Ruth Nettles 090445-WS

From: George Glenn [gglenn@ircgov.com]
Sent: Friday, March 26, 2010 2:02 PM
To: Filings@psc.state.fl.us
Cc: Lee Dobbins
Subject: Docket No. 090445-WS
Attachments: Withdraw of objection.pdf

Parties: Indian River County v. Grove Land Utilities
Document: Withdraw of Objection to request for Certification
No. of Pages: 18
Filed by George Glenn on behalf of Indian River County

George A. Glenn
Assistant County Attorney
Indian River County
1801 27th Street
Vero Beach, FL 32960
gglenn@ircgov.com
(772) 226-1424

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Grove Land Utilities, LLC to operate a Water and Wastewater Utility in Indian River, Okeechobee and St. Lucie Counties, Florida.
_____/

Docket No. 090445-WS

Filed: _____ 2010

INDIAN RIVER COUNTY'S WITHDRAW OF OBJECTION TO CERTIFICATION

Indian River County, by and through its undersigned counsel, withdraws its objection to Grove Land Utilities Request for Utility Certification.

1. Indian River County attaches to this Withdraw of Objection the Settlement Agreement reached between Indian River County and Grove Land Utilities. (Exhibit "A")

2. Pursuant to Paragraph 5, the Settlement Agreement is to be included as a part and condition of the FPSC approval of the certificate requested by the Application for Certification.

Respectfully submitted,

George Glenn
S/George A. Glenn
Assistant County Attorney
Florida Bar No. 28992
1801 27th Street
Vero Beach, FL 32960
(772) 266-1424

EXHIBIT "A"

A TRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK

AGREEMENT BETWEEN GROVE LAND UTILITIES, LLC AND INDIAN RIVER COUNTY, FLORIDA

THIS AGREEMENT is made and entered into this 23 day of March, 2010, by and between the Indian River County Board of County Commissioners, and Grove Land Utilities, LLC, a Florida limited liability company (hereinafter referred to as "Grove Land")(each a "Party" and collectively the "Parties").

RECITATIONS

1. On or about September 11, 2009, Grove Land filed an application before the Florida Public Service Commission ("FPSC") for the certification of a public utility with territory in St. Lucie County, Indian River County and Okeechobee County, PSC Docket No. 090445-WS (the "Application").

2. On or about October 7, 2009, Indian River County ("Indian River") filed an objection to the Application with the FPSC, attached hereto as **Exhibit "A"**, raising certain concerns as set forth therein.

3. The Parties hereto desire to enter into this Agreement to resolve Indian River's concerns with respect to the Application.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, representations, and warranties entered into between the Parties, and in consideration of the benefits to accrue to each, it is agreed as follows:

1. Recitations Incorporated: The above recitals are true and correct, and are hereby incorporated herein by specific reference.

2. Compliance with Comprehensive Plan:

a. Any development of a wastewater treatment plant and related pipelines, lift stations and other wastewater treatment facilities, constructed within Grove Land's territory in Indian River County (as more specifically described in **Exhibit "B"** attached hereto) and serving residential development or non-agricultural commercial development (collectively a "Package Treatment Plant"), shall comply with the requirements of the Indian River County Comprehensive Plan (the "Comp Plan"), in its current form as of the date of this Agreement, governing Package Treatment Plants, as set forth in Objective 6 of the Sanitary Sewer Sub-Element of the Comp Plan, attached hereto as **Exhibit "C"**.

b. Any development of a potable water plant and related pipelines, pumps and other potable water facilities, constructed within Grove Land's territory in Indian River County and serving residential development or non-agricultural commercial development (collectively a "Privately Owned Public Water Plant"), shall comply with the requirements of the Comp Plan, in its current

form as of the date of this Agreement, governing Privately Owned Public Water Plants, set forth in Objective 6 of the Potable Water Sub-Element of the Comp Plan, attached hereto as **Exhibit "D"**.

c. Any development, as defined in §380.04, Fla Stat. (2009), (but excluding water or wastewater facilities specifically addressed by Sections 2.a., 2.b. and 3 of this Agreement) built within Grove Land's territory in Indian River County must comply with the Comp Plan then in effect, and Grove Land shall not provide water or sewer service to any development that is inconsistent with the provisions of the Comp Plan.

3. Preemption by Public Service Commission: A water or wastewater treatment plant serving a biofuel or other alternative energy facility or energy related uses, or serving agriculture or agriculture related uses, or serving a surface water cleansing, retention or treatment facility, shall not be considered a Package Treatment Plant or Privately Owned Public Water Plant for the purposes of this Agreement. Grove Land shall be permitted to provide water and wastewater services to the foregoing uses, pursuant to applicable regulation by the FPSC and/or the Florida Department of Environmental Protection ("FDEP"), which shall preempt any regulation by Indian River. Any water or wastewater treatment plant serving the foregoing uses constructed within Grove Land's territory in Indian River County shall also be required to comply with the applicable requirements of the Indian River County Land Development Code relating to site planning and construction permitting.

4. County Review: Indian River shall have the right to review and approve the engineering plans for any Package Treatment Plant or Privately Owned Public Water Plant to be constructed within Grove Land's territory in Indian River County. Indian River shall provide approval or comments on any such engineering plans submitted to Indian River within forty-five (45) days of receipt of such plans. Approval of such engineering plans shall not be unreasonably withheld. Requiring Grove Land to design such Package Treatment Plant or Privately Owned Public Water Plant to include either (a) significant overcapacity (above the capacity required by FDEP), thereby resulting in materially increased costs to utility rate payers, or (b) design elements that the FPSC would deem "not used or useful", and therefore would prohibit Grove Land from charging rate payers for the cost of such design elements, shall be considered "unreasonable" for purposes of this Agreement. Any Package Treatment Plant or Privately Owned Public Water Plant constructed within Grove Land's territory in Indian River County shall also be required to comply with the applicable requirements of the Indian River County Land Development Code relating to site planning and construction permitting.

5. Withdrawal of County Objection: Promptly upon the execution of this Agreement, Indian River agrees to file with the FPSC a withdrawal of its objection to the Application, together with a copy of this Agreement to be included as a part and condition of the FPSC approval of the certificate requested by the Application.

6. Notification of Communication with Public Service Commission: After Grove Land receives FPSC approval of the Application, Grove Land and its successors and assigns shall copy Indian River (at the addresses provided below) on any written request or inquiry to the FPSC, potentially affecting its property or operations in Indian River County.

7. Notices: The Parties designate the following persons to be contacted and to receive all notices regarding this Agreement:

If to Indian River, such notice shall be addressed to Indian River at:

County Administration Office
1801 27th Street
Vero Beach, Florida 32960-3365
Attention: County Administrator

With a copy to:

Indian River County Attorney's Office
1801 27th Street
Vero Beach, Florida 32960-3365
Attention: County Attorney
If to Grove Land, such notice shall be addressed to the Utility at:

Grove Land Utilities, LLC
660 Beachland Boulevard
Vero Beach, FL 32963
Attention: Ron Edwards

With a copy to:

Dean, Mead, Minton & Zwemer
1903 South 25th Street
Suite 200
Fort Pierce, FL 34947
Attention: Michael D. Minton

Any Notice or other document required or allowed to be given pursuant to this Agreement shall be in writing and shall be delivered personally, or by overnight courier, or sent by Certified Mail, Postage Prepaid, Return Receipt Requested. The use of electronic communication is not considered as providing proper notice pursuant to this Agreement.

8. Assignment: This Agreement shall be binding upon, and inure to the benefit of, both Indian River's and Grove Land's successors and assigns.

9. Beneficiaries: This Agreement is solely for the benefit of Indian River and Grove Land and no other causes of action shall accrue upon or by reason hereof to or for the benefit of any third party, who or which is not a Party to this Agreement.

10. Amendment: This Agreement cannot be modified or amended except by a written instrument executed by all Parties and supported by valid consideration.

11. Enforcement: Grove Land and Indian River recognize that this Agreement creates a valid enforceable contract between the parties hereto and that either party may enforce the provisions contained herein by seeking all available remedies through the judicial court system or through the appropriate administrative agency.

12. Applicable Law and Venue: This Agreement will be interpreted in accordance with the laws of the State of Florida. Venue for any action related to, arising out of, or in any way connected to this Agreement shall be in the state and federal courts located in and for Indian River County, Florida, and the Parties agree to submit to the jurisdiction of such courts, provided however, that to the extent that any such action is more appropriately within the jurisdiction of any other administrative tribunal or court, the Parties shall submit to such jurisdiction.

13. Entire Agreement and Effective Date: This Agreement constitutes the entire agreement and understanding between the Parties with regard to the content herein and has been entered into voluntarily and with independent advice and legal counsel and has been executed by authorized representatives of each Party on the date written above. This Agreement shall become effective (the "Effective Date") when the last party to this Agreement executes the Agreement. There are no representations, warranties or covenants of any nature, oral or written, which are not included herein.

14. Approvals: This Agreement does not grant any development approvals or commit Indian River to grant any development approvals. Nothing in this Agreement shall be deemed to have vested Grove Land with any development rights without such rights being approved by the required Indian River County entity at open meetings pursuant to law and pursuant to appropriate comprehensive plan amendments, land development regulations, and development orders. Nothing contained in this Agreement shall be interpreted as to deny any resident of Indian River County the right to challenge a development order issued by Indian River County, for inconsistency with the Comp Plan.

15. Severability: If any provision or part of a provision of this Agreement shall be determined to be void or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall, to the extent possible to ensure that the Agreement satisfies the intent of the Parties, remain valid and enforceable by any Party.

16. Construction of Agreement: If any provision of this Agreement requires judicial interpretation, the Parties agree that they have each collectively participated in the negotiation and drafting of this Agreement and that there shall be no judicial or other presumption against either Party regarding the construction of this Agreement.

17. Time is of the Essence: Time is of the essence with respect to each provision of this Agreement.

18. Interpretation: Words used in this Agreement in the singular shall be held to include the plural and vice versa, and words of one gender shall be held to include other genders as the context requires. The terms hereof, herein, and herewith and words of similar import shall be construed to refer to this Agreement in its entirety and not to any particular provision unless otherwise stated.

19. Counterparts: This Agreement may be executed in a number of identical counterparts. If so executed, each of such counterparts is to be deemed an original for all purposes and all such counterparts shall, collectively, constitute one agreement, but, in making proof of this Agreement, it shall not be necessary to produce or account for more of such counterparts than are required to show that each party hereto executed at least one such counterpart.

[SIGNATURE PAGE TO FOLLOW]

A TRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the date set forth above.

BOARD OF COUNTY COMMISSIONERS
INDIAN RIVER COUNTY, FLORIDA

By: Peter D. O'Bryan
Peter D. O'Bryan, Chairman

ATTEST
Jeffrey K. Barton, Clerk of Circuit Court and ex-Officio Clerk to the Board of County Commissioners

By: Yvonne Allen, D.C.
Deputy Clerk

Approved as to form and legal sufficiency:

George Glenn, Assistant County Attorney

GROVE LAND UTILITIES, LLC, a Florida limited liability company

By: Ronald L Edwards
Ronald L. Edwards, Manager

STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 11th day of March, 2010, by RONALD L. EDWARDS, as Manager of GROVE LAND UTILITIES, LLC, a Florida limited liability company. Said person (check one) ☑ is personally known to me, ☐ produced a driver's license (issued by a state of the United States within the last five (5) years) as identification, or ☐ produced other identification, to wit: _____

Debra Turner Bunnell
Print Name: DEBRA TURNER BUNNELL
Notary Public, State of Florida
Commission No.: DD749397

Notary Public State of Florida
Debra Turner-Bunnell
My Commission DD749397
Expires 01/16/2012

Exhibit "A"
Indian River County Objection

A TRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK

BOARD OF COUNTY COMMISSIONERS

OFFICE OF COUNTY ATTORNEY

William G. Collins II, County Attorney
William K. DeBraal, Deputy County Attorney
George A. Glenn, Assistant County Attorney

October 7, 2009

Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Docket No. 090445-WS

Re: Application of Grove Land Utilities, LLC to operate a Water and Wastewater Utility in Indian River, Okeechobee and St. Lucie Counties, Florida

Gentlemen:

Indian River County recently was informed by the St. Lucie County Attorney of the proposed Grove Land Utilities (Utility) application pending before the Florida Public Service Commission. The forwarded application states in paragraph 5 that "*the Utility will provide notice of the Application by regular mail to ... Indian River County*". As of the date of this letter, the only verified notice of application that Indian River County can confirm is the notice provided by the St. Lucie County Attorney as a courtesy.

Indian River County objects to the creation of any utility that conflicts with its state mandated comprehensive land use plan. The comprehensive land use plan mandates that any centralized sanitary sewer service and potable water service shall be limited to areas within the County's Urban Service Area (USA) or limited areas outside the USA if permitted by comprehensive plan. In no event may these systems be extended 500 feet from the USA.

The locations proposed to be served by this Utility are prohibited by the County's Comprehensive Plan. Further, the approval and permitting of these facilities so far away from the County's existing USA would promote urban sprawl as defined by the Fla. Admin. Code 9j-5.003.

Please consider this letter as an objection by Indian River County to the proposed Grove Land Utilities, LLC application for the water and wastewater systems. I have attached pertinent provisions of the Indian River County Comprehensive Plan for reference. Please contact me should have any further questions.

Sincerely yours,

George A. Glenn
Assistant County Attorney

DOCUMENT NUMBER-DATE
10370 OCT-7 09
FPSC-COMMISSION CLERK

1801 27th Street, Vero Beach, Florida 32960-3365 · (772) 226-1424 · Fax (772) 569-4317
ircattorney@ircgov.com

I hereby certify that on the 7th day of October 2009, this Objection was filed with the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 323099-0850 and mailed to Grove Land Utilities, LLC,660 Beachland Boulevard, Suite 301, Vero Beach, Florida 32963.

George Glenn
Assistant County Attorney
Indian River County
1801 27th Street
Vero Beach, FL 32960
Florida Bar No. 28992
Telephone: (772) 226-1424
Facsimile: (772) 569-4317

POLICY 5.8: Consistent with the policies of the Future Land Use Element of this plan, provision of centralized sanitary sewer service shall be limited to the following areas:

- Areas within the Urban Service Area;

- Areas where the county has legal commitments to provide facilities and services as of the date of adoption of this plan;

- Areas outside of the Urban Service Area where at least a portion of the site is contiguous to an Urban Service Area boundary as depicted on the Official Future Land Use Map. These areas are subject to the following provisions:

  - The maximum density of such land shall be as shown on the Future Land Use Map, and the provision of centralized sanitary sewer service shall not be justification for an increase in maximum density;

  - Sanitary sewer line extensions shall be limited to laterals and minor lines connecting land uses to main lines; and

  - In no case shall centralized sanitary sewer lines be permitted to extend more than 500 feet from the centerline of a roadway which is an Urban Service Area boundary, or more than 500 feet from the Urban Service Area boundary when the boundary is not a roadway.

- Development projects located outside of the Urban Service Area that meet the criteria of the policies of the Future Land Use Element for:

  - clustering of residential development within agricultural areas;
  - clustering of residential development within privately owned upland conservation areas;
  - clustering development within mixed use districts; or
  - traditional neighborhood design communities;
  - public facilities such as public schools

- Areas where, consistent with Sanitary Sewer Sub-Element Policy 2.4, the lack of centralized sanitary sewer service is determined to be a public health threat.

POLICY 6.1: The county shall limit the use of package wastewater treatment systems to areas that meet the following criteria governing connection to the county sanitary sewer system:

- Development served by existing package treatment plants may continue to treat their sewage in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county sewer line shall be connected to the county system. Developments whose sewage treatment systems cause a public health problem must connect to the regional system regardless of the distance to sewer lines.

- Package treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:

    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - tradition neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits, the applicant has demonstrated that the project complies with applicable federal, state, and local permit requirements for package treatment plants.

POLICY 6.5: The county shall require all new package wastewater treatment plants to be built according to current federal, state, and county requirements. In addition to obtaining a county permit demonstrating compliance with county regulations, any developer building and operating a package wastewater treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but are not limited to the Federal Water Pollution Control Act of 1972 (PL 92-500) and its amendments through the Clean Water Acts of 1977 (PL 95-217) and 1981 (PL 97-117), Chapters 381 and 403 of the Florida Statutes, and Rules 17-3 and 17-6 of the Florida Administrative Code. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves any new package treatment plants, the county will require, that at the time deemed appropriate by the county, the package treatment plant shall be dedicated to the county for operation and maintenance.

POLICY 5.7: Consistent with the policies of the *Future Land Use Element* of this plan, provision of potable water service shall be limited to the following areas:

- Areas within the Urban Service Area;
- Areas where the county has legal commitments to provide facilities and services as of the date of adoption of this plan;
- Areas outside of the Urban Service Area where at least a portion of the site is contiguous to an Urban Service Area boundary as depicted on the Official Future Land Use Map. These areas are subject to the following provisions:
    - The maximum density of such land shall be as shown on the Official Future Land Use Map, and the provision of centralized potable water service shall not be justification for an increase in maximum density;
    - Potable water line extensions shall be limited to laterals and minor lines connecting land uses to main lines; and
        - In no case shall centralized potable water lines be permitted to extend more than 500 feet from the centerline of a roadway which is an Urban Service Area boundary, or more than 500 feet from the Urban Service boundary when the boundary is not a roadway.
- Development projects located outside of the Urban Service Area that meet the criteria of the policies of the *Future Land Use Element* for:
    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - traditional neighborhood design communities.
    - public facilities such as public schools.
- Areas where, consistent with Potable Water Sub-Element Policy 2.4, the risk of private well contamination is determined to be unacceptably high.
- Approved agricultural businesses where at least a portion of the development site is located within one mile of a public roadway which serves as an Urban Service Area boundary as depicted on the Official Future Land Use Map.

POLICY 6.1: The county shall limit the use of Privately Owned Public Water Plants to areas that meet the following criteria governing connection to the county potable water system:

- Development served by existing Privately Owned Public Water Plants may continue to provide potable water in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county water line shall connect to the county system. Developments whose potable water system cause a public health problem must connect to the regional system regardless of the distance to water lines.

- Privately owned public water treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:

    - clustering of residential development within agricultural areas;
    - clustering of residential development within privately owned upland conservation areas;
    - clustering development within mixed use districts; or
    - traditional neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits for privately owned public water treatment plants, the applicant has demonstrated that the project complies with the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC.

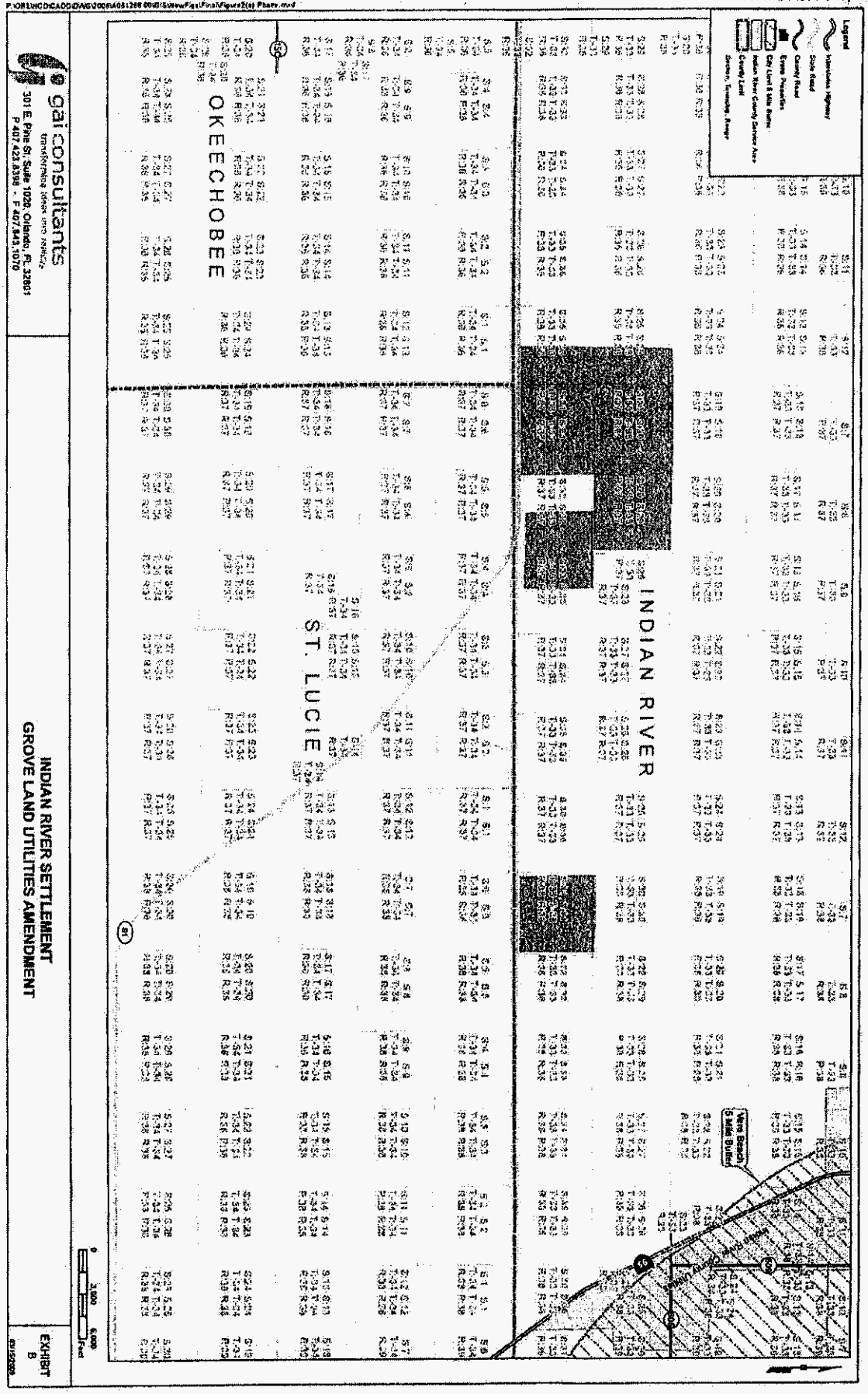
POLICY 6.5: The county shall require all new privately owned public water treatment plants to be built according to the current federal, state, and county requirements. In addition to a county permit demonstrating compliance with county regulations, any developer building and operating a privately owned public water treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but are not limited to the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves privately owned public water treatment plants, the county will require that, at the time deemed appropriate by the county, the water treatment plant shall be dedicated to the county for operation and maintenance.

Exhibit "B"

Grove Land's Territory in Indian River County

A TRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK



gai consultants
transforming ideas into reality
301 E. Pine St. Suite 1020, Orlando, FL 32801
P 407.423.8398 - F 407.843.1070

INDIAN RIVER SETTLEMENT
GROVE LAND UTILITIES AMENDMENT

EXHIBIT B

01/15/2009

OBJECTIVE 6 Package Treatment Plants

Through 2020, there shall be no instances of package treatment plant failures, or illegal or unsafe package treatment plant discharges.

POLICY 6.1: The county shall limit the use of package wastewater treatment systems to areas that meet the following criteria governing connection to the county sanitary sewer system:

- Development served by existing package treatment plants may continue to treat their sewage in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county sewer line shall be connected to the county system. Developments whose sewage treatment systems cause a public health problem must connect to the regional system regardless of the distance to sewer lines.
- Package treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:
  - clustering of residential development within agricultural areas;
  - clustering of residential development within privately owned upland conservation areas;
  - clustering development within mixed use districts; or
  - tradition neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits, the applicant has demonstrated that the project complies with applicable federal, state, and local permit requirements for package treatment plants.

POLICY 6.3: The county shall require that issuance of permits for replacement or expansion of existing package treatment plants be conditioned upon compliance with the most updated version of DEP regulatory requirements and Federal and State water quality standards as identified in the "Regulatory Framework" section of the sub-element.

POLICY 6.4: To ensure proper maintenance and operation, the Utilities Department shall inspect all package treatment plants on an annual basis.

POLICY 6.5: The county shall require all new package wastewater treatment plants to be built according to current federal, state, and county requirements. In addition to obtaining a county permit demonstrating compliance with county regulations, any developer building and operating a package wastewater treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but are not limited to the Federal Water Pollution Control Act of 1972 (PL 92-500) and its amendments through the Clean Water Acts of 1977 (PL 95-217) and 1981 (PL 97-117), Chapters 381 and 403 of the Florida Statutes, and Rules 17-3 and 17-6 of the Florida Administrative Code. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves any new package treatment plants, the county will require, that at the time deemed appropriate by the county, the package treatment plant shall be dedicated to the county for operation and maintenance.

POLICY 6.7: The county shall continue to enforce ordinances requiring pre-treatment of commercial and industrial waste before discharge into the county system.

POLICY 6.8: The county shall require all future connections to the regional sanitary sewer system to be consistent with the attached water and wastewater connection matrix.

OBJECTIVE 6 Privately Owned Public Water Plants

Through 2020, there shall be no instances of Privately Owned Public Water Plant failures or breakdowns

POLICY 6.1: The county shall limit the use of Privately Owned Public Water Plants to areas that meet the following criteria governing connection to the county potable water system:

- Development served by existing Privately Owned Public Water Plants may continue to provide potable water in that manner until centralized service becomes available. At that time, all development within ¼ mile of a county water line shall connect to the county system. Developments whose potable water system cause a public health problem must connect to the regional system regardless of the distance to water lines.

- Privately owned public water treatment plants shall be allowed in areas of development outside of the Urban Service Area when such development meets the criteria of policies of the Future Land Use Element for:

  - clustering of residential development within agricultural areas;
  - clustering of residential development within privately owned upland conservation areas;
  - clustering development within mixed use districts; or
  - traditional neighborhood design communities.

POLICY 6.2: The county shall ensure that, prior to the issuance of development orders or permits for privately owned public water treatment plants, the applicant has demonstrated that the project complies with the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC.

POLICY 6.3: The county shall require that issuance of permits for replacement or expansion of existing privately owned public water treatment plants be conditioned upon compliance with the most updated version of DEP regulatory requirements and Federal and State water quality standards as identified in the "Regulatory Framework" section of this sub-element.

POLICY 6.4: To ensure proper maintenance and operation, the Utilities Department shall inspect all privately owned public water treatment plants on an annual basis.

POLICY 6.5: The county shall require all new privately owned public water treatment plants to be built according to the current federal, state, and county requirements. In addition to a county permit demonstrating compliance with county regulations, any developer building and operating a privately owned public water treatment plant must obtain a state permit demonstrating compliance with state and federal regulations. Those regulations include but

are not limited to the Federal Safe Drinking Water Act, Public Law 93-523; the Florida Safe Drinking Water Act, Section 403.850 - 403.864, FS; Chapter 381, FS; and Rules 62-550, 40C-2, 40C-3, 17-22, and 64E-8, FAC. Both state and county permits are required for the construction of a plant, and for any future expansion or modification of a plant.

POLICY 6.6: At the time the county approves privately owned public water treatment plants, the county will require that, at the time deemed appropriate by the county, the water treatment plant shall be dedicated to the county for operation and maintenance.

POLICY 6.7: The county shall require all future connections to the regional potable water system to be consistent with the attached water and wastewater connection matrix.

STATE OF FLORIDA
INDIAN RIVER COUNTY
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE
JEFFREY K. BARTON, CLERK
BY _____ D.C.
DATE 3/25/10