



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: October 15, 1998
TO: Division of Records and Reporting
FROM: Patricia Brady, Division of Water and Wastewater *BBM pb*
RE: Docket No. 980876-WS, Application for certificates to operate water and wastewater utility in Marion County by Ocala Springs Utilities Inc.

Please add to the docket file the attached letter dated September 16, 1998 from Mr. Charles H. Hill to Mr. B. Kenneth Gatlin to Mr. Charles H. Hill requesting the utility's response to the Department of Community Affairs's August 28, 1998 comments on the above referenced application. Records and Reporting was inadvertently left off the list of cc's.

Attachment

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPC _____
- RCH _____
- SEC 1
- WAS _____

DOCUMENT NUMBER-DATE

11551 OCT 15 88

STATE ARCHIVES/RECORDS

STATE OF FLORIDA

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.



DIVISION OF WATER & WASTEWATER
CHARLES H. HILL
DIRECTOR
(850) 413-6900

Public Service Commission

September 16, 1998

Mr. B. Kenneth Gatlin
Ruden, McClosky, Smith, Schuster & Russell, P.A.
215 S. Monroe St., Suite 815
Tallahassee, FL 32301

Re: Docket No. 980876-WS, Application for certificates to operate water and wastewater utility in Marion County by Ocala Springs Utilities Inc.

Dear Mr. Gatlin:

In an effort to better coordinate our regulatory responsibilities, the Department of Community Affairs (DCA) and the Public Service Commission (PSC) have entered into a Memorandum of Understanding (MOU) whereby DCA staff provides input on the need for service and on comprehensive plan consistency issues, for applications for original certificates and amendments filed with the PSC. On July 24, 1998, a copy of Ocala Springs Utilities Inc.'s (Ocala Springs') request for original certificates was forwarded to the DCA for comment.


The Commission received a response from the DCA on August 28, 1998, a copy of which is attached. It is my understanding that you were notified by phone by the staff analyst about the DCA response and a need to obtain the utility's rebuttal. Due to the fact that development has not substantially commenced, it appears to DCA staff that the Department's October 1, 1985 Binding Letter of Interpretation of Development of Regional Impact Status, upon which Ocala Springs application is partially based, has expired. Since Ocala Springs' proposed service area includes 1,022 acres which DCA staff now believes will need a Future Land Use Map amendment to allow development, the letter recommends that DCA object to that portion of Ocala Springs application for certificates.

Pursuant to the MOU, we intend to include DCA's comments in our recommendation along with your response. This letter is staff's official request for the utility's response. At a minimum, please provide the following information, plus any additional information you believe should be included to address the DCA's concerns: the current time-frame for the need for service, specifically indicate when the utility currently anticipates having a development plan, and, if some portion of the development plan now requires a change to the County's comprehensive plan, when does the utility anticipate applying to the County for those changes?

Mr. B. Kenneth Gatlin
Page 2
September 9, 1998

We would like to take a recommendation on the utility's request for certificates to the Commission as soon as possible. In order to expedite that process, please try to file a response to DCA's comments no later than **October 9, 1998**. If you have any questions in this matter, please contact either Mr. John Williams of my staff at (850) 413-6990 or staff's counsel, Ms. Samantha McRae, at (850) 413-6202.

Sincerely,



Charles H. Hill
Division Director

s:\psc\waw\wp\ocala_sp.plb

CHH:plb

Attachment

cc: Division of Water and Wastewater (Lowe, Williams, Messer, Brady) ✓
Division of Legal Services (Jaber, McRae, Crosby)



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

MEMORANDUM

To: Billie Messer and John Williams, Division of Water and Wastewater,
Public Service Commission

From: *Charles Gordon FeR*
J. Thomas Beck, Chief, Bureau of Local Planning

Subject: Public Service Commission Original Certificates for Water and Wastewater
Application
Ocala Springs Utilities, Inc.; PSC Docket No. 980876-WS

Date : August 28, 1998

The Department is pleased to provide the attached comments regarding the Ocala Springs Utilities, Inc. application for original certificates for water and wastewater.

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Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.state.fl.us/comaiff/dca.html>



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

Memorandum

To: Tom Beck *MB* Bureau Chief

Through: Maria Abadal Cahill, Section Administrator
Marina Pennington, Community Program Administrator *MA 8/28/98*

From: Ron Horlick, Planner IV *RH 8/28/98*

Date: August 14, 1998

Subject: Public Service Commission Utilities Application
Ocala Springs Utilities Inc.; PSC Docket No. 980876-WS

Comment Due to PSC

September 2, 1998

I. Summary of Staff Analysis

Ocala Springs Utilities Inc., has applied to the Public Service Commission for Original Water and Wastewater Certificates for a 4,666 acre service territory in Marion County (see Attached Map 1). The Utility has also petitioned for a Temporary Variance or Temporary Waiver to submit its request for initial rates and charges, and the financial, engineering and operating information supporting the same, at a later date through a separate application. Staff finds that the proposed service territory includes some areas (approximately 3,644 acres) which are appropriate for central water and sewer service due to urban type development approved and vested on this site by Marion County. Additionally, staff finds that some of the proposed service area (approximately 1,022 acres) are not appropriate for central water and central sewer due to the Rural land use designations in the Future Land Use Map (FLUM); the proposed service area would require a Marion County comprehensive plan amendment to change to Urban land uses for development at the proposed urban densities.

II. Location of Proposed Territory

The proposed service territory is the site of the proposed Ocala Springs development, a 4,666 acre multi-use development located northeast of the City of Ocala, in Marion County (see Attached Map 2).

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 Internet address: <http://www.state.fl.us/comaff/dca.html>

III. Development Potential of Proposed Service Territory

A. Future Land Use Map

Vested Development

A portion of the Ocala Springs development was vested by the Department from Development of Regional Impact (DRI) review on April 29, 1974 (BLIVR- 575-138, see Attached Map 3). The vested DRI development plan included 9,700 single family detached home sites, a 400-unit mobile home subdivision, a 1,000-unit multifamily pod, an 824,000 square foot shopping center, a 52,000 square foot golf club, and school sites containing 636,149 square feet, on approximately 3,665 acres.

In 1985, the vested DRI development plan was modified to reduce the number of single family detached home sites to 4,479 units, decrease the mobile home subdivision to 251 units, reduce the shopping center to 205,800 square feet, add a 31,000 square foot office complex, and reduce the school sites to 259,300 square feet. The 52,000 square foot clubhouse and the 1000 unit multifamily pod were to remain the same. The Department determined that this project remain vested from DRI review.

The land use in the for this portion of the Ocala Springs development is shown in the FLUM as a vested DRI outline with underlying Rural land use.

Non-Vested Development

The development plan on the non-vested DRI portion of the project included a 68.9 acre Industrial site, 66,000 square feet of Commercial and 1,398 Residential units on a total of 1,022 acres. On August 30, 1985, the Department determined that the proposed development was not DRI under the presumptive threshold (BLID-585-039). This portion of the project is designated as Rural lands in the FLUM.

B. Current Status of Development

The development of the entire 4,666 acre project has not substantially progressed. A 20-acre site was sold to the Marion County School Board in 1985 and a 15-acre site at Indian Lake has been developed as an 107-unit campground. In 1989, a portion of Ocala Springs was replated and in 1990, some road clearing work was done; however, there has been no subsequent development activity. It should be noted that the plan of development has not substantially commenced on the 1,022 acres; therefore, it appears that the binding letter that determined that the proposed development of the 1,022 acres was not a DRI has expired and become void, pursuant to Section 380.06(4)(g)1., F.S.

C. Comprehensive Plan Water and Wastewater Service Areas

The proposed service territory does not appear to conflict with any other established water and sewer service area in the Marion County Comprehensive Plan. However, portions of the proposed service area are shown as Rural lands in the FLUM. Areas intended by the County to be served by central water and sewer services shall be designated as Urban lands in the FLUM.

IV Marion County Comments

As stated before, the site of the vested DRI portion of the Ocala Springs development is shown as a vested DRI in the Marion County Future Land Use Map (see Attached Map 4); however, Marion County planning staff acknowledges that the boundaries of the DRI on the FLUM may have mistakenly included some of the non-vested DRI portions of the development. According to Marion County planning staff, a letter acknowledging the vesting of the 3,665 acre BLIVR site has been the only vesting action that has been taken by the County. Marion County planning staff said that the County had no concerns regarding the proposed utilities application for the vested portion of the Ocala Springs development and that the County would require central water and sewer for a development the size of the Ocala Springs development, in any case. However, County planning staff said that the current land use of the 1,022 acre non-vested DRI portion of the development is designated as Rural land use (1du/10 acres) on the FLUM; therefore, a FLUM amendment would be required to allow the development of this property for Urban land uses.

V Staff Recommendations

The proposed service area seems to be appropriate for the vested portion of the project because the site is vested for urban type development. In addition, the proposed service area should be beneficial to the vested Ocala Springs development as it is in the Silver River watershed and is less than ½ mile from the Silver River which is a Special Waters and an Outstanding Florida Waters. However, portions of the proposed service territory are not consistent with the Marion County Comprehensive Plan. The current land use designation in the FLUM of the 1,022 acre non-vested DRI portion of the development is Rural land use (1du/10 acres) on the FLUM; therefore, a FLUM amendment would be required to allow development of this property as Urban land use.

Therefore, the Department should object to the Application to Florida Public Service Commission for Original Certificates for Water & Wastewater for the non-vested 1,022 acre portion of the Ocala Springs development. The service area, as proposed, would include the 1,022 acres non-vested portion of the development which is in the County's Rural land use category and is not included in the County's Urban land use area. Therefore, the proposed service area would be inconsistent with the FLUM and the provisions of the Marion County Comprehensive Plan.

Comments

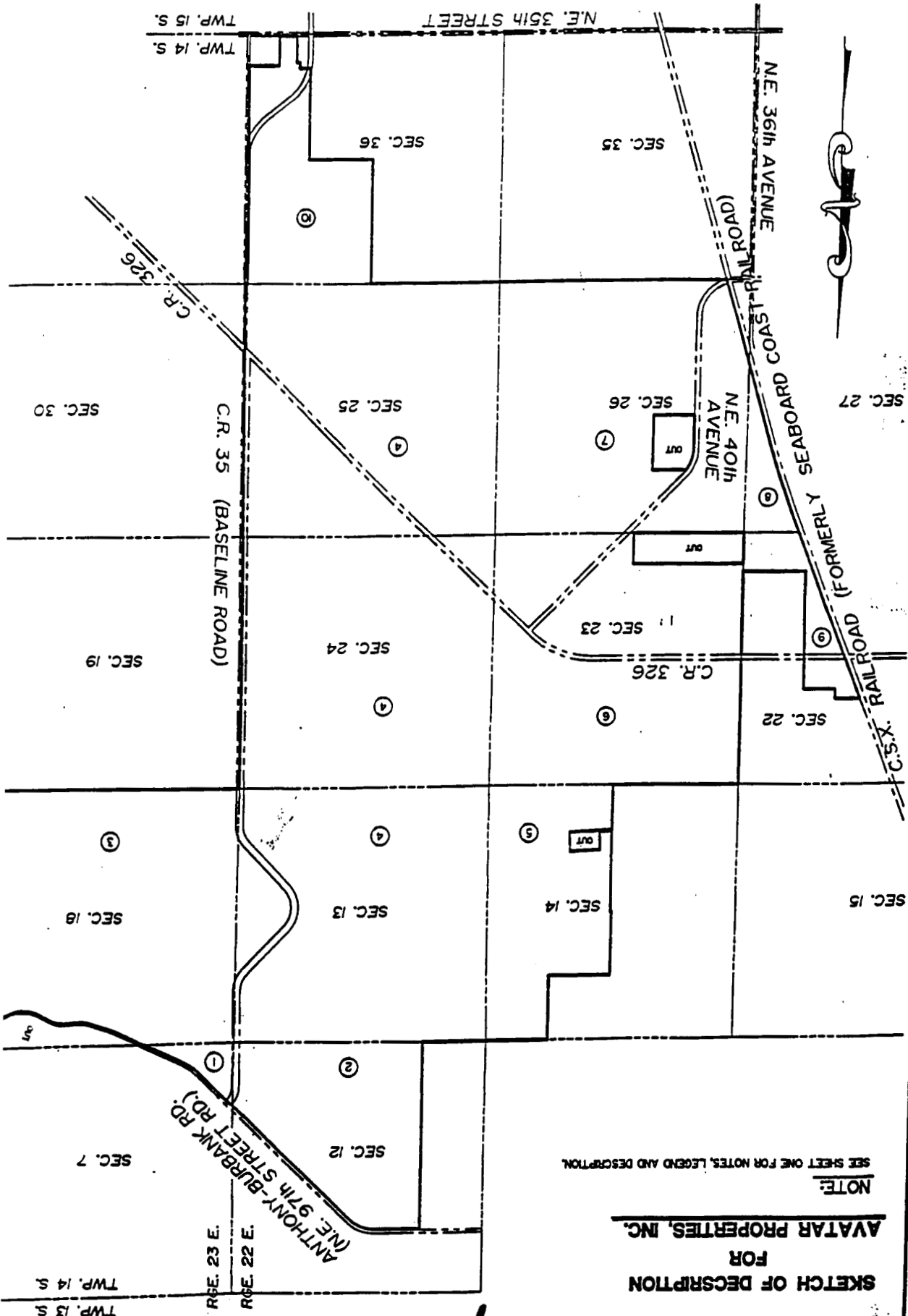
The Binding Letter of Interpretation of Development of Regional Impact Status (BLID) was issued prior to October 1, 1985. It appears as though the plan of development has not been substantially commenced, and pursuant to Section 380.06(4)(g)1., F.S. the binding letter issued by the Department determining that the non-vested portion of the project was not a DRI has expired. Therefore, the non-vested portion of the proposed Ocala Springs development with a plan of development for a 68.9 acre Industrial site with 1375 parking spaces, a Retail use of 66,000 square feet and a Residential use of 1,398 dwelling units may be subject to DRI review. A monitoring letter should be sent to the developer advising him on this matter.

Map 1

SKETCH OF DESCRIPTION FOR AVATAR PROPERTIES, INC.

NOTE

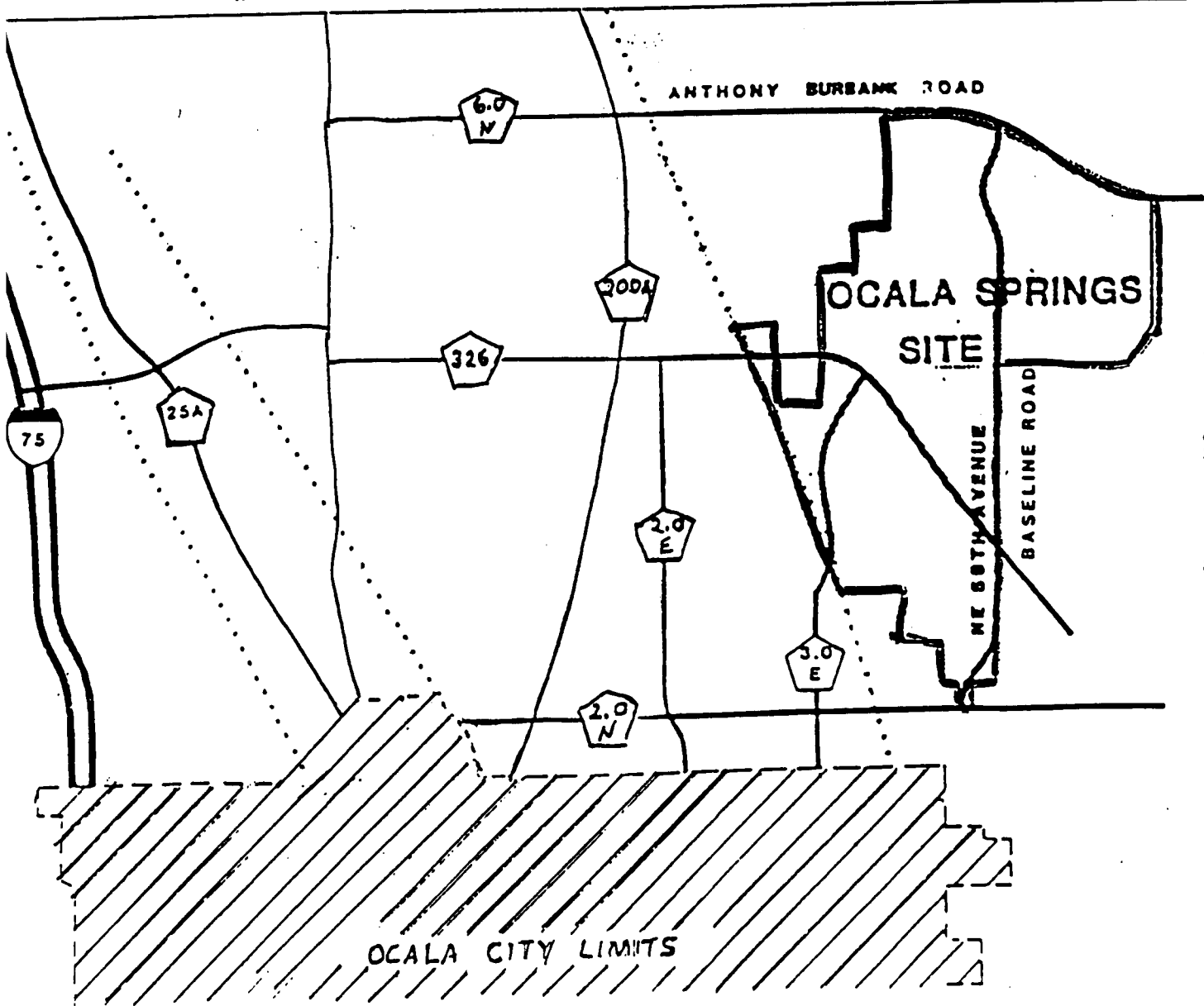
SEE SHEET ONE FOR NOTES, LEGEND AND DESCRIPTION.



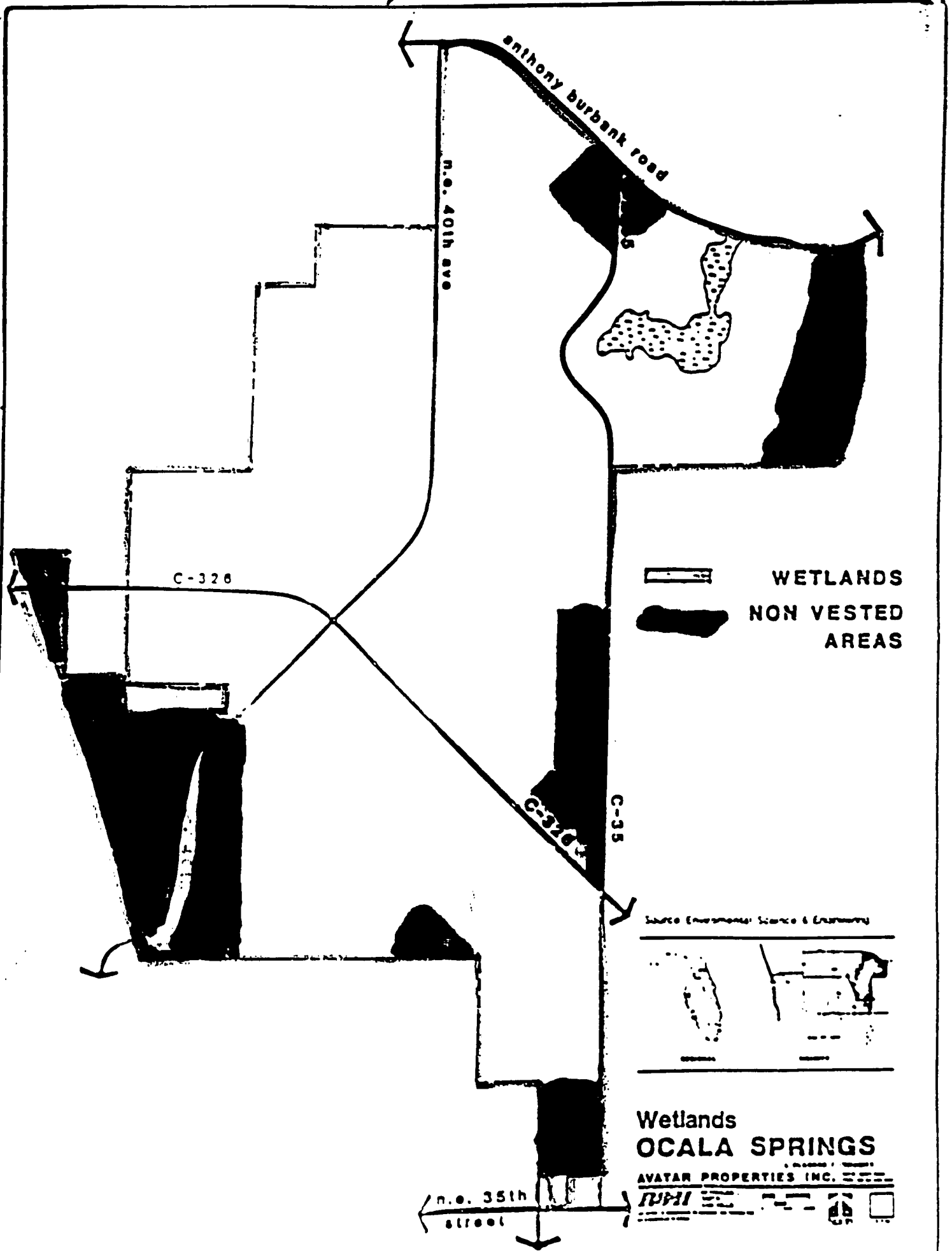
GRAPHIC SCALE



MAP 2

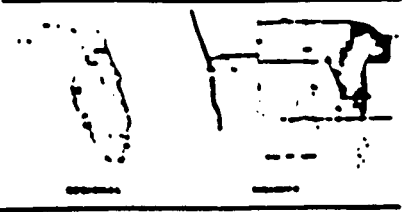


Map 3



 WETLANDS
 NON VESTED
AREAS

Source: Environmental Science & Technology



Wetlands
OCALA SPRINGS

AVATAR PROPERTIES INC.



