




Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

---

Dylan Reingold, County Attorney  
William K. DeBaal, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney   
**DATE:** February 23, 2017  
**SUBJECT:** Public Meeting for Transmission Line Routes

---

**BACKGROUND.**

On February 10, 2017, Florida Power & Light Company (“FPL”) submitted a letter to Indian River County (the “County”) indicating that FPL was proposing a 230 kilovolt (“kV”) transmission route connecting the proposed Indian River Solar Energy Center to the proposed Heritage Substation and a proposed connection from the proposed Heritage Substation to the existing FPL Malabar-Midway 230 kV transmission line.

Per section 303.28 of the Indian River County Code of Ordinances, before an electric utility makes a final route selection for the construction of an electrical transmission line designed to operate between 68 kV and 230 kV, the electric utility is required to notify the County in writing. Within 30 days from the receipt of such notice, the County has the right to send a formal request to the electric utility requiring a public informational meeting within 60 days. Such meeting is held in the County Commission chambers. The electric utility pays for the cost of advertising the public informational meeting.

The Indian River Solar Energy Center is the subject of a pending major site plan and special exception use approval to be located on the east side of 122<sup>nd</sup> Avenue SW, immediately north of the Indian River County/St. Lucie County boundary. This quasi-judicial matter is scheduled for a public hearing at the February 23, 2017 Planning and Zoning Commission meeting, and is tentatively scheduled for a public hearing at the March 21, 2017 Indian River County Board of County Commissioners (the “Board”) meeting.

Additionally, the Heritage substation is the subject of a pending major site plan and administrative permit use approval and is proposed to be located at the southeast corner of 98<sup>th</sup> Avenue and 4<sup>th</sup> Street. This item will require administrative permit use approval by the Planning and Zoning Commission without review by the Board. It is anticipated that this matter will be heard at the March 9, 2017, Planning and Zoning Commission meeting.

*Board of County Commissioners  
February 23, 2017  
Page Two*

FPL has requested that the Board not require the optional meeting for the transmission line. FPL notes in its letter, dated February 10, 2017, that the proposed route would traverse private lands and existing rights-of-way. FPL also states that the proposed alignment will be a significant distance from any nearby residence, eliminating any negative impacts to the public. FPL finally explains that FPL has already conducted significant public outreach related to the two proposed solar energy centers in the area, including conducting an open house at the Indian River County Intergenerational Center on January 26, 2017.

**FUNDING.**

There is no funding associated with this agenda item.

**RECOMMENDATION.**

The County Attorney's Office recommends that the Board vote to decide whether to require FPL to conduct the public informational meeting.

**ATTACHMENTS**

Letter from FPL, dated February 10, 2017