



ORIGINAL  
COUNTY OF CHARLOTTE

OFFICE OF THE COUNTY ATTORNEY

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November 13, 2003

RENÉE FRANCIS LEE  
COUNTY ATTORNEY

Ms. Blanca S. Bayo, Director  
Division of Records & Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

RE: Application of Island Environmental Utility, Inc.  
Docket No. 020745-SU

RECEIVED FPSC  
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COMMISSION  
CLERK

Dear Ms. Bayo:

Enclosed are the original and twenty (20) copies of the Direct Testimony of Elliot Kampert, Environmental Services Manager for Charlotte County, in the above-referenced proceeding.

Please acknowledge receipt of these documents by stamping the extra copy of this letter **FILED**, and returning the same to the undersigned in the self-addressed stamped envelope enclosed.

Thank you for your assistance with this filing.

RECEIVED & FILED

  
FPSC-BUREAU OF RECORDS

Very truly yours,



Janette S. Knowlton  
Assistant County Attorney

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JSK/lh  
Enclosures

cc: Renée Francis Lee, County Attorney

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FPSC-COMMISSION CLERK

## CERTIFICATE OF SERVICE

Daniel Nolan  
156 Bayview Ave. POE 23-S4  
Port McNicoll  
Ontario, Canada LOK 1RO

Island Environmental Utility, Inc.  
7092 Placida Road  
Cape Haze, FL 33946-2501

Linda Bamfield  
PO Box 5063  
Grove City, FL 34224-0063

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Tampa, FL 33614

Rose Law Firm (as)  
Martin Friedman  
600 S. North Lake Blvd., Suite 160  
Altamonte Springs, FL 32701

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Application of certificate to  
provide wastewater service in  
Charlotte County, Florida, by  
ISLAND ENVIRONMENTAL  
UTILITY, INC.

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Docket No. 020745-SU

DIRECT TESTIMONY OF  
ELLIOT KAMPERT  
FILED ON BEHALF  
OF  
CHARLOTTE COUNTY, FLORIDA

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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DIRECT TESTIMONY OF  
ELLIOT KAMPERT  
BEFORE THE PUBLIC SERVICE COMMISSION  
REGARDING THE APPLICATION FOR CERTIFICATE TO PROVIDE  
WASTEWATER SERVICE IN  
CHARLOTTE COUNTY, FLORIDA, BY  
ISLAND ENVIRONMENTAL UTILITY, INC.  
Docket No. 020745-SU

**Q: WHAT IS YOUR NAME AND WHO IS YOUR EMPLOYER?**

A: My name is Elliot Kampert. I have been employed by Charlotte County (hereinafter "County") since on or about December 1990, serving in the Community Development Department of the County as Environmental Planner, Planner II, Environmental Development Review Manager, Acting Zoning Director, Planning Division Manager, Acting Community Development Director, Planning and Zoning Division Manager, and Planning Services Manager until October 1, 2003, at which time I was transferred to the Environmental Services Department to serve as Natural Resources Manager which position I hold at present.

**Q: WHAT ARE (WERE) YOUR DUTIES WITH THE COUNTY WITH RESPECT TO THE COMPREHENSIVE PLANS?**

A: During my tenure with the County, I implemented various portions of the 1988 Charlotte County Comprehensive Plan, participated in the 1995

1 Evaluation and Appraisal Report of the 1988 Comprehensive Plan, worked  
2 on the development of the 1997-2010 Charlotte County Comprehensive Plan  
3 ("1997 Comprehensive Plan") which was based on the 1995 Evaluation and  
4 Appraisal Report, implemented the 1997 Comprehensive Plan, and oversaw  
5 development of the Evaluation and Appraisal Report of the 1997  
6 Comprehensive Plan.

7 **Q: BRIEFLY DESCRIBE THE HISTORY OF THE CHARLOTTE COUNTY**  
8 **COMPREHENSIVE PLAN AS IT AFFECTS THE BRIDGELESS BARRIER**  
9 **ISLANDS.**

10 A: Following its adoption in December 1988, the 1988 Comprehensive Plan was  
11 found by the Florida Department of Community Affairs (hereinafter "DCA")  
12 to be in non-compliance with various state regulations including Chapters  
13 163 and 187, Florida Statutes, and Rule 9J-5, in part due to the 1988  
14 Comprehensive Plan's allocation of density on the County's bridgeless  
15 barrier island chain. The County unsuccessfully challenged this finding and  
16 ultimately entered into a Settlement Agreement with DCA wherein the  
17 County agreed, among other things, to reduce the buildable density on the  
18 bridgeless barrier islands to one unit per acre or one unit per platted lot.  
19 On October 9, 1990, the County adopted Ordinance Number 90-58 which  
20 amended the 1988 Charlotte County Comprehensive Plan in accordance  
21 with the Settlement Agreement with the DCA, including the reduction in  
22 density of development on the bridgeless barrier islands. This was

1 accomplished as an amendment to Policy 13.1 of the 1988 Future Land Use  
2 Element; however, the land use designations on the 1988 Future Land Use  
3 Map were allowed to remain as originally drawn.

4 In 1995, the County adopted its Evaluation and Appraisal Report (EAR) of  
5 the 1988 Comprehensive Plan which, while recommending the complete re-  
6 writing of the Comprehensive Plan, did not identify further reductions in  
7 density on the bridgeless barrier islands as one of the EAR-based  
8 amendments which would need to be accomplished in the revised  
9 comprehensive plan.

10 In October 1997, the County adopted the 1997 Comprehensive Plan, which  
11 implemented the recommendations of the EAR, including the creation of an  
12 Urban Services Area Overlay District and its underlying "Suburban" and  
13 "Infill" sub-areas which are intended to help direct and prioritize the provision  
14 of public infrastructure and services. The bridgeless barrier islands were not  
15 and are not included within the Urban Services Area Overlay District. Policy  
16 2.5.3 of the 1997 Comprehensive Plan's Future Land Use Element continues  
17 the limitation on the density of development on the bridgeless barrier islands  
18 from the 1988 Comprehensive Plan. The 1997 Future Land Use Map applies  
19 the same land use designations as appeared on its predecessor. The 1997  
20 Comprehensive Plan also prohibits, with very few exceptions, the extension  
21 of urban services and infrastructure outside of the Urban Services Area  
22 Overlay District. The 1997 Comprehensive Plan became effective in June  
23 2000, when the County prevailed in challenges filed by a number of

1 petitioners regarding diverse issues.

2 **Q: WHAT IS YOUR INVOLVEMENT WITH THE ISLAND ENVIRONMENTAL**  
3 **UTILITY'S APPLICATION?**

4 A: In July 2002, a petition was received by the Florida Public Service  
5 Commission to certificate a utility to be known as Island Environmental Utility  
6 in order to provide central wastewater service to various areas of the  
7 bridgeless barrier islands. In September 2002, when I was the Planning  
8 Services Manager, I sent a letter to the Florida Department of Community  
9 Affairs incorrectly stating that the proposed certification did not conflict with  
10 the Goals, Objectives, and Policies of the 1997 Comprehensive Plan. In its  
11 review of this certification, however, DCA determined that the proposed  
12 certification conflicted with Policy 9.1.4 of the Infrastructure Element which  
13 limits the provision of utility services to areas within the Urban Services Area,  
14 and in particular the Infill Areas. Since the bridgeless barrier island chain is  
15 outside the Urban Services Area, provision of utility services in the form of  
16 central wastewater services would conflict with the 1997 Comprehensive  
17 Plan. However, in subsequent discussions, the DCA has expressed an  
18 opinion that, due to the level of development which the islands have already  
19 sustained (46% buildout of the existing lots), central sewer service would be  
20 preferable to the use of on site treatment systems. Attached as Exhibit EK-  
21 1 is a true and correct copy of Policy 9.1.4.

22 **Q: WHAT IS THE COUNTY'S PROPOSED METHOD OF ADDRESSING**

1           **ISLAND ENVIRONMENTAL UTILITY'S APPLICATION'S INCONSISTENCY**  
2           **WITH THE CHARLOTTE COUNTY COMPREHENSIVE PLAN?**

3           A:     In order to find the proposed certification of Island Environmental Utility in  
4           compliance with the 1997 Comprehensive Plan, the County proposed  
5           amendments to its Infrastructure Element, including, specifically, revisions  
6           to existing Policy 9.1.4 which address the certification of utilities relative to  
7           the Urban Services Area Overlay District as well as the creation of a new  
8           Policy 9.1.8 which re-affirms the limited density of development on the  
9           bridgeless islands regardless of the availability of water or sewer service.  
10          Attached as Exhibit EK-2 is a true and correct copy of my memorandum  
11          regarding the proposed amendments to Policy 9.1.4 and Policy 9.1.8. These  
12          amendments were transmitted to the DCA for a formal Objections,  
13          Recommendations and Comments (ORC) Report on February 24, 2003. As  
14          part of the ORC process, Southwest Florida Regional Planning Council  
15          ("SWFRPC") reviewed these proposed amendments and found them  
16          consistent with the Southwest Florida Regional Policy Plan. The DCA  
17          reviewed the proposed amendments and found them consistent with the  
18          provisions of Chapter 163, Rule 9J-5, and other applicable state rules.  
19          After careful consideration of public input received during the hearings  
20          leading to the transmittal of the proposed amendments to the DCA, the  
21          Charlotte County Planning and Zoning Board, acting in its capacity as the  
22          County's Local Planning Agency, directed staff to develop an additional



1 policy which would prohibit new wastewater treatment facilities on the  
2 islands. This policy, drafted as Policy 9.1.9 of the Infrastructure Element of  
3 the 1997 Comprehensive Plan, was developed and presented to the  
4 Planning and Zoning Board during its meeting of July 2003. The Planning  
5 and Zoning Board approved of the policy and forwarded it to the Board of  
6 County Commissioners with a recommendation that it be transmitted to the  
7 DCA for a formal ORC report. Attached as Exhibit EK-3 is a true and correct  
8 copy of my memorandum to the Board of County Commissioners regarding  
9 the proposed Policy 9.1.9.

10 **Q: WHAT IS THE CURRENT STATUS OF THE PROPOSED**  
11 **COMPREHENSIVE PLAN AMENDMENTS?**

12 **A:** At its regularly scheduled land use hearings of August 11, 2003, the Board  
13 of County Commissioners accepted Policy 9.1.9 for transmittal to the DCA  
14 for a formal ORC report. However, during the hearings the Board advised  
15 staff that, due to concerns expressed by barrier island residents regarding  
16 the potential impact the availability of central wastewater service could have  
17 on the islands, the County would not adopt the proposed policies until such  
18 time as all the potential issues were satisfactorily addressed.

19 As part of the ORC review process, the SWFRPC reviewed proposed Policy  
20 9.1.9 and found it consistent with the Southwest Florida Regional Policy  
21 Plan. However, in a letter dated October 28, 2003, the DCA identified a  
22 potential inconsistency between proposed Policy 9.1.9 and the State

1 Comprehensive Plan. Based on these potential inconsistencies, the DCA  
2 raised an objection to the subject policy, and in the recommendations section  
3 of the ORC report recommended that the County provide additional data and  
4 analysis to support the proposed policy. At the time of this affidavit, the  
5 County is preparing its response to DCA's ORC report as it pertains to  
6 proposed Policy 9.1.9.

7 In addition to responding to the DCA's ORC report of October 28, 2003, the  
8 County is preparing to discuss other issues raised by island residents relative  
9 to the Island Environmental Utility's application for certification. These issues  
10 will be discussed during a workshop scheduled to occur (at the time of this  
11 affidavit) on November 25, 2003.

12 **Q: WHAT IS THE COUNTY'S CURRENT POSITION IN THE ISLAND**  
13 **ENVIRONMENTAL UTILITY'S APPLICATION?**

14 A: As of this time, the provision of central wastewater services would still not be  
15 consistent with the current policies of the 1997 Comprehensive Plan,  
16 particularly Policy 9.1.4 of the Infrastructure Element. Without adoption by  
17 the Board of County Commissioners of the proposed revisions to Policy 9.1.4  
18 and 9.1.8, the provision of central wastewater would continue to conflict with  
19 the existing 1997 Comprehensive Plan.

20 **Q: DOES THAT CONCLUDE YOUR TESTIMONY IN THIS DOCKET?**

21 A: Yes, it does.

BEFORE THE PUBLIC SERVICE COMMISSION  
REGARDING THE APPLICATION FOR CERTIFICATE TO PROVIDE  
WASTEWATER SERVICE IN  
CHARLOTTE COUNTY, FLORIDA, BY  
ISLAND ENVIRONMENTAL UTILITY, INC.

Docket No. 020745-SU

EXHIBITS TO  
DIRECT TESTIMONY OF  
ELLIOT KAMPERT

- |                   |   |
|-------------------|---|
| Exhibit ___(EK-1) | Copy of Policy 9.1.4  |
| Exhibit ___(EK-2) | Memorandum regarding the proposed Amendments to Policy 9.1.4 and Policy 9.1.8       |
| Exhibit ___(EK-3) | Memorandum to the Board of County Commissioners regarding the proposed Policy 9.1.9 |

## **Potable Water and Sanitary Sewer**

**Goal 9:** Charlotte County will encourage public and private utility companies (utilities) to provide well-designed and economically efficient systems of potable water and sanitary sewer service that maximizes the use of existing facilities to meet the needs of a growing population, while protecting the natural environment.

**Objective 9.1:** Charlotte County and the utilities serving the county shall assure the provision of potable water and sanitary sewer services to new and existing development in conjunction with previously certificated areas and the Urban Service Area strategy through the planning timeframe of 2010.

**Policy 9.1.1:** Utilities are encouraged to extend central potable water and sanitary sewer services to Infill Areas in accordance with the Urban Service Area strategy. Such extensions will represent sequential extensions of service.

**Policy 9.1.2:** In the case of a utility which provides both central potable water and sanitary sewer service, the utility is encouraged to extend potable water and sanitary sewer lines concurrently. As an exception to this policy, lines may be extended separately if the service area is primarily composed of one type of service line and is located at a distance from which it would be economically inefficient to require concurrent extensions.

**Policy 9.1.3:** In the case of utilities which provide both central potable water and sanitary sewer service, the certificated area for one service will not be extended to an area unless the certificated area for the other service is also extended to the same location.

**Policy 9.1.4:** Certificated areas will not be extended or expanded for potable water or sanitary sewer service outside of Infill Area boundaries. Exceptions shall be made in the case of New Communities or Developments of Regional Impact in West County, Mid County, or South County or Rural Communities in East County; or in the case of where a utility(s) shall provide both central potable water and sanitary sewer service in a tandem manner within the Urban Service Area Overlay District.

**Policy 9.1.5:** Utilities which have an approved certification to provide service shall serve their approved areas in accordance with the certification.

# COUNTY OF CHARLOTTE



## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING AND ZONING DIVISION

CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948-1094  
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ZONING DIVISION (941) 743-1964  
FAX (941) 743-1598

To: The Honorable Board of County Commissioners  
The Planning and Zoning Board

From: Elliot L. Kampert, Planning Services Manager *EAK*

Date: December 31, 2002

Re: Proposed Text Amendments to the Infrastructure Element of the  
Comprehensive Plan

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In July 2002, a petition was received by the Florida Public Service Commission to certificate a utility to be known as Island Environmental Utilities in order to provide wastewater service to various areas of the bridgeless barrier islands. In September 2002, Planning Services Manager Elliot Kampert sent to the Florida Department of Community Affairs a letter stating that the proposed certification did not conflict with the Goals, Objectives, and Policies of the Comprehensive Plan. This conclusion was based on the fact that the islands are already within the certificated areas of a number of private utilities (in some cases water and sewer, and in some cases water only), and therefore did not represent the extension of new urban services into areas already served.

In its review of this certification, DCA determined that the proposed certification does conflict with Policy 9.1.4 of the Infrastructure Element which is intended (with some exceptions) to limit the provision of utility services to areas within the Urban Services Area, and in particular the Infill Areas. However, in subsequent discussions, the DCA has expressed an opinion that, due to the level of development which the islands have already sustained (46% buildout of the existing lots), central sewer service would be preferable to the use of on site treatment systems. It should be noted that the Future Land Use Element (page 1-136) describes Infill Areas as "those areas which have already experienced moderate to significant levels of development. In order for an area to be designated as infill, it must have obtained, in general, a 30% buildout density." The 46% buildout already sustained on the islands is half again the density necessary to qualify as an Infill Area on the Future Land Use Map.

In order to find this proposed certification in compliance with the Comprehensive Plan, it is necessary to amend Policy 9.1.4 of the Infrastructure Element and to create a new Policy 9.1.8 to confirm the existing density limitations on the bridgeless barrier islands

relative to sewer availability. These amendments are as follows (new language is underlined):

Policy 9.1.4 Certificated areas will not be extended or expanded for potable water or sanitary sewer service outside of Infill Area boundaries. Exceptions shall be made in the case of New Communities or Developments of Regional Impact in West County, Mid County, or South County or Rural Communities in East County; or in the case where a utility(s) shall provide both central potable water and sanitary sewer service in a tandem manner within the Urban Service Overlay District; or in cases where provision of sanitary sewer service is to be provided to areas already certificated to receive central potable water service.

Policy 9.1.8 Notwithstanding the availability of water or sewer service, residential density on the bridgeless barrier islands shall not exceed the limits established pursuant to policy 2.5.3 of the Future Land Use Element.

The primary reason for both County staff's and DCA's support of the Island Environmental certification request is the barrier islands' general unsuitability for on site treatment systems, particularly septic tanks. This unsuitability is based both on the islands' soils as well as their vulnerability to storms.

According to the *Soil Survey of Charlotte County, Florida* (USDA Soil Conservation Service), all of the soils which occur on the bridgeless barrier islands have severe limitations for sanitary systems. Generally speaking, nutrients, pathogens, and other contaminants can be quickly introduced to the area's groundwater and nearby surface waters due to the sandy soils' rapid permeability. Rather than reproduce the soil descriptions and maps within this text, the appropriate pages from the *Soil Survey* have been attached to this memorandum.

In a report entitled "Comprehensive Shellfish Harvesting Area Survey of Lemon Bay Charlotte and Sarasota Counties, Florida", (excerpts of which are attached) the Florida Department of Environmental Protection (FDEP) notes that "treatment provided by septic tanks is minimal compared to other forms of wastewater treatment" and that "excessively porous coastal soils allow effluent to leach too rapidly." (FDEP 1998) Quoting an earlier study done by the US Environmental Protection Agency, the FDEP also notes that "tidally induced high water tables provide direct and rapid flushing of drainfields into coastal waters" and "inadequate drainfield components or soil absorption characteristics cause tanks to overflow, particularly during rainstorms, and pollute coastal waters". (FDEP 1998) It should be noted that, as a precautionary measure, the FDEP closes shellfish harvesting areas when two-day rainfall amounts exceed 2.19 inches. Finally, the FDEP Report states that, "where soil absorption is poor due to a high water table or fine clay composition, septic tanks do not drain properly; unable to percolate effluent travels through soil surface layers, and groundwater into the estuary."

The potential for contamination of surface waters through interaction with tidally-influenced groundwater is discussed in a 1999 Technical Report developed as part of the

Southwest Florida Water Management District's Charlotte Harbor Surface Water Improvement and Management Program entitled "Diel Variability of Microbial Indicators of Fecal Pollution in a Tidally Influenced Canal: Charlotte Harbor, Florida". This report provides the findings of a study which examined whether microbes from septic tanks, particularly fecal coliforms, enterococci, and coliphage bacteria, would be present in a canal next to an area developed with septic tanks. Early in the report, it is noted that "microorganisms found in septic tank effluent are known to travel extensively in the subsurface and may contaminate both groundwater and nearby surface waters", and that in "the surface waters near Sarasota Bay (southwest Florida) high levels of indicator microorganisms have often been detected in regions of high septic tank density, and human enteroviruses have been found throughout the watershed". (SWFWMD SWIM 1999)

The study found microbial contaminants in the tidal canal and, further, found that "concentrations of indicators were related to changes in tidal level". The report also notes that "peaks in concentrations of coliphage, enterococci, and fecal coliforms occurred after [the] storm" of which there was only such event during the study. The study concludes by stating that "it appears that when groundwater has been contaminated by septic effluent, such discharge may also impact the quality of estuarine surface water." (SWFWMD SWIM 1999) While this study is not specific to the barrier islands, the concepts of groundwater/leachate interaction still apply, as does the relationship with tidal waters and rainfall, particularly given the islands' soils. It should be noted that the findings of the SWFWMD SWIM Study tend to validate the FDEP's precautionary closing of shellfish harvesting areas after significant rainfall.

In addition to the potential for contamination of ground and surface waters, the barrier islands vulnerability to storms creates another problem for such systems' use on the bridgeless barrier islands: wash-outs. As illustrated by the attached photos taken by the County's Environmental Health Unit, such catastrophic failures can result in exposure of drainfields, exposure of tanks and drainfields, and even loss of an entire system. While the probability of such failures is naturally greater for properties which front the Gulf of Mexico, the threat of submersion exists for the entire island as evidenced by the photos. It should be noted that the photographs were taken in the wake of Hurricane Opal which made landfall in the Florida Panhandle hundreds of miles away, and following Tropical Storm Josephine which also made landfall hundreds of mile away in Florida's "Big Bend" region (see attached tracking maps). The vulnerability of on-site systems to such failures is not unexpected as the entire bridgeless island chain is within the Category I Hurricane Vulnerability Zone, with the majority being within the Tropical Storm Vulnerability Zone, as shown by the attached Storm Tide Atlas.

Despite their relative inaccessibility and flood prone location, the bridgeless barrier islands have sustained a level of development (46%) greater than South Gulf Cove or Rotonda, the majority of which are within "Infill Areas" and into which the County is extending sewer lines. The bridgeless barrier islands have also sustained a greater level of development than part of Northwest Port Charlotte, Burnt Store Lakes, Burnt Store Village, or Tropical Gulf Acres which are within the Urban Service Area, and are

certainly more built out than the Caliente Springs DRI which, though in the Urban Service Area, has sustained no development to date. Why then, were the bridgeless barrier islands excluded from the Urban Service Area?

As provided in the Future Land Use Element, "Urban service areas are locations within Charlotte County representing an outer limit which will receive higher levels of *publicly* (sic) funded infrastructure and services within the Comprehensive Plan's time frame". In other words, the establishment of an Urban Service Area is part of the Comprehensive Plan's overall strategy of directing growth into suitable areas by providing publicly funded infrastructure and services. It is the public funding aspect of the Urban Service Area strategy which renders the bridgeless barrier islands inappropriate for inclusion in the Urban Service Area. These islands are environmentally sensitive, susceptible to erosion and flooding, are difficult to provide with fire, EMS, and other services, and present major difficulties for hurricane preparedness and evacuation. In short, these are not areas into which the County would seek to direct growth through *publicly funded* infrastructure. There are also issues associated with the Coastal Barrier Resources Act and other legislation which limit the amount and type of public expenditures that can be made in such areas. However, in the instant case, it is a private utility seeking to provide service to an area which has already sustained significant growth despite being ill-suited to support it. With the exception of the policies which are the subject of this proposed text amendment, the Comprehensive Plan does not prohibit such extension.

Based on the foregoing, staff recommends that policies 9.1.4 and 9.1.8 of the Infrastructure Element of the 1997/2010 Comprehensive Plan be amended and adopted as presented in this memorandum.

ELK/elk 03-001

Cc: Anne Bast, Assistant County Attorney





Docket No. 020745-SU  
Exhibit EK-3

# COUNTY OF CHARLOTTE

## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING AND ZONING DIVISION

Charlotte County Administration Center  
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ZONING DIVISION: (941) 743-1964

FAX: (941) 743-1598

To: The Honorable Board of County Commissioners

From: Elliot L. Kampert, Natural Resources Manager *ELK*

Date: July 25, 2003

Re: Proposed New Policy 9.1.9 of the Infrastructure Element

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During its June land use hearings, the Planning and Zoning Board conducted a public hearing regarding proposed amendments to the policies of the Infrastructure Element which would allow the extension of sanitary sewer lines on the bridgeless barrier islands where such areas are already certificated to receive potable water service. After careful discussion of the potential for developing a package treatment facility on the islands, the Planning and Zoning Board decided that the policies should not go into effect until such time as a companion policy could be transmitted and concurrently adopted which would prohibit new treatment facilities on the islands. The Planning and Zoning Board requested that the policy be developed in the current amendment window and brought back for the July meeting.

Pursuant to the Planning and Zoning Board's direction and as clarified during its July meeting, staff has developed a new policy 9.1.9 for the Infrastructure Element as follows:

**Policy 9.1.9** All new facilities providing centralized wastewater treatment for development on the barrier islands shall be located on the mainland. This policy shall not be construed to prevent the repair or maintenance of facilities in existence at the time this policy takes effect, nor shall it preclude expansion of existing facilities as necessary to provide service to the development for which they were originally approved to provide service.

Staff believes that this policy accomplishes the Planning and Zoning Board's intentions, while recognizing the needs of existing facilities.

Staff recommends **transmittal** of proposed Policy 9.1.9 to the Florida Department of Community Affairs for an Objections, Recommendations, and Comments report.

ELK/elk 03-020

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**Economic Impact Statement  
for  
Proposed Policy 9.1.9 of the Infrastructure Element of the Comprehensive Plan**

**Purpose**

The purpose of this amendment to the Infrastructure Element of the 1997/2010 Comprehensive Plan is to restrict the location of wastewater facilities intended to serve newly certificated areas of the bridgeless barrier island chain to mainland locations.

**Cost of Implementation**

The cost of implementing the policy enacted by this ordinance will be the cost associated with developing a utility. As this policy would apply equally to public or private utilities, and that the cost of developing a utility will vary from case to case, it is impossible to assign an accurate or unique cost of implementation.

**Source of Funds/Ultimate Burden of Costs**

The source of funds to implement these policies will be the Capital Improvement Funds of any entity wishing to certificate and develop a utility. The ultimate burden of the costs are borne by the property owners served by that utility who will pay the utility's connection and service fees which are regulated by the Florida Public Service Commission.

**Effect on Competition and the Employment Market**

Implementation of these policies should have a neutral effect on competition and the overall employment market. The main effect would appear to be on the decision of individual lot owners who may or may not have been delaying their decision to build pending the availability of central wastewater service.

**Benefits of Implementation**

The primary benefit of enacting this policy is to the public health and safety in that it enables the provision of central sanitary sewer service to areas already served by potable water but within which waste treatment is currently limited to the use of on-site treatment systems, but requires that, in the case of bridgeless barrier islands, such facilities be located on the mainland which is less vulnerable to storms and other disasters.