

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA
DEVELOPMENT ORDER**

RESOLUTION NUMBER 23-

**[REGARDING A MAJOR DEVELOPMENT FINAL SITE PLAN APPROVAL
FOR FPL FAWN SOLAR ENERGY FACILITY
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

WHEREAS, this Board has made the following determinations of fact:

1. Florida Power and Light Company submitted an application for a final site plan approval for the FPL Fawn Solar Energy Facility Project (F110-004), located on lands legally described in Exhibit A, attached.
2. The Local Planning Agency considered the application at a public hearing on November 2, 2023. The LPA's recommendations were forwarded to the Board of County Commissioners for consideration.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on November 7, 2023.
5. At the public hearings, all interested parties were given an opportunity to be heard.
6. The final site plan for the FPL Fawn Solar Energy Facility project is consistent with the Comprehensive Growth Management Plan and the Land Development Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:

- A. The final site plan, attached hereto as Exhibit B, for the FPL Fawn Solar Energy Facility project is approved. Development of the FPL Fawn Solar Energy Facility project shall be in accordance with the approved final site plan attached as Exhibit B.
- B. All required applicable state and federal permits and approvals shall be submitted to the Growth Management Department (GMD) prior to the commencement of any construction.
- C. No permits for construction or development activity shall be issued until all required documents, plans and fees are received and approved as required by Section 10.11, Land

Development Regulations Martin County Code.

- D. Failure to submit the required documents, plans and fees as required by Section 10.11, Land Development Regulations, Martin County Code, shall render approval of the final site plan for the FPL Fawn Solar Energy Facility project null and void.
- E. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32.D, LDR, Martin County Code. Payment of appropriate fees shall be paid at the time of building permit issuance pursuant to Section 5.32.D.4.c.(3) LDR, Martin County Code.
- F. All permits for the FPL Fawn Solar Energy Facility project must be obtained within one year of final site plan approval, by November 7, 2024. Development of the entire project must be completed within two (2) years of final site plan approval, by November 7, 2025. No rights to obtain development orders are herein conveyed beyond the two (2) year reservation period except as permitted in Section 5.32.D.8., LDR, Martin County Code. All remaining impact fees and capital facility charges shall be paid in full within sixty (60) days of an approval of a requested extension pursuant to Section 5.32.D.4.c.(3), LDR, Martin County Code.
- G. The Owner is not authorized to haul fill off of the site and must coordinate with the County Engineer regarding the routes and timing of any fill to be hauled to the site. The Owner must comply with all County excavation and fill regulations.
- H. No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly marked in the field prior to the pre-construction meeting. 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 on state agency permits, may be granted by the Growth Management Department upon review of required permit materials.
- I. In order to ensure that the drainage/stormwater management system functions as designed and permitted in perpetuity, Owner shall maintain the drainage/stormwater management system according to the Stormwater Management System Maintenance Plan as submitted with the final site plan application. The Maintenance Plan will provide that Owner shall be responsible for performing the specific inspections and maintenance operations on the stormwater management system on-site and off-site as approved by the Growth Management Director at final site plan approval in order to ensure it functions as intended and as approved by County. County shall not have any responsibility in maintaining the system.
- J. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

DULY PASSED AND ADOPTED THIS 7TH DAY OF NOVEMBER, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
CAROLYN TIMMANN
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

BY: _____
EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

BY: _____
ELYSSE A. ELDER
DEPUTY COUNTY ATTORNEY

ATTACHMENTS:
Exhibit A, Legal Description
Exhibit B, Final Site Plan

EXHIBIT A

LEGAL DESCRIPTION:

FOR A POINT OF COMMENCEMENT START AT THE INTERSECTION OF THE WEST LINE OF SECTION 31, TOWNSHIP 39 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA AND THE NORTH RIGHT OF WAY LINE OF OKEECHOBEE WATERWAY; THENCE N00°10'22"E ALONG SAID WEST LINE OF SECTION 31, A DISTANCE OF 475.28 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF STATE ROAD #726 (CITRUS BOULEVARD), SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE N00°10'22"E, ALONG THE WEST LINE OF SECTION 31, A DISTANCE OF 1524.76 FEET TO THE NORTHWEST CORNER OF SECTION 31 (CERTIFIED CORNER RECORD #086825); THENCE N00°19'13"E, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 2655.67 FEET TO THE WEST ONE QUARTER CORNER OF SECTION 30 (CERTIFIED CORNER RECORD #086824); THENCE N00°18'49"E, ALONG THE WEST LINE OF SECTION 30, A DISTANCE OF 2655.84 FEET TO THE NORTHWEST CORNER OF SECTION 30 (CERTIFIED CORNER RECORD #086822); THENCE N00°04'04"E, ALONG THE WEST LINE OF SECTION 19, A DISTANCE OF 2616.66 FEET TO A POINT 44.40 FEET SOUTH OF THE WEST ONE QUARTER CORNER OF SECTION 19 (CERTIFIED CORNER RECORD #086821); THENCE SOUTH 89°41'20" EAST, A DISTANCE OF 3257.74 FEET; THENCE S00°12'37"W, A DISTANCE OF 8057.64 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD 726 (CITRUS BOULEVARD); THENCE S64°21'27"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 2573.26 FEET TO A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2814.79 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 986.55 FEET, THROUGH A CENTRAL ANGLE OF 20°04'54", HAVING A CHORD BEARING OF S74°23'54"W, AND CHORD DISTANCE OF 981.51 FEET, TO THE POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING EASEMENTS:

(A) PERPETUAL RIGHT, POWER, AND PRIVILEGE TO CONSTRUCT, MAINTAIN, AND OPERATE A DRAINAGE AND IRRIGATION CANAL, SPOIL BANKS, ACCESS ROADS, CULVERTS, SPILLWAYS, AND PUMPING STATIONS WITH ALL APPURTENANT WORKS, UPON A STRIP OF LAND 150 FEET IN WIDTH,, LYING 75 FEET EITHER SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE NORTH UNITED STATES RIGHT-OF-WAY LINE OF THE ST. LUCIE CANAL WITH THE WEST LINE OF SECTION 31, TOWNSHIP 39 SOUTH, RANGE 40 EAST, MARTIN COUNTY, FLORIDA, RUN THENCE NORTH 68°18'13" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 3517.63 FEET TO A POINT; RUN THENCE NORTH 0°21'59" EAST A DISTANCE OF 905.22 FEET TO THE POINT OF BEGINNING, RUN THENCE NORTH 90° EAST FROM THE POINT OF BEGINNING A DISTANCE OF 576.75 FEET INTO AN EXISTING CHANNEL WHICH RUNS NORTHWEST AND SOUTHEAST, AND WHICH CONNECTS WITH THE WATERS OF THE ST. LUCIE CANAL;

(B) PERPETUAL RIGHT, POWER, AND PRIVILEGE TO DISCHARGE WATERS INTO OR REMOVE IRRIGATION WATERS FROM, BY GRAVITY OR BY PUMPING, A STRIP OF LAND 150 FEET IN WIDTH, LYING 75 FEET ON EITHER SIDE OF A CENTERLINE DESCRIBED AS FOLLOWS: BEGIN AT THE EASTERLY END OF THE CENTERLINE DESCRIBED IN

EASEMENT "A" ABOVE, RUN THENCE SOUTH 18°01'54" EAST A DISTANCE OF 700 FEET,
MORE OR LESS, TO A POINT IN THE CHANNEL OF THE ST. LUCIE CANAL;

OVERALL PARCEL CONTAINS 660.15 +/- ACRES, MORE OR LESS

Parcel ID Numbers

31-39-40-000-000-000-20-5

30-39-40-000-000-000-20-7

19-39-40-000-000-00020-0 pt of

EXHIBIT B

FINAL SITE PLAN