

**1st Cycle 2009  
Amendment Summary**

<b>Hillsborough County Comprehensive Plan Amendments 1<sup>st</sup> CYCLE – 2009</b>
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**CPA09-06 Coastal Management Element and Transportation Element Text change and Future Land Use Element map series amendment. Tampa Port Authority Master Plan**

**PROPOSED COMPREHENSIVE PLAN AMENDMENT**

<b>A. Description of Request</b>
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This text amendment to the Coastal Management Element and the Transportation Element is being proposed to officially incorporate the Tampa Port Authority Master Plan, adopted by the Tampa Port Authority Board on July 17, 2008, into the Hillsborough County Comprehensive Plan. This amendment will satisfy requirements in the Florida Statutes and the Florida Administrative Code for port master plans and comprehensive plans. The Tampa Port Authority Master Plan, including its Objective and Policies, was determined to be consistent with the Hillsborough County Comprehensive Plan on June 9, 2008. The Master Plan calls for the coordination of future land use amendments between the Planning Commission, Hillsborough County and the Tampa Port Authority within a defined Port Activity Center. Establishing the Port Activity Center boundaries and outlining the coordination process requires the text of the Comprehensive Plan to be amended.

<b>B. Proposed Amendment</b>
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SEE ATTACHMENT "A"



# ATTACHMENT "A"



# Hillsborough County Comprehensive Plan

## Coastal Management Element

### Port of Tampa Master Plan

The Hillsborough County Port District is established and the Tampa Port Authority is created pursuant to Chapter ~~84-44795-488~~, Laws of Florida, as amended. Under such laws, the exercise of powers established thereunder ~~are~~ declared to be of public necessity and ~~are~~ recognized as ~~an~~ essential government functions. The Comprehensive Plan recognizes that the Tampa Port Authority acts in furtherance of the public interest. The Tampa Port Authority has prepared ~~a~~ The Port of Tampa Master Plan, which has been incorporated as part of the Coastal Management Element. The Master Plan includes certain ~~goals~~, objectives and policies to meet the Tampa Port Authority's legislative mandate. Under the comprehensive plan the County encourages development and redevelopment of the port and infrastructure to serve the port in accordance with the Master Plan and other applicable laws and regulations in order to ensure the orderly development of the port.

The ~~Port of Tampa~~ Master Plan, as adopted by the Tampa Port Authority, ~~will be~~ has been incorporated by reference into Hillsborough County's Comprehensive Plan per Chapter 9J-5, Florida Administrative Code. Refer to the Port Component of the Transportation Element for the Goals, Objectives and Policies that ensure consistency between the Plans of the County and the Tampa Port Authority.

**OBJECTIVE 14:** Hillsborough County shall encourage development and redevelopment of the Port of Tampa, and infrastructure to serve the Port, in accordance with ~~the~~ Tampa Port Authority Master Plan and other applicable laws and regulations and shall protect the Port of Tampa and related maritime industries from encroachment of incompatible land uses.

**Policy 14.1:** Hillsborough County hereby incorporates by reference the Tampa Port Authority Master Plan, adopted by the Tampa Port Authority Board of Directors July 17, 2008-Update August, 2000.

Policy 14.2: Hillsborough County will collaborate with the Tampa Port Authority to ensure the objectives and policies of the Tampa Port Authority Master Plan are consistent with the goals, objectives and policies of the Comprehensive Plan.

Policy 14.3: Hillsborough County will collaborate with the Tampa Port Authority to ensure the Master Plan 2027 Land Use Vision for future port activities within the Port Activity Center is consistent with and supported by the goals, objectives and policies of the Comprehensive Plan and addressed during the development of land development policies and regulations. Likewise, the Tampa Port Authority will collaborate with the County to ensure the Master Plan goals, objectives, and policies are consistent with the Coastal Element.

Policy 14.4: The Tampa Port Authority has created and will periodically update an inventory of a vacant industrial property and identify current and future industrial land use needs for the Port and maritime related facilities and activities within the Port Activity Center.

Policy 14.5: The County recognizes the establishment of the Port Activity Center Area designated in the Port Master Plan. The Port Activity Center boundaries are depicted on Map X.X within the Future Land Use Map Series.

Policy 14.6: The County shall adopt and implement land development and zoning regulations to guide proposed development within the Port Activity Center or within 250 feet of said area. Such regulations shall include, but not be limited to regulations relating to permitted uses, buffers, screening, setbacks, transportation impacts and other land use parameters that will ensure orderly and compatible development between proposed development and the Port, maritime related facilities and activities, and commercial and industrial uses within and adjacent to the Port Activity Center.

Policy 14.7: The Planning Commission staff shall transmit a copy of all land use plan amendment applications within the Port Activity Center, or within 250 feet of said area, to the Tampa Port Authority in a prompt manner to ensure adequate review time and response prior to making a staff recommendation of consistency. The Planning Commission staff shall consider and appropriately address the comments of the Tampa Port Authority in formulating its recommendation.

Policy 14.8: The Planning Commission and the County shall review all proposed land use plan amendments within the Port Activity Center, or within 250 feet of said area, in order to preserve and protect property for future port-related uses and to ensure sufficient land is available for implementing the Master Plan 2027 Land Use Vision.

Policy 14.9: Proposed land use amendments within the Port Activity Center, or within 250 feet of said area, shall be analyzed for compatibility of the proposed use relative to Port, industrial, commercial, and maritime related facilities and activities, and for consistency with the Tampa Port Authority Master Plan and those other objectives and policies of the Comprehensive Plan concerning the Port of Tampa and/or the Tampa Port Authority. The compatibility analysis shall include a detailed evaluation of potential impacts to the transportation network, the environment, provision of public facilities and services, existing and future Port and maritime related activities and other surrounding land uses. The location, type, scale, density/intensity of uses permitted shall be compatible with the overall character of the existing and future industrial uses in the Port Activity Center. Plan amendments proposing industrial land uses shall be deemed compatible without the need for a compatibility analysis, given the proposed use is consistent with the Master Plan 2027 Land Use Vision for future port activities.

Policy 14.10: Proposed land use amendments for residential and mixed use development within the Port Activity Center, or within 250 feet of said area, may only be approved if the applicant addresses the compatibility of the proposed use with properties within 250 feet of the proposed use designated for industrial uses. Such proposed amendments shall require appropriate

mitigation techniques which include, but are not limited to, those mitigation techniques set forth in this policy area. Within the specialized regulations referenced in this policy area, the County shall adopt land development and zoning regulations which provide for mitigation techniques to be adopted as part of such proposed land use amendments, including but not limited to:

- Use of undisturbed or undeveloped land and/or landscaped buffers;
- Use of increased size, quality and density of screening materials;
- Increased setbacks which exceed the minimum code requirements;
- Innovative site design (which may include planned development review);
- Appropriate building design;
- Limits on duration/operation of uses;
- Noise attenuation techniques;
- Limits on density and/or intensity; and
- Alternative access to limit potential conflicts with automobile and truck traffic.

## **Transportation Element**

**OBJECTIVE 6.3:** Hillsborough County in coordination with the City of Tampa, the Planning Commission, the Florida Department of Transportation, Hartline and the Metropolitan Planning Organization shall cooperate with the Port and Airport Authorities in their efforts to plan, build and maintain efficient surface transportation systems to move cargo and passengers on all modes by:

**Policy 6.3.1:** Ensure that port, airport and related facilities needs identified in their Master Plans and 5-year work programs are considered when prioritizing programmed roadway and transit service improvements in:-

- a. the County's Capital Improvements or Transportation Improvement Program;
- b. the County's Capital Improvements Element

### **Policy 6.3.2: (Reserved)**

**Policy 6.3.32:** The County shall ensure that public port and airport Master Plan activity levels are coordinated with key transportation and capital improvement planning years.

**Policy 6.3.3:** Through coordination with the MPO and FDOT and other transportation agencies, the County will identify, evaluate and prioritize transportation projects needed to serve major terminal facilities. The County will coordinate its concurrency management system policies, right of way preservation policies and capital improvements planning with master plans for port, rail and airport facilities, the cost feasible component of the Long Range Transportation Plan, the FDOT Strategic Intermodal System Plan, and the TBARTA Regional Master Plan.

**Policy 6.3.4:** The County shall provide the Port and Aviation Authorities the opportunity to review and comment on Developments of Regional Impacts that affect the transportation or terminal access to the port and airports, and/or significantly impact land uses in their environs.

**Policy 6.3.6:** The County shall work with the Tampa Port Authority and CSXT in improving access, safety, and the level of service on the surface transportation (including rail) network, which serves the Port.

**Policy 6.3.7:** The County shall assist the Tampa Port Authority in pursuing needed surface transportation improvements recommended in the Port of Tampa Surface Transportation Plan.

**Policy 6.3.8:** The County and the Metropolitan Planning Organization shall update the inventory (including map(s)) of the major commercial truck and railroad terminals within Hillsborough County, as needed.

**Policy 6.3.9:** The County shall continue to enforce and update, if necessary, the current Truck Route Ordinance and maintain appropriate signage for the truck route to ensure compliance.

#### **d) Port and Airport Master Plans**

**OBJECTIVE 6.4:** Ensure that port and aviation master plans and any amendments are consistent with the *Future of Hillsborough Comprehensive Plan* and by reviewing and making recommendations to the respective authorities as to their consistency.

**Policy 6.4.1:** Ensure that the following are consistent with the *Future of Hillsborough Comprehensive Plan* by coordinating them with the Future [Land Use](#), Coastal Management, Stormwater Management, Potable Water and Conservation, [and Transportation](#) Elements of the Plan:

- a. the siting of future ports, airports or related facilities;
- b. the expansion of existing ports, airports or related facilities.

**Policy 6.4.2:** The expansion or construction of new port and airport facilities shall ensure the protection, conservation and mitigation of impacts on all environmentally sensitive lands and established neighborhoods.

**Policy 6.4.3:** The County shall promote the ports, airports and related facilities development consistent with the respective adopted Master Plans by:

- a. Ensuring that growth/development in and around ports and airports is compatible with ports' and airports' operations and expansion plans, as identified in their master plans;
- b. Giving priority to the use of land for expansion of existing port and airport facilities and the planning and development of new facilities where forecasted demands so indicate.

**Policy 6.4.4:** Each year, during the development of the Capital Improvement Program, Hillsborough County shall ask the Tampa Port Authority and CSXT to provide suggestions for improving access, safety, and the level of service on the surface transportation (including rail) network which serves the Port. These suggestions will be considered, along with other County needs, in allocating transportation improvement funds.

**Policy 6.4.5:** Hillsborough County shall assist the Tampa Port Authority in the pursuing surface transportation improvements recommended in the August 2000 Port of Tampa Surface

Transportation Master Plan by providing technical assistance and reviewing and commenting on design plans and specifications prepared for transportation improvements in the unincorporated county.

**f) Coordination with the Port and Aviation Authorities**

**OBJECTIVE 6.7:** Maximize economic benefits and minimize adverse impacts to public health, safety and welfare from port and aviation facilities through ongoing coordination with the Port and Aviation Authorities.

**Policy 6.7.1:** The County and the Port and Aviation Authority's members, or their designees, shall meet as needed to discuss those topics which are determined to be of importance to the public health, safety and welfare of the citizens of Hillsborough County, including, but not limited to, the following: a. Plans for port and airport expansion and coordination of any expansion activity which may impact the Future of Hillsborough Comprehensive Plan, including, but not limited to, the Capital Improvements Element and any other applicable law, rule or regulation;

b. Discussion of the need for mitigation measures for adverse structural and non-structural impacts resulting from the development/expansion from of ports and airports development / expansions upon adjacent natural resources and land uses including residential neighborhoods, and the coordination of any mitigation activities deemed necessary;

c. Additional stormwater runoff caused by port or airport expansion. Determine whether said stormwater runoff should be retained onsite or otherwise be managed, by the respective Authority, in a manner which will protect the Level of Service standards adopted by the County for stormwater management and conveyance facilities outside of the port or airport property.

**OBJECTIVE 6.8:** The County shall support the Tampa Port Authority's efforts to:

- a. Continue to seek the acquisition of other appropriate lands for future port expansion and diversification in accordance with the [Tampa Port Authority Master Plan](#).
- b. Continue to assure coordination of its submerged land management and permitting programs with County land use regulations.
- c. Participate in efforts to establish regional wetland and bay bottom management strategies by maintaining active membership in the Tampa Bay Regional Planning Council's, Agency on Bay Management and by cooperating with the Southwest Florida Water Management District in the implementation of the Surface Water Improvement and Management Plan for Tampa Bay.
- d. Continue the support and implementation of estuarine resource restoration research and management programs.
- e. Continue mitigation projects to offset ecological impacts of future port development projects on Hookers Point.
- f. Continue to implement an efficient consolidated berth maintenance dredging program under requisite authorizations (permits) of the FDEP and the Army Corps of Engineers, including a long term dredged material management plan (DMMP).
- g. Develop specific methods for managing and maintaining bird nesting and feeding habitats on the diked disposal islands owned by the Port Authority while maintaining the utility of those areas for dredged material disposal operations.
- h. Monitor and mitigate adverse impacts on water

quality during harbor deepening and maintenance dredging projects, in accordance with issued permits.

i. Incorporate cost-effective and innovative stormwater treatment capability into Port Authority projects to the extent that such systems do not compromise port safety, displace critical shoreside properties, and are practicable from an engineering standpoint.

**Policy 6.8.1:** The Port and Aviation Authorities and local jurisdictions shall annually review emergency preparedness plan and as conditions dictate, update the preparedness plan.

**g) Efficient And Effective Goods Movement**

**OBJECTIVE 6.9:** The County shall continue to coordinate with various public and private agencies to ensure efficient and effective goods movement within the County.

**Policy 6.9.1:** The County shall continue to coordinate its Truck Route Plan with the Truck Route Plan of the City of Tampa, [the Port of Tampa Surface Transportation Plan](#), and the Florida Department of Transportation's Goods Movement Study.

Exhibit V-1  
2000 and 2007 Port Activity Centers, and TPA-Owned Land





# AGENCY COMMENTS



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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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 4<sup>th</sup> 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.

Hassan Halabi  
October 9, 2008  
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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](mailto:Sanford@epchc.org).

Sincerely,



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



Hillsborough Area Regional Transit Authority

**Memorandum**

TO: Mr. Hassan Halabi, Community Planner  
Hillsborough County Planning Commission

FROM: Steve Feigenbaum, Planning Manager *SF*  
Hillsborough Area Regional Transit Authority (HART)

DATE: September 22, 2008

RE: CPA 09-06  
Tampa Port Authority Master Plan  
Coastal Management and Transportation Element Text Change

HART has reviewed the Tampa Port Authority Master Plan and the proposed text amendment to the Coastal Management Element and the Transportation Element. HART concurs with the proposed changes and will continue to coordinate with the City of Tampa and Hillsborough County on transit and land use issues along the Ybor Channel, East Port, Channelside Drive, Causeway Boulevard and the Big Bend – US. Highway 41 intersection.

If you have any questions concerning these comments, please phone Linda Walker at (813) 223-6831, extension 2212 or send e-mail to [walkerl@gohart.org](mailto:walkerl@gohart.org).

**AGENCY COMMENT SHEET**

**TO:** Krista Kelly, AICP, Planning and Growth Management Dept.

**FROM:** Reviewer's Signature: Charles E. White, AICP, PTP <sup>CEW</sup> Date: 10-17-08

Agency: PGM Transportation Division

Petition Number CPA 09-06

This agency has **no comment**

This agency has **no objections**

This agency has **no objections, subject to listed or attached conditions**

This agency **objects, based on the listed or attached issues**

**CONCLUSIONS / RECOMMENDATIONS**

Staff does not object to this request. The proposed amendment does not have any impact on future transportation in the area.



## MEMORANDUM

**DATE:** October 15, 2008  
**TO:** Hassan Halabi  
**FROM:** Joe R. Zambito  
**RE:** *CPA 09-06 Tampa Port Authority Master Plan*

I have reviewed the referenced Plan Amendment and provide the following comments and recommendations regarding the proposed changes to the Policies in the Hillsborough County Transportation Element.

**Proposed Policy 6.3.3:** Through coordination with the MPO and FDOT and other transportation agencies, the County will identify, evaluate and prioritize transportation projects needed to serve major terminal facilities. The County will coordinate its concurrency management system policies, right of way preservation policies and capital improvements planning with master plans for port, rail and airport facilities, the cost feasible component of the Long Range Transportation Plan, the FDOT Strategic Intermodal System Plan, and the TBARTA Regional Master Plan.

The first sentence of the proposed Policy is redundant and should be deleted. This sentence is the same as the wording in existing Policy 6.2.2 of the Transportation Element.

I recommend that the second sentence of this Policy be revised to read: "The County will consider the Master Plans for Port, Rail and Airport facilities, the cost feasible component of the Long Range Transportation Plan, the FDOT Strategic Intermodal System Plan, and the TBARTA Regional Master Plan, in its capital improvements and right-of-way preservation planning."

I have no additional objections or comments relating to the other changes proposed to various policies in the Hillsborough County Transportation Element.

The proposed new policies and revisions to existing policies will have no direct/immediate impact to the level of service of transportation facilities.



BOARD OF COUNTY COMMISSIONERS

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MEMORANDUM

DATE: September 30, 2008

TO: Krista Kelly, AICP, Executive Planner  
Planning Commission

FROM: Eli Alvarado, Project Manager II  
Solid Waste Management Department

SUBJECT: REVIEW OF CPA's 08-09, 08-11, 08-12, 08-15, 09-01, 09-02, 09-04 through 09-06

The Solid Waste Management Department (SWMD) has reviewed the Comprehensive Plan Amendments cited above, and has the following comments:

1. The adopted level of service for solid waste in Hillsborough County is 2 years of permitted landfill space, with 10 years of raw land under the control of the County available.
2. The County currently has 15- 20 years of permitted landfill space and additional area available to permit.
3. There is no initial capital investment required to maintain an adequate Level of Service with the projected impacts from the changes in the Land Use classifications.
4. Any annual operating costs resulting from the projected impacts will be recovered through the rates established for the Solid Waste Management System.
5. The SWMD has an extensive CIP program to maintain and expand its solid waste management system.

Please contact me at 276-2927 should you have any questions.

ESA/esa