

ORIGINAL

DOCKET NO. 990696-WS - APPLICATION FOR ORIGINAL CERTIFICATES TO OPERATE WATER AND WASTEWATER UTILITY IN DUVAL AND ST. JOHNS COUNTIES BY NOCATEE UTILITY CORPORATION.

DOCKET NO. 992040-WS - APPLICATION FOR CERTIFICATES TO OPERATE A WATER AND WASTEWATER UTILITY IN DUVAL AND ST. JOHNS COUNTIES BY INTERCOASTAL UTILITIES, INC.

WITNESS: DIRECT TESTIMONY OF CHARLES R. GAUTHIER, APPEARING ON BEHALF OF STAFF

DATE FILED: MAY 1, 2000

DOCUMENT NUMBER - DATE

05356 MAY-18

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 Duval and St. Johns Counties. I supervise 47 professional
10 planners. Approximately 500 comprehensive plan amendment packages are
11 reviewed each 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,
15 I 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 the Memorandum of Understanding between the Public Service
22 Commission (PSC or Commission) and the Department of Community Affairs (DCA),
23 my staff conducted an analysis of the applications by Nocatee Utility
24 Corporation (NUC) and Intercoastal Utilities, Inc. (Intercoastal) for
25 original certificates to provide water and wastewater service in St. Johns and

1 Duval Counties, with respect to issues of concern for the DCA. The analysis
2 for NUC's application was provided via a letter dated July 23, 1999, from
3 myself. The analysis of Intercoastal's application was provided via a letter
4 dated March 15, 2000, also from myself. These letters are attached as Exhibit
5 CRG-2 and CRG-3. The purpose of my testimony is to authenticate and clarify
6 these letters.

7 Q. Could you please summarize your comments regarding NUC'S and
8 Intercoastal's applications?

9 A. The proposed applications for utility service by both utilities are
10 inconsistent with the current local comprehensive plans of both St. Johns and
11 Duval Counties. The areas at issue in both applications are predominately
12 rural and designated as Rural/Silviculture on the Future Land Use Map of the
13 St. Johns County Comprehensive Plan and as Agricultural on Duval County's
14 Future Land Use Map. From a land use planning standpoint, there is no need
15 for the expansion of central water and sewer into the rural area at the
16 present time. In Duval County, the proposed service area is located in the
17 Rural Service Area, which by definition in the Comprehensive Plan, is an area
18 not intended to be developed with urban services or at urban densities during
19 the long-range time frame of 2010. In St. Johns County, the lands in the
20 proposed service area are located beyond the St. Johns Urban Service and
21 Reserve Area boundaries.

22 Q. Could you explain how this determination of need might change?

23 A. Yes. The determination of need would change if the proposed Nocatee
24 Development of Regional Impact (DRI) and associated comprehensive plan
25 amendments are approved by the local governments and DCA. Provided these

1 | plans are approved, the land use designations would change and allow
2 | development at an urban density and intensity. It would then be appropriate
3 | for the area to be served by central water and wastewater.

4 | Q. Could you briefly explain what is the purpose of a Development of
5 | Regional Impact?

6 | A. The Development of Regional Impact (DRI) program is authorized by Chapter
7 | 380 of the Florida Statutes to allow for review of large developments by State
8 | and regional agencies in order to ensure that regional impacts are addressed.
9 | Because of its size, the Nocatee development must receive DRI approval and
10 | provide mitigation for significant impacts on regionally important natural
11 | resources and public facilities.

12 | Q. What is the estimated time required for the process to amend the local
13 | comprehensive plans and for the Nocatee development to receive DRI approval?

14 | A. If the process proceeds without unusual problems, it is possible that
15 | the comprehensive plan amendments and DRI could be approved by the end of this
16 | year. The review process may, however, extend into calendar year 2001.

17 | Q. Is there a requirement in the DRI process that a developer specify a
18 | utility service provider in its plan?

19 | A. Yes. The DRI review is based on the specific proposal of the applicant.
20 | In this case, the developer has indicated that NUC will operate and maintain
21 | internal utility service. The DRI application also indicates that water
22 | supply will be wholesaled from JEA to NUC.

23 | Q. In your estimation, has NUC applied to the Commission prematurely for
24 | a certificate to operate a utility?

25 | A. No, I don't believe so. The DRI process requires very detailed

1 | information in order to evaluate the development's regional impacts. It seems
2 | consistent that since the owners of the development have formed a separate
3 | utility to provide service to the area which is described in the DRI
4 | application, that they have also applied to the PSC for certification of that
5 | utility. Since the process for approval of the comprehensive plan amendments
6 | and DRI is lengthy, it makes sense to allow concurrent processing with regard
7 | to PSC approvals.

8 | Q. Would there be any impact in the DRI process if the Commission denied
9 | NUC's application and approved Intercoastal as the utility service provider
10 | for the Nocatee DRI?

11 | A. It may or may not extend the DRI approval process. The final result of
12 | the DRI process will be a development order which authorizes specified
13 | development including utility facilities. Although the applicant has
14 | specified NUC as the utility, it is possible that the development order will
15 | require that water and wastewater service be provided in a particular way,
16 | which may be different than that originally proposed by the developer. If
17 | that were to happen, then the DRI development order could reflect that change.
18 | I do not anticipate any difficulties as long as there is a utility committed
19 | to serving the development.

20 | Q. Does that conclude your testimony?

21 | A. Yes, it does.

22 |

23 |

24 |

25 |

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

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



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

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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).

Mr. Charles H. Hill
July 23, 1999
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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.

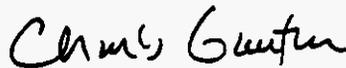
Potable Water Sub-element Policy 1.2.7: Transfer of water from one area of city to another shall be done in place of constructing new facilities with higher capital operating costs than the transfer facilities.

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

CG/jle

Legal



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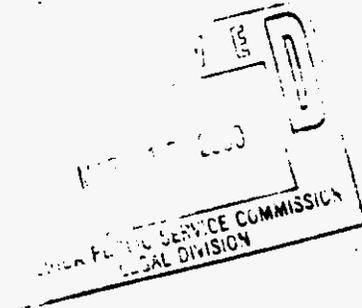
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March 15, 2000



Ms. Blanca Bayo, Director
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: PSC Docket No. 992040-WS: Application of Intercoastal Utilities, Inc., for an Original Certificate in St. Johns County and Duval County

Dear Ms. Bayo:

The Department has completed its review of the Intercoastal Utilities application to the Public Service Commission for an Original Certificate in St. John and Duval County. A copy of the staff memorandum is attached for your information.

The area proposed by Intercoastal Utilities for expansion is predominantly a rural area, designated as Rural/Silviculture on the Future Land Use Map of the St. Johns County Comprehensive Plan and as Agriculture on Duval County's Future Land Use Map. From a land use planning standpoint, there is at present no need for the expansion of central water and sewer into the rural area. Premature extension of water and sewer into the rural area may conduce to sprawl development in this area and would thereby be inconsistent with several goals, objectives, and policies in the St. Johns and Duval comprehensive plans.

We also note, however, that most of the proposed expansion area is within the proposed Nocatee Development of Regional Impact, currently under review at the Department. Should this development be approved and the necessary changes to the local comprehensive plans adopted, it would then be appropriate for the development to be served by central water and sewer.

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Ms. Blanca Bayo
March 15, 2000
Page 2

If you have any questions concerning this report, please call Mr. Paul Darst of the Bureau of Local Planning, at (850) 488-4925.

Sincerely,


Charles Gauthier, AICP
Chief, Bureau of Local Planning

Attachment

CG/rpd

cc: Ms. Teresa Bishop, St. Johns County Planning and Zoning Department
Ms. Jeannie Fewell, City of Jacksonville Planning and Development Department
Mr. Edward Lehman, Northeast Florida Regional Planning Council
Ms. Billie Messer, Division of Water and Wastewater, Public Service Commission



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MEMORANDUM

TO: Charles Gauthier
THROUGH: James Stansbury, Bob Cambrie
FROM: Paul Darst *RPD*
SUBJECT: Application of Intercoastal Utilities for extension of territory and for an original water and wastewater certificate
DATE: 9 March 2000
COMMENT DATE: 17 March 2000

Summary of Staff Review

Intercoastal Utilities (Interstate) has applied to the Public Service Commission (PSC) seeking—(1) a certificate for its existing territory in northeast St. Johns County, which is currently operating under the jurisdiction of the St. Johns County Water and Sewer Regulatory Authority, and (2) approval to extend its territory into other portions of St. Johns County and into Duval County.

Staff recommends no objection to Intercoastal's proposed extension of central water and sewer facilities, provided that this extension be conditioned upon approval of the proposed Nocatee DRI, which is located in the proposed expansion area and would be served by Interstate, and amendment of the St. Johns County comprehensive plan to accommodate the land uses proposed in the DRI plan of development. If the DRI is not approved, then the proposed expansion area is not appropriate for extension of central water and sewer facilities, because this would encourage premature development of this predominately Rural/Silvicultural area, thereby contributing to urban sprawl, and would be inconsistent with several policies in the County's comprehensive plan.

Proposed Action

Interstate is seeking to extend its potable and nonpotable water and wastewater territory to serve single-family and multi-family housing, commercial and industrial properties, hotels, golf courses, schools, churches, retail areas, office areas, governmental service buildings and office properties, and community centers in a currently unserved area of 23,900 acres in St. Johns County and Duval County. Interstate plans to construct an area-wide reuse system to meet the territory's irrigation needs. The wastewater source for the reuse system will include both reclaimed wastewater and available stormwater.

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Location of Proposed Service Territories

The proposed expansion area comprises 23,900 acres (21,900 acres in northeast St. Johns County and 2,000 acres in southeast Duval County). The application package received from the PSC did not include a map of the expansion area, but staff has determined that it is approximately bounded on the west by U.S. Highway 1, on the south by Pine Island Road, on the east by the Intracoastal Waterway, and on the north by a line extending northeasterly from about where U.S. Highway 1 crosses the Duval County line to a point almost 2 miles north of where S.R. 210 crosses the Intracoastal Waterway (see attached map). There are three new developments planned in this expansion area: the proposed Nocatee DRI, comprising about 15,000 acres in St. Johns County and Duval County; Walden Chase, 346 acres of residential units, office and commercial space in St. Johns County; and Marsh Harbor development, 123 acres of residential units and mixed commercial use in St. Johns County.

Four areas in this expansion territory are currently served by septic tanks and private wells: Palm Valley Harbor and Quail Ridge, which are platted subdivisions, and two "service corridors," identified as U.S. Highway 1 and Old Dixie Highway, which comprise a mix of commercial and industrial use parcels and mobile homes and rural residential properties. Interstate cites no general failures of septic tanks or wells in these areas, but suggests the proposed extension of their centralized systems into these areas will provide an opportunity for replacement in the future.

Southern Duval County and northern St. Johns County are designated as Priority Water Resource Caution Areas by the St. Johns River Water Management District, because of their expected population growth and the susceptibility of the Florida aquifer in this area to saltwater intrusion from excessive withdrawal rates. Within this undeveloped territory, Interstate is proposing a separate area-wide reuse system to supply irrigation water. Establishment of this reuse system would allow potable aquifer withdrawals to be limited to domestic demands.

Local Government Comprehensive Plan

City of Jacksonville Comprehensive Plan

The portion of Duval County (2,000 acres) included in Intercoastal's proposed expansion area appears to be congruent with the portion of the proposed Nocatee DRI lying within Duval County. In effect, then, Intercoastal is proposing to serve the Nocatee DRI in Duval County (and in St. Johns County).

Staff note: the application for development approval (ADA) for the Nocatee DRI is currently under review at the Department. In the materials submitted with the ADA is a 12/6/99 letter from Nocatee Utility Corporation (NUC), in which NUC states that they have filed an application with the PSC requesting to be the certificated water and wastewater utility provider for all of the lands within the Nocatee DRI. NUC projects that JEA will be the provider of the water and wastewater treatment to the DRI and that NUC will manage these systems for the DRI area.

Intercoastal's proposed expansion area in Duval County is in an area designated on the Jacksonville Future Land Use Map (FLUM) as Agricultural land use and is well outside the Jacksonville Urban/Suburban Area. Objective 1.1 of the Jacksonville plan's Infrastructure Element (Potable Water Sub-Element) requires that in order to discourage urban sprawl the City shall provide regional water facilities in conformance with the Public Facilities Map, as adopted in the Capital Improvements Element (CIE).

St. Johns County Comprehensive Plan

On the County's Future Land Use Map, most of Intercoastal's expansion area is designated as Rural/Silviculture (R/S). R/S is one of two land use categories the County uses to designate rural areas, the other being Agricultural-Intensive. R/S land is characterized by having a predominance of silvicultural

production or that has the potential for silvicultural production based on vegetative cover. To develop property within an R/S District, the owner submits an application for a Planned Rural Development to the County. The County has three residential density categories available for R/S lands: 2 units/acre (owner can develop no more than 10 percent of property without a FLUM amendment change), 1 unit/acre (owner can develop 15 percent of property), and 1 unit/2.5 acres (owner can develop 20 percent of property). In practice, this results in low residential densities. As an example, a property owner with 100 acres in the R/S land use category could develop 10 percent of the property, or 10 acres, at 2 units/acre, resulting in a total of 20 dwelling units. The remaining 90 acres would be designated as a Reserve Area.

A linear area along the west side of the Intracoastal Waterway, which appears to be in the Intercoastal expansion area, is designated Conservation land use.

An area in the southeast quadrant of the U.S. 1/S.R. 210 intersection, which appears to be in the Intercoastal expansion area, is designated in the FLUM as the U.S. 1/S.R. 210 Development Area, comprises Mixed Use, Public, and Residential Density "A" land uses.

The following goals, objectives, and policies from the St. Johns comprehensive plan are applicable to the proposed expansion:

- Policy A.1.2.1 The County shall only issue development orders or development permits consistent with the provisions of the County's Concurrency Management System, as provided in Objective J.1.5.
- Policy 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 environment.
- Objective A.1.6 The County shall provide for the protection of agricultural and silvicultural lands, shall encourage their continued use for such purposes, and shall provide for the 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; and (ii) through the adoption of land development regulations which will implement the PRD development controls provided in the Textual Appendix.
- Policy A.1.6.1 Continued agricultural and silvicultural use of lands presently in agricultural and silvicultural production shall be supported by designations on the Future Land Use Map(s) to redesignate lands presently classified as Agricultural-Intensive and Rural/Silviculture pursuant to the requirements of this Plan and applicable law.
- Policy A.1.6.4 In addition to the adoption and implementation of the PRD land development regulations, the County shall encourage farmland retention through investigation of the County's provision of various incentives for farmland protection, such as voluntary agricultural districts and consideration of a transferable development rights ordinance.

Sanitary Sewer/Solid Waste/Drainage/Potable Water/Natural Groundwater/Aquifer Recharge Element

- Goal F.2 New public facilities shall be developed in a manner which protects investments in existing facilities and promotes orderly compact urban growth.
- Policy F. 2.1.3 All improvements for replacement, expansion of sanitary sewer, potable water or drainage or increase in capacity of sewer facilities shall be compatible with the existing, or newly adopted, level of service standards for such facilities.
- Objective F.01.01 Sanitary Sewer—The County shall implement procedures which will coordinate the extension of sewer facilities, or the increase in capacity of sewer facilities, in order to:

meet future needs, to correct existing sewer facility deficiencies, and to promote compact urban growth. All system improvements for replacement, expansion, or increase in capacity of sewer facilities shall comply with the existing or newly adopted level of service standards for the facilities.

Objective F.01.05 Potable Water—The County shall protect and conserve potable water resources and shall ensure that development orders or development permits are issued based upon the levels of service established in Objective J.01.05 of the Capital Improvements Element.

Capital Improvements Element

Objective J.1.5 The County shall adopt a Concurrency Management System (CMS) as part of the County's land development regulations which shall ensure that the impacts resulting from the County's issuance of development orders or development permits shall not result in a reduction of service for affected public facilities below the applicable level of service standards established in Policy J.1.2.1 of this Plan.

Policy J.1.1.5 Outside the areas serviced by County facilities, the County will support and encourage the provision of essential facilities and services through privately owned publicly regulated regional systems.

Local Government Comments

St. Johns County did not provide any written comments to the Department; however, Department staff did discuss this proposed extension with County staff.

Conclusion

Expansion of central water and sewer facilities into a rural, relatively undeveloped area is a precursor of more intense residential development of that area. This is a part of the orderly, planned development of an area. Conversely, when central water and sewer facilities are proposed to be extended into an area designated as Rural/Silvicultural on the County's FLUM, this extension must be considered as encouraging premature development of this area. In this case, however, about two-thirds of the proposed expansion area is within the proposed Nocatee DRI. If this DRI is approved, it would be desirable that it be served by central water and sewer. Approval of the DRI would also be dependent upon a change or changes in the County's FLUM to accommodate the more intense development envisioned in the Nocatee DRI plan of development. If the DRI is approved and if it receives the necessary FLUM amendments, then the delivery of central water and sewer facilities would be part of the orderly, planned development of the area. If the DRI is not approved, then the proposed expansion of water and sewer facilities is premature and would encourage urban sprawl in an area predominately designated as Rural/Silviculture on the FLUM.

The remaining one-third of the proposed Interstate expansion area includes undeveloped R/S areas and some other developing or developed (but without central water and sewer) areas not bearing the R/S land use designation: the Walden Chase and Marsh Harbor developments, the platted Palm Valley Harbor and Quail Ridge subdivisions, and the U.S. Highway 1 and Old Dixie Highway service corridors.

Staff recommends that Intercoastal's proposed extension of central water and sewer facilities be conditioned upon approval of the Nocatee DRI and amendment of the St. Johns County comprehensive plan to accommodate the land uses proposed in the DRI plan of development.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for original certificates to operate water and wastewater utility in Duval and St. Johns Counties by Nocatee Utility Corporation.

DOCKET NO. 990696-WS

In re: Application for certificates to operate a water and wastewater utility in Duval and St. Johns Counties by Intercoastal Utilities, Inc.

DOCKET NO. 992040-WS
FILED: MAY 1, 2000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the true and correct copies of the testimonies of Charles Gauthier (with exhibits), Caroline Silvers, Edward Cordova, Scott Trigg, and T. James Tofflemire have been furnished by U. S. Mail this 1st day of May, 2000, to the following:

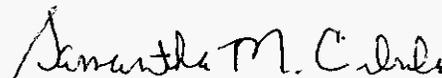
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