

**ORANGE COUNTY**  
PLANNING DIVISION  
**2020-2 REGULAR  
CYCLE  
AMENDMENT &  
STAFF-INITIATED  
TEXT AMENDMENT**

2010 - 2030 COMPREHENSIVE PLAN

**BOARD OF COUNTY  
COMMISSIONERS**

**OCTOBER 13, 2020  
TRANSMITTAL PUBLIC HEARING**

**PREPARED BY:**  
ORANGE COUNTY PLANNING, ENVIRONMENTAL  
AND DEVELOPMENT SERVICES

PLANNING DIVISION  
COMPREHENSIVE PLANNING SECTION





DATE: October 13, 2020

TO: Mayor Jerry L. Demings  
-AND-  
Board of County Commissioners (BCC)

FROM: Alberto A. Vargas, MArch., Manager, Planning Division 

THROUGH: Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development Services Department

SUBJECT: 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment  
Board of County Commissioners (BCC) Transmittal Public Hearing

The 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment was considered by the Local Planning Agency (LPA) at a transmittal public hearing held on September 17, 2020. This amendment has been scheduled for a transmittal public hearing before the BCC on October 13, 2020. The report is also available online in the "AMENDMENT CYCLES" section of:  
[www.ocfl.net/PlanningDevelopment/ComprehensivePlanning](http://www.ocfl.net/PlanningDevelopment/ComprehensivePlanning).

Following the BCC transmittal public hearing, the proposed amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) and other State agencies for review and comment. Staff expects to receive comments from DEO and other State agencies for review in November 2020. Pursuant to 163.3184, Florida Statutes, the proposed amendment must be considered for adoption within 180 days of the comment letter. Adoption hearings for the amendment are tentatively scheduled before the LPA on November 19, 2020 and the BCC on December 15, 2020.

Any questions concerning this document should be directed to Alberto A. Vargas, MArch., Manager, Planning Division at (407) 836-5354 or [Alberto.Vargas@ocfl.net](mailto:Alberto.Vargas@ocfl.net); or Gregory Golgowski, AICP, Chief Planner, Comprehensive Planning Section, Planning Division, at (407) 836-5624 or [Gregory.Golgowski@ocfl.net](mailto:Gregory.Golgowski@ocfl.net).

AAV/sgw

Enc: 2020-2 Out-of-Cycle Regular Cycle Staff-Initiated Text Amendment BCC Transmittal Staff Report

c: Christopher R. Testerman, AICP, Assistant County Administrator  
Jon V. Weiss, P.E., Director, Planning, Environmental and Development Services Department  
Gregory Golgowski, AICP, Chief Planner, Planning Division

PLANNING DIVISION  
ALBERTO A. VARGAS, *Planning Manager*  
201 South Rosalind Avenue, 2nd Floor ■ Reply To: Post Office Box 1393 ■ Orlando FL 32802-1393  
Telephone 407-836-5600 ■ FAX 407-836-5862 ■ [orangecountyfl.net](http://orangecountyfl.net)

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**2020-2 Regular Cycle State Expedited Review Comprehensive Plan Amendments  
Privately Initiated Future Land Use Map and Text Amendments**

Amendment Number	Concurrent Rezoning or Substantial Change	Owner	Agent	Tax ID Number(s)	General Location / Comments	Future Land Use Map Designation FROM:	Future Land Use Map Designation TO:	Zoning Map Designation FROM:	Zoning Map Designation TO:	Acreage	Project Planner	Staff Rec	LPA Rec
District 1													
2020-2-A-1-2 (aka 2019-2-A-1-2 and 2020-1-A-1-2) (Lake Buena Vista Springs)	PD/LUP rezoning pending	Hojozaki, LLC; Rey Samra, Maureen Samra, and Robert Lapierre; Ballester Investments, LLC	Miranda Fitzgerald, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	21-24-28-5844-00-026; 21-24-28-0000-00-015/016/021	12311, 12323, and 12329 Winter Garden Vineland Rd.; Generally located north of Winter Garden Vineland Rd., west of S. Apopka-Vineland Rd.	Rural/Agricultural (R) and Medium Density Residential (MDR)	Commercial (C) and Urban Service Area (USA) Expansion; Rural/Agricultural/Conservation (R/C/CONS); and Medium Density Residential/Conservation (MDR/CONS)	R-CE (Country Estate District)	PD (Planned Development District) (Lake Buena Vista Springs, PD/LUP)	94.77 gross ac./0.031 net ac.	Jennifer DuBois		
District 2													
2020-2-A-2-1 Bailey's Community	PD/LUP rezoning pending	Bailey's Real Estate, LLP	Montaz Barq, P.E. Terra-Max Engineering, Inc.	34-21-28-0000-00-064/090/097/100/108/110/114	8001 Clarcona-Ocoee Rd. and 5850 and 5854 Gilliam Rd.; Generally located north of Clarcona-Ocoee Rd., west of Gilliam Rd., and east of N. Apopka-Vineland Rd.	Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)	Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)	A-1 (Citrus Rural District) and A-2 (Farmland Rural District)	PD (Planned Development District)	47.94 gross/net developable acres	Jennifer DuBois	Do Not Transmit	Do Not Transmit (8-0)
District 3													
2020-2-A-4-1 Fieldsream Village	The submittal of a CDR application is pending.	Bent Tree Holdings, LLC	Jason W. Searl, Esq. GrisyRobinson, P.A.	29-22-31-0000-00-032/050 and 31-0000-00-034	Generally located north of Lake Underhill Rd., south of SR 408, west of Fieldstream North Blvd., and east of N. Dean Rd.	Planned Development-Office/Commercial/Institutional/Industrial/Conservation (PD-O/C/INST/IND/CONS)	Planned Development-Commercial/Office/High Density Residential/Parks and Recreation/Open Space/Conservation (PD-C/O/HDR/PROS/CONS)	PD (Planned Development District) (Fieldstream PD/LUP)	PD (Planned Development District) (Fieldstream PD/LUP)	66.76 gross acres net developable acres/unknown - CAD needed	Jennifer DuBois		
District 4													
2020-2-A-4-2 Wicker Property	Expected	Juanita V. Wicker Trust Perry and Mary F. Wicker Trust	Jonathan Huels, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.	33-24-30-0000-00-018/019/040/053	14050, 14114, and 14122 Boggy Creek Rd.; Generally located on the west side of Boggy Creek Rd., south of Lake Norma Blvd., east of Ward Rd., and north of New Hope Rd.	Rural/Agricultural (R)	Planned Development-Commercial/Office/Medium Density Residential (PD-C/O/MDR/CONS) and USA Expansion	A-2 (Farmland Rural District)	PD (Planned Development District)	23.94 gross ac./?? net developable ac. (NEED CAD Submittal)	Chris DeManche		
District 5													
2020-2-A-5-1 J&S Apartments	Expected	J and S Industrial Holdings, LLC	James G. Willard, Shutts & Bowen, LLP	15-22-30-0000-00-020/085	6730 Hanging Moss Rd. and 2308 Mercator Dr.; Generally located on the south side of Hanging Moss Rd., east of N. Semoran Blvd., north of Commerce Blvd., and west of Mercator Dr.	Industrial (IND)	Medium Density Residential (MDR)	I-2/I-3 (General Industrial District)	R-3 (Multiple-Family Dwelling District)	18.15 gross ac./17.51 net developable ac.	Sue Watson	Transmit	Transmit (7-0) BCC Meeting on 9/1/20
District 6													
2020-2-A-6-1 TAG Land Office	app	TAG Land Office	Drosdick, Doster, Kantor & Reed, P.A.	04-10-013/014	located south of	Office (O)	Medium Density Residential (MDR) (Student Home) (PD/B/LUP)	PD/B/LUP	Development	4.2 gross	Jennifer DuBois	Transmit	

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MDHR-Medium High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; ALF-Assisted Living Facility; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/I-5-Light Industrial District; I-2/I-3-General Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

**2020-2 Regular Cycle Comprehensive Plan Amendments  
Staff Initiated Comprehensive Plan Map and Text Amendments**

Amendment Number	Sponsor	Description of Proposed Changes to the 2010-2030 Comprehensive Plan (CP)	Project Planner	Staff Rec	LPA Rec
2020-2-B-FLUE-1	Planning Division	Text amendment to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	Jenny DuBois	Do not Transmit	Do Not Transmit (8-0)
2020-2-B-FLUE-2	Planning Division	Text amendment to Future Land Use Element Policy FLU8.8.6 regarding the acceptance of an application for an amendment to the Orange County Comprehensive Plan for a particular property within a two (2)-year period subsequent to a decision of the Board of County Commissioners to not transmit or not adopt a Comprehensive Plan amendment involving substantially the same property.	Jenny DuBois		
2020-2-B-CP-4	Planning Division	Comprehensive Plan Administrative Clean-up to the Aquifer Recharge Element, Stormwater Element, Potable, Waste, and Reclaimed Water Element, and Solid Easte Element	Misty Mills	Transmit	Transmit (8-0)

**ABBREVIATIONS INDEX:**

ABBREVIATIONS INDEX: IND-Industrial; C-Commercial; O-Office; LDR-Low Density Residential; LMDR-Low-Medium Density Residential; MDR-Medium Density Residential; MDHR-Medium High Density Residential; HDR-High Density Residential; PD-Planned Development; INST-Institutional; CONS-Wetland/Conservation; PR/OS-Parks/Recreation/Open Space; OS-Open Space; R-Rural/Agricultural; RS-Rural Settlement; RS 1/5-Rural Settlement 1/5; RS 1/2-Rural Settlement 1/2; RS 1/1-Rural Settlement 1/1; GC-Growth Center; USA-Urban Service Area; WB-Water Body; ACMU-Activity Center Mixed Use; EDU-Educational; CP-Comprehensive Plan; FLUM-Future Land Use Map; FLUE-Future Land Use Element; GOPS-Goals, Objectives, and Policies; OBJ-Objective; TRAN-Transportation; ALF-Assisted Living Facility; A-1-Citrus Rural District; A-2-Farmland Rural District; R-T-Mobile Home Park District; R-CE-Country Estate District; R-1A-Single-Family Dwelling District; R-1-Single-Family Dwelling District; R-3-Multiple-Family Dwelling District; R-2-Residential District; R-T-2-Combination Mobile Home and Single-Family Dwelling District; P-O-Professional Office District; C-1-Retail Commercial District; C-2-General Commercial District; C-3-Wholesale Commercial District; I-1/1-5-Light Industrial District; I-2/1-3-General Industrial District; PD-Planned Development District; RZ-Rezoning; LUP-Land Use Plan; CDR-Change Determination Request; SR-State Road; AC-Acres

# **2020 SECOND REGULAR CYCLE AMENDMENTS TO THE 2010-2030 COMPREHENSIVE PLAN TRANSMITTAL PUBLIC HEARING**

## **INTRODUCTION**

This is the Board of County Commissioners (BCC) transmittal public hearing book for the Second Regular Cycle Amendments (2020-2) to the Future Land Use Map (FLUM) and Comprehensive Plan (CP). These amendments were heard by the Local Planning Agency (LPA) during a transmittal public hearing held on September 17, 2020 and will go to the Board of County Commissioners (BCC) for a transmittal public hearing on October 13, 2020.

The 2020-2 Regular Cycle Amendments entails one privately-initiated map amendment located in District 2 and three staff-initiated text amendments. However, Staff-Initiated Text Amendment 2020-2-B-FLUE-2 was not heard by the LPA on September 17, 2020 and was postponed to a later date. Privately-Initiated Map Amendment 2020-2-A-5-1 was heard by the BCC at a transmittal public hearing on September 1, 2020 but will be heard concurrently with today's Regular Cycle Amendments at the adoption hearing stage.

Since this is the transmittal stage for these amendments, there will be a second round of public hearings for adoption after the Florida Department of Economic Opportunity (DEO) and other State agencies complete their review of the proposed amendments and provide comments, which are expected in November 2020. Adoption public hearings are tentatively scheduled for the LPA on December 17, 2020 and the BCC on January 12, 2021.

Once the Regular Cycle amendments have been adopted by the BCC, the amendments will become effective 31 days after DEO notifies the County that the plan amendment package is complete. These amendments are expected to become effective in February 2021, so long as no challenges are brought forth for any of the amendments.

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](mailto:Alberto.Vargas@ocfl.net), or Gregory Gologowski, AICP, Chief Planner, Comprehensive Planning Section, at (407) 836-5624 or [Gregory.Gologowski@ocfl.net](mailto:Gregory.Gologowski@ocfl.net).



**Applicant/Owner:** Momtaz Barq, P.E., Terra-Max Engineering, Inc., for Bailey's Real Estate, LLP

**Location:** Generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

**Existing Use:** Golden Gate Equestrian, single-family residence, and manufactured home

**Parcel ID Numbers:** 34-21-28-0000-00-064/090/097/100/108/110/114

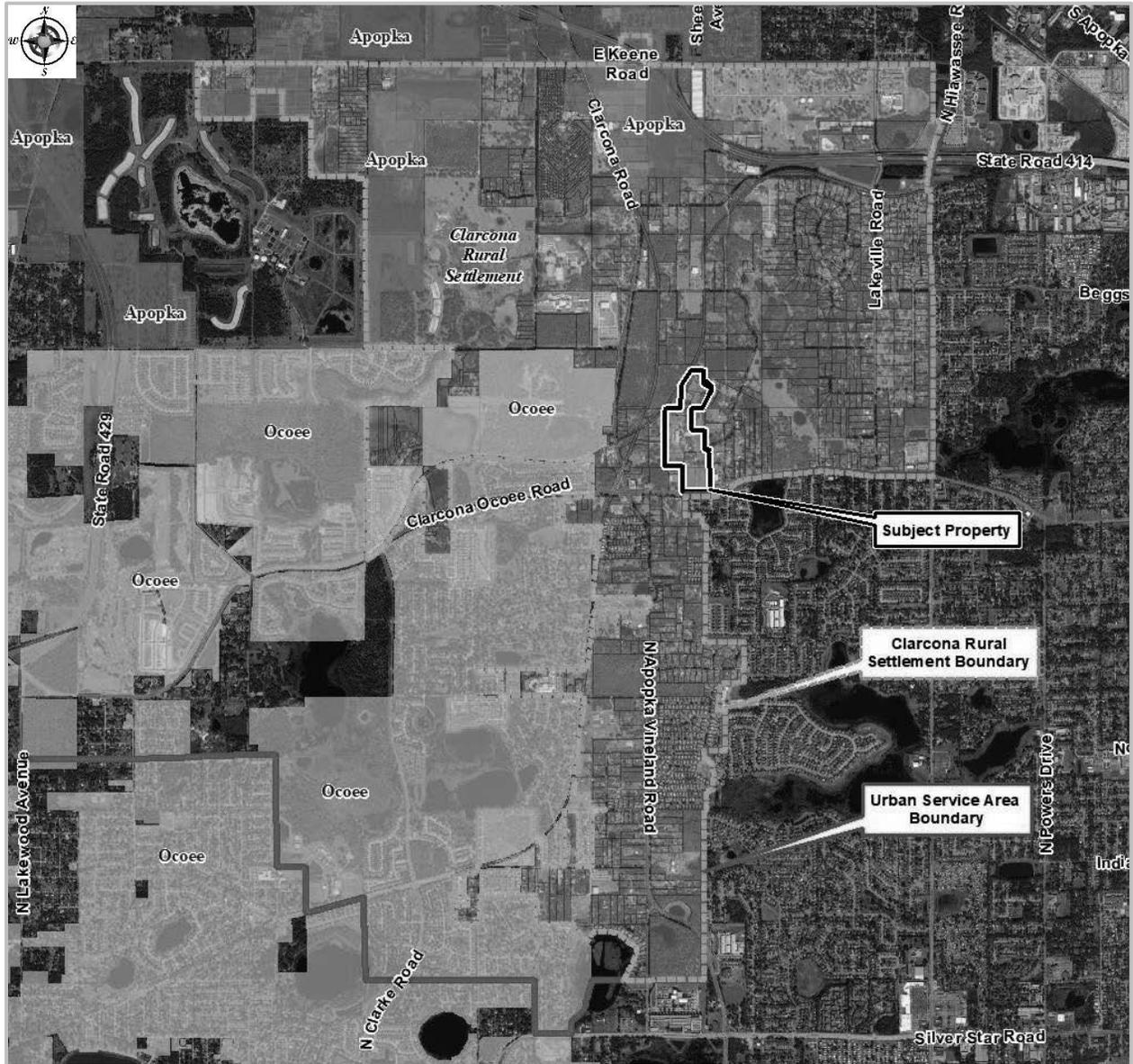
**Tract Size:** 47.94 gross/net acres

The following meetings and hearings have been held:		Project Information
Report/Public Hearing	Outcome	
✓	A virtual community meeting was held August 6, 2020, with 49 members of the public in attendance.	<b>Request:</b> Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)
✓	Staff Report	<b>Proposed Development Program:</b> Adult care community with a maximum development program of a 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities
✓	LPA Transmittal August 20, 2020	<b>Public Facilities and Services:</b> Please see the Public Facilities Analysis Appendix for specific analysis of each public facility.
✓	LPA Transmittal September 17, 2020	<b>Environmental:</b> The subject property is located within the Wekiva Study Area, in which special area regulations apply. The site also has a history of agricultural use that may have resulted in soil and/or groundwater contamination.
	BCC Transmittal	<b>Transportation:</b> The subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained roadway. There are currently four deficient roadway segments within the project's impact area.
	State Agency Comments	<b>Utilities:</b> The subject property is located within Orange County Utilities' (OCU's) water and wastewater service areas. Reclaimed water, however, is currently unavailable in the vicinity of the site.
	LPA Adoption	<b>Concurrent Rezoning:</b> A rezoning to PD (Planned Development District) will be required. If this proposed amendment is transmitted, staff expects that a concurrent PD rezoning request will be considered during the adoption public hearing stage.
	BCC Adoption	

**SITE AERIAL**



### CLARCONA RURAL SETTLEMENT MAP



**FUTURE LAND USE - CURRENT**



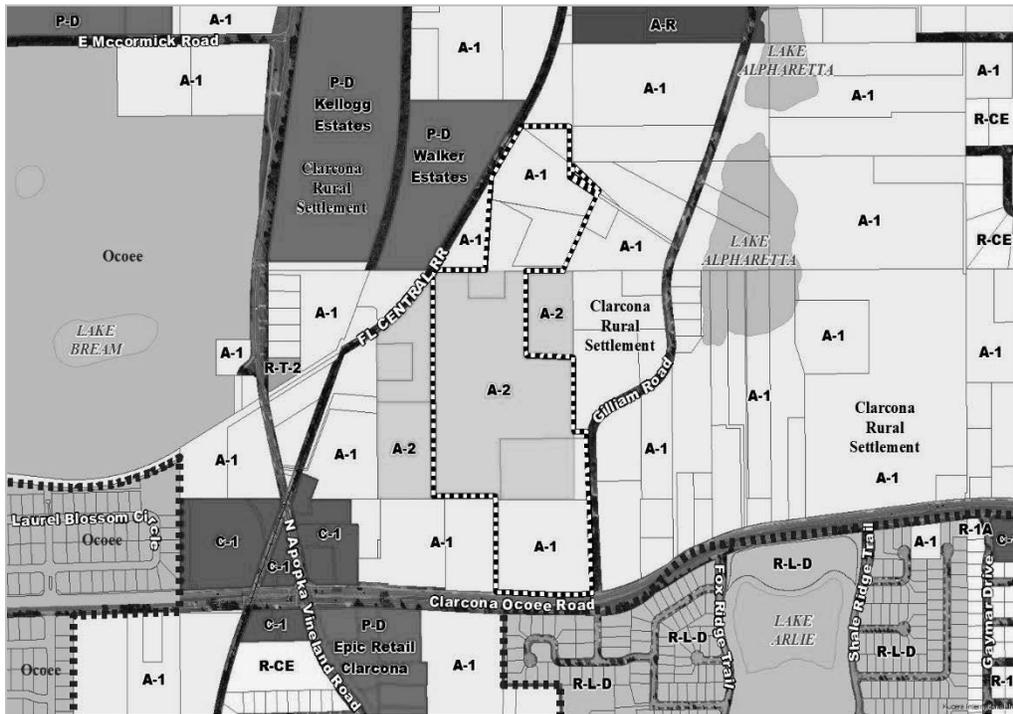
<b>Current Future Land Use Designation</b>
Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)
<b>Special Area Information</b>
Rural Settlement: Clarcona Rural Settlement
Wekiva Study Area
JPA: N/A
Overlay District: N/A
Airport Noise Zone: N/A

**FUTURE LAND USE - PROPOSED**



<b>Proposed Future Land Use Designation</b>
Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)

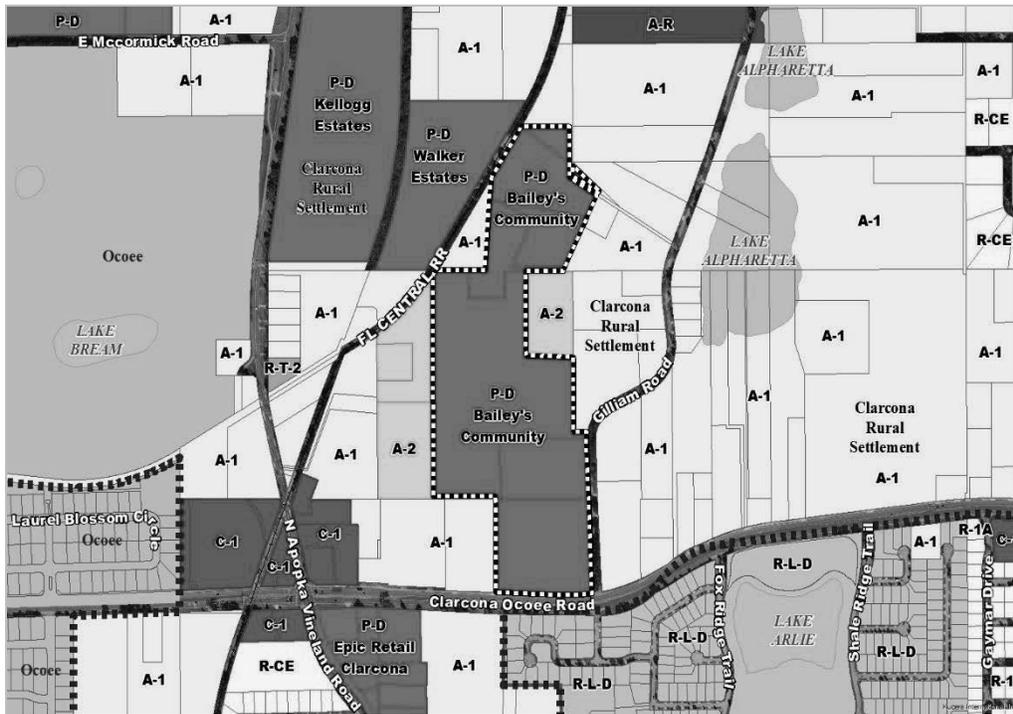
**ZONING – CURRENT**



**Current Zoning:**  
 A-1 (Citrus Rural District) and A-2 (Farmland Rural District)

**Existing Uses**  
**N:** Single-family homes and Koinonia Ministries of Central Florida  
**S:** Robinson Hills (single-family residential subdivision) and Canine Companions for Independence  
**E:** Freedom Fellowship Church and single-family homes  
**W:** Radiant Life Assembly of God, Radiant Life Academy (pre-K – 8 school), single-family homes, and Florida Central Railroad tracks

**ZONING – PROPOSED**



**Proposed Zoning:**  
 PD (Planned Development District) (Bailey's Community PD/LUP)

## Staff Recommendation

Make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies.

## Analysis

### 1. Background & Development Program

The applicant, Momtaz Barq, is requesting to change the Future Land Use Map (FLUM) designation of the 47.94-acre subject property—located within the Clarcona Rural Settlement, the County’s Rural Service Area, and the Wekiva Study Area—from Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5) to Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS). The property, comprised of seven individual parcels, is presently the site of Golden Gate Equestrian, a facility specializing in riding lessons and horse training, boarding, quarantining, and sales. A single-family residence and a manufactured home are also located on the premises.

As illustrated on the Future Land Use Map, the south 35.64 acres of the site possess the Rural Settlement 1/2 future land use designation, with a maximum permitted density of one dwelling unit per two net acres. The remaining north 12.30 acres are classified as Rural Settlement 1/5, with a maximum allowable density of one dwelling unit per five net acres. The applicant is seeking the Planned Development-Commercial/Assisted Living Facility (Rural Settlement) future land use designation for the combined 47.94 acres to allow for the development of an adult care community featuring a three-story, 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. Staff notes that this requested development program—modified following the August 6, 2020, community meeting—is a reduction from the initial proposal of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

As shown on the area map, the subject property is situated in the center of the Clarcona Rural Settlement, a community characterized by a mix of large-lot residential development, agricultural activity, and institutional and recreational uses. While the property fronts Clarcona-Ocoee Road, a four-lane collector, and lies within Orange County Utilities’ (OCU’s) potable water and wastewater service areas, it is surrounded by land uses typical of a Rural Settlement that has largely maintained its integrity over the years, despite relatively recent annexation activity by the City of Ocoee and the City of Apopka (neither of which are contiguous to the site). The property is bordered to the north by individual single-family homesites, several with ancillary agricultural uses, and a small church, Koinonia Ministries of Central Florida. Freedom Fellowship Church and single-family homesites abut the property to the east. Radiant Life Assembly of God and its affiliated school, Radiant Life Academy, additional single-family homes, and the Florida Central Railroad tracks lie to the west of the site, and Canine Companions for Independence’s Southeast Region Training Center is located south of the property. In addition to the Canine Companions for Independence facility, the subject site is bounded to the south by Robinson Hills, a single-family residential subdivision outside the Clarcona Rural Settlement, within the County’s Urban Service Area. Staff notes that this development possesses a future land use designation of Low Density Residential (LDR), with a maximum allowable density of four dwelling units per net acre. This category is permitted only

within the County’s Urban Service Area, pursuant to **Future Land Use Element Policy FLU1.1.2(B)**, rather than the Rural Service Area, in which the subject property lies.

Staff believes the site’s current equestrian and residential uses are compatible with the history and development pattern of the surrounding Rural Settlement but views the proposed combination of a 250-bed assisted living facility, 30 adult independent living cottages, and 12,320-square-foot community clubhouse—along with required parking areas for residents, visitors, and staff—as urban in character. While senior living facilities are essential to the attainment of a healthy mix of housing opportunities in the County, the mixed-use adult care community proposed in this amendment application is not consistent with the character and scale of development in the Clarcona Rural Settlement or the Rural Service Area, despite the applicant’s modification of the requested development program. Rather, it would be better suited to a site within the Urban Service Area boundary.

**Staff-Initiated Text Amendment**

**Future Land Use Element Policy FLU8.1.4** establishes the development programs for Planned Development (PD) and Lake Pickett (LP) FLUM designations adopted since January 1, 2007. The development program for this requested amendment is proposed for incorporation into Policy FLU8.1.4 via a corresponding staff-initiated text amendment, Amendment 2020-2-B-FLUE-1. While staff recommends that this requested amendment, Amendment 2020-2-A-2-1, not be transmitted to the reviewing agencies, the maximum development program for this amendment, if ultimately adopted by the Board of County Commissioners, will be as follows:

<b>Amendment Number</b>	<b>Adopted FLUM Designation</b>	<b>Maximum Density/Intensity</b>	<b>Ordinance Number</b>
<u>2020-2-A-2-1</u> <u>Bailey’s Community</u>	<u>Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community: 250-bed assisted living facility, 30 adult independent living cottages, 12,320-square-foot community clubhouse, and equestrian amenities</u>	<u>2021-</u>

**Virtual Community Meeting**

**Note:** In lieu of a traditional in-person community meeting, an August 6, 2020, virtual community meeting was held for this requested amendment. The discussion centered on the originally-requested development program of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. The modified development program, submitted on September 1, 2020, has not been discussed by the community as of September 3, the time of this writing.

The August 6 meeting participants, all of whom appear to reside in the Clarcona Rural Settlement, voiced their belief that the adoption of the proposed Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS) future land use designation and the subsequent development of an adult care community in accordance with the applicant team’s presentation would compromise the integrity of the Rural Settlement and the rural lifestyle they value. While several meeting attendees deemed the applicant’s concept positive, they asserted that a project of this scale is appropriate for a site in the County’s Urban Service Area, rather than a Rural Settlement that has largely maintained its historic character.

Several meeting participants stated that an adult care community of this size would exacerbate traffic and congestion on area roads. While the applicant team maintained that most residents would not have cars, instead relying on community-provided transportation, some in attendance disagreed, noting that based on their experience, most individuals residing in assisted and independent living facilities drive. Several attendees stated that the applicant team has underestimated the anticipated number of visitors and the medical, administrative, maintenance, and equestrian care staff necessary for the operation of the adult care community, as proposed, who would collectively add to the existing congestion problem. Other area residents added that the problem would be worsened by high ambulance and fire/rescue vehicle traffic into the community, adding that these vehicles would also increase the level of noise in a relatively quiet Rural Settlement.

In answer to several meeting participants, the applicant team verified that the existing equestrian facilities would be a community amenity and accessible to its residents. Some attendees expressed their belief that the horses could be dangerous to a senior population and questioned whether the community's owner would be able to obtain liability insurance.

A number of meeting attendees voiced their worry about the project's potential environmental impacts, expressing concern about possible negative impacts on habitat and species. Others raised questions about stormwater retention and the potential for flooding, noting that a portion of the property, near its north boundary, lies within a flood zone. The members of the applicant team, in return, noted that approximately 40 percent of the site would be set aside as open space. The applicant team added that the required environmental studies would be conducted and stormwater management permits obtained, emphasizing that all stormwater must be retained onsite.

Overall, those in attendance asserted that the proposed adult care community, as presented, would be incompatible in scale and character with the large residential homesites and low-intensity agricultural and institutional uses that predominate in the Rural Settlement. The tone of the meeting was **negative**.

## Project Analysis

### **Consistency**

The requested FLUM amendment appears to be **inconsistent** with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

In the justification statement submitted with the application, the applicant writes:

Orange County has long recognized and is actively seeking to balance the reality of growth and development pressures in the area with the desire to protect the Rural Settlement and provide a workable transition from these higher intensity uses.

As these development pressures continue to increase, the properties along the north and south side of the 4-laned Clarcona-Ocoee Road cannot, realistically, retain a rural settlement character. Instead, the most logical and appropriate solution to the inevitable growth in the area is to allow these properties to be developed in a way which seeks to provide optimal buffering, protection, and transition into the Rural Settlement.

Staff disagrees with the above statement. As discussed previously, the subject property is situated in the center of the Clarcona Rural Settlement, an area characterized by a mix of low-intensity residential development, agricultural activity, and recreational and institutional uses. **Future Land Use Element Goal FLU6** directs the County to conserve rural assets and values, including Rural Settlements. **Objective FLU6.2** supports the conservation of rural assets and values within Rural Settlements by recognizing and preserving existing development patterns and providing for a rural

residential lifestyle. Staff notes that the Clarcona Rural Settlement is among a group of five Rural Settlements designated in the Comprehensive Plan for heightened preservation efforts. **Future Land Use Element Policy FLU6.2.2** mandates that every effort shall be made to preserve the existing character of the Clarcona Rural Settlement as part of Orange County's heritage and historic preservation. Staff believes that the adoption of the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) land use designation and the subsequent development of the proposed adult care community on the subject site would not be in keeping with the character and history of the Rural Settlement. Rather, as noted earlier, it would introduce a mix of uses of an urban scale and intensity into the heart of the Rural Settlement.

Land use restrictions and limitations on the scale and intensity of non-residential development are among the tools utilized by the County to preserve a community's character and history. Staff finds this requested amendment inconsistent with **Open Space Element Policy OS1.3.6**, which establishes that new non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks, and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting. Comprehensive Plan map amendments may allow neighborhood or community commercial uses only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. The subject property, however, is not situated at the intersection of two major roads. Although Clarcona-Ocoee Road is a four-lane collector roadway, the intersecting Gilliam Road is a two-lane rural road that extends north into the interior of the Clarcona Rural Settlement. As illustrated on the aerial photograph, Gilliam is lined by large residential homesites, agricultural and religious institutional uses, and undeveloped land. The development of the proposed adult care community—which does not meet the definition of a neighborhood or low-intensity community commercial use—at this location would not meet the purpose and intent of this policy.

Lastly, staff finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.12**, which states that any proposed use within a Rural Settlement intended for the new construction of a structure with a gross buildable area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;
- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable.

As discussed above, proposed project—comprised of a three-story, 250-bed assisted living facility, 30 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, will exceed the gross buildable area cap of 50,000 square feet, which staff believes would unduly impact the historic and rural character of the Clarcona Rural Settlement. Although the applicant has modified the requested development program—eliminating the 66,000-square-foot adult independent living facility, lowering the height of the assisted living facility from four to three stories, and reducing the number of adult independent living cottages from 50 to 30—staff is still of the opinion that the project is urban in scale and character. Staff also notes that the project analysis included in the amendment application package was conducted solely for the subject property, and

no updated analysis has been submitted to date. It does not appear that any alternative sites have been evaluated for potential suitability for the development of the adult care community, further rendering this application inconsistent with the Comprehensive Plan.

### ***Compatibility***

The requested Future Land Use Map Amendment appears to be **incompatible** with the development pattern of the surrounding area. **Future Land Use Element Objective FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions, while **Policy FLU8.2.1** requires land use changes to be compatible with the existing development and development trend in the area. Staff further finds the proposed amendment inconsistent with **Future Land Use Element Policy FLU6.2.5**, which establishes that the permitted densities and intensities of land uses within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses.

As discussed previously, staff does not support the redevelopment of the 47.94-acre site for the proposed adult care community. The requested project, featuring a three-story, 250-bed assisted living facility; 30 adult independent living cottages; a 12,320-square-foot community clubhouse; and sufficient parking for residents, visitors, and staff, is not comparable in intensity, height, or character to existing development within the Clarcona Rural Settlement. Despite the applicant's intent to reduce the height of the assisted living facility, prohibit public and employee access from Gilliam Road, preserve approximately 40 percent of the site as open space—thus exceeding the minimum 25 percent Wekiva Study Area open space requirement—and provide equestrian amenities, walking paths, and gardens, the project would ultimately result in an abrupt and inappropriate increase in intensity between the neighboring Rural Settlement 1/5-, Rural Settlement 1/2-, and Rural Settlement 1/1-classified parcels to the north, south, east, and west.

It is staff's belief that adoption of the requested Future Land Use Map Amendment and the subsequent approval of a PD rezoning application would result in the creation of a senior living community that, while suitable for a site within the County's Urban Service Area, could ultimately erode the character of the tranquil Rural Settlement. Staff, therefore, recommends denial of this amendment application.

### ***Public Facilities and Services***

**Environmental.** This site is located within the Wekiva Study Area, as established by the Wekiva Parkway and Protection Act, Section 369.316 F.S. Additional environmental regulations apply. These requirements may further reduce the total net developable acreage. Regulations include, but are not limited to, septic tank criteria, open space requirements, stormwater treatment, upland preservation, setbacks related to karst features and the watershed, and aquifer vulnerability. In addition to the state regulations, local policies are established in the Orange County Comprehensive Plan, including Objective FLU6.6, Wekiva, and the related policies.

The Florida Springs and Aquifer Protection Act, §373.801, et. seq. F.S. (the "Act") requires Onsite Sewage Treatment and Disposal Systems ("OSTDS") capable of enhanced treatment of nitrogen loads in the Wekiwa Spring and Rock Springs Basin Management Action Plan ("BMAP") dated June 2018, as may be amended. Per this requirement, lots of less than one acre in size within the Priority Focus Area, as defined in the Act, must comply with the OSTDS Remediation Plan within the BMAP. Lots shall meet the requirements of the Act or of Article XVII (Individual On-Site Sewage Disposal) of Chapter 37 of the Orange County Code, whichever is more stringent. Any person desiring to construct a new septic system, or to modify or repair an existing system, shall apply for a permit to the Florida Department of Health. (Note: Per Orange County Utilities, there are existing water and

wastewater mains within the Clarcona-Ocoee Road right-of-way, and the applicant would be allowed to connect.)

This project site has a prior agricultural land use that may have resulted in soil and/or groundwater contamination due to spillage of petroleum products, fertilizer, pesticide, or herbicide. Prior to the earlier of platting, demolition, site clearing, grading, grubbing, review of mass grading, or construction plans, the applicant shall provide documentation to ensure compliance with the Florida Department of Environmental Protection (FDEP) Regulation 62-777, Contaminant Cleanup Target Levels, and any other contaminant cleanup target levels found to apply during further investigations, to the Orange County Environmental Protection and Development Engineering Divisions. An environmental site assessment (ESA) is not required at this time, but if an ESA has been completed for this site, please submit a copy with the application.

Development of the subject properties shall comply with all state and federal regulations regarding wildlife or plants listed as imperiled (endangered, threatened, or species of special concern). The applicant is responsible for determining the presence of imperiled species and obtaining any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission (FWC).

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

#### **Transportation.**

**Note:** The Transportation Planning Division's comments below are based on the originally-proposed development program of a four-story, 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities. As the applicant submitted the reduced development program shortly before the publication of this staff report, Transportation Planning has not analyzed the updated request. However, their comments will be incorporated into all future staff reports for this proposed amendment.

The Transportation Planning Division has informed staff that development of the site for 19 single-family homes under its current Rural Settlement 1/2 and Rural Settlement 1/5 future land use designations would generate 18 p.m. peak hour trips, while the proposed development of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities under the requested Planned Development-Commercial/Assisted Living Facility (Rural Settlement) designation would generate 178 new p.m. peak hour trips, resulting in a net increase of 160 p.m. peak hour trips.

- Per Transportation Planning, the subject property is not located within the County's Alternative Mobility Area (AMA) or along a backlogged/constrained facility. The subject property is adjacent to Clarcona-Ocoee Road. Based on existing conditions, there are currently four (4) deficient roadway segments within the project's impact area. This information is dated and subject to change. The following segments are operating above their Maximum Service Volume (MSV):
  - Apopka-Vineland Rd from A.D. Mims Road to Clarcona-Ocoee Road;
  - Clarcona Road from Gilliam Road to Keene Road;
  - Clarke Road from A.D. Mims Road to Clarcona-Ocoee Road;
  - N. Apopka-Vineland Road from Clarcona-Ocoee Road to Gilliam Road.

- Based on the project's trip distribution, 60% are projected to travel eastbound on Clarcona-Ocoee Road, while 40% are expected to travel westbound.
- The short-term analysis (Year 2025) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.
- The long-term analysis (Year 2030) revealed that no additional roadway segments are projected to operate above their MSV. The four (4) deficient segments mentioned above will still be over capacity.

Final permitting of any development on this site will be subject to review and approval under the capacity constraints of the County's Transportation Concurrency Management System. Such approval will not exclude the possibility of a proportionate share payment to mitigate any transportation deficiencies.

**Utilities.** The subject site is located in the Orange County Utilities' (OCU's) potable water, wastewater, and reclaimed water service areas. Per OCU, there is a 24" water main and a 36" forcemain within the right-of-way of Clarcona-Ocoee Road. Reclaimed water, however, is presently unavailable in the vicinity of the subject site. OCU currently has sufficient plant capacity to serve the amendment.

## 2. Policy References

**GOAL FLU6 PROTECTION OF RURAL LAND RESOURCES AND OTHER ASSETS.** The County will manage land uses within the Rural Service Area, including agricultural lands, environmental land including the Wekiva Area, historic resources and Rural Settlements, so as to conserve these assets and their values.

**OBJ FLU6.2 RURAL SETTLEMENTS.** Rural Settlements provide for a rural residential lifestyle. In some instances, Rural Settlements allow a transition of rural areas adjacent to the Urban Service Area while avoiding development in active agricultural areas. Rural Settlements were intended to recognize and preserve existing development patterns at the time the CP was adopted in 1991. The creation of Rural Settlements recognized the need to maintain agricultural areas and rural uses in the Rural Service Area, while providing for rural communities.

**FLU6.2.2** – Every effort shall be made to preserve the existing character of the Tangerine, Clarcona, Christmas, Zellwood, and Gotha Rural Settlements as part of Orange County's heritage and historic preservation. Rural Settlements may be designated as Preservation Districts for the purposes of municipal annexation pursuant to the Orange County Charter, Article V.

**FLU6.2.5** – The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy FLU1.1.2(C).

**FLU6.2.12** – Any proposed use within a Rural Settlement intended for the new construction of a structure with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement if the following conditions exist:

- The proposed use is located in a Rural Settlement that has maintained a rural and historic character, consistent with the intent of Rural Settlements.
- It is determined that the proposed use(s) by size, massing and traffic, will unduly impact the historic and rural character of the Rural Settlement;

- The use, as determined by a market study, is primarily intended for those whose daily life activities do not occur within the Rural Settlement.
- It is not demonstrated that other potential sites were evaluated as being suitable. (Amended 11/17, Ord. 2017-19)

**FLU6.6.8** – Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. Existing land uses are recognized but density and intensity shall not be increased through a future land use change unless there is substantial evidence that the change will satisfy a demonstrated need in the community or area.

Any petitioner for a future land use map amendment must submit documentation substantiating that a particular need exists in the community or area in which the change is being proposed. This documentation shall clearly identify the particular need and clearly describe how the proposed change is anticipated to satisfy that need.

Evidence and documentation indicating need and indicating that the proposed development would satisfy that need must be submitted from a third party objective source. In preparing such documentation, the petitioner shall keep in mind that market demand does not necessarily constitute need.

The following evaluation factors shall be used to determine consistency with this policy. To ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Applicants must demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles).

Residential projects shall demonstrate the need for additional residential development using analytical tools such as population projections and availability of existing or already approved vacant lots and/or units. Additional considerations will include housing affordability and impacts on public services and facilities.

Non-residential and mixed-use projects shall demonstrate that the proposed land use will not generate hazardous materials and waste. Additionally, factors such as support for forestry, agriculture, fishing and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources will be evaluated for the proposed land use.

**OBJ FLU8.2 COMPATIBILITY.** Compatibility will continue to be the fundamental consideration in all land use and zoning decisions. For purposes of this objective, the following polices shall guide regulatory decisions that involve differing land uses.

**FLU8.2.1** – Land use changes shall be required to be compatible with the existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**OS1.3.6** – For that portion of the Wekiva Study Area located within the Joint Planning Area of the City of Apopka, Orange County shall require compliance with minimum open space and density requirements described by the Joint Planning Area Agreement (JPA) with the City of Apopka adopted on October 26, 2004. If a discrepancy exists between the City of Apopka and Orange

County in terms of requirements, the most stringent shall apply. The County shall adopt Land Development Regulations by January 1, 2007 for these areas to provide for a pattern of development that protects most effective recharge areas, karst features, and sensitive natural habitats. (Amended 6/10, Ord. 10-07)

All areas shown as High Recharge Areas identified in the Data and Analysis of this element on Map 4 (aka Figure WSA-3) shall be recognizable by the presence of Type "A" Hydrologic Soil Group identifying the most effective recharge areas. (Amended 6/10, Ord. 10-07)

During the site planning process, a soil analysis shall be performed by a qualified professional to determine the location of most effective recharge areas, considered Type "A" Hydrologic soils described by the NRCS Soil Survey maps. (Amended 6/10, Ord. 10-07).

To maximize open space and preserve the natural environment, all development shall conform to the following requirements.

An acceptable alternative plan to a configuration in which the required percentage of open space is located on site is a plan that ensures that the required percentage of open space is permanently preserved through the transfer of density credits, development rights, or property purchases (such off-site transfers shall be limited to property located within the Wekiva Springshed), and such open space shall be permanently protected through conservation easements or similar binding mechanisms. (Added 10/10, Ord. 2010-13)

The following text describes areas of Orange County that contain special criteria for open space. For these following areas, all open space shall be permanently protected and unless otherwise noted, the clustering of open space is required.

**Residential land uses in the Rural Service Area.**

Within all areas designated as Rural/Agricultural, the following standards shall apply:

- i. Development with densities less than or equal to one unit per ten acres (1du/10ac) – open space shall be 50% or greater.

**Residential land uses in existing Rural Settlements.**

Within all areas in the Wekiva Study Area designated as Rural Settlement, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- i. development with densities less than or equal to one unit per acre (1du/ac) – open space shall equal 50% or greater;
- ii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater.

**Residential land uses in Rural Settlements expansions.**

For any Rural Settlement expansions in the Wekiva Study Area, minimum lot size shall be determined by the availability of water and sewer services. Within any such development, any sensitive resource elements shall be permanently protected. The following standards shall apply:

- i. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall equal 60% or greater;

- ii. development with densities less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size less than or equal to 100 acres – open space shall be 70% or greater;
- iv. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 80% or greater.

**Residential land uses in Growth Centers.**

Within Growth Centers in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows.

- i. development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 40% or greater;
- ii. development with densities of less than or equal to one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 50% or greater;
- iii. development with densities greater than one unit per acre (1du/ac) in a development with an overall size of less than or equal to 100 acres – open space shall be 60% or greater.
- iv. development with densities greater than one unit per acre (1du/ac) in a development with an overall size greater than 100 acres – open space shall be 70% or greater. (Amended 6/10, Ord. 10-07)

**Residential land uses in the Urban Service Area (not in a Rural Settlement).**

Within the Urban Service Area in the Wekiva Study Area, any sensitive resource elements shall be permanently protected. Minimum open space shall be provided as follows:

- i. development with an overall size less than or equal to 100 acres – open space shall be 35% or greater;
- ii. development with an overall size greater than 100 acres – open space shall be 50% or greater.

**Vertical mixed-use in the Urban Service Area and Growth Center.**

Vertical mixed-use (non-residential and residential land uses) within the Urban Service Area and Growth Centers in the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Added 6/10, Ord. 10-07)

**Non-residential land uses in the Rural Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands. Land uses existing prior to adoption of this policy shall be recognized and allowed to develop according to the appropriate Land Development Code in place at the time of development permitting.

Comprehensive plan map amendments may allow neighborhood or community commercial uses

only at intersections of collector or arterial roadways, and such uses shall be restricted to neighborhood and low-intensity community commercial uses. Such commercial uses shall not be considered to be an impetus for increased residential densities in proximity to those commercial uses. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. To minimize impervious surfaces, shared parking shall be required to the greatest extent practicable between adjacent non-residential uses. (Amended 6/10, Ord. 10-07)

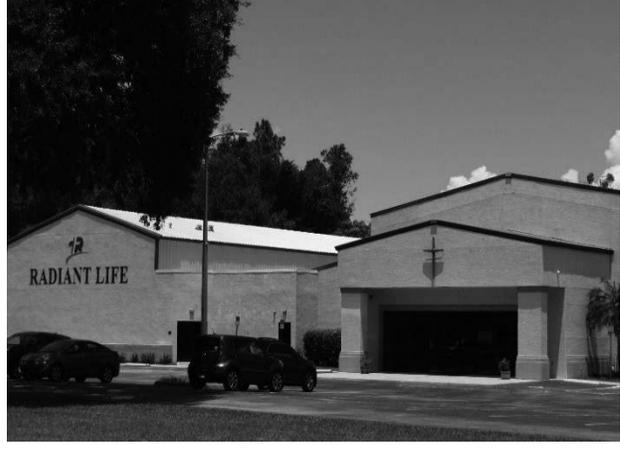
**Non-residential land uses in the Urban Service Area.**

New non-residential uses permitted in the Wekiva Study Area within the Urban Service Area shall be consistent with Goals, Objectives and Policies of the Comprehensive Plan and specifically with the Policies FLU1.4.3 through FLU1.4.25. Non-residential land uses within the Wekiva Study Area shall provide a minimum of 25% permanently protected open space. (Added 6/10, Ord. 10-07; Amended 10/10, Ord. 2010-13)

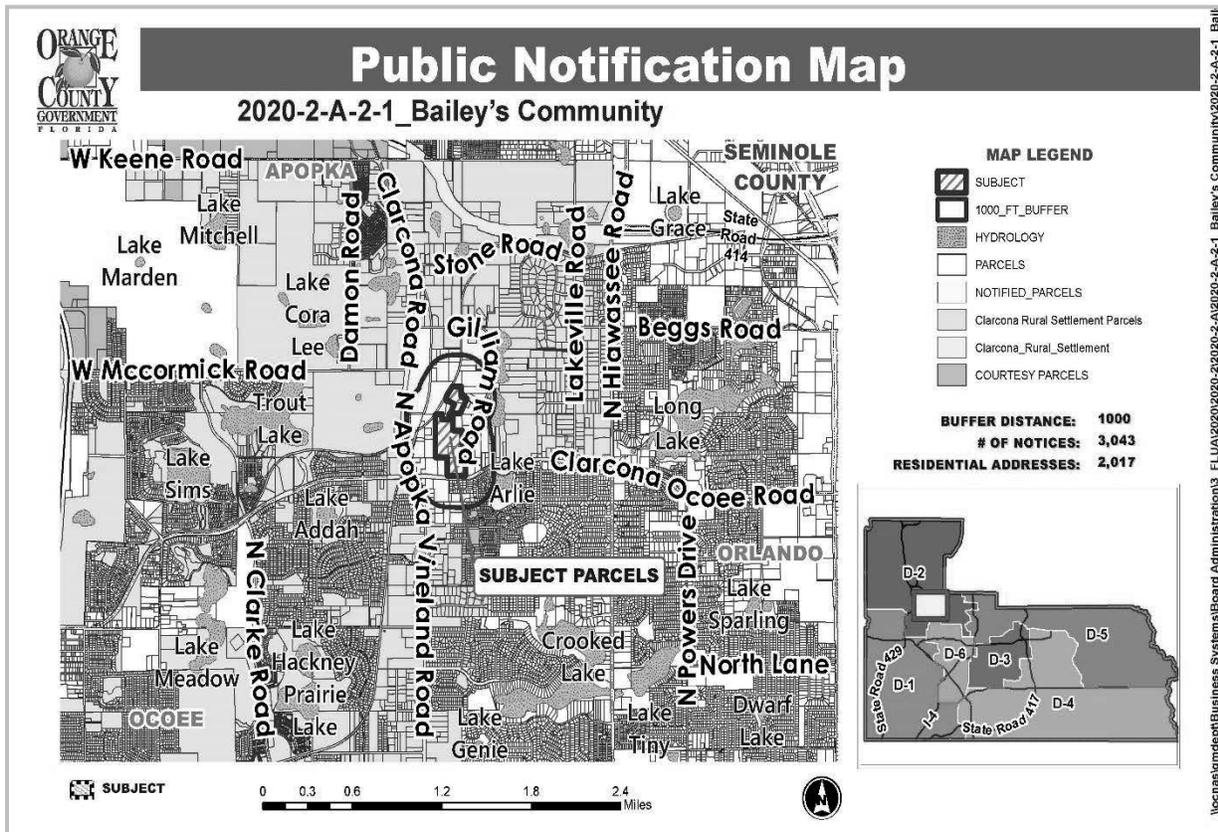
Non-residential sites too small to accommodate the above requirements – generally existing lots of record – may apply for a waiver from some or all of these open space requirements, provided that competent and sufficient evidence is provided documenting that fulfilling these requirements either is not physically possible or would constitute an undue hardship rendering the property unusable under the land use designation in effect on July 1, 2006. (Added 12/07, Ord. 07-20, Policy 1.3.6-r; Amended 10-09, Ord. 2009-28)

Site Visit Photos

<p>Subject Site</p>	<p>Subject Site</p>
	
<p>Subject Site</p>	<p>Subject Site</p>
	
<p>North of Subject Site</p>	<p>North of Subject Site</p>
	

<p>South of Subject Site</p>	<p>South of Subject Site</p>
	
<p>East of Subject Site</p>	<p>West of Subject Site</p>
	
<p>West of Subject Site</p>	<p>West of Subject Site</p>
	

**PUBLIC NOTIFICATION MAP**

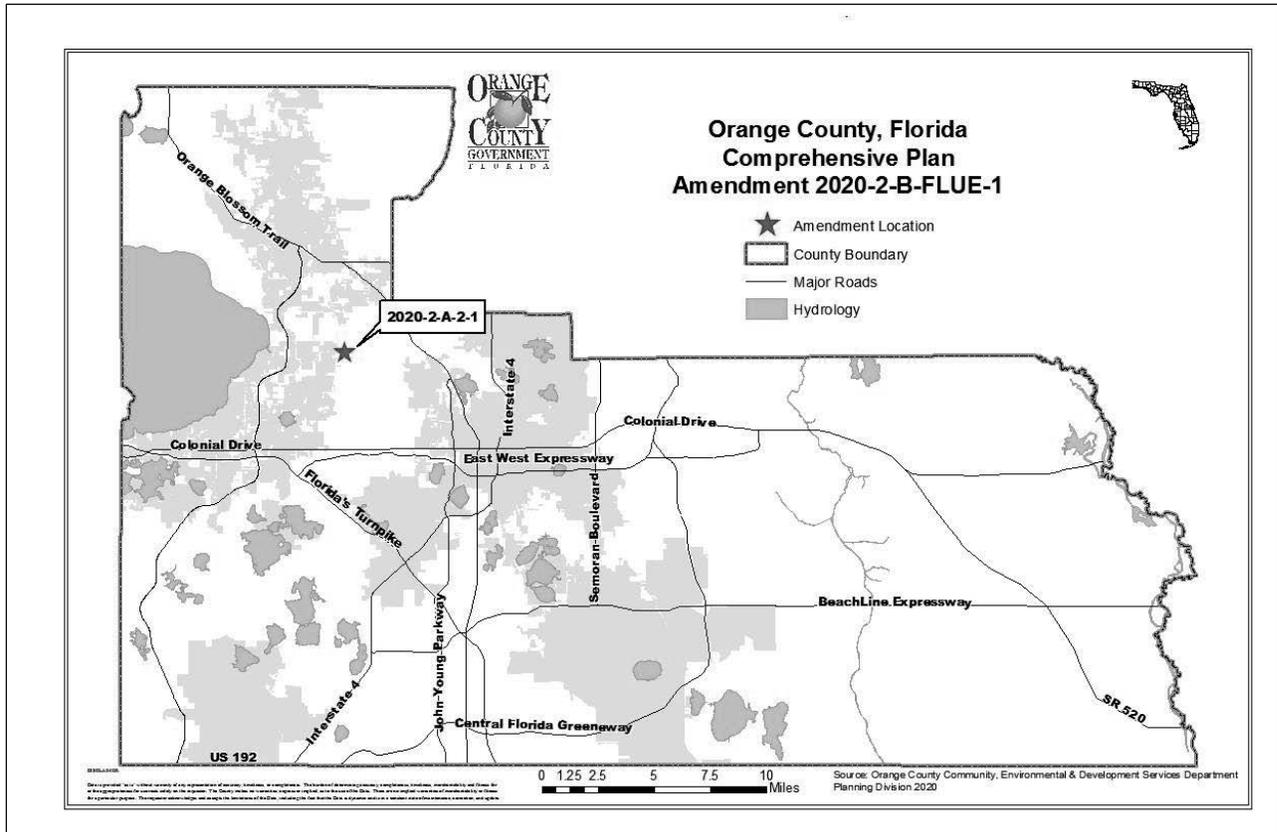


**Notification Area**

1,000 feet plus expanded notification area and all neighborhood and homeowners' associations within a one-mile radius of the subject site

3,043 notices sent





The following meetings and hearings have been held for this proposal:			Project/Legal Notice Information	
<b>Report/Public Hearing</b>		<b>Outcome</b>	<b>Title:</b> Amendment 2020-2-B-FLUE-1	
✓	Staff Report	Do Not Transmit	<b>Division:</b> Planning	
✓	LPA Transmittal August 20, 2020	Continue to September 17, 2020	<b>Request:</b> Amendments to Future Land Use Element Policy FLU8.1.4 establishing the maximum densities and intensities for proposed Planned Developments within Orange County	
✓	LPA Transmittal September 17, 2020	Recommend Do Not Transmit (8-0)		
	BCC Transmittal	October 13, 2020		
	Agency Comments	November 2020		
	LPA Adoption	December 17, 2020		
	BCC Adoption	January 12, 2021	<b>Revision:</b> FLU8.1.4	

### Staff Recommendation

Make a finding of inconsistency with the Comprehensive Plan, determine that the plan amendment is not in compliance, and recommend that Amendment 2020-2-B-FLUE-1 **NOT BE TRANSMITTED** to include the development program for Amendment 2020-2-A-2-1 in Future Land Use Element Policy FLU8.1.4.

## A. Background

The Orange County Comprehensive Plan (CP) allows for a Future Land Use designation of Planned Development. While other Future Land Use designations define the maximum dwelling units per acre for residential land uses or the maximum floor area ratio (FAR) for non-residential land uses, this is not the case for the Planned Development (PD) designation. Policy FLU8.1.3 establishes the basis for PD designations such that “specific land use designations...may be approved on a site-specific basis”. Furthermore, “such specific land use designation shall be established by a comprehensive plan amendment that identifies the specific land use type and density/intensity”. Each comprehensive plan amendment involving a PD Future Land Use designation involves two amendments: the first to the Future Land Use Map and the second to Policy FLU8.1.4. The latter serves to record the amendment and the associated density/intensity established on a site-specific basis. Any change to the uses and/or density and intensity of approved uses for a PD Future Land Use designation requires an amendment of FLU8.1.4.

Staff has received one application for the 2020-2 Regular Cycle requesting the PD Future Land Use designation: proposed Amendment 2020-2-A-2-1 (Bailey’s Community). Staff recommends the Local Planning Agency make a finding that the information contained in the application for the proposed amendment is not sufficiently complete; that the proposed amendment does not have the potential to be found “in compliance,” as defined by Section 163.3184(1)(b), Florida Statutes; and recommend to the Board of County Commissioners that Amendment 2020-2-A-2-1 **NOT BE TRANSMITTED** to the reviewing agencies. Accordingly, staff recommends that the development program associated with this amendment not be added to Policy FLU8.1.4. For specific references of inconsistency with the Comprehensive Plan, please refer to the staff report for this amendment.

## B. Policy Amendments

Following are the policy changes proposed by this amendment.

Staff recommends that privately-initiated Future Land Use Map Amendment 2020-2-A-2-1 (Bailey’s Community) not be transmitted. However, should the Board ultimately adopt this amendment, the associated development program will be noted in the Policy FLU8.1.4 table, as shown below in ~~underline/strikethrough~~ format.

FLU8.1.4 The following table details the maximum densities and intensities for the Planned Development (PD) and Lake Pickett (LP) Future Land Use designations that have been adopted subsequent to January 1, 2007.

Amendment Number	Adopted FLUM Designation	Maximum Density/ Intensity	Ordinance Number
***			
<u>2020-2-A-2-1            Bailey's            Community</u>	<u>Planned Development-            Commercial/Assisted Living Facility            (Rural Settlement) (PD-C/ALF) (RS)</u>	<u>Adult care community:            250-bed assisted living            facility, 30 adult            independent living            cottages, 12,320-square-            foot community            clubhouse, and equestrian            amenities</u>	<u>2021-</u>





# VIRTUAL COMMUNITY MEETING NOTICE

## 2020-2 REGULAR CYCLE FUTURE LAND USE MAP AMENDMENT

**Thursday, August 6, 2020 – 6:30 to 7:30 PM**

To pre-register and join this LIVE event, please visit [www.bit.ly/ocmeetings](http://www.bit.ly/ocmeetings) and select the item:

**Amendment 2020-2-A-2-1  
Bailey’s Community**

**Commission District #2**  
Christine Moore, Commissioner

**Case Planner:**  
Jennifer DuBois, Planner  
407-836-5396  
[Jennifer.DuBois@ocfl.net](mailto:Jennifer.DuBois@ocfl.net)

Please join the District Commissioner, Orange County staff, and your neighbors at a virtual community meeting where the applicant will present their request and answer your questions. **We encourage you to pre-register for this event via the link above in order to receive priority status for public comment during the virtual community meeting.**

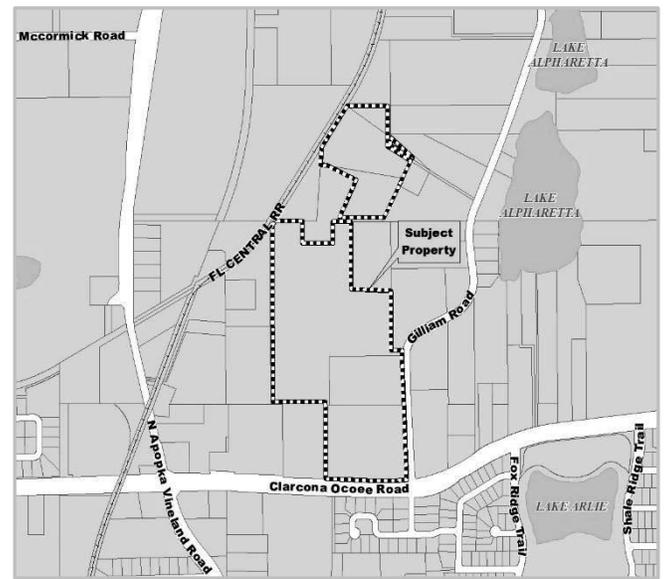
### REQUEST

**Future Land Use Map (FLUM) Amendment:** 2020-2-A-2-1

**From:** Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)  
**To:** Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)

**Project Name:** Bailey’s Community  
**Owner:** Bailey’s Real Estate, LLP  
**Applicant:** Momtaz Barq, P.E., Terra-Max Engineering, Inc.  
**Parcel ID:** 34-21-28-0000-00-064/090/097/100/108/110  
**Acreage:** 43.36 gross/net developable acres  
**Location:** 8001 Clarcona-Ocoee Road and 5850 and 5854 Gilliam Road; generally located north of Clarcona-Ocoee Road, west of Gilliam Road, and east of N. Apopka-Vineland Road.

### SUBJECT PROPERTY LOCATION



### SUMMARY OF REQUEST

The proposal is to change the Future Land Use Map designation of the subject property, located within the Clarcona Rural Settlement, from **Rural Settlement 1/2 (RS 1/2) and Rural Settlement 1/5 (RS 1/5)** to **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** to allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities.

Public hearings for this request will be held before the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and Board of County Commissioners (BCC). Each public hearing will be advertised in the *Orlando Sentinel*. Please note that the hearing dates shown on the second page of this announcement are tentative and subject to change.

## FREQUENTLY ASKED QUESTIONS

### **Q: Will there be a traditional, in-person community meeting?**

Due to the COVID-19 health emergency, Orange County is unable to conduct traditional community meetings at this time. In lieu of such a meeting, we are conducting a live, virtual community meeting to allow the presentation of information on the amendment proposal, the public review process, and to receive and respond to questions from those attending. A recording of the meeting will subsequently be made available for viewing for a limited period through a web folder available at [www.bit.ly/ocpublic](http://www.bit.ly/ocpublic). Questions or comments may also be submitted through the feedback form which is included with the case materials at that address, or via email to the Case Planner(s) listed on the first page of this notice.

### **Q: How can I participate in the development review process?**



Residents are encouraged to pre-register for the live virtual community meeting where an opportunity for limited public comment and questions will be provided. If you are unable to participate in the Virtual Community Meeting or access the web folder listed above, written comments or requests may be mailed or emailed to the Case Planner. Please note that the dates of the transmittal and adoption hearings listed above are tentative and are subject to change. However, if you received this mailed notice, similar notice will be provided in advance of each transmittal and adoption hearing date. More specific property information can also be obtained by accessing the Orange County Property Appraiser's website at [www.ocpafi.org](http://www.ocpafi.org) or the OCFL Atlas at [www.OCFL.net/Atlas](http://www.OCFL.net/Atlas).

### **Q: Where will the public hearings be held?**

To comply with the CDC's Social Distancing Guidelines and keep our citizens safe, the Orange County Local Planning Agency (LPA) / Planning & Zoning Commission (PZC) and the Board of County Commissioners (BCC) will conduct public hearings virtually until further notice. However, Orange County remains committed to providing alternative public comment platforms. All comments directed to the LPA/PZC may be submitted through feedback forms which are included with the case materials (shared folders are located at [www.bit.ly/ocpublic](http://www.bit.ly/ocpublic)), or by mailing or emailing the Case Planner listed on the first page of this notice. Comments directed to the BCC may be emailed to the Mayor and/or District Commissioners ([mayor@ocfl.net](mailto:mayor@ocfl.net); [District1@ocfl.net](mailto:District1@ocfl.net); [District2@ocfl.net](mailto:District2@ocfl.net); [District3@ocfl.net](mailto:District3@ocfl.net); [District4@ocfl.net](mailto:District4@ocfl.net); [District5@ocfl.net](mailto:District5@ocfl.net); and [District6@ocfl.net](mailto:District6@ocfl.net)).

### **Q: What is the difference between Future Land Use and Zoning?**

Future Land Use Map designations indicate the general use or "vision" for a property, and regulate the types of activity or development that may ultimately be allowed on it, including maximum allowable residential and non-residential development. Future Land Use Map designations are adopted as part of the County's Comprehensive Plan, with oversight by the State. Zoning districts are more descriptive planning classifications, but must be consistent with Future Land Use Map designations. Zoning categories regulate more specific development aspects, such as allowed uses, building sizes, setbacks, or parking.

### **Q: What type of activity or development could take place on the subject site today?**

The County's adopted 2010-2030 Future Land Use Map designates the subject property, located within the Clarcona Rural Settlement, as **Rural Settlement 1/2 (RS 1/2)** and **Rural Settlement 1/5 (RS 1/5)**, which provide for a rural residential lifestyle and development at a maximum density of one (1) dwelling unit per two (2) net acres and one (1) dwelling unit per five (5) net acres, respectively. The site currently possesses the consistent agricultural zoning classifications of **A-1 (Citrus Rural District)** and **A-2 (Farmland Rural District)**.

### **Q: What type of activity could be considered if the Board of County Commissioners adopted the request?**

If approved, the requested **Planned Development-Commercial/Assisted Living Facility (Rural Settlement) (PD-C/ALF) (RS)** future land use designation will allow for the development of an adult care community with a maximum development program of a 250-bed assisted living facility, a 66,000-square-foot adult independent living facility, 50 adult independent living cottages, a 12,320-square-foot community clubhouse, and equestrian amenities, with a corresponding rezoning to PD (Planned Development District) required.

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*Any party requesting additional information regarding the proposed amendment should contact the Orange County Planning Division at 201 S. Rosalind Ave., 2nd Floor, Orlando, FL, 32801, (407) 836-5600, or via email at [planning@ocfl.net](mailto:planning@ocfl.net).*

*In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this proceeding should contact the Orange County Communications Division no later than two (2) business days prior to the proceeding at 201 S. Rosalind Ave., 3rd Floor, Orlando, FL, 32801, (407) 836-6568*

*Para más información, favor de comunicarse con la División de Planificación, al número (407) 836-3111*

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# AQUIFER RECHARGE ELEMENT

## 2020-2-B-CP-4

### **Background Information**

The Aquifer Recharge Element is considered a required element of the Comprehensive Plan by as per the State of Florida Statutes 163.3177. Two issues are addressed in the element include: 1) the replenishment, or recharge, of the aquifer and 2) protection of groundwater.

The amount of water in the aquifers is not infinite and must constantly be replenished. If recharge does not occur, then the groundwater supply can be exhausted. Certain land uses have a high probability for contaminating the groundwater. These issues are important to ensure the supply of potable water is available to future populations.

The 1990 Aquifer Recharge Element addressed these issues and included a detailed description of the geologic formations underlying Orange County, a discussion of recharge characteristics, an analysis of the major concerns regarding groundwater protection and supply, along with the regulatory framework as Federal, State and local agencies have regulations and programs which address groundwater.

The amount of recharge is dependent upon the amount of rainfall, the thickness and conductivity of the surficial sediments, the number of sinkholes that breach the Hawthorn Formation, and the transmissivity of the Floridan Aquifer. Areas typically found in northwest and west Orange County with sandy soils and low water table are characteristic of

high recharge areas. The element concludes by stating “to ensure the preservation of groundwater resources, land use regulations in prime recharge areas should be continued and expanded.”

The original element had two goals, three objectives, and twenty-three policies to set forth the strategy to ensure protection of groundwater quality and quantity.

***The primary source of potable water for Orange County continues to be the underlying aquifers. The amount of water in the aquifers is not infinite and must be replenished. Recharge is necessary to replenish the groundwater supply.***

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing	Outcome	
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal September 17, 2020	Recommend Transmittal (8-0)
	BCC Transmittal	October 13, 2020
	Agency Comments	November 2020
	LPA Adoption	December 17, 2020
	BCC Adoption	January 12, 2021

### ***Past Evaluation and Appraisals***

The 2000 Evaluation and Appraisal Update to the 1991 Comprehensive Plan includes new policies, which as maintaining GIS maps reflecting the location of drainage wells that could have an adverse impact on groundwater, and the wellfield protection zone.

The 2006 Evaluation and Appraisal Report (July 11, 2006) assessed the successes and shortcoming of the Aquifer Recharge Element. The review did recommended that the Element be revised and updated to reflect the current planning period, including revising text, tables maps, and figures to incorporate the most recent or best available data. It was also recommended that all new development and redevelopment be designed so that pre-development and post-development aquifer recharge volumes are the same.

The 2009 Comprehensive Plan Update included information from the Wekiva River Study Area, and as part of the Wekiva Parkway and Protection Act of 2004, the St. Johns River Water Management District was required to amend the Wekiva River Basin recharge criteria to apply to all recharge lands within the Wekiva Study Area. It was stated in the update that the County should establish policies to meet or exceed the established criteria. The element addresses the same items addressed in the 1990 element, such as recharge, groundwater contamination, and includes water quality of surface waterbodies, a map of Outstanding Florida Waters located in Orange County, and the Wekiva River Study Area. It is recognized in the Comprehensive Plan, that the Wekiva River system and its

associated springshed areas are of irreplaceable value to the quality of life and well-being of the people of the State of Florida. The River and its tributaries have been designated an Outstanding Florida Water, a National Wild and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve. The River is a spring-fed system that derives a majority of its base flow from numerous springs whose source of water is the Floridan Aquifer.

### ***Summary of Proposed Changes***

Staff from Orange County Environmental Protection Division, Public Works, Orange County Utilities and the Planning Division collaborated on the review and proposed amendments to the Aquifer Recharge Element policies. The Environmental Protection Division oversees ground and surface water quality. Public Works maintains the drainage system and drainage wells. Orange County Utilities oversees the operating and maintaining the supply to wells used to provide potable water.

The Aquifer Recharge Element contains three goals, five objectives, and thirty-six policies, as shown in the table below. The table also shows the proposed number of changes to the element.

	Existing	Retain	Revise	Delete
Goals	3	3	0	0
Obj.	5	2	3	0
Policy	36	16	10	10
Total	44	21	13	10

## **Aquifer Recharge Element Goals, Objectives and Policies**

**GOAL AR1**     **The Floridan Aquifer, Intermediate Aquifer and surficial aquifer shall be protected and conserved to ensure that Orange County and other Central Florida residents and businesses have an adequate supply of potable water now and in the future. (Goal 1-r)**

**OBJ AR1.1**     **Orange County shall continue to implement, on an ongoing basis, existing programs such as the CONSERV II program, the Rapid Infiltration Basins, ~~the septic tank monitoring program,~~ the County Landfill monitoring program, and the monitoring of aquifer water levels across the County. ~~review of the United States Geological Survey's potentiometric monitoring program and continue to participate in the interlocal agreement that pertains to the Drainwell Modification Study.~~ **Additional programs to protect the water quality and quantity in the aquifers and enhance aquifer recharge, shall be pursued and established on an ongoing basis, including development criteria in the Land Development Code. (Added Amended 12/00, Ord. 00-25, Objective 1.1-r)****

Staff recommends revising the policy to omit the "septic tank monitoring program" because the County does not oversee this program. In addition, the potentiometric monitoring program is no longer performed. The USGS ended the program in 2009. The Drainwell Modification Study was completed and there is not a specific policy reference in the section.

### **POLICIES**

AR1.1.1     In order to monitor the quantity of groundwater in the surficial aquifer and Floridan Aquifer, Orange County shall continue to perform ongoing collection and annually review of aquifer water levels across the County. ~~the findings of the United States Geological Survey's potentiometric contour monitoring program. (Added 12/00, Ord. 00-25, Policy 1.1.1)~~

AR1.1.2     Orange County, with the help of other governmental entities, shall continue the drainage well monitoring program, which shall include sampling drainage water. At a minimum, the program shall entail the following: Orange County will continue to work with the St. Johns Water Management District in regards to the Lake Sherwood project, which is part of the drainage well monitoring program, in order to minimize flooding of the lake and increase recharge to the aquifer. ~~(Added Amended 12/00, Ord. 00-25, Policy 1.1.2)~~

- |         |   |  |
|---------|---|--|
| AR1.1.3 | <del>The Land Development Code shall contain a definition and a map of areas of aquifer vulnerability in Orange County. As provided in Policy FLU1.11.9, the</del> The County shall update the Land Development Regulations to limit with appropriate standards or prohibit land uses with the potential to contaminate or harm the aquifer. (Added 12/00, Ord. 00-25, Policy 1.1.3-r)  | Staff recommends revising because Future Land Use Element policy FLU1.11.9 is not listed in the element. Revising to require an update and removing the reference. |
| AR1.1.4 | Orange County shall, <del>by 2012</del> update and refine <u>Wekiva Aquifer Vulnerability Assessment (WAVA)</u> to improve accuracy and apply county-wide. Upon adoption, the WAVA shall replace the existing data sets for determinations of aquifer vulnerability and similar assessments may be required in the Comprehensive Plan and Land Development Regulations. ( <u>Amended 2009 Policy 1.1.4</u> )  | Staff recommends revising to remove the deadline.  |
| AR1.1.5 | Orange County, with the cooperation of the Water Management Districts, has developed a recharge <del>map amp</del> of the areas of no recharge, very low recharge, very low to moderate recharge and high to very high aquifer recharge. Best management practices (BMPs) as identified in Policy AR1.1.14 shall be required to maximize and maintain recharge volumes. ( <del>Added</del> <u>Amended 12/00, Ord. 00-25, Policy 1.1.4-r</u> )   | Staff recommends revising to correct the spelling of map.  |
| AR1.1.6 | <u>If requested</u> , Orange County shall assist as <del>requested</del> the water management districts with preparation of a report detailing the impacts of industrial, commercial, office, residential and agricultural land uses on recharge areas and land surrounding Outstanding Florida Waters, which may be based on the conclusions of available studies completed by other agencies. The County's Land Development Code criteria regulating and/or prohibiting land uses in these areas shall be revised at the conclusion of this study, <u>as needed</u> . (Added 12/00, Ord. 00-25, Policy 1.1.5) |  |
| AR1.1.7 | <u>RESERVED</u> <del>The Land Development Code shall include regulations/criteria for determining the aquifer recharge potential of a site during the development review stage. (Policy 1.1.6)</del>  |  |
| AR1.1.8 | The Land Development Code shall require the total on-site retention of the 25-year, 24-hour storm event in identified recharge areas. (Policy 1.1.7)  |  |

- AR1.1.9 ~~RESERVED~~ Aquifer recharge areas typically comprise Hydrologic Soil Group Type "A," as indicated on the Soil Survey Map for the County prepared by the USDA Soil Conservation Service. Regulations shall be adopted as part of the Land Development Code require a detailed soils report prepared by a geotechnical engineer to be submitted to the County prior to site development plan approval if such soils exist on site. If the site is determined to be within a high recharge area, retention of the total runoff generated by a 25-year frequency, 24-hour duration storm event from the developed site will be required. (Added 8/92, Ord. 92-24, Added 12/00, Ord. 00-25, Policy 1.1.7.1 r)
- Staff recommends deleting. The requirement is contained in the Land Development Code, Article VII, Division 2, Section 34-249.
- AR1.1.10 The aquifer recharge protection regulations in the Land Development Code shall address the need for clustering units in order to provide maximum recharge. This shall be accomplished through such mechanisms as, but not limited to, a special zoning district or open space and impervious surface requirements. (Policy 1.1.8)
- AR1.1.11 ~~RESERVED~~ Orange County shall provide technical assistance to the Water Management Districts and United States Geological Survey for the purposes of researching the impacts of impervious surface ratios and land development on the natural rate of aquifer recharge, and preparing Groundwater Basin Resource Availability Inventories. The Land Development Code criteria regulating land uses in these areas shall be reassessed at the conclusion of these studies. (Policy 1.1.9)
- Staff recommends deleting. The county does not provide technical assistance to the Water Management Districts or the USGS.
- AR1.1.12 Orange County will continue to implement the artificial aquifer recharge program of CONSERV II using rapid infiltration basins (RIBS) and irrigation of citrus groves, golf courses, and open space in high recharge areas [approximately 44 million gallons per day (MGD) in prime recharge areas of West Orange County]. In addition, the County will continue to expand artificial aquifer recharge through Public Access Reuse (PAR) to the City of Ocoee and the City of Apopka in addition to the RIBs and lake augmentation in the Orange County Utilities (OCU) Northwest Service Area (approximately 5 MGD) which includes the construction of a new RIB (Old Winter Garden Road aquifer recharge project) and additional recharge projects in OCU West Service Area. (Added 8/92, Ord. 92-24, Policy 1.1.9.1-r)
- These changes are to correct a typo, to remove numbers as they change over time, and to update for current conditions.

AR1.1.13 Orange County shall continue to research the feasibility of expanding its CONSERV II Program to include additional agricultural lands, parks, golf courses, cemeteries, and other potential water intensive uses. These expansions shall be focused on lands along the CONSERV II transmission main corridor and along the CONSERV II distribution system in west Orange County. (Added 12/00, Ord. 00-25, Policy 1.1.10)

AR1.1.14 Orange County shall use best management practices and performance standards to maximize open space, limit impervious surfaces, promote protection of natural vegetation, buffer karst sensitive areas, maximize recharge volumes, and treat recharge stormwater to protect groundwater quality. Such practices and standards shall be included in the Land Development Code. ~~by January 1, 2007.~~ (Added 12/07, Ord. 07-20, Policy 1.1.11)

Staff recommends revising the policy to remove the deadline.

**OBJ AR1.2**      **Orange County shall coordinate with other governmental entities regarding groundwater pollution and supply through the establishment or continuation of programs and technical assistance, as identified in the following policies. (Objective 1.2)**      Policy 1.2.5)

**POLICIES**

AR1.2.1      ~~RESERVED (Refer to ICE1.6.8) If requested, Orange County shall provide technical assistance as requested the St. Johns River and South Florida water management districts for the preparation and completion of Needs and Sources Inventories. (Added 12/00, Ord. 00-25, Policy 1.2.1)~~      Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.6.8.

AR1.2.2      ~~Orange County shall continue to coordinate with other local and State governmental entities in regards to to monitor septic tanks in industrial zoned developments. This program shall provide for the investigation of suspected or reported improperly installed or malfunctioning septic tanks that could contaminate surface water or groundwater. program to eliminate any identified adverse effects of contamination. (Policy 1.2.2)~~      Staff recommends revising the policy to remove reference to investigating septic tanks as the County does not oversee this.

AR1.2.3      ~~RESERVED (Refer to ICE1.6.5) Orange County shall cooperate with and provide technical assistance to all governmental entities regulating development within water recharge areas in Orange County. The County shall strive for establishment of a County wide, uniform set of guidelines and criteria. (Policy 1.2.3)~~      Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.6.5.

AR1.2.4      ~~RESERVED Local Joint Planning Area Agreements shall provide for protection of high or very high aquifer recharge areas. The protection of high or very high aquifer recharge areas shall be assumed by the local jurisdiction upon annexation. (Added 12/00, Ord. 00-25, Policy 1.2.4 r)~~      Staff recommends deleting.

AR1.2.5      Orange County shall continue to accomplish:

- A. ~~Maintain Aa~~ drainage well inventory by location;
- B. Identification of surrounding land use and proximity to potable water supply wells of the inventoried drainage wells;
- C. Identification of potential adverse impacts resulting from drainage wells;
- D. Prioritization, with dates of completion, of the needed improvements to correct or mitigate the potential for adverse impacts; and,
- E. Recommended changes to the Land Development Code. (Added 12/00, Ord. 00-25,

AR1.2.6 Orange County shall review and amend the Land Development Code criteria regulating land uses in areas where drainage wells are present, as necessary. (Added 12/00, Ord. 00-25, Policy 1.2.6)

AR1.2.7 Orange County ~~has developed~~ shall maintain and periodically update water conservation educational and awareness materials to serve as a Water Conservation Awareness Program that explains the following:

The importance of preserving and protecting groundwater resources;

The average ~~w~~Water demands and for everyday uses;

How particular conservation programs and practices, including agricultural irrigation, can reduce the demand for groundwater; and,

How Florida friendly landscaping techniques, in landscaping plans can reduce the demand for groundwater resources. (Added 12/00, Ord. 00-25, Policy 1.2.7-r)

AR1.2.8 RESERVED (Refer to ICE1.12.5) ~~To prevent groundwater contamination to the maximum extent possible, Orange County shall continue to cooperate with all State and Federal authorities in the regulation, collection and disposal of hazardous wastes as defined in the Solid Waste Element by implementing programs that include, but are not limited to, the Small Quantity Generator Notification Program and the Local Hazardous Waste Program. (Policy 1.2.8)~~

Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.12.5.

**GOAL AR2** Orange County shall put programs in place to prevent and address the contamination of the Floridan Aquifer and surficial aquifer. Contamination shall be defined as any violation of State, regional or local water quality standards. (Goal 2)

Staff recommends revising the Goal to make it so that it could be implemented through programs that both prevent and address contamination.

**OBJ AR2.1** Orange County shall continue to monitor and implement programs to protect groundwater quality and eliminate potential sources of contamination. ~~This objective shall be made measurable by implementing the following policies. (Objective 2.1)~~

**POLICIES**

AR2.1.1 Orange County shall continue its monitoring program at the County Landfill to ensure groundwater contamination outside the permitted zone of discharge does not occur. This program shall include monthly samplings of groundwater. (Policy 2.1.1)

AR2.1.2 Groundwater monitoring wells shall be required at all new or expanded landfills. When monitoring programs determine contamination has occur action will be taken, by the appropriate agency, to eliminate the contamination. (Added 12/00, Ord. 00-25, Policy 2.1.2)

AR2.1.3 ~~RESERVED~~ ~~When monitoring programs determine contamination has occurred, immediate actions will be taken to eliminate the contamination. (Policy 2.1.3)~~

Staff recommends combining policies AR2.1.2 and AR2.1.3.

AR2.1.4 ~~Orange County's Environmental Protection Division shall continue to implement its monitoring program and procedures to mitigate adverse impacts, if detected, of private businesses in the unincorporated area that use, generate or produce any material characterized or listed on the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous waste lists, as required in the Aquifer/Wellfield Protection regulations. The monitoring program will include uses restricted in wellhead protection areas, as defined in Rule 62-521.400, F.A.C., and uses identified as potential sources of groundwater contamination through the Source Water Assessment Program. The County will coordinate with DEP and ensure adequate testing, monitoring and remediation within delineated areas of groundwater contamination. (Added 12/00, Ord. 00-25, Policy 2.1.5 r)~~

Staff recommends revising the policy, it is echoed in Conservation Element C1.11.1.

- AR2.1.6 Orange County shall maintain Geographic Information System (GIS) maps reflecting the location of drainage wells that could have an adverse impact on groundwater. (Added 12/00, Ord. 00-25, Policy 2.1.6)
  
- AR2.1.7 A zone of protection area of 500 feet in radius from each non-community system, 1,000 feet in radius from each community public potable water well, 5-year travel time for municipal and regional wells in the unincorporated area shall be considered the wellfield protection zone. The first 500 foot radius closest to the well shall be a zone of exclusion, where no regulated uses listed in Rule 62-521, F.A.C. will be permitted. Within the secondary zone, the County will restrict new uses that are potential sources of groundwater contamination including: domestic wastewater facilities (septic systems and wastewater treatment facilities), dry cleaning facilities, uses that generate hazardous wastes, industrial wastewater, underground injection wells, petroleum storage tanks, landfills and mining areas. (Added 12/00, Ord. 00-25, Policy 2.1.7-r)
  
- AR2.1.8 Orange County shall continue to monitor the draw down of wellfields of Orange County Utilities in order to prevent adverse impacts to adjacent natural resources. (Added 12/00, Ord. 00-25, Policy 2.1.8)
  
- AR2.1.9 In the interest of protecting potable water wellfields, Orange County shall continue to implement its Small Quantity Generator Notification Program pursuant to Chapter 403, FS, Rule Chapter 62-730 FAC, Rule Chapter 62-731, FAC. The County also shall continue to comply with the State's Wellhead Protection laws in Chapter 62-521, FAC. (Added 12/00, Ord. 00-25, Policy 2.1.9-r)

AR 2.1.10 ~~By 2009, the~~ The County's Water Wells Ordinance will be amended consistent with the State's Wellhead Protection and Delineation Area laws and to assist with implementation of the Source Water Assessment and Protection Program (SWAPP).

Staff recommends revising to remove the deadline.

**GOAL AR3** ~~Orange County's goal is~~**County shall to develop and maintain a Water Supply Facilities Work Plan (Work Plan) and to coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other local, regional, state and federal agencies in the implementation of effective traditional and alternative water supply programs, including aquifer recharge projects, and in the implementation of effective linkages between water resource management and growth management in the County. (Goal 3)**

**OBJ AR3.1** **Orange County shall develop and maintain a Water Supply Facilities Work Plan for at least a 10-year planning period addressing traditional and alternative water supply sources, facilities, and issues necessary to serve existing and future development within the Orange County Utilities service areas. (Objective 3.1)**

**POLICIES**

AR3.1.1 The Water Supply Facilities Work Plan shall identify feasible traditional and alternative water supply sources, including aquifer recharge projects, which ~~the Orange County~~ may use to meet existing and projected water demands. These alternative aquifer recharge projects will be selected from the applicable Water Management Districts' Regional Water Supply Plans or otherwise proposed by ~~the Orange County~~. (Policy 3.1.1)

AR3.1.2 The Water Supply Facilities Work Plan shall be updated ~~at least every 5 years, but no later than~~ 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates. (Policy 3.1.2)

**OBJ AR3.2 Orange County shall identify, investigate and use any technically, environmentally and economically feasible sources of water and treated wastewater that may be used to recharge the aquifers to help offset the effects of existing and future water demands when updating or maintaining the Work Plan. (Objective 3.2)**

**POLICIES**

AR3.2.1 ~~RESERVED (Refer to ICE 1.6.11) In coordination with the St. Johns River Water Management District, the South Florida Water Management District, and other local governments or private utilities, Orange County shall seek the development of efficient, cost-effective, and technically feasible water sources that will satisfy and supplement future demands, without causing adverse impacts to water quality, wetlands, aquatic systems or the environment. These sources may include augmentation of groundwater supplies via additional recharge. (Policy 3.2.1)~~

Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.6.11.

AR3.2.2 Orange County will seek to maximize the use of existing water and reclaimed water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to, conservation, rate increases, reclaimed water reuse, system interconnections, storage and aquifer recharge. (Policy 3.2.2)

AR3.2.3 ~~RESERVED (Refer to ICE1.6.13) Orange County shall work with the St. Johns River Water Management District, and South Florida Water Management District, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects involving aquifer recharge. (Policy 3.2.3)~~

Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.6.13.

## **Aquifer Recharge Element Goals, Objectives and Policies**

**GOAL AR1**     **The Floridan Aquifer, Intermediate Aquifer and surficial aquifer shall be protected and conserved to ensure that Orange County and other Central Florida residents and businesses have an adequate supply of potable water now and in the future. (Goal 1-r)**

**OBJ AR1.1**     **Orange County shall continue to implement, on an ongoing basis, existing programs such as the CONSERV II program, the Rapid Infiltration Basins, the County Landfill monitoring program, and the monitoring of aquifer water levels across the County. Additional programs to protect the water quality and quantity in the aquifers and enhance aquifer recharge, shall be pursued and established on an ongoing basis, including development criteria in the Land Development Code. (Amended 12/00, Ord. 00-25, Objective 1.1-r)**

### **POLICIES**

AR1.1.1        In order to monitor the quantity of groundwater in the surficial aquifer and Floridan Aquifer, Orange County shall continue to perform ongoing collection and annual review of aquifer water levels across the County.

AR1.1.2        Orange County, with the help of other governmental entities, shall continue the drainage well monitoring program, which shall include sampling drainage water. At a minimum, the program shall entail the following: Orange County will continue to work with the St. Johns Water Management District in regards to the Lake Sherwood project, which is part of the drainage well monitoring program, in order to minimize flooding of the lake and increase recharge to the aquifer. (Amended 12/00, Ord. 00-25, Policy 1.1.2)

AR1.1.3        The County shall update the Land Development Regulations to limit with appropriate standards or prohibit land uses with the potential to contaminate or harm the aquifer. (Policy 1.1.3-r)

AR1.1.4        Orange County shall update and refine Wekiva Aquifer Vulnerability Assessment (WAVA) to improve accuracy and apply county-wide. Upon adoption, the WAVA shall replace the existing data sets for determinations of aquifer vulnerability and similar assessments may be required in the Comprehensive Plan and Land Development Regulations. (Amended 2009 Policy 1.1.4)

AR1.1.5        Orange County, with the cooperation of the Water Management Districts, has developed a recharge map of the areas of no recharge, very low recharge, very low to moderate recharge and high to very high aquifer recharge. Best management practices (BMPs) as identified in Policy AR1.1.14 shall be required to maximize and maintain recharge volumes. (Amended 12/00, Ord. 00-25, Policy 1.1.4-r)

AR1.1.6        If requested, Orange County shall assist the water management districts with preparation of a report detailing the impacts of industrial, commercial, office, residential and agricultural land uses on recharge areas and land surrounding Outstanding Florida Waters, which may be based on the conclusions of available studies completed by other agencies. The County's Land Development Code criteria regulating and/or prohibiting land uses in these areas shall be revised at the conclusion of this study, as needed. (Added 12/00, Ord. 00-25, Policy 1.1.5)

AR1.1.7        RESERVED

AR1.1.8        The Land Development Code shall require the total on-site retention of the 25-year, 24-hour storm event in identified recharge areas. (Policy 1.1.7)

- AR1.1.9 RESERVED
- AR1.1.10 The aquifer recharge protection regulations in the Land Development Code shall address the need for clustering units in order to provide maximum recharge. This shall be accomplished through such mechanisms as, but not limited to, a special zoning district or open space and impervious surface requirements. (Policy 1.1.8)
- AR1.1.11 RESERVED
- AR1.1.12 Orange County will continue to implement the aquifer recharge program of CONSERV II using rapid infiltration basins (RIBS) and irrigation of citrus groves, golf courses, and open space in high recharge areas of West Orange County. In addition, the County will continue to expand aquifer recharge through Public Access Reuse (PAR) to the City of Ocoee and the City of Apopka in addition to the RIBs and lake augmentation in the Orange County Utilities (OCU) Northwest Service Area. (Added 8/92, Ord. 92-24, Policy 1.1.9.1-r)
- AR1.1.13 Orange County shall continue to research the feasibility of expanding its CONSERV II Program to include additional agricultural lands, parks, golf courses, cemeteries, and other potential water intensive uses. These expansions shall be focused on lands along the CONSERV II transmission main corridor and along the CONSERV II distribution system in west Orange County. (Added 12/00, Ord. 00-25, Policy 1.1.10)
- AR1.1.14 Orange County shall use best management practices and performance standards to maximize open space, limit impervious surfaces, promote protection of natural vegetation, buffer karst sensitive areas, maximize recharge volumes, and treat recharge stormwater to protect groundwater quality. Such practices and standards shall be included in the Land Development Code. . (Added 12/07, Ord. 07-20, Policy 1.1.11)

**OBJ AR1.2 Orange County shall coordinate with other governmental entities regarding groundwater pollution and supply through the establishment or continuation of programs and technical assistance. (Objective 1.2)**

**POLICIES**

- AR1.2.1 RESERVED (Refer to ICE1.6.8)
- AR1.2.2 Orange County shall continue to coordinate with other local and State governmental entities in regards to septic tanks in industrial zoned developments. (Policy 1.2.2)
- AR1.2.3 RESERVED (Refer to ICE1.6.5)
- AR1.2.4 RESERVED
- AR1.2.5 Orange County shall continue to accomplish:
- A. Maintain a drainage well inventory by location;
  - B. Identification of surrounding land use and proximity to potable water supply wells of the inventoried drainage wells;
  - C. Identification of potential adverse impacts resulting from drainage wells;
  - D. Prioritization, with dates of completion, of the needed improvements to correct or mitigate the potential for adverse impacts; and,
  - E. Recommended changes to the Land Development Code. (Added 12/00, Ord. 00-25, Policy 1.2.5)
- AR1.2.6 Orange County shall review and amend the Land Development Code criteria regulating land uses in areas where drainage wells are present, as necessary. (Added 12/00, Ord. 00-25, Policy 1.2.6)
- AR1.2.7 Orange County shall maintain and periodically update water conservation educational and awareness materials to explain:
- The importance of preserving and protecting groundwater resources;
  - Water demands and uses;
  - How conservation programs and practices, including Florida friendly landscaping techniques, can reduce the demand for groundwater resources. (Added 12/00, Ord. 00-25, Policy 1.2.7-r)
- AR1.2.8 RESERVED (Refer to ICE1.12.5)

**GOAL AR2**      **Orange County shall put programs in place to prevent and address the contamination of the Floridan Aquifer and surficial aquifer. Contamination shall be defined as any violation of State, regional or local water quality standards. (Goal 2)**

**OBJ AR2.1**      **Orange County shall continue to monitor and implement programs to protect groundwater quality and eliminate potential sources of contamination. (Objective 2.1)**

**POLICIES**

AR2.1.1      Orange County shall continue its monitoring program at the County Landfill to ensure groundwater contamination outside the permitted zone of discharge does not occur. This program shall include monthly samplings of groundwater. (Policy 2.1.1)

AR2.1.2      Groundwater monitoring wells shall be required at all new or expanded landfills. When monitoring programs determine contamination has occur action will be taken, by the appropriate agency, to eliminate the contamination. (Added 12/00, Ord. 00-25, Policy 2.1.2)

AR2.1.3      RESERVED

AR2.1.4      The monitoring program will include uses restricted in wellhead protection areas, as defined in Rule 62-521.400, F.A.C., and uses identified as potential sources of groundwater contamination through the Source Water Assessment Program. The County will coordinate with DEP and ensure adequate testing, monitoring and remediation within delineated areas of groundwater contamination.

AR2.1.6      Orange County shall maintain Geographic Information System (GIS) maps reflecting the location of drainage wells that could have an adverse impact on groundwater. (Added 12/00, Ord. 00-25, Policy 2.1.6)

AR2.1.7      A zone of protection area of 500 feet in radius from each non-community system, 1,000 feet in radius from each community public potable water well, 5-year travel time for municipal and regional wells in the unincorporated area shall be considered the wellfield protection zone. The first 500 foot radius closest to the well shall be a zone of exclusion, where no regulated uses listed in Rule 62-521, F.A.C. will be permitted. Within the secondary zone, the County will restrict new uses that are potential sources of groundwater contamination including: domestic wastewater facilities (septic systems and wastewater treatment facilities), dry cleaning facilities, uses that generate hazardous wastes, industrial wastewater, underground injection wells, petroleum storage tanks, landfills and mining areas. (Added 12/00, Ord. 00-25, Policy 2.1.7-r)

AR2.1.8      Orange County shall continue to monitor the draw down of wellfields of Orange County Utilities in order to prevent adverse impacts to adjacent natural resources. (Added 12/00, Ord. 00-25, Policy 2.1.8)

AR2.1.9      In the interest of protecting potable water wellfields, Orange County shall continue to implement its Small Quantity Generator Notification Program pursuant to Chapter 403, FS, Rule Chapter 62-730 FAC, Rule Chapter 62-731, FAC. The County also shall continue to comply with the State's Wellhead Protection laws in Chapter 62-521, FAC. (Added 12/00, Ord. 00-25, Policy 2.1.9-r)

AR 2.1.10      The County's Water Wells Ordinance will be amended consistent with the State's Wellhead Protection and Delineation Area laws and to assist with implementation of the Source Water Assessment and Protection Program (SWAPP).

**GOAL AR3**      **Orange County shall develop and maintain a Water Supply Facilities Work Plan (Work Plan) and to coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other local, regional, state and federal agencies in the implementation of effective traditional and alternative water supply programs, including aquifer recharge projects, and in the implementation of effective linkages between water resource management and growth management in the County. (Goal 3)**

**OBJ AR3.1**      **Orange County shall develop and maintain a Water Supply Facilities Work Plan for at least a 10-year planning period addressing traditional and alternative water supply sources, facilities, and issues necessary to serve existing and future development within the Orange County Utilities service areas. (Objective 3.1)**

**POLICIES**

AR3.1.1      The Water Supply Facilities Work Plan shall identify feasible traditional and alternative water supply sources, including aquifer recharge projects, which Orange County may use to meet existing and projected water demands. These alternative aquifer recharge projects will be selected from the applicable Water Management Districts' Regional Water Supply Plans or otherwise proposed by Orange County. (Policy 3.1.1)

AR3.1.2      The Water Supply Facilities Work Plan shall be updated no later than 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates. (Policy 3.1.2)

**OBJ AR3.2 Orange County shall identify, investigate and use any technically, environmentally and economically feasible sources of water and treated wastewater that may be used to recharge the aquifers to help offset the effects of existing and future water demands when updating or maintaining the Work Plan. (Objective 3.2)**

**POLICIES**

AR3.2.1 RESERVED (Refer to ICE 1.6.11)

AR3.2.2 Orange County will seek to maximize the use of existing water and reclaimed water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to, conservation, rate increases, reclaimed water reuse, system interconnections, storage and aquifer recharge. (Policy 3.2.2)

AR3.2.3 RESERVED (Refer to ICE1.6.13)

# STORMWATER ELEMENT

## 2020-2-B-CP-4

### **Background Information**

The Stormwater Management Element is considered a required element of the Comprehensive Plan by the State enabling legislation. The purpose of the Element is manage stormwater in each of the twelve major drainage basins, protect areas from flood damage, and control quantity and quality of stormwater runoff into water bodies and drainage wells.

Stormwater run-off is water that accumulates during and after a rainfall event. Stormwater run-off flows towards the lowest elevations, traveling along the ground surface to surface storage areas, such as lakes, ponds, and depressions. Urbanization alters the natural drainage features and increases the amount of impervious surface.

When urbanization occurs, man-made drainage facilities are used in conjunction with natural drainage features to manage the low of run-off to avoid flooding.

Another issue of stormwater management is the maintenance of water quality. Stormwater pollutes water bodies by becoming a non-point source of pollution. The element addressed the need to correct drainage and non-point pollution problems caused by older developments or stormwater control practices.

The 1990 Comprehensive Plan addressed these issues and includes the regulatory framework as Federal , State and local agencies have regulations and programs which address stormwater,

existing conditions, drainage basins, an analysis of the level of service, including the current and proposed level of service for Orange County.

The original element had one goals, six objectives, and forty-two policies.

**The following meetings and hearings have been held for this proposal:**

Report/Public Hearing		Outcome
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal September 17, 2020	Recommend Transmittal (8-0)
	BCC Transmittal	October 13, 2020
	Agency Comments	November 2020
	LPA Adoption	December 17, 2020
	BCC Adoption	January 12, 2021

### ***Past Evaluation and Appraisals***

The 2000 Evaluation and Appraisal Update to the Comprehensive Plan made minor changes to the element, including consistency with existing Federal, State, and local regulations. Also, references to the Land Development Code were omitted due to the implementation of the polices through programmatic and planning approaches.

The 2006 Evaluation and Appraisal Report (July 11, 2006) assessed the successes and shortcoming of the Element. The review recommended revising to update agency and statutory references and to updating to reflect the current planning period, text, tables, maps, and figures should be revised to incorporate the most recent or best available data. The report recommends adding a new policy to follow the Florida Department of Environmental Protection Total Maximum Daily Load program.

The 2009 Comprehensive Plan Update builds upon the data contained in the 1990 Plan and includes the Wekiva Parkway and Protection Act and that as a result of the Act a master stormwater management plan for areas within the Wekiva Study Area must be adopted and includes the information that must be included in the management plan. The element also includes an overview of

existing stormwater management conditions, a review of the drainage basins, and analysis the level of service.

### ***Summary of Proposed Changes***

Staff from Orange County Environmental Planning Division, Public Works, and Orange County Utilities along with the Planning Division collaborated on the review and proposed amendments to the Stormwater Element policies.

The Stormwater Element contains one goal, six objectives, and fifty-five policies, as shown in the table below. The table also shows the proposed number of changes to the element.

	Existing	Retain	Revise	Delete
Goals	1	1	0	0
Obj.	6	5	1	0
Policy	55	38	13	4
Total	62	44	14	4

The majority of the policies are retained, fourteen are revised, and four is deleted.

Reasons for policy deletion and revision can be found in the attached table that details staff analysis of the objectives and policies of this element.

## **Stormwater Management Element Goals, Objectives and Policies**

**GOAL SM1**      **Orange County shall manage stormwater to prevent flood damage and protect water quality.**

**OBJ SM1.1**      **Orange County shall minimize the occurrence of flooding that is a threat to human health or property. This objective shall be made measurable by implementing the following policies.**

### **POLICIES**

SM1.1.1      Orange County shall not approve for construction any road, street, or facility proposed to be constructed within a designated flood hazard area, unless mitigation measures, as identified in the applicable regulations, have been installed by the developer to overcome an identified flood hazard. All measures installed by the developer must be certified acceptable by the County prior to project completion. This policy shall be included in the floodplain regulations of the Land Development Code.

SM1.1.2      Orange County shall require stormwater management systems within all development to be designed and installed to provide adequate flood protection for all primary structures and to protect the structural integrity of all roadways. (Added 12/00, Ord. 00-25)

SM1.1.3      Orange County shall require that all new stormwater management systems provide for the safe handling of all stormwater runoff that flows into, across, and is discharged from the site without creating any additional flooding to adjacent property owners. (Added 12/00, Ord. 00-25)

SM1.1.4      Orange County shall have the authority to require the design of stormwater management systems to be compatible with those natural terrain or landscape barriers that protect the site against flooding. (Added 12/00, Ord. 00-25)

SM1.1.5      Orange County shall require that retention/detention areas be designed and located so as to not adversely reduce the existing flood storage of the floodplain. (Added 12/00, Ord. 00-25)

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| SM1.1.6  | <p>Orange County has established the flood elevations for all land-locked lakes within the basins for which stormwater master plans have been completed. Orange County shall continue to <del>make progress in establishing</del> <u>establish and update</u> flood elevations for the remaining area lakes through <u>Federal Emergency Management Agency (FEMA)</u>, localized studies and the remaining basin studies. Based upon new information, the County shall revise, as necessary, the minimum building pad elevations and modify existing land development regulations in the Land Development Code. (Added 12/00, Ord. 00-25)</p> |   |
| SM1.1.7  | <p>Orange County shall investigate reports of flooding in a timely manner. Response times, frequencies, durations and locations shall be noted and reported <del>as requested by annually</del> to the Board of County Commissioners.</p>   | <p>Staff recommends revising the policy to “as requested by” because staff does not report to the Board of County Commissioners on an annual basis.</p> |
| SM1.1.8  | <p>Orange County shall acquire, through easements or acquisition, access to major outfall areas for maintenance and inspection. (Added 12/00, Ord. 00-25)</p>   |   |
| SM1.1.9  | <p>Orange County shall continue to participate in the Community Rating System (<u>CRS</u>) and strive to attain maximum discounts for the citizens of Orange County. (Added 12/00, Ord. 00-25)</p>  |   |
| SM1.1.10 | <p>Orange County shall require that all new and retrofit County flood control projects incorporate a water quality treatment component as required by the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. (Added 6/10, Ord. 10-07)</p>  |   |

**OBJ SM1.2 Orange County shall improve its ability to manage stormwater so as to minimize the degradation of surface and ground water. ~~This objective shall be made measurable by implementing the following policies.~~ (Amended 12/07, Ord. 2007-20)**

**POLICIES**

SM1.2.1 Orange County shall maintain and, where needed, improve the design standards, construction, and maintenance requirements of all stormwater retention/detention systems, and ensure compliance with these requirements to prevent degradation of receiving surface water bodies and meet the objectives of the applicable Total Maximum Daily Load (TMDL) Basin Management Action Plan (BMAP). (Amended 6/10, Ord. 10-07)

SM1.2.2 Orange County shall continue to identify and prioritize the need for designated riverine management plans for systems such as the Wekiva River and Econlockhatchee River systems on an ongoing basis. These should be conducted through interlocal agreements with neighboring counties and collaboration with the appropriate departments and the St. Johns River Water Management District. Related land use planning and programmatic approaches shall be adopted after the management plans are completed. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

SM1.2.3 Orange County shall require Best Management Practices (BMPs) to minimize contributions of poor quality stormwater run-off to both groundwater and surface water bodies as part of both construction and operational phases of a project. All projects should be in compliance with both the water management district (WMD) permit as well as NPDES Construction Generic Permit and related Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP). (Amended 6/10, Ord. 10-07)

SM1.2.4 Orange County shall continue to require that plans for expansion, modification, or replacement of existing development provide some effective form of stormwater treatment, where such stormwater treatment is currently inadequate. As needed, the project shall be in compliance with the Total Maximum Daily Load (TMDL) Basin Management Action Plan (BMAP)~~TMDL BMAP~~. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)

- SM1.2.5 Orange County shall continue to implement a program that monitors the effectiveness of County-maintained stormwater treatment systems to allow identification of possible system deficiencies. At a minimum, this program shall include sampling developed in accordance with [Florida Department of Environmental Protection \(FDEP\)](#) protocol. As part of this program, the possibility of including privately maintained facilities shall be evaluated. If there are deficiencies, Orange County shall develop a plan to improve its enforcement and maintenance procedures. This information shall be noted and included when the Division reports to the Board of County Commissioners, as referenced in Stormwater Management Policy SM1.4.9. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07 )
- SM1.2.6 Orange County shall continue to require that Stormwater Pollution Prevention Plans (SWPPP) and the associated Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities (NOI) be submitted and approved prior to a pre-construction conference as regulated through the Land Development Code. These plans shall be developed in accordance with the [Florida Department of Environmental Protection \(FDEP\)](#) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (Construction Generic Permit, FDEP Document No. 62-621.300(4)(a)). (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.2.7 Orange County shall continue to actively participate with other involved agencies and municipalities, as necessary, to develop and implement Basin Management Action Plans (BMAPs) BMAPs for those water bodies determined to be in greatest need through the Total Maximum Daily Load (TMDL) process as implemented by [Florida Department of Environmental Protection \(FDEP\)](#). If stormwater is determined to be a major water quality problem for a lake, planning and design shall be undertaken for corrective measures as part of the master stormwater planning process. The FDEP TMDL BMAPs set the pollution reduction allocations to be accomplished by local, regional and state entities. ~~(Drainage wells are currently regulated by FDEP and any changes or modifications must comply with their strict regulations.)~~ Amended 6/10, Ord. 10-07)

SM1.2.8 ~~Specific care shall be given to~~ Orange County shall follow the Florida Department of Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) program. This shall include an intra divisional review of the ongoing FDEP activities for listing water bodies. Those listed water bodies shall be targeted for retrofit projects and special stormwater quality enhancement projects. The watersheds of listed water bodies shall receive special stormwater and groundwater protection and enhancement consideration for all development and redevelopment. This shall include strict adherence to existing, environmentally sound land use requirements, as well as an implementation of alternative, proven, and more protective land use requirements, as they become available.

SM1.2.9 Within the Wekiva Study Area, ~~(map 12 WSA 1)~~ new development and substantial redevelopment shall use best management practices (BMPs). At a minimum, use of these BMPs shall maintain surface and groundwater flow rates and volumes at pre-development levels, as defined in the updated Florida Department of Environmental Protection (FDEP) Stormwater Rule. ~~to be implemented in 2010.~~ Water quality treatment shall reduce nutrients and other contaminants in discharges to historical background levels. Post-development peak rate of discharge must not exceed the predevelopment peak rate of discharge. The natural forms and functions of wetlands, surface water features, floodplains and other conveyance systems, as well as groundwater recharge areas shall be maintained. (Added 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)

OBJECTIVE 3 RESERVED

**OBJ SM1.4 Orange County shall identify and correct existing stormwater/drainage facility deficiencies on a priority basis. Public health and safety shall be the foremost priority. This objective shall comply with FDEP TMDL BMAPs as developed and implemented, as well as the County NPDES Permit (#FLS000011), and shall be made measurable by implementing the following policies. (Amended 6/10, Ord. 10-07)**

**POLICIES**

- SM1.4.1 Orange County shall ~~continue to complete a~~ maintain a formal listing that indicates the priority of drainage basin studies within the County, and coordinate ~~any actions that are necessary to~~ with cities to facilitate the completion of master stormwater plans ~~completion by other entities.~~ (Added 12/00, Ord. 00-25)
- SM1.4.2 Orange County ~~shall adopt a stormwater utility ordinance and shall identify other alternative~~ funding sources for drainage improvements, including amending and implementing the stormwater utility ordinance and master stormwater planning to enhance current funding levels on an ongoing basis. These new funding sources shall be used to meet additional drainage demands such as implementing master drainage planning or mitigating threatening drainage wells. (Added 12/00, Ord. 00-25)
- SM1.4.3 Orange County shall complete primary and secondary drainage facility inventories for basins within the County and continue the completion of more detailed inventories through the development of drainage basin stormwater master plans. All data shall be incorporated into the ongoing County-wide GIS stormwater infrastructure mapping project. (Amended 6/10, Ord. 10-07)
- SM1.4.5 RESERVED. ~~Orange County shall update all of the stormwater master plans on an as needed basis, as identified in Stormwater Management Policy SM1.4.1. To make these planning efforts more efficient, the level of detail for a specific basin can be targeted toward the prioritized needs referenced in Stormwater Management Policy SM1.4.7. (Added 12/00, Ord. 00-25; Amended 06/17; Ord. 2017-12)~~

- SM1.4.6 Orange County shall correct or mitigate the stormwater drainage facility deficiencies identified as impacting the public's health and safety. These existing facility deficiencies shall be upgraded based upon adopted levels of service standards appropriate for each basin. Deficiencies shall include flooding, non-compliance with Total Maximum Daily Load (TMDL) Basin Management Action Plans (BMAPs)~~TMDL-BMAPs~~ or general degradation of surface and groundwater quality. (Amended 6/10, Ord. 10-07)
- SM1.4.7 Orange County shall prioritize and correct the deficiencies identified in the master stormwater plans through the subsequent stormwater sections of the Capital Improvements Program, with consideration given to the following criteria.
- A. The first priority should be given to those deficiencies that threaten health, safety and welfare, ~~including. This policy shall be interpreted to include~~ drainwells identified to be a public threat to the aquifer or public drinking well water supply.
  - B. The second priority should be given to those deficiencies that are identified or required improvement from regulatory requirements such as the TMDL program. (Amended 6/10, Ord. 10-07)
  - C. The third priority should be given to those improvements that represent opportunities to participate on "joint projects" (with other public or private entities), such as Lake Apopka Restoration, that will result in more efficient construction or replacement of stormwater improvements over time. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.4.8 Orange County Stormwater Management Division shall cooperate and consult with the City of Orlando, the NPDES Co-permittees, other municipalities, and adjoining governments for the completion and updates of the identified master stormwater plans and the subsequent improvements to these systems. This cooperation shall include provision of information and technical assistance, participation on joint technical committees, and attendance at appropriate meetings (Amended 6/10, Ord. 10-07)

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| SM1.4.9  | <del>RESERVED Orange County's Stormwater Management Division shall, as part of the budget process, continue to report annually to the Board of County Commissioners on prioritizing drainage and water quality concerns. (Amended 6/10, Ord. 10-07)</del>  | Staff recommends deleting because this policy is not adhered. |
| SM1.4.10 | Orange County shall amend the comprehensive policy plan, including the stormwater management level of service, to incorporate the pertinent findings, data and analysis, and recommendations of all master drainage studies as they are completed.   |   |
| SM1.4.11 | Orange County shall cooperate and consult with the St. Johns River Water Management District, the Florida Department of Environmental Protection and adjoining local governments and municipalities for the development and implementation of the Wekiva Study Area regional master stormwater management plan. This may include establishment of a regional stormwater environmental utility to fund needed improvements and projects. The <i>Wekiva Parkway and Protection Act Master Stormwater Management Plan Support Final Report</i> , November 2005, is herein adopted by reference. This master stormwater management plan identifies areas of stormwater management deficiency and contains prioritized projects to correct deficiencies and implement strategies to accommodate long-term needs within the Wekiva Study Area. (Added 12/07, Ord. 2007-20) |   |

**OBJ SM1.5 Orange County shall manage and coordinate its stormwater review and implementation process to meet future needs and protect the functions of natural drainage features. This objective shall be made measurable by implementing the following policies.**

Staff recommends including reference to the Subdivision Regulation in the policies under this Objective because stormwater pond requirements are also found in the Subdivision Regulations.

**POLICIES**

- SM1.5.1 Orange County shall require that nonstructural drainage improvements be used to solve existing drainage problems where it is economically and/or physically possible. Where structural approaches must be used, the County shall ensure that environmental damage is minimized.
- SM1.5.2 Orange County shall continue to ensure that the stormwater management regulations contained in the County Land Development Code protect natural drainage features by requiring ~~compensatory~~ compensating storage, restoration/mitigation of wetlands, nonstructural techniques when feasible, erosion and sediment control, maintenance of natural hydroperiods, and maximization of on-site detention/retention. (Added 12/00, Ord. 00-25)
- SM1.5.3 As part of the development review process, an impact assessment will be required that addresses the effects of new development on existing stormwater management systems. This review process, as defined in the Land Development Code and the Subdivision Regulations, considers how the stormwater management system will operate at build-out. (Added 12/00, Ord. 00-25)
- SM1.5.4 Orange County shall continue to evaluate the effectiveness of current surface water management criteria in the Land Development Code and the Subdivision Regulations, including the applicability and effectiveness of swales, open channels, and culverts.

- SM1.5.5 Orange County shall monitor and update the regulations in the Land Development Code and the Subdivision Regulations to ensure the following criteria are met:
- A. Where economically feasible and physically possible, a nonstructural approach shall be used to meet the County's surface water quantity and quality needs;
  - B. In new developments, Orange County shall require a retention/detention system that limits peak discharge of a developed site to the peak discharge from the site in an undeveloped condition for a specified design storm;
  - C. Stormwater collected in any development must be disposed of in a manner that will not cause personal or property damage to upstream and/or downstream property owners;
  - D. Any segment of a drainage system that is to be dedicated and made a part of the County's drainage system shall be designed to accommodate upstream flows through the system; and,
  - E. Each phase of any development shall exist as an independent unit capable of having its surface water management needs met by the drainage system design.
- SM1.5.6 Orange County shall continue the acquisition of drainage rights-of-way necessary for the operation and maintenance of the County's drainage system.
- SM1.5.7 Orange County shall require that all stormwater management devices constructed and dedicated to the County shall be designed so that they can be maintained at a minimal cost to the taxpayer.

SM1.5.8

Orange County shall maintain a level of service standard for new and existing development, based on the following stormwater quantity and quality criteria:

Staff recommends revising the policy to give the table a title and to reference the table in the policy.

A. Design storm based on 24 hour minimum, as shown in Table SM1.

<b>Table SM 1 Design storm based on 24 hour minimum</b>	
<b>FACILITY</b>	<b>DESIGN STORM</b>
Bridges	50 Year
Canals, ditches, or culverts for drainage external to the development	25 Year
Crossdrains, storm sewers	10 Year
Roadside swales for drainage internal to the development	10 Year
Detention basins	25 Year
<b>Retention basins (no positive outfall)</b>	100 Year

- B. Pollution abatement shall be accomplished by requiring stormwater management systems to retain or detain with filtration, the first one-half inch of run-off from developed sites, or the run-off generated from the first inch of rainfall on developed sites, whichever is greater.
- C. Orange County shall require a retention/detention system that limits peak discharge of a developed site to the discharge from the site in an undeveloped condition during a 25 year/24 hour frequency storm event.
- D. Orange County shall require, prior to development approval, that projects receive appropriate permits from State agencies to comply with the rules and regulations for stormwater facility design, performance and discharge.
- E. Discharged stormwater run-off shall not degrade receiving surface water bodies below the minimum conditions as established by State water quality standards (62-302 and 62-40.432, Florida Administrative Code) or the requirements of an approved TMDL BMAP, whichever is more stringent. (Amended 6/10, Ord. 10-07)

- SM1.5.9 Orange County shall provide adequate primary and secondary drainage services to maintain the adopted level of service standards based upon, but not limited to, the following considerations:
- A. Protection and maintenance of the lives and safety of County residents;
  - B. Protection and maintenance of the property of County residents;
  - C. Protection of existing public investment;
  - D. Consideration of pollution abatement and/or compliance with a TMDL BMAP and County NPDES permit;
  - E. Reduction of operating and maintenance costs; and
  - F. Achievement and satisfaction of regional, State, and Federal regulations. (Amended 6/10, Ord. 10-07)

SM1.5.10 ~~RESERVED (Refer to ICE1.11.4) Orange County shall seek, from Federal and State sources, additional opportunities for funding and joint projects to facilitate County wide surface water management programs.~~

Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.11.4.

SM1.5.11 ~~RESERVED (Refer to ICE1.11.5) Orange County shall continue to establish and strengthen interlocal agreements with other government agencies that are involved in stormwater management practices that affect Orange County or where the parties are jointly involved in a TMDL BMAP. Data sharing and exchange of drainage information shall continue to be emphasized in the interlocal agreements. As part of this process, Orange County shall encourage municipalities to enact surface water management criteria that are technically consistent with and meet State, regional, and County requirements for new development. Actions by municipalities that affect the Orange County drainage system should likewise be communicated to the County. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)~~

Staff recommends deleting. The policy is contained in Intergovernmental Coordination Element Policy ICE1.11.15.

SM1.5.12

Within the Wekiva Study Area, no stormwater structure or facility shall be located within the specific distances of a karst feature shown below in Table SM2, unless it is determined by a certified professional geologist or professional engineer experienced in geohydrology that the area is safe and that there is no subsurface connection that may cause contamination or damage to the groundwater. No stormwater runoff shall be allowed to drain directly through any sinkhole or other karst feature. All runoff recharging the Floridan Aquifer shall be pre-treated to remove nutrients and other contaminants so that post-development water quality equals predevelopment recharge water quality to the greatest extent feasible, or as required in a Total Maximum Daily Load Basin Management Action Plan (TMDL BMAP). The Land Development Code will be amended by July 1, 2007 to include setbacks and specific performance standards for development within areas of sinkholes, karst features, drainwells, and any other feature with a direct connection to the Floridan Aquifer. (Added 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)

Staff recommends revising the policy to give the table a title and to reference the table in the policy.

<b>Table SM2</b>	
<b>Buffer Requirement from Karst Features</b>	
<b>Karst Feature Type</b>	<b>Minimum Buffer in Feet</b>
Springs	300
Spring Runs	150
Sinkholes with direct connection to the aquifer	200, as measured from the drainage divide
Other sinkholes	100, as measured from the drainage divide
Caves	½ mile, as measured on the surface from the centerline of the cave system
Other karst features with a direct connection to the aquifer (swallet or stream to sink)	200, as measured from the drainage divide

- SM1.5.13 Within the Wekiva Study Area, all stormwater management and drainage systems proposed to be constructed in karst sensitive areas, areas with known sinkholes, and areas with shallow depth to limestone bedrock, shall be evaluated for the presence of sinkholes through appropriate geotechnical testing. All proposed Drainage Retention Areas (DRAs) shall be tested for the presence of cavities and voids beneath them. No DRAs or other stormwater facilities, excluding conveyance facilities, shall be located over unfilled voids. The Land Development Code will be amended by July 1, 2007 to include specific performance standards for stormwater facilities within areas of sinkholes, karst features, drainwells, and any other feature with a direct connection to the Floridan Aquifer. Geotechnical testing requirements for the presence and extent of karst features shall be incorporated into subdivision and site development standards. (Added 12/07, Ord. 2007-20)
- SM1.5.14 If there is an existing sinkhole within or adjacent to a development site, or likelihood that a sinkhole may develop in the future, then a detailed geological/geotechnical investigation shall be required. This investigation must be conducted by a professional geologist or engineer experienced in geohydrology and a report submitted to the County for consideration. The geologic investigation shall be comprehensive enough that recommendations for site planning, engineering design and construction techniques may be made. The County shall approve, approve with conditions, or deny development proposals based upon the scale of the development and the hazards revealed within the investigation. (Added 12/07, Ord. 2007-20)
- SM1.5.15 The County shall cooperate with the Water Management District and will adopt in the Land Development Code, by July 1, 2007, appropriate, specific requirements for stormwater structures or facilities located within karst sensitive areas. Such requirements may include evaluations by professional geologists or engineers experienced in geohydrology that the area is safe and that there is no subsurface connection that may cause contamination or damage to the groundwater. (Added 12/07, Ord. 2007-20)

**OBJ SM1.6 Orange County shall maximize the use of existing stormwater management facilities and available capacity through the implementation of appropriate technology.**

**POLICIES**

- SM1.6.1 The shift to new technologies and operational procedures shall occur as they become feasible.
- SM1.6.2 Orange County shall actively participate in the development of innovative stormwater management programs that protect and conserve the County's water resources. This shall include, but not be limited to, the use of Low Impact Design (LID) technology such as swales and porous pavement in parking lots to increase infiltration and minimize the sizing of stormwater ponds or decrease the pollutant load associated with the project to comply with a TMDL BMAP. (Amended 6/10, Ord. 10-07)
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- SM1.6.5 The County will require Best Management Practices (BMPs) for all stormwater management systems located in the Wekiva Study Area. Systems in areas of high recharge, in Primary and Secondary WAVA Zones (Wekiva Aquifers Vulnerability Assessment), and karst sensitive areas shall be designed to address maintenance of water quality. Such BMPs may include lining of stormwater ponds, use of biological treatment trains for nutrient and contaminant removal, incorporation of stormwater management systems into landscaping and irrigation, and minimizing directly connected impervious surface areas. (Added 12/07, Ord. 2007-20)

- SM1.6.6 Orange County will continue to seek ways to expand its efforts in reusing stormwater for irrigation, aquifer recharge, and other non-potable uses. The County will evaluate and establish, as appropriate, a threshold wherein a project that generates sufficient quantities of runoff shall be required to reuse that stormwater. Such thresholds shall be included in the Land Development Code by July 1, 2007, as needed. The County will require all new development and redevelopment to use stormwater for irrigation where feasible. Use of stormwater for irrigation shall be credited towards a project's potable water concurrency requirements. (Added 12/07, Ord. 2007-20)
- SM1.6.7 Orange County shall complete an inventory of the primary and secondary drainage systems, and all other components of the County MS4 that are under their jurisdiction and store the information in the County's GIS system. A database will be developed to track maintenance related issues. The database also will be linked to a hydrologic/hydraulic computer model of the area in order to determine floodplain elevations and discharges. (Added 5/09, Ord. 2009-15; Amended 6/10, Ord. 10-07)

**OBJ SM1.7 Orange County shall adopt Land Development Regulations that require stormwater management systems to be designed, constructed and maintained in an aesthetically pleasing manner and with greater efficiency, giving importance to the aesthetic characteristics of each pond, structure and other features of the system visible to the public. (Added 5/96, Ord. 96-11)**

**POLICIES**

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## **Stormwater Management Element Goals, Objectives and Policies**

**GOAL SM1** Orange County shall manage stormwater to prevent flood damage and protect water quality.

**OBJ SM1.1** Orange County shall minimize the occurrence of flooding that is a threat to human health or property. This objective shall be made measurable by implementing the following policies.

### **POLICIES**

- SM1.1.1 Orange County shall not approve for construction any road, street, or facility proposed to be constructed within a designated flood hazard area, unless mitigation measures, as identified in the applicable regulations, have been installed by the developer to overcome an identified flood hazard. All measures installed by the developer must be certified acceptable by the County prior to project completion. This policy shall be included in the floodplain regulations of the Land Development Code.
- SM1.1.2 Orange County shall require stormwater management systems within all development to be designed and installed to provide adequate flood protection for all primary structures and to protect the structural integrity of all roadways. (Added 12/00, Ord. 00-25)
- SM1.1.3 Orange County shall require that all new stormwater management systems provide for the safe handling of all stormwater runoff that flows into, across, and is discharged from the site without creating any additional flooding to adjacent property owners. (Added 12/00, Ord. 00-25)
- SM1.1.4 Orange County shall require the design of stormwater management systems to be compatible with those natural terrain or landscape barriers that protect the site against flooding. (Added 12/00, Ord. 00-25)
- SM1.1.5 Orange County shall require that retention/detention areas be designed and located so as to not adversely reduce the existing flood storage of the floodplain. (Added 12/00, Ord. 00-25)
- SM1.1.6 Orange County has established the flood elevations for all land-locked lakes within the basins for which stormwater master plans have been completed. Orange County shall continue to establish and update flood elevations for the remaining area lakes through Federal Emergency Management Agency (FEMA), localized studies and the remaining basin studies. Based upon new information, the County shall revise, as necessary, the minimum building pad elevations and modify existing land development regulations in the Land Development Code. (Added 12/00, Ord. 00-25)
- SM1.1.7 Orange County shall investigate reports of flooding in a timely manner. Response times, frequencies, durations and locations shall be noted and reported as requested by the Board of County Commissioners.
- SM1.1.8 Orange County shall acquire, through easements or acquisition, access to major outfall areas for maintenance and inspection. (Added 12/00, Ord. 00-25)
- SM1.1.9 Orange County shall continue to participate in the Community Rating System (CRS) and strive to attain maximum discounts for the citizens of Orange County. (Added 12/00, Ord. 00-25)

SM1.1.10 Orange County shall require that all new and retrofit County flood control projects incorporate a water quality treatment component as required by the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit. (Added 6/10, Ord. 10-07)

**OBJ SM1.2 Orange County shall improve its ability to manage stormwater so as to minimize the degradation of surface and ground water. (Amended 12/07, Ord. 2007-20)**

**POLICIES**

- SM1.2.1 Orange County shall maintain and, where needed, improve the design standards, construction, and maintenance requirements of all stormwater retention/detention systems, and ensure compliance with these requirements to prevent degradation of receiving surface water bodies and meet the objectives of the applicable Total Maximum Daily Load (TMDL) Basin Management Action Plan (BMAP). (Amended 6/10, Ord. 10-07)
- SM1.2.2 Orange County shall continue to identify and prioritize the need for designated riverine management plans for systems such as the Wekiva River and Econlockhatchee River systems on an ongoing basis. These should be conducted through interlocal agreements with neighboring counties and collaboration with the appropriate departments and the St. Johns River Water Management District. Related land use planning and programmatic approaches shall be adopted after the management plans are completed. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.2.3 Orange County shall require Best Management Practices (BMPs) to minimize contributions of poor quality stormwater run-off to both groundwater and surface water bodies as part of both construction and operational phases of a project. All projects should be in compliance with both the water management district (WMD) permit as well as NPDES Construction Generic Permit and related Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP). (Amended 6/10, Ord. 10-07)
- SM1.2.4 Orange County shall continue to require that plans for expansion, modification, or replacement of existing development provide effective form of stormwater treatment, where such stormwater treatment is currently inadequate. As needed, the project shall be in compliance with the Total Maximum Daily Load (TMDL) Basin Management Action Plan (BMAP). (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.2.5 Orange County shall continue to implement a program that monitors the effectiveness of County-maintained stormwater treatment systems to allow identification of possible system deficiencies. At a minimum, this program shall include sampling developed in accordance with Florida Department of Environmental Protection (FDEP) protocol. As part of this program, the possibility of including privately maintained facilities shall be evaluated. If there are deficiencies, Orange County shall develop a plan to improve its enforcement and maintenance procedures. This information shall be noted and included when the Division reports to the Board of County Commissioners, as referenced in Stormwater Management Policy SM1.4.9. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07 )
- SM1.2.6 Orange County shall continue to require that Stormwater Pollution Prevention Plans (SWPPP) and the associated Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities (NOI) be submitted and approved prior to a pre-construction conference as regulated through the Land Development Code. These plans shall be developed in accordance with the Florida Department of Environmental Protection (FDEP) Generic Permit for Stormwater Discharge from Large and Small Construction Activities (Construction Generic Permit, FDEP Document No. 62-621.300(4)(a)). (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.2.7 Orange County shall continue to actively participate with other involved agencies and municipalities, as necessary, to develop and implement Basin Management Action Plans (BMAPs) for those water bodies determined to be in greatest need through the Total Maximum Daily Load (TMDL) process as implemented by Florida Development of

Environmental Protection (FDEP). If stormwater is determined to be a major water quality problem for a lake, planning and design shall be undertaken for corrective measures as part of the master stormwater planning process. The FDEP TMDL BMAPs set the pollution reduction allocations to be accomplished by local, regional and state entities. Amended 6/10, Ord. 10-07)

SM1.2.8 Orange County shall follow the Florida Department of Environmental Protection (FDEP) Total Maximum Daily Load (TMDL) program. This shall include an intra divisional review of the ongoing FDEP activities for listing water bodies. Those listed water bodies shall be targeted for retrofit projects and special stormwater quality enhancement projects. The watersheds of listed water bodies shall receive special stormwater and groundwater protection and enhancement consideration for all development and redevelopment. This shall include strict adherence to existing, environmentally sound land use requirements, as well as an implementation of alternative, proven, and more protective land use requirements, as they become available.

SM1.2.9 Within the Wekiva Study Area, (map 12 WSA 1) new development and substantial redevelopment shall use best management practices (BMPs). At a minimum, use of these BMPs shall maintain surface and groundwater flow rates and volumes at pre-development levels, as defined in the updated Florida Department of Environmental Protection (FDEP) Stormwater Rule. Water quality treatment shall reduce nutrients and other contaminants in discharges to historical background levels. Post-development peak rate of discharge must not exceed the predevelopment peak rate of discharge. The natural forms and functions of wetlands, surface water features, floodplains and other conveyance systems, as well as groundwater recharge areas shall be maintained. (Added 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)

OBJECTIVE 3 RESERVED

**OBJ SM1.4 Orange County shall identify and correct existing stormwater/drainage facility deficiencies on a priority basis. Public health and safety shall be the foremost priority. This objective shall comply with FDEP TMDL BMAPs as developed and implemented, as well as the County NPDES Permit (#FLS000011), and shall be made measurable by implementing the following policies. (Amended 6/10, Ord. 10-07)**

**POLICIES**

- SM1.4.1 Orange County shall maintain a formal listing that indicates the priority of drainage basin studies within the County, and coordinate with cities to facilitate the completion of master stormwater plans. (Added 12/00, Ord. 00-25)
- SM1.4.2 Orange County shall identify funding sources for drainage improvements, including amending and implementing the stormwater utility ordinance and master stormwater planning to enhance current funding levels on an ongoing basis. These new funding sources shall be used to meet additional drainage demands such as implementing master drainage planning or mitigating threatening drainage wells. (Added 12/00, Ord. 00-25)
- SM1.4.3 Orange County shall complete primary and secondary drainage facility inventories for basins within the County and continue the completion of more detailed inventories through the development of drainage basin stormwater master plans. All data shall be incorporated into the ongoing County-wide GIS stormwater infrastructure mapping project. (Amended 6/10, Ord. 10-07)
- SM1.4.5 RESERVED. –
- SM1.4.6 Orange County shall correct or mitigate the stormwater drainage facility deficiencies identified as impacting the public's health and safety. These existing facility deficiencies shall be upgraded based upon adopted levels of service standards appropriate for each basin. Deficiencies shall include flooding, non-compliance with Total Maximum Daily Load (TMDL) Basin Management Action Plans (BMAPs) or general degradation of surface and groundwater quality. (Amended 6/10, Ord. 10-07)
- SM1.4.7 Orange County shall prioritize and correct the deficiencies identified in the master stormwater plans through the subsequent stormwater sections of the Capital Improvements Program, with consideration given to the following criteria.
- A. The first priority should be given to those deficiencies that threaten health, safety and welfare, including drainwells identified to be a public threat to the aquifer or public drinking well water supply.
  - B. The second priority should be given to those deficiencies that are identified or required improvement from regulatory requirements such as the TMDL program. (Amended 6/10, Ord. 10-07)
  - C. The third priority should be given to those improvements that represent opportunities to participate on "joint projects" (with other public or private entities), such as Lake Apopka Restoration, that will result in more efficient construction or replacement of stormwater improvements over time. (Added 12/00, Ord. 00-25; Amended 6/10, Ord. 10-07)
- SM1.4.8 Orange County Stormwater Management Division shall cooperate and consult with the City of Orlando, the NPDES Co-permittees, other municipalities, and adjoining governments for the completion and updates of the identified master stormwater plans and the subsequent improvements to these systems. This cooperation shall include provision of information and technical assistance, participation on joint technical committees, and attendance at appropriate meetings (Amended 6/10, Ord. 10-07)

- SM1.4.9 RESERVED
- SM1.4.10 Orange County shall amend the comprehensive policy plan, including the stormwater management level of service, to incorporate the pertinent findings, data and analysis, and recommendations of all master drainage studies as they are completed.
- SM1.4.11 Orange County shall cooperate and consult with the St. Johns River Water Management District, the Florida Department of Environmental Protection and adjoining local governments and municipalities for the development and implementation of the Wekiva Study Area regional master stormwater management plan. This may include establishment of a regional stormwater environmental utility to fund needed improvements and projects. The *Wekiva Parkway and Protection Act Master Stormwater Management Plan Support Final Report*, November 2005, is herein adopted by reference. This master stormwater management plan identifies areas of stormwater management deficiency and contains prioritized projects to correct deficiencies and implement strategies to accommodate long-term needs within the Wekiva Study Area. (Added 12/07, Ord. 2007-20)

**OBJ SM1.5 Orange County shall manage and coordinate its stormwater review and implementation process to meet future needs and protect the functions of natural drainage features. This objective shall be made measurable by implementing the following policies.**

**POLICIES**

- SM1.5.1 Orange County shall require that nonstructural drainage improvements be used to solve existing drainage problems where it is economically and/or physically possible. Where structural approaches must be used, the County shall ensure that environmental damage is minimized.
- SM1.5.2 Orange County shall continue to ensure that the stormwater management regulations contained in the County Land Development Code protect natural drainage features by requiring compensating storage, restoration/mitigation of wetlands, nonstructural techniques when feasible, erosion and sediment control, maintenance of natural hydroperiods, and maximization of on-site detention/retention. (Added 12/00, Ord. 00-25)
- SM1.5.3 As part of the development review process, an impact assessment will be required that addresses the effects of new development on existing stormwater management systems. This review process, as defined in the Land Development Code and the Subdivision Regulations, considers how the stormwater management system will operate at build-out. (Added 12/00, Ord. 00-25)
- SM1.5.4 Orange County shall continue to evaluate the effectiveness of current surface water management criteria in the Land Development Code and the Subdivision Regulations, including the applicability and effectiveness of swales, open channels, and culverts.
- SM1.5.5 Orange County shall monitor and update the regulations in the Land Development Code and the Subdivision Regulations to ensure the following criteria are met:
- A. Where economically feasible and physically possible, a nonstructural approach shall be used to meet the County's surface water quantity and quality needs;
  - B. In new developments, Orange County shall require a retention/detention system that limits peak discharge of a developed site to the peak discharge from the site in an undeveloped condition for a specified design storm;
  - C. Stormwater collected in any development must be disposed of in a manner that will not cause personal or property damage to upstream and/or downstream property owners;
  - D. Any segment of a drainage system that is to be dedicated and made a part of the County's drainage system shall be designed to accommodate upstream flows through the system; and,
  - E. Each phase of any development shall exist as an independent unit capable of having its surface water management needs met by the drainage system design.
- SM1.5.6 Orange County shall continue the acquisition of drainage rights-of-way necessary for the operation and maintenance of the County's drainage system.
- SM1.5.7 Orange County shall require that all stormwater management devices constructed and dedicated to the County be designed so that they can be maintained at a minimal cost to the taxpayer.

SM1.5.8

Orange County shall maintain a level of service standard for new and existing development, based on the following stormwater quantity and quality criteria:

- A. Design storm based on 24 hour minimum, as shown in Table SM1.

<b>Table SM 1 Design storm based on 24 hour minimum</b>	
<b>FACILITY</b>	<b>DESIGN STORM</b>
Bridges	50 Year
Canals, ditches, or culverts for drainage external to the development	25 Year
Crossdrains, storm sewers	10 Year
Roadside swales for drainage internal to the development	10 Year
Detention basins	25 Year
<b>Retention basins (no positive outfall)</b>	100 Year

- B. Pollution abatement shall be accomplished by requiring stormwater management systems to retain or detain with filtration, the first one-half inch of run-off from developed sites, or the run-off generated from the first inch of rainfall on developed sites, whichever is greater.
- C. Orange County shall require a retention/ detention system that limits peak discharge of a developed site to the discharge from the site in an undeveloped condition during a 25 year/24 hour frequency storm event.
- D. Orange County shall require, prior to development approval, that projects receive appropriate permits from State agencies to comply with the rules and regulations for stormwater facility design, performance and discharge.
- E. Discharged stormwater run-off shall not degrade receiving surface water bodies below the minimum conditions as established by State water quality standards (62-302 and 62-40.432, Florida Administrative Code) or the requirements of an approved TMDL BMAP, whichever is more stringent. (Amended 6/10, Ord. 10-07)

SM1.5.9

Orange County shall provide adequate primary and secondary drainage services to maintain the adopted level of service standards based upon, but not limited to, the following considerations:

- A. Protection and maintenance of the lives and safety of County residents;
- B. Protection and maintenance of the property of County residents;
- C. Protection of existing public investment;
- D. Consideration of pollution abatement and/or compliance with a TMDL BMAP and County NPDES permit;
- E. Reduction of operating and maintenance costs; and
- F. Achievement and satisfaction of regional, State, and Federal regulations. (Amended 6/10, Ord. 10-07)

SM1.5.10 RESERVED (Refer to ICE1.11.4)

SM1.5.11 RESERVED (Refer to ICE1.11.5)

SM1.5.12 Within the Wekiva Study Area, no stormwater structure or facility shall be located within the specific distances of a karst feature shown in Table SM2, unless it is determined by a certified professional geologist or professional engineer experienced in geohydrology that the area is safe and that there is no subsurface connection that may cause contamination or damage to the groundwater. No stormwater runoff shall be allowed to drain directly through any sinkhole or other karst feature. All runoff recharging the Floridan Aquifer shall be pre-treated to remove nutrients and other contaminants so that post-development water quality equals predevelopment recharge water quality to the greatest extent feasible, or as required in a Total Maximum Daily Load Basin Management Action Plan (TMDL BMAP). The Land Development Code will be amended by July 1, 2007 to include setbacks and specific performance standards for development within areas of sinkholes, karst features, drainwells, and any other feature with a direct connection to the Floridan Aquifer. (Added 12/07, Ord. 2007-20; Amended 6/10, Ord. 10-07)

<b>Table SM2 Buffer Requirement from Karst Features</b>	
<b>Karst Feature Type</b>	<b>Minimum Buffer in Feet</b>
Springs	300
Spring Runs	150
Sinkholes with direct connection to the aquifer	200, as measured from the drainage divide
Other sinkholes	100, as measured from the drainage divide
Caves	½ mile, as measured on the surface from the centerline of the cave system
Other karst features with a direct connection to the aquifer (swallet or stream to sink)	200, as measured from the drainage divide

SM1.5.13 Within the Wekiva Study Area, all stormwater management and drainage systems proposed to be constructed in karst sensitive areas, areas with known sinkholes, and areas with shallow depth to limestone bedrock, shall be evaluated for the presence of sinkholes through appropriate geotechnical testing. All proposed Drainage Retention Areas (DRAs) shall be tested for the presence of cavities and voids beneath them. No DRAs or other stormwater facilities, excluding conveyance facilities, shall be located over unfilled voids. The Land Development Code will be amended by July 1, 2007 to include specific performance standards for stormwater facilities within areas of sinkholes, karst features, drainwells, and any other feature with a direct connection to the Floridan Aquifer. Geotechnical testing requirements for the presence and extent of karst features shall be incorporated into subdivision and site development standards. (Added 12/07, Ord. 2007-20)

SM1.5.14 If there is an existing sinkhole within or adjacent to a development site, or likelihood that a sinkhole may develop in the future, then a detailed geological/geotechnical investigation shall be required. This investigation must be conducted by a professional geologist or engineer experienced in geohydrology and a report submitted to the County for consideration. The geologic investigation shall be comprehensive enough that recommendations for site planning, engineering design and construction techniques may be made. The County shall approve, approve with conditions, or deny development proposals based upon the scale of the development and the hazards revealed within the investigation. (Added 12/07, Ord. 2007-20)

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- SM1.6.6 Orange County will continue to seek ways to expand its efforts in reusing stormwater for irrigation, aquifer recharge, and other non-potable uses. The County will evaluate and establish, as appropriate, a threshold wherein a project that generates sufficient quantities of runoff shall be required to reuse that stormwater. Such thresholds shall be included in the Land Development Code by July 1, 2007, as needed. The County will require all new development and redevelopment to use stormwater for irrigation where feasible. Use of stormwater for irrigation shall be credited towards a project's potable water concurrency requirements. (Added 12/07, Ord. 2007-20)
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# POTABLE, WASTE, RECLAIMED WATER ELEMENT 2020-2-B-CP-4

## ***Background Information***

The Potable Water, Waste Water, and Reclaimed Water Element is a required element of the Comprehensive Plan. The primary purpose of the Element is to demonstrate the ability to provide an efficient and adequate level of potable water, wastewater, and reclaimed water service in a cost effective manner. It also outlines the need to provide water service and facilities that are environmentally sound and promote water conservation and reuse of reclaimed water, while protecting the quality of the water supply. The Element is linked to the Water Supply Facilities Work Plan.

In the 1990 Comprehensive Plan, Potable Water and Wastewater were separate elements. The Reclaimed Water Element was not a part of the 1990 Plan.

The 1990 Potable Water Element had the goal to ensure the provision of potable water in a cost effective and environmentally sound manner, concurrent with development. The element identified the providers of potable water and identified the needs of the existing and future population. The element includes information about Orange County Public Utilities, private and municipal water systems, wellfields, and private wells. Also included are water quality regulations and a list of drinking water systems in unincorporated Orange County.

The source of potable water is the underlying aquifer. After groundwater is pumped from the aquifer, it is purified

either by utility companies, private treatment facilities, or individual users. Prior to 1980, utility companies and private treatment facilities could be located anywhere. To provide efficiency, the sprawl pattern had to be discouraged. This effort was aided by the adoption of the Growth Management Policy in 1980, which implemented the Urban Service Area concept.

The 1990 Potable Water Element contained two goals, eight objectives, and fifty goals.

The 1990 Wastewater Element addressed the management of wastewater treatment and disposal. Wastewater treatment service was provided by three methods: central sewer, package plants, and septic tanks. It was stated in the element that central sewer is the method of wastewater treatment desired for future development within the Urban Service Area. Septic tank systems would be permitted for wastewater treatment under certain conditions, as detailed in the Subdivision Regulations. The element also contained details about

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing		Outcome
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal September 17, 2020	Recommend Transmittal (8-0)
	BCC Transmittal	October 13, 2020
	Agency Comments	November 2020
	LPA Adoption	December 17, 2020
	BCC Adoption	January 12, 2021

central wastewater disposal, septic tank systems, and package treatment plants. Also included was analysis by service area, east service area, northwest service area, and south service area including central facilities and septic tank and package plants.

The 1990 Wastewater Element contained two goals, seven objectives, and thirty-five goals.

### ***Past Evaluation and Appraisals***

At the time of the 2000 Evaluation and Appraisal Update, Potable Water and Wastewater were separate elements. Changes were made to each element to reflect changes in nomenclature, and changes to monitoring programs. New policies were introduced to the Wastewater Element to list the exceptions when wastewater facilities can be extended beyond the Urban Service Area boundary.

The 2006 Evaluation and Appraisal Report (July 11, 2006) assessed the Potable Water and Wastewater Element. The conclusion of the Wastewater review was the County is doing an excellent job in achieving safe, efficient delivery of wastewater services. No major changes are needed. The conclusion of the Potable Water element review was that the County was doing an excellent job in achieving safe, efficient delivery of wastewater services. No major changes were required.

The 2009 Comprehensive Plan update included Potable Water, Wastewater, and Reclaimed Water within the same element. Included in the element was a history of utility systems in Orange County, potable, wastewater, and reclaimed water providers, relationship to the Urban Service Area, Orange County Utilities, and other service

providers. Reclaimed water was introduced for the first time in the 2009 update.

### ***Summary of Proposed Changes***

Staff from the Environmental Protection Division and the Planning Division collaborated on the review and proposed amendments to the Potable Water, Wastewater, and Reclaimed Water Element policies.

Additionally, Orange County Utilities worked tirelessly to combine the policies in the element to eliminate duplicative language. The current element contains a section for Potable Water (PW) and a section for Wastewater (WW). The staff at Orange County Utilities are proposing to combine these policies, where feasible and create a new naming convention of WAT (Water). The unique nature of this does not allow for staff to track the number of items that are proposed for deletion as the result will be new goals, objectives, and policies.

Notes on the format:

**Bold text** is the proposed goal, objective, or policy.

The text that follows the proposed includes a track changes version and the original goal, objective, or policy.

Black text indicates the text is in both the PW and WW policy and in the proposed policy.

Blue text indicates it is text only from Potable Water.

Orange text indicated the language is from Waste Water.

Red underlined text is proposed language.

Strikethrough is shown only in the original policy because it is easier to see the changes.

For example:

**GOAL WAT1 To provide an efficient and adequate level of water, wastewater, and reclaimed water service and facilities in a cost-effective manner to accommodate existing and future development.**

GOAL WAT1 is the proposed new goal that is written as though all proposed changes are accepted.

TC To provide an efficient and adequate level of water, wastewater, and reclaimed water service and facilities in a cost-effective manner to accommodate existing and future development.

TC is the track changes version showing the shared text, text brought over from the water or wastewater policy, and proposed text.

~~GOAL PW 1 It is Orange County's goal to provide an efficient and adequate level of water service and facilities in a cost effective manner to accommodate existing and future development.~~

The original goal, objective, or policy. The text that is proposed for deletion is struck, while the text that is retained is shown in black if in both, blue if in potable water, or orange if only in waste water.

~~GOAL WW1 It is Orange County's goal to provide an efficient and adequate level of wastewater service in a cost effective manner to accommodate existing and future development.~~



**GOAL WAT1 To provide an efficient and adequate level of water, wastewater, and reclaimed water service and facilities in a cost-effective manner to accommodate existing and future development.**

TC To provide an efficient and adequate level of water, wastewater, and reclaimed water service and facilities in a cost-effective manner to accommodate existing and future development.

~~GOAL PW 1 It is Orange County's goal to provide an efficient and adequate level of water service and facilities in a cost effective manner to accommodate existing and future development.~~

~~GOAL WW1 It is Orange County's goal to provide an efficient and adequate level of wastewater service in a cost effective manner to accommodate existing and future development.~~

**OBJ WAT1.1 Orange County shall consistently monitor for water, wastewater, and reclaimed water system deficiencies. In the event system deficiencies are identified, Orange County shall provide for the correction of these system deficiencies by implementing the following policies.**

TC Orange County shall consistently monitor for water, wastewater, and reclaimed water system deficiencies. In the event system deficiencies are identified, Orange County shall provide for the correction of these system deficiencies by implementing the following policies.

~~OBJ PW1.1 Orange County shall continue to provide for the correction of its existing water system deficiencies. This objective shall be made measurable by implementing the following policies.~~

~~OBJ WW1.1 Orange County shall consistently monitor for wastewater facility deficiencies. In the event system deficiencies are identified, Orange County shall provide for the correction of these wastewater system deficiencies, rehabilitation and improvements by implementing the following policies.~~

Notes: "Rehabilitation and improvements" are struck to make the objective clearer. The objective states that deficiencies will be corrected. The words that were removed did not add anything to the objective.

**WAT1.1.1**      **The Orange County Water, Wastewater and Reclaimed Water Master Plan documents (Master Plan) shall identify and provide for the correction of water, wastewater and reclaimed water system deficiencies.**

TC                The Orange County Water, Wastewater and Reclaimed Water Master Plan documents (Master Plan) shall identify and provide for the correction of water, wastewater, and reclaimed water system deficiencies.

~~WW1.1.1~~      The Master Plan shall identify and provide for the correction of wastewater system deficiencies, ~~rehabilitation and improvements. The Master Plan (PBS&J/CH2M Joint Venture, 2002 Water, Wastewater, and Reclaimed Water Master Plan, September 2006)~~ and the Water Supply Facilities Work Plan (~~Orange County Water Supply Facilities Work Plan, 2008~~) are herein adopted by reference, as the data, analysis and supporting documentation for the element.

- WAT1.1.2** Orange County shall review the Master Plan every five years, updating when necessary, and shall review and update the Water Supply Facilities Work Plan (Work Plan) within 18 months of the update to the Regional Water Supply Plans (last updated in November 2015) to identify system deficiencies and, if necessary, implement a plan for correction. The Work Plan (Orange County Water Supply Facilities Work Plan, Fiscal Year 2017/2018 to 2027/2028), prepared by the Orange County Utilities Department in conjunction with the Planning Division, is herein adopted, by reference, as data, analysis and supporting documentation for the element.
- TC Orange County shall review the Master Plan every five years, updating when necessary, and shall review and update the Water Supply Facilities Work Plan (Work Plan) within 18 months of the update to the Regional Water Supply Plans (last updated in November 2015), to identify system deficiencies and, if necessary, implement a plan for correction. The Work Plan (Orange County Water Supply Facilities Work Plan, Fiscal Year 2017/2018 to 2027/2028), prepared by the Orange County Utilities Department in conjunction with the Planning Division, is herein adopted, by reference, as data, analysis and supporting documentation for the element.
- ~~PW1.1.1~~ Orange County shall review the Master Plan every five years and shall review and update the Water Supply Facilities Work Plan (Work Plan) within 18 months of the update to the Regional Water Supply Plans, ~~which are required to be updated at least every five years~~, to identify system deficiencies and, if necessary, implement a plan for correction. The Work Plan (Orange County Water Supply Facilities Work Plan, Fiscal Year 2017/2018 to 2027/2028), prepared by the Orange County Utilities Department in conjunction with the Planning Division, is herein adopted, by reference, as data, analysis and supporting documentation for the element. ~~(Added 12/00, Ord. 00-25; Amended 05/17, Ord. 2017-40)~~
- ~~WW1.1.1~~ The Master Plan shall identify and provide for the correction of wastewater system deficiencies, rehabilitation and improvements. The Master Plan (PBS&J/CH2M Joint Venture, 2002 Water, Wastewater, and Reclaimed Water Master Plan, September 2006) and the Water Supply Facilities Work Plan (Orange County Water Supply Facilities Work Plan, 2008) are herein adopted by reference, as the data, analysis and supporting documentation for the element.
- ~~WW1.1.2.1~~ Orange County shall review the Master Plan every five years and shall review and update the Work Plan within 18 months of the update to the Regional Water Supply Plans, ~~which are required to be updated at least every five years~~ to identify system deficiencies and, if necessary, implement a plan for correction.
- Notes: The text requiring the Master Plan and the Work Plan to be updated at least every five years is struck because the work plan is reviewed, not updated, every five years.

**WAT1.1.3**      **A Capital Improvements Program, consistent with the Master Plan and Work Plan, shall be prepared annually in order to provide improvements and expansion to the existing Orange County Utilities water, wastewater, and reclaimed water systems to meet or exceed the adopted levels of service as defined in Policies WAT1.2.5 and WAT1.2.6.**

TC                A Capital Improvements Program, consistent with the Master Plan and Work Plan, shall be prepared annually in order to provide improvements and expansion to the existing Orange County Utilities water, wastewater, and reclaimed water systems to meet or exceed the adopted levels of service as defined in Policies WAT1.2.5 and WAT1.2.6.

~~PW1.1.2~~        A Capital Improvements Program, consistent with the Master Plan and Work Plan, shall be prepared annually in order to provide improvements and expansion to the existing water system to meet or exceed the adopted level of service. ~~(Added 12/00, Ord. 00-25)~~

~~WW1.1.2~~        ~~High priority shall be given in the Capital Improvements Program to the maintenance and improvement of the existing wastewater system to meet or exceed the adopted level of service as defined in Policies ~~WW1.2.5 and WW1.2.5.1. (Policy 1.1.2-r)~~~~

Notes:            “Orange County Utilities” is added to the policy to clarify that the policy is to address OCU specifically.

**WAT1.1.4 Owners of existing package treatment facilities in Orange County, not regulated by the Public Service Commission, are required to adopt a financial plan providing for connection to an area-wide wastewater system within five years after the date on which the system is available within one-quarter (1/4) mile.**

TC Owners of existing package treatment facilities in Orange County, not regulated by the Public Service Commission, are required to adopt a financial plan providing for connection to an area-wide wastewater system within five years after the date on which the system is available within one-quarter (1/4) mile.

~~WW1.1.3~~ Owners of existing package treatment facilities, not regulated by the Public Service Commission, are required to adopt a financial plan providing for connection to an area wide wastewater system within five years after the date on which the system is available within one-quarter (1/4) mile. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.1.5 Orange County shall continue to implement the sewer assessment system, which monitors the quality of the gravity and pump functions of the Orange County Utilities wastewater system.**

TC Orange County shall continue to implement the sewer assessment system, which monitors the quality of the gravity and pump functions of the Orange County Utilities wastewater system.

~~WW1.1.4~~ ~~The~~ County shall continue to implement the sewer assessment system, which monitors the quality of the gravity and pump functions of the County wastewater system. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.1.6 Wastewater treatment package plants in Orange County, not regulated by the Public Service Commission, shall not be expanded to accommodate new or expanded development. This policy shall not preclude the usage of interim wastewater systems constructed for new development approved in accordance with Policy WAT1.2.13.**

TC Wastewater treatment package plants in Orange County, not regulated by the Public Service Commission, shall not be expanded to accommodate new or expanded development. This policy shall not preclude the usage of interim wastewater systems constructed for new development approved in accordance with Policy WAT1.2.13.

~~WW1.1.5~~ Wastewater treatment package plants not regulated by the Public Service Commission shall not be expanded to accommodate new or expanded development. This policy shall not preclude the usage of interim wastewater systems constructed for new development approved in accordance with ~~wastewater policy WW1.2.9~~. ~~(Added 12/00, Ord. 00-25)~~

**OBJ WAT1.2 Orange County shall plan for the extension and increase in capacity of central water, wastewater and reclaimed water facilities to meet future needs within the Orange County Utilities Service Area, as required in the Orange County Comprehensive Plan. The term “facilities” shall include supply, treatment, and transmission facilities.**

TC Orange County shall plan for the extension and increase in capacity of central water, wastewater, and reclaimed water facilities to meet future needs within the Orange County Utilities Service Area, as required in the Orange County Comprehensive Plan. The term “facilities” shall include supply, treatment, and transmission facilities.

~~OBJ PW1.2~~ Orange County shall plan for the extension and increase in capacity of central water facilities to meet future needs within the Orange County Utilities Service Area, as required in the Orange County Comprehensive Plan. The term “facilities” shall include ~~wells, intakes, water storage tanks, treatment facilities, pumping facilities and distribution mains.~~

~~OBJ WW1.2~~ Orange County shall plan for the extension and increase in capacity of central wastewater facilities to meet future needs within the Orange County Utilities Service Area, as required in the Orange County Comprehensive Plan ~~by implementing the following policies.~~

Notes: “Wells, intakes, water storage tanks, pumping facilities and distribution mains are struck. The list of facilities is narrowed down to three categories of facilities – supply, treatment, and transmission. All of the facilities listed in the old objective PW1.2 are covered with the three categories of the revised language.

**WAT1.2.1      The Water, Wastewater, and Reclaimed Water Master Plan and Work Plan shall be used to prioritize and coordinate the expansion and upgrade of facilities to meet future needs.**

TC              The Water, Wastewater, and Reclaimed Water Master Plan and Work Plan shall be used to prioritize and coordinate the expansion and upgrade of facilities to meet future needs.

~~PW1.2.1~~      The Master Plan and Work Plan shall be used to prioritize and coordinate the expansion and upgrade of facilities to meet future needs.

~~WW1.2.1~~      The Wastewater Master Plan shall be used to prioritize and coordinate the expansion and upgrade of facilities to meet future needs.

**WAT1.2.2      Expansion of central water and wastewater facilities shall be based on the demands of projected development in accordance with the adopted level of service standards, the future land use projected in the Comprehensive Plan, and changes in State, Federal and local regulations.**

TC              Expansion of central water and wastewater facilities shall be based on the demands of projected development in accordance with the adopted level of service standards, the future land use projected in the Comprehensive Plan, and changes in State, Federal and local regulations.

~~PW1.2.2~~      Expansion of central water facilities shall be based on the demands of projected development in accordance with the adopted level of service standards, the future land use projected in the Comprehensive Plan, and changes in State, Federal and local regulations. (~~Added 12/00, Ord. 00-25~~)

~~WW1.2.2~~      Expansion of central wastewater facilities shall be based on the demands of projected development in accordance with the adopted level of service standards, the future land use projected in the Comprehensive Plan, and changes in State, Federal and local regulations. (~~Added 12/00, Ord. 00-25~~)

**WAT1.2.3**      **Orange County shall establish and maintain a current five-year Water and Wastewater Facilities Capital Improvements Program for the extension or increase in capacity of water, wastewater and reclaimed water facilities.**

TC              Orange County shall establish and maintain a current five-year Water and Wastewater Facilities Capital Improvements Program for the extension or increase in capacity of water, wastewater, and reclaimed water facilities.

~~PW1.2.3~~      Orange County shall establish and maintain a current five-year Water Facilities Capital Improvements Program for the extension or increase in capacity of water facilities.

~~WW1.2.3~~      Orange County shall establish and maintain a current five-year Wastewater Facilities Capital Improvements Program for the extension and increase in capacity of wastewater facilities.

- WAT1.2.4**      **The priority of water and wastewater service provision shall be as follows:**
- A. Service to existing areas that present an immediate threat to public health or safety, or produce serious pollution problems;**
  - B. Maintenance or upgrading of the existing water and wastewater systems to meet or exceed the adopted level of service standards and to implement changes in State, Federal and local regulations;**
  - C. Service to areas that are scheduled to be developed in the near future, as defined in the Capital Improvements Program;**
  - D. Extension of water or wastewater service to undeveloped areas in the Urban Service Area where other major urban services have been or are being developed simultaneously; and,**
  - E. Expansion into other areas of the Urban Service Area.**

- TC**              The priority of water and wastewater service provision shall be as follows:
- A. Service to existing areas that present an immediate threat to public health or safety, or produce serious pollution problems;
  - B. Maintenance or upgrading of the existing water and wastewater systems to meet or exceed the adopted level of service standards and to implement changes in State, Federal and local regulations;
  - C. Service to areas that are scheduled to be developed in the near future, as defined in the Capital Improvements Program;
  - D. Extension of water or wastewater service to undeveloped areas in the Urban Service Area where other major urban services have been or are being developed simultaneously; and,
  - E. Expansion into other areas of the Urban Service Area.

- PW1.2.4**      The priority of water service provision shall be as follows:
- A. Service to existing areas that present an immediate threat to public health or safety;
  - B. Maintenance or upgrading of the existing water system to meet or exceed the adopted level of service standards and to implement changes in State, Federal and local regulations;
  - C. Service to areas that are scheduled to be developed in the near future, as defined in the ~~Water~~ Capital Improvements
  - D. Extension of water service to undeveloped areas in the Urban Service Area where other major urban services have been or are being developed simultaneously; and,
  - E. Expansion into other areas of the Urban Service Area. (~~Added 12/00, Ord. 00-25~~)

- WW1.2.4**      The priority of wastewater service provision shall be as follows:
- A. Service to existing areas that present either an immediate threat to public health or safety, or produce serious pollution problems;

- B. Maintenance or upgrading of the existing wastewater system to meet or exceed the adopted level of service standards and to implement changes in State, Federal and local regulations;
- C. Service to areas that are scheduled to be developed in the near future as defined in the ~~Wastewater Facilities~~ Capital Improvements Program;
- D. Extension of wastewater service to undeveloped areas in the Urban Service Area where other major urban services have been or are being developed simultaneously; and,
- E. Expansion into other areas of the Urban Service Area. (~~Added 12/00, Ord. 00-25~~)

**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 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	
<u>Land Use</u>	<u>LOS</u>
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. <sup>1</sup>	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
<p>1 This system serves the Deseret Ranch's pasture and citrus grove irrigation system and homes on ranch property.</p> <p>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.</p>	

TC 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.

~~PW1.2.11~~ When central water service ~~from private utilities or municipalities~~ is required for development ~~in unincorporated Orange County~~, the level of service standard shall be as listed below. (Added 12/00, Ord. 00-25; Amended 05/17, Ord. 2017-10)

~~PW1.2.5~~ When central water service ~~from Orange County Utilities~~ is required for development, the level of service standard shall be ~~275 gallons per day (average daily flow) per Equivalent Residential Unit~~. 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 ~~only to review Developments of Regional Impact (DRI) and Comprehensive Plan Future Land Use Map Amendments. (Amended 5/13, Ord. 2013-11)~~

- A. The LOS standard OCU has adopted for planning and engineering of its water supply facilities is based on the Florida Department of Environmental Protection's (FDEP's) capacity analysis standards. OCU evaluates the need for water supply facility expansion over a ten year planning horizon if observed maximum day water demands are equal to or greater than 75% of the total permitted maximum day operating capacity of the water supply facilities. If the observed maximum day demand exceeds 75% of the total permitted maximum day operating capacity of the water supply facility, then OCU will be required to submit a Capacity Analysis Report to the FDEP in accordance with the requirements of Section 62-555.348 of the Florida Administrative Code (FAC).

In addition, OCU has developed WSF and Water Reclamation Facility (WRF) treatment capacity percentage based expansion criteria and schedule to address the

requirements of Sections 62-555.348 and 62-600.405(8) of the FAC. The expansion criteria and schedule are as follows:

- WSF: When the MDD equals or exceeds 75% of maximum day treatment capacity, submit capacity analysis report.
- WRF: When the maximum 3-month ADF exceeds 50% of the permitted treatment, submit capacity analysis report.
- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 80% of the permitted treatment capacity, start request for proposals for consultant services for preliminary and final design.
- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 85% of the permitted treatment capacity, begin final design.
- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 90% of the permitted treatment capacity, the expansion needs to be in construction. ~~(Added 05/17, Ord. 2017-10)~~

**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.**

<b>UTILITY NAME</b>	<b>LOS</b>
Orange County Utilities	225 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	
<u>Land Use</u>	<u>LOS</u>
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.	

TC 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.

~~WW1.2.5~~ When central wastewater service from ~~Orange County Utilities~~ is required for development, ~~the level of service standard shall be 225 gallons of wastewater per day (average daily flow) per Equivalent Residential Unit.~~ Interim wastewater systems (permanent package treatment plans are no longer allowed in Orange County) shall ~~also~~ have a level of service standard ~~of 225 gallons of wastewater per day (average daily flow) per Equivalent Residential Unit.~~ ~~Follow~~ 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 ~~only to review Development of Regional Impact (DRI) and Future Land Use Map Amendments to the Comprehensive Plan.~~

~~Orange County Utilities shall ensure that sufficient wastewater treatment facility capacity is maintained. Once the three month average daily flow equals or exceeds 50% of a system's permitted capacity or once the sum of current three months average daily flow plus future committed average daily flow equals or exceeds 90% of permitted capacity, a report shall be presented to the Florida Department of Environmental Protection on the need to increase capacity and, if capacity needs to be increased, the method of increase estimated cost and timing. The capacity report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity 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. Facilities approaching build out are defined to be built to the ultimate capacity required to accommodate all projected growth within the system's service area. (Added 8/92, Ord. 92-24; Amended 12/00, Ord. 00-25, Policy 1.2.5-r; Amended 5/13, Ord. 2013-11)~~

~~W1.2.6~~ When central sewer service from ~~private utilities or municipalities~~ is required for development in ~~unincorporated Orange County~~, the level of service standard shall be as listed below. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.2.7** Orange County Utilities shall ensure that sufficient water supply facility (WSF) and water reclamation facility (WRF) capacity is maintained, consistent with the requirements of the Florida Department of Environmental Protection (FDEP). Orange County Utilities shall adhere to the following capacity-based expansion schedule:

- A. Submit a capacity analysis report to FDEP each year when the WSF maximum daily demand (MDD) exceeds 75% of maximum day water treatment capacity, or when the WRF maximum 3-month average daily flow (ADF) exceeds 50% of the permitted wastewater treatment capacity.**
- B. Advertise request for proposals for consultant design services before the WSF MDD or WRF maximum 3-month ADF exceeds 80% of the permitted treatment capacity.**
- C. Begin final design of expansion before the WSF MDD or WRF maximum 3-month ADF exceeds 85% of the permitted treatment capacity.**
- D. Begin construction of the facility expansion before the WSF MDD or WRF maximum 3-month ADF exceeds 90% of the permitted treatment capacity.**

**Facilities scheduled for design and construction, as identified by the capacity analysis report, shall be considered for inclusion into the Capital Improvements Program. Facilities approaching build out shall be exempt from this requirement.**

**PW1.2.5** When central water service from Orange County Utilities is required for development, the level of service standard shall be 275 gallons per day (average daily flow) per Equivalent Residential Unit. 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 only to review Developments of Regional Impact (DRI) and Comprehensive Plan Future Land Use Map Amendments. (Amended 5/13, Ord. 2013-11)

- A. The LOS standard OCU has adopted for planning and engineering of its water supply facilities is based on the Florida Department of Environmental Protection's (FDEP's) capacity analysis standards. OCU evaluates the need for water supply facility expansion over a ten year planning horizon if observed maximum day water demands are equal to or greater than 75% of the total permitted maximum day operating capacity of the water supply facilities. If the observed maximum day demand exceeds 75% of the total permitted maximum day operating capacity of the water supply facility, then OCU will be required to submit a Capacity Analysis Report to the FDEP in accordance with the requirements of Section 62-555.348 of the Florida Administrative Code (FAC).**

In addition, OCU has developed WSF and Water Reclamation Facility (WRF) treatment capacity percentage based expansion criteria and schedule to address the requirements of Sections 62-555.348 and 62-600.405(8) of the FAC. The expansion criteria and schedule are as follows:

- WSF: When the MDD equals or exceeds 75% of maximum day treatment capacity, submit capacity analysis report.
- WRF: When the maximum 3-month ADF exceeds 50% of the permitted treatment, submit capacity analysis report.

- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 80% of the permitted treatment capacity, start request for proposals for consultant services for preliminary and final design.
- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 85% of the permitted treatment capacity, begin final design.
- WSF/WRF: When the MDD / maximum 3-month ADF meets or exceeds 90% of the permitted treatment capacity, the expansion needs to be in construction. (Added 05/17, Ord. 2017-10)

WW4.2.5

When central wastewater service from Orange County Utilities is required for development, the level of service standard shall be 225 gallons of wastewater per day (average daily flow) per Equivalent Residential Unit. Interim wastewater systems (permanent package treatment plans are no longer allowed in Orange County) shall also have a level of service standard of 225 gallons of wastewater per day (average daily flow) per Equivalent Residential Unit. Follow 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 only to review Development of Regional Impact (DRI) and Future Land Use Map Amendments to the Comprehensive Plan.

Orange County Utilities shall ensure that sufficient wastewater treatment facility capacity is maintained. Once the three month average daily flow equals or exceeds 50% of a system's permitted capacity or once the sum of current three months average daily flow plus future committed average daily flow equals or exceeds 90% of permitted capacity, a report shall be presented to the Florida Department of Environmental Protection on the need to increase capacity and, if capacity needs to be increased, the method of increase estimated cost and timing. The capacity report shall identify recommended improvements, improvement costs and the timing of such improvements. Facilities scheduled for design and construction, as identified by the capacity 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. Facilities approaching build out are defined to be built to the ultimate capacity required to accommodate all projected growth within the system's service area.

**WAT1.2.8 Connections to the potable water, wastewater, and reclaimed water systems shall be allowed only where capacity is available. Potable water system capacity shall include minimum fire flow requirements pursuant to Orange County Code.**

TC Connections to the potable water, wastewater, and reclaimed water systems shall be allowed only where capacity is available. Potable water system capacity shall include minimum fire flow requirements pursuant to Orange County Code.

~~PW1.2.6~~ Connections to the potable water system shall be allowed only where capacity is available. Capacity shall include minimum fire flow requirements pursuant to Orange County Code. ~~(Added 12/00, Ord. 00-25)~~

~~WW1.2.7~~ Connections to the wastewater systems shall be allowed only where capacity is available. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.2.9 Extension of water, wastewater, and reclaimed water transmission facilities from the existing central system to a development shall be provided at the developer's cost.**

TC Extension of water, wastewater, and reclaimed water transmission facilities from the existing central system to a development shall be provided at the developer's cost.

~~PW1.2.7~~ Extension of water transmission facilities from the existing central system to a development shall be provided at the developer's cost.

~~WW1.2.8~~ Extension of wastewater transmission facilities from the existing central system to a development shall be provided at the developer's cost.

**WAT1.2.10 If an interim water system is approved a plan for connection to the nearest central water system and financing of the tie-in must be approved by the utility having jurisdiction.**

TC If an interim water system is approved, a plan for connection to the nearest central water system and financing of the tie-in must be approved by the utility having jurisdiction.

~~PW1.2.8~~ If an interim water system is approved, ~~the following requirements shall be met:~~

~~A. A plan for connection to the nearest central system and financing of the tie in must be approved by Orange County. —~~

**WAT1.2.11** If an interim wastewater system is approved, the following requirements shall be met:

- A. A plan for connection to the nearest central wastewater system and financing of the tie-in must be approved by the utility having jurisdiction;**
- B. Normal connection fees associated with the connection to the central wastewater system must be paid in accordance with applicable resolutions and ordinances, and prior to construction plan approval for the development the interim system is proposed to serve; and**
- C. Construction of dry lines may be required.**

TC If an interim wastewater system is approved, the following requirements shall be met:

- A. A plan for connection to the nearest central wastewater system and financing of the tie-in must be approved by the utility having jurisdiction;
- B. Normal connection fees associated with the connection to the central wastewater system must be paid in accordance with applicable resolutions and ordinances, and prior to construction plan approval for the development the interim system is proposed to serve; and
- C. Construction of dry lines may be required.

~~WW1.2.9~~ If an interim wastewater system is approved, the following requirements ~~must be~~ met:

- A. A plan for connection to the nearest central system and financing of the tie in must be approved by ~~Orange County~~; and,
- B. Normal connection fees associated with the connection to the ~~County's~~ wastewater system must be paid in accordance with ~~County~~ resolutions and ordinances, and prior to construction plan approval for the development the interim system is proposed to serve.
- C. Construction of dry lines may be required. (~~Added 12/00, Ord. 00-25~~)

**WAT1.2.12**     **The water capacity demand charges for a connection shall be based on equivalent residential connections. The wastewater capacity demand charges for a connection shall be based on equivalent residential units.**

TC                The water capacity demand charges for a connection shall be based on equivalent residential connections. The wastewater capacity demand charges for a connection shall be based on equivalent residential units.

~~PW1.2.9~~        The water capacity demand charges for a connection shall be based on equivalent residential units. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.2.13**     **Connection fees may cover up to 100 percent of the total cost of the needed water, wastewater and reclaimed water system expansions. User fees shall cover the full cost of operating and maintaining the water, wastewater and reclaimed water systems, including debt service.**

TC                Connection fees may cover up to 100 percent of the total cost of the needed water, wastewater and reclaimed water system expansions. User fees shall cover the full cost of operating and maintaining the water, wastewater and reclaimed water systems, including debt service.

~~WW1.2.10~~     Connection fees ~~shall supplement~~ the total cost of the needed wastewater system expansion. ~~(Added 12/00, Ord. 00-25)~~

~~WW1.3.3~~        User fees shall cover the full cost of operating and maintaining the system, including debt service.

**WAT1.2.14 Public and approved private water, wastewater and reclaimed water systems in Orange County shall be self-supporting and shall not use ad valorem taxation for maintenance and operation.**

TC Public and approved private water, wastewater and reclaimed water systems in Orange County shall be self-supporting and shall not use ad valorem taxation for maintenance and operation.

~~PW1.2.10~~ Public ~~or~~ approved private water systems in Orange County shall be self supporting and shall not use ad valorem taxation.

~~WW1.2.11~~ Public ~~or~~ approved private wastewater systems in Orange County shall be self supporting and shall not use ad valorem taxation for maintenance and operation.

**WAT1.2.15 Orange County shall continue to participate in the regional water supply planning efforts of the St. Johns River Water Management District and the South Florida Water Management District to establish and implement efficient and cost-effective public water supply plans for the region, without creating significant adverse impacts to natural systems.**

TC Orange County shall continue to participate in the regional water supply planning efforts of the St. Johns River Water Management District and the South Florida Water Management District to establish and implement efficient and cost-effective public water supply plans for the region, without creating significant adverse impacts to natural systems.

~~PW1.2.12~~ Orange County shall continue to participate in the regional water supply planning efforts of the St. Johns River Water Management District and the South Florida Water Management District to establish and implement efficient and cost-effective public water supply plans for the region, without creating significant adverse impacts to natural systems. (~~Added 12/00, Ord. 00-25~~)

**OBJ WAT1.3** Orange County shall maximize the use of existing potable water, wastewater and reclaimed water facilities and available capacity through the implementation of appropriate technology and management strategies for enhancing water supply and reducing demand, including traditional and alternative water supply options, conservation and reuse.

TC Orange County shall maximize the use of existing potable water, wastewater, and reclaimed water facilities and available capacity through the implementation of appropriate technology and management strategies for enhancing water supply and reducing demand, including traditional and alternative water supply options, conservation and reuse.

~~OBJ PW1.3~~ Orange County shall maximize the use of existing potable water facilities and available capacity through the implementation of appropriate technology and management strategies for enhancing water supply and reducing demand, including traditional and alternative water supply options, conservation and reuse.

~~OBJ WW1.3~~ Orange County shall maximize the use of existing wastewater facilities and available capacity through the implementation of appropriate technology.

**WAT1.3.1** The shift to new technologies and operational procedures, including expanded conservation programs, water, wastewater and reclaimed water rate increases, system interconnections and alternative water supply options such as reclaimed water reuse and storage, shall occur as they become technically and economically feasible.

TC The shift to new technologies and operational procedures, including expanded conservation programs, water, wastewater, and reclaimed water rate increases, system interconnections and alternative water supply options such as reclaimed water reuse and storage, shall occur as they become technically and economically feasible.

~~PW1.3.1~~ The shift to new technologies and operational procedures, including expanded conservation programs, water rate increases, system interconnections and alternative water supply options such as reclaimed water reuse and storage, shall occur as they become technically and economically feasible.

~~WW1.3.1~~ The shift to new technologies and operational procedures shall occur as they become feasible. ~~The Utilities Department shall monitor and maintain the current Supervisory Control and Data Acquisition (SCADA) system utilizing the newest technologies available to the County. (Added 12/00, Ord. 00-25)~~

**WAT1.3.2 The Orange County Utilities Department shall monitor and maintain the current Supervisory Control and Data Acquisition (SCADA) system utilizing recent technologies available to Orange County.**

TC The Orange County Utilities Department shall monitor and maintain the current Supervisory Control and Data Acquisition (SCADA) system utilizing recent technologies available to Orange County.

~~WW1.3.1 The shift to new technologies and operational procedures shall occur as they become feasible. The Utilities Department shall monitor and maintain the current Supervisory Control and Data Acquisition (SCADA) system utilizing the newest technologies available to the County. (Added 12/00, Ord. 00-25)~~

**WAT1.3.3 The County shall actively participate in the development of innovative water and wastewater programs which protect and conserve Orange County's water resources.**

TC The County shall actively participate in the development of innovative water and wastewater programs which protect and conserve Orange County's water resources.

~~PW1.3.2 The County shall actively participate in the development of innovative water programs which protect and conserve the County's water resources.~~

~~WW1.3.2 The County shall actively participate in the development of innovative wastewater programs which protect and conserve the County's water resources.~~

**WAT1.3.4 Orange County shall continue to monitor and reduce the influence, collection, and treatment of unwanted water entering the wastewater system from infiltration and inflow, combined sewer overflow, stormwater and unaccounted wastewater and remediate system deficiencies.**

TC Orange County shall continue to monitor and reduce the influence, collection, and treatment of unwanted water entering the wastewater system from infiltration and inflow, combined sewer overflow, stormwater and unaccounted wastewater and remediate system deficiencies.

~~WW1.3.4 Orange County shall continue to monitor and reduce the influence, collection, and treatment of unwanted water entering the wastewater system from infiltration and inflow, combined sewer overflow, stormwater and unaccounted wastewater and remediate system deficiencies.~~

**WAT1.3.5**      **The Orange County Utilities Department shall implement and maintain a system of metering for its reclaimed water customer connections, and shall continue to require individual metering of reclaimed water connections to single-family detached residential customers on public streets.**

TC                The Orange County Utilities Department shall implement and maintain a system of metering for its reclaimed water customer connections, and shall continue to require individual metering of reclaimed water connections to single-family detached residential customers on public streets.

~~WW1.3.5~~      The Orange County Utilities Department shall implement and maintain a system of metering for its reclaimed water customer connections, and shall continue to require individual metering of reclaimed water connections to single-family residential customers on public streets.

**OBJ WAT1.4 Water, wastewater and reclaimed water facility plans and programs shall be designed to be consistent with the Future Land Use Element and to avoid urban sprawl.**

TC Water, wastewater, and reclaimed water facility plans and programs shall be designed to be consistent with the Future Land Use Element and to avoid urban sprawl.

~~OBJ PW1.4 Water facility plans and programs shall be designed to be consistent with the Future Land Use Element and to avoid urban sprawl.~~

~~OBJ WW1.4 Wastewater facility plans and programs shall be designed to be consistent with the Future Land Use Element and to avoid urban sprawl as implemented by the following policies. Wastewater service shall not be extended to areas outside the Urban Service Area except as provided in Wastewater Policy WW1.4.3.~~

**WAT1.4.1 Water, wastewater, and reclaimed water facility plans and programs shall be designed and coordinated in a manner which will support the Urban Service Area growth management concept.**

TC Water, wastewater, and reclaimed water facility plans and programs shall be designed and coordinated in a manner which will support the Urban Service Area growth management concept.

~~PW1.4.1 Water facility plans and programs shall be designed and coordinated in a manner which will support the Urban Service Area growth management concept. Future growth at urban densities or intensities shall be located in areas which have existing or planned potable water capacity.~~

~~WW1.4.1 Wastewater facility plans and programs shall be designed and coordinated in a manner which will support the Urban Service Area growth management concept.~~

**WAT1.4.2 Future growth at urban densities or intensities shall be located in areas which have existing or planned potable water and wastewater capacity.**

TC Future growth at urban densities or intensities shall be located in areas which have existing or planned potable water and wastewater capacity.

~~PW1.4.1 Water facility plans and programs shall be designed and coordinated in a manner which will support the Urban Service Area growth management concept. Future growth at urban densities or intensities shall be located in areas which have existing or planned potable water capacity. (Added 12/00, Ord. 00-25)~~

~~WW1.4.2 Future growth at urban densities or intensities shall locate in areas which have existing or planned wastewater capacity.~~

- WAT1.4.3 Potable water service and central wastewater service shall not be extended to areas outside the Urban Service Area except in one or more of the following circumstances:**
- A. The facilities to be extended will serve a Growth Center, exception areas within Specific Area Plan (SAP) boundaries, or other exception areas as provided in the Comprehensive Plan;**
  - B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;**
  - C. The potable water facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;**
  - D. For approved sector plans as provided for in the Comprehensive Plan; or**
  - E. The circumstances described under Policies WAT1.5.2, WAT1.5.3 or WAT1.6.2 herein.**

**This policy is not intended to preclude the use of conservation or rural areas for potable water withdrawal facilities, water treatment facilities, wastewater treatment facilities, or interconnections of the overall water or wastewater system.**

**TC Potable water service and central wastewater service shall not be extended to areas outside the Urban Service Area except in one or more of the following circumstances:**

- A. The facilities to be extended will serve a Growth Center, exception areas within Specific Area Plan (SAP) boundaries, or other exception areas as provided in the Comprehensive Plan;**
- B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;**
- C. The potable water facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;**
- D. For approved sector plans as provided for in the GP Comprehensive Plan; or**
- E. The circumstances described under Policies WAT1.5.2, WAT1.5.3 or WAT1.6.2 herein.**

**This policy is not intended to preclude the use of conservation or rural areas for potable water withdrawal facilities, water treatment facilities, wastewater treatment facilities, or interconnections of the overall water or wastewater system.**

**PW1.4.2 Potable water service shall not be extended to areas outside the Urban Service Area except in the following circumstances:**

- A. The facilities to be extended will serve a Growth Center or other exception areas as provided in the Comprehensive Plan (GP);**

B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such facilities shall not serve as the basis for additional new development;

C. The facilities are to be extended to provide adequate fire flows to existing developments which are located within one-half (1/2) mile of an existing water transmission main;

D. For approved sector plans as provided for in the CP; and

E. The circumstances described under ~~Policy PW1.5.2 and Policy PW1.5.3.~~

This policy is not intended to preclude the use of conservation or rural areas for withdrawal ~~or~~ treatment facilities. (~~Added 12/00, Ord. 00-25~~)

#### WW1.4.3

~~Central wastewater facilities, consisting of wastewater treatment facilities, pump stations, force and gravity mains shall not be extended beyond the boundary of the Urban Service Area except in the following circumstances:~~

~~A. The facilities to be extended will serve a Growth Center or other exception areas within Specific Area Plan (SAP) boundaries as provided for in the Comprehensive Plan (CP);~~

~~B. The Board of County Commissioners has made an affirmative finding that a public health hazard exists for existing development. Such extended facilities shall no serve as a basis for additional new development;~~

~~C. For approved sector plans as provided for in the CP;~~

~~D. These circumstances described under Policy WW1.5.2 herein.~~

This policy is not intended to preclude the use of conservation or rural areas for wastewater treatment facilities or ~~the interconnecting~~ of the overall system. (~~Added 12/00, Ord. 00-25~~)

**WAT1.4.4**      **When it has been determined the extension of potable water facilities into the Rural Service Area is necessary, such existence or planned extension of potable water mains facilities shall not be construed as adequate justification for development at urban intensities in the Rural Service Area. Transmission mains that will service such rural areas shall be sized to provide domestic flow to satisfy existing land use including the provision of adequate fire flow.**

TC                When it has been determined the extension of potable water facilities into the Rural Service Area is necessary, such existence or planned extension of potable water mains facilities shall not be construed as adequate justification for development at urban intensities in the Rural Service Area. Transmission mains that will service such rural areas shall be sized to provide domestic flow to satisfy existing land use including the provision of adequate fire flow.

~~PW1.4.3~~        When it has been determined the extension of potable water facilities into the Rural Service Area is necessary, such existence or planned extension of potable water mains facilities shall not be construed as adequate justification for development at urban intensities in the Rural Service Area. Transmission mains that will service such rural areas shall be sized to provide domestic flow to satisfy existing land use including the provision of adequate fire flow.

**WAT1.4.5**      **Development approvals should be granted by the Orange County Board of County Commissioners only when fire flows meet or exceed the requirements of County Subdivision Regulations, Commercial Site Plan Regulations and amendments thereto. Minimum fire flows and pressure requirements must be available to the development site prior to issuance of Certificates of Occupancy.**

TC                Development approvals should be granted by the Orange County Board of County Commissioners only when fire flows meet or exceed the requirements of County Subdivision Regulations, Commercial Site Plan Regulations and amendments thereto. Minimum fire flows and pressure requirements must be available to the development site prior to issuance of Certificates of Occupancy.

~~PW1.4.4~~        Development approvals should be granted by the Orange County Board of County Commissioners only when fire flows meet or exceed the requirements of County Subdivision Regulations, Commercial Site Plan Regulations and amendments thereto. Minimum fire flows and pressure requirements must be available to the development site prior to issuance of Certificates of Occupancy.

**OBJ WAT1.5** In the interest of maintaining adequate potable water quality for Rural Settlements, the new construction or extension of central water systems serving Rural Settlements shall be approved by the Board of County Commissioners on a case-by-case basis consistent with the Comprehensive Plan.

TC In the interest of maintaining adequate potable water quality for Rural Settlements, the new construction or extension of central water systems serving Rural Settlements shall be approved by the Board of County Commissioners on a case-by-case basis consistent with the Comprehensive Plan.

~~OBJ PW1.5~~ In the interest of maintaining adequate potable water quality for Rural Settlements, the new construction or extension of central water systems serving Rural Settlements shall be approved by the Board of County Commissioners on a case by case basis consistent with the CP.

**WAT1.5.1** Existing potable water facilities serving Rural Settlements shall not be used as a reason to increase allowable densities in the Rural Settlements.

TC Existing potable water facilities serving Rural Settlements shall not be used as a reason to increase allowable densities in the Rural Settlements.

~~PW1.5.5~~ Existing potable water facilities serving Rural Settlements shall not be used as a reason to increase allowable densities in the Rural Settlements.

- WAT1.5.2**      **When the provision of central water facilities for a Rural Settlement(s) is proposed, the Board of County Commissioners shall approve such a proposal(s) only when the Board makes two findings. First, the Board shall make a finding of need of central water facilities for the particular Rural Settlement. Second, the Board shall make a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water, Wastewater and Reclaimed Water and Future Land Use Elements.**
- TC                When the provision of central water facilities for a Rural Settlement(s) is proposed, the Board of County Commissioners shall approve such a proposal(s) only when the Board makes two findings. First, the Board shall make a finding of need of central water facilities for the particular Rural Settlement. Second, the Board shall make a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water, Wastewater, and Reclaimed Water and Future Land Use Elements.
- PW1.5.2        When the provision of central water facilities for a Rural Settlement(s) is proposed, the Board of County Commissioners shall approve such a proposal(s) only when the Board makes two findings. First, the Board shall make a finding of need of central water facilities for the particular Rural Settlement. Second, the Board shall make a finding of consistency with the Comprehensive Plan, including the policies of the Potable Water and Future Land Use Elements. (~~Added 12/00, Ord. 00-25~~)

**WAT1.5.3**      **The Board of County Commissioners has made an affirmative finding that the extension of potable water facilities is required to remediate health and safety concerns in the Bithlo Rural Settlement. In order to address the concern for public health in this area, the following conditions apply to the potable water system expansion to the Bithlo Rural Settlement:**

**A. The extended utility lines shall be used only by vested development within the Bithlo Rural Settlement.**

**B. The extended utility lines shall not be a justification or basis for approving new development.**

**C. The utility lines shall not be used for any new non-vested development beyond one unit per acre in the Bithlo Rural Settlement.**

**D. Non-vested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.**

**TC**      The Board of County Commissioners has made an affirmative finding that the extension of potable water facilities is required to remediate health and safety concerns in the Bithlo Rural Settlement. In order to address the concern for public health in this area, the following conditions apply to the potable water system expansion to the Bithlo Rural Settlement:

A. The extended utility lines shall be used only by vested development within the Bithlo Rural Settlement.

B. The extended utility lines shall not be a justification or basis for approving new development.

C. The utility lines shall not be used for any new non-vested development beyond one unit per acre in the Bithlo Rural Settlement.

D. Non-vested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.

~~PW 1.5.3~~      The Board of County Commissioners has made an affirmative finding that the extension of potable water facilities is required to remediate health and safety concerns in the Bithlo Rural Settlement. In order to address the concern for public health in this area, the following conditions apply to the potable water system expansion to the Bithlo Rural Settlement:

A. The extended utility lines shall be used only by vested development within the Bithlo Rural Settlement.

B. The extended utility lines shall not be a justification or basis for approving new development.

C. The utility lines shall not be used for any new non-vested development beyond one unit per acre in the Bithlo Rural Settlement.

D. Non-vested development shall not be allowed to connect to the extended utility lines until a sector plan is approved.

**OBJ WAT1.6** In the interest of preserving the rural character and sense of place in Rural Settlements, the construction or extension of central wastewater systems serving Rural Settlements shall be limited.

TC In the interest of preserving the rural character and sense of place in Rural Settlements, the construction or extension of central wastewater systems serving Rural Settlements shall be limited.

~~OBJ WW1.5~~ In the interest of preserving the rural character and sense of place in Rural Settlements, the construction or extension of central wastewater systems serving Rural Settlements shall be limited.

**WAT1.6.1** Existing wastewater facilities serving Rural Settlements shall not be used as a basis to increase allowable densities in the Rural Settlements. This policy is not intended to preclude the use of conservation or rural areas for treatment facilities.

TC Existing wastewater facilities serving Rural Settlements shall not be used as a basis to increase allowable densities in the Rural Settlements. This policy is not intended to preclude the use of conservation or rural areas for treatment facilities.

~~WW1.5.1~~ Existing wastewater facilities serving Rural Settlements shall not be used as a basis to increase allowable densities in the Rural Settlements. This policy is not intended to preclude the use of conservation or rural areas for treatment facilities.

- WAT1.6.2**      **New central wastewater facilities shall not be constructed and existing facilities shall not be expanded to serve Rural Settlements except under the following circumstances:**
- A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with Future Land Use Objective FLU6.2. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into Orange County’s five-year Capital Improvements Program (CIP); or**
  - B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.**
  - C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area.**
  - D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8.**

TC                      Revising the FLU reference from FLU2.1 to FLU6.2

- ~~WW1.5.2~~      ~~New central wastewater facilities shall not be constructed and existing facilities shall not be expanded to serve Rural Settlements except under the following circumstances:~~
- ~~A. The Board of County Commissioners has made an affirmative finding that the facilities are necessary to support existing future land use designations on the adopted Future Land Use (FLU) map consistent with the Future Land Use Objective ~~FLU2.4~~. The future land use designations referenced in this policy are those reflected on the adopted FLU map as of the date of adoption of this policy. Facility expansion under this policy must be incorporated into the County’s five-year Capital Improvements Program (CIP); or~~
  - ~~B. The Rural Settlement has experienced a State documented economic decline as a result of the loss of a major area employer. The central wastewater facilities may be expanded for the purpose of revitalizing the area by attracting new commercial and industrial businesses and offering incentives to existing businesses to remain in the area. This policy shall apply only to the Zellwood Rural Settlement, consistent with the Future Land Use Element.~~
  - ~~C. The Board of County Commissioners has made an affirmative finding that the facilities are necessary and available to remedy or prevent contamination of ground or surface water within the Wekiva Study Area. (~~Added 12/00, Ord. 00-25; Amended 12/07, Ord. 07-20~~)~~
  - ~~D. The provision of wastewater services to a school located in a Rural Settlement is also subject to FLU8.7.8. (~~Added 11/17, Ord. 2017-19~~)~~

**WAT1.6.3**      **The existence or new construction of wastewater facilities within the boundary of a Rural Settlement for the purpose of interconnecting (looping) to the wastewater system outside the boundary of a Rural Settlement shall not be the sole basis for existing development in a Rural Settlement to connect to the wastewater system.**

TC                The existence or new construction of wastewater facilities within the boundary of a Rural Settlement for the purpose of interconnecting (looping) to the wastewater system outside the boundary of a Rural Settlement shall not be the sole basis for existing development in a Rural Settlement to connect to the wastewater system.

~~WW1.5.3~~      The existence or new construction of wastewater facilities within the boundary of a Rural Settlement for the purpose of interconnecting (looping) to the wastewater system outside the boundary of a Rural Settlement shall not be the sole basis for existing development in a Rural Settlement to connect to the wastewater system. ~~(Added 12/00, Ord. 00-25)~~

**OBJ WAT1.7 Orange County shall continue to coordinate with municipal and private water and wastewater agencies to assist in preventing fragmentation, duplication of effort, overlapping jurisdictions and excessive costs.**

TC Orange County shall continue to coordinate with municipal and private water and wastewater agencies to assist in preventing fragmentation, duplication of effort, overlapping jurisdictions and excessive costs.

~~OBJ PW1.6~~ Orange County shall continue to coordinate with municipal and private water agencies to assist in preventing fragmentation, duplication of effort, overlapping jurisdictions and excessive costs ~~by implementing the following policies.~~

~~OBJ WW1.6~~ Orange County shall continue to coordinate with municipal and private wastewater agencies to assist in preventing fragmentation, duplication of effort, overlapping jurisdictions, and excessive costs ~~by implementing the following policies.~~

**WAT1.7.1 Orange County shall continue to enter into territorial/joint planning agreements with adjacent municipalities, counties and other utilities regulated by the Public Service Commission in order to encourage cost-effective service to avoid unnecessary duplication in the provision of water and wastewater services, to describe the location of each utility's service area, and to coordinate and confirm the associated service provision commitments. Priorities for the extension of services by these other providers are referenced in the territorial/joint planning area agreements.**

TC Orange County shall continue to enter into territorial/joint planning agreements with adjacent municipalities, counties and other utilities regulated by the Public Service Commission in order to encourage cost-effective service, to avoid unnecessary duplication in the provision of water and wastewater services, to describe the location of each utility's service area, and to coordinate and confirm the associated service provision commitments. Priorities for the extension of services by these other providers are referenced in the territorial/joint planning area agreements.

~~PW1.6.1~~ Orange County shall continue to enter into territorial agreements with adjacent municipalities, counties and other utilities regulated by the Public Service Commission in order to encourage cost effective service to avoid unnecessary duplication in the provision of water services, to describe the location of each utility's service area, and to coordinate and confirm the associated service provision commitments. ~~(Added 12/00, Ord. 00-25)~~

~~WW1.6.1~~ Orange County shall continue to establish territorial/joint planning agreements with adjacent municipalities and other utilities regulated by the Public Service Commission to encourage cost effective service and avoid unnecessary duplication in the provision of wastewater services. Priorities for the extension of services by these other providers are referenced in the territorial/joint planning area agreements. ~~(Added 12/00, Ord. 00-25)~~

**WAT1.7.2 Orange County shall continue to pursue alternative funding sources and participate with other localities in order to plan and construct water and wastewater systems.**

TC Orange County shall continue to pursue alternative funding sources and participate with other localities in order to plan and construct water and wastewater systems.

~~WW1.6.2~~ Orange County shall continue to pursue alternative funding sources and participate with other localities in order to plan and construct wastewater systems. (~~Added 12/00, Ord. 00-25~~)

**OBJ WAT1.8 Orange County shall continue to implement its program to eliminate the amount of unaccounted-for water.**

TC The County shall continue to implement its program to eliminate the amount of unaccounted-for water.

~~OBJ PW1.7~~ The County shall continue to implement its program to eliminate the amount of unaccounted-for water.

**WAT1.8.1 User fees shall be evaluated to ensure funds are available to fund programs to reduce unaccounted water loss.**

TC User fees shall be evaluated to ensure funds are available to fund programs to reduce unaccounted water loss.

~~PW1.7.1~~ User fees shall be evaluated to ensure funds are available to fund programs to reduce unaccounted water loss. (~~Added 12/00, Ord. 00-25~~)

**WAT1.8.2 Orange County shall continue requiring potable water consumption to be metered for residential and non-residential uses to ensure accountability of water consumption.**

TC Orange County shall continue requiring potable water consumption to be metered for residential and non-residential uses to ensure accountability of water consumption.

~~PW1.7.2~~ Orange County shall continue requiring potable water consumption to be metered for residential and non-residential uses to ensure accountability of water. (~~Added 12/00, Ord. 00-25~~)

Notes: Consumption id added to the policy for clarification.

**WAT1.8.3** Orange County shall continue to conduct water audits for its system's potable water transmission and distribution lines to determine pipe quality. The results of the audits shall be considered by the Utilities Department when prioritizing projects for incorporation into the Capital Improvements Program (CIP).

TC Orange County shall continue to conduct water audits for its system's potable water transmission and distribution lines to determine pipe quality. The results of the audits shall be considered by the Utilities Department when prioritizing projects for incorporation into the Capital Improvements Program (CIP).

~~PW1.7.2.1~~ Orange County shall continue to conduct water audits for its system's potable water transmission and distribution lines to determine pipe quality. The results of the audits shall be considered by the Utilities Department when prioritizing projects for incorporation into the Capital Improvements Program (CIP). ~~(Added 12/00, Ord. 00-25)~~

**OBJ WAT1.9** Orange County shall provide an adequate level of potable water, wastewater and reclaimed water services and facilities to development within the unincorporated area in a cost-effective manner.

TC Orange County shall provide an adequate level of potable water, wastewater, and reclaimed water services and facilities to development within the unincorporated area in a cost-effective manner.

~~OBJ PW1.8~~ Orange County shall provide an adequate level of potable water services and facilities to development within the unincorporated area in a cost effective manner.

**WAT1.9.1** Connection fees shall supplement the total cost of all necessary public potable water, wastewater and reclaimed water system expansions.

TC Connection fees shall supplement the total cost of all necessary public potable water, wastewater, and reclaimed water system expansions.

~~PW1.8.1~~ Connection fees shall supplement the total cost of all necessary public potable water system expansions. (~~Added 12/00, Ord. 00-25~~)

**WAT1.9.2** User fees shall cover the full cost of operating and maintaining the potable water, wastewater and reclaimed water systems, including debt service.

TC User fees shall cover the full cost of operating and maintaining the potable water, wastewater, and reclaimed water systems, including debt service.

~~PW1.8.2~~ User fees shall cover the full cost of operating and maintaining the potable water system, including debt service. (~~Added 12/00, Ord. 00-25~~)

**GOAL WAT2 To provide water, wastewater and reclaimed water service and facilities which are environmentally sound, promote water conservation and reclaimed water reuse, and protect the quality of the water supply.**

TC To provide water, wastewater, and reclaimed water service and facilities which are environmentally sound, promote water conservation and reclaimed water reuse, and protect the quality of the water supply.

~~GOAL PW2 It is Orange County's goal to provide water service and facilities which are environmentally sound, promote water conservation and reclaimed water reuse, and protect the quality of the water supply.~~

~~GOAL WW2 It is Orange County's goal to provide wastewater services and facilities which are environmentally sound, promote water conservation and reclaimed water reuse, and protect the quality of the water supply.~~

**OBJ WAT2.1 Orange County water well regulations and policies shall be enforced, and if necessary amended, to prevent or mitigate adverse environmental impacts and eliminate health hazards.**

TC Orange County water well regulations and policies shall be enforced, and if necessary amended, to prevent or mitigate adverse environmental impacts and eliminate health hazards.

~~OBJ PW2.1 Orange County well regulations and policies shall be enforced, and if necessary amended, to mitigate adverse environmental impacts and eliminate health hazards.~~

**WAT2.1.1 The Florida Department of Health Orange County Public Health Unit shall not permit water wells for future development that are inconsistent with the Comprehensive Plan.**

TC The Florida Department of Health Orange County Public Health Unit shall not permit water wells for future development that are inconsistent with the Comprehensive Plan.

~~PW2.1.1 The Health and Rehabilitative Service Orange County Public Health Unit shall not permit wells for future development that are inconsistent with the Comprehensive Plan.~~

**WAT2.1.2 Orange County shall allow the use of private wells for potable water use for development only in areas where central water service is not available.**

TC Orange County shall allow the use of private wells for potable water use for development only in areas where central water service is not available.

~~PW2.1.2 As stipulated in the Land Development Code, Orange County shall allow the use of private wells for potable water use for development only in areas where central water service is not available.~~

**WAT2.1.3**      **New development in the Urban Service Area shall be connected to a central water system. The waiver of this requirement to permit the use of wells should only be considered pursuant to Policy WAT2.1.2. Such wells shall be approved on an interim basis only.**

TC                New development in the Urban Service Area shall be connected to a central water system. The waiver of this requirement to permit the use of wells should only be considered pursuant to Policy WAT2.1.2. Such wells shall be approved on an interim basis only.

~~PW2.1.3~~      ~~As stipulated in the Land Development Code, new development in the Urban Service Area shall be connected to a central water system. The waiver of this requirement to permit the use of wells should only be considered pursuant to Potable Water Policy PW2.1.2. Such wells shall be approved on an interim basis only. (Added 12/00, Ord. 00-25)~~

**WAT2.1.4**      **Developments with interim wells, approved by the Board of County Commissioners pursuant to Policy WAT2.1.3, shall be required to connect to central water systems at the property owner's expense within one year from the date of notification by Orange County that such central water facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim wells were permitted.**

TC                Developments with interim wells, approved by the Board of County Commissioners pursuant to Policy WAT2.1.3, shall be required to connect to central water systems at the property owner's expense within one year from the date of notification by Orange County that such central water facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim wells were permitted.

~~PW2.1.4~~      ~~Developments with interim wells, approved by the Board of County Commissioners pursuant to Potable Water Policy PW2.1.3, shall be required to connect to central water systems at the property owner's expense within one year from the date of notification by the County that such central water facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim wells were permitted. This stipulation is included in the Land Development Code. (Added 12/00, Ord. 00-25)~~

- WAT2.1.5**      **Orange County has developed and shall continue to maintain cross connection control and wellhead protection programs in accordance with State, Federal and local guidelines.**
- TC                      Orange County has developed and shall continue to maintain cross connection control and wellhead protection programs in accordance with State, Federal and local guidelines.
- ~~PW2.1.5~~              Orange County has developed and shall continue to maintain cross connection control and wellhead protection programs in accordance with State, Federal and local guidelines. ~~(Added 12/00, Ord. 00-25)~~
- 
- WAT2.1.6**      **Orange County shall continue to monitor the drawdown of wellfields of Orange County Utilities in order to prevent adverse impacts to adjacent natural resources.**
- TC                      Orange County shall continue to monitor the drawdown of wellfields of Orange County Utilities in order to prevent adverse impacts to adjacent natural resources.
- ~~PW2.1.6~~              Orange County shall continue to monitor the drawdown of wellfields of Orange County Utilities in order to prevent adverse impacts to adjacent natural resources. ~~(Added 12/00, Ord. 00-25)~~
- 
- WAT2.1.7**      **In the interest of protecting potable water wellfields, Orange County shall continue to implement its Small Quantity Generator Notification Program (small quantity sewage disposal) pursuant to Chapter 403, Florida Statutes, Chapter 62-730 FAC, and Rule 62-731.030, FAC. Orange County shall also continue to comply with the State’s Wellhead Protection regulations in Chapter 62-521, FAC.**
- TC                      In the interest of protecting potable water wellfields, Orange County shall continue to implement its Small Quantity Generator Notification Program (small quantity sewage disposal) pursuant to Chapter 403, Florida Statutes, Chapter 62-730 FAC, and Rule 62-731.030, FAC. Orange County shall also continue to comply with the State’s Wellhead Protection regulations in Chapter 62-521, FAC.
- ~~PW2.1.7~~              In the interest of protecting potable water wellfields, Orange County shall continue to implement its Small Quantity Generator Notification Program pursuant to Chapter 403, FS, ~~Rule~~ Chapter 62-730 FAC, Rule ~~Chapter~~ 62-731, FAC. ~~The~~ County shall also continue to comply with the State’s Wellhead Protection regulations in Chapter 62-521, FAC. ~~(Added 12/00, Ord. 00-25)~~

**WAT2.1.8**      **Orange County shall maintain Geographic Information Systems (GIS) maps reflecting the location of drainage wells that could have an adverse impact on groundwater.**

TC              Orange County shall maintain Geographic Information Systems (GIS) maps reflecting the location of drainage wells that could have an adverse impact on groundwater.

~~PW2.1.8~~      Orange County shall maintain Geographic Information Systems (GIS) maps reflecting the location of drainage wells that could have an adverse impact on groundwater. (~~Added 12/00, Ord. 00-25~~)

**WAT2.1.9** A zone of protection area of 500 feet in radius from each public potable water well in the unincorporated area shall be considered the wellfield protection zone. The first 200 foot radius closest to the well shall be a zone of exclusion, where no regulated businesses which are hazardous waste generators monitored by Orange County Environmental Protection Division's Pollution Prevention and Control Program will be permitted except those related to water supply provision. Within the remainder of the zone of protection, land uses shall be regulated to prohibit the following:

- A. Landfills;
- B. Activities that require the storage, use or transportation of restricted substances on the Resource Conservation and Recovery Act's or the Environmental Protection Agency hazardous wastes lists;
- C. Feedlots or other commercial animal facilities;
- D. Wastewater treatment plants and their ancillary facilities;
- E. Mines; and,
- F. Excavation of waterways, borrow pits or drainage facilities that intersect the water table.

TC A zone of protection area of 500 feet in radius from each public potable water well in the unincorporated area shall be considered the wellfield protection zone. The first 200 foot radius closest to the well shall be a zone of exclusion, where no regulated businesses which are hazardous waste generators monitored by Orange County Environmental Protection Division's Pollution Prevention and Control Program will be permitted except ~~that those~~ related ~~with to~~ water supply provision. Within the remainder of the zone of protection, land uses shall be regulated to prohibit the following:

- A. Landfills;
- B. Activities that require the storage, use or transportation of restricted substances on the Resource Conservation and Recovery Act's or the Environmental Protection Agency hazardous wastes lists;
- C. Feedlots or other commercial animal facilities;
- D. Wastewater treatment plants and their ancillary facilities;
- E. Mines; and,
- F. Excavation of waterways, borrow pits or drainage facilities that intersect the water table. (~~Added 12/00, Ord. 00-25~~)

**PW2.1.9** A zone of protection area of 500 feet in radius from each public potable water well in the unincorporated area shall be considered the wellfield protection zone. The first 200 foot radius closest to the well shall be a zone of exclusion, where no regulated businesses listed on the County's Environmental Protection Division's List of Regulated Businesses by SIC Code will be permitted except ~~that those~~ related ~~with to~~ water supply provision. Within the remainder of the zone of protection, land uses shall be regulated to prohibit the following:

- A. Landfills;
- B. Activities that require the storage, use or transportation of restricted substances on the Resource Conservation and Recovery Act's or the Environmental Protection Agency hazardous wastes lists;
- C. Feedlots or other commercial animal facilities;
- D. Wastewater treatment plants and their ancillary facilities;
- E. Mines; and,
- F. Excavation of waterways, borrow pits or drainage facilities that intersect the water table. (~~Added 12/00, Ord. 00-25~~)

**OBJ WAT2.2 Orange County septic tank regulations and policies shall be enforced, and if necessary amended, to prevent or mitigate adverse environmental impacts and eliminate health hazards.**

TC Orange County septic tank regulations and policies shall be enforced, and if necessary amended, to prevent or mitigate adverse environmental impacts and eliminate health hazards.

~~OBJ WW2.1~~ All County septic tank regulations and policies shall be enforced, and if necessary amended, to prevent adverse environmental impacts and eliminate health hazards.

**WAT2.2.1 New development in the Urban Service Area shall be connected to central wastewater systems. The waiver of this requirement to permit the use of interim septic tanks should only be considered pursuant to Policy WAT2.2.5.**

TC New development in the Urban Service Area shall be connected to central wastewater systems. The waiver of this requirement to permit the use of interim septic tanks should only be considered pursuant to Policy WAT2.2.5.

~~WW2.1.7~~ ~~As stipulated in the Land Development Code,~~ new development in the Urban Service Area shall be connected to central wastewater systems. The waiver of this requirement to permit the use of septic tanks should only be considered pursuant to ~~Wastewater Policy WW2.1.5. (Added 12/00, Ord. 00-25)~~

**WAT2.2.2 The Florida Department of Health Orange County Public Health Unit shall not issue permits for septic tanks, which are inconsistent with the criteria established in the Comprehensive Plan.**

TC The Florida Department of Health Orange County Public Health Unit shall not issue permits for septic tanks, which are inconsistent with the criteria established in the Comprehensive Plan.

~~WW2.1.1~~ The ~~Health and Rehabilitative Services~~ Orange County Public Health Unit shall not issue permits for septic tanks, which are inconsistent with the criteria established in the Comprehensive Plan.

**WAT2.2.3**      **The Health and Rehabilitative Services Orange County Public Health Unit shall continue to implement its Septic Tank Monitoring Program to ensure the effectiveness of operation, and to reduce the potential for health hazards. Orange County requires repair permits be obtained from the Health Department prior to any repairs to failed septic tank systems.**

TC              The Health and Rehabilitative Services Orange County Public Health Unit shall continue to implement its Septic Tank Monitoring Program to ensure the effectiveness of operation, and to reduce the potential for health hazards. Orange County requires repair permits be obtained from the Health Department prior to any repairs to failed septic tank systems.

~~WW2.1.2~~      ~~The County~~ shall continue to implement its Septic Tank Monitoring Program to ensure the effectiveness of operation, and to reduce the potential for health hazards. ~~The County~~ requires repair permits be obtained from the Health Department prior to any repairs to failed septic tank systems. ~~(Added 12/00, Ord. 00-25)~~

**WAT2.2.4**      **The use of elevated septic tanks and drainfield systems shall only be allowed on lots of 1/2 acre or larger in order to provide a more balanced ecological and aesthetic approach to new development.**

TC              The use of elevated septic tanks and drainfield systems shall only be allowed on lots of 1/2 acre or larger in order to provide a more balanced ecological and aesthetic approach to new development.

~~WW2.1.3~~      ~~Land Development Code regulations~~ limit the use of elevated septic tanks and drainfield systems ~~to~~ lots of a 1/2 acre ~~minimum~~ in order to provide a more balanced ecological and aesthetic approach to new development. ~~(Added 12/00, Ord. 00-25)~~

~~WW2.1.4~~      ~~The County shall continue to implement septic tank requirements as required in the governing criteria in the Onsite Sewage Disposal System Section of the Land Development Code.~~ ~~(Added 12/00, Ord. 00-25)~~

- WAT2.2.5** Orange County shall allow the use of interim septic tanks for development only in areas of suitable soils and when central wastewater services are not available. Where there are moderate soils, Orange County may allow the use of interim septic tanks based on detailed soil and site analysis so that ground or surface waters will not be polluted. Specific septic tank criteria shall be governed by the Orange County Subdivision Regulations or supplemental guidelines adopted under the proposed Land Development Code, as well as the requirements established in Chapter 64E-6 of the Florida Administrative Code.
- TC Orange County shall allow the use of interim septic tanks for development only in areas of suitable soils and when central wastewater services are not available. Where there are moderate soils, Orange County may allow the use of interim septic tanks based on detailed soil and site analysis so that ground or surface waters will not be polluted. Specific septic tank criteria shall be governed by the Orange County Subdivision Regulations or supplemental guidelines adopted under the proposed Land Development Code, as well as the requirements established in Chapter 64E-6 of the Florida Administrative Code.
- ~~WW2.1.5~~ Orange County, as referenced in the Land Development Code, allows the use of septic tanks for development only in areas of suitable soils and when central wastewater services are not available. Where there are moderate soils, the County may allow the use of septic tanks based on detailed soil and site analysis so that ground or surface waters will not be polluted. Specific septic tank criteria shall be governed by the Orange County Subdivision Regulations or supplemental guidelines adopted under the proposed Land Development Code, as well as the requirements established in Chapter 40D-6 of the Florida Administrative Code. (Added 12/00, Ord. 00-25)

**WAT2.2.6** When it has been determined by the Board of County Commissioners that the application of Policy WAT2.2.5 will result in substantial environmental impact to the subject or abutting property, the Board may limit the density of the development. Substantial environmental impact shall be determined by one or more of the following:

- A. Total clearing of on-site vegetation or placement of fill material which results in the substantial destruction of the natural vegetation;**
- B. Inability to meet stormwater management criteria set forth in the Orange County Subdivision Regulations or commercial site plans regulations; and,**
- C. Degradation or contamination of surface water or groundwater.**

TC When it has been determined by the Board of County Commissioners that the application of Policy WAT2.2.5 will result in substantial environmental impact to the subject or abutting property, the Board may limit the density of the development. Substantial environmental impact shall be determined by one or more of the following:

- A. Total clearing of on-site vegetation or placement of fill material which results in the substantial destruction of the natural vegetation;
- B. Inability to meet stormwater management criteria set forth in the Orange County Subdivision Regulations or commercial site plans regulations; and,
- C. Degradation or contamination of surface water or groundwater.

~~WW2.1.6~~ When it has been determined by the Board of County Commissioners that the application of ~~Wastewater Policy WW2.1.5~~ will result in substantial environmental impact to the subject or abutting property, the Board may limit the density of the development. Substantial environmental impact shall be determined by one or more of the following:

- A. Total clearing of on site vegetation or placement of fill material which results in the substantial destruction of the natural vegetation;
- B. Inability to meet stormwater management criteria set forth in the Orange County Subdivision Regulations or commercial site plans regulations; and,
- C. ~~Contamination of surface water bodies, groundwater under the influence of surface water and groundwater.~~ (Added 8/93, Ord.93-19)

- WAT2.2.7**      **Interim septic tank system(s) approved by the Board of County Commissioners following Policy WAT2.2.1 are required to connect to central sewer systems at the property owner's expense within one (1) year from the date of notification that such central sewer facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim septic tank system(s) was permitted.**
- TC                Interim septic tank system(s) approved by the Board of County Commissioners following Policy WAT2.2.1 are required to connect to central sewer systems at the property owner's expense within one (1) year from the date of notification that such central sewer facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim septic tank system(s) was permitted.
- WW2.1.8        ~~As stipulated in the Land Development Code,~~ interim septic tank system(s) approved by the Board of County Commissioners following ~~Wastewater Policy WW2.1.7~~ are required to connect to central sewer systems at the property owner's expense within one (1) year from the date of notification that such central sewer facilities are available within the stipulated distances approved by the Board of County Commissioners at the time the interim septic tank system(s) was permitted. ~~(Added 12/00, Ord. 00-25)~~

**OBJ WAT2.3** Orange County shall support the use of innovative potable water conservation techniques and strategies, and will conserve water resources through coordination with the St. Johns River Water Management District and South Florida Water Management District and implementation of Orange County and other agency programs.

TC Orange County shall support the use of innovative potable water conservation techniques and strategies, and will conserve water resources through coordination with the St. Johns River Water Management District and South Florida Water Management District and implementation of Orange County and other agency programs.

~~OBJ PW2.2~~ Orange County shall support the use of innovative water conservation techniques and strategies, and will conserve water resources through coordination with the St. Johns River Water Management District and South Florida Water Management District and implementation of County and other agency programs.

**WAT2.3.1** Orange County shall continue to support and assist the Water Management Districts in implementing the development of a County-wide consumptive use study program utilizing water use projections and ground water modeling to monitor the effects of withdrawals from the Floridan Aquifer.

TC Orange County shall continue to support and assist the Water Management Districts in implementing the development of a County-wide consumptive use study program utilizing water use projections and ground water modeling to monitor the effects of withdrawals from the Floridan Aquifer.

~~PW2.2.4~~ Orange County shall continue to support and assist the Water Management Districts in implementing the development of a County wide consumptive use study program utilizing water use projections and ground water modeling to monitor the effects of withdrawals from the Floridan Aquifer. (Added 12/00, Ord. 00-25)

- WAT2.3.2**      **Orange County shall continue to implement its Water Conservation Program and require the installation of products that minimize the demand for water in all new developments as stipulated in Orange County’s Plumbing Code.**
- TC                Orange County shall continue to implement its Water Conservation Program and require the installation of products that minimize the demand for water in all new developments as stipulated in Orange County’s Plumbing Code.
- ~~PW2.2.2~~        Orange County shall continue to implement its Water Conservation Program and require the installation of products that minimize the demand for water in all new developments as stipulated in ~~the~~ County’s Plumbing Code. ~~(Added 12/00, Ord. 00-25)~~
- WAT2.3.3**      **Orange County shall coordinate with Water Management Districts to monitor the drilling of new wells, enforce the capping of abandoned wells, and require the placement of valves on existing free flowing wells so water will be used only as required. It is not the intent of this policy to affect agricultural production or agricultural processing.**
- TC                Orange County shall coordinate with Water Management Districts to monitor the drilling of new wells, enforce the capping of abandoned wells, and require the placement of valves on existing free flowing wells so water will be used only as required. It is not the intent of this policy to affect agricultural production or agricultural processing.
- ~~PW2.2.3~~        ~~The~~ County shall coordinate with Water Management Districts to monitor the drilling of new wells, enforce the capping of abandoned wells, and require the placement of valves on existing free flowing wells so water will be used only as required. It is not the intent of this policy to affect agricultural production or agricultural processing.
- WAT2.3.4**      **Orange County shall coordinate with the Water Management Districts to monitor the amount of groundwater pumped from the aquifer underlying Orange County that is distributed for use outside the County; and, if necessary, assist in the emergency conservation of groundwater.**
- TC                Orange County shall coordinate with the Water Management Districts to monitor the amount of groundwater pumped from the aquifer underlying Orange County that is distributed for use outside the County; and, if necessary, assist in the emergency conservation of groundwater.
- ~~PW2.2.4~~        Orange County shall coordinate with the Water Management Districts to monitor the amount of groundwater pumped from the aquifer underlying ~~the~~ County that is distributed for use outside the County; and, if necessary, assist in the emergency conservation of groundwater.

**WAT2.3.5** Orange County shall encourage municipalities, counties, and private entities, which export water, underlying Orange County to use other sources of potable water and/or use water conservation measures. Such encouragement shall be by providing technical assistance and participating in studies conducted by the Water Management Districts.

TC Orange County shall encourage municipalities, counties, and private entities, which export water, underlying Orange County to use other sources of potable water and/or use water conservation measures. Such encouragement shall be by providing technical assistance and participating in studies conducted by the Water Management Districts.

~~PW2.2.5~~ Orange County shall encourage municipalities, counties, and private entities, which export water, underlying Orange County to use other sources of potable water and/or use water conservation measures. Such encouragement shall be by providing technical assistance and participating in studies conducted by the Water Management Districts.

**WAT2.3.6** Orange County shall continue to implement its educational programs to promote a safe maximum withdrawal rate from the aquifer. The educational programs include conservation techniques that can be used by homeowners and information regarding leak detection.

TC Orange County shall continue to implement its educational programs to promote a safe maximum withdrawal rate from the aquifer. The educational programs include conservation techniques that can be used by homeowners and information regarding leak detection.

~~PW2.2.6~~ The County shall continue to implement its educational programs to promote a safe maximum withdrawal rate from the aquifer. The educational programs include conservation techniques that can be used by homeowners and information regarding leak detection. (Added 12/00, Ord. 00-25)

**WAT2.3.7 Orange County shall provide potable water in compliance with Environmental Protection Agency and Florida Department of Environmental Protection's safe drinking water standards.**

TC Orange County shall provide potable water in compliance with Environmental Protection Agency and Florida Department of Environmental Protection's safe drinking water standards.

~~PW2.2.7~~ Orange County shall provide potable water in compliance with Environmental Protection Agency and Department of Environmental Protection's safe drinking water standards. ~~(Added 12/00, Ord. 00-25)~~

**WAT2.3.8 Orange County shall continue to investigate all feasible techniques for the use of reclaimed water. Orange County shall seek out opportunities to use reclaimed water for uses such as irrigation, groundwater recharge, industrial purposes, and agricultural purposes.**

TC Orange County shall continue to investigate all feasible techniques for the use of reclaimed water. Orange County shall seek out opportunities to use reclaimed water for uses such as irrigation, groundwater recharge, industrial purposes, and agricultural purposes.

~~PW2.2.8~~ Orange County shall continue to investigate all feasible techniques for the use of reclaimed water. The County shall seek out opportunities to use reclaimed water for uses such as irrigation, groundwater recharge, industrial purposes and agricultural purposes. ~~(Added 12/00, Ord. 00-25)~~

**WAT2.3.9 As stipulated in the O.C. Code Section 37-4(a)(3), all development containing irrigated open space shall be required to accept reclaimed water for irrigation when such reclaimed water is available. Connection shall be made at the developer's cost.**

TC As stipulated in the O.C. Code Section 37-4(a)(3), all development containing irrigated open space shall be required to accept reclaimed water for irrigation when such reclaimed water is available. Connection shall be made at the developer's cost.

~~PW2.2.9~~ As stipulated in the ~~Reclaimed Water Ordinance~~, all development containing irrigated open space, shall be required to accept reclaimed water for irrigation when such reclaimed water is available. ~~(Added 12/00, Ord. 00-25)~~

**WAT2.3.10** Orange County shall participate in voluntary and mandatory water restrictions established by the Water Management Districts. This shall include limiting the irrigation of landscaping with potable water on public property to the hours specified in the restrictions.

TC Orange County shall participate in voluntary and mandatory water restrictions established by the Water Management Districts. This shall include limiting the irrigation of landscaping with potable water on public property to the hours specified in the restrictions.

~~PW2.2.10~~ Orange County shall participate in voluntary and mandatory water restrictions established by the Water Management Districts. This shall include limiting the irrigation of landscaping on public property to the hours specified in the restrictions. (~~Added 12/00, Ord. 00-25~~)

**WAT2.3.11** Orange County shall continue to provide incentives and enforce regulations requiring water efficient Florida friendly landscaping techniques, to reduce the irrigation demand for potable water in new developments.

TC Orange County shall continue to provide incentives and enforce regulations requiring water efficient Florida friendly landscaping techniques, to reduce the irrigation demand for potable water in new developments.

~~PW2.2.11~~ Orange County shall continue to provide incentives and enforce regulations requiring water efficient Florida friendly landscaping techniques, to reduce the irrigation demand for potable water in new developments. (~~Added 12/00, Ord. 00-25~~)

**WAT2.3.12** Orange County shall continue to implement its water conservation and shortage regulations. In addition, the Code requires that during such times as either the St. Johns River Water Management District or the South Florida Water Management District declares a potable water shortage, the specific restrictions imposed by the applicable water management district that are more restrictive than the regulations of Section 37-601 of the Orange County Code shall apply.

TC Orange County shall continue to implement its water conservation and shortage regulations. In addition, the Code requires that during such times as either the St. Johns River Water Management District or the South Florida Water Management District declares a potable water shortage, the specific restrictions imposed by the applicable water management district that are more restrictive than the regulations of Section 37-601 of the Orange County Code shall apply.

~~PW2.2.12~~ Pursuant to the ~~Orange County Water and Wastewater Code~~, the County shall continue to implement its water conservation and shortage regulations. In addition, the Code requires that during such times as either the St. Johns River Water Management District or the South Florida Water Management District declares a water shortage, the specific restrictions imposed by the applicable water management district that are more restrictive than the regulations of the ~~County's Water Conservation Rules in the Water and Wastewater Code~~ shall apply.

~~PW2.2.13~~ Orange County shall continue to implement the Water Conservation Act (Section 553.14, FS) through provisions in the Building and Land Development Codes. (Added 8/93, Ord. 93-19; Amended 12/00, Or

**WAT2.3.13** Pursuant to Chapter 373.609, FS, Orange County shall, upon request, assist the Water Management Districts in the enforcement of Water Management District guidelines during declared potable water shortages.

TC Pursuant to Chapter 373.609, FS, Orange County shall, upon request, assist the Water Management Districts in the enforcement of Water Management District guidelines during potable declared water shortages.

~~PW2.2.14~~ Pursuant to Chapter 373.609, FS, Orange County shall, upon request, assist the Water Management Districts in the enforcement of Water Management District guidelines during declared water shortages.

**OBJ WAT2.4 All Orange County wastewater treatment facilities shall be designed and monitored to prevent adverse environmental impacts and eliminate health hazards.**

TC All Orange County wastewater treatment facilities shall be designed and monitored to prevent adverse environmental impacts and eliminate health hazards. ~~This objective shall be measurable through the implementation of the following policy.~~

~~OBJ WW2.2~~ All County wastewater treatment facilities shall be designed and monitored to prevent adverse environmental impacts and eliminate health hazards. ~~This objective shall be measurable through the implementation of the following policy.~~

**WAT2.4.1 Orange County shall continue to meet or exceed all Federal and State wastewater facility regulations, which provide for the protection of the environment.**

TC Orange County shall continue to meet or exceed all Federal and State wastewater facility regulations, which provide for the protection of the environment.

~~WW2.2.1~~ Orange County shall continue to meet or exceed all Federal and State wastewater facility regulations, which provide for the protection of the environment.

**OBJ WAT2.5 All Orange County regulations for reclaimed water shall be enforced to prevent adverse environmental impacts and promote the conservation of natural resources.**

TC All Orange County regulations for reclaimed water shall be enforced to prevent adverse environmental impacts and promote the conservation of natural resources.

OBJ WW2.3 All County regulations for reclaimed water shall be enforced to prevent adverse environmental impacts and promote the conservation of natural resources.

**WAT2.5.1 Orange County shall continue to investigate, coordinate and promote feasible techniques and applications for the beneficial use of reclaimed water.**

TC Orange County shall continue to investigate, coordinate and promote feasible techniques and applications for the beneficial use of reclaimed water.

~~WW 2.3.1~~ Orange County shall continue to investigate, coordinate and promote all feasible techniques and applications for the beneficial use of reclaimed water. (Added 12/00, Ord. 00-25)

**WAT2.5.2 As stipulated in Section 37 of the Orange County Code, all development containing irrigated open space greater than twenty acres, including golf courses, shall be required to accept reclaimed water for irrigation when such reclaimed water is available. Connection shall be made at the developer's cost.**

TC As stipulated in the Section 37 of the Orange County Code, all development containing irrigated open space greater than twenty acres, including golf courses, shall be required to accept reclaimed water for irrigation when such reclaimed water is available. Connection shall be made at the developer's cost.

~~WW 2.3.2~~ As stipulated ~~by the Land Development Code~~, all development containing irrigated open space greater than twenty acres, including golf courses, shall be required to accept reclaimed water for irrigation when such reclaimed water is available ~~adjacent to the development's boundary~~. Connection shall be made at the developer's cost. (Added 12/00, Ord. 00-25)

**WAT2.5.3** In accordance with **Section 37 of the Orange County Code**, reclaimed water use shall be a condition of all development approvals granted, provided that service is available as set forth in **Section 37-4 of the Orange County Code**.

TC In accordance with Section 37 of the Orange County Code, reclaimed water use shall be a condition of all development approvals granted, provided that service is available as set forth in Section 37-4 of the Orange County Code.

~~WW 2.3.3~~ In accordance with ~~the Reclaimed Water Ordinance~~, reclaimed water use shall be a condition of all development approvals granted provided that service is available as set forth in Section ~~37-657~~ of the Orange County Code. (~~Added 12/00, Ord. 00-25~~)

**WAT2.5.4** **Orange County shall investigate the feasibility of using a water-conserving rate structure for reclaimed water customers.**

TC Orange County shall investigate the feasibility of using a water-conserving rate structure for reclaimed water customers.

~~WW 2.3.4~~ Orange County shall investigate the feasibility of using a water-conserving rate structure for reclaimed water customers.

**GOAL WAT3** **Develop and maintain a Water Supply Facilities Work Plan and to coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other local, regional, state, and federal agencies, as well as other municipal or private suppliers of water and wastewater services, in the implementation of effective traditional and alternative water supply programs, including utilization of reclaimed water sources, and in the implementation of effective linkages between water resource management and growth management in Orange County.**

TC Develop and maintain a Water Supply Facilities Work Plan and to coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other local, regional, state, and federal agencies, as well as other municipal or private suppliers of water and wastewater services, in the implementation of effective traditional and alternative water supply programs, including utilization of reclaimed water sources, and in the implementation of effective linkages between water resource management and growth management in Orange County.

~~GOAL PW3~~ ~~Orange County's goal is to~~ develop a Water Supply Facilities Work Plan and to coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other local, regional, state, and federal agencies in the implementation of effective traditional and alternative water supply programs, including utilization of reclaimed water sources, and in the implementation of effective linkages between water resource management and growth management in the County.

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**OBJ WAT3.1 Orange County shall develop and maintain a Water Supply Facilities Work Plan (Work Plan) for at least a 10-year planning period addressing traditional and alternative water supply sources, facilities, and issues necessary to serve existing and future development within the jurisdiction of Orange County.**

**The Work Plan shall be based on a long term strategy that incorporates the following components:**

- Continue to implement and expand effective water conservation measures**
- Increase rates for potable and non-potable water used for irrigation to encourage greater conservation**
- Optimize the efficient use of fresh groundwater from the Floridan aquifer**
- Interconnect systems to create regional flexibilities and efficiencies**
- Maximize the beneficial use of reclaimed water**
- Continue aquifer recharge projects in areas of greatest benefit**
- Expand reuse distribution facilities for irrigation and other beneficial uses**
- Continue to develop additional alternative water supply sources such as surface water for potable supply and non-potable augmentation**
- Investigate additional management and supply options such as reservoir storage, and stormwater reuse**
- Utilize aquifer storage and recovery for supply management.**

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~~OBJ~~ WW3.1 Orange County shall develop and maintain a Water Supply Facilities Work Plan (Work Plan) for at least a 10-year planning period addressing traditional and alternative water supply sources, facilities, and issues necessary to serve existing and future development within the jurisdiction of Orange County.

**WAT3.1.1 The Water Supply Facilities Work Plan shall be consistent with the potable water and wastewater level-of-service (LOS) standards established in Policies WAT1.2.5 and WAT1.2.6.**

TC The Water Supply Facilities Work Plan shall be consistent with the potable water and wastewater level-of-service (LOS) standards established in Policies WAT1.2.5 and WAT1.2.6.

~~PW3.1.1~~ The Work Plan shall be consistent with the potable water level-of-service (LOS) standards established in Policies ~~PW1.2.5 and PW1.2.11~~. (Amended 05/17, Ord. 2017-10)

~~WW3.1.1~~ The Work Plan shall be consistent with the wastewater level-of-service (LOS) standards established in Policies ~~WW1.2.5, WW1.2.5.1 and WW1.2.6~~.

**WAT3.1.2 The Water Supply Facilities Work Plan shall identify feasible traditional and alternative water supply sources, including water conservation, water rate increases, system interconnections, and reclaimed water and reuse, that Orange County will use to meet existing and projected water demands. The alternative water supply projects delineated in the Work Plan shall be selected from the Regional Water Supply Plans adopted or approved by the St. Johns River Water Management District and/or South Florida Water Management District, or otherwise proposed by the County.**

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~~PW3.1.2~~ The Work Plan ~~identifies~~ traditional and alternative water supply sources, including water conservation, water rate increases, system interconnections and reuse ~~that the County~~ will use to meet existing and projected water demands. The alternative water supply projects delineated in the Work Plan ~~have been selected~~ from the Regional Water Supply Plans adopted or approved by the St. Johns River Water Management District and/or South Florida Water Management District, or otherwise proposed by the County.

~~WW3.1.2~~ The Work Plan shall identify feasible traditional and alternative water supply sources, including reclaimed water and reuse, ~~which the County may use~~ to meet existing and projected water demands.

**WAT3.1.3 The Water Supply Facilities Work Plan shall be updated no later than 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates, as referenced in WAT 1.1.2.**

TC The Water Supply Facilities Work Plan shall be updated no later than 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates, as referenced in WAT 1.1.2.

~~PW3.1.3~~ The Work Plan shall be updated ~~at least every 5 years, but~~ no later than 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates.

~~WW3.1.3~~ The Work Plan shall be updated ~~at least every 5 years, but~~ no later than 18 months following adoption of the applicable Water Management Districts' Regional Water Supply Plan updates.

**WAT3.1.4 The Water Supply Facilities Work Plan, together with Orange County's Master Plan, shall be used to prioritize and coordinate the expansion and improvement of facilities used to withdraw, transmit, treat, store and distribute potable water to meet current and future needs within Orange County Utilities service areas.**

TC The Water Supply Facilities Work Plan, together with Orange County's Master Plan, shall be used to prioritize and coordinate the expansion and improvement of facilities used to withdraw, transmit, treat, store and distribute potable water to meet current and future needs within Orange County Utilities service areas.

~~PW3.1.4~~ The Work Plan, together with the County's Water Master Plan, shall be used to prioritize and coordinate the expansion and improvement of facilities used to withdraw, transmit, treat, store and distribute potable water to meet current and future needs within the County's service areas.

**WAT3.1.5** Orange County shall establish and maintain, at a minimum, a current 5-year schedule of capital improvements for the improvement, extension and/or increase in capacity of traditional water supply, alternative water supply, wastewater and reclaimed water facilities and system components, both capacity and non-capacity related. The schedule of capital improvements shall be updated annually consistent with the Water Supply Facilities Work Plan.

Track Changes Orange County shall establish and maintain, at a minimum, a current 5-year schedule of capital improvements for the improvement, extension and/or increase in capacity of traditional water supply, alternative water supply, wastewater and reclaimed water facilities and system components, both capacity and non-capacity related. The schedule of capital improvements shall be updated annually consistent with the Water Supply Facilities Work Plan.

~~PW3.1.5~~ Orange County shall establish and maintain, at a minimum, a current 5-year schedule of capital improvements for the improvement, extension and/or increase in capacity of traditional ~~and~~ alternative water supply facilities and system components, both capacity and non-capacity related. The schedule of capital improvements ~~for water supply facilities~~ shall be updated annually consistent with the Work Plan.

~~WW3.1.4~~ Orange County shall establish and maintain, at a minimum, a current 5-year schedule of capital improvements for the improvement, extension and/or increase in capacity of wastewater and reclaimed water facilities and system components, both capacity and non-capacity related. The schedule of capital improvements ~~for wastewater and reclaimed water facilities~~ shall be updated annually consistent with the Work Plan.

**WAT3.1.6** Orange County's capacity related strategy and capital improvement projects for traditional water supply facilities are summarized below consistent with the Work Plan. These projects and project components, including estimated costs and funding sources, are adopted in the Capital Improvements Element as part of the 5-year schedule of capital improvements. Project numbers are listed as appropriate for cross reference to Index by Financial Unit in the capital improvements schedule.

- **Oak Meadows Wellfield Expansion (Permitted Well OM-5), currently in the construction phase, includes one new Lower Floridan aquifer well at the facility with a capacity of 1.8 mgd, AADF. This well is planned for completion by 2017. (West Service Area, CIS 1532-14)**

- **Western Regional WSF/Wellfield Phase IIIB Expansion, currently in design and planned for completion by 2023, may increase treatment capacity by another 7.0 mgd, AADF and involves one new Lower Floridan aquifer well (well WR-11, already permitted) with a capacity of 2.2 mgd, AADF, to be completed by 2018. (West Service Area, CIS 1532)**

- **Malcolm Road WSF/Wellfield, currently in design (treatment facility) and construction (wells), includes a new treatment plant and Floridan aquifer wellfield, each with capacity of 4.0 mgd, AADF. Wells are planned for completion by 2017, and treatment plant by 2019. (Southwest Service Area, CIS 1557)**

- **Eastern Regional WSF Phase IIIB Expansion, with final design and construction planned for completion in September 2017 and February 2020, respectively, increases treatment capacity from 50 mgd to 62.4 mgd AADF. (East Service Area, CIS 1554-02)**

- **East Service Area-South Service Area Water Transmission Main Interconnection, planned to be constructed by 2019, will increase system flexibility and reliability. (CIS 1450 and 1508)**

- **I-Drive Booster Pump Station, currently in the construction phase and planned for completion in 2018, will eventually transmit water from the Cypress Lake brackish groundwater AWS project. (CIS 1498-10)."**

Track Changes No Changes proposed

**PW3.1.6** Orange County's capacity related strategy and capital improvement projects for traditional water supply facilities are summarized below consistent with the Work Plan. These projects and project components, including estimated costs and funding sources, are adopted in the Capital Improvements Element as part of the 5-year schedule of capital improvements. Project numbers are listed as appropriate for cross reference to Index by Financial Unit in the capital improvements schedule.

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- **Malcolm Road WSF/Wellfield, currently in design (treatment facility) and construction (wells), includes a new treatment plant and Floridan aquifer wellfield, each with capacity**

of 4.0 mgd, AADF. Wells are planned for completion by 2017, and treatment plant by 2019. (Southwest Service Area, CIS 1557)

- Eastern Regional WSF Phase IIIB Expansion, with final design and construction planned for completion in September 2017 and February 2020, respectively, increases treatment capacity from 50 mgd to 62.4 mgd AADF. (East Service Area, CIS 1554-02)

- East Service Area-South Service Area Water Transmission Main Interconnection, planned to be constructed by 2019, will increase system flexibility and reliability. (CIS 1450 and 1508)

- I-Drive Booster Pump Station, currently in the construction phase and planned for completion in 2018, will eventually transmit water from the Cypress Lake brackish groundwater AWS project. (CIS 1498-10).

(Amended 05/17, Ord. 2017-10)

- WAT3.1.7**      **Development of Orange County’s reclaimed water system is a critical component of the County’s water supply strategy. Orange County’s capacity-related strategy and capital improvements projects for water reclamation and reuse facilities are summarized below consistent with the Work Plan. These projects and project components, including estimated costs and funding sources, are adopted in Orange County’s Capital Improvements Element as part of the 5-year schedule of capital improvements. Project numbers are listed as appropriate for cross reference to Index by Financial Unit in the capital improvements schedule.**
- **Northwest WRF Phase IIIB Expansion, planned to be constructed by 2025, will increase the capacity of the chlorine contact chamber, increasing the overall treatment capacity of the facility by 1.0 mgd, AADF. (West Service Area, CIS 1435)**
  - **Northwest WRF Reclaimed Main Extension to Apopka, planned to be constructed by 2022, and expected to add 2.5 mgd to 3.0 mgd, AADF to the existing capacity of the reuse system in the West Service Area,. (West Service Area, CIS 1435)**
  - **Southwest WRF Phase I, planned to be constructed by 2025, for a total treatment capacity of 5.0 mgd, AADF. Further phases are planned to provide additional capacity and to receive flow diversion from the South Service Area. (Southwest Service Area, CIS 1507)**
  - **South WRF Phase V Expansion, planned completion of March 2019, will increase treatment capacity by 13 mgd from 43.0 to 56.0 mgd, AADF. (South Service Area, CIS 1555-01)**
  - **Eastern WRF Phase V Improvements, planned for completion by May 2018, will increase treatment capacity from 19.0 to 24.0 mgd, AADF. (East Service Area, CIS 1538)**
  - **Eastern WRF Phase VI Expansion, planned to be completed by 2027, will increase treatment capacity from 24.0 to 29.0 mgd, AADF. (East Service Area, CIS 1538)**
  - **Southeast Reclaimed Water System Expansion Project, will be constructed throughout the planning horizon to distribute reclaimed water to meet reuse irrigation demands in the East Service Area, estimated to be as much as 9 mgd, AADF by 2020. (CIS 1483, CUP #3317 Condition 26)**

TC                      Adding “Orange” County for clarification.

- ~~PW3.1.7~~      ~~Development of Orange County’s reclaimed water system is a critical component of the County’s water supply strategy. Orange County’s capacity-related strategy and capital improvements projects for water reclamation and reuse facilities are summarized below consistent with the Work Plan. These projects and project components, including estimated costs and funding sources, are adopted in the Orange County’s Capital Improvements Element as part of the 5-year schedule of capital improvements. Project numbers are listed as appropriate for cross reference to Index by Financial Unit in the capital improvements schedule.~~
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capacity of 5.0 mgd, AADF. Further phases are planned to provide additional capacity and to receive flow diversion from the South Service Area. (Southwest Service Area, CIS 1507)

- South WRF Phase V Expansion, planned completion of March 2019, will increase treatment capacity by 13 mgd from 43.0 to 56.0 mgd, AADF. (South Service Area, CIS 1555-01)
  - Eastern WRF Phase V Improvements, planned for completion by May 2018, will increase treatment capacity from 19.0 to 24.0 mgd, AADF. (East Service Area, CIS 1538)
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- ~~(Amended 05/17, Ord. 2017-10)~~

**WAT3.1.8** Development of alternative water supply projects is a critical component of Orange County's water supply strategy and necessary to meet future water demands. Orange County's alternative water supply projects including surface water capital improvement projects are summarized below consistent with the Work Plan. These projects and project components, including estimated costs and funding sources are adopted in the County's Capital Improvements Element as part of the 5-year schedule of capital improvements. Project numbers are listed as appropriate for cross reference to Index by Financial Unit in the capital improvements schedule.

- Cypress Lake Wellfield, a collaborative AWS STOPR project, will provide OCU with a 9 mgd, AADF finished water potable supply capacity increase. Construction of this project is currently projected to be completed by approximately 2023. (CIS 1550-08, CFWI RWSP Projects 3, 4 and 5).

- St. Johns River/Taylor Creek Reservoir Water Supply Project, an estimated 50 mgd, AADF surface water potable supply project in 2030 (CIS 1550; CUP #3317 Condition 23; WUP # 48-00134-W Condition 25; CFWI RWSP Project 126), peak production of 54 mgd finished water. OCU is participating collaboratively in this regional water supply development project with five other central Florida potable water suppliers: OUC, East Central Florida Services, and Tohopekaliga Water Authority (who all provide some water in unincorporated Orange County); and the City of Cocoa and City of Titusville. The exact supply volume distribution among suppliers is yet to be finalized, but it is anticipated that OCU's share would be at least 10 mgd, AADF.

TC No changes proposed

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**OBJ WAT 3.2 Orange County shall identify, investigate and use any technically, environmentally and economically feasible traditional or alternative sources of water, including reclaimed water, that may be used to meet existing and future water demands when updating or maintaining the Work Plan.**

TC Orange County shall identify, investigate and use any technically, environmentally and economically feasible traditional or alternative sources of water ~~and wastewater~~, including reclaimed water, that may be used to meet ~~to satisfy~~ existing and future water demands when updating or maintaining the Work Plan.

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~~OBJ WW3.2~~ Orange County shall identify, investigate, and use any technically, environmentally and economically feasible sources of water ~~and wastewater~~ that may be used ~~to satisfy~~ existing and future water demands when updating or maintaining the Work Plan.

**WAT3.2.1** In conjunction or coordination with the St. Johns River Water Management District, the South Florida Water Management District, and other local governments or private utilities, Orange County shall seek the development of efficient, cost-effective, and technically feasible water sources that will satisfy existing and future demands, without causing adverse impacts to water quality, wetlands, aquatic systems or the environment. These sources may include, but are not limited to, fresh groundwater, treated wastewater, reclaimed water, stormwater, brackish groundwater, surface water and seawater. In addition, Orange County will proactively investigate the application of new water resource development technologies to meet existing and future water demand.

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~~WW3.2.1~~ In coordination with the St. Johns River Water Management District, the South Florida Water Management District, and other local governments or private utilities, Orange County shall seek the development of efficient, cost-effective, and technically feasible water sources that will satisfy and supplement future demands, without causing adverse impacts to water quality, wetlands, aquatic systems, or the environment. These sources may include treated wastewater and reclaimed water.

- WAT3.2.2** Orange County will maximize the efficient use of existing potable water and reclaimed water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to, water conservation, potable water and reclaimed water rate increases, non-potable water reuse, system interconnects, aquifer recharge, and storage.
- TC Orange County will maximize the efficient use of existing potable water and reclaimed water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to, water conservation, potable water and reclaimed water rate increases, non-potable water reuse, system interconnects, aquifer recharge, and storage.
- ~~PW3.2.2~~ Orange County will maximize the efficient use of existing potable water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to, water conservation, potable water rate increases, non-potable water reuse, system interconnects, and storage.
- ~~WW3.2.2~~ Orange County will maximize the use of existing reclaimed water facilities through the implementation of management techniques that can enhance a source of supply, sustain water resources and related natural systems, and optimize water supply yield. Available techniques may include, but are not limited to conservation, reclaimed water reuse and storage, reclaimed water rate increases, system interconnects, and aquifer recharge.

- WAT3.2.3** Orange County shall coordinate, cooperate and participate with utility providers in the region and the water management districts in the development and update of local and regional water supply plans and assessments. In addition, Orange County will continue to collaborate and jointly develop interconnected sources and facilities to consolidate water services and to improve efficiencies that will support and enable Orange County to perform and implement an effective water supply program.
- TC Orange County shall coordinate, cooperate, and participate with utility providers in the region and the water management districts in the development and update of local and regional water supply plans and assessments. In addition, Orange County will continue to collaborate and jointly develop interconnected sources and facilities to consolidate water services and to improve efficiencies that will support and enable Orange County to perform and implement an effective water supply program.
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- ~~WW3.2.3~~ Orange County shall coordinate with the St. Johns River Water Management District and the South Florida Water Management District, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects involving wastewater or reclaimed water sources within the County.

**WAT3.2.4**      **Orange County will coordinate with the City of Orlando to evaluate improvements and expansion of the Water Conserv II regional reuse system to support the Master Plan recommendations and other City of Orlando plans.**

TC                Orange County will coordinate with the City of Orlando to evaluate improvements and expansion of the Water Conserv II regional reuse system to support the Master Plan recommendations and other City of Orlando plans.

PW3.2.4        ~~The~~ County will coordinate with the City of Orlando to evaluate improvements and expansion of the Water Conserv II system to support the Master Plan recommendations and other City of Orlando plans.

**OBJ WAT3.3 Orange County shall promote and sustain compatibility between the built and natural systems.**

TC Orange County shall promote and sustain compatibility between the built and natural systems.

~~OBJ PW3.3~~ Orange County shall promote and sustain compatibility between the built and natural systems.

~~OBJ WW3.3~~ Orange County shall promote and sustain compatibility between the built and natural systems.

**WAT3.3.1 Orange County shall coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other entities to assist with implementation of goals and provisions of the applicable Regional Water Supply Plans and other local/municipal water resource management and restoration programs, to evaluate the long-term needs of the natural and built environments, to restrict activities that may result in the degradation or over-utilization of potable water, treated wastewater and reclaimed water resources, and to assure adequate water supply for the competing needs of native ecosystems, agriculture, and domestic and industrial users.**

TC Orange County shall coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other entities to assist with implementation of goals and provisions of the applicable Regional Water Supply Plans and other local/municipal water resource management and restoration programs, to evaluate the long-term needs of the natural and built environments, to restrict activities that may result in the degradation or over-utilization of potable water, treated wastewater and reclaimed water resources, and to assure adequate water supply for the competing needs of native ecosystems, agriculture, and domestic and industrial users.

~~PW3.3.1~~ Orange County shall coordinate with the St. Johns River Water Management District, the South Florida Water Management District, and other entities to assist with implementation of goals and provisions of the Regional Water Supply Plans and other local/municipal water resource management and restoration programs, to evaluate the long-term needs of the natural and built environments, to restrict activities that may result in the degradation or over-utilization of potable water resources, and to assure adequate water supply for the competing needs of native ecosystems, agriculture, and domestic and industrial users.

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**WAT3.3.2**      **Orange County shall work with the Water Management Districts, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects, including those involving treated wastewater or reclaimed water sources within Orange County.**

TC              Orange County shall work with the Water Management Districts, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects, including those involving treated wastewater or reclaimed water sources within Orange County.

~~PW3.3.2~~      Orange County shall work with the Water Management Districts, during updates to their Regional Water Supply Plans, to identify potentially feasible alternative water supply projects.

**WAT3.3.3**      **Orange County will integrate growth management, land use and water resource planning to ensure the availability of water for Orange County residents and regional water management purposes.**

TC              Orange County will integrate growth management, land use and water resource planning to ensure the availability of water for Orange County residents and regional water management purposes.

~~PW3.3.3~~      Orange County will integrate growth management, land use and water resource planning to ensure the availability of water for Orange County and regional water management purposes.

~~WW3.3.3~~      Orange County will integrate growth management, land use and water resources planning to ensure the availability of water for Orange County residents and regional water management purposes.

- GOAL WAT4** It is Orange County’s goal to protect ground and surface water quality within the Wekiva Study Area by using the necessary wastewater treatment processes to help ensure water quality within the Wekiwa Springs system.
- TC It is Orange County’s goal to protect ground and surface water quality within the Wekiva Study Area by using the necessary wastewater treatment processes to help ensure water quality within the Wekiwa Springs system.
- ~~GOAL WW4~~ It is Orange County’s goal to protect ground and surface water quality within the Wekiva Study Area by using the necessary wastewater treatment
- OBJ WAT4.1** **Within the Wekiva River and its tributaries, the springs, and spring run creeks in the Wekiva Study Area, Orange County shall minimize nitrates and other pollutants that originate from wastewater effluent within the Wekiva River and its tributaries and the springs and spring run creeks in the Wekiva Study Area.**
- TC Within the Wekiva River and its tributaries, the springs, and spring run creeks in the Wekiva Study Area, Orange County shall minimize nitrates and other pollutants that originate from wastewater effluent. ~~within the Wekiva River and its tributaries and the springs and spring run creeks in the Wekiva Study Area.~~
- ~~OBJ WW4.1~~ ~~The County shall minimize nitrates and other pollutants that originate from wastewater effluent within the Wekiva River and its tributaries and the springs and spring run creeks in the Wekiva Study Area.~~

**WAT4.1.1** In order to help remove nutrients from the Wekiva Springshed, Orange County will require the central sewerage of existing developed areas through connection to a central system where central sewer is available as defined in Section 381.0065(2)(a), Florida Statutes.

TC In order to help remove nutrients from the Wekiva Springshed, Orange County will require the central sewerage of existing developed areas through connection to a central system where central sewer is available as defined in Section 381.0065(2)(a), Florida Statutes.

WW4.1.1 In order to help remove nutrients from the Wekiva Springshed, the County will require the central sewerage of existing developed areas through connection to a central system where central sewer is available consistent with the definition in Section 381.0065(a), Florida Statutes. (Policy 3.1.1)

Proposed Policy...

WAT4.1.2 The County shall comply with the wastewater requirements that are identified in the approved Wekiva Basin Action Management Plan.

**WAT4.1.3** Orange County shall cooperate with other wastewater service providers to jointly address ground and surface water nutrient loading issues within the Wekiva Study Area. Such efforts shall address water quality throughout the entire basin comprehensively, not only on a site specific basis, and shall aim to leverage limited resources and take advantage of economies of scale. These efforts are contained in the Wekiva Protection Act Facilities Plan, which is hereby adopted by reference and incorporated in the Comprehensive Plan. The objective of the plan includes:

- Delineation of area within the utility service area that are to be served by central facilities within 5 years;
- Delineation of areas where central wastewater systems are not readily available;
- A financially feasible schedule of improvements;
- An infrastructure work plan to build the facilities needed to implement the facilities plan, including those needed to meet enhanced treatment standards adopted by FDEP;
- A phase-out of onsite septic tank systems where central facilities are available;
- A long-range component addressing service of the joint planning area utility service area; and
- Monitoring of existing central systems.

~~WW1.6.3~~ Orange County shall cooperate with other wastewater service providers to jointly address ground and surface water nutrient loading issues within the Wekiva Study Area. Such efforts shall address water quality throughout the entire basin comprehensively, not only on a site specific basis, and shall aim to leverage limited resources and take advantage of economies of scale. These efforts are contained in the Wekiva Protection Act Facilities Plan, which is hereby adopted by reference and incorporated in the Comprehensive Plan. The objective of the plan includes:

- Delineation of area within the utility service area that are to be served by central facilities within 5 years;
- Delineation of areas where central wastewater systems are not readily available;
- A financially feasible schedule of improvements;
- An infrastructure work plan to build the facilities needed to implement the facilities plan, including those needed to meet enhanced treatment standards adopted by FDEP;
- A phase-out of onsite septic tank systems where central facilities are available;
- A long-range component addressing service of the joint planning area utility service area; and
- Monitoring of existing central systems.

# SOLID WASTE ELEMENT

## 2020-2-B-CP-4

### **Background Information**

The Solid Waste Element is considered a required element of the comprehensive plan by the State enabling legislation.

The purpose of the Element is to present Orange County's plan for management and disposal of solid and hazardous wastes. The focus is on the County's ability to provide adequate service to the existing and projected population.

The 1990 Comprehensive Plan included an inventory of all refuse disposal facilities operated by Orange County, the amount of solid waste generated within the County; discussion of pertinent regulations and guidelines for the operation of facilities; and an analysis of the County's ability to handle existing and projected service demands of solid and hazardous waste management. The element includes facility descriptions, transfer operations, and past solid waste disposal and future demand. Customer demand is based on population with a typical standard of six pounds per day per person or just over a ton of solid waste per person each year.

A concern at this time was the continued use of landfills for solid waste disposal because acquiring sufficient quantities of land was becoming more expensive. As the County urbanizes, there will be increasing conflicts regarding land uses near and adjacent to landfills. Resource Recovery Systems were being considered as an alternate means of disposal.

In 1990 the County had four facilities:

- The major facility: a 1,500 acre sanitary landfill, located on Young Pine Road.
- Porter Transfer Station (west Orange County)
- Tangerine Transfer Station (northwest Orange County) This site has been closed.
- McLeod Road Transfer Station (City of Orlando but operated by Orange County)

At the time of the 1990 Plan, the County did not operate a garbage pick-up service. But it was responsible for maintaining full service refuse pick-up throughout unincorporated County. To achieve this requirement Orange County contracts with private haulers for solid waste pick-up at single-family residences.

The original element had two goals, six objectives, and thirty-two policies.

The following meetings and hearings have been held for this proposal:		
Report/Public Hearing		Outcome
✓	Staff Report	Recommend Transmittal
✓	LPA Transmittal September 17, 2020	Recommend Transmittal (8-0)
	BCC Transmittal	October 13, 2020
	Agency Comments	November 2020
	LPA Adoption	December 17, 2020
	BCC Adoption	January 12, 2021

### ***Past Evaluation and Appraisals***

The 2000 Evaluation and Appraisal Update to the 1990 Comprehensive Plan recommend changes to the element. These changes were mostly substantive in nature, making changes to nomenclature. As part of this update, Objective SW1.7, along with policies, was added to the Element.

The 2006 Evaluation and Appraisal Report (July 11, 2006) assessed the successes and shortcoming of the Element. The review did not make any policy recommendations.

The 2009 Comprehensive Plan Update of the Solid Waste Element built upon the data and analysis in the 1990 Plan. The update included information about household and commercial recycling programs, and the household hazardous waste program. Changes were not made to the Goals, Objectives, or Policies as part of the update.

Updates to the data and analysis section included information about Orange County's household hazardous waste program, that was instituted in 1990 to increase the protection of the health and environment of County citizens. The program collects non-regulated hazardous waste at two facilities, one at 5000 L.B. McLeod Road and the other at 5901 Young Pine Road.

In 1988 the Florida Resource Recovery and Management Act was amended to reduce the amount of solid waste disposed of in landfills through a mandatory recycling program. The legislation stipulated that counties must reduce the quantity of municipal source waste disposed in landfills.

There are seven permitted privately owned landfills in Orange County that are restricted to accepting either Class

III solid waste or construction and demolition debris. Orange County is responsible for permitting five of the sites located in unincorporated Orange County and the City of Apopka is responsible for permitting two facilities located within their jurisdiction. These facilities are not authorized to receive garbage that includes kitchen and table food waste and animal or vegetable waste that results from the storage, preparation, cooking, or handling of food materials.

Orange County also offers curbside recycling which began in August 1990 to some 120,000 single-family homes. Recyclables are collected and taken to the Recovered Materials Processing unit at the County Solid Waste Management Facility.

Residential yard trash collection and composting is offered to area households. A pilot program was initiated in September 1990 for 1,100 single-family homes. This expanded to all single-family homes in the franchise area in January 1, 1992. The resulting compost is available to households free of charge at the County Solid Waste Management Facility.

In 1994 the County passed Ordinance 94-18 that mandated all commercial trash generators separate designated recyclable materials and make them available for recycling.

The County offers opportunities for disposal of household hazardous waste and the educational efforts are extensive.

### ***Summary of Proposed Changes***

Orange County Utilities Department is responsible for operation of the County's refuse disposal facilities. The Environmental Protection Division is

responsible for the permitting of privately operated solid waste management facilities within unincorporated Orange County. Refuse management and transfer operations are conducted at the County solid waste management facility and transfer station sites by the Solid Waste Division of the Utilities Department. The focus of this division is to adequately operate and maintain solid waste management services and facilities, and ensure compliance with permitting requirements.

The Solid Waste Element contains two goals, eight objectives, and forty-six policies, as shown in the table below. The table also shows the proposed number of changes to the element.

The majority of the policies are revised, twenty-nine are retained, and three are deleted.

Reasons for policy deletions and revisions can be found in the attached table that details staff analysis of the objectives and policies of this element.

	Existing	Retain	Revise	Delete
Goals	2	1	1	0
Obj.	8	1	6	0
Policy	46	22	22	3
Total	56	24	29	3



**Solid Waste Element  
Goals, Objectives and Policies**

**GOAL SW1** **Orange County shall provide efficient and environmentally sound end-of-life resource management (e.g., solid waste disposal and recycling service) to accommodate existing and future demand.**

Recommend revising to reflect changes in how garbage and disposal is added. Now focused on end of life resource management.

**OBJ SW1.1** **Orange County shall ~~provide adequate solid waste disposal facilities and capacity to~~ operate and maintain an Integrated Solid Waste Resource Recovery System (System) comprised of transfer stations, landfills, recycling facilities, and other resource recovery facilities to provide adequate end-of-life resource management to accommodate existing and future demands by implementing the following policies.**

Recommend revising to incorporate Integrated Solid Waste Resource Recovery System as this describes what is offered which is a system incorporates society, environmental, and cost effectiveness of management.

**POLICIES**

SW1.1.1 Improvements to solid waste facilities shall be identified and prioritized for review with each Solid Waste Division’s Capital Improvements Program and each five year Capital Improvements Program. (~~Added~~ Amended 12/00, Ord. 00-25)

SW1.1.2 ~~The additional acreage for landfill operations shall be designed to maximize the expected life for this the facility and meet solid waste regulations for landfill disposal~~ Orange County Landfill improvements shall be designed to maximize the expected life for the Class I and Class III Landfills and meet applicable regulations and the necessary environmental standards.

SW1.1.3 Solid waste disposal and transfer station areas shall be acquired at the earliest determination of need to avoid increasing land cost.

SW1.1.4 Future solid waste transfer stations and disposal sites shall be located so they can provide ~~efficient and cost effective management of waste~~ sustainable, environmentally and economically responsible management of end-of-life materials in accordance with Local, State and Federal regulations.

Recommend substituting sustainability oriented language rather than cost-efficient/effective.

SW1.1.5 A standard of 6.0 pounds/day/person for development shall be the level of service standard used to determine the availability of facility capacity for solid waste services for development in unincorporated Orange County. (~~Added~~ Amended 12/00, Ord. 00-25)

In 2109, solid waste system received 6.8 pounds per person per day in unincorporated Orange County.

SW1.1.6 The operation of the ~~Countywide Integrated Solid Waste Management System~~ shall be funded by means of ~~user~~ fees, program oriented State funds and available Federal grants. (Added 12/00, Ord. 00-25)

Propose revising to allow the option of using other system fees.

SW1.1.7 Orange County shall maintain a rate structure that is fair to both consumers and collectors, and that covers the cost of operating, constructing, and maintaining capacity of the ~~Integrated Solid Waste Management system~~System. (Added 12/00, Ord. 00-25)

SW1.1.8 Orange County shall monitor the system for residential and commercial solid waste collection to ensure that the most ~~efficient and cost-effective~~ sustainable, environmentally and economically responsible service is being provided to its customers. (~~Added~~ Amended 12/00, Ord. 00-25)

SW1.2.1 Orange County shall continue to monitor the financial and environmental feasibility of operating a solid waste management system. The system shall be adjusted from time to time in the interest of maintaining the most ~~efficient, cost-effective~~ sustainable, environmentally and economically responsible operation possible. (~~Added~~ Amended 12/00, Ord. 00-25)

Staff recommends moving the policy from Objective SW1.2 to under Objective SW1.1

SW1.2.2 Orange County shall continue to promote private sector participation in resource recovery systems to the extent feasible. (~~Added~~ Amended 12/00, Ord. 00-25)

Staff recommends moving the policy from Objective SW1.2 to under Objective SW1.1

SW1.1.9 Orange County shall maintain full service refuse pick-up throughout unincorporated Orange County, in accordance with Chapter 32 of the Orange County Code. (~~Added~~ Amended 12/00, Ord. 00-25)

SW1.1.10 Orange County shall continue to prohibit jurisdictions located outside of the Orange County's geographic boundary from utilizing the Orange County Landfill (Per Resolution 90-SW-01) in order to preserve capacity for Orange County and avoid higher rates for Orange County residents. Exceptions for extra jurisdictional users must be approved by the Board of County Commissioners and implemented pursuant to interlocal agreement specifying the quantity and duration of such disposal. Municipalities located within the geographic boundaries of Orange County shall retain access to the Orange County Landfill by entering into interlocal agreements with the County. (Added 12/00, Ord. 00-25)

SW1.1.11 ~~In order to maximize the use of the Orange County Landfill in a fiscally sound and efficient manner, Orange County shall implement the findings of the Solid Waste Division's Business Plan by 2004. (Added 12/00, Ord. 00-25)~~ In order to maximize the use of the System in a fiscally sound and efficient manner, Orange County shall implement the findings of the Solid Waste Division's most recent Business Plan.

Staff recommends revising the policy, the business plan was implemented and another implanted since the policy was adopted.

SW1.1.12 Orange County shall continue to monitor and evaluate the available capacity at the Orange County Landfill for the purpose of meeting ~~our~~ concurrency system management requirements. In order to plan for and to ~~insure~~ ensure adequate capacity for existing and new developments in Orange County, municipalities within Orange County utilizing the Orange County Landfill for the purposes of concurrency and solid waste facility capacity and availability per Chapter 163, Florida Statutes, must enter into interlocal agreements committing appropriate quantities of solid waste to the Orange County Landfill. (Added 12/00, Ord. 00-25)

SW1.1.13

The County shall encourage and support the permitting of Class III or Construction and Demolition recycling facilities or landfills over a wide geographic area to best serve the public and support the efforts of the waste management industry to provide waste management services in a timely, economically efficient manner and to preserve capacity at the Orange County Landfill. (Added 12/00, Ord. 00-25)

**OBJ SW1.2 Orange County shall continue to implement alternate means of solid waste management to reduce landfill disposal, and to ban the disposal of yard waste in Orange County's Class I landfill and any other existing or future lined landfills maintained by Orange County. (Added 12/00, Ord. 00-25). (~~Added-Amended 12/00, Ord. 00-25~~)**

Staff recommends revising as Statutory changes no longer require Class I landfill's to prohibit yard waste. Also, combining Objective SW1.6 with SW1.2.

**POLICIES**

SW1.2.1 ~~RESERVED~~ Orange County shall continue to monitor the financial and environmental feasibility of operating a solid waste management system. The system shall be adjusted from time to time in the interest of maintaining the most efficient, cost-effective operation possible. (~~Added 12/00, Ord. 00-25~~)

Recommend moving this policy under Objective SW1.1.

SW1.2.2 ~~RESERVED~~ Orange County shall continue to promote private sector participation in resource recovery systems to the extent feasible. (~~Added 12/00, Ord. 00-25~~)

Staff recommends moving the policy from Objective SW1.2 to under Objective SW1.1

SW1.2.3 Orange County shall continue to implement solid waste recycling programs for items such as paper, newspapers, plastics, aluminum and metal cans and glass goods. Privately operated landfills shall be required to continue to participate in this effort. (~~Added-Amended 12/00, Ord. 00-25~~)

SW1.2.4 Orange County shall encourage and assist local governments that dispose of waste in the County landfill, to implement recycling programs.

SW1.2.5 Orange County shall continue to implement and enhance its public awareness and education program to increase and maintain public participation in the County's Resource Recovery Programs. (~~Added-Amended 12/00, Ord. 00-25~~)

SW1.2.6 ~~RESERVED~~ Orange County shall seek to establish interlocal agreements with the local governments in the County to promote coordinated recycling efforts. (~~Added 12/00, Ord. 00-25~~)

Recommend deleting because action has not been taken on this. At one point the County did a project but did not move forward.

SW1.2.7 Orange County shall support the establishment of a wallboard recycling facility and discourage the land filling of wallboard from private and public disposal facilities. (Added 12/00, Ord. 00-25)

SW1.6.1 The County shall require all municipalities that use the Orange County Landfill for solid waste disposal to separately collect and dispose of their yard ~~trashwaste~~. (~~Added~~Renumbered 12/00, Ord. 00-25)

Staff recommends combining Policies contained under Objective SW1.6 with Objectives SW1.2 because the objectives are similar.

SW1.6.2 The County shall continue to implement a separate disposal and/or composting program for yard ~~trashwaste~~ at approved sites. (~~Added~~Renumbered 12/00, Ord. 00-25)

SW1.6.3 The County shall require its existing franchise ~~and commercial~~ haulers to separate and deliver yard ~~trashwaste~~ to approved sites. (~~Added~~Renumbered 12/00, Ord. 00-25)

Orange County does not have a mechanism to require a commercial hauler where to pick-up and where to sit-down debris. Deleting "commercial" from policy.

SW1.6.4 The County shall continue its educational program to increase awareness of the benefits of backyard composting of yard ~~trashwaste~~. (~~Added~~Renumbered 12/00, Ord. 00-25)

SW1.6.5 The County's educational program shall continue to use, but is not limited to, public service announcements, mail outs and demonstration projects. (~~Added~~Renumbered 12/00, Ord. 00-25)

**OBJ SW1.3** Orange County shall improve its intergovernmental coordination efforts for establishing fees, locating transfer stations, and controlling the movement of waste within the County. ~~This objective shall be made measurable by the following policies.~~

**POLICIES**

- SW1.3.1 Orange County shall continue to encourage municipalities to operate their solid waste collection programs within their incorporated boundaries.
- SW1.3.2 Orange County shall continue to monitor and modify, if necessary, franchise areas to make the County's collection system efficient. (~~Added~~ Amended 12/00, Ord. 00-25)
- SW1.3.3 Orange County shall enter into interlocal agreements for solid waste disposal with other municipalities in order to maximize the long term capacity and economic efficiency of the Orange County Landfill. The County shall encourage specific commitments to be incorporated in to the interlocal agreements, examples of commitments include but are not limited to tipping rights at the transfer station, guaranteed access to the County's recycling processing facilities and long-term predictable disposal capacity and pricing. (Added 12/00, Ord. 00-25)
- SW1.3.4 The County shall require licensed commercial waste haulers to submit reports of disposal deliveries by tonnage and location source to the Solid Waste Division in a timely manner. (Added 12/00, Ord. 00-25)

**OBJ SW1.4 Orange County shall require that landfill activities be operated in an environmentally sound manner for existing and future landfills that are operated and maintained by Orange County. ~~This objective shall be made measurable by the following policies.~~ (Added-Amended 12/00, Ord. 00-25)**

**POLICIES**

- SW1.4.1 Orange County shall line all future solid waste disposal cells at the existing and future Class I landfill sites to reduce the potential of leachate seepage pursuant to Chapter 62-701, Florida Administrative Code. (~~Added-Amended 12/00, Ord. 00-25~~)
- SW1.4.2 Groundwater monitoring wells shall be added to the landfill as expansion of the site occurs. All future Class I and Class III landfills shall have groundwater monitoring wells as required by Chapter 62-701, Florida Administrative Code. ~~Code and the Solid Waste Management Ordinance.~~ (~~Added-Amended 12/00, Ord. 00-25~~)
- SW1.4.3 Orange County shall continue to operate a leachate collection and disposal system at the Orange County Landfill that is designed to prevent groundwater and surface water contamination consistent with local, State and Federal laws and regulations. All future Class I landfills shall be subject to this policy. (Added 12/00, Ord. 00-25)
- SW1.4.4 In the interest of protecting the environment and economic efficiency, the County shall continue to pursue the expansion of its landfill gas-to-energy system. (Added 12/00, Ord. 00-25)

**OBJ SW1.5 Orange County shall continue to require that all existing and future privately owned solid waste management activities be operated in an environmentally sound manner. ~~This objective shall be made measurable by the following policies.~~ (Added 12/00, Ord. 00-25)**

**POLICIES**

SW1.5.1 Orange County shall continue to regulate private solid waste management facilities through the Solid Waste Management Ordinance, as amended, and the Zoning Code, as amended. (Added 12/00, Ord. 00-25)

SW1.5.2 ~~RESERVED As stipulated in the Solid Waste Management Ordinance, Orange County shall continue to require applicants to submit a proposed final use plan for the site. (Added 12/00, Ord. 00-25)~~

Staff recommends deleting the policy because it is in the Land Development Code, Chapter 32, Article V, Section 32-211-32-244

SW1.5.3 The County shall encourage the use of former privately owned landfill sites to uses that provide benefit to the public whenever possible. Landfill owners shall include the proposed use in the post-closure plan. This policy shall not be construed to mean that the County accepts ownership, management, or liability of the landfill site. (Added 12/00, Ord. 00-25)

SW1.5.4 The County shall review ~~the need to update and~~ adjust the processing fee schedule for private solid waste management facilities. ~~If necessary, the fee schedule shall be adjusted as appropriate. (Added 12/00, Ord. 00-25)~~

**OBJ SW1.6** ~~**RESERVED Orange County shall continue to implement alternate means of solid waste management to ban the disposal of yard trash in the Orange County Landfill and any other existing or future lined landfills maintained by Orange County. (Added 12/00, Ord. 00-25)**~~

Staff recommends combining Objective SW1.6 and the related policies with Objective SW 1.2 because of the similarity of the objectives.

**POLICIES**

SW1.6.1 ~~RESERVED The County shall require all municipalities that use the Orange County Landfill for solid waste disposal to separately collect and dispose of their yard trash. (Added 12/00, Ord. 00-25)~~

Legislature removed the ban, need gas recovery to place yard waste in a lined landfill. Prefer not to put yard waste in the landfill to save space and it is good practice.

SW1.6.2 ~~RESERVED The County shall continue to implement a separate disposal and/or composting program for yard trash at approved sites. (Added 12/00, Ord. 00-25)~~

SW1.6.3 ~~RESERVED The County shall require its existing franchise and commercial haulers to separate and deliver yard trash to approved sites. (Added 12/00, Ord. 00-25)~~

SW1.6.4 ~~RESERVED The County shall continue its educational program to increase awareness of the benefits of backyard composting of yard trash. (Added 12/00, Ord. 00-25)~~

SW1.6.5 ~~RESERVED The County's educational program shall continue to use, but is not limited to, public service announcements, mail-outs and demonstration projects. (Added 12/00, Ord. 00-25)~~

**OBJ SW1.7 Orange County shall ensure compatibility of land uses when considering approvals of new or expanding existing landfills. ~~This objective shall be made measurable by the following policies.~~ (Added 12/00, Ord. 00-25)**

**POLICIES**

- SW1.7.1 All new landfills shall be allowed only in areas with Future Land Use designations of Rural/Agricultural ~~and or~~ Industrial. ~~This policy is not intended to restrict landfills from locating on parcels within the Urban Service Area boundary.~~ (Added 12/00, Ord. 00-25)
- SW1.7.2 The County shall review its technical standards of solid waste management facilities contained in the Land Development Code from time to time and amend the standards as necessary. (Added 12/00, Ord. 00-25)
- SW1.7.3 New landfills shall be subject to the Solid Waste Management Ordinance, as amended, pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not support the siting of landfills near existing or proposed residential areas that would be adversely impacted by landfill activities. (Added 12/00, Ord. 00-25)
- SW1.7.4 New developments of urban residential densities shall be subject to the Zoning Code, as amended, and the Solid Waste Management Ordinance, as amended pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities. (Added 12/00, Ord. 00-25)

Staff recommends revising the policy to delete the last sentence because it is implied that landfills are allowed in the Urban Service Area if they are permitted in areas with the Future Land Use Industrial (I).

**GOAL SW2** Orange County shall protect the health, safety, and welfare of the public from the harmful effects of hazardous waste. (~~Added~~ Amended 12/00, Ord. 00-25)

**OBJ SW2.1** Orange County shall ensure the proper management of hazardous wastes. ~~This objective shall be made measurable by the following policies.~~

**POLICIES**

SW2.1.1 ~~RESERVED. Orange County shall cooperate with all State and Federal authorities in the regulation and disposal of hazardous wastes by establishing or expanding programs at the local level.~~

Staff recommends deleting –this policy is contained in the Intergovernmental Coordination Element, Policy ICE1.12.2.

SW2.1.2 Orange County shall continue to implement the Small Quantity Generator Notification Program and the Local Hazardous Waste Program as required by the State for the monitoring and disposal of hazardous wastes generated by local businesses or other sources.

SW2.1.3 ~~Orange County shall continue to operate a collection and temporary storage facility for household and "conditionally exempt" generated hazardous waste. Orange County shall continue to operate a program to collect, temporarily store, and assure the proper disposal of household generated chemicals, and provide assistance to very small quantity generators so that they may dispose of their hazardous waste properly.~~

SW2.1.4 Orange County shall support the Department of Environmental Protection’s efforts to identify and improve the handling of hazardous waste from households, ~~by these household hazardous wastes and temporarily storing them prior to disposal/recycling at the designated temporary hazardous waste site at the County Landfill and distributing educational material on the subject.~~

Staff recommends revising Policy to clarify the intent.

SW2.1.5

~~The County will evaluate the hazards posed by new solid waste facilities and expansions or extension requests of existing facilities within the Wekiva Study Area (WSA). The County will study appropriate siting criteria and other issues for solid waste transfer stations, hazardous and toxic materials treatment and disposal sites, and landfills. The County shall adopt regulations, as needed, to limit or exclude such facilities within portions of the WSA by December 31, 2008. (Added 12/07, Ord. 2007-20) The County shall~~  
limit or exclude new or expanded solid waste facilities and hazardous waste treatment storage and disposal facilities within the Wekiva Study Area (WSA).

The WSA is identified as an area subject to additional protections and concerns with facilities that might impact groundwater/recharge water to the springs. Previous version of the element excluded solid waste facilities from the WSA

## **Solid Waste Element Goals, Objectives and Policies**

**GOAL SW1** Orange County shall provide efficient and environmentally sound end-of-life resource management (e.g., solid waste disposal and recycling service) to accommodate existing and future demand.

**OBJ SW1.1** Orange County shall operate and maintain an Integrated Solid Waste Resource Recovery System (System) comprised of transfer stations, landfills, recycling facilities, and other resource recovery facilities to provide adequate end-of-life resource management to accommodate existing and future demands by implementing the following policies.

### **POLICIES**

- SW1.1.1 Improvements to solid waste facilities shall be identified and prioritized for review with each Solid Waste Division's Capital Improvements Program and each five year Capital Improvements Program. (Amended 12/00, Ord. 00-25)
- SW1.1.2 Orange County Landfill improvements shall be designed to maximize the expected life for the Class I and Class III Landfills and meet applicable regulations and the environmental standards.
- SW1.1.3 Solid waste disposal and transfer station areas shall be acquired at the earliest determination of need to avoid increasing land cost.
- SW1.1.4 Future solid waste transfer stations and disposal sites shall be located so they can provide sustainable, environmentally and economically responsible management of end-of-life materials in accordance with Local, State and Federal regulations.
- SW1.1.5 A standard of 6.0 pounds/day/person for development shall be the level of service standard used to determine the availability of facility capacity for solid waste services for development in unincorporated Orange County. (Amended 12/00, Ord. 00-25)
- SW1.1.6 The operation of the System shall be funded by means of fees, program oriented State funds and available Federal grants. (Added 12/00, Ord. 00-25)
- SW1.1.7 Orange County shall maintain a rate structure that is fair to both consumers and collectors, and that covers the cost of operating, constructing, and maintaining capacity of the System. (Added 12/00, Ord. 00-25)
- SW1.1.8 Orange County shall monitor the system for residential and commercial solid waste collection to ensure that the most sustainable, environmentally and economically responsible service is being provided to its customers. (Amended 12/00, Ord. 00-25)
- SW1.2.1 Orange County shall continue to monitor the financial and environmental feasibility of operating a solid waste management system. The system shall be adjusted from time to time in the interest of maintaining the most sustainable, environmentally and economically responsible operation possible. (Amended 12/00, Ord. 00-25)
- SW1.2.2 Orange County shall continue to promote private sector participation in resource recovery systems to the extent feasible. (Amended 12/00, Ord. 00-25)

- SW1.1.9 Orange County shall maintain full service refuse pick-up throughout unincorporated Orange County, in accordance with Chapter 32 of the Orange County Code. (Amended 12/00, Ord. 00-25)
- SW1.1.10 Orange County shall continue to prohibit jurisdictions located outside of the Orange County's geographic boundary from utilizing the Orange County Landfill (Per Resolution 90-SW-01) in order to preserve capacity for Orange County and avoid higher rates for Orange County residents. Exceptions for extra jurisdictional users must be approved by the Board of County Commissioners and implemented pursuant to interlocal agreement specifying the quantity and duration of such disposal. Municipalities located within the geographic boundaries of Orange County shall retain access to the Orange County Landfill by entering into interlocal agreements with the County. (Added 12/00, Ord. 00-25)
- SW1.1.11 In order to maximize the use of the System in a fiscally sound and efficient manner, Orange County shall implement the findings of the Solid Waste Division's most recent Business Plan.
- SW1.1.12 Orange County shall continue to monitor and evaluate the available capacity at the Orange County Landfill for the purpose of meeting concurrency system management requirements. In order to plan for and to ensure adequate capacity for existing and new developments in Orange County, municipalities within Orange County utilizing the Orange County Landfill for the purposes of concurrency and solid waste facility capacity and availability per Chapter 163, Florida Statutes, must enter into interlocal agreements committing appropriate quantities of solid waste to the Orange County Landfill. (Added 12/00, Ord. 00-25)
- SW1.1.13 The County shall encourage and support the permitting of Class III or Construction and Demolition recycling facilities or landfills over a wide geographic area to best serve the public and support the efforts of the waste management industry to provide waste management services in a timely, economically efficient manner and to preserve capacity at the Orange County Landfill. (Added 12/00, Ord. 00-25)

**OBJ SW1.2 Orange County shall continue to implement alternate means of solid waste management to reduce landfill disposal, and to ban the disposal of yard waste in Orange County's Class I landfill and any other existing or future lined landfills maintained by Orange County. (Added 12/00, Ord. 00-25). (Amended 12/00, Ord. 00-25)**

**POLICIES**

SW1.2.1 RESERVED

SW1.2.2 RESERVED

SW1.2.3 Orange County shall continue to implement solid waste recycling programs for items such as paper, newspapers, plastics, aluminum and metal cans and glass goods. Privately operated landfills shall be required to continue to participate in this effort. (Amended 12/00, Ord. 00-25)

SW1.2.4 Orange County shall encourage and assist local governments that dispose of waste in the County landfill, to implement recycling programs.

SW1.2.5 Orange County shall continue to implement and enhance its public awareness and education program to increase and maintain public participation in the County's Resource Recovery Programs. (Amended 12/00, Ord. 00-25)

SW1.2.6 RESERVED SW1.2.7 Orange County shall support the establishment of a wallboard recycling facility and discourage the land filling of wallboard from private and public disposal facilities. (Added 12/00, Ord. 00-25)

SW1.6.1 The County shall require all municipalities that use the Orange County Landfill for solid waste disposal to separately collect and dispose of their yard waste. (Renumbered 12/00, Ord. 00-25)

SW1.6.2 The County shall continue to implement a separate disposal and/or composting program for yard waste at approved sites. (Renumbered 12/00, Ord. 00-25)

SW1.6.3 The County shall require its existing franchise haulers to separate and deliver yard waste to approved sites. (Renumbered 12/00, Ord. 00-25)

SW1.6.4 The County shall continue its educational program to increase awareness of the benefits of backyard composting of yard waste. (Renumbered 12/00, Ord. 00-25)

SW1.6.5 The County's educational program shall continue to use, but is not limited to, public service announcements, mail outs and demonstration projects. (Renumbered 12/00, Ord. 00-25)

**OBJ SW1.3 Orange County shall improve its intergovernmental coordination efforts for establishing fees, locating transfer stations, and controlling the movement of waste within the County.**

**POLICIES**

- SW1.3.1 Orange County shall continue to encourage municipalities to operate their solid waste collection programs within their incorporated boundaries.
- SW1.3.2 Orange County shall continue to monitor and modify, if necessary, franchise areas to make the County's collection system efficient. (Amended 12/00, Ord. 00-25)
- SW1.3.3 Orange County shall enter into interlocal agreements for solid waste disposal with other municipalities in order to maximize the long term capacity and economic efficiency of the Orange County Landfill. The County shall encourage specific commitments to be incorporated in to the interlocal agreements, examples of commitments include but are not limited to tipping rights at the transfer station, guaranteed access to the County's recycling processing facilities and long-term predictable disposal capacity and pricing. (Added 12/00, Ord. 00-25)
- SW1.3.4 The County shall require licensed commercial waste haulers to submit reports of disposal deliveries by tonnage and location source to the Solid Waste Division in a timely manner. (Added 12/00, Ord. 00-25)

**OBJ SW1.4 Orange County shall require that landfill activities be operated in an environmentally sound manner for existing and future landfills that are operated and maintained by Orange County. (Amended 12/00, Ord. 00-25)**

**POLICIES**

- SW1.4.1 Orange County shall line all future solid waste disposal cells at the existing and future Class I landfill sites to reduce the potential of leachate seepage pursuant to Chapter 62-701, Florida Administrative Code. (Amended 12/00, Ord. 00-25)
- SW1.4.2 Groundwater monitoring wells shall be added to the landfill as expansion of the site occurs. All future Class I and Class III landfills shall have groundwater monitoring wells as required by Chapter 62-701, Florida Administrative Code. (Amended 12/00, Ord. 00-25)
- SW1.4.3 Orange County shall continue to operate a leachate collection and disposal system at the Orange County Landfill that is designed to prevent groundwater and surface water contamination consistent with local, State and Federal laws and regulations. All future Class I landfills shall be subject to this policy. (Added 12/00, Ord. 00-25)
- SW1.4.4 In the interest of protecting the environment and economic efficiency, the County shall continue to pursue the expansion of its landfill gas-to-energy system. (Added 12/00, Ord. 00-25)

**OBJ SW1.5 Orange County shall continue to require that all existing and future privately owned solid waste management activities be operated in an environmentally sound manner. (Added 12/00, Ord. 00-25)**

**POLICIES**

SW1.5.1 Orange County shall continue to regulate private solid waste management facilities through the Solid Waste Management Ordinance, as amended, and the Zoning Code, as amended. (Added 12/00, Ord. 00-25)

SW1.5.2 RESERVED

SW1.5.3 The County shall encourage the use of former privately owned landfill sites to uses that provide benefit to the public whenever possible. Landfill owners shall include the proposed use in the post-closure plan. This policy shall not be construed to mean that the County accepts ownership, management, or liability of the landfill site. (Added 12/00, Ord. 00-25)

SW1.5.4 The County shall review and adjust the processing fee schedule for private solid waste management facilities.

**OBJ SW1.6    RESERVED**

**POLICIES**

SW1.6.1RESERVED

SW1.6.2        RESERVED

SW1.6.3        RESERVED

SW1.6.4        RESERVED

SW1.6.5        RESERVED

**OBJ SW1.7 Orange County shall ensure compatibility of land uses when considering approvals of new or expanding existing landfills. (Added 12/00, Ord. 00-25)**

**POLICIES**

- SW1.7.1 All new landfills shall be allowed only in areas with Future Land Use designations of Rural/Agricultural or Industrial. (Added 12/00, Ord. 00-25)
- SW1.7.2 The County shall review its technical standards of solid waste management facilities contained in the Land Development Code from time to time and amend the standards as necessary. (Added 12/00, Ord. 00-25)
- SW1.7.3 New landfills shall be subject to the Solid Waste Management Ordinance, as amended, pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not support the siting of landfills near existing or proposed residential areas that would be adversely impacted by landfill activities. (Added 12/00, Ord. 00-25)
- SW1.7.4 New developments of urban residential densities shall be subject to the Zoning Code, as amended, and the Solid Waste Management Ordinance, as amended pertaining to site requirements that are designed to promote compatible uses near landfills. The County shall not support the siting of developments at urban residential densities that would be adversely impacted by existing solid waste management activities. (Added 12/00, Ord. 00-25)

**GOAL SW2**     **Orange County shall protect the health, safety, and welfare of the public from the harmful effects of hazardous waste. (Amended 12/00, Ord. 00-25)**

**OBJ SW2.1**     **Orange County shall ensure the proper management of hazardous wastes.**

**POLICIES**

SW2.1.1        RESERVED.

SW2.1.2        Orange County shall continue to implement the Small Quantity Generator Notification Program and the Local Hazardous Waste Program as required by the State for the monitoring and disposal of hazardous wastes generated by local businesses or other sources.

SW2.1.3        Orange County shall continue to operate a program to collect, temporarily store, and assure the proper disposal of household generated chemicals, and provide assistance to very small quantity generators so that they may dispose of their hazardous waste properly.

SW2.1.4        Orange County shall support the Department of Environmental Protection’s efforts to identify and improve the handling of hazardous waste from households.

SW2.1.5        The County shall limit or exclude new or expanded solid waste facilities and hazardous waste treatment storage and disposal facilities within the Wekiva Study Area (WSA).