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DIRECT TESTIMONY OF RICHARD E. GEHRING
BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION
ON BEHALF OF
PASCO COUNTY, FLORIDA
DOCKET NO. 090478-WS

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FPSC-COMMISSION CLERK

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS

2 A. Richard E. Gehring, 7530 Little Road, Suite 320, New Port Richey, FL 34654

3 Q. BY WHOM ARE YOU EMPLOYED AND WHAT POSITION DO YOU HOLD?

4 A. Pasco County, Planning and Growth Management Administrator.

5 Q. PLEASE DESCRIBE YOUR DUTIES AND RESPONSIBILITIES IN THAT
6 POSITION.

7 A. I am the Department Director for the Planning and Growth Management
8 Department, which includes the Metropolitan Planning Organization. As such, I
9 am responsible for moving forward the County's long range planning program.
10 This includes Land Use, Transportation and Economic Development.

11 Additionally, I am designated by the Comprehensive Plan as the official with the
12 responsibility for implementing and interpreting the Comprehensive Plan.

13 Q. PLEASE DESCRIBE YOUR EDUCATION AND PROFESSIONAL
14 EXPERIENCE.

15 A. I have more than 35 years experience in planning and development, in both the
16 public and private sectors. I have been Planning Director, City Manager and
17 Mayor of the City of Dunedin, Florida. Additionally, I was the Principal in Charge
18 at Post, Buckley, Schuh & Jernigan in Tampa, Florida supervising activities for
19 five West Coast Florida offices. Additionally, I have managed many large scale
20 development projects. My resume is attached as exhibit REG-1.

21 Q. ARE YOU SPONSORING ANY EXHIBITS IN THIS CASE?

22 A. My testimony is primarily based upon the Pasco County Comprehensive Plan
23 which is included as an exhibit to Skyland's application.

24 Q. WHAT IS THE NATURE OF YOUR TESTIMONY IN THIS PROCEEDING?

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FPSC-COMMISSION CLERK

1 A. My testimony is directed to the issue of whether Skyland's application to provide
2 water and wastewater services in Pasco County is consistent with the Pasco
3 County comprehensive plan.

4 **Q. ARE YOU FAMILIAR WITH THE TERRITORY THAT SKYLAND IS**
5 **REQUESTING TO SERVE WITH WATER AND WASTE WATER SERVICES?**

6 A. Yes.

7 **Q. WHERE IS THE PROPOSED TERRITORY AND WHAT IS THE LAND USE**
8 **DESIGNATION FOR THIS TERRITORY IN PASCO COUNTY'S**
9 **COMPREHENSIVE PLAN?**

10 A. The proposed territory is in Northeast Pasco County in an area the County's
11 Comprehensive Plan designates as the Northeast Pasco Rural Area, and the
12 future land use is designated as AG, agriculture or AG/R, agriculture/rural, which
13 limits the density of residential development to one dwelling unit per five acres or
14 one unit per ten acres save Parcel ID 4 of the proposed service area which is
15 within a designated Employment Center.

16 **Q. IN YOUR OPINION, IS THE PROPOSED UTILITY SERVICE CONSISTENT**
17 **WITH PASCO COUNTY'S COMPREHENSIVE PLAN?**

18 A. No.

19 **Q. WHAT IS THE BASIS OF YOUR OPINION?**

20 A. The proposed provision of utility service is inconsistent with numerous policies
21 and objectives of the Pasco County Comprehensive Plan including but not limited
22 to the sections referenced below. The Comprehensive Plan designates all of the
23 proposed service area as part of the Northeast Pasco Rural Area, within which
24 central water and sewer is prohibited except under very limited circumstances
25 (SEW 3.2.6). The proposed service area does not meet the limited criteria for
26 central water and sewer service. (SEW 3.2.6). Residential properties in the Rural

1 Area are to be developed with individual wells and septic tanks. (SEW 3.2.6;
2 WAT 2.1.4; FLU 2.1.13; FLU 2.1.15; FLU 2.1.16; FLU 2.1.17). The
3 Comprehensive Plan also prohibits the expansion of central water and sewer
4 service into areas designated as AG, agriculture or AG/R, agriculture/rural, such
5 as the proposed service area properties. (WAT 2.1.1; SEW 3.5.1 and Exhibit 2,
6 Northeast Pasco Zoning Map). The Comprehensive Plan encourages the
7 purchase of private utilities and their conversion to publicly operated utilities, not
8 the creation of new private utilities. (WAT 2.2.4). Skyland's proposal is contrary
9 to the County policy to replace package plants with regional wastewater
10 treatment plants. (SEW 3.2.1).

11 **Q. WHAT IS PASCO COUNTY'S PROCESS FOR CHANGING ITS**
12 **COMPREHENSIVE PLAN?**

13 A. Generally, the County is limited to two cycles of Comprehensive Plan
14 amendments annually. (There are limited exceptions for DRIs, small scale
15 amendments (less than 10 acres), Capital Improvement Elements, and other
16 limited circumstances.) If an individual would like to make a change to the
17 Comprehensive Plan, the first step is submitting an application. In some years,
18 the County has used a screening process, so that applicants do not need to
19 expend a great deal of time and effort preparing a complete application package
20 – if the recommendation from the Local Planning Agency was likely to be
21 negative.

22
23 Assuming there is a screening meeting, the staff will conduct a preliminary
24 evaluation of the proposed amendment and make a recommendation to the
25 Local Planning Agency. The recommendation can be to proceed, not to proceed,
26 or proceed with modifications. Before the Local Planning Agency, the staff and

1 the requestor make presentations. The Local Planning Agency then decides
2 whether to move the application along. Assuming the proposal makes it through
3 the initial screening, the next step would be ensuring a complete application
4 package was submitted.

5
6 Staff reviews the application, prepares an agenda memorandum including
7 analysis and recommendation. The application is heard by the Development
8 Review Committee. The recommendation of the DRC is presented to the Local
9 Planning Agency at a public hearing. The recommendation of the LPA is then
10 presented to the BCC at a public hearing where the transmittal of the proposed
11 amendment is considered. At the hearing the BCC decides whether to "transmit"
12 the proposed amendment to the Department of Community Affairs and other
13 agencies for review and comment.

14
15 Within sixty days of receipt of a proposed amendment, the DCA must issue an
16 Objections, Recommendations, and Comments (ORC) report. This report
17 evaluates the proposed amendment for consistency with state law and rules.
18 The report also reviews the proposed amendment for internal consistency. Upon
19 receipt of the ORC the County then has sixty days to address the issues in the
20 ORC, hold an adoption hearing, and make a determination whether to adopt the
21 proposed amendment or not.

22
23 Assuming the amendment is adopted, the amendment is then transmitted to the
24 DCA for a compliance review. Within 45 days after finding the adopted
25 amendment package complete, the DCA must issue a notice of intent regarding
26 whether to find the amendment in compliance or not in compliance.

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For 21 days after the issuance of the NOI, affected parties may file a challenge to the proposed amendment. If no challenge is filed, the amendment becomes effective.

Q. HAS THE COUNTY RECEIVED ANY REQUEST FROM A LANDOWNER WITHIN THE PROPOSED SERVICE TERRITORY TO MODIFY THE COMPREHENSIVE PLAN?

A. Not to my knowledge.

Q. HOW LONG DOES IT TAKE TO GO THROUGH A COMPREHENSIVE PLAN AMENDMENT CYCLE?

A. The process can take 9 – 12 months, sometimes longer depending on the specific request.

Q. DO YOU KNOW IF THE PSC IS REQUIRED TO DEFER TO THE PASCO COUNTY COMPREHENSIVE PLAN?

A. The PSC is not required to defer to the Pasco County comprehensive plan.

Q. DO YOU BELIEVE THE PSC SHOULD DEFER TO THE PASCO COUNTY COMPREHENSIVE PLAN?

A. Yes.

Q. WHY DO YOU TAKE THIS POSITION?

A. Florida’s history is full of examples of unbridled (and unregulated) development. Most of these stories end badly. Thankfully, the Florida legislature enacted growth management standards and requirements and designated the Department of Community Affairs to oversee the statewide planning and development process. Pasco County, along with every other local government in the State, has created a Comprehensive Plan for managing growth and development. Pasco County’s Comprehensive Plan was developed with input

1 from all stakeholders, and at considerable public expense. One of the primary
2 goals of the comprehensive planning process is to provide property owners and
3 developers with increased certainty – in other words, to provide a process that
4 can be reasonably relied upon to be consistent and fair. Indeed, both the private
5 sector and the public sector have made (and continue to make) substantial
6 investments in reliance upon the Pasco County Comprehensive Plan. Finally,
7 the Comprehensive Plan strikes a balance between development and
8 preservation of environmental resources and quality of life.

9
10 This private utility, if established, will promote “urban sprawl” by encouraging new
11 development and growth to occur prematurely in an area that is presently rural
12 and largely undeveloped and without proper planning and infrastructure in place
13 including roads, utility network, urbanized services and adequate electric power,
14 without limitation. The presence of centralized water and sewer would
15 encourage other development to occur in a leap frog and unplanned manner.
16 Northeastern Pasco County is generally designated “Rural” on Pasco County’s
17 Future Land Use Map (“FLUM”) as part of the County’s adopted Comprehensive
18 Plan. Residential homes in this area are generally on ten acres (or larger) tracts
19 of land. The development of a water and sewer utility in this area, at this time,
20 may encourage, promote or otherwise allow residential and other development to
21 occur at a faster pace, and before roads and other necessary public
22 infrastructure are in place to accommodate such development. Such resulting
23 development would have essentially “leap frogged” over rural, agricultural and
24 under developed lands to create a higher intensity/density area of development
25 in Northeastern Pasco County. Such resulting development constitutes “urban
26 sprawl” for purposes of Chapter 163, Part II, Florida Statutes, Rule Chapter 9J-5,

1 Florida Administrative Code, and the administrative and judicial decisions
2 interpreting such provisions.

3
4 Pasco County responding to the tremendous growth surge of the 2000-2007
5 housing boom conducted an in-depth analysis of its development practices by
6 inviting the Urban Land Institute (ULI) to engage a panel to evaluate and make
7 comprehensive recommendations concerning the land-use and economic
8 development future of the county. The document clearly criticizes a history of
9 sprawl decision-making which resulted in inefficient infrastructure delivery which
10 cannot be sustained. The recommendations of the report clearly call for the
11 county to re-consider its vision and strategic management commitments for
12 inclusion in the board's comprehensive plan.

13
14 Sprawl is a negative condition in Tampa Bay widely recognized as being
15 inefficient in terms of time and energy demand impacting the regional population
16 and a major environmental and economic condition that wastes resources both
17 natural and man-made. Sprawl impacts all aspects of daily life in that housing
18 and community development patterns that induce sprawl demand more energy
19 review use conservation of resources and makes our region less competitive.
20 Note Forbes magazine has declared Tampa Bay the worst traffic condition of all
21 metropolitan areas in the nation. As the One Bay study has documented
22 developed land would double if the population grows similar to our past trends
23 requiring 500,000 acres of new homes and job locations. Such sprawl
24 development would impact over 200,000 acres of wetlands and wildlife habitat.
25 By 2050 travel delays in our region will be more than twice as long as they are
26 today if we do not modify our development pattern.

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Expansion of utilities into rural areas planned in the counties comprehensive plan will defeat objectives of the One Bay planning process which we have joined together to support a reduction in land consumption, a preservation of agricultural lands, a protection of wetlands systems, a reduction in vehicle miles traveled, a reduction in trip generation, a reduction in water demand, a reduction in electric usage and a reduction in greenhouse gas generation. All of these benefits accrue from consistent policy attention to focusing growth in desired service areas and discouraging growth in remote rural areas.

Pasco County Rural Protection Areas- Pasco County has adopted four specific areas for the protection and enhancement of rural living conditions and the preservation of agricultural activities. The land proposed for action by the PSC is located in the Northeast Pasco Rural Protection Area. (Comprehensive Plan Map 2 – 13; Policy FLU2.1.1) The policy of Pasco County is as follows:

Pasco County shall recognize through land use policies and land development regulations the Northeast Pasco Rural Area (as defined in Map 2 -13 Rural Areas) as an area with specific rural character. It shall be the policy of the County that rural areas require approaches to land use intensities and densities, rural roadway corridor protection, the provision of services and facilities, environmental protection and Land Development Code enforcement consistent with the rural character of such areas.

Additionally, Pasco County has articulated its policy with regard to provision of potable water and sanitary sewer in FLU Policy 2.1.13 as follows:

POLICY FLU 2.1.13 PROVISION OF POTABLE WATER AND SEWER

1 Consistent with the provision of services and facilities within the Northeast
2 Pasco Rural Area, Pasco County shall:

3 a. Continue to rely primarily upon individual wells as the
4 method of providing potable water to the residents and other occupants within
5 the Northeast Pasco Rural Area.

6 b. Continue to rely primarily upon individual septic tank
7 systems as the method of disposal of wastewater within the Northeast Pasco
8 Rural Areas;

9 c. Require that new development within the Northeast
10 Pasco Rural Area shall not be designed nor constructed with central water and/or
11 sewer systems. Public and private central system shall be, if paid for by the
12 landowner/developer, permitted in the future if:

13 (1) The development is a conservation subdivision; or

14 (2) The development form is an MPUD Master Planned
15 Unit Development in Res-1(Residential – 1 du/ga):

16 (3) It is clearly and convincingly demonstrated by the
17 proponents of the system expansion that a health problem exists in a built, but
18 unserved, area for which there is no other feasible solution. In such cases, the
19 service area expansion plans will be updated concurrent with an areawide
20 administrative land use update; or

21 (4) It is part of the implementation strategies for the
22 comprehensive redevelopment plan for Trilby, Lacoochee, and Trilacoochee.
23 This exception permits the extension of utilities along US 301 to serve the
24 business district uses as described in Policy FLU 1.7.4.

25 (5) It is within the I-75/US 41 interchange mixed
26 use/employment center/RES-9 (Residential -9 du/ga) designated properties.

1 Only one parcel (Parcel 4; 77 acres) appears to meet any of these conditions.
2 Further, Policy FLU2.1.16 provides that "Improvements to public facilities shall be
3 accomplished whenever possible and practical in a manner so as to preserve or
4 enhance the rural of the Northeast Pasco Rural Area."

5
6
7 **Q. WHAT RESULT DO YOU FORESEE IF THE PSC IGNORES THE PASCO**
8 **COUNTY COMPREHENSIVE PLAN?**

9 A. Any deviation from the requirements of the Comprehensive Plan creates a ripple
10 effect that extends beyond the specifics of the deviation. In the instant case, for
11 example, proposed is the provision of a public utility in an area of Pasco County
12 designated for rural development. As is often the case, the availability of such
13 services leads to leap-frog development, rather than a compact development
14 pattern. This is likely to bring pressure to Pasco County to intensify this area of
15 the County.

16
17 Additionally, the issues of leap frog development are not solely related to the
18 initial provision of infrastructure, in this case water and sewer. Rather, inefficient
19 development require on-going expenditures for both capital and operations of the
20 myriad of service provided by the public including: schools, parks, libraries, fire,
21 emergency medical services and sheriff operations. These costs would be on-
22 going burdens to the taxpayers of Pasco County. In these times of limited fiscal
23 resources, it would be irresponsible to place this burden on Pasco County
24 taxpayers solely to address the speculative desires of one property owner.
25

1 This is proposal is contrary not only to the plans of the County for NE Pasco, but
2 could hinder the County's articulated strategic plan of concentrating growth in the
3 western and southern market areas. The Western and Southern market area
4 strategy was crafted to re-position the county from an exporter of employees to a
5 balanced, sustainable economy with high quality of life. Finally, the PSC must
6 harmonize its role with Pasco County's growth management role. Because a
7 PSC decision that is contrary to the Pasco County Comprehensive Plan creates
8 so many downstream effects, the PSC must be very careful in making such
9 decisions.

10 **Q. WHAT ACTION IN THIS CASE BEST SERVES THE PUBLIC INTEREST?**

11 A. The PSC should deny Skyland's application and preserve Pasco County's ability
12 to implement its Comprehensive Plan for growth management and efficient
13 development of utility services.

14 **Q. DOES THAT CONCLUDE YOUR TESTIMONY?**

15 A. Yes.
16
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18

Richard E. Gehring

GROWTH MANAGEMENT ADMINISTRATOR PASCO COUNTY, FLORIDA 2009-Present

**Manages Long-Range Planning Programs, Current Planning,
Transportation Planning and Economic Development.**

PRINCIPAL – PRIME Interests Inc. 1989-2009

Recent Engagements:

- **PRIME Development** – Development Manager – responsible for projects in Florida, Tennessee & North Carolina 2004-present
- **Port of Miami** – Development Manager – responsible for Development of \$225 million in Capital Improvement Plans for the Port in both Cruise and Cargo facilities. Multi Year engagement 2000-2004
- **Pinellas Planning Council** – Redevelopment planning for major urban county with 25 jurisdictions and \$50 billion ratable value. 3-year community consensus process linking Pinellas Economic Development with Pinellas Planning Council as a joint project. (See - www.pinellasbydesign.com)
- **Sequoyah Lodge & Lake Resort** – Development programming for a 500-unit lakefront resort for the Tennessee Valley Authority and Eastern Band Cherokee Indians on Lake Tellico.
- **Overhill Development Company** – Development planning of resort residential projects.
- **Clearwater Seashell Resort** – Development Planning and Approvals with the City of Clearwater for a major hotel/mixed-use project evolved to Aqua Lea Hyatt Hotel-under construction
- **Port of Miami** – Land use Planning & Capital Improvement Program for Dodge Island 500 acre South Florida port of entry and employment center.
- **Port of Mobile** – Interim Cruise Development Strategy with cost-effective use of existing port & city facilities.
- **City of Clearwater** – One City One Future redevelopment visioning
- **Port of San Francisco** – Strategic Planning workshops to define waterfront redevelopment strategies
- **MassPort** Redevelopment Site assessments to determine the best strategy for transportation terminal expansion
- **Port of Philadelphia & Camden** – Redevelopment strategies for Philadelphia navy yard post base closing action of Philadelphia waterfront
- **Four Party Coastal Plan**– Palm Beach County, City of Rivera Beach, West Palm Beach and the Port of Palm Beach developed a joint strategy to coastal development potential

- **City of Orlando, Naval Base closure** – Development Strategy and Base reuse plan prepared for the City of Orlando as RFP package to development community

- **Holland America Line – Westours, Inc.** – Development Planning of out island, \$20 million in capital & acquisition

- **Port of Houston Authority** – Strategic Economic Development program, interim facility, master planning & implementation

- **Tampa Port Authority** – Project mgmt for Garrison Seaport Center and Creation of the Channelside District

- **TECO –Tampa Electric** – Development Manager – responsible for four block downtown assembly structured as TECO Quad.

1987/1988 GULFSTREAM LAND & DEVELOPMENT CORP - Tampa, Florida

SENIOR VICE PRESIDENT

Acquisition manager; project programming for planned unit developments.

1987/1988

TAMPA PALMS DEVELOPMENT CORP - Tampa, Florida

PRES./CEO for Development Corporation for 9,000 AC, nationally award-winning project.

1986/1987

POST, BUCKLEY, SCHUH & JERNIGAN - Tampa, Florida

V.P. - Senior Officer/District Director overseeing six offices and 250 professionals. Principal in charge on large-scale development projects.

1983/1985

POST, BUCKLEY, SCHUH & JERNIGAN - Tampa, Florida

REG MGR - Developed Tampa office and managed large private and public projects.

1981/1983

CITY MANAGER - Dunedin, Florida

Managed service delivery to city of 40,000.

1979/1981

DIRECTOR OF CITY PLANNING-Dunedin, Florida

Guided community growth management.

1974/1978

EDUCATION:

University of Virginia - School of Architecture
Masters in City Planning - Urban Design & Development
Christopher Newport College of William and Mary
Bachelor of Arts - Political Science -Public Administration
Hampton University Department of Architecture
Architectural Studies
University of Florida - School of Architecture
Architectural Studies

PROFESSIONAL MEMBERSHIPS HISTORY & COMMUNITY PARTICIPATION:

Membership History - Urban Land Institute (ULI), □National Association of Industrial and Office Parks (NAIOP), □National Association of Home Builders (NAHB), □American Planning Association (APA), □American Institute of Certified Planners (AICP), □Florida City County Managers Association (FCCMA), International City Managers Association (ICMA), Tampa Chamber of Commerce □- Committee of 100, Tampa Downtown Partnership, □I-75 Corridor Partnership, University North Partnership

Leadership - Founding Chairman Suncoast Section Florida APA, □Leadership Florida 1986 Class V, □Leadership Tampa Bay 1989 Class, □Leadership Pinellas 1981 Class, □ Planning Commission □Chairman's Developer's Anchor Group, □I-75 Plan Advisory Committee, □Tampa Parkway Association, □City of Tampa □Mayor's Centennial Committee and Major community development efforts by regional and downtown partnership programs.

Community - City of Dunedin, □Former Mayor, 2002 - 2003, □Chairman, Management Task Force □Chairman, Charter Review Committee, Municipal Finance Board -Past President, Board of Directors-Dunedin Fine Arts Center, Pinellas County □Public Employment Review Board, Chairman Dunedin Inclusion Committee. Board of Directors Flagship Community Bank

Personal - Church of the Good Shepherd Vestry, Chairman Search Committee, President Endowment Board