



Date: December 1, 2021
To: Planning and Zoning Board
From: Ellen Hardgrove, City Planning Consultant
XC: Sandy Riffle, Deputy City Clerk
Bea Meeks, City Clerk
Drew Smith, City Attorney
Allen Lane, CPH Engineering, City Engineering Consultant
Re: Comprehensive Plan Amendment Relative to EAR

This agenda item is an update of the pending comprehensive plan amendments that were transmitted to the Florida Department of Economic Opportunity (DEO) June 30, 2021. DEO has reviewed the proposed amendments and sent Objections, Recommendations, and Comments (ORC) to the City August 27, 2021. If stated objections are not dealt with to DEO's satisfaction, the amendments will be found "not in compliance" with state law: Chapter 163.3184(1)(b), Florida Statutes.

Per Statute, the City can adopt, adopt with changes, or not adopt the proposed amendments. Adoption must occur within 180 days of the ORC report (February 24, 2022) or the amendment will be deemed withdrawn.

There were two objections. The first related to the lack of information in the Five Year Capital Improvement Schedule. The second related to the City's proposed elimination of the level of service standard for roads. The following pages present the changes proposed in response to these objections.

In addition to the objections, DEO encourages the City to adopt the now required Property Rights Element pursuant to Section 163.3177(6)(i), F.S. That element is included in the adoption package. DEO also encourages the City to adopt the City's revised Water Supply Facilities Work Plan, which is included in this package.

Objection 1: Five Year Capital Improvement Schedule

The transmitted capital improvements schedule did not include any capital improvements as the city does have any capital expenditures planned for the next five years. However, DEO is requiring the schedule address all necessary capital improvements needed to meet the acceptable levels of service over the 5 year planning horizon even if the City is not fiscally responsible for the infrastructure. Exhibit 1 presents a completely revised Capital Improvement Schedule that replaces the schedule submitted to DEO at the transmittal stage.

Per Chapter 163.3164(7), Capital improvement means “physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiyear financing.” The listed capital improvements refer to the following public facility and services: sanitary sewer (provided by Orange County); potable water (provided by Orlando Utilities Commission); solid waste disposal/landfill (provided by Orange County); and stormwater management/drainage (provided by the City of Edgewood as well as Orange County).

Per Section 163.3177(3)(a)5, Florida Statute (FS), the schedule must also include transportation improvements in the Metropolitan Planning Organization’s Transportation Improvement Program to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. A proposed amendment in this adoption package is elimination of Transportation concurrency since all functionally classified roads within the City limits are either Orange County’s or the State’s jurisdiction and the City is not fiscally responsible nor can statutorily impose binding levels of service on these providers. Regardless, the transportation information is presented for planning and informational purposes.

CITY OF EDGEWOOD CAPITAL IMPROVEMENT PLAN FYS 2021/2022 – 2024/2025						
	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026
SANITARY SEWERS ORANGE COUNTY 225 GPD (WITHOUT RECLAIMED WATER) The identified expenditures are Orange County’s responsibility. City is not fiscally responsible for the landfill capital improvements.						
Portion of Pump Station Package 35– Rehab of PS 3120 serving the City	\$0	\$46,000	\$240,000	\$200,000	\$0	\$0
Portion of Pump Station Package 38 – Relocation and rehab of PS 3220 serving the City	\$0	\$21,000	\$22,000	\$100,000	\$235,000	\$135,000
Gravity Package 29 – Rehab of existing gravity and manholes serving the City	\$0	\$0	\$865,000	\$0	\$0	\$0
SANITARY SEWERS CITY OF ORLANDO 225 GPD (WITHOUT RECLAIMED WATER)						
City of Orlando does not have sanitary sewer lines proximate the City limits with no plans within the next five years for extension to the City limits. Should extension occur in the future, Edgewood would not be fiscally responsible such extension.						
POTABLE WATER ORLANDO UTILITIES COMMISSION 325 GALLONS/DWELLING UNIT/DAY (WITHOUT RECLAIMED WATER)						
No known projects at this time.						
SOLID WASTE COLLECTION: FRANCHISE						
Franchise has identified it has the physical assets to provide the contracted service						
SOLID WASTE: ORANGE COUNTY LANDFILL The identified expenditures are Orange County’s responsibility. City is not fiscally responsible for the landfill capital improvements. No known projects for FY 2025/2026						
Class 3 Waste Disposal Cell 2	\$307,000	\$307,000	\$307,000	\$307,741	\$307,841	

Landfill Cell 11	\$14,773,000	\$7,703,430	\$5,771,570	\$7,540,000	\$2,000,000	
Central Expansion	\$0	\$0	\$0	\$1,703,333	\$1,70,8000	
DRAINAGE: Improvements are not necessary to maintain adopted Drainage Level of Service standards (LOS) over the next 5 years. Drainage level of service is maintained by Edgewood and Orange County.						
TRANSPORTATION The City has no financial responsibility for maintaining the adopted levels of service standards. No transportation improvements within the City are scheduled in the Metropolitan Planning Organizations Unified Transportation Improvement Program. The listed projects are unfunded needs identified by the City.						
Holden Ave/Gatlin Road New SunRail Station and associated bus facilities						
Holden Ave/Gatlin Road Intersection Realignment						
Orange Ave access management/medians						

Sources:

- Charles Shultz (407.246.2658) City of Orlando Sewer service area includes only a small part of the city (Oakwater Professional Office Park). Currently there are no lines proximate the city limit and there are no plans for extension in the next 5 years. Closest lines are along Orange Avenue at Pine Loch, ±0.6 miles north of the city limits. No change in wastewater disposal for this north area is expected within the planning period.
- Chuck DiGerlando OUC 407.434.2563 OUC projects water demand on a five year basis to 2025 and at build-out in 2050. The analysis does not distinguish between City and non-City demand.
- Christine Doan, P.E., Orange County Utilities Engineering Division 407-254-9921, Christine.Doan@ocfl.net
- Orange County Annual Budget FY 2020/2021
- CPH Engineering, Allen Lane
- MetroPlan Cost Feasible Plan and Transportation Improvement Program

Objection 2: Transportation Level of Service

DEO has objected to the elimination of the transportation level of service standards for transportation facilities. As DEO has explained to City staff in teleconferences, even though Florida Statutes no longer requires transportation concurrency, transportation levels of service standards are to be retained for planning purposes. To address DEO’s objection, staff recommends adopting Policy 2.6.3 as shown below. Policy 2.6.4 listed below was Policy 2.1.3 in the Transmittal package with the addition of noting a City second priority for Orange Avenue: landscaping. Moving it under Objective 2.6 was more appropriate than Objective 2.1.

OBJECTIVE 2.6: Transportation planning shall be coordinated with the future land uses shown on the Future Land Use Map of this Plan, the MetroPlan Orlando (MPO) Long-range Transportation Plan (LRTP), FDOT 5-Year Transportation Plan, and plans of neighboring jurisdictions.

Policy 2.6.1 The City shall review updates to the LRTP and FDOT 5-Year Transportation Plan for consistency with this element.

Policy 2.6.2 The City shall review, for compatibility with this element, the transportation plans of neighboring municipalities as they are amended in the future.

Policy 2.6.3 The following level of service standards are adopted for planning purpose.

<u>Roadway</u>	<u>Functional Classification</u>	<u>Minimum Standard LOS</u>
<u>Orange Ave. (at Holden) (SR 527)</u>	<u>Principal arterial urban</u>	<u>E</u>
<u>Orange Ave. (at one-way pair) (SR 527)</u>	<u>Principal arterial urban</u>	<u>E</u>
<u>Hansel Ave.(SR 527)</u>	<u>Principal arterial urban</u>	<u>E</u>
<u>Gatlin Ave.</u>	<u>Urban collector</u>	<u>E</u>
<u>Holden Ave.</u>	<u>Minor arterial urban</u>	<u>E</u>

Policy 2.6.4 The City will continue to cooperate coordinate with the FDOT and Orange County to ensure optimal transportation flow on SR 527, with the primary focus being the realignment of Holden Avenue with Gatlin Avenue. The second focus will be construction of a landscaped median within the Orange Avenue right-of-way. The City shall work toward amending the Metropolitan Planning Organization Long Range Transportation Plan, Project Priority List, and the FDOT 5-year Plan to advance these projects.

Comment 1: Inclusion of the Water Supply Facilities Work Plan (Work Plan)

DEO recommends that the City/St. Johns River Water Management District coordinated Work Plan update be adopted as part of the comprehensive plan by either referencing the document in a policy or replacing the Work Plan currently in the data and analysis portion of the City’s 2013 comprehensive plan. City Council voted to not include the revised Work Plan in the transmittal package.

The updated Work Plan is provided in this package for City Council’s consideration for adoption. If Council chooses to incorporate the revised Work Plan into the adopted portion of the plan, the following policies will need to be added, and the Work Plan will become “Appendix A”.

Conservation Element:

Policy 5.2.5 The City shall maintain a Water Supply Facilities Work Plan and adopt it as an Appendix to the Conservation Element.

Intergovernmental Coordination Element:

Policy 7.3.3 The City shall maintain and implement the Water Supply Facilities Work Plan (WSFWP) per the adopted Appendix A to the Conservation Element. In accordance with Section 167.3177(6)(c), Florida Statutes, the WSFWP shall be updated as necessary subsequent to the St. Johns River Water Management District’s (SJRWMD’s) update of Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP). ~~has developed a ten-year water supply work plan that addresses current and projected water needs and sources. The City shall coordinate with all applicable local, state, and federal agencies regarding the work plan. In addition, the City will update the work plan within 18 months of any update to the regional water supply plan.~~

Staff is recommending approval of this option. These policies are included in the proposed adoption ordinance.

If Council chooses to include the revised Work Plan into the data collection and analysis portion of the plan, the action would be to replace the 2013 “Ten Year Water Supply Facilities Work Plan” with the revision, and the above policies removed from the ordinance.

The Work Plan is attached below.

City of Edgewood 2021-2030 Water Supply Facilities Work Plan

Section 1: Introduction

The St. Johns River Water Management District's (SJRWMD's) Central Florida Water Initiative (CFWI) Regional Water Supply Plan (RWSP) identifies the City of Edgewood (City) as being within a Water Resource Caution Area. Therefore, in accordance with Section 167.3177(6)(c), Florida Statutes (F.S.), the City is required to adopt and maintain a water supply facilities work plan, and update the comprehensive plan, as necessary, to implement the work plan and associated water supply-related legislative requirements.

Water supply facilities work plans, in accordance with Section 163.3177(6)(c), F.S., are required to address at least a 10-year planning period and identify a local government's program to implement traditional and alternative water supply projects, and reuse and water conservation practices/projects necessary to meet existing and future water demands. In addition, in accordance with Section 163.3177(6)(h), F.S., the City must ensure coordination of its water supply facilities work plan and comprehensive plan with SJRWMD's CFWI RWSP.

SJRWMD updates the CFWI RWSP at least every five years, in accordance with Chapter 373, F.S. Subsequently, when the CFWI RWSP is updated, and it affects the City, it may be necessary for the City to update its water supply facilities work plan prior to the end of its 10-year planning period.

Section 2: Water supplier(s) and service agreement(s)

The City does not provide potable or non-potable water service or sanitary sewer service. Nor does the City own or maintain a potable water or wastewater system. The City's municipal limit is located entirely within the Orlando Utilities Commission (OUC) potable water service area. OUC is a municipal utility owned by the City of Orlando and its potable water service area includes the cities of Orlando, Edgewood, Belle Isle and large portions of unincorporated Orange County.

For wastewater, the majority of the City is within Orange County's wastewater service area. The City's northernmost area is within Orlando's wastewater service area; however, the closest trunk line is $\pm 6/10$ mile north of the city limits on East Pinesloch Avenue. This portion of the City is currently developed and served by onsite sewage disposal systems (septic tanks). No change in wastewater disposal for this north area is expected within the planning period.

Residential and non-residential potable water users within the City of Edgewood purchase retail water directly from the OUC. This is enabled through a territorial agreement.

Section 3: Potable Water Demand, Sources, and Supply

The City relies on OUC to ensure that adequate water supply and facility capacity are available to meet the needs of existing and future customers within the City of Edgewood. Because OUC is owned by the City of Orlando, the City of Orlando's water supply facilities work plan must address OUC's program to implement water supply projects, reuse and water conservation necessary to meet water demands within OUC's entire service area. Therefore, the City should monitor and participate, as necessary, in OUC's and Orlando's water supply planning processes to ensure that they account for the City's current

and future water needs. Intergovernmental Coordination Element Policy 7.3.5 contains enabling language for this participation and coordination.

OUC Consumptive Use Permit (CUP)

OUC has a CUP [#3159] from SJRWMD that authorizes the use of (allocation) 39,868.4 million gallons per year (109.22 million gallons per day [mgd]) of ground water from the Floridan aquifer to serve a projected population of 522,848 people in 2023 with water for household, commercial/industrial, irrigation, and water utility type uses. However, in accordance with CUP permit conditions related to implementation of certain projects (e.g., Project RENEW), OUC’s allocation has been reduced to 100.1 mgd.

OUC’s current CUP expires in October 2023. In September 2020, OUC submitted a CUP renewal application to SJRWMD, which is currently under review. OUC’s CUP renewal application requested approval of the same use/allocation amount as its existing CUP (i.e., 109.22 mgd). It is anticipated that SJRWMD will issue OUC a new CUP before October 2023, although the allocation amount has not yet been determined.

City of Orlando Water Supply Facilities Work Plan

The City of Orlando’s water supply facilities work plan was last updated in 2017. The figure below is from the 2017 work plan and contains OUC’s ‘forecasted total water supply needs and sources.’ The figure below indicates that groundwater sources totaling 109.2 mgd will be needed through 2030.

Figure 7. Forecasted Total Water Needs and Sources Orlando Utilities Commission (OUC)	Demand Projection or Available Supply (MGD, AADF)			
	2015 Baseline	2020	2025	2030
Supply or Demand Component				
OUC Potable Water Demand - Total Service Area ⁽¹⁾	82.4	94.6	102.4	108.6
OUC Reclaimed Water Demand - Total Service Area ⁽²⁾	11.6	13.7	15.6	16.7
Total Water Demand - Total Service Area	94.0	108.3	118.0	125.3
Total Water Demand - in City of Orlando ⁽³⁾	55.5	63.9	69.6	73.9
Groundwater Supply Available ⁽⁴⁾	105.0	109.2	109.2	109.2
Reclaimed Water Supply (City/County w/o golf courses) ⁽⁵⁾	20.9	20.7	20.5	21.9
Surface Water Supply Available (SJR/TCR Project)	0.0	0.0	0.0	5.0
Water Conservation Rebates (Demand Reduction Amount)	0.5	1.0	1.5	2.0
Total Supply Available	126.4	130.9	131.2	138.1
Forecasted Supply Surplus - Total OUC Service Area	32.4	22.6	13.2	12.8
(1) Projections taken from Table A-1 of 2015 Final CEWL RWSP, Volume IA. Based on BEBR medium scenario for 5-in-10 year rainfall. Projections based on a 1-in-10 year rainfall, which increase demands by 6%, are also provided in the RWSP.				
(2) Based on reclaimed water demands for OUC service area per Carollo reclaimed water model update for the City in 2016 without golf courses and adding in County estimated demands in OUC service area without golf courses. It is assumed there will be a maximum demand of 3 mgd for OUC customers served by Orange County utilities.				
(3) Assumes 59% of OUC demand is in City of Orlando based on the proportion of City population to total OUC population in 2015.				
(4) Groundwater supply available is assumed to be limited by permit allocation or facility capacity, whichever is less. OUC CUP expires in 2023. Allocation for 2025 and 2030 is assumed to remain the same as the allocation at the end of the permit duration.				
(5) Reclaimed water supply available to OUC includes a maximum of 3 mgd from the County and the low range supply projections for Iron Bridge, CI, and CII with non-OUC demands, golf courses, and minimum wetlands flow and CII RIB flow subtracted. (Table provided by OUC 2016)				

The City of Orlando is currently updating its water supply facilities work plan to address the 2020 CFWI RWSP, including the respective water demand projections and potential project options that OUC could implement during the planning period to help meet its services area’s water demand.

The 2020 CFWI RWSP water demand projections for OUC’s service area are below.

	2020	2025	2030	2035	2040
OUC Service Area population	464,686	495,812	523,056	551,690	566,613
OUC water demand	86.90 mgd	92.72 mgd	97.82 mgd	103.17 mgd	105.89 mgd

The 2020 CFWI RWSP potential project options involving OUC are below.

- OUC Irrigation Conservation Phase 2
- Project RENEW
- OUC Southeast Water Treatment Plan Lower Floridan Wellfield
- St. Johns River / Taylor Creek Reservoir
- St. Johns River Near Yankee Lake - Option 2

The City of Edgewood’s population is approximately 3,000, and is expected to increase about 4.0% for each 5 year planning period increment as a result of the development of a new single family subdivision and redevelopment of commercial to multi-family units. Correspondingly, the water demand within the City is also expected to increase during the planning period. Overall, though, the City’s population will remain a very small percentage of OUC’s customer demand.

The 2020 CFWI RWSP indicates that the water demand for OUC’s service area will be 97.82 mgd in 2030, which is below the current CUP allocation of 100.1 mgd. However, once OUC receives a new CUP and the City of Orlando completes its own updated water supply facility work plan, the City of Edgewood should update this section of its water supply facilities work plan to be consistent with the new CUP and work plan and to document that: 1) OUC has adequate water supply for the planning period, and 2) the project options OUC plans to implement from the CFWI RWSP.

Section 4: Water supply concurrency and level of service standards

The City is ultimately responsible for authorizing development within its municipal limits. However, because the City relies on OUC for water service, its concurrency management system and level of service (LOS) standards should include coordination and consistency with OUC and City of Orlando. Policies 4.11.1, 4.11.2, 7.3.1, 7.3.2, and 8.3.1 and contain enabling language for such coordination.

Section 5: Water Conservation

Water conservation is important to reduce water demand and ensure the sustainability of water supply sources utilized by the City. The City currently implements many water conservation practices, including some that are enabled by comprehensive plan policies. In addition, because the City relies on OUC for water service, its water conservation practices should be coordinated with OUC. The City’s water conservation practices include the following:

- Participating in water conservation activities with OUC and SJRWMD (Objectives 7.3 and 5.2);
- Including water conservations measures in development regulations (Objective 4.12, Policy 4.12.1);

- Requiring or encouraging installation of water saving or low-volume plumbing fixtures (Policies 4.12.1, 5.2.3, and 5.2.7);
- Utilizing water reuse or reclamation, when available and appropriate, for irrigation and other non-potable applications (Policies 4.12.1 and 5.2.8);
- Requiring or encouraging development to use water efficient, natural and/or drought resistant plants and landscaping (Policies 4.12.1, 5.2.2, and 5.2.7);
- Supporting water conservation by participating in county, state and federal programs (Policy 4.12.2);
- Assisting SJRWMD during emergency water shortage declarations (Policy 5.2.4)
- Encouraging water conservation regulations that encourage use of low impact development techniques (Policy 5.2.6); and,
- Encouraging or participating in water conservation educational activities, such as observing water conservation month, and newsletters (Policy 5.2.9).

END

Comment 2: Update the Future Land Use Data and Analysis

While it is evident that the proposed future land use policy amendments are being adopted to meet the goals of 1) eliminating uses that are inconsistent with the vision for the City by modifying land use and the development pattern along Orange Avenue, 2) discouraging urban sprawl, and 3) economic development by strengthening and diversifying the community's economy, DEO is encouraging the City to update the information and projections within the data and analysis presented in the 2013 Future Land Use Element to support the proposed amendments. This would be a major project for which the City currently has no budget for. A line item for this project should be considered in next year's budget to update the City's comprehensive plan.

Comment 3: Inclusion of a Property Rights Element

Pursuant to Section 136.3177(6)(i), F.S., local governments are required to adopt a Property Rights Element in its comprehensive plan by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, but no later than the date of the next scheduled evaluation and appraisal of the comprehensive plan (April 2025) for the City of Edgewood). The City Attorney recommends this element be incorporated with this amendment cycle as presented below.

Property Rights Element

Goal and Policy

GOAL 9: The City shall respect judicially acknowledged and constitutionally protected private property rights.

Policy 9.1: The City shall consider the following property rights in decision making.

- A. Property owners shall have the right to physically possess and control his or her interests in the property, including easements, leases, or mineral rights;
- B. Property owners shall have the right to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances;
- C. Property owners shall have the right to privacy and to exclude others from the property to protect the owner's possessions and property; and,
- D. Property owners shall have the right to dispose of his or her property through sale or gift.

Comment 4: Inclusion of two planning periods: a 5-year and 10 (or more)-year horizon

Similar to the response to Comment 2, this would be a major project for which the City currently has no budget for. A line item for this project should be considered in next year's budget to update the City's comprehensive plan, a plan that will cover the first 5 year period occurring after the plan's adoption and one covering at least a 10-year period.

ESH