



MEMORANDUM

DATE: October 26, 2005

TO: Landscaping, Land Clearing and Tree Protection Task Force

THROUGH: Ernest N. Brown, Director, NRMO *[Signature]*

FROM: Amanda Elmore, Environmental Permitting Supervisor, NRMO *[Signature]*

RE: Tasks from October 10, 2005 meeting

At the last meeting, staff was asked to provide some information to the Task Force. For your consideration, the information is provided below:

- 1. Staff asked to research whether there is a maximum fine that can be levied by the special magistrate.**

Under Chapter 2, Brevard County Code, the first offense is up to \$1,000 a day. Repeat violations are up to \$5,000 per day. For irreparable or irreversible violations, the special magistrate can levy a fine up to \$15,000 per violation. The special magistrate can also levy a fine from \$1.00 to the maximum as warranted based on the evidence presented. Land clearing is considered an irreparable or irreversible violation.

- 2. Section 62-3636 first paragraph - The Task Force requested alternative language to require approval of landscape and land clearing plans by a registered Professional Engineer or Landscape Architect but not require signature and seal as prohibited by state law.**

Revised language will be incorporated into final draft regulation for Task Force review.

- 3. Staff was asked to review all minutes to determine whether consensus had been reached on 4 inches versus 1.5 inches on tree survey.**

Staff has been unable to find anything in the minutes where the LLTP discussed tree survey requirements. As mentioned by Sherry Williams at the October 10th meeting, the definition of protected tree had some four inch discussion but the final definition excluded it as per the May 25, 2005 minutes.

4. Staff to check if two copies of conservation plan still required for agricultural exemption.

Agricultural exemptions are currently under review by the County Attorney.

5. Add time lines to review process consistent with subdivisions and site plans.

Revised language will be incorporated into final draft regulation for Task Force review.

6. Add definition of canopy coverage.

Revised language will be incorporated into final draft regulation for Task Force review.

7. Revise definition of protected tree to include stand/clumps of trees.

Revised language will be incorporated into final draft regulation for Task Force review.

8. Delete 7 day reference in seeding and mulching. Jim Spratt to research and report back to LLTP.

Language will be deleted from revised regulations. Jim Spratt has provided an email regarding this and other issues for distribution to the Task Force.