Application No. 6

Land Use Plan Map and Traffic Circulation Subelement Amendment

APPLICATION SUMMARY

Applicant/Representative: Florida Power & Light Company / Jeffrey Bercow,

Esq., Michael A. Gil, Esq.

Location: Between SW 328 Street and theoretical SW 360

Street and from SW 137 Avenue eastward to the FPL's Turkey Point Power Plant on the County's

east coastline (theoretical SW 87 Avenue).

Requested CDMP Text and Land Use Plan Map Changes:

- 1. Amend the County's Adopted 2015 and 2025 Land Use Plan map of the Comprehensive Development Master Plan (CDMP) to show certain roadways outside the County's Urban Development Boundary as Major Roads (3 or more lanes).
- 2. Amend the CDMP Traffic Circulation Subelement Figure 1, Planned Year 2025 Roadway Network, to depict certain roads as 4-lane roads.
- 3. Include a new Figure 3.1 titled "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant," into the CDMP Traffic Circulation Subelement maps series.
- 4. Amend the CDMP Traffic Circulation Subelement text by adding language on page II-17 addressing temporary roads.
- 5. Include within the CDMP Land Use Element table "Restrictions Accepted by Board of County Commissioners in Association with Land Use Plan Amendments" a covenant if accepted by the Board of County Commissioners with adoption of application.

Amendment Type: Standard

RECOMMENDATIONS

Staff: **DENY AND TRANSMIT** (August 25, 2009),

> changed on October 28, 2009 to TRANSMIT two proposed access options (see the October

28, 2009 supplement to the Initial

Recommendations Report)

Planning Advisory Board (PAB) acting as **ADOPT AND TRANSMIT** (October 5, 2009)

Local Planning Agency:

Board of County Commissioners: **ADOPT AND TRANSMIT** request No. 4 of

application, as amended by applicant's letter dated October 23, 2009, and TRANSMIT WITH NO RECOMMENDATION the remainder of the

application and the two alternative road configuration maps submitted by letter dated October 23, 2009 (November 4, 2009)

Revised Staff Recommendation **ADOPT WITH CHANGE**

(March 15, 2010)

Final Recommendation of PAB acting as

Local Planning Agency:

TO BE DETERMINED

(March 22, 2010)

Final Action of Board of County

Commissioners:

TO BE DETERMINED (April 7, 2010)

Revised Staff Recommendation

Based on the reasoning in the Initial Recommendation and new information, staff recommends **ADOPT WITH CHANGE** for the proposed Land Use Plan Map amendment. recommendation addresses those roadway improvements that are required over the next 15 to 20 years to serve construction activities associated with Turkey Point Units 6 and 7. The staff recommendations and proposed changes to the application were developed after working with FPL staff for several months and are based upon staff's assessment of potential environmental impacts associated with the applicant's proposed access option along SW 359 Street (herein referred to as "SW 359 Street Access Option"). This assessment indicates that the proposed roadway improvements along SW 344 Street (herein referred to as the "Canal Roadway Access Option"), pose less potential environmental impacts to the area wetlands, threatened and endangered species, and Comprehensive Everglades Restoration Plan (CERP) projects. Therefore, staff recommends the adoption of the Canal Roadway Access Option as the least environmentally impacted option. Recommendations associated with the five requested amendments include:

Deny requested amendments 1 and 2 to include temporary roadways on the Adopted 2015-2025 Land Use Plan map and CDMP Traffic Circulation Subelement Figure 1, Planned Year 2025 Roadway Network map:

- 2) **Modify** the title of Figure 3.1 from Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant, to Temporary Roadways and Roadway Improvements in Connection with the Construction of Turkey Point Units 6 and 7;
- 3) **Adopt** Figure 3.1 into the CDMP Traffic Circulation map series showing the Canal Roadway Access Option improvements as noted in Appendix B;
- 4) **Modify** temporary roadway text to be added on page II-17 of the CDMP Traffic Circulation Subelement as proposed by applicant; and,
- 5) Include any covenant adopted by the Board of County Commissioners regarding this application into the CDMP Land Use Element table "Restrictions Accepted by Board of County Commissioners in Association with Land Use Plan Amendments"

Further discussion of these recommendations and the proposed modifications is presented below:

Amendment 1) Amend the County's Adopted 2015 and 2025 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) to show certain roadways outside the County's Urban Development Boundary as Major Roads (3 or more lanes);

Amendment 2) Amend the CDMP Traffic Circulation Subelement Figure 1, Planned Year 2025 Roadway Network, to depict certain roads as 4-lane roads;

Staff recommends that Amendments 1 and 2 not be adopted. These amendments, which include the selected temporary roadway improvements on the Adopted LUP map and in the Traffic Circulation Subelement Figure 1, will no longer be necessary with the adoption of Figure 3.1 (proposed in Amendment 3 and further described below). This figure will show all temporary road improvements associated with this project. Additionally, text included under requested Amendment 4 will specifically exempt temporary roadway improvements from being placed on either of these maps.

Amendment 3) Include a new Figure 3.1 titled "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant," into the CDMP Traffic Circulation Subelement maps series.

Staff recommends that this amendment be modified. The title of Figure 3.1 should be renamed to "Temporary Roadways and Roadway Improvements in Connection with the Construction of Turkey Point Units 6 and 7". This new title shows that the roadway improvements are temporary and that their approval is tied to the construction of Turkey Point Units 6 and 7. The previous title of Figure 3.1 did not appropriately identify the roadways and roadway improvements as "temporary", and did not limit the need for the roadways to construction activities of Unit 6 and 7.

As transmitted by the Board of County Commissioners to the Department of Community Affairs (DCA), Figure 3.1 shows both the SW 359 Street Access Option and the Canal Roadway Access Option. Both figures are attached as Appendix A. Based on planning and environmental considerations as summarized below, the Department recommends that the Canal Roadway Access Option be adopted into Figure 3.1 – Temporary Roadways and Roadway Improvements in Connection with the Construction of Turkey Point Units 6 & 7. A revised Figure 3.1 showing the Canal Roadway Access Option is attached as Appendix B.

In summary, a Wetlands Functional Assessment Summary submitted by FLP shows that the Canal roadway Access Option has fewer direct wetland impacts than does the SW 359 Street Access Option. DERM, DEP and SFWMD have expressed concerns regarding a variety of issues associated with the SW 359 Street Access Option. These include: further compartmentalization of the high quality wetlands habitat located south of SW 344th street, increased potential for road kill impacts on rare, threatened and endangered species, increased access for unauthorized activities in publically owned land including County owned Environmentally Endangered Lands along SW 359th Street, and consistency with regional restoration goals associated with CERP, and long term land use planning implications associated with placement of the roadway improvement among others. Additionally, the Canal roadway Access Option has less potential environmental impacts and impacts to CERP projects making the Canal roadway Access Option more consistent with the CDMP goals, objectives and policies. Therefore the Department contends that co-locating additional temporary roadway access along SW 344th street represents the best balance for providing sufficient construction site access, while minimizing the potential negative affects noted above.

FPL has demonstrated that additional right-of-way must be purchased or leased to accommodate the two lane roadway to the north of the canal as outlined in the Canal roadway Access Option; however, the Department believes that FPL can utilize their condemnation power to acquire the necessary right-of-way in a manner that will not jeopardize their construction schedule. The County is willing to work with the applicant to ensure that the Canal Roadway Access Option is implemented. Furthermore, the Department recommends that should modification to the Canal Roadway Access Option be necessary after adoption of this amendment, due to limited road right-of-way or other unforeseen issues, the County will file any necessary amendments to Figure 3.1 to ensure consistency of the final temporary roadway and roadway improvements with the CDMP.

4) Amend the CDMP Traffic Circulation Subelement text by adding language on page II-17 addressing temporary roads; and,

The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element in order to add the following text on page II-17 immediately before the description of Figure 4. Modifications to the originally filed text were requested by letter from the applicant dated October 23, 2010. This modified text was approved for transmittal by the Board and is shown below. Staff recommends that the transmitted text proposed for Request 4 be modified as follows:¹

A critical element of any community's infrastructure is its electrical power supply. Florida Power & Light Company (FPL) provides electrical power to most of Miami-Dade County. FPL's service area consists of some of the fastest-growing communities in the nation. The Board of County Commissioners has determined that the increased power generation capacity that will be provided by Turkey Point Units 6 & 7 is necessary to protect the public health and safety. Figure 3.1, Roadwayand Associated Facilities Required in Connection with Expansion of Nuclear Power Plan indicates those roadway and associated facilities that will be required on a temporary basis during the construction of Turkey Points Units 6 & 7. For purposes of this paragraph and Figure 3.1, a temporary roadway is one that satisfies the following criteria:

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¹ The underlined text is applicant's proposed added language, the double underlined text is Department's recommended added language; the double strikethrough is the Department's recommended deleted language.

- Figure 3.1, Temporary Roadways and Roadway Improvements in Connection with the Construction of Turkey Point Units 6 & 7, illustrates the roadway improvements necessary to accommodate the increased traffic associated with the construction of the Turkey Point Units 6 & 7. This nuclear expansion project is projected to occur between 2011 and 2020 and has been determined by the Board of County Commissioners to be a public necessity. All roadway improvements associated with the construction of Turkey Point Units 6 & 7 as shown if Figure 3.1 are to be temporary and must satisfy the following criteria.
 - 1. The temporary roadway improvement serves to accommodate traffic during the construction of Turkey Point Units 6 & 7;
 - 2. The roadway improvement is constructed to a width necessary to support construction activities associated with Turkey Point Units 6 & 7.
 - 3. The readway improvement provides a level of service that is not expected to be required permanently;
 - 4.2. The temporary roadway improvement is designed in a manner that provides safe roadway conditions and secure access to the construction site; and:
 - 5.3. Construction of the temporary roadways and roadway improvements will commence no sooner than two (2) years prior to commencement of construction of Turkey Point Units 6 & 7;
 - 4. Within 2 years Following the construction of Turkey Point Units 6 & 7 (a) all temporary roadway improvements on publically owned rights-of-way will be returned to the condition in which such status of the roadway existed prior to the commencement of construction; and (b) any privately owned roadway will be returned to a two-lane status;
 - 5. FPL shall pay all costs associated with temporary roadway improvements;
 - Temporary roadways and roadway improvements will be designed to meet the environmental regulations of Chapter 24, Miami Dade County Code as interpreted by DERM.
 - 7. Temporary roadway improvements on privately owned property shall be considered private roadways and shall not be open to the general public. Miami-Dade County and other agencies with needed access shall, after providing proper notification to FPL, be granted access to this private roadway; and,
 - 8. At FPL's expense, all privately owned temporary roadway improvements shall be patrolled by security personnel when in active use and shall maintain security gates or other appropriate security measures during inactive periods. To the greatest extent possible, FPL shall deter access on private roadways by the general public.

Any roadway designated as a temporary roadway on Figure 3.1 need not be indicated as a Minor Roadway or Major Roadway on the LUP map and a temporary roadway improvement need not be be identified on any other map in the Future Traffic Circulation Map Series.

5) Include within the CDMP Land Use Element table "Restrictions Accepted by Board of County Commissioners in Association with Land Use Plan Amendments" a covenant if accepted by the Board of County Commissioners with adoption of application.

No covenants have been proffered for this amendment application. If a covenant is proffered and accepted by the County Commission, it will be included in the referenced Land Use Element table.

Principal Reasons:

The Staff Revised Recommendation and proposed modifications are based on the following principal reasons:

- 1. In the Initial Recommendations Report published on August 25, 2009, the Staff recommended: DENY AND TRANSMIT the proposed amendment. This original request, proposed the SW 359 Street Access Option, which includes: the widening from 2 to 4 lanes of following existing roadways: SW 328 Street between SW 137 Avenue and SW 117 Avenue, SW 117 Avenue between SW 328 Street and SW 344 Street, and SW 344 Street between SW 137 Avenue East and SW 137 Avenue West. And the construction of three new roadways: SW 137 Avenue between SW 344 Street and SW 359 Street as a 3-lane facility, SW 117 Avenue between SW 344 Street and SW 359 Street as a 4-lane facility, and SW 359 between SW 137 Avenue and the Turkey Point Plant site as a 4-lane facility. See Appendix A.
- 2. In the "Supplement to the Initial Recommendations Report", dated October 28, 2009, the Department amended its recommendation to TRANSMIT due to additional information submitted by FPL, the desire to continue working towards a solution that would be mutually acceptable for the proposed project, and the inclusion of a second roadway alignment (Option 2), herein referred to as the "Canal Roadway Access Option". The Department's preferred Canal Roadway Access Option, includes in addition to the proposed widening (from 2 to 4 lanes) of the existing roadways (SW 328 Street between SW 137 and SW 117 Avenues and SW 117 Avenue between SW 328 and SW 344 Streets), the widening (from 2 to 4 Lanes) of SW 344 Street between SW 137 Avenue and the entrance to the Turkey Point Power Plant site; and the construction of two new 2-lane roadways, SW 132 Avenue between SW 328 and SW 344 Streets and theoretical SW 342 Street (Canal Road) along the north side of the Florida City Canal. See Appendix A.
- 3. Transmitted Amendment Prior to the transmittal hearing, FPL proposed additional changes to Amendments 1 through 4 of the original application. Changes to Amendments 1 and 2 included the addition of SW 132 Avenue between SW 328 and SW 344 Streets as 2-lane roadways and as Minor Roadway, SW 344 Street between SW 137 Avenue and the entrance to the Turkey Point Plant as a 4-lane roadway and as Major Roadway, and the Canal Road (on the north side of the canal) as 2-lane roadway and as a Minor Roadway. The change to Amendment 3 included the addition of a new Figure 3.1A into the CDMP Future Traffic Circulation Maps Series titled "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant Additional Access Option" (See Appendix A). Changes to Amendment 4 included provisions that temporary roadways on private property would be returned to a two-lane status after construction of units 6 & 7; and that temporary roadway improvements need not be identified on any map of the Future Traffic Circulation Maps Series. These revisions were accepted by the County Commission and transmitted to DCA.
- 4. **Traffic Assessment of Options** Traffic assessments made by FPL consultants have confirmed that both the Canal Roadway Access Option and SW 359 Street Access Option as transmitted by the County to DCA will accommodate the anticipated traffic flow associated with Construction of Turkey Point Units 6 and 7.
- 5. Loss of Wetlands A Wetland Functional Assessment was submitted by FPL showing the direct and indirect impacts to both the Canal Roadway Access Option and the SW 359 Street Access Option. This assessment indicates that the Canal Roadway Access Option

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has significantly fewer wetland impacts than does the SW 359 Street Access Option. DERM notes that installation and expansion of roadway features associated with the SW 359 Street Access Option results in more than a 42% greater direct impact (planned wetland impacts associated with actual work in the project footprint) to jurisdictional wetlands (an additional 24.4 acres) than the Canal Roadway Access Option. Furthermore, DERM states that a comparison of combined direct impacts and secondary impacts (potential indirect impacts or edge effects that may or may not actually occur outside of the authorized work footprint) is not appropriate in the evaluation of the two roadway alignments.

It is further believed that the assumptions for wetland impacts associated with the Canal Roadway Access Option were overstated and that the impacts are lower than calculated. For example, assumptions applied to this wetland assessment included a 100-foot right-of-way width for the Canal Roadway Access Option; however, the Public Works Department has stated that an approximate 70 foot right-of-way would be needed for this project on the south side of the canal.

- 6. Access to Wetlands Comments received from the South Florida Water Management District (SFWMD) and the Florida Department of Environmental Protection (FDEP) advise that additional roadways south of 344th Street will potentially create new access points for illegal dumping or access of off-road vehicles to this environmentally sensitive area. As noted in Policy CON-7B, "Off-road vehicles shall not be allowed in the future publicly owned and managed wetlands identified in the adopted Land Use Element unless there are permitted facilities or areas specified for their use." FPL's SW 359 Street Access Option calls for the improvement of both S.W. 137th and S.W. 117th Avenues below 344th Street. These improvements will increase the access into high quality wetland areas thereby increasing the potential for illegal dumping, use by off-road vehicles, and destruction of critical habitat. The Canal Roadway Access Option does not propose any roadway improvements south of SW 344 Street; therefore, the increased access to these environmentally sensitive areas is no greater than currently exists.
- 7. **Threatened and Endangered Species Habitat** FPL has not submitted information regarding the impact to threatened or endangered species in the area south of SW 344th Street. As stated in comments submitted by the SFWMD, no information regarding the habitat fragmentation or habitat alteration is addressed. DERM notes that although no assessment addressing projected mortality of wildlife (road kills) was provided, the FPL SW 359th Street Access Option would have much greater wildlife impacts due to road kills that may include state and federally listed species, in comparison with the Canal Roadway Access Option. This is in large part due to the existence of the Florida City Canal directly north of S.W. 344th Street, which restricts the movement of several species to the north of the canal.

DERM notes that the 359th Street Access Option is not consistent with CDMP Policies CM-1E, CON-7A, CON-9B, Objective CM-4 and the substantive requirements of Chapter 24 of the Miami-Dade Code. This option will cause adverse environmental impacts including destruction of wildlife habitat and habitat critical to threatened and endangered species., Listed species habitat that would be affected by FPL's proposed 359th Street Access Option include habitat for the Florida panther, Eastern indigo snake, American crocodile, Everglades mink, a variety of protected birds including the wood stork, and a number of listed plant species that have been documented within the project area, including *Trema lamarckiana*, *Thelypteris reticulata*, and *Acrostichum aureum*. DERM notes that the area through which the proposed 359th Street Access Option roads would traverse is classified by

the US Fish and Wildlife Service as Primary Habitat for the Florida panther, and there have been three documented vehicle strikes of Florida panthers in this area, including two road kills in the recent past. It is estimated that less than 100 Florida panther currently exist. Recent agency reports, though undocumented, have noted additional panthers in the area of SW 359th Street, including a panther/cub pair. Of particular concern is the increase in vehicular traffic volume and vehicle speed that would result in a large amount of additional wildlife road kill, particularly south of SW 344 Street. Wildlife has free access to this area since existing roads are currently unpaved. Multilane roads that pass through this type of high quality wildlife habitat can be expected to result in continual road kill throughout their operational life.

As noted in the Initial Recommendations Report, the CDMP has many Objectives and policies to protect threatened and endangered species and their habitat. CM-1E of the Comprehensive Development Master Plan (CDMP) states at its conclusion: "Habitats critical to endangered or threatened species shall not be degraded or destroyed". statements are made in Policy CON 7A. Objective CM-4 states that "Endangered and threatened animal species shall be protected and coastal habitats restored and managed to improve wildlife values". This is reinforced by Policies CM-4A, which mandates the protection of the habitat of endangered and threatened species from alteration and human activities. In addition, Policy CM-4C states that travel corridors used by endangered and threatened species shall be protected to the extent possible from alteration and human activities that would further imperil those species. Objective CON-9 also mandates the protection of designated "endangered, threatened, or rare species" and the preservation of their habitat. Additionally, Policy CON-9B mandates that habitats used for sensitive behaviors such as nesting and feeding be protected and buffered from surrounding development and activities. Furthermore, Policy CON-9C protects rookeries and nesting sites used by Federal or State designated endangered or threatened species from being moved or destroyed. These policies highlight the importance of choosing the roadway alternative with the least impact to wildlife species even though the impact is expected to last 10 or more years. Initial evaluation of the two roadway access options indicates that Canal Roadway Access Option has significantly less potential to impact wildlife species than does the SW 359th Street Access Option.

8. Consistency with CERP - As noted in the Initial Recommendations Report and reemphasized by DERM, all of the proposed roadway segments associated with SW 359th Street Access Option would be located within the boundaries of the Biscayne Bay Coastal Wetlands CERP Project. The CDMP requires that development projects be consistent with CERP, yet the lands that would be impacted by the proposed SW 359th Street Access Option are the same lands that the CERP projects are targeting for restoration. DERM notes that adoption of the Canal Roadway Access Option would greatly reduce, if not entirely eliminate, inconsistency with CERP and the policies of the Miami-Dade County CDMP that relates to the CERP project.

In Supplemental Comments received on March 5th, 2010 from the SFWMD regarding FPL's proposed roadways, the SFWMD identified the Canal Roadway Access Option as the alignment having fewer potential conflicts with the CERP Biscayne Bay Coastal Wetlands, and recommended that the County select the roadway alignment that has the least potential conflicts with the CERP Biscayne Bay Coastal Wetlands project. The SFWMD notes that over 11,000 acres have been placed into the public domain for purposes of restoration and rehydration in this area. FDEP also raises similar concerns in their comment report on the FPL roadway alignment.

9. Roadway Survey – At the transmittal hearing, information available to the County identified a 50 foot right-of-way to the north of the Florida City Canal. Additionally, the Section Sheets provided by the Public Works Department show that the Florida City Canal has a 30 foot wide canal right-of-way and the road right-of-way to the south of the canal ranged from 100 feet to 80 feet. Given this information it was believed that there was sufficient right-of-way associated with the Canal Roadway Access Option. A survey of the northern portion of the Canal Roadway Access Option (north side of the canal) was conducted by FPL with findings submitted to the County on March 2, 2010. This survey indicates that the available right-ofway north of the Florida City Canal averages about 13 feet in width and is not sufficient to accommodate a two-lane roadway. Based upon this information, FPL would be required to purchase or lease additional right-of-way from approximately 19 different property owners, not including FPL, before this option could proceed. FPL has indicated that although they have "condemnation power", they must demonstrate to the Public Service Commission that the Canal Roadway Access Option presents the best alternative before such condemnation powers can be used. FPL points out that condemning 19 properties, even for a temporary use, is complex. Additionally, FPL's internal assessment is they would not be successful in obtaining sufficient right-of-way for this temporary need. In a letter from the applicant's attorney dated March 16, 2010 (See Appendix C) the applicant requests that the Canal Roadway Access Option be withdrawn from consideration. However, since the Board has transmitted the application, the County has taken ownership of the application, and withdrawal of any portion of an application can only be approved by the Board.

New Information

Since the BCC transmittal public hearing on November 4, 2009, the Department of Planning and Zoning has received additional information regarding Application No. 6, also known as the FPL Access Roadway Application. The additional information includes the Florida Department of Community Affairs (DCA) "Objections, Recommendations, and Comments Report," (ORC), a revised wetlands analysis, a survey of the proposed North Canal Roadway and correspondence regarding the ORC comments. Below is a brief summary of the new information received, as well as the Department of Planning and Zoning response to the applicant's wetlands analysis submitted after the Planning Advisory Board public hearing of October 15, 2007.

Objections, Recommendations and Comments Report from DCA

On March 5, 2010, the Florida Department of Community Affairs (DCA) issued the "Objections, Comments and Recommendations Report" (ORC) for the April 2009-10 Cycle of CDMP applications. (See Exhibit 1 to this Report). In the ORC report, DCA did not object to the FPL Access Road Application but added a comment. At the request of the South Florida Water Management District, the DCA added the following comment:

The County should select the [roadway] alignment with the least potential conflicts with the CERP Biscayne Bay Coastal Wetlands Project and restoration of wetlands in the Model Lands Basin. The selected alignment should also demonstrate consistency with existing CDMP objectives and policies, including LU-3, LU-3A, LU-3B and CON-7A.

The comments of the South Florida Water Management District stated that the County's proposed roadway alignment appears to have significantly fewer potential conflicts with the above identified CERP projects. They note that the SFWMD has acquired approximately 3650 acres of wetlands in the Model Lands Basin and that over 11,000 acres are currently in public ownership, most of which is owned by Miami-Dade County. Additionally, the SFWMD cautions

that the chosen roadway alignment should not be inconsistent with CDMP objectives and policies concerning CERP or with restoration objectives for the Model Lands Basin.

The SFWMD, the South Florida Regional Planning Council (SFRPC) and the Department of Environmental Protection (FDEP) all raise concerns regarding the FPL's 359th Street alignment impacts on the Biscayne Bay Coastal Wetland "Alternative "O", stating that the application lacks information or has insufficient assurances that the alignment will be compatible with CERP.

Both the SFWMD and the DEP raise concern about illegal access to environmentally sensitive areas such as the Model Lands through new access points. The agencies state that the proposed roadways south of 344th Street will increase opportunities for illegal access to environmentally sensitive lands. They request that measures be adopted to protect these lands from illegal access and activities such as dumping, use of all-terrain vehicles, and poaching or harassment of wildlife. The SFWMD also raised concerns that the submitted information does not include habitat values or wetland impact and that such information should address habitat fragmentation or habitat alteration for the many threatened and endangered species.

Finally, it was cautioned by the SFWMD that should the Canal Roadway Access Option be withdrawn, that other commenting agencies through the SCA process would not be able to assess this roadway alignment as an alternative.

Wetland Functional Assessment Summary

On February 8, 2010, the County received a revised wetlands analysis entitled "Wetland Functional Assessment Summary". The purpose of this summary was to compare the wetland impacts of the two roadway access options. It is important to note that this information was not submitted to the reviewing agencies and therefore only DERM was able to comment on the validity of this information. The FPL summary provided a table of direct and secondary impacts for the two roadway options and concluded that the impacts to wetlands between the two options. Table 6-1 below is a summary of the FPL wetland analysis data prepared by staff. This table shows that direct impacts are significantly less for the County's proposed option (82 acres v. 57 acres) but that the secondary impacts for the FPL roadway is less (45 acres v. 69 acres). From this analysis FPL has concluded that, while somewhat less for the Canal Roadway Access Option, the wetlands impacts between the two options were insignificant.

DERM reviewed the Functional Wetlands Analysis and points out that the assessment includes a summary of both direct and secondary impacts to wetlands. DERM staff explains that it is important to note that direct impacts are typically based upon calculations of planned wetland impacts associated with actual work in the project footprint. Secondary impacts are generally estimated and assigned to proposed projects for mitigation purposes and are used to account for any potential indirect impacts or edge effects that may or may not actually occur outside of the authorized work footprint.

For this reason, DERM does not believe it is appropriate to simply compare the combined total for both direct and secondary impacts when evaluating the two roadway alternatives. FPL's assessment did not include specific calculations on how each impact area was determined; however, the assessment did conclude that the Canal Roadway Access Option results in less overall impact to jurisdictional wetlands and a lower loss of wetlands habitat value. Most notably, the wetland impact analysis demonstrates that the SW 359th Street Access Option results in more than a 42% greater direct impact to jurisdictional wetlands (an additional 24.4 acres) than the Canal Roadway Access Option along SW 344th street.

Table 6-1
SUMMARY OF FPL'S WETLAND FUNCTIONAL ASSESSMENT

Wetland Type	Impa Direct	act Acreage Secondary	Total Wetland Impact	Functional Loss
SCA	Roadway In	nprovement Corri	dor	
Dwarf Mangroves	7.3	3.6	10.9	4.7
Dwarf Mangroves	7.5	3.1	10.6	7.2
Mixed Hardwoods	9.1	8.0	17.1	9.7
Mixed Wetlands Hardwoods/ Freshwater Marshes	5.6	5.9	11.5	7.0
Exotic Wetland Hardwoods	4.2	4.2	8.4	4.0
Freshwater Marshes	47.9	20.2	68.1	48.0
Total	82	45	127	80.6
New Canal F	Road Option	& Transmission	Patrol Road	
Canals Ditches Reservoirs	7.2	11.18	18.38	6.95
Dwarf Mangroves	0.75	0.0	0.75	0.58
Mangrove Swamp	6.01	3.9	9.91	6.43
Mixed Hardwoods	6.45	10.32	16.77	8.85
Mixed Wetlands Hardwoods/Freshwater Marshes	15.26	6.69	21.95	14.85
Exotic Wetland Hardwoods	7.36	9.08	16.44	7.3
Freshwater Marshes	14.15	27.96	42.11	23.82
Total	57	69	126	68.78

Note: Secondary wetland impact calculated as 25-foot zone surrounding areas of wetland fill; functional loss for secondary impacts calculated as 60 percent of direct impacts

Source: The above table was prepared by the Department of Planning and Zoning. This table provides a summary of the data presented in the Wetland Functional Assessment prepared by FPL.

It is further believed that the assumptions for wetland impacts associated with the Canal Roadway Access Option were overstated and that the wetland impacts for this option are lower than calculated. For example, assumptions applied to this wetland assessment included a 100-foot right-of-way width for the Canal Roadway Access Option. Discussions between FPL, DERM, the Public Works Department and DP&Z, indicated that the proposed temporary roadway south of the canal along S.W. 344th Street could be constructed within an approximate 70-foot right-of-way. This would decrease the wetland impacts for the Canal Roadway Access Option significantly.

Also, as raised through the ORC report, creation of new roadways south of 344th Street, as proposed in the SW 359 Street Access Option, will create new access points for illegal dumping or access of off-road vehicles to this environmentally sensitive area. As noted in Policy CON-7B, "Off-road vehicles shall not be allowed in the future publicly owned and managed wetlands identified in the adopted Land Use Element unless there are permitted facilities or areas specified for their use." FPL's SW 359 Street Access Option calls for the improvement of both S.W. 137th and S.W. 117th Avenues below 344th Street. These improvements will increase the access into high quality wetland areas thereby increasing the potential for illegal dumping, use by off-road vehicles, and destruction of critical habitat. The Canal Roadway Access Option does not propose any improvements to roadways south of 344th Street; therefore, the increased access to these environmentally sensitive areas is no greater than currently exists.

Survey of Proposed Roadway

On March 2, 2010, FPL completed a survey of the Florida City Canal and the available road right-of-way on the north side of the Canal. The purpose of this survey was to confirm a 50-foot available road right-of-way noted on the Public Works Section Sheets and reported to the Board of County Commissioners as available right-of-way for this project. However, visual inspections of the Florida City Canal indicated that the canal width exceeds 60 feet. A 1936 plat records found by the County's Public Works Department (PWD) indicated that the canal right-of-way was designed to be 30 feet in width. It was, therefore, unclear if the canal expanded beyond its intended 30 foot width into the northern road right-of-way, into the southern road right-of-way or into both north and south road right-of-way.

A determination of the available road right-of-way width was needed to determine what additional land may be necessary for the Canal Roadway Access Option. In discussions with the County's Public Works Department (PWD), the proposed two lane roadway to the north of the Florida City Canal would require a minimum of 35 feet. This would allow construction of two 12-foot lanes with additional land for the required drainage system. The survey performed by FPL indicated that of the 50-foot right-of-way shown on County Section Sheets for the road right-of-way north of the Florida City Canal, the available road right-of-way varied in width with approximately 19 feet to 29 feet. This necessitates FPL to purchase or lease land to the north of the canal for this project. This survey identified 22 privately owned parcels to the north of the canal and 19 different property owners with which FPL would need to negotiate. Miami-Dade County owns three of the 22 parcels. Most land east of SW 117 Avenue is owned by either the County or FPL. It is important to note that no survey was conducted on the available road rightof-way to the south of the Florida City Canal. According to the Section Sheets, the available right-of-way to the south of the canal is as much as 100 feet in width is certain areas, which could accommodate four or more roadway lanes. This leaves open the possibility of other roadway configurations along SW 344 Street.

In meetings with FPL it was explained to County staff that although FPL has condemnation authority, they must first show that no feasible alternative exists. FPL has indicated that since they own the easement along SW 359th Street, before they can condemn property they must show that the SW 344 Street option is better environmentally.

Request to Amend the Application

On March 16, 2010, the attorneys for FPL e-mailed a request for amendments to the application. This letter is attached as Appendix C. This request identifies several additions and deletions to the application requests. The Revised Recommendations Report is based upon requests approved for transmittal to DCA by the Board of County Commissioners. Amendments to the application as transmitted must be requested during the final hearing process. No analysis was performed on the additional requests of the applicant.

Initial Staff Recommendation (August 25, 2009)

In the Initial Recommendations Report published on August 25, 2009, the Staff recommended: **DENY AND TRANSMIT** the proposed amendment. This was due to the lack of information regarding the need for the roadways. On October 28, 2009, the Department amended its recommendation to **TRANSMIT** due to additional information submitted by FPL and the desire to continue working towards a solution that would be mutually acceptable for the proposed project. The recommendations were based on the staff analysis and are summarized below:

- 1. The applicant's proposed access option (SW 359 Street Access Option) includes: the widening from 2 to 4 lanes of following existing roadways: SW 328 Street between SW 137 Avenue and SW 117 Avenue, SW 117 Avenue between SW 328 Street and SW 344 Street, and SW 344 Street between SW 137 Avenue East and SW 137 Avenue West. And the construction of three new roadways: SW 137 Avenue between SW 344 Street and SW 359 Street as a 3-lane facility, SW 117 Avenue between SW 344 Street and SW 359 Street as a 4-lane facility, and SW 359 between SW 137 Avenue and the Turkey Point Plant site as a 4-lane facility.
- 2. The Department's preferred access alternative (Canal Roadway Access Option) includes in addition to the proposed widening (from 2 to 4 lanes) of the existing roadways (SW 328 Street between SW 137 and SW 117 Avenues and SW 117 Avenue between SW 328 and SW 344 Streets), the widening (from 2 to 4 Lanes) of SW 344 Street between SW 137 Avenue and the entrance to the Turkey Point Power Plant site; and the construction of two new 2-lane roadways, SW 132 Avenue between SW 328 and SW 344 Streets and theoretical SW 342 Street (Canal Road) along the north side of the Florida City Canal.
- 3. The Department's recommendation of **Deny and Transmit** in its Initial Recommendations Report (August 25, 2009) **was based on the following** the primary reasons:
 - a. FPL did not demonstrate the need for the proposed roadway improvements; and
 - b. The impacts of the proposed construction of SW 137 Avenue, SW 117 Avenue and SW 359 Street, south of SW 344 Street, on high quality wetlands that are also habitat to federal and state endangered and threatened species.
 - c. The construction of the proposed new roadways would require significant filling of wetlands which would disconnect ecological corridors, impede surface water flow (sheetflow), alter the area's hydrology and contribute to its degradation.
- 4. Prior to the BCC transmittal hearing, County staff and FPL's representatives and transportation consultants had constructive discussions regarding the application and potential access alternatives to the proposed FPL's access option (Option 1) outlined in the original Application. The Department's preferred access alternative is Option 2. In Option 2 the new east-west roadway would run parallel to the existing SW 344 Street eliminating the need for SW 359 Street. These two roadways (SW 342 and SW 344 Street) will be separated by the Florida City Canal. Moreover, there is public right-of-way dedication along the new east-west alignment for the new 2-lane roadway and along the existing SW 344 Street. Under Option 2, all existing traffic (traffic generated by Turkey Point Power Plant Units 1 through 5) will use the new SW 132 Avenue and Canal Roadway. All construction (Units 6 and 7) traffic will use the improved existing roadways (SW 328 Street, SW 117 Avenue and SW 344 Street). Also, more importantly, the environmental impacts that this proposed "Canal Road Access Option" scenario would have on the wetlands and the federal and state threatened and endangered species could be significant less in comparison to the impacts of the Applicant's proposed roadway access option which include the new 3-lane and 4-lane roadways south of SW 344 Street.
- 5. On September 6. 10, 2009, FPL submitted a revised traffic study, *Turkey Point Power Plant Supplemental Traffic Information (September 10, 2009)*. The supplemental traffic study was conducted for the peak construction period (year 2018) and post-construction (year 2020) of Units 6 and 7. The supplemental traffic study documents the analyses of the peak construction impacts on the existing roadway network; the post-construction impacts of the

operation of Units 6 and 7 on the existing roadway network; the determination of roadway improvements to the existing roadway network necessary to accommodate the peak construction impacts (no new roadways, except a new access roadway at the terminus of SW 344 Street near the power plant was to be considered); and the determination of roadway improvements necessary to accommodate the traffic impact of post-construction of Units 6 and 7.

- 6. On October 20, 2009, FPL submitted the *Turkey Point Power Plant Peak Construction Analysis New Canal Road Option* report (October 2009), which considered in addition to the widening of SW 344 Street a new roadway north of the Florida City Canal. The new traffic study was conducted for the peak construction period (year 2018) and evaluated the new Canal Road Access Option for activities associated with the construction of Units 6 and 7. The "Canal Access Road Option" analysis demonstrates that the current Turkey Point Power Plant worker traffic and the projected construction traffic from the proposed expansion of the Power Plant can be accommodated by the "Canal Road Access Option" without improving SW 359 Street; thereby avoiding the environmental impacts on the wetlands south of SW 344 Street and eliminating many environmental concerns associated with the application's original access option.
- 7. On October 23, 2009, FPL submitted a letter to the Department proposing an amendment to the original application. In the letter, FPL considered a potential alternative to the proposed temporary roadway scenario outlined in the Application (Application No. 6, April 2009 Applications Report). The access alternative includes the Canal Road Access Option as an "Additional Access Option", based on the traffic study submitted on October 20, 2009. However, FPL indicates that it will need additional analyses as part of the due diligence review process for this option and reserves the right to withdraw the "Canal Road Access Option" based on its review. The reason for this conditional proposal is that the FPL recognizes that there may be other alternatives to its original access option proposed by others that may warrant consideration. Therefore, FPL suggested that inclusion of the Additional Access Option (Canal Road Access Option) in the CDMP amendment process is appropriate and will allow all review agencies the necessary information to provide comments.

In addition to the request described above, FPL also proposed additional changes to Parts 1 through 4 of the original application. Changes to Parts 1 and 2 include the addition of SW 132 Avenue between SW 328 and SW 344 Streets as 2-lane roadways and as Minor Roadway, SW 344 Street between SW 137 Avenue and the entrance to the Turkey Point Plant as a 4-lane roadway and as Major Roadway, and the New Canal Road as 2-lane roadway and as Minor Roadway. The change to Part 3 includes the addition of a new Figure 3.1A into the CDMP Future Traffic Circulation Maps Series titled "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant - Additional Access Option". And changes to Part 4 include provisions that temporary roadways on private property would be returned to a two-lane status after construction of units 6 & 7; and that temporary roadway improvement need not be identified on any map of the Future Traffic Circulation Maps Series.

8. The Department maintains that until the final decision is reached on the fate of the proposed roadway improvements, the proposed additional text (request 4) in the CDMP is premature and unwarranted.

Appendices

Appendix A: Applicant's Figure 3.1 - Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant

Figure 3.1A - "Roadway and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant - Additional Access Option"

Roadway Access Options for Construction of Florida Power and Light (FPL) Turkey Point Units 6 & 7

Appendix B: Proposed Figure 3.1 - Temporary Roadways and Roadway Improvement in Connection with the Construction of Turkey Point Units 6 and 7

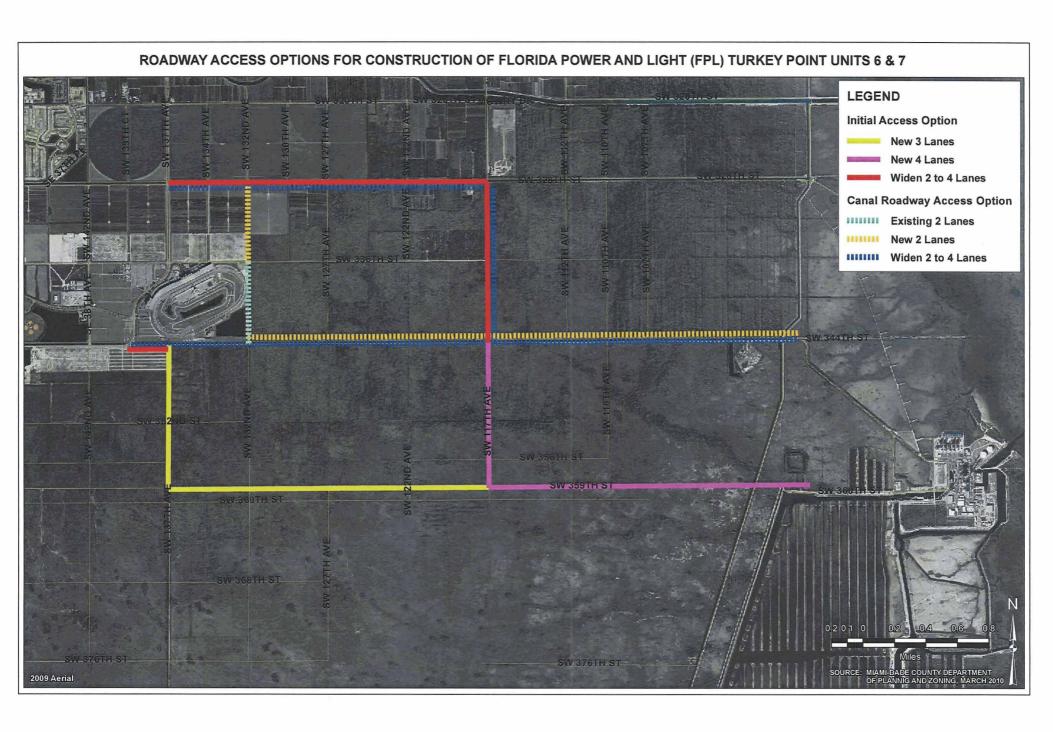
Appendix C: Letter dated March 16, 2010 from Jeffery Bercow to Marc C. LaFerrier

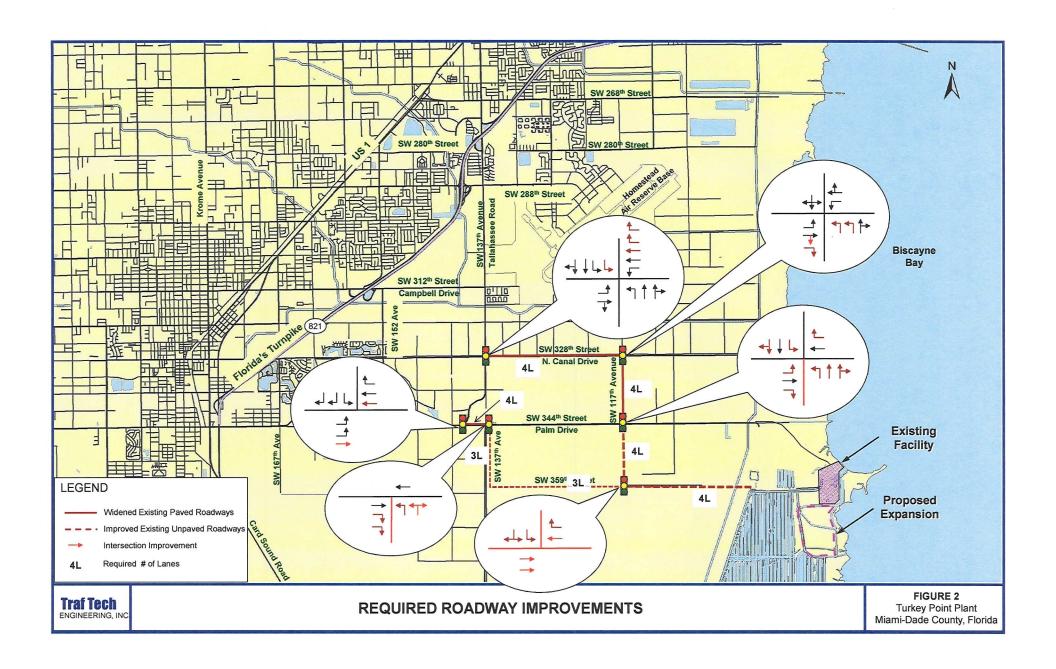
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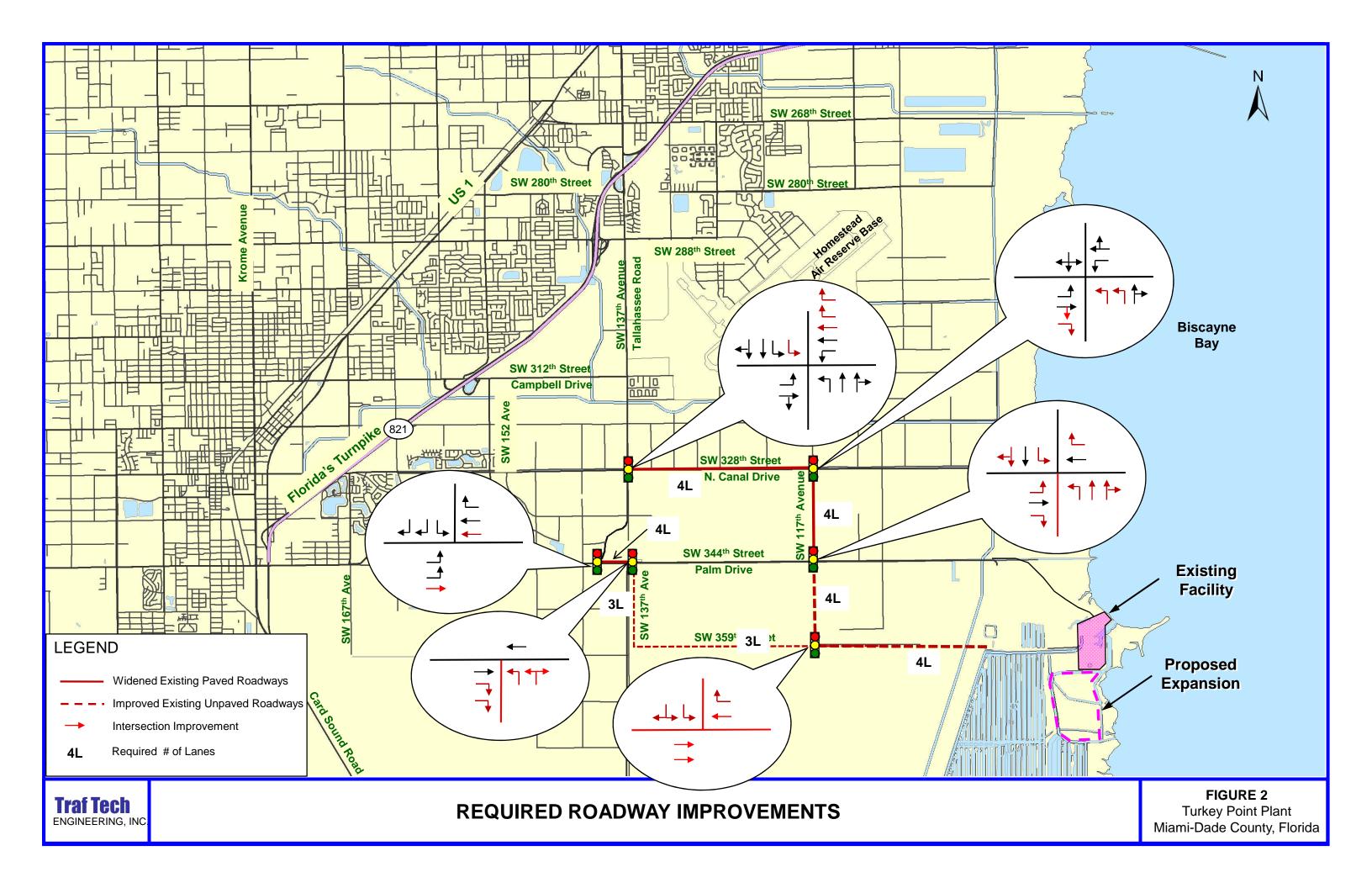
APPENDIX A

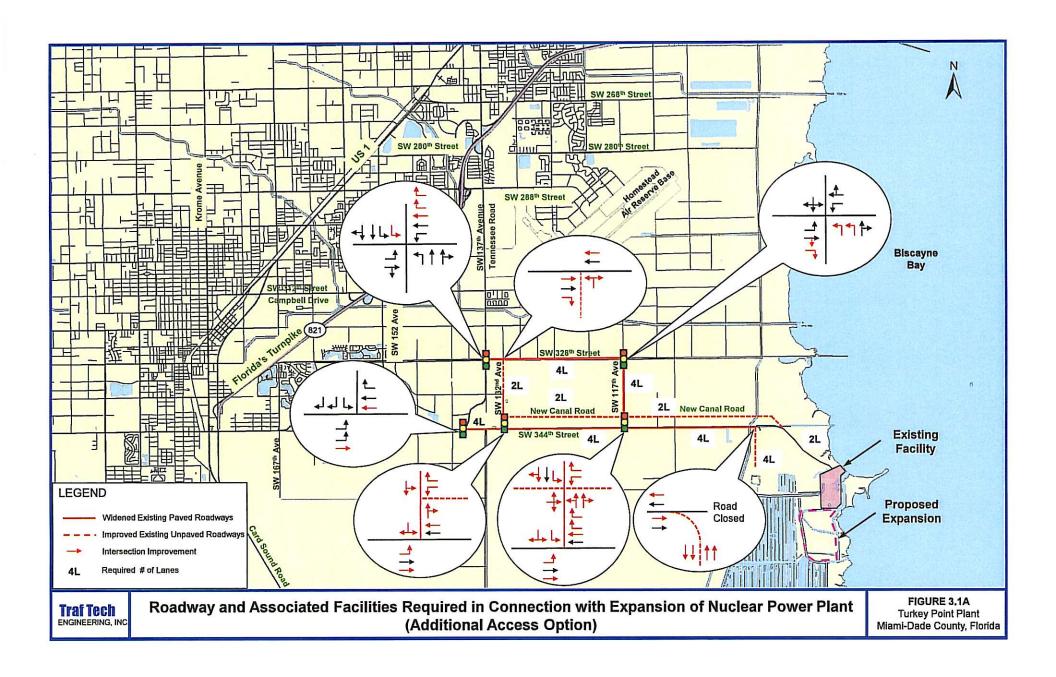
ACCESS ROADWAY OPTIONS

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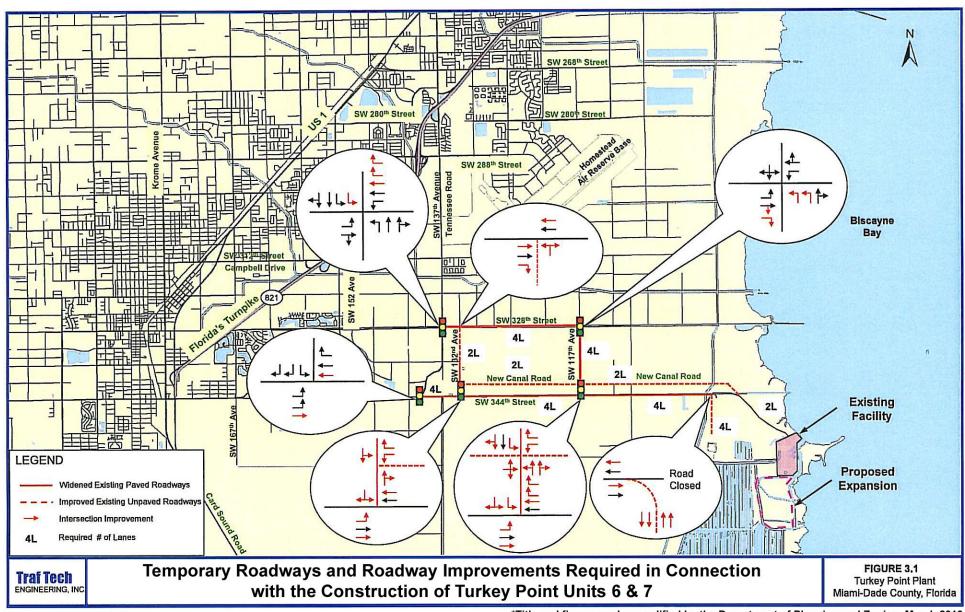




APPENDIX B

RECOMMENDED FIGURE 3.1

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*Title and figure number modified by the Department of Planning and Zoning, March 2010



APPENDIX C

MARCH 16, 2010 CORRESPONDENCE

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DIRECT LINE: (305) 377-6220 E-MAIL: <u>JBercow@BRZoningLaw.com</u>

VIA HAND DELIVERY AND E-MAIL

March 16, 2009

Marc C. LaFerrier, AICP Director, Miami-Dade County Department of Planning and Zoning 111 N.W. First Street, 11th Floor Miami, Florida 33128

Re: Application No. 6 - April 2009 Cycle of Application to Amend the Comprehensive Development Master Plan (CDMP)

Dear Mr. LaFerrier:

As you know, this law firm represents Florida Power & Light Company (FPL), the Applicant in the captioned application (Application) to amend the CDMP. Please allow this letter to serve as a summary of the changes made by the Applicant in the enclosed clean and redlined versions of the "Amended and Consolidated Application" with regard to the Application.

Deletions from the Application. The Amended and Consolidated Application serves to withdraw the request to amend the CDMP's Land Use Plan Map in order to indicate several roadways as Major Roadways (Request No. 1 in the original application dated April 30, 2009 and as amended by letter dated October 23, 2009). Similarly, the Amended and Consolidated Application also withdraws the request to amend the CDMP's Traffic Circulation Subelement of the Transportation Element, Figure One, Planned Year 2025 Roadway Network (Request No. 2 in the original application dated April 30, 2009 and as amended by letter dated October 23, 2009).

Because the Applicant is proposing to define the term "temporary roadway improvement" within the text of the CDMP's Traffic Circulation Subelement of the Transportation Element, the foregoing requests are no longer necessary. Specifically, the proposed text to the CDMP's Traffic Circulation Subelement of the Transportation Element expressly provides that "[a]ny roadway improvement designated as a temporary roadway improvement on

Marc C. LaFerrier, Director Miami-Dade County Department of Planning and Zoning March 16, 2010 Page 2

Figure 3.1 need not be indicated as a Minor Roadway or Major Roadway on the LUP map, and a temporary roadway improvement need not be identified on any other map in the Future Traffic Circulation Map Series." Therefore, the proposed text amendment eliminates the need to amend the CDMP's Land Use Plan Map and any other map in the Future Traffic Circulation Map Series.

In addition, the "Amended and Consolidated Application" also serves to withdraw from the Application the roadway alignment referred to as the "Additional Access Option" in the Applicant's letter dated October 23, 2009. The Department of Planning and Zoning was notified of the Applicant's intent to remove the "Additional Access Option" by email dated March 12, 2010 (the "Additional Access Option" is referred to as the "North Canal Option" in this email dated March 12, 2010). Accordingly, the Applicant is requesting review of only the "Original Access Option," as defined in the Applicant's letter dated October 23, 2009, and is submitting a graphic depiction of this "Original Access Option" to be included as the new Figure 3.1 of the CDMP's Future Traffic Circulation Map Series. For your convenience, we are enclosing the Applicant's proposed Figure 3.1, entitled "Temporary Roadway Improvements Required in Connection with Expansion of Nuclear Power Plant." For clarity purposes, we are also enclosing a table describing the existing condition of the affected roadways as well as the proposed temporary roadway improvements.

Additions to the Application. The Amended and Consolidated Application serves to further define the criteria for, and thus further limit the concept of a "temporary roadway improvement." Accordingly, the Applicant has voluntarily added several criteria for the evaluation of a temporary roadway improvement, including the following:

- Construction of the roadway improvements shall begin no earlier than three (3) years prior to the commencement of construction of Turkey Point Units 6 and 7;
- Not later than three (3) years following the completion of the construction of Turkey Point Units 6 and 7, (a) all roadway improvements on publicly owned rights-of-way will be returned to the status of the roadway prior to the commencement of construction; and (b) any privately



Marc C. LaFerrier, Director Miami-Dade County Department of Planning and Zoning March 16, 2010 Page 3

owned roadway will be returned to a status compatible with providing maintenance to FPL facilities;

- FPL shall pay all costs associated with the temporary roadway improvements;
- Any privately owned temporary roadway improvements shall be used exclusively by FPL, its employees, contractors and subcontractors, guests and other invitees, and shall not be open to the public, with the exception of employees of the Miami-Dade County, and other agencies with needed access. These agencies shall provide notice to FPL prior to accessing the private road; and
- At FPL's expense, any privately owned temporary roadway improvement shall be patrolled by security personnel when in active use and shall contain a security gate for inactive periods in order to deter access by the public.

<u>Conclusion.</u> We hope that the enclosed "Amended and Consolidated Application" helps to clarify the current requests associated with the Application. We look forward to continuing to work with you and your staff on the Application. Should you have any questions or concerns with regard to the foregoing, please do not hesitate to contact me directly at (305) 377-6220.

Since ely yours

Jeffrey Bercow

cc:

Steve Scroggs

Enclosures

STANDARD AMENDMENT REQUEST TO THE LAND USE ELEMENT/LAND USE PLAN MAP APRIL 2009-2010 AMENDMENT CYCLE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN

AMENDED AND CONSOLIDATED APPLICATION

1. APPLICANT

Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408

2. APPLICANT'S REPRESENTATIVES

Jeffrey Bercow, Esq. Michael A. Gil, Esq. Bercow Radell & Fernandez P.A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131

Ву: _		Date: April 30, 2009
	Jeffrey Bercow, Esq.	•
Ву: _		Date: April 30, 2009
	Michael A. Gil, Esq.	

3. DESCRIPTION OF REQUESTED CHANGE

A standard amendment to the Comprehensive Development Master Plan (CDMP) Traffic Circulation Subelement of the Transportation Element is requested.

A. Requested Changes.

- The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element, "Future Traffic Circulation Map Series," to include a new Figure 3.1 to be entitled "Temporary Roadway Improvements Required in Connection with Expansion of Nuclear Power Plant."
- 2) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element in order to add the following text on page II-17 immediately before the description of Figure 4:

A critical element of any community's infrastructure is its electrical power supply. Florida Power & Light Company (FPL) provides electrical power to most of Miami-Dade

County. FPL's service area consists of some of the fastest-growing communities in the nation. The Board of County Commissioners has determined that the increased power generation capacity that will be provided by Turkey Point Units 6 and 7 is necessary to protect the public health and safety. Figure 3.1, Temporary Roadway Improvements Required in Connection with Expansion of Nuclear Power Plant, indicates those roadway improvements and associated facilities that will be required on a temporary basis during the construction of Turkey Point Units 6 and 7. For purpose of this paragraph and Figure 3.1, a temporary roadway improvement is one that satisfies the following criteria:

- 1. The temporary roadway improvements serve to accommodate traffic during the construction of Turkey Point Units 6 and 7;
- 2. The roadway improvements are constructed to a width necessary to support construction activities associated with Turkey Point Units 6 and 7;
- 3. The roadway improvements provides a level of service that is not expected to be required permanently;
- 4. The roadway improvements are designed in a manner that provide safe and secure access to the construction site in accordance with FDOT standards;
- 5. Construction of the roadway improvements shall begin no earlier than three (3) years prior to the commencement of construction of Turkey Point Units 6 and 7;
- 6. Not later than three (3) years following the completion of the construction of Turkey Point Units 6 and 7, (a) all roadway improvements on publicly owned rights-of-way will be returned to the status of the roadway prior to the commencement of construction; and (b) any privately owned roadway will be returned to a status compatible with providing maintenance to FPL facilities:
- 7. FPL shall pay all costs associated with the temporary roadway improvements;
- 8. Any privately owned temporary roadway improvements shall be used exclusively by FPL, its employees, contractors and subcontractors, guests and other invitees, and shall not be open to the public, with the exception of employees of the Miami-Dade County, and other agencies with needed access. These agencies shall provide notice to FPL prior to accessing the private road; and
- 9. At FPL's expense, any privately owned temporary roadway improvement shall be patrolled by security personnel when in active use and shall contain a security gate for inactive periods in order to deter access by the public.

Any roadway improvement designated as a temporary roadway improvement on Figure 3.1 need not be indicated as a Minor Roadway or a Major Roadway on the LUP map, and a temporary roadway improvement need not be identified on any other map in the Future Traffic Circulation Map Series.

3) If the CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.

STANDARD AMENDMENT REQUEST TO THE LAND USE ELEMENT/LAND USE PLAN MAP APRIL 2009-2010 AMENDMENT CYCLE MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN

AMENDED AND CONSOLIDATED APPLICATION

1. APPLICANT

Florida Power & Light Company 700 Universe Boulevard Juno Beach, Florida 33408

2. APPLICANT'S REPRESENTATIVES

Jeffrey Bercow, Esq. Michael A. Gil, Esq. Bercow Radell & Fernandez P.A. 200 South Biscayne Boulevard, Suite 850 Miami, Florida 33131

By:		Date: April 30, 2009
_	Jeffrey Bercow, Esq.	
By:		Date: April 30, 2009
	Michael A Gil Esa	

3. DESCRIPTION OF REQUESTED CHANGE

A standard amendment to the amendment to the Comprehensive Development Master Plan (CDMP)'s Traffic Circulation Subelement of the Transportation Element is Comprehensive Development Master Plan (CDMP), Land Use Plan Map (LUP), and associated amendments to the Traffic Circulation Subelement of the Transportation Element are requested.

A. Requested Changes.

1)The Applicant requests an amendment to the CDMP's LUP map in order to indicate the following roadway segments as Major Roadways (three or more lanes):

```
a.SW 328<sup>th</sup> - Street (from SW 137<sup>th</sup> - Avenue to SW 117<sup>th</sup> - Avenue);
b.SW 117<sup>th</sup> - Avenue (from SW 328<sup>th</sup> - Street to SW 344<sup>th</sup> - Street);
e.SW 117<sup>th</sup> - Avenue (from SW 344<sup>th</sup> - Street to SW 359<sup>th</sup> - Street);
d.SW 359<sup>th</sup> - Street (from SW 137<sup>th</sup> - Avenue to SW 117<sup>th</sup> - Avenue);
e.SW 359<sup>th</sup> - Street (from SW 117<sup>th</sup> - Avenue to the Turkey Point plant site);
f.SW 137<sup>th</sup> - Avenue (from SW 344<sup>th</sup> - Street to SW 352<sup>nd</sup> - Street);
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g.SW 137<sup>th</sup> Avenue (from SW 352<sup>nd</sup> Street to SW 359<sup>th</sup> Street); and h.SW 344<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue West to SW 137<sup>th</sup> Avenue East).
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2)The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element, Figure One, Planned Year 2025 Roadway Network, in order to indicate the following roadway segments as four lanes:

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a.SW 328<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
b.SW 117<sup>th</sup> Avenue (from SW 328<sup>th</sup> Street to SW 344<sup>th</sup> Street);
c.SW 117<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 359<sup>th</sup> Street);
d.SW 359<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue to SW 117<sup>th</sup> Avenue);
e.SW 359<sup>th</sup> Street (from SW 117<sup>th</sup> Avenue to the Turkey Point plant site);
f.SW 137<sup>th</sup> Avenue (from SW 344<sup>th</sup> Street to SW 352<sup>nd</sup> Street);
g.SW 137<sup>th</sup> Avenue (from SW 352<sup>nd</sup> Street to SW 359<sup>th</sup> Street); and
h.SW 344<sup>th</sup> Street (from SW 137<sup>th</sup> Avenue West to SW 137<sup>th</sup> Avenue East).
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- 1) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element, "Future Traffic Circulation Map Series," to include a new Figure 3.1 to be entitled "Temporary Roadway Improvements and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant; "a copy of which is attached hereto
- 4)2) The Applicant requests an amendment to the CDMP's Traffic Circulation Subelement of the Transportation Element in order to add the following text on page II-17 immediately before the description of Figure 4:

A critical element of any community's infrastructure is its electrical power supply. Florida Power & Light Company (FPL) provides electrical power to most of Miami-Dade County. FPL's service area consists of some of the fastest-growing communities in the nation. The Board of County Commissioners has determined that the increased power generation capacity that will be provided by Turkey Point Units 6 and 7 is necessary to protect the public health and safety. Figure 3.1, Temporary Roadway Improvements and Associated Facilities Required in Connection with Expansion of Nuclear Power Plant, indicates those roadway improvements and associated facilities that will be required on a temporary basis during the construction of Turkey Point Units 6 and 7. For purpose of this paragraph and Figure 3.1, a temporary roadway improvement is one that satisfies the following criteria:

- 1. The <u>temporary</u> roadway improvements serves to accommodate traffic during the construction of Turkey Point Units 6 and 7;
- 3.2. The roadway improvements is are is constructed to a width necessary to support construction activities associated with Turkey Point Units 6 and 7;
- 4.3. The roadway improvements provides a level of service that is not expected to be required permanently;

- 5.4. The roadway improvements is are is designed in a manner that provides safe and secure access to the construction site in accordance with FDOT standards; and
- 5. Construction of the roadway improvements shall begin no earlier than three (3) years prior to the commencement of construction of Turkey Point Units 6 and 7;

5. Not later than three (3) years

- 6. Following the construction of Turkey Point Units 6 and 7, (a) all roadway improvements on publicly owned rights of way will be returned to the condition in which such roadway existed prior to the commencement of construction; and (b) any privately owned roadway will be returned to two-lane status. two-lane statusa maximum of eighteen feet (18');
- 6. Ffollowing the completion of the construction of Turkey Point Units 6 and 7, (a) all roadway improvements on publicly owned rights-of-way will be returned to the conditionstatus in which such of the condition in which such roadway existed existed prior to the commencement of construction; and (b) any privately owned roadway will be returned to two lane status. a maximum width of eighteen feet (18')status compatible with providing maintenance to FPL facilities;
- 7. (2)workFPL shall pay all costs associated with the temporary roadway improvements;
- 8. The Any privately owned temporary roadway segment corresponding to SW 359th Street, from SW 117th Avenue to the Turkey Point Plant site improvements, shall be used exclusively by FPL, its employees, contractors and subcontractors, guests and other invitees, and shall not be open to the public, with the exception of employees of the Miami-Dade County, and other agencies with needed access. These agencies shall provide notice to FPL prior to accessing the private road; and
- 9. At FPL's expense, any privately owned temporary roadway improvement shall be patrolled by security personnel when in active use and shall contain a security gate for inactive periods in order to deter access by the public.

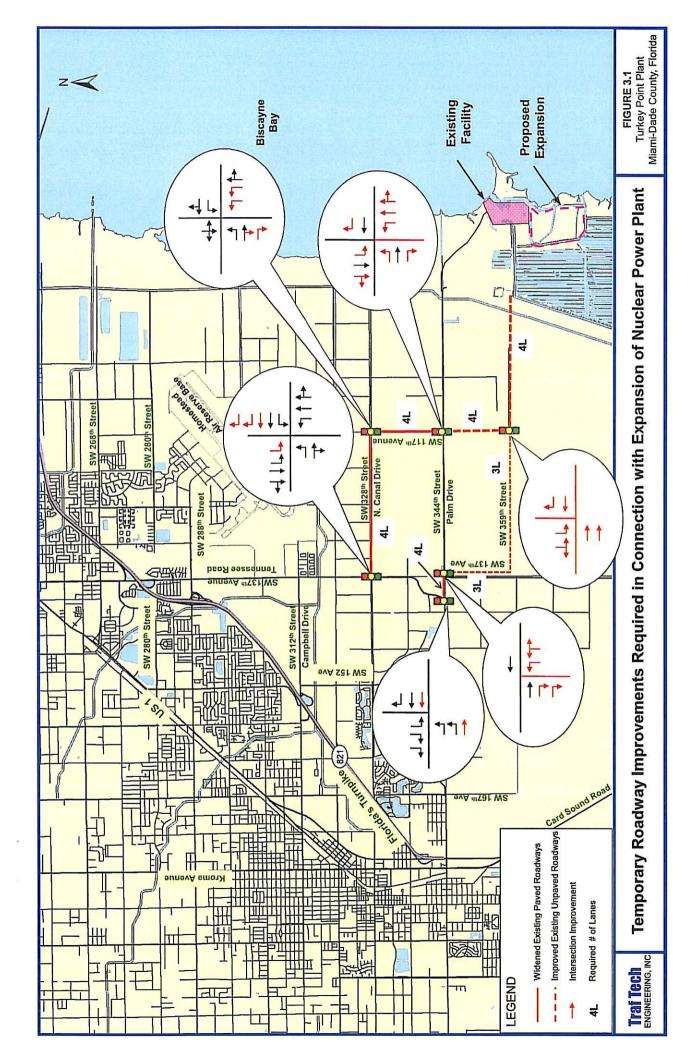
Any roadway improvement designated as a temporary roadway improvement on Figure 3.1 need not be indicated as a Minor Roadway or a Major Roadway on the LUP map, and a temporary roadway improvement need not be identified on any other map in the Future Traffic Circulation Map Series.

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4)3) If the CDMP amendment application is adopted by the Board of County Commissioners, and a proffered covenant is accepted as a condition of such approval, then the Applicant requests that the covenant be added to the text of the CDMP Land Use

¹ Single underlined words are being added to the application by the Applicant in this Amended and Consolidated Application. Strike through words are being deleted from the application by the Applicant.

Element, specifically to the table contained therein and entitled "Restrictions accepted by Board of County Commissioners in association with Land Use Plan Amendments." The covenant will be submitted to Miami-Dade County in accordance with the timelines adopted by the Department of Planning and Zoning.



Temporary Roadway Improvements Required in Connection with Expansion of Nuclear Power Plant

Proposed Temporary	Roadway Segment	Description of Existing	Temporary Roadway
Roadway		Condition	Improvement
SW 328th Street	From SW 137th Avenue	Existing paved 2 lane road	Widen to four lanes.
	to SW 117th Avenue	with large canal on north side	
SW 344th Street	From SW 137th Avenue	Existing paved 2 lane road	Widen to four lanes.
	West to SW 137 th	with large canal (Florida City	
	Avenue East	Canal) on north side.	
SW 137th Avenue	From SW 344 th Street to	Rock access road, approx 25-	Widen to three lanes.
	SW 359th Street	30 ft. wide, existing canal on	
		west side of road	
SW 117th Avenue	From SW 328th Street to Paved 2 lane road.	Paved 2 lane road.	Widen to four lanes.
	344th Street		
SW 117th Avenue	From SW 344th Street to	Rock access road, approx 15-	Widen to four lanes.
	359th Street	20 ft. wide.	
SW 359th Street	From SW 117th Avenue	Privately owned rock	rock Widen to four lanes.
	to the Turkey Point	transmission service road.	
	Plant site	Road ends west of the L31E	
		levee.	
SW 359th Street	From SW 137th Avenue	Privately owned rock	Widen to three lanes.
	East to SW 117 th	transmission service road.	
	Avenue		