

Meeting Date
February 22, 2011



AGENDA	
Section	Unfinished Business
Item No.	V.A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Resolution reconvening the Flood Hazard Areas/Wetlands Working Group to evaluate and recommend amendments to the Wetlands Objective of the Conservation Element.
Fiscal Impact: Staff Time, Estimated \$1,500 Associated Advertising Costs, and Estimated \$3,000 Facilitation Costs

DEPT/OFFICE: Natural Resources Management Office

Requested Action:
 Request approval of a Resolution reconvening the Flood Hazard Areas/Wetlands Working Group (Group) to evaluate and recommend amendments to the Wetlands Objective of the Conservation Element. Specifically, the Group will evaluate policies related to commercial, institutional, and industrial land uses in wetlands.

Summary Explanation & Background:
 On July 13, 2010, the Board of County Commissioners adopted Resolution 10-121, creating a stakeholder Group to evaluate and recommend changes to Objective 4 (Flood Hazard Areas) and Objective 5 (Wetlands) of the Comp Plan, Conservation Element. The 17, Board-approved Group members included engineers, surveyors, the environmental community and a cross section of industry. The Group participated in five facilitated discussions related to Flood Hazard Areas, and successfully reached consensus on major issues. On September 2, 2010, the Board approved amendments to Objective 4 (Flood Hazard Areas) based on the Groups recommendations; and approved reconvening of the Group to develop policy amendments to Objective 5 (Wetlands).

In that the Group's obligations expired in August 26, 2010, (Resolution 08-121), the attached Resolution serves to reconvene the Group for an additional six meetings to evaluate and recommend amendments to the Wetlands Objective of the Conservation Element. Specifically, the Group will evaluate policies related to commercial, institutional, and industrial land uses in wetlands. An independent facilitator will oversee Group discussions. Staff will provide support as needed and present draft policy for Local Planning Agency (LPA) and Board review.

Per Board request, staff recommends the following vote criteria to ensure maximum participation and balanced representation. A 70% majority vote of all members, and not 70% of the members present, shall be required to make a recommendation to the Board. This means that 12 concurring votes will be required for a "recommended" policy modification.

Staff requests approval of the attached Resolution reconvening the Flood Hazard Areas/Wetlands Working Group so that the discussions may resume as soon as possible. Staff's goal is to present recommended changes at the June 20, 2011, LPA Transmittal hearing; and the July 12, 2011, Board Transmittal hearing.

Staff Contacts: Ernest N. Brown or Darcie McGee at 633-2016.

Fiscal Impact:
 FY 10-11 Staff Time, Estimated \$1,500 Associated Advertising Costs, and Estimated \$3,000 Facilitation Costs.
FY 11-12 There is no known fiscal impact associated with this item.

Exhibits Attached:
 Attachment A: Resolution 11-XXX
 Attachment B: Resolution 10-121

Contract /Agreement (If attached): Reviewed by County Attorney Yes No

County Manager's Office Mel Scott, Assistant County Manager Howard Tipton, County Manager	Natural Resources Management Office Ernest N. Brown, Director	Press Release <input type="checkbox"/>
---	--	--

ATTACHMENT A

RESOLUTION 11- ____

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS RECONVENING THE FLOOD HAZARD AREAS/WETLANDS WORKING GROUP; PROVIDING FOR PURPOSE, ESTABLISHMENT, AND DISSOLUTION, MEMBERSHIP AND ORGANIZATION OF THE WORKING GROUP; PROVIDING FOR POWERS, FUNCTIONS AND DUTIES; PROVIDING FOR COMPLIANCE WITH OPEN GOVERNMENT LAWS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 27, 2010, the Brevard County Board of County Commissioners approved the formation of a Working Group to review the Brevard County Comprehensive Plan, Conservation Element, specifically addressing Objective 4, Flood Hazard Areas and Objective 5, Wetlands; and to make recommendations to the Board; and

WHEREAS, on July 13, 2010, the Board of County Commissioners adopted Resolution 10-121, creating said stakeholder Working Group consisting of balanced representation from and appointed by professional and citizen organizations; and

WHEREAS, the Working Group participated in five facilitated discussions related to Flood Hazard Areas, and successfully reached consensus on major issues; and

WHEREAS, the Working Group's obligations expired in August 26, 2010; and

WHEREAS, on September 2, 2010, the Board approved amendments to Objective 4 (Flood Hazard Areas) based on the Groups recommendations; and approved reconvening of the Group to develop policy amendments to Objective 5 (Wetlands); and

WHEREAS, this Resolution serves to reconvene the Group for additional meetings to evaluate and recommend amendments to the Wetlands Objective of the Conservation Element.

NOW, THEREFORE BE IT RESOLVED, BY THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, that:

SECTION 1. Creation. There is hereby reconvened the Flood Hazard Areas/Wetlands Working Group to be known and referred to as such.

SECTION 2. Purpose. This Working Group is being reconvened for the express purpose of deliberating specific issues and providing recommended changes in a report to be presented to the Board of County Commissioners to policies related to commercial, institutional, and industrial land uses in wetlands. Discussions are intended to identify options for policy flexibility through incentives such as smart growth principles and best management practices.

SECTION 3. Establishment and Dissolution. The Working Group shall be reconvened on February 22, 2011. Members shall serve until completion of the report and presentation to the Board of County Commissioners.

SECTION 4. Membership and Organization. The Working Group consists of a primary and alternate representative from, and previously appointed by, the following organizations; and demonstrates an objective interest in Brevard County:

- American Society of Civil Engineers
- FL Surveying And Mapping Society
- Home Builders and Contractors Association
- Brevard County Farm Bureau
- FL Floodplain Managers Association
- American Planning Association, Florida Chapter
- Turtle Coast Sierra Club
- Marine Resources Council
- Partnership for a Sustainable Future
- Brevard Nature Alliance
- Brevard County Soil and Water Conservation District
- Florida Cattleman’s Association
- Five appointed at-large members, representing the general citizenry who reside or operate in Brevard County. Each Commissioner previously appointed one at large member and one alternate member.

SECTION 5. Powers, Functions and Duties. The Working Group shall have the power and duty to:

1. Evaluate current standards, requirements, policies, processes, and procedures as specified in Section 2, relating to Brevard County Comprehensive Plan, Conservation Element, Objective 5, Wetlands.
2. Make recommendations to the Board of County Commissioners regarding any proposed changes and revisions that meet a 70% majority vote of the 17-member Working Group. Twelve concurring votes are required for any policy modification recommendation to the Board.

SECTION 6. Disclosure and Open Government Laws. The Working Group shall comply with the public meeting and open government laws as established in the Florida Statutes.

SECTION 7. Effective Date. This resolution shall become effective as provided by law.

DONE, ORDERED AND ADOPTED in Regular Session, this 22nd day of February, 2011.

ATTEST

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Mitch Needelman, Clerk

Robin L. Fisher
Chairman
Brevard County Commission
As approved by Brevard County Commission _____



TAMARA J. VAN FOSSAN, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

July 14, 2010

MEMORANDUM

TO: Virginia Barker, Acting Natural Resources Management Director Attn: Amanda Elmore

RE: Item VI.A, Resolution Creating a Working Group to Evaluate and Provide Recommended Changes to the Brevard County Comprehensive Plan, Conservation Element, Specifically Objective 4, Flood Hazard Areas and Objective 5, Wetlands

The Board of County Commissioners, in regular session on July 13, 2010, adopted Resolution creating a stakeholder Working Group to evaluate and provide recommendations to the Board regarding changes to the Brevard County Comprehensive Plan, Conservation Element; specifically Objective 4, Flood Hazard Areas and Objective 5, Wetlands; and approved the following membership or organization to be a part of the Working Group: American Society of Civil Engineers; Florida Surveying and Mapping Society of Land Surveyors; Home Builders and Contractors Association; Brevard County Farm Bureau; Florida Floodplain Managers Association; American Planning Association, Florida Chapter; Turtle Coast Sierra Club; Marine Resources Council; Partnership for a Sustainable Future; Brevard Nature Alliance; Brevard County Soil and Water Conservation District; Florida Cattleman's Association; and five at large members representing the general citizenry who reside or operate in Brevard County to be appointed at each Commissioner's discretion. The Board further directed the Working Group to have a 70 percent approval of recommendations regarding any proposed changes or revisions before presenting recommendations to the Board. Enclosed is a certified copy of the Resolution for your action.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tamara Van Fossan, Deputy Clerk

/ds

Encl. (1)

cc: Assistant County Manager, Mel Scott
Each Commissioner
Finance
Budget

RECEIVED

JUL 21 2010

BREVARD COUNTY
NATURAL RESOURCES MGMT

ATTACHMENT B

RESOLUTION 10- 121

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS CREATING THE FLOOD HAZARD AREAS/WETLANDS WORKING GROUP; PROVIDING FOR PURPOSE, ESTABLISHMENT, AND DISSOLUTION, MEMBERSHIP AND ORGANIZATION OF THE WORKING GROUP; PROVIDING FOR POWERS, FUNCTIONS AND DUTIES; PROVIDING FOR COMPLIANCE WITH OPEN GOVERNMENT LAWS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 27, 2010, the Brevard County Board of County Commissioners approved the formation of a Working Group to review the Brevard County Comprehensive Plan, Conservation Element, specifically addressing Objective 4, Flood Hazard Areas and Objective 5, Wetlands; and to make recommendations to the Board; and

WHEREAS, the aforementioned Working Group would consist of balanced representation from and appointed by professional and citizen organizations; and

WHEREAS, this Working Group will evaluate current Flood Hazard Area and Wetlands Comprehensive Plan policies, and make recommendations for improvement.

NOW, THEREFORE BE IT RESOLVED, BY THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS, FLORIDA, that:

SECTION 1. Creation. There is hereby created the Flood Hazard Areas/Wetlands Working Group to be known and referred to as such.

SECTION 2. Purpose. This Working Group is being created for the express purpose of deliberating specific issues and providing recommended changes in a report to be presented to the Board of County Commissioners to policies that: prohibit commercial and industrial land uses within wetlands; and establish density and filled footprint restrictions within the 100-year, 25-year, 10-year, and annual St. Johns River floodplain. Discussions are intended to identify options for policy flexibility through incentives such as smart growth principles and best management practices.

SECTION 3. Establishment and Dissolution. The Working Group members shall serve until completion of the report and presentation to the Board of County Commissioners. The Working Group shall commence on July 21, 2010 and shall complete their assignment by August 26, 2010 unless granted an extension by the Board of County Commissioners.

SECTION 4. Membership and Organization. The Working Group shall consist of a primary and alternate representative from and appointed by the following organizations and shall demonstrate an objective interest in Brevard County:

- American Society of Civil Engineers
- FL Surveying And Mapping Society, of Land Surveyors
- Home Builders and Contractors Association
- Brevard County Farm Bureau
- FL Floodplain Managers Association

ATTACHMENT B

- American Planning Association, Florida Chapter
- Turtle Coast Sierra Club
- Marine Resources Council
- Partnership for a Sustainable Future
- Brevard Nature Alliance
- Brevard County Soil and Water Conservation District
- Florida Cattleman's Association
- Five at-large members, representing the general citizenry who reside or operate in Brevard County may be appointed. Each Commissioner may appoint one at large member and their alternate member.

SECTION 5. Powers, Functions and Duties. The Working Group shall have the power and duty to:

1. Evaluate current standards, requirements, policies, processes, and procedures as specified in Section 2, relating to Brevard County Comprehensive Plan, Conservation Element, Objective 4, Flood Hazard Areas and Objective 5, Wetlands.
2. Make recommendations to the Board of County Commissioners regarding any proposed changes and revisions that meet 70% approval of the Working Group.

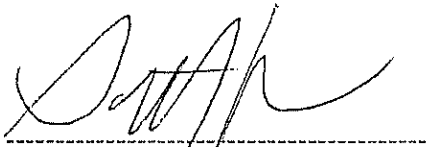
SECTION 6. Disclosure and Open Government Laws. The Working Group shall comply with the public meeting and open government laws as established in the Florida Statutes.

SECTION 7. Effective Date. This resolution shall become effective as provided by law.

DONE AND ADOPTED in regular session on the 13th day of July 2010.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Scott Ellis, Clerk



Mary Bolin, Chairman

STATE OF FLORIDA
COUNTY OF BREVARD

JUL 13 2010

This is to certify that the foregoing is a
true and current copy of RES #
10-101 witness my hand
and official seal this 16 day of
July 2010
SCOTT ELLIS
Clerk Circuit Court
BY [Signature] D.C.