




Interoffice Memorandum

DATE: July 18, 2024

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services
Department 

**CONTACT PERSON: Jason Sorensen, AICP, Chief Planner
407-836-5602**

SUBJECT: Adoption Public Hearing – August 13, 2024, Regular Cycle Staff-Initiated Text Amendment 2024-1-B-CP-1 and associated Ordinance . All Districts

Please find the attached staff report and associated back-up material for the 2024-1 Regular Cycle Staff-Initiated Text Amendment and associated ordinance scheduled for Board adoption public hearing on August 13, 2024.

The above-referenced 2024-1 Regular Cycle Amendment is a staff-initiated text amendment. The text amendment includes changes to Potable Water, Wastewater and Reclaimed Water Element Policies WAT1.2.5 and WAT1.2.6 and to Capital Improvements Element (CIE) Policies CIE1.3.4 and CIE1.3.5 to revise Level of Service (LOS) standards.

On July 18, 2024, the Planning and Zoning Commission (PZC)/ Local Planning Agency (LPA) made a finding of consistency with the Comprehensive Plan and unanimously recommended approval of the staff-initiated text amendment.

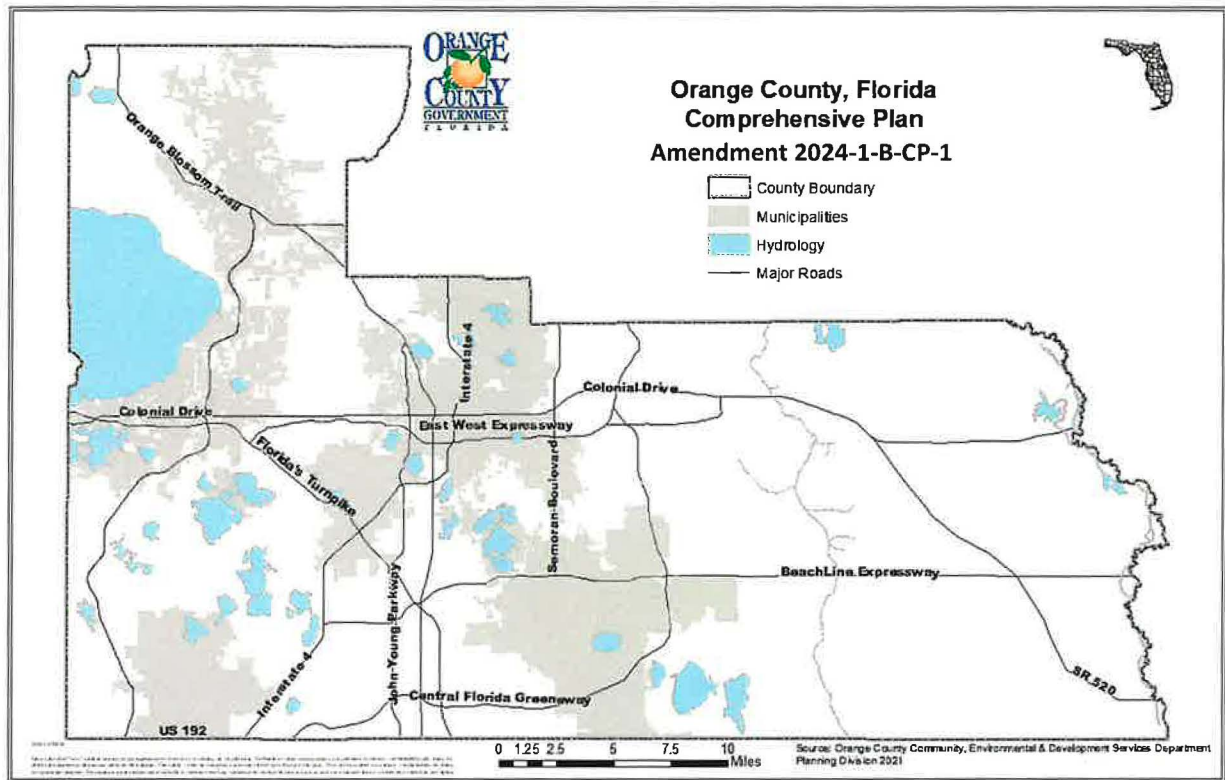
The amendment request was heard by the PZC/LPA at a transmittal public hearing on March 21, 2024, and by the Board at a transmittal hearing on May 7, 2024. This amendment was reviewed by the Florida Department of Commerce (“DOC”) and other state and regional agencies. On June 20, 2024, DOC issued a comment letter, which did not contain any concerns about the amendment undergoing the State-Expedited Review process. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be adopted within 180 days of receipt of the comment letter. The Regular Cycle Amendment undergoing the State-Expedited Review process will become effective 31 days after DOC notifies the County that the plan amendment package is complete. Therefore, this amendment is expected to become effective in September 2024, provided no challenges are brought forth for the amendment.

2024-1 Staff-Initiated Text Amendment 2024-1-B-CP-1 &
Associated Ordinance
Board Adoption Public Hearing
August 13, 2024
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Any questions concerning this document should be directed to Alberto A. Vargas, MArch, Manager, Planning Division, at (407) 836-5802 or Alberto.Vargas@ocfl.net or Jason Sorensen, AICP, Chief Planner at (407) 836-5602 or Jason.Sorensen@ocfl.net.

ACTION REQUESTED: Make a finding of consistency with the Comprehensive Plan and ADOPT the Staff-Initiated Text Amendment 2024-1-B-CP-1 and ADOPT the associated ordinance. All Districts.

AAV/JHS/kh



| The following meetings and hearings have been held for this proposal: | | | Project Information | |
|---|-----------------------------------|-----------------------|---|--|
| Report/Public Hearing | Outcome | | Title: Amendment 2024-1-B-CP-1 | |
| ✓ | Community Meeting | Not required | Division: Utilities Engineering Request: Text Amendments to Potable Water, Wastewater and Reclaimed Water Element (WAT) Policies WAT1.2.5 and WAT1.2.6 and Capital Improvement Element (CIE) Policies CIE1.3.4 and CIE1.3.5 to revise Level of Service (LOS) standards. Revision: WAT1.2.5, WAT1.2.6, CIE1.3.4, CIE1.3.5 | |
| ✓ | Staff Report | Recommend Transmittal | | |
| ✓ | LPA Transmittal March 21, 2024 | Recommend Transmittal | | |
| ✓ | BCC Transmittal May 7, 2024 | Recommend Transmittal | | |
| ✓ | State Comments | No Comments | | |
| ✓ | LPA Adoption July 18, 2024 | Recommend Adoption | | |
| | BCC Adoption | | | |

STAFF RECOMMENDATION

Make a finding of consistency with the Comprehensive Plan, determine that the proposed amendment is in compliance, and recommend **ADOPTION** of Text Amendment 2024-1-B-CP-1 revising Potable Water, Wastewater and Reclaimed Water Element (WAT) Policies WAT1.2.5, WAT1.2.6 and Capital Improvement Element (CIE) Policies CIE1.3.4 and CIE1.3.5.

LOCAL PLANNING AGENCY ADOPTION PUBLIC HEARING – July 18, 2024

Staff presented the staff report to the Local Planning Agency (LPA) with the recommendation to adopt the amendment and answered various questions. No members of the public appeared to speak regarding the proposed amendment.

The LPA voted 7-0 to **recommend adoption of Amendment 2024-1-B-CP-1.**

Motion/Second Eric Gray | Gordon Spears

Voting in Favor Evelyn Cardenas, Eddie Fernandez, Gordon Spears, George Wiggins, Michael Arrington, Nelson Pena, and Camille Evans

Voting in Opposition None

Absent Eddie Fernandez and David Boers

ANALYSIS

1. Background

The Utilities Department conducted a review of the average flows used to determine the Level of Service (LOS) standards for water and wastewater service provided by Orange County Utilities. The current LOS standards are 275 gallons per day (average daily flow) per Equivalent Residential Connection (ERC) for water service and 225 gallons per day (average daily flow) per Equivalent Residential Unit (ERU) for wastewater service. The single-family potable water billing records indicated updated average flows due to water conservation, water saving fixture regulations, smaller lots, and increased use of reclaimed water instead of potable water for the irrigation of new homes. Therefore, the Utilities Department is proposing to modify the LOS to 225 gallons per day per ERC for water and 200 gallons per day per ERU for wastewater.

2. Amendment Analysis

Following are the policy changes proposed by this amendment. The proposed amendments are shown in underline/~~strikethrough~~ format.

WAT1.2.5 When central water service is required for development, the level of service standard shall be as listed in the table below, on an average daily flow basis. Flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by

estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

| UTILITY NAME | LEVEL OF SERVICE (LOS) |
|-------------------------|---|
| Orange County Utilities | 275 <u>225</u> gallons per day (gpd)/equivalent residential connection (ERC) |

WAT1.2.6

When central wastewater service is required for development, the level of service standard shall be as listed in the table below, on an average daily flow basis. Interim wastewater systems (permanent package treatment plants are no longer allowed in Orange County) shall have the same level of service standard. Wastewater flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

| UTILITY NAME | LEVEL OF SERVICE (LOS) |
|-------------------------|---|
| Orange County Utilities | 225 <u>200</u> gpd/equivalent residential unit (ERU) |

CIE1.3.4

When central water service from Orange County Utilities is required for development, the level of service standard shall be ~~275~~ 225 gallons per day (average daily flow) per equivalent residential connection. Flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

CIE1.3.5

When central wastewater service from Orange County Utilities is required for development, the level of service standard shall be ~~225~~ 200 gallons per day (average daily flow) per equivalent residential unit. Interim wastewater systems (permanent package treatment plants are no longer allowed in Orange County) shall have the same level of service standard. Wastewater flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

ORDINANCE NO. 2024- ____

AN ORDINANCE PERTAINING TO COMPREHENSIVE PLANNING IN ORANGE COUNTY, FLORIDA; AMENDING THE ORANGE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE “2010-2030 COMPREHENSIVE PLAN,” AS AMENDED, BY ADOPTING AMENDMENTS PURSUANT TO SECTION 163.3184(3), FLORIDA STATUTES, FOR THE 2024 CALENDAR YEAR (FIRST CYCLE); AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Legislative Findings, Purpose, and Intent.

a. Part II of Chapter 163, Florida Statutes, sets forth procedures and requirements for a local government in the State of Florida to adopt a comprehensive plan and amendments to a comprehensive plan;

b. Orange County has complied with the applicable procedures and requirements of Part II of Chapter 163, Florida Statutes, for amending Orange County’s 2010-2030 Comprehensive Plan;

c. On August 13, 2024, the Board of County Commissioners held a public hearing on the adoption of the proposed amendments to the Comprehensive Plan, as described in this ordinance, and decided to adopt them.

Section 2. Authority. This ordinance is adopted in compliance with and pursuant to Part II of Chapter 163, Florida Statutes.

Section 3. Amendment to the Text of the Potable Water, Wastewater and Reclaimed Water Element. The Comprehensive Plan is hereby further amended by amending the text of the

Potable Water, Wastewater and Reclaimed Water Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

* * *

[Amendment 2024-1-B-CP-1:]

WAT1.2.5 When central water service is required for development, the level of service standard shall be as listed in the table below, on an average daily flow basis. Flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

| UTILITY NAME | LEVEL OF SERVICE (LOS) |
|------------------------------|--|
| Orange County Utilities | 275 <u>225</u> gallons per day (gpd)/equivalent residential connection (ERC) |
| City of Apopka | 177 gpd/capita |
| City of Casselberry | 100 gpd/capita |
| City of Eatonville | 100 gpd/capita |
| Tohopekaliga Water Authority | 96 gpd/capita, residential 120 gpd/room, hotel/motel 0.1 gpd/gross square foot (sqft) of floor area, commercial 10 gpd/student, public or private schools |
| City of Maitland | 350 gpd/ERC |
| City of Mount Dora | 135 gpd/capita |
| Town of Oakland | 119 gpd/capita |
| City of Ocoee | 300 gpd/ERC |
| Winter Park Utilities | 150 gpd/capita |

| | |
|---|--|
| City of Winter Garden | 350 gpd/ERC |
| Orlando Utilities Commission | |
| Land Use | LOS |
| Single Family Residential | 325 gpd/developable unit (du) without reclaimed or 160 gpd/du with reclaimed |
| Multifamily Residential | 200 gpd/du |
| Office | 0.15 gpd/sqft |
| Commercial | 0.13 gpd/sqft |
| Hotel | 187 gpd/room |
| Industrial | 0.22 gpd/sqft |
| Government | 0.15 gpd/sqft |
| Hospital | 0.22 gpd/sqft |
| Reedy Creek Improvement District | Does not have an adopted LOS per RCID |
| Central Florida Research Park | Not Available |
| East Central Florida Services Inc. ¹ | Not Available |
| Florida Water Services | Not Available |
| Lake Ola Homeowners | Not Available |
| Southern States Utilities | 200 gpd/ERC |
| Wedgefield Utilities Inc. | 356 gpd/capita |
| Zellwood Water Users | Not Available |
| 1 | This system serves the Deseret Ranch's pasture and citrus grove irrigation system and homes on ranch property. |
| NOTE: Orange County Planning Division has distributed surveys to all private and public providers throughout the County in order for the above information to be updated. | |

WAT1.2.6

When central wastewater service is required for development, the level of service standard shall be as listed in the table below, on an average daily flow

basis. Interim wastewater systems (permanent package treatment plants are no longer allowed in Orange County) shall have the same level of service standard. Wastewater flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes.

| UTILITY NAME | LEVEL OF SERVICE (LOS) |
|----------------------------------|--|
| Orange County Utilities | 225 200 gpd/equivalent residential unit (ERU) |
| City of Apopka | 103 gpd/capita |
| City of Ocoee | 270 gpd/ERU |
| City of Mount Dora | 130 gpd/capita |
| Park Manor Utilities | 230 gpd/ERU |
| Winter Park Utilities | 333 gpd/ERU |
| City of Winter Garden | Not Available |
| Reedy Creek Improvement District | Does not have an adopted LOS per RCID |
| Seminole County Utilities | 1 million gpd (UCF campus and Central Florida Research Park) |
| Florida Water Services | 125 gpd/capita |
| Wedgfield Utilities Inc. | 300 gpd/ERU |
| City of Orlando | |
| Land Use | LOS |
| Single Family Residential | 284 gpd/du |
| Multifamily Residential | 223 gpd/du |
| Office | 0.1 gpd/sqft |
| Commercial | 0.25 gpd/sqft |
| Industrial | 0.15 gpd/sqft |
| Lodging | 150 gpd/room |
| Government | 0.1 gpd/sqft |
| Hospital | 0.25 gpd/sqft |

NOTE: Orange County Planning Division has distributed surveys to all private and public providers throughout the County in order for the above information to be updated.

* * *

Section 4. Amendment to the Text of the Capital Improvement Element. The Comprehensive Plan is hereby further amended by amending the text of the Capital Improvement Element to read as follows, with underlines showing new numbers and words, and strike-throughs indicating repealed numbers and words. (Words, numbers, and letters within brackets identify the amendment number and editorial notes, and shall not be codified.)

* * *

CIE1.3.4 When central water service from Orange County Utilities is required for development, the level of service standard shall be ~~275~~ 225 gallons per day (average daily flow) per equivalent residential connection. Flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes. (Amended 12/00, Ord. 00-25; Amended 5/13, Ord. 2013-11, Policy PW1.2.5-r)

A. Timing of Future Treatment Facility Expansion. Orange County Utilities shall ensure that sufficient water supply facility (WSF) capacity is maintained, consistent with the requirements of the Florida Department of Environmental Protection (FDEP). When the WSF maximum daily demand exceeds 75% of maximum day water treatment capacity, a capacity analysis report shall be submitted to the FDEP. The capacity analysis report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity analysis report, shall be considered for inclusion into Orange County's Five Year and Ten Year Capital Improvements Programs. Facilities approaching build out shall be exempt from this requirement. F.

CIE1.3.5 When central wastewater service from Orange County Utilities is required for development, the level of service standard shall be ~~225~~ 200 gallons per day (average daily flow) per equivalent residential unit. Interim wastewater systems

(permanent package treatment plants are no longer allowed in Orange County) shall have the same level of service standard Wastewater flow demands for commercial, industrial or other special developments differing from the flow values established by the serving utility shall be established from existing records or by estimated projections, using the best available data. These levels of service shall also be applied for planning purposes. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25; Amended 5/13, Ord. 2013-11, Policy WW1.2.5- r)

- A. Timing of Future Treatment Facility Expansion.** Orange County Utilities shall ensure that sufficient water reclamation facility (WRF) capacity is maintained, consistent with the requirements of the FDEP. When the WRF maximum 3 month average daily flow exceeds 50% of the permitted wastewater treatment capacity, a capacity analysis report shall be submitted to the FDEP. The capacity analysis report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity analysis report, shall be considered for inclusion into Orange County's Five Year and Ten Year Capital Improvement Program. Facilities approaching build out shall be exempt from this requirement.

* * *

Section 5. Effective Date for Ordinance and Amendments.

- (a) This ordinance shall become effective as provided by general law.
- (b) In accordance with Section 163.3184(3)(c)4., Florida Statutes, no plan amendment adopted under this ordinance becomes effective until 31 days after the Department of Commerce (DOC) notifies the County that the plan amendment package is complete. However, if an amendment is timely challenged, the amendment shall not become effective until the DOC or the Administration Commission issues a final order determining the challenged amendment to be in compliance.
- (c) No development orders, development permits, or land uses dependent on either of these amendments may be issued or commence before the amendments have become effective.

ADOPTED THIS __th DAY OF _____, 2024.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk to the Board of County Commissioners

By: _____
Deputy Clerk