

EARTHMOVING EXEMPTION APPLICATION

Agricultural (See Attachment I) **Non-Agricultural** (See Attachment II) **After-the-Fact**

1. PROPERTY OWNER INFORMATION

Name _____
 Mailing address _____
 Telephone(Home) _____ (Business) _____ (Fax) _____ (E-mail) _____
 Applicant name (if different than Property Owner) _____
 Mailing address _____
 Telephone (Home) _____ (Business) _____ (Fax) _____ (E-mail) _____

2. PROPERTY INFORMATION

PROPERTY IDENTIFICATION NUMBER (PIN) _____
(Available at the Property Appraiser Office)
 Legal description of site to be permitted _____

 Section _____; Township _____ South; Range _____ East;
 Total acreage or size of the site _____ Total acreage of the site to be disturbed _____
 STREET ADDRESS OF THE SITE _____

3. DESCRIPTION OF PROPOSED WORK

3.a Proposed disposition/source of material and reason for excavation, filling and/or hauling to the site _____

 3.b Excavation Area: _____ acres or square feet _____ cubic yards
 3.c Fill Area: _____ acres or square feet _____ cubic yards
 3.d Fill to be hauled onto the site _____ cubic yards

4. APPLICATION SUBMITTAL REQUIREMENTS

- Exemption Determination fee – \$165.00. After-the-Fact Exemption Determination fee - \$615.00
- Original and two copies of the completed, signed and notarized Pages 1 and 2 of the application.
- Include with the application an original and two copies of a scaled site plan of the proposed earthmoving.
- Submit all documents above (mail or deliver) to Sarasota County Permitting Center:
 North County - 1301 Cattlemen Road, Building "A", Sarasota, Florida 34232
 South County - 4000 S. Tamiami Trail, Room 122, Venice, Florida 34293

For additional information contact Resource Protection
 1301 Cattlemen Rd., Bldg. D, Sarasota, FL 34232
 (941) 861-5000 – Fax (941) 861-6479

SECTION A. ACCESS AUTHORIZATION

The undersigned agrees to allow any authorized agent or employee of Sarasota County and any duly empowered law enforcement officer to enter upon the premises associated with the work for which a permit is requested for purposes of conducting a preliminary inspection(s) prior to initiating work, and for ascertaining compliance with the terms and conditions of the application, the permit, and the provisions of Chapter 54, Article XII, Sarasota County Code.

SECTION B. STATEMENT

The undersigned understands that the granting of an Exemption shall not be deemed to authorize or create a duty or responsibility on the part of Sarasota County and its officers, agents, and employees to assure or guarantee construction and work in compliance with the exemption or the plans and specifications incorporated therein. The undersigned agrees to hold and save Sarasota County, its officers and employees, harmless from any damage or injury, no matter how occasioned and no matter what amount, to persons or property which might result from the work, activity or structures authorized by any exemption granted by Sarasota County, and from any and all claims or judgements resulting from such damage or injury. The undersigned understands that granting of an exemption by Sarasota County does not relieve the undersigned of the responsibility to comply with all applicable Federal, State, and Sarasota County laws, ordinances or rules, nor is the undersigned relieved of the responsibility to obtain any licenses or permits which may be required by Federal, State, or Sarasota County laws. The undersigned understands that any deviation from proposed construction will invalidate any exemption granted by Sarasota County, and subject the owner, applicant, and violator to prosecution pursuant to Chapter 54, Article XII, Sarasota County Code. The undersigned hereby certifies that all information submitted with this application is true and complete to the best of his/her knowledge.

SECTION C. PROPERTY OWNER CONSENT

This section must be completed by the property owner, if the applicant is a person or firm other than the property owner

The undersigned, being the owner(s) and record title holder(s) of the real property herein described, do(es) hereby authorize _____ to act as its agent and in its behalf in applying for and doing all things necessary with regard to all matters pertaining to an Agricultural Exemption on said property in accordance with applicable ordinances of Sarasota County. The undersigned shall be bound by the terms of the application and all attachments thereto, the agricultural exemption and applicable County ordinances related to the earthmoving activity. The legal description of said property in Sarasota County, Florida, subject to this consent is described on the agricultural exemption application and contains _____ acres±.

SECTION D. CONFIRMATION

The undersigned hereby certifies that all information submitted with this application is true and complete to the best of my/our knowledge.

Signed this _____ day of _____, 200_____.

Signature of the Owner

Signature of the Owner

Print Name

Print Name

STATE OF FLORIDA
COUNTY OF SARASOTA

Affirmed and subscribed before me this _____ day of _____, 200____, by _____, who is/are personally known to me or who has/have produced identification _____

Notary Public

Notary Stamp

AGRICULTURAL EXEMPTION FOR EARTHMOVING ACTIVITIES

Sarasota County Code, Chapter 54, Art. XII, Earthmoving, Requirements

Agricultural exemptions. Earthmoving associated with ongoing bona fide agricultural operations, consistent with The Florida Right to Farm Act, shall not be required to obtain an Earthmoving Permit, provided that the proposed activities meet the criteria within subsection (a)(b) and (c) below and at least one of the criteria within subsection (2)(a)(b)(3)(c)(d)(i)(j)(k)(l)(o) and (r):

- (a) Earthmoving activities are proposed on a parcel of land classified as bona fide agricultural land, and will be eligible for such classification in the upcoming year, by the Sarasota County Property Appraiser under the agricultural assessment provisions of F.S. § 193.461. When not in conflict with Federal or State law, the Applicant shall avoid impacts to off-site drainage and shall seek to avoid impacts to Protected Native Habitats, historic resources, the 100-year floodplain, and listed species. Further, there must be no evidence that the land, where the Earthmoving activities are occurring, is being prepared for anticipation of non-agricultural development. Such evidence includes submittal of an application for a building permit for a non-agricultural use, a special exception, a Development of Regional Impact, a rezone, a site and development plan, a preliminary plan, or other non-agricultural Development approval within three years following the date of an agricultural review approval from Sarasota County. Submittal of a development application for a non-agricultural use within three years following the date of Earthmoving activities pursuant to an agricultural exemption shall be prima facie evidence that applicant's Earthmoving activities were a prelude and pretext to development. In such instances, the applicant must obtain an After-the-Fact Earthmoving Permit for their Earthmoving activities, or shall restore the property to its original condition prior to the Earthmoving;
- (1) The Administrator may grant a limited exemption for Earthmoving associated with a property owner restoring a previous agricultural classification from the Sarasota County Property Appraiser.
 - (b) Type A Fill material is not sold; and
 - (c) The Applicant adheres to conditions of the Natural Resources Conservation Service's policy for protection of Wetlands for agricultural uses.
- (2) Exemption based on duplicative review by other government agencies. The following are exempt from the requirements of this Article provided that all applicable Federal, State and local permits and/or authorizations have been obtained:
 - (a) Earthmoving authorized under an existing valid surface water management permit or environmental resource permit from the Southwest Florida Water Management District (SWFWMD), or written documentation from SWFWMD that the project is exempt.
 - (1) Earthmoving, associated with an emergency drought order set forth by the executive director of SWFWMD, to prevent adverse affects to live-stock (i.e. cattle pond), so long as the SWFWMD makes a determination that the project is exempt. This exemption shall only be applicable while the emergency drought order is in effect.
 - (b) Earthmoving associated with ongoing bona fide agricultural operations consistent with the Florida Right to Farm Act.

NON-AGRICULTURAL EXEMPTION FOR EARTHMOVING ACTIVITIES**Sarasota County Code, Chapter 54, Article XII, Earthmoving, Requirements**

Section 54-349(3) Non-agricultural Exemptions from Excavation, Fill, Stockpile, or Removal (Haul) Requirements. The following are exempt from the requirements of this Article provided that all applicable, federal, state, and local permits and/or authorizations have been obtained. For exemptions specified under subsections (3)(c),(l),(m),(n),(o), and (r) of this section, the Administrator may request information from the applicant, including evidence to confirm that no impact(s) will occur to off-site drainage, protected native habitats, historic resources, the 100-year floodplain, or listed species. If the administrator does not receive such evidence to his or her satisfaction, the applicant may seek authorization under an Earthmoving Permit or After-the-fact Earthmoving Permit:

- (a) The installation and maintenance of public and private utilities, specifically potable and non-potable water distribution and storage, sanitary sewer and wastewater reuse storage and transmission facilities, gas, telephone, cable television, electrical systems, and associated appurtenances and provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Article;
- (b) Filling and lot grading for the purpose of constructing foundations to support any building or structure, provided that a building permit has been issued by the County and that the extent of lot grading is consistent with the County's requirements. On-site excavations for the purposes of creating foundations or lot grading are not exempt, unless approved as part of a construction plan approval;
- (c) Lawful drainage systems, including routine maintenance and culvert installations, provided that excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Article;
- (d) Temporary excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves, or septic tanks;
- (e) Excavation of swimming pools and lined landscape ponds, provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Article;
- (f) Earthmoving as applied to road and drainage construction and in conjunction with the development of land, including the platting of a subdivision, when excavated materials are not removed from the boundaries of the development and land clearing debris is not buried or mounded on site, and the site has received construction plan approval or a plan for revised topography that has been approved by the Board or the Administrator as applicable;
- (g) Governmental agencies in performance of their normal official duties, provided that advance written notification, including a copy of the plans, are given to the Ordinance Administrator for those projects that are not governed by the County's Land Development Regulations. The purpose of this review is to ensure that government projects are consistent with the policies and principles of Comprehensive Plan;
- (h) The removal of up to 100,000 cubic yards of Type A fill, or up to 50,000 cubic yards of Type B or C fill from a construction site and hauled to another construction site(s), provided that the generating and receiving sites have received construction plan approval or an earthmoving permit, and provided further that advanced notification is given in writing to the Ordinance Administrator;
- (i) Earthmoving consistent with the routine maintenance (e.g., sediment removal, side slope repairs) to existing permitted or authorized ponds, ditches, and canals, provided that any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this Article;

- (j) Earthmoving associated with the emergency repair or restoration in order to protect an existing structure or private infrastructure from further damage (e.g., erosion control or temporary swales), provided original elevations are restored following passage of emergency or a permit is obtained to retain the fill or excavation;
- (k) Restoration of property to original elevations with Type A fill following removal of buried debris;
- (l) Landscaping and gardening projects with Type A fill, including soil amendments, mulching, and fencing, provided that no filling occurs within State or County easements or rights-of-way, or private drainage and utility facilities;
- (m) Routine maintenance of golf courses, including minor changes in topography, provided that written documentation is provided to the Administrator that the County-approved drainage and wetland hydroperiod maintenance plans will not be impacted;
- (n) The construction of driveways, including minor changes in topography, with Type A fill or recycled Type B fill;
- (o) Routine maintenance of driveways, private roadways, sidewalks, bikeways and pathways, including minor changes in topography, with Type A fill or recycled Type B fill;
- (p) Construction or routine maintenance of shoreline stabilization features provided that any other required permit has been obtained, including a permit from the Water and Navigation Control Authority (WNCA);
- (q) Hauling spoils from a permitted dredging project to a County landfill or a County approved construction site, provided that advance notification is given to the County's Traffic Operations office and the Administrator;
- (r) Earthmoving, that does not otherwise qualify for an exemption pursuant to this section, less than 100 cubic yards of Type A fill on a property less than five (5) acres, provided no earthmoving occurs within public easements or rights-of-way, and other lawful drainage systems and utility facilities. For parcels five (5) acres or larger, an exemption determination review fee and a site plan consisting of information listed in Appendix I shall be provided to the Ordinance Administrator demonstrating consistency with the above-referenced criteria and subsection (b) and showing no excavating would occur within fifty (50) feet of property boundaries. The setback may be reduced if the affected neighboring property owner(s) sign an Affidavit of No Objection;
- (s) Hauling of excess fill from governmental construction projects including roadway and stormwater improvement projects provided that any stockpiling or filling of privately owned lands occurs in accordance with the provisions of this Article;
- (t) Stockpiling of Type A fill, rocks, and mulch intended for resale upon properties zoned for such uses and where stockpiling conforms to the requirements of the Zoning Code and conforms to a County-approved Site and Development Plan.

For additional information contact Resource Protection
1301 Cattlemen Rd., Bldg. D, Sarasota, FL 34232
(941) 861-5000 – Fax (941) 861-6479

ENVIRONMENTAL SERVICES – RESOURCE PROTECTION

Earthmoving Permits - Service Fees

(BCC Earthmoving Resolution No. 2007-024)

NOTE: The fees have changed effective January 7, 2008**A. Earthmoving Permits, Annual Reports and Variances**

Conceptual Earthmoving Permit	\$2,500.00 *^
Major Permit	4,000.00 *^
Major Permit Amendment	2,900.00 *^
Major Permit with Prior Conceptual Permit Approval	1,900.00 *^
Major Permit Annual Report	1,000.00^
Minor Permit	1,250.00*^
Minor Permit Amendment	650.00*^
General Permit	800.00*^
General Permit Amendment	450.00*^
Variance (Processed concurrently with another public hearing)	300.00^
Variance (Not processed concurrently with another public hearing)	1,000.00^
Exemption Review Fee	150.00^

*** Required review by Sarasota County History Center**

History Center review fee (non-refundable) as Required by BCC Resolution No. 2003-173	\$150.00
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Note: There may be an additional \$10.00 History Center review fee for third re-submittal and each subsequent re-submittal.

^ Required Records Management Fee	\$15.00
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B. Tree Protection Permits

Tree Protection/Removal		
	< 1 acre	\$200.00
	Lot with No Trees	120.00
	Single-family >1 acre (per acre)	100.00
	Multifamily and Commercial >1 acre (per acre)	150.00
Tree Permit Amendments		100.00