

Technical Advisory Group
Process Sub-committee
2/19/08 Meeting Minutes
12PM to 1PM

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ATTENDEES: Chuck Courtney, Derek Doughty, Scott Emery, Rhonda Evans (via phone), Pete Hubbell, Tim Neldner, Wayne Richardson

EPC ATTENDEES: Chris Cooley, Dawn Hart, Pete Owens, Bob Stetler, Kim Tapley

HANDOUTS: None

The question was asked, what is EPC's relationship with the municipalities (City of Tampa, City of Temple Terrace and City of Plant City) is there a Memorandum of Understanding (MOU) or some other agreement? EPC staff noted that EPC is written into certain reviews within the different city's codes. Typically EPC will receive rezoning, amendments, subdivisions, etc. EPC does not receive all of the projects within the cities, like with the county.

Bob Stetler announced that the sub-committee is to suggest changes through the white paper in regards to Basis of Review (BOR) and Applicant's handbook and not to try and re-write the Ch 1-11, Rules of the EPC (wetland rule). Just providing the language change would not benefit staff, but a pros and cons white paper would discuss the issues at hand and possible solutions.

Sub-Committee discussed the range of topics that are needed to be covered by the white paper. Setbacks, the EPC review process related to other agencies, timeframes and deadlines, project prioritization, internal consistency & with other agencies, revised fee schedule, and then rezonings, construction plans, process, timing, land alterations, and excavations under PGMD & municipalities.

Committee discussed the current postings online and asked if those postings would qualify as satisfying the discussions for some topics such as delineations. Meeting minutes for 11-17-07 & 11-29-07 have many points that the sub-process have already discussed and wrote into the meeting minutes. Some of the inter-agency discussions may have been discussed with a new SWFWMD MOU report, composed by EPC staff. This new document will be posted to aid the sub-committee in further discussions.

Some of the sub-committee members have posed draft rule language to Ch 1-11. It was suggested that the other members review these postings and comment on their own positions.

Bob Stetler noted that the BOR will be referenced in the rule. The reasonable use definition will be in the BOR.

Sub-committee discussed that, for commenting purposes, any changes to a word document be in the track change format. It was then noted by EPC staff that, that might be in violation of the Sunshine Law because it could be construed as a discussion. It was then suggested by a TAG member that the TAG members use subscripts when writing

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about a subject matter. A TAG member would write in comments, submit to Kim Tapley and when she receives all of the comments, correlate them into one document. Then, each subject matter could have multiple members writing about it and there would not be a discussion.

Sub-committee discussed that if EPC did not review a construction plan, for example within the city of Tampa, then the developer would still have to go to EPC if they were impacting a wetland. Just because they have an approval from the city doesn't mean they have the approval to impact wetlands as per Ch 1-11. The review process that EPC is a part of is pre-emptive. It was noted by a TAG member that only a few process (construction plans) that include wetland impacts that need review and approval. Other reviews like rezonings do not need such reviews for wetland impacts.

EPC staff noted that in some rezonings there are specific site plans and EPC staff can aid the developer in re-designing their plan up front to avoid wetland impacts instead of waiting later when the developer will have a hardship.

TAG member noted that typically the wetland line has not been done at the rezoning stage. EPC rezoning letter has cautionary statements, like the wetlands need to be delineated and wetland impacts will not necessarily be approved. The sub-committee discussed that the rezoning letters contain standard comments that do not provide any useful information. It was suggested by a TAG member that this language be put into the rule (or the BOR) and then EPC could be taken out of the pre-emptive reviews.

TAG member noted that the reason things happened with the wetlands department last year was due to time and money. EPC staff noted that a rezoning is \$300 for the EPC review.

EPC staff noted that the majority of late reviews were construction plans and not from rezonings. It was also noted by EPC staff that having an unapproved wetland impact at the construction plan phase would probably cost the developer more than \$300 to redesign their project to avoid the impact and/or have to take the extra time and go through the mitigation process.

TAG member asked what disadvantage to the EPC would there be if EPC did not review rezonings. EPC staff noted that developers/engineers familiar with Hillsborough County and EPC would have the advantage and the developers/engineers who are not that familiar with EPC would be at a disadvantage if they had to rely on the BOR and Chapter 1-11 to help them with their project instead of having EPC staff comment on the rezoning of the property.

The primary disadvantage would be to a property owner (rather than EPC) in the event that a site plan showing impacts (that EPC would have denied) gets approved. The property (in theory) would then have a site plan that depicts impacts that EPC didn't

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approve, and the owner cannot develop according to the approved site plan. The owner may then have to apply for a revised rezoning to amend the site plan and possible to change the zoning entirely. For these situations, it would seem that the property owner may have been better off retaining their original rezoning. Going through this process again would also delay their project significantly more than working out site plan details with EPC on the front end.

TAG member noted that it would be up to the applicant to contact someone at the county level and/or review the BOR online to see if their project would be recommended for approval by EPC staff. If they do not do this then it will be their own fault if their project gets denied. TAG member also notes that if a property has lots of wetlands and is in an area of high density development, EPC might object to the rezoning and the county staff will not support the rezoning because of EPC objections. Then the applicant is instructed to work it out through EPC and then come back for the rezoning once EPC's concerns are satisfied.

Bob Stetler noted that he has seen some value in EPC commenting on rezonings because in those instances that EPC comments concern the high density with the wetlands onsite the applicant will open a dialogue with EPC and other design options might occur.

A TAG member noted that this same process could be done at the preliminary stage instead of the rezoning stage.

EPC staff noted that if the project moves past zoning with a wetland impact depicted without EPC's review the applicant would either have to spend more money to redesign the plan or would try to get the impact based upon the rezoning already approved or get political involvement.

Chuck Courtney will email his word document of a draft paper, the TAG members will then write in their individual comments and email them to Kim Tapley. Kim will then post all of the individual comments.

Meeting adjourned.