

# ENVIRONMENTAL SCIENCE

## FORUM

TO: Stephen M. Spratt, County Administrator

FROM: Holly Greening, ESF Science Co-Chair  
Darden Rice, ESF Policy Co-Chair

CC: Elizabeth Warren, Assistant County Administrator  
William Davis, Director, Dept. of Environmental Mgmt.

DATE: June 15, 2007

---

### **Pinellas County Environmental Science Forum June 7, 2007 Recommendations Lands Protection Ordinance and Brooker Creek Preserve Boundaries/Land Use**

The Pinellas County Environmental Science Forum met on June 7, 2007, to discuss and make recommendations on the revised Section 2-147 of the Parks/Environmental Lands Protection Ordinance. The revised ordinance was provided to ESF by Pinellas County at the June 7<sup>th</sup> meeting. The ESF also reviewed and took action on the Lands and Parks Protection Subcommittee Report on Brooker Creek Preserve Boundaries and Land Use. A summary of major discussion items and actions is as follows:

#### **Revised Parks/Environmental Lands Protection Ordinance**

Mr. Dennis Long (Pinellas County Attorney's Office) summarized the revised ordinance prepared by the County Attorney's Office (CAO). Mr. Long explained that the BCC expressed general acceptance of the ordinance and had instructed the CAO to continue efforts to incorporate more of ESF concerns into the final draft to bring before the BCC at the June 21 workshop.

The Forum members concerns focused on the proposed exceptions not requiring a referendum (Sec. 2-147) and included:

- The ability to build a road through BCP and the definition of "existing" transportation infrastructure. Mr. Long explained the legal position that only hardened existing roads, not future planned or unplanned roadways, constitutes an "existing" road. Forum members were still concerned that new roads or major expansions to existing roads could be built upon the approval of the BCC, if a referendum was not required.
- The ability of Utilities to construct buildings and other infrastructure without BCC approval. County staff confirmed that the BCC must approve all construction of this nature in BCP.

- Utilities' ability to use Utilities-purchased property in Brooker Creek Preserve for whatever they deemed necessary for utilities purposes. The ESF also asked if a legal mechanism existed to transfer those to general government. Mr. Long explained that Utilities' purchased properties could be legally swapped for "cash" as an example.
- Funds received from TDRs be used only to directly benefit properties of critical concern, including land acquisition as buffers around existing properties of critical concern.
- Only allow the ordinance to be repealed or amended by a referendum.

The Forum then voted on several motions.

1. Revise 2-147(b)(4) to: *...the transfer of development rights from properties of critical concern where it is deemed in the best interest of the public as determined by the board of county commissioners; provided that any sums received for the transfer of development rights under this provision shall be used exclusively for the environmental benefit of the property of critical concern that development rights were transferred from of properties of critical concern, including land acquisition.*

Motion passed: Yes=12, No=0

2. Keep 2-147(b)(1) unchanged:

Motion failed: Yes=2, No=9, 1 abstained

3. Revise 2-147(b)(1): *the sale, transfer, conveyance or dedication of any interest in any property of critical concern for transportation infrastructure improvements, with minimal environmental impact and where no other practicable alternative exists, to transportation facilities that existed as of the effective date of this code section;*

Motion passed: Yes=11, No=0

4. Revise 2-147(c): *This code section may be repealed or amended by a referendum supermajority vote of the board of county commissioners.*

Motion failed: Yes=2, No=9

5. Alternate motion to #4 above, leave 2-147(c) unchanged: *This code section may be repealed only by a supermajority vote of the board of county commissioners.*

Motion withdrew.

6. Alternate motion to #4 above: *The ESF supports a change to 2-147(c) that would require a referendum to amend or repeal the ordinance and a unanimous vote by the board of county commissioners.*

Motion passed: Yes=11, No=0

7. *The ESF supports the ordinance with our recommended revisions and thanks staff and the county commissioners for their efforts to protect our lands of critical concern.*

Motion passed: Yes=10, No=0

8. *If the revision to 2-147(c) to require a referendum to amend or repeal the ordinance and a unanimous vote by the BCC is not approved by the board of county commissioners, then the ESF recommends that a charter amendment be pursued.*

Motion failed: Yes=5, No=6 (Voting members were tied 5-5. As provided in the Bylaws, the presiding chair cast the deciding vote)

### **Environmental Lands and Parks Protection Subcommittee Report on Brooker Creek Preserve Boundaries and Land Use**

Ms. Barbara Hoffman summarized the subcommittee report explaining how the subcommittee defined P/RM-1, P/RM-2, and P/RM-3 land uses for purposes of discussion:

- P/RM-1: No “wellfield development” allowed;
- P/RM-2: Wellfield development allowed but only minimal (underground pipes, small sheds constructed over wellheads, etc.); and
- P/RM-3: Any wellfield development allowed including vertical structures, as needed.

She then presented their recommendations with reference to a marked-up aerial photo (attached, file *BCP\_north\_subcmt\_070607.jpg*) of the BCP boundaries north of Old Keystone Road. After clarification during the meeting, the following Subcommittee recommendations were made for Forum member consideration:

1. For the land area in the northeastern section of the site north of Keystone Road (outlined in blue in the aerial photo), change the P/RM-3 status to P/RM-2.
2. The rectangular piece of land (located just north of the scrubbing plant) proposed to be P/RM-1, change the western boundary so it follows more of a natural contour. Designate the remaining southeastern two-thirds portion of the rectangle (as delineated on the attached aerial photo) P/RM-2, and the northwestern one-third of the rectangle P/RM-3.
3. Keep the sites of the scrubbing plant and chemical storage plants within the preserve boundary (shown on the aerial in red along the southern Preserve border) since the land in these parcels can be restored after the buildings are scrapped.
4. Designate the remainder of the land area in the Preserve as shown on the attached aerial (between Old Keystone Road and Trinity Blvd.) as P/RM-2, except for the area in yellow (designated P/RM-3) and parcels outlined in red.

The Forum then voted on several motions.

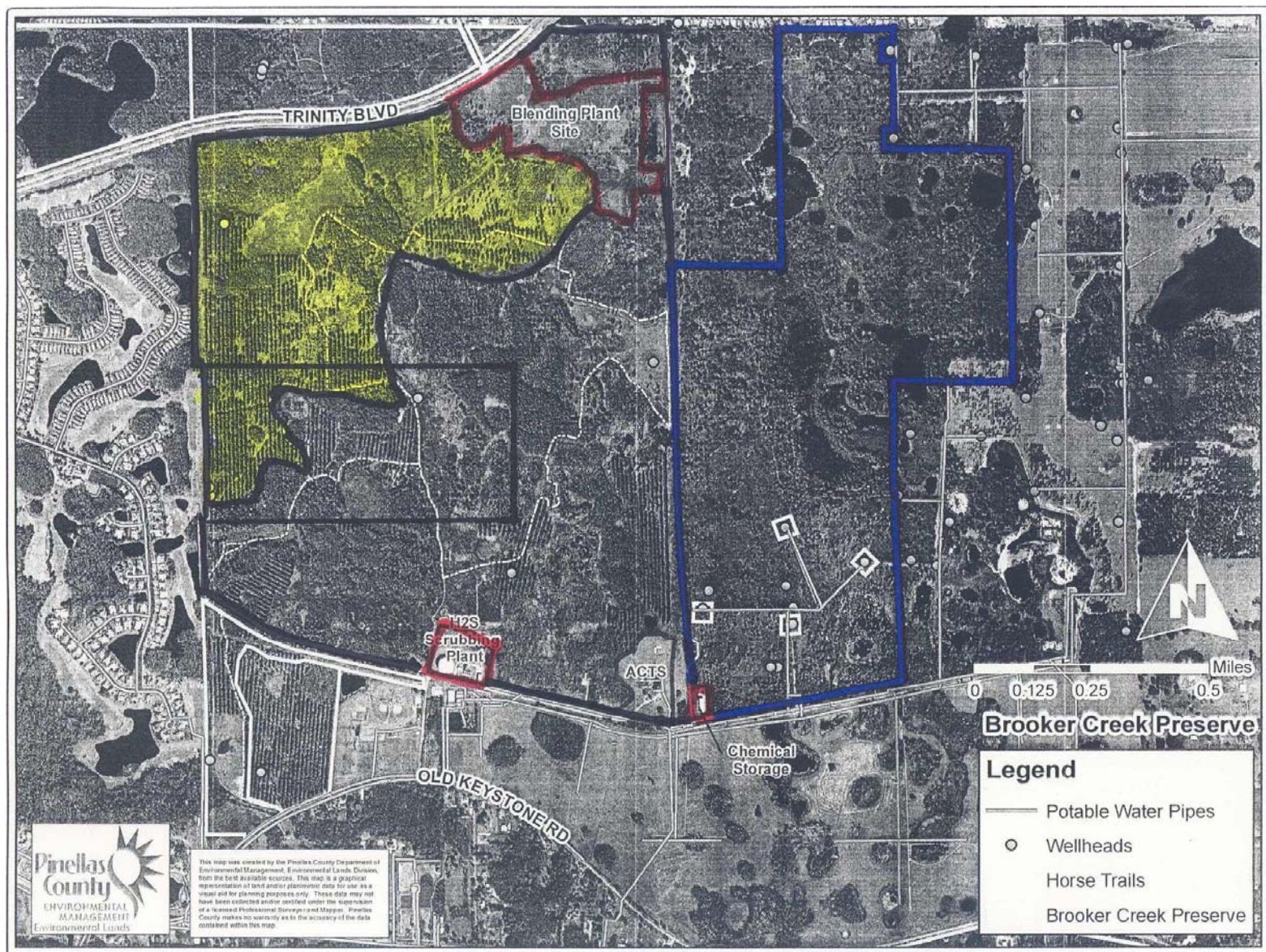
1. *The Forum accepts the recommendations to the County Administrator as presented in the report by the subcommittee and refined during the ESF meeting*

Motion passed: Yes=10, No=0

2. *As another recommendation to the subcommittee report, the Forum encourages Pinellas County Utilities to convert as much P/RM-3 land to P/RM-2 as possible as plans progress.*

Motion passed: Yes=9, No=1





BCP\_north\_subcmt\_070607.jpg