



**Wekiva River Basin
Commission**

Commission Meeting

May 26, 2005

1:30 PM – 5:00 PM

Maitland Civic Center
641 South Maitland Avenue
Maitland, FL 32751

MEETING SUMMARY

I. CALL TO ORDER AND ROLL CALL

Sen. Constantine called the meeting of the Wekiva River Basin Commission to order at 1:30 pm. Roll was taken by Ms. Andrea Fant. The following Committee members were in attendance:

1. Honorable Lee Constantine, Chair – *Senator, Florida Senate District 22*
2. Mayor James Yatsuk – *Mayor, City of Mount Dora*
3. Mr. Charles Lee – *Senior Vice-President, Florida Audubon Society*
4. Commissioner Teresa Jacobs – *Commissioner, Orange County*
5. Commissioner Catherine Hanson – *Commissioner, Lake County*
6. Honorable Brenda Carey – *Commissioner, Seminole County BCC*
7. Honorable John Land – *Mayor, City of Apopka*
8. Honorable Steve Wolfram – *Commissioner, City of Altamonte Springs*
9. Mr. James Stansbury for Mr. Thaddeus Cohen – *Secretary, Florida Department of Community Affairs*
10. Mr. Allan Keen – *Chairman, Orlando/Orange County Expressway Authority*
11. Mr. Gary Johnson – *Executive Director, Seminole County Expressway Authority*
12. Mr. Charles Aller – *Director, Office of Agriculture Water Policy, Florida Department of Agriculture and Consumer Services*
13. Dr. Bonita Sorensen – *Deputy State Health Officer, Florida Department of Health*
14. Mr. George Gilhooley – *District Secretary, Florida Department of Transportation*
15. Mr. Dennis David – *Regional Director, Florida Fish and Wildlife Conservation Commission*
16. Ms. Vivian Garfein – *District Director, Florida Department of Environmental Protection*
17. Mr. Kirby Green – *Executive Director, St. John's River Water Management District*
18. Mr. Harold Barley – *Executive Director, Metroplan Orlando*

Senator Constantine offered the February 3, 2005 minutes for approval. Mr. Wolfram moved to approve the minutes. The minutes passed unanimously.

LOCAL PLAN AMENDMENT/COORDINATION ACTIVITIES – James Stansbury, FDCA

Mr. Stansbury stated the governor signed a budget approving a substantial amount of money for growth management. Mr. Stansbury noted some of the money will be used for

implementing the Wekiva project. He stated future meetings will be held with the local governments to look at opportunities for combining resources to use the money. He also stated meetings will be held with the Water Management District to come up with potential models. Mr. Stansbury noted FDCA will coordinate with other agencies for technical assistance.

Senator Constantine stated each of the 10 cities and 3 counties needs to do similar land planning and comprehensive planning within the areas of the region involved in the Wekiva study area. He stated DCA would work in coordination with the Regional Planning Council's planners in order to save money. He noted there was no reason for the cities to hire planners when they could work in conjunction with the Regional Planning Council. Senator Constantine stated DCA should continue to work with the different agencies and water management districts to ensure their vision is included, though a closer look at the comprehensive plan changes should be done in a coordinated effort among all local governments. He noted DCA needed to work with the local governments before they spend more money than necessary on their own individual plan.

Mr. Lee stated sometime in the future, the commission needs to have some discussion regarding the local governments' efforts. Additionally, he stated the committee should receive a status report from each of the local governments.

Senator Constantine stated for the September agenda, the committee needed to address the issue of extending the time frame. He stated DCA needs to generate a report so the counties and cities can work on the same path and agenda. He noted for the next meeting agenda, SJWMD would address its goals. Mr. Jeff Jones stated two meetings were scheduled to begin coordination with DCA. The April meeting focused on meeting statutory requirements and coordination between local governments. The second meeting will be held on Tuesday, May 31, 2005 to follow up on the April meeting and to begin movement toward the goals previously outlined.

Senator Constantine noted DCA and the RPC seemed to be the best candidates for a clearinghouse for coordination.

WEKIVA PARKWAY AND PROTECTION ACT "GLITCH" BILL (SB 908) – James Stansbury

In summary, Mr. Stansbury noted the bill will limit stormwater management and wastewater facility plan requirements to portions of local governments within the study area, extend the time for preparing interchange land use plans to one year after establishment of interchange locations, exempt I-4 and Wekiva Parkway intersections from interchange land use plan requirements, extend the deadline for adopting water supply facility work plan to December 1, 2006, and allow small-scale comprehensive plan amendments to proceed without Department review.

GROWTH MANAGEMENT BILL/2005 LEGISLATIVE SESSION – James Stansbury

Mr. Stansbury stated the Senate Bill 360 provided for element changes within the comprehensive plan. He referenced a handout entitled *Department of Community Affairs, Highlights of 2005 Infrastructure Planning and Funding Act*.

In regards to concurrency, it is a requirement that school capacity be in place or under actual construction within 3 years after final subdivision or site plan approval. Mr. Stansbury noted this element is not due to be adopted until December 1, 2008.

Mr. Stansbury noted the rule regarding regulatory incentives. The rule provides that where local governments have adopted a community vision and "urban service boundary" into their comprehensive plan, future land use map amendments within the urban service boundary are exempt from state and regional agency review, except in Areas of Critical State Concern or

Coastal High Hazard Areas. Mr. Stansbury noted an urban service boundary may be different than an urban service area. He stated having an existing urban service boundary or urban service area may not meet the requirements under the rule.

Senator Constantine noted there was a concurrency requirement that needed to be in place at a certain time and it was something the local government would have to handle.

Commissioner Jacobs noted there was a Smart Growth Alliance meeting yesterday, May 25, 2005. She stated the concerns included allowing DCA to have fewer responsibilities and discussion concerning the importance of growth management.

Ms. Hanson stated funding was largely provided by the state. He noted the committee needs to be careful that all costs are not passed down. Senator Constantine stated such issues fell under DCA's responsibility.

LEGISLATIVE CHANGES TO WEKIVA PARKWAY AND PROTECTION ACT – *James Stansbury*

Mr. Stansbury made reference to a slide presentation.

Senator Constantine stated there needs to be a plan. Mr. Lee mentioned there was a conflict between the 2 statutes. Commissioner Jacobs stated it was appropriate for the body to make recommendations because of conflicts.

MOTION: Commissioner Jacobs moved to recommend that DCA enforce SB 360.

Senator Constantine stated the last bill takes precedence over previous legislation. He stated the committee needs to go back and review SB 360 (Comprehensive Growth Management Act).

STATUS REPORTS ON AGENCY ACTIVITIES:

FLORIDA DEPARTMENT OF HEALTH – *Dr. Bonita Sorensen, Deputy State Health Officer*

Dr. Sorensen stated the Florida Department of Health was asked by the Commission at the previous meeting to bring a copy of draft rule language for the Commission's review. She introduced Mr. Mark Hooks, who then read the rule distributed to the Commission members.

Mr. Hooks stated in protecting the springs, DOH is trying to keep the concentration of nitrogen within septic tanks at a low level. He noted nitrogen promotes plant growth. When plant growth forms in rivers and springs, it causes an enormous amount of algae, which can choke the water body and effect wildlife. Consequently, too much nitrogen in drinking water can cause health hazards, especially in infants.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION – *Ms. Vivian Garfein, DEP*

Ms. Garfein stated the report the committee issued required DEP to either initiate rule making with regards to the requirements of waste water treatments systems or seek legislative enactment by March 1, 2005. She stated because it was proposed to have a more stringent requirement than the 10 mg/liter, DEP felt it did not have the requisites for the specific statutory requirements to move forward. As a result, DEP requested specific legislative authority to move forward and adopt rules. This will give DEP the ability to require stricter nitrogen levels than are currently in place for the relatively large facilities in the area.

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT – *Mr. Kirby Green, SJRWMD*

Mr. Green stated the SJRWMD is undergoing rule development in two areas: lowering the threshold level from 100,000 gallons to 50,000 gallons in pre-post recharge and stormwater management. The latter study should be completed in August 2005. Then, an economic analysis will be conducted to determine what will be the cost of the new

regulation. He stated SJRWMD should have a rule with the notice of economic impacts between early winter 2005 and the first quarter of 2006. Additionally, Mr. Green noted the SJRWMD had to adopt the pollution reduction goals for the Wekiva area by December 2005, which leads to TMDL guidelines next year.

ORLANDO/ORANGE COUNTY EXPRESSWAY AUTHORITY – *Mr. Mike Snyder, OOCEA*

Mr. Keen stated OOCEA reached an agreement with the Wekiva River mitigation bank LLC to protect land within the New Garden Coal parcel. The 1553 unit parcel, located within the Wekiva River Basin, is one of four parcels identified for protection in the Wekiva Parkway and Protection Act signed by Governor Bush in 2004. The agreement requires a 41 acre right of way for the Wekiva Parkway. The New Garden Coal parcel was recently established as a mitigation bank. It includes a conservation easement over the majority of the 1553 acres of protected land with the exception of the required right of way. The closing is scheduled for July 15, 2005, at which time a perpetual conservation easement will be given to the State of Florida Board of Trustees. Mr. Keen noted DOT paid two and a half million dollars.

Mr. Snyder stated OCCEA is speaking with the various property owners of three other parcels. He noted there will be additional information in about three months.

Mr. Snyder noted the initiation of the Project Development and Environmental Study on the Wekiva Parkway. Mr. Mark Callahan gave an update on the PD & E, and noted the activities over the last few months have consisted mainly of data collection. Mr. Callahan made reference to a slide presentation.

Mr. Snyder noted the first tier assessment will take place during the summer. The assessment will begin the process of eliminating alignments that have fatal flaws. He noted a public meeting will be held in the fall, around October or November, to obtain feedback on initial alignments. Mr. Callahan stated there is a two year plan and efforts are moving along. Additionally, he stated the expressway is working with staff of the Seminole County Expressway Authority to identify potential locations for the Wekiva Parkway.

NEW BUSINESS AND DISCUSSION OF FUTURE AGENDA ITEMS AND MEETING DATES – *Senator Constantine*

Senator Constantine stated the next meeting will be held on September 22, 2005 at 1:30 PM. He stated at that meeting, the board will hear status reports from the different agencies. He noted DCA, ECFRPC, and the cities and counties needed to state their progress regarding the comprehensive plan and time frames. Senator Constantine stated the SJRWMD will have some discussion, but that a detailed version will be provided in the December meeting. Additionally, he stated the SB 360 glitch bill will be discussed. Senator Constantine stated he anticipates there will be another meeting at the end of this year or early next year, which will be decided at the September meeting.

PUBLIC COMMENT – *Senator Constantine*

Mr. Ron Suchecki stated he has spoken with members of DOH and has been informed of changes in the replacement of septic systems in the protected area to allowing them to remain until the point of failure before replacing them. Mr. Suchecki stated DOH members informed him that the average system in Florida lasts 17.8 years. Mr. Suchecki suggested the Commission recommend upgrading the systems to the current technology. Mr. Suchecki stated allowing the systems to remain until the point of failure will elicit pollutants. Senator Constantine stated he will suggest DOH give Mr. Suchecki's statement consideration.

ADJOURNMENT – *Senator Constantine*

The meeting adjourned at 3:34 PM.