

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

July 6, 2005 Meeting Minutes Draft

Task Force Members Present

Jackie Gregory-Primary Representative, Commission District 1
Susan Hall-Alternate Representative, American Society of Landscape Architects
Billy Kempfer-Alternate Representative, Florida Forestry Association
Anthony Koromilas-Alternative Representative, District 1
Robert Lee-Primary Representative, American Society of Civil Engineers
James Payne-Primary Representative, Cattleman's Association
Maureen Rupe-Primary Representative, Commission District 5
Thomas Schuller-Primary Representative, Florida Farm Bureau
Lisa Smith-Primary Representative, Florida Native Plant Society
Brad Smith-Primary Representative, American Society of Landscape Architects
Jim Spratt-Primary Representative, Florida Nurserymen and Growers Association
Dick Thompson-Primary Representative, Commission District 3
Facilitator-Marilyn Crotty, Director, Florida Institute of Government

Task Force Members Absent

Bo Barnavon-Primary Representative, Homebuilders and Contractors Association
Steve Brown-Alternate Representative, Florida Nurserymen and Growers Association
Bud Crisafulli-Alternate Representative, Florida Farm Bureau
Robert Day-Primary Representative, Brevard Nature Alliance
Lynn Girling-Primary Representative, International Society of Arborists
Don Hawthorne-Primary Representative, Garden Club
Vaughn Holeman-Primary Representative, District 4
Rochelle Lawandales-Primary Representative, Commission District 2
Charlie Moehle-Alternate Representative, Commission District 2
Earl Underhill-Primary Representative, Florida Forestry Association
Dan Zrallack-Alternate Representative, American Society of Civil Engineers

County Staff Present

Amanda Elmore-Supervisor, NRMO
Sherry Williams-Special Projects Coordinator, NRMO
Liz McDuffee-Secretary I, NRMO

Signed-in Citizens

Kathleen Burson

Call to Order

After waiting until a quorum of eight was present, Marilyn Crotty called the meeting to order at 3:07 pm. The task force members and Natural Resources Management Office staff introduced themselves. There was one citizen present: Kathleen Burson from the American Society of Landscape Architects. The task force then approved the June 22nd meeting minutes with the following corrections (shown in bold type):

*Tom Schuller expressed concern over different preservation requirements (e.g., **the 15-foot buffer and the 25% canopy preservation requirements**) adding up and resulting in a substantial “take” of land from the property owner. **It was noted that if there are trees in the 15-foot buffer zone, they could be counted towards the 25% canopy.** Tom 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 **for the 15-foot buffer** might be issued in that case.*

The task force continued the performance standards discussion from the June 8 meeting focusing first on the current requirement for preserving 25% of the area of the site for canopy preservation. The following items were discussed:

- The task force doesn't know how much or what kinds of canopy remain in the county. Has Natural Resources done a habitat analysis? Yes, in 2002 Natural Resources mapped all remaining natural areas, excluding federal lands and urban areas. Staff will present a GIS overview at the next meeting.
- Tom Schuller stated that 60% of county land is already owned and preserved by federal, county and city governments. Staff provided information that based on ownership analyses, 46% is publicly owned with the largest landowners in the county being the Kennedy Space Center and the St. Johns Management District (primarily flood plains along the St. Johns River).
- Lisa Smith stated that multiple burdens (e.g., from Land Development, Transportation, Stormwater, etc.) must be pulled together. There won't be a benefit in the long run if the task force doesn't look at integrating other ordinances. How do we encourage innovative approaches and provide for the economic development that homeowners and developers want?
- In addition to the 25% canopy preservation requirement, the developer may be limited by other preservation requirements such as wetlands, protected species, 15-foot buffer, stormwater requirements, etc.
- Dick Thompson reminded the task force that it reviewed the existing ordinance page by page in the first few meetings. At one of those meetings, Dick handed out a copy of the revised ordinance on which he worked several years ago. The task force might want to consider looking at it.
- Billy Kempfer stated that the comp plan and the ordinances were written singularly. He would like staff to look at them and propose how they could work together. Then the task force could set guidelines.

- Marilyn Crotty reminded the task force that it had decided not to go page by page through the ordinance and that is why it was focusing on the new outline now. However, if the task force wants to go back to a page-by-page review of the ordinance, it is an option.
- The task force discussed the definition of canopy. In the landscape ordinance, it is defined as the highest level of vegetative cover in the landscape. It is not currently defined in the Land Clearing and Tree Preservation Ordinance. Robert Lee defined canopy as native, mature hardwood trees with a dbh of 4 inches on the mainland or a dbh of 1 ½ inches on the barrier islands. His definition would also include protected trees (dbh 10 inches). Robert would exclude pine trees that are less than 24 inches in diameter and cabbage palms. Cabbage palms are durable and can be easily relocated so it doesn't make sense to analyze how to build around a cabbage palm. Pine trees are difficult to preserve in the post-development environment especially with stormwater requirements. An oak tree is hardier and easier to protect using innovative methods. One task force member suggested that the developer could contribute to a mitigation bank.
- The task force considered canopy as a cylinder (keeping all native understory beneath it) and as an umbrella (allowing some development beneath it). The current requirement is a cylinder. Perhaps some percent could be a cylinder and some percent could be an umbrella. However, the amount of undisturbed area that is required to preserve the tree must be considered.
- Brad Smith stated that if an area is less than 20 acres, you are looking at preserving individual trees; however, if an area is larger than 20 acres, you are looking at preserving ecosystems. While large, connected systems are important and should be preserved, they should not be preserved without compensation to the landowner. In urban areas, preservation should be accomplished on a large scale – acquire the property and decide whether to preserve it or not. We shouldn't be trying to preserve large ecosystems through individual review of smaller parcels.
- The task force discussed that performance standards should be based on land use. Commercial sites are more constrained than residential sites due to parking, access and stormwater requirements. Perhaps a sliding scale could be used that would be greater for residential areas.
- One task force member suggested that it would be helpful if a portion of the 25% canopy preservation requirement could be met with site replanting. The task force discussed using a growth chart to establish credit for new plants looking out to the size of the canopy in five years. Then the focus would be on meeting a certain factor at the end of the development process. Incentives could be established for preservation. For example, a 24-inch tree would be worth more than six four-inch trees. (By the end of the meeting the task force was discussing a 30% canopy preservation requirement, with 15% existing canopy and 15% planted canopy.)

- One suggestion was to inventory what canopy exists, including any cabbage palms and pines, and then decide how much must be preserved and how much can be replanted. Perhaps a 10% understory could be a preservation requirement. Not all understory has value. It may just be leaf litter that could be planted with native plants. With the umbrella approach, a greater number of plants can be planted.
- One task force member asked how the 25% figure was decided upon. Staff said that American Forests, Inc. recommended the following canopy standards: 15% for central business district, 25% for urban residential areas and 50% for suburban residential areas. A task force member suggested that commercial and residential requirements be addressed separately. Tracts are easier to preserve in residential than in conservation easements. In residential areas, the focus should be on tracts-not individual lots- because subsequent owners may not carry through with the original preservation requirements. It was also suggested that future land use maps be used (instead of zoning maps) to see if areas are industrial, commercial or residential.
- The task force discussed the amount of understory that would be required to be preserved to ensure survival of a tree. Dr. Gilman's memo stated three to five times the diameter of the tree is required. Jim Spratt will contact Dr. Gilman to see if he would be interested in coming to talk with the task force.
- It was noted that no variance procedure exists at this time. The betterment plan is referenced in the landscaping ordinance only. If only 8% canopy existed at the start of development, the remaining 22% must be planted (total must equal 30%, 5-years out) under the current direction and thought of the taskforce.
- Lisa Smith suggested encouraging preservation of trees through incentives, such as density bonuses. Lisa Smith will forward the City of Charlotte Tree Ordinance to staff.
- It was noted that there is no xeriscaping component in the current ordinance.
- Anthony Koromilas will forward the new Titusville ordinance to staff.
- The task force discussed the points system that applies primarily to individual lots. The standards we are discussing are for subdivisions - not individual lots. Robert Lee will bring examples of commercial and subdivision plans to the next meeting. When the preservation requirements are determined, the task force should test them on known sites of difficulty.
- When a building permit is obtained for an individual lot, the builder/owner must meet required points. Landscaping can be left on individual lots by the subdivision developer; however, it can't count towards the subdivision's canopy preservation requirements because the landscaping may not be kept when a house is built or after the homeowner moves in. It was noted that landscaping that is planted after the owner moves in is not counted toward the lot's landscaping points.

- Proposed residential preservation requirements:
 - 25% - 30% canopy (based on 5 years out, preserved and replanted)
 - 15% through preservation of existing canopy
 - 10% - 15% through replanting
 - Umbrella canopy: No requirement to preserve understory – just a requirement to ensure that trees would survive using Dr. Gilman’s formula.
 - Establish a variance procedure for those situations when existing canopy is less than 15%. (staff will draft language for this)
 - Establish an incentive for preserving more than 15% of existing canopy. (density bonus?)
- The current requirement is to preserve 25% of the site's area for canopy preservation. By raising the residential subdivision percentage to 30%, but dividing it into 15% preserved canopy and 15% planted, 5-year canopy, the existing canopy preservation requirement is actually lowered to 15%. The remaining 15% planted canopy is determined by what its size will be in five years – not today.
- Marilyn Crotty tested consensus on the above proposed residential preservation requirements with the following results:

| Consensus Level | | Number of Supporters |
|-----------------|--|----------------------|
| (5) | Wholehearted support. It is what I would do. | 5 |
| (4) | Can support. Good, though it may not be what I would do. | 0 |
| (3) | Can live with it. Will not oppose. | 1 |
| (2) | Minor reservations. Need additional discussion for clarification or improvement. | 4 |
| (1) | Major reservations. Cannot accept without major modifications. | 0 |

- The 15-foot buffer requirement in subdivisions is within the subdivision regulations. . However, the task force could make a recommendation to the Board when it presents the new landscaping, land clearing and tree preservation ordinance.

Citizen's Comments

Kathleen Burson, a landscape architect, addressed the task force. She stated that plans come to her before the tree survey is done. After the tree survey is done, there may be resistance to changing the plans. Developers may want to have the tree survey done first and work their plan around the trees before going to the County. Scrub oak with a 2-inch dbh should be considered in the definition of canopy. Cabbage palm can be relocated; however, the task force may want to give partial credit for cabbage palm canopy. Don't discount habitat understory. It reduces watering requirements and there is some wildlife that can be preserved in a minimal amount of habitat. The task force may want to preserve some cylinder understory. There is less management required if the understory is kept. Remember that wetlands do count as canopy if they are forested.

Next meeting

Our next scheduled meeting is on July 20, 2005 at the Brevard County Agriculture Extension Office.

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. Alternative Representatives are encouraged to attend all meetings - not just when the Primary Representative is unable to attend. Staff will continue to make reminder calls to task force members the day before the next meeting.

The meeting was adjourned at 5:03.