

ORIGINAL

MEMORANDUM

December 5, 2000

TO : DIVISION OF RECORDS AND REPORTING (BAYO) *pph BSM*

FROM : DIVISION OF WATER AND WASTEWATER (REDEMANN) *PR*

RE : DOCKET NO. 990817-WS; APPLICATION BY FLORIDA WATER SERVICES CORPORATION FOR EXPANSION OF WATER AND WASTEWATER TERRITORY IN NASSAU COUNTY, FLORIDA.

Enclosed please find a letter dated November 29, 2000 from Mr. Charles Gauthier, Chief, Bureau of Local Planning, Department of Community Affairs, which should be placed in the Docket File.

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CC: Division of Legal Services (Christensen)
 Division of Records and Reporting (Security File)

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15658 DEC-68

FPSC-RECORDS/REPORTING



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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November 29, 2000

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Florida Public Service Commission
Division of Regulatory Oversight

E. Clinch Kavanaugh, Esq.
Jacobs & Associates, P.A.
P.O. Box 1110
Fernandina Beach, Florida 32035-1110

Re: PSC Docket No. 990817-WS, application of Florida Water Services Corporation for expansion of water and wastewater service area in Nassau County

Dear Mr. Kavanaugh:

I would like to express our appreciation for the opportunity to meet with you and to visit Crane Island this past November 15. It was clear from our site visit that Crane Island is an upland hammock island surrounded by marsh. This suggests that modification of the land use designation for Crane Island on the Future Land Use Map in the Nassau County Comprehensive Plan may be appropriate in the future. We continue to have concerns, however, about the consistency of the proposed development on Crane Island with the currently adopted Nassau County Comprehensive Plan, for the reasons previously cited. In brief, these concerns are as follows:

Crane Island is designated "Conservation-Wetlands" on the Future Land Use Map (FLUM) of the adopted Nassau County Comprehensive Plan. If this designation is incorrect, then Nassau County may wish to amend the FLUM to more accurately designate Crane Island. Until that time, however, land development on Crane Island must be in accordance with the current comprehensive plan.

Note that Policy 1.02.05H in the Future Land Use Element (FLUE) of the Nassau County Comprehensive Plan states that "the Conservation Land Use shall designate land areas of ecological or historical value within the County on which development must proceed with restrictions. These are lands which may be altered by development and so must be protected. Conservation lands under private ownership [such as Crane Island] shall be placed under a Limited Development Overlay." FLUE Policies 1.02.05I and 1.04A.02 both require that Conservation lands placed under the Limited Development Overlay may not be developed at a density greater than 1 unit per 5 acres. This does not prevent development, but does limit it to 1 unit per 5 acres.

In addition, the FLUE specifically mentions Crane Island, on p. A-41:

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One large parcel, Crane Island, located in the marshlands between the airport and Intracoastal Waterway, requires bridging from the airport for access by land. Proposed development has stirred controversy because of its location and the plan recommends that it be conserved as open space. Any future development should be low intensity with careful conservation of access and the introduction of impermeable surfaces whose runoff could have a detrimental effect on the marshlands.

We also observe that Crane Island is depicted on the Storm Surge Atlas for Nassau County as being entirely in an area that would be inundated in a Category 1 storm. This places Crane Island in the Coast High Hazard Area, which is defined in the current comprehensive plan as "all land and water areas depicted as inundated by a Category 1 through 3 Hurricane Storm Surge." Objective 5.07 in the Coastal Management Element of the comprehensive plan requires that the County, through its FLUM and development orders shall direct population concentrations away from known or predicted high hazard areas. The regional evacuation study identifies Crane Island as being in the Category 1 evacuation zone. Under section 163.3178(2)(g), Florida Statutes, the Coastal High Hazard Area is to include the Category 1 evacuation zone, so even at such time as the Nassau County Comprehensive Plan is updated, Crane Island will still remain in the Coastal High Hazard Area.

Thus it appears, pursuant to the Nassau County Comprehensive Plan, that Crane Island may be developed, since it does contain uplands; however, the density that is allowed under the comprehensive plan is low-intensity, not to exceed 1 dwelling unit per 5 acres. This is a lower density than what was proposed in the July 1999 application from Florida Water Services Corporation. Note that Policy 4.01.05 in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the comprehensive plan requires that expansion of service areas for publicly owned or investor-owned utilities shall be consistent with the development areas on the Future Land Use Map.

We have just received Nassau County's proposed update to its comprehensive plan based on its evaluation and appraisal report. Staff review of these plan amendments, which are said to include a changed FLUM designation for Crane Island, will begin shortly. This re-designation, if adopted, may allow a higher density of development on Crane Island; however, any re-designation of Crane Island will need to demonstrate consistency with the rest of the County's comprehensive plan and with Chapter 163, part II, of the Florida Statutes and Rule Chapter 9J-5 of the Florida Administrative Code. In particular, we will be looking at the consistency of the island's new FLUM designation with the requirements relating to Coastal High Hazard Areas and the compatibility of potential development on the island with the Fernandina Beach Airport master plan.

We look forward to continued discussion on this subject, with the focus on the proposed amendments to the Nassau County Comprehensive Plan.

Sincerely,



Charles Gauthier, AICP
Chief, Bureau of Local Planning

E. Clinch Kavanaugh, Esq.
November 29, 2000
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cc: Ms. Billie Messer, Division of Regulatory Oversight, Public Service Commission ✓
Mr. Gus Rappold, Nassau County Planning and Zoning Department
Mr. Edward Lehman, Northeast Florida Regional Planning Council
Ms. Jodi Hopkins, Florida Department of Environmental Protection