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DIVISION OF
ADMINISTRATIVE
HEARINGSSTATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BETMAR UTILITIES, INC.,

Petitioner,

vs.

CITY OF ZEPHYRHILLS and
PASCO COUNTY,

Respondents,

and

PUBLIC SERVICE COMMISSION,

Intervenor.

Case No. 91-1159

891280-WS

NOTICE OF FILING

TO: Counsel of Record

NOTICE IS HEREBY GIVEN that on May 22, 1991, the transcript of the hearing held May 9, 1991, in the above-styled case was filed with the Clerk, State of Florida Department of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550.

DATED this 22nd day of May, 1991.

Sydney C. Silva
SYDNEY C. SILVA, CSR, RPR
OFFICIAL COMMISSION REPORTER

DOCUMENT NO.

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5-21-91

1 STATE OF FLORIDA)

CERTIFICATE OF SERVICE

2 COUNTY OF LEON)

3 I HEREBY CERTIFY that a correct copy of the
4 foregoing has been furnished by U.S. Mail or hand
5 delivery to the following parties on this 22nd day of
6 May, 1991:

7 VERONICA E. DONNELLY, Hearing Examiner,
8 Division of Administrative Hearings, The DeSoto
9 Building, 1230 Apalachee Parkway, Tallahassee, Florida
10 32399-1550.

11 SCOTT L. KNOX, 28870 U.S. Highway 19 North,
12 Suite 230, Clearwater, Florida 34621, Telephone No.
13 (813) 796-8848.

14 THOMAS P. McALVANA, 37818 Highway 54 West,
15 Zephyrhills, Florida 34248, Telephone No. (813) 782-2002.

16 ROBERT J. PIERSON, FPSC Division of Legal
17 Services, 101 East Gaines Street, Tallahassee, Florida
18 32399-0863, Telephone No. (904) 487-2740.

19 
20 SYDNEY C. SILVA, CSR, RPR

21 OFFICIAL COMMISSION REPORTERS
22 FPSC Bureau of Reporting
23 Fletcher Building, Room 264
24 101 East Gaines Street
25 Tallahassee, Florida 32399-0871
Telephone No. (904) 488-5980

STATE OF FLORIDA

DIVISION OF ADMINISTRATIVE HEARINGS

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May 22 1 30 PM '91

DIVISION OF
ADMINISTRATIVE
HEARINGS

BETMAR UTILITIES, INC.,)

Petitioner,)

vs.)

Case No. 91-1159

CITY OF ZEPHYRHILLS and
PASCO COUNTY,)

Respondents,)

and)

HEARING

PUBLIC SERVICE COMMISSION,)

Intervenor.)

County Commission Board Room
Room 101
705 East Live Oak Avenue
Dade City, Florida

Thursday, May 9, 1991

Met pursuant to notice at 9:30 a.m.

BEFORE: VERONICA E. DONNELLY
Hearing Examiner

APPEARANCES:

SCOTT L. KNOX, 28870 U.S. Highway 19 North,
Suite 230, Clearwater, Florida 34621, Telephone No.
(813) 796-8848, appearing on behalf of the Petitioner,
Betmar Utilities, Inc.

1 APPEARANCES CONTINUED:

2 THOMAS P. McALVANAH, 37818 Highway 54 West,
3 Zephyrhills, Florida 34248, Telephone No. (813) 782-2002,
4 appearing on behalf of the Respondents, City of
5 Zephyrhills and Pasco County.

6 ROBERT J. PIERSON, FPSC Division of Legal
7 Services, 101 East Gaines Street, Tallahassee, Florida
8 32399-0863, Telephone No. (904) 487-2740, appearing on
9 behalf of the Intervenor, Public Service Commission.

10

11 ALSO PRESENT:

12 JERRY CHAPDELAINE, FPSC Division of Water and
13 Sewer.

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19

20

21 REPORTED BY:

SYDNEY C. SILVA, CSR, RPR
Official Commission Reporter

22

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25

I N D E X
WITNESSES

Name:

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CERTIFICATE OF REPORTER 91

P R O C E E D I N G S

(Hearing convened at 9:55 a.m.)

HEARING EXAMINER: All right, this hearing will come to order. We are here in Dade City, Florida, on a case before the Division of Administrative Hearings which is styled Betmar Utilities, Inc., Petitioner, versus City of Zephyrhills and Pasco County, Respondents, and Public Service Commission, Intervenor.

The case number before the Division is Case No. 91-1159. My name is Veronica Donnelly, and I'm the Hearing Officer who's been assigned to hear this case.

Now, would the representatives of the parties first of all please put their appearances on the record and we'll go by the order of the pleadings.

MR. KNOX: I'm Scott Knox representing Betmar Utilities.

MR. TURCO: I'm Joe Turco, representing Betmar Utilities.

MR. MCALVANA: I'm Tom McAlvanah, City Attorney for the City of Zephyrhills.

MR. PIERSON: And I'm Robert Pierson, appearing for the Public Service Commission.

HEARING EXAMINER: I take it Pasco County won't be putting in an appearance?

1 MR. KNOX: That's correct.

2 HEARING EXAMINER: All right. Now, I have
3 reviewed the file and it's my understanding that
4 basically this case was reopened in response to a
5 letter which was filed by Mr. Knox on November 28th,
6 1990, about reopening this case concerning the City of
7 Zephyrhills' objections to the application.

8 Now, as far as a written objection to the
9 application, from the file that I see here, that
10 objection is noted in a letter of November 28, 1989,
11 which is signed by Jo Ellen Burnham (phonetic.) And is
12 there any additional pleadings or notices that have
13 been placed in the file that further isolate what this
14 is about?

15 WITNESS McALVANA: I don't think there's
16 been a Pretrial Statement, Your Honor; and, quite
17 frankly, I recall that letter, but I don't remember the
18 exact nature of the objection. But we can articulate
19 what our objections are. They are primarily that we're
20 prepared to service the disputed area, particularly the
21 northern portion of that which has been requested by
22 Betmar Utilities. That we also have an Interlocal
23 Agreement with the County which delineates that
24 particular area between the two of us as being our
25 area; and that -- by "ours," I mean the City of

1 Zephyrhills.

2 HEARING EXAMINER: Yes.

3 MR. McALVANAH: And that's to the exclusion
4 of the other. And that Betmar Utilities is now no
5 longer in the wastewater treatment business. They have
6 closed their ponds and are doing a bulk wastewater
7 transfer with the County; so that any extension into
8 those portions of the requested extension area by
9 Betmar, which would then subsequently be treated by
10 Pasco, would constitute a violation of our agreement
11 between Pasco and us and could result in some sort of
12 litigation.

13 HEARING EXAMINER: All right. Well, I see
14 basically that's what's noted in the letter of November
15 28th. However, the letter of November 28th says that a
16 copy of the agreement between the County and the City
17 is attached; and in the copy I received, I didn't
18 receive that.

19 MR. McALVANAH: I have it here, because I was
20 going to introduce it into evidence. If you want it
21 now, I certainly would be glad to present it to the
22 Court.

23 HEARING EXAMINER: Oh, no, no, you can do
24 that in your presentation. But I just wanted to alert
25 you that if you had relied on it as an enclosure --

1 MR. McALVANAH: No, I didn't.

2 HEARING EXAMINER: -- I had never received
3 it. All right.

4 And, Mr. Knox, is that your understanding of
5 the issues in this proceeding?

6 MR. KNOX: That's precisely my understanding
7 of the issues.

8 HEARING EXAMINER: Okay. Well, if that's
9 your understanding and you're prepared to respond, then
10 I'll accept that as basically --

11 MR. McALVANAH: My opening statement?

12 HEARING EXAMINER: -- or as a prehearing
13 notice of what this is all about.

14 Now, is there any criteria that we can
15 stipulate to in all of this or are we going to go
16 through the full-dress producing? As a preliminary
17 matter? Because it sounds like your issues are really
18 an isolated area that's in dispute.

19 MR. KNOX: I attempted to get a stipulation
20 out of the City on one area of which we are disputing.
21 I think for the record -- I'm not sure, I'll let the
22 record speak for itself -- but I think the only area of
23 real dispute is an area along Geiger Road, which we'll
24 identify for you in the proceeding. Mr. McAlvanah may
25 well want to object to the rest of the thing as a

1 formality. I'm not sure at this juncture. I think
2 probably the statute sets out the criteria that has to
3 be met and we're obviously in a position to present
4 evidence to support the fact we meet that criteria.
5 I'm not sure if we can get the City to stipulate or
6 not.

7 MR. McALVANA: Stipulate to the areas that
8 are in dispute?

9 Well, it's our position, Your Honor, that
10 we're objecting to the entire requested expansion;
11 however, we concede that the southern portion is in the
12 service area delineated between Pasco County and the
13 City of Zephyrhills as belonging or to be right of
14 first refusal to the County. And so we are less
15 concerned with that as we are with the area that's -- I
16 would call it the northern area along Geiger Road and
17 Dean Dairy Road, which is in our delineated service
18 area and which we feel service to that would violate
19 our Interlocal Agreement between us and the County.

20 HEARING EXAMINER: All right. I've got that.
21 So, for my benefit, then, you are requiring Betmar to
22 go ahead and put on their application as they're
23 required under the statutory criteria.

24 MR. McALVANA: Well, if you want to
25 delineate which criteria, perhaps we can stipulate to

1 each one of them as they come along.

2 MR. KNOX: The statute, it may be just
3 simpler to go ahead and proceed, rather than to try to
4 do --

5 HEARING EXAMINER: Sure. Well, because you
6 didn't have a Prehearing Conference, if you're mentally
7 prepared to do your presentation that way, it will
8 probably be shorter in the long run.

9 MR. KNOX: You're probably right.

10 HEARING EXAMINER: All right, now as far as
11 the applicable rules in the statute, the statute I have
12 before me is, of course, the 1989 statute. Is that the
13 one we're proceeding on?

14 MR. KNOX: I believe it is.

15 HEARING EXAMINER: Okay. And then the rule I
16 brought with me, of course, was revised in February
17 1991. In our offices, we do not keep the prior rules
18 of the Public Service Commission, we only keep the
19 current rules. If the rules that were revised on
20 February 9th, '91, are not the rules that we're going
21 to proceed on or under in this proceeding, I would
22 request that the Public Service Commission send me a
23 copy of the applicable rule and also provide the other
24 parties copies of the applicable rule if they don't
25 already have it so that when I do my recommended order,

1 we'll all be in agreement on what rules we're dealing
2 with.

3 MR. PIERSON: Certainly.

4 MR. KNOX: As a point of reference, may we
5 ask that question now whether we're proceeding under
6 the old rule or proceeding under the new rule. If so,
7 what criteria are different, if any? I don't know if
8 they are any different, but I just think that it would
9 be helpful to know under which rule we're proceeding.

10 MR. PIERSON: There have been -- they're a
11 little beefier right now. We're requiring a little
12 more information and a little less information, too. I
13 don't know what the Conflict of Rules rules would
14 state, but I think we could probably go under either.

15 MR. KNOX: Okay. That's my question. If we
16 meet the criteria of the current rule, is it safe to
17 say that we've met the criteria of the old rule as
18 well?

19 MR. PIERSON: Yes.

20 MR. KNOX: I think on that basis we can
21 proceed under the new rule; as far as we're concerned
22 in making our case, that's what we'll do.

23 HEARING EXAMINER: All right. So we are
24 proceeding under the revised February 19, 1991, rule
25 for the purposes of this proceeding. Are there any

1 objections from anyone concerning that?

2 MR. McALVANAH: No, Your Honor.

3 HEARING EXAMINER: All right. And because
4 representation is that in some areas it's more
5 stringent, and some areas it's less stringent, the City
6 does understand that if some of the areas are less
7 stringent that I can consider them less stringent under
8 the new rule?

9 MR. McALVANAH: Yes, Your Honor.

10 HEARING EXAMINER: All right. Well, because
11 we are having to go forward with the application, Mr.
12 Knox, I would ask that you begin your proceeding with
13 the preliminary showing that you've met the essential
14 requirements of the application. And, of course, the
15 City will be able to come forward with their objections
16 and then your responses to those objections.

17 Because the County isn't here, is someone
18 prepared to bring in their Comprehensive Plan?
19 Because, I believe under the statute, I'm going to have
20 that from the Public Service Commission as well.

21 MR. KNOX: I believe the statute doesn't --
22 let me take a look at the statute.

23 MR. PIERSON: I do not have a copy of that.

24 MR. KNOX: From the way I read the statute,
25 it says the Commission doesn't have to consider the

1 Comprehensive Plan for consistency unless there's an
2 objection. Let me read it carefully here.

3 HEARING EXAMINER: All right, I'm down in
4 Section B.

5 MR. KNOX: Yes, that's what I'm looking at.

6 HEARING EXAMINER: "... and shall consider
7 but is not bound by ..."

8 MR. KNOX: I suppose it would not be too
9 tremendously difficult to obtain a copy of that since
10 we're in the County building and stipulate it into
11 evidence.

12 MR. McALVANAH: Stipulate it into evidence
13 and we can introduce it subsequent to the hearing.
14 Just get it into the file.

15 HEARING EXAMINER: That's all right. I'm
16 going to allow 10 days from the day of the hearing for
17 it to be sent to me and I'll take official notice of
18 it. You won't have to get a special certified copy or
19 anything like that, as long as everyone is in agreement
20 that that is the County plan.

21 And because it says "The Commission shall
22 consider," because I'm not the Commission, of course,
23 I'm just going to require that it be placed in
24 evidence.

25 I'll make that Hearing Officer Exhibit 1.

1 (Hearing Officer's Exhibit No. 1 marked for
2 identification and received into evidence.)

3 HEARING EXAMINER: I think that's all the
4 preliminary matters. If there's anything else, would
5 you like to bring it to my attention?

6 All right. We're ready to proceed with the
7 evidentiary portion of these proceedings. Unless you
8 would like to do opening statements?

9 MR. KNOX: I think for the purposes of
10 brevity we would pass that up and maybe summarize as
11 opposed to giving you the opening.

12 HEARING EXAMINER: It's pretty
13 straightforward.

14 MR. MCALVANA: I would like to call Mr. Joe
15 Turco.

16 - - - - -

17 JOSEPH L. TURCO
18 appeared as a witness on behalf of Betmar Utilities,
19 Inc., and after being first duly sworn, testified as
20 follows:

21 HEARING EXAMINER: When you ask your witness'
22 name, would you also have him give us the complete
23 spelling of his name.

24 MR. KNOX: All right.

25 DIRECT EXAMINATION

1 BY MR. KNOX:

2 Q Mr. Turco, would you please give your name
3 and address for the record and spell your name for us?

4 A Joseph L. Turco, T-u-r-c-o, 6635 Hickory Wood
5 Lane, New Port Richey, Florida, 34653.

6 Q Are you affiliated with Betmar Utilities?

7 A Yes, I am.

8 Q What is your position with Betmar Utilities?

9 A I am one of the Vice Presidents of Betmar
10 Utility as well as a consultant for Betmar Utilities.

11 Q Can you give us the address of Betmar? Give
12 us the complete name and address of Betmar Utilities,
13 if you would, please.

14 A Betmar Utility, Inc., 9826 US 19, Port
15 Richey, Florida. I can't recall the correct zip.

16 FROM THE AUDIENCE: 34668.

17 A 34668.

18 HEARING EXAMINER: Let's just have this
19 witness testify.

20 Q (By Mr. Knox) Mr. Turco, has Betmar
21 Utilities filed an application to extend its
22 certificate to include areas in the general vicinity of
23 the City of Zephyrhills?

24 A Yes.

25 Q I'm going to show you what we'll mark as

1 Exhibit 1 -- Petitioner's Exhibit 1, I guess, and ask
2 you if this is a copy of that application?

3 A Yes, it is.

4 Q Does that application also include a copy of
5 the area that you seek to extend into?

6 A The legal description of that area, yes.

7 MR. KNOX: Any objection to admitting that
8 into evidence?

9 MR. McALVANAH: No objection.

10 MR. KNOX: I would like to offer that into
11 evidence as Exhibit No. 1.

12 MR. PIERSON: No objection.

13 HEARING EXAMINER: Well, there's Hearing
14 Officer's Exhibit 1. This is Petitioner's Exhibit No.
15 1. And it's been so marked and it will be admitted
16 without objection.

17 (Petitioner's Exhibit No. 1 marked for
18 identification and received into evidence.)

19 Q (By Mr. Knox) Mr. Turco, I'm going to show
20 you what has been marked as Composite -- Petitioner's
21 Composite Exhibit No. 2 and ask if you can describe
22 what this is.

23 A These drawings are of the water mains located
24 in the service area abutting the requested service
25 territory. One is water lines, the other one is sewer

1 gravity lines.

2 Q Those are Betmar lines you're speaking of?

3 A Betmar Utility, Inc.'s lines, yes, sir.

4 Q Does that exhibit basically reflect where the
5 existing lines are in the vicinity of the area you are
6 seeking?

7 A Yes. They are all abutting within five feet
8 of the requested area.

9 MR. KNOX: I would like to offer this into
10 evidence as Exhibit No. 2, if you don't have an
11 objection.

12 MR. McALVANA: No, I have seen this before.
13 No objection.

14 MR. PIERSON: It's the same thing I saw
15 before?

16 MR. KNOX: Yes.

17 MR. PIERSON: No objection.

18 HEARING EXAMINER: Petitioner's Composite 2,
19 consisting of two pages, is admitted without objection.

20 (Petitioner's Composite Exhibit No. 2 marked
21 for identification and received into evidence.)

22 MR. KNOX: If I could refer to that exhibit,
23 please?

24 Q (By Mr. Knox) Mr. Turco, if you could, would
25 you basically explain where the water lines and sewer

1 lines of Betmar Utilities are in reference to the areas
2 that you highlighted in yellow as being the areas that
3 this application applies to?

4 A As I said, these water lines and gravity
5 sewer lines are abutting the requested area as close as
6 five feet to the requested area.

7 Q Mr. Turco, what kind of sewer service does
8 Betmar Utility provide? Is it a collection service or
9 treatment service?

10 A A collection service.

11 Q And what kind of water service does Betmar
12 Utilities provide?

13 A We have our own wells.

14 Q You provide potable water to --

15 A We provide potable water.

16 Q Given the locations of your water and sewer
17 lines as depicted on that particular exhibit, does
18 Betmar Utilities have the ability to provide sewer
19 collection service and potable water service to the
20 customers that would be using your facilities if they
21 were to develop the areas described in yellow?

22 A Yes, we do have ample capacity.

23 Q Okay. Can you explain exactly what kind of
24 capacity lines? Let's start with the sewer lines, the
25 sewer lines have?

1 A The sewer lines, right at the moment -- which
2 is being treated under a bulk service with Pasco County
3 -- they themselves have approximately half a million
4 gallon of capacity, unused capacity. Which, as I
5 understand, can be brought up to 2.5 million gallons of
6 capacity, treating capacity.

7 Q When you're speaking of that capacity, are
8 you speaking of the treatment facility?

9 A Yes, of their treatment facilities.

10 Q Okay. You're speaking of Pasco County's
11 treating?

12 A Of Pasco County's treating ability.

13 Q As far as Betmar's lines are concerned, what
14 size of lines are we talking about -- again, speaking
15 of sewer lines?

16 A Again, sewer lines? Well, our gravity sewer
17 lines range up to a 10-inch gravity; 10, 8 and 6.

18 Q Are the lines in these areas abutting the
19 yellow areas depicted on that map?

20 A They're at least a minimum, I did not check,
21 but they're at least a minimum of 8-inch diameter.

22 Q Are they sized to serve the areas that you
23 described in your --

24 A Yes, as far as as gravity goes, as well as
25 they can go ahead and use forced main to dump into a

1 gravity.

2 Q In the areas specifically abutting the -- let
3 me show the Hearing Officer exactly what we're speaking
4 of when I refer to this, if you could. You've got the
5 copy of the water map there, so I'll use the sewer map.

6 In the area abutting Geiger Road, which is
7 the area furtherest to the north as shown on this
8 particular map in yellow, is that correct?

9 A Yes.

10 Q In that particular area, can you describe how
11 Betmar would propose to provide sewer service in the
12 event a customer came to you and asked for that
13 service?

14 A It would depend on their geographic location
15 whether it could be gravity into the existing lines or
16 picked up by a central lift station on the new service
17 property and forced main into our gravity system, which
18 is a customary practice which I believe the City is
19 doing right now with a few other areas in the same
20 location. Such as Silver Oaks is forced main into the
21 City system and not gravitied in.

22 Q Does Betmar have facilities abutting this
23 particular area which would be able to provide the
24 service?

25 A Yes.

1 Q Both water and sewer?

2 A Water and sewer.

3 Q Are there any other utilities or companies or
4 municipalities or other governmental entities in this
5 particular area that can provide sewer collection
6 service or water service?

7 A Yes, the City of Zephyrhills can.

8 Q This area?

9 A Of this.

10 Q The City of Zephyrhills can?

11 A Yes.

12 Q Is that a certainty, or would certain things
13 have to be done in order for that to happen?

14 A Oh, yes. They would have to extend longer
15 lines to tie into the City system. And more than
16 likely, it would be a forced main and not a gravity
17 type of system.

18 Q Now, you referenced the fact that Betmar has
19 a collection system but you don't have a treatment
20 system, is that correct?

21 A Correct.

22 Q And you also referenced the fact that Betmar
23 has an agreement with Pasco County for treatment?

24 A Yes.

25 Q I would show you what we'll mark as

1 Petitioner's Exhibit 3 and ask you if that's a copy of
2 the agreement that Betmar has with Pasco County for
3 sewer treatment?

4 A Yes, it is.

5 Q Is that the agreement under which Pasco
6 County provides you the sewer treatment services?

7 A Yes.

8 MR. KNOX: Do you have any objection to this?

9 MR. McALVANA: You haven't slipped a
10 different one on me, now, have you, Scott?

11 MR. KNOX: I hope not.

12 MR. McALVANA: That's it. No objection,
13 Your Honor.

14 MR. PIERSON: No objection.

15 HEARING EXAMINER: Petitioner's Exhibit 3 is
16 admitted without objection.

17 (Petitioner's Exhibit No. 3 marked for
18 identification and received in evidence.)

19 Q (By Mr. Knox) You mentioned you have wells
20 that provide the potable water service to these areas?

21 A Yes, we do. We have a total of five wells.

22 Q Can you tell us what capacity those wells
23 have in terms of the amount of water they generate?

24 A My user permit from SWFWMD is permitted over
25 700,000 gallons per day, my maximum limit. With my

1 present customer base, when all the people are visiting
2 -- which, as you know, Zephyrhills is more or less a
3 winter time stay for our northern people -- I reach
4 approximately 200 - 210,000 gallons. Which I have this
5 overabundance of potable water with fire protection
6 capability. (Pause)

7 Q Can you describe what areas of Exhibit 2 are
8 actually being served at this time by Betmar Utilities?

9 A Everything that is in the white and
10 everything in the orange color noted as A, B and C is
11 being served today by Betmar Utilities, Inc.

12 Q Is that both water and sewer service?

13 A A and C is water and sewer; B is potable
14 water only, they are on a septic system.

15 Q What about the area in white?

16 A White, a portion of it, 900 customers, is on
17 water and sewer; and approximately 600 customers is on
18 septic with potable water.

19 Q Can you show us what area is served by both
20 sewer and water?

21 A Approximately, taking a divided line, it's
22 almost as easy as saying taking on this exhibit Allen
23 Road and Allen Street, west is being served by water
24 and sewer and everything east of that line would be
25 potable water, with the exclusion of one street of K

1 Avenue and Grace Avenue, one block in from that
2 imaginary line.

3 Q So L Street is approximately halfway --

4 A It's halfway, right. It is dividing the
5 subdivision in half.

6 Q And it runs north and south.

7 A And I think Allen Road is the section line or
8 half section line, one or the other. It's either the
9 section line or the half section line.

10 HEARING EXAMINER: For the record, excuse me?
11 For the record we're dealing with Page 2 of Petitioner's
12 Composite 2?

13 MR. KNOX: Actually they both show the same
14 thing. Both show the same thing --

15 HEARING EXAMINER: Oh, all right.

16 MR. KNOX: -- as far as one's with water and
17 one sewer?

18 WITNESS TURCO: The identification is the
19 same.

20 HEARING EXAMINER: All right. So, reviewing
21 the record, you'd be looking at Petitioner's Exhibit 2.

22 MR. KNOX: That's correct.

23 HEARING EXAMINER: All right.

24 A We also bring out that the road, Allen Road
25 and Allen Street today have been renamed as Apache,

1 which was formerly Allen Road, and Allen Street is
2 Amanda.

3 Q Mr. Turco, as far as the water and sewer
4 services provided by Betmar are concerned, what types
5 of customers would you anticipate providing service to
6 in the areas identified in yellow?

7 A Either residential or commercial. We have
8 the capacity for either.

9 Q And what kind of customers are currently
10 being served in the areas that are identified in
11 orange?

12 A An RV park and two commercials. B and C are
13 both commercial sites.

14 Q If this petition were granted, if this
15 application were granted by the Public Service
16 Commission, would you expect -- what would you expect
17 the impact of the extension to be in your projected or
18 in your existing monthly utility rates and service
19 availability charges?

20 A Well, let me just give hypothetical numbers.
21 Right now, we're serving a little bit over 1500
22 customers. And if the customer base was doubled of
23 3000 customers, I feel that my water rate today, which
24 is \$1.83 per thousand, probably would drop down to
25 about .90 cents per thousand. I would expect to only

1 put on one more service man to handle the additional
2 customer load.

3 The capacity of the wells are there. I would
4 still run it under the same C license, which the DER
5 states five week visits and one weekend visit, I would
6 still stay all under that same criteria. My real
7 estate taxes would still be the same, everything would
8 be the same. And it would be to the customers' benefit
9 to create a larger customer base because it can lower
10 the rates that are in existence today and which would
11 be lower than the City and the County rate on potable
12 water.

13 Q Does Betmar Utilities have the financial
14 ability to provide services to the areas depicted in
15 yellow in the event these customers would request that
16 service?

17 A Yes. According to our tariff pages, we have
18 the financial ability to do so.

19 Q Does Betmar have the ability to pay for the
20 extensions that may be required, the gravity sewer, et
21 cetera, that you described before?

22 A Under the tariff pages of Betmar Utility, the
23 customer for a main line extension will pay 110% of
24 actual cost. Yes, we can do so.

25 Q Is there any present demand for service in

1 the areas described in yellow?

2 A Well, one tract of land, which is owned by
3 Jake, one day they will be coming on line. They have
4 already spoke to Betmar Utility. Norman Leach, which
5 has 10 acres, which is --

6 Q Excuse me one second, Mr. Turco. When you're
7 describing these properties, would you sort of describe
8 where they are on that exhibit?

9 A Okay. Do you think it would be wise that we
10 go ahead and put numbers to it, 1, 2, and 3 that we can
11 refer to as numbers?

12 Q If you could just give us a general
13 description, I will refer to the map --

14 A Okay.

15 Q -- we have it in front of the Hearing Officer
16 so she can follow us along.

17 A Okay. Abutting Jody Avenue, just north of it
18 to the east, that is owned by Jake. The tract of land
19 to the west and north, which are shown into two more
20 five-acre tracts, are owned by Norman Leach.

21 He has verbally contacted Betmar Utility and
22 requested when he does develop if we could handle their
23 capability, which I said yes.

24 There is a tract of land which is owned by
25 either the Estate of Harrison or -- Harris or Harrison,

1 I cannot recall the name -- that is an RV that has been
2 grandfathered, an RV park, which is directly north of
3 the letter "R" and "V" in the word "Betmar Village,
4 Phase 2&3" directly north of that. Which, again, I
5 assured him that Betmar can handle the capacity when he
6 wants to expand larger.

7 He also had it up for sale and a prospective
8 customer also contacted me personally and asked if that
9 contract was still in existence, and I says, "Yes, we
10 can service that tract of land."

11 Q What about the areas to the south in the
12 vicinity of the orange tracts that you have down there?

13 A The orange tracts, yes. No one has contacted
14 me; but I would say it would be very feasible for the
15 Utility to service that area. We do bring an eight-
16 inch main right out on to 54 near Mission Square and
17 the bank known as Great Western? Great Western. We
18 have an eight-inch line there which we can travel --
19 which we do travel east but we also can travel west.

20 Q Is there any current development in the area
21 which is shown in yellow on the south side of this
22 particular map?

23 A I had one inquiry west of the orange B for a
24 proposal of a convenience store location. But obviously,
25 it did not pan out unless it's still in the working. And

1 I told them yes, we can service them with water and sewer.

2 Q Do you have any interconnections with the
3 Pasco County water or sewer system in the vicinity of
4 this application or the areas covered by this
5 application?

6 A Yes. I connect with the Pasco County water
7 on Dean Dairy Road just south of the yellow. You can
8 see where the extension of the red line goes into the
9 gray area, that's where the interconnect is for potable
10 water.

11 I did not show the interconnect of the forced
12 main, though, on either map, I did not show that.
13 Which is also on Dean Dairy Road just north of West
14 Lakewood on the map, on Dean Dairy Road on the west
15 side.

16 Q What is the purpose of the water
17 interconnect?

18 A Well, I had two purposes in mind. One, it's
19 required to have an automatic startup system for
20 potable water if power should fail. Secondly, my
21 second thought was: Instead of spending \$20,000 for a
22 startup system, because the unit that we had was a --
23 just a pony engine, did not have automatic startup and
24 I had to upgrade that auxiliary system; and the cost to
25 maintain it, approximately \$2,000 a year thereafter.

1 So I decided it was more prudent to tie to the County,
2 receiving this emergency system.

3 Secondly, if should any of my MCLs should go
4 over, which stands for "maximum level of contamination"
5 in any of the parameters set forth in our primaries and
6 secondaries potable water, now I can take the County's
7 so-called clean water and blend it with my MCL to lower
8 my MCL factor and to repump it again after it has been
9 blended. It's recommended by the EPA a blending factor
10 of any potable water with a high MCL and a low MCL
11 bringing your MCL below your MCL level.

12 Q Can you describe to us or for us what kind of
13 facilities that you tied into as far as sewers are
14 concerned, the Pasco County sewer system?

15 A Rephrase that again?

16 Q Describe what kind of facility that you have
17 tied into with the Pasco County sewer system.

18 A Okay. I went ahead and set in a six-inch
19 forced main through my service territory. When I got
20 into the County service territory, I upgrade that to an
21 eight-inch forced main, tying to their existing 10-inch
22 forced main, using a mag meter for calibration for
23 measurement of flow.

24 Q The County's 10-inch forced main, does it
25 provide flow into its treatment plant?

1 A Provides flow to their treatment plant out on
2 Hancock, referred to as the Southeast Wastewater
3 Treatment Plant.

4 Q Does Betmar Utilities charge a water impact
5 fee?

6 A No, there's no impact fee for potable water.

7 Q Does Betmar Utilities charge a sewer impact fee?

8 A Not to the existing customer that is in the
9 white area on either map.

10 Q Would there be a sewer impact fee charged to
11 any customer in the yellow areas?

12 A According to the service agreement that is
13 part of documentation, it does refer to as that.

14 Q Is it part of the service agreement with
15 Pasco County?

16 A Service agreement with Pasco County. Any
17 undeveloped, it refers to any undeveloped lands will be
18 charged an impact fee.

19 Q Just so we're clear on that point, is it the
20 County that's charging that impact fee or is Betmar
21 Utilities charging it?

22 A The County only. Not Betmar Utility. There
23 is no impact fee for water or sewer for any of the
24 customers of Betmar other than 1.5 -- 110% of main line
25 extension, that is the only fee that is available to

1 collect from the Utility, that the Utility can collect
2 from any future customer.

3 Q I believe you testified that there was a
4 charge to actually run the connection to the --

5 A Right. It's just the 100% is actual cost.
6 The 10%, as I understand, is administrative costs to
7 oversee the work done.

8 MR. KNOX: I have no further questions of
9 this witness.

10 MR. McALVANAH: Is it my turn, Your Honor, now?

11 HEARING EXAMINER: Yes.

12 CROSS EXAMINATION

13 BY MR. McALVANAH:

14 Q Joe, you mentioned that you entered into an
15 agreement with the County for bulk wastewater
16 treatment. Is that correct?

17 A Correct.

18 Q Okay. And have you got that agreement in
19 front of you right now?

20 A No, I do not.

21 Q Let me show you the copy that has been
22 introduced into evidence, all right? Now it's true
23 that at this time and, in accordance with the terms of
24 that agreement, for the next 25 years Betmar Utilities
25 will not be involved in the wastewater treatment, is

1 that correct?

2 A Correct.

3 Q So you don't have any facility at this time
4 to treat your customers' wastewater?

5 A Correct.

6 Q You rely strictly and solely on this
7 agreement between you and the County?

8 A Correct.

9 Q And isn't it true also in this agreement that
10 the County -- and let me call your attention to Section
11 VI on Page 9, when it says the term of this agreement,
12 and the last sentence there, the County, to paraphrase
13 it, reminds you that its first responsibility is to its
14 own customers.

15 A Correct.

16 Q Have you made any alternate provision for
17 treatment of wastewater should the County decide that
18 it's in the best interest of its customers to cease the
19 practice of treating your wastewater?

20 A According to our agreement -- not agreement,
21 but in conversation, the County cannot foresee running
22 short of capacity. It would be an equal possibility
23 that the City of Zephyrhills could run out of capacity
24 to service this territory before Pasco County.

25 Q Can I presume the answer to that is no, then?

1 A No.

2 Q Okay, you haven't made any alternate --

3 A No, I hadn't made no alternate arrangement
4 but I do have a tract of land if necessary to build a
5 facility to handle this additional -- if Pasco County
6 cannot. I do have the land already acquired if
7 necessary.

8 Q Well, isn't it true that you, in fact, did
9 have the ability until recently and have chosen to
10 remove and fill in the ponds that you had? Isn't that
11 correct?

12 A That's correct.

13 Q So --

14 A But the reasoning for that, may I say, the
15 reasoning for that is that tract of land, the
16 wastewater plant was built haphazardously, did not
17 function properly, always had basic problems with it,
18 and the land did not perc properly because it was built
19 in the lowest point in that whole service area. The
20 new tract of land that I acquired or has access to
21 acquire has a higher elevation to handle such if need
22 be. If need be.

23 Q Of course, if it needed to be constructed, a
24 new set of perc ponds, I assume that that would have to
25 be passed on to the ultimate consumers, is that

1 correct?

2 A Yes. But I feel 99% sure that the County can
3 handle it as equal as the City could handle it. But
4 also, since we have this document in hand, this
5 exhibit, if we would look at Exhibit A in this
6 document, it will show clearly that the County took in
7 consideration for the service territory that is in
8 question today, Exhibit A of this same document.

9 Q So essentially what you're doing right now is
10 acting, as far as sewer treatment is concerned, acting
11 as a collecting agency for the County?

12 A You said it, I did not.

13 Q Okay. Well then why don't you tell me
14 exactly what your relationship is. Don't you receive
15 the money from the customers and pass on a certain
16 portion of it to the County?

17 A Well, yes. And I assume if we were with the
18 City, we would be doing the same thing, too.

19 Q Well, I understand that, but I'm just asking
20 you right now, isn't that how it --

21 A Yes, of course. We're not in business for
22 zero dollars, you know that. It does cost money.

23 Q I believe you testified that you felt that
24 your customers' rates could be cut in half?

25 A On potable water, I said could possibly be

1 cut in half, or a good 90% of it. But not in
2 wastewater; for the simple reason today with the 4.13,
3 which has \$1.00 cost sharing built into it; but the
4 differential from that 4.13 to my current rate, that
5 could be cut in half, that differential can be cut in
6 half. In sewer.

7 Q All right, but the -- so as far as potable
8 water, you believe it could be cut in half. But sewer,
9 do you see any change?

10 A Yes, I would see a change. Do we have my
11 current -- from memory, 5.72 from 4.13 is 1.60. So
12 that 1.60 could be dropped down to approximately 80
13 cents. 80 added to the 4.13 would be about 4 -- say,
14 4.99 a thousand instead of the existing 5.72.

15 Q But that's only speculation, because the
16 County really sets the cost of sewer, isn't that
17 correct?

18 A Yes. The County could even, as it's in the
19 agreement, could raise or can lower this bulk rate.
20 They could bring it to \$10 a thousand as well as they
21 could lower it to 99 cents a thousand as well.

22 Q So what you're essentially telling this Court
23 is that the customers of Betmar are at the mercy of the
24 County Commissioners as far as their sewer rates are
25 concerned?

1 A Yes. And also in your tariff in the City has
2 the same upwards and downwards as well. So you could,
3 how would you say it, raise yours equally as high as
4 the County with no jurisdiction over -- that Public
5 Service has over a private utilities.

6 Q In so much as you have no treatment
7 facilities, it is your testimony today that any
8 wastewater delivered to Betmar from the areas that
9 you're seeking to extend will be treated by the County,
10 is that correct?

11 A Correct.

12 Q And I believe that you also testified that
13 Betmar does not have an automatic startup system. You
14 utilize the County's, is that correct?

15 A I thought it was very prudent to utilize it
16 in that manner because I got a two-fold for the price
17 of one.

18 Q And the purpose of that system is, if you
19 have a failure at Betmar, they can interject their
20 potable water into your system, is that correct?

21 A Yes. But since the existence of Betmar
22 Utility -- or I shouldn't say Betmar Utility, but the
23 former name, the auxiliary system was never in place
24 due to the fact that we had so many different wells.
25 The only way we could lose potable water is either we

1 have Florida Power out of electricity, which normally
2 could be a hurricane and so forth -- and when it gets
3 right down to that nitty gritty, the park would have to
4 be evacuated so there would be no basic need for
5 potable water at that moment.

6 That if one of the grid systems of
7 electricity would fail, I'm on a second grid system.
8 In other words, the wells are on two different grid
9 systems. So if one well is at failure by electrical
10 energy or by a burned out motor, we do have other wells
11 to come into play. And never had to use this
12 emergency; we had to put this emergency startup system
13 because of DER regulations solely.

14 Q But theoretically, what you're telling me is
15 that, at least based on theory, if you fail, then the
16 County's water would --

17 A Kick in.

18 Q -- kick in.

19 A Uh-huh.

20 Q So I presume that that means theoretically
21 the areas that you're asking to have your certificate
22 extended to could have County water servicing their
23 area as well as the County servicing their sewer, is
24 that correct?

25 A Yes. There is always that possibility under

1 an emergency reasoning where, if I did not have the
2 County's availability, I would probably try to request
3 service from the City of Zephyrhills for the same
4 thing. I was not that too far away to tie into the
5 City. In fact, let me inject that, it would be a good
6 idea that Betmar tie into the City; then we could have
7 a complete interloop between the City, Betmar Utilities
8 and the County. That if anyone should fail, service
9 would be for the customers' benefit to have either
10 County water, City water, or Betmar Utilities water to
11 service the area.

12 Q But you haven't entered into any agreement
13 with the City?

14 A No, not as yet. But when I bring my loop
15 down near Hill, the County does have, I believe, a
16 six-inch water main on Hill going to Baggett's project,
17 and that would be a feasible tie-in.

18 Q Mr. Turco, could you tell me the appropriate
19 residual pressure for adequate fire flow in the areas
20 that you seek to have the certificate extended to?

21 A Okay. The pressure required is a minimum of
22 20 pounds. Minimum requirement is a minimum of 20
23 pounds pressure. My wells are set at 40 pounds
24 minimum, they'll cut in at 40 pounds and go up to 60
25 pounds.

1 One time I used to carry 45 to 65, now I have
2 lowered it down to 40/60, since I have a larger water
3 main duct, which is true.

4 Q Okay. You stated that you had been
5 approached by a few individuals inquiring about the
6 Betmar's capacity to serve?

7 A Yes. But what -- in water and sewer, or
8 water? In both?

9 Q I just wanted to get the explanation from
10 you. Norman Leach, did he approach you or did you
11 approach him?

12 A Yes. No, Norman asked me many, many years
13 ago. In fact --

14 Q Has he asked you recently?

15 A He checked with Deuel Engineering, Deuel
16 Engineering, which was Dave Armstrong, mentioned to me
17 they checked to see my manhole closest to him, how it
18 would be feasible for gravity. And that's how I got
19 the information. He checked in himself. Norman Leach
20 checked with Deuel Engineering to finding out our
21 elevations of our inverts; would it be feasible to tie
22 in here or be feasible to tie into this manhole? He
23 made the request himself to Deuel Engineering.

24 Q How long ago was that that Norman requested?

25 A Oh, maybe about three years ago, four years

1 ago.

2 Q And isn't it true two or three years ago the
3 County wasn't on the other side of Dean Dairy Road?

4 A That's correct.

5 Q And isn't it also true that three years ago
6 the City wasn't at Silver Oaks or Wedgewood immediately
7 east of the area on Geiger Road which is in dispute?

8 A That's correct.

9 Q In fact, you were the only utility in that
10 area, were you not?

11 A That's correct. In fact, since you brought
12 up the name Silver Oaks, I tried to negotiate a
13 contract with Silver Oaks which the prior City Manager
14 somehow or another made some kind of special -- how
15 shall I say, I don't have actual evidence -- but made
16 some special concessions to the tract of land to that.
17 But I'm sure they did not pay their impact fees right
18 up front as required by the City's ordinance.

19 Q Well, we have the Utility Director here, we
20 can get into that later on.

21 How about the Harrisons that you had spoke
22 about, Harris or Harrison, when did you last talk to
23 them?

24 A I spoke to a person that was going to
25 acquire, I don't know if they purchased the land or

1 not, in reference to that the Utility would service
2 that tract of land if they put in an RV or expanded the
3 RV park.

4 Q So you don't --

5 A And I said yes. I don't know if they
6 purchased it or what.

7 Q So you don't have any formal requests
8 recently from anyone in that particular area?

9 A Yes, I have one formal request from Jake.

10 Q Okay.

11 A That asked me about service, asked Betmar
12 Utility about service.

13 Q But I think Jake is located, it is not in the
14 yellow area, if I'm not mistaken.

15 A Yes, Jake is one of the five-acre tracts that
16 is in the requested area.

17 Q And there's some orange areas there on the
18 map that you say you are presently servicing?

19 A Correct.

20 Q Meaning you've been servicing those without
21 benefit of any kind of certificate from the Public
22 Service Commission?

23 A That's correct. My knowledge many years ago
24 was if a -- this is abutting property lines, now --
25 that a utility can service abutting property lines,

1 providing the two parties are in agreeance. And I went
2 under that assumption.

3 Since then, Public Service has changed some
4 of their rules and regulations. Now, you first have to
5 get an approval from Public Service before you could
6 connect them to service, even though it's abutting
7 property lines. And as you can see, each one of these
8 service tracts are abutting to the white, which is the
9 Utility's service certificated area.

10 MR. MCALVANA: I have nothing further at
11 this time.

12 CROSS EXAMINATION

13 BY MR. PIERSON:

14 Q Mr. Turco, are there any customers that are
15 being served in the areas shaded in yellow on Exhibit
16 No. 2?

17 A Are they today? No, none.

18 Q And you said you've had some requests but
19 nothing in writing?

20 A No, sir.

21 Q What about growth? Is growth forecast to
22 occur in that area, those areas?

23 A Yes, sir.

24 Q Do you have any idea what kind of growth?

25 A I would say the customer base can double.

1 This is my foreseeing, can double.

2 Q Your customer base?

3 A Yes.

4 Q And what kind of people or what kind of
5 customers would be served? Would it be residential?

6 A A good portion of them residential and a good
7 portion of them would be commercial, especially the
8 property on 54 on the north side would more likely be
9 commercial. Where I have two commercials right now,
10 the B and C, in that strip right in through there would
11 end up being more likely commercial.

12 Q Are those two commercial customers your only
13 commercial customers?

14 A No. I have commercial Betmar Clubhouse Two,
15 Three, One, golf course, swimming pool, all those are
16 commercial that are already in the certificated area
17 from years ago.

18 Q What about your service availability charges.
19 You said that you collect 110% of the main line
20 extension?

21 A That is what is charged, yes, sir.

22 Q For both water and wastewater?

23 A Yes, sir.

24 Q Do you know what the charges are currently?

25 A You mean the physical cost or the percentage

1 cost?

2 Q Do you have an approved main extension
3 charge?

4 A Yes, it's in my tariff. It says 110% of
5 actual cost. That's with my main line extension and my
6 potable water and also my sewer tariff pages.

7 Q Okay.

8 A We did not at the one time with Christina
9 Romig on our last Staff assist, we took it, instead of
10 sitting down and trying to figure an impact fee, so to
11 speak, to continue with that same phrase, 110%. And
12 the Utility is not receiving theoretically no profit
13 from this, this is an actual cost factor. If it costs
14 \$1, it costs the customer \$1.10. So that's no -- and
15 that 10% is administration costs to the Utility. So,
16 in essence, there is no profit factor at all.

17 Q So the Utility runs a line to a new customer
18 and that customer pays for the entire line?

19 A Correct.

20 Q Up to where the Utility currently --

21 A Correct. But they also have an option, sir.
22 They do have an option. Two or three or more people
23 can cost share of that main line.

24 So let's take, for an example, that line
25 costs \$3 a foot. Three people use it, so each person

1 is only paying \$1 a lineal foot for that cost. And we
2 grant them a minimum of five years to recouperate.
3 Anyone coming on that line, let's say today no one
4 comes on line, but within the next five years they come
5 on line; that other party's going to pay cost sharing
6 to them, to the person that invested. They have an
7 investment in it, they get the money, not the Utility.

8 Q Then Betmar basically does not have to make
9 any more investment in plant?

10 A Correct. As far as under what we were
11 referring to as the rate base? No, there would be no
12 change of rate base. Again, like I'm saying, there's
13 no cost to the existing customer except it's just going
14 to lower the rates for the existing customer and the
15 future customer. That's the whole theory of why I want
16 this is to help the customer in general that are paying
17 the little higher rates, but I don't think as high as
18 the City's, according to some documents I have there I
19 received from their office what it costs for outside
20 their City rates.

21 Q How about wells and water treatment, will you
22 have to increase capacity on them?

23 A No, I would not have to increase. The only
24 thing I am going to increase, sir, is electricity
25 energy to run the pump more. Because my SWFWMD CPU is,

1 like I said, 700,000 gallons per day. My present
2 customer base at max is roughly 200 to 210,000 gallons
3 per day. So if I double my rate base, I'll come up to
4 maybe about 420, 450,000, still having a surplus of
5 natural resource, which is the potable water.

6 Q Is Betmar under any notices of violation or
7 any other corrective action from DER?

8 A DER, no, none whatsoever today.

9 Q Where are you in permitting for the requested
10 areas?

11 A My lines are all there, as drawn. And I have
12 one permit right now, excuse me, we just started it two
13 weeks ago, of upgrading a line on strand going to the
14 swimming pool. The swimming pool needs some more
15 water. The 3/4 inch water line going to the swimming
16 pool is inadequate, so they want to increase that line
17 so I'm extending a water main and upgrading their
18 service. That is in the makings right now at Deuel
19 Engineering. It has not been sent to DER as yet.

20 Q Okay. Other than that, you don't have any
21 other permits for new lines?

22 A No, sir.

23 Q Okay. Are you aware of any way in which the
24 extension of service would be in conflict with the
25 Comprehensive Plans, the local Comprehensive Plans?

1 A No, I have no idea if there is conflict.
2 According to some of the statute I read, we are not in
3 conflict.

4 MR. PIERSON: I don't have any further
5 questions.

6 HEARING EXAMINER: Redirect?

7 MR. KNOX: Very, very briefly.

8 REDIRECT EXAMINATION

9 BY MR. KNOX:

10 Q Mr. Turco, you had mentioned that you had
11 provided service to the areas in orange. Do you know
12 how long ago that was provided?

13 A '86? '87?

14 Q That was before the rules changed on how to
15 provide service?

16 A Yes, sir, to my knowledge.

17 Q Are all the lines that you have shown on the
18 composite exhibit which shows the areas in yellow and
19 orange, are all those lines that are shown on those
20 maps for sewer and water active lines at this time?

21 A Everything is active water and sewer.

22 Q And you have DER permits for all of that?

23 A Yes, all those have been permitted by DER.

24 Q A question was asked about the Comprehensive
25 Plan. Do you know whether this area that we're

1 speaking of is in the City of Zephyrhills or in the
2 unincorporated area of the County?

3 A It's in the unincorporated area of the
4 County.

5 Q So the County Comprehensive Plan is the one
6 that we would be discussing?

7 A Yes.

8 Q Now, we have in evidence an agreement with
9 Pasco County that you will provide sewer service, is
10 that correct?

11 A That's correct.

12 Q And the area covered by that sewer agreement
13 incorporates the areas that you've requested to be
14 extended to?

15 A Correct.

16 MR. KNOX: No other questions.

17 HEARING EXAMINER: Before we release this
18 witness, would you have him go ahead and put the letter
19 "North" with an arrow on these documents, because we
20 have spoken about directions and that might help anyone
21 who is reading this?

22 MR. KNOX: Just mark north on this.

23 HEARING EXAMINER: I'm sure we can figure out
24 the rest.

25 WITNESS TURCO: (Marks on the exhibit)

1 MR. KNOX: I believe that's all we have for
2 you, Mr. Turco.

3 HEARING EXAMINER: Thank you, you may step
4 down.

5 (Witness Turco excused.)

6 HEARING EXAMINER: Your next witness?

7 MR. KNOX: I would like to call Mr. Nichols.

8 HEARING EXAMINER: Is this under the adverse
9 party rule?

10 MR. KNOX: Yes, I would ask for that
11 provision.

12 HEARING EXAMINER: It's granted.

13 - - - - -

14 FLOYD A. NICHOLS

15 was called as an adverse witness by Betmar Utilities,
16 Inc., and, after being first duly sworn, testified as
17 follows:

18 HEARING EXAMINER: And if you'll spell Mr.
19 Nichols' name.

20 DIRECT EXAMINATION

21 BY MR. KNOX:

22 Q Please state your name for the record and
23 spell it.

24 A My name is Floyd A. Nichols, N-i-c-h-c-l-s,
25 City Manager, City of Zephyrhills, 5335 Eighth Street,

1 Zephyrhills, Florida 33640, I believe.

2 Q Mr. Nichols, I'm going to show you what's
3 been introduced into evidence as Petitioner's Composite
4 Exhibit No. 2, and ask you to take a quick look at
5 that.

6 And before I ask you about that document, I
7 would like to ask you whether or not the the City has
8 filed an objection in this case?

9 A Yes, we have.

10 Q Is there a particular area shown on those two
11 maps that the City is objecting to as far as Betmar's
12 extension?

13 A Yes. The specific area that we are objecting
14 to is the area colored in yellow immediately south of
15 Geiger Road, between Geiger Road and Jody Avenue was
16 the area that we originally objected to.

17 Q Okay. Now, when you say "originally objected
18 to," what do you mean by that?

19 A Well, when we received the notification of
20 Betmar's intent to expand the service area, our
21 Interlocal Agreement with Pasco County had the service
22 area line immediately north of Jody Avenue; and,
23 therefore, that was an area that we considered to be
24 within the City service area, an area to which we
25 objected.

1 We have subsequently agreed to an amendment
2 of the service area with Pasco County, and we're now
3 prepared to accept a service line that is approximately
4 halfway between Geiger Road and Jody Avenue.

5 Q Could you physically show me where that is?

6 A That would be this line that basically is
7 drawn through here, I believe.

8 MR. KNOX: For the record, we're referring
9 now to the line which is just below the phrase "Betmar
10 Village, Phase 2&3"?

11 WITNESS NICHOLS: Correct.

12 MR. McALVANA: Is it running east-to-west?

13 MR. KNOX: Running east-to-west.

14 Q (By Mr. Knox) So basically, then, the City's
15 dispute with Betmar pertains to the area immediately
16 abutting Geiger Road and the five-acre tract just below
17 that, is that basically what it boils down to?

18 A Well, the difficulty with these maps, of
19 course, is it's kind of hard to see exactly where the
20 property lines are on a map of this scale. There is an
21 area north of Jody Avenue that has already been
22 developed and served by Betmar which does not show on
23 this map by the extension of the streets. So
24 basically, that area in which Betmar has already
25 extended their utility line and is servicing is the

1 area that we have agreed for all practical purposes to
2 withdraw our objection. So we're basically talking
3 about, if I might refer to my map, which is at a
4 different scale. See, this is the line where the
5 service area boundary was at the time of filing the
6 objection.

7 MR. KNOX: Let me stop you right here. Do we
8 just want to stipulate this agreement into evidence to
9 make it easy for us to refer to?

10 MR. McALVANA: Is that our agreement with
11 the County?

12 MR. KNOX: Right.

13 MR. McALVANA: Yeah, I would like to
14 stipulate that in.

15 MR. KNOX: Let's do that now so we can just
16 refer to it as an exhibit. Do you want to put that in
17 as Objector's Exhibit No. 1?

18 MR. McALVANA: I guess this would be?

19 HEARING EXAMINER: Respondent's 1.

20 (Respondent's Exhibit No. 1 marked for
21 identification.)

22 Q (By Mr. Knox) All right, now. Let's go back
23 and start talking about that line again. We're talking
24 now about Respondent's Exhibit No. 1, which is a copy
25 of the agreement between Pasco County and the City of

1 Zephyrhills, is that correct?

2 A Correct.

3 MR. KNOX: Before we talk about that, do you
4 have a copy of that so we can mark it?

5 MR. McALVANAH: I was going to do a composite
6 so we can show some letters that went with it.

7 MR. KNOX: Okay, I have no objection to that.

8 MR. McALVANAH: Whatever you want. If you
9 want to just tear it off there, that's fine.

10 MR. KNOX: Okay.

11 MR. PIERSON: This is an Interlocal Agreement
12 of some sort?

13 MR. McALVANAH: Yes, between the County and
14 the City.

15 MR. KNOX: Any objection to that?

16 MR. PIERSON: No.

17 HEARING EXAMINER: All right, it's admitted.

18 (Respondent's Exhibit No. 1 received into
19 evidence.)

20 Q (By Mr. Knox) Okay, now we can go back and
21 look at that.

22 A Okay. The original objection was based on
23 the Interlocal Agreement as originally entered into
24 between Pasco County and the City of Zephyrhills. We
25 have subsequently agreed with the County to amend the

1 service area boundaries --

2 MR. McALVANAHA: Do you want to use this map?
3 Would that be better? It's larger and easier to read.

4 MR. KNOX: Is that the same map?

5 WITNESS NICHOLS: That's the one that came
6 from the County, right.

7 MR. KNOX: Are you going to introduce it?

8 MR. McALVANAHA: I was thinking about
9 introducing it but I wasn't sure.

10 MR. KNOX: Let's make it easy.

11 MR. McALVANAHA: Do you want to stipulate it,
12 stipulate it back out of evidence?

13 MR. KNOX: If you want to substitute it.

14 MR. McALVANAHA: Substitute it with a
15 photostatic copy upon stipulation.

16 HEARING EXAMINER: Okay, I'll leave it in
17 your charge and you can accomplish that.

18 Will your copier be able to pick up the red
19 and the blue?

20 MR. McALVANAHA: Mine in the office won't.

21 WITNESS NICHOLS: We can color it in or get
22 another copy made.

23 HEARING EXAMINER: That's all right.

24 A The Interlocal Agreement between the City and
25 the County has provision for amending the service area

1 boundary by mutual consent, as we have done on two
2 occasions. And this is the latest amended service area
3 boundary as approved by Pasco County and the City of
4 Zephyrhills which did, in fact, shift the line in this
5 area subject to dispute approximately halfway between
6 Geiger Road and where it was originally.

7 Q (By Mr. Knox) When you say "this," are you
8 referring to Respondent's Exhibit No. 2, which is a
9 map?

10 A Correct. So we have already by our
11 Interlocal Agreement contracted the City's service area
12 in this particular disputed area.

13 HEARING EXAMINER: So it's no longer a
14 proposed change, it is a change?

15 WITNESS NICHOLS: That's correct. A change
16 that has been approved by both the Pasco County
17 Commission and the City of Zephyrhills City Council.

18 Q (By Mr. Knox) Now, just for clarification
19 purposes, can you bring the Petitioner's Composite
20 Exhibit No. 2?

21 A Correlate it to that?

22 Q Correlate it with what we're talking about on
23 this exhibit.

24 A Okay. Looking at these exhibits then, what
25 we're objecting to is just the yellow area totally

1 abutting Geiger Road. We would be basically
2 withdrawing our objection to these three tracts.

3 Q Okay, the three five-acre tracts below Geiger
4 Road then are out of this injection at this point?

5 HEARING EXAMINER: So we're talking about
6 upwards, the Harrison Estate property?

7 WITNESS TURCO: The Harrison Estate property
8 is that other property that is north.

9 MR. KNOX: Good, we've got that isolated.

10 HEARING EXAMINER: Do you want Respondent's
11 Exhibit 2 admitted?

12 MR. KNOX: Yes, ma'am, I would like it. I
13 think it would be easier if everybody looked at it.

14 HEARING EXAMINER: All right. I'm going to
15 allow the City ten days to give me a duplicate copy.

16 MR. MCALVANA: That will be fine, Your
17 Honor.

18 (Respondent's Exhibit No. 2 marked for
19 identification and received into evidence.)

20 Q (By Mr. Knox) Let me bring the Respondent's
21 Exhibit 2 over so you can speak into the microphone.
22 Looking at this particular map, can you describe what
23 facilities that the City of Zephyrhills has in terms of
24 water lines and sewer lines in the vicinity of the area
25 that is now in dispute?

1 A The City has an existing 10-inch water line
2 and existing sewer service at the entrance to Silver
3 Oaks development, which is at Geiger Road and directly
4 well, it would be the southwest corner of Section 3 on
5 this map, right there, the southwest corner of Section 3.

6 Q Is that on the north side of the road?

7 A North side of the road.

8 Q So those facilities don't extend under the
9 road or across the road?

10 A No, they do not.

11 Q Are there any other facilities?

12 A Yes, the City also has an eight-inch line in
13 the Wedgewood development which is immediately south of
14 Massey Road. We have an eight-inch line here at Massey
15 and Geiger, a 10-inch line here at Silver Oaks
16 Boulevard and Geiger. As you may or may not know, the
17 County is in the process of building a new Zephyrhills
18 west bypass, which will follow the alignment of Geiger
19 Road from Silver Oaks Boulevard west. And we have
20 delayed making the connection of our system through
21 there until such time as the County is ready to
22 actually make the physical connection. Because the
23 right-of-way that they are acquiring for Geiger Road is
24 considerably wider than the existing right-of-way; and,
25 obviously, we don't want to have utility lines in the

1 middle of the right-of-way, we want them to be on the
2 edge of the right-of-way.

3 Q So basically in both cases, then, your lines
4 are north of Geiger Road and you're waiting for the
5 County to build the road to extend?

6 A Well, at Silver Oaks Boulevard, we're north
7 of the right-of-way. In the case of Wedgewood, we're
8 on the south side of Geiger Road. Our plan is to
9 extend the line from Wedgewood to connect to the Silver
10 Oaks line on the south side of Geiger Road. And
11 ultimately, to extend further west along the south
12 right-of-way of the new bypass road to approximately
13 Dean Dairy Road, and then go north from that point to
14 serve other lands that are within the City service area
15 and, in fact, have been annexed to the City.

16 Q Okay. And so you would have to, in order to
17 provide service along the entire frontage of Geiger
18 Road, you would have to to extend a line from Wedgewood
19 to the west so it meets the Silver Oaks line which you
20 would also have to extend underneath Geiger Road, is
21 that correct?

22 A That's correct.

23 Q Now, are you speaking both of sewer and water
24 when you say "extend those lines"?

25 A Correct.

1 Q As far as lines that we are talking about,
2 what kind of lines are we talking about? Sewer lines,
3 specifically?

4 A The existing lines? This would be probably
5 be a forced main. Again, it depends on the elevation
6 of the specific tract to be served; but in all
7 probability, it would be forced main to go from the
8 tract to be developed either into Silver Oaks or into
9 Wedgewood. There are existing lift stations in both of
10 those developments.

11 Q Is the Wedgewood line a forced main sewer
12 line?

13 A Yes.

14 Q Is the Silver Oaks line a forced main line?

15 A Yes.

16 Q Now, is the City providing any service to
17 that area that is in contest at this time?

18 A No.

19 Q To recap, then, your collection system, as
20 far as the sewer is concerned, basically ends on the
21 north side of Geiger Road at the Silver Oaks property,
22 at the Silver Oaks line?

23 A That's correct. It ends at the Silver Oaks
24 entrance on the north side of Geiger Road and at the
25 Wedgewood development, which would be at the extreme

1 eastern end of this strip that is in contention.

2 Q The City of Zephyrhills provides treatment
3 for the facilities that are connected to those lines,
4 is that correct?

5 A Yes.

6 Q What kind of treatment facility does the City
7 have?

8 A We have a two-and-a-quarter-million-
9 gallon-a-day capacity wastewater treatment plant with
10 rapid infiltration ponds.

11 Q You have an agreement with the County which
12 basically divides the territories that you have in the
13 areas that the County provides its service and the City
14 provides its service, correct?

15 A That's correct.

16 Q Do you know what size the County's treatment
17 plant is?

18 A No, I don't. Mr. Turco stated earlier what
19 the capacity is. I don't have any first-hand knowledge
20 of what their capacity is.

21 Q Can you give us the basis for the City's
22 objection to the extension of service into that area
23 which is abutting Geiger Road?

24 A The basic reason for objecting is that we
25 would like to be in a position to control the quality

1 and the quantity of development along the West
2 Zephyrhills Bypass, which will follow the Geiger Road
3 alignment.

4 Q That area is currently not in the City, is
5 that correct?

6 A That is correct.

7 Q Does the City have any jurisdiction over the
8 comprehensive planning of that area?

9 A No, we do not. The only jurisdiction -- we
10 don't have any jurisdiction. However, one of the
11 required elements of the Comprehensive Plan is that
12 there is an interlocal cooperation element of the
13 Comprehensive Plan where we have to spell out in what
14 ways the municipal government relates to the County and
15 to other governmental units that have jurisdiction over
16 various things. And, conversely, the County also has
17 to spell out in their Comprehensive Plan how they
18 relate to municipalities within the County and to
19 adjacent counties.

20 So we do have an intergovernmental
21 coordination element of our Comprehensive Plan that
22 specifically addresses the issues of water, sewer,
23 solid waste, transportation, recreation, all of those
24 things have been addressed in our Comprehensive Plan.

25 For example, solid waste, the City has no

1 solid waste disposal facilities. We rely entirely on
2 the County to provide solid waste disposal. And that's
3 spelled out in our Comprehensive Plan.

4 Recreation, there are certain recreation
5 facilities that the City does not provide but the
6 County does. So in our Comprehensive Plan, we refer to
7 the recreational facilities provided by the County for
8 municipal residents.

9 Health care, education there are -- all of
10 these things have to be addressed and you have to
11 address in the Comprehensive Plan how those services
12 are provided to the residents of the municipality,
13 whether it be by the County, or by the State, or by
14 some other independent district.

15 So, the whole thrust, the purpose of this
16 Interlocal Agreement, was it was brought about by the
17 need to establish specific service areas so that we
18 could say, in our planning in our Comprehensive Plan,
19 this is the area for which the City will assume the
20 responsibility and we will plan accordingly. We will
21 size our lines; we will size our treatment capacity,
22 and, you know. So in all of our Comprehensive Plan is
23 predicated on a service area.

24 Q Does the City and the County have any kind of
25 Interlocal Agreement or arrangement or document which

1 transfers or agrees the transfer authority over planning
2 and zoning of this particular tract to the City?

3 A We have an Interlocal Agreement that says
4 that before the City will approve any development order
5 of a property within one-half mile of the municipal
6 limits, we will transmit that plan to the County to
7 give them 30 days to review and comment on the plan.
8 And the converse is also true: Before the County
9 approves any development order within one-half mile of
10 the City of Zephyrhills, they will transfer to us a
11 copy of that proposed development to give us an
12 opportunity to review and comment.

13 Q Okay. When we speak of a developmental, are
14 we speaking of the developmental regional impact or is
15 that just --

16 A Developmental or regional. Would be anything
17 that would permit physical alteration of the land.

18 Q All right. So, basically, then, if the
19 County wanted to zone the piece of property commercial,
20 your position would be that they would have to come to
21 the City and re-present that proposal to you so you
22 could have comments?

23 A Not necessarily zoning; zoning, there are
24 various opinions. I do not consider zoning to be a
25 development order. Zoning, in and of itself, does not

1 we require that they meet the same development
2 standards as if it were within the City. And our
3 standards are somewhat higher than the County's.

4 Q Isn't one of your fears, though, that the
5 County is going to adopt a commercial zoning pattern
6 along Geiger Road?

7 A Not necessarily the zoning. Again, zoning is
8 only a precursor. Zoning does not give anyone
9 permission to develop anything.

10 What we are concerned about is the County is
11 investing many millions of dollars to build this bypass
12 road to move traffic; and there is ample precedent in
13 the past of, you know, you build a road and the next
14 thing, you've got wall-to-wall driveway cuts on it and
15 pretty soon it doesn't move traffic. So we are
16 concerned and I think the County is also concerned that
17 whatever development occurs there, that it not be
18 driveway cuts every 50 feet.

19 Q Okay. But assuming that this property stays
20 in the unincorporated area and never comes into the
21 City, okay? You're suggesting that you want to be able
22 to control how that property is used by controlling
23 when the utilities go and how the utilities go to that
24 property. Is that basically the way I understand it?

25 A The only way, the only leverage that the City

1 has to influence the specific site development is by
2 virtue of we being the provider of the utilities.

3 Q Now, does the City have an annexation policy
4 as far as connecting it or relating it to the providing
5 of the utilities service?

6 A Right. The City as does have an annexation
7 policy that basically says we will extend utilities to
8 an area that is contiguous to the City only if they
9 agree to annex.

10 Q Is that in ordinance form?

11 A Yes.

12 Q Now, this property that we're talking about
13 in dispute is contiguous to the City, is that correct?

14 A Yes, it is.

15 Q So theoretically, then, if someone came along
16 and wanted to get service from the City, utility
17 service from the City, you would require them to annex
18 into the City in order to get that service?

19 A That's correct. There is one small area, the
20 extreme western portion of this disputed area, that is
21 not contiguous to the City.

22 Q And presumably, if you required them to annex
23 into the City, you also control land use and zoning
24 classifications that would be applied to the property,
25 is that correct?

1 A Correct.

2 Q Okay. What happens if the property owner
3 decides he wants to stay in the unincorporated
4 territory, doesn't want to come into the City, but he
5 still wants to get utility service from you?

6 A But he doesn't want to annex?

7 Q That's correct.

8 A Then he doesn't get the utility service.
9 Then he can go to the County. The Interlocal Agreement
10 provides that in either case, City or County, if they
11 come to the City and we cannot or will not provide the
12 service, then they can go to the County, or vice-versa.

13 Q So in the scenario you described then, where
14 the property owner wants to stay in the unincorporated
15 territory, you would refuse utility service to that
16 property and at that point the County's rights would
17 kick in under your agreement?

18 A That's correct.

19 Q Now, that being the case, if the County has
20 an agreement with Betmar authorizing it to provide
21 sewer service in that area, then theoretically, under
22 the scenario we've just described, Betmar would be
23 entitled to provide sewer service?

24 A Presumably, Betmar is acting as an extension
25 of the County system; and if we didn't and the County

1 said, "Yes, we can and you'll do it through Betmar,"
2 then that's the way the County would do it. It would
3 be up to the County.

4 Q Are you familiar with Chapter 180, Florida
5 Statutes?

6 A No.

7 Q Does the City generally follow Florida law
8 when it deals with utility matters?

9 A I assume that we do.

10 Q You say you're not familiar with Chapter 180.
11 Has the City ever adopted any kind of resolution or
12 ordinance which extends its service beyond the city
13 limits or extends its ability to provide service beyond
14 the city limits?

15 A Yes.

16 Q How far is that extension, is it a five-mile
17 limit?

18 A No. It's within this specific described
19 service area.

20 Q So you have an ordinance that says you can
21 provide service?

22 A Can.

23 Q Outside this municipal area?

24 A Right.

25 Q You're generally familiar with the

1 development pattern in this particular area, aren't
2 you?

3 A Right.

4 Q Do you have any reasonable projection as to
5 what the property along Geiger Road might be developed
6 as in the foreseeable future?

7 A Well, the only area that is along Geiger Road
8 within the City, Silver Oaks, we have a specific
9 Planned Unit Development for that entire area. And, of
10 course, Wedgewood also is a Planned Unit Development,
11 and Phase I is already developed.

12 I can tell you, at the northeast corner of
13 the intersection of Simons Road and Geiger Road the
14 Planned Unit Development calls for a commercial
15 development at that node. Everything else along there,
16 my assumption is that it would be residential
17 development.

18 Q Okay. Also speaking of the area south of
19 Geiger Road?

20 A That would be my assumption, that it would
21 also be residential development.

22 Q Is that assumption based upon what the City
23 would like to see there as opposed to something that
24 the County might approve in the way of zoning or --

25 A We don't have any specific plan that has been

1 adopted by City Council because it's not within the
2 corporate limits. But that's all of our projections as
3 far as capacity to serve the area, specific traffic
4 capacity, which is the most critical, the assumption is
5 that that area would be developed residential.

6 Q Does the City charge water impact fees to any
7 customers hooking up?

8 A We charge a \$350 connection fee for a
9 residential unit.

10 Q Do they charge sewer impact fees also?

11 A \$1278.

12 Q So every home that is a residential
13 development south of Geiger Road that eventually became
14 serviced by the City, you charge those two impact fees
15 for every home or every unit that came along and built
16 on that property?

17 A Right.

18 MR. KNOX: I have no other questions.

19 HEARING EXAMINER: Do you wish to cross
20 examine?

21 MR. McALVANAH: Yes, please, Your Honor.

22 CROSS EXAMINATION

23 BY MR. McALVANAH:

24 Q The County also charges an impact fee for
25 sewer, isn't that correct?

1 A That's correct.

2 Q Significantly higher than the City's?

3 A I don't know what the County's fees are.

4 Q Just so that the Court is aware of where you
5 are referring to, Silver Oaks is located immediately
6 north and across the street off the Geiger Road
7 right-of-way from the area we were discussing?

8 A Correct.

9 Q And the Wedgewood property is located and
10 abutting immediately west -- east of the area that's in
11 dispute?

12 A Correct.

13 Q So the City has facilities already in place
14 abutting areas immediately north and immediately east
15 of the disputed area on Geiger Road?

16 A Correct.

17 Q And those are both water and sewer, the sewer
18 being forced main in both instances, correct?

19 A Correct.

20 Q Does the City have adequate revenues to
21 extend into these areas?

22 A Yes.

23 Q Does it have adequate facilities to provide
24 water and treat wastewater?

25 A Yes.

1 Q I believe you testified that the reason for
2 the delay in extending any services was something to do
3 with the west bypass?

4 A That's correct. Pasco County is in the
5 right-of-way phase for the West Zephyrhills Bypass,
6 which aligns on Geiger Road. And until such time as
7 they pin down, have actually acquired the right-of-way
8 and the specific plans for constructing the road, we
9 did not want to put a utility line in there that would
10 conceivably be in the wrong place or have to be torn up
11 later.

12 Q But the City has entertained the thought of
13 going into that area?

14 A Absolutely.

15 Q You mentioned there was some discussion about
16 the Interlocal Agreement between the City and the
17 County, and also referenced the Comprehensive Plan. Is
18 this Interlocal Agreement or are interlocal agreements
19 generally commented on in the Comprehensive Plan with
20 the City and the County?

21 A Yes.

22 Q And what is the comment? You're aware of the
23 comment in the City -- excuse me, in the County's
24 Comprehensive Plan. Are you familiar with it?

25 A I'm not that familiar with the precise

1 wording of what is in the County's Comprehensive Plan.

2 Q Okay. Do you know what the intent is
3 regarding the Interlocal Agreements between the County
4 and the City?

5 A The intent is that we have delineated service
6 areas for planning purposes and we have agreed between
7 the two entities of who is going to be responsible for
8 providing service and what kinds of services.

9 As I mentioned, the issue of solid waste
10 disposal has been addressed. This Interlocal Agreement
11 specifically addresses water and sewer. The issue of
12 who is responsible for what roadway improvements is the
13 subject of another Interlocal Agreement.

14 Q And the area that we're talking about is
15 specifically included in the City's Interlocal
16 Agreement?

17 A Yes.

18 Q Which the Comprehensive Plan also comments
19 on, correct?

20 A Right.

21 Q There was some discussion about the 60-day
22 essentially right of first refusal that is included in
23 the Interlocal Agreement.

24 A Right.

25 Q Are you familiar with that?

1 A Yes. Essentially, if a developer comes to
2 the City and asks for the extension of water and sewer
3 service to the development and the City is unable or
4 unwilling to extend the utilities to that particular
5 site, then the developer can then go to the County and
6 ask for them to provide the service.

7 Q Okay. So theoretically, under the agreement,
8 if the County were to decline to service any of these
9 areas -- not just the area on Geiger Road but also the
10 areas on Highway 54, State Road 54 -- then under the
11 Interlocal Agreement the City would have the first
12 right of refusal to go into these areas along Highway
13 54, correct?

14 A Well, if, because those areas on 54 are
15 outside of our service area, the person would first
16 have to go to the County.

17 Q Correct.

18 A If the County said they could not or did not
19 wish to provide the service, then the owner of the land
20 or the proposed developer could come to the City and
21 ask for the City to extend the service. And we would
22 not be obligated to extend the service, since it is
23 outside of our service area, but we certainly would
24 take it under consideration.

25 Q Okay. But theoretically, under the

1 agreement, all of the areas that Betmar is seeking are
2 covered by the Interlocal Agreement; the latter
3 portions, the southern portions, the County has the
4 right of first refusal --

5 A Right.

6 Q -- but the City could still be allowed to go
7 in there under the agreement?

8 A We could.

9 Q And that agreement, once again, has been
10 addressed in the Comprehensive Plan of both the City
11 and the County, is that correct?

12 A Right.

13 MR. McALVANAH: I have nothing further.

14 HEARING EXAMINER: You may inquire.

15 CROSS EXAMINATION

16 BY MR. PIERSON:

17 Q I believe you heard Mr. Turco testify that
18 Betmar Utilities has lines running along the south side
19 of Geiger Road?

20 A He was referring to a map that I was not
21 looking at when he made the statements. I believe that
22 these two maps here show an existing gravity sewer
23 paralleling Geiger Road but I don't have a scale. I
24 guess it's one five-acre tract south, which would be
25 330 feet south of Geiger Road.

1 Q Okay. (Pause) And you did testify, though,
2 that you would have to run lines along the south of
3 Geiger Road?

4 A Correct.

5 MR. PIERSON: That's all.

6 HEARING EXAMINER: All right. Now, earlier
7 in your testimony, you spoke about annexations. Have
8 there been some annexations that have occurred since
9 the City's objection to this -- since the application
10 occurred?

11 WITNESS NICHOLS: Yes.

12 HEARING EXAMINER: And where are those,
13 specifically? As they relate to this proceeding.

14 WITNESS NICHOLS: Well, none of them in this
15 immediate vicinity. There had been some annexation on
16 the south side of the City and on the east side east of
17 301 and also on the north side of the City west of 301.

18 HEARING EXAMINER: But they don't have
19 relevancy to --

20 WITNESS NICHOLS: They're not relevant to
21 this issue, no.

22 HEARING EXAMINER: And has the City's
23 Comprehensive Plan been filed?

24 WITNESS NICHOLS: Yes.

25 HEARING EXAMINER: And has it been approved?

1 WITNESS NICHOLS: The very last final straw
2 of the thing is we had our Adopting Ordinance last
3 month, which has been submitted to Tallahassee adopting
4 the very final little changes that were required by DCA
5 in our Stipulated Settlement Agreement. As of today,
6 it has not been, to my knowledge, officially approved
7 by the Secretary of DCA.

8 HEARING EXAMINER: All right. And are you
9 aware of whether or not the County's plan has been
10 filed?

11 WITNESS NICHOLS: The County's plan has been
12 filed and approved by DCA.

13 HEARING EXAMINER: All right. Any redirect?

14 MR. KNOX: No.

15 HEARING EXAMINER: All right. You may step
16 down.

17 WITNESS NICHOLS: Thank you.

18 (Witness Nichols excused.)

19 HEARING EXAMINER: Next witness?

20 MR. KNOX: Your Honor, I believe that
21 concludes our side of the case.

22 HEARING EXAMINER: Well, I really don't know
23 if many of these items have been placed in the file
24 already. But have you already filed with the
25 Commission schedules showing all the rates and

1 classifications and charges for service of every kind?

2 MR. KNOX: Well, let's get some clarification
3 on that, I guess. The current rule was not the rule in
4 effect at the time the application was filed, so the
5 application would be filed under the terms of the old
6 rule. The criteria of the current rule or the new rule
7 I think is what we're concerned with to the extent they
8 cover the criteria of the old rule.

9 HEARING EXAMINER: That wasn't what I
10 understood in the beginning of how we were going to do
11 this.

12 MR. KNOX: I thought that's what we had said.
13 I thought we were dealing with the criteria and whether
14 we met the criteria of this new rule or met the
15 criteria of the old rule.

16 MR. PIERSON: I believe that statement is
17 basically correct.

18 MR. KNOX: As opposed to the contents of the
19 application.

20 HEARING EXAMINER: Oh, all right. So we're
21 specifically relying on the new rule, then.

22 MR. KNOX: I would point out, however, that
23 Betmar has a tariff on file with the Commission, and
24 under Chapter 25-9 they would be required to apply the
25 approved charges to the new territory.

1 HEARING EXAMINER: And was that noted before
2 or is this something they should be bringing up now?
3 Because of how everyone has agreed to proceed in this,
4 I'm a little bit confused about whether they should go
5 ahead and put that in, or do you want to do this by
6 some sort of stipulation?

7 MR. KNOX: We'll stipulate the tariff into
8 evidence just so it's covered. (Pause)

9 Mr. Pierson, are you looking at the new rule,
10 the February '91?

11 HEARING EXAMINER: Yeah.

12 MR. PIERSON: 1(o)? Is that what you're
13 looking at?

14 HEARING EXAMINER: Yes.

15 MR. PIERSON: Okay. That would be a tariff
16 showing simply the additional service area, a legal
17 description of the service area.

18 MR. KNOX: I'm sorry?

19 HEARING EXAMINER: And that's with the
20 application already, isn't it?

21 MR. PIERSON: I don't think a tariff is,
22 although it might be.

23 HEARING EXAMINER: No. (Pause)

24 Do you want to have ten days to file that?

25 MR. KNOX: That would be fine.

1 HEARING EXAMINER: Do you have any objections --

2 MR. McALVANA: I have no objection.

3 HEARING EXAMINER: -- or do you want

4 additional time? Then that will be Petitioner's

5 Exhibit 4.

6 (Late-Filed Petitioner's Exhibit No. 4

7 identified.)

8 HEARING EXAMINER: And it has been

9 represented that it is already on file with the

10 Commission. But in the review, it's really for the

11 convenience and for me, too. (Pause)

12 So you have rested your preliminary showing

13 of the application?

14 MR. KNOX: Yes

15 HEARING EXAMINER: I think probably this is a

16 good time to break for lunch. And we'll return -- is

17 an hour sufficient in Dade City?

18 MR. KNOX: For lunch?

19 MR. McALVANA: Absolutely. Particularly

20 now, if you get to the Crest before 12:00 o'clock,

21 right?

22 MR. PIERSON: Is the Crest a restaurant?

23 MR. McALVANA: The Crest is a cafe, yes.

24 HEARING EXAMINER: We can return at a quarter

25 of 1:00 then. That way we can all get parking spaces.

1 MR. MCALVANA: Okay.

2 HEARING EXAMINER: And also, I might point
3 out at this time that you can consider it, while you're
4 at lunch, that the Public Service Commission has
5 entered this as an Intervenor, and there weren't any
6 objections or anything that I can see.

7 Is this full party status? Is this where
8 you're going to do a report to me, has that been worked
9 out with the parties?

10 MR. PIERSON: A proposed recommended order?

11 HEARING EXAMINER: Yes.

12 MR. PIERSON: I will be doing a proposed
13 recommended order; probably not me actually, but we
14 won't be putting on witnesses or anything like that.

15 HEARING EXAMINER: All right. I just wanted
16 to clarify what the status of the Intervenor, because
17 there are various types of intervenors within the
18 administrative procedures situation. So it is full
19 party status and you will be filing a proposed
20 recommended order?

21 MR. PIERSON: Yes.

22 HEARING EXAMINER: Okay. Just wanted to make
23 sure. You don't have to think about it any more then.

24 (Brief recess)

25 - - - - -

1 HEARING EXAMINER: Are we ready to proceed?

2 MR. KNOX: Respondent's 3 stipulated into
3 evidence, it's the City's Comprehensive Plan.

4 HEARING EXAMINER: The City's Comprehensive
5 Plan will be marked as Respondent's Exhibit 3 that's
6 entered into evidence without objection.

7 (Respondent's Exhibit No. 3 identified and
8 received into evidence.)

9 HEARING EXAMINER: Also during the testimony,
10 I was advised that there hasn't been the official word
11 on the plan. Although, of course, the evidence ends
12 today, if it should happen to come down where it has
13 been accepted.

14 MR. McALVANA: Okay.

15 HEARING EXAMINER: I mean, it's my
16 interpretation of the testimony that it's just going to
17 be pro forma, that there are no longer any objections.

18 MR. KNOX: This is DCA doing it, nothing is
19 pro forma.

20 MR. McALVANA: They always seem to have one
21 more day --

22 MR. KNOX: I think we have one other
23 stipulation, too, which was the County's comp plan,
24 which is a very, very thick document. I think we would
25 like to restrict that to the water and sewer elements,

1 the land use element and the intergovernmental
2 coordination element.

3 HEARING EXAMINER: All right. So just in
4 those three areas?

5 MR. KNOX: That's four; that's water, sewer,
6 land use, and intergovernmental cooperation or
7 coordination.

8 HEARING EXAMINER: Oh, the sewer is separate
9 from the water then?

10 MR. KNOX: I think it is.

11 WITNESS NICHOLS: They are two subelements of
12 the public facilities element.

13 HEARING EXAMINER: All right. Then it will
14 be those four areas. And I would appreciate it if you
15 would direct my attention in those, as well.

16 All right, the petitioner has rested with
17 their preliminary showing. Do you wish to go forward
18 and bring any additional evidence?

19 MR. MCALVANA: No, Your Honor, we would
20 rest.

21 MR. PIERSON: I don't really have any case to
22 present.

23 HEARING EXAMINER: All right, the Public
24 Service Commission has already advised everyone that
25 they wouldn't be calling witnesses or submitting

1 exhibits.

2 Do you have any responsive case of any type?

3 MR. KNOX: I think we've covered it all.

4 HEARING EXAMINER: I just wanted to make sure
5 you weren't waiting for the recall of a witness or
6 anything like that.

7 All right, the evidentiary portion, except,
8 of course, for the exhibits that will be given to me
9 later, is closed at this time. Do you wish to present
10 oral argument or do you want to provide written
11 argument to me in addition to the proposed recommended
12 orders?

13 MR. KNOX: I can do it written, just as easy
14 for me.

15 MR. McALVANA: Yeah, I don't mind a written
16 argument, gives you time to collect your thoughts.

17 MR. KNOX: Yes.

18 HEARING EXAMINER: All right. Well, then,
19 the way I handle this is if you do choose to do the
20 written argument, I will read the arguments, all the
21 ones that are submitted, before I start reading the
22 proposed recommended orders.

23 MR. McALVANA: How long do we have to submit
24 written argument?

25 HEARING EXAMINER: You can submit those the

1 same time as the proposed recommended order.

2 MR. McALVANAH: Okay.

3 HEARING EXAMINER: Unless you want to read
4 each other's before you write your proposed recommended
5 order. It's really up to you.

6 MR. McALVANAH: That's a good idea -- no, I
7 don't have a problem with that.

8 MR. KNOX: That's fine.

9 HEARING EXAMINER: All right. So, you'll
10 just submit it in the same packet? All right.

11 MR. KNOX: Yes.

12 MR. McALVANAH: Yes.

13 HEARING EXAMINER: Does anyone have any
14 problem with the 25-page limit on the proposed
15 recommended order?

16 MR. KNOX: I don't.

17 MR. PIERSON: No.

18 HEARING EXAMINER: I don't either. I just
19 wanted to make sure. And will this be transcribed?

20 MR. PIERSON: Yes.

21 HEARING EXAMINER: All right. Of course,
22 under our rules, if this hearing is transcribed, your
23 proposed recommended orders are due in my office ten
24 days after the filing of the transcript with me.

25 Also under our rules, ten days means filed,

1 not dropped in a mailbox. Because one of the parties
2 is in Tallahassee, however, sometimes that's not fair
3 because they get the full nine-and-a-half days and
4 everyone else only gets about seven days. Do you want
5 to have it to where "filed" means postmarked, or do you
6 want to go ahead with our normal rule.

7 MR. MCALVANAH: I'd rather have it
8 postmarked, that gives me a couple of extra days.

9 HEARING EXAMINER: All right. I just try to
10 keep equity of the parties, which is why I mentioned
11 it. So for purposes of this proceeding, regardless of
12 what our rule says, "Filed" will mean postmarked. So
13 it will be postmarked ten days from the filing of the
14 transcript.

15 And will the court reporter, I am instructing
16 the court reporter at this time to notify the parties
17 when it has been filed with my offices. Because there
18 is the 10-day limit, which hasn't been waived, I would
19 request that they be notified both by telephone and by
20 a Notice of Filing.

21 THE REPORTER: Yes, ma'am.

22 HEARING EXAMINER: Now, in addition, if
23 someone has a Federal Court case that you weren't
24 expecting to have within the period of time between the
25 transcript and if the ten days becomes impossible, good

1 cause such as a federal trial will be considered by me
2 as far as the filing deadlines. However, don't just
3 contact me and ask for a waiver if something unusual
4 occurs. It would be up to you to contact the other
5 parties. If there are objections, then, of course, I
6 would have to have a hearing and it would have to be
7 something extreme because everyone has the right to
8 have it filed promptly.

9 MR. McALVANAH: Can I just understand that
10 procedure, Your Honor? Are you saying that you need
11 good cause and no objection from the other counsel, or --

12 HEARING EXAMINER: No, you need -- if no one
13 -- I mean if you don't have good cause and no one
14 objects between the parties, that's fine with me, you
15 can waive it. However, if you think you have good
16 cause and everyone else disagrees, then we'll have the
17 hearing and then I will hold it to a high standard of
18 good cause.

19 You may think it's silly to talk about this
20 now but you'd be surprised how often this occurs; and
21 it does save you and me time, of course, on this,
22 because I'm out of town a lot.

23 Now, if you do file everything at the right
24 time and are within the filing deadlines, then, of
25 course, I'm under an obligation to file my recommended

1 order with the Commission within 30 days from the
2 filing of the transcript. Once again, based on my
3 schedule, it would be unusual that it would come up too
4 soon before that, but you could expect it by 30 days.
5 And "filed" means me physically placing it in my
6 Clerk's office, not postmarked. And that's because
7 another agency does pick up our mail and I can only get
8 the filing done for my purposes within my Clerk's
9 office.

10 Are there any questions about that aspect of
11 this proceeding? All right. Well, I believe that
12 concludes it for now. Let me check and make sure I've
13 got all the exhibits. The County Plan will be
14 forthcoming within ten days.

15 The Petitioner's Exhibit 1 is here before me.

16 Petitioner's Exhibit 2?

17 MR. McALVANA: We just found these, these
18 are up there, these are just copies?

19 WITNESS TURCO: Yes, those are the same
20 thing. The only thing it doesn't have is the arrow
21 "North" on it, that's the only thing it doesn't have.
22 I can put "North" on that if you want me to.

23 MR. CHAPDELAIN: Does Geiger run east and
24 west?

25 WITNESS TURCO: Geiger Road? Yes, east and

1 west.

2 HEARING EXAMINER: All right, we'll go off
3 the record for a moment while I review this and make
4 sure I have all the exhibits. That way if you have
5 some discussion.

6 (Discussion off the record)

7 HEARING EXAMINER: We'll go back on the
8 record. I do have all the exhibits except for the
9 County Comprehensive Plan, Respondent's Exhibit 2, the
10 map, and Petitioner's Exhibit 4, which is the
11 information regarding the tariffs. So I will await
12 receiving copies of those. If there are any objections
13 to those exhibits, you have five days after they're
14 filed to submit any written objections; but at this
15 point, it's my understanding generally that there won't
16 be concerning the County Plan and the notice of the
17 tariff.

18 Okay. Well, that concludes the evidentiary
19 portion. I'll await your proposed recommended orders.
20 Thank you.

21 MR. KNOX: Thank you.

22 MR. PIERSON: Thank you.

23 (Hearing concluded at 12:45 p.m.)

24 - - - - -

25

1 F L O R I D A)
2 :
3 COUNTY OF LEON)

CERTIFICATE OF REPORTER

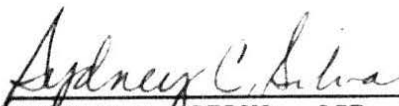
4 I, SYDNEY C. SILVA, CSR, RPR, Official
5 Commission Reporter,

6 DO HEREBY CERTIFY that the hearing in the
7 captioned matter, Case No. 91-1159, was heard by the
8 Division of Administrative Hearings Hearing Examiner at
9 the time and place herein stated; it is further

10 CERTIFIED that I reported in shorthand the
11 proceedings held at such time and place; that the same has
12 been transcribed under my direct supervision, and that
13 this transcript, consisting of 90 pages, inclusive,
14 constitutes a true and accurate transcription of my notes
15 of said proceedings; it is further

16 CERTIFIED that I am neither of counsel nor
17 related to the parties in said cause and have no interest,
18 financial or otherwise, in the outcome of this docket.

19 IN WITNESS WHEREOF, I have hereunto set my hand
20 at Tallahassee, Leon County, Florida, this 20th day of
21 May, A.D., 1991.

22 
23 SYDNEY C. SILVA, CSR, RPR
24 OFFICIAL COMMISSION REPORTER
25 FPSC Bureau of Reporting
Fletcher Building, Room 264
101 East Gaines Street
Tallahassee, Florida 32399-0871
Telephone No. (904) 488-5980

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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HEARINGS

BETMAR UTILITIES

VS

PUBLIC SERVICE COMMISSION

SVS

FINAL ARGUMENT

Petitioner/Applicant, BETMAR UTILITIES, INC., by and through its undersigned attorney, hereby files its Final Argument in this cause as follows:

INTRODUCTION

The basic criteria governing applications by utility companies for extension of their certificated areas is set forth in Section 367.045 Florida Statutes. The specific criteria which must be considered are set forth in subsection (5)(a) and include whether or not the proposed amendment would be in the public interest; whether the proposed extension will be in competition with or a duplication of any other system or a portion of a system; and, if so, whether the other system is inadequate to meet the reasonable needs of the public or whether the operator of that other system is unable, refuses, or neglects to provide reasonably adequate service. In addition to meeting the criteria set forth in subparagraph (5)(a) of Section 367.045, an applicant for

extension of territory must demonstrate compliance with the application criteria set forth in (2)(b). Under that section the utility must demonstrate the ability to provide service; the need for service in the area that the applicant seeks to add; the existence or nonexistence of service from other sources within geographic proximity to the area that the applicant seeks to add; and the description of the area sought to be added. These criteria are tracked and expanded upon in Rule 25-30.036 Florida Administrative Code promulgated by the Public Service Commission. Betmar has demonstrated, by unrefuted evidence, that it has complied with all application criteria as well as the criteria set forth in Section 367.045(5)(a) Florida Statutes.

POINT I

**BETMAR HAS DEMONSTRATED COMPLIANCE WITH
ALL CRITERIA FOR IN THE PROVISIONS OF THE
LAW AND PUBLIC SERVICE COMMISSION RULES
GOVERNING APPLICATIONS FOR EXTENSION OF
CERTIFICATED TERRITORY.**

The argument presented by BETMAR in support of its application will be addressed specifically to the area abutting Geiger Road. It became evident from the evidence presented that the City of Zephyrhills and Pasco County have agreed, as between themselves, to allow Pasco County to provide sewer services in all areas into which Betmar seeks to extend its service with the exception of a strip along Geiger Road some 330' deep. Since Pasco County and Betmar also have a contract which allows Betmar to provide service within the areas for which Betmar is seeking to

extend that service, it follows that the only area in dispute between the City and Betmar is the 330' strip along Geiger Road.

In tracking Rule 25-30.036(1), the rule setting forth the criteria which Betmar must meet to demonstrate compliance with the application requirements of the Public Service Commission, Betmar would contend that the unrefuted evidence demonstrates that all rule requirements have been fulfilled. Betmar has shown a definite financial and technical ability to provide service to the Geiger Road area notwithstanding the fact that the City of Zephyrhills has the potential for providing that service in the future. Betmar's Vice President, Joseph Turco, testified that the company has water and sewer lines abutting the Geiger Road property. All that would be required to provide service is to run gravity lines from that property to the existing lines along its boundaries. The City of Zephyrhills, on the other hand, has lines which terminate on the north side of Geiger Road and further to the east. In order to provide service to this strip of property along Geiger Road the City would have to jack and bore under the road and extend its existing lines west along Geiger Road from the area known as Wedgwood to the point, at Silver Oaks, where the City would be required to extend its lines underneath Geiger Road. Mr. Turco testified that Betmar has a PSC approved tariff which allows him to make these connections at 110% of the actual cost without charging impact fees. Since the extension requires only collection service through lines similar to those owned by the utility the which are already in the ground, there is

really no technical difficulty in providing that service, which position was clearly demonstrated by Mr. Turco's testimony.

Pasco County's Comprehensive Plan is in effect for the Geiger Road area since it is located in the unincorporated territory of the county. As has been previously mentioned, Betmar and Pasco County have entered into an agreement which allows Betmar to provide service to the areas for which Betmar has applied to extend its certificate. It is clearly the policy of the water and sewer sub-elements of the County Comprehensive Plan to work out satisfactory service areas between local utilities. Consequently, as demonstrated by the fact that the County has entered into an agreement with Betmar allocating the service territory to Betmar, the extension request is consistent with the County's Comprehensive Plan.

Under other applicable criteria set forth in 25-30.036, Betmar has attached a copy of the description of the territory which it seeks to serve as well as a detailed system map showing the proposed lines and territories to be served. These items were submitted into evidence. Since no treatment is provided by Betmar, the criteria of the rule requiring evidence of ownership and location of the treatment facilities is not relevant to Betmar's application. Treatment facilities are provided by Pasco County, as was testified to by Mr. Turco. This fact also obviates the need to comply with the rule requirements pertaining to the upgrading of existing treatment plants and disposal by spray irrigation which are not applicable where the utility does not provide treatment.

The next relevant criteria set forth in the rule pertain to the capacity of existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension. Mr. Turco testified in detail as to the size of existing lines provided by Betmar Utilities in the vicinity of the area into which it seeks to extend service. The collection lines for sewer range between 6" and 10", as do the water lines. Mr. Turco also testified that the company has numerous private wells which supply water up to 700,000 gallons per day and that both the water and sewer collection facilities available from the company were adequately sized to provide the service required for the areas into which Betmar is seeking the extension. As previously mentioned, Pasco County provides treatment at its subregional sewage plant for the sewage actually collected by Betmar. The design capacity of that sewage plant is far in excess of the amount of sewage that would be added to the system by the area in which Betmar is seeking to extend. Mr. Turco testified that all facilities which serve this certificated area are currently approved, active and permitted by the Department of Environmental Regulation.

Both Mr. Turco and Mr. Nichols from the City of Zephyrhills testified that the area along Geiger Road is most likely to be developed either residential or commercial with regard to the customers that are anticipated to be served. Mr. Turco testified that the other areas into which he seeks the extension would also be developed as residential or commercial. He also testified that the projected impact on the utility's monthly rates and service

availability charges, would be to lower those charges. The proposed tariff adding the proposed certificated area has been submitted as a late filed exhibit.

Based upon the foregoing, the unrefuted evidence demonstrates that Betmar has met all application requirements for filing the application to extend its service to the areas depicted in Petitioner's Exhibit 2 as legally described in Exhibit 1 in evidence submitted by Petitioner.

POINT II

THE EVIDENCE DEMONSTRATES THAT BETMAR'S APPLICATION MEETS ALL STATUTORY CRITERIA FOR THE GRANTING OF AN EXTENSION OF CERTIFICATED AREA

A. Competition/Duplication. The requirements of Section 367.045(5)(a) are specific. The Commission cannot grant an extension request which would result in competition or duplication of any other system unless it is determined that the other system is inadequate to provide the service or that the operator of the other system refuses to provide service. Betmar has demonstrated that the competition/duplication issue would not prevent the Public Service Commission from approving its application. As has been previously pointed out, the City of Zephyrhills does not have any water or sewer lines abutting the contested area along Geiger Road. The City would be required to extend its lines in order to provide service to these areas where Betmar already has existing lines abutting this property. Consequently, there is no

duplication of lines since the City does not have lines at this time. Also, since the property in question along Geiger Road is currently vacant, there is no question of competition involved. Neither utility is currently providing service to the property.

Even if it were determined that Betmar's application would result in competition or duplication of service, the provisions of the law allowing the Public Service Commission to approve the application where the operator of the competing system refuses to provide reasonably adequate service would come into play. As has been pointed out, the property in dispute is located in the unincorporated territory of Pasco County and is therefore under the jurisdiction of the Pasco County government. The City of Zephyrhills has stated as a basis for its objection to Betmar's extension that the City desires to control the use and development of the Geiger Road property through the ability to provide or deny utility service. In that regard, the City has adopted an ordinance which requires the owner of any property which is contiguous to the city limits to annex into the City before the City will provide water or sewer service. Mr. Nichols testified that, in that manner, the City is able to control zoning and use of the property. Mr. Nichols, the City Manager, also testified, however, that if an applicant did not wish to annex into the City, the City would refuse to provide water or sewer service. Under those circumstances, Mr. Nichols testified that the County would be able to provide service under the terms of its agreement with the City of Zephyrhills. Since the County has an agreement with Betmar to allow Betmar to provide water and sewer service in the

area along Geiger Road, it follows that Betmar would be able to provide the service in the event the property owners along Geiger Road did not wish to annex into the City of Zephyrhills. There was no evidence presented of any actual refusal by the City to provide water and sewer service since there was no evidence that anyone along Geiger Road had ever approached the City for that service, so it is not possible to say that the City has actually refused to provide service at this point in time. However, the City has a clearly established policy of refusing that service unless a property owner annexes into the City. Since this property along Geiger Road is contiguous to the city limits, the policy is applicable to this property and the potential for refusal is present. Consequently, even if it was determined that Betmar had competing or duplicative facilities, the City's refusal policy would provide the Public Service Commission a basis for approving the extension.

B. Public Interest. Another question that must be considered by the Public Service Commission in granting or denying an extension request is whether the proposed extension is in the public interest. The Florida Legislature has simplified this issue under the circumstances which have been shown to exist in this case. Chapter 180 Florida Statutes governs the manner in which municipalities can provide public works including water and sewer facilities. Section 180.06 Florida Statutes authorizes municipalities and private companies to provide water supply, sewage collection and sewage disposal services. Under the last paragraph of that section, however, a municipality is prohibited

from extending its lines into any adjacent area where a private company is already operating a water or sewer system. Specifically the statutory language states the following:

"However, a private company or municipality shall not construct any system, work, project, or utility authorized to be constructed hereunder in the event that a system, work, project or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction."

The evidence before the Hearing Officer clearly demonstrates that Betmar has water and sewer facilities not only adjacent to the Geiger Road property but immediately abutting that property. Moreover, the unrefuted evidence presented by Mr. Turco was that these lines are currently active and being operated by Betmar Utilities. Consequently, any extension of water or sewer facilities by the City of Zephyrhills would be prohibited by Section 180.06 Florida Statutes. The Florida Legislature, therefore, has already made the decision that the proposal by the City of Zephyrhills to extend its facilities into the Geiger Road area would be contrary to the public interest since Betmar is already able to provide service to that area.

Even if Section 180.06 did not exist, the extension would still be in the public interest solely because of the policy adopted by the City of Zephyrhills with regard to annexation and extension of service. If a property owner sought water and sewer service but did not seek to annex into the City, the City Manager testified that the City's utility service would be denied to that property owner. Under those circumstances, since Betmar has an

from extending its lines into any adjacent area where a private company is already operating a water or sewer system. Specifically the statutory language states the following:

"However, a private company or municipality shall not construct any system, work, project, or utility authorized to be constructed hereunder in the event that a system, work, project or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction."

The evidence before the Hearing Officer clearly demonstrates that Betmar has water and sewer facilities not only adjacent to the Geiger Road property but immediately abutting that property. Moreover, the unrefuted evidence presented by Mr. Turco was that these lines are currently active and being operated by Betmar Utilities. Consequently, any extension of water or sewer facilities by the City of Zephyrhills would be prohibited by Section 180.06 Florida Statutes. The Florida Legislature, therefore, has already made the decision that the proposal by the City of Zephyrhills to extend its facilities into the Geiger Road area would be contrary to the public interest since Betmar is already able to provide service to that area.

Even if Section 180.06 did not exist, the extension would still be in the public interest solely because of the policy adopted by the City of Zephyrhills with regard to annexation and extension of service. If a property owner sought water and sewer service but did not seek to annex into the City, the City Manager testified that the City's utility service would be denied to that property owner. Under those circumstances, since Betmar has an

agreement with Pasco County to provide service in the Geiger Road area, the only utility which would be authorized to provide service would be Betmar. Consequently, the possibility that a property owner may reject the annexation alternative must be contemplated by the Public Service Commission in its determination as to whether the extension is in the public interest. Since Betmar would be the only utility available to provide service in the event the City of Zephyrhills denied that service it is definitely in the interest of those property owners along Geiger Road that the extension be granted so that service will be available to them when they seek to develop.

C. Section 367.045(2)(b) Criteria. The evidence presented by Betmar also demonstrates compliance with the criteria for applicants set forth in Section 367.045(2)(b) Florida Statutes. The availability of existing 6" to 10" sewer collection and water lines abutting all areas into which Betmar seeks an extension has been demonstrated and therefore service availability has been demonstrated. Mr. Turco testified that several owners of property in the area in the area for which an extension has been requested have contacted him about the possibility of providing sewer service. Both Mr. Turco and the City Manager, Mr. Nichols, testified that the area will be developing as residential and commercial at some time in the not too distant future at which time service will need to be available. Moreover, the area for which the extension is sought is surrounded by other areas where development has already occurred and which are currently being served by Betmar Utilities.


The criteria in the section of the statute pertaining to the existence or nonexistence of service from other sources within the geographic proximity of the area for which the extension is sought is similar to the issues related to competition and duplication of services, at least by inference. Section 180.06 Florida Statutes should be dispositive of any competition issue which might arise under this criteria, however, the same arguments pertaining to the lack of competition or duplication which were raised in the issues recited above would apply equally to this particular criteria. Consequently, Betmar has demonstrated compliance with this criteria as well.

CONCLUSION

Based upon the foregoing, Betmar has demonstrated compliance with all application criteria and all criteria which must be considered by the Public Service Commission in granting a request for an extension of the certificated area of Betmar Utilities.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by regular U.S. Mail, to Thomas P. McAlvanah, Esq., 37818 Highway 54, W. Zephyrhills, FL 33541, this 20th day of May, 1991.



SCOTT L. KNOX, ESQ.
Scott L. Knox, P.A.
28870 U.S. 19 N., Suite 230
Clearwater, FL 34621
(813) 796-8848
Attorney for BETMAR UTILITIES
FLORIDA BAR NO. 211291

RECEIVED

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS 9-3 PM 12:41

DOAH NUMBER 91-001159

DIVISION OF
ADMINISTRATIVE
HEARINGS

BETMAR UTILITIES

VS

PUBLIC SERVICE COMMISSION

PROPOSED RECOMMENDED ORDER

Petitioner, BETMAR UTILITIES, INC., by and through its undersigned attorney, hereby proposes the following Order in connection with the Petitioner's application for an extension of certificated territory:

PROPOSED FINDINGS OF FACT

1. Betmar seeks an extension of its certificated territory into the areas identified in the legal description attached to its petition. Those areas are depicted in yellow and orange on Petitioner's Exhibit "2" in evidence.

2. Betmar currently provides service to the areas depicted in orange on Petitioner's Exhibit "2". That service was provided prior to the time that the current statute governing the extension of certificated areas was adopted.

3. The City of Zephyrhills has filed an objection to Betmar's extension application. The City admitted that the objection extends only to the property abutting Geiger Road and extending some 330' south of Geiger Road.

4. Betmar currently provides water and sewer lines varying from 6" to 10" in size abutting or located in all properties described in its application for extension, including the area abutting Geiger Road.

5. The City's water and sewer lines stop north of Geiger Road in the Silver Oaks area. The City also has water and sewer lines which extend to the south side of Geiger Road at the far eastern end of the area for which Betmar is seeking an extension.

6. In order to provide service to the properties abutting Geiger Road the City would have to extend its lines westward along Geiger Road for the entire area for which Betmar is seeking to extend its service territory. In addition, the City would have to extend its lines beneath Geiger Road from the Silver Oaks area in order to provide water and sewer service.

7. Betmar's lines in the area for which it seeks an extension are currently active and Betmar is operating a water and sewer system in that area.

8. Betmar has a tariff approved by the Public Service Commission which allows it to charge 110% of the cost of the extension of service from its existing lines to any property seeking service.

9. Owners of property abutting Geiger Road have contacted Betmar about the possibility of providing service. A formal request for service has been made by Jake Developers for service in that area.

10. The City of Zephyrhills has an adopted ordinance which requires annexation of contiguous property as a condition of receiving water and sewer service.

11. The area in dispute abutting Geiger Road is contiguous to the city limits.

12. The City seeks to control the use or development of property along the Geiger Road corridor through its ability to provide or withhold utility service.

13. Betmar provides potable water service and supplies its customers from five (5) privately owned wells which have the capacity of serving up to 700,000 gallons per day.

14. Betmar provides sewer collection services only. Sewer treatment services are provided by Pasco County under an agreement with Betmar Utilities.

15. The City of Zephyrhills and Pasco County have an inter-local agreement allocating sewer service areas. Under that inter-local agreement Pasco County has agreed to allow the City of Zephyrhills to provide sewer and water service in the disputed area abutting Geiger Road. Pasco County is authorized to provide those services in all other areas for which the application has been sought by Betmar.

16. The application area is located in the unincorporated area of Pasco County. The County has an adopted Comprehensive Plan which covers the area for which the extension has been requested. The City does not have an adopted Comprehensive Plan covering the area for which the extension has been requested and has no jurisdiction to adopt such a plan.

17. Betmar's sewage collection facilities abutting the Geiger Road property are gravity lines.

18. The City of Zephyrhills collection facilities on the north side of Geiger Road in the Silver Oaks area and at the eastern end of the Geiger Road property in dispute are force mains.

19. Betmar's water facilities are amply sized to provide fire protection services.

20. Betmar's water facilities are intertied with a Pasco County water line for start-up and emergency purposes.

21. Betmar's sewer collection system is intertied with a 10" Pasco County sewer main which transmits sewage flows to the Pasco County subregional wastewater treatment plant.

22. Betmar has approximately 900 wastewater and sewer customers and 600 water only customers in the area depicted in white on Petitioner's Exhibit "2".

23. Betmar charges no water or sewer impact fees for connection into its system.

24. The City of Zephyrhills charges a water impact fee of \$350.00 and a sewer impact fee of \$1,278.00 for connection into its system.

25. Betmar anticipates a reduction in water and sewer rates if the extension is approved.

26. No further investment in the sewer or water plant is required for Betmar to provide service in the area for which extension has been requested.

27. Betmar's proposed amended tariff describing the area for which the extension is proposed is introduced in evidence as Petitioner's Exhibit "4".

PROPOSED CONCLUSIONS OF LAW

1. Betmar has met all the criteria for an extension of certificated service territory set forth in Section 367.045 Florida Statutes and Rule 25-30.036 Florida Administrative Code.

2. Betmar has the financial and physical ability to provide service to the area for which it seeks to extend its certificate.

3. Although the City of Zephyrhills has existing water and sewer lines in the vicinity of the area for which Betmar seeks to extend its certificate, the proposed extension of the certificated territory does not create any competition with or duplication of services provided by the City of Zephyrhills.

4. Assuming that the proposed extension would create competition or duplication of services with the City of Zephyrhills, the City's policy of refusing to provide water and sewer service to property owners of contiguous property who do not wish to annex into the City constitutes a refusal which allows the Public Service Commission to approve the requested certificate extension.

5. The requested extension is in the public interest.

6. The only area in the extension request objected to by the City of Zephyrhills is depicted in yellow on Petitioner's Exhibit "2" as the area approximately 300' in depth immediately abutting Geiger Road. The remaining area in the application has

not been objected to by any party and should be approved as having met all criteria set forth in the applicable rules and statutes.

7. The City of Zephyrhills is prohibited, under Section 180.06 Florida Statutes, from extending its existing water and sewer lines to the Geiger Road area which is part of the area for which Betmar has requested an extension of its certificated territory.

PROPOSED ORDER

IT IS THEREFORE ORDERED that the application for extension of certificated territory to the area described in Exhibit "A" attached hereto is hereby approved. It is

FURTHER ORDERED that the property described in the proposed amended tariff of record in this case is hereby incorporated into the service territory approved for Betmar Utilities, Inc. It is

FURTHER ORDERED that Betmar Utilities, Inc. shall submit its original Certificate to the Public Service Commission for amendment consistent with the approval of this extension request within thirty (30) days after the date of this Order.

DONE AND ORDERED this _____ day of _____, 1991.

Gibbs & McAlvanah
ATTORNEYS AT LAW

A. P. Gibbs & Thomas P. McAlvanah

37818 Hwy 54 West • Telephone (813) 782-2002 • Zephyrhills, Florida 33541

May 31, 1991

RECEIVED
1991 JUN -3 PM 12:42
DIVISION OF
ADMINISTRATIVE
HEARINGS

VERONICA DONNELLY
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

Re: **Betmar Utilities, Inc. v. City of Zephyrhills and Pasco
County and Public Service Commission**
Case Number: 91-1159

Dear Ms. Donnelly:

Please find enclosed Written Argument on behalf of the City of Zephyrhills in opposition of Betmar Utilities' Petition to extend its service area. You will note that I have enclosed two (2) proposed final Orders, which address our alternate positions regarding total denial, or in the alternative, modification to delete that portion of the property from Betmar's application which is located within the City's delineated service area.

Yours truly,


THOMAS P. McALVANAH, ESQUIRE

TPM/saf
Enclosures

cc: Scott L. Knox, Esquire

RECEIVED

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

1991 JUN -3 PM 12:42

DIVISION OF
ADMINISTRATIVE
HEARINGS

BETMAR UTILITIES, INC.,

Petitioner,

vs.

CASE NO.: 91-1159

CITY OF ZEPHYRHILLS and
PASCO COUNTY,

Respondents,

and

PUBLIC SERVICE COMMISSION,

Intervenor.

WRITTEN ARGUMENT

The Respondent, CITY OF ZEPHYRHILLS (hereinafter referred to as the "CITY"), herein files its Written Argument opposing Petitioner's, BETMAR UTILITIES, INC. (hereinafter referred to as "BETMAR") Application to Amend its Certificate of Authorization to include additional territory outside its initial certificate.

References to the transcript of the hearing shall be made by designating the letter "T", followed by the page or pages upon which the particular testimony can be found.

References to the "northern area in dispute" will refer to that area located northerly of BETMAR's existing service area and immediately south of the Geiger Road right of way. The "southern area in dispute" will refer to that area south of BETMAR's existing service area and north of State Road 54.

ARGUMENT

I. BETMAR'S APPLICATION FAILS TO CONFORM WITH THE APPLICABLE STATUTE AND RULES:

Florida Statute 367.045 (2)(b) states that the applicant provide the information required by the Commission's Rule. The Rule in question, 25-30.036 (1)(d) requires that the applicant

provide evidence that it owns the land upon which the treatment facilities are located, or at the very least, has a long term lease (such as one for 99 years). The testimony and exhibits establish that BETMAR has dismantled its former treatment plant and at this time, owns no treatment facilities. (T-33). BETMAR relies solely on Pasco County for treatment service and operates merely as a collection agent for the County.

It would appear that the Public Service Commission's rationale for requiring the applicant to provide proof of its ownership or possessory right in a treatment center is to assure that the utilities customers will enjoy an uninterrupted service for a significant period of time. In the Instant case, the evidence shows that BETMAR merely has only a 25 year Bulk Transfer Agreement with the County, (Petitioner's Exhibit 3). On Page 9 of said Agreement, the County has reserved the right to act in the best interest of its own customers. Writer would suggest that said provision is tantamount to a "bailout" clause if the County reasonably concluded that the treatment capacity utilized by BETMAR was needed for County customers and could result in the cessation of the Bulk Transfer Agreement. This arrangement does not meet the requirements of the Public Service Commission's applicable rule. New customers should have the security of a utility with its own treatment facilities to assure proper land management and growth.

II. GRANTING BETMAR'S REQUEST FOR AN AMENDED CERTIFICATE OF AUTHORIZATION IS NOT IN THE PUBLIC'S INTEREST:

Florida Statute 367.045 (5)(a) bestows upon the Commission, discretion to grant or amend a certificate in whole or in part or with modifications in the public's interest. The public interest in East Pasco County would not be served by granting BETMAR's application. Zephyrhills City Manager, Nick Nichols testified that the CITY has 2½ million gallon a day capacity wastewater treatment and has adequate revenues and capacity to serve the area (T-61). Nichols also testified that the City of Zephyrhills

has already in place sewer and water facilities immediately north of the northern area in dispute at the Silver Oaks Planned Unit Development and immediately east thereof at the Wedgewood Planned Unit Development. (T-58). Nichols testified that the CITY intends to complete the loop and connect the two plan developments and that said loop would run through the northern disputed area. City Manager's testimony was that the CITY had delayed the completion until the COUNTY had completed the acquisition and design of the Zephyrhills West By-Pass. (T-73).

Nichols also testified that the CITY had adequate resources and capacity to serve the northern disputed area. (T-72).

The City's Manager also testified that the CITY servicing of the northern disputed area would help to insure proper growth management and avoid strip zoning. (T-66, 67).

Writer would submit that it is in the public's best interest that the time, energy and monies expended by the CITY to date in anticipation of connecting the loop through the northern disputed area and its desire to insure reasonable growth management are items by which the public is best served if the applicant's request is denied, particularly for the northern disputed area.

III. GRANTING BETMAR'S PETITION WOULD DO VIOLENCE TO THE COMPREHENSIVE PLANS OF BOTH PASCO COUNTY AND THE CITY OF ZEPHYRHILLS:

Respondent's Exhibit 1, Interlocal Agreement between the CITY and the County, delineated service areas for providing utility services between the County and the CITY. Such agreements are not only allowed by statute, but encouraged. (See Florida Statutes Chapter 163). It is the intent of the Statute and the purpose of these agreements to assure that local government units make the most efficient use of their powers by cooperating in areas of mutual advantage. In the Instant case, Pasco County and the CITY have cooperated to delineate service areas and to avoid duplication of services. The northern area in dispute is within the CITY's service area. The Comprehensive

Plans of both governmental entities acknowledge the Interlocal Agreements and reaffirm each entities intent to abide thereby. Granting of the Application to expand BETMAR's service area would diminish the effectiveness of the Agreement and also potentially cause the County's breach thereof. Granting any breach of the Interlocal Agreement would be in contravention of the CITY's and County's Comprehensive Plans. BETMAR has acknowledged that the County and not BETMAR will service the treatment needs of customers within the areas sought to be included in the expansion. (T-37). Insomuch as the County has agreed not to service those areas, unless the CITY fails or refuses to provide such service, BETMAR's extension and delivery of wastewater to be treated by the County would constitute a breach of the agreement and therefore violate the Comprehensive Plan. Florida Statute 37.045 (5)(b) mandates that the Commission consider, but not be bound by the local Comprehensive Plan of the County or CITY. While not controlling, Commission should deny the request because it does violence to the local Comprehensive Plans and is not in the best interest of the public.

IV. THE CITY HAS A LEGAL BASIS FOR CLAIM TO THE DISPUTED AREA TO THE EXCLUSION OF BETMAR:

The Fifth District Court of Appeals recently considered a case with striking similarities to the Instant case. In City of Mt. Dora, Florida v. JJ's Mobile Homes, Inc., (Case No. 90-733, 5DCA, Opinion filed 4/25/91, Mandate 5/13/91), the Court held that the Public Service Commission's granting of a franchise is exclusive and subsequent annexation by the City does not give it the right to extend services to an area. Recognizing the finality of a certificate granted by the Public Service Commission, the Court pronounced a test that Courts should follow when called upon to resolve disputes between competing utility interests. Beginning on Page 1117 of the Opinion, and continuing through Page 1118, the Court established six (6) principals to govern such cases. The sixth principal announced by the Court is

of particular interest to this cause. The Court stated:

When each of two public service utility entities, whether governmental or private, have a legal basis for the claim of a right to provide similar services in the same territory and each has the present ability to promptly and efficiently do so, that entity with the earliest acquired (prior) legal right has the exclusive legal right to provide service in that territory without interference from the entity with the later acquired (subsequent) claim of right.

In the Instant case, the CITY has acquired through the Interlocal Agreement with the County, a legal basis for its claim to service the northern and southern disputed areas. The northern portions claim is primary, because the CITY has a right of first refusal; the southern disputed area is contingent upon the County's refusal to service therein. Writer expects that BETMAR will claim that it should not be bound by the agreement, because it is not a party thereto. Under normal circumstances, this argument might prevail, however, in the Instant case, the argument fails, because BETMAR has "hitched its wagon" to the County by exclusively utilizing the County's treatment facilities. Therefore, BETMAR should be bound by the County's prior agreement and abide thereby. This is particularly true on that portion where the CITY has the first option to service and the territory is located within the CITY's delineated utility service area.

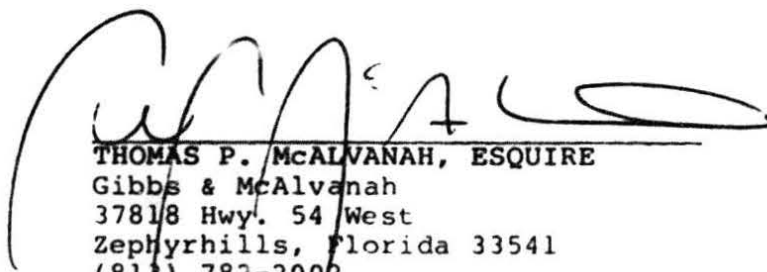
CONCLUSION:

The CITY's position is in the alternative. The CITY believes that the applicant's request to extend services should be denied altogether, because it fails to conform with the applicable Rule, by failing to provide evidence that BETMAR meets the requirement that it owns or has a substantial leasehold interest in the land upon which the treatment facilities are located. In addition, the CITY has a prior claim on both the northern and southern areas in dispute, pursuant to the Interlocal Agreement between the County and the CITY. While the claim is stronger on the northern area, the claim on the southern

area, nonetheless is a vested interest although contingent upon the County's refusal to serve.

In the alternative, the CITY would argue that the applicant's request be modified to delete the northern area in dispute. In addition to the arguments advanced above, the rationale for deleting this area would include the fact that the inclusion of this area is incompatible and inconsistent with the County and CITY's Comprehensive Plan, would constitute a breach of the existing Interlocutory Agreement between the County and the CITY and that the CITY has a prior and superior claim to the northern area in dispute which should be recognized, pursuant to the City of Mt. Dora, Florida, supra.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular U.S. Mail on this 31st day of May, A.D., 1991, to: SCOTT L. KNOX, ESQUIRE, 28870 U.S. 19 N., Suite 230, Clearwater, Florida 34621 and Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399 and the original to: Veronica Donnelly, Hearing Officer, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399.



THOMAS P. McALVANAH, ESQUIRE
Gibbs & McAlvanah
37818 Hwy. 54 West
Zephyrhills, Florida 33541
(813) 782-2002
Attorney for Respondent,
CITY OF ZEPHYRHILLS

DISTRICT COURTS OF APPEAL

16 FLW D1115

Criminal law—Search and seizure—Appellate court has jurisdiction to review state's appeal from order granting motion to suppress count of information—Double jeopardy—Trial court properly dismissed grand theft count on ground that it could not be proved without establishing the same facts as would be necessary in proving the elements of offense of obtaining property in return for worthless checks charged in remaining counts of information

STATE OF FLORIDA, Appellant, v. MONA VANDERBELT SMITH, Appellee. 5th District. Case No. 89-1219. Opinion filed April 25, 1991. Appeal from the Circuit Court for Lake County, Earle W. Peterson, Jr., Judge. Robert A. Butterworth, Attorney General, Tallahassee, and Judy Taylor Rush, Assistant Attorney General, Daytona Beach, for Appellant. James B. Gibson, Public Defender, and Michael S. Becker, Assistant Public Defender, Daytona Beach, for Appellee.

OPINION ON MOTION FOR REHEARING

[Original Opinion at 15 F.L.W. D1865]

(HARRIS, J.) This matter was originally dismissed for lack of jurisdiction because it was an appeal from an order granting a motion rather than from an order specifically dismissing a count of the information. See Rule 9.140(c)(1)(A), Rules of Appellate Procedure. However, on the authority of *State v. Saufley*, 574 So.2d 1207 (Fla. 5th DCA 1991), we grant rehearing and withdraw our original opinion, determine that we have jurisdiction and proceed on the merits.

On October 23, 1988,¹ Mona Smith passed worthless checks to Sears in exchange for merchandise having a value in excess of \$. She was charged with both grand theft and obtaining property in return for worthless checks. The trial court dismissed the grand theft count because it "could not be proved without establishing the same facts as would be necessary in proving the elements of the remaining counts of the information." We agree and affirm.

The state contends that since each offense contains different elements the dismissal was improper. It is true that the worthless check counts require proof that a check was involved in the offense. But this same element can satisfy the more general element in theft: "obtains . . . the property of another with the intent to . . . appropriate the property to his own use or to the use of any person not entitled thereto." The theft element is not different in the sense that it distinguishes theft from obtaining property in return for a worthless check; it is merely more inclusive. Obtaining property in return for a worthless check will always constitute theft because the more general theft element subsumes the more specific worthless check element. We agree that double jeopardy prohibits prosecution for this same offense.

DAUKSCH and GRIFFIN, JJ., concur.

¹ See Fla. Stat. § 21, Florida Statutes (1988) and not *Carawan v. State*, 515 So.2d 1171 (Fla. 5th DCA 1987) controls.

Criminal law—Search and seizure—Appellate court has jurisdiction over state's appeal from order granting motion to suppress—Officer lacked valid reason to stop defendant whom he observed walking aimlessly through multi parking lot while carrying unpackaged camcorder mounted on tripod

STATE OF FLORIDA, Appellant, v. TAMBERLANE DAVID MOODY, Appellee. 5th District. Case No. 89-1218. Opinion filed April 25, 1991. Appeal from the Circuit Court for Seminole County, Robert B. McGregor, Judge. Robert A. Butterworth, Attorney General, Tallahassee, and David S. Morgan, Assistant Attorney General, Daytona Beach, for Appellant. James B. Gibson, Public Defender, and Michael S. Becker, Assistant Public Defender, Daytona Beach, for Appellee.

OPINION ON MOTION FOR REHEARING

(HARRIS, J.) This matter was originally dismissed for lack of jurisdiction because it was an appeal from an order granting a motion rather than from an order specifically suppressing evidence. See Rule 9.140(c)(1)(B), Rules of Appellate Procedure. However, on the authority of *State v. Saufley*, 574 So.2d 1207 (Fla. 5th DCA 1991), we grant rehearing and withdraw our original opinion, determine that we have jurisdiction and proceed on the merits.

(Fla. 5th DCA 1991), we reinstate the appeal and grant rehearing, determine that we have jurisdiction and proceed on the merits.

Officer Antoszowski of the Altamonte Springs Police Department, while on "mall patrol," observed Tamberlane Moody walking aimlessly through the parking lot with an unpackaged VCR camcorder mounted to a tripod over his shoulder. There were no price tags attached to the camcorder, but Officer Antoszowski did see plastic on the legs of the tripods. Although the officer had not been advised that a camcorder had been stolen, he was suspicious because of the lack of packaging. He confronted Moody, directed him to place the camcorder on the trunk of the police vehicle, and demanded identification. A computer check revealed that Moody was wanted on a felony charge.

Moody was arrested on the felony warrant and, after it was confirmed that the camcorder was in fact stolen, charged with grand theft. The trial judge determined that Moody's detention was not based on reasonable suspicion and suppressed the evidence. We agree that this was a detention and not merely a street encounter and further agree that it was improper.

As stated in *Romanillo v. State*, 365 So.2d 220, 221 (Fla. 4th DCA 1978):

[T]he officers had only a "hunch" (although a good one as it turned out), that is, a "bare" or "unfounded" suspicion that something was wrong, which is clearly not sufficient to validate a stop and detention.

Perhaps carrying an unpackaged camcorder over one's shoulder in a parking lot is unusual. But the mere carrying of an unpackaged purchase (perhaps after buying a floor sample or verifying the contents of a previously packaged purchase) while wandering through a parking lot trying to remember where the car is parked does not justify even a brief seizure.

AFFIRMED. (DAUKSCH and COWART, JJ., concur.)

* * *

Public utilities—Water and sewer—Territorial dispute between private utility with certificates from Public Service Commission authorizing it to provide utilities in certain geographical territory and municipality which annexed portion of private company's service area—City is not authorized to interfere with preexisting rights granted by PSC to private company by mere subsequent annexation of a portion of the private company's territory—Where each of two public service utility entities, whether governmental or private, had legal basis for claim of a right to provide similar services in the same territory, and each has the present ability to promptly and efficiently do so, the entity with the earliest acquired legal right has the exclusive legal right to provide service in that territory without interference from the entity with the later acquired claim of right—Trial court properly found that municipality could not extend its water and sewer utility lines into private company's territory

CITY OF MOUNT DORA, FLORIDA, Appellant, v. JJ's MOBILE HOMES, INC., Appellee. 5th District. Case No. 90-733. Opinion filed April 25, 1991. Appeal from the Circuit Court for Lake County, Ernest C. Aulie, Jr., Judge. Sherri K. Dewitt and Houston E. Shon of Graham, Clark, Pohl & Jones, Winter Park, for Appellant. Mary M. McDaniel of Minkoff & McDaniel, P.A., Tavares, and Robert Q. Williams of Williams, Smith & Summers, P.A., Tavares, for Appellee.

(COWART, J.) This case involves a territorial dispute between a private utility company with certificates from the Florida Public Service Commission (PSC) authorizing it to provide utilities in certain geographical territory and a municipality which, subsequent to the acquisition by the private company of its utility franchise, annexed a portion of the private utility company's service area and claims the right to provide similar utility services in the annexed portion of the private utility company's service territory.

In 1981, a private utility company, JJ's Mobile Homes, Inc. (appellee herein, plaintiff below) obtained from the Florida PSC certificates of necessity granting the private utility company the

right (franchise) to operate a water and sewer utilities system within a specified geographical territory near, but outside of, the city limits of a municipality (the City of Mount Dora, appellant herein, defendant below). In 1988, the municipality voluntarily annexed into its city limits a tract of land most of which is within the private utility company's certified service territory and by ordinance approved a land developer's proposal that the municipality serve the developer by extending the municipality's water and sewer utilities into a portion of the newly annexed area of the private utility company's certified service territory.

The private utility company, as plaintiff, filed this action against the municipality, as defendant, for a judicial determination that the private utility company had the legal right to provide water and sewer service within all the territory specified in its certificates from the Florida PSC and that the municipality did not have the legal right to provide the same utility service within the territory. The trial court granted summary judgment in favor of the private utility company and the municipality appeals.

We adopt the trial court's finding of uncontroverted facts, conclusions of law and results. The trial court found the following facts to be uncontroverted:

1. The Plaintiff (private company) owns and holds Florida Public Service Commission Certificates Number 298-W and 248-S granting the Plaintiff the right to operate a water and sewer utility system within a specified territory.

2. On March 5, 1981, the Florida Public Service Commission entered an order approving the issuance of the foregoing water and sewer certificates to the Plaintiffs and in said order, found that notice as required by law had been given and that the issuance of the certificates to the plaintiff was "in the public interest."

3. Pursuant to that authority, the Plaintiff owns, operates and maintains an approved water and sewer utility system within the certified territory, which utilities have been in operation since the mid-1970's.

4. The Plaintiff's certificated territory encompasses Dora Pines mobile home subdivision, together with a large parcel of currently undeveloped property. The Plaintiff's utilities currently serve the Dora Pines mobile homes subdivision, which consists of approximately one hundred thirty-eight (138) water and sewer customers.

5. At the time the Plaintiff's water and sewer systems were constructed, they were designed and built for the purpose of providing water and sewer utility service to the entire certificated territory. The Plaintiff's utilities have the present ability to provide water and sewer service to the certificated territory.

6. The Plaintiff's water and sewer utilities have current operating permits from the Department of Environmental Regulation, which permits are valid through October 15, 1994. The sewer plant is currently permitted for ninety-five thousand (95,000) gallons per day, and current flows going into the plant are only about seventeen thousand (17,000) gallons per day. The plant is designed so as to be expandable up to two hundred ninety-five thousand (295,000) gallons per day.

7. Sometime in 1987, the Plaintiff learned that the Defendant was considering the voluntary annexation of a large tract of property, a significant portion of which was within the Plaintiff's certificated territory. The Plaintiff objected at that time to the City's proposed extension of its municipal utilities into the Plaintiff's certificated territory.

8. In Ordinance 467 (adopted May 3, 1988) and Ordinances 488, 489 and 490 (adopted October 3, 1989), the City voluntarily annexed a tract of contiguous property, most of which lay within the Plaintiff's certificated territory. In Ordinance 529 (adopted October 3, 1989), the City authorized a planned unit development for the annexed property and as a part of that ordinance, adopted a developer's agreement calling for water and sewer utilities to be furnished by the City to the annexed property.

9. On March 31, 1989, the Plaintiff, through its attorney, formally notified the City of its claimed right to provide water and sewer service to its certificated territory.

10. The Plaintiff is currently actually operating its water and sewer utility within its certificated territory. The Plaintiff's existing water and sewer lines extend to a point that is immediately adjacent to the annexed property making them much closer to the annexed property than the Defendant's water and sewer line.

The trial court made the following conclusions of law:

1. The Public Service Commission water and sewer certificates issued to the Plaintiff grant the Plaintiff the exclusive right to provide water and sewer utilities service to the certificated territory. This right precludes any other entity from having the right to serve the certificated area with water and sewer utilities.

2. Although municipal utility systems are not subject to regulation by the Public Service Commission as a utility, neither are municipalities given dominion over decisions of the Public Service Commission.

3. The Plaintiff's actual operation of its water and sewer utility within its certificated territory is in territory which is immediately adjacent to the Defendant. Therefore, pursuant to Section 180.06, Florida Statutes (1989), the Defendant must obtain the Plaintiff's consent before construction of water and sewer utilities within the Plaintiff's certificated area. Without that consent, the Plaintiff has the exclusive right to provide service within its certificated territory.

The trial court declared and adjudicated:

...that the water and sewer certificates issued to the Plaintiff by the Florida Public Service Commission grant the Plaintiff the right to furnish water and sewer utility service to the certificated territory as described in the certificates to the exclusion of all other utilities, including those owned by the Defendant. Accordingly, the Defendant may not extend its water and sewer utility lines into any part of the Plaintiff's certificated territory.

Section 180.06, Florida Statutes, after enumerating activities authorized by municipalities and private companies, provides:

However, a private company or municipality shall not construct any system, work, project or utility authorized to be constructed hereunder in the event that a system, work, project or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction. [Emphasis added].

The city argues that section 180.06, Florida Statutes, does not apply because the private company does not actually provide services to the disputed area.

The restriction of the statute was designed to avoid the wastefulness of duplicate capital investments for competing utilities that could not likely be operated without financially jeopardizing each other's operating revenues if erected in the same consumer territory. *State v. Plant City*, 127 Fla. 495, 173 So. 363 (Fla. 1937) (construing Ch. 17119, § 1, Laws of Fla., predecessor statute to § 180.06, Fla. Stat.).

In regard to section 180.06, Florida Statutes, in *Ortega Utility v. City of Jacksonville*, 564 So.2d 1156 (Fla. 1st DCA 1990), the court held:

While the statute is not a monument to clarity and draftsmanship...we interpret it only to prohibit direct encroachment by one utility provider into an operating area already served by another. Any other interpretation would not seem to comport with logic or reason. Under our interpretation, there would be no duplicate capital investment within the same consumer territory.

In *Ortega*, the private company provided services within a specific (certified) area. The city planned to provide service to an area outside but located near the private company's certified area. In addition the private company had neither the capacity nor plans to serve the new area.

This case is distinguished from *Ortega* in that in *Ortega* the area sought to be served by the municipality was outside the private company's certified area and the private utility company did not have the capacity to serve the area the municipality sought to serve, while in this case, the area the municipality proposes

to serve is within the territory which the private company has the prior legal right to serve and the private company is ready, willing and able to serve the utility needs of its service area.¹

The municipality argues that it is not subject to regulation by the PSC and interprets this statement to mean that it may serve with utilities an area within the city's boundary whether or not the PSC may have theretofore issued a certificate of necessity authorizing a private utility company to provide similar utility services in the same area.

Chapter 367, the "Water and Wastewater System Regulatory Law" provides the Florida Public Service Commission with exclusive jurisdiction over the authority, service and rates of utilities. Section 367.022(2) provides:

367.022 Exemptions - The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter except as expressly provided:

(2) Systems owned, or systems of which the rates and charges for utility service to the public are controlled, by governmental authorities.

The certificates issued to the private company by the PSC are a granting of a privilege generally referred to as a franchise. A franchise is defined as "a special privilege conferred by the government on individuals or corporations that does not belong to the citizens of a country generally by common right (citations omitted)." 12 McQuillin, *Municipal Corporations*, § 34.03 (3d Ed.). When granted, a franchise becomes a property right in the legal sense of the word. *Leonard v. Baylen Street Wharf Co.*, 59 Fla. 547, 52 So. 718 (1910); *West Coast Disposal Service, Inc. v. Smith*, 143 So.2d 352 (Fla. 2d DCA 1962), *cert. denied*, 148 So.2d 279 (Fla. 1962). *But see, Alterman Transport Lines, Inc. v. State*, 405 So.2d 456 (Fla. 1st DCA 1981) where the court rejected the argument of holders of certificates of public convenience that the derogation of the trucking industry took away a valuable property right of the holders (the certificates) and impaired existing contracts.

In *Pahokee Housing Authority v. South Florida Sanitation Co.*, 478 So.2d 1107 (Fla. 4th DCA 1985), *rev. denied*, 491 So.2d 280 (Fla. 1986), a dispute arose between a housing authority and the holder of an exclusive garbage franchise from the county over garbage collection in the area controlled by the authority. The authority decided to collect and dispose of its own garbage, claiming it was exempt from the exclusive franchise granted by the city. The trial court found that the authority's intrusion violated the private company's exclusive franchise. The district court affirmed but reversed the damages awarded to include the holder's costs of operation.

Southern Gulf Utilities, Inc. v. Mason, 166 So.2d 138 (Fla. 1964) is cited by the city for the broad proposition that the PSC has no authority whatsoever over utilities operated by governmental agencies. *Mason* must be read more narrowly. In *Mason*, a private company with an exclusive certificate issued by the PSC sought the PSC to issue a stop order for a municipal utility which invaded the private company's service area. The PSC dismissed the private company's complaint on the grounds that the PSC had no authority to restrain a governmental agency from invading the service area of the private company. The supreme court agreed but specifically noted it did not rule on the rights of the parties which were being litigated in an action for injunction in the circuit court which was not the subject of the appeal. This case presents no question as to the PSC's authority, as distinguished from the circuit court's subject matter jurisdiction, to restrain the city from invading the private company's area.

Although governmental utilities are exempt from the authority of the PSC this does not mean that the governmental unit has the authority to interfere with rights granted a private utility company by the PSC. The PSC certificates issued to the private company represent a valuable property right and the city is not authorized to interfere with this existing right by the mere subse-

quent annexation of a portion of the private company's territory.

The municipality further argues that the trial court erred in finding as a matter of law that the certificates issued to the private utility company granted an exclusive right to provide utilities to the service territory because the certificates as issued do not use the word "exclusive."

In this case the PSC issued the private utility company certificates of necessity authorizing the private utility company to provide the public with water and sewer in the questioned territory before the municipality, which has the general legal authority to provide similar services within its municipal limits, annexed the area. The private utility company not only had the prior legal right but, more importantly, it also had the ability to meet its duty to provide such services. The statutory scheme of Chapter 367,² as well as the concept of a public utility, envisions that the right granted by the PSC to a private utility company is exclusive to the extent that such company has the ability to promptly provide service to the public within its franchised territory.

The essence of the concept of utilities serving the public is that it is in the best interests of the public that the entities, governmental or private, providing utility services not be permitted to compete as to rates and service and that each entity be given an exclusive service area and monopolistic status. This unusual economic advantage is given a utility in our free market economy in exchange for the utility relinquishing its usual right to determine the level of service it provides and to set its own competitive rates and submitting those two matters to a governmental authority which regulates the quality of service to be provided and sets rates to provide the utility a reasonable return on its investment. The term public utility implies a public use with a duty on the public utility to service the public and treat all persons alike. See 73 C.J.S., *Public Utilities* § 2 (1983) and 78 Am.Jur., *Water works and Water Companies*, § 2 (1975).

Territorial rights and duties relating to utility services between prospective suppliers are more properly defined and delineated by administrative implementation of clear legislation than by judicial resolution of actual cases and controversies resulting from the lack of clear legislative direction. However, the problem is currently a controversial political matter in the State of Florida and in the absence of clear legislative intent, courts must resolve individual disputes by the application of principles which appear to best serve the public and to be fair and equitable to legitimate competing interests. Some such principles are:

(1) In Florida the basis for the right of both governmental and private entities to provide utility services to the public is statute, and the franchise right of each is equal and neither entity is, *per se*, superior or inferior to the other.

(2) A franchise granted to an entity, either governmental or private, authorized by law to provide utility services to the public may be exclusive as to both type of service and territory. See, *St. Joe Natural Co. v. City of Ward Ridge*, 265 So.2d 714 (Fla. 1st DCA 1972), *cert. denied*, 272 So.2d 817 (Fla. 1973).

(3) The right (franchise) to provide utility services to the public carries a concomitant duty to promptly and efficiently provide those same services. See, 73B C.J.S., *Public Utilities* § 2 (1983).

(4) The right (franchise) to provide utility services to the public in a franchised territory is inherently subject to and conditional upon, the ability of the franchise holder to promptly and efficiently meet its duty to provide such services. Section 367.045(5)(a), Florida Statutes.

(5) When a public service entity, whether governmental or private, has a prior (earlier acquired) legal right to provide services in a particular territory but does not have the present ability to promptly and efficiently meet its duty to do so, the public is entitled to be served by some other public service entity which does have the present ability to provide the needed service although the legal claim of right of the second entity to provide

ch services is secondary in time priority to the prior legal right of the entity without the ability.¹

(6) When each of two public service utility entities, whether governmental or private, have a legal basis for the claim of a right to provide similar services in the same territory and each has the present ability to promptly and efficiently do so, that entity with the earliest acquired (prior) legal right has the exclusive legal right to provide service in that territory without interference from the entity with the later acquired (subsequent) claim of right.

AFFIRMED. GONZALEZ, J., concurs. HARRIS, J., dissents with opinion.

¹In *City of Winter Park v. Southern States Utilities, Inc.*, 540 So.2d 178 (Fla. 5th DCA 1989), this court held that where a city did not have the present ability to serve the public the city had no legal right to prevent a private company certified to provide services to an area within the city's territorial limits, from serving the public where the private company had the present capability to provide services.

²Section 367.011(2), Florida Statutes, provides:

The Florida Public Service Commission shall have exclusive jurisdiction over each utility with respect to its authority, service and rates.

³*City of Winter Park v. Southern States Utilities*, 540 So.2d 178 (Fla. 5th DCA 1989).

(HARRIS, J., Dissenting.) I would like to concur in the majority opinion because I believe that the regulatory scheme devised by the trial court and approved by the majority is fairer than the one enacted by the legislature. Under the majority's water and wastewater system plan, the franchisee is given an exclusive area which cannot be encroached upon by anyone so long as it services or is capable of servicing the area. Unfortunately the legislative plan is different and I believe controls.

Under chapter 367 there is no authority for the Public Service Commission to grant an exclusive franchise area. The certificate in this case does not purport to grant an exclusive franchise area. The commission grants exclusivity by limiting the number of franchises in any given area. Therein, of course, lies the problem. A governmental agency, such as appellant, is exempted from the jurisdiction of the Public Service Commission in supplying water and sewer services within its corporate limits. The subject property has now been annexed at the request of the property owner and is part of the municipality. The municipality may now serve the area without a permit from the Public Service Commission. If it is to be prohibited from proceeding to provide service, it must be under the strictures of section 180.06.

To preclude appellant under this section, appellee must be actually operating within or adjacent to the annexed area. Such has not been shown in this record. Ability or capacity to operate in or adjacent to the annexed area is not sufficient, under this statute, to deny the municipality the right to extend its water and sewer lines.

The majority believes, as I do, that one who makes an investment in reliance on a certificate deserves economic protection.¹ To provide this protection the majority recognizes an exclusive franchise area. This, however, permits the Public Service Commission, by granting a service area to a private company, even within the municipality,² to exclude future municipal development. This indirectly permits the Public Service Commission to regulate the service and service area of the municipality contrary to the express exemption contained in the statute.

I would REVERSE.

¹I urge that this protection should come from the legislature.

²§ 367.021(2)(c), Fla. Stat. (1989).

judgment for damages awarded by jury for the cause of action being tried and does not include taxable costs or attorney's fees—When plaintiff failed to accept first offer of judgment within thirty days, plaintiff became subject to potential liability for defendant's costs and attorney's fees as provided by statute—Potential liability was not affected by defendant's second offer of judgment or plaintiff's subsequent demand for judgment—Fact that insurance company or other third party pays or advances costs or fees to defendant does not preclude defendant from recovering costs and attorney's fees—No fault threshold—Jury's finding of no permanent injury not contrary to manifest weight of evidence—No abuse of discretion in awarding plaintiff cost attendant to presence and reporting of court reporter at independent compulsory physical examination—Defendant's right to attorney's fees extends to those incurred on appeal

RONDOE MARIE WILLIAMS, Appellant/Cross-Appellee, v. JEANNINE O. BROCHU, Appellee/Cross-Appellant. 5th District. Case No. 90-370. Opinion filed April 25, 1991. Appeal from the Circuit Court for Orange County, Frederick T. Pfeiffer, Judge. Brent C. Miller of Jacobs & Goodman, P.A., Alhambra Springs, for Appellant/Cross-Appellee. David B. Falsrud of Garney & Handley, P.A., Orlando, for Appellee/Cross-Appellant.

(COWART, J.) This case involves an interpretation of section 768.79(1), Florida Statutes (1986),¹ which provides as follows:

(1)(a) In any action to which this part applies, if a defendant files an offer of judgment which is not accepted by the plaintiff within 30 days, the defendant shall be entitled to recover reasonable costs and attorney's fees incurred from the date of filing of the offer if the judgment obtained by the plaintiff is at least 25 percent less than such offer, and the court shall set off such costs and attorney's fees against the award. Where such costs and attorney's fees total more than the judgment, the court shall enter judgment for the defendant against the plaintiff for the amount of the costs and fees, less the amount of the plaintiff's award. If a plaintiff files a demand for judgment which is not accepted by the defendant within 30 days and the plaintiff recovers a judgment in an amount at least 25 percent greater than the offer, he shall be entitled to recover reasonable costs and attorney's fees incurred from the date of the filing of the demand. If rejected, neither an offer nor demand is admissible in subsequent litigation, except for pursuing the penalties of this section.

(b) Any offer or demand for judgment made pursuant to this section shall not be made until 60 days after filing of the suit, and may not be accepted later than 10 days before the date of the trial.

THE FACTS

Pursuant to the above statute, the defendant (appellee Brochu) on April 27, 1989 (a date more than 60 days after suit was filed), filed an Offer of Judgment for \$2,000 which was never accepted by the plaintiff (appellant Williams). On December 4, 1989, the defendant filed a second Offer of Judgment for \$7,500 which was never accepted by the plaintiff. On December 13, 1989, the plaintiff filed a Demand for Judgment for \$12,000 which the defendant never accepted. The jury trial began on January 2, 1990, and resulted in the plaintiff receiving a net damages award of \$1,200.

THE TRIAL COURT ACTION

As found by the trial court, the defendant's costs and the defendant's attorney's fees incurred after the date of the filing of the first Offer of Judgment were \$1,900.80 and \$6,400, respectively, totaling \$8,300.80 while the amount of the plaintiff's damages award (\$1,200) and the plaintiff's costs (per section 57.041, Florida Statutes) of \$364.50 incurred prior to the date of the filing of the defendant's first Offer of Judgment on April 27, 1989, totaled \$1,564.50, resulting in a net difference of \$6,736.30, for which amount the trial court entered final judgment in favor of the defendant.

THE ISSUES ON APPEAL

The plaintiff appeals and the defendant cross-appeals. The parties argue for conflicting interpretations of the statute by analogies relating to Florida Rule of Civil Procedure 1.442 and principles of contract law involving offers, effect of second

TORIS—Negligence—Attorney's fees and costs—Plaintiff receiving verdict in amount at least 25% less than offer of judgment—Amount of judgment obtained by plaintiff means amount

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BETMAR UTILITIES, INC.,

Petitioner,

vs.

CASE NO.: 91-1159

CITY OF ZEPHYRHILLS and
PASCO COUNTY,

Respondents,

and

PUBLIC SERVICE COMMISSION,

Intervenor.

**ORDER GRANTING PETITIONER'S APPLICATION IN PART
AND DENYING SAME IN PART**

THIS CAUSE came to be heard before this Court on the application of the Petitioner, BETMAR UTILITIES, INC., to amend its initial certificate of authorization to include additional territories to be serviced and upon the evidence presented, the Court FINDS:

1. That the CITY OF ZEPHYRHILLS and PASCO COUNTY did timely object to the Petitioner's application.

2. That PASCO COUNTY was duly noticed and failed to appear at hearing and has therefore waived or withdrawn its objection and finding the CITY OF ZEPHYRHILLS did appear to oppose the application and the PUBLIC SERVICE COMMISSION was present as intervener.

3. That the CITY OF ZEPHYRHILLS and PASCO COUNTY had previously entered into an Interlocal Agreement delineating utility service areas between the COUNTY and the CITY and that a portion of the additional territory sought to be serviced by BETMAR UTILITIES, INC., is within the area delineated to be serviced by the CITY OF ZEPHYRHILLS and that extension of

BETMAR's certificate of authorization to include such areas would not be in the best interests of the public, would violate an existing Interlocal Agreement between the COUNTY and the CITY and would be violative of the Comprehensive Plans of PASCO COUNTY and the CITY OF ZEPHYRHILLS. It is now hereby

ORDERED and ADJUDGED that the Petitioner's application is hereby granted to the extent that areas sought to be serviced are not within the area delineated to be serviced by the CITY OF ZEPHYRHILLS, pursuant to its Interlocal Agreement with PASCO COUNTY. It is further

ORDERED that the Petitioner shall provide a modified legal description within twenty (20) days of the date of this agreement which shall exclude such areas. Respondent or Intervener shall have twenty (20) days from filing of such modified legal description to object to its form or content. If no objection is raised within that time, this Order and the modified legal description shall become final.

DONE and ORDERED on this _____ day of June, A.D., 1991.

VERONICA DONNELLY
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

Copies to:
THOMAS P. McALVANA, ESQUIRE
SCOTT L. KNOX, ESQUIRE

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

BETMAR UTILITIES, INC.,

Petitioner,

vs.

CASE NO.: 91-1159

CITY OF ZEPHYRHILLS and
PASCO COUNTY,

Respondents,

and

PUBLIC SERVICE COMMISSION,

Intervenor.

ORDER DENYING PETITIONER'S APPLICATION

THIS CAUSE came to be heard before this Court on the application of the Petitioner, BETMAR UTILITIES, INC., to amend its initial certificate of authorization to include additional territories to be serviced and upon the evidence presented, the Court FINDS:

1. That the CITY OF ZEPHYRHILLS and PASCO COUNTY did timely object to the Petitioner's application.

2. That PASCO COUNTY was duly noticed and failed to appear at hearing and has therefore waived or withdrawn its objection and finding the CITY OF ZEPHYRHILLS did appear to oppose the application and the PUBLIC SERVICE COMMISSION was present as intervener.

3. That the CITY OF ZEPHYRHILLS and PASCO COUNTY had previously entered into an Interlocal Agreement delineating utility service areas between the COUNTY and the CITY and that a portion of the additional territory sought to be serviced by BETMAR UTILITIES, INC., is within the area delineated to be serviced by the CITY OF ZEPHYRHILLS and that extension of BETMAR's certificate of authorization to include such areas would

not be in the best interests of the public, would violate an existing Interlocal Agreement between the COUNTY and the CITY and would be violative of the Comprehensive Plans of PASCO COUNTY and the CITY OF ZEPHYRHILLS. It is now hereby

ORDERED and ADJUDGED that the Petitioner's application is hereby denied.

DONE and ORDERED on this _____ day of June, A.D., 1991.

VERONICA DONNELLY
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

Copies to:
THOMAS P. McALVANAH, ESQUIRE
SCOTT L. KNOX, ESQUIRE

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

STATEMENT OF THE ISSUES

Whether the application of Betmar Utilities, Inc., for an amendment to its certificated territory in Pasco County should be granted.

PRELIMINARY STATEMENT

Betmar Utilities, Inc., (Betmar) is a water and wastewater utility located in Pasco County, Florida. On November 13, 1989, Betmar filed with the Florida Public Service Commission (commission) an application for an amendment to its water and wastewater certificates. Both Pasco County and the City of Zephyrhills (City) filed timely objections to Betmar's request. Pasco County subsequently resolved its dispute with Betmar. The City's objection is that, pursuant to an interlocal agreement with the County, the City is entitled to serve part of the disputed territory.

The Commission was granted authority to intervene in this case by an Order dated March 21, 1990, entered in Case No. 90-1218.

At the hearing, Betmar presented the testimony of Joseph L. Turco, Vice President of Betmar, and Floyd A. Nichols, City Manager of the City of Zephyrhills. The City and the Commission presented no witnesses, but cross-examined Betmar's witnesses. At the hearing the following exhibits were moved into evidence:

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

Hearing Officer's No. 1, Petitioner's Nos. 1 through 3, and Respondent's Nos. 1 through 3.

At the conclusion of the proceeding, the parties elected to obtain a transcript and stipulated to having proposed recommended orders postmarked by the tenth day after the transcript was filed with the Division of Administrative Hearings.

FINDINGS OF FACT

The following abbreviations are used in this section for purposes of citation:

T	=	Transcript
PE	=	Petitioner's Exhibit
RE	=	Respondent's Exhibit
HOE	=	Hearing Officer's Exhibit

1. There is currently, or will be in the near future, a need for water and wastewater service in the proposed amended territory. (T 27-28, 40, 43, 70)

2. Betmar has the technical ability to provide water and wastewater service in the proposed amended territory. (PE No. 1, PE No. 3, T 18-20, 26, 29-30, 38, 47)

3. Betmar has the financial ability to provide water and wastewater service in the proposed amended territory. (PE No. 1, PE No. 3, T 17-20, 22-23, 25-26, 29-30, 31-32, 45-47, 38, 47)

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

4. The portion of the proposed amended territory which is in dispute is that tract shown on PE No. 2 to be directly abutting Geiger Road. (T 56-57)

5. Betmar has utility lines in close proximity to the disputed portion of the proposed amended territory. (PE No. 2, T 16-18, 52-53, 76)

6. The City has utility lines in close proximity to the disputed portion of the proposed amended territory. (RE No. 2, T 21, 57-60, 72-73, 77)

7. The City has the ability and the capacity to serve the disputed portion of the proposed amended territory. (RE No. 3, T 61, 72)

8. The City is not prepared to build utility lines to service the disputed proposed amended territory until the new bypass road along Geiger Road is built and the proper right-of-way is obtained; then, the City will extend the Silver Oaks line under Geiger Road to the south and will extend the Wedgewood line to the west. (T 58-60)

9. The disputed portion of the proposed amended territory is not within the City limits. (T 49, 62)

10. Persons in the disputed proposed amended territory would have to be annexed into the City before being provided utility service from the City. (T 66-68)

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

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9. The disputed portion of the proposed amended territory is not within the City limits. (T 49, 62)

10. Persons in the disputed proposed amended territory would have to be annexed into the City before being provided utility service from the City. (T 66-68)

11. Both the City and the County have enacted local comprehensive plans. (HOE No. 1, RE No. 3) Pursuant to the interlocal cooperation elements contained in their comprehensive plans, the City and the County entered into an interlocal agreement whereby the disputed portion of the proposed amended territory was to be serviced by City water and wastewater. (RE No. 1, T 54-57, 61-68)

CONCLUSIONS OF LAW

1. The Division of Administrative Hearings has jurisdiction over the subject matter of and the parties to this proceeding under Section 120.57(1), Florida Statutes.

2. As the applicant in this proceeding, Betmar has the ultimate burden of proving that it is in the public interest for the commission to grant its amendment.

3. In order to prove that it is in the public interest for its amendment to be granted, Betmar must, at a minimum, prove the following: that there is a need for service in the proposed amended territory, that it has the financial and technical ability to serve the proposed amended territory, and that its expansion into the proposed amended territory would not be in competition with or a duplication of other systems, unless the competing and/or duplicative system is unable or unwilling to provide service.

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PROPOSED RECOMMENDED ORDER
MAY 31, 1991

4. There is a need for service in the proposed amended territory.

5. Betmar is financially and technically able to provide service to the proposed amended territory.

6. Both Betmar and the City are able to provide service to the disputed portion of the proposed amended territory.

7. In order for customers in the disputed portion of the proposed amended territory to receive utility service from the City, the customers would have to first undertake the step of being annexed into the City limits, but if service to that area were provided by Betmar, no such step would have to be undertaken.

8. Under Section 367.045(5)(b), Florida Statutes, when amending a certificate of authorization, the commission must consider whether the amendment is consistent with the local comprehensive plan of a county or municipality if, as here, the county or municipality has objected to the amendment. However, Section 367.045(5)(b) further states that the commission is not bound by the local comprehensive plan.

9. Section 376.045(5)(a) states that the commission may not grant an amendment for the extension of an existing system which will be in competition with or a duplication of any other system or portion of a system, unless the commission first determines that the other system is inadequate to meet the

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

reasonable needs of the public or that the person operating the system is unable, refuses, or neglects to provide reasonably adequate service.

10. Under Section 367.045(5)(a), Florida Statutes, the commission may amend a certificate in whole or in part or with modifications in the public interest or it may deny an amendment to a certificate if in the public interest.

11. Based on the above conclusions, it is in the public interest to grant Betmar's amendment.

RECOMMENDATION

Having considered the evidence of record, the candor and expertise of the witnesses, and the foregoing findings of fact and conclusions of law, it is

RECOMMENDED that the application of Betmar Utilities, Inc., for an amendment to its certificated territory in Pasco County be granted as set forth in the body of this recommended Order.

CASE NO. 91-1159
PROPOSED RECOMMENDED ORDER
MAY 31, 1991

DONE AND ENTERED in Tallahassee, Leon County, Florida,
this _____ day of _____, _____.

VERONICA E. DONNELLY
Hearing Officer
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550
(904) 488-9675

Filed with the Clerk of the
Division of Administrative Hearings
this _____ day of _____, _____.

PASCO COUNTY
CHAPTER 10 - PUBLIC FACILITIES ELEMENT

RECEIVED
MAY 20 PM 1:30
DIVISION OF
ADMINISTRATIVE
HEARINGS

PREPARED BY:
Florida Land Design & Engineering, Inc.
One North Dale Mabry, Suite 700
Tampa, Florida 33609

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POTABLE WATER

SUMMARY OF MAJOR POTABLE WATER ISSUES

Conservation and Protection of the Resource

Under conditions of normal rainfall and average water demand, the supply of potable water for Pasco County should be adequate to meet the needs of future residents through the year 2010 and beyond. Proper planning and water resource management require, however, that dry conditions and peak demands be anticipated in order to minimize the occurrence and discomfort of temporary water shortages. For this reason, the conservation, and protection of water resources are issues in Pasco County.

In addition to the supply of raw water, equal consideration must be given to the quality of water being supplied. Care must be taken to guard against contamination in high volume aquifer recharge areas, in coastal recharge areas, and in wellfield areas.

Service Delivery

Throughout the planning period, service delivery issues will likely be raised with respect to:

- (a) interconnecting the water distribution system;
- (b) expansion of the water service area to developing areas;
- (c) maintaining adequate pressure for fire flows;
- (d) level and quality of water treatment; and,
- (e) programming and funding the maintenance, repair, replacement and extension of the system.

These issues will be addressed in conjunction with standards for level of service, concurrency and budgetary constraints.

GOALS, OBJECTIVES, AND POLICIES

GOAL 1. Ensure an adequate public supply and treatment of potable water for Pasco County.

Level of Service Standards

OBJECTIVE 1. Establish the following minimum level of service standards for planning capital improvements and reviewing applications for development approval.

It shall be the policy of Pasco County to:

1. Adopt an infrastructure standard providing for an annual average daily volume of 215 gallons of potable water per equivalent residential connection, by 1990.
2. Establish a peak day, domestic demand factor of 1.67 (ADF) to determine the required capacity for public potable water systems.
3. Require, as a condition of development approval, the following minimum fire flow rates at the time of application for connection to the public potable water system:

**TABLE 10-1
FIRE FLOW STANDARDS**

		Gallons Per Minute
Land Uses:	Single-Family	550
	Multi-family	750
	Commercial	1,000
	Industrial	1,200

For projects with multiple uses, the largest fire flow standard will be applied.

4. Require a service application to the appropriate utility for connection to public potable water system for all proposed projects within Pasco County except residential development for which a subdivision plat is not also required.

7. Require the developer to provide and dedicate to the appropriate utility the public water distribution network within any new development. The design criteria and construction standards for any addition to the water system shall be supplied by appropriate utility.

Existing Deficiencies

OBJECTIVE 2. By 1995, identify specific locations within the County where the public water distribution networks are deficient with respect to volume, pressure, quality or unacceptable fire flow capacity.

It shall be the policy of Pasco County to:

1. Annually designate a portion of its operational and capital improvements budgets to be used for the identification and correction of existing deficiencies in its potable water distribution network, as determined by the application of fire flow performance standards contained in Table 10-1 and the maintenance schedule developed pursuant to Goal 2, Objective 4.
2. Require other public systems to certify compliance with the performance standards contained in Table 10-1 as a condition for granting development approval to any project within their service area.

Potable Water Sources

OBJECTIVE 3. Provide adequate (meeting the level of service standard) public potable water sources to service the needs of Pasco County through the year 2010.

It shall be the policy of Pasco County to:

1. Provide the capability to access, through 2010 groundwater supplies of sufficient yield to provide all required potable water.
2. Continue to investigate other potential water supply sources and recovery technologies to provide for the optimum number of financially feasible water supplies.
3. Construct, as necessary, raw water lines to transmit water from sources acquired or leased pursuant to Policies 1 or 2.

SUMMARY OF MAJOR POTABLE WATER ISSUES

Conservation and Protection of the Resource

Under conditions of normal rainfall and average water demand, the supply of potable water for Pasco County should be adequate to meet the needs of future residents through the year 2010 and beyond. Proper planning and water resource management require, however, that dry conditions and peak demands be anticipated in order to minimize the occurrence and discomfort of temporary water shortages. For this reason, the conservation, and protection of water resources are issues in Pasco County.

In addition to the supply of raw water, equal consideration must be given to the quality of water being supplied. Care must be taken to guard against contamination in high volume aquifer recharge areas, in coastal recharge areas, and in wellfield areas.

Service Delivery

Throughout the planning period, service delivery issues will likely be raised with respect to:

- (a) interconnecting the water distribution system;
- (b) expansion of the water service area to developing areas;
- (c) maintaining adequate pressure for fire flows;
- (d) level and quality of water treatment; and,
- (e) programming and funding the maintenance, repair, replacement and extension of the system.

These issues will be addressed in conjunction with standards for level of service, concurrency and budgetary constraints.

GOALS, OBJECTIVES, AND POLICIES

GOAL 1. Ensure an adequate public supply and treatment of potable water for Pasco County.

Level of Service Standards

OBJECTIVE 1. Establish the following minimum level of service standards for planning capital improvements and reviewing applications for development approval.

It shall be the policy of Pasco County to:

1. Adopt an infrastructure standard providing for an annual average daily volume of 215 gallons of potable water per equivalent residential connection, by 1990.
2. Establish a peak day, domestic demand factor of 1.67 (ADF) to determine the required capacity for public potable water systems.
3. Require, as a condition of development approval, the following minimum fire flow rates at the time of application for connection to the public potable water system:

**TABLE 10-1
FIRE FLOW STANDARDS**

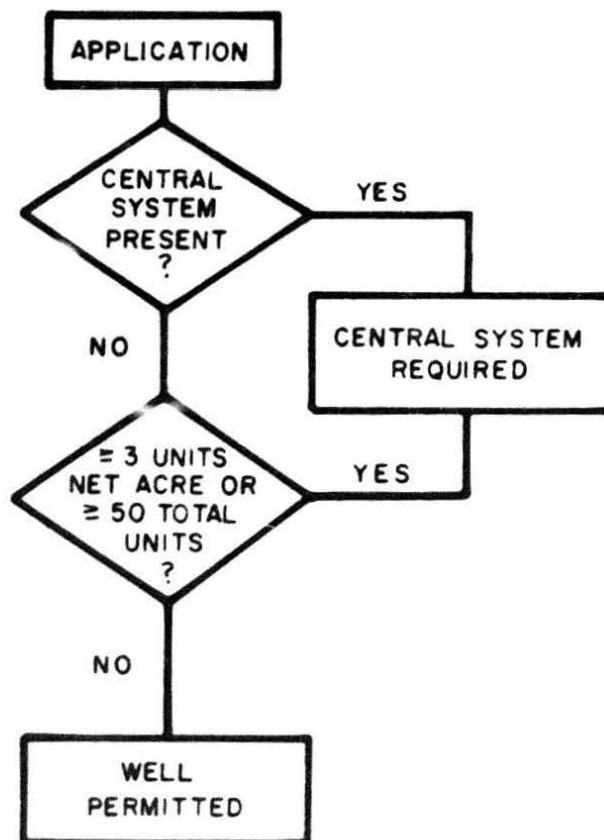
		Gallons Per Minute
Land Uses:	Single-Family	550
	Multi-family	750
	Commercial	1,000
	Industrial	1,200

For projects with multiple uses, the largest fire flow standard will be applied.

4. Require a service application to the appropriate utility for connection to public potable water system for all proposed projects within Pasco County except residential development for which a subdivision plat is not also required.

5. Require the utilization of public water supplies where connection to a public potable water system is available.
6. Require the installation of a public water system for domestic supply where connection to an existing public water system is not available and the development is located in an area designated by the future land use plan map as Res-3 or higher and:
 - (a) the development consists of more than 50 residential units; or,
 - (b) the net residential density is more than 3 units per net acre (see Table 10-2).

TABLE 10-2
WATER APPLICATION PROCESS



7. Require the developer to provide and dedicate to the appropriate utility the public water distribution network within any new development. The design criteria and construction standards for any addition to the water system shall be supplied by appropriate utility.

Existing Deficiencies

OBJECTIVE 2. By 1995, identify specific locations within the County where the public water distribution networks are deficient with respect to volume, pressure, quality or unacceptable fire flow capacity.

It shall be the policy of Pasco County to:

1. Annually designate a portion of its operational and capital improvements budgets to be used for the identification and correction of existing deficiencies in its potable water distribution network, as determined by the application of fire flow performance standards contained in Table 10-1 and the maintenance schedule developed pursuant to Goal 2, Objective 4.
2. Require other public systems to certify compliance with the performance standards contained in Table 10-1 as a condition for granting development approval to any project within their service area.

Potable Water Sources

OBJECTIVE 3. Provide adequate (meeting the level of service standard) public potable water sources to service the needs of Pasco County through the year 2010.

It shall be the policy of Pasco County to:

1. Provide the capability to access, through 2010, groundwater supplies of sufficient yield to provide all required potable water.
2. Continue to investigate other potential water supply sources and recovery technologies to provide for the optimum number of financially feasible water supplies.
3. Construct, as necessary, raw water lines to transmit water from sources acquired or leased pursuant to Policies 1 or 2.

Treatment Capacity

OBJECTIVE 4. Expand the treatment capacity of Pasco County commensurate with the growth of the service base.

It shall be the policy of Pasco County to:

1. Develop water treatment capacity to process sufficient quantities of potable water to meet the projected long-range (2010) needs of Pasco County.
2. Treat its water supply in accordance with State and Federal standards of purity.
3. Require other public systems to develop water treatment capacities sufficient for their long term needs.

Conservation

OBJECTIVE 5. Continue implementation of water conservation measures throughout Pasco County.

It shall be the policy of Pasco County to:

1. Allow, subject to specific regulations which Pasco County shall prescribe, the installation of individual shallow wells for landscape irrigation.
2. Maintain, subject to specific regulations which Pasco County shall prescribe, a progressive pricing structure such that the unit cost of water increases with increased usage.
3. Require, in accordance with specific regulations which the County shall prescribe, the use of water conserving fixtures in all new development.
4. Require the use of recovered wastewater for landscape irrigation where permittable and where the County supplies it.
5. Encourage the use of recovered wastewater for agricultural purposes where Pasco County supplies it.

Environmental Impact

OBJECTIVE 6. Minimize detrimental environmental effects caused by groundwater development.

It shall be the policy of Pasco County to:

1. Monitor groundwater conditions for withdrawal rates on the basis of reports by the Southwest Florida Water Management District (SWFWMD) and the West Coast Regional Water Supply Authority (WCRWS). Furthermore, Pasco County shall periodically review the adequacy of SWFWMD and WCRWS monitoring procedures and, if necessary, formulate an appropriate alternative management strategy. The Board of County Commissioners shall request the Southwest Florida Water Management District or the West Coast Regional Water Supply Authority as appropriate to:
 - (a) Mitigate environmental degradation caused by excessive groundwater withdrawal by establishing a maximum limit on the total amount of groundwater which is consumptively used from the Floridan Aquifer in Pasco County. Pasco County shall request SWFWMD to identify all large wells, to monitor the amounts of groundwater withdrawal.
 - (b) Discourage major groundwater source development adjacent to environmentally sensitive or wetland areas such as swamps, cypress heads, shallow ponds or lakes.
 - (c) Restrict additional groundwater development within those portions of coastal Pasco County which are known to contain groundwater of subpotable quality at a depth of less than 100 feet.
 - (d) Develop a well monitoring program to document evidence of saltwater intrusion and develop remedial strategies as necessary.
 - (e) Permit regional wellfields under their jurisdiction to serve a multipurpose function as public recreational facilities. Such facilities should be both active and passive in nature.
 - (f) Comply with all rules of the Florida DER and the U.S. Environmental Protection Agency.

GOAL 2. Provide an adequate potable water distribution system throughout urbanized areas of Pasco County.

System Priorities

OBJECTIVE 1. Inhibit urban sprawl through the maximum use of existing potable water facilities.

It shall be the policy of Pasco County to:

1. Not provide, nor permit the expansion of, public potable water service to lands designated on the Future Land Use Plan Map as Ag or Ag/R where the use of individual wells may be permitted.
2. Permit or require the provision of public potable water service to lands designated on the Future Land Use Plan Map as Res-1 only when the proposed service is consistent with the approved Pasco County Utilities Capital Improvement Plan.
3. Provide or require provision of public water service to lands designated on the Future Land Use Plan Map as Res-3 or higher in accordance with Goal 1, Objective 1, Policy 6, of this element.

Distribution System

OBJECTIVE 2. Develop a potable water distribution system plan on the basis of projected water needs to the year 2010 and the level of service standards contained in this Element.

It shall be the policy of Pasco County to:

1. Plan and design a water supply and distribution system to accommodate growth in accordance with the population and employment projections of the Pasco County Comprehensive Plan.
2. Develop strategies, as needed, to balance fluctuation in water demand, safeguard continuance of supply in case of plant or water main breakdown, and to provide required fire flow as contained in Table 10-1.
3. Collect and use impact fees to offset the cost of capacity necessitated by the impact of new users.
4. Fluoridate the public water supply when and where it is determined by the Board of County Commissioners to be in the best interest of Pasco County.

Service Areas

OBJECTIVE 3. Define water service boundaries, interconnect water systems, and eliminate water service voids in urbanizing areas.

It shall be the policy of Pasco County to:

2. Establish transmission line interconnections and intradistrict agreements with adjacent regional and municipal water systems to achieve:
 - (a) Improvement of system reliability in the event of water supply well failures, line breaks, or excessively high maximum water demand conditions.
 - (b) The option of purchasing water from adjacent water systems, should this alternative prove to be more economically desirable than developing additional County water supply wells and transmission lines.
3. Negotiate water service area agreements with adjacent regional and municipal water systems to better coordinate the orderly, efficient, and economical distribution of water throughout the County. The County shall not acquire new or expand existing service areas which are surrounded by a municipal water service area or which require the County to construct water distribution and transmission facilities which duplicate municipal facilities.
4. Provide the major transmission lines supplying water to a new development in accordance with the adopted Capital Improvements Program and Budget, as amended on an annual basis.

System Maintenance

OBJECTIVE 4. Maintain, repair and replace water system components on a regularly scheduled basis.

It shall be the policy of Pasco County to:

1. Maintain records and procedures for identifying needed repairs, their cost and subsequent implementation.
2. Meter all existing and future water customers for billing purposes.
3. Maintain a rate schedule based upon the cost of providing service and adjust rates and fees periodically to ensure that water revenues are sufficient to finance future expansion, repair and replacement.

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Potable Water Section of the Public Facilities Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document.

1. Promote water conservation through an active public relations program. Pasco County should request SWFWMD to conduct an educational water conservation program for residents within the jurisdictional area of SWFWMD.
2. Pasco County should work with local agricultural and industrial associations, whether served by a public water system or not, to implement water conservation techniques. Drip and ditch irrigation as an example, should be utilized as much as practical for cropland, pasture and citrus irrigation. Water recycling and other water saving techniques should be used, whenever feasible, by water intensive industries such as large citrus processing plants.
3. Monitor Consumptive Use Permit applications to the SWFWMD for permits which might affect the County's present or future potable water supply.
4. Request periodic reports from the water agencies which export water from Pasco County, updating the status and effectiveness of their water conservation programs.
5. County impact fee ordinances or amendments are required to establish the developer's financial responsibility with respect to the expansion of the County water system for service to new developments.
6. The Board should adopt a capital improvements program, enact County ordinances, resolutions, and directives to implement the water management policies pertaining to water conservation. Enforcement and development of the comprehensive water conservation program may be accomplished by the County's departments. Minimum flow water devices may be required in all new construction. The County shall request SWFWMD to develop a method of sampling water consumption as a means of monitoring water demand/consumption.
7. Review of proposed capital improvements, or development orders not grandfathered under this Comprehensive Plan, for consistency with this Policy. Also, during the course of project review, where these flows are not met, establish a record of this noncompliance to serve as one input into the

annual capital improvements programming process as described in the Capital Improvements Element.

8. Establish a computerized data base and management information system for analyzing trends, identifying deficiencies and establishing priorities for capital improvements.

WASTEWATER

SUMMARY OF WASTEWATER ISSUES

Regionalization of the Wastewater Disposal System

The wastewater disposal system of Pasco County consists of 139 small package plants and approximately 54,500 septic tank systems. The present permitted capacity of this system is satisfactory, but it is inefficient due to the fragmentation. Although there are seventeen (17) wastewater service areas in Pasco County, 53 facilities are located outside these areas. At the same time, seven of the established service areas contain no publicly owned facilities. Of the 139 package plants, only twenty-six are owned and operated by Pasco County and twenty of these are located in West Pasco County. Consolidation of these facilities into a regionally-based system would greatly benefit the County in terms of economy and reliability of service.

Future Wastewater Demand

The permitted and unused wastewater disposal capacity within Pasco County is approximately 10.7 million gallons per day (mgd). Based upon the assumption that per dwelling unit demand is approximately 193 mgd peak month, average daily flow (inclusive of inflow and infiltration), the present capacity could adequately accommodate a dwelling unit increase of about 55,440 units or 32% (1987 base) if development occurred within served areas. This dwelling unit growth is likely to be achieved between 1995 and the year 2000. By the year 2010, additional permitted capacity will be needed.

Level of Service

Presently, only 30% of the permitted disposal capacity is publicly owned and operated. As the system grows, decisions will need to be made regarding whether or not septic systems shall be relied upon to fulfill future needs, whether or not Pasco County wishes to expand its use of private and municipal systems, and whether or not Pasco County wishes to consolidate and regionalize the wastewater disposal system under its own control.

GOALS, OBJECTIVES, AND POLICIES

GOAL 3. Provide an acceptable sanitary sewer system for Pasco County.

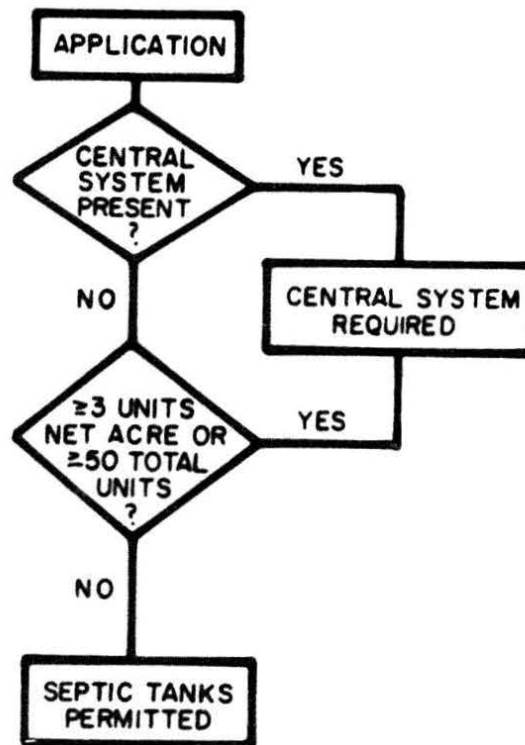
Level of Service Standards

OBJECTIVE 1. Establish the following minimum Level of Service Standards for planning capital improvements and for reviewing applications for development approval.

It shall be the policy of Pasco County to:

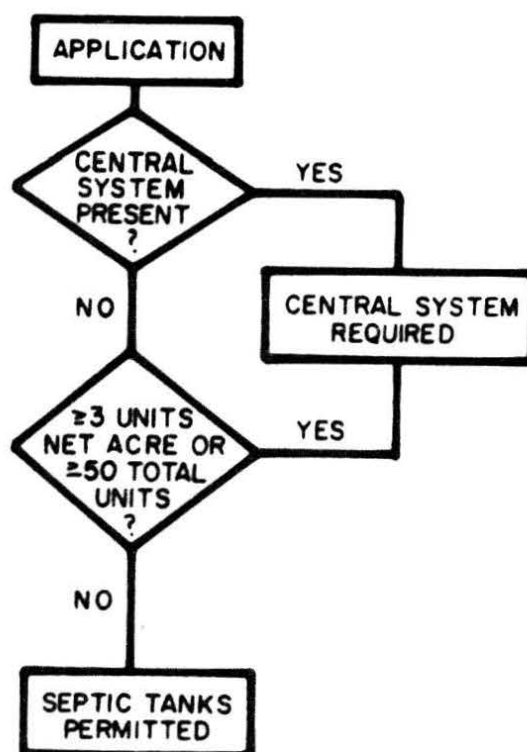
- 1. Require, advanced secondary treatment of wastewater at all new or expanded sewage treatment plants within Pasco County.**
- 2. Adopt an infrastructure standard of 161 gallons of wastewater treatment capacity and disposal per day (annual average daily flow) for each equivalent residential connection within Pasco County.**
- 3. Require all wastewater treatment facilities to provide adequate capacity for peak hydraulic flows.**
- 4. Require a service application for connection to a central sanitary sewer system for all proposed projects within Pasco County except residential development for which a subdivision plat is not also required.**
- 5. Where connection to a central system is available, central sanitary sewer shall be used unless the proposed project is located entirely within the Agricultural (Ag) or Agricultural/Rural (AG/R) category in the Future Land Use Map and the net residential density is not more than 3 du./net acre.**
- 6. Require the installation of a central wastewater treatment plant (in accordance with the County Sewer Use Ordinance) where connection to an existing central sanitary sewer system is not available and the development is located in an area designated by the future land use plan map as Res-3 or higher; and:**
 - (a) the development consists of more than 50 residential units; or**
 - (b) the net residential density is more than 3 units per acre (see Table 10-3 below).**

**TABLE 10-3
SEWER APPLICATION PROCESS**



7. Permit the expansion of existing interim wastewater treatment plants if necessary to meet the level of service standards contained in Policies 1 through 3 above. This policy is intended to provide relief for facilities which may become deficient prior to replacement by a subregional system. In areas designated as Res-1, permit the installation of a central wastewater treatment plant only when the proposed service is consistent with the approved Pasco County Utilities Capital Improvement Plan.
8. Permit individual (septic tanks) wastewater disposal systems where central systems are neither required nor available provided that soil conditions are acceptable and environmental impacts are negligible.
9. Require all sewage treatment and disposal systems be located and constructed in a manner consistent with all applicable local, state, and federal regulations, including the applicable goals, objectives, policies, and Level of Service Standards contained in this Comprehensive Plan.

**TABLE 10-3
SEWER APPLICATION PROCESS**



7. Permit the expansion of existing interim wastewater treatment plants if necessary to meet the level of service standards contained in Policies 1 through 3 above. This policy is intended to provide relief for facilities which may become deficient prior to replacement by a subregional system. In areas designated as Res-1, permit the installation of a central wastewater treatment plant only when the proposed service is consistent with the approved Pasco County Utilities Capital Improvement Plan.
8. Permit individual (septic tanks) wastewater disposal systems where central systems are neither required nor available provided that soil conditions are acceptable and environmental impacts are negligible.
9. Require all sewage treatment and disposal systems be located and constructed in a manner consistent with all applicable local, state, and federal regulations, including the applicable goals, objectives, policies, and Level of Service Standards contained in this Comprehensive Plan.

GOALS, OBJECTIVES, AND POLICIES

GOAL 3. Provide an acceptable sanitary sewer system for Pasco County.

Level of Service Standards

OBJECTIVE 1. Establish the following minimum Level of Service Standards for planning capital improvements and for reviewing applications for development approval.

It shall be the policy of Pasco County to:

- 1. Require, advanced secondary treatment of wastewater at all new or expanded sewage treatment plants within Pasco County.**
- 2. Adopt an infrastructure standard of 161 gallons of wastewater treatment capacity and disposal per day (annual average daily flow) for each equivalent residential connection within Pasco County.**
- 3. Require all wastewater treatment facilities to provide adequate capacity for peak hydraulic flows.**
- 4. Require a service application for connection to a central sanitary sewer system for all proposed projects within Pasco County except residential development for which a subdivision plat is not also required.**
- 5. Where connection to a central system is available, central sanitary sewer shall be used unless the proposed project is located entirely within the Agricultural (Ag) or Agricultural/Rural (AG/R) category in the Future Land Use Map and the net residential density is not more than 3 du./net acre.**
- 6. Require the installation of a central wastewater treatment plant (in accordance with the County Sewer Use Ordinance) where connection to an existing central sanitary sewer system is not available and the development is located in an area designated by the future land use plan map as Res-3 or higher; and:**
 - (a) the development consists of more than 50 residential units; or**
 - (b) the net residential density is more than 3 units per acre (see Table 10-3 below).**

10. Require industrial and commercial land uses which generate wastewater substantially different from residential wastewater to pretreat the effluent to Pasco County standards, prior to its disposal via a public sewer system.
11. Require connection of all central sewer facilities to subregional systems when such facilities become available.

Subregionalization

OBJECTIVE 2. By 2010, develop a county-wide network of subregional wastewater treatment plants principally servicing areas designated on the Future Land Use Map as Res-3 or higher and selected areas within other land use classifications.

It shall be the policy of Pasco County to:

1. Replace smaller package plants with subregional sewage treatment plants (or enlarge existing plants) by 2010.
2. Develop interlocal agreements recognizing the municipal boundaries for sanitary sewer service.
3. Participate in agreements with developers to provide subregional wastewater facilities in accordance with the CIE for the Future Land Use categories listed in this objective.
4. Plan, by 1995, the general location of, and determine estimated design capacity of, all trunk mains, interceptors, and pump stations for which a need is projected in the Future Land Use categories listed in this objective.
5. Service selected areas within the Ag/R land use classification when it is cost effective to do so.

Effluent Disposal

OBJECTIVE 3. Develop an effluent reuse and disposal program where permissible to conserve the potable water resources of the County.

It shall be the policy of Pasco County to:

1. Require use of recovered water for landscape irrigation and nonpotable use where available and permitted by DER.

2. Monitor enforcement of State regulations for water quality, especially with respect to wastewater plant operations and effluent disposal and, if necessary, develop an appropriate alternative management strategy.
3. Participate in long-term agreements with land owners to accept recovered water for irrigation of horticultural or agricultural uses.
4. Develop a dual water system utilizing recovered wastewater for parks, golf courses, cemeteries, large agricultural, commercial, or governmental complexes and other recovered water customers.

Sludge Disposal

OBJECTIVE 4. Dispose of septic tank and wastewater treatment plant sludge in an environmentally acceptable manner.

It shall be the policy of Pasco County to:

1. Require an HRS or DER permit as appropriate, for the disposal of liquid sludge, monitor enforcement of state regulations and, if necessary, develop an appropriate alternative strategy.
2. Consider sludge disposal alternatives such as selling the solids for agricultural purposes, transporting the solids to a facility for pelletizing, or in-vessel composting.
3. Adopt a comprehensive sludge management plan by 1995.

System Priorities

OBJECTIVE 5. Inhibit urban sprawl through the maximum use of existing wastewater facilities.

It shall be the policy of Pasco County to:

1. Not provide, nor permit the expansion of, public wastewater service to lands designated on the Future Land Use Plan Map as Ag or Ag/R where the use of individual septic tanks may be permitted.
2. Permit or require the provision of public wastewater service to lands designated on the Future Land Use Plan Map as Res-1 only when the proposed service is consistent with the approved Pasco County Utilities Capital Improvement Plan.

3. Provide or require public wastewater service to lands designated on the Future Land Use Plan Map as Res-3 or higher in accordance with Goal 3, Objective 1, Policy 6, of this element.

Additional Treatment Capacity

OBJECTIVE 6. Develop, by 1995, plans for wastewater treatment capacity necessary to accommodate projected 2010 wastewater flows.

It shall be the policy of Pasco County to:

1. Begin design for expansion or replacement when wastewater flow reaches 80% of capacity at any of its wastewater treatment plants where necessary to accommodate future demands.
2. Require private plant operators or owners to begin design for expansion or replacement when wastewater flow reaches 80% of capacity at any of its wastewater treatment plants where necessary to accommodate future demands.
3. Annually designate a portion of its operational and capital improvements budgets for the identification and correction of existing deficiencies in its wastewater disposal system as determined by the application of the standards contained in this Element.
4. Collect and use impact fees to offset the cost of capacity necessitated by the impact of new users.

Intergovernmental Coordination

OBJECTIVE 7. Coordinate all utility and transportation planning efforts to take advantage of the most economical construction and maintenance costs possible when installing utility lines, roads and sewers.

It shall be the policy of Pasco County to:

1. Coordinate sewer construction priorities with the County's transportation plans to ensure that all pipes designed for subsurface road placement are installed prior to road construction.
2. Use rights-of-way and unused easements for utilities, drainage, open space or other related purposes.

Existing Deficiencies

OBJECTIVE 8. Reduce existing deficiencies in sanitary sewer service by 5% each year until the deficiencies are eliminated.

It shall be the policy of Pasco County to:

1. Annually designate a portion of its operation and capital improvements budgets to be used for the identification and correction of existing deficiencies in its sewage collection and transmission system as determined by regular inspections.
2. Require other public systems to certify compliance with Pasco County design, construction and maintenance standards on an annual basis.

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Wastewater Section of the Public Facilities Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document.

1. Review any proposed capital improvement and development order for compliance with adopted Level of Service Standards. No development order should be issued for a project which would violate the level of service standard unless the proposed project is exempted and is not therefore subject to any level of service review, or when a project is denied a development order due to level of service deficiencies, a record of these deficiencies will be kept to serve as one input into the annual capital improvements programming process as described in the Capital Improvements Element.
2. Develop planned public or developer funded sanitary sewer improvements in a manner consistent with these policies.
3. Establish, through data collection and analysis, a system for developing service priorities. These priorities should be coordinated with and reflected by the annual Capital Improvements Program and Budget.
4. Interlocal agreements recognizing the boundaries of the proposed sanitary sewer districts should be developed with all municipalities in Pasco County.

SOLID WASTE

SUMMARY OF MAJOR SOLID WASTE ISSUES

Collection

There are six private and two municipal refuse haulers operating in Pasco County. Since there are no formal agreements regulating service areas, service is not provided in some rural areas and service is being duplicated in some areas.

Disposal

Most of the refuse collected in Pasco County is carted to the East Pasco Sanitary Landfill (Class I) or to County permitted landfills for construction and demolition debris. Some of the refuse is transported out of the County or dumped illegally; however, this is expected to diminish when the resource recovery plant and associated transfer station is in operation due to the increased accessibility of the disposal sites.

GOALS, OBJECTIVES, AND POLICIES

GOAL 4. Dispose of Pasco County's solid waste in an economically efficient and environmentally sound manner.

Level of Service Standards

OBJECTIVE 1. Establish the following Level of Service Standards for planning capital improvements and reviewing applications for development approval.

It shall be the policy of Pasco County to:

1. Develop an environmentally sound method of solid waste management adequate to address the needs of Pasco County. Needs shall be determined on the basis of a per capita solid waste generation rate of 6.2 pounds per day by 1995 and 7.0 pounds per day by 2010.
2. Operate County-owned solid waste management systems as economically self-sufficient enterprises.

Capacity

OBJECTIVE 2. Coordinate the increase in disposal capacity to meet future needs such that levels of service standards are maintained.

It shall be the policy of Pasco County to:

1. Plan for expansion of the resource recovery plant when the disposal volume reaches 80% of daily capacity.
2. Plan landfill/ashfill expansion when the disposal capacity reaches 80% full.
3. Plan for expansion of the East Pasco transfer station when it reaches 80% of daily capacity.
4. Require all Class III landfill operators to notify the County when 80% of permitted capacity has been reached.

Collection

OBJECTIVE 3. Maintain licensing and regulation of private solid waste haulers in Pasco County.

It shall be the policy of Pasco County to:

1. Locate transfer station(s) in a manner which minimizes

transportation costs subject to land use and environmental constraints.

2. Maintain licensing with private haulers requiring disposal at the Pasco County solid waste disposal and resource recovery system.

Hazardous Waste

OBJECTIVE 4. Assure that hazardous and infectious wastes are identified and disposed of properly.

It shall be the policy of Pasco County to:

1. Prohibit untreated, infectious waste to be deposited in any sanitary landfill.
2. Require industrial and other hazardous wastes to be rendered inert before acceptance at any sanitary landfill.
3. Require septage and sludge disposal permits which would identify method of disposal, quantity, and handling procedures, in accordance with Chapter 10D.6.29, F.A.C.
4. Prohibit landfills near wellfields, in high volume aquifer recharge areas and wetlands consistent with other elements of this comprehensive plan.
5. Monitor the enforcement of FDER and EPA regulations by these agencies and, if necessary, formulate an appropriate alternative management strategy.
6. Participate in amnesty programs for the disposal of hazardous household wastes.
7. Require performance of periodic water analyses on all monitor wells at all landfill sites.

Landfills

OBJECTIVE 5. Reduce the use of landfilling as a solid waste disposal technique in favor of resource recovery and recycling.

It shall be the policy of Pasco County to:

1. Limit, in accordance with FDER regulations the location of landfills within cones of influence of wellfields and conversely, new wellfields which would be adversely affected by an existing landfill.

GOALS, OBJECTIVES, AND POLICIES

GOAL 4. Dispose of Pasco County's solid waste in an economically efficient and environmentally sound manner.

Level of Service Standards

OBJECTIVE 1. Establish the following Level of Service Standards for planning capital improvements and reviewing applications for development approval.

It shall be the policy of Pasco County to:

- 1. Develop an environmentally sound method of solid waste management adequate to address the needs of Pasco County. Needs shall be determined on the basis of a per capita solid waste generation rate of 6.2 pounds per day by 1995 and 7.0 pounds per day by 2010.**
- 2. Operate County-owned solid waste management systems as economically self-sufficient enterprises.**

Capacity

OBJECTIVE 2. Coordinate the increase in disposal capacity to meet future needs such that levels of service standards are maintained.

It shall be the policy of Pasco County to:

- 1. Plan for expansion of the resource recovery plant when the disposal volume reaches 80% of daily capacity.**
- 2. Plan landfill/ashfill expansion when the disposal capacity reaches 80% full.**
- 3. Plan for expansion of the East Pasco transfer station when it reaches 80% of daily capacity.**
- 4. Require all Class III landfill operators to notify the County when 80% of permitted capacity has been reached.**

Collection

OBJECTIVE 3. Maintain licensing and regulation of private solid waste haulers in Pasco County.

It shall be the policy of Pasco County to:

- 1. Locate transfer station(s) in a manner which minimizes**

2. Reclaim full landfill sites for recreational, industrial, or agricultural use.
3. Prescribe strong penalties against any illegal dumping on private or public properties and promote education and public awareness of the problem.

Recycling

OBJECTIVE 6. Recycle as much solid waste as is economically feasible.

It shall be the policy of Pasco County to:

1. Study the feasibility of recycling and reuse technology.
2. Achieve a recycling rate of 30% by weight by 1994 through the establishment of collection centers in conjunction with private industry and through the establishment of the following recycling programs:
 - (a) governmental office paper recycling;
 - (b) waste tire recycling;
 - (c) recovered materials (white goods);
 - (d) lead acid and household batteries recycling;
 - (e) composting of yard trash; and
 - (f) curbside separation and collection of recyclables.

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Solid Waste Section of the Public Facilities Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document.

1. Pasco County should schedule and conduct capital improvements, as necessary, to meet the demands for solid waste disposal calculated utilizing the infrastructure standards in this Element.
2. Fees and special assessments for users, should be increased to reflect the cost of operations and future capital expenditures.
3. Pasco County should initiate and maintain an advertising and education program on the effects of such illegal dumping and how to combat it.
4. Pasco County should have a person trained in the handling and disposal of dangerous chemical and household products and have a special public information program to advise the public as to the availability of County personnel coordinating such disposal.
5. Pasco County should adopt procedures for the disposal of wastes in the event of a disaster in accordance with EPA "Guidelines" and DER "Rules" which call for personnel to be available in the event of a disaster.

SUMMARY OF MAJOR DRAINAGE AND GROUNDWATER RECHARGE ISSUES

Data Base

With the exception of drainage systems for selected streets and highways, Pasco County does not maintain a data base for storm drainage information. For this reason, it is difficult to determine the nature and extent of flooding problems throughout the County. Citizen complaints, although helpful, are an unreliable source for the kind of data needed to develop storm drainage improvements. A basin-wide approach to data collection and management is needed.

Drainage Standards

Pasco County has adopted for its own, the drainage standards of the Florida Department of Transportation. Although these standards are applied to all roads and highways, the County itself does not operate and maintain a public drainage system. Moreover, there is no apparent control over stormwater quality for discharges from areas developed prior to SWFWMD regulations. The need for a public drainage system can best be documented when a data base has been established.

Priorities and Funding

When the data has been collected and analyzed, standards can be applied. When the standards are applied, priorities must be established which will address existing as well as future needs. These priorities will require preliminary planning and design from which preliminary costs may be derived. Since Pasco County does not levy a utility fee for drainage improvements, sources must be found to implement drainage improvements.

GOALS, OBJECTIVES, AND POLICIES

GOAL 5. Reduce existing and avoid future flooding problems and improve surface water quality in Pasco County.

Level of Service Standards

OBJECTIVE 1. Establish the following Level of Service Standards for planning capital improvements and reviewing applications for development approval.

It shall be the policy of Pasco County to:

- 1. Limit the rate of stormwater discharge from new developments to amounts which are equal to, or less than, the rate of discharge which existed prior to development in accordance with the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District.**
- 2. Regulate the volume of stormwater discharge in accordance with the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District.**
- 3. Require at minimum that on-site drainage facilities for any new project attenuate the stormwater runoff resulting from a 24-hour/25-year storm.**
- 4. Require all new projects be designed and constructed to treat the amount of rainfall/runoff prescribed by the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District. Pasco County shall monitor the implementation of these regulations and, if necessary, develop an appropriate alternative strategy.**
- 5. Require the placement of structures or impervious surfaces within the 25-year floodplain be limited commensurate with the ability of the project to adequately mitigate potential flood impact via compensating storage volumes, and with due consideration of potential flood impact upon adjacent properties.**
- 6. Require that all development within closed drainage basins within the 100-year floodplain be compensated by creation of storage for an equal or greater volume elsewhere within the 100-year floodplain. Areas within the 100-year floodplain adjacent to a tidally influenced water body shall not be subject to this level of service performance standard.**

7. Permit rights-of-way and unused easements to be used for drainage purposes provided this will not cause roadway flooding.
8. Regulate the use of flood plains in accordance with the County Land Development Code and to comply with Federal requirements under the National Flood Insurance Program.
9. Require that all proposed buildings within the 100-year floodplain shall be constructed so that finished floor elevations are at or above the elevation of the 100-year flood, as indicated by the Federal Insurance Rate Map in effect at the time of building permit application or as established by site survey.
10. Develop a public participation education program to provide the general public with input into stormwater management policies, procedures, and practices.
11. Permit flood plains to be used for conservation, recreation and open space.
12. Regulate mining, excavation and filling of flood plains in accordance with appropriate state, federal and local regulations.
13. Amend the L.O.S. standards of this section if desired, at such time as the SWFWMD standards change or other standards are established.

Major Facilities Design and Maintenance Standards

OBJECTIVE 2. Establish criteria to identify, construct or reconstruct major drainage facilities which will be maintained by Pasco County according to a regular schedule.

It shall be the policy of Pasco County to:

1. Require all new drainageways to use swaled, rather than steep-sided, cross sections where possible.
2. Construct or require to be constructed, detention/retention basins in accordance with rules and procedures which Pasco County shall prescribe.
3. Require all new developments to provide on-site detention and treatment of stormwater runoff to remove oils, floatables, silt, sediment, nutrients, and heavy metals.
4. Require community associations, homeowner associations, developers and other third parties to retain ownership

GOALS, OBJECTIVES, AND POLICIES

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- 6. Require that all development within closed drainage basins within the 100-year floodplain be compensated by creation of storage for an equal or greater volume elsewhere within the 100-year floodplain. Areas within the 100-year floodplain adjacent to a tidally influenced water body shall not be subject to this level of service performance standard.**

and maintenance of drainage systems except for components as Pasco County shall prescribe.

5. Prohibit excavation of any retention/detention basin to a depth which adversely affects the Floridan aquifer.
6. Require stormwater systems to be designed to decrease velocity, enhance percolation and allow suspended solids to settle out. This policy shall not be construed to prohibit certain components such as bridge or culvert crossings which may increase velocity with no adverse impact on properties upstream.

Hydrologic Impacts

OBJECTIVE 3. Regulate development in a manner that will minimize adverse hydrological impacts.

It shall be the policy of Pasco County to:

1. Require development in any area adjacent to environmentally significant wetlands to be situated, designed, and constructed so as to minimize the adverse impacts on the beneficial characteristics and functions of wetlands.
2. Encourage the restoration of altered wetlands.

Master Drainage Plan

OBJECTIVE 4. Develop a Master Drainage Plan which identifies structural and nonstructural improvements to the primary drainage system.

It shall be the policy of Pasco County to:

1. Establish the following general priorities among stormwater improvements:
 - (a) existing deficiencies in urbanized areas.
 - (b) existing deficiencies in rural areas.
 - (c) concurrency with new development.
2. Solve drainage problems in a systematic and cost-effective manner, utilizing existing rights-of-way and easements supplemented by acquisition.
3. Require regular maintenance of erosion and sedimentation control devices of all public and private drainage systems.

4. Establish routine maintenance of major drainage ways whether natural or man-made.
5. Expand the County's aquatic weed control program County-wide.

Stormwater Management

OBJECTIVE 5. Pursue stormwater management techniques which minimize the need for pipes, concrete culverts, or other facilities designed to increase conveyance.

It shall be the policy of Pasco County to:

1. Use natural water storage areas for retention, infiltration, and evapotranspiration of stormwater, where consistent with other applicable local, state, and federal regulations.
2. Protect natural drainage features such as streams, lakes, wetlands, and estuaries, and the function of these natural features for conveyance, storage, and treatment of stormwater runoff.
3. Use existing natural water storage systems for runoff, such as bayheads and cypress domes, wherever possible, to minimize the need for artificial drainage facilities.

Intergovernmental Coordination

OBJECTIVE 6. Develop interlocal agreements and other appropriate arrangements with cities, counties and SWFWMD to assure coordination on a drainage basin basis.

It shall be the policy of Pasco County to:

1. Develop a maintenance schedule in accordance with the above Master Drainage Plan so that other government entities can organize their maintenance efforts.
2. Support the 208 Areawide Water Quality Management process for the Tampa Bay Region.

Stormwater Utility

OBJECTIVE 7. Create a stormwater utility for the management of storm drainage in Pasco County.

It shall be the policy of Pasco County to:

1. By 1995, lease, purchase, or otherwise control land needed for the elimination of flooding in selected high priority areas identified by Pasco County.
2. Conduct advance acquisition and/or control of drainage facility sites to avoid escalating land costs.
3. Adopt a Stormwater System Management Fee (not to be confused with a stormwater impact fee), which establishes a monthly charge to all property owners based on criteria which Pasco County shall prescribe. The purpose of the fee is to resolve stormwater quantity and quality problems and to maintain stormwater management systems consistent with the standards contained under Objective 1.
4. Fund from the Stormwater System Management Fee (not to be confused with a stormwater impact fee), the correction of existing deficiencies in major public drainage facilities, as referenced in Objective 4 and to make improvements to those major drainage-ways necessary to accommodate additional development in Pasco County.
5. Fund water quality monitoring using revenues from the Stormwater System Management Fee. Additional water quality monitoring may be required and funded by specific development projects, as deemed appropriate for development order approval.
6. Allocate funds for public drainage projects in areas that have had a detailed stormwater study prepared. Drainage studies shall define the flooding and water quality problems, provide a prioritized list of solutions to the problems, and estimate the cost of the necessary improvements. The Stormwater Utility Fee may be used to fund such studies.
7. Require dedication of drainage easements by developers in order for the County to have access for maintenance.

GOAL 6. Protect the functions of natural drainage features and surficial aquifer recharge.

Groundwater Recharge

OBJECTIVE 1. Develop and adopt regulations for protecting high aquifer recharge areas by 1995.

It shall be the policy of Pasco County to:

1. Limit the lot coverage and/or the amount of impervious surface of land uses located in high aquifer recharge areas.

2. Prohibit sanitary (Class I and Class II) landfills, hazardous waste disposal and other incompatible uses within the high aquifer recharge areas.

Stormwater Management

OBJECTIVE 2. Develop and adopt by 1995 a comprehensive Stormwater Management Ordinance, including Best Management Practices.

It shall be the policy of Pasco County to:

1. Implement drainage and stormwater management practices which:
 - (a) regulate stormwater quality, quantity, and recharge;
 - (b) require the use of a detention/retention basin or natural wetland systems as a means of compliance with post-development and predevelopment stormwater discharge rates;
 - (c) establish specific criteria for shoreline management;
 - (d) prevent deprivation of adequate water and nutrients from the natural system;
 - (e) establish a program to assign maintenance responsibilities for all stormwater pipe, swale, retention, detention, and management facilities;
 - (f) develop criteria for retention/detention facilities and waterbodies to assure mosquito control techniques are employed;
 - (g) require the use of retention basin designs that address soil conditions (percolation capacity), groundwater elevations, and the temporal distribution of rainwater events;
 - (h) require that side slopes on all retention/ detention basins be stabilized by grass or other means that are acceptable to the County;
 - (i) encourage the use of minimum side slopes along the perimeter of wet detention areas such as man-made lakes;
 - (j) expand the County's water quality testing capability to include: the monitoring of surface waters, the evaluation of stormwater pollution

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Drainage and Groundwater Recharge section of the Public Facilities Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document.

1. The key to any implementation program is financing. In the past, there have been many grant programs such as the Economic Development Administration (Titles I, II, and III). Many such spending programs have been eliminated, if not substantially cut back. In order to have an effective and responsive implementation program, Pasco County must look for alternative methods of generating revenue.

Special Stormwater System Management Fees are one method of financing which should be pursued. In addition, other funding sources should be identified and developed. This will protect the drainage program in the event of the loss due to the elimination of a single funding source.

Operation and maintenance costs should be paid for by the users of the system on an annual basis. Bonding, bond anticipation notes, loans, and other financial programs may also be used to diversify the financing program for drainage facilities.

2. The plan may be implemented on the procedural level by adopting ordinances which clearly state operational policies. Standard specifications, best management practices, along with engineering design criteria, may be used as a guidepost for review of engineering drawings and subdivision development plans by the County's staff.
3. In order to assure the desired results stated in the policies, Pasco County should perform inspections on all construction in the field to ensure compliance with ordinances. These inspections should be done on a regular basis. Four points of control must be accomplished. There must be a (1) review of the design; (2) a comparison against the plan policies and ordinances; (3) a determination of compliance with a performance standard; and (4) feedback concerning any possible violations. This system must be developed through a County inspection process to assure compliance with the drainage policies.

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SUMMARY OF MAJOR LAND USE ISSUES

The Local Government Comprehensive Planning and Land Development Regulations Act mandates that particular attention be paid to certain land use issues which are common throughout the state. Specifically, these issues are growth management, conservation of natural resources, traffic, urban sprawl and urban blight. Although the applicability and severity of these issues may not be as great for Pasco County as for others, they remain problems to be avoided if not to be resolved.

Growth Management

In order to provide public facilities and services in a manner which is effective, efficient and economical, growth must be directed to areas in which these central services are available or easily expanded to accommodate it.

In Pasco County, 46% of the permitted capacity for potable water is supplied by utility companies or individuals. Represented in this amount, are a total of 18,042 private wells which serve approximately 30,293 persons. Of the total permitted wastewater disposal capacity, 70% is provided by utility companies or individuals. Represented in this amount are approximately 53,000 active septic tank systems. The status of utilities in Pasco County today suggests that measures be taken which will improve efficiency and optimize existing and future investments in capital infrastructure.

Likewise, consideration must be given to the provision of public services such as police, fire and social services. Since the capital and operating costs of these services vary with the size and character of their respective service areas, growth management will play an important part in Pasco County's fiscal future.

Conservation of Natural Resources

The conservation of rivers, lakes, flood plains and the natural habitats of rare and endangered species merit consideration by the Comprehensive Plan. Since these nonrenewable resources have a public value which cannot easily be estimated in the real estate market, the Comprehensive Plan can be used as a tool to balance the equities of private property rights and community needs.

Although not often thought of in terms of natural resources, the quantity and quality of potable water is an important issue. Pasco County population is projected to grow by almost 70% over the next twenty-two years. Its capacity for growth will depend, to some extent, upon its ability to maintain adequate supplies of potable water. Since most of the County's water supply is

derived from underground sources, care must be taken to ensure that these sources are protected from contamination.

Traffic

Traffic congestion is an important issue in Pasco County. US 19 between SR 52 and the Pasco/Pinellas County Line is one of the most heavily congested roadways on Florida's west coast. This congestion is due to the continuous commercial development located adjacent to US 19 and the interaction of trips to and from Pinellas County. Other congested roads include some portions of US 301 and US 41, SR 52, SR 54, and parts of Little Road. These roadways serve urban and suburban types of land uses. Their congestion is indicative of the classic home to work transportation problem.

Roadway access is also an important land use related issue. Pasco County lacks an adequate network to support the proposed development expected to occur within the time frame of the Comprehensive Plan. US 19 is the only continuous north-south arterial roadway in the western section of the County. This road is supported by an occasional collector such as CR 595 (Old Dixie Highway). In the east, I-75 presently lacks a continuous, parallel roadway system to support an urban/suburban growth pattern. The proposed North Suncoast Expressway is intended to provide an alternative route for north-south travel. This limited access facility through Pasco County, would enter at either the Hillsborough County or Pinellas County line and exit at the Hernando County Line. Similarly, east-west traffic is inhibited by the lack of alternative routes.

Urban Sprawl

The term "urban sprawl" is commonly used to describe a development pattern in which low density/low intensity land uses are uniformly spread throughout the region in all directions. In journalism, "urban sprawl" is used disparagingly because this development pattern lacks a central core (downtown), is aesthetically monotonous, is wasteful of land and capital resources, and contributes heavily to traffic congestion.

Urban sprawl is the inescapable result of an unregulated real estate market in which producers and consumers each seek to maximize their own values to the exclusion of the community as a whole. To some extent, urban sprawl exists because, society as a whole likes it that way. To a larger extent, urban sprawl exists because the tools for planning and regulating alternative forms of development have historically been lacking. The Pasco County Comprehensive Plan provides some of the necessary tools for controlling urban sprawl.

Urban Blight

"Urban blight" refers to those areas of the County both urban and rural, which exhibit one or more of the following signs: physical deterioration, substandard housing conditions, substandard public facilities or services, capital disinvestment, and social disorganization. Pasco County, like its regional neighbors, has several general areas which would satisfy this definition. Although urban blight might seem isolated and temporary, the evidence suggests that the areas which are blighted today have been blighted for quite some time and may be growing.

It is important to understand that blighted areas exact a cost not only upon the residents of the affected area, but upon the County as a whole. This can be demonstrated in any number of ways including, but not limited to, the loss of ad valorem tax revenue due to depressed market values, the loss of foregone investment in neighboring business and industry, and the expenditure of funds for County services which are proportionally higher due to the shrinking population base of the service area.

GOALS, OBJECTIVES, AND POLICIES

The Future Land Use Element establishes a framework for consistency to which other elements must conform. Such factors as overall population growth and the expected geographic distribution of growth are important factors uniting land use planning with other aspects of the physical planning process.

The Future Land Use Element is based upon an inventory and analysis of existing conditions. Goals, objectives, and policies are set out in the form of statements expressing direction and intent. During subsequent revisions and updating of the Plan, these statements will be revisited to evaluate what has been accomplished.

GOAL 1. Achieve a high quality living environment for the citizens of Pasco County through improved management of the County's land, natural and economic resources.

Land Use Concept

OBJECTIVE 1. Establish land use densities and intensities at locations which reduce the potential for urban sprawl and which reflect a concern for the cost-effectiveness of public services, infrastructure capabilities, and environmental constraints.

It shall be the policy of Pasco County to:

1. Designate on the Future Land Use Plan Map land use categories of RES-6 and higher in locations which exhibit the fewest environmental and service level constraints as determined by the Conservation, Coastal Zone and Public Facilities Elements of this Comprehensive Plan. Conversely, designate on the Future Land Use Plan Map land use categories of RES-3 and lower in locations which exhibit the most environmental and service level constraints as determined by the Conservation, Coastal Zone and Public Facilities Elements of this Comprehensive Plan.
2. Optimize public investment in supporting infrastructure by concentrating land use categories RES-6 and higher in areas which are presently developed to these thresholds or in other areas where:
 - (a) public water and sewer facilities are available or are to be provided; and
 - (b) access to arterial, collector or frontage roads is available, or is to be provided; and

- (c) adequate public services (e.g., police, fire) are available or are to be provided.
- 3. Adopt a land use classification (see Table 2-3) and mapping system which specifies, by land use type:
 - (a) the general range of permitted uses,
 - (b) the general range of potential development density or intensity, and
 - (c) the general location criteria to be considered for subsequent development review.
- 4. Provide predictable, yet flexible, commercial locations for business, maintain the vehicular capacity of public roads, and avoid linear "strip" commercial development.
- 5. Limit within residential land use classifications the location of all new commercial development, except permitted infill development as shown on page 2-54, to planned nodes, in accordance with the Location Guidelines for Commercial Uses.
- 6. Maintain, and provide for public review, a listing of capacity-deficient public facilities or marginally adequate public facilities, to assist in informing interested parties where public facilities are generally insufficient to accommodate existing or short-term demands.
- 7. Permit, and encourage the use of, innovative land development and subdivision regulations, when developed pursuant to § 163.3202, F.S., for achieving adopted objectives in this Comprehensive Plan.

Such regulations/incentives may include, but are not limited to the use of performance or design standards in lieu of, or in combination with, lists of permitted uses; and other mechanisms.

- 8. Residential development within the Residential-1 Land Use Category must meet one of the following criteria:
 - (a) Be less than 300 acres in size; or
 - (b) Be within a mixed-use project and able to demonstrate that the retail and employment needs of the residents can be met within the project; or
 - (c) Be within a completed and adopted Sector Plan through the plan amendment process which provides nearby locations for the total retail and employment needs of the residents of the proposed

- (c) adequate public services (e.g., police, fire) are available or are to be provided.
- 3. Adopt a land use classification (see Table 2-3) and mapping system which specifies, by land use type:
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 - (b) Be within a mixed-use project and able to demonstrate that the retail and employment needs of the residents can be met within the project; or
 - (c) Be within a completed and adopted Sector Plan through the plan amendment process which provides nearby locations for the total retail and employment needs of the residents of the proposed

residential development. (The Sector Plan may be completed by the County planning staff or the applicant requesting residential approval under the guidance of the County staff. The Sector Plan must be officially adopted by the Board of County Commissioners and have binding status.); or,

- (d) Be developed at a gross residential density not exceeding one unit per five acres of land.

Growth Management

OBJECTIVE 2. Achieve an arrangement of land uses which is efficient with respect to land utilization, reduces average travel distances and reduces the average cost of delivering public services.

It shall be the policy of Pasco County to:

1. Permit the development of activity centers within the Mixed Use or Retail/Office/Residential classifications only within one mile of the interchanges of interstate highways or limited access expressways and only when supported by road systems, facilities and services which meet adopted level of service standards.
2. Permit the implementation of activity centers contingent upon the satisfaction of the level of service and concurrency requirements of this Comprehensive Plan (see Objectives 3 and 4).
3. Conditionally designate upon the Future Land Use Plan Map the general location of potential activity centers subject to Policies 1 and 2 of this objective where alignments of proposed limited access facilities are not yet finalized. The depiction of conditional activity centers in this manner shall have no legal effect upon the underlying land use classifications shown on the Future Land Use Plan map.
4. Implement the activity center concept by plan amendment to Mixed Use (MU) or Retail/Office/Residential (ROR) at such time as the exact location of the qualifying interchanges are known.
5. Permit mixed- and multiple-use projects within activity centers which provide integration and interaction among land uses. This policy shall not preclude nor provide a bias against, single-use projects if inappropriate mixing will create incompatibility between adjacent land uses.

6. Permit the amendment of the official Future Land Use Map in accordance with state regulations and the Level of Service Compliance section of this Plan to adjust land uses as appropriate to reflect the planned, programmed, and funded transportation improvements and facilities. For this purpose, the term "funded" shall include any funding commitments from any responsible public or private source, including without limitation, impact fees, assessments, or construction requirements in connection with any development project.
7. Conserve open space through selective land acquisition and park site dedication, as provided by local development regulations and the completion of Capital Improvement Projects.
8. By 1990, adopt and implement sign regulations consistent with the Goals, Objectives and Policies of this Comprehensive Plan.
9. Limit the number, and constrain the location, of access points associated with proposed development along any roadway shown on the Current Roadway Functional Classification or Future Traffic Circulation Maps in the Traffic Circulation Element in accordance with the standards to be included in the revised land development regulations.
10. Require the use of access points on collectors or arterials. Where both options are available, collectors shall be preferred. Access from arterials shall be provided via controlled intersections where possible.
11. Require adequate off-street parking for all land uses as a condition of development approval and prohibit the illegal use of roadways as parking areas through traffic control ordinances.
12. Limit the scale of development commensurate with the minimum level of service standards established by Pasco County for transportation, utilities and other public services (see Objective 3).
13. Approve development applications only if such applications are consistent with this Plan. Moreover, only those developments for which satisfactory public facilities are either available or will be available concurrent with the project's impacts shall be approved (see Objective 4).
14. Provide for higher densities where mass transit facilities will be located.

15. Review and revise the subdivision regulations as necessary in conjunction with the provisions of Chapter 163.3202(2).
16. Limit the rate of stormwater discharge from new developments to amounts which are equal to, or less than, the rate of discharge which existed prior to development in accordance with the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District.
17. Regulate the volume of stormwater discharge in accordance with the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District.
18. Require all new projects be designed and constructed to treat the amount of rainfall/runoff prescribed by the Rules of Chapter 40D-4 and 40D-40 administered in the Southwest Florida Water Management District. Pasco County shall monitor the implementation of these regulations and, if necessary, develop an appropriate alternative strategy.

Level of Service Standards

OBJECTIVE 3. Adopt minimum acceptable levels of service standards for the delivery of public facilities and services in accordance with the Goals, Objectives and Policies of the Comprehensive Plan, and said levels of service shall be implemented by 1990.

It shall be the policy of Pasco County to:

1. Adopt one or more level of service standards (see Public Facilities, Traffic Circulation, Mass Transit, and Recreation and Open Space Elements) which will be utilized to calculate the magnitude and location of major capital facility needs for each public facility and for the review of proposed development orders pursuant to Objective 4 below.
2. Consider performance standards for the evaluation of such other services as the County shall, in the future prescribe (e.g., schools, police, fire, health, etc.).
3. Approve development orders contingent upon a finding that all adopted levels of service standards have or will have been satisfied by the development pursuant to the concurrency requirements of Objective 4 below. Development proposals which would result in a breach of the service level standards (i.e., create a deficiency)

in opposition to the requirements of Objective 4 shall not be approved.

Concurrency

OBJECTIVE 4. Assure the adequacy and availability of public facilities and services concurrent with the impacts of future development.

It shall be the policy of Pasco County to:

1. Approve a development order only when compliance is established with regard to all adopted level of service standards pursuant to this Comprehensive Plan. All level of service reviews shall occur in the manner specified in the Level of Service Compliance section of this Element.
2. Require the issuance of a Certificate of Level of Service Compliance prior to the approval of one of the following development orders, phases of development orders or requests for service:
 - (a) Development of Regional Impact Development Order, as described in § 380.06(15), F.S., or Florida Quality Development, as described in § 380.061, F.S., and subsequent amendments thereto when provided for by amendment to this Plan;
 - (b) Preliminary site plan approval, submitted in accordance with Article XIII, Development Review and Regulation, which conforms to the requirements of Section 23.10 of the Pasco County Zoning Ordinance and Section 9.6 of the Pasco County Subdivision Regulation, or equivalent development order;
 - (c) Preliminary plan approval, submitted in accordance with Article XIII, Development Review and Regulation, which conforms to the requirements of Section 13.2., or equivalent development order;
 - (d) Record plat (Subdivision) approval, submitted in accordance with Article XIII, Development Review and Regulation (Section 13.2.6), or equivalent development order.

Review for issuance of a Certificate of Level of Service Compliance for public facilities shall occur at time of review of one of the items listed in (a) through (d). Nothing in this policy shall prevent the adoption of, as part of the Certificate of Level of Service Compliance, conditions which must be satisfied in order to validate, or render effective, the

Certificate of Level of Service Compliance (see Level of Service Compliance).

3. Require that all development orders issued by Pasco County are issued pursuant to at least one of the following findings:
 - (a) that all adopted level of service standards referenced in Objective 3, Policy 1 are maintained by the proposed development or development phase with public facility adequacy and availability determined by procedures identified under "Level of Service Compliance." This finding shall cause the issuance of a Certificate of Level of Service Compliance, as described in Policy 2 above; or,
 - (b) that the issuance of the development order is conditioned on the phasing of the project, or implementation of improvements to public facilities which are impacted by the project, to ensure the achievement of adopted level of service standards. This finding shall require the issuance of a Certificate of Level of Service Compliance for each project phase as described in Policy 2 above, when phasing or public facility improvements warrant; or,
 - (c) that the issuance of the development order does not require the issuance of a Certificate of Level of Service Compliance (e.g., rezoning approval), as described in Policy 2 above, and is conditioned to require the review and approval, as described in the Level of Service Compliance Section, of any subsequent development order before development may proceed on the project.
4. Prohibit the issuance of any building permit for any structure which has not, either as a free standing project or part thereof, been the subject of approval of a Certificate of Level of Service Compliance, unless such structure is part of an approved project which is exempted under the provisions for special exceptions [see Chapter 1 (Introduction)].
5. Require application for all proposed development orders listed in Policy 2(a)-(d) include an assessment of the proposed project's impact on cumulative demand for services and facilities for which an adopted level of service is not specified in this Comprehensive Plan. Such assessment shall consider the public health and safety of Pasco County residents and persons employed in the County.

6. Provide Pasco County agencies not utilizing the level of service review procedures (the Pasco County School Board, County Sheriff, County Emergency Medical Services, and the Fire Districts) with an annual update on approved development orders likely to result in short-term demand for schools and police and fire protection services (i.e., development orders listed in Policy 2). The County shall also request on a periodic basis, an inventory of facility deficiencies from the School Board and Fire Districts.
7. Condition final development orders on authorization and approval of necessary utility services.

Agriculture

OBJECTIVE 5. Encourage the preservation of agriculture as a viable long and short term use of land and an asset of Pasco County's economy.

It shall be the policy of Pasco County to:

1. Establish agriculture as the primary use in the Agricultural (AG) and Agricultural/Rural (AG/R) land use classifications (see Land Use Classification System).
2. Establish agriculture as a permitted use in all land use classifications.
3. Require the contiguous clustering of residential development within the AG/R land use classification through a system of agricultural density credit transfers. This system shall operate as described in the Calculation of Residential Densities section of this element. See page 2-46.
4. Exempt from the maximum density limitations of this Plan, housing for the exclusive use of farm workers, their families and any individuals whose principal occupation is agriculture, provided such housing does not exceed 12 dwelling units per acre.
5. Allow rural density residential and commercial uses (at commercial nodes) within areas designated as AG and AG/R. All commercial uses, except agricultural support uses, shall be subject to all the applicable guidelines of commercial nodes and the exceptions thereof.
6. Prohibit the expansion of public facilities and the extension of urban services to Agricultural and Agricultural/Rural areas, except as needed to serve agricultural or agriculturally-related operations having a

special requirement for these public facilities, such as dairies.

7. Require development consisting of more than twenty residential units within the AG/R Land Use classification to preserve 50% of the project site as open space.
8. Property developed and/or subdivided for the use of immediate family members related by blood or marriage for their primary residences shall not be limited to the minimum lot sizes established by the AG or AG/R land use categories, but may develop for the family residences on smaller lots up to the maximum gross density permitted.
9. Prohibit the rezoning of property in the AG/R land use classification which was zoned AC or AC-1 (one unit per ten acres) at the time of adoption of this Comprehensive Plan unless the property owner can demonstrate that a rezoning is:
 - (a) necessary to support the continuation or expansion of the agricultural use of property;
 - (b) part of a proposed Planned Unit Development district designed to accomplish clustering and open-space requirements so as to limit or prevent urban sprawl which might otherwise occur from a non-agricultural use of the property and to ensure perpetuation of agricultural uses;
 - (c) necessary as a result of changed conditions which deprive the owner of any reasonable use of the property under existing zoning;
 - (d) necessary to prevent inconsistency with other requirements of this Comprehensive Plan; or,
 - (e) necessary to allow an agriculture support non-residential use.

This policy shall not be applicable to future amendments to the Land Use Plan which would change the AG/R land use classification to another classification.

10. Provide adequate buffering and/or setbacks between agriculture and residential uses to protect such agricultural uses from adverse impacts associated with encroachment of residential areas or creation of nuisances by agricultural operations.

Natural/Cultural Resources

OBJECTIVE 6. Preserve significant natural, archaeological, historic and cultural resources which meet one or more of the following standards:

1. water bodies which qualify as Outstanding Florida Waters,
2. sites which contain artifacts of past civilizations which, by reason of quantity, quality or relative scarcity have scientific or educational value,
3. places or structures which can be directly associated with a famous historical figure, event or architectural period, or
4. places or structures which have acquired contemporary identities symbolic of or synonymous with the community, as in a landmark or monument.

It shall be the policy of Pasco County to:

1. Require that all land use activities utilize soil stabilization procedures and/or best management practices in order to minimize soil erosion and transport.
2. Inventory all known natural, archaeological, historic or cultural sites for use in analyzing future development and develop incentives for the preservation of these sites.
3. Designate all qualifying historic sites on a local historic site file.
4. Comply with State law and guidelines for the investigation of archaeological sites and the disposition of all artifacts which might be found.
5. Prevent the destruction or significant alteration of historic sites located in the National Register of Historic Places, the Florida Master Site File or recognized by Pasco County, by cross checking all requests for remodeling or demolition permits against these files. A significant alteration is one which changes the exterior appearance of a structure in a manner inconsistent with the original design. Nothing in this policy shall be construed to prohibit modernization, rehabilitation or adaptive reuse provided that the property is not significantly altered.
6. Study alternative methods for the encouragement of adaptive reuse of historically significant property and implement a program therefor by January 1992.

Intergovernmental Coordination

OBJECTIVE 7. Coordinate growth and development with surrounding municipalities and counties.

It shall be the policy of Pasco County to:

1. Submit to its municipalities and surrounding counties for their review, copies of any proposed DRIs, FQDs, Plan Amendments, PUDs, and MPUDs which it receives for projects proposed within one-half mile and one mile of their mutual borders, respectively.
2. Request from its municipalities and surrounding counties, copies of any proposed DRIs, FQDs, Plan Amendments, PUDs, and MPUDs which they shall receive for projects proposed within one-half mile and one mile of their mutual borders, respectively.
3. Implement the policies of the Intergovernmental Coordination Element.

GOAL 2. Provide a variety of housing opportunities that will be economically and functionally beneficial to Pasco County.

Residential Development

OBJECTIVE 1. Achieve residential densities in areas served by public facilities which are twice as high (on average) as comparable areas which are unserved by public facilities.

It shall be the policy of Pasco County to:

1. Permit residential development in excess of 12 units/gross acre in designated activity centers within the ROR or MU classifications (see Table 2-3).
2. Locate residential development which exceeds 12 units/gross acre in areas that are properly serviced by an adequate road network and appropriately buffer them, if necessary from lower density developments.
3. Permit mixed dwelling types and housing densities where proper site planning, as in a PUD, will accommodate such a mixture.
4. Encourage the development of neighborhoods which integrate parks, schools, service and retail uses with residential uses.
5. Locate nonresidential land uses which exceed 0.6 FAR at activity centers, and functionally integrate them with residential land uses where possible.

6. Encourage compatible infill development within existing developed areas provided that adequate community facilities are available.

Compatibility

OBJECTIVE 2. Deny development orders for land uses which are demonstrated to be detrimental to the viability of existing neighborhoods; invest in public improvements for declining neighborhoods; and facilitate the development of new residential areas.

It shall be the policy of Pasco County to:

1. Revise land development regulations to require the provision of walls, fences, berms, landscaped or open space buffers which are sufficient to mitigate incompatibility between adjacent land uses. This policy shall not be interpreted to mean, where buffering requirements are met, that compatibility has been established between adjacent land uses.
2. Protect existing and future residential areas from encroachment by incompatible uses by denying discretionary development orders (such as rezoning) for such incompatible uses.
3. Revise land development regulations to require the provision of variable building setbacks based upon the need to compensate for differences between adjacent uses; decreasing the distance for like uses and increasing the distance for uses which differ in height, intensity or other incompatibilities. Nothing in this policy shall mean, where setback requirements are met, that compatibility has been established between adjacent land uses.
4. Ensure that commercial development within residential designations on the Future Land Use Map (i.e., commercial nodes) are minimally intrusive to adjacent residential areas by reviewing final site plans for health and safety hazards, noise and glare mitigation. Development approval shall be contingent upon a satisfactory county review.
5. Restrict the expansion and replacement of incompatible land uses or other blighting influences which exist in residential neighborhoods.

Redevelopment

OBJECTIVE 3. By 1991, complete a study to inventory areas which, because of age, obsolescence, disuse, or other factors represent an under-utilization of community land, infrastructure and service resources.

It shall be the policy of Pasco County to:

1. Monitor structural conditions among the residential and commercial building stock, taking appropriate action when necessary.
2. Monitor the age, physical condition, and serviceability of community infrastructure such as roads, water mains, sewers, parks, rights of way, etc.
3. Devise a plan for identifying and addressing areas in need of revitalization.
4. Seek the cooperation of the private sector, state and federal officials, in developing a program of grants, low-interest loans and technical assistance to groups and individuals by participating in redevelopment efforts of the Community Development Block Grant Program and other available programs.

GOAL 3. Provide opportunity for commercial development that will be economically and functionally beneficial to Pasco County.

Commercial Development

OBJECTIVE 1. Achieve appropriate size, function and required compatibility of new commercial development following plan adoption.

It shall be the policy of Pasco County to:

1. Recognize existing linear patterns of commercial development by designating such areas as ROR on the Future Land Use Plan Map. This designation shall also be used to accommodate such developments as corporate office parks, regional malls and commercial development of all sizes including those which exceed the DRI threshold for Pasco County in gross floor area. The commercial location guidelines of Objective 2 do not apply to the ROR or MU land use classifications.
2. Permit commercial uses to infill on vacant parcels of land in areas where a pattern of commercial development has been established. Except as otherwise herein provided, commercial development shall be prohibited from locating where, in the absence of an existing

commercial strip, they open new areas to strip commercial development.

3. Permit commercial activities, intended to serve the needs of residents in areas designated for residential development on the Future Land Use Plan Map, provided these activities are compatible with surrounding residential development.
4. Ensure that all proposed commercial uses within residential land use classifications follow, in addition to commercial locational guidelines described in Objective 2 below, these additional commercial development guidelines:
 - (a) Any proposed commercial site must be sized and configured to provide for adequate setbacks, and buffers from any adjacent existing or future residential uses (see Goal 2, Objective 2, Policy 3).
 - (b) Any proposed commercial site must be configured and sized to allow for orientation of structures, site access points, parking areas, and loading areas on the site in a manner which minimizes any adverse impact on any adjacent residential use (see Goal 2, Objective 2, Policy 4).
 - (c) No proposed commercial site shall represent an intrusion into any residential area. As used in this standard, "intrusion" means located between two residential uses or sites which are not separated by the right-of-way of any roadway functionally classified as collector or higher, unless the proposed commercial use meets the definition of "infill commercial development," demonstrated through evaluation of existing land use patterns in the vicinity of the proposed use.
5. Regulate Recreational Vehicle Parks and Campgrounds, except R.V. subdivisions, as commercial uses, subject to all of the applicable objectives and policies therefor, except the commercial location guidelines of Objective 2 below, and in accordance with the Residential Density limitations rather than the Floor Area Ratio limitations shown in Table 2-3.
6. Permit commercial development of a character, intensity and location which complements surrounding land uses and public facilities.

Commercial Location Guidelines

OBJECTIVE 2. Maintain the vehicular capacity of public roads by discouraging linear "strip" commercial development

and the multiple access points which are likely to accompany linear commercial development.

It shall be the policy of Pasco County to:

1. Limit within the residential land use classifications the location of new commercial development, except permitted infill development as defined on page 2-54, to planned nodes at or near intersections of appropriate roadways.
2. Establish guidelines, for future land use classifications, on the range and intensity of commercial uses which may be considered for approval. Table 2-1 which follows lists guidelines for the size of commercial nodes recommended for consideration in each future land use classification.
3. Allow variations from the frontage guidelines provided in Policy 2, above, when:
 - (a) adequate access to the site cannot be provided within the specified frontage requirements, or
 - (b) physical features, i.e. environmental areas or project site configuration, make development within the specified frontage impractical, or
 - (c) frontage roads are provided for a project site which will also maintain adequate capacity of a parallel transportation facility.
4. Permit the consideration of any development order establishing the potential for commercial development, where the proposed project site is inconsistent with commercial location guidelines described in the Location Guidelines for Commercial Uses section of this Element when:
 - (a) commercial uses are within projects which have been determined to be special exceptions under the Special Plan Implementation Provisions section of Chapter 1, Introduction, of this Comprehensive Plan;
 - (b) such locations are designated as Retail/Office/Residential or Mixed Use on the Future Land Use Plan map;
 - (c) the proposed uses are recreational vehicle parks, amusement parks, etc.;
 - (d) the BCC determines that it is in the public interest;

- (e) a proposed professional office use is determined to be a low traffic generator equivalent to traffic generated from residential uses, and the granting of variation to the guidelines will not degrade the capacity of the roadway or roadways providing access to the site;
- (f) the proposed uses involve the sale of agricultural produce at temporary roadside stands as consistent with requirements of the zoning code;
- (g) the proposed uses are agricultural service establishments (e.g., farm equipment sales and service);
- (h) the proposed uses are appropriate water-dependent, water-related, and/or water-enhanced commercial uses, as defined by the Coastal Management Element;
- (i) support retail uses are part of any planned industrial, distribution, or office park within the Light Industrial (IL) or Heavy Industrial (IH) land use classifications.

TABLE 2-1

**GUIDELINES FOR COMMERCIAL NODE SIZE BY
FUTURE LAND USE CLASSIFICATION**

<u>Future Land Use Classification</u>	<u>Relative Commercial Node Size Permitted (a)</u>
CON	None
AG	Small
AG/R	Small
RES-1	Small
RES-3	Medium
RES-6	Medium
RES-9	Medium
RES-12	Medium
RES-24	Medium
ROR	Large
IL	Small (b)
IH	Small (b)
MU	Large
PSP	None
R/OS	None
C/L	Small (c)

NOTES:

- (a) **Small** - Commercial uses lying within 660 feet of the intersection of roads functionally classified as collector or higher.
- Medium** - Commercial uses lying within 1320 feet of the intersection of roads functionally classified as collector or higher.
- Large** - All commercial projects which exceed Pasco County's DRI threshold. Location at a node is not required; however, other criteria such as access and compatibility shall be observed.
- (b) - Within the IL or IH land use classifications, location at a node is not required if the commercial uses are controlled by PUD or MPUD zoning. However, the total amount of commercial uses must remain compatible with the industrial nature of the project.
- (c) - Except water-dependent, water-related or water-enhanced uses (see policies included in Coastal Management Element, Goal 2, Objective 1).

Required Access

OBJECTIVE 3. Provide adequate and appropriate access to new commercial uses approved following plan adoption.

It shall be the policy of Pasco County to:

1. Require that adequate and safe access to commercial uses be established on at least one functionally classified roadway operating at, or better than, the adopted current year level of service standard (see Table 7-1). Access which is limited only to local residential roadways shall be considered unacceptable for commercial uses.
2. Require that all proposed commercial projects and residential developments can be accessed from at least one roadway shown on the current year Roadway Functional Classification Map (see Map Series 7-2) as collector or higher. The order of preference for providing direct access for such uses shall be as follows:
 - (a) Connections in accordance with corridor access management plans, where adopted and approved by the County and approved by the Florida Department of Transportation for roads on the State Highway System.

- (b) Connections to existing or extended local public streets where such access will not conflict with residential uses and accesses.
 - (c) Access to minor collector roadways shown on the current year Roadway Functional Classification Map.
 - (d) Access to major collector roadways shown on the current year Roadway Functional Classification Map.
 - (e) Access to arterial roadways shown on the current year Roadway Functional Classification Map.
3. Require that outparcels of commercial subdivisions or developments have their access from internal drives or parking areas.
4. Require that all proposed commercial uses exceeding Pasco County's DRI threshold be accessed from at least one roadway shown on the current year Roadway Functional Classification Map (see Map Series 7-2) as an arterial. Furthermore, require that the order of preference for providing the access for such uses shall be as follows:
- (a) Connections in accordance with the Corridor Access Management Plans, where adopted and approved by the County and approved by the Florida Department of Transportation for roads on the State Highway System.
 - (b) Access to minor collector roadways shown on the current year Roadway Functional Classification Map.
 - (c) Access to major collector roadways shown on the current year Roadway Functional Classification Map.
 - (d) Access to arterial roadways shown on the current year Roadway Functional Classification Map.
5. All access management policies established by the County for roads on the State Highway System shall be developed in cooperation with the Florida Department of Transportation (FDOT) and be consistent with FDOT standards.

It shall be the policy of Pasco County to:

1. Reasonably protect the integrity of existing neighborhoods from the effects, if any, of bulk electric transmission corridors by discouraging their location through existing neighborhoods.
2. Encourage bulk electric transmission corridors to be located at the fringe of urban areas.
3. Locate the placement of bulk electric transmission corridors in such a way as to protect environmentally sensitive lands and resources in compliance with all applicable federal, state, and local environmental regulations.

OBJECTIVE 4. Encourage efficient utilization of lands through the sharing of utility corridors.

It shall be the policy of Pasco County to:

1. Promote the efficient utilization of lands through sharing of utility corridors and the encouragement of electric utility providers to locate bulk electric transmission corridors adjacent to other utility and road corridors.

GOAL 5. Ensure that ground and surface water quality, air quality, environmentally sensitive lands and wildlife habitat are protected from degradation by existing and proposed development.

Environmental Protection

OBJECTIVE 1. Maintain a system of viable incentives for preserving environmentally sensitive lands as defined in the Conservation and Coastal Management Elements of this Comprehensive Plan and as they are identified through the development process.

It shall be the policy of Pasco County to:

1. Permit the transfer of density credit from an environmentally sensitive portion of a parcel to the nonsensitive portion as a means of preserving environmentally sensitive lands (see Calculation of Densities section for the method of computation).
2. Prohibit development and land uses which require septic tanks, building types, and/or public utilities be placed in or on soils which are unsuitable for such uses, unless the soils on the site can be altered to meet state and local environmental and land use regulations.

3. Require the identification of the 100-year flood plain on any proposed development site prior to the issuance of a development order.
4. Limit development within the 100-year flood plain in order to minimize property damage from a 100-year storm event.
5. Protect rare vegetative species and the habitats of rare or endangered animals through the implementation of the goals, objectives and policies of the Conservation Element of this Plan.

Coastal Zone

OBJECTIVE 2. Control land use densities and intensities in coastal high hazard areas where property damage and potential loss of life due to natural disasters exists, (e.g., hurricanes, floods).

It shall be the policy of Pasco County to:

1. Designate upon a map in the land use map series the general location of the Coastal High Hazard Area and limit densities and intensities therein by establishing land uses with the lowest allowable densities and intensities within the area.
2. Prohibit County investments for public infrastructure within the Coastal High Hazard Area except for public recreation, natural and historic resource restoration or enhancement, or other facilities deemed necessary due to overriding public interest as determined by the Board of County Commissioners.
3. Require that new development within the Coastal High Hazard Area comply with the provisions of the Coastal Zone Protection Act of 1985.
4. Provide neither directly nor indirectly infrastructure needed to serve the private development of offshore islands, coastal swamps, marshlands, and beaches.
5. Participate in and coordinate emergency evacuation procedures with the Tampa Bay Regional Planning Council.
6. Require the contiguous clustering of residential development within the Coastal Lands (C/L) land use classification through a system of density credit transfers. This system shall operate as described in the Calculation of Residential Densities section of this element. See page 2-46.

7. Require development within the Coastal Lands land use classification to preserve open space according to the following schedule:

- (a) Tracts of 51 acres or more must retain 80% open space;
- (b) Tracts greater than 20 acres but less than 51 acres must retain 50% open space;
- (c) Tracts of 20 acres or less are not required to retain open space;

This policy applies to lots-of-record in existence at the time of adoption of this Comprehensive Plan. Property subsequently divided must meet open space requirements applicable to the parcel size of the parent parcel in existence at the time of Plan adoption. This policy shall not supersede other policies in this Comprehensive Plan.

OBJECTIVE 3. Provide hurricane shelter capacity for the population at risk within the coastal zone in conjunction with the regional hurricane evacuation plan.

It shall be the policy of Pasco County to:

1. Require all new development within the Coastal High Hazard Area to contribute to the cost of providing hurricane shelter capacity.

Wetlands

OBJECTIVE 4. Prevent the unwarranted or unmitigated reduction of the current acreage of lands claimed by state agencies as being within their legal jurisdiction.

It shall be the policy of Pasco County to:

1. Identify wetlands on any proposed development site prior to the issuance of or approval of any of the following:
 - (a) Development of Regional Impact or Florida Quality Development development order;
 - (b) Preliminary Plan;
 - (c) Subdivision Plat; or
 - (d) Preliminary Site Plan

2. Permit the transfer of density/intensity credit from the wetlands portion of any site, including associated buffers, to the upland portion of the same site (see Calculation of Residential Densities, page 2-46).
3. Discourage development of environmentally sensitive areas identified during the development review process.
4. Require wetlands mitigation for permitted disturbances in proportions equivalent to those legally established by the appropriate regulatory agency.

River Systems

OBJECTIVE 5. Preserve the Hillsborough, Withlacoochee, Pithlachascotee, and Anclote Rivers, their tributaries and their streams, in a predominantly natural state.

It shall be the policy of Pasco County to:

1. Coordinate its river protection efforts with those agencies and organizations identified in the Conservation and Coastal Zone Elements of this Plan.
2. Establish a 50-foot setback from the Hillsborough, Pithlachascotee, Anclote, and Withlacoochee Rivers.

Potable Water

OBJECTIVE 6. Protect potable public supply wells from contamination.

It shall be the policy of Pasco County to:

1. Protect potable water sources by controlling surface and groundwater quality impacts of development adjacent to wellfields and by implementing land use regulations in accordance with the goals, objectives, and policies of the plan. Those developments which require septic tanks, buildings, and/or public utilities to be placed in or on soils which are unsuitable for such uses shall be designed in accordance with State and Federal regulations to prevent water contamination and which are consistent with Goal 5, Objective 1, Policy 2 of this Element.
2. Monitor the environmental impacts of any legally permitted waste disposal or discharge, and take appropriate action when necessary.

GOAL 6. To achieve an economically sound tax base so that all other objectives of this Plan can be accomplished in an economically responsible manner.

Economy

OBJECTIVE 1. To encourage development which will contribute more to the County in revenue than it will consume in services, provided that such development can be accomplished within the spirit of this land use plan.

It shall be the policy of Pasco County to:

1. Develop incentives for the types of development referred to in Objective 1.
2. Develop a program to evaluate long-term economic impacts of development.

THE OFFICIAL LAND USE PLAN MAP

General Application

1. The Pasco County Future Land Use Element contains an official Future Land Use Plan Map. This map depicts a land use classification system which defines the location and range of permitted uses in each classification, the range of permitted densities and/or intensities of use, and other data necessary to comply with minimum state requirements.
2. The official future land use plan map depicts the following land use classifications and map symbols. Such symbols shall be used to implement the future land use concept subject to the projections of future population and employment as described in the Land Use Technical Support Document.

TABLE 2-2

Conservation	CON
Agricultural	AG
Agricultural/Rural	AG/R
Residential 1	RES-1
Residential 3	RES-3
Residential 6	RES-6
Residential 9	RES-9
Residential 12	RES-12
Residential 24	RES-24
Retail/Office/Residential	ROR
Industrial Light	IL
Industrial Heavy	IH
Mixed Use	MU
Public Semipublic	P/SP
Major Attractors	AT
Major Recreation/Open Space	R/OS
Activity Center	AC
Coastal Lands	C/L

3. The land use classifications shown on the future land use plan map are identified according to the predominant use or maximum level of intensity intended for that classification. Other uses such as but not limited to recreational, public and semipublic uses, may be permitted in any land use category consistent with the applicable goals, objectives, and policies of the land use element. Specific locations for other uses are not shown on the map because they are predicated on conditions and events which cannot be predicted at this time.

The character of each land use category is defined by development intensity, residential density, functional use and

the physical characteristics of the land. Each classification has a range of potentially permissible uses which, although not exhaustive, illustrate the character of uses permitted within the land use classification. Not all of the potential uses are acceptable anywhere within the classification. Each potential use must be evaluated in accordance with the goals, objectives and policies of the land use element.

For example, although a residential development must comply with the maximum gross density requirements, it is not assured of the maximum density allowed for that classification. The application of Plan policies dealing with the natural environment, public facilities, transportation, and/or surrounding land use compatibilities may preclude the development of maximum density on any particular site.

4. The development of a single-family detached home when the individual lot-of-record does not meet the maximum density requirement of the Land Use Element, shall be permitted. Development as described above shall be subject to all state and local development regulations including but not limited to those regulations designed to effectuate its intent.
5. All land use categories shall permit the consideration of churches, schools, and sites for compatible public facilities, when in compliance with the Goals, Objectives, and Policies of the Land Use Element and applicable development regulations.

Interpretation of Plan Boundaries

6. Whenever possible, plan boundaries shall be interpreted as coinciding with manmade boundaries, such as rights-of-way (ROW) lines, property lines, section lines, or with natural boundaries such as water bodies. In the event that any plan boundary shown on the official land use plan map cannot be determined to coincide with any such boundary, the affected party may request an official interpretation from the local land planning agency. Decisions of the local land planning agency may be appealed to the Board of County Commissioners whose decision shall be final.

Where a designation on the Future Land Use Map has been erroneously labelled or located, and records can be produced to verify such an error, Pasco County shall administratively make the required adjustment to correct the error, and shall permit consideration of any proposed development order pursuant to the correction. All administrative corrections described under this section shall be transmitted to the State of Florida for recording at the same time as the following transmittal date for any approved plan amendments.

Plan boundaries shall be interpreted as fixed boundaries in all cases except in the limited circumstance where a DRI, PUD or MPUD was approved prior to the adoption of this Comprehensive Plan and in which case a flexible boundary may be considered in order to obviate the need for a plan amendment.

Circumstances under which a flexible boundary may be considered are limited to instances where:

- (a) an applicant for development approval under the Development of Regional Impact (DRI) process can demonstrate by site plan, an equivalency of development rights but an improvement in the overall configuration of uses.
 - (b) an applicant for a planned unit development or mixed use development which is not also a DRI, can demonstrate by his site plan an equivalency of development rights and an improvement in the overall configuration of uses.
7. Flexible plan boundaries shall automatically be recorded by prior or future PUD, MPUD zoning or DRI approval and shall not require a change to the Future Land Use Plan Map.
8. All land use classifications which allow residential development shall permit the clustering of residences within the gross residential density limit for that land use classification provided, however, that such clustering is accomplished through the PUD, MPUD or other site plan controlled zoning district. All other applicable development regulations shall also be satisfied.

Land Use Classification System

Land use classifications, their respective densities, intensities and uses shall be defined in accordance with the Table 2-3, which follows.

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS Dwelling Units/ Gross Acre	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
1) Conservation Lands	CON	0.00	0.00	Open Space, appropriate recreational activities, Passive Nature Parks, Selected Agricultural Activities, Spraying of Treated Effluent, Accessory Structures.	Intent - to recognize Public or Private lands held for conservation.
2) Agricultural	AG	0.10	0.23	Agricultural, Rural residential uses, Mining, Agro-Industrial uses, small Commercial uses, Recreation facilities.	<p>Intent - to maintain agricultural character in appropriate areas and to minimize infrastructure needed in those areas to accommodate future development.</p> <p>Mining and Agro-Industrial uses are exempt from maximum FAR.</p> <p>All commercial uses should be consistent with the location guidelines of this element to be eligible for consideration.</p> <p>Mining activities which require ancillary processing are permitted only with special approval by the Board of County Commissioners.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
3) Agricultural/Rural	AG/R	.20 max.	0.23	Agriculture, Rural residential uses, Mining, Agro-Industrial uses, small Commercial uses, Recreation facilities	<p>Intent - to maintain rural and agricultural character in appropriate areas and to minimize infrastructure needed in those areas to accommodate future development.</p> <p>Mining and Agro-Industrial uses are exempt from maximum FAR.</p> <p>All commercial uses should be consistent with the location guidelines of this element to be eligible for consideration.</p> <p>Mining activities which require ancillary processing are permitted only with special approval by the Board of County Commissioners.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
4) Residential-1.0 du/ga	RES-1	1.00 max.	0.27	Residential uses, Retail uses and Professional/Personal Service Office uses, Agriculture and agriculturally related uses, Recreation facilities, Neighborhood scale public and semipublic uses such as central utility systems.	<p>Intent - to recognize those areas suited for residential development at maximum of 1 dwelling unit/gross acre, and to establish locations within such areas which may be eligible for appropriate residential support uses.</p> <p>All nonresidential uses must be consistent with the location requirements of this element to be eligible for consideration.</p> <p>Projects which were developed or rezoned prior to adoption of this Comprehensive Plan may exceed the density limits of this category provided, however, that the maximum gross density shall not exceed 1.5 dwelling units per acre and the project shall comply with all other applicable policies and standards of this Plan.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DEWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
5) Residential-3.0 du/ga	RES-3	3.00 max.	0.27	Same as for RES-1	<p>Intent - to recognize those areas suited for residential development at maximum of 3.0 dwelling units gross acre, and to establish locations which may be eligible for appropriate residential support uses.</p> <p>All nonresidential uses should be consistent with the location guidelines of this element to be eligible for consideration.</p> <p>Projects which were developed or rezoned prior to adoption of this Comprehensive Plan may exceed the density limits of this category provided, however, that the maximum gross density shall not exceed 4.5 dwelling units per acre and the project shall comply with all other applicable policies and standards of this Plan.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS DWELLING UNITS/ GROSS ACRE	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
61 Residential-6 du/ga	RES-6	6.00 max.	0.27	Same as for RES-1.	<p>Intent - to recognize those areas suited for residential development having a maximum density of 6.0 dwelling units/gross acre, and to establish locations which may be eligible for appropriate support uses.</p> <p>All nonresidential uses should be consistent with the location guidelines of this element to be eligible for consideration.</p> <p>Projects which were developed or rezoned prior to adoption of this Comprehensive Plan may exceed the density limits of this category provided, however, that the maximum gross density shall not exceed 9.0 dwelling units per acre and the project shall comply with all other applicable policies and standards of this Plan.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS Dwelling Units/ Gross Acre	MAXIMUM NONRESIDENTIAL INTENSITY Floor Area Ratio (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
71 Residential-9 du/ga	RES-9	9.00 max.	0.27	Same as for RES-1.	<p>Intent - generally used for recognizing existing development having a density between 4 du/ga net acre and 9 du/ga if appropriately located (e.g., mobile home parks) and to provide for appropriate transitional areas.</p> <p>All nonresidential uses must be consistent with the location requirements of this element to be eligible for consideration.</p> <p>Projects which were developed or rezoned prior to adoption of this Comprehensive Plan may exceed the density limits of this category provided, however, that the maximum gross density shall not exceed 13.5 dwelling units per acre and the project shall comply with all other applicable policies and standards of this Plan.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
B1 Residential-12 du/ga	RES-12	12.00 max.	0.27	Same as for RES-1. Also hotels/motels.	<p>Intent - to recognize those areas suited for residential development having a maximum density of 12 dwelling units/gross acre, and to establish locations within such areas which may be eligible for appropriate support uses.</p> <p>All nonresidential uses should be consistent with the location guidelines of this element to be eligible for consideration.</p> <p>Projects which were developed or rezoned prior to adoption of this Comprehensive Plan may exceed the density limits of this category provided, however, that the maximum gross density shall not exceed 18 dwelling units per acre and the project shall comply with all other applicable policies and standards of this Plan.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
9) Residential-24 du/ga	RES-24	24.00 max.	0.27	Same as for RES-1. Also for hotels/motels.	<p>Intent - to recognize those areas suited for residential development having maximum density of 24 dwelling units/gross acre, and to establish locations within such areas which may be eligible for appropriate residential support uses.</p> <p>All nonresidential uses must be consistent with the location guidelines of this element to be eligible for consideration.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
101 Retail/Office/ Residential	ROR	24.00 max.	0.60	Commercial uses, Residential uses, hotels/motels, compatible manufacturing and distribution uses.	<p>Intent - to identify established areas exhibiting a broad range of commercial and residential uses, and to recognize the continued existence of such areas through the long-range planning time frame. Also, to establish ap- propriate sites for the develop- ment of major future community- or region-serving commercial uses and to permit the land use in- tensities necessary to achieve this result.</p> <p>No uses which have a primary pur- pose of distribution of goods shall be permitted in the ROR designation.</p> <p>No uses engaged in the manu- facturing, processing or assem- bling of goods shall be permitted in the ROR designation.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS Dwelling Units/ Gross Acre	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
11) Industrial - Light	IL	0.00	0.50 Industrial 0.27 Retail	Office, Light Industry, Research/Corporate Parks, Warehouse/Distribution, Retail uses, hotels/motels.	<p data-bbox="1426 489 1832 694">Intent - to recognize areas suitable for light industrial uses or for other uses without objectionable aesthetic impact, and without adverse noise, smoke, dust, vibration, or glare impacts.</p> <p data-bbox="1426 736 1832 940">The maximum FAR of .50 is established at a level which permits industrial storage and automated processing normally associated with light industrial uses. However, retail uses shall not exceed .27 FAR.</p> <p data-bbox="1426 982 1832 1116">Retail land uses within any planned industrial distribution or office park shall be limited to 15% of the net project acreage.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS Dwelling Units/ Gross Acre	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
12) Industrial - Heavy	IH	0.00	0.50 Industrial 0.27 Retail	Light Industry, Heavy Industry, Ports, Intensive Commercial uses, Convenience Retail uses, Warehouse/Distribution.	Intent - to recognize areas suited for development of all industrial uses without objectionable aesthetics, or associated with adverse noise, smoke, dust, or vibration impacts. The maximum FAR of .50 is established at a level which permits industrial manufacturing normally associated with light and heavy industrial uses. However, retail uses shall not exceed .27 FAR. Retail land uses within any planned industrial distribution or office park shall be limited to 15% of the net project acreage.

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS	MAXIMUM NONRESIDENTIAL INTENSITY	GENERAL RANGE OF POTENTIAL USES	NOTES
		DWELLING UNITS/ GROSS ACRE	FLOOR AREA RATIO (FAR)		
13) Mixed Use	MU	32.00 max.	3.0	Commercial, Light Industrial Research/Corporate Parks, Warehouse/Distribution, Residential uses, Hotels/Motels.	Intent - to identify areas which are established as, or suitable for, major centers of subur- ban/urban activity and are limited to areas with a high level of public facility avail- ability along expressways. Also, to provide incentives to en- courage or require the horizontal or vertical integration of various residential and non- residential uses within these areas and the development of a high quality environment for living, working or visiting.

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS DWELLING UNITS/ GROSS ACRE	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
14) Public/Semipublic	P/SP	N/A	N/A	<p>Landfills, permanent water and wastewater treatment/storage/disposal facilities, solid waste management facilities including, but not limited to, major maintenance facilities, solid waste transfer stations, major utility transmission corridors.</p> <p>Universities, colleges, or groupings of other major educational facilities, hospitals and complementary or accessory health care uses not designated under other future land use categories, community centers.</p>	<p>Intent - to recognize major existing and programmed public/semi-public facilities, primarily those facilities associated with public or private utilities and those associated with frequent or regular use by the residents of the community (e.g., educational and health care facilities). Also, to recognize major public facilities which are also not permitted within the residential land use classifications of this plan. Additional uses under this category may be recognized by amendments to the Future Land Use Map, if appropriate.</p> <p>Where used to designate easements for electrical transmission lines and any other utility easements, P/SP category functions as an overlay category.</p>

TABLE 2 - 3
COMPREHENSIVE PLAN FOR UNINCORPORATED PASCO COUNTY
FUTURE LAND USE CLASSIFICATION SYSTEM

FUTURE LAND USE CLASSIFICATION	MAP SYMBOL	DENSITY RESTRICTIONS DWELLING UNITS/ GROSS ACRE	MAXIMUM NONRESIDENTIAL INTENSITY FLOOR AREA RATIO (FAR)	GENERAL RANGE OF POTENTIAL USES	NOTES
15) Major Attractors	AT	N/A	N/A	Mass seating facilities, civic centers, convention facilities and other major attractors.	Intent - to recognize major existing and programmed facilities, both public and private, which, by virtue of their highly specialized function (e.g., theme or amusement parks), or their infrequent (but significant) impact on public facilities, are inconsistent with the intent and definition of other future land use classifications.
16) Major Recreation/ Open Space	R/OS	N/A	N/A	Major parks, Publicly owned or operated recreational facilities.	Intent - to recognize major recreation and permanent open space lands.
17) Activity Center	(circle)	32.00 max.	3.0	See 13 Mixed Use	Intent - same as Mixed Use. Activity Centers are implemented by plan amendment to change the underlying land use designation to either MU or ROR.
18) Coastal Lands	C/L	0.025 max. (1 du./40 ga)	0.23	Low density residential uses, appropriate small-scale residential support uses, and appropriate water-dependant, water-related or water-enhanced nonresidential uses.	Intent - to limit land use densities and intensities in Coastal High Hazard Areas where potential property damage and loss of life due to natural disasters exists.

T A B L E 2 - 3
OTHER MAP CLASSIFICATIONS OF THE FUTURE LAND USE MAP/MAP SERIES

NATURAL RESOURCE CLASSIFICATIONS	INTENT - MAPPING STATUS - HOW IMPLEMENTED
1. Watersheds/Cones of Influence	Policy Implementation Areas-Generalized Map Locations-Site Specific Review
2. Beaches and Shores, including Estuarine Systems	Information Item (9J-5 Requirement)
3. Rivers, Bays, Lakes	Policy Implementation Areas-Generalized Map Locations-Site Specific Review
4. Flood plains	Policy Implementation Areas-Specific Locations-Site Specific Review
5. Wetlands	Policy Implementation Areas-Generalized Map Locations-Site Specific Review
6. Minerals	Information (9J-5 Requirement)
7. General Soils Associations	Information (9J-5 Requirement)
8. Historic Resources	Policy Implementation Areas-Specific Locations-Site Specific Review
9. Coastal High Hazard Areas	Policy Implementation Areas-Specific Locations-Site Specific Review
10. Mining Overlay	Information (9J-5 Requirement)
11. Pasco County Activity Centers	Policy Implementation Areas-Specific Locations-Site Specific Review

Calculation of Residential Densities

9. Maximum densities are applied on a gross residential basis. This means that each development proposal is considered separately. In applying densities to acreages, certain nonresidential land use types that lie within a project's boundaries, such as office, commercial, and industrial uses, are excluded from the calculations. Also, only those lands specifically within a project's boundaries may be used for calculating any density credits. Along coastal areas, only land above the mean high tide line may be used in determining acreage size. Maximum density and other calculations shall be based on the development potential allowable in either the requested or existing zoning district, whichever is applicable, but in no case shall exceed the gross density permitted by the Plan.
10. In general, the computation of maximum gross density shall be the maximum density allowed by the land use classification applicable to the subject property, multiplied by the proposed residential acreage of the project. Proposed residential acreage means that portion of the total site area which will be developed for residential use inclusive of street rights of way, utility rights of way, public and private parks, community facilities etc. Proposed residential acreage does not include any lands within the project which are classified as Conservation or Water Bodies. In some cases, the application of zoning, subdivision, environmental and other regulations may result in an actual project density less than the maximum permitted by the Plan. The land use map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulation.
11. In those cases where proposed residential acreage contains lands which are classified as Conservation, Water Bodies, or otherwise environmentally sensitive, density credit will be allowed provided that the areas so classified do not exceed 25% of the developable residential acreage. For example, if a 100 acre site contains a 10 acre lake, density credit will be allowed for the lake because it comprises less than 25% of the 90 acres which are developable. Conversely, if a 100 acre site contains a 25 acre lake, density credit will be allowed for only 18.75 acres of lake because the lake exceeds 25% of the remaining 75 developable acres. In each case, the density credit may only be applied to the developable acreage elsewhere on the same site. Density credit may not be transferred off-site nor can any credit be given for such lands when they occur within the nonresidential portion of a project.

**EXHIBIT 2-1
DENSITY CREDIT EXAMPLES**

EXAMPLE 1.

Gross Site Area: 100 ac.
Lake: -10 ac.

(Lake) 10 ac. < 22.5 ac.,
Therefore all ten acres of
lake receive credit

Developable: 90 ac.
Credit: x.25 ac.
22.5 ac.

EXAMPLE 2.

Gross Site Area: 100 ac.
Lake: x.25 ac.

(Lake) 25 ac. > 18.75 ac.,
Therefore only 18.75 acres
of lake receive credit

Developable: 75 ac.
Credit: x.25 ac.
18.75 ac.

12. For proposals in which project boundaries encompass more than one residential land use classification, the maximum gross density shall be the sum of the densities computed for each area independently. The units may be distributed throughout the site consistent with the clustering and boundary interpretation provisions of this Element.
13. The computation of maximum gross density for lands classified as Agricultural or Coastal Lands shall be the same as for all residential classifications and to encourage the preservation of agriculture, housing may be clustered in accordance with the following standards:
 - (a) both the development and the remaining agricultural or coastal parcel must be part of a site plan controlled zoning district (as in a PUD or MPUD) which stipulates that the maximum allowable density credit for the entire zoning lot has been transferred to the cluster development and may not be subsequently rezoned to the contrary without a plan amendment;

- (b) nonresidential land uses may be included as part of the clustered development to the extent that such development complies with the Goals, Objectives and Policies stated in this Plan. No additional intensity credit for preserved agricultural or coastal lands will be permitted;
 - (c) to the extent physical conditions permit, Pasco County shall require the clustered portion of two or more such site plan controlled zonings to be adjacent.
 - (d) units may not be clustered at densities which would exceed the threshold for wells and septic tanks, nor located in areas which cannot sustain wells or septic tanks.
14. For the purpose of group homes and similar facilities, the density computation shall be as provided by the zoning code. Congregate living facilities, and group homes shall be permitted within any residential classification provided that the density limitations of this Element and the provisions of the land development regulations and the location guidelines of the Housing Element are complied with.

Calculation of Floor-Area Ratios (FAR)

15. For nonresidential projects, the maximum gross building square footage shall be the sum of the nonresidential project acreage multiplied by the maximum floor-area ratio (FAR) permitted by the applicable land use classification.
16. In applying FARs to acreages, all residential land uses which fall within a project's boundaries shall be excluded. Also, only those lands specifically within a project's boundaries may be used for calculating the maximum permitted gross building square footage. The above notwithstanding, no nonresidential intensity may be transferred from one parcel of land to another when the parcels are physically separated from each other, except as by roadways, streams, rivers or lakes. Along coastal areas, only land above mean high tide may be used in determining acreage size.
17. Intensity credits shall be computed in the same manner as that for density credits in residential land use classifications (see 7 through 12 above).

**EXHIBIT 2-2
INTENSITY CREDIT EXAMPLES**

EXAMPLE 1.

Nonresidential Site Area:	50 ac.	
Lake:	<u>- 5 ac.</u>	
Developable:	45 ac.	(Lake) 5 ac. < 11.25
Credit (.25):	<u>x.25 ac.</u>	Therefore, all five
	11.5 ac.	acres of lake receive
		credit toward FAR

EXAMPLE 2.

Nonresidential Site Area:	50 ac.	
Lake:	<u>- 15 ac.</u>	
Developable:	35 ac.	(Lake) 15 ac. >
	<u>x.25 ac.</u>	8.75 ac., Therefore,
	8.75 ac.	only 8.75 acres of
		lake receive credit
		toward FAR

Location Guidelines for Commercial Uses

18. Proposed commercial projects, in addition to meeting limitations on types of permitted uses, requirements limiting floor-area ratio, and access requirements should also meet the following guidelines to ensure compliance with policies requiring "nodal" commercial development. Nothing in this Section shall be interpreted to exempt any commercial use from compliance with all other goals, objectives, and policies, and from compliance with other applicable development regulations.

(a) Small Commercial Nodes

Commercial projects, or commercial components of larger projects (FAR = .23), should be located within a commercial node at the intersection of at least two roadways functionally classified, at the time of issuance of a Certificate of Level of Service Compliance for the project, as collector or higher. The adopted Current Year Roadway Functional Classification Map should be used to determine the functional classification of roadways. The commercial node should be defined, when completely located within either the AG, C/L, RES-1, AG/R, IL, or IH categories on the Future Land Use Map, as generally extending a maximum of 660 feet in each direction along the frontage of such roadways. The 660 feet of frontage should be measured from the point of

intersection of the rights-of-way of the intersecting functionally classified roadways, and is measured along property lines adjacent to the roadway rights-of-way.

Refer to Figures 2-1, 2-2, and 2-3 for clarification on how a node is defined, and for permitted exceptions to the 660-foot limit on extent of the node.

(b) Medium Commercial Nodes

Commercial projects, or medium commercial components of larger projects (FAR = .27), should be located within a commercial node at the intersection of at least two roadways functionally-classified, at time of issuance of a Certificate of Level of Service Compliance for the project, as collector or higher. The adopted Current Year Roadway Functional Classification Map should be used to determine the functional classification of roadways. The commercial node should be defined, when partially or completely located within the RES-3, RES-6, RES-9, RES-12, and RES-24 categories on the Future Land Use Map, as generally extending a maximum of 1320 feet in each direction along the frontage of such roadways. The 1320 feet of frontage should be measured from the point of intersection of the rights-of-way of the intersecting functionally classified roadways, and is measured along property lines adjacent to the roadway rights-of-way.

Refer to Figures 2-1, 2-2, and 2-3 for clarification on how a node is defined, and for permitted exceptions to the 1320-foot limit on extent of the node.

(c) Large Commercial Projects

Commercial projects which exceed Pasco County's DRI threshold shall be located completely within an area designated as ROR or MU on the Future Land Use Map.

19. **Illustration of Location Guidelines for Consideration of Small and Medium Commercial Nodes**

FIGURE 2-1





**FOR COMMERCIAL USES PROPOSED WITHIN AREAS
DESIGNATED AS AG, C/L, AG/R, RES-1, IL, OR IH
ON THE FUTURE LAND USE MAP**

MAXIMUM FRONTAGE = 660'

**FOR COMMERCIAL USES PROPOSED WITHIN AREAS DESIGNATED AS
RES-3, RES-6, RES-9, RES-12, AND RES-24
ON THE FUTURE LAND USE MAP**

MAXIMUM FRONTAGE = 1320'

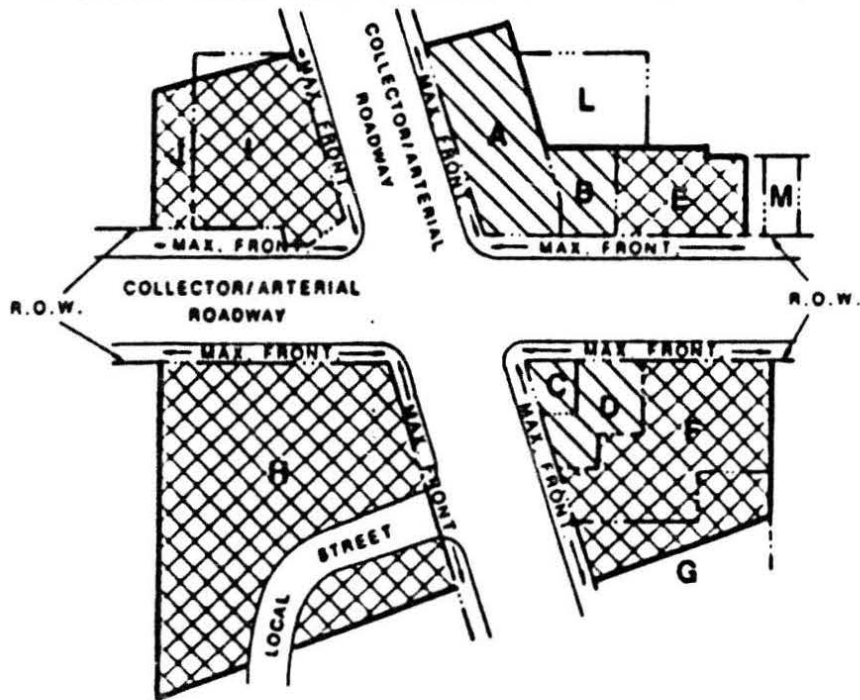
LEGEND

- **PROPERTY OWNERSHIP BOUNDARIES**
-  **PARCEL A**
-  **OWNERSHIP ON WHICH ALL PROPERTY IS ELIGIBLE FOR
CONSIDERATION FOR COMMERCIAL USES**
-  **PARTS OF OWNERSHIP PARCEL WHICH ARE ELIGIBLE
FOR CONSIDERATION FOR COMMERCIAL USES**
-  **OWNERSHIP, OR PARTS THEREOF, NOT ELIGIBLE FOR
COMMERCIAL USES**
- **BOUNDARIES OF ILLUSTRATED COMMERCIAL NODE**

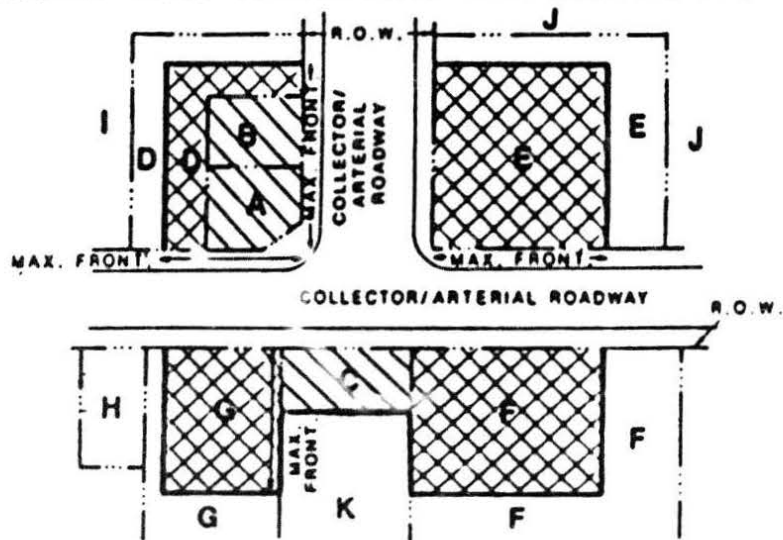
(SEE NEXT PAGE FOR ILLUSTRATIONS)

FIGURE 2-1A

FOUR WAY ROADWAY INTERSECTION



THREE WAY ROADWAY INTERSECTION

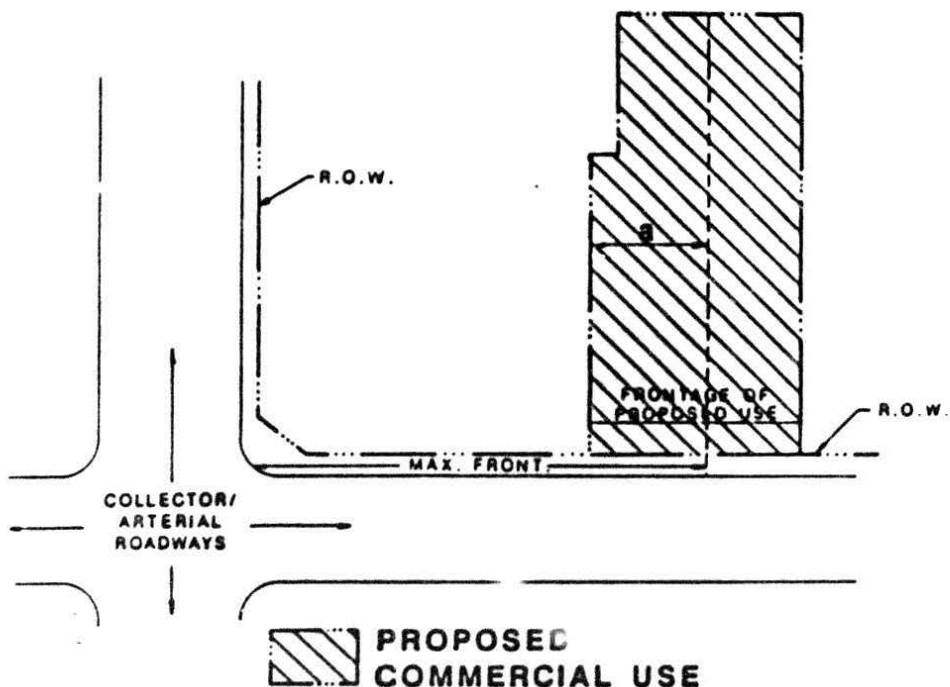


NOTE: PARCELS, OR PARTS THEREOF NOT MEETING MAX. FRONTAGE REQUIREMENTS, MAY BE CONSIDERED FOR APPROVAL OF COMMERCIAL USES SUBJECT TO THE APPLICATION OF THE "75% RULE" AND, WHERE APPROPRIATE, SUBJECT TO APPROVAL OF THE USE AS "INFILL" COMMERCIAL DEVELOPMENT.

20. **Permitted Exceptions to Limits on Frontage for Small and Medium Commercial Nodes**

- (a) **75% RULE: PROPOSED COMMERCIAL PROJECT PARTIALLY EXCEEDING MAXIMUM FRONTAGE:** If a proposed commercial project exceeds, in part, the maximum frontage limiting a commercial node (i.e., 660 feet or 1320 feet for small and medium commercial projects, respectively), compliance with commercial locational criteria may be established if the portion of the commercial project's frontage along either (or both) functionally-classified roadways defining the proposed commercial node is at least 75% of the proposed commercial project's total frontage. This illustration (Figure 2-2) provides a graphic example of this permitted exception allowing the consideration of commercial use.

FIGURE 2-2

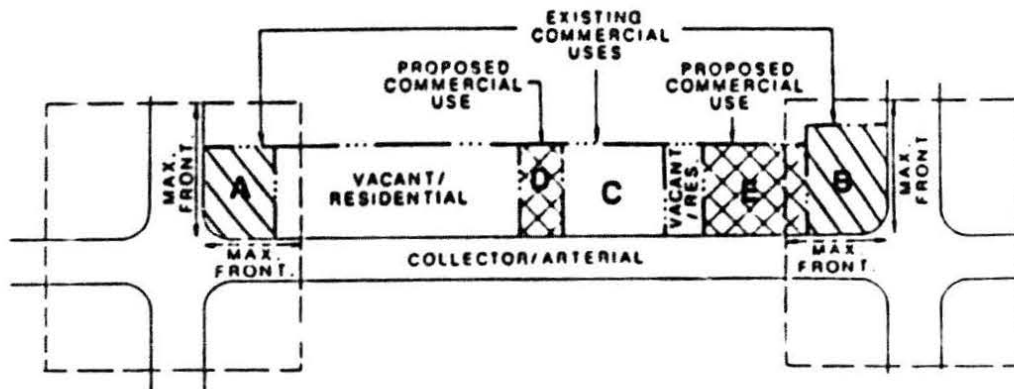


* WHERE "a" IS EQUAL TO OR GREATER THAN 75% OF TOTAL PROPOSED FRONTAGE OF COMMERCIAL USE, PROPOSED USE MAY BE CONSIDERED FOR APPROVAL.

* WHERE "a" IS LESS THAN 75% OF TOTAL PROPOSED FRONTAGE OF COMMERCIAL USE, PROPOSED USE SHALL NOT BE CONSIDERED FOR APPROVAL.

INFILL SMALL OR MEDIUM COMMERCIAL DEVELOPMENT: Approval of a development order permitting a proposed commercial use may also be considered where the Board of County Commissioners finds that the proposed use, though located outside a commercial node, is an "Appropriate Infill Commercial Project." This graphic (Figure 2-3) illustrates the context within which infill commercial projects may be considered.

FIGURE 2-3



- PARCELS A, B, C ARE EXISTING COMMERCIAL USES.
- PARCELS A, B MEET COMMERCIAL LOCATIONAL REQUIREMENTS.
- PARCEL C DOES NOT MEET COMMERCIAL LOCATIONAL REQUIREMENTS.
- PARCEL D COMPLETELY OUTSIDE THE COMMERCIAL NODE.
- PARCEL E IS PARTIALLY WITHIN COMMERCIAL NODE BUT DOES NOT QUALIFY FOR COMMERCIAL DEVELOPMENT BECAUSE THE PARCEL DOES NOT MEET THE REQUIREMENTS FOR THE 75% RULE.
- PARCEL D MAY BE CONSIDERED FOR APPROVAL, EVEN THOUGH COMPLETELY OUTSIDE OF COMMERCIAL NODE, IF DETERMINED TO BE APPROPRIATE INFILL DEVELOPMENT.
- PARCEL E MAY BE CONSIDERED FOR APPROVAL, EVEN GIVEN THE PARCEL'S BEING UNABLE TO QUALIFY UNDER THE "75% RULE", IF DETERMINED TO BE APPROPRIATE INFILL DEVELOPMENT.

21. If an applicant for commercial development believes that his project satisfies the commercial location guidelines but the Current Year Roadway Functional Classification Map does not include the subject roadways, then the applicant may apply the generalized Functional Classification Criteria shown in Table 2-5 to determine if these roads merit reclassification. If the criteria are generally met, the applicant may request final determination regarding updates or amendments to the Current Year Functional Classification Map be made by Pasco County staff. Staff decisions may be appealed to the Board of County Commissioners.

LEVEL OF SERVICE COMPLIANCE

Level of Service Review Process

1. As described in Goal 1, Objective 4, compliance with certain adopted level of service standards is required for all developments. Objective 4, Policy 2(a)-(d) describes the points at which level of service review, and issuance of a required Certificate of Level of Service Compliance shall occur. The following policies also apply to this review/certification process:
 - (a) No impact fees or user fees shall be collected prior to issuance of a Certificate of Level of Service Compliance on any project, unless such fees are collected on one or more project phases for which level of service compliance has been established.
 - (b) Prior to accepting an application for rezoning, Pasco County shall require all applicants to sign an affidavit acknowledging that the rezoning, if approved, shall not:
 - constitute authorization to begin construction;
 - exempt the project from Certification of Level of Service Compliance;
 - obligate the County to provide additional services and facilities; nor
 - obligate any agency to issue any additional permit required for development.
 - (c) Issuance of a Certificate of Level of Service Compliance may be issued with conditions to ensure such compliance concurrent with the impacts of development.
 - (d) Level of service review for drainage, sanitary sewer, potable water, roadways, solid waste, recreation and mass transit shall be accomplished by Pasco County which shall be responsible for issuing the Certificate of Level of Service Compliance.
 - (e) To ensure that a substantial change in the level of service provided to the project site does not occur in the period between issuance and construction, all Certificates of Level of Service Compliance shall contain an expiration date of no less than one year and no more than three years from the date of issuance, except that an extension may be granted by the Board of County Commissioners upon a finding that levels of service

standards will be maintained. Certificates of Level of Service Compliance valid for more than three years may, however, be issued as part of a development order for a Development of Regional Impact (DRI) or Florida Quality Development (FQD) (or phase thereof) as defined in Chapter 380, F.S. where such development order is based on a detailed analysis of public facility impacts of the DRI or FQD or phase thereof. Building permits shall be obtained within this time frame.

- (f) Certificates of Level of Service Compliance which expire prior to the start of construction shall be renewable subject to additional review.
- (g) All development proposals except those determined to be exempt shall be subject to a level of service review and the requirement for a Certificate of Level of Service Compliance.

Review Standards for Level of Service Compliance

- 2. The following review standards shall be utilized by the County for the purposes of making a concurrency determination and issuance of a Certificate of Level of Service.

- (a) For potable water, sewer, solid waste, and drainage, the following standards will be met in order to satisfy the concurrency requirements:

- 1. The necessary facilities and services are in place at the time the development permit or development order is issued; or,
- 2. The development permit or development order will be issued subject to the conditions that the necessary facilities and services will be in place when the impacts of the development occurs; or,
- 3. The necessary facilities are under construction at the time the permit or order is issued; or,
- 4. The necessary facilities and services are guaranteed in an enforceable development agreement which includes the provisions of Rules 9J-5.0055(2)(a)1-3, Florida Administrative Code. This enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

(b) For parks and recreation concurrency determinations adequate provisions must be made for residential developments to ensure that the following standards will be met:

1. The necessary facilities and services are in place at the time the development permit or development order is issued; or,
2. At the time the development permit or order is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities for the provision of services within one (1) year of the issuance of the development order or permit; or
3. The necessary facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit or order. The enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

(c) For roads and mass transit designated in the County's Comprehensive Plan, the concurrency determination shall demonstrate concurrency in accordance with the following provisions.

1. The necessary facilities and services are in place at the time the development permit or development order is issued; or,
2. The development permit or development order is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur; or,
3. The necessary facilities are under construction at the time the permit or order is issued; or,
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Rule 9J-5.0055(2)(a)1-3, Florida Administrative Code. This enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes or an agreement or development order

issued pursuant to Chapter 380, Florida Statutes. The agreement must guarantee the necessary facilities and services will be in place when the impacts on the development occur.

- (d) In addition to those review standards set forth in subsection (c) above, concurrency for roads and mass transit is demonstrated in areas in which the County has committed to provide other necessary public facilities and services in accordance with the adopted five-year schedule of capital improvements and the required transportation facility is identified in the adopted Five Year Capital Improvement Element of the County's Comprehensive Plan or included in the adopted Florida Department of Transportation Five-Year Program provided that:

1. The required transportation facility set forth in the adopted Plan is sufficient to maintain the adopted levels of services; and,
2. The required transportation facility is scheduled to be commenced within three (3) years.

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Land Use Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document. Moreover, many of these concepts would not lend themselves to implementation on a specific timetable because they are new to Pasco County.

Monitoring and Evaluation Program

1. Publish an annual report, for the purpose of planning analysis, which tabulates the number of development orders by type, acreage, location, density and/or intensity. By tracking zoning and subdivision approvals, building permits and other development orders, it will be possible to determine the amount, rate, and location of new development by type. As acreage is consumed, adjustments to the Plan can be made to assure that adequate supplies of land will be available to meet future needs.
2. Examination and revision of local land development regulations should be undertaken within one year of the adoption of this Plan.
3. The official future land use plan map should be amended if and when the inventory of available acreage for any land use category dips below a five-year supply.
4. All development orders should be evaluated in writing, with respect to their compliance with the goals and objectives of the Comprehensive Plan. A written evaluation of each proposal to monitor the cumulative impacts of unrelated developments is also advisable.

Zoning

Zoning is a tool for the separation of incompatible land uses by district. The regulations of a zone apply equally to all parcels of land within the zone. It is not a land use permit. When properly written and administered, zoning can be used to implement the land use plan, create incentives for the kind of development which is desired and disincentives for those which are not.

Zoning bonuses are a form of special exception to the general provisions of a zoning ordinance which are granted in exchange for some previously defined public amenity. The exceptions may be for increased density, height or lot coverage depending upon the nature of the ordinance.

Zero lot-line developments are residential subdivisions in which the side yard requirements have been reduced to zero. The result is typically a development with smaller lots in which the housing has been clustered in order to preserve open space elsewhere in the development. This technique usually results in higher net densities, which in most cases is desirable.

Performance standards or performance zoning is a special type of zoning which regulates land uses not by what is specifically permitted in a given area but by what conditions must be satisfied for approval. Technically, any use may be permitted provided that the use meets specific tests of compatibility with surrounding land uses.

Planned Unit Developments are a type of development in which the application of ordinary zoning restrictions (size, height and bulk) are foregone in lieu of site plan approval to achieve specific design objectives. The implementation of PUD ordinances is intended to improve the aesthetic qualities of urban development.

Mixed Use Developments are a special class of PUD in which three or more different land uses are physically and functionally integrated on the same site and which demonstrate conformance with a coherent overall development plan. Such districts provide the ultimate in flexibility and design.

Transfer of Development Rights

The transfer of development rights is a technique for allowing a property owner to sell his right to develop in a location which the local government disapproves of, to another developer for use at a location which the local government does approve of. This technique can be used to protect historic, environmentally sensitive and other property in which there is a significant public interest.

Unified Land Development Code

Unified Development Codes are a combination of subdivision, zoning and building codes rolled into one for the purpose of streamlining and simplifying the land development process. To the extent that such unification reduces public and private costs, such model codes should be considered.

Impact Fee Ordinances

A system of impact fees designed to partially defray the cost of supplying public facilities and services to new development should be instituted. Impact fees must bear a reasonable relationship to the costs generated by the development and must be spent in a manner which mitigates the impacts. Care should be taken to keep the fees reasonable since such a program may conflict with the objective of housing affordability.

Subdivision Regulations

Subdivision regulation is a tool for the physical and spatial arrangement of lots created by subdividing a larger parcel of land. In addition to facilitating the recording and transferring of property ownership, subdivision regulation may also provide for the dedication of lands for public use, such as streets, schools, parks, and utility rights of way.

Municipal Service Taxing Units (MSTUs)

Municipal Service Taxing Units are a form of property tax levied upon unincorporated County areas for the purpose of funding municipal services such as police, fire, etc. It is distinguished from the general ad valorem tax insofar as municipalities are excluded.

Special Taxing Districts (STDs)

Special Taxing Districts are created for the purpose of providing a specific service to a specific geographic area. In this way taxes are collected from only those households which will benefit from the service. Special Taxing Districts may or may not be governed by an independent board depending upon how they are established.

Community Development Districts

Community Development Districts are a tool sanctioned by Florida Law which permits developers to levy and collect taxes to finance infrastructure improvements in developments which, because of their size, have unusually long buildout times. This technique may be used, as any special taxing district may, where the resources of local government are inadequate to cover such improvements.

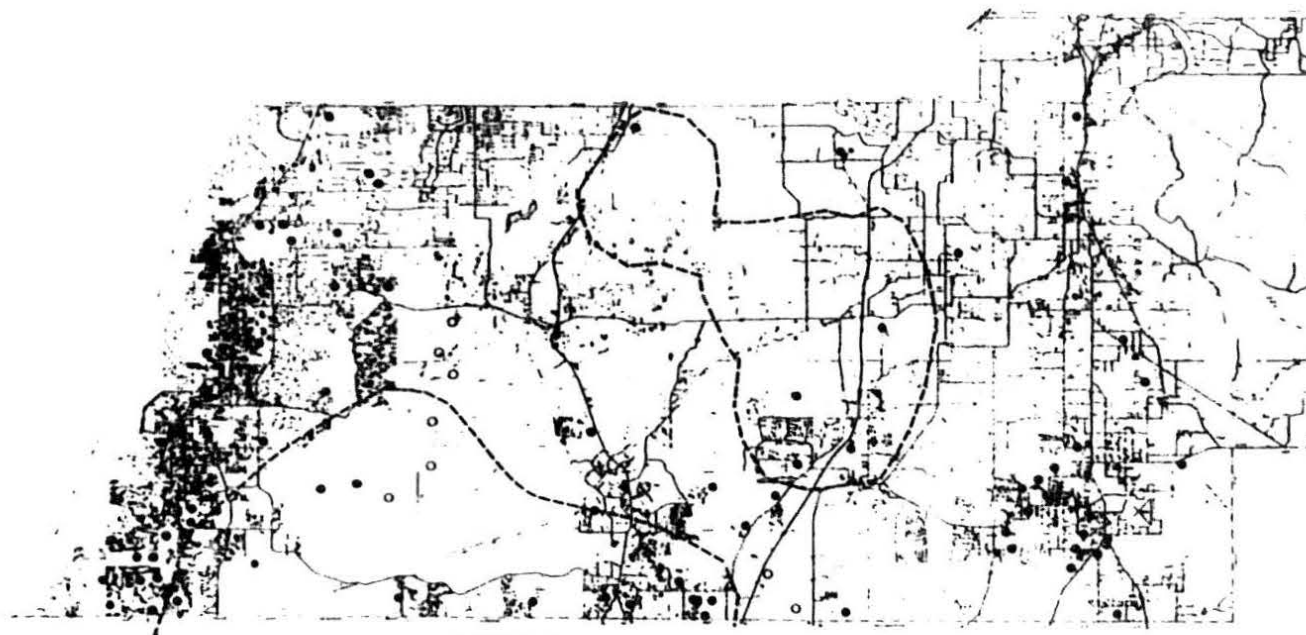
Tax Increment Financing

Tax Increment Financing is a method by which the redevelopment of an area is financed by the difference in tax generated before and after a redevelopment project. To implement TIF, an area must be targeted and its tax rates frozen at current levels. Bonds are then sold to finance a redevelopment project. At the conclusion of the project, the targeted area is reassessed and the difference dedicated to a special fund to retire the bonds.

Industrial Development Bonds

Industrial Development Bonds are a form of tax exempt financing for the development, expansion, construction or purchase of plant and equipment designed to attract jobs and stimulate the local economy. Though subject to many changes in the tax law, IDBs may be used as an incentive to direct industrial development to the desired locations.

APPENDIX



NOTE: WATERWELLS REPRESENTED EQUAL OR EXCEED 100,000 GPD PUMPAGE



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-1

MAJOR WATERWELLS AND CONES OF INFLUENCE

LEGEND

- EXISTING WATERWELLS
- CONES OF INFLUENCE
- PLANNED WELLS

SOURCES : SWFWMD, 1988
USGS, 1984



DATE: 10/10/88

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THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-2

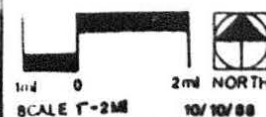
BEACHES AND
ESTUARINE AREAS

LEGEND

BEACHES

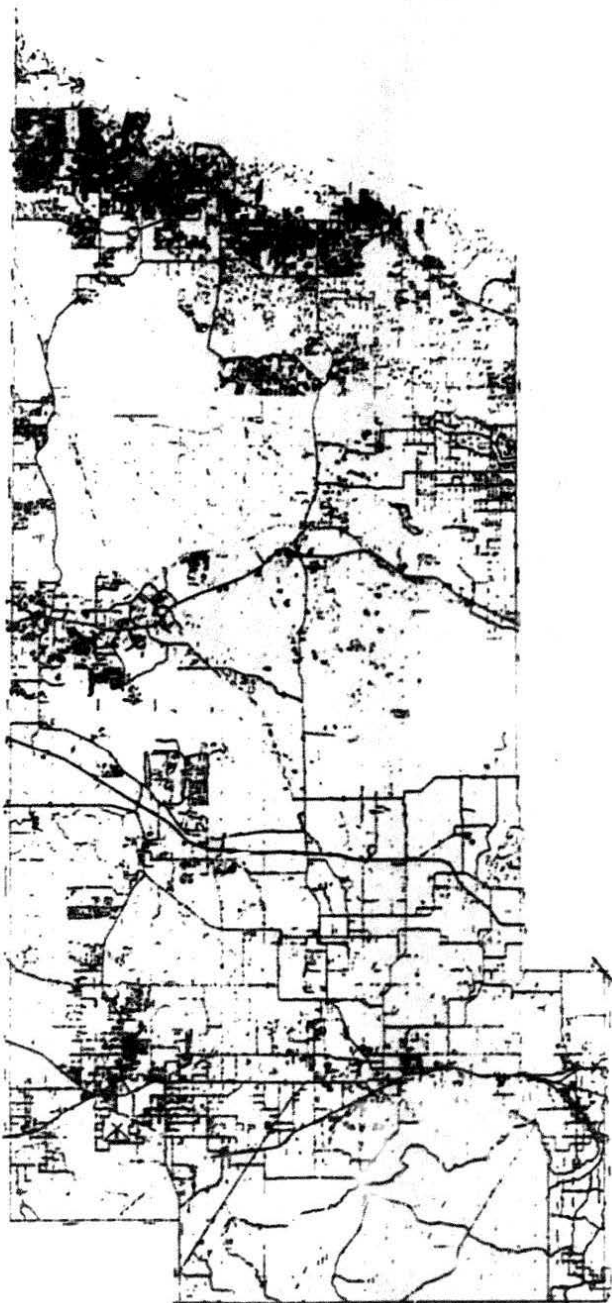
- ① HUDSON
 - ② GREEN KEY BEACH
 - ③ ANCLOTE KEY BEACH
- ESTUARINE SYSTEMS

SOURCE: U.S.F.W.S. NATIONAL
WETLAND INVENTORY,
F.D.N.R. 1988



NOTE: DELINEATED WETLAND SYSTEMS ARE MEANT TO BE GENERAL IN LOCATION AND SIZE
AND SHOULD NOT BE USED TO DETERMINE GOVERNMENT AGENCY JURISDICTION.

Florida Land Design & Engineering, Inc.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-3

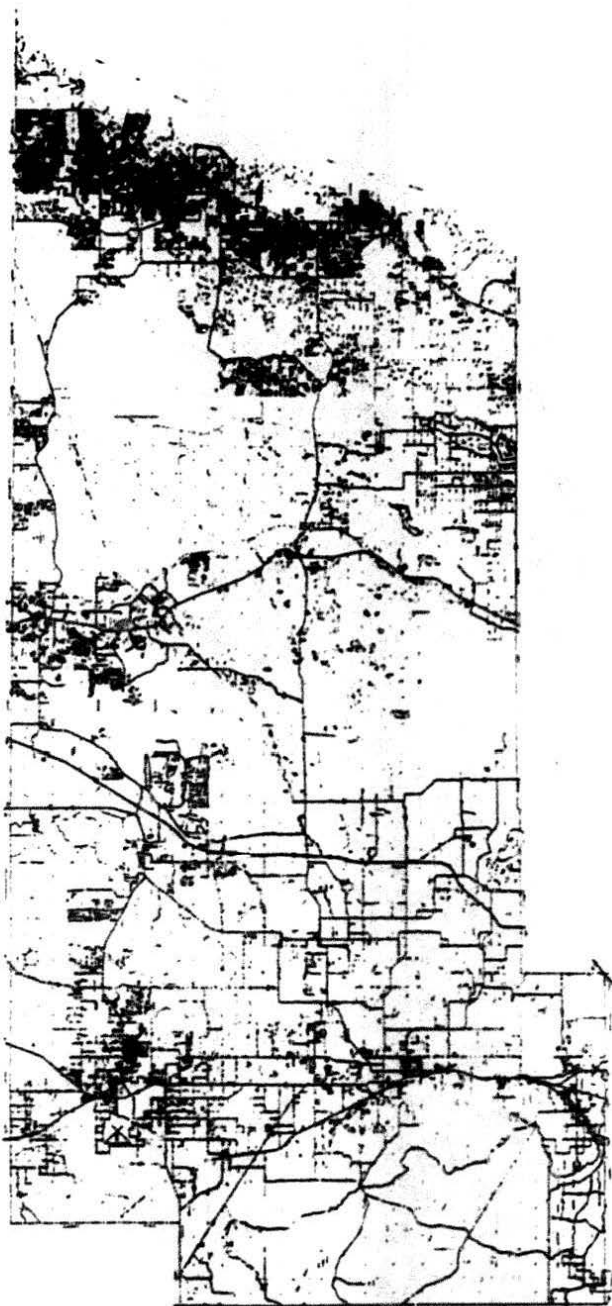
**BAYS, LAKES,
AND RIVERS**

See the Future Land Use
Map Series. There are no
harbors in Pasco County.



Scale: 1" = 4 miles

Florida Land Design & Engineering, Inc.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-3

**BAYS, LAKES,
AND RIVERS**

See the Future Land Use
Map Series. There are no
harbors in Pasco County.



Scale: 1" = 4 miles

Florida Land Design & Engineering, Inc.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-4

100 YEAR
FLOODPLAIN AREAS

LEGEND



SOURCES: TBRPC, 1988
FEMA, 1984

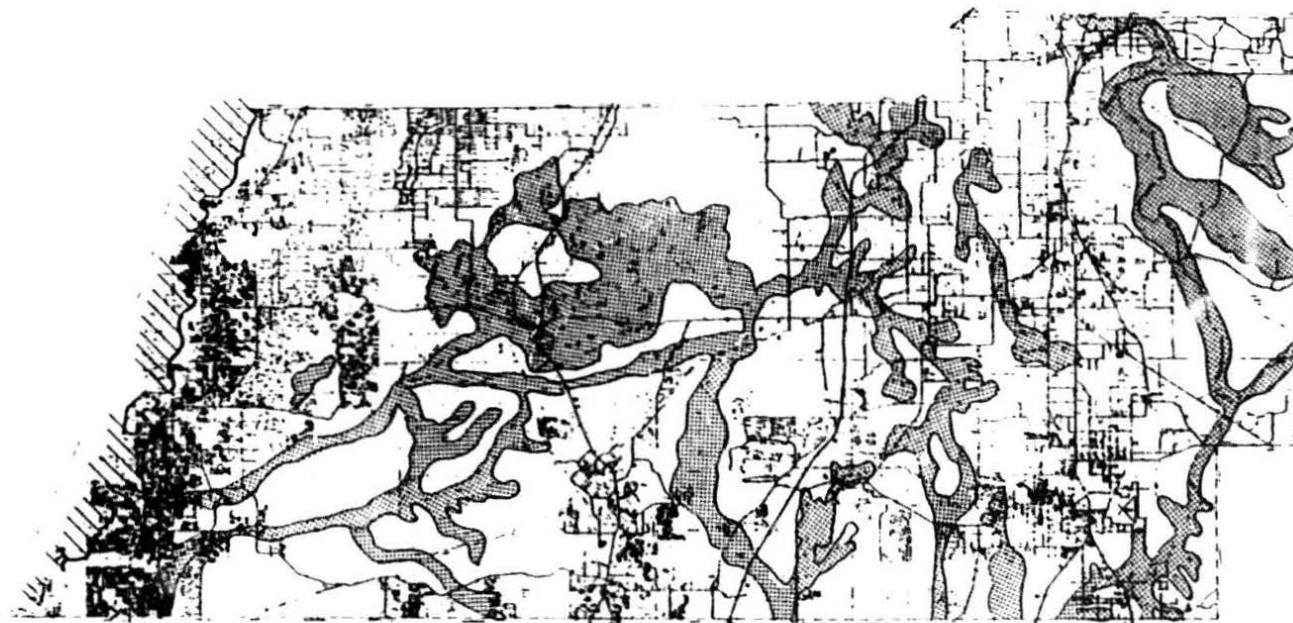
SOURCES: TBRPC, 1988
FEMA, 1984



DATE: 10/10/88

Florida Land Design & Engineering, Inc.





NOTE: DELINEATED WETLAND SYSTEMS ARE MEANT TO BE GENERAL IN LOCATION AND SIZE
AND SHOULD NOT BE USED TO DETERMINE GOVERNMENT AGENCY JURISDICTION



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-5

WETLANDS

LEGEND

-  FRESHWATER SYSTEMS
-  ESTUARINE SYSTEMS

SOURCE: U.S.F.W.S. NATIONAL
WETLAND INVENTORY,
1982



SCALE 1" = 4mi DATE: 10/10/88

Florida Land Design & Engineering, Inc.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-5

PASCO COUNTY
MINERAL RESOURCES

LEGEND

- LIM Limestone
- P&U Phosphate and Uranium
- S&G Sand and Gravel
- / Boundary

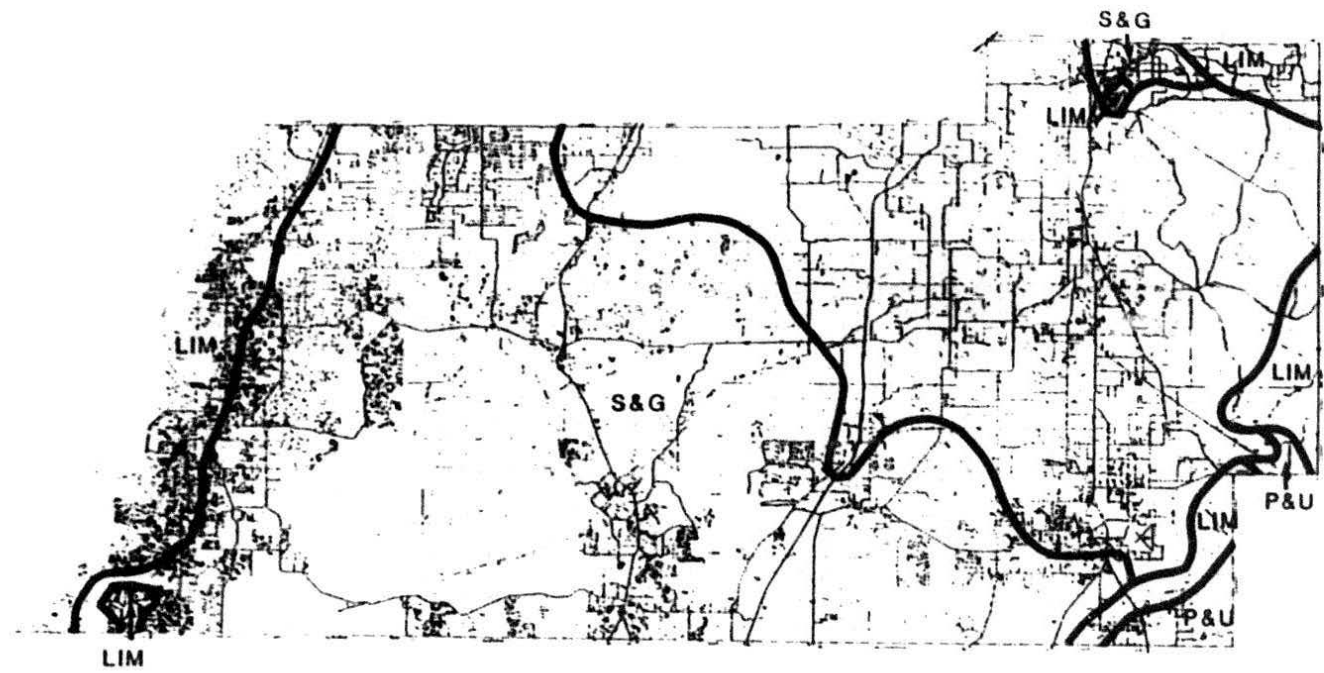
SOURCE: U.S. Dept. of Interior

DATE: 1983



SCALE 1" = 4mi DATE: 10/10/88

Florida Land Design & Engineering, Inc.





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-7

GENERAL SOILS MAP PASCO COUNTY

LEGEND

SOILS OF THE UPLAND RIDGES

- [1] TAVARES-ADAMSVILLE-HARCOOSHEE
- [2] CANDLER-TAVARES-PAOLA
- [3] LAKE-CANDLER
- [4] TAVARES-SPARR-ADAMSVILLE
- [5] ARREDONDO-SPARR-KENDRICK
- [6] MELHOPPER-CHANDLER VARIANT
- [7] HOBLETON-BLIGHTON-FLEMINGTON VARIANT

SOILS OF THE FLATWOODS AND DEPRESSIONS

- [8] SMYRNA-SELLERS-MYAKKA
- [9] POMONA-BAU GALLIE-SELLERS
- [10] BARNHART-WAUCHULA

SOILS OF THE SWAMPS, TIDAL MARSHES, AND RIVER FLOOD PLAINS

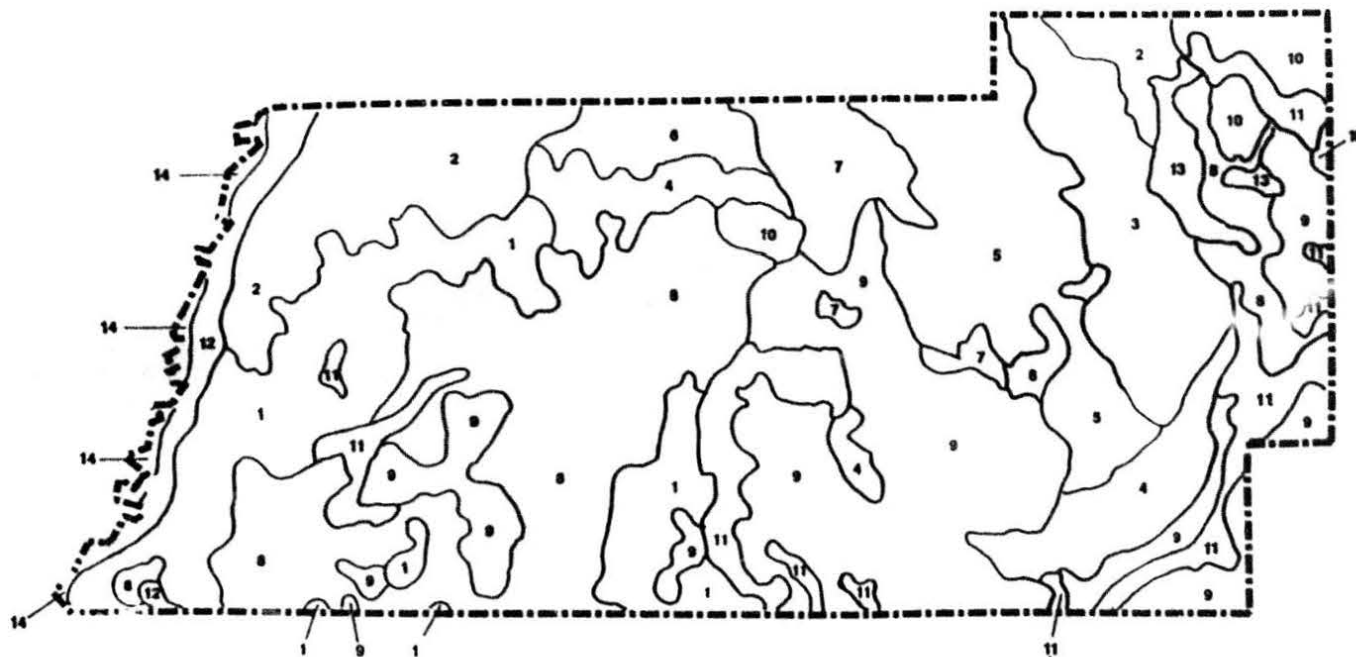
- [11] CHOICE
- [12] ANPEKA-OKEELANTA-TERRA CEIA
- [13] ANCLOTE-TAVARES-POMELLO
- [14] HOMOSASSA-LACOOCHIEE-WEEKIWACHEE

SOURCE: U.S. DEPARTMENT OF
AGRICULTURE 1982



DATE: 10/10/88

Florida Land Design & Engineering, Inc.





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-8a

**ARCHAEOLOGICAL AND
HISTORIC RESOURCES
FOR
WESTERN PASCO**

LEGEND

● Site

▬ Coastal Area
Boundary

SOURCE: Florida Land Design
& Engineering, Inc.

DATE: August 1988



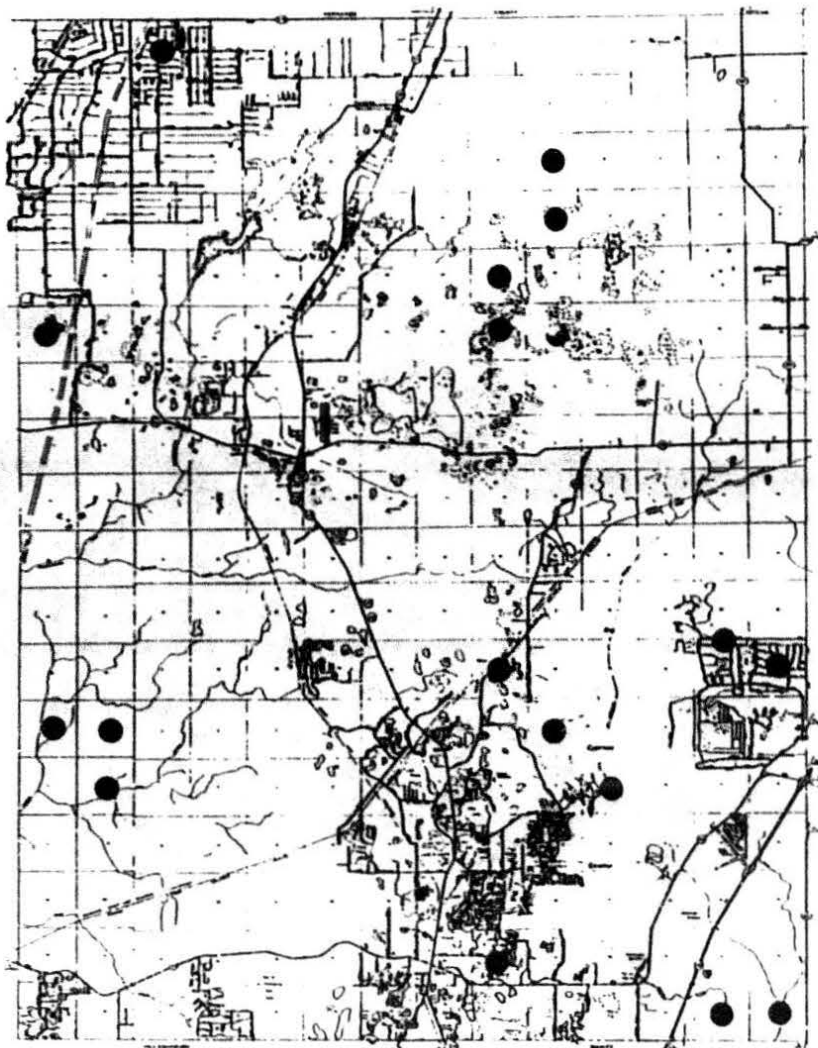
1 mi 0 2 mi
SCALE 1" = 2 MI



DATE: 10/10/88

Florida Land Design & Engineering, Inc.

ALL SITES ARE APPROXIMATE IN LOCATION. FOR MORE DETAIL CONTACT THE FLORIDA DIVISION OF ARCHIVES.



ALL SITES ARE APPROXIMATE IN LOCATION. FOR MORE DETAIL CONTACT THE FLORIDA DIVISION OF ARCHIVES.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-8b

**ARCHAEOLOGICAL AND
HISTORIC RESOURCES
FOR
CENTRAL PASCO**

LEGEND

● Site

SOURCE: Florida Land Design
& Engineering, Inc.

DATE: August 1988

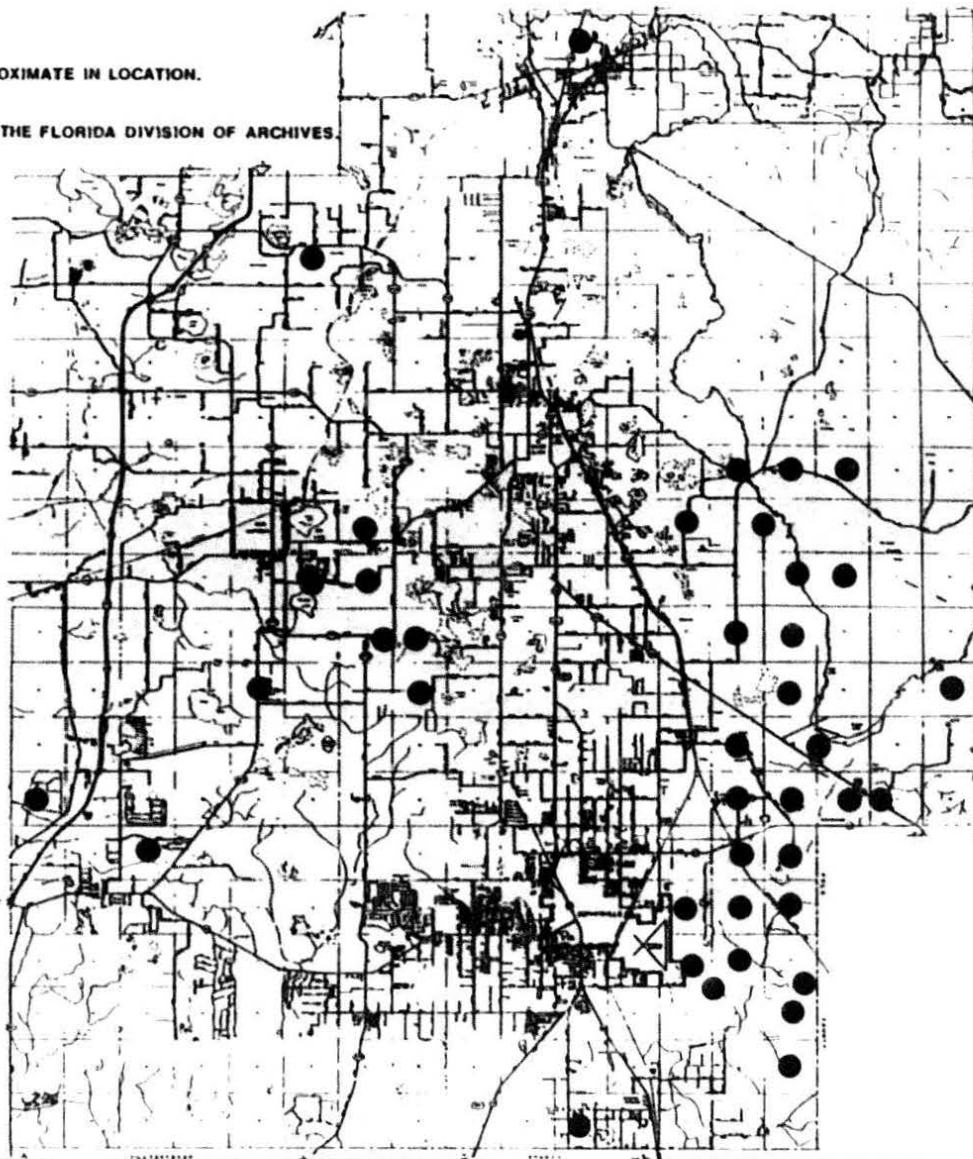


DATE: 10/10/88

Florida Land Design & Engineering, Inc.

ALL SITES ARE APPROXIMATE IN LOCATION.

FOR MORE DETAIL CONTACT THE FLORIDA DIVISION OF ARCHIVES.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-8c

ARCHAEOLOGICAL AND
HISTORIC RESOURCES
FOR
EASTERN PASCO

LEGEND

● Site

SOURCE: Florida Land Design
& Engineering, Inc.

DATE: August 1988



DATE: 10/10/88

Florida Land Design & Engineering, Inc.



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

map 2-9

COASTAL AREA
PASCO COUNTY

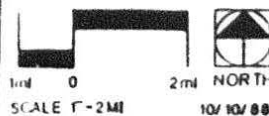
LEGEND

COASTAL
HIGH HAZARD
AREA

COASTAL AREA
BOUNDARY

SOURCE: Florida Land Design
& Engineering, Inc.

DATE: July 1988



Florida Land Design & Engineering, Inc.

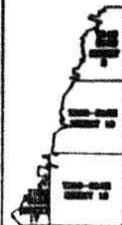


THE COMPREHENSIVE PLAN OF UNINCORPORATED PASCO COUNTY

FUTURE LAND USE MAP FOR THE YEAR 2010

PREPARED BY:
PASCO COUNTY G.I.S. DEP'T.
7432 LITTLE ROAD
NEW PORT RICHEY, FL 34654

INDEX TO FUTURE LAND USE MAPS

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SHEET 12 - T253 R18E	SHEET 24 - T263 R23E

ADOPTED

DATE: JUNE 15, 1989
ORDINANCE #: 89-13
SIGNATURE AND SEAL OF CLERK
OF BOARD OF COUNTY COMMISSIONERS:

MAP AMENDMENTS:

DATE:	ORD#:	DATE:	ORD#:



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

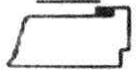
FUTURE LAND USE MAP
T 23 S - R 21 E
SHEET 1

LEGEND

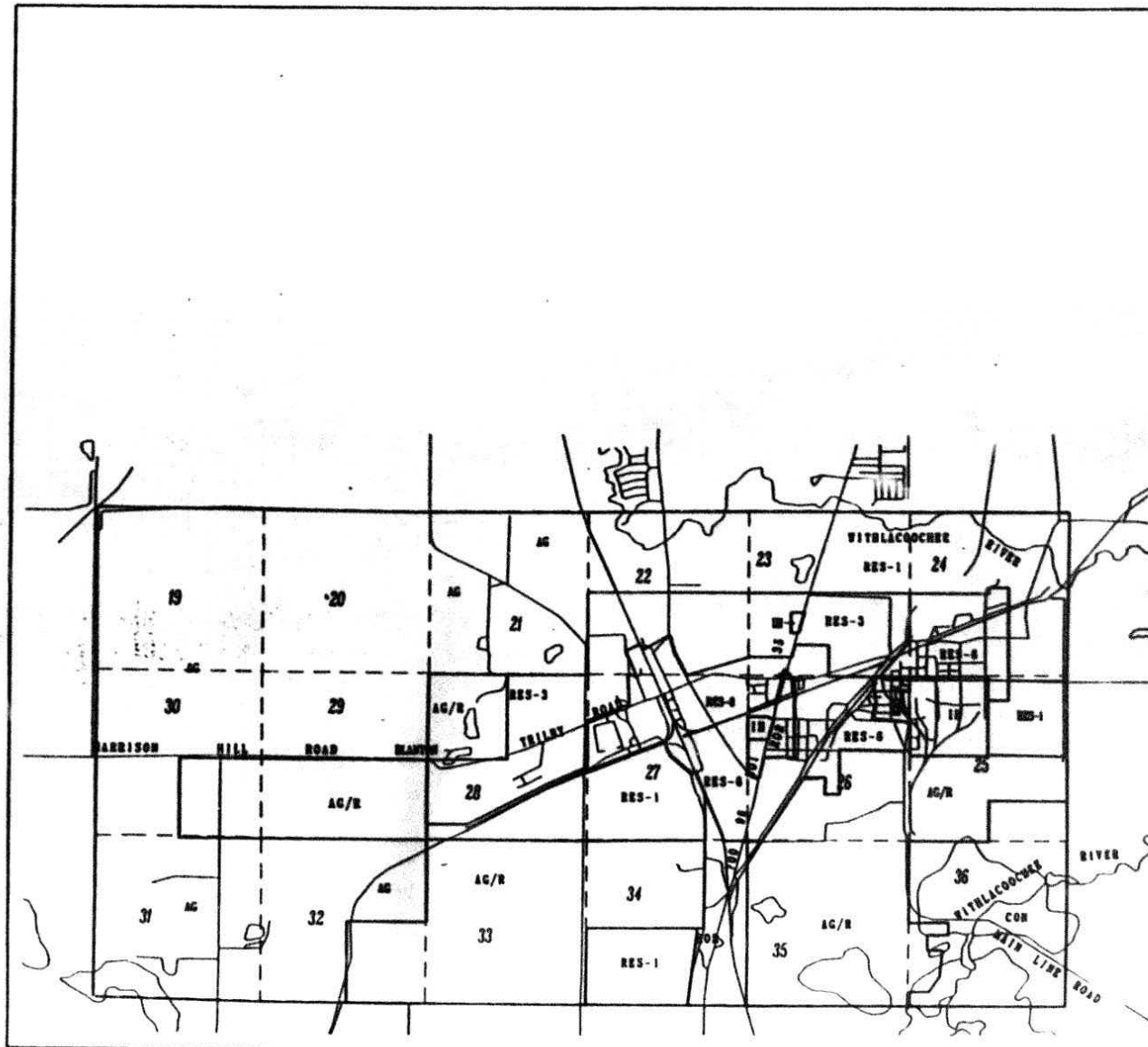
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* du/pa - dwelling units per gross acre

KEY MAP



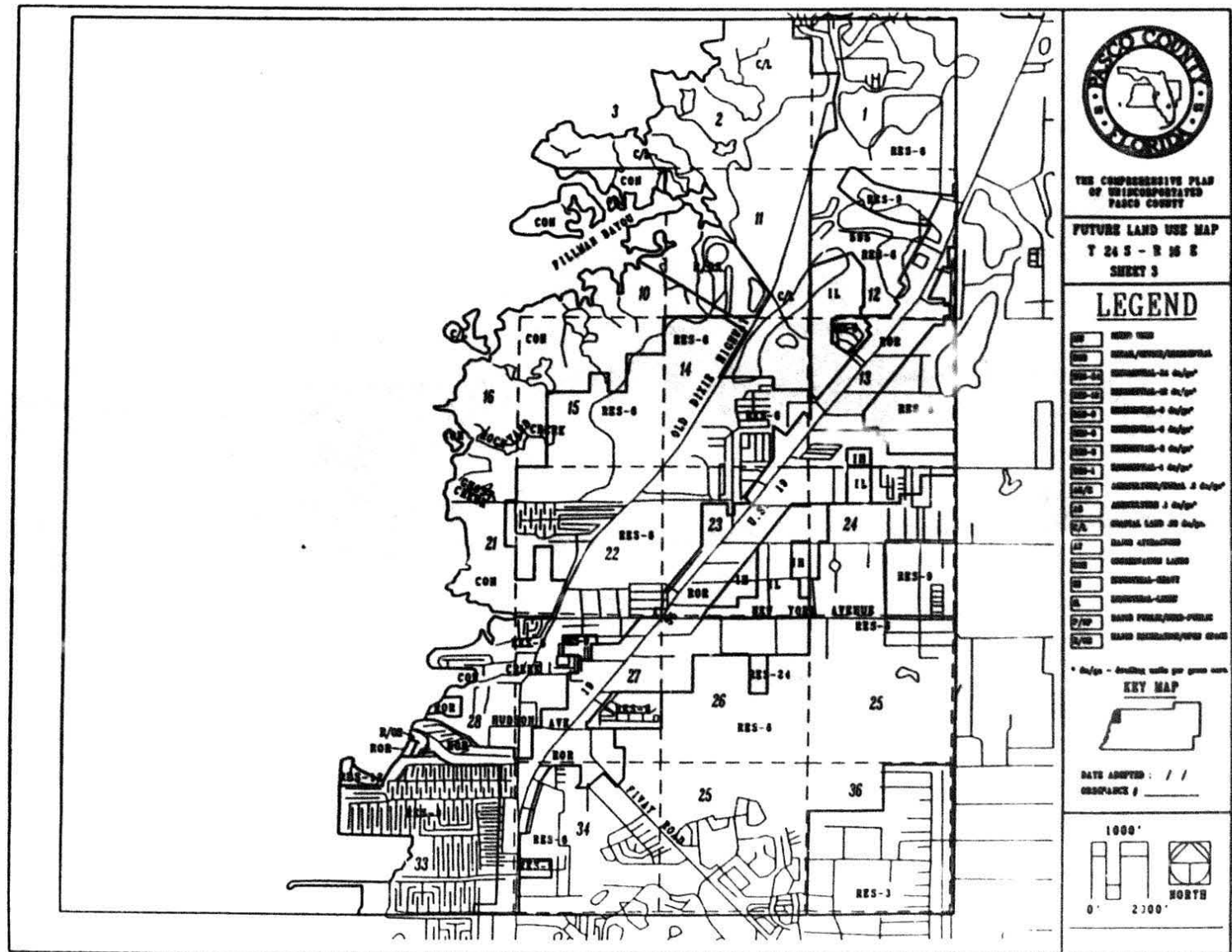
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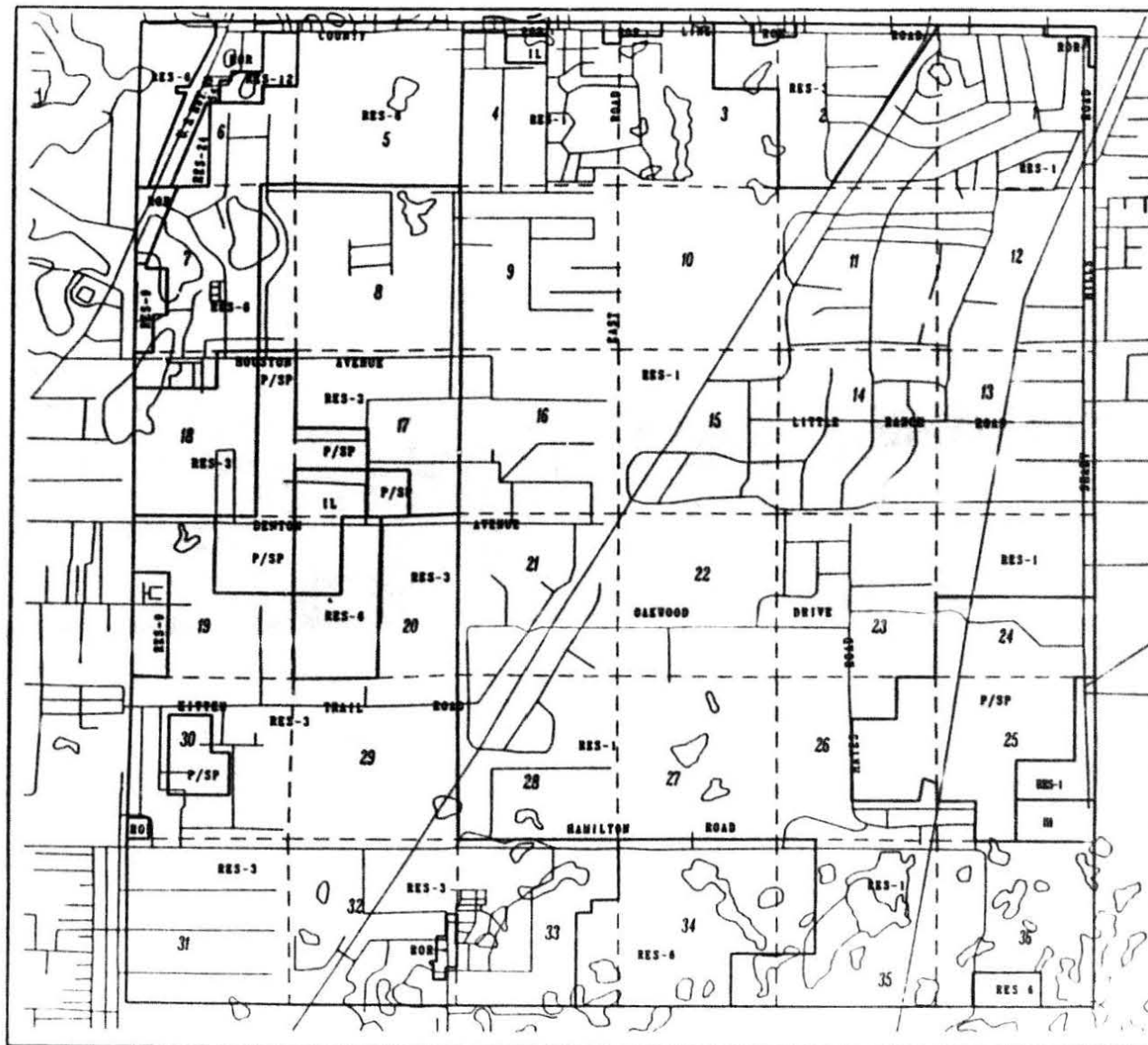


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THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 24 S - R 17 E
SHEET 4

LEGEND

RES-1	RESIDENTIAL-1
RES-2	RESIDENTIAL-2
RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
RES-5	RESIDENTIAL-5
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RES-32	RESIDENTIAL-32
RES-33	RESIDENTIAL-33
RES-34	RESIDENTIAL-34
RES-35	RESIDENTIAL-35
P/SP	PLANNED SINGLE-FAMILY
IL	INDUSTRIAL
CA	COMMERCIAL
EA	ENVIRONMENTAL
PA	PUBLIC ADMINISTRATION
HA	HIGHWAY
MA	MAINTENANCE
WA	WATER
RA	RECREATION
SA	SANITATION
TA	TRANSPORTATION
UA	UTILITIES
VA	VEGETATION
WA	WATER
RA	RECREATION
SA	SANITATION
TA	TRANSPORTATION
UA	UTILITIES
VA	VEGETATION

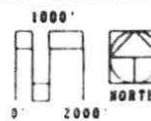
* du/pa - dwelling units per gross acre

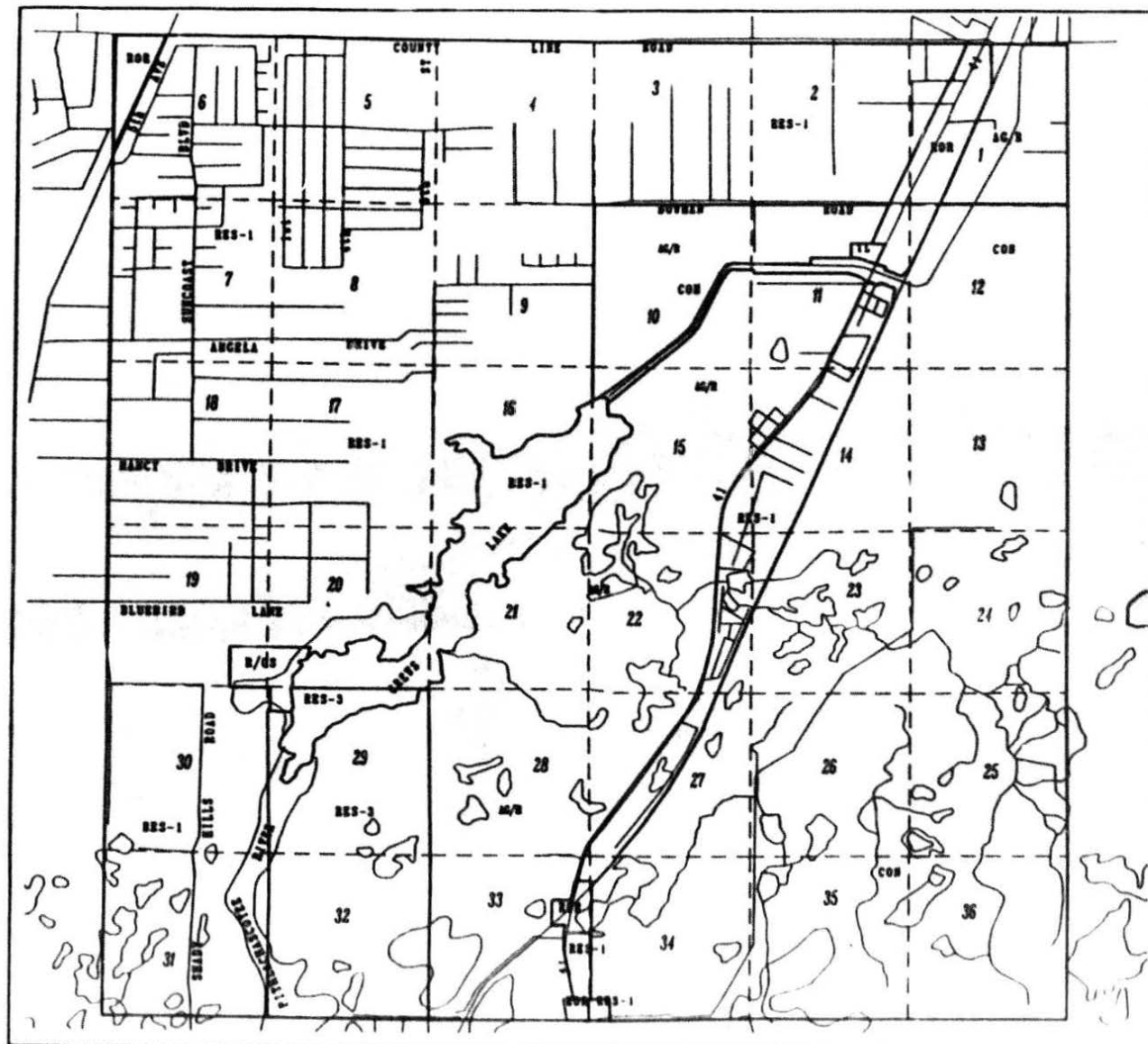
KEY MAP



DATE ADAPTED / /

COORDINATE /



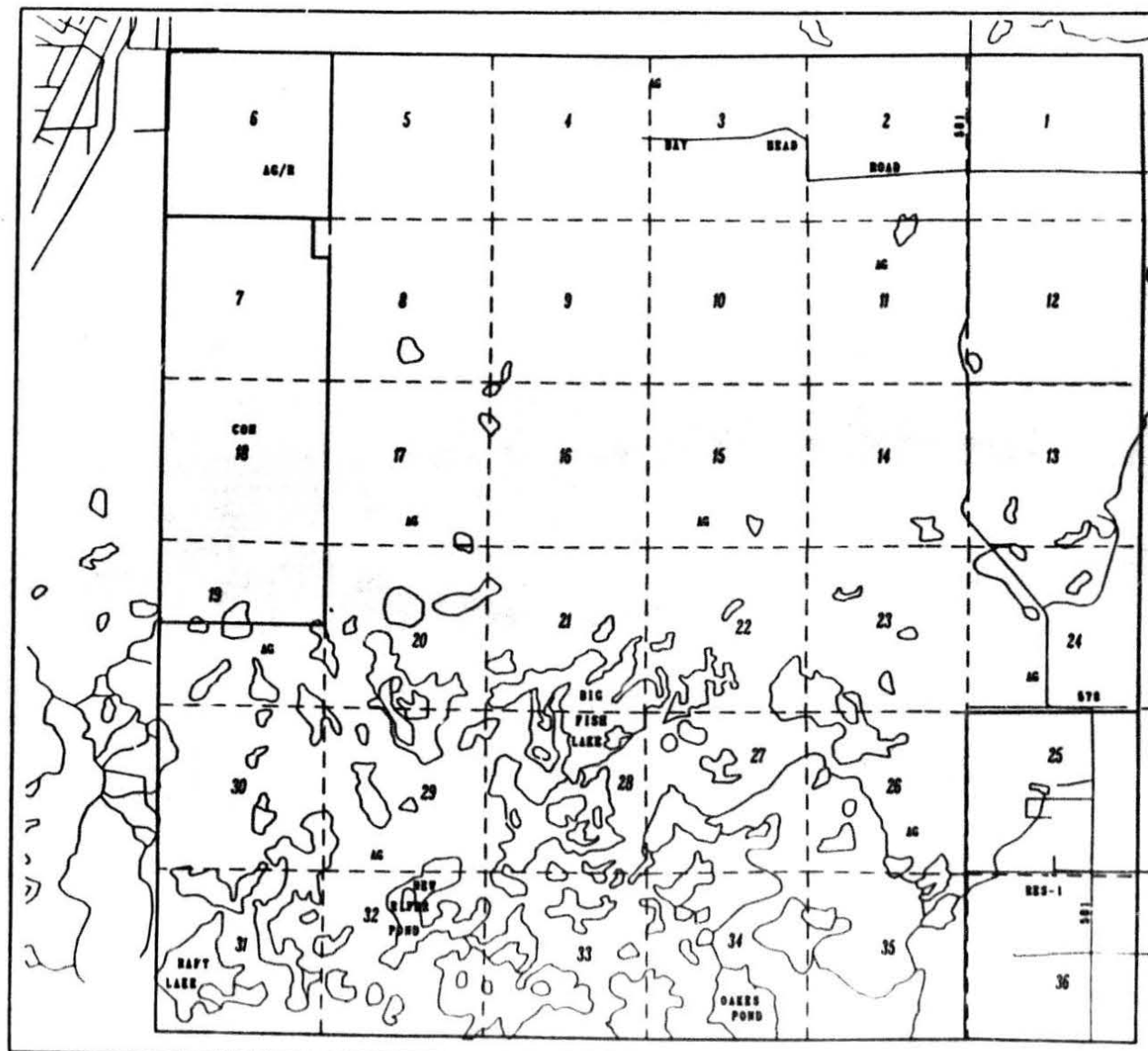


THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 24 S - R 10 E
SHEET 5

LEGEND

1	ROAD USE
2	WATER, CREEK, RIVER, LAKE
3	RESIDENTIAL-10 ac/pt
4	RESIDENTIAL-20 ac/pt
5	RESIDENTIAL-40 ac/pt
6	RESIDENTIAL-80 ac/pt
7	RESIDENTIAL-160 ac/pt
8	RESIDENTIAL-320 ac/pt
9	RESIDENTIAL-640 ac/pt
10	RESIDENTIAL-1280 ac/pt
11	RESIDENTIAL-2560 ac/pt
12	RESIDENTIAL-5120 ac/pt
13	RESIDENTIAL-10240 ac/pt
14	RESIDENTIAL-20480 ac/pt
15	RESIDENTIAL-40960 ac/pt
16	RESIDENTIAL-81920 ac/pt
17	RESIDENTIAL-163840 ac/pt
18	RESIDENTIAL-327680 ac/pt
19	RESIDENTIAL-655360 ac/pt
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22	RESIDENTIAL-5242880 ac/pt
23	RESIDENTIAL-10485760 ac/pt
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26	RESIDENTIAL-83886080 ac/pt
27	RESIDENTIAL-167772160 ac/pt
28	RESIDENTIAL-335544320 ac/pt
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30	RESIDENTIAL-1342177280 ac/pt
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218	RESIDENTIAL-526561458337



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PINAL COUNTY

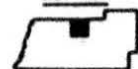
FUTURE LAND USE MAP
T 24 S - R 10 E
SHEET 6

LEGEND

AG	AGRICULTURE
AG/N	AGRICULTURE - NATURAL
CON	COMMERCIAL
RES-1	RESIDENTIAL - SINGLE DETACHMENT
RES-2	RESIDENTIAL - TWO-UNIT DETACHMENT
RES-3	RESIDENTIAL - THREE-UNIT DETACHMENT
RES-4	RESIDENTIAL - FOUR-UNIT DETACHMENT
RES-5	RESIDENTIAL - FIVE-UNIT DETACHMENT
RES-6	RESIDENTIAL - SIX-UNIT DETACHMENT
RES-7	RESIDENTIAL - SEVEN-UNIT DETACHMENT
RES-8	RESIDENTIAL - EIGHT-UNIT DETACHMENT
RES-9	RESIDENTIAL - NINE-UNIT DETACHMENT
RES-10	RESIDENTIAL - TEN-UNIT DETACHMENT
RES-11	RESIDENTIAL - ELEVEN-UNIT DETACHMENT
RES-12	RESIDENTIAL - TWELVE-UNIT DETACHMENT
RES-13	RESIDENTIAL - THIRTEEN-UNIT DETACHMENT
RES-14	RESIDENTIAL - FOURTEEN-UNIT DETACHMENT
RES-15	RESIDENTIAL - FIFTEEN-UNIT DETACHMENT
RES-16	RESIDENTIAL - SIXTEEN-UNIT DETACHMENT
RES-17	RESIDENTIAL - SEVENTEEN-UNIT DETACHMENT
RES-18	RESIDENTIAL - EIGHTEEN-UNIT DETACHMENT
RES-19	RESIDENTIAL - NINETEEN-UNIT DETACHMENT
RES-20	RESIDENTIAL - TWENTY-UNIT DETACHMENT
RES-21	RESIDENTIAL - TWENTY-ONE-UNIT DETACHMENT
RES-22	RESIDENTIAL - TWENTY-TWO-UNIT DETACHMENT
RES-23	RESIDENTIAL - TWENTY-THREE-UNIT DETACHMENT
RES-24	RESIDENTIAL - TWENTY-FOUR-UNIT DETACHMENT
RES-25	RESIDENTIAL - TWENTY-FIVE-UNIT DETACHMENT
RES-26	RESIDENTIAL - TWENTY-SIX-UNIT DETACHMENT
RES-27	RESIDENTIAL - TWENTY-SEVEN-UNIT DETACHMENT
RES-28	RESIDENTIAL - TWENTY-EIGHT-UNIT DETACHMENT
RES-29	RESIDENTIAL - TWENTY-NINE-UNIT DETACHMENT
RES-30	RESIDENTIAL - THIRTY-UNIT DETACHMENT
RES-31	RESIDENTIAL - THIRTY-ONE-UNIT DETACHMENT
RES-32	RESIDENTIAL - THIRTY-TWO-UNIT DETACHMENT
RES-33	RESIDENTIAL - THIRTY-THREE-UNIT DETACHMENT
RES-34	RESIDENTIAL - THIRTY-FOUR-UNIT DETACHMENT
RES-35	RESIDENTIAL - THIRTY-FIVE-UNIT DETACHMENT
RES-36	RESIDENTIAL - THIRTY-SIX-UNIT DETACHMENT

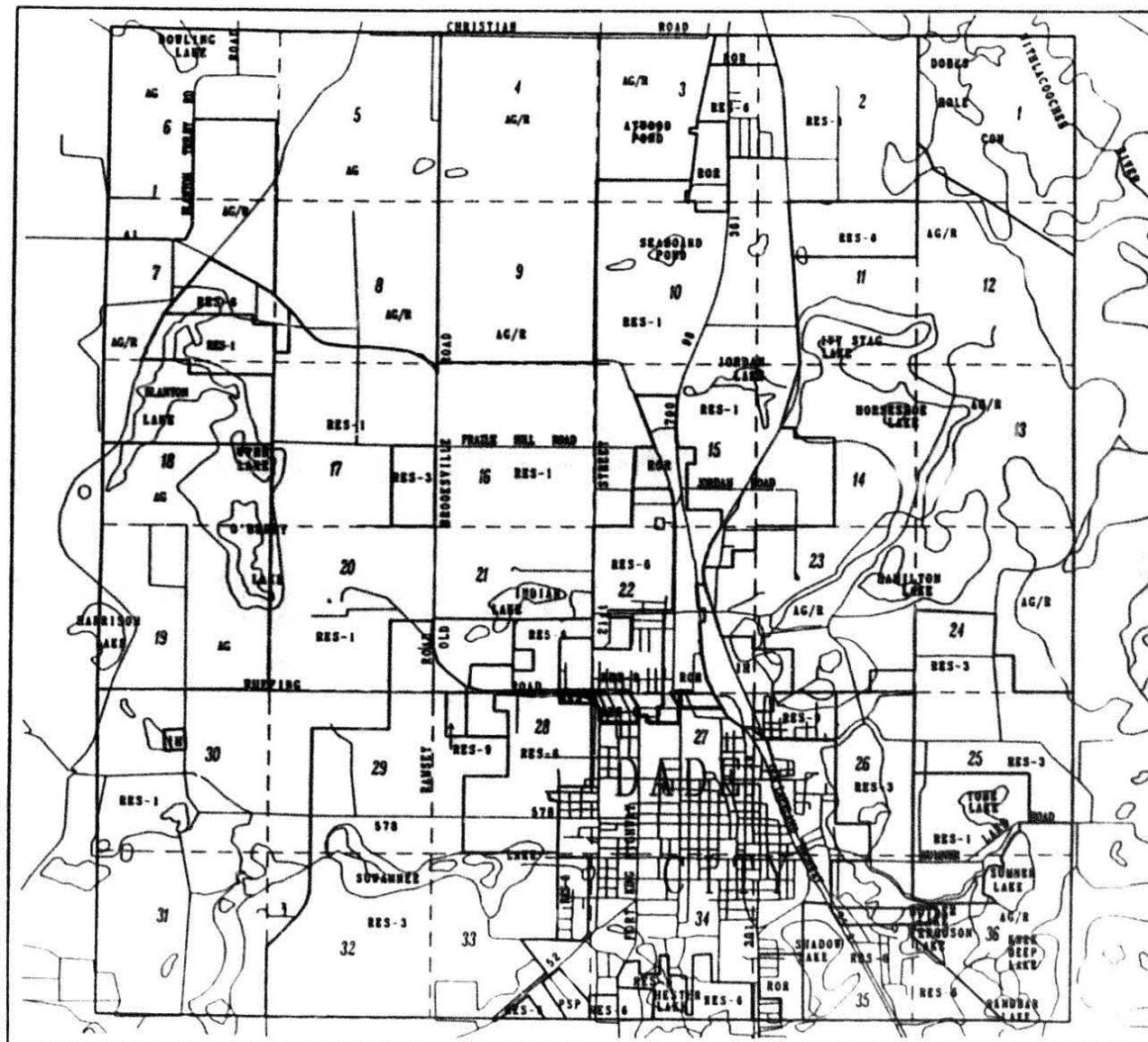
* Single - dwelling units per gross acre

KEY MAP



DATE ADAPTED: / /
ORDINANCE: /





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

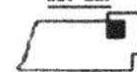
FUTURE LAND USE MAP
T 24 S - R 21 E
SHEET 8

LEGEND

AG	AGRICULTURE
AG/R	AGRICULTURE/RESIDENTIAL
AG-1	AGRICULTURE-1 100/acre
AG-2	AGRICULTURE-2 50/acre
AG-3	AGRICULTURE-3 25/acre
AG-4	AGRICULTURE-4 10/acre
AG-5	AGRICULTURE-5 5/acre
AG-6	AGRICULTURE-6 2.5/acre
AG-7	AGRICULTURE-7 1.25/acre
AG-8	AGRICULTURE-8 0.625/acre
AG-9	AGRICULTURE-9 0.3125/acre
AG-10	AGRICULTURE-10 0.15625/acre
AG-11	AGRICULTURE-11 0.078125/acre
AG-12	AGRICULTURE-12 0.0390625/acre
AG-13	AGRICULTURE-13 0.01953125/acre
AG-14	AGRICULTURE-14 0.009765625/acre
AG-15	AGRICULTURE-15 0.0048828125/acre
AG-16	AGRICULTURE-16 0.00244140625/acre
AG-17	AGRICULTURE-17 0.001220703125/acre
AG-18	AGRICULTURE-18 0.0006103515625/acre
AG-19	AGRICULTURE-19 0.00030517578125/acre
AG-20	AGRICULTURE-20 0.000152587890625/acre
AG-21	AGRICULTURE-21 0.0000762939453125/acre
AG-22	AGRICULTURE-22 0.00003814697265625/acre
AG-23	AGRICULTURE-23 0.000019073486328125/acre
AG-24	AGRICULTURE-24 0.0000095367431640625/acre
AG-25	AGRICULTURE-25 0.00000476837158203125/acre
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AG-33	AGRICULTURE-33 0.0000000186264514923095703125/acre
AG-34	AGRICULTURE-34 0.00000000931322574615478515625/acre
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AG-43	AGRICULTURE-43 0.00000000001818989403545856475830078125/acre
AG-44	AGRICULTURE-44 0.000000000009094947017729282379150390625/acre
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AG-100	AGRICULTURE-100 0.0000000000000000000000000001262177448353611128021240302984743208204020716997828125/acre

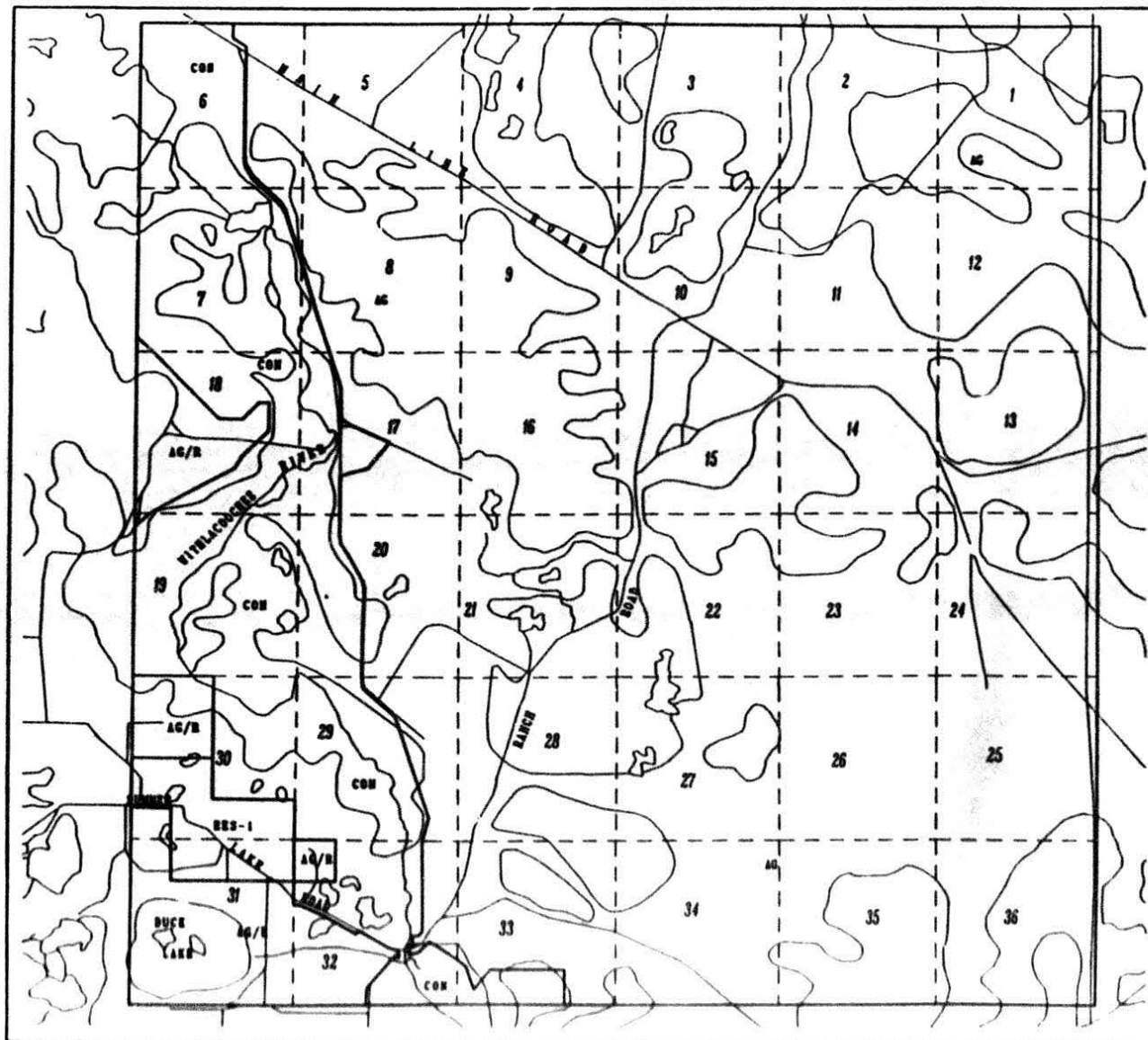
* 100/acre - drilling costs per acre.

KEY MAP



DATE ADAPTED
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

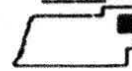
FUTURE LAND USE MAP
T 24 S - R 22 E
SHEET 9

LEGEND

- ROAD
- CANAL, DITCH, OR IRRIGATION
- RESIDENTIAL-60 ac/par
- RESIDENTIAL-40 ac/par
- RESIDENTIAL-20 ac/par
- RESIDENTIAL-10 ac/par
- RESIDENTIAL-5 ac/par
- RESIDENTIAL-3 ac/par
- RESIDENTIAL-2 ac/par
- RESIDENTIAL-1 ac/par
- AGRICULTURAL/FOREST, 2 ac/par
- AGRICULTURAL, 1 ac/par
- FOREST LAND, 20 ac/par
- FOREST LAND, 10 ac/par
- FOREST LAND, 5 ac/par
- FOREST LAND, 2 ac/par
- FOREST LAND, 1 ac/par
- FOREST LAND, 0.5 ac/par
- FOREST LAND, 0.2 ac/par
- FOREST LAND, 0.1 ac/par

* ac/par - dwelling units per gross acre

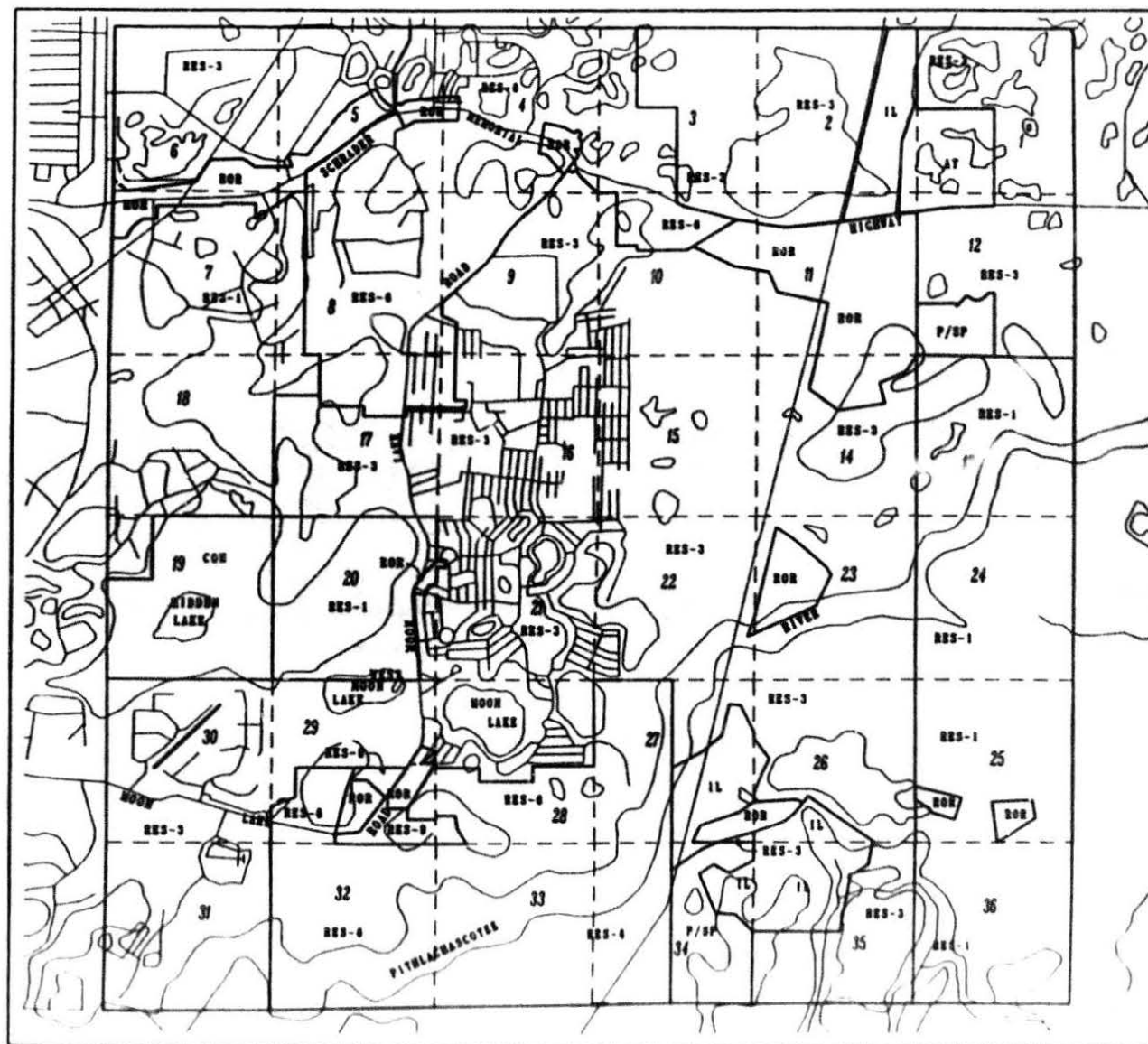
KEY MAP



DATE ADOPED: / /

COORDINATE: /





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 26 S - R 17 E
SHEET 11

LEGEND

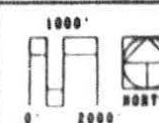
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RES-2	RESIDENTIAL-2
RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
RES-5	RESIDENTIAL-5
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RES-7	RESIDENTIAL-7
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RES-98	RESIDENTIAL-98
RES-99	RESIDENTIAL-99
RES-100	RESIDENTIAL-100

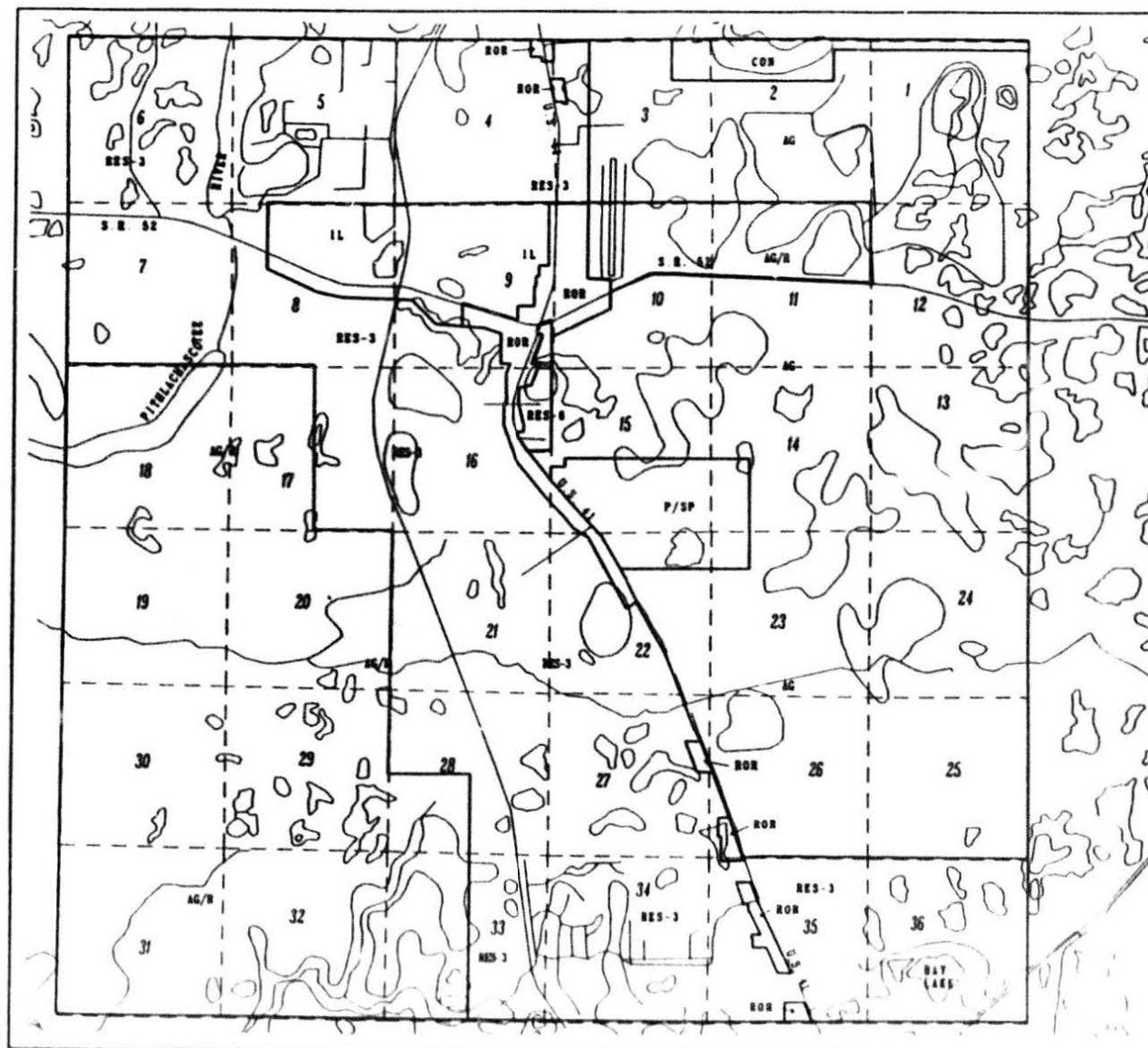
* du/pa - dwelling units per gross acre

KEY MAP



DATE ADOPED: / /
REVISIONS: #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 25 S - R 18 E
SHEET 12

LEGEND

RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
RES-5	RESIDENTIAL-5
RES-6	RESIDENTIAL-6
RES-7	RESIDENTIAL-7
RES-8	RESIDENTIAL-8
RES-9	RESIDENTIAL-9
RES-10	RESIDENTIAL-10
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RES-31	RESIDENTIAL-31
RES-32	RESIDENTIAL-32
RES-33	RESIDENTIAL-33
RES-34	RESIDENTIAL-34
RES-35	RESIDENTIAL-35
RES-36	RESIDENTIAL-36
AG	AGRICULTURE
AG/N	AGRICULTURE-NATURAL
CON	CONSERVATION
P/SP	PUBLIC SPACE
W	WATER
W/N	WATER-NATURAL
W/P	WATER-PUBLIC
W/N/P	WATER-NATURAL-PUBLIC

* Shaded - Existing water per green map.

KEY MAP

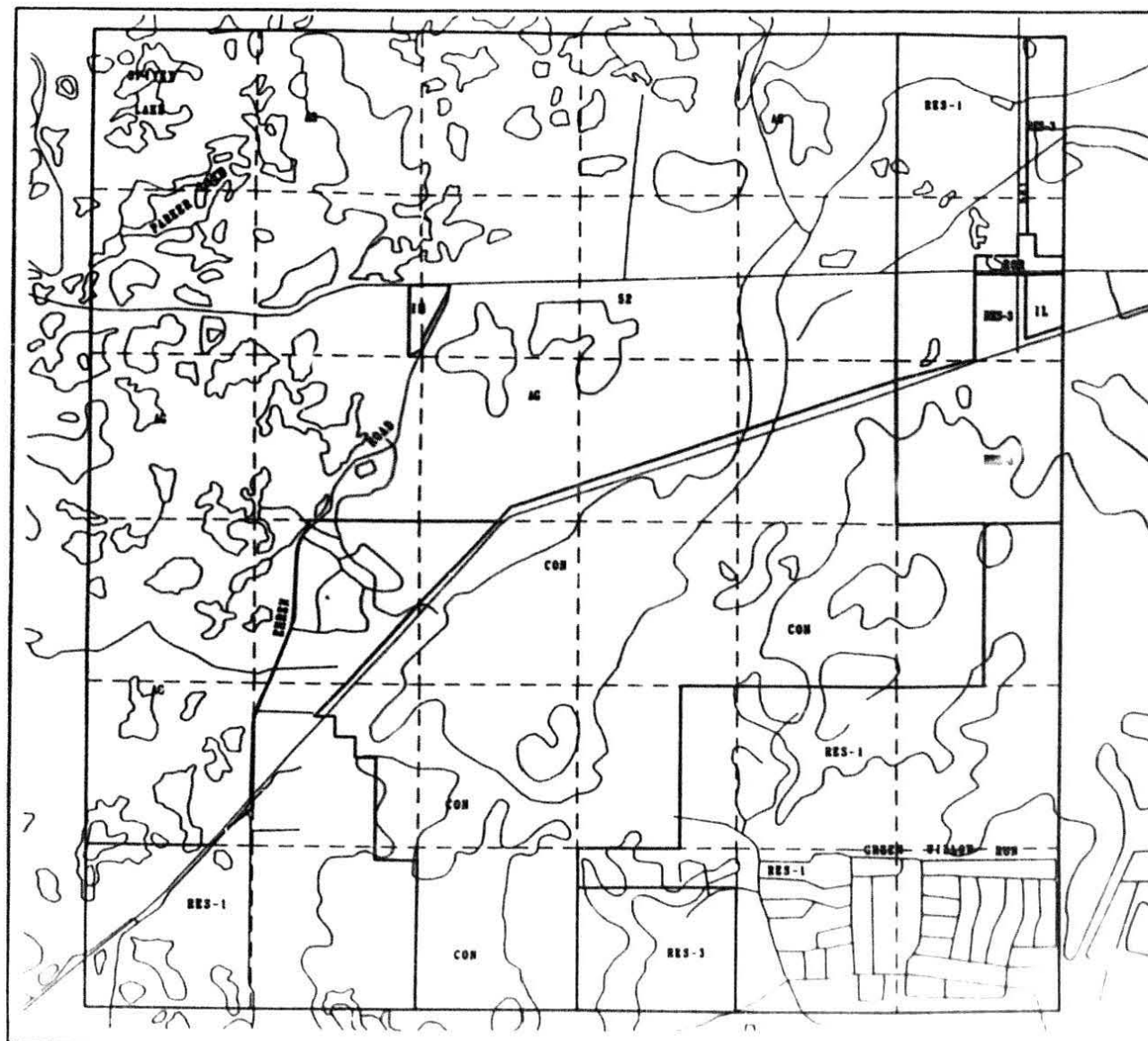


DATE ADOPED / /
ORDINANCE #

1000'



0 2000'



THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 25 S - R 19 E
SHEET 13

LEGEND

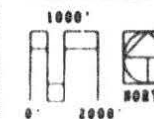
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RES-3	RESIDENTIAL-3
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RES-5	RESIDENTIAL-5
RES-6	RESIDENTIAL-6
RES-7	RESIDENTIAL-7
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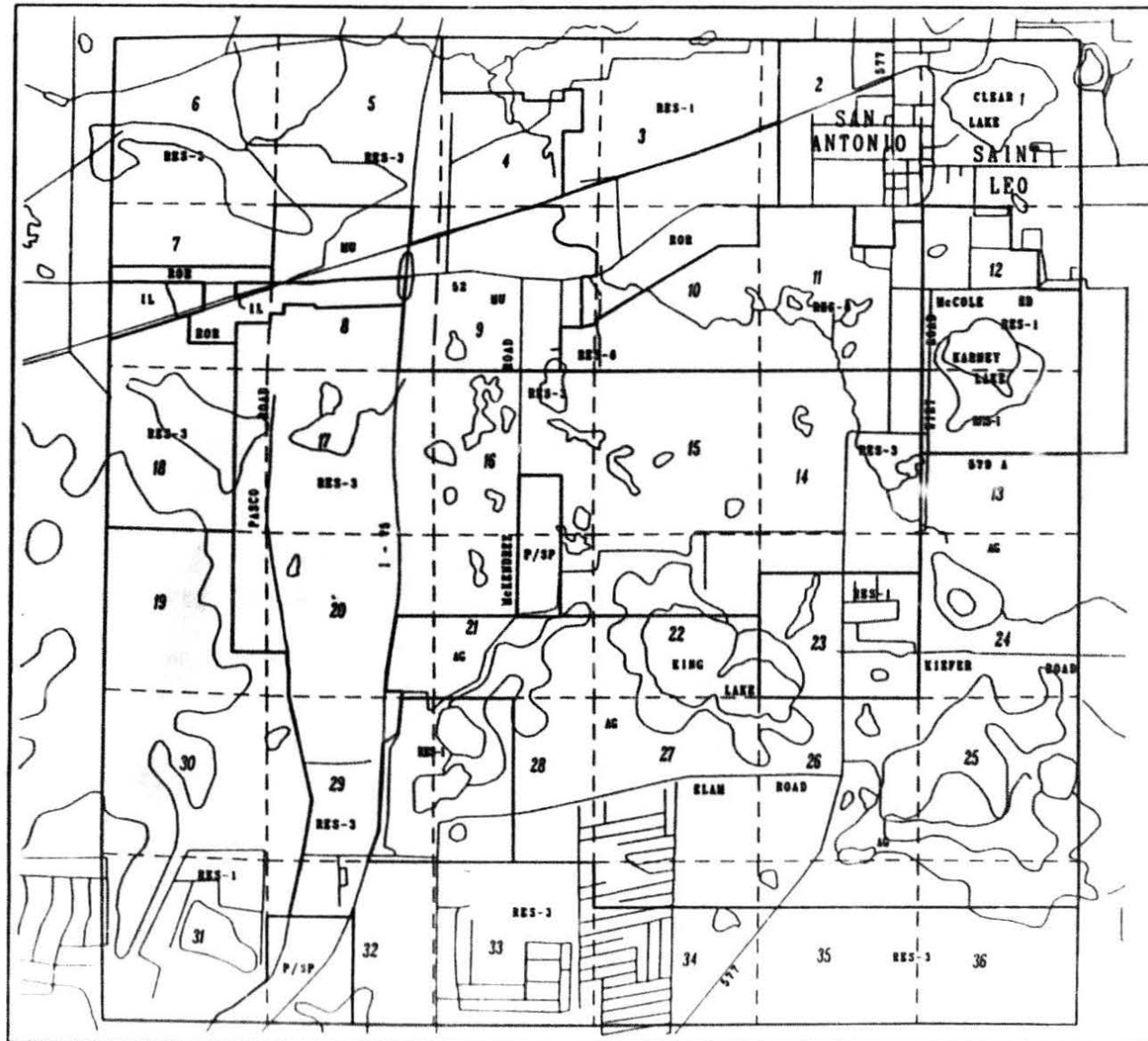
* Res/ps - Rezoning within year given with

KEY MAP



DATE ADAPTED: / /
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

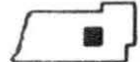
FUTURE LAND USE MAP
T 26 S - R 20 E
SHEET 14

LEGEND

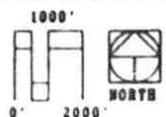
RES-1	RESIDENTIAL-1
RES-2	RESIDENTIAL-2
RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
RES-5	RESIDENTIAL-5
RES-6	RESIDENTIAL-6
RES-7	RESIDENTIAL-7
RES-8	RESIDENTIAL-8
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RES-36	RESIDENTIAL-36

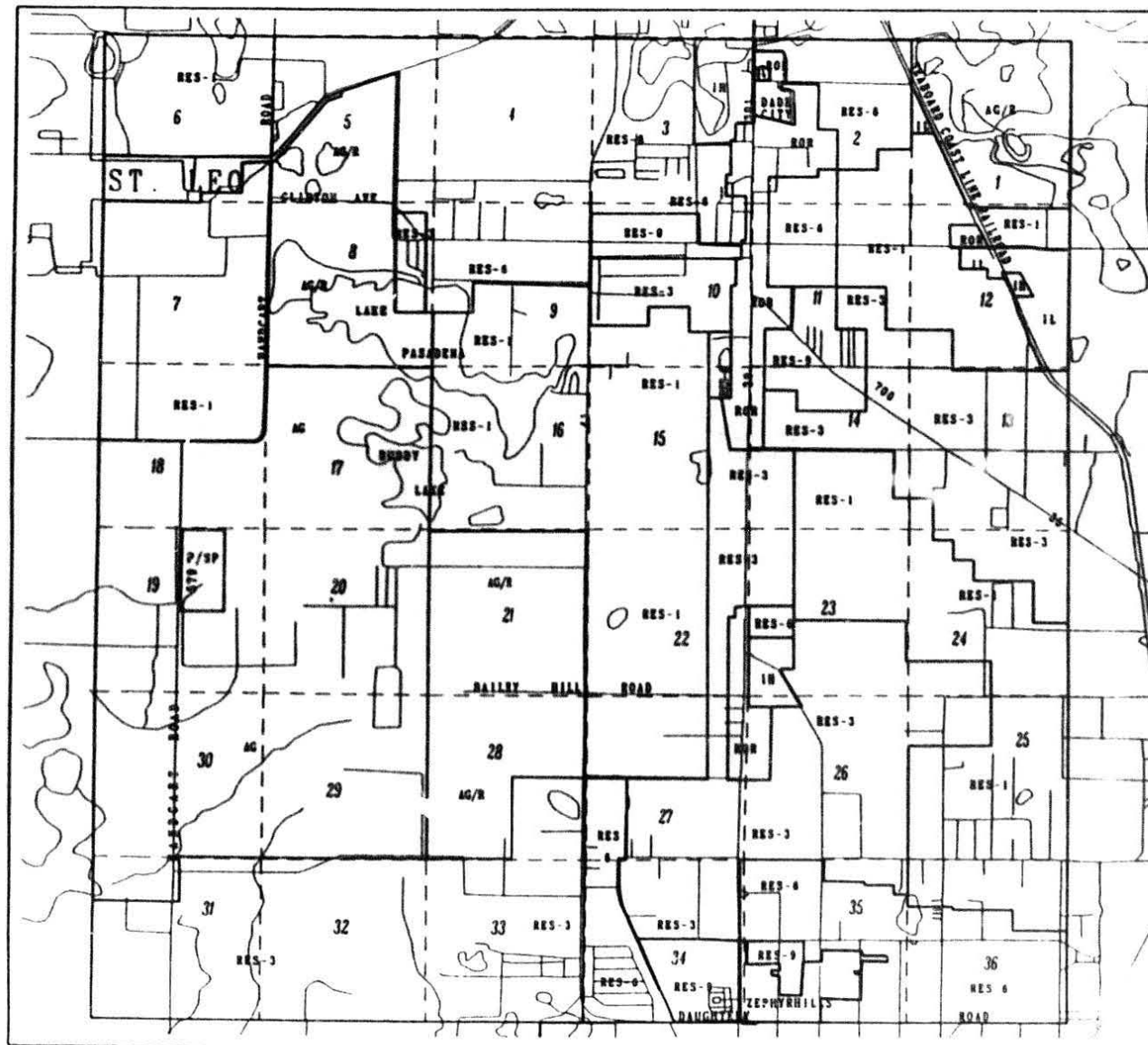
* See page 1 for details on the map.

KEY MAP



DATE ADOPTED: / /
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

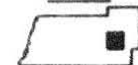
FUTURE LAND USE MAP
T 25 S - R 21 E
SHEET 15

LEGEND

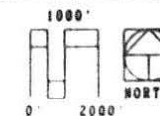
AG	AGRICULTURE
AG/R	AGRICULTURE/RESIDENTIAL
RES-1	RESIDENTIAL-1 10 du/acre
RES-2	RESIDENTIAL-2 5 du/acre
RES-3	RESIDENTIAL-3 3 du/acre
RES-4	RESIDENTIAL-4 2 du/acre
RES-5	RESIDENTIAL-5 1 du/acre
AG	AGRICULTURE/URBAN 2 du/acre
AG/R	AGRICULTURE 2 du/acre
PA	PUBLIC LAND 10 du/acre
PA	PAVED ATTRACTION
PA	UNPAVED ATTRACTION
PA	UNPAVED-CLIFF
PA	UNPAVED-LAKE
PA	PAVED PUBLIC/IND-PUBLIC
PA	PAVED RECREATION/OPEN SPACE

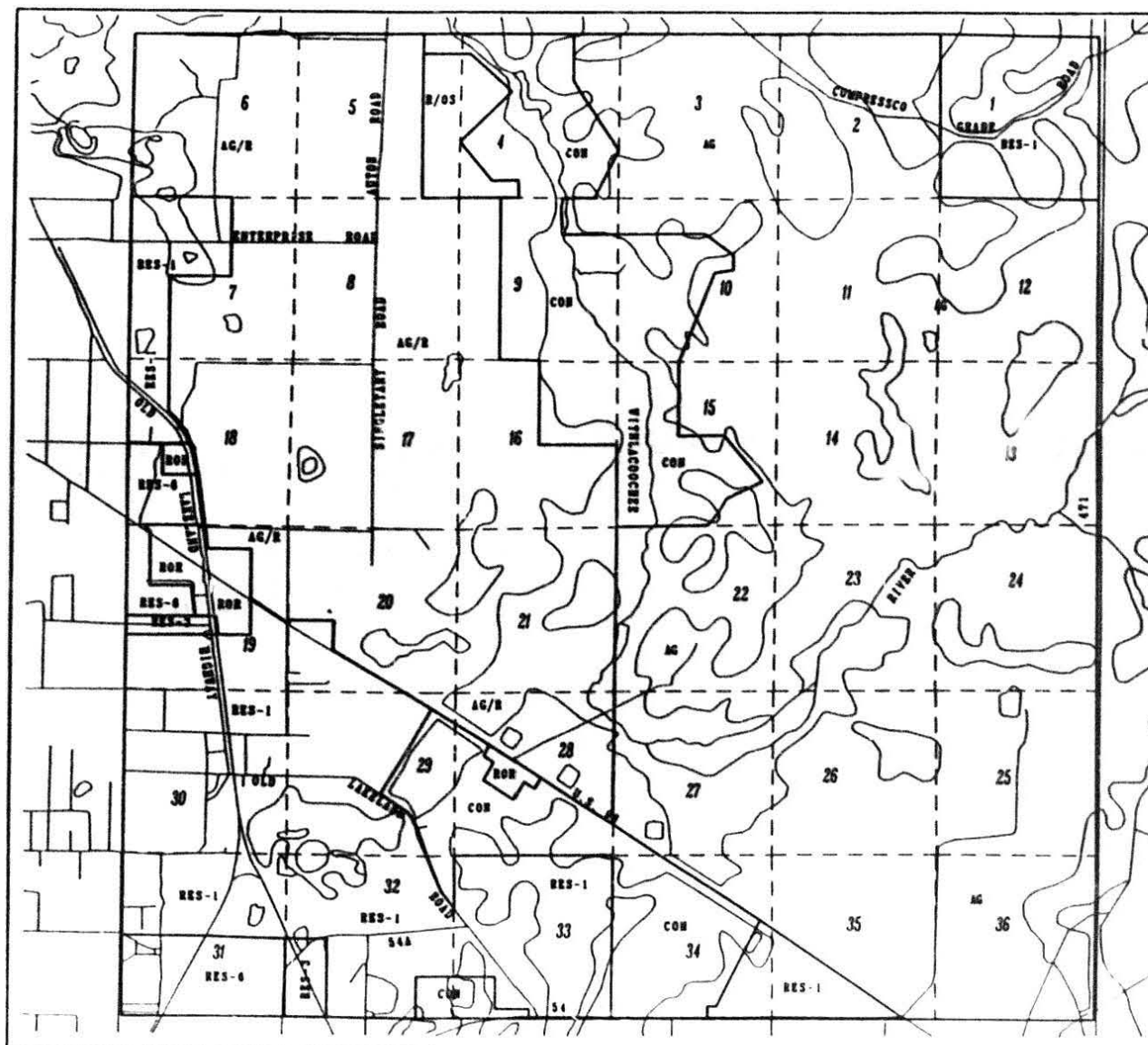
* du/acre - density units per gross acre

KEY MAP



DATE ADAPTED: 11
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 25 S - R 22 E
SHEET 16

LEGEND

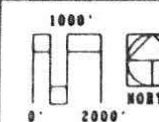
CON	CONCRETE
AG/R	AGRICULTURE/RESIDENTIAL
RES-1	RESIDENTIAL-1 10 du/yr
RES-2	RESIDENTIAL-2 10 du/yr
RES-3	RESIDENTIAL-3 10 du/yr
RES-4	RESIDENTIAL-4 10 du/yr
RES-5	RESIDENTIAL-5 10 du/yr
RES-6	RESIDENTIAL-6 10 du/yr
RES-7	RESIDENTIAL-7 10 du/yr
RES-8	RESIDENTIAL-8 10 du/yr
RES-9	RESIDENTIAL-9 10 du/yr
RES-10	RESIDENTIAL-10 10 du/yr
RES-11	RESIDENTIAL-11 10 du/yr
RES-12	RESIDENTIAL-12 10 du/yr
RES-13	RESIDENTIAL-13 10 du/yr
RES-14	RESIDENTIAL-14 10 du/yr
RES-15	RESIDENTIAL-15 10 du/yr
RES-16	RESIDENTIAL-16 10 du/yr
RES-17	RESIDENTIAL-17 10 du/yr
RES-18	RESIDENTIAL-18 10 du/yr
RES-19	RESIDENTIAL-19 10 du/yr
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RES-23	RESIDENTIAL-23 10 du/yr
RES-24	RESIDENTIAL-24 10 du/yr
RES-25	RESIDENTIAL-25 10 du/yr
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RES-28	RESIDENTIAL-28 10 du/yr
RES-29	RESIDENTIAL-29 10 du/yr
RES-30	RESIDENTIAL-30 10 du/yr
RES-31	RESIDENTIAL-31 10 du/yr
RES-32	RESIDENTIAL-32 10 du/yr
RES-33	RESIDENTIAL-33 10 du/yr
RES-34	RESIDENTIAL-34 10 du/yr
RES-35	RESIDENTIAL-35 10 du/yr
RES-36	RESIDENTIAL-36 10 du/yr
AG	AGRICULTURE
CON	CONCRETE
RES-1	RESIDENTIAL-1 10 du/yr
RES-2	RESIDENTIAL-2 10 du/yr
RES-3	RESIDENTIAL-3 10 du/yr
RES-4	RESIDENTIAL-4 10 du/yr
RES-5	RESIDENTIAL-5 10 du/yr
RES-6	RESIDENTIAL-6 10 du/yr
RES-7	RESIDENTIAL-7 10 du/yr
RES-8	RESIDENTIAL-8 10 du/yr
RES-9	RESIDENTIAL-9 10 du/yr
RES-10	RESIDENTIAL-10 10 du/yr
RES-11	RESIDENTIAL-11 10 du/yr
RES-12	RESIDENTIAL-12 10 du/yr
RES-13	RESIDENTIAL-13 10 du/yr
RES-14	RESIDENTIAL-14 10 du/yr
RES-15	RESIDENTIAL-15 10 du/yr
RES-16	RESIDENTIAL-16 10 du/yr
RES-17	RESIDENTIAL-17 10 du/yr
RES-18	RESIDENTIAL-18 10 du/yr
RES-19	RESIDENTIAL-19 10 du/yr
RES-20	RESIDENTIAL-20 10 du/yr
RES-21	RESIDENTIAL-21 10 du/yr
RES-22	RESIDENTIAL-22 10 du/yr
RES-23	RESIDENTIAL-23 10 du/yr
RES-24	RESIDENTIAL-24 10 du/yr
RES-25	RESIDENTIAL-25 10 du/yr
RES-26	RESIDENTIAL-26 10 du/yr
RES-27	RESIDENTIAL-27 10 du/yr
RES-28	RESIDENTIAL-28 10 du/yr
RES-29	RESIDENTIAL-29 10 du/yr
RES-30	RESIDENTIAL-30 10 du/yr
RES-31	RESIDENTIAL-31 10 du/yr
RES-32	RESIDENTIAL-32 10 du/yr
RES-33	RESIDENTIAL-33 10 du/yr
RES-34	RESIDENTIAL-34 10 du/yr
RES-35	RESIDENTIAL-35 10 du/yr
RES-36	RESIDENTIAL-36 10 du/yr

* du/yr - dwelling units per gross acre

KEY MAP



DATE ADOPTED: / /
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 26 S - R 15 E
SHEET 17

LEGEND

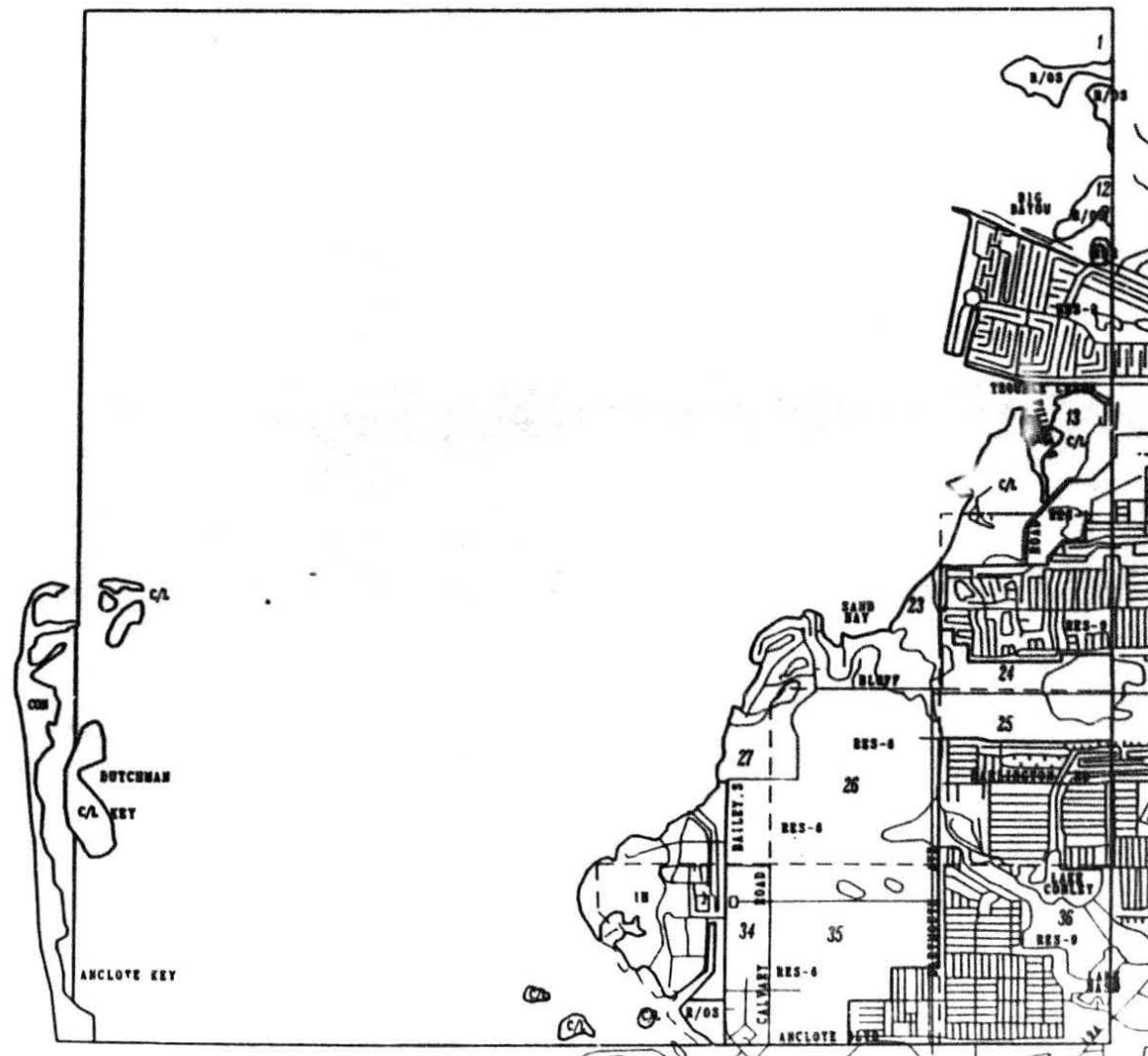
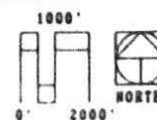
100'	OPEN SPACE
200'	URBAN, OFFICE, MED-CENTRAL
300'-40'	INDUSTRIAL-40 du/yr
400'-50'	INDUSTRIAL-50 du/yr
500'-60'	INDUSTRIAL-60 du/yr
600'-70'	INDUSTRIAL-70 du/yr
700'-80'	INDUSTRIAL-80 du/yr
800'-90'	INDUSTRIAL-90 du/yr
900'-100'	INDUSTRIAL-100 du/yr
1000'	INDUSTRIAL-1000 du/yr
1100'	INDUSTRIAL-1100 du/yr
1200'	INDUSTRIAL-1200 du/yr
1300'	INDUSTRIAL-1300 du/yr
1400'	INDUSTRIAL-1400 du/yr
1500'	INDUSTRIAL-1500 du/yr
1600'	INDUSTRIAL-1600 du/yr
1700'	INDUSTRIAL-1700 du/yr
1800'	INDUSTRIAL-1800 du/yr
1900'	INDUSTRIAL-1900 du/yr
2000'	INDUSTRIAL-2000 du/yr
2100'	INDUSTRIAL-2100 du/yr
2200'	INDUSTRIAL-2200 du/yr
2300'	INDUSTRIAL-2300 du/yr
2400'	INDUSTRIAL-2400 du/yr
2500'	INDUSTRIAL-2500 du/yr
2600'	INDUSTRIAL-2600 du/yr
2700'	INDUSTRIAL-2700 du/yr
2800'	INDUSTRIAL-2800 du/yr
2900'	INDUSTRIAL-2900 du/yr
3000'	INDUSTRIAL-3000 du/yr
3100'	INDUSTRIAL-3100 du/yr
3200'	INDUSTRIAL-3200 du/yr
3300'	INDUSTRIAL-3300 du/yr
3400'	INDUSTRIAL-3400 du/yr
3500'	INDUSTRIAL-3500 du/yr
3600'	INDUSTRIAL-3600 du/yr
3700'	INDUSTRIAL-3700 du/yr
3800'	INDUSTRIAL-3800 du/yr
3900'	INDUSTRIAL-3900 du/yr
4000'	INDUSTRIAL-4000 du/yr
4100'	INDUSTRIAL-4100 du/yr
4200'	INDUSTRIAL-4200 du/yr
4300'	INDUSTRIAL-4300 du/yr
4400'	INDUSTRIAL-4400 du/yr
4500'	INDUSTRIAL-4500 du/yr
4600'	INDUSTRIAL-4600 du/yr
4700'	INDUSTRIAL-4700 du/yr
4800'	INDUSTRIAL-4800 du/yr
4900'	INDUSTRIAL-4900 du/yr
5000'	INDUSTRIAL-5000 du/yr
5100'	INDUSTRIAL-5100 du/yr
5200'	INDUSTRIAL-5200 du/yr
5300'	INDUSTRIAL-5300 du/yr
5400'	INDUSTRIAL-5400 du/yr
5500'	INDUSTRIAL-5500 du/yr
5600'	INDUSTRIAL-5600 du/yr
5700'	INDUSTRIAL-5700 du/yr
5800'	INDUSTRIAL-5800 du/yr
5900'	INDUSTRIAL-5900 du/yr
6000'	INDUSTRIAL-6000 du/yr
6100'	INDUSTRIAL-6100 du/yr
6200'	INDUSTRIAL-6200 du/yr
6300'	INDUSTRIAL-6300 du/yr
6400'	INDUSTRIAL-6400 du/yr
6500'	INDUSTRIAL-6500 du/yr
6600'	INDUSTRIAL-6600 du/yr
6700'	INDUSTRIAL-6700 du/yr
6800'	INDUSTRIAL-6800 du/yr
6900'	INDUSTRIAL-6900 du/yr
7000'	INDUSTRIAL-7000 du/yr
7100'	INDUSTRIAL-7100 du/yr
7200'	INDUSTRIAL-7200 du/yr
7300'	INDUSTRIAL-7300 du/yr
7400'	INDUSTRIAL-7400 du/yr
7500'	INDUSTRIAL-7500 du/yr
7600'	INDUSTRIAL-7600 du/yr
7700'	INDUSTRIAL-7700 du/yr
7800'	INDUSTRIAL-7800 du/yr
7900'	INDUSTRIAL-7900 du/yr
8000'	INDUSTRIAL-8000 du/yr
8100'	INDUSTRIAL-8100 du/yr
8200'	INDUSTRIAL-8200 du/yr
8300'	INDUSTRIAL-8300 du/yr
8400'	INDUSTRIAL-8400 du/yr
8500'	INDUSTRIAL-8500 du/yr
8600'	INDUSTRIAL-8600 du/yr
8700'	INDUSTRIAL-8700 du/yr
8800'	INDUSTRIAL-8800 du/yr
8900'	INDUSTRIAL-8900 du/yr
9000'	INDUSTRIAL-9000 du/yr
9100'	INDUSTRIAL-9100 du/yr
9200'	INDUSTRIAL-9200 du/yr
9300'	INDUSTRIAL-9300 du/yr
9400'	INDUSTRIAL-9400 du/yr
9500'	INDUSTRIAL-9500 du/yr
9600'	INDUSTRIAL-9600 du/yr
9700'	INDUSTRIAL-9700 du/yr
9800'	INDUSTRIAL-9800 du/yr
9900'	INDUSTRIAL-9900 du/yr
10000'	INDUSTRIAL-10000 du/yr

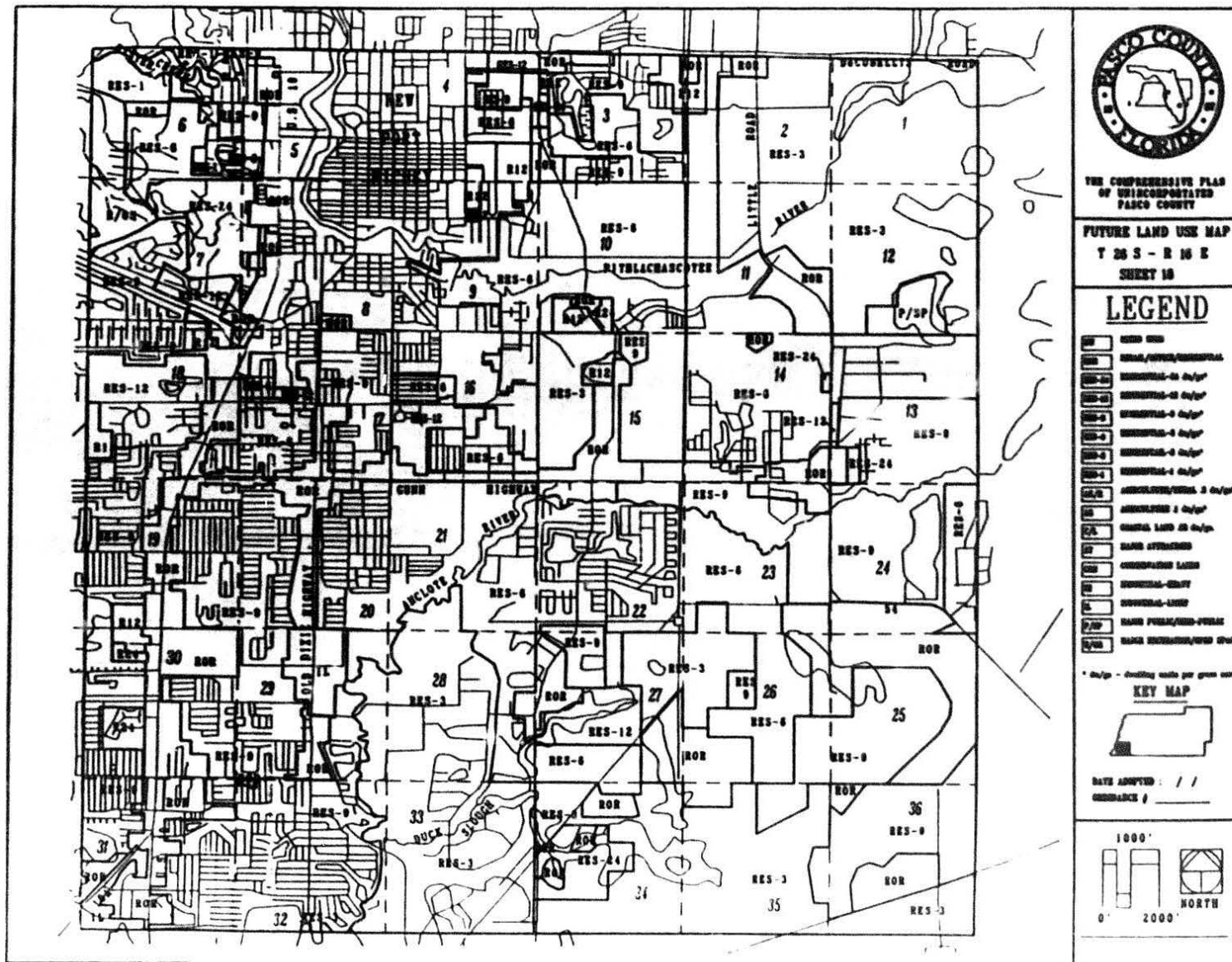
* du/yr - dwelling units per gross acre

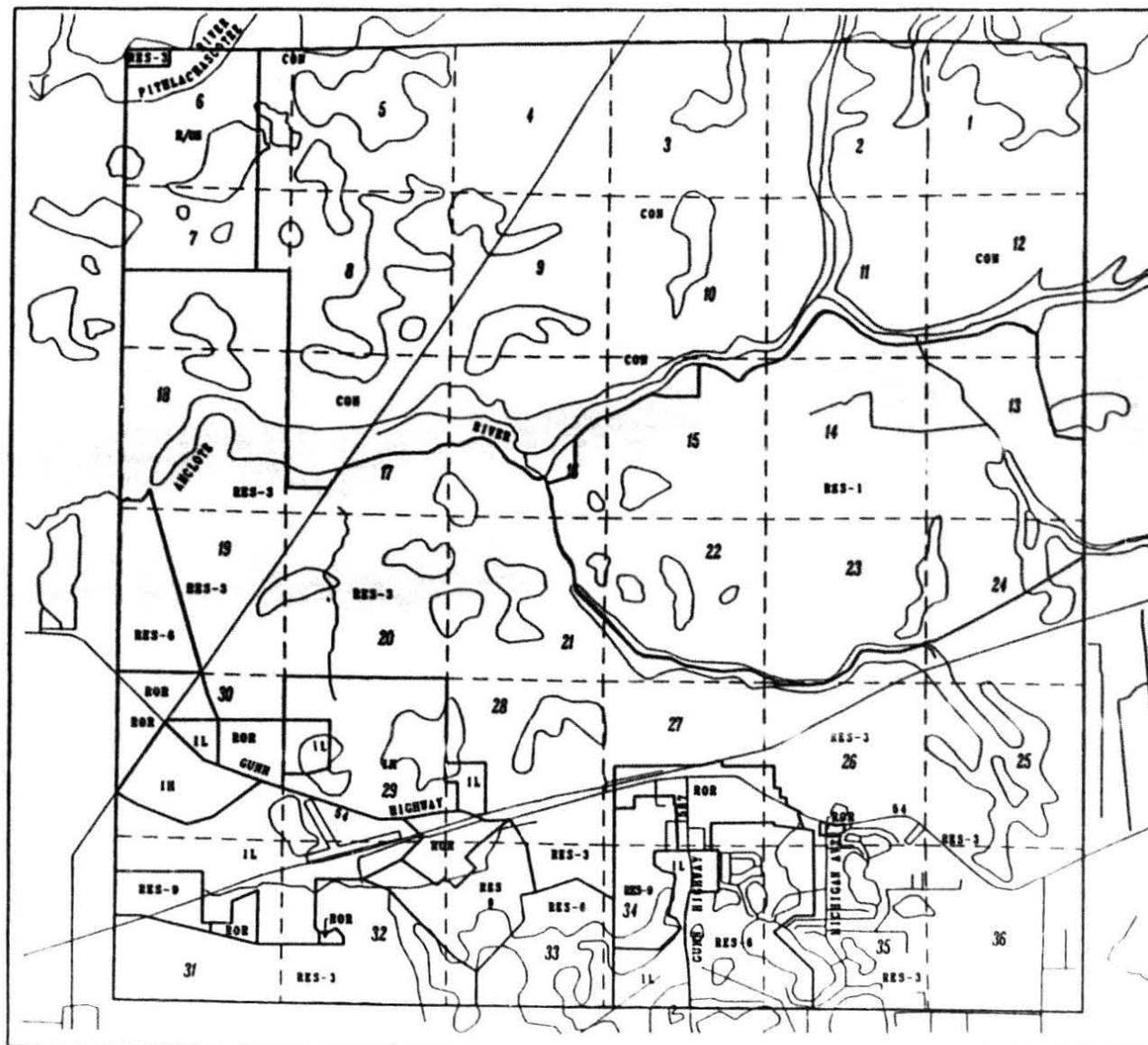
KEY MAP



DATE ADOPTED: / /
REVISION: /







THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 26 S - R 17 E
SHEET 10

LEGEND

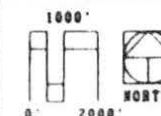
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RES-2	RESIDENTIAL-2
RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
RES-5	RESIDENTIAL-5
RES-6	RESIDENTIAL-6
RES-7	RESIDENTIAL-7
RES-8	RESIDENTIAL-8
RES-9	RESIDENTIAL-9
RES-10	RESIDENTIAL-10
RES-11	RESIDENTIAL-11
RES-12	RESIDENTIAL-12
RES-13	RESIDENTIAL-13
RES-14	RESIDENTIAL-14
RES-15	RESIDENTIAL-15
RES-16	RESIDENTIAL-16
RES-17	RESIDENTIAL-17
RES-18	RESIDENTIAL-18
RES-19	RESIDENTIAL-19
RES-20	RESIDENTIAL-20
RES-21	RESIDENTIAL-21
RES-22	RESIDENTIAL-22
RES-23	RESIDENTIAL-23
RES-24	RESIDENTIAL-24
RES-25	RESIDENTIAL-25
RES-26	RESIDENTIAL-26
RES-27	RESIDENTIAL-27
RES-28	RESIDENTIAL-28
RES-29	RESIDENTIAL-29
RES-30	RESIDENTIAL-30
RES-31	RESIDENTIAL-31
RES-32	RESIDENTIAL-32
RES-33	RESIDENTIAL-33
RES-34	RESIDENTIAL-34
RES-35	RESIDENTIAL-35
RES-36	RESIDENTIAL-36
RES-37	RESIDENTIAL-37
RES-38	RESIDENTIAL-38
RES-39	RESIDENTIAL-39
RES-40	RESIDENTIAL-40
RES-41	RESIDENTIAL-41
RES-42	RESIDENTIAL-42
RES-43	RESIDENTIAL-43
RES-44	RESIDENTIAL-44
RES-45	RESIDENTIAL-45
RES-46	RESIDENTIAL-46
RES-47	RESIDENTIAL-47
RES-48	RESIDENTIAL-48
RES-49	RESIDENTIAL-49
RES-50	RESIDENTIAL-50
RES-51	RESIDENTIAL-51
RES-52	RESIDENTIAL-52
RES-53	RESIDENTIAL-53
RES-54	RESIDENTIAL-54
RES-55	RESIDENTIAL-55
RES-56	RESIDENTIAL-56
RES-57	RESIDENTIAL-57
RES-58	RESIDENTIAL-58
RES-59	RESIDENTIAL-59
RES-60	RESIDENTIAL-60
RES-61	RESIDENTIAL-61
RES-62	RESIDENTIAL-62
RES-63	RESIDENTIAL-63
RES-64	RESIDENTIAL-64
RES-65	RESIDENTIAL-65
RES-66	RESIDENTIAL-66
RES-67	RESIDENTIAL-67
RES-68	RESIDENTIAL-68
RES-69	RESIDENTIAL-69
RES-70	RESIDENTIAL-70
RES-71	RESIDENTIAL-71
RES-72	RESIDENTIAL-72
RES-73	RESIDENTIAL-73
RES-74	RESIDENTIAL-74
RES-75	RESIDENTIAL-75
RES-76	RESIDENTIAL-76
RES-77	RESIDENTIAL-77
RES-78	RESIDENTIAL-78
RES-79	RESIDENTIAL-79
RES-80	RESIDENTIAL-80
RES-81	RESIDENTIAL-81
RES-82	RESIDENTIAL-82
RES-83	RESIDENTIAL-83
RES-84	RESIDENTIAL-84
RES-85	RESIDENTIAL-85
RES-86	RESIDENTIAL-86
RES-87	RESIDENTIAL-87
RES-88	RESIDENTIAL-88
RES-89	RESIDENTIAL-89
RES-90	RESIDENTIAL-90
RES-91	RESIDENTIAL-91
RES-92	RESIDENTIAL-92
RES-93	RESIDENTIAL-93
RES-94	RESIDENTIAL-94
RES-95	RESIDENTIAL-95
RES-96	RESIDENTIAL-96
RES-97	RESIDENTIAL-97
RES-98	RESIDENTIAL-98
RES-99	RESIDENTIAL-99
RES-100	RESIDENTIAL-100

* 1/2" = 1 mile - double scale per green area

KEY MAP



DATE ADAPTED: / /
ORDINANCE #



FUTURE LAND USE MAP
T 26 S - R 10 E
SHEET 20

LEGEND

00	WIND 000
01	WIND, WIND, WIND
02	WINDSPEED-00 00/00
03-05	WINDSPEED-00 00/00
06-08	WINDSPEED-00 00/00
09-11	WINDSPEED-00 00/00
12-14	WINDSPEED-00 00/00
15-17	WINDSPEED-00 00/00
18	WINDSPEED-00 00/00
19	WINDSPEED-00 00/00
20	WINDSPEED-00 00/00
21	WINDSPEED-00 00/00
22	WINDSPEED-00 00/00
23	WINDSPEED-00 00/00
24	WINDSPEED-00 00/00
25	WINDSPEED-00 00/00
26	WINDSPEED-00 00/00
27	WINDSPEED-00 00/00
28	WINDSPEED-00 00/00
29	WINDSPEED-00 00/00
30	WINDSPEED-00 00/00
31	WINDSPEED-00 00/00
32	WINDSPEED-00 00/00
33	WINDSPEED-00 00/00
34	WINDSPEED-00 00/00
35	WINDSPEED-00 00/00
36	WINDSPEED-00 00/00
37	WINDSPEED-00 00/00
38	WINDSPEED-00 00/00
39	WINDSPEED-00 00/00
40	WINDSPEED-00 00/00
41	WINDSPEED-00 00/00
42	WINDSPEED-00 00/00
43	WINDSPEED-00 00/00
44	WINDSPEED-00 00/00
45	WINDSPEED-00 00/00
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65	WINDSPEED-00 00/00
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67	WINDSPEED-00 00/00
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69	WINDSPEED-00 00/00
70	WINDSPEED-00 00/00
71	WINDSPEED-00 00/00
72	WINDSPEED-00 00/00
73	WINDSPEED-00 00/00
74	WINDSPEED-00 00/00
75	WINDSPEED-00 00/00
76	WINDSPEED-00 00/00
77	WINDSPEED-00 00/00
78	WINDSPEED-00 00/00
79	WINDSPEED-00 00/00
80	WINDSPEED-00 00/00
81	WINDSPEED-00 00/00
82	WINDSPEED-00 00/00
83	WINDSPEED-00 00/00
84	WINDSPEED-00 00/00
85	WINDSPEED-00 00/00
86	WINDSPEED-00 00/00
87	WINDSPEED-00 00/00
88	WINDSPEED-00 00/00
89	WINDSPEED-00 00/00
90	WINDSPEED-00 00/00
91	WINDSPEED-00 00/00
92	WINDSPEED-00 00/00
93	WINDSPEED-00 00/00
94	WINDSPEED-00 00/00
95	WINDSPEED-00 00/00
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98	WINDSPEED-00 00/00
99	WINDSPEED-00 00/00

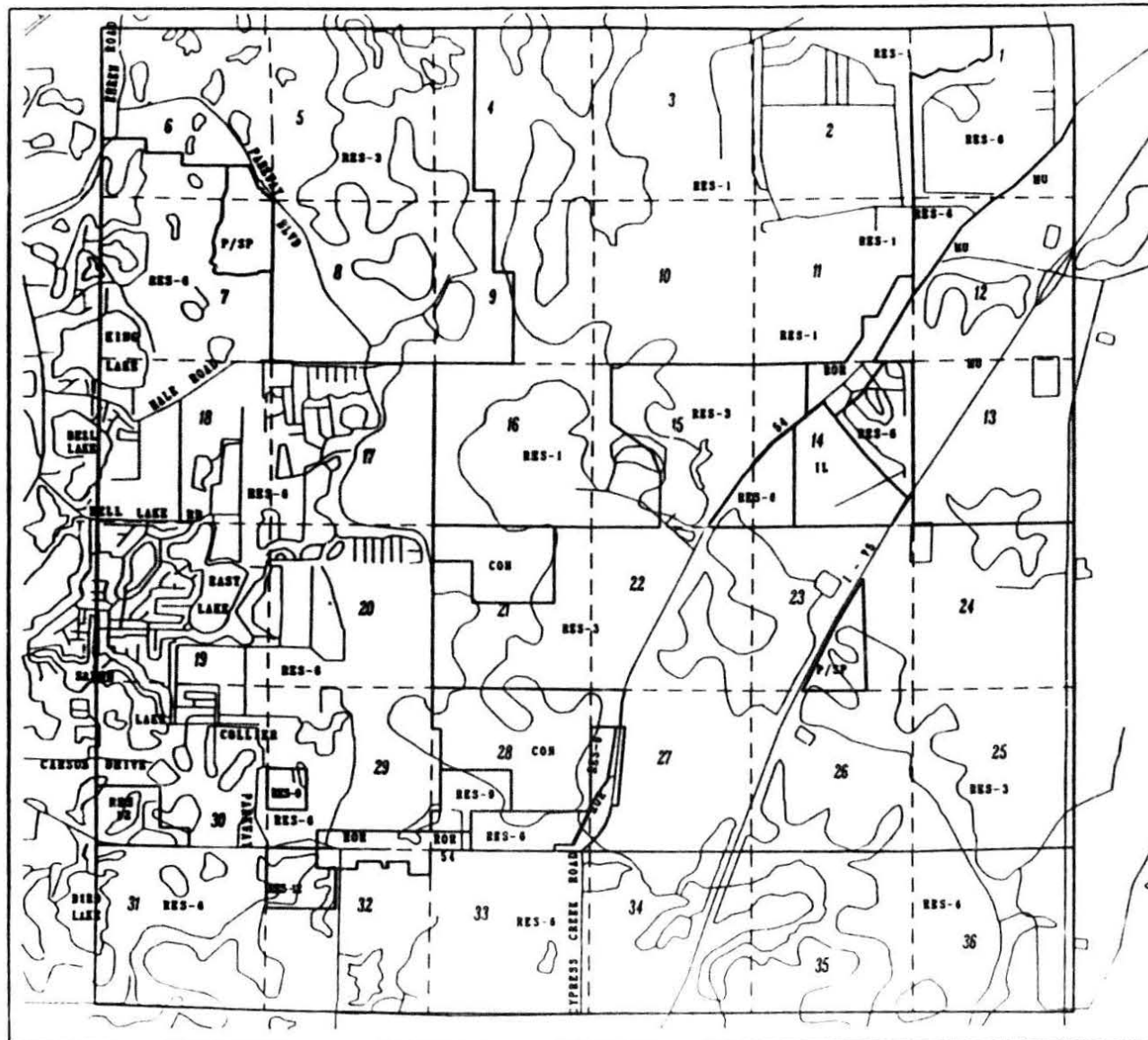
* \$2.75 - handling costs per gross case.

KEY MAP



DATE ADDED: / /
 ORIGIN: 6





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

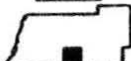
FUTURE LAND USE MAP
T 26 S - R 19 E
SHEET 21

LEGEND

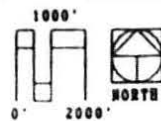
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP
- RES-1
- RES-3
- RES-6
- CON
- P/SP

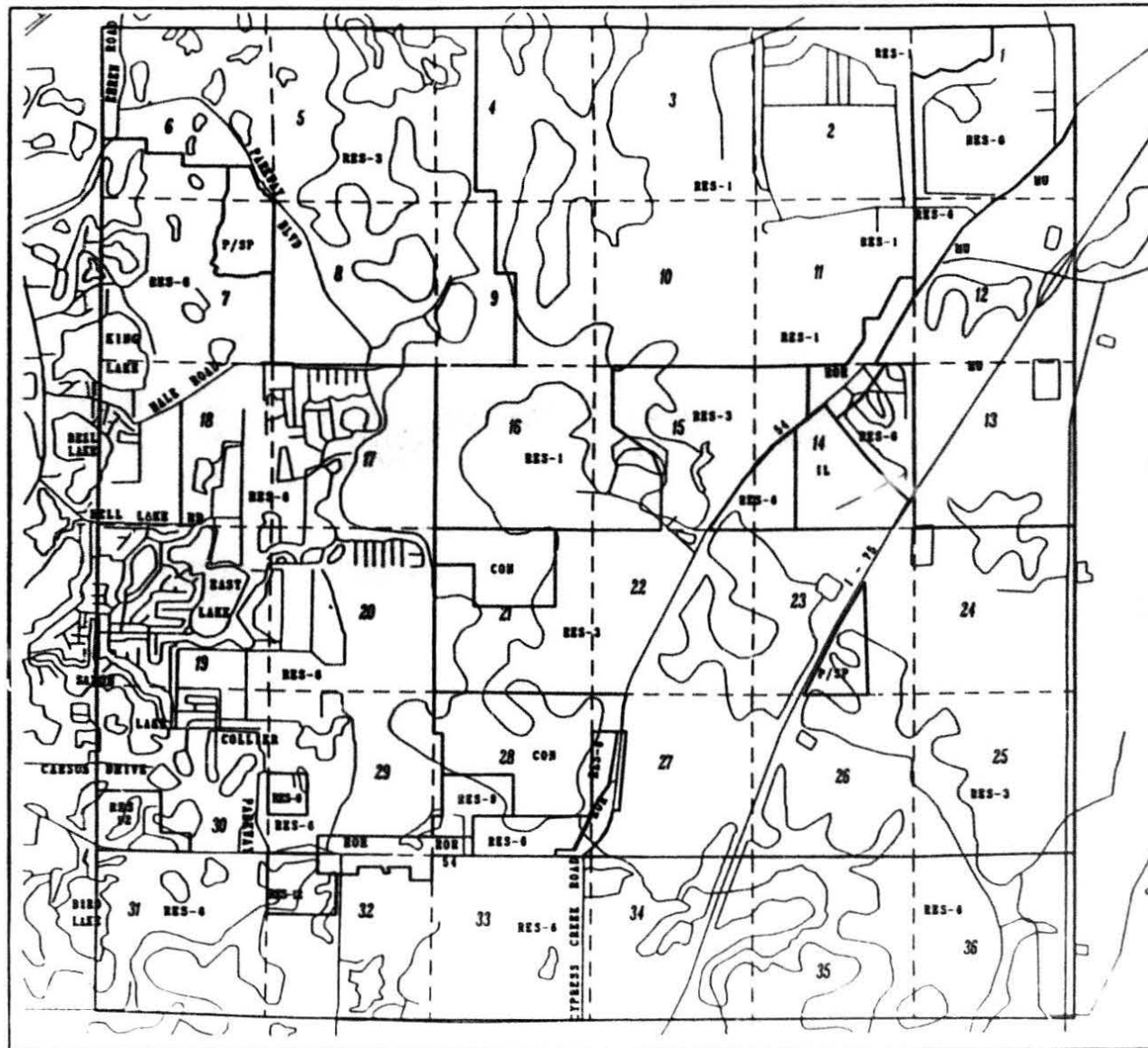
* du/p - dwelling units per gross acre

KEY MAP



DATE ADAPTED: 1/1
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

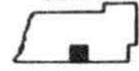
FUTURE LAND USE MAP
T 26 S - R 10 E
SHEET 21

LEGEND

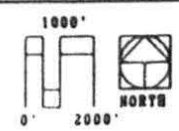
- RES-1 RESIDENTIAL-1 1/4 ac/lot
- RES-2 RESIDENTIAL-2 1/2 ac/lot
- RES-3 RESIDENTIAL-3 3/4 ac/lot
- RES-4 RESIDENTIAL-4 1 ac/lot
- RES-5 RESIDENTIAL-5 1 1/4 ac/lot
- RES-6 RESIDENTIAL-6 2 ac/lot
- RES-7 RESIDENTIAL-7 3 ac/lot
- RES-8 RESIDENTIAL-8 4 ac/lot
- RES-9 RESIDENTIAL-9 5 ac/lot
- RES-10 RESIDENTIAL-10 6 ac/lot
- RES-11 RESIDENTIAL-11 7 ac/lot
- RES-12 RESIDENTIAL-12 8 ac/lot
- RES-13 RESIDENTIAL-13 9 ac/lot
- RES-14 RESIDENTIAL-14 10 ac/lot
- RES-15 RESIDENTIAL-15 11 ac/lot
- RES-16 RESIDENTIAL-16 12 ac/lot
- RES-17 RESIDENTIAL-17 13 ac/lot
- RES-18 RESIDENTIAL-18 14 ac/lot
- RES-19 RESIDENTIAL-19 15 ac/lot
- RES-20 RESIDENTIAL-20 16 ac/lot
- RES-21 RESIDENTIAL-21 17 ac/lot
- RES-22 RESIDENTIAL-22 18 ac/lot
- RES-23 RESIDENTIAL-23 19 ac/lot
- RES-24 RESIDENTIAL-24 20 ac/lot
- RES-25 RESIDENTIAL-25 21 ac/lot
- RES-26 RESIDENTIAL-26 22 ac/lot
- RES-27 RESIDENTIAL-27 23 ac/lot
- RES-28 RESIDENTIAL-28 24 ac/lot
- RES-29 RESIDENTIAL-29 25 ac/lot
- RES-30 RESIDENTIAL-30 26 ac/lot
- RES-31 RESIDENTIAL-31 27 ac/lot
- RES-32 RESIDENTIAL-32 28 ac/lot
- RES-33 RESIDENTIAL-33 29 ac/lot
- RES-34 RESIDENTIAL-34 30 ac/lot
- RES-35 RESIDENTIAL-35 31 ac/lot
- RES-36 RESIDENTIAL-36 32 ac/lot
- CON COMMERCIAL
- P/SP PUBLIC USE
- W WETLANDS
- L LAKE
- S SAND
- C CANYON
- D DRAINAGE
- R ROAD
- T TRAIL
- B BOUNDARY
- E ELEVATION
- F FLOODPLAIN
- G GROUNDWATER
- H HISTORIC
- I INFRASTRUCTURE
- J JURISDICTION
- K KINSHIP
- L LANGUAGE
- M MARRIAGE
- N NATION
- O OCCUPATION
- P PREFERENCE
- Q QUALITY
- R RACE
- S SEX
- T TALENT
- U UTILITY
- V VIOLENCE
- W WISDOM
- X XENOPHOBIA
- Y YOUTH
- Z ZEBRA

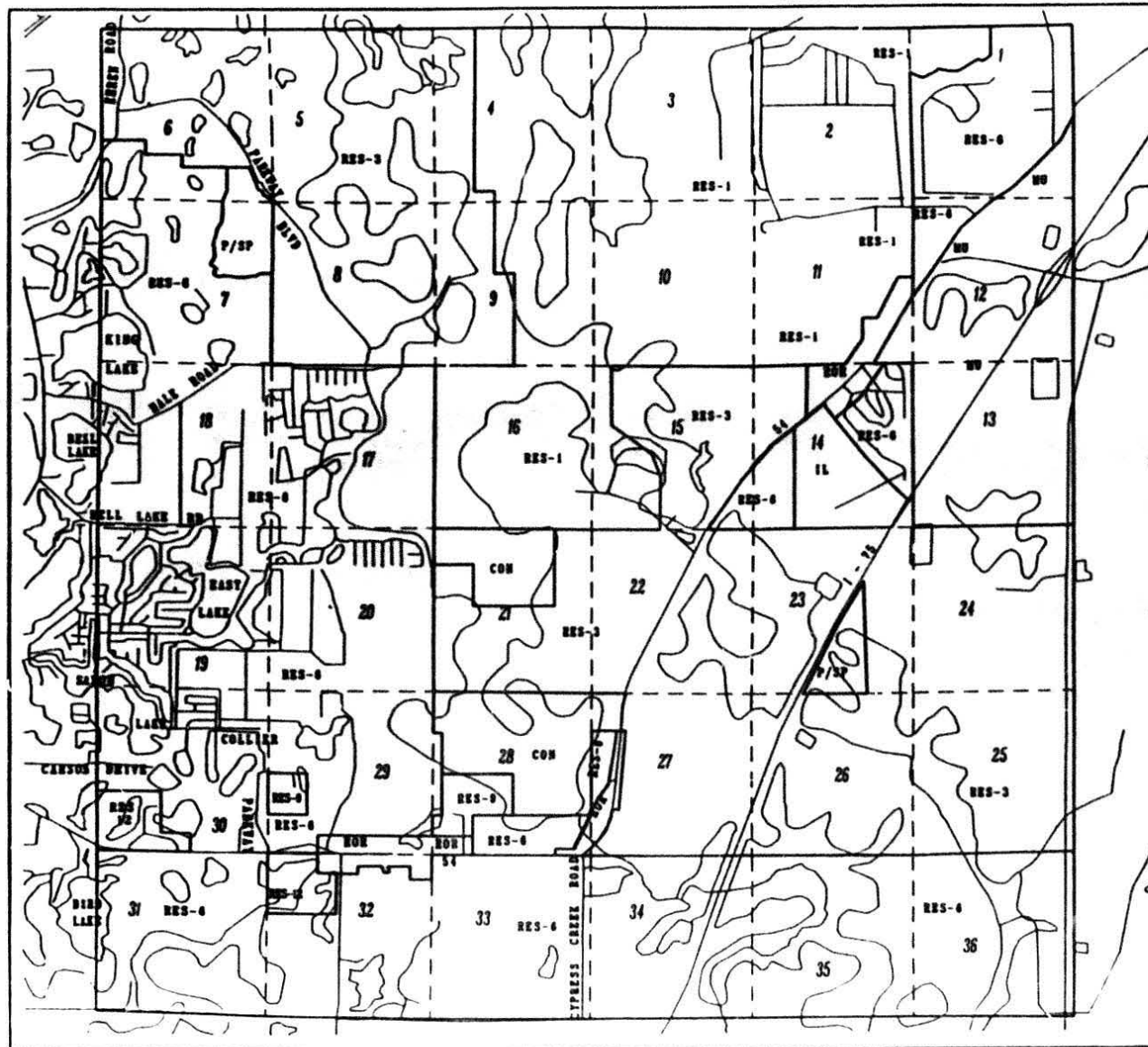
* ac/lot - Acreage value per gross acre

KEY MAP



DATE ADOPED: / /
ORDINANCE #





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

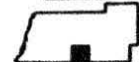
FUTURE LAND USE MAP
T 26 S - R 19 E
SHEET 21

LEGEND

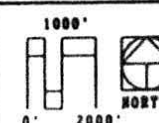
- NO NO
- RES-1 RESIDENTIAL-1 DU/LOT
- RES-2 RESIDENTIAL-2 DU/LOT
- RES-3 RESIDENTIAL-3 DU/LOT
- RES-4 RESIDENTIAL-4 DU/LOT
- RES-5 RESIDENTIAL-5 DU/LOT
- RES-6 RESIDENTIAL-6 DU/LOT
- RES-7 RESIDENTIAL-7 DU/LOT
- RES-8 RESIDENTIAL-8 DU/LOT
- RES-9 RESIDENTIAL-9 DU/LOT
- RES-10 RESIDENTIAL-10 DU/LOT
- RES-11 RESIDENTIAL-11 DU/LOT
- RES-12 RESIDENTIAL-12 DU/LOT
- RES-13 RESIDENTIAL-13 DU/LOT
- RES-14 RESIDENTIAL-14 DU/LOT
- RES-15 RESIDENTIAL-15 DU/LOT
- RES-16 RESIDENTIAL-16 DU/LOT
- RES-17 RESIDENTIAL-17 DU/LOT
- RES-18 RESIDENTIAL-18 DU/LOT
- RES-19 RESIDENTIAL-19 DU/LOT
- RES-20 RESIDENTIAL-20 DU/LOT
- RES-21 RESIDENTIAL-21 DU/LOT
- RES-22 RESIDENTIAL-22 DU/LOT
- RES-23 RESIDENTIAL-23 DU/LOT
- RES-24 RESIDENTIAL-24 DU/LOT
- RES-25 RESIDENTIAL-25 DU/LOT
- RES-26 RESIDENTIAL-26 DU/LOT
- RES-27 RESIDENTIAL-27 DU/LOT
- RES-28 RESIDENTIAL-28 DU/LOT
- RES-29 RESIDENTIAL-29 DU/LOT
- RES-30 RESIDENTIAL-30 DU/LOT
- RES-31 RESIDENTIAL-31 DU/LOT
- RES-32 RESIDENTIAL-32 DU/LOT
- RES-33 RESIDENTIAL-33 DU/LOT
- RES-34 RESIDENTIAL-34 DU/LOT
- RES-35 RESIDENTIAL-35 DU/LOT
- RES-36 RESIDENTIAL-36 DU/LOT
- CON COMMERCIAL
- P/SP PUBLIC USE
- NO NO
- CUL CUL
- A A
- S S
- D D
- P P
- H H

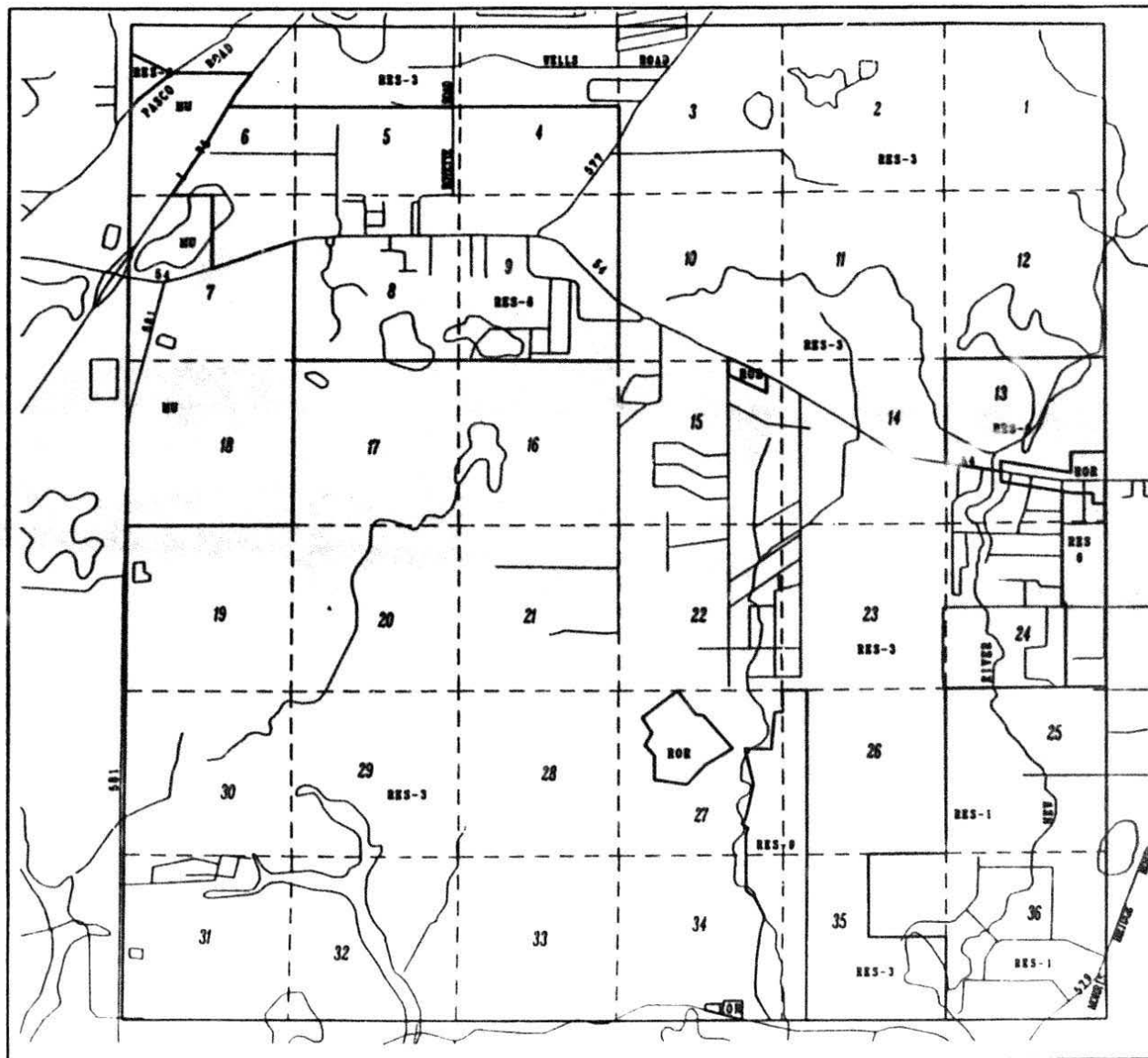
* DU/LOT - Densities table per gross acre

KEY MAP



DATE ADOPTED: / /
REVISION: /





THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 26 S - R 20 E
SHEET 22

LEGEND

RES-1	RESIDENTIAL-1
RES-3	RESIDENTIAL-3
RES-4	RESIDENTIAL-4
ROF	RECREATION OPEN SPACE
...	...

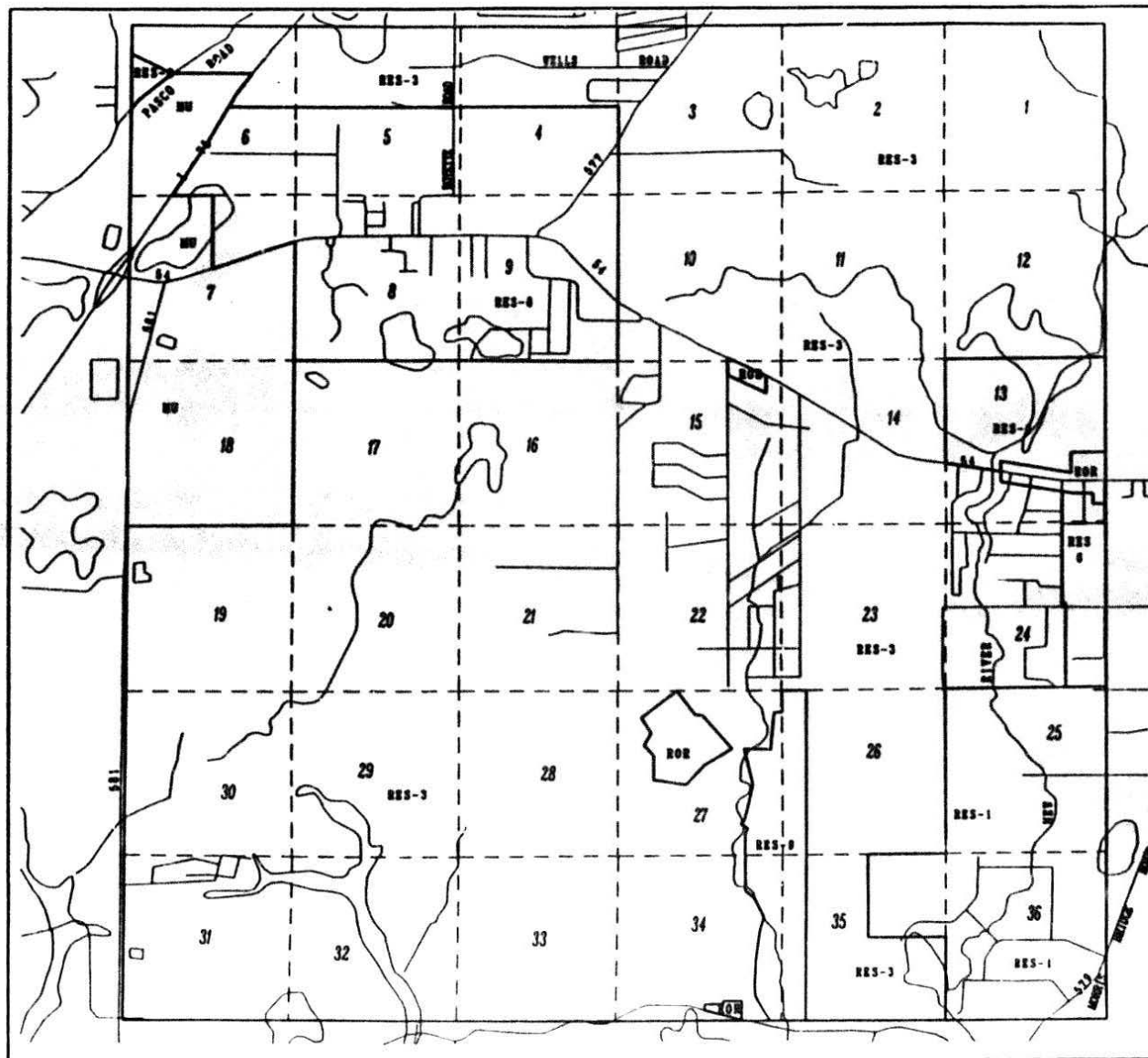
* du/pa - dwelling units per gross acre.

KEY MAP



DATE ADOPTED: //
ORDINANCE #





THE COMPREHENSIVE PLAN
OF INCORPORATED
PASCO COUNTY

FUTURE LAND USE MAP
T 26 S - R 20 E
SHEET 22

LEGEND

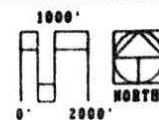
[Symbol]	WATER
[Symbol]	WATER, WETLAND, WETLANDS
[Symbol]	WETLANDS - 10 ac/yr
[Symbol]	WETLANDS - 15 ac/yr
[Symbol]	WETLANDS - 20 ac/yr
[Symbol]	WETLANDS - 25 ac/yr
[Symbol]	WETLANDS - 30 ac/yr
[Symbol]	WETLANDS - 35 ac/yr
[Symbol]	WETLANDS - 40 ac/yr
[Symbol]	WETLANDS - 45 ac/yr
[Symbol]	WETLANDS - 50 ac/yr
[Symbol]	WETLANDS - 55 ac/yr
[Symbol]	WETLANDS - 60 ac/yr
[Symbol]	WETLANDS - 65 ac/yr
[Symbol]	WETLANDS - 70 ac/yr
[Symbol]	WETLANDS - 75 ac/yr
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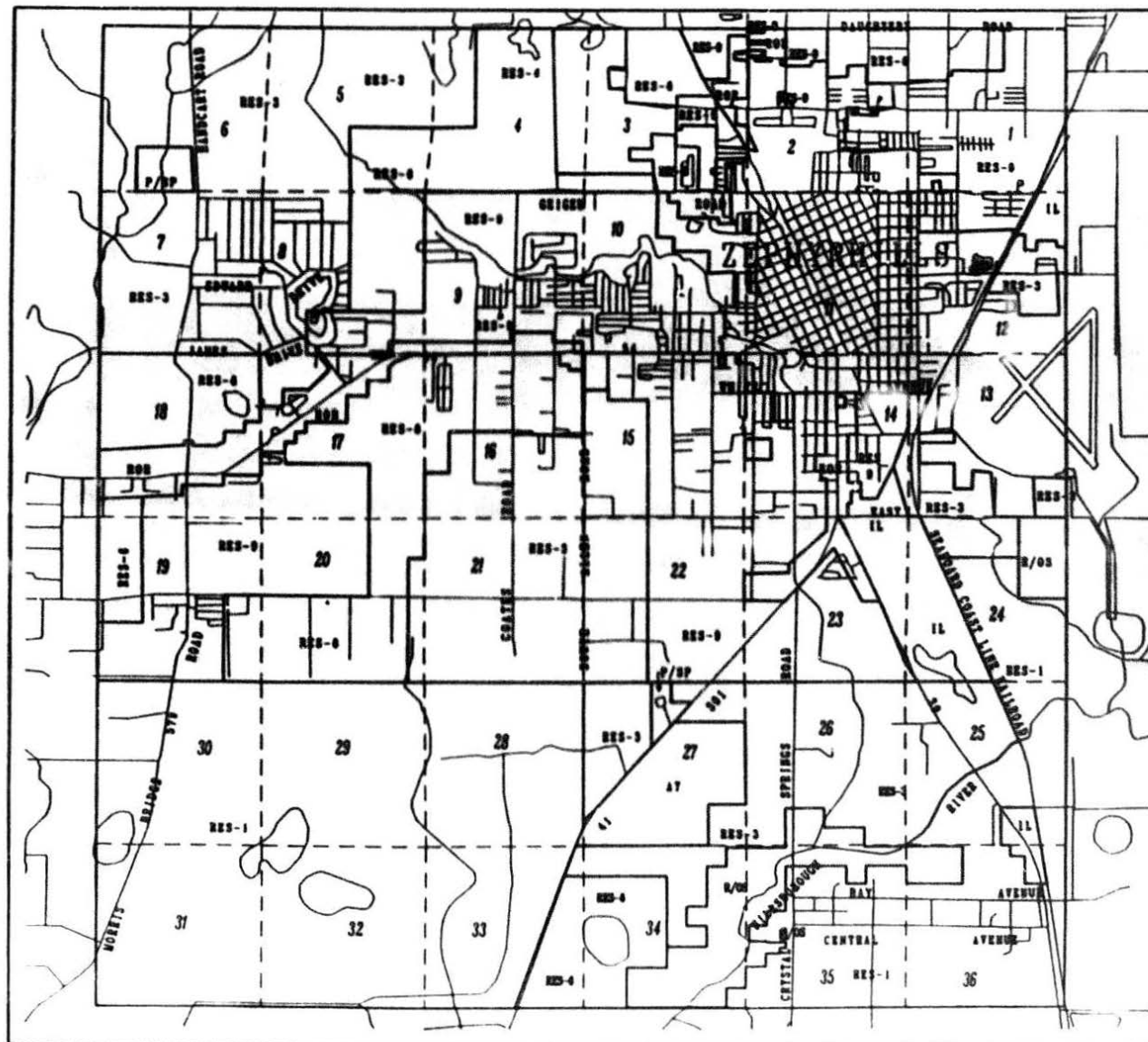
* ac/yr - building units per gross area

KEY MAP



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THE COMPREHENSIVE PLAN
OF UNINCORPORATED
PINAL COUNTY

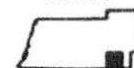
FUTURE LAND USE MAP
T 26 S - R 21 E
SHEET 23

LEGEND

RES-1	RES-1
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RES-5	RES-5
RES-6	RES-6
RES-7	RES-7
RES-8	RES-8
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RES-36	RES-36

* See map - Shading codes per green C.M.

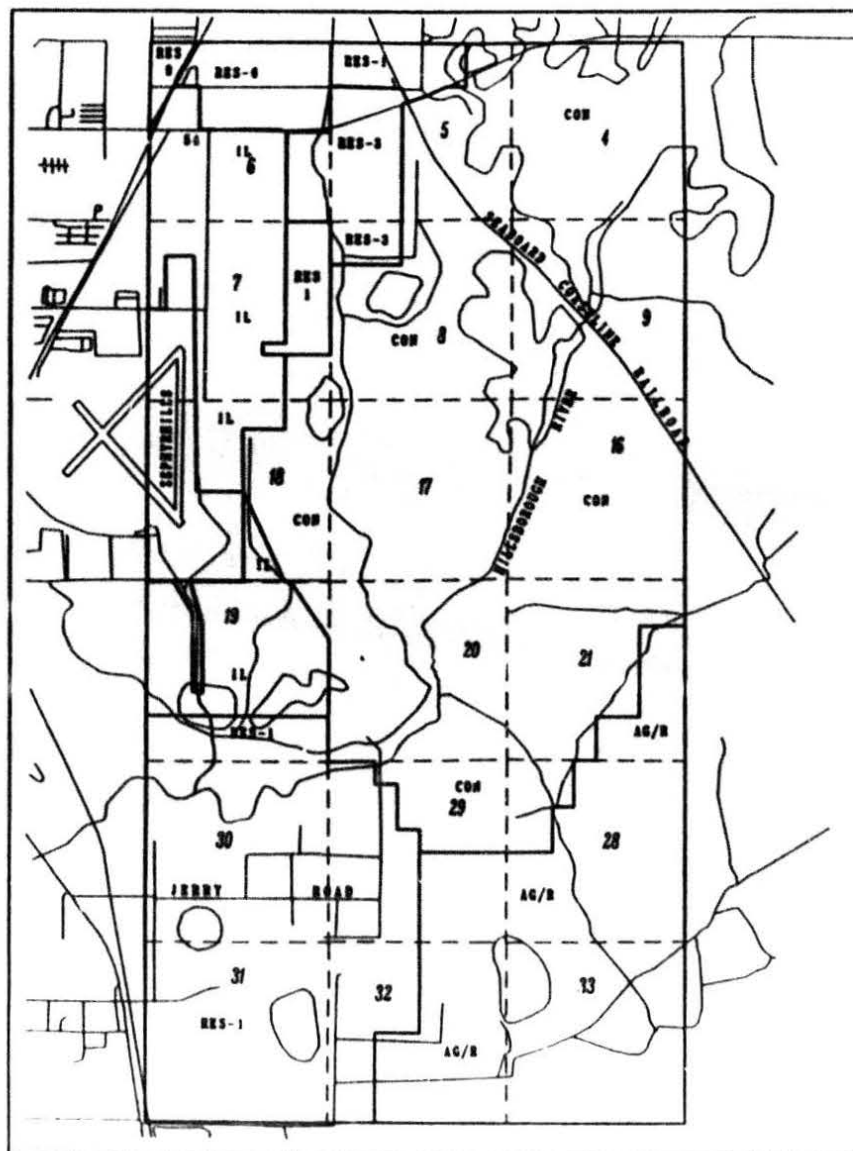
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C



THE COMPREHENSIVE PLAN
OF INCORPORATED
PASCO COUNTY

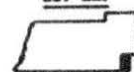
FUTURE LAND USE MAP
T 26 S - R 22 E
SHEET 24

LEGEND

RES-1	RESIDENTIAL
RES-2	RESIDENTIAL-2
RES-3	RESIDENTIAL-3
CON-1	COMMERCIAL-1
CON-2	COMMERCIAL-2
CON-3	COMMERCIAL-3
CON-4	COMMERCIAL-4
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CON-96	COMMERCIAL-96
CON-97	COMMERCIAL-97
CON-98	COMMERCIAL-98
CON-99	COMMERCIAL-99
CON-100	COMMERCIAL-100

* 1/4" = 100' - double scale per zone area

KEY MAP



DATE APPROVED: / /
ORDINANCE #



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DIVISION OF
ADMINISTRATIVE
HEARINGS

SUMMARY OF MAJOR INTERGOVERNMENTAL COORDINATION ISSUES

Efficiency, Effectiveness, Equity

One purpose of improved intergovernmental coordination is to reduce or eliminate the duplication of services by different jurisdictions of government. If accomplished, public goods and services can be delivered more efficiently and at reduced cost. Beyond mere duplication, however, there is a real need for intergovernmental coordination in the effective delivery of similar services by different jurisdictions. Water, sewer and storm drainage service areas would be excellent examples of this. Yet another need for intergovernmental coordination occurs when the goals of different jurisdictions are working at cross-purposes. Competition for or against growth on city-county or county-county boundary lines exemplify this need.

Very often intergovernmental coordination is used when the term intergovernmental cooperation is actually intended. The need for coordination might easily be satisfied by the supply of timely and accurate information to other levels of government. But unless there is some general agreement on mutual goals and objectives, the result is likely to be a loss of credibility and effectiveness.

Finally, intergovernmental coordination can be viewed as a means of simplification. By making intergovernmental relations less complex, questions of equity can more easily be dealt with. That is, the less complex a system is, the more accessible the system becomes to ordinary citizens whom the system is intended to serve.

GOALS, OBJECTIVES, AND POLICIES

GOAL 1. Improve the efficiency and effectiveness of public services rendered to Pasco County residents through intergovernmental coordination and cooperation.

Constituent Cities

OBJECTIVE 1. Establish mechanisms for intergovernmental coordination and cooperation between Pasco County and its constituent cities by 1995.

It shall be the policy of Pasco County to:

1. Establish reciprocal agreements which call for review and comment upon all proposed DRIs, FQDs, Plan Amendments, PUDs, and MPUDs occurring within one-half mile of its mutual borders with municipalities. Such reviews shall take place concurrently with the jurisdiction's review so as not to cause any unnecessary delay.
2. Share planning, development, and capital improvement data with constituent cities on a reciprocal basis. Copies of plans, studies, ordinances and land development regulations which would affect either party shall be exchanged on a regular basis.
3. Establish reciprocal agreements by which the level of service standards adopted by one jurisdiction are respected by the other, where such services are being provided by the first to residents of the second. For example, the County should respect the level of service standards of a municipality where their services are being provided to County residents and vice versa.
4. Share the costs of public facilities and services for which there are mutual benefits to municipal and County residents.
5. Negotiate service area boundaries for those public utilities and services affected by lawful annexation, where such changes will result in lower costs to the residents served.
6. Appoint temporary committees, boards, and task forces as necessary to assist the Board of County Commissioners in the resolution of interlocal conflicts which may arise involving annexation, water supply, fire protection, etc.
7. Ensure that the impacts of development in Pasco County will not violate the level of service standards of

constituent cities. This will be accomplished through interlocal agreements.

8. Coordinate with constituent municipalities in developing emergency management plans and disseminating pertinent emergency management information.

Neighboring Counties

OBJECTIVE 2. Establish mechanisms for intergovernmental coordination and cooperation between Pasco County and its neighboring counties and cities by 1995.

It shall be the policy of Pasco County to:

1. Establish reciprocal agreements which call for review and comment upon all proposed DRIs, FQDs, Plan Amendments, PUDs and MPUDs occurring within one mile of its mutual borders with adjacent counties. Such reviews shall take place concurrently with the jurisdiction's review so as not to cause any unnecessary delay.
2. Share planning, development, and capital improvement data with adjacent counties on a reciprocal basis. Copies of plans, studies, ordinances and land development regulations which would affect either party shall be exchanged on a regular basis.
3. Establish reciprocal agreements by which the level of service standards adopted by one jurisdiction are respected by the other and such that, the adverse impacts of development in one county are not borne by the other.
4. Cooperate in the planning and development of such regional facilities and services as transportation, mass transit, public health, law enforcement, social services, and environmental protection. The costs of public facilities and services for which there are mutual benefits to residents of the counties shall be shared on a pro rata basis.
5. Cooperate in the conservation of regionally significant natural resources such as riverine systems, coastal marshes, potable water supply and wilderness areas through participation in federal, state, or regional government programs which address multijurisdictional natural resource protection.
6. Appoint temporary committees, boards, and task forces as necessary to assist the Board of County Commissioners in the resolution of any intercounty conflicts. Consider the use of regional mediation by TBRPC when necessary.

7. Ensure that the impacts of development in Pasco County will not violate the level of service standards of neighboring counties. This will be accomplished through interlocal agreements.
8. Mediate conflicts with other local governments through the Tampa Bay Regional Planning Council's informal mediation process.
9. Coordinate with neighboring counties in developing emergency management plans and disseminating pertinent emergency management information.

Independent Agencies and Authorities

OBJECTIVE 3. Establish mechanisms for intergovernmental coordination and cooperation between Pasco County and all independent agencies and authorities thereof.

It shall be the policy of Pasco County to:

1. Cooperate with the activities of selfsupported boards, agencies and authorities such as the Pasco County School Board, the Southwest Florida Water Management District, the West Coast Regional Water Supply Authority, Army Corps of Engineers, etc.
2. Support the activities of County dependent agencies and authorities such as but not limited to the Pasco County Housing Authority.
3. Support the regional planning efforts of the Tampa Bay Regional Planning Council where those efforts will result in greater coordination, efficiency and effectiveness of local government.
4. Ensure that the impacts of development in Pasco County will not violate the rules and regulations of independent agencies and authorities. This will be accomplished through interlocal agreements.

State and Federal

OBJECTIVE 4. Establish mechanisms for intergovernmental coordination and cooperation between Pasco County and the agencies of state and federal government by 1995.

It shall be the policy of Pasco County to:

1. Maximize participation in state and federal revenue sharing programs and comply with their requirements.

2. Maximize participation in the planning efforts of the state and federal departments of transportation.
3. Monitor the enforcement of state laws, rules and regulations by state agencies. Reserve the right, where permitted by law, to assume such enforcement responsibilities in the future.
4. Ensure that the impacts of development in Pasco County will not violate the laws and regulations established by state and federal agencies. This will be accomplished through coordination mechanisms.

Public Facilities Standards

OBJECTIVE 5. Coordinate public facility standards of Pasco County with its municipalities and other pertinent authorities.

It shall be the policy of Pasco County to:

1. Draw up a listing of Pasco County level of service standards for solid waste, potable water, wastewater, drainage, housing, and recreation. Distribute this list to the municipal agencies to facilitate coordination.
2. Coordinate transportation level of service standards with MPOs of adjacent counties, cities, FDOT and other appropriate authorities.

Inventory and Analysis of Coordination Mechanisms

OBJECTIVE 6. Promote the efficient, effective resolution of deficiencies in intergovernmental coordination.

It shall be the policy of Pasco County to:

1. Conduct and maintain a detailed inventory of existing intergovernmental coordination mechanisms which identifies the nature of the relationship and the party with lead responsibility.
2. Require County department heads to recommend improvements to intergovernmental coordination mechanisms on an annual basis.

IMPLEMENTATION MECHANISMS

The following is a general purpose list of tools and techniques which can be used to implement the goals, objectives and policies of the Intergovernmental Coordination Element. These tools are being referenced in, but not adopted as part of, the Comprehensive Plan because they entail the establishment of complex administrative procedures not appropriate for a policy document.

Communication

1. A formal method of intergovernmental coordination involves the circulation and endorsement of official documents. Contracts and interlocal agreements would be examples of these. A less formal method involves the exchange, for informational purposes only, of official plans, studies and data.
2. Another means of coordination is a system of gathering public review and comment upon plans and projects which will have impacts beyond a single governmental jurisdiction. Much like the A-95 review process, a single agency such as a staff for the Intergovernmental Affairs Committee can be responsible for sending notice to all affected parties. Such parties might then be invited to attend public workshops and hearings where their comments can be recorded.

Task Forces

1. The formation of boards and committees can be formal or informal, staffed or unstaffed, as the circumstances warrant. In either case, the purpose is usually to study and make recommendations on a single issue affecting two or more jurisdictions. The membership of the committee should be representative of each jurisdiction and its recommendations should be jointly adopted.

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FUTURE LAND USE ELEMENT

LU-1 Existing Land Use

LU-2 Undeveloped Land

LU-3 Future Land Use - 2010

LU-4 Interim Land Use - 1994

TRAFFIC CIRCULATION ELEMENT

TRA-1 Existing Transportation System

TRA-2 Proposed Transportation System - 2010

TRA-3 Interim Transportation System - 1994

TRA-4 Existing and Proposed Pedestrian Circulation

PUBLIC FACILITIES ELEMENT

PF-1 Potable Water System

PF-2 Wastewater System

PF-3 Drainage Features

HOUSING ELEMENT

HOU-1 Existing Housing

RECREATION AND CONSERVATION ELEMENT

REC-1 Recreation Sites

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, TO BE KNOWN AS THE "CITY OF ZEPHYRHILLS COMPREHENSIVE PLAN ADOPTION ORDINANCE"; FINDING THE CITY'S COMPREHENSIVE PLAN TO BE CONSISTENT WITH THE STATE COMPREHENSIVE PLAN AND THE REGIONAL POLICY PLAN OF THE TAMPA BAY REGIONAL PLANNING COUNCIL; PROVIDING FOR NAME OF ORDINANCE; STATING PURPOSE AND INTENT; INCORPORATING BY REFERENCE THE COMPREHENSIVE PLAN OF ZEPHYRHILLS, ORIGINALLY ADOPTED JUNE 19, 1989; ESTABLISHING GOALS, OBJECTIVES, POLICIES FOR ACHIEVING OR MAINTAINING QUANTIFIED LEVEL OF SERVICE STANDARDS; SETTING FORTH SPECIFIC PROPOSALS, TIME FRAMES AND MEANS OF FINANCING CAPITAL IMPROVEMENTS; PROVIDING PROCEDURES FOR MONITORING AND EVALUATING IMPLEMENTATION OF THE PLAN; PROVIDING FOR PUBLIC PARTICIPATION IN SUBSEQUENT REVIEW AND AMENDMENT OF THE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR VALIDITY OF ORDINANCE SHOULD ANY PART THEREOF BE DECLARED UNCONSTITUTIONAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Citizens of Zephyrhills, the Zephyrhills Planning Commission, City Staff and City Council have worked together to prepare a Comprehensive Plan as required by Florida Statutes Chapter 163, and

WHEREAS, the draft of this Comprehensive Plan has been reviewed by Pasco County, Tampa Bay Regional Planning Council and various departments and agencies of State government, and

WHEREAS, the Objectives, Recommendations and Comments compiled by the Florida Department of Community Affairs have been duly considered and responded to by appropriate modification of the initial draft, and

WHEREAS, City Council does hereby find that the Comprehensive Plan is consistent with the State Comprehensive Plan and the Regional Policy Plan of the Tampa Bay Regional Planning Council;

NOW, THEREFORE, Be it ordained by the City Council of the City of Zephyrhills, Florida as follows:

1. Purpose and Intent:

The intent of City Council in enacting this Ordinance

is to comply with Chapter 163 of the Florida Statutes and all regulations enacted pursuant thereto. The purpose of this Ordinance is to adopt a Comprehensive Plan to orderly manage the anticipated growth of the City of Zephyrhills.

2. Name:

The name of this Ordinance shall be the "City of Zephyrhills Comprehensive Plan Adoption Ordinance".

3. Adoption of Comprehensive Plan incorporated herein by reference:

This Ordinance does hereby adopt and make a part hereof by reference, that document entitled "Comprehensive Plan of the City of Zephyrhills originally adopted June 19, 1989".

4. Goals, Objectives, Policies for Achieving or Maintaining Quantified Level of Service Standards:

City Council explicitly recognizes and adopts the Goals, Objectives, Policies and Level of Service of the Plan and further acknowledges that the Goals, Objectives and Policies will be reviewed and updated at least annually to assure the Level of Service be maintained.

5. Financing Capital Improvements:

A Capital Improvements Budget shall be prepared for a future five (5) year time frame and updated annually as an integral part of the established annual budget process.

6. Monitoring and Evaluation:

Effectiveness of Plan implementation shall be monitored and evaluated continuously to provide feedback for an annual update of Goals, Objectives and Policies and to prepare the annual update of the Capital Improvements Budget.

7. Public Participation in Subsequent Review or Amendment of Comprehensive Plan:

The City will continue to inform the general public and encourage public participation in any review or amendment of the Comprehensive Plan, by at least all of the following means:

- a. Signs will be posted on all sites for which a change

in land use is being considered for at least seven (7) days prior to a public hearing;

b. The Planning Commission will conduct at least one (1) public hearing on any proposed amendment to the Plan before making a recommendation to City Council;

c. City Council will conduct at least two (2) public hearings on any proposed amendment to the Plan before adoption.

8. Repeal of Conflicting Ordinances or Regulations:

All previously adopted Ordinances and Regulations of the City of Zephyrhills conflicting with this Ordinance or the referenced Comprehensive Plan are hereby repealed.

9. Validity:


If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance or referenced Comprehensive Plan is, for any reason, held or declared to be unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of this Ordinance and it shall be construed to have been the intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein.

10. Effective Date:

This Ordinance shall be effective after its third reading and upon signing by the Mayor.

The foregoing Ordinance No. 502 was read and passed on its first reading by the City Council of the City of Zephyrhills, Florida on the 22nd day of May, A.D., 1989.

ATTEST:


City Clerk


JOLLEEN FARNHAM
President of City Council

The foregoing Ordinance No. 502 was read and passed on its second reading by the City Council of the City of Zephyrhills, Florida on the 12th day of June, A.D.,

1989.

ATTEST:

Joellen Farnham
City Clerk

Joellen Farnham
President of City Council

The foregoing Ordinance No. 506 was read and passed on its third reading by the City Council of the City of Zephyrhills, Florida on the 20th day of June, A.D., 1989.

ATTEST:

Joellen Farnham
City Clerk

Joellen Farnham
President of City Council

The foregoing Ordinance No. 506 was approved by me this 20th day of June, A.D., 1989.

Robert Johnson
ROBERT JOHNSON, MAYOR

FUTURE LAND USE

PURPOSE

All elements of this Comprehensive Plan are mutually supportive and interactive. The entire planning process involves a series of reiterative modifications to reflect refinement of data and changes of existing conditions. A decision by another unit of government or private entity can cause the City of Zephyrhills to rethink an entire series of assumptions and prior decisions.

The most prominent local example of such an external influence was the decision by Seaboard Coastline (SCL) Railroad to remove the railroad through downtown Zephyrhills in the 1970's. That decision was not anticipated and subsequent land use decisions effected by the railroad removal were not made within the context of a long range land use plan.

External decisions of this magnitude can and will happen again. No amount of planning can anticipate every possible contingency, but sound land use planning can establish a conceptual framework for future land use decisions which reflect local values and priorities. Other components of this Comprehensive Plan are intended to support a long range pattern of land uses which avoids conflicting activities, results in efficient use of resources, protects the environment and provides a pleasant and secure place to live. The Future Land Use Map (Map LU-3) represents the ultimate spatial summation of all components of the Comprehensive Plan.

EXISTING LAND USE

Existing land uses within the City of Zephyrhills and immediately adjacent area are indicated on the Existing Land Use Map (Map LU-1) using the categories listed in 9J-5.006(1)(a).

Acreages of existing land uses within the City are summarized in Table LU-1.

Adopted By City Council
Effective Date **JUN 20 1989**
Farrham
President of City Council
Michael
City Manager

TABLE LU-1
Existing Land Uses
City of Zephyrhills 1988

*is this table
up to date with
current*

<u>Land Use Categories</u>	<u>Acres</u>	<u>% of Acres</u>
Residential (Avg. Density 3.3/a) *(Range 0-9 du/a)	1020	27.2%
Commercial/Office	160	4.3%
Industrial	30	.8%
Recreation	300	8.0%
Education	105	2.9%
Public Building	15	.4%
Other Public Use	360	9.7%
Wells	5	
Sewer Plant	70	
Land Fill	40	
Airport	245	
Semi-Public	75	2.0%
Hospitals	35	
Churches	25	
Nursing Home	10	
ACLF	5	
Railroad R/W	10	.2%
Roads & Alleys	410	10.9%
Agricultural	560	14.9%
Conservation	55	1.5%
Vacant	645	17.2%
Airport	380	
Zoned Res	200	
Zoned Comm	40	
Zoned Ind	25	
TOTAL	3,745	100.0%

* The largest residential community currently under development is approved for 800 du on a tract of 350 acres for an average density of 2.3 du/a. The maximum multifamily density actually build is 9.1 du/a.

Source: Field inventory superimposed on Pasco County Appraisers Maps at a scale of 1"=200'. Inventory and calculations by City Staff.

City of Zephyrhills
Effective Date JUN 20 1989
President of City Council
City Manager

FUTURE URBAN SERVICE AREA

It is an understatement of the obvious to say that government exist to serve people; not real estate; not institutions. All elements of this comprehensive plan ultimately relate to the numbers and types of people expected to be residents of the Zephyrhills Urban Service Area. There are many methodologies for projecting future demographic characteristics of a given area. All of those methods depend on historical data from which future trends can be projected. Significant recent annexations and anticipated future annexation render historical trends relatively useless for projecting future population of the municipal jurisdiction.

Another approach applicable to small areas is to define carrying capacity by various criteria, select the most critical constraint(s), and project the population which can be accommodated within the critical limitations. The latter approach is more practical to determine an ultimate population to be accommodated within a defined area.

Geographic limits of the Zephyrhills long range planning area are defined by a combination of topographic characteristics and prior development. Much of this area is beyond the present jurisdiction of the City of Zephyrhills, but is within the water and sewer service area established by an interlocal agreement with Pasco County. This planning area is delineated on MAP LU-1. Zephyrhills is bounded on the east and southeast from CR 54 to SR 39 by the Green Swamp and the Hillsborough River lowlands. These areas contain extensive wetlands, few roads and very sparse population. Much of the wetland area is owned by SWFWMD or is included in the the Green Swamp Wildlife Management Area.

The area from SR 39 to SR 54 is more intensively developed with single family, mobile homes and recreational vehicle parks. Ownership is extremely fractionated with numerous private sewer systems and septic tanks. Consolidation of utility services in the area would be extremely difficult.

The area from SR 54 northward to Betmar Golf Course is served by a private sewer system which obviates the potential for expansion of City utility services.

From Betmar Golf Course northward on the west of the City, and north of the City, the service area is roughly defined by the drainage basin.

The Zephyrhills planning area for horizon year 2010 encompasses approximately 15 square miles. The current Zephyrhills service area for wastewater collection and treatment covers approximately 6 square miles.

The present developed City area, excluding the area of the report, approximately 2100 acres with an average residential density of

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JUN 20 1989
President of City Council
City Manager

1.54 households/gross acre. Projecting a similar residential density for an additional 9 square miles, the planning area could accommodate another 8,900 households.

An engineering study conducted in 1986 to support expansion of the City's wastewater treatment plant concluded that the limiting factor is effluent disposal. City controlled lands at the airport could accommodate approximately 4.78 MGD of effluent. Using the DER standard of 100 gal/day/person, and assuming the current 70% of wasteload from residential users, we project a potential wastewater treatment capacity for approximately 33,000 persons without provision of alternative effluent disposal methods.

If households are housed in development patterns which presently exist (gross density of 1.54 d.u./a and 2.07 persons/household), the City could serve additional development of approximately 10,000 acres or approximately 15 square miles.

POPULATION PROJECTIONS

update
The most recent official population estimate for the City of Zephyrhills by the University of Florida, Bureau of Economic and Business Research is 6,888 full time residents in April 1988. This represents an increase of 1146 or 20% since the 1980 U.S. Census of population. A similar rate of population growth to the year 2010, projects a full time population of approximately 13,000. Pasco County is assuming a population of 425,500 in the year 2010. Zephyrhills in 1986 comprised 2.67% of the Pasco County population. If this proportion holds, the projected Zephyrhills population in 2010 would be approximately 11,400.

Pasco County has projected the full time population for Zephyrhills in 2010 to be 9934.

We are utilizing a most conservative projection of approximately 10,000 by the year 2010.

The number of residential water customers within the City in April 1986 was 4,896 and in August, 1986 was 3,471. These figures indicate that the summer population (full time) is approximately 71% of the winter population. Assuming that this ratio remains stable, we project a winter population of approximately 14,000 by the year 2010.

Pasco County has projected the seasonably adjusted population for Zephyrhills in 2010 to be 14,471.

We are using the more conservative projection of 14,000 winter residents in Zephyrhills by 2010.

The average household size of full time residents according to the 1980 census of population, was 2.07 persons. This is more than the average household size of seasonal residents.

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than 1.5. We also assume that the ratio of full time to seasonal residents will remain the same. With these assumptions, we project that the full time population of 10,000 in the year 2010 will be composed of about 4,800 households, and that there will be an additional 4,000 persons or 2,700 households of seasonal residents. These two components together will constitute approx. 7,500 households with a total winter population of 14,000.

Again, using the DER standard of 100 gal/day/person of wastewater, and 70% attributable to residential uses, we project a peak total wastewater load from city residents of approximately 2.0 MGD in the year 2010 which would not exceed the 2.25 MGD plant capacity as presently designed and under construction.

SUMMARY OF POPULATION TO BE SERVED

- ° The projected full time population of Zephyrhills in the year 2010 will be approximately 10,000.
- ° An additional 4,000 persons will be seasonal residents of Zephyrhills during the winter months by the year 2010.
- ° The peak winter seasonal population of 14,000 will be composed of approximately 7,500 households.
- ° All elements of this comprehensive plan are based on an assumption that the City of Zephyrhills will be providing urban service to a minimum of 7,500 households by the year 2010.

Annual evaluation of development and population change will monitor the rate at which the City is approaching the need for additional wastewater treatment capacity and the critical carrying capacity which is limitation of effluent disposal.

ADEQUACY OF EXISTING PUBLIC FACILITIES TO ACCOMMODATE PROJECTED GROWTH

The Traffic Circulation Element of this Comprehensive Plan indicates that all roadways within the City operate at a daily Level of Service C or better with the exceptions of SR 54 from First Street to US 301 and US 301 from North Avenue to SR 39 south of the City. Both of these roadway segments operate below the FDOT adopted LOS ("C" peak hour) for a non-urban area.

Capacity of SR 54 within the City could be increased by widening the roadway to four lanes with left turn lanes at 2nd Street, 3rd Street, 4th Street, 5th Street and 6th Street. Traffic volume on SR 54 within the City could be reduced by appropriate signage to route north bound and south bound traffic to avoid the most congested segment of US 301. East bound traffic on SR 54 could be routed north on Dean Dairy Road, east on Geiger Road, and north on US 301 at North Avenue. West bound traffic on SR 54 could be routed south on US 301 at Coates Road, east on Chauncey Road, and south on US 301 at these

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alternate routes would avoid the segment of US 301 between North Avenue and SR 39 which presently functions at less than the Level of Service "C".

Capacity of US 301 between North Avenue and SR 39 could be increased by implementing the designed one-way pair on existing US 301 and 6th Street. This project was in the FDOT Five Year Plan, but was deleted in March, 1989 due to a statewide projected shortfall of FDOT construction funds.

No new development will be permitted by the City with direct access to US 301 south of North Avenue or to SR 54 east of Court Street without written concurrence of FDOT. This would effectively place a moratorium on new development within the principal commercial corridor of the City of Zephyrhills until a financially feasible means of increasing the traffic carrying capacity of these road segments can be implemented.

All other new development within the City will be subjected to traffic analyses to determine the impact on presently deficient roadways. These analyses will be based on the most recent available SHS annual daily traffic (ADT) counts and on inventory of Pasco County and City of Zephyrhills permitted development activity.

The Public Facilities Element indicates that the potable water supply and distribution system will be adequate for projected development and population increase beyond the horizon year of 2010 when an above-ground water tank is built. The construction contract for this tank was awarded in December, 1988.

The wastewater collection and treatment system also is expected to have adequate capacity beyond the horizon year of 2010. The treatment plant is currently being expanded.

Responsibility for solid waste disposal was delegated to county governments in State legislation effective October, 1988. The City of Zephyrhills will continue to collect domestic solid waste within the City and transport as necessary. The City will continue to operate a Class III landfill for disposal of yard trash and other permitted materials. The present 15 acre site should be more than adequate through the year 2010.

There are currently no major drainage problems within the City. All new development is required to provide adequate on-site storm water retention to assure that post-development runoff does not exceed pre-development runoff. All new development is required to provide finished floor elevations at least 8" above the crown of the fronting road and above any established base flood elevation.

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Effective Date JUN 20 1989

Lamson
President of City Council

Nichols
City Manager

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CHARACTER AND MAGNITUDE OF UNDEVELOPED LAND

Map LU-2 (Undeveloped Land) indicates the location of undeveloped tracts of 10 acres or larger within the City. Each tract is numbered and keyed to Table LU-2 which summarizes characteristics of the sites. The following is a summary of suitability for development of each of the fifteen inventoried sites.

Site 1 - This site of approximately 30 acres is located at the NW corner of Wire Road and Daughtry Road. Approximately 25 acres is zoned multifamily and the balance is zoned office professional. Soils are sands and fine sands. The site slopes from the NW to SE with a maximum elevation change of 70 feet over a distance of 1700' (average 4.1% slope). The site is occupied by abandoned citrus grove. There are no historical or significant natural resources on the site. There are no significant limitations to the development of this site.

Site 2 - This site of approximately 20 acres is located on the SW corner of Dairy Road and Daughtry Road. The site is zoned office professional. Soils are sands and fine sands. The site slopes from the NE to the SW with a maximum elevation change of 35 feet over a distance of 1000' (average 3.5% slope). The site is occupied by abandoned orange grove. There are no historical or significant natural resources on this site. There are not significant limitations to the development of this site.

Site 3 - This site of approximately 19 acres is located east of Massey Road, between Geiger Road and Fountain Road. Zoning is multifamily. Soils are sandy and this site is heavily wooded. The site is relatively level with elevations ranging from 72' to 88' over a distance of approximately 800', with a southeasterly slope of 2%. There are no historical or significant natural resources on the site. There are no limitations to development on this site.

Site 4 - This site of 30 acres is located west of 8th Street, south of Henry Drive and north of North Avenue. The site is zoned for single family and multifamily use. There currently is one single family dwelling unit located on the property. Soils are sand and fine sand. The property is located near a community park, schools, nursing home and post office. The site slopes to the SE, with an elevation change of 20' over a distance of 1300' (1.5% slope). The site is vacant land with no historical or significant natural resources. There are not limitations to development.

Site 5 - This site is comprised of 20 acres and is located south of Geiger Road at the east end of 14th Avenue. The parcel is heavily wooded, with fine sand and sandy soils and slopes to a pond. It is zoned multifamily and elevation changes from 72' to 77' over 900 feet for a slope of 2.6%. The site is vacant land. There are no significant historical or natural resources on the site.

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President of Council
City Manager

site. Development of the site would be limited to higher elevations with the pond protected.

Site 6 - This site is comprised of 19 acres and is located SE of Site 5 and south of 14th Avenue extended. The site is zoned as a residential mixed use PUD and has sandy soils and a pond. The site has elevations ranging from 78' to 86', with most elevations below the base flood elevation of 84'. Elevations ranges 8' over a 800' distance (average 1% slope). The property is vacant with no historical or natural resource significance. The PUD limits development to higher elevations.

Site 7 - This site is 10 acres in size and is located on the east side of Court Street south of C Avenue. It is cleared land with relatively level elevations ranging from 82' to 88' over a distance of 800' for an average slope of .75%. Zoning is multifamily. There are no significant historical or natural resources on the site. There would be no significant limitations to development.

Site 8 - This site is comprised of 10 acres of relatively flat land, and is located south of Alston Avenue and east of 20th Street. Soils are sand and zoning is low-density residential. One single family unit is located on the property and is a working orange grove. The site is adjacent to the Municipal Airport and north of an industrial site. The site has an average elevation change of 2' over a distance of 300' (average .67% slope). There are no historical or natural resources on the site. There are no significant limitations to development of the site.

Site 9 - This site is comprised of 120 acres with rolling hills and approximately 40 acres of wetlands. It is located west of Simons Road and south of Sunshine Road, lying immediately north of Althea Lane. Soils are sand and fine sand. The property is zoned low density residential. The site has a maximum elevation change of 35 feet over a distance of 1400' (average 2.5% slope). There are no historical or natural resources on the site except the wetlands. Development would be limited to areas excluding the wetlands and pond, known as Little Lake Austin.

Site 10 - This site is comprised of 77 acres and is located north of 6th Avenue Extension and east of the CSX Railroad tracks. The property is relatively flat with elevations ranging from 81' to 90'. The property is zoned low density residential. Slope is .5% over a distance of 1400'. There are no historical or significant natural resources on this site. There are no significant limitations to development.

Site 11 - This site is comprised of 246 acres and is located south of the airport and the Meadowood subdivision off Tucker Road. The property is zoned low density residential and the soils classified as fine sand, sand and Palmetto-Zephyr. The complex of muck and mucky loamy. Currently passing through the City Council process.

City Council
20 1989
President of City
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portion of the property has been dedicated to Pasco County for a future bypass route. The Site is relatively flat with elevations ranging from 74' to 81' over a distance of 2400' (average .3% slope). There are some wetlands located on the site. There are no historical or significant natural resources on the site. Development would be limited to areas not affected by wetlands.

Site 12 - This site is 15 acres located west of the CSX Railroad and north of South Avenue. The property is zoned residential and recreations. Soils are fine sand and sand. One hill is located on the site, which has elevations ranging from 90' to 106' and slopes to the SE over a distance of 800' (average 2% slope). There are no historical or significant natural resources on site. Development of 9.5 acres of the site would be limited by restrictions imposed by FAA unless released from the Airport Master Plan.

Site 13 - This site is comprised of 50 acres and is on the Airport. It is owned by the City of Zephyrhills. Use would be subject to FAA concurrence. The property is relatively level with an elevation change of 9' over a distance of 600' (average 1.5% slope). There are no historical or natural resources on the site. Soils are sand and fine sand.

Site 14 - The site is 15 acres and is on the Municipal Airport. Soils are sand and fine sand. Elevations range 3' over a distance of 400' (average .75% slope). The property is flat and development is subject to FAA concurrence. There are no historical or significant natural resources on the site.

Site 15 - The site is comprised of 110 acres and is located at the extreme southeastern corner of the Municipal Airport. The property has fine sand, sand and Sellers mucky loamy soils. Elevations range 5' over a distance of 1200' (average .4% slope). There are no historical or significant natural resources on the property other than a small area of wetlands. Development would be subject to FAA concurrence.

METHOD FOR PROJECTING FUTURE LAND USE NEEDS

If the future population mix shifts to a greater proportion of families with children, the housing mix probably will include a lesser proportion of mobile homes and a greater proportion of single family residences. That would tend to decrease the overall residential density, but probably will be offset by rising land cost which would encourage greater residential density. The future land use needs are based on an assumption that average residential density will continue to be approximately 3.3 du/acre. The land use plan also assumes the present ratio of residential, commercial, industrial and other private land uses will remain relatively constant through the horizon year of 2010. The need for each category of private land use is projected in proportions to the anticipated increase in peak seasonal populations by 2010 (44%).

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 2/1/2010
 President of City of Zephyrhills
 City Manager

used in the proposed allocation of future private land uses to provide a degree of flexibility for site-specific location of future development. The projected need for public land uses is determined by specific needs in other components of the Comprehensive Plan.

Table LU-3 is a summary of projected land use designations needed by the year 2010 to provide a reasonable degree of site selection flexibility.

An Interim Land Use Plan (Map LU-4) for the next five years (1994) is included to reflect approved site plans. At this time we are assuming that no further site plans will be approved before compliance with the concurrency requirement of adequate infrastructure. The Interim Land Use Plan will be reviewed at least annually to reflect specific development commitments.

REDEVELOPMENT OPPORTUNITIES

Table LU-2 indicates that vacant and agricultural lands within the present corporate limits (excluding airport) are not sufficient to provide a flexibility factor of 1.5. Greater site-specific flexibility might be achieved by more intensified development of some areas which have become obsolete. Some examples of land uses which might be recycled for more contemporary uses are:

- older mobile home parks
- commercial properties with little or no on-site parking
- residential structures fronting on arterial roadways
- single family residential structures within areas zoned for multi-family
- structurally dilapidated structures

Currently there is one small RV park in a commercial zone as a non-conforming use. The non-conformity does not warrant an expenditure of public funds. The owners of one older mobile home park have initiated procedures to relocate tenants in anticipation of converting the site to commercial use.

There are no residential structures fronting on US 301 or CR 54 East within the City. There are only 12 residential structures fronting on SR 54 West within the City. These structures will likely be converted to non-residential uses within the time horizon of this Comprehensive Plan.

Designation of Sixth Street as US 301 southbound will very likely accelerate conversion of residential properties to non-residential uses. At present there are 66 residential structures fronting on Sixth Street within the City although this area has been zoned for commercial and office use since 1964.

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Effective Date JUN 20 1989
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City Manager

TABLE LU-2
CHARACTER OF UNDEVELOPED LAND
CITY OF ZEPHYRHILLS, 1988

Key No. Map LU-2	Current Ownership	Size in Acres*	Soils Types**	Topographic Description	Current Zoning	Current Use	Other Characteristics
1	Private	30	6,32,44, 45,62	Elevations 165'-95' Slope to East	OP/R-4	none	Frozen grove, partly cleared
2	Private	20	43,44,45	Elevations 144'-93' Slope to SW	OP	1 SF	Near hospital, multiple owners
3	Private	19	43	Elevations 88'-72' Relatively level	R-4	none	Heavily wooded
4	Private	30	6,32	Elevations 105'-85' Slope to SE	R-3/R-4	1 SF	Near community park, schools, post office, multiple owners
5	Private	20	2,43, water	Elevations 101'-77' Slope to pond	R-4	1 SF	Heavily wooded, pond
6	Private	19	2, water	Elevations 86'-78' Slope to pond	PUD	none	Most below base flood elevation, pond
7	Private	10	6	Elevations 88'-82' Relatively level	R-4	none	Cleared
	Private	10	6	Elevations 84'-82' Flat	ER	1 SF	Adjacent to airport and existing light industry
	Private	137	2,23,32, 43,45, water	Elevations 122'-87' Rolling hills	County	crops	Approximately 40 acres of wetlands

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Effective Date MAY 20, 1989
By _____
City Manager

Table LU-2 continued

Key No. Map LU-2	Current Ownership	Size in Acres*	Soils Types**	Topographic Description	Current Zoning	Current Use	Other Characteristics
10	Private	70	6,48	Elevations 90'-81' Relatively level	County	pasture	Adjacent to R.R.
11	Private	250	1,2,5,6, 7,23,48, 60	Elevations 81'-74' Near flat with depression	County	pasture	Some wetlands, adjacent to R.R., Future by-pass route
12	City/Private	15	6	Elevations 106'-90' One hill	R-2/RC	Weather Station	9.5 acres subject to FAA unless released
13	Airport	50	6,12	Elevations 91'-83' Relatively level	AP-2	none	Subject to FAA concurrence
14	Airport	15	11,42,64	Elevations 78'-75' Flat	AP-2	none	Subject to FAA concurrence
15	Airport	110	6,7,8,11, 64	Elevations 81'-76' Flat	AP-2	none	Subject to FAA concurrence

* This inventory includes only tracts of ten (10) acres or larger.

** Numbers refer to soils types in Soil Survey of Pasco County; all are classified as fine sand or sand except 8 (Sellers mucky loamy) and 60 (Palmetto-Zephyr-Sellers complex of muck and mucky loamy)

SOURCES: Aerial Photos from Pasco County Tax Appraiser at scale of 1" = 200'; Topo maps from SHFWMD at scale of 1" = 200'; City of Zephyrhills Zoning Map; City of Zephyrhills Airport Master Plan.

Table LU-3
Future Land Use Designations
City of Zephyrhills, 2010

Land Use Categories	1988 Acres for Peak pop. (9,700)	2010 Acres for * Peak pop. (14,000)	Flexibility Factor 1.5	Acres to be Allocated
Residential ** (Avg. 3.3 du/acre) (Max. 1.4 du/acre)	1020	1470	2205	2205
Commercial/Office *** (Max .5 FAR)	160	230	345	345
Industrial *** (Max .5 FAR)	30	43	65	65
Recreation	300	315		315
Education	105	105		105
Public Building	15	15		15
Other Public Use	360	360		360
Wells	5	5		
Sewer Plant	70	70		
Land Fill	40	40		
Airport	245	245		
Semi-Public	75	90		90
Hospitals	35	37		
Churches	25	36		
Nursing Home	10	12		
ACLFs	5	5		
Railroad R/W	10	10		10
Roads & Alleys	410	410		410
Agricultural	560			
Conservation	55	55		55
Vacant	645	392		392
Airport	380	380		
Zoned Res	200	0		
Zoned Comm	40	0		
Zoned Ind	25	12		
Public	15	0		

TOTAL 3,745

4,367

* 144% of 1988 developed private land uses

** du = dwelling unit

*** FAR = Floor Area Ratio

Source: Calculations by City of Zephyrhills City Manager

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President of City Council
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City Manager

The one multi-family zone within the City which includes existing single family or duplex residential structures is a "C" shaped area on the easterly end of the original central business district (Fifth Avenue). This area encompasses several churches and some small multi-family structures. Proximity to the Fifth Avenue commercial area, churches, restaurants, Tourist Club and the Municipal Building enhances the potential for more intense residential development. Church sponsorship of housing for elderly persons will be explored. Denser residential population adjacent to Fifth Avenue would also stimulate more business activity and encourage improvements of the Fifth Avenue commercial area.

The City of Zephyrhills has received a \$42,000 sub-grant of Community Development funds in FY'89 to be used for removal of seriously dilapidated structures.

MANAGEMENT OF FLOOD HAZARD AREAS

The highest flood waters recorded in Zephyrhills resulted from hurricane Donna in 1960. At that time water in the Lake Zephyr vicinity rose to a level of approximately 82' above m.s.l. This experience is the basis for establishing a Base Flood Elevation of 83' above m.s.l. for the Lake Zephyr vicinity which is the only area within the City designated as a Flood Hazard Area (un-numbered A zone) by FEMA on the Flood Insurance Rate Map (FIRM).

The City has adopted Flood Damage Prevention Regulations which apply to any proposed development within the officially designated Flood Hazard Area. Pasco County and SWFWMD have jointly funded a study of the Upper Lake Zephyr Drainage Area which is intended to identify means of alleviating recurring flooding problems within this area, almost all of which is outside the corporate limits. One by-product of the study will be Base Flood Elevations based on hydrological modeling. We assume that Pasco County will ultimately submit a Letter of Map Amendment to FEMA for a formal revision of the FIRM. If/when that process is completed the City of Zephyrhills will apply adopted Flood Damage Prevention Regulations to the redefined Flood Hazard Area.

Since almost all development now requires a permit from SWFWMD, the City has routinely required the issuance of a SWFWMD permit as a precondition to issuance of a building permit for new development.

The only flooding problem experienced in the flood prone area in recent years resulted in the removal of 3 mobile homes from sites within a mobile home park. The park owner has been unable to secure the necessary SWFWMD permit to allow further filling of the flooded sites.

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Effective Date JUN 20 1989

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President of City Council

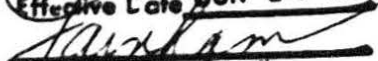
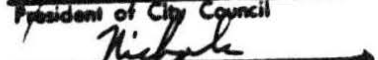
Nichols
City Manager

AIRPORT PROTECTION

The provision of FS Chapter 333 pertaining to airport zoning has been incorporated into the City of Zephyrhills Zoning Regulations and the Airport Master Plan. The Land Use Plan as indicated on the Future Land Use Map (Map LU-3) does incorporate a generalized Airport Land Use Plan. Future land use designation within the City adjacent to the airport is compatible with existing and projected airport activity.

FUTURE LAND USE MAP

Table LU-2 indicates that vacant and agricultural lands within the present Corporate limits (excluding airport) are not sufficient to provide a flexibility factor of 1.5. The desired degree of market flexibility can be achieved by extending urban services and utilities to an additional 600+ acres beyond the current City limits but within the delineated service area. This projected expansion is not indicated on the Future Land Use Plan (LU-3). These areas are likely to be annexed within the time horizon of the Comprehensive Plan. Land use designations of these extra-territorial developments will be consistent with present development and the land use designations of the Pasco County Land Use Plan.

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Effective Date: JUN 20 1989

President of City Council

City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are adopted by the City of Zephyrhills to guide public resource allocation and permitting decisions relative to improving existing and providing new public facilities and services to support a rational articulation of land uses. These guidelines should be used by private developers in formulating private development plans.

GOAL

LU-1 Ensure that the character and location of land uses maximize the potential for economic benefit and the enjoyment of natural and man-made resources by citizens while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

OBJECTIVE

LU-1-1: Review and amend all local development regulations for consistency with the Comprehensive Plan by June 30, 1990.

POLICY

LU-1-1-1: Adopt land development regulations that shall contain specific and detailed provisions required to implement the adopted Comprehensive Plan.

POLICY

LU-1-1-2: Zoning regulations shall be reviewed to address the location and extent of non-residential land uses in accordance with the Future Land Use Plan and the policies and descriptions of types, densities and intensities of land uses contained in this Element.

POLICY

LU-1-1-3: Land development regulations shall contain performance standards which address buffering and open space requirements.

POLICY

LU-1-1-4: The City will solicit FDOT comments on proposed land development regulations or amendments which relate to access standards, right-of-way preservation/protection, or transportation impact mitigation prior to adoption.

OBJECTIVE

LU-1-2: Future development and redevelopment activities shall be consistent with the Future Land Use sound planning principles, natural limitations, the goals, objectives and policies contained in this plan effective June 30, 1989.

Effective Date: June 30, 1989
 Adopted by City Council
 President of City Council
 City Manager

POLICY

LU-1-2-1: Innovative land use development patterns shall be permitted and encouraged as PUDs.

POLICY

LU-1-2-2: Residential development of 100 units or more should be planned as neighborhoods which may include non-residential uses such as recreation and neighborhood commercial.

POLICY

LU-1-2-3: Residential neighborhoods shall be designed to include an efficient system of internal circulation, including provision for non-motorized movement.

POLICY

LU-1-2-4: All subdivisions (residential, non-residential, or mixed) shall be designed so that all individual lots have access to an internal street system, and lots along the periphery buffered from major roads and incompatible land uses.

POLICY

LU-1-2-5: Neighborhood Commercial uses may be permitted within areas designated for residential development provided these activities are compatible with adjacent land uses and adequately buffered.

POLICY

LU-1-2-6: Minimize scattered and highway strip commercial development by encouraging the development of commercial nodes as designated on the Future Land Use Map.

POLICY

LU-1-2-7: All new commercial developments shall include adequate off-street parking and loading facilities.

POLICY

LU-1-2-8: Controversial public facilities, such as landfills, wastewater treatment facilities and power lines, should be located in areas where they may best serve their purpose and have the fewest negative impacts.

OBJECTIVE

LU 1-3: All development orders and permits for future development and redevelopment activities issued after 9/30/89 shall be issued only if public facilities necessary to meet level of service standards (which are adopted as part of the Plan) are available or will be available concurrent with the impacts of the development.

Adopted by the Planning Council
Effective 9/30/89

President of City Council

City Manager

POLICY

LU-1-3-1:

The development of residential, commercial and industrial land shall be timed and staged in conjunction with provision of supporting community facilities, such as streets, utilities, police and fire protection service, emergency medical service, and public schools.

POLICY

LU-1-3-2:

The City has adopted LOS standards for State Highway consistent with FDOT standards. For those roadway segments presently operating below the adopted LOS, the City will enter into an agreement with FDOT to utilize the FDOT "backlogged facilities" approach to at least maintain present conditions.

POLICY

LU-1-3-3:

Public facilities and utilities shall be located to: a) maximize the efficiency of services provided; b) minimize their cost; and c) minimize their impacts on the natural environment.

POLICY

LU-1-3-4:

Redevelopment should occur in a manner to minimize disruption within communities and minimize the relocation of residents.

POLICY

LU-1-3-5:

When permanent relocation must take place, those persons being displaced should be relocated to housing which at least meets minimum standards. Such replacement housing should be within the urban area and close to employment centers to minimize transportation needs.

Adopted By City Council
Effective Date JUN 20 1989

Tarantam
President of City Council

Nichols
City Manager

TRAFFIC CIRCULATION ELEMENT

PURPOSE

The purpose of the traffic circulation element is to identify current transportation system deficiencies, establish acceptable levels of service and plan for meeting future transportation needs within the City of Zephyrhills.

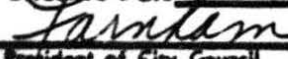

Provision for vehicular and non-vehicular circulation of people and objects within the community is a principal responsibility of City government. Provisions for vehicular access to places outside the community is a responsibility of County and State governments. The internal and external circulation systems obviously need to be articulated to be effective. Implementing this plan element is therefore dependent on intergovernmental cooperation.

EXISTING ROADWAY SYSTEM

Zephyrhills is located in southeast Pasco County within a dominantly rural setting. Existing arterial and major collector roadways within the community are US 301, SR 39, SR 54 and CR 41 (Fort King Highway). Other existing county roadways which presently serve as minor collectors are Otis Allen Road, Daughtry Road, Geiger Road, Chancey Road, Dean Dairy Road and Old Wire Road. City streets which serve as minor collectors are North Avenue, 12th Avenue, 5th Avenue, South Avenue, 1st Street, 12th Street and 20th Street. (See MAP TRA-1, Existing and Proposed Transportation System).

US 301 is a major north-south arterial which connects Zephyrhills with Dade City to the north and Tampa to the south. US 301 between Zephyrhills and Dade City is a divided four lane roadway which presently has a Level of Service C. US 301 between Zephyrhills and I-4 (east of Tampa) is at present only a two lane roadway, but has sufficient capacity for current traffic volume to operate at Level of Service B south of the intersection with SR 39.

SR 54 is a major east-west arterial which provides direct access to I-75 on the west and US 98 on the east. SR 54 has only two lanes and operates at a Level of Service D during the winter season.

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Effective Date JUN 20 1989

President of City Council

City Manager

An inventory and analysis of the City of Zephyrhills' existing roadways was conducted in 1987 by consultants for this plan element. Information concerning the location and characteristics of the roadway network was gathered from field observations, previous studies, and City, County and State agencies. The street network, roadway functional classification, generalized right-of-way conditions and accident data were addressed.

The existing roadway system in the City of Zephyrhills totals about 60 miles of which 55 miles are local streets, and approximately 5 miles are County and State routes.

The majority of Zephyrhills' local streets are located east of US 301 and are generally arranged in an angled grid pattern. The angled grid is surrounded by areas that have a grid network oriented north-south. The City's existing roadway network is displayed on MAP TRA-1.

Zephyrhills has a small number of multi-lane roadways. The following locations have more than two travel lanes:

- ° 5th Avenue from Lake Zephyr to 2nd Street - 3 lanes
- ° 5th Avenue from 6th Street to 7th Street - 3 lanes
- ° 5th Avenue from 16th Street to 17th Street - 3 lanes
- ° US 301, one block north and south of SR 54 West - 3 lanes
- ° North Avenue from US 301 to 8th Street - 3 lanes
- ° Ft. King Road, just north and south of US 301 - 3 lanes
- ° CR 54 East from US 301 to Lani Drive - 3 lanes
- ° US 301 from North Avenue to the northern city limits - 4 lanes

It should be noted that 5th Avenue could operate as a four-lane roadway between Lake Zephyr and 20th Street if on-street parking was removed.

Streets and highway systems are intended to serve two main functions: carrying traffic and providing access to adjoining property. Depending upon the type and character of a particular roadway, these two functions are accomplished with varying degrees of success. Functional classification is a system by which streets and highways are grouped in a hierarchy according to the purpose they serve. Under the functional classification system, roads are designated as principal or minor arterials, collectors or local streets depending on the traffic volumes handled and their ability to provide access to abutting land areas.

Major highways serving regional activity centers are termed arterials. The primary purpose of these roadways is to move traffic. These roads channel large volumes of traffic between other arterials and through an urban area. Zephyrhills' system consists of US 301 north-south and SR 54 east-west.

Effective Date: May 20, 1989
 President of City Council
 City Manager

Collector streets are those which carry moderate traffic volumes to and from neighborhood activity centers.

The primary means of access to individual sites is provided by local streets. Low volumes of traffic use local streets for short intra-neighborhood streets.

Existing street rights-of-way within the City of Zephyrhills was range from 40 feet to 200 feet. Right-of-way widths of arterials and collector roadways in the City are:

US 301 from C Avenue to 14th Avenue	60'
US 301 from 14th Avenue to Geiger Road	60'-180'
US 301 from Geiger Road to SR 54	200'
US 301 from SR 54 to Pretty Pond	180'
SR 54W from Little Lake Boulevard to Zephyr Lake	60'
SR 54W from Lake Zephyr to US 301	90'
CR 54E from US 301 to 20th Street	90'
CR 54E from 20th Street to SCL RR	100'
North Avenue from US 301 to 7th Street	60'
North Avenue from 7th Street to 12th Street	45'
North Avenue from 12th Street to 16th Street	55'
North Avenue from 16th Street to 20th Street	63'
20th Street from CR 54E to 6th Avenue	60'
20th Street from 6th Avenue to Smith Avenue	45'
South Avenue from 20th Street to US 301	45'
1st Street from US 301 to 2nd Avenue	45'
2nd Avenue from 1st Street to SR 54W	60'
Wire Road north of CR 54E	40'-60'
12th Street	60'
12th Avenue	60'
5th Avenue from US 301 to 20th Street	90'
Fort King Highway	60'

Pasco County and the Florida Department of Transportation (FDOT) have established a network of traffic count locations throughout Pasco County. Several of these locations are in Zephyrhills. In addition, the City conducted 24-hour two-way volume counts at 12 locations on collector and local streets throughout the City. Traffic counts from recently conducted studies related to proposed improvement of US 301 also were collected.

The largest volumes on Zephyrhills' roadways

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Two-way volumes on this roadway range from 19,991 vehicles per day south of South Avenue to 14,226 vehicles per day between SR 54W and South Avenue. The counts showed 14,716 vehicles just north of the US 301/SR 39 junction. The volume at that point splits almost evenly on the two roadways, with 6,619 vehicles using US 301 daily and 6,174 vehicles using SR 39.

The next busiest roadway in Zephyrhills is SR 54 West with a 24 hour volume of 10,634. CR 54 East, near Old Wire Road, had a volume of 7,070 vehicles. Other roadways with volumes of over 8,000 vehicles per day are 1st Street, North Avenue and Geiger Road. These volumes represent peak season volumes and have not been adjusted with FDOT seasonal adjustment factors, therefore, the conditions analyzed are worst-case conditions.

Turning movement counts were conducted in February, 1987 at eight major intersections located around the City. Counts were conducted between the hours of 7:00 and 9:00 a.m. and 4:00 to 6:00 p.m. The peak hour volumes at these locations are shown on Figure TRA-1.

According to records of the Zephyrhills Police Department, 543 accidents occurred on State, County and local roads within the City limits in 1986. Generally, the highest accident locations were along US 301. The intersections with six or more accidents in 1986 were:

<u>Intersection</u>	<u>Number of Accidents</u>
• US 301/Daughtry Road	18
• US 301/CR 54E	17
• US 301/5th Avenue	16
• US 301/North Avenue	16
• US 301/Fort King Road	11
• Old Wire Road/CR 54E	11
• US 301/South Avenue	11
• 12th Avenue/6th Street	9
• 5th Avenue/12th Street/16th Street	8

The quality of operation of a street system is measured in terms of the ratio of the traffic volumes which use the system to the capacity of the system. The level-of-service (LOS) concept is a standard means of expressing that ratio.

There are six LOS's, Levels A through F, which relate to driving conditions from best to worst, respectively. The characteristics of traffic flow for these various LOS's are summarized below.

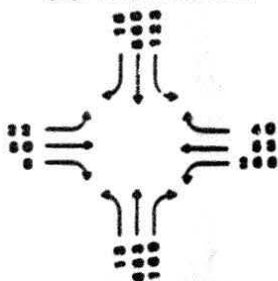
Adopted By City Council
 Effective Date JUN 20 1989
Fairman
 President of City Council
Thibault
 City Manager

FIGURE TRA-1

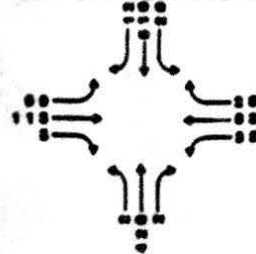
TURNING MOVEMENTS AT MAJOR INTERSECTIONS

FEB. 1987

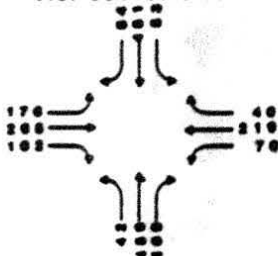
U.S. 301/C.R. 54E



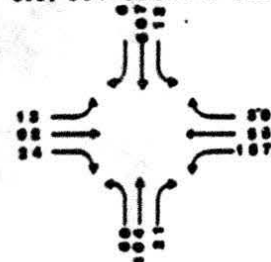
U.S. 301/15th AVENUE



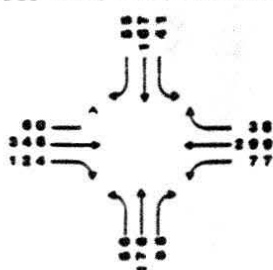
U.S. 301/C.R. 54W



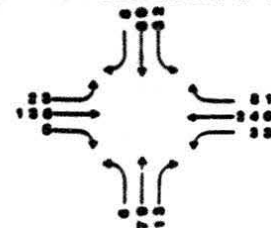
U.S. 301/SOUTH AVENUE



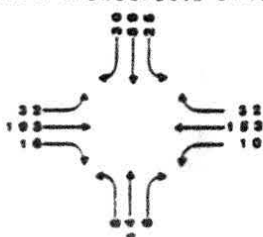
OLD WIRE ROAD/C.R. 54E



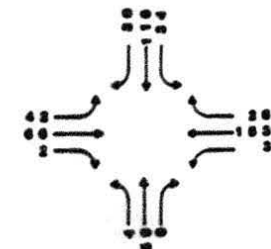
OLD WIRE ROAD/NORTH AVENUE



NORTH AVENUE/10th STREET



5th AVENUE/10th STREET/12th STREET

VOLUMES FOR 10th ST
ARE COMBINED

Source: Planning Research Corp.
Under Contract to City of
Zephyrhills April, 1987

Adopted by City Council
Effective Date JUN 20 1989
President of City Council
City Manager

LEVEL-OF-SERVICE A

- Free flow conditions
- Low volumes
- High operating speed
- No restriction on maneuverability

LEVEL-OF-SERVICE B

- Stable flow condition
- Operating speeds beginning to be restricted

LEVEL-OF-SERVICE C

- Drivers may have to wait through more than one signal indication
- Backups may develop behind turning vehicles
- Drivers feel somewhat restricted

LEVEL-OF-SERVICE D

- Delays to approaching vehicles may be substantial during short peaks within the peak period, but enough cycles with lower demand occur to permit periodic clearance of developing queues
- Increasing restriction approaching instability

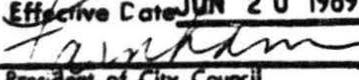
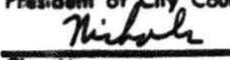
LEVEL-OF-SERVICE E

- Delays may be up to several signal cycles
- Volumes at or near capacity
- Unstable flow
- Major delays and stoppages

LEVEL-OF-SERVICE F

- Forced flow conditions
- Low speeds
- Volumes, capacity
- Stoppages for long periods

For the purpose of uniform analysis, these qualitative LOS descriptions have been converted to specific volumes of vehicles in relation to the size and design of a given facility, number of lanes, control of access and similar considerations. The level of service (LOS) can be estimated for either a length of roadway or for an intersection. Levels of service at locations for which daily traffic volume data were collected are summarized in the Table TRA-1.

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 Effective Date JUN 20 1989

 President of City Council

 City Manager

**TABLE TRA-1
LEVELS OF SERVICE
ZEPHYRHILLS ROADWAYS, 1987**

<u>Roadway</u>	<u>From</u>	<u>To</u>	<u>ADT</u>	<u>Capacity</u>	<u>Ratio</u>	<u>LOS</u>
12th Ave	10th St	11th St	3,151	11,600	.27	B
Wire Road	N. of Daughtry		6,936	11,600	.60	C
20th St	6th Ave	5th Ave	5,117	11,600	.45	B
South Ave	16th St	17th St	4,080	11,600	.35	B
South Ave	W. of US 301		3,125	11,600	.27	B
1st St	11th Ave	12th Ave	8,170	11,600	.70	C
1st St	12th Ave	US 301	7,679	11,600	.66	C
Geiger Rd	W. of US 301		8,420	11,600	.73	C
North Ave	9th St	10th St	5,966	11,600	.51	B
North Ave	7th St	Ft. King Rd	8,641	11,600	.74	C
6th St	6th Ave	7th Ave	2,423	11,600	.21	A
SR 54	W. of 1st St		11,064	16,500	.67	C
SR 54	6th St	US 301	14,046	16,500	.85	D
CR 54	Wire Rd	16th St	7,356	16,500	.45	B
US 301	CR 54E	Daughtry	19,437	31,000	.63	C
US 301	North Ave	CR 54	17,463	31,000	.56	C
US 301	1st St	North Ave	18,869	14,500	1.27	F
US 301	12th Ave	1st St	16,110	14,500	1.14	F
US 301	SR 54W	12th Ave	15,458	14,500	1.07	E
US 301	South Ave	SR 54	14,801	14,500	1.02	E
US 301	S. of South Ave		19,983	14,500	1.38	F

* 1985 and 1986 ADT for CR54, SR54 and US 301 have been aged to 1987 by 2%/yr compounded.

** Capacity at LOS "D" daily except LOS "C" daily for US 301.

Source: FDOT, 1988

Source : Planning Research Corp. under contract to City of Zephyrhills

The preceding table indicates that all local streets for which traffic counts are available operated at a Level of Service C or better in 1986. Portions of SR 54 are operating at Level of Service D, especially during the winter season. US 301 between SR 39 and North Avenue operates at Level of Service E or F during the winter season.

The City of Zephyrhills with adoption of this Comprehensive Plan has established standards for traffic capacity to be:

- Local Streets - LOS "C" daily and LOS "D" peak hour
- SR 54 - LOS "D" peak hour
- US 301 - LOS "C" peak hour

Traffic counts summarized in the preceding table indicate that the two roadways which need to be improved to meet local and FDOT standards are:

- US 301 between C Avenue and North Avenue
- SR 54 between First Street and US 301

Accepted By City Council

Effective Date **JUN 20 1989**

[Signature]
President of City Council

[Signature]
City Manager

PROGRAMMED ROADWAY IMPROVEMENTS

The capacity expansion required to achieve at least LOS "D" for US 301 would be met by planned FDOT improvements currently in the final design phase. Plans call for US 301 to be a one-way pair of three-lane roadways utilizing existing US 301 and 6th Street from North Avenue to Chauncey Road south of the City. This project was scheduled for construction to begin in FY'93, but was deferred as part of the FDOT statewide slowdown of roadway construction.

The analysis of SR 54 indicates that the roadway could be widened to four lanes from US 301 to 4th Street by removing on-street parking. Widening from 4th Street to Lake Zephyr could be accommodated within the present 90 feet right-of-way. Improvement west of Lake Zephyr would require additional right-of-way. A proposed Zephyrhills west bypass from the intersection of CR 54 East and US 301 to the intersection of Handcart Road and SR 54 West is intended to relieve traffic congestion on SR 54 West within the City.

The peak hour volumes of eight key intersections located throughout the City were analyzed. Signalized locations were analyzed using the Signalized Intersection Capacity Analysis micro-computer program. Non-signalized intersections were analyzed manually using the procedures of the 1985 Highway Capacity Manual. The intersection of 5th Avenue, 16th Street and 12th Street was analyzed as a four-legged intersection, with the southbound approach of 16th Street being eliminated. The volume for this approach was added to the southbound approach of 12th Street.

These analyses were based on peak hour turning movement counts conducted during the month of February 1987. The results of these analyses are:

- ° US 301/CR 54 East
Existing Peak Hour Level of Service: Oversaturated
Recommended Improvements are - increase cycle length to 110 seconds, adding a separate left turn phase of 14 seconds to the existing phasing and timing.
- ° US 301/12th Avenue
Existing Peak Hour Level of Service: D
- ° US 301/SR 54 West
Existing Peak Hour Level of Service: D
- ° US 301/South Avenue
Existing Peak Hour Level of Service: B
- ° Old Wire Road/CR 54 East
Existing Peak Hour Level of Service: C

Adopted By City Council
Effective Date JUN 20 1989

[Signature]
President of City Council

[Signature]
City Manager

- ° 20th Street/North Avenue
Existing Peak Hour Level of Service: A
- ° 5th Avenue, 16th Street, 12th Street
Existing Peak Hour Level of Service: A

Only US 301/CR 54 East requires improvements to comply with the locally adopted level of service. All other intersections currently operate at an acceptable Level of Service.

An analysis of accident data was undertaken to relate the number of accidents to the average traffic volumes handled at a location. This procedure takes into account that the larger traffic volumes using a particular route, a proportionate increase in accidents would normally be expected. The only location with an accident rate greater than 1/1000 vehicles/day is 12th Avenue/6th Street with a rate of 1.3. This situation will probably be remedied when the US 301 one-way pair is constructed.

Pasco County has issued bonds for roadway improvements which include:

- ° Zephyrhills eastern by-pass from CR 35A at Richland to US 301
- ° Zephyrhills western by-pass from CR 54 East to SR 54 West

The only minor collector streets for which the City funds are committed in 1989 are widening 20th Street from South Avenue to C Avenue and 1st Street from 8th Avenue to 12th Avenue.

FUTURE ROADWAY NEEDS

Anticipated roadway improvements within the City and immediate vicinity needed by 1995, based on existing roadway conditions, current traffic volumes, and the future land use plan, include the following:

CR 54 East/12th Street - The City and Pasco County have entered into an interlocal agreement to provide left turn lanes at this intersection. Funds have been budgeted for the City share of costs.

SR 54 West from US 301 to First Street - This roadway segment should be four lanes with left turn lanes at intersections. These improvements could be made within existing right-of-way. City transportation impact fees could be allocated to this improvement.

Pretty Pond Road from US 301 to Wire Road - This roadway segment should be paved concurrently with commercial development at the intersection of Pretty Pond and US 301. This improvement likely be made by the commercial developer to mitigate traffic impact on US 301.

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 President of City Council
 City Manager

Geiger Road from US 301 to West Bypass - This roadway segment should be widened to a minimum of 24 feet and resurfaced in conjunction with construction of the West Bypass. There are existing developer commitments for partial funding and additional funding could be allocated from City transportation impact fees.

North Avenue from 12th Street to 20th Street - This roadway segment should be widened to a minimum of 24 feet. City transportation impact fees could be allocated to this project.

Simons Road from Fort King Highway to Geiger Road - This roadway segment already serves as a bypass route around the City even though it is unpaved. There are existing developer commitments for partial funding and additional funding could be allocated from City transportation impact fees.

Wire Road from CR 54 East to Otis Allen Road - This roadway segment should be widened to minimum of 24 feet and resurfaced. City transportation impact fees could be allocated to this project.

US 301 from North Avenue to SR 39 - This roadway segment should be a minimum of four lanes. FDOT has completed design of a one-way pair using existing US 301 and Sixth Street. Construction has been deferred from the current Five Year Plan due to lack of State revenues. The City will continue to do all that is legally possible to assist with implementing this proposed improvement.

The following table summarizes needed roadway improvements 1989-1995:

TABLE TRA-2
PRIORITY ROADWAY IMPROVEMENTS
USING LOCAL FUNDS
1989-1995

<u>Priority</u>	<u>Location</u>	<u>Description of Improvement</u>	<u>Source of Funds</u>
1	US 301	Add lanes	FDOT, Gasoline Tax
2	SR 54 West	Add lanes	Gasoline Tax
3	CR 54 East/12th St.	Turn Lanes	Gasoline Tax Pasco County
4	Simons Road	Pave	Developers, Impact Fees, Pasco County
5	Pretty Pond Road	Pave	Impact Fees

Adopted By City Council

Effective Date JUN 20 1989

President of City Council

City Manager

6	Wire Road	Widen & resurface	Impact Fees
7	Geiger Road	Widen & resurface	Developer, Gas Tax
8	North Avenue	Widen & resurface	Gas Tax

Long range roadway improvement needs beyond 1995 include the following:

Zephyrhills East Bypass - Pasco County is committed to construction of a bypass route from US 301 south of the City to CR 35A at Richland. This route would significantly decrease through traffic on US 301 and greatly enhance accessibility to the Zephyrhills Municipal Airport. The first phase from CR 54 to Tucker Road (east side of airport) is presently under construction.

Zephyrhills Airport Loop - The Airport Master Plan assumes that the Zephyrhills East Bypass will be built. The City proposes a loop road on the north, west and south of the airport connecting to the bypass at Sixth Avenue extended and Tucker Road extended. The airport loop would be connected to US 301 via South Avenue (existing) and Alston Avenue (proposed to be improved).

Zephyrhills West Bypass - Pasco County is proposing to construct a new roadway from the intersection of US 301/CR 54 East to the intersection of SR 54 West/Handcart Road. The intended purpose of this roadway is to relieve traffic on SR 54 West.

EXISTING PEDESTRIAN CIRCULATION

Sidewalks are provided in the older downtown area near 5th Avenue, in newer subdivisions and in other isolated locations. (See MAP TRA-2, Existing and Proposed Pedestrian Circulation).

Current Subdivision Regulations require sidewalks on both sides of all streets. Site plan review criteria for commercial, industrial and multi-family development require sidewalks for development on collector roadways. The City has no requirements for sidewalks on arterial roadways because there are no arterials for which the City is responsible.

PEDESTRIAN CIRCULATION NEEDS

Walking was the most frequently mentioned form of recreation need in a recreational survey conducted in 1987. In addition to the recreational value, sidewalks, paths and bicycle lanes provide safer means for pedestrians to travel between major activity centers.

The City of Zephyrhills with adoption of this Pedestrian Circulation Plan has established a level of service for pedestrians.

Adopted By City Council
Effective Date JUN 20 1989
President of City Council
City Manager

Adopted By City Council
Effective Date JUN 20 1989
President of City Council
City Manager

6	Wire Road	Widen & resurface	Impact Fees
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Approved by City Council
Effective 10/1/89
JUN 20 1989
President of City Council
City Manager

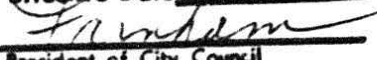
circulation to provide sidewalks connecting all schools, parks, shopping areas and major medical facilities as indicated on MAP TRA-2. This will require construction of approximately two miles of additional sidewalks during the next five years. Construction will be funded from the General Fund. Additional sidewalk to link major residential areas may be constructed by private developers.


The City will encourage the provision of bicycle lanes on all arterial and collector roadways where sidewalks are not feasible.

PROGRAMMED IMPROVEMENTS

During FY'89 the City contracted for \$50,000. to pave new sidewalks. The sidewalk segments constructed are:

1. 1st Street from 12th Avenue to 14th Avenue
2. 14th Avenue from 1st Street to West Elementary
3. 20th Street from South Avenue to Alston Avenue
4. South Avenue from 4th Street to 20th Street
5. 12th Avenue from 1st Street to 11th Street

Adopted By City Council
Effective Date JUN 20 1989


President of City Council


City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are adopted by the City of Zephyrhills to guide public resource allocation and permitting decisions relative to improving existing and providing new transportation facilities. These guidelines should also be used by private developers in formulating private development plans.

GOAL

TRA-1: Establish an on-going transportation planning process which will result in coordination of transportation needs and land uses.

OBJECTIVE

TRA-1-1: Have representation on the Pasco County MPO by 9/30/89.

POLICY

TRA-1-1-1: City Council will affirmatively pursue enhanced participation by representatives of the City in all functional planning of Pasco County, including the MPO.

OBJECTIVE

TRA-1-2: Compile a data base of traffic counts, turning movements at major intersections, and vehicular accidents by 9/30/89.

POLICY

TRA-1-2-1: Allocate sufficient funding and staff time to collect and compile traffic and accident data.

OBJECTIVE

TRA-1-3: Identify designated routes for non-motorized vehicle and pedestrian access to principle commercial, medical service, school and recreation areas of the City, and have at least 75% of the total lineal feet of those routes in place by 9/30/94.

POLICY

TRA-1-3-1: The Comprehensive Plan includes a proposed network of routes to provide non-motorized access to major destination points within the City.

POLICY

TRA-1-3-2: City staff will not approve plans for new development which is inconsistent with the proposed network of non-motorized access.

POLICY

TRA-1-3-3: Incorporate into local development regulations and specific site plan review criteria

Adopted by City Council
Resolution No. 1989-07
Date JULY 20, 1989
President of City Council
City Manager

provisions which recognize non-automotive modes as a significant transportation option.

OBJECTIVES

TRA-1-4:

Identify the transportation modes appropriate to support long term economic development of the community (e.g. airport, railroad, truck terminal, heliport, commuter bus service) by 9/30/90.

POLICY

TRA-1-4-1:

Transportation needs to support economic development of the community will be analyzed within the context of regional opportunities and constraints.

POLICY

TRA-1-4-2:

City Council will support investigating feasibility of regional public transit service (e.g. bus, rapid rail).

GOAL

TRA-2:

Develop a local transportation system which provides safe and convenient means for movement of people and things within and through the community, which promotes the efficient use of energy resources, and which will not contribute to further degradation of air quality.

OBJECTIVE

TRA-2-1:

Achieve and maintain an operational Level of Service (LOS) "D" or better during the peak hour and LOS "C" or better daily for all local streets, urban collectors, and minor arterial (SR 54), and LOS "C" peak hour for arterial roadways (US 301) by 9/30/94.

POLICY

TRA-2-1-1:

The City will strive to maintain all regionally significant roadways at LOS D peak hour, through cooperation with FDOT and Pasco County and through appropriate land use decisions, in order to achieve optimal operating conditions. Appropriate land use decisions include appropriate densities and intensities and limited curb cuts.

POLICY

TRA-2-1-2:

City Council will continue to support improvement of traffic flow on US 301 within the City as the highest priority for local transportation improvement, and will express this support by adoption of a "backlogging" agreement (Memorandum of Understanding) with FDOT by 12/31/89.

Adopted By City Council

Effective Date JUN 20 1989

Richard M. Nichols
President of City Council

Nichols
Fin. Manager

POLICY

TRA-2-1-3: City staff will not approve plans for new development which proposes access to SR 54, US 301 or 6th Street before receiving verbal or written comments from FDOT indicating that safe and operationally efficient access is available.

POLICY

TRA-2-1-4: City staff will not approve plans for new development which proposes access to county-maintained roads (e.g. Wire Road, Geiger Road) before receiving verbal or written comments from Pasco County.

POLICY

TRA-2-1-5: City Council will utilize all legitimate regulatory authority to identify, reserve and/or acquire sufficient right-of-way for future development/expansion of collector and arterial roadways identified in the Pasco County Comprehensive Plan which are within the City of Zephyrhills jurisdiction.

OBJECTIVE

TRA-2-2: Designate north-south and east-west bypass routes for vehicular traffic with neither trip origination or destination in Zephyrhills by 9/30/94.

POLICY

TRA-2-2-1: City Council will support by-pass corridor alignments which minimize the overall costs of development (including right-of-way acquisition, relocation, construction and environmental impact mitigation).

POLICY

TRA-2-2-2: City staff will not approve plans for new development which proposes direct access to a bypass route at other than a designated interchange with an intersecting roadway.

OBJECTIVE

TRA-2-3: Provide signalized intersections on US 301 and SR 54 within the City at no greater than $\frac{1}{4}$ mile intervals by 9/30/94.

POLICY

TRA-2-3-1: City Council will request signal warrant restudy by FDOT and/or Pasco County when winter season traffic counts on collector roads intersecting US 301 or SR 54 indicate a daily traffic count of 8,000 or greater, or when the traffic count, added to projected traffic from a development which has received final site plan or plat approval, would

City Council
JUN 20 198
President of City Council
City Manager

exceed 8,000 trips/day.

POLICY

TRA-2-3-2:

New development which is projected to contribute more than 5% of design capacity for a signalized intersection will be assessed a proportion of costs to signalize the effected intersection(s) equal to the percent of capacity attributed to the proposed development. Revenues collected will be transferred to Pasco County or FDOT as appropriate upon execution of a specific Intergovernmental Agreement.

OBJECTIVE



TRA-2-4:

Provide safe and convenient on-site traffic flow for motorized and non-motorized vehicle parking for all multi-family, commercial, institutional and industrial development permitted after September 30, 1989.

POLICY

TRA-2-4-1:

Site plan requirements within the Zoning Regulations will be amended to address the need for bicycle parking.

Adopted By City Council
Effective Date JUN 20 1989

President of City Council

City Manager

PUBLIC FACILITIES ELEMENT

PURPOSE

This element of the Comprehensive Plan describes the existing facilities, adopted levels of services and projected needs for potable water, wastewater, solid waste disposal and drainage within the community. The drainage sub-element also addresses groundwater recharge. Each of the four sub-elements is addressed separately.

POTABLE WATER

Present System: The City of Zephyrhills Utilities Department operates a system of 7 wells which draw water from the Floridan Aquifer. Six of these wells are interconnected by a grid of trunk lines which facilitates operation of any combination of wells. The seventh well is isolated and serves only one mobile home subdivision. This isolated well will ultimately be linked to the larger system. (See Map PF-1).

Design capacity of the total (7 well) system is 7.2 MGD. The present permitted withdrawal rates are 1.54 MGD average daily and 2.63 MGD maximum daily. The highest daily use has been 2.5 MGD on 6/19/88.

The current (1988) major deficiency is inadequate above-ground storage capacity. A dual system with 250,000 gallon capacity for higher elevations and 500,000 gallon capacity for lower elevations is under construction. When completed this dual tank system will provide a sufficient reservoir for stable water pressure and adequate fire flow throughout the water service area.

Raw water quality produced by the municipal system requires only minimal chlorination before distribution.

Levels-of-Service: The City of Zephyrhills will continue to provide a water system capable of delivering a minimum average daily flow of 200 gallons of potable water per dwelling unit and a peak daily flow of 300 gallons per dwelling unit to residential consumers.

No new development will be approved if the site is not served by a water system capable of providing adequate fire flow.

Reviewed by City Council
 Approved by City Council
 JUN 20 1989
 President of City Council
 City Manager

protection with a residual of 20 p.s.i. above normal consumption. Specific fire flow minimum standards adopted by the City are incorporated into development regulations.

Water System Needs: In 1988, the City of Zephyrhills and Pasco County executed an interlocal water service area agreement that gives the City first right to service developments outside the City and within the boundaries of the service area. (See Map PF-1). All developed areas within the present municipal jurisdiction are served by the City water system. No area has been annexed which cannot be served with City water. There are several small privately-owned "public" systems outside the City but within the delineated water service area. (See Map PF-1).

A complete engineering analysis of the water system was completed in 1988 which resulted in specific recommendations for improvements to the distribution system. Principal recommendations of the analyses were:

- ° provide a split system of above-ground storage for more stable water pressure system-wide
- ° increase the size of certain system links to enhance fire flows in certain areas
- ° install a larger pump on well #6
- ° size future extensions of the system to accommodate ultimate projected growth within the water service area

The split system of above-ground storage has been designed and is under construction.

Increased size of critical distribution system links is programmed for FY'89. Other line improvements are scheduled through FY'94 primarily to increase water pressure for fire flow. The entire water system is designed to last 100 years with normal maintenance. The most frequent major repair is replacement of well pumps.

The new pump for well #6 has been installed.

Extensions of the system are being sized to accommodate anticipated development consistent with the future land use element of the Comprehensive Plan.

The future land use projections in Table LU-3 indicate that providing a flexibility factor of 1.5 for private development, assuming the current density and intensity of development, would require infrastructure to serve an additional 622 acres. This acreage would consist of approximately 425 acres of residential at an average density of 3.3 du/acre, and 198 acres of non residential use. Assuming that each dwelling unit requires 200 gal/day of potable water, and that residential demand continues to account for 70% of water demand, we project a capacity attributable to currently unincorporated Pasco County of 119 MGD, or 26% of the present water system permitted average daily flow.

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JUL 20 1988
President of City Council
City Manager

withdrawal rate of 1.54 MGD.

$425 \text{ acres} \times 3.3 \text{ du} = 1403 \times 200 \text{ gal/day} = 280,600 \text{ gal}$

30% non-residential component of water use = 120,257 gal
rounded = .4 MGD

The demand from presently unincorporated Pasco County is approximately 6% of the present system design capacity of 7.2 MGD.

The projected ultimate demand for potable water within the delineated water service area is 8.52 MGD for peak daily flow. This exceeds the present system capacity of 7.2 MGD, however the need for added system capacity is beyond the time horizon (2010) of this Comprehensive Plan update.

WASTEWATER

Present System: The City of Zephyrhills Utilities Department operates a wastewater collection, treatment and disposal system consisting of gravity mains, force mains with 30 lift stations, a treatment plant and spray irrigation disposal system (See Map PF-2). Sewage sludge is disposed of by land spreading on the airport infield.

Present wastewater treatment capacity is 1.5 MGD. Peak daily flows have occasionally exceeded design capacity, but FDER effluent standards have been maintained. A 1985 study by HNTB concluded that the then-current peak daily flow was 1.35 MGD.

Expansion of the treatment plant is currently under construction. The new design capacity is 2.25 MGD and effluent disposal will be by a series of rapid infiltration percolation ponds constructed on airport land.

The future land use projections in Table LU-3 indicate that providing a flexibility factor of 1.5 for private development, assuming the current density and intensity of development, would require infrastructure to serve an additional 622 acres. This acreage would consist of approximately 425 acres of residential at an average density of 3.3 du/acre, and 198 acres of non-residential use. Assuming that each dwelling unit requires 160 gal/day of wastewater treatment, and that residential demand continues to account for 70% of the wastewater load. We project a capacity of the WWTP attributable to currently unincorporated Pasco County to be .33 MGD, or 15% of the 2.25 MGD design capacity of the expanded WWTP.

$425 \text{ acres} \times 3.3 \text{ du} = 1403 \times 160 \text{ gal/day} = 224,480 \text{ gal}$

30% non-residential component of wastewater = 96,206 gal
rounded = .33 MGD

Levels of Service: The City of Zephyrhills will continue to provide a municipal wastewater treatment system which complies with EPA and FDER effluent criteria with capacity least 160 gallons per day per dwelling unit.

Approved by City Council
Effective Date 2019
President of City Council
City Manager

Design capacity of the municipal wastewater treatment plant will be a minimum of 80% of average daily water sales to customers of the City water system.

Exceptions for septic tank use will require a minimum lot area of one acre and will be permitted as a temporary disposal method only.

Wastewater System Needs: In 1988 the City of Zephyrhills and Pasco County executed an interlocal wastewater service area agreement that gives the City first right to service developments outside the City and within the boundaries of the service area. (See Map PF-2).

All developed areas within the present municipal jurisdiction are served by the City wastewater system with few exceptions. There are a few scattered single residences which were built with septic tanks prior to annexations. City policy is to require these residences to be connected to City sewers when they become available. The only major exception is a mobile home park of approximately 150 spaces and a mobile home subdivision of 48 lots which were developed before annexation. Although City sewers are adjacent to both sites, the City has not pursued installing sewers because the land owners have not wanted to bear the initial connection costs.

Soils at the MH Park (NW corner of US 301/Geiger Road) are classified as "Tavares-Urban Land" with a rating of "moderate" septic tank absorption. Soils at the MH Subdivision (south of "C" Avenue) are also classified as "Tavares-Urban Land".

No area has been annexed which cannot be served with City sewer. There are several privately owned collection systems outside the City but within the delineated sewer service area. These are primarily mobile home and RV parks under a single ownership.

A complete engineering analysis of the sewer system was completed in 1986 to support a revenue bond issue for expansion of the wastewater treatment plant. Principal recommendations of this study were:

- ° Upgrade several lift stations
- ° Install new lift stations
- ° Reroute sewage flow in some stations to accommodate anticipated growth
- ° Enlarge the treatment plant by 50% to 2.25 MGD
- ° Change the method for disposing of effluent

The recommended improvements to lift stations and force mains were implemented beginning in 1987. Enlargement of the treatment plant is presently under construction. There are other current deficiencies of the wastewater collection/treatment system.

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 Effective Date
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 City Manager

Sizing of future lift stations/force mains and routing of sewage flow will be consistent with the system plan which should be adequate beyond the horizon year of 2010.

SOLID WASTE

Present Disposal Means: The City of Zephyrhills Sanitation Department operates a solid waste collection system. Yard trash is disposed of in a City-owned Class III landfill. Domestic waste is disposed of in the Pasco County landfill east of Dade City. Identified hazardous wastes, such as motor oil and batteries, are stored at the City garage and ultimately collected by commercial services. The only commercial solid waste services licensed to operate within the City are large roll off dumpsters used at construction sites and for East Pasco Medical Center.

Levels of Service: The City of Zephyrhills will continue to provide a minimum of two domestic waste pickups each week for all residential and commercial clients.

The City of Zephyrhills will continue to participate in the Pasco County solid waste disposal system. The design capacity of the Pasco County resource recovery plant is based on a level of service of 1.5 ton/year/dwelling unit.

Solid Waste Disposal Needs: The present Class III landfill has approximately twenty acres of unused area. This should be more than adequate to accommodate City needs for yard trash and other clean materials through the horizon year of 2010. With more emphasis on composting and use of wood chips for landscape mulch the volume of waste disposed of in the landfill can be reduced.

Recently enacted and anticipated regulation of hazardous waste disposal may ultimately require more sophisticated means of hazardous waste collection, storage and disposal. This subject has not yet been adequately addressed at the State level.

Pasco County is committed to developing a mass burn incinerator with a landfill/ashfill in northwest Pasco County. When this system is on-line, the east Pasco landfill will presumably be closed. All municipalities within Pasco County have entered into an interlocal agreement to be a party to the new solid waste disposal system. The design capacity of the system is 1050 tons/day. The projected volume from Zephyrhills is approximately 31 tons/day during the peak season. This represents approximately 3% of design capacity allocated to Zephyrhills.

DRAINAGE AND RECHARGE

Present Drainage and Groundwater Recharge: Zephyrhills is situated south of an east-west ridge that divides the Hillsborough River Basin to the south and the Withlacoochee River Basin to the north. The Lake Zephyr drainage system

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 Approved By City Council
 Effective Date June 20 1989
 President of City Council
 City Manager

City, eventually flows south to the Hillsborough River.

The Lake Zephyr drainage basin extends approximately one mile east of Handcart Road and one-half mile north of Geiger Road. Downstream, the outfall from Lake Zephyr is channeled via a man-made ditch to U.S. 301 near Chancey Road. From U.S. 301 the outfall is not well defined as water flows across open land to the Hillsborough River. The area of the upper Lake Zephyr drainage basin, which is subject to periodic flooding (100 year flood), has been delineated by consulting engineers for Pasco County and the Southwest Florida Water Management District. That portion of this flood hazard area within the City is shown on MAP PF-3.

Lake Zephyr is an integral element of the stormwater drainage system for the City of Zephyrhills and the upper Lake Zephyr drainage basin. The structural drainage system within the City is composed of retention ponds, pumps and force mains to Lake Zephyr. Most of the City is drained by surface swales to retention ponds with no outfall.

All development since 1984 is required to retain on-site a volume equal to a 25 year storm event with an intensity of 3.6 inches of rainfall in one hour. This requirement for on-site retention, and the general practice of providing for drainage by non-structural conveyance, both contribute positively to groundwater recharge.

The groundwater system underlying Zephyrhills consists of the shallow surficial water table and the deeper Floridan Aquifer. The shallow water table is subject to infiltration from rainfall through well-drained sandy soils except where impervious surfaces exist. The Floridan Aquifer is estimated to be between 2,800 and 3,200 feet thick in the Zephyrhills area. Hydrologists have estimated that Florida's deep aquifers contain more than a quadrillion gallons of fresh groundwater. The Zephyrhills area has limited confining beds over the aquifer which serves to increase the aquifer recharge rate. The City is on the edge between the low-to-moderate and the high recharge areas of the State. The Green Swamp wetland area east of Zephyrhills is considered a moderate recharge area.

The City has tapped 7 potable water wells into the Floridan Aquifer which creates the potential for infiltration of the aquifer at the well sites. As a condition of issuing a consumptive use permit, SWFWMD requires protection of the wellfield area to prevent aquifer contamination. There are no known instances of aquifer contamination from Zephyrhills wells.

Level of Service: The rate of stormwater discharge from new developments shall be equal to, or less than, the rate of discharge that existed prior to development.

On-site drainage facilities for any new project shall be designed to meet the Level of Service.

Adopted By City Council
Effective Date JUN 20 1989
President of City Council
City Manager

accommodate the stormwater runoff resulting from a storm of 25 year frequency (3.6 inches of rainfall in an hour).

All fill within the 100-year floodplain shall be compensated by creation of storage for an equal or greater volume elsewhere within the 100-year floodplain.

All proposed buildings within the 100-year floodplain shall be constructed so that finished floor elevations are above the elevation of the 100-year flood.

Cones of influence around all City-owned water wells will be defined and protected consistent with applicable State regulations.

Drainage and Recharge Needs: Over the past 11 years the City has commissioned 4 separate studies on stormwater drainage. The first, in 1977, primarily dealt with a study of drainage problems in the vicinity of City Hall at 6th Avenue and 7th Street. Improvements as a result of that study included installation of a storm retention pond with pump and an outfall. Stormwater is pumped from the retention pond ("Lake Necessity") to Lake Zephyr via 6th Avenue and 1st Street.

Improvements following a 1978 study included locating a stormwater retention pond at 12th Street and North Avenue.

Another study in 1980 noted four primary areas of concern: Highway 301; Fort King Road and 14th Avenue; 12th Avenue and 1st Street; and 1st Street at Zephyr Plaza.

Since that study, Zephyrhills has improved its drainage system drastically and, except in extreme conditions, has resolved flooding problems.

The City's most recent major drainage improvement was completed in June 1988 on 1st Street. That project included the installation of a pond and liftstation at 14th Avenue with force main from that location to Lake Zephyr.

As a result of improvements made over the past 11 years, only one primary flood-prone area remains. That area, Fort King Road and 14th Avenue, is part of proposed improvements by Florida Department of Transportation to widen and resurface Hwy 301 which lies immediately to the west.

As the City continues to grow, the potential increase in run-off as a result of converting undeveloped areas to impervious areas could add to the storm water drainage flows. Such increases would seriously affect the City's existing drainage system. The City has made a firm commitment to regulate development and to require new development to retain run-off on-site.

The City of Zephyrhills has adopted the FEMA recommendations.

Adopted by City Council
Effective Date: June 20, 1989
President of City Council
City Manager

model Flood Damage Prevention Regulations which essentially prohibits any future development with a finished floor elevation below an established Base Flood Elevation. This applies only to a relatively minor area adjacent to Lake Zephyr.

Subdivision Regulations, Section 5.5, addresses Storm Water Management. The essential requirement is to retain the runoff from a 25 year storm event with an intensity of 3.6 inches per hour.

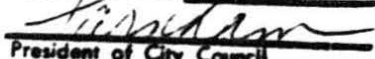
Zoning Regulations require approval of a specific site plan for all development except a single family residence or a duplex. A part of the site plan review is for on-site stormwater retention. A development permit is not issued without a permit from SWFWMD.

Future development regulations will be expanded to address restriction of development from wetlands. (See Objective CON-2-1 in the Conservation Element).

At the present time, insufficient information is available for the City to institute a site-specific comprehensive aquifer recharge area protection program. This problem may be remedied with implementation of the "G-1" Rule by DER.

The pattern of development within the City is expected to remain relatively stable during the next few years with slow growth mostly by annexing areas adjacent to the City. The major impact in the urban area will come from gradual reduction of some of the area available for recharge to the water table. To offset this impact, the City stormwater drainage regulations emphasize the preservation of natural drainage features and the use of drainage retention structures to maximize aquifer recharge.

Adopted By City Council
Effective Date JUN 20 1989


President of City Council


City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are adopted by the City of Zephyrhills to provide guidance for maintaining and extending potable water, wastewater, storm drainage and solid waste collection and disposal systems to serve the Zephyrhills area, and to protect water recharge areas lying within the greater Zephyrhills vicinity.

GOAL

WAT-1: Provide a sufficient supply of water of appropriate quality for all beneficial uses with the Zephyrhills service area.

OBJECTIVE

WAT-1-1: Reduce the consumption of potable water per household to less than 180 gal./day by 9/30/90.

POLICY

WAT-1-1-1: City Council will encourage the use and reuse of the lowest quality water available and suitable to a given purpose. Programs to ensure water reclamation and reuse alternatives for wastewater and stormwater disposal to surface water bodies shall be developed.

POLICY

WAT-1-1-2: City Council will adopt or amend construction codes which incorporate state-of-the-art water conservation techniques for new construction.

POLICY

WAT-1-1-3: City Council will cooperate to implement regionally adopted water conservation methods, coordination of future potable water supply planning (both daily and emergency), and water shortage planning with SWFWMD, West Coast Regional Water Supply Authority and Pasco County.

OBJECTIVE

WAT-1-2: Provide DER approved potable water distribution system to all developed land within the corporate limits by 9/30/93 which is capable of delivering a peak daily flow of 300 gallons per dwelling unit.

POLICY

WAT-1-2-1: The City shall extend public water distribution lines to serve all residences within the present City limits, and to future annexed areas within three years after annexation.

POLICY

WAT-1-2-2: No building permits will be issued for residential, office or commercial development.

Adopted By City Council
 Resolution No. 20 1989
 President of City Council
 City Manager

is not served by a public water supply.

POLICY

WAT-1-2-3: All properties within 200 feet of a public water supply will be required to connect to the public water supply within 120 days after availability unless served by another DER approved private system.

OBJECTIVE

WAT-1-3: Provide adequate quantity of water with sufficient residual pressure to meet fire suppression standards of ISO by 6/30/90.

POLICY

WAT-1-3-1: City Council will obligate sufficient capital improvement funds to correct deficiencies of water pressure within the present water distribution system by 12/31/90.

POLICY

WAT-1-3-2: No certificate of occupancy will be issued for new buildings which cannot be protected from fire damage by an adequate means of fire suppression.

OBJECTIVE

WAT-1-4: Identify and delineate the cone of influence for all public water supplies within Zephyrhills and adopt protective regulations by 6/30/90.

POLICY

WAT-1-4-1: Local regulations to protect water supplies will apply to privately-owned systems within the City's jurisdiction as well as the City owned system.

POLICY

WAT-1-4-2: Site Plan review of proposed development within a delineated cone-of-influence will identify appropriate mitigation measures.

GOAL

WAT-2: Provide environmentally acceptable means of collection, treatment and disposal of wastewater.

OBJECTIVE

WAT-2-1: Inventory all identified point sources of ground water and/or surface water pollution within Zephyrhills and develop a plan for corrective measures by 6/30/90.

POLICY

WAT-2-1-1: Sewer lines shall be monitored for leaks and ruptures with faulty lines replaced as quickly as possible to reduce adverse impacts on groundwater.

City Council
JUN 20 1999
President of City
City Manager

POLICY

WAT-2-1-2: City staff will initiate contact with DER and the Pasco County Health Department to identify any known point sources of water pollution with the Zephyrhills area.

POLICY

WAT-2-1-3: City Council will not annex additional territory which encompasses a point source of water pollution without a specific plan and agreement to satisfactorily mitigate the pollution.

OBJECTIVE

WAT-2-2: Eliminate septic tanks as a means of wastewater disposal within delineated cones of influence of drinking water supply, within 200 feet of a designated recharge area, or within 200 feet of the mean high water line of a water body by 9/30/93.

POLICY

WAT-2-2-1: City Council will assign priority for extensions of the wastewater collection system to areas of the City presently served by septic tanks located within the zones described above.

POLICY

WAT-2-2-2: The City will vigorously enforce present policy to require all development to connect to a public sewer when the wastewater collection line is within 200 feet of the property.

POLICY

WAT-2-2-3: Future annexations will not be approved if existing or proposed development is/would be on septic tank and lies within an area of concern as described above unless the land owner and City agree to extend the wastewater collection system.

OBJECTIVE

WAT-2-3: Provide DER-approved pre-treatment of non-domestic liquid waste before discharge to the wastewater collection system by 9/30/93.

POLICY

WAT-2-3-1: All existing non-residential users of the municipal wastewater system will be reviewed to identify potential sources of non-domestic liquid waste; interviews will be conducted with managers of potential generators to determine what types of waste are being discharged to the wastewater system and the adequacy of pre-treatment; specific remedies (if needed) will be negotiated with the property owner and approved by City Council.

Effective 8/28/89
 President of City Council
 City Manager

OBJECTIVE

WAT-2-4:

Provide sufficient wastewater treatment capacity to satisfy current and at least 10 year projected needs within the Zephyrhills service area by 12/31/90. Sufficient capacity is calculated to be 160 gal/day/du plus a 30% reserve for non-residential users.

POLICY

WAT-2-4-1:

The City will expand wastewater treatment capacity to accommodate projected population growth within the service area: when this expansion is complete the City will annually reassess projected growth, plant utilization experience, future commitments, and the current water quality standards to provide sufficient lead time to plan future expansion as appropriate.

GOAL

WAT-3:

Dispose of solid waste generated within the City of Zephyrhills in an environmentally safe and cost effective manner.

OBJECTIVE

WAT-3-1:

Initiate procedures to minimize toxic and hazardous materials entering the waste stream by 6/30/90.

POLICY

WAT-3-1-1:

Designate a City employee to act as liaison for informing local business, institutions and residents of Federal, State and Pasco County requirements for disposing of toxic and hazardous materials.

POLICY

WAT-3-1-2:

Restrict solid waste disposal within the City owned landfill to non-organic, non-toxic materials and comply with all DER regulations for a Class III landfill by 1989.

POLICY

WAT-3-1-3:

No private dumping will be permitted at the City landfill.

POLICY

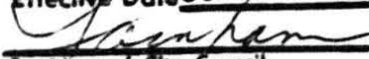
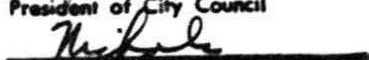
WAT-3-1-4:

All appropriate monitoring of the City Class III landfill will be maintained.

OBJECTIVE

WAT-3-2:

Achieve a 30% reduction in the volume of solid waste entering the waste disposal system by 6/30/90.

Adopted by City Council
Effective Date JUN 20 1989

President of City Council

City Manager

- POLICY**
WAT-3-2-1: Disseminate public information to encourage source separation and recycling of household waste.
- POLICY**
WAT-3-2-2: Expand use of yard waste for compost and mulch in maintaining parks and other City properties.
- POLICY**
WAT-3-2-3: Convey all solid waste which cannot be disposed of in a Class III landfill to Pasco County recovery facility by 9/30/93.
- GOAL**
WAT-4: Eliminate flooding of all structures within the City.
- OBJECTIVE**
WAT-4-1: Correct local flooding conditions in at least one isolated depression each year beginning in 1990 until all such areas have been corrected.
- POLICY**
WAT-4-1-1: City staff will delineate all areas of localized flooding and develop plans for corrective measures to be incorporated into the capital improvements element.
- POLICY**
WAT-4-1-2: New development is not permitted unless the finished floor elevation is at least 8 inches above the crown of the adjacent road unless waived by the Building Official and at or above the 100 year flood elevation.
- POLICY**
WAT-4-1-3: All new development is required to provide on-site retention of stormwater of sufficient capacity to assure that post-development runoff is no greater than pre-development runoff. The adopted level of service standard is a 25 year storm of 3.6 inches of rainfall in 1 hour.
- POLICY**
WAT-4-1-4: Implement Flood Damage Prevention Regulations within the FEMA designated 100 year flood prone area.
- POLICY**
WAT-4-1-5: City Council will cooperate with FDOT, DER, SWFWMD and all other appropriate regulatory agencies to design and implement an acceptable stormwater drainage system for US 301 within the City, including the granting of easements within public

APPROVED
JUN 20 1989
President of City Council
City Manager

rights-of-way, relocation of water and sewer lines where needed and financially feasible, and modification of building setback requirements as appropriate.

POLICY

WAT-4-1-6: Existing City owned retention ponds, pumps, pipes and other elements of a storm water system will be periodically inspected and maintained in good working order.

POLICY

WAT-4-1-7: Property owners who do, or permit others to fill in swales, block culverts, deposit debris or otherwise encroach upon any element of the public stormwater drainage system will be assessed the cost of removal, repair or other corrective actions of the City.

POLICY

WAT-4-1-8: Driveway permits will not be granted unless the driveway is designed to accommodate cross drainage as determined by City staff.

Adopted By City Council
Effective Date JUN 20 1989
Sam Ham
President of City Council
Michael
City Manager

HOUSING ELEMENT

PURPOSE

The purpose of this element of the Comprehensive Plan is to provide guidance in developing policies which assure an adequate supply of decent, safe and sanitary housing for all income levels of the community.

EXISTING CONDITIONS

The current (September, 1988) housing stock within the corporate area of the City of Zephyrhills is comprised of approximately 4,600 dwelling units. Utility connections indicate that approximately 71% of the total units are occupied by year-round residents and 29% are seasonally occupied. Almost all seasonal visitors reside in mobile homes or duplex units. Table HOU-1 is a summary of the 1988 housing stock.

TABLE HOU-1
HOUSING INVENTORY
CITY OF ZEPHYRHILLS
MAY, 1989

<u>Housing Type</u>	<u>Total Units</u>	<u>Seasonal</u>	<u>Year-Round</u>
Single Family	2,535	125	2,410
Duplex	596	140	456
Multi-Family	430	0	430
Mobile Home	1,204	1,084	120
Total	4,765	1,349	3,416

Source: City of Zephyrhills Utility Billing

The most recent local survey of housing which included tenure was conducted in 1978. At that time approximately 16% of all dwellings were renter occupied and there were very few multi-family units. Table HOU-2 is an extrapolation of the 1978 survey data. This estimate is consistent with the 1980 Census of Housing, Table H-7 which indicates that 15% of the occupied dwelling units were by renters.

TABLE HOU-2
HOUSING TENURE
CITY OF ZEPHYRHILLS
MAY, 1989

<u>Housing Type</u>	<u>Total Units</u>	<u>Owner Occupied</u>	<u>Renter</u>
Single Family	2,535	2,410	125
Duplex	596	48	548
Multi-Family	430	0	430
Mobile Home	1,204	1,180	24
Total	4,765	3,638	1,127

Source: City Manager interpretation of 1980 Census of Housing Data.

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Effective Date JUN 20 1989
Richard
President of City Council
Richard
City Manager

There is no readily available source of information on the age of housing within the City. A 1977 survey indicated that there were 1870 non-mobile dwelling units in the City. Very few older dwellings have been annexed into the City since 1977. The current estimate is that approximately 1900 conventionally built units and 1000 mobile homes within the City are more than 10 years old. The very oldest units are concentrated within the original City area bounded by North Avenue, Sixteenth Street, South Avenue and First Street. A more detailed housing survey will be conducted in 1990 to correlate housing data with the census of population.

There is no readily available source of information on current rents, housing values or monthly cost of owner-occupied housing. Ads in the local newspapers, listings by realtors and conversation with apartment managers all support the general perception that there is an abundance of modestly priced housing in the Zephyrhills area for both renters and home owners. Local subsidized rental units do not maintain an extensive backlog of applicants eligible for rental assistance.

An external survey of housing conditions conducted by the Zephyrhills Building Department in 1988 indicated that approximately 12% of the residential structures within the City need major repairs or should be demolished (See Table HOU-3).

TABLE HOU-3
HOUSING CONDITIONS
CITY OF ZEPHYRHILLS
MAY, 1989

Housing Structures	Need No or Minor Repair	Need Major Repair	Need to be Demolished
Single Family	2,207	292	36
Duplex	292	5	1
Multi-Family	64	0	1
Total	2,563	297	38

Source: City of Zephyrhills Building Department

Those structures which need no or only minor repairs are considered to be "standard" housing. i.e. "have only slight deficiencies which could be corrected by regular maintenance".

Those structures which need major repair "have building code and/or housing code violations which would require structural repair".

Those structures which need to be demolished "have extensive structural damage and represent a potential public safety and/or public health hazard". The general locations of dilapidated housing is shown on Map HOU-1.

Those dwelling units in need of major repair

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Effective Date JUN 20 1989
President of City Council
City Manager

which need to be demolished are, by local definition, "substandard".

The Zephyrhills housing inventory is similar in type to Pasco County. Single family and duplex units account for 67% of the Zephyrhills units and 63% of the units in Pasco County. Multi-family units are 7% of Zephyrhills housing and 10% of Pasco County units. Mobile homes represent 26% of the housing in Zephyrhills and 27% of all units in unincorporated Pasco County.

The following local rental developments within the City are eligible for rental assistance: Developments shown on MAP HOU-1.

<u>Development</u>	<u>Family Units</u>	<u>Elderly Units</u>
Evergreen Village ✓	0	50
Heritage Village ✓	40	0
Cypress Green ✓	0	36
Green Meadows ✓	30	0
Parkhill Terrace ✓	48	0
Abbott Station ✓	8	0
Village Walk ✓	42	0
Village Chase ✓	0	47
	<u>126</u>	<u>133</u>

All of the above units are operated under FHMA Sec. 515 except for Evergreen Village which has a HUD Sec. 8 contract. The FHMA assisted units have minimum rents of \$192-\$238 monthly. Section 8 and FHMA subsidized rents are 30% of adjusted income for rent and utilities.

There is one HRS licensed foster home for 3 children within the City. There is one group home for mentally handicapped children with capacity for 15 residents.

There are three small Adult Congregate Living Facilities (ACLF) with a combined capacity of 30 and one large new ACLF with 160 units. Locations of the group home and ACLFs are shown on Map HOU-1.

There are two nursing homes in the City. Municipally-owned Zephyr Haven has 60 beds and the privately owned nursing home has 120 beds. Both locations are indicated on Map HOU-1.

There are 11 mobile home parks and 3 mobile home subdivisions within the City.

TABLE HOU-4
MOBILE HOME PARKS AND SUBDIVISIONS
CITY OF ZEPHYRHILLS
MAY, 1989

Name
Dauers ✓
Edgewood S/D ✓

No. of Lots
16
48

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Effective Date JUN 20 1989
Faindm
President of City Council
Michael
City Manager

Edgewood RV Park ✓	12
Friendly Ours ✓	20
Pinecrest ✓	147
Shady Rest ✓	51
Sixth Avenue	133
Sleepy Hollow ✓	156
Tree Lane ✓	172
Village Grove S/D ✓	65
Winters ✓	287
Zack's Oakside ✓	242
Zephyr Ridge S/D ✓	84
	<u>1,433</u>

Source: City of Zephyrhills Building Department

The following Table HOU-5 summarizes the change of housing stock since the 1980 census.

TABLE HOU-5
HOUSING PRODUCTION
CITY OF ZEPHYRHILLS
1980-1988

Year	New Dwelling Units	Conversion to Non-Residential	Mobile Home Replacement	Demo-lition	Annex	Net Increase
1980	147	-2	15	-7	-	153
1981	65	-1	32	-	1	97
1982	62	-1	36	-9	2	90
1983	100	-2	38	-3	153	286
1984	86	-1	26	-2	3	112
1985	104	-2	28	-4	2	128
1986	170	-2	15	-12	126	297
1987	70	-1	11	-4	5	81
1988	85	-3	8	-4	128	214
	<u>889</u>	<u>-15</u>	<u>209</u>	<u>-45</u>	<u>420</u>	<u>1458</u>

Source: City of Zephyrhills Building Department

PLANNED IMPROVEMENTS

The City of Zephyrhills has provided for a complete range of housing typed in the Future Land Use Element and in the Zoning Ordinance. Maximum density ranges from 2 units/acre in Estate Residential to 14 units/acre in Multi-family zones. Zoning regulations also include four zones for mobile home parks, mobile home subdivisions, recreation vehicles (RV) parks and RV subdivisions.

Planned Unit Developments to permit mixing housing types and compatible non-residential uses are also provided for in the zoning regulations.

Group homes, ACLFs and nursing homes are permitted and continue to be permitted in multifamily zones.

Specific development for special needs housing

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Effective Date JUN 28, 1989
President of City Council
City Manager

some phase of planning or development are:

- Construction of a 60 bed expansion of Zephyr Haven Nursing Home for Alzheimers patients
- Preliminary plat approved for a 52 lot mobile home subdivision
- Construction of a 119 lot PUD designed specifically for retirees
- Final plat for a 50 unit townhouse development designed specifically for retirees

The City of Zephyrhills has received an FY'89 CDBG sub-grant from Pasco County in the amount of \$42,000 to be used for demolition of vacant dilapidated structures.

The City has previously adopted a resolution which authorized waiver of city fees up to an amount equal to 50¢/sq. ft. of floor area demolished. This provision provides some financial incentive for owner to demolish and replace substandard structures. Water, sewer and transportation impact fees also are based on net increase of impact which are additional financial incentive for replacement versus new development.

The City of Zephyrhills, in cooperation with the City of New Port Richey and Pasco County, has also received a Rental Rehabilitation Grant of \$81,000. from HUD. These funds will be used to induce private owners to rehabilitate existing rental units to be occupied by low/moderate income households.

FUTURE HOUSING NEEDS

The projected population of Zephyrhills by the horizon year of 2010 is 10,000 year-round and 14,000 seasonally. The seasonal residents are almost all retirees who can afford to have a second residence in Florida. The 10,000 year-round residents with an average household size of 2.1 will consist of approximately 4,800 households. The 1980 Census of Housing indicated that approximately 10% of occupied dwelling units were inhabited by households with incomes below poverty. Projecting this proportion to the estimated year-round population in 2010, we have an estimated need for 480 low income housing units. The inventory of "affordable" housing consists of at least the following:

Year-round Mobile Home Rentals	120
10% of Vacant Mobile Home Lots	24
Sec 515 FHMA/Section 8	301
	<u>445</u>

Source: City of Zephyrhills Building Department

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 Effective Date JUN 20 1989
[Signature]
 President of City Council
[Signature]
 City Manager

All "affordable" housing in the City has been provided by the private sector. We do not anticipate the need for any public involvement in the provision of new housing. Zephyrhills has taken advantage of all Federal housing and community development programs available in recent years. We have incorporated numerous provisions in the local zoning regulations to accommodate special housing needs. The community has always catered to the specific needs of elderly persons. We have the only municipally owned nursing home in the State of Florida. We will continue to be concerned with supporting affordable housing and have expressed that concern in the following statement of policies.

Adopted By City Council
Effective Date JUN 20 1989

Richard
President of City Council

Michael
City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are intended to provide guidance to both public officials and private interests in their efforts to meet the housing needs of present and future residents of Zephyrhills.

GOAL

HOU-1: Assure an adequate supply of all housing types in appropriate locations.

OBJECTIVE

HOU-1-1: Review the current zoning by 9/30/90 to confirm that vacant land zoned for multifamily and mobile homes is sufficient to accommodate at least 34% of the projected number of new households.

POLICY

HOU-1-1-1: Approve rezoning of non-residentially zoned land (consistent with the policies of the Future Land Use Element) in order to maintain a reasonably priced supply of buildable residential land.

POLICY

HOU-1-1-2: Approve plan amendment requests for additional residential acreage (consistent with the policies of the land use element when and where substantiated by residential growth trends).

GOAL

HOU-2: Assure the availability of affordable housing for all residents, particularly low-moderate income households.

OBJECTIVE

HOU-2-1: Facilitate the development of at least an additional 35 dwelling units for low/moderate income households by 9/30/94.

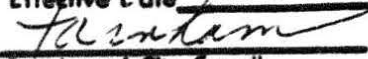
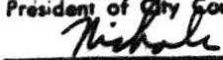
POLICY

HOU-2-1-1: The City will not approve multifamily housing in areas which do not meet the following criteria:

- (a) adequate public facilities are present
- (b) adequate public services are present
- (c) site is proximate to employment opportunities
- (d) site is proximate to schools and recreation

POLICY

HOU-2-1-2: The City will discourage spatial concentration of assisted housing.

Adopted By City Council
 Effective Date JUN 20 1989

 President of City Council

 City Manager

POLICY

HOU-2-1-3: The City will pursue state and federal housing assistance payments for those households who cannot compete effectively for market rate housing.

POLICY

HOU-2-1-4: The City will encourage use of affordable housing techniques such as, but not limited to, mobile homes , modular housing, cluster development, zero lot line homes and townhouses.

POLICY

HOU-2-1-5: The City will pursue state and federal housing programs which subsidize the production of housing by low-moderate income households.

GOAL

HOU-3: Assure high standards of housing quality.

OBJECTIVE

HOU-3-1: Enforce minimum housing code standard for existing housing effective 10/1/89.

POLICY

HOU-3-1-1: Provide sufficient staff and resources to enforce a minimum standard housing and occupancy code.

OBJECTIVE

HOU-3-2: Eliminate at least six dilapidated housing units each year beginning in 1990 without causing household relocation until all identified dilapidated residential structures have been rehabilitated or demolished.

POLICY


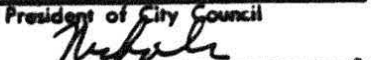
HOU-3-2-1: Periodically survey and inspect housing conditions taking remedial action for compliance as necessary.

POLICY

HOU-3-2-2: Administer state and federal grant programs for housing improvement and assistance.

POLICY

HOU-3-2-3: Demolish unoccupied units which are unfit for human habitation and not financially feasible for rehabilitation.

Adopted By City Council
 Effective Date JUN. 20 1989

 President of City Council

 City Manager

RECREATION AND OPEN SPACE ELEMENT

PURPOSE:

Recreation and open space both play an important role in our lives. Though many of us may consider picnicking or playing a luxury, these activities make a significant contribution to maintaining emotional and physical health which contributes to overall productivity and happiness.

Zephyrhills was founded as a retirement community, and has a long tradition of providing leisurely activities for residents and visitors going back to the days of the "tin can tourists" of the 1920s. The local economy remains largely dependent on meeting the housing and service needs of retirees and seasonal visitors. Many of these persons reside in mobile home and RV parks which provide recreational and social activities for their residents. City government also has recognized the importance of leisure activities and provides facilities disproportionate to the City population. The "community", however, should continue to identify the need for and provide a wide variety of passive and active recreation opportunities for all age groups of residents and visitors. "Community" is broadly interpreted to include the State, Southwest Florida Water Management District, Pasco County and privately owned facilities as well as those provided by the City of Zephyrhills.

This element of the Comprehensive Plan describes current opportunities for recreation and the enjoyment of open spaces, addresses perceived recreation needs of the Zephyrhills community within the next twenty year period, and sets out goals, objectives and policies for meeting perceived needs.

EXISTING RECREATIONAL OPPORTUNITIES

Most mobile home and RV parks in the area provide some recreational facilities for their residents. Nonprofit organizations, such as the Zephyrhills Multi-purpose Senior Center and Zephyrhills Tourist Club, offer other recreational pastimes for area residents. There are also private membership clubs such as the Moose Lodge, Eagles and Elks with recreational opportunities as well as service clubs and churches, all of which provide a wide range of social and recreational contact. Private commercial recreation is another major component of the total spectrum of recreational opportunities. All of the above contribute to the community's overall appeal. While these social and recreational facilities are assets to the community, the City cannot guarantee their availability.

Adopted By City Council
Effective Date JUN 20 1989

[Signature]
President of City Council

[Signature]
City Manager

Pasco County, The Pasco County School Board and the City of Zephyrhills together co-sponsor a summer recreation program. Other organized programs include Little League baseball, T-ball, girls', womens' and men' softball, football and soccer.

In addition to formally designated recreation sites, Zephyrhills lies within an area of extensive open spaces which are presently in agricultural use (citrus groves, dairy, pastureland), mixed upland forest or environmentally sensitive wetlands.

Significant open spaces within the City and immediate vicinity which are likely to remain undeveloped are inventoried in Table REC-1. This inventory includes only those areas which meet one or more of the following criteria:

- ° publicly controlled and committed to long term open use
- ° privately owned and developed as an open, non-agricultural use
- ° surface water
- ° apparent wetland

TABLE REC-1

SIGNIFICANT OPEN SPACES AVAILABLE TO THE PUBLIC

SITE IDENTIFICATION	LOCATION	TYPE	PRESENT USE
Hillsborough River	East & South of City	wetlands	pasture
Pretty Pond	Pretty Pond Rd.	water/ wetlands	disputed
Little Lake Austin	East of Simons Rd.	water/ wetlands	private recreation
FFA pasture	West of West Elementary School	pasture	agri- cultural education

Source: City Manager

The following Table REC-2 inventories the public recreation facilities available within a ten minute drive of Zephyrhills. Table REC-3 lists privately owned recreational assets of the community.

Adopted By City Council
Effective Date JUN 20 1989
[Signature]
President of City Council
[Signature]
City Manager

TABLE REC-2
PUBLIC RECREATION FACILITIES
ZEPHYRHILLS COMMUNITY

NAME OF FACILITY	OWNER	SITE LOCATION/MAF #	AREA	TYPE OF USE	FACILITY PROVIDED
Hillsboro River State Park	Florida Department of National Resources	9 miles south of Zephyrhills on US 301 #1	2984 a	Resource Based	Camping, day use, swimming, fishing, boating, nature study, bicycling, hiking
Hillsborough Withlacoochee	SFWMD	5 miles east of Zephyrhills on CR 54 #2	5110 a	Resource Based	Fishing, hunting, hiking, day use, camping, nature study
West Elementary School	Pasco County School Board	1st Street & 14th Ave. #3	2 a	Activity Based	Playground, picnic table, basketball (2)
Woodland Elementary School	Pasco County School Board	Henry Drive #4	1 a	Activity Based	Playground
Stewart Middle School	Pasco County School Board	8th St. & 10th Ave., 12th St. & 10th Ave. #5	4 a	Activity Based	Softball (3), Playground
Zephyrhills High School	Pasco County School Board	CR 54 & 12th St. #6	24 a	Activity Based	Softball, baseball, soccer, football, track, tennis (4), basketball (4)
Senior Citizens Center	Pasco Council on Aging	Airport Rd. #7	2 a	Activity Based	Multi-purpose building
Zephyr Park	City of Zephyrhills	South of CR 54 & east of 4th St. #8	34 a	Activity Based	Alice Hall Community Building, tennis (5), handball, fishing, pavilion (2), open play field, picnic tables, horseshoe pits, playground, walk around lake with benches
Shepard Park	City of Zephyrhills	East side of US 301 and south of A Ave. #9	2 a	Activity Based	Boy Scout & Girl Scout buildings, picnic tables, open play field
Easy Acres	City of Zephyrhills	W. of CSX, S. of South Ave. #10	4 a	Activity Based	Picnic Tables, play equip., walking path
Lincoln Heights Park	City of Zephyrhills	Lincoln Heights #11	.5 a	Activity Based	Basketball, playground, pavilion
Krusen Field	City of Zephyrhills	Airport Rd. #12	33 a	Activity Based	CAP building, pavilion, picnic tables, playground, lighted football field, tee ball, soccer field, baseball, lighted baseball (2) lighted softball (2), lighted little league
City of Zephyrhills	City of Zephyrhills	8th St. & 6th Ave. #13	1 a	Activity Based	430 capacity auditorium w/ stage & kitchen
City of Zephyrhills	City of Zephyrhills	8th St. & 7th Ave. #13	.1 a	Activity Based	31,000 volumes, mostly fiction
Zephyrhills Golf Club	Zephyrhills Golf Assoc.	East end of B Ave. at Airport #14	170 a	Activity Based	18 hole golf course and club house

Adopted by City Council 1989
Effective Date July 22, 1989
Source: City Manager

TABLE REC-3
PRIVATE RECREATION FACILITIES
ZEPHYRHILLS COMMUNITY

NAME OF FACILITY	SITE LOCATION/MAF#	AREA	TYPE OF USE	FACILITY PROVIDED
Silver Oaks Golf Course	Geiger Rd. #14	151 a	Activity Based	18 hole golf course & club house
Valle Oaks Golf Course	Wire Rd. #15	95 a	Activity Based	18 hole golf course & club house
Links of Bernadette	CR 54 West #16	119 a	Activity Based	18 hole golf course & club house
Phoenix Parachute Center	East side of airport #17	40 a	Activity Based	Sport parachuting
Ethel's Bowling Alley	CR 54 East & 12th St. #18	1 a	Activity Based	8 lane bowling alley
Infinity Lanes	US 301 North #19	2 a	Activity Based	24 lane bowling alley
Zephyrhills Home Theatre	5th Ave. #20	1 a	Activity Based	Twin movie theatre
Zephyrhills Tourist Club	7th St. #21	1 a	Activity Based	Shuffleboard, dancing, games, club house
Crystal Springs	3 miles south of Zephyrhills at Crystal Springs #22	30 a	Activity Based	Swimming, day use, snorkeling, nature trails

For the purposes of the Zephyrhills Comprehensive Plan, permanent availability of privately owned recreational facilities cannot be guaranteed.

Source: City Manager

Accepted by City Council
Effective Date JUN 20 1989
President of City Council
City Manager

RECREATIONAL NEEDS

Identifying current and anticipated recreation needs has been done using two different approaches. The first approach was to identify the types of recreation most in demand. This was done by means of a written questionnaire addressed to a statistically reliable sample of residential water customers (see Appendix).

The most frequently checked responses were:

- Walking path (39)
- Swimming (36)
- Library (32)
- Multipurpose Center (26)
- Bicycle Path (26)
- Performing Arts (22)
- Golf (21)
- Fishing (20)
- Nature Preserve (19)
- Crafts/Hobbies (19)
- Dancing (18)
- Bowling (18)

Walking path and bicycle path combined is clearly the most frequently mentioned item. This recreational facility will be integrated into the pedestrian circulation component of the Traffic Circulation Element, the Capital Improvements Element, subdivision regulations and site plan review requirements.

A swimming pool is proposed as the principle feature in development of a community park on the Hercules site (US 301 & CR 54 East) with Pasco County recreation bond funds.

The City operates a municipal library and Pasco County proposes to construct a branch library in the greater Zephyrhills community with County bond funds.

A multipurpose center (which could accommodate performing arts, crafts/hobbies and dancing) is the most frequently mentioned response for which there is no present commitment of funding.

There is a City owned golf course and four private golf courses in the immediate area.

There is ample opportunity for fishing and enjoyment of nature on public sites within the immediate area at Hillsborough River State Park and on lands owned by SWFWMD. *for those with private transportation. There are no such opportunities at present within the City.*

There are two commercial bowling lanes within the City.

A second approach to quantifying recreational needs by comparison of existing facilities with recognized standards. Recreation facility standards used for this analysis are derived

City Council
 20 1989
 President of City
 City Manager

from the National Parks and Recreation Association and are summarized in Table REC-4. Comparing these standards to Zephyrhills' existing recreation facilities and projected City population provides a measure of the City's relative recreation deficiencies (Table REC-5). The community currently provides ample acreage and facilities for both resource-based and activity-based recreation. The relative deficiencies are in specific facilities at the community scale (swimming pool, multi-purpose center).

Although the City of Zephyrhills has no authority or obligation to plan for or provide recreation facilities for non-city residents, it is unreasonable to assume that non-residents do not use facilities within the City. It is equally obvious that City residents will use non-city facilities. Pasco County, the Pasco County School Board and the City have cooperated and will continue to cooperate in meeting the recreational needs of the larger community. The assessment of recreational needs summarized in Table REC-5 assumes that the larger community needs will be addressed in the Pasco County Comprehensive Plan.

The very conservative inventory of open space (Table REC-1) indicates that the Zephyrhills community provides an abundance of opportunities for residents to enjoy the recreational benefits of open space, without further expenditure of public funds for resource-based recreation. *however, be a secondary benefit of land acquisition for some other primary purpose (e.g. environmental protection, flood control, airport approach zone, etc.).* *recreational opportunities may, Control of these*

PLAN TO MEET RECREATIONAL NEEDS

As assessment of current and future short term (1993) recreational needs indicates that the highest priority needs are for a swimming pool and a supervised multi-purpose center. Other priority needs include a nature preserve with walking trails, bicycle paths and fishing.

The Pasco County Board of County Commissioners has committed funds for development of a swimming pool to be built within the Zephyrhills area at the "Hercules Site" (US 301 and CR 54 East). ~~The City has agreed to donate one acre of City-owned land adjacent to the site for park use.~~ The County is proposing to construct a junior Olympic-sized swimming pool on the site, with picnic shelters, a playground, maintenance facility and parking for up to 100 cars. Construction is anticipated to be complete by summer, 1989. Design of the park will include a site for a future multi-purpose center. Eventual provision of such a multi-purpose center is dependent upon financial feasibility.

Planned recreation facilities and proposed locations are shown on map REC-1 and incorporated into the Capital Improvements Element of this Comprehensive Plan.

Adopted by City Council
Effective Date MAY 20 1989
T. A. Smith
President of City Council
N. Smith
City Manager

TABLE REC-4
RECREATION FACILITY STANDARDS

ACTIVITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	NO OF UNITS PER POPULATION (LOS)	
Swimming Pools	Varies on size of pool & amenities. Usually .5 to 1.0a	Minimum of 75' x 45' even depth of 3 to 4 feet	1	20,000
Golf 9-hole standard	Minimum 50a	Average length 2250 yards	1	25,000
Basketball		50' x 84' with 5' unobstructed space on all sides	1	5,000
Tennis	Minimum of 7,200 sq. ft. single court .2a	36' x 78' 12' clearance on both sides 21' clearance on both ends	1 court	2,000
Volleyball	Minimum of 4,000 sq.ft. .1a	30' x 60' Minimum 6' clearance on all sides	1 court	5,000
Baseball Official	3.8a	Baselines - 90' Pitching distance - 60½' Foul lines - min. 320' Center field - 400' +	1	5,000
Little League	1.2a	Baselines - 60' Pitching distance - 46' Foul lines - 200' Center field - 200'	1	5,000
Football	1.5a	160' x 360' with a minimum of 6' clearance on all sides	1	20,000
Soccer	1.7a	195' x 330' with a 10' minimum clearance on all sides	1	10,000
1/4 Mile Running Track	4.3a	Over all width 276' length 600'. Track width for 8 lanes is 32'	1	20,000
Softball	2.0a	Baselines 60' Pitching distance 46'	1	5,000

Source: Recreation, Park and Open Space Standards and Guidelines, National Recreational and Park Association

Adopted by City Council
Effective Date JUN 20 1989
John H. ...
President of City Council
Michael ...
City Manager

TABLE REC-5

RECREATION FACILITIES SUPPLIED, DEMAND AND NEED FOR FUTURE
RECREATION FACILITIES BY 1993 AND 2010, CITY OF ZEPHYRHILLS

	<u>EXISTING SUPPLY</u>	<u>1988 DEMAND NEED</u>		<u>1993 DEMAND NEED</u>		<u>2010 DEMAND NEED</u>	
Exercise Trails	1	1	0	1	0	1	0
Swimming Pool Public	0	1	1	1	1	1	1
Multi-purpose Center	0	1	1	1	1	1	1
Golf Courses (9 hole)	1	1	0	1	0	1	0
Nature Study (sites)	2	1	0	2	0	2	0
Tennis Courts	9	5	0	6	0	8	0
Basketball Courts	9	4	0	5	0	6	0
Baseball Diamonds	4	2	0	3	0	3	0
Softball	6	2	0	3	0	3	0
Little League	1	1	0	1	0	1	0
Soccer/Multi- purpose Fields	1	1	0	1	0	2	1
Football Fields	1	1	0	1	0	1	0
Handball/ Racquetball Courts	1	1	0	1	0	1	0
Track and Field Facilities	1	1	0	1	0	1	0
Camping (Campgrounds)	2	1	0	2	0	2	0

Source: City Manager

Adopted By City Council
Effective Date JUN 20 1980
Paul J. Anderson
President of City Council
Michael
City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are adopted by the City of Zephyrhills to guide public resource allocation decisions for the development and management of recreational facilities within the Zephyrhills area. It is the intent of City Council that these guidelines also be utilized by private entities and other public agencies which have an interest in meeting the recreational needs of the Community.

GOAL

REC-1: Provide recreational facilities of an appropriate nature, size and geographic distribution to serve residents of the Zephyrhills community.

OBJECTIVE

REC-1-1: Have an operational community swimming pool by 3/31/90⁷ on a site readily accessible from all areas of southeast Pasco County.

POLICY

REC-1-1-1: City Council is actively encouraging joint development by the City and Pasco County of a community park at the intersection of US 301 and CR 54 with a swimming pool as the highest priority.

OBJECTIVE

REC-1-2: Have a multi-purpose recreation center by 9/30/93 on a site readily accessible from all areas of southeast Pasco County.

POLICY

REC-1-2-1: City Council will pursue all sources of funding for development of a multi-purpose center.

POLICY

REC-1-2-2: City Council will consider both public and private non-profit proposals for development and operation of a multi-purpose center.

GOAL

REC-2: All existing and future recreation lands controlled by the City will be maintained in perpetuity for recreational use by the general public.

OBJECTIVE

REC-2-1: Conduct an inventory of City-owned lands to identify any sites which might be devoted to recreational use and prepare site use plans for such sites by 9/30/90.

Adopted By City Council
Effective Date JUN 20 1989

John Lam
President of City Council
Nichols
City Manager

POLICY

REC-2-1-1:

The City will not dispose of any City owned property without first evaluating the recreation potential of the site.

POLICY

REC-2-1-2:

The City will attempt to sell any small areas of land owned by the City which are of no apparent use to the City and utilize proceeds for acquisition of more viable recreation sites.

OBJECTIVE

REC-2-2:

Conduct an inventory of existing open spaces not in public ownership to identify sites of significant recreation potential and devise strategies for public use by 9/30/90.

POLICY

REC-2-2-1:

Local land development regulations will be amended to include open space definitions and standards.

GOAL

REC-3:

Improve access to recreation facilities for all persons, including handicapped, elderly & children.

OBJECTIVE

REC-3-1:

Provide safe, non-motorized public access to all publicly owned and/or operated recreation sites within the City by 9/30/94.

POLICY

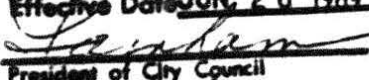

REC-3-1-1:

All future development approvals within the City will include a provision to provide sidewalks or other non-motorized access to recreation areas consistent with the transportation element of this Comprehensive Plan.

POLICY

REC-3-1-2:

All existing and future recreation facilities will be accessible to persons required to use a wheelchair.

Adopted By City Council
 Effective Date JUN 20 1989

 President of City Council

 City Manager

APPENDIX

Recreation Facilities Supplied, Demand and Need for Future Recreation Facilities by 1993 and 2008:

In June, 1987, the City of Zephyrhills, in an attempt to identify recreation priorities of the Zephyrhills community, conducted a survey of 250 of the City's residential water customers. The mailing was selected by taking every 20th name from the computerized file for residential customers. The responses from 62 residents did provide an indication of recreational pursuits desired by area residents. The most frequently checked responses were:

- | | |
|------------------------|-------------------|
| * Walking path | * Golf |
| * Swimming pool | * Fishing |
| * Library | * Nature preserve |
| * Multi-purpose center | * Crafts/hobbies |
| * Bicycle path | * Dancing |
| * Performing arts | * Bowling |

Combined, the walking and bicycle paths were the most frequently mentioned item. This recreational facility can be and is being integrated into the pedestrian circulation element of the Comprehensive Plan, the capital expenditure budget (sidewalks), subdivision regulations and site plan review requirements. To provide facilities desired by residents, the City has begun to implement a pedestrian circulation plan linking parks, schools, commercial areas and residential areas with sidewalks.

A swimming pool is one feature of the community park at the Hercules Site which is being developed with Pasco County recreation bond funds.

The City operates a municipal library and the County is proposing a Zephyrhills community library.

A multi-purpose center (which could accommodate performing arts, crafts/hobbies and dancing) is not included in the five year capital improvements program, however, Pasco County is designing the Hercules site with space for a potential center in the future.

There are four private golf courses in the immediate area and a fifth is being developed.

Adopted By City Council

Effective Date JUN 20 1989

Davidson
President of City Council

Thibault
City Manager

There is ample opportunity for fishing and enjoyment of nature within the immediate area, and indeed, within the City itself.

There also are two commercial bowling lanes within the community.

RECREATIONAL FACILITIES SURVEY RESULTS

HOUSEHOLD COMPOSITION

Number of pre-school children	<u>1</u>	Number of persons 25-40	<u>15</u>
Number of children 6-12	<u>9</u>	Number of persons 41-54	<u>16</u>
Number of teenagers 13-18	<u>8</u>	Number of persons 55-64	<u>32</u>
Number of young persons 19-24	<u>3</u>	Number of persons 65 and older	<u>53</u>

Please indicate by placing an "X" in front of the ten types of recreational facilities your household does use or would use if available within the Zephyrhills Community at no cost, or with a nominal user fee.

<u>7</u> Aerobic Exercise	<u>32</u> Library
<u>7</u> Archery	<u>1</u> Motorized Vehicle (off road)
<u>6</u> Baseball	<u>26</u> Multi-Purpose Center
<u>3</u> Basketball	<u>16</u> Music
<u>2</u> Bicycle Motorcross	<u>19</u> Nature Preserve
<u>26</u> Bicycle Trail/Path	<u>22</u> Performing Arts
<u>14</u> Bingo	<u>3</u> Playground
<u>11</u> Boating	<u>15</u> Roller Skating Rink
<u>18</u> Bowling	<u>4</u> Running Track
<u>4</u> Camping	<u>7</u> Shuffleboard
<u>11</u> Card Games	<u>6</u> Softball
<u>19</u> Crafts/Hobbies	<u>2</u> Soccer
<u>18</u> Dancing	<u>36</u> Swimming
<u>3</u> Drag Strip	<u>1</u> T-Ball
<u>20</u> Fishing	<u>5</u> Tennis
<u>1</u> Football	<u>2</u> Volleyball
<u>10</u> Gardening	<u>39</u> Walking Path
<u>21</u> Golf	<u>1</u> Other (specify) Driving Range
<u>2</u> Handball	<u>1</u> Other Picnic Area
<u>9</u> Horseback Riding	<u>1</u> Other Museum - RR station
<u>6</u> Horseshoes	<u>1</u> Other Enclosed Shopping Mall
<u>9</u> Jogging Path	<u>1</u> Other Teen Center

Adopted By City Council

Effective Date JUN 20 1980

Fairham
President of City Council

Michael
City Manager

CONSERVATION ELEMENT

PURPOSE

The purpose of the conservation element is to provide a guide for the conservation, use and protection of natural resources within the City of Zephyrhills.

In addition, the element establishes a plan and policy direction concerning conservation of natural resources and will provide a basis for decision-making by City officials.

ENVIRONMENTAL CONDITIONS: Zephyrhills lies primarily within the Hillsborough River Basin. It has a moderate climate which is favorable for crop production and livestock. The summers are long, hot and humid. Winters, although punctuated with occasional cold fronts dropping temperatures below freezing, are mild due to the southern latitude and short distance from relatively warm ocean waters. The mean annual precipitation is about 54 inches.

The 1988 population is estimated to be 6,888. The 1980 population was 5,742. The county's growth between 1980 and 1988 was primarily due to migration from other states. Development pressure is accelerating due to the close proximity of the I-75 corridor east of Tampa. The City of Zephyrhills is approximately 22 minutes driving time from the intersection of I-75 and Fowler Avenue in Hillsborough County. The I-75 corridor is projected to have one of the largest concentrations of jobs within the State of Florida by the year 2000.

Currently there are no significant environmental problems within the City, but the Floridan aquifer could be threatened from pollution due to runoff from more intense development. The water quality of the Hillsborough River which receives runoff from this area could also be threatened if adequate mitigation measures are not taken.

General degradation of environmentally sensitive lands, regionally significant recreation areas and critical habitats for flora and fauna is occurring, and given the present growth rate, will continue to occur unless mitigative measures are taken.

SURFACE WATER: The most prominent water feature of Zephyrhills is Lake Zephyr within Zephyr Park, although the original natural lake has been extensively reconfigured in past decades. The present surface area is approximately six acres. The upper Lake Zephyr drainage basin extends to approximately one mile east of Handcart Road and $\frac{1}{4}$ mile north of Geiger Road. Downstream the outfall from Lake Zephyr is channeled via a man-made ditch to US 301 near Chancey Road. From US 301 the outfall is not well defined as water flows across open land to the Hillsborough River.

Adopted By City Council

Adopted By City Council

Effective Date JUN 20 1989

President of City Council

City Manager

When Zephyrhills Municipal Airport was constructed in 1942, the U.S. Army Corps of Engineers developed a drainage system which is essentially a "Y" shaped open ditch. The airport is in the crotch of the "Y" and the lower leg of the "Y" extends to a bayhead which in turn overflows to the Hillsborough River. During the succeeding 46 years the ditches have become ecologically similar to natural streams with a full compliment of aquatic plant and animal species.

In 1987 the City annexed 351 acres of a cattle ranch northwest of the city which is being developed as a golf course and residential community (Silver Oaks). The pre-existing cattle watering ponds were extensively expanded to provide on-site stormwater storage capacity as well as aesthetic features of the development. The outfall for this series of ponds is across Simons Road to a natural lake of approximately 40 acres (Little Lake Austin). A site including most of this lake was annexed into the City in 1988. This lake is also within the upper Lake Zephyr drainage basin.

Land annexed south of the City during 1988 includes bayheads and wet prairies which are part of the Hillsborough River corridor. There are numerous other isolated small ponds and wetlands within the City which are not part of a surface water system, but are groundwater recharge areas.

WATER QUALITY: Lake Zephyr is essentially an integral element of the stormwater drainage system for the City of Zephyrhills and the upper Lake Zephyr drainage basin. Water quality of the lake does support some species of fish, but is not adequate for swimming.

The airport drainage ditch system supports extensive wildlife, but has extremely poor water quality. During most seasons the water in these ditches is stagnant.

The series of ponds on the Silver Oaks golf course are so recently constructed that water quality observation is not meaningful.

Little Lake Austin has only recently been annexed to the City. Land Use and Recreation Elements of this Comprehensive Plan propose that this lake and surrounding wetlands become a significant feature of the area's recreation system.

AIR QUALITY: Zephyrhills is not within an area with identified significant air quality problems which result from excessive automotive exhaust and/or point sources of air pollutants.

FLOOD PLAINS: The only flood plain in Zephyrhills is adjacent Lake Zephyr and the related drainage basin. Specific identification of the area subject to flooding was the subject of a major drainage study in 1988 funded by Pasco County and St. Johns. At this writing the results of the study are not available.

Adopted by City Council
20 1989
President of City Council
City Manager

we do not anticipate any significant modification of hydrologic features within the City. The portion of this flood hazard area within the City is shown on Map PF-3 in the Public Facilities Element.

COMMERCIAL MINERALS: The only commercially valuable mineral within the Zephyrhills community is lime rock. There are no rock mines within the City limits. Zephyr Rock and Lime has an active limestone quarry adjacent to the Hillsborough River approximately one mile south of the airport.

SOILS SUSCEPTIBLE TO EROSION: There are no significant soil erosion problems in the Zephyrhills area.

WILDLIFE: There are three animal species of special concern within the Zephyrhills area:

- American alligator
- Burrowing owl
- Gopher tortoise

There are numerous alligators in the drainage ditches at the airport. This habitat was created when the City constructed an earth dam across the ditch to allow the ditch to function as a storm water detention facility to protect water quality of the Hillsborough River. These alligators have become so numerous that some have been destroyed by the Florida Game and Fresh Water Fish Commission.

There are burrowing owls on airport property and possibly on other sites within the City.

Extensive areas within the City provides habitat suitable for the gopher tortoise. We are unaware of specific sightings within the City.

Future development plans will be reviewed for potential habitat of the three species of special concern known to exist in the area.

CONSERVATION NEEDS

As previously stated, Lake Zephyr is an integral link in stormwater management for the City and the upper Lake Zephyr drainage basin. The City, County and SWFWMD are each involved in permitting any new development. One objective of these permitting procedures is to mitigate any further deterioration of water quality. On-site retention of storm water is an integral part of site plan approval for all development in the City other than a single residence or a single duplex. To the extent that post-development runoff is less than pre-development, the quantity of pollutants entering Lake Zephyr would be reduced.

Water in the airport drainage ditches is extremely turbid but probably contain very low quantities of inorganic pollutants.

Adopted by City Council
Effective 12/20/1989
President of City Council
City Manager

because impervious areas on the airport are a small fraction of the total drainage area.

Ponds on the Silver Oaks Golf Course have not been in place for a sufficient amount of time to develop a mature biologic community. These ponds are designed to be aesthetic features as well as providing for storm water detention. We assume that a high standard of water quality will be maintained.

Little Lake Austin is relatively undisturbed or effected by urban development. Annexation will facilitate provision of a sanitary sewer collection system to potential development surrounding this lake and thereby avoid the inherent potential pollution emanating from septic fields.

Flood hazard areas have been identified by Pasco County and SWFWMD. Only a small portion of the flood hazard area is a physiological flood plain. Portions of the flood plain within the City are adjacent to Lake Zephyr and west of West Elementary School (Map PF-3). No further development will be permitted within the flood plain without adequate mitigation.

The presence of alligators in the drainage ditch adjacent to the airport and municipal golf course is a matter of concern to local residents. At some point in the future, removal of this habitat may be warranted as an "overriding public interest".

The only known sighting of burrowing owls to date has been on the municipal airport. These birds can co-exist with aviation activity if there is sufficient undisturbed area for burrows and forage. Large portions of the airport land must be maintained as "open area" for safe aviation activity. In those instances when a structure or pavement would eliminate habitat, any owls affected can be relocated with minimal effort.

Gopher tortoise are relatively common in the east Pasco area and it is quite probable they exist within the City. Potential habitat has been described by Florida GFWFC and will be used in evaluation of future site development plans.

Although Florida Statutes prohibit disposal of hazardous waste onto the land, the City accepts small quantities of hazardous wastes unknowingly on a regular basis. This occurs when households and small quantity generators deposit unmarked containers of hazardous waste into solid waste dumpsters or trash cans. The waste is eventually deposited at the Pasco County landfill if undetected.

WATER SUPPLY NEEDS

The City of Zephyrhills municipal water system is the primary provider of water within the City. There are a few private wells which are used for irrigation only, with the exception is Silver Oaks, which has an irrigation system.

Adopted by City Council
The Mayor
Date of Resolution
President of City Council
City Manager

course with a permitted withdrawal capacity of 1.34 MGD.

The City of Zephyrhills in 1987 pumped approximately 418 million gallons from the seven wells in the municipal systems. Approximately 70% of that water was sold to residential customers. Assuming the same residential/non-residential mix, and projecting an annual growth of 2% to 2010, the City water system would be providing approximately 800 million gallons in 2010.

In 1987 approximately 10.5% of total water used was during the month of August. If we assume a similar use pattern in 2010, the average daily consumption during the peak month will be 2.58 MGD.

Current permitted withdrawal capacity of the City's seven wells is 1.54 MGD average with a maximum daily withdrawal of 2.63 MGD. No additional permit capacity will be needed by 2010. Existing City wells and pumps are capable of delivering 7.2 MGD. In the past SWFWMD had approved much higher withdrawal capacities, but the withdrawal rates were significantly reduced in 1986 to more closely approximate peak withdrawal rates.

The municipal water supply is of excellent quality. The best affirmation of local water quality is the 1988 decision of Perrier, the parent corporation of Zephyrhills Bottled Water, to double the size of their operation in Zephyrhills. The source of their water is municipal wells.

Adopted By City Council

Effective Date JUN 20 1985

L. A. Ham
President of City Council

Michael
City Manager

GOALS, OBJECTIVES, POLICIES

The following goals, objectives and policies are adopted by the City of Zephyrhills to promote the conservation for public use and protection of natural resources within the municipal jurisdiction, and to mitigate negative environmental impacts of urbanization on the surrounding area.

GOAL

CON-1: Meet or exceed minimum air quality standards established by FDER.

OBJECTIVE

CON-1-1: At present the air quality within the City of Zephyrhills does meet FDER standards.

POLICY

CON-1-1-1: No development will be approved within the City which would result in a significant point source of air pollution.

POLICY

CON-1-1-2: The City shall reduce the potential for automobile pollution by the following means:

- a) encourage developments such as PUD's and multi-use centers;
- b) require vegetation buffer strips between arterial roadways and residential development; &
- c) promote alternative transportation modes such as bicycle and pedestrian paths.

GOAL

CON-2: Protect and improve the quality of surface waters.

OBJECTIVE

CON-2-1: Incorporate wetlands protection into local development regulations by 6/30/90.

POLICY

CON-2-1-1: Require an affirmative review by SWFWMD delineating all wetlands on proposed development sites if the site contains hydric soils, readily identifiable wetland vegetation, and/or surface water.

POLICY

CON-2-1-2: Prohibit impervious surfaces to be added within 30 feet of a delineated wetland larger than 40,000 square feet, but allow wetland area to be used for setback and landscaping requirements. Development activity near wetlands shall be permitted if it can be shown that these activities will not adversely affect the wetland.

Adopted By City Council

Effective Date 11/11/2010

[Signature]
President of City Council

[Signature]
City Manager

POLICY

CON-2-1-3: Encourage development of sites with significant wetlands to be designed as Planned Unit Developments.

POLICY

CON-2-1-4: Protect the hydrologic continuity and water quality of wetlands. Development activities or other land disturbances in the drainage area of wetlands shall minimize alterations to the surface or subsurface flow of water into and from the wetland and shall not cause impairment of the water quality of the plant and wildlife habitat value of the wetland. Land use planning and development decisions shall consider the impact on surface and groundwater quality.

POLICY

CON-2-1-5: Prime groundwater recharge areas and cones of influence of existing and future major public water supplies and well fields shall be identified and mapped. Regulations which serve to provide special protection to these recharge areas shall be implemented at the local levels. Activities which could conceivably breach the confining unit to the Floridan Aquifer shall be strictly regulated.

GOAL

CON-3: Maintain the present high quality of ground water which is the source of municipal potable water.

OBJECTIVE

CON-3-1: In cooperation with SWFWMD and DER establish one ground water monitoring stations at Lake Zephyr and four stations south of the airport adjacent to the drainage ditch by 9/30/90.

POLICY

CON-3-1-1: The City will provide appropriate sites for ground water monitoring wells. The actual monitoring will be performed by staff of SWFWMD.

GOAL

CON-4: Preserve habitat of rare and endangered species of plants or animals and mitigate for the loss of habitat for species of special concern.

OBJECTIVE

CON-4-1: Complete an inventory of critical habitats of endangered and species of special concern within the City by 9/30/91.

POLICY

CON-4-1-1: Confer with Florida Game and Freshwater Fish Commission

Adopted By City Council
Effective Date JUN 20 1989
President of City Council
City Manager

Commission to identify potential species of special concern within the area and methods for identifying habitats.

POLICY

CON-4-1-2: Coordinate natural resource identification habitat delineation and protections with Pasco County Planning Department.

OBJECTIVE

CON-4-2: Establish criteria for mitigating the loss of habitat for species of special concern by 9/30/91.

POLICY

CON-4-2-1: Confer with Florida Game and Fresh Water Fish Commission to determine acceptable habitat mitigation for presently identified species of special concern within the area (alligator, burrowing owls, gopher tortoise).

POLICY

CON-4-2-2: Adapt a definition for "overriding public interest", as it pertains to description of habitat.

POLICY

CON-4-2-3: Any project including unavoidable destruction of habitat shall mitigate all lost wetland habitat on a 1:1 in-kind basis, at minimum. Mitigation shall include monitoring with assurance of an 80-85% natural cover area after 2-5 years.

GOAL

CON-5: Properly dispose of all hazardous waste generated or collected within the City of Zephyrhills.

OBJECTIVE

CON-5-1: Develop a Hazardous Waste Management Plan in coordination with Pasco County and FDER by 9/30/90 to address storage and disposal of hazardous waste.

POLICY

CON-5-1-1: Inform citizens of proper method to store and dispose of household and commercial hazardous materials.

Adopted By City Council
Effective Date JUN 20 1989
Fairham
President of City Council
Michael
City Manager

CAPITAL IMPROVEMENTS ELEMENT

PURPOSE

The purpose of the capital improvements element is to evaluate the need for public facilities as identified in the individual comprehensive plan elements, to estimate the cost of improvements for which the local government has fiscal responsibility, to analyze the fiscal capability of the local government to finance and construct improvements, to adopt financial policies to guide the funding of improvements and to schedule the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other comprehensive plan elements.

PUBLIC FACILITIES NEEDS

The public facilities and infrastructure needed to support the projected peak seasonal population of 14,000 persons by the year 2010 are discussed in the Traffic Circulation, Public Facilities and Recreation Elements of this Comprehensive Plan.

The Pasco County School Board is responsible for public education county-wide. Within the City of Zephyrhills the school system includes West Elementary, Woodland Elementary, Stewart Middle School and Zephyrhills High School. The City has no jurisdiction for defining attendance zones. There are no plans to expand any of the existing schools or build any new schools within the present incorporated area.

The Pasco County Health Department operates a public health clinic, serving southeast Pasco County, from a site on Alston Avenue adjacent to the Krusen Field Recreation complex.

All developed areas of the City are served by the municipal sewer system except Pinecrest Mobile Home Park located at US 301 and Geiger Road and Edgewood Mobile Home Subdivision immediately south of Lake Zephyr. The soils at Pinecrest and Edgewood are indicated on the Soil Survey of Pasco County to be Tavares-Urban Land. Permeability of Tavares soils is very rapid. There are no known problems resulting from septic tanks in these two mobile home parks. Sewer lines are adjacent to both, and sewer service could be provided if requested by land owners or required by the Pasco County Health Department.

Adopted By City Council
Effective Date JUN 20 1989
Fairman
President of City Council
Mobile
City Manager

FUNDING SOURCES

Sources of revenue to fund various categories of public facilities are summarized in the following Table CI-1.

TABLE CI-1
SOURCES OF FUNDING FOR CAPITAL IMPROVEMENTS
CITY OF ZEPHYRHILLS

<u>Type of Facility</u>	<u>Sources of Funding</u>
Roads	General Fund, paving assessments, gas tax, developer contributions, transportation impact fees, Pasco County, FDOT, CDBG
Sidewalks	General Fund, developer contributions, gas tax
Water System	Bond proceeds, connection fees, developer contributions, reserves
Sewer System	Bond proceeds, connection fees, developer contributions, reserves
Drainage	General Fund, developer contributions, Pasco County
Parks and Recreation	General Fund, Pasco County bond issue, private contributions
Source: City Manager	

CAPITAL IMPROVEMENTS PROGRAMMING

Compilation of a Capital Improvements Program involves:

- ° inventory of needs
- ° prioritization of needs
- ° inventory of funding opportunities
- ° assessment of external constraints and opportunities
- ° sequencing of inherently dependent development
- ° scheduling within a time frame

The City of Zephyrhills has traditionally paid for capital improvements out of current revenues with few exceptions. The City-owned nursing home was financed by sale of notes to local residents. The airport terminal building was financed by a loan from a local bank. In 1986 the City issued the first ever Bond Issue of \$5.25 million water and sewer revenue bonds to finance major improvements to the water and sewer system. There are no general obligation bonds or other encumbrances of the General Fund.

Adopted By City Council

Effective Date JUN 20 1989

[Signature]
President of City Council

[Signature]
City Manager

Even with this very conservative fiscal policy, the public facility and infrastructure deficiencies are extremely modest.

- ° all collector roads for which the City is responsible presently provide a Level of Service "C" or better
- ° in FY'89 the City will complete a network of pedestrian walkways connecting all schools, major recreation areas and the downtown area
- ° a contract has been awarded for construction of an above-ground water storage tank to stabilize water pressure City-wide
- ° a contract has been awarded to increase the wastewater treatment plant capacity to 2.25 MGD which should be adequate through the horizon year of 2010
- ° there are no major flooding or drainage problem areas within the City
- ° recreation facilities within the City are more than adequate to meet local needs with the exception of a swimming pool, and this deficiency will be met by Pasco County development of a Community Park in FY'89.

The first priority for each type of capital improvement is to address existing service deficiency. Those deficiencies which are a City responsibility have been addressed in the current (FY'89) budget or have been proposed for FY'90. Those deficiencies which are being addressed by Pasco County are programmed in the year committed by the funding source.

Beyond the relatively modest current deficiencies, facilities to serve new development are programmed to coincide with specific development. Current City policy requires that all new development be served by adequate traffic access, sufficient volume of water to provide adequate fire protection, and public sewage collection and disposal.

Improvement to collector or arterial roadways may be funded from transportation impact fees. The cost of internal streets and provision of adequate access via local streets is a responsibility of the developer. Extending of water and sewer lines is paid for by the developer, but the City does provide credit toward future connection fees for a portion of off-site costs if the line extension can serve other future development. Development regulations also require provisions for pedestrian circulation when appropriate and on-site storm water management.

The following Tables are a summation of anticipated capital improvements for the current (FY'89) year and the next five years.

Adopted By City Council
Effective Date JUN. 20 1989
Fresnam
President of City Council
McKee
City Manager

TABLE CI-2
PROPOSED ROADWAY IMPROVEMENTS

<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. Construct Simons Road 24 ft. from Fort King to Geiger Road	\$69,000 from developer, \$15,000 from impact fees, \$55,000 from gas tax \$26,000 from Pasco County
2. Widen Geiger Road to 24 ft. from Silver Oaks to US 301	\$36,000 from developer, \$36,000 from gas tax,
3. Widen Wire Road to 24 ft. from Pretty Pond to CR 54	\$30,000 from impact fees, \$22,000 from gas tax
4. Construct Pretty Pond to 24 ft. from US 301 to Wire Road	\$76,000 from impact fees
5. Install Traffic Signal US 301/Daughtry	\$14,000 from Pasco County \$20,000 from gas tax \$20,000 from private
FY'91	
1. Widen North Avenue to 24 ft. from 12th Street to 20th Street	\$15,000 from gas tax
2. Design four lanes on SR 54 from US 301 to Court Street	\$40,000 from impact fees
FY'92	
1. Construct Sixth Avenue 24 ft. from landfill to East Bypass	\$15,000 from impact fees, \$35,000 from gas tax
FY'93	
1. Construct Alston Avenue 24 ft. from Meadowood to Tucker Road	\$30,000 from impact fees, \$30,000 from Airport Fund, \$30,000 from gas tax
FY'94	
1. Construct Alston Avenue 24 ft. from Tucker Road to East Bypass	\$22,000 from impact fees, \$22,000 from Airport Fund, \$22,000 from gas tax
INDEFINITE	
1. US 301 one-way pair from Geiger Road to SR 39	FDOT

* All cost estimates are based on actual local roadway construction costs during FY'88 and first 6 months of FY'89.

Source: City Manager

Adopted By City Council
Effective Date JUN 20 1989
[Signature]
President of City Council
[Signature]
City Manager

TABLE CI-3
PROPOSED NEW SIDEWALKS*

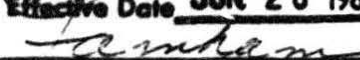
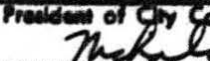
<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. South Avenue from 20th Street to Easy Acres Park	\$6,000 from General Fund
2. 11th Street, 14th Avenue and 12th Street from Stewart Middle School to CR 54 East	\$19,000 from General Fund
3. 20th Street from South Avenue to Park Hill Apartments	\$25,000 from General Fund
4. Path in Community Park next to Woodland Elementary School	Pasco County
FY'91	
1. 12th Avenue from 11th Street to 16th Street and 16th Street to North Avenue	\$10,000 from General Fund
2. Henry Drive from North 16th Street to 12th Street	\$7,000 from General Fund
3. Henry Drive from Woodland School to 12th Street	\$8,000 from General Fund
4. Stadium/Cedar Ridge/Dairy from CR 54 East to EPMC	\$25,000 from General Fund
FY'92	
1. Lincoln Heights Park to 20th Street	\$25,000 from General Fund
2. "C" Avenue from Court Street to Zephyr Park	\$18,000 from General Fund
3. 1st Street from 14th Avenue to Geiger Road	\$7,000 from General Fund
FY'93	
1. Airport Road from Lincoln Heights to Krusen Field	\$15,000 from General Fund
2. Court Street from Orange Blossom to "C" Avenue	\$18,000 from General Fund
3. Geiger Road from Silver Oaks to US 301	\$17,000 from General Fund

FY'94 et seq

\$50,000.00 each year for sidewalks

* All sidewalks are 4ft in width

Source: City Manager

Adopted By City Council
Effective Date JUN 20 1989

President of City Council

City Manager

**TABLE CI-4
PROPOSED WATER SYSTEM IMPROVEMENTS**

<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. 12" line from Storage Tank to Pretty Pond and US 301	\$38,000 from connection fees
2. 8" line on Court Street from SR 54 to "C" Avenue	\$7,000 from developer, \$7,000 from connection fees
FY'91	
1. 8" line on Alston Avenue from US 301 to 20th Street	\$35,000 from connection fees
2. 8" line on N. Court Street from 8th Avenue West to SR 54	\$14,000 from connection fees
FY'92	
1. 8" line on Fort King from US 301 to Valley Dale	\$50,000 from connection fees
FY'93	
1. 12" line on Magnolia from 12th Street to Orange	\$12,000 from connection fees
2. 12" line on 20th Street from Water Co. to Tucker Road	\$13,000 from developer, \$13,000 from connection fees
3. 8" line on 23rd Street from 10th Avenue to CR 54	\$35,000 from connection fees
FY'94	
1. 12" line on Tucker Road from 20th Street to Meadowood	\$26,000 from developer, \$27,000 from connection fees
2. 8" line Meadowood to Tucker	\$4,000 connection fees

Source: City Manager


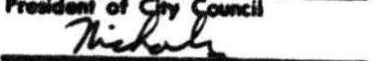
Adopted By City Council
Effective Date JUN 20 1989

President of City Council

City Manager

TABLE CI-5
PROPOSED SEWER SYSTEM IMPROVEMENTS

<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. Gravity from Fort King/US 301 to lift station NW 7	\$38,000 from connection fees
FY'91	
1. Gravity sewer on Pretty Pond from Dairy Road to Wire Road	\$20,000 from developer, \$20,000 from connection fees
2. Connection of Edgewood MH S/D + lift station	\$30,000 from connection fees
FY'92	
1. Connection of Pinecrest MHP	\$7,000 from developer
2. Force main from City land fill to Lincoln Heights	\$22,000 from connection fees
FY'93	
1. Airport Industrial Park	\$25,000 from Airport Fund
2. Wilson south of Tucker	\$25,000 from developer, \$4,000 from connection fees
FY'94	
1. Wilson south of Tucker	\$25,000 from developer
2. Heinlein east of CSX Railroad	\$25,000 from developer, \$4,000 from connection fees
3. Heinlein west of Simons Road	\$25,000 from developer, \$4,000 from connection fees

Source: City Manager

Adopted By City Council
Effective Date JUN 20 1989
Tom Ham
President of City Council
Michael
City Manager

TABLE CI-6
PROPOSED DRAINAGE IMPROVEMENTS

<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. Master drainage plan for airport	\$10,000 from Airport Fund
2. 5th Avenue between 17th Street and 19th Street	\$10,000 from General Fund
FY'91	
1. Improve Lake Necessity	\$10,000 from General Fund
FY'92	
1. Local Improvements Coordinated with US 301 Improvements	\$10,000 from General Fund
FY'93	
1. Local improvements coordinated with US 301 improvements	\$10,000 from General Fund
FY'94	
1. Local improvements coordinated with US 301 improvements	\$10,000 from General Fund

Source: City Manager

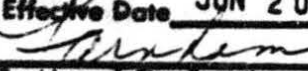

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 Effective Date JUN 20 1989

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 City Manager

TABLE CI-7
PROPOSED PARK AND RECREATION IMPROVEMENTS

<u>Project</u>	<u>Funding Amount and Sources</u>
FY'90	
1. Community Park and Pool	\$900,000 from Pasco County bond issue
2. Complete Renovation of CSX Depot	\$40,000 from General Fund
3. Construct new Boy Scout building at Shepard Park (including public restrooms)	\$60,000 from community donations
4. Feasibility study to acquire and develop Little Lake Austin	\$10,000 from General Fund
5. Feasibility study for development of a multi-purpose recreation center	\$25,000 from General Fund

FY'91

Specific funding to be identified by two feasibility studies in FY'90 with an anticipated level of funding of \$50,000 annually.

Source: City Manger

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Effective Date JUN 20 1980
[Signature]
President of City Council
[Signature]
City Manager

All cost estimates in Table CI-2 through CI-6 are based on 1988 actual unit costs plus 25% for engineering and contingencies. The costs for recreation improvements (Table CI-7) are based on estimates from private sources, the Pasco County Department of Parks and Recreation and City experience. The two feasibility studies proposed for FY'90 will provide a basis for cost estimates in future years.

The proposed timing and location of capital improvements have been related to anticipated major private developments. The specific developments influencing the programming of capital improvements are listed in Table CI-8 following. Obviously scheduling of private development beyond FY'90 is very speculative and subject to revision assuming that adequate financial resources are available.

TABLE CI-8
ANTICIPATED PRIVATE DEVELOPMENTS
REQUIRING EXPANDED PUBLIC FACILITIES
CITY OF ZEPHYRHILLS

<u>Project</u>	<u>Description</u>
FY'90	
1. Concire, Inc.	177k shopping center
2. Roystone Development	64 d.u. Multi-family
FY'92	
1. Heinlein	87 acres east of CSX railroad
FY'93	
1. Zephyrhills Airport	Phase I of Industrial Park
2. L.S. Wilson	Acreage south of Tucker Road
FY'94	
1. L.S. Wilson	Acreage south of Tucker Road
2. Heinlein	Acreage west of Simons Road

Source: City Manager

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President of City Council
[Signature]
City Manager

The only state funded activity within the City proposed is converting US 301 to a one-way pair using the existing alignment and 6th Street. Concurrent with the US 301 improvement the City may need to modify street drainage of adjacent streets. This cannot be determined until final design of the US 301 improvement is completed.

The following Table CI-9 summarizes the anticipated City financial commitment for capital improvements for FY'90 - FY'94. The level of funding from the General Fund is projected to decrease in the out years because current deficiencies will have been remedied. Most new infrastructure costs related to new development are to be paid from impact and connection fees.

Water and sewer connection fee policy assures that funding will be available for system extensions when needed. Developers are required to pay for extensions and receive rebates for part of off-site costs in the form of connection fee credits. Connection fees paid by development served by existing lines are applied to retiring the bond issue which financed the sewage treatment plant expansions and above-ground water storage tank.

ABILITY TO FINANCE CAPITAL IMPROVEMENTS

In FY'89 the City of Zephyrhills budgeted for the following Capital Improvements:

<u>Item</u>	<u>Amount</u>	<u>Source</u>
1 New Street Paving	100,000	Gas Tax
2 Sidewalks	50,000	Gas Tax
3 Drainage	10,000	General Fund
4 Historic Preservation	45,000	General Fund
5 Park Improvement	21,000	CDBG
6 Handicapped Accessible Restrooms	45,000	CDBG
7 Back-up Generator for Stormwater Pump	15,000	General Fund
8 Expanded Equipment Storage	21,000	Utility Fund
9 Water Tank	972,000	Utility Fund (Bond Issue)
10 Water Line Extensions	219,000	" "
11 Sewer Plant Expansion	4,166,000	" "
12 Sewer Line Extensions	105,000	" "
13 Parallel Taxiway	660,000	Airport Fund (95% Grant)
14 Non-Directional Beacon	23,000	(95% Grant)
15 Airport Fencing	27,000	(50% Grant)
16 Nursing Home Expansion	2,040,000	Nursing Home (FHMA Loan)

Only items 1,2,3,4,5,10 and 12 above are recurring expenditures which are projected in Table CI-9. Following is a summary of the City's ability to finance these recurring expenditures.

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President of City Council

[Signature]
City Manager

(1) <u>Street Paving</u>			
Projected costs FY'90-FY'94			\$479,000
Current Resources			\$429,000
Unobligated Gas Tax	320,000		
Unobligated Paving Assessments	14,000		
Unobligated Trans. Impact Fees	95,000		
Projected Resources FY'90-FY'94			\$964,000
Gas Tax ($\frac{1}{2}$ less sidewalks)	550,000		
Paving Assessments	50,000		
Trans. Impact Fees	364,000		
Projected Surplus			\$914,000
(2) <u>Sidewalks</u>			
Projected Costs FY'90-FY'94			\$250,000
Projected Resources			\$250,000
Gas Tax	250,000		
(3) <u>Drainage</u>			
Projected Costs FY'90-FY'94			\$ 60,000
Projected Resources			\$ 60,000
*General Fund	50,000		
Airport Fund	10,000		
(4) & (5) <u>Historical Preservation/Park Improvements</u>			
Projected Costs FY'90-FY'94			\$275,000
Projected Resources			\$275,000
*General Fund	275,000		
(10) <u>Water Line Extension</u>			
Projected Costs FY'90-FY'94			\$235,000
Projected Resources			\$235,000
Connection Fees	235,000		
(12) <u>Sewer Line Extension</u>			
Projected Costs FY'90-FY'94			\$102,000
Projected Resources			\$102,000
Connection Fees	102,000		

* The only infrastructure improvements projected at this date to be funded from other than users fees are \$50,000 for miscellaneous non-street drainage and \$275,000 for historic preservation and recreation facilities. This level of commitment from the General Fund averages \$65,000 over the next five years which is consistent with the \$70,000 budgeted for similar improvements in FY'89.

Adopted By City Council

Effective Date JUN 27 1989

Richard M. ...
President of City Council

Michael ...
City Manager

TABLE CI-9
SUMMARY OF PROPOSED CAPITAL EXPENDITURES
UTILIZING CITY FUNDS FY'90 - FY'94
CITY OF ZEPHYRHILLS

TYPE OF IMPROVEMENT	FY'90	FY'91	FY'92	FY'93	FY'94
Roads	121k Impact Fees 113k Gas Tax	15k Gas Tax	15k Impact Fees 35k Gas Tax	30k Impact Fees 30k Gas Tax 30k Airport Fund	46k Impact Fees 22k Gas Tax 22k Airport Fund
Sidewalks	50k Gas Tax	50k Gas Tax	50k Gas Tax	50k Gas Tax	50k Gas Tax
Water System	45k Connection Fees	49k Connection Fees	50k Connection Fees	60k Connection Fees	31k Connection Fees
Sewer System	38k Connection Fees	50k Connection Fees	22k Connection Fees	4k Connection Fees 25k Airport Fund	8k Connection Fees
Drainage	10k General Fund 10k Airport Fund	10k General Fund	10k General Fund	10k General Fund	10k General Fund
Recreation	75k General Fund	50k General Fund	50k General Fund	50k General Fund	50k General Fund
FUNDING SOURCES					
General Fund	85k	60k	60k	60k	60k
Gas Tax	163k	65k	85k	80k	72k
Transportation Impact Fees	121k	0	15k	30k	46k
Water Connection Fees	45k	49k	50k	60k	31k
Sewer Connection Fees	38k	50k	22k	4k	8k
Airport Fund	10k	0	0	55k	22k
Total Capital Expenditures	462k	224k	232k	289k	239k

Source: City Manager

GOALS, OBJECTIVES, POLICIES

The following policies are intended to establish a basis for assuring the availability of public facilities and infrastructure in a timely manner to support rational growth consistent with the Future Land Use Plan.

GOAL

CI-1: Provide an adequate level of funding to meet existing deficiencies, replace obsolete facilities and accommodate desired growth.

OBJECTIVE

CI-1-1: The Capital Improvements Element will be used as a means to meet the needs of the City of Zephyrhills for the construction of capital facilities necessary to meet existing deficiencies, to accommodate desired future growth and to replace obsolete or worn-out facilities beginning 10/1/89.

POLICY

CI-1-1-1: Criteria used to evaluate the need for capital improvements will include:

- a. The elimination of public hazards;
- b. The elimination of existing capacity deficits;
- c. Local budget impact;
- d. Locational needs based on projected growth patterns;
- e. The accommodation of new development and redevelopment facility demands;
- f. Financial feasibility; and
- g. Plans of state agencies and water management districts that provide public facilities within the City's jurisdiction.

POLICY

CI-1-1-2: Conduct a review of the fixed assets inventory and establish an amortization period for each asset to be used in preparing the annual operating budget.

POLICY

CI-1-1-3: Evaluate the future work station needs to accommodate expanded and/or reorganized City staff.

POLICY

CI-1-1-4: Inventory obsolete and structurally deteriorated public facilities and infrastructure.

POLICY

CI-1-1-5: Establish a replacement fund for buildings, facilities and equipment within the General Fund and each enterprise fund.

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 Effective Date JUN 20 1989
[Signature]
 President of City Council
[Signature]
 City Manager

POLICY

CI-1-1-6: The City will review adequacy of existing and committed public facilities to meet the anticipated needs of previously approved development, particularly demands on the SHS.

GOAL

CI-2: Provide new capital improvements as summarized in Table CI-9 concurrent with new development to maintain adopted levels of service .

OBJECTIVE

CI-2-1: Identify and budget for capital improvements to accommodate all major new development plans approved after 9/30/89 which are needed to maintain adopted LOS.

POLICY

CI-2-1-1: No recommendation will be made by the Site Plan Review Committee to the Planning Commission or City Council until specific financial commitments are proposed to provide needed public facilities to maintain adopted LOS concurrent with development.

POLICY

CI-2-1-2: Fiscal policies will direct expenditures for capital improvements which recognize the policies of other elements of this Plan.

GOAL

CI-3: Require new development to bear a fair share of costs to expand public facilities needed to maintain adopted levels of service.

OBJECTIVE

CI-3-1: Maintain current policies for developer participation in the financing of water, sewer and roadway improvements and evaluate the need for other new sources of fees by 9/30/90.

POLICY

CI-3-1-1: Re-evaluate the Transportation Impact fee rates annually to update the schedule of fees.

POLICY

CI-3-1-2: Re-evaluate the water and sewer impact fee rebate policy and connection fee rates after the sewer plant expansion and water storage tank construction are complete.

POLICY

CI-3-1-3: Continue to allocate sufficient financial resources annually to construct a minimum of two miles of

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JUN 20 1989
Effective Date
President of City Council
City Manager

sidewalk until all public streets within the City (with the exception of cul-de-sacs) have a sidewalk or bike path on at least one side.

POLICY

CI-3-1-4:

The City will adopt a capital budget as part of the annual budget process. The capital budget will identify all sources of public and private funding which has been committed or anticipated.

Adopted By City Council

Effective Date JUN 20 1989

Richard
President of City Council

Michael
City Manager

INTERGOVERNMENTAL COORDINATION ELEMENT

PURPOSE

No man is an island and neither is a governmental agency. Interaction between local governments is not only necessary, but vital as the needs of area residents spill across jurisdictional lines and require cooperation and communication between governments. This element describes how the City of Zephyrhills interacts and cooperates with other governmental agencies in an effort to best serve area residents, both inside and outside the City.

The City of Zephyrhills and Pasco County share a wide variety of concerns in an effort to provide numerous services for areas overlapping each jurisdiction. Through interlocal agreements, the City and County provide water and sewer services, public safety, recreational programs, solid waste disposal and roadways.

Water and Sewer

The City has executed an interlocal agreement with Pasco County that delineates a service area outside the City for water and sewer services (See Map PF-1). Through this agreement, the City has first right of refusal to supply water and sewer services to County residents within the City service area if services can be made available.

Public Safety

By contract with Pasco County, the City Fire Department serves a 31 square mile fire tax district and Municipal Service Taxing Unit (MSTU) in and around Zephyrhills providing fire protection and rescue services to County residents. County ambulance and transport vehicles are housed at the City fire station at no cost to the County to serve both City and County residents.

The 911 emergency system installed in 1988 greatly enhanced coordination of City and County fire and public protection. City Police Department works closely with the Pasco County Sheriff's Office in cases that occur at or near the City and conducts joint investigations when necessary. Zephyrhills Fire Department also operates under a mutual aid agreement with Pasco County Fire Department.

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 Effective Date: 11/11/89
 President of City Council
 City Manager

agreement with the City of Dade City and Pasco County Fire Service.

Recreation

The City, Pasco County and the Pasco County School Board contribute to recreational activities for the youth in the community at large. The City provides numerous athletic fields (see Recreation Element) for community-wide use. The County has recently (1988) purchased two parcels of property for development of parks in and near Zephyrhills, one of which will feature a junior Olympic size swimming pool. The City, County and School Board together operate a summer recreation program at the Stewart Middle School for area children with the School Board providing the location and the City and County sharing in the program's operational costs.

Roadways

City, county and state roads must be coordinated for traffic flow to be effective. The City and County have joined in local intergovernmental agreements aimed at improving roadway and intersections with joint jurisdiction. The City's traffic impact fee ordinance provides for the spending of City-collected impact fees on County and State roads within the Zephyrhills area.

East Pasco County is not yet included in the Pasco County MPO, and therefore the City of Zephyrhills does not participate in this formal coordination mechanism. At a staff level, there is cooperation between city and FDOT maintenance personnel. coordination of the planning function has been very minimal. Meetings with City representatives pertaining to design of the proposed US 301 improvement were minimal and after-the-fact. There has been no continuity of FDOT representation. Coordination implies a reciprocal exchange of communication. It is impractical for a municipal jurisdiction to establish unilateral objectives for improved coordination.

Refinement of City development regulations and implementing procedures will address the need for improved intergovernmental coordination.

Solid Waste

Currently, the City collects solid waste from residential and commercial customers and transports the waste to the County operated landfill near Dade City. With conversion to a resource recovery incineration program by Pasco County, the City will continue disposing of its solid waste through an agreement with Pasco County.

Implementation

All the above have been discussed at greater

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Effective Date JUN 20 1989
President of City Council
City Manager

their respective elements. The City of Zephyrhills and Pasco County will continue to work together to coordinate infrastructure needs and provide services to residents in and around the City of Zephyrhills.

Through exchange of official documents, ordinances, contracts and interlocal agreements, communication and cooperation can be improved. Proposed plans, studies and data should also be exchanged at the staff level to assure that each governmental body is aware of issues of intergovernmental concern. City membership on county-wide task forces and boards (such as the MPO) would further open lines of communication and provide for input from all areas of the county.

A partial listing of governmental agencies and administrative units with which the City cooperates on specific subject matter includes:

- Pasco County School Board
- Southwest Florida Water Management District
- Tampa Bay Regional Planning Council
- Florida Department of Transportation
- Florida Department of Health and Rehabilitative Services
- Florida Department of Environmental Regulation
- Florida Department of State
- Florida Department of Professional Regulation
- Florida Law Enforcement Administration
- State Attorney's Office
- US Department of HUD
- Federal Aviation Administration

Intergovernmental coordination is achieved at the local level by the following means:

- All written communications are channelled through the City Manager
- No commitment of City resources or action by City Staff is made without concurrence of the City Manager
- A Site Plan Review Committee composed of all Department Heads involved in any aspect of development, and chaired by the City manager, meets every week to review development plans, schedules, progress and problems
- All Department Heads meet biweekly to review City Council actions, discuss problems and opportunities involving more than a single department and keep each other generally informed.

The local practices cited above have been sufficient to provide an acceptable level of compliance with the myriad of Federal and State regulation while achieving a significant degree of success with growth management.

Achievements which would benefit from improved

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Effective Date
President of City Council
City Manager
JUL 20 1989

with other governmental entities are:

- Objective LU-1-3 achievement of acceptable LOS on SHS
- Objective TRA-1-1 attain representation on Pasco County MPO
- Objective TRA-1-2 compile traffic data base
- Objective TRA-2-1 same as LU-1-3
- Objective TRA-2-2 designate bypass routes
- Objective TRA-2-3 provide signalized intersections
- Objective WAT-1-4 identify cones of influence for public water supplies
- Objective WAT-2-1 inventory point sources of water pollution
- Objective WAT-3-2 achieve a 30% reduction in solid waste
- Objective REC-1-1 have a public swimming pool by 3/31/90
- Objective REC-1-2 have a multipurpose center by 9/30/93
- Objective REC-2-2 inventory privately owned open space with recreational potential
- Objective CON-3-1 establish groundwater monitoring stations
- Objective CON-4-1 inventory habitat for endangered and species of special concern
- Objective CON-4-2 establish criteria for mitigation of lost habitat
- Objective CON-5-1 develop a Hazardous Waste Management Plan
- Objective CO-1-1 establish formal methods for intergovernmental coordination with Pasco County
- Objective CO-1-2 establish formal methods for intergovernmental coordination with other agencies providing service to the Zephyrhills area
- Objective CO-1-3 establish formal methods for intergovernmental coordination with state and federal agencies

Adopted By City Council

Effective Date JUN 20 1989

L. A. ...
President of City Council

Michael ...
City Manager

GOALS, OBJECTIVES, POLICIES**GOAL**

CO-1: Improve the cost effectiveness of public services provided to Pasco County and City residents through intergovernmental coordination and cooperation.

OBJECTIVE

CO-1-1: Establish formalized methods for intergovernmental coordination between the City of Zephyrhills and Pasco County by 9/30/90.

POLICY

CO-1-1-1: Establish reciprocal agreements which call for review and comment upon requests for development approval occurring within one-half mile of the City limits. Such reviews shall take place concurrently with the jurisdiction's review so as not to cause any unnecessary delay.

POLICY

CO-1-1-2: Share planning, development, and capital improvement data with Pasco County as requested. Copies of plans, studies, ordinances and land development regulation which would affect either party shall be exchanged on a regular basis.

POLICY

CO-1-1-3: Share the costs of public facilities and services for which there are mutual benefits to municipal and County residents, including resumption of discussion on providing library services to County residents with contribution to the City from Pasco County.

POLICY

CO-1-1-4: The City of Zephyrhills will apply Pasco County standards for county-provided services within the municipal area.

OBJECTIVE

CO-1-2: Establish formal mechanisms for intergovernmental coordination and cooperation between the City of Zephyrhills and all agencies and authorities providing services to the Zephyrhills area by 9/30/90.

POLICY

CO-1-2-1: Cooperate with the activities of self-supported boards, agencies and authorities such as the Pasco County School Board, the Southwest Florida Council of Management District, FDOT, FDER, etc.

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Effective Date June 20 1989
President of City Council
City Manager

POLICY

CO-1-2-2:

Support the regional planning efforts of the Tampa Bay Regional Planning Council where those efforts will result in greater coordination, efficiency and effectiveness of problematic issues which inherently are not confined by political jurisdiction.

OBJECTIVE

CO-1-3:

Establish mechanisms for intergovernmental coordination and cooperation between the City of Zephyrhills and agencies of state and federal government by 9/30/94 to assure coordination in establishing level of service standards.

POLICY

CO-1-3-1:

Maximize participation in state and federal funding programs and comply with their requirements.

POLICY

CO-1-3-2:

Maximize participation in the planning efforts of the state department of transportation.

POLICY

CO-1-3-3:

Utilize TBRPC as a forum to resolve issues requiring intergovernmental coordination.

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Effective Date JUN 20 1989
Fairman
President of City Council
Neale
City Manager

APPENDIX
Consistency of the City of Zephyrhills Comprehensive Plan
with Tampa Bay Regional Planning Council
Policy Plan

TBRPC Goals/Policies Where in Zephyrhills Comprehensive Plan

	<u>Housing</u>	
Policy	5.1.5	pg. 51-53
	5.2.9	pg. 52-54
	5.4.7	pg. 53-54
	<u>Water Resources</u>	
Policy	8.1.1	pg. 43
	8.1.2	pg. 43
	8.1.3	pg. 43
	8.1.4	pg. 44, 74
	<u>Natural Systems</u>	
Policy	10.2.1	pg. 74
	10.2.2	pg. 74
	10.4.3	pg. 75
	10.10.2	pg. 65
	10.10.3	pg. 62-64
	<u>Air Quality</u>	
Policy	11.2.2	pg. 74
	<u>Solid Waste</u>	
Policy	13.1.1	pg. 76
	<u>Land Use</u>	
Policy	16.2.1	pg. 16-18
	16.3.1	pg. 16
	16.3.2	pg. 97
	16.3.4	pg. 16-18
	16.5.1	pg. 16
	16.5.3	pg. 16
	16.5.5	pg. 16
	<u>Transportation</u>	
Policy	19.6.1	pg. 34
	19.6.2	pg. 34
	19.8.1	pg. 31
	19.8.3	pg. 33
	19.8.5	pg. 32
	19.8.6	pg. 80
	19.8.8	pg. 32
	19.8.9	pg. 32

We are not aware of any provision within the City of Zephyrhills Comprehensive Plan which is inconsistent with a Goal or Policy contained within "Future of the Region, A Comprehensive Regional Policy for the Tampa Bay Region" as amended June, 1988.

Floyd A. Nichols
City Manager
5/22/89

Adopted By City Council
Effective Date JUN 20 1989
F. A. Nichols
President of City Council
Nichols
City Manager

PUBLIC PARTICIPATION

In an effort to insure that the Comprehensive Plan will meet the needs of the residents of the City of Zephyrhills, numerous steps have been taken to provide citizen participation.

The City has utilized the local press, including the Zephyrhills News, Pasco News, East Pasco News and the Pasco edition of the Tampa Tribune to publicize elements of the Plan, goals of the Plan and the scheduling of meetings where the plan has been discussed.

City Council on December 8, 1986 established five ad hoc committees, designed to assist in Plan preparation as it relates to the primary elements, including land use, recreation and conservation, transportation, utilities and housing. Each ad hoc committee was composed of a City Councilperson, a Planning Commission member, appropriate City Department Head, and private citizens who responded to a news article soliciting participation. Draft copies of the plans were mailed to the committee members for their suggestions, corrections and other input.

A survey was mailed to a sample of City residents seeking their views on recreational needs. Those responses are included in the recreation element.

The City Council held seven public workshops on the proposed Plan and the Planning Commission held three workshops to discuss the elements. The dates of those workshops are:

City Council 9/19/88, 9/26/88, 10/3/88, 10/10/88,
10/17/88, 10/24/88, 10/31/88

Planning Commission 11/3/86, 12/2/86

Two public hearings by City Council were scheduled, appropriately advertised and held on November 14, 1988 and November 28, 1988.

The City will continue to provide ample access for residents to review and become familiar with the Comprehensive Plan and encourage media coverage of the Plan implementation.

The following procedures for Public Participation are an integral part of the City of Zephyrhills Comprehensive Plan and are explicitly adopted by the Planning Commission and City Council by their respective adoption of the Plan.

Procedure to be followed by Planning Commission and City Council to Provide for and Encourage Public Participation in the Planning Process, Including Amendments to the Comprehensive Plan and the Evaluation and Appraisal Report.

1. Residents and owners of real estate within Zephyrhills will be put on notice through legal

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 Effective Date
 President of City Council
 City Manager
 JUN 28 1989

a newspaper of general circulation in the area of official actions by the City that will affect the use of their property.

2. The general public will be informed of proposed official actions by the City that will affect the use of property, or otherwise modify the Plan or related development regulations, by any or all of the following:

- a. advertisement in local press
- b. news coverage in local press
- c. posting of signs at effected site(s)
- d. announcement at Planning Commission meetings
- e. announcement at City Council meetings
- f. conduct of public workshops on specific subject
- g. formal public hearings

3. All legal advertisement will include a statement indicating the time frame and address for submittal of written comments.

4. The Plan is adopted by ordinance, and therefore all amendments must be by ordinance. The City Charter requires two public hearings for all ordinances before enactment. The Evaluation and Appraisal Report will also be the subject of a public hearing before adoption.

5. All comments received, both written and oral, will be addressed by a written report from the City Manager to City council. This report will indicate the source, form and content of the comment and the recommended disposition. A copy of the report will be provided to the commentor in sufficient time for the commentor to address City Council if not satisfied with the recommended disposition.

6. All Goals, Objectives, and Policies will be reviewed annually in the process of preparing the Evaluation and Appraisal Report. An Executive Summary will be prepared consisting of the Goals, Objectives, Polices; Map; Capital Improvement Tables.

Adopted By City Council
Effective Date JUN 20 198
Parham
President of City Council
Michals
City Manager

MONITORING AND EVALUATION

The following procedures are an integral part of the City of Zephyrhills Comprehensive Plan and are explicitly adopted by the Planning Commission and City Council by their respective adoption of the Plan.

Citizen Participation - Please refer to pages 100 - 101.

Updating Baseline Data - Data and information for keeping the Plan reasonably current will be maintained by a variety of means.

- ° Land use changes will be tracked by reflecting construction permits and annexations

- ° Traffic conditions will be tracked by annual traffic counts for road segments and intersections approaching a daily LOS "C"

- ° Housing inventory is tracked by monthly building permit data and annexations. Housing conditions baseline information will be adjusted by the 1990 Census of Housing, subsequent annexations, code enforcement reports, and building permits for improvements

- ° Recreation and open space data involved tracking public expenditures by City, County and State agencies, relevant private development permits, and annual population estimates from the Bureau of Economics and Business Research. Relative priority for additional recreational facilities will be based on a sample survey of City residents in 1994 or earlier

- ° Capital Improvement needs are tracked by an annual update of a rolling five year Capital Improvements Budget. Major components of the Capital Improvements Budget are roadways, pedestrian circulation, water system, sewer system, drainage, and recreation. Major equipment replacement and facility expansion will be reflected in Equipment and Building Replacement Budget

Updating Objectives All objectives will be reviewed annually as an integral part of the annual budget process. This will provide timely information for redirecting available resources to achieve objectives, or to reassess the objectives in terms of available resources. A quantitative summary of achievements will be provided not later than five years after adoption of this Plan. A narrative explanation will be provided for any underachievement. New or modified goals, objectives, and policies will be incorporated by Plan amendment identified.

Adopted by City Council
 Effective Date JUN 20 1989
 President of City Council
 City Manager

Continuous Monitoring - The several existing mechanisms for monitoring the Comprehensive Plan include:

- ° Weekly meetings of a Site Plan Review Committee composed of the City Manager and all department heads involved with physical development
- ° Monthly activity reports from the Building Official
- ° Mid-year budget amendment to reallocate operating and equipment funds to address unanticipated problems and opportunities
- ° Annual Capital Improvements Budget
- ° Annual Equipment and Building Replacement Budget
- ° Annual population estimate from BEBR
- ° Annual meeting of all department heads and deputies to review prior year achievements and goals for the next year

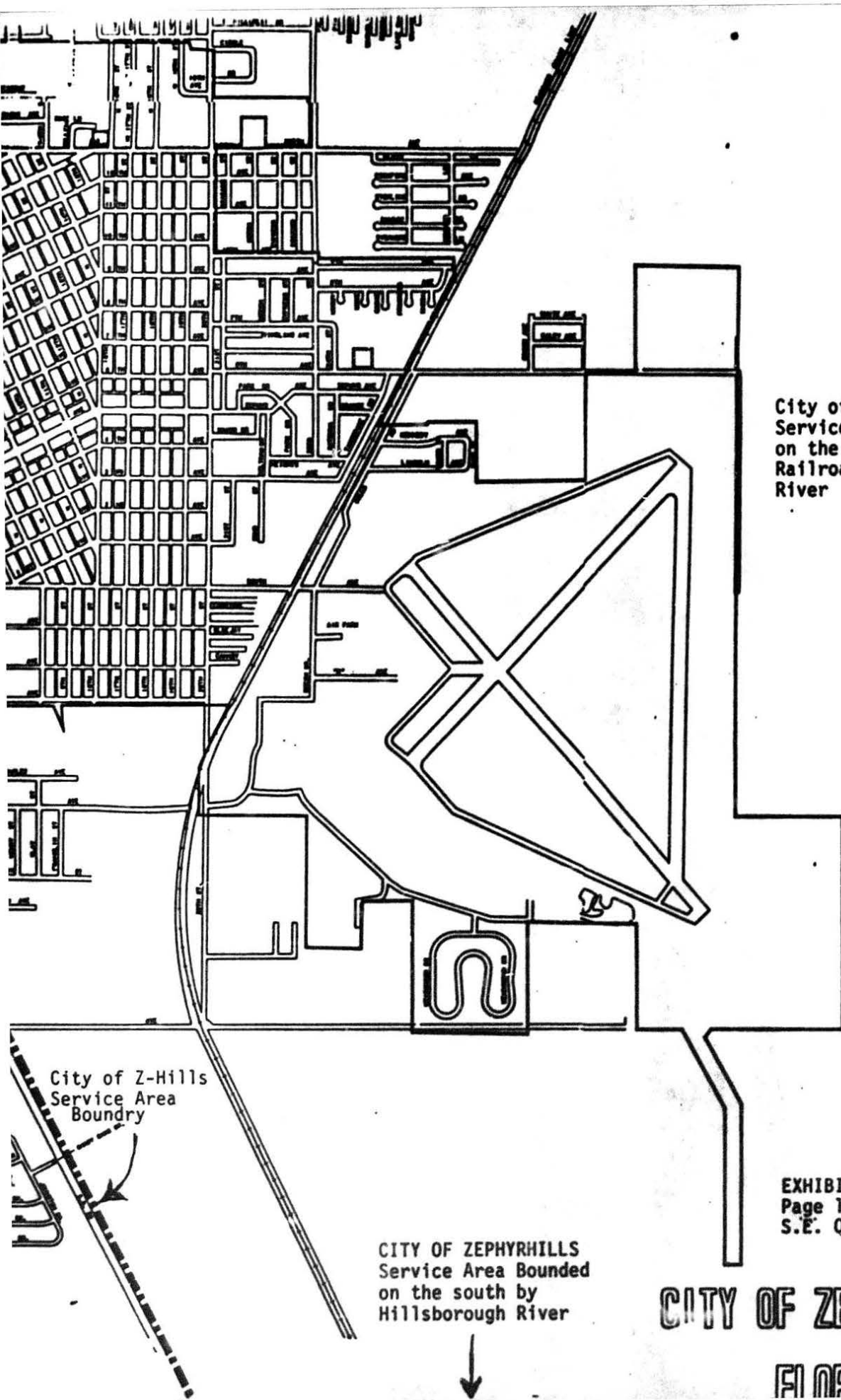
The annual department head meeting will be used as a forum to review the quantitative objectives and identify any impediments to achievement.

Adopted By City Council

Effective Date JUN 20 1989

[Signature]
President of City Council

[Signature]
City Manager



City of Zephyrhills
Service Area Bounded
on the East by CSX
Railroad and Hillsborough
River



City of Z-Hills
Service Area
Boundary

CITY OF ZEPHYRHILLS
Service Area Bounded
on the south by
Hillsborough River



EXHIBIT "A"
Page 1
S.E. Quadrant

CITY OF ZEPHYRHILLS

FLORIDA

SECTION 10

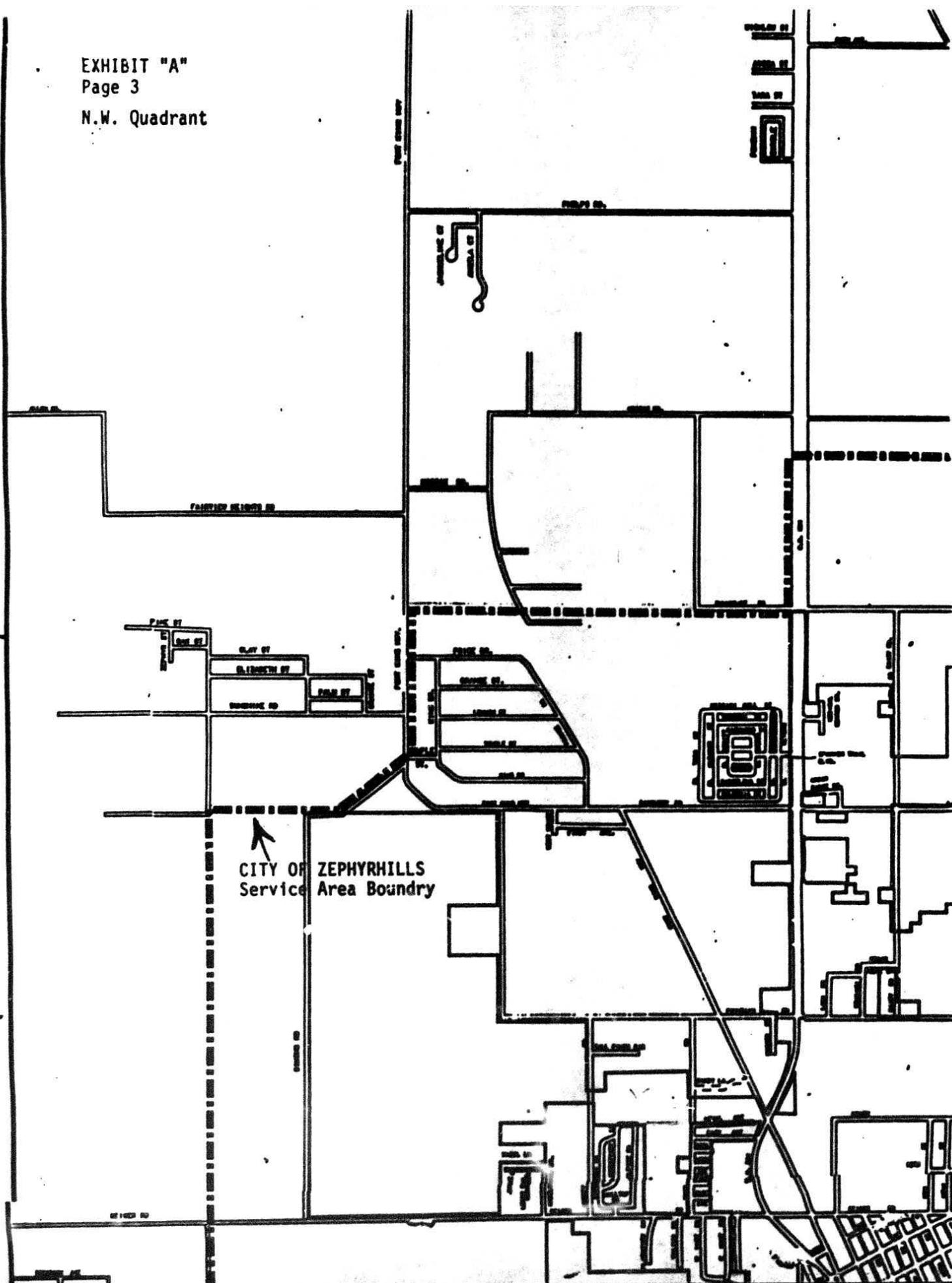
City of Zephyrhills
Service Area Boundry

EXHIBIT "A"
Page 2

S.W. Quadrant



EXHIBIT "A"
Page 3
N.W. Quadrant





CITY OF Z-HILLS
Service Area Boundary

May 3, 1989

To: Mayor and City Council

From: Nick Nichols

Sub: Revision of Water/Sewer Service Area Boundary

Pasco County is constructing a water main on Lane Road and has advised Rainbow Village RV Park that the development shall be connected to the County's system at the end of a previously approved amortization period for their package wastewater treatment plant (July 10, 1994).

Pasco County acknowledges that Rainbow Village RV Park is partially within the City of Zephyrhills Water/Sewer Service Area, and that the agreement is subject to revision of the service area boundary.

I have discussed the comparative costs of City service extension with the owners of Rainbow Village, and copied their attorney with my interim response to Pasco County. I have not received a response from Rainbow Village or their attorney.

I recommend that the City agree to delete all of Rainbow Village from the City service area as requested by Pasco County.

I further recommend that the service area boundary be redrawn midway between Lane Road and Court Street from Rainbow Village to the rear of lots fronting on the south side of Waverly Avenue (formerly Central Avenue). A map of the proposed revised boundary is attached.

City of Zephyrhills
Service Area Boundry

Requested area to
be deleted

Recommended
Revised Service
Area Boundry

EXHIBIT "A"
Page 2

S.W. Quadrant





STATE OF FLORIDA
City of Zephyrhills

PASCO COUNTY

5335 Eighth Street

Zephyrhills, Florida 34248

(813) 782-1525

MAYOR
Robert H. Johnson

CITY COUNCIL
Carlton C. Golder
President

Jo Ellen Farnham
Vice President

James A. Bailey

Clyde G. Brockwell

Gloria Brown

Nick Nichols
City Manager

Jeanne Good
City Clerk

Thomas P. McAvranah
City Attorney

April 27, 1989

Doug Bramlett
Utility Department
Pasco County Gov't Complex
7536 State Street
New Port Richey, FL 34654

Sub: Amending Water/ Sewer Service Area
Rainbow Village RV Park

On 4/26/89 our Site Plan Review Committee discussed your request to amend the water/sewer service to delete Rainbow Village. Our staff position is to recommend this amendment to City Council on May 8 unless the owners of Rainbow Village make a specific written request for water and sewer service from the City prior to May 8.

We would expect the extend the water and sewer lines, and to collect the appropriate connection fees, within 90 days of the request for services.

Sincerely,

Nick Nichols
City Manager

NN/lb

cc: Gerald A. Figurski, P.A.
P.O. Box 786
New Port Richey, FL 34656-0786

APR 25 1989



PASCO COUNTY, FLORIDA

Utilities Department
Pasco County Govt. Complex
7536 State Street
New Port Richey, Fl 34654

Dade City (904)521-4274
New Port Richey (813)847-8145

April 24, 1989

Mr. Nick Nichols
City Manager
City of Zephyrhills
603 8th Street
Zephyrhills, Fl 34248

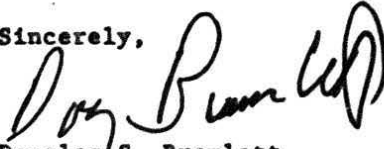
RE: RAINBOW VILLAGE R.V. PARK -
WATER AND SEWER SERVICE

Dear Mr. Nichols:

As follow-up to our telephone conversation last week concerning the subject matter and the fact that this development splits the service area boundary as described in our Interlocal Water and Sewer Agreement, Pasco County can serve this R.V. Park if the City will provide authorization as required in the agreement. I have attached an Inter-office Memorandum which explains our position in this matter.

Your earliest response in this matter would be greatly appreciated.

Sincerely,


Douglas S. Bramlett
Acting Asst. Co. Admin.
Utilities Services

DSB/vrw

Attachment

cc: Cynthia M. Jolly, P.E. - Development Review
Gerald A. Figurski, P. A. - New Port Richey

PASCO COUNTY, FLORIDA
INTER-OFFICE MEMORANDUM

APR 24 1989

TO: Doug Bramlett DATE: 4/20/89 FILE: DR89-825
Acting Assist. County Admin.
for Utility Services

SUBJECT: Rainbow Village R.V. Park

FROM: Cynthia M. Jolly, P.E. REFERENCES:
Acting Development Review
Manager

Attached find a copy of the DRC determination for the above-subject R.V. Park. Please notify this office when a determination has been made regarding the service area for this park.

CMJ/cb
Attachment



PASCO COUNTY, FLORIDA

PASCO COUNTY GOVERNMENT CENTER
DEVELOPMENT REVIEW DIVISION
7530 LITTLE ROAD
NEW PORT RICHEY, FL 34654
TELEPHONE: (813) 847-8142

April 18, 1989

Mr. Gerald A. Figurski, P.A.
PO Box 786
New Port Richey, FL 34656-0786

RE: Rainbow Village R.V. Park

Dear Mr. Figurski:

This is to formally advise you that on April 13, 1989, the Development Review Committee approved an amendment to Condition "d" of the Commercial Development Review Approval by the Board of County Commissioners on July 10, 1984.

Condition "d" has been revised to read as follows:

d. Pasco County Utility System:

1. The implementation of this amendment is subject to Pasco County and the City of Zephyrhills determining whether Rainbow Village R.V. Park is in the City's service territory or the County's. The site is currently split between the two service areas. Amended condition "d" shall only be operative if Rainbow Village R.V. Park is within the County's service area.
2. The developer shall receive a ten year amortization period or moratorium from being required to connect to Pasco County's utility system commencing on the date of Commercial Development Review Approval, to-wit: July 10, 1984.
3. The developer shall pay to Pasco County, in cash, a total sum calculated based on \$120.00 per unit (\$98.00 for sewer and \$22.00 for water) within thirty (30) days of the determination that Rainbow Village R.V. Park is in Pasco County's service area.

Mr. Gerald A. Figurski, P.A.
April 18, 1989
Page 2


4. At the end of the amortization period, the developer shall connect to the County's system and shall be required to pay the then-existing utility impact fees to Pasco County. The developer shall receive a credit against such impact fees in that amount previously paid as provided for hereinabove.

All previously approved conditions shall be in full force and effect.

Please feel free to contact this office if further information is required.

Very truly yours,


Cynthia M. Jolly, P.E.
Acting Development Review Manager


Bipin Parikh, P.E.
Code Enforcement Director

CMJ/cb

cc: Joseph Haverlock

Doug Bramlett, Acting Assist. County Admin. for Utility Services
Development Review Committee Members

10/4/90

To: Mayor and City Council

From: Nick Nichols

Sub: Proposed Adjustment of Utility Service Area Betmar

The City Attorney and I met with the owner of Betmar Utilities and his attorney to discuss amending the utilities service area to coincide with the current Betmar service area as approved by the Public Service Commission. We recommend that the interlocal agreement with Pasco County be revised as shown on the attached map.

With Council concurrence I will convey the proposed amendment to Pasco County.

attachment

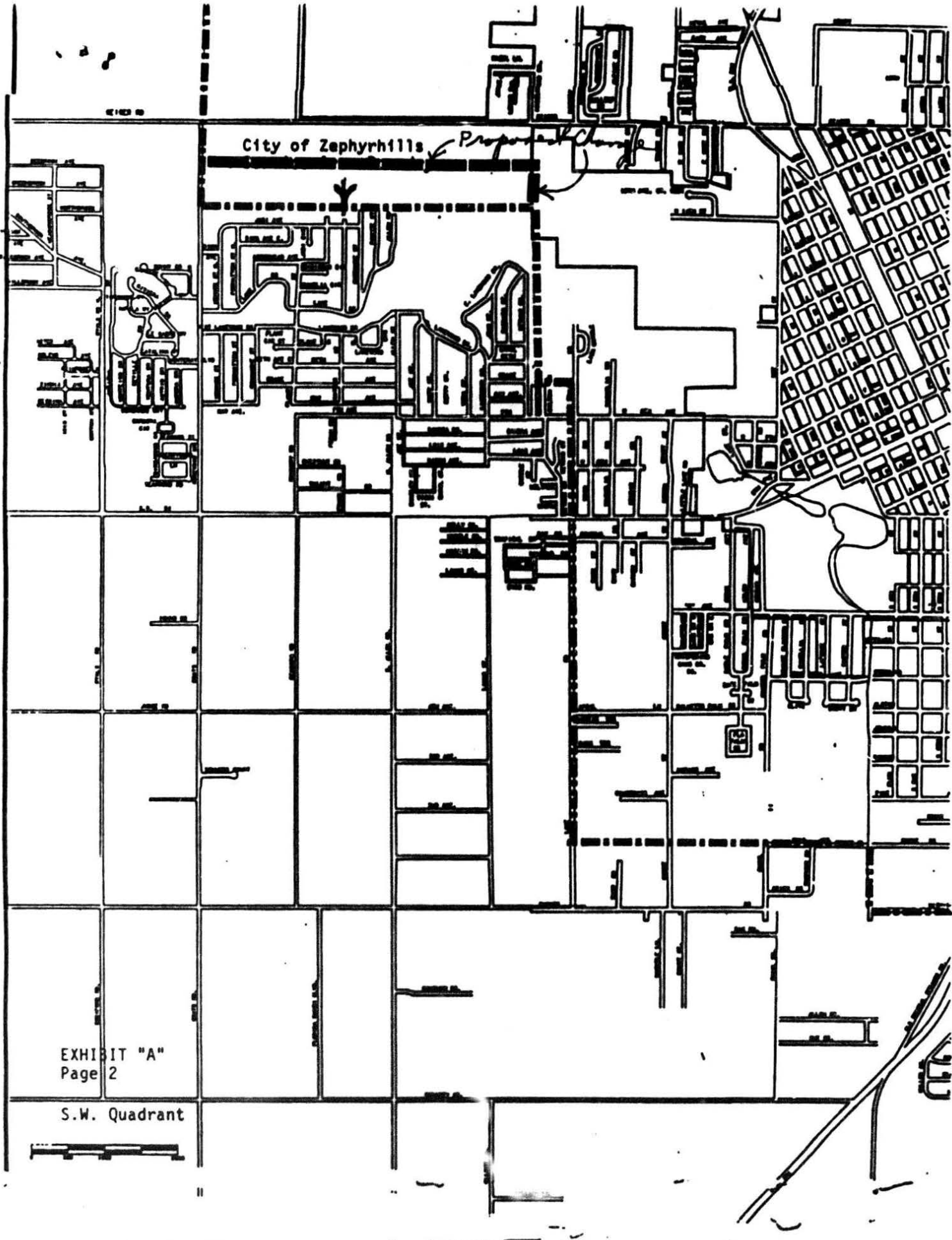
10-1-1950

City of Zephyrhills

Proposed change

EXHIBIT "A"
Page 2

S.W. Quadrant



AGREEMENT BETWEEN PASCO COUNTY AND
THE CITY OF ZEPHYRHILLS WHICH
ESTABLISHES DESIGNATED SERVICE AREAS
FOR WATER AND WASTEWATER SERVICES.

PASCO COUNTY UTILITIES

FEB 11 1988

THIS AGREEMENT, made and entered into this 9th day of February, 1988, by and between PASCO COUNTY, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, the governing body thereof, hereinafter referred to as "COUNTY", and the CITY OF ZEPHYRHILLS, a municipal corporation organized and existing under the laws of the State of Florida, acting by and through its City Council, the governing body thereof, hereinafter referred to as "CITY".

W I T N E S S E T H

WHEREAS, the COUNTY owns, operates, and maintains water treatment plants, sewer treatment and disposal facilities, water storage facilities, mains and pipes, lines, manholes, sewage lift stations, lands, and other facilities used in providing water and sewer service in Pasco County, is authorized to provide potable water and sanitary sewer service to the citizens of Pasco County by Florida Law, and does provide those services in numerous areas within the territorial boundaries of the County; and,

WHEREAS, the CITY owns, operates, and maintains water treatment plants, sewer treatment and disposal facilities, water storage facilities, mains and pipes, lines, manholes, sewage lift stations, lands, and other facilities used in providing water and sewer service within both its incorporated areas and the unincorporated areas adjacent to the City's boundaries, and is authorized to provide potable water and sanitary sewer service to its customers by Florida Law, and does provide those services within and without the territorial boundaries of the City; and,

WHEREAS, the COUNTY and the CITY have considered proposed

and existing facilities, plans, population trends, existing utility service agreements, and the anticipated cost for water and sewer service in the near future and based upon this analysis of the factual information derived, the parties have reached an agreement as to the identification of a specific utility service area for both the CITY and the COUNTY; and,

WHEREAS, in order to promote the economic delivery of water and wastewater services to the citizens of Pasco County, to better serve the public interest, and to provide for the long-range planning of the provision of water and wastewater services, the CITY and the COUNTY are desirous of entering into this Agreement which provides for the identification of service area boundaries between the COUNTY and the CITY; and,

WHEREAS, it is the intent of the parties hereto that the service area boundaries established hereby be periodically reviewed in conjunction with review of each party's respective comprehensive plans.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained herein, the parties hereto hereby agree as follows:

I. PURPOSE

It is the intent of this Agreement to avoid the needless, unsightly, and uneconomic duplication of utility facilities, to allow both the CITY and the COUNTY to make economical long-range plans for the development of necessary water and sewer facilities and to prevent any uneconomic competition between the two utilities operating in the same area. The parties hereto believe the proposed service area delineation as set forth hereunder is in the best interest of the public, will avoid needless and uneconomic duplication of facilities, will assure the provision of service to the public without delay, uncertainty, or uneconomic competition, and will advance the public health of the citizens of the County.

II. SERVICE AREAS

1. City's Designated Service Area - That area which is described in Exhibit "A", which is attached hereto and incorporated herein by reference, shall be known as the City of Zephyrhills Utility Service Area and all water and wastewater customers, except those existing customers served by the COUNTY prior to the enactment of this Agreement, shall be considered customers of the CITY'S utility system.

The COUNTY shall not extend its water or wastewater services into the area described in Exhibit "A" or grant any franchise for such services therein unless the CITY is unable to provide such service within the unincorporated areas identified in Exhibit "A" and this inability impedes the timely development of property within the unincorporated area of the COUNTY. In the event the CITY has indicated an unwillingness or inability to provide water or wastewater services to a particular development within the unincorporated area designated in Exhibit "A", then the COUNTY may submit a written request to the CITY seeking assurances of the CITY'S ability to provide utility services as contemplated hereunder. In the event the CITY fails to enter into an appropriate utility service agreement within sixty (60) days after receiving the COUNTY'S written request for further assurance, the COUNTY is hereby authorized to provide service to the area in question, and such provision of service shall not constitute a violation of the terms and conditions of this Agreement.

The CITY shall not extend its water or wastewater services outside the area described in Exhibit "A" unless the COUNTY is unable to provide such service and this inability impedes the timely development of property. In the event the COUNTY has indicated an unwillingness or inability to provide water or wastewater service to a particular development (which is contiguous to the City of Zephyrhills Utility Service Area,) then the CITY may submit a written request to the

COUNTY seeking assurance of the COUNTY'S ability to provide utility services or contemplated hereunder. In the event the COUNTY fails to enter into an appropriate utilities service agreement within sixty (60) days after receiving the CITY'S written request for further assurance, the CITY is hereby authorized to provide service to the area in question, and such provision of service shall not constitute a violation of the terms and conditions of this Agreement.

2. Existing Customers - Existing customers served by the COUNTY prior to the enactment of this Agreement shall remain customers of the COUNTY'S system and the provision of water and/or wastewater services to these customers shall not be affected by the terms of the Agreement. Furthermore, those existing water or wastewater customers served by the CITY prior to the enactment of this Agreement whether or not in the CITY service area as described in Exhibit "A" shall continue to be served by the CITY'S utility system.

3. The CITY and the COUNTY mutually agree that wastewater treated by the COUNTY may be transported into the CITY'S designated geographical service area, and that wastewater treated by the CITY may be transported outside the CITY'S designated service area and into the COUNTY with written approval of the effected landowner and prior approval from the COUNTY or CITY as applicable for disposal of treated wastewater effluent on golf courses or other land disposal methods as approved and permitted by the Florida Department of Environmental Regulation.

4. In the event the CITY annexes any unincorporated area not included within the service area depicted on Exhibit "A", and the property so annexed is not presently provided utility service by the COUNTY and the COUNTY does not have the present ability to serve the property, then the same shall be automatically included in the CITY'S service area as depicted on Exhibit "A".

III. MISCELLANEOUS

1. All provisions of this Agreement, including the "WHEREAS" clauses, are material provisions of this Agreement and are incorporated herein by such reference.

2. In the event of any material default, this Agreement may be terminated by the nondefaulting party upon the giving of thirty (30) days written notice to the party in default.

3. This Agreement constitutes and contains the entire agreement of the parties with respect to water and wastewater services and shall supersede any and all prior negotiations, correspondence, undertakings, and agreements among the parties with respect to water and wastewater services. Further, this Agreement may not be changed orally, but only by an agreement in writing signed by both the CITY and the COUNTY.

4. This Agreement may be executed in any number of counterparts, each of which shall be an original, but which together shall constitute one of the same instrument.

5. This Agreement in all respects shall be governed by the laws of the State of Florida, including the State of Florida's conflicts law.

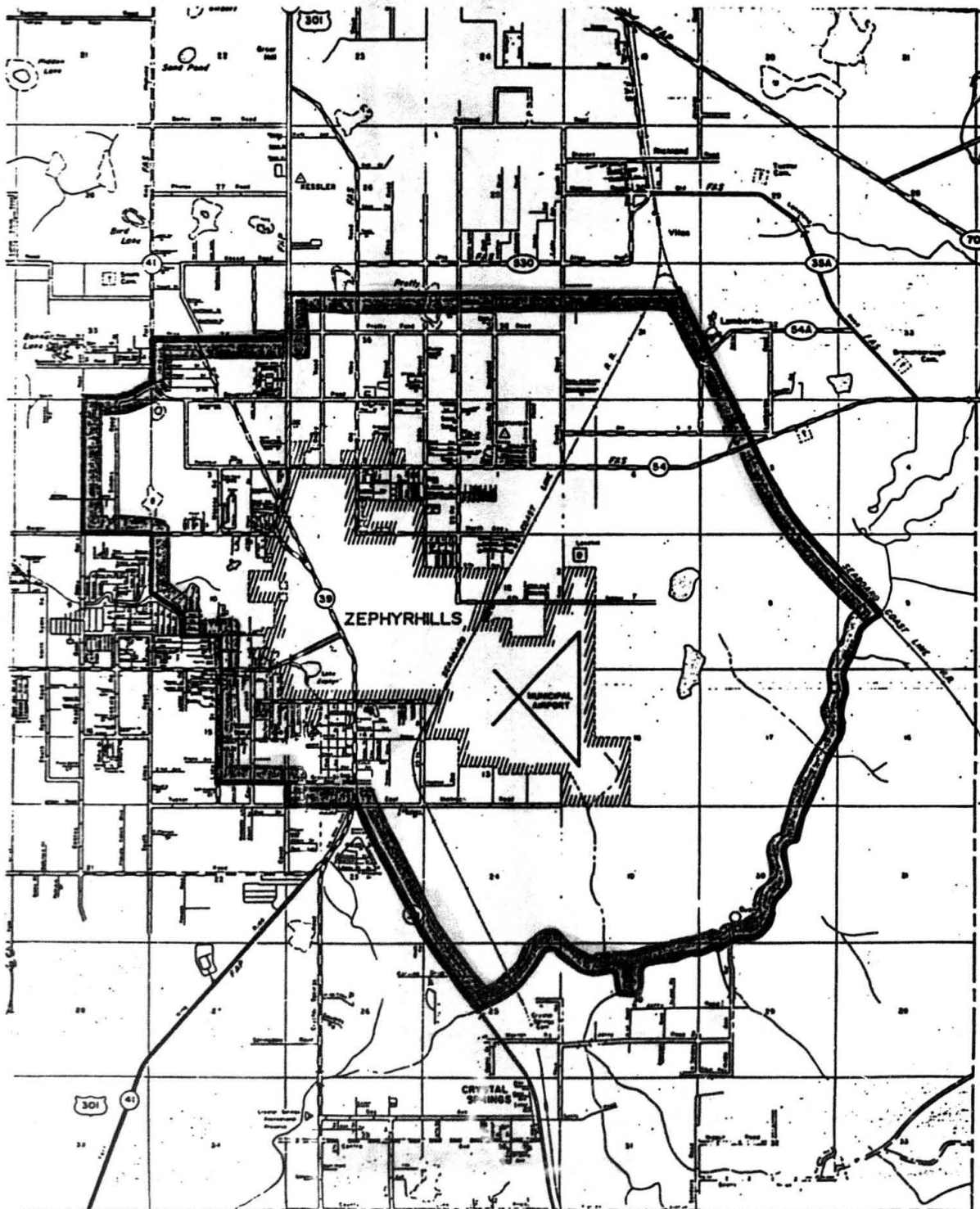
6. Each of the parties respectfully represents it has full and complete authority and the necessary approval for entering into and performing this Agreement in accordance with its terms.

7. If any part of this Agreement is found invalid or unenforceable by any court, such invalidity or unenforceability shall not affect the other parts of this Agreement and to that end, this Agreement is declared severable.

8. The rights, benefits, duties, and obligations of this Agreement may not be assigned to any person or political subdivision without the expressed written permission of the nonassigning party.

9. In the event the performance of this Agreement is

EXHIBIT "A"





STATE OF FLORIDA
City of Zephyrhills

PASCO COUNTY

603 Eighth Street

Zephyrhills, Florida 34248

(813) 782-1525

MAYOR
Robert H. Johnson

CITY COUNCIL
Gloria Brown
President

Carlton Gelsater
Vice President

James A. Bailey

Jo Ellen Farnham

Jeanne Good
City Clerk

Thomas P. McAvaneh
City Attorney

TO: Mayor and City Council
FROM: Nick *Nichols*
DATE: August 19, 1987
SUBJECT: Water/Sewer Service Area

On August 12th Louie Sellars, Bob Birbrink of HNTB and I met with Doug Bramlett, Utilities Manager, and Bill Munz, Public Works and Utilities Director of Pasco County, to discuss delineation of a water/sewer service area for the City of Zephyrhills. Establishing specific geographic limits for an ultimate service area is essential for both the City and County to rationally plan for future utility systems expansion.

The area delineated for an initial discussion is indicated on the attached map. It is significant to note that the attitude demonstrated by Messrs. Bramlett and Munz was extremely cooperative. The one area which was not resolved was a tentative assignment of the Betmar private utility system.

We agreed to proceed as follows:

1. Mr. Munz will prepare a clean version of a map delineating the area defined and a draft interlocal agreement.
2. The above map and draft agreement will be discussed with City Council and amended as Council directs.
3. The amended map and agreement will be returned to Mr. Munz with an explanation of any changes.
4. Mr. Munz and Mr. Bramlett will steer the proposed agreement through appropriate County review process.
5. The final version to be presented to the Board of County Commissioners will be referred back to City Council for concurrence before placing the agreement on the BOCC agenda.
6. After BOCC approval the agreement would be returned to City Council for formal approval.

I understand that the essence of this proposed agreement is to establish the presumed provider of water and sewer utilities for specific geographic areas. The jurisdiction line could be amended by mutual consent on a specific case basis if a particular development proposal can more readily be served by the entity other than the presumed provider.

Resp. Com. Ex. 1

Mayor and City Council
August 19, 1987
Page Two

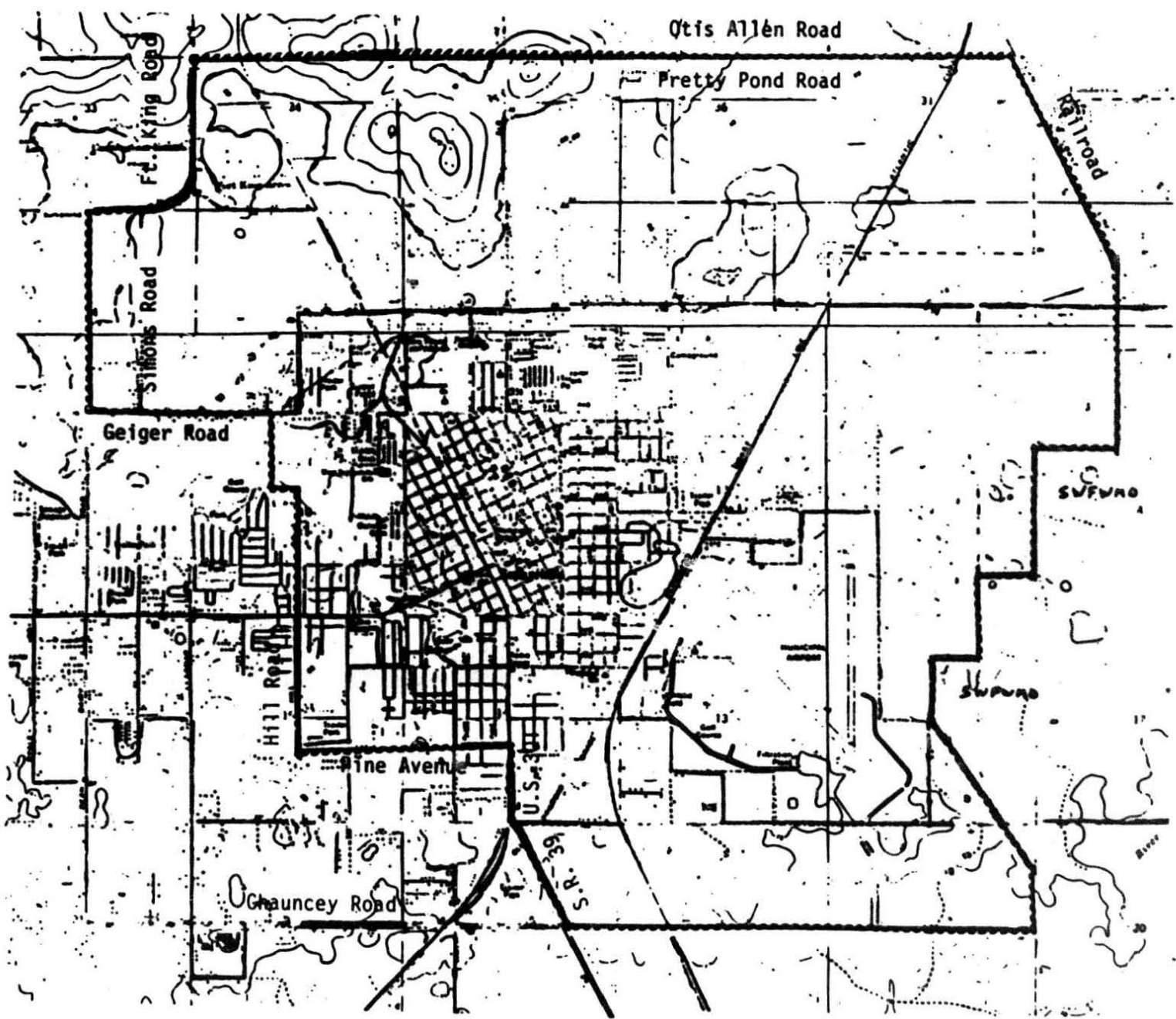
A hypothetical example is a large tract of land to be developed by a single entity, but which is partially in each of the two service areas.

I will request a scheduled workshop when we receive the draft agreement.

NN:js

Attachment

cc: Mr. Bramlett
Mr. Munz
Commissioner Young
Commissioner Law



Tentative Water/Sewer Service Area
For City Council Discussion Only



STATE OF FLORIDA
City of Zephyrhills

PASCO COUNTY

603 Eighth Street

Zephyrhills, Florida 34248

(813) 782-1525

September 29, 1987

MAYOR
Robert H. Johnson

CITY COUNCIL
Mark Brown
President

Jeffrey Gelsler
Vice President

James A. Bailey

Ellen Farnham

Mr. Douglas S. Bramlett
Pasco County Utilities Manager
7536 State Street
New Port Richey, Fl. 34654

**Subject: Draft Utilities Service Area Agreement,
City of Zephyrhills and Pasco County**

Sir:

The draft agreement transmitted with your letter of August 21 was reviewed by Zephyrhills City Council in a workshop on September 21 and formally acted on at their regular meeting of September 28. A revised version reflecting Council's input is enclosed for your consideration. The following summarizes the changes requested by City Council.

1. The City service area adjacent to Betmar should conform to the Betmar Utilities Service Area on the east and north of Betmar from CR 54 to Dean Dairy Road.
2. Exhibit "A" should be on a map of adequate scale to be legible.
3. A fifth "Whereas" has been added to express intent for periodic review of the service area.
4. Section I Purpose has been amended to delete reference to "resolution of this dispute" since no dispute exists.
5. Section I Purpose has been amended to delete the suggestion of future "interconnection" of potable water systems.
6. Section II (1.) Service Areas has been amended by adding a second paragraph which provides for possible expansion of City service outside the delineated service area if the county is unable to enter into a service agreement within 60 days after a written request from the city.
7. Section II (3) of the initial draft has been deleted because it contradicts the change described above.

James Good
City Clerk

James P. McAlvay
City Attorney

Mr. Douglas S. Bramlett
September 29, 1987
Page Two

8. Section II (4) has been re-numbered as (3) and amended to provide mutual options for disposal of wastewater within the other parties service area.

Please call me at (813) 792-1525 if you have questions or suggestions.

I appreciate your assistance and cooperation in this effort to define service areas.

Sincerely,



Nick Nichols
City Manager

NN:js
Enclosures (2)
cc: Mayor
City Council
Louie Sellars
Ben Bolan

INSTRUCTIONS TO ORIGINATOR

1. Detach Pink Copy.
2. Send White and Yellow Parts to Person Addressed.

OCT 14 1987

INSTRUCTIONS TO ADDRESSEE

1. Write Reply At Bottom
2. Return White Copy and Retain Yellow Copy.

FROM Douglas S. Bramlett
TO Utilities Manager

		Initials	Date
Nick Nichols			
City Manager			
Zephyrhills, Fla.			
Action	File	Note and Return	
Approval	Publish	For Conversation	
As Requested	For Correction	Prepare Reply	
Circulate	For your information	See Me	
Comment	Review	Signature	
Coordination	Justify	Follow up	

FILE:

DATE:

10/12/87

SUBJECT:

REPLY EXPECTED BY:

MESSAGE

Attached is a paragraph our County Attorney wants included in the Utility Service Area Agreement with Pasco County. I believe with this final modification, the agreement as last drafted by you is OK. Please insert this paragraph and provide four (4) signed originals to me for presentation to the Board of County Commissioners.

REPLY

Date

Signed

Signed

12-3-87

TO: Mayor and City Council
FROM: Nick Nichols, City Manager
DATE: October 15, 1987
SUBJECT: Utility Service Area Agreement

Attached is a self explanatory note from Doug Bramlett, Pasco County Utilities Manager. The requested change is incorporated as Article II, paragraph 4 of the attached revised draft. I have no objection to the inclusion of this change and recommend your approval.

attachments (2)

NAME OF COMPANY: BETMAR UTILITIES INC.

SEWER TARIFF

RECEIVED
MAY 20 PM 1:29
DIVISION OF
ADMINISTRATIVE
HEARINGS

TERRITORY DESCRIPTION

The East 1/2 of Section 9, Township 26 South, Range 21 East, Pasco County, Florida, AND the West 1/2 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida,

LESS AND EXCEPT: The East 1/4 of the North 1/2 of the Northwest 1/4 of Section 10; the North 124.81 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; the East 174.02 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10, LESS the North 124.81 feet; the East 1/4 of the North 1/4 of the Southwest 1/4 of Section 10; the West 1/2 of the North 259.32 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the East 1/2 of the North 213.63 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 9; AND the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 9.

ISSUING OFFICER: Eve A Turco

TITLE: President

*Petitioner
Ex 4*

NAME OF COMPANY: BETMAR UTILITIES INC.

SEWER TARIFF

RECEIVED
MAY 20 PM 1:29
DIVISION OF
ADMINISTRATIVE
HEARINGS

TERRITORY DESCRIPTION

The East 1/2 of Section 9, Township 26 South, Range 21 East, Pasco County, Florida, AND the West 1/2 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida,

LESS AND EXCEPT: The East 1/4 of the North 1/2 of the Northwest 1/4 of Section 10; the North 124.81 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; the East 174.02 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10, LESS the North 124.81 feet; the East 1/4 of the North 1/4 of the Southwest 1/4 of Section 10; the West 1/2 of the North 259.32 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the East 1/2 of the North 213.63 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 9; AND the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 9.

ISSUING OFFICER: Eve A Turco

TITLE: President

90-438

**AGREEMENT BETWEEN BETMAR UTILITIES, INC.
AND PASCO COUNTY**

THIS AGREEMENT, made and entered into this 5th day of June, 1990, by and between Betmar Utilities, Inc., a Florida Corporation, organized under the laws of the State of Florida, hereinafter referred to as "Betmar" and Pasco County, a political subdivision of the State of Florida acting by and through its Board of County Commissioners, the governing body thereof, hereinafter referred to as "County".

W I T N E S S E T H:

WHEREAS, Betmar has received a certificate from the Florida Public Service Commission authorizing the provision of public sewer service to an area located in the southeast portion of the County pursuant to Chapter 367.041, Florida Statutes; and,

WHEREAS, Betmar is seeking to expand its public wastewater system to the certificated area for the purpose of providing centralized sewer and eliminating interim disposal systems; and,

WHEREAS, Betmar has requested the County to provide such bulk wastewater treatment service for its existing customers and the proposed expansion of Betmar's system; and,

WHEREAS, subject to the conditions and limitations set forth herein, the County desires to provide bulk wastewater treatment services to Betmar for the purpose of offering centralized wastewater services from the County's Southeast Subregional Wastewater Treatment Plant which presently possesses sufficient excess capacity to provide such treatment; and,

WHEREAS, in conjunction with the requested service the County

Re: Ex 3 Admitted

desires to provide certain standards for the expansion of the Betmar's wastewater treatment system and certain requirements for the quality of effluent delivered by Betmar to the County for treatment.

NOW, THEREFORE, in consideration of the premises which shall be deemed an integral part of this Agreement and of the mutual covenants and conditions set forth herein, the County and Betmar intending to be legally bound thereby, agree as follows:

Section 1. Purpose.

It is the purpose and intent of this Agreement to provide for central public sewer services to existing homes and structures and future homes and structures located in the certificated area of Betmar Utilities, Inc. and to provide for additional assurances of timely payment to the County of all costs incurred in the provision of such service by the County, including, but not limited to, cost of operation and maintenance, debt service costs, capital costs, renewal and replacement costs, and expansion costs. All terms and conditions contained herein shall be read and interpreted in a manner consistent with and in furtherance of this purpose and intent.

Section 2. Bulk Wastewater Treatment Service.

1. Subject to the conditions and limitations set forth herein, the County, shall provide bulk wastewater treatment services to Betmar. Such services shall be provided through the existing connection with Betmar Utilities, Inc.'s system. Betmar, agrees to change this connection, at no cost to the County, if

determined necessary by the County to continue service under this Agreement. The location and type of connection shall be approved by the County prior to the time that the work is actually performed. Such work shall be supervised and directed by the County and must meet all applicable State and County standards. It shall be the responsibility of Betmar to furnish proof from its staff, engineer, or other appropriate source to the County's Utility Director and/or other appropriate members of the staff, of the comparability and equivalency of all such material and standards of performance as previously mentioned.

a. Betmar shall install, as part of its connection to the County system, an appropriate metering device(s) at all points of connection which is acceptable to the County for the purposes of determining the amount of wastewater treatment services being provided by the County pursuant to this Agreement. It shall be the responsibility of Betmar to pay all costs associated with the purchase, installation and repairs of such meter(s). The County shall own and operate the meter(s) and the County shall have the absolute right of access for testing, reading purposes, and for any necessary repairs to maintain the integrity of the County's wastewater collection system. Betmar shall also be provided reasonable access to the meter(s) for testing and reading purposes.

2. Meter Reading and Payments - the County will invoice Betmar on a monthly basis in accordance with meter readings taken. Betmar shall make payment based upon the meter readings within thirty (30) days after receipt of the invoice from the County. In

the event that the payment is not made within thirty (30) days after receipt of the invoice, Betmar agrees to pay interest or penalties as established from time to time in the County's utility service regulations on the outstanding balance until paid in full. Nothing contained herein, including the charging of interest, shall extend the due date for any payment and any failure to pay on or before the due date shall be considered a default under the terms of this Agreement. Betmar shall be liable for the costs of the purchase and installation of any meters or similar equipment or devices used to measure the amount of wastewater treated. In the event Betmar disputes the accuracy of any meter reading, it must demonstrate through appropriate calibration testing that the meter is either not properly calibrated or is not functioning properly.

3. Monthly Service Rate - Betmar agrees to pay the County a service rate of Four and 13/100 (\$4.13) Dollars per thousand gallons of wastewater treated based upon the meter readings; provided, however, this rate, including any or all components thereof, as identified in Section 1., may be adjusted upward or downward by the Board of County Commissioners from time to time in accordance with the County's rate setting procedures.

4. Impact Fees - In addition to the monthly service rate Betmar agrees to pay impact fees to the County as follows:

a. New Development - Betmar agrees that any new development within its service area will pay to the County, uniform commitment and impact fees in amounts equivalent to those fees charged by the County for its retail utility customers as estab-

lished from time to time by the Board of County Commissioners, which fees will be collected by the County in accordance with its Sewer Use Ordinance. However, in the event the County adopts a bulk wastewater impact fee for new development subsequent to the execution of this Agreement said new development shall pay the bulk impact fees established by the Board of County Commissioners from time to time for connections made to Betmar's system after such adoption. Said fees shall be paid to the County prior to connection of any new development to Betmar's systems and will be collected by the County in the same manner as the County collects impact fees for its utility system

b. Existing Development - Betmar and the County agree that no separate, upfront impact fees will be charged for existing structures or development as of the date of this Agreement which are either presently connected to Betmar's system or which are located in Betmar's approved certificated area and are to be connected to Betmar's System in the future.

5. Treatment Capacity - The County agrees to treat wastewater pursuant to this Agreement, provided sufficient capacity is available at the County's wastewater treatment facilities and all appropriate permits have been obtained by Betmar from State regulatory agencies.

a. Betmar agrees to abide by the Pasco County Sewer Use Ordinance including the Regulations for Discharge to Pasco County Wastewater System, (attached as Exhibit "B"), in its entirety and as it may be changed from time to time by requirement of Federal of

State authorities and/or by the County.

b. Betmar agrees that it shall not engage in wastewater treatment services on its own, or utilize treatment services from others during the term of this Agreement provided the County has available capacity to adequately treat wastewater flows from Betmar.

6. Coordination of Flows - Betmar will cooperate in every possible way with the County to coordinate flows into the plant so that they shall not exceed the permitted per day maximum for the plant.

7. Notwithstanding any other provisions contained herein, the County shall not be liable for any damages as the result of the inability or failure to provide sewage treatment services pursuant to this Agreement either on a temporary, emergency or permanent basis. The County shall use its best efforts to provide the treatment capacity needed by Betmar, to service its customers. Notwithstanding the foregoing, the County reserves the right to proportionately reduce the gallonage made available under this Agreement to comply with reduced treatment capacity as restricted from time to time by governmental regulatory authorities.

8. Public Sewer Collection System - Betmar shall, at its expense:

a. Purchase, install, repair, or maintain its entire wastewater collection system, including all sewer lines, master meters, and other facilities and appurtenances that may be necessary in order to tap into or make connections with the

County's wastewater system;

b. Caused to be conducted all investigations and testing that may be required in order for Betmar to tap into said system, including all design, construction, repair, and maintenance of said connection equipment; and,

c. Cause all sewer lines, master meters, and all other facilities required for the connection to the County system to be repaired and maintained in accordance with appropriate standards and specifications.

9. Permits - Betmar shall have the responsibility of securing and maintaining all necessary permits from all governmental agencies having regulatory authority of Betmar's public sewer collection system. The County shall have the same responsibility as to its sewer system.

10. Quantity Deficiencies - The County shall not be liable in damages to Betmar in the event that the quantity of sewage to be treated under this Agreement shall be curtailed or diminished at no fault of the County.

Section 3. General Provisions.

1. This Agreement shall be executed in two counter-parts, each of which will be considered an original. This Agreement is binding upon the successors and assignees of the parties hereto. The provisions of this Agreement constitute the entire terms and provisions of this Agreement between the parties hereto, and no amendment or alteration shall be binding unless the party affected thereby shall have executed a written instrument amending the

Agreement. Whenever one party gives notice to the other party concerning any of the provisions of this Agreement, such notice shall be given by certified mail return receipt required. Said notice shall be deemed given when it is deposited in the United States mail with sufficient postage prepaid (notwithstanding that the return receipt is not subsequently received). Notices shall be addressed as follows:

PASCO COUNTY:	County Administrator Pasco County Government Center 7530 Little Road, Room 203 New Port Richey, Florida 34654
BETMAR UTILITIES, INC.:	Joseph L. Turco 6635 Hickorywood Lane New Port Richey, Florida 34653

These addresses may be changed by giving notice as provided for in this paragraph.

2. No waiver of breach of any of the terms of this Agreement shall be construed to be a waiver of any succeeding breach.

Section 4. Default.

1. If either party materially fails or defaults in keeping, performing or abiding by the terms and provisions of this Agreement, then the non-defaulting party shall give written notice to the defaulting party specifying the nature of the default. If the defaulting party does not cure the default within thirty (30) days after the date of written notice, then this Agreement, at the option of the non-defaulting party, shall terminate. Neither party shall be relieved of liability to the other for damages sustained by virtue of any party wrongfully exercising this provision. This paragraph is not intended to replace any other legal or equitable

remedies available to any non-defaulting party under Florida law, but it is in addition thereto. Notwithstanding the foregoing, any failure to make timely payments shall be considered a material default under the terms of this Agreement without the necessity for any written notice to Betmar.

Section 5. Term.

This Agreement shall have a term of twenty-five (25) years commencing on the date of execution of this Agreement. This Agreement shall not be considered an obligation on the part of Pasco County to perform in any way other than as indicated in this Agreement. The County shall not be obligated under the terms of this Agreement to treat additional sewage from Betmar in or from areas outside its certificated area or other areas intended to be served by Betmar, all as identified on Exhibit "A", unless the County issues written notification that it does not object to such additional service. Pasco County also affirmatively states as part of this Agreement that its first responsibility is to the customers inside its own service limits and that it reserves the right to act in the best interest of those customers in all circumstances.

Section 6. Utility System Charges.

Betmar shall fix, revise, maintain and collect such fees, rates, rentals or other charges for the use of the products, services and facilities of its utility system as shall be necessary to fund the timely payment of its respective obligations and liabilities under this Agreement. Betmar shall maintain its utility system operation and maintain accounts throughout the term

of this Agreement for the purpose of paying its obligations and liabilities hereunder.

Section 7. Miscellaneous Provision.

1. In the event the County's performance of this Agreement is prevented or interrupted by consequent of an act of God, or of the public enemy, or national emergency, allocation or other governmental restrictions upon the use or availability of labor or materials, rationing, civil insurrection, riot, racial or civil rights disorder or demonstration, strike, embargo, flood, tidal wave, fire, explosion, bomb detonation, nuclear fallout, windstorm, hurricane, sink holes, earthquake, or other casualty or disaster or catastrophe, unforeseeable failure or breakdown of pumping, transmissions or other facilities, governmental rules or acts or orders or restrictions of regulations or requirements, acts or actions of any government, except the County, or public or governmental authority or commission or bond or agency or official or officer, or judgment or a restraining order or injunction of any court, the County shall not be liable for such non-performance, and the time of performance shall be extended for such time period that the County is diligently attempting to perform.

2. The parties hereto agree that from and after the date of execution hereof, each will, upon the request of the other, execute and deliver such other documents and instruments and take other actions as may be reasonably required to carry out the intent of this Agreement.

3. This Agreement shall be binding upon the heirs, represen-

tatives and assigns of the parties hereto and the provisions hereof shall constitute covenants running with the land for the benefit of the heirs, representatives and assigns of the party. However, this Agreement shall not be assigned by Betmar without the express permission of the County; however, such consent shall not be unreasonably withheld by the County.

4. In the event the County ever elects to exercise its power of eminent domain for the purpose of acquiring all, or any part of the utility system which may be owned by Betmar, the County will not be required to pay Betmar for any value which might be attributable to the services provided by the County under the terms of this Agreement. In other words, such services provided by the County under this Agreement shall have no residual value in the event the County seeks to condemn all, or any part, of Betmar's system. This shall not be construed as a waiver of any defense, including the defense of lack of authority, Betmar may have to such an action by the County or to any claim for compensation as an on going business concern.

5. Betmar agrees that upon execution of this Agreement that it will immediately file the same with the Florida Public Service Commission and, in the event Commission approval is required, Betmar shall use its best faith efforts to obtain such approval. Notwithstanding any other provisions of this Agreement, in the event the Florida Public Service Commission approval of this Agreement is required prior to its effectiveness, the same must be approved in its entirety as a condition precedent to the effective-

ness of the Agreement and the effective date of this Agreement shall be the date of approval by the Florida Public Service Commission.

6. As further consideration of the mutual covenants and conditions contained herein, Betmar agrees to dismiss, with prejudice, its complaint against Pasco County filed in Circuit Court 90-820 CA, and the County agrees to withdraw its objection to Betmar's request for extension of its certificated area presently pending before the Florida Public Service Commission in Case No. 90-001218 (DOAH).

7. This Agreement shall superseded and replace any existing Agreement between Pasco County and Betmar Utilities, Inc. for bulk wastewater services.

EXECUTED this 5th day of June, 1990, in Pasco County, Florida.

[SEAL]

BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA

ATTEST:

By

Jed Pittman
Jed Pittman
Clerk

By

Curtis L. Law
Curtis L. Law
Chairman

WITNESSES:

BETMAR UTILITIES, INC.

By

Eve A. Turco
President

APPROVED AS TO LEGAL FORM AND CONTENT

Office of the County Attorney

By Ben Harill
Attorney

A:\betmar.agt

STATE OF FLORIDA)
COUNTY OF PASCO)

~~May~~ Subscribed and sworn to before me this 29th day of
~~June~~, 1990, by Eve A. Turco as President of Betmar Utilities
Inc.

Jacqueline A. Board
NOTARY PUBLIC

MY COMMISSION EXPIRES:

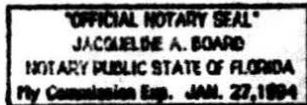


EXHIBIT "B"

SECTION 12. REGULATION OF DISCHARGE

- (1) Purpose - It is the purpose of this section to establish rules and regulations concerning discharges to the system, including the determination of the acceptability of discharges; the pretreatment of discharges; and establishing specific limitations on certain discharges.

- (2) Access to Premises for Inspection of Discharge - Inspection Chamber May Be Required - The Director shall at all times have free access to the premises of any user of its facilities, and free access to the premises of any person reasonably believed by the Director to be a user or possible user of its facilities, for the purpose of inspecting, sampling, or testing the discharge emanating therefrom, in order to determine whether such discharge, or potential discharge, is acceptable or unacceptable to the County. Where necessary, the Director may require the owner of any premises which discharges to the system to install a suitable inspection chamber together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the discharge, or potential discharge. Such chambers, when required, shall be constructed in accordance with plans approved by the Director. The chamber shall be installed at the owner's expense and shall be maintained by him so as to be safe and accessible at all times.

(3) Acceptability or Unacceptability of Discharge - Determination by County - The Director shall determine the acceptability or unacceptability of any discharge to the system. Such a determination shall be made on the basis of sound engineering and operational evaluations taking into consideration the nature and concentration of the discharge, its point of entry into the system, its compatibility with other discharges in the system, its compatibility with the treatment facility receiving it, and all other factors pertinent to the effect of the discharge on any part of the system or treatment process.

(4) Unacceptable Discharges - Unacceptable discharges shall include, but not necessarily be limited to those which have been determined by the Director to:

- (a) Contain materials or substances which would constitute a hazard to life and limb of personnel engaged in inspection, maintenance, and operation of the system.
- (b) Contain materials or substances which are toxic as defined in these regulations.
- (c) Contain materials or substances which are in any way deleterious to any part of the system.
- (d) Contain concentrations of any toxic or deleterious materials or substances in excess of any limits set thereon in accordance with these regulations.
- (e) Cause the County to incur excessive expense in the handling or treatment thereof.
- (f) Be incompatible with the treatment process or inhibit the performance of the treatment process at a County treatment facility.

- (g) Be of such volume or contain such BOD, suspended solids, or other material load which could cause the treatment facility to exceed its design capabilities.
 - (h) Cause a treatment facility of the County to fail to meet effluent requirements set by State and Federal Regulatory agencies or cause such effluent to have a degrading effect on the receiving body of water.
 - (i) Contain viable pathogenic organisms in such quantities as to be a hazard to public health.
 - (j) Cause a treatment facility of the County to fail to meet effluent requirements as established under the County's Operation Permit for its sewage treatment plants.
- (5) Unacceptable Discharge - Refusal of Service - The Director may refuse the service of the County's facilities to any person whose discharge is determined by the Director to be unacceptable in accordance with the provisions of this section.
- (6) Unacceptable Discharges - Pretreatment Permitted - Any person whose discharge has been determined by the Director to be unacceptable in accordance with the provisions of this section may apply to the Director for Permission to pre-treat such discharge by the use of a method of pre-treatment designed to render said discharge acceptable. Any industry discharging to the County sewer system more than 50,000 gallons per day or any discharger so designated as a potential problem discharge by the Director shall comply with the following:
- (a) In order to provide for accurate sampling and measurement of industrial wastes, each designated discharger shall provide and maintain, on each of its industrial waste outlet sewers, a large manhole or sampling chamber to be

located outside or near its plant boundary line. If inside the plant fence, there shall be a gate near the sampling chamber with a key furnished to the County. There shall be ample room provided in each sampling chamber to enable convenient inspection and sampling by the County, or its agent.

- (b) Each sampling chamber shall contain a Parshall flume, accurate weir, or similar device, with a recording and totalizing register for measurement of the liquid quantity; or the metered water supply to the industrial plant may be used as the liquid quantity where it is substantiated that the metered water supply and waste quantities are approximately the same, or where a measurable adjustment can be made in the metered supply to determine the liquid quantity. The measuring, totalizing, recording devices are to be supplied, installed, and maintained by the owner.

- (c) Samples shall be taken every hour, properly refrigerated and composited in proportion to the flow for a representative 24-hour sample. Such sampling shall be repeated on as many days as necessary to insure representative quantities for the entire reporting period. Industrial plants, with wide fluctuations in quantities of wastes, will require an automatic sampler paced automatically by the flow-measuring device. Minimum requirements for representative quantities shall include reevaluation during each quarterly period. The determination of representative quantities shall include not less than three consecutive days of 24-hour composite samplings taken during periods of normal operation, together with acceptable flow measurements. The frequency of sampling, sampling chamber, metering device, sampling methods, and analysis of samples shall be subject, at any time, to inspection and verification by

the County. Sampling and measuring facilities shall be such as to provide safe access for authorized personnel of the County for making such inspection and verification. Plans for sampling chambers, with their location shown on a site plan shall be submitted to the County.

- (d) The owner of each facility discharging industrial wastes shall submit monthly to the County, on forms supplied by the County, a certified statement of the quantities of its wastes discharged into the sewers and sewage works of the County or into any sewer connected therewith. Copies of pertinent water bills shall be submitted with the above statement. Such documents shall be filed with the County not later than the tenth day of the following month. A separate statement shall be filed for each industrial plant. The total quantities of wastes to be measured and certified by the owner shall be: (1) liquid in gallons, (2) five-day BOD in pounds, (3) suspended solids in pounds, on a dry solids basis, (4) total phosphorus in pounds, (5) total Kjeldahl nitrogen in pounds, and (6) COD in pounds.

- (7) Unacceptable Methods of Pre-treatment - Review by County - Refusal of Pre-treatment Method - The acceptability of a pre-treatment method for any given discharge, an application for which has been made in accordance with these regulations and the terms for the installation and use thereof, shall be reviewed and determined by the Director. Such a review shall be made on the basis of sound engineering and operational evaluations taking into consideration all factors pertinent to the effect of the discharge both before and after pre-treatment on any part of the system.

- (8) Inspection of Pre-treatment Facilities by County -

Pre-treatment facilities shall at all times be subject to inspection by the Director in order to determine if such facilities are efficiently performing the function for which they are installed.

- (9) Cost of Pre-treatment to be borne by User - All costs incident to pre-treatment and all expenses incident to the acquisition, installation, operation, maintenance, and repair of pre-treatment facilities shall be borne by the user. In addition, any extraordinary administrative or investigative expenses incurred by the County as a result of the installation and use of pre-treatment facilities shall be charged to the user.
- (10) Discharge of Certain Materials and Substances Prohibited - No person shall release or cause to be released or allow to run, leak or escape into the County's sewerage system any discharge containing any materials or substances considered by the County to be toxic as defined in these regulations or to be in any way deleterious to any part of the County's sewerage system or treatment process. Certain materials shall by their nature be considered by the County to be toxic or deleterious except in small quantities or concentrations. Such materials or substances shall include, but not necessarily be limited to:
- (a) Construction materials, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, fur, wax, or any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system.
- (b) Any gasoline, benzene, naptha, fuel oil, or other flammable or explosive liquids, solids, or gases.

- (c) Steam or hot water above 150° Fahrenheit (65° Centigrade).
- (d) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 33° and 150° F (1° C and 65° C).
- (e) Any waters or wastes having a pH lower than 5.5 or higher than 10 or having any other corrosive property apt to cause damage or hazard to structures, equipment of the sewerage system, or personnel employed in its operations.
- (f) Any water or waste containing readily releasable cyanide (cyanide released at a temperature of 150°F (65°C) and pH = 2.5) in excess of 2 mg/l; any water or waste containing total cyanide in excess of 5 mg/l.
- (g) Coal tar, its derivatives and waste.
- (h) Any liquids or wastes containing toxic or poisonous substances in sufficient quantities or rate of flow as to injure or interfere with any of the sewage treatment process, to constitute a hazard to human beings or animals, or to create any hazard in the receiving waters.

(11) Discharge of Certain Materials Permitted Conditionally -

Certain toxic substances and pathogenic bacteria, admission of which into the system would otherwise be prohibited, shall be acceptable in a discharge if: (1) reduced by treatment at the source to a point that will meet the general purposes of these rules and regulations or come within any applicable standards set thereon now or hereafter in accordance with these regulations, or (2) discharged in such small concentrations so as

to not be injurious to personnel, sewers, any biochemical, biological, or other sewage treatment process, or receiving waters. Such substances shall include, but not necessarily be limited to:

- (a) any alcohols, antibiotics, arsenic, arsenicals, bromine, iodine, chlorine, copper, copper salts, cresols, creosotes, fluorine, formaldehydes, mercury, mercuricals, phenols, phenol derivatives, silver, silver compounds, silvermides, toxic dyes (organic and mineral), or zinc;
- (b) any strong oxidation agents such as chromates, dichromates, permanganates, or peroxides;
- (c) any chemical compounds producing toxic, flammable, or explosive gases either upon acidification, alkalization, oxidation or reduction;
- (d) any strong reducing agents such as nitrates, sulphides, sulfites, and thiosulphates;
- (e) any waste from industrial processes, hospital procedures or commercial processes containing viable pathogenic organisms.

- (12) Specific Limitations on Certain Materials and Substances in Discharge - Compatibility with Regulatory Agency Requirements
- Table 1 lists the maximum allowable values for certain materials in, or characteristics of, wastewater entering the County's sewerage systems. The County reserves the right to establish standards for substances not contained in this list. In setting additional standards the County will generally follow the standards of the Water Pollution Control Federation. In defining and interpreting the values in Table 1, reference shall be made to Standard Methods for the

Examination of Water and Wastewater, American Water Works Association, latest edition.

TABLE 1

Material or <u>Characteristic</u>	Maximum Allowable <u>Value</u>
Boron	1.0 ppm
Chromium, total	10.0 ppm
Copper	10.0 ppm
Cyanides	2.0 ppm
Cadmium	2.0 ppm
Lead	0.1 ppm
Mercury	2.0 ppm
Nickel	10.0 ppm
Zinc	10.0 ppm
Iron	25.0 ppm
Phenols	0.5 ppm
BOD	210.0 ppm
Suspended Solids	210.0 ppm
pH	5.5 - 9.5
Temperature	105° F

The above limitations are intended to apply generally to all industrial users within the County's sewerage system. If and when State or Federal regulatory agency regulations require a specific pretreatment concentration for a specific industry, whichever is the more stringent concentration level between these regulations and such regulations will apply.

(13) Discharge Containing Ground Garbage - Approval of Certain Size Grinders Required - Any discharge to the County's sewerage system containing garbage may be made acceptable by means of grinding and dilution, provided however, that the installation of and operation

of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.76 h.p. metric) or greater, shall be subject to review and approval by the County prior to such installation and operation and to periodic inspection by the County thereafter.

(14) Discharges Containing Acids and Bases - Neutralization

Required - Any water or wastes which are unacceptable pursuant to these regulations shall be neutralized, diluted or subjected to some other acceptable method of pre-treatment in order to render it acceptable to the County in accordance with the provisions of this chapter prior to its discharge to the System. If necessary, the use of automatically operating diluting or neutralization and monitoring equipment shall be required. If, upon neutralization, the discharge is sufficiently high in ionic strength as to continue to be unacceptable, further pre-treatment shall be required.

(15) Discharge of Odors - Control by Owner Required - It shall at

all times be the responsibility of the owner to eliminate or control the emission of offensive odors from building sewers to the System or the development of offensive odors in the System as the result of a discharge. Whenever the Director determines that offensive odors emanating from building sewers or resulting from a discharge are present in the System, he shall require the owner to take whatever steps are necessary to eliminate such odors from the System. The cost of any devices which may be necessary to eliminate or control such odors and all attendant expenses shall be borne by the owner.

(16) Prevention of Accidental Release of Unacceptable Substances -

There shall be no connection to the System from any vessel, tank, container, or receptacle of any kind used to receive, hold, store, or in any other way handle any toxic or deleterious materials or substances, the discharge of which is prohibited by these regulations through which quantities of such

materials or substances could accidentally or otherwise be discharged directly or indirectly into the system. Persons who in the course of their business or otherwise transport, store, receive, ship, or in any other way handle or process any such materials or substances shall take precautions to prevent accidental spillage of such substances to any connection, to the system by way of floor drains, basins, catch basins, down spouts, gutters, manholes, or any other such connection. Whenever the Director determines that accidental spillage has occurred through any connection to the system as described above, he shall require the owner to eliminate the connection.

- (17) Accidental Release of Unacceptable Discharge - Notification - Charges - In the event of any accidental release to the system of any unacceptable discharge or of any substances or material considered by the County to be toxic or deleterious as provided in this chapter, it shall be the responsibility of the user to notify the County immediately, and in no case later than one (1) hour following such a discharge, so that remedial action can be taken. Costs incurred to correct any damage resulting from such a discharge shall be charged to the user and failure to report such a discharge shall result in an additional charge of \$500 in addition to cost of correction. Each such discharge shall be considered separately and costs and charged levied accordingly. Each day on which there is such a discharge shall be and is hereby deemed to be a separate discharge and charges shall be levied accordingly. Such charges shall be collected by the County in the same manner as all other charges set by the County.
- (18) Special Agreements - Application to County - Whenever necessary or expedient in order to carry out the provisions of these regulations, the County may enter into special agreements with users of the County's facilities setting forth

terms under which the discharge of such users will be acceptable to the County. Such agreements shall be made only in accordance with an application therefore made to the Board of County Commissioners.

(19) Discharge of Unpolluted Water Where Storm Sewer is Available -

Whenever separate storm and sanitary sewers are provided, required, or in use in any area of the County, all unpolluted water, roof-runoff, uncontaminated cooling water, sub-surface drainage, or unpolluted industrial process water shall be discharged to the storm sewer. Whenever, in such areas, any such unpolluted water is found to be discharged to a sanitary sewer, the Director shall require such discharge to be connected to the storm sewer at the expense of the user.

(20) Appeal From Determination Regarding Discharge - Any industrial

user whose discharge has been determined by the Director to be unacceptable in accordance with these regulations or who disagrees with any other determination of the Director hereunder may apply to the Board of County Commissioners for a review thereof in accordance with these regulations.

(21) Failure to Comply With Discharge Regulations - Charges - Any

failure to comply with any provision of this chapter in this code shall result in an additional charge against the person or premises so failing to comply in the amount of \$500.00; in addition, said person or premises shall be liable for any damages which occur to the system as a result of such failure to comply with any provision of these regulations, and each such failure to comply shall be and is hereby deemed to be a distinct and separate failure and charges shall be applied accordingly. Such charges shall be collected by the County in the same manner as all other charges set by the County.

(22) No person shall discharge or cause to be discharged any

sanitary wastewater into the storm sewer system without exception.

- (23) Cooling and/or condensing water may be discharged to the storm sewer system only if a NPDES Permit is obtained from the FDER.
- (24) The industrial users may be required to provide information needed to determine compliance with this Ordinance. These requirements may include:
 - (a) Wastewaters discharge peak rate and volume over a specified time period.
 - (b) Chemical analyses of wastewaters.
 - (c) Information of raw materials, processes, and products affecting wastewater volume and quality.
 - (d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
 - (e) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 - (f) Details of wastewater pretreatment facilities.
 - (g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

SECTION 20. ADMINISTRATION

(1) Wastewater Dischargers

It shall be unlawful to discharge with a County permit to the wastewater system any wastewater except as authorized by the Director in accordance with the provisions of this Ordinance.

(2) General Permits

(a) All significant users proposing to connect to or to contribute to the County's system shall obtain a Wastewater Discharge Permit before connecting to or contributing to the system.

(b) All existing significant users connected to or contributing to the system shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.

(3) Permit Applications

Users required to obtain a Wastewater Contribution Permit shall complete and file with the County, an application in the form prescribed by the County, and accompanied by a fee as set by the County from time to time. Existing users shall apply for a

Wastewater Contribution Permit within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 12 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 3 minute peak wastewater flow rates, including daily, monthly and season variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any County, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a

consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

- (i) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (ii) No increment referred to in paragraph (i) shall exceed 9 months.
 - (iii) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Director.
- (j) Each product produced by type, amount, process or processes and

rate of production;

- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information as may be deemed by the County to be necessary to evaluate the permit application.

The County will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the County may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

(4) Permit Modifications

Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by Section (3), the user shall apply for a Wastewater Contribution Permit within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Contribution Permit shall submit to the Director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section (3).

(5) Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the County. Permits may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the County, and affording the County access thereto;
- (i) Requirements for notification of the County of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges;

(k) Other conditions as deemed appropriate by the County to ensure compliance with this Ordinance.

(6) Permits Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit renewal a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the County during the term of the permit as limitations or requirements as identified in this Section and Section 12 are modified or other just cause exists. The user shall be informed of any proposed changes in this permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(7) Permit Transfer

Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or change operation without the approval of the County. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

(8) Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to Pretreatment Standards and Requirements

shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirement. The statement shall be signed by an authorized representative of the industrial user, and certified by a qualified professional.

(9) Periodic Compliance Reports

- (a) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or in the case of a new source, after commencement of the discharge into the system, shall submit to the Director during each quarterly period, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.
- (b) The Director may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by a subparagraph (a) of this paragraph shall

indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, or pollutants contained therein which are limited by the applicable Pretreatment Standards. All analysis shall be performed in accordance with procedures established by the Approval Authority pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with anyother test procedures approved by the administration. Sampling shall be performed in accordance with the techniques approved by the Approval Authority (DER).

(10) Sampling Technique

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with anyother sampling and analytical procedures approved by the administrator.)

(11) Monitoring Facilities

The County shall require to be provided and operated at the users own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the County may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expenses of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the County's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the County.

(12) Inspection and Sampling

The County shall inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the County or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The County Approval Authority and (where the NPDES State is the Approval Authority), EPA shall have the right to setup on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the County Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(13) Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the County shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the County for review, and shall be acceptable to the County before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the County under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the County prior to the user's initiation of the changes.

All records relating to compliance with Pretreatment Standards will be made available to officials of the EPA or Approval Authority upon request.

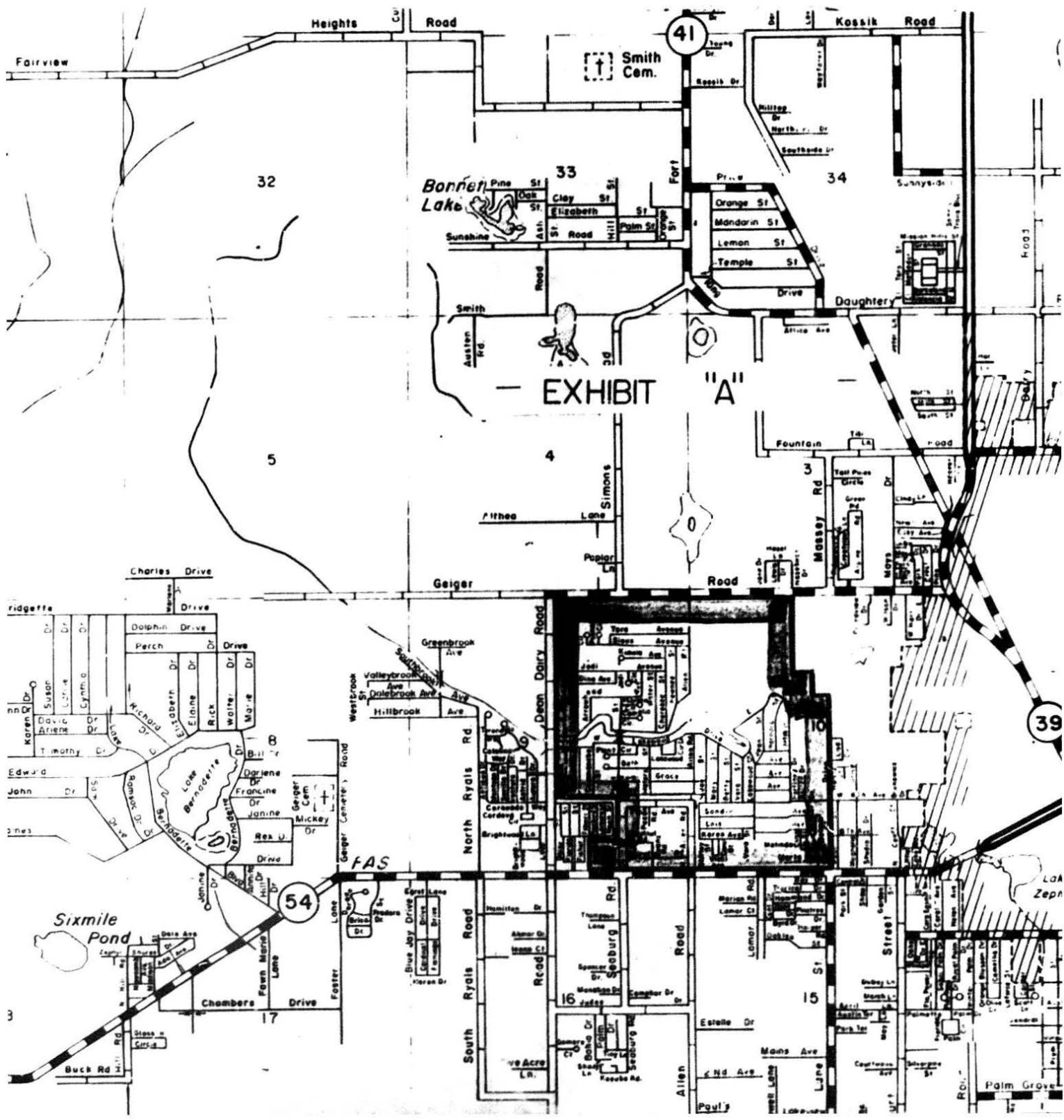
(14) Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically request and is able to demonstrate to the satisfaction of the County that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user and the same are exempt under Florida's Public Records Law.

When requested by the person furnishing a report, the portions of a

report which might disclose trade secrets, or secret processes, shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the County as confidential, shall not be transmitted to any governmental agency or to the general public by the County until and unless a five-day notification is given to the user.





Any and all persons interested or concerned with the above matter may appear and will be heard with regard to the same. A copy of this ordinance can be obtained from the office of the City Clerk.

/s/ SHIRLEY DRESCH, City Clerk
City of Port Richey, Florida

Oct. 18, 25, Nov. 1, 8, '89

(#202)

NOTICE OF FORFEITURE PROCEEDING

IN RE: THE FORFEITURE OF:
1984 Oldsmobile Cutlass
1G3AM47ABEM377173
NYM 896

TO: Lon A. Jefferson
4123 Vista Verde Drive #8
New Port Richey, Florida 34654

and to all others who claim an interest in the above-described property. The Sheriff's Office of Pasco County, Florida, seized the above-described property on or about 10/9/89 at or near:
4123 Vista Verde Drive, New Port Richey in Pasco County, Florida, pursuant to the Florida Contraband Forfeiture Act, Chapter 932.701-704 and will file EX 1617 in the Circuit Court of Pasco County on November 27, 1989, or thereafter, a Rule to Show Cause ordering all claimants to show cause, if any, as to why the above-described property should not be forfeited to the Sheriff's Office. All interested parties must file a written claim with the undersigned attorney before the above-stated date or such claim may be barred.

JAMES E. GILLUM
SHERIFF, PASCO COUNTY

/s/ LEE H. CANNON, Esq. SPN 104571
ROBERT P. COLE, Esq. SPN 00000017
Attorneys for the
PASCO COUNTY SHERIFF'S OFFICE
8700 Citizens Drive
New Port Richey, Florida 34654
813-847-5878

Nov. 1, 8, '89

(#276)

NOTICE OF PUBLIC SALE

For Towing & Storage

1-1975 Homemade Trailer
ID#TR10733PA
Last known owner: Ben Beck

1-1972 Yamaha ID#RT1117553
Last known owner: Troy Dillaro

To be held on November 20, 1989
at 8:00 A.M. at Automotive Center of
Hudson, 8705 New York Avenue,
Hudson, FL 34667.

Nov. 8, '89

(#305)

LEGAL NOTICE

APPLICATION FOR AN AMENDMENT TO
A CERTIFICATE FOR WATER AND/OR
SEWER UTILITY

Notice is hereby given pursuant to Section 367.061, Florida Statutes, of the Application of BETMAR UTILITIES INC. to amend their certificate to provide water and/or sewer service to the following described lands in Pasco County, Florida.

The East 1/2 of Section 9, Township 26 South, Range 21 East, Pasco County, Florida, and the West 1/2 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida.

LESS AND EXCEPT The East 1/4 of the North 1/2 of the Northwest 1/4 of Section 10; the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; the East 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; less the North 1/4 of the East 1/4 of the North 1/4 of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; the West 1/2 of the North 259.32 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the East 1/2 of the North 213.63 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 9; and the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 9.

Any objection to the said application must be made in writing within thirty (30) days from this date to the Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301, and a copy of said objection mailed to the applicant whose address is:

BETMAR UTILITIES, INC.
POST OFFICE BOX 370
PORT RICHEY, FL 34673-0370

NOV. 8, 5, 22, '89

(#287)

• FLEAS •

COINS Lincoln cent set in album,
1941 to 1974 inc. war coins \$12
868-9194

10 SPEED FRENCH RACING BIKE,
light weight, new, needs some parts
\$85 847-9775

all persons interested or concerned with the above matter may appear and will be heard with regard to the same. A copy of this ordinance can be obtained from the office of the City Clerk.

SHIRLEY DRESCH, City Clerk
Port Richey, Florida

25, Nov. 1, 8, '89.

(#203)

NOTICE OF ORDINANCE

NOTICE IS HEREBY PROVIDED
Ordinance, the title of which
is:

ORDINANCE AMENDING SECTION I
AND (b) (2) OF ORDINANCE NO.
NO SECTION II (4) (A) AND (4) (B)
ORDINANCE NO. 1183 OF THE
COUNCIL OF NEW PORT RICHEY,
FLA GOVERNING THE POLICE
OFFICERS' RETIREMENT SYSTEM;
ADDING FOR AN ADDITIONAL
FEE OF \$300.00 PER MONTH
FEE FOR LIFE FOR NORMAL,
AND DISABLED RETIREES, AND
BENEFICIARIES OF
EMPLOYED MEMBERS (OR CHILDREN
AGE 18 OR 22); PROVIDING FOR
REPEAL; PROVIDING AN
EFFECTIVE DATE HEREOF

It is considered for adoption by the
Council of New Port Richey, Florida,
Regular Meeting thereof now
called for the hour of 7:30 P.M.,
on November 7, 1989, at the
City Building, 320 East Main Street,
Port Richey, Florida.

NOTICE IS FURTHER PROVIDED
that the proposed Ordinance may be
read by the public at the Office of the
City Clerk of the City of New Port Richey,
between the hours of 8:00 A.M.
and 5:00 P.M., between now and the date
of Ordinance shall be considered
adoption by the City as aforesaid.

If interested persons may appear
aforesaid meeting and be heard
object to the proposed Ordinance.

NEW PORT RICHEY
SACHSE BOTTLNER
City Clerk

89

(#306)

NOTICE OF FORFEITURE PROCEEDING

IN RE: THE FORFEITURE OF:
40hp Mariner Boat Motor
No. Vin - Model 67604

TO: Jorge A. Garza
County Line Road & Linden Drive
Spring Hill, Florida 34610

and to all others who claim an interest in the above-described property. The Sheriff's Office of Pasco County, Florida, seized the above-described property on or about 9/12/89 at or near:

County Line Road & Linden Drive
in Pasco County, Florida, pursuant to the Florida Contraband Forfeiture Act, Chapter 932.701-704 and will file EX 1617 in the Circuit Court of Pasco County on November 27, 1989, or thereafter, a Rule to Show Cause ordering all claimants to show cause, if any, as to why the above-described property should not be forfeited to the Sheriff's Office. All interested parties must file a written claim with the undersigned attorney before the above-stated date or such claim may be barred.

JAMES E. GILLUM
SHERIFF, PASCO COUNTY

/s/ LEE H. CANNON, Esq. SPN 10471
ROBERT P. COLE, Esq. SPN 00000017
Attorneys for the
PASCO COUNTY SHERIFF'S OFFICE
8700 Citizens Drive
New Port Richey, Florida 34654
813-847-5878

Nov. 1, 8, '89

(#275)

• FLEAS •

RED MAPLE ROUND TABLE \$75
868-2175.

m 12/14
C
2ND

LEGAL NOTICE

NOTICE IS HEREBY GIVEN PURSUANT TO SECTION 367.045, FLORIDA STATUTES, OF THE APPLICATION OF BETMAR UTILITIES INC. TO AMEND ITS CERTIFICATE NUMBERS 137-W AND 98-S FOR WATER AND WASTEWATER SERVICE TO ADD TERRITORY IN PASCO COUNTY, FLORIDA, AS FOLLOWS:

THE EAST 1/2 OF SECTION 9, TOWNSHIP SOUTH, RANGE 21 EAST, PASCO COUNTY, FLORIDA, AND THE WEST 1/2 OF SECTION 10, TOWNSHIP 26 SOUTH, RANGE 21 EAST, PASCO COUNTY, FLORIDA,

LESS AND EXCEPT: THE EAST 1/4 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 10; THE NORTH 124.81 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10; THE EAST 174.02 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 10, LESS THE NORTH 124.81 FEET; THE EAST 1/4 OF THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THE WEST 1/2 OF THE NORTH 259.32 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THE EAST 1/2 OF THE NORTH 213.63 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10; THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9; AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9.

ANY OBJECTION TO THE SAID APPLICATION MUST BE MADE IN WRITING WITHIN THIRTY (30) DAYS FROM THIS DATE TO THE DIRECTOR, DIVISION OF RECORDS AND REPORTING, FLORIDA PUBLIC SERVICE COMMISSION, 101 EAST GAINES STREET, TALLAHASSEE, FLORIDA 32399-0870. A COPY OF SAID OBJECTION SHOULD BE MAILED TO THE APPLICANT WHOSE ADDRESS IS:

BETMAR UTILITIES, INC.
POST OFFICE BOX 370
PORT RICHEY, FL 34673-0370

Office
C
1st Mail

APPLICATION FOR AMENDMENT OF TERRITORY
PURSUANT TO SECTION 367.061, FLORIDA STATUTES
(AMENDMENT)

To: Director, Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32301-8153

The undersigned hereby makes application for Amendment of Water
Certificate No. 137W and/or Sewer Certificate
No. 98S located in Pasco County, Florida and
submits the following information.

PART I APPLICANT INFORMATION

- 1) The full name and mailing address of the applicant is:

Betmar Utilities, Inc. (813) 845-3600
Name of utility and/or seller Phone No.

9826 Hwy 19
Office street address

Port Richey FL 34668
City State Zip Code

P O Box 370 Port Richey FL 34673
Mailing address if different from street address

- 2) The name of the plant and/or system is:

Betmar Systems DO 51-112923

- 3) The name, address and telephone number of the parent or
affiliated corporation, if any is:

N/A
Name of corporation Phone No.

Street address

City State Zip Code

PART II CERTIFICATION

Territory Description

- A) An accurate description of the territory sought for
certification, described by sections, quarter sections and/or by
metes and bounds, using section, township, range and county
references, is attached as Exhibit 1.
- B) A description by a recorded plat book and page and/or by a
sub-division name is not an acceptable territory description.
- C) A sample description is attached showing the outline to be
followed in submitting same.
- D) An affidavit stating whether the lines are in and the
utility is ready to provide service is attached as
Exhibit 2.

Ret Ex 1 Admitted.

Territory Maps

- A) An official county or city property tax map showing the territory to be served, including section, township and range, is attached as Exhibit 3.
- B) The map shall show the new or existing and proposed territory to be served.
- C) The map shall be of a scale of 1" = 200' or 1" = 400'.
- D) The location of the treatment plant(s) shall be shown thereon.

SAMPLE PUBLICATION

LEGAL NOTICE

Application for an amendment to a certificate for water and/or sewer utility:

Notice is hereby given pursuant to Section 367.061, Florida Statutes, of the application of (name of utility) to amend their certificate to provide water and/or sewer service to the following described lands in _____, Florida.

(Insert brief description of area proposed to be served. Use sections, quarter sections, metes and bounds, or subdivision name).

Any objection to the said application must be made in writing within thirty (30) days from this date to the Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32301, and a copy of said objection mailed to the applicant whose address is:

(Utility name and address)

A)	1 to 999 persons	\$ 150.00
B)	1,000 to 4,999 persons	\$ 900.00
C)	5,000 to 9,999 persons	\$ 1,500.00
D)	10,000 or more persons	\$ 2,250.00

PART V AFFIDAVIT

EVE A. TURCO, President
 I of BETMAR UTILITIES INC. (applicant) do solemnly swear that the facts stated in the foregoing application and all exhibits attached thereto are true and correct and that said statements of fact thereto constitutes a complete statement of the matter to which it relates.

BETMAR UTILITIES INC.
 (Applicant)

BY:

Eve A Turco Pres
 Name and Title *EVE A. TURCO, President

Subscribed and sworn to before me this 9th
 of November 19 89.

Jacqueline A. Board
 Notary Public

NOTARY PUBLIC STATE OF FLORIDA
 MY COMMISSION EXP. JAN 27, 1990
 DONALD L. THOMAS GENERAL INS. UND.

*If applicant is a corporation, the affidavit must be made by the president or other officer authorized by the by-laws of the corporation to act for it. If applicant is a partnership or association, a member of the organization authorized to make such affidavit shall execute same.

EXHIBIT 1

"BETMAR UTILITIES, INC."

TERRITORY DESCRIPTION

The East 1/2 of Section 9, Township 26 South, Range 21 East, Pasco County, Florida, AND the West 1/2 of Section 10, Township 26 South, Range 21 East, Pasco County, Florida,

LESS AND EXCEPT: The East 1/4 of the North 1/2 of the Northwest 1/4 of Section 10; the North 124.81 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10; the East 174.02 feet of the Northeast 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 10, LESS the North 124.81 feet; the East 1/4 of the North 1/4 of the Southwest 1/4 of Section 10; the West 1/2 of the North 259.32 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the East 1/2 of the North 213.63 feet of the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of Section 10; the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of Section 9; AND the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 9.

OCTOBER 1959

C. FRED DEUEL & ASSOCIATES, INC.

EXHIBIT 2

AFFIDAVIT

STATE OF FLORIDA)
COUNTY OF PASCO)

BEFORE ME the undersigned authority, personally appeared EVE
A. TURCO, who was sworn and says:

1. I am over eighteen (18) years of age and have personal knowledge of the matters contained herein.
2. I am the President of Betmar Utilities Inc.
3. To the best of my knowledge and belief, all of the service lines for Hi-N-Dri and Mission Square are in and are now providing both water and sewer service to both of these customers.

FURTHER AFFIANT SAYETH NAUGHT.

Eve A Turco, Pres
EVE A. TURCO

Sworn to and subscribed before me in the County and State aforesaid, this 31st day of October, 1989.

(SEAL)

[Signature]
NOTARY PUBLIC, State of
Florida at Large

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. JAN 27, 1990
BORNED THRU GENERAL INS. UND. 1

EXHIBIT 6

SYSTEMS MAP

Paragraph C:

MISSION SQUARE, General Permit No. PATS 120770 for water service, dated June 27, 1986.

MISSION SQUARE, Permit No. CS51-123773 for wastewater service, dated October 10, 1988.

HI-N-DRI, General Permit No. PATS 105532 for water service, dated June 19, 1985.

HI-N-DRI, Permit No. CS 51-105536 for wastewater service, dated July 3, 1985.

P 488 401 511

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

STATE OF FLORIDA COUNSEL
(See Reverse)

THE HOUSE OF REPRESENTATIVES

Street and No
THE CAPITOLP.O. State and ZIP Code
TALLAHASSEE FL 32399-1300

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

P 488 401 506

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

ATTN: LAFORTUNE & OTIS FONDER
(See Reverse)

LAFORTUNE & OTIS FONDER

Street and No
224 SUNSHINE RDP.O. State and ZIP Code
Z'HILLS FL 34248

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

ATTN: RICHARD STAS
(See Reverse)

SHADY OAKS MOBILE/MODULAR

Street and No
101 SHADY OAKS DRP.O. State and ZIP Code
Z'HILLS FL 34248

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

P 488 401 508

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

ATTN: JUDITH A. HALL
(See Reverse)

SOUTHERN STATES UTILITIES

Street and No
1000 COLOR PLACEP.O. State and ZIP Code
APOPKA FL 32703

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

P 488 401 512

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

(See Reverse)

CITY OF Z'HILLS

Street and No
603 8th STP.O. State and ZIP Code
Z'HILLS FL 34248

Postage \$2.75

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$2.75

Postmark of Date

P 488 401 507

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

ATTN: RICHARD REMBLE
(See Reverse)

TEMPLE WATER COMPANY

Street and No
37502 MARCLIFF TERRACEP.O. State and ZIP Code
Z'HILLS FL 32248

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

P 488 401 513

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

(See Reverse)

BAY REG PLAN COUNCIL

Street and No
9455 ROGER BLVD/STE 219P.O. State and ZIP Code
ST PETERSBURG FL 33702

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

P 488 401 514

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

(See Reverse)

PASCO COUNTY COMMISSION

Street and No
410 E MERIDIAN AVEP.O. State and ZIP Code
DADE CITY FL 33525

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

PS Form 3800, June 1985

P 488 401 510

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

ATTN: DIVISION OF RECORDS & REPORTING
(See Reverse)

PUBLIC SER COMM

Street and No
101 E GAINES STP.O. State and ZIP Code
TALLAHASSEE FL 32399-

Postage \$0.87

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$0.87

Postmark of Date

P 488 401 513

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

(See Reverse)

PASCO COUNTY ADMINSTRATOR

Street and No
4025 MOONLAKE RDP.O. State and ZIP Code
NEW PORT RICHEY FL 33552

Postage \$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date DeliveredReturn Receipt showing to whom
Date and Address of Delivery

TOTAL Postage and Fees \$1.00

Postmark of Date

PS Form 3800, June 1985

PS Form 3800, June 1985