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2024 Comprehensive Plan Amendment Cycle TTA2024003 HB1379

SUMMARY				
Applicant:	Proposed Change:	Amendment Type:		
Tallahassee-Leon County Planning Department	This is a text amendment to implement the requirements of House Bill 1379	Joint Text Amendment		
TLCPD Staff:	Comprehensive Plan Amendment:	LPA Recommendation:		
Stephen Hodges	Utility Element	Continued to 03/05/24		
Contact Information:	Policy Number(s):	Staff Analysis:		
Stephen.Hodges@talgov.com 850-891-6408	Objective 1.3: [SS] Policy 2.1.6: [SS]	Consistent		
Date: 12/15/2023	Updated: 3/7/2024			

A. EXECUTIVE SUMMARY

Florida House Bill 1379, signed into law in 2023, requires comprehensive plans to address wastewater treatment, onsite sewage treatment and disposal systems (OSTDS), and sanitary sewer. Many of the requirements of the legislation are currently included in the Tallahassee-Leon County Comprehensive Plan; however, some clarifying language is recommended in the proposed text amendment to ensure consistency with the adopted legislation. These updates incorporate language to address advanced wastewater treatment and feasibility of providing sanitary sewer in the Sanitary Sewer section of the Utilities Element.

B. LOCAL PLANNING AGENCY (LPA) RECOMMENDATION

At the February 6, 2024 Local Planning Agency (LPA) meeting, the LPA continued the HB1379 agenda item to the March 5, 2024 meeting at staff's request in order to allow the completion of needed analyses and text. The LPA at their March 5, 2024 meeting considered the finalized HB1379 agenda item and found that the proposed text amendment is **consistent** with the Tallahassee-Leon County Comprehensive Plan, based on the findings and other information contained in this staff report, and recommend **ADOPTION** of the proposed amendment.

C. STAFF RECOMMENDATION

Staff finds the proposed text amendment **consistent** with the Tallahassee-Leon County Comprehensive Plan based on the findings and other information contained in this staff report.

D. PROPOSED POLICY CHANGE

This text amendment provides for the revision of certain policies to the Tallahassee-Leon County Comprehensive Plan within the Sanitary Sewer sub-element of the Utilities Element to address wastewater treatment. Staff coordinated with related municipal departments on the data and analysis required to complete the feasibility study for the element; the completed feasibility study supports the proposed comprehensive plan amendment language. The proposed text amendment language:

• Objective 1.3: [SS]

Needed sanitary sewer facilities will be provided in a manner which that promotes orderly, compact urban and cost-efficient growth while optimizing the use of existing facilities and prioritizing advanced wastewater treatment where feasible and consistent with the goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan.

• Policy 2.1.6: [SS]

Reserved Pursuant to section 163.3177(6)(c), F.S., the City of Tallahassee and Leon County have considered the feasibility of providing sanitary sewer services to development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre within a 10-year planning horizon. The feasibility analysis was performed in accordance with Section 21-91 of the Code of General Ordinances of the City of Tallahassee and the Water and Sewer Agreement between the City of Tallahassee and Leon County, which addresses the provision of potable water and wastewater infrastructure. Additionally, pursuant to Policy 1.3.1: [SS], existing developments outside of the Urban Services Area or designated Rural Communities are not deemed feasible except where consistent with Policy 1.3.2: [SS]. Based on the foregoing, the City of Tallahassee and Leon County have deemed it infeasible to provide sanitary sewer services to the developments specified in section 163.3177(6)(c), F.S. This policy shall be amended as needed to account for future applicable developments.

E. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed amendment is consistent with the following the goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan:

- **Goal 1: [SS]** Provide efficient wastewater treatment that meets the demands of the community while maintaining public health and environmental standards.
- *Policy 1.3.1: [SS]* Central sanitary sewer service shall be provided only in the Urban Service Area, designated Rural Communities (as provided by Policy 1.1.4: [L]), and the Urban Fringe land use category (only under the circumstances provided in Policy 1.3.2: [SS]). Areas outside those areas indicated above shall obtain sewage treatment through the use of an on-site

system or a package plant, if consistent with the criteria provided in Policy 1.3.3 [SS]. An on- site system may serve more than one parcel but only to correct an existing environmental problem. The capacity of these facilities shall be limited to that necessary to serve development existing on or prior to February 1, 1990.

• *Policy 1.3.2: [SS]* For areas lying outside of the Urban Service Area boundary and within the Urban Fringe land use category, central sanitary sewer service may be extended and/or provided by an existing utility provider under the following circumstances:

a) To serve an existing residential subdivision in order to correct documented environmental or health problems associated with failing septic treatment systems; or

b) To serve a new Conservation subdivision or permitted non-residential use that is otherwise in compliance with the Comprehensive Plan and its implementing land development regulations; AND

c) No additional lands designated Rural or Urban Fringe as of August 26, 2006 shall be converted to a more dense or intense land use category unless adjoining lands are also within the designated Urban Service Area boundary or the designated Woodville Rural Community. Conversions to the Woodville Rural Community designation shall be consistent with the Transfer of Development Units provision in Policy 4.2.5: [C].

All costs of sewer line extensions, any necessary lift stations and on-site sewer infrastructure shall be borne by the developer as specified within the adopted "Water and Sewer Agreement" and shall be constructed to the standards specified within the Agreement. In cases where the City of Tallahassee is the service provider, the City Manager and the County Administrator or their designees may agree that the connection of a development to central sewer is not economically feasible and may deny such requests to connect. Such cases may arise when considering lower density isolated developments, developments located in areas that are not environmentally sensitive, or developments that are not within a reasonable distance to existing infrastructure. The City of Tallahassee shall place a higher priority upon serving areas that are within the Southside Action Plan area and/or areas that may be determined to negatively impact the environmental quality of Wakulla Springs if developed with traditional septic tank systems. The City of Tallahassee reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from those criteria for connection found within the "Water and Sewer Agreement." As part of such agreements, additional financial responsibility may be borne by the developer for connection to occur.

- **Goal 2: [SS]** Sanitary sewer facilities and service shall be provided to meet existing and projected demands identified in this plan.
- **Objective 2.1: [SS]** Coordinate with utility providers in the extension of sanitary sewer services to ensure that sanitary sewer service is provided in a cost-efficient manner to serve development within the adopted Urban Service Area boundary.
- *Policy 2.1.2: [SS]* Potable water service and sanitary sewer service shall be extended to serve community service customers within the Urban Service Area. Until such time as utility services are available, community service land uses shall be allowed to connect to on-site facilities.

Approval will be limited to community service users with less than 5,000 square feet of floor space, or a sewage flow estimated not to exceed 900 gallons per day as provided for in Policy 1.2.3: [SS].

- **Policy 2.1.3:** [SS] New developments, which require site and development plan approval or issuance of a development order shall be required to connect to central sewer if such service is defined as available within the current Water and Sewer Agreement. The requirement to connect to central sewer and the definition of service availability found with the Water and Sewer Agreement are applicable to all service providers within the County.
- *Policy 1.1.4: [L]* Central water and sewer may be provided in areas designated as Rural Community, Woodville Rural Community, and enclaves within the Woodville Rural Community designated for Residential Preservation on the future land use map.

F. SUMMARY OF FINDINGS

History and Background

The Tallahassee-Leon County Planning Department is proposing this amendment to comply with Section 163.3177(6) of Florida Statutes as amended by House Bill 1379 during the 2023 legislative session (See Appendix #1).

House Bill 1379, signed into law in 2023, requires local governments to address wastewater treatment, onsite sewage treatment and disposal systems (OSTDSs), sanitary sewer services, basin management action plans (BMAPs), the State of Florida's wastewater grant program, the Indian River Lagoon, and the acquisition of state lands.

Several aspects of this new law within Section 163.3177(6)(c)3, Florida Statutes, require changes to existing comprehensive plans. These changes include (1) including a sanitary sewer element and several new related requirements, and (2) requiring comprehensive plans to determine the feasibility of providing sewer instead of septic in certain areas and upgrading facilities to advanced wastewater treatment.

The requirements of HB1379 for sanitary sewer addressing comprehensive plans are already largely met by existing language in the Comprehensive Plan. This includes the requirements in the revised Paragraph (c) of subsection (6) of section 163.3177, Florida Statutes. This specific language requires the following:

- 1. The local government must consider the feasibility of providing sanitary sewer services for any existing development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, within a 10-year planning horizon.
- 2. The local government must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. (An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary.) This requirement must also be met for future applicable developments.

Section 163.3177, F.S., requires that local government comprehensive plans provide the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management (where applicable) and public facilities.

Since its initial adoption in 1990, the Tallahassee-Leon County Comprehensive Plan has had a Utilities Element that addresses solid waste management, aquifer recharge areas and activities, the provision of potable water and sanitary sewer services, and stormwater management. These individual areas addressed by the Element are considered sub-elements.

Utilities Element/Sanitary Sewer Sub-Element

Extension of Service

There are existing policies in the Sanitary Sewer Sub-Element (SSSE) that address the requirements of HB1379, including several that specify where central sanitary sewer service is to be provided. For instance, Policy 1.3.1 [SS] limits the provision of central sanitary sewer service to the Urban Service Area, designated Rural Communities (as provided by Policy 1.1.4 [L]), and the Urban Fringe land use category (only under the circumstances provided in Policy 1.3.2 [SS]). Areas outside those areas indicated above shall obtain sewage treatment using an on-site system or a package plant.

Policy 1.3.2 [SS] allows the extension or provision of central sanitary sewer service by an existing utility provider to areas lying outside of the Urban Service Area boundary and within the Urban Fringe land use category, central sanitary sewer to serve an existing residential subdivision in order to correct documented environmental or health problems associated with failing septic treatment systems; or to serve a new Conservation subdivision or permitted non-residential use that is otherwise in compliance with the Comprehensive Plan and its implementing land development regulations.

Policies in the SSEE that address the extension of sewer services to new developments include Policy 2.1.2 [SS] which requires potable water service and sanitary sewer service to be extended to serve community service customers within the Urban Service Area. Policy 2.1.3: [SS] requires new developments which require site and development plan approval or issuance of a development order to connect to central sewer if such service is defined as available within the current Water and Sewer Agreement. The requirement to connect to central sewer and the definition of service availability found with the Water and Sewer Agreement are applicable to all service providers within the County.

Demand, Capacity, and Financial feasibility

Several policies in the SSSE address demand, capacity, and the financial feasibility of central sanitary sewer service. For instance, Policy 1.3.6 [SS] requires procedures to be developed to periodically update and project facility demand and capacity information as development orders or permits are issued. Policy 1.3.7 [SS] (City of Tallahassee) requires connection fees and user fees to be set at levels sufficient to finance the sewer infrastructure projects in the CIE.

Planning

Policy 2.1.5: requires the City of Tallahassee to prepare and maintain long-range master plans with a 20-year planning horizon for major sewer infrastructure facilities and services from which subsequent five-year capital improvement programs shall be derived. These long-range master plans shall be based upon a needs plan to serve the Future Land Use Plan and its expected population within the Urban Service Area and shall also contain a cost feasible plan.

These long-range master plans are required to be updated every five years, consistent with the provisions of the Water and Sewer Agreement. The County may propose new capital projects for inclusion in these documents. The draft plan shall be submitted to the County for review prior to finalization and the County shall provide comments, if any, prior to adoption by the City Commission. The timing and location of service expansion projects identified in these plans shall be based on the rational extension of such services from existing urbanized areas so as to encourage compact development.

Policy 2.1.10 [SS] requires all extension and planning of sanitary sewer facilities and services to be consistent with the adopted Water and Sewer Agreement. Policy 2.1.12 [SS] requires any land proposed for development using septic tanks within the Urban Service Area, or within a designated Rural Community that is identified as a Target Area Rural Community in the adopted Water and Sewer Agreement, to be subject to the following requirements:

- a) Dedicating easements/right-of-ways for future installation of water and sewer lines.
- b) Connecting to the City's water and sewer service when it is available.
- c) County assessment of the on-site water and sewer installation costs within the area at the time the City is ready to provide the water and or sewer service.
- d) A requirement that the developer include a deed restriction requiring the property owner to connect to City water and sewer as well as a notice to the buyer of lots in the subdivision.
- e) The County will not re-prioritize any projects proposed by the City to provide service based on the above criteria.

Water and Sewer Agreement

The Water and Sewer Agreement between Leon County and the City of Tallahassee was adopted by the Board and the City Commission in 2005 and identifies the roles and responsibilities of both jurisdictions in the provision of water and sewer service (Attachment #4). Specifically, the Water and Sewer Agreement (Agreement) does the following:

- Grants the City an exclusive water and sewer franchise to serve all parts of the County not being served by other water or sewer providers. However, the Agreement does not require the City to construct new water and sewer systems in the unincorporated areas.
- Specifies that should the County fund the capital costs for new water and sewer systems in the unincorporated areas, the infrastructure must be designed and constructed in full compliance with City standards so that the system can be transferred to the City upon completion.
- Requires the City to operate and maintain any new water and sewer systems constructed by the County. Each new system requires the County and City to execute a separate Interlocal Agreement.
- Establishes Target Water and Sewer Areas (Target Areas) for the City to maintain or plan for treatment and disposal capacity for the provision of water and sewer services (Attachment #5). However, the City is not obligated to participate in the development and construction of the water distribution or sewer collection system within the Target Area.
- Requires that all new development within the USA connect to sanitary sewer facilities if they are available.
- Requires the City to provide the County an updated Master Sewer Plan every five years that identifies the water and sewer infrastructure projects needed to accommodate new development and growth patterns.

City of Tallahassee Master Sewer Plan

The Water and Sewer Agreement, adopted by Leon County and the City of Tallahassee in 2005 requires the City to develop and maintain a long-range Master Plan for sewer projects within the franchise area. The resulting Master Sewer Plan is a planning tool used to identify current and future infrastructure needs and direct project prioritization through the City's Capital Improvement Program (CIP). Per the Agreement, the City determines the sewer service provisions for existing developments on the basis of site-specific evaluation that includes cost feasibility, availability of easements, and other pertinent factors in accordance with the water and sewer agreement and the City of Tallahassee Code of Ordinances Section 21-91.

The Master Sewer Plan is updated every five years and, per the Water and Sewer Agreement, is submitted to the County for approval. The most recent approval of the Master Sewer Plan update was issued at the October 12, 2021, Board meeting for the 2040 Master Sewer Plan. The 2040 Master Sewer Plan covers the period from 2021 through 2040 and serves as a guide for implementing operational and capacity improvements to the City's sewer collection system. The Master Sewer Plan includes a sewer system computer model, evaluation of all City-owned pump stations, forcemains, gravity sewers 10-inch and larger (along with some smaller gravity lines for connectivity), and a 20-year CIP. The Master Sewer Plan contains research data, calculations, and geospatial maps. Some of which is exempt from public disclosure under the Homeland Security Act.

Leon County Comprehensive Wastewater Treatment Facilities Plan

The Comprehensive Wastewater Treatment Facilities Plan and the Wastewater Treatment Feasibility Analysis evaluates wastewater management alternatives to traditional septic systems, also known as onsite sewage treatment and disposal systems (OSTDS) in order to reduce nitrogen entering the groundwater. The alternatives to receive the greatest considerations are advanced treatment OSTDS, cluster systems providing advanced treatment levels, and central sanitary sewer connection. Leon County Government intends to implement the study within the unincorporated area. The end product is to provide direction on which wastewater technology will be recommended for future development and to retrofit areas to improve water quality throughout the unincorporated area.

G. MEETING SCHEDULES

Below is a list of all public meetings and actions taken by appointed or elected bodies in consideration of this proposed amendment:

Cycle Meetings		Date Completed
X	Public Open House	December 7, 2023
X	Local Planning Agency Workshop	January 17, 2024
X	Local Planning Agency Public Hearing	February 6, 2024
X	Local Planning Agency Public Hearing	March 5, 2024
	Board of County Commissioners Transmittal Hearing and Small-Scale Map Amendment Adoption Hearing	April 9, 2024
	City Commission Transmittal Hearing and Small-Scale Map Amendment Adoption Hearing	April 10, 2024
	Board of County Commissioners Adoption Public Hearing	June 11, 2024
	City Commission Adoption Public Hearing	June 12, 2024

Local Planning Agency Workshop – A workshop was held on January 17, 2024, at the Renaissance Building. Staff provided overview of the application received and the amendment being requested. There were no questions from the LPA that resulted in updates to this staff report.

Local Planning Agency Public Hearing – A public hearing was held on February 6, 2024, to vote on the proposed amendment. The LPA at staff's recommendation continued the item to the March 5, 2024 LPA meeting to allow staff to complete the needed analysis and policy recommendation(s). The LPA held a public hearing on March 4, 2024. There were no speakers for the agenda item.

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H. APPENDICES:

Appendix #1:	Table of HB1379 Comprehensive Plan Requirements
Appendix #2:	Existing Utilities Sanitary Sewer Goals, Objectives, or Policies
Appendix #3:	Exhibit A Recommended Changes in Strike-Thru Underline

Appendix #1

Element	HB1379 Comprehensive Plan Requirements ¹	Existing Comprehensive Plan Language	Potentially Modified Comprehensive Plan Policy or Recommendation
Utilities	The element <u>must shall</u> describe the problems and needs and the general facilities that will be required for solution of the problems and needs, including correcting existing facility deficiencies. The element <u>must shall</u> address coordinating the extension of, or increase in the capacity of, <u>or upgrade in treatment of</u> facilities to meet future needs; <u>prioritizing advanced waste treatment</u> while maximizing the use of existing facilities and discouraging urban sprawl; conserving potable water resources; and protecting the functions of natural groundwater recharge areas and natural drainage features.	Objective 1.1: [SS] Treat and dispose of all wastewater in a manner that protects natural resources and public health.	Objective 1.3: [SS] Needed sanitary sewer facilities will be provided in a manner which <u>that</u> promotes orderly, compact urban and cost-efficient growth while optimizing the use of existing facilities <u>and</u> <u>prioritizing advanced wastewater treatment where feasible</u> <u>and consistent with the goals, objectives, and policies of the</u> <u>Tallahassee-Leon County Comprehensive Plan</u> .
Utilities	Within the local government's jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary. Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments. This subparagraph does not apply to a local government designated as a rural area of opportunity under <u>s. 288.0656.</u>	N/A	Policy 2.1.6: [SS] Reserved Pursuant to section 163.3177(6)(c), F.S., the City of Tallahassee and Leon County have considered the feasibility of providing sanitary sewer services to development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre within a 10-year planning horizon. The feasibility analysis was performed in accordance with Section 21-91 of the Code of General Ordinances of the City of Tallahassee and the Water and Sewer Agreement between the City of Tallahassee and Leon County, which addresses the provision of potable water and wastewater infrastructure. Additionally, pursuant to Policy 1.3.1: [SS], existing developments outside of the Urban Services Area or designated Rural Communities are not deemed feasible except where consistent with Policy 1.3.2: [SS]. Based on the foregoing, the City of Tallahassee and Leon County have deemed it infeasible to provide sanitary sewer services to the developments specified in section 163.3177(6)(c), F.S. This policy shall be amended as needed to account for future applicable developments.

¹ Underlined language represents changes to Section 163.3177, Florida Statutes from HB1379.

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Appendix #2

UTILITIES: SANITARY SEWER

GOALS, OBJECTIVES AND POLICIES

Goal 1: [SS]

(EFF. 7/16/90)

Provide efficient wastewater treatment that meets the demands of the community while maintaining public health and environmental standards.

WASTEWATER TREATMENT

Objective 1.1: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05)

Treat and dispose of all wastewater in a manner that protects natural resources and public health.

Policy 1.1.1: [SS] (EFF. 7/16/90; RENUMBERING EFF. 12/29/05, FORMERLY POLICY 1.1.3; RENUMBERING EFF. 12/24/10, FORMERLY POLICY 1.1.2)

Establish a program to monitor and inspect all sanitary sewer systems for compliance with federal, state and local regulations.

SEPTIC TANK REGULATION Objective 1.2: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05)

Maintain ordinances that regulate septic tanks in a manner that protects public health and groundwater quality.

Policy 1.2.1: [SS](EFF. 7/16/90; REV. EFF. 12/29/05; REV. EFF. 12/24/10)

The land use designations on the Future Land Use Map notwithstanding, the densities and intensities authorized by such land use designations shall not be allowed until such time as central water and sewer services are available, except as provided in Policy 1.2.3: [SS] and 1.2.4: [SS] below. The minimum lot size for a septic tank shall be one-half acre.

Policy 1.2.2: [SS] (EFF. 7/16/90)

Leon County shall establish a countywide program that:

- 1. Inspects and monitors existing septic tanks for compliance with state and local regulations;
- 2. Educates the public on the proper operation and maintenance of septic tanks.

Policy 1.2.3: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05; REV. EFF. 12/24/10)

With the exception of community facilities authorized by Policy 2.1.2 [SS], inside the Urban Service Area any non-residential development that is calculated to generate a wastewater flow in excess of 900 gallons per day must be connected to a central sanitary sewer service. For the purposes of administering this specific policy, Rule 64E-6.008 F.A.C. shall be used in calculating estimated sewage flows attributable to various types of non-residential development.

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Policy 1.2.4: [SS] (EFF. 7/1/94; REV. EFF. 12/24/10)

As an interim measure until sanitary sewer service is available, the use of septic tanks strictly for the purpose of providing sanitary facilities for employee necessity may be permitted in portions of the Heavy Industrial future land use category without sanitary sewer service under the following conditions:

- a) Central sewer is not presently in place or available within ¹/₄ mile of the property line of the proposed development.
- b) The site is located within the franchise area of a designated sanitary sewer provider.
- c) The septic system is designed and maintained to meet all state and local regulations and ordinances.
- d) The septic system is designed and sized solely for the use of the resultant work force.
- e) The proposed industrial use for the building for which the septic tank is to be constructed does not result in any hazardous by-products,
- f) Any use on a septic tank within the Heavy Industrial future land use category must hookup to central sewer when available and remove septic facilities and,
- g) (In the City only) A capital improvement project that would make central sewer available to the proposed development appears in the 5-year Capital Improvement Program of the designated provider consistent with the CIE.

Policy 1.2.5: [SS]

(EFF. 12/29/05)

Facilities other than traditional septic systems must be provided before development is allowed in areas where severe soil limitations exist for septic systems.

Policy 1.2.6: [SS] (EFF. 4/10/09; REV. EFF. 4/2/10)

Within the Primary Springs Protection Zone, as identified in Policy 4.2.5 [C], Performance Based On-Site Treatment Disposal Systems shall be required when connection to sewer facilities designed to achieve Advanced Wastewater Treatment standards is not available. Performance Based on-Site Treatment Disposal Systems must be a design that is accepted by the Department of Health. Local government shall establish by ordinance a Nitrogen reduction treatment standard for new and replacement Performance Based On-Site Treatment Disposal Systems in the Primary Springs Protection Zone.

SANITARY SEWER LOS

Objective 1.3: [SS] (REV. EFF. 8/17/92; REV. EFF. 12/24/10)

Needed sanitary sewer facilities will be provided in a manner which promotes orderly, compact urban and cost efficient growth while optimizing the use of existing facilities.

Policy 1.3.1: [SS] (REV. EFF. 9/19/91; REV. EFF. 7/26/06; REV. EFF. 12/24/10)

Central sanitary sewer service shall be provided only in the Urban Service Area, designated Rural Communities (as provided by Policy 1.1.4: [L]), and the Urban Fringe land use category (only under the circumstances provided in Policy 1.3.2: [SS]). Areas outside those areas indicated above shall obtain sewage treatment through the use of an on-site system or a package plant, if consistent with the criteria provided in Policy 1.3.3 [SS]. An on- site system may serve more than one parcel but only to correct an existing environmental problem. The capacity of these facilities shall be limited to that necessary to serve development existing on or prior to February 1, 1990.

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Policy 1.3.2: [SS] (REV. EFF. 12/24/10, PREVIOUSLY POLICY 1.3.1: [SS]; REV. EFF. 12/15/11; REV. EFF. 7/14/23)

For areas lying outside of the Urban Service Area boundary and within the Urban Fringe land use category, central sanitary sewer service may be extended and/or provided by an existing utility provider under the following circumstances:

a) To serve an existing residential subdivision in order to correct documented environmental or health problems associated with failing septic treatment systems; or

b) To serve a new Conservation subdivision or permitted non-residential use that is otherwise in compliance with the Comprehensive Plan and its implementing land development regulations; AND

c) No additional lands designated Rural or Urban Fringe as of August 26, 2006 shall be converted to a more dense or intense land use category unless adjoining lands are also within the designated Urban Service Area boundary or the designated Woodville Rural Community. Conversions to the Woodville Rural Community designation shall be consistent with the Transfer of Development Units provision in Policy 4.2.5: [C].

All costs of sewer line extensions, any necessary lift stations and on-site sewer infrastructure shall be borne by the developer as specified within the adopted "Water and Sewer Agreement" and shall be constructed to the standards specified within the Agreement. In cases where the City of Tallahassee is the service provider, the City Manager and the County Administrator or their designees may agree that the connection of a development to central sewer is not economically feasible and may deny such requests to connect. Such cases may arise when considering lower density isolated developments, developments located in areas that are not environmentally sensitive, or developments that are not within a reasonable distance to existing infrastructure. The City of Tallahassee shall place a higher priority upon serving areas that are within the Southside Action Plan area and/or areas that may be determined to negatively impact the environmental quality of Wakulla Springs if developed with traditional septic tank systems. The City of Tallahassee reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from those criteria for connection found within the "Water and Sewer Agreement." As part of such agreements, additional financial responsibility may be borne by the developer for connection to occur.

Policy 1.3.3: [SS] (REV. EFF. 8/17/92; REV. AND RENUMBERING EFF. 12/24/10)

Package plants shall be limited to the Rural Community, Urban Fringe and the Rural land use categories. In the Urban Fringe and Rural land use categories, package plants must meet the following criteria:

a) Serving existing environmental problem areas (Environmental problem is defined as the contamination of groundwater or surface water resulting from inadequate sanitary sewage treatment. The capacity of any facilities resulting from environmental problems shall be limited to that necessary to serve development existing on or prior to February 1, 1990); or

- b) Urban fringe parcels which utilize the 25% cluster; or
- c) Allowable industrial activities; or
- d) Serving existing public schools.

Policy 1.3.4: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05; REV. AND RENUMBERING EFF. 12/24/10)

Regulations shall be maintained to ensure that: a) at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development; or b) at the time a development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, pursuant to Florida Statutes, or an agreement or development order is issued pursuant to Chapter 380, Florida Statutes to be in place and available to serve new development at the time of the issuance of a certificate of occupancy.

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Policy 1.3.5: [SS] (EFF. 7/16/90; REV. EFF. 1/7/10; REV. AND RENUMBERING EFF. 12/24/10)

The LOS for sanitary sewer systems shall be as published in the Recommended Standard for Wastewater Facilities as referenced in 62-604.300 (5) (g) Florida Administrative Code.

In the design of sewer collection, pumping, treatment, and effluent disposal facilities, appropriate peak factors shall be utilized. This is the adopted level and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Policy 1.3.6: [SS] (EFF. 7/16/90; RENUMBERED 12/24/10)

Procedures will be developed to periodically update and project facility demand and capacity information as development orders or permits are issued.

Policy 1.3.7: [SS] (Leon County) (REV. EFF. 8/17/92; REV. AND RENUMBERING EFF. 12/24/10; REV. EFF. 8/5/23)

Connection fees and user fees shall be set at levels sufficient to equitably finance the sewer infrastructure projects in the CIE. For the purposes of the Sanitary Sewer and Water Sub-Elements, equitably is defined as users paying for hook-up and system charges and their pro rata share of the costs of facility expansions to serve their development, but allowing for special practices to implement the Southside Action Plan . Pro rata amounts will be determined by the cost impacts of each development which is anticipated to hook-up to the facility expansion.

Policy 1.3.8: [SS] (EFF. 8/17/92; REV. AND RENUMBERING EFF. 12/24/10)

Heavy infrastructure facilities which are located far from urban development because of their off-site impacts, and which therefore would be uneconomical to service with sanitary sewer service, shall not be required to have sanitary sewer service or potable water service. Examples of such uses are waste-to-energy facilities, power generating plants, landfills, sanitary sewer spray fields, and material recovery facilities.

Goal 2: [SS] (EFF. 7/16/90)

Sanitary sewer facilities and service shall be provided to meet existing and projected demands identified in this plan.

EXTENSION OF SANITARY SEWER SERVICE

Objective 2.1: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05)

Coordinate with utility providers in the extension of sanitary sewer services to ensure that sanitary sewer service is provided in a cost efficient manner to serve development within the adopted Urban Service Area boundary.

Policy 2.1.1: [SS] (EFF. 9/19/91; RENUMBERING EFF. 12/29/05, FORMERLY POLICY 2.1.2)

Annexation shall not be required as a precondition of water or sewer service to a new area requested by the City and granted by Leon County.

Policy 2.1.2: [SS] (REV. EFF. 1/27/94; RENUMBERING EFF. 12/29/05, FORMERLY POLICY 2.1.3; REV. EFF. 12/24/10)

Potable water service and sanitary sewer service shall be extended to serve community service customers within the Urban Service Area. Until such time as utility services are available, community service land uses shall be allowed to connect to on-site facilities. Approval will be limited to

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community service users with less than 5,000 square feet of floor space, or a sewage flow estimated not to exceed 900 gallons per day as provided for in Policy 1.2.3: [SS].

Policy 2.1.3: [SS] (EFF. 12/29/05)

New developments, which require site and development plan approval or issuance of a development order shall be required to connect to central sewer if such service is defined as available within the current Water and Sewer Agreement. The requirement to connect to central sewer and the definition of service availability found with the Water and Sewer Agreement are applicable to all service providers within the County.

Policy 2.1.4: [SS] (EFF. 12/29/05; REV. EFF. 12/24/10)

Utility providers shall provide facilities within the Urban Service Area at a level of service adopted in the comprehensive plan. Areas with known limitations regarding soils, high septic tank concentrations or failures, or areas with known groundwater problems should receive priority regarding facility service.

Policy 2.1.5: [SS] (EFF. 12/29/05; REV. EFF. 12/24/10)

The City of Tallahassee shall prepare and maintain long range master plans with a 20-year planning horizon for major sewer infrastructure facilities and services from which subsequent five year capital improvement programs shall be derived. These long range master plans shall be based upon a needs plan to serve the Future Land Use Plan and its expected population within the Urban Service Area, and shall also contain a cost feasible plan. These long range master plans will be updated every five years, consistent with the provisions of the Water and Sewer Agreement. The County may propose new capital projects for inclusion in these documents. The draft plan shall be submitted to the County for review prior to finalization and the County shall provide comments, if any, prior to adoption by the City Commission. The timing and location of service expansion projects identified in these plans shall be based on the rational extension of such services from existing urbanized areas so as to encourage compact development.

Policy 2.1.6: [SS] (EFF. 12/29/05; DEL. EFF. 1/7/09) *Reserved*

Policy 2.1.7: [SS] (EFF. 7/16/90; RENUMBERED EFF. 12/29/05, FORMERLY POLICY 2.2.1; REV. EFF. 12/24/10) Subject to financial feasibility, the long range master plan will be used as a guide in selecting projects to be included in the Capital Improvements Element of this plan.

Policy 2.1.8: [SS] (EFF. 7/16/90; REV. EFF. 12/29/05; DEL. EFF. 12/24/10)

Reserved

Policy 2.1.9: [SS] (Leon County) (EFF. 8/17/92; RENUMBERED EFF. 12/29/05, FORMERLY POLICY 2.2.2; REV. EFF. 12/24/10) Water and sewer system charges collected by the County for the benefit of County Franchisees shall be paid prior to the issuance of a building permit or tap, whichever is first. Water and sewer system charges shall not be made for development proposals that are served by existing on site well and/or septic systems which are determined to be functioning properly and do not require repair or substantial modification as determined by the County Public Health Unit.

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Policy 2.1.10: [SS] (EFF. 12/29/05)

All extension and planning of sanitary sewer facilities and services shall be consistent with the adopted Water and Sewer Agreement.

Policy 2.1.7: [SS] (EFF. 12/29/05; REV. EFF. 12/24/10)

Standards for the construction of sewer systems by providers other than the City in the Urban Service Area shall be at least equal to those of the City.

Policy 2.1.12: [SS] (EFF. 12/29/05; REV. EFF. 12/24/10)

Any land proposed for development using septic tanks within the Urban Service Area, or within a designated Rural Community that is identified as a Target Area Rural Community in the adopted Water and Sewer Agreement, will be subject to:

a) Dedicating easements/right-of-ways for future installation of water and sewer lines.

b) Connecting to the City's water and sewer service, when it is available.

c) County assessment of the on-site water and sewer installation costs within the area at the time the City is ready to provide the water and or sewer service.

d) A requirement that the developer include a deed restriction requiring the property owner to connect to City water and sewer as well as a notice to the buyer of lots in the subdivision.

e) The County will not re-prioritize any projects proposed by the City to provide service based on the above criteria.

CAPITAL PROJECTS PRIORITY

Objective 2.2: [SS] (EFF. 7/16/90; DEL. EFF. 12/29/05) Objective 2.3: [SS] (EFF. 7/16/90; DEL. EFF. 12/29/05) Policy 2.3.1: [SS] (EFF. 7/16/90; DEL. EFF. 12/29/05) Policy 2.3.2: [SS] (EFF. 7/16/90; DEL EFF. 12/29/05) Objective 3.1: [SS] (EFF. 1/27/94; DEL EFF. 12/29/05) RESPONSIBILITY FOR PROVISION OF SERVICE/STANDARDS FOR CONSTRUCTION & REVIEW (DEL. EFF. 12/29/05) Policy 3.1.1: [SS] (REV. EFF. 4/18/02; DEL. EFF. 12/29/05) Policy 3.1.2: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.3: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) CRITERIA FOR HOOKUP TO CENTRAL SYSTEMS (DEL. EFF. 12/29/05) Policy 3.1.4: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.5: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) *Policy 3.1.6: [SS]* (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.7: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) FEES FOR UNINCORPORATED AREAS OF USA(DEL. EFF. 12/29/05) Policy 3.1.8: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.9: [SS] (EFF. 12/23/96; DEL. EFF. 12/29/05) CAPITAL IMPROVEMENT PLANNING PROCEDURE FOR UNINCORPORATED USA (DEL. EFF. 12/29/05) Policy 3.1.10: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.11: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05) Policy 3.1.12: [SS] (EFF. 1/27/94; DEL. EFF. 12/29/05)

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Appendix #3

EXHIBIT A

Objective 1.3: [SS]

Needed sanitary sewer facilities will be provided in a manner which that promotes orderly, compact urban and cost-efficient growth while optimizing the use of existing facilities and prioritizing advanced wastewater treatment where feasible and consistent with the goals, objectives, and policies of the Tallahassee-Leon County Comprehensive Plan.

Policy 2.1.6: [SS] Reserved-Pursuant to section 163.3177(6)(c), F.S., the City of Tallahassee and Leon County have considered the feasibility of providing sanitary sewer services to development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre within a 10-year planning horizon. The feasibility analysis was performed in accordance with Section 21-91 of the Code of General Ordinances of the City of Tallahassee and the Water and Sewer Agreement between the City of Tallahassee and Leon County, which addresses the provision of potable water and wastewater infrastructure. Additionally, pursuant to Policy 1.3.1: [SS], existing developments outside of the Urban Services Area or designated Rural Communities are not deemed feasible except where consistent with Policy 1.3.2: [SS]. Based on the foregoing, the City of Tallahassee and Leon County have deemed it infeasible to provide sanitary sewer services to the developments specified in section 163.3177(6)(c), F.S. This policy shall be amended as needed to account for future applicable developments.