



ORIGINAL

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

February 3, 2003

RECEIVED-FPSC
03 FEB - 3 PM 2:57
COMMISSION
CLERK

Ms. Patti Daniel, Certification Supervisor
Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: PSC Docket No. 021256-WU; Application for Amendment to extend potable water, fire protection, and bulk raw water service areas in Volusia and Brevard Counties.

Dear Ms. Daniel:

The Department has completed its review of the Farmton Water Resources LLC application to Florida Public Service Commission for an Initial Certificate to operate a water utility in Volusia and Brevard Counties. The proposed service area is approximately 53,000 acres located in the southeastern portion of Volusia County, and the northwestern portion of Brevard County. A copy of staff's memorandum is attached for your review.

The Department has identified inconsistencies of the application and urban sprawl concerns with the Counties' comprehensive plans. The utility services are proposed in an area that is completely rural; some of these areas contain natural resources intended to be protected.

AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

DOCUMENT NUMBER-DATE
01080 FEB-3 8

Ms. Patti Daniel
February 3, 2003
Page Two

The proposal is inconsistent with several goals, objectives, and policies of the Volusia, and Brevard Counties, the Cities of New Smyrna Beach and Edgewater Comprehensive Plans, some of which are listed in the staff memorandum. Therefore, the Department objects to the proposed application by Farmton Water Resources LLC for utility services.

If you have any question, please contact Valerie M. James, Planner, or Marina Pennington, Regional Planning Administrator, at (850) 487-4545.

Sincerely,



Charles Gauthier, AICP
Chief, Office of Comprehensive Planning
Bureau of Local Planning

CG/vmj

Attachment

cc: Mr. Montye Beamer, Director of Growth Management Volusia County
Mr. Mel Scott, AICP, Planning Manager, Brevard County
Mr. Thomas A. Harowski, AICP, City of New Smyrna Beach
Ms. Lynne Plaskett, Planning Director, City of Edgewater



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

COLLEEN CASTILLE
Secretary

MEMORANDUM

TO: Charles Gauthier, AICP, Chief, Bureau of Local Planning
THROUGH: Marina Pennington, Regional Planning Administrator
FROM: Valerie M. James, Planner *vuj*
DATE: January 21, 2003
SUBJECT: Public Service Commission Utilities Expansion Application
Farmton Water Resources LLC PSC Docket No. 021256-WU

vuj 1/23/03

Comments Due to PSC: February 3, 2003

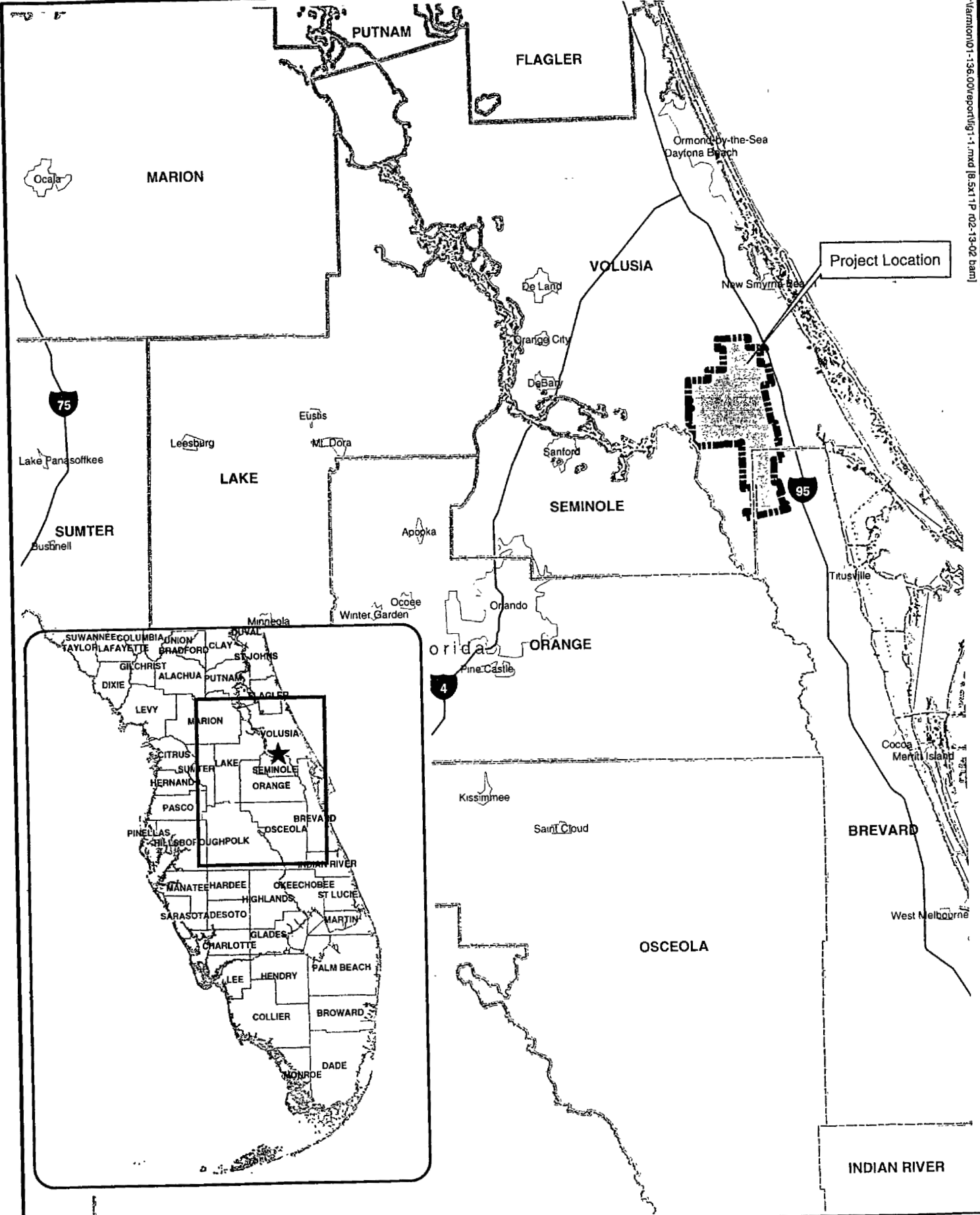
Summary/Description

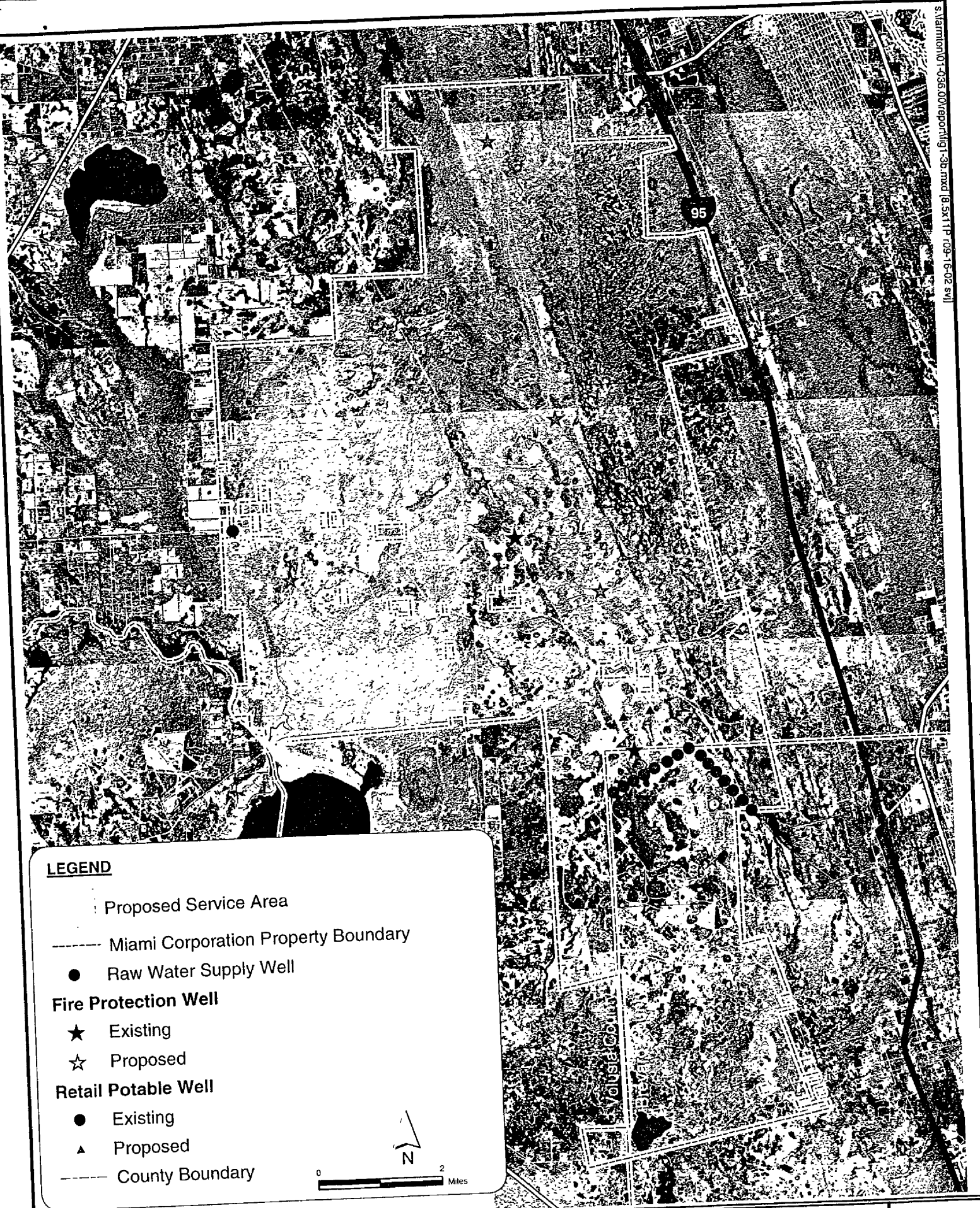
Farmton Water Resources LLC has applied to the Public Service Commission for an Initial Certificate of Authorization to operate a water utility in Volusia and Brevard Counties. The proposed service area is approximately 53,000 acres located in the southeastern portion of Volusia County, and the northwestern portion of Brevard County, west of I-95 (see attached map). The proposed service area boundaries are contiguous to the Miami Corporation property. The types of water service are retail potable water, fire protection, and bulk raw water service.

The retail potable water service will consist of small treatment facilities that will pump raw water from 4-inch wells and disinfect the water with chlorine before delivering to the customers. The bulk raw water service will consist of pumping water from wells and delivering it to the entities in need of such water for treatment to potable drinking water standards. The fire protection water service will consist of supplying additional well capacity to assist in fire protection within the service area.

Volusia and Brevard Counties, the Cities of New Smyrna Beach and Edgewater have identified concerns with the proposed application. They have identified inconsistencies with the objectives and policies of their comprehensive plans. Department's staff recommends objections to the proposed expansion to service 53,000 acres.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>





LEGEND

- Proposed Service Area
- Miami Corporation Property Boundary
- Raw Water Supply Well
- Fire Protection Well**
- Existing
- Proposed
- Retail Potable Well**
- Existing
- Proposed
- County Boundary



Need for Project

According to the application, the potential customers for the retail potable water service will include several residential units adjacent to the Miami Corporation Headquarters. Other existing customers include a game and wildlife check station, two hunting camps, the Clark Cattle House, and the Miami Tract Hunt Club, Inc. This club has 260 member families (homes). The application indicates that the bulk raw water service would be extended to nearby water utility entities that provide treated water outside the proposed service area boundary. The fire protection service would cover the customers in the service area.

Consistency with Local Comprehensive Plans

Portions of the proposed utility service area in Volusia County are designated Forestry Resource, Agricultural Resource, and Environmental Systems Corridor land use categories, while the remaining portions in Brevard County are designated Agriculture. The utility services are proposed in an area that is completely rural; some of these areas contain natural resources intended to be protected. Therefore, extension of services into this area would encourage urbanization of rural, agriculture, and environmentally sensitive areas and may result in urban sprawl development patterns.

Volusia and Brevard Counties have identified several goals, objectives, and policies in their plans which the proposed utility service application is inconsistent with, in addition to other objections. For example, FLUE Objective 1.1.3 requires Volusia County to limit urban sprawl by directing urban growth to those areas where public facilities and services are available inside designated service areas. Brevard County FLUE Objective 4 "recognizes the importance of agricultural land to the community as the industry benefits the economy, reduces the extent of urban sprawl, and the costs of providing public facilities and service, provides environmental benefits, and provides open space and visual beauty." The application area is outside the County's designated service area. Volusia County FLUE Policies 7.1.1.7 and 7.1.1.11, and Brevard County FLUE Policy 4.1 prohibit the extension of water lines, or establishment of central systems of potable water outside of the water service areas. The other objections include inconsistency with Rule 25-30.030 F.A.C. regarding title, legal description, deadline for objections, and inconsistency with St. Johns River Water Management District (SJRWMD) Water Supply Plan, and Volusia Water Alliance Water Supply Plan.

In addition to objections being raised by both Volusia and Brevard Counties, the Cities of New Smyrna Beach, and Edgewater have also raised objections to the proposed utility service application. Both local governments are concerned with the potential impacts to existing and projected demands on potable water wells. In addition, the City of Edgewater is concerned with the northern portion of the proposed service area impacting the City's Chapter 180 Reserve Area, as well as being within the City's future service area.

Conclusion and Recommendation

The proposed utility service application by the Farnton Water Resources LLC would encourage urban sprawl and urbanization of rural, agriculture, and environmentally sensitive areas. The application is internally inconsistent with the comprehensive plans of Volusia and Brevard Counties, and with the Water Supply Plan of the SJRWMD. Therefore, staff recommends objections to the application.