



ORIGINAL

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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

JEB BUSH
Governor

STEVEN M. SEIBERT
Secretary

March 15, 2000

Ms. Blanca Bayo, Director
Division of Records and Reporting
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: PSC Docket No. 992040-WS: Application of Intercoastal Utilities, Inc., for an Original Certificate in St. Johns County and Duval County

Dear Ms. Bayo:

The Department has completed its review of the Intercoastal Utilities application to the Public Service Commission for an Original Certificate in St. John and Duval County. A copy of the staff memorandum is attached for your information.

The area proposed by Intercoastal Utilities for expansion is predominantly a rural area, designated as Rural/Silviculture on the Future Land Use Map of the St. Johns County Comprehensive Plan and as Agriculture on Duval County's Future Land Use Map. From a land use planning standpoint, there is at present no need for the expansion of central water and sewer into the rural area. Premature extension of water and sewer into the rural area may conduce to sprawl development in this area and would thereby be inconsistent with several goals, objectives, and policies in the St. Johns and Duval comprehensive plans.

We also note, however, that most of the proposed expansion area is within the proposed Nocatee Development of Regional Impact, currently under review at the Department. Should this development be approved and the necessary changes to the local comprehensive plans adopted, it would then be appropriate for the development to be served by central water and sewer.

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DOCUMENT NUMBER - DATE

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FPSC-RECORDS/REPORTING

If you have any questions concerning this report, please call Mr. Paul Darst of the Bureau of Local Planning, at (850) 488-4925.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sob C. Gauthier for".

Charles Gauthier, AICP
Chief, Bureau of Local Planning

Attachment

CG/rpd

cc: Ms. Teresa Bishop, St. Johns County Planning and Zoning Department
Ms. Jeannie Fewell, City of Jacksonville Planning and Development Department
Mr. Edward Lehman, Northeast Florida Regional Planning Council
Ms. Billie Messer, Division of Water and Wastewater, Public Service Commission



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MEMORANDUM

TO: Charles Gauthier

THROUGH: James Stansbury, Bob Cambric

FROM: Paul Darst *RPD*

SUBJECT: Application of Intercoastal Utilities for extension of territory and for an original water and wastewater certificate

DATE: 9 March 2000

COMMENT DATE: 17 March 2000

Summary of Staff Review

Intercoastal Utilities (Interstate) has applied to the Public Service Commission (PSC) seeking—(1) a certificate for its existing territory in northeast St. Johns County, which is currently operating under the jurisdiction of the St. Johns County Water and Sewer Regulatory Authority, and (2) approval to extend its territory into other portions of St. Johns County and into Duval County.

Staff recommends no objection to Intercoastal's proposed extension of central water and sewer facilities, provided that this extension be conditioned upon approval of the proposed Nocatee DRI, which is located in the proposed expansion area and would be served by Interstate, and amendment of the St. Johns County comprehensive plan to accommodate the land uses proposed in the DRI plan of development. If the DRI is not approved, then the proposed expansion area is not appropriate for extension of central water and sewer facilities, because this would encourage premature development of this predominately Rural/Silvicultural area, thereby contributing to urban sprawl, and would be inconsistent with several policies in the County's comprehensive plan.

Proposed Action

Interstate is seeking to extend its potable and nonpotable water and wastewater territory to serve single-family and multi-family housing, commercial and industrial properties, hotels, golf courses, schools, churches, retail areas, office areas, governmental service buildings and office properties, and community centers in a currently unserved area of 23,900 acres in St. Johns County and Duval County. Interstate plans to construct an area-wide reuse system to meet the territory's irrigation needs. The wastewater source for the reuse system will include both reclaimed wastewater and available stormwater.

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Location of Proposed Service Territories

The proposed expansion area comprises 23,900 acres (21,900 acres in northeast St. Johns County and 2,000 acres in southeast Duval County). The application package received from the PSC did not include a map of the expansion area, but staff has determined that it is approximately bounded on the west by U.S. Highway 1, on the south by Pine Island Road, on the east by the Intracoastal Waterway, and on the north by a line extending northeasterly from about where U.S. Highway 1 crosses the Duval County line to a point almost 2 miles north of where S.R. 210 crosses the Intracoastal Waterway (see attached map). There are three new developments planned in this expansion area: the proposed Nocatee DRI, comprising about 15,000 acres in St. Johns County and Duval County; Walden Chase, 346 acres of residential units, office and commercial space in St. Johns County; and Marsh Harbor development, 123 acres of residential units and mixed commercial use in St. Johns County.

Four areas in this expansion territory are currently served by septic tanks and private wells: Palm Valley Harbor and Quail Ridge, which are platted subdivisions, and two "service corridors," identified as U.S. Highway 1 and Old Dixie Highway, which comprise a mix of commercial and industrial use parcels and mobile homes and rural residential properties. Interstate cites no general failures of septic tanks or wells in these areas, but suggests the proposed extension of their centralized systems into these areas will provide an opportunity for replacement in the future.

Southern Duval County and northern St. Johns County are designated as Priority Water Resource Caution Areas by the St. Johns River Water Management District, because of their expected population growth and the susceptibility of the Florida aquifer in this area to saltwater intrusion from excessive withdrawal rates. Within this undeveloped territory, Interstate is proposing a separate area-wide reuse system to supply irrigation water. Establishment of this reuse system would allow potable aquifer withdrawals to be limited to domestic demands.

Local Government Comprehensive Plan

City of Jacksonville Comprehensive Plan

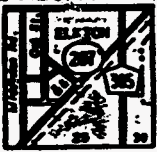
The portion of Duval County (2,000 acres) included in Intercoastal's proposed expansion area appears to be congruent with the portion of the proposed Nocatee DRI lying within Duval County. In effect, then, Intercoastal is proposing to serve the Nocatee DRI in Duval County (and in St. Johns County).

Staff note: the application for development approval (ADA) for the Nocatee DRI is currently under review at the Department. In the materials submitted with the ADA is a 12/6/99 letter from Nocatee Utility Corporation (NUC), in which NUC states that they have filed an application with the PSC requesting to be the certificated water and wastewater utility provider for all of the lands within the Nocatee DRI. NUC projects that JEA will be the provider of the water and wastewater treatment to the DRI and that NUC will manage these systems for the DRI area.

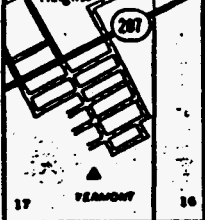
Intercoastal's proposed expansion area in Duval County is in an area designated on the Jacksonville Future Land Use Map (FLUM) as Agricultural land use and is well outside the Jacksonville Urban/Suburban Area. Objective 1.1 of the Jacksonville plan's Infrastructure Element (Potable Water Sub-Element) requires that in order to discourage urban sprawl the City shall provide regional water facilities in conformance with the Public Facilities Map, as adopted in the Capital Improvements Element (CIE).

St. Johns County Comprehensive Plan

On the County's Future Land Use Map, most of Intercoastal's expansion area is designated as Rural/Silviculture (R/S). R/S is one of two land use categories the County uses to designate rural areas, the other being Agricultural-Intensive. R/S land is characterized by having a predominance of silvicultural



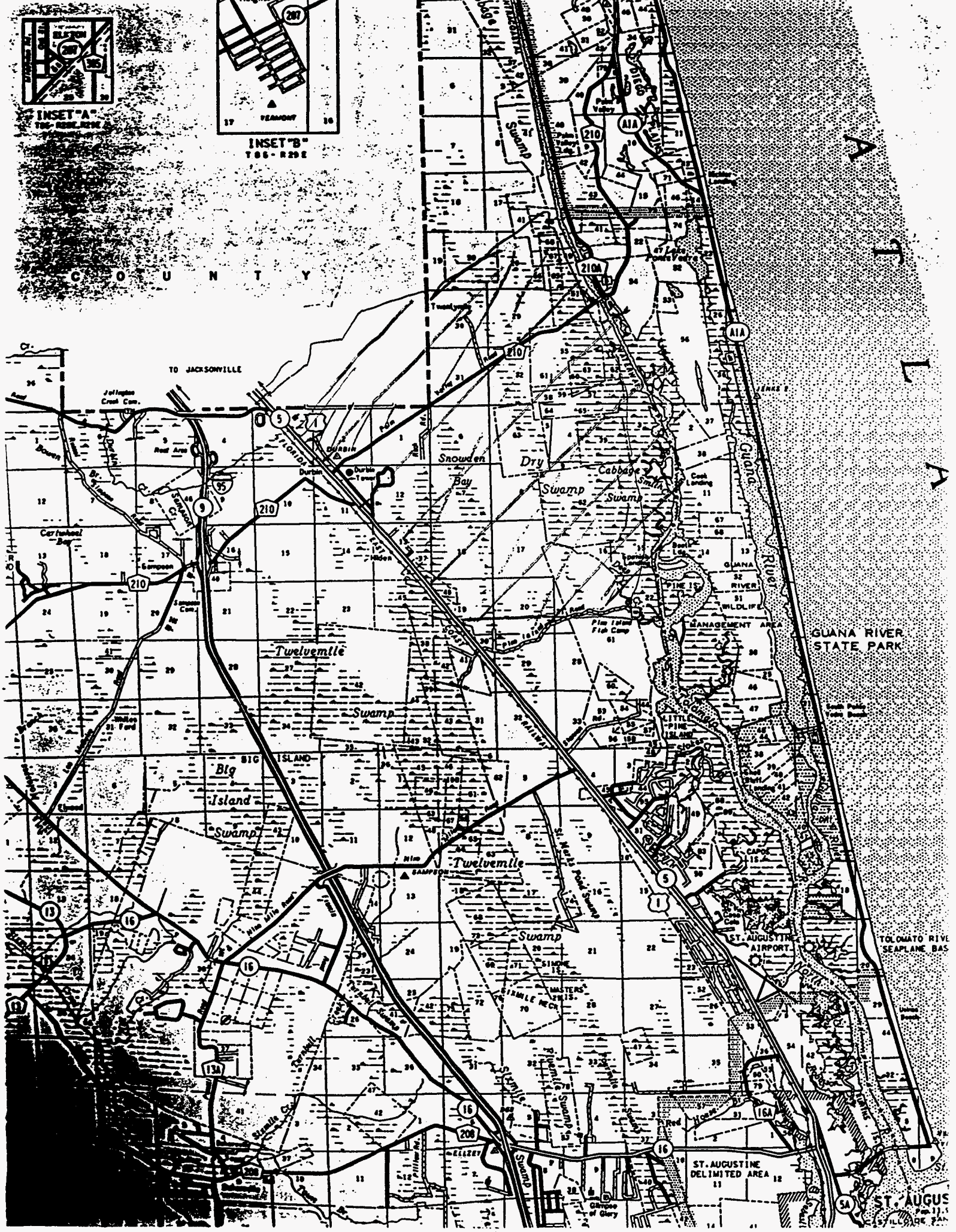
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INSET "B"
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TO JACKSONVILLE



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ST. AUGUSTINE AIRPORT

ST. AUGUSTINE DELIMITED AREA

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production or that has the potential for silvicultural production based on vegetative cover. To develop property within an R/S District, the owner submits an application for a Planned Rural Development to the County. The County has three residential density categories available for R/S lands: 2 units/acre (owner can develop no more than 10 percent of property without a FLUM amendment change), 1 unit/acre (owner can develop 15 percent of property), and 1 unit/2.5 acres (owner can develop 20 percent of property). In practice, this results in low residential densities. As an example, a property owner with 100 acres in the R/S land use category could develop 10 percent of the property, or 10 acres, at 2 units/acre, resulting in a total of 20 dwelling units. The remaining 90 acres would be designated as a Reserve Area.

A linear area along the west side of the Intracoastal Waterway, which appears to be in the Intercoastal expansion area, is designated Conservation land use.

An area in the southeast quadrant of the U.S. 1/S.R. 210 intersection, which appears to be in the Intercoastal expansion area, is designated in the FLUM as the U.S. 1/S.R. 210 Development Area, comprises Mixed Use, Public, and Residential Density "A" land uses.

The following goals, objectives, and policies from the St. Johns comprehensive plan are applicable to the proposed expansion:

- Policy A.1.2.1 The County shall only issue development orders or development permits consistent with the provisions of the County's Concurrency Management System, as provided in Objective J.1.5.
- Policy A.1.8.2 Future utility facilities shall be located to promote the efficient provision of services, minimize the cost of construction and maintenance, and minimize the impact on the natural environment.
- Objective A.1.6 The County shall provide for the protection of agricultural and silvicultural lands, shall encourage their continued use for such purposes, and shall provide for the separation of urban and rural land uses through: (i) the adoption of land use categories which designate such lands according to their agricultural or silvicultural use; and (ii) through the adoption of land development regulations which will implement the PRD development controls provided in the Textual Appendix.
- Policy A.1.6.1 Continued agricultural and silvicultural use of lands presently in agricultural and silvicultural production shall be supported by designations on the Future Land Use Map(s) to redesignate lands presently classified as Agricultural-Intensive and Rural/Silviculture pursuant to the requirements of this Plan and applicable law.
- Policy A.1.6.4 In addition to the adoption and implementation of the PRD land development regulations, the County shall encourage farmland retention through investigation of the County's provision of various incentives for farmland protection, such as voluntary agricultural districts and consideration of a transferable development rights ordinance.

Sanitary Sewer/Solid Waste/Drainage/Potable Water/Natural Groundwater/Aquifer Recharge Element

- Goal F.2 New public facilities shall be developed in a manner which protects investments in existing facilities and promotes orderly compact urban growth.
- Policy F. 2.1.3 All improvements for replacement, expansion of sanitary sewer, potable water or drainage or increase in capacity of sewer facilities shall be compatible with the existing, or newly adopted, level of service standards for such facilities.
- Objective F.01.01 Sanitary Sewer—The County shall implement procedures which will coordinate the extension of sewer facilities, or the increase in capacity of sewer facilities, in order to:

meet future needs, to correct existing sewer facility deficiencies, and to promote compact urban growth. All system improvements for replacement, expansion, or increase in capacity of sewer facilities shall comply with the existing or newly adopted level of service standards for the facilities.

Objective F.01.05 Potable Water—The County shall protect and conserve potable water resources and shall ensure that development orders or development permits are issued based upon the levels of service established in Objective J.01.05 of the Capital Improvements Element.

Capital Improvements Element

Objective J.1.5 The County shall adopt a Concurrency Management System (CMS) as part of the County's land development regulations which shall ensure that the impacts resulting from the County's issuance of development orders or development permits shall not result in a reduction of service for affected public facilities below the applicable level of service standards established in Policy J.1.2.1 of this Plan.

Policy J.1.1.5 Outside the areas serviced by County facilities, the County will support and encourage the provision of essential facilities and services through privately owned publicly regulated regional systems.

Local Government Comments

St. Johns County did not provide any written comments to the Department; however, Department staff did discuss this proposed extension with County staff.

Conclusion

Expansion of central water and sewer facilities into a rural, relatively undeveloped area is a precursor of more intense residential development of that area. This is a part of the orderly, planned development of an area. Conversely, when central water and sewer facilities are proposed to be extended into an area designated as Rural/Silvicultural on the County's FLUM, this extension must be considered as encouraging premature development of this area. In this case, however, about two-thirds of the proposed expansion area is within the proposed Nocatee DRI. If this DRI is approved, it would be desirable that it be served by central water and sewer. Approval of the DRI would also be dependent upon a change or changes in the County's FLUM to accommodate the more intense development envisioned in the Nocatee DRI plan of development. If the DRI is approved and if it receives the necessary FLUM amendments, then the delivery of central water and sewer facilities would be part of the orderly, planned development of the area. If the DRI is not approved, then the proposed expansion of water and sewer facilities is premature and would encourage urban sprawl in an area predominately designated as Rural/Silviculture on the FLUM.

The remaining one-third of the proposed Interstate expansion area includes undeveloped R/S areas and some other developing or developed (but without central water and sewer) areas not bearing the R/S land use designation: the Walden Chase and Marsh Harbor developments, the platted Palm Valley Harbor and Quail Ridge subdivisions, and the U.S. Highway 1 and Old Dixie Highway service corridors.

Staff recommends that Intercoastal's proposed extension of central water and sewer facilities be conditioned upon approval of the Nocatee DRI and amendment of the St. Johns County comprehensive plan to accommodate the land uses proposed in the DRI plan of development.



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We also note, however, that most of the proposed expansion area is within the proposed Nocatee Development of Regional Impact, currently under review at the Department. Should this development be approved and the necessary changes to the local comprehensive plans adopted, it would then be appropriate for the development to be served by central water and sewer.

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Ms. Blanca Bayo
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Page 2

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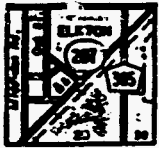
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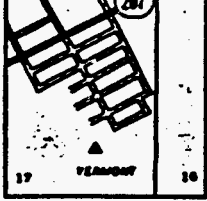
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INSET "B"
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MANAGEMENT AREA

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The following goals, objectives, and policies from the St. Johns comprehensive plan are applicable to the proposed expansion:

- Policy A.1.2.1 The County shall only issue development orders or development permits consistent with the provisions of the County's Concurrency Management System, as provided in Objective J.1.5.
- Policy A.1.8.2 Future utility facilities shall be located to promote the efficient provision of services, minimize the cost of construction and maintenance, and minimize the impact on the natural environment.
- Objective A.1.6 The County shall provide for the protection of agricultural and silvicultural lands, shall encourage their continued use for such purposes, and shall provide for the separation of urban and rural land uses through: (i) the adoption of land use categories which designate such lands according to their agricultural or silvicultural use; and (ii) through the adoption of land development regulations which will implement the PRD development controls provided in the Textual Appendix.
- Policy A.1.6.1 Continued agricultural and silvicultural use of lands presently in agricultural and silvicultural production shall be supported by designations on the Future Land Use Map(s) to redesignate lands presently classified as Agricultural-Intensive and Rural/Silviculture pursuant to the requirements of this Plan and applicable law.
- Policy A.1.6.4 In addition to the adoption and implementation of the PRD land development regulations, the County shall encourage farmland retention through investigation of the County's provision of various incentives for farmland protection, such as voluntary agricultural districts and consideration of a transferable development rights ordinance.

Sanitary Sewer/Solid Waste/Drainage/Potable Water/Natural Groundwater/Aquifer Recharge Element

- Goal F.2 New public facilities shall be developed in a manner which protects investments in existing facilities and promotes orderly compact urban growth.
- Policy F. 2.1.3 All improvements for replacement, expansion of sanitary sewer, potable water or drainage or increase in capacity of sewer facilities shall be compatible with the existing, or newly adopted, level of service standards for such facilities.
- Objective F.01.01 Sanitary Sewer—The County shall implement procedures which will coordinate the extension of sewer facilities, or the increase in capacity of sewer facilities, in order to:

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- Objective F.01.05 Potable Water—The County shall protect and conserve potable water resources and shall ensure that development orders or development permits are issued based upon the levels of service established in Objective J.01.05 of the Capital Improvements Element.

Capital Improvements Element

- Objective J.1.5 The County shall adopt a Concurrency Management System (CMS) as part of the County's land development regulations which shall ensure that the impacts resulting from the County's issuance of development orders or development permits shall not result in a reduction of service for affected public facilities below the applicable level of service standards established in Policy J.1.2.1 of this Plan.

- Policy J.1.1.5 Outside the areas serviced by County facilities, the County will support and encourage the provision of essential facilities and services through privately owned publicly regulated regional systems.

Local Government Comments

St. Johns County did not provide any written comments to the Department; however, Department staff did discuss this proposed extension with County staff.

Conclusion

Expansion of central water and sewer facilities into a rural, relatively undeveloped area is a precursor of more intense residential development of that area. This is a part of the orderly, planned development of an area. Conversely, when central water and sewer facilities are proposed to be extended into an area designated as Rural/Silvicultural on the County's FLUM, this extension must be considered as encouraging premature development of this area. In this case, however, about two-thirds of the proposed expansion area is within the proposed Nocatee DRI. If this DRI is approved, it would be desirable that it be served by central water and sewer. Approval of the DRI would also be dependent upon a change or changes in the County's FLUM to accommodate the more intense development envisioned in the Nocatee DRI plan of development. If the DRI is approved and if it receives the necessary FLUM amendments, then the delivery of central water and sewer facilities would be part of the orderly, planned development of the area. If the DRI is not approved, then the proposed expansion of water and sewer facilities is premature and would encourage urban sprawl in an area predominately designated as Rural/Silviculture on the FLUM.

The remaining one-third of the proposed Interstate expansion area includes undeveloped R/S areas and some other developing or developed (but without central water and sewer) areas not bearing the R/S land use designation: the Walden Chase and Marsh Harbor developments, the platted Palm Valley Harbor and Quail Ridge subdivisions, and the U.S. Highway 1 and Old Dixie Highway service corridors.

Staff recommends that Intercoastal's proposed extension of central water and sewer facilities be conditioned upon approval of the Nocatee DRI and amendment of the St. Johns County comprehensive plan to accommodate the land uses proposed in the DRI plan of development.