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DIVISION OF WATER & WASTEWATER  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6900

# Public Service Commission

August 2, 1999

Mr. Richard D. Melson  
Hopping Green Sams & Smith  
123 South Calhoun Street  
Post Office Box 6526  
Tallahassee, Florida 32314

Re: Docket No. 980696-WS; Application by Nocatee Utility Corporation for Water and Wastewater Service in Duval and St. Johns Counties, Florida.

Dear Mr. Melson:

The Florida Public Service Commission (PSC) and the Department of Community Affairs (DCA) have signed a Memorandum of Understanding where DCA will provide information to the PSC regarding the relationship of the certificate application and the local government comprehensive plan -- to include information from the local government comprehensive plan, such as the land use categories, the densities and intensities of land uses patterns of development, and the need for service.

By letter dated July 23, 1999, signed by Charles Gauthier, AICP, Chief, Bureau of Local Planning, the DCA responded with a three page letter (copy attached). The letter states there is no current need for central water and wastewater service in the proposed area. Please provide your comments to this letter by September 7, 1999.

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- MAS \_\_\_\_\_
- OPC \_\_\_\_\_
- RPR \_\_\_\_\_
- SEC \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

If you have any questions, please contact the undersigned.

Sincerely,

John D. Williams, Chief  
Bureau of Policy and Industry Structure

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Enclosures

cc: Division of Records and Reporting (Bayo, Security File)  
Division of Legal Services (Cibula)

DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

JEB BUSH  
Governor

STEVEN M. SIEBERT  
Secretary

July 23, 1999

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

RECEIVED

JUL 26 1999

Florida Public Service Commission  
Division of Water and Wastewater

Re: PSC Docket No. 980696-WS: Application by Nocatee Utility Corporation for Original Certificates for Water and Wastewater Service in Duval and St. Johns Counties, Florida.

Dear Mr. Hill:

On June 7, 1999, the Department received a copy of the Nocatee Utility Corporation, Inc., application for original certification for water and wastewater service in Duval and St Johns Counties; the Department has now completed its review and offers the comments below.

Per the Memorandum of Understanding between the Public Service Commission (PSC) and the Department of Community Affairs, the Department will provide information to the PSC regarding the relationship of the certificate application and the local government comprehensive plan -- to include information from the local government comprehensive plan, such as the land use categories, the densities and intensities of use, and other information regarding the land uses, patterns of development, and the need for service in the requested territory.

The Department comments that based on the current Duval County and St. Johns County Comprehensive Plans there is no identified need for central water and sewer service within the proposed service area. Further, development as proposed in the certificate application appears to be inconsistent with the Duval County and the St. Johns County Comprehensive Plans. Please note, though, that this assessment may change based on anticipated comprehensive plan amendments.

In Duval County, the proposed service area is located in the Rural [service] Area of Duval County which, by definition in the Comprehensive Plan, is an area not intended to be developed with urban services or at urban densities and intensities during the long-range timeframe of 2010; in St. Johns County, the lands in the proposed service area are located beyond the St. Johns County Urban Service and Reserve Area boundaries.

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Mr. Charles H. Hill  
July 23, 1999  
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On the Counties' Future Land Use Maps, all of the lands in the proposed service area are designated Duval County Agricultural or St. Johns County Silvicultural and are intended for Rural and Silvicultural preservation throughout the Counties' long-range planning periods. The St. Johns County Comprehensive Plan allows a maximum density in the Silvicultural category of one dwelling unit per 5 acres; the Duval County Comprehensive Plan allows a maximum density in the Agricultural category of one dwelling unit per 640 acres. Both Comprehensive Plans indicate that there is no current need for central water and sewer service within the proposed service area. Further, there is no data and analyses currently approved by either County which would support changing the Rural and Silvicultural Future Land Use Map designations on this land during the County's adopted or proposed long-range planning periods.

Also, the Department finds that development of the proposed service area beyond the St. Johns County Development Area boundary would be inconsistent with the following St. Johns 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.1.6 The County shall . . . protect . . . silvicultural lands, encourage their continued use for such purposes, and provide for separation of urban and rural land uses . . . .
- 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.
- A.1.2.2 The County shall promote residential development near existing facilities . . . .

In Duval County, the Department finds that funding for and development of the proposed service area and its facilities in the Agricultural service area [i.e., beyond the Duval County Suburban Non-fiscal Commitment Area] would be inconsistent with the following Duval County Comprehensive Plan Potable Water and Wastewater Sub-elements objective and policies:

Potable Water Sub-element Objective 1.1: To discourage urban sprawl, to maximize existing facilities and to coordinate increase in capacity to meet future needs, the City shall provide water facilities in concert with and in conformance with the Public Facilities Map as adopted in the Capital Improvements Element (CIE).

Potable Water Sub-element Policy 1.1.2: The City shall cost-share regional water facilities in the Suburban Fiscal Commitment Area as defined in the CIE, excluding improvements within the service area of an investor owned public utility.

Potable Water Sub-element Policy 1.1.3: The City shall require that regional water facilities or appropriate interim facilities be provided by the developer in the Suburban Non-fiscal Commitment Area.

Potable Water Sub-element Policy 1.1.7: The City shall continue to acquire public utility companies and integrate the systems into the City's regional network.

Potable Water Sub-element Policy 1.2.4: The city shall acquire land for water rights in areas that are selected to produce high quality and quantity of water with minimal impact to the resource and with consideration to reasonable cost of development [of the water resource]. Priority shall be given to reducing the effects of excessive withdrawals from concentrated areas.

Potable Water Sub-element Policy 1.2.6: Lands currently owned by the city shall be used to the maximum extent possible for water resource, prior to acquiring additional lands.

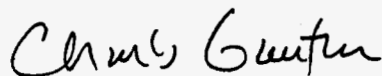
Potable Water Sub-element Policy 1.2.7: Transfer of water from one area of city to another shall be done in place of constructing new facilities with higher capital operating costs than the transfer facilities.

Sewer Sub-element Policy 1.1.5: The city shall not invest in sanitary sewer facilities in the rural area as defined in the FLUE and CIE, except where necessary to protect public health.

It is the Department's understanding that the owners of the Nocatee development intend to apply for Future Land Use Map amendments for this site and, in fact, have already participated at a Development of Regional Impact Pre-Application Conference. Should appropriate comprehensive plan amendments become effective in the future, our comments would be revised.

If you have any questions on this matter, please call Bob Cambric, Growth Management Administrator, or Jen Eversole, Planner IV, Bureau of Local Planning, at (850) 487-4545.

Sincerely yours,



Charles Gauthier, AICP, Chief  
Bureau of Local Planning