



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

FAWN SOLAR ENERGY FACILITY MAJOR FINAL SITE PLAN

Applicant:	Florida Power and Light Company (Will Sabayrac)
Property Owner:	Florida Power and Light Company
Agent for Applicant:	Culpepper & Terpening, Inc. (Dennis Murphy)
County Project Coordinator:	Brian Elam, PMP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	F110-004
Record Number:	DEV2023040017
Report Number:	2023_1016_F110-004_DRT_STAFF_FINAL
Application Received:	06/22/2023
Transmitted:	06/26/2023
Date of Report:	07/13/2023
Application Received:	09/29/2023
Transmitted:	09/29/2023
Date of Report:	10/16/2023

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B. Project description and analysis

This is a request by Culpepper & Terpening, Inc., on behalf of FPL Company for approval of a Major Final Site Plan for the FPL Fawn Solar Generation Site (F110-004). The proposed development includes an unmanned 74.5-Megawatt Solar Energy facility and associated infrastructure on an approximate 600-acres of agricultural land currently being used as a pepper farm. The project site is located on the north side of SW Citrus Boulevard approximately 4.7 miles east of the SW Warfield Boulevard intersection and approximately 5 miles east of the community of Indiantown at 16364 SW Citrus Boulevard in Palm City. Included with this application is a request for a Certificate of Public Facilities Reservation.

The proposed FPL Fawn Solar Generation Site is a Solar Energy Facility. Solar Farms are a permitted use in the A-2, Agricultural District subject to the requirements defined in section 3.100.1 of the Land Development Regulations Martin County, Fla., LDR §3.100.0 (2018).

E.G.: Primary access to the site is proposed along SW 30th Avenue with a stabilized emergency access proposed on SW Martin Highway. The project is located inside the Primary Urban Services District with water and wastewater services available from Martin County Utilities.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Section F through T of this report. The current review status for each agency is as follows:

Section	Division or Department	Reviewer	Phone	Assessment
F	Comprehensive Plan	Brian Elam	772-288-5501	Comply
F	ARDP	Samantha Lovelady	772-288-5664	N/A
G	Development Review	Brian Elam	772-288-5501	Comply
H	Urban Design	Brian Elam	772-288-5501	N/A
H	Community Redevelopment	Brian Elam	772-288-5501	N/A
I	Property Management	Ellen MacArthur	772-221-1334	Comply
J	Environmental	Shawn McCarthy	772-288-5508	Comply
J	Landscaping	Karen Sjöholm	772-288-5909	N/A
K	Transportation	Lukas Lambert	772-221-2300	Comply
L	County Surveyor	Tom Walker	772-288-5928	N/A
M	Engineering	Stephanie Piche	772-223-4858	Comply
N	Addressing	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission	Emily Kohler	772-288-5692	Comply
O	Water and Wastewater	James Christ	772-320-3034	Comply
O	Wellfields	James Christ	772-320-3034	Comply
P	Fire Prevention	Doug Killane	772-419-5396	Comply
P	Emergency Management	Sally Waite	772-219-4942	N/A
Q	ADA	Stephanie Piche	772-223-4858	N/A
R	Health Department	Nicholas Clifton	772-221-4090	N/A
R	School Board	Juan Lameda	772-219-1200	N/A
S	County Attorney	Elysse A. Elder	772-288-5925	Ongoing
T	Adequate Public Facilities	Brian Elam	772-288-5501	Comply

D. Review Board action

This application meets the threshold requirements for processing as a major development MARTIN COUNTY, FLA., LDR, §10.2.C.1. (2021). Review of this application is required by the Local Planning Agency (LPA) and final action by the Board of County Commissioners (BCC). Both the LPA and the BCC meetings must be public hearings MARTIN COUNTY, FLA., LDR, §10.5.F.9. (2021).

Pursuant to Sections 10.1.E. and 10.2.B.2., Land Development Regulations, Martin County, Fla. (2021), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

The applicant addressed the non-compliance findings from the staff report dated, July 17, 2023. The previous staff reports, and resubmittals are incorporated herein by reference. It shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the Code.

E. Location and site information

Parcel number:	313940-000-000-000-205	16364 SW Citrus Boulevard, Palm City
Parcel number:	303940-000-000-000-207	No assigned address
Parcel number:	193940-000-000-000-200	15924 SW Citrus Boulevard, Palm City
Existing zoning:	A-2, Agricultural District	
Future land use:	Agricultural	
Nearest major road:	SW Citrus Boulevard	
Gross area of site:	660 acres	

Table 1: Abutting Properties Details

Direction	Development	Future Land Use	Zoning
North	Solar Facility (White Tail)	Agricultural	A-2, Agricultural District
South	ROW (SW Citrus Boulevard)	N/A	N/A
East	Farmland	Agricultural	A-2, Agricultural District
West	SFWMD	Agricultural	A-2, Agricultural District

Figure 1: Subject Site

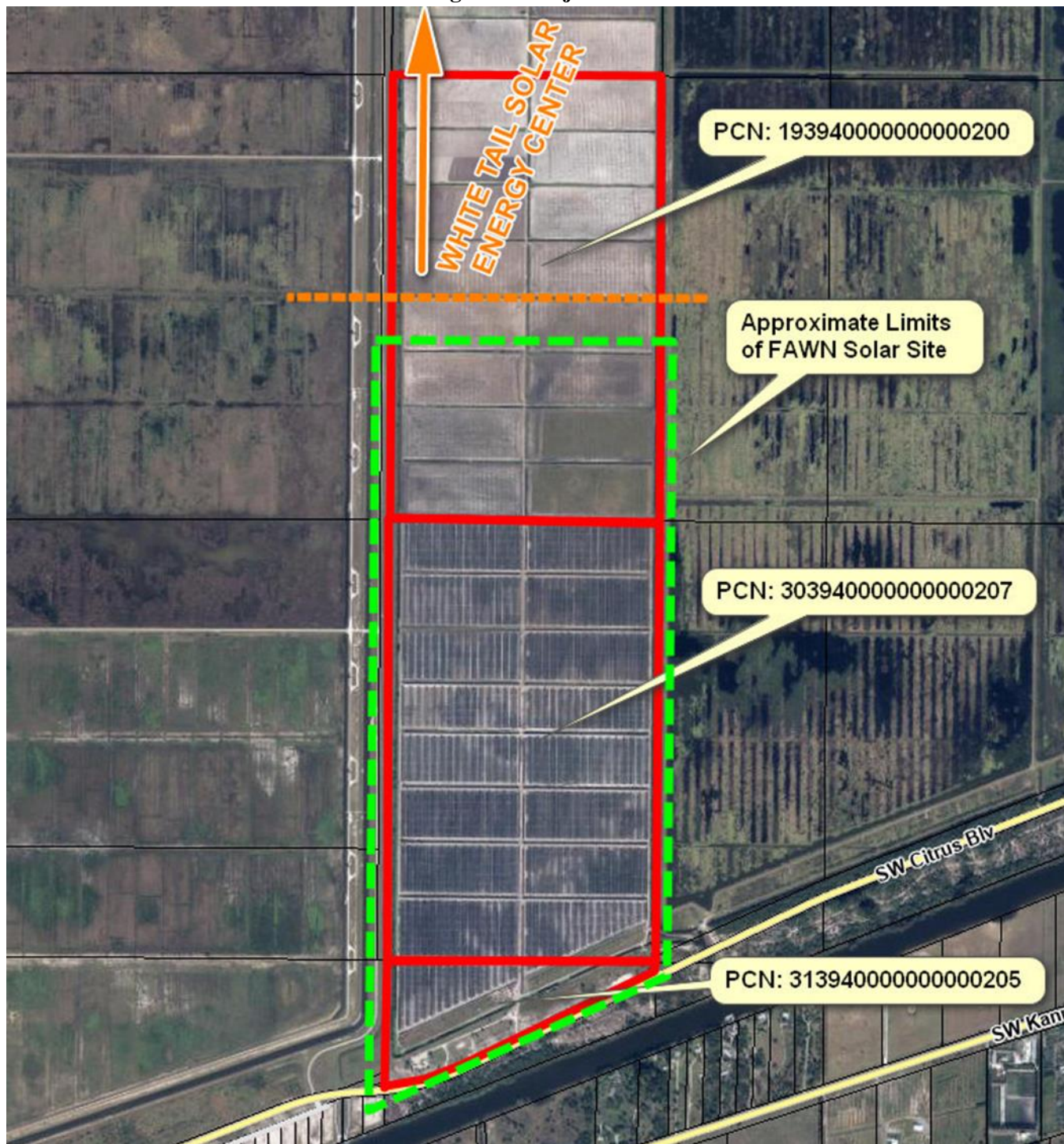


Figure 2: Location Map



Figure 3: Zoning Atlas

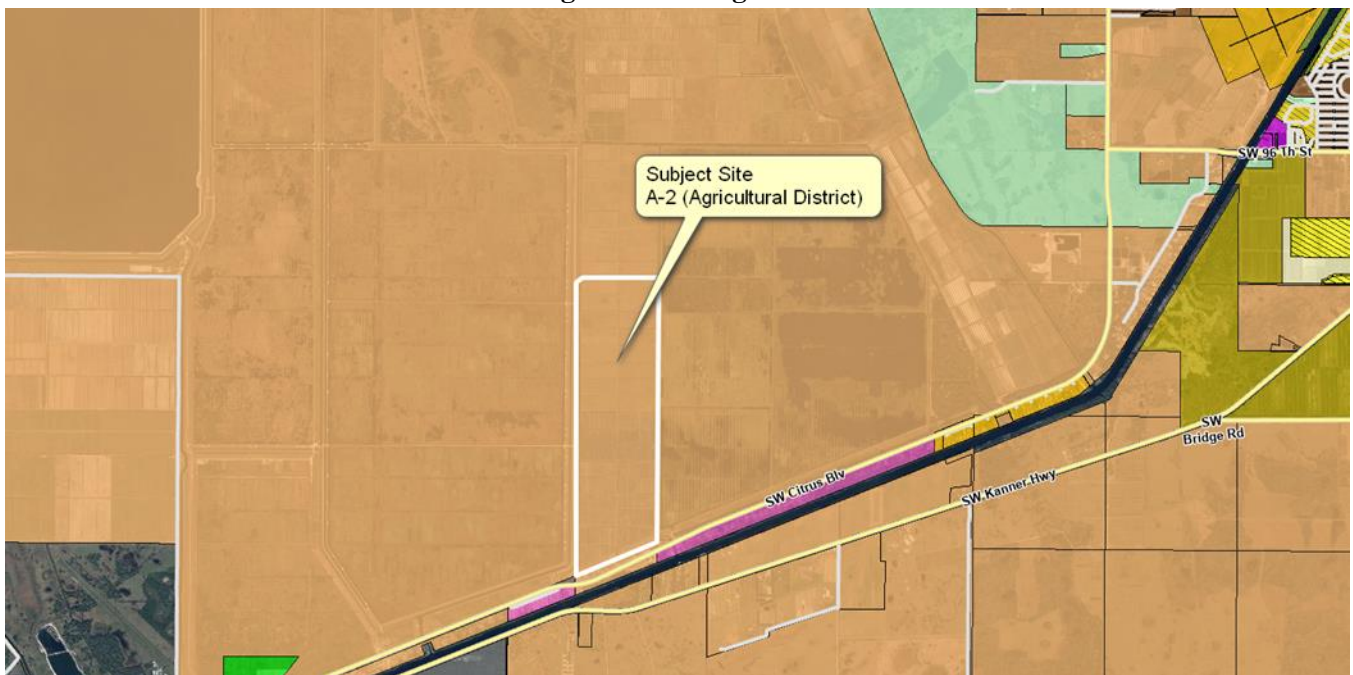
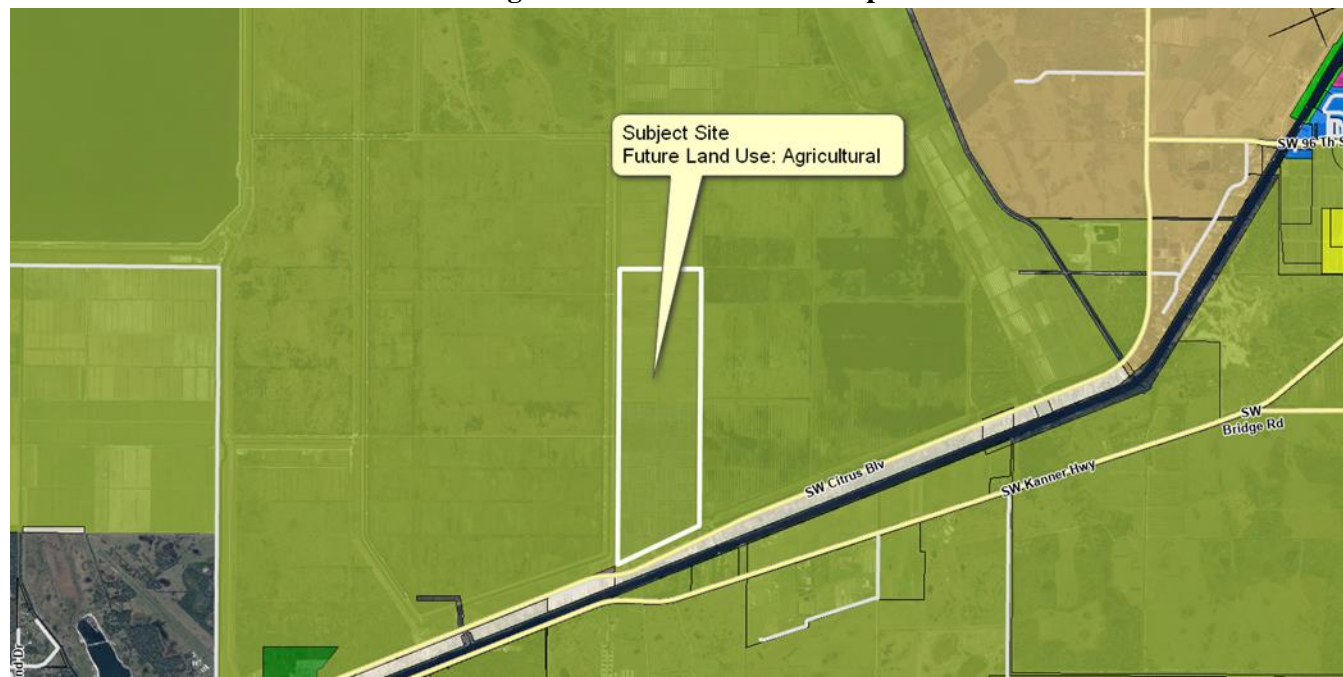


Figure 4: Future Land Use Map

F. Determination of compliance with Comprehensive Growth Management Plan requirements – Growth Management Department

Findings of Compliance:

The Martin County Comprehensive Growth Management Plan, Goal 4.1, Objective 4.1A., Policy 4.1A.1., states: 'The County's existing Land Development Regulations shall conform to all guidelines and standards contained in this Plan and will:

- (1) Regulate the use of land and water consistent with this element and the FLUM, while ensuring land use compatibility and providing open space.
- (2) Regulate the subdivision of land.
- (3) Protect environmentally sensitive lands and incorporate minimum landscape standards.
- (4) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.
- (5) Regulate signage.
- (6) Ensure safe and convenient on-site traffic flow and parking needs.
- (7) Protect potable water wellfields and aquifer recharge areas.
- (8) Protect endangered and threatened species and species of special concern and their habitats as defined in the Florida Fish and Wildlife Conservation Commission's official list or as determined as regionally significant by the Treasure Coast Regional Planning Council.
- (9) Ensure that any development orders and permits issued do not result in a level of service (LOS) below the base level of service standards adopted in the Capital Improvements Element.
- (10) Include provisions for the transfer of development rights to:
 - (a) Protect environmentally sensitive areas and/or historic resources; and

- (b) Specify those receiving zones in the Primary Urban Service District that can accept additional density and where in-fill development allows for new development and redevelopment of previously underused portions of the Primary Urban Service District.

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

G. Determination of compliance with land use, site design standards, zoning and procedural requirements – Growth Management Department

Findings of Compliance:

Staff has reviewed this application and finds that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

Information #1:

Timetable Of Development - Final

The timetable of development for final site plans requires all construction be permitted and completed consistent with the requirements of article 5, Adequate Public Facilities and Transportation Impact Analysis MARTIN COUNTY, FLA., LDR §10.2.D.2.e. (2021). Permits and construction shall be completed within 2 years MARTIN COUNTY, FLA., LDR §5.32.D.4.a.(1) (2021).

Information #2:

Notice Of A Public Hearing:

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.5.E.) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property. For development parcels which lie outside of or border the primary urban service district, the notification distance shall be increased to 1000 feet. In addition, notice shall be mailed to all homeowner associations, property owners associations, condominium associations and the owners of each condominium unit within the notice area MARTIN COUNTY, FLA., LDR §10.6.E.1. (2019).

Information #3:

Land Clearing

No land clearing is authorized prior to the pre-construction meeting for the project. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for by applicable state agency permits may be granted by the Growth Management Department MARTIN COUNTY, FLA., LDR SECTION 10.14.C. (2019).

H. Determination of compliance with urban design and community redevelopment requirements – Community Redevelopment Department

Urban Design

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Community Redevelopment Area

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

I. Determination of compliance with the property management requirements – Engineering Department

Findings of Compliance:

It has been determined that the Applicant is required to dedicate 17 feet of right of way on SW Citrus Blvd. pursuant to Section 4.843.B.4, Land Development Regulations, Martin County, Fla. (2010). A Condition of Approval requiring the conveyance of the dedicated property to Martin County during the post approval process will be included in the Development Order.

The following is a list of the required due diligence materials:

TITLE COMMITMENT

1. Original Title Commitment for the proposed dedication site(s).
2. The Proposed Insured is: Martin County, a political subdivision of the State of Florida
3. The Insurable Amount is subject to approval by the Real Property Division.
4. Legible copies of all documents listed on the Title Commitment as B-II Exceptions must be provided with the Title Commitment.

Note: The applicant has indicated that this will be provided during post-approval.

SURVEY – SKETCH AND LEGAL DESCRIPTION

1. Two (2) original signed and sealed Surveys of the dedication site (s).
2. The Survey must be certified to Martin County, a political subdivision of the State of Florida and to the Title Company.
3. The Survey must be prepared with the benefit of the Title Commitment and include the Commitment Number, Name of the Title Company and Date and Time of the Commitment.
4. Parcel ID number(s) must be included.
5. All title exceptions that can be plotted must be shown on the Survey.
6. The legal description for the dedication site(s) on the Survey must match the legal description on the proposed Plat or Planned Unit Development (PUD), if applicable.
7. Two (2) original 8 ½” by 11” signed and sealed Sketch and Legal Descriptions of the dedication site(s) must be provided.

Note: The applicant did provide a Sketch and Legal Description and after review by the County Surveying Division, revisions are required. The applicant has indicated that these revisions will be provided during the post-approval along with a Boundary Survey.

J. Determination of compliance with environmental and landscaping requirements – Growth Management Department

Environmental

Findings of Compliance:

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations. The environmental assessment submitted by the applicant shows that no wetlands or upland habitat exist on the property. In addition, the listed species survey provides species that have the potential to exist onsite. Those species have been surveyed in accordance with the methodologies by the wildlife agencies and have been reported appropriately in the EA as not observed, no suitable habitat, or not found to be nesting on the property.

Landscaping

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

K. Determination of compliance with transportation requirements – Engineering Department

Findings of Compliance:

The Traffic Division of the Public Works Department finds this application in compliance.

Compliance with Adequate Public Facilities Ordinance:

This application satisfies the Adequate Public Facilities Standard; it has a De Minimis impact (an impact that would not affect more than one percent of the maximum volume at the adopted level of service of the affected road facility). [Martin County, Fla., LDR Article 5, Division 1, Section 5.3 (2009)]

L. Determination of compliance with county surveyor – Engineering Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

M. Determination of compliance with engineering, storm water and flood management requirements – Engineering Services Division

Findings of Compliance:

Compliance with Adequate Public Facilities Ordinance:

This project will provide the proposed development sufficient services based upon the adopted LOS for stormwater management facilities.

Findings of Compliance:

The application was reviewed for compliance with the following Divisions of the Land Development Regulations. Staff's finding is summarized after each:

Division 8- Excavation, Fill, and Mining: The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill, and Hauling that the amount of proposed excavation balances with the amount of fill needed for the site; therefore, hauling material from the site is not approved with this Development Order. The applicant demonstrated compliance with Division 8.

Division 9 – Stormwater Management: The applicant has demonstrated that the stormwater from the improvements are being collected and captured in accordance with Martin County Requirements; thereby, the required attenuation and water quality treatment is in compliance with Division 9.

Division 10 - Flood Protection: The site does not fall within a Special Flood Hazard Area. The applicant demonstrated that all electrical equipment has been set at or above the maximum predicted stage of the 100-year 3-day storm event; therefore, the applicant demonstrated compliance with Division 10.

Division 14 - Parking and Loading: This project is not required to have any parking or loading therefore, this project meets division 14.

Division 19 – Roadway Design: The applicant has demonstrated compliance with Division 19 with the design of the proposed connection to SW Citrus Blvd.

Development Order Conditions

The Engineering Department finds this application in compliance provided the Development Order includes conditions for the following:

1. The Owner is required to dedicate 17 feet of Right of Way along SW Citrus Blvd for a total linear footage of 3,554.772 feet along SW Citrus Blvd pursuant to Section 4.843.B.4, Land Development Regulations, Martin County, Fla. (2010) as a post approval condition to be completed within 60 days of approval and prior to issuance of the construction permit.
2. Pursuant to Section 4.843.G., LDR, Martin County Code, in lieu of constructing a sidewalk, the applicant shall pay the cost of construction for 3,554.772 linear feet at \$25.00 per linear foot for a total of \$88,869.30 within sixty (60) calendar days of the project approval.
3. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments**Addressing****Findings of Compliance:**

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2023).

Electronic File Submittal**Findings of Compliance:**

Both AutoCAD dwg file of the final site plan and boundary survey were received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2023).

O. Determination of compliance with utilities requirements – Utilities Department**Water and Wastewater Service****Findings of Compliance:**

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

Wellfield and Groundwater Protection**Findings of Compliance:**

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department**Fire Prevention****Findings of Compliance:**

The Fire Prevention Division finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

Emergency Management

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Q. Determination of compliance with Americans with Disability Act (ADA) requirements – General Services Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

R. Determination of compliance with Martin County Health Department and Martin County School Board

Martin County Health Department

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

Martin County School Board

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

S. Determination of compliance with legal requirements – County Attorney's Office

Review ongoing.

T. Determination of compliance with adequate public facilities requirements – responsible departments

The following is a summary of the review for compliance with the standards contained in Article 5.32.D of the Adequate Public Facilities, Land Development Regulations (LDR's), Martin County Code for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities (Section 5.32.D.3.a, LDR)

Service provider - Martin County

Findings - positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Sanitary sewer facilities (Section 5.32.D.3.b, LDR)

Sewer provider - Martin County

Findings - positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Solid waste facilities (Section 5.32.D.3.c, LDR)

Findings - in place

Source - Growth Management Department

Stormwater management facilities (Section 5.32.D.3.d, LDR)

Findings - positive evaluation

Source - Engineering Services Department
Reference - see Section M of this staff report

Community park facilities (Section 5.32.D.3.e, LDR)
Findings - in place
Source - Growth Management Department

Road facilities (Section 5.32.D.3.f, LDR)
Findings - positive evaluation
Source - Engineering Department
Reference - see Section K of this staff report

Mass transit facilities (Section 5.32.D.3.g, LDR)
Findings - positive evaluation
Source - Engineering Department
Reference - see section K of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)
Findings - positive evaluation
Source - Growth Management Department
Reference - see Section P of this staff report

Public school facilities (Section 5.32.D.3.i, LDR)
Findings - positive evaluation
Source - Growth Management Department
Reference - see Section R of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

U. Post-approval requirements

After approval of the development order, the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Please submit all of the following items in a single hard copy packet and in electronic pdf format (on disk or flash drive) with the documents arranged in the order shown in the list below. The 24" x 36" plans should be submitted rolled and in separate sets as itemized below.

Item	Description	Requirement
1.	Response to Post Approval Requirements List	The applicant will submit a response memo addressing the items on the Post Approval Requirements List.
2.	Post Approval Fees	The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.
3.	Post Approval Impact Fees	Impact fees must be paid after the development order has been approved. Submit a check made payable to Martin County Board of County Commissioners within 60 days of project approval.
4.	Recording Costs	The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.
5.	Warranty Deed	One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.
6.	Unity of Title	Original and one (1) copy of the current Unity of Title in standard County format if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating so that no transfer has occurred.
7.	Construction Plans	One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled.
8.	Approved Final Site Plan	One (1) copy 24" x 36" of the approved final site plan.
9.	Digital Copy of Site Plan	One (1) digital copy of site plan in AutoCAD 2010 – 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.
10.	Construction Schedule	Original of the construction schedule.

Item	Description	Requirement
11.	Cost Estimate	Two (2) originals of the Cost Estimate, on the County format, which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.
12.	Engineer's Design Certification	Original of the Engineer's Design Certification, on the County format, which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.
13.	Right-of-Way Dedication	Two (2) copies of the documents verifying that the right-of-way, property, or easements have been adequately dedicated to the Board of County Commissioners and recorded in the public records of Martin County.
14.	Pay-in-Lieu	Pursuant to Section 4.843.G., LDR, Martin County Code, in lieu of constructing a sidewalk, the applicant shall pay the cost of construction for 3,554.772 linear feet at \$25.00 per linear foot for a total of \$88,869.30 within sixty (60) calendar days of the project approval.
15.	Flash/Thumb Drive	One (1) blank flash/ thumb drive for digital file recording.

V. Local, State, and Federal Permits

Approval of the development order is conditioned upon the applicant's submittal of all required applicable Local, State, and Federal Permits, to the Growth Management Department (GMD), prior to the commencement of any construction. An additional review fee will be required for Martin County to verify that the permits are consistent with the approved development order.

W. Fees

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$9,127	\$9,127	\$0.00
Inspection fees:	\$4,000		\$4,000
Advertising fees *:			
Recording fees **:			
Impact fees***:			

* Advertising fees will be determined once the ads have been placed and billed to the County.

** Recording fees will be identified on the post approval checklist.

***Impact fees are required at building permit.

X. General application information

Applicant: Florida Power and Light Company
 Will Sabayrac, Lead Project Manager, Development
 700 Universe Boulevard
 Juno Beach, Florida 33408
 561-694-6354
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Owner: Florida Power and Light Company
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Engineer of Record: Culpepper and Terpening, Inc.
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 2980 South 25th Street
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bterpening@ct-eng.com

Y. Acronyms

ADA	Americans with Disability Act
AHJ	Authority Having Jurisdiction
ARDP	Active Residential Development Preference
BCC	Board of County Commissioners
CGMP	Comprehensive Growth Management Plan
CIE	Capital Improvements Element
CIP	Capital Improvements Plan
FACBC	Florida Accessibility Code for Building Construction
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
LDR	Land Development Regulations

LPA	Local Planning Agency
MCC	Martin County Code
MCHD	Martin County Health Department
NFPA	National Fire Protection Association
SFWMD	South Florida Water Management District
W/WWSA	Water/Waste Water Service Agreement

Z. Attachments