



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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May 30, 2008

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COMMISSION
CLERK

Ms. Ann Cole, Commission Clerk
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: PSC Docket No. 080179-SU; Application of North Fort Myers Utility, Inc. for Extension of Wastewater Service in Lee County

Dear Ms. Cole:

The Department of Community Affairs ("Department") has completed its review of the North Fort Myers Utility, Inc. application to the Florida Public Service Commission for an expansion of its wastewater service area in Lee County. The Department evaluated the proposed utility service extension for compliance with the Lee County Comprehensive Plan.

North Fort Myers Utility Utilities, Inc. has applied to the Public Service Commission to extend wastewater utilities in two areas of Lee County. The first territory expansion, for approximately 30 acres, is located adjacent to U.S.41 within the Future Urban Area and is designated Urban Community; Lee County and the Department have not identified any concerns with this service extension. The second area proposed for service is approximately 200 acres, adjacent to and east of SR 31 along the Caloosahatchee River, and currently is designated Rural on the Lee County Future Land Use Map. In a May 27, 2009, letter to the Department, from the Director of Planning, Paul S. O'Connor, AICP, Lee County has identified this expansion to be inconsistent with the tenets of the Lee Comprehensive Plan. The letter outlines the principles of the Lee County Comprehensive Plan that are in conflict with the proposed territory extension in this low-density rural area. A Comprehensive Plan amendment may be necessary to allow for the development of sufficient densities to support the proposed wastewater services.

The Department shares the County's concern that the extension of wastewater utility service to the SR 31 area is not consistent with the principles guiding development as established in the Lee County Comprehensive Plan. The applicant is encouraged to coordinate this request for territory expansion with the Lee County Planning Department.

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Phone: 850-488-8466 Fax: 850-921-0781 Website: www.dca.state.fl.us

COMMUNITY PLANNING
Phone: 850-488-2356 Fax: 850-488-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402 Fax: 305-289-2442

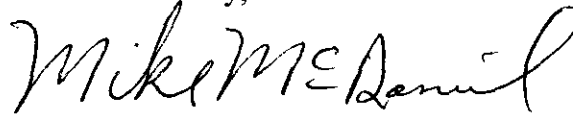
HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7956 Fax: 850-922-5623

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Ms. Ann Cole, PSC Commission Clerk
May 30, 2008
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Thank you for the opportunity to provide comment. If you have any questions, please contact Suzanne K. Lex, Community Planner, at (850)-922-0047.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive, flowing style.

Mike McDaniel, Chief
Office of Comprehensive Planning

Attachment: May 27, 2008 Lee County Letter

MDM/skl

Cc: Matt Nobel, Planner, Lee County Community Development Department



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SOUTHWEST FLORIDA

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Department of Community Affairs
Division of Resource Planning and Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Re: Proposed Expansion of North Fort Myers Utility Service Area

Diana M. Parker
County Hearing
Examiner

Dear Ms. Lex:

It has come to my attention that the North Fort Myers Utility, Inc. has applied to the Florida Public Service Commission for an expansion of their service area. This expansion consists of two areas, one to the west of U.S. 41, just north of Del Prado Boulevard, and the other to the east of State Road 31, just north of the Caloosahatchee River. It is this latter expansion, located in Sections 18 and 19, Township 43 South, Range 26 East, that is the subject of this letter. Planning staff objects to this expansion as it is inconsistent with the provisions of the Lee County Comprehensive Plan, the Lee Plan.

The future land use designation of the properties in question is Rural. The Rural future land use category is considered a non-urban area, as described by Lee Plan Objective 1.4. As such these areas are "not anticipated for urban development at this time." Rural is one of the least intensive future land use designations and, as stated in the descriptor policy, "these areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas." The Rural areas are remote from public services and are characterized by agricultural and low-density residential uses.

One central tenant of the Lee Plan is to contain urban sprawl. The plan recognizes that the provision of infrastructure is one way of guiding development decisions. For example, Objective 2.3, Public Provision of Infrastructure, gives the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate and second priority to service expansions in existing developed areas, followed by further expansions into other portions of the Future Urban Areas. The Community Facilities and Services element of the plan provides similar guidance. For example, Lee Plan Goal 36: Sanitary Sewer Infrastructure, states that the County encourages "the provision of sewer sanitary service and wastewater treatment and disposal throughout the future urban areas of the unincorporated areas."

DOCUMENT NUMBER: 04676

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REC. COMMISSION CLERK

While the Lee Plan does not expressly prohibit the extension of a utility's franchise area into non-urban areas it has been the County's long standing policy that sewer service not be provided within these areas of the County.

If I can be of further assistance in this matter, do not hesitate to call me at (239) 533-8309.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



Paul O'Connor, AICP
Director of Planning

*cc: Mary Gibbs, AICP, Director of Community Development
David Owen, County Attorney
Douglas Meurer, Director of Utilities*