

**INDIAN RIVER COUNTY, FLORIDA**  
**M E M O R A N D U M**

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**TO:** Jason E. Brown, County Administrator

**THROUGH:** Roland M. DeBlois, AICP; Interim Community Development Director

**THROUGH:** John W. McCoy, AICP; Chief, Current Development

**FROM:** Ryan Sweeney; Senior Planner, Current Development

**DATE:** August 2, 2019

**SUBJECT:** Florida Power & Light Company's Request for Major Site Plan and Special Exception Use Approval for a Private Heavy Utility (Orange Blossom Solar Energy Center) [SP-SE-19-06-17 / 2019020003-84142]

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It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of August 13, 2019.

**DESCRIPTION & CONDITIONS**

Culpepper & Terpening, Inc., on behalf of Florida Power & Light Company (FPL), has submitted an application for major site plan and special exception use approval to construct a private heavy utility (Orange Blossom Solar Energy Center). The subject site is approximately 607 acres in size and is located at the northeast corner of Oslo Road (9<sup>th</sup> Street SW) and 122 Avenue SW (see attachment 2). The site is zoned A-2, Agricultural-2 (up to 1 unit per 10 acres), a zoning district in which special exception use approval is required for private heavy utilities (including solar energy centers). The proposed solar energy center will consist of approximately 476 acres of solar arrays, stabilized access pathways, and an on-site electrical substation. The remainder of the site (i.e. the northern ±131 acres) is not proposed for development at this time (see attachment 5), and any future use will be subject to A-2 zoning district regulations.

It should be noted that the proposed project includes an on-site electrical substation. An electrical substation as a stand-alone use in the A-2 zoning district would be classified as a private limited utility, and would require administrative permit use approval by the Planning & Zoning Commission (PZC), but would not require approval by the Board of County Commissioners (BCC). The proposed solar energy center, which includes the on-site substation as an accessory use/improvement, must be reviewed through the special exception use approval process, and that process requires public hearings by the PZC and the BCC. If the subject solar energy center project is approved, then the on-site substation will also be approved as an accessory use/improvement.

The BCC now needs to consider the special exception use request for the proposed private heavy utility (solar energy center), conduct a public hearing, and approve, approve with conditions, or deny the request. Pursuant to Section 971.05 of the LDRs, the BCC is to consider the appropriateness of the requested use for the subject site and compatibility of the use with the surrounding area. The BCC may recommend reasonable conditions and safeguards necessary to mitigate impacts and to ensure compatibility of the use with the surrounding area.

**Planning and Zoning Commission (PZC) Recommendation:**

At its meeting of July 11, 2019, the PZC voted 5-0 to recommend that the BCC grant major site plan and special exception use approval with the conditions recommended by staff (see attachment 1).

**ANALYSIS**

- 1. **Size of Development:** 476.36 acres

**Note:** The overall site size is 606.75 acres, and the area of development (fenced area) is 476.36 acres.

- 2. **Zoning Classification:** A-2, Agricultural-2 (up to 1 unit per 10 acres)
- 3. **Land Use Designation:** AG-2, Agricultural-2 (up to 1 unit per 10 acres)
- 4. **Impervious Area:** Proposed: 906,633 square feet or 20.81 acres
- 5. **Open Space:** Required: 80%  
Proposed: 97%

**Note:** The solar arrays are post-mounted above the existing grade (i.e. the existing ground level), which will remain unaltered underneath the arrays. The open ground underneath the arrays is considered open space.

- 6. **Traffic Circulation:** The project site is split into two equal halves by the north/south St. Johns Improvement District (SJID) pump ditch #3, and that ditch will remain in place (see attachment 5). Therefore, access to the eastern half of the project site will be provided via an existing driveway connection to Oslo Road immediately east of pump ditch #3, and access to the western half will be provided via an existing driveway connection immediately west of pump ditch #3. The proposed site layout includes a modified grid network of 12’ to 20’ wide stabilized access pathways to allow maintenance vehicles access throughout the site.

In accordance with County LDRs, the applicant has submitted a project traffic study which has been reviewed and approved by Public Works. Based on that study, the approved construction route is 122<sup>nd</sup> Avenue, from SR 60 to the project site. Oslo Road is not approved for construction traffic, and any request to utilize Oslo Road for construction traffic requires a separate approval from Public Works and SJID staff. Based on the project location and the status/ownership of the adjacent rights-of-way, right-of-way dedications are not required for the subject project. None of the adjacent rights-of-way are owned or maintained by the County. The project’s driveway locations, design, and internal circulation plan have been reviewed and approved by Traffic Engineering and Fire Prevention.

- 7. **Off-Street Parking:** The subject site will be an unmanned, restricted access solar energy center, and will be accessed only by authorized maintenance crews on an infrequent basis. The LDRs do not require permanent off-street parking spaces for such uses. The proposed site layout provides adequate space for maintenance vehicles to maneuver and park within the site. Therefore, the project site plan provides sufficient parking area on-site.
- 8. **Landscape Requirements:** Based on the site’s location, the project layout, and the type of

proposed improvements, the Community Development Director has agreed to reduce most of the project's landscape requirements per Section 926.05(8) of the County LDRs. However, the project is required to provide a total of 10 drought-tolerant canopy trees along the east and south perimeters of the on-site substation. The project's landscape plan shows the required landscape improvements, and those landscape improvements shall be installed prior to the issuance of a project certificate of occupancy (C.O.).

9. **Stormwater Management:** The applicant submitted a preliminary stormwater management plan that has been reviewed and approved by Public Works. That plan proposes to utilize the existing grove furrows/ditches to convey and treat the minimal amount of stormwater runoff that will be generated by the project. Prior to site plan release, the applicant must obtain a County Type "B" Stormwater Permit pursuant to Chapter 930 of the County LDRs.
10. **Utilities:** The project will be an unmanned facility, and does not include any proposed restroom facilities at this time. However, the applicant has indicated that there may be a need for future restroom facilities for maintenance crews. Therefore, no well or septic permits are required or proposed at this time, and any future restroom facilities would require well and septic permits from the Department of Health and a minor staff-level amendment to the site plan. The County Department of Utility Services and the Department of Health have reviewed and approved the proposed site plan.
11. **Extended Roadway Grid Network:** Per Policy 3.8 of the Transportation Element of the County Comprehensive Plan, the County must consider protection of the extended roadway grid network during the site plan review and approval process. The applicant has provided an extended roadway grid network exhibit showing all potential extended roads that may cross the site at some time in the future (1<sup>st</sup> Street SW, 5<sup>th</sup> Street SW, 9<sup>th</sup> Street SW/Oslo Road, 114<sup>th</sup> Avenue, and 122<sup>nd</sup> Avenue). Please see attachment #3. The provided exhibit shows an alternate corridor alignment for one potential extended road location (5<sup>th</sup> Street SW). That alternate alignment corresponds with the proposed on-site stabilized access paths, and is clear of proposed solar panel arrays. Staff has reviewed the proposed alternate corridor alignment and has confirmed that the alignment provides adequate protection for the extended roadway grid network, as shown on the project site plan.
12. **Specific Land Use Criteria:** Pursuant to LDR section 971.44(2), the following criteria for private heavy utilities apply to this project:

1. *Per Chapter 901, the definition of utilities, public and private – heavy includes “all major electrical generation plants (generating fifty (50) megawatts or more), major sewage treatment and disposal facilities, and major water purification plants;”*

**Note: The proposed use (Orange Blossom Solar Energy Center) will generate 74.5 megawatts of power and meets the definition of a private heavy utility.**

2. *Any power generation facility shall be consistent with the provisions of the Florida Electrical Power Plan Citing Act, Chapter 23, Section 23.09191 F.S.;*

**Note: The proposed solar energy center will have a maximum gross capacity of 74.5 megawatts which is less than the 75 megawatt threshold. The proposed**

**facility is therefore exempt from the Florida Electrical Power Plant Siting Act.**

3. *All below-ground high voltage cables within a utility right-of-way shall be made known to the public through the use of signs posted therein;*

**Note: There are no proposed below-ground high voltage cables within a utility right-of-way. Therefore, the above referenced signage criteria do not apply to the subject project. It should be noted that “high voltage” warning signs will be provided in English and Spanish along the perimeter security fence of the on-site substation compound.**

4. *The disposal of all waste, gaseous, liquid or solid, shall comply with all federal, state and local laws;*

**Note: It is anticipated that no hazardous or toxic waste will be generated by the proposed project. The applicant has acknowledged that if there is any disposal of waste, gaseous, liquid, or solid, such disposal will comply with all federal, state, and local laws.**

5. *Between all above-ground facilities, (except distribution and collection facilities) and adjacent properties having a residential land use designation, a Type "A" buffer (reduce to "B" buffer where abutting a local roadway, reduce to "C" buffer where abutting a Thoroughfare Plan roadway) (with six-foot opaque screening) as specified in Chapter 926, Landscaping shall be provided;*

**Note: All of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use designation, and no adjacent property has a residential land use designation. Therefore, the above referenced landscape buffer requirements do not apply to the subject project.**

6. *In all zoning districts except the industrial districts, all equipment, machinery, and facilities which cannot, by their size or nature, be located within an enclosed building shall be separated from adjacent properties having a residential land use designation by a Type "C" buffer (with six-foot opaque screening) as specified in Chapter 926, Landscaping;*

**Note: As described in item 5 above, all of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use designation, not a residential land use designation. Therefore, the above referenced landscape buffer requirements do not apply to the subject project.**

7. *Driveways located in close proximity to adjacent properties having a residential land use designation shall provide a six-foot opaque screening between the driveway and adjacent property. An eight-foot opaque screen may be required if deemed necessary to mitigate noise and visual impacts.*

**Note: As described in item 5 above, all of the adjacent properties have an AG-2, Agricultural-2 (up to 1 unit per 10 acres) agricultural land use**

**designation, not a residential land use designation. Therefore, the above referenced driveway screening requirements do not apply to the subject project.**

**13. Surrounding Land Use and Zoning:**

North: SJID Canal, Citrus Groves / A-2

East: SJID Canal, 114<sup>th</sup> Avenue SW, Citrus Groves / A-2

South: Oslo Road, SJID Canal, Citrus Groves / A-2

West: SJID Canal, 122<sup>nd</sup> Avenue SW, Citrus Groves / A-2

All conditions recommended by staff have been accepted by the applicant.

**RECOMMENDATION**

Staff recommends that the BCC grant major site plan and special exception use approval for a private heavy utility facility (solar energy center) to be known as FPL Orange Blossom Solar Energy Center with the following conditions:

1. Prior to issuance of a project certificate of occupancy (C.O.), the applicant shall install all required landscape improvements as shown on the approved project landscape plan.
2. Oslo Road is not approved for construction traffic, and any request to utilize Oslo Road for construction traffic requires a separate approval from Public Works and SJID staff.

**ATTACHMENTS**

1. Excerpt from Draft July 11, 2019 PZC Minutes
2. Location Map
3. Extended Roadway Grid Network Exhibit
4. Aerial
5. Site Plan