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Governor

STEVEN M. SEIBERT
Secretary

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CLERK

MEMORANDUM

TO: Mr. Timothy Devlin, Division Director
Florida Public Service Commission

FROM: Michael D. McDaniel, State Planning Initiatives Administrator *MDM*

RE: Highlands Ridge Utilities, LLC Water and Wastewater Facilities
Expansion Application
PSC Docket No. 020990-WS

DATE: October 21, 2002

Attached for your consideration is the Department's review of the application by Highlands Ridge Utilities for a certificate to expand water and wastewater facilities in a section of Highlands County, Florida. The Department has reviewed the application for consistency with the applicable local government comprehensive plan, in this case Highlands County, and has found the application to be consistent with said plan.

Thank you for the opportunity to provide input in this decision-making process.

MDM/mfm

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DOCUMENT NUMBER 0202
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JEB BUSH
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STEVEN M. SEIBERT
 Secretary

MEMORANDUM

To: Charlie Gauthier, Chief of Comprehensive Planning *CG*

Through: Mike McDaniel, State Planning Initiatives Administrator *MM*

From: Mary Frances Mullins, Planner *MF*

Date: October 16, 2002

Subject: **Public Service Commission Utilities Expansion Application
 Highlands Ridge Utilities, LLC; Highlands Co.;
 PSC Docket No. 020990-WS**

Comments due to PSC October 31, 2002

Summary

Highlands Ridge Utilities, LLC. (Highlands Ridge) has applied to the Public Service Commission for an amended certificate to expand its Water and Wastewater Facilities service areas in Highlands County, Florida. Highlands Ridge currently provides potable water and sanitary sewer to areas in the Highlands Ridge development, located southeast of Avon Park and northeast of Sebring.

Background

This application is for amendment of Water and Wastewater Certificates, Nos. 544-W and 474-S, respectively. The amended Certificates are to add the 217 lots in Phase Seven of Highlands Ridge, plus a Clubhouse. The lands within the expanded service area are designated on the County's Future Land Use Map (FLUM) as Agriculture (1 du/5ac) and Low Density Residential (<1 to 3 du/ac). Highlands County vested Highlands Ridge for 1,000 lots on 453 acres as Medium Density Residential in 1994 in vesting determination V-91-057. The Department also issued vested rights determination letters (VRS-786-002, as Bonnet Lakes)

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Memorandum
October 16, 2002
Page Two

on November 4, 1985, August 11, 1986, June 13, 1988, and May 21, 1998, all of which determined that the development was vested and subsequent modifications did not divest the property (see attached in chronological order).

Conclusion and Recommendation

The proposed service territory of Highlands Ridge is consistent with the future land use designations by virtue of the vested rights. The total number of lots approved in Phases One through Seven is 975 lots, fewer than the 1,000 that were vested. Staff recommends no objections to the application.



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

Nov. 4 RA
~~October 30~~, 1985

TOM LEWIS, JR.
Secretary

Ms. Helen V. Cronin
Highlands County Land &
Title Company
Post Office Box 1044
Lake Placid, Florida 33852

Dear Ms. Cronin:

Leisure Lakes, VRS-786-001; Bonnet Lakes, VRS-786-002

We have received your notice of September 25, 1985, claiming vested rights for the Leisure Lakes and Bonnet Lakes properties. Adequate documentation has been provided and the notice requirements of Paragraph 380.06(20)(a), Florida Statutes (F.S.), as amended by Section 43, Chapter 85-55, Laws of Florida, have been met for the plans of development in the following approved plats:

Leisure Lakes Section Nineteen, located in the west half of Section 8 and all of Section 7 of Township 36 South, Range 29 East, (see attached map) as approved by the Board of County Commissioners of Highlands County, Florida on July 18, 1972, for 2,734 single-family lots; and

Bonnet Lake Village, located in Sections 8 and 9 of Township 34 South, Range 29 East, (see attached map) as approved by the Board of County Commissioners of Highlands County, Florida on December 7, 1971, for 1,299 single-family lots.

Please be advised that, unless development of these properties has commenced by June 30, 1990, your vested rights shall expire. Also, any development which is not in compliance with the vested plan may divest your rights to complete the development without being subject to the impact review requirements of Section 380.06, F.S. If you decide to modify your plan of development, a determination of whether vested rights have been divested should be obtained by submitting an application for a binding letter of interpretation for modification to a DRI with vested rights, attached. A revised project will be reviewed in accordance with paragraph 380.06(4)(e), F.S.

Ms. Helen V. Cronin
 Nov. 4 ~~October 30~~, 1985
 Page Two

If you have any questions concerning this matter, please contact Tom Beck, Program Administrator, Developments of Regional Impact Section at (904) 488-4925.

Sincerely,

James F. Murley, Director
 Division of Resource
 Planning and Management

JFM/mdb

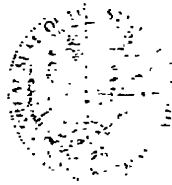
cc: Mr. W.H. Stephenson
 Mr. Tim Varney

RECEIVED
 NOV 1 1985

Division of Resource
 Planning and Management

ORIGINATOR W.H. Stephenson DATE 10-29-85

Referrals	Init.	Date	Referrals	Init.	Date	Referrals	Init.	Date
Secretary			Personnel			Dir. - RPM		
Asst. Secretary			Dir. - HCD			Bur. / RM		10-31-85
Legal	DG	10/4/85	Bur. / Hous.			Bur. / SRP		
Legis. Liaison			Bur. / CA			Bur. / LRP		
P.I.O.			Bur. / PSM			C.P.A.		10-29-85
Dir. Adm. Ser.			Dir. - EM			Sect. Admin.		10-29-85



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM
Governor

August 11, 1986

TOM LEWIS, JR.
Secretary

Ms. Helen V. Cronin
Highlands County Land &
Title Company
Post Office Box 1044
Lake Placid, Florida 32301

Dear Ms. Cronin:

Bonnet Lakes; VRS-786-002

This letter is in reply to your letters to the Department of Community Affairs of June 13, 1986, and July 10, 1986, regarding the Bonnet Lakes development in Highlands County. Your letters requested a determination from the Department of Community Affairs as to whether a zoning change would affect the previously determined Development of Regional Impact (DRI) vested rights status of the development.

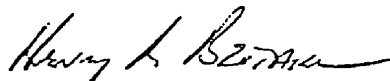
On November 4, 1985, the Department issued a vested rights notification letter which indicated that the Bonnet Lakes development had met the documentation and notice requirements of Paragraph 380.06(20)(a), Florida Statutes, regarding DRI vested rights for 1,299 platted single-family lots. On two occasions, Departmental staff attempted unsuccessfully to reach you regarding further details of the intended plan of development under the proposed M-2 zoning classification. Nevertheless, a simple change in zoning to "rental park" that does not affect the original plan of development, require a replatting, increase density, or change the 1,299 single-family lot land use of the development, would not affect the vested rights status of the development, pursuant to Section 380.06, F.S.

Given our current understanding of the proposed zoning change, the Department would not require that a Binding Letter of Interpretation for Modification to a DRI with vested rights (BLIM) be submitted.

Ms. Helen V. Cronin
August 11, 1986
Page Two

I hope I have been of some service in this matter. If you have any further questions, please call me in the Division of Resource Planning and Management, Bureau of Resource Management at (904) 488-4925.

Sincerely,



Henry F. Bittaker
Planning Manager

HFB/sr

cc: Mr. W.H. Stephenson (Highlands Co.)
Mr. Steve Frisch (CFRPC)



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399

BOB MARTINEZ
Governor

THOMAS G. PELHAM
Secretary

June 13, 1988

Mr. John S. Inglis
Shumaker, Loop & Kendrick
Attorneys at Law
First Southern Plaza-Suite 1111
201 East Kennedy Boulevard
Tampa, Florida 33602

Re: Bonnet Lakes; File No. VRS-786-002

Dear Mr. Inglis:

Thank you for your letter of May 16, 1988, regarding the Bonnet Lakes development in Highlands County. Your letter requests a determination by the Department as to whether the downsizing of the vested plan of development for the Bonnet Lakes development from 1,299 single-family mobile home lots by approximately 200 lots and the redesigning of the roadway system to allow for more efficient utility installations and to allow easier access for fire and emergency vehicles would affect the vested rights of the development.

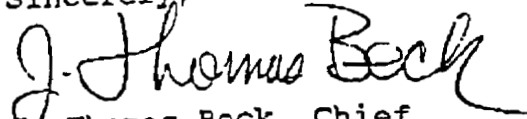
Pursuant to Paragraph 380.06 (4)(f), Florida Statutes, a proposed change to a vested development that results in reduced regional impacts shall not divest rights to complete the development. The proposed changes to the vested plan of development would appear to result in reduced regional impacts because of the proposed reduction in the number of single-family mobile home lots. Furthermore, you have stated that there will be an increase in the amount of open and recreational space. The proposed changes to the Bonnet Lakes development should therefore not divest the developer's rights to complete the project.

In order to keep our file on your project up to date, please supply the Department with a copy of your previous site plan, a copy of your proposed site plan and a description of the proposed changes.

Mr. John S. Inglis
June 13, 1988
Page Two

If you have any questions or comments concerning this matter, please call me or Ron Horlick in the Division of Resource Planning and Management, Bureau of State Planning at (904) 488-4925.

Sincerely,



J. Thomas Beck, Chief
Bureau of State Planning

cc: Mr. Brian Sadt (CFRPC)
Mr. W. H. Stephenson, Jr. (Highlands County Planning &
Zoning)

Highlands County Planning Department
Vesting Order & Staff Report - File No: V-91-057

Prepared By: Kim O'Connor

April 25, 1994

ID# C-08-34-29-040-AAAA-000.0

ID# C-08-34-29-040-00A0-000.0

ID# C-08-34-29-050-AAAA-000.0

ID# C-08-34-29-050-00A0-000.0

I. General Information:

Applicant: Highlands Ridge Associates, Inc.
Project Name: The Villages of Highlands Ridge
Parcel Size: 453 acres
Prior Dev. Orders: Preliminary Plat for Phase I approved 4/17/89;
Preliminary Plat for Phase II approved 5/16/89;
Preliminary Plat for Phase III approved 3/2/92. Rezoning
from AU and M-1 FUD to AU and M-2, Planning &
Zoning Hearing Number 1160.
Subdivided Density: 1000 lots ÷ 453 acres = 2 units per acre
Existing Land Use: General Agriculture
Land Use Density: 1 unit per 10 acres
Existing Zoning: AU and M-2 CU
Present Use: Undeveloped acreage
Recorded Information: Plat Book 15, Page 72
Plat Book 15, Page 73.

II. Vesting Requested: Medium density residential.

III. Review of Vesting Standards: The following findings have been based on information provided by the applicant. The information has not necessarily been verified by staff. If pertinent information is subsequently found to be incorrect, it may invalidate the vesting determination.

A. Ownership: The property is owned by Highlands Ridge Associates, Inc.

B. Act of Government: The valid unexpired Act of Government upon which Applicant reasonably relied is they have begun development in phases with the discrete approval of three Preliminary Plats for portions of subject property. They also received approval for rezoning from AU and M-1 FUD to AU and M-2 on February 28, 1989.

C. Change in Position in Reliance on Act of Government: Construction on Phase I and Phase II has begun for 216 platted lots. An 18 hole golf course was completed, and construction loans for 8.5 million dollars have been secured for the project.

- IV. Facts: The zoning for the entire 453 acre development was approved on February 28, 1989. On April 17, 1989, and May 16, 1989, respectively, the Preliminary Plat and improvement plans were approved by the Highlands County Engineering Department for Phase I and construction was begun. On August 7, 1989, the improvement plans for Phase II were approved by Highlands County and construction continued into this Phase. Surface Water Management permits from the Southwest Florida Water Management District were also received for this work as well as permits for water and wastewater systems from the Department of Environmental Protection. Phases I and II include 216 platted mobile home park lots. The street and drainage system to serve these lots as well as the complete water and wastewater system has been constructed. An 18 hole golf course has been constructed. Construction loans totalling over 8.5 million dollars have been secured for this project so far.
- V. Conclusions: Applicant has provided evidence that this property can be vested as medium density residential land use. Applicant has met the requirements for Future Land Use Policy 10.1d by showing reliance on local government development orders and a change in position by beginning construction on 216 lots, building a golf course, and securing financing, based on these development orders.
- VI. Ordered: That Applicant's 453 acres be vested for 1000 lots for medium density residential against the Future Land Use Map designation of General Agriculture land use.

SIGNATURE PAGE

By Authority of: *Jeffrey K. Ludwig* 4/25/94
 Planning Director Date

Legal Review by: *[Signature]* 4/25/94
 Board Attorney Date

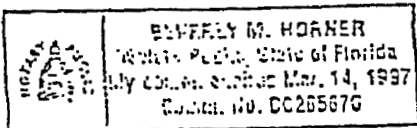
END REPORT
 FILE REFERENCES:
 C:\VEST.94\VSTSTAFF.RPT\031060.SR\91057.SR

STATE OF FLORIDA
 COUNTY OF HIGHLANDS

The forgoing instrument was acknowledged before me this 25 day of
APRIL, 1994, by Jeffrey K. Ludwig who is personally known
 to me.

Beverly M. Horner

Beverly M. Horner, Notary Public
 (printed name)



State of Florida
 My Commission Expires: March 14, 1997



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
 Governor

JAMES F. MURLEY
 Secretary

May 21, 1998

Mr. John S. Inglis
 Shumaker, Loop & Kendrick, LLP
 Post Office Box 172609
 Tampa, Florida 33672-0609

RE: VRS-786-002; Bonnet Lakes Vested DRI

Dear Mr. Inglis:

Thank you for most recent letter requesting clarification on whether the development of 400 acres of land adjacent to the Bonnet Lakes Vested DRI by the owner of Bonnet Lakes, Highlands Ridge Associates, Inc. (HRA), would affect the vested status of Bonnet Lakes development. Below are the pertinent information concerning this matter as stated in your letter:

- 1) Bonnet Lakes development was issued a letter of vested rights determination on November 4, 1985 (VRS-786-002);
- 2) On August 11, 1986, the Department issued a letter of clarification regarding whether a zoning change in Bonnet Lakes development would affect the vested status of the development. In that letter, the Department stated that such a change would not affect the vested status of Bonnet Lakes development;
- 3) On June 13, 1988, the Department issued a letter of clarification stating that the downsizing of Bonnet Lakes by 200 lots, the redesigning of the roadway system to allow for more efficient utility installations and easier access for fire and emergency vehicles would not affect the vested rights status of the development; and
- 4) Highlands Ridge Associates, Inc., is currently considering purchasing 400 acres of land adjacent to the Bonnet Lakes development for the development of up to 150 single-family homes and an 18-hole golf course.

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 Internet address: <http://www.state.fl.us/comaff/dca.html>

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 2794 Overseas Highway, Suite 252
 Marathon, Florida 33250-7227

GREEN SWAMP
 Area of Critical State Concern Field Office
 155 East Suwannee
 Bunnell, Florida 32130-4601

SOUTH FLORIDA RECOVERY OFFICE
 P.O. Box 4077
 8600 N.W. 24th Street
 Miami, Florida 33150-4077

Mr. John S. Inglis
May 21, 1998
Page Two

The development of the 400-acre adjacent property by HRA does not affect the vested status of the Bonnet Lakes development. However, the development of the adjacent property is subject to all applicable DRI rules, statutes and thresholds. Based on the representations made in your letter, the proposed development of the adjacent property with 150 single-family homes and a golf course is below 80 percent of all applicable DRI thresholds and therefore does not require review under the DRI process.

The Department's informal decision concerning this project is based on the representations made by you. The Department reserves the right to review any future changes made to the Bonnet Lakes Vested DRI and the adjacent development to confirm the vested and/or the DRI status of these developments. If the Department can be of further assistance to you in this matter, please contact John E. Baker, at (850) 487-4545.

Sincerely,

Mike McDaniel
for J. Thomas Beck, Chief
Bureau of Local Planning

JTB/jbb

cc: Brian Sadt, CFRPC
Jim Polatty, Highlands County
John Czeropak, FDOT, District 1