

Developed 05/10/08 by Dr. Scott Emery
DRAFT
ADDITIONS/MODIFICATIONS TO
WORKING DRAFT WHITE PAPER AS DEVELOPED BY DEREK
FOR
TECHNICAL ADVISORY GROUP
PROCESS SUB-COMMITTEE's May 7, 2008 MEETING

At the May 7, 2008 meeting, I was tasked by the Sub-committee to provide some additional words to the working draft used by our Sub-committee at the May 7 evening meeting. These are to be discussed and approved by the Sub-committee on May 12.

MODIFICATIONS UNDER "DELINEATIONS"

Change last sentence of first paragraph to read: *"In many instances, it would be neither necessary nor desirable for wetland delineators from both organizations to be present ."*

Add *"State"* to Wetland Line in 1st paragraph.

Add *"FDEP"* after SWFWMD in 3rd paragraph.

MODIFICATION UNDER "PROCESS AND TIMING (PGMD/Municipalities)"

Add to the 1st paragraph the following: *"EPC should undertake its review, comment and regulatory obligations in an equitable manner regardless of whether these are being done for the County or for a particular Municipality. Effort should be made between EPC and each Municipality to develop a process for the consideration/incorporation of EPC comments and regulatory obligations within each Municipality's evaluation procedures."*

ADDITION (This next item was discussed at the May 7 meeting. Derek's draft write-up had not included any verbiage on this.

PROCESS AND TIMING (EPC REVIEW/COMMENT PROCESS WITH PLANNING COMMISSION)

The members of the Sub-committee are of the opinion that, for any reviews conducted by EPC for the Planning Commission, EPC should incorporate all Planning Commission time frames. This opinion by the Sub-committee assumes that information provided by an applicant to the Planning Commission contains all the information required by EPC in its evaluation and that the complete information is quickly routed to EPC to facilitate their timely review. The Sub-committee recommends that EPC's reviews and comments on Land Use and Comprehensive Plans be confined to those aspects which EPC staff have technical expertise and competence in.

MODIFICATIONS UNDER "OTHER FEES"

When EPC is asked by another agency or County department to comment upon re-zoning, DRI, Preliminary Plans, etc (actions which do NOT specifically approve wetland impacts nor constitute development approvals) it is the Sub-committee's opinion that the Applicant should NOT be charged a fee for these reviews. This is because the comments provided by EPC are most often general in nature and cannot be explicitly relied upon by the Applicant in future design and construction plans. *Should the Applicant feel he/she has plans with sufficient detail at the early planning stage, iEPC consider a voluntary process between the Applicant and EPC, wherein a fee is charged to the Applicant in exchange for a detailed, specific, timely review and evaluation by EPC that can be relied upon by the Applicant.*

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Should the Applicant desire to obtain a Conceptual Permit, and feels he/she has plans with sufficient detail at the early planning stage, iEPC consider a voluntary process between the Applicant and EPC, wherein a fee is charged to the Applicant in exchange for a detailed, specific, timely review and evaluation by EPC that can be relied upon by the Applicant.

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MODIFICATIONS UNDER "REASONABLE USE"

6TH line down: change "reasonably foreseeable" to "future"

Add "l). net environmental benefit, as described in the first paragraph of 1-11.07 ENVIRONMENTAL PROTECTION COMMISSION AUTHORIZATION, and in 1-11.08.4 MINIMUM REQUIREMENTS OF A MITIGATION PLAN".

Add "m). pending or potential future changes to existing land use designations that are suitable for the subject parcel and compatible with adjacent land uses."

Comment [O1]:

Comment [O2R1]:

Deleted: ¶

DISCUSSION OF SETBACKS

EPC STAFF is to provide us with the verbiage on "Setbacks" as they have developed it in the Applicant's Handbook. EPC staff have indicated that they would be involved with setbacks ONLY as they might relate to secondary impacts as described in the wetlands rule. In anticipation of discussions on May 12, I was asked to develop a sentence or two related to the use of "rebuttable presumptions". Following is my attempt at this:

Setback requirements are part of Hillsborough County's Land Development Code. PGMD is the County Department charged with the enforcement of these code requirements. The involvement of EPC in the determination of "setbacks" under the LDC should be limited to those situations involving potential secondary impacts to wetlands as described in 1-11.08.2 of the Wetlands Rule. Specific examples of such situations should be described within the Applicant's Handbook. The criteria under

which EPC determines there could be secondary wetland impacts as they relate to specific setbacks should be developed in the form of rebuttable presumptions to provide clarity to the Applicant.

END MODIFICATIONS AS DIRECTED BY SUB-COMMITTEE

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