

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-56-07

WHEREAS, FLORIDA POWER & LIGHT COMPANY applied for the following:

- (1) UNUSUAL USE to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment.
- (2) MODIFICATION of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property and reading as follows:

FROM: "1. That detailed plans be submitted to and meet with the approval of the Director of the Building and Zoning Department, that said plan be substantially in compliance with that submitted for the hearing entitled 'Plot Plan Florida Power & Light Co.,' as prepared by A. R. Toussaint & Associates, Land Surveyors, and dated received Oct. 1, 1971."

TO: "1. That in the approval of the plan, the same shall 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."

- (3) MODIFICATION of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, 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 those submitted for the hearing entitled 'Cooling Canals System General Plan,' as prepared by A. R. Toussaint & Assoc., dated received 04/7/99, and plans entitled 'Proposed Canal Bank Modification,' as prepared by S. P. Chaviano, Registered Engineer and dated 6/2/99."

TO: "1. That in the approval of the plan, the same shall 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."

The purpose of requests #2 and #3 is to allow the applicant to submit a revised plan showing an expansion of the existing power plant site, to include two atomic reactors and proposed access points to the facility.

- (4) Applicant is requesting to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street 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 S.W. 368 Street and S.W. 92 Avenue.
- (5) Applicant is requesting to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street).
- (6) Applicant is requesting to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street).
- (7) Applicant is requesting to permit building heights of 350' maximum (35' maximum permitted) and to permit buildings with a maximum height of 5 stories (2 stories maximum permitted).
- (8) Applicant is requesting 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.
- (9) Applicant is requesting to permit fences and walls with no height limit (maximum 8' permitted).
- (10) Applicant is requesting to permit fences and walls with multiple strands of barbed wire in the GU and AU zones (barbed wire not permitted in the GU zone, maximum three strands of barbed wire permitted in the AU zone).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 and #3 may be considered under §33-311(A)(7) (Generalized Modification Standards), approval of requests #4 and #6 through #10 may be considered under §33-311(A)(4)(b) (Non-Use Variance) and approval of request #5 must be considered under Chapter 28 §19(a) of the Public Works Code.

The aforementioned plans are on file and may be examined in the Department of Planning and Zoning. Plans may be modified at public hearing.

SUBJECT PROPERTY: ACCESS AREA: Tracts 1 - 28, inclusive, Block 2, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 35', and lies within the south 30' and lies within the west 30' of the NW ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 35', and lies within the south 30' and lies within the west 30' of the SW ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 4, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the SE ¼ of said Section 30. TOGETHER WITH:

Tracts 1 - 28, inclusive, Block 1, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 30, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 30', and lies within the south 30' and lies within the west 35' of the NE ¼ of said Section 30. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 2, MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 of the public records of in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 130', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the NW ¼ of said Section 29. TOGETHER WITH: Tracts 1 - 28, inclusive, Block 3, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 30', and lies within the east 30', and lies within the south 30' and lies within the west 30' of the SW ¼ of said Section 29. TOGETHER WITH: Tracts 5 - 22, inclusive, and Tracts 27 and 28, Block 1, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; less that portion that lies within the north 120', and lies within the west 30', and lies within the south 30' of the NE ¼ of said Section 29, and less that portion that lies E/ly of the W/ly right-of-way line of Levee 31 east Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6), and less that portion of said Tracts 6, 7, 8, 9, 10, 11, 12, 13, 14, 27 and 28, being more particularly described as follows:

Commence at the northwest corner of the NE ¼ of said Section 29; thence S00°04'36"W (S0°28'33"E legal), along the west line of the NE ¼ of said Section 29, for a distance of 50'; thence N89°33'04"E (N89°33'2"E legal) for a distance of 35' to the Point of beginning of the hereinafter described parcel of land; thence S00°04'36"W (S0°28'33"E legal), along a line 35' east of and parallel with the west line of the NE ¼ of said Section 29, for a distance of 1,380'; thence N89°33'04"E (N89°33'2"E legal) for a distance of 1,380'; thence N00°04'36"E (N0°28'33"W legal) for a distance of 1,380'; thence S89°33'04"W (S89°33'2"W legal) for a distance of 1,380' to the Point of beginning. Less the north 70' thereof for road right-of-way. TOGETHER WITH: Tracts 6 - 19, inclusive,

Block 4, of MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10 in Section 29, Township 57 South, Range 40 East; Less that portion that lies within the north 30', and lies within the west 30', and lies within the south 30' of the SE ¼ of said Section 29, and less that portion that lies E/ly of the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). TOGETHER WITH: Section 31, Township 57 South, Range 40 East; less the south 130' thereof. TOGETHER WITH: Section 32, Township 57 South, Range 40 East; less the south 145', and less that portion of said Section 32 that lies E/ly of the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). AND: The north 1' of the NE ¼ of Section 32, Township 57 South, Range 40 East, bounded on the west by the W/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6). And bounded on the east by the E/ly right-of-way line of said Levee 31 East Section 8. TOGETHER WITH: A portion of Sections 28, 29 and 32, Township 57 South, Range 40 East, being more particularly described as follows:

Commence at the northeast corner of said Section 29; thence S00°02'14"W, along the east line of said Section 29, for a distance of 15' to the Point of beginning of the hereinafter described parcel of land; thence continue S00°02'14"W, along the last described line, for a distance of 661.39'; thence N89°35'27"E for a distance of 5.36'; thence S03°51'02"E for a distance of 66.67'; thence S16°39'02"E for a distance of 42.35'; thence S30°37'02"E for a distance of 42.82'; thence S48°42'02"E for a distance of 37.31'; thence S50°51'02"E for a distance of 4,986.37'; thence S70°19'02"E for a distance of 71.04'; thence S89°53'32"E for a distance of 223.65'; thence S00°18'13"E for a distance of 1,065.03'; thence S89°24'04"W for a distance of 1,532.86'; thence N00°02'14"E for a distance of 1,135.45'; thence west for a distance of 707.07'; thence N00°02'14"E for a distance of 350'; thence west for a distance of 684.79'; thence S00°02'14"W for a distance of 1,500'; thence S89°24'04"W for a distance of 2,386.67'; thence S17°38'08"W for a distance of 5,912.06' to a point on the south line of said Section 32; thence S89°43'49"W, along the last described line for a distance of 683.25'; the next described 8 courses and distances being along the SE/ly and E/ly right-of-way line of Levee 31 East Section 8 (Central and Southern Florida Flood Control District Right-of-Way Map Drawing Number L-31E-8, Sheets 1 - 6); 1) thence N17°38'00"E for a distance of 265.61'; 2) thence S72°22'00"E for a distance of 60'; 3) thence N17°38'00"E for a distance of 300'; 4) thence N72°22'00"W for a distance of 60'; 5) thence N17°38'00"E for a distance of 8,627.28'; 6) thence N00°02'14"E for a distance of 1,928.72'; 7) thence S89°57'46"E for a distance of 40'; 8) thence N00°02'14"E for a distance of 65'; thence N89°33'04"E, along a line 15' south of and parallel with the north line of the NE ¼ of said Section 29, for a distance of 725.02' to the Point of beginning. Subject to recorded plat of lands belonging to the MIAMI LAND AND DEVELOPMENT COMPANY, Section 29, Township 57 South, Range 40 East, Plat book 5, Page 10, subject to road and canal rights-of-way and easements and reservations of record. PROPOSED PLANT SITE AND EXISTING CLOSED LOOP COOLING CANAL SYSTEM/INDUSTRIAL WASTEWATER FACILITY:

A portion of Sections 28, 29, 32 and 33, Township 57 South, Range 40 East, and portions of Sections 5, 7, 8, 18, 19, 28, 29 and 30, all of Sections 4, 9, 16, 17, 20 and 21, Township 58 South, Range 40 East, being more particularly described as follows:

Commence at the northeast corner of the NE ¼ of said Section 33; thence S89°41'47"W, along the north line of said Section 33, for a distance of 1,100' to the Point of beginning of the hereinafter described parcel of land; thence S00°18'13"E for a distance of 1,200'; thence N89°41'47"E for a distance of 1,968.67'; thence S37°55'00"W for a distance of 75.1'; thence S23°01'45"W for a distance of 91.77'; thence S37°08'34"W for a distance of 204.9'; thence S35°53'44"W for a distance of 324.68'; thence S27°44'33"W for a distance of 90.04'; thence S02°57'57"E for a distance of 59.99'; thence S24°40'05"E for a distance of 77.55'; thence S21°16'03"E for a distance of 41.16'; thence S20°27'51"E for a distance of 90.5'; thence S17°29'10"E for a distance of 100.36'; thence S17°52'05"E for a distance of 341.32'; thence S22°27'46"E for a distance of 269.01'; thence S09°00'08"E for a distance of 280.42'; thence S06°51'47"E for a distance of 79.79'; thence S03°00'07"E for a distance of 71.53'; thence S01°09'17"E for a distance of 104.15'; thence S01°51'35"E for a distance of 111.12'; thence S01°08'24"E for a distance of 318.04'; thence S00°42'20"E for a distance of 284.44'; thence S00°04'52"E for a distance of 261.19'; thence S00°58'50"W for a distance of 217.13'; thence S04°21'54"E for a distance of 72.34'; thence S03°55'58"E for a distance of 177.91'; thence S01°36'56"W for a distance of 126.94'; thence S02°31'12"W for a distance of 108.53'; thence S14°11'42"E for a distance of 144.23'; thence S17°42'08"E for a distance of 43.82'; thence S72°17'52"W for a distance of 194.07'; thence S80°22'32"W for a distance of 208.04'; thence S87°13'38"W for a distance of 502.97'; thence S50°52'09"W for a distance of 64.69'; thence S03°12'43"E for a distance of 56.71' to a point on the south line of said section 33; thence N89°44'24"E, along the last described line for a distance of 50.04' to a point being the southeast corner of said Section 33, said point also being the northeast corner of said section 4; thence S00°06'05"W, along the east line of said Section 4, for a distance of 5,371.29' to the southeast corner of said Section 4, also being the northeast corner of said Section 9; thence S00°04'53"W, along the east line of said Section 9, for a distance of 5,398.43' to the southeast corner of said Section 9, also being the northeast corner of said Section 16; thence S00°04'58"W, along the east line of said Section 16, for a distance of 5,326.65' to the southeast corner of said Section 16, also being the northeast corner of said Section 21; thence S00°05'00"W, along the east line of said Section 21, for a distance of 5,342.48' to the southeast corner of said Section 21, also being the northeast corner of said Section 28, Township 58 South, Range 40 East; thence S00°00'43"W, along the east line of said Section 28, Township 58 South, Range 40 East, for a distance of 1,099.37'; thence S89°47'29"W for a distance of 10,677.18'; thence S89°47'08"W for a distance of 1,300; thence N00°01'16"E for a distance of 1,100.5'; thence N00°05'08"E for a distance of 5,337.99'; thence N00°06'46"E for a distance of 4,167.37'; thence N17°37'51"E for a distance of 1,250.34'; thence N17°38'00"E for a distance of 5,644.56'; thence N17°38'08"E for a distance of 11,544.17'; thence N89°24'04"E for a distance of 5,311.47'; thence S00°18'13"E for a distance of 284.68' to the Point of beginning. Subject to recorded plat of "PLAT OF LANDS BELONGING TO THE MIAMI LAND AND DEVELOPMENT COMPANY, Plat book 5, Page 10. BARGE SLIP ACCESS/COASTAL MANGROVE AREA: That portion of Sections 27, 33 and 34, Township

57 South, Range 40 East, being bounded on the east by state coast meander line as per Miami-Dade County Township Map 57 South, Range 40 East, and bounded on the west by the following described line:

Commence at the northeast corner of the NE $\frac{1}{4}$ of Section 33; thence S89°41'47"W, along the north line of said Section 33, for a distance of 1,100'; thence S00°18'13"E for a distance of 1,200'; thence N89°41'47"E for a distance of 1,900' to a point hereinafter refer to as reference point "A", said point also being the Point of beginning of the following described line; thence continue N89°41'47"E for a distance of 68.67'; thence S37°55'00"W for a distance of 75.1'; thence S23°01'45"W for a distance of 91.77'; thence S37°08'34"W for a distance of 204.9'; thence S35°53'44"W for a distance of 324.68'; thence S27°44'33"W for a distance of 90.04'; thence S02°57'57"E for a distance of 59.99'; thence S24°40'05"E for a distance of 77.55'; thence S21°16'03"E for a distance of 41.16'; thence S20°27'51"E for a distance of 90.5'; thence S17°29'10"E for a distance of 100.36'; thence S17°52'05"E for a distance of 341.32'; thence S22°27'46"E for a distance of 269.01'; thence S09°00'08"E for a distance of 280.42'; thence S06°51'47"E for a distance of 79.79'; thence S03°00'07"E for a distance of 71.53'; thence S01°09'17"E for a distance of 104.15'; thence S01°51'35"E for a distance of 111.12'; thence S01°08'24"E for a distance of 318.04'; thence S00°42'20"E for a distance of 284.44'; thence S00°04'52"E for a distance of 261.19'; thence S00°58'50"W for a distance of 217.13'; thence S04°21'54"E for a distance of 72.34'; thence S03°55'58"E for a distance of 177.91'; thence S01°36'56"W for a distance of 126.94'; thence S02°31'12"W for a distance of 108.53'; thence S14°11'42"E for a distance of 144.23'; thence S17°42'08"E for a distance of 43.82'; thence S72°17'52"W for a distance of 194.07'; thence S80°22'32"W for a distance of 208.04'; thence S87°13'38"W for a distance of 502.97'; thence S50°52'09"W for a distance of 64.69'; thence S03°12'43"E for a distance of 56.71' to a point on the south line of said Section 33, said point also being the Point of termination. AND: Begin at the aforementioned reference point "A"; thence N00°18'13"W for a distance of 2,617.17'; thence N47°59'36"E for a distance of 577' \pm to a Point of termination, being the water's edge of Biscayne Bay.

LOCATION: East of S.W. 117 Avenue, lying between theoretical S.W. 344 Street and theoretical S.W. 456 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, upon due and proper consideration having been given to the matter and to the recommendation of the Developmental Impact Committee, it is the opinion of this Board that the requested unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment (Item #1), the requested modifications of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2) and of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3) and the requests to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street 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 S.W. 368 Street and S.W. 92 Avenue (Item #4), to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5), to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #6), to permit building heights of 350' maximum and to permit buildings with a maximum height of 5 stories (Item #7), 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 (Item #8), to permit fences and walls with no height limit (Item #9), to permit fences and walls with multiple

strands of barbed wire in the GU and AU zones (Item #10) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use (Item #1) would not have an adverse impact upon the public interest and should be approved, and

WHEREAS, a motion to approve Items #1 through 10 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Joe A. Martinez, and upon a poll of the members present the vote was as follows:

Jose "Pepe" Diaz	aye	Dennis C. Moss	aye
Audrey M. Edmonson	absent	Dorrin D. Rolle	aye
Carlos A. Gimenez	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	nay
Barbara J. Jordan	aye	Rebecca Sosa	aye
Joe A. Martinez	aye	Sen. Javier D. Souto	aye
		Bruno A. Barreiro	aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the requested unusual use to permit a nuclear power plant (atomic reactors) and ancillary structures and equipment (Item #1), the requested modifications of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2) and of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3) and the requests for to waive the zoning regulations requiring section line rights-of-way to be 80' in width; to waive same to permit 0' of dedication for portions of S.W. 87 Avenue, S.W. 360 Street and S.W. 376 Street 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 S.W. 368 Street and S.W. 92 Avenue (Item #4), to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5), to waive the zoning regulations requiring parcels to have frontage on a public street; to permit multiple parcels with 0' of frontage on a public street and to permit access to public streets by means of private drives (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #6), to permit building heights of 350' maximum and to permit buildings with a maximum height of 5 stories (Item #7), 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 (Item #8), to permit fences and walls with no height limit (Item #9), to permit fences and walls with multiple strands of barbed wire in the GU and AU zones (Item #10) be and the same are hereby approved, subject to the following conditions:

1. That the applicant (FPL) shall prepare and submit a Wetlands Mitigation Plan for the 365-acre site related to Request #1. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The type of mitigation shall be developed using the Uniform Mitigation Assessment Methodology (UMAM) or approved mitigation bank scoring methods.
2. That FPL in consultation with DERM and the US Fish and Wildlife Service (USFWS) shall prepare and submit a management plan for all federal and state listed threatened or endangered species documented within the proposed plant expansion area. This plan shall preserve, to the maximum extent possible, all habitat identified as critical to these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect all critical habitat. This shall include strategies to relocate nesting areas away from the construction area; however, in no case shall nests of a "threatened" or "endangered" species be destroyed without prior approval and relocation if required. 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 critical 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 critical habitat. Satisfaction of this condition shall be in accordance with the substantive requirements of the applicable statutes and regulations and shall be reviewed and interpreted by DERM for compliance with said statutes and regulations. The applicant shall modify the management plan as needed to satisfy compliance with such applicable statutes and regulations.

3. That prior to construction, all permits and assessments required by the USFWS for the proper preservation and management of habitat for "threatened" or "endangered" species shall be obtained by FPL in accordance with applicable state and federal law.
4. That FPL shall not apply for any water withdrawals from the Biscayne Aquifer as a source of cooling water for the proposed facilities.
5. 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 (WASD) and the South Florida Water Management District (SFWMD). Should WASD be unable to provide the applicant with sufficient quantity or quality or consistency in water delivery as required by FPL for its cooling system, alternative sources may be proposed to satisfy such deficiencies. FPL will provide the County with an Alternative Water Sources Plan, which will outline all sources of water not supplied by WASD through reuse. To the extent permitted by law, this plan must demonstrate that any withdrawals from the Floridan Aquifer will not interfere with current legal users of that source as well as meet the substantive requirements of Section 24-43.2 of the Code and must further demonstrate that withdrawals will not negatively impact any current or future water supply projects identified by the County or municipalities in their respective 20-year consumptive water use permit (CUP) or, in absence of a 20-year CUP, those projects adopted into the Water Supply Plan of the local government's respective comprehensive plan in effect at the time the Alternative Water Sources Plan is submitted. Additionally, data must be based upon groundwater modeling that uses a methodology approved by WASD in consultation with the Florida Department of Environmental Protection (DEP), SFWMD and DERM. In analyzing marine (salt) water as a source, impacts of directional boring to construct an underground pipeline upon Biscayne National Park or the Florida Keys National Marine Sanctuary must be addressed. Under the directional bore scenario, the potential to utilize fill generated by the process for construction of the facility and access roads should also be addressed.
6. That FPL shall prepare and submit a wastewater discharge plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed a FPL shall prepare and submit a wastewater discharge plan. This plan shall be developed in accordance with the

substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The plan will address at a minimum the type and quality of the discharge and shall also justify potential variances to Chapter 24, if necessary. Additionally, this plan shall evaluate the potential technical feasibility for reuse of the discharge for the benefit of Alternative O of the Biscayne Bay Coastal Wetlands Project.

7. That FPL shall prepare and submit 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 DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24. The plan will include at a minimum the various types of earthwork, characterization of disposal materials, and potential for on-site and off-site disposal sites.
8. That all the conditions of Resolutions #4-ZAB-559-71 and #CZAB15-11-99 remain in full force and effect except as herein modified.
9. That the applicant (FPL) shall prepare and submit a Wetlands Mitigation Plan for the areas impacted by the construction of the access roads. This plan shall be developed in accordance with substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the final wetland mitigation plan as needed to satisfy compliance with said code. The type of mitigation shall be developed using the Uniform Mitigation Assessment Methodology (UMAM) or approved mitigation bank scoring methods. Wildlife protection features including but not limited to fencing and panther underpasses shall be incorporated into the roadway design as appropriate based upon the UMAM or the approved mitigation bank scoring. Sheet flow shall be maintained across roadway alignments by elevating portions of the roadway and through the installation of culverts in other areas. Planned restoration features such as, but not limited to, pump PU-M3 and downstream hydrologic restoration shall not be compromised or constrained by the roadway(s). FPL in cooperation with DERM shall develop a conceptual plan for the roadway elevations to account for increased water elevations in area of the access roads.
10. That FPL shall be required to maintain all mitigation lands associated with the proposed project in accordance with the requirements of the approved mitigation plan, free of exotic vegetation unless and until any said lands are conveyed into public ownership for purposes of regional restoration.
11. That FPL in consultation with DERM and the US Fish and Wildlife Service (USFWS) shall prepare and submit a management plan for all federal and state listed threatened or endangered species documented within the proposed access area.

This plan shall preserve, to the maximum extent possible, all habitat identified as critical to these species. The management plan shall address short-term measures to be taken during construction and permanent measures necessary to protect all critical habitat. This shall include strategies to relocate nesting areas away from the construction area; however, in no case shall nests of a "threatened" or "endangered" species be destroyed without prior approval and relocation if required. 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 critical 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 critical habitat. Satisfaction of this condition shall be in accordance with the substantive requirements of the applicable statutes and regulations and shall be reviewed and interpreted by DERM for compliance with said statutes and regulations. The applicant shall modify the management plan as needed to satisfy compliance with such applicable statutes and regulations.

12. That prior to the construction of any roads, FPL shall prepare and implement an exotic vegetation management plan. This plan shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application. The applicant will modify the plan as needed to satisfy compliance with Chapter 24.
13. That all material that will not be planted at the proposed plant site shall be planted at off-site locations approved by DERM and the Parks and Recreation Department. All material to be planted off-site shall be native material appropriate to the planting area as verified by 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 and Recreation Department, the remaining half shall be planted at a DERM selected site(s) for purposes of environmental enhancement or restoration. Plans shall be submitted to DERM and the Parks and Recreation Department for approval. All materials shall be planted within the timeframes specified by DERM and the Parks and Recreation Department.

Conditions applicable to all requests:

As expressed by DERM, some conditions are necessary to meet the requirements of Chapter 24 of the Miami-Dade County Code and may not be specifically tied to the CDMP or Chapter 33 of the MDCC. Furthermore, these conditions are not directed towards a specific request, but are necessary to insure compliance in many areas of the proposed project.

14. That only clean fill shall be used pursuant to the applicable sections of Chapter 24, Miami-Dade County Code. This shall apply to all construction filling and disposal operations within the boundaries of the subject application.

15. That a hydrologic study shall be required if final project elements are reasonably expected to impact surface or groundwater. The proposed study shall be developed in accordance with the substantive requirements of Chapter 24, Miami-Dade County Code and shall be reviewed by DERM for compliance with Chapter 24 as interpreted by DERM based upon the impacts of this application.
16. That within sixty days after final approval of the application, a complete description of all surface and groundwater management practices at Turkey Point shall be provided to DERM. This shall include a detailed description of existing water management practices associated with the interceptor canal that is located west of the cooling canals. This description shall include whether water is pumped (or gravity flows) between the interceptor canal and the cooling canals, stage differences, the typical quality of this water including chloride concentration and temperature, the frequency and volume of transfers and basic operational guidelines including stage or other triggers. Copies of regulatory approvals for the current water management operations shall also be provided as part of this submittal. All information shall be subject to verification from DERM and shall serve, in part, as a basis for design of the DERM-required hydrologic study.
17. That within one-hundred eighty (180) days of the approval of the application, draft flowage easements shall be submitted to DERM for review. The flowage easements shall provide for the maintenance of existing flow across the north/south transmission corridors as well as the east/west transmission corridors located within the Biscayne Bay Coastal Wetlands CERP Project study boundaries. The easements shall also provide for and allow improvements to sheet flow conveyance of surface waters over these features consistent with planned local, state, and federal restoration projects in this area. Improvements to sheet flow such that the corridors do not impede the flow of ground or surface waters will also be required where transmission corridor upgrades in this area are necessary for power distribution as a result of this project. FPL shall improve sheet flow during construction of the improvements. The flowage easements shall be in favor of county, state and the federal government and DERM shall coordinate the review with the applicable government agencies for acceptance of the final easement language. FPL shall modify the language in a timely manner as necessary based on DERM's coordinated review. The flowage easements shall be executed by FPL prior to construction and recorded by DERM after acceptance of the finalized language. The subject easements shall be consistent with FPL requirements for, and not interfere with, the construction, maintenance, operation of and access to, the electrical system within the above referenced transmission corridors.
18. That the applicant coordinate with Homestead Air Force Base. The applicant shall be in compliance with Article XXXV Homestead General Aviation Airport Zoning (Code of Miami-Dade County Section 33-372-33-387).

19. That the applicant file form 7460-1 with the Federal Aviation Administration for any proposed construction reaching or exceeding 200 feet AMSL.

DIC Conditions:

20. That except as expressly pre-empted by state law, impacts to Miami-Dade County designated Natural Forest Community (NFC) as a result of any FPL transmission corridor improvement shall be minimized and consistent with the NFC standards and requirements of Chapter 24, Miami-Dade County
21. That physical modifications and operational changes to the county and state drainage canal systems including but not limited to the L31-E Borrow and Florida City canals and the S20 water control structure are planned, pursuant to regional restoration projects, to facilitate wetland hydroperiod improvements and stage augmentation with water level increases on the order of one foot or more in the area. FPL shall agree that it will allow the aforementioned water level increases on the project site and will design the project to accommodate these higher water levels at FPL's expense. Notwithstanding minimum elevation requirements of Miami-Dade County, the design and elevation of FPL project features such as but not limited to roadways and other fill pads shall be based on the planned higher water levels in this area as well as sea level rise pursuant to CM-9H of the Miami-Dade County CDMP.
22. That the applicant shall submit a quarterly report to all Department Directors and the Assistant County Manager who sit on the Developmental Impact Committee Executive Council commencing on the first quarter after final approval by the Board of County Commissioners. The quarterly report shall detail the status of the applicant's compliance with the conditions of the final approval.

BE IT FURTHER RESOLVED that the request to waive subdivision regulations requiring parcels and lots to have frontage and access on a public street (lying east of S.W. 117 Avenue, between S.W. 344 Street and S.W. 376 Street) (Item #5) is predicated on the following:

- A. That there are special circumstances affecting the property and that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

- C. That the granting of the variance will not be detrimental to the public welfare or injurious to the other property in the territory in which the property is situated.

BE IT FURTHER RESOLVED that the requested modification of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, only as it applies to the subject property (Item #2), shall read as follows:

1. That in the approval of the plan, the same shall 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.

BE IT FURTHER RESOLVED that the requested modification of Condition #1 of Resolution #4-ZAB-559-71, passed and adopted by the Zoning Appeals Board, as further modified by Resolution #CZAB15-11-99, passed and adopted by Community Zoning Appeals Board #15, only as it applies to the subject property (Item #3), shall read as follows:

1. That in the approval of the plan, the same shall 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.

BE IT FURTHER RESOLVED, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 20th day of December, 2007, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 07-12-CC-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24TH DAY OF DECEMBER, 2007.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-56-07 adopted by said Board of County Commissioners at its meeting held on the 20th day of December, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 24th day of December, 2007.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL

