

10. PUBLIC ITEMS**A. PUBLIC HEARINGS**

10.A.1 17-0281 Florida Power & Light Company's Request for Special Exception Use Approval for a Private Heavy Utility (Solar Energy Center) [SP-SE-17-03-01 / 2016110089-78358] (Quasi-Judicial)

Recommended Action: Based on the analysis above, staff recommends that the BCC grant special exception use approval for a private heavy utility facility (solar energy center with on-site substation) to be known as FPL Indian River Solar Energy Center with the following conditions: 1. Prior to site plan release, the applicant shall provide a recorded unity of title that combines the three separate parcels currently comprising the project site. 2. Prior to issuance of a certificate of occupancy (C.O.), the applicant shall: a. Install all required landscape improvements as shown on the approved project landscape plan. b. Install the required County culvert crossing improvements as shown on the approved project site plan.

Attachments: Staff Report
Application
Excerpt from Draft February 23, 2017 PZC Minutes
Location Map
Extended Roadway Grid Network Map
Aerial
Site Plan
Landscape Plan
Additional Back-up-Proof of Publication-Item 10.A.1

PROOF OF PUBLICATION OF ADVERTISEMENT FOR HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

Each Commissioner, as requested by the Chairman, disclosed exparte communications, site visits, or independent investigations. They also affirmed that they had an open mind and could base their decisions on the evidence presented and any applicable law.

The Deputy Clerk administered the Oath to all persons who wished to speak at the hearing.

Through the use of a PowerPoint Presentation, Chief Planner John McCoy, Community Development Department, described the approval process involved with Florida Power & Light's (FPL) request for a special exception use for a private heavy utility (solar energy center), provided details of an overall site plan,

the proposed access routes to the project, and a plan for landscaping. Chief McCoy expressed the need for a precautionary condition to allow for the Public Works Department to be notified of any alternate project access route to provide protection to any County maintained culvert crossings. He noted that the site currently consists of three (3) separate parcels, of which the applicant has requested to combine into two (2) parcels through a Unity of Title. He also explained that the extent of the landscape plan was to involve landscaping around the north and east perimeter of the substation.

Commissioner Solari voiced his opinions about whether a landscape plan was necessary, and felt that landscaping was not a good use of resources. He also expressed his concerns about the potential stormwater runoff, even though the area is surrounded by ditches on all sides.

County Attorney Dylan Reingold discussed recent correspondence from Attorney Bruce Barkett regarding their request to revise the conditions of the Unity of Title, allowing them to combine the three (3) parcels currently comprising the project site into two (2) parcels, and stated that he wished to clarify the language in the conditions for future reference.

The Chairman opened the hearing for public comment.

Bruce Barkett, Attorney representing FPL, provided additional information on the site plans for the solar energy center, and expressed his support for staff's recommendations and modifications.

Bart Gaetjens, External Affairs Manager, FPL, gave a brief PowerPoint Presentation on the service record of FPL's parent company, Nextera Energy, and provided information on several wind and solar power projects currently in progress.

Christa Hendricks, Solar Development Group, FPL, continued with the PowerPoint Presentation by providing details on the location of the project, the solar components, potential employment opportunities, and the positive characteristics of the proposed Indian River Solar Energy Center.

A lengthy discussion ensued amongst the Board, with input from Attorney Barkett and FPL about the necessity and cost of the landscaping plan; the life span and safety of the solar panels; and the need to review the Landscape and Buffer Regulations, Chapter 926, of the Land Development Regulations (LDRs) to determine if provisions could be made to allow for a reduction of the landscaping involved in the project.

Kelly Fagan, Product Manager and Engineer, FPL, addressed the Board's questions and concerns about the need for landscaping and the safety of the solar panels. She explained that the solar panels are built with an anti-glare coating that has been approved by the Federal Aviation Administration (FAA), and would not be a danger to airport traffic or affect homeowners located near the site. She stated that pending the site plan release, construction would begin May 1, 2017, and that since landscaping was done at the end of the project, there was time to address the landscaping issues and a site plan modification. She noted that those concerns would need be addressed by the end of December 2017.

There being no further speakers, the Chairman closed the Public Hearing.

A motion was made by Commissioner Solari, seconded by Chairman Flescher, to approve Florida Power and Light's (FPL) request for special use exception for a private heavy utility facility (solar energy center with on-site substation) to be known as FPL Indian River Solar Energy Center with the following conditions: 1) Prior to site plan release, the applicant shall provide one Unity of Title or two recorded Unities of Title that combines the three separate parcels currently comprising the project site into two; and 2) Prior to issuance of a Certificate of Occupancy (C.O.), the applicant shall: a) Install all required landscape improvements as shown on the approved project landscape plan, except for the reduction of landscaping requirements as approved by Community Development staff consistent with the Land Development Regulations at the time of the release of the C.O.; and b) Prior to utilizing an alternative project access route, the applicant shall obtain approval of any alternate project access route from Public Works, and install the required improvements for any County culvert crossing as shown on the approved project site plan. The motion carried by the following vote:

Aye: 4 - Chairman Flescher, Vice Chairman O'Bryan, Commissioner Adams, and Commissioner Solari

Absent: 1 - Commissioner Zorc

B. PUBLIC DISCUSSION ITEMS

C. PUBLIC NOTICE ITEMS

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

B. Emergency Services

C. General Services

1. Human Services