

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

June 22, 2005 Meeting Minutes Draft

Task Force Members Present

Bo Barnavon-Primary Representative, Homebuilders and Contractors Association
Robert Day-Primary Representative, Brevard Nature Alliance
Billy Kempfer- Alternate Representative, Florida Forestry Association
Charlie Moehle-Alternate Representative, Commission District 2
Maureen Rupe-Primary Representative, Commission District 5
Thomas Schuller-Primary Representative, Florida Farm Bureau
Lisa Smith-Primary Representative, Florida Native Plant Society
Dick Thompson-Primary Representative, Commission District 3
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
Lynn Girling-Primary Representative, International Society of Arborists
Jackie Gregory-Primary Representative, Commission District 1
Susan Hall-Alternate Representative, American Society of Landscape Architects
Don Hawthorne-Primary Representative, Garden Club
Vaughn Holeman, Primary Representative, District 4
Anthony Koromilas-Alternative Representative, District 1
Rochelle Lawandales-Primary Representative, Commission District 2
Robert Lee-Primary Representative, American Society of Civil Engineers
James Payne-Primary Representative, Cattleman's Association
Brad Smith-Primary Representative, American Society of Landscape Architects
Jim Spratt-Primary Representative, Florida Nurserymen and Growers Association
Dan Zrallack-Alternate Representative, American Society of Civil Engineers

County Staff Present

Ernest Brown-Director, NRMO
Amanda Elmore-Supervisor, NRMO
Sherry Williams-Special Projects Coordinator, NRMO
Gwen Heller- Land Development Specialist III, Land Development Dept.
Ron Jones-Director, Brevard Regional Storm Water Utility Dept. Liz McDuffee-Secretary
I, NRMO

Signed-in Citizens

Carmine Ferraro
James Mikubalanze

Call to Order

After waiting until a quorum of eight was present, Marilyn Crotty called the meeting to order at 3:14 pm. Marilyn asked task force members, Brevard County staff and citizens to introduce themselves. There were two citizens present: Carmine Ferraro and James Mikubalanze of Carmel Development. (Carmel developed the Horizon Palms East project that was included in the case studies presented by Staff.) The task force then approved the June 8th meeting minutes as written.

Land Development Presentation

Gwen Heller gave a PowerPoint presentation covering the Land Development Department's processes. One task force member asked for more clarification regarding the impact fee collection process. Gwen explained that the Development Cashier collects all residential and commercial impact fees for 15 municipalities. (The cashier also collects all development fees for unincorporated areas.) The builder is given a receipt and all collected money is deposited to the appropriate municipality's account. The builder must then attach his/her receipt to the paperwork that is submitted to the municipality. Another task force member asked if impact fees could be used for the purpose of paving unpaved roads instead of MSBUs. A board amendment would be required for this change to occur.

The 15-foot buffer zone subdivision requirement was discussed. There is an existing requirement for a 15-foot buffer area around all new residential subdivisions. Nothing may be built in the buffer zone at this time-not even a subdivision wall. However, if any canopy is located in the buffer zone, it can also count towards the 25% canopy requirement. One task member suggested the team address hazardous trees in the buffer zones (e.g., trees growing into power lines). There may be a conflict with the landscaping requirements if the homeowner can't preserve or plant trees because of FP&L restrictions. A staff member stated that FP&L requires a certain amount of clearance depending on the level of power in the lines. There is an exemption concerning this in the current ordinance and it is already addressed in the proposed draft ordinance.

Tom Schuller expressed concern over different preservation requirements adding up and resulting in a substantial "take" of land from the property owner. He asked whether 25% of the canopy would still need to be preserved if there was no canopy in the buffer zone. Staff said that a waiver might be issued in that case. Gwen noted that the requirements that the team had been discussing applied to the infrastructure (i.e., before the final plat went to the board for approval). After board approval, then building permits are issued for the individual homes.

Storm Water Presentation

Ron Jones gave an overview of the Storm Water Department. This department focuses on health, safety and welfare issues, system maintenance and the improvement of water quality. The Storm Water Department's responsibilities include reviewing subdivision site plans and road applications. Other departmental requirements can sometimes conflict with the tree canopy preservation criteria. For example, the developer wants to maintain the existing trees; however, a large amount of fill is necessary to prevent flooding of

homes. Fill requirements can sometimes be reduced through good engineering concepts and innovative design (e.g., “saw tooth” grading). Storm Water Management is willing to examine alternatives but it must also consider flood control components. New development can’t be allowed to impact existing development in adjacent areas. Most of the drainage system in Brevard County is older and was not designed by engineers. Older ditches are limited in their capacity and have freshwater/salinity issues. One task force member asked if an entire site is low and there is a clump of trees on the property, what could be done to preserve the trees? Ron Jones answered that as long as it doesn’t affect drainage and it doesn’t interfere with the maintenance of the stormwater system, Storm Water would not have an issue with the preservation. However, retention ponds must be maintained periodically (e.g., remove and replace the top few inches of soil). This is especially important in commercial areas where there is more oil and grease from traffic flushed into the retention pond. Proper maintenance requires that equipment have access to the retention pond. While maintenance crews may be able to work around one tree, it would not be feasible to work around many trees. Equipment movement and grading activities would probably damage most of the surrounding trees. Ron Jones stated that Storm Water has been successful in municipal-county partnerships.

Ron suggested that preservation areas be part of tracts – not preservation easements on individual lots, so they won’t be on individual landowner’s property. Subsequent owners may not comply with preservation requirements because they consider the 15-foot buffer an area that is maintained by them. In addition, landowners may fill in the swale to even out their land not knowing that the swale was originally created for drainage.

Since health, safety and welfare issues take precedence over tree preservation, staff suggested using a betterment plan in situations where preservation and stormwater requirements can’t be accommodated with the current code.

One task force member suggested that the appropriate county departments identify the conflicts within their own ordinances, determine the magnitude of the conflicts and have staff present them to the task force.

Case Studies

Amanda Elmore presented case studies on the following projects: Victorian Village Phase III, Palm Casual, Great Outdoors Miniwarehouse, Anchorage Condominiums and Horizon Palms East. Handouts on the slide presentation were distributed to task force members.

One task force member stated that it doesn’t appear that the existing code takes into account what happens when planted trees become mature (there may not be room for all the trees that were required to be planted). Issues that the task force can address include whether 25% is the right canopy percentage and how this figure relates to newly planted trees vs mature trees.

Another task force member asked if 8-foot tall scrub vegetation with small trunk circumferences should be considered “trees” when they are really just shrubs.

Tom Schuller asked how the taking of 25% of a property owner's land on which he/she pays taxes was different from the SEA's ordinance. He suggested that the burden of maintaining drainage should not just be on the developers, but also spread around the county. Bo Barnavon reminded the task force that other constraints (e.g., wetlands, scrub habitat, etc.) may not be considered canopy but still may need to be preserved. The focus could be on preserve, create or pay for it.

Citizen's Comments

Both citizens declined to make any comments.

Next meeting

Our next scheduled meeting is on July 6, 2005 at the Brevard County Agriculture Extension Office. The task force will focus on the outline that staff prepared (refer to Attachment C of the June 8, 2005 meeting package) and continue discussing Performance Standards.

Please let staff know if you will be unable to attend any of the task force meetings. Also, your prompt arrival would be appreciated. If a quorum of eight members is not present for the meeting, the meeting must be canceled. Staff agreed to make reminder calls the day before the next meeting.

The meeting was adjourned at 5:00pm.