



AGENDA REPORT
July 9, 2019

Legislative Intent and Permission to Advertise, Re: Temporary Use Agreements.

SUBJECT:

Legislative Intent and Permission to Advertise, Re: Section 62-2131, Temporary Use Agreements.

FISCAL IMPACT:

\$200,000 annual savings

DEPT/OFFICE:

Planning and Development

REQUESTED ACTION:

Staff is seeking legislative intent and permission to advertise amendments to Chapter 62, Article VI, Section 62-2131 entitled Temporary Use Agreements, to allow a multiple year timeframe for County managed lagoon restoration projects.

SUMMARY EXPLANATION and BACKGROUND:

Section 62-2131, allows the Board to consider the temporary use of property, regardless of the zoning of the property, where such temporary use results in a direct public benefit. It is a mechanism the Board has used in the past to take advantage of locations that are convenient to public improvement project (providing a savings to the public), but are not necessarily appropriate as a permanent use according to the comprehensive plan designation and zoning of the property. The code requires that temporary uses meet numerous conditions; however the one year time limitation creates an undue hardship for some large lagoon restoration projects.

The Natural Resources Department has indicated that for muck removal and navigational dredging projects, the availability of upland processing areas for the temporary treatment and handling of dredge spoils, has become increasingly limited. As dredging projects develop countywide, staff works to locate sites to meet the temporary needs of each project. Staff presently works within the existing temporary use code to seek formal Temporary Use Authorizations when required. Temporary Use Authorizations for these County-managed, public interest projects are presently limited to one year, however the projects require multi-year timelines.

In an effort to streamline these multi-year projects, and avoid repetitive review by the County Commission, we request an amendment to the TUA code for County managed, public interest projects based on the following information:

- Dredging projects are large and complicated with project timelines that can be influenced by multiple factors. Permit related requirements and restrictions, particularly related to state and federally mandated manatee closures, can require full or partial project shutdowns lasting 3 to 6 months or more each year.
- Project commencement, including surveying, land clearing, grading, site layout, and water quality equipment preparation, with required inspections, can take up to 6 months.
- Site closeout, which may include site re-grading and the installation of a restorative landscape plan, watered and planted at the appropriate time of year, may add an additional 2 to 4 months to the project timeline.
- Permit modifications based on unforeseen site conditions or project expansion opportunities may also extend the planned scope of work and associated timeline.
- An approved material management area, laid-out in the project design and established for the duration of the project provides a level of security at the time of project bidding that reduces the risk to the contractor and potentially lowers project cost.

ATTACHMENTS:

Description

- **Section 62-2131**



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July 10, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

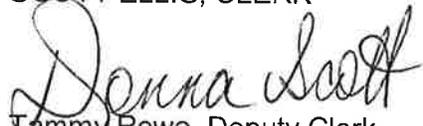
RE: Item J.1., Legislative Intent and Permission to Advertise for Section 62-2131, Temporary Use Agreements

The Board of County Commissioners, in regular session on July 9, 2019, granted legislative intent and permission to advertise amendments to Chapter 62, Article VI, Section 62-2131 entitled Temporary Use Agreements, to allow a multiple-year timeframe for County-managed Lagoon restoration projects.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for 
Tammy Rowe, Deputy Clerk

/kp

cc: Natural Resources Management Director

Sec. 62-2131. - Temporary use agreements.

The board of county commissioners may consider a temporary use agreement for the temporary use of property, regardless of the zoning of the property, where such temporary use results in a direct public benefit. The purpose of the temporary use agreement is to acknowledge the need and public advantage to locate temporary uses, such as equipment storage, materials storage, portable asphalt plants, etc. in locations that are convenient to public improvement projects in such a manner that the temporary location would result in a savings to the public, but which would not necessarily be appropriate as a permanent use according to the comprehensive plan designation and zoning of the property. Temporary use agreements shall meet the following conditions:

- (1) Such temporary use agreement shall be approved only in those situations where the request is necessary to fulfill the obligations of a federal, state or local government agency contract to construct, maintain or improve a public facility.
- (2) Such temporary use agreement shall specify the duration of the use, which shall not exceed five years. Any extension shall be processed as a new agreement.
- (3) Such temporary use agreement shall contain a hold harmless stipulation indemnifying the county against liability.
- (4) No building permits shall be issued for any permanent structure. All equipment shall be portable and easily moveable.
- (5) All temporary equipment, supplies, etc. shall be removed from the property prior to the expiration of the temporary use agreement.
- (6) The temporary use agreement shall specify the location of all equipment storage areas and material storage areas, relative to the property lines.
- (7) The temporary use agreement shall locate all storage areas such that adjacent developed properties are best protected from the impacts of the temporary use.
- (8) The county shall provide written, individual notice to each property owner with 1,000 feet of the site of the proposed temporary use.
- (9) The temporary use agreement shall be considered by the board of county commissioners in public meeting.