

Board of County Commission Agenda Request

Date of Meeting: August 2, 2016

Date Submitted: July 19, 2016

To: Honorable Chairperson and Members of the Board

From: Robert M. Presnell, County Administrator
Allara Mills Gutcher, Planning and Community Development Director

Subject: **PUBLIC HEARING:** (Legislative) - Consideration of Adoption of Ordinance 2016-013 for a Text Amendment to Allow Solar Power Generation Facilities (Solar Farms) (LPA-2016-002).

Statement of Issue:

A public hearing to adopt Ordinance 2016-013 for the amendment of the Future Land Use Element of the Gadsden County Comprehensive Plan to allow solar power generation facilities (SPGF) in the Agriculture 2 and Agriculture 3 Future Land Use Categories.

Background:

The Board of County Commissioners considered this amendment at their May 17, 2016 regularly scheduled public hearing and voted to transmit this amendment to the Florida Department of Economic Opportunity (FDEO) for review. No adverse impacts were identified by the reviewing agencies.

On June 22, 2016, the FDEO issued a letter indicating that it had completed its review of the comprehensive plan amendment. After this adoption hearing, the Future Land Use Element will be filed with the FDEO. Pursuant to Florida Statute, the ordinance will become effective thirty (30) days after the adoption hearing.

After this adoption hearing, the amendment will be filed with the Department of Economic Opportunity. Pursuant to Florida Statute, unless otherwise challenged, the ordinance will become effective thirty (30) days after the DEO receives the amendment package.

Analysis:

This amendment is considered compliant with Florida Statutes by staff and the state reviewing agencies (Attachment 3). This hearing is for the BOCC to adopt the amendment into the Comprehensive Plan by ordinance (Attachment 2).

Options:

1. Adopt Ordinance 2016-013 which amends the Future Land Use Element to add solar power generation facilities to the list of allowable uses in Agriculture 2 and Agriculture 3 and authorization to transmit the adoption package to the DEO with Chairperson's signature.
2. Do not adopt Ordinance 2016-013 which amends the Future Land Use Element.
3. Board direction.

County Administrator's Recommendation:

Option 1.

Attachments:

Attachment #1	Legal Advertisement
Attachment #2	Ordinance #2016-013 with Exhibit A
Attachment #3	State Agency Review Letters
Attachment #4	Letter for Chairperson's signature to file with DEO.

NOTICE OF INTENT

NOTICE IS HEREBY GIVEN to all concerned that the **Gadsden County Board of County Commissioners** at their regularly scheduled meeting on Tuesday, August 2, 2016 at 6:00 p.m. intends to hear the following:

Public Hearing (Legislative) (LPA-2016-02) - Consideration of the adoption of amendments to the Future Land Use Element of the Comprehensive Plan to allow solar power generating facilities by adoption of Ordinance #2016-013:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING POLICY 1.1.1.G AGRICULTURE-2 AND POLICY 1.1.1.H AGRICULTURE-3 OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

The public hearing will be held in the County Commission chambers located at 7 E. Jefferson Street, Quincy, FL. Persons wishing to review the agenda packet for the above project may review it on the County website at www.gadsdencountyfl.gov or come to the Planning & Community Development Department at 1B E. Jefferson St., Quincy, FL.

In accordance with the Americans with Disabilities Acts, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by communicating with the Planning and Community Development Department at (850) 875-8663 at least 48 hours prior to the hearing.

If any person wishes to appeal any decision made with respect to this matter at the public hearing, they will need to ensure that a verbatim record of the proceedings is made recording the testimony and evidence presented.

ATTACHMENT 1 -

ORDINANCE 2016 -013

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN TO ALLOW SOLAR ENERGY PRODUCTION FACILITIES TO THE LIST OF ALLOWABLE USES IN THE AGRICULTURE-2 AND AGRICULTURE-3 FUTURE LAND USE CATEGORIES; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Gadsden County to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Gadsden County Planning Commission, acting as the local planning agency, reviewed this amendment and made a recommendation to the Board of County Commissioners; and

WHEREAS, duly noticed public hearings were conducted on such proposed amendment on April 14, 2016, by the Gadsden County Planning Commission and on May 17, 2016 by the Board of County Commissioners; and

WHEREAS, this amendment is known by the name Solar Power Facilities Large Scale Comprehensive Plan Amendment LPA 2016-02; and

WHEREAS, the proposed amendment has been processed under the expedited state review process pursuant to the criteria in §163.3184(3), Florida Statutes; and,

WHEREAS, the Gadsden County Board of County Commissioners reviewed and considered all comments received during the public hearing, and have provided for necessary revisions.

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Future Land Use Element of the Gadsden County Comprehensive Plan, as attached hereto as Exhibit "A" and is hereby adopted and approved.

SECTION II: Repeal

All ordinances, or parts of ordinances in conflict herewith are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Modification

It is the intent of the Board of County Commissioners that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board and filed by the Clerk pursuant to Section 5.

Section V: Correction of Scrivener's Errors

The County Attorney may correct any scrivener's errors found in this Ordinance, including the Exhibits attached hereto, by filing a corrected copy of the Ordinance with the Clerk.

Section VI: Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the County that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 2nd day of August, 2016.

BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA

By: _____

Brenda Holt, Chairperson

Nicholas Thomas
Clerk of the Circuit Court

FUTURE LAND USE ELEMENT

The purpose of the Future Land Use Element and accompanying Future Land Use Map is to designate the future general distribution, location, and extent of the use of land within the unincorporated areas of Gadsden County.

GOAL 1A: PROVIDE A SYSTEM FOR ORDERLY GROWTH AND DEVELOPMENT

Objective 1.1: Provide for certainty in growth and development through the adoption of the Future Land Use Map and Future Land Use categories.

Policy 1.1.1: Gadsden County shall regulate the use of land through the adopted land use categories as follows. The Future Land Use Map (Exhibit 1) shall be used to determine the location and extent of development within Gadsden County.

F. Agriculture-1

- 1) Purpose and Intent – The intent of this category is to provide areas for agricultural activities.
- 2) Designation Criteria – Agriculture uses and residences associated with such uses.
- 3) Density – No more than one dwelling unit per five (5) acres
- 4) Impervious Surface Area – No more than 0.10 lot coverage except the centralized utilities uses are exempted from impervious surface requirements.
- 5) Allowable Uses – Agriculture related uses; Silviculture; residential; houses of worship; cemeteries; recreational activities; commercial activities associated with the primary agricultural use; home occupations; centralized utilities and package plants.
- 6) Development Restrictions - The Family Exception shall be allowed as long as the parent parcel can retain a minimum of three (3) acres, and the granted parcel has a minimum of three (3) acres, and the other requirements of the Land Development Code are met; minimum lot size for the non-residential uses that are also not used for centralized utilities described in this part shall be three (3) acres.

G. Agriculture-2

Development within the Agriculture-2 category shall be the same parameters as the Agriculture-1 land use category in F. above, except that:

- 1) Density - No more than one dwelling unit per ten (10) acres; and,
- 2) Solar power generation facilities are an allowable use on parcels ten (10) acres or greater in size.

H. Agriculture-3

Development within the Agriculture-3 category shall be the same parameters as the Agriculture-1 category in F. above, except that:

- 1) Density - No more than one dwelling unit per twenty (20) acres; and.
- 2) Solar power generation facilities are an allowable use on parcels twenty (20) acres or greater in size.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

June 22, 2016

The Honorable Brenda Holt
Chairperson, Gadsden County
Board of County Commissioners
9-B East Jefferson Street
Quincy, Florida 32353

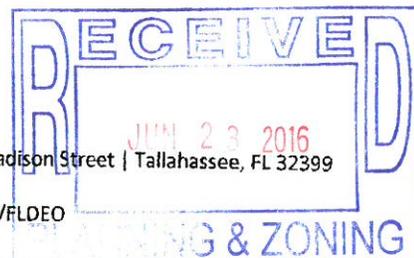
Dear Chairperson Holt:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Gadsden County (Amendment No. 16-2ESR) which was received on May 23, 2016. We have reviewed the proposed amendments pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendments if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption. The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

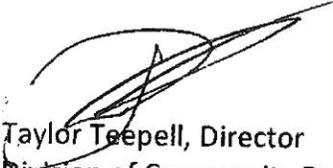
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | www.facebook.com/FLDEO



An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Dan Evans, at (850) 717-8484, or by email at Dan.Evans@deo.myflorida.com.

Sincerely,



Taylor Teepell, Director
Division of Community Development

TT/de

Enclosure(s): Procedures for Adoption

cc: Allara Gutcher, Director, Gadsden County Planning and Community Development
Chris Rietow Executive Director, Apalachee Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, in **color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the Department of Economic Opportunity posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

June 9, 2016

VIA EMAIL (jjeglie@gadsdencountyfl.gov)

Gadsden County Planning and Community
Development
Ms. Jill a. Jeglie
1-B East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353-1799

Re: DACS Docket # -- 20160523-754
Gadsden County LPA 2016-02
Submission dated May 18, 2016

Dear Ms. Jeglie:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on May 23, 2016 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

A handwritten signature in black ink that reads "Stormie Knight".

Stormie Knight
Sr. Management Analyst I
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Gadsden County 16-2 ESR)



Florida Department of Transportation

RICK SCOTT
GOVERNOR

District Three Planning Department
1074 Highway 90
P.O. Box 607, Chipley, FL 32428
Phone: (850) 638-0250

JIM BOXHOLD
SECRETARY

June 30, 2016

Ms. Jill A. Jegile, AICP, Principle Planner II
Gadsden County Planning and Community
Development
1-B East Jefferson Street
Post Office Box 1799
Quincy, Florida 32353-1799

RE: Gadsden County 16-2 ESR

Dear Ms. Jeglie:

We have completed our review of the above referenced document. The Department does not have any comments at this time.

If we can be of further assistance, please feel free to give me a call at (850) 330-1530.
Sincerely,

Virgie Bowen, AICP
Planning Department

Copies: D. Ray Eubanks, DEO
Carmen Monroy, FDOT
Ray Kirkland, FDOT

Jill Jeglie

From: Ray, Suzanne E. <Suzanne.E.Ray@dep.state.fl.us>
Sent: Thursday, June 09, 2016 2:08 PM
To: Jill Jeglie; DCPexternalagencycomments
Subject: Gadsden County 16-2ESR Proposed

To: Jill Jeglie, AICP

Re: Gadsden County 16-2ESR – Expedited Review of Proposed Comprehensive Plan Amendment

***Please note the new contact information below.**

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

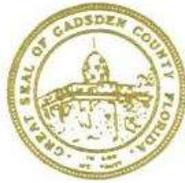
Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400



COMMISSIONERS:

ERIC HINSON
District 1
ANTHONY O. VIEGBESIE, PhD
District 2
GENE MORGAN
District 3
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District 4
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District 5



GADSDEN COUNTY
BOARD OF COUNTY COMMISSIONERS
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GADSDEN COUNTY GOVERNMENTAL COMPLEX

Robert Presnell
County
Administrator

David Weiss
County Attorney

August 2, 2016

Mr. Ray Eubanks
Department of Economic Opportunity
107 E. Madison Street
Tallahassee, FL 32399

Dear Mr. Eubanks,

Please find enclosed three copies of Gadsden County Comprehensive Plan DEO Amendment No. 16-2ESR which was adopted by the Gadsden County Board of County Commissioners by Ordinance 2016-013 on August 2, 2016. Two of the enclosed copies are submitted as requested in pdf format on CD ROM.

This ordinance amended the Future Land Use Element of the Comprehensive Plan. No changes were made to the amendment package after the County submitted the transmittal package in May of 2016. No additional data and analysis was compiled or conducted. Therefore, the data and analysis is not included in this submission as it remains identical to what was submitted to the Department in May of 2016 at the transmittal stage.

No state or local governmental agency made comments to the transmitted version of either of these elements. No other findings were made by the Board of County Commissioners regarding these elements at the adoption hearing.

Please contact Allara Mills Gutcher, AICP, Director of Planning and Community Development at agutcher@gadسدnecountyfl.gov or by dialing 850.875.7591, if you need additional information. In addition, the mailing contact information is at the footer of this letter.

Sincerely,

Brenda Holt, Chairperson
Board of County Commissioners

Enclosures:
Ordinance 2016-013 with Exhibit A in strikethrough and underline
2 - CD ROM