



**Volusia County
FLORIDA**

Legal Department

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Sent Via Email: Nate.Senn@FloridaDEP.gov and Marbelis.Lugo@FloridaDEP.gov

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Division of Water Resource Management

RE: Draft Report
Duke Energy Florida - DeLand West – Dona Vista 230 kV Transmission Line
Project - Application for Transmission Line Siting Act Certification

Dear Mr. Senn:

Thank you for the opportunity for Volusia County to submit this draft report pursuant to section 403.526(2)(a), Florida Statutes. As Volusia County is an agency with a collegiate body, a final report will be provided within 15 days.

Background

Duke Energy Florida (DEF) filed an application pursuant to the Transmission Line Siting Act (TLSA) for corridor certification. The eastern terminus of the proposed corridor is the DeLand West substation, located in unincorporated Volusia County for approximately 1.24 miles.

The existing corridor consists of two runs west from the DeLand West substation, across State Road 44, through an existing privately-owned marina, and crosses wetlands and the St. Johns River into Lake County.

The proposed corridor runs through a portion of Ed Stone Park, which is a county-owned parking lot and boat ramp. The park includes benches for patrons, a picnic pavilion, grills and restrooms, and includes viewing manatees and Florida wildlife. The boat ramp at Ed Stone Park is operated through a cooperation agreement between Volusia County and the Florida Fish and Wildlife Conservation Commission (“FWC”), FWC Agreement No 19100. FWC is responsible for structural maintenance and improvements to the ramp under the agreement.

Consistency with Comprehensive Plan and Zoning

The proposed corridor goes through the Urban Low Intensity (ULI), Environmental Systems Corridor (ESC), Rural (R), and Rural Recreation (RLR) future land use (FLU) designations. The proposed corridor also goes through the Environmental Core Overlay (ECO) and the Natural Resource Management Area (NRMA) Overlay.

The proposed corridor goes through the Public (P), Transitional Agricultural-3 (A-3), Resource Corridor (RC), General Commercial (B-4), and Commercial Marina (B-7) zoning designations. The proposed corridor goes through thoroughfare overlay zones when it crosses State Road 44, which is a designated thoroughfare road and requires access management coordination.

Policy 1.3.1.20 of the Volusia County Comprehensive Plan provides that Public utilities and uses which provide essential service to existing and future land uses authorized by this plan shall be permitted in all future land use designations and shall conform to appropriate location criteria. "Public Utility" is defined in the Comprehensive plan as an enterprise providing an essential service authorized and regulated by state or federal public utility commissions, or services owned, franchise, or permitted by Volusia County. Included are facilities necessary to provide the service such as water towers well houses, utility poles, transmission towers, substations, sewerage, communication equipment, street lighting and other similar equipment.

The County's Land Development Regulation, section 72-2, Code of Ordinances, County of Volusia, defines as Essential Utility Services "Publicly owned or regulated utility distribution systems for gas, water, sewer, telephone, television, radio or electricity of 230 kilovolts or less, including poles, wires, mains, drains, sewers, pipes, lift stations, conduits, cable towers, digital loop carriers, and antennas 70 feet or less in height, and other similar equipment and accessories which are necessary for furnishing of service by such public utilities."

Public Utilities and Essential Utility Services, as defined in the County's Land Development Regulations, are a principal permitted use and structure in all zoning use districts and an allowed use in all future land use designations. The proposed transmission corridor is therefore a use permitted by right in, and consistent with, all of the listed Future Land Use designations and zoning designations in unincorporated Volusia County.

Consistency with Land Development Regulations

The Volusia County Code of Ordinances (the Code), chapter 50, imposes minimum environmental standards County wide designed to protect and minimize impact to natural resources within Volusia County. Chapter 72 of the Volusia County Code of ordinances, also imposes similar regulations in the unincorporated areas of the County. The Code, section 50-206, Code of Ordinances, County of Volusia, exempts utility crossings from wetland regulation. The Code, section 50-169, Code of Ordinances, County of Volusia, exempts certain protected trees lying wholly within public or private rights-of-way or utility easements from Tree regulations.

The Volusia County Codes do not prohibit the proposed corridor or eventual construction of transmission lines within the corridor. Coordination with consistency of the Volusia County Land Development Regulations would be required during construction.

Impact on Ed Stone Park

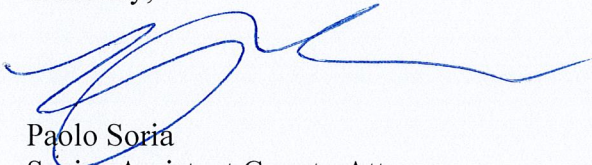
The proposed corridor impacts some of the northern portions of Ed Stone Park, which is owned and operated by Volusia County. As corridor certification does not grant property rights or interests, once the actual proposed right-of-way is finalized the applicant will need to coordinate with Volusia County for easement rights if necessary as well as design the transmission line for minimization of interference with the park operation.

Conclusion

Based on the information provided, as it relates to impacts in Volusia County, it does not appear that a variance, exemption, exception, or other relief is necessary for the proposed corridor to be certified. Due to the limited impact in Volusia County, Volusia County does not propose conditions of certification for the corridor for compliance with the County's local comprehensive plans, zoning regulations, and land development regulations.

Based on the above, Volusia County does not object to approval of the application and certification of the corridor.

Sincerely,



Paolo Soria
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PSS/amd