



Commissioner’s Request for Agenda Item

Agenda Item N^o. _____

Requested Meeting Date 12/02/2020

- Consent Section Regular Section

Commissioner Name:	Pat Kemp
Date Submitted:	12/16/2020
Nature of Request: <i>(check one)</i>	<input checked="" type="checkbox"/> Action by the BOCC <input type="checkbox"/> Identification of issue and referral to staff <input type="checkbox"/> Referral to staff for review and scheduling at a subsequent BOCC meeting
Request for Waiver of Rules due to: <i>(check one)</i>	<input type="checkbox"/> Health, Safety , or Welfare Emergency <input type="checkbox"/> Schedule an off-the-agenda item <input type="checkbox"/> Deadline requires action prior to next scheduled BOCC meeting
Commissioner’s Recommended Board Motion: Direct the Planning Commission staff, the Development Services Department and the County Attorney’s Office to coordinate and prepare amendments to the Future Land Use Element of the Comprehensive Plan and the Land Development Code, in order to eliminate the Environmentally Sensitive Land Credit (the “wetland density credit”) within the Rural Service Area.	

Staff Requested for Agenda Item: <input type="checkbox"/> County Administrator <input checked="" type="checkbox"/> County Attorney’s Office <input type="checkbox"/> Constitutional Officer <input checked="" type="checkbox"/> Other: Development Services, Planning Commission
Material requested to be provided by staff:

Background: The wetland density credit should be eliminated in the entire rural area of Hillsborough County including in the Wimauma Village (WVR-2) and Balm (RP-2). This change in policy is recommended by the County’s consultant, would serve to protect sensitive rural and environmental areas, would strengthen the County’s TDR Program, and is consistent with existing policies in Keystone and Ruskin.

Unincorporated Hillsborough County’s future land use is governed by a Comprehensive Plan, which seeks to promote a “sustainable growth management strategy that serves as a vehicle to structure County spending and planning policies to optimize investment for services and infrastructure, protect the vulnerability of the natural environment, reduce the exposure and risk to natural hazards and provide a clear direction for achieving an efficient development pattern. This strategy is comprised of three primary components an environmental overlay, an urban service area and a defined rural area. includes an urban service area and a rural service area.” [Comprehensive Plan, Future Land Use Element, “Comp. Plan,” page 1.] The plan provides that the rural area is “characterized by the retention of land intensive agricultural uses, the preservation of natural environmental areas and ecosystems and the maintenance of a rural lifestyle without the expectation of future urbanization.” [Comp. Plan, 2]

In an effort to further these goals, WTL+, a national real estate and economic development consulting firm based in Washington, DC, was retained in December 2019 by the Planning Commission to prepare a Future Land Use Market Study on two designated zoning districts in South Hillsborough County—Wimauma Village Residential-2 (WVR-2) and Residential Planned-2 (RP-2), which are currently being targeted for development. These two large areas, both of which are in the rural service area, are currently the subject of a moratorium on certain rezonings. The purpose of each moratorium is to provide the opportunity to improve the County’s policies and promote more sustainable and responsible growth. These moratoria were approved after significant community concerns arose about the suitability and pace of development in the greater South Hillsborough County area and its impacts on these communities, their infrastructure, environment and the rural way of life.

The 154-page market study provides a demographic and economic profile; real estate market conditions by land use; development potentials by land use; and eight implementation recommendations. **The market study recommends the elimination of the Environmentally Sensitive Land Credit often referred to as the “wetland density credit” in the rural service area, stating:**

“Residential densities in approved Planned Development projects were intended to follow guidelines that restricted densities at levels closer to the original plans for the Rural Service Area. However, these regulations provided for an exception for shifting the undevelopable area densities within a parcel to other locations in which development can occur.”

“For example, if a 100-acre parcel was entitled for 250 dwelling units (or 2.5 units per acre), but 30% of the parcel is designated as a wetland, environmentally sensitive or another condition limiting land uses, current development regulations allow that the unusable property portion’s density can be shifted to the developable side of the parcel.”

“It is recommended that this practice **should be modified to base developable density within parcels on the net developable land area, as opposed to gross acreage.** The benefits of preserving wetlands and other environmentally-sensitive condition should stand on their own: these unbuildable conditions should not be included in the calculation of allowed density combinations within single parcels...” [Market Study, p. 140-141, emphasis in original]

The residential density credit incentivizes more intense residential development where it applies. The market study reveals that this incentive does not line up with the projected demand for development in the RP-2 and WVR-2 planning areas, stating: “Market findings confirm that planning approvals have exceeded market demand in this part of South County.” [Market Study, p. 101] The first recommendation of the study is to reconcile this imbalance. [Market Study, p. 101]

The wetland density credit serves no environmental purpose. Rather, the density bonus incentivizes more intense development near environmentally sensitive areas. For this and other reasons, the community plans of Ruskin and Keystone both prohibit the use of the wetland density credit:

“Density calculations will be based on upland areas and no density credits will be assigned to wetland areas for new development within the Ruskin Community Plan area.”
[Ruskin Community Plan Goal 3, Environment]

“To promote continuity and connectivity and to protect and preserve natural areas the community recognizes the following approaches:• density calculations for clustered developments in the community will be based on upland areas;• no density credits will be assigned to wetland areas

for new development;” [Keystone Community Plan, Water Quality and Quantity Goals (Wetlands, Open Space, Environment, Wildlife, and Natural Systems)]

The entire rural area, including specifically the residents and natural environments of Wimauma and Balm, deserve the same protection as the communities of Keystone and Ruskin.

The market study finds that elimination of the wetland density credit would strengthen the Transfer of Development Rights Program in Hillsborough County. There is strong interest in implementing a transfer of development rights program that will serve to create incentives to protect land in rural Hillsborough County,. But the current rural wetland density credit undermines efforts to utilize a transfer of development rights “TDR” program to protect rural lands. The WTL study states: “As long as other land use mechanisms to increase density in south Hillsborough County are readily available and more easily implemented, it could prove difficult to establish and maintain a viable market for TDRs.” [Market Study, p. 134]

List Attachments: Market Study