



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## **A. Application Information**

### **FPL HUMMINGBIRD SUBSTATION Major Final Site Plan**

Applicant:	Florida Power and Light Co.
Property Owner:	South Florida Water Management District
Agent for the Applicant:	Culpepper & Terpening, Inc. Patrick J. Ferland, P.E.
County Project Coordinator:	Catherine Riiska, MS, PWS, Principal Planner
Growth Management Director:	Nicki van Vonno, AICP
Project Number:	F105-002
Application Type and Number:	D009 201600050
Report Number:	2016_0418_F105-002_DRT_Staff_FINAL.docx
Application Received:	02/08/2016
Transmitted:	02/10/2016
Staff Report:	02/18/2016
Joint Workshop:	02/21/2016

## **B. Project description and analysis**

This is an application for an industrial, major development final site plan. Florida Power & Light Company (FPL) is proposing the construction of a distribution substation to be located on a 6.56-acre lease parcel located at 18506 SW Citrus Boulevard, Indiantown, FL, for the purposes of transformation, regulation and distribution of electricity to meet the demands of the South Florida Water Management District's C-44 Stormwater Treatment Area. Included in this application is a request for a Certificate of Public Facilities Reservation.

The subject site consists of approximately 6.56 acres of an agricultural parent parcel on the north side of SW Citrus Blvd. in Indiantown. The site is vacant and has previously been cleared and utilized for agriculture consistent with the future land use designation of Agricultural and zoning district of A-2, Agricultural District. Any development proposed to occur on the site will be required to demonstrate compliance with all applicable policies and development standards associated with the designated land use and underlying zoning district, including Policy 4.13A.1., CGMP, Martin County, Fla., and Sections 3.402. and 3.412., LDR, Martin County, Fla.

The site abuts existing agriculture to the north and east, SW Citrus Boulevard to the south and an existing utilities use to the west. The applicant is proposing an approximate 52,500 square-foot rock-filled and fenced compound for the electrical equipment, with an access drive, landscaping and dry detention located outside the compound. The single point of access is proposed to be constructed from and partially within the adjacent property to the west. Also proposed are a potable water well and septic system. This project is not located within or adjacent to an urban service district boundary.

### **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:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Catherine Riiska	288-5667	Non-Comply
F	ARDP	Samantha Lovelady	288-5664	N/A
G	Development Review	Catherine Riiska	288-5667	Non-Comply
H	Urban Design	Catherine Riiska	288-5667	N/A
H	Community Redevelopment	Catherine Riiska	288-5667	N/A
I	Property Management	Colleen Holmes	288-5794	N/A
J	Environmental	Shawn McCarthy	288-5508	Comply
J	Landscaping	Karen Sjöholm	288-5909	Non-Comply
K	Transportation	Stephanie Molloy	223-4858	Comply
L	County Surveyor	Michael O'Brien	288-5418	N/A
M	Engineering	Michelle Cullum	288-5512	Non-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	Debra McCaughey	219-4942	N/A
Q	ADA	Judy Lamb	221-1396	N/A
R	Health Department	Todd Reinhold	221-4090	Comply
R	School Board	Garret Grabowski	223-3105	N/A
S	County Attorney	Krista Storey	288-5443	Review Ongoing
T	Adequate Public Facilities	Catherine Riiska	288-5667	Review Pending

### **D. Review Board action**

Development of Utilities uses greater than 25,000 square feet shall be classified as a major development pursuant to Section 10.11.B., LDR, Martin County, Fla. (2016). As such, this project shall be considered at two public hearings. The LPA shall consider the application and make a recommendation to the BCC. And the BCC shall consider the application and make a final decision to approve, approve with conditions, or to deny. [Martin County, Fla., Sections 10.4.A.1 and 10.5.A.1. (2016)]

### **E. Location and site information**

Parcel number(s) and address:

35-39-39-000-000-0001.0-00000 17906 SW Citrus Blvd

Existing Zoning: A-2, Agricultural

Future land use: FLU-AG, Future Land Use Agricultural

Census tract: Not Applicable

Commission district: 5

Community redevelopment area: Not Applicable

Municipal service taxing unit: District 5

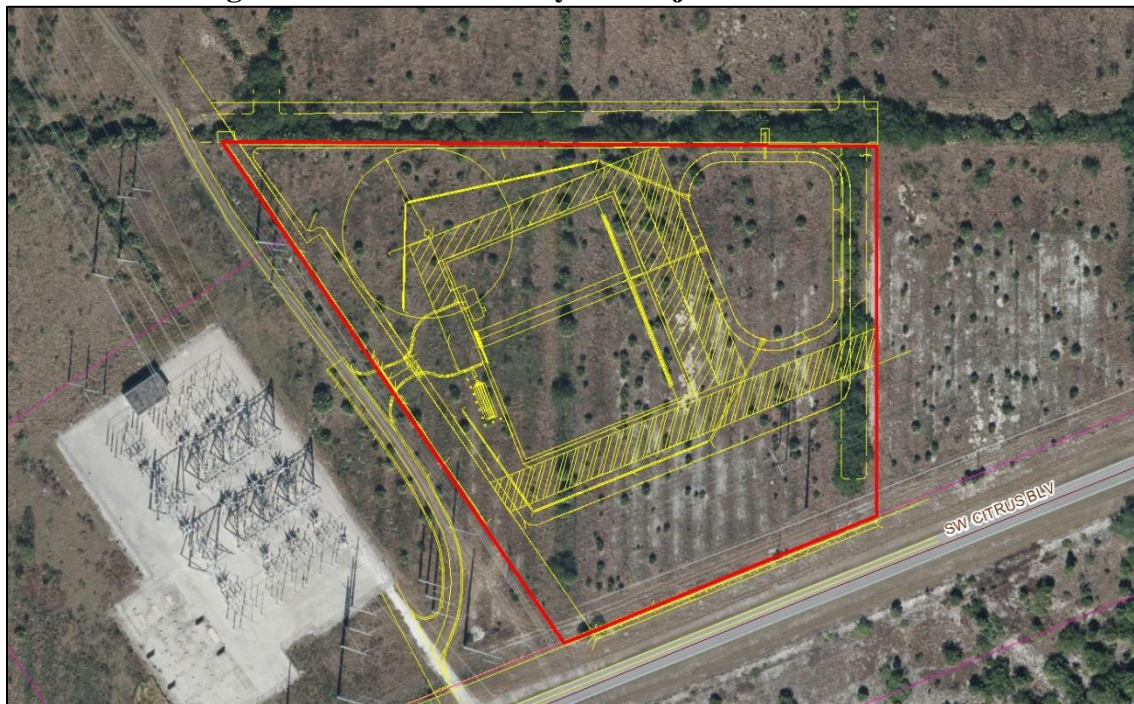
Planning area:	Not Available
Storm surge zone:	Not Available
Taxing district:	Not Available
Traffic analysis zone:	Not Available

Gross area of site:	285,855 square feet
Non-residential gross floor area:	52,500 square feet

**Figure 1: Location Map**



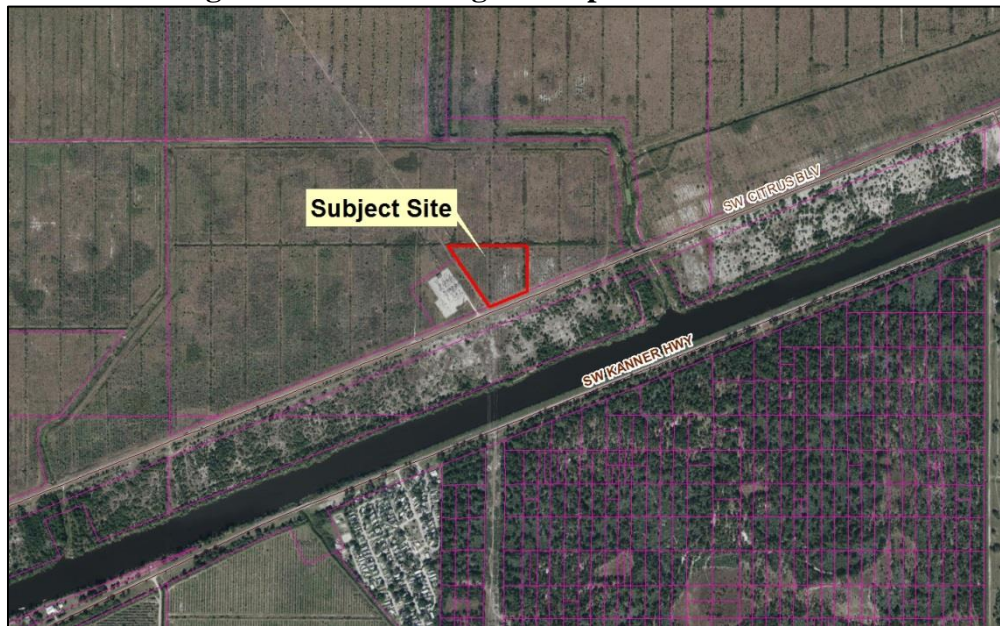
**Figure 2: Site Plan Overlay on Subject Site 2013 Aerial**



Adjacent existing or proposed development:

To the north:	Agriculture
To the south:	Vacant/Undeveloped
To the east:	Agriculture
To the west:	Utilities substation

**Figure 3: Surrounding Development 2013 Aerial**



Zoning district designations of abutting properties:

To the north:	A-2, Agricultural District
To the south:	A-2, Agricultural District (across SW Citrus Blvd.)
To the east:	A-2, Agricultural District
To the west:	A-2, Agricultural District

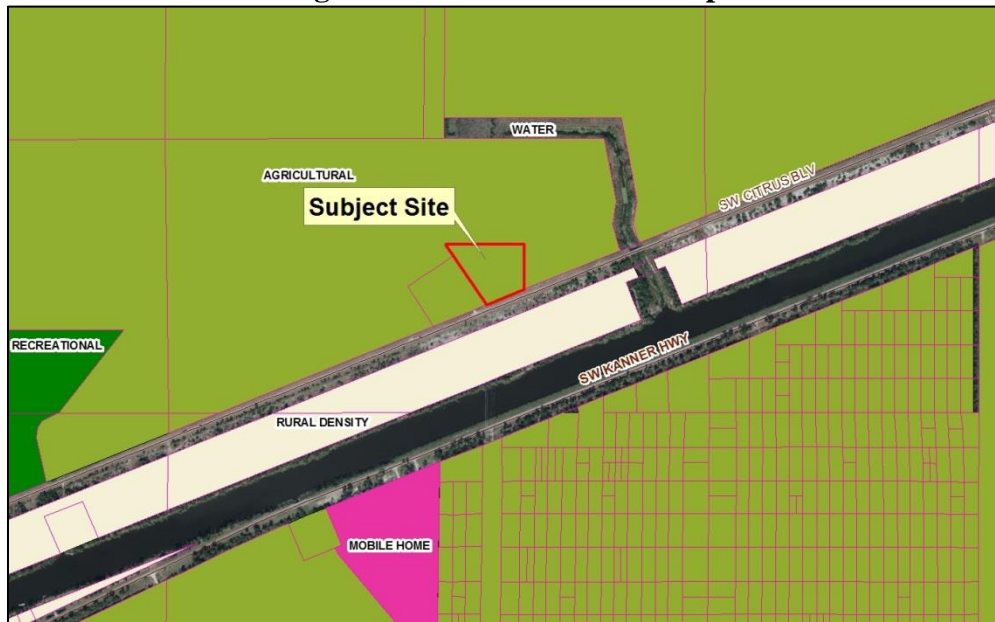
**Figure 4: Zoning Map**



Future land use designations of abutting properties:

To the north: Agricultural  
To the south: Rural Density (across SW Citrus Blvd.)  
To the east: Agricultural  
To the west: Agricultural

**Figure 5: Future Land Use Map**



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

**Unresolved Issues:**

**Item #1:**

**Minimum Open Space**

Indicate the open space calculations, in square feet and acres as appropriate, on the site plan. [Martin County, Fla., CGMP, Policy 4.13A.1.; Martin County, Fla., LDR, Section 10.2.B. (2016)]

**Remedy/Suggestion/Clarification:**

The site plan data table cites two different values for "total open space" and "provided". Please revise for clarity by providing a single value for 'total open space provided' and listing the contributing areas by category such as landscaping, dry detention, etc.

**Item #2:**

No onsite sewage treatment and disposal system shall exceed a total site buildout flow of 2,000 gpd. [Martin County, Fla., CGMP, Policy 10.2A.8. (2016)]

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

## **Unresolved Issues:**

### **Item #1:**

#### Parking

The applicant has indicated that no parking is provided due to the facility being classified as 'unmanned.'

### **Remedy/Suggestion/Clarification:**

The lack of provided parking due to the facility being characterized as 'unmanned' appears to conflict with the proposal to include septic and potable water provisions. Please clarify.

### **Item #2:**

#### Posting Of Signs

Not more than ten days after a development application has been determined to be complete, the applicant shall post the property that is the subject of the application. [Martin County, Fla., LDR, Section 10.6.B. (2016)]

### **Item #3:**

#### Site Plan

A complete site plan is required as part of the application. [Martin County, Fla., LDR, Sections 10.2 and 10.11. (2016)]

### **Remedy/Suggestion/Clarification:**

1. Please relabel the site plan title block as "Final Site Plan" and remove the Martin County designation.
2. Please provide authorization for any proposed improvements on lands located outside the project boundaries.
3. Please remove the "A-2" citation from the Future Land Use citation on the final site plan. The future land use designation for this property is "Agricultural".
4. Please revise the open space calculations for clarity. (see also Item 1, Section G)
5. Please relabel the "required" setbacks to "minimum required" setbacks for clarity.
6. Please relabel the cited height maximums to "Maximum allowable" and "Proposed" for clarity.
7. Please revise the plans to be consistent with the proposed uses of the site. If the site is unmanned, why are potable water and septic proposed? And, if the site is manned, please provide the number of employees and provide appropriate parking and solid waste services.
8. Please clarify the proposed Note #7 on the final site plan. Are hazardous wastes proposed for storage or disposal on-site?

### **Item #4:**

#### 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, Fla., LDR, Sections 10.1 and 5.32. (2016)]

### **Remedy/Suggestion/Clarification:**

Please revise Note #4 on the Final Site Plan to correspond with this requirement.

**Item #5:**

**Zoning**

The designated future land use is agricultural and the zoning designation is A-2 on the subject site, which prohibit any use involving the creation of lots less than 20 acres in size. [Martin County, Fla., CGMP, Policy 4.13A.1.; Martin County, Fla., LDR, Section 3.402.]

**Remedy/Suggestion/Clarification:**

The applicant appears to have proposed to potentially create a lot of less than 20 acres through the provision to buy the lease parcel as cited in the submitted materials. This would result in an inconsistency with the Land Use designation and the Zoning regulations.

**Item #6:**

**Disclosure Requirements**

Please submit a completed financial disclosure affidavit form. A template form is provided attached to this staff report as Exhibit 1. [Martin County, Fla., LDR, Section 10.2.B.3. (2016)]

**Additional Information:**

**Information #1:**

The applicant has elected `Option 2, regarding Agency permit submittal for a consistency review after project approval. Prior to scheduling the mandatory pre-construction meeting for construction commencement authorization, all applicable local, state, and federal approved permits are to be submitted for review by the County Administrator with remittance of a \$600.00 review fee. If an application is made to any permitting agency for a modification to a permit that was required to be issued prior to final site plan approval, the application for the permit modification must be submitted concurrently to Martin County. [Martin County, Fla., LDR, Section 10.9.A. (2016)]

***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***

No dedication of additional right of way is required or proposed by the Applicant pursuant to the Roadway Classifications set forth in Section 4.843.B, Land Development Regulations, Martin County, Fla. [2001], which includes Table 4.19.1 that lists the minimum right-of-way requirements. Therefore, the Applicant is not required to submit due diligence materials for review by Real Property Management.

***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 wetland or upland habitats exist on-site. Therefore, the county land preservation requirements are not applicable for this project.

**Landscape**

**Unresolved Issues:**

**Item #1:**

**Landscape Tabular Data**

Landscape plans shall include a table which lists the gross and net acreage, acreage of development and preservation areas, number of trees and tree clusters to be protected within the developed area and within perimeter areas, and square footage of vehicular use areas MARTIN COUNTY, Fla., LDR [Section 4.662.A.10] (2013). Interior and perimeter vehicular use areas should be quantified separately in the table. Tabular data shall also indicate a calculation of the minimum total number of trees and shrubs required to be planted based upon the proposed developed area and separately based upon quantities required to meet the vehicular use area planting requirements and any required bufferyard requirements.

Please also include the following:

- a. Document compliance with the requirement that twenty (20) percent of the total developed area shall be landscaped.
- b. Document that nonresidential developments provide at least one tree per 2,500 square feet of site area.
2. Tabular data shall also indicate calculations of the minimum total number of trees and shrubs to be planted based upon the proposed developed area and separately based upon quantities required to meet vehicular use planting requirements and bufferyard requirements.

**Remedy/Suggestion/Clarification:**

Provide site data table to demonstrate compliance.

**Item #2:**

**General Landscape Design Standards**

Please demonstrate compliance with the following general landscape requirements on the provided plans:

- a. The following statement is provided: "All prohibited species shall be removed from the entire site prior to the issuance of a certificate of occupancy." MARTIN COUNTY, Fla., LDR [Section 4.664.A.3] (2013)
- b. Mulch material to a minimum compacted depth of three inches is provided for all planting areas when used to supplement ground cover. Cypress mulch may not be used as a mulching material. MARTIN COUNTY, Fla., LDR [Section 4.663.C.1] (2013)
- c. The following statement is provided: "The use of cypress mulch is prohibited in all landscaped areas."
- d. No use shall be made of, and no development activity shall be permitted in, land use buffers and perimeter landscape areas, except for:
  - i. Planting material approved as part of the landscape plan.
  - ii. Completely underground utilities and essential, specifically approved, overhead or aboveground utilities which cross these areas and do not interfere with the mature growth of required plant material.
  - iii. Grass ditches, with back slopes no steeper than 3V:1H, which can support the required landscaping materials.

**Remedy/Suggestion/Clarification:**

Add required notes.

**Item #3:**

**Landscape Protection And Maintenance**

Please add the following notes regarding landscape maintenance to the plans provided.

Protection of required landscaping. MARTIN COUNTY, Fla., LDR [Section 4.665.B.4] (2013):

1. Encroachment into required bufferyards and landscaped areas by vehicles, boats, mobile homes or trailers shall not be permitted, and required landscaped areas shall not be used for the storage or sale of materials or products or the parking of vehicles and equipment.

Maintenance of required landscaping.

1. Required landscaping shall be maintained so as to at all times present a healthy, neat and orderly appearance, free of refuse and debris. If vegetation which is required to be planted dies it shall be replaced with equivalent vegetation. All trees for which credit was awarded and which subsequently die, shall be replaced by the requisite number of living trees according to the standards established in the Martin County Landscape Code.
2. All landscaping shall be maintained free from disease, pests, weeds and litter. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices. Perpetual maintenance shall be provided to prohibit the reestablishment of harmful exotic species within landscaping and preservation areas.
3. Regular landscape maintenance shall be provided for repair or replacement, where necessary, of any screening or buffering required as shown on this plan. Regular landscape maintenance shall

be provided for the repair or replacement of required walls, fences or structures to a structurally sound condition as shown on this plan.

**Remedy/Suggestion/Clarification:**

Add required notes.

***K. Determination of compliance with transportation requirements - Engineering Department***

**Findings of Compliance:**

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

**Compliance with Adequate Public Facilities Ordinance:**

The applicant has indicated that the proposed substation is an unmanned facility. 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 accepted road facility). [Martin County, Fla., LDR Section 5.3]

***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***

**Unresolved Issues:**

**Item #1:**

Rights Of Way Improvements

1. Pursuant to the Quit Claim Deed recorded in ORB 02475 PG 2860, Martin County accepted 100-feet of right-of-way from the Florida Department of Transportation (FDOT) for SW Citrus Blvd. Identify the additional 100-feet of right-of-way per said ORB&PG to demonstrate SW Citrus Blvd is in compliance with right-of-way width requirements. [Martin County, FLA., LDR Section 4.843.B (2010)]
2. Remove the 6-foot sidewalk within SW Citrus Blvd right-of-way. The site location is outside the urban service boundary. In lieu of constructing a sidewalk, the applicant shall pay the cost of construction as part of the post approval process (see Section U of the Staff Report). [Martin County, FLA., LDR, Section 4.843.G (2010)]

**Item #2:**

Consistency With Other Plans

1. Remove Martin County from the title of the Final Site Plan.
2. Explain the purpose of the 30' Stabilized area that is separated from the electrical yard by a 8-

foot high fence.

3. Identify the electrical yard on the Final Site Plan and Construction Plans.
4. The existing easements and rights-of-way labels are inconsistent on the Final Site Plan, Survey, and Construction Plans. The 170' FPL Easement as identified on the survey is labeled as 70-foot right-of-way on the construction plans and 170-foot right-of-way on the Final Site Plan.

**Item #3:**

**Stormwater Mgmt Pre-Development**

The pre-development runoff rate is not acceptable because it is higher than the previously permitted SFWMD ERP allowable runoff rate. The Special Condition number 2 and the project evaluation section of the provided SFWMD Permit on pages 73 and 76, respectively, in the Stormwater Report state an allowable discharge of 0.154 cfs/acre.

**Item #4:**

**Stormwater Mgmt Post-Development**

1. Revise the stormwater report to state the post development runoff rate shall not exceed the previously permitted allowable discharge rate of 606.5 cfs (0.154 cfs/acre) as listed in the Special Conditions on page 73 in the Stormwater Report. Based on the analysis provided, the post development result is less than the allowable discharge of 0.154 cfs/acre; however, the allowable discharge statements are incorrect.
2. The system does not recover 90-percent of the 25-year 3-day runoff volume in 12 days from cessation of the storm event. The Stormwater Report provided analyzed the 90% recovery criteria with the water quality volume. The system must recover half of the water quality treatment volume between 24 hours and five days, and it must recover 90% of the total runoff volume from the 25-year 3-day storm event in 12 days from the cessation of the storm event. [Martin County, FLA. LDR, Section 4.385.F.4.c.4 (2015)]

**Item #5:**

**Stormwater Mgmt Construction Plans**

1. Provide a cover sheet with an index of all sheets included in the construction plans with drawing number references. [Martin County FLA. Stormwater Management and Flood Protection Standards 1.4.B.8.a (2015)]
2. Construction is proposed outside the boundary limits of the project site. Provide documentation from neighboring properties approving construction on their properties (i.e. the access road and the outfall culvert).
3. SW Citrus Blvd is a County road. Correct the road label on all plan sheets and the Final Site Plan.
4. There are multiple labels referencing sheets not provided in the plan set. (i.e. HUM06, HUM27, landscape plans). Provide all referenced sheets or revise the labels to reference the correct sheet numbers.
5. The Security Fence label references Note 4 for additional information. Note 4 is in regards to the labeling of the proposed elevations.
6. Explain the purpose for drainage structure SD-4. Provide a detail of the structure (sheet HUM27 was not provided).

7. Explain how stormwater is to be detained in the exfiltration trenches.
8. The invert elevation of the bleeder is not adequate. It must be one inch above the dry detention bottom, not 5.88-inches as designed on the control structure detail. [Martin County FLA, LDR Section 4.385.F.4.c.(2) (2015)]
9. The FPL Standards and Specifications referenced in the notes on sheet 1 of 4 in the construction plans have not been provided.
10. Show how access to control structures is proposed. [[Martin County FLA, LDR Section 4.348.H (2001)]

***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 complies with applicable addressing regulations.

**Information #1:**

Street Naming

The street name SW Citrus Blvd is existing and meets all addressing LDRs. An address will be assigned to this property upon approval of this site plan application in accordance with Section 4.770.D., Land Development Regulations, Martin County, Fla. ([2014])

**Electronic File Submittal**

**Findings of Compliance:**

The Information Services Department staff has reviewed the electronic file submittal and finds it in compliance with the applicable county requirements.

**Information #1:**

Elec File Format

A digital site plan and digital boundary survey are required to be submitted with the final site plan application. The required digital file format for the site plan and boundary survey is AutoCAD 2004 drawing format (.dwg). The digital version of the site plan and boundary survey must match the hardcopy version as submitted. Updated digital site plan files will be required to be submitted by the applicant during the development review process. All digital deliverables must be submitted on CD-ROM and labeled with project name, date, and applicant contact information.

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. ([2016])

**Information #2:**

Elec File State Plane Coordinates

The site plan shall be based upon and consistent with a boundary survey prepared by a licensed Florida

professional surveyor and mapper within 180 days of initial site plan submittal. The boundary survey and site plan shall be based on the Florida State Plane Coordinate System, NAD83/90 as adjusted, with units in US survey feet.

Both AutoCAD site plan and boundary survey were in State Plane coordinates and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. ([2016])

**Information #3:**

Elec File Boundary Survey

A digital version of the boundary survey as described above shall be provided with the site plan application. The boundary survey must be submitted as a master drawing in its entirety. Drawing layer standards are not required for digital boundary survey. The digital version of the boundary survey must match the signed and sealed paper copy of the survey as submitted.

The AutoCAD boundary survey was received and found to be in compliance with Section 10.2.B.5, Land Development Regulations, Martin County, Fla. ([2016])

***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.

The County's concern for level of service and concurrency for water and sanitary sewer will be addressed when the Martin County Health Department and/or the Florida Department of Environmental Protection issues a permit for the potable well & water treatment system and the on-site sewage disposal system(s).

**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.

The applicant must submit a copy of the South Florida Water Management District Water Use Permit for the proposed irrigation well prior to scheduling the Pre-Construction meeting.

***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. 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.

#### **SURFACE COMPACTION**

Demonstrate that the required Fire Department access road shall have a surface designed to:

1. Accommodate fire apparatus with a minimum weight of 32 tons. [1:18.2.2.1.3]
2. Have a surface suitable for all-weather driving capabilities. [1:18.2.2.5.2] Examples: Turf Block, Concrete, Stone, etc.

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

##### **Findings of Compliance:**

The applicant has stated in the project narrative, "as the associated work cannot reasonably be performed by handicap persons, this facility is not subject to accessibility requirements of the American Disability Act (ADA) pursuant to Chapter 553.504 (1) of the Florida Statutes." [Martin County, Fla., LDR, Section 10.1.F. (2016)]

Therefore the General Services Department staff did not review this application for compliance with the applicable Americans with Disability Act requirements.

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

##### **Martin County Health Department**

##### **Findings of Compliance:**

The site plan proposed by the applicant is in compliance with the requirements of the Department of Health. A septic system permit and well approval are required per 64E-6.001(2) FAC 2013 and 62-532.200 FAC 2012 respectively. The well could possibly be classified as a Limited Use Public Well per 64E-8.001 FAC 2008 , and would need to adhere to said standards of 64E-8.002 FAC 2008 and setbacks per 52-653.400(7) FAC 2012.

Please call Todd Reinhold or Nick Clifton with the Department of Health at (772) 221-4090 if additional information is needed.

##### **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 – On-site Well

Findings - Pending

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 – On-site Septic

Findings - Pending

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 - Pending

Source - Growth Management Department

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

Findings - Pending

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 – In Place

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.

### **Unresolved Issues:**

#### **Item #1:**

The submitted materials contain inconsistent information with regards to the use of this site, since potable water and septic are proposed for a site identified as 'unmanned'. Please clarify the specific uses proposed for this site for evaluation of adequate public facilities.

### ***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:**

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.

#### **Item #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.

#### **Item #5:**

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 #6:**

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 #7:**

Ten (10) 24" x 36" copies of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. Fold to 8 by 12 inches.

**Item #8:**

Ten (10) copies 24" x 36" of the approved site plan and one (1) reduced copy 8 1/2" x 11".

**Item #9:**

Original approved site plan on Mylar or other plastic, stable material.

**Item #10:**

Ten (10) 24" x 36" copies of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.

**Item #11:**

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 #12:**

Original of the construction schedule.

**Item #13:**

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 #14:**

The decision maker may waive the sidewalk requirements and accept payment equal to the cost of construction, as determined by the County Engineer, when the decision maker deems the sidewalk construction is not warranted. Such payment shall be used to fund sidewalk construction within the County to enhance pedestrian connectivity as needed or may be allocated to fund economic development activities at the discretion of the Board of County Commissioners. In lieu of constructing a sidewalk along SW Citrus Blvd., the applicant shall pay the cost to construct 360 LF at \$25.00/LF within sixty (60) calendar days of the project approval [4.843.G.8]

**Item #15:**

Original and one (1) copy or two (2) copies of the executed and signed Water and Wastewater Service Agreement with Martin County Regional Utilities and one (1) copy of the payment receipt for Capital Facility Charge (CFC) and engineering and recording fees.

**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.

**Item #1:**

**STORMWATER MGMT PERMITS**

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

1. South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP)
2. Florida Department of Environmental Protection (FDEP) NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities.

**Item #2:**

**WATER AND WASTEWATER**

The applicant must provide a copy of all required Department of Environmental Protection permits prior to scheduling the Pre-Construction meeting.

**Item #3:**

**SFWMD REQUIRED IRRIG PERMITS**

The applicant must provide a copy of all required South Florida Water Management District permits prior to scheduling the Pre-Construction meeting.

**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:	\$9,127.00	\$9,127.00	\$0.00
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: South Florida Water Management District  
Jennifer M. Gent, P.E.  
3301 Gun Club Road, MSC 5932  
West Palm Beach, FL 33406  
561-682-2668

Agent: Culpepper & Terpening, Inc.  
Patrick J. Ferland, P.E.  
2980 South 25th Street  
Fort Pierce, FL 34981  
772-464-3537

Engineer: Culpepper & Terpening, Inc  
Patrick J. Ferland, PE  
2980 South 25th Street  
Ft. Pierce, FL 34981  
772-359-1241

## **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**

Exhibit 1: Financial Disclosure Affidavit Form

## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

<b>Name</b>	<b>Address</b>	<b>Interest</b>

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

<b>Application Name and/or Project Number</b>	<b>Names &amp; Addresses of Parties involved</b>	<b>Date</b>	<b>Type of Application</b>	<b>Status of Application*</b>

(If more space is needed attach separate sheet)

- Status defined as:  
A = Approved

P = Pending  
D = Denied  
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

\_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_, by  
\_\_\_\_\_, who is personally known to me or have produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_

Notary Public, State of \_\_\_\_\_

(Notary Seal)

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Exhibit "A"**  
**(Disclosure of Interest and Affidavit)**  
**(Legal Description)**

**Appendix**  
**Article 10.2.B.3. Article 10, Development Review Procedures;**  
**Land Development Regulations; Martin County Code**

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
  - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
  - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
  - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
  - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
  - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
  - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
  - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.