



AGENDA
ENVIRONMENTAL ADVISORY BOARD
CITY OF PORT ORANGE

Meeting Date: Monday, February 26, 2018

Time: 5:15 PM

Type of Meeting: Special

Location: Community Development
Conference Room, 2nd Floor
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call

B. DISCUSSION/ACTION

2. House Bill on Tree Trimming
3. Future meeting times
4. Tree Ordinance Suggestions submitted by Derek LaMontagne
5. Harbor Oaks Initiatives Update

C. PUBLIC COMMENTS

D. BOARD COMMENTS

E. NEXT MEETING DATE

6. Next Meeting Date: April 24, 2018
7. Items for Next Agenda

F. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **ENVIRONMENTAL ADVISORY BOARD** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

1 A bill to be entitled
2 An act relating to tree, timber, and vegetation
3 trimming and removal; creating s. 589.37, F.S.;
4 prohibiting the regulation of the trimming or removal
5 of trees, timber, or vegetation performed by certain
6 governmental entities; prohibiting certain local
7 governmental actions relating to the trimming or
8 removal of trees, timber, or vegetation; providing for
9 continued local regulation and licensing of tree
10 trimmers; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 589.37, Florida Statutes, is created to
15 read:

16 589.37 Regulation of tree and vegetation trimming or
17 removal by certain governmental entities prohibited.—

18 (1) The uncontrolled growth of trees or vegetation within
19 rights-of-way owned or managed by the state, water management
20 districts, water control districts, neighborhood improvement
21 districts, independent special districts, or community
22 development districts interferes with the operation and
23 maintenance of flood protection and drainage infrastructure,
24 including but not limited to canals, critical to the protection
25 of the health, safety, and general welfare of the public.

PCS for HB 521

ORIGINAL

2018

26 (2) Where the state or a water management district, a water
27 control district created under chapter 298, a neighborhood
28 improvement district created under chapter 163, an independent
29 special district, or a community development district created
30 under chapter 190, has a duty to maintain any rights-of-way, no
31 municipality, county, or other political subdivision of the
32 state may prohibit, restrict, condition, or require a permit,
33 fee, or mitigation for the trimming or removal of trees or
34 vegetation.

35 (3) This section shall not prohibit the licensing and
36 regulation by municipalities or counties of persons engaged in
37 tree or vegetation trimming or removal.

38 Section 2. This act shall take effect July 1, 2018.

Tree Ordinance Suggested Improvements for Port Orange

- (1.1) Demand mitigation from **all** trees (min. d= 6”), so forests of healthy, non-specimen trees are not so readily cleared with no payback to the city.
- (1.2) Create a new class of tree, called *private protected tree*, with the following definition (taken from the City of Jacksonville Tree Ordinance):

Private protected tree means any tree with a DBH of six inches or more located on any lot within 20 feet of a street right-of-way (including an approved private street or other access easement) or a tree with a DBH of eight inches or more located within ten feet of any other property line, or a tree with a DBH of 11.5 inches or more located elsewhere on the lot.
- (1.3) Make similar penalties/mitigation charts for *private protected trees* as outlined with specimen and historic trees.
- (2) Increase the “Area tree protection requirements” (LDC: Chapter 9, Article II, Section 17) required for protection of existing trees **to 20-25%**, up from 15%, for the square footage of any development.
- (3.1) Create a rule against the practices of “**clear-cutting**” for large (10+ acre) developments (total clearing of land), and
- (3.2) Create a rule against “**slash-and-burn**” techniques for *any* developments. Instead, promote the practice of “smart, built-to-suit” development, meaning each lot is developed separately, allowing the new home owner the *choice* to preserve as much of the lot as *they* choose, not be given a totally cleared lot to begin with.
- (4) In Section 21 under “Exemptions,” create a new class of tree called *nuisance trees*, which includes invasive species, and allow for individual homeowners (not developers) to remove trees damaged by a hurricane or tropical storm to prevent further property loss.
- (5) Require *all development* (public, private, commercial, residential, road, etc.) to provide a pre-development **Tree Survey** of the property, listing *all* trees with minimum 6” diameter, as well as what wetlands exist on site.
- (6) Require all staff reports to City Council on development projects to include a section on **Environmental Impact**, to include (at minimum) a summary of how many trees will be lost/saved and how many acres of wetlands will be impacted.

(7) Require all governmental (city, county, state, federal) infrastructure projects to mitigate for and follow the Port Orange Tree Code. Specifically, **prohibit roads, highways, and bridges from any exemptions**, and instead require the building entity to pay into the Port Orange Tree Bank for any trees which would be lost, as done for private projects.

(8.1) Create a Resolution/Ordinance/other directive to require *all* revenue collected from the clearing of trees (maintenance or otherwise) on Port Orange's property to go *only* into the Port Orange Tree Bank fund, and no other financial unit.

(8.2) Further, in either the same motion or a separate one, require the **reallocation** of all previously contracted **revenue** paid or to be paid to the City by Alford Timber, Inc. for the removal of scores of acres of trees in Port Orange's wellfield/mitigation bank within the last year (after Hurricane Irma) to the Port Orange Tree Bank.

(9) Change the "1 tree/2500 s.f. of lot area" requirement to "**1 tree/1500 s.f.** of lot area" as in Ormond's Tree Code.

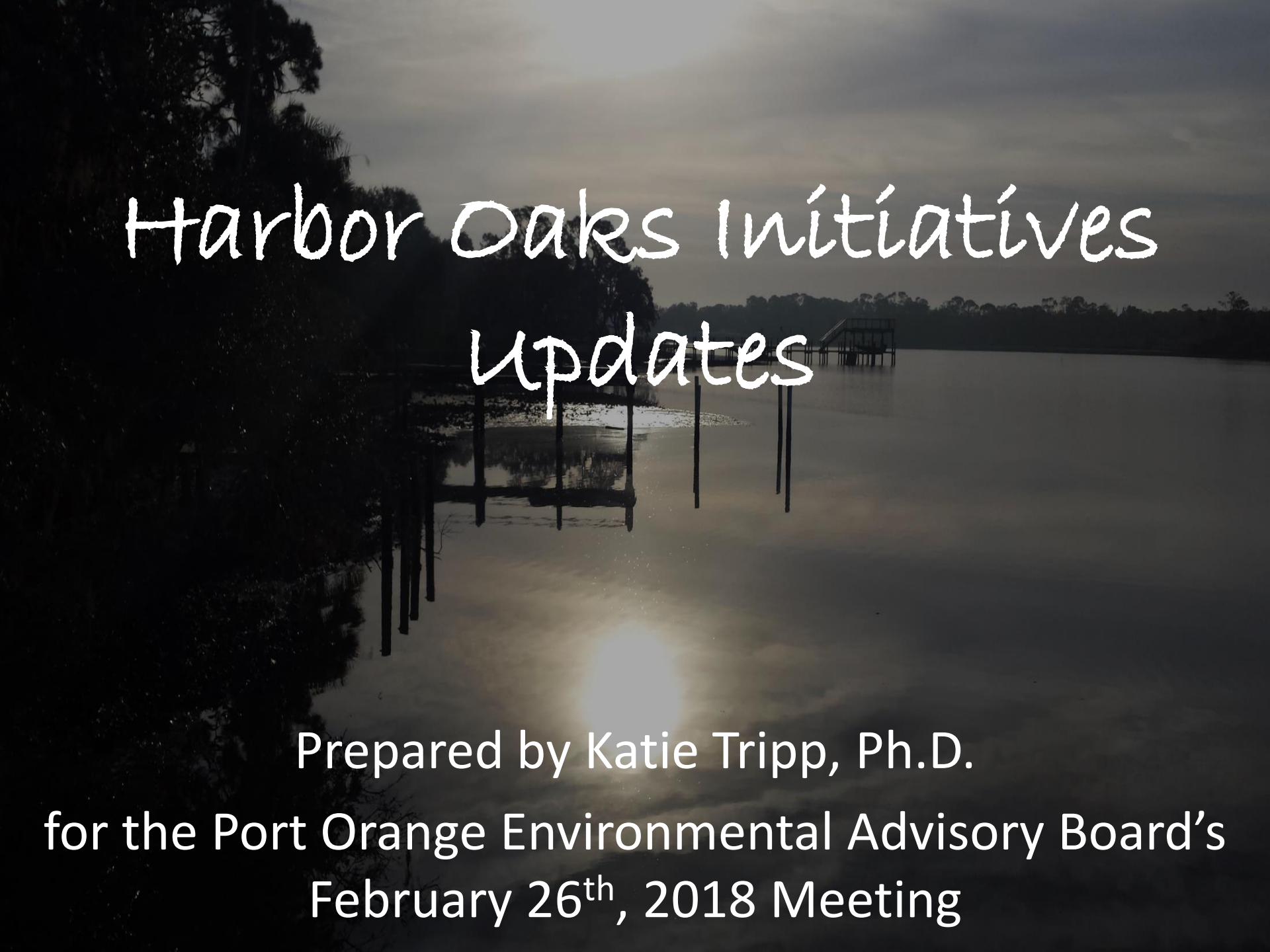
(10) Make the Tree Bank current value **available online** at all times, and possibly include recent transactions for the public to see.

(11.1) Consider a Resolution to **not allow palm trees** as replacement trees, and instead use hardwoods and other native trees like oaks which provide better shade and habitat.

(11.2) Pruning of palms needs to be limited, according to landscaping experts.

Here is the link to Jacksonville's Tree Code:

[https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodeId=TI_TXVILAU\\$CH656ZOCO_PT12LATRPRR\\$SPBTRPR_S656.1206PEPRCRT_RREREREPRTR](https://library.municode.com/fl/jacksonville/codes/code_of_ordinances?nodeId=TI_TXVILAU$CH656ZOCO_PT12LATRPRR$SPBTRPR_S656.1206PEPRCRT_RREREREPRTR)



Harbor Oaks Initiatives Updates

Prepared by Katie Tripp, Ph.D.

for the Port Orange Environmental Advisory Board's
February 26th, 2018 Meeting

Rose Bay Next Generation Restoration

- Since our presentation to you last spring, we have:
 - Created a community decal to help increase community pride & raise project funds
 - Completed shoreline profiles & documented existing shoreline conditions with the help of summer intern from UF
 - Held a doggie costume social just before Halloween that doubled as an educational event about responsible pet waste management
 - Presented the project to the Port Orange Rotary, Port Orange/South Daytona Chamber's leadership academy, & Paw Paw Chapter of the Native Plant Society- all have resulted in continuing collaboration
 - Gathered & potted fallen mangrove seeds to cultivate for use in the project
 - Presented the project at the Society for Ecological Restoration's Southeast Regional Meeting in Gulfport, MS in October 2017 and the Indian River Lagoon Symposium February 2018. The project will also be presented at the University of Florida's Aquatic Animal Health Conference this March.



Rose Bay Next Generation Restoration

- Worked with the City to install native plants in the medians closest to Harbor Oaks & Rose Bay
- Completed state and federal permit applications
- Completed outreach to all 52 parcel owners in the 1.6 miles of the project's current reach
 - 12 homeowners have opted in thus far
- Applied for project funding
- Removed hurricane debris (2 docks) from the waters behind the home of a project participant
- Began removal & herbicide treatment of Brazilian Pepper in the neighborhood
- Presented to the community about making our yards and landscapes more friendly to wildlife
- Coordinating with Volusia County retransplanting *Spartina* & young mangroves from Spruce Creek Park



Coming Up...

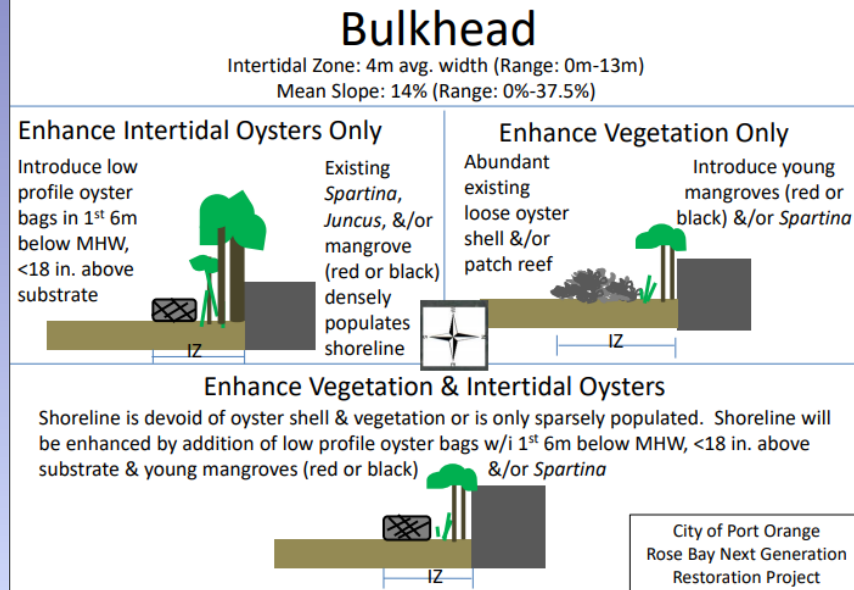
- Deconstruction of a dock damaged by Hurricane Irma
- Brazilian Pepper Outreach to all homes & removal of Pepper from parcels after coordination with owners; creation of an invasives handbook for residents
- Grant applications
- Port Orange Earth Day presentation & table
- Larry Haines Park living shoreline & access dock in collaboration with City Parks, FWC, & SJRWMD
- Movies in the Park- community events provide an educational opportunity & increase resident involvement
- Rotary Tree Project- helping Port Orange and Daytona West Rotary chapters meet the challenge handed down by the President of Rotary International- that every Rotarian in the world plant a tree this year
 - We'll be planting native trees in the Harbor Oaks pocket parks, in coordination with the City's Parks Department



This Summer....

- Conclude Brazilian Pepper eradication
- Complete design of living shoreline for opted-in residents
 - Plan backyard buffers & rain barrel/garden installs where desired
- Begin shoreline installs once permits received
- Continue funding pursuits

Fig. 6c: Typical Cross Section



TYPICAL CROSS SECTION VIEW SLOPE AND PLANTS

TYPICAL CROSS SECTION VIEW SEAWALL, RIP-RAP AND PLANTS

TYPICAL CROSS SECTION VIEW RETAINING WALL AND PLANTS

TYPICAL CROSS SECTION VIEW RIP-RAP AND PLANTS

Living Shorelines get better with age.
A seawall, retaining wall, or rip rap is as good as it is ever going to be, on the day it is installed.

Upland Plants

- Beautyberry
- Blanketflower
- Cabbage palm
- Dune sunflower
- False indigo
- Firebush
- Milkweed
- Muhle grass
- Necklacepod
- Porterweed
- Railroad vine
- Red cedar
- Saltbush
- Sea ox-eye daisy
- Seagrape
- Seaside goldenrod
- Sweet acacia
- Sweetbay
- Wax myrtle
- White indigoberry
- Wild lantana

Intertidal Plants

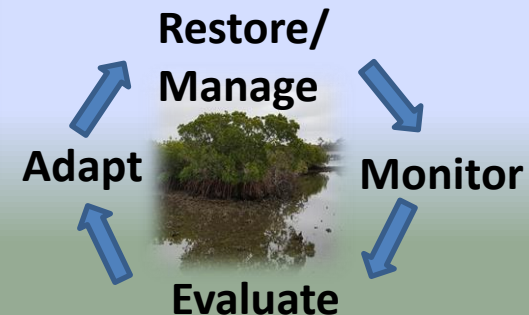
- Black mangrove
- Glasswort
- Red mangrove
- Saltgrass
- Saltmeadow cordgrass
- Saltwort
- Sea purslane
- Smooth cordgrass (*Spartina*)
- White mangrove

More Info: FloridaLivingShorelines.com



Next Generation Restoration Project Goals

- Complete upland & in-water work in south Harbor Oaks w/i 5 yrs
- Implement long-term monitoring & management program
- Continue the project north along Riverside Dr., continuing beyond Harbor Oaks into neighboring communities
- Create the “How To” manual for other waterfront communities so they can improve watershed management



We'd Also Like to....

- Beautify W. Bayshore canal by:
 - Removing debris (non-native shrubs, dead trees & vines)
 - Planting native trees on tops of banks for stabilization
 - Planting native plants on the slopes & at canal edges, which will provide food for birds & pollinators, allow water filtration, & reduce point source discharges into Rose Bay
- Create pollinator gardens in yards of willing residents
- Continue beautification of Pocket Parks once shoreline projects are complete, via the City's Park Partners Program



Thank you for your interest in, and support of, our projects!

Please contact me with any questions, or to get involved!



Katie Tripp, Ph.D.

Harbor Oaks Resident

Member, Harbor Oaks Neighborhood Assn. Board of Directors

Supervisor, Volusia Soil & Water Conservation District

Director of Science & Conservation, Save the Manatee Club

Email: ktripp@savethemanatee.org Cell: 727-504-4740

With thanks to our current partners: City of Port Orange, East Coast Greenway Alliance, Florida Fish and Wildlife Conservation Commission, Florida Native Plant Society- Paw Paw Chapter, Marine Discovery Center, & St. Johns River Water Management District