





# Official Zoning Agenda

BOARD OF COUNTY COMMISSIONERS

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COUNTY COMMISSION MEETING OF THURSDAY, JANUARY 10, 2013

NOTICE: THE FOLLOWING HEARING IS SCHEDULED FOR 9:30 A.M., AND

ALL PARTIES SHOULD BE PRESENT AT THAT TIME

ANY PERSON MAKING IMPERTINENT OR SLANDEROUS REMARKS OR WHO BECOMES BOISTEROUS WHILE ADDRESSING THE COMMISSION SHALL BE BARRED FROM FURTHER AUDIENCE BEFORE THE COMMISSION BY THE PRESIDING OFFICER, UNLESS PERMISSION TO CONTINUE OR AGAIN ADDRESS THE COMMISSION BE GRANTED BY THE MAJORITY VOTE OF THE COMMISSION MEMBERS PRESENT.

NO CLAPPING, APPLAUDING, HECKLING OR VERBAL OUTBURSTS IN SUPPORT OR OPPOSITION TO A SPEAKER OR HIS OR HER REMARKS SHALL BE PERMITTED. NO SIGNS OR PLACARDS SHALL BE ALLOWED IN THE COMMISSION CHAMBER. PERSONS EXITING THE COMMISSION CHAMBER SHALL DO SO QUIETLY.

THE USE OF CELL PHONES IN THE COMMISSION CHAMBERS IS NOT PERMITTED. RINGERS MUST BE SET TO SILENT MODE TO AVOID DISRUPTION OF PROCEEDINGS. INDIVIDUALS, INCLUDING THOSE ON THE DAIS, MUST EXIT THE CHAMBERS TO ANSWER INCOMING CELL PHONE CALLS. COUNTY EMPLOYEES MAY NOT USE CELL PHONE CAMERAS OR TAKE DIGITAL PICTURES FROM THEIR POSITIONS ON THE DAIS.

THE NUMBER OF FILED PROTESTS AND WAIVERS ON EACH APPLICATION WILL BE READ INTO THE RECORD AT THE TIME OF HEARING AS EACH APPLICATION IS READ.

THOSE ITEMS NOT HEARD PRIOR TO THE ENDING TIME FOR THIS MEETING, WILL BE DEFERRED TO THE NEXT AVAILABLE ZONING HEARING MEETING DATE FOR THIS BOARD.

SWEARING IN OF WITNESSES

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1. FLORIDA POWER & LIGHT CO. (12-12-CC-1/12-090) 27/28/29/30/31/32/33/34-57-40  
4/5/7/8/16/17/18/19/20/21/2829/30-58-40  
BCC/District 9

- (1) UNUSUAL USE to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.
- (2) UNUSUAL USE to permit parking located in a zone more restrictive than the use it serves.
- (3) NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way; and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
- (4) NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
- (5) NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
- (6) SPECIAL EXCEPTION to permit fences with multiple strands of barbed wire in the GU zone.
- (7) NON-USE VARIANCE to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.
- (8) MODIFICATION of Condition #4 of Resolution Z-56-07 and reading as follows:

FROM: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

TO: "4. Except for Parcel "A", FPL shall not apply for a any water withdrawal from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7."

The purpose of Request #8 is to allow the applicant to apply for water withdrawals as a backup source for cooling water.

REQUEST #9 ON PARCELS "A" & "B"

- (9) MODIFICATION of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, reading as follows:  
FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application





Decisions of the Community Zoning Appeals Board (CZAB) are appealed either to Circuit Court or to the Board of County Commissioners (BCC) depending upon the items requested in the Zoning Application. Appeals to Circuit Court must be filed within 30 days of the transmittal of the CZAB resolution. Appeals to BCC must be filed with the Zoning Hearings Section of the Department of Regulatory and Economic Resources (RER), within 14 days of the posting of the results in the department.

Further information and assistance may be obtained by contacting the Zoning Hearings Section for the Department of Regulatory and Economic Resources (RER), at (305) 375-2640. For filing or status of Appeals to Circuit Court, you may call the Clerk of the Circuit Court at (305) 349-7409.

# Memorandum



**Date:** January 10, 2013

**To:** The Board of County Commissioners

**From:** Developmental Impact Committee  
Executive Council

**Subject:** Developmental Impact Committee Recommendation

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**APPLICANT:** Florida Power & Light (Z12-090)

**SUMMARY OF REQUESTS:**

The applicant is seeking unusual uses to permit a reclaimed water treatment facility and radial collector well system ancillary to a nuclear electric power plant, and to permit parking in a zone more restrictive than the use it serves. Additionally, there are other requests to modify a condition of a previously approved resolution, and non-use variances to permit buildings and structures with a height of 75 feet, to waive the dedication of certain section line roads and half-section line roads, and to permit fences with a height of 12 feet and barbed wire.

**LOCATION:** Lying east of canal L31E, south of SW 344 Street, west of Biscayne Blvd and north of theoretical SW 362 Street, Miami-Dade County, Florida.

**COMMENTS:**

This application is before the Developmental Impact Committee due to the size of the application. Section 33-303.1(D)(7) of the Code of Miami-Dade County charges the Developmental Impact Committee (DIC) to address applications with respect to: (I) conformance with all applicable plans; (II) environmental impact; (III) impact on the economy; (IV) impact on essential services; and (V) impact on public transportation facilities and accessibility.

The meeting of the DIC Executive Council was held on November 7, 2012 and the attached Department memoranda were reviewed and considered by said Committee.

**DIC RECOMMENDATION:**

**Modified approval with conditions of request #1 and #8 with the removal of the reclaimed water treatment facility from the plan, approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility; approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, 5 and #6, as set forth in the Department of Regulatory and Economic Resources' recommendation.**

APPLICATION NO. Z12-90  
FLORIDA POWER & LIGHT CO

Respectfully Submitted,

DIC Executive Council  
November 28, 2012

William Bryson, Fire Chief  
Miami-Dade Fire Rescue Department

Absent

Irma San Roman, Interim Director  
Metropolitan Planning Organization Secretariat

Absent

Eric Silva, AICP  
Sustainability, Planning and Economic Enhancement  
Department



AYE

Antonio Cotarelo, Assistant Director  
Public Works Department



AYE

Jose Gonzalez, P.E., Assistant Director  
Department of Environmental Resources Mgmt



AYE

Bertha M. Goldenberg, Assistant Director  
Miami-Dade Water and Sewer Department



AYE

**Miami-Dade County Department of Regulatory and Economic Resources  
Developmental Impact Committee (DIC)  
Recommendation to the Board of County Commissioners**

PH: Z12-090

DIC Date: November 28, 2012

<b>Recommendation Summary</b>	
<b>Commission District</b>	9
<b>Applicant</b>	Florida Power & Light Co
<b>Summary of Requests</b>	The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant and parking in a zone more restrictive than the use it serves. Additionally, the applicant is requesting to waive the required dedication on portions of section and half-section line rights-of-way, to permit building and fence heights taller than permitted, to permit barbed wire and to permit required landscaping to be installed offsite. Further, the applicant is requesting to modify conditions of previously approved resolutions.
<b>Location</b>	East of SW 117 Avenue, lying between theoretical SW 344 Street and theoretical SW 456 Street, Miami-Dade County, FL
<b>Property Size</b>	±9,219.30 acres
<b>Existing Zoning</b>	AU, Agriculture & GU, Interim
<b>Existing Land Use</b>	Nuclear power plant, cooling canals, barge slip, and vacant land
<b>2015-2025 CDMP Land Use Designation</b>	Environmental Protection Environmental Protection Subareas E & F Institutions, Utilities & Communications <i>(see attached Zoning Recommendation Addendum)</i>
<b>Comprehensive Plan Consistency</b>	Reclaimed water treatment facility (a portion of request #1) and associated requests #4, #5 & #6 are <b>inconsistent</b> with interpretative text, goals, objectives and policies of the CDMP  Radial collector well system (a portion of request #1), requests #2, #3, #7, #8 (with removal of the reclaimed water treatment facility) and #9 are <b>consistent</b> with interpretative text, goals, objectives and policies of the CDMP
<b>Applicable Zoning Code Section(s)</b>	Section 33-311(A)(3) Special Exceptions, Unusual Uses and New Uses Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations Section 33-311(A)(7) Generalized Modification Standards Section 33-303.1(D)(7) Developmental Impact Committee <i>(see attached Zoning Recommendation Addendum)</i>
<b>Recommendation</b>	<b>Modified approval with conditions of request #1 and #8 (approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility); approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, #5 and #6.</b>

**REQUESTS:**

Requests #1- #8 on Parcel "A"

- (1) UNUSUAL USE to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.

- (2) UNUSUAL USE to permit parking in a zone more restrictive than the use it serves.
- (3) NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
- (4) NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
- (5) NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
- (6) SPECIAL EXCEPTION to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).
- (7) NON-USE VARIANCE to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.
- (8) MODIFICATION of Condition #4 of Resolution Z-56-07, only as it applies to the subject property and reading as follows:

FROM: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

TO: "4. Except for Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7."

The purpose of Request #8 is to allow the applicant to apply for water withdrawals as a backup source for cooling water.

Request #9 on Parcels "A" & "B"

- (9) MODIFICATION of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, only as it applies to the subject property and reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application, Application Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group, and plans entitled "New Proposed Unusual Use Boundary", 1 sheet dated stamped received 10/30/12, and a second sheet dated stamped received 10/05/12 for a total of 2 sheets, all sheets prepared by the Curtis Group."

The purpose of Request #9 is to allow the applicant to submit revised plans showing the new reclaimed water treatment facility and radial collector wells.

Plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

**PROJECT HISTORY & DESCRIPTION:**

In 1964, pursuant to Resolution No. 2-ZAB-345-64, portions of the subject property were granted an unusual use to permit an electric power plant, including accessory facilities and for canal excavations. Further, in 1971, pursuant to Resolution No. 4-ZAB-559-71, portions of the subject property were granted an unusual use to permit 32 canal excavations for a water canal cooling system. Pursuant to Resolution No. CZAB-15-11-99 the applicant was granted approval to modify Condition #1 of Resolution No. 4-ZAB-559-71 in order to submit revised plans that showed the removal of or already removed spoil banks. Additionally, pursuant to Resolution No. Z-56-07, the applicant was granted an unusual use to permit a nuclear power plant and ancillary structures and equipment. Resolution No. Z-56-07 also modified Condition #1 of Resolution 4-ZAB-559-71, which allowed the applicant to submit revised plans that depicted the expansion of the existing nuclear power plant. Additionally, the applicant requested to waive dedicated rights-of-ways, subdivision regulations requiring parcels to have frontage and access from a public street with access from private drives; to permit buildings of 5 stories with maximum heights of 350', fences and walls with no height limit and with barbed wire, and required landscaping to be planted off-site. The new nuclear facility approved pursuant to Resolution No. Z-56-07 is known as Turkey Point Units 6 & 7.

The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to the previously approved nuclear power plant, Turkey Point Units 6 & 7; as well as, an unusual use to permit parking in a zone more restrictive than the use it serves (requests #1 & #2). Additionally, the applicant seeks to modify conditions of a previously approved resolution in order to submit revised plans that depict the proposed reclaimed water treatment facility and radial collector well system to allow withdrawals from the Biscayne Aquifer, but not as the primary source for cooling water for the facility approved pursuant to Resolution No. Z-56-07 (requests #8 & #9).

The proposed treatment plant and above ground portion of the well system will be located on approximately 385 acres in the northern portion of Turkey Point. Further, the applicant is requesting non-use variances for building and fence heights, to permit barbed wire, to waive right-of-way dedications and to permit offsite planting of the required landscaping (requests #3 through #7). Requests #1 through #7 of this application pertain to Parcel "A" only and requests #8 and #9 apply to Parcels "A" and "B".

<b>NEIGHBORHOOD CHARACTERISTICS</b>		
	<b>Zoning and Existing Use</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	AU-&, GU; Nuclear Power Plant, barge slip, cooling canals, vacant land	Environmental Protection Subarea E Environmental Protection Subarea F Institutions, Utilities & Communications
<b>North</b>	AU & GU; vacant land	Open Land Environmental Protection
<b>South</b>	GU; vacant land	Environmental Protection
<b>East</b>	IU-3 & GU; Nuclear Power Plant and Biscayne National Park	Environmental Protection Environmentally Protected Park
<b>West</b>	AU & GU; vacant land	Environmental Protection

**NEIGHBORHOOD COMPATIBILITY:**

The subject property is an existing nuclear power plant facility located outside of the Urban Development Boundary, east of SW 117 Avenue, between theoretical SW 344 Street and theoretical SW 456 Street. The surrounding area is characterized by mangroves and wetlands.

**SUMMARY OF THE IMPACTS:**

The applicant is requesting an unusual use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant and to permit parking in a zone more restrictive than the use it serves. Additionally, the applicant seeks non-use variances to permit building heights of 75', fence height of 12' ; to waive dedicated rights-of-ways and landscape regulations to permit required landscaping to be planted off-site. Further, the applicant is requesting a special exception to permit fences with multiple strands of barbed wire in the GU zoning district Approval would allow the applicant to build facilities that are ancillary to the previously approved Turkey Point Units 6 & 7; however, the proposed locations for the reclaimed water treatment facility would adversely impact high quality wetlands, mangroves and endangered species.

**COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) ANALYSIS:**

The subject property has three separate land use designations:1) **Environmental Protection Subarea E (Southeast Wetlands)**, 2) **Environmental Protection Subarea F (Coastal Wetlands and Hammocks)** and 3) **Institutions, Utilities and Communications** on the Comprehensive Development Master Plan (CDMP) Land Use Plan (LUP) map.

While the entire subject property has three CDMP LUP map designations, staff notes that the proposed location of the reclaimed water treatment facility and radial collector well system is within the **Environmental Protection Subarea F**. The area designated for Institutions, Utilities and Communications includes the existing and proposed electrical generating units. Below is a description of all land use categories related to the subject application. (Quoted CDMP language is in italics)

**Environmental Protection** designated lands applies *to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems*

*of County, regional, State or national importance. These lands are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. However, some high-quality uplands such as tropical hammocks and pinelands on the State Conservation And Recreation Lands (CARL) and Miami-Dade County Environmentally Endangered Lands (EEL) acquisition lists are also included. Most of the CARL projects are designated on the future Land Use Plan (LUP) Map, but some are not because of their small size. EEL projects that are acquired and are large enough to be depicted at the Plan Map scale are also designated on the Future Land Use Plan Map. It is the policy of this Plan that all land areas identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists shall have equally high priority for public acquisition as those land areas designated Environmental Protection on the Future LUP Map. Uses permitted within these areas must be compatible with the area's environment and the objectives of the Comprehensive Everglades Restoration Plan, and shall not adversely affect the long-term viability, form or function of these ecosystems. Residential development in this area shall be limited to a maximum density of one unit per five acres, and in some parts of this area lower densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems. densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems.*

*Because of the importance of maintaining the natural form and function of these areas, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. However, so long as these lands remain in private ownership, some compatible use of this land will be permitted by Miami-Dade County consistent with the goals, objectives and policies of this Plan and the objectives of the Comprehensive Everglades Restoration Plan. All proposed uses will be reviewed on a case-by-case basis for compliance with environmental regulations and consistency with this Plan and the Comprehensive Everglades Restoration Plan. The following provides an indication of the uses and residential densities that may be considered for approval subject to conformity with the pertinent goals, objectives and policies of this Plan. The precise boundary of the entire Environmental Protection area is depicted on the LUP map. The map titled "Environmental Protection Subareas" (Figure 7) and the following text indicate the boundaries between subareas of the Environmental Protection Area.*

**Environmental Protection Subarea E** is bounded on the west by US Highway 1 on the north by Open Land Subarea 5, on the east by Levee 31E and on the south by a hypothetical line extending between the point at which Card Sound Road meets Levee 31E, and the intersection of US Highway 1 and Canal-111. The area is low lying, poorly drained, flood prone, and is characterized predominantly by high-quality wetland communities. Accordingly, any land use or site alteration proposal will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

Additionally, the **Environmental Protection Subarea F** includes all coastal wetlands designated as Environmental Protection Area on the LUP map, which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by

*federal, State, regional, and County agencies. Further, necessary electrical generation and transmission facilities are also permitted in this area. However, the approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.*

The CDMP Land Use Element interpretive text for **Institutions, Utilities and Communications** states that *the plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Further, electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.*

**Request #1: Unusual Use to permit a reclaimed water treatment facility.**

**Related requests #4& #5 : Non-Use Variances to permit building heights of 75' (35' maximum permitted), to permit a fence height of 12' (8' maximum permitted); Special Exception to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).**

***CDMP Analysis – Request #1- Unusual Use for a reclaimed water treatment facility and related non-use variances requests #4 & #5 and special exception request #6***

Staff notes that Condition #5 of Resolution No. Z-56-07, states in part that FPL shall utilize reclaimed or reuse water to the maximum extent possible in accordance with the requirements of the Miami-Dade Water and Sewer Department (MDWASD) and the South Florida Water Management District. Further, staff notes that the FPL has proposed two locations within the Turkey Point Facility for siting of the reclaimed water treatment facility; however, both proposed locations are located within the designated Mangrove Protection Areas as defined by the CDMP Coastal Management Element Policy CM-1A. These proposed sites are also mangrove wetlands within the CDMP designated Environmental Protection Subarea F. Exhibit 1 contains photos of the two locations proposed for the reclaimed water treatment facility. The CDMP Coastal Management Element Policy CM-1A states in part that these areas shall not be altered, dredged, or filled except for projects that are:

- (1) necessary to prevent or eliminate a threat to public health, safety or welfare;*
- (2) water dependent;*
- (3) required for natural system restoration and enhancement; or*
- (4) clearly in the public interest; and where no reasonable upland alternative exists.*

*In such cases, the trimming or alteration shall be kept to the minimum, and done in a manner, which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.* FPL's analysis does not adequately demonstrate that the proposed Reclaimed Water Treatment Facility locations meet these exceptions.

Additionally, the locations are entirely within the federally sponsored Biscayne Bay Advance Identification study designated the proposed location as "Generally Unsuitable for Fill" in recognition of the high quality ecological value of wetlands. The alternate proposed location was outside the study area boundary and was not evaluated as part of the 1994 study. However, other than containing a previously filled area of approximately 6 acres, the remaining wetlands in the alternative site are of similar high quality. The wetlands surrounding and included within the reclaimed water treatment facility plant locations are within a designated Mangrove Protection Area, as defined by the CDMP Coastal Management Element Policy CM-1A

According to the CDMP, the reclaimed water treatment facility cannot be permitted as proposed in a Mangrove Protection Area unless FPL demonstrates to the County that it is in the public interest and that no reasonable upland alternative sites exist that could accommodate the reclaimed water treatment facility. The memorandum from RER-DERM states that FPL has not adequately demonstrated that there are no reasonable alternatives to the sites proposed in the Mangrove Protection Areas. FPL has not demonstrated that the proposed reclaimed water treatment facility could not be located outside the designated Mangrove Protection Areas at an upland site or even an altered, lower quality wetland site that would minimize or avoid impacts to high quality wetlands and threatened/endangered species habitat.

Further, the RER-DERM memorandum indicates that the proposed locations are composed of high quality wetlands that have very few exotic plants or other characteristics which would indicate degradation, and these wetlands provide important high quality habitat for numerous water-dependent species, including threatened or endangered species. Unlike the previously approved nuclear units, which are proposed to be located in degraded wetlands within the outer berms of a state approved industrial wastewater facility, the proposed reclaimed treatment facility would destroy high quality wetlands and mangroves. Staff opines that the filling of these mangrove wetlands would reduce and adversely affect habitat used by threatened or endangered species by the elimination of more than 39 acres of wetlands and other surface water habitat. As a result, the proposed locations of this facility are **inconsistent** with the CDMP Coastal Management Element Objective CM-1 and Policy CM-1A.

Although FPL has provided an evaluation of six potential sites, including the four sites within the subject Turkey Point property, they have not satisfied the mangrove wetland alteration exceptions of CDMP Policy CM-1A. Exhibits 2 and 3 show the sites evaluated. FPL's limited analysis of two sites outside of Turkey Point within the nine mile corridor between the South Miami-Dade Wastewater Treatment Facility and Turkey Point does not demonstrate that no reasonable upland alternative exists outside of these high quality wetlands and endangered species habitat would be destroyed by the locations shown on the proposed site plan. FPL's evaluation represents that the two sites outside of Turkey Point were not selected because they did not support effective and efficient operations; would require additional security personnel; a CDMP amendment because the sites are Agriculture on the LUP map; not compatible with the FPL commercial agreements; greater land use impacts; increased construction costs; additional pipeline costs; and a greater number of private property owners impacted.

Of the sites that FPL is not proposing, Site #1 shown on these maps does contain some non-tidal wetlands and mangroves but it is disturbed and has mostly exotic species such as Brazilian Pepper. Site #2 is owned by FPL and was used for agriculture. Both of these sites as well as other parcels within the area between the South District Wastewater Treatment Plant and the Turkey Point facility do not contain high quality wetlands and are not designated for environmental protection on the CDMP Land Use Plan map. Site #5 is a linear parcel of degraded wetlands, located just west of the site for Turkey Point Units 6 & 7. Similarly, Site #6 is in an area with degraded wetlands and located just north of the Turkey Point Units 6 & 7 site. Sites #5 and #6, while located within an area designated as environmental protection, as previously mentioned, both contain degraded wetlands and are in close proximity to Turkey Point Units 6 & 7.

As shown on the CDMP Land Use Plan there are approximately 3,281 acres of land designated Open Land between the South Miami-Dade Wastewater Treatment Plan and Turkey Point. The two sites FPL evaluated outside of Turkey Point total 104 acres and are not within the Open Land area. As noted in the CDMP text below for Open Land Subarea 5, utility facilities may be considered as a use in this area. FPL did not provide any evaluation information for parcels in Open Land Subarea 5.

***Open Land Subarea 5 (South Miami-Dade).*** This Open Land subarea lies south and east of Homestead and Florida City. It is bounded on the north and west by the Agriculture area, and on the south and east by Environmental Protection areas. Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. Uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.

The CDMP includes requirements for protection of wetlands areas as outlined in the Conservation, Recharge and Drainage Element Objective CON-7 which states in part that the County shall protect and preserve the biological and hydrological functions of the Future Wetlands identified in the Land Use Element; and Policy CON7-A which states in part the degradation or destruction of wetlands shall be limited and habitats critical to endangered or threatened species shall not be destroyed.

The memorandum submitted by the RER-DERM further indicates that the proposed reclaim water facility locations are located in mangrove wetlands and subject to mitigation requirements of the Miami-Dade County Code including, but not limited to Section 24-48.4. The proposed locations of the reclaimed water treatment facility are not consistent with the applicable mitigation requirements including the requirement that proposed projects must maximize the preservation of existing natural resources. Additionally, when determining mitigation, the following methods, in the order of priority in which they should be utilized, are required but have not been met by this proposal:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

- (5) Compensating for the impact by replacing or providing substitute resources or environments.

For all of the reasons stated above, staff opines that the proposed locations for the reclaimed water treatment facility and the associated non-use variances are **inconsistent** with the CDMP Coastal Management Element Objective CM-1, Policy CM-1A, Land Use Element interpretative text, Environmental Protection land use designation and the Environmental Protection Subarea F land use designations; Land Use Objective LU-3, Conservation, Aquifer Recharge and Drainage Element Objective CON-7, Policy CON-7A, and Section 24.48.4 of the Miami-Dade County Code of Ordinances.

***Zoning Analysis – Request #1- Unusual Use for a Reclaimed Water Treatment Facility and related non-use variances requests #4& #5 and special exception request #6***

When request #1 is analyzed under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that, as proposed, the reclaimed water treatment facility would be **incompatible** with the surrounding area. Staff opines that the two proposed locations pose a threat to the environment as they are located within a Mangrove Protection Area. This area includes to endangered and threatened species habitat. Staff notes that RER-DERM indicates an **objection** to the two FPL proposed locations for the reclaimed water treatment facility due to the threat to the environment. Additionally, as previously mentioned, the two sites proposed by FPL for the reclaimed water treatment facility and related requests #4, #5 and #6 are **inconsistent** with the Land Use Element interpretative text, Environmental Protection land use designation and the Environmental Protection Subarea E and F land use designations; Land Use Objective LU-3, and Conservation, Aquifer Recharge and Drainage Element Objective CON-7 and Policy CON-7A.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **Public Works and Waste Management Department (PWWM)** – Traffic Division has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the two proposed locations for the reclaimed water treatment facility are **incompatible** with the surrounding area because of the threat to environment and the location within a Mangrove Protection Area. **As such, staff recommends denial of request #1 as it pertains to the reclaimed water treatment facility under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

When requests #4 and #5 are analyzed under Section 33-311 (A)(4)(b), Non-Use Variance Standards, staff opines that approval of the requests are contingent upon approval of request #1 as it relates to the proposed reclaimed water treatment facility. As previously discussed, the two proposed locations for the reclaimed water treatment facility are recommended for denial because they pose a threat to the environment and therefore the associated variances should also be denied. Staff notes that the site plan submitted with this application indicates that the non-use variances for building (request #4) and fence heights (request #5) are limited to the reclaimed water treatment facility. Therefore the approval of requests #4 and #5 is contingent upon the approval of request #1 as it relates to the reclaimed water treatment facility. As discussed in the CDMP analysis for the reclaimed water treatment facility (request #1), the two proposed locations of the reclaimed water treatment facility are within a Mangrove Protection Area and are **inconsistent** with several objectives and policies of the CDMP. Further, staff

opines that the two proposed locations for the reclaimed water treatment facility are detrimental to the surrounding area and **incompatible** because they pose a threat to the environment. Staff opines that the associated non-use variances will also impact the Mangrove Protection Area if approved. **Therefore, staff recommends denial of requests #4 and #5 under 33-311 (A)(4)(b), Non-Use Variance Standards.**

When analyzing request #6 under Section 33-311(A)(3) Standards for Special Exceptions, Unusual Uses and New Uses, staff opines approval of this request is contingent upon approval of request #1 as it relates to the proposed reclaimed water treatment facility. Staff notes that the two proposed locations for the reclaimed water treatment facility are recommended for denial because they pose a threat to the environment and therefore associated requests should be denied. The requested fences with barbed wire is limited to the area around the reclaimed water treatment facility and therefore should be denied because staff recommends denial of the reclaimed water treatment facility. As previously discussed the two proposed locations are located within a Mangrove Protection Area, **inconsistent** with the CDMP and **incompatible** with the surrounding area because of the threat to the environment. As previously mentioned **RER-DERM** has indicated an **objection** to the reclaimed water treatment facility and associated requests.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **Public Works and Waste Management Department (PWWM)** – Traffic Division has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that because staff recommends denial of the proposed locations for the reclaimed water treatment facility, request #6 should also be denied for the reasons stated above. **As such, staff recommends denial of request #6 for fences with barbed wire in the GU zoning district under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

**Request #1: Unusual Use to permit a radial collector well system.**

**Related Request #9: Modification of Condition #4 of Resolution No. Z-56-07**

***CDMP Analysis – Request #1- Unusual Use for a radial collector well system and related request #9 – modification of Condition #4 of Resolution No. Z-56-07***

Staff notes that Condition #5 of Resolution No. Z-56-07 states that FPL shall utilize reclaimed or reuse water to the maximum extent possible. It further states that should MDWASD be unable to provide sufficient quantity or quality or consistency in water delivery required by FPL for its cooling system, alternative sources may be proposed to satisfy such deficiencies.

The proposed radial collector well field is located within the management boundaries of the Biscayne Bay Management Plan and within an Aquatic Park and Conservation area created by the Miami-Dade County Board of Commissioners in 1974. The well laterals would extend under Biscayne Bay into an area adjacent to Biscayne National Park. The well laterals would be located on public lands within a State of Florida designated Aquatic Preserve and would be specifically designed to draw water through the bay bottom in this area. The bay bottom in this area contains sensitive benthic resources including seagrass beds. Sensitive wetlands area also located nearby, including mangrove wetlands within the National Park.

The radial collector well field is proposed to be located under Biscayne Bay adjacent to Biscayne National Park. The near shore portions of southern Biscayne Bay as well as coastal and adjacent freshwater wetland areas throughout south Miami-Dade including wetlands to the north, west and south of Turkey Point Power Plant and Cooling Canal system are proposed for restoration through the Biscayne Bay Coastal Wetlands Project of the Comprehensive Everglades Restoration Plan (CERP). This restoration project will replace lost overland fresh water flow and partially compensate for the reduction in groundwater seepage by redistributing, through a spreader system, available surface water entering the area from regional canals. The goal of this CERP project is to improve the ecological health of Biscayne Bay (including freshwater wetlands, tidal creeks and near-shore habitat) by adjusting the quantity, quality, timing, and distribution of freshwater entering Biscayne Bay and Biscayne National Park. Redistribution of freshwater flow and the expansion and restoration of wetlands will help to restore or enhance freshwater wetlands, tidal wetlands, and near shore bay habitat. Improving salinity distribution near the shoreline with sustained lower than seawater salinities in tidal wetlands can help to reestablish productive nursery habitat for shrimp and shellfish, including oyster reef communities.

The requested radial collector well system would withdraw water from the Biscayne Aquifer for cooling water for Turkey Point Units 6 & 7. Staff notes that the request is inconsistent with Condition #4 of Resolution No. Z-56-07, which prohibits applications for withdrawals from the Biscayne Aquifer. However, the applicant is requesting to revise Condition #4 in order to allow the applicant to apply for withdrawals from the Biscayne Aquifer, though not as a primary source of cooling water.

The proposed location for the radial collector well system is off the Turkey Point peninsula in an area designated as Environmental Protection Subarea F. According to the applicant the radial collector well system will consist of four central caissons and up to 12 laterals will project from each of the caissons horizontally at a distance of up to 900 feet beneath Biscayne Bay and be installed to a depth of approximately 25 to 40 feet below the Bay bottom. Further, portions of the radial collector well may extend beyond the FPL property boundary onto sovereign submerged lands in the Biscayne Bay Aquatic Preserve. The laterals will not extend beneath Biscayne National Park.

The CDMP Water, Sewer and Solid Waste Element Policy WS-6-B states that *Miami-Dade County shall take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and possible future expansion. Such steps may include, but shall not be limited to, the renewal of withdrawal permits and the extension of the County's wellfield protection measures.* Further, Water, Sewer and Solid Waste Element Policy WS-1F states in part, *Miami-Dade County shall use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities. The County shall discourage changes to the Land Use Plan map or land development regulations, which would permit land uses that are incompatible with the continued operation or planned expansion of these facilities.* Staff notes FPL has represented that the requested radial collector well system will withdraw from the Biscayne Aquifer only in the event that the quantity and quality of water from the MDWASD is not be sufficient. The applicant has indicated that in the event withdrawals are required, they will be limited to 90 days within a 12 month period. Staff opines that based on the limited use and the monitoring conditions that will limit the impact of the radial collector well system on Biscayne Bay, approval will be consistent with Policy WS-6B.

Additionally, the CDMP interpretative text for Environmental Protection Subarea F indicates that compatible and necessary utility facilities may be considered. These facilities must be consistent with the adopted goals, objectives and policies of the CDMP, conform with all prevailing environmental regulations and be compatible with objectives of the Comprehensive Everglades Restoration Plan. Further, the CDMP Water, Sewer, and Solid Waste Element Policy WS-1E states that *all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map.* Staff opines that compliance with the monitoring conditions contained herein will make the facility consistent with the requirements of the interpretative text for the Environmental Protection Subarea F and Policy WS-1E.

The CDMP Intergovernmental Coordination Element Objectives ICE-4 and ICE-5, and Policies ICE-4D and ICE-5C, provide for cooperation between the County and other local, state and federal agencies with regard to the management, planning, zoning, permitting and capital improvement processes to manage and restore environmentally sensitive lands. Staff opines that due to the location of the proposed radial collector well system, coordination between the South Florida Water Management District (SFWMD), the National Park Service and the Environmental Resources Management Division of the Department of Regulatory and Economic Resources will be needed. Staff notes that the National Park Service in a letter dated July 25, 2012 (see attached), indicates concern regarding the location of the radial collector well system due to the close proximity to Biscayne National Park.

***Zoning Analysis – Request #1- Unusual Use for a radial collector well system and related modification request #9***

When request #1 is analyzed under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that, the proposed radial collector well system would be **compatible** with the surrounding area for the reasons stated below. The memorandum submitted by RER-DERM indicates that the radial collector system has the potential to adversely impact water resources related to CERP restoration areas. In addition, impacts to mangrove wetlands located outside of the CERP project construction footprints are anticipated for construction of the pipeline necessary to connect the proposed radial collector well field to the proposed power plants in the area adjacent to the outer dike of the cooling canal system. Therefore as a condition of approval a wetland mitigation is required and a mitigation plan acceptable to County must be provided that is consistent with the requirements of Section 24-48.4 of the Code.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **PWWM – Traffic Division** has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the proposed radial collector well system is **compatible** with the surrounding area subject to the conditions contained herein. Additionally, staff notes that approval of request #9 is contingent upon approval of request #1 as it pertains to the radial collector well system. **As such, staff recommends approval with conditions of request #1 as it pertains to the radial collector well system under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

When request #9, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area for the reasons stated below. Approval of the request would allow the applicant to apply for water withdrawals from the Biscayne Aquifer as a source of cooling water for the previously approved facilities. The applicant has indicated it will restrict withdrawals from the radial collector well system based upon the State of Florida's Department of Environmental Protection (DEP) Conditions of Certification established for FPL's West County Energy Center, which allows withdrawals for up to 90 days per calendar year as a temporary backup water supply source. Staff notes that FPL's West County Energy Center is located in Palm Beach County. Staff opines approval of request #9 should be conditioned to limit applications for withdrawals from the Biscayne Aquifer.

The memorandum submitted by the **RER-DERM** recommends as a condition of approval of the radial collector well system (a part of request #1) that FPL develop and implement a monitoring plan to fully evaluate operation of the proposed radial collector system. Operation of the radial collector well system shall be consistent with requirements of Chapter 24 of the Miami-Dade County Code and consistent with the adopted goals, objectives, and policies of the CDMP, and that FPL shall take necessary action to correct and adequately abate any adverse environmental impacts, including any adverse impacts to water resources associated with operation of the radial collector well system. Staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification of Condition #4 of Resolution No. Z-56-07 would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments. Staff recommends that as a condition of approval withdrawals from the Biscayne Aquifer be limited to up to 90 days per calendar year as a temporary backup water supply source only. **As such, staff recommends approval with conditions of request #9 under Section 33-311(A)(7) Generalized Modification Standards.**

**Request #2: Unusual Use to permit parking in a zone more restrictive than the use it serves.**

#### ***CDMP Analysis***

Staff notes that the proposed parking is to be located in an area designated as Environmental Protection Subarea F on the CDMP LUP map. The CDMP interpretative text for Environmental Protection Subarea F indicates that compatible and necessary utility facilities may be considered and also the approval of any new use and the replacement or expansion of any existing use, these facilities must be consistent with the adopted goals, objectives and policies of the CDMP and conform with all prevailing environmental regulations. Staff notes that the parking will be used to serve the previously approved power plant facilities including administrative and training buildings. Staff opines the location of the parking in the GU District is **consistent** with the Environmental Protection Subarea F designation because it will be used to serve the previously approved power plant is also located in the Environmental Protection Subarea F.

#### ***Zoning Analysis***

When analyzing request #2, to permit parking in zone more restrictive than it serves, under Section 33-311(A)(3), Standards for Special Exceptions, **Unusual Uses** and New Uses, staff is of the opinion that, the proposed location for the parking would be **compatible** with the surrounding area for the reasons stated below. Staff notes that the parking in the GU, Interim District will serve Turkey Point Units 6 & 7 facilities including administration and training

buildings, which are located in the IU-3, Unlimited Industrial District. The applicant has indicated that the proposed parking area is the most feasible to service the above mentioned buildings.

The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. The **PWWM – Traffic Division** has **no objections** to this request and indicates that this request does not generate any additional daily peak hour vehicle trips. **RER-DERM** does not **object** to this request. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

When considering the present and future development of the area staff opines that the request to permit parking a zone more restrictive than the use it serves is compatible with the surrounding area because it is internal to the site, provides a centralized area for employees, and does not impact the surrounding area. **As such, staff recommends approval with conditions of request #2 under Section 33-311(A)(3) Standards For Special Exceptions, Unusual Uses and New Uses.**

### **Request #3: Non-Use Variance to permit the waiver of required road dedications**

#### ***CDMP Analysis***

Although the Traffic Circulation Subelement Policy TC-2A states that *the County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system*; however, the PWWM has indicated no objection to the request in the memorandum submitted for this application. Further, the CDMP Traffic Circulation Subelement Policy TC-2D provides for the interruption of the half section-line road system when it would destroy the integrity of a neighborhood or development. Additionally, Policy TC-2D states that the County *shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected*. Staff notes that the right-of-ways that are being requested to be vacated are internal to the site and if dedicated the County would need to maintain the right-of ways. Further, Traffic Subelement Objective TC-6 states that the County shall *plan and develop a transportation system that preserves environmentally sensitive areas, conserves energy and natural resources and promotes community aesthetic values*. Staff also notes that Traffic Subelement Policy TC-6B states that *land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved in order to prevent undue pressure for development of such areas*. RER-DERM indicates in its memorandum that access to environmental protection areas of the County are required in many cases for land management activities on preservation lands, including as necessary for meeting the goals and objectives of the Miami-Dade County Environmentally Endangered Lands Program.

As such, staff opines that approval of the request to vacate portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street is **consistent** with the CDMP Land Use Plan map designation for the Traffic Circulation Subelement Policies TC-2D.

### **Zoning Analysis**

When request #3 is analyzed under the Non-Use Variance (NUV) Standards, Section 33-311(A)(4)(b), staff is of the opinion that the approval of this request would be **compatible** with the surrounding area, would not be detrimental to the surrounding area. Staff is of the opinion that the approval of the request will not have a negative impact on the surrounding roadways in the immediate area because the requested waivers of dedication will impact roads that are internal to the 9,200-acre subject site. Further, staff notes that pursuant to Resolution No. Z-56-07, the applicant was previously approved to waive other required roadway dedications within the subject property. Staff notes that the applicant's letter of intent indicates that the use of the theoretical roadways would be limited to FPL employees.

As such, approval of the request would be **compatible** with the surrounding area. Additionally, staff recommends as a condition of approval that applicant provide an unobstructed utility easement to the Miami-Dade Water and Sewer Department to accommodate the portion of the potable water pipeline corridor for the Turkey Point facility that is currently planned to be routed along SW 360 Street from SW 117 Avenue to the FPL facility. A section of this corridor will be located within the requested waiver of dedication requirements for the section line road along SW 360 Street between SW 97 and SW 87 Avenues.

Staff also recommends as a condition of approval for this request that FPL provide an easement along SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. **As such, staff recommends approval with conditions of request #3 under Section 33-311(A)(4)(b), Non-Use Variances From Other Than Airport Regulations.**

**Request #7: Non-Use Variance to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.**

### **CDMP Analysis**

The CDMP does not address waiving the landscape regulations to permit required landscaping to be planted offsite.

### **Zoning Analysis**

When request #7 to permit required landscaping offsite is analyzed under Section 33-311(A)(4)(b), Non-Use Variance Standards, staff is of the opinion that the approval of the request would be **compatible** with the surrounding area, would not be detrimental to the neighborhood and would not affect the appearance of the community. Further, staff notes that the applicant was granted approval of a similar request pursuant to Resolution #Z-57-06. Staff opines that due to the location and use of the proposed and previously approved facilities, the required landscaping planted on site could be in conflict with safety and security needs of the facilities and therefore recommends approval with conditions of request #7.

All landscape material that will not be planted at the subject property shall be planted at offsite locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks

Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**Request #8 (site plan): Modification of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07**

***CDMP Analysis***

Request #8 is for the modification of a previously approved plan, and said plan must be consistent with the CDMP goals, objectives and policies. However, as previously discussed, staff opines that approval of request #1 as it relates to the reclaimed water treatment facility and the related requests #4, #5 and #6 for building and fence heights with multiple strands of barbed wire are recommended for denial because the requests are inconsistent the Land Use Element interpretative text and multiple objectives and policies of the CDMP. Therefore request #8 should be approved on a modified basis to show the removal of the reclaimed water treatment facility.

***Zoning Analysis***

When request #8, to permit the modification of a condition of a previously approved resolution, is analyzed under Section 33-311(A)(7) Generalized Modification Standards, staff opines that approval would be **compatible** with the surrounding area for the reasons stated below. Staff notes that the proposed modification of Condition #1 of Resolution No. Z-56-07 will not result in excessive traffic as evidenced by the memorandum from the **PWWM – Traffic Division**, which states this request does not generate any additional daily peak hour vehicle trips. The **Aviation, Parks, Recreation and Open Spaces and Transit Departments** have **no objections** to this request. Additionally, the **Water and Sewer and Fire Rescue Departments** have **no objections** to this request.

The memorandum submitted by the RER-DERM indicates that as proposed the reclaimed water treatment facility (a part of request #1) and the associated non-use variance requests #4 through #6 should be denied because they are inconsistent with the CDMP; however, the memorandum indicates all other requests should be approved. Staff notes that the unusual use request for the reclaimed water treatment facility is recommended for denial therefore the applicant has to remove said facility to comply with the CDMP and Chapter 24 mitigation requirements. Further, staff opines that when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned the requested modification of the site plan with the reclaimed water treatment facility removed would be **compatible** with the surrounding area based on by the memoranda submitted by the reviewing Departments. **As such, staff recommends modified approval with conditions of request #8 to show the removal of the proposed reclaimed water treatment facility under Section 33-311(A)(7) Generalized Modification Standards.**

**ACCESS, CIRCULATION AND PARKING:** The parking for the previously approved nuclear power plant, administration and training buildings will be located to the west of existing of existing facilities. The parking lot will contain 2,500 parking spaces.

**NEIGHBORHOOD SERVICES PROVIDER REVIEW:**

***Aviation***

The Miami-Dade Aviation Department does not object to the use provided there are no conflicts with applicable local, state, and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning.

***Regulatory and Economic Resources (Division of Environmental Resources Management)***

The Division of Environmental Resources Management (DERM) has reviewed the subject zoning request for ancillary facilities associated with Turkey Point Units 6 & 7 and recommends denial of the portion of request #1 related to the unusual use for a reclaimed water treatment facility and denial of associated requests #4, #5, and #6 for the proposed reclaimed water treatment facility for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire, respectively. ERM recommends approval with specific conditions for the following requests: request #1 for the unusual use for the radial collector well system, request #2 for the unusual use for the parking area, request #9 to modify Condition 4 of Zoning Resolution No. Z-56-07, request #3 non-use variance to permit waiver of dedication requirements for section line roads and half-section roads, and request #7 non-use variance to permit landscaping to be planted offsite.

***Miami-Dade Fire Rescue***

The Miami-Dade Fire Rescue Department (MDFR) has no objections to this application.

***Parks, Recreation and Open Spaces***

The Miami-Dade Parks, Recreation and Open Spaces Department does not object to this application. Its memorandum states that the application does not generate any additional residential population and therefore the CDMP Open Space Spatial Standards do not apply.

***Miami-Dade Police Department***

The Miami-Dade Police Department (MDPD) has no objections to this application. Its memorandum indicates that the current staffing allows for an average emergency response time of eight minutes or less. The applicant and developers are encouraged to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

***Public Works and Waste Management Department (Traffic Division) –***

The Traffic Division of the Public Works and Waste Management Department, does not object to this application.

***Public Works and Waste Management Department (Waste Management Division)***

The Miami-Dade County Department of Public Works and Waste Management - Waste Management Division does not object to this application. The memorandum submitted for this hearing application indicates that the latest concurrency status determination issued on September 12, 2011, which is valid for one (1) year, shows sufficient disposal system capacity to meet and exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Department of Regulatory and Economic Resources, is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits as needed from the Florida Department of Environmental Protection.

***Miami-Dade Water and Sewer Department***

The Miami-Dade County Water and Sewer Department (MDWASD) has no objection to this application. Their memorandum indicates the following:

**Water:** The potable water for this application will be provided by the MDWASD. The potable water pipeline corridor for this application has been identified in FPL's Site Certification Application for Turkey Point Units 6 & 7. The pipeline corridor currently identified will commence at SW 288 Street along SW 137 Avenue south to SW 328 Street, then east along SW 328 Street to SW 117 Avenue, then south along SW 117 Avenue to SW 360 Street, then east along SW 360 Street to the FPL Turkey Point Units 6 & 7.

A portion of the potable water pipeline corridor for the Turkey Point facility is currently planned to be routed along SW 360 Street from SW 117 Avenue to the FPL facility. As such, a section of this corridor will be located within the requested waiver of dedication requirements for the section line road along SW 360 Street between SW 97 and SW 87 Avenues. Please note that an unobstructed utility easement will be required to be provided to MDWASD for any MDWASD infrastructure located within the waiver of dedication requirements.

**Sewer:** The sanitary sewer treatment and disposal will be provided by FPL on-site treatment plant for wastewater service.

**Reclaimed Water:** The primary source of cooling water for Units 6 & 7 will be reclaimed water from MDWASD. On July 20, 2010, FPL and MDWASD entered into a Joint Participation Agreement for the supply of up to 90 MGD of reclaimed water to be utilized as the primary cooling water for Turkey Point Units 6 & 7. The South District Wastewater Treatment Plant will be the source for the reclaimed water to be used at the Turkey Point Facility. The South District Wastewater Treatment Plant is located east of SW 97 Avenue and south of SW 233 Street and is approximately 9 miles from Turkey Point.

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

***Miami-Dade Transit Department***

The Miami-Dade Transit Department (MDT) has no objections to this application. Its memorandum indicates that because the subject site lies outside of the Urban Development Boundary, mass transit concurrency standards do not apply.

***Miami-Dade County Public Schools***

Not applicable - No residential development is proposed.

**OTHER:** Not applicable.

**RECOMMENDATION:** Modified approval with conditions of request #1 and #8 with the removal of the reclaimed water treatment facility from the plan, approval of the radial collector well system and denial without prejudice of the reclaimed water treatment facility; approval with conditions of requests #2, #3, #7 and #9; denial without prejudice of requests #4, 5 and #6.

**CONDITIONS FOR APPROVAL:**

1. That all the conditions of Resolution No. 4-ZAB-559-71 and Z-56-07 remain in full force and effect, except as herein modified.
2. That an unobstructed utility easement to the Miami-Dade Water and Sewer Department be provided along SW 360 Street from SW 117 Avenue to the Turkey Point facility.

**Radial Collector Well Conditions:**

Except for Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for Nuclear Units 6 & 7. In Parcel "A", FPL shall not apply for any water withdrawals from the Biscayne Aquifer for a primary source of cooling water for Nuclear Units 6 & 7.

3. Prior to completion of the first radial collector well, FPL shall submit a Radial Collector Well Field Monitoring Plan to Miami-Dade County RER-DERM for review and approval. FPL shall modify the Radial Collector Well Monitoring Plan as required for approval by Miami-Dade County RER-DERM so that the monitoring plan provides information reasonably necessary for the County's evaluation of the project's compliance with requirements of Chapter 24 of the Code of Miami-Dade County and conditions of the unusual use approval. FPL shall implement the plan as approved. The purpose of the Radial Collector Well Monitoring Plan is to confirm that no adverse impacts occur to the Biscayne Aquifer and to ecological or water resources in the surrounding wetlands and bay areas resulting from the operation of the Radial Collector Well system. The Radial Collector Well Monitoring Plan shall include an initial start-up testing component for the first completed caisson and radial well collector array and a subsequent full scale testing component after completion of the entire well field, as well as a long term monitoring component for evaluating operation of the full scale Radial Collector Well system.
4. The Radial Collector Well Monitoring Plan shall also include timelines and a reporting component, and shall include Monthly Operating Reports. FPL shall collect and analyze hydrologic and water quality data generated from the Radial Collector Well Monitoring Plan each time the radial collector well field is operated as a backup source of cooling water and shall provide both the monitoring data (in electronic format), and a report analyzing the data to Miami-Dade County RER-DERM within 120 days after the event monitoring has ceased. If the monitoring indicates adverse impacts to either ecological or water resources, FPL shall be required to take action to correct and adequately abate such impacts. Corrective action shall be approved by Miami-Dade County RER-DERM prior to implementation. If the monitoring indicates nuisance conditions pursuant to 24-27 of the Miami-Dade County Code, well field pumping shall cease.
5. Initial start-up testing of the first completed well shall consist of a minimum of 72 hours pumping at the average expected single caisson pumping rate for full Radial Collector

Wellfield operations and shall include hydrologic and water quality monitoring before, during and after pumping until full recovery of the surrounding area is demonstrated. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this initial 72 hour pump testing is : 1) to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model.

6. Subsequent to the 72 hour pumping test, initial full scale testing of the first completed well shall consist of a 30 day pumping period at the average expected single caisson pumping rate for full Radial Collector Wellfield operations. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this 30 day pump testing is to: 1) to generate sufficient hydrologic and water quality data to confirm that one well operating at full capacity would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas resulting from the operation of the well field and to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to inform the design or further refinement in design of the long term component of the Radial Collector Well monitoring based on the data generated from the initial start-up testing phase and 3) to verify the amount of time necessary for full recovery of the aquifer and surrounding water bodies after this initial test and 4) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. The long term monitoring component shall generate sufficient hydrologic and water quality data necessary to evaluate and confirm that full scale operation of the Radial Collector Well would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas and to confirm aquifer characteristics and modeling predictions submitted in the application as they relate to the causal effects on these water resources, and to provide actual data at a scale sufficient to verify output of the model required as part of Zoning Resolution Z-56-07.
7. FPL shall analyze Radial Collector Well Monitoring Plan data using appropriate groundwater hydraulic techniques. FPL shall use the data from the initial start up testing and configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the full scale radial collector well operation using recorded pumping rates and lateral distributions generated from the initial start-up testing. The modeled steady-state drawdowns shall be compared to observed steady state drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate drawdowns observed during the full scale test. The recalibrated model will then be run to confirm the conclusions of the original model.
8. Consistent with FPL's representations, the radial collector well field shall only be operated as a backup source of cooling water for units 6 and 7. Use of the well field as a primary source is specifically prohibited. Use of the well field when reclaimed water of sufficient quality and quantity is available from Miami-Dade County is also prohibited except as described by the conditions of approval contained herein. Use of the radial collector well field as a backup source of cooling water is contingent upon continued demonstration that operation of the radial collector well field at full capacity does not result in adverse

environmental impacts to local, state or federal water resources, including wetlands, and that local or state water quality standards are not exceeded.

9. After the Radial Collector Well system is fully operational and following initial start-up monitoring and testing, further operation of the Radial Collector Well for routine maintenance or testing purposes shall only be during the wet season (June- October) to the extent practicable, unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
10. In order to reduce avoidable stresses on the aquifer and surrounding surface waters, Radial Collector Well pump operations associated with routine maintenance shall be staggered so that only one radial caisson array is in operation at a time (except during the initial, pre-operational full scale testing) unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
11. Consistent with FPL's representations, the maximum number of days the Radial Collector Wells may be operated for cooling water purposes in any consecutive twelve (12) month period shall not exceed ninety (90) days unless approved by Miami-Dade County RER-DERM.
12. Notwithstanding any other condition associated with this zoning approval and pursuant to Section 24-27 of the Miami-Dade County Code, FPL shall not cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by operation of the radial collector well field.
13. FPL shall monitor the quality and quantity of the reuse/reclaimed water provided by Miami-Dade County. FPL shall maintain documentation including but not limited to laboratory analysis and any other monitoring data. If monitoring indicates that the quality or the quantity of the reclaimed water has decreased to the point where it no longer meets the thresholds defined in paragraph 3.3.2 of the Joint Participation Agreement signed by both Miami-Dade County and FPL (R-813-1 0) or successor agreements, FPL shall provide notification to Miami-Dade County WASD within 24 hours of such a determination. FPL shall maintain all records relating to this monitoring for review by Miami-Dade County and provide such records within 30 days upon request. Use of an alternative or secondary source of cooling water is prohibited while reclaimed water is available in sufficient quantity and quality as defined in Paragraph 3.3.2 of the aforementioned Joint Participation Agreement or successor agreements. FPL shall cease use of the alternate source of cooling water and return to the primary reclaimed water source as soon as possible after reclaimed water meeting the specifications cited in Paragraph 3.3.2 of the Joint Participation Agreement or successor agreements is available.
14. FPL shall submit Monthly Operating Reports to Miami-Dade County RER-DERM with monitoring requirements specific to the well field operations (i.e. idle, maintenance, and actual operation). Submittal of a Monthly Operating Report shall be required whether or not the wells have been operated in any particular month. Each Monthly Operating Report shall provide monthly groundwater data, including volume extracted and water quality data. The

water quality parameters to be included in the Monthly Operating Reports shall be approved by Miami-Dade County RER-DERM prior to operation of the well field.

15. Construction of the radial collector wells, including but not limited to dewatering activities, shall not result in violation of the water quality standards set forth in Section 24-42(4) of the Code of Miami-Dade County. Construction activities, including but not limited to de-watering, shall be in compliance with applicable water quality standards and such project activities shall not cause a nuisance or sanitary nuisance as defined pursuant to Miami-Dade County Code Sections 24-27 and 24-28. All dewatering associated with the construction of the radial collector wells shall be directed to the cooling canals or to approved deep injection wells unless otherwise approved by Miami-Dade County RER-DERM; discharges of any kind to wetlands or Biscayne Bay are prohibited without prior written approval from Miami-Dade County RER-DERM.

**Non-Use Variance request 3, Waive dedication requirements for section line roads:**

16. FPL shall provide Miami-Dade County with an easement along section line road right of way on the SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the subject easement has been approved and accepted by Miami-Dade County.

**Non-Use Variance request 7, To Permit Landscaping to be planted offsite:**

17. All landscape material that will not be planted at the subject property shall be planted at off-site locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**General Conditions applicable to requests #1 through #8:**

18. For all work approved under this application that involves impacts to wetlands, FPL shall submit a mitigation plan that is fully consistent with the CDMP and Miami-Dade County Code, including but not limited to the avoidance, minimization and preservation requirements of Section 24-48.4 Miami-Dade County Code. As a component of this mitigation plan, FPL shall also include provision for submittal of a restrictive covenant or an equivalent legal instrument to protect and maintain the wetlands areas to be preserved, and said legal instrument must be consistent with the Miami-Dade County's preservation requirements for mitigation. FPL shall submit an approvable mitigation plan to Miami-Dade County RER-DERM within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction

earthwork and clearing is prohibited unless the mitigation plan has been approved by Miami-Dade County RER-DERM. All mitigation shall be implemented consistent with the Miami-Dade County approved plan.

19. FPL shall prepare and submit to Miami-Dade County RER-DERM, within ninety (90) days of BCC approval, an earthwork and materials disposal plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by RER-DERM for compliance with Chapter 24 as interpreted by RER-DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24 and to obtain approval. The plan will include at a minimum the various types of earthwork, methods for testing/characterization of disposal materials, identification of any potential on-site and off-site disposal sites, and a description of all best management practices to be used to prevent spoil materials stored at the proposed disposal sites from eroding and adversely impacting adjacent wetland areas or surface waters or disrupting habitat utilized by federal or state designated threatened or endangered plant or animal species. Any spoil material proposed to be stored in the vicinity of sensitive ecological areas such as wetlands or surface waters must be demonstrated to the satisfaction of Miami-Dade County RER-DERM, through appropriated sampling methodology and laboratory analysis, to be free of any contaminants that can adversely impact these sensitive areas. Work shall not commence until the required plan has been approved by Miami-Dade County RER-DERM.
20. Only clean fill, free from contamination shall be used for construction pursuant to the applicable sections of Chapter 24, Miami-Dade County Code for all work approved under this application.
21. FPL shall prepare a management plan for all federal and state listed, threatened, or endangered species that could be directly or indirectly impacted by the work authorized under this zoning request. Miami-Dade County RER-DERM will review the plan for consistency with substantive requirements of applicable statutes and regulations and FPL will revise the plan in a timely manner to obtain RER-DERM approval. All work including preconstruction earthwork and clearing is prohibited unless the management plan has been approved by RER-DERM. The plan shall demonstrate that FPL will preserve, to the maximum extent possible, habitat that supports federal or state designated endangered or threatened species. Pursuant to Policy CON-9B of the Miami-Dade CDMP, all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, where necessary. Pursuant to Policy CON-9C of the Miami-Dade CDMP, rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed. The management plan shall include a comprehensive inventory of all threatened or endangered flora and fauna and identify all habitat that supports these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect threatened or endangered species habitat. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent threatened or endangered species habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent habitat.

22. Prior to any construction related to the zoning requests in this application, FPL shall remove all prohibited plant species as defined pursuant to CDMP CON-81 and Miami-Dade Code Section 24-49.9 as may be amended from time to time, in accordance with applicable requirements of the Miami-Dade Code and CDMP. FPL shall maintain these areas to prevent growth or accumulation of all prohibited species, including all non-native grasses, weeds, and undergrowth consistent with the requirements of the CMDP, Section 24-49.9 and Section 19-14(A) Miami-Dade County Code for all work approved under this application. Furthermore, prohibited plant species shall not be sold, propagated, planted, imported or transported.

ES:MW:NN:JV:AN

A handwritten signature in black ink, appearing to read 'Eric Silva', is written over a horizontal line. The signature is stylized and cursive.

Eric Silva, AICP, Assistant Director  
Development Services  
Miami-Dade County  
Department of Regulatory and Economic Resources

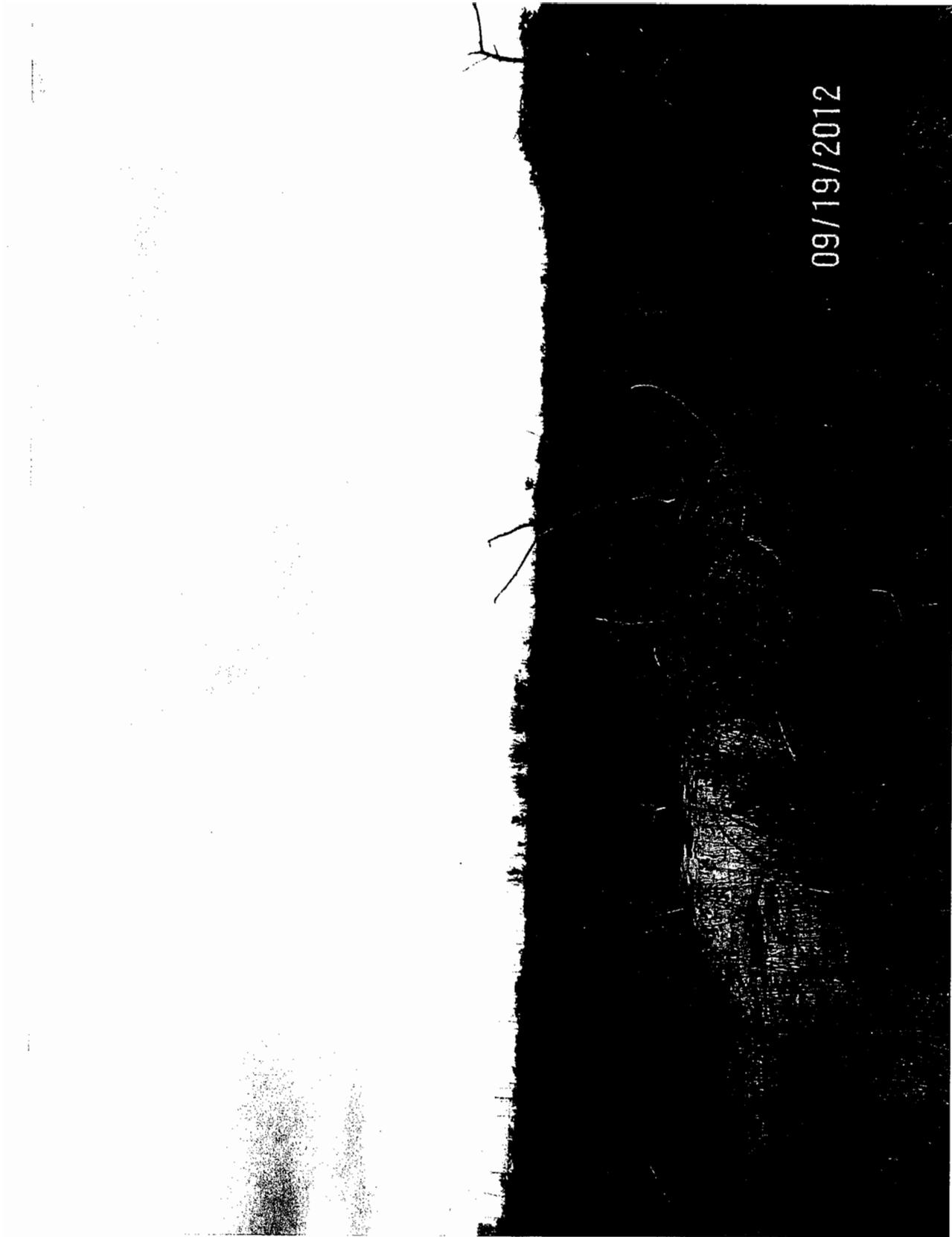
# EXHIBIT 1



FPL Proposed Reclaimed Water Treatment Facility Location – View to the north/northwest boundary of the proposed footprint.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the footprint of the proposed area.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View of dwarf mangrove located with the footprint of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the south/southeast towards the southern boundary of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the southern boundary of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View to the southwest across the footprint of the proposed location.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012

FPL Proposed Reclaimed Water Treatment Facility  
Location – View of Apple Snail eggs on sawgrass blades.



September 19, 2012

L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina



09/19/2012

FPL Proposed Reclaimed Water Treatment Facility Location – View of thick periphyton mat and standing water.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

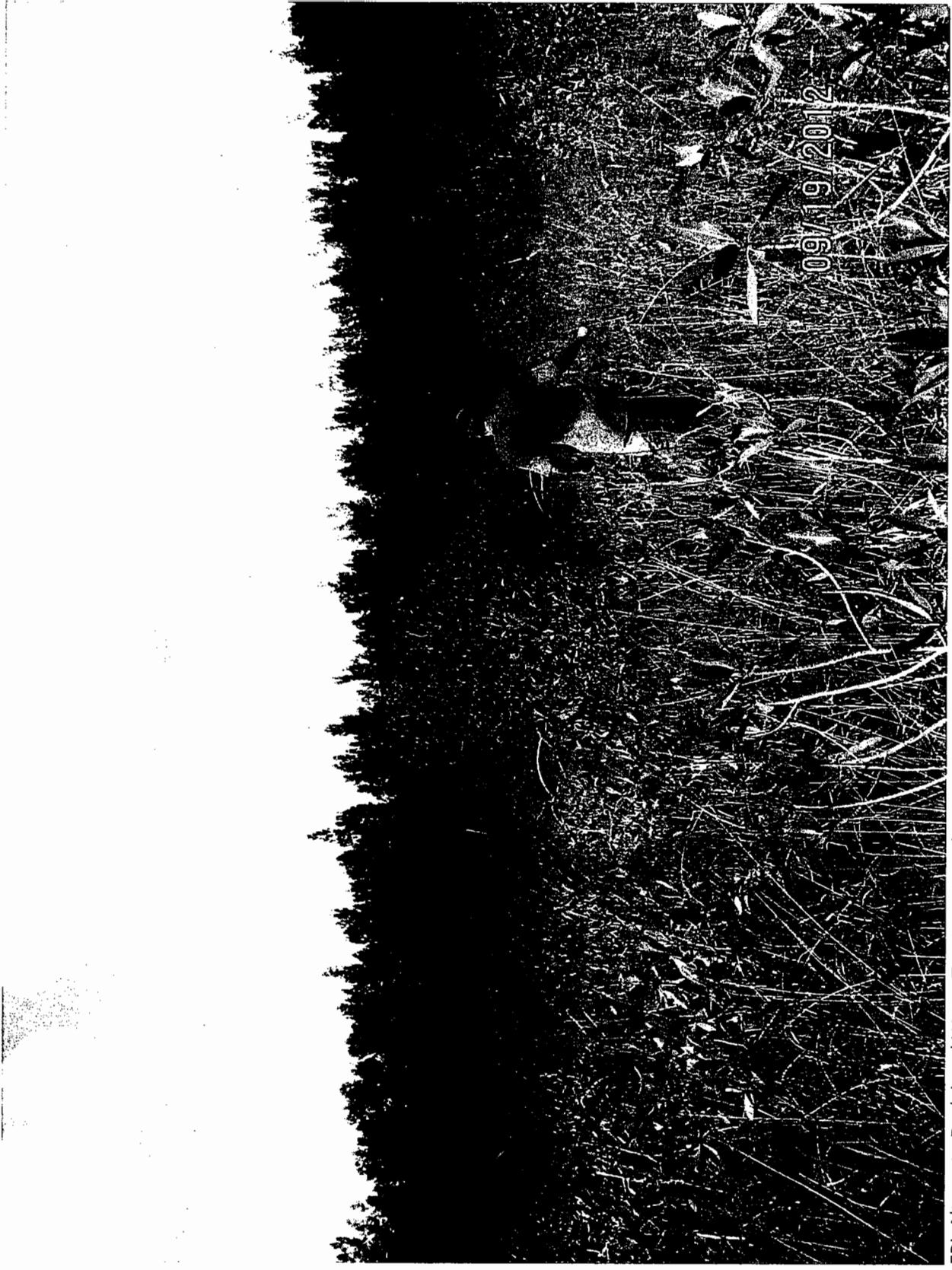
September 19, 2012



FPL Proposed Reclaimed Water Treatment Facility Location – View looking north along the southern boundary.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking north.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking west.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking west.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- View looking northwest.

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

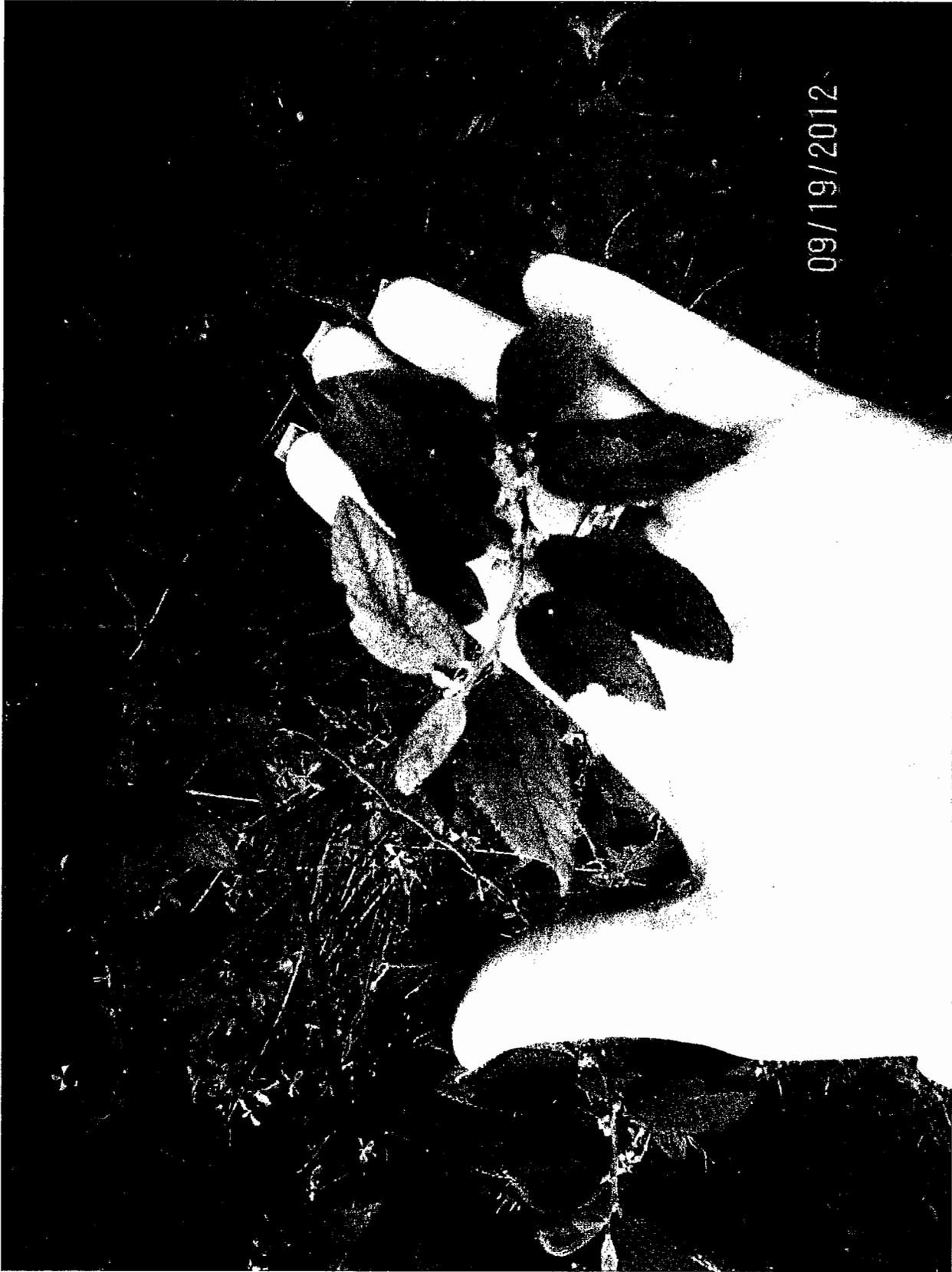
September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- Bahamas Trema – Florida State Listed species, growing on edge of the fill pad

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012



FPL Alternate Reclaimed Water Treatment Facility Location- Bahamas Trema – Florida State Listed species growing on edge of the fill pad

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

September 19, 2012

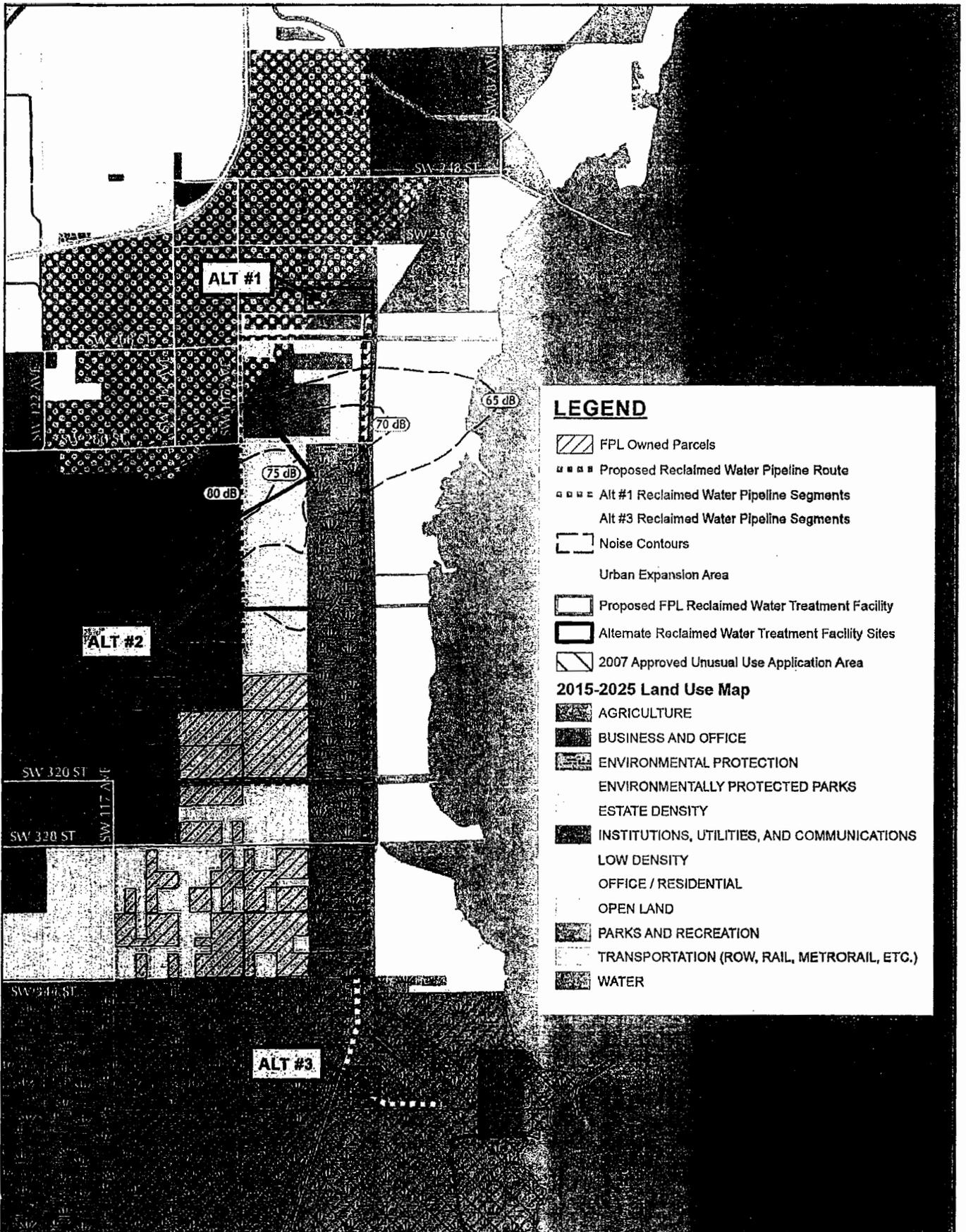


FPL Alternate Reclaimed Water Treatment Facility Location- Bay Cedar growing on edge of the fill pad

September 19, 2012

DERM Site Inspection of the FPL RWTF  
L. Hefty, M. Davis, C. Grossenbacher, L. Spadafina

# EXHIBIT 2



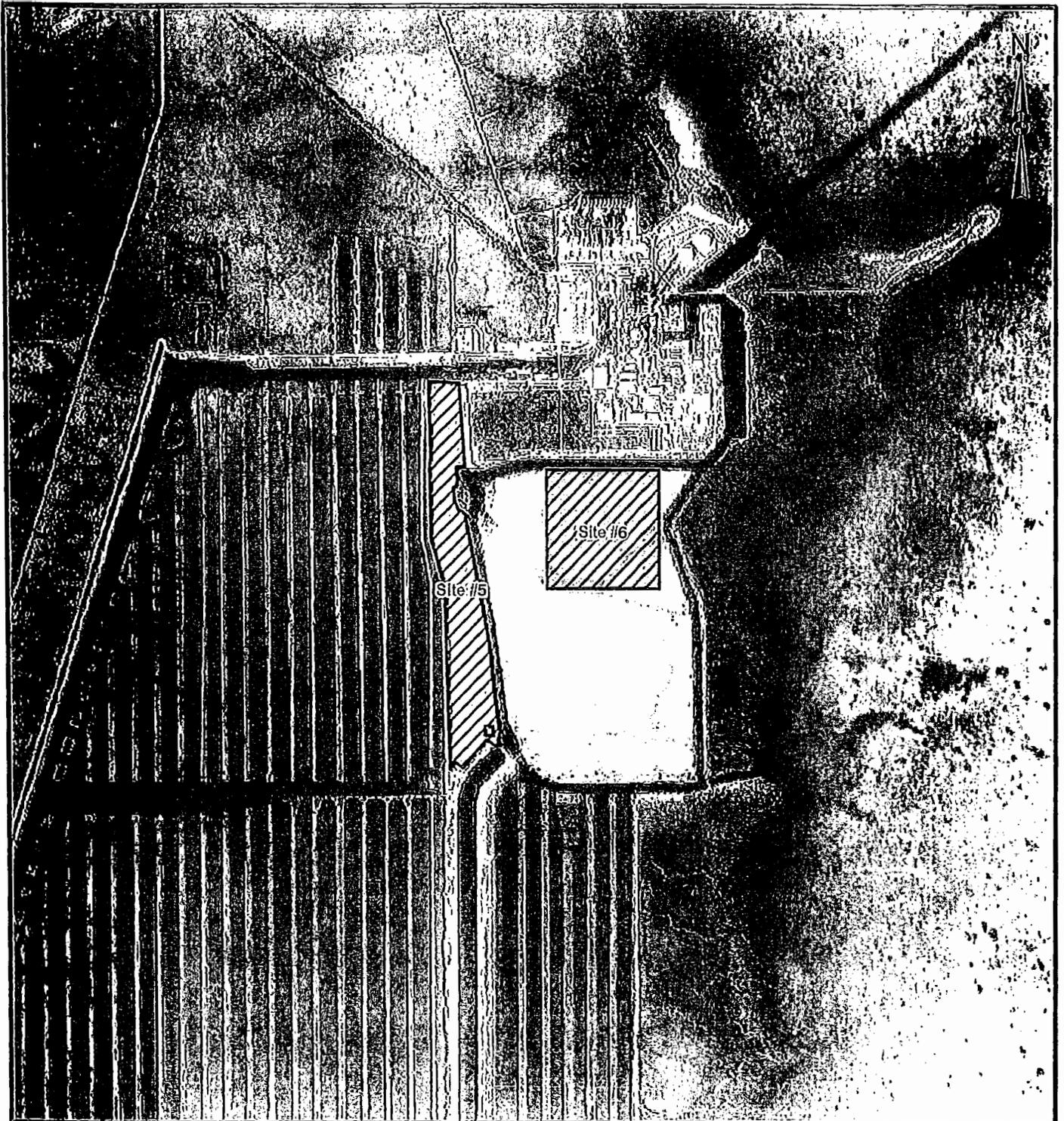
**LEGEND**

- FPL Owned Parcels
- Proposed Reclaimed Water Pipeline Route
- Alt #1 Reclaimed Water Pipeline Segments
- Alt #3 Reclaimed Water Pipeline Segments
- Noise Contours
- Urban Expansion Area
- Proposed FPL Reclaimed Water Treatment Facility
- Alternate Reclaimed Water Treatment Facility Sites
- 2007 Approved Unusual Use Application Area

**2015-2025 Land Use Map**

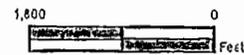
- AGRICULTURE
- BUSINESS AND OFFICE
- ENVIRONMENTAL PROTECTION
- ENVIRONMENTALLY PROTECTED PARKS
- ESTATE DENSITY
- INSTITUTIONS, UTILITIES, AND COMMUNICATIONS
- LOW DENSITY
- OFFICE / RESIDENTIAL
- OPEN LAND
- PARKS AND RECREATION
- TRANSPORTATION (ROW, RAIL, METRORAIL, ETC.)
- WATER

# EXHIBIT 3



**LEGEND**

-  Alternative RWTF Sites (+/- 50 ac.)
-  Laydown Area
- Turkey Point Units 6 & 7 Plant Area



**REFERENCES**

1. Turkey Point Units 6 & 7 Plant Area, Bechtel, 2009.
2. Laydown Area, FPL, 2011
3. Alternative RWTF Sites, FPL, 2011.

PROJECT	TURKEY POINT UNITS 6 & 7 PROJECT	
TITLE	ALTERNATIVE RECLAIMED WATER TREATMENT FACILITY SITES	
 <b>FPL.</b>	FILE No. 09397652_F015	<b>EXHIBIT</b> 3 49
	REV. 0	
	PLOT DATE 4/25/2011	

# Memorandum



**Date:** November 27, 2012

**To:** Eric Silva, AICP  
Assistant Director  
Department of Regulatory and Economic Resources

**From:**   
Lee N. Hefty, Assistant Director - Environmental Resources Management  
Department of Regulatory and Economic Resources

**Subject:** DIC#Z2012000090  
portions of Sections 27, 28, 29, 33 T57S R40E

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Applicant: Florida Power & Light Co

Location: Lying East of Canal L31E, South of SW 344<sup>th</sup> Street, West of Biscayne Bay and North of Theoretical SW 360 Street

Area: (9,219.30 ACRES)

Current Zoning: GU

Zoning Requests:

Requests #1- #7 on Parcel "A"

1. Unusual Use to permit a reclaimed water treatment facility and radial collector well system ancillary to a previously approved nuclear power plant.
2. Unusual Use to permit parking in a zone more restrictive than the use it serves.
3. NON-USE VARIANCE of zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of SW 87 Avenue and 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way and to waive the zoning regulations requiring half section line rights-of-way to be 70' in width, to permit 0' of dedication for portions of SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.
4. NON-USE VARIANCE to permit building heights of 75' (35' maximum permitted).
5. NON-USE VARIANCE to permit a fence height of 12' (8' maximum permitted).
6. NON-USE VARIANCE to permit fences with multiple strands of barbed wire in the GU zone (barbed wire not permitted in the GU zone).

7. **NON-USE VARIANCE** to waive the landscape regulations requiring 9 trees per acre and 10 shrubs for every tree required to be installed on the subject property; to permit same to be planted offsite.

Requests #8 & #9 on Parcels "A" & "B"

8. Modification of Condition #1 of Resolution 4-ZAB-559-71, last modified by Resolution Z-56-07, only as it applies to the subject property and reading as follows:

FROM: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Application (sic) Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group."

TO: "1. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'FPL Turkey Point Public Hearing Application Detailed Operating Facility Plan', dated stamped received 7/26/07, and plans entitled 'FPL Turkey Point Public Hearing Application Construction/Operating Facility Plan' and 'FPL Turkey Point Public Hearing Application Subject Property,' consisting of 2 sheets dated stamped received 11/05/07, all sheets prepared by The Curtis Group and plans entitled "New Proposed Unusual Use Boundary", 1 sheet dated stamped received 10/30/12, and a second sheet dated stamped received 10/05/12 for a total of 2 sheets, all sheets prepared by the Curtis Group."

9. Modification of Condition #4 of Resolution Z-56-07 and reading as follows:

FROM: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities."

TO: "4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for the proposed facilities."

The afore-mentioned plans are on file and may be examined in the Department of Regulatory and Economic Resources. Plans may be modified at public hearing.

**PRESENT ZONING:** GU (Interim-Uses depend on character of neighborhood, otherwise EU-2 standards apply)

**Requests Number 1 as it pertains to the Reclaimed Water Treatment Facility and 4.5.6 Reclaimed Water Treatment Plant Analysis**

Condition 5 of Zoning Resolution Z-56-07 states that FPL shall utilize reclaimed or reuse water to the maximum extent possible in accordance with requirements of Miami-Dade County Water and Sewer Department and the South Florida Water Management District. FPL and Miami-Dade County have signed a Joint Participation Agreement (R-813-10) for development of a reclaimed water project to serve as the cooling water source for the proposed Units 6 & 7 project. The MDWASD South District Waste Water Treatment Plant which is located approximately seven miles north of the FPL Turkey Point facility will be the source for reclaimed water provided by the county. FPL has stated that further treatment of the reclaimed water is necessary to make it suitable for cooling water purposes, and therefore a reclaimed water treatment facility is required. FPL has proposed two locations within the Turkey Point property for siting of the Reclaimed Water Treatment Facility. However, FPL's proposed locations for the Reclaimed Water Treatment Facility are inconsistent with CDMP objectives and policies and do not meet substantive requirements of Chapter 24 of the Miami-Dade County Code including Code requirements for conformance with applicable CDMP objectives and policies. The proposed Reclaimed Water Treatment Facility sites are located within the study boundaries of the Biscayne Bay Management Plan. The specific wetland areas that would be destroyed by the construction of a Reclaimed Water Treatment Facility in either of these locations have been identified as highly valuable coastal habitat for species such as mangroves, birds, crocodiles, and land mammals as depicted on Figure 5, of the Biscayne Bay Management Plan (see attachment 1).

It should also be noted that the 1994 federally sponsored Biscayne Bay Advance Identification study designated the proposed location as "Generally Unsuitable for Fill" in recognition of the high quality ecological value of these wetlands. The alternate proposed location was outside the study area boundary and was therefore not evaluated as part of the 1994 study. However, other than containing a previously filled area of approximately 6 acres, the remaining wetlands in this site are of similar high quality. In addition, the wetlands surrounding and included within the proposed Reclaimed Water Treatment Facility plant locations are within a designated Mangrove Protection Area, as defined by the CDMP in Coastal Management Element Policy CM-1A.

Unlike the previous Zoning Resolution Z-56-07 approval involving siting of the proposed nuclear power plant in degraded wetlands located within the outer berms of a state approved industrial wastewater facility, the subject request proposes siting of a Reclaimed Water Treatment Facility in high quality mangrove wetlands outside of the industrial wastewater facility. The CDMP Policy CM-1A states that *Mangrove Protection Areas shall not be altered, dredged, or filled except for projects that are: (1) necessary to prevent or eliminate a threat to public health, safety or welfare; (2) water dependent; (3) required for natural system restoration and enhancement; or (4) clearly in the public interest; and where no reasonable upland alternative exists.* Even for these exceptions, the CDMP Policy CM-1A states *in these cases, the trimming or alteration shall be kept to the minimum, and done in a manner that preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.* FPL's analysis does not adequately demonstrate that the proposed Reclaimed Water Treatment Facility location meets these exceptions.

The proposed locations are composed of high quality wetlands that have very little invasive exotic plants or other characteristics which would indicate degradation, and these wetlands provide important, high quality habitat for numerous water-dependent species, including threatened or endangered species. Contrary to Policy CM-1A of the CDMP, the construction of the Reclaimed Water Treatment Facility in the proposed locations are not necessary to prevent or eliminate a threat to public health, safety or welfare, are not water dependent, and are not required for natural system restoration and enhancement.

The CDMP includes requirements for protection of wetlands as outlined in Objective CON-7 and Policy CON-7A. Analysis indicates that both of the proposed sites include habitat used by endangered or threatened species, including the federally threatened American crocodile. The filling of these

mangrove wetlands would reduce and adversely affect habitat used by threatened or endangered species by the elimination of more than 39 acres of wetlands and other surface water habitat (Policy CON-7A, Policy CM-1A). In addition, the proposed locations are either adjacent to or near similar or equivalent habitat of high environmental value over which FPL recorded a conservation easement in the public records of Miami-Dade County in 2005 in favor of the Army Corps of Engineers. This conservation easement requires FPL to preserve and maintain environmental values in over 92 acres of mangrove wetlands in perpetuity. In addition, the direct destruction of more than 39 acres of wetlands for development in this area would cause degradation, through secondary impacts of wetlands habitat held under the Army Corps recorded conservation easement and a significant net loss of mangrove wetlands in this county that are designated as a mangrove preserve.

Furthermore, the proposed sites located in mangrove wetlands are subject to mitigation requirements of Miami-Dade County Code including but not limited to Section 24-48.4. The proposed Reclaimed Water Treatment Facility locations are not consistent with the applicable mitigation requirements including the requirement that proposed projects must maximize the preservation of existing natural resources. Furthermore, in determining mitigation, the following methods, in the order of priority in which they should be utilized, are required but have not been met by this proposal:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action or its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing or providing substitute resources or environments.

As part of this request, FPL submitted an evaluation of potential sites for the Reclaimed Water Treatment Facility. This evaluation includes four sites within the Turkey Point property, and two offsite locations. FPL indicates that two of the onsite locations are not feasible for the Reclaimed Water Treatment Facility because they are needed for power plant construction activities. In addition, FPL dismisses consideration of the two offsite locations based upon assertions that the Reclaimed Water Treatment Facility must be co-located with the power generating facility for purposes of reliability and effectiveness. Among other issues, FPL asserts that siting the Reclaimed Water Treatment Facility at an offsite location increases costs, requires additional operations staff and security personnel, requires additional infrastructure, additional acreage including area for parking and back-up power facilities that are otherwise available at the Turkey Point property, complicates internal communication and coordination, and creates a delay in response to water quality variations in Reclaimed Water Treatment Facility output water quality. For these reasons, FPL proposes consideration of only two onsite locations.

However, FPL's assertion that offsite locations are not feasible is overly simplistic. FPL cites logistical reasons for dismissing offsite locations, such as delays due to travel time for staff to physically go between the power generating plant and an offsite water treatment facility to address water quality issues. However, their conclusion does not adequately consider simple solutions such as using separate dedicated staff that are appropriately trained in their respective disciplines manning the Reclaimed Water Treatment Facility, and the use of commonly available communication and monitoring technology, such as cell phones, land lines, remote video monitoring and telemetry for providing power plant and cooling tower operators with real-time information on Reclaimed Water Treatment Facility

operations and output water quality data. We note that the proposed "onsite" locations are more than one mile away from the proposed cooling towers for Units 6 & 7, yet FPL provides no information to establish what would be an acceptable maximum distance between the Reclaimed Water Treatment Facility and the power generating plants. RER-DERM notes that FPL currently operates on a sprawling complex with the cooling canal system stretching more than five miles from the existing power plants. Although FPL's submittals state that locating the Reclaimed Water Treatment Facility at an offsite location presents unacceptable complications and jeopardizes the reliability of the power generating units, they have not provided adequate information to support this claim. In fact, FPL represents that the proposed Radial Collector Well system will provide a reliable back-up water source to supply cooling water when reuse water is not available in sufficient quality and quantity for cooling purposes. In addition, FPL's assertion that the Reclaimed Water Treatment Facility must be located on site appears inconsistent with FPL's operation of their West County Energy Center located in Palm Beach County, which uses reclaimed water provided by the East Central Regional Water Reclamation Facility located approximately 18 miles from the power plant site.

FPL also asserts that if the Reclaimed Water Treatment Facility is located off-site, additional onsite water treatment and water storage facilities ("approximately 6.5 acres") will still be necessary to address situations when "off-specification" water is detected at the cooling towers or make-up water reservoir. FPL did not provide information to support that such additional facilities will actually be required. Furthermore, the proposed Reclaimed Water Treatment Facility will be owned, operated and managed by FPL regardless of where it is located, and it is reasonable to conclude that FPL staff managing this facility will be closely monitoring water quality output to assure it meets their required specification. Regardless, based upon FPL's assertion that 6.5 acres of treatment and storage facilities would still be required onsite, it can be assumed that the area needed for an onsite treatment facility can be reduced to minimize impacts to high quality wetlands in the Mangrove Protection Area if the Reclaimed Water Treatment Facility were constructed at an offsite location.

Furthermore, the analysis does not consider or evaluate other locations, despite the fact that there are many hundreds of acres of land in the undeveloped area between Turkey Point and the South Dade Wastewater Treatment Plant. Based on the above, FPL has failed to demonstrate that the proposed reuse water treatment facility could not be located outside of designated Mangrove Protection Areas at an upland site or even an altered, lower quality wetland site that would minimize or avoid impacts to high quality wetlands and threatened/endangered species habitat.

Based on the above, RER-DERM has determined that FPL has not adequately demonstrated that there are no reasonable alternatives to the sites proposed in the Mangrove Protection Areas. Given the size and scale of this project, FPL has not provided an adequate analysis of all properties (including FPL owned and/or public or privately owned properties) in the area to conclude that no other acceptable sites exists. RER-DERM does not accept the limited analysis as conclusive and sufficient to demonstrate the Reclaimed Water Treatment Facility can only be located in the proposed locations. The proposed project impacts are both avoidable and not consistent with Miami-Dade County Code and the CDMP. Therefore, RER-DERM recommends that the applicant seek alternative locations such that the proposed reclaimed water treatment facility be constructed in an area that avoids adverse impacts to high quality wetlands supporting halophytic vegetation and such that the proposed facility would not reduce or adversely affect habitat used by endangered or threatened species. Accordingly, RER-DERM recommends denial of the portion of request 1 related to the unusual use for a Reclaimed Water Treatment Facility and denial of associated requests 4, 5 and 6 for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire respectively, since they are inextricably associated with the Reclaimed Water Treatment Facility.

**Requests Number 1 and 9**  
**Radial Collector Well Analysis**

FPL and Miami-Dade County signed a Joint Participation Agreement (R-813-10) for development of a reclaimed water project to serve as the cooling water source for the proposed Units 6 & 7 project. This agreement allocates up to 90 million gallons per day of reclaimed water treated with high level disinfection to cool FPL's existing Unit 5 gas powered plant and the two proposed nuclear power Units 6 and 7. The Joint Participation Agreement defines the quality and quantity of the reuse water to be delivered by Miami-Dade County and accepted by FPL.

FPL has applied for approval to use a Radial Collector Well system that would withdraw water from the Biscayne Aquifer as a backup source of cooling water for proposed nuclear Units 6 & 7. This application for water withdrawal is prohibited under Condition 4 of Zoning Resolution Z-56-07. Condition 4 prevents impacts to the Biscayne Aquifer by prohibiting FPL from applying for withdrawals from this aquifer. As part of the subject request, FPL has also requested modification of Condition 4 of Zoning Resolution Z-56-07, which would allow FPL to apply to withdraw water from the Biscayne Aquifer. This request for a Radial Collect Well is dependent upon FPL's request to modify Condition 4 of Zoning Resolution Z-56-07, and the analysis below applies to both requests.

Policy WS-1E of the CDMP requires Miami-Dade County to use all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map. The land on which the caissons (vertical well shafts) for the radial collector wells are proposed is part of Environmental Protection Subarea F. Although necessary electrical generating facilities may be approved for this area under the CDMP, approval of any new use, and the replacement or expansion of any existing use must be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of the CDMP, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.

Policy WS-6B requires that Miami-Dade County take steps necessary to assure that all viable potable water well fields in the County remain available for use and possible future expansion, while Policy WS-1F requires that Miami-Dade County use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities, including discouraging changes to the Land Use Plan map or land development regulations where these would permit land uses that are incompatible with the continued operation or planned expansion of these facilities. There are 7 potable water well fields within 10 miles and a total of 12 potable water well fields within 15 miles of the proposed radial collector well system (including the Florida Keys Aqueduct Authority's sole well field).

The proposed radial collector well field is located within the management boundaries of the Biscayne Bay Management Plan and within an Aquatic Park and Conservation area created by the Miami-Dade County Board of County Commissioners in 1974. The well laterals would extend under Biscayne Bay into an area adjacent to Biscayne National Park. The well laterals would be located on public lands within a State of Florida designated Aquatic Preserve and would be specifically designed to draw water through the bay bottom in this area. The bay bottom in this area contains sensitive benthic resources including seagrass beds. Sensitive wetlands are also located nearby, including mangrove wetlands within the National Park. It should be noted that Biscayne National Park has expressed concerns with the subject request due to its potential impact to hydrology and to natural resources.

The radial collector well field is proposed to be located under Biscayne Bay adjacent to Biscayne National Park. The near shore portions of southern Biscayne Bay as well as coastal and adjacent freshwater wetland areas throughout south Miami-Dade including the wetlands to the north, west and south of the Turkey Point Power Plant and Cooling Canal system are proposed for restoration through the Biscayne Bay Coastal Wetlands Project of the Comprehensive Everglades Restoration Plan (CERP). This restoration project will replace lost overland fresh water flow and partially compensate for

the reduction in groundwater seepage by redistributing, through a spreader system, available surface water entering the area from regional canals. The goal of this CERP project is to improve the ecological health of Biscayne Bay (including freshwater wetlands, tidal creeks and near-shore habitat) by adjusting the quantity, quality, timing, and distribution of freshwater entering Biscayne Bay and Biscayne National Park. Redistribution of freshwater flow and the expansion and restoration of wetlands will help to restore or enhance freshwater wetlands, tidal wetlands, and near shore bay habitat. Improving salinity distribution near the shoreline with sustained lower-than-seawater salinities in tidal wetlands can help to reestablish productive nursery habitat for shrimp and shellfish, including oyster reef communities. The CERP project includes pump stations, spreader swales, stormwater detention areas, flowways, levees, culverts, and backfilling of canals and mosquito ditches located in southeast Miami-Dade County and covers approximately 13,600 acres along the L-31E Levee to capture, treat, and redistribute freshwater runoff from the watershed going into Biscayne Bay, creating more natural water deliveries and expanding spatial extent and connectivity of coastal wetlands, and improved recreational opportunities. In addition, another CERP project overlaps with the BBCW project in the Model Lands area immediately westward of the Turkey Point Cooling Canal area. Although the C-111 Spreader Canal Western Project focuses on the restoration of flows to Florida Bay via Taylor Slough in Everglades National Park, it also includes the restoration of the Southern Glades and Model Lands and other associated wetlands and estuarine systems in an area that overlaps with the BBCW project. A portion of this CERP project has already been constructed in the L-31E canal just west of FPL's cooling canal system and operational changes to the S20 Coastal Water Control Structure in this area will raise water levels in the areas adjacent to FPL's cooling canal system. Both of these CERP projects are considered to play an integral role in meeting the Comprehensive Everglades Restoration Plan (CERP) system-wide ecosystem restoration goals and objectives.

Objective LU-3 of the CDMP requires Miami-Dade County to ensure the protection of natural resources and systems by reflecting the management policies included in CERP. Policy CON-7J requires Miami-Dade County to consider an application's consistency with CERP objectives when evaluating applications that will result in alterations to wetlands, and may deny the application if it is found to be inconsistent with CERP. The Radial Collector Well system has the potential to adversely impact water resources related to CERP restoration areas. In addition, impacts to mangrove wetlands located outside of the CERP project construction footprints are anticipated for construction of the pipeline necessary to connect the proposed radial collector well field to the proposed power plants in the area adjacent to the outer dike of the cooling canal system. Therefore, wetland mitigation is required and a mitigation plan acceptable to Miami-Dade County must be provided that is consistent with the requirements of Section 24-48.4 of the Code.

Condition 15 of Zoning Resolution Z-56-07 requires a hydrologic study if project elements are expected to impact surface or groundwater. The proposed Radial Collector Well system will impact surface and groundwater, including groundwater in the Biscayne Aquifer. In addition, pursuant to Condition 5 of Zoning Resolution Z-56-07, FPL is required to use groundwater modeling to evaluate the impacts of any alternative groundwater source for the nuclear units' cooling systems and the groundwater model methodology is required to be approved by MDWASD. FPL's groundwater model has not been approved by MDWASD and county technical staff believe the hydrologic information provided in this request and as part of the Site Certification Application submitted to the Florida DEP may not fully predict potential hydrologic and water quality impacts associated with full scale operation of the proposed Radial Collector Wells, including interactions with the existing groundwater plume resulting from long term operation of the existing cooling canal system. Due to this uncertainty, RER-DERM is not able to definitively conclude that operation of the proposed radial collector well field will not result in harm to resources, violate water quality standards or create nuisance conditions. Therefore it is recommended that the Radial Collector Wells only be approved upon condition that FPL develop and implement a monitoring plan to fully evaluate operation of the proposed Radial Collector Well system, that FPL operate the Radial Collector Wells system consistent with requirements of Chapter 24 of the Miami-Dade County Code and consistent with adopted goals, objectives, and policies of the CDMP, and that FPL shall be required to take necessary action to correct and adequately abate any adverse

environmental impacts including any adverse impacts to water resources associated with operation of the Radial Collector Wells.

Based upon FPL's representations to use reuse water as a primary source of cooling water for the proposed Units 6 & 7, and that use of the proposed Radial Collector Wells is intended only as a back-up supply of cooling water when reuse water is not available in the quantity and quality necessary for use as cooling water, and FPL's representations to limit use of the Radial Collector Wells to no more than 90 days in any consecutive 12 month period, RER-DERM recommends approval of requests #1 and #9 as it pertains to the Radial Collector Wells subject to the conditions contained herein:

**Radial Collector Well Conditions:**

- Prior to completion of the first radial collector well, FPL shall submit a Radial Collector Well Field Monitoring Plan to Miami-Dade County RER-DERM for review and approval. FPL shall modify the Radial Collector Well Monitoring Plan as required for approval by Miami-Dade County RER-DERM so that the monitoring plan provides information reasonably necessary for the County's evaluation of the project's compliance with requirements of Chapter 24 of the Code of Miami-Dade County and conditions of the unusual use approval. FPL shall implement the plan as approved. The purpose of the Radial Collector Well Monitoring Plan is to confirm that no adverse impacts occur to the Biscayne Aquifer and to ecological or water resources in the surrounding wetlands and bay areas resulting from the operation of the Radial Collector Well system. The Radial Collector Well Monitoring Plan shall include an initial start-up testing component for the first completed caisson and radial well collector array and a subsequent full scale testing component after completion of the entire well field, as well as a long term monitoring component for evaluating operation of the full scale Radial Collector Well system.
- The Radial Collector Well Monitoring Plan shall also include timelines and a reporting component, and shall include Monthly Operating Reports. FPL shall collect and analyze hydrologic and water quality data generated from the Radial Collector Well Monitoring Plan each time the radial collector well field is operated as a back up source of cooling water and shall provide both the monitoring data (in electronic format), and a report analyzing the data to Miami-Dade County RER-DERM within 120 days after the event monitoring has ceased. If the monitoring indicates adverse impacts to either ecological or water resources, FPL shall be required to take action to correct and adequately abate such impacts. Corrective action shall be approved by Miami-Dade County RER-DERM prior to implementation. If the monitoring indicates nuisance conditions pursuant to 24-27 of the Miami-Dade County Code, well field pumping shall cease.
- Initial start-up testing of the first completed well shall consist of a minimum of 72 hours pumping at the average expected single caisson pumping rate for full Radial Collector Wellfield operations and shall include hydrologic and water quality monitoring before, during and after pumping until full recovery of the surrounding area is demonstrated. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters installed in the bay bottom substrate or an alternative approved method). The purpose of this initial 72 hour pump testing is : 1) to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model.
- Subsequent to the 72 hour pumping test, initial full scale testing of the first completed well shall consist of a 30 day pumping period at the average expected single caisson pumping rate for full Radial Collector Wellfield operations. The Radial Collector Well Monitoring Plan shall include measuring the pumping rate and flows from individual laterals, seepage (either by meters

installed in the bay bottom substrate or an alternative approved method). The purpose of this 30 day pump testing is to: 1) to generate sufficient hydrologic and water quality data to confirm that one well operating at full capacity would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas resulting from the operation of the well field and to confirm information provided on aquifer characteristics and modeling predictions submitted by FPL in this application as they relate to the causal effects on water resources, and 2) to inform the design or further refinement in design of the long term component of the Radial Collector Well monitoring based on the data generated from the initial start-up testing phase and 3) to verify the amount of time necessary for full recovery of the aquifer and surrounding water bodies after this initial test and 4) to use these data to correct or improve the model as necessary to ensure accurate simulation of conditions and impacts including predictive ability of the model. The long term monitoring component shall generate sufficient hydrologic and water quality data necessary to evaluate and confirm that full scale operation of the Radial Collector Well would not result in adverse impacts to the Biscayne Aquifer or to ecological or water resources in the surrounding wetlands or bay areas and to confirm aquifer characteristics and modeling predictions submitted in the application as they relate to the causal effects on these water resources, and to provide actual data at a scale sufficient to verify output of the model required as part of Zoning Resolution Z-56-07.

- FPL shall analyze Radial Collector Well Monitoring Plan data using appropriate groundwater hydraulic techniques. FPL shall use the data from the initial start up testing and configure the existing groundwater model (originally calibrated parameters and boundary conditions) to simulate the full scale radial collector well operation using recorded pumping rates and lateral distributions generated from the initial start-up testing. The modeled steady-state drawdowns shall be compared to observed steady state drawdowns to confirm the accuracy of the original model. If necessary, the model will then be recalibrated (by parameter and boundary condition adjustment) to approximate drawdowns observed during the full scale test. The recalibrated model will then be run to confirm the conclusions of the original model.
- Consistent with FPL's representations, the radial collector well field shall only be operated as a back up source of cooling water for units 6 and 7. Use of the well field as a primary source is specifically prohibited. Use of the well field when reclaimed water of sufficient quality and quantity is available from Miami-Dade County is also prohibited except as described by the conditions of approval contained herein. Use of the radial collector well field as a back up source of cooling water is contingent upon continued demonstration that operation of the radial collector well field at full capacity does not result in adverse environmental impacts to local, state or federal water resources, including wetlands, and that local or state water quality standards are not exceeded.
- After the Radial Collector Well system is fully operational and following initial start-up monitoring and testing, further operation of the Radial Collector Well for routine maintenance or testing purposes shall only be during the wet season (June- October) to the extent practicable, unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.
- In order to reduce avoidable stresses on the aquifer and surrounding surface waters, Radial Collector Well pump operations associated with routine maintenance shall be staggered so that only one radial caisson array is in operation at a time (except during the initial, pre-operational full scale testing) unless maintenance and testing can be performed by managing all net flows within the Radial Collector Well system to reduce the use of water from the surrounding aquifer and/or surface waters to the greatest extent practicable. For purposes of this condition, maintenance and testing associated with a plant outage is not considered routine.

- Consistent with FPL's representations, the maximum number of days the Radial Collector Wells may be operated for cooling water purposes in any consecutive twelve (12) month period shall not exceed ninety (90) days unless approved by Miami-Dade County RER-DERM.
- Notwithstanding any other condition associated with this zoning approval and pursuant to Section 24-27 of the Miami-Dade County Code, FPL shall not cause, or allow to be caused, any nuisance as defined in Section 24-5 and/or 24-28 by operation of the radial collector well field.
- FPL shall monitor the quality and quantity of the reuse/reclaimed water provided by Miami-Dade County. FPL shall maintain documentation including but not limited to laboratory analysis and any other monitoring data. If monitoring indicates that the quality or the quantity of the reclaimed water has decreased to the point where it no longer meets the thresholds defined in paragraph 3.3.2 of the Joint Participation Agreement signed by both Miami-Dade County and FPL (R-813-10) or successor agreements, FPL shall provide notification to Miami-Dade County WASH. within 24 hours of such a determination. FPL shall maintain all records relating to this monitoring for review by Miami-Dade County and provide such records within 30 days upon request. Use of an alternative or secondary source of cooling water is prohibited while reclaimed water is available in sufficient quantity and quality as defined in Paragraph 3.3.2 of the aforementioned Joint Participation Agreement or successor agreements. FPL shall cease use of the alternate source of cooling water and return to the primary reclaimed water source as soon as possible after reclaimed water meeting the specifications cited in Paragraph 3.3.2 of the Joint Participation Agreement or successor agreements is available.
- FPL shall submit Monthly Operating Reports to Miami-Dade County RER-DERM with monitoring requirements specific to the well field operations (i.e. idle, maintenance, and actual operation). Submittal of a Monthly Operating Report shall be required whether or not the wells have been operated in any particular month. Each Monthly Operating Report shall provide monthly groundwater data, including volume extracted and water quality data. The water quality parameters to be included in the Monthly Operating Reports shall be approved by Miami-Dade County RER-DERM prior to operation of the well field.
- Construction of the radial collector wells, including but not limited to dewatering activities, shall not result in violation of the water quality standards set forth in Section 24-42(4) of the Code of Miami-Dade County. Construction activities, including but not limited to de-watering, shall be in compliance with applicable water quality standards and such project activities shall not cause a nuisance or sanitary nuisance as defined pursuant to Miami-Dade County Code Sections 24-27 and 24-28. All dewatering associated with the construction of the radial collector wells shall be directed to the cooling canals or to approved deep injection wells unless otherwise approved by Miami-Dade County RER-DERM; discharges of any kind to wetlands or Biscayne Bay are prohibited without prior written approval from Miami-Dade County RER-DERM.

**Non-Use Variance request 3, Waive dedication requirements for section line roads:**

In this application, FPL is requesting waiver of dedication requirements for portions of section line and half-section line roads. Objective TC-6 of the CDMP states that the county shall plan and develop a transportation system that preserves environmentally sensitive areas and conserves natural resources. Policy TC-6B states that land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved. Policy TC-2D states that the County shall not approve vacation of zoned rights-of-way unless it determined that the right-of-way is not required for present or future public use. It should be noted that access to environmental protection areas of the county is required in many cases for land management activities on preservation lands, including as necessary for meeting the goals and objectives of the Miami-Dade County Environmentally Endangered Lands Program. FPL has requested waiver of dedication for a

segment of right-of-way (ROW) along SW 344 Street. This area has historically provided access to lands owned by the National Park Service as part of an ecological restoration project. For this reason, approval of this request should be denied unless FPL agrees to provide an easement to Miami-Dade County for the SW 344 Street segment, for purposes consistent with land management, monitoring and restoration activities.

- FPL shall provide Miami-Dade County with an easement along section line road right of way on the SW 344 Street alignment east of Levee L-31 for purposes consistent with public land management, monitoring, and restoration activities, within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the subject easement has been approved and accepted by Miami-Dade County.

**Non-Use Variance request 7, To Permit Landscaping to be planted offsite:**

RER-DERM has no objection to the variance to permit required landscaping to be planted at an offsite location provided that FPL shall comply with the following condition.

- All landscape material that will not be planted at the subject property shall be planted at off-site locations approved by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by Miami-Dade County RER-DERM and shall be Florida Landscape Grade A. Half of the required material shall be planted at a site or sites selected by the Parks Recreation and Open Spaces Department, the remaining half shall be planted at a Miami-Dade County RER-DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department for approval. All materials shall be planted within the timeframes specified by Miami-Dade County RER-DERM and the Parks Recreation and Open Spaces Department.

**General Conditions applicable to all approved requests:**

- That all the conditions of Resolution No. 4-ZAB-559-71 and Z-56-07 remain in full force and effect, except as herein modified.
- That an unobstructed utility easement to the Miami-Dade Water and Sewer Department be provided along SW 360 Street from SW 117 Avenue to the Turkey Point facility.
- For all work approved under this application that involves impacts to wetlands, FPL shall submit a mitigation plan that is fully consistent with the CDMP and Miami-Dade County Code, including but not limited to the avoidance, minimization and preservation requirements of Section 24-48.4 Miami-Dade County Code. As a component of this mitigation plan, FPL shall also include an agreement to provide a restrictive covenant or an equivalent legal instrument to protect and maintain the wetlands areas to be preserved, and said legal instrument must be consistent with the Miami-Dade County's preservation requirements for mitigation. FPL shall submit an approvable mitigation plan to Miami-Dade County RER-DERM within ninety (90) days of BCC approval of this application and prior to any work on FPL's property related to this application, including any preconstruction work such as earthwork or clearing. All work under this approval including preconstruction earthwork and clearing is prohibited unless the mitigation plan has been approved by Miami-Dade County RER-DERM and the restrictive covenant or an equivalent legal instrument has been executed. All mitigation shall be implemented consistent with the Miami-Dade County approved plan.

- FPL shall prepare and submit to Miami-Dade County RER-DERM, within ninety (90) days of BCC approval, an earthwork and materials disposal plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by RER-DERM for compliance with Chapter 24 as interpreted by RER-DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24 and to obtain approval. The plan will include at a minimum the various types of earthwork, methods for characterization (testing) of disposal materials, identification of any potential on-site and off-site disposal sites, and a description of all best management practices to be used to prevent spoil materials stored at the proposed disposal sites from eroding and adversely impacting adjacent wetland areas or surface waters or disrupting habitat utilized by federal or state designated threatened or endangered plant or animal species. Any spoil material proposed to be stored in the vicinity of sensitive ecological areas such as wetlands or surface waters must be demonstrated to the satisfaction of Miami-Dade County RER-DERM, through appropriated sampling methodology and laboratory analysis, to be free of any contaminants that can adversely impact these sensitive areas. Work shall not commence until the required plan has been approved by Miami-Dade County RER-DERM.
- Only clean fill, free from contamination shall be used for construction pursuant to the applicable sections of Chapter 24, Miami-Dade County Code for all work approved under this application.
- FPL shall prepare a management plan for all federal and state listed, threatened, or endangered species that could be directly or indirectly impacted by the work authorized under this zoning request. Miami-Dade County RER-DERM will review the plan for consistency with substantive requirements of applicable statutes and regulations and FPL will revise the plan in a timely manner to obtain RER-DERM approval. All work including preconstruction earthwork and clearing is prohibited unless the management plan has been approved by RER-DERM. The plan shall demonstrate that FPL will preserve, to the maximum extent possible, habitat that supports federal or state designated endangered or threatened species. Pursuant to Policy CON-9B of the Miami-Dade CDMP, all nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, where necessary. Pursuant to Policy CON-9C of the Miami-Dade CDMP, rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed. The management plan shall include a comprehensive inventory of all threatened or endangered flora and fauna and identify all habitat that supports these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect threatened or endangered species habitat. Permanent measures of this plan shall include, but not limited to, use of design features such as permanent physical barriers, visual buffers, and the establishment of development setbacks necessary to prevent both direct and indirect impacts to adjacent threatened or endangered species habitat. These design features, visual buffers, and setbacks shall be sufficient to prevent disruption of sensitive behaviors such as breeding, nesting and foraging within the adjacent habitat.
- Prior to any construction related to the zoning requests in this application, FPL shall remove all prohibited plant species as defined pursuant to CDMP CON-8I and Miami-Dade Code Section 24-49.9 as may be amended from time to time, in accordance with applicable requirements of the Miami-Dade Code and CDMP. FPL shall maintain these areas to prevent growth or accumulation of all prohibited species, including all non-native grasses, weeds, and undergrowth consistent with the requirements of the CDMP, Section 24-49.9 and Section 19-14(A) Miami-Dade County Code for all work approved under this application. Furthermore, prohibited plant species shall not be sold, propagated, planted, imported or transported.

**RECOMMENDATION:**

RER Division of Environmental Resources Management has reviewed the subject zoning request for ancillary facilities associated with Turkey Point Units 6 & 7 and recommends denial of the portion of request 1 related to the unusual use for a Reclaimed Water Treatment Facility and denial of associated requests 4, 5 and 6 for the proposed Reclaimed Water Treatment facility for building and structures with a height of 75 feet, and fences with a height of 12 feet and barbed wire, respectively. DERM recommends approval with specific conditions contained herein for the following requests: request 1 for the unusual use for the Radial Collector Wells, request 2 for the unusual use for the parking area, request 9 to modify Condition 4 of Zoning Resolution Z-56-07, request 3 for a non-use variance to permit waiver of dedication requirements for section line roads and half-section roads, and request 7 for a non-use variance to permit landscaping to be planted offsite.





IN REPLY REFER TO:

## United States Department of the Interior

National Park Service  
Biscayne National Park  
9700 S. W. 328th Street  
Homestead, Florida 33033-5634



N-16

July 25, 2012

Mr. Jack Osterholt, Director  
Department of Regulatory and Economic Resources  
Stephen P. Clark Center  
111NW 1<sup>st</sup> Street, 11<sup>th</sup> Floor  
Miami, FL 33128

Dear Mr. Osterholt,

The staff of Biscayne National Park has reviewed the application by Bercow, Radell, and Fernandez representing Florida Power and Light concerning their proposed zoning variances related to the proposed construction of new nuclear units 6 & 7. Although we just received the information on July 23, and thus have not had time to thoroughly review it, there are a few items of concern that immediately stand out.

As you know, Biscayne National Park surrounds the Turkey Point property to the north and east. The national park boundary is only a few hundred yards from the nuclear power units, and is within a few inches of the proposed radial collector wells' intake pipes. Activities which affect groundwater or other natural resources associated with the proposed construction and operations will undoubtedly affect the natural resources of the national park.

Specifically, the park is concerned that allowing water withdrawals from the non-potable portion of the Biscayne aquifer will remove fresh water from an already impacted natural system. Further, removal of the non-potable water will serve to wick the potable water portion of the aquifer to the east since the aquifer is one continuous geologic structure.

Additionally, the park is unsure of the potential ramifications to water resources by the addition of the term, "non-primary source" in this context. Certainly, FPL has stated repeatedly that the radial



collector system is not to be considered the primary source of water, but the park is unclear of the restrictions or potential reduction of restrictions which may occur in this instance.

The park benefits from the ecological integrity of the wetland areas surrounding the Turkey Point facilities and encourages the County to carefully consider possible uses and resulting environmental impacts before making a determination to relinquish dedication requirements for section line and half section line roads. Retaining this jurisdiction within the County will allow the County to maintain control of these environmentally sensitive areas.

I appreciate your consideration of these issues and your concern for the continued protection of the resources of Biscayne National Park. We look forward to continuing to work with you and your staff regarding this issue.

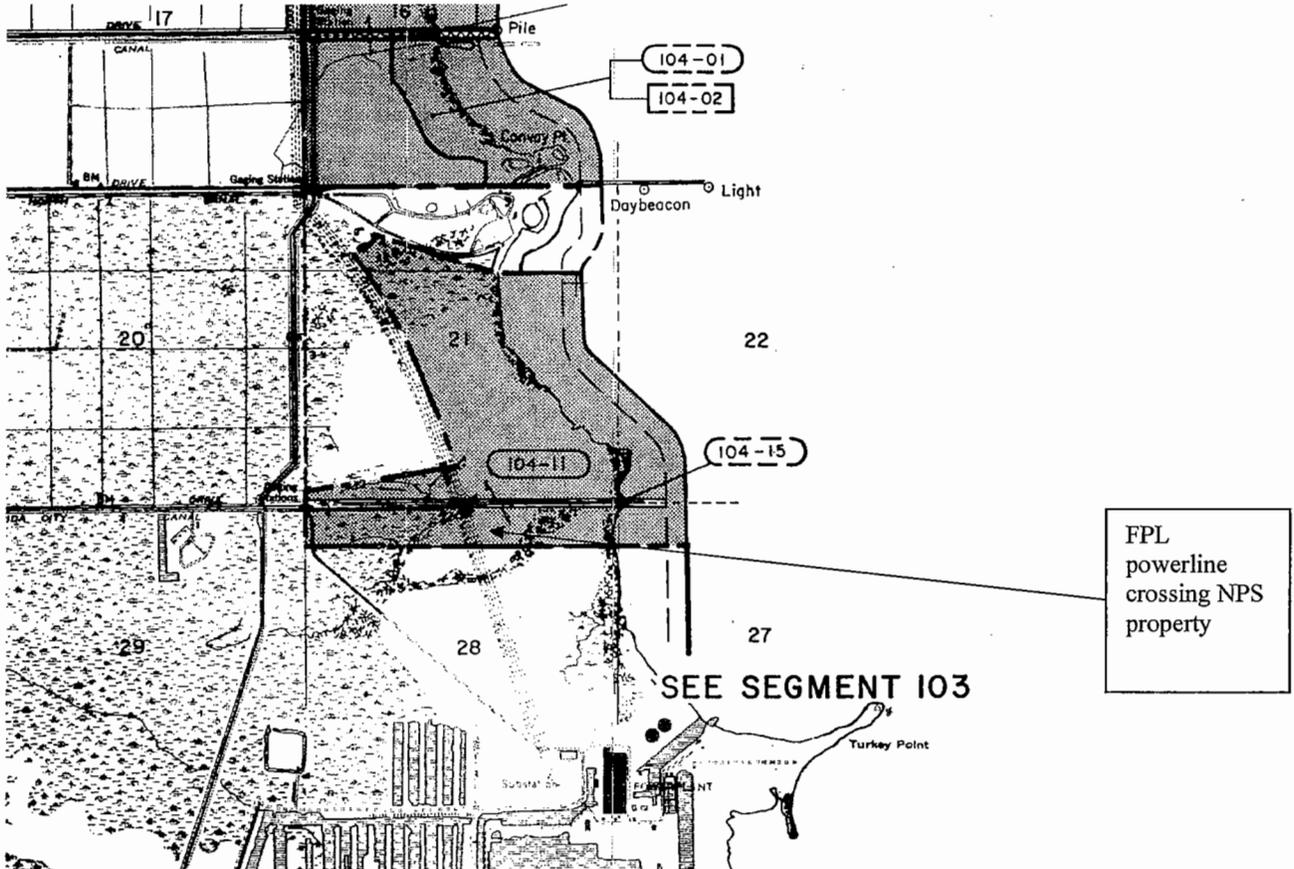
With Respect,

A handwritten signature in black ink, appearing to read "Mark Lewis". The signature is written in a cursive style with a large initial "M".

Mark Lewis,  
Superintendent



Florida Power and Light Company "Princeton Power Transmission Line"



# Memorandum



**Date:** November 1, 2012

**To:** Eric Silva  
Assistant Director  
Regulatory and Economic Resource Department

**From:**   
Antonio Cotarelo, P.E.  
Interim County Engineer  
Public Works and Waste Management Department

**Subject:** DIC 12-090  
Name: Florida Power & Light Co.  
Section 27, 28 and 29 Township 57 South Range 40 East

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I. PROJECT LOCATION:

The subject property is located east of SW 102 Avenue west of the Biscayne Bay shoreline, and between SW 344 Street and SW 362 Street.

II. APPLICATION REQUEST:

This application is concerning a 385.61 acre portion of the Turkey Point Power Plant site. The application seeks to permit a reclaimed water treatment facility, a radial collector wells system, a parking lot and the administrative and training buildings. This application requests unusual uses necessary for ancillary facilities at Turkey Point Units 6 and 7, which was previously approved by the Board of County Commissioners on December 20, 2007 through Resolution No. Z-56-07.

III. EXISTING ROADWAYS SERVICEABLE TO THIS APPLICATION:

A. Access to the site from the north is available from US1 and the Florida Turnpike. Access from the south can be achieved through US1.

IV. ANTICIPATED TRAFFIC GENERATION AND CONCURRENCY:

No new trips are anticipated as a result of this application.

V. IMPACT ON EXISTING ROADWAYS:

A. CONCURRENCY:

**Station 9956** located on SW 344 Street west of SW 137 Avenue has a maximum LOS "D" of **1,830** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **363** vehicles; **Station 9956** with its PHP and assigned vehicles is at LOS "B".

**Station 9952** located on SW 328 Street west of SW 137 Avenue has a maximum LOS "D" of **1,400** vehicles during the PM Peak Hour. It has a current Peak Hour Period (PHP) of **300** vehicles; **Station 9952** with its PHP and assigned vehicles is at LOS "B".

VI. DEVELOPMENT IMPROVEMENTS REQUIRED FOR THIS PROJECT:

Development improvements are described in the Traffic Circulation Subelement of the Comprehensive Development Master Plan.

VII. ACCESS IMPROVEMENTS REQUIRED FOR THIS PROJECT:

Access improvements are described in the Traffic Circulation Subelement of the Comprehensive Development Master Plan.

VIII. SITE PLAN CRITIQUE

Since detailed site plan was not provided, there are no site plan related comments at this time.

IX. STANDARD CONDITIONS:

A letter or a plan containing the following certification signed and sealed by a State of Florida registered engineer shall be submitted as part of the paving and drainage plans: "I hereby certify that the all of the roads for the subject project comply with all of the applicable portions of the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook) regarding: design speed, lane widths, horizontal alignment, vertical alignment, stopping sight distance, sight distance, horizontal clearance, vertical clearance, superelevation, shoulder widths, grades, bridge widths, etc."

X. SUMMARY:

This project is located within the jurisdiction of Miami-Dade County. No vehicle trips have been reserved by this application. It meets traffic concurrency for an initial review. This project may be subject to the payment of Road Impact Fees.

Public Works and Waste Management Department will be waiving the dedication requirements for the section line roads and the half section line roads within the subject property. The section line roads include SW 87 Avenue and SW 97 Avenue between SW 360 Street and SW 344 Street; SW 344 Street between SW 97 Avenue and the Levee 31 East Canal right-of-way; and SW 360 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way. The half section line roads include SW 352 Street between SW 87 Avenue and the Levee 31 East Canal right-of-way; and portions of SW 82 Avenue and SW 92 Avenue between SW 352 Street and SW 360 Street.

Additional improvements may be required at time of permitting/platting.

- c: Raul A. Pino, PLS, Department of Regulatory and Economic Resources  
Joan Shen, Ph.D., P.E., PTOE, Interim Chief, Traffic Engineering Division, PWWM  
Jeff Cohen, P.E., Assistant Chief, Traffic Engineering Division, PWWM  
Armando Hernandez, Special Administrator for Currency, Department of Regulatory and Economic Resources

# Memorandum



**Date:** September 6, 2012

**To:** Jack Osterholt, Director  
Department of Regulatory and Economic Resources

**From:** José A. Ramos, R.A., Division Director  
Aviation Planning, Land-Use and Grants Division  
Aviation Department

**Subject:** Revised DIC Application No. 12-090  
Florida Power and Light Co.  
MDAD DN-12-08-1062

A handwritten signature in black ink, appearing to be "J. Ramos", written over the "From:" field of the memorandum.

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As requested by the Department of Regulatory and Economic Resources, the Miami-Dade Aviation Department (MDAD) has reviewed the applicant's request for an unusual use to permit a water treatment facility; a modification of a condition of a previous resolution; and various non-use variances. The subject property is 382.5 acres and is located lying east of Canal L31E, south of SW 344 Street, west of Biscayne Boulevard and north of theoretical SW 360 Street, Miami-Dade County, Florida.

Based upon our review of the information provided to us, MDAD does not object to the use provided there are no conflicts with applicable local, state and federal aviation regulations including the Code of Miami-Dade County, Chapter 33, Airport Zoning. The applicant should coordinate with Mr. Larry Ventura, the contact at Homestead Air Reserve Base. He may be reached at 305-224-7163 or at [Lawrence.ventura@homestead.af.mil](mailto:Lawrence.ventura@homestead.af.mil)

Should you have any questions, please feel free to contact me at 305-876-8080.

JR/rb

BUILDING AND NEIGHBORHOOD  
COMPLIANCE DEPARTMENT

ENFORCEMENT HISTORY OF VIOLATIONS OF CHAPTER 19 AND  
CHAPTER 33 OF THE MIAMI-DADE COUNTY CODE

FLORIDA POWER & LIGHT CO

LYING EAST OF CANAL L31E,  
SOUTH OF SW 344 STREET,  
WEST OF BISCAYNE BLVD &  
NORTH OF THEORETICAL SW 360  
STREET, MIAMI-DADE COUNTY,  
FLORIDA.

---

APPLICANT

---

ADDRESS

Z2012000090

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HEARING NUMBER

**HISTORY:**

NC: THERE ARE NO CURRENT OPEN OR CLOSED NEIGHBORHOOD REGULATIONS  
CASES/

BLDG: THERE ARE NO CURRENT OPEN OR CLOSED BUILDING SUPPORT REGULATIONS  
CASES

FLORIDA POWER & LIGHT CO

**OUTSTANDING FINES, PENALTIES, COST OR LIENS  
INCURRED PURSUANT TO CHAPTER 8CC:**

**REPORTER NAME:**

# Memorandum



**Date:** August 3, 2012

**To:** Jack Osterholt, Director  
Permitting, Environment and Regulatory Affairs

**From:** William W. Bryson, Fire Chief  
Miami-Dade Fire Rescue Department *William Bryson*

**Subject:** DIC 2012000090 – Florida Power & Light (Turkey Point Power Plant)

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According to the letter of intent dated July 3, 2012, the applicant is seeking approval of certain necessary facilities associated with a previously approved nuclear power facility known as the Turkey Point Power Plant. The applicant is requesting to construct a reclaimed water treatment facility; radial collector wells; and parking to serve administrative and training office buildings on the 382 acre parcel of land located south of SW 344 Street, west of Biscayne Bay and north of theoretical SW 360 Street, Miami-Dade County, Florida.

Pursuant to Resolution Z-56-07, the applicant was granted approval of an unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment as well as non-use variance requests. The subject resolution authorized Florida Power and Light (FPL) to proceed with the permitting and construction of two additional nuclear power generating units at the site, including all ancillary uses, facilities and structures that are reasonably associated with the operation of the expanded nuclear power plant.

Although the subject resolution approved the current requests, it is the intent of FPL to file a subsequent application in order to expedite the review process and gather current comments from the corresponding Miami-Dade County agencies.

## SITE PLAN REVIEW

Although the applicant is not proffering a site plan in connection with this application, MDRF has **no objection** to the approval of certain necessary facilities associated with the previously approved nuclear power facility known as the Turkey Point Power Plant.

Please be advised that during the permitting stages of this project, the proffered site plan must be reviewed by the Fire Water & Engineering Bureau to assure compliance with the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) standards.

It is required that the applicant demonstrate, in the State of Florida Site Certification process, that all access roads associated with the operation of a nuclear power plant and ancillary structures and equipment conform with the minimum standard identified in the "Miami-Dade Fire Rescue Access Road Synopsis" along with all prevailing Miami-Dade Fire Rescue access road standards then in effect.

For additional information, please contact Mr. Carlos Heredia, Planning Section Supervisor, at 786-331-4544.

/ch

# Memorandum



**DATE:** August 22, 2012

**TO:** Jorge Vital  
DIC Coordinator  
Department of Regulatory and Economic Resources

**FROM:** Nilia Cartaya  
Principal Planner  
Miami-Dade Transit - Engineering, Planning & Development Division

*Nilia Cartaya*

**SUBJECT:** Review of DIC Project No. 12-90 (Florida Power & Light Co.)  
MDT Project No. OSP006  
FSC No. 41.04

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## Project Description

12-90 – Florida Power & Light Co. is requesting an unusual use to permit reclaimed water treatment facilities, radial collector wells and parking to service Administration and Training office buildings. The applicant is also requesting to modify a condition of a previously approved resolution as well as several non-use variances to permit buildings and structures with a height of 75 feet; waive dedication requirements for section line roadways; to permit fences with a height of 12 feet and barbed wire and to permit required landscaping to be planted offsite. The subject property is approximately 382.5 acres and lies east of canal L31E, south of SW 344 Street, west of Biscayne Boulevard and north of theoretical SW 360 Street, Miami-Dade County, Florida.

## Current Transit Service

There is currently no transit service in the area or nearby.

## Future Transportation/Transit Improvements

The 2013 Transportation Improvement Program (TIP) does not propose any improvements within the immediate vicinity of this project.

The 2035 Long Range Transportation Plan (LRTP) does not propose any improvements within the immediate vicinity of this project.

The draft 2012 ten-year Transit Development Plan (TDP) which is currently in the review/approval phase before adoption by the Board of County Commissioners does not propose any improvements within the immediate vicinity of this project.

## MDT Comments/Recommendations

The subject site lies outside of the Urban Development Boundary where mass transit concurrency standards do not apply.

Review of DIC Project No. 12-90  
Florida Power & Light Co.  
MDT Project No. OSP006  
FSC No. 41.04

**Based on the information presented, MDT has no objections to this application.**

c: Monica D. Cejas, P.E., Senior Professional Engineer  
Robert Pearsall, Section Chief, Service Planning and Scheduling, MDT

# Memorandum



**Date:** September 12, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:** Maria I. Nardi, Chief *M.I.N.*  
Planning and Research Division  
Parks, Recreation and Open Spaces Department

**Subject:** Z2012000090: FLORIDA POWER & LIGHT CO

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**Application Name:** FLORIDA POWER & LIGHT CO

**Project Location:** The site is located EAST OF CANAL L31E, SOUTH OF SW 344 STREET, WEST OF BISCAYNE BLVD & NORTH OF THEORETICAL SW 360 STREET, Miami-Dade County.

**Proposed Development:** The applicant is requesting approval of a modification of a previous resolution for an unusual use and non-use variances for a 385.61 acre portion of the Turkey Point Power Plant site.

**Impact and demand:** This application does not generate any additional residential population, and therefore the CDMP Open Space Spatial Standards do not apply.

If you need additional information or clarification on this matter, please contact John Bowers at (305) 755-5447.

MN:jb

Cc: John M. Bowers, Parks Property Management Supervisor

# Memorandum



**Date:** August 31, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:** *J. Loftus*  
James K. Loftus, Director  
Miami-Dade Police Department

**Subject:** Review - Developmental Impact Committee Zoning Application  
Case: No. Z2012000090 – Florida Power & Light Company

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## APPLICATION

The Applicant, the Florida Power & Light Company (FPL), is requesting approval of facilities associated with the Turkey Point Power Plant, Units 6 and 7. The subject property consists of 382.52 acres and is located within the Turkey Point Power Plant site, in Miami-Dade County, Florida.

Florida Power & Light Company is requesting the following specific unusual uses and related requests for necessary associated facilities for the new nuclear power plants approved pursuant to Miami-Dade Board of County Commissioners Resolution Number Z-56-07.

1. Unusual use for utility facilities, ancillary structures and equipment, and associated facilities for a nuclear power plant including, to wit, the following ancillary structures: reclaimed water treatment facilities; radial collector wells; and parking to service Administration and Training office buildings.
2. Modify Condition No. 4 of Resolution Z-56-07 as follows:
  - a. That FPL shall not apply for any water withdrawals from the potable portion of the Biscayne Aquifer as a primary source of cooling water for the proposed facilities.
3. Non-use variances to permit:
  - a. Buildings and structures with a height of 75 feet;
  - b. Waive dedication requirements for section line roads (SW 77, SW 87, and SW 97 Avenues, between SW 360 and SW 344 Streets; and SW 360 Street, between SW 87 and SW 102 Avenues) and half section line roads (SW 352 Street, between SW 87 and SW 102 Avenues; and portions of SW 82 and SW 92 Avenues, between SW 352 and SW 360 Streets);
  - c. Fences with a height of 12 feet and barbed wire;
  - d. Landscaping to be planted offsite.

## CURRENT POLICE SERVICES

The Turkey Point Power Plant is located in unincorporated Miami-Dade County and serviced by our South District, located at 10800 SW 211 Street, Miami, Florida. Our current staffing allows for an average emergency response time of eight minutes or less.

**REVIEW**

A review of the application and related documents was conducted to predict the impact on the Miami-Dade Police Department's (MDPD) resources, and the impact that the request could have on the proposed modification changes. Current data of police staffing, incident management, population, and calls for service was examined. Based on this data, no additional sworn police officers would need to be added to the South District staffing in order to maintain current staffing levels to population and calls for service. Should demand for police services increase beyond these calculations, additional sworn personnel, support staff, and equipment may be required to maintain current levels of service.

The MDPD does not object to any proposed modifications to complete this project. The applicant and developers are requested to work with police during any future application, design, or construction changes to determine the best possible solutions or security options.

Should you have any questions or require additional information, Lieutenant William Gonzalez, of the Public Information & Education Bureau, may be contacted at (305) 471-1775.

JKL/kh  
Attachment

# Memorandum



**Date:** September 25, 2012

**To:** Jack Osterholt, Director  
Regulatory and Economic Resources Department

**From:**   
Assistant Director, Administration  
Public Works and Waste Management Department

**Subject:** DIC # 12-090  
Updated Florida Power and Light Company

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Attached please find a copy of this Department's review of the above-referenced item. The review was created as requested to update a previous response dated August 8, 2012. Final comments will be offered as needed. If you should have any questions, please do not hesitate to contact Stacey McDuffie of the Fiscal, Planning and Performance Management Division at 305-514-6661.

Attachment

PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT

DIC REVIEW #12-090

**Updated Florida Power and Light Company**

**Application:** *Florida Power and Light Company* is requesting an approval of an unusual use permit for utility facilities associated with the Turkey Point nuclear power plant site including Reclaimed Water Treatment Facilities (RWTF) and Radial Collector Wells (RCW), a modification of Condition no. 4 of Resolution Z-56-07, and non-use variances to: a) permit buildings and structures with a height of 75 feet; b) wave dedication requirements for section line roads; c) permit fences with a height of 12 feet of barbed wire; and d) permit landscaping to be planted offsite. The land classification is currently zoned Interim District (GU).

**Size:** The subject property is approximately 382.52 acres.

**Location:** The subject property is located generally east of Canal L31E, south of SW 344 Street, west of Biscayne Bay and north of theoretical SW 360 Street, in Miami-Dade County, Florida.

**Analysis:**

1. Solid Waste Disposal

The Miami-Dade County Solid Waste Management System consists of both County facilities and private facilities under contract as follows: three Class I landfills (two owned by Waste Management Inc., of Florida) a Class III landfill, a Resources Recovery Facility waste to energy plant and associated ash monofill, and three regional transfer facilities. The Public Works and Waste Management Department (PWWM) does not assess or adjust estimated capacity requirements based on the impacts of individual developments. Instead, the Department maintains sufficient disposal capacity to accommodate five years of waste flows committed to the system through long-term interlocal agreements or contracts with municipalities and private waste haulers and anticipated non-committed waste flows. The latest Concurrency Status Determination issued on September 12, 2011, which is valid for one year, shows sufficient disposal system capacity to exceed the County's adopted level of service (five years of capacity). This determination, which is on file with the Sustainability, Planning and Economic Enhancement Department (formerly the Department of Planning and Zoning) is contingent upon the continued ability of the County to obtain and renew disposal facility operating permits from the Florida Department of Environmental Protection, as needed.

2. Garbage and Trash Collection Services

The Public Works and Waste Management Department (PWWM) maintains the response provided via memo dated August 8, 2012, as the supplemental information provided in the application does not affect the waste management service provided. The requested provisions regarding an unusual use permit, modification Condition no. 4 of Resolution Z-56-07, and non-use variances associated with the Turkey Point nuclear power plant site on the property will likely be considered development for a "commercial establishment". Chapter 15 of the Miami-Dade Code, entitled Solid Waste Management, requires the following of commercial developments located in unincorporated Miami-Dade County:

"every commercial and multi-family residential establishment shall utilize the solid waste collection services of either the proper governmental agency able to provide such services, or that of a licensed solid waste hauler authorized to perform such services by the Director of the Department." Therefore, the landlord or property owner is required to contact a private hauler to provide waste and recycling collection service. The collected material will subsequently be disposed of at PWWM facilities.

### 3. Recycling: Commercial Establishments

The following language from **Section 15-2.3a** requires commercial establishments "to provide for a recycling program, which shall be serviced by a permitted hauler or the appropriate governmental agency. The recycling program for commercial establishments must include a minimum of three (3) materials chosen from the following:

- |                                  |  |
|----------------------------------|--|
| 1) High grade office paper       | 6) Steel (cans, scrap)                         |
| 2) Mixed paper                   | 7) other metals/scrap production materials     |
| 3) Corrugated cardboard          | 8) Plastics (PETE, HDPE-natural, HDPE-colored) |
| 4) Glass (flint, emerald, amber) | 9) Textiles                                    |
| 5) Aluminum (cans, scrap)        | 10) Wood                                       |

**Section 15-2.3 states** the failure of a commercial establishment to provide a recycling program or a modified recycling program pursuant to Section 15-2.4 hereof shall constitute a violation of this section for which the property owner and the owner(s) and operator(s) of the commercial establishment shall be jointly and severally liable.

### 4. Waste Storage/Setout Considerations

**Section 15-4** of the Code requires that plans for storage and collection of solid waste be adequate before a building permit may be issued. Site plans must address location, accessibility, number and adequacy of solid waste collection and storage facilities. The site plan legend must contain the following statement: "Facilities for the collection and storage of solid waste are shown in accordance with Section 15-4 of the Miami-Dade County Code."

### 5. Site Circulation Considerations

It is required that development plans associated with this project incorporate at least one of the following traffic circulation criteria to minimize the reversing of waste vehicles and hence, provide for the safe circulation of service vehicles:

- a. Cul-de-sac with a minimum 49 foot turning radius (no "dead-ends")
- b. "T" shaped turnaround 60 feet long by 10 feet wide
- c. Paved throughway of adequate width (minimum 15 feet)

In addition, any and all alleyways designed with utilities, including waste collection, provided at the rear of the property should be planned in accordance with standard street specifications with sufficient width and turning radii to permit large vehicle access. Additionally, there should be no "dead-end" alleyways developed. Also, a sufficient waste set-out zone should be preserved (between the edge of the pavement and any possible obstructions such as parked cars, fencing, etc.,) that would interrupt or preclude waste collection. **The PWWM has no objections to the proposed application.**

# Memorandum



**Date:** September 5, 2012

**To:** Jack Osterholt, Deputy Mayor/Director  
Sustainability, Planning and Economic Enhancement (SPEE)

**From:** Maria A. Valdes, Chief, LEED® Green Associate *Maria A. Valdes*  
Comprehensive Planning & Water Supply Certification Section

**Subject:** Florida Power & Light (FPL) Company - DIC Application # 12-090

Below, please find the Miami-Dade Water and Sewer Department's (MDWASD) comments for the subject project.

**Application Name:** Florida Power & Light Company, Facilities associated with Turkey Point Units 6 & 7

**Proposed Development:** This application concerns a 385.61 acre portion of the Turkey Point Power Plant site with certain necessary facilities associated with Turkey Point units 6 & 7. The applicant is requesting Unusual Use for ancillary structures, equipment, and associated facilities for a nuclear power plant including the following structures: Reclaimed Water Treatment Facilities, Radial Collector Wells, and a parking area to service the Nuclear Units, and the Administrative and Training buildings.

In addition, the applicant is requesting modification of condition No. 4 of the 2007 resolution, as it applies to the Subject Property to reflect that "FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a primary source of cooling water for the proposed facilities. Also, Non Use Variances have been requested to permit buildings and structures with a height of 75 feet, waiver of dedication requirements for section line roads and half-section line roads within the subject property, fences with a height of 12 feet and barbed wire, and landscaping to be planted offsite.

**Project Location:** The subject property is located east of S.W. 102 Avenue, west of the Biscayne Bay shoreline, and between S.W. 344 and S.W. 362 Streets in unincorporated Miami-Dade County. All of the parcels related to this application are located outside of the Urban Development Boundary.

**Water:** The potable water for this application will be provided by Miami-Dade Water and Sewer Department. The potable water pipeline corridor for this application has been identified in FPL's Site Certification Application for Turkey Point Units 6 & 7. The pipeline corridor currently identified will commence at S.W. 288 Street along S.W. 137<sup>th</sup> Avenue south to S.W. 328<sup>th</sup> Street, then east along S.W. 328<sup>th</sup> Street to S.W. 117<sup>th</sup> Avenue, then south along S.W. 117<sup>th</sup> Avenue to S.W. 360<sup>th</sup> Street, then east along S.W. 360<sup>th</sup> Street to the FPL site for Turkey Point Units 6 & 7.

A portion of the potable water pipeline corridor for the Turkey Point facility is currently planned to be routed along S.W. 360<sup>th</sup> Street from S.W. 117<sup>th</sup> Avenue to the FPL facility. As such, a section of this corridor will be located within the requested waiver of dedication requirements for the section line road along S.W. 360<sup>th</sup> Street between S.W. 97<sup>th</sup> and S.W. 87<sup>th</sup> Avenue. Please note that an unobstructed utility easement will be required to be provided to MDWASD for any MDWASD infrastructure located within the waiver of dedication requirements.

**Sewer:** The sanitary sewer treatment and disposal will be provided by FPL on-site treatment plant for wastewater service.

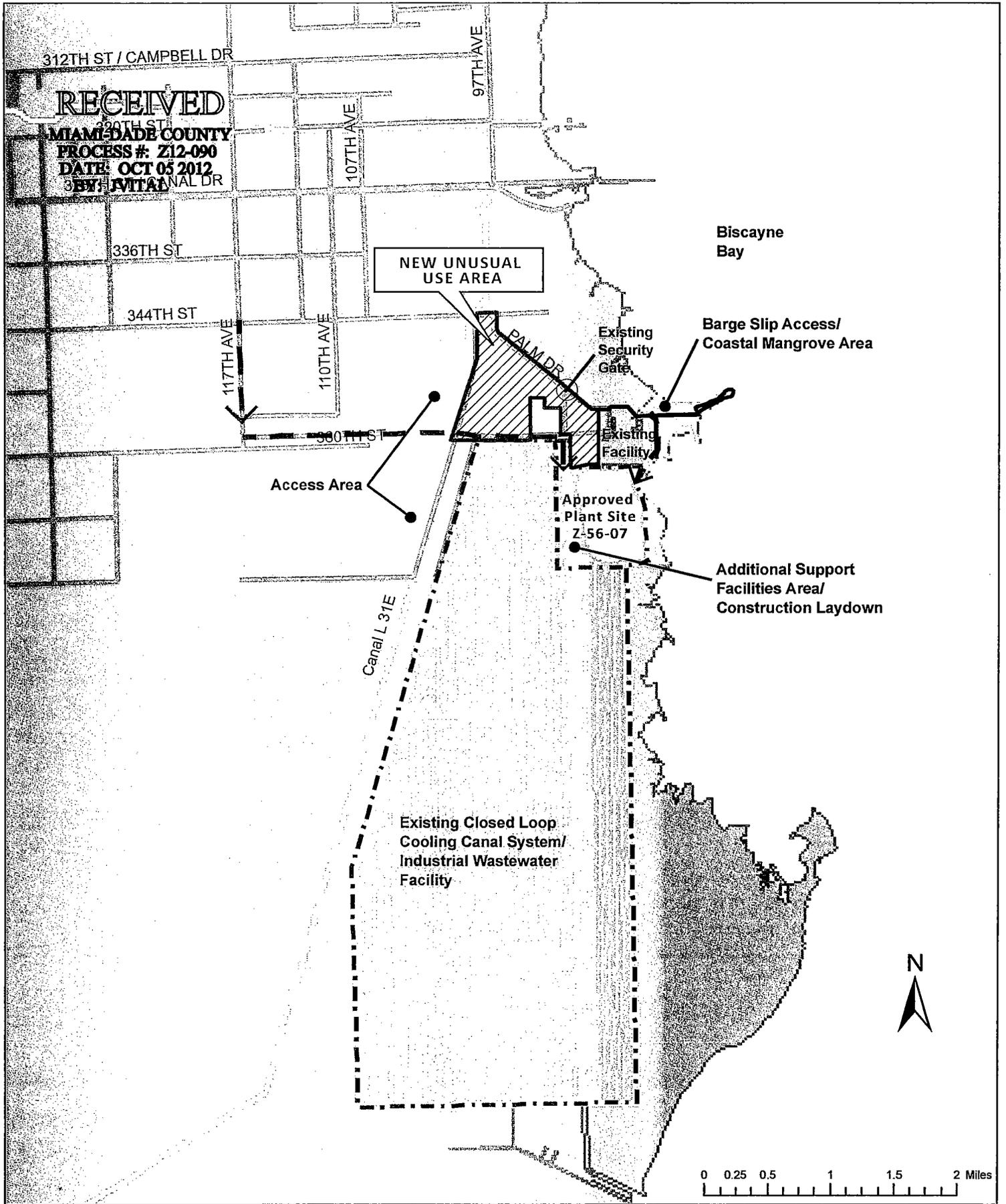
**Reclaimed Water:** The primary source of cooling water for Units 6 & 7 will be reclaimed water from MDWASD. On July 20, 2010, FPL and MDWASD entered into a Joint Participation Agreement (JPA) for the supply of up to 90 mgd of reclaimed water to be utilized as the primary cooling water for Turkey Point Units 6 & 7. The South District Wastewater Treatment Plant (SDWWTP) will be the source for the reclaimed water to be used at the Turkey Point Facility.

**Water Conservation:** All future development for the subject area will be required to comply with water use efficiency techniques for indoor water use in accordance with Section 8-31, 32-84 and 8A-381 of the Code of Miami-Dade County. In addition, the future development will be required to comply with the landscape standards in Sections 18-A and 18-B of Miami-Dade County Code.

For more information about our Water Conservation Program please go to  
<http://www.miamidade.gov/conservation/home.asp>.

For information concerning the Water-Use Efficiency Standards Manual please go to  
[http://www.miamidade.gov/conservation/library/WUE\\_standards\\_manual\\_final.pdf](http://www.miamidade.gov/conservation/library/WUE_standards_manual_final.pdf)

Should you have any questions, please call me at (786) 552-8198 or Alfredo B. Sanchez at (786) 552-8237.



The information on this plan shows the Subject Property approved by Z-56-07, and modification area proposed by the application for approval of ancillary facilities associated with Turkey Point Units 6 & 7, August 2012. No changes are proposed to the Construction/Operating Facility Plan and Detailed Operating Facility Plan approved by Z-56-07 except the area outlined as New Proposed Unusual Use Boundary.  
 Source: The Curtis Group October 2012

**Approved Z-56-07**

-  Subject Property
-  Unusual Uses
-  Access Roadways

-  New Proposed Unusual Use Boundary

**FPL Turkey Point  
 Approved Z-56-07 and  
 New Proposed Unusual Use Area**

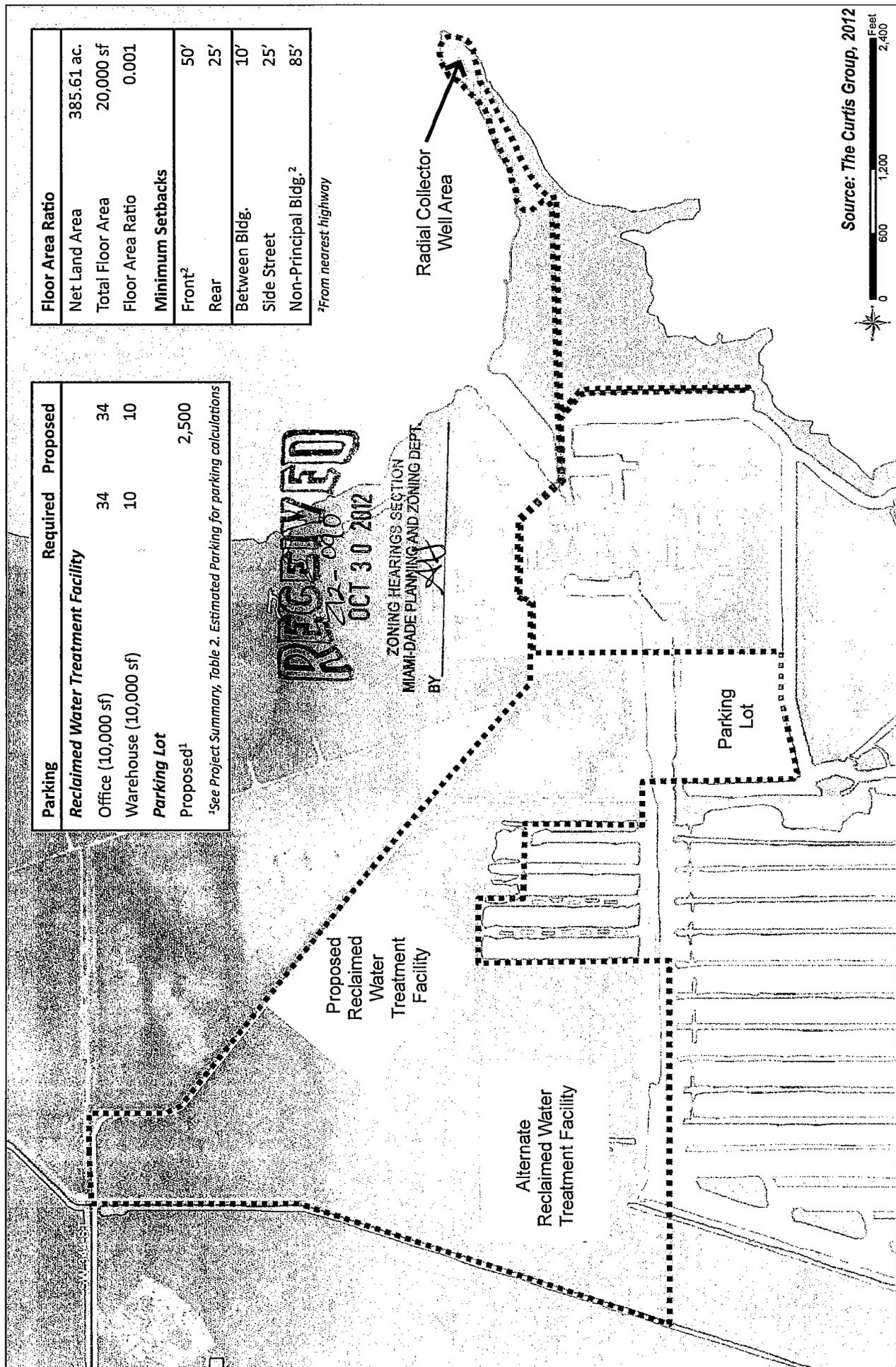
Parking	Required	Proposed
<b>Reclaimed Water Treatment Facility</b>		
Office (10,000 sf)	34	34
Warehouse (10,000 sf)	10	10
<b>Parking Lot</b>		
Proposed <sup>1</sup>		2,500

<sup>1</sup>See Project Summary, Table 2. Estimated Parking for parking calculations

Floor Area Ratio	
Net Land Area	385.61 ac.
Total Floor Area	20,000 sf
Floor Area Ratio	0.001
<b>Minimum Setbacks</b>	
Front <sup>2</sup>	50'
Rear	25'
Between Bldg.	10'
Side Street	25'
Non-Principal Bldg. <sup>2</sup>	85'

<sup>2</sup>From nearest highway

**RECEIVED**  
 12-09-10  
 OCT 30 2012  
 ZONING HEARINGS SECTION  
 MIAMI-DADE PLANNING AND ZONING DEPT.  
 BY [Signature]



Source: The Curtis Group, 2012  
 0 600 1,200 2,400 Feet

**NOTES:**

1. The variance for height (75' maximum) is limited to structures accessory to the Reclaimed Water Treatment Facility.
2. The variance of fence height (12' maximum) and to allow barbed-wire fences is limited to the boundary of the pad for the Reclaimed Water Treatment Facility.
3. The information shown on this conceptual plan is illustrative only (other than the Proposed Unusual Use Boundary, the legal description of which is titled "Subject Property" and has been submitted in Exhibit 2.1 of the public hearing application, "Subject and Contiguous Property Legal Descriptions and Sketches"). It depicts the general distribution of uses, and does not specify the exact location, size or characteristics of any proposed structure. The configuration of buildings, ancillary structures, driveways, parking lots, and other uses on site, as well as the location of proposed access roadways, will be further developed and reviewed as part of NRC Combined Construction and Operating Licensing process and State of Florida Site Certification Application process.

**Legend:** [ ] New Proposed Unusual Use Boundary

**SITE PLAN**

RECEIVED

MIAMI-DADE COUNTY  
PROCESS #: Z12-090  
DATE: AUG 20 2012  
BY: JVR/AD

DISCLOSURE OF INTEREST\*

IF A CORPORATION owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: FPL

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>FPL is publicly traded on the NYSE.</u>	

If a TRUST or ESTATE owns or leases the subject property, list the trust beneficiaries and the percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>

If a PARTNERSHIP owns or leases the subject property, list the principals including general and limited partners. [Note: Where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>

If there is a CONTRACT FOR PURCHASE, by a Corporation, Trust or Partnership list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or other similar

RECEIVED

entities, further disclosure shall be made to identify natural persons having the ultimate ownership

MIAMI-DADE COUNTY

PROCESS # 212-090

DATE: AUG 20 2012

BUYER/PURCHASER: \_\_\_\_\_

BY: JVTAL

NAME, ADDRESS AND OFFICE (if applicable)	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NOTICE: For any changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

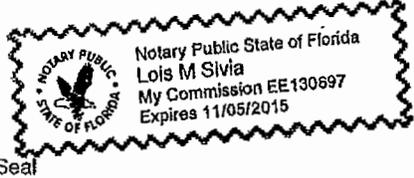
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: X Roger Messer (Applicant)

Sworn to and subscribed before me this 3rd day of JULY, 2012. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Lois M Sivia  
(Notary Public)

My commission expires: 11/5/15



\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

# ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.

12-090

<b>NEIGHBORHOOD SERVICES PROVIDER COMMENTS*</b>	
Division Environmental Resources Management (RER)	Objection to the two proposed locations reclaimed water treatment facility and related requests, no objection to the remainder of the application
Public Works & Waste Management	No objection
Parks, Recreation and Open Space	No objection
Fire Rescue	No objection
Police	No objection
Schools	Not applicable - no residential development proposed
Miami-Dade Transit	No objection
*Subject to conditions in the Department's attached memorandum.	

## COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES, POLICIES AND INTERPRETATIVE TEXT

<p><b>Environmental Protection</b> (Pg. I-64)</p>	<p><i>The Environmental Protection designation applies to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems of County, regional, State or national importance. These lands are characteristically high-quality marshes, swamps and wet prairies, and are not suited for urban or agricultural development. However, some high-quality uplands such as tropical hammocks and pinelands on the State Conservation And Recreation Lands (CARL) and Miami-Dade County Environmentally Endangered Lands (EEL) acquisition lists are also included. Most of the CARL projects are designated on the future Land Use Plan (LUP) Map, but some are not because of their small size. EEL projects that are acquired and are large enough to be depicted at the Plan Map scale are also designated on the Future Land Use Plan Map. It is the policy of this Plan that all land areas identified on the State CARL, Miami-Dade County EEL, and South Florida Water Management Save Our Rivers (SOR) acquisition lists shall have equally high priority for public acquisition as those land areas designated Environmental Protection on the Future LUP Map. Uses permitted within these areas must be compatible with the area's environment and the objectives of the Comprehensive Everglades Restoration Plan, and shall not adversely affect the long-term viability, form or function of these ecosystems. Residential development in this area shall be limited to a maximum density of one unit per five acres, and in some parts of this area lower densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems. densities are required to protect the fresh water supply and the integrity of the ecosystems. Public and private wetland mitigation banks and restoration programs may also be approved in Environmental Protection areas where beneficial to county ecological systems.</i></p> <p><i>Because of the importance of maintaining the natural form and function of these areas, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. However, so long as these lands remain in private ownership, some compatible use of this land will be permitted by Miami-Dade County consistent with the goals, objectives and policies of this Plan and the objectives of the Comprehensive Everglades Restoration Plan. All proposed uses will be reviewed on a case-by-case basis for compliance with environmental regulations and consistency with this Plan and the Comprehensive Everglades Restoration Plan. The following provides an indication of the uses and residential densities that may be considered for approval subject to conformity with the pertinent goals, objectives and policies of this Plan. The precise boundary of the entire Environmental Protection area is depicted on the LUP map. The map titled "Environmental Protection Subareas" (Figure 7) and the following text indicate the boundaries between</i></p>
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# ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.

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<p><b>Environmental Protection Subarea E (Southeast Wetlands) (Pg. I-68)</b></p>	<p>subareas of the Environmental Protection Area.</p> <p>This Environmental Protection subarea is bounded on the west by US Highway 1 on the north by Open Land Subarea 5, on the east by Levee 31E and on the south by a hypothetical line extending between the point at which Card Sound Road meets Levee 31E, and the intersection of US Highway 1 and Canal-111. The area is low lying, poorly drained, flood prone, and is characterized predominantly by high-quality wetland communities. Accordingly, any land use or site alteration proposal will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies for conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.</p>
<p><b>Environmental Protection Subarea F (Coastal Wetlands and Hammocks) (Pg. I-68)</b></p>	<p>This subarea includes all coastal wetlands designated as Environmental Protection Area on the LUP map, which are not within the authorized boundaries of Biscayne or Everglades National Parks. These areas are low-lying, flood prone and characterized predominantly by coastal wetland communities. Accordingly, all land use or site alteration proposals will be carefully evaluated on a case-by-case basis by federal, State, regional, and County agencies.</p> <p>Because of the importance of maintaining biologic and hydrologic functions provided by these areas, the coastal wetlands should be managed toward these ends and acquired whenever possible. However, until these lands are acquired for natural resource management uses which could be considered for approval include residential use at a density not to exceed one dwelling unit per five acres, water-dependant uses, or necessary compatible public, water related facilities consistent with the Conservation, Aquifer Recharge and Drainage Element and the Coastal Management Element of this Plan. In addition, necessary electrical generation and transmission facilities are also permitted in this area. The approval of any new use, and the replacement or expansion of any existing use will be conditioned upon its demonstrated consistency with the adopted goals, objectives and policies of this plan, conformity with all prevailing environmental regulations and compatibility with objectives of the Comprehensive Everglades Restoration Plan.</p>
<p><b>Institutions, Utilities &amp; Communications (Pg. I-52.4)</b></p>	<p>The Plan map illustrates, for information purposes, only the location of major institutional uses, communication facilities and utilities of metropolitan significance. Depicted are such uses as major hospitals, medical complexes, colleges, universities, regional water-supply, antenna fields, radio and television broadcast towers, wastewater and solid waste utility facilities such as the resources recovery plant, major government office centers and military installations. The full range of institutions, communications and utilities may be allowed under this land use category. Offices are also allowed in this map category. Internally integrated business areas smaller than 5 acres in size or up to 10 percent of the total floor area of an institutional, public facility or office use may also be approved in this map category. If the owner of land designated as Institutions, Utilities and Communications chooses to develop the land for a different use and no public agency intends to use the site for a public facility, the land may be developed for a use or a density comparable to and compatible with surrounding development providing that such development is consistent with the goals, objectives and policies of the CDMP especially Policies LU-4A and LU-4B.</p> <p>The Homestead Air Reserve Base is also included in this category on the Land Use Plan map. The range of uses that may occur on the Base as it is redeveloped shall emphasize military aviation and related uses, national security, recreation uses, educational and other institutional uses. All future uses on the former Base will be consistent with the Record of Decision issued by the Secretary of the Air Force as it pertains to County use of the Base property.</p> <p>Neighborhood or community-serving institutional uses, cell towers and utilities including schools, libraries, sanitary sewer pump stations and fire and rescue facilities in particular, and cemeteries may be approved where compatible in all urban land use categories, in keeping with any conditions specified in the applicable category, and where provided in certain Open Land subareas. Compatibility shall be determined in accordance to Policy LU-4A. Co-location of communication and utility facilities are encouraged. Major utility and communication facilities should generally be guided away from residential areas; however, when considering such approvals, the County shall consider such factors as the type of function involved, the public need, existing land use patterns in the area and alternative locations for the facility. All approvals must be consistent with the goals, objectives and policies of the Comprehensive</p>

# ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.

12-090

	<p><i>Development Master Plan.</i></p> <p><i>Electric power transmission line corridors are permitted in every land use category when located in established right-of-ways or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines. If an electric power transmission line corridor does not meet either of the above conditions, it shall be situated in an area designated as Institutions, Utilities and Communications; Industrial and Office; Business and Office; or Parks and Recreation on the adopted Land Use Plan map. When compatible with adjacent uses and permitted by County and State regulations, non-utility ancillary uses that may be located in transmission line corridors include agriculture, parking lots, open space, golf courses, bikeways and paths for walking and exercising.</i></p>
<p><b>Land Use Element Open Land Subarea 5 (South Miami-Dade) (Pg. I 63.1</b></p>	<p><i>This Open Land subarea lies south and east of Homestead and Florida City. It is bounded on the north and west by the Agriculture area, and on the south and east by Environmental Protection areas. Future uses which may be considered for approval in this area include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional uses, public facilities, utility facilities, and communications facilities, recreational uses and rural residences at a maximum density of 1 dwelling unit per 5 acres. Uses that could compromise groundwater quality shall not occur within three miles of Biscayne Bay.</i></p>
<p><b>Land Use Element Objective LU-3 (Pg. I-6)</b></p>	<p><i>Upon the adoption of the CDMP, the location, design and management practices of development and redevelopment in Miami-Dade County shall ensure the protection of natural resources and systems by recognizing, and sensitively responding to constraints posed by soil conditions, topography, water table level, vegetation type, wildlife habitat, and hurricane and other flood hazards, and by reflecting the management policies contained in resource planning and management plans prepared pursuant to Chapter 380, Florida Statutes, and approved by the Governor and Cabinet, or included in the Comprehensive Everglades Restoration Plan approved by Congress through the Water Resources Development Act of 2000.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-2A (Page II-13)</b></p>	<p><i>The County shall continue to maintain and enforce the minimum right-of-way requirements as established in the Public Works Manual and in Chapter 33, Zoning, Code of Miami-Dade County, to ensure Countywide continuity of the thoroughfare system. The County shall review roadway design standards and right-of-way reservations and shall propose changes as may be necessary to better accommodate projected vehicular and non-vehicular movement in the corridors and design features recommended in the Transportation and Land Use Elements.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-2D (Page II-13)</b></p>	<p><i>The section line, half section-line, and quarter section-line road system should form a continuous network within developed areas, interrupted only when it would destroy the integrity of a neighborhood or development. The County shall not approve vacation of zoned rights-of-way unless it is determined that the right-of-way is not required for present or future public use, or unless the zoned right-of-way is within that portion of the Northwest Wellfield Protection Area located west of the Homestead Extension of the Florida Turnpike, and the CDMP Guidelines for Urban Form will be reflected.</i></p>
<p><b>Traffic Circulation Subelement – Objective TC-6 (Page II-15)</b></p>	<p><i>Plan and develop a transportation system that preserves environmentally sensitive areas, conserves energy and natural resources and promotes community aesthetic values.</i></p>
<p><b>Traffic Circulation Subelement – Policy TC-6B (Page II-15)</b></p>	<p><i>Land access interchanges shall not be placed or constructed in a manner that would provide access to environmental protection areas or other areas to be conserved in order to prevent undue pressure for development of such areas.</i></p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element Objective CON-7 (Pg. IV-11)</b></p>	<p><i>Miami-Dade County shall protect and preserve the biological and hydrological functions of the Future Wetlands identified in the Land Use Element. Future impacts to the biological functions of publicly and privately owned wetlands shall be mitigated. All privately owned wetlands identified by the South Florida Regional Planning Council as Natural Resources of Regional Significance and wetlands on Federal, State, or County land acquisition lists shall be supported as a high priority for public acquisition. Publicly acquired wetlands shall be restored and managed for their natural resource, habitat and hydrologic values.</i></p>

# ZONING RECOMMENDATION ADDENDUM

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<p><b>Conservation, Aquifer Recharge &amp; Drainage Element</b>  <b>Policy CON-7A</b>          (Pg. IV-11)</p>	<p>The degradation or destruction of wetlands shall be limited to activities that 1) are necessary to prevent or eliminate a threat to public health, safety or welfare; or 2) are water dependent, clearly in the public interest and no other reasonable alternative exists; or 3) are carried out in accordance with an approved basin management plan; or 4) are in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible. Habitats critical to endangered or threatened species shall not be destroyed.</p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element</b>  <b>Policy CON-7C</b>          (Pg. IV-11)</p>	<p>Miami-Dade County shall continue to promote the restoration and maintenance of the natural, surface water flow regimes into, and through wetland systems such as the Shark River Slough, Everglades National Park and the saline wetlands of southeastern Miami-Dade County.</p>
<p><b>Conservation, Aquifer Recharge &amp; Drainage Element</b>  <b>Policy CON-7J</b>          (Pg. IV-12)</p>	<p>In evaluating applications that will result in alterations to wetlands, Miami-Dade County shall consider the applications' consistency with Comprehensive Everglades Restoration Program (CERP) objectives. Applications that are found to be inconsistent with CERP objectives may be denied.</p>
<p><b>Water, Sewer &amp; Solid Waste Element</b>  <b>Policy WS-1E</b>          (Pg. V-3)</p>	<p>Miami-Dade County shall use all legal and reasonable means to assure that any land use, which requires a variance from water, sewer, or environmental protection regulation of Miami-Dade County, is in conformance with the Land Use Plan map.</p>
<p><b>Water, Sewer &amp; Solid Waste Element</b>  <b>Policy WS-1F</b>          (Pg. V-3)</p>	<p>Miami-Dade County shall use all practical means to assure that land in the vicinity of water and wastewater treatment facilities is developed for a use that is compatible with the operation of said facilities. The County shall discourage changes to the Land Use Plan map or land development regulations, which would permit land uses that are incompatible with the continued operation or planned expansion of these facilities. Residential uses shall be considered incompatible with these public facilities where spillovers, particularly noise and odor, can reasonably be expected.</p>
<p><b>Water, Sewer &amp; Solid Waste Element</b>  <b>Policy WS-6B</b>          (Pg. V-10)</p>	<p>Miami-Dade County shall take the steps necessary to assure that all viable potable water wellfields in the County remain available for use and possible future expansion. Such steps may include, but shall not be limited to, the renewal of withdrawal permits and the extension of the County's wellfield protection measures.</p>
<p><b>Water, Sewer &amp; Solid Waste Element</b>  <b>Policy WS-6E</b>          (Pg. V-10)</p>	<p>Miami-Dade County shall develop and implement reclaimed water use strategies to augment the water supplies of the Biscayne Aquifer. The Miami-Dade Water and Sewer Department shall be responsible for implementing any reuse that is deemed by the County to be economically feasible. Miami-Dade County will continue to participate in pilot projects that are a part of the Comprehensive Everglades Restoration Plan (CERP) and explore the utilization of reuse as a way to augment water flows to Biscayne Bay and also to meet the demands for: (1) the Bird Drive Recharge Area; (2) the South Dade Conveyance System; and (3) the Northeast Shark River Slough. If feasible, the County, in cooperation with state and federal agencies, will utilize the results of these pilot programs to develop future large-scale water reuse projects.</p>
<p><b>Coastal Management Element</b>  <b>Objective CM-1</b>          (Pg. VII-2)</p>	<p>Protect, conserve and enhance coastal wetlands and living marine resources in Miami-Dade County.</p>
<p><b>Coastal Management Element</b>  <b>Policy CM-1A</b>          (Pg. VII-2)</p>	<p>Tidally connected mangroves in the following locations and mangrove wetlands within the "Environmental Protection" designation on the Adopted Land Use Plan (LUP) Map for Miami-Dade County shall be designated as "Mangrove Protection Areas":</p> <ul style="list-style-type: none"> <li>• Oleta River State Recreation Area</li> <li>• Haulover Park</li> </ul>

# ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.  
12-090

	<ul style="list-style-type: none"> <li>• Bird Key (privately owned)</li> <li>• Near-shore islands and northwestern shoreline of Virginia Key</li> <li>• The western shore of Key Biscayne</li> <li>• Bear Cut Preserve</li> <li>• The Cocoplum Mangrove Preserve</li> <li>• Matheson Hammock Park</li> <li>• R. Hardy Matheson Preserve</li> <li>• Chapman Field Park</li> <li>• The Deering Estate and Chicken Key</li> <li>• Paradise Point south shoreline (privately owned)</li> <li>• Coastal mangrove and scrub forests within and adjacent to Biscayne National Park and Everglades National Park</li> <li>• Coastal Mangrove and scrub forest within and adjacent to Card Sound and Barnes Sound</li> </ul> <p><i>In these areas no cutting, trimming, pruning or other alteration including dredging or filling of mangroves shall be permitted except for purposes of surveying or for projects that are: (1) necessary to prevent or eliminate a threat to public health, safety or welfare; (2) water dependent; (3) required for natural system restoration and enhancement; or (4) clearly in the public interest; and where no reasonable upland alternative exists. In such cases, the trimming or alteration shall be kept to the minimum, and done in a manner, which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species.</i></p>
<p><b>Intergovernmental Coordination Element Objective ICE- 4 (Pg. VIII-12)</b></p>	<p><i>Maintain consistent and coordinated planning and management of major natural resources within areas with multi-government jurisdictional responsibilities.</i></p>
<p><b>Intergovernmental Coordination Element Policy ICE- 4D (Pg. VIII-12)</b></p>	<p><i>Miami-Dade County through its planning, zoning, permitting and capital improvements processes shall continue to cooperate with the Florida Department of Community Affairs, the South Florida Water Management District, Everglades National Park, Biscayne National Park and the U.S. Army Corps of Engineers in implementing adopted County, State and federal plans to manage and restore the environmentally sensitive Everglades.</i></p>
<p><b>Intergovernmental Coordination Element Objective ICE- 5 (Pg. VIII-13)</b></p>	<p><i>Initiate and support cooperative inter-jurisdictional approaches to special intra-regional planning needs.</i></p>
<p><b>Intergovernmental Coordination Element Policy ICE- 5C (Pg. VIII-13)</b></p>	<p><i>Miami-Dade County shall continue to participate in regional resource planning and management activities undertaken by State, federal and regional agencies addressing natural resources, such as water supply and fish and wildlife, and economic development and service delivery functions, as such activities may be initiated from time to time. These include, but are not limited to resource planning and management activities of Everglades National Park, Biscayne National Park, the South Florida Ecosystem Restoration Task Force, and the Water Resources Advisory Commission; water management and supply plans prepared by the South Florida Water Management District; and the Comprehensive Everglades Restoration Plan; and the County will cooperate with adjacent counties and municipalities in similar activities that they may initiate.</i></p>

## PERTINENT ZONING REQUIREMENTS/STANDARDS

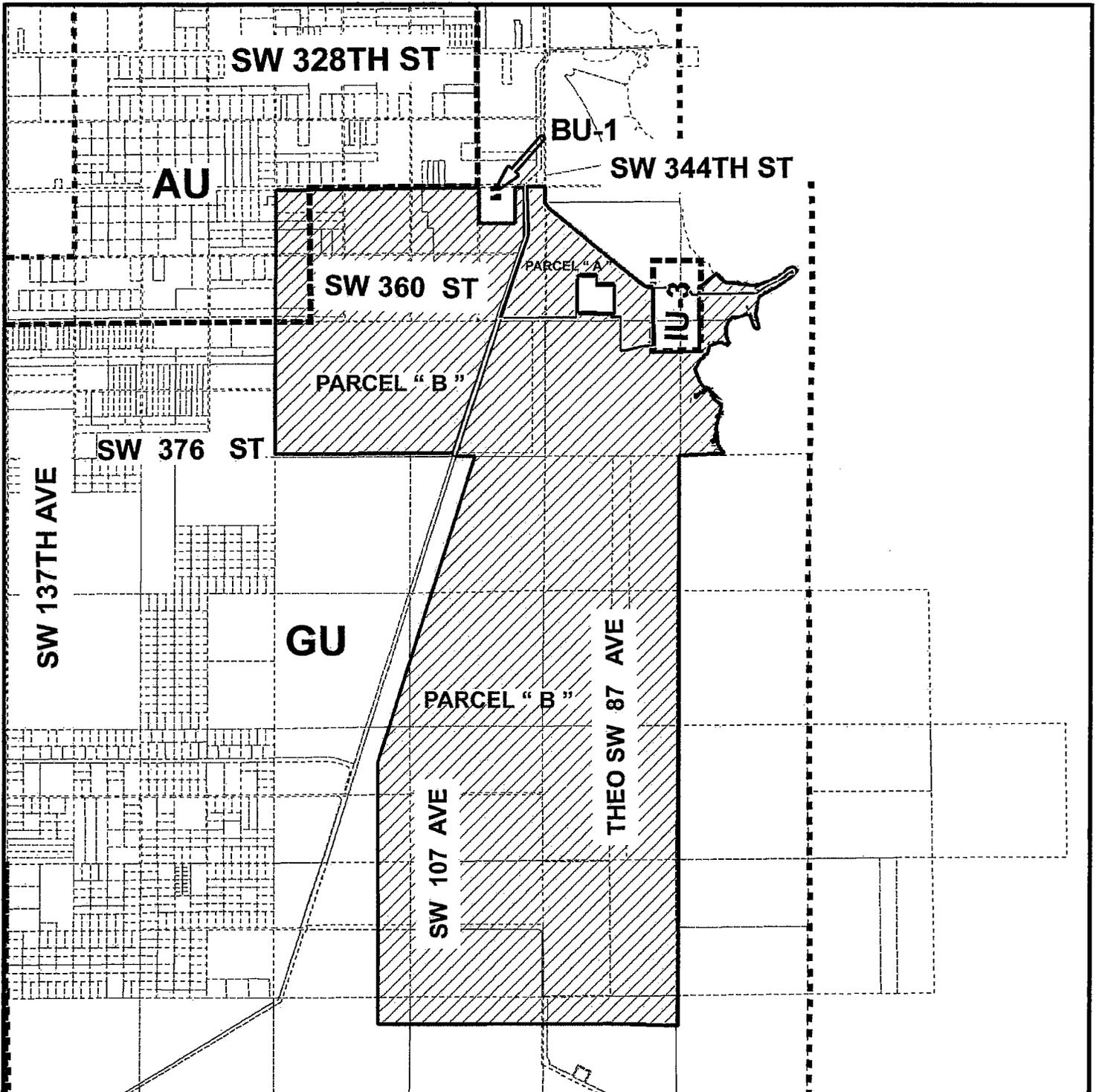
<p><b>33-311(A)(3) Special Exceptions, Unusual Uses and New Uses</b></p>	<p><i>The Board shall hear an application for and grant or deny special exceptions; that is, those exceptions permitted by regulations only upon approval after public hearing, new uses and unusual uses which by the regulations are only permitted upon approval after public hearing; provided the applied for exception or use, including exception for site or plot plan approval, in</i></p>
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## ZONING RECOMMENDATION ADDENDUM

Florida Power & Light Co.

12-090

	<p><i>the opinion of the Community Zoning Appeals Board, would not have an unfavorable effect on the economy of Miami-Dade County, Florida, would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, including water, sewer, solid waste disposal, recreation, transportation, streets, roads, highways or other such facilities which have been constructed or which are planned and budgeted for construction, are accessible by private or public roads, streets or highways, tend to create a fire or other equally or greater dangerous hazards, or provoke excessive overcrowding or concentration of people or population, when considering the necessity for and reasonableness of such applied for exception or use in relation to the present and future development of the area concerned and the compatibility of the applied for exception or use with such area and its development.</i></p>
<p><b>33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations</b></p>	<p><i>Upon appeal or direct application in specific cases, the Board shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.</i></p>
<p><b>33-311(A)(7) Generalized Modification Standards</b></p>	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i></p>
<p><b>33-303.1(D)(7) Developmental Impact Committee</b></p>	<p><i>Review and make recommendations concerning County zoning actions, with the exception of applications which seek only non-use variances and/or a modification of a condition(s) or covenant(s) and which do not approve a change of use or an increase in the floor area for any and all nonresidential use(s), which are:</i></p> <p style="padding-left: 40px;"><i>(a) Required by the regulations to be taken after public hearing, and which would allow individually, or cumulatively within an independent development parcel:</i></p> <p><i>5. Industrial, processing or manufacturing activity involving fifty (50) acres, or five hundred (500) vehicle off-street parking space capacity.</i></p>



**MIAMI-DADE COUNTY**

**HEARING MAP**

Section: 25/36 Township: 57 Range: 39  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

Process Number

**Z2012000090**



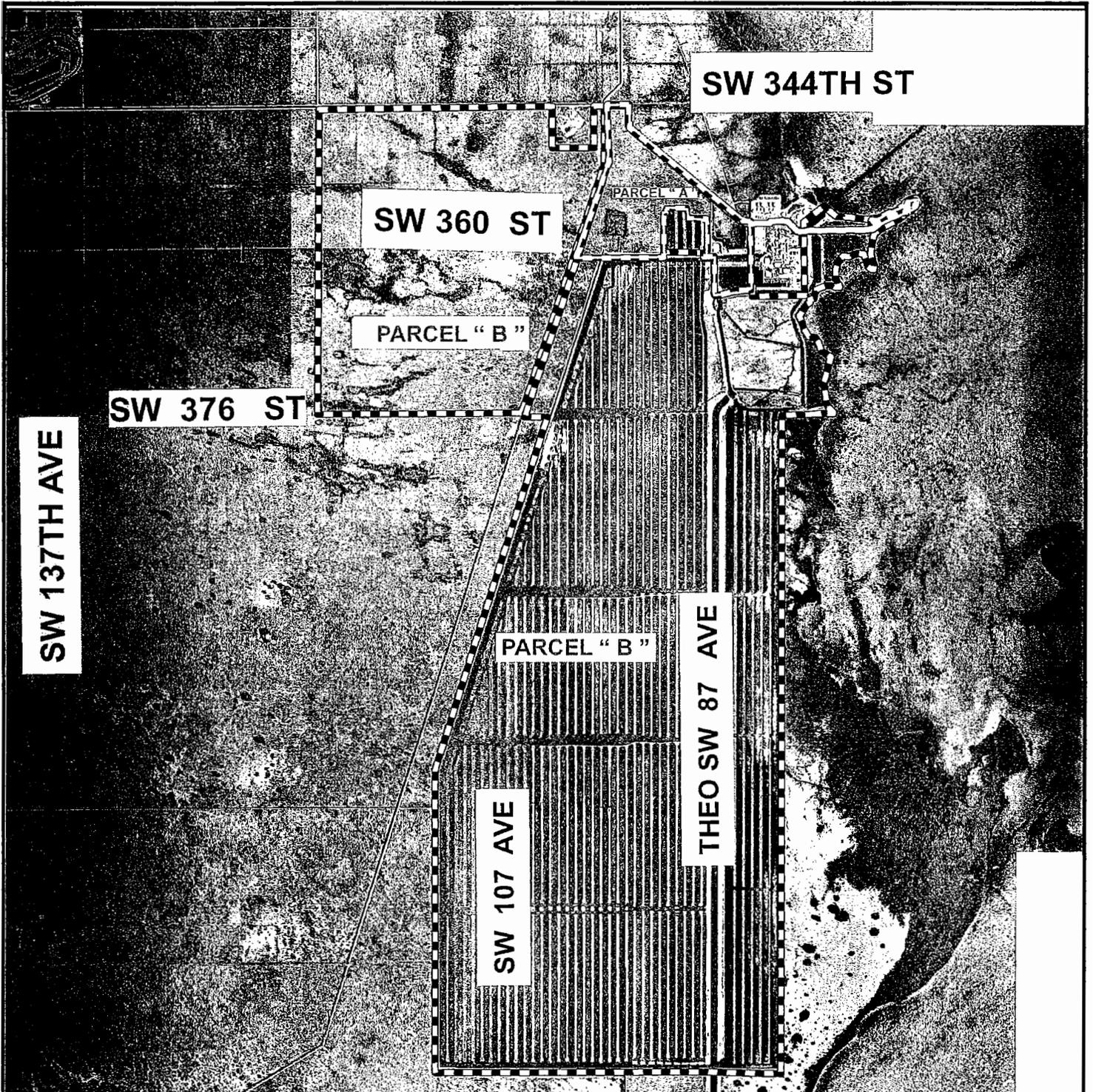
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 Subject Property Case



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY
		93



**MIAMI-DADE COUNTY**  
**AERIAL YEAR 2009**

Process Number

**Z2012000090**



Section: 25/36 Township: 57 Range: 39  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

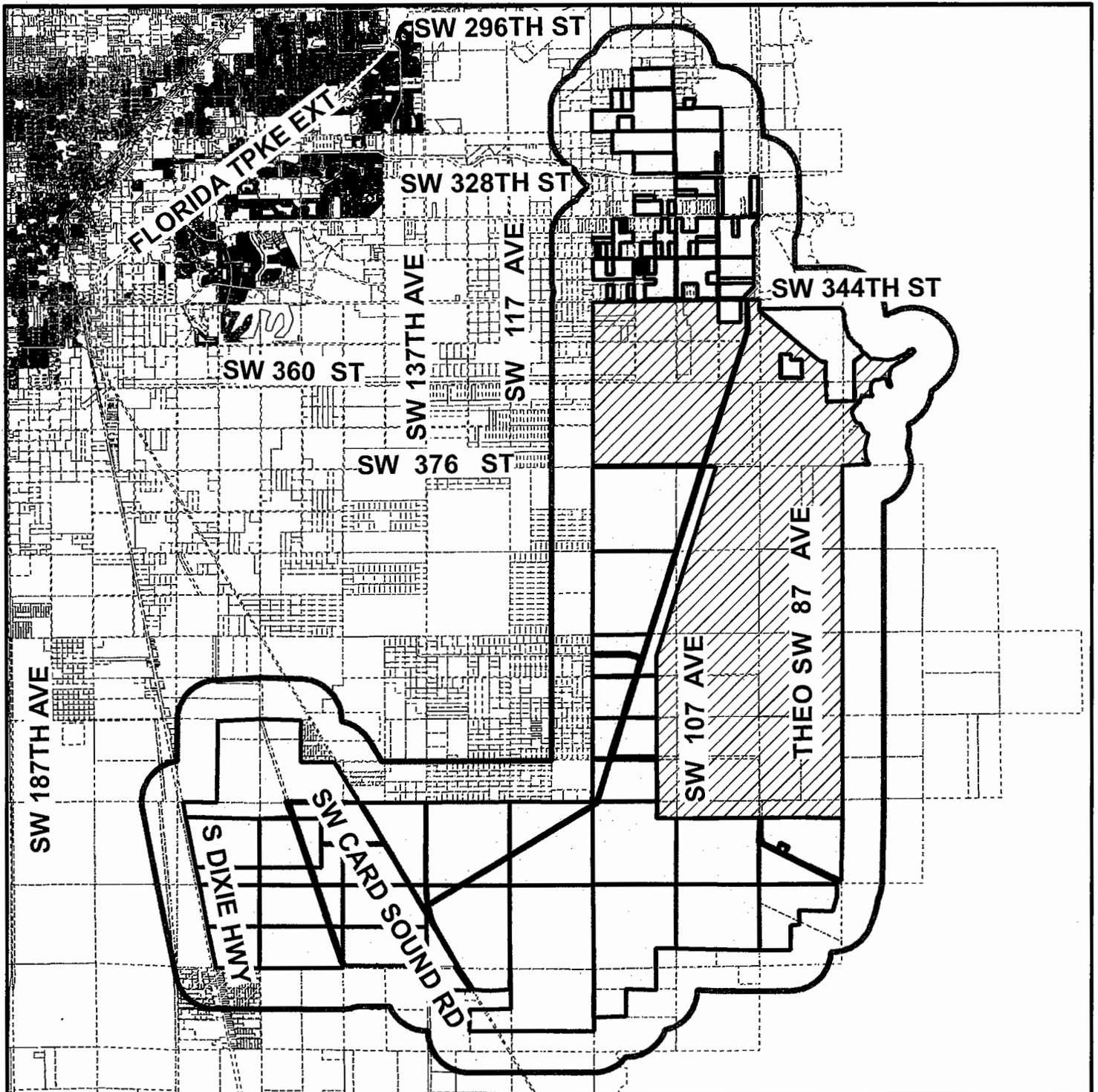
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 Subject Property



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY
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**MIAMI-DADE COUNTY**  
**RADIUS MAP**

Process Number  
**Z2012000090**

**Legend**



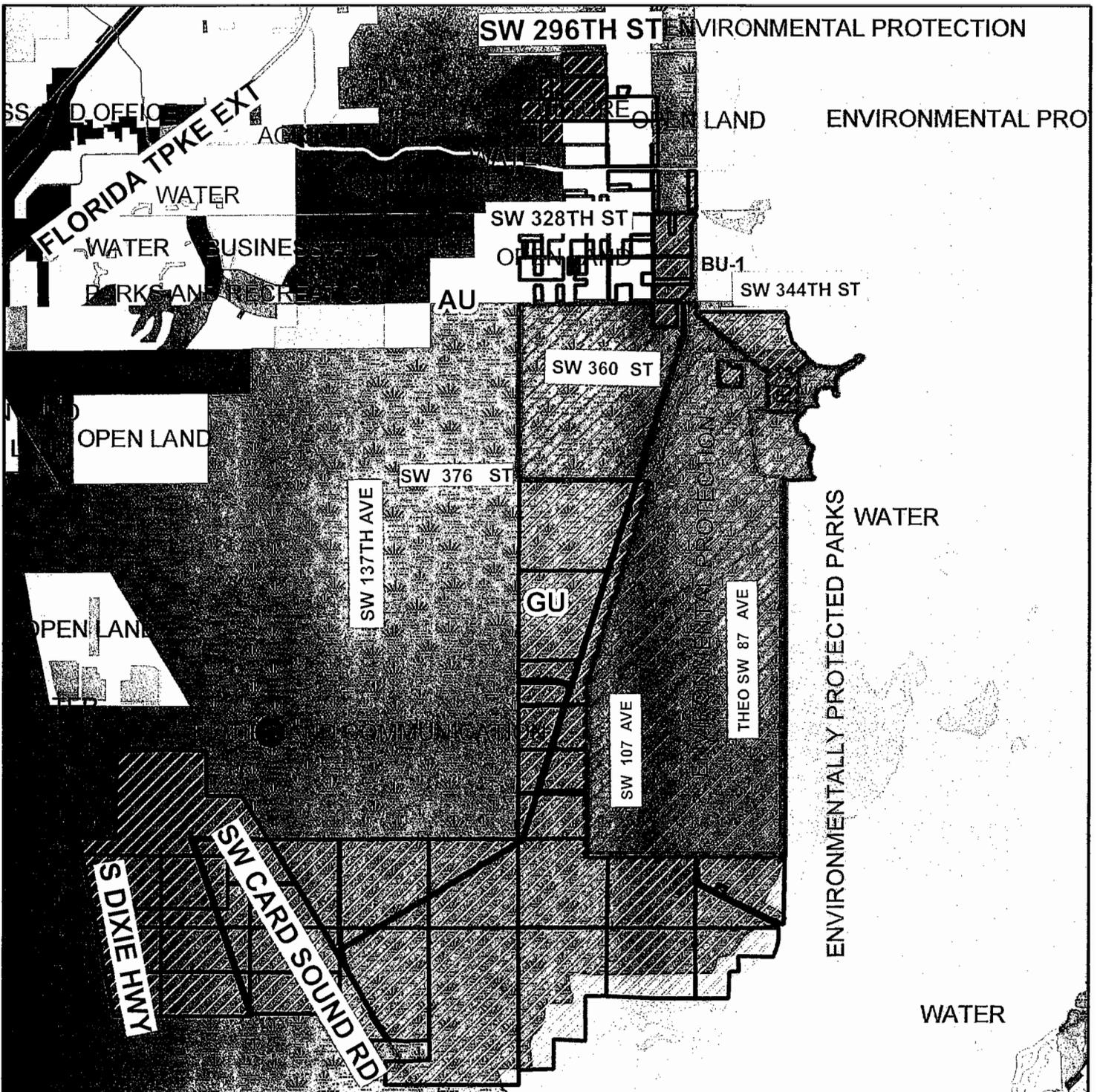
Section: 25/36 Township: 57 Range: 39      RADIUS: 2640  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

-  Subject Property
-  Contiguous Properties
-  Buffer



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY
		95



**MIAMI-DADE COUNTY**

CDMP MAP

Process Number

**Z2012000090**



Section: 25/36 Township: 57 Range: 39  
 Section: 32/29/30/31 Township: 57 Range: 40  
 Applicant: FLORIDA POWER & LIGHT CO  
 Zoning Board: BCC  
 Commission District: 9  
 Drafter ID: JEFFER GURDIAN  
 Scale: NTS

**Legend**

 Subject Property Case



SKETCH CREATED ON: Friday, October 12, 2012

REVISION	DATE	BY
		96

ZONING ACTION

MEMORANDUM

Harvey Ruvin

Clerk of the Circuit and County Courts  
Clerk of the Board of County Commissioners

(305) 375-5126

(305) 375-2484 FAX

www.miami-dadeclerk.com



DATE: 12/13/2012

#Z-

ITEM: 1.

APPLICANT: FLORIDA POWER & LIGHT CO.  
(12-12-CC-1/12-090)

MOTION: Deferred to January 10, 2013 due to the loss of a quorum.

ROLL CALL	M/S	YES	NO	ABSENT
Barreiro				
Bell				
Bovo				
Diaz				
Heyman				
Jordan				
Monestime				
Moss				
Sosa				
Souto				
Suarez				
Zapata				
Vice Chairwoman Edmonson				
<b>TOTAL</b>				



**A. FLORIDA POWER & LIGHT CO**  
**(Applicant)**

**12-12-BCC-1 (12-090)**  
**BCC/District 09**  
**Hearing Date: 1/10/13**

Property Owner (if different from applicant) **Same.**

Is there an option to purchase  /lease  the property predicated on the approval of the zoning request? Yes  No

Disclosure of interest form attached? Yes  No

**Previous Zoning Hearings on the Property:**

<b><u>Year</u></b>	<b><u>Applicant</u></b>	<b><u>Request</u></b>	<b><u>Board</u></b>	<b><u>Decision</u></b>
1964	South Dade Farms	- Unusual Use to permit a power plan, canal excavation & variance of height.	ZAB	Approved with Condition(s)
1971	Florida Power & Light Co.	- Unusual Use to permit canal excavation.	ZAB	Approved with Condition(s)
1999	F.P.L.	- Modification of Resolution.	C-15	Approved with Condition(s)
2007	Florida Power & Light Company	- Unusual Use to permit a Nuclear Plant. - Modification of Resolution. - Non-Use Variance's of setback & heights number of stories. - Non-Use Variance to waive Zoning Regulations.	BCC	Approved with Condition(s)

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

STEPHEN CLARK BUILDING GOVERNMENT CENTER  
MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS  
111 NW FIRST STREET, COMMISSION CHAMBERS  
Thursday, December 13, 2012

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ITEM

FLORIDA POWER & LIGHT CO  
(12-90)

Board of County Commissioners  
(Present)

- Bruno A. Barreiro
- Barbara Jordan
- Jean Monestime
- Juan C. Zapata
- Lynda Bell
- Esteban Bovo, Jr.
- Dennis C. Moss

County Attorney's Office

Craig Collier & John McInnis  
Assistant County Attorneys

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I N D E X

COMMISSIONERS

VICE CHAIR EDMONSON: 3-5, 8-10.

COMMISSIONER BOVO: 38-39, 47-48, 51-56, 60-61, 63-68, 71-73, 75-81.

COMMISSIONER ZAPATA: 51.

COMMISSIONER JORDAN: 53-54.

STAFF

MR. SILVA: 5-8, 79.

MR. COLLER: 51, 54, 76-80.

ON BEHALF OF THE APPLICANT

MR. SCROGGS: 9-13, 20-23, 26-27.

MR. BERCOW: 13-20, 38-39, 44-47, 80.

MR. LOTTS: 23-26.

MR. BULLOCK: 27-33.

MR. CURTIS: 33-38.

MR. TAMMARO: 39-44.

PROTESTERS

MAYOR LERNER: 48-53.

MAYOR STODDARD: 55-60.

COMMISSIONER WELSH: 60-61.

COMMISSIONER HARRIS: 61-63.

MS. FISCHER: 66-68.

MR. DASSAW: 69-71.

MS. ROBBIN: 71-72.

MR. ULLMAN: 73-75.

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THE CLERK: Seven members present,  
and you have a quorum.

VICE CHAIR EDMONSON: Thank you. We  
have a quorum.

Now, would everyone please rise for a  
moment of silence, followed by the Pledge  
of Allegiance.

(Moment of Silence).

(Pledge of Allegiance).

VICE CHAIR EDMONSON: Okay.

Mr. Clerk, could you please swear in  
the witnesses and the interpreters,  
please.

THE CLERK: Will you please rise and  
raise your right hand.

Do you solemnly swear that the  
testimony you're about to give will be the  
truth, the whole truth and nothing but the  
truth, so help you God?

AUDIENCE: I do.

THE CLERK: Okay. Thank you.

Interpreters, raise your right hand.

Do you swear or affirm that the  
testimony -- that you will make a true

1 interpretation of the testimony -- of the  
2 testimony given -- of the answers -- of  
3 the questions asked and the testimony  
4 given?

5 THE INTERPRETER: I swear.

6 THE CLERK: Okay. Thank you. Sorry.

7 VICE CHAIR EDMONSON: Thank you.

8 Now, if the staff would please read  
9 in the preliminary statements.

10 MR. SILVA: Thank you. Good morning.

11 In accordance with the Code of  
12 Miami-Dade County, all items to be heard  
13 today have been legally advertised in the  
14 newspaper, notices have been mailed and  
15 the properties have been posted.  
16 Additional copies of the agenda are  
17 available here in the chambers. Items  
18 will be called up to be heard by agenda  
19 number and name of applicant.

20 The record in file for the hearing on  
21 each application will include documents  
22 from public agencies -- from the public  
23 agencies, from the Department of  
24 Regulatory and Economic Resources. And  
25 where there is an appeal from the

1 community zoning appeals board, we also  
2 have the transcript from those hearings.

3 All documents are physically present  
4 today, available to all interested parties  
5 and available to the Members of the Board  
6 of County Commissioners, who may examine  
7 these items from the record during the  
8 hearing. Parties have the right to  
9 cross-examination.

10 This statement, along with the fact  
11 that all witnesses have been sworn, should  
12 be included in any transcript of these  
13 proceedings. In addition, there's an  
14 official translator present in the  
15 chambers for those individuals requiring  
16 such assistance.

17 (Thereupon, an unrelated matter was  
18 heard, whereupon the FPL item commenced as  
19 follows:)

20 VICE CHAIR EDMONSON: Okay. Now  
21 we'll move into the next item.

22 MR. SILVA: The next item on today's  
23 agenda is Florida Power & Light company  
24 application, 12-090. This application  
25 contains nine different requests by the

1 applicant.

2 There are two main issues that we'll  
3 be discussing today.

4 One is for a wastewater treatment  
5 plant. And associated with that  
6 wastewater treatment plant, the applicant  
7 has requested variances for height of  
8 buildings, for the height of the fence and  
9 to include a barb wire. So there's three  
10 associated requests with that wastewater  
11 treatment plant. And on that request  
12 staff is requesting denial, and that the  
13 waste treatment plant be removed from the  
14 site plan. The site plan modification is  
15 Request #9.

16 The other main request here is for  
17 radial collector wells. And the radial  
18 collector wells would take water from  
19 below Biscayne Bay, and the applicant  
20 proposes to use that as a backup source of  
21 water in emergencies. And on that  
22 request, staff is recommending approval  
23 with conditions.

24 For all the remaining requests, their  
25 request for off-site landscaping to be

1           planted somewhere else, there's requests  
2           for parking that is a little more  
3           restrictive, staff is recommending  
4           approval of those requests.

5           And the clerk right now is passing  
6           out two maps. These are the hearing plan  
7           and the aerial photo map that were  
8           included in your package. The package  
9           that you received did not show Parcel A  
10          and Parcel B. And because the request is  
11          specific to those parcels, I wanted to get  
12          that on the record and just make sure  
13          everybody had copies of those maps.

14          The clerk also has a copy of some  
15          revised conditions.

16          Since we've had the Development  
17          Impact Committee meeting on the  
18          November 28th, there are some conditions  
19          that we'd like to revise, and the clerk is  
20          distributing those now.

21          I can just briefly explain what those  
22          conditions are.

23          It's Condition No. 3, and we're  
24          deleting the timeframe on that condition.

25          Condition 4, we're deleting the last

1 sentence.

2 Conditions 8, 9 and 10 will be  
3 deleted altogether.

4 Condition 8, we are modifying to  
5 specifically reference the Water  
6 Management District and the Florida  
7 Department of Environmental Protection.

8 Condition 10, we are deleting the  
9 last two sentences and adding one sentence  
10 about FPL using reclaimed water, which  
11 comes from our South Dade Water Treatment  
12 Plant as the primary source of cooling  
13 water.

14 And then Condition 11, we're also  
15 deleting the timeframe at the end of that  
16 statement where it says prior to the  
17 operation of the well field.

18 VICE CHAIR EDMONSON: Thank you.

19 I think we have some speakers first.  
20 I think probably before we have all the  
21 speakers -- 'cause, believe me, we've got  
22 a whole lot of cards here. So would  
23 Florida Power & Light and then someone  
24 from the opposition like to speak first  
25 before I open up the public hearing or

1 would you like to hear the speakers first?

2 MR. SCROGGS: We'd prefer to speak,  
3 first, Madam Chair.

4 VICE CHAIR EDMONSON: I beg your  
5 pardon?

6 MR. SCROGGS: We'd prefer to speak  
7 first.

8 VICE CHAIR EDMONSON: You'd prefer  
9 speaking first. Then come on up. And  
10 state your name and affiliation, for the  
11 record.

12 MR. SCROGGS: Good morning, Madam  
13 Chair, my name is Steven Scroggs. I'm  
14 senior director for Florida Power & Light  
15 Company. My business address is 700  
16 Universe Boulevard in Juno Beach, Florida.

17 I have a presentation that we'd like  
18 to show.

19 VICE CHAIR EDMONSON: Okay. Now, how  
20 long is this going to take?

21 MR. SCROGGS: About 30 minutes,  
22 ma'am.

23 VICE CHAIR EDMONSON: About  
24 30 minutes?

25 MR. SCROGGS: Yes, Ma'am.

1                   VICE CHAIR EDMONSON: Okay. Go  
2 ahead.

3                   MR. SCROGGS: Thank you.

4                   I'm pleased to be back before this  
5 body representing Florida Power & Light  
6 Company this morning.

7                   COMMISSIONER MOSS: Pull your mike  
8 down, sir.

9                   VICE CHAIR EDMONSON: Pull your mike  
10 down, sir.

11                  MR. SCROGGS: Sorry about that.

12                  Many of you will recall that we've  
13 been before you over the last several  
14 years for a number of times to get your  
15 guidance and your approvals on certain  
16 aspects of the project.

17                  In 2007, the Commission approved a  
18 resolution granting unusual use for the  
19 construction of two nuclear reactors and  
20 ancillary facilities at the site. In that  
21 approval, the Commission clearly expressed  
22 its desire that we maximize the use of  
23 reclaimed water in our design.

24                  In 2010, we returned to the  
25 Commission to seek approval and received

1 approval of a historic joint participation  
2 agreement, in which FPL committed to use  
3 up to 90 million gallons per day of  
4 reclaimed water in the cooling processes  
5 associated with the plant. This design  
6 choice on the part of FPL will assist  
7 Miami-Dade County in meeting some very  
8 important regulatory requirements coming  
9 up in the future years and will save  
10 Miami-Dade Water & Sewer customers  
11 hundreds of millions of dollars. We  
12 return today seeking approvals that will  
13 allow us to move forward with the project.

14 We have certainly a large number of  
15 benefits that are offered by this project,  
16 in reliability, economic, environmental  
17 and local perspectives.

18 This is the type of project, given  
19 the state of our economy, that really will  
20 help South Florida continue on a path  
21 towards economic vitality and strength.

22 The Turkey Point project will be the  
23 largest capital infrastructure project  
24 ever accomplished in the state. And the  
25 facilities that we're going to be

1 discussing today are very important  
2 integral part of that overall project.

3 As Eric Silva mentioned, we'll be  
4 talking about two specific areas. We're  
5 happy that, in large part, we're in  
6 agreement with the staff's recommendation,  
7 but wanted to cover two areas that are  
8 really important.

9 The reclaimed water treatment  
10 facility itself, we have a disagreement  
11 between staff and FPL on the location of  
12 that. The disagreement is largely created  
13 by our different perspectives, and our  
14 expertise and experience.

15 In our presentation today, we will  
16 demonstrate that the importance of  
17 locating the facility near the plant where  
18 the water is going to be used and how that  
19 location is consistent with County code  
20 and policies. In particular, we address  
21 consistency with the coastal management  
22 policy 1A that allows for impacts to  
23 wetlands, if the project is in the public  
24 interest and there are no reasonable  
25 upland alternatives.

1           Next, we'll talk about the radial  
2           collector wells, which is a limited backup  
3           supply that the staff recommends  
4           approving, as does the South Florida Water  
5           Management District. The radial wells  
6           allow FPL to really rely on reclaim, but  
7           have that backup, if there is some problem  
8           in the delivery or treatment of the  
9           reclaimed water.

10           The question that we're talking about  
11           today is really what's the appropriate  
12           process by which the County maintains  
13           oversight, and participation in the  
14           construction and operation of those wells.

15           In the beginning here, I want to ask  
16           Mr. Jeffrey Bercow to come up and give you  
17           a little bit of background on the zoning  
18           history, which is fairly extensive at the  
19           site.

20           Mr. Bercow.

21           MR. BERCOU: Thank you, Steve.

22           Commissioners, my name is Jeffrey  
23           Bercow with the law firm of Bercow Radell  
24           and Fernandez, 200 South Biscayne  
25           Boulevard in Miami.

1           The property that's the subject of  
2           today's application is located to the west  
3           of Biscayne Bay, approximately three miles  
4           south of the Biscayne National Park  
5           visitors center, five miles to the south  
6           and east of Homestead Miami Speedway,  
7           about seven miles southeast of the nearest  
8           point, the Turnpike, and the nearest  
9           residential area is approximately six  
10          miles away.

11           FP&L's ownership in this area is  
12          approximately 10,000 acres, and its zoning  
13          history goes back almost 50 years,  
14          starting in 1964, when the County  
15          Commission issued unusual use approvals  
16          for oil and gas electric -- oil and gas  
17          fired electric plants, subsequently called  
18          Turkey Point 1 and 2.

19           And then in 1967, a series of  
20          resolutions were issued approving Turkey  
21          Point 3 and 4. That's the area shown in  
22          red, the first nuclear facility at Turkey  
23          Point. The County Commission rezoned this  
24          area to IU-3, to permit the development of  
25          atomic reactors. Of course, that was

1 before the adoption of our modern  
2 comprehensive plan and the implementation  
3 of the Urban Development Boundary concept.

4 In 1971, FP&L applied for and  
5 obtained approval for the Closed-Loop  
6 Cooling Canal System, the area outlined in  
7 blue. The cooling canals have become a  
8 familiar feature, geographic feature, in  
9 this area. And the site plan for the  
10 cooling canals was modified in 1999 to  
11 allow fill and dirt to be used for the  
12 construction of the Homestead Miami  
13 Speedway.

14 In 2005, Miami-Dade County staff  
15 found that the addition of Turkey Point 5,  
16 Unit 5, on 20 acres of land, which had a  
17 wetland designation similar to the land  
18 being considered today for the reclaimed  
19 water treatment facility, was consistent  
20 with policy CM-1A, that Steve referred to  
21 a few minutes ago.

22 And under facts very similar to those  
23 presented in this application, the County  
24 staff determined that the 2007 zoning  
25 application for Turkey Point 6 and 7, the

1 area shown in the light blue dash lines,  
2 was consistent with policy CM-1A. That  
3 policy does not allow for development in  
4 mangrove-protected areas unless the use is  
5 in the public interest and there are no  
6 reasonable upland alternatives.

7 Even though the 300-acre power plant  
8 site for Turkey Point 6 and 7 was a  
9 wetland with mangroves, staff found that  
10 it would have been unreasonable to place  
11 the new power plant elsewhere, because it  
12 would be near urban areas, or residential  
13 rural uses or due to the restrictions on  
14 agricultural and open land areas.

15 So we now have, today, a 44-acre  
16 facility that's ancillary to that power  
17 plant site. It's also in a  
18 mangrove-protected area, but the focus  
19 under CM-1A, as we saw in 2007, is not the  
20 quality of the wetland, but the focus is  
21 on the proposed use. The use is allowed,  
22 if it's in the public interest and no  
23 reasonable upland alternative exists.

24 There's no question that the  
25 reclaimed water treatment facility is in

1 the public interest for the same reason  
2 that the power plant was in the public  
3 interest in 2007. It should also be no  
4 question that no reasonable upland  
5 alternative exists for the very same  
6 reasons that staff relied on in 2007.  
7 That is, that other areas of the county  
8 are not reasonable alternatives for this  
9 facility due to their proximity to urban  
10 areas, the prevalence of residential rural  
11 uses and restrictions on agricultural and  
12 open land areas.

13 We have several expert witnesses that  
14 will be speaking today. We are going to  
15 be putting their resumes in the record.  
16 They will describe a number of other  
17 reasons demonstrating that there is no  
18 reasonable upland alternative to the  
19 proposed location of the reclaimed water  
20 treatment facility.

21 So, as you can see, there's over a  
22 40-year history of industrial and utility  
23 development in this area. The requests in  
24 this application are wholly consistent  
25 with that history and the use of the

1 property, so it is more than appropriate  
2 to co-locate these additional unusual uses  
3 in this area, adjacent to existing  
4 facilities and the land approved for  
5 Turkey Point 6 and 7.

6 Now, the crosshatched area in this  
7 diagram shows where the reclaimed water  
8 treatment facility and the radial  
9 collector wells will be located. And from  
10 a reasonable upland alternative  
11 standpoint, the facts and circumstances  
12 before you today are no different than  
13 they were in 2007.

14 We are requesting unusual uses, as  
15 you've heard, for features that are  
16 ancillary to the power -- to the power  
17 plant, a reclaimed water treatment  
18 facility and radial collector wells.

19 The reclaimed water treatment  
20 facility on the left-hand side of the  
21 diagram, you see the original proposed  
22 location. And now the preferred  
23 alternate, on the right side of the  
24 diagram, you see the radial collector  
25 wells.

1           As Steve has mentioned, the key issue  
2           today is whether the reclaimed water  
3           treatment facility is consistent with  
4           CM-1A. And our speakers today will  
5           explain why there is no reasonable upland  
6           alternative for this facility.

7           We're also requesting an unusual use  
8           for a parking area to serve the  
9           administration and training buildings for  
10          the new nuclear facility. They will be  
11          located on property that is zoned IU-3,  
12          and not a part of this application. This  
13          clearly is the most feasible location for  
14          parking to service these buildings.

15          In connection with the radial  
16          collector wells, we are also proposing a  
17          modification of Condition 4 from 2007.  
18          That's Request #8 in your package. The  
19          concern that staff had in 2007 was  
20          protection of the Biscayne aquifer. And  
21          FP&L's clarification being proposed today  
22          addresses this concern, and confirms that  
23          the radial collector wells are a backup  
24          water source.

25          Finally, we're also requesting

1 several non-use variances that relate to  
2 the reclaimed water treatment facility,  
3 the radial collector wells and the surface  
4 parking area.

5 We're asking for a height variance  
6 for structures within the reclaimed water  
7 treatment facility area of 75 feet.

8 We're asking for a waiver of  
9 dedication requirements for the section  
10 line and half-section line roads within  
11 Parcel A, approval for security fencing  
12 and barbed wire and a variance to permit  
13 required landscaping to be planted  
14 off-site.

15 All of these requests maintain the  
16 basic intent and purpose of the zoning  
17 regulations and are consistent with the  
18 2007 resolution that approved very similar  
19 requests.

20 So I'd now like to ask Mr. Scroggs to  
21 begin the discussion of the location of  
22 the reclaimed water treatment facility.

23 MR. SCROGGS: Thank you, Jeff.

24 Cooling water is important for any  
25 power generation facility. It's

1           especially important for any steam power  
2           generation facility. And all power plants  
3           essentially will treat water to some  
4           extent. Because of the quality of the  
5           water that we receive from Miami-Dade  
6           County will include nutrients, ammonia and  
7           other mineral, we need to clean that water  
8           so it can be efficiently used in our power  
9           plant process. So we need this treatment  
10          facility to accomplish that.

11                 Now that we understand we need an  
12          extra facility to take on the design  
13          challenge of this project, we need to  
14          figure out where to site that. We looked  
15          at over 17 different criteria in  
16          considering where we put this. Two of  
17          them are very important to me as an  
18          operator, and I wanted to highlight those.

19                 The process of cleaning a large  
20          volume of water, essentially that of a  
21          median size city everyday, is not a static  
22          process. It's a very dynamic process that  
23          can change rapidly with the quality of the  
24          water that comes in, with the heat of the  
25          day, with the number of factors. You have

1 to keep that process in balance with  
2 another very complex process, the  
3 production of power through a nuclear  
4 plant. So one gets out of whack, you can  
5 drive the other out of whack. You need a  
6 team that manages that from start to  
7 finish.

8 The second important item is  
9 security. Would not need to remind you  
10 that following the events of 911, there  
11 was a considerable effort in the nuclear  
12 community to increase the diligence and  
13 ability to protect nuclear power plants  
14 and ancillary facilities so that they're  
15 not exposed to terrorist threats.

16 In order to better understand these  
17 factors, I could spend a lot of time  
18 talking to you. You've heard from me  
19 before. What I have done, though, is I've  
20 asked Mr. Bob Lotts, from Arizona Public  
21 Service, who's had 30 years of experience  
22 in managing a reclaimed water treatment  
23 plant, servicing Palo Verde Nuclear  
24 Generating Station in Phoenix, to come  
25 speak with you and answer your questions

1           this morning. Mr. Lott's resume is in the  
2           record and we ask that he be treated as an  
3           expert on operations and reliability  
4           issues for this project.

5           Thank you.

6           MR. LOTT: Hi, my name is Bob Lotts.  
7           I work for Arizona Public Service Company,  
8           400 North 5th Street, Phoenix, Arizona.

9           (Thereupon, Vice Chair Edmonson  
10          leaving the chambers).

11          MR. LOTT: The Palo Verde Nuclear  
12          Generation Station is a first and remains  
13          the only nuclear power plant to use  
14          reclaimed water for its cooling water  
15          source. Arizona Public Service Company  
16          decided to use reclaimed water for many of  
17          the same reasons that FPL is deciding to  
18          use reclaimed water, to conserve valuable  
19          and natural resource. And that's just the  
20          right thing to do. As a leader in this  
21          field, we've learned a lot of valuable  
22          lessons. And with those lessons, I've  
23          been able to -- I've been given the  
24          opportunity to share our lessons, learned  
25          with others, so that they can be

1           successful in this operation.

2           The treatment plant. We treat  
3           reclaimed water to industrial cooling  
4           water standards. The treated water is  
5           stored in two water treatment -- water  
6           reservoirs and conveyed to the cooling  
7           towers or the circulating water system.  
8           The chemistry in each one of these areas  
9           is monitored continuously. And any  
10          out-of-balance condition in any of these  
11          areas can lead to rapid degradation in the  
12          other areas.

13          The water treatment facility is a  
14          90 million gallon a day water treatment  
15          facility, much like the one Florida Power  
16          & Light is proposing. The first stage of  
17          treatment is ammonia removal. The second  
18          stage of the treatment process is mineral  
19          or hardness removal or reduction. And then  
20          polishing in the final stage.

21          Over time we've learned a lot of  
22          valuable lessons. And one of the most  
23          valuable lessons we learned is how  
24          critical this area is, the water treatment  
25          plan is to the operation of the nuclear

1 units, and how quickly you have to be able  
2 to respond to any out-of-balance condition  
3 in any of the areas. FPL is benefitting  
4 from the lessons that we've learned over  
5 time. And some of the things that I've  
6 been able to convey to them is make sure  
7 you have a dedicated team to operate this  
8 treatment plant, ensure that you can  
9 rapidly respond to any out-of-balance  
10 condition that occurs in the plant.  
11 Redundancy is key. Make sure you have a  
12 solid infrastructure to maintain a  
13 reliable operation. And storage or a  
14 backup system is crucial.

15 I've provided advice to others,  
16 primarily the country of Jordan and UAE on  
17 utilizing reclaimed water for cooling and  
18 nuclear power plant in the aspect of the  
19 water treatment plant and its location  
20 it's come up in these discussions. In  
21 weighing the pros and cons, we have always  
22 concluded that the most prudent place to  
23 locate the water treatment facility is  
24 co-locating it with the nuclear power  
25 plant.

1           I've looked at FPL's design and their  
2           criteria. And I believe, based on my  
3           experience, that the prudent approach and  
4           the reasonable approach is to co-locate  
5           the water treatment plant with the nuclear  
6           power plant. It is technically feasible  
7           to locate it at a different location, but  
8           that would not be my recommendation.

9           Thank you very much.

10          MR. SCROGGS: Thank you, Bob.

11          I'd like to introduce two other  
12          experts that we want you to hear from this  
13          morning. One is Karl Bullock. Karl is an  
14          environmental specialist with Golder  
15          Associates. He's had 15 years in the  
16          field and is very familiar with the  
17          wetlands, and hydrology and critical  
18          habitat issues associated with Miami-Dade  
19          County.

20          The other expert, who will talk to  
21          you this morning, is Rob Curtis. Rob is  
22          the president of Curtis Group, a longtime  
23          member of the American Institute of  
24          Certified Planners. I know that many of  
25          you have heard from Rob before.

1                   Both of these individuals have  
2 resumes that are in the record and we ask  
3 you to treat them as experts in the field  
4 of environmental issues and planning  
5 respectively.

6                   Thank you.

7                   MR. BULLOCK: Good morning. Karl  
8 Bullock, Golder Associates, 6026 Northwest  
9 First Ave, Gainesville.

10                  I need to go through a description of  
11 how we chose the preferred location,  
12 describe the landscape and the process  
13 that we went through.

14                  The slide that you see up on your  
15 screen now is an aerial oriented in a  
16 southeast direction.

17                  First step, FPL looked at multiple  
18 onsite locations to site the reclaimed  
19 water treatment facility. I looked on the  
20 6 and 7 plant site, associated lay down  
21 areas, parking areas and there just wasn't  
22 a sufficient amount of acreage in order to  
23 place the facility on those locations.

24                  So we looked at different  
25 arrangements, alignments to try to make it

1 fit, and ended up with a proposed site,  
2 which as you see, is adjacent to the main  
3 access road into the plant.

4 We continued our avoidance and  
5 minimization efforts to try to reduce  
6 wetland impacts. That led us to try to  
7 take advantage of a previously disturbed  
8 area that was dredged and spoiled piles  
9 remained, resulting from initial  
10 investigations of the cooling canals. So  
11 it was an initial test, the cooling  
12 canals. That feature, if you see on your  
13 screen, that dark square that's surrounded  
14 by the alternate site, those are not  
15 mangroves. Those are Australian pine  
16 uplands on a rocky berm that's left from  
17 an excavation.

18 Now, use of this preferred  
19 alternative site, not only minimizes  
20 wetland impact, because we're taking  
21 advantage of uplands, it also is  
22 advantageous in that it doesn't require  
23 any increase in the pipeline length.  
24 Pipeline equals temporary wetland impact,  
25 equals encumbering parcels, private

1 parcels. Shorter the pipeline, less  
2 money, less impact. It also retains those  
3 onsite operational advantages that Mr.  
4 Scroggs and Mr. Lotts discussed.

5 There's a little table there that  
6 summarizes the wetland impact acreage. It  
7 was important to note a couple of things  
8 first. This whole area is isolated from  
9 the bay. There is Palm Drive, which  
10 becomes the entrance to the plant.  
11 There's no culvert there. The system is  
12 driven by rainfall. It's freshwater.  
13 There are mangroves in it. There are saw  
14 grass wetlands there. They will be  
15 mitigated.

16 There's actually a 10-acre difference  
17 between these two sites, our preferred  
18 alternative site and the proposed site, in  
19 the acreage of saw grass and mangrove  
20 wetland impact. So there are some low  
21 quality exotic wetlands that would be  
22 impacted.

23 Another important thing to point out,  
24 neither of these locations are located  
25 within any U.S. Fish & Wildlife service

1 designated critical habitat for any  
2 species. The critical habitat line for  
3 the American crocodile is south of this  
4 area. So we specifically have chosen a  
5 place that's not within the critical  
6 habitat for the crocodiles, nor any other  
7 species. There's no nesting that's been  
8 observed here by the crocodiles. No bird  
9 observatories. No bird nesting, listed  
10 species nesting is here.

11 And then, finally, I'll move onto the  
12 next slide, but FPL has committed to  
13 conducting preclearance service within the  
14 proposed site, the alternative site, prior  
15 to any land disturbance. Any species that  
16 are encountered will be relocated as  
17 applicable.

18 In an effort to try to identify a  
19 reasonable upland alternative, we  
20 investigated off-site locations. You'll  
21 see the next slide illustrates the  
22 location of the waste water treatment  
23 plant, the location of the site and  
24 several locations that we evaluated  
25 between the two points.

1           And the bottom line is, even though  
2           there are areas that are in agriculture,  
3           there are no areas that are completely  
4           upland in this location. So not only is  
5           there no reasonable upland location, based  
6           on the points that Mr. Scroggs and Mr.  
7           Lotts put forth, there isn't even a  
8           reasonable wetland location. Now, the  
9           wetlands may be of lower quality, and  
10          that's true, but I would point out that  
11          all of these other locations are within  
12          the Biscayne Bay coastal wetland study  
13          area. And it makes sense, just common  
14          sense, to try to consolidate the impact  
15          adjacent to an existing industrial  
16          facility rather than have postage stamps  
17          of impact within a large area that's  
18          dedicated large-scale conservation.

19          The next series of maps try to  
20          illustrate all of the constraints in this  
21          area of southeast Dade. The land is  
22          earmarked for various environmental  
23          initiatives. And I'll just quickly go  
24          through these.

25          There's open lands, and environmental

1 lands and FPL lands on this. We've added  
2 the sites to this layer.

3 This is the future wetlands. So  
4 these are areas that possess wetland  
5 qualities and functions, which should  
6 warrant public acquisition. So they're  
7 areas earmarked that would be beneficial  
8 for public acquisition. Thing to note,  
9 all of the sites fall within this.

10 The Biscayne Bay management area.  
11 Similarly, all of the sites fall within  
12 these areas. That's an outline of  
13 Biscayne Bay coastal wetlands, the  
14 approved part of the Biscayne Bay coastal  
15 wetlands. And we try to stay out of that.

16 The Model Lands Basin, these are  
17 areas identified as possible future  
18 disposal sites, generally unsuitable for  
19 disposal of dredge or fill material. This  
20 is based on a report back from 1994, but  
21 the point being, it's hard to find  
22 anywhere, within this region, that doesn't  
23 have some constraint on siting a large  
24 industrial facility.

25 Now, the next slide, this is kind of

1 a simple summary of all the 17 criteria  
2 that we looked at in a green light, red  
3 light, yellow light format just for  
4 relative comparison.

5 And operations and security are  
6 critical. That's why they're highlighted  
7 as we discussed earlier, but, overall,  
8 when you look at all the different  
9 criteria, when all the factors are looked  
10 in total, it points to Alternative 3, our  
11 preferred alternative, as the most logical  
12 place for siting the facility.

13 And, next, I'm going to pass it over  
14 to Mr. Rob Curtis. He'll talk about his  
15 opinion as to the consistency of the  
16 location.

17 MR. CURTIS: Thank you, Karl.

18 Rob Curtis, with offices at 7520 Red  
19 Road, South Miami.

20 As has been pointed out, staff has  
21 concerns with the project meeting coastal  
22 management policy 1A, conservation  
23 objective 7 and conservation policy 7A of  
24 the CDMP. Based on the testimony of Mr.  
25 Lotts, an expert in the use of reclaimed

1 water at nuclear facilities, and on the  
2 testimony of Mr. Bullock, our  
3 environmental expert, and my review and  
4 analysis of the application, it's my  
5 professional opinion that the unusual use  
6 application, the non-use variances and the  
7 development, which would be allowed by  
8 these documents, would be consistent with  
9 the priorities of the CDMP. And I'll  
10 briefly review those objectives and walk  
11 you through how I came to that conclusion.

12 Coastal Management 1A talks about  
13 wetlands, that there should be no  
14 alterations to wetlands, Mr. Bercow  
15 pointed this out, for projects unless  
16 they're clearly in the public interest and  
17 where no reasonable upland alternative  
18 exists.

19 This project was designated, it has  
20 been through the history that Mr. Bercow  
21 walked you through as being in the public  
22 interest. And that was a finding in 2007.  
23 The reclaimed water treatment facility is  
24 ancillary to that facility, so it's  
25 already been established by staff that

1           this is in the public interest.

2           The second prong of the test talks  
3           about no reasonable upland alternative.  
4           And, Commissioners, you need to focus on  
5           the word upland. That's the key here.  
6           There are no uplands. That's what's in  
7           the CDMP. Your Figure 14 that has been  
8           adopted tells you, the area east of  
9           Homestead Air Reserve Base to the bay,  
10          from 232 on the north, down to Florida bay  
11          on the south is future wetlands. It has  
12          -- that entire area has wetland qualities.  
13          There are no uplands. Therefore, the  
14          proposed alternative sites and the  
15          preferred site are consistent with this  
16          objective.

17          Secondly, the conservation objective  
18          7, future impacts, talks about future  
19          impacts to the biological functions of  
20          wetlands shall be mitigated. FP&L has  
21          submitted a mitigation plan as part of the  
22          site certification application, so they've  
23          met that part of this objective.

24          Secondly, that objective also speaks  
25          to the Regional Planning Council's

1 regionally significant natural resources.  
2 The sites, the alternative sites, that we  
3 brought to you today are outside of that  
4 area, so we meet that. Other sites that  
5 we considered fall within that  
6 designation, and that's why we couldn't  
7 consider those other sites that Mr.  
8 Bullock walked you through. Therefore,  
9 we're consistent with this portion of the  
10 objective.

11 Policy 7A talks about the destruction  
12 of wetlands should be limited to  
13 activities that are water dependent and  
14 clearly in the public interest. We talked  
15 about the public interest. We meet that  
16 test. And where no other reasonable  
17 alternative exists, and we spoke to that.

18 Now, as far as being water dependent,  
19 the original action of siting nuclear  
20 plants in this area was a decision based  
21 on the need for water. Subsequently,  
22 staff in the 2007 application, using a  
23 common sense measure, said that the 5 and  
24 6 facilities are abutting the existing  
25 facility will make FPL more efficient to

1 provide security for the entire site. The  
2 existing infrastructure are also in place  
3 at Turkey Point, that could be more  
4 efficiently modified and enhanced to  
5 accommodate the proposed plant as opposed  
6 to establishing new infrastructure in  
7 other parts of the County. So it's a  
8 common sense this should be located  
9 adjacent to that. And know,  
10 Commissioners, that in the past other  
11 Commissioners sitting on this Board  
12 approved a dual designation for this area.  
13 There is -- and I'll just speak to that  
14 briefly. Let me flip to the slide here.  
15 Actually, let me just finish up on that  
16 note.

17 Just going further on policy 7A, it  
18 talks about the restoration of wetlands.  
19 Again, there's been a plan, which has been  
20 submitted to the SCA. And then it talks  
21 about habitat is critical. Karl had  
22 talked to you about that. This is not an  
23 area where there is critical habitat.  
24 There is habitat that's used by threatened  
25 and endangered species, but there is no

1 critical habitat in this area. And that  
2 was a finding that was also established in  
3 the 2007 report.

4 Let me just go to this lastly,  
5 Commissioners. This area shows in the  
6 white outline with the black hatch, the  
7 area, which is the dual designation that's  
8 institutions, utilities and  
9 communications. So past commissions, and  
10 through their adoption, had the foresight  
11 to recognize that this is an area where  
12 utility should be located.

13 In closing, the reason I've stated  
14 that the application, the non-use variance  
15 and the approval will be consistent with  
16 the CDMP. Thank you.

17 COMMISSIONER BOVO: All right. Thank  
18 you.

19 We're past the 30 minutes. Do you  
20 need any more time?

21 MR. BERCOW: Commissioner, yes, we  
22 have one more speaker, and then we're  
23 going to wrap up. I know we're going  
24 over, I'm sorry, but this is a contentious  
25 issue. It may end up on appeal. We do

1           need to make a record. We're going to  
2           wrap it up very quickly.

3           COMMISSIONER BOVO: Okay. So can we  
4           say another 10 minutes should do it?

5           MR. BERCOV: It should be less than  
6           that.

7           COMMISSIONER BOVO: Okay. Let's put  
8           10 minutes on the clock, and hopefully it  
9           will be less than that.

10          MR. TAMMARO: Good morning,  
11          Commissioners, my name is Michael Tamaro.  
12          I'm with Florida Power & Light. I've been  
13          asked today to talk to you a little bit on  
14          the last item, the radio collector wells,  
15          the water supply wells for the nuclear  
16          power facility.

17          I have been -- prior to joining FPL,  
18          I began my career at the water management  
19          district, and I've practiced water law for  
20          25 years now, prior to joining FPL to help  
21          accomplish this important project. I've  
22          represented local governments, counties,  
23          municipalities, school districts, private  
24          individuals, public and private companies  
25          in the area of environmental and water

1 law. So this is my area of practice.

2 What I want to talk to you today  
3 about is a little difficult. In some  
4 respects, it's pleasurable. In some  
5 respects, I have to say some things that  
6 often tend to upset the folks, but my  
7 position today is that we agree, of  
8 course, with the staff recommendation for  
9 approval of the water supply wells.

10 Where we disagree with staff is on  
11 the imposition of conditions on that water  
12 use. Water use is an area -- water use  
13 regulation is an area that has been  
14 preempted to the State of Florida. The  
15 water uses -- Water Resource Act of 1972  
16 created our statewide regional water use  
17 regulatory process specifically to avoid  
18 the inter-fighting among various counties,  
19 and various entities that all had a vested  
20 interest as water users, to preempt them  
21 from being in the water use regulatory  
22 field. That preemption is one of the  
23 clearest preemptions in the law that has  
24 been in place since 1972. And there have  
25 been numerous cases that have been decided

1 under that.

2 It's a statewide responsibility by  
3 law, implemented by regional water  
4 management districts, with county  
5 representatives on the district.  
6 Miami-Dade County has two representatives  
7 on the South Florida Water Management  
8 District board. This policy decision has  
9 been in place and recognized as a  
10 statewide role in this area.

11 Now, I understand -- we understand  
12 and share the concern that the County has  
13 in this area. It's a hard thing to say  
14 that the County is preempted, but there  
15 are many areas of law and regulation that  
16 are preempted to various local  
17 governments. It's a necessary function of  
18 orderly government.

19 There are many things the county  
20 preempts the municipalities in. In  
21 nuclear regulatory matters, and  
22 radiological matters, the Federal  
23 Government preempts. In electromagnetic  
24 frequency regulation, the state preempts.  
25 In this case, we have a water use

1 decision, which is preempted to the state.  
2 And we respectfully request that the  
3 County recognize that.

4 There have been a number of cases  
5 that discuss this. On your screen --  
6 well, excuse me, there are a number of  
7 cases that involve counties where the  
8 counties have been advised by the state,  
9 and litigation has resulted, that the  
10 county's concerns, while legitimate, are  
11 simply the matter for the state. And, in  
12 fact, the county's failure to recognize  
13 the state preemption is a violation of  
14 those local governments' own  
15 intergovernmental coordination elements.  
16 It's expected that local governments will  
17 coordinate with the state in this regard.

18 In this case, the water management  
19 district has approved the radial collector  
20 wells. There are -- in your record, you  
21 will find the approval with numerous  
22 conditions addressing all of the areas the  
23 county's concerns have expressed in their  
24 conditions. These conditions are based  
25 upon a comprehensive water use regulatory

1 program that's been in place for 40 years.

2 What we would propose, and what we  
3 ask, or ask today is, we simply cannot  
4 have the water use for the regulatory --  
5 for the nuclear power plant subject to  
6 inconsistent county regulatory  
7 requirements that would usurp the power,  
8 the exclusive of authority of the state.

9 As a matter of compromise, and  
10 acknowledgment of the county's interest  
11 and concern, which we share, we have  
12 offered to stipulate with the County to  
13 put those conditions into the conditions  
14 of certification at the state level, to  
15 give the County a role, to give it a  
16 position at the table with other sister  
17 agencies, to have all of its concerns  
18 addressed in the appropriate forum. That  
19 being the site certification process.

20 And we ask that you remove Conditions  
21 3 through 12, or however they are  
22 renumbered based upon the modification  
23 today, and place them -- direct staff to  
24 work with Florida Power & Light, and the  
25 DEP and the water management districts to

1 incorporate those concerns as conditions  
2 of certification.

3 Thank you.

4 MR. BERCOW: Thank you, Commissioners.  
5 And I'll just take a minute or two to wrap  
6 up.

7 Your resolution approving Turkey  
8 Point 6 and 7 in 2007 directed FP&L to use  
9 reclaimed water to the maximum extent  
10 possible. FP&L complied. It negotiated  
11 and entered into a JPA with your water and  
12 sewer department for the use of reclaimed  
13 water from the south district waste water  
14 treatment plant. This agreement is going  
15 to produce multiple tangible and  
16 intangible benefits for Miami-Dade County.

17 We're here today requesting approval  
18 for a facility to treat that reclaimed  
19 water and wells to use Biscayne Bay water  
20 as a backup source.

21 One of our experts, Karl Bullock,  
22 explained to you that we have done an  
23 extensive analysis of alternative  
24 locations onsite and off-site. And that  
25 the FPL preferred site is a reasonable

1 one. And that the alternatives are not  
2 reasonable locations and they're not  
3 uplands.

4 Bob Lotts from Palo Verde told you of  
5 his extensive experience and offered his  
6 opinion that it would not be reasonable to  
7 place a reclaimed water treatment facility  
8 outside of a nuclear power plant's  
9 envelope.

10 Our planner, Rob Curtis, told you  
11 that FP&L's location for the reclaimed  
12 water treatment facility is consistent  
13 with the comprehensive plan based on his  
14 review of the goals, objectives and  
15 policies and the analysis prepared by Mr.  
16 Bullock. In fact, Mr. Bullock and Mr.  
17 Curtis both pointed out that not only were  
18 there no reasonable upland alternatives to  
19 this site, but the areas that staff had  
20 considered were not uplands and, thus,  
21 could not be considered for this facility.

22 Regarding the radial collector wells,  
23 staff agrees that they should be approved,  
24 but is insisting that the zoning approval  
25 should incorporate conditions limiting

1           their use. This, despite the fact that  
2           Mr. Tamaro, FP&L's senior counsel and  
3           expert on water use regulation, has  
4           provided to staff and to the County  
5           Attorney's Office extensive legal  
6           authority conclusively demonstrating that  
7           regulation of water withdrawals is the  
8           exclusive province of the state and the  
9           water management districts.

10           We have repeatedly requested of the  
11           County Attorney's Office that they provide  
12           us with the authority that they are  
13           relying on for their position that the  
14           County has the authority to impose these  
15           conditions, and they have refused to do  
16           so. That's in stark contrast to the way  
17           that we are used to dealing with the  
18           County Attorney's Office.

19           So what we are asking for, in  
20           conclusion, Commissioners, is we ask you  
21           to approve the application today in its  
22           entirety, including the reclaimed water  
23           treatment facility and all associated  
24           requests, along with the conditions  
25           recommended by staff, except for those

1 conditions relating to the radial  
2 collector wells. And instead of those  
3 conditions, we ask you to authorize your  
4 staff to work with FPL on a stipulation  
5 incorporating similar conditions that will  
6 become part of the state site  
7 certification application.

8 We thank you for your time. If you  
9 have any questions, our team is here to  
10 answer them and we'd like to reserve some  
11 time for rebuttal.

12 Thanks.

13 COMMISSIONER BOVO: Very well. Thank  
14 you.

15 We've got plenty of people that want  
16 to speak on this item. There are two that  
17 have -- that are information cards. And I  
18 just want to call them out and let them  
19 know we could maybe use them for the end.  
20 I'm not sure what that means, if they want  
21 to ask a question, something. Zula Jacobs  
22 (phonetic), you're here, if you could  
23 raise your hand? Okay, I have you here as  
24 an information. And Joseph Agazzi  
25 (phonetic), if I pronounce that right.

1 Did I do -- good, I'm glad I didn't mess  
2 that up. We have you for information  
3 also.

4 So we're going to take now those that  
5 want to speak against this item. They may  
6 say something or ask something that may  
7 interest you guys or not, but we'll see.

8 Okay. First up to speak against this  
9 item is Mayor Cindy Lerner. Oh, there she  
10 is. Okay. I was wondering where she was.  
11 Okay. Thank you. Okay. And if we could  
12 get somebody in the batter's box. Alan  
13 Farago. Did I pronounce that right?  
14 Alan, you're here? Okay. Come on down  
15 and get in the batter's box, if you would.

16 Mayor, you're recognized.

17 MAYOR LERNER: Thank you. Good  
18 morning, Mr. Chair and Commissioners. I'm  
19 here today to speak against the unusual  
20 use requests by Florida Power & Light on  
21 behalf of my constituents. As I, like  
22 you, must answer to them for decisions  
23 that impact our economy, our environment  
24 and our decisions on infrastructure,  
25 including energy planning.

1                   Since 2009, I've participated in the  
2                   various governmental entities, analysis of  
3                   study of this proposed two new reactors,  
4                   who will be responsible for the decision  
5                   making related to them, including the  
6                   nuclear regulatory commission, which first  
7                   came down in 2009 to conduct scoping  
8                   hearings in Homestead and we spoke then.  
9                   They were just back last week continuing  
10                  their environmental study. I believe the  
11                  County had staff there to listen, as many  
12                  of us were there to listen, to the  
13                  dialogue, and the questions and requests  
14                  by the Nuclear Regulatory Commission and  
15                  the Army Corp of Engineers for more  
16                  information indicating some real clear  
17                  frustration with Florida Power & Light for  
18                  not providing the information that they  
19                  have requested.

20                  Over several years now, in looking at  
21                  the alternative sites, many of those sites  
22                  have issues as three alternative sites  
23                  have, similar issues with water, as we  
24                  have here in Miami-Dade. And one of the  
25                  very clear indications, one of the

1           questions that was most striking to me,  
2           they asked if Turkey Point was somehow not  
3           available, could they build at an  
4           alternate site and the answer was yes.  
5           I'll repeat that. The answer was yes, but  
6           it would be logistically more difficult,  
7           more expensive, the length of the  
8           pipelines they would have to run and there  
9           would be negative environmental impacts.

10           Well, what you've heard from your own  
11           department today is a level of adverse  
12           environmental impact that I, my  
13           constituents and your constituents find  
14           completely unacceptable to plan for.

15           I want to, in the course of your  
16           analysis, ask you to consider stepping  
17           back and looking at a bigger picture than  
18           just making this decision today.

19           Number 1, there is no license, so  
20           there is no rush for making a decision  
21           that is going to so adversely impact the  
22           future of South Florida, the Everglades  
23           Restoration project, the water management  
24           issues that we have. There are  
25           significant issues that we ask you to look

1 at in terms of a much bigger picture.

2 The EPA Clean Energy Environmental  
3 Guide to Action, which I'm going to ask  
4 that you think about and consider,  
5 indicates that energy planning is, at its  
6 broadest sense, a strategic effort to  
7 develop energy-related goals and  
8 objectives and formulate related policies  
9 and programs as a nexus --

10 COMMISSIONER BOVO: Mayor.

11 MAYOR LERNER: -- for a variety of  
12 state concerns.

13 COMMISSIONER BOVO: Mayor.

14 MAYOR LERNER: Yes.

15 COMMISSIONER BOVO: If I could stop  
16 you for one second. We -- did we lose a  
17 quorum.

18 MR. COLLIER: Oh, shoot.

19 COMMISSIONER JORDAN: He's in the  
20 back.

21 COMMISSIONER ZAPATA: I'm here.

22 COMMISSIONER BOVO: Okay. No.

23 COMMISSIONER ZAPATA: I'm listening.  
24 I got two ears.

25 COMMISSIONER BOVO: Okay. All right.

1 From now on, Members, if you have to go  
2 someplace, tell somebody or ask  
3 permission.

4 I apologize, Mayor, continue.

5 MAYOR LERNER: Thank you.

6 Energy planning can serve as an  
7 umbrella mechanism for simultaneously  
8 addressing energy, environmental, economic  
9 and other issues. Energy planning can be  
10 undertaken at both a state and regional  
11 level. All regions facing significant  
12 costs for new resources, along with  
13 heightened reliability, security and  
14 environmental concerns, there has been  
15 increased interest in energy planning that  
16 includes consideration of the energy,  
17 economic and environmental benefits of  
18 clean energy.

19 So I ask that you deny the request.  
20 I ask that you take special attention to  
21 the impact on the failure of FPL to  
22 demonstrate that the proposed reuse water  
23 treatment facility could not be located  
24 out of designated mangrove protection  
25 areas, at an upland site and that you

1 really take this opportunity to engage in  
2 a significant regional energy plan rather  
3 than allowing investor-owned utilities to  
4 lead us around by the nose and determine  
5 what's best for their investors rather  
6 than what's best for our constituents.

7 Thank you.

8 COMMISSIONER BOVO: Thank you, Mayor,  
9 and sorry for the interruption.

10 MR. BERCOW: Mr. Chair, if I just may  
11 ask the Mayor to place her name and  
12 address for the record.

13 COMMISSIONER BOVO: I apologize for  
14 that. I'll make sure that from now, if  
15 you could read your name and address for  
16 the record.

17 MAYOR LERNER: Yes, Cindy Lerner,  
18 Village of Pinecrest, 12645 South Dixie  
19 Highway, Pinecrest, Florida.

20 COMMISSIONER BOVO: Great. Thank  
21 you. Thank you, Mayor.

22 COMMISSIONER JORDAN: Mr. Chair.

23 COMMISSIONER BOVO: Yes.

24 COMMISSIONER JORDAN: Just a  
25 question. I'm not sure how many speakers

1 we have, but are we going to put a time  
2 limit on --

3 COMMISSIONER BELL: Please.

4 COMMISSIONER JORDAN: -- because,  
5 otherwise, you may lose a quorum.

6 COMMISSIONER BOVO: Mr. Attorney.

7 COMMISSIONER JORDAN: I mean, usually  
8 we do.

9 MR. COLLER: Well, you can place  
10 reasonable time limits. I don't know how  
11 many -- there may be speakers that are  
12 speaking on behalf of a number of other  
13 people, so they could perhaps yield their  
14 times for that. There may be -- I believe  
15 that there's an attorney representing part  
16 of the group of the objectors that perhaps  
17 might be called up. At this time might be  
18 appropriate. And that may resolve some of  
19 the other individuals that may want to  
20 speak or they can speak for a shorter  
21 period of time.

22 COMMISSIONER BOVO: All right. I  
23 have a couple of elected officials that  
24 I'd like to be able to bring them up and  
25 go ahead and speak to the item that are

1           here to speak against. And what I would  
2           counsel, then, is the ones that have  
3           filled out against cards, if -- I guess  
4           what I wouldn't want is to have everybody  
5           come up and basically say the same thing  
6           over and over again. If we can kind of  
7           coalesce to get a couple to come up and go  
8           ahead and make their case. And, you know,  
9           get somebody from my office maybe to work  
10          out some of these names and maybe we would  
11          kind of put something together. We had  
12          debated maybe putting a time constraint,  
13          but I want to be able to make sure  
14          everybody gets their point across.

15                 But your point is well taken,  
16          Commissioner Jordan.

17                 With that, I'd like to bring up Mayor  
18          Stoddard. Did I pronounce that right?  
19          Did I butcher it?

20                         MAYOR STODDARD: No.

21                         COMMISSIONER BOVO: Welcome.

22                         MAYOR STODDARD: It's phonetic.

23                         COMMISSIONER BOVO: Say that again.

24                         MAYOR STODDARD: I said it's  
25          phonetic.

1                   COMMISSIONER BOVO: Mayor Phonetic,  
2                   you're up.

3                   MAYOR STODDARD: Thank so much, and  
4                   thank you especially to those members of  
5                   the Commission, who were courteous enough  
6                   to show up today. We appreciate it.

7                   So my name is Philip Stoddard. I'm  
8                   the Mayor of the City of South Miami,  
9                   Florida, located at 6130 Sunset Drive, in  
10                  South Miami. We, all of us, every one of  
11                  us, depend on freshwater for everything we  
12                  do in Florida.

13                  The public interest on this project,  
14                  as was explained to you earlier, was  
15                  defined, formally defined five years ago,  
16                  in 2007. The past five years scientists  
17                  have brought us only disturbing news about  
18                  the future of our local water supply. I  
19                  think you all know it.

20                  Saltwater is moving fast into eastern  
21                  Miami-Dade County. It's underneath Coral  
22                  Gables. It's headed for South Miami.

23                  The sea level is rising faster than  
24                  we anticipated five years ago, a lot  
25                  faster, as Matti Bower out in Miami Beach

1           could tell you.

2           As the sea level continues to rise,  
3           less rain is going to fall. We will have  
4           less freshwater than we do today and the  
5           saltwater intrusion problem is going to be  
6           getting worse, not better.

7           The proposed radial collector wells  
8           are going to create negative pressure in  
9           the offshore portions of the Biscayne  
10          aquifer that are gonna further hasten  
11          saltwater intrusion when they're used.

12          All the freshwater sources to  
13          Biscayne aquifer are going to be becoming  
14          increasingly precious. They're precious  
15          now. They'll be more precious in the  
16          future. Remember that. So to supply our  
17          domestic freshwater needs, we're going to  
18          be desalinating, using a lot of  
19          electricity to do it. It's going to be  
20          very expensive. The price of water is  
21          going to skyrocket.

22          So the gray water that is a problem  
23          for the county now in terms of figuring  
24          out what to do with it, and they dump it,  
25          this gray water is going to become an

1            increasingly water commodity for domestic  
2            use.

3            And if you look at the LEED  
4            construction that is going on now in the  
5            City of Miami, in the City of Coral  
6            Gables, in the City of South Miami,  
7            they're all using gray water. They're all  
8            reusing it. And they're using it to  
9            reduce demand on the water coming from the  
10          aquifer. So all of the gray water sources  
11          now that are questionable value are going  
12          to be becoming increasingly valuable.

13          Likewise, all of our wetland recharge  
14          areas are going to becoming increasingly  
15          valuable. Whether they're pristine,  
16          whether they're compromised, they're all  
17          recharge areas and we're going to need  
18          every square acre.

19          So this construction site is down in  
20          a very low lying area, and it's going to  
21          be threatened, and its function is going  
22          to be threatened and compromised by sea  
23          level, to say nothing of potential storm  
24          surge. So we're talking about building  
25          something that would be essential for the

1 function of a nuclear plant, that's going  
2 to be down in a storm threatened area and  
3 in a sea rise threatened area.

4 Mr. Lotts, the expert, said it was  
5 his opinion -- by the way, he's coming out  
6 of Arizona. I don't think they're  
7 threatened by sea level rise, but it's his  
8 opinion that the treatment plant should be  
9 placed near the nuclear facility, but I  
10 didn't hear him present any competent  
11 evidence as to why that is. Considering  
12 that the wastewater has to be piped from  
13 all over the county to this site and then  
14 from the site to the nuclear facility, I  
15 don't see any particular reason why piping  
16 on one side or the other side of the plant  
17 makes any difference as to the function of  
18 the plant. And as for communication  
19 purposes about water quality, we now have  
20 telephones.

21 So the City of South Miami cannot  
22 support the use of reclaimed freshwater,  
23 placing new construction anywhere in the  
24 East Everglades wetlands or the use of  
25 radial collector wells for cooling in the

1 southeast Florida at all.

2 And we ask that you deny the zoning  
3 request. We see none of these in the long  
4 term public interest and we feel your  
5 legacy will be judged by your distance  
6 vision in water planning. And I would  
7 like to thank you on behalf of my  
8 constituents for coming today and for your  
9 attention.

10 Thanks so much.

11 COMMISSIONER BOVO: Thank you, Mayor.

12 We have two commissioners, and if you  
13 can both come on down, so we can try to  
14 move this as quickly as possible.

15 Commissioner Welsh and Commissioner  
16 Harris. Name and address for the record,  
17 please.

18 COMMISSIONER WELSH: Commissioner Bob  
19 Welsh, 6130 Southwest 72 Street, South  
20 Miami.

21 COMMISSIONER BOVO: Welcome,  
22 Commissioner.

23 COMMISSIONER WELSH: Thank you.

24 COMMISSIONER BOVO: Go ahead. No,  
25 no, go ahead and then we'll go.

1                   COMMISSIONER WELSH: Yeah. So they  
2                   need 60 million gallons a day of  
3                   freshwater for the nuclear plant. So what  
4                   does that look like on a yearly basis?  
5                   Well, that's 21.915 billion gallons of  
6                   water. So what's that look like on a  
7                   yearly basis? You've all seen five cruise  
8                   ships lined up at Dodge Island one after  
9                   the other. That's about a mile. So  
10                  figure on a tank that's one mile in  
11                  diameter, 133.5 feet high, and that's the  
12                  yearly requirement for Units 5 and 6 from  
13                  Turkey Point. That's too much freshwater.  
14                  We don't have it. We are going to need to  
15                  use the recycled water, the gray water for  
16                  things, other than generation of  
17                  electricity.

18                  And I thank you very much for your  
19                  time.

20                  COMMISSIONER BOVO: Thank you,  
21                  Commissioner.

22                  COMMISSIONER HARRIS: Walter Harris,  
23                  City of South Miami, population about  
24                  11,000.

25                  Three years ago, I knew nothing of

1 Turkey Point, really. And when I found  
2 out, it was very alarming. And, at first,  
3 when I would tell people about it, they  
4 would kind of shrug it off. Now we have  
5 11,000 people in South Miami that are very  
6 concerned about their safety and the  
7 well-being relating to the possibility of  
8 problems at Turkey Point.

9 I just want to comment on what the  
10 speakers for Florida Power & Light spoke  
11 about. Reasonable alternative; no  
12 reasonable alternatives existed for  
13 various things; lessons learned over time;  
14 past commissions approved dual  
15 designation; 1972, this was the greatest  
16 thing to come down the pike.

17 Well, things have really changed and  
18 they've really have changed recently. I  
19 can only ask you to really pay attention  
20 to the situation, not just of the zoning  
21 of the water, but the entire project at  
22 Turkey Point.

23 This is a situation where Dade County  
24 is put in harm's way. And I think what  
25 needs to be done, and I really believe

1           this, is a new -- a workshop needs to be  
2           done with the County Commission to be  
3           brought up with the latest problems that  
4           are present.

5           I can only ask that you all take your  
6           jobs very seriously, because what you saw  
7           in Fukushima could have happened 20 years  
8           ago with Hurricane Andrew, but for the  
9           grace of God, it went on the south side of  
10          it. We wouldn't even be here talking  
11          about that.

12          The point is we need to be brought up  
13          to date. All the evidence and information  
14          that was given today is talking about past  
15          recommendations and intimidation: You  
16          guys better realize the state oversees  
17          you, so you better play ball with them.

18          So I'm just saying, please, enable us  
19          to have a workshop. And as somebody  
20          pointed out, there's no rush for this  
21          zoning to be approved. So I would  
22          strongly urge you not to approve this  
23          particular zoning request obviously.

24                   Thank you.

25                   COMMISSIONER BOVO: Thank you,

1 Commissioner.

2 We have -- we have about 15 cards to  
3 speak against. So we're going to try to  
4 put a little time constraint as far as the  
5 testimony. However, we've got five cards  
6 here from individuals that all basically  
7 are here to speak on behalf of the Friends  
8 of the Everglades. So if maybe we could,  
9 out of that group, come up with one  
10 person. I have here Kalid Katerine  
11 (phonetic); Richard Grosso; Albert Slap;  
12 Susan -- I'm sorry, Sara Fain and Alan --  
13 you are?

14 MR. GROSSO: I'm sorry, you're not  
15 ready for me?

16 COMMISSIONER BOVO: No, I --

17 MR. GROSSO: I'm sorry, Mr. Chair, my  
18 name is Richard Grosso. I'm an attorney.  
19 Sara Fain and I are here representing  
20 Friends of the Everglades National Parks  
21 Conservation. We have -- I have filled  
22 out a card.

23 COMMISSIONER BOVO: Could you speak  
24 for the group then?

25 MR. GROSSO: Here's what we would

1 propose. Dan Kipnis, Southern Alliance  
2 for Clean Energy, Friends of the  
3 Everglades, National Parks Conservation  
4 Association are all parties to the Safe  
5 Siting Act. Some are parties to the  
6 federal nuclear regulatory process. We  
7 believe we are affected persons. Ms. Fain  
8 and I are here to represent them in this  
9 quasi-judicial hearing.

10 We would request collectively the  
11 comparable amount of time that Florida  
12 Power & Light had to make its  
13 presentation, but what we would ask to do,  
14 for Ms. Fain and I to make some policy and  
15 legal arguments/presentations to be able  
16 to give staff the opportunity via some  
17 questions from us to explain the basis for  
18 their recommendations and to present our  
19 case in that manner in an effort to  
20 consolidate. We would also ask some of  
21 those individuals to speak briefly during  
22 part of that presentation to consolidate  
23 that to explain their interest in the  
24 matter.

25 COMMISSIONER BOVO: Okay. Just so

1 we're clear from a time management  
2 process, we also have others that want to  
3 speak against the item that may not be  
4 party to your representation. And I'd  
5 like, if I could then, maybe to get them,  
6 you know, come and make their statements,  
7 I guess. And if they could be brief. And  
8 I think for them, we can go ahead and put  
9 a time constraint of a couple of minutes.

10 Antoinette Fischer and Devon Dassaw.  
11 Devon, are you here? Come on down. We'll  
12 need your name and address for the record.  
13 And what we'll do is put two minutes. Two  
14 minutes is fair enough? Three minutes?  
15 Two minutes? Would two work or three  
16 minutes?

17 MS. FISCHER: How about three?

18 COMMISSIONER BOVO: We'll give you  
19 three.

20 MS. FISCHER: I don't even know if  
21 I'm even going to go that long. Maybe two  
22 minutes and 10 seconds.

23 COMMISSIONER BOVO: Well, what you  
24 could do, is what you don't use, just bank  
25 it for a future time that you come and

1           then we'll take care of you there.

2           How about that?

3           MS. FISCHER: Okay. Thank you. My  
4 name is Antoinette Fischer. I am from  
5 South Miami. Do you need me to repeat my  
6 address or anything?

7           COMMISSIONER BOVO: If you could,  
8 please, for the record.

9           MS. FISCHER: Sure. It's 6211  
10 Southwest 80 Street, South Miami, Florida.

11           I have great concerns that Turkey  
12 Point is a dangerous 40-year-old facility.  
13 And instead of putting two new nuclear  
14 reactors there, why not dismantle it and  
15 use the funds to produce energy that is in  
16 a sustainable way, such as extensive use  
17 of solar panels.

18           As far as I can see, there is no  
19 concern -- no concurrency for this  
20 project. Studies have never been  
21 completed. Ocean level rise is a huge  
22 factor in this equation. And Turkey Point  
23 is right there on the bay.

24           Please do not do anything to threaten  
25 the mangroves, which are precious,

1 spawning grounds for oceanic life. All of  
2 this hot water is bad for the bay.

3 How clean is the reclaimed water? I  
4 do not trust any so-called reclaiming  
5 process or reclamation process in Dade  
6 County, as nothing is done in a  
7 sustainable way. We all know that the  
8 sewage treatment system is primitive and  
9 broken here in Dade County. Please don't  
10 even talk about using reclaimed water  
11 until I see a brand new sustainable sewage  
12 treatment center that is built here in  
13 Dade County. Then you can talk about  
14 reclaimed water for whatever.

15 COMMISSIONER BOVO: Okay. All right.  
16 You started off good there and then you  
17 got really fired up.

18 MS. FISCHER: I am very fired up,  
19 sir.

20 COMMISSIONER BOVO: I got it and we  
21 got your testimony. Thank you.

22 MS. FISCHER: Okay. Thank you.

23 COMMISSIONER BOVO: Devon, you're up.  
24 And then Valerie Robbin, if you could come  
25 on down.

1 Devon, you got three minutes.

2 MR. DASSAW: All right. My name is  
3 Devon Dassaw, My address is registered at  
4 3995 Northwest 176 Street, in Miami  
5 Gardens, Florida, 33055.

6 I just want to say that I'm a  
7 lifelong resident of Miami-Dade County.  
8 I've gone to every division of school  
9 here, from pre-K, all the way up through  
10 my bachelor's degree at college at New  
11 World School of the Arts. And, you know,  
12 throughout those years, I've known  
13 Miami-Dade like the back of my hand, or so  
14 I thought until this year, when I had an  
15 opportunity to go down to Biscayne  
16 National Park, which I didn't even know  
17 existed. You know, I knew about  
18 Everglades, knew about that, but I didn't  
19 know we had several other national parks  
20 here. And I had a chance to spend time in  
21 Biscayne National Park. See animals that  
22 I had not seen before.

23 And I'm reading information here  
24 about how what's being proposed poses a  
25 threat to, you know, species and habitat

1           that's there. I mean, I'm concerned about  
2           that. I have three nieces, who I'm really  
3           close with and I'd like for them to have  
4           an opportunity to, you know, experience  
5           these things for themselves as opposed to  
6           going through what I had to go through,  
7           which was see it on TV.

8                     And if there's documentation saying  
9           these things are going to be threatened  
10          and harmed and that, you know, resources  
11          like water from the aquifer may be used  
12          and all of that stuff, I mean, it's just  
13          telling you what you really, you know,  
14          really need to consider, which is that  
15          these power plant units are not in the  
16          best interest of the people of -- you  
17          know, the people of the country, the  
18          people of South Florida. It's really not  
19          in the best interest of them in the long  
20          run. Yeah, sure, you know, it helps with  
21          energy and everything, but, I mean, you  
22          got to look at all aspects. And I think  
23          what's more important is the environment.

24                     So really please consider that. And  
25          I like what was said before, there is

1 really no rush to make a ruling on this.  
2 You know, if we have to, you know, burn  
3 wood and paper for some energy in the  
4 meantime, I think we might need to go that  
5 route, but please consider what's more  
6 important to protect.

7 Thank you.

8 COMMISSIONER BOVO: Thank you. Thank  
9 you. Did a good job. Good testament to  
10 public school education in Dade County.

11 All right. Can we get also Captain  
12 Dan Kipnis, and you're up next. Name and  
13 address, for the record, please.

14 MS. ROBBIN: Hi, my name is Valerie  
15 Robbin, 730 Palermo Avenue, Coral Gables.  
16 And I serve on the Sierra Club Miami Group  
17 Executive Committee. We have  
18 approximately 3,000 members in Miami-Dade  
19 and Monroe counties. We are active in the  
20 community and our members use Biscayne Bay  
21 extensively. We run outings to Biscayne  
22 Bay and have a program that takes inner  
23 city youth to Biscayne Bay. We only have  
24 one bay.

25 Sierra Club Miami Group urges you to

1 deny the unusual permit, in part, because  
2 it is a major threat to Biscayne Bay. We  
3 are opposed to a doubling of the nuclear  
4 reactors in the sensitive location. The  
5 proposed unusual use asks for too much of  
6 our community's scarce water resources,  
7 destroys our irreplaceable wetlands and  
8 threatens Biscayne Bay sea grasses.

9 Scientists also predict the area  
10 where the reactors and water facility are  
11 proposed will be submerged in a matter of  
12 decades by sea level rise. We ask you to  
13 oppose this permit to protect current and  
14 future generations.

15 Thank you.

16 COMMISSIONER BOVO: Great. Thank  
17 you.

18 Before you start, I had somebody else  
19 also from the Sierra Club, Jonathan  
20 Ullman, and you'll go next.

21 Go ahead, you're recognized.

22 UNIDENTIFIED SPEAKER: I'd like to  
23 defer my time to my counsel, Richard  
24 Grosso.

25 COMMISSIONER BOVO: Very good. Thank

1           you. That's very generous of you. We  
2           have a couple of others --

3                   UNIDENTIFIED SPEAKER: You might want  
4           me back.

5                   COMMISSIONER BOVO: Okay.

6                   If we could also -- if we could also  
7           get Laura Reynolds, Tropical Audubon  
8           Society, to come on down.

9                   Okay. Go ahead. You're recognized,  
10          Jonathan, name and address for the record.

11                   MR. ULLMAN: Thank you very much.  
12          Jonathan Ullman, 2600 Southwest Third  
13          Avenue, Miami, Florida. I represent the  
14          National Sierra Club. We have over one  
15          million members and supporters. And we  
16          would like to request the Commissioners  
17          reject all applications today related to  
18          the expansion of nuclear reactors at  
19          Turkey Point.

20                   As it was mentioned before, this plan  
21          destroys 40 acres of wetlands, it poses a  
22          threat to Biscayne Bay and it taxes our  
23          County's limited water resources, but one  
24          of the most undeniable facts that should  
25          -- one of the most undeniable facts that

1           should motivate you is the fact that sea  
2           level rise is coming and it's happening  
3           now. You only have to look at Miami  
4           Beach, at Alton Road, Fort Lauderdale  
5           beach, which is -- much of it is gone now.  
6           Virginia Key, water sewage treatment  
7           plant, which you have been told will have  
8           to be abandoned. And Miami Beach, which  
9           is now making plans on sea level rise, and  
10          is allocated \$200 million for that.

11                 Now, you can avoid a disaster in this  
12          County by rejecting this application. Now  
13          what I'd like to do, is I'd like you to  
14          look at the screen right now, everybody  
15          look at the screen, and these are sea  
16          level rise map projections from -- this is  
17          from your own County web site. Okay,  
18          this is zero feet, one foot, two feet,  
19          three feet. I won't say the number of  
20          feet, but I'm just going to keep on going.

21                 Okay. Now, if you look at the --  
22          those are previous -- those are from 2008.  
23          These are the new maps that I passed out  
24          to you that were just handed out past  
25          December, okay? And you can see 2060, two

1 feet sea level rise. There's nothing  
2 left. There is no area to have a nuclear  
3 power plant or a water sewage treatment  
4 facility. It's gone, okay? That's not  
5 even -- that's two feet. What about one  
6 feet? One foot? You have to all think  
7 about this. And I appreciate your time.

8 Thank you.

9 (Thereupon, Commissioner Jordan exits  
10 the chambers).

11 COMMISSIONER BOVO: Great. Thank  
12 you.

13 And, again, there's a couple of  
14 organizations out there. I don't know if  
15 they could all come under the umbrella  
16 that Richard -- he's asked for about  
17 30 minutes, but, Jacqueline Ayala, are you  
18 here? Can you cede your time to Richard  
19 to make their 30 minutes -- 30-minute  
20 presentation?

21 MS. AYALA: I prefer to speak, if  
22 that's all right.

23 COMMISSIONER BOVO: Okay. Standby,  
24 standby. Let me -- I have been advised  
25 the absence of a quorum.

1 MR. COLLER: Mr. Chairman, we can't  
2 continue if there is no quorum at this  
3 point. We can wait to see if a quorum  
4 returns, but we can't continue with the  
5 testimony, if we're absent a quorum.

6 COMMISSIONER BOVO: So we can't do  
7 testimony either, to put it on the record?

8 MR. COLLER: No. No.

9 COMMISSIONER BOVO: We can't do that  
10 either.

11 And the only members that have been  
12 present up to this point are the only ones  
13 that could make that quorum.

14 MR. COLLER: Well, at this point, if  
15 the matter is deferred because of lack of  
16 quorum, we are going to type up the  
17 transcript of proceedings thus far. All  
18 the Commissioners that were absent, if  
19 they read the transcript, as actually  
20 Commissioner Moss had explained earlier on  
21 the earlier application, they will be able  
22 to sit for the rest of the hearing, if  
23 we've lost a quorum, but we would announce  
24 today the date so that there is no further  
25 notice.

1                   COMMISSIONER BOVO: Okay. And at  
2                   that continuation, I guess, no new  
3                   presentation needs to be done by -- in  
4                   other words, we don't start from scratch.

5                   MR. COLLER: No.

6                   COMMISSIONER BOVO: Just pick it up  
7                   where we left off.

8                   MR. COLLER: We pick it up where we  
9                   left off, that's correct.

10                  COMMISSIONER BOVO: Okay. So, you  
11                  know, what's the call here? Are we done  
12                  right now or --

13                  MR. COLLER: I believe it appears  
14                  that we do not have a quorum. So,  
15                  therefore, what we need to get from staff  
16                  is when this hearing will be continued  
17                  until.

18                  COMMISSIONER BOVO: Okay. Let me --  
19                  let me first and foremost apologize for,  
20                  in essence, wasting everybody's time. I  
21                  guess circumstances beyond our control  
22                  appear we don't have enough people to  
23                  continue the meeting.

24                  MR. COLLER: Yes. And, Mr. Chairman,  
25                  if I could make one announcement.

1 COMMISSIONER BOVO: Uh-hum.

2 MR. COLLER: Commissioner Diaz had  
3 requested I place this on the record. He  
4 did come in. He was late. And,  
5 therefore, because he didn't hear the  
6 testimony from the very beginning, he was  
7 not able to sit.

8 Obviously, at this point, since we're  
9 going to have a transcript of what's  
10 proceeded thus far at the next hearing, as  
11 long as the Commissioners indicate that  
12 they did review the transcript, we can  
13 proceed with whoever Commissioners are  
14 present for the next meeting.

15 COMMISSIONER BOVO: Okay. And will  
16 that -- do we expect that meeting to  
17 happen before the end of the year?

18 MR. COLLER: I believe we're not  
19 expecting it to happen before the end of  
20 the year.

21 COMMISSIONER BOVO: Okay. And we  
22 don't need -- there's no motion that needs  
23 to be entertained at this point.

24 MR. COLLER: We just need to announce  
25 the date, because we can't pass a motion.

1 We don't have a quorum, but we need to  
2 announce the date for the hearing that  
3 it's being continued to. So there's not  
4 going to be further notice, so we need to  
5 announce the date and time.

6 COMMISSIONER BOVO: You're going to  
7 do that now?

8 MR. COLLER: We're going to do that  
9 right now.

10 MR. SILVA: The next zoning meeting  
11 is scheduled for January 10, 2013.

12 COMMISSIONER BOVO: Say that again,  
13 please.

14 MR. SILVA: The next zoning meeting,  
15 January 10, 2013 at 9:30 in the morning.

16 COMMISSIONER BOVO: Commissioner  
17 Moss.

18 COMMISSIONER MOSS: Yes. January 10,  
19 9:30 in the morning, do we have anything  
20 else scheduled that particular day?

21 MR. SILVA: This will be the only  
22 item on the agenda.

23 COMMISSIONER BOVO: And I would  
24 encourage that day, Members, if we can  
25 just show up on time, we may be able to

1 get through this thing.

2 MR. COLLER: And there will be no  
3 further notice, so all those folks in the  
4 audience, please mark it on your calendar,  
5 because the notice you're getting now is  
6 the notice of the hearing.

7 MR. BERCOW: Mr. Chair, is there any  
8 chance that -- is there any chance that  
9 this be continued to next Tuesday's  
10 regular meeting? Can that be done?

11 COMMISSIONER BOVO: Hold on. Let's  
12 find out from the attorneys.

13 MR. BERCOW: I mean, notice is being  
14 given here.

15 MR. COLLER: I believe we announced  
16 the date. I do not know if anybody has  
17 walked out of the room. So the date we  
18 announced is the date that it can be. I  
19 don't think we can revise the date at this  
20 point, because we announced the date.

21 COMMISSIONER BOVO: Okay. So it is  
22 what it is. January 10th, in the new  
23 year, at 9:30, unless the Mayans have  
24 anything else to say about it.

25 Okay. Thank you.

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UNIDENTIFIED SPEAKER: Will we have  
an opportunity to speak again?

COMMISSIONER BOVO: No.

(Thereupon, the meeting concluded at  
12:05 p.m.)



