

1.5 Draft POSITION- With PD(G)MD.Municipalities- Setbacks, Rezonings, Construction Plans, Process and Timing, Land Alteration/Excavation

In the ????? PS meeting there was a thorough discussion of what may have been at the heart of the recent uprising by sections of the regulated public- how deeply entrenched the EPC needs to be in PGMD and Municipality review processes. EPC staff has historically developed an increasingly cumbersome involvement in virtually all county processes including those listed above. In theory the EPC has felt the need to be in these processes (Using the PGMD activities as an example) from cradle (e.g. Zoning, Comp Planning, DRI's and Preliminary Platting) to grave (e.g. Final Platting, As-built verification) in order to (at the cradle stage) diffuse reasonable expectations by applicants as the their rights to develop wetlands and (at the grave stage) to insure that "everything" gets personally buttoned up at the end of a project. Yet, the EPC's Ch. 1-11 gives the agency control over the review and approval of wetland **development impacts before** they occur (see sections 1-11.01-Intent, and 1-11.07 EPC Authorization) or impacts can be viewed as Prohibited Pollution and a violation of the Rule (Ch. 1-11.05). The complex involvement creates staff loading of reviews.

Recent reaction from the development community mimic those is past years and seem to always focus on the necessity of, timeliness of and cost of EPC reviews, not their role as protectors of wetlands. It is our view that EPC should have more confidence in the effect of it's rule and pay head to those areas that have proved problematic in the past. That would suggest that EPC concentrate on intergovernmental reviews that actually allow development to occur (the point at which a wetland impact could occur). We will use the PGMD reviews as an example, but would simultaneously ask, "For each municipality (the City of Tampa, Plant City, Temple Terrace) how has EPC positioned themselves in the review process, as they have with PGMD?" We believe that the answer will be that there is unequal treatment and protection in review processes involving Hillsborough County and the processes of the Municipalities. Are there statistics to answer this question?

An analysis should be performed as to what PGMD or Municipality approvals constitute Development approvals/orders. In the example case of PGMD, **actual focal points where development of wetlands could be approved** would only include the following taken from the current PGMD Fee Schedule (**Table A**):

Table A.

PROCESS

EPC FEE

SUBDIVISION PROCESS

Subdivision Construction Plan*	\$490
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SITE DEVELOPMENT PROCESS

Site Development Construction Plan	\$500
Minor Site Development Review	\$500

LAND ALTERATION PROCESS

Natural Resources Other Projects- Waiver*	\$270
LUHO *	\$270
Other	\$270
Review & Processing for Land Excavation	\$870
Amendment to Land Excavation Permit	\$975
EPC Review Fee for Additional Acreage*	\$870
EPC Review Fee for Extension of Time or Renewal	\$650

PHOSPHATE PROCESS

New or Reclamation	\$3,500
Renewal or Extension	\$100
EPC Review-Changes c/in existing Mine Unit	\$1000
EPC Review- Addition of Adjacent Acreage*	\$500

*Note: We are unsure of these annotated reviews involve actual development approvals

This leaves the following reviews (**Table B**) that EPC is involved in that **do not constitute a development approval**. Nearly all of these other reviews are “preliminary” and in the sequence of reviews that are followed by additional county review processes before any development approval can take place:

Table B**PROCESS****EPC FEE****ZONING PROCESS**

EPC Review	\$300
Site Plan District PD Rezoning	\$300
Zoning Variance Application-Wetland Setback	\$270
Special Use Applications	\$300

DRI PROCESS

Simple	\$1,200
Moderate	\$1,200
Complex	\$1,200
DRI Annual Report Review	\$1,200

Public
Comment

Areawide DRI	\$1,000
Substantial Deviation	
Simple	\$1,200
Moderate	\$1,200
Complex	\$1,200
Incremental/Subsequent DRI Review	
Simple	\$1,200
Moderate	\$1,200
Complex	\$1,200
Florida Quality Development	\$1,200

SUBDIVISION PROCESS

Preliminary Plat -EPC Review	\$370
Subdivision Final Plat- EPC Review	\$200
Ceritified Parcel and minor subdivision Review	\$230
Reviews & Processing of waivers (LUHO)	\$270
As-Built- EPC verification	\$300

SITE DEVELOPMENT PROCESS

Preliminary Site Development-EPC Review	\$500
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LAND ALTERATION PROCESS

Review & Processing Apps. To LUHO	\$270
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PHOSPHATE PROCESS

Annual Review Related to Permitted Mining	\$375
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The reason for separating the 2 types of reviews into the two tables is to allow consideration of “process” changes that can eliminate time spent by EPC staff and time and cost spent by applicants while providing for continued enforcement of Ch. 1-11 and the mission of the EPC Wetlands Division . It has been noted that in many of the reviews associated with **Table B**, the actual EPC review has been reduced to a series of scripted cautionary statements by EPC staff. Generally these boiler plate “review comments” have been aimed at reducing what may be termed the “reasonable expectation” of an applicant that he may impact a wetland. In theory then, the EPC staff would, when finally facing an application for actual development, be dealing with an applicant-bolstered argument for reasonable use if these reviews weren’t in place (or in other words, the applicant would have a more reasonable expectation that a wetland impact that could otherwise be avoided is more likely to occur). The questions are Can this same EPC objective (diffusing reasonable expectation), which is playing out in these multiple, time-consuming, costly and mundane review processes be achieved by another means?, and if so, Would these “other means” reduce the friction with the applicants and free up EPC staff for more efficient and productive use?

We propose that the issue of reasonable expectation can be addressed squarely in Ch 1-11. (See below)

**EXHIBIT A
PLANNING & GROWTH MANAGEMENT DEPARTMENT
FEE SCHEDULE**

A. ZONING PROCESS	FEE	COMMENTS
Standard District Rezoning Application..... (average site – 6 acres)	\$ 825.00 Plus \$30/Acre or Portion thereof. Maximum fee of \$3000.00	
Revised Application Review-Second Resubmittal.....	\$ 275.00	
X EPC Review.....	\$ 300.00	
Planning Commission Review.....	\$ 150.00	
Fire Dept Review.....	\$ 22.00	
Fast Track Surcharge	25% of Fee	
Site Plan District (PD) Rezoning Application..... (average site – 25 acres)	\$ 2,510.00 Plus \$30/Acre or Portion thereof. Maximum fee of \$5500.00	
Revised Application Submittal-Second Resubmittal.....	\$ 350.00	
Grand Oaks Protection.....	\$ 150.00	
X EPC Review.....	\$ 300.00	
Planning Commission Review.....	\$ 150.00	
Fire Dept Review.....	\$ 22.00	
Major Modification of Plan District.....	\$ 940.00	
Revised Application Review-Second Resubmittal.....	\$ 390.00	
X EPC Review May Apply.....	\$ 300.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 22.00	
Written Zoning Verification (including Alcoholic Beverage Verification)	\$ 55.00	
Written Zoning Interpretation	\$ 506.00	
Non-Conformities Review	\$ 195.00	
Minor Modification of Plan District Zoning (PRS).....	\$ 500.00	
PRS Revised Application-Second Resubmittal.....	\$ 175.00	
Minor Change of Plan District-Zoning	\$ 35.00	
Appeal to Land Use Hearing Officer of Administrators Decision	\$ 50.00	
Variance Application.....	\$ 235.00	
Wetlands Setback Variance (EPC)	\$ 270.00	
Revised Application Review.....	\$ 25.00	
Review for Conditional Uses*	\$ 105.00	

*Formerly Specified Uses

**EXHIBIT A
PLANNING & GROWTH MANAGEMENT DEPARTMENT
FEE SCHEDULE**

	Special Use Applications.....	\$ 940.00	
	Revised Application Review-Second Resubmittal.....	\$ 70.00	
	If necessary:		
X	EPC Review.....	\$ 300.00	
	Planning Commission Review.....	\$ 150.00	
	Fire Dept Review.....	\$ 22.00	
	Review & Processing Applications for Alcoholic Beverage Special Use	\$ 950.00	
	Appeal of Land Use Hearing Officer Decision to Board of Adjustment.....	\$ 85.00	
	Vested Rights Review.....	\$ 235.00	
	Notice of Petition-Sign Posting (Effective 10/01/00).....	\$ 107.50	
	B. DRI PROCESS	FEE	COMMENTS
	Developments of Regional Impact (DRI)		
	Simple.....	\$ 9,290.00	
X	EPC Review.....	\$ 1,200.00	
	Planning Commission Review.....	\$ 150.00	
	Fire Dept Review.....	\$ 44.00	
	Moderate.....	\$12,345.00	
X	EPC Review.....	\$ 1,200.00	
	Planning Commission Review.....	\$ 150.00	
	Fire Dept Review.....	\$ 44.00	
	Complex.....	\$18,580.00	
X	EPC Review.....	\$ 1,200.00	
	Planning Commission Review.....	\$ 150.00	
	Fire Dept Review.....	\$ 44.00	
	Supplemental Fee.....	\$ Variable	
	DRI Annual Report Review.....	\$ 495.00	
X	EPC Review.....	\$ 1200.00	
	Areawide DRI.....	\$27,870.00	
X	EPC Review.....	\$ 1,200.00	
	Binding Letter Review	\$ 495.00	

**EXHIBIT A
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DRI Amendment Development Order Includes: Notice of Proposed Change Abandonment of DRI Essentially Built-Out Agreement		
Incremental DRI Review		
Simple.....	\$ 495.00	
Complex.....	\$ 5,880.00	
Supplemental Fee.....	\$ Variable	
Substantial Deviation of Approved Development Order for DRI		
Simple.....	\$ 5,880.00	
X EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	
Moderate.....	\$ 7,760.00	
X EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	
Complex.....	\$11,640.00	
X EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	
Sustainable Communities DRI Transportation/Other Analysis Review.....	\$ Variable	
Supplemental Fee.....	\$ Variable	
Incremental/Subsequent DRI Review		
Simple.....	\$ 4,645.00	
X EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	

**EXHIBIT A
PLANNING & GROWTH MANAGEMENT DEPARTMENT
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Moderate.....	\$ 6,172.00	
✕ EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	
Complex.....	\$ 9,290.00	
✕ EPC Review May Apply.....	\$ 1,200.00	
Planning Commission Review May Apply.....	\$ 150.00	
Fire Dept Review May Apply.....	\$ 44.00	
C. FLORIDA QUALITY DEVELOPMENT	FEE	COMMENTS
Florida Quality Development.....	\$12,345.00	
✕ EPC Review.....	\$ 1,200.00	
D. COMMUNITY DEVELOPMENT DISTRICT	FEE	COMMENTS
Community Development District Petition.....	\$10,000.00 Less than 1000 acres	
Additional Processing Cost.....	Established by Department Director	
Supplemental Fee.....	Established by Department Director	
Fee Adjustment.....	Established by Department Director up to 50% of initial application fee; otherwise, set by BOCC	
E. DEVELOPMENT AGREEMENT PROCESS	FEE	COMMENTS
Development Agreement Application.....	\$2,500.00 Less than 5 acres \$6,200.00 5 to 100 acres \$9,800.00 More than 100 acres	
Supplemental Fee.....	Established by Department Director	
Fee Adjustment.....	Established by Department Director up to 50% of initial application fee; otherwise, set by BOCC	

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F. SUBDIVISION PROCESS	FEE		COMMENTS
Subdivision Preliminary Plat	<u>Submittal</u>	<u>Resubmittal</u>	
Natural Resources.....	\$ 750.00	\$200.00*	
Stormwater.....	\$ 650.00	\$200.00*	
Transportation.....	\$ 400.00	\$100.00*	
Zoning.....	\$ 450.00	-0-	
Water/Wastewater Service Application.....	\$ 450.00	-0-	
Concurrency.....	\$ 100.00	-0-	
X EPC Review.....	\$ 370.00	-0-	
Fire Dept Review.....	\$ 15.00	-0-	
Grand Oaks Protection.....	\$ 300.00	-0-	
Stormwater Master Plan	\$1500.00	\$500.00*	
Subdivision Construction Plan	<u>Submittal</u>	<u>Resubmittal</u>	
Natural Resources.....	\$ 32.00/Lot	\$25.00/Lot*	1 to 400 Lots
Natural Resources.....	\$11,200.00	\$25.00/Lot*	Over 400 Lots
Stormwater.....	\$ 56.00/Lot	\$25.00/Lot*	1 to 400 Lots
Stormwater.....	\$21,600.00	\$25.00/Lot*	Over 400 Lots
Transportation.....	\$ 27.00/Lot	\$15.00/Lot*	1 to 400 Lots
Transportation	\$ 9,600.00	\$15.00/Lot*	Over 400 Lots
Minor Review-Natural Resources	\$ 250.00		
Minor Review- Stormwater	\$ 250.00		
Minor Review-Transportation	\$ 250.00		
Natural Resources-Townhouse	\$ 192.00/Bldg.	\$250.00*	
Stormwater-Townhouse	\$ 336.00/Bldg.	\$250.00*	
Transportation-Townhouse	\$ 163.00/Bldg.	\$250.00*	
Utilities Review.....	\$ 575.00	-0-	
Utilities Reservation of Capacity.....	\$ 150.00	-0-	
Utilities Minor Review.....	\$ 250.00	-0-	
Certificate of Capacity (Stormwater, Transportation, Solid Waste, Parks).....	\$ 45.00	-0-	
Zoning.....	\$ 300.00	\$150.00	
✓ EPC Review.....	\$ 490.00	\$490.00	
Fire Dept Review.....	\$ 15.00	-0-	
Grand Oaks Protection.....	\$ 300.00	-0-	
Subdivision Final Plat (Full BOCC Acceptance)	<u>Submittal</u>	<u>Resubmittal</u>	
Basic Fee.....	\$ 860.00	\$500.00	

*2nd Resubmittal

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X EPC Review.....	\$ 200.00	-0-	
Subdivision Final Plat (BOCC Chairperson Acceptance).....	\$ 350.00		
X EPC Review.....	\$ 200.00		
Fire Dept Review.....	\$ 15.00		
Grand Oaks Protection.....	\$ 150.00		
Board Acceptance of Improvements.....	\$ 135.00		
Certified Parcel Review.....	\$ 25.00 per lot		
X EPC Review Of Certified Parcels and Minor Subdivisions.....	\$ 230.00		
Review & Processing of Waivers of the Subdivision Regulations (LUHO).....	\$ 600.00		
X EPC Review.....	\$ 270.00		
Additional for Projects in IPD District.....	\$ 130.00		
X As-Built - EPC Verification.....	\$ 300.00		
G. SITE DEVELOPMENT PROCESS	FEE		COMMENTS
Preliminary Site Development	<u>Submittal</u>	<u>Resubmittal</u>	
Natural Resources.....	\$ 900.00	\$300.00*	
Stormwater.....	\$ 650.00	\$200.00*	
Transportation.....	\$ 310.00	\$100.00*	
Zoning.....	\$ 450.00	-0-	
Water/Wastewater Service Applications.....	\$ 450.00	-0-	
Concurrency.....	\$ 100.00	-0-	
X EPC Review.....	\$ 500.00	-0-	
Fire Dept Review.....	\$ 15.00	-0-	
Grand Oaks Protection.....	\$ 150.00	-0-	
✓ Site Development Construction Plan	<u>Submittal</u>	<u>Resubmittal</u>	
Natural Resources.....	\$ 900.00	\$325.00*	
Stormwater.....	\$ 795.00	\$200.00*	
Transportation.....	\$ 285.00	\$100.00*	
Zoning.....	\$ 200.00	\$100.00	
Stormwater Master Plan	\$1500.00	\$500.00*	
Utilities Review.....	\$ 575.00	-0-	
Utilities Reservation of Capacity.....	\$ 150.00	-0-	
Utilities Minor Review	\$ 250.00	-0-	
Reservation of Capacity... Certificate of Capacity (Stormwater,	\$ 45.00	-0-	
Transportation, Solid Waste, Parks).....			
✓ EPC Review.....	\$ 500.00	\$500.00	
Fire Dept Review.....	\$ 15.00	-0-	

*2nd Resubmittal

**EXHIBIT A
PLANNING & GROWTH MANAGEMENT DEPARTMENT
FEE SCHEDULE**

Grand Oaks Protection.....	\$ 150.00	-0-	
✓ Minor Site Development Review.....	\$ 200.00		
Natural Resources.....	\$ 200.00		
Stormwater.....	\$ 200.00		
Transportation.....	\$ 200.00		
Grand Oaks Protection.....	\$ 150.00		
✓ EPC Review.....	\$ 500.00		
Review & Processing of Extensions of Subdivision/Site Development Projects	\$ 175.00		
Reinspections (NR, Drainage, Paving, Zoning Compliance)			
Natural Resources.....	\$ 50.00		
Drainage.....	\$ 50.00		
Paving.....	\$ 50.00		
Zoning Compliance.....	\$ 50.00		
Review & Processing of Water/Wastewater Service Applications	\$450.00		
Preliminary Determination of Capacity Review	\$150.00		
Reservation of Capacity Process	\$150.00		
Review & Processing of Applications for Easement Access	\$100.00		
H. LAND ALTERATION PROCESS	FEE		COMMENTS
Tree Inspection and Removal Permit.....	\$ 20.00 Plus \$10/Acre for each acre in Excess of 5 acres (\$30 average)		
Grand Oaks Protection.....	\$ 15.00		
Grubbing Permit	\$ 350.00		
✓ Natural Resources Other Projects.....	\$ 450.00		
✓ EPC Administrative Waiver.....	\$ 270.00		
✓ EPC Review & Processing Applications to LUHO	\$ 270.00		
✓ EPC Other Review.....	\$ 270.00		
Grand Oaks Protection.....	\$ 150.00		
Natural Resources Single Family/Duplex Projects	\$ 145.00		
Single Family/Duplex Blanket Landscape Permit	\$ 145.00		
Grand Oaks Protection	\$ 55.00		
Review & Processing Applications to Land Use Hearing Officer	\$ 195.00		
X EPC Review may apply	\$ 270.00		
✓ Review & Processing Application for Land Excavation Operating Permit..... (average site – 55 acres)	\$ 525.00		
✓ EPC Review.....	\$ 870.00		
✓ Amendment to a Land Excavation Permit.....	\$ 975.00		

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✓ EPC Review Fee for Additional Acreage.....	\$ 870.00	
✓ EPC Review for Extension of Time or Renewal.....	\$ 650.00	
✓ Land Excavation Special Use Permit.....	\$ 2,725.00	
✓ EPC Review.....	\$ 300.00	
I. PHOSPHATE PROCESS	FEE	COMMENTS
✓ Phosphate Mining Permit.....	\$ 3,504.00 Plus \$.10/Acre or Portion thereof plus cost of Legal Ads	
✓ New or Reclamation – EPC Fee.....	\$ 3,500.00	
✓ Renewal or Extension – EPC Fee.....	\$ 100.00	
Amendment of Phosphate Mining Permit.....	\$ 3,804.00 Plus \$.10/Acre or Portion thereof plus cost of Legal Ads	
✓ EPC Review – Changes Within Existing Mining Unit.....	\$ 1,000.00	
✓ EPC Review – Addition of Adjacent Acreage.....	\$ 500.00 **	
Annual Review Related to Permitted Phosphate Mining.....	\$ 250.00 Plus \$.10/Acre or Portion thereof plus cost of Legal Ads	
X EPC Review.....	\$ 375.00	
Mining or Mining-Related Activities/Waivers to Phosphate Mining Regulations	\$ 1,030.00	
Combination of the Phosphate Mining DRI Annual Report Review and the Phosphate Mining Annual Report	\$ 4,135.00	
J. UPLAND WILDLIFE PROCESS	FEE	COMMENTS
Upland Wildlife Habitat Verification	\$ 25.00	
Upland Wildlife Habitat Delineation when performed independent of Site Plan Review	\$ 25.00	
Upland Wildlife Habitat Management Plan Review with plan prepared by Staff	\$ 150.00	
K. WELLHEAD RESOURCE PROCESS	FEE	COMMENTS
Wellhead Protection Review – Minor (e.g., well installation)	\$ 175.00	
Wellhead Protection Review – Major and Expansion of a Non-Conformity	\$ 1,500.00	
L. PUBLICATION PROCESS	FEE	COMMENTS
Annual Petition Index Subscription	\$ 25.00	
M. SEXUALLY ORIENTED BUSINESS LICENSES	FEE	COMMENTS
Sexually Oriented Business License	\$850.00	
Sexually Oriented Business Employee License	\$150.00	
Sexually Oriented Business License Renewal	\$850.00	
Sexually Oriented Business Employee License Renewal	\$150.00	

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N. BACKFLOW PREVENTION INSPECTIONS			
Home Sites		\$ 35.00	
Commercial Sites		\$ 40.00	
O. PROPORTIONATE FAIR SHARE AGREEMENTS		FEE	COMMENTS
Small Agreement	0-1,000 trips	\$2,000.00	0-1,000 trips
Medium Agreement	1,001-10,000 trips	\$4,000.00	1,001 – 10,000 trips
Large Agreement	10,000 above trips	\$6,400.00	10,000 – above trips

**Minimum of \$500 or Straight Line Pro-Rata Fee whichever is greater calculated using the following formula: the number of acres of land to be added to an approved mining unit divided by 2500, multiplied by the fee required by Rule 1-6.05.5 (Rules of the EPC Commission)

02/21/07