

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
May 14, 2012–8:35 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
  - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 9, 2012 Planning Board Meeting.
  - B. Planning Board Monthly Action Follow-up Report for April 2012.
  - C. Planning Board Six Month Outlook for May 2012.
4. Public Hearings.
  - A. Comprehensive Plan - Small Scale Amendment 2012-01  
That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2012-01; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.
  - B. LDC Ordinance - Article 3 Definitions - Criteria for Local Roadways  
That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider and Ordinance amending Article 3, Definitions to define street collector, and to add criteria for local roadways.
  - C. Moratorium of Rezoning in AIPD Areas  
That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance placing a moratorium on rezoning applications in specified areas adjacent to local military airfields.
  - D. LDC Ordinance - Article 13 - Floodplain Management SRIA  
That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Floodplain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction prepared by the Santa Rosa Island Authority.

E. LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts

That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

5. Action/Discussion/Info Items.

A. Request for Planning Board interpretation to clarify allowable uses in ID-2.

B. Escambia County Comprehensive Plan Implementation Annual Report Year 2010/2011

That the Planning Board review and recommend approval of the Fiscal Year 2010/2011 CPIC Annual Report to The Board of County Commissioners (BCC).

6. Public Forum.

7. Director's Review.

8. County Attorney's Report.

9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, June 11, 2012 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.

11. Adjournment.





**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**3.**

**Meeting Date: 05/14/2012**

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**Information**

**Agenda Item:**

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 9, 2012 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for April 2012.

C. Planning Board Six Month Outlook for May 2012.

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**Attachments**

Quasi-Judicial Hearing Resume'

Planning Board Regular Meeting Resume'

Monthly Action Follow Up

Six Month Outlook

# DRAFT

## RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL HEARING APRIL 9, 2012

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
(8:37 A.M. - 2:23 P.M.)**

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
David Woodward  
Dorothy Davis  
Robert V. Goodloe  
Karen Sindel  
Alvin Wingate  
Patty Hightower, School Board (non-voting)  
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney  
Lloyd Kerr, Director, Development Services  
Horace Jones, Division Mgr., Planning & Zoning  
Andrew Holmer, Sr. Planner, Planning & Zoning  
Juan Lemos, Urban Planner, Planning & Zoning  
Allyson Cain, Urban Planner, Planning & Zoning  
John Fisher, Urban Planner, Planning & Zoning  
Brenda Wilson, Urban Planner, Planning & Zoning  
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 8:37 a.m.
2. Invocation and pledge were given by Mr. Wingate.  
  
Board Clerk administered the oath of office to Mr. David Woodward.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.  
  
Motion by Dorothy Davis, Seconded by Robert V. Goodloe  
Motion to waive the reading of the legal advertisement.

**Vote: 7 - 0 Approved - Unanimously**

4. Quasi-judicial Process Explanation.

Motion by Robert V. Goodloe, Seconded by Karen Sindel  
Motion to accept the rezoning package as submitted.

**Vote:** 7 - 0 Approved - Unanimously

5. Public Hearings.

A. Z-2012-04

Address: 3041 Olive Rd

From: R-4, Multiple-Family  
District, (cumulative) Medium  
High Density

To: R-6, Neighborhood Commercial  
and Residential  
District, (cumulative) High  
Density

Speakers: Susan Thibodeaux, Owner  
Werner Buchholz

No planning board member acknowledged any ex parte communication regarding this item.

Ms. Sindel, Mr. Stitt and Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Karen Sindel  
Motion to approve rezoning Z-2012-04 and accept staff findings of fact.

**Vote:** 7 - 0 Approved - Unanimously

B. Z-2012-05

Address: 7595 Scenic Highway

From: R-1/C-1; Single-Family District (Low  
Density) and Retail Commercial  
(cumulative)

To: C-1, Retail Commercial (cumulative)

Speakers: George Rothbauer, Agent for Owner, Paul McCleary, James Bishop, Diane Bagwell, Rosemary Hefti, Dorothy Franklin, Penelope Moore, Robert Moore, Jacqueline Moss, Marion Valle, Albert Martin, Paul Entrekin, Robert Sheldon, Cherish Moorner, David Pinder, Robert Hall

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Dorothy Davis  
Motion to accept into evidence Moss Public Exhibit 1.

**Vote:** 7 - 0 Approved - Unanimously

Motion by Dorothy Davis, Seconded by Karen Sindel  
Motion to accept into evidence Valle Public Exhibit 2.

**Vote:** 7 - 0 Approved - Unanimously

Motion by Tim Tate, Seconded by Wayne Briske  
Motion to accept into evidence Martin Public Exhibit 3.

**Vote:** 7 - 0 Approved - Unanimously

Motion by Alvin Wingate, Seconded by Dorothy Davis  
Motion to approve rezoning Z-2012-05 and accept staff findings of fact.

**Vote:** 4 - 3 Approved

Voted No: Wayne Briske  
David Woodward  
Robert V. Goodloe

- C. Z-2012-06  
Address: 6208 Highway 29 N  
From: V-5, Villages Clustered Residential District,  
(one unit per acre, if unsewered)

To: VR-2, Villages Rural  
Residential District,  
(one unit per 0.75 acre)  
Speakers: Melanie Edmonson,  
Agent for Owners

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by David Woodward, Seconded by Dorothy Davis  
Motion to table rezoning case Z-2012-06 until applicant can provide probate documentation.

**Vote:** 3 - 4 Failed

Voted Yes: Tim Tate  
David Woodward  
Dorothy Davis

Motion by Karen Sindel, Seconded by Dorothy Davis  
Motion to approve rezoning Z-2012-06 and accept staff findings of fact.

**Vote:** 7 - 0 Approved - Unanimously

D. Z-2012-07

Address: 10095 Hillview Dr  
From: R-4, Multiple-Family  
District,(cumulative) Medium High  
Density  
To: R-5, Urban Residential/Limited Office  
District (cumulative) High Density  
Speakers: Jesse Rigby, Agent for  
Owners, Lewis Bear, Matt Altier,  
Mike Richardson, John Porter, Chad  
Colman, Donna Robertson, Jeff  
Rock, Marcia Boney, Harold  
Eilertsen, JoAnne Meyer, Naz Jonas,  
Dan Jonas, Clayton Roesch, Terry  
Meyer Jason Harvey, Lou Brogna,  
Muriel Wagner, John Gelman

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Goodloe and Ms. Sindel acknowledged visiting the site.

Mr. Wingate refrained from voting on this matter due to a conflict of interest.

Motion by David Woodward, Seconded by Karen Sindel  
Motion to accept Mr. Mike Richardson, architect with Bullock-Tice, as an expert witness.

**Vote:** 6 - 0 Approved

Motion by David Woodward, Seconded by Karen Sindel  
Motion to accept into evidence Meyer Public Exhibit 1.

**Vote:** 6 - 0 Approved

Motion by Tim Tate, Seconded by Dorothy Davis  
Motion to approve rezoning case Z-2012-07, 10095 Hillview Drive, from R-4 to R-5 and accept staff findings of fact.

**Vote:** 6 - 0 Approved

6. Meeting was adjourned at 2:23 p.m.





**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Ahain A Wingate, hereby disclose that on April 9, 20 12

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Cordwell Banker Commercial;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Broker listed property

04-19-2012  
Date Filed

Ahain A Wingate  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



# **DRAFT**

**RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD  
REGULAR MEETING  
APRIL 9, 2012**

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(2:33 P.M. - 2:58 P.M.)**

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
David Woodward  
Dorothy Davis  
Robert V. Goodloe  
Karen Sindel  
Patty Hightower, School Board (non-voting)  
Bruce Stitt, Navy (non-voting)

Absent: Alvin Wingate

Staff Present: Stephen West, Assistant County Attorney  
Lloyd Kerr, Director, Development Services  
Horace Jones, Division Mgr., Planning & Zoning  
Andrew Holmer, Sr. Planner, Planning & Zoning  
Juan Lemos, Urban Planner, Planning & Zoning  
Allyson Cain, Urban Planner, Planning & Zoning  
John Fisher, Urban Planner, Planning & Zoning  
Brenda Wilson, Urban Planner, Planning & Zoning  
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 2:33 p.m.
2. Proof of Publication was given by the Board Clerk.
3. Approval of Minutes.

A. **RECOMMENDATION** : That the Planning Board review and approve the Meeting Resume' Minutes of the March 12, 2012 and March 28, 2012 Planning Board Meetings.

B. Planning Board Monthly Action Follow-up Report for March 2012.

C. Planning Board 6-Month Outlook for April 2012.

Motion by Robert V. Goodloe, Seconded by Dorothy Davis  
Motion to approve Meeting Resume' Minutes of the March 12, 2012 and March 28, 2012 Planning Board Meetings.

**Vote:** 6 - 0 Approved - Unanimously

4. Public Hearings.

A. LDC Ordinance - Article 13 - SRIA Design Guidelines for Signs & Outdoor Display

That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance prepared by the Santa Rosa Island Authority (SRIA) amending Article 13, Section 13.22.03 to add standards and guidelines for new and existing businesses for wall signs and outdoor displays.

Motion by Tim Tate, Seconded by Karen Sindel  
Motion to recommend adoption of Ordinance to the Board of County Commissioners.

**Vote:** 6 - 0 Approved - Unanimously

5. Action/Discussion/Info Items.

A. Discussion - LDC Ordinance-Article 13 - Floodplain Management SRIA  
That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Floodplain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction prepared by the Santa Rosa Island Authority.

Staff to schedule for Public Hearing at next Planning Board Regular Meeting.

B. Escambia County Comprehensive Plan Implementation Annual Report Year 2010/2011

That the Planning Board review and recommend approval of the Fiscal Year 2010/2011 CPIC Annual Report to The Board of County Commissioners (BCC).

No action taken.

6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, May 14, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.

Received reappointment letter from the Navy for Mr. Bruce Stitt.

11. Meeting was adjourned at 2:58 p.m.



T. Lloyd Kerr, AICP, Director  
Development Services

## MEMORANDUM

**TO:** Planning Board

**FROM:** Denise Halstead  
Planning & Zoning Division

**DATE:** May 4, 2012

**RE:** Monthly Action Follow-Up Report for April 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **April**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

## PROJECTS, PLANS, & PROGRAMS

### **1. Perdido Key Master Plan**

01/12/12 BCC directed staff to send out a Request for Letters of Interest

## COMMITTEES & WORKING GROUP MEETINGS

None

## COMPREHENSIVE PLAN AMENDMENTS

### **1. Comprehensive Plan Text Amendment - Ordinance amending the 2030 Escambia County Comprehensive Plan to remove all references to Florida Rule 9J-5; to remove all references to Department of Community Affairs and replace with Florida Department of Economic Opportunity (FDEO); to remove all references to Florida Statute 163.3101 and replace with Florida Statute 163.3161.**

01/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.

03/01/12 BCC approved transmittal to DEO

05/17/12 Adoption hearing

## **LAND DEVELOPMENT CODE ORDINANCES**

### **1. Alcohol Zoning District C-2NA**

- 02/13/12 PB recommended approval of the ordinance establishing the C-2NA zoning district
- 05/03/12 BCC meeting (1<sup>st</sup> of 2)
- 06/28/12 BCC meeting (2<sup>nd</sup> of 2)

### **2. Article 2 Administration Application for Rezoning**

- 02/13/12 PB recommended approval of the ordinance
- 05/03/12 BCC approved ordinance

## **REZONING CASES**

### **1. Rezoning Case Z-2012-01**

- 01/09/12 PB recommended approval of rezoning of western portion in AIPD-2 to AMU-2; eastern portion within AIPD-1 to remain R-R, Rural Residential.
- 02/02/12 BCC remanded the case back to the PB for review
- 03/12/12 PB recommended denial of rezoning
- 05/03/12 Denied by BCC

### **2. Rezoning Case Z-2012-02**

- 03/12/12 PB recommended denial of rezoning
- 03/22/12 Withdrawn by applicant

### **3. Rezoning Case Z-2012-03**

- 03/12/12 PB recommended approval of rezoning
- 05/03/12 BCC approved

### **4. Rezoning Case Z-2012-04**

- 04/09/12 PB recommended approval of rezoning
- 05/03/12 BCC approved

**5. Rezoning Case Z-2012-05**

04/09/12 PB recommended approval of rezoning

05/03/12 Denied by BCC

**6. Rezoning Case Z-2012-06**

04/09/12 PB recommended approval of rezoning

05/03/12 BCC approved

**7. Rezoning Case Z-2012-07**

04/09/12 PB recommended approval of rezoning

05/03/12 BCC approved

# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR MAY 2012

(Revised 05/04/12)

A.H. = Adoption Hearing      T.H. = Transmittal Hearing      P.H. = Public Hearing

\* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes Public Hearing	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
<b>Monday, May 14, 2012</b>	<ul style="list-style-type: none"> <li>• Location Criteria for Local Roads</li> <li>• Moratorium of Rezoning in AIPD Areas</li> <li>• Flood Plain Revision-SRIA</li> <li>• CRA Overlay</li> </ul>	<ul style="list-style-type: none"> <li>• SSA-2012-01</li> </ul>	<ul style="list-style-type: none"> <li>• Z-2012-08</li> <li>• Z-2012-09</li> <li>• Z-2012-10</li> <li>• Z-2012-11</li> </ul>	<ul style="list-style-type: none"> <li>• PBI-2012-02</li> <li>• Comp Plan Annual Report</li> </ul>
<b>Monday, June 11, 2012</b>	<ul style="list-style-type: none"> <li>• Boat Lift-SRIA</li> </ul>			<ul style="list-style-type: none"> <li>• PSFE Update</li> <li>• FEMA Floodplain Ordinance Revision</li> <li>• Comp Plan OSP (FLU 5) Text Amendment</li> </ul>
<b>Monday, July 9, 2012</b>				
<b>Monday, August 13, 2012</b>				
<b>Monday, September 10, 2012</b>				
<b>Monday, October 08, 2012</b>				

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.



## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

4. A.

**Meeting Date:** 05/14/2012

**Issue:** Comprehensive Plan - Small Scale Amendment 2012-01

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

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#### Information

##### **RECOMMENDATION:**

That the Planning Board review and recommend adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2012-01; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.

##### **BACKGROUND:**

Neal Bjorklund, Agent for Galen and Rosalie Schmidt, requested an amendment to change the Future Land Use category for a parcel totaling 9.98 (+/-) acres from Agricultural (AG) to Industrial (I). The attached implementing Ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consists of 9.98 (+/-) acres which is under the 10 acres or less requirement for a small scale amendment as stated in F.S. 163.3187(a). This amendment is the first small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S. 163.3187(b).

##### **BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

##### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

##### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

##### **POLICY/REQUIREMENT FOR BOARD ACTION:**

Comprehensive Plan Section 4.07 requires a public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

##### **IMPLEMENTATION/COORDINATION:**



Implementation of this Ordinance will consist of an amendment to the Comprehensive Plan and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

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### **Attachments**

Staff Analysis

SSA-2012-01 Packet

Ordinance Draft

## Comprehensive Plan Amendment Staff Analysis

### General Data

**Project Name:** SSA 2012-01  
**Location:** Highway 97-A  
**Parcel #s:** 11-4N-33-4100-000-000  
**Acreage:** 9.98 (+/-) acres  
**Request:** From Agricultural (AG) to I- Industrial  
**Agent:** Neal Bjorklund, Agent for Galen and Rosalie Schmidt

**Meeting Dates:** Planning Board May 14, 2012  
BCC May 17, 2012

### Summary of Proposed Amendment:

The proposed amendment is for a 9.98 (+/-) acre parcel located on Highway 97-A. It is south of Highway 99A and west of the right-of-way of a railroad road in Walnut Hill. The adjacent and surrounding parcels are currently zoned VAG-1, VR-1 and VR-2.

The proposed small scale amendment meets the following conditions in order to be classified as a small scale comprehensive plan amendment:

- a) The parcel is 9.98 (+/-) acres which is under the 10 acres or fewer as stated in 163.3187(a)
- b) This amendment is the first small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category of a 9.98(+/-) acre portion of a 20 (+/-) acre parcel from Agricultural Future Land Use to Industrial Future Land Use. The zoning designation for the referenced parcel is VAG-1, Village Agricultural. The intent of the proposed FLU change is to allow for the development of an oil transfer station. The applicant has submitted the subject parcel for a rezoning.

## **Land Use Impacts:**

### Residential Impact

Under Comprehensive Plan Policy 1.3.1, the parcels current Agricultural (AG) Future Land Use category allows for a maximum intensity of 0.25 Floor Area Ratio (FAR) for non-residential uses. It allows for agricultural and silvicultural related activities as well as for commercial activity limited to those endeavors.

The proposed amendment to Industrial Future Land Use category allows for a maximum intensity of 1.0 FAR for non-residential uses. It allows for light to intensive industrial, ancillary retail and office and no new residential development is allowed.

## **Availability of Facilities and Services:**

### **Comp Plan FLU 1.5.3 New Development and Redevelopment in Built Areas**

*To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).*

**FLU 3.1.2 Water Facility Extensions.** *Escambia County shall coordinate with potable water providers on any extensions of potable water facilities in rural area.*

The Escambia River Energy Cooperative will be the potable water provider for the parcel.

### **GOAL CMS 1 Concurrency Management System**

*Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.*

The applicant states the site will not generate increased traffic for this project.

### **CMS 1.2.1 Concurrency Determination.**

*The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued.*

## **Potable Water**

### ***INF 4.1 Provision of Potable Water Service***

*Ensure the safe and efficient provision of potable water services through coordination with service providers, maximized use of existing facilities, maintenance of appropriate levels of service, correction of existing deficiencies, water conservation and protection of natural resources.*

*The adopted level of service (LOS) standards for, potable water, are established in Comprehensive Plan Policy INF 4.1.7. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.*

The Escambia River Energy Cooperative would be the potable water provider for the parcel.

As indicated by the agent's analysis, the closest potable water service is a 6 inch water line on the north side of Arthur Brown Rd, which will require the applicant to extend the line to the site.

## **Sanitary Sewer**

*The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. For non-residential uses, the LOS shall be based upon an Equivalent Residential Connection (ERC) calculated by the provider and on the size of the non-residential water meter.*

Neither the Escambia River Energy Cooperative nor any other provider presently has sewer collection lines that can serve the parcel. The agent's analysis states to use an onsite sewage disposal system permitted in accordance with the Escambia County Health Department.

## **Solid Waste Disposal**

*As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. Solid waste from the parcel will be disposed at the Perdido Landfill. The current build-out of the 424-acre landfill facility is 74 acres. Based on population growth projections and estimated annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 70 years.*

The agent identified Allied Waste as the possible solid waste provider for the parcel and that the waste would go to the Perdido Landfill.

Based on the level of service standards and estimated life of the landfill, there will not be an additional impact on capacity.

### **Stormwater Management**

*Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:*

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Any new development on the parcel must meet these LOS requirements and may necessitate the construction of stormwater management facilities. Drainage LOS compliance would be addressed as part of the site development review process.

### **Traffic Concurrency**

*Under Comp Plan CMS 1.1.2 **Primary Tasks**. The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program*

*to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.*

The agent's description for the intended use is for the transfer of crude oil from rail car to pipeline or stored in an onsite tank. The site is to be accessed via the extension of the north-south railroad roadway to the site.

The county's Transportation & Traffic Operations Division analyzed the impacts on area roads from trips generated by potential use of the parcel. The analysis estimated the impacted road segments of Highway 97A and 99A would all maintain their adopted levels of service established in Comprehensive Plan Policy Mobility Element (MOB)1.1.2 and would meet the test for concurrency prescribed by Land Development Code (LDC) Section 5.12.00.

**SUMMARY:** Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

### **Impact on Wellheads, Historically Significant Sites and the Natural Environment:**

#### **Wellheads:**

**CON 1.4.1 Wellhead Protection.** *Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The Escambia County GIS maps did not indicate any wellheads sites near the subject parcel.

#### **Historically Significant Sites:**

**FLU 1.2.1 State Assistance.** *Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

The agent's analysis indicated no historical significance for the amendment site, a statement from Wetland Sciences, Inc. indicates after reviewing the Master Site File, TRS Search performed by the Florida of Historical Resources, there was one previously recorded archaeological site, found over a mile north of the subject parcel.

**Wetlands:**

**CON 1.1.2 Wetland and Habitat Indicators.** *Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

There appear to be no environmentally sensitive lands on the subject parcel. The proposed development shall be reviewed for compliance with the all the federal, state and local regulations prior to the issuance of any site plan approval.

**Comprehensive Plan Consistency and Relevant Policies:**

**FLU 1.3 Future Land Use Map Designations:**

*“Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.”*

***Industrial Future Land Use Category:***

**FLU 1.3.1** *states that the Industrial FLU “is intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents.*

New industrial uses in the I-Industrial category may be permitted provided such use conforms to the permitted uses listed in the ID-2 zoning category. The adjacent and nearby properties are currently zoned village agricultural or village rural and are being utilized for agriculture which is not compatible with the requested Industrial Future Land Use. If this amendment is granted, the agent must submit an application for the quasi-judicial rezoning process prior to receiving a development order.

**FLU 1.5.3 New Development and Redevelopment in Built Areas.** *To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban,*

*Commercial and Industrial Future Land Use districts categories (with the exception of residential development).*

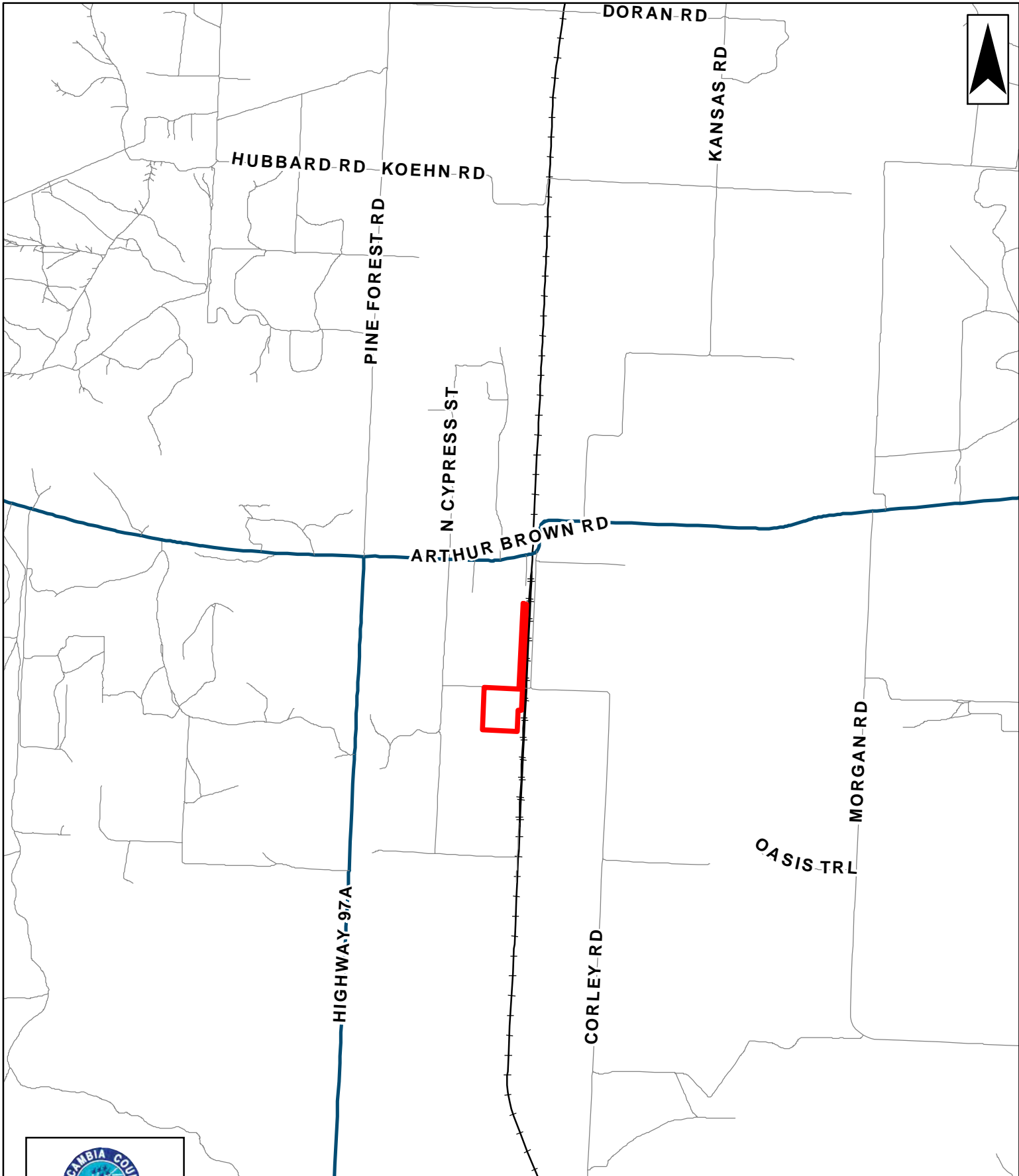
The agent analysis states the activities on the site will not involve intensive or heavy industrial uses and the impact upon existing public roads, utilities and service infrastructures will be minimal.

### Summary

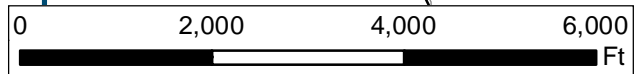
County staff understands that industrial uses are a tremendous economic factor as it generates jobs and provides goods and services for consumers. Industrial uses are a vast minority throughout Escambia County and there is a need for the economic viability; however a change from lowest to highest intensity of uses would allow any of the permitted uses in ID-2 zoning, such as steel mills, salvage yards, asphalt plants, refineries. These uses may be offensive or incompatible with the surrounding agricultural areas currently having a Future Land Use designation of Agricultural or Rural Community and may impact the area in regards to noise or increased traffic.




**SSA-2012-01**



# SSA-2012-01 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.



VM-1

ARTHUR BROWN RD

STEWART RD

VR-1

VR-2

MITCHELL RD

VR-1

S CYPRESS ST

VAG-1

CORLEY RD

VAG-1

CORLEY RD

VAG-1

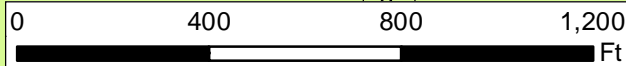
RAILROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-01 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



ARTHUR BROWN RD

STEWART RD

RC

RC

MITCHELL RD

S CYPRESS ST

RC

CORLEY RD

AG

RC

CORLEY RD

AG

AG

AG

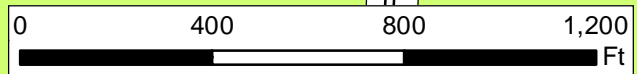
RAILROAD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-01 EXISTING FLU



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS



ARTHUR BROWN RD

STEWART RD

RC

RC

MITCHELL RD

S CYPRESS ST

RC

CORLEY RD

AG

RC

CORLEY RD

I

AG

AG

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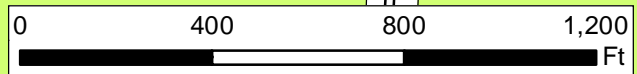
RAILROAD



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Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-01 PROPOSED FLU



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- RAILROAD
- PARCELS





ARTHUR BROWN RD

STEWART RD

MITCHELL RD

RAILROAD

SCYPRESS ST

CORLEY RD

CORLEY RD

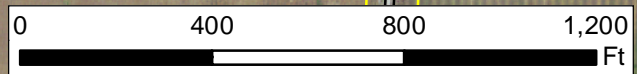
RAILROAD









This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer  
Planning and Zoning Dept.

# SSA-2012-01 AERIAL MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  RAILROAD
-  PARCELS





**NOTICE OF  
REQUEST FOR FUTURE  
LAND USE CHANGE**

EXISTING FUTURE LAND USE AG

PROPOSED FUTURE LAND USE I

CPA NUMBER SSA-2012-01

**PUBLIC MEETING/HEARING**

**PLANNING BOARD**

DATE: 5/14/12 TIME: 8:30 a.m.

Central Office Complex  
3363 West Park Place  
Room 104 Board Meeting Room

**BOARD OF COUNTY COMMISSIONERS**

DATE: 5/17/12 TIME: 5:45 p.m.

ESCAMBIA COUNTY COURTHOUSE  
221 PALAFOX PLACE  
1<sup>ST</sup> FLOOR BCC CHAMBERS

FOR MORE INFORMATION CALL:  
ESCAMBIA COUNTY PLANNING AND ENGINEERING  
595-3475





LOOKING WEST AT THE PARCEL





LOOKING EAST





LOOKING SOUTH





LOOKING NORTH





LOOKING EAST





# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

Telephone: (251) 626-2626  
Fax: (251) 626-6934

April 5, 2012

Ms. Allyson Cain  
Planning Board Coordinator  
Escambia County Development Services  
3363 West Park Place  
Pensacola, FL 32505

RE: Small Scale Future Lane Use Amendment for  
Genesis Rail Systems, LLC  
Arthur Brown Road, Walnut Hill, Florida

Dear Ms. Cain:

The owner of the referenced parcel wishes to construct a crude oil transfer station to transfer crude oil from tank cards to an existing pipeline. The site currently has a future land use of AG and zoning of VAG-1 which does not allow for this type of development. We are requesting a future land use designation of I to allow for the development of the subject parcel.

We have attached the following items for your review:

1. One copy of the complete application including the owners information, description of the property, affidavit of ownership and authorization, affidavit of ownership and limited power of attorney, and concurrency determination acknowledgment form.
2. One copy of the warranty deed as proof of ownership.
3. One street map depicting the general location of the subject parcel.
4. One copy of the boundary survey.
5. One copy of the site conditions survey.
6. A check in the amount of \$1,750.00.

Please forward these documents to the appropriate staff and planning board members. Should you have questions or comments, please call me at 251.626.2626. We appreciate your assistance in this matter.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

  
Douglas A. Bailey, P.E.

/djh

G1068/3746/12.073

cc: Neal Bjorklund

ESCAMBIA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 3363 West Park Place, Pensacola, FL 32505 (850) 595-3475

**FUTURE LAND USE MAP AMENDMENT APPLICATION**

**(THIS SECTION FOR OFFICE USE ONLY):**

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT   X    
 LARGE SCALE FLU AMENDMENT                     

Current FLU:   AG   Desired FLU:   I   Zoning:   VAG-1   Taken by:                     

Planning Board Public Hearing, date(s):   5/14/12  

BCC Public Hearing, proposed date(s):   5/17/12  

Fees Paid   \$1750.00   Receipt #   552696   Date:   4/5/12  

**OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL**

Name:   Galen Schmidt  

Address:   1120 Highway 97A  

City:   Walnut Hill   State:   FL   Zip Code:   32568  

Telephone: ( 251 )   294-2146  

Email:   NA  

**DESCRIPTION OF PROPERTY:**

Street address:   6125 Arthur Brown Road  

  Walnut Hill / See Attached Survey  

Subdivision:   NA  

Property reference number: Section   11   Township   4N   Range   3W  

Parcel   4100   Lot   000   Block   000  

Size of Property (acres)   9.98 acres




ESCAMBIA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
3363 West Park Place, Pensacola, FL 32505 (850) 595-3475

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR  
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

Signature (Property Owner)	Printed Name	Date
	Neal Bjorklund	4/5/12

Signature (Agent's Name (or owner if representing oneself)	Printed Name	Date
--	--------------	------

Address: Genesis Energy, Inc., 3652 Berryhill Road


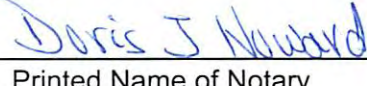
City: Pace State: FL Zip: 32571

Telephone ( 713 ) 860 - 2787 Fax # (713 ) 860 - 2626

Email: neal.bjorklund@genlp.com

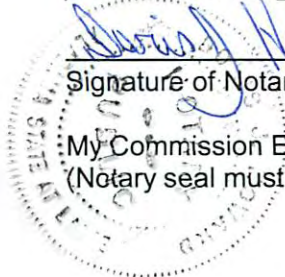
STATE OF Alabama  
COUNTY OF at Large

The forgoing instrument was acknowledged before me this 5<sup>th</sup> day of April, year of 2012 by \_\_\_\_\_ who ( ) did ( ) did not take an oath. He/she is ( ) personally known to me, ( ) produced current Florida/Other driver's license, and/or ( ) produced current \_\_\_\_\_ as identification.

	Date	
Signature of Notary Public	Date	Printed Name of Notary

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Dec 22, 2012

My Commission Expires 4/5/12 THRU NOTARY PUBLIC UNDERWRITERS Commission No. \_\_\_\_\_  
(Notary seal must be affixed)



ESCAMBIA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
3363 West Park Place, Pensacola, FL 32505 (850) 595-3475

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 6125 Arthur Brown Rd. Walnut Hill  
Pensacola, Florida, Property Reference Number(s) 11-4N-33-4100-000-000

I hereby designate Neal Bjorklund, for the sole purpose of completing this application  
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the  
Board of County Commissioners, to request a change in the Future Land Use on the above  
referenced property.

This Limited Power of Attorney is granted on this 2nd day of April, the year of  
2012, and is effective until the Board of County Commissioners has rendered a decision on  
this request and any appeal period has expired. The owner reserves the right to rescind this  
Limited Power of Attorney at any time with a written, notarized notice to the Planning and  
Engineering Department.

<u>Galen Schmidt</u>	<u>Rosalie Schmidt</u>	<u>4-2-12</u>	<u>Galen Schmidt</u>	<u>Rosalie Schmidt</u>
Signature of Property Owner	Date		Printed Name of Property Owner	
<u>Neal Bjorklund</u>	<u>4-2-2012</u>		<u>Neal Bjorklund</u>	
Signature of Agent	Date		Printed Name of Agent	

STATE OF Florida  
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 2 day of April, year of  
2012, by Galen Schmidt, Rosalie Schmidt, Neal Bjorklund who (X) did ( ) did not take an  
oath.

He/she is ( ) personally known to me, (X) produced current Florida/Other driver's license,  
and/or ( ) produced current \_\_\_\_\_ as  
identification.

<u>Lauren Baczewski</u>	<u>4/2/12</u>	<u>Lauren Baczewski</u>
Signature of Notary Public	Date	Printed Name of Notary Public

Commission Number EE 174871 My Commission Expires 3/1/16

(Notary seal must be affixed)





**FUTURE LAND USE MAP AMENDMENT APPLICATION  
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

Walnut Hill Crude Oil Transfer Station

Property reference #: Section 11 Township 4N Range 3W

Parcel # 11-4N-33-4100-000-000

Project Address:

6125 Arthur Brown Road, Walnut Hill, Florida 32568

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 5 DAY OF April, 2012

Owner's signature

Agent's signature

Owner's name (print)

Agent's name (print)

OR BK 5532 PG0986  
Escambia County, Florida  
INSTRUMENT 2004-307001

REC'D REC. STAFFS FR & SEC. CH. 6152.49  
12/1/04 BRUCE LEE HARRIS, CLERK

1850  
156240

**WARRANTY DEED**

**STATE OF FLORIDA  
COUNTY OF ESCAMBIA**

**KNOW ALL MEN BY THESE PRESENTS:** that **BEN HIEBERT**, Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable considerations the receipt of which is hereby acknowledged, have bargained, sold, conveyed and granted unto **GALEN SCHMIDT AND ROSALIE SCHMIDT**, Husband and Wife, 1120 Highway 97A, Walnut Hill, FL, 32568 and **BEN HIEBERT**, 850 Hwy 97-A, Walnut Hill, Florida, 32568, Grantees, and grantee's heirs, executors, administrators and assigns, forever, the following described property, situate, lying and being in the County of Escambia, State of Florida, to wit:

BEGIN 100 FEET WEST AND 330 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4, THENCE SOUTH 990 FEET, THENCE WEST 1191 FEET TO THE EAST LINE OF CYPRESS STREET, THENCE NORTH 1324 FEET, THENCE EAST 596 FEET, THENCE SOUTH 330 FEET, THENCE EAST 595 FEET TO POINT OF BEGINNING, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, AND THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LESS DEED BOOK 563, PAGE 554 STATE ROAD R/W, S/97A, OF SECTION 14, SECTION 11/14, TOWNSHIP 4 NORTH, RANGE 33 WEST AND ALSO THE NORTH 330 FEET OF THE EAST 695 FEET OF THE SOUTHEAST 1/4, OR BOOK 1182, PAGE 145 AND ALSO BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SECTION, SOUTH 89 DEGREES, 09 MINUTES, 44 SECONDS, EAST ALONG THE SOUTH LINE OF SECTION 19, THENCE 83/100 FEET TO EASTERLY R/W LINE STATE ROAD 97A (100 FEET R/W), THENCE CONTINUE SOUTH 89 DEGREES, 09 MINUTES, 44 SECONDS, EAST ALONG SOUTH LINE OF SECTION, THENCE 1276 17/100 FEET FOR POINT OF BEGINNING, DEPART SOUTH LINE OF SECTION, NORTH 01 DEGREES, 25 MINUTES, 54 SECONDS, THENCE EAST 3311 63/100 FEET TO NORTHEAST CORNER OF SOUTH 1/2 OF SOUTHWEST 1/4 OF NORTHEAST 1/4 OF SECTION, THENCE SOUTH 00 DEGREES, 57 MINUTES, 53 SECONDS, THENCE WEST ALONG THE EAST LINE OF THE WEST 1/2 OF THE EAST 1/2 OF SECTION, THENCE 3311 46/100 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SOUTHEAST 1/4 OF THE SECTION, THENCE NORTH 89 DEGREES, 09 MINUTES, 44 SECONDS, THENCE WEST ALONG THE SOUTH LINE OF SECTION, THENCE 26 99/100 FEET TO POINT OF BEGINNING, OR BOOK 4772, PAGE 403. (5.26<sup>rd</sup>)

OR BK 5532 P00987  
Escambia County, Florida  
INSTRUMENT 2004-307001

RCD Dec 01, 2004 03:14 pm  
Escambia County, Florida

Account No.: 114N334100000000

ERNIE LEE MAGNIA  
Clerk of the Circuit Court  
INSTRUMENT 2004-307001

TO HAVE AND TO HOLD, unto the Grantees, their successors and assigns,  
forever.

Together with all and singular the tenements, hereditaments and  
appurtenances thereto belonging in anywise appertaining, free from all  
exemptions and right of homestead.

And said grantor does fully warrant the title to said land and will  
defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, grantor has hereunto set his hand and seal on  
this 25<sup>th</sup> day of July, 2004.

Ben Hiebert  
BEN HIEBERT  
Grantor

WITNESS Stephanie Solomon  
Printed Name: Stephanie Solomon

WITNESS Tina Marsh  
Printed Name: Tina Marsh

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

Before me the subscriber personally appeared Ben Hiebert, and the witnesses, all  
known to me, and known to me to be the individuals described by said name in and who  
executed the foregoing instrument and acknowledged that, as grantor, executed the same for  
the uses and purposes therein set forth.

Given under my hand and seal on this 25<sup>th</sup> day of July, 2004.

Mary Lorene Whitmore  
NOTARY PUBLIC



MARY LORENE WHITMORE  
MY COMMISSION # DD 28630  
EXPIRES: April 17, 2008  
Bundled Time Budget Notary Services

Prepared By:  
Law Office of Stephanie Solomon  
5691 Morgan Road  
Walnut Hill, FL 32568  
(850) 494-9241

5571 MORGAN RD.  
WALNUT HILL, FL 32568

# Mid South Land Services Inc Inc.

Mail:  
P. O. Box 766  
Montrose, AL 36559-0766

Physical:  
107 Mockingbird Lane  
Fairhope, AL 36532-3390

## Letter Agreement

2/27/2012

Galen & Rosalie Schmidt  
1120 Highway 97 A  
Walnut Hill, FL 32568

RE: 20 acres of Land in N/2 of NE/4 of SE/4  
Section 11-T4N-R33W-Escambia, FL

This letter shall set out the basic terms of agreement between Mr. Galen Schmidt and his wife Rosalie as Grantors, and Mike Newsome, as agent for Grantee, Genesis Rail Services, LLC. regarding the sale of the above described lands located in Escambia County, FL.

For and in consideration of the down payment of a [REDACTED] deposit paid to Grantors this date, Grantors hereby agree to sell ~~and or exchange (via 1031 Like Kind Exchange Guidelines)~~ the following described 20 acres of land unto the Grantee as soon as merchantable title is perfected. Grantee agrees to absorb and pay the costs associated with perfecting the title to this property along with the other lands listed on the Deed recorded at OR Book 5532/986 & the Mennonite Church lands at Deed recorded in OR Book 5532/990. [Handwritten initials]

**Township 4 North, Range 33 West**

**Section 11: The N/2 of the NE/4 of the SE/4 containing 20 acres more or less. Less & except all Oil, Gas and Minerals under subject lands.**

Upon approval of clear and merchantable title, Grantee hereby agrees to tender as full and final payment and consideration for the execution of a valid Warranty Deed the amount of [REDACTED] ~~or comparable valued LKE property.~~ Grantors further offer and agree to provide any guidance and relevant information he may have to the Grantee and their agents [REDACTED] [Handwritten initials]

Grantee shall use their best efforts to obtain clear and marketable title to the property. However, if Grantee is unable to clear all objections to title within 180 days from the execution of this agreement, then Grantee shall have the option of terminating this agreement and forfeiting their [REDACTED] deposit. Upon this occurrence, the Grantee shall have no further obligations to Grantors with respect to this agreement.

Grantor and Grantee further agree to allow language to be included in the pending conveyance that will allow the grantor the right of future ingress and egress to and from his adjacent lands and to get to other lands located to the north of the subject property on both the east and west side of the S/2 of the NE/4 of the SE/4.

Terms of this Letter Agreement agreed and accepted this 2~~nd~~<sup>nd</sup> <sup>month</sup> day of February 2012.

Galen Schmidt  
Galen Schmidt, Grantor

Rosalie Schmidt  
Rosalie Schmidt, Grantor

Brian K. Decker  
Witness: Brian K. Decker

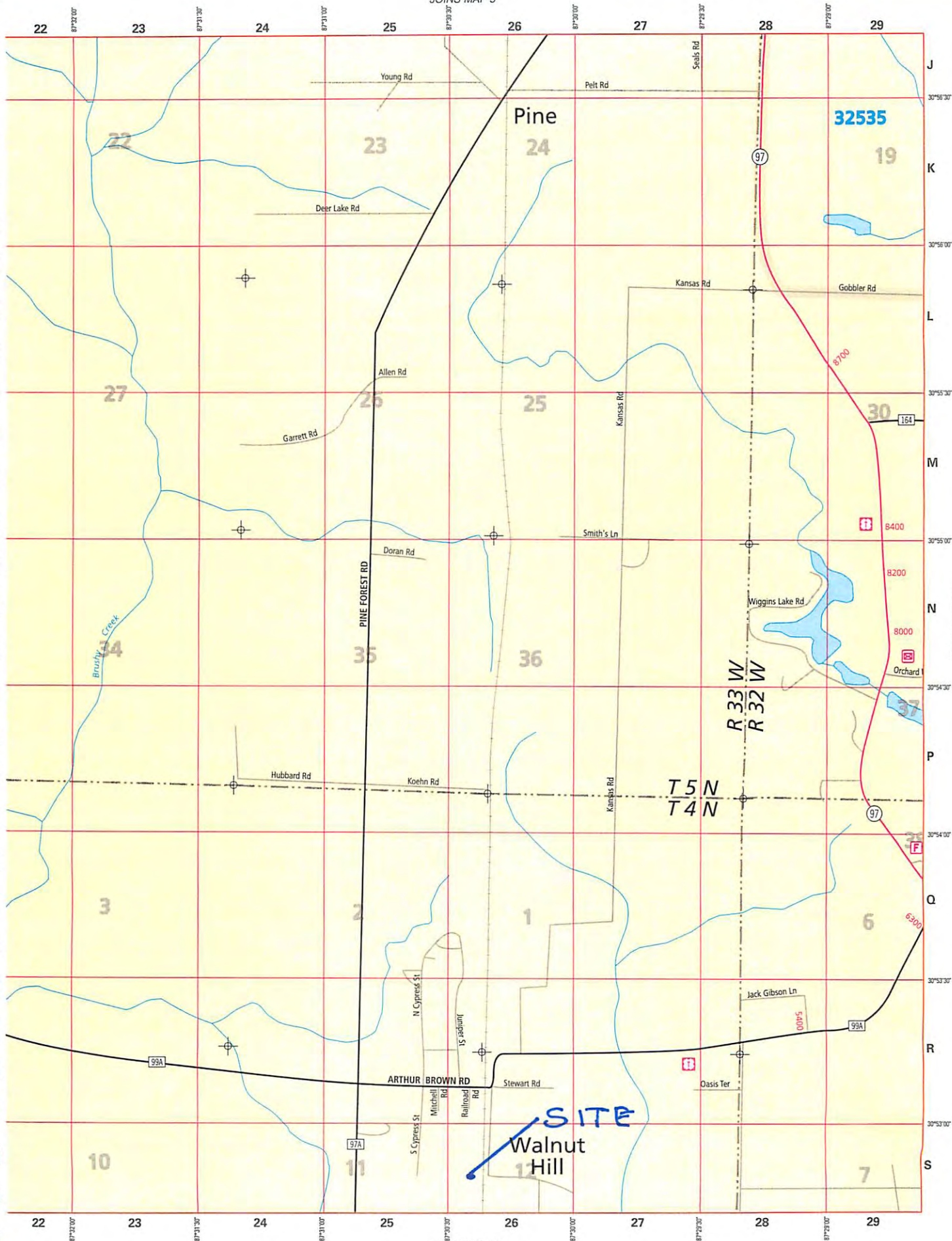
James M. FUGATE  
Witness: James M. FUGATE

Mike Newsome  
Mike Newsome, agent for Grantee



JOINS MAP 5

JOINS MAP 37



REC'D APR 05 2012

**DESCRIPTION: (AS PREPARED BY MERRILL PARKER SHAW, INC.)**

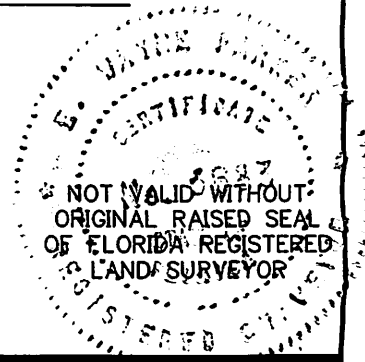
**9.98 ACRE TRACT**

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA. THENCE GO NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 61.47 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY, FOR THE POINT OF BEGINNING; THENCE GO SOUTH 02 DEGREES 41 MINUTES 06 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY, FOR A DISTANCE OF 330.00 FEET; THENCE DEPARTING THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY GO NORTH 87 DEGREES 18 MINUTES 02 SECONDS WEST, FOR A DISTANCE OF 37.08 FEET; THENCE GO SOUTH 02 DEGREES 25 MINUTES 59 SECONDS WEST PARALLEL TO THE EAST LINE OF SAID SECTION 11, FOR A DISTANCE OF 331.90 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11; THENCE GO NORTH 87 DEGREES 23 MINUTES 13 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, FOR A DISTANCE OF 554.56 FEET; THENCE DEPARTING THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 11, GO NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST, FOR A DISTANCE OF 662.74 FEET TO THE AFORESAID NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 11; THENCE GO SOUTH 87 DEGREES 18 MINUTES 02 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SECTION 11, FOR A DISTANCE OF 554.56 FEET; THENCE GO NORTH 02 DEGREES 25 MINUTES 59 SECONDS EAST PARALLEL TO THE EAST LINE OF THE AFORESAID SECTION 11, FOR A DISTANCE OF 1323.54 FEET TO THE SOUTH LINE OF RAILROAD STREET, ALSO BEING THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE GO SOUTH 87 DEGREES 16 MINUTES 29 SECONDS EAST ALONG THE SOUTH LINE OF RAILROAD STREET, FOR A DISTANCE OF 44.35 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY; THENCE GO SOUTH 02 DEGREES 41 MINUTES 06 SECONDS WEST ALONG THE WEST RIGHT-OF-WAY LINE OF THE ALABAMA AND GULF COAST RAILWAY, FOR A DISTANCE OF 1323.51 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBE PARCEL IS SITUATED IN SECTION 11, TOWNSHIP-4-NORTH, RANGE-33-WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 9.98 ACRES.

*E. Wayne Parker 3/30/12*

E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR  
 FLORIDA REGISTRATION NUMBER 3683, CORPORATE NUMBER 7174  
 STATE OF FLORIDA



MERRILL PARKER SHAW, INC.  
 PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway  
 Pensacola, Florida 32503

Phone: (850) 478-4923  
 Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING  
 9.98 ACRE TRACT

LOT 7 BLOCK 6  
TOWN OF WALNUT HILL

OAK STREET (P)

RAILROAD STREET (F)  
PINE STREET (P)

SOUTH LINE OF  
RAILROAD STREET

NORTH LINE OF THE S.E. 1/4  
OF THE N.E. 1/4 OF SECTION 11...

S87°16'29"E  
44.35'

PARCEL ID#  
11-4N-33-1100-005-006

SOUTH LINE OF THE NORTH 1/2  
OF THE N.E. 1/4 OF THE S.E.  
1/4 OF THE N.E. 1/4...

PARCEL ID#  
11-4N-33-1401-000-000

PARCEL ID#  
11-4N-33-1405-000-000

PARCEL ID#  
11-4N-33-1403-000-000

NORTH LINE  
OF THE S.E. 1/4...  
NORTH LINE OF THE  
N.E. 1/4 OF THE S.E. 1/4...

S87°18'02"E 554.56'

N87°18'02"W  
61.47'

POINT OF BEGINNING

POINT OF COMMENCEMENT  
N.E. CORNER OF S.E. 1/4  
OF SECTION 11...

N02°25'59"E 662.74'

N87°18'02"W  
37.08'

**VACANT**  
9.98 ACRES

S02°25'59"W  
331.90'

SOUTH LINE OF THE NORTH HALF OF THE  
N.E. 1/4 OF THE S.E. 1/4...

N87°23'13"W 554.56'

ALABAMA AND GULF COAST RAILWAY  
FORMERLY BURLINGTON NORTHERN SANTA FE RAILWAY  
FORMERLY ST. LOUIS AND SAN FRANCISCO RAILROAD



MERRILL PARKER SHAW, INC.  
PROFESSIONAL CIVIL ENGINEERING AND SURVEYING

4928 N. Davis Highway  
Pensacola, Florida 32503

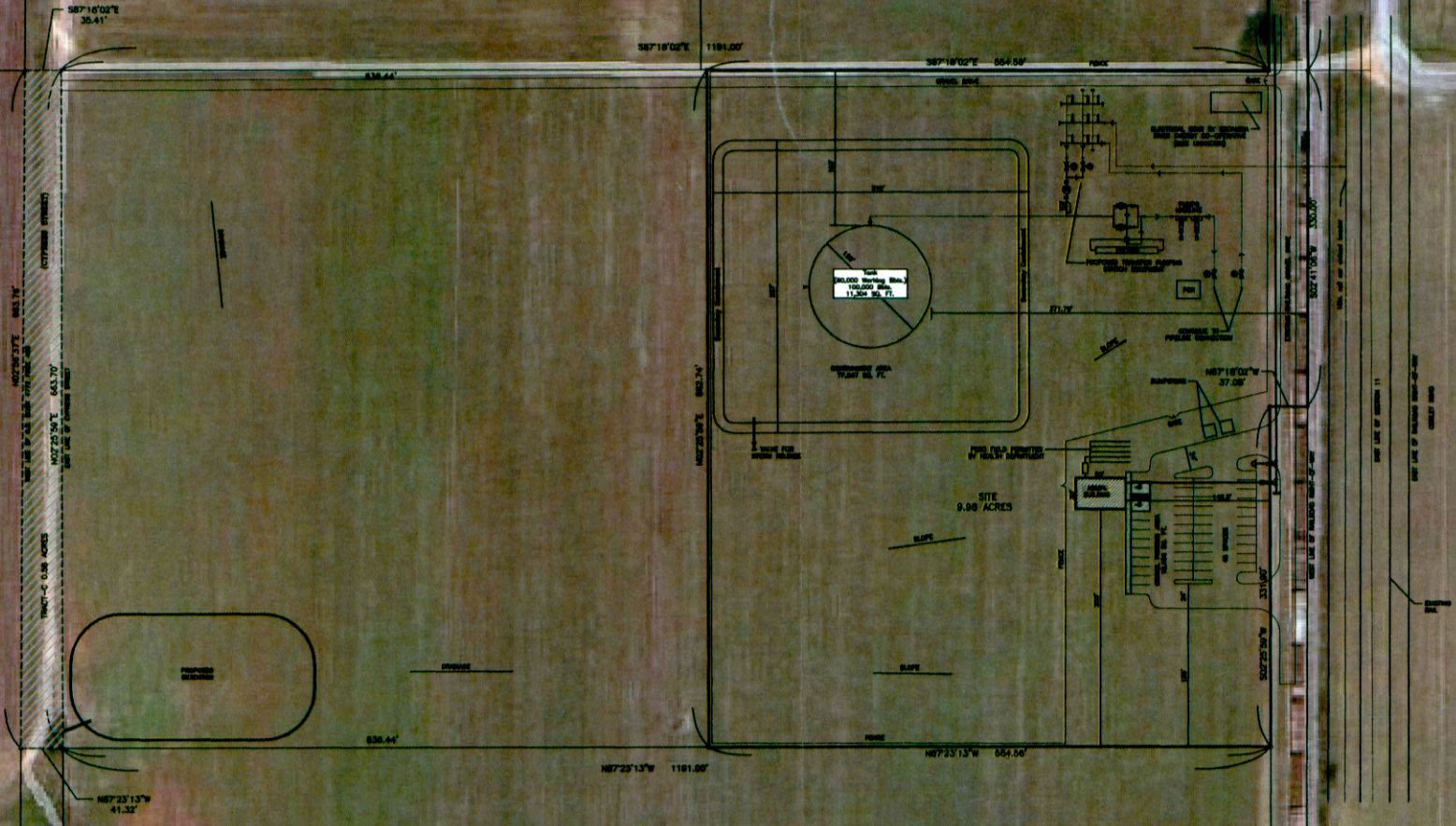
Phone: (850) 478-4923  
Fax: (850) 478-4924

DESCRIPTION/DESCRIPTION DRAWING  
9.98 ACRE TRACT





Corley Rd



S87°18'02"E  
30.41'

S87°18'02"E 1181.00'

S87°18'02"E 654.04'

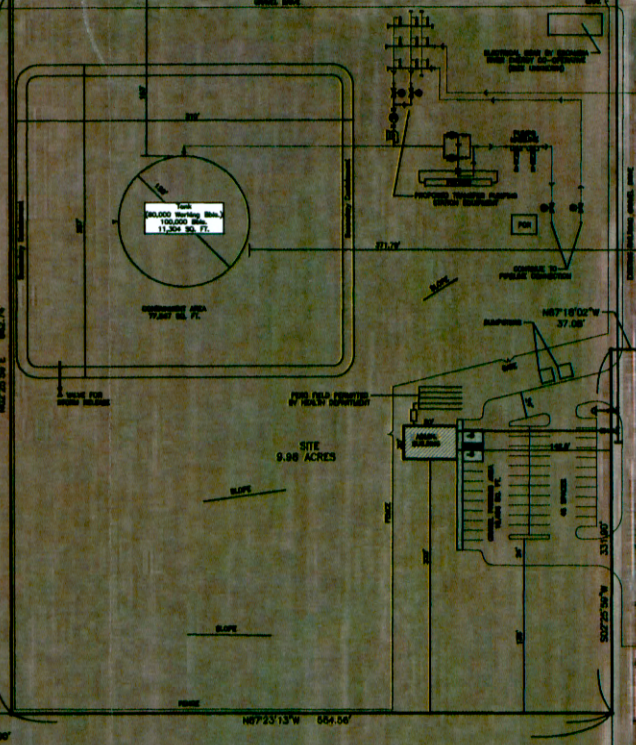
S87°23'12"E 41.32'  
S87°23'12"E 41.32'  
S87°23'12"E 41.32'  
S87°23'12"E 41.32'

S36.64'

N87°23'12"W 1181.00'

N87°23'12"W 654.04'

S87°18'02"E 654.04'  
S87°18'02"E 654.04'  
S87°18'02"E 654.04'  
S87°18'02"E 654.04'



S87°18'02"E 654.04'

S87°18'02"E 654.04'

S87°18'02"E 654.04'

S87°18'02"E 654.04'

SITE 9.98 ACRES

APR. 2011

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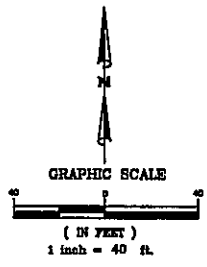
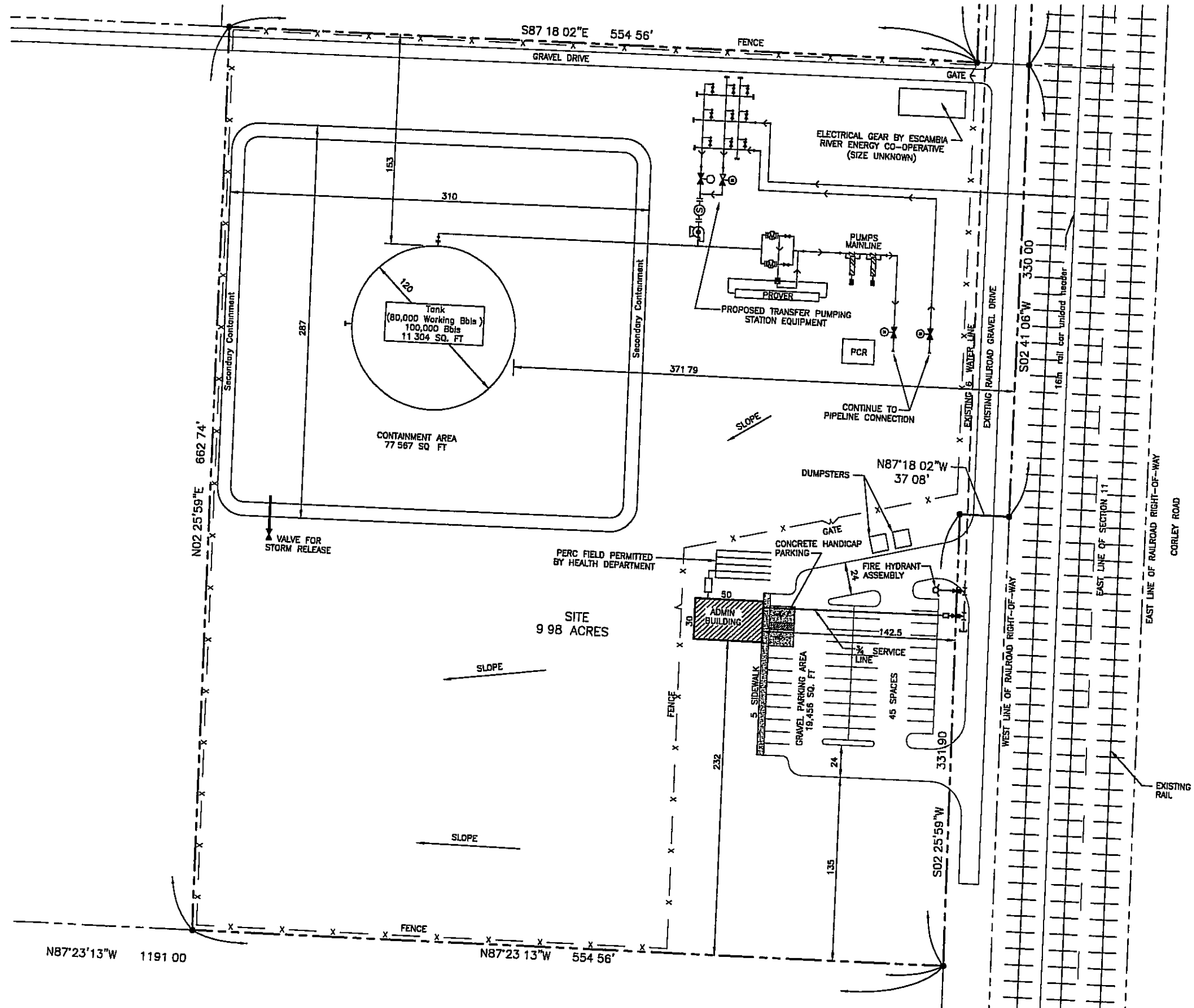
SLOPE

SLOPE

SLOPE







NO.	REVISION	DATE	ENGR.



### HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET  
 DAPHNE ALABAMA  
 36526

ENGINEERS & SURVEYORS  
 LAND PLANNERS

TEL (251) 626-2626  
 FAX (251) 626-6934  
 daphne@hmrengineers.com

3748-GRADE  
 G1068-3748-10 01

### SITE GRADING AND DRAINAGE PLAN WALNUT HILL STATION - OIL TRANSFER STATION

### GENESIS RAIL SERVICES, LLC

SCALE 1"=40	DATE APRIL, 2012	DRAWN BY C.S.C	CHECKED BY	SHEET 2 OF 2
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# SITE CONDITIONS SURVEY

**Genesis Pipeline Transfer Station  
9.5 acres  
Parcel Id 11 4N 33 4100 000 000**

**Escambia County, Florida**

Project No. 2012-081

Prepared For:  
Hutchinson Moore & Rauch

Prepared By:

Craig D. Martin  
Sr. Scientist



---

Wetland Sciences, Inc.  
1829 Bainbridge Ave.  
Pensacola, Florida 32507

Date: April 4, 2012





## 1.0 INTRODUCTION

Wetland Sciences, Inc. (WSI) was retained by Hutchinson Moore and Rauc (HMR) to perform a Site Conditions Survey of a +/- 9.95 acre parcel. The parcel is located at the terminus of Railroad road, near the community of Walnut Hill in Escambia County, Florida, herein referred to as the *property* (Attachment A).

The purpose of the survey was to identify any natural resource of concern (i.e. wetlands, state or federally listed rare, threatened, or endangered species, critical habitat, and cultural or historic resources) and to identify measures necessary to comply with state and federal resource protection measures for any resource identified.

A WSI professional performed a visual inspection of the site and recorded pertinent observations.

The following sections of this report include a description of the site and address observations relating to the ecological condition of the property.

## 2.0 METHODS

The first part of the study focused on the identification of wetland resources in accordance with delineation methods set forth in 33 *CFR* 320-330 and *Chapter 62-340 F.A.C.* The first step in such studies began with researching available information such as the U.S. Geological Survey 7.5 min Quadrangle, U.S. Department of Agriculture's Natural Resource Conservation Services Soil Survey for Escambia County, U.S. Department of the Interior's National Wetland Inventory Maps, and aerial photographs. The second step includes a pedestrian survey in which a field scientist analyzes the plant community structures, soils, and indirect hydrologic indicators.

The second part of the study focused on the presence of any rare, threatened, or endangered species and/or their critical habitats within the subject parcel. The current study undertook reviews of federal and state laws. Results of these reviews were used to develop a comprehensive list of threatened and endangered species, or species of special concern, that may occur on the project site.



Through evaluation of the classified land uses and vegetation types, as well as those citing habitat preferences for rare, threatened and species of special concern, specific areas were identified that could possibly support listed species. Field verification of land use, associated vegetation types and the comprehensive field evaluation was conducted over a one-day period in April 2011. This study was based on a Land Use, Cover and Forms Classification System (FLUCFCS) and focused on habitats that could potentially support state or federally listed species or species of special concern. The survey was performed within all habitats encountered and had the sole aim of determining habitat status of such flora or fauna by concentrating on signs suggesting their presence and activities. Surveys were based on visual and audible detection methodologies as outlined within the FGFWFC manual entitled, *Wildlife Methodology Guidelines for Section 18.D of the Application for Development Approval, 1988*.

The pedestrian surveys were accomplished during morning hours in an effort to observe, hear, and record evidence of faunal activity within the survey boundaries. Specific identification methodologies utilized during the surveys are described within the following paragraphs.

The third component focused on the potential presence of cultural or historical resources. The State of Florida maintains a masterfile data base which will be accesses to see if any cultural or historical occurrences or potential for occurrence within or adjacent to the subject parcel.

### **3.0 EXISTING SITE CONDITIONS**

The parcel under consideration for the transfer station exists as a fallow agricultural field, that was previously entirely under cultivation of cotton. The field is disked but no crops are in rotation during the time of the inspection. Parcels surrounding the property exist in a low density residential setting with active row crop agriculture, with the railway bisecting the area.

The property consists entirely of non-regulated upland habitats.

The uplands are entirely converted into row crop agriculture. A site photograph

Upland soils within the subject parcel as classified by the United States Department of Agriculture Soil Conservation Services' Soil Survey of



Escambia County, Florida consist of the Notcher and Red bay neither of which are Nationally listed Hydric soils (Attachment B).

#### **4.0 BIOLOGICAL ASSESSMENT FOR FEDERALLY OR STATE LISTED SPECIES**

##### **4.1 Introduction**

This document details a survey that was conducted to determine the status of threatened and endangered flora and fauna associated with the subject parcel. This report also discusses methodologies and findings associated with the survey.

##### **4.2 Classification System**

This section defines the classification systems, reviews the Federal, State, and local regulations established for the protection and preservation of threatened and endangered species, discusses the potential presence of any such species, and finally lists other species encountered during the field surveys.

Certain Federal and State regulatory departments have the authority to protect rare, threatened and endangered flora and fauna that occur in Florida. The United States Fish and Wildlife Service (USFWS) maintains a list as authorized by the Endangered Species Act of 1973 (16 USC 1531), and which enumerates the Endangered and Threatened Wildlife and Plants, 50 CFR 17.11-12. The Florida Game and Freshwater Commission (FGFWC) maintains a list of the protected animals in the state by authority of the Florida Endangered and Threatened Species Act of 1972 (Section 372.072, Florida Statutes) and the Wildlife code of the State of Florida (Chapter 39, FAC). The FGFWC list of threatened and endangered animals protected by these laws is published in Section 39-27.03-.05, FAC. The preservation of Native Flora of Florida Act (Sections 581.185, 581.186 (partial), and 581.201 Florida Statutes), passed in 1978, establishes a public policy for native flora in the State of Florida. The Florida Department of Agricultural and Consumer Services (FDACS) regulate the protection of threatened and endangered plant species in the state. The plant and animal species identified in the preservation of Native Flora of Florida Act and by FDACS are published in Section 581.185-87, Florida Statutes. A publication periodically released by FGFWC summarizes the list of plant and animal species that are regulated by the USFWS, FGFWC, and FDACS. The FGFWC list also includes species protected under the



Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Additionally, The Florida Department of Environmental Protection has contracted with the Nature Conservancy to maintain a list of the endangered and threatened flora and fauna for the state of Florida which includes species generated by all of the lists identified in the above paragraph. The Florida Natural Areas Inventory (FNAI) list summarizes the status and distribution of both plant and animal species and also provides descriptions of their habitats within the state. The FNAI species are not provided federal or state protection, but the compilation is utilized by regulatory agencies for general information.

In 1978, the Florida Committee on Rare and Endangered Plants and Animals published an inventory of the statewide distribution of potentially threatened and endangered species. This multi-volume series detailed descriptions, distributions, and evaluations of the status of species considered in peril. The volumes contain species that are not listed as protected by Federal and State mandates.

Listed species are either classified as endangered (E), threatened (T), of special concern (SSC), or under review (UR) for such listing. Endangered species include those threatened with extinction if deleterious factors continue to impact their populations. These include species whose numbers have already declined to a critically low number or whose habitats have been so critically reduced or degraded that some assistance is necessary to ensure their survival.

Threatened species populations, although not as critically stressed as endangered species, are also jeopardized. Species of special concern are those that warrant special attention due to similarity in appearance to other species, commercial exploitation, environmental changes, and/or trends that indicate long-term population declines. Species listed within this category may also have potential impact on endangered or threatened populations of other species.

The pedestrian survey of the subject site was conducted during the early morning hours and in a random meandering fashion.

## **5.0 CULTURAL AND HISTORICAL EVALUATION**

A review of the Master Site File - TRS Search performed by the Florida Division of Historical Resources revealed one previously recorded



cultural resource site located over one mile north of the subject parcel. Details and location of the recorded site are included in Attachment C. Since the property does not contain or is adjacent to a previously recorded site I would suggest that no further information would be necessary regarding the potential presence of historical resources.

## **6.0 RESULTS AND SUMMARY**

Three man-hours were expended during site reconnaissance and examination proceedings.

No State or Federally listed plant or animal species were confirmed as residing within the survey boundaries.

The subject parcel is comprised entirely of converted upland habitats. The parcel maintains no habitats that would fall under the regulatory jurisdiction of either the U.S. Army Corps of Engineers under *33 CFR 320-330*, Florida Department of Environmental Protection under **Rule 17-340, F.A.C. F.S.** and **Rule 9J-5.003(149), F.A.C.**, or Escambia County under their comprehensive plan and land development code.

No cultural or historical resources are expected to occur on the site as provided by the TRS Search performed by the Florida Division of Historical Resources

A photographic essay of the site and adjacent conditions is provided under Attachment D.

Questions regarding the contents or conclusions of this report can be directed to Craig Martin of Wetland Sciences, Inc at either the address or telephone number listed on the title page.

## 7.0 REFERENCES

- Allen, M. 1988. Wildlife Survey Methodology Guidelines - for Section 18.D of the Application for Development Approval. FG&FWFC, Tallahassee, FL.
- Environmental Laboratory. 1987. Corps of Engineers wetlands delineation manual. Technical Report Y-87-1. U.S. Army Engineer Waterways Experiment Station, Vicksburg, MS.
- Florida Department of Transportation, Surveying & Mapping Section. 1999. Florida Land Use, Cover And Forms Classification System Handbook, Third Edition.
- United States Department of Agriculture, Soil Conservation Service. 1985a. 26 Ecological Communities of Florida.
- United States Department of Agriculture, Soil Conservation Service. 1993. National soil survey handbook, title 430-VI. (Available in the State Office of the Natural Resources Conservation Service at Gainesville, Florida.)

Attachment A  
Site Plan with aerial





**WETLAND**  
**SCIENCES**  
 INCORPORATED

EXHIBIT A

PROJECT #2012-081

DATE: APRIL 4, 2012

DRAWN BY: JAT

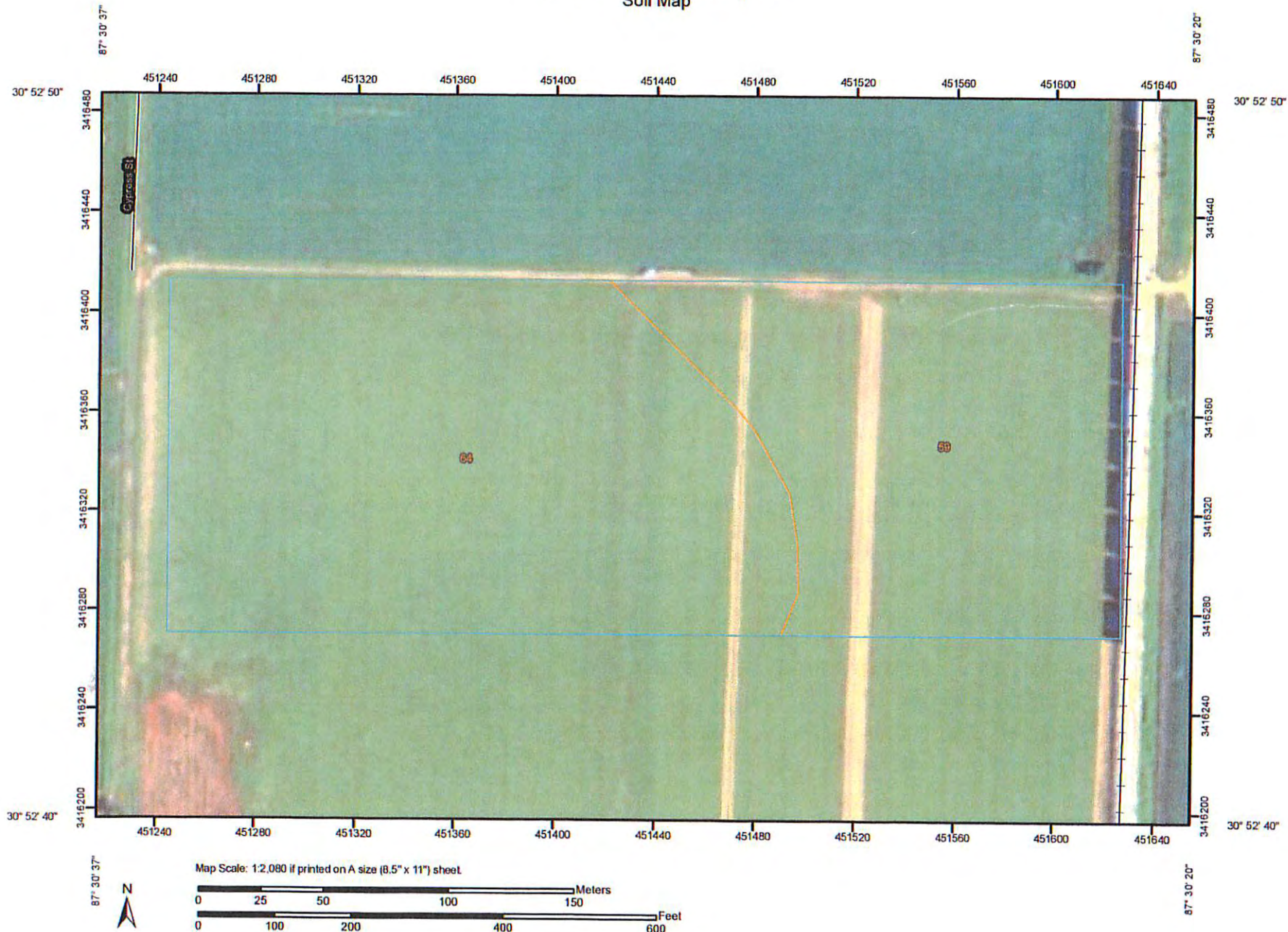
SCALE: 1" = 200'



Attachment B  
Soil survey of subject parcel



# Custom Soil Resource Report Soil Map



Attachment C  
Master file Cultural & Resource Assessment





**This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333 for project review information.**

April 2, 2012

Jason Taylor  
Environmental Scientist  
Wetland Sciences, Inc  
1829 Bainbridge Avenue  
Pensacola, FL 32507  
Phone: 850.453.4700  
Fax: 850.453.1010  
Email: [jtaylor@wetlandsscinc.com](mailto:jtaylor@wetlandsscinc.com)



In response to your inquiry of April 2, 2011, the Florida Master Site File lists one previously recorded archaeological site and two standing structures found in the following sections of Escambia County:

**T04N R33W Sections 11 & 12**

When interpreting the results of our search, please consider the following information:

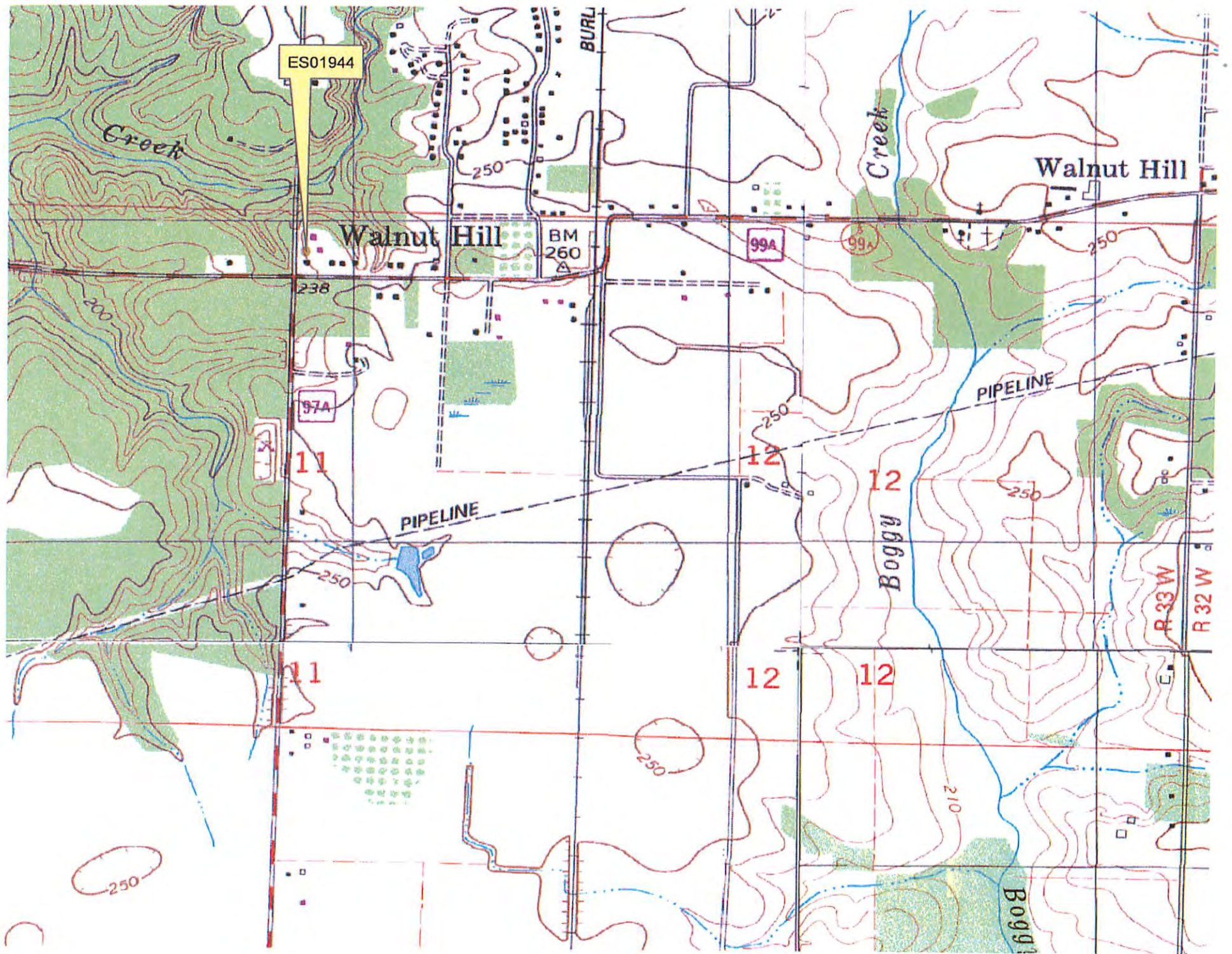
- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Sincerely,

Lindsey Morrison  
Archaeological Data Analyst  
Florida Master Site File  
[Lindsey.Morrison@dos.myflorida.com](mailto:Lindsey.Morrison@dos.myflorida.com)





Attachment D  
Representative Site photographs





View South Project site located behind heavy equipment

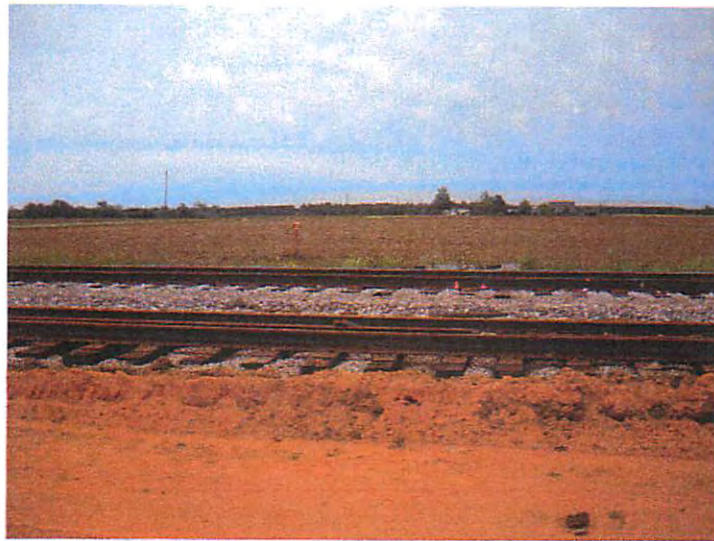


View Southeast Rail siding grading located on left





Existing Railway and pipeline orientation



Existing railway, and pipeline monument



Pipeline orientation through subject parcel yellow flagging in background denote location



Subject parcel condition fallow row crops, previously cotton





Project site south orientation close up



Subject parcel southeastern orientation

Hutchinson, Moore & Rauch, LLC  
Post Office Box 1127  
Daphne, AL 36526

Genesis Rail Systems, LLC

Comparative Analysis and General Information for a proposed small scale future land use amendment, Escambia County, Florida.

Current Owner: Galen Schmidt  
1120 Highway 97A  
Walnut Hill, FL 32568

Authorized Agent: Neal Bjorklund  
Genesis Rail Systems, LLC (Applicant)  
3652 Berryhill Road  
Pace, FL 32571  
713-860-2787

**Legal Description:** Survey and Deed are attached

**Current FLU:** AG

**Proposed FLU:** I

**Current Land Use Map Information:** Attached

**Site Description and Proposed Development:** The requested FLU small scale amendment is located south of Highway 99A and west of the right-of-way of Railroad Road in the Walnut Hill community. The site is composed of 9.98 acres and is currently under agricultural use and otherwise undeveloped. The site is bordered on the east by an existing railroad right-of-way that runs north and south. An existing 16-inch diameter crude oil pipeline belonging to Genesis Energy, LLC runs east and west across the property.

**1. Comparative Analysis:**

- A. Sanitary Sewer:** The proposed site is not served by sanitary sewer and none is available nearby. The proposed use does not involve any manufacturing or refining activities. The need for sanitary sewer service is limited to the bathroom facilities to be located on the proposed administration building. The Applicant proposes to dispose of the sewer through the onsite sewage disposal system to be permitted and constructed in accordance with the regulations administered by Escambia County Health Department. During construction and early operations sewage needs will be via Pot-O-Gold portables.
- B. Solid Waste Disposal:** The proposed project will use Pot-O-Gold dumpsters during the construction phase. The proposed long term solid waste disposal is to contract with Allied Waste. The solid waste will ultimately be discharged to the Perdido Landfill. It should be noted that the solid waste from the operating site will consist of normal waste streams from the personnel and general maintenance. The proposed



project doesn't involve any manufacturing or refinement process that generates a hazardous waste stream.

- C. Potable Water:** The Escambia River Energy Cooperative owns and maintains the potable water supply system for the Walnut Hill community. The closest potable water line is a 6-inch water main located on the north side of Arthur Brown Road. The proposed development plans will include the extension of a 6-inch water main down the Railroad Road right-of-way to the site. The proposed use does not involve any manufacturing or processing. The only need for potable water service is for the proposed administrative building servicing the offices, break area, and restrooms for 8-10 employees per shift. The 6-inch line will also serve as a basis for fire protection. The DRC process will allow for further fire protection review.
- D. Stormwater Management:** The proposed site is currently under agricultural use. The stormwater runoff sheet flows westward across adjacent property and gathers onto a more concentrated flow before entering an existing ditch. The ditch continues westward into an existing recreational pond located on private property. It appears that this pond has existed for a number of years and is periodically dry. It further appears that the pond doesn't have a further defined positive outfall and simply overflows to the area around it during extreme events.

The proposed schematic site development plan depicts the usage of a retention/detention area to be located outside of the site. It is the Applicants understanding that offsite storage is allowed if they obtain the proper easement and maintenance agreements. The proposed impoundment will be designed to collect and attenuate the runoff from a 25-year event including an event with greatest intensity. The first 1/2 inch of rainfall over the site will be collected and percolated into the soils. In general the design will be in accordance with the Northwest Florida Water Management District requirements as prescribed during the DRC and Development Order process.

- E. Traffic:** The proposed site development will employ 8-10 persons per shift. The Applicant has stated that the shift changes will probably occur at 6 a.m. and 6 p.m. which should avoid school traffic and other peak hours. The crude oil will be transferred from rail cars to the pipeline or stored in an onsite tank so there is no proposed trucking to be generated. Since there are no needs other than paper goods and some maintenance materials the operations will not require frequent deliveries.

Access to the site will be via the extension of the north-south Railroad Road roadway to the site. Railroad Road connects to State Route 99A also known as Arthur Brown Road. The Applicant understands that the County may require improvements in the maintained right-of-way in the form of additional signage or increasing the paving section.

We have attached a copy of the initial test for traffic concurrency worksheet from the DRC Pre-Application review indicating that the traffic impact will be de minimis or no impact. The Applicant understands that future additions or changes in operation could cause the issue of traffic concurrency to be revisited at that time.

- F. Recreation and Open Space:** Recreation and open space requirements are prescribed by the Land Development Code. Should the parcel Future Land Use designation be changed as requested, the proposed development will be required to meet the standards set forth in the LDC. These standards will be enforced by the County through a project plan submittal to the Escambia County Development Review Committee.
- G. Schools:** The proposed amendment would allow for industrial development of the property and would prohibit residential development. Therefore, this proposed amendment will not adversely impact school related levels of service.

**2. Proximity To and Impact Upon the Following:**

- A. Wellheads:** The proposed site is approximately 11,450 feet southwest from the nearest potable supply well which is operated by Walnut Hill Water and is located near the intersection of State Routes 97 and 99A. A copy of the WHPA program is enclosed in this submittal packet. Their wellhead protection plan indicates a 500 foot radius primary protection zone with an additional 500 foot observation and concern zone.

The proposed development will be subject to addressing the possible impacts during the DRC review process. As the development plan is refined the materials to be stored and/or used onsite, the prevention measures, and proposed corrective actions will be provided. A copy of a typical SPCC Plan for one of the Applicant's similar sites is enclosed.

- B. Historically Significant Sites:** According to a review of archeological information conducted by Wetland Sciences, Inc. there are no recorded archeological sites or National Register of Historical Places properties on or contiguous to the subject property.
- C. Natural Resources:** According to a field delineation conducted by Wetland Sciences, Inc., there are no environmentally sensitive or jurisdictional wetlands located upon the property.

**3. Consistency with the Comprehensive Plan**

**A. CMS 1.3.1 Consistency with the Comprehensive Plan:**

*No development activity may be approved unless it is found that the development is consistent with the Escambia County Comprehensive Plan and that the provision of the facilities enumerated in CMS 1.2.2 will be available at prescribed LOS concurrent with the impact of the development on those facilities.*

**Response:**

The Applicant understands that the approval of the amendment requires that the proposed development is still subject to the DRC process and the provision set forth within the CMS 1.2.2 Allocation of Capacity.



**B. CMS 1.3.2 Minimum Requirements:**

*At a minimum, the Concurrency Management System shall ensure that at least one of the following standards will be met prior to issuance of a development permit or order:*

- a. The necessary facilities and services are in place at the time a development permit is issued; or*
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy; or*
- c. The necessary facilities are under construction at the time a permit is issued. This provision only relates to parks and recreation facilities and roads; or*
- d. The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. This provision only relates to parks and recreation facilities. The LDC will include a requirement that the provision or construction of the facility or service must commence within one year of the issuance of the development order or permit; or*
- e. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of the LDC. For potable water, wastewater, solid waste, stormwater and public school facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy; or*
- f. The necessary facilities needed to serve new developments are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or in place or under actual construction no more than three years after the issuance, by the County, of a development order or permit. This provision only relates to roads. The Five-Year FDOT Work Program is attached herein to this ordinance as Exhibit A.*
- g. The necessary concurrency standards for public school facilities shall be consistent with Chapter 16, Public School Facilities Element.*

**Response:**

The proposed development plan will not negatively impact nor degrade the County's infrastructure or level of service. The Applicant understands that the DRC review process will further enforce the development concurrence with the CMS requirements.

**C. FLU 1.5.3 New Development and Redevelopment in Built Areas:**

*To promote the efficient use of existing public roads, utilities and service infrastructure, the county will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).*

**Response:**

The proposed site location is based upon pure circumstance. That is, the site was chosen due to this being the crossing point of an existing 16-inch crude oil transport pipeline that runs from Jay Florida west into Alabama and the existing rail line that runs north-south along the eastern boundary of the property. The activities will not involve manufacturing or refining processes, simply the transference of oil from the rail cars into the existing pipeline and requires minimal impact upon existing public roads, utilities, and service infrastructure.

**D. FLU 2.1.1 Infrastructure Capacities:**

*Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowable through Florida Health Department permits where central sewer is not available.*

**Response:**

The proposed site location is based upon pure circumstance. That is, the site was chosen due to this being the crossing point of an existing 16-inch crude oil transport pipeline that runs from Jay Florida west into Alabama and the existing rail line that runs north-south along the eastern boundary of the property. The activities will not involve manufacturing or refining processes, simply the transference of oil from the rail cars into the existing pipeline and requires minimal impact upon existing public roads, utilities, and service infrastructure.

**E. Chapter 10 Infrastructure Element:**

*The purpose of the Infrastructure Element is to provide guidance in the provision of services necessary to accommodate existing and future development in a way that is environmentally sensitive, efficient and cost-effective. Included with this Element are goals, objectives, and policies regarding potable water provision, wastewater treatment, solid waste disposal, stormwater management and aquifer protection. The adequate provision of these services is intended to promote orderly growth within areas best suited to accommodate development, protect sensitive natural resource systems and rural and agricultural areas, and preserve the health, safety, and general welfare of Escambia County's citizens.*

**Response:**

The proposed project requires the FLU amendment and a rezoning to allow this land use. The proposed project meets the goals, objectives, and policies of the Infrastructure Element for potable water service, waste water disposal, solid waste disposal, stormwater management, and aquifer protection.



**F. OBJ CON 1.4 Groundwater Response:**

*Protect and conserve the quality and quantity of groundwater resources to ensure public health and safety, adequate potable water supplies.*

**Response:**

The proposed project and FLU amendment is located 11,450 linear feet away from Well No. 2 of the Walnut Hill Water Systems which is the closest well. A copy of the wellhead protection plan is enclosed. Their wellhead protection plan indicates a 500 foot radius primary protection zone with an additional 500 foot observation and concern zone. In addition, the details of materials storage and operations will be addressed in further detail during the DRC process.

**Conclusion**

The proposed small scale amendment to allow the development is consistent with the goals of the Comprehensive Plan. The presence of mechanized farming and the existing railroad already lend a degree of industrial character to the subject property. This use will moderately impact the areas as far as noise or traffic while significantly impacting the area financially.

## INITIAL TEST FOR TRAFFIC CONCURRENCY WORKSHEETS

## DEVELOPMENT REVIEW COMMENTS

Project should meet traffic concurrency. A final review for traffic concurrency will be conducted after all other sign-offs have been obtained on the site plan final comparisons.

Rev 01/28/03

Planning ID #: PSP120300028

Pre-App:  X  MP: \_\_\_\_\_ PP: \_\_\_\_\_ SP: \_\_\_\_\_ Mini: \_\_\_\_\_Project Name & Address: Walnut Hill Station-Oil Transfer Station, 850 Hwy 97-ARoadway Facility: Hwy 99 from Pineville Rd to CR-164Project Description: Oil Storage Tank District: \_\_\_\_\_ TAZ: 318Worksheet Prepared By: Thomas Brown, Jr Phone: (850) 595-3434 Date: 03/27/12

## TRIP GENERATION

Source: latest edition of *Trip Generation*, ITE or data collected from related development may be accepted if sufficiently documented.

ITE Land Use: <u>Utilities</u>	ITE Code: <u>170</u>	Page #: <u>285</u>
Independent Variable: <u>employees</u>		
Size of Independent Variable:	<u>25</u> [A]	
Average Rate for PH (4-6 P.M.) of Adjacent Street Traffic:	<u>0.76</u> [B]	
Driveway Trips (A*B), result from fitted curve equation or trips from locally collected data:	<u>19.0</u> [C]	
Internal Capture Rate Percentage (if applicable):		0% [D]
Internal Trips (C*D):		0.0 [E]
Adjusted Driveway Trips (C-E):		19.0 [F]
Pass-By Trip Percentage (if applicable):		0% [G]
Pass-By Trips (F*G):		0.0 [H]
New Driveway Trips (F-H):		<u>19</u> [I]

## AREA OF INFLUENCE FOR TRIP DISTRIBUTION / ASSIGNMENT

Is the number of New Driveway Trips [I], greater than 50 for commercial or greater than 5% of the Service Volume (column 22) for residential? **NO** [J]

\_\_\_\_\_ If "YES" to [J], applicant is required to submit trip distribution for the proposed development. Applicant is encouraged to discuss methodology prior to preparing trip distribution.

X  If "NO" to [J], continue with PART I: *De Minimis* Determination on the following page.

Escambia County Engineering Department, Traffic and Development Division

If additional information or further discussion is needed, please call for an appointment.



## ROADWAY IMPACT ANALYSIS

Complete an Attachment for each impacted roadway segment to determine if the traffic impact is *de minimis* (PART I).  
If the impact is non *de minimis*, continue with PART II. Reference the latest edition of the *Traffic Volume and Level Of Service Report*.

### Attachment 1 of 1

**Project Name & Address:** Walnut Hill Station-Oil Transfer Station, 850 Hwy 97-A  
**Roadway Facility:** Hwy 99 from Pineville Rd to CR-164

### PART I: *De Minimis* Determination

Based on the LDC Section 5.12.03 adopted March 1, 2001. Reference the latest edition of the *Traffic Volume and LOS Report*.

New Driveway Trips (F-H):	19		[I]
Trip Distribution (% exiting):	85%		[K]
Allocated Trips (I*K):	16		[L]
2-Way PM PH Service Volume (column 18):	1,190		[M]
1% of Service Volume (column 21 or M*.01):	12		[N]
Are Allocated Trips greater than 1% of the Service Volume (is L > N)?	4	YES	[O]
Existing Total Trips (column 16):	56		[P]
Proposed Total Trips (L+P):	72		[Q]
110% of Service Volume (column 23 or M*1.10):	1,309		[R]
Are Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,237	NO	[S]
Is the roadway segment on a designated hurricane evacuation route (column 24)?		NO	[T]

       If "NO" for [O], [S], and [T], traffic impact is *de minimis*. No further analysis is required.

  X   If "YES" for [O], [S], or [T], traffic impact is non *de minimis*. Continue with PART II.

       If "YES" to [T], continue with question [U] only, in PART II below; or

  X   If "YES" to [O] and/or [S] only and "NO" to [T], continue with question [V] only, in PART II below.

### PART II: Non *De Minimis* Concurrency Determination

If "YES" to [T], is the number of Proposed Total Trips greater than the Service Volume (is Q > M)?	-1,118	N/A	[U]
If "NO" to [T], is the number of Proposed Total Trips greater than 110% of the Service Volume (is Q > R)?	-1,237	NO	[V]

  X   If "NO," the roadway segment meets the test for concurrency. No further analysis required.

- If "YES," identify which method will be used to maintain the adopted Level of Service:
- applying applicable trip reduction methods for service or commercial developments,
  - conducting a Traffic Impact Analysis Report (TIAR),
  - reducing the scale or scope of the proposed project,
  - withdrawing the application, or
  - identifying the roadway facility as part of the Transportation Concurrency Exception Area (TCEA) in a designated redevelopment area.

REC'D APR 05 2012

## WALNUT HILL WATER SYSTEM INC.

## DELINEATION OF WELLHEAD PROTECTION ZONES

Walnut Hill Water System is located in North Central Escambia Co. near the intersection of County Roads 97 and 99A. This is an area of agricultural activity, sparse residential development, light industry and school complexes. The system serves about 2,000 people with two wells and two elevated tanks located on three sites.

Well # 1 is located on the north side of County Road 99A about 500 ft. West of the intersection of County Road 97 on property owned by the Water System. The wellhead is secure under lock and key inside a pump house with no perimeter fence.

Well # 2 is located on the East side of County Road 97 past Little Pine Barron Creek on the top of the hill on property owned by the Water System. The wellhead is secure under lock and key inside a pump house with no perimeter fence.

Well # 3 is proposed for the future and would be located at the site of existing tank # 2 in the area of Enon School on property owned by the Water System.

The general geology of this area of Northern Escambia Co. consists of a Surficial Zone, a Low Permeability Zone and a Main Producing Zone. The two wells are constructed in the Surficial Zone at about the same elevation and depth, with similar static water levels, draw-downs and yields. Little Pine Barron Creek forms a deep cut drainage of the upper Surficial Zone and is at about the same elevation as the static water levels of the two wells. It is obvious that the top 50 ft. to 60 ft. of the Surficial Zone drains very rapidly to the creek creating a ground water flow pattern in the area. To delineate the protection area for the two wells a line would simply be drawn through the wellhead to intersect the creek at the closest point.

Escambia Co. will review and modify their Land Use Ordinance in the near future to develop a 200 ft. radius Zone of Contribution, no development zone and a 500 ft. radius Wellhead Protection Area, restricted development zone. a copy of this proposed ordinance is attached to this plan. Florida D.E.P. is presenting their draft for approval in March 1994 which proposes a 500 ft. radius wellhead protection area which they will protect in regards to the facilities and industries they regulate.

The Wellhead Delineation for Walnut Hill wells # 1 and # 2 will therefore be a 500 ft. radius primary protection zone, incorporating a 200 ft. radius, no development zone to take full advantage of County and State protection. A secondary 500 ft. zone of observation and concern is established up flow from the 500 ft. radius primary zones on a line intersecting the deep cut drainage at a right angle. The 500 ft. up flow point of the secondary zone



will widen in an oval shape to intersect the sides of the 500 ft. primary zone as shown on attached drawings. The delineated protection zone for proposed well # 3 will be the same as the 200 ft and 500 ft zones for your

WELLHEAD PROTECTION AREA  
INVENTORY OF POTENTIAL CONTAMINANT SOURCES

FOR  
WALNUT HILL WATER WORKS INC. WELL # 1

DIRECTIONS:

Place a number or indication next to each category you identify in your wellhead protection area. If you are mapping place a corresponding number on the map at the location of the source. If there is more than one source for a category add letters to the number designation. Please consider all sources within the protection area.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Monitor wells                 | <input checked="" type="checkbox"/> Major Highway     |
| <input type="checkbox"/> Aboveground Storage Tanks                | <input type="checkbox"/> Military Base                |
| <input type="checkbox"/> Airports                                 | <input type="checkbox"/> Mining/Excavation            |
| <input type="checkbox"/> Animal Feed Lots                         | <input type="checkbox"/> Oil/Gas Pipeline             |
| <input type="checkbox"/> Animal Waste Storage                     | <input type="checkbox"/> Pesticide Storage            |
| <input type="checkbox"/> Armory/Depot                             | <input type="checkbox"/> Pesticide Mixing             |
| <input type="checkbox"/> Asphalt Plant                            | <input type="checkbox"/> Photo Processors             |
| <input type="checkbox"/> Auto Repair/Body Shop                    | <input type="checkbox"/> Printers                     |
| <input type="checkbox"/> Cemetery                                 | <input type="checkbox"/> Refineries                   |
| <input checked="" type="checkbox"/> Chemical Plant/Mixing/Storage | <input type="checkbox"/> Railroads                    |
| <input type="checkbox"/> Drainage Canal/Storm Drain               | <input type="checkbox"/> Salvage Yards                |
| <input type="checkbox"/> Dumps/Landfills                          | <input checked="" type="checkbox"/> Septic Systems    |
| <input type="checkbox"/> Electroplaters/metal picklers            | <input checked="" type="checkbox"/> Service Stations  |
| <input checked="" type="checkbox"/> Farming/Agricultural Activity | <input type="checkbox"/> Sewage Plant                 |
| <input type="checkbox"/> Farming Cooperatives                     | <input type="checkbox"/> Waste Storage                |
| <input type="checkbox"/> Golf Courses/Nurseries                   | <input type="checkbox"/> Waste Hazardous              |
| <input type="checkbox"/> Grain Storage Bins/Silos                 | <input type="checkbox"/> Well Un-abandoned            |
| <input type="checkbox"/> Holding Pond/Lagoon                      | <input checked="" type="checkbox"/> Equipment Parking |
| <input type="checkbox"/> Injection Well                           | _____   |
| <input checked="" type="checkbox"/> Irrigation Practices          | _____   |
| <input type="checkbox"/> Laboratory/Medical Facility              | _____   |
| <input type="checkbox"/> Laundry/Dry Cleaners/Car Wash            | _____   |
| <input type="checkbox"/> Machine Shop                             | _____   |

Contamination Inventory Performed 3/9/95 By  
Water Board & John Martineau

RECOMMENDATION:  
See Management Statement!

Note: Chemical Mixing & Storage refers to the old fertilizer storage facility that is monitored and the possible activity at the pecan orchard behind the well.



WELLHEAD PROTECTION AREA  
 INVENTORY OF POTENTIAL CONTAMINANT SOURCES  
 FOR  
 WALNUT HILL WATER WORKS INC.  
 WELL # 2

DIRECTIONS:

Place a number or indication next to each category you identify in your wellhead protection area. If you are mapping place a corresponding number on the map at the location of the source. If there is more than one source for a category add letters to the number designation. Please consider all sources within the protection area.

- |   |   |
|---|---|
| <input type="checkbox"/> Abandoned wells                          | <input checked="" type="checkbox"/> Major Highway |
| <input type="checkbox"/> Aboveground Storage Tanks                | <input type="checkbox"/> Military Base            |
| <input type="checkbox"/> Airports                                 | <input type="checkbox"/> Mining/Excavation        |
| <input type="checkbox"/> Animal Feed Lots                         | <input type="checkbox"/> Oil/Gas Pipeline         |
| <input type="checkbox"/> Animal Waste Storage                     | <input type="checkbox"/> Pesticide Storage        |
| <input type="checkbox"/> Armory/Depot                             | <input type="checkbox"/> Pesticide Mixing         |
| <input type="checkbox"/> Asphalt Plant                            | <input type="checkbox"/> Photo Processors         |
| <input type="checkbox"/> Auto Repair/Body Shop                    | <input type="checkbox"/> Printers                 |
| <input type="checkbox"/> Cemetery                                 | <input type="checkbox"/> Refineries               |
| <input type="checkbox"/> Chemical Plant/Mixing/Storage            | <input type="checkbox"/> Railroads                |
| <input type="checkbox"/> Drainage Canal/Storm Drain               | <input type="checkbox"/> Salvage Yards            |
| <input type="checkbox"/> Dumps/Landfills                          | <input type="checkbox"/> Septic Systems           |
| <input type="checkbox"/> Electroplaters/metal picklers            | <input type="checkbox"/> Service Stations         |
| <input checked="" type="checkbox"/> Farming/Agricultural Activity | <input type="checkbox"/> Sewage Plant             |
| <input type="checkbox"/> Farming Cooperatives                     | <input type="checkbox"/> Waste Storage            |
| <input type="checkbox"/> Golf Courses/Nurseries                   | <input type="checkbox"/> Waste Hazardous          |
| <input type="checkbox"/> Grain Storage Bins/Silos                 | <input type="checkbox"/> Well Un-abandoned        |
| <input type="checkbox"/> Holding Pond/Lagoon                      | <input type="checkbox"/> Other Specify _____      |
| <input type="checkbox"/> Injection Well                           | _____   |
| <input type="checkbox"/> Irrigation Practices                     | _____   |
| <input type="checkbox"/> Laboratory/Medical Facility              | _____   |
| <input type="checkbox"/> Laundry/Dry Cleaners/Car Wash            | _____   |
| <input type="checkbox"/> Machine Shop                             | _____   |

Contamination Inventory Performed 3/9/95 By  
 Water Board & John Martineau

RECOMMENDATION:

See Management Statement

## WALNUT HILL WATER WORKS INC

## MANAGEMENT OF WELLHEAD PROTECTION ZONES

The Wellhead Protection Zone for well # 1 and well # 2 is a 500' radius primary protection zone, incorporating a 200' radius no development zone and a secondary 500' zone of observation and concern established up flow from the 500' radius primary zone on a line intersecting Pine Barron Creek a deep cut drainage of the surficial aquifer. The protection zone for proposed well # 3 is the same as the primary zone for the existing wells.

The first part of management is to take advantage of all laws, regulations, zoning and ordinances provided to help protect public water supply sources. An effort should be made by the water supplier to participate in and understand all political activity concerning the protection of your community water system. A copy of the proposed County ordinance is enclosed for your information. Wellhead Protection is a grass roots effort and if you don't get involved and become the watch dog for your community don't expect others to be more concerned than you. Make sure the County knows you are in operation and where your wells are located. Write them a letter explaining your interest in protecting your wells and request their help through county ordinances and ask that they include your wells and proposed well locations on their zoning and planning maps as well as any future County maps. They will never be able to say they were not aware of you in the future.

The second part of management is community awareness. Make sure the community knows where their water comes from and how they can help protect this precious resource. Identify community members who own land in the actual protection areas and take time to let them know about the protection plan and how these zones were established, then ask them to help you in the effort to protect their drinking water and the water of generations to come. Reason will rule in most instances and when people are informed they do begin to make changes. Your Ground Water Technician will be glad to help in these efforts if asked. Remember that the only real cost is involvement and commitment. An ounce of prevention is truly worth a pound of cure.

This plan should be reviewed in two years, as to new developments in wellhead protection, advances in pertinent technology and shifts in political positions. A review will bring new board members up to speed on this important process and allow us to measure the effectiveness of our efforts. Remember that real Wellhead Protection never ends and if you don't do it no one will.



CONTINGENCY PLAN  
FOR  
WALNUT HILL WATER WORKS INC.

This Contingency Plan is designed to address what to do in the event that a well or well field is lost regardless of Wellhead Protection efforts, and a plan has to be put into effect on an emergency bases to provide water to the community on a short term or long term bases.

The first and simplest concern is how to get quick assistance in the event of a contaminant spill or emergency that could result in the contamination of ground water. Call 911 and advise them of the nature and seriousness of the emergency. If the 911 system does not exist post the telephone number of the nearest HAZMAT team and make sure all associated with the water system have the number.

Make sure ties with other systems are functional and that they can supply your system. If these ties have not been relied on or used before, try them and make sure they have enough capacity and pressure to assist you in an emergency. Make sure more than one person can locate valves and turn these ties on and that these persons know to advise the proper persons in the adjoining system that you are taking water.

In the event that the system cannot be supplied by others and your remaining wells won't supply your total system you would have to ration water to maintain system pressure and emergency services. A plan should be in place so that the residents can be advised and a determination of priorities can be addressed for emergency action. If an event of this nature was to happen, that is not the time to have to make these determinations, your staff should already know what to do. Locate someone who can haul water for you and make arrangements with them and a supplier of water as a contingency. A supplier of bottled water is another option. Remember you may have to chlorinate.

A good contingency plan should have some emergency funds available to meet unplanned for needs until business as usual can resume or long term plans and financial arrangements can be made.

In short be prepared to do your best to provide good water to your system in the wake of the worst disaster you can think of and you will be able to meet the needs in the event of any thing less.

This contingency plan should be a part of a larger emergency preparedness plan. Florida Rural Water Assn. can provide guidelines for this larger preparedness plan.

**7.11.08. Internal Site Access Design:**

- A. **Parking Area Setbacks:** Parking shall be set back from the property line at driveways so as to not interfere with safe ingress/egress of traffic. The set back distance should be determined according to the estimated speed and volume of traffic entering a driveway and meet all the visual clearance requirements of Section 7.01.07.
- B. **Drive-thru Stacking:** Drive-in and drive-through developments shall provide adequate queue storage capacity based on peak hour storage requirements of the project which is subject to the review and approval by the County Engineer.

**7.12.00 WELLHEAD PROTECTION:**

**7.12.01 Intent:** The intent and purpose of these standards is to protect and safeguard the health, safety, and welfare of the residents and visitors of Escambia County by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

**7.12.02 Definitions:**

- A. **Aquifer:** A groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water. In Escambia County, most potable water is extracted from the "sand and gravel" aquifer, a shallow aquifer separated by impermeable matter from the deeper, and more protected, Floridan Aquifer.
- B. **Cone of Depression:** An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site of a quarry, etc. The area, extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.
- C. **Groundwater:** Water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.
- D. **Protected Wellhead:** Those wellheads with a permitted capacity of 100,000 GPD or more.



- E. **Public Utility:** Any privately-owned, municipally-owned, special district-owned, or State-owned system providing water or wastewater service to the public which has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily for at least sixty (60) days of the year.
- F. **Regulated Substances:**
1. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitibility, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (non-degradability) in nature, or any other characteristic, may cause significant harm to human health and environment (including surface and ground water, plants, and animals).
  2. Regulated Substances shall include, but are not limited to, those substances set forth in the lists, as amended from time to time, entitled, Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII - Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under Circular (40 CFR 302, effective July 3, 1986); provided, however, that this Article shall only apply whenever the aggregate sum of all quantities of any one time exceeds five (5) gallons where said substance is a liquid, or twenty-five (25) pounds where said substances is a solid.
  3. These Regulations shall also apply if no single substance exceeds the above-referenced limits but the aggregate sum of all regulated substances present at one facility/building at any one time exceeds one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids.
  4. These Regulations shall apply to all underground storage facilities for petroleum projects which are not regulated by Section 376.317, F.S., and Chapter 17-61, F.A.C.
- G. **Wellhead Protection Area:** All land within a five hundred foot radius of an existing or designated protected wellhead.

- H. **Zone of Contribution:** All land within a two hundred (200) foot radius of an existing or designated protected wellhead.

**7.12.03 Restrictions on Development:**

- A. **Zone of Contribution:** No development activities shall take place in the Zone of Contribution.
- B. **Wellhead Protection Area:** The following land uses are prohibited within the Wellhead Protection Area:
1. Landfills.
  2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Ch. 442, F.S.).
  3. Activities that require the storage, use, handling, production or transportation of restricted substances: Agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.
  4. Feedlots or other concentrated animal facilities.
  5. Wastewater treatment plants, percolation ponds, and similar facilities.
  6. Mines.
  7. Excavation of waterways or drainage facilities which intersect the water table.
  8. Drainage wells or other facilities which provide for the disposal of stormwater directly into the aquifer absent normal percolation.
  9. New discharges to ground water of industrial wastewater.
  10. New phosphogypsum stacks and lateral expansions of phosphogypsum stack systems.
  11. New Class I and Class III underground injection control wells.



12. **New Class V underground injection control wells.**
  13. **New aboveground and underground tankage of hazardous wastes.**
- C. **Abandoned Wells:** Where wells have been abandoned or no longer function, such wells shall be sealed and plugged in accordance with the requirements of the NFWMD and Chapter 17.28, F.A.C.
- D. **Existing Wells:** If any activities prohibited by sub-part 2 above are approved by the County, such approval shall require the abandonment of the well(s) which created the wellhead protection zone wherein the proposed use or activity is located. Abandonment shall follow the provisions of sub-part 3 above.

#### **7.12.04 Development Standards:**

- A. **New On-Site Wells:** All applications for development approval must specify whether new protected wellheads will be required to service the development. When such new protected wellheads are to be required, the applicant shall demonstrate that:
1. There will be no significant adverse impact on minimum ground water levels; and
  2. There will be no significant adverse impact from saltwater intrusion.
- B. **Area of Water Resources Concern:** Whenever adverse groundwater withdrawal impacts have been identified through water quality monitoring activities, all development approvals for activities which require the use of groundwater wells shall be coordinated with the NFWMD, the Escambia County Utilities Authority and other public supply systems. Among other things, lower permit thresholds, maximum and minimum withdrawal levels, other stipulated conditions regarding water use, and any provisions of the Florida Administrative Code including relevant portions of Section 40A-2.801, et seq. may be employed to regulate, control or restrict water resource withdrawal activities.
- C. **Site Plan Requirements:** Where applicable, All site plans which accompany applications for development approval shall depict the location of all active and inactive wells within 500 feet of the property, the development approvals shall be conditioned upon the submission of a management plan which provides for the proper abandonment of existing unused wells, in conformance with requirements

of the Northwest Florida Water Management District and the public supply systems.

- D. **Groundwater/Wellhead Impact Report:** Within areas of the County designated in the Comprehensive Plan as existing wellfields, recharge areas or as wellhead locations, all proposed development shall prepare and submit a Groundwater/Wellhead Impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area and existing or designated wellhead locations.

### **7.13.00 ENVIRONMENTALLY SENSITIVE AREAS:**

**7.13.01 Purpose:** This Section is intended to promote the continued existence and function of the natural environment and sensitive environmental resources extant within the County. To achieve environmental protection, this Section specifically authorizes the transfer of densities between sensitive areas and buildable areas (provided that both such areas are in single ownership), clustering of development on uplands (which may require the relaxation of various standards by the BOA), innovative and creative planning, design and construction techniques for various facilities, structures and/or infrastructure and it provides for the routine interface and coordination with various State and Federal regulatory agencies. In addition, it is the intent of this Section to provide protection to species (flora and fauna) listed as endangered, threatened or of special concern by appropriate State or Federal agencies.

**7.13.02 Identification of Environmentally Sensitive Lands:** All applications for development approval shall be reviewed against the National Wetlands Inventory, Escambia County Soils Survey, FGFFC-LANDSAT Imagery, or other reliable information to determine if the site has potential of containing environmentally sensitive lands. If the potential exists, a site specific survey shall be conducted, if one was not submitted with the application, and such survey will include in the delineation all such sensitive lands on the subject parcel. Protection of the environmentally sensitive resource shall be afforded said resource during and after construction. All site specific surveys shall be conducted and completed to the satisfaction of the Director of Planning and Zoning.

**7.13.03 Protection Standards:** As a minimum, the following performance standards apply to the protection of environmentally sensitive lands, however, additional standards may be promulgated and/or imposed by State or Federal regulatory agencies and/or the Board of County Commissioners, in the event that it is determined that an additional standard(s) is appropriate and required to protect the function of the sensitive environmental resources:





genesisenergy

**Health, Safety, Security and  
Environmental  
Procedure Manual**



## HEALTH, SAFETY, SECURITY, & ENVIRONMENTAL

REVISION RECORD			
<p>It is the responsibility of the holder of this manual to ensure that all changes and updates are made. The holder shall:</p> <ul style="list-style-type: none"> <li>• Remove and discard obsolete pages.</li> <li>• Replace obsolete pages with the updated pages.</li> <li>• Initial once completed.</li> </ul>			
Change Date	Affected Page Number(s)	Description of Change(s)	Initial
March 2002	Entire Manual	Conversion to new format	
July 2002	Distribution List	Change of manual holders	
July 2002	Procedure 1.0	Revisions and updates	
July 2002	Procedure 1.1	Revisions and updates	
October 2003	Entire Manual	Conversion to new format	
May 2004	Procedure 0.0 Intro Procedure 2.1 Procedure 2.2 Procedure 2.6	Revised Distribution List Delete Revision & Update New Procedure O.W.L.S.	
June 2005	Procedure 6.4	Revision & Update	
November 2005	Procedure 2.7	New Procedure HSS&E Training	
April 2006	Procedure 0.0 Intro Procedure 2.2	Revised Distribution List Revision & Update	
April 2007	Procedure 0.0 Procedure 1.5 Procedure 3.8	Revised Distribution List Revision & Update Revision & Update	
October 2007	Procedure 3.1	Revision & Update	





<b>Change Date</b>	<b>Affected Page Number(s)</b>	<b>Description of Change(s)</b>	<b>Initial</b>
March 2008	Procedure 4.2	Revision & Update	
April 2008	Procedure 2.2	Revision & Update	
May 2008	Title Page Procedure 0.0 Intro	New Logo Update Updated Policy Statement & Revised Distribution List	
June 2009	All Procedures	Revision, Changes and additions	HSSE Team
December 2009	Procedure 3.3	Revision	Russ Miller
April 2010	Intro	Update Business Unit Information	Tricia Petty
Feb 2011	3.1, 2.6	Confined Space, OWLS Card, TOC	TGP
April 2011	Procedure 4.2	Revision & Update Reimbursable	HSSE TEAM



## HEALTH, SAFETY, SECURITY, & ENVIRONMENTAL

DISTRIBUTION LIST	
Manual distribution procedures are provided in the Manual Introduction, page iv, and shall be followed when making any and all changes.	
MANUAL HOLDER	LOCATION
Chief Operating Officer Genesis Energy, LLC	Corporate; Houston, TX
Corporate Auditor	Corporate, Houston, TX
Corporate Director, Health, Safety, Security, & Environmental	Village Green; Houston, TX
Corporate, Legal Legal	Corporate, Houston, TX Ruston, LA
Director of Human Resources	Corporate, Houston, TX
Director of Operations, Pipeline and Transmission, Supply and Logistics	Village Green; Houston, TX
Director of Trucking Operations, Davison Transportation Services	Ruston, LA
General Manager Crude Marketing and Sales	Corporate, Houston, TX
HSSE Representatives: Ruston Terminal Refinery Services (TDC, LLC) USA Trucking and Pipeline Texas/Louisiana Trucking and Pipeline	Ruston, LA Baton Rouge, LA Soso, MS
Maintenance Manager, Ruston Terminal	Ruston, LA
Manager of Operations Control Center and Scheduling	Village Green; Houston, TX
Operations Manager, AL/FL Pipeline	Jay, FL
Operations Manager, MS Pipeline	Soso, MS





Operations Manager, Port Hudson	Zachary, LA
Operations Manager, Texas Pipeline	Webster; Webster, TX
Plan Administrator, Original Hard Copy	Village Green; Houston, TX
President of Davison Transportation Services	Ruston, LA
President of Fuel Masers	Abilene, TX
Refinery Services Office Manager (TDC, LLC) Refinery Services Customer Service/Accounting (TDC, LLC) Refinery Services Logistics (TDC, LLC)	Ruston, LA
Refinery Services Sales (TDC, LLC)	Buckeye, AZ
Refinery Services Sales (TDC, LLC)	Gilbert, AZ
Refinery Services Site Manager (TDC, LLC)	Corpus Christi, TX
Refinery Services Site Manager (TDC, LLC) Refinery Services Office Manager (TDC, LLC)	El Dorado, AR
Refinery Services Site Manager (TDC, LLC)	Lake Point, UT
Refinery Services Site Manager (TDC, LLC)	Monroe, LA
Refinery Services Site Manager (TDC, LLC)	Sterlington, LA
Refinery Services Site Manager (TDC, LLC) Refinery Services Control Room (TDC, LLC)	Westlake, LA
Refinery Services Site Manager, Natchez Terminal (TDC, LLC)	Natchez, MS
Refinery Services VP General Manager (TDC, LLC)	Baton Rouge, LA



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Refinery Services VP of Operations (TDC, LLC)	The Woodlands, TX
Refinery Services VP Sales/Marketing (TDC, LLC) Refinery Services, Sales (TDC, LLC)	Houston, TX
Terminal Manager, Red River Terminal Rilla/Fondale	Monroe, LA
Terminal Manager, Red River Terminal Shreveport	Shreveport, LA
Trucking Manager, District 18	Fillmore, LA
Trucking Manager, District 31	Midland, TX
Trucking Manager, District 8	I-65, AL
Trucking Supervisor, District 9	Soso, MS
Vice President of Fuel Masters	Abilene, TX





## Introduction

### **Safety Plan Section**

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Genesis Energy, LP (GEL) has developed the procedures found in this manual to provide guidelines for safe and environmentally sound work. These guidelines will be of greatest value when reviewed periodically and when used for review prior to non-routine tasks. The procedures were written with Genesis Safety Committee input.

### **Special Situations**

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There are special situations where the plans may not be adequate. Therefore, it is important that the work team develop individual plans for special situations. The HSSE Department is always available to assist in this effort.

### **Responsibilities**

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These procedures apply to all GEL employees and all contractors.

### **Exceptions**

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- Exceptions to these procedures will only be done when a safer method can be developed.
- Exceptions must be reviewed, documented and approved by using procedure 3.3 Exception Procedure.

### **Manual Distribution Procedures**

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HSSE shall have the responsibility for maintenance and distribution of the manual. Distribution will be handled in the following manner:

- A distribution list is included in the Distribution and Revisions sections to facilitate control of the documents.
- It is the responsibility of any person holding a copy of the manual to ensure that the copy is transferred to their replacement in the event of reassignment or change in responsibility.

### **Manual Review and Update Procedures**

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HSSE will coordinate the following manual review and updated procedures:

- At least once each year, review and make appropriate changes/revisions.
- Coordinate the word processing, publication and distribution efforts to complete the revisions and maintain the manual.




## **Policy Statement**

Genesis Energy, LP (GEL) believes in maintaining a safe working environment for all employees. Our equipment and personnel reflect this belief. Our prime objective is to ensure the personal safety of every employee on the job site--whether on GEL or leased property-- and to safeguard company property through preventive measures.

Employees of Genesis Energy, LP are expected to be familiar and comply with all company safety policies. Through continuing education and training, a positive and proactive approach to meeting our goals, and management support, we will provide a safe and professional working environment for our employees as well as those whose lives and safety have been entrusted to us.



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Procedure HSSE 5.6	Document Authors HSSE Team	Approver's Signature 

## 5.6 Tank Car Inspection, Loading and Unloading Procedures

### Purpose

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This procedure was prepared to assist in complying with DOT regulations and promote safe loading, handling, transporting and unloading of tank car shipments of hazardous and non-hazardous chemical products and raw materials

### Policy

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It is the policy of GEL to assure the safe loading and unloading of tank cars containing product or raw materials.

### Scope

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This procedure applies to all employees required to load or unload tank cars at all owned or operated facilities.

### Procedure

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#### Tank Car Inspection

Tank Car (TC) Inspections are performed visually, prior to loading, to identify mechanical defects. TCs found to have mechanical defects through this inspection are considered a "bad order" car and shall not be loaded until discrepancies have been addressed.

#### "Bad Order" Car

No tank car can be shipped or loaded in an unsafe/damaged condition. "Bad Order" tank cars shall be repaired prior to loading with product. If the repairs cannot be accomplished onsite, the manager of the rail fleet must be contacted, and the car routed to an approved repair shop. The Facility Manager must obtain special permission from the Rail Fleet Manager to ship a "bad order" car to the rail shop for repair, if it is not completely clean.

#### Tank Car Loading/Unloading and Pre-Shipping Report

The tank car loading/unloading is documented on each site's specific "Tank Car Loading/Unloading" form (see Appendix A.) This form verifies the product is compatible

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with the designated tank car to be loaded. Additionally, it attests that the safety features on the tank car are in place and warning devices are set prior to loading.

### **Prior to Loading**

1. Tank car loading shall be performed by employees properly trained in this procedure.
2. Hand brakes should be set and wheels blocked with the proper wheel chocks. Miscellaneous pieces of wood or steel are not considered appropriate chocking devices.
3. Ensure derails and caution signs (blue flag) are properly positioned and displayed to protect the tank car and personnel during the loading process. The caution signs should be made of metal or plastic, be 12-inches in height by 15-inches wide, and bear the words, "STOP - TANK CAR CONNECTED" or "STOP - MEN AT WORK". The word, "STOP" must be in four-inch tall letters and the other words must be a minimum of two-inch tall letters.
4. If tank car is equipped with bottom outlets, the bottom outlet must be equipped with a liquid-tight closure at its lowest end. This normally consists of a 4" cap with a pipe plug. Examine the valve to make absolutely sure it is closed. The bottom outlet cap must be removed so that it can be greased and then it can be replaced. The outlet plug must then be removed during the entire time the tank car is being loaded.
5. Examine the dome gasket surfaces to make sure that the gasket will fit as designed and there will be NO leakage of vapor or liquid. Replace the gasket if it exhibits any signs of failure (swelling, compression set, flaking, hardness, cuts, etc.)
6. Do not load tank cars with interior heater coils.
7. Ensure that the test dates are within the prescribed retest intervals for safety relief valves. This information is located on side of tank. Also, ensure the water capacity is stenciled on (located on both heads of tank car). If the test dates are expired, the car cannot be loaded. Notify the rail traffic department for routing of the car to the proper maintenance shop. Each site will provide test dates.
8. Ensure all required markings and stenciling (including tank car specs, test pressures, test dates) are legible on tank car. If the car has graffiti, cover, if possible. If the extent of the graffiti or the paint condition has deteriorated beyond touching up, notify the Rail Fleet Manager and have the car "bad ordered" for repairs.



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9. Ensure that tank car is equipped with four metal placard holders which are suitable for service. If the cargo is a hazardous material, make sure that the correct placards are available and placed in these holders. If an incoming tank car is missing placards replace them. If the cargo is non-hazardous, there are no placards required and the placard holders should remain empty.
10. If the tank car is equipped with a safety relief vent, the frangible disc (rupture disc) must be made of stainless steel, have a rating which does not exceed the tank car specification, and which is suitable for chemical service. The frangible disc setting (burst pressure) must be stenciled on the tank car.
11. The safety vent cover must be of an approved design which will prevent interchange with other fittings. It must not be subject to rapid deterioration by the chemical and must be chained or otherwise fastened to prevent misplacement.
12. The tank car being loaded with materials of a flammable nature should be electrically grounded and loaded on bonded and insulated tracks to prevent the possibility of sparks caused by static electricity or stray electrical currents.
13. Do not exceed the tank load limit stenciled on the tank car or the rail limit of the rail where the tank car is about to go.

#### **After Loading and Prior to Shipment**

1. Ensure the required minimum outage (ullage or vacant space) is left in the tank car. The outage requirements for tank cars must be calculated to percentage of the total capacity of the tank i.e., shell and dome capacity combined. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage. The outage for tank cars must not be less than 2%. Materials designated as "Poisonous Inhalation Hazards", shall have an outage of not less than 5%.

#### **Flammable Liquids**

Flammable liquids must not be loaded into dome or dome pipes of tank cars. If the dome of the tank car does not provide sufficient outage, then vacant space must be left in the shell to make up the required outage. Flammable liquids with a vapor pressure of 16 psia, or less, at 100 °F, must be loaded in tank cars such that the outage shall not be less than 2%.

#### **Corrosive Liquids**

Corrosive liquids must be carried in tank cars that are designed for the corrosive problems that the chemicals present. The outage for these tank cars must not be less than 2%.

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2. Ensure that the allowable weight limit is not exceeded. The load weight limit can be found stenciled on the car. The tare (empty) weight of the car can also be found stenciled on the car.
3. Ensure all openings on the tank car are closed and their protective housings are properly secured in place by the use of a bar, wrench, or other suitable tools. Dome cover gaskets must be of sufficient material which is compatible with, and will not be deteriorated by the lading; and, must be in proper condition and position. Dome covers must be properly closed and tightly secured to prevent leakage of vapor or liquid. Top loading devices, venting, air inlet and gauging devices, including sample lines and thermometer wells, must be of approved design and tightly closed. Dome cover lids are to be closed and secured with a numbered seal in place and logged on tank car check list.
4. If the tank car is equipped with a bottom discharge outlet there must not be more than a dripping of liquid from the primary valve during the loading process with the valve closed and outlet cap off or plug open. The tank car may not be offered for transportation until proper repairs have been made. The bottom outlet cap must be supplied with a gasket of suitable material and the cap must be applied, after the tank is loaded with a suitable tool. A wrench having a handle at least 36" long is no longer required, although it is still a good tool to use. Compounds, other than gaskets, must not be used in the outlet cap or on the threads of the outlet nozzle to stop a leak. The only exemption is the use of three wraps of Teflon tape or the application of Teflon pipe compound. The outlet plug must be applied and tightened by the use of a suitable tool. Bottom valve must be provided with suitable locking arrangements to ensure positive closure during transit. Ensure bottom valve numbered seal is in place and the seal number logged on the loading form.
5. The required placards must be applied to each side and end of the tank car in placard holders.
6. There must be no leakage of vapor or liquid from the loaded car prior to shipment. Any spillage, which occurred during the loading process, should be removed from the tank or jacket. Drips from the insulation caused by washing down the exterior must be completely stopped prior to releasing the car to the railroad; therefore, once the Tank Car leaves the facility, any appearance of a leak looks new to someone who has not seen it before. For sulfidic products (sodium hydrosulfide and sulfidic caustic), examine the dome area with an H<sub>2</sub>S meter for minute leaks.
7. Prior to shipping, ensure that all seal numbers are entered on the Bill of Lading. This should be done by the supervisor, and checked off on the



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loading form. All items on the loading form should be checked and signed by the loader and/or the individual making the tank car ready for shipment.

8. Tank car loading/unloading forms will be retained at the facility for a period of three years.

### **Tank Car Unloading**

Tank car unloading is documented on the site's unloading form. This form verifies receipt of the correct material; additionally, it attests that the safety features on the tank car are in place and warning devices are set prior to unloading. Lastly, it verifies that the tank car has been properly disconnected, all closures made tight and is prepared to be offered for shipment.

1. Tank car unloading shall be performed by employees properly trained in this procedure.
2. Brakes must be set and wheels chocked on all cars being unloaded
3. Caution signs (blue flags) and derails must be placed as to give warning to persons approaching the tank car from the open ends of the siding. The Blue flag will be left up until after the tank car is unloaded, disconnected and the discharge connections put away.
4. Before tank car unloading, all seals must be inspected for breakage. The seal number logged on Bill of Lading should be compared to the seals on the car. If the seals are broken or missing, notify your supervisor immediately. Do not unload prior to this notification and the inspection of the cargo. The cargo must be sampled and verified to be contamination-free.
5. Tank cars must not be allowed to stand with unloading connections attached after unloading is complete.
6. The tank car shall not be left unattended while unloading is in progress. If it is necessary to leave the car unattended, unloading will be discontinued. All valves must be tightly closed any openings sealed and, all unloading connections removed.
7. As soon as the tank car is completely unloaded, all valves must be made tight, the unloading connections removed; and any other closures made tight. The dome cover, bottom outlet cap and plug, and all other openings, including their protective housings, must be replaced, and tightened with a suitable tool.
8. Tank cars should have pressure relieved prior to shipping.

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## **Appendix A**

### **Site Specific Loading / Unloading Forms**

1. Tank Car Pre-loading, Loading and Pre-shipping Inspection – WESTLAKE, LA / CORPUS CHRISTI, TX
2. Tank Car Unloading and Pre-shipping Inspection – LAKE POINT, UTAH
3. Tank Car Pre-loading, Loading and Pre-shipping Inspection – SHREVEPORT, LOUISIANA
4. Tank Car Unloading and Pre-shipping Inspection – SHREVEPORT, LOUISIANA
5. Tank Car Unloading and Pre-shipping Inspection – ERCO MONROE, LOUISIANA





**Tank Car Pre-loading, Loading and Pre-shipping Inspection**  
**WESTLAKE, LA / CORPUS CHRISTI, TX**  
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**PRELOADING INSPECTION**

I am trained and authorized by GEL on their transportation and plant procedures. Yes  No   
 If "No", STOP! Do not attempt to complete any of the inspections or reports.

DATE: \_\_\_\_\_ CAR#: \_\_\_\_\_ CUSTOMER: \_\_\_\_\_

PLACARD# \_\_\_\_\_ R/C.D.O.T.# \_\_\_\_\_ MATERIAL TO BE LOADED \_\_\_\_\_

- Is there any visible damage or metal deterioration (dents 4" or greater, outer shell rusted through) on tank car? Yes  No  \*If yes, railcar must be inspected by a railcar maintenance company prior to loading.
- Overall Paint Appearance:  New  Good  Fair  Poor (If Poor – take photo's)

All questions **MUST** be answered **YES** before the car is loaded unless **N/A!**

TDC car dedicated for NaHS shipment? Yes  No  If **NO**, Requires Management's approval before loading.  
 Is railcar suitable for product to load as indicated by current railcar list? Yes  No

**Pre-Loading Inspection**

	Yes	No	N/A		Yes	No	N/A
Is BLUE Flag in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does car have liner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is DERAILER in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Liner in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile disconnected from car?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap has good gasket?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile brake set?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap has suitable gasket?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile wheels chocked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap threads anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile key removed & in shack?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap tightened with wrench?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car is grounded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have couplers on car been checked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handbrake is set?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wheels are in good condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wheels are chocked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Brakes in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tank car markings legible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover bolts in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All placard holders in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome gasket flange in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car has internal coils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Car capable of top off-loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IF YES, DO NOT LOAD!</b>							
<b>Correct placards installed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube attached and in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relief valves within test dates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube plugged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date _____ Due Date _____							
Tank test within test date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube flushed with water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date _____ Due Date _____							
Car has 165# SS Rupture disc?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Car has vent valve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rupture Disc inspected top & bottom?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**Operator's Signature:** \_\_\_\_\_

**LOADING REPORT**

	Yes	No	N/A		
Customer Spec Book reviewed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gallons of product loaded?	_____ gal.
Has car been rinsed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Bottom loading cap off for loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inches of vapor space after loading the car?	_____ in.
Liquid leaks on the car during loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Bottom valve leaking during loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water capacity of car?	_____ gal.
Inches of liquid in car prior to loading?			in.	Empty weight of car?	_____ lbs
Inches of crystals in car prior to loading?			in.	Estimated loaded pounds:	_____ lbs
Inches of liquid strapping chart calls for?			in.	Estimated gross wt.	_____ lbs
				Estimated D.T.	_____ dst

**Operator's Signature:** \_\_\_\_\_



**Tank Car Pre-loading, Loading and Pre-shipping Inspection**  
**WESTLAKE, LA / CORPUS CHRISTI, TX**  
 Page 2 of 2

**PRE-SHIPMENT INSPECTION**

The following questions that are answered **NO** must have corrective action taken before shipment!

	Yes	No	N/A		Yes	No	N/A
Vent plug tightened & chained to car?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Platform in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ladder in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All 4 placard in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hand rails in good condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover gasket suitable material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing cover pin suitable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	New dome cover gasket installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Numbered seal on housing cover pin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing cover seal No. _____				Dome cover bolts anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car free of vapor leaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover bolts securely fastened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car free of liquid leaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Numbered seal on dome cover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom outlet cap plug anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover seal No. _____			
Bottom outlet plug tightened with wrench?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is COA required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom valve closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has COA been completed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom valve locked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Numbered seal on closed bottom load valve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Bottom load valve seal No. _____							

**All NO answers must be explained below, as well as any other irregularities!**

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Car is ready for shipment:**

Railcar and paperwork must be visually inspected prior to shipment.

\_\_\_\_\_  
 Operator's Signature

**Loaded From Tank#** \_\_\_\_\_





**Tank Car Unloading and Pre-shipping Inspection  
LAKE POINT, UTAH**

<b>TANK CAR UNLOADING REPORT</b>
I am trained and authorized by GEL on their transportation procedures. Yes <input type="checkbox"/> No <input type="checkbox"/> If no, <b>STOP!</b> Do not attempt to complete any of the inspections or reports.

**\*\*\*\*COMPLETE THIS ENTIRE DOCUMENT IN BLUE OR BLACK INK ONLY!\*\*\*\***

DATE: _____ CAR#: _____ CUSTOMER: _____
---

- Is there any visible damage or metal deterioration (dents 4" or greater, outer shell rusted through) on tank car?  
Yes  No  \*If yes, tank car must be inspected by a railcar maintenance company prior to loading.
- PLACARD# \_\_\_\_\_ R/C.D.O.T.# 111A100W \_\_\_\_\_ MATERIAL PREVIOUSLY LOADED \_\_\_\_\_

**SECTION 1** All questions preceded by an (\*) **MUST** be answered **YES** before the car is unloaded.

* Verified contents and seal numbers with Bill of Lading?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Seals Intact?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>If "NO" is checked, DO NOT unload – Notify supervisor for guidance.</b>				
* Are the track switches "Isolated Out" and locked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is the manual brake set?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the caution signs/"Blue Flags" posted?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the wheels chocked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hoses in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hose Cam lock's in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is there a good gasket in each fitting?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**SECTION 2** The following questions that are answered **NO** must have corrective action taken before shipment!

Is the vent cap chained to the car?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Is the platform in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the ladder in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Are tank car markings legible?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the railing in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	All (4) placard holders in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is housing cover pin suitable?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Rupture Disk/PRD valve inspected?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**SECTION 3** All questions preceded by an (\*) **MUST** be answered **YES** before the car is shipped.

* Is the car free of vapor leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Is the car free of liquid leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Have the bottom outlet cap plug threads been anti-seized?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom outlet plug been tightened with a wrench?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom valve been closed and chained?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has a numbered seal been attached to the closed bottom load valve?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the closed dome cover?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the housing cover pin?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____

All **NO** answers must be explained below, as well as any other irregularities!

Comments: \_\_\_\_\_

Received From: \_\_\_\_\_

Overall Paint Appearance:  New     Good     Fair     Poor (If Poor - take photo's)

**Car is ready for shipment:**

Railcar and paperwork must be visually inspected prior to shipment.

\_\_\_\_\_  
Operator's Signature





**Tank Car Unloading and Pre-shipping Inspection  
SHREVEPORT, LOUISIANA**

**TANK CAR UNLOADING REPORT**

I am trained and authorized by GEL on their transportation procedures. Yes  No   
If no, **STOP!** Do not attempt to complete any of the inspections or reports.

**\*\*\*\*COMPLETE THIS ENTIRE DOCUMENT IN BLUE OR BLACK INK ONLY!\*\*\*\***

DATE: \_\_\_\_\_ CAR#: \_\_\_\_\_ CUSTOMER: \_\_\_\_\_

- Is there any visible damage or metal deterioration (dents 4" or greater, outer shell rusted through) on tank car?  
Yes  No  \*If yes, tank car must be inspected by a railcar maintenance company prior to loading.
- PLACARD# \_\_\_\_\_ R/C.D.O.T.# 111A100W \_\_\_\_\_ MATERIAL PREVIOUSLY LOADED \_\_\_\_\_

**SECTION 1** All questions preceded by an (\*) **MUST** be answered **YES** before the car is unloaded.

* Verified contents and seal numbers with Bill of Lading?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Seals Intact?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>If "NO" is checked, DO NOT unload – Notify supervisor for guidance.</b>				
* Are the track switches "Isolated Out" and locked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is the manual brake set?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the caution signs/"Blue Flags" posted?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the wheels chocked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hoses in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hose Cam lock's in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is there a good gasket in each fitting?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**LOAD TANK CAR NOW, IF THERE IS NOT ANY PROBLEMS**

**SECTION 2** The following questions that are answered **NO** must have corrective action taken before shipment!

Is the vent cap chained to the car?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Is the platform in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the ladder in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Are tank car markings legible?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the railing in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	All (4) placard holders in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is housing cover pin suitable?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Rupture Disk/PRD valve inspected?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**SECTION 3** All questions preceded by an (\*) **MUST** be answered **YES** before the car is shipped.

* Is the car free of vapor leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Is the car free of liquid leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Have the bottom outlet cap plug threads been anti-seized?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom outlet plug been tightened with a wrench?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom valve been closed and chained?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has a numbered seal been attached to the closed bottom load valve?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the closed dome cover?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the housing cover pin?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Seal numbers put onto Bill of Lading?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	

All **NO** answers must be explained below, as well as any other irregularities!

Comments: \_\_\_\_\_

Received From: \_\_\_\_\_

Overall Paint Appearance:  New  Good  Fair  Poor (If Poor - take photo's)

**Car is ready for shipment:**

Railcar and paperwork must be visually inspected prior to shipment.

\_\_\_\_\_  
Operator's Signature





**Tank Car Pre-loading, Loading and Pre-shipping Inspection**  
**SHREVEPORT, LOUISIANA**  
 Page 1 of 2

**PRELOADING INSPECTION**

I am trained and authorized by GEL on their transportation and plant procedures. Yes  No   
 If "No", **STOP!** Do not attempt to complete any of the inspections or reports.

DATE: \_\_\_\_\_ CAR#: \_\_\_\_\_ CUSTOMER: \_\_\_\_\_

PLACARD# \_\_\_\_\_ R/C.D.O.T.# \_\_\_\_\_ MATERIAL TO BE LOADED \_\_\_\_\_

- **Is there any visible damage or metal deterioration (dents 4" or greater, outer shell rusted through) on tank car? Yes  No  \*If yes, railcar must be inspected by a railcar maintenance company prior to loading.**
- **Overall Paint Appearance:  New  Good  Fair  Poor (If Poor – take photo's)**

All questions **MUST** be answered **YES** before the car is loaded unless **N/A!**

TDC car dedicated for NaHS shipment? Yes  No  If **NO**, Requires Management's approval before loading.  
 Is railcar suitable for product to load as indicated by current railcar list? Yes  No

**Pre-Loading Inspection**

	Yes	No	N/A		Yes	No	N/A
Is BLUE Flag in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Does car have liner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is DERAILER in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Liner in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile disconnected from car?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap has good gasket?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile brake set?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap has suitable gasket?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile wheels chocked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap threads anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trackmobile key removed & in shack?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bottom outlet cap tightened with wrench?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car is grounded?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Have couplers on car been checked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handbrake is set?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wheels are in good condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wheels are chocked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Brakes in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tank car markings legible?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover bolts in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All placard holders in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome gasket flange in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car has internal coils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Car capable of top off-loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>IF YES, DO NOT LOAD!</b>							
<b>Correct placards installed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube attached and in place?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Relief valves within test dates?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube plugged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date _____ Due Date _____							
Tank test within test date?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dip tube flushed with water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date _____ Due Date _____							
Car has 165# SS Rupture disc?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Car has vent valve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rupture Disc inspected top & bottom?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

**Operator's Signature:** \_\_\_\_\_

**LOADING REPORT**

	Yes	No	N/A		
Customer Spec Book reviewed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gallons of product loaded?	_____ gal.
Has car been rinsed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inches of vapor space after loading the car?	_____ in.
Bottom loading cap off for loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Water capacity of car?	_____ gal.
Liquid leaks on the car during loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Empty weight of car?	_____ lbs
Bottom valve leaking during loading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Estimated loaded pounds:	_____ lbs
Inches of liquid in car prior to loading?			in.	Estimated gross wt.	_____ lbs
Inches of crystals in car prior to loading?			in.	Estimated D.T.	_____ dst
Inches of liquid strapping chart calls for?			in.		

**Operator's Signature:** \_\_\_\_\_



**Tank Car Pre-loading, Loading and Pre-shipping Inspection**  
**SHREVEPORT, LOUISIANA**  
 Page 2 of 2

**PRE-SHIPING INSPECTION**

The following questions that are answered **NO** must have corrective action taken before shipment!

	Yes	No	N/A		Yes	No	N/A
Vent plug tightened & chained to car?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Platform in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ladder in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All 4 placard in good condition?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hand rails in good condition	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover gasket suitable material?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing cover pin suitable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	New dome cover gasket installed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Numbered seal on housing cover pin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing cover seal No. _____				Dome cover bolts anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car free of vapor leaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover bolts securely fastened?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Car free of liquid leaks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Numbered seal on dome cover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom outlet cap plug anti-seized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dome cover seal No. _____			
Bottom outlet plug tightened with wrench?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is COA required?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom valve closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has COA been completed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bottom valve locked?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Numbered seal on closed bottom load valve?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Bottom load valve seal No. _____							

**All NO answers must be explained below, as well as any other irregularities!**

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Car is ready for shipment:**

Railcar and paperwork must be visually inspected prior to shipment.

\_\_\_\_\_  
 Operator's Signature

Loaded From Tank# \_\_\_\_\_





**Tank Car Unloading and Pre-shipping Inspection**  
**ERCO**  
**MONROE, LOUISIANA**

<b>TANK CAR UNLOADING REPORT</b>
I am trained and authorized by GEL on their transportation procedures. Yes <input type="checkbox"/> No <input type="checkbox"/> If no, <b>STOP!</b> Do not attempt to complete any of the inspections or reports.
<b>****COMPLETE THIS ENTIRE DOCUMENT IN BLUE OR BLACK INK ONLY!****</b>

DATE: \_\_\_\_\_ CAR#: \_\_\_\_\_ CUSTOMER: \_\_\_\_\_

- Is there any visible damage or metal deterioration (dents 4" or greater, outer shell rusted through) on tank car?  
 Yes  No  \*If yes, tank car must be inspected by a railcar maintenance company prior to loading.
- PLACARD# \_\_\_\_\_ R/C.D.O.T.# 111A100W \_\_\_\_\_ MATERIAL PREVIOUSLY LOADED \_\_\_\_\_

**SECTION 1** All questions preceded by an (\*) **MUST** be answered **YES** before the car is unloaded.

* Verified contents and seal numbers with Bill of Lading?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Seals Intact?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>If "NO" is checked, DO NOT unload – Notify supervisor for guidance.</b>				
* Are the track switches "Isolated Out" and locked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is the manual brake set?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the caution signs/"Blue Flags" posted?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the wheels chocked?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hoses in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Are the unloading hose Cam lock's in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
* Is there a good gasket in each fitting?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**SECTION 2** The following questions that are answered **NO** must have corrective action taken before shipment!

Is the vent cap chained to the car?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Is the platform in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the ladder in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Are tank car markings legible?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is the railing in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	All (4) placard holders in good condition?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is housing cover pin suitable?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Rupture Disk/PRD valve inspected?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

**SECTION 3** All questions preceded by an (\*) **MUST** be answered **YES** before the car is shipped.

* Is the car free of vapor leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Is the car free of liquid leaks?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Have the bottom outlet cap plug threads been anti-seized?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom outlet plug been tightened with a wrench?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has the bottom valve been closed and chained?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
* Has a numbered seal been attached to the closed bottom load valve?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the closed dome cover?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____
* Has a numbered seal been attached to the housing cover pin?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Seal # _____

All **NO** answers must be explained below, as well as any other irregularities!

Comments: \_\_\_\_\_

Received From: \_\_\_\_\_

Overall Paint Appearance:  New  Good  Fair  Poor (If Poor - take photo's)

**Car is ready for shipment:**

Railcar and paperwork must be visually inspected prior to shipment.

\_\_\_\_\_  
Operator's Signature



**Fillmore Truck Station, LA  
SPILL PREVENTION CONTROL AND  
COUNTERMEASURE PLAN**

Developed by:





# SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN

Last Revised:  
January 20, 2012

© Technical Response Planning Corporation 2006

## 1.1 Introduction

Figure 1.1-1 - Professional Engineer Certification

Figure 1.1-2 - Certification and Applicability of Substantial Harm

Figure 1.1-3 - Management Approval and Review

Figure 1.1-4 - Record of Reviews

Figure 1.1-5 - Addendum

## 2.1 Spill Prevention

Figure 2.1-1 - Site Specific SPCC Plan

40 CFR, 112.7 - (a) General Requirements January 20, 2012

40 CFR, 112.7 - (b) Prediction Of The Direction, Rate Of Flow,  
And Total Quantity Of Oil Which Could Be Discharged From The  
Facility As A Result Of Each Type Of Major Equipment Failure

40 CFR, 112.7 - (c) Provide Appropriate Containment

40 CFR, 112.7 - (d) Identification of Impractical Controls

40 CFR, 112.7 - (e) Inspections, Tests, And Records

40 CFR, 112.7 - (f) Personnel Training And Discharge Prevention  
Procedures

40 CFR, 112.7 - (g) Security

40 CFR, 112.7 - (h) Facility Tank Car And Tank Truck  
Loading/Unloading Rack

40 CFR, 112.7 - (i) Brittle Fracture Evaluation Requirements

## **SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN, CONTINUED**

**40 CFR, 112.7 - (j) State Discharge Prevention Requirements**

**40 CFR, 112.7 - (k) Qualified Oil-Filled Operational Equipment**

**40 CFR, 112.8 - (a) General Requirements**

**40 CFR, 112.8 - (b) Facility Drainage**

**40 CFR, 112.8 - (c) Bulk Storage Containers**

**40 CFR, 112.8 - (d) Facility Transfer Operations, Pumping, and  
Facility Processes**

**Figure 2.1-2 - Tank Table**

**Figure 2.1-3 - Plot Plan**

**Figure 2.1-4 - Topographic Map**

**Figure 2.1-5 - Containment Calculation**

### **3.1 Response Procedures**

**Figure 3.1-1 - Response Actions**

### **3.2 Source Control and Mitigation**

**Figure 3.2-1 - Spill Mitigation Procedures**

### **3.3 Spill Volume Estimating**

**Figure 3.3-1 - Spill Estimation Factors**

### **3.4 Notifications**

**Figure 3.4-1 - Oil Spill Report Form**

**Figure 3.4-2 - Notifications**



## **SPILL PREVENTION CONTROL AND COUNTERMEASURE PLAN, CONTINUED**

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### **3.5 Spill Management Team**

**Figure 3.5-1 - Spill Management Team Organization**

### **3.6 Response Resources**

**Figure 3.6-1 - Company and Contractor Response Resources**

### **3.7 Command Post**

**Figure 3.7-1 - Command Post Checklist**

### **3.8 Communications**

**Figure 3.8-1 - Communications Checklist**

### **3.9 Waste Management**

**Figure 3.9-1 - Waste Management Flow Chart**

**Figure 3.9-2 - Temporary Storage Methods**

### **4.1 Logs**

**Figure 4.1-1- Discharge Prevention Meeting Log**

**Figure 4.1-2 - Inspection Procedures**

**Figure 4.1-3 - Secondary Containment Drainage Log**

**Figure 4.1-4 - Reportable Spill History**

### **5.1 Cross References**

**Figure 5.1-1 - EPA / SPCC Cross-Reference**

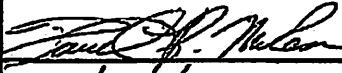
**Figure 5.1-2 - EPA / Contingency Plan Cross-Reference**

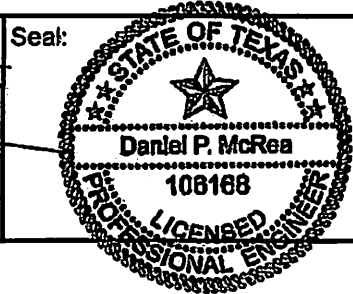
### **6.1 Record of Changes**

**Figure 6.1-1 - Record of Changes**

1.1 INTRODUCTION

FIGURE 1.1-1 - PROFESSIONAL ENGINEER CERTIFICATION

40 CFR, Part 112.3(d) Professional Engineer Certification	
<p>Being familiar with the provisions of 40 CFR, Part 112, I attest to the following:</p> <ul style="list-style-type: none"> <li>• I am familiar with the requirements of this part.</li> <li>• I or my agent has visited and examined the Facility.</li> <li>• The Plan has been prepared in accordance with good engineering practice, including consideration of applicable industry standards, and with the requirements of this part.</li> <li>• Procedures for required inspections and testing have been established.</li> <li>• The Plan is adequate for the Facility.</li> </ul> <p><b>Note:</b> Certification is conditional pending satisfactory resolution of the required improvements listed in FIGURE 1.1-5.</p>	
Printed Name of Registered Professional Engineer:	Daniel P. McRea
Signature of Registered Professional Engineer:	
Date:	12/17/10
Registration Number:	106168





2010 Fillmore PE Certification

**FIGURE 1.1-2 - CERTIFICATION AND APPLICABILITY OF SUBSTANTIAL HARM**

Does the facility transfer oil over-water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons? **No**

Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and, within any storage area, does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest above ground oil storage tank plus sufficient freeboard to allow for precipitation? **No**

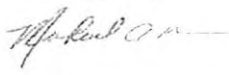
Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at distance [as calculated using the appropriate formula in Appendix C-III (59 FR 34105) or a comparable formula] such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? **No**

Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Appendix C or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake? **No**

Does the facility have a total oil storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last 5 years? **No**

**CERTIFICATION**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining information, I believe that the submitted information is true, accurate, and complete.

<b>Signature:</b>	
<b>Name:</b>	Michael A. Moore
<b>Title:</b>	Vice President of Trucking Operations
<b>Date:</b>	1/10/2012 12:00:00 AM



## FIGURE 1.1-3 - MANAGEMENT APPROVAL AND REVIEW

I hereby approve the contents of the facility's Spill Prevention, Control and Countermeasure Plan (SPCC Plan) and have the authority to commit the necessary resources to implement the SPCC Plan, as set forth in this document, in accordance with the federal requirements of 40 CFR Part 112.


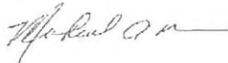
<b>Name:</b>	Mr. Patrick Hodgins	<b>Signature:</b>	
<b>Title:</b>	Corporate Director of HSSE	<b>Date:</b>	4/26/2010 12:00:00 AM
<b>Name:</b>	Michael A. Moore	<b>Signature:</b>	
<b>Title:</b>	Vice President of Trucking Operations	<b>Date:</b>	1/10/2012 12:00:00 AM

FIGURE 1.1-4 - RECORD OF REVIEWS

RECORD OF REVIEWS					
Date of Review <sup>1</sup>		Will Plan Need Amendment? <sup>2</sup>	Reviewer's Name <sup>3</sup>	Reason for Amendment <sup>4</sup>	Date of Amendment (or N/A)
Full	Partial				
4/26/2010		Yes			4/26/2010
	1/5/2012	Yes		Notification changes	

<sup>1</sup> A full review of the plan must be performed at least once every five years.

<sup>2</sup> The SPCC plan must be amended when there is a change in the facility design, construction, operation, or maintenance that materially affects its potential for a discharge. Examples include, but are not limited to: commissioning or decommissioning containers; replacement, reconstruction, or movement of containers; reconstruction, replacement, or installation of piping systems; construction or demolition that might alter secondary containment structures; changes of product or service; or revision of standard operation or maintenance procedures.

<sup>3</sup> Reviewer's signature indicates that he/she has completed review and evaluation of the SPCC plan for [name of facility] on the date indicated and will or will not amend the plan as a result, as indicated.

<sup>4</sup> Briefly describe reasons for plan amendment. These may include one or more of the reasons in footnote 2, above, administrative changes such as updates to names or phone numbers, regulatory changes, or changes in Company policies.



**FIGURE 1.1-5 - ADDENDUM**

Certification of this Spill Prevention Control and Countermeasure plan is contingent upon correction of all discrepancies listed in this Addendum. The discrepancies are:

This terminal has no discrepancies.

## 2.1 SPILL PREVENTION

FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN

FACILITY INFORMATION			
<b>Name of Facility:</b>	Fillmore Truck Station	<b>Type of Facility:</b>	Onshore/Non Production
<b>Location of Facility:</b>	9321 Highway 157 Princeton, LA 71067 (318) 949-3284	<b>Name &amp; Address of Owner or Operator:</b>	Genesis Crude Oil, L.P. 919 Milam Suite 2100 Houston, TX 77002
<b>Latitude/ Longitude:</b>	32 ° 33 ' 52 " N / 93 ° 30 ' 57 " W	<b>Designated Personnel Accountable for Oil Spill Prevention at the Facility:</b>	Terry Lincecum
<b>Personnel Accountable for Training at the Facility:</b>	Russ Miller and Terry Lincecum		
<b>General Facility Description:</b>	This Facility is a truck station which stores diesel. Diesel is used for own consumption at the Facility and is loaded out of the Facility via tank truck. This Facility is manned during loading operations and maintenance operations. Genesis began trucking operations at this Facility in April of 1998. The Facility has one (1) aboveground storage tank. Refer to FIGURE 2.1-3 for the facility plot plan and FIGURE 2.1-2 for a listing of facility storage.		



FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.7	
<b>(a) GENERAL REQUIREMENTS</b>	
(1) Include a discussion of your facility's conformance with the requirements listed in this part	<ul style="list-style-type: none"> <li>The specific requirements are detailed in bulleted responses below.</li> </ul>
(2) Comply with all applicable requirement listed in this part. Your Plan may deviate from some requirements if you provide additional protection or explanation	<ul style="list-style-type: none"> <li>All requirements are addressed below. Where deviations occur, an equivalent environmental protection is described in detail.</li> </ul>
(3) You must also address in your plan:	<ul style="list-style-type: none"> <li>The facility is an Onshore/Non-Production facility; refer to FIGURE 2.1-3 for the facility diagram.</li> </ul>
i. The type of oil in each container and its storage capacity	<ul style="list-style-type: none"> <li>Refer to FIGURE 2.1-2 for the Tank Table.</li> </ul>
ii. Discharge prevention measures	<ul style="list-style-type: none"> <li>Entire plan.</li> </ul>
iii. Discharge or drainage controls such as secondary containment around containers and other structures, equipment, and procedures for the control of a discharge	<ul style="list-style-type: none"> <li>Refer to 40 CFR 112.8 (b).</li> </ul>
iv. Countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor)	<ul style="list-style-type: none"> <li>Refer to the response procedures in SECTION 3.1.</li> </ul>
v. Methods of disposal of recovered materials	<ul style="list-style-type: none"> <li>Refer to SECTION 3.9 Waste Management.</li> </ul>
vi. Contact list and phone numbers for responding to a spill or emergency	<ul style="list-style-type: none"> <li>Refer to FIGURE 3.4-2.</li> </ul>
(4) Unless you have submitted a response plan, provide information and procedures to report a discharge	<ul style="list-style-type: none"> <li>Refer to SECTION 3.1 and SECTION 3.4.</li> </ul>
(5) Unless you have submitted a response plan, describe procedures you will use when a discharge occurs	<ul style="list-style-type: none"> <li>Refer to SECTIONS 3.1 through 3.9.</li> </ul>
<b>(b) PREDICTION OF THE DIRECTION, RATE OF FLOW, AND TOTAL QUANTITY OF OIL WHICH COULD BE DISCHARGED FROM THE FACILITY AS A RESULT OF EACH TYPE OF MAJOR EQUIPMENT FAILURE</b>	
	<ul style="list-style-type: none"> <li>Refer to Tank Table, FIGURE 2.1-2, and 40 CFR 112.8(d).</li> </ul>
<b>(c) Provide appropriate containment and/or diversionary structures or equipment to prevent a discharge</b>	
	<ul style="list-style-type: none"> <li>Refer to Tank Table, FIGURE 2.1-2, and 40 CFR 112.8(b) and (c).</li> </ul>
<b>(d) CONTINGENCY PLANNING</b>	
(1) An oil spill contingency plan following the provisions of part 109 of this chapter	<ul style="list-style-type: none"> <li>Refer to Sections 3.1 through 3.9 for contingency planning.</li> </ul>
<b>(e) Inspections, Tests, and Records (maintained for at least 3 years)</b>	
	<ul style="list-style-type: none"> <li>Monthly inspections are performed which include checklist items covering storage tanks, pumps, pipelines, valves, fittings, fence perimeter and general security.</li> </ul>
	<ul style="list-style-type: none"> <li>Product handling equipment is inspected for signs of leakage or potential leakage. Spill containment impoundments are inspected to verify for the presence of oil.</li> </ul>
	<ul style="list-style-type: none"> <li>Facility personnel perform regular inspections of facility equipment, operations and spill containment areas. Inspections are performed in accordance with written procedures detailed on each inspection sheet.</li> </ul>

FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.7	
<b>(e) Inspections, Tests, and Records (maintained for at least 3 years)</b>	
	<ul style="list-style-type: none"> <li>• The Company has developed a tank inspection program for all storage tanks in accordance with the API 653 Standard. As tanks become available, clean and gas free, the Company will contract with a certified API 653 inspector to perform a complete thorough inspection of the tank.</li> </ul>
	<ul style="list-style-type: none"> <li>• An API 653 inspection includes performing non-destructive testing of the tank steel to verify corrosion conditions. The API 653 inspection reports are maintained at the office of the Facility Manager.</li> </ul>
	<ul style="list-style-type: none"> <li>• When measurements or tank conditions are found to be out of API 653 specifications, the necessary repair work will be completed prior to returning the tank to operational service.</li> </ul>
	<ul style="list-style-type: none"> <li>• Inspection and testing records are made part of this plan, but kept at the office of the Facility Manager. All inspection records associated with this SPCC plan will be maintained for a period of three years.</li> </ul>
	<ul style="list-style-type: none"> <li>• The facility manager or his designee will sign the inspections required by this SPCC Plan. Examples of these inspections can be found in this plan.</li> </ul>
	<ul style="list-style-type: none"> <li>• High liquid level alarms are tested annually, including the manipulation of switches at the Dock Facility only.</li> </ul>
	<ul style="list-style-type: none"> <li>• The fast response system is tested monthly, including the checking of gauge reading and calibrating at the Truck Facility.</li> </ul>
	<ul style="list-style-type: none"> <li>• Integrity testing will follow the guidelines listed above and examples of these records documenting the testing can be found in the appendices to this plan.</li> </ul>
<b>(f) PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES</b>	
<b>(1) PERSONNEL TRAINING</b>	
	<ul style="list-style-type: none"> <li>• Formal training on the operation and maintenance of oil field equipment is provided through Company-sponsored schooling on an "as needed" basis.</li> </ul>
	<ul style="list-style-type: none"> <li>• Pollution prevention and applicable regulatory requirements are brought to the attention of employees on a continuing basis in safety meetings, personal consultations, posters, literature distribution, etc.</li> </ul>
	<ul style="list-style-type: none"> <li>• Qualified and experienced personnel conduct on-the-job training of new and/or inexperienced employees.</li> </ul>
	<ul style="list-style-type: none"> <li>• The Company provides initial awareness training to all employees prior to the employee commencing operational duties. The employees are informed of the SPCC Plan, the purpose of the plan, and proper best management practices.</li> </ul>
	<ul style="list-style-type: none"> <li>• The Company has developed an employee-training program that addresses proper operation and maintenance of equipment to prevent oil discharges.</li> </ul>
	<ul style="list-style-type: none"> <li>• The overall purpose of this training program is ensuring that employees are kept informed of current operational procedures and applicable spill prevention methods and pollution control laws, rules, and regulations.</li> </ul>
	<ul style="list-style-type: none"> <li>• The training program includes a review of the Facility's SPCC Plan, new revised regulations / laws / instructions, safe handling of hazardous materials, a review of product storage and transfer operations, and recognizing and identifying pollution prevention opportunities.</li> </ul>
<b>(2) DESIGNATED PERSON</b>	
	<ul style="list-style-type: none"> <li>• Refer to Facility Information above for the "Designated Personnel Accountable for Oil Spill Prevention at the Facility"</li> </ul>
<b>(3) SPILL PREVENTION BRIEFINGS</b>	
	<ul style="list-style-type: none"> <li>• In addition to the regular employee training, the Company will schedule annual briefings to assure that employees have current knowledge of spill prevention techniques and associated equipment.</li> </ul>



FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.7	
<b>(f) PERSONNEL TRAINING AND DISCHARGE PREVENTION PROCEDURES</b>	
<b>(3) SPILL PREVENTION BRIEFINGS</b>	
	<ul style="list-style-type: none"> <li>The record of these briefings will be documented. An example form is included with this SPCC Plan (FIGURE 4.1-1). Documentation will be maintained for a minimum period of three years.</li> </ul>
	<ul style="list-style-type: none"> <li>Employees are instructed in applicable pollution control laws, rules, and regulations.</li> </ul>
	<ul style="list-style-type: none"> <li>Briefings are given as necessary at tailgate meetings as part of an incident review or at other meetings as necessary. Operation and maintenance procedures are explained and problems with existing equipment are discussed.</li> </ul>
	<ul style="list-style-type: none"> <li>Examples of any recent spill events, malfunctioning equipment, etc., are described, along with any resulting or otherwise recently developed precautionary measures.</li> </ul>
<b>(g) SECURITY</b>	
<b>(1) FENCES AND GATES</b>	
	<ul style="list-style-type: none"> <li>The entire facility is enclosed by fencing and secured by gates. Gates are locked when the Facility is unattended.</li> </ul>
<b>(2) CONTAINER VALVES / DRAINS</b>	
	<ul style="list-style-type: none"> <li>When not in operation, all master flow and drain valves that will permit direct outward flow of a tank's content to the surface are securely locked in the closed position.</li> </ul>
<b>(3) STARTER PUMPS</b>	
	<ul style="list-style-type: none"> <li>Starter controls are located within a secure area where only authorized personnel have access. Controls are locked in the "off" position when not in use.</li> </ul>
<b>(4) LOADING / UNLOADING CONNECTIONS</b>	
	<ul style="list-style-type: none"> <li>Pipeline connections are securely capped when they are not in use and blank flanged when they are in standby service for an extended time. All out-of-service pipelines are evacuated of their contents.</li> </ul>
<b>(5) FACILITY LIGHTING</b>	
	<ul style="list-style-type: none"> <li>Lighting is adequate to detect spills during nighttime hours and prevent vandalism. Lights illuminate the aboveground storage areas and the truck loading/unloading area.</li> </ul>
<b>(h) FACILITY TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK</b>	
<b>(1) TRANSFER AREA DRAINAGE</b>	
	<ul style="list-style-type: none"> <li>The Facility requires all drivers to comply with the DOT regulations outlined in 49 CRF Part 177 and the Facility Standard Operating Procedures (SOP). No rail tank car operations occur at this Facility.</li> </ul>
	<ul style="list-style-type: none"> <li>All drivers must be authorized and certified by Genesis Crude Oil, L.P. to unload diesel.</li> </ul>
	<ul style="list-style-type: none"> <li>Truck unloading procedures are posted at the Facility.</li> </ul>
	<ul style="list-style-type: none"> <li>There are no unloading racks at this Facility. Unloading is handled through a single coupling. The unload coupling is located inside of a header box, and drivers are in attendance throughout unloading operations. Spill response equipment is available to drivers in case of a spill.</li> </ul>
<b>(2) INTERLOCKED WARNING LIGHT OR PHYSICAL BARRIER</b>	
	<ul style="list-style-type: none"> <li>Warning signs are posted in all the loading/unloading areas to prevent vehicular departure before disconnecting flexible or fixed transfer lines. A trained Genesis truck driver is present to observe all loading/unloading operations.</li> </ul>
<b>(3) TRUCK DRAIN / OUTLET EXAMINATION</b>	
	<ul style="list-style-type: none"> <li>Prior to filling and departure of any truck, the lower most drains and outlets on tank trucks are closely examined for leakage. Any sign of leakage is immediately corrected to prevent spills while in transit.</li> </ul>
	<ul style="list-style-type: none"> <li>Warning signs are posted in the loading/unloading areas to remind drivers to examine drain outlets prior to departure. A trained Genesis employee is present to observe all loading/unloading operations.</li> </ul>
<b>(i) BRITTLE FRACTURE EVALUATION REQUIREMENTS</b>	
	<ul style="list-style-type: none"> <li>The Facility follows a program to inspect all storage tanks according to API 653 standards. The API 653 inspections will include structural steel evaluation.</li> </ul>

FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.7	
<b>(i) BRITTLE FRACTURE EVALUATION REQUIREMENTS</b>	
	<ul style="list-style-type: none"> <li>Field constructed tanks are not present at the Facility. However, Facility management is aware that in the event modifications are made to storage containers, an evaluation must occur to determine if the structural integrity of the container is sufficient to safely manage the material to be stored and prevent brittle fracture or catastrophic failure.</li> </ul>
<b>(j) STATE DISCHARGE PREVENTION REQUIREMENTS</b>	
	<ul style="list-style-type: none"> <li>The Louisiana Oil Spill Prevention and Response Act requires spill prevention and response plans.</li> <li>The Louisiana Spill Prevention and Control (SPC) Regulations (Title 33, Part IX, Ch. 9) mirrors the Federal SPCC Rule prior to the 2002 revision. Generally, the regulation includes the following differences from the current EPA rule.</li> <li>Only storage containers and loading/unloading equipment and structures are covered.</li> <li>In addition to oil, covered substances include chemicals for which there is a Louisiana or federal reportable quantity (RQ) or are specifically listed in the SPC Rule. In this SPCC Plan, the term "oil" is synonymous with covered substances.</li> <li>There is a lower container capacity trigger level for applicability (660-gallon single containers, as existed in the Federal SPCC Rule prior to the 2002 revision).</li> <li>Plans must be amended and the amendments implemented prior to or concurrent with the facility modification whenever there is a modification in facility design, construction, storage capacity, operation, or maintenance, which renders the existing plan inadequate.</li> <li>Operators of facilities must review the plan every three years and amend the plan, if necessary, within 90 days of the review.</li> </ul>
<b>(k) QUALIFIED OIL-FILLED OPERATIONAL EQUIPMENT</b>	
(1) Qualification Criteria <input type="checkbox"/> Reportable Discharge History	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
(2) Alternative Requirements to General Secondary Containment	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
(i) Facility Procedures for Inspections / Monitoring	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
(ii) Unless you have submitted a response plan under <input type="checkbox"/> 112.20, provide Contingency Planning:	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
(A) An oil spill contingency plan following the provisions of part 109 of this chapter.	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
(B) A written commitment of manpower, equipment, and materials required to expeditiously control and remove any quantity of oil discharged that may be harmful.	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>



FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.8	
<b>(a) GENERAL REQUIREMENTS</b>	
	<ul style="list-style-type: none"> <li>The specific requirements are detailed in bulleted responses below.</li> </ul>
<b>(b) FACILITY DRAINAGE</b>	
<b>(1) DRAINAGE FROM DIKED AREAS</b>	
	<ul style="list-style-type: none"> <li>Drainage from diked storage areas is restrained by valves or other positive means to prevent contamination outside of the diked areas in the event of a spill or a leak.</li> </ul>
	<ul style="list-style-type: none"> <li>Accumulation in the diked area can be released by valves only after a careful examination for an oil sheen has been conducted and documented by the Facility operator. If water is clean, it is released from the diked area. If the water is not clean, it is removed by vacuum truck and properly disposed of.</li> </ul>
	<ul style="list-style-type: none"> <li>The tank truck loading/unloading area is designed with curbing along the downhill edge.</li> </ul>
<b>(2) DRAIN VALVES AND DROP PIPES</b>	
	<ul style="list-style-type: none"> <li>Valves used for the drainage of diked areas are of manual, open-and-closed design with locks on the valve in the closed position. No flapper-type drain valves are utilized on the diked storage areas.</li> </ul>
<b>(3) FACILITY DRAINAGE SYSTEM FROM UNDIKED AREAS</b>	
	<ul style="list-style-type: none"> <li>There are no undiked storage areas at this Facility.</li> </ul>
<b>(4) DIVERSION SYSTEM</b>	
	<ul style="list-style-type: none"> <li>This section is not applicable because all of the oil storage areas at this Facility have containment.</li> </ul>
<b>(5) TREATED DRAINAGE WATERS</b>	
	<ul style="list-style-type: none"> <li>This section applies to facilities that use a wastewater treatment system (a system with two or more treatment units) for treating drainage. Therefore, this section does not apply to this Facility.</li> </ul>
<b>(c) BULK STORAGE CONTAINERS</b>	
<b>(1) CONTAINER CONSTRUCTION AND MATERIALS</b>	
	<ul style="list-style-type: none"> <li>The material and construction of the Facility's bulk storage tanks are compatible with the material stored in them and the conditions of storage, such as pressure and temperature, etc.</li> </ul>
	<ul style="list-style-type: none"> <li>The aboveground oil product storage tank is constructed of welded steel.</li> </ul>
	<ul style="list-style-type: none"> <li>When the Facility is unattended, the main outlet valve on each tank is locked shut.</li> </ul>
	<ul style="list-style-type: none"> <li>Each tank is equipped with an electronic reading gauge.</li> </ul>
	<ul style="list-style-type: none"> <li>Venting capacity is suitable for the fill and withdrawal rates.</li> </ul>
	<ul style="list-style-type: none"> <li>The main power switch for the pumps is located in a secure area accessible to authorized personnel only and is locked when the Facility is unattended.</li> </ul>
	<ul style="list-style-type: none"> <li>DRUMS: Drums of oil and other chemicals may be used or stored on site at any time. Spills from drums will be contained and controlled using the appropriate sorbent pads and sorbent booms. In all cases, Facility employees will use due care when handling any container of oil regardless of size to minimize releases to the environment. Drips pans and temporary dikes shall be used whenever possible to contain dripping or leaking oil and lubricants.</li> </ul>
<b>(2) SECONDARY CONTAINMENT</b>	
	<ul style="list-style-type: none"> <li>The diked areas are sufficiently reliable to contain spilled oil.</li> </ul>
	<ul style="list-style-type: none"> <li>The aboveground storage tank is situated within diked walls (refer to FIGURE 2.1-3). These dike walls are constructed of compacted earth.</li> </ul>
	<ul style="list-style-type: none"> <li>All bulk storage tank installations are constructed so that a secondary means of containment is provided for the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation.</li> </ul>
<b>(3) RAINWATER DRAINAGE</b>	
	<ul style="list-style-type: none"> <li>This section is not applicable to this Facility.</li> </ul>
<b>(4) BURIED METALLIC STORAGE TANKS</b>	
	<ul style="list-style-type: none"> <li>There are no underground metallic storage tanks at this Facility.</li> </ul>

FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.8	
<b>(c) BULK STORAGE CONTAINERS</b>	
<b>(5) PARTIALLY BURIED METALLIC STORAGE TANKS</b>	
	<ul style="list-style-type: none"> <li>There are no partially buried tanks at this Facility.</li> </ul>
<b>(6) ABOVEGROUND CONTAINERS</b>	
	<ul style="list-style-type: none"> <li>Tanks are constantly observed by facility personnel during operating hours. Formal inspections are conducted routinely to examine the exterior of the tanks and the containment areas. These inspections are to be documented. An example report form can be found in FIGURE 4.1-2.</li> <li>The aboveground tank at this Facility is subject to periodic integrity testing, which includes at a minimum at least two (2) of the following:               <ul style="list-style-type: none"> <li>Take into account tank design (floating roof, etc.):                   <ul style="list-style-type: none"> <li>(1) Hydrostatic testing</li> <li>(2) Visual inspection - (signs of deterioration, leaks which might cause a spill, or accumulation of oil inside diked areas)</li> <li>(3) Shell thickness testing</li> </ul> </li> <li>In addition to integrity testing, the tank level alarms are also tested on a frequent basis.</li> <li>If a field-constructed aboveground tank undergoes repair, alteration, or change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, the tank will be evaluated and appropriate actions taken.</li> </ul> </li> </ul>
<b>(7) INTERNAL HEATING COILS</b>	
	<ul style="list-style-type: none"> <li>The bulk storage tank at this Facility does not utilize internal heating coils which discharge steam into an open water course.</li> </ul>
<b>(8) FAIL SAFE ENGINEERING</b>	
	<ul style="list-style-type: none"> <li>As far as practical, the bulk storage tank at this Facility has been fail-safe engineered or updated into a fail-safe engineered installation to avoid spills.</li> <li>This Facility has been equipped with the following fail-safe engineering designs:               <ul style="list-style-type: none"> <li>(1) Visual gauges which operate on a float system.</li> <li>(2) A fast response system for determining the liquid level of each bulk storage tank, such as digital computers, telepulse, or direct vision gauges or their equivalent.</li> <li>(3) Direct audible or code signal communication between the tank gauger and the pumping station.</li> </ul> </li> </ul>
<b>(9) FACILITY EFFLUENTS</b>	
	<ul style="list-style-type: none"> <li>This section is not applicable to this Facility.</li> </ul>
<b>(10) VISIBLE OIL LEAKS</b>	
	<ul style="list-style-type: none"> <li>Visible discharges are reported to the District Manager so that they can be fixed immediately. Measures will be taken to minimize and mitigate the leak while awaiting repair by a contractor. Any spilled oil is cleaned up immediately by operations personnel. Oil spill cleanup supplies are located at the Facility.</li> </ul>
<b>(11) MOBILE/PORTABLE STORAGE CONTAINERS</b>	
	<ul style="list-style-type: none"> <li>Mobile and portable storage tanks are positioned or located so as to prevent spilled oil from reaching navigable waters.</li> <li>A secondary means of containment, such as dikes, curbing, or sumps, will be furnished for the largest single compartment or tank.</li> <li>These tanks will be located where they will not be subject to periodic flooding or washout.</li> </ul>



FIGURE 2.1-1 - SITE SPECIFIC SPCC PLAN, CONTINUED

40 CFR, 112.8	
<b>(d) FACILITY TRANSFER OPERATIONS, PUMPING, AND FACILITY PROCESSES</b>	
<b>(1) BURIED PIPING INSTALLATIONS</b>	
	<ul style="list-style-type: none"> <li>There is no underground piping at this Facility.</li> </ul>
<b>(2) PIPELINE OUT OF SERVICE</b>	
	<ul style="list-style-type: none"> <li>Pipelines that are out-of-service are evacuated and blank flanged with the origin marked. Facility connections in the truck loading/unloading areas are capped when not in use.</li> <li>All aboveground piping is marked with product content, origin, and direction of flow.</li> </ul>
<b>(3) PIPING SUPPORTS</b>	
	<ul style="list-style-type: none"> <li>There are no pipe supports associated with truck unloading at this Facility. The aboveground piping runs are too short to require supports.</li> </ul>
<b>(4) ABOVEGROUND VALVES AND PIPELINES</b>	
	<ul style="list-style-type: none"> <li>All piping at the Facility is aboveground.</li> <li>Aboveground pipelines and valves are also examined during the routine inspection. The inspections are to be documented. An example form may be found in FIGURE 4.1-2.</li> <li>Pressure testing is conducted on all aboveground pipelines at the Facility whenever new construction, modification, relocation, or replacement takes place.</li> <li>All buried piping will be integrity and leak tested at the time of installation, modification, construction, relocation, or replacement.</li> <li>Valves, pipelines, and pipe supports are observed at the beginning and end of each truck unload operation by trucking personnel.</li> </ul>
<b>(5) VEHICULAR TRAFFIC</b>	
	<ul style="list-style-type: none"> <li>Some aboveground piping is located within secondary containment areas and is protected against impact from vehicular traffic by berms. Other aboveground piping is located in areas inaccessible to roadways. Additionally, only authorized drivers familiar with the operation may gain access to this Facility.</li> </ul>

FIGURE 2.1-2 - TANK TABLE

Container/ Source	Failure/Cause	Total Capacity (gal)	Secondary Containment Volume Type (gal)	Tank Type	Year Constructed/ Installed	Quantity Stored (gal)	Direction of Flow/Rate (See Plot Plan)	Product Stored
<b>ABOVEGROUND CONTAINERS - Total: Varies</b>								
1	Overfill / Rupture / Leakage	12,000	27,426/ 1	W			West / Instantaneous	Diesel
<b>Facility Total: 12,000</b>								

Note: There are no underground storage tanks or surface impoundments located at this Facility.

\* Not in Containment Area \*\* Curbing and containment system

Containment Type: 1-Earthen Berm and Floor, 2-Concrete Berm and Floor, 3-Metal Berm and Floor,  
4-Portable Containment or Inside Building, 5-Double Walled, 6-Concrete Walls and Earthen Floor

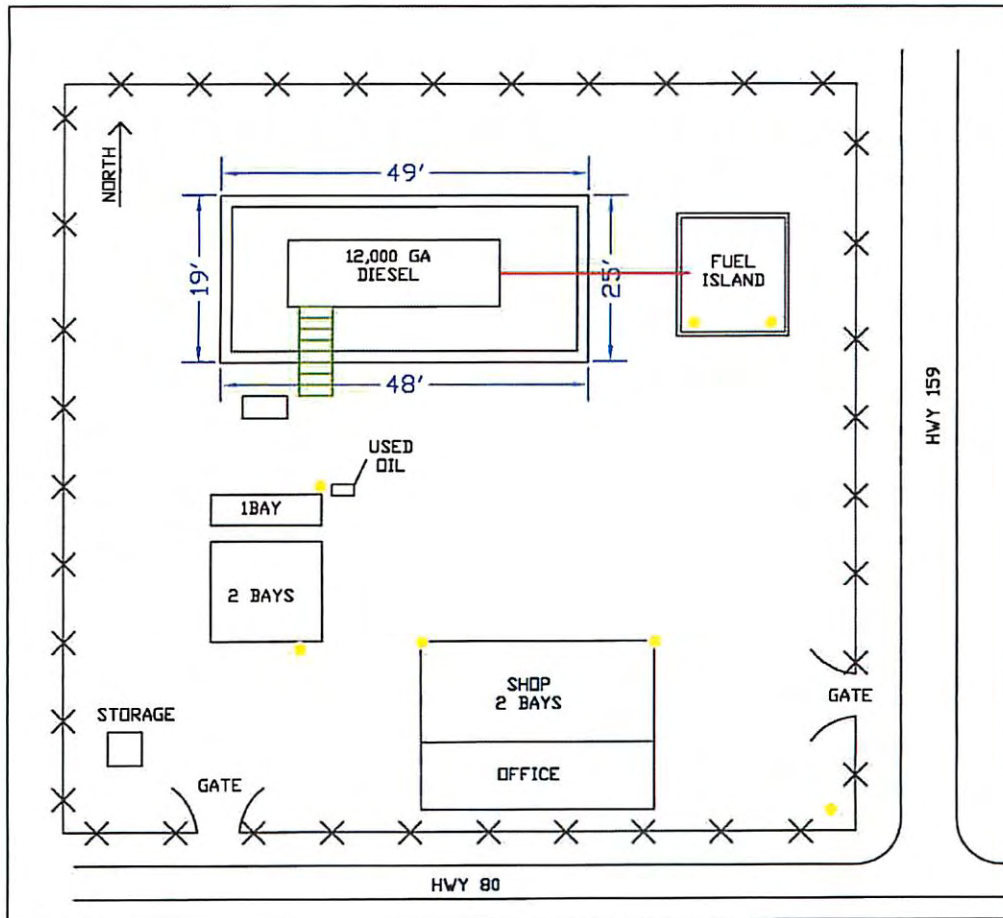
Tank / Roof Type: C =Conical or Cone, D = Dome, H = Horizontal, L = Lifter, S = Spheroid, V = Vertical,  
G = Geodesic, Fx = Fixed, F = Floating, W = Welded, R = Riveted

**FIGURE 2.1-3 - PLOT PLAN**

[Click to view/print Fillmore Truck Station](#)



# Fillmore Truck Station



**LEGEND**

- Undergroup Pipe
- Lights
- XX Fenceline
- Stairs

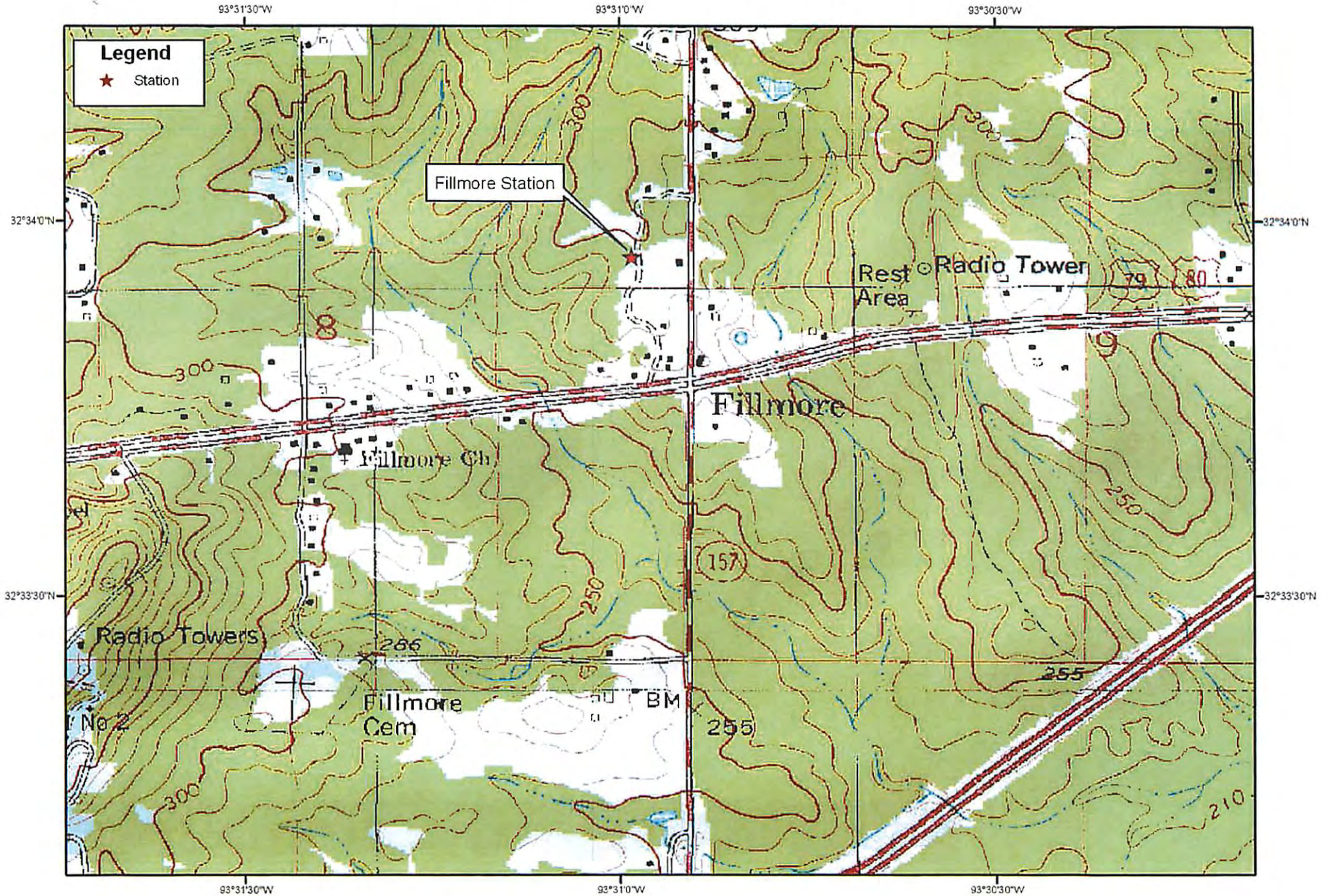
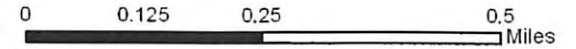


**FIGURE 2.1-4 - TOPOGRAPHIC MAP**

[Click to view/print Topographic Map](#)



# Fillmore Truck Station





**FIGURE 2.1-5 - CONTAINMENT CALCULATION**

[Click to view/print 2010 Fillmore Calculation](#)

# Containment Calculation

## Fillmore Truck Station

### Description of Site

Fillmore truck station consists of 1 horizontally oriented cylindrical fuel tank, capacity 12,000 gall (285.71 bbl). There is also a 110 gall oil waste tank inside of the containment measuring 4' x 6'. This oil waste tank is supported on skids, and the bottom of the tank is off the ground 1'. The containment dike around these 2 tanks measures 13' x 68' x 17' x 69'.

### WALL DIMENSIONS

H - Wall Height (Low Point) 2.83 ft  
 L - Contain. Area Length (Toe) 68.00 ft  
 W - Contain. Area Width (Toe) 13.00 ft

### Non-rectangular Containment Adjustments

A - Area adjustments 0.00 ft<sup>2</sup>  
 P - Perimeter adjustments 0.00 ft

TANK DATA	Tank Diameter (ft)	Tank Area (ft <sup>2</sup> )	Tank Volume (BBL)	Foundation Diameter (ft)	Foundation Height (ft)	Foundation Volume (ft <sup>3</sup> )
Tank 1 (Largest Tank)	8.00	50.27	285.71	0.00	0.00	0.00
Tank 2	4' x 6'	24.00	2.61	0.00	1.00	0.00

**G - Gross Containment Volume = H\*(L x W + A) = 2,501.72 ft<sup>3</sup>**

**D - Total Deductions = T + F = 43.92 ft<sup>3</sup>**

T - Tank Volume Deduction (all except largest tank) = 43.92 ft<sup>3</sup>

F - Foundation Volume Deduction (all foundations) = 0.00 ft<sup>3</sup>

**C - Containment Volume (ft) = G - D = 2,457.80 ft<sup>3</sup>**

**C - Containment Volume (BBL) = (G-D)\*(0.178bbl/ft<sup>3</sup>) = 437.72 BBL**

**R - Required Contain. Volume = V \* 110% = 314.28 BBL**

<p><b>CRITERIA: If C &gt; R then containment is adequate,</b></p>	<p><b>C (BBL)</b> 437.72</p>	<p><b>&gt;</b></p>	<p><b>R (BBL)</b> 314.28</p>
<p><b>Therefore, containment is adequate</b></p>			

### 3.1 RESPONSE PROCEDURES

FIGURE 3.1-1 - RESPONSE ACTIONS

<b>PERSON DISCOVERING SPILL</b>
<ul style="list-style-type: none"> <li>• Notify Immediate Supervisor</li> </ul>
<b>IMMEDIATE SUPERVISOR</b>
<ul style="list-style-type: none"> <li>• Notify Qualified Individual (Incident Commander)</li> <li>• If safe, assess the situation</li> <li>• If safe, begin to minimize the spill</li> </ul>
<b>QUALIFIED INDIVIDUAL</b>
<ul style="list-style-type: none"> <li>• Evaluate health and safety hazards/review MSDS</li> <li>• If safe, direct source control</li> <li>• If safe, direct deployment of company response equipment</li> <li>• Complete Oil Spill Report Form (FIGURE 3.4-1)</li> <li>• Mobilize spill response contractors</li> <li>• Notify Regional HSE Department</li> </ul>
<b>REGIONAL HSE DEPARTMENT</b>
<ul style="list-style-type: none"> <li>• Assess incident and assume role of IC, if necessary</li> <li>• Mobilize additional spill response contractors</li> <li>• Document response actions</li> <li>• Notify required agencies</li> <li>• Notify management</li> <li>• Refer to site specific Emergency Response Plan</li> </ul>



### 3.2 SOURCE CONTROL AND MITIGATION

This section provides general guidance for spill mitigation. Each situation is unique and must be treated according to the circumstance present. In every situation, however, personnel safety must be assessed as the first priority. The potential for ignition and/or toxic exposure must be promptly evaluated.

**FIGURE 3.2-1 - SPILL MITIGATION PROCEDURES**

TYPE	MITIGATION PROCEDURE
Failure of Transfer Equipment	<ol style="list-style-type: none"> <li>1. Personnel safety is the first priority. Evacuate nonessential personnel or personnel at high risk.</li> <li>2. Terminate transfer operations and close block valves.</li> <li>3. Drain product into containment areas if possible.</li> <li>4. Eliminate sources of vapor cloud ignition by shutting down all engines and motors.</li> </ol>
Tank Overfill/Failure	<ol style="list-style-type: none"> <li>1. Personnel safety is the first priority. Evacuate nonessential personnel or personnel at high risk.</li> <li>2. Shut down or divert source of incoming flow to tank.</li> <li>3. Transfer fluid to another tank with adequate storage capacity (if possible).</li> <li>4. Shut down source of vapor cloud ignition by shutting down all engines and motors.</li> <li>5. Ensure that dike discharge valves are closed.</li> <li>6. Monitor diked containment area for leaks and potential capacity limitations.</li> <li>7. Begin transferring spilled product to another tank as soon as possible.</li> </ol>
Piping Rupture/Leak (under pressure and no pressure)	<ol style="list-style-type: none"> <li>1. Personnel safety is the first priority. Evacuate nonessential personnel or personnel at high risk.</li> <li>2. Shut down pumps. Close the closest block valves on each side of the rupture.</li> <li>3. Drain the line back into contained areas (if possible). Alert nearby personnel of potential safety hazards.</li> <li>4. Shut down source of vapor cloud ignition by shutting down all engines and motors.</li> <li>5. If piping is leaking and under pressure, then relieve pressure by draining into a containment area or back to a tank (if possible). Then repair line according to established procedures.</li> </ol>
Fire/Explosion	<ol style="list-style-type: none"> <li>1. Personnel safety is the first priority. Evacuate nonessential personnel or personnel at risk of injury.</li> <li>2. Notify local fire and police departments.</li> <li>3. Attempt to extinguish fire if it is in incipient (early) stage.</li> <li>4. Shut down transfer or pumping operation. Attempt to divert or stop flow of product to the hazardous area (if it can be done safely).</li> <li>5. Eliminate sources of vapor cloud ignition shutting down all engines and motors.</li> <li>6. Control fire before taking steps to contain spill.</li> </ol>
Manifold Failure	<ol style="list-style-type: none"> <li>1. Personnel safety is the first priority. Evacuate nonessential personnel or personnel at high risk.</li> <li>2. Terminate transfer operations immediately.</li> <li>3. Isolate the damaged area by closing block valves on both sides of the leak/rupture.</li> <li>4. Shut down source of vapor cloud ignition by shutting down all engines and motors.</li> <li>5. Drain fluids back into containment areas (if possible).</li> </ol>

### 3.3 SPILL VOLUME ESTIMATING

Early in a spill response, estimation of spill volume is required in order to:

- Report to agencies.
- Determine liquid recovery requirements.
- Assess manpower and equipment requirements.
- Estimate disposal and interim storage requirements.

In the event that actual spill volumes are not available, it may be necessary to estimate this volume. Some methods to estimate this volume are:

- For tank overfills, the total volume would be limited to the elapsed time multiplied by the pumping rate.
- In the event that a more accurate method is not available, an estimate of spill size can be made by visual assessment of the surface area and thickness. Be aware that these factors may yield inaccurate results because:
  - Interpretation of sheen color varies with different observers.
  - Appearance of a slick varies depending upon amount of available sunlight, and viewing angle.
  - Different products may behave differently, depending upon their properties.

**FIGURE 3.3-1 - SPILL ESTIMATION FACTORS**

OIL THICKNESS ESTIMATIONS				
Standard Form	Approx. Film Thickness		Approx. Quantity of Oil in Film	
	inches	mm		
Barely Visible	0.0000015	0.00004	25 gals/mile <sup>2</sup>	44 liters/km <sup>2</sup>
Silvery	0.000003	0.00008	50 gals/mile <sup>2</sup>	88 liters/km <sup>2</sup>
Slightly colored	0.000006	0.00015	100 gals/mile <sup>2</sup>	179 liters/km <sup>2</sup>
Brightly colored	0.000012	0.0003	200 gals/mile <sup>2</sup>	351 liters/km <sup>2</sup>
Dull	0.00004	0.001	666 gals/mile <sup>2</sup>	1,167 liters/km <sup>2</sup>
Dark	0.00008	0.002	1,332 gals/mile <sup>2</sup>	2,237 liters/km <sup>2</sup>
Thickness of light oils: 0.0010 inches to 0.00010 inches				
Thickness of heavy oils: 0.10 inches to 0.010 inches				

3.4 NOTIFICATIONS

FIGURE 3.4-1 - OIL SPILL REPORT FORM

INVOLVED PARTIES			
Reporting Party		Suspected Responsible Party	
Name:		Name:	
Phone: (Day)		Phone: (Day)	
(Evening)		(Evening)	
Position:		Company:	
Company:		Organizational Type: <input type="checkbox"/> Private Citizen	
Address:		<input type="checkbox"/> Private Enterprise	
		<input type="checkbox"/> Public Utility	
		<input type="checkbox"/> Local Government	
		<input type="checkbox"/> State Government	
		<input type="checkbox"/> Federal Government	
<b>Person Discovering Incident</b>			
Name:			
Company/Organization:			
City:	State:	Zip:	
Were materials released? <input type="checkbox"/> Yes <input type="checkbox"/> No		Calling for Responsible Party <input type="checkbox"/> Yes <input type="checkbox"/> No	
INCIDENT DESCRIPTION			
Incident Classification: <input type="checkbox"/> Tier I <input type="checkbox"/> Tier II <input type="checkbox"/> Tier III			
Date:	Time: <input type="checkbox"/> AM <input type="checkbox"/> PM	Weather:	
Incident Address/Location:		Latitude: _____ degrees _____ min _____ sec N	
		Longitude: _____ degrees _____ min _____ sec W	
Mile Post/River Marker:			
City/County:		Distance from City:	
State:		Direction from City:	
Source and Cause of Incident:			
Storage Tank Type: <input type="checkbox"/> Above Ground <input type="checkbox"/> Below Ground <input type="checkbox"/> Unknown			
Tank Capacity:		Facility Capacity:	
MATERIAL INFORMATION			
CHRIS Code	Product Released	Released Quantity (Include units of measure)	Quantity in Water (Include units of measure)

Note: Refer to the Incident Database for spill history and spill reporting.

\* INITIAL NOTIFICATION SHOULD NOT BE DELAYED PENDING COLLECTION OF ALL INFORMATION



**FIGURE 3.4-1 - OIL SPILL REPORT FORM, CONTINUED**

INITIAL IMPACT			
Number of injuries:		Number of Deaths:	
Were there Evacuations? <input type="checkbox"/> Yes <input type="checkbox"/> No		Number Evacuated:	
Was there any Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Damage in dollars (estimate):			
Is the Spill Contained within the boundaries of the facility? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Direction of Flow:			
RESPONSE ACTION(S)			
Action(s) Taken to Correct, Control or Mitigate Incident:			
ADDITIONAL INFORMATION			
Any information about the incident not recorded elsewhere in the report (e.g., duration of spill, treatment or disposal measures).			
COMPLETED NOTIFICATIONS			
Local	State	Federal	Other

**Note:** Refer to the Incident Database for spill history and spill reporting.

**\* INITIAL NOTIFICATION SHOULD NOT BE DELAYED PENDING COLLECTION OF ALL INFORMATION**

**FIGURE 3.4-2 - NOTIFICATIONS AND TELEPHONE NUMBERS**

\*24 Hour Number

FACILITY RESPONSE TEAM		
NAME/TITLE	PHONE NUMBER	RESPONSE TIME (hours)
Genesis Control Center	(800) 806-5463 (Office)	
Control Room	(713) 849-5928 (Office) (713) 860-2766 (One Call) (713) 849-9542 (Office) (800) 280-7076 (MS) (800) 486-4113 (FL) (713) 849-2936 (CO2) (713) 860-2656 (Fax) (Office)	
Terry Lincecum Director - Central Area Trucking Operations	(318) 242-5227 (Office) (318) 827-5130 (Home) (318) 613-4416 *(Mobile)	
Mike Moore Vice President and General Manager of Pipelines and Transportation	(713) 860-2760 (Office) (281) 399-4509 (Home) (832) 250-0348 *(Mobile)	

FIGURE 3.4-2 - NOTIFICATIONS AND TELEPHONE NUMBERS, CONTINUED

\*24 Hour Number

AFFILIATION	PHONE NUMBER	TIME CONTACTED
<b>Initial</b>		
National Response Center	(800) 424-8802* (202) 267-2180 (202) 267-1322 (fax)	
<b>Recommended</b>		
<b>Federal Agencies</b>		
U.S. Environmental Protection Agency, Region VI	(214) 655-2270 (214) 655-2222 emergency (214) 665-6444	
<b>State Agencies</b>		
Louisiana Department of Environmental Quality	(318) 362-5439 (Monroe) (225) 342-1234* (Baton Rouge) (318) 322-5061 (Clay Bates) (225) 765-0634 (8 am - 4:30 pm)	
Louisiana Dept. of Public Safety (DPS)	(504) 925-6595	
Louisiana Office of State Police - Hazardous Substances Emergency Reporting	(225) 925-6595	
Louisiana Oil Spill Coordinators Office (LOSCO)	(225) 219-5800	
<b>Local Agencies</b>		
Local Emergency Planning Committee (LEPC)	(318) 425-5351	
<b>USCG CLASSIFIED OSRO</b>		
Oil Mop LLC	(800) 645-6671* (504) 394-6110	
U. S. Environmental Services	(504) 279-9930	



### **3.5 SPILL MANAGEMENT TEAM**

The Incident Command System (ICS) will be used by the Company SMT for spill response. The SMT organization chart is provided in **FIGURE 3.5-1**. The organization can be expanded or contracted as necessary. If an OSRO or other contractor is used to staff ICS positions for the Spill Management Team, the commitment will be specified in writing.

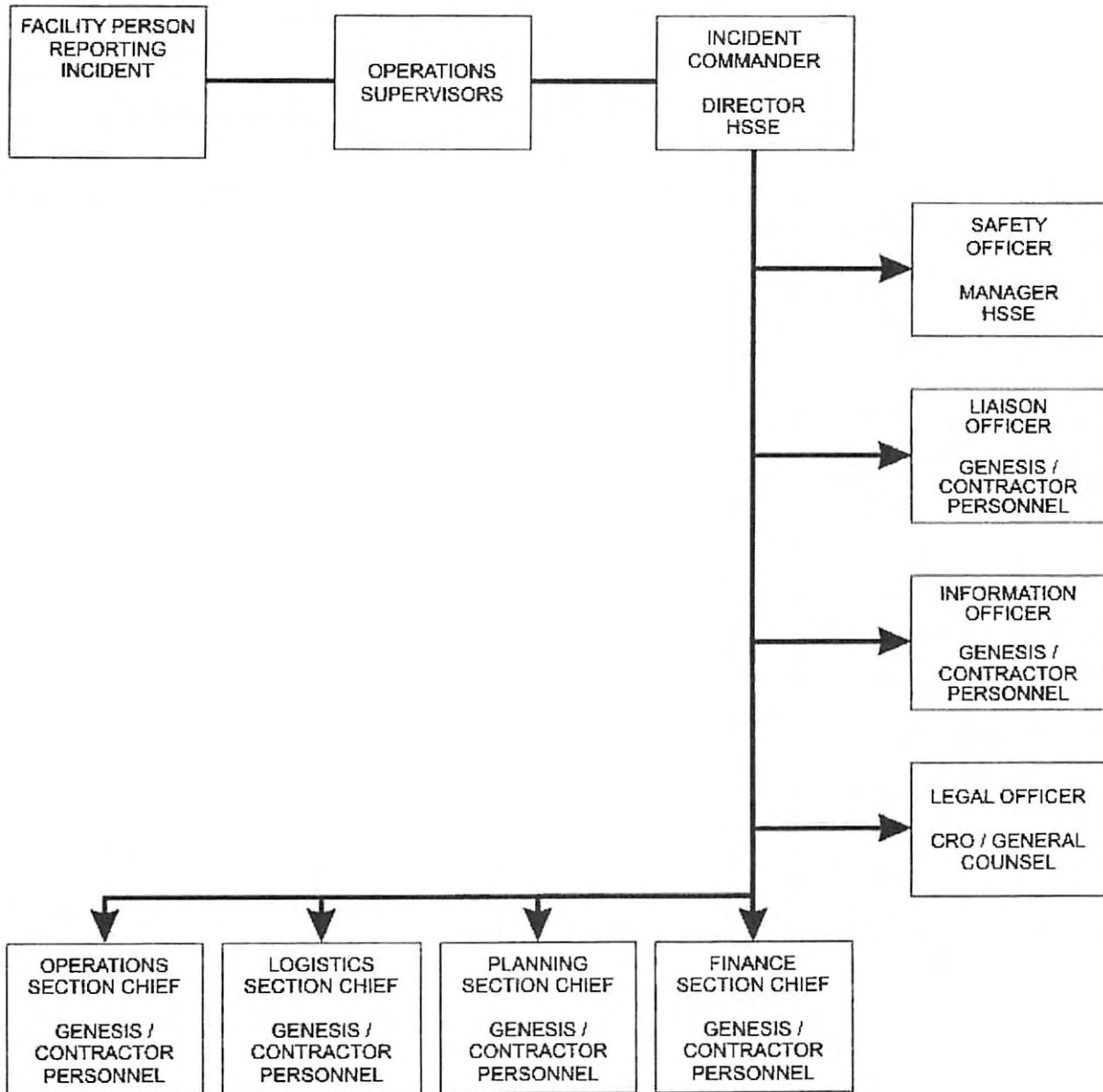
The Unified Command System (UCS) is the accepted method of organizing key spill management entities within the Incident Command System. The primary entities include:

- Federal On-Scene Coordinator (FOSC)
- State On-Scene Coordinator (SOSC)
- Company Incident Commander

These three people share decision-making authority within the Incident Command System and are each responsible for coordinating other federal, state, and Company personnel to form an effective integrated Spill Management Team.

FIGURE 3.5-1 - SPILL MANAGEMENT TEAM (SMT) ORGANIZATION CHART

(Click here for larger view)



### 3.6 RESPONSE RESOURCES

The following response resources listed in **FIGURE 3.6-1** may be called upon to provide equipment, materials, and supplies that may be required to remove the maximum oil discharge anticipated from this Facility. Contact information for Contractor Response Resources are located in **FIGURE 3.4-2**. Contracts for the companies that may provide response resources are located at the Corporate Office.

**FIGURE 3.6-1 - COMPANY AND CONTRACTOR RESPONSE RESOURCES**

\* USCG Classified OSRO for Facility

COMPANY/CONTRACTOR	EQUIPMENT
*Oil Mop LLC 131 Keating Drive Belle Chasse LA 70037 Term of contract: To	Full Response Capability
*U. S. Environmental Services One Canal Place, Canal Street; Suite 2500 New Orleans LA 70130 Term of contract: To	Full Response Capability

**Oil Mop LLC, Belle Chasse,LA**

**U. S. Environmental Services, New Orleans,LA**



## MASTER SERVICE AGREEMENT

THIS AGREEMENT made February 13, 2006 between OMI (Oil Mop, LLC) hereinafter called ("CONTRACTOR"), and Genesis Crude Oil, L.P., Genesis Pipeline Texas, L.P, Genesis Pipeline USA, L.P., Genesis CO2 Pipeline, L.P., and Genesis Natural Gas Pipeline, L.P., by and through its general partner, GENESIS ENERGY, INC., hereinafter collectively called ("GENESIS"), covers all services and work ("Services") to be performed by CONTRACTOR for or on behalf of GENESIS.

1. **Contract Document.** This contract shall control and govern all Services to be provided by CONTRACTOR and shall define the rights and obligations of GENESIS and CONTRACTOR with regard to the matters covered hereby, to the exclusion of verbal or written work orders, purchase orders, bids or any other writings not specifically referring to this agreement and signed by each of the parties. This contract supersedes any agreement concerning work or services previously entered into between GENESIS and CONTRACTOR.
2. **Time and Manner.** GENESIS may from time to time by verbal or written notice request CONTRACTOR to perform Services. CONTRACTOR shall promptly advise GENESIS whether or not it is willing to perform the requested Services. If CONTRACTOR agrees to perform such Services, it shall promptly commence after the same is ordered and shall render such services with due diligence until completion in a good and workmanlike manner in accordance with standard industry practice and to GENESIS' satisfaction.
3. **Items Supplies; Liens.** Except for any items and facilities furnished by GENESIS, CONTRACTOR shall furnish all labor, services, equipment, appliances, tools, facilities and materials necessary for the complete performance of the Services to be done hereunder.
4. **Contract Price; Billing.** GENESIS shall pay CONTRACTOR for the Services in accordance with schedules of rates and prices or lump sum amount as agreed upon between GENESIS and CONTRACTOR. Prices or rates shall not be increased without prior written approval from GENESIS. GENESIS shall pay CONTRACTOR within 30 days of receipt of the invoice subject to 10% retention of invoice amount. Payment of the retainage will be made upon GENESIS receipt of CONTRACTOR'S affidavit of completion including lien releases from Sub-Contractors and suppliers.
5. **Inspection.** GENESIS and its representatives shall have the right to witness all Services being performed hereunder.
6. **Examination of Premises, etc.** Prior to the commencement of Services, CONTRACTOR will make sufficient examination and tests of the premises and facilities at which the Services are to be undertaken to determine the difficulties and hazards incident to rendering Services and to satisfy itself as to the procedures to be followed, the adequacy of available safety equipment and other requirements necessary or appropriate to the performance of the Services.
7. **Compliance with Laws.** CONTRACTOR will obtain all necessary permits and licenses and will comply with applicable government laws, rules, regulations, executive orders, priorities, ordinances and restrictions now or hereafter in force (including, but not limited to Federal and State labor, health and safety and nondiscrimination laws, regulations and executive orders) in rendering Services. CONTRACTOR will furnish GENESIS any documentation required to evidence such compliance and will file with governmental agencies any reports required to be filed by CONTRACTOR.

8. **Insurance.** During the performance of the Services hereunder, CONTRACTOR shall take out, carry and maintain, an insurance company or companies approved by GENESIS, and in policies of insurance acceptable to GENESIS, the following insurance sufficient to address the liabilities that may be generated by the Services. All liability policies shall be on an occurrence basis with limits not less than those shown below:

(a) **Workmen's Compensation and Occupational Disease Insurance.** Workmen's Compensation and Occupational Disease Insurance, including coverage under the Longshoremen and Harbor Workers' Compensation Act and the Jones Act (if applicable) and Employer's Liability Insurance with limits complying with the laws of the State in which such Services are to be rendered.

(b) **Comprehensive General liability Insurance.** Comprehensive General Liability Insurance, including Premises, Operations, Explosion, Collapse and Underground Damage, Contractual Liability, (including this contract with Basis), Independent Contractor. Policy limits not less than \$2,000,000 in the aggregate, and \$1,000,000 combined single limit personal injury each occurrence and \$1,000,000 property damage each occurrence.

(c) **Automobile Liability Insurance.** Automobile Liability Insurance, including Contractual Liability, covering all motor vehicles owned, hired or used while rendering Services with limits not less than \$1,000,000, combined single limit personal injury and property damage each occurrence.

(d) **Excess Liability.** Excess Liability Insurance with a limit of at least \$4,000,000 per occurrence, including but not limited to (i) Excess Employers Liability Insurance, (ii) Commercial General Liability Insurance and (iii) Automobile Liability Insurance.

CONTRACTOR hereby waives rights of subrogation against GENESIS and all insurance policies mentioned above shall contain a waiver of subrogation in favor of GENESIS. Before commencing Services, CONTRACTOR shall furnish GENESIS for its approval and retention, at GENESIS' option, either Certificates of Insurance naming "GENESIS CRUDE OIL, L.P., GENESIS PIPELINE TEXAS, L.P., GENESIS PIPELINE USA, L.P., GENESIS CO2 PIPELINE, L.P., GENESIS NATURAL GAS PIPELINE, L.P., AND GENESIS ENERGY, INC." (hereinafter the "GENESIS ENTITIES") as the certificate holder or certified (by the insurer to the GENESIS ENTITIES) copies of the policies which will provide that in the event of any material changes in or cancellation of the insurance thirty days advance written notice shall be given to GENESIS.

9. **INDEMNITY.** (a) CONTRACTOR SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS GENESIS AND ITS OFFICERS, EMPLOYEES, AGENTS OR REPRESENTATIVES AND ANY AFFILIATED OR RELATED COMPANIES, FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LEGAL OR ADMINISTRATIVE PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, LIABILITIES, INTEREST, ATTORNEY'S FEES, COSTS AND EXPENSES OF WHATSOEVER KIND OF NATURE WHETHER ARISING BEFORE OR AFTER COMPLETION OF THE SERVICES HEREUNDER REGARDLESS OF WHETHER SUCH IS TO CONTRACTOR OR ANY OTHER PERSON OR ENTITY, AND IN ANY MANNER DIRECTLY OR INDIRECTLY CAUSED OR OCCASIONED BY REASON OF ANY NEGLIGENCE, WHETHER ACTIVE OR PASSIVE, OF CONTRACTOR, OR OF ANYONE ACTING UNDER ITS DIRECTION, CONTROL, OR ON ITS BEHALF IN CONNECTION WITH OR INCIDENT TO THE SERVICES PERFORMED UNDER THIS CONTRACT.

NOTWITHSTANDING ANY OF THE FOREGOING, CONTRACTOR SHALL NOT BE OBLIGATED HEREUNDER TO HOLD HARMLESS OR INDEMNIFY GENESIS FOR LOSS, COST OR EXPENSE OF INCIDENT OR ACCIDENT ARISING OUT OF THE WORK AND

**PROXIMATELY CAUSED BY THE SOLE NEGLIGENCE OF GENESIS OR ITS EMPLOYEES.**

Nothing herein shall prohibit GENESIS from filing suit or obtaining a judgment against CONTRACTOR for such claim, loss, injury or damage if such is necessary in order to collect or receive payment under any such insurance carried by CONTRACTOR.

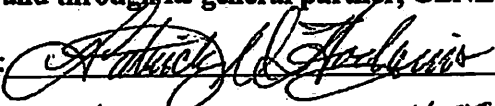
10. **Safety.** CONTRACTOR shall maintain adequate protection of persons and property during CONTRACTOR's performance hereunder. Where Services are rendered on GENESIS'S premises, all of GENESIS'S safety rules shall be strictly observed and smoking shall be limited to such locations and occasions as are specifically authorized by GENESIS.
11. **Termination.** GENESIS may, at its absolute discretion, direct the Services to be halted at any time, but where CONTRACTOR is not in default hereunder, GENESIS shall pay CONTRACTOR for all work done, in accordance with the approved price schedule.
12. **Independent Contractor.** In the performance of all Services, CONTRACTOR is an independent contractor, with sole right to supervise, manage, control and direct the performance of the details. GENESIS is interested only in the results to be obtained, but the Services must meet with the approval of GENESIS, whose representatives shall be entitled to make such inspections of the Services and of CONTRACTOR's records relating thereto as may be necessary to assure such results and compliance with the provisions hereof.
13. **Non-Assignability and Encumbrances.** This Contract or any rights or interests or amounts which may be due hereunder shall not be transferred, assigned, sublet, pledged or encumbered without the advance written approval of GENESIS to be withheld or denied in its sole discretion. Any subcontracting permitted hereby shall not relieve CONTRACTOR of primary responsibility for any Services performed thereunder or hereunder. Any assignments, pledges, encumbrances, factoring agreements, security interests or mortgages in violation hereof shall in all respects be and remain subject to any and all claims, defenses, set offs or rights or remedies of GENESIS.
14. **Interpretation and Integration.** This Contract together with the bid documents and Exhibits which are attached hereto and incorporated herein by this reference, constitute the entire agreement among the parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties. No supplement, modification or waiver of this Contract shall be binding unless executed in writing by the parties hereto. No waiver of any of the provisions of this Contract shall be deemed or shall constitute a waiver of any other provisions hereof (regardless of whether similar), nor shall any such waiver constitute a continuing waiver unless otherwise expressly provided.
15. **Force Majeure.** Neither party shall be considered in default in performance of its obligation under the Contract if delayed by Force Majeure (as herein defined). Force Majeure as used herein shall mean hostilities, restraint of rulers or people, revolution, civil commotion, strike epidemic, fire, flood, windstorm, explosion, embargo, or any law, proclamation, regulation, or ordinance of any Government, or any cause, whether of the same or different nature existing or future, which is beyond the reasonable control of the parties hereto. It will be the sole responsibility of the party so affected by Force Majeure to take all reasonable steps necessary to eliminate the cause of any delay but not to the extent of assenting to unreasonable demands of any third party. Nothing herein contained shall alter or vary Genesis's right to terminate this Contract as hereinabove provided.




16. **Confidential Information.** In the performance of the Services, CONTRACTOR may be exposed to confidential information of GENESIS and others. CONTRACTOR shall not disclose to anyone not employed by GENESIS nor use, except on behalf of GENESIS, any such confidential information acquired by it in the performance of the Services except as authorized by GENESIS in writing, and regardless of the term of this Contract, CONTRACTOR shall be bound by this obligation until such time as said confidential information shall become part of the public domain. Information regarding all aspects of GENESIS'S (including its parent and its affiliates) business and information concerning the Services (either directly or indirectly disclosed to it or developed by it in the performance of the Services) shall be presumed to be confidential except to the extent that same shall have been published or otherwise made freely available to the general public without restriction CONTRACTOR also agrees that it will not disclose to GENESIS, any information it holds subject to an obligation of confidence to any third persons.
17. **Conflict of Interest and Ethics.** CONTRACTOR, in performing its obligations under this Contract, shall establish and maintain appropriate business standards, procedures and controls including those necessary to avoid any real or apparent impropriety or adverse impact on the interests of GENESIS or its affiliates.

Executed this 15<sup>th</sup> day of MARCH, 2006

**GENESIS CRUDE OIL, L.P., GENESIS PIPELINE TEXAS, L.P., GENESIS PIPELINE USA, L.P.,  
GENESIS CO2 PIPELINE, L.P. AND GENESIS NATURAL GAS PIPELINE, L.P.**  
by and through its general partner, **GENESIS ENERGY, INC.**

By:   
Title: DIRECTOR OF HSSE

**CONTRACTOR**  
By:   
Title: PRESIDENT

## MASTER SERVICE AGREEMENT

THIS AGREEMENT made June 1, 2007 between United States Environmental Services called ("CONTRACTOR"), and Genesis Crude Oil, L.P., Genesis Pipeline Texas, L.P, Genesis Pipeline USA, L.P., Genesis CO2 Pipeline, L.P., and Genesis Natural Gas Pipeline, L.P., by and through its general partner, GENESIS ENERGY, INC., hereinafter collectively called ("GENESIS"), covers all services and work ("Services") to be performed by CONTRACTOR for or on behalf of GENESIS.

1. **Contract Document.** This contract shall control and govern all Services to be provided by CONTRACTOR and shall define the rights and obligations of GENESIS and CONTRACTOR with regard to the matters covered hereby, to the exclusion of verbal or written work orders, purchase orders, bids or any other writings not specifically referring to this agreement and signed by each of the parties. This contract supersedes any agreement concerning work or services previously entered into between GENESIS and CONTRACTOR.
2. **Time and Manner.** GENESIS may from time to time by verbal or written notice request CONTRACTOR to perform Services. CONTRACTOR shall promptly advise GENESIS whether or not it is willing to perform the requested Services. If CONTRACTOR agrees to perform such Services, it shall promptly commence after the same is ordered and shall render such services with due diligence until completion in a good and workmanlike manner in accordance with standard industry practice and to GENESIS' satisfaction.
3. **Items Supplies; Liens.** Except for any items and facilities furnished by GENESIS, CONTRACTOR shall furnish all labor, services, equipment, appliances, tools, facilities and materials necessary for the complete performance of the Services to be done hereunder.
4. **Contract Price; Billing.** GENESIS shall pay CONTRACTOR for the Services in accordance with schedules of rates and prices or lump sum amount as agreed upon between GENESIS and CONTRACTOR. Prices or rates shall not be increased without prior written approval from GENESIS. GENESIS shall pay CONTRACTOR within 30 days of receipt of the invoice subject to 10% retention of invoice amount. Payment of the retainage will be made upon GENESIS receipt of CONTRACTOR'S affidavit of completion including lien releases from Sub-Contractors and suppliers.
5. **Inspection.** GENESIS and its representatives shall have the right to witness all Services being performed hereunder.
6. **Examination of Premises, etc.** Prior to the commencement of Services, CONTRACTOR will make sufficient examination and tests of the premises and facilities at which the Services are to be undertaken to determine the difficulties and hazards incident to rendering Services and to satisfy itself as to the procedures to be followed, the adequacy of available safety equipment and other requirements necessary or appropriate to the performance of the Services.
7. **Compliance with Laws.** CONTRACTOR will obtain all necessary permits and licenses and will comply with applicable government laws, rules, regulations, executive orders, priorities, ordinances and restrictions now or hereafter in force (including, but not limited to Federal and State labor, health and safety and nondiscrimination laws, regulations and executive orders) in rendering Services. CONTRACTOR will furnish GENESIS any documentation required to evidence such compliance and will file with governmental agencies any reports required to be filed by CONTRACTOR.

8. **Insurance.** During the performance of the Services hereunder, CONTRACTOR shall take out, carry and maintain, an insurance company or companies approved by GENESIS, and in policies of insurance acceptable to GENESIS, the following insurance sufficient to address the liabilities that may be generated by the Services. All liability policies shall be on an occurrence basis with limits not less than those shown below:

(a) **Workmen's Compensation and Occupational Disease Insurance.** Workmen's Compensation and Occupational Disease Insurance, including coverage under the Longshoremen and Harbor Workers' Compensation Act and the Jones Act (if applicable) and Employer's Liability Insurance with limits complying with the laws of the State in which such Services are to be rendered.

(b) **Comprehensive General liability Insurance.** Comprehensive General Liability Insurance, including Premises, Operations, Explosion, Collapse and Underground Damage, Contractual Liability, (including this contract with Genesis), Independent Contractor. Policy limits not less than \$2,000,000 in the aggregate, and \$1,000,000 combined single limit personal injury each occurrence and \$1,000,000 property damage each occurrence.

(c) **Automobile Liability Insurance.** Automobile Liability Insurance, including Contractual Liability, covering all motor vehicles owned, hired or used while rendering Services with limits not less than \$1,000,000, combined single limit personal injury and property damage each occurrence.

(d) **Excess Liability.** Excess Liability Insurance with a limit of at least \$4,000,000 per occurrence, including but not limited to (i) Excess Employers Liability Insurance, (ii) Commercial General Liability Insurance and (iii) Automobile Liability Insurance.

CONTRACTOR hereby waives rights of subrogation against GENESIS and all insurance policies mentioned above shall contain a waiver of subrogation in favor of GENESIS. Before commencing Services, CONTRACTOR shall furnish GENESIS for its approval and retention, at GENESIS' option, either Certificates of Insurance naming "GENESIS CRUDE OIL, L.P., GENESIS PIPELINE TEXAS, L.P., GENESIS PIPELINE USA, L.P., GENESIS CO2 PIPELINE, L.P., GENESIS NATURAL GAS PIPELINE, L.P., AND GENESIS ENERGY, INC." (hereinafter the "GENESIS ENTITIES") as the certificate holder or certified (by the insurer to the GENESIS ENTITIES) copies of the policies which will provide that in the event of any material changes in or cancellation of the insurance thirty days advance written notice shall be given to GENESIS.

9. **INDEMNITY.** (a) **CONTRACTOR SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS GENESIS AND ITS OFFICERS, EMPLOYEES, AGENTS OR REPRESENTATIVES AND ANY AFFILIATED OR RELATED COMPANIES, FROM AND AGAINST ANY AND ALL SUITS, ACTIONS, LEGAL OR ADMINISTRATIVE PROCEEDINGS, CLAIMS, DEMANDS, DAMAGES, LIABILITIES, INTEREST, ATTORNEY'S FEES, COSTS AND EXPENSES OF WHATSOEVER KIND OF NATURE WHETHER ARISING BEFORE OR AFTER COMPLETION OF THE SERVICES HEREUNDER REGARDLESS OF WHETHER SUCH IS TO CONTRACTOR OR ANY OTHER PERSON OR ENTITY, AND IN ANY MANNER DIRECTLY OR INDIRECTLY CAUSED OR OCCASIONED BY REASON OF ANY NEGLIGENCE, WHETHER ACTIVE OR PASSIVE, OF CONTRACTOR, OR OF ANYONE**



**ACTING UNDER ITS DIRECTION, CONTROL, OR ON ITS BEHALF IN CONNECTION WITH OR INCIDENT TO THE SERVICES PERFORMED UNDER THIS CONTRACT.**

**NOTWITHSTANDING ANY OF THE FOREGOING, CONTRACTOR SHALL NOT BE OBLIGATED HEREUNDER TO HOLD HARMLESS OR INDEMNIFY GENESIS FOR LOSS, COST OR EXPENSE OF INCIDENT OR ACCIDENT ARISING OUT OF THE WORK AND PROXIMATELY CAUSED BY THE SOLE NEGLIGENCE OF GENESIS OR ITS EMPLOYEES.**

Nothing herein shall prohibit GENESIS from filing suit or obtaining a judgment against CONTRACTOR for such claim, loss, injury or damage if such is necessary in order to collect or receive payment under any such insurance carried by CONTRACTOR.

10. **Safety.** CONTRACTOR shall maintain adequate protection of persons and property during CONTRACTOR's performance hereunder. Where Services are rendered on GENESIS'S premises, all of GENESIS'S safety rules shall be strictly observed and smoking shall be limited to such locations and occasions as are specifically authorized by GENESIS.
11. **Termination.** GENESIS may, at its absolute discretion, direct the Services to be halted at any time, but where CONTRACTOR is not in default hereunder, GENESIS shall pay CONTRACTOR for all work done, in accordance with the approved price schedule.
12. **Independent Contractor.** In the performance of all Services, CONTRACTOR is an independent contractor, with sole right to supervise, manage, control and direct the performance of the details. GENESIS is interested only in the results to be obtained, but the Services must meet with the approval of GENESIS, whose representatives shall be entitled to make such inspections of the Services and of CONTRACTOR's records relating thereto as may be necessary to assure such results and compliance with the provisions hereof.
13. **Non-Assignability and Encumbrances.** This Contract or any rights or interests or amounts which may be due hereunder shall not be transferred, assigned, sublet, pledged or encumbered without the advance written approval of GENESIS to be withheld or denied in its sole discretion. Any subcontracting permitted hereby shall not relieve CONTRACTOR of primary responsibility for any Services performed thereunder or hereunder. Any assignments, pledges, encumbrances, factoring agreements, security interests or mortgages in violation hereof shall in all respects be and remain subject to any and all claims, defenses, set offs or rights or remedies of GENESIS.
14. **Interpretation and Integration.** This Contract together with the bid documents and Exhibits which are attached hereto and incorporated herein by this reference, constitute the entire agreement among the parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties. No supplement, modification or waiver of this Contract shall be binding unless executed in writing by the parties hereto. No waiver of any of the provisions of this Contract shall be deemed or shall constitute a waiver of any other provisions hereof (regardless of whether similar), nor shall any such waiver constitute a continuing waiver unless otherwise expressly provided.
15. **Force Majeure.** Neither party shall be considered in default in performance of its obligation under the Contract if delayed by Force Majeure (as herein defined). Force Majeure as used herein shall mean

hostilities, restraint of rulers or people, revolution, civil commotion, strike epidemic, fire, flood, windstorm, explosion, embargo, or any law, proclamation, regulation, or ordinance of any Government, or any cause, whether of the same or different nature existing or future, which is beyond the reasonable control of the parties hereto. It will be the sole responsibility of the party so affected by Force Majeure to take all reasonable steps necessary to eliminate the cause of any delay but not to the extent of assenting to unreasonable demands of any third party. Nothing herein contained shall alter or vary Genesis's right to terminate this Contract as hereinabove provided.

16. **Confidential Information.** In the performance of the Services, CONTRACTOR may be exposed to confidential information of GENESIS and others. CONTRACTOR shall not disclose to anyone not employed by GENESIS nor use, except on behalf of GENESIS, any such confidential information acquired by it in the performance of the Services except as authorized by GENESIS in writing, and regardless of the term of this Contract, CONTRACTOR shall be bound by this obligation until such time as said confidential information shall become part of the public domain. Information regarding all aspects of GENESIS'S (including its parent and its affiliates) business and information concerning the Services (either directly or indirectly disclosed to it or developed by it in the performance of the Services) shall be presumed to be confidential except to the extent that same shall have been published or otherwise made freely available to the general public without restriction CONTRACTOR also agrees that it will not disclose to GENESIS, any information it holds subject to an obligation of confidence to any third persons.
17. **Conflict of Interest and Ethics.** CONTRACTOR, in performing its obligations under this Contract, shall establish and maintain appropriate business standards, procedures and controls including those necessary to avoid any real or apparent impropriety or adverse impact on the interests of GENESIS or its affiliates.

Executed this 13th day of June, 2007

**GENESIS CRUDE OIL, L.P., GENESIS PIPELINE TEXAS, L.P., GENESIS PIPELINE USA, L.P.,  
GENESIS CO2 PIPELINE, L.P. AND GENESIS NATURAL GAS PIPELINE, L.P.  
by and through its general partner, GENESIS ENERGY, INC.**

By: 

Title: DIRECTOR of HSSE

**CONTRACTOR**

By: 

Title: President and CEO



**Fillmore Truck Station, LA  
SPILL PREVENTION CONTROL AND  
COUNTERMEASURE PLAN**

Developed by:





**3.7 COMMAND POST**

In the event of a major spill or other emergency, both a Company off-site SMT Command Center and a Command Post (located close to but at a safe distance back from the incident scene) may be established. For a minor emergency, only a Command Post may be established. Refer to **FIGURE 3.7-1** for guidelines in establishing a Command Post.

**FIGURE 3.7-1 - COMMAND POST CHECKLIST**

COMMAND POST CHECKLIST	INITIALS	DATE/TIME STARTED	DATE/TIME COMPLETED
Ensure adequate space for size of staff.			
Ensure 24-hour accessibility.			
Ensure personal hygiene facilities.			
Ensure suitability of existing communications resources (phone/fax/radio).			
Ensure suitability of private conference and briefing rooms.			
Identify Command Post security requirements, safe location.			
Notify other parties of Command Post location; provide maps/driving directions.			
Determine staging areas and incident base locations.			
Identify future need to move, upgrade facilities.			

**3.8 COMMUNICATIONS**

The Communications Plan, written at the time of an incident, will identify telephone numbers and radio frequencies used by responders. This may also involve activation of multiple types of communications equipment and coordination among multiple responding agencies and contractors.

**FIGURE 3.8-1 - COMMUNICATIONS CHECKLIST**

COMMUNICATIONS CHECKLIST	INITIALS	DATE/TIME STARTED	DATE/TIME COMPLETED
Develop a Communications Plan.			
Ensure adequate phone lines per staff element - contact local provider.			
Ensure adequate fax lines - contact local provider.			
Evaluate need for internet access.			
Ensure recharging stations for cellular phones.			
VHF radio communications: <ul style="list-style-type: none"> <li>● Establish frequencies.</li> <li>● Assign call signs.</li> <li>● Distribute radios.</li> <li>● Establish communications schedule.</li> </ul>			
Ensure recharging stations for VHF radios.			
Determine need for VHF repeaters.			
Ensure copy machine available.			
Ensure communications resource accountability.			
Ensure responders have capability to communicate with aircraft.			

Note: Actions on this checklist may not be applicable or may be continuous activities.

### 3.9 WASTE MANAGEMENT

Initial oil handling and disposal needs may be overlooked in the emergency phase of a response, which could result in delays and interruptions of cleanup operations. Initially, waste management concerns should address:

- Equipment capacity
- Periodic recovery of contained oil
- Adequate supply of temporary storage capacity and materials

A general flow chart for waste management guidelines, a checklist for containment and disposal, and temporary storage methods are provided below.

**FIGURE 3.9-1 - WASTE MANAGEMENT FLOW CHART**

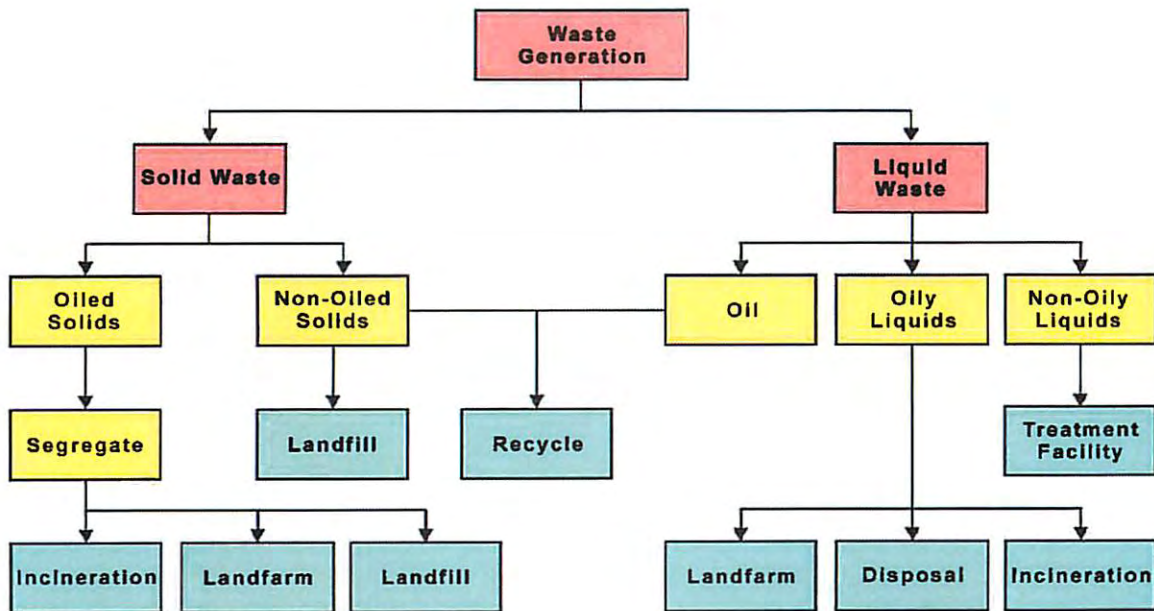




FIGURE 3.9-2 - TEMPORARY STORAGE METHODS

CONTAINMENT	PRODUCT						CAPACITY
	OIL	OIL/WATER	OIL/SOIL	OIL/DEBRIS (Small)	OIL/DEBRIS (Medium)	OIL/DEBRIS (Large)	
Drums	X	X	X				0.2-0.5 yd <sup>3</sup>
Bags		X	X	X			1.0-2.0 yd <sup>3</sup>
Boxes			X	X			1-5 yd <sup>3</sup>
Open top rolloff	X	X	X	X	X	X	8-40 yd <sup>3</sup>
Roll top rolloff	X	X	X	X	X	X	15-25 yd <sup>3</sup>
Vacuum box	X	X					15-25 yd <sup>3</sup>
Frac tank	X	X					500-20,000 gal
Poly tank	X	X					200-4,000 gal
Vacuum truck	X	X	X				2,000-5,000 gal
Tank trailer	X	X					2,000-4,000 gal
Barge	X	X					3,000+ gal
Berm, 4 ft		X	X	X	X	X	1 yd <sup>3</sup>
Bladders	X	X					25 gal-1,500 gal



**FIGURE 4.1-2 - INSPECTION PROCEDURES**

<b>Location:</b>	_____	<b>Date &amp; Time:</b>	_____
<b>Tank No.:</b>	_____	<b>Liquid Level:</b>	_____
<b>Capacity:</b>	_____	<b>Temp:</b>	_____
<b>Diameter:</b>	_____	<b>Height:</b>	_____
<b>Inspector Name:</b>	_____		

A. ROUTINE VISUAL INSPECTION	REVIEWED			Corrective action needed, Remarks
	Y	N	N/A	
<b>Drainage/Containment:</b>				
Any noticeable oil sheen on runoff.				
Containment wall intact and not eroding.				
Containment area drainage valves are closed and locked.				
Oil/water separator systems working properly.				
A. ROUTINE VISUAL INSPECTION	REVIEWED			Corrective action needed, Remarks
	Y	N	N/A	
Effluent from oil/water separator inspected.				
No standing water in containment area.				
Debris				
Vegetation growth controlled.				
Localized dead vegetation?				
<b>Aboveground Storage Tanks (ASTs):</b>				
Note general appearance of paint, roof, ladder, etc.				
Tank surfaces checked for signs of leakage (i.e., drip marks).				
Weather stripping or flashing tight against shell?				
Is there any weather stripping or flashing missing? Repairs?				
Tank condition good (no rustling, corrosion, pitting).				
Bolts, rivets or seams are not damaged.				
Tank foundation intact.				
Level guages and alarms working properly.				
Vents are not obstructed.				
Valves, flanges and gaskets are free from leaks and in place.				
Ladder appear to roll easily or need repairs?				
Roof free of oil and water.				
Ground and/or anode straps in place?				
High Level alarms functioning properly? Tested?				
Remote and side gauges working?				
<b>Pipelines:</b>				
No signs of corrosion damage to pipelines or supports.				
Buried pipelines are not exposed.				
Out-of-service pipes capped.				



FIGURE 4.1-2 - INSPECTION PROCEDURES, CONTINUED

Signs/barriers to protect pipelines from vehicles are in place.				
No leaks at valves, flanged, or other fittings.				
<b>Truck Loading/Unloading Area:</b>				
No standing water in rack area.				
Warning signs posted.				
<b>A. ROUTINE VISUAL INSPECTION</b>	<b>REVIEWED</b>			<b>Corrective action needed, Remarks</b>
	<b>Y</b>	<b>N</b>	<b>N/A</b>	
No leaks in hoses.				
Drip pans not overflowing.				
Catch basins free of contamination.				
Containment curbing or trenches intact.				
Connections are capped or blank-flanged.				
<b>Security:</b>				
Fence and gates intact.				
Gates have locks.				
ASTs locked when not in use.				
Starter controls for pumps locked when not in use.				
Lighting is working properly.				
<b>Training:</b>				
Spill prevention briefing held.				
Training records are in order.				
<b>Facility:</b>				
Fire extinguishers charged and in operable condition.				
Safety signs, equipment, stairways, electrical in good condition.				
Oil spill clean-up material on hand during loading / unloading.				
<b>Other:</b>				

REMARKS/COMMENTS:

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**Note:** These documents must be retained for five (5) years.

Inspector Signature: \_\_\_\_\_  
 District Manager Signature: \_\_\_\_\_

**FIGURE 4.1-3 - SECONDARY CONTAINMENT DRAINAGE LOG**

**Dike Drainage or Storm Water Discharge**

Location: \_\_\_\_\_ Date & Time: \_\_\_\_\_

Inspector Name: \_\_\_\_\_

MONTH	OUTFALL	TIME START	TIME STOP	OIL REMOVED	EST. RELEASED	VALVES OPENED	VALVES CLOSED	INITIALS

VERIFY	Y	N	N/A	CORRECTIVE ACTION / REMARKS
1. Water checked for contamination?				
Any found?				
Oil removed?				
If Yes, explain what was done to clean it up.				
2. Water sample taken?				
3. Results Received?				
4. Time Dike Valve Opened				
5. Time Drain Checked				
6. Check #2				
7. Check #3				
8. Time Drain Closed				
9. Estimated amount released				
COMMENTS:				

Note: This document must be retained for five (5) years.

Inspector Signature: \_\_\_\_\_

District Manager Signature: \_\_\_\_\_

FIGURE 4.1-4 - REPORTABLE SPILL HISTORY\*

<b>Date of Discharge(s):</b>	
<b>List of Discharge Causes:</b>	Currently, there have been no spills at this Facility.
<b>Material(s) Discharged:</b>	
<b>Amount of Discharge in Gallons:</b>	()
<b>Amount That Reached Navigable Waters (if applicable):</b>	()
<b>Effectiveness and Capacity of Secondary Containment:</b>	
<b>Cleanup Actions Taken:</b>	
<b>Steps Taken to Reduce Possibility of Reoccurrence:</b>	
<b>Total Oil Storage Capacity of Tank(s) or Impoundment(s) From Which Material Discharged:</b>	()
<b>Enforcement Actions:</b>	
<b>Effectiveness of Monitoring Equipment:</b>	
<b>Spill Detection:</b>	

\*Reportable spill, as defined in 40 CFR Part 110, is a discharge of oil that violates applicable water quality standards or a discharge into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities.



## 5.1 CROSS REFERENCES

FIGURE 5.1-1 - EPA / SPCC CROSS-REFERENCE

EPA SPCC REQUIREMENTS (40 CFR 112)	LOCATION
<b>112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans</b>	
a. General requirements	
1. Include a discussion of your facility's conformance with the requirements listed in this part	Figure 2.1-1
3. Describe in your Plan the physical layout of the facility and include a facility diagram	Figure 2.1-1, Figure 2.1-3
i. The type of oil in each container and its storage capacity	Figure 2.1-2
ii. Discharge prevention measures	Figure 2.1-1
iii. Discharge or drainage controls	Figure 2.1-1
iv. Countermeasures for discharge	Figure 2.1-1
v. Methods of disposal	Section 3.9
vi. Contact list and phone numbers	Figure 3.9-2
4. Unless you have submitted a response plan, provide information and procedures to report a discharge	Figure 1.1-5 , Figure 3.9-2
5. Unless you have submitted a response plan, describe procedures you will use when a discharge occurs	Figure 1.1-5 , Figure 3.1-1, Figure 3.9-2
b. Prediction of the direction, rate of flow, and total quantity of oil which could be discharged from the facility as a result of each type of major equipment failure	Figure 2.1-2 , Figure 2.1-3
c. Provide appropriate containment	Figure 2.1-2
d. If you determine that the installation of any of the structures or pieces of equipment is not practicable, you must clearly explain in your Plan why such measures are not practicable; for bulk storage containers, conduct both periodic integrity testing of the containers and periodic integrity and leak testing of the valves and piping; and, unless you have submitted a response plan under § 112.20, provide in your Plan the following:	
1. An oil spill contingency plan following the provisions of part 109 of this chapter	Entire Plan
2. A written commitment of manpower, equipment, and materials	Figure 1.1-3
e. Inspections, tests, and records	Figure 4.1-1 , Figure 4.1-2
f. Personnel, training, and discharge prevention procedures	Figure 2.1-1
1. Oil-handling personnel training	Figure 2.1-1
2. Person accountable for discharge prevention	Figure 2.1-1
3. Schedule and conduct discharge prevention briefings	Figure 2.1-1

FIGURE 5.1-1 - EPA / SPCC CROSS-REFERENCE, CONTINUED

EPA SPCC REQUIREMENTS (40 CFR 112)	LOCATION
<b>112.7 General requirements for Spill Prevention, Control, and Countermeasure Plans, Continued</b>	
g. Security (excluding oil production facilities)	Figure 2.1-1
1. Facility fencing	Figure 2.1-1
2. Master flow, drain valves, and other valves remain in closed position	Figure 2.1-1
3. Lock the starter control on each oil pump in "off" position	Figure 2.1-1
4. Securely cap or blank-flange the loading/unloading connections	Figure 2.1-1
5. Provide facility lighting	Figure 2.1-1
i. Discovery of discharges occurring during hours of darkness	Figure 2.1-1
ii. Prevention of discharges occurring through acts of vandalism	Figure 2.1-1
h. Facility tank car and tank truck loading/unloading rack (excluding offshore facilities)	
1. Catchment basin, treatment facility, or quick drainage system	N/A
2. Provide vehicular disconnect warning system	N/A
3. Inspect for discharges of the lower most drain	N/A
i. Aboveground container brittle fracture evaluation	Figure 2.1-1
j. Discussion of conformance with the applicable requirements	Figure 2.1-1

FIGURE 5.1-1 - EPA / SPCC CROSS-REFERENCE, CONTINUED

EPA SPCC REQUIREMENTS (40 CFR 112)	LOCATION
<b>112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities).</b>	
a. Meet the general requirements for the Plan listed under §112.8, and the specific discharge prevention and containment procedures listed in this section.	Figure 2.1-1
b. Facility drainage	
1. Restrain drainage from diked storage areas except where facility systems are designed to control such discharge	Figure 2.1-1
2. Use valves of manual, open-and-closed design, for the drainage of diked areas	Figure 2.1-1
3. Design facility drainage systems from undiked areas with a potential for a discharge to flow into ponds, lagoons, or catchment basins designed to retain oil or return it to the facility	Figure 2.1-1
4. Equip the final discharge of all ditches inside the facility with a diversion system that would, in the event of an uncontrolled discharge, retain oil in the facility	Figure 2.1-1
5. Where drainage waters are treated in more than one treatment unit and such treatment is continuous, and pump transfer is needed, provide two "lift" pumps and permanently install at least one of the pumps	Figure 2.1-1
c. Bulk storage containers	
1. Not use a container for the storage of oil unless its material and construction are compatible with the material stored and the conditions of storage such as pressure and temperature	Figure 2.1-1
2. Provide a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation	Figure 2.1-1
3. Not allow drainage of uncontaminated rainwater from the diked area into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system unless you:	Figure 2.1-1
i. Normally keep the bypass valve sealed closed	Figure 2.1-1
ii. Inspect the retained rainwater to ensure that its presence will not cause a discharge as described in §112.1(b)	Figure 2.1-1
iii. Open the bypass valve and reseal it following drainage under responsible supervision; and	Figure 2.1-1
iv. Keep adequate records of such events, for example, any records required under permits issued in accordance with §§122.41(j)(2) and 122.41(m)(3) of this chapter	Figure 2.1-1



FIGURE 5.1-1 - EPA / SPCC CROSS-REFERENCE, CONTINUED

EPA SPCC REQUIREMENTS (40 CFR 112)	LOCATION
<b>112.8 Spill Prevention, Control, and Countermeasure Plan requirements for onshore facilities (excluding production facilities), Continued.</b>	
4. Protect completely buried metallic storage tanks from corrosion	Figure 2.1-1
5. Protect partially buried and bunkered tanks from corrosion	Figure 2.1-1
6. Test each aboveground container for integrity on a regular schedule	Figure 2.1-1
7. Control leakage through defective internal heating coils	Figure 2.1-1
8. Engineer or update each container installation in accordance with good engineering practice to avoid discharges. You must provide at least one of the following devices:	Figure 2.1-1
i. High liquid level alarms with an audible or visual signal	Figure 2.1-1
ii. High liquid level pump cutoff devices	Figure 2.1-1
iii. Direct audible or code signal communication between the container gauger and the pumping station	Figure 2.1-1
iv. A fast response system	Figure 2.1-1
v. Regularly test liquid level sensing devices to ensure proper operation	Figure 2.1-1
9. Observe effluent treatment facilities frequently enough to detect possible system upsets that could cause a discharge as described in §112.1(b)	N/A
10. Promptly correct visible discharges which result in a loss of oil from the container	Figure 2.1-1
11. Position or locate mobile or portable oil storage containers to prevent a discharge	Figure 2.1-1
d. Facility transfer operations, pumping, and facility process	
1. Provide protection of buried piping that is installed or replaced on or after August 16, 2002	Figure 2.1-1
2. Cap or blank-flange the terminal connection at the transfer point	Figure 2.1-1
3. Properly design pipe supports to minimize abrasion and corrosion and allow for expansion and contraction	Figure 2.1-1
4. Regularly inspect all aboveground valves, piping, and appurtenances	Figure 2.1-1
5. Warn all vehicles entering the facility to be sure that no vehicle will endanger aboveground piping or other oil transfer operations	Figure 2.1-1

FIGURE 5.1-2 - EPA / CONTINGENCY PLAN CROSS-REFERENCE

EPA CONTINGENCY PLAN REQUIREMENTS (40 CFR 109.5)	LOCATION
<b>109.5 Development and implementation criteria for State, local and regional oil removal contingency plans</b>	
a. Definition of the authorities, responsibilities and duties of all persons, organizations or agencies which are to be involved or could be involved in planning or directing oil removal operations, with particular care to clearly define the authorities, responsibilities and duties of State and local governmental agencies to avoid unnecessary duplication of contingency planning activities and to minimize the potential for conflict and confusion that could be generated in an emergency situation as a result of such duplications.	Figure 3.4-2, Section 3.5
b. Establishment of notification procedures for the purpose of early detection and timely notification of an oil discharge including:	Figure 3.1-1
1. The identification of critical water use areas to facilitate the reporting of and response to oil discharges.	Figure 3.4-2
2. A current list of names, telephone numbers and addresses of the responsible persons and alternates on call to receive notification of an oil discharge as well as the names, telephone numbers and addresses of the organizations and agencies to be notified when an oil discharge is discovered.	Figure 3.4-2
3. Provisions for access to a reliable communications system for timely notification of an oil discharge and incorporation in the communications system of the capability for interconnection with the communications systems established under related oil removal contingency plans, particularly State and National plans.	Section 3.8
4. An established, prearranged procedure for requesting assistance during a major disaster or when the situation exceeds the response capability of the State, local or regional authority.	Figure 3.1-1
c. Provisions to assure that full resource capability is known and can be committed during an oil discharge situation including:	
1. The identification and inventory of applicable equipment, materials and supplies which are available locally and regionally.	Figure 3.6-1
2. An estimate of the equipment, materials and supplies which would be required to remove the maximum oil discharge to be anticipated.	Figure 3.6-1
3. Development of agreements and arrangements in advance of an oil discharge for the acquisition of equipment, materials and supplies to be used in responding to such a discharge.	Figure 3.6-1

FIGURE 5.1-2 - EPA / CONTINGENCY PLAN CROSS-REFERENCE, CONTINUED

EPA CONTINGENCY PLAN REQUIREMENTS (40 CFR 109.5)	LOCATION
<b>109.5 Development and implementation criteria for State, local and regional oil removal contingency plans</b>	
d. Provisions for well defined and specific actions to be taken after discovery and notification of an oil discharge including:	
1. Specification of an oil discharge response operating team consisting of trained, prepared and available operating personnel.	Section 3.5
2. Predesignation of a properly qualified oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations and who knows how to request assistance from Federal authorities operating under existing national and regional contingency plans.	Figure 2.1-1
3. A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.	Section 3.7
4. Provisions for varying degrees of response effort depending on the severity of the oil discharge.	Section 3.5 , Section 3.6
5. Specification of the order of priority in which the various water uses are to be protected where more than one water use may be adversely affected as a result of an oil discharge and where response operations may not be adequate to protect all uses.	Figure 3.4-2
e. Specific and well defined procedures to facilitate recovery of damages and enforcement measures as provided for by State and local statutes and ordinances.	Figure 3.1-1



## 6.1 RECORD OF CHANGES

FIGURE 6.1-1 - RECORD OF CHANGES

Changes to this Plan will be documented on this page. Plan review and modifications will be initiated and coordinated by the Environmental, Health, Safety, and Training Department (EHS&T) in conjunction with the Area Supervisor/Manager of Operations.

DATE OF CHANGE	DESCRIPTION OF CHANGE	PAGE NUMBER
6/28/2010	Plan updated to new SPCC Regulatory Requirements	
12/16/2010	SPCC   2.1 Spill Prevention   Figure 2.1-5 - Containment Calculation	
12/17/2010	SPCC   1.1 Introduction   Figure 1.1-1 - Professional Engineer Certification Upload	
7/21/2011	SPCC   3.4 Notifications   Figure 3.4-2 - Notifications   Company Personnel	
12/16/2011	Section 3 Figure 3.1-4, ERAP Figure 3-3	
12/27/2011	Section 3 Figure 3.1-4, ERAP Figure 3-3	
12/27/2011	Section 3 Figure 3.1-4, ERAP Figure 3-3	
12/28/2011	SPCC   1.1 Introduction   Figure 1.1-2 - Certification and Applicability of Substantial Harm	
12/28/2011	SPCC   1.1 Introduction   Figure 1.1-3 - Management Approval and Review	
1/20/2012	SPCC   1.1 Introduction   Figure 1.1-2 - Certification and Applicability of Substantial Harm	
1/20/2012	SPCC   1.1 Introduction   Figure 1.1-3 - Management Approval and Review	

ESCAMBIA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
3363 West Park Place, Pensacola, FL 32505 (850) 595-3475

**FUTURE LAND USE MAP AMENDMENT  
APPLICATION**

**CHECKLIST**

1.         Owner(s) Name, Home Address and Telephone Number. An email address is optional (see form herein).
2.         Letter of request, including reason(s) for map amendment and desired future land use category
3.         Notarized Affidavit of Ownership and Authorization (form herein)
4.         Notarized Affidavit of Ownership and Limited Power of Attorney (form herein) if agent will act in owner's behalf
5.         Concurrency Determination Acknowledgement (form herein)
6.         Proof of Ownership (Copy of Warranty Deed or Tax Notice)  
- Also need copy of Contract for Sale if the change of ownership has not yet been recorded.
7.         Street Map depicting general property location
8.         Legal Description of exact property area proposed for a future land use map amendment, including:
  - Street Address
  - Property Reference Number(s)
  - Boundary Survey
  - Total acreage requested for amendment
9.         Land Use Map Amendment Application fee
10.         Complete Data and Analysis (See applicable page herein)



Development Services Department

Building Inspections Division

3363 West Park Place
Pensacola, Florida, 32505
(850) 595-3550
Molino Office - (850) 587-5770

RECEIPT

Receipt No. : 552696

Date Issued. : 04/05/2012

Cashier ID : LPROBINS

Application No. : PPB120400002

Project Name : SSA-2012-02

PAYMENT INFO

Table with 4 columns: Method of Payment, Reference Document, Amount Paid, Comment. Includes a check entry for \$1,750.00.

Received From : GENESIS RAIL
Total Receipt Amount : \$1,750.00
Change Due : \$0.00

APPLICATION INFO

Table with 5 columns: Application #, Invoice #, Invoice Amt, Balance, Job Address. Shows application PPB120400002 with invoice 645853.

Summary row showing Total Amount: 1,750.00 and Balance Due on this/these Application(s) as of 4/5/2012: \$0.00.



## Allyson Cain

---

**From:** Stephen G. West  
**Sent:** Monday, April 16, 2012 9:29 AM  
**To:** Allyson Cain  
**Cc:** Brenda J. Spencer  
**Subject:** File: A12-00171 Ordinance - Small Scale Amendment for Highway 97-A  
**Attachments:** 00008117.DOC

**CyAutold:** 2265890  
**CycomPath:** C:\cycomsql\  
**CyMatterId:** 2264804  
**CyMultiRecMemos:** N  
**CyStaffId:** SGW

Allyson:

I modified Section 3. Please let me know if you have any questions.

\*\* Attached file(s):  
Ordinance.Small Scale Amendment.Highway 97-A (00008117.DOC)

ORDINANCE NO. 2012-\_\_\_\_

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**AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 11, TOWNSHIP 4N, RANGE 33W, PARCEL NUMBER 4100-000-000, TOTALING 9.98 (+/-) ACRES, LOCATED ON HIGHWAY 97-A, FROM AGRICULTURE (AG) TO INDUSTRIAL (I); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

**WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

**WHEREAS**, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Escambia County, Florida, as follows:

1 **Section 1. Purpose and Intent**

2  
3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the  
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,  
5 Florida Statutes.  
6

7  
8 **Section 2. Title of Comprehensive Plan Amendment**

9  
10 This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment  
11 2012-01."  
12

13  
14 **Section 3. Changes to the 2030 Future Land Use Map**

15  
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the  
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:  
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all  
19 notations, references and information shown thereon, is further amended to include the  
20 following future land use change:  
21

22  
23 A portion of Parcel Identification Number 11-4N-33-4100-000-000 totaling  
24 9.98 (+/-) acres, as more particularly described by E. Wayne Parker,  
25 Professional Land Surveyor, Merrill Parker Shaw, Inc., in the description  
26 dated March 30, 2012, attached as Exhibit A, from Agricultural (AG) to  
27 Industrial (I).  
28

29  
30 **Section 4. Severability**

31  
32 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
33 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect  
34 the validity of the remaining portions of this Ordinance.  
35

36  
37 **Section 5. Inclusion in the Code**

38  
39 It is the intention of the Board of County Commissioners that the provisions of this  
40 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that  
41 the sections, subsections and other provisions of this Ordinance may be renumbered or  
42 relettered and the word "ordinance" may be changed to "section," "article," or such other  
43 appropriate word or phrase in order to accomplish such intentions.



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**Section 6. Effective Date**

Pursuant to Section 163.3187(5)(c), Florida Statutes, this Ordinance shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the Ordinance to be in compliance.

**DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

BOARD OF COUNTY COMMISSIONERS  
OF ESCAMBIA COUNTY, FLORIDA

By: \_\_\_\_\_  
Wilson B. Robertson, Chairman

ATTEST: ERNIE LEE MAGAHA  
CLERK OF THE CIRCUIT COURT

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. B.**

**Meeting Date:** 05/14/2012

**Issue:** LDC Ordinance - Article 3 Definitions - Criteria for Local Roadways

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

---

**Information**

**RECOMMENDATION:**

That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider and Ordinance amending Article 3, Definitions to define street collector, and to add criteria for local roadways.

**BACKGROUND:**

At the request of the Board of County Commissioners, staff was directed to draft an Ordinance for certain local roads that may be designated by the County Engineer as collector streets if alternate criteria are satisfied.

**BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

**PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

**POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

---

**Attachments**

Draft Ordinance and legal sign off





**LEGAL REVIEW**

(COUNTY DEPARTMENT USE ONLY)

Document: Article 7 Section 7.20.03.F Roadway Classification

Date: 03/01/2012


Date requested back by: 03/14/2012

Requested by: John C Fisher

Phone Number: 850-595-4651



(LEGAL USE ONLY)

Legal Review by 

Date Received: ~~March~~ April 4, 2012

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2012-\_\_\_\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 3 SECTION 3.02.00 TERMS DEFINED, STREET COLLECTOR, TO ADD CRITERIA FOR LOCAL ROADWAYS ACCORDING TO THE ADOPTED POLICIES FOR MINIMUM CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Escambia County Board of County Commissioners seeks to preserve Escambia County as a desirable community in which to live, vacation, and do business by maintaining a pleasing, visually attractive urban, suburban, rural and resort environment; and

WHEREAS, the Board of County Commissioners has determined that certain local roads may function as a collector road but must meet the adopted Policy for minimum criteria; and

WHEREAS, the Board of County Commissioners accordingly finds that amending its regulations to classify certain local roads as collector roads would promote good and logically development patterns when meeting the local roadway minimum criteria to be determined as a collector roadway.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 3, Section 3.02.00 Terms Defined (Street Collector) is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

3.00.00. Purpose

This article sets forth and maintains the definitions of terms for all of the Land Development Code of Escambia County.

3.01.00 General provisions

3.02.00. Terms Defined

Street, collector. A street providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, and which distributes traffic

1 between local streets or arterial streets. Certain local streets that do not meet the  
2 foregoing criteria may be designated by the County Engineer as collector streets if the  
3 following alternate criteria are satisfied.

4 a) 22' (twenty two foot) width of pavement (two lanes)

5 b) 6' (six foot) shoulders on each side when no curb is present

6 c) Signalized intersection on segment or at termini

7 d) Connection to a collector or arterial roadway

8 e) Average Annual Daily Traffic  $\geq$  1500 vehicles

9  
10 **Section 2. Severability.**

11  
12 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
13 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
14 affect the validity of the remaining portions of this Ordinance.

15  
16  
17 **Section 3. Inclusion in Code.**

18  
19 It is the intention of the Board of County Commissioners that the provisions of this  
20 Ordinance shall be codified as required by F.S. § 125.68, and that the sections,  
21 subsections and other provisions of this Ordinance may be renumbered or re-lettered  
22 and the word "ordinance" may be changed to "section," "article," or such other  
23 appropriate word or phrase in order to accomplish such intentions.

24  
25  
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31 **INTENTIONALLY LEFT BLANK**



# DRAFT

1 **Section 4. Effective Date.**

2  
3 This Ordinance shall become effective upon filing with the Department of State.

4  
5 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

6  
7 **BOARD OF COUNTY COMMISSIONERS**  
8 **OF ESCAMBIA COUNTY, FLORIDA**

9  
10 **By:** \_\_\_\_\_  
11 **Wilson B. Robertson, Chairman**

12 **ATTEST: ERNIE LEE MAGAHA**  
13 **Clerk of the Circuit Court**

14  
15 **By:** \_\_\_\_\_  
16 **Deputy Clerk**

17 **(SEAL)**

18  
19 **ENACTED:**

20  
21 **FILED WITH THE DEPARTMENT OF STATE:**

22  
23 **EFFECTIVE DATE:**



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. C.**

**Meeting Date:** 05/14/2012

**Issue:** Moratorium of Rezonings in AIPD Areas

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

---

**Information**

**RECOMMENDATION:**

That the Planning Board review and recommend to the Board of County Commissioners (BCC) to consider an Ordinance placing a moratorium on rezoning applications in specified areas adjacent to local military airfields.

**BACKGROUND:**

The Navy has recently published an updated AICUZ study for Naval Air Station (NAS) Pensacola and Navy Outlying Landing Field (NOLF) Saufley that revises the noise contours and Accident Potential Zone (APZ) configurations in the areas adjacent to those airfields and as a result of the modifications to the APZs and noise contours, changes in zoning under the existing provisions of the Escambia County Land Development Code, which are based on previous APZs and noise contours, may permit encroachment of incompatible land uses in the vicinity of NAS Pensacola and NOLF Saufley. The County is in the process of evaluating the recent revisions to the AICUZ study and developing a process to accommodate the changes to the APZs and noise contours in its Land Development Code, which is expected to be completed within six (6) months.

**BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

**PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

**POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

---

### **Attachments**

Ordinance Draft





1 Development Code, which are based on previous APZs and noise contours, may permit  
2 encroachment of incompatible land uses in the vicinity of NAS Pensacola and NOLF  
3 Saufley; and  
4

5 **WHEREAS**, the Board of County Commissioners has a responsibility to balance  
6 private property rights as well as prevent the encroachment of incompatible development  
7 that may jeopardize the mission of NAS Pensacola and NOLF Saufley; and  
8

9 **WHEREAS**, the County is in the process of evaluating the recent revisions to the  
10 AICUZ study and developing a process to accommodate the changes to the APZs and  
11 noise contours in its Land Development Code, which is expected to be completed within six  
12 (6) months; and  
13

14 **WHEREAS**, authority for the Board of County Commissioners to adopt this  
15 ordinance includes, but is not limited to, Article VIII, Section 1(f), Constitution of the State  
16 of Florida, and Section 125.01(1)(g), Florida Statutes; and  
17

18 **WHEREAS**, on \_\_\_\_\_ 2012, a legal advertisement was published in  
19 a newspaper of general circulation in the County notifying the public of this proposed  
20 ordinance and of the public hearing to be held in the Board of County Commissioners'  
21 Chambers at least seven days after the advertisement; and  
22

23 **WHEREAS**, on \_\_\_\_\_ 2012, a second legal advertisement was  
24 published in the same newspaper notifying the public of the second public hearing to be  
25 held at least five days after the second advertisement; and  
26

27 **WHEREAS**, two public hearings were held pursuant to the published notices  
28 described above at which the parties in interest and all others had the opportunity to be  
29 and were, in fact, heard regarding the potential negative impact of incompatible  
30 development on the mission of NAS Pensacola and NOLF Saufley, as well as testimony  
31 and evidence from property owners and prospective purchasers on the hardship resulting  
32 from a moratorium.  
33

34 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
35 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**  
36

37  
38 **Section 1. DECLARATION OF MORATORIUM; EXEMPTIONS.**  
39

40 1.1. The above recitations are hereby adopted and incorporated by reference as  
41 the factual basis that necessitates this action.

---

PB: 5-14-12

Re: Moratorium of Rezonings in AIPD Areas

Draft Ordinance 1A

Page 2

- 1  
2 1.2. The Board of County Commissioners hereby declares that processing of  
3 rezoning applications in the specified portions (red hatched areas) of the  
4 lands adjacent to the boundary of NAS Pensacola and NOLF Saufley, shown  
5 on the attached Exhibit A, shall temporarily cease immediately upon the  
6 effective date of this ordinance.  
7  
8 1.3. The moratorium imposed by this ordinance shall not apply to rezoning  
9 applications submitted prior to \_\_\_\_\_.

10  
11 **Section 2. DURATION OF MORATORIUM.**

12  
13 The moratorium imposed by this ordinance shall automatically expire no later  
14 than \_\_\_\_\_ 2012, unless prior to such expiration  
15 the Board of County Commissioners, after holding a public hearing, finds and  
16 determines that it is necessary to extend the moratorium for a limited and  
17 specified additional time period or upon the adoption of any necessary text or  
18 map amendments to the Land Development Code to prevent further  
19 encroachment of incompatible development in the designated areas  
20 described in attached Exhibit A, whichever occurs first.  
21

22 **Section 3. ALLEVIATION OF HARDSHIP.**

- 23  
24 3.1. The Board of County Commissioners may authorize exceptions to the  
25 moratorium imposed by this ordinance when it finds, based upon substantial  
26 competent evidence presented to it, that deferral of action on a rezoning  
27 application for the duration of the moratorium would impose extraordinary  
28 hardship on a landowner or developer.  
29  
30 3.2. A request for an exception based upon extraordinary hardship shall be filed  
31 with the County Administrator or designee, by the landowner, or the  
32 developer with the consent of the landowner, and shall include a recitation of  
33 the specific facts that are alleged to support the claim of extraordinary  
34 hardship, and shall contain such other information as the County  
35 Administrator shall prescribe as necessary for the Board of County  
36 Commissioners to be fully informed with respect to the application. A copy of  
37 the application shall promptly be forwarded to the Commanding Officer of  
38 NAS Pensacola.  
39  
40 3.3. A public hearing on any request for an exception for extraordinary hardship  
41 shall be held by the Board of County Commissioners at the first regular



1 meeting of the Board of County Commissioners after the expiration of the  
2 period for publication of notice of the request for an exception.

3  
4 3.4. Notice of the filing of a request for an exception, and the date, time, and  
5 place of the hearing thereon shall be published once at least ten (10) days  
6 prior to the hearing in a newspaper of general circulation in Escambia  
7 County, Florida.

8  
9 3.5. In reviewing an application for an exception based upon a claim of  
10 extraordinary hardship, the Board of County Commissioners shall consider  
11 the following criteria:

12  
13 a. The extent to which the applicant has, prior to  
14 \_\_\_\_\_ 2012, made a substantial expenditure  
15 of money or resources in reliance on the availability of the current  
16 rezoning process.

17  
18 b. Whether the applicant, prior to \_\_\_\_\_ 2012, has  
19 contractual commitments in reliance on the availability of the current  
20 rezoning process.

21  
22 c. Whether the applicant, prior to \_\_\_\_\_  
23 2012, has in reliance on the availability of the current rezoning  
24 process incurred financial obligations to a lending institution that,  
25 despite a thorough review of alternative solutions, the applicant  
26 cannot meet unless development proceeds.

27  
28 d. Whether the moratorium will expose the applicant to substantial  
29 monetary liability to third persons; or would leave the applicant  
30 completely unable, after a thorough review of alternative solutions, to  
31 earn a reasonable investment backed expectation on the property.

32  
33 3.6. The Board of County Commissioners shall consider the following non-  
34 exclusive factors under the criteria set forth in subsection 3.5 above:

- 35  
36 a. The history of the property;  
37 b. The history of any development on the property;  
38 c. The history of the property's Future Land Use Map classification;  
39 d. The history of the property's zoning;  
40 e. Any change in development when property ownership changed; and  
41 f. The present size and use of the property.

1  
2 3.7 At the conclusion of the public hearings and after reviewing the evidence and  
3 testimony placed before it, the Board of County Commissioners shall act  
4 upon the request either to approve, deny or approve in part or deny in part  
5 the request.  
6

7 **Section 4. SEVERABILITY.**

8  
9 If any section, sentence, clause or phase of this ordinance is held to be  
10 invalid or unconstitutional by any court of competent jurisdiction, then the  
11 holding shall in no way affect the validity of the remaining portions of this  
12 ordinance.  
13

14 **Section 5. EFFECTIVE DATE.**

15  
16 The ordinance shall become effective upon filing with the Department of  
17 State.  
18

19 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.  
20

21  
22 **BOARD OF COUNTY COMMISSIONERS**  
23 **ESCAMBIA COUNTY, FLORIDA**

24  
25 **By:** \_\_\_\_\_  
26 **Wilson B. Robertson, Chairman**

27  
28 **ATTEST: ERNIE LEE MAGAHA**  
29 **CLERK OF THE CIRCUIT COURT**

30  
31 **By:** \_\_\_\_\_  
32 **Deputy Clerk**

33  
34  
35 **ENACTED:**

36  
37 **FILED WITH THE DEPARTMENT OF STATE:**

38  
39 **EFFECTIVE:**  
40



## BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

### Planning Board-Regular

4. D.

Meeting Date: 05/14/2012

Issue: LDC Ordinance - Article 13 - Floodplain Management SRIA

From: Paolo Ghio, SRIA thru Lloyd Kerr, AICP

Organization: Development Services

---

### Information

#### **RECOMMENDATION:**

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Floodplain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction prepared by the Santa Rosa Island Authority.

#### **BACKGROUND:**

The Floodplain Ordinance was prepared to further the practice for higher standards on Pensacola Beach. To maintain consistency in the floodplain, all structures need to be built to VE standards, regardless of the zone. Cross bracing has shown to trap debris during a flood and puts the structure at risk from excessive lateral forces. We also agree with the recommendations found in ASCE 24-98. After inspecting a dozen pools and their equipment, it is apparent that no provision exists to condition the end user to prevent the filter from becoming a battering ram during a flood. Floodproofing of non residential buildings cannot be permitted, as all structures need to be built to VE standards which in turn does not allow for flood proofing a structure.

The SRIA Board approved the Floodplain Ordinance on October 12, 2011.

#### **BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

#### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

#### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

#### **POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

#### **IMPLEMENTATION/COORDINATION:**



Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office, Santa Rosa Island Authority and all interested citizens. The Development Services Department will ensure proper advertisement.

---

### **Attachments**

Legal Sign-off, Email, Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Flood Plain Revision- SRIA -Written by SRIA

Date: 12/22/12

Date requested back by: 1/18/12 for 2/13/12 PB

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by 

Date Received: Dec. 22, 2011

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

*See my memo to Paolo Ghio, dated Dec. 7, 2011.*



**ESCAMBIA  
COUNTY**

**INTER-OFFICE MEMORANDUM**

TO: Paolo Ghio, CFM, Director of Development Services  
FROM: Stephen G. West, Assistant County Attorney  
DATE: December 7, 2011  
RE: Santa Rosa Island Authority Flood Plain Ordinance

I have reviewed your first and second drafts of the ordinance amending Section 13.20.00, Escambia County Land Development Code. Regrettably, I must recommend that you revise the ordinance.

My primary concern is the improper use of definitions. Your apparent intent is to create several new, more stringent, standards for development on Santa Rosa Island. I suspect that you were unsure of where within Article 13 to incorporate these standards and opted to insert them in new and existing definitions. The two new definitions appear to have been created for no purpose other than to provide a location for the standards. Generally, terms should be defined only if they are not commonly understood, and the definitions should not contain development standards that can be incorporated somewhere more appropriate in Article 13.

I will leave it to your discretion as to where in Article 13 these standards may be more appropriately incorporated. However, please consider the following: Section 13.20.08.A *General Standards* [for flood hazard reduction]; Section 13.20.08.B *Specific Standards for* [flood hazard reduction in] *AE zones*; and Section 13.11.00. *Swimming Pools*. Please do not feel restricted to these sections if you find that the standards are more appropriately incorporated somewhere else in Article 13.

I will also leave it to your discretion as to whether the terms *cross bracing* and *pool equipment* still need to be defined once you relocate the standards. Both terms strike me as being commonly understood and not needing further definition. However, if you do intend to retain the definitions, I recommend that you refrain from using the defined term within its own definition. Also note that the definitions include confusing, stray punctuation marks (semicolon on page 2, line 12 of your most recent draft and a parentheses on page 2, line 21).

On page 2, line 18, I do not know if you are intending to use *commercial* as a synonym for *nonresidential*, which is more commonly used in the ordinance. If you are, I recommend that you rephrase that standard to reflect that *all* structures in AE zones must be constructed to meet VE zone standards.

You may also wish to confirm with FEMA that none of your proposed changes have any adverse consequences under the National Flood Insurance Program or the Flood Insurance Rate Map.



I apologize for the delay in responding. I certainly want to work with the SRIA in any way I can, but it is difficult to give priority to issues like this when I am often unable to give the Board of County Commissioners and its staff all the attention they deserve. Please feel free to call me or, alternatively, consult with the SRIA attorney if you have any questions or require any additional information.

SGW:bjs

## ORDINANCE NUMBER 2012-\_\_\_\_

1  
2  
3 **AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING**  
4 **PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES**  
5 **(1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY,**  
6 **FLORIDA, AS AMENDED; AMENDING SECTION 13.20.00, AMENDING**  
7 **THE DEFINITION OF ELEVATED BUILDING, ADDING GENERAL**  
8 **STANDARDS FOR FLOOD HAZARD REDUCTION, AMENDING**  
9 **SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION IN AE**  
10 **ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
11 **INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE**  
12 **DATE.**

13  
14 **WHEREAS**, land under the jurisdiction of the Santa Rosa Island Authority is  
15 unique to Escambia County, the State of Florida and the United States of America. All  
16 property within this jurisdiction is owned by Escambia County, and the Santa Rosa  
17 Island Authority is charged with the stewardship of the island to protect the public  
18 interest of the citizens of Escambia County; and

19  
20 **WHEREAS**, this unique requirement for stewardship of public property requires  
21 that the Santa Rosa Island Authority take great care in its protection of this asset. The  
22 Santa Rosa Island Authority is also responsible for ensuring compliance with the  
23 National Flood Insurance Program regulations to make certain that flood insurance is  
24 available for those residing on and investing in the island; and

25  
26 **WHEREAS**, the Santa Rosa Island Authority unanimously recommended to the  
27 Board of County Commissioners on October 12, 2011 to amend Section 13.20.05 of  
28 Article 13 of the Escambia County Code of Ordinances and modify the definition of  
29 "elevated building," to amend the standards under Section 13.20.08 of Article 13 of the  
30 Escambia County Code of Ordinances and add general standards for the use of cross-  
31 bracing and the placement of pool equipment, and amend specific standards for the  
32 substantial improvement of nonresidential structures for flood hazard reduction for  
33 nonresidential structures to further the Santa Rosa Island Authority's compliance efforts  
34 with the National Flood Insurance Program; and

35  
36 **WHEREAS**, the Board of County Commissioners believes that the amendments  
37 to Article 13 to the Escambia County Code of Ordinances of Escambia County as  
38 recommended by the Santa Rosa Island Authority will further the Santa Rosa Island  
39 Authority's compliance efforts with the National Flood Insurance Program and are  
40 consistent with the Santa Rosa Island Authority's responsibility for ensuring compliance  
41 with the National Flood Insurance Program regulations to make certain that flood  
42 insurance is available for those residing on and investing in the island.

# DRAFT

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

3  
4 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development  
5 Code of Escambia County, Article 13, Section 13.20.05, is hereby amended as follows  
6 (words underlined are additions and words ~~stricken~~ are deletions):  
7

8 13.20.05 Definitions.

9  
10 *Elevated building* means a non-basement building built to have the lowest floor  
11 elevated above the ground level by foundation walls, shear walls, posts, piers, pilings,  
12 or columns. Residential and nonresidential structures in AE zones must be constructed  
13 to meet VE zone standards.  
14

15 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development  
16 Code of Escambia County, Article 13, Section 13.20.08 is hereby amended as follows  
17 (words underlined are additions and words ~~stricken~~ are deletions):  
18

19 Section 13.20.08.A General Standards.

20  
21 **11.** Cross bracing means an industry accepted form of diagonal timber bracing used on  
22 foundations under coastal homes. Cross bracing is NOT permitted except above BFE  
23 and perpendicular to the shoreline on a structure that has no breakaway walls. Cross  
24 bracing may not be used as part of the structural calculations to meet the required  
25 design criteria.  
26

27 **12.** Pool equipment means any electrically powered equipment (pool pumps and  
28 accessories) servicing the pool, excluding pool heaters. All pool equipment must be  
29 strapped down or elevated above BFE to prevent floatation during a storm.  
30

31 Section 13.20.08.B Specific standards for AE zones.

32  
33 2. Nonresidential structures. All newly ~~construction~~ constructed or substantial  
34 ~~improvements of substantially improved~~ nonresidential structures shall ~~have the lowest~~  
35 ~~floor (including basement) be elevated so that the bottom of the lowest horizontal~~  
36 structural member of the lowest floor (excluding the pilings) is elevated to at least three  
37 feet above the base flood elevation. Nonresidential structures may not be flood proofed  
38 in lieu of being elevated, ~~provided that together with all attendant utility and sanitary~~  
39 ~~facilities, be designed so that below the base flood elevation plus one foot the structure~~  
40 ~~is watertight with walls substantially impermeable to the passage of water, and with~~  
41 ~~structural components having the capability of resisting hydrostatic and hydrodynamic~~  
42 ~~loads and the effect of buoyancy.~~  
43

44 ~~A registered professional engineer or architect, who is authorized to certify such~~  
45 ~~information in the state, shall develop and/or review structural design, specifications and~~



# DRAFT

1 ~~plans for construction, and shall certify that the design and methods of construction are~~  
2 ~~in accordance with the accepted standards of practice for meeting this provision. The~~  
3 ~~FEMA flood proofing certificate shall be prepared and submitted to the floodplain~~  
4 ~~administrator along with the corresponding operational and maintenance plans. These~~  
5 ~~plans shall include, at a minimum, the storage location of the flood proofing measures~~  
6 ~~(panels, gaskets, sealants, etc.), entities responsible for transportation to, and~~  
7 ~~installation at the structure within the available flood warning time for the site.~~

### 8 9 **Section 3. Severability.**

10  
11 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
12 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
13 affect the validity of the remaining portions of this Ordinance.

### 14 15 **Section 4. Inclusion in Code.**

16  
17 It is the intention of the Board of County Commissioners that the provisions of this  
18 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,  
19 subsections and other provisions of this Ordinance may be renumbered or re-lettered  
20 and the word "ordinance" may be changed to "section," "article," or such other  
21 appropriate word or phrase in order to accomplish such intentions.

### 22 23 **Section 5. Effective Date.**

24  
25 This Ordinance shall become effective upon filing with the Department of State.

26  
27 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

28  
29 **BOARD OF COUNTY COMMISSIONERS**  
30 **OF ESCAMBIA COUNTY, FLORIDA**

31  
32 By: \_\_\_\_\_  
33 **Wilson B. Robertson, Chairman**

34 **ATTEST: ERNIE LEE MAGAHA**  
35 **Clerk of the Circuit Court**

36  
37 By: \_\_\_\_\_  
38 **Deputy Clerk**

39 **(SEAL)**

40  
41 **ENACTED:**

42  
43 **FILED WITH THE DEPARTMENT OF STATE:**

44  
45 **EFFECTIVE DATE:**



## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

4. E.

**Meeting Date:** 05/14/2012

**Issue:** LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts

**From:** Keith Wilkins, REP, Department Director

**Organization:** Community & Environment

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#### Information

##### **RECOMMENDATION:**

That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

##### **BACKGROUND:**

It has become apparent to County Community Redevelopment Agency staff that the County needs to amend the language of the Overlay Districts for clarity purposes and to bring the Ordinance up-to-date as several performance standards, permitted uses, prohibited uses, and/or conditional uses are either no longer necessary for regulation or simply need to be updated. Staff has developed the proposed Ordinance to help guide future development and redevelopment of properties within the Community Redevelopment Districts by addressing the issues that have become evident during the implementation process.

##### **BUDGETARY IMPACT:**

The performance standards detailed in the Ordinance will help revitalize the areas located within the Community Redevelopment Districts, which in turn will create incremental increases in the ad valorem tax base generated from the Overlay Districts.

##### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached ordinance was reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any suggested legal comments are attached herein with the respective ordinance to which they pertain.

##### **PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

**POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to appropriate staff and interested citizens. The proposed Ordinance was prepared in cooperation with the Community & Environment Department, the County Attorney's Office and interested citizens. The Community & Environment Department will ensure proper advertisement.

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**Attachments**

LDC Article 6 Ordinance

Legal Review and comment



ORDINANCE NUMBER 2012 - \_\_\_\_\_

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AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 2, "ADMINISTRATION," CREATING SECTION 2.14.00, TO INCLUDE LANGUAGE DEFINING THE COMMUNITY REDEVELOPMENT AGENCY, AND TO INCLUDE GENERAL STANDARDS FOR THE COMMUNITY REDEVELOPMENT DISTRICTS; AMENDING ARTICLE 6, "ZONING DISTRICTS," SECTION 6.07.00, TO DELETE THE RA-1(OL) BARRANCAS REDEVELOPMENT OVERLAY DISTRICT, THE C-3(OL) WARRINGTON COMMERCIAL OVERLAY DISTRICT, AND THE C-4(OL) BROWNSVILLE-MOBILE HIGHWAY AND "T" STREET COMMERCIAL OVERLAY DISTRICT, AND CREATE THE WARRINGTON, BARRANCAS, BROWNSVILLE, ENGLEWOOD AND PALAFOX OVERLAY DISTRICTS; AND TO AMEND THE SCENIC HIGHWAY OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of this Ordinance is to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District;

WHEREAS, this Ordinance deletes the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street commercial overlay district; and,

WHEREAS, this Ordinance creates the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amends the Scenic Highway Overlay District by simply relocating within the Ordinance for clarity purposes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances (1999) the Land Development Code of Escambia County, Article 2, "Administration" Section 2.14.00 is hereby created as follows:

2.14.00. Community Redevelopment Agency.

This article implements the goals, objectives and policies set forth in the Comprehensive Plan related to community redevelopment in Escambia County.

1 2.14.01. Legislative intent for the Community Redevelopment Agency. The Escambia  
2 County Community Redevelopment Agency (CRA) refers to the public entity created  
3 by the Board of County Commissioners through the 1995 Community Redevelopment  
4 Strategy and functions within the County government. The strategy was developed in  
5 response to the State of Florida's Community Redevelopment Act enacted in 1969  
6 (Chapter 163, Part III, Florida Statutes).

7  
8 The Florida Legislature amended the Community Redevelopment Act on July 1, 1977,  
9 to allow governments to use tax increment financing (TIF) funding as a tool for  
10 redevelopment. The BCC has adopted individual TIF funds for each designated  
11 Palafox, Englewood, Brownsville, Warrington, Barrancas community redevelopment  
12 districts to utilize the revenues from the sale of tax increment bonds for specific  
13 projects aimed at redeveloping areas defined as eligible under the community  
14 redevelopment regulations.

15  
16 2.14.02 Implementation of CRA Plans and Overlay Districts. The CRA and all other  
17 County divisions shall implement the recommendations of the Palafox, Englewood,  
18 Brownsville, Warrington, Barrancas and Cantonment Redevelopment Plans, in which  
19 the plans drive the enhancement efforts for each individual community redevelopment  
20 district. These plans provide guidance enhancing the district's quality of life,  
21 encouraging private sector reinvestment, promoting sound economic development  
22 principles and providing recommendations for public sector enhancement  
23 opportunities such as capital improvement projects. The CRA shall determine  
24 compliance with the overlay regulations particularly as it pertains to the uses as well  
25 as the site and building requirements, and determine whether exceptions to the  
26 overlay district standards may be granted.

27  
28 2.14.03 Spot zoning. For the purposes of carrying out the mission of the Community  
29 Redevelopment Agency, spot zoning is defined as the rezoning of a lot or parcel of land  
30 that will create an isolated zoning district that is incompatible with the adjacent and  
31 nearby zoning districts. Surrounding uses, whether conforming or non-conforming may  
32 not be taken into consideration for the rezoning rationale.

33  
34 2.14.04 Nonconforming uses. A nonconforming use shall not be extended, expanded,  
35 enlarged, or increased in intensity. Such prohibited activities apply to non-complying  
36 buildings, structures or dwellings.

37  
38 Where the cessation of the nonconforming use is involuntary or the result of acts of God,  
39 the nonconforming use may be replaced if construction efforts to replace the building,  
40 structure or dwelling are underway within six months of the occurrence. An extension to  
41 the time period may be granted by the CRA manager, or designee, if the landowner  
42 proves a cessation of use was due to circumstances beyond control and that the  
43 landowner exerted a continuing good faith effort to put the building, structure or dwelling  
44 to use during the prescribed period.

45  
46 2.14.05 Reconstruction of nonconforming uses. Any reconstruction undertaken to  
47 nonconforming uses approved for replacement by the CRA manager, or designee, must  
48 conform to all applicable laws, rules and regulations governing building and construction,  
49 and all applicable performance standards.

1  
2 **Section 2.** Part III of the Escambia County Code of Ordinances (1999) the Land  
3 Development Code of Escambia County, Article 6, "Zoning Districts", Section 6.07.00 is  
4 hereby amended as follows:  
5

6 **6.07.00. Overlay districts (general).**  
7

8 *Intent and purpose of district.* This special overlay section is intended to provide an  
9 enhanced level of protection for land areas which provide primary access (gateways) to  
10 (1) major military installations, (2) redevelopment area commercial corridors, and (3) the  
11 unique scenic vista and environmental resources of the county. An overlay district is a  
12 professionally accepted planning tool for establishing development restrictions on land  
13 within a defined geographic area or characterized by specific physical features or site  
14 conditions. Overlay districts are typically superimposed over one or more underlying  
15 conventional zoning districts in order to address areas of community interest that warrant  
16 special consideration such as historic preservation, area enhancement, or protection of a  
17 particular resource(s); however, overlay districts may also be used as stand-alone  
18 regulations to manage development in desired areas of the community.  
19

20 *6.07.01. C-3(OL) Warrington commercial overlay district.*

21 *A. Intent and purpose of district.* This special performance district is intended to  
22 provide an enhanced level of protection for land uses in those commercial  
23 corridors which (1) are located within the Warrington Redevelopment Area, and  
24 (2) provide primary access (gateways) to the two major military installations.  
25 This is an overlay district and the regulations herein expand upon the existing  
26 C-1 and/or C-2 zoning district regulations otherwise imposed on individual  
27 parcels within the commercial corridor.  
28

29 *B. Applicability.* This overlay district applies to all C-1 or C-2 zoned properties  
30 indicated on the zoning map as C-3OL. A generalized map of the C-4(OL)  
31 District is depicted in Figure 1; however, it is not the official zoning map and  
32 should be used only for preliminary determination of the application of the  
33 overlay zone.

34 C-3(OL) Warrington Commercial Overlay District

35 *C. Relationship to underlying zoning.* All of the use listings and site design  
36 requirements of the underlying C-1 and C-2 commercial districts shall continue  
37 to apply. This C-3(OL) district adds one prohibited use and adds to the list of  
38 uses that shall require conditional use review and approval by the board of  
39 adjustment. The conditional use review shall require a finding of fact on both  
40 those performance standards listed in section 2.05.03 of this Code and the  
41 additional performance standards listed in F., G., and H. below.  
42

43 *D. Prohibited uses.* Portable food vendors.  
44



1 ~~E. Use requiring special conditional use review.~~

- 2
- 3 1. Convenience stores.
- 4 2. Retail sale of alcohol for off-premises consumption.
- 5 3. Bars and nightclubs.
- 6 4. Tattoo parlors.
- 7 5. Pawn shops and check-cashing services.
- 8 6. Commercial amusement arcades, including billiard parlors and game
- 9 machine arcades.
- 10 7. Automotive uses (including car sales, automobile rental agencies, car
- 11 washes, auto-repair facilities, tire sales, etc.).
- 12 8. Truck, utility trailer, and RV rental service or facility.

13

14 ~~F. Performance standards.~~

- 15
- 16 1. ~~Building and sign design.~~ The choice of building materials, colors and
- 17 building signage shall be compatible with the intent of this district and
- 18 shall not have an adverse visual impact on surrounding properties of the
- 19 two nearby Navy installations.
- 20
- 21 2. ~~Color and materials.~~ Colors shall be compatible with the general
- 22 pattern existing on the commercial corridors within the Warrington area.

23

24 ~~G. Conditional use performance standards.~~ The department of growth

25 management urban design planner or community redevelopment agency

26 redevelopment specialist shall provide a staff assessment for the board of

27 adjustment (BOA) based upon the following criteria, and the BOA shall make

28 findings of fact relative to the following conditional use standards in addition to

29 those in F.1. above and article 2 of this Code:

30

31

32 1. ~~Distance.~~ At least 500 feet shall separate any two uses of the same

33 kind or, for automotive uses, of a similar kind as listed in E. above. For

34 example, a car wash shall be separated from any other car wash by a

35 distance of at least 500 feet. This shall be measured from the closest

36 point of the building facade of the use.

37

38 2. ~~Freestanding on-premises signs.~~ There shall be only one such sign

39 per parcel and it shall not exceed 100 square feet per sign face and 25

40 feet in height; in the case of multiuse parcels, the sign shall not exceed

41 200 square feet. The sign face shall have colors, materials and lighting

42 that are compatible with the general pattern existing on the commercial

43 corridors within the Warrington area.

44

1                   3. *Management plan.* The applicant shall submit a management plan  
2 that addresses the following:

3  
4                   a. Proposed hours of operations.

5  
6                   b. Other similar properties managed by the applicant, now or in  
7 the past.

8  
9                   c. Explanation of any franchise agreement.

10  
11               H. *C-2 performance standards.* Any project within this overlay district which is  
12 zoned C-2 General Commercial shall be subject to the following special design  
13 standards.

14  
15               1. *Landscaping.* For developments subject to section 7.01.00 a  
16 minimum ten-foot wide landscaped strip shall be required on all roadway  
17 frontages, and shall contain one tree and ten shrubs for every 35 linear  
18 feet of frontage. Preservation of existing plant communities within the  
19 required landscaped areas can be used to satisfy this requirement.  
20 Buffers required adjacent to residential districts shall include a minimum  
21 of two trees and 15 shrubs for every 35 linear feet of required buffer  
22 area.

23  
24               2. *Vehicular use areas.* Areas other than public rights-of-way, designed  
25 to be used for parking, storage of vehicles for rent or sales, or  
26 movement of vehicular traffic, shall be separated by a five-foot  
27 landscaped strip from any boundary of the property on which the  
28 vehicular use area is located. This landscaped strip shall consist of  
29 shrubs or ground covers with a minimum mature height of 24 inches and  
30 a maximum height of 30 inches. Plant material shall be spaced 18  
31 inches to 24 inches apart, depending on their mature size.

32  
33               3. *Parking lots.* Interior parking areas shall have one landscape island  
34 containing at least one tree and shrubs or ground covers as per the  
35 above specifications, for every eight continuous spaces.

36  
37               4. *Irrigation system.*

38  
39                   a. An irrigation system shall be installed for all landscaped areas  
40 of the site.

41  
42                   b. All irrigation materials used shall be ASTM approved.

43  
44                   c. All irrigation systems shall include rain sensors.

1  
2 ~~5. Existing development. Notwithstanding section 7.00.01.B., any C-2~~  
3 ~~change of use that applies for approval within this overlay district must~~  
4 ~~meet the above standards as well as those of section 7.01.05.~~  
5

6 ~~6.07.02. Scenic highway overlay district.~~

7 ~~A. Intent, boundaries and purpose of the district. This district is intended to~~  
8 ~~protect the unique scenic vista and environmental resources of the Scenic~~  
9 ~~Highway Corridor and adjacent Escambia Bay shoreline. This is an overlay~~  
10 ~~district and the regulations herein expand upon existing R-1, R-2, R-3, R-6, C-1,~~  
11 ~~and/or ID-1 zoning district regulations otherwise imposed on individual parcels~~  
12 ~~within the corridor. The district overlays all parcels adjacent to the Pensacola~~  
13 ~~Scenic Bluffs Highway corridor on the west side of the highway and all of the~~  
14 ~~property between the Pensacola Scenic Bluffs Highway and the Escambia Bay~~  
15 ~~on the east side of the highway, for approximately five miles from the city limit~~  
16 ~~of Pensacola along Scenic Highway continuing along Highway 90 to the bridge~~  
17 ~~over the Escambia River at the Santa Rosa County line. A generalized map of~~  
18 ~~the Scenic Highway Overlay district is depicted in Figure 2; however, it is not~~  
19 ~~the official zoning map and should be used only for preliminary determination of~~  
20 ~~the application of the overlay zone. The purpose of the district is to alleviate~~  
21 ~~harmful effects of on-site generated erosion and runoff caused by clearing~~  
22 ~~natural vegetation and changing existing contours of the land, and to ensure the~~  
23 ~~preservation of the bluffs, wetland areas and scenic views along the bay and~~  
24 ~~assure continued public access to the views along the corridor. Views are an~~  
25 ~~amenity and human appreciation of views is reflected in both private property~~  
26 ~~values and the overall general welfare of the community.~~  
27

28 ~~B. Permitted uses. See underlay zoning districts.~~  
29

30 ~~C. Lot coverage. Maximum area land coverage by all structures, parking areas,~~  
31 ~~driveways and all other impervious surfaces shall not exceed 50 percent of the~~  
32 ~~gross site area.~~  
33

34 ~~D. Setback. All structures shall be located a minimum of 50 feet from the Scenic~~  
35 ~~Highway right-of-way unless precluded by lot configuration or topography.~~  
36

37 ~~E. Building separation. The minimum distance between structures shall be 15~~  
38 ~~feet and there shall be at least 100 feet between a multifamily structure~~  
39 ~~(including hotels and motels) and single-family dwellings.~~  
40

41 ~~F. Pedestrian-bicycle. The intent of the corridor management plan is to provide~~  
42 ~~a multiuse path on the east side of Scenic Highway the full length of the corridor~~  
43 ~~at the maximum distance possible from the roadway pavement, within the right-~~  
44 ~~of-way. During the site review process the staff will work with the applicant to~~  
45 ~~maximize the innovative integration of a path extension, into the project, outside~~



1 of the right-of-way on public property or on easements donated by private  
2 property owners.  
3

4 ~~G. *Building heights.* Buildings between the Scenic Highway and Escambia Bay~~  
5 ~~shall have a maximum height of 35 feet as measured at the average finished~~  
6 ~~grade elevation of the lot above mean sea level (MSL). Nonresidential uses can~~  
7 ~~exceed the height limit only with conditional use approval by the board of~~  
8 ~~adjustment. In addition to the other conditional use criteria, the requested height~~  
9 ~~must be found not to interfere with the scenic attractiveness of the location as~~  
10 ~~viewed from any plausible direction. In addition, for structures over 35 feet in~~  
11 ~~height, for every two feet in height over 35 feet, there shall be an additional one~~  
12 ~~foot of front and side setback at the ground level.~~

13  
14 ~~H. *Tree protection.*~~

15  
16 ~~1. A canopy road tree protection zone is hereby established for all land~~  
17 ~~within 20 feet of the right of way of Scenic Highway and Highway 90 to~~  
18 ~~the Santa Rosa County line. No person or agency shall cut, remove,~~  
19 ~~trim or in any way damage any tree in any canopy tree protection zone~~  
20 ~~without a permit. Except in unique cases, such pruning shall not remove~~  
21 ~~more than 30 percent of the existing tree material. Utility companies are~~  
22 ~~not permitted to prune more than 30 percent of the existing tree canopy.~~

23  
24 ~~2. Heritage Oak trees shall be prescribed.~~

25  
26 ~~3. Clearing of natural vegetation within the corridor shall require a land~~  
27 ~~disturbing permit and is generally prohibited except for the minimum~~  
28 ~~area needed for construction of allowable structures or view~~  
29 ~~enhancement.~~

30  
31 ~~I. *Landscaping.*~~

32  
33 ~~1. For developments subject to section 7.01.00, a minimum ten-foot~~  
34 ~~wide landscaped strip shall be required along the Scenic Highway~~  
35 ~~frontage, and shall contain one tree for every 35 linear feet of frontage.~~  
36 ~~The trees shall be tall enough so that a six-foot view shed exists at~~  
37 ~~planting. Preservation of existing plant communities within the required~~  
38 ~~landscaped areas can be used to satisfy this requirement.~~

39  
40 ~~2. Orientation of commercial buildings shall be away from residential~~  
41 ~~development within or adjacent to the district. Layout of parking and~~  
42 ~~service areas, access, landscaping, yards, courts, walls, signs, lighting~~  
43 ~~and control of noise and other potentially adverse influences shall be~~  
44 ~~such as to promote protection of such residential development, and will~~  
45 ~~include adequate buffering.~~

1  
2 ~~J. Fences. See section 7.04.00. No fence may be solid. No chain link fence~~  
3 ~~shall be located between Scenic Highway and the principal building. Any other~~  
4 ~~type of fence in this area shall not exceed three feet. Where single story~~  
5 ~~structures are higher than the roadbed, there should be no wall, fence, structure~~  
6 ~~or plant material located between the front building line and the roadbed that~~  
7 ~~will obstruct the view from automobiles on the scenic route.~~

8  
9 ~~K. Structure location. Whether a conditional use or site planning review, all~~  
10 ~~structures will be reviewed to assure conformance with the following criteria:~~

11  
12 ~~1. The location shall afford maximum views of the bay from the street~~  
13 ~~right-of-way.~~

14  
15 ~~2. The location shall minimize impact on the natural bluff and plant~~  
16 ~~material (other than pruning to enhance views).~~

17  
18 ~~3. Provide underground utilities.~~  
19

20 ~~6.07.03. C-4(OL) Brownsville-Mobile Highway and "T" Street commercial overlay~~  
21 ~~district.~~

22 ~~A. Intent and purpose of district. This special performance district is intended to~~  
23 ~~provide an enhanced level of protection to the prime commercial corridor of the~~  
24 ~~Brownsville Redevelopment Area thereby furthering the objectives of the~~  
25 ~~redevelopment plan. This is an overlay and the regulations herein expand upon~~  
26 ~~existing R-6, C-1 and/or C-2 zoning district regulations otherwise imposed on~~  
27 ~~individual parcels within the commercial corridor.~~

28  
29 ~~B. Applicability. This overlay district applies to all R-6, C-1, C-2, or ID-1 zoned~~  
30 ~~properties along the Mobile Highway corridor approximately between "W" Street~~  
31 ~~and Seaton Lane and to all C-2 zoned properties along the "T" Street corridor~~  
32 ~~bounded on the north by Fairfield Drive, on the east by "S" Street, on the south~~  
33 ~~by Blount Street, and on the west by "V" Street indicated on the "Exhibit 1: C-~~  
34 ~~4(OL) zoning map" and incorporated by reference herein. A generalized map of~~  
35 ~~the C-4(OL) District is depicted in Figure 3; however, it is not the official zoning~~  
36 ~~map and should be used only for preliminary determination of the application of~~  
37 ~~the overlay zone.~~

38  
39 ~~C. Relationship to underlying zoning. All of the use listings and site design~~  
40 ~~requirements of the underlying R-6, C-1, C-2, and ID-1 commercial or industrial~~  
41 ~~districts shall continue to apply. This C-4(OL) district adds one prohibited use~~  
42 ~~and adds to the list of uses that shall require conditional use review and~~  
43 ~~approval by the Board of Adjustment. The conditional use review shall require a~~

# DRAFT

1 finding of fact on both those performance standards listed in section 2.05.03 of  
2 the Code and the additional performance standards listed in F. and G. below.

3  
4 ~~D. Prohibited uses. Off-premises [signs].~~

5  
6 ~~E. Uses requiring special conditional use review.~~

7  
8 1. ~~Convenience stores.~~

9  
10 2. ~~Retail sale of alcohol for off-premises consumption.~~

11  
12 3. ~~Bars and nightclubs.~~

13  
14 4. ~~Pawn shops and check cashing services.~~

15  
16 5. ~~Commercial amusement arcades, including billiard parlors and game  
17 machine arcades.~~

18  
19 6. ~~Automotive uses (including used car sales, automobile rental  
20 agencies, car washes, auto repair facilities, tire sales, etc.).~~

21  
22 7. ~~Truck, utility trailer, and RV rental service or facility.~~

23  
24 8. ~~Portable food vendors.~~

25  
26 9. ~~Any new building that is more than 15 percent taller than any  
27 building on an adjacent parcel.~~

28  
29 10. ~~Tattoo parlors.~~

30  
31 11. ~~Welding shops located in C-1 zoning districts prior to March 1, 2004.~~

32  
33 ~~F. Performance standards.~~

34  
35 1. ~~Building and sign design. The choice of building materials, colors and  
36 building signage shall be compatible with the intent of this district.  
37 Buildings shall incorporate "human scale" design. Such design is  
38 proportioned to reflect pedestrian scale and movement, and to  
39 encourage interest at the street level.~~

40  
41 a. ~~Orientation. Wherever feasible, buildings shall be "street-  
42 oriented" to create a desirable pedestrian environment between  
43 the building and the street. Street orientation should include~~



entrances, storefronts, and display windows facing Mobile Highway, Cervantes Street, or "T" Street. If the rear of the building any of these streets, the rear of the building must have a pseudo storefront.

b. *Color and materials.* Colors shall be compatible with the general pattern existing on the Mobile Highway and "T" Street commercial corridors.

c. *Setback.* New construction shall be setback from Mobile Highway, Cervantes Street, or "T" Street a distance similar to adjacent buildings unless customer parking is provided adjacent to any of these streets in support of Crime Prevention Through Environmental Design (CPTED).

*G. Conditional use performance standards.* The department of growth management urban design planner or community redevelopment agency redevelopment specialist shall provide a staff assessment for the board of adjustment (BOA) based upon the following criteria, and the BOA shall make findings of fact relative to the following conditional use standards in addition to those in F.1.a., b., and c. cited above and article 2 of this Code:

1. *Distance.* At least 500 feet shall separate any two uses of the same kind or, for automotive uses, of a similar kind as listed in E. above. For example, a car wash shall be separated from any other car wash by a distance of least 500 feet. This shall be measured from the closest point on the building facade of the use.

2. *Freestanding on premises signs.* There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 25 feet in height; in the case of multiuse parcels, the sign shall not exceed 200 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing on the Mobile Highway and "T" Street commercial corridors.

3. *Management plan.* The applicant shall submit a management plan that addresses the following:

a. Proposed hours of operations.

b. Other similar properties managed by the applicant, now or in the past.

c. Explanation of any franchise agreement.

1 ~~6.07.04. RA-1(OL) Barrancas Redevelopment Area Overlay District.~~

2  
3 ~~A. Intent and purpose of the district.~~ This district is intended to provide an  
4 enhanced level of protection for land uses, which are located in the Barrancas  
5 Redevelopment Area, and to protect the unique environmental resources of  
6 Bayou Chico. This is an overlay district and the regulations herein expand upon  
7 the existing R-1, R-2, R-3, R-4, R-6, C-1, and WMU underlying districts  
8 otherwise imposed on individual parcels within the Redevelopment Area. The  
9 purpose of this district is to (1) alleviate the harmful effects of industrial  
10 pollutants entering and degrading the quality of Bayou Chico and (2) enhance  
11 the character of the area, which has been changed by the realignment of  
12 Barrancas Avenue, through appropriate land use controls.

13  
14 ~~B. Applicability.~~ This overlay district applies to all R-1, R-2, R-3, R-4, R-6, C-1,  
15 and WMU zoned properties indicated on "Exhibit 1, RA-1(OL) Barrancas  
16 Redevelopment Area Overlay District" zoning map, which is incorporated by  
17 reference herein and is reflected in the official zoning maps. A generalized map  
18 of the RA-1(OL) District is depicted in Figure 4 attached to Ordinance No. 2006-  
19 \_\_\_\_\_; however, it is not the official zoning map and should be used  
20 only for preliminary determination of the application of the overlay zone.

21  
22 ~~C. Relationship to underlying zoning.~~ All of the use listings and site design  
23 requirements of the underlying R-1, R-2, R-3, R-4, R-6, C-1 and WMU districts  
24 shall continue to apply unless modified by the following:

25  
26 ~~D. Permitted uses.~~

- 27  
28 1. ~~Antique shops allowed in R-6 and C-1 underlying zoning districts.~~
- 29  
30 2. ~~Bed and breakfast inns, as licensed under F.S. ch. 509, allowed in R-~~  
31 ~~4, R-6, C-1, and WMU underlying zoning districts.~~
- 32  
33 3. ~~Multifamily residential developments, allowed in R-4, R-6, C-1, and~~  
34 ~~WMU underlying zoning districts, consisting of three (3) or more~~  
35 ~~attached units are required to be condominium developments pursuant~~  
36 ~~to the Condominium Act, F.S. ch. 718. This does not apply to single-~~  
37 ~~family attached homes such as duplexes, townhomes, or rowhouses.~~

38  
39 ~~E. Conditional uses.~~

- 40  
41 1. ~~Private clubs and lodges.~~
- 42  
43 2. ~~Automobile repair shops, including indoor repair and restoration (not~~  
44 ~~including painting) for ignition, fuel, brake and suspension systems or~~  
45 ~~similar uses and sale of related products necessary for automobile~~

1 repair, gross floor area not to exceed 6,000 square feet. Outside repair  
2 and/or storage and automotive painting is prohibited.  
3

4 *F. Prohibited uses.*  
5

6 1. Automobile service stations that include the sale of gasoline. Outside  
7 repair and/or storage and automotive painting is prohibited.  
8

9 2. Boarding and lodging houses, or other similar uses.  
10

11 3. Commercial boat storage, except in the underlying WMU district.  
12

13 4. Commercial RV Storage.  
14

15 5. Campgrounds.  
16

17 6. Carnival-type amusements and amusement arcades.  
18

19 7. Fortune tellers, palm readers, psychics, etc.  
20

21 8. Mini-warehouses.  
22

23 9. Mobile homes and manufactured homes.  
24

25 10. Off-premises signs, billboards and other sign structures erected,  
26 located and maintained as provided for in article 8 of this Code.  
27

28 11. Pawn shops.  
29

30 12. Used clothing deposit box.  
31

32 13. Wholesale and/or distribution warehousing except in WMU  
33 underlying zoning district.  
34

35 *G. Site and building requirements.*  
36

37 1. *Building height.* Except for properties within the WMU zoning district,  
38 no building or structure shall exceed 45 feet in height as defined in  
39 section 3.00.01 of this Code. Height for buildings with pitched roofs shall  
40 be measured to the bottom of the eaves. If a lower height is specified in  
41 an underlying zoning district, the lower height shall prevail.  
42





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1 (1) Front and side setback lines should be consistent with  
2 adjacent structures. Rear setbacks shall be as required  
3 by the underlying zoning district. Where setback lines are  
4 not clearly established, buildings shall be built to within  
5 ten (10) feet of property lines.  
6

7 (2) Buildings shall be oriented so that the principal facade  
8 is parallel or nearly parallel to the streets they face. On  
9 corner sites, buildings shall occupy the corner.  
10

11 (3) Walkways that lead to front doors, separate from the  
12 driveway are encouraged.  
13

14 (4) Entrances shall be well lit, visible from the street and  
15 easily accessible.  
16

17 (5) Off-street parking.  
18

19 (a) For residential uses, all off-street parking shall  
20 be located in the rear of the building that faces the  
21 public street or within a garage. For single-family  
22 detached housing, off-street parking can be  
23 located in a carport, driveway or garage. There  
24 shall be no front-facing garages unless they are  
25 setback an additional ten feet from the primary  
26 front facade and do not exceed 25 percent of the  
27 street-facing building facade. If the lot width is  
28 forty feet or less, the 25 percent requirement shall  
29 not apply.  
30

31 (b) For commercial uses, off-street parking areas  
32 shall be located on the side or rear of the building  
33 unless a shared central parking facility is  
34 developed through an easement or common  
35 ownership among contiguous properties.  
36 Curbcuts shall be limited to one 20-foot access  
37 point for a shared central parking facility. Liner  
38 buildings or landscaping shall be used to screen  
39 parking from the street.  
40

41 (c) Walkways shall be included in off-street  
42 parking areas.  
43

44 (6) Buildings shall incorporate "human scale" design.  
45 That is, designed in proportions to reflect human  
46 pedestrian scale and movement, and to encourage

1 interest at the street level. "Human scale" is best  
2 achieved when the street-to-building height ratio is 1:2  
3 and does not exceed 1:3. (e.g. if the street is 24 feet  
4 wide, building height should not exceed 72 feet)

5  
6 ~~(7) All service and loading areas shall be entirely  
7 screened from view.~~

8  
9 ~~(8) Sidewalk sales and/or tent sales with temporary  
10 displays shall be permitted immediately adjacent to the  
11 business for no more than fourteen days in any one  
12 calendar year provided that all required permits are  
13 obtained and a traffic management and parking plan are  
14 presented to, and approved by, the traffic engineering  
15 department prior to events.~~

16  
17 ~~(9) Outdoor dining. Outdoor dining and seating shall be  
18 permitted. Dining areas shall be properly designated and  
19 appropriately separated from public walkways and streets  
20 using attractive materials such as railings, opaque  
21 wrought iron fences, landscaping, or other suitable  
22 material. Designated outdoor dining areas adjacent to  
23 public right-of-way shall allow a minimum unobstructed  
24 sidewalk of six feet along the public right-of-way.~~

25  
26 ~~3. Landscaping.~~

27  
28 ~~a. See section 7.01.00 of this Code.~~

29  
30 ~~b. It is the proposed intent of this ordinance to encourage water  
31 conservation through proper plant selection, installation and  
32 maintenance practices. All commercial and industrial projects  
33 shall submit a landscape plan as part of the development review  
34 criteria. The plan will include plant species proposed, location of  
35 all plant material, including areas proposed for sod, areas of  
36 natural vegetation to be protected, and an irrigation plan. Native  
37 plant species are required. Sabal palm is considered a native  
38 plant species.~~

39  
40 ~~4. Buffers and screening of outdoor storage. See section 7.01.06 of this  
41 Code except the following revisions shall be applied to the RA-1(OL)  
42 Barrancas Redevelopment Area Overlay District.~~

43  
44 ~~a. Section 7.01.06.D.2. Type. Only fencing (may or may not be  
45 opaque) or walls made of concrete or stucco may supplement~~



1 buffers. Specifically, old garage doors and pieces of tin do not  
2 qualify for fencing or wall materials; and

3  
4 b. ~~Section 7.01.06.E. Screening of outdoor storage.~~ Opaque  
5 fencing shall mean chain link fence with slats, privacy wooden  
6 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
7 wall may also be used to screen outdoor storage.

8  
9 ~~5. Natural features.~~ Natural features shall be protected and integrated  
10 into site design/development where possible. The applicant shall  
11 demonstrate how the development protects and incorporates existing  
12 vegetation.

13  
14 ~~6. Crime prevention through environmental design.~~ Crime Prevention  
15 Through Environmental Design (CPTED) principles shall be used when  
16 designing any element within the RA-1(OL) District, including but not  
17 limited to site design, buildings, street design, signs, landscaping and  
18 parking. The following CPTED guidelines should be considered when  
19 designing any element within the RA-1 (OL) District.

20  
21 a. ~~Territoriality.~~ All building entrances, parking areas, pathways  
22 and other elements should incorporate appropriate features that  
23 express ownership. The use of these features shall not conflict  
24 with the need for natural surveillance.

25  
26 b. ~~Natural surveillance.~~ The site layout, building and landscape  
27 design shall promote the principles of natural surveillance.  
28 Physical features and activities should be oriented and designed  
29 in ways that maximize the ability to see throughout the site.

30  
31 c. ~~Activity support.~~ The site layout and building design should  
32 encourage legitimate activity in public spaces.

33  
34 d. ~~Access control.~~ To discourage crime, entrances and exits  
35 should be located and designed in a manner that incorporates  
36 natural surveillance techniques and area control measures.

37  
38 ~~7. Signs.~~

39  
40 a. ~~See article 8 of this Code.~~

41  
42 b. ~~The choice of building signage shall be compatible with the~~  
43 ~~intent of this district and shall not have an adverse visual impact~~  
44 ~~on surrounding properties.~~

1 ~~c. Free-standing on-premises signs shall be "human scaled".~~  
2 ~~There shall be only one such sign per parcel and it shall not~~  
3 ~~exceed 100 square feet per sign face and 12 feet in height; in~~  
4 ~~the case of multi-use parcels, the sign shall not exceed 299~~  
5 ~~square feet. The sign face shall have colors, materials and~~  
6 ~~lighting that are compatible with the general pattern existing in~~  
7 ~~the Barrancas Redevelopment Area Overlay District.~~  
8 ~~Freestanding signs shall be limited to monument signs. Attached~~  
9 ~~signs or shingles may be permitted for individual businesses in a~~  
10 ~~multi-use building. Such signs shall not exceed 20 square feet~~  
11 ~~per sign face.~~

12  
13 ~~d. Billboards or pole signs are not permitted in this overlay~~  
14 ~~district.~~

15  
16 ~~8. Locational criteria. See section 7.20.02 of this Code.~~

17  
18 6.07.01. Warrington Overlay District.

19  
20 A. The intent and purpose. The Warrington Overlay District is intended to provide  
21 an enhanced level of protection for land uses and provide primary access  
22 (gateways) to the two major military installations located within the Warrington  
23 Community Redevelopment District. This is a zoning overlay district and the  
24 regulations herein expand upon the existing zoning district regulations otherwise  
25 imposed on individual parcels within the Warrington Community Redevelopment  
26 District.

27  
28 B. Applicability. This zoning overlay district applies to all zoned properties located  
29 in the Warrington Community Redevelopment District.

30  
31 C. Relationship to underlying zoning. All of the use listings and site design  
32 requirements of the underlying zoning districts shall continue to apply unless  
33 modified by the following:

34  
35 D. Permitted uses. Mixed-use developments, defined as where non-residential  
36 and residential uses occupy the same building. The non-residential use(s) shall  
37 contain the first or bottom floor and the residential use(s) contain the second or  
38 upper floor(s).

39  
40 E. Prohibited uses.

41  
42 1. Portable food vendors.

43  
44 2. Mobile homes and manufactured homes.

45  
46 3. Mobile home/manufactured home parks.  
47

1 F. Uses requiring management plan submittal. The following uses shall require  
2 submission of a management plan to the CRA prior to development approval.  
3 Amendments to the management plan shall have approval of the CRA manager  
4 or his/her designee.

5  
6 1. Convenience stores.

7  
8 2. Tattoo Parlors.

9  
10 3. Retail sale of alcohol for off-premises consumption.

11  
12 4. Bars and nightclubs.

13  
14 5. Pawn shops and check cashing services.

15  
16 6. Commercial amusement arcades, including billiard parlors and game  
17 machine arcades.

18  
19 7. Automotive uses (including car sales, automobile rental agencies, car  
20 washes, auto repair facilities, tire sales, etc.).

21  
22 8. Truck, utility trailer, and RV rental service or facility.

23  
24 G. Management plan. The applicant shall submit a management plan that  
25 addresses the following:

26  
27 1. Proposed hours of operations.

28  
29 2. Other similar properties managed by the applicant, if applicable.

30  
31 3. Explanation of any franchise agreement.

32  
33 H. Rezoning. The following rezoning requests shall be prohibited:

34  
35 1. Rezoning of C-1 properties to a more intense zoning district if located  
36 on an arterial roadway.

37  
38 2. Rezoning where the result would create a spot zoning. (See LDC  
39 Section 2.14.03 for definition of spot zoning.)

40  
41 I. Non-residential site and building requirements.

42  
43 1. Building height. New buildings, additions and redeveloped buildings  
44 shall complement the existing pattern of building heights. Buildings in the  
45 overlay district may not exceed 45 feet in height.

46  
47 2. Building design.



1 a. Setbacks. New construction must maintain the existing  
2 alignment of facades along the street front. Exceptions may be  
3 granted if the setback is pedestrian oriented and contributes to the  
4 quality and character of the streetscape.

5  
6 b. Facades. A building more than 80 feet in width shall be divided  
7 into increments by incorporation of one of the following  
8 techniques, but not limited to:

9  
10 (1). Divisions or breaks in materials

11  
12 (2). Bay windows or the like

13  
14 (3). Building setbacks

15  
16 c. Rear façade. A minimum of 15 feet of the building's rear façade  
17 facing a public right of way, parking area, or open space shall  
18 consist of transparent materials. Reflective glass is prohibited as a  
19 transparent material.

20  
21 d. Materials and detailing. New buildings and structures, additions  
22 and renovations shall be constructed to be long lasting and use  
23 materials and detailing that maintain the distinct character and  
24 harmony of the Warrington Community Redevelopment District.  
25 Aluminum vinyl or metal material siding is prohibited on the  
26 facades of buildings adjacent to public right of ways and/or  
27 motorist view.

28  
29 e. Awnings. Awnings are encouraged to enhance the character of  
30 Warrington while providing sun protection for display windows,  
31 shelter for pedestrians, and a sign panel for businesses.

32  
33 3. Accessory Structures. All accessory structures shall be located in the  
34 rear or side area and be a minimum of 5 feet inside the property  
35 boundary. All accessory structures shall meet the County landscaping,  
36 buffering, and screening requirements and shall be built entirely of the  
37 same materials, color, and style of the primary façade if visible to the  
38 public from any road, driveway, right-of-way, or similar.

39  
40 4. Natural features. Natural features shall be protected and integrated into  
41 site design/development where possible. The applicant shall demonstrate  
42 how the development protects and incorporates existing vegetation.

43  
44 5. Crime prevention through environmental design. Crime Prevention  
45 Through Environmental Design (CPTED) principles shall be used when  
46 designing any element within the district, including but not limited to site  
47 design, buildings, street design, signs, landscaping and parking. The  
48 following CPTED guidelines shall be considered when designing any  
49 element within the district.

1  
2 a. Territoriality. All building entrances, parking areas, pathways  
3 and other elements should incorporate appropriate features that  
4 express ownership. The use of these features shall not conflict  
5 with the need for natural surveillance.

6  
7 b. Natural surveillance. The site layout, building and landscape  
8 design shall promote the principles of natural surveillance.  
9 Physical features and activities should be oriented and designed  
10 in ways that maximize the ability to see throughout the site.

11  
12 c. Activity support. The site layout and building design should  
13 encourage legitimate activity in public spaces.

14  
15 d. Access control. To discourage crime, entrances and exits  
16 should be located and designed in a manner that incorporates  
17 natural surveillance techniques and area control measures.

## 18 6. Signs.

19  
20  
21 a. See Article 8.

22  
23 b. The choice of building signage shall be compatible with the  
24 intent of this district and shall not have an adverse visual impact  
25 on surrounding properties.

26  
27 c. Free-standing on-premises signs shall be "human scaled".  
28 There shall be only one such sign per parcel and it shall not  
29 exceed 100 square feet per sign face and 12 feet in height; in the  
30 case of multi-use parcels, the sign shall not exceed 299 square  
31 feet. The sign face shall have colors, materials and lighting that  
32 are compatible with the general pattern existing in the Barrancas  
33 Redevelopment Area Overlay District. Freestanding signs shall be  
34 limited to monument signs. Attached signs or shingles may be  
35 permitted for individual businesses in a multi-use building. Such  
36 signs shall not exceed 20 square feet per sign face.

37  
38 d. Signs cannot block or obstruct design details, windows, or  
39 cornices of the building upon which they are placed.

40  
41 7. Lighting. Lighting in the overlay district should serve to illuminate  
42 facades entrances and signage to provide an adequate level of personal  
43 safety while enhancing the aesthetic appeal of the buildings. Building and  
44 signage lighting must be indirect, with the light source(s) hidden from  
45 direct pedestrian and motorist view.

46  
47 8. Parking. Parking in the overlay district must adequately serve the  
48 users without detracting from the compact design that makes it a  
49 successful commercial center.

1  
2 9. Off-street parking. Off-street parking must be located in the rear. If the  
3 lot orientation cannot accommodate for adequate rear parking, parking on  
4 the side would then be permitted.

5  
6 10. Landscaping.

7  
8 a. See Section 7.01.00.

9  
10 b. It is the proposed intent of this ordinance to encourage water  
11 conservation through proper plant selection, installation and  
12 maintenance practices. All commercial and industrial projects shall  
13 submit a landscape plan as part of the development review  
14 criteria. The plan will include plant species proposed, location of  
15 all plant material, including areas proposed for sod, areas of  
16 natural vegetation to be protected, and an irrigation plan. Native  
17 plant species are required.

18  
19 11. Buffers and screening of outdoor storage. The screening of outside  
20 storage must use the same materials, color, and/or style as the primary  
21 building in order to be architecturally compatible with the primary building  
22 and the building it is adjacent to. All outside storage must be screened  
23 from public view. If the outside storage area is separate from the building  
24 it serves the following shall apply:

25  
26 a. Section 7.01.06.D.2.Type. Only fencing (may or may not be  
27 opaque) or walls made of concrete or stucco may supplement  
28 buffers. Specifically, old garage doors and pieces of tin do not  
29 qualify for fencing or wall materials; and

30  
31 b. Section 7.01.06.E.Screening of outdoor storage. Opaque  
32 fencing shall mean chain link fence with slats, privacy wooden  
33 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
34 wall may also be used to screen outdoor storage.

35  
36 12. Exceptions. Financial hardship alone is not a basis to grant an  
37 exception; however, it is recognized that there may be circumstances that  
38 require a departure from the requirements in this overlay district in order  
39 to be feasible. Possible grounds to be considered for granting exceptions  
40 to the ordinance include, but not limited to:

41  
42 a. Safety

43  
44 b. Unique site or building characteristics

45  
46 c. Standards would have a detrimental effect on the use of the  
47 property

48  
49 d. Public benefit



1  
2 J. C-2 performance standards. Any project within this overlay district that is  
3 zoned C-2 General Commercial shall be subject to the following design  
4 standards.

5  
6 1. Landscaping. For developments subject to section 7.01.00 a minimum  
7 ten-foot wide landscaped strip shall be required on all roadway frontages,  
8 and shall contain one tree and ten shrubs for every 35 linear feet of  
9 frontage. Preservation of existing plant communities within the required  
10 landscaped areas can be used to satisfy this requirement. Buffers  
11 required adjacent to residential districts shall include a minimum of two  
12 trees and 15 shrubs for every 35 linear feet of required buffer area.

13  
14 2. Vehicular use areas. Areas other than public rights-of-way, designed to  
15 be used for parking, storage of vehicles for rent or sales, or movement of  
16 vehicular traffic, shall be separated by a five-foot landscaped strip from  
17 any boundary of the property on which the vehicular use area is located.  
18 This landscaped strip shall consist of shrubs or ground covers with a  
19 minimum mature height of 24 inches and a maximum height of 30 inches.  
20 Plant material shall be spaced 18 inches to 24 inches apart, depending  
21 on their mature size.

22  
23 3. Parking lots. Interior parking areas shall have one landscape island  
24 containing at least one tree and shrubs or ground covers as per the  
25 above specifications, for every eight contiguous spaces.

26  
27 4. Irrigation system.

28  
29 a. An irrigation system shall be installed for all landscaped areas  
30 of the site.

31  
32 b. All irrigation materials used shall be ASTM approved.

33  
34 c. All irrigation systems shall include rain sensors.

35  
36 5. Existing development. Notwithstanding Section 7.00.01.B, any C-2  
37 change of use that applies for approval within this zoning overlay district  
38 must meet the above standards as well as those of Section 7.01.05.

39  
40 **GRAPHIC LINK: Warrington Overlay District**

41  
42 **6.07.02. Barrancas Overlay District**

43  
44 A. Intent and purpose of the district. The Barrancas Overlay District is intended to  
45 provide an enhanced level of protection for land uses that are located in the  
46 Barrancas Community Redevelopment District, and to protect the unique  
47 environmental resources of Bayou Chico. This is a zoning overlay district and the  
48 regulations herein expand upon the existing zoning district's regulations  
49 otherwise imposed on individual parcels within the Barrancas Community

1 Redevelopment District. The purpose of this district is to alleviate the harmful  
2 effects of industrial pollutants entering and degrading the quality of Bayou Chico  
3 and enhance the character of the area, which has been changed by the  
4 realignment of Barrancas Avenue, through appropriate land use controls.

5  
6 B. *Applicability.* This zoning overlay district applies to all existing zoning districts  
7 located in the Barrancas Community Redevelopment District.

8  
9 C. *Relationship to underlying zoning.* All of the use listings and site design  
10 requirements of the underlying zoning districts shall continue to apply unless  
11 modified by the following:

12  
13 D. *Permitted uses.*

14  
15 1. Antique shops allowed in R-6 and C-1 underlying zoning districts.

16  
17 2. Bed and breakfast inns, as licensed under F.S. Ch. 509, allowed in R-  
18 4, R-6, C-1, and WMU underlying zoning districts.

19  
20 3. Multifamily residential developments, allowed in R-4, R-6, C-1, and  
21 WMU underlying zoning districts, consisting of three (3) or more attached  
22 units are required to be condominium developments pursuant to the  
23 Condominium Act, F.S. Ch. 718. This does not apply to single-family  
24 attached homes such as duplexes, townhomes, or row houses.

25  
26 4. Mixed-use developments, defined as where non-residential and  
27 residential uses occupy the same building. The non-residential use(s)  
28 shall contain the first or bottom floor and the residential use(s) contain the  
29 second or upper floor(s).

30  
31 E. *Uses requiring management plan submittal.* The following uses shall require  
32 submission of a management plan to the CRA prior to development approval.  
33 Amendments to the management plan shall have approval of the CRA manager  
34 or his/her designee.

35  
36 1. Private clubs and lodges.

37  
38 2. Automobile repair shops, including indoor repair and restoration (not  
39 including painting) for ignition, fuel, brake and suspension systems or  
40 similar uses and sale of related products necessary for automobile repair,  
41 gross floor area not to exceed 6,000 square feet. Outside repair and/or  
42 storage and automotive painting is prohibited.

43  
44 F. *Management plan.* The applicant shall submit a management plan that  
45 addresses the following:

46  
47 1. Proposed hours of operations.

48  
49 2. Other similar properties managed by the applicant, if applicable.

1  
2                   3. Explanation of any franchise agreement.

3  
4                   G. Prohibited uses.

5  
6                   1. Automobile service stations that include the sale of gasoline. Outside  
7                   repair and/or storage and automotive painting is prohibited.

8  
9                   2. Boarding and lodging houses, or other similar uses.

10  
11                   3. Commercial boat storage, except in the underlying WMU district.

12  
13                   4. Commercial RV Storage.

14  
15                   5. Campgrounds.

16  
17                   6. Carnival-type amusements and amusement arcades.

18  
19                   7. Fortune tellers, palm readers, psychics, etc.

20  
21                   8. Mini-warehouses.

22  
23                   9. Mobile homes and manufactured homes.

24  
25                   10. Mobile home/manufactured home parks.

26  
27                   11. Off-premises signs, billboards and other sign structures erected,  
28                   located and maintained as provided for in Article 8 of this Code.

29  
30                   12. Pawn shops.

31  
32                   13. Used clothing deposit box.

33  
34                   14. Wholesale and/or distribution warehousing except in WMU underlying  
35                   zoning district.

36  
37                   H. Rezoning. Rezoning where the result would create a spot zoning shall be  
38                   prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

39  
40                   I. Site and building requirements.

41  
42                   1. Building height. Except for properties within the WMU zoning district,  
43                   no building or structure shall exceed 45 feet in height as defined in  
44                   Section 3.02.00. Height for buildings with pitched roofs shall be measured  
45                   to the bottom of the eaves. If a lower height is specified in an underlying  
46                   zoning district, the lower height shall prevail.

47  
48                   2. Building design.

# DRAFT

1 a. The choice of building materials and colors shall be compatible  
2 with the intent of this district and shall not have an adverse visual  
3 impact on surrounding properties.

4  
5 b. For R-3 and R-4 zoning districts buildings shall be "street-  
6 oriented" to create a desirable pedestrian environment between  
7 the building and the street. Street orientation is defined as having  
8 a clear and visible orientation to the street. Street orientation  
9 should include:

10  
11 (1) Garages. For residential uses, there shall be no front  
12 facing garages unless they are setback an additional ten  
13 feet from the primary front facade and do not exceed 25  
14 percent of the street facing building facade. If the lot width  
15 is forty feet or less, the 25 percent requirement shall not  
16 apply. All other garages must face the side or rear of the  
17 parcel.

18  
19 (2) Front entry. The front facade shall include the primary  
20 entry door, be street facing, and include a porch or stoop.

21  
22 (a) Front porches. Front porches shall be a  
23 minimum six feet deep and ten feet wide. The scale  
24 of the front porch should be in scale with the  
25 primary facade.

26  
27 (b) Stoops. Stoops provide connections to building  
28 entrances or porches where residential buildings  
29 are elevated above grade. Stoops shall be a  
30 minimum of five feet wide.

31  
32 (3) Off-street parking. All off-street parking shall be located  
33 in the rear of the building that faces the public street or  
34 within a garage. For single-family detached residential  
35 dwelling, off street parking can be located in a carport,  
36 driveway or garage.

37  
38 c. For R-6 and C-1 zoning districts buildings shall be "street-  
39 oriented" to create a desirable pedestrian environment between  
40 the building and the street. Street orientation is defined as having  
41 a clear and visible orientation to the street. Street orientation  
42 should include:

43  
44 (1) Front and side setback lines should be consistent with  
45 adjacent structures. Rear setbacks shall be as required by  
46 the underlying zoning district. Where setback lines are not  
47 clearly established, buildings shall be built to within ten  
48 (10) feet of property lines.



# DRAFT

1 (2) Buildings shall be oriented so that the principal facade  
2 is parallel or nearly parallel to the streets they face. On  
3 corner sites, buildings shall occupy the corner.

4  
5 (3) Walkways that lead to front doors, separate from the  
6 driveway, are encouraged.

7  
8 (4) Entrances shall be well lit, visible from the street and  
9 easily accessible.

10  
11 (5) Off-street parking.

12  
13 (a) For residential uses, all off-street parking shall  
14 be located in the rear of the building that faces the  
15 public street or within a garage. For single-family  
16 detached housing, off street parking can be located  
17 in a carport, driveway or garage. There shall be no  
18 front facing garages unless they are setback an  
19 additional ten feet from the primary front facade  
20 and do not exceed 25 percent of the street facing  
21 building facade. If the lot width is forty feet or less,  
22 the 25 percent requirement shall not apply.

23  
24 (b) For commercial uses, off-street parking areas  
25 shall be located on the side or rear of the building  
26 unless a shared central parking facility is developed  
27 through an easement or common ownership among  
28 contiguous properties. Curb cuts shall be limited to  
29 one 20-foot access point for a shared central  
30 parking facility. Liner buildings or landscaping shall  
31 be used to screen parking from the street.

32  
33 (c) Walkways shall be included in off-street parking  
34 areas.

35  
36 (6) Buildings shall incorporate "human scale" design. That  
37 is, designed in proportions to reflect human pedestrian  
38 scale and movement, and to encourage interest at the  
39 street level. "Human scale" is best achieved when the  
40 street-to-building height ratio is 1:2 and does not exceed  
41 1:3. (e.g. if the street is 24 feet wide, building height should  
42 not exceed 72 feet)

43  
44 (7) All service and loading areas shall be entirely screened  
45 from view.

46  
47 (8) Sidewalk sales and/or tent sales with temporary  
48 displays shall be permitted immediately adjacent to the  
49 business for no more than fourteen days in any one

1 calendar year provided that all required permits are  
2 obtained and a traffic management and parking plan are  
3 presented to, and approved by, the traffic engineering  
4 department prior to events.

5  
6 (9) Outdoor dining. Outdoor dining and seating shall be  
7 permitted. Dining areas shall be properly designated and  
8 appropriately separated from public walkways and streets  
9 using attractive materials such as railings, opaque wrought  
10 iron fences, landscaping, or other suitable material.  
11 Designated outdoor dining areas adjacent to public right-  
12 of-way shall allow a minimum unobstructed sidewalk of six  
13 feet along the public right-of-way.

14  
15 3. Accessory Structures. All accessory structures shall be located in the  
16 rear or side area and be a minimum of 5 feet inside the property  
17 boundary. All accessory structures shall meet the County landscaping,  
18 buffering, and screening requirements and shall be built entirely of the  
19 same materials, color, and style of the primary façade if visible to the  
20 public from any road, driveway, right-of-way, or similar.

21  
22 4. Landscaping.

23  
24 a. See Section 7.01.00.

25  
26 b. It is the proposed intent of this ordinance to encourage water  
27 conservation through proper plant selection, installation and  
28 maintenance practices. All commercial and industrial projects shall  
29 submit a landscape plan as part of the development review  
30 criteria. The plan will include plant species proposed, location of  
31 all plant material, including areas proposed for sod, areas of  
32 natural vegetation to be protected, and an irrigation plan. Native  
33 plant species are required. Sabal palm is considered a native  
34 plant species.

35  
36 5. Buffers and screening of outdoor storage. See section 7.01.06 of this  
37 Code except the following revisions shall be applied to the Barrancas  
38 Redevelopment Area Overlay District.

39  
40 a. Section 7.01.06.D.2. Type. Only fencing (may or may not be  
41 opaque) or walls made of concrete or stucco may supplement  
42 buffers. Specifically, old garage doors and pieces of tin do not  
43 qualify for fencing or wall materials; and

44  
45 b. Section 7.01.06.E. Screening of outdoor storage. Opaque  
46 fencing shall mean chain link fence with slats, privacy wooden  
47 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
48 wall may also be used to screen outdoor storage.

1 6. Natural features. Natural features shall be protected and integrated into  
2 site design/development where possible. The applicant shall demonstrate  
3 how the development protects and incorporates existing vegetation.  
4

5 7. Crime prevention through environmental design. Crime Prevention  
6 Through Environmental Design (CPTED) principles shall be used when  
7 designing any element within the district, including but not limited to site  
8 design, buildings, street design, signs, landscaping and parking. The  
9 following CPTED guidelines shall be considered when designing any  
10 element within the district.  
11

12 a. Territoriality. All building entrances, parking areas, pathways  
13 and other elements should incorporate appropriate features that  
14 express ownership. The use of these features shall not conflict  
15 with the need for natural surveillance.  
16

17 b. Natural surveillance. The site layout, building and landscape  
18 design shall promote the principles of natural surveillance.  
19 Physical features and activities should be oriented and designed  
20 in ways that maximize the ability to see throughout the site.  
21

22 c. Activity support. The site layout and building design should  
23 encourage legitimate activity in public spaces.  
24

25 d. Access control. To discourage crime, entrances and exits  
26 should be located and designed in a manner that incorporates  
27 natural surveillance techniques and area control measures.  
28

## 29 8. Signs.

30  
31 a. See Article 8.  
32

33 b. The choice of building signage shall be compatible with the  
34 intent of this district and shall not have an adverse visual impact  
35 on surrounding properties.  
36

37 c. Free-standing on-premises signs shall be "human scaled".  
38 There shall be only one such sign per parcel and it shall not  
39 exceed 100 square feet per sign face and 12 feet in height; in the  
40 case of multi-use parcels, the sign shall not exceed 299 square  
41 feet. The sign face shall have colors, materials and lighting that  
42 are compatible with the general pattern existing in the Barrancas  
43 Redevelopment Area Overlay District. Freestanding signs shall be  
44 limited to monument signs. Attached signs or shingles may be  
45 permitted for individual businesses in a multi-use building. Such  
46 signs shall not exceed 20 square feet per sign face.  
47

48 d. Billboards or pole signs are not permitted in this overlay district.  
49

1                    9. Locational criteria. See Section 7.20.02.

2  
3                    10. Exceptions. Financial hardship alone is not a basis to grant an  
4                    exception; however, it is recognized that there may be circumstances that  
5                    require a departure from the requirements in this overlay district in order  
6                    to be feasible. Possible grounds to be considered for granting exceptions  
7                    to the ordinance include, but not limited to:

8  
9                    a. Safety

10  
11                   b. Unique site or building characteristics

12  
13                   c. Standards would have a detrimental effect on the use of the  
14                   property

15  
16                   d. Public benefit

17  
18                   **GRAPHIC LINK: Barrancas Overlay District**

19  
20                   6.07.03. Brownsville Overlay District

21  
22                   A. Intent and purpose of district. The Brownsville Overlay District is intended to  
23                   provide an enhanced level of protection to the unique and historic character of  
24                   the Brownsville Community Redevelopment District thereby furthering the  
25                   objectives of the Brownsville Community Redevelopment Plan. This is a zoning  
26                   overlay and the regulations herein expand upon the existing zoning district  
27                   regulations otherwise imposed on individual parcels within the district.

28  
29                   B. Applicability. This zoning overlay district applies to all zoned properties within  
30                   the Brownsville Community Redevelopment District.

31  
32                   C. Relationship to underlying zoning. All of the use listings and site design  
33                   requirements of the underlying zoning districts shall continue to apply. This  
34                   district adds to the list of prohibited uses and the list of conditional uses shall  
35                   require conditional use review and approval by the Board of Adjustment. The  
36                   conditional use review shall require a finding of fact on both those performance  
37                   standards listed in section 2.05.03 of the Code and the additional performance  
38                   standards listed in F. and G. below.

39  
40                   D. Permitted uses. Mixed-use developments, defined as where non-residential  
41                   and residential uses occupy the same building. The non-residential use(s) shall  
42                   contain the first or bottom floor and the residential use(s) contain the second or  
43                   upper floor(s).

44  
45                   E. Prohibited uses.

46  
47                   1. Off-premises signs.



2. Mobile homes and manufactured homes.

3. Mobile home/manufactured home parks.

F. Uses requiring management plan submittal. The following uses shall require submission of a management plan to the CRA prior to development approval. Amendments to the management plan shall have approval of the CRA manager or his/her designee.

1. Retail sale of alcohol for off-premises consumption.

2. Bars and nightclubs.

3. Pawn shops and check cashing services.

4. Commercial amusement arcades, including billiard parlors and game machine arcades.

5. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.).

6. Truck, utility trailer, and RV rental service or facility.

7. Portable food vendors.

8. Any new building that is more than 15 percent taller than any building on an adjacent parcel.

9. Tattoo parlors.

10. Welding shops located in C-1 zoning districts.

G. Management plan. The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.

2. Other similar properties managed by the applicant, if applicable.

3. Explanation of any franchise agreement.

H. Rezoning. Rezoning where the result would create a spot zoning shall be prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

I. Non-residential site and building requirements.

1. Building height. New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. Buildings in the overlay district may not exceed 45 feet in height.

1  
2 2. Building design.  
3

4 a. Setbacks. New construction shall be setback from Mobile  
5 Highway and Cervantes Street a distance similar to adjacent  
6 buildings unless customer parking is provided adjacent to any of  
7 these streets in support of Crime Prevention through  
8 Environmental Design (CPTED). Exceptions may be granted if the  
9 setback is pedestrian oriented and contributes to the quality and  
10 character of the streetscape.

11  
12 b. Facades. A building more than 80 feet in width shall be divided  
13 into increments by incorporation of one of the following  
14 techniques, but not limited to:

15  
16 (1). Divisions or breaks in materials

17  
18 (2). Bay windows or the like

19  
20 (3). Building setbacks

21  
22 c. Rear façade. A minimum of 15 feet of the building's rear façade  
23 facing a public right of way, parking area, or open space shall  
24 consist of transparent materials. Reflective glass is prohibited as a  
25 transparent material.

26  
27 d. Materials and detailing. New buildings and structures, additions  
28 and renovations shall be constructed to be long lasting and use  
29 materials and detailing that maintain the distinct character and  
30 harmony of the Brownsville Community Redevelopment District.  
31 Aluminum vinyl or metal material siding is prohibited on the  
32 facades of buildings adjacent to public right of ways.

33  
34 3. Accessory Structures. All accessory structures shall be located in the  
35 rear or side area and be a minimum of 5 feet inside the property  
36 boundary. All accessory structures shall meet the County landscaping,  
37 buffering, and screening requirements and shall be built entirely of the  
38 same materials, color, and style of the primary façade if visible to the  
39 public from any road, driveway, right-of-way, or similar.

40  
41 4. Natural features. Natural features shall be protected and integrated into  
42 site design/development where possible. The applicant shall demonstrate  
43 how the development protects and incorporates existing vegetation.

44  
45 5. Crime prevention through environmental design. Crime Prevention  
46 Through Environmental Design (CPTED) principles shall be used when  
47 designing any element within the district, including but not limited to site  
48 design, buildings, street design, signs, landscaping and parking. The

1 following CPTED guidelines shall be considered when designing any  
2 element within the district.

3  
4 a. *Territoriality.* All building entrances, parking areas, pathways  
5 and other elements should incorporate appropriate features that  
6 express ownership. The use of these features shall not conflict  
7 with the need for natural surveillance.

8  
9 b. *Natural surveillance.* The site layout, building and landscape  
10 design shall promote the principles of natural surveillance.  
11 Physical features and activities should be oriented and designed  
12 in ways that maximize the ability to see throughout the site.

13  
14 c. *Activity support.* The site layout and building design should  
15 encourage legitimate activity in public spaces.

16  
17 d. *Access control.* To discourage crime, entrances and exits  
18 should be located and designed in a manner that incorporates  
19 natural surveillance techniques and area control measures.

## 20 21 6. *Signs.*

22  
23 a. See Article 8.

24  
25 b. The choice of building signage shall be compatible with the  
26 intent of this district and shall not have an adverse visual impact  
27 on surrounding properties.

28  
29 c. Free-standing on-premises signs shall be "human scaled".  
30 There shall be only one such sign per parcel and it shall not  
31 exceed 100 square feet per sign face and 12 feet in height; in the  
32 case of multi-use parcels, the sign shall not exceed 299 square  
33 feet. The sign face shall have colors, materials and lighting that  
34 are compatible with the general pattern existing in the Barrancas  
35 Redevelopment Area Overlay District. Freestanding signs shall be  
36 limited to monument signs. Attached signs or shingles may be  
37 permitted for individual businesses in a multi-use building. Such  
38 signs shall not exceed 20 square feet per sign face.

39  
40 d. Signs cannot block or obstruct design details, windows, or  
41 cornices of the building upon which they are placed.

42  
43 7. *Lighting.* Lighting in the overlay district should serve to illuminate  
44 facades entrances and signage to provide an adequate level of personal  
45 safety while enhancing the aesthetic appeal of the buildings. Building and  
46 signage lighting must be indirect, with the light source(s) hidden from  
47 direct pedestrian and motorist view.  
48

1 8. Parking. Parking in the overlay district must adequately serve the  
2 users without detracting from the compact design that makes it a  
3 successful commercial center  
4

5 9. Off-street parking. Off-street parking must be located in the rear. If the  
6 lot orientation cannot accommodate for adequate rear parking, parking on  
7 the side would then be permitted.  
8

9 10. Landscaping.  
10

11 a. See Section 7.01.00.  
12

13 b. It is the proposed intent of this ordinance to encourage water  
14 conservation through proper plant selection, installation and  
15 maintenance practices. All commercial and industrial projects shall  
16 submit a landscape plan as part of the development review  
17 criteria. The plan will include plant species proposed, location of  
18 all plant material, including areas proposed for sod, areas of  
19 natural vegetation to be protected, and an irrigation plan. Native  
20 plant species are required.  
21

22 11. Buffers and screening of outdoor storage. The screening of outside  
23 storage must use the same materials, color, and/or style as the primary  
24 building in order to be architecturally compatible with the primary building  
25 and the building it is adjacent to. All outside storage must be screened  
26 from public view. If the outside storage area is separate from the building  
27 it serves the following shall apply:  
28

29 a. Section 7.01.06.D.2. Type. Only fencing (may or may not be  
30 opaque) or walls made of concrete or stucco may supplement  
31 buffers. Specifically, old garage doors and pieces of tin do not  
32 qualify for fencing or wall materials; and  
33

34 b. Section 7.01.06.E. Screening of outdoor storage. Opaque  
35 fencing shall mean chain link fence with slats, privacy wooden  
36 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
37 wall may also be used to screen outdoor storage.  
38

39 12. Exceptions. Financial hardship alone is not a basis to grant an  
40 exception; however, it is recognized that there may be circumstances that  
41 require a departure from the requirements in this overlay district in order  
42 to be feasible. Possible grounds to be considered for granting exceptions  
43 to the ordinance include, but not limited to:  
44

45 a. Safety  
46

47 b. Unique site or building characteristics  
48



1 c. Standards would have a detrimental effect on the use of the  
2 property

3  
4 d. Public benefit

5  
6 **GRAPHIC LINK: Brownsville Overlay District**

7  
8 6.07.04. Englewood Overlay District

9  
10 A. Intent and purpose of district. The Englewood Overlay District is intended to  
11 provide an enhanced level of protection to the unique and historic character of  
12 the Englewood Community Redevelopment District thereby furthering the  
13 objectives of the Englewood Community Redevelopment Plan. This is a zoning  
14 overlay and the regulations herein expand upon the existing zoning district  
15 regulations otherwise imposed on individual parcels within the district.

16  
17 B. Applicability. This zoning overlay district applies to all zoned properties within  
18 the Englewood Community Redevelopment District.

19  
20 C. Relationship to underlying zoning. All of the use listings and site design  
21 requirements of the underlying zoning districts shall continue to apply. This  
22 district adds to the list of prohibited uses and the list of conditional uses shall  
23 require conditional use review and approval by the Board of Adjustment. The  
24 conditional use review shall require a finding of fact on both those performance  
25 standards listed in section 2.05.03 of the Code and the additional performance  
26 standards listed in F. and G. below.

27  
28 D. Permitted uses. Mixed-use developments, defined as where non-residential  
29 and residential uses occupy the same building. The non-residential use(s) shall  
30 contain the first or bottom floor and the residential use(s) contain the second or  
31 upper floor(s).

32  
33 E. Prohibited uses.

- 34  
35 1. Off-premises signs.  
36  
37 2. Mobile homes and manufactured homes.  
38  
39 3. Mobile home/manufactured home parks.

40  
41 F. Uses requiring management plan submittal. The following uses shall require  
42 submission of a management plan to the CRA prior to development approval.  
43 Amendments to the management plan shall have approval of the CRA manager  
44 or his/her designee.

- 45  
46 1. Retail sale of alcohol for off-premises consumption.  
47  
48 2. Bars and nightclubs.

1  
2 3. Pawn shops and check cashing services.

3  
4 4. Commercial amusement arcades, including billiard parlors and game  
5 machine arcades.

6  
7 5. Automotive uses (including car sales, automobile rental agencies, car  
8 washes, auto repair facilities, tire sales, etc.).

9  
10 6. Truck, utility trailer, and RV rental service or facility.

11  
12 7. Portable food vendors.

13  
14 8. Any new building that is more than 15 percent taller than any building  
15 on an adjacent parcel.

16  
17 9. Tattoo parlors.

18  
19 10. Welding shops located in C-1 zoning districts.

20  
21 G. Management plan. The applicant shall submit a management plan that  
22 addresses the following:

23  
24 1. Proposed hours of operations.

25  
26 2. Other similar properties managed by the applicant, if applicable.

27  
28 3. Explanation of any franchise agreement.

29  
30 H. Rezoning. Rezoning where the result would create a spot zoning shall be  
31 prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

32  
33 I. Non-residential site and building requirements.

34  
35 1. Building height. New buildings, additions and redeveloped buildings  
36 shall complement the existing pattern of building heights. Buildings in the  
37 overlay district may not exceed 45 feet in height.

38  
39 2. Building design.

40  
41 a. Setbacks. New construction shall be setback from a distance  
42 similar to adjacent buildings unless customer parking is provided  
43 adjacent to any of these streets in support of Crime Prevention  
44 through Environmental Design (CPTED). Exceptions may be  
45 granted if the setback is pedestrian oriented and contributes to the  
46 quality and character of the streetscape.  
47

1 b. Facades. A building more than 80 feet in width shall be divided  
2 into increments by incorporation of one of the following  
3 techniques, but not limited to:

4  
5 (1). Divisions or breaks in materials

6  
7 (2). Bay windows or the like

8  
9 (3). Building setbacks

10  
11 c. Rear façade. A minimum of 15 feet of the buildings rear façade  
12 facing a public right of way, parking area, or open space shall  
13 consist of transparent materials. Reflective glass is prohibited as a  
14 transparent material.

15  
16 d. Materials and detailing. New buildings and structures, additions  
17 and renovations shall be constructed to be long lasting and use  
18 materials and detailing that maintain the distinct character and  
19 harmony of the Englewood Community Redevelopment District.  
20 Aluminum vinyl or metal material siding is prohibited on the  
21 facades of buildings adjacent to public right of ways.

22  
23 3. Accessory Structures. All accessory structures shall be located in the  
24 rear or side area and be a minimum of 5 feet inside the property  
25 boundary. All accessory structures shall meet the County landscaping,  
26 buffering, and screening requirements and shall be built entirely of the  
27 same materials, color, and style of the primary façade if visible to the  
28 public from any road, driveway, right-of-way, or similar.

29  
30 4. Natural features. Natural features shall be protected and integrated into  
31 site design/development where possible. The applicant shall demonstrate  
32 how the development protects and incorporates existing vegetation.

33  
34 5. Crime prevention through environmental design. Crime Prevention  
35 Through Environmental Design (CPTED) principles shall be used when  
36 designing any element within the district, including but not limited to site  
37 design, buildings, street design, signs, landscaping and parking. The  
38 following CPTED guidelines shall be considered when designing any  
39 element within the district.

40  
41 a. Territoriality. All building entrances, parking areas, pathways  
42 and other elements should incorporate appropriate features that  
43 express ownership. The use of these features shall not conflict  
44 with the need for natural surveillance.

45  
46 b. Natural surveillance. The site layout, building and landscape  
47 design shall promote the principles of natural surveillance.  
48 Physical features and activities should be oriented and designed  
49 in ways that maximize the ability to see throughout the site.

1  
2 c. Activity support. The site layout and building design should  
3 encourage legitimate activity in public spaces.

4  
5 d. Access control. To discourage crime, entrances and exits  
6 should be located and designed in a manner that incorporates  
7 natural surveillance techniques and area control measures.

8  
9 6. Signs.

10  
11 a. See Article 8.

12  
13 b. The choice of building signage shall be compatible with the  
14 intent of this district and shall not have an adverse visual impact  
15 on surrounding properties.

16  
17 c. Free-standing on-premises signs shall be "human scaled".  
18 There shall be only one such sign per parcel and it shall not  
19 exceed 100 square feet per sign face and 12 feet in height; in the  
20 case of multi-use parcels, the sign shall not exceed 299 square  
21 feet. The sign face shall have colors, materials and lighting that  
22 are compatible with the general pattern existing in the Englewood  
23 Redevelopment Area Overlay District. Freestanding signs shall be  
24 limited to monument signs. Attached signs or shingles may be  
25 permitted for individual businesses in a multi-use building. Such  
26 signs shall not exceed 20 square feet per sign face.

27  
28 d. Signs cannot block or obstruct design details, windows, or  
29 cornices of the building upon which they are placed.

30  
31 7. Lighting. Lighting in the overlay district should serve to illuminate  
32 facades entrances and signage to provide an adequate level of personal  
33 safety while enhancing the aesthetic appeal of the buildings. Building and  
34 signage lighting must be indirect, with the light source(s) hidden from  
35 direct pedestrian and motorist view.

36  
37 8. Parking. Parking in the overlay district must adequately serve the  
38 users without detracting from the compact design that makes it a  
39 successful commercial center

40  
41 9. Off-street parking. Off-street parking must be located in the rear. If the  
42 lot orientation cannot accommodate for adequate rear parking, parking on  
43 the side would then be permitted.

44  
45 10. Landscaping.

46  
47 a. See Section 7.01.00.



1 b. It is the proposed intent of this ordinance to encourage water  
2 conservation through proper plant selection, installation and  
3 maintenance practices. All commercial and industrial projects shall  
4 submit a landscape plan as part of the development review  
5 criteria. The plan will include plant species proposed, location of  
6 all plant material, including areas proposed for sod, areas of  
7 natural vegetation to be protected, and an irrigation plan. Native  
8 plant species are required.  
9

10 11. *Buffers and screening of outdoor storage.* The screening of outside  
11 storage must use the same materials, color, and/or style as the primary  
12 building in order to be architecturally compatible with the primary building  
13 and the building it is adjacent to. All outside storage must be screened  
14 from public view. If the outside storage area is separate from the building  
15 it serves the following shall apply:  
16

17 a. Section 7.01.06.D.2. *Type.* Only fencing (may or may not be  
18 opaque) or walls made of concrete or stucco may supplement  
19 buffers. Specifically, old garage doors and pieces of tin do not  
20 qualify for fencing or wall materials; and  
21

22 b. Section 7.01.06.E. *Screening of outdoor storage.* Opaque  
23 fencing shall mean chain link fence with slats, privacy wooden  
24 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
25 wall may also be used to screen outdoor storage.  
26

27 12. *Exceptions.* Financial hardship alone is not a basis to grant an  
28 exception; however, it is recognized that there may be circumstances that  
29 require a departure from the requirements in this overlay district in order  
30 to be feasible. Possible grounds to be considered for granting exceptions  
31 to the ordinance include, but not limited to:  
32

33 a. Safety  
34

35 b. Unique site or building characteristics  
36

37 c. Standards would have a detrimental effect on the use of the  
38 property  
39

40 d. Public benefit  
41

## 42 **GRAPHIC LINK: Englewood Overlay District**

43

### 44 **6.07.05. Palafox Overlay District**

45

46 A. *Intent and purpose of district.* The Palafox Overlay District is intended to  
47 provide an enhanced level of protection to the mixed use character of the Palafox  
48 Community Redevelopment District thereby furthering the objectives of the

1 Palafox Community Redevelopment Plan. The Palafox Overlay District is rather  
2 diverse with the amount of commercially and industrially zoned properties  
3 blended with isolated neighborhood-type residentially zoned properties. This is a  
4 zoning overlay and the regulations herein expand upon the existing zoning  
5 district regulations otherwise imposed on individual parcels within the district.  
6

7 B. *Applicability.* This zoning overlay district applies to all zoned properties within  
8 the Palafox Community Redevelopment District.  
9

10 C. *Relationship to underlying zoning.* All of the use listings and site design  
11 requirements of the underlying zoning districts shall continue to apply. This  
12 district adds to the list of prohibited uses and the list of conditional uses that shall  
13 require conditional use review and approval by the Board of Adjustment. The  
14 conditional use review shall require a finding of fact on both those performance  
15 standards listed in section 2.05.03 of the Code and the additional performance  
16 standards listed in F. and G. below.  
17

18 D. *Permitted uses.* Mixed-use developments, defined as where non-residential  
19 and residential uses occupy the same building. The non-residential use(s) shall  
20 contain the first or bottom floor and the residential use(s) contain the second or  
21 upper floor(s).  
22

23 E. *Prohibited uses.*  
24

- 25 1. Mobile homes and manufactured homes.
- 26
- 27 2. Mobile home/manufactured home parks.
- 28

29 F. *Uses requiring management plan submittal.* The following uses shall submit a  
30 management plan to the CRA prior to development approval. Amendments to the  
31 management plan shall have approval of the CRA manager or his/her designee.  
32

- 33 1. Retail sale of alcohol for off-premises consumption.
- 34
- 35 2. Bars and nightclubs.
- 36
- 37 3. Pawn shops and check cashing services.
- 38
- 39 4. Commercial amusement arcades, including billiard parlors and game  
40 machine arcades.
- 41
- 42 5. Automotive uses (including car sales, automobile rental agencies, car  
43 washes, auto repair facilities, tire sales, etc.).
- 44
- 45 6. Truck, utility trailer, and RV rental service or facility.
- 46
- 47 7. Portable food vendors.
- 48

1                   8. Any new building that is more than 15 percent taller than any building  
2                   on an adjacent parcel.

3  
4                   9. Welding shops located in C-1 zoning districts.

5  
6                   G. Management plan. The applicant shall submit a management plan that  
7                   addresses the following:

8  
9                   1. Proposed hours of operations.

10  
11                   2. Other similar properties managed by the applicant, if applicable.

12  
13                   3. Explanation of any franchise agreement.

14  
15                   H. Rezoning. Rezoning where the result would create a spot zoning shall be  
16                   prohibited. (See LDC Section 2.14.03 for definition of spot zoning.)

17  
18                   I. Non-residential site and building requirements.

19  
20                   1. Building height. New buildings, additions and redeveloped buildings  
21                   shall complement the existing pattern of building heights. Buildings in the  
22                   overlay district may not exceed 45 feet in height.

23  
24                   2. Building design.

25  
26                   a. Setbacks. New construction shall be setback from a distance  
27                   similar to adjacent buildings unless customer parking is provided  
28                   adjacent to any of these streets in support of Crime Prevention  
29                   through Environmental Design (CPTED). Exceptions may be  
30                   granted if the setback is pedestrian oriented and contributes to the  
31                   quality and character of the streetscape.

32  
33                   b. Facades. A building more than 80 feet in width shall be divided  
34                   into increments by incorporation of one of the following  
35                   techniques, but not limited to:

36  
37                   (1). Divisions or breaks in materials

38  
39                   (2). Bay windows or the like

40  
41                   (3). Building setbacks

42  
43                   c. Rear façade. A minimum of 15 feet of the buildings rear façade  
44                   facing a public right of way, parking area, or open space shall  
45                   consist of transparent materials. Reflective glass is prohibited as a  
46                   transparent material.

47  
48                   d. Materials and detailing. New buildings and structures, additions  
49                   and renovations shall be constructed to be long lasting and use

1 materials and detailing that maintain the distinct character and  
2 harmony of the Palafox Community Redevelopment District.  
3 Aluminum vinyl or metal material siding is prohibited on the  
4 facades of buildings adjacent to public right of ways.  
5

6 3. *Accessory Structures.* All accessory structures shall be located in the  
7 rear or side area and be a minimum of 5 feet inside the property  
8 boundary. All accessory structures shall meet the County landscaping,  
9 buffering, and screening requirements and shall be built entirely of the  
10 same materials, color, and style of the primary façade if visible to the  
11 public from any road, driveway, right-of-way, or similar.  
12

13 4. *Natural features.* Natural features shall be protected and integrated into  
14 site design/development where possible. The applicant shall demonstrate  
15 how the development protects and incorporates existing vegetation.  
16

17 5. *Crime prevention through environmental design.* Crime Prevention  
18 Through Environmental Design (CPTED) principles shall be used when  
19 designing any element within the district, including but not limited to site  
20 design, buildings, street design, signs, landscaping and parking. The  
21 following CPTED guidelines shall be considered when designing any  
22 element within the district.  
23

24 a. *Territoriality.* All building entrances, parking areas, pathways  
25 and other elements should incorporate appropriate features that  
26 express ownership. The use of these features shall not conflict  
27 with the need for natural surveillance.  
28

29 b. *Natural surveillance.* The site layout, building and landscape  
30 design shall promote the principles of natural surveillance.  
31 Physical features and activities should be oriented and designed  
32 in ways that maximize the ability to see throughout the site.  
33

34 c. *Activity support.* The site layout and building design should  
35 encourage legitimate activity in public spaces.  
36

37 d. *Access control.* To discourage crime, entrances and exits  
38 should be located and designed in a manner that incorporates  
39 natural surveillance techniques and area control measures.  
40

## 41 6. *Signs.*

42  
43 a. See Article 8.  
44

45 b. The choice of building signage shall be compatible with the  
46 intent of this district and shall not have an adverse visual impact  
47 on surrounding properties.  
48



1 c. Free-standing on-premises signs shall be "human scaled".  
2 There shall be only one such sign per parcel and it shall not  
3 exceed 100 square feet per sign face and 12 feet in height; in the  
4 case of multi-use parcels, the sign shall not exceed 299 square  
5 feet. The sign face shall have colors, materials and lighting that  
6 are compatible with the general pattern existing in the Palafox  
7 Redevelopment Area Overlay District. Freestanding signs shall be  
8 limited to monument signs. Attached signs or shingles may be  
9 permitted for individual businesses in a multi-use building. Such  
10 signs shall not exceed 20 square feet per sign face.

11  
12 d. Signs cannot block or obstruct design details, windows, or  
13 cornices of the building upon which they are placed.

14  
15 7. Lighting. Lighting in the overlay district should serve to illuminate  
16 facades entrances and signage to provide an adequate level of personal  
17 safety while enhancing the aesthetic appeal of the buildings. Building and  
18 signage lighting must be indirect, with the light source(s) hidden from  
19 direct pedestrian and motorist view.

20  
21 8. Parking. Parking in the overlay district must adequately serve the  
22 users without detracting from the compact design that makes it a  
23 successful commercial center

24  
25 9. Off-street parking. Off-street parking must be located in the rear. If the  
26 lot orientation cannot accommodate for adequate rear parking, parking on  
27 the side would then be permitted.

28  
29 10. Landscaping.

30  
31 a. See Section 7.01.00.

32  
33 b. It is the proposed intent of this ordinance to encourage water  
34 conservation through proper plant selection, installation and  
35 maintenance practices. All commercial and industrial projects shall  
36 submit a landscape plan as part of the development review  
37 criteria. The plan will include plant species proposed, location of  
38 all plant material, including areas proposed for sod, areas of  
39 natural vegetation to be protected, and an irrigation plan. Native  
40 plant species are required.

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42 11. Buffers and screening of outdoor storage. The screening of outside  
43 storage must use the same materials, color, and/or style as the primary  
44 building in order to be architecturally compatible with the primary building  
45 and the building it is adjacent to. All outside storage must be screened  
46 from public view. If the outside storage area is separate from the building  
47 it serves the following shall apply:  
48

1 a. Section 7.01.06.D.2. Type. Only fencing (may or may not be  
2 opaque) or walls made of concrete or stucco may supplement  
3 buffers. Specifically, old garage doors and pieces of tin do not  
4 qualify for fencing or wall materials; and

5  
6 b. Section 7.01.06.E. Screening of outdoor storage. Opaque  
7 fencing shall mean chain link fence with slats, privacy wooden  
8 fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco  
9 wall may also be used to screen outdoor storage.

10  
11 12. Exceptions. Financial hardship alone is not a basis to grant an  
12 exception; however, it is recognized that there may be circumstances that  
13 require a departure from the requirements in this overlay district in order  
14 to be feasible. Possible grounds to be considered for granting exceptions  
15 to the ordinance include, but not limited to:

16  
17 a. Safety

18  
19 b. Unique site or building characteristics

20  
21 c. Standards would have a detrimental effect on the use of the  
22 property

23  
24 d. Public benefit

25  
26 **GRAPHIC LINK: Palafox Overlay District**

27  
28 **6.07.026. Scenic Highway Overlay District.**

29  
30 A. Intent, boundaries and purpose of the district. This district is intended to  
31 protect the unique scenic vista and environmental resources of the Scenic  
32 Highway Corridor and adjacent Escambia Bay shoreline. This is an overlay  
33 district and the regulations herein expand upon existing R-1, R-2, R-3, R-6, C-1,  
34 and/or ID-1 zoning district regulations otherwise imposed on individual parcels  
35 within the corridor. The district overlays all parcels adjacent to the Pensacola  
36 Scenic Bluffs Highway corridor on the west side of the highway and all of the  
37 property between the Pensacola Scenic Bluffs Highway and the Escambia Bay  
38 on the east side of the highway, for approximately five miles from the city limit of  
39 Pensacola along Scenic Highway continuing along Highway 90 to the bridge over  
40 the Escambia River at the Santa Rosa County line. A generalized map of the  
41 Scenic Highway Overlay district is depicted in Figure 2; however, it is not the  
42 official zoning map and should be used only for preliminary determination of the  
43 application of the overlay zone. The purpose of the district is to alleviate harmful  
44 effects of on-site generated erosion and runoff caused by clearing natural  
45 vegetation and changing existing contours of the land, and to ensure the  
46 preservation of the bluffs, wetland areas and scenic views along the bay and  
47 assure continued public access to the views along the corridor. Views are an  
48 amenity and human appreciation of views is reflected in both private property  
49 values and the overall general welfare of the community.

1  
2 **GRAPHIC LINK: Scenic Highway Overlay District**  
3

4 B. Permitted uses. See underlay zoning districts.  
5

6 C. Lot coverage. Maximum area land coverage by all structures, parking areas,  
7 driveways and all other impervious surfaces shall not exceed 50 percent of the  
8 gross site area.  
9

10 D. Setback. All structures shall be located a minimum of 50 feet from the Scenic  
11 Highway right-of-way unless precluded by lot configuration or topography.  
12

13 E. Building separation. The minimum distance between structures shall be 15  
14 feet and there shall be at least 100 feet between a multifamily structure (including  
15 hotels and motels) and single-family dwellings.  
16

17 F. Pedestrian-bicycle. The intent of the corridor management plan is to provide a  
18 multiuse path or the east side of Scenic Highway the full length of the corridor at  
19 the maximum distance possible from the roadway pavement, within the right-of-  
20 way. During the site review process the staff will work with the applicant to  
21 maximize the innovative integration of a path extension, into the project, outside  
22 of the right-of-way on public property or on easements donated by private  
23 property owners.  
24

25 G. Building heights. Buildings between the Scenic Highway and Escambia Bay  
26 shall have a maximum height of 35 feet as measured at the average finished  
27 grade elevation of the lot above mean sea level (MSL). Nonresidential uses can  
28 exceed the height limit only with conditional use approval by the board of  
29 adjustment. In addition to the other conditional use criteria, the requested height  
30 must be found not to interfere with the scenic attractiveness of the location as  
31 viewed from any plausible direction. In addition, for structures over 35 feet in  
32 height, for every two feet in height over 35 feet, there shall be an additional one  
33 foot of front and side setback at the ground level.  
34

35 H. Tree protection.  
36

37 1. A canopy road tree protection zone is hereby established for all land  
38 within 20 feet of the right of way of Scenic Highway and Highway 90 to  
39 the Santa Rosa County line. No person or agency shall cut, remove, trim  
40 or in any way damage any tree in any canopy tree protection zone without  
41 a permit. Except in unique cases, such pruning shall not remove more  
42 than 30 percent of the existing tree material. Utility companies are not  
43 permitted to prune more than 30 percent of the existing tree canopy.  
44

45 2. Heritage Oak trees shall be prescribed.  
46

47 3. Clearing of natural vegetation within the corridor shall require a land  
48 disturbing permit and is generally prohibited except for the minimum area  
49 needed for construction of allowable structures or view enhancement.

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I. Landscaping.

1. For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required along the Scenic Highway frontage, and shall contain one tree for every 35 linear feet of frontage. The trees shall be tall enough so that a six-foot view shed exists at planting. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement.

2. Orientation of commercial buildings shall be away from residential development within or adjacent to the district. Layout of parking and service areas, access, landscaping, yards, courts, walls, signs, lighting and control of noise and other potentially adverse influences shall be such as to promote protection of such residential development, and will include adequate buffering.

J. Fences. See section 7.04.00. No fence may be solid. No chain link fence shall be located between Scenic Highway and the principal building. Any other type of fence in this area shall not exceed three feet. Where single story structures are higher than the roadbed, there should be no wall, fence, structure or plant material located between the front building line and the roadbed that will obstruct the view from automobiles on the scenic route.

K. Structure location. Whether a conditional use or site planning review, all structures will be reviewed to assure conformance with the following criteria:

- 1. The location shall afford maximum views of the bay from the street right-of-way.
- 2. The location shall minimize impact on the natural bluff and plant material (other than pruning to enhance views).
- 3. Provide underground utilities.

**INTENTIONALLY LEFT BLANK**



# DRAFT

1 **Section 2. Severability.**

2  
3 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
4 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
5 affect the validity of the remaining portions of this Ordinance.

6  
7 **Section 3. Inclusion in Code.**

8  
9 It is the intention of the Board of County Commissioners that the provisions of this  
10 Ordinance shall be codified as required by 125.68, Fla. Stat. (2010); and that the  
11 sections, subsections and other provisions of this Ordinance may be renumbered or  
12 relettered and the word "ordinance" may be changed to "section," "article," or such other  
13 appropriate word or phrase in order to accomplish such intentions.

14  
15 **Section 4. Effective Date.**

16  
17 This Ordinance shall become effective upon filing with the Department of State.

18  
19 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

20  
21 **BOARD OF COUNTY COMMISSIONERS**  
22 **OF ESCAMBIA COUNTY, FLORIDA**

23  
24 **By:** \_\_\_\_\_  
25 **Wilson B. Robertson, Chairman**

26  
27 **ATTEST: ERNIE LEE MAGAHA**  
28 **Clerk of the Circuit Court**

29  
30 **By:** \_\_\_\_\_  
31 **Deputy Clerk**

32  
33 **(SEAL)**

34  
35 **ENACTED:**

36  
37 **FILED WITH THE DEPARTMENT OF STATE:**

38  
39 **EFFECTIVE DATE:**

40  
41  
42 H:\Community & Environment Bureau\Divisions\Community Redevelopment Agency\Projects\LDC Ordinances\Art. 6  
43 Community Redevelopment Ordinance Draft 3A

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Art. 2 & 6 'Comm. Red. and Overlay Districts' LDC Ordinance Draft 3A

Date: 04/17/2012

Date requested back by: 04/18/2012

Requested by: David Forte

Phone Number: 595-3595



(LEGAL USE ONLY)

Legal Review by *[Signature]*

Date Received: *April 18, 2012*

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

*Subject to recommendations and comments in my memo to Eva Peterson dated April 13, 2012.*



**ESCAMBIA  
COUNTY**

**INTER-OFFICE MEMORANDUM**

TO: Eva A. Peterson, Division Manager, CRA  
FROM: Stephen G. West, Assistant County Attorney  
DATE: April 13, 2012  
RE: Community Redevelopment Ordinance

I have reviewed the draft of the Community Redevelopment Ordinance and offer the following:

General comments: The ordinance could be much shorter. The majority of the provisions are common throughout the overlay districts. Rather than repeating these provisions for each overlay district, I recommend that they be consolidated into a single section that could be entitled, for example, "General provisions applicable to all overlay districts."

Specific comments: The following specific comments are organized by page and line number:

1. Page 1-Title. The title does not adequately reflect the contents of the ordinance. Specifically, the existing and proposed Scenic Highway Overlay District is not mentioned nor is the creation of the proposed Barrancus Overlay District.
2. Page 1, line 11. Change "AMEND" to "DELETE".
3. Page 1, lines 25-31. Update the whereas clauses to address the comments above.
4. Page 2, line 16. Change "districts" to "district's."
5. Page 2, lines 23-27. Article 3, LDC, already contains a definition of spot zoning, and the proposed definition conflicts with it. Accordingly, the proposed definition should be deleted and any changes made instead in Article 3.
6. Page 2, lines 29-42. Article 9, LDC, already contains provisions regarding modifications to nonconforming uses and noncomplying structures, and the proposed provisions conflict with it. Accordingly, these provisions should be deleted and any changes made instead in Article 9.

7. Page 17, line 20. Insert "Community" before "Redevelopment District."
8. Page 17, lines 30-31. Revise for clarity.
9. Page 17, line 37. Add a period (.) at the end of the line.
10. Page 18, lines 18-23. Reformat and replace "a.," "b.," and "c.," with "1.," "2.," and "3.," consistent with other subsections.
11. Page 18, lines 25-31. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
12. Page 18, lines 42-44. Identify who may grant the referenced exceptions.
13. Page 19, line 7. Change the "buildings" to "building's."
14. Page 21, lines 31-32. Identify who may grant the referenced exceptions.
15. Page 22, line 17. Consider changing "continuous" to "contiguous."
16. Page 22, lines 28-30. Revise for clarity.
17. Page 22, line 37. Change "uses, which" to "uses that."
18. Page 22, line 40. Change "districts" to "district's."
19. Page 22, line 48. Insert "District" at the end of the sentence.
20. Page 23, lines 19-20. Revise for clarity.
21. Page 23, line 22. Change "submit" to "require submission of."
22. Page 23, lines 37-42. Reformat and replace "a.," "b.," and "c.," with "1.," "2.," and "3.," consistent with other subsections.
23. Page 24, lines 28-29. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
24. Page 24, line 35. Change "3.00.01" to "3.02.00."
25. Page 25, lines 42-43. Revise for clarity.
26. Page 25, line 46. Insert a comma (,) after "driveway."
27. Page 28, lines 44-48. Identify who may grant the referenced exceptions.



28. Page 29, lines 33-34. Revise for clarity.
29. Page 30, lines 26-31. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
30. Page 30, lines 33-34. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
31. Page 30, line 48. Identify who may grant the referenced exceptions.
32. Page 31, line 14. Change “buildings” to “building’s.”
33. Page 33, lines 33-34. Identify who may grant the referenced exceptions.
34. Page 35, lines 13-18. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
35. Page 35, lines 20-21. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
36. Page 34, lines 34-36. Identify who may grant the referenced exceptions.
37. Page 38, lines 14-18. Identify who may grant the referenced exceptions.
38. Page 39, lines 43-43. Reformat and replace “a.,” “b.,” and “c.,” with “1.,” “2.,” and “3.,” consistent with other subsections.
39. Page 40, lines 1-2. Spot zoning is already prohibited. See Section 2.08.02.D.7.(b), LDC. Accordingly, this provision should be deleted.
40. Page 40, lines 15-17. Identify who may grant the referenced exceptions.
41. Page 42, lines 46-48. Identify who may grant the referenced exceptions.
42. Page 43, line 34. Change “assure” to “ensure.”
43. Page 44, line 32. Revise item number 2 for clarity and format item number 3 as a separate subsection.
44. Page 44, lines 41-42. Revise for clarity.
45. Page 46, line 10. Insert the middle initial “B.” in Commissioner Robertson’s name.

SGW :bj

cc: Lloyd Kerr, Director, Development Services





**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**5. A.**

**Meeting Date:** 05/14/2012

---

**Information**

**Agenda Item:**

Request for Planning Board interpretation to clarify allowable uses in ID-2.

---

**Attachments**

Interpretation Request



**Development Services Department**  
Escambia County, Florida

REC'D APR 05 2012  
PBI-2012-02  
PPB 120400001

**Request for Planning Board Interpretation  
of a Provision or Section of the Land Development Code**

**Per Article 2, Section 2.07.01 of the Land Development Code:** The Planning Board, sitting as the local planning agency (LPA), shall review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretation of any provision or section. Such interpretation request shall be presented at the next regular planning board meeting if the request is received by the department of growth management staff at least 20 calendar days in advance of said meeting. \*

*\*Note: Although the request is submitted at the next regular Planning Board meeting, the actual interpretation is subject to the Planning Board's direction and may not be available until the following meeting (depending on the nature of the request and the extent of staff research required).*

Please call the office (595-3475) to make an appointment with the Planning Board Coordinator to personally discuss your request, to review the application form with you, to answer any questions you may have, and/or any possible alternatives to the request. This will prevent any unnecessary expenditures in the event that it is determined an interpretation is not needed. Fees cannot be waived and are non-refundable regardless of the interpretation. The requestor must be present at the Planning Board meeting.

**An application is not considered complete until the following information is received along with the submittal fee of \$175.00.** (Checks made payable to Escambia County, MasterCard & Visa are accepted)

**Applicant Information:**

Name: Neal Bjorklund for Genesis Rail Systems Date: 4/5/12

Address: 3652 Berryhill Road, Pace, Florida 32571

Phone: 713-860-2787 Other: 251-513-3215 Email: neal.bjorklund@genlp.com

**Provision and/or Section of the Land Development Code to be interpreted:**

Clarification of allowable uses for ID-2, LDC 6.05.19.B.14

**Reason for the Request:** (Give a description of request and include any documentation to support request.)  
(use additional sheets as necessary)

In ID-2 Zoning Category, is an oil transfer station to be considered as "other uses similar to those listed herein" in LDC 6.05.19.B.14?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant Signature

4-5-2012  
Date





**Development Services Department**

**Building Inspections Division**

3363 West Park Place  
Pensacola, Florida, 32505  
(850) 595-3550  
Molino Office - (850) 587-5770

**RECEIPT**

Receipt No. : **552695**

Date Issued. : 04/05/2012

Cashier ID : LPROBINS

Application No. : PPB120400001

Project Name : PBI-2012-02

**PAYMENT INFO**

Method of Payment	Reference Document	Amount Paid	Comment
<b>Check</b>	9028095	\$175.00	App ID : PPB120400001
		<b>\$175.00</b>	<b>Total Check</b>

Received From : genis rail

Total Receipt Amount : **\$175.00**

Change Due : \$0.00

**APPLICATION INFO**

Application #	Invoice #	Invoice Amt	Balance	Job Address
PPB120400001	645852	175.00	\$0.00	6125 ARTHUR BROWN RD, MCDAVID, FL, 32568

**Total Amount :**

**175.00**

\$0.00

Balance Due on this/these  
Application(s) as of 4/5/2012



## BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

### Planning Board-Regular

5. B.

**Meeting Date:** 05/14/2012

**Issue:** Escambia County Comprehensive Plan Implementation Annual Report Year 2010/2011

**From:** T. Lloyd Kerr, AICP, Department Director

**Organization:** Development Services

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### Information

#### **RECOMMENDATION:**

That the Planning Board review and recommend approval of the Fiscal Year 2010/2011 CPIC Annual Report to The Board of County Commissioners (BCC).

#### **BACKGROUND:**

As required by the Comprehensive Plan Capital Improvement Element, the Comprehensive Plan Implementation Committee (CPIC) provides an annual report of the status of growth management activities and the Capital Improvement Program (CIP) to the Planning Board. The Planning Board reviews the report and makes recommendations to the BCC for use during its deliberations on the annual budget and CIP.

#### **BUDGETARY IMPACT:**

No budgetary impact is anticipated by the approval of this report.

#### **LEGAL CONSIDERATIONS/SIGN-OFF:**

NA

#### **PERSONNEL:**

No additional personnel are required for implementation of this report.

#### **POLICY/REQUIREMENT FOR BOARD ACTION:**

This Annual Report is prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan.

#### **IMPLEMENTATION/COORDINATION:**

The Development Services Department will distribute copies to all County Departments and make them available to interested citizens. After BCC approval, the Annual Report will be transmitted to the Department of Economic Opportunity as a courtesy copy. Development Services Department staff has coordinated development of the Annual Report with all CPIC members.

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### Attachments

Comp Plan Annual Report



**Escambia County  
Comprehensive Plan  
Implementation  
Annual Report 2010/2011**



A Report of the  
Comprehensive Plan Implementation Committee and the Planning Board to the  
Escambia County Board of County Commissioners

April 9, 2012





This Annual Report has been prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan, which requires reporting of certain data and information related to growth on an annual basis.

The purpose and intent of the Annual Report is to provide a yearly planning tool for monitoring and evaluating future implementation of the Escambia County Comprehensive Plan. The Comprehensive Plan contains policies and objectives adopted by the Board of County Commissioners to provide for “orderly growth management” and to “maintain and improve the quality of life for all citizens of the county”.

CIE 1.4.1 and 1.4.2 of the Comprehensive Plan calls for the Comprehensive Plan Implementation Committee to report by April 1 of each year, to the Local Planning Agency (LPA) on the status of capital project implementation activities as well as LOS conditions within the County. By June 1 of each year, the Escambia County LPA shall report to the BCC its evaluation of the implementation of the Capital Improvements Element and the Comprehensive Plan during the previous fiscal year. The report shall contain recommendations to maintain LOS standards and any adjustments necessary to the Capital Improvements Element and/or the County's annual capital improvement program.

The Board of County Commissioners (BCC) adopted the 2030 Comprehensive Plan on January 20, 2011 and the Florida Legislature adopted changes to Chapter 163 Florida Administrative Code in July, 2011.

As a result of the new adopted 2030 Comprehensive Plan the following elements are to be included within the Comprehensive Plan Annual Report for 2010/2011:

General Requirements-Population Projections, Mobility Element, Coastal Management Element, Conservation Element, Intergovernmental Coordination Element, Infrastructure Element, Recreation Element.

This report was prepared by the Development Services Department and reviewed by the Comprehensive Plan Implementation Committee on 3/30/12.



COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE MEMBERS

CHARLES R. "RANDY" OLIVER, *County Administrator*

LARRY NEWSOM, *Assistant County Administrator*

T. LLOYD KERR, AICP, *Development Services Director*

JOY BLACKMON, PE, *Public Works Director*

KEITH WILKINS, *Community and Environment Interim Director*

AMY LOVOY, *Management & Budget Services Director*

MIKE WEAVER, *Public Safety Director*

DANIEL R. SPILLMAN, *Fire Chief*

GORDON PIKE, *Corrections Director*

BUCK LEE, *Santa Rosa Island Authority General Manager*

Annual Report Prepared By:

*Development Services Department*

JUAN LEMOS, *Senior Planner*

ALLYSON CAIN, *Urban Planner II*

JOHN FISHER, *Urban Planner II*

BRENDA WILSON, *Urban Planner I*



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## 1.0 POPULATION ESTIMATES AND PROJECTIONS

*A central tenant of long-range comprehensive planning is the projection of future population levels and characteristics. Population growth trends and projections can have a significant effect on forecasting the needs and demands for a variety of services such as transportation, sanitary sewer, drainage, solid waste and parks and open space. Population has a major effect on private development like housing and economic sustainability; therefore, it is important to analyze past population growth trends and attempt to make valid population projections as part of the planning process.*

The University of Florida Bureau of Economic Development and Business Research (BEBR) estimated the total population for Escambia County as of 1 April 2011 at **299,261**.

Estimates of Population by County and City in Florida: April 1, 2011						
State	(estimate) 4/1/2011	Total Change	(Census) 4/1/2010		Inmates	Estimates less inmates 4/1/2011
<b>Florida</b>	18,905,048	103,738	18,801,310		127,619	18,777,429
Incorporated	9,507,404	53,756	9,453,648		18,828	9,488,576
Unincorporated	9,397,644	49,982	9,347,662		108,791	9,288,853
County and City						
<b>Escambia</b>	299,261	<b>1,642</b>	297,619		2,741	<b>296,520</b>
Century	1,690	<b>-8</b>	1,698		0	<b>1,690</b>
Pensacola	51,939	<b>16</b>	51,923		59	<b>51,880</b>
UNINCORPORATED	245,632	<b>1,634</b>	243,998		2,682	<b>242,950</b>
<b>Source: University of Florida, Bureau of Economic and Business Research, November 1, 2011.</b>						

Components of Population Change for Counties in Florida, 2010 to 2011							
				Components of Change		Percent of Change Due to—	
		Births	Deaths	Natural Increase	Net Migration	Natural Increase	Net Migration
FLORIDA	103,738	214,519	172,509	42,010	61,728	40.5	59.5
Escambia	1,642	3,922	2,991	931	711	56.7	43.3
<b>Source: University of Florida, Bureau of Economic and Business Research, 2011.</b>							





Population Change for Counties in Florida, 1990 to 2011								
	Population					Percent change		
	2011	2010	2000	1990		2010 to 2011		
FLORIDA	18,905,048	18,801,310	15,982,824	12,938,071		0.6	17.6	23.5
Escambia	299,261	297,619	294,410	262,798		0.6	1.1	12.0

**Source: University of Florida, Bureau of Economic and Business Research, 2011.**

Escambia County Population Projections						
2010	2015	2020	2025	2030	2035	2040
297,619	300,883	304,909	308,791	312,360	315,537	318,411

**Source: University of Florida, Bureau of Economic and Business Research, 2011.**



## **2.0 MOBILITY ELEMENT**

*The purpose of the Mobility Element, serving as the Transportation Element, is to establish the desired and projected transportation system in Escambia County and to plan for future motorized and non-motorized traffic circulation systems. This element provides guidelines to prepare for and establish an effective multi-modal transportation system.*

### **MOB 1.2.1 Transportation Concurrency Exception Areas (TCEAs) Established**

*The following TCEAs are hereby established, and the TCEA Map is attached herein to this ordinance as Exhibit G:*

- a. Warrington TCEA - That area coterminous with the area approved in 1995 as the Warrington Redevelopment Area and including the Sunset Avenue Corridor of Navy Point;*
- b. Fairfield Drive TCEA - That area coterminous with the approved Englewood-Ebonwood and Palafox Redevelopment Areas and including a portion of the Brownsville Redevelopment Area.*

*The Transportation Concurrency Exception Areas will continue to be reviewed annually to ensure they meet the TCEA requirements; results of this review will be reported in the County's Comprehensive Plan Implementation Annual Report.*

Escambia County Transportation and Traffic Operations Division has reviewed the existing TCEAs for concurrency with the adopted levels of service and determined that the established TCEAs are operating within acceptable standards.

### **MOB 4.2.5 Interlocal Agreement**

*An interlocal agreement to determine the details of the coordination between the Navy and Escambia County shall include, but not be limited to, the individual responsibilities of the County and the Navy; the method by which the Navy will appoint a Planning Board representative; the length of the term of appointment; the details of the coordination required to produce, receive and transmit any Navy comments to the State; establish who will be responsible for forwarding the comments; the method by which the Navy will apprise the County of any available grants and the details to be reported on the Annual Report on Comprehensive Plan Implementation. The Military Interlocal Agreement became effective September 2003.*

The adopted existing interlocal agreement was reviewed this year for compliance. New joint projects that will be addressed by the County and the Navy during this year's reporting period will require review and update of the interlocal agreement by next year's report. The Navy's representative continues to participate in the decision making process of the Planning Board.

### **MOB 4.2.9 Infrastructure Impact Report**

*A formal information exchange between the County, FDOT, Emerald Coast Utilities Authority (ECUA) and other utility service providers in the area will be established to*



*explore the growth inducing impacts of utility expansion and infrastructure improvements within the AIPD overlay areas in relation to the JLUS recommendations.*

The initial calculations used during this reporting period within the AIPD Overlay Areas will be used as the baseline figures to track utility and infrastructure improvements in future reports.

#### **MOB 4.2.10 Annual Assessment**

Pursuant to Section 163.3191(n) Florida Statutes, and beginning in Fiscal Year 2004/2005, the County shall conduct an annual assessment of the effectiveness of the criteria adopted pursuant to Section 163.3177(6)(a), Florida Statutes, in achieving compatibility with military installations in areas designated as AIPDs. This assessment shall be based on a compilation of data for the calendar year and shall compare the current years' development with the previous years' development relevant to the following in each AIPD:

- a. Single-family residential building permits in each AIPD area based on the number of permits issued, and broken down by Accident Potential Zone (APZ) and AIPD area.
- b. Number of residential units (high density) approved and permitted.
- c. Extension of sewer and water lines in the AIPD Overlay areas as reported by ECUA (or relevant potable water distributors).
- d. Number of units approved in preliminary and final subdivision plats.
- e. Number of site plans for commercial projects approved.
- f. Number of communication towers approved.
- g. Number of variances and/or conditional use requests and approvals.
- h. Number of rezoning requests/approvals.
- i. Number of future land use amendments.

The intent is to measure the increase or decrease in residential development activity within the AIPDs to determine the effectiveness of the measures adopted to control residential density and encourage commercial development, as recommended by the JLUS. The County shall review the collected data to ensure compliance with the intent of the JLUS recommendations. In addition, analysis of the collected data over a period of time will assist in determining what future changes may be required to enhance or improve the County's efforts to control encroachment on the military installations.

The County's annual assessment of the effectiveness of the criteria adopted pursuant to 163.3177(6)(a), F.S. (2007) in achieving compatibility with military installations in areas designated as AIPD was conducted in FY 2010/2011. A compilation of AIPD data for the calendar year of 2011 is shown below.



**Calendar Year 2011 Airfield Influence Planning Districts (AIPD) Monitoring**

Planning District	Zone	Sewer & Water Lines Extension	Total Dwelling Units Approved In Prelim. Plans	Total Dwelling Units Approved In Final Plans	Commercial Site Plans Approved	Residential Bldg Plans Approved	Residential Site Plans Approved	Commercial Towers Approved	Variations	Conditional Use	Rezoning Approval	Future Land Use Amendment
<b>NAS PENSACOLA</b>												
AIPD-1	AREA A	*	0	0	0	0	0	0	0	0	0	0
	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1		0	0	0	0	0	0	0	0	0	0
	APZ-1 NASP	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	0	0	0	0	0	0	0	0	0
	APZ-2 NASP	*	0	0	0	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
		*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0	119	0	0	0	0	0	1	0	0
<b>NOLF SAUFLEY</b>												
AIPD-1	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	0	0	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0	0	0	0	0	0	1	0	0	0
<b>NOLF SITE 8</b>												
AIPD-1	AREA B	*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0	0	0	0	1	0	0	0	0	0





### 3.0 HOUSING ELEMENT

***HOU 1.6.6 State and Federal Assistance.*** *Escambia County shall participate in the following programs or any replacement or supplemental programs, which may be developed by state, federal or other appropriate agencies:*

- a. HUD Section 8 Rental Voucher Program existing housing program, for rent supplements to qualified low-income families;*
- b. The Community Development Block Grant (CDBG) Program;*
- c. The Consolidated Plan pursuant to the Cranston-Gonzalez National Affordable Housing Act;*
- d. The Home Investments Partnership Program (HOME); and*
- e. The State Housing Initiatives Partnership (SHIP) Program, among others.*

1. *U.S. Housing and Urban Development, Section 8, existing housing program, for rent supplements to qualified low-income families;*

Escambia County and the City of Pensacola consolidated the two separate Section 8 Rental Assistance programs in 1991, and the City of Pensacola Housing Office administers the Section 8 program covering the entire County. Currently over 2200 families continue to actively participate in the Section 8 Rental Assistance Voucher Program in Escambia County and the City of Pensacola. Additionally, the City Housing Office also has received Veteran Affairs Supportive Housing (VASH) vouchers to assist approximately 100 veterans with rental assistance.

2. *The Community Development Block Grant (CDBG) Program;*

Escambia County has actively participated in the CDBG Program since becoming an entitlement jurisdiction in 1988. An Annual Plan has been and continues to be prepared and mutually approved by members of the Escambia Consortium (Escambia County, City of Pensacola, Santa Rosa County and the City of Milton) detailing the plans for the respective jurisdictions with regard to allocation of CDBG funds. The funding for this program has decreased significantly over the past years, and this trend is continuing.

3. *The Consolidated Plan pursuant to the Cranston-Gonzalez National Affordable Housing Act;*

The Escambia Consortium (Escambia County, City of Pensacola, Santa Rosa County and the City of Milton) jointly prepares and the governing bodies of each body mutually approve a new Consolidated Plan every five years. The current 2010-2014 Escambia Consortium Consolidated Plan was approved by the member jurisdictions and HUD in 2011, and will remain in force until September 30, 2015. The Annual Action plan is updated annually via the



HUD Annual Plan approval process and submitted to HUD each August to outline the use of HUD funds each year.

4. *The Home Investments Partnership Program (HOME); and*

Escambia County actively participates in the HOME Program and has since 1992. The program supports the County's replacement housing program and the scattered site rental development initiative undertaken with area non-profit organizations. For many years, this has been the only significant source of funds for replacement of severely deteriorated, owner occupied housing units in the County. It is anticipated that significant funding cuts will be made by HUD to this Program.

5. *The State Housing Initiatives Partnership (SHIP) Program, among others.*

Since 1993, Escambia County and the City of Pensacola jointly participate in the SHIP Program, but funding has not been received since 2009. The program supports a range of local affordable homeownership housing programs, as well as workforce rental development (to a lesser degree). This is the State of Florida's primary affordable housing resource with dedicated funding provided through a surcharge on documentary stamps. As such, the SHIP Program has become the major housing resource, not only for Escambia County, but also for virtually all the local governments throughout the State of Florida.

***HOU 1.6.7 Neighborhood Enterprise Foundation.*** *Escambia County shall provide assistance, through NEFI to provide affordable homeownership opportunities for moderate, low and very-low income homebuyers*

This arrangement with Neighborhood Enterprise Foundation, Inc. (NEFI), which began in 1991, continues to date. NEFI manages housing and community development programs as part of the Community & Environment Department, under the authority of the BCC. Given the funding cuts for the State SHIP Program and Federal HUD programs, the actual annual production will directly relate to the level of funding actually provided by the respective agency. Housing programs address both homebuyer assistance programs as well as homeowner rehabilitation.



## 4.0 INFRASTRUCTURE ELEMENT

**INF 4.1.7 Level of Service (LOS) Standards.** *The LOS standard for potable water service within Escambia County shall be 250 gallons per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application. Escambia County shall continue to work with the water providers to ensure adequate capacity is available.*

The Emerald Coast Utilities Authority (ECUA) owns and operates three (3) wastewater treatment plants/water reclamation facilities within its service area, as of the end of the 2011 calendar year. These facilities, which are shown below “Wastewater Treatment Facilities”, serve customers within the City of Pensacola and unincorporated Escambia County, including Pensacola Beach and Perdido Key. A single plant serves Pensacola Beach, while an integrated collection system ties the service areas for the Bayou Marcus Water Reclamation Facility and the new Central Water Reclamation Facility (CWRF) together on the mainland, along with Perdido Key. With the completion of the transfer of flows to the CWRF, from the Main Street Wastewater Treatment Plant (MSWWTP) the ECUA has taken the MSWWTP out of service.

A detailed summary of the capital improvements in progress or planned for those facilities and other wastewater system components can be found at [www.ecua.org](http://www.ecua.org) which includes the ECUA Capital Improvements Program (CIP) - Fiscal Years 2011 - 2015, which the ECUA Board has formally approved and adopted. Any proposed facility improvement or expansion detailed in the CIP will be financed solely by the ECUA through user fees, impact fees, bond issues, developer contributions, or state and federal grants or appropriations. The major improvements that were underway and/or completed this past year include: completion of the construction of the Central Water Reclamation Facility (CWRF), which has allowed the shut-down and abandonment of the Main Street WWTP.

**ECUA Wastewater Treatment Facilities**

Facility	Permitted Capacity (GPD)	12 Month Average Daily Flow (GPD)	Excess Capacity (GPD)
Bayou Marcus WRF	8,200,000	5,808,000	2,392,000
Central WRF	22,500,000	11,157,000	11,343,000
Pensacola Beach WWTP	2,400,000	9,100,000	1,490,000

Source: Department of Environmental Protection, Northwest District, 2011, <http://www.dep.state.fl.us/northwest/>  
Bill Evans, P.E. Domestic Wastewater Permitting Supervisor

**INF 4.1.9 LOS Evaluation and Revision.** *By December 2011, Escambia County shall develop a report evaluating the current LOS standard for potable water service provision. This report shall examine alternative LOS standards and establish a five-year*



*plan to achieve and maintain a LOS that is sufficient to meet the County's projected needs. Upon completion of this report, recommendations for revisions to adopted LOS standards and other related policies identified within this report shall be adopted as amendments to the Escambia County Comprehensive Plan within 18 months.*

The ECUA is the primary provider of potable water service for southern Escambia County, including Pensacola Beach. The remainder of the County is served by Nine (9) smaller water supply franchises. The Florida Department of Environmental Protection receives a Monthly Operating Report (MOR) from each utility. The table below lists the water supply utilities and their capacities in gallons per capita per day.

These facilities serve customers within the City of Pensacola and unincorporated Escambia County, and on Pensacola Beach. Because the production wells pump into an inter-connected, grid distribution system and not to a specific and definable service area, the current demand on each individual well is not relevant to an analysis of the overall system. ECUA monitors and reports to the Environment Protection Agency via the Florida Department of Environmental Protection (FDEP). For more detailed data please visit

[http://www.dep.state.fl.us/northwest/OCULUS\\_08\\_public\\_revised20110106Water.pdf](http://www.dep.state.fl.us/northwest/OCULUS_08_public_revised20110106Water.pdf)

or [www.ecua.org](http://www.ecua.org).

**Water Supply Facilities Capacities in Gallons per Day (GPD)  
A summary of capital improvements for water production and distribution.**

<b>Facility</b>	<b>Design Capacity g/d</b>	<b>12-Mo Avg Flow</b>	<b>Excess Capacity</b>
Bratt-Davisville Water System	1,656,000	206,541	1,492,226
Central Water Works Inc.	2,304,000	352,440	1,959,976
Cottage Hill Water Works	2,160,000	420,517	1,816,000
Emerald Coast Utilities Authority	84,457,440	34,297,083	51,930,000
Farm Hill Utilities Inc.	2,736,000	560,611	2,300,000
Gonzalez Utilities Association Inc.	2,088,000	624,967	1,349,063
Molino Utilities Inc.	3,801,600	714,375	2,601,400
Peoples Water Service Company	7,416,000	2,396,704	2,413,000
Walnut Hill Water Works Inc.	1,116,000	243,370	954,000

Source: Department of Environmental Protection, Northwest District, 2011, <http://www.dep.state.fl.us/northwest/>





## 5.0 COASTAL MANAGEMENT

**COA 1.2.4 Infrastructure Inventory.** *Escambia County shall maintain an inventory of infrastructure located within the CHHA. The 1995 report on coastal infrastructure shall be updated annually. The Comprehensive Plan Implementation Committee shall produce a report for consideration by the Escambia County Board of County Commissioners (BCC) that presents opportunities to relocate or replace such infrastructure.*

The County has not issued any new permits for construction within the designated Coastal High Hazard Area. New Federal Emergency Management Agency (FEMA) guidance, will require and update and revision of the CHHA definition, designation and graphical support documents in order to meet FEMA, National Flood Insurance Program (NFIP), Florida Division of Emergency Management (FDEM), and the Florida Building Code (FBC) standards.

**COA 1.3.8 Development Impact Analysis.** *The Comprehensive Plan Implementation Annual Report shall include an analysis of proposed and new developments' impact on hurricane evacuation times. The BCC, upon receipt of the report from the Local Planning Agency (LPA), will address any deficiencies identified in the report and take corrective measures as necessary. The report and recommendations will consider the actual development that has occurred during the evaluation period (preceding 12 months) as well as the projected development anticipated to be approved during the succeeding evaluation period. The needed corrective actions by the BCC will maintain or reduce the County's adopted roadway clearance time.*

Based on the newly released Evacuation Study and modeling tools available to the County, the Division of Emergency Management staff is evaluating the new Florida Statewide Regional Evacuation Study Program and the evacuation model to determine if there will be a need to develop a new process for evaluating the impacts of growth on evacuation times based upon the capabilities of the new model and the ability to compile current input data for the model.

**COA 2.1.2 Resource Monitoring.** *The Escambia County staff shall monitor the resources referenced in Objective COA 2.1 and provide recommendations to the BCC regarding their protection, conservation, and enhancement. Monitoring data and recommendations shall be included in the Comprehensive Plan Implementation Annual Report and shall include at least:*

- a. *Changes in the total acreage of coastal wetlands and the extent of coastal wetland communities;*



<b>Individual Tree Implementation</b>	
Number of Tree Removal Permits	11
Number of Protected Trees Removed	12
Number of Mitigation Trees Required	0
<b>Development Review Projects with Wetlands</b>	
Number of DRC Projects	134
Number of Projects with Wetlands on Site Plan	23
Acres of County with Wetlands Impacted	10.53
Acres of County Buffers Impacted	2
Acres of FDEP Wetlands Impacted	368.64
Acres of ACOE Wetlands (ESL Impacted)	9
Acres of Wetlands/ESL Created/Restored	0
Acres of Wetland/ESL Preserved	113.88

Source: Escambia County Environmental Permitting

*b. Changes in the volume of the commercial fish catch and the amount of fish and shellfish annually landed;*

The preliminary 2011 Commercial Fishery Annual Landings Report for all Florida Counties can be found at the following website link:

[http://myfwc.com/media/1540768/sumcnty\\_11.pdf](http://myfwc.com/media/1540768/sumcnty_11.pdf)

### Commercial Fishery Annual Report for Escambia County

Year	Total Number of Finfish (lbs.)	Total Volume of Invertebrates (lbs.)	Total Volume of Food Shrimp (lbs.)	Total Volume of Bait Shrimp (lbs.)	Total Trips	Grand Volume Total (lbs.)
2010*	777,890	72,361	93,906	0	2,027	944,157
2011**	674,669	82,474	230,209	0	1,645	987,353

Source: Florida Fish and Wildlife Conservation Commission, Marine Fisheries Information System;

\* = Final Report; \*\* = Preliminary Report



*c. Changes in acreage of protected land on barrier islands;*

According to the County's Environmental Permitting Division, no protected lands on the Barrier Islands were impacted during FY 2010/11.

**Acreage of Protected Land on Barrier**

Owned by	Recreation or Conservation	Number of Parcels	Acreage
County	Recreation	5	3.57
SRIA	Recreation	31	541.12
State	Recreation	5	421.98
Federal	Conservation	18	3,555.40
<b>Total</b>			<b>4,522.07</b>

Source: Escambia County Geographic Information Systems (GIS)

*d. Changes in acreage of coastal lands held for conservation and recreation use*

According to the County's Environmental Permitting Division, no protected lands on the Mainland were impacted during FY 2010/11.

**Acreage of Protected Land on Mainland**

Owned by	Recreation or Conservation	Number of Parcels	Acreage
Century	Recreation	2	13.97
County	Recreation	136	1,682.69
	Conservation	35	1,013.46
Federal	Conservation	3	19.66
State	Recreation	4	929.11
	Conservation	102	23,091.54
<b>Total</b>			<b>26,750.43</b>

Source: Escambia County Geographic Information Systems (GIS)

**COA 2.3.4 Beach and Shoreline Regulations.** *Escambia County shall protect beach and shoreline systems. These regulating provisions shall be reviewed annually for the Comprehensive Plan Implementation Annual Report and updated as necessary to address concerns and issues including, but not limited to, the following:*

- a. "White Sand" regulations;*
- b. Shoreline protection zone;*
- c. CCCL-related regulations;*
- d. Dune replenishment, enhancement and re-vegetation programs; and*



*e. Wetland and environmentally sensitive area regulations.*

The regulating provisions have been reviewed for FY 2010/2011 and no updates were necessary. The most recent update, in 2005, established the 1975 Coastal Construction Control Line (CCCL) as Shoreline Protection Zone 1 for construction on the south side of the Barrier Islands, fronting the Gulf of Mexico.





## 6.0 CONSERVATION ELEMENT

**CON 1.3.4 Monitoring and Recommendations.** *Escambia County shall utilize FDEP's annual water quality assessment and other sources to monitor surface water systems. Water quality ratings shall be monitored for the Escambia River, Pensacola Bay, Perdido Bay, and Perdido River basins and other locations as appropriate. Monitoring data and recommendations shall be included in the Comprehensive Plan Implementation Annual Report.*

Surface water quality assessments, monitoring data and reporting is conducted by the Escambia County Water Quality Division to the Environmental Protection Agency via the Florida Department of Environmental Protection (FDEP). On a bi-annual basis FDEP produces a document which describe the results of their monitoring efforts in the State of Florida; the Department of Environmental Protection's Integrated Water Quality Assessment for Florida: 305(b) Report and 303(d) List Update for 2010 was the last report submitted. The 2010 305(b) Report is available and may be viewed at: [http://www.dep.state.fl.us/water/docs/2010\\_Integrated\\_Report.pdf](http://www.dep.state.fl.us/water/docs/2010_Integrated_Report.pdf)

The Escambia County Water Quality Division continues to conduct monitoring of local watershed systems as required.



## 7.0 RECREATION ELEMENT

***REC 1.1.7 Annual Review and Report.*** *Escambia County shall annually review and report upon the cooperative efforts between the public and private sectors in the provision of recreational opportunities to assure that such efforts are coordinated. In even numbered years, the report will include an inventory of public beach access facilities, including those in the coastal area.*

Community organizations and athletic associations continue to provide recreational activities to the public in Escambia County. An inventory of existing public beach access facilities will be provided in the 2012/2013 annual update.



## 8.0 INTERGOVERNMENTAL COORDINATION ELEMENT

**ICE 1.3.4 Growth and Development Trends.** *As per the Interlocal Agreement, the local governments will provide the School Board with their Comprehensive Plan Implementation Committee Annual Report on growth and development trends within their jurisdiction. To the extent feasible, the reports should be provided in geographic information system compatible format for the purpose of geo-referencing the information. This report will be in tabular, graphic, and textual formats and will include the following:*

- a. The type, number, and location of residential units that have received zoning approval, final plat and site plan approval;*
- b. Information regarding FLUM amendments;*
- c. Building permits and certificate of occupancy data for residential dwellings issued for the preceding year and their location;*
- d. Summary of vested rights determinations and other actions that affect demands for public school facilities;*
- e. Information regarding the conversion or redevelopment of housing or other structures into residential units that are likely to generate new students and reflects the existing land use; and*
- f. The identification of any development orders issued*

### **Growth & Development Trends FY 2010/2011**

Small Scale Amendments	0
Comprehensive Plan Amendments	2
Land Development Code Changes	9
Interpretations	1
Planned Unit Developments	0
Development Agreements	0

Source: Escambia County Development Services ; Excel Database



TYPES OF CASES	# CASES APPROVED	# CASES DENIED	# CASES WITHDRAWN	# CASES PENDING	TOTAL # OF CASES
<b>Board of Adjustment (BOA)</b>					
Variance	11	0	2	0	13
Conditional Use	9	1	1	0	11
Administrative Appeal	0	1	0	0	1
Development Order Extension (Senate Bills)	500	0	0	0	500
Administrative Variances for Governmental Right of Way Takings	0	0	0	0	0
<b>Rezoning (PB)</b>					
Zoning Map Amendment Cases	22	2	0	1	25
<b>Development Review Committee (DRC)</b>					
Pre-application Meetings	84	0	0	0	84
Preliminary Plat Applications	2	0	0	0	2
Final Plat Applications	4	0	0	2	6
Unplatted Subdivision Applications	3	0	1	0	4
Master Plans Applications	0	0	0	0	0
Planned Unit Developments	0	0	0	0	0
Major Development Site Plans Application	42	0	0	4	46
Minor Development Site Plans Application	40	0	0	2	42

Source: DRC Excel database. LRP staff database.