

## Technical Advisory Group

5/16/08 Meeting Minutes

9AM to 11:30AM

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ATTENDEES: Lee Cook, Tom Crisman, Derek Doughty, Scott Emery, Rhonda Evans, Eric Fehrmann, Patricia Frantz, Steve Gran, Ann Hodgson, Dale Meryman, Jason Mickel, Tim Neldner,

EPC ATTENDEES: Leslie Campbell, Pete Owens, Kim Tapley

PUBLIC: Hugh Marthinsen

HANDOUTS: Past Meeting Minutes for Approval  
Process Sub-Committee White Paper DRAFT

June 2<sup>nd</sup> is when the TAG is to present their white papers to the Stakeholders and CEAC. Therefore, one member of each sub-committee should be prepared to attend this meeting and speak to the work that has produced the white papers and go over their content. The Process speakers will be Scott Emery and Derek Doughty; Classification speaker will be Scott Emery (Tom Crisman will be out of state); Mitigation speaker will be Ann Hodgson.

Approval of past meeting minutes:

TAG member noted that the minutes do not include all of the discussions that take place. EPC staff noted that the written minutes are not intended to be a transcript of the entire meeting, just the main discussion topics, however staff noted that if a TAG member thought that a discussion was important and not included in the minutes, then it could be added.

March 21, 2008: Full TAG-Need revisions (add “and conceptual plans” to page 3, then approved.

April 3, 2008: Full TAG- Need revisions (add “at this time” after all of the letter discussions, then approved.

April 18, 2008: Full TAG (Mitigation Discussion)- Postpone until next meeting

January 29: Classification-Approved, pending Andy Zodrow review the last paragraph

May 7: Process-Approved

TAG member questioned how long the TAG documents will be kept and if it could be located again at EPC. EPC staff noted that the documents and meeting recordings should stay with the agency indefinitely.

Classification white paper has not been written yet, Tom Crisman will draft it by next week. The intent of the white paper is to cover function vs. structure and pre-existing classification systems. A TAG member questioned if the paper was going to address something that Dr. Garrity addressed in the Hybrid, such as if a wetland is deemed to be of low quality would that then allow it to be impacted without going through the reasonable use process. Dr. Crisman answered, the paper will discuss 1) rarity of certain

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wetlands within the county, 2) locations that may never be able to support wetlands 3) wetlands that have been created and how to evaluate them.

A Classification sub-committee meeting will be scheduled for May 21 at 5pm at the EPC 2<sup>nd</sup> floor conference room.

A Mitigation sub-committee meeting will be scheduled for May 20 at 5pm at the Audubon Office at 410 Ware Blvd Suite 702, off of Adamo just west of Brandon.

Since the Classification paper has not been written yet, that discussion must be postponed to a later date.

November 6,7 & 8 Mitigation Process and Mitigation Banking Conference at HCC.

No other Mitigation discussions were requested at this time.

Process sub-committee discussed their white paper draft, going section by section and opening the floor for comments and discussions.

Delineations: Training should be done between the agencies such that all of the personal should be interchangeable. Hydroperiod determinations should also be trained across the board with the agencies so that way EPC could also set hydroperiods. It was suggested from a TAG member that this process should include updates and changes to the training. It was suggested that after the joint agency training programs a training session should be open to the private sector.

A TAG member suggested that some of the sentences regarding the federal delineations be revised into one sentence. The new sentence was added to note that the state wetland line may not match the federal wetland line.

Process & Timing: Process white paper discusses timing within the review process, such that if a review comes from City of Tampa 24 hours before its due EPC won't get dinged for the review being late. Consistency between the three municipalities and when EPC is involved as a commenting agency was discussed. Sub-committee recommends that for reviews for areas such as Comprehensive plan amendments, EPC should only comment on those areas in which they have technical expertise. Sub-committee also recommends that the director of the wetlands division reviews the wetlands division obligations within the Planning Commission, comp plan, municipalities, etc. and determine whether there is the technical expertise to perform the reviews. A TAG member suggested a pro would be reduces costs and manpower efficiencies. A con would be the cost to EPC to review where they are involved in the municipalities, Planning Commission, etc.

Development Approval Fees: Two categories of review fees, 1) might be a wetland impact, fees make sense 2) reviews that do not directly relate to a wetland impact, fees shouldn't be charged- argument being that no reliance could be given on these reviews.

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Process sub-committee had numerous discussions of whether or not EPC should stay in the rezoning process. No consensus within the sub-committee was made. A TAG member noted that it was important for any local government to be in the process as early as possible and if you can change a zoning than that could change the reasonable use. Other TAG members believe that the wetlands rule should stand for itself, and therefore they do not need to be in the rezoning process. The white paper notes that the sub-committee encourages the pre-applications meetings where there is guidance provided to the applicant.

Process sub-committee suggests there be two kinds of pre-application meetings 1) there is no fee where a bubble type plan is discussed 2) there is a fee when the discussion would give justification for a wetland impact (comments would be very specific to the project and rely on the comments given by EPC) such as SWFWMD does. Patricia Frantz (SWFWMD) clarifies that their pre-app meetings are to guide the applicant through the process, but it does not approve the wetland impacts. A TAG member noted that this justification meeting already takes place (during the mitigation process), but what is not in place is the pre-app meeting where the applicant can rely on EPC's comments.

A TAG member questioned that if EPC was no longer able to charge for DRIs or Rezoning, would the budget still allow for these reviews to take place? EPC staff said that it would probably reduce the budget but it would be difficult to say.

TAG member noted that not all of the fees are in Ch 1-6. It was noted by EPC staff that the fees EPC collects are in 1-6 and the fees that PGM collects is in the PGM fee sheet, even though the fee is transferred to EPC. EPC staff noted that the fee study is in the process of being completed and the current fees will be adjusted.

A TAG member suggested that the non-specific comments should be in the Applicants Handbook for the 'out of town' developers that may not know about their project site and or EPC.

EPC staff will check to see if the fees in the white paper are accurate.

EPC staff noted that the draft Basis of Review and the Applicants Handbook were given to the EPC Board yesterday and is in the process of being put on the EPC main website.

TAG member noted that they were charged with reviewing both documents and could not since EPC staff had not completed them. There is only one meeting left and that would not be enough time to finish what they had been working on and review the Basis of Review and Applicants Handbook. EPC staff noted that some sections of the Basis of Review draft had been posted on the TAG website for their review a few months ago.

Setbacks: Reviewed what is written in the white paper.

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Reasonable Use: Reviewed what is written in the white paper. A TAG member suggested that the self imposed hardship might be moved to a segment of the reasonable use definition and not in the land definition.

TAG members were tasked to write and submit in their pros and cons comments. The content of the paper will not be changed only the additions of the pros and cons comments.

The June 2<sup>nd</sup> stakeholders/CEAC meeting is just to present the white papers. They will have one month to review and in July the TAG representatives will meet with them again and answer any questions the stakeholders/CEAC may have.

EPC staff noted that the TAG submits their work product to EPC staff and the Stakeholders. Both the Stakeholders and EPC staff can then make recommendations to the EPC Board. Then the EPC Board will take both those recommendations and decide what to do.

Anyone who wants to comment on the Basis of Review can do so at the public workshops. All of the sub-committee papers will stay sub-committee papers until the full TAG can vote to accept them at the next meeting (June 20).

Public comment: Mr. Hugh Marthinsen commented on his appreciation for everyone's hard work and there will still be work for his profession to do (land use attorney).

Meeting adjourned.