

LEGISLATIVE #

120642B

Exhibit A-1: Proposed pre-application binding resource determination process (as revised by the City Plan Board)

Add to Sec. 30-310 in the Land Development Code

- (k) Pre-application binding resource determination process. Prior to the submittal of any application listed in Sec. 30-310 (c), an applicant may apply for an optional, binding pre-application resource determination review of regulated natural and archaeological resources. The purpose of this binding determination is to assist the applicant in determining if and where natural and archaeological resources are present on the planning parcel prior to the preparation of detailed plans and site layouts. This determination does not vest the applicant for any development rights that will be conferred as part of the final development review and approval process, and any determinations made during the pre-application resources determination review shall not be construed as an approval or denial or agreement to approve or deny a development order associated with the planning parcel under study.
- (1) Procedures. The following procedures shall be used for processing a request for a pre-application resource determination.
- a. Binding Agreement Letter. Prior to applying for a pre-application resource determination, the applicant and the City must jointly agree upon and sign a binding letter that specifies the boundary of the planning parcel, the boundary of the geographic study area for resources assessment, and the calendar dates when the on-site Resources Assessment will occur.
- b. Requirements for a pre-application resource determination. The applicant shall submit an application for a pre-application resource determination, pay the required review fee as shown in Appendix A. of the City Code of Ordinances, and submit a Resources Assessment per the data requirements of Sec. 30-310.1 for a level 1 review. Since the sole purpose of this optional, pre-application review is to determine if and where natural and archaeological resources are present on the planning parcel, there is no requirement to submit information about proposed protection areas, impacts of proposed development, or proposed management measures to avoid, minimize, or mitigate impacts on regulated natural and archaeological resources. The City will not review or make binding determinations on proposed protection areas, impacts of proposed development, or proposed management measures to avoid, minimize, or mitigate impacts on regulated natural and archaeological resources
- c. Review. The City Manager or designee will review the materials submitted for completeness and request additional information as required if the submission is deemed incomplete. After review of the submitted materials, which may include a site visit to the planning parcel under

consideration, the City Manager or designee will issue a written determination that will be subject to a public hearing and final review and approval by the City Plan Board. The written determination will provide at the time of review: (a.) a binding statement of the resources assessment concerning the presence and location of significant natural communities, listed species or listed species habitat, strategic ecosystem resources, significant archaeological resources, Floridan aquifer high recharge areas, and significant geological features; and (b.) any comments or conditions associated with the binding statement. The pre-application binding resource determination does not exempt the applicant from level 2 review at the time of development plan application, if applicable.

- d. Approval length, expiration and resource preservation. The written determination is valid for a period not to exceed two (2) years from the final Plan Board decision and is subject to 1 and 2 below. The written determination may not be extended past the two year expiration date.
1. The Resources Assessment will be updated at the time of development plan application review to determine the presence of regulated sinkholes or listed species. This update is subject to the payment of the associated update fee as shown in Appendix A of the City Code of Ordinances.
 2. Updates will be required at the time of application review if changes have occurred on or adjacent to the planning parcel that could alter the resource determination. These changes include, but are not limited to, flood, fire, major storm, or adjacent new development that might impact the planning parcel site based on the type of resource. This update is subject to the payment of the associated update fee as shown in Appendix A of the City Code of Ordinances.
 3. During the period after the binding determination is issued and until a development application is made, the applicant will use best practices to preserve and protect any natural and archaeological resources that have been located on the site. This includes, but is not limited to, protection of archaeological resources from looting and disturbance; protection of listed species; and/or protection of natural communities and vegetation.

Amend the Environmental Review fees in Appendix A. Schedule of Fees, Rates and Charges of the Code of Ordinances of the City of Gainesville as follows:

Petition PB-12-113 TCH Exhibit A-1
December 3, 2012 (revised December 12, 2012)

(6) Review of Surface Waters and Wetlands (Sec. 30-300) and Review of Regulated Natural and Archaeological Resources (Sec. 30-310). Note: only one fee will be charged for reviewing both surface waters and wetlands and regulated natural and archaeological resources.

- a. Basic review.....no fee
- b. Level 1 review500.00
- c. Level 2 review2,000.00
- d. Optional, binding pre-application resource determination of regulated natural and archaeological resources500.00
- e. Pre-application resource determination update for regulated sinkholes and listed species\$125
- f. Pre-application resource determination update for changes that could alter the resource determination250.00