

# INTRODUCTION

## Community Facilities Element

Chapter 163 of the Florida Statutes (F.S.) provides the statutory authority for local governments to establish a Community Facilities Element. The purpose of this Element is to provide for necessary public facilities and services based on existing and future land use and population projections.

In Clay County, community facilities are defined as sanitary sewer, solid waste, stormwater control, potable water facilities, and the underlying aquifer recharge area. The element provides an inventory and analysis of each of these facilities in light of the increasing requirements placed on these facilities to meet the demands created by an increasing population. The element has been designed to meet the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and the expectations of the citizens and officials of Clay County.

CFE GOAL 1 Develop water, wastewater, drainage, and solid waste systems that provide and maintain adequate community facilities in a timely and coordinated manner. Coordinate the implementation of a comprehensive water management program in conjunction with SJRWMD to guide the development of the water supply; preserve water quality; promote efficient water use; maintain the aquifer; and protect groundwater recharge.

CFE OBJ 1.1 Clay County shall only allow development permits to be issued concurrent with adequate sanitary sewer, potable water, solid waste and drainage facility capacity based on adopted levels of service.

**CFE POLICY 1.1.1**

Clay County hereby adopts the following as the level of service standards to be maintained for sanitary sewer, potable water, solid waste, and drainage facilities in Clay County. Current and proposed level of service standards shall be considered both in this Policy and in the Water Supply Facilities Work Plan:

1)	Solid Waste	Design Capacity (Class I Waste) 2016-2045 3.99 lbs. per capita per day
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2)	Sanitary Sewer	Average Flow 311 GPD / ERC or as approved by FDEP
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3)	Potable Water	450 GPD / ERC or as approved by FDEP  Pressure 20 psi <sup>1</sup>
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		GPD = Gallons Per Day
		ERC = Equivalent Residential Connection
		Psi = Pounds Per Square Inch
		GPM = Gallons Per Minute

	<p>Level of service for sanitary sewer and potable water at a specific treatment facility may be reduced to levels that have been reviewed and approved by the Florida Department of Environmental Protection.</p> <p><sup>1</sup> Based upon minimum needed fire flow, Fire Suppression Rating Schedule, February 2004, Insurance Service Office.</p>
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4)	Drainage Facilities
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Drainage Facility	Design Frequency
Cross-drains for Major Watersheds	50 years / 24 hours
Detention/Retention/Attention Basins	25 years, 24 hour critical event with protection to a 100 year rainfall
Bridges and Bridge Culverts	50 years
Cross-drains for Minor Watersheds	25 years
Cross-drains and Ditches for Internal Drainage	25 years
Side-drains for Roadway Ditches	10 years
Storm Sewers <sup>1</sup>	5 years
<sup>1</sup> Unless conditions prevail that indicate a lower control elevation desirable; the optimum hydraulic grade control shall be one foot below the invert of the gutter at the upstream end.	

**CFE POLICY 1.1.2**

Infill residential development within improved residential areas of subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post development storm water runoff will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.

**CFE POLICY 1.1.3**

Development and redevelopment projects which are not exempt from the St. Johns River Water Management District permitting requirements must also meet the requirements of Surface Water Management System Environmental Resource Permit (Chapter 40C-4, FAC) and Standard General Environmental Resource Permit (40C-40, FAC).

**CFE POLICY 1.1.4**

In the event that the volume of the existing use in addition to the volume of the committed use reaches 85 percent of the permitted design capacity of any facility identified by Policy 1.1.1.d, the County shall not permit any additional development that would be served by the facility so identified within its designated service area until additional capacity becomes available or funds to increase facility capacity are committed in accordance with a development agreement.

#### **CFE POLICY 1.1.5**

The County shall not permit any additional development that would cause the particular facility type(s) to fall below the threshold LOS identified:

- 1) Sanitary sewer and potable water: volume of existing use plus volume of committed use is 90 percent or greater.
- 2) Drainage: volume of existing use plus volume of committed use is 85 percent or greater.
- 3) Solid waste: Maintain sufficient capacity to meet projected demand by:
  - a) Maintaining a minimum of 3 years capacity through formal agreement or contract with a solid waste disposal provider.
  - b) Initiating a site evaluation study of alternative sites for disposal of Class I solid waste within Clay County 3 years prior to projected capacity depletion or termination of formal agreement or contract.
  - c) Purchasing land for disposal 2 years prior to projected capacity depletion or termination of formal agreement or contract.
  - d) Commencing construction of disposal capacity 1 year prior to projected capacity depletion or termination of formal agreement or contract.

#### **CFE POLICY 1.1.6**

The County shall coordinate with potable water and sanitary sewer service providers to prepare annual summaries of water and sewer system demand and capacity information for each facility. This data will be used to make a determination of adequate capacity availability which will be required prior to issuance of building permits.

#### **CFE POLICY 1.1.7**

The Applicant seeking development approval shall coordinate with the service provider to trace existing and committed use of facilities to determine if adequate capacity is available to maintain the adopted level of service.

#### **CFE POLICY 1.1.8**

The County shall establish and maintain a concurrency management system which contains procedures for monitoring the condition of level of service standards for sanitary sewer, potable water, solid waste, and drainage facilities.

**CFE POLICY 1.1.9**

All facilities necessary to meet level of service standards shall be provided in a manner that meets all applicable federal, state, and local regulations.

**CFE POLICY 1.1.10**

Identify the needs and plan and budget the necessary funds, on an annual basis, to maintain, replace, or expand solid waste and drainage facilities owned and operated by Clay County to maintain the adopted LOS.

**CFE POLICY 1.1.11**

The County shall coordinate with the Clay County Utility Authority to determine plant expansion needs as they are identified.

**CFE POLICY 1.1.12**

The Work Plan shall be updated within 18 months following an update to the St. Johns River Water Management District Regional Water Supply Plan. The County shall coordinate with the District's most recent water supply plan when proposing or amending the ten-year Work Plan. This coordination shall be documented in the text of the Work Plan with each amendment. Where appropriate and feasible, the Work Plan shall include collaborative approaches with other local governments for water supply source use and development, and water resource development.

**CFE POLICY 1.1.13**

The Clay County Water Supply Facilities Work Plan 2025-2035 is hereby adopted by reference.

**CFE OBJ 1.2** The County shall prepare a Master Stormwater Management Plan to identify existing deficiencies and the needed extension of or increase in capacity of deficient facilities prioritized. Existing deficiencies will be corrected prior to the permitting of additional discharge to the deficient facility.

**CFE POLICY 1.2.1**

In order to provide adequate county-wide drainage facilities, Clay County shall develop a Master Stormwater Management Plan. The Plan shall analyze existing hydrological and geological data, develop data on specific drainage basin boundaries, and prepare a plan for each basin (including structural needs, design specifications, and performance standards) to be included in a Stormwater Management/ Drainage Ordinance.

#### CFE POLICY 1.2.2

Clay County shall, identify:

- 1) all drainage structures which fall below adopted drainage level of service standards for major and minor management facilities;
- 2) costs associated with improving those water management facilities to meet minimum drainage level of service standards; and
- 3) availability of funding sources for those improvements.

Given the results, the county shall prioritize the improvements to those structures below adopted level-of-service standards based on the threat to health, safety and welfare (including impacts to water quality and erosion).

#### CFE POLICY 1.2.3

The County shall require that all proposed development submit drainage plans meeting minimum adopted level of service standards, including on-site retention and positive outfall, and require that such plans meet St. Johns River Water Management District permitting requirements, in addition to local stormwater permitting requirements, prior to development approval.

#### CFE POLICY 1.2.4

The Master Stormwater Management Plan shall identify projected future drainage needs based on the *Future Land Use Map*. Projects identified as required to maintain the adopted LOS shall be funded through a stormwater utility to be implemented within two years of adoption of the Master Stormwater Management Plan, which is aimed to be accomplished within the planning horizon.

#### CFE POLICY 1.2.5

The use of floating solar facilities shall be a permitted use on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, and other water storage reservoirs as regulated in the Land Development Code.

- CFE OBJ 1.3 **The County shall ensure sufficient service of solid waste, potable water and wastewater to meet the future needs of the County and the municipalities within the County. The County shall coordinate with the Clay County Utility Authority, municipalities within the County, and private service providers to plan the efficient delivery of services to meet future demand.**

**CFE POLICY 1.3.1**

Clay County shall assess projected water needs and sources for at least a ten-year planning period as part of creating and maintaining a Water Supply Facilities Work Plan (“Work Plan”) within the Community Facilities Element. The Work Plan will address the development of traditional and alternative water supplies, service delivery, and conservation and reuse programs necessary to serve existing and new development for at least a 10 year period and will reference the initiatives already identified to ensure adequate water supply for Clay County.

**CFE POLICY 1.3.2**

The County shall coordinate with the Clay County Utility Authority to establish urban service areas for the unincorporated portion of Clay County.

**CFE POLICY 1.3.3**

The County shall coordinate with the Clay County Utility Authority and private potable water and sanitary sewer service providers to prioritize extension of distribution and collection lines to areas planned for growth as identified on the *Future Land Use Map* (urban service areas) and in order to promote infill development.

**CFE POLICY 1.3.4**

The County shall prepare a solid waste master plan within 12 months of completing the solid waste study process to identify needs for solid waste disposal through the planning period.

**CFE POLICY 1.3.5**

The County shall support water resource development, water supply development and water conservation projects implemented by other financially responsible entities, as identified in the North Florida Regional Water Supply Plan.

- CFE OBJ 1.4** The County shall maximize the use of existing public facilities through mandatory hookups for any new developments within Centralized Water and Sewer Areas, and prioritization of stormwater discharge alternatives. The County shall also encourage the use of public facilities for existing developments through active deliberation of Centralized Water and Sewer System.

#### **CFE POLICY 1.4.1**

Within the Urban Service Area existing Type III wastewater treatment facilities package treatment plants that have a permitted capacity of over 2,000 up to but not including 100,000 gallons per day as defined by Chapter 62-600.200(89) Florida Administrative Code (FAC) shall be connected to a central sewer system (Type I or II wastewater treatment facility as defined by Chapter 62-600.200(87)(88) FAC. when those systems are available within 1,000 feet from the property line.

#### **CFE POLICY 1.4.2**

All non-residential, multi-family and platted subdivision developments within the Urban Service Area shall be required to be served by central sewer and potable water service, when available.

#### **CFE POLICY 1.4.3**

The County shall permit individual wastewater disposal systems (septic tanks) outside the Urban Service Area, provided that site and soil conditions are suitable for on-site sewage treatment plant (septic tank) use as determined by the requirements of Chapter 62, FAC. Minimum design flows for septic systems shall be based on the estimated daily sewage flow as defined by Chapter 64E-6.008, FAC, System Size Determination, as it may be amended from time to time.

#### **CFE POLICY 1.4.4**

The County shall prohibit the establishment of Type III wastewater treatment facilities as defined by Chapter 62-600.200(89) FAC. The FDEP and/or the County Health Department may waive the requirement of mandatory onsite sewage disposal connection if it determines that such connection is not required in the public interest due to public health considerations.

#### **CFE POLICY 1.4.5**

The County shall permit individual potable water wells provided that such wells are allowed as regulated by County land development regulations, applicable State standards, and consistent with the Potable Water and Wastewater Master Plan.

#### CFE POLICY 1.4.6

The Urban Service Area may be expanded to include undeveloped land in or near existing urban areas provided that services and facilities are guaranteed through development agreements or by 'agreements to serve' by the Clay County Utility Authority, when individual development agreements are impractical due to overriding public concerns or the involvement of multiple property owners. An enforceable development agreement shall include development agreements pursuant to County land development regulations and/or local utility regulations; an agreement pursuant to Chapter 163, F.S. and Concurrency Management System, or an agreement or development order issued in accordance with Chapter 380, F.S.

Proposed expansions to the Urban Service Area, shall be examined to determine if the project meets all of the following:

- 1) The expansion is adjacent and contiguous to the established Urban Service Area.
- 2) The expansion would be an extension of an existing suburban/urban development pattern and/or has a functional relationship to development within the Urban Service Area.
- 3) Expansion of the Urban Service Area would result in development that would be compatible with its surroundings.
- 4) Public water and sewer service exists within ¼ mile of the site.
- 5) There is adequate capacity for infrastructure (including transportation, schools, parks, fire/EMS and sheriff's office) in place or planned to serve development within the expansion area. All improvements needed to support the proposed expansion of the Urban Service Area with adequate public facilities shall be included by amendment into the Capital Improvements Element that is financially feasible.
- 6) Expansion of the urban service area would include full cost recovery to the County for the services needed by the new development.
- 7) The expansion would not adversely impact environmental, natural, historical or archaeological resources, features or systems to a degree that is inconsistent with the Plan
- 8) Data is available to support the need for additional land within the Urban Service Area to provide for the projected population or economic development needs within the planning horizon of the Comprehensive Plan. The data methodology utilized shall be consistent with that used as the basis for the Comprehensive Plan.

**CFE POLICY 1.4.7**

Where an alternative exists, the County shall require stormwater discharge to an existing drainage facility with adequate level-of-service prior to permitting construction of an additional drainage facility.

**CFE POLICY 1.4.8**

The County shall assess the feasibility of providing sanitary sewer services, within a 10-year planning horizon, for any development under its jurisdiction of 50 or more residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (OSTDS) per 1 acre. This analysis shall be conducted pursuant to Section 163.3177(6)(c)3, F.S., incorporated by reference in this element by July 1, 2024, and updated as needed thereafter to account for future applicable developments.

**CFE OBJ 1.5    The County shall conserve potable water resources.**

**CFE POLICY 1.5.1**

All non-residential and multi-family developments within the Urban Service Area will access water reuse lines located within 500 feet.

**CFE POLICY 1.5.2**

The Clay County Health Department shall coordinate with the SJRWMD to identify and cap free-flowing wells.

**CFE OBJ 1.6    The County shall protect the function of natural groundwater recharge areas to ensure the continued supply of good quality potable water.**

**CFE POLICY 1.6.1**

Areas shown by the SJRWMD to potentially contribute 8 inches or more per year of recharge to the Floridan aquifer are designated as high recharge areas as shown on the Floridan Aquifer Recharge Map. An Aquifer Recharge Overlay Zone showing these high recharge areas shall be created in the land development regulations, and shall be protected from incompatible land uses to ensure adequate recharge rates and water quality maintenance. The County will coordinate with the St. Johns River Water Management District to review the recharge protection standards as new data becomes available. The following policies shall apply:

- 1) In lieu of using the Floridan *Aquifer Recharge Map*, applicants for development approval may submit a site-specific analysis of aquifer recharge rates certified by a competent professional registered to practice in the state of Florida.
- 2) Waterfront lots shall have a 150-foot setback for all septic tanks and drain fields from the applicable high water line of surface waters (excluding manmade lakes or stormwater facilities). The applicable high water line shall be determined as permitted by rule of the Florida Administrative Code or as allowed by the appropriate permitting agency. Variances for lots which are vested pursuant to Future Land Use Policies 1.9.1 and 1.9.5 and for which the applicable setback identified above would preclude development of the lot consistent with existing single-family development in the area. The variance shall provide the minimum relief necessary; and shall not reduce the applicable setback above by more than 50%.
- 3) All development within the high recharge areas shall have maximum impervious surfaces of 60% of total lot area.
- 4) At least 25% of any development site in the high recharge areas shall be dedicated to native and/or drought resistant vegetation areas.
- 5) Storage and use of hazardous substances in the high recharge areas shall be limited to that necessary to the ongoing operations and maintenance of an otherwise permissible use, including retail sales.
- 6) Performance standards shall be established in the land development regulations regarding storage, use, and handling of hazardous substances and other uses that pose a risk of groundwater contamination. These shall include the requirement that storage of hazardous substances or hazardous waste shall be on or over an impervious surface sufficient to completely contain such substances in the event of a spill or leak.
- 7) Enhanced performance standards or requirements for alternative systems for on-site sewage treatment and disposal systems (septic systems) specific to the Aquifer Recharge Overlay Zone shall be established in the land development regulations if the Development Services Department determines, in coordination with the Clay County Health Department, that such enhanced standards or alternative system requirements will provide additional groundwater protection.

- 8) Certain uses shall be prohibited in high recharge areas, including but not limited to: mines, solid waste disposal facilities, concentrated animal feeding operations, auto salvage and junkyards, underground storage of hazardous substances and hazardous waste, phosphogypsum stacks, hazardous waste treatment, storage, disposal, and transfer facilities, and certain types of land application disposal projects and injection wells which shall be more specifically defined in the land development regulations. Detailed prohibitions along with any necessary exemptions shall be incorporated into the County land development regulations specific to the Aquifer Recharge Overlay Zone.
- 9) Direct discharge of stormwater to groundwater, via sinkholes, drainage wells, etc., shall be prohibited.
- 10) All new developments within the high recharge areas shall be designed to have 100 percent retention of on-site runoff for a 25-year/24-hour storm.
- 11) Existing uses that do not meet the requirements in Policy 1.6.1. 1) – 9) shall comply with the overall non-conforming use provisions of the land development regulation. Certain exemptions to this policy may be incorporated into the land development regulations specific to the Aquifer Recharge Overlay Zone.

**CFE OBJ 1.7** The County shall reduce the amount of its solid waste stream by 30 percent as required by Local Government Solid Waste Responsibilities of Environmental Control Section 4.3.706(4)(a) F.S.

**CFE POLICY 1.7.1**

Clay County shall continue to maintain a recyclable materials program that includes the separation and collection of plastic, glass, aluminum, paper and ferrous metals for re-use.

**CFE POLICY 1.7.2**

The County shall continue to operate a recycling/source separation system to prevent the disposal of white goods (appliances), batteries, tires and clean construction/demolition into the designated landfill area.

**CFE POLICY 1.7.3**

The County shall maintain alternative disposal methods for yard trash and grass clippings (e.g., air curtain destructor, composting) in order to reduce the amount of these materials which are not being recycled in an environmentally sound manner.

**CFE POLICY 1.7.4**

The County shall continue to maintain the existing enterprise fund system for solid waste collection and disposal.

**CFE POLICY 1.7.5**

The County shall promote an anti-littering and illegal dumping campaign in order to educate the public regarding the associated problems, cost, and health hazards of these activities, and to coordinate with appropriate law enforcement agencies to enforce County solid waste laws.

**CFE POLICY 1.7.6**

In order to monitor attainment of a 30% recycling level, the County shall annually monitor annual tonnage received for Class I and III waste, and annual tonnage for recycled materials.

**CFE POLICY 1.7.7**

Clay County will continue to monitor and evaluate the recycling program to ensure it is fiscally responsible.

**CFE OBJ 1.8** Clay County shall protect the function of natural drainage features through preservation of adjacent vegetation and wetlands, limitation of development within the floodway and requirements for setbacks from waterbodies.

**CFE POLICY 1.8.1**

All structures shall be set back a minimum of 50 feet landward from the Ordinary High Water Line or Mean High Water Line of any natural water body whichever is applicable; for waters designated as Aquatic Preserves or Outstanding Florida Waters, the setback will be 100 feet. The requirements and exceptions provided in Conservation Element Policy 1.2.1. 1) shall also apply.

**CFE POLICY 1.8.2**

The County shall prohibit encroachments, including fill, new construction, expansion of an existing structure and other development within the floodway unless certification is provided demonstrating that no increase in flood levels will result.

**CFE POLICY 1.8.3**

A 25-foot buffer zone of native vegetation shall be preserved landward of the Ordinary High Water Line or Mean High Water Line of any natural water body whichever is applicable. Exceptions shall be made to trim vegetation within the buffer in order to maintain water views. Up to 25 linear feet or 20 percent of the buffer (whichever is greater) can be removed for the placement of water-dependent uses including dock walkways, boat ramps, etc. The requirements of Conservation Element Policy 1.2.1. 3) shall also apply.

**CFE POLICY 1.8.4**

The County shall limit development adjacent to major natural drainage features through the Conservation designation on the *Future Land Use Map*.

**CFE POLICY 1.8.5**

The County shall prohibit the discharge of inadequately treated wastewater and/or stormwater runoff into waters of the state.

**CFE OBJ 1.9**     **Clay County shall regulate stormwater runoff and institute the 1972 Clean Water Act to help ensure that the natural resources are kept clean and preserved for the next generations.**

**CFE POLICY 1.9.1**

The County, as a Phase II MS4 (Municipal Separate Storm Sewer System), shall acquire and maintain a Generic Permit of NPDES (National Pollutant Discharge Elimination System).

**CFE POLICY 1.9.2**

The County shall ensure that, as new stormwater rules are adopted by SJRWMD, new methods for removal of pollutants do not conflict with the County's adopted design standards.

## Definitions

***Floating Solar Facility*** means a solar facility as defined in s. 163.3205(2), which is located on wastewater treatment ponds, abandoned limerock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs.

***ERC*** Equivalent Residential Connection

***GPD*** Gallons Per Day

***GPM*** Gallons Per Minute

***NPDES*** National Pollutant Discharge Elimination System

***PSI*** Pounds Per Square Inch