

LEGISLATIVE #

120642D



Planning and Development Services Department

PB-12-113 TCH
Amend LDC Sec. 30-310 to add a
Binding Pre-application Resource
Determination Process

1/3/13

Legistar No.120642

- **City Commission approved the Natural & Archaeological Resources Protection Ord. on 8/2/12**
- **At the ordinance 1st reading, CC recommended staff initiate a petition for a binding pre-determination of resources**

Background continued

Issues that were raised as part of the recommendation included:

- **The binding pre-application resources determination should be limited to what resources were on the site**
- **The binding pre-determination should be subject to some type of public hearing process to provide due process to interested parties**

Proposed process

- **Add a new (k) to LDC 30-310**
- **Process is optional**
- **Binding Agreement Letter prior to application for a Pre-application Resource Determination (ensures both parties know where and when the study will take place)**
- **Sole purpose of the process is to assist the developer to know if regulated resources are on the property to assist with later site planning**

Proposed Process cont.

- **Planning staff will review solely for the presence of resources and not for proposed protection areas or avoidance, minimization, or mitigation of impacts**
- **Study must be submitted that meets Level 1 review requirements; reviewed by staff; recommendation to Plan Board**

Proposed Process cont.

- **Plan Board review will ensure a public participation process**
- **Plan Board agreed to be the reviewing board at their 12/3/12 meeting**
- **Written determination valid for up to 2 years from final Plan Board decision; no extensions allowed**

Proposed Process cont.

Updates are required as follows:

- 1. At the time of application for development plan approval must update study for listed species and presence of regulated sinkholes**
- 2. Updates also required if major changes on the parcel or adjacent parcel (flood, fire, major storm, new development)**

Proposed Process cont.

- **During the interim period between the binding resource determination and development plan application, applicant must use best practices to preserve and protect any natural & archaeological resources on the site.**

- **Optional binding pre-application resource determination \$500 (same as Level 1 review cost)**
- **Update for regulated sinkholes/listed species \$125**
- **Update for major changes that could alter the prior determination \$250**

Staff Recommendation

Approve Petition PB-12-113 TCH and make the necessary modifications to the Functions, powers and duties of the Plan Board in Section 30-353 (f) of the LDC to add the review and approval of the optional, binding pre-application resource determinations