

**BREVARD COUNTY LANDSCAPING, LAND CLEARING
AND TREE PROTECTION TASK FORCE**

March 2, 2006 Meeting Minutes DRAFT

Task Force Members Present

Bo Barnavon-Primary Representative, Homebuilders and Contractors Association
Kathleen Burson-Alternate Representative, Florida Native Plant Society
Robert Day-Primary Representative, Brevard Nature Alliance
Lynn Girling-Primary Representative, International Society of Arborists
Jackie Gregory-Primary Representative, Commission District 1
Susan Hall-Alternate Representative, American Society of Landscape Architects
Vaughn Holeman-Primary Representative, District 4
Rochelle Lawandales-Primary Representative, Commission District 2
Thomas Schuller-Primary Representative, Florida Farm Bureau
Lisa Smith-Primary Representative, Florida Native Plant Society
Jim Spratt-Primary Representative, Florida Nurserymen and Growers Association (via telephone)
Earl Underhill-Primary Representative, Florida Forestry Association
Facilitator-Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Steve Brown-Alternate Representative, Florida Nurserymen and Growers Association
Bud Crisafulli-Alternate Representative, Florida Farm Bureau
Roger Daniels-Substitute Representative, International Society of Arborists
Don Hawthorne-Primary Representative, Garden Club
Billy Kempfer-Alternate Representative, Florida Forestry Association
Anthony Koromilas-Alternative Representative, District 1
Robert Lee-Primary Representative, American Society of Civil Engineers
Charlie Moehle-Alternate Representative, Commission District 2
James Payne-Primary Representative, Cattleman's Association
Maureen Rupe-Primary Representative, Commission District 5
Brad Smith-Primary Representative, American Society of Landscape Architects
Dick Thompson-Primary Representative, Commission District 3
Dan Zrallack-Alternate Representative, American Society of Civil Engineers

County Staff Present

Ernie Brown-Director, NRMO
Dan VanGenechten-Environmental Specialist, NRMO
Liz McDuffee-Secretary I, NRMO

Signed-in Citizens

None

Call to Order

Marilyn Crotty called the meeting to order at 1:17 pm after a quorum was present.

After a short period of discussion, the 2/13/06 minutes were approved as written. Susan Hall, the only subcommittee member present, then approved the 2/10/06 subcommittee minutes as written.

Memo from Ernest Brown regarding Items for Task Force Review / NRMO Staff Suggestions (Copy attached)

The task force discussed and agreed to the following changes with the understanding that NRMO staff would revise the wording as necessary for clarity:

1. Section 62-3634, Exemptions:
 - a. Add the following new item two (2): As long as minimum landscaping requirements as may be required by this Article are met and maintained, single family lots that are 1.25 acres or less are exempt from the canopy and preservation requirements of this Article.
 - b. Add the following new item three (3): As long as heritage tree, specimen tree and minimum landscaping requirements as may be required by this Article are met and maintained, single family lots that are more than 1.25 acres but less than or equal to 2.5 acres are exempt from the canopy and preservation requirements of this Article.
 - c. Change item (2) to (4) and revise as follows: As long as minimum landscaping and tree preservation as may be required by this Article is met and maintained, single family properties 2.5 acres or less that have a certificate of occupancy are exempt from the requirements of this Article.
 - d. Re-number the remaining items in this section.
 - e. Add an exemption for purposes of surveying if the width to be cleared is less than that for which a survey permit is required as specified in Section 62-3638, Land Clearing Performance Standards, item (6).
2. Section 62-3640, Landscaping Performance Standards
 - a. Item (3) chart, Minimum Trees Per Acre of Buildable Area: Add "Lots containing less than one acre of buildable area shall provide no less than five (5) trees."
 - b. Item (3) chart, Minimum Trees Per Acre of Buildable Area: Replace "Minimum standard is three (3) inch dbh, twelve foot height" with "Minimum size specifications shall be as outlined in Section 62-3640 (8)."
 - c. Item (3) chart, Minimum Inches of DBH per Acre of Buildable Area: Add "No less than fifteen (15) inches dbh per ¼ acre or fraction thereof."
 - d. The task force asked that examples be included in the user guide when it is developed.

Revisions Proposed by Jim Spratt (Copy attached)

The task force discussed changes proposed by Jim Spratt. Jim was unable to attend the meeting, but participated via telephone. The task force agreed to the following changes:

1. Section 62-3632, Definitions
 - a. Changed Non-Native Invasive Plant definition to: "For the purposes of this ordinance, means the following: All plant species listed in the Florida Department of Agriculture and Consumer Services rule 5b-57.007, Florida Administrative Code, as may be amended and the Florida Department of Environmental Protection Prohibited Aquatic Plants List, FAC 62C-52, as may be amended."
 - b. Deleted Undesirable Species: The task force agreed that Undesirable Species and Non-Native Invasive Plants should have the same definition. References to "Undesirable

Species” were replaced with “Non-Native Noxious Invasive Plants” or deleted, as appropriate.

- c. The task force discussed, but decided not to add a definition of weeds to the Article.
2. Section 62-3634, Exemptions, (old item 3) (new item 5): Add “The removal of any species that is a Non-Native, Noxious, Invasive Plants as specified in Section 62-3632 of this Article.” Delete reference to Florida Exotic Pest Plant Council List of Invasive Species.
3. Section 62-3640, Landscaping Performance Standards, item (17): Approved all of Jim Spratt’s revisions as noted in the draft Article with the following changes:
 - a. Add to item a: “In addition, the landscape must be installed as detailed in the landscape plan.” (This was inadvertently left out when incorporating Jim’s suggestions into the Article draft for the task force to review.)
 - b. Delete “Turf grass shall not be planted in areas less than 400 sq. feet” from J. Spratt’s proposed revisions.
 - c. Delete “Brevard NRMO may provide a variance from the turf or landscape requirements, in circumstances where landscape irrigation systems incorporate demand-based irrigation scheduling” from J. Spratt’s proposed revisions.
 - d. Change “NRMO *shall* provide special recognition ...” to NRMO *may* provide special recognition”
 - e. Change “low” volume irrigation to “high” volume irrigation in item 17d.

Other Revisions

1. Section 62-3632, Definitions: The task force asked staff to revise the proposed Roll Back definition. “As specified in Section 62-3635, roll back provisions apply only to land clearing activities on lands that are not currently classified as Green Belt or that are engaged in agricultural pursuits not classified as bona fide as defined in s.193.461.F.S. For these properties, no new development order or rezoning request may be submitted which would enjoy the current cleared state for a minimum of three years from the date of approval. Specifically, if a new development order or rezoning request is submitted within three years of the date of the approval, the submittal shall reflect the pre-cleared conditions of the site and apply the current ordinance to the pre-cleared conditions.
2. Section 62-3635, Non-Bona Fide Agricultural Land Clearing Activities (1)b: The task force agreed to the following changes suggested by staff: Delete “that shall contain the following information, at a minimum: proposed agricultural activities, Best Management Practices that are being utilized ...” (since all conservation plans authorized by the USDA have these items contained in them). Move “... completed agricultural application” to item (1)a.
3. Sally Scalera, Brevard County Horticulture Agent, is currently reviewing the Article Appendices B and C and will forward any suggested revisions to NRMO. The task force agreed that NRMO could make changes requested by Sally without any further approval.

Notes

According to LLTP task force guidelines, if the task force finds that 100% acceptance or support is not achievable, final recommendations will require at least 75% favorable vote of all members present and voting. In cases where consensus is not achievable, but there is more than 50% support from the task force for an idea, an attachment to the final report will include documentation of the option, and of the different points of view expressed by members regarding it. Members will retain the right to attach

additional statements to the report in order to further clarify their perspectives. The task force reviewed previous LLTP meeting minutes and reached consensus to include the following notes.

1. Section 62-3632, Definitions: At today’s meeting the task force agreed to change the definition of “Non-Native Noxious Invasive Plant” and delete the definition for “Undesirable Species.” Ernie Brown stated that Australian Pines are classified as non-native noxious invasive and must now be removed before a Certificate of Occupancy or Certificate of Completion will be issued. The task force agreed to add a note to the Board summarizing this change.
2. Section 62-3632, Definitions: On September 28, 2005, the task force discussed removing “palms having a clear trunk of six feet” from the definition of Protected Tree. The results of consensus testing were that six members wanted to remove palms from the definition and four members did not want to remove it. Per the task force’s operating agreement when more than 50% but less than 75% of the members agree, the reference was removed, but a note will be included in the attachment to the final report.
3. Section 62-3632, Definitions: On September 28, 2005, the task force discussed changing “five times the projected mature trunk’s dbh” to three or four times the projected mature trunk’s dbh in the definition of Root Protection Zone. The results of consensus testing were that six members wanted to change the zone to “three times” (some of these members would also support “four times”) and four members wanted to keep “five times.” No consensus was reached. The task force agreed to research and revisit this issue. On December 14, 2005, the task force reached consensus (ten members supported and two members did not support) on “five times the projected mature trunk’s dbh.” Since consensus was reached on this change, the requirement for a note was eliminated.
4. Section 62-3632, Definitions, Roll Back: The task force reached a consensus on requiring a minimum roll back period of three years. However, although a majority of the task force supported raising the roll back requirement to five years, no consensus was reached (five members supported five years and four members did not support it). The change was not made, but the task force agreed that a note would be included in the attachment to the final report.
5. Section 62-3634, Exemptions: On September 28, 2005, the task force discussed replacing “2.5 acres” with “1 acre” in Section 62-3634, Exemptions, in the following sentence: “Single-family properties 2.5 acres or less that have a certificate of occupancy and the minimum landscaping and tree preservation as may be required by this Article is maintained.” Consensus testing resulted in the following results:

Level of Support	Number of voting members supporting each level
5 (Support wholeheartedly)	2
4 (OK with it)	1
3 (Won’t oppose it)	1
2 (Have problems with it)	0
1 (Oppose it wholeheartedly)	5

Per the task force’s operating agreement when more than 50% but less than 75% of the members agree, the change was not made, but the task force agreed to include a note in the attachment to the final report. On October 10, 2005, Tom Schuller requested that a note also be appended that states that the referenced 2.5 acres was approved by consensus in an earlier task force meeting.

6. Section 62-3639, Canopy and Tree Preservation Standards: On October 26, 2005, the task force discussed changing “No more than 25% of planted trees shall be of any one species ...” to “No more than 50% of planted trees shall be of any one genus.” The results of consensus testing were that five members supported the change to 50% and three members did not support the change. Per the task force’s operating agreement when more than 50% but less than 75% of the members agree, the change was made, but a note will be included in the attachment to the final report.
7. Section 62-3640, Landscaping Performance Standards: On January 27, 2006, the task force agreed to leave “Dyed mulches are not permissible” in the Article (six members were for prohibition of dyed mulches, three were against prohibiting dyed mulches and one member abstained from voting); however, the task force agreed on performing further research with the hope of achieving consensus. After researching this issue, Jim Spratt proposed that the task force replace “Dyed mulches are not permissible” with the following verbiage: “The use of mulches containing Chromated Copper Arsenate (CCA) is expressly prohibited. Brevard NRMO has the authority to inspect and require testing of newly placed mulch material for CCA’s and the responsibility to deny final approval of a landscape plan if mulches containing CCA’s are used.” Consensus was reached on this change and the requirement for a note was eliminated.

Recommendations

Some areas of the task force’s discussions were determined to be relevant but outside of its scope; therefore, the task force agreed to include a list of recommendations in an attachment to the final report to the Board.

1. Section 62-3634, Exemptions: The task force is unanimously opposed to exempting linear projects and recommends that this exemption be deleted. All projects, whether private, public or institutional, should comply with these regulations.
2. Section 62-3643, Incentives for Increased Canopy and Tree Preservation and Increased Landscaping: Increased density incentives may not be implementable unless other provisions are waived (e.g., zoning for lot size).
3. Section 62-3643, Incentives for Increased Canopy and Tree Preservation and Increased Landscaping: In addition to density bonuses, the task force recommends that a reduction of lot widths and sizes also be considered as an incentive.
4. Section 62-3644, Waivers and Alternative Landscape Enhancement Plans: The task force recommends that compensation for the loss of canopy and protected trees be established via Resolution. A draft Resolution is attached to the final package.
5. The proposed Article is intended to reflect all landscaping regulations; therefore other landscaping regulations should be deleted (e.g., the 15-foot Land Development buffer requirement would become obsolete).
6. Section 62-3636, Violations: The task force recommends that the trust fund money be spent for acquisition, restoration and maintenance of environmentally preserved land – not for such items as maintenance of road easements.
7. Modifications to storm water design may be necessary.
8. Section 62-3737, Permit Application Requirements and Review Process: A pre-design walk-through site evaluation should be completed before the site plan is developed.

Citizen's Comments

There were no citizen's comments.

Next Steps

This was the final meeting of the LLTP Task Force. The task force reached consensus on the complete Article draft with the changes that were approved today.

The Article will now be forwarded to the County Attorney for review.

NRMO will notify Task force members via email when the updated Article and the draft of the 3/2/06 minutes are posted to the Natural Resources web site.

Ernie Brown told the task force that he is tentatively planning to present the new Article to the Board at the April 25th meeting. Task force members will be advised ahead of time so that they can attend the Board meeting.

Please check the Natural Resources web site at

http://natres.brevardcounty.us/landscaping_meetings.cfm to review LLTP Task Force material.

The meeting was adjourned at 4:50 PM.