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July 5, 2018

Ms. Dianne Hannon
Secretary to the
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, FL 32054

TRANSMITTED VIA ELECTRONIC MAIL ONLY
SIGNED ORIGINAL ON FILE

RE: Petition No. SE 18-01 (Florida Power and Light Company)

Resolution
Concerning a Special Exception

Dear Dianne:

Please find enclosed the above referenced resolution.

The County Attorney should review the resolution as to legal form and sufficiency.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

SRK/cf

xc: Russell A. Wade III, County Attorney

RESOLUTION NO. BA/SE 18-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF UNION COUNTY, FLORIDA, GRANTING WITH APPROPRIATE CONDITIONS AND SAFEGUARDS A SPECIAL EXCEPTION AS AUTHORIZED UNDER SECTION 3.2 OF THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; PROVIDING FOR A SPECIAL EXCEPTION TO THE PERMITTED USES WITHIN AGRICULTURAL-2 (A-2), AGRICULTURAL-3 (A-3) AND INDUSTRIAL (I) ZONING DISTRICTS, AS PROVIDED WITHIN SECTIONS 4.5.5 AND 4.16.5 OF THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED, TO PERMIT A SOLAR FARM ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF UNION COUNTY, FLORIDA; PROVIDING FOR REVOCATION OF THE SPECIAL EXCEPTION; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Union County Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Union County, Florida, serving as the Board of Adjustment of Union County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant, to grant with appropriate conditions and safeguards or deny special exceptions as authorized under Section 3.2 of the Land Development Regulations;

WHEREAS, a petition for a special exception, as described below, has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a special exception, as described below, and considered all comments received during said public hearing;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant with appropriate conditions and safeguards or deny a special exception, as described below;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting with appropriate conditions and safeguards of the petition for a special exception, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the petitioner has proposed ingress and egress to the property and proposed structures thereon for automotive and pedestrian safety and convenience, in a manner that will not have an undue adverse impact on traffic flow and control, and access in case of fire or catastrophe;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the special exception is generally compatible with adjacent properties, other property in the district and natural resources; and

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) The proposed use would be in conformance with the Comprehensive Plan and would not have an undue adverse effect on the Comprehensive Plan;
- (b) The proposed use is compatible with the established land use pattern;
- (c) The proposed use will not materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, and streets;

- (d) The proposed use will not have an undue adverse influence on living conditions in the neighborhood;
- (e) The proposed change will not create or excessively increase traffic congestion or otherwise affect public safety;
- (f) The proposed change will not create a drainage problem;
- (g) The proposed change will not seriously reduce light and air to adjacent areas;
- (h) The proposed change will not adversely affect property values in the adjacent areas;
- (i) The proposed change will not be a deterrent to the improvement or development of adjacent property in accord with existing regulations; and
- (j) The proposed use is not out of scale with the needs of the neighborhood or the community.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF UNION COUNTY, FLORIDA, THAT:

Pursuant to a petition, SE 18-01, by Florida Power and Light Company, to request a special exception be granted to permit a solar farm, as provided for in Sections 4.5.5 and 4.16.5 of the Land Development Regulations within AGRICULTURAL-2 (A-2), AGRICULTURAL-3 (A-3) and INDUSTRIAL (I) zoning districts in accordance with a site plan dated May 15, 2018, and submitted as part of a petition dated April 20, 2018, the Board of Adjustment hereby grants a special exception, as described above, subject to the appropriate conditions and safeguards herein specified, to be located on property described, as follows:

A parcel of land lying within Section 33, Township 5 South, Range 20 East, and Sections 3, 4, 9, and 10, Township 6 South, Range 20 East, Union County, Florida. Being more particularly described, as follows: Commence at the Northeast corner of said Section 4 and the Point of Beginning; thence North 86°35'32" East 573.97 feet, along the North line of said Section 3 to the Southerly right-of-way line of State Road 100; thence South 59°35'27" East 185.77 feet, along the Southerly right-of-way line of said State Road 100 to a Point of Curvature of a curve concave Northeasterly having a radius of 17,248.91 feet, a central angle of 04°41'50", a chord bearing of South 61°56'22" East, and a chord distance of 1,413.70 feet; thence Southeasterly along the arc of said curve an arc distance of 1,414.10 feet to a Point of Tangency; thence South 64°17'12" East 287.30 feet; thence South 07°20'50" West 313.58 feet; thence South 64°42'18" East 487.57 feet, to the Westerly right-of-way line of County Road 237; thence South 07°27'08" West 46.35 feet, along the Westerly right-of-way line of said County Road 237 to a Point of Curvature of a curve concave Easterly having a radius of 2,331.83 feet, a central angle of 09°00'00", a chord bearing of South 02°57'08" West, and a chord distance of 365.91 feet; thence Southerly along said curve an arc distance of 366.28 feet to a Point of Tangency; thence South 01°32'52" East 2,163.71 feet; thence South 01°42'13" East 5.49 feet to the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence South 86°11'11" West 1,283.16 feet, along the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 3 to the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence South 01°18'55" East 1,371.42 feet, along the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 3 to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 10; thence South 01°48'08" East 1,373.52 feet, along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 10 to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 10; thence South 85°40'34" West 1,279.45 feet, along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 10 to the East line of said Section 9; thence South 01°42'15" East 116.64 feet, along the East line of said Section 9 to the Northerly right-of-way line of the Palatka-to-Lake Butler State Trail; thence North 48°19'10" West 7,183.34 feet, along the Northerly right-of-way line of said Palatka-to-Lake Butler State Trail; thence North 41°40'38" East 100.42 feet; thence South 69°32'40" East 916.31 feet; thence South 47°32'19" East 79.64 feet; thence South 69°36'19" East 433.21 feet; thence North 20°29'35" East 656.41 feet; thence North 23°11'43" West 375.69 feet; thence North 69°40'28" West 264.21 feet; thence North

20°04'22" East 251.24 feet; thence South 70°29'33" East 634.53 feet; thence North 20°27'44" East 651.63 feet; thence North 51°12'49" West 232.20 feet; thence North 44°44'18" West 93.35 feet; thence North 37°04'43" West 92.08 feet; thence North 33°08'39" West 675.19 feet to a point being on a non-tangent curve concave Southeasterly having a radius of 1,095.92 feet, a central angle of 19°36'58", a chord bearing of North 44°18'34" East, and a chord distance of 373.38 feet; thence along the arc of said curve 375.21 feet to a Point of Tangency; thence North 54°07'04" East 2,095.38 feet; thence North 87°15'48" East 41.86 feet to the Southerly right-of-way line of said State Road 100; thence South 59°35'27" East 1,958.98 feet, along the Southerly right-of-way line of said State Road 100 to the East line of said Section 33; thence South 02°08'24" East 378.96 feet, along the East line of said Section 33 to the Point of Beginning.

Containing 814.57 acres, more or less.

Section 2. A site plan, as described above, is herewith made a part of this resolution by reference and shall govern the development and use of the above described property. Any deviation from the site plan shall be deemed a violation of the Land Development Regulations. In addition, any activities to be conducted within the area described within this application shall meet any additional requirements of the County, regional agencies, the State of Florida and the United States of America.

Section 3. The use of land approved by this special exception shall be in place, or a valid permit shall be in force for the construction of such land use within twelve (12) months of the effective date of this resolution. If such land use is not in place or if a valid permit for the construction of such land use is not in effect, within twelve (12) months of the effective date of this resolution, this resolution granting with appropriate conditions and safeguards such special exception is thereby revoked and of no force and effect.

Section 4. All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 5. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Board of Adjustment, this 16th day of July 2018.

BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, FLORIDA
SERVING AS THE BOARD OF ADJUSTMENT
OF UNION COUNTY, FLORIDA

Attest:

Kellie Hendricks Connell, County Clerk

Karen E. Cossey, Chair