

LEON COUNTY
DEVELOPMENT SERVICES
POLICIES AND PROCEDURES MANUAL



FOR PERMITTING DEVELOPMENT
IN THE UNINCORPORATED COUNTY PURSUANT TO
THE LEON COUNTY/CITY OF TALLAHASSEE WATER
AND SEWER AGREEMENT

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**POLICIES AND PROCEDURES FOR PERMITTING DEVELOPMENT IN THE
UNINCORPORATED COUNTY PURSUANT TO THE LEON COUNTY/CITY OF
TALLAHASSEE WATER AND SEWER AGREEMENT**

A. GENERAL INFORMATION

On February 11, 1993, Leon County and the City of Tallahassee entered into an agreement that outlines the conditions under which the City of Tallahassee will provide water and sewer to development in the unincorporated portion of the Urban Service Area (USA). The effective date of the agreement was May 1, 1993. On May 10, 2005, a new agreement, hereinafter “Water and Sewer Agreement,” was adopted which, among other things, substantially changed the definition of “availability” from the previous agreement, as well as incorporating provisions to allow for a determination that water and/or sewer service is not available based on the extension not being “economically feasible”. Term of the Water and Sewer Agreement will be effective until September 30, 2030.

B. AUTHORITY AND PURPOSE

Pursuant to the Water and Sewer Agreement, the County will be the sole local government entity to authorize the planning, construction and operation of water systems and sewage disposal systems within the unincorporated area of the County. The City of Tallahassee is granted the exclusive water and sewer franchise to serve all of the County not currently served by other water and sewer providers under properly granted franchises. The County recognizes that until the City has its countywide system in place, areas of the County that cannot reasonably, efficiently, and economically be served by the City may be served by other water and sewer providers. In these instances, the County will revoke the City franchise for the particular geographical area and grant the necessary franchise in order for the service to be provided.

The purpose of the Policies and Procedures Manual is to provide guidance to staff and the public regarding implementation of the Agreement during the land development review and permitting process for new development proposed in the unincorporated areas of the County. The terms and requirements of the Agreement shall prevail over the provisions of this Policies and Procedures Manual to the extent of any conflict therewith. Please refer to the Agreement for specific language and conditions. Copies of the Agreement are available from Development Review of Growth and Environmental Management, 3401 West Tharpe Street, Tallahassee, Florida, 32303.

C. DEFINITIONS

The words, terms, and phrases referenced in this Policies and Procedures Manual are those as defined in the Leon County Code of Laws and/or Water and Sewer Agreement.

D. FRANCHISE

Pursuant to the Water and Sewer Agreement, the City has exclusive franchise to provide water and sewer service to all properties located within the unincorporated County that are not located within an existing or applied for water and sewer franchise area as of May 10, 2005.

However, portions of the sewer franchise granted in the Water and Sewer Agreement are subject to the Tallahassee-Leon County Comprehensive Plan restrictions prohibiting the installation of municipal sewers. The City shall not be obligated to provide service in these areas until amendments are made to the Tallahassee-Leon County Comprehensive Plan to partially or completely remove those restrictions.

Target Areas, as defined in the Water and Sewer Agreement include special provisions and will be updated by the County annually and no later than December 1 of the preceding fiscal year prior to the action by the City.

Maps depicting all existing water and sewer utility franchise areas as of May 10, 2005 are included in the appendix.

E. RIGHTS AND RESPONSIBILITIES OF THE CITY

1. The City is responsible for providing water and/or sewer service to all properties located within the franchise area except as provided in the Water and Sewer Agreement. City water and/or sewer service to existing developed properties within the franchise area shall be determined on the basis of a site specific evaluation by the City that includes cost feasibility, availability of easements, and other pertinent factors in a manner similar to that used within the City limits.

2. All City policies, standards, procedures, regulations, rates, fees, and charges for water and sewer services shall be the same, inside and outside the City's corporate limits, with the exception of their rebate policy. City shall have the exclusive right to manage and operate its water and sewer system in the unincorporated area except as limited by the Water and Sewer Agreement.

3. The City may assess a surcharge of up to 50% on water and/or sewer services in accordance with Florida Statutes commencing no sooner than October 1, 2005 and expiring upon the termination of the Parks and Recreation Agreement dated May 10, 2005.

4. The City shall not require annexation into the City as a condition for providing water and/or sewer service to any property in the franchise area.

5. The City's rights to require connection of existing properties shall be as prescribed in applicable statutes and codes.

F. ANNUAL REVIEW OF LONG RANGE MASTER PLAN

Within 18 months of May 10, 2005, the City shall develop and maintain a long range master plan for the provision of water and sewer service within the franchise area granted. Master plans must be updated and submitted for County approval every five years.

The County has the right to provide input to the City's budget process concerning priorities for water and sewer projects in the unincorporated County. The City must submit the final approved Capital Improvements Plan (CIP) for water and sewer projects in the unincorporated County no later than October 20th annually.

G. DETERMINATION OF CITY SEWER SERVICE AVAILABILITY FOR NEW DEVELOPMENT

1. City sewer service shall be considered available to new developments which require site and development plan approval or issuance of a development order if it is capable of being connected to the plumbing of a development, establishment or residence which has adequate permitted capacity to accept the sewage to be generated by the development, establishment or residence; and
 - a. All references to lots in this section are to developments having an average lot size of 2 acres in area or less.
 - b. For a new development on an existing parcel which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property's drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection exists in a public easement or right-of-way within 100 feet of the property line of the lot, residence, or establishment.
 - c. For a new development on an existing parcel which has an estimated sewage flow exceeding 1,000 gallons per day, a point of connection to a sewer line exists in a public easement or right-of-way that abuts the property of the establishment or is within 400 feet of the property line of the establishment as accessed via existing rights-of-way or easements.
 - d. For residential subdivisions with 10 lots or less, and for commercial subdivisions with less than 5 lots, a point of connection to a sewer line exists within 400 feet of the development as measured and accessed via existing easements or rights-of-way.
 - e. For residential subdivisions with 11-20 lots, a point of connection to a sewer main exists within 800 feet of the development as measured and accessed via existing easements and rights-of-way.
 - f. For residential subdivisions with greater than 20 lots and for commercial subdivisions with 5 or more lots, a point of connection to a sewer main exists within 1200 feet of the development as measured and accessed via existing easements and rights-of-way.
2. The determination of availability of sewer for any new development shall be made based upon existing conditions at the time of the Development Services

Technical Review meeting for the site and development plan, as defined under Chapter 10, Leon County Code of Laws. The City reserves the right to extend its sewer system at its cost to make sewer available in accordance with the availability criteria set forth in the Agreement to existing and developing parcels within six months after the issuance of a site plan approval or development order.

3. When the City sewer system is available within the respective distances specified above, the property owner will be responsible for extending to the sewer main the remaining distance to their property and for installing any on-site sewer collection system.
4. If the City Manager and the County Administrator or their designees agree that the connection of a development to City sewer is not economically feasible, regardless of the criteria defined in the Agreement, it shall be determined that the service is not available.
5. The City reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from these criteria subject to mutual agreement between City and developer.

H. DETERMINATION OF CITY WATER SERVICE AVAILABILITY FOR NEW DEVELOPMENT

1. City water service shall be considered available to new development which require site and development plan approval or issuance of a development order if it is capable of being connected to the plumbing of a development, establishment or residence and has adequate permitted capacity and pressure to supply water to the development, establishment or residence; and
 - a. All references to lots in this section are to developments having an average lot size of 2 acres in area or less.
 - b. For a new development on an existing parcel, a water main exists in a public easement or right-of-way within 200 feet of the property line of the lot, residence, or establishment.
 - c. For residential subdivisions with 10 lots or less, and for commercial subdivisions with less than 5 lots, a point of connection to a water line exists within 400 feet of the development as measured and accessed via existing easements or rights-of-way.
 - d. For residential subdivisions with 11-20 lots, a point of connection to a water main exists within 800 feet of the development as measured and accessed via existing easements and rights-of-way.

- e. For residential subdivisions with 20 or more lots, for commercial subdivisions with 5 lots or more, a water system exists within 1200 feet of the development as measured and accessed via existing easements or rights-of-way.
2. The determination of availability of water for any new development shall be made based upon existing conditions at the time of the first Site Development Plan review meeting, as defined under Chapter 10, Leon County Code of Laws, except that the City reserves the right to extend its water system at its cost to make water available in accordance with the availability criteria set forth herein to existing and developing parcels within six months after the issuance of a site plan approval or development order as may be applicable to the new development.
3. When the City water system is available within the respective distances specified above, the property owner will be responsible for extending the water main the remaining distance to their property and also for installing any on-site water distribution system.
4. If the City Manager and the County Administrator or their designees agree that the connection of a development to City water is not economically feasible, regardless of the criteria defined herein, said service shall be determined to be not available.
5. The City reserves the right to develop agreements with property owners and developers to make service available within time frames and at locations that vary from these criteria subject to mutual agreement between City and developer.

I. WHEN CITY SERVICE IS NOT AVAILABLE FOR NEW DEVELOPMENT

1. The City shall provide written notification to the County and the property owner within 14 days after the first formal review of the proposed site plan. Said notification shall advise whether service is or is not available, and shall describe the conditions which qualify it as being available. Upon notification that service is not available, property owner shall be allowed to install potable water wells and/or septic sewage systems in accordance with applicable County Codes of Law, or to seek services from another water and/or sewer service provider.
2. If City Service is not available as per notification received by the County described in Paragraph a above, County may, in accordance with Leon County Code and the provisions of this agreement, revoke the franchise for the geographic area in question and grant water and/or sewer franchises to other providers.

J. STANDARDS FOR CONSTRUCTION AND OPERATION

1. The City water and sewer construction standards, as they exist or may be modified, shall apply to all City water and sewer franchise area.
2. Standards for the design and construction of water and sewer systems by providers other than City shall be at least equal to those of City. Such standards for water systems shall include minimum requirements for water main sizes, fire hydrant distribution, and flow capacities to provide adequate fire protection.
3. State and Federal regulations relative to the construction and operation of water and sewer facilities shall be adhered to by all utility providers in Leon County.
4. County standards and permit procedures must be adhered to by City and all franchise holders for any water and/or sewer construction that impacts County maintained facilities such as roads or drainage facilities.

K. EXCEPTIONS TO AGREEMENT

All provisions of Chapter 18, of the Leon County Code of Laws, not in conflict with the provisions herein, shall remain in full force and effect. All provisions of the City of Tallahassee Code, particularly Chapter 21 not in conflict with the provisions herein, shall remain in full force and effect. The Water and Sewer Agreement entered into by and between Leon County and the City on February 11, 1993, shall be cancelled as of the effective date of this Agreement and shall have no effect upon the terms and conditions of this Agreement, nor the Franchise granted herein.

**INTERLOCAL AGREEMENT FOR THE PROVISION OF SEWER SERVICE
TO KILLEARN LAKES PLANTATION SUBDIVISION UNITS 1 AND 2**

A. GENERAL INFORMATION

This Agreement, made and entered into on May 10, 2005, determines that the County will be the sole local governmental entity to authorize the planning, construction, and operation of water systems and sewage disposal systems within the unincorporated area of the County and will provide such services when it deems it appropriate.

The County has recognized a long-standing problem in the Killearn Lakes Plantation Subdivision Units 1 and 2 that septic sewage treatment systems do not function properly due to soil and groundwater conditions and has implemented and funded a construction project to construct a sewage collection system to serve that area. Therefore, the County has determined that it is in the best interests of the residents of Killearn Lakes Plantation Subdivision Units 1 and 2 that sewer service be provided to the residences in that area by the City of Tallahassee, and that the City shall have an exclusive sewer franchise to serve that area.

B. GRANT OF FRANCHISE

The County has granted to the City of Tallahassee an exclusive franchise to provide sewer service to all properties located in Killearn Lakes Plantation Subdivision Units 1 and 2 that have not previously been franchised or served by existing sanitary sewer providers.

C. RESPONSIBILITIES OF THE COUNTY

1. The County shall construct a Sewage Collection System to serve Killearn Lakes Plantation Units 1 and 2. The Sewage Collection System shall be based on “low pressure sewer” design which will convey sewage first to conventional central plumbing stations, and then to a connection point on the existing City System to be mutually agreed upon by the City and County.
2. Upon completion of the Sewage Collection System, the County shall convey ownership of the completed system to the City for perpetual operation and maintenance. The City shall accept ownership of the Sewage Collection System and such acceptance shall not be unreasonably withheld.
3. Should the City exercise its rights and levy a Customer Charge or a Readiness to Serve Charge for all properties in Killearn Lakes Plantation Subdivision Units 1 and 2, then the County agrees to levy, impose and collect, pursuant to Section 125.01, F.S., in accordance with Section 197.3632, F.S., a special assessment for single family lots located in Killearn Lakes Plantation Units 1 and 2, for the purpose of providing a mechanism for the collection of annual fees for sewer service, which are limited to a Customer Charge or a Readiness to Serve Charge.

D. RESPONSIBILITIES OF THE CITY

1. The City shall utilize the completed Sewage Collection System and any other City resources necessary to provide sewer service to all properties within the Franchise area. The City shall not be responsible for any of the provisions of this Agreement until such time as the City has accepted ownership of the completed Sewage Collection System. The City will not unreasonably withhold acceptance of ownership of the completed Sewage Collection System.
2. The City shall participate in the review of the design and construction of the system to insure compliance with City standards. Such review shall be timely in recognition of the county commitment to have service available as soon as possible.
3. The City agrees to provide financing to individual homeowners for costs the homeowner is required to pay for the connection to the City Sewer System under terms and conditions consistent with City policy at a rate no higher than being charged any other City customer.
4. All City policies, standards, procedures, regulations, rates, fees, and charges for sewer services shall be the same, inside and outside the City's corporate limits, with the exception of the Rebate Policy and as more specifically set forth herein. The City shall have the exclusive right to manage and operate its Sewer System in the unincorporated area except as limited by this Agreement.
5. Nothing in this Agreement shall prevent the City from using its general revenues to provide any of its services or financial assistance to any citizen or property owner inside Killearn Lakes Plantation Units 1 and 2.
6. The City may assess a surcharge of up to 50% on sewer services in accordance with Florida Statutes commencing no sooner than October 1, 2005. Upon termination of the Parks and Recreation Agreement entered into by and between the parties on May 10, 2005, this surcharge provision shall expire.
7. The City may levy a Customer Service Charge or a Readiness to Serve Charge for all properties in Killearn Lakes Plantation Subdivision Units 1 and 2 from the time that the City accepts ownership of the Sewage Collection System and when service first becomes available to properties located within the franchise area.
8. The City shall provide to the County, at its sole expense, and within that time designated by the County, all information and services necessary and consistent with the provisions of Section 197.3632, F.S., in any year in which the special assessment will be levied, imposed, or collected.
9. Nothing herein shall be interpreted to require the City to assume responsibility for individual grinder pumps.

E. TERMS OF SERVICE

1. Pursuant to Florida Statutes, any resident with a failed septic system shall be required to connect to the Sewer System.
2. The County shall not issue any permits for new construction unless the structure is connected to the City Sewer System.
3. Any resident desiring to connect to the Sewer System can do so at any time that service is available and that no resident will be required to connect unless as required above.
4. The City will waive the tap-fee for all residents that connect to the Sewer System during the first two years that the system is in operation. Tap fees in effect at the time will be charged for all residents connecting after that time period has elapsed.
5. The City systems charges shall be paid by all residents that connect to the system.

APPENDIX

Please refer to the following link for appendix of water/sewer franchise maps:
(Requires Adobe 7.0)

http://www.tlcfgis.org/ws_franchise_may10_2005.pdf