



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

7/9/2020

Subject:

PUBLIC HEARING; RE: Temporary Use Acknowledgement (TUA) for Brevard County Dewatering Activities for the Grand Canal Muck Removal

Fiscal Impact:

There will be no impact to the General Fund for the TUA

Dept/Office:

Natural Resources Management Department

Requested Action:

It is requested that the Board of County Commissioners authorize the Chair to execute the attached Temporary Use Acknowledgement (TUA) to allow NRM to utilize 6.38 acres of the 18.83 acre vacant parcel zoned PUD for dewatering activities for the Grand Canal Muck Removal Project for a period of up to four (4) years.

Summary Explanation and Background:

Five muck dredging project locations were selected by Brevard as part of the County managed restoration initiative funded by the State Legislature with 2014-2017 appropriations: Turkey Creek, Cocoa Beach Canals, Mims Boat Ramp, Sykes Creek and the Grand Canal. The Grand Canal Muck Removal Project is fully permitted and funded through a combination of State appropriations and supplemented by the Save Our Indian River Lagoon Trust Fund.

The Grand Canal Muck Removal Project will remove 479,000 cubic yards of muck from the northern portion of the Grand Canal system, extending from Pineda Causeway to the northern end of Sampson Island. The muck will be dredged and transported via a pipeline to the proposed 6.38 acre dewatering facility, located on an 18.83 acre County-owned parcel zoned PUD adjacent to Pineda Causeway. Construction activities commenced August 2019 and the previous TUA was approved by the Board on September 18, 2018 (Attachment F). The previous TUA became active for a period of one (1) year upon the issuance of the Notice to Proceed to the contractor on July 29, 2019. Construction activities are estimated to continue through February 26, 2023. With the authorization of a four (4) year TUA for the Grand Canal Muck Removal Project this will provide authorization for use of this site until July 9, 2024. The additional time requested for this TUA beyond the completion date in February 26, 2023 is intended to provide additional time in the event of unforeseen delays of the project. If the project is completed prior to the expiration date of the TUA (July 9, 2024) the TUA shall expire on the date the project, within its current bounds, is deemed complete by the County.

Funding for the project is from Florida Department of Environmental Protection Grant No. NS005 (\$8,968,000), as approved by the Board on December 6, 2016 and Save Our Indian River Lagoon Trust Fund

(\$18,020,368), most recently approved by the Board on March 10, 2020 as part of the Save Our Indian River Lagoon Project Plan 2020 Update.

This parcel has been used to process and dewater dredged muck from the canals within South Patrick Shores. The use of this parcel as a dredge material dewatering site for the Grand Canal Muck Removal Project has been thoroughly evaluated and selected by Brevard County and the consulting engineering firm as the most cost effective, non-intrusive site for dredge material management in this beachside area. During the design and permitting process for this proposed dewatering site, significant efforts were made to avoid impacts to wetlands and minimize impacts to residents adjacent to this parcel. The dewatering site design avoids impacts to wetlands and maintains a natural buffer of existing vegetation between the work area and the canal. Additionally, an 8 foot high chain link fence with sound dampening material has been installed around the perimeter of the work area adjacent to neighboring residential areas.

A public meeting with the South Patrick Residents' Association (SPRA) was held on April 13, 2015 to discuss the overall project and present the County's preliminary plan for the Grand Canal Muck Removal Project. Public comment was received and residents' concerns regarding the project were heard. A second public meeting with SPRA was held on June 11, 2018 to 1) update area residents on the status of the project 2) notify residents of the requested TUA for the proposed dewatering facility, and 3) address any concerns area residents may have regarding the use. A written notice of this public hearing was sent to all property owners within 1,000' of this parcel during the month of June 2020.

Upon completion of construction, the dewatering site will undergo site restoration including returning the site to its pre-construction grades, planting native vegetation, and hydro-seeding the work area.

Clerk to the Board Instructions:

Execute 2 originals



July 10, 2020

M E M O R A N D U M

TO: Virginia Barker, Natural Resources Management Director

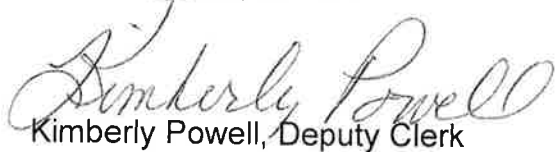
RE: Item H.1., Public Hearing for Temporary Use Acknowledgement (TUA) for Brevard County Dewatering Activities for the Grand Canal Muck Removal

The Board of County Commissioners, in regular session on July 9, 2020, approved and authorized the Chair to execute a TUA to allow you to utilize 6.38 acres of the 18.83 acre vacant parcel zoned PUD for dewatering activities for the Grand Canal Muck Removal Project for a period of up to four years. Enclosed is a fully-executed Acknowledgment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

Encl. (1)

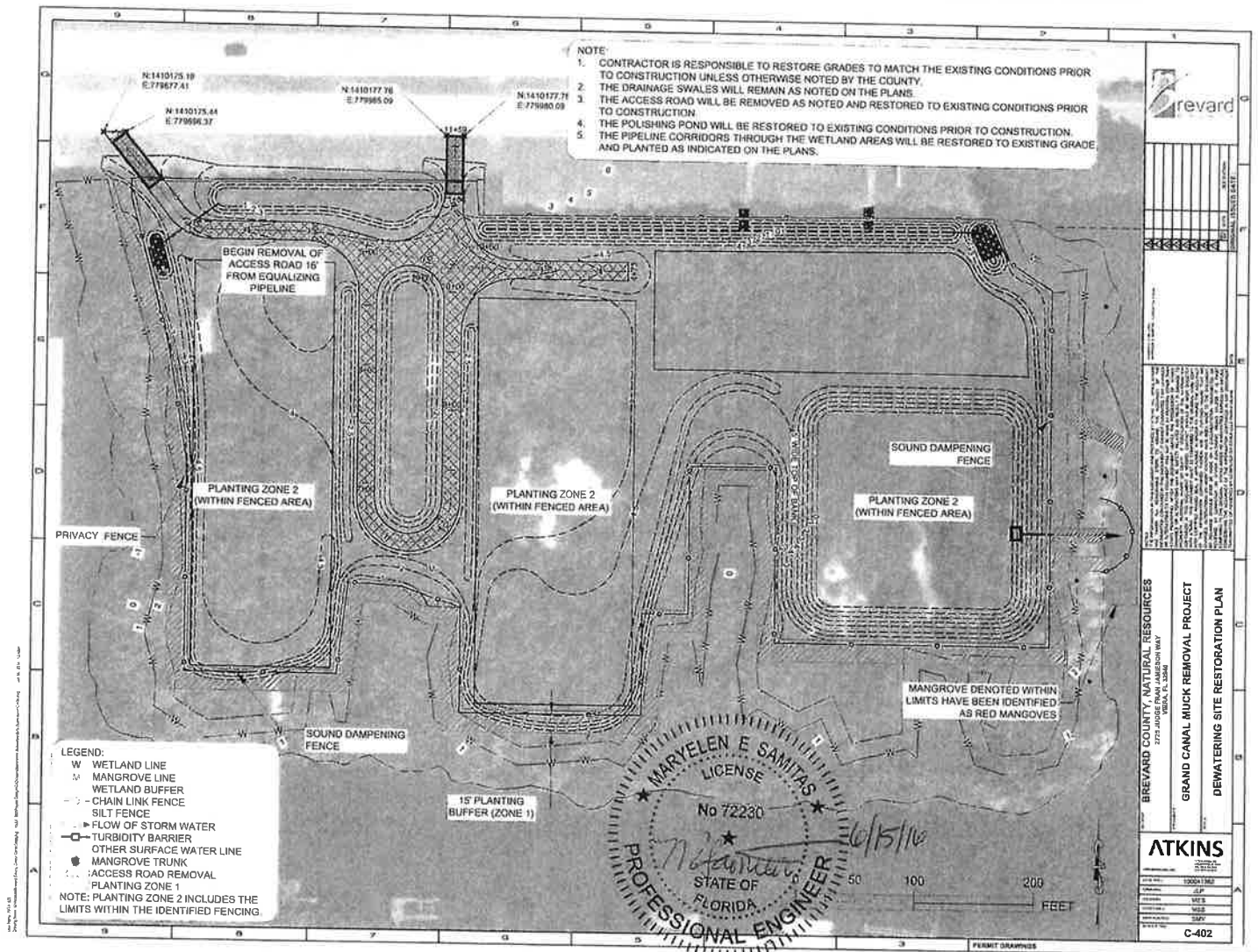
Attachment A

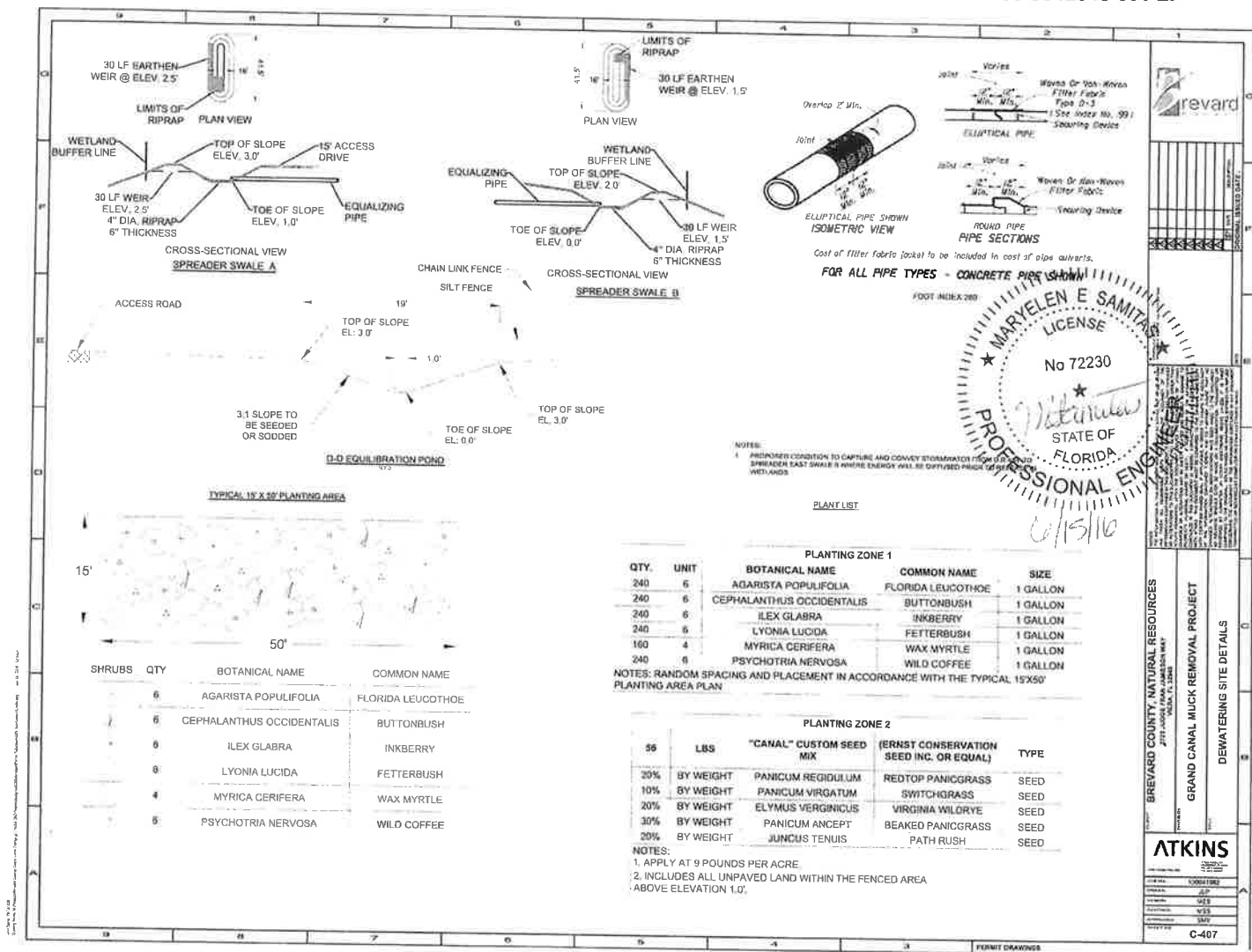


Grand Canal Overview

Attachment B

EXHIBIT A
SITE RESTORATION PLAN





Attachment C

EXHIBIT B
LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PORTION OF GOVERNMENT LOT 2, GOVERNMENT LOT 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 4 ALL IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE NORTH-WEST CORNER OF TORTOISE ISLAND, PHASE TWO, UNIT TWO, P.U.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26 AT PAGES 84 AND 85 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S88°51'49"W ALONG THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA FOR 394.99 FEET; THENCE RUN NORTH FOR 2003.4 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 4: SAID POINT BEING THE POINT OF BEGINNING: THENCE CONTINUE NORTH FOR 2766.0 FEET TO THE CENTER OF THE BREVARD COUNTY MOSQUITO CONTROL CANAL DESCRIBED IN AN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID POINT BEING THE POINT OF TERMINATION OF SAID LINE. TOGETHER WITH THAT PART OF GOVERNMENT LOT 2 IN SAID SECTION 22, LYING NORTH OF THE MOSQUITO CONTROL CANAL AS DESCRIBED IN THE INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND WEST OF THE WEST LINE OF WATERWAY ESTATES 4TH ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21 AT PAGE 79 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; AND SOUTH OF THE EXISTING SOUTHERLY RIGHT OF WAY OF STATE ROAD NO. 404.

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Attachment D



Natural Resources Management Department
2725 Judge Fran Jamieson Way
Building A, Room 219
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

June 9, 2020

Dear Property Owner:

The Brevard County Natural Resources Management Department advises you as a property owner within 1,000', that Brevard County is seeking approval of a temporary use for a portion of an 18+ acre parcel owned by Brevard County. The property is located approximately 2,500 feet west of South Patrick Drive and abutting the south side of S.R. 404 Pineda Causeway.

Specifically: Brevard County is requesting a new Temporary Use Acknowledgement (TUA) to continue to utilize approximately 6.38 acres of the 18.83 site for temporary dewatering activities as part of the Grand Canal Muck Removal Project. These activities include the continued use for dewatering of the dredged material, use of heavy equipment to process dredged material and load haul trucks, and the ingress/egress of haul trucks to remove the dredged material from the site. Construction activities began on the site in August 2019 under a TUA approved by the Board of County Commissioners on September 18, 2018. It is anticipated that the project will be complete by February 26, 2023. The time requested for this TUA is for a period of four (4) years effective upon execution by Brevard County. The additional time requested for this TUA beyond the project completion date of February 26, 2023 is intended to provide additional time in the event of unforeseen project delays. If the project is completed prior to the expiration date of the TUA (July 9, 2023) the TUA shall expire on the date the project is deemed complete by the County. All temporary equipment, supplies, etc. shall be removed from the property prior to the expiration of the Temporary Use Acknowledgement.

The public hearing will be held at the Brevard County Government Center Commission Chambers, 2725 - Judge Fran Jamieson Way, Bldg. "C", Viera, Florida by the Board of County Commissioners on **July 9, 2020** beginning at **5:00PM**.

You are invited to attend the public hearing to voice any comments you may have. You may also write to the address shown at the top of this notice. Please direct telephone inquiries to Walker Dawson in Brevard County's Natural Resources Management Department at **(321) 372-5195**.

The needs of hearing or visually impaired persons shall be met if the Natural Resources Management Department is contacted at least **48 hours** prior to the public hearing.

See location map attached to this memo.

Phone (321) 633-2069 • Fax (321) 633-2074
Website: www.brevardfl.gov/NaturalResources

Attachment E

TEMPORARY USE ACKNOWLEDGMENT
BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY

THIS ACKNOWLEDGEMENT, Made this 9 day of, July 2020 by the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY (“BCC”), FLORIDA**, a political subdivision of the State of Florida, as follows:

1. TEMPORARY DREDGED MATERIAL DEWATERING ACTIVITIES

- a) In connection with the Grand Canal Muck Removal Project, the County shall utilize a portion of the County’s property located in the Planned Unit Development (PUD) zoning classification to temporarily allow the construction and operation of a temporary dredged material dewatering facility in conjunction with temporary parking and storage of construction equipment and materials, if necessary.
- b) The purpose is to continue to fulfill the County’s obligation to conduct muck dredging along the northern segment of the Grand Canal as part of the County’s effort to conduct environmental restoration dredging to improve water quality within the Indian River Lagoon. The project is a direct public benefit by removing nutrient-laden muck material that smothers the natural bottom, clouds the water, prevents the growth of seagrass, and contributes to harmful algal blooms.
- c) The temporary dredged material management activities will include (a) clearing of vegetation, (b) site excavation and grading to create staging areas for equipment and materials, drying areas, stormwater swales, an access road, and a containment pond for dredged materials, (c) ingress/egress of highway haul trucks, and (d) loading dredged material onto highway haul trucks. Equipment on-site may include, but is not limited to, front-end loader(s), trackhoe, skid steer, backhoe, and highway haul trucks. Contractor’s activities on-site will typically be between the hours of 7:00 AM to 7:00 PM.
- d) The initial construction activities began in August of 2019 and the previous Temporary Use Acknowledgement was approved by the Board of County Commissioners on September 18, 2018 and became active for a period of one (1) year upon the issuance of the Notice to Proceed to the contractor on July 29, 2019.
- e) Upon completion of the dredge activities and the associated dewatering of dredged material the County will require the removal of all equipment and materials from the site. Thereafter site restoration will occur. Site Restoration will include (a) removal of temporary construction access road, (b) restoration of site grades to pre-construction conditions, and (c) planting of the site with a variety of native vegetation including a combination of plants and hydroseed. The site restoration plan is attached hereto and made part hereof as Exhibit “A”.

f) The temporary uses described in paragraph (a) above are to be located on the property described by the Brevard County Property Identification Number as 26-37-22-00-3. The legal description is attached hereto and made part hereof as Exhibit "B";

f) This location is no less than approximately 110 feet from the closest property line under different ownership, and no less than 175 feet from the nearest dwelling unit. The temporary dredged material management area will be buffered from residential property by a 15 foot vegetative buffer and a chain link fence installed with sound dampening material. The temporary use will be subject to the noise limitations prescribed in Chapter 46, Article IV, Sections 46-126 through 46-131 Code of Ordinances of Brevard County, Florida.

g) This temporary use by the County is for a period of four (4) years effective upon execution by Brevard County.

h) The additional time requested for this TUA beyond the projected completion date of February 26, 2023 is intended to provide additional time in the event of unforeseen project delays.

i) If the project is completed prior to the expiration date of the TUA (July 9, 2024) the TUA shall expire on the date the project is deemed complete by the County.

k) On August 20, 2019 the Board approved an ordinance amending Chapter 62, "LAND DEVELOPMENT REGULATIONS", Code of Ordinances of Brevard County, Florida; amending Article VI, Zoning Regulations, Division 6, Supplement Regulations, Subdivision 1, General Provisions; Specifically amending Section 62-2131, Temporary Use Agreements. The amendment allows for a temporary use agreement authorization period of up to five (5) years for lagoon restoration projects.

**BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

2725 Judge Fran Jamieson Way
Viera, Florida 32940

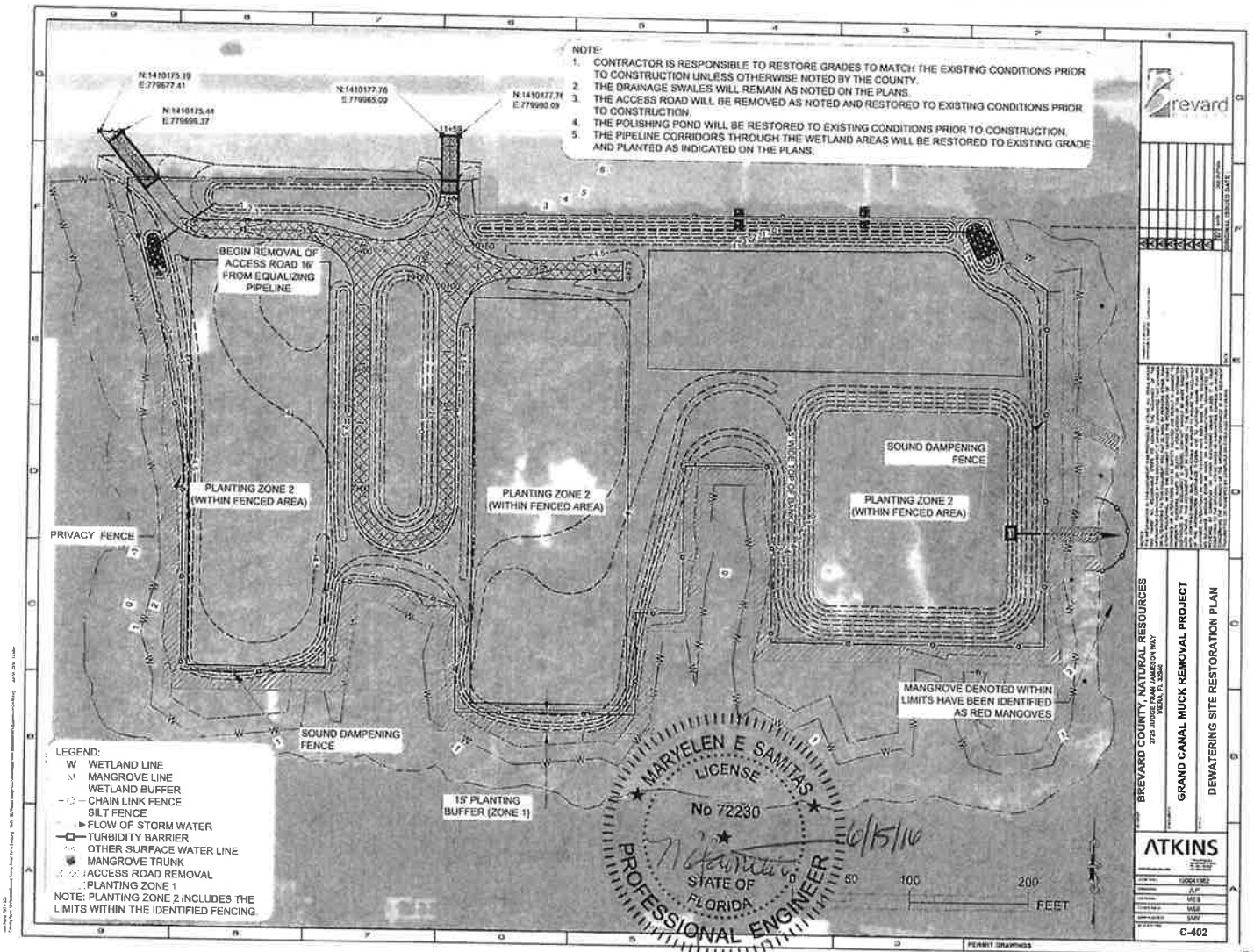
By: 
Bryan Lober, Chair

ATTEST


Scott Ellis, Clerk

As approved by the Board on 7/9/2020

EXHIBIT A
SITE RESTORATION PLAN



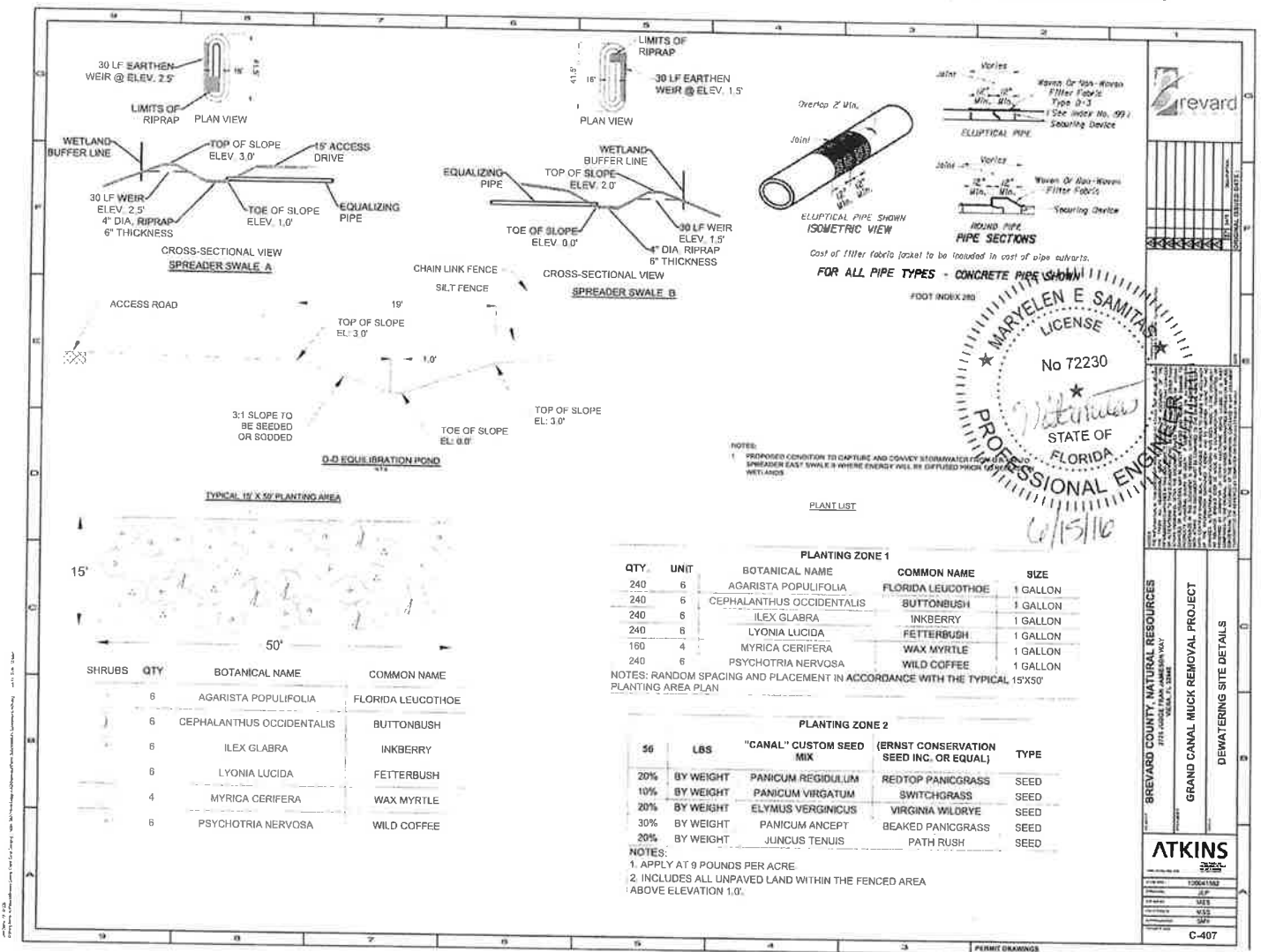


EXHIBIT B
LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT PORTION OF GOVERNMENT LOT 2, GOVERNMENT LOT 3 AND THE NORTH 1/2 OF GOVERNMENT LOT 4 ALL IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA LYING WEST OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE NORTH-WEST CORNER OF TORTOISE ISLAND, PHASE TWO, UNIT TWO, P.U.D., ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 26 AT PAGES 84 AND 85 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA AND RUN S88°51'49"W ALONG THE NORTH LINE OF GOVERNMENT LOT 2 IN SECTION 22, TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA FOR 394.99 FEET; THENCE RUN NORTH FOR 2003.4 FEET TO THE SOUTH LINE OF THE NORTH 1/2 OF SAID GOVERNMENT LOT 4; SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUE NORTH FOR 2766.0 FEET TO THE CENTER OF THE BREVARD COUNTY MOSQUITO CONTROL CANAL DESCRIBED IN AN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 555 AT PAGE 228 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, SAID POINT BEING THE POINT OF TERMINATION OF SAID LINE.

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Attachment F

TEMPORARY USE ACKNOWLEDGMENT
BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY

THIS ACKNOWLEDGEMENT, Made this 18 day of, September 2018 by the **BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY ("BCC"), FLORIDA**, a political subdivision of the State of Florida, as follows:

1. TEMPORARY DREDGED MATERIAL DEWATERING ACTIVITIES

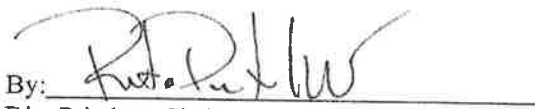
- a) In connection with the Grand Canal Muck Removal Project, the County shall utilize a portion of the County's property located in the Planned Unit Development (PUD) zoning classification to temporarily allow the construction and operation of a temporary dredged material dewatering facility in conjunction with temporary parking and storage of construction equipment and materials, if necessary.
- b) The purpose is to fulfill the County's obligation to conduct muck dredging along the northern segment of the Grand Canal as part of the County's effort to conduct environmental restoration dredging to improve water quality within the Indian River Lagoon. The project is a direct public benefit by removing nutrient-laden muck material that smothers the natural bottom, clouds the water, prevents the growth of seagrass, and contributes to harmful algal blooms.
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- d) Upon completion of the dredge activities and the associated dewatering of dredged material the County will require the removal of all equipment and materials from the site. Thereafter site restoration will occur. Site Restoration will include (a) removal of temporary construction access road, (b) restoration of site grades to pre-construction conditions, and (c) planting of the site with a variety of native vegetation including a combination of plants and hydroseed. The site restoration plan is attached hereto and made part hereof as Exhibit "B".
- e) The temporary uses described in paragraph (a) above are to be located on the property described by the Brevard County Property Identification Number as 26-37-22-00-3. The legal description is attached hereto and made part hereof as Exhibit "A";
- f) This location is no less than approximately 110 feet from the closest property line under different ownership, and no less than 175 feet from the nearest dwelling unit. The temporary dredged material

management area will be buffered from residential property by a 15 foot vegetative buffer and a chain link fence installed with sound dampening material. The temporary use will be subject to the noise limitations prescribed in Chapter 46, Article IV, Sections 46-126 through 46-131 Code of Ordinances of Brevard County, Florida.

g) This temporary use by the County is for a period of one (1) year effective upon execution by Brevard County and the issuance of the Notice to Proceed to the Contractor awarded the construction services contract for the Grand Canal Muck Removal Project.

**BREVARD COUNTY BOARD OF
COUNTY COMMISSIONERS**

2725 Judge Fran Jamieson Way
Viera, Florida 32940

By: 
Rita Pritchett, Chair

ATTEST:


Scott Ellis, Clerk

As approved by the Board on 9/18/18

ALLEN Cape Kennedy
Professional Building
Engineering, Inc.

305/783-7443

108 DIXIE LANE, P.O. BOX 1321 - COCOA BEACH, FLORIDA 32931

EXHIBIT "A"

LEGAL DESCRIPTION

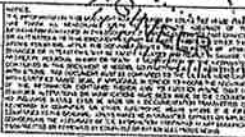
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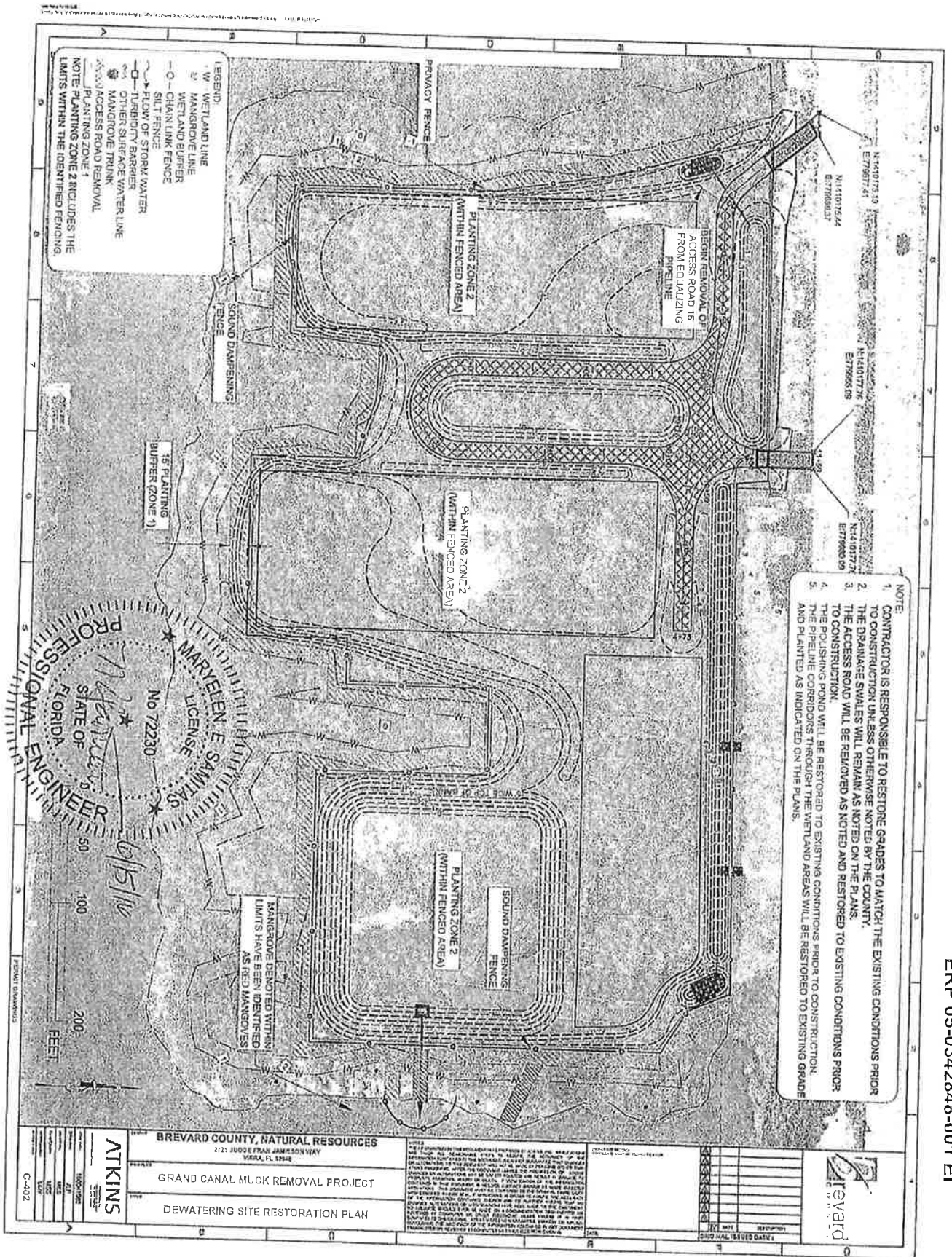
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Attachment G

Brevard County Attorney
Temporary Use Agreement Approval Sheet

SECTION I

The following information must be completed on all ordinances submitted to the Board:

Temporary Use Agreement For Brevard County		Author: Walker Dawson	
Division Name: Natural Resources Management Dept.	Mail Stop:	Review Deadline: May 25th	
Sent by NRMD; Walker Dawson			
Dept./Office Director: Virginia Barker			
Meeting Date: N/A	(BCC) July 9, 2020	Advertising Deadline: N/A	

SECTION II

COUNTY OFFICE

County Attorney's Office

APPROVAL
Yes No

☒ ☐

INITIALS DATE

WD 5/22/20

SECTION III

Sent for Review

Land Dev.

☒ Y ☐ N ☐ N/A

JB 5/14/20

NRM, Env. Resources
Management

☒ Y ☐ N ☐ N/A

Other Dept./Office

☐ Y ☐ N ☐ N/A

Comments: