

Intergovernmental Coordination

STATEMENT OF ISSUE

An evaluation of the objectives and policies of the GMP for their assessment on the coordination between Collier County and the surrounding local governments. Specifically, the assessment of the effectiveness in coordinating the planning and provision of potable water.

ISSUE BACKGROUND

The Intergovernmental Coordination Element (ICE) is the portion of the Collier County Growth Management Plan (GMP) that contains the County's Goal, Objectives and Policies with regard to relations between the County and non-County governmental entities (as well as quasi-governmental entities, including utility companies). Coordination between the Collier County; the South Florida Water Management District; and various private utilities in regard to the planning and provision of potable water is of outmost importance in meeting future potable water demands in a sustainable manner.

Collier County is served by four Public Sector Water Systems, including the County, the City of Naples, Everglades City, and the City of Marco Island. The County is further subdivided into the Collier County Water-Sewer District (CCWSD) and the Goodland Water Sub-District.

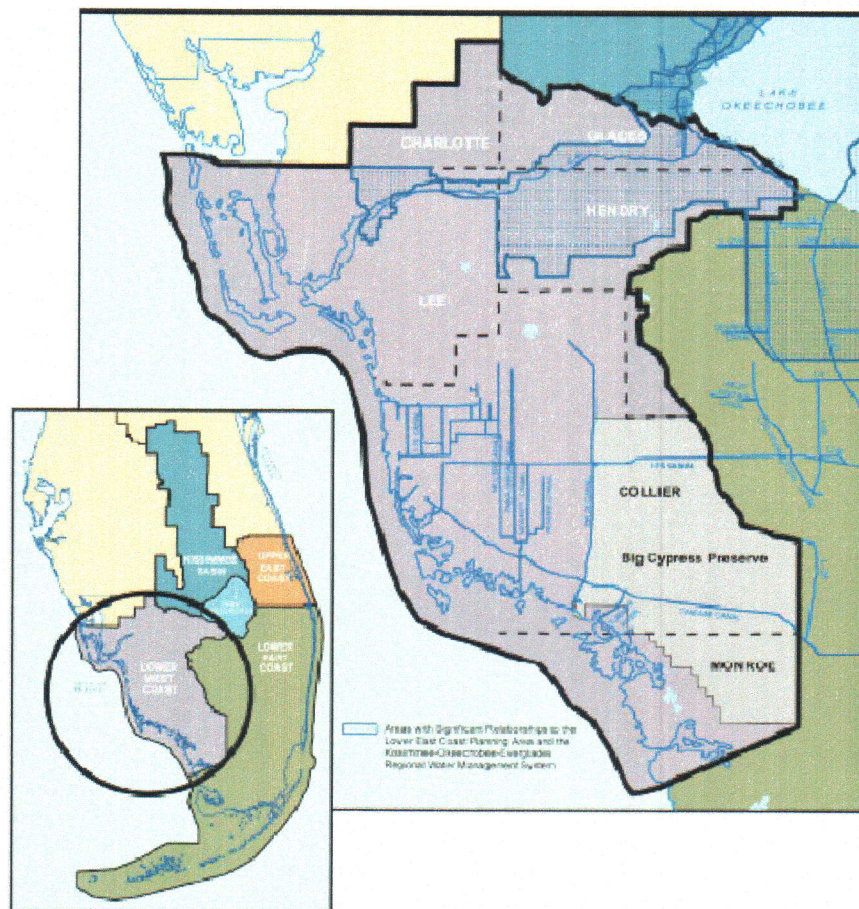
In addition to the Public Sector Water Systems, Collier County is served by four Non- Public Sector Water Systems including the Immokalee Water and Sewer District (IWSD), the Florida Governmental Utility Authority (Golden Gate) (FGUA), the Orange Tree Utility Company (OTUC), and the Ave Maria Utility Company (AMUC). There are also two Private Sector Water Systems which include the Lee Cypress Water and Sewer Co-Op, Inc. and the Port of the Islands Community Improvement District, along with numerous small capacity water systems that are regulated by the Florida Department of Environmental Protection (FDEP).

In anticipation of the rapid population growth and increasing water demands facing the State, and the potential threats to both the economy and natural resources, the Legislature amended the Florida Water Resources Act (Chapter 373, F.S.) in 1997. The amendment required the five water management districts to initiate regional water supply planning in all areas of the State where reasonable anticipated sources of water were deemed inadequate to meet year 2020 projected demands.

The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while taking into consideration impacts on natural resources and the environment. This process identifies areas where historically used sources of water potentially will not be adequate to meet future demands, and evaluates several water source options to meet the potential shortfall. As mandated by Florida water law, each regional water supply plan is based on at least a 20-year future planning horizon, and a complete update of each plan is required every five years.

The South Florida Water Management District (SFWMD) has developed a long-term comprehensive regional water supply plan update for its planning area. Collier County is within the Lower West Coast Water Supply Plan. Previous water supply plans for the Lower West Coast were completed in February 1994 (planning horizon 2010) and April 2000 (planning horizon 2020), which the County utilized to develop its 2002 Water Master Plan Update. The most recent water supply plan update is the 2005-2006 Lower West Coast Plan Update that has a planning horizon of 2025.

In 2002 the Legislature expanded the local government comprehensive plan requirements, known as Chapter 163 of the Florida Statutes, to strengthen coordination of water supply planning and local land use planning. One of the most significant requirements was a Ten-Year Water Supply Facilities Work Plan in order to project the local government's needs for at least a 10-year period, identify and prioritize the water supply facilities and sources of water that will be needed to meet those needs, and include in the local government's Five-Year Schedule of Capital Improvements the capital improvements identified as needed for the first five years. Until the adoption of the County's 10-Year Water Supply Facilities Work Plan, the County's Water Master Plan was considered the County's official plan for water capital improvements and the basis for the 5-year Capital Improvement Schedule contained in the Capital Improvement Element.



Lower West Coast Planning Area Map

On February 25, 2003 the Board of County Commissioners adopted an update to the County's 2001 Water Master Plan, to provide an integrated approach for meeting the projected water system demands up to the year 2022. The "2002 Water Master Plan Update" provided for comprehensive overview of the entire water system, including emergency systems, water demand projections and demands and proposed conservation and reclaimed water projects, and provided a plan for future water supply and infrastructure needs to meet the requirements of growth, infrastructure renewal, replacement and enhancement over a course of five years. This plan utilized population projections prepared by the Collier County Comprehensive Planning Department that were approved at that time by the Florida Department of Community Affairs (DCA) and accepted by the SFWMD. Water demands were provided at five-year increments to be consistent with the 2000 Lower West Coast Regional Water Supply Plan. The 2002 Water Master Plan Update formed the foundation for the proposed County's Ten-Year Water Supplies Facilities Work Plan.

During the State of Florida's 2005 legislative session, lawmakers revised state water law to include a new statutory provision. Local governments within the Lower West Coast Planning Area are required to prepare a Ten-Year Water Supply Facilities Work Plan that identifies water supply projects, and adopt revisions to comprehensive plans within 18 months following the approval of the 2005-2006 Lower West Coast Water Supply Plan Update.

On January 25, 2007, as part of the 2004 EAR-based amendments, and in preparation of the anticipated Ten-Year Water Supply Facilities Work Plan, Collier County adopted language to coordinate water supply planning with SFWMD. Modifications of various Goals, Objectives and Policies (GOPs), as required by these legislative actions, were addressed through the GMP amendment to the Potable Water Sub-Element, Conservation and Coastal Management Element and the Intergovernmental Coordination Element. The amendments referenced the 2002 Water Master Plan Update and any subsequent updates as the appropriate document for the County's water supply planning. The SFWMD's Governing Board approved the 2005-2006 Lower West Coast Water Supply Plan Update on July 12, 2006. Therefore, Collier County had to adopt GMP text amendments that references a Ten-Year Water Supply Facilities Work Plan by January 12, 2008 (or 18 months after the District Governing Board approved each regional water supply plan) [s. 163.3177(6)(c), F.S.].

Collier County adopted its 10-Year Water Supply Facilities Work Plan on February 24, 2009, by Ordinance No. 09-04 (DCA 09-RWSP). The adopted plan, and any subsequent updates, has become the County's appropriate document for water supply planning.

Policy 1.7 of the Potable Water Sub-Element was specifically amended to incorporate by reference the adopted 10-Year Water Supply Facilities Work Plan. Furthermore, the Potable Water Sub-Element (PWSE) of the Collier County's GMP requires coordination with the SFWMD's Lower West Coast Water Supply Plan. Specifically, Objective 1 of the PWSE states: *"The County shall locate and develop potable water supply sources to meet the future needs of the County owned and operated systems, said supply sources meeting the minimum Level of Service Standards established by this Plan. The development and utilization of new potable water supply sources and the acquisition of land necessary for such development shall be based upon the information, guidelines and procedures identified within the County's Ten-Year Water*

Supply Facilities Work Plan (as updated annually), the Collier County Water-Sewer Master Plan, and the Lower West Coast Water Supply Plan prepared by the South Florida Water Management District.”

In addition, Policies 1.4; 1.5; 1.6; and 1.7 of the PWSE specifically require coordination with SFWMD’s Lower West Coast Water Supply Plan.

In regard to the County’s coordination with other public and private utilities, Policy 3.3 of the Potable Water Sub-Element states that *“The Level of Service Standards contained in Policy 3.1 are the minimum criteria for replacement, expansion or increase in capacity of potable water supply facilities.”* Further Objective 3 states, *“Pursuant to Chapter 163.3202, F.S., including any amendments thereto, Collier County has implemented procedures to ensure that at the time a development order is issued, potable water facility capacity that meets or exceeds the minimum Level of Service Standards established herein is available or will be available to serve the development under the guidelines established for concurrency in the Capital Improvement Element of this Plan.”* Also, Policy 1.4 of the ICE states that the County will coordinate its adopted level of service standard within the parameters allowed by the Concurrency Management System of the Capital Improvement Element of this Plan. In this regard, Collier County coordinated with other utilities as part of the 10-Year Water Supply Facilities Work Plan process. By selecting LOSS greater than the LOSS identified in Policy 3.1, FGUA and IWSD are guaranteeing that they will meet Objective 3 when development orders are brought forward in their service areas. The 60 gpcd LOSS selected by OTUC reflects the fact the utility only provides for the potable water needs of its customers. Irrigation needs are met via individual wells and community irrigation systems that are supplied by on-site lakes. In the adopted 10-Year Water Supply Facilities Work Plan, the LOSS for determining future demand for OTUC was taken as 100 gpcd.

An important aspect of the 10-Year Water Supply Facilities Work Plan amendment process is the fact that Collier County strives in coordinating with all pertinent utilities. However, the County does not have the authority to force private and investor owned utilities to adopt the LOSS in Policy 3.1. Rather the LOSS are a guide by which Collier County can determine the concurrency of future development proposed in the service area of each utility. Therefore, no plan amendments that would require private and investor owned utilities to adopt the LOSS in Policy 3.1 are anticipated as part of the EAR based amendments. Nevertheless, and as stated in the above referenced policies, Collier County intends to continue to maintain coordination with the various private utilities that serve the unincorporated areas of the County to the greatest extent possible while taking into consideration the limitations of the County’s regulatory authority allowed with respect to these utilities.

The County’s 10-Year Water Supply Facilities Work Plan includes the list of water supply facilities and all of the alternative water supply projects that it has developed since the early 1990’s and plans to continue to develop over the next 10 years. The 10-Year Water Supply Facilities Work Plan contains data that show the sheer volume of water that is generated by alternative water supply projects as compared to traditional freshwater projects. As noted in the 10-Year Water Supply Facilities Work Plan, the County is capable of delivering up to 68.1 MGD of alternative water supply to its customers compared to only 24 MGD from traditional water supplies. Based on the projects identified in the adopted 10-Year Water Supply Facilities Work

Plan, by 2018, Collier County projects to generate a ratio of 84.35 MGD of alternative water supply and only 25.25 MGD from traditional sources.

The County' strives to use alternative water sources whenever feasible, and is proud to be one of the leading County public utilities that have adopted alternative water supplies as a way of life and is considered a leader in alternative water supplies in the State of Florida.

Comprehensive Plan Implementation

The Collier County Growth Management Plan contains policies that require the coordination between the Collier County; the South Florida Water Management District; and all private held or investor owned utilities, as well as the need of a water supply plan that specifies strategies to meet future water demands of urban and agricultural uses, while taking into consideration impacts on natural resources and the environment. In addition the GMP contains policies that require all pertaining utilities to be consistent with the level of service standards (LOSS) that are identified in the County's CIE