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Executive Director
Richard D. Garrity, Ph.D.

October 9, 2008

Hassan Halabi
Community Planner II
The Planning Commission
601 E. Kennedy Blvd., 18th Floor
Tampa, Florida 33601

Re: Future of Hillsborough County Comprehensive Plan for Unincorporated Hillsborough County: CPA 08-09, CPA 08-11, CPA 08-12, CPA 08-15, CPA 09-01, CPA 09-02, CPA 09-04, CPA 09-05 and CPA 09-06

Dear Mr. Halabi:

Thank you for the opportunity to review and comment on the Future of Hillsborough County Comprehensive Plan Amendments (CPAs). The Environmental Protection Commission of Hillsborough County (EPC) is a local government environmental agency that operates under the Hillsborough County Environmental Protection Act, Chapter 84-446, Laws of Florida. The EPC staff has reviewed the above referenced documents and offers the following comments for your consideration.

1. CPA 08 - 09 Future Land Use Map change. Lutz Lake Fern Road and the Suncoast Parkway (Continued from 1st Cycle 2008)

A. Air Management Division

Locating light industrial and commercial facilities in close proximity to residential properties may result in adverse impacts to residences from the standpoint of noise, odor, fugitive dust and other potential air pollutants. Please be advised that these types of facilities must maintain continued compliance with Chapter 1-3 (Air Pollution) and Chapter 1-10 (Noise), Rules of the EPC. For **construction-related activities**, the following applies:

- 1) Under EPC's Noise Rule construction activities are exempt if occurring between the hours of 7 a.m. and 6 p.m. Monday through Friday, 8 a.m. and 6 p.m. Saturday, and 10 a.m. and 6 p.m. Sunday if reasonable precautions are taken to abate the noise from those activities. Reasonable precautions shall include but not be limited to noise abatement measures such as enclosure of the noise source, use of acoustical blankets,



and change in work practice. Construction activities occurring at all other times shall be subject to the EPC noise Rule.

- 2) The project construction activities should incorporate reasonable precautions to control unconfined emissions of particulate matter (dust), including, but not limited to, the methods, practices and procedures contained in Chapter 62-296.320(4)(c), Florida Administrative Code (F.A.C.). For your use, the F.A.C. control measures are as follows:

Reasonable precautions may include, but are not limited to, enforced speed limits of 10 miles per hour or less for vehicles travelling over exposed soils and other un-stabilized materials; curtailing operations during high wind conditions; application of water or other dust suppressants to control emissions from such activities as land clearing, transportation of materials, grading roads and other site development activities; application of water or other dust suppressants to unpaved roads, open stock piles and soils spread on right-of-ways; and seeding and mulching areas disturbed by construction activities to stabilize the soils. Failure to take reasonable precautions to prevent a dust nuisance may result in enforcement action being taken by the Environmental Protection Commission of Hillsborough County

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division of the EPC has previously reviewed the above-referenced amendment and **still cannot recommend approval** of the proposed amendment based on the following findings:

- 1) Along with the area to the north, the wetlands on the subject parcels were delineated by the staff of the Southwest Florida Water Management District in 2003. Surveys of the wetland lines were approved by SWFWMD staff on June 11, 2004 and approved by EPC staff on June 22, 2004.
- 2) The approximate acreage of the site proposed for amendment is 99.45 acres. According to the surveys described above, two upland areas exist within the subject boundary. One area is located in the southeast portion of the parcel and is 12.255 acres in size. The other upland area is located along the western boundary of the site; this area is approximately 5 acres in size. This would indicate that approximately 80% (80 acres) of the parcel is jurisdictional wetland.

- 3) The site plan as submitted proposes to change the land use from Agricultural Rural (AR-1/5), to Suburban Mixed Use (SMU-6). The change in land use would allow for a more intensive use of the subject property, which may not be feasible when considering the wetlands and wetland setbacks on site. Approval of the amendment would be reasonably expected to result in a request for wetland impacts.

Informational Comments

- 1) The approved wetland line must be incorporated into the development of a site plan. The wetland line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- 2) Development within wetlands of Hillsborough County which destroys, reduces or impairs the wetland, or which contributes to the present or potential future destruction, reduction or impairment of the environmental benefits provided by the wetland or a portion thereof, constitutes pollution as defined by Chapter 84-446, Laws of Florida, as amended. These activities are prohibited except as to what is specifically authorized in writing by the Director or authorized agent.
- 3) Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, Rules of the EPC, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11, Rules of the EPC.

**2. CPA 08 - 11 Future Land Use Map change. Van Dyke Road and Gunn Highway
(Continued from 1st Cycle 2008)**

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division of the EPC has previously reviewed the above-referenced amendment and does not object to the amendment as proposed subject to the following comments/conditions:

- 1) Wetlands exist within the amendment boundaries as indicated through review of aerial photography, the Soil Conservation Service soils maps and previous field reviews by EPC staff.
- 2) Review of this CPA request by EPC staff does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
- 3) Development within wetlands of Hillsborough County which destroys, reduces, or impairs the wetland or which contributes to the present or potential future destruction, reduction, or impairment of the environmental benefits provided by the wetland, or a portion thereof, constitutes pollution as defined by Chapter 84-446, Laws of Florida, as amended. Impacts to wetlands are prohibited except unless specifically authorized in writing by the EPC Executive Director or authorized agent. Pursuant to Chapter 3 of the EPC Basis of Review and EPC Wetland Rule Section 1-11.07(1), Rules of the EPC, "[w]ritten authorization may be given to conduct proposed development affecting wetlands only if reasonable use of the land cannot be accomplished without affecting the wetland."
- 4) EPC staff requires that all efforts be taken to avoid or reduce wetland impacts prior to submittal of any site development plans. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure proposed lots, re-align roadways, and make other changes necessary to avoid or minimize wetland impacts.
- 5) Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or his authorized agent, pursuant to Section 1-11.07, Rules of the EPC, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.

**3. CPA 08 - 12 Future Land Use Element Text change. Policies: A4.1, A4.7 and A4.9
(Continued from 1st Cycle 2008 and revised by applicant)**

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division of the EPC has previously reviewed the above-referenced amendment and continues to have no objection to the proposed amendment.

**4. CPA 08 - 15 Future Land Use Map change: McIntosh Road and U.S Highway 92
(Continued from 1st cycle 2008)**

A. Air Management Division

Locating light industrial and manufacturing facilities in close proximity to residential properties may result in adverse impacts to residences from the standpoint of noise, odor, fugitive dust and other potential air pollutants. Be advised that these types of facilities must maintain continued compliance with the EPC's Air Pollution and Noise Rules. Please see comments stated under 1.A. (CPA 08-11) above, which also apply.

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division of the EPC has previously reviewed the above-referenced amendment and does not object to the amendment language as proposed, subject to Wetland comments 2-5, as stated under 2.E. (CPA 08-11) above. Additionally, review of aerial photography and Soil Surveys for Hillsborough County reveal no obvious wetlands exist on the subject parcel. This determination would have to be field verified to be binding.

5. CPA 09 - 01 Future Land Use Element Text and Map change. Keystone - Odessa Community Plan boundary revision (Previously submitted in the 1st Cycle 2008 and identified as CPA 08-10. The proposed amendment was withdrawn by the applicant and resubmitted.)

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division has previously reviewed the above-referenced amendment and had no objections to the proposed amendment. However, several ancillary issues were identified as follow:

- 1) EPC staff has no comments regarding removal of the site from the Keystone-Odessa planning area. However, the applicant notes that, if removed from the Keystone-Odessa planning area, it is the intent to seek the property's inclusion into the Urban Service Area, with higher allowable densities. While the ability to service the site with public water and sewer would, as the applicant has stated, be environmentally positive, the proposal of higher intensity of development in this area is of concern for future impacts to wetlands and other surface waters.
- 2) The letter from SONA consulting indicates that a concurrent request was filed to change the underlying Plan designation on a 36.5+/- parcel at the southeast corner of the site from AR to SMU-6. This acreage is not in agreement with that listed in CPA 08-09; in that request, the acreage for the parcel is listed as 99.45 acres.
- 3) The staff of the Wetlands Management Division did not support the companion request to change the land use designation to SMU-6 due to the amount of wetlands on the property and the increase of intensity.
- 4) The applicant states that the subject site is located within a Wellhead Protection zone, and that a Special Use Permit application has been filed that would enable land excavation. Land Excavation within Wellhead Protection Zones is restricted or prohibited, per the Hillsborough County Land Development Code.
 - a) EPC staff reviewed the special use permit (SU 06-0975) referenced in the letter, and offered the following comments:
 - i) Please be advised that the proposed sand mine is located within an area that appears to feed the headwaters of the Brooker Creek drainage basin and contains extensive wetland areas. Pursuant to Chapter 1-11.05, Rules of the EPC, "[d]evelopment within wetlands of Hillsborough County which destroys, reduces or impairs the wetland or which contributes to the present or potential future destruction, reduction or impairment of the environmental benefits provided by the wetland or a portion thereof ... is prohibited except to the extent as may be specifically authorized in writing by the Executive Director or his authorized agent." Chapter 1-11.07(1), Rules of the EPC, and chapter 3 of the EPC Basis of Review additionally

provides that "[w]ritten authorization may be given to conduct proposed development affecting wetlands only if reasonable use of the land cannot be accomplished without affecting the wetland ."

- b) In addition, EPC staff requested that the following comments be added to the rezoning conditions:
 - i) Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
 - ii) No excavation shall extend below permitted design depths/elevations unless additional testing supports otherwise; and no lower semi-confining unit clayey soil material and /or no limestone materials shall be excavated, regardless if these materials are encountered within the permitted excavation depths/elevations. If any lower semi-confining unit clayey soil materials or limestone materials are encountered above the permitted depths/elevations, then excavation operations shall cease in the general area. EPC Wetlands Management Division staff must be contacted prior to any excavation of clays.
 - iii) The construction, location, size and depth of any proposed land excavation shall be reviewed by EPC pursuant to Chapter 1-11, Wetlands, and Chapter 1-5, Rules of the EPC, to determine whether such size and depth is necessary to accomplish reasonable use of the subject property, and must be designed and located to avoid or minimize wetland impacts.
 - iv) The post condition construction design must ensure that the volumetric hydrologic contribution from the existing on-site surface water basins to any wetland area is not reduced by greater than 10%, and if possible 5%, to these wetland areas.
 - v) The existing pre-development wetland hydroperiods (seasonal high water and normal pool) must be maintained in the post-development condition.
- c) The following Informational Comments were provided:
 - i) The limits and depth of the mine may be limited so as to protect the surface and groundwater hydrology of the surrounding wetland systems, including Brooker Creek. The size, location, and configuration of the wetlands and wetland setbacks may affect the ability to develop the land excavation as proposed.

- ii) Pursuant to the Comprehensive Plan for Unincorporated Hillsborough County, Conservation and Aquifer Recharge Element, Policy 11.3: “The county shall require the preparation of wetland/lake management plans for the reclamation of land excavation projects to be reclaimed as lakes to ensure that such areas become viable and productive aquatic systems. The County, with the assistance of the [EPC], shall provide technical assistance to prepare such plans.”
- iii) All efforts must be undertaken to prevent any erosion or turbid water from being discharged into wetlands and/or waters of the County. Turbid discharges that exceed 29 NTU's (Nephelometric Turbidity Units) above background levels are a violation pursuant to Chapter 1-5, the EPC Water Quality Rule. The erosion or discharge of sediments into wetlands is a violation of Chapter 1-11, the EPC Wetland Rule. Hay bales, silt screens or other EPC approved methods or erosion/turbidity control may be required. It is the responsibility of the owner/developer to insure the installation of adequate erosion control barriers prior to the commencement of any site work. These erosion control devices must be maintained in good condition throughout the construction process and until all loose soils have stabilized. It is strongly recommended that all erosion control devices be regularly inspected during construction and modified if conditions warrant.
- iv) This correspondence applies only to the development proposal as submitted, and in no way does it provide EPC approval to any other aspect of the EPC review process. In addition, this approval does not imply exemption from obtaining all proper permits from other governmental agencies.

6. CPA 09 - 02 Livable Communities Element Text change. East Lake Orient Park Community Plan

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

The staff of the Wetlands Management Division of the EPC has previously reviewed the above-referenced amendment and had no objections to the proposed, subject to Wetland comments 1-5, as stated under 2.E. (CPA 08-11) above.

7. CPA 09 - 04 Future Land Use Element Text change. Rural Commercial Future Land Use Category.

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

Staff from the Wetlands Management Division of the EPC has conducted a review of the subject Comprehensive Plan Amendment (CPA) request and does not object to the amendment language as proposed, subject to Wetland comments 2-5, as stated under 2.E. (CPA 08-11) above.

8. CPA 09 - 05 Future Land Use Map change. Van Dyke Road and Gunn Highway

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

Staff from the Wetlands Management Division of the EPC has reviewed the subject Comprehensive Plan Amendment (CPA) request and does not object to the amendment as proposed, subject to Wetland comments 1-5, as stated under 2.E. (CPA 08-11) above.

9. CPA09 - 06 Coastal Management and Transportation Element Text change. Tampa Port Authority Master Plan

A. Air Management Division

No comment

B. Environmental Resource Management Division

No comment

C. Water Management Division

No comment

D. Waste Management Division

No comment

E. Wetlands Division

Staff from the Wetlands Management Division of the EPC has completed its review of the subject Comprehensive Plan Amendment and offers the following comments:

Typographic Errors

- 1) Page 37 (page 1 of the Tampa Port Authority Master Plan), paragraph 1. The second sentence should end in the word “function” rather than “functions”.
- 2) Page 63 (page 20 of the Tampa Port Authority Master Plan), paragraph 2 under heading d) Wildlife Resources. In the 4th sentence, the next to last word should read “nest” or preferably “nesting” rather than “next”.

Specific Comments

- 1) The option areas depicted on Exhibit VI-22 appear to contain wetlands as indicated through review of aerial photography and Soil Conservation Service soils maps.
- 2) Filling of areas of Tampa Bay, as indicated in the information provided, will fall under the jurisdiction of this agency and would be reviewed under EPC’s mitigation process. Mitigation will be required for any approved impacts.
- 3) Excavation of portions of Tampa Bay for the purposes of channel widening, as indicated in the information provided, will fall under the jurisdiction of this agency and would be reviewed under EPC’s mitigation process. Mitigation will be required for any approved impacts.

General Comments

- 1) A review of aerial photography, Soil Conservation Service soils maps and previous field reviews by EPC staff indicates that wetlands pursuant to Chapter 1-11, Rules of the EPC, exist within the Master Plan boundaries. Prior to the issuance of any building or land alteration permits or other development, the wetlands must be field delineated by Southwest Florida Water Management District or EPC staff and the wetland line surveyed. The survey must then be submitted to EPC staff for approval. After survey approval, the wetland line must appear on all site plans and must be labeled as applicable, pursuant to the Hillsborough County Land Development Code or City of Tampa Chapter 13. The location, size and configuration of the wetlands may affect the ability to develop the parcels as proposed.
- 2) Development within wetlands of Hillsborough County which destroys, reduces, or impairs the wetland or which contributes to the present or potential future destruction, reduction, or impairment of the environmental benefits provided by the wetland, or a portion thereof, constitutes pollution as defined by Chapter 84-446, Laws of Florida, as amended. Impacts to wetlands are prohibited except unless specifically authorized in writing by the EPC Executive Director or authorized agent. Pursuant to Chapter 3 of the EPC Basis of Review and EPC Wetland Rule Section 1-11.07(1), Rules of the EPC, "[w]ritten authorization may be given to conduct proposed development affecting wetlands only if reasonable use of the land cannot be accomplished without affecting the wetland."
- 3) EPC staff requires that all efforts be taken to avoid or reduce wetland impacts prior to submittal of any plans. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure proposed buildings, re-align roadways, and make other changes necessary to avoid or minimize wetland impacts. If the applicant chooses to proceed with any proposed wetland impact, a separate wetland impact / mitigation proposal and appropriate fees must be submitted to this agency for review. Please be aware that EPC staff cannot approve plans at the construction phase if unapproved wetland impacts are depicted.
- 4) Any activity interfering with the integrity of wetland(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, Rules of the EPC, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and Chapter 1-11, Rules of the EPC.
- 5) Review of this Comprehensive Plan Amendment by EPC staff does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the Master Plan as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

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- 6) At any time prior to approval of construction plans for this project, EPC staff may identify other legitimate concerns as they become obvious.

Thank you again for the opportunity to participate in this review and for considering our comments as part of your evaluation process. Should you have any questions or need further clarification on the information provided above, please feel free to contact me at 813-627-2600 extension 1254 or Sanford@epchc.org.

Sincerely,



Reginald Sanford, M.P.H.
Chief, Enforcement and Analysis
Air Management Division