

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: November 30, 2001
TO: Division of the Commission Clerk and Administrative Services
FROM: Division of Legal Services (Harris) *SM*
RE: Docket No. 010859-WS - Application for original certificate to operate water and wastewater utility in Sumter County by North Sumter Utility Company, L.L.C.

Please file the attached letter from Martin S. Friedman, dated November 28, 2001, with attachment, in the docket file for the above-referenced docket.

LDH/dm

cc: Division of Regulatory Oversight (Clapp, Walden)

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DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

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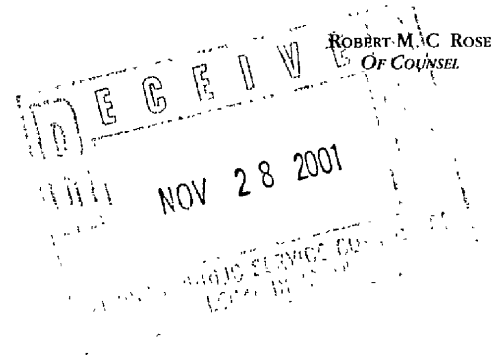
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November 28, 2001

VIA HAND DELIVERY



**Larry Harris, Esquire
Florida Public Service Commission
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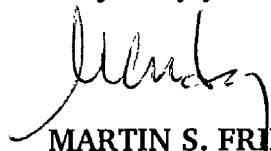
**RE: North Sumter Utility Company, LLC; Docket No. 010859-WS
Our File No. 34078.01**

Dear Larry:

In response to your inquiry and that of Tom Walden, I have enclosed a response on behalf of North Sumter Utility Company, LLC to the comments of the Department of Community Affairs by letter dated November 12, 2001 to Bill Lowe. I believe this response clearly sets forth the right of Little Sumter Utility Company, LLC to have the property requested certificated to it.

Should you have any additional questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


MARTIN S. FRIEDMAN
For The Firm

**MSF/brm
Enclosure**

**cc: Mr. Tom Walden (with enclosure)
Mr. John Parker**



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November 27, 2001

Martin Friedman, Esquire
Rose, Sundstrom & Bentley, LLP
2548 Blairstone Pines Drive
Tallahassee, Florida 32301

VIA HAND DELIVERY

Re: North Sumter Utility Company – PSC Application

Dear Mr. Friedman:

We are in receipt of the letter written by the Department of Community Affairs (DCA) to Bill Lowe of the Public Service Commission (PSC) regarding consistency of the requested service area for the North Sumter Utility (NSU) with the Sumter County Comprehensive Plan. The letter from DCA indicates that portions of the requested service area for NSU are not within the approved DRI boundary and the underlying Comprehensive Plan Amendment supporting the DRI. As a result, DCA cannot certify that the requested extension is consistent with the Sumter County Comprehensive Plan. In addition, correspondence from the City of Wildwood indicates that the City is in negotiations with The Villages regarding the City's 5-mile utility zone. These negotiations are on-going between the City and The Villages and should be resolved within the substantial deviation application process.

The Villages of Sumter DRI is a 4,677 acre development approved by the Sumter County Board of Commissioners along with supporting comprehensive plan amendments on May 9, 2000. This approved DRI includes 11,097 residential units, 1,250,000 s.f. of commercial space, 300 hotel rooms, 126 holes of golf, 100,000 s.f. of convention center space, an eight screen theater and other ancillary uses and facilities. All of the DRI is consistent with the Sumter County Comprehensive Plan. The PSC application for the NSU service area does include several smaller-areas on the fringes of the approved DRI. These areas are also included in an application for a substantial deviation to the Villages of Sumter DRI. However, final approval of the substantial deviation is not expected for a significant period in the future.

The issue at hand is whether the small areas adjacent to the approved Villages of Sumter DRI are currently consistent with the Sumter County Comprehensive Plan relative to expansion

of the NSU service area into those areas. The areas in question are comprised of several smaller parcels adjacent to the approved 4,677 acre DRI development. All of these parcels are classified as either "agriculture" or "medium density residential" on the Sumter County Future Land Use Map (FLUM). Each parcel is capable of supporting residential development without any further amendments to the Comprehensive Plan. A description of the parcels outside the approved Villages of Sumter DRI are as follows:

1. Northeast – This is a 350 acre parcel that includes portions of Cherry Lake and upland around the lake. These areas are all classified as "agriculture" on the Sumter County FLUM. A small portion of the 350 acre parcel is a five acre parcel located on CR-466 that consists of a residential hospice facility and administrative offices for the hospice. The entire hospice facility has been approved for development through a Preliminary Development Agreement (PDA) to a substantial deviation to the Villages of Sumter DRI currently being reviewed. The PDA was approved by the Department of Community Affairs on August 14, 2000. The majority of the agricultural area would not be developed since it is within the lake boundaries. However, the upland around the lake could be developed at a density of at least one unit per 5-10 acres depending on the clustering option used. Neither the hospice or the residential development would require additional comprehensive plan amendments.

2. Southwest – A 300 acre parcel adjacent to the Villages of Sumter DRI has been included in the NSU application. This parcel is classified as "agriculture" on the Sumter FLUM. This parcel could support a minimum of 30-60 residential units without any further comprehensive plan amendment changes.

3. West and South of Lake Miona – This 67 acre parcel is classified as "medium density residential" on the Sumter FLUM. This classification would allow residential development up to 4 units per gross acre or 268 units without any further comprehensive plan amendment changes.

4. Northwest – There are several small parcels of approximately 60 acres adjacent to the Villages of Sumter DRI that are also classified as "agriculture" on the Sumter FLUM. These areas could be developed at a density of one unit per 5-10 acres depending on the clustering option used without further comprehensive plan amendment changes.

Even though the parcels described above are not part of the Villages of Sumter DRI, they are consistent with the Comprehensive Plan with regard to the provision of central water and sewer facilities in "agricultural" designated areas on the FLUM. Policies in the Comprehensive Plan do not prohibit expansion of central utilities outside municipalities or the County's Urban Expansion Area (UEA) into agricultural areas. In fact, a number of policies in the Plan require the provision of central water and/or sewer to serve proposed development wherever it occurs, even in agricultural areas. For example:

Potable Water Subelement

Policy 4.1.2.2 The County shall establish water service districts where needed to provide adequate potable water service.

Policy 4.1.2.3 The County shall provide for mandatory hookups to public water supplies within established water service districts.

Policy 4.1.2.3 The County shall cooperate with the municipalities in the extension of municipal water systems into unincorporated areas of the county utilizing Ch. 180, F.S.

Sanitary Sewer Subelement

Policy 4.2.1.3 The County shall require mandatory hookups in any established sewer and water service districts.

Future Land Use Element

Agriculture

Policy 7.1.2.3 Subdivision of agricultural land in which the minimum lot size is not less than ten acres may occur without clustering restrictions. At the landowners' option, lots of less than ten acres may be clustered contiguously on a portion of the required development tract subject to the following requirements.

a. – c.

d. All subdivisions of land under this policy must provide for water and sewer at the expense of the developer or homeowner and must meet all requirements for on-site disposal systems pursuant to Chapter 10D-6 FAC.

Policy 7.1.2.5 In addition to the general requirements above, developments proposed in agricultural areas utilizing a density option of one unit per five acres must qualify for the additional density as follows:

a. Proposed subdivisions shall be subjected to a weighted evaluation process to determine the degree to which residential developments in the agricultural areas under this policy utilize existing infrastructure, promote open space, conserve natural resources and reduce urban sprawl. Utilizing Map VII-18c, CONSTRAINTS, SUMTER COUNTY, (Urban Sprawl Evaluation Overlay) the process shall consist of the following criteria at a minimum:

1. – 5.

Martin Friedman, Esquire
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6. Access and utilization of central water and sewer facilities.

b.

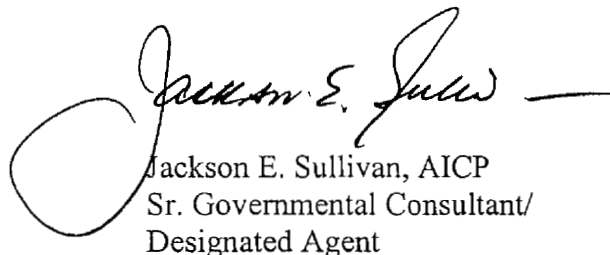
c. All subdivisions of land under this policy must provide for water and sewer at the expense of the developer or homeowner and must meet all requirements for on-site disposal systems pursuant to Chapter 10D-6, FAC.

The policies cited above demonstrate that Sumter County does not prohibit the extension of water and sewer facilities into agricultural areas in the County. In fact, the policies require the developer to assume the responsibility of providing for water and sewer service whenever densities would dictate the need for such service. Consequently, the inclusion of areas around the existing Villages of Sumter DRI that currently are designated "agriculture" on the FLUM are consistent with the Sumter County Comprehensive Plan and with the intent of extending water and sewer service to cover those areas. To confirm this conclusion, we have conferred with Roberta Rogers, AICP, Acting Director of the Sumter County Public Services Department. Ms. Rogers has stated to us that:

"I agree that there are no policies that restrict the extension of utility services into the ag areas. The intent of the Plan, in my opinion, is that provision and extension of utility services is to be encouraged instead of restricted."

I hope this provides some assurance that the establishment of the North Sumter Utility service area to cover the Villages of Sumter DRI as well as several parcels adjacent to the DRI are consistent with the Sumter County Comprehensive Plan. If you have questions regarding the above information or need additional clarification, please contact me at (850) 224-1585.

Sincerely,



Jackson E. Sullivan, AICP
Sr. Governmental Consultant/
Designated Agent

cc: John Parker, The Villages
Roberta Rogers, Sumter County
Bruce Day, Withlacoochee Regional Planning Council
Charles Gauthier, Department of Community Affairs