

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

April 20, 2005 Meeting Minutes

Task Force Members Present

Billy Kempfer, Alternate Representative-Florida Forestry Association
Robert Day-Primary Representative, Brevard Nature Alliance
Thomas Schuller-Primary Representative, Florida Farm Bureau
Jackie Gregory- Primary Representative, Commission District 1
Brad Smith-Primary Representative, American Society of Landscape Architects
Don Hawthorne-Primary Representative, Garden Club
LJ Granger- Alternate Representative, Commission District 2
Earl Underhill-Primary Representative, Forestry Association
Robert Lee-Primary Representative, American Society of Civil Engineers
Maureen Rupe-Primary Representative, Commission District 5
Steve Brown-Alternate Representative, Florida Nurserymen and Growers Assoc.
Dick Thompson- Primary Representative, Commission District 3

Facilitator-Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Jim Spratt-Primary Representative, Florida Nurserymen and Growers
Lynn Girling-Primary Representative, International Society of Arborists
Lisa Smith-Primary Representative, Florida Native Plant Society
James Payne-Primary Representative, Cattleman's Association
Susan Hall-Alternate Representative, American Society of Landscape Architects
Dan Zrallack-Alternate Representative, American Society of Civil Engineers
Bud Crisafulli-Alternate Representative, Farm Bureau
Bo Bar Navon-Primary Representative, Homebuilders and Contractors Association
D-4 Representative

County Staff Present

Ernie Brown-Director, NRMO
Amanda Elmore-Supervisor, NRMO
Leslie Snyder-Secretary I, NRMO

Signed in Citizens

None

Marilyn Crotty, Facilitator, called the meeting to order at 3:05 pm. She began with asking for the approval of the last meeting's minutes. Don Hawthorne stated that he was indeed present at the last meeting and asked that it be reflected. This was the only change, and the minutes were approved.

Marilyn then asked the task force to look over the draft of Article XIII, prepared by NRMO staff. After a lengthy discussion, it was decided that the following revisions be made to the draft regulation:

Section 62-3631. Purpose and Intent.

The Brevard County Board of County Commissioners finds that the health, safety and welfare of its citizens can best be protected by land use regulations that support and enforce the following community goals:

- (1) *Promote the ~~preservation of trees and native vegetative communities~~ establishment, management and conservation of native vegetative communities.*
- (2) *~~Provide~~ Promote visual and aesthetic buffers between ~~incompatible~~ land uses.*
- (3) *Encourage the protection of champion, heritage or specimen trees.*
- ~~(4) *Mitigate the effects of urban heat islands.*~~
- (5) *Promote water conservation and aquifer recharge.*
- (6) *Encourage creative landscape designs.*
- (7) *Protect life and property by appropriately planting trees and vegetation*
- (8) *Preserve property values.*
- (9) *Control soil erosion and mitigate heat, air and water pollution.*
- (10) *Provide regulations that are user-friendly, flexible and minimize conflicts with other land development regulations while protecting property rights.*

Section 62-3632. Definitions

It was decided that this section would be saved for discussion another day.

Section 62-3633. Applicability

Applicable to all land alteration and development in unincorporated Brevard unless otherwise exempted.

Section 62-3634. Exemptions

The following land uses and/or activities shall be exempt from the requirements of this Article:

- (1) *Per the Florida Agricultural Lands and Practices Act (Chapter 163.3162(4), Florida Statutes), an activity of a bona fide farm operation on land classified as agricultural land pursuant to s. 193.461, if such activity is regulated through implemented best management practices, interim measures, or regulations developed by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district and adopted under chapter 120 as part of a statewide or regional program; or if such activity is expressly regulated by the United States Department of*

Agriculture, the United States Army Corps of Engineers, or the United States Environmental Protection Agency.

- (2) Single-family properties less than 2.5 acres that have a homestead exemption from the Property Appraiser's Office and the minimum landscaping and tree preservation as may be required by this Article is maintained.
- (3) The removal of any plant that is listed in the Florida Exotic Pest Plant Council 2003 List of Invasive Species, as amended.
- (4) Linear Projects.
- (5) Emergency removal of a dead or seriously damaged tree that adversely affects the health, safety and welfare of the property owner or the general public.
- (6) When the proposed land clearing activity is regulated by another state or federal agency, which regulations may supersede those of the county
- (7) When the removal of vegetation has been ordered by the county, pursuant to the provisions of chapter 114, article II. Prior to issuing the order for removal of vegetation pursuant to the provisions of chapter 114, article II, if the removal conflicts with the requirements or intent of this division, the county manager or designee shall negotiate a resolution of the conflict.
- (8) All lands which have an existing land clearing permit, approved site plan or building permit shall be exempt from the requirements of this division that are inconsistent with the previous ordinance.

The discussion then turned to Agricultural Exemptions. Members discussed whether landowners who requested Agricultural Exemptions should prove that the land was going to be involved in a legitimate project. This would include submission of a business plan signed off on by the Agricultural Extension Office. They also discussed that a time limit be enforced, perhaps three years, which would be imposed before the property could be converted to non-agricultural uses. Marilyn suggested the Task Force to bring back something that hits a middle ground. Steve Brown said let the Agricultural producers continue with land clearing, and catch the developers on the landscaping end.

With that, Marilyn wrapped up the discussion, reminded the members that the next meeting would be May 11th at the Agricultural Extension office. She adjourned the meeting at 5:03 pm.