

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amend-) DOCKET NO. 981637-WS
 ment of Certificates Nos.)
 236-W and 179-S to extend)
 service area in St. Johns)
 County by United Water Florida) Filed: May 13, 1999
 Inc.)
 _____)

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of Direct Testimonies and Exhibits of Charles R. Gauthier, Scott Trigg, and Caroline Silvers and Kristen Smeltzer have been furnished by U.S. Mail this 13th day of May, 1999 to:

Suzanne Brownless, Esq.
1311-B Paul Russell Rd., #201
Tallahassee, FL 32301-4860

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Martin, Ade, et al.
P.O. Box 59
Jacksonville, FL 32201

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2548 Blairstone Pines Dr.
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Rutledge, Ecenia, et al.
P.O. Box 551
Tallahassee, FL 32302

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS 3+mg
- OPC _____
- RRR _____
- SEC 1
- WAW _____
- OTH _____

Samantha M. Cibula

 Samantha M. Cibula, Staff Attorney
 Fla. Bar No.: 0116599

FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6202

Smeltzer
 DOCUMENT NUMBER-DATE
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FPSC-RECORDS/REPORTING

Trigg
 DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Silvers
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FPSC-RECORDS/REPORTING

FPSC-RECORDS/REPORTING

ORIGINAL

DOCKET NO.: 981637-WS - United Water Florida,
Inc.

WITNESS: Direct Testimony Of CHARLES R.
GAUTHIER, Appearing on Behalf Of Staff

DATE FILED: May 13, 1999

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

1 DIRECT TESTIMONY OF CHARLES R. GAUTHIER

2 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?

3 A. My name is Charles R. Gauthier, and my business address is 2555 Shumard
4 Oak Boulevard, Tallahassee, Florida 32399-2100.

5 Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?

6 A. I am employed by the Florida Department of Community Affairs (DCA) as
7 Chief of the Bureau of Local Planning. My responsibilities include the review
8 of comprehensive plans and developments of regional impact throughout the
9 state including St. Johns County. I supervise 47 professional planners.
10 Approximately 500 comprehensive plan amendment packages are reviewed each
11 year.

12 Q. HOW LONG HAVE YOU BEEN EMPLOYED WITH DCA?

13 A. I was appointed Bureau Chief in March of 1999. From October 1994 to
14 March 1999 I served as Growth Management Administrator. During the 1980s I
15 was employed by DCA for approximately two and one half years.

16 Q. HOW LONG HAVE YOU BEEN EMPLOYED AS A PROFESSIONAL PLANNER?

17 A. I have been employed in the planning field since 1977 in the areas of
18 environmental regulation, comprehensive planning, development review and
19 growth management. A copy of my resume is attached as CRG-1.

20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

21 A. Pursuant to Memorandum of Understanding between the Public Service
22 Commission (PSC) and DCA, I provided the analysis on United Water Florida,
23 Inc.'s application to extend its territory with respect to issues of concern
24 for the DCA. The analysis was provided via a letter dated January 15, 1999,
25 signed by Tom Beck, then Bureau Chief of Local Planning. The purpose of my

1 testimony is to authenticate and clarify the January 15, 1999, letter, which
2 is attached as Exhibit CRG-2.

3 Q. WAS THE JANUARY 15, 1999 LETTER PREPARED BY YOU OR AT YOUR DIRECTION AND
4 CONTROL?

5 A. It was prepared under my direction and control.

6 Q. COULD YOU PLEASE SUMMARIZE YOUR COMMENTS REGARDING UNITED WATER
7 FLORIDA'S APPLICATION?

8 A. My comments were with regard to the land use designation for the
9 requested territory. We identified growth management concerns related to
10 inconsistencies with the St. Johns County Comprehensive Plan and the potential
11 for the promotion of urban sprawl. Most of the utility expansion area is
12 located in an area which the County Comprehensive Plan indicates is to remain
13 rural/silvicultural in character. The land uses designated on the County's
14 Future Land Use Map within the proposed utility service area are predominately
15 rural, except for a circular Development Area at the US 1/CR 210 intersection.
16 While the County plans development within the US 1/CR 210 Development Area,
17 the remainder of the proposed service area of approximately 2,000 acres is
18 intended for rural/silvicultural preservation throughout the County's planning
19 period. The January 15, 1999, letter indicates the County's planning period
20 to be 20 years. I would like to clarify that the County's currently adopted
21 long-range planning period is 1990-2005. The DCA anticipates the County will
22 soon revise its adopted long-range period during its Evaluation and Appraisal
23 Report (EAR)-based amendment process and that the revised long range planning
24 period will extend at least to 2010 and perhaps to 2015. The densities in the
25 rural/silvicultural category allow for one dwelling unit per 5 acres, which

1 | in this case would total only approximately 272 dwellings. The United Water
2 | application represents the projected buildout of 15,000 ERCs. The applicant's
3 | projected buildout of 15,000 ERCs within the proposed service area is not
4 | possible under the current Rural/Silvicultural designation. The data and
5 | analyses supporting the Comprehensive Plan and its associated EAR do not
6 | support a need within the adopted long-range planning period for central water
7 | and sewer service beyond the boundary of the US 1/CR 210 Development Area
8 | circle. However, since January 15, 1999, the County has informed the DCA that
9 | it has, through its authority to interpret its Comprehensive Plan, determined
10 | the US 1/CR 210 Development Area circle to be larger than represented on the
11 | Future Land Use Map. The County has, accordingly, approved residential
12 | development which effectively defines the limits of that circle as being the
13 | boundaries of the already approved development. As the issue of serving this
14 | already approved development has been raised by others, I would like to
15 | clarify here that the DCA is not asserting a position regarding whether this
16 | already approved development should be provided with central water and sewer
17 | by some entity.

18 | I am not aware of any data and analysis approved by the County which
19 | would support provision of central water and sewer services in the adjoining
20 | Rural/Silvicultural designation or which would support changing the
21 | Rural/Silvicultural designation to a higher density category during the
22 | County's adopted long-range planning period. The data and analysis in the EAR
23 | indicate that the County has already designated three times as much land as
24 | it needs during the adopted long-range planning period through 2005 for
25 | residential development. This data suggests to the Department that the County

1 | will also have adequate lands already designated for development to
2 | accommodate the projected population beyond the currently adopted long-range
3 | planning period.

4 | While the County could revise its Future Land Use Map to re-distribute
5 | its future population, doing so would require revision and re-evaluation of
6 | the data and analyses supporting all the Comprehensive Plan elements.
7 | Expansion beyond that interpreted by the County and into areas designated
8 | Rural/Silvicultural on the Future Land Use Map appears to be inconsistent with
9 | the County Future Land Use Element Policies F.2, F.1.1 and A.1.8.2 concerning
10 | the expansion of water and sewer facilities promoting efficient and compact
11 | urban growth while minimizing the impact on natural resources. The County
12 | plan identifies Development Area boundaries within which services will be
13 | provided. This request is outside that boundary. The expansion beyond the
14 | boundaries of the already approved development may encourage urban sprawl and
15 | appears to be inconsistent with the County's Comprehensive Plan goals,
16 | objectives and policies directing provision of central water and sewer
17 | services only to areas within the approved development area boundaries,
18 | maintenance of silvicultural resources, and control of urban sprawl.

19 | Q. THEREFORE, IS IT YOUR OPINION THAT IT WOULD BE INAPPROPRIATE TO EXTEND
20 | CENTRALIZED WATER AND SEWER SERVICE TO THIS AREA?

21 | A. Yes, it is.

22 | Q. DOES THAT CONCLUDE YOUR TESTIMONY?

23 | A. Yes, it does.

24 |

25 |



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH
Governor

STEVEN M. SIEBERT
Secretary

January 15, 1999

RECEIVED

JAN 15 1999

Florida Public Service Commission
Division of Water and Wastewater

Mr. Charles H. Hill, Division Director
Division of Water and Wastewater
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: PSC Docket No. 981637-WS: Application by United Florida Water, Inc., for an Extension of Service Area in St. Johns County, Florida.

Dear Mr. Hill:

On November 30, 1998, the Department received a copy of the United Florida Water, Inc., application for extension of its service area; the Department has now completed its review and offers the comments below.

The St. Johns County Board of County Commissioners passed a Resolution raising objections to this United Florida Water, Inc., application. The Resolution states that 1) the County desires to meet such service requests concurrent with development and in a manner that protects the public health and the environment, 2) the 1994 County Utility Master Plan describes the US 1 / CR 210 intersection as a future County service area, and 3) the County Utility Department would be substantially affected by not serving this area.

In support of St. Johns County, the Department comments that development as proposed in the certificate application is not consistent with the St. Johns County Comprehensive Plan. Further, the Comprehensive Plan and its supporting data and analyses specify that there is no need for central water and sewer service within most of the proposed service area for the duration of the County's 20-year planning period, as explained below.

Nearly all of the proposed service area is designated Rural / Silvicultural on the County Comprehensive Plan Future Land Use Map. The only portion of the proposed service area not included in the Rural/Silviculture designation is in a small circular Development Area at the US 1 / CR 210 intersection. (Please see the attached map.) While the County plans minor development within the small US 1 / CR 210 Development Area, the remainder of the proposed

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implementation of Green Swamp and Big Cypress Areas of Critical State Concern.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist III, Office of the Secretary, October 1981 to July 1983

Assisted agency responsibilities on broad range of environmental policy issues including use of pesticides, water quality standards, outstanding Florida waters and water management district programs.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist II, Office of Director of Environmental Programs, June 1980 to October 1981

Duties related to major initiative to eliminate surface water discharges from sewage wastewater treatment plants in Orange and Osceola Counties.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist I, Bureau of Water Management, November 1977 to June 1980

Duties related to state comprehensive planning, water management district planning, water quality planning, state public works program and legislative monitoring. Emphasis on south Florida water management.

EDUCATION

FLORIDA STATE UNIVERSITY

Master of Science, Geography, June 1976 to August 1977

Achieved Master of Science with specialization in spatial analysis of land use. The program of study was interdisciplinary and emphasized applicable skills including statistics, remote sensing, computer mapping, feasibility analysis, environmental hazards, environmental policy, planning legislation, transportation planning and environmental law. Graduate level courses completed in College of Business, College of Law and Departments of Urban and Regional Planning and Geography.

UNIVERSITY OF SOUTH FLORIDA

Bachelor of Arts, Geography, August 1972 to March 1976

Achieved Bachelor of Arts degree with emphasis on physical geography. Course work included meteorology, climatology, hydrology, physiography, geology, ecology, conservation, photo interpretation and cartography.

PROFESSIONAL AFFILIATIONS

MEMBER OF AMERICAN PLANNING ASSOCIATION SINCE 1986

MEMBER OF AMERICAN INSTITUTE OF CERTIFIED PLANNERS SINCE 1988

CHARLES R. GAUTHIER, AICP

1780 COPPERFIELD CIRCLE • TALLAHASSEE, FLORIDA 32312 • 850-894-2252

EXPERIENCE

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Chief Bureau of Local Planning, March 1999 to Present

Responsible for compliance decisions on local comprehensive plans, sufficiency determinations on evaluation and appraisal reports and approval of developments of regional impact throughout Florida. Also responsible for area of critical state concern program. Supervise 54 employees.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Growth Management Administrator, October 1994 to March 1999

Responsible for review of local governmental comprehensive plans, evaluation and appraisal reports, developments of regional impact and other planning documents within the areas of Northeast, East Central, Treasure Coast and Southwest Florida Regional Planning Councils. Responsible for drafting proposed legislation including optional sector plans and service as expert witness. Supervise 18 employees.

LEE COUNTY DIVISION OF ZONING

Zoning Manager, April 1990 to September 1994

Responsible for review of developments of regional impact, planned developments, rezonings, special exceptions and variances. Presented more than 300 cases to Hearing Examiner and Board of County Commissioners. Extensive experience with master planned communities, commercial centers, marinas and public facilities including Southwest Florida International Airport, Lee County Energy Recovery Plant and Florida Gulf Coast University. Supervised ten employees. (Position reclassified from Principal Planner in October 1993.)

WILSON, MILLER, BARTON AND PEEK, INC., NAPLES, FLORIDA

Senior Planner, June 1989 to April 1990

Responsible for land planning consulting including preparation and presentation of applications for developments of regional impact, planned developments, rezonings and site plan approval, assessments of site development potential, liaison with government and clients. Supervised one employee.

COLLEGE OF SOUTHWEST FLORIDA, NAPLES, FLORIDA

Instructor, April 1989 to June 1989

Responsible for teaching course "Familiarization with the Comprehensive Plan and Zoning Ordinance of the Unincorporated Area of Collier County."

COLLIER COUNTY GROWTH MANAGEMENT DEPARTMENT

Manager of Comprehensive Planning, December 1988 to June 1989

Responsible for formation of department and conduct of land use, transportation and technical planning. Supervised 13 employees.

COLLIER COUNTY PLANNING/ZONING DEPARTMENT

Chief of Long Range Planning, October 1985 to December 1988

Responsible for implementation of existing Collier County Comprehensive Plan and preparation of Growth Management Plan. Prepared Immokalee Area Master Plan. Supervised five employees.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Planning Manager, Bureau of State Planning, August 1984 to October 1985

Assisted implementation of Resource Management Plans for Hutchinson Island, Charlotte Harbor and the Suwannee River including working closely with local governments on revisions to comprehensive plans and land development regulations. Supervised three employees.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Planner II, October 1983 to August 1984

Assisted initiation of Kissimmee River Resource Planning and Management Committee and

Mr. Charles H. Hill
January 15, 1999
Page Two

service area is intended for Rural / Silvicultural preservation throughout the County's 20-year planning period.

The Comprehensive Plan allows a maximum density in the Rural / Silvicultural category of one dwelling unit per 5 acres. All dwelling units allowed on a parcel of land designated Rural / Silvicultural must be located in an area which covers only 10% of the parcel, leaving the remaining 90% largely undisturbed to accommodate silvicultural use. This requirement creates a development pattern at densities not supportive of the provision of central water and sewer services.

Very roughly, the proposed service area includes approximately 2000 acres, including part of the Development Area. Based on this approximation, maximum development outside the Development Area would be less than a total of only 400 dwellings. Those 400 dwellings would be scattered according to land ownership and clustered on 10% of the land in each land owner's parcel. Thus, the applicant's projected buildout of 15,000 ERC is not possible under the current Rural/ Silvicultural designation.

The data and analyses supporting the Comprehensive Plan and its associated Evaluation and Appraisal Report indicate there is no need within the next 20 years for central water and sewer service within the proposed service area beyond the boundary of the small US 1 / CR 210 Development Area circle. In fact, there is no data and analyses currently approved by the County which would support changing the Rural / Silvicultural designation on this or any other land in the area to a higher density category during the County's proposed 20-year long-range planning period. To the contrary, the data and analyses indicate that the County has already designated all the land it needs for the next 20 years for residential development in order to accommodate the entirety of its projected population and that the County has already distributed that development onto those lands it has deemed most appropriate, consistent with its Comprehensive Plan.

The County Comprehensive Plan includes the following Development Area, Reserve Area and Urban Service Area definitions and these areas are delineated on the Comprehensive Plan adopted Future Land Use Map:

Development
Areas:

For the purposes of land use designations, shall mean those areas depicted on the Mainland Map, as interpreted, which include the Urban Service Areas and the Reserve Areas, and which depict the overall growth areas for the County during the Plan's time period.

- Reserve Areas, or "RAs": Shall mean those areas depicted on the Mainland Maps as Reserve Areas, as interpreted, which are adjacent to the USAs, but within Development Area boundaries. The Reserve Areas are intended to include those developing areas in which development is anticipated to occur, and to which development will be directed pursuant to the Plan. Reserve Areas shall, consistently with development demand and capital facilities programs, be considered for expansion of utilities service.
- Urban Service Area or "USA" Those areas depicted as Urban Service Areas on the Mainland Map, intended to include those developed and developing areas where local governments, taxing districts, or private utilities have committed, or will commit, to the provision of urban services. Provision of water and sewer services within the USA's may be by County, City or other publicly-regulated, private utilities.

These definitions indicate that suburban and urban development is to occur within the Development Area boundaries. The definitions also indicate that the Urban Service Area boundary is to be contained within the limits of the Development Area boundary; the Urban Service Areas are so contained within the Development Area boundaries on the Future Land Use Map. Any area within the Development Area boundary which is not in the Urban Service Area is considered the Reserve Area -- i.e., the area where future development and future central water and sewer services are to be located, whether by private or public utility.

While it is true that the County's Comprehensive Plan Policy J.1.1.5 supports provision of private central utilities beyond the area currently served by County or City of St. Augustine utilities, the Plan does not support provision of such private utilities beyond the Development Area -- merely in the Reserve Area located within the Development Area boundary. However, the proposed service area is not located within a Reserve Area.

The proposed service area extends well beyond the small US 1/ CR 210 Development Area boundary. Therefore, the Department believes that development of central water and sewer systems as proposed by the applicant would be inconsistent with the Comprehensive Plan as adopted and as it is currently anticipated to be for the next 20 years. Also, the Department believes development of the proposed service area beyond the Development Area boundary would be inconsistent with the following County Comprehensive Plan goal, objective and policy:

- F.2. New public facilities shall be developed in a manner which protects investments in existing facilities and promotes orderly compact urban growth.
- F.1.1 The County shall implement procedures which will coordinate the extension of sewer facilities to meet future needs . . . and promote compact urban growth.

- A.1.8.2 Future utility facilities shall be located to promote the efficient provision of services, minimize the cost of construction and maintenance, and minimize the impact on the natural resources.

In addition, revision of the Rural/ Silvicultural Future Land Use category, if later proposed to accommodate the proposed extension of the service area, would be inconsistent with the following County Comprehensive Plan objectives:

- A.1.6 The County shall . . . protect . . . silvicultural lands, encourage their continued use for such purposes, and provide for separation of urban and rural land uses through: (i) the adoption of land use categories which designate such lands according to their agricultural or silvicultural use
- A.1.2 The County shall control urban sprawl, characterized by leapfrog development, strip development, and low-density residential over a large area.

Extending central water and sewer services to areas not planned for development and urban services within the County's Comprehensive Plan's long-range planning time frame could promote urban sprawl by increasing pressure for urban development in inappropriate areas at inappropriate times - i.e., in excess of currently projected future need in areas designated for agricultural preservation, on lands remote from the urban services currently provided by the County.

Summarily, the Department comments that, due to lack of need, development of the land as proposed in this application for extension of the water and sewer certification would be inconsistent with the County's Comprehensive Plan. If you have any questions on this matter, please call Jen Eversole, Planner IV, or Charles Gauthier, Growth Management Administrator, Bureau of Local Planning, at (850) 487-4545.

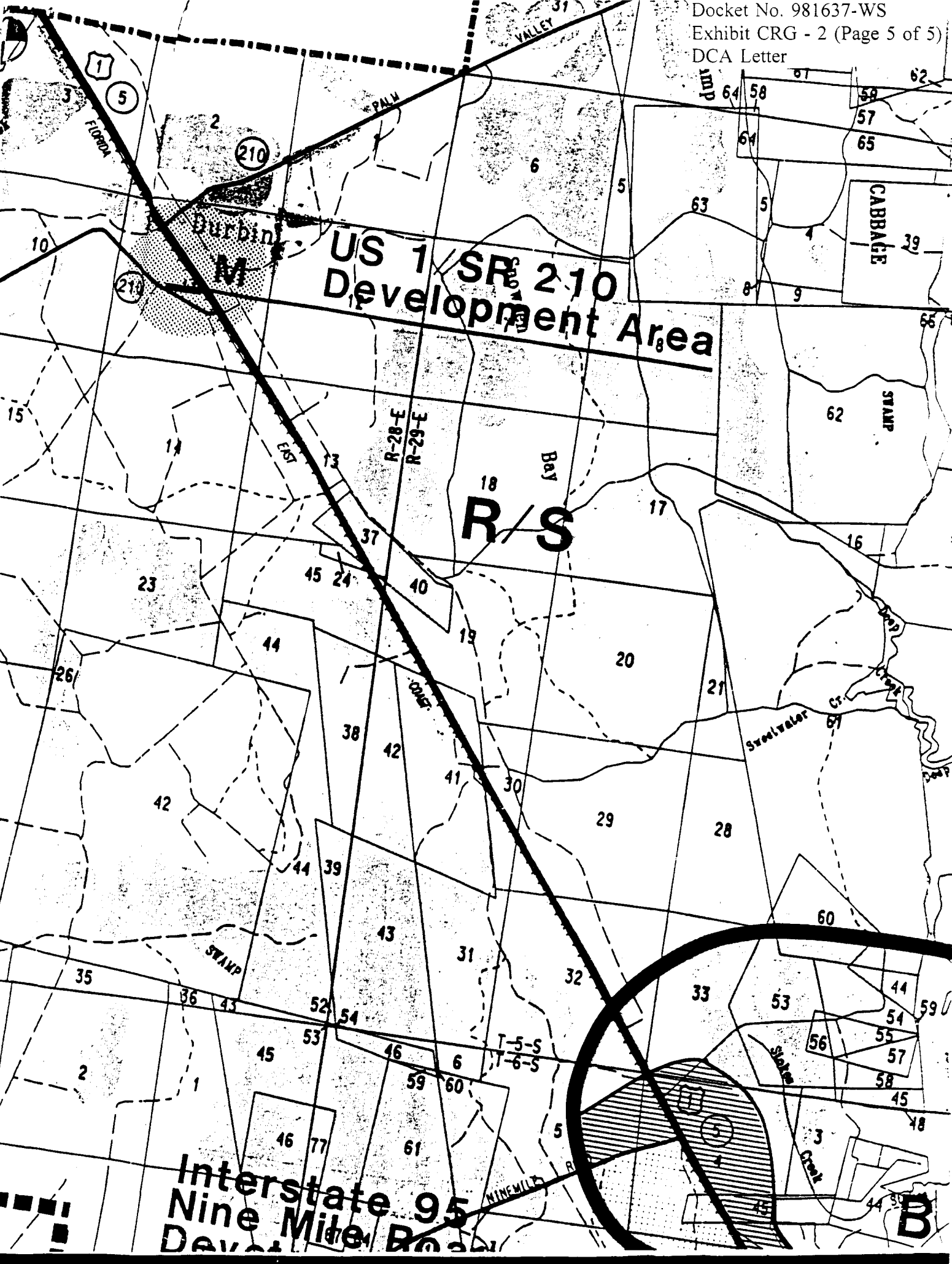
Sincerely,



J. Thomas Beck, Chief
Bureau of Local Planning

JTB/jle

cc: Bill Young, St. Johns County Utility Department
Scott Clem, St. Johns County Planning Department
Brian D. Teeple, Northeast Florida Regional Planning Council



US 1 SR 210 Development Area

R/S

Interstate 95
Nine Mile Road

CABBAGE

SWAMP

Swampwater Cr.

B