

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

June 8, 2005 Meeting Minutes

Task Force Members Present

Jackie Gregory- Primary Representative, Commission District 1  
Vaughn Holeman, Primary Representative, District 4  
Rochelle Lawandales-Primary Representative, Commission District 2  
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  
Brad Smith-Primary Representative, American Society of Landscape Architects  
Lisa Smith-Primary Representative, Florida Native Plant Society  
Jim Spratt-Primary Representative, Florida Nurserymen and Growers Association  
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

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  
Susan Hall-Alternate Representative, American Society of Landscape Architects  
Don Hawthorne-Primary Representative, Garden Club  
Billy Kempfer, Alternate Representative-Florida Forestry Association  
Anthony Koromilas-Alternative Representative, District 1  
Charlie Moehle-Alternate Representative, Commission District 2  
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 Citizen

Lillian Banks

### **Call to Order**

After waiting until a quorum was present, Marilyn Crotty called the meeting to order at 3:09 pm. Marilyn introduced Lillian Banks, a citizen attending the meeting and Vaughn Holeman, the recently appointed representative for District 4. The task force then approved the May 25<sup>th</sup> meeting minutes as written.

### **Review of Previous Work**

Marilyn started the meeting by reviewing the process used by the task force to reach this point. At the last meeting, the task force requested that Staff prepare a “big picture” outline of relevant tree preservation and landscaping concepts so that it could re-evaluate its current ordinance development process. Staff prepared an Outline of Tree Preservation and Landscaping Code Elements and included it as Attachment C in the June 8 meeting package.

### **Miscellaneous**

James Payne noted that he would like to be present at any meeting in which violations are discussed.

Jim Spratt will forward information to Staff regarding the required amounts of square footage for sustaining different types of trees.

### **Section 62-3631, Purpose and Intent**

Marilyn suggested that the task force review the Purpose and Intent section that it has already developed and decide if anything is missing. This section was developed to define community goals and should be the underlying basis for all that follows.

*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 establishment, management and conservation of native vegetative communities.*
- (2) Promote visual and aesthetic buffers between land uses.*
- (3) Encourage the protection of champion, heritage or specimen trees.*
- (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.*

Rochelle Lawandales stated that she was interested in crime prevention using environmental design standards. Rochelle was not sure that the existing items in the Purpose and Intent section covered her concerns. She will draft additional verbiage (it probably will be included under item #7) for the task force’s consideration.

## **Outline of Tree Preservation and Landscaping Code Elements**

Task force team members felt that Staff did a good job on the outline, especially on Section VIII, Performance Standards.

The task force discussed keeping sight of what it is trying to accomplish, including resolving conflicting rules and minimizing impacts to the existing tree population (e.g., the requirement to elevate a site may kill some existing trees). Staff was asked to bring other county departments to the task force meetings when conflicts exist. One task force member felt that different departments have their own ordinances that may be changed frequently and it would be a mistake to get involved in other departments' ordinances. Another task force member stated that if the task force finds contradictory ordinances, the task force could recommend that they be rewritten for flexibility.

One task force member stated that the task force should not be dictating what the taxpaying public should be planting. The focus should be on assisting the public and giving them guidelines. The task force needs to consider the property owners' rights more than it has done so far.

One task force member stated that codes generally focus on areas and coverage. With that in mind, the task force should look at canopies, area grade changes, building interferences, open space interests etc. The emphasis should be on what makes sense and the potential impact to the public.

Robert Lee stated that performance standards should be result orientated and have economic considerations. 1) Hit the owner's pocketbook if he/she wants to remove trees. 2) Hardwood vs. pine. If trees are replaced, they still can be viable resources. 3) If the property connects to a wildlife corridor, give the developer incentives to maintain the connectivity (e.g., improve density).

## **Preservation Standards**

The task force discussed the Preservation Standards items listed in Section VIII, Attachment C. Staff developed the draft outline based on seeing these items as repeating issues in dozens of codes. The task force must decide what issues are important to it. For example, it may want to consider how much rather than what kind of existing habitat or canopy should be kept. Standards might vary based on the vegetative community. A task force member reminded the group that the existing Comp Plan specifically addresses habitat type in Policy 8.5, #A.

## **Points Standard / Canopy Requirements**

The task force discussed the existing points standard and the requirement to preserve existing vegetation (e.g., wetlands, 25% of the canopy, etc.). The points standard generally relates to new landscaping – not preservation of existing vegetation. Issues relating to preserving 25% of the canopy and the associated understory were discussed. New developers generally set aside a tract of land to meet the canopy requirements. However, because of the canopy requirement, buyers of small, heavily treed lots may only develop 75% of their lots.

One task force member questioned whether upland preservation rules should be included in these ordinances. The habitat preservation requirement means that no sidewalk, porch, parking lot, stormwater drain, etc., may be placed under the canopy. The 25% rule is, in effect, taking 25% of the property owner's developable land without compensation to him/her. Then, depending on Stormwater requirements, the property owner may be required to elevate the building part of the lot resulting in flooding and damage to the preserved trees.

Robert Lee suggested that if the 25% canopy/understory requirement isn't working for developers, the task force could develop alternatives (e.g., increase the requirements at the back end). Perhaps the market should dictate the standards. A task force member stated that the task force should keep in mind that commercial areas will not support the same canopy cover that residential areas will. Staff stated that while Brevard County has not conducted any specific canopy studies, the American Forests organization recommends the following canopy coverages; 40% overall average canopy coverage, 50% suburban residential areas, 25% urban residential areas and 15% central business districts. The task force discussed whether canopy could be preserved without relating it to its understory. The task force felt that it could but there still was a concern that trees won't survive if pavement is placed right up to the tree or if the roots are graded. It was also suggested that trees don't need as much space as is required now. Jim Spratt volunteered to find information related to the amount of area trees need to survive.

The task force discussed that there are two ways to ensure canopies are available to mitigate the heat island effect: preserve existing canopies and create new canopies through planting. It was also noted that some trees are more desirable to preserve than others. If a desirable tree is growing on a lot, site plans can be modified to accommodate its survival. If less desirable trees are present, they could be removed and replaced with more desirable trees. Current regulations do not allow this. The property owner could be encouraged to keep trees by having hefty landscaping requirements when trees are removed. For example, the choice could be to keep the existing 25% canopy or add more trees than are currently required by the point system so that eventually the 25% canopy will be replaced. A 20-inch tree should not be replaced with a 2-inch tree. Hardwood trees are hardier than pines. Pines won't survive if they are transplanted or if any construction occurs around their roots. Perhaps pines could be replaced with hardier trees.

It is difficult to develop a standard that applies to every situation and it may be more effective to manage on a site-by-site basis. If the preservation requirement is changed to apply only to canopy (not to the understory), then the task force needs to look at commercial, residential and rural separately to determine how much canopy should be preserved for each. The task force should identify the minimum standard – property owners can always plant more.

One task force member suggested that the task force needs to consider the future management of trees. Another task force member stated that the goal of the betterment

plan is to establish what we want in 25 years. One task force member felt that a betterment plan is needed if the property is adjacent to a conservation area. Another task force member preferred that the betterment plan not be part of the code. He felt that the necessary design should be in the code, and it should be flexible. Incentives must be clear.

### **Requirements of Other County Departments / Case Studies**

It was suggested that the team may want to have a different county department attend each meeting and present a ½ hour primer on its processes that affect landscaping, land clearing, etc. Staff suggested that Land Development present to the task force first since they are the “keepers of the overall process.”

A task force member stated that every task force member may not know how a commercial or residential project is designed and implemented and it would be helpful if some case studies could be presented to the task force.

It was suggested that the team should look at commercial, rural and residential case studies and then focus on bringing in specific departments to discuss their regulations/processes. A task force member suggested that, in the interest of time, we limit the case study review to the next meeting and then move on. (It was noted that the task force could ask for an extension if more time is needed.) It was suggested that the task force receive information on other county departments’ processes/requirements as the case studies are presented.

### **Citizen’s Comments**

Lillian Banks, who has lived in Brevard more than 30 years, was present at the task force meeting. Ms. Banks felt that Brevard County is getting much too intrusive in everything it does. She has a small lot with seven trees and didn’t realize that landscaping, land clearing and tree protection involved so much.

### **Next Meeting**

The task force asked for Staff to present case studies at the next meeting. It would also like representatives from appropriate Brevard County departments to be present. The task force requested that a projector be used for the presentation so that it would be visible to all members. It was felt that the first hour could be devoted to the case studies and the second hour could be devoted to continuing the previous meeting’s discussion.

Marilyn Crotty adjourned the meeting at 5:03