

ORIGINAL

DOCKET NO.: 980657-WS - Florida Water Services Corporation

WITNESS: Direct Testimony Of Charles R. Gauthier, Department of Community Affairs, on Behalf Of Staff of the Florida Public Service Commission

DATE FILED: February 4, 1999

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AFA _____
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DOCUMENT NUMBER-DATE

01456 FEB-4 99

FPSC-RECORDS/REPORTING

1 DIRECT TESTIMONY OF CHARLES R. GAUTHIER

2 Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?

3 A. My name is Charles R. Gauthier, and my business address is 2555 Shumard
4 Oak Boulevard, Tallahassee, Florida 32399-2100.

5 Q. BY WHOM ARE YOU EMPLOYED AND WHAT IS YOUR POSITION?

6 A. I am employed by the Florida Department of Community Affairs (DCA) as
7 Growth Management Administrator in the Bureau of Local Planning. My
8 responsibilities include the review of comprehensive plans and developments
9 of regional impact within approximately one third of the state including
10 Seminole County. I supervise 17 professional planners. Approximately 120
11 comprehensive plan amendment packages are reviewed each year.

12 Q. HOW LONG HAVE YOU BEEN EMPLOYED WITH DCA?

13 A. I have been employed as Growth Management Administrator since October
14 of 1994. Previously I was employed by DCA for approximately two and one half
15 years.

16 Q. HOW LONG HAVE YOU BEEN EMPLOYED AS A PROFESSIONAL PLANNER?

17 A. I have been employed in the planning field since 1977 in the areas of
18 environmental regulation, comprehensive planning, development review and
19 growth management. A copy of my resume is attached as CRG-1.

20 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

21 A. Pursuant to Memorandum of Understanding between the Public Service
22 Commission (PSC) and DCA, I provided comments to the PSC on Florida Water
23 Services Corporation's (Florida Water) application to extend its territory.
24 My comments were provided via letter dated October 14, 1998. The purpose of
25 my testimony is to authenticate the October 14, 1998 letter, which is attached

DOCUMENT NUMBER-DATE

01456 FEB-48

FPSC-RECORDS/REPORTING

1 | as Exhibit CRG-2.

2 | Q. WAS THE OCTOBER 14, 1998 LETTER PREPARED BY YOU OR AT YOUR DIRECTION AND
3 | CONTROL?

4 | A. It was prepared under my supervision by Brenda Winningham. The letter
5 | was due to be mailed out while J. Thomas Beck, Chief of the Bureau of Local
6 | Planning, was out of the office. I was delegated authority to sign the letter
7 | in his absence.

8 | Q. COULD YOU PLEASE SUMMARIZE YOU COMMENTS REGARDING FLORIDA WATER'S
9 | APPLICATION?

10 | A. My comments were with regard to the land use designation for the
11 | requested territory. We identified growth management concerns related to
12 | consistencies with the Seminole County Comprehensive Plan and the potential
13 | for the promotion of urban sprawl. The utility expansion area is located in
14 | an area which the County Comprehensive Plan provides shall remain rural in
15 | character. The land uses designated in the County's Future Land Use Map area
16 | almost exclusively rural. Densities are one residential dwelling unit per
17 | five acres and one residential dwelling unit per three acres. The Florida
18 | Water application represents that area will be at two residential dwelling
19 | units per one acre. This representation is at odds with the adopted
20 | comprehensive plan. The expansion appears to be inconsistent with the County
21 | Future Land Use Element Policies 2.11.10 and 2.11.11 concerning the expansion
22 | of water and sewer facilities into the rural area in East Seminole County.
23 | The County plan identifies an urban boundary within which services will be
24 | provided. This request is outside that boundary. The expansion may
25 | contribute to urban sprawl and is therefore inconsistent with the County's

1 | Potable Water Element Policy 11.4.2.

2 | Q. THEREFORE, IS IT YOUR OPINION THAT IT WOULD BE INAPPROPRIATE TO EXTEND
3 | CENTRALIZED WATER AND SEWER SERVICE TO THIS AREA?

4 | A. Yes, it is.

5 | Q. DOES THAT CONCLUDE YOUR TESTIMONY?

6 | A. Yes, it does.

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CHARLES R. GAUTHIER, AICP

1780 COPPERFIELD CIRCLE • TALLAHASSEE, FLORIDA 32312 • 850-894-2252

EXPERIENCE

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Growth Management Administrator, October 1994 to Present

Responsible for review of local governmental comprehensive plans, evaluation and appraisal reports, developments of regional impact and other planning documents within the areas of Northeast, East Central, Treasure Coast and Southwest Florida Regional Planning Councils. Responsible for drafting proposed legislation including optional sector plans and service as expert witness. Supervise 18 employees.

LEE COUNTY DIVISION OF ZONING

Zoning Manager, April 1990 to September 1994

Responsible for review of developments of regional impact, planned developments, rezonings, special exceptions and variances. Presented more than 300 cases to Hearing Examiner and Board of County Commissioners. Extensive experience with master planned communities, commercial centers, marinas and public facilities including Southwest Florida International Airport, Lee County Energy Recovery Plant and Florida Gulf Coast University. Supervised ten employees. (Position reclassified from Principal Planner in October 1993.)

WILSON, MILLER, BARTON AND PEEK, INC., NAPLES, FLORIDA

Senior Planner, June 1989 to April 1990

Responsible for land planning consulting including preparation and presentation of applications for developments of regional impact, planned developments, rezonings and site plan approval, assessments of site development potential, liaison with government and clients. Supervised one employee.

COLLEGE OF SOUTHWEST FLORIDA, NAPLES, FLORIDA

Instructor, April 1989 to June 1989

Responsible for teaching course "Familiarization with the Comprehensive Plan and Zoning Ordinance of the Unincorporated Area of Collier County."

COLLIER COUNTY GROWTH MANAGEMENT DEPARTMENT

Manager of Comprehensive Planning, December 1988 to June 1989

Responsible for formation of department and conduct of land use, transportation and technical planning. Supervised 13 employees.

COLLIER COUNTY PLANNING/ZONING DEPARTMENT

Chief of Long Range Planning, October 1985 to December 1988

Responsible for implementation of existing Collier County Comprehensive Plan and preparation of Growth Management Plan. Prepared Immokalee Area Master Plan. Supervised five employees.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Planning Manager, Bureau of State Planning, August 1984 to October 1985

Assisted implementation of Resource Management Plans for Hutchinson Island, Charlotte Harbor and the Suwannee River including working closely with local governments on revisions to comprehensive plans and land development regulations. Supervised three employees.

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Planner II, October 1983 to August 1984

Assisted initiation of Kissimmee River Resource Planning and Management Committee and implementation of Green Swamp and Big Cypress Areas of Critical State Concern.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist III, Office of the Secretary, October 1981 to July 1983

Assisted agency responsibilities on broad range of environmental policy issues including use of pesticides, water quality standards, outstanding Florida waters and water management district programs.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist II, Office of Director of Environmental Programs, June 1980 to October 1981
Duties related to major initiative to eliminate surface water discharges from sewage wastewater treatment plants in Orange and Osceola Counties.

FLORIDA DEPARTMENT OF ENVIRONMENTAL REGULATION

Environmental Specialist I, Bureau of Water Management, November 1977 to June 1980
Duties related to state comprehensive planning, water management district planning, water quality planning, state public works program and legislative monitoring. Emphasis on south Florida water management.

EDUCATION

FLORIDA STATE UNIVERSITY

Master of Science, Geography, June 1976 to August 1977

Achieved Master of Science with specialization in spatial analysis of land use. The program of study was interdisciplinary and emphasized applicable skills including statistics, remote sensing, computer mapping, feasibility analysis, environmental hazards, environmental polity, planning legislation, transportation planning and environmental law. Graduate level courses completed in College of Business, College of Law and Departments of Urban and Regional Planning and Geography.

UNIVERSITY OF SOUTH FLORIDA

Bachelor of Arts, Geography, August 1972 to March 1976

Achieved Bachelor of Arts degree with emphasis on physical geography. Course work included meteorology, climatology, hydrology, physiography, geology, ecology, conservation, photo interpretation and cartography.

PROFESSIONAL AFFILIATIONS

MEMBER OF AMERICAN PLANNING ASSOCIATION SINCE 1986

MEMBER OF AMERICAN INSTITUTE OF CERTIFIED PLANNERS SINCE 1988



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

October 14, 1998

Charles H. Hill, Director
Division of Water and Wastewater
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED

OCT 14 1998

Florida Public Service Commission
Division of Water and Wastewater

RE: PSC Docket No. 980657-WS: Application for Amendment by Florida Water Services Corporation in Seminole County

Dear Mr. Hill:

The Department has completed its review of the Florida Water Services Corporation application to the Public Service Commission for an expansion of its water and wastewater service area in Seminole County. A copy of the staff memorandum is attached for your review.

We have identified growth management concerns related to consistencies with the Seminole County Comprehensive Plan and the potential for the promotion of urban sprawl. The utility expansion area is located in a area which is slated by the Seminole County Plan to remain rural in character. The land uses designated on the FLUM are primarily rural. The expansion appears to be inconsistent with FLUE Policies 2.11.10 and 2.11.11, and PWE Policy 11.4.2 of the County's Plan, concerning the expansion of water and sewer facilities into the rural area in East Seminole County. The expansion may contribute to urban sprawl, and is therefore, inconsistent with PWE Policy 11.4.1. The Florida Water Services application for expansion of its service area indicates that the expansion area is anticipated to develop at approximately two dwelling units per acre. As indicated above, this anticipated development density is inconsistent with the Seminole County Plan, which designates this area for primarily rural development.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.state.fl.us/comaff/dca.html>

FLORIDA KEYS
Area of Critical State Concern Field Office
2796 Overseas Highway, Suite 212
Marathon, Florida 33050-2227

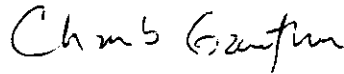
GREEN SWAMP
Area of Critical State Concern Field Office
155 East Summerlin
Bartow, Florida 33830-4641

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8600 N.W. 36th Street
Miami, Florida 33159-4022

Charles H. Hill
October 12, 1998
Page Two

If you have any questions, please contact Brenda Winningham, Planning Manager, or James Stansbury, Community Program Administrator, at (850) 487-4545.

Sincerely,



J. Thomas Beck, Chief
Bureau of Local Planning

Attachment

JTB/bw

cc: Francis Chandler, Seminole County



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS


"Helping Floridians create safe, vibrant, sustainable communities"

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

MEMORANDUM

RECEIVED
OCT 14 1998
Florida Public Service Commission
Division of Water and Wastewater

TO:  J. Thomas Beck, Bureau Chief

THROUGH: Charles Gauthier, Section Administrator *prepare no letter*
James Stansbury, Community Program Administrator

FROM: Brenda Winningham, Planning Manager *B.W.*

SUBJECT: Public Service Commission Utilities Expansion Application
Florida Water Services Corporation; PSC Docket No. 980657-WS

DATE: October 8, 1996

Comment Due to PSC: October 16, 1998

I. Summary of Staff Analysis

Florida Water Services Corporation (FWS) has applied to the Public Service Commission to amend its Certificates Nos. 279.W and 226-S to include additional land (approximately 1,663 acres) in unincorporated Seminole County in its service territory. Staff finds that the proposed expansion area is not appropriate for central water and central wastewater due to the Rural land use designations, inconsistency with the County's Comprehensive Plan, and the potential for urban sprawl.

II. Location of Proposed Service Territories

The total area of the proposed water and wastewater service territory expansion is approximately 1,663 acres. As depicted in Attachment 1, this area is generally located adjacent to and east of the City of Oviedo, southeast of the Flying Seminole Ranch site within Oviedo, surrounding Chuluota in unincorporated Seminole County, to the north, east, and west of CR 419. The existing service area is primarily within the Chuluota area.

III. Local Government Comprehensive Plan

The area proposed for the service expansion is within the Econlockhatchee River Basin. The County's Future Land Use Map (FLUM) designations for the area include Rural 5 (1 unit/5 acres), Rural 3 (1 unit/3 acres), Suburban estates (1 unit/acre), Low Density Residential (4 units/acre), Recreation, and Conservation. The area designated Low Density Residential is a very small portion of the area, adjacent to the City of Oviedo, in the southwest portion of the proposed expansion area. The area is within the rural area of the County as identified on Figure 2.9 of the Future Land Use Element (FLUE). The expansion of water and sewer service further into the rural area of East Seminole County is inconsistent with FLUE Policies 2.11.10 and 2.11.11, and Potable Water Element (PWE) Policy 11.4.2, which indicate that new development in East Seminole County which is located outside the adopted central service areas shall not be designed nor constructed with central water and or/sewer systems. The expansion is also inconsistent with PWE Policy 11.4.1 which indicates that the County shall not expand the water service area if the expansion will encourage urban sprawl. The Department found Seminole County Amendment 97F.FLU4 in Amendment Package 97-2 not in-compliance. The amendment was within the proposed service expansion area. The amendment would have increased densities and indicated that water and sewer service would be extended to serve the site. The Department raised urban sprawl as one of the issues for it's not in-compliance determination.

The FWS anticipates that the additional territory will develop at approximately 2 units per acre. As indicated by the discussion of the County's FLUM designations for this area, this assumption is inconsistent with the County's FLUM. The County is currently conducting a small area study, which includes this service area. The purpose of the study is to determine whether the whether this area should continue to be developed as a rural area. The Department has not received the Chuluota Small Area Study to date. The County anticipates completing the study by the end of October.

IV. Agency Comments

Seminole County provided the Department with a copy of the County's letter to the PSC expressing the county's objection to the extension of central water and sewer services into the Rural Area of Seminole County. The County cites the Rural land use designations for the area, that the site is located within the County's Rural Area, and that the proposed extension of the service area is inconsistent with FLUE Policies 2.11.10 and 2.11.11 of the County's Plan.

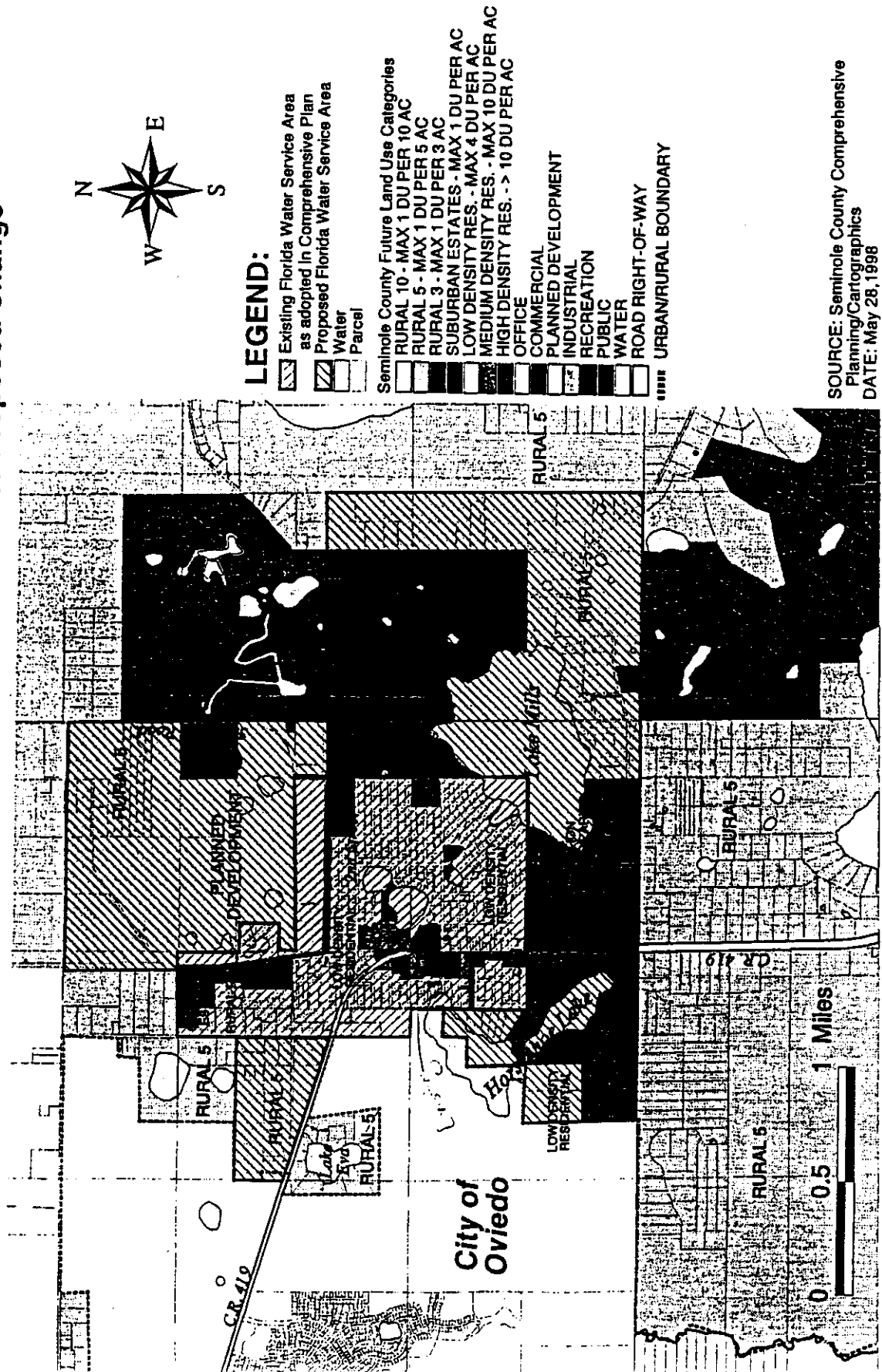
The Department received a copy of a letter from the Coalition for Responsible Econlockhatchee Development, Inc. (C-RED), to the PSC objecting to the proposed expansion of the service area. C-RED raised concerns that the expansion is in violation of the Seminole County Comprehensive Plan and would encourage higher densities and intensities of development in an area of "specific rural character rather than an area intended to be urbanized."

V. Conclusions

The expansion is inconsistent with Seminole County's Comprehensive Plan FLUE Policies 2.11.10 and 2.11.11, and PWE Policy 11.4.2 concerning the expansion of water and sewer facilities into the rural area in East Seminole County. The expansion would contribute to urban sprawl, and is therefore, inconsistent with PWE Policy 11.4.1.

Attachment 1

Florida Water Service - Water & Sewer Service Area Proposed Change



SOURCE: Seminole County Comprehensive Planning/Cartographics
DATE: May 28, 1998

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Application for amend-) DOCKET NO. 980657-WS
ment of Certificates Nos. 279-W))
and 226-S to add territory in)
Seminole County by Florida) Filed: February 4, 1999
Water Services Corporation))
_____)

Certificate of Service

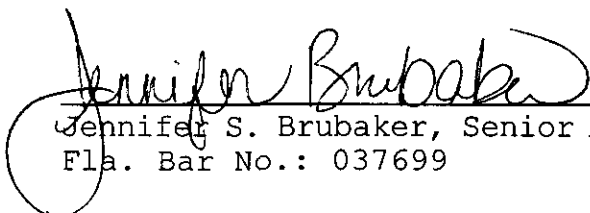
I HEREBY CERTIFY that a true and correct copy of Direct Testimonies and Exhibits of Charles R. Gauthier and Billie Messer have been furnished by U.S. Mail this 4th day of February, 1998 to:

Coalition for Responsible
Econlockhatchee Development, Inc.
P.O. Box 621047
Oviedo, FL 32762

Mr. Charles K. Smith, P.E.
City of Oviedo
400 Alexandria Blvd.
Oviedo, FL 32765

Florida Water Services
Corporation
P.O. Box 609520
Orlando, FL 32860-9520

Lonnie N. Groot, Esquire
Office the County Attorney
1101 E. 1st St.
Sanford, FL 32771



Jennifer S. Brubaker, Senior Attorney
Fla. Bar No.: 037699

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