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COMMISSION  
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DIRECT TESTIMONY  
OF  
RONALD F. PIANTA, AICP

TO  
THE STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION

RE: APPLICATION OF SKYLAND UTILITIES, LLC  
FOR ORIGINAL WATER AND WASTEWATER CERTIFICATES  
IN HERNANDO AND PASCO COUNTIES, FLORIDA

DOCKET NUMBER 090478-WS

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APRIL 30, 2010

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DIRECT TESTIMONY OF RONALD A. PIANTA, AICP

1 Q. Please state your name.

2 A. Ronald F. Pianta.

3 Q. Where are you currently employed?

4 A. Hernando County, a political subdivision of the State of Florida.

5 Q. What is your employment address?

6 A. Hernando County Government Center, 20 N. Main Street, Brooksville, FL 34601.

7 Q. What is your position?

8 A. I am the Planning Director for Hernando County.

9 Q. Briefly summarize your present duties.

10 A. As the Planning Director for Hernando County I am responsible for the oversight of the  
11 following activities: environmental planning and sensitive lands acquisition program,  
12 comprehensive planning in accordance with the requirements of the State of Florida  
13 Growth Management Act, subdivision review, the drafting and implementation of land  
14 development regulations, the review of zoning and special use applications,  
15 development of regional impact review, and transportation planning under the  
16 Metropolitan Planning Organization.

17 Q. Briefly summarize your professional background as a planner.

18 A. I have a Bachelor's Degree in Sociology for the University of Florida and a Masters  
19 Degree in Urban and Regional Planning from the University of Memphis, and have been  
20 continuously employed as a professional planner for 29 years. In addition I possess a  
21 professional certification from the American Institute of Certified Planners.

22 Q. I will hand you what is marked as Exhibit RFP-1, do you recognize this document?

23 A. Yes, it is a copy of my resume as last updated.

24 Q. Are you familiar with the Application filed by Skyland Utilities, LLC?

25 A. Yes.

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1 Q. How are you familiar with it?

2 A. I have reviewed material related to the Application filed by Skyland Utilities, LLC.

3 Q. Based upon your review of Skyland Application, can you describe its proposed location  
4 relative to Hernando County?

5 A. The application is to create a potable water and sanitary sewer service area in eastern  
6 Hernando and Pasco Counties. Approximately 791 acres is located in Hernando  
7 County, an area around Haymen Road that is rural in nature.

8 Q. Do you know who owns the property where Skyland proposes to locate?

9 A. Yes, it is owned by the Evans Properties, Inc. which I will refer to as Evans.

10 Q. How do you know that?

11 A. I reviewed Skyland's Application, specifically Exhibit E to the Application, and also  
12 verified ownership on the Property Appraiser's website.

13 Q. When a property owner wishes to have a particular use on his or her property, what does  
14 the Planning Department look for in advising whether the requested use is allowed on  
15 that property?

16 A. Generally, the requested use is reviewed for compliance with the County land  
17 development regulations and consistency with the County comprehensive plan.

18 Q. Would a water/wastewater utility at the location proposed be consistent with the adopted  
19 comprehensive plan for Hernando County.

20 A. Based upon my review of the goals, objectives and policies of the County's adopted  
21 Comprehensive Plan, a water/wastewater utility would not be consistent with the  
22 Hernando County Comprehensive Plan at this location.

23 Q. What provisions of the County's Comprehensive Plan are you relying upon?

24 A. The proposed utility service area is located in an area that is designated as Rural by the  
25 Comprehensive Plan. The purpose of the Rural designation is to allow the continuation

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1 of agricultural pursuits and retain the rural nature of those portions of the County so  
2 designated by the Comprehensive Plan. Infrastructure in the Rural area is to be consistent  
3 with the level of development allowed, and the County will not provide infrastructure  
4 that will support urban development (Future Land Use Policy 1.01B6). Services and  
5 infrastructure are to be provided adjacent to areas of concentrated growth to limit the  
6 potential for urban sprawl (Future Land Use Policy 1.01T1 and 2), and development  
7 patterns indicative of urban sprawl are discouraged (Future Land Use Policy 1.01T4).  
8 Planning for water and sewer facilities must be consistent with the areas designated by  
9 the Comprehensive Plan for urban development (Future Land Use Policy 1.01T8) and the  
10 location of major public facilities such as well fields and sanitary sewer facilities must  
11 consider the impact on natural resources and land use (Future Land Use Policy 1.01U2).

12 Q. In your professional opinion, would the siting of the proposed water/wastewater utility on  
13 the Evans property as proposed conform to or violate the County's Comprehensive Plan?

14 A. In my professional opinion, the proposed utility would not be consistent with the adopted  
15 goals, objectives and policies of the Comprehensive Plan and would violate the intent of  
16 the Plan to direct future development to urban areas, discourage urban sprawl as an  
17 unwanted and inefficient land use, and protect the character of rural areas from  
18 incompatible development trends.

19 Q. Is there any regional or state agency that oversees a county's comprehensive planning?

20 A. Yes.

21 Q. What agency is that?

22 A. The Florida Department of Community Affairs.

23 Q. What role does the Florida Department of Community Affairs play in county government  
24 comprehensive planning?

25 A. The Florida Department of Community Affairs is charged with oversight of the State of

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1 Florida Growth Management Act and the compliance of local jurisdictions with the  
2 provisions of the Act.

3 Q. Do you know if the Department of Community Affairs has reviewed the instant request  
4 by Skyland Utilities?

5 A. Yes, they have.

6 Q. How do you know that?

7 A. I understand that the Public Service Commission requests the Department of Community  
8 Affairs review proposed water and wastewater applications for consistency with the  
9 respective local government's comprehensive plans.

10 Q. Do you know if the Department of Community Affairs has reached any opinion in  
11 connection with the instant application of Skyland Utilities?

12 A. Yes.

13 Q. What was that opinion.

14 A. The Florida Department of Community Affairs issued an opinion letter in December of  
15 2009 stating that the siting of the Skyland Utilities at the location proposed would lead to  
16 the conversion of rural land to urban uses and promote sprawl. This type of land use  
17 pattern would not be consistent with the requirements of the State Growth Management  
18 Act and provisions contained in the Hernando County Comprehensive Plan.

19 Q. Have you seen this letter?

20 A. Yes.

21 Q. I will hand what is marked as Exhibit RFP-2. Have you seen this document?

22 A. Yes. This is a letter signed by Mike McDaniel, Bureau Chief, Department of Community  
23 Affairs wherein he states that the Skyland Utility where proposed would not be in  
24 compliance with the County's adopted Comprehensive Plan and Florida Statutes as it  
25 relates to the discouragement of urban sprawl.

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1 Q. Do you have any professional opinion regarding the letter identified as Exhibit RFP-2.

2 A. Yes.

3 Q. What is that opinion.

4 A. In my professional opinion, I concur with the concerns expressed and the conclusions  
5 reached by the Florida Department of Community Affairs in their letter dated December,  
6 2009.

7 Q. Generally, can the County allow development that is inconsistent with the County's  
8 adopted Comprehensive Plan?

9 A. No.

10 Q. Why?

11 A. State law, as well as the adopted comprehensive plan and land development regulations  
12 of the County require that all future development be consistent with and promote the  
13 provisions of the Comprehensive Plan.

14 Q. If a development is allowed to go forward which is inconsistent the County's  
15 Comprehensive Plan, do you have any professional opinion on how that may affect  
16 public policy?

17 A. Yes.

18 Q. What is that opinion?

19 A. It would undermine the stated goals objectives and policies of the County as they relate  
20 to future development patterns and undermine public confidence in their elected and  
21 appointed officials who are charged with protection of the public interest.

22 Q. Earlier in your testimony, one of the policies you referenced mentioned Urban Sprawl.  
23 Can you describe Urban Sprawl?

24 A. Yes.

25 Q. Briefly describe Urban Sprawl.

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1 A. Urban sprawl generally leads to an inefficient and unwanted development pattern. Urban  
2 sprawl is characterized by leap frog development not contiguous to existing urban  
3 development, linear development that expands along a major roadway beyond the  
4 existing limits of developed and planned infrastructure, tends to be single dimensional in  
5 nature, is premature and lacking the necessary facilities and services, and tends to inhibit  
6 infill development and the redevelopment of existing developed areas.

7 Q. In your professional opinion, if Skyland Utility begins a water/wastewater utility  
8 operation at the location proposed on the Evans property, would this constitute or  
9 promote urban sprawl.

10 A. Yes.

11 Q. How?

12 A. The provision of water and wastewater facilities and services in a rural area will  
13 encourage development that is not compatible with existing land uses in terms of density,  
14 intensity and land use type.

15 Q. If a development promotes Urban Sprawl, what types of effects can be expected?

16 A. The premature conversion of agricultural and rural land to suburban and urban uses, thus  
17 negatively impacting the character of the area and lifestyle of existing residents.

18 Q. Are there any public policy implications if property develops in a manner that constitutes  
19 Urban Sprawl and, if so, can you briefly describe them.

20 A. Yes, scattered development patterns are expensive to serve with the necessary public  
21 services and facilities. The demand for services to support these populations tend to be  
22 costly to the public and inefficient from a service delivery standpoint.

23 Q. In closing, do you have a professional opinion on Skyland's proposed operation of a  
24 water/wastewater utility on the Evans property as proposed and, if so, what is that  
25 opinion?

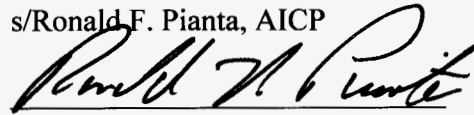
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A. In summary, in my professional opinion is that the request to operate a utility at that location is inconsistent with the adopted comprehensive plan for Hernando County related to the provision of services, the protection of the character of rural areas, the discouragement of urban sprawl and would not be in the public interest.

End of Testimony

Dated this 30<sup>th</sup> day of April, 2010

s/Ronald F. Pianta, AICP

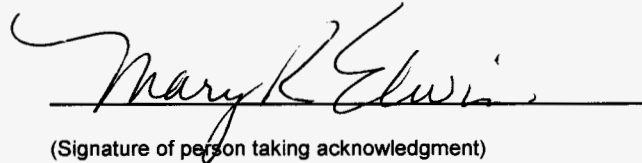
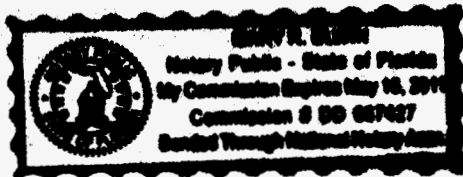


RONALD F. PIANTA, AICP

STATE OF FLORIDA

COUNTY OF HERNANDO

The foregoing instrument was sworn to and acknowledged before me this 30<sup>th</sup> day of April, 2010, by Ronald F. Pianta, who is personally known, and who took an oath..

  
(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)



**RONALD F. PIANTA, AICP**

7940 Roundelay Drive  
New Port Richey, Florida 34654  
Home phone: (727) 856-5145  
Work phone: (727) 724-1555

**EMPLOYMENT:**

*7/2006-Present*

**Planning Director**  
Hernando County Planning Department  
Hernando County, Florida

Responsible for the operations of the Planning Department and the growth management activities related to Comprehensive Planning under the County's Comprehensive Plan and land use regulations. Responsible for the preparation of land use reports and the presentation of the recommendations made therein to the Planning & Zoning Commission and the Board of County Commissioners. Responsible for land use, environmental and transportation planning policies and programs under the Board. Responsible for amendments to the land development regulations. Recommends policy actions to the Board of County Commissioners.

*1991 to 7/2006*

**Assistant City Manager/Community Development Director**  
**Primarily responsible for Planning, Building, Development Review, Code Enforcement**  
City of Safety Harbor Planning and Zoning Department  
Safety Harbor, Florida

Responsible for all activities related to long range planning, zoning, occupational licensing and building permitting, development review, code enforcement, community development block grant program, and downtown redevelopment. Responsible for public presentations to elected officials and two (2) appointed boards. Oversee requests for proposals (RFP's) and management of consultant contracts for planning, design and engineering projects. Oversee bidding and contract administration of major construction projects.

*1987 to 1991*

**Director of Planning and Zoning**  
City of Tarpon Springs Planning and Zoning Department  
Tarpon Springs, Florida

Responsible for the adoption, administration and interpretation of all zoning/development codes; and for effective enforcement. Responsible for the adoption and implementation of the City's Comprehensive Plan. Responsible for public presentations to elected officials and appointed boards. Oversee the preparation of request for proposals (RFP's) and management of consultant contracts.

*1985 to 1987*

**Chief Planning Engineer**  
Manatee County Department of Public Works, Transit Division  
Bradenton, Florida

Responsible for UMTA Section 15 Statistical Data Report and Section 9 Operating Assistance Grant. Investigate feasibility of and prepare reports for route modification and new routes. Prepare reports and agenda memos.

make public presentations to Board of County Commissioners.

1981 to 1985

**Senior Planner, Planner II, Planner I**  
Manatee County Planning and Development Department  
Bradenton, Florida

Responsible for coordinating the production of written agendas for the Planning Commission, Board of Adjustment, and Board of Commissioners. Supervise the duties of Planner II and three Assistant Planners. Provide responsible advice on a daily basis. Review development proposals, formulate recommendations including stipulations of approval, and present development applications at public hearings.

1978 to 1980

**Graduate Assistant**  
University of Memphis Regional Economic Development Center  
Memphis, Tennessee

**EDUCATION:**

**Executive Fellows Leadership Development Program**  
University of South Florida Institute of Government, 1995

**Degree: Master of City and Regional Planning**  
University of Memphis, Memphis, Tennessee  
Overall GPA: 3.7 on 4.0 scale

**Degree: B.A. in Sociology**  
University of Florida, Gainesville, Florida

**AWARDS:**

- **Merit Award**, Baranoff Park, Florida Redevelopment Association (*October 2005*)
- **Best Beautification Project**, Safety Harbor Brick Street Rehabilitation Program, Florida Redevelopment Association (*October 2003*)
- **Best Beautification Project**, Safety Harbor Streetscape, Florida Redevelopment Association (*October 1997*)
- **Best Comprehensive Plan for a Small Municipality in Florida** (*City of Tarpon Springs, April 1990*)
- **Tampa Bay Regional Planning Council Future of the Region Awards, Affordable Housing Program** (*Honorable Mention, 1993*)

**MEMBER:**

**American Institute of Certified Planners (AICP)**  
**Beta Gamma Sigma Academic Fraternity for Business and Management**  
**Pinellas County Local Mitigation Strategy Workgroup**



STATE OF FLORIDA

**DEPARTMENT OF COMMUNITY AFFAIRS**

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

CHARLIE CRIST  
Governor

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Secretary

December 7, 2009

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CLERK

Ms. Ann Cole, Commission Clerk  
Office of Administrative Services  
Florida Public Service Commission  
2540 Shamed Oak Boulevard  
Tallahassee, Florida 32399

RE: Skyland Utilities Application for Original Certificates for Proposed Water and Wastewater  
Utility Systems; Case No.: 090748-WS

090418

Dear Ms. Cole

The Department of Community Affairs has reviewed the proposal of Skyland Utilities to create a potable water and sanitary sewer service area in eastern Pasco and Hernando Counties. The application is to provide water and sewer services for an area of approximately 4,089 acres, of which 791 acres are located in Hernando County (approximate 19 percent), and the remainder in Pasco County.

The proposed service area is located within areas primarily designated in the Hernando County Comprehensive Plan as Rural land use (1 unit/10 acres); and in the Pasco County Comprehensive Plan as Agricultural (1 unit/10 acres) and Agricultural/Rural (1 unit/5 acres). The service area is divided into 12 sections with the provision of utility services planned in 5 phases. Phase I is scheduled to start between 2010 and 2015. The application is not clear on the dates of the remaining phases. The service area is not wholly contiguous, but is grouped in several clusters within a broad area. For Phase I, the Utility will rely on the use of package treatment plants to provide wastewater services. Additional details concerning provision of services for future phases of service are deferred to resolution in the future.

The Department is concerned about the provision of utility services to these rural and agricultural areas because it will lead to premature conversion of rural agricultural land to urban uses and promote urban sprawl. Chapter 163.3177(6)(a), Florida Statutes specifically requires that the future land use plan be based on, among other things, the discouragement of urban sprawl and the promotion of energy efficient land use patterns and the reduction of greenhouse gas emissions. The proposed utility serve area will promote a land use pattern that is inconsistent with the above cited provisions of Florida Growth Management Laws.

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Ms. Ann Cole  
December 7, 2009  
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In addition, the proposal for utility services in this area is inconsistent with various provisions of the Hernando and Pasco County Comprehensive Plans. For example Hernando County Comprehensive Plan Future Land Use Policy 1.01B(6) states that "The County will not provide water, sewer, transportation, or other infrastructure to support urban development in the Rural Land Use Category so that urban development can be directed into those areas which are planned to receive such services.". Also the application is inconsistent with Pasco County Infrastructure Element Policies WAT 2.14 and SEW Policy 2.26 which states that within the Northeast Pasco County rural Area the County will Continue to rely primarily upon individual water well and septic tank systems for potable water and disposal of wastewater within the Rural Area, and that new development will not be designed or constructed with central sewer and water systems.

Pasco County and Hernando Counties have filed objections with the Public Service Commission to the application on various grounds including inconsistency with the comprehensive plans of both counties. The Department agrees that the proposed application is inconsistent with comprehensive plan policies of both counties which discourage the proliferation of urban sprawl and limit the extension of public utilities into agricultural and rural lands.

Furthermore, both Pasco and Hernando Counties have indicated that there is no consumer need for potable water or wastewater services within the areas Skyland Utilities propose for service. In light of these concerns the Department believes the provision of utilities to these areas is not necessary at this time and does not support it.

If you have any questions about this matter, please contact Dan Evans, Principal Planner at (850) 922-1805.

Sincerely,



Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/de

cc. Geoffrey Kirk, Assistant County Attorney, Hernando County  
Joseph Richards, Senior Assistant County Attorney, Pasco County