



MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

A. Application Information

FPL White Tail Solar Energy Center Major Final Site Plan

Applicant:	Florida Power and Light Co., Krista Hendricks
Property Owner:	Florida Power and Light Co.
Agent for the Applicant:	Lucido and Associates, Morris A. Crady, AICP
County Project Coordinator:	Peter Walden, Deputy Growth Management Director
Growth Management Director:	Paul Schilling, AICP
Project Number:	F110-002
Record Number:	DEV2019120008
Report Number:	2020_0714_F110-002_Staff_Report_Final
Application Received:	01/21/2020
Transmitted:	01/21/2020
Staff Report:	02/10/2020
Revised report:	07/14/2022

B. Project description and analysis

This is an application for a major development final site plan. Florida Power & Light Company (FPL) is proposing the construction of an unmanned 74.5 Megawatt photovoltaic solar energy facility (Solar Farm) on approximately 600 acres located on the north side of Citrus Boulevard about 8 miles southwest of Florida's Turnpike. Included is a request for a Certificate of Public Facilities Reservation.

The subject site consists of approximately 600 acres which is the north half of a larger 1,261-acre tract. The property has been actively farmed for several decades and contains no natural wetlands or upland native habitat.

The subject property and parent tract have a land use designation of agricultural and a zoning district designation of A-2. The surrounding properties are also designated agricultural and zoned A-2. The property is bordered to the west by the SFWMD C-44 stormwater treatment area and there are no residential uses or public roads adjacent to the development site. The access for the property will be via an improved service path through the front +-600 acres. The front parcel will remain in agricultural production.

The site is outside of the urban services boundary and no water or sewer service is planned with the development.

This application was continued from the April 21, 2020 BCC public hearing. The site exhibited signs of wetland characteristics from being left fallow for several years. This issue has been resolved and all local

and state review of the site have found it to be in compliance with the proposed solar farm development.

C. Staff recommendation

The specific findings and conclusion of each review agency related to this request are identified in Sections 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	Peter Walden	219-4923	Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Peter Walden	219-4923	Comply
H	Urban Design	Santiago Abasolo	288-5485	N/A
H	Community Redevelopment	Santiago Abasolo	288-5485	N/A
I	Property Management	Colleen Holmes	288-5794	N/A
J	Environmental	Todd Warren	288-5414	Comply
J	Landscaping	Karen Sjöholm	288-5909	N/A
K	Transportation	Lukas Lambert	221-2300	Comply
L	County Surveyor	Tom Walker	288-5928	N/A
M	Engineering	Stephanie Piche	223-4858	Comply
N	Addressing	Emily Kohler	288-5692	Comply
N	Electronic File Submission	Emily Kohler	288-5692	Comply
O	Water and Wastewater	James Christ	320-3034	Comply
O	Wellfields	James Christ	320-3034	Comply
P	Fire Prevention	Doug Killane	288-5633	Comply
P	Emergency Management	Michele Jones	219-4942	N/A
Q	ADA	David Moore	320-3057	N/A
R	Health Department	Todd Reinhold	221-4090	N/A
R	School Board	Kimberly Everman	223-3105	N/A
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Peter Walden	219-4923	Comply

Staff has reviewed this application for a final site plan of a major development, for compliance with the applicable goals, objectives and policies of the Martin County Comprehensive Growth Management Plan, the Martin County Land Development Regulations and the code. The staff determination is that this application is in compliance with these laws, ordinances and policies, standards and criteria. Staff recommends approval of this application for this major development order, final site plan, subject to any conditions as identified in this report.

D. Review Board action

This application meets the threshold criteria for a major development, pursuant to Section 10.11.B., LDR, Martin County, Fla. (2016), and requires two public hearings. The two hearings will provide the public an opportunity to participate in the review and decision making process.

The first public hearing shall be before the Local Planning Agency on April 2, 2020, who will make a recommendation on the request, pursuant to Section 10.4., LDR, Martin County, Fla. (2016).

The second public hearing shall be before the Board of County Commissioners on April 21, 2020, who will take final action on the request, pursuant to Section 10.5., LDR, Martin County, Fla. (2016).

Pursuant to Section 10.1.F, LDR, Martin County, Fla. (2016), it shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), LDR, and the Code.

E. Location and site information

Parcel number(s) and address:

18-39-40-000-000-00020-2, 19-39-40-000-000-00020-0, 30-39-40-000-000-00020-7

31-39-40-000-000-00020-5

Unaddressed

Existing Zoning:

A-2, Agricultural

Existing Zoning:

AG-20A, Agricultural

Future land use:

FLU-AG, Future Land Use Agricultural

Gross area of site:

600 acres

Commission District:

5

Figure 1: Location Map

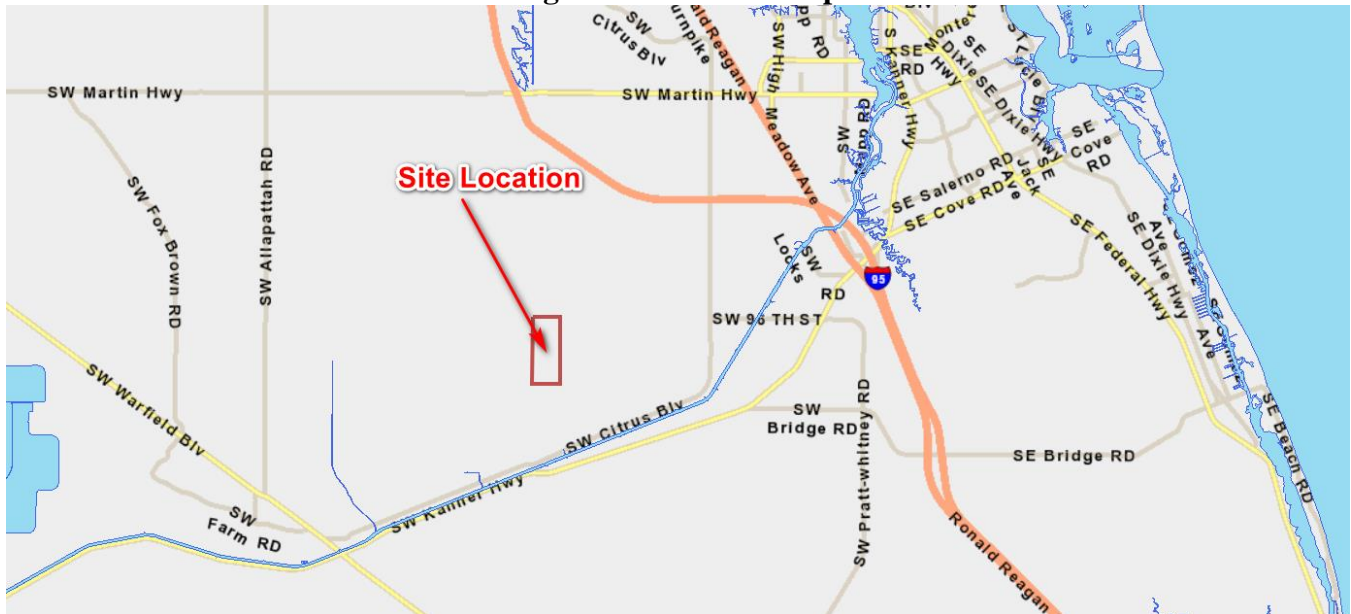


Figure 2: Subject Site 2018 Aerial



Figure 3: Local 2018 Aerial with Site Plan Overlay



Figure 4: Zoning Atlas Excerpt



Surrounding properties are all zoned A-2, Agricultural

Figure 5: Future Land Use Map Excerpt



Surrounding properties all have a land use designation of Agricultural

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 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:

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations of Article 3 and Article 10 of the Martin County Land Development Regulations. There are no unresolved land use, zoning, or procedural requirements issues associated with this application.

Additional Information:

Information #1:

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. MARTIN COUNTY, FLA., LDR § 4.37

Information #2:

Timetable Of Development - Final

The timetable of development for final site plans require all permits to be obtained within one year of approval and require all construction to be completed within two years of approval. MARTIN COUNTY,

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

Commercial Design

The proposed project is not located within the General Commercial, Limited Commercial, Commercial Office/Residential or Waterfront Commercial Future Land Use Designations. Therefore, the Commercial Design reviewer was not required to review this application. [Martin County, Fla., LDR, Section 4.871.B.]

Community Redevelopment Area

The proposed project is not located within a Community Redevelopment Area. Therefore, the Community Redevelopment Area reviewer was not required to review this application. [Martin County, Fla., LDR, Article 3, Division 6]

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

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this application as currently proposed, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016)

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

Environmental

Informational Comments:

Item #1: Gopher Tortoise

The documents for environmental are found to be in compliance. However, you will need to supply the county with a 100% gopher tortoise survey of the property prior to scheduling the pre-construction meeting. If the survey shows that tortoises exist onsite, then you will need to get a gopher tortoise relocation permit from the Florida Fish and Wildlife Conservation Commission (FWC) before the county will authorize land clearing. This requirement for a survey is standard for all development sites in the county. Please contact your environmental consultant to assist you with this survey.

Item#2: Wildlife Agency Consultation

Your assessment states...Please be aware any additional permits required for listed species will be required prior to scheduling the pre-construction meeting.

Item#3: Exotic Vegetation Removal

All exotic vegetation to be removed from site prior to the issuance of a Certificate of Occupancy.

Landscape

Landscaping

This project is a NA for landscaping. Section 3.100.1.D exempts Solar Farms from landscapes unless adjacent to residential land use and for administration buildings and associated vehicular use areas. This parcel is surrounded by land designated as agricultural so residential buffers are not required.

K. Determination of compliance with transportation requirements - Engineering Department

Findings of Compliance:

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

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

The applicant has provided a certified boundary and topographic survey for the proposed development, pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016). Therefore, the Engineering Department was not required to review this application for consistency with the Martin County Codes for survey requirements contained in Article 4, LDR, Martin County, Fla.

M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department

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 excavation of 1,000 cubic yards is proposed; therefore, a hauling fee of \$0.21 per cubic yard of material being hauled from the site in the amount of \$210.00 shall be paid within sixty (60) calendar days of the project approval. The applicant demonstrated compliance with Division 8.

Division 9- Stormwater Management: The stormwater management system primarily functions by means of overland sheet flow to an interconnected system of existing conveyance swales and ditches, ultimately discharging into the C-44 Canal at a discharge rate that is less than the previously permitted discharge rate. The applicant has demonstrated that the required water quality volume is being met in the ditches prior to discharge. 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: This site does not fall within a Special Flood Hazard Area. The applicant demonstrated that all electrical equipment will be constructed 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: The applicant demonstrated compliance with the parking requirements set forth in Division 14 for the proposed use.

Division 19- Roadway Design: The applicant is not proposing to make modifications to the existing road SW Citrus Boulevard; therefore, the applicant has demonstrated compliance with Division 19.

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

1. The applicant is proposing to haul 1,000 cubic yards from the site. A hauling fee of \$0.21 per cubic yard of material being hauled from the site in the amount of \$210.00 shall be paid within sixty (60) calendar days of the project approval.

Compliance with Adequate Public Facilities Ordinance:

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

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. (2018).

Electronic File Submittal

Findings of Compliance:

Both AutoCAD 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. (2019)

Both AutoCAD site plan and boundary survey were in State Plane coordinates and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019)

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)]

This project's proposed solar panels and equipment building are unmanned, there are no utilities issues, therefore concurrency is not an issue. [ref. Code, LDR, s.5.32.B.3.f. Code, LDR, Art.5, Div.2]

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 Bureau 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

The applicant has indicated that the project is for a non-residential use pursuant to Section 10.1.F., LDR, Martin County, Fla. (2016). Therefore, this project is not anticipated to impact Martin County Emergency Management resources and Emergency Management was not required to review this application.

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

Findings of Compliance:

The applicant has indicated that this project is for an unmanned facility that will not be open to the public. This project is not subject to accessibility requirements of the American Disability Act (ADA) and therefore the General Services Department staff did not review this application for compliance with the applicable Americans with Disability Act requirements. [Martin County, Fla., LDR, Section 10.1.F. (2016)]

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

Martin County Health Department

The applicant has indicated that the proposed final site plan contains no onsite potable wells or septic disposal systems. Therefore, the Department of Health was not required to review this application for consistency with the Martin County Code requirements within the Land Development Regulations or Comprehensive Growth Management Plan. MARTIN COUNTY, FLA., LDR SECTION 10.1.F. (2016)

Martin County School Board

The applicant has indicated that the proposed final site plan is for a non-residential use. Therefore, the Martin County School Board was not required to review this application for consistency with the Martin County Code requirements for school concurrency purposes. [Martin County, Fla., LDR, Section 10.1.F. (2016)]

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

Review Ongoing

T. Determination of compliance with the 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 – not proposed

Findings – N/A

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

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

Service provider – not proposed

Findings – N/A

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 - Comply

Source - Engineering Department

Reference - see Section M of this staff report

Community park facilities (Section 5.32.D.3.e, LDR)

Findings – N/A

Source - Growth Management Department

Roads facilities (Section 5.32.D.3.f, LDR)

Findings – Comply

Source - Engineering Department

Reference - see Section K of this staff report

Public safety facilities (Section 5.32.D.3.h, LDR)

Findings – N/A

Source - Growth Management Department

Reference - see Section P of this staff report

Public school facilities (Section 5.32.D.3.i, LDR)

Findings – N/A

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

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.

Item #1:

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. The applicant will return the Post Approval Requirements List along with the required documents in a packet with the documents arranged in the order shown on the list.

Item #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.

Item #3:

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.

Item #4:

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.

Item #5:

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.

Item #6:

Two (2) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Rolled

Item #7:

One (1) copy 24" x 36" of the approved site plan and one (1) reduced copy 8 1/2" x 11".

Item #8:

One (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.

Item #9:

One (1) digital copy of site plan in AutoCAD 2006 or 2007 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

Item #10:

Original of the construction schedule.

Item #11:

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.

Item #12:

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.

Item #13:

One (1) blank USB flash/thumb drive, which will be utilized to provide the applicant with the approved stamped and signed project plans.

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 \$600 review fee will be required for Martin County to verify that the permits are consistent with the approved development order.

Item #1:

ENVIRONMENTAL PERMITS

The following permits must be obtained prior to scheduling a Pre-Construction meeting:

1. An FWC gopher tortoise relocation permit prior to the county issuance of the site preparation permit for land clearing.

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:	\$9,417.00	\$9,417.00	\$0.00
Inspection fees:	\$4,000.00		\$4,000.00
Advertising fees*:	TBD		
Recording fees**:	TBD		
Mandatory impact fees:	TBD		
Non-mandatory impact fees:	TBD		

* 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.

X. General application information

Applicant: Florida Power and Light Company
Krista Hendricks
700 Universe Blvd.
Juno Beach, FL 33408
561-304-6161

Agent: Lucido and Associates
Morris A. Crady, AICP
701 SE Ocean Boulevard
Stuart, FL 34994
772-220-2100

Engineer: Culpepper & Terpening, Inc
Butch. Terpening, PE
2980 South 25th Street
Ft. Pierce, FL 34981
772-464-3537

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