



Santa Rosa County Development Services



Beckie Cato, AICP
Planning and Zoning Director

Tony Gomillion
Public Service Director

Rhonda C. Royals
Building Official

MEMORANDUM

TO: Board of County Commissioners
FROM: Beckie Cato, Planning Director
DATE: February 8, 2013
RE: Wellfield Protection

Recommendation

That the Board hear staff's presentation on the proposed wellfield protection ordinance; receive public input on the ordinance; and take the following action with regard to the proposed wellfield protection ordinance:

- (1) Select the area to be protected;
- (2) Determine the list of prohibited uses;
- (3) Identify any changes needed to the proposed draft; and
- (4) Approve the ordinance.

Area to be Protected

The ordinance presents four options for revising the current wellfield protection overlay district. The options are described beginning on page 2 of the ordinance and are depicted on the maps found in the appendix.

Regulations

The ordinance has been crafted to replace LDC Section 6.05.25, "Fairpoint Regional Utility System Wellfield Protection Overlay District." As currently adopted, Section 6.05.25 prohibits, among other things, the "bulk storage, handling or processing of materials listed as Hazardous and Extremely Hazardous on Table 302.4 of 40 CFR and Appendix A to 40 CFR part 355 respectively." This prohibition is considerably broader in scope than realized at the time of its adoption and would have a negative impact upon industrial recruitment within the area.

The proposed ordinance would allow most uses permitted by the underlying zoning district, subject to specific development standards designed to ensure that contaminants are not introduced into the aquifer.

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A short list of prohibited uses is presented on page 4 of the ordinance including solid waste disposal and management facilities; hazardous waste treatment, storage, disposal, and transfer facilities; and underground storage facilities. One additional prohibited use, pulled from the currently adopted Section 6.05.25, is presented for discussion: resource extraction activities, mines, or mining activities.

Development standards, such as secondary containment, for non-residential development within the wellfield protection overlay district are found beginning on page 4. Each new non-residential development would be required to conform to those standards or receive approval for general exception or special exception.

Finally, page 6 of the ordinance identifies general exceptions, provides a process for special exception requests, specifies how nonconforming uses will be handled, requires that variance requests be heard by the BOCC, and provides for the protection of trade secrets.

In addition to amending Section 6.05.25, the ordinance recommends revisions to Section 12.13.02 clarifying the list of prohibited uses and providing for consistency with FDEP regulations. Those revisions are found on page 7 of the draft ordinance.

Project History

A commitment to protect potable water in Santa Rosa County goes back to the 1991 adoption of the Land Development Code and creation of the 500-foot wellhead protection zone. Wellfield protection, a citizen initiative, was added in August 2010 with the adoption of the Fairpoint Regional Utility System Wellfield Overlay District. While that wellfield ordinance was being developed, the County applied for a \$25,000 grant from EPA which was awarded in July 2010. The purpose of that grant, another citizen initiative, was twofold: (1) creation of an aquifer protection informational brochure and (2) GIS evaluation of the sand and gravel aquifer in the East Milton area to determine if the wellfield boundaries should be adjusted. That study was conducted by Alan Baker with Advanced Geospatial Inc. (AGI) and was presented to the BOCC in August 2011. The AGI report recommended expansion of the wellfield protection district and amendment of the wellfield protection ordinance by adding to the list of prohibited uses. The EPA grant project was completed with assistance from a 20-member volunteer workgroup who met 8 times between August 2010 and March 2012.

Following completion of the AGI report and its review by the workgroup, staff drafted a wellfield protection ordinance to be considered by the Zoning Board. The AGI recommendations were focused on increasing the list of prohibited uses within an expanded wellfield area; the draft prepared by staff focused less on prohibited uses and more on development standards. The first draft prepared by staff included a generalized recommendation for requiring the use of best management practices. The Zoning Board rejected that approach and asked that detailed development standards be included in the ordinance.

A more detailed ordinance was drafted and presented to the Zoning Board. In all, the Zoning Board considered wellfield protection at four meetings between March and June 2012 before recommending the ordinance be presented to the BOCC.

The BOCC held its first public hearing on the draft ordinance in June 2012. A workshop and two additional meetings were held between August and September 2012. Tony Countryman from the Northwest Florida Water Management District made a presentation to the Board at the September 10 workshop regarding aquifer characteristics and travel time modeling that the District could do. The Board agreed to ask the District to conduct travel time modeling for both 5-year and 20-year travel times. The results of the District modeling effort were received by the County on February 7th and are incorporated into the Appendix to the draft ordinance.

In October 2012, the County contracted with SCS Engineers to evaluate the draft ordinance regulatory language and provide feedback with regard to the impact of the ordinance on industrial recruitment. SCS Engineers submitted a report of their review in November and staff incorporated recommended changes into the ordinance. SCS conducted a final review of the revised draft and again provided comments which were incorporated into the draft ordinance.

Next Steps

If approved by the Board, staff will incorporate the amendment into the Land Development Code for implementation.

Enclosures: Proposed Ordinance
 Delineation of Time-of-Travel Capture Zones for Public Supply Wells Within and Around the Santa Rosa County Well Field Protection Area, Tony Countryman, NFWFMD, February 2013
 Revisions to August 2012 Draft
 Report on Review of the Wellfield Protection Ordinances with Respect to Affect on Development, SCS Engineers, November 2, 2012
 SCS Engineers review of revised draft, December 2, 2012
 Comparison of proposed ordinance with FDEP wellhead protection rule