

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: WATER SUPPLY FACILITIES WORK PLAN

DEPARTMENT: Planning & Development DIVISION: _____

AUTHORIZED BY: Donald S. Fisher CONTACT: Dick Boyer EXT. 7382

Agenda Date 06/08/2004 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Staff request for continuance to (date to be noted at hearing).

District: County-wide Dick Boyer, Senior Planner

BACKGROUND:

On May 12, the Department of Community Affairs (Department) informed staff that an objection would be made to the Water Supply Facilities Work Plan amendment submitted as part of the Spring 2004 large scale comprehensive plan amendment package.

Since then, staff has received a list of issues submitted to the Department by the St Johns River Water Management District. A review of the list indicates that the work needed to address the issues cannot be accomplished in time for the June 8, 2004 adoption hearing date.

Staff will request a continuance of this item to a future date at the scheduled June 8 hearing.

ATTACHMENT:

Department of Community Affairs report of Objections, Recommendations and Comments.

Reviewed by:
Co Atty: [Signature]
DFS: _____
OTHER: [Signature]
DCM: [Signature]
CM: [Signature]
File No. ph700pdp03



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

May 24, 2004

The Honorable Daryl G. McLain, Chairman
Seminole County
Board of County Commissioners
1101 E. First Street
Sanford, FL 32771

Dear Chairman McLain:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Seminole County (DCA 04-1), which was received on March 25, 2004. Based on Chapter 163, F.S., we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the @objections@ set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The amendment package consists of one (1) Future Land Use Map (FLUM) amendment and five (5) text amendments. The Department has identified objections with the proposed text amendments related to the Water Supply Facilities Work Plan, which include additions and revisions to the Capital Improvements, Conservation, Intergovernmental Coordination, and Potable Water Elements of the County Comprehensive Plan. Despite our objections, we commend the County's clear commitment to developing alternative water supply sources and enhancing water reuse and conservation programs. The Department is particularly pleased with the cooperative relationship established between the County and St. Johns Water Management District staff to ensure that the County's Work Plan articulates the details of the County's commitment.

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The Honorable Daryl G. McLain, Chairman
May 24, 2004
Page Two

As you probably already know, the Florida Legislature recently enacted House Bill 293, which changes the due date for the 10-year water supply work plan from January 1, 2005, to December 1, 2006. The reason behind postponing the due date was so that local government water supply facility work plans will reflect the most current update of the regional water supply work plans, which are due to be revised in 2005. While the Governor has not yet signed this bill, we have no information to suggest he won't sign it. As such, the Department is advising that local governments delay adopting their work plan until after the regional water supply plans have been updated.

The Department has also identified objections with the proposed Future Land Use Element text amendment related to the Myrtle Street Urban Conservation Village. The Department is concerned that the proposed residential density bonus is not supported by data and analysis demonstrating the need for additional residential dwelling units.

If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Marina Pennington, Regional Planning Administrator or Jana Williams, Planner, at (850) 922-1827.

Sincerely yours,

Charles Gauthier, AICP
Chief of Comprehensive Planning

CG/jw

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Sandra Glenn, Executive Director, ECFRPC
Don Fisher, Seminole County Planning Director
Matt West, Seminole County Planning Manager

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the County must submit the following to the Department:

Three copies of the adopted comprehensive plan amendment;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Ms. Sandra Glenn, Executive Director of the East Central Florida Regional Planning Council.

Please be advised that the Florida Legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR SEMINOLE COUNTY
COMPREHENSIVE PLAN AMENDMENT 04-1

May 24, 2004
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Seminole County's proposed amendment to their comprehensive plan (DCA number 04-1) pursuant to Chapter 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, Florida Statutes (F.S.). Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items, which the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
SEMINOLE COUNTY
PROPOSED AMENDMENT 04-1**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S. AND RULE 9J-5, F.A.C.

The Seminole County proposed Amendment 04-1 consists of one (1) Future Land Use Map (FLUM) change and five (5) text changes.

A. The Department raises the following objection to Amendment 04S.TXT01.1:

1. Objection: It is unclear how the County has coordinated the population projections in the comprehensive plan with the population projections used to forecast future water demand. There are internal inconsistencies in the figures provided in the Work Plan, as well as discrepancies between the County's figures and the figures used by the St. Johns River Water Management District (SJRWMD). The Work Plan does not clarify how the water demands and population projections were developed or whether the County considered the Regional Water Supply Plan (RWSP) demand projections prepared by the SJRWMD. In addition, the Work Plan does not clearly identify the demand of the unincorporated population served by the municipal water suppliers.

[Rules 9J-5.005(2)(a); 9J-5.005(5); 9J-5.006(1)(a); 9J-5.006(2)(a and c); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.006(4); 9J-5.011(1); 9J-5.011(2)(b and c), F.A.C.; Sections 163.3177(4); Sections 163.3177(6)(a, c, and h) and 163.3177(8), F.S.]

Recommendation: The County should:

- Provide a detailed description of the methodology used to develop its population and water demand projections;
- Reconcile internal inconsistencies in the County's population, water demand, and water use projections with the population, water demand, and water use projections in the RWSP;
- Identify the nature of the wholesale agreements and any other water service agreements with municipalities serving the unincorporated area, the areas served, and the projected demand for the areas served; and

B. The Department raises the following objection to Amendment 04S.TXT01.2:

2. Objection: Capital Improvement Project No. 1783 01 (WS/Country Club Well #3) lacks an identified funding source, which is inconsistent with Rule 9J-5.016(4)(a)(2), F.A.C., which states that the schedule of capital improvements must include a list of projected costs and revenue sources by type of public facility for the five year period. Additionally, it is unclear how each project in the Capital Improvements schedule is related to the specific needs that were identified in the Work Plan in order to improve deficiencies in each service area.

[Rules 9J-5.016(1 and 2); 9J-5.016(3)(b)1, 3, and 5; 9J-5.016(3)(c)1d, e, f and g; and 9J-5.016(4)(a)1 and 2, F.A.C.; Sections 163.3177(2, 3 and 4), F.S.]

Recommendation: The County should:

- Identify a funding source for Capital Improvement Project No. 1783 01 (WS/Country Club Well #3);
- Ensure the capital improvements program includes projects that are identified in the Work Plan; and
- Re-format the Five-Year Capital Improvements Schedule so that each water supply facility improvement project is clearly linked to the service area deficiency or future need that it is meant to get correct.

C. The Department raises the following objection to Amendment 04S.TXT01.3:

3. Objection: The proposed objective and policy statements do not address conservation practices, reuse, and other aspects of the County's water supply strategy for optimizing the use of groundwater and developing supply sources, particularly within the Northwest Service Area (NWSA). The policies do not state how the water-supply deficiencies in the Work Plan will be corrected. Furthermore, several important components of the County's water supply strategy were not explained in sufficient detail to demonstrate that the County had fully considered the District's Regional Water Supply Plan and there is not sufficient detail provided regarding integration of the County's Work Plan into the Comprehensive Plan.

[Rules 9J-5.005(2)(a); 9J-5.005(5); 9J-5.006(1)(a); 9J-5.006(2)(a and c); 9J-5.006(3)(b)1; 9J-5.006(3)(c)3; 9J-5.011(1); 9J-5.011(2)(b and c); 9J-5.013(1)(c); 9J-5.013(2)(b and c); 9J-5.015(1); 9J-5.015(2)(a and b); 9J-5.015(3)(b)1 and 3, and 9J-5.015(c)1, 3, 5, 7 and 13, F.A.C.; Sections 163.3177(2); 163.3177(4); 163.3177(6)(a, c, d, and h) and 163.3177(8), F.S.]

Recommendation: The County should revise the objective and policy statements so that they specifically address the implementation of conservation practices, reuse and other aspects of the County's strategy for optimizing the use of groundwater and developing alternative supply sources. In particular, the County should provide:

- An analysis of the Potable Water, Capital Improvements, Conservation, and Intergovernmental Coordination Elements, indicating where background information needs to be updated to incorporate the Work Plan, identifying existing goals, objectives and policies (GOPs) that further the Work Plan, and identifying GOPs that need to be amended or added to further the Work Plan;
- Detailed descriptions of the service areas, growth projections, per capita usage, and reuse availability for areas served by the Florida Water Services facilities and the Utilities Incorporated of Florida facility;
- Detailed descriptions of the County's participation in the Water 2020 process and the East Central Florida Planning Initiative;
- Detailed descriptions of the County's current and proposed conservation practices;
- Detailed descriptions of the County's current and proposed reuse program;
- Detailed descriptions of the County's alternative water supply source selection and development scenarios with and without partners; and

- Detailed descriptions of the County’s water resource development scenarios with and without partners.

D. The Department raises the following objections to Amendment 04S.TXT05.1:

4. Objection: The proposed amendment is not supported by data and analysis demonstrating the need for the residential density bonus in order to accommodate the County’s projected population growth within the planning timeframe of the County Comprehensive Plan.

[Rules 9J-5.005(2 and 5); 9J-5.006(3)(b)8; 9J-5.006(3)(c); 9J-5.006(4); 9J-5.006(5); 9J-5.006(5)(h and i), F.A.C.; and Sections 163.3177(6)(a); 163.3177(8); and 163.3191, F.S.]

Recommendation: The County should provide a residential needs analysis demonstrating there is a need for the amount of development allowed by the proposed residential land use density bonus in order to accommodate the Comprehensive Plan’s projected population growth within the planning timeframe of the FLUM. The analysis should be based on the maximum development potential allowed by the future land use designation and the density bonus. Revise the amendment as necessary to be consistent with and supported by the data and analysis.

5. Objection: The proposed plan amendment does not identify the County’s existing stormwater requirements or water quality treatment system standards or explain the degree of the proposed “enhancements” relative to what the County and SJRWMD already require. Therefore, the effectiveness of the “enhancements” is difficult to determine.

[Rules 9J-5.005(2 and 5); 9J-5.006(3)(c); 9J-5.011(1); 9J-5.011(2)(b and c), F.A.C.; and Section 163.3177(2); Sections 163.3177(4); 163.3177(6)(c) and 163.3177(8), F.S.]

Recommendation: The County should provide a detailed analysis that compares the current stormwater water quality and quantity standards required by the County and WMD versus the proposed “enhanced” stormwater water quality and quantity standards in order to determine the degree of “enhancement” the new standards will provide to the Myrtle Street Urban Conservation Village.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

1. Objection: The proposed plan amendments are not consistent with and do not further the following goals and policies of the State Comprehensive Plan [Section 163.3177(10), F.S.]:

- Goal (7), Water Resources, and Policies (b)1, 3, 4, 9, 10, 11, and 13;
- Goal (15), Land Use, and Policy (b) 6;
- Goal (25), Plan Implementation, and Policy (b) 7.

Recommendation: Revise the amendments, as necessary, to be consistent with the above referenced goal and policy of the State Comprehensive Plan. Specific recommendations can be found following the objections cited previously in this report.