

Okeechobee County Board of County Commissioners

Planning and Development Department

1700 NW 9th Avenue, Suite A • Okeechobee, Florida 34972

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RECEIVED

April 4, 2016

Received 4/4/16

Ann Seiler
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, FL 32399
Ann.Seiler@dep.state.fl.us

Dept. of Environmental Protection
Siting Coordination Office

Re: Site Certification Application
Florida Power & Light Company, Okeechobee Clean Energy Center
PA15-58; Okeechobee County, Florida Agency Report

Dear Ms. Seiler,

Okeechobee County has reviewed the Site Certification Application for the Okeechobee Clean Energy Center (OCEC or Project) filed by Florida Power & Light Company (FPL) on September 25, 2015, along with the additional information provided in the Completeness Responses filed December 3, 2015. The Project includes a 1,600 megawatt natural gas-fired electrical generating unit and associated facilities to be located on a 2,341-acre site in unincorporated northeastern Okeechobee County.

Pursuant to Section 403.507(2)(a)(3), Florida Statutes, Okeechobee County finds the proposed Project consistent with all applicable local ordinances, regulations, standards, or criteria, with the exception of the variances discussed below. In accordance with Section 403.507(3), Florida Statutes, Okeechobee County recommends approval of the Project subject to the following conditions of certification. As required by Section 403.507(3)(c), each condition is followed by citation to the applicable County standard authorizing the condition.

Proposed Conditions

Floodplain Management/Flood Resistant Development

All construction shall be in accordance with the applicable Floodplain Management and Flood Resistant Development nonprocedural requirements in Sections 6.05 and 6.06 of the Okeechobee County Land Development Regulations. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County. [Sections 6.05 and 6.06, Okeechobee County Land Development Regulations]

Parking and Loading

All off-street parking and off-street loading facilities shall be designed and constructed in accordance with the applicable nonprocedural requirements of Section 7.04, Okeechobee County Land Development Regulations. The required number of off-street parking and off-street loading facilities will be as depicted on the Conceptual Site Plan included in the Site Certification Application. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County. [Section 7.04.01(D), Okeechobee County Land Development Regulations]

Drainage and Stormwater

With the exception of the identified variances from Sections 7.06.05(A)(5) and 7.06.05(B)(9), the Project shall be designed and constructed in accordance with the applicable nonprocedural requirements of Sections 7.05 and 7.06 of the Okeechobee County Land Development Regulations. This shall not be construed as requiring FPL to obtain separate permits or approvals from the County. [Sections 7.05.05 and 7.06, Okeechobee County Land Development Regulations]

Landscaping and Tree Preservation

A. In accordance with Section 7.11.04(A)(11), Okeechobee County Land Development Regulations, preserved trees and shrubs within the proposed mitigation area shall be used to meet the requirements of Section 7.11.03(B)(1), Okeechobee County Land Development Regulations.

B. FPL shall maintain a minimum 5 foot buffer of natural/organic ground cover and at least one tree and three shrubs every 50 linear feet where the Site is adjacent to a lot or parcel in single-family use. Okeechobee County recognizes that the proposed mitigation area will serve as adequate perimeter buffer from adjacent parcels in accordance with Section 7.11.03(B)(3) and Section 7.11.05(F), Okeechobee County Land Development Regulations.

C. Okeechobee County recognizes that it is not practicable to incorporate the stormwater management system into the irrigation system. All landscaping shall conserve water through xeriscaping where practicable.

D. No oak tree with a circumference greater than 48 inches measured at a point four and one-half feet above the base of the tree shall be removed in accordance with Section 7.11.04(D), Okeechobee County Land Development Regulations.

E. Any proposed plantings and landscaping material shall be installed and maintained in accordance with Section 7.11.05(A)-(B), Okeechobee County Land Development Regulations.

[Sections 7.11.03, 7.11.04, 7.11.05(A)-(B), (F), Okeechobee County Land Development Regulations; Policy S4.2, Okeechobee County Comprehensive Plan]

Construction Design Standards

The applicable portions of the administration building shall be designed and constructed in accordance with applicable provisions of standard codes and maps incorporated in Sections 8.00.00 through 8.01.01, Okeechobee County Land Development Regulations, and Section 18-2, Okeechobee County Code. [Sections 8.00.00, 8.01.00, 8.01.01, Okeechobee County Land Development Regulations; Section 18-2, Okeechobee County Code]

Signs

Any signs associated with the Project located in Okeechobee County shall be designed, constructed, and maintained in accordance with the applicable nonprocedural requirements of Article IX, Okeechobee County Land Development Regulations. Signs that are not visible from a public street or adjoining property are exempt from these requirements in accordance with Section 9.01.00(a). This shall not be construed as requiring FPL to obtain separate permits or approvals from the County. [Article IX, Okeechobee County Land Development Regulations]

Open Burning

Open burning associated with land clearing operations shall be coordinated with the State of Florida, Division of Forestry. [Section 34-26, Okeechobee County Code; Policy C1.3, Okeechobee County Comprehensive Plan]

Waste

All solid waste, hazardous waste, and construction waste shall be collected and disposed of in accordance with the applicable nonprocedural requirements of Chapter 49, Okeechobee County Code. [Chapter 49, Okeechobee County Code]

User Fees

FPL shall be responsible for payment of fire rescue department user fees in accordance with Section 52-71, Okeechobee County Code. Pursuant to Okeechobee County Ordinance No. 2014-0002, no impact fees are associated with the Project. [Section 52-71, Okeechobee County Code; Okeechobee County Ordinance No. 2014-0002]

Variances

The proposed Project includes requested variances from stormwater management requirements, including a request for a variance from Article VII, Sections 7.06.05(A)(5) and 7.06.05(B)(9) of the Okeechobee County Land Development Regulations, to allow excavation of wet detention ponds deeper than 10 feet and to allow those ponds to have straight shorelines.

It is acknowledged that the requested variances are not obtained from Okeechobee County but through the Power Plant Siting Act process. Nonetheless, Okeechobee County has no objection to

the granting of the requested variances and related condition of certification as requested by FPL in its Completeness Responses.

If you have any questions concerning the above or wish to discuss further, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to be 'W. Royce', with a long horizontal flourish extending to the right.

William D. Royce, Planning Director
Okeechobee County
Planning and Development Department
1700 NW 9th Avenue, Suite A
Okeechobee, FL 34972