

## **RESOLUTION #RES2021-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, GRANTING APPROVAL OF A SPECIAL EXCEPTION TO ALLOW A 75-MEGAWATT SOLAR FARM ON PORTIONS OF PROPERTIES TOTAL ± 82 ACRES (TOTAL PARCELS 437 ACRES) WITH AGRICULTURAL (A-1) ZONING AND CONSERVATION (REMAINDER OF PARCELS) FUTURE LAND USES PURSUANT TO THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DUNNELLON, FLORIDA; PROVIDING FOR CONFLICTS, SEVERABILITY AND; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Dunnellon held a quasi-judicial public hearing on May 10, 2020, to consider a request by John Taylor, 1160 Island Rd, Riviera Beach, FL, 33404, on behalf of Kingston Associates, LLC, to recommend approval of a special exception to allow a 75-megawatt (MW) solar farm on portions of properties totaling ±82 acres (total parcels 437 acres) with Agricultural (A-1) zoning and Agriculture and Conservation (remainder of parcels) (as described within the Staff Report) future land uses pursuant to the Land Development Regulations; and; and

**WHEREAS**, the City Council has the authority to approve, approve with conditions, or deny a request for a special exception per the City's Land Development Regulations; and

**WHEREAS**, the City Council has considered the recommendation of approval by the Planning Commission of the City of Dunnellon that the Applicant, John Taylor on behalf of Kingston Associates, LLC, has met the criteria for a special exception and that granting of the special exception will not adversely affect the public interest; and

**WHEREAS**, the City Council finds that the Applicant has met the criteria under the Land Development Code Section 9.1(b)(1)-(11) as well as Ord 2020-10 for a special exception for a solar farm facility and that the granting of the special exception will be in harmony with the general intent and purpose of the Land Development Regulations, and such special exception will not be injurious to the area involved or otherwise detrimental to the public welfare; and

**WHEREAS**, the City Council adopts, as its findings of fact, the findings and recommendations set forth in the staff report, which are supported by competent, substantial record evidence received at the quasi-judicial hearing; and

**WHEREAS**, the City Council has determined approval is consistent with Dunnellon's Comprehensive Plan.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Dunnellon, Florida as follows:

**Section 1. Recitals Incorporated.** The above recitals are true and correct and are incorporated herein.

**Section 2.** Applicant's request for special exception is hereby granted, subject to the conditions specified herein and within the corresponding Development Order. The Mayor is authorized to execute the Development Order prepared by Staff.

**Section 3.** The Development Order for the special exception permit shall contain the following conditions:

1. The applicant will be required to work with the State to mitigate any damage to Bridges Road or impacts on nearby residents or property users during construction due to its vehicles in a timely manner. They will also be required to do the same with the County regarding the intersection of Bridges Road with CR 484.
2. The applicant shall be responsible for coordinating with the County and State and paying for any improvements needed to Bridges Road and/or its intersection with C.R. 484 related to this project.
3. The applicant shall cooperate with the County and State regarding any traffic control measures deemed necessary for the project.
4. At the time of development review, surety shall be posted to ensure removal of equipment at the time the solar farm seeks to operate.
5. Turbidity screens shall be kept up perpetually along all wetlands within 50 feet of development as defined in Florida Statutes, including, but not limited to, the gravel pathways.
6. The applicant shall comply with the standards of Section 74-66(a)-(j) of the City's Code and all applicable state statutes regarding tree removal.
7. The applicant shall continue to demonstrate compliance with all federal and state statutes or regulations governing solar farms. The applicant shall obtain any additional applicable licenses and/or permits from such federal and state agencies should any become necessary.

Additionally, per the requirements of ORD2020-10:

- If trees are to be removed for construction of the solar farm, applicant will be required to comply with the standards of Section 74-66(a)-(j) of the City's Code and all applicable state statutes regarding tree removal.
- Applicant must demonstrate compliance with all federal and state statutes or regulations governing solar farms and the applicant shall obtain all applicable licenses and/or permits from such federal and state agencies as required in the future.

**Section 4. Conflicts.** All resolutions and parts of resolution in conflict with this resolution are hereby repealed.

**Section 5. Severability.** If any portion of the Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

Resolution #RES2021-04, Solar Farm

**Section 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

Upon motion duly made and carried, Resolution #RES2021-04, Special Exception SPX2021-01 was approved and passed by the City Council of the City of Dunnellon this 10th day of May, 2021.

Public Hearing Notice mailed to Property Owners and Surrounding Property Owners on April 21, 2021 and posted on the City's website on April 28, 2021.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Dunnellon, Florida, on May 10, 2021.

**ATTEST:**

**CITY OF DUNNELLO, FLORIDA**

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Amanda Roberts, CMC  
City Clerk  
Approved as to form:

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William P. White, Mayor

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Andrew Hand, City Attorney

First Draft May 10, 2021 City Council Meeting