



St. Johns River Water Management District

Kirby B. Green III, Director • David W. Fisk, Assistant Executive Director

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On the Internet at floridaswater.com.

April 1, 2010

Mr. D. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: City of New Smyrna Beach Proposed Evaluation and Appraisal Report

Dear Mr. Eubanks:

St. Johns River Water Management District (District) planning staff have reviewed the above-referenced proposed Evaluation and Appraisal Report (EAR). District staff review focuses on water supply availability and related water resource issues in an effort to link land use planning and water supply planning. On December 5, 2007, District staff attended the EAR scoping meeting held by the City of New Smyrna Beach (City) and subsequently provided the City's planning staff with a list of issues of importance to the District relative to the City's comprehensive plan. District staff comments based on that list of issues are provided below.

A. Water supply planning requirements

1. Water supply facilities work plan (work plan)

- a. The Summary section in the proposed EAR (page 156) indicates that the City developed a work plan, but did not adopt the required work plan-related comprehensive plan amendment. Other sections of the proposed EAR indicate that:
 - (1) The City has adopted the amendment (Section 2.8 and Item 113 in Table 3-1).
 - (2) An amendment is not needed (Item 152 in Table 3-1).
 - (3) The amendment is waiting for certification prior to adoption (Item 139 in Table 3-1).
 - (4) The amendment is currently undergoing some form of compliance review (page 3 in the Executive Summary and items 139, 145, and 152 in Table 3-1).
- b. District records indicate that the City submitted a work plan and a work plan-related comprehensive plan amendment to the Department of Community Affairs (DCA), but did not adopt the amendment (DCA reference 08-1). The amendment included text changes to the Conservation and Sanitary Sewer, Potable Water, Solid Waste, Drainage and Natural Groundwater

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Aquifer Recharge elements of the City's comprehensive plan. In a letter dated July 7, 2008, the District provided DCA and the City with comments on the 08-1 amendment, and DCA issued an Objections, Recommendations and Comments (ORC) Report on July 29, 2008. To address inconsistent statements in the proposed EAR and to proceed with the adoption of the work plan-related comprehensive plan amendment, the City should:

- (1) Revise the proposed EAR sections cited in section A.1.a of this letter to indicate that the work plan-related comprehensive plan amendment has not been adopted and to provide a schedule for adopting the amendment prior to adopting the EAR-based amendment.
- (2) Revise Section 2.8 in the proposed EAR to indicate that the information provided in the section is subject to revision based on the City's response to the District's comment letter and DCA's ORC Report on the 08-1 comprehensive plan amendment.
- (3) Work with District staff to address the issues raised in the District's comment letter and DCA's ORC Report prior to adopting the 08-1 amendment. For assistance, please contact District Policy Analyst Peter Brown at (386) 329-4311 or *pbrown@sjrwmd.com*.

2. Water supply concurrency

Item 145 in Table 3-1 indicates that the water supply concurrency requirements will be addressed by a comprehensive plan amendment that is under review by DCA. This is part of the City's 08-1 amendment described in section A.1.b of this letter. The City should revise Item 145 to be consistent with the direction provided in A.1.b.(1) above.

B. Adopted EAR and future EAR-based amendments

Please note that District review of the adopted EAR and EAR-based amendments will focus on the issues listed above and take into consideration the following:

1. Projects listed in the capital improvements schedule are consistent with the adopted work plan.
2. Policies that provide criteria for approving future land use map amendments include a requirement that adequate water supplies and associated public facilities are or will be available to meet projected growth demands.
3. Policies and projects are consistent with the goals of the District's Indian River Lagoon Surface Water Improvement and Management program.
4. Policies promote and encourage the use of low impact development techniques. (For example, the City could provide development incentives for water-efficient developments such as those that implement the Florida Water StarSM program, a point-based certification program similar to the federal Energy Star program.)
5. Policies to protect water resources are consistent with the District's environmental resource permitting and consumptive use permitting rules.
6. Future land use designations assigned to District property allow District management activities.
7. Proposed transportation corridors or facilities do not impact District land and easements.
8. Policies identifying the District as receiver of easements include the statement "subject to the District's acceptance."

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We appreciate the opportunity to provide comments. If you have any questions, please contact District Policy Analyst Peter Brown at (386) 329-4311 or pbrown@sjrwmd.com.

Sincerely,



Jeff Cole, Director

Office of Communications and Governmental Affairs

JC/ETM/pb

cc: Jake Baker, City of New Smyrna Beach
Andrew Landis, East Central Florida Regional Planning Council
Jim Quinn, Florida Department of Environmental Protection
Kraig McLane, St. Johns River Water Management District
Ann Benedetti, St. Johns River Water Management District