



Planning and Development Services Department

Optional Binding Resource Determination Process

2/20/14

Ordinance #: 120642

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Background

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

Background continued

- Staff coordinated with East Gainesville Development Partners representatives while drafting proposal
- Staff-initiated petition proposing an optional binding resource determination process heard and approved by the Plan Board on 12/3/12
- City Commission heard & approved Petition PB-12-113 TCH on 2/7/13

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**

Binding Resource Determination Process

120642B

- **Add a new section (k) to LDC 30-310**
- **Process is optional**
- **Methodology Agreement prior to application for a Binding 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 layout and design**

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**
- **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.**
- **Ordinance provides for fees for this review**

**Adopt Ordinance 120642 on
first reading**