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

Public Service Commission

February 22, 1999

To: Division of Records and Reporting (Bayo)
From: Division of Water and Wastewater (Messer) *BBM bl*
Re: Docket No. 981637-WS, Amendment Application of United Water Florida, Inc.

Please place the attached letter in the docket file.

Cc: Division of Water and Wastewater (Messer, Redemann)
Division of Legal Services (Gervasi)

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STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH
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January 15, 1999

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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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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.

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- 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,

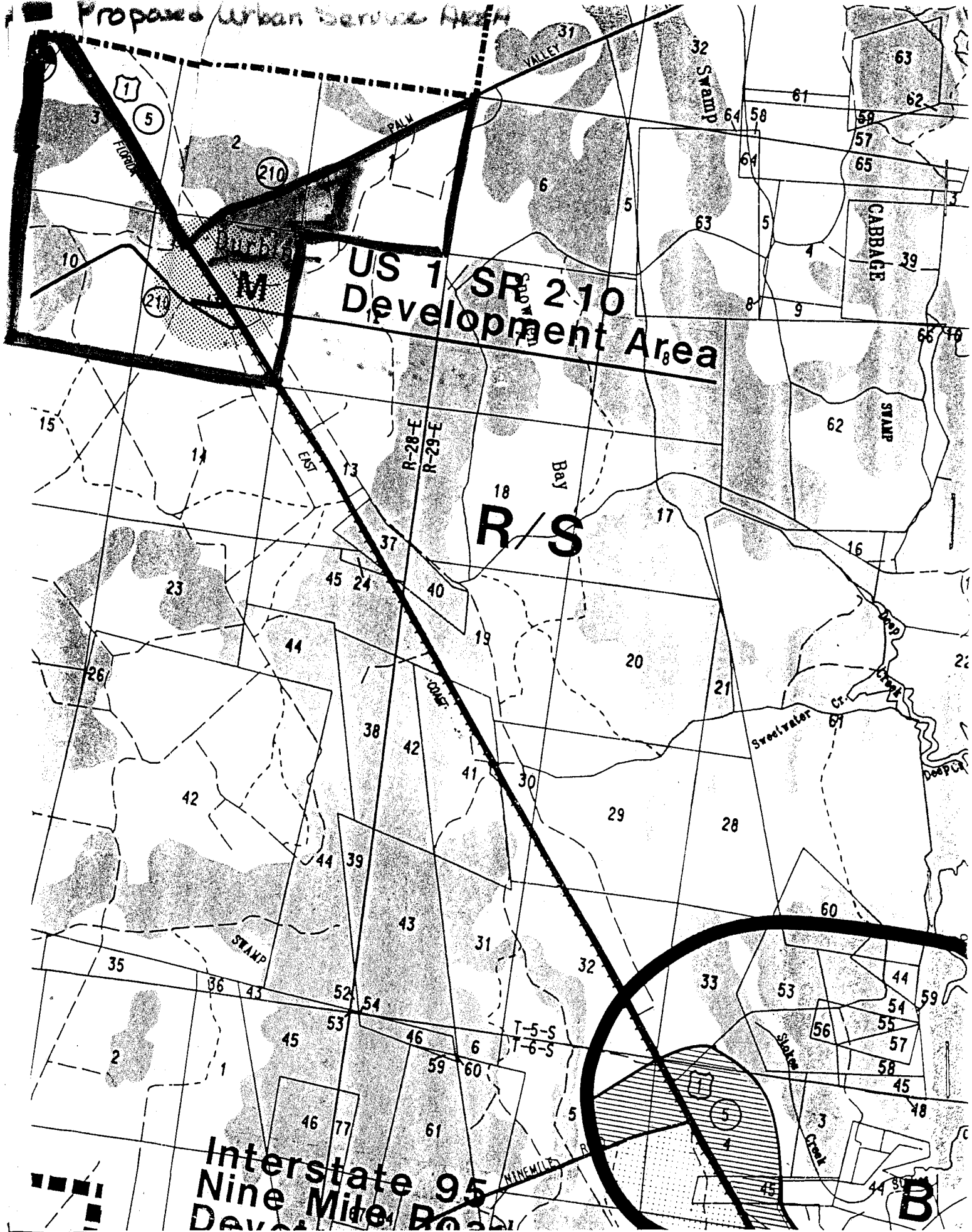


J. Thomas Beck, Chief
Bureau of Local Planning

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

Proposed Urban Service Area



US 1 SR 210
Development Area

R/S

Interstate 95
Nine Mile Road

CABBAGE

STAMP

STAMP

Sweetwater Cr.

Slope

NINE MILE R.

B

1
5

210

210

2

31
VALLEY

32
SWAMP

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