



## Legislation Details (With Text)

**File #:** 19-0176

**Type:** Public Hearing Quasi Judicial      **Status:** Passed

**In control:** Board of County Commissioners

**On agenda:** 1/29/2019      **Final action:** 1/29/2019

**Title:** FPL SWEETBAY SOLAR ENERGY FACILITY MAJOR FINAL SITE PLAN (F109-002)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 2018\_1211\_F109-002\_DRT\_Staff\_FINAL.pdf, 2. 2019\_0129\_F109-002\_RESO\_APPR\_DRAFT.pdf, 3. Exhibit\_A\_LegalDescription\_F109-002.pdf, 4. Exhibit\_B\_FSP\_F109-002.pdf, 5. Exhibit\_C\_PAMP\_F109-002.pdf, 6. ROW\_Easement\_Reso\_APPR.pdf, 7. 2018\_0803\_F109-002\_APP\_excerpt.pdf, 8. 2018\_1004\_F109-002\_RESUB\_excerpt.pdf, 9. 2018\_1115\_F109-002\_RESUB\_excerpt.pdf, 10. Unity of Title.pdf, 11. Right of Way Easement Martin County FPL.pdf, 12. 2018\_0803\_F109-002\_Certified\_Sign\_Posting.pdf, 13. 2018\_1204\_F109-002\_SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS.pdf, 14. 2018\_1214\_F109-002\_LegalAd\_LPA\_BCC\_Tearsheet.pdf, 15. 2019\_0129\_F109-002\_RESO\_DENY\_DRAFT.pdf

Date	Ver.	Action By	Action	Result
1/29/2019	1	Board of County Commissioners	approved	Pass

**PLACEMENT:** Public Hearings - Quasi-Judicial

### TITLE:

**FPL SWEETBAY SOLAR ENERGY FACILITY MAJOR FINAL SITE PLAN (F109-002)**

### EXECUTIVE SUMMARY:

Florida Power & Light Company requests approval of a Major Final Site Plan for the development of approximately 271 acres of solar array panels, a 1.8 acre substation, and a 5.5 acre lake/borrow pit on approximately 566 acres located approximately 1 ½ miles north of SW Warfield Boulevard (SR 710) on the east side of SW Allapattah Road (CR 609) in western Martin County.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Catherine Riiska  
Title: Principal Planner

**REQUESTED BY:** Florida Power and Light Company

**PRESET:** 1:30 PM

**PROCEDURES:** Quasi-Judicial

### BACKGROUND/RELATED STRATEGIC GOAL:

The subject site consists of approximately 566 acres with a historical use of agriculture. The site

contains improved pasture, limited areas of upland habitat, and approximately 79.8 acres of wetlands. The project proposes installation of approximately 271 acres of solar array panels, a 1.8 acre substation, and a 5.5 acre lake/borrow pit. Development of the project is required to demonstrate compliance with all applicable policies and development standards associated with the proposed use as a solar energy facility, which is a permitted use within the designated agricultural future land use and underlying zoning districts of A-2 and AG-20A.

The site has a designated land use of Agricultural and is zoned A-2 and AG-20A, and abuts existing agriculture to the north and east, SW Allapattah Road to the west, and an existing residential subdivision to the south. Two access points are proposed via SW Allapattah Road, and a landscaping buffer is proposed adjacent to the residential use to the south in accordance with Section 3.100.1.E., LDR, Martin County, Fla. (2018). This project is not located within or adjacent to an urban service district boundary and is proposed to be unmanned, so no utilities services are required or proposed. A Preserve Area Management Plan (PAMP) has been provided for wetland and upland preserve area establishment and management in perpetuity.

During the review process, the Applicant agreed to convey a 15 foot Right of Way Easement on SW Allapattah Road to Martin County. Sec. 139.31 and 139.32, General Ordinances, Martin County Code require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County. Staff has prepared a resolution accepting the conveyance.

This application is classified as a final site plan for major development, therefore, the application requires two public hearings to provide the public an opportunity to participate in the review and decision making process. This application was heard before the Local Planning Agency on January 3, 2019, and received a unanimous (5-0) recommendation of approval.

The following supporting materials are provided attached to this Agenda Item:

- Staff Report
- Draft Resolution for Approval of Final Site Plan
- Site Legal Description (Exhibit A to resolution)
- Final Site Plan (Exhibit B to resolution)
- PAMP (Exhibit C to resolution)
- Draft resolution for Approval of ROW Easement
- Application Materials
- Unity of Title
- Draft Right-of-Way Easement
- Noticing Sign Posting Certification
- Noticing Letter Template
- Noticing Legal Ad
- Draft Resolution for Denial of Final Site Plan

The following information regarding presentations by staff and the applicant is provided.

Staff presentation-  
Estimated time: Approximately 5 minutes  
Catherine Riiska, Principal Planner  
Additional County Staff as needed

Applicant presentation-  
Estimated time: Approximately 30 minutes  
Amy Brunjes, FPL  
Robert Raynes, Attorney  
Josh Long, Planner  
Krista Hendricks, FPL  
Morris Crady, Landscape Architect  
Butch Terpening, Engineer

### **ISSUES:**

There are no unresolved issues associated with this application.

### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record. Suggested procedures to follow during consideration of this matter are attached.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

1. Move that the Board receive and file the Agenda Item Summary and all of its attachments including the Staff Report for the record as Exhibit 1.
2. Move that the Board approve the FPL Sweetbay Solar Energy Facility Final Site Plan and adopt the resolution of approval.
3. Move that the Board approve the resolution accepting a 15' Right-of-Way Easement on SW Allapattah Road from Florida Power & Light, a Florida corporation to Martin County and authorize the Chairman to execute any and all documents necessary to complete the transaction.

#### **ALTERNATIVE RECOMMENDATIONS**

- 2.A Move that the Board continue this matter to a date certain.
- 3.A Move that the Board deny the FPL Sweetbay Solar Energy Facility Final Site Plan and adopt a resolution of denial setting forth the reasons for the denial.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

The applicant has paid \$580 in sufficiency review fees and \$11,409 in application review fees.

Funding Source	County Funds	Non-County Funds
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<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

As above.

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☒ Resolution  
☒ Other:

**2 Resolutions: Final Site Plan resolution and ROW Easement resolution**