

MEMORANDUM

January 11, 2001

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

FROM : DIVISION OF WATER AND WASTEWATER (REDEMANN)

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

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Enclosed please find a copy of the Florida Department of Transportation letter dated December 28, 2000, a copy of the City of Fernandina Beach letter dated November 20, 2000, and a copy of the Florida Department of Transportation letter dated April 20, 2000, which should be placed in the Docket File.

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

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DOCUMENT NUMBER-DATE

00617 JAN 16 2001

FPSC-RECORDS/REPORTING

Mr. Wesley R. Poole, Esquire  
April 20, 2000  
Page Two

Statutes(Ch 333) to prevent (1) obstructing airspace required for take off, maneuvering or landing; (2) uses that are not compatible with continuation of normal airport operation; and (3) uses that may adversely affect public health, safety or welfare.

Provisions in Part 77 establish traverse ways to facilitate passage of mobile objects in the vicinity of airports. Public roads are adjusted upward 15 feet to form the traverse way. Runway obstruction surfaces must clear traverse ways to ensure the safe and efficient operation of the facility. The Crane Island proposal would be a public road. Its traverse way crosses both the existing Runway(RWY) 13 clear zone and that of the planned 750' extension. This runway improvement is shown on the Airport Layout Plan(ALP) approved by the FAA in May 1999.

A runway clear zone is a definable area used in Ch 333 to regulate land uses and development for public health, welfare and safety purposes. It is that area beneath the imaginary runway approach surface extending from the primary surface at runway elevation to where the approach surface reaches 50' above the runway. The traverse way for a 60' right-of-way cannot cross this area without exceeding the height of the overlying approach surface at some point because of the approach surface slope and the limited area between the end of the planned runway and the Amelia River. An object, including a traverse way, exceeding the imaginary approach surface would be an obstruction in airspace required for landing on this planned runway, that under provisions of Ch 333 is an airport hazard to be prevented. The City's airport zoning ordinance adopted in compliance with this statute prohibits a proposed object that would have this impact.

It is my opinion that placing an uncontrolled public access road in this proximity of active airport runways would be an airport hazard as defined in Ch 333. Such an object would require significant changes to the existing facility and its planned development. Fencing between the road and the three runway ends would have to be installed for public safety and aviation security. The fence would create another airport hazard between the road and RWY 13 compounding the impact. The existence of these objects would make the planned RWY 13 extension operationally impractical. While the District Office is the determining authority, funds for a runway extension that will not be useable are not likely to be approved. The airport's approved planning documents reflect the need for longer runways to support the demand to accommodate larger business aircraft than the existing runways. This demand is growth driven and will be vital factor in the city's and surrounding region's economic development.

It appears the reason for the right-of-way easement is to support residential development of Crane Island. Residential development of the island is not compatible with airport operation, either as it exists or as it is planned. As stated above, the runway clear zone area for the extended RWY 13 covers a significant portion of the island north end. For public health, safety and welfare purposes, Ch 333 prohibits residential construction as well as most other types of development in runway clear zones. The entire northern half of the island, outside of the clear zone, is beneath the approach/ departure paths of two runways where aircraft will routinely operate at very low altitude. These are areas of high noise impact. Other provisions of Ch 333, require local government to prohibit residential construction in airport noise impacted areas. The clear zone public safety protection and the airport noise compatibility controls are applicable to all local governments in the vicinity of public airports.



# City of Fernandina Beach

WESLEY R. POOLE  
CITY ATTORNEY

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JAN 05 2001

Florida Public Service Commission  
Division of Regulatory Oversight

November 20, 2000

Mr. James Stansbury  
Community Program Administrator  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

Re: Request for Preliminary Sufficiency Determination

Dear Mr. Stansbury:

You have received, or will be receiving shortly, Nassau County's transmittal of its evaluation and appraisal report (E.A.R.), for review.

Among the changes suggested by the Board of County Commissioners, is a proposed change of the future land use designation for "Crane Island" from **conservation** to **medium residential**. Crane Island is an undeveloped island in the unincorporated area immediately west of the municipal airport of the City of Fernandina of Fernandina Beach, comprised of approximately 108 acres, according to the County. The owners of Crane Island are involved in litigation with the City over what are primarily access issues. The City objects to this proposed change for several reasons including, but not limited to, the following:

1. It is our understanding that the change was requested by the owners of Crane Island, but that no data nor analysis was provided to support the change. Moreover, to our knowledge, the County was not provided any information on infrastructure, natural resources, flood plains, etc., to be considered by the Board in effecting the change;

2. Crane Island is in a natural, pristine state, located within the boundaries of the Nassau River - St. Johns River Marshes Aquatic Preserve;

3. The entire west side of Crane Island abuts the Intracoastal Waterway, known to be used as a migratory route for the west Indian manatee; the island is also believed to be the

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James Stansbury  
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habitat of certain threatened or endangered species. To our Mr. knowledge, no attempt has been made to request that the "Florida Division of Forestry, The Florida Game and Fresh Water Fish Commission (sic), the U.S. Fish and Wildlife Service, the St. Johns River Water Management District," nor any other agencies, to "work together to ensure wise management of endangered and threatened species of plants, fish, wildlife, and their habitat in which they are located" as required by Policy 6.05.03 of the Nassau County Comprehensive Plan (NCCP). Likewise, no attempt has been made to "coordinate with the adjacent local government (City of Fernandina Beach) for the protection of endangered or threatened species and the habitat in which they exist," as required by Policy 6.05.05, NCCP. Other policies within the NCCP's conservation element appear to have been likewise ignored or overlooked.

4. To the best information and belief of the City, Crane Island lies within the 100 year floodplain. Nassau County's own "Local Mitigation Strategy" requires that conservation land use shall be designated for land areas within the 100 year floodplain and wetlands. Thus, instead of changing the future land use designation from conservation to residential, the County should, by its own policies, retain the conservation designation.

5. The County and City continue their formal agreement to act as the Joint Local Planning Agency to monitor the amount and type of development which has the potential of destroying the county's vital resources in the Amelia Island Planning area, yet the County summarily approved this requested change of future land use without any coordination with the City, or review by the Joint Local Planning Agency, contrary to Objective 8.02, NCCP.

6. Crane Island is located within the **Coastal High Hazard Area (CHHA)**, yet this fact was apparently not considered by the County in its re-designation of Crane Island to medium residential use. Nassau County's "Local Mitigation Strategy" notes that areas adjacent to the rivers and their tributaries are subject to storm surge. Areas of particular vulnerability include the "entire shoreline of the Nassau River," including Crane Island.

7. Crane Island lies immediately west of the City's municipal airport. The City is concerned that the proposed residential development of Crane Island is not compatible with the airport operations. The entire northern half of Crane Island is beneath the approach/departure paths of two runways where aircraft

James Stansbury  
November 20, 2000  
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will routinely operate at very low altitudes. These are areas of high noise impact. The runway clear zone for the proposed extension of Runway 13 covers a significant portion of the island's north end. Florida Statutes, Chapter 333, requires local governments, (including Nassau County and the City of Fernandina Beach) to prohibit residential construction in airport noise impacted areas. Thus, the proposed residential development of Crane Island is inconsistent with both the County's and City's comprehensive plans' public transportation needs.

8. In addition to comprehensive plan issues, Nassau County's own airport zoning Ordinance, Article 28, prohibits the use of any land within any zones established by the ordinance in such a manner as to interfere with the operation of airborne aircraft.

The above represents just some of the concerns the City has with regard to this proposed land use change. On behalf of the City, I respectfully request that you require a preliminary sufficiency determination, and, further, that the City be informed of all further proceedings regarding this proposed amendment.

Thank you for your consideration.

Yours sincerely,

  
Wesley R. Poole  
City Attorney

copies to:

Michael S. Mullin, Esquire  
Nassau County Attorney  
P. O. Box 1010  
Fernandina Beach, FL 32035-1010

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Hon. Aaron Bean, Representative  
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Fernandina Beach, FL 32035-0668

Zachary Z. Zoul, Chairman  
Sierra Club, Nassau County  
P. O. Box 38  
Fernandina Beach, FL 32035-0038

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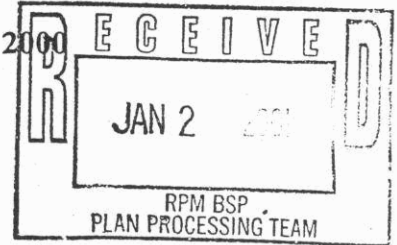
# Florida Department of Transportation

JEB BUSH  
GOVERNOR

THOMAS F. BARRY, JR.  
SECRETARY

DISTRICT II  
Jacksonville Urban Office  
P.O. Box 6669  
Jacksonville, Florida 32236

December 28, 2000



HSS  
01-2-01

Mr. Paul Darst  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399

**SUBJECT: NASSAUE COUNTY 01-1ER  
EAR-Based Comprehensive Plan Amendments**

The Department has reviewed the Nassau County EAR-Based Comprehensive Plan Amendments, DCA reference No. 01-1ER. The following comments/recommendations deal with transportation issues and potential impacts to the State Highway System from the proposed land use amendments. Per your request, we have addressed first the proposed land use amendment of the Crane Island. In addition, comments regarding the EAR-based Plan Amendments are enclosed hereafter for your consideration in the review of this amendment package.

**(1). CRANE ISLAND proposed Future Land Use Map Amendment:** This amendment is a proposal to change the land use designation of 108 acres parcel of Crane Island, from Conservation to Medium Residential. The Department of Transportation has provided comments and objected to the proposed land use change in April of 2000. The attached letter, from Mr. Albert Roberts, Jr., the State Aviation Operation Administrator, to Mr. Wesley Poole dated April 20, 2000, specifically, addresses the Department's concerns. Because of the inconsistency of the Airport Mater Plan (which includes the Fernandina Airport future expansion plans) with the proposed Residential land use, the Department finds the proposed land use change unacceptable. The Department urges you to consider the impacts to the Fernandina Beach Municipal Airport from the proposed Residential land use, as it is stated in the letter of Mr. Roberts, Jr. as follows:

*"Residential development of the island is not compatible with airport operation, either as it exist or as it is planned. ...The runway clear zone area for the extended RWY 13 covers a significant proportion of the island north end. For public health, safety and welfare purposes, Ch 333 prohibits residential construction as well as most other types of development in runway clear zones. ...The clear zone public safety protection and the airport noise compatibility controls are applicable to all local governments in the vicinity of public airports." The letter also states: "If a change (in of the Comprehensive Plan) is submitted for comments, the Aviation Office will recommend the Department Object, as it is not consistent with the approved airport master plan."*

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**(2) Future Land Use Map Amendments:** This EAR package did not give the Department sufficient data & analysis to verify the compatibility and impact of the 29 EAR-based Land Use amendments with the surrounding land uses. Many of these amendments are small in nature or scrivener errors and should have a minimal impact on the State Highways. However, some of these amendments are large and could have a significant impact on the State Highway System. These amendments should require further evaluation prior to adoption. Please refer to the following.

A. Crane Island, 108 acres: This amendment changes the land use designation from Conservation to Medium Residential (review the comments discussed above).

E. New Courthouse and Jr. College, 100 acres: This amendment, located southeast of the I-95/SR 200 Interchange, changes the land use designation from Agriculture to Public Building and Grounds.

P. A1A Access Management Overlay District: This amendment, which is 1000 feet on both sides of A1A from I-95 to the Intracoastal Waterway, requires the County to control access and development adjacent to A1A.

Q. Local Activity Centers: This amendment allows the development intensity levels to increase by 20% at the intersections of A1A/SR 107, A1A/US 17 and A1A/200A.

R. Regional Activity Center: This amendment allows the development intensity level to increase by 30% at the I-95 and SR 200 Interchange.

S. Municipal Activity Centers: This amendment allows the development intensity levels to increase by 25% along A1A within a 0.5 mile radius of Callahan and Hilliard.

V. East side of Chester Road from SR 200 north, 527 acres: This amendment changes the land use designation from Low Density Residential to Medium Density Residential.

W. East Side of Edwards Road south of SR 200, 655 Acres: This amendment changes the land use designation from Agricultural to Low Density Residential.

X. Area on west side of US 1 north of Hilliard Municipal Boundary, 365 acres: This amendment changes the land use designation from Agricultural to Low density Residential.

Y. Area east of Hilliard Municipal Boundary, 223 acres: This amendment changes the land use designation from Agricultural to Low density Residential.

Z. Area south of Hilliard Municipal Boundary, 1,486 acres: This amendment changes the land use designation from Rural Residential to Low Density Residential.

AA. Area southwest of Callahan at US 391, 839 acres: This amendment changes the land use designation from Rural Residential to Low Density Residential.

#### **Future Land Use Map Series:**

Maps 10 & 11 Traffic Circulation Maps: The following items should be corrected.

- \* I-95 is Functionally Classified as a Freeway, not a Principal Arterial.
- \* I-10 is Functionally Classified as a Freeway, not a Principal Arterial.
- \* SR 200 (from US 1 to I-95) is functionally classified as a Principal Arterial, not a Minor Arterial.
- \* SR 115 should be identified as a State facility, not a County road (CR 115).
- \* SR 107 South should be identified as State facility, not a County road (CR 107).



**Future Land Use Goals, Objectives and Policies:**

SR200/A1A Access Management Overlay District Policy 1.02.05H: The County should consider incorporating FDOT's Access Management Rule (FAC Rules 14-96 and 14-97) into this policy. All access permits are required from the Department for connection to roadway or drainage on SR 200/A1A.

9J-5.006(3)(c)3: The County should consider adding a policy that requires "facilities and services meet the locally established level of service standards, and are available concurrent with the impacts of development". Concurrency should be referenced in this element.

**Traffic Circulation Goals, Objectives and Policies:**

2.01.01 Level of Service: Per 9J-5.019(4)(c)1, the County should adopt the appropriate LOS standards and service volumes for segments identified as a part of the Florida Intrastate Highway System (I-95, I-10, US 301).

2.01.01 Level of Service: This policy should provide a minimum LOS standard for functionally classified Principal Arterials (US1, SR 15, US 90 and US 17).

9J-5.019(4)(c)13: The County should adopt a policy that "establishes strategies to facilitate local traffic to use alternatives to the Florida Intrastate Highway System to protect its interregional and intrastate functions".

9J-5.019(4)(c)21: The County should adopt a policy that "protects ports, airports or related facilities from the encroachment of incompatible land uses". (i.e. Crane Island proposed land use amendment).

9-5.019(4)(b)4: Given the high density level and diverse development along A1A (Commercial, Ocean Port, Residential and Tourism), the County should adopt an objective that "addresses the provisions of an efficient public transit service based upon existing and proposed major trip generators and attractors, safe and convenient public transit terminals, land use and accommodation of the special needs of the transportation disadvantaged".

**Coastal Management Goals, Objectives and Policies:**

Objective 5.05 Hurricane Evacuation Time: This Objective should include a policy that addresses numerical and non-numerical indicators to verify the reduction in hurricane evacuation. Methods and procedures to implement this policy should also be noted 9J-5.012(3)(b)7 and 9J-5.12(3)(c)4.

**Capital Improvements Goals, Objectives and Policies:**

9.02.01 Level of Service: Per 9J-5.016(3)(c)4, the County should adopt the appropriate LOS standards and service volumes for segments identified as being a part of the Florida Intrastate Highway System (I-95, I-10, US 301).

**Traffic Circulation Data and Analysis:**

Table B-2 Major Road Segment: The following table corrections should be made.

- \* 8th Street (from Sadler Rd. to Atlantic Ave.) is a State roadway (A1A), not a County facility.
- \* SR200/A1A (from 4-lane W. of I-95 to I-95) is a 4-lane roadway, not a 2-lane roadway.

- \* US 17 (from 4-lane in Yulee to SR 200/A1A) is a 4-lane roadway, not a 2-lane roadway.
- \* US 90 and I-10 are missing from this table.

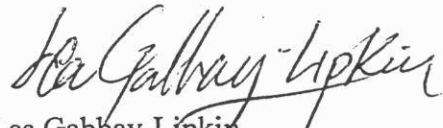
Nassau County Five Year Schedule of Capital Improvements FY 2000-2005: The State roadway projects shown in this table are consistent with the projects shown in FDOT's Adopted 5 -Year Work Program FY 2001-2005. The only difference is the timing of construction funds for certain segments of I-95 (County Line to State Line) and A1A (Griffen Road to I-95) improvements. Both construction dates have been moved up by one year for these projects.

Nassau County Transportation Analysis Spreadsheet FY 2000, 2005 & 2010: The following items should be noted.

- \* Traffic Element Policy 2.01.01 states that level of service will be measured based on FDOT 1992 LOS Standards and Guidelines. The level of service in Spreadsheet FY 2000 Spreadsheet FY 2005 and Spreadsheet FY 2010 are based on FDOT 1998 LOS Guidelines.
- \* The future Model Assignment Volumes (FSUTMS) and Project Volumes (Historical Trend) are higher than our own LOS Linear-Historical count projections.
- \* The K(100) Factors used in these spreadsheets are a little lower than the K(100) Factors shown in the corresponding 1998 FDOT Generalized Tables.
- \* SR200/A1A (from 4-lane W. of I-95 to I-95) is a 4-lane roadway, not a 2-lane roadway.
- \* US 90 and I-10 are missing from this table.

Thank you for coordinating this review with FDOT. If you have any questions regarding our comments, please do not hesitate to call me at (904) 360-5647.

Sincerely,



Lea Gabbay-Lipkin  
Growth Management Administrator  
DRI Coordinator

Fn: Nass-ear.dca

Cc: James Stansbury (DCA)  
Gustave Rappold (Nassau Co.)  
Ed Lehman (NEFRPC)  
Roland Luster (FDOT)  
Aage Schroder (FDOT)  
James Dees (FDOT)