to public comment stating that design requirements for clustering prioritize conservation areas in the open space and the homes would be clustered away from any environmentally sensitive areas.

Action: CPA-03-20 was **approved** with a vote of **5-0**. (*Commissioners Hazouri, Commissioner Rentz, Commissioner Teisinger, Commissioner Young and Commissioner Rockwell*) roll call vote.

Kali Blount joined the virtual meeting at 6:20 pm.

3. EXPARTE COMMUNICATION: None declared.

4. DECLARATION OF PARTIES: Corbin Hanson read the statement into the record regarding parties and how the parties are declared.

Public requesting party status:

- 1) Gerie Crawford
- 2) Michelle Rutledge
- 3) Connie Lee (Terry)
- 4) Rosa Rutledge
- 5) Myrtle Graham
- 6) Betty Durdley
- 7) James McGee
- 8) Cynthia Wonders
- 9) Lee McSherry
- 10) Peggy Acosta Hood
- 11) Bobbie Harris
- 12) Sara Beachboard
- 13) Terry Davoli
- 14) Lucius McSherry

Motion was made by *Commissioner Teisinger* to declare the 14 individuals listed above as parties.

Motion was **seconded** by *Commissioner Hazouri*.

Patrice Boyes, Attorney for Applicant does not object to these parties but does reserve the right to challenge.

Action: *Vote: 5-0 to approve the individuals listed above as parties.*

5. 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 170th Street and SW 95th Avenue on parcel numbers 04588-000-000, 04588-001-000, 04588-001-001 and portions of parcels 04595-000-000 and 04631-000-000.

Staff Presentation:

Jerry Brewington presented this application. Staff recommends approval of this application with the bases and conditions as noted in the staff report.

Commissioner Questions (for Staff):

Commissioner Teisinger questioned which solar facility staff visited and he questioned if there are any complaints for the other solar facilities within Alachua County

Commissioner Young questioned if there is any screening along with the fences and she questioned what standards were used to evaluate environmental justice. *Commissioner Young* also questioned if Duke Energy has customers in Alachua County and who they are.

Commissioner Rentz questioned the if there is a regular maintenance schedule for the property.

Staff Response:

Jerry Brewington stated the site visit for comparison for this application was done at the Ft. White solar facility because this site has similar invertors and similar type of panels. *Mr. Brewington* stated he is not aware of any code complaints regarding solar facilities within Alachua County but he will check into this. *Mr. Brewington* stated the fencing for this proposed facility is just the fence with no additional screening. *Mr. Brewington* mentioned there are three other solar facilities in Alachua County—one at the Alachua County/Putnum County border, one near Prairie View and one off 53rd (Sybac) and they are dispersed on all sides of the county. *Mr. Brewington* further stated this solar facility would not create any adverse or negative impacts to schools, recreation or neighbors and there are no environmental impacts from the proposed solar array. *Mr. Brewington* stated that Duke Energy customers in Alachua County include; City of Archer, City of High Springs, Town of LaCrosse, Town of Micanopy, University of Florida and Clay Electric. *Mr. Brewington* stated that maintenance includes mowing the grass to prevent interference with the panels and additional maintenance to the invertors and panels.

Some individuals were having difficulty getting into the meeting so the meeting information was repeated here to allow time for those individuals to call in 929 205-6099 and enter meeting code 273 174 8038

Mr. Rockwell read the list of person that submitted for party status Additional party requests: (were not already voted as a party): Ashley Hunt, Sabrina Richardson (Reginald), David/Parker Simon McSherry, Eddie Nattiel (Nora), Angel Brown, Jerome Perry, Sheila Moss, Joann Walker Johnson, Warren Johnson, Sr., Dominique Boykin, Thelma Perry, Travis Nattiel, Precious Smith, Xavier Woods, Henry L Johnson, III, Alphonso Hunt, Ella Robinson, Cindy Nattiel, Gloria A. Robinson, Dustin Johnson, Gerry Williams, and Delores Clyde Young.

Of the list above, only Gerry Williams spoke and requested party status.

- 1) Gerry Williams consider a party due to proximity next door to application 170th and 90th Avenue
Gerry Williams as **voted a party** with unanimous vote.
- 2) Terrell Arline, Attorney, representing St. Peter/St. Paul Community Council, Inc.(non-profit) which was created within the last month members include some of the parties listed above that were granted party status Gerry Williams is a member of the council.

None in county administration building requesting party status.

15) St Peter/St Paul Community Council, Inc.(Terrell Arline representative) **voted as a party.**

Applicant: *Patrice Boyes* (co council *Larry Curtin*) addressing the request by community council. *Larry Curtin* stated the incorporated council cant be verified that this council is registered and that the paperwork needs to be submitted as part of this presentation. He asked if Mr. Arline intended to provide expert testimony and legal argument
Larry Curtin stated he has issue with Mr. Arline's intentions—confusion associated- we need to know what is testimony and which is legal argument as Mr. Arline makes his presentation. Mr. Arline stated he would only be making legal argument and no expert testimony. Mr. Curtin stated this resolves the issue at this point.

Applicant's Presentation:

Patrice Boyes, Attorney for First Solar, introduced Mark Dypiangco with First Solar and *Ryan Frankel* who is operating the presentation screen.

All **applicants** speaking at tonight's meeting were **sworn in** by the clerk.

1) *Mark Dypiangco*, First Solar, Director of Project Management, introduced the applicants that are presenting tonight. Introduced the project and spoke about renewable energy, the vision of this project and first solar's experience with building solar projects. *Mr. Dypiangco* stated this project will be constructed, owned and operated by Duke Energy and he spoke about how the panels are created and the property selected for this solar project.

2) *Richard Kirkland*, **Expert**, Property Appraisal, *Sworn in*, State Certified Property Appraisal, impacts on adjoining properties. *Mr. Kirkland* stated he has researched over 600 solar farms and one method of analysis is matched pair analysis-compare to similar properties. *Mr. Kirkland* concluded there is no negative impact on adjoining or abutting property values related to this project.

3) *Robert Walpole*, President of Causseaux, Hewett and Walpole and **Expert** in Civil Engineering, spoke about site access and circulation; noise, glare, lighting and refuse; utilities and screening; signs and open space and compatibility

4) *Brent Handley*, Sr. Associate, Cultural Resources Environmental Services, Inc. (a Terracon Company) **Expert**, Cultural Resource Assessment and Archeology spoke regarding historical structures and resources. *Mr. Handley* stated there are no historical structures or resources that are significant on this site and with a vegetative buffer between the cemetery and this site is all that is needed.

5) *Lisa Walker*, TRC, **Expert**, Natural Resources, spoke about natural resources including evaluating for wetlands, protected species, mapped vegetation communities on site, looked for potential sink holes and completed a tree survey. *Ms. Walker* stated this site is currently planted pine and the property has been used for silviculture. *Ms. Walker* stated the findings were no wetlands, no surface waters and no floodplains on this site and this site is located within high aquifer recharge area.

6) *Gary Siebein*, Siebein Acoustic, **Expert**, Noise and Auoustics spoke regarding noise study conducted at Ft White site and study done on this property using sound pressure level at property borders (property lines) using a 3D computer model at proposed site. *Mr. Siebein* concluded the ambient sound levels meets the levels at the property lines.

7) *Dr. Parikhit Sinha (Rick)*, Senior Scientist, Sustainability Research, First Solar, **Expert**, Module Safety, spoke about accountability to the community to stand behind the technology throughout the live cycle of the solar panels, performance monitoring of panels, two decade record of product safety and the recycling process for the panels, and environmental justice.

8) *Dr. David Depew*, Principal, Depew Planning Services, LLC, **Expert**, Comprehensive Planning and Zoning, spoke regarding the consistency of this project with the current Alachua County

Comprehensive Plan, Unified Land Development Code and Florida Statutes and that this site already has the substation and the transmission line. *Mr. Depew* stated this property is currently a tree farm and this application would make it a solar farm with buffers to obscure the solar array.

Patrice Boyes provided exhibits into evidence:

Exhibits: (prefiled)

1 –Certificate of registration for Archer Solar LLC to operate in the state of Florida

2—Copy of options to purchase the subject properties

3, 4, 5 –Entirety of Special Use Permit Application

6 through 14-- Expert reports and citations that appear in presentations

(13-Expert appraisal report/14-Dr. Depew's Supplemental Planning Analysis)

15 Fact sheet on panel materials

16 General study of Acoustic Levels

17 & 18 Peer Review Journal articles

19 Dr. Seibein's Acoustics study

20 Composite of Experts Resumes listed above

21 Community meeting recap for July 9, 2020 – 2nd Neighborhood Workshop meeting

22 Letter council provided on Monday

23 & 24 Public Health Benefits of Renewable Energy and Environmental & public health benefits of achieving high penetration of Solar Energy

25 Submit copy of presentation in entirety (submit tomorrow to clerk)

Move exhibits into evidence. And applicants presentation is concluded.

Commissioner Rockwell questioned whether *Mr. Arline* would be presenting for his clients or if his clients would be doing the presentation themselves.

Mr. Arline stated his clients have made their own powerpoint presentation and they will be doing the presentation themselves.

Ms. Boyes asked the Planning Commission would consider a Special Meeting so that this application would not be continued for an entire month until the next regular Planning Commission meeting.

After a brief recess so that the County Attorney could consult with staff, it was decided that there would be a Special Meeting to continue this application with August 27th or September 2nd as the dates available.

Motion was made by *Commissioner Young* to continue this meeting immediately on September 2, 2020 at 6 pm.

Motion was **seconded** by *Commissioner Hazouri*.

Vote: 6-0 Unanimous vote to continue the meeting to September 2, 2020. (*Commissioner Blount was having some technical difficulties.*)

After the applicant's presentation but before cross examination, this meeting was continued immediately to time and date certain on September 2, 2020 at 6 p.m.

Meeting adjourned at 10:31 p.m.