

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

TO: Jason E. Brown; County Administrator

FROM: ^{MS} Stan Boling, AICP; Community Development Director

DATE: May 31, 2017

SUBJECT: Consideration of Land Development Regulation (LDR) Amendment to Chapter 926, Establishing Provision and Criteria for Reducing Landscape Requirements for Projects in Remote Agricultural Areas

It is requested that the data herein presented be given formal consideration by the Board of County Commissioners at its regular meeting of July 11, 2017.

BACKGROUND

County landscape and buffer requirements are contained in Chapter 926 of the land development regulations (LDRs). Those regulations set requirements for providing canopy trees, understory trees, shrubs, and ground cover plantings and apply to development projects that require site plan approval. Conversely, site plan and landscape requirements do not apply to development of permitted agricultural uses including barns, stables, and structures related to various farming and associated production activities. As a result, the only instances when landscape requirements apply to development on agriculturally zoned land are when such development requires site plan approval for “administrative permit” and “special exception” uses such as child care centers, places of worship, public facilities, country clubs, processing plants, mining operations, demolition debris/recycling operations, and utility facilities.

Most administrative permit and special exception projects located on agriculturally zoned land either lie within the Urban Service Area (USA) or outside of but relatively close to the USA boundary. Recently, FPL applied for special exception use and site plan approval for two large solar farm projects which are classified as a heavy utility use. One of the solar farm projects (Indian River Solar Energy Center) is located more than 4 miles west of the USA boundary along 122nd Avenue at the Indian River/St. Lucie County line (see attachment #1). That project is located on a 697 acre site and consists of 350 acres of solar panel arrays and a 1 ½ acre on-site substation located along the perimeter at the northeast corner of the overall site. During review of the project site plan, staff determined that under existing Chapter 926 regulations landscape requirements did not apply to most of the project area where solar panel arrays were proposed but did apply to two perimeters of the 1 ½ acre on-site substation. As a result, staff applied two sections of the existing landscape code (perimeter landscaping and non-vehicular area landscaping) to 460’ of the total project perimeter to screen the substation development from adjacent properties.

Based on application of existing Chapter 926 regulations to the project’s required 460’ perimeter landscape strip the applicant proposed 13 canopy trees, 7 understory trees, 145 shrubs, 533 small groundcover plants, and sod (see attachment #2). Because the species selected were native, low

water use species, no irrigation system was proposed and landscaping was to be established by water truck. The landscape plan was accepted by staff as meeting existing regulations and that plan was proposed as part of the project's site plan.

At its meeting of March 21, 2017, the Board of County Commissions (BCC) considered the Indian River Solar Energy Center special exception use and site plan application. During discussion, Board members expressed concerns that some components of the proposed perimeter landscape strip may not be necessary due to the remoteness of the site and adjacency of large agricultural tracts typically separated from the project site by ditches and/or existing vegetation. In the end, the Board 1) directed staff to initiate a revision to Chapter 926 requirements providing authority for Community Development staff to reduce landscape requirements in certain situations and 2) approved the solar farm project with a condition allowing the applicant to meet reduced landscape requirements if a future landscape code provision is adopted and a reduction is granted prior to project C.O. (see attachment #3).

In response to the Board's direction, staff has initiated an LDR amendment that, if adopted, will authorize the Community Development Director to reduce certain landscape requirements for site plan development projects located in remote agricultural areas, subject to certain criteria (see attachment #6). The proposed amendment has been scheduled for BCC consideration months ahead of the solar farm project C.O. If adopted, the amendment could apply to the solar farm and other similarly situated site plan projects in remote agricultural areas.

PZC ACTION

At its May 25, 2017 meeting, the PZC conducted a public hearing and considered the proposed ordinance. The PZC voted 6-0 to recommend that the BCC adopt the proposed ordinance (see attachment #5).

The BCC is now to conduct a public hearing, consider the proposed ordinance, and approve, approve with modifications, or deny the proposed ordinance.

ANALYSIS

The County has three different agricultural land use designations and corresponding agricultural zoning districts. The eastern-most agricultural district A-1 (Agriculture 1 up to 1 unit/5 acres) is generally located east of I-95 inside and outside the Urban Service Area (USA) and around the original limits of Fellsmere. In the area generally west of I-95 but east of the St. John's marsh conservation area, the agricultural zoning is the A-2 district (Agriculture 2 up to 1 unit/10 acres). Furthest west (generally west of the marsh) is the A-3 agricultural district (Agriculture 3 up to 1 unit/20 acres). The three districts and the USA are shown in attachment #4. Within all three agricultural districts, very low density single-family development is allowed as well as agricultural uses and a variety of administrative permit and special exception uses that are appropriate in remote rural areas but may also warrant special buffers and large setbacks. Because any legally created agricultural parcel may be developed with a single-family residence, perimeter landscaping and buffering apply to site planned development areas in order to buffer existing residences and/or possible future residences from commercial or industrial elements of an administrative permit or special exception use. Such commercial and industrial components are also required to have landscaping along public roads, for aesthetic purposes and to visually blend such development into the rural area surrounding the project.

In practice, the vast majority of administrative permit and special exception use projects are located in the A-1 district adjacent to 5 acre “ranchettes” or residentially zoned areas if the A-1 site is located inside or adjacent to the Urban Service Area. Consequently, staff does not support, and the proposed ordinance does not allow for, landscape requirement reductions for projects in the A-1 district. Administrative permit and special exception projects in the A-2 and A-3 districts are less common: in the last 30 years only a handful of such projects have been proposed. Those projects include communication towers, sand mines, a camp/retreat, an agricultural industry facility, and the two previously described solar farm projects. In addition, a proposed private airstrip is under review on an A-2 zoned site. Based on past experience with administrative permit and special exception projects in the A-2 and A-3 districts, which generally comprise the remote agricultural areas of the county, staff anticipates relatively few site plan projects in the A-2 and A-3 areas. Staff also anticipates that projects may be viewable from public roads and that, over time, such project sites may be situated near single-family homes on large parcels, or within viewing distance of such homes.

In order to limit landscape requirement reductions to remote areas where future conflicts with single-family residences are less likely, the proposed ordinance is structured to allow consideration of reducing perimeter and non-vehicular (green) space landscaping only for site plan project sites located in the A-2 and A-3 districts and located west of 102nd Avenue (see attachment #4). Staff is proposing 102nd Avenue as a boundary to better protect areas south of SR 60 and east of 102nd Avenue where 10 acre and grandfathered-in 5 acre ranchette parcels already exist and to provide adequate separation (at least 850') from residentially designated property located at the western edge of the Urban Service Area.

The ordinance is also structured to provide the Community Development Director the authority to reduce landscape requirements for perimeter landscape and non-vehicular open space (e.g. green space within a development area) based on mitigating factors, including:

- (a) Separation of the project development area from adjacent property under different ownership.
- (b) Separation of the project development area from an adjacent residential use.
- (c) Presence of intervening vegetation (existing vegetation located between the project development area and adjacent property) or other intervening features.
- (d) Separation and/or intervening vegetation between the project development area and an adjacent road used by the public.

In making its decision of which landscape requirements, if any, are appropriate to reduce, staff will use the proposed criteria to evaluate conditions that justify a reduction. Those conditions include separation from adjacent properties, residences, and public roads, as well as intervening vegetation or other features that may provide visual screening. The proposed ordinance also provides a reference to the existing code section that governs appeals of Community Development Director decisions. In accordance with that section [902.07], such appeals are heard by the PZC and ultimately, the BCC.

Although staff has not fully evaluated the Indian River Solar Energy Center landscape plan with respect to the proposed ordinance, staff notes that in practice the landscape reduction allowance could significantly reduce requirements for remotely located projects by reducing or eliminating smaller-scale plantings (e.g. ground cover plants and shrubs) while retaining larger scale plantings such as canopy trees. The result could provide a significant savings on landscaping installation and maintenance costs while providing for large-scale trees (maturing over time) that can provide appropriate visual screening of commercial or industrial project elements within the context of rural areas, large scale agricultural operations, and scattered homes on large parcels.

RECOMMENDATION

Staff recommends that the Board of County Commissioners adopt the proposed ordinance.

ATTACHMENTS

1. Location Map of Proposed Solar Farms
2. Indian River Solar Energy Center Landscape Plan
3. Minutes from March 21, 2017 BCC
4. Map of Urban Service Area Boundary; A-2 and A-3 Areas
5. Minutes from May 25, 2017 PZC
6. Proposed Ordinance