

B.C.C. 04/05/2018

PLAN AMENDMENT PA-18-02 / ORDINANCE 18-17
ECOPLEXUS, INC. – ALTERNATIVE ENERGY GENERATION FACILITY

An Ordinance of the Board of County Commissioners of Manatee County, Florida, regarding Comprehensive Planning; amending Manatee County Ordinance 89-01; as amended the Manatee County Comprehensive Plan; providing for purpose and intent, providing findings; providing for a privately-initiated text amendment by Ecoplexus, Inc. to amend Element 1 Definitions to add specific definitions for *Alternative Energy Generation Facility, Low-Temperature Thermal Power, Photovoltaic (PV) Solar Power, Solar Array, Solar Field, Utility Use, and Utility Use, Heavy*; to amend Element 2 Future Land Use to revise Policy 2.1.1.5 to encourage the development and use of renewable energy resources; and to amend Element 3 .Conservation to add Goal 3.5 (promote the development and use of alternative energy generation facilities) and Objective 3.5.1 (Alternative Energy Generation Facilities); amending provisions of the Comprehensive Plan to preserve internal consistency; providing for severability; and providing for an effective date.

P.C.: 03/08/2018

B.O.C.C.: 04/05/2018 Transmittal

B.O.C.C.: xx/xx/2018 Adoption

Type of Amendment: Privately-initiated Text Amendment to the Comprehensive Plan.

RECOMMENDED MOTION:

Based upon the evidence presented, comments made at the public hearing, the technical support documents, the action of the Planning Commission and finding the request to be consistent with the Community Planning Act, as codified in applicable portions of Chapter 163, Part II, Florida Statutes, and the Manatee County Comprehensive Plan, I move to Transmit PA-18-02, as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On March 8, 2018, by a vote of 5 – 0, the Planning Commission recommended Transmittal. Mr. Rutledge and Mr. DeLesline were absent.

PUBLIC COMMENT AND CORRESPONDENCE:

March 8, 2018 Planning Commission:

Public Comment:

Laurie Galle, spoke stating she is curious as to why this is coming to Manatee County so we can get more.

Nothing was entered into the record.

PLAN AMENDMENT SUMMARY SHEET

Name: Comprehensive Plan Text – Ecoplexus, Inc. – Alternative Energy Generation Facility

File Number: PA-18-02/Ordinance-18-17

TYPE: Privately-Initiated Text Amendment

RECOMMENDATION: Staff recommends Transmittal of the Text Amendment

Discussion

Ecoplexus, Inc. is requesting this privately-initiated Text Amendment to the Comprehensive Plan to clarify where alternative energy generation facilities are appropriate. Current regulations place solar arrays and other alternative energy sources into the same classification as traditional coal, oil, and gas-fired power generation facilities thereby requiring them to locate in the P/SP(1) future land use classification which requires a rezoning to PDPI. The purpose of the text amendment is to amend the existing land use regulations to incorporate development standards for alternative energy generation facilities, such as solar arrays and fields.

The revisions to the Comprehensive Plan include providing definitions for alternative energy generation facilities and for utility use and utility use, heavy (utility use and utility use, heavy are currently defined in the Land Development Code but **not** in the Comprehensive Plan), amending Future Land Use Policy 2.1.1.5. and adding Conservation Goal 3.5 and Objective 3.5.1.

The proposed text amendments are provided and shown in ~~strike-through~~ and underline format in the attached ordinance.

Following is a list of the changes to each element/chapter of the Plan.

GENERALLY

Changes made to all chapters include the following:

1. Add specific definitions for *Alternative Energy Generation Facility, Low-Temperature Thermal Power, Photovoltaic (PV) Solar Power, Solar Array, Solar Field, Utility Use, and Utility Use, Heavy.*
2. Amend Future Land Use Element Policy 2.1.1.5 to encourage the development and use of renewable energy resources.
3. Add Goal 3.5 (promote the development and use of alternative energy power generation facilities) and Objective 3.5.1 (Alternative Energy Generation Facilities).to the Conservation Element.

DEFINITIONS

NEW DEFINITIONS:

- Alternative Energy Generation Facility shall mean a facility that utilizes Photovoltaic Solar Power to generate electricity. This facility may also have other equipment that is directly involved in the storage and transmission of electricity.
- Low-Temperature Solar Thermal Power shall mean the technology that utilizes solar thermal collectors to absorb the heat from the sun's rays and transfer it to a heat transfer fluid, such as air, water or antifreeze, which in turn transports it to the area to be heated.
- Photovoltaic (PV) Solar Power shall mean the technology that uses photovoltaic cells to harness radiant energy from the sun and create electricity. These cells are often packaged into panels that can be mounted on a rack system, placed on rooftops, or incorporated into other building materials such as roofing materials, facades, and glass. Rack mounted PV systems typically consist of a large array of solar panels which are mounted to support structures which are physically secured in the ground.
- Solar Array. (See Photovoltaic (PV) Solar Power)
- Solar Field. (See Photovoltaic (PV) Solar Power)
- Utility Use shall mean any of the following uses:
 - A. Electric substations or distribution centers including transformer stations.
 - B. Alternative Energy Generation Facility.
 - C. Natural gas, oil or other petroleum product metering, regulating, compressor, control or distribution stations, and local office space incidental thereto and necessary for the operation of such station, but shall not include any storage facilities.
 - D. Telecommunication facilities, including but not limited to exchanges, dial centers, or repeater stations. Telecommunication towers and antennas are not included in the definition of "Utility Use".
 - E. Service or supply yards for any of the above uses, where such yards are less than one (1) acre in area.
- Utility Use, Heavy shall include:
 - A. Power generating facilities, including Low Temperature Solar Thermal, operating at a threshold above that specified in Section 403.506, Florida Statutes, as may be amended.
 - B. Major Electrical Transmission Corridors.
 - C. Major sewage pumping facilities.
 - D. Major potable water storage, control, or pumping facilities.
 - E. Wastewater treatment plants.
 - F. Water treatment plants.

FUTURE LAND USE ELEMENT

Policy 2.1.1.5. Ensure the availability of sufficient land area for the location of appropriately sited public and private utility facilities. Consider amendments to the Future Land Use Map to the P/SP (1) category to allow development of major public or semi-public uses (e.g., electrical generation facilities [operating at a threshold above that as specified in Section 403.506, Florida Statutes, as may be amended](#); electrical transmission lines equal to or greater than 240KV) in appropriate areas when compatible with surrounding development. [Encourage the development and use of local renewable energy resources and alternative energy generation facilities.](#)

CONSERVATION ELEMENT

[Goal 3.5 – Promote the development and use of alternative energy generation facilities.](#)

[Objective 3.5.1. Alternative Energy Generation Facilities. – Promote the development of efficient and environmentally sound energy generation facilities to help reduce the adverse environmental impacts from coal, oil, and natural gas based power generation facilities. Allow consideration of such facilities in all Future Land Use Categories with appropriate zoning and as further defined by the Land Development Code.](#)

[Implementation Mechanism:](#)

- (a) [Adopt Land Development Regulations to provide a permitting process for the approval and development of renewable and alternative energy generation facilities.](#)

SUMMARY

The proposed privately-initiated Comprehensive Plan Text Amendment will provide Manatee County the framework to update the existing Land Development Code to incorporate development standards for alternative energy generation facilities, such as solar arrays. By defining alternative energy generation facilities in both the Comprehensive Plan and the Land Development Code and including specific land development language which more appropriately addresses alternative energy sources, Manatee County will further promote the goals of the Comprehensive Plan to preserve the public health, safety, comfort and welfare.

Recent trends of fluctuating fuel prices and a 25% decline in production costs for solar have peaked the interest of many communities and private enterprise in alternative energy production. Per The American Planning Association's (APA) 2014 *Planning for Solar Energy* Report, for most communities the emergence of an alternative energy market leads to a more environmentally

friendly, carbon-free, emission-free, fuel source as well as the diversification of existing economic and labor markets. However, the same American Planning Association report also cautions against governmental regulations which do not specifically define renewable energy sources such as solar technology. Governments that have comprehensive plans and land development regulations which do not specifically address alternative energy sources such as photovoltaic technology (PV) could inadvertently stunt solar facility development and investment in their communities. Revising Manatee County's existing policies will better position the County to take advantage of emerging alternative energy markets and remain competitive among other communities who are also diversifying their energy resources.

Positive Aspects

- The amendment will provide clarity by defining alternative energy generation facilities and differentiating between a utility use and a heavy utility use.

Negative Aspects

- N/A

Mitigating Factors

- N/A

Staff recommends the Amendments be transmitted to the State.

CONSISTENCY OF THE PROPOSED AMENDMENT WITH THE COMPREHENSIVE PLAN

Plan Amendments

According to the Comprehensive Plan, Introduction, Section C.2.3.2, amendment of any part of the Comprehensive Plan shall be considered a major policy decision by the Board of County Commissioners. An amendment of the Future Land Use map, for example, shall occur only where it is determined that growth and development patterns initially sought by Manatee County, through thoughtful adoption of the Future Land Use Element, are no longer appropriate. Section C.2.3.2, also states that justification for an amendment to the Comprehensive Plan may require a change in circumstances be demonstrated, or an error, inconsistency, or oversight.

In addition, Section C.2.3.3, of the Comprehensive Plan states that the Board of County Commissioners shall amend the Comprehensive Plan upon finding that the goal, objective, policy, or map sought to be amended is no longer in the best interest of the public.

Legislative Policy Decision

Amendments to the Comprehensive Plan are a legislative policy decision of the Board of County Commissioners.

As stated above, the changes proposed are to provide definitions for alternative energy generation facilities and to encourage the development and use of alternative energy power generation facilities.

Change in Circumstance

Since the adoption of the Comprehensive Plan in 1989, alternative energy power generation facilities were not considered separately from the non-renewable, traditional power generation facilities utilizing coal, oil, or gas-fired plants. These traditional, non-renewable energy generating facilities result in significantly more impacts on the surrounding environment and community and were consequently required to be located within the P/SP(1) FLUC with a zoning of PDPI. Alternative energy generation facilities do not have the same impacts with respect to noise, odor, emissions, and other adverse impacts as the traditional power generation facilities do, and consequently, should not be categorized in the same way. This lack of recognition of the differences between traditional and alternative energy power generating facilities may be considered a change of circumstance or an oversight

THE PROPOSED COMPREHENSIVE PLAN AMENDMENTS ARE SHOWN IN ~~STRIKE-THROUGH~~ AND UNDERLINE FORMAT IN THE ATTACHED ORDINANCE.

Attachments

- 1. Comprehensive Plan Consistency with Florida Statutes**
- 2. Ordinance 18-17 in strike-thru/underline**
- 3. Transmittal Letter for Chairman Signature**
- 4. Newspaper Advertising**

ATTACHMENT 1

CONSISTENCY OF THE LOCAL COMPREHENSIVE PLAN AMENDMENT WITH FLORIDA STATUTES

PA-16-03/ORD 16-23

The proposed amendment is consistent with Chapter 163, Part II, Florida Statutes

163.3184 Process for adoption of comprehensive plan or plan amendment states “in compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, 163.3245 and 163.3248

163.3177 Required and optional elements of comprehensive plan; studies and surveys
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3178 Coastal Management
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3180 Concurrency
This plan amendment request maintains the structure of the Comprehensive Plan.

163.3191 Evaluation and appraisal of comprehensive plan
The county has determined there is no need to amend the Comprehensive Plan through the Evaluation and Appraisal process (December 2013).

163.3245 Sector plans
There are no sector plans established at this time.

163.3248 Rural Land Stewardship areas
There are no Rural Land Stewardship areas established at this time.

All State goals and policies taken from Section 187.201, Florida Statutes.

The proposed amendment is consistent with the following goals and policies of the State Comprehensive Plan:

187.201(15), (16), (17) (b)2., (20), (21), (25)(b)4.