

Amelia Island Tree Protection Working Group

Summary Minutes

Wednesday, October 19, 2016

2pm -4pm

Present at the meeting were Bruce Jasinsky, Chairman, Local Planning Agency representative; Nick Gillette, Gillette and Associates, Inc.; Early McCall, McCall Tree Health and Consulting, LLC.; Arthur Herman, Amelia Tree Conservancy; Kelly Gibson, Senior Planner City of Fernandina Beach, Kailey Porter, Planner Nassau County BOCC; Taco Pope, Interim Director Nassau County Dept. of Planning and Economic Opportunity.

Chair Jasinsky addressed the committee and outlined the scope and purposes of the working group as defined by the Planning and Zoning Board of Nassau County. Each individual at the meeting identified themselves and their affiliation. Chair Jasinsky explained to the group that the Planning and Zoning Board of Nassau County had worked for several months to modify the existing regulations applicable to the unincorporated areas of Amelia Island. Ultimately, the Board directed staff to utilize the City of Fernandina Beach's tree protection regulations as a model and strive, to the extent possible, to create consistency between regulations governing the City of Fernandina Beach and those governing the unincorporated areas of Amelia Island. The group, as a whole, agreed with the approach and direction of the Board.

The group utilized the draft language provided to the Planning and Zoning Board at the September 20, 2016 meeting as guide to work through potential changes. A number of minor changes were discussed.

The group expressed a desire, to the extent possible, to have fees (permitting, replacement, etc.) related to tree protection be the same for both the City and County.

As it relates to sec. C.3.b, reword the section to include utilities and active recreational areas specifically. The discussion centered around the fact that a number of improvements which could impact tree retention do not necessarily fit the definition of construction zone as there is no impervious surface.

A significant change was agreed to in Section C.3.c.4. The existing language requires all trees greater than 6" dbh located within a required perimeter landscape area adjacent to a right-of-way to be preserved. The new language prohibits the removal of healthy trees with a dbh of 36" or greater. Any tree meeting this requirement will require an assessment by a certified arborist.

The group agreed to replace the language in section D – Tree Bank Receiving Area with Kelly Gibson's draft language titled, 'Tree Bank Exchange Area'.

Section E also represented a significant change requiring a health assessment be performed by a certified arborist only for those trees required to be preserved or preserved for the purpose of receiving preservation credits. The group had an extended conversation. It is envisioned that a tree survey would be submitted cataloging each tree on a property. Then, as a separate document, a health assessment will be performed by a certified arborist for each tree required to be preserved or preserved for the purpose of receiving preservation credits.

The group also discussed the preservation of Heritage Trees and a corresponding "bank" of preservation credits that can be used throughout an individual development. As an example; the group contemplated a single-family residential development wherein the developer created a tract to be held in common that preserved a Heritage Tree. The tree preservation credits received for the preservation of a Heritage Tree could be used anywhere within the boundary of the development including within individual Lots. The Heritage Tree must be formally designated in order to receive credits.

The group concluded discussion of the draft document at Section E – Tree Survey and Inventory. Chair Jasinsky directed staff to make the changes as discussed and prepare a draft for further discussion.

The group then discussed a tentative schedule for moving the project through the review process:

11/2/16 – Committee meeting

11/10/16 – Submit legal advertisement for public hearing at P&Z on 12/6/16

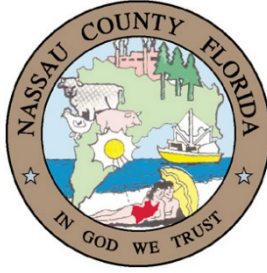
11/15/16 – Discussion at P&Z

11/16/16 – Submit legal advertisement for public hearing at BOCC on 12/12/16

12/6/16 – Public hearing at Planning and Zoning Board

12/12/16 – Public hearing at BOCC

They group set the next meeting date for November 2, 2016 from 2-4pm at the City of Fernandina Beach's City Hall upstairs conference room.



Amelia Island Tree Protection Working Group

Summary Minutes

Wednesday, November 02, 2016

2pm -4pm

Present at the meeting were Bruce Jasinsky, Chairman, Local Planning Agency representative; Nick Gillette, Gillette and Associates, Inc.; Early McCall, McCall Tree Health and Consulting, LLC.; Arthur Herman, Amelia Tree Conservancy; Kelly Gibson, Senior Planner City of Fernandina Beach; Taco Pope, Director Nassau County Dept. of Planning and Economic Opportunity.

In the first order of business the group reviewed the summary minutes from the 10/19/16 meeting for acceptance. A motion was put forth by Arthur Herman and seconded by Nick Gillette to approve the draft minutes. The group moved unanimously to approve the draft minutes.

Taco Pope then addressed the group and distributed the amended version of the draft language which incorporated modifications based on the working group's direction at the 10/19/16 meeting, as well as, modifications proffered by City/County staff for the group to consider.

Discussions started by reviewing the changes based on the previous meeting. In general discussion the group agreed that tree protection requires a more holistic approach.

After a lengthy discussion, the group agreed, for replacement tree purposes, to allow three palm trees to count for one canopy/shade tree. This was agreed to with the understanding that no more than 50% of any one genus or 25% of any one species.

Group agreed to establish that a tree survey shall not be more than two years old.

After a lengthy discussion the group ultimately decided to strike the proposed Section 37.05(K), Requirement for Street Trees. The direction of the group was to explore the manner in which other jurisdictions approach street trees and the complications with ROW constraints and utilities. The group unanimously agreed that in concept the requirement

for street trees was a desirable provision that would improve the aesthetics and functionality of roadways.

Specify “walking feet” in determining appropriate distance for off-site parking.

Use the term Shade Tree in-lieu-of Canopy Tree where appropriate and use the City’s definition of Shade Tree.

Allow for deviations to the required tree protection zone provided the deviation plan is created by an ISA certified arborist and follows BMPs.

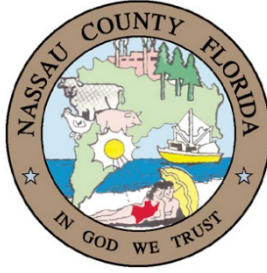
Group discussed monitoring water needs during construction.

Define Hatrack

Prohibit pruning of more than 30% of the canopy.

Change the penalty for clear cutting a lot from \$1 per square foot to \$3 a square foot.

The group moved to send the draft language forward to the Planning and Zoning Board for comment. Taco is going to also circulate the language internally to various County staff for comment.



Amelia Island Tree Protection Working Group

Summary Minutes

Thursday February 23, 2016

9:30am-11:30am

Present at the meeting were Bruce Jasinsky, Chairman, Local Planning Agency representative; Early McCall, McCall Tree Health and Consulting, LLC.; Arthur Herman, Amelia Tree Conservancy; Kelly Gibson, Senior Planner City of Fernandina Beach; Taco Pope, Director Nassau County Dept. of Planning and Economic Opportunity; Mike Griffin, Building Official Nassau County; Jeff Packer, AIP HOA VP; Kailey Porter, Nassau County Planning and Economic Opportunity.

- 1. The group discussed what has occurred/our directive since the last meeting of the tree working group. This included the group being given the directive to remove some items from the proposed ordinance including the heritage trees and generally simplify the ordinance.**
- 2. The parking amendment is going before the P&Z in March and BOCC in April.**
- 3. Another topic that needed clarification was who should the ordinance apply to – everyone or just new development? Outside of HOA's or within too? The working group decided that we should still have it apply to everyone. Our regulations may be stricter than HOAs. Is there some way we can work with them to help with enforcement or regulation?**
- 4. The working group, with the accompaniment of Mr. Griffin, discussed the pros and cons of having the penalties either be a code enforcement issue or just require them to pay a fine. The working group decided it was better to have it be a code enforcement issue. This will begin with a stop work order and a notice of violation. They will be required to submit a restoration plan within 30 days. If they can't do a restoration plan they have to pay a fine. Larger trees (25" or greater dbh) will require both a restoration plan and the applicant to pay a fine. We will propose to the board that the fine allowed for trees increases to up to \$15,000 per tree. The reason being there may be more of an initiative to save trees if the cost is higher (especially in subdivisions like McCarther Estates). We need to come up with a standard for irreplaceable. Change the \$3 per square foot of land cleared to \$3 per**

square foot of the total lot acreage (they will also have to do a landscaping plan?). The penalties will hold all parties responsible – arborist, property owner, contractor, etc.

5. The Working Group will need to hold public meetings for the ordinance. For this we should create: PowerPoint with visualization, one page description of the ordinance that is easy to understand, update the website to include the ordinance, do a Facebook blast and maybe the post cards or flyers. Aim to have one in April or May?
6. After holding a general public outreach session the group concurred that a meeting with professional trades should be held.
7. Next working group meeting to be held towards the end of March or beginning of April. Target end of May early June for first outreach meeting.

**AMELIA ISLAND TREE PROTECTION WORKING GROUP THURSDAY, AUGUST 23, 2018
– 11:00 A.M. COUNTY MANAGER’S CONFERENCE ROOM
JAMES S. PAGE GOVERNMENTAL COMPLEX, YULEE, FLORIDA**

The Amelia Island Tree Protection Working Group Committee met this 23rd day of August 2018 at 11:00 a.m. in the County Manager’s Conference Room, James S. Page Governmental Complex, Yulee, Florida. The purpose of the meeting was to discuss and review alternate language for the draft ordinance and prepare the fact-finding document to be presented to the Planning and Zoning Board and the Board of County Commissioners at a future date.

Committee members present were Bruce Jasinsky, Chairman and Local Planning Agency (LPA) representative; Nick Gillette, P.E., Gillette and Associates, Engineers; Arthur Herman and Margaret Kirkland, Amelia Tree Conservancy; Early McCall, I.S.A. Certified Arborist; Kelly Gibson, Senior Planner, City of Fernandina Beach; and representing the Planning and Economic Opportunity Department were Taco Pope, Director; Adrienne Burke, Assistant Director; and Kailey Porter, Planner I. Also present was Peggy Snyder, recording secretary.

Chairman Jasinsky called the meeting to order at 11:04 a.m. He explained the purpose of the meeting was to review modifications to the last draft of the ordinance “amending Article 37 of the Land Development Code (LDC), Natural Resource Protection, specifically rescinding the current Section 37.02, Native Canopy Tree Protection, and creating a new Section 37.02, Amelia Island Tree Protection and Replacement; amending Article 32 of the LDC, Definitions; providing for penalty; providing for enforcement...” The working group had agreed upon and submitted; however, there were issues raised regarding the practicality of some of the methods that were included in the last draft document. Staff went back through the document and provided suggested changes for the working group’s review. Chairman Jasinsky mentioned that the County Attorney had indicated that there will be additional changes to some of the legal verbiage on this working draft. He added that staff will provide an overview of their changes to the draft ordinance and the intent of these changes and the group will reconvene at a later date to review and comment on these changes.

Mr. Pope explained that the changes were color-coded with yellow indicating modifications or amendments since the last Board of County Commissioners’ public hearing. One change was a result of a conversation Mr. Pope had with an arborist who signed off on the tree “inventory” and health assessment of trees on a lot stating that he did not have anything to do with construction plans. As a result, on Page 14, Paragraph 6, there is an attestation form that is to be signed by the arborist attesting that they have reviewed the completed construction plan set and techniques to be used to mitigate impacts to protected trees. Another “yellow” change on Page 18 is the constant struggle of how to identify on the plan set the tree protections zones of a heavily wooded site with a closed canopy. In speaking with a St. Augustine arborist, they suggested that the County use the diameter of the tree as the basis for setting the tree protection zone as opposed to the canopy. The arborist also mentioned that there is a difference between tree protection zone and a critical root zone and the language is defined in Paragraph 4(a) as the circular area around a protected tree with a radius equal to six times the diameter of the trunk at breast height not to be less than 72 inches. In his opinion, these were the two major changes in yellow.

Next, Mr. Pope addressed the gray-colored changes which were modifications that came about in the last couple weeks. Staff realized while reviewing the draft that there was one component that was functionally missing which was the minimum preservation standard. He added that there is the perimeter buffer requirement and the 80/20 rule; however, there is nothing in the LDC addressing which particular type or size of tree that must be preserved. The arborist the County is using from St. Augustine recommended establishing a specimen tree size that was a percentage of the Florida Champion Tree of that particular species. He added that Ms. Burke looked through numerous LDCs in South Georgia and Florida and the

specimen tree size varies greatly for each code. The average is 30 percent of the Champion Tree which is where that specimen size is derived. St. Simons had set their specimen size at 38 inches for a Live Oak tree; however, other communities are at 42 inches or 48 inches. Ms. Burke explained that staff had modeled after St. Simons' preservation specifically of the Live Oak tree only as the specimen tree which is presented in the draft. Mr. Pope noted that they must determine what is most important for the habitat and make that a priority. The Live Oak tree on Amelia Island is the most important; therefore, included in the draft is a 38-inch Oak tree or greater cannot be removed. This regulation would not apply to a single-family lot which is reflected in the LDC. For commercial or multi-family, for the infrastructure part of a new subdivision, it would apply. A permit is required to remove a specimen tree even if it is dead, dying or diseased. Mr. Pope also explained the additional language that will allow the Code Enforcement Board to assess a penalty up to \$15,000.00 for removal of a specimen tree.

At the suggestion of Ms. Kirkland, Mr. Pope advised that on page 16, staff has included a color-coding system for tree ribbons to help avoid confusion on the sites. Blue indicates a protected tree to be removed; orange is a protected tree to be preserved; and red is for a dead or diseased tree with Diameter at Breast Height (DBH) of five inches or greater to be removed. On page 15, Mr. Pope explained the new preservation credit system for the three classifications based on size. To make everything work, language was added on page 22 which will allow the Planning and Zoning Board the ability to grant waivers and the Planning and Economic Opportunity Director to reduce building setbacks, increase building height, and alter the minimum perimeter landscape buffer if it protects more trees. He added that the County Attorney is still working through the Administrative Enforcement and the Penalty sections and has technical changes coming. Ms. Burke explained that if a Live Oak tree must be removed, it must be mitigated with one 4-inch Oak tree. Also discussed was "clustering" which is a multi-stemmed, cumulative 60-inch cluster of Live Oak trees. Mr. Pope will better define "cluster" and provide graphic examples to support the definition.

Next, Mr. Pope discussed what an individual property owner must consider in order to add a swimming pool or patio extension related to the Oak tree. He added that on page 7, there are five criterion to remove a tree: (1) Tree is dead or has fallen, (2) Insect infestation or disease which treatment is impractical, (3) Tree creates an unsafe condition, (4) Damage that could cause tree to die within five to 10 years, and (5) In the case of an individual single-family detached building site, the tree prevents reasonable use of that lot for the construction of a single-family detached home or customary accessory uses such as outdoor living spaces and pools. If there is a specimen tree on the property and the owner wants to put in a pool, they have the ability to get the permit and take out the specimen tree; however, the owner must mitigate the specimen tree with the 4-inch Oak tree. Mr. Pope suggested the creation of a Tree Fund that would allow a certain amount of money per tree inches to be used towards mitigation. A lengthy discussion ensued regarding clarification of this verbiage for various scenarios.

Mr. McCall mentioned that in the Ocean Breeze Subdivision, there were a lot of wet areas that houses were built upon. The builder had to grub out the muck soil and add good soil which ended up too close to the Oak trees and many of them died or will die. This would be unfair to an owner who would have to mitigate for a tree that dies a year after he moves into the property. Ms. Kirkland explained that many of the things done in that subdivision were in violation of the Tree Protection Ordinance. It was noted that utility companies have been known to trench too close to a tree. Ms. Burke suggested having the location of the utility indicated on the site plan. Ms. Burke pointed out that this issue is addressed on pages 17 and 18 where tunneling is preferred to trenching. Mr. Pope suggested making tunneling mandatory. Mr. Pope explained that this could be problematic inside easements. Mr. McCall felt that an arborist should be required for each project in the beginning. Mr. Gillette felt that page 7(V) would be problematic for staff. Mr. Pope explained that a 4-inch Oak tree, delivered and installed cost approximately \$1,200.00. The group discussed tape colors and diameter inches of trees. Chair Jasinsky explained that this committee does not want to restrict an owner's use of their property by over-regulation. The bigger the number of 08-

the tree, the least number of trees it will apply to on that site which creates greater potential not to have that situation occur. He suggested possibly changing the measurement to 38 inches in the future. The group further discussed mitigation applying only to Amelia Island and standard colors for ribbons for tree identification.

Mr. Pope emphasized that if the committee wishes to have the Tree Bank and collect money, he would need a consensus from the group. It was moved by Mr. Gillette, seconded by Mr. McCall to recommend the creation of a Tree Bank on Amelia Island. Mr. Gillette amended his motion to state that the Tree Bank was only for mitigation and not for minimum tree plantings. Mr. McCall amended his motion and the vote unanimously carried.

Ms. Burke pointed out that there has been concern from the County's perspective about having a tree fund and management of the fund, identifying its use, and maintenance. She explained that the ordinance creating such a fund could address more than just taking care of trees such as surveys and monitoring. Mr. Pope explained that other communities provide trees to the property owner with a signed affidavit that the owner will maintain the tree. Ms. Gibson pointed out that if a tree fund is also used for maintenance, the fund will be exhausted very quickly. It was clarified to use the fund only for planting and watering of the tree. Mr. Pope explained that staff will survey three local nurseries to come up with a cost for a 3-inch Live Oak including installation and a 2-year warranty. Ms. Burke suggested a 4-inch Live Oak. Mr. McCall explained that with the boom in construction, trees are extremely costly and 4-inch Live Oaks are scarce. Ms. Gibson explained that the survival rate is lower for 4-inch trees. The group agreed on 3-inch trees for the value as well as the replacement on the specimen tree.

Ms. Kirkland mentioned that the new building trend is to have a single-family home take up the majority of the lot and no trees are left. She inquired if there was a way to limit the percentage of lot coverage. Mr. Pope explained that the County's building code is 35 percent building coverage with roofed structures not counting driveways, pool or other uncovered areas. The City has different standards with 75 percent impervious surface which includes pools and driveways. Chairman Jasinsky explained that from a market perspective, most new buyers want a single-story house. Ms. Burke felt that the drainage and flood plain management may require more pervious surface.

Ms. Gibson explained that she was excited about these changes and looked forward to incorporating some of this language into the City of Fernandina Beach's LDC. She inquired whether there was a way to require stem-wall or pier foundation in order to protect the tree root zone on a lot. Mr. Pope explained that the new language "encourages" this practice; it does not mandate it. Discussion followed related to costs associated with stem-wall versus tree well. Mr. Pope recommended that when this committee goes before the Board of County Commissioners, they should suggest that the County have on staff an arborist and a permit program. Ms. Kirkland felt that developers should consider conservation site design and consider the environment they are building on when they do their design instead of maxing out the development. A lengthy discussion followed regarding allowing one specimen tree to be removed in order to save five others. Chairman Jasinsky suggested language offering some relief in special circumstances. Ms. Burke mentioned that, in certain cases, a variance could be applied for with the Conditional Use and Variance Board. Chairman Jasinsky requested that the committee consider a 42-inch measurement versus the 38-inch which would create less of an environment where the County could be challenged on the development of the site. Mr. Pope explained that 41-inch is 33 percent of the Champion Tree in Florida. Mr. Pope advised that any motion should contain percentage of the Champion Tree in order to have the justification.

It was moved by Mr. Gillette, seconded by Mr. Herman and unanimously carried to set the standard of 33 percent of the Champion Tree which equates to 41-inches.

Chairman Jasinsky stated that the committee will be notified of the next meeting. Mr. Pope advised that September 10, 2018 is when this draft is proposed to go before the Board of County Commissioners. He and Ms. Burke will make the suggested changes to the draft and email it to each committee member for review.

There being no further business, the meeting adjourned at 12:26 p.m.

**AMELIA ISLAND TREE PRESERVATION WORKING GROUP MONDAY, OCTOBER 15, 2018 – 1:00 P.M. COUNTY ATTORNEY’S CONFERENCE ROOM
JAMES S. PAGE GOVERNMENTAL COMPLEX, YULEE, FLORIDA**

The Amelia Island Tree Protection Working Group Committee met this 15th day of October 2018 at 1:00 p.m. in the County Attorney’s Conference Room, James S. Page Governmental Complex, Yulee, Florida. The purpose of the meeting was to discuss and review alternate language for the draft ordinance and prepare the fact-finding document to be presented to the Planning and Zoning Board and the Board of County Commissioners at a future date.

Committee members present were Bruce Jasinsky, Chairman and Local Planning Agency (LPA) representative; Nick Gillette, P.E., Gillette and Associates, Engineers (arrived 1:45 p.m.); Margaret Kirkland, Amelia Tree Conservancy; Early McCall, I.S.A. Certified Arborist; and representing the Planning and Economic Opportunity Department were Taco Pope, Director; Adrienne Burke, Assistant Director; Kailey Saver, Planner II; and, Sue Ann Alleger, Planner II. Also present was Michael Mullin, Interim County Manager/County Attorney. Absent were Kelly Gibson, Senior Planner, City of Fernandina Beach; and Arthur Herman, Amelia Tree Conservancy. Dan McCranie, McCranie & Associates, Inc., Engineers, was present as an observer.

Chairman Jasinsky called the meeting to order at 1:18 p.m. Mr. Pope explained that this working group has presented a number of drafts of this tree ordinance over the past two years. Upon review of a recent court case, Mr. Mullin advised that changes will need to be made to this draft of the proposed tree ordinance and he was here to address some of the legal parameters around the regulations.

Mr. Mullin explained that the numerous federal cases he had reviewed all dealt with the same issues regarding standards, procedures, appeal processes, the basis upon which the trees are being protected, and any distinctions between single family lots. He reviewed approximately thirty county tree ordinances, inside and outside of Florida. Some counties make exemptions for trees depending on the size of the lot. After reviewing numerous federal cases, Ms. Burke noted that several items appeared to her as major issues. One foundation of Nassau County’s tree ordinance is based on the fact that Amelia Island is a maritime forest with a unique ecosystem island-wide and is a basis of protection for the island. The Live Oak tree, in particular, is very unique to this ecosystem. One of the major issues that may be problematic with the ordinance is the fact that Nassau County distinguishes the Resort Overlay District and uses the basis that the environment is the same. Other areas of unincorporated Amelia Island deal with more of the aesthetic values. Distinguishing one area from another could be problematic. The second issue she found in case law was differentiating between single family residential ownership and developers which is a disproportionate treatment and a due process issue. Lastly, Ms. Burke explained that if Nassau County is requiring some type of mitigation planning requirement and a fee “in lieu of”; it would require a separate fund set up by the County. Some of the language in the ordinance must specify how the County would decide to spend that money and where these additional trees would get planted. Based on the case law, this plan would need to be clear, transparent, and overseen and managed by a public board; not internal staff. In summary, she understood from the case law that the County must be clear in the language regarding: (1) geographic area, (2) residential versus commercial development, and, (3) issues regarding the mitigation.

Mr. Mullin mentioned that another area of concern was the appeal process and whether it would go to the Planning and Zoning Board or a Tree Commission comprised of certain expert professionals; would it go for a variance or an appeal process to them then onto circuit court. The Planning and Zoning Board could hear the appeal but they must have standards to apply. Mr. Mullin pointed out that this tree ordinance would be applicable only on Amelia Island and the Planning and Zoning Board is comprised of board

members from all over the County; some with a different view of trees. Discussion followed regarding how this Working Group was created, the expertise of each of the members, and holding future meetings on Amelia Island for public input. Ms. Burke felt that before any public meetings are held, there should be clarity regarding the ordinance first. She felt that there was still too much ambiguity based on these issues. Based on case law, Mr. Mullin advised that this tree ordinance would need to apply to the entire unincorporated section of Amelia Island, including the older sections by Clinch Drive and Amelia Drive. Chair Jasinsky explained that one of the reasons they excluded the unincorporated areas by Clinch Drive is because there are 100 feet by 150 feet lots with massive Oak trees. There would have to be mitigation because people would not be able to build on their lots. Discussion followed regarding forming a Tree Commission to insure equitable treatment for both developers and property owners. Ms. Burke explained that according to the case law in question, everyone is regulated the same or that regulation would not apply. Amelia Island being an environmentally sensitive canopy was discussed. Mr. Mullin explained that various other counties had taken the approach and surveyed the areas that would be subject to the ordinance. Based on the surveys, the larger lots did not have a significant amount of protected trees; therefore, these counties used a baseline in order to have a lot size differential. A lengthy discussion followed regarding using the environmental value basis versus the aesthetic benefits.

The group discussed what would constitute a tree to be harmful. Mr. McCall explained that if the entire crown of the tree is over the top of the house and it is like a Laurel Oak, he would not have any problem removing that tree. A tree that is three to five feet to the house could threaten the structure. He suggested reducing the weight of the tree over the top of the house adding that Live Oaks will break from wind gusts and other factors; the wood is so hard that the branches can crack. Chair Jasinsky mentioned that the tree ordinance could have language that would address this scenario. He also inquired whether the ordinance should have two different portions for the residential side; one section dealing with developer regulations and one for single family lots. Ms. Burke explained that this was the main problem with the case law because they were being treated differently. Mr. McCall explained that there is no one being forced to ask for permission. Mr. Mullin agreed that this was a flaw in the draft ordinance. There could be disagreements between the Tree Commission's arborist and the City's staff arborist. He added that this would all have to be built into the ordinance so the courts can see that there is some procedure. Mr. Pope expressed his approval of a Tree Commission. From a functional standpoint, Mr. Pope stated that his department does not have the capacity to have a permitting process. Mr. Mullin explained that it would require a separate section of staff to handle that. Ms. Burke pointed out that without a massive educational campaign to explain to the public that they cannot cut down their tree unless they obtain an arborist's letter for their files, there will be an abundance of code enforcement violations which will be a burden to the Code Enforcement staff. Chair Jasinsky pointed out that they cannot write an ordinance that cannot be enforced.

Mr. Mullin suggested that this proposed tree ordinance go back to the Planning and Zoning Board for them to request a joint workshop meeting with the Board of County Commissioners in order to determine how to proceed. This working group could proceed with a basic draft ordinance and staff could weigh in regarding the single family lots versus the developers. The Board of County Commissioners may elect to bring this back to the Planning and Zoning Board in order to conduct the public meetings and establish a Tree Commission. Ms. Alleger explained that with the mitigation, another issue is where to plant all the new trees. Mr. Pope explained the current process for single family residences and developers. A lengthy discussion followed. Mr. Mullin suggested that they go back to the Planning and Zoning Board and explain the issues with the present draft ordinance and to get their direction. The group discussed the Planning and Zoning Board having members from the west side of the County with a different perspective of tree preservation on the Tree Commission. Mr. Pope suggested having a Tree Commission similar to the Affordable Housing Advisory Committee (AHAC) made up of experts in the field such as landscape architects and arborists, similar to this working group.

Regarding single family lots, Chair Jasinsky suggested that from a committee standpoint, do they want to go the route of using the ordinance for aesthetics and move forward with the subdivision regulations and commercial regulation and be more lenient on the single family lots such as those located on Amelia Road and Clinch Drive. This method would not require a Tree Commission but would fall back to staff to review on plats. Ms. Kirkland suggested they revisit what their original purposes were at the beginning of the process. She pointed out that the City of Fernandina Beach covers single family lots and they also have a permitting process; therefore, this working group should try to achieve more consistency for the island. Chair Jasinsky inquired if it is the group's consensus to form a Tree Commission. Mr. Gillette felt it would be hard for the County to codify something and not regulate it. He suggested asking the Board of County Commissioners to fund a permitting committee like the City of Fernandina Beach has. Ms. Burke mentioned that based on that case law, the Tree Commission was mentioned as important as far as having a mitigation plan and how funds collected for fee "in lieu" are spent. Ms. Kirkland suggested having the County hire an arborist. Ms. Burke explained how that person could handle other tasks such as landscaping plan. Mr. Mullin advised that a fee could be instituted. Discussion followed. Moving forward, Mr. Mullin suggested that they have a joint meeting with the Board of County Commissioners and the Planning and Zoning Board to discuss, based on the draft, how to move forward. Mr. McCall stated that they have not addressed all the problems. Mr. Pope suggested drafting up the top ten items they wish to occur such as staffing, fee system, etc. Ms. Burke felt that would help keep everyone on track and could be incorporated into the existing draft. She marked up her draft after reviewing the case law so it should be just a matter of rewording the draft. Discussion ensued regarding rewriting the language to one rule for commercial and residential instead of the two rules they currently have. There currently is the 80/20 percent rule for residential and 75/25 percent rule for commercial. Ms. Burke stated that the County should use the "environmental" basis because of the level of protection it offers on a barrier island. She suggested being consistent and using the 75/25 percent rule; the same as the City of Fernandina Beach.

Chair Jasinsky summarized the proposed changes to the Tree Ordinance regarding: (1) covering the entire unincorporated area of Amelia Island; (2) changing the regulation to be 75/25 percent for commercial and residential alike; (3) define a mitigation plan and fee "in lieu" as well as variance process. The group discussed specimen trees and the variance process. Mr. McCall pointed out that the verbiage on page 7 related to the mitigation for the removal of a specimen tree needs to be better worded for clearer understanding. Ms. Burke felt that they could probably just use the last sentence which states that if someone has a specimen tree, they would have to follow the rules related to specimen trees as well as all the other rules related to the other trees on the property. They would not be mutually exclusive. Chair Jasinsky pointed out a scenario where an owner wants to put in a swimming pool and would have to mitigate to add more trees to an already wooded lot. Ms. Burke responded that this is why there would need to be clear criteria around the fee "in lieu" and the mitigation plan. Mr. Pope explained the appeal and waiver processes in Sections M and N. In addition to the waivers, Mr. Pope explained the addition of the fee "in lieu". Discussion followed regarding replacing a Live Oak with three Palm trees. Mr. Mullin pointed out that this would negate the environmental aspect. Ms. Burke suggested only replacing a Palm tree with a Palm tree. Chair Jasinsky pointed out that Palm trees are prevalently used in subdivisions where people put groupings in their yards. Mr. Mullin stated that would take them back to the aesthetic factor. A discussion of Palm trees ensued.

Chair Jasinsky stated that the working group has addressed the issues and staff has their direction to make the necessary changes to the draft ordinance. He suggested having another meeting once the draft is completed in order for this working group to approve the draft.

There being no further business, the meeting adjourned at 2:50 p.m.

**AMELIA ISLAND TREE PRESERVATION WORKING
GROUP NOVEMBER 13, 2020 – 10:00 A.M.
VIRTUAL MEETING VIA GOTOMEETING.COM**

The Amelia Island Tree Protection Working Group Committee met virtually this 13th day of November 2020 at 1:00 p.m. via gotomeeting.com. Working group members present via Go To Meeting were Bruce Jasinsky, Chair and Local Planning Agency (LPA) representative; Nick Gillette, P.E., Gillette and Associates, Engineers; Early McCall, I.S.A. Certified Arborist; Arthur Herman, Amelia Tree Conservancy; and Sue Ann Alleger, Nassau County Planner. Absent were Taco Pope, County Manager, and Kelly Gibson, Senior Planner, City of Fernandina Beach. Potential contributors present were Thad Crowe, Planning Director, Margaret Kirkland, Amelia Tree Conservancy; Susan Gilbert, Senior Executive Legal Assistant; Doug Podiak, Public Works Director; Doug McDowell, Principal Planner; and Janet Wylie, Code Enforcement. Also present were Michael S. Mullin, County Attorney; Holly Coyle, Assistant Planning Director; Naomi Blaff, Planner I; John E. Baker via telephone; and Peggy Snyder and Heather Nazworth, recording secretaries.

Ms. Alleger explained that the Amelia Island Tree Protection Working Group was created by the Nassau County Planning and Zoning Board with a specific directive to conduct fact finding to present information to the Nassau County Planning and Zoning Board. The group will review the status document and will also discuss and review alternate language to be reviewed by the Planning and Zoning Board at a future date. She provided an update regarding the project of updating the draft, “ *Ordinance of the Board of County Commissioners of Nassau County, Florida Amending Article 37 of the Land Development Code, Natural Resource Protection; Specifically Rescinding the Current Section 37.02, Unincorporated Amelia Island Tree Protection and Replacement, Creating the Amelia Island Tree Commission, Creating the Amelia Island Tree Fund, Providing for the Amelia Island Tree Planting Program, Setting Minimum Tree Preservation and Replacement Standards, Defining a Specimen Tree; Amending Article 32 of the Land Development Code, Definitions; Providing for Penalty; Providing for Enforcement; Providing for Severability; Providing for Codification; and Providing an Effective Date.*” The goal is to finalize this draft ordinance and this meeting is being held in order to get closer to the final Ordinance.

Ms. Alleger explained that she has sent the working group members two status reports dated September 23, 2020 and November 4, 2020. The September 23rd version was intended to align this Section 7.02 more closely to the City of Fernandina Beach’s tree protection ordinance. At the most recent Tree Working Group meeting, PEO staff was asked to incorporate all suggested changes to date, reviewed the most recent draft (6-17-20), respond to comments and prepare the draft ordinance for final review. The November 4, 2020 status report was to update the graphic provided within the ordinance in order to show developers how to redo their tree protection plan.

Ms. Alleger reviewed the following suggested changes made to the draft as follows: September 23, 2020 status report was used as the basis for get to the November 4, 2020 report:

- Section 37.02 (A)(13): Providing cooling comfort and beauty....
- Section 37.02 F(2)- This is a big difference with the City of Fernandina Beach's code. "A deviation from the minimum size requirements of the tree protection zone may be granted by the Nassau County Tree Commission upon submittal of an ISA certified arborist verification that no more than 25% of the Tree Protection zone will be impacted by construction disturbance." The City of Fernandina Beach is at 50%.
- Section 37.02 (N)(5) - City of Fernandina Beach uses 6 foot minimum and 20 foot maximum. They match the County's existing code.
- All instances– ISA-certified arborist can perform the duties and requirements mentioned in all sections of the code. The City of Fernandina Beach has a certified arborist. The County does not have one on staff.

The next status report Ms. Alleger referenced was November 4, 2020 with the following changes:

- Section 37.02 (F)(2) – Added missing language that was consistent with paragraph ahead. In the table: Type of Development, Limits of Disturbance was not mentioned in the previous table.
- Section 37.02 – Page 10 – Replacement figure 37-1 was reworked

based upon 25%. The next status report referenced was September 23, 2020:

- Section 37.02(A) – Purpose and Intent was expanded upon based on the City of Fernandina Beach and written by the board. (13) Providing cooling comfort and beauty for public spaces such as parks, rights-of-way and areas adjacent to right-of-way, sidewalks, and bicycle trails.
- Mr. Mullin referred to the heading for the ordinance where it states "creating the Amelia Island Tree Commission". He explained that in the body beginning on page 3(c), it changes from the Amelia Island Tree Commission to the Nassau County Tree Commission. Ms. Alleger advised that the correct name is Nassau County Tree Commission. She explained the reason for the change being for future purposes off island for planting. Discussion followed regarding changing the makeup of the "commission" to include representatives living off island. Chair Jasinsky advised that initially, this working group was intended to address trees confined to Amelia Island with no intent of controlling all the trees in Nassau County. Ms. Alleger stated that the suggested name change was to differentiate from the Amelia Island Tree Conservancy and to clarify that the project was Nassau County sponsored. A lengthy discussion ensued. Mr. Mullin referred to Page 5(e) – Protected Trees and inquired if the committee had considered the

State House Bill 1159. Ms. Alleger advised that the previous Planning Director had incorporated those changes. Mr. Mullin pointed out that if a diseased tree had to go and if the County required a permit, it would put the County in contravention of the Florida Statutes. The permit cannot trump the Florida Statutes. Mr. Mullin suggested adding language regarding the language from Florida Statutes. Ms. Alleger referred to Section 37.02 (F)(1)(a) Exempt Classification 1 noting that House Bill 1159 language was added.

- Section 37.02 (E)(2) – Protected Trees (Page 5), Chair Jasinsky pointed out that under the definition for Specimen Trees, it was agreed that 41 inches would be the qualifying factor for a tree to be designated as a Specimen Tree. The last half of the paragraph contradicts that by stating that the Nassau County Specimen Tree threshold is determined to be 33% of the DBH of the most recent calendar year Florida Champion Live Oak as determined by the Florida Department of Agriculture and Consumer Services. He questioned what size the 33% would equate to. The State advised that Champion trees basically change all the time; not by diameter at breast height (DBH), but of the points associated with that tree. He inquired how a citizen would know the Champion Tree designation would be from year to year. The only tree Champion Tree designated in Nassau County is the one in the middle of Beech Street in Fernandina Beach. He advised that this ordinance is based upon protecting the Champion Trees. Mr. McCall agreed that he found three trees, each different heights, but expressed in the same circumference. He added that the goal was to have a set number, not make it nebulous amount tied to a Champion Tree. A lengthy discussion followed regarding the Champion Tree designation and what qualified a tree as a Champion or Heritage tree.
- Section 37.02(F)(1)(a)(iv and -vi) - Page 7 – Chair Jasinsky's understanding was that any tree under 5 inches in diameter was exempt; however, another paragraph is added in that states "except in a grove or forest setting..." He inquired what qualifies as a forest setting or grove as there is no definition. Mr. McCall felt that they were getting too specific on what people can do with their land as far as property rights and noted that this whole section is about removing trees. Mr. Gillette stated that they have to clear underbrush to get surveyors in for roads, archeology, wetland, topographical, and tree surveys. Mr. Mullin expressed concern of not having "forest setting or grove" codified and there was consensus to remove that portion of the section. Mr. McCall also had an issue with the paragraph (iv) that states "Major and minor maintenance activities". This entire section is regarding removing trees; not pruning and is confusing as maintenance should not be an issue with this working group. Ms. Alleger felt that minor maintenance was important and should be placed somewhere in the ordinance as staff gets many telephone calls regarding tree maintenance and pruning. Mr. Mullin stated that this is identified in the best practices manual of the International Society of Arborists. He added that whenever an ordinance is developed, there must be a standard that will be enforced. A lengthy discussion followed regarding the inability of enforcement of paragraph iv. Mr. Mullin advised that an ordinance is not an educational tool. There was consensus to delete paragraph iv related to minor maintenance activities.

- Section 37.02 (F)(2) Page 8 – Protected Trees Removed as Part of New Development defining Areas of Construction and Limits of Disturbance. Ms. Alleger explained that Limits of Disturbance was added back into the table as part of the calculation and was defined above the table on page 8. Mr. Mullin advised that Limits of Disturbance should be moved to the definitions section. The group discussed the locations of the disturbance areas on the Figure 37-1 and the tree protection zone ratios.
- Section 37.02 (F)(8) Page 12 – For the health of existing and new trees, proposed fill for green space in new developments shall be limited to the minimum amount necessary to provide positive drainage flow..... Ms. Alleger explained that best management practices allows fill temporarily over trees. She explained that the committee must decide whether no fill will be allowed or the only minimum amount necessary. Mr. McCall explained that a method arborists use to protect the tree roots is to put in a bed of mulch and remove it after construction. Mr. Mullin inquired who would enforce this and what standards would be used without hiring an arborist. Mr. McCall pointed out that all the soils in this coastal area are all similar; sandy soil with similar salt texture. He stated that the point of paragraph 8 is to get a top soil that is similar and does not require all this testing which is known as native fill. Ms. Alleger will change the verbiage.
- Section 37.02 (K) – Preservation Credits (Page 16) – Ms. Alleger explained that she highlighted this text since it did not agree with the City of Fernandina Beach's. Mr. McCall pointed out the error in the percentage rates. 1.15% should read 115% credit, etc. – the diameter of the tree plus 15%.
- Section 37.02(G)(3) - Page 13 – Mr. McCall stated that there is an error in this paragraph. "Botantic" should be changed to "botantical" and also to remove "approximate drip-line tree protection zone" as drip-lines are no longer used anymore.
- Section 37.02 (G)(3) page 14 – Mr. McCall explained that the need to remove the "no more than 40% of any one genus". There was consensus to leave this paragraph as stated currently in the Land Development Code (LDC).
- Section 37.02 (K)(3)(d) Page 17 – Trees which provide for enhanced public shade for sidewalks, streets, parks, and other public space shall be given a 25% increase in credits. This will be required to be changed to 125%. There was consensus to make this paragraph consistent with paragraph K above.
- Section 37.02(N)(5)(b)(i) Page 20 – Tree protection zones (TPZs) – Onsite placement of posts for the barricades shall be directed by an ISE certified arborist to protect the health of the tree(s). Ms. Alleger noted that because of a problem of placement not being done correctly, there is no enforcement. Mr. Mullin inquired why this was included in the ordinance if it cannot be enforced. He suggested to add the language that "this placement must be shown on the DRC approved plan as approved by a certified arborist. "
- Section 37.02(N)(5)(d) – Page 20 – A deviation from the minimum size requirement of the tree protection zone ...if the strict application this rule will result in the unnecessary destruction of protected trees which can otherwise be preserved through application of best management practices. Consultation with an ISA certified arborist is required to determine proper measure to ensure

protection of the tree during construction activities.” Mr. Mullin clarified that Mr. McCall would certify the plan that is approved and the details will be copied to staff. The County reserves the right to impose upon the applicant the minimum fee necessary to cover the expense of having a third-party arborist review the submittal.

- Section 37.02 (U) – Page 26 – Specific Penalties – Ms. Alleger wanted to bring to the working group’s attention the inconsistencies between the City of Fernandina Beach and Nassau County’s penalties.
- Section 37.02 (T) Page 25-26 – Penalties – Mr. Gillette pointed out that the City of Fernandina Beach has had an island tree ordinance for single family lots forever. This is the first time the County is going to have one that is applicable to single family lots that are existing. He referred to paragraph 11 under paragraph U where the penalty is \$15,000.00. Ms. Alleger explained that this references healthy specimen trees. Discussion followed. Mr. Mullin explained that they will have to change paragraph 11 as the \$15,000.00 is the Code Enforcement statute where it finds that the tree was irreversible or irreplaceable. Mr. Mullin will change that language to add compliance with Florida Statutes.

Chair Jasinsky pointed out that when they first started with the working group, he thought there was language in the ordinance where pine trees were excluded and the ordinance was dealing with preserving the canopy trees on Amelia Island. Ms. Alleger stated that this was referenced in Section 37.04.

Ms. Kirkland referenced Section 37.02 (N)(2) related to the colored ribbon coding system for tree identification. She pointed out that many times trees have been cut that were not supposed to be, both in the City and the County. She felt that communication with the public was key. Anytime anyone in the public sees a ribbon on a tree, they call County staff or the Amelia Island Tree Conservancy. Ms. Alleger clarified that at the March meeting, tree ribbons were discussed in depth and it was decided to limit the colors to two colors: white for tree inventory or survey; and pink would be “do not cut”. Mr. McCall felt that if the ribbon contained was printed with “do not cut this tree”, it may have saved the two infamous trees cut in Amelia Bluff and on Sadler at the hotel site. He suggested that before a developer starts any lot clearing, they must make sure that the protected trees are well identified. Next, the replacement rule was discussed and will be 80/20 for all trees greater than 5 inches diameter. Ms. Alleger stated that anything you have to disrupt will be part of the calculations.

Ms. Alleger stated that her last day with the County will be December 4, 2020. She was hoping to get this draft ordinance completed by the end of the year. Mr. McDowell advised that the December 15, 2020 meeting of the Planning and Zoning Board has an advertising deadline by the end of this week. Ms. Alleger advised that the draft

ordinance has not been through legal review as yet. She suggested that the working group plan to hold another meeting in the beginning of January 2021.

There being no further business, the meeting adjourned at 12:15 p.m.

AMELIA ISLAND TREE PRESERVATION WORKING GROUP
MARCH 19, 2021 – 1:00 P.M.
VIRTUAL MEETING VIA GOTOMEETING.COM

The Amelia Island Tree Protection Working Group Committee met virtually this 19th day of March 2021 at 1:00 p.m. via gotomeeting.com. Working group members present via Go To Meeting were Betsy Huben, Local Planning Agency (LPA) representative; Nick Gillette, P.E., Gillette and Associates, Engineers; Early McCall, I.S.A. Certified Arborist; and Thad Crowe, Planning Director. Absent were Arthur Herman, Amelia Tree Conservancy; and Kelly Gibson, Senior Planner, City of Fernandina Beach. Potential contributors present were Taco Pope, County Manager; Bruce Jasinsky, former LPA working group member; Margaret Kirkland, Amelia Tree Conservancy; Susan Gilbert, Senior Executive Legal Assistant; Doug Podiak, Public Works Director; Jordan Limburgh, representing Gensis-Half; and, Jessica White, Code Enforcement. Also present were Michael S. Mullin, County Attorney; Holly Coyle, Assistant Planning Director; Naomi Blaff, Planner I; Laurie Goltry, Planning Administrative Specialist I; and Heather Nazworth, recording secretary.

The group discussed the status of former and new working group members. Mr. Crowe confirmed that the Planning and Zoning Board appointed Ms. Huben as their Local Planning Agency (LPA) representative on the working group following Bruce Jasinsky's term ending. Susan Gilbert, Executive Assistant for the County Attorney, assumed that since the Board appointed Ms. Huben, she should have voting rights.

Mr. Crowe received a message from Mr. Herman that Ms. Kirkland would be his proxy vote since he was unable to attend. Further discussion ensued regarding the applicability of the proxy vote. Ms. Kirkland pointed out that she is not a voting member of this committee. Ms. Gilbert inquired whether Mr. Herman had filled out a proxy form to appoint Ms. Kirkland as his proxy as he would be required to tell staff in advance by e-mail or an actual proxy. Mr. Crowe received an email from Mr. Herman at 12:33 p.m. today advising that he will not be able to attend the meeting and that he gave his proxy to Margaret Kirkland. Ms. Gilbert stated that the County Attorney, Mr. Mullin, should be arriving shortly and he can make the final determination.

Mr. Crowe opened the floor for nominations for a Chairman of the Amelia Island Tree Protection Working Group. Mr. Gillette nominated Ms. Huben for Chairman and the nomination was seconded by Ms. Kirkland on behalf of Mr. Herman. Ms. Huben assumed the duties of Chairman and inquired if the three attending voting members constituted a quorum. Ms. Gilbert explained that the quorum of the committee could vote on this item. There being no additional nominations, Ms. Huben accepted the nomination as Chairman of the Amelia Island Tree Preservation Working Group. The vote was all in favor.

The Deputy Clerk requested clarification whether Mr. Herman was a voting member.

Ms. Huben called for a vote to approve the minutes from the November 13, 2021 meeting. Mr. McCall stated that he had questions regarding the minutes. Ms. Huben advised that if he had corrections, he could address them now. Mr. McCall questioned the "error rate of the percentage rate" on Page Three as it should be 1.15 percent, not 115 percent. He stated that the changes were never made in the draft although the former planner, Sue Ann Alleger, had stated that she would make them; therefore, he could not approve the minutes. Ms. Goltry suggested that she look through the files to make certain that she provided the committee with the correct minutes. It was Ms. Huben's understanding that the changes reflected in the last meeting did not make it to the draft document. Mr. McCall stated that Ms. Alleger was going to change the wording on the draft ordinance; for instance, a lot of specifications about the type of soil that would be used for fill. Mr. Crowe advised that these aforementioned changes have been made to the ordinance and his memorandum distributed earlier outlines all the changes made. Mr. Crowe suggested waiting until after the committee reviews his memorandum to approve the minutes. Ms. Huben suggested deferring approval of the minutes in order to ensure the committee has the correct set of minutes. The group was in agreement.

Ms. Huben suggested that Mr. Crowe begin review of his memorandum and the changes to date to the draft tree protection ordinance.

Mr. Crowe reviewed the following suggested changes he provided in the memorandum dated March 17, 2021 (See Attachment "A") made to the draft Tree Protection Ordinance as follows:

- Page 5: Section 37.02 (E)(2): *Specimen tree determination*, which was changed from the proposed 33 percent of the most recent Florida Champion Live Oak to 40 inches in diameter at breast height (dbh).
- Page 7: Section 37.02 (F) (b)(iv) – *Tree Removal, Trimming and Removal of Trees*. This verbiage will not appear in the draft Tree Protection Ordinance due to exempting of minor tree maintenance from tree preservation. He explained that the group felt that it was unenforceable. The group discussed further discussed the exemption that the tree trimming and pruning should be exempt in its entirety. Mr. Crowe explained that minor maintenance activities such as pruning is exempt and all work would be performed in compliance with best practices by the International Society of Arboriculture (ISA) and the burden being on the applicant. There was a subsection regarding "minor maintenance" which was eliminated from this current draft; staff will be required to review minor maintenance as it is no longer exempt which will be an extra burden on staff.

The County Attorney, Michael Mullin, arrived at 1:20 p.m. Ms. Huben updated Mr. Mullin as to what Mr. Crowe was reviewing in the draft ordinance. Mr. Mullin requested clarification as to which version of the draft ordinance was under review. Discussion ensued. Mr. Gillette interjected that the way paragraph (iv) was previously written; if someone wanted to exempt maintenance, the only way it could be exempted is if they had a licensed landscape architect or arborist to trim your trees. He understood that tree trimming and tree pruning would be removed in its entirety. Mr. Crowe stated that trimming would be exempt and no arborist would be required. The burden would be on the applicant to perform the work correctly according to ISA best practices. Mr. Crowe continued his review of the draft ordinance.

- Page 12: Section 37.02 (F)(8) – The change simplified the requirement to require native soil or imported soil that is similar would not have to be tested; however, the suggestion would be to stock pile native soil or use similar fill. Mr. McCall questioned "EPGMD" in the text which refers to Broward County Environmental and Growth Management Department. Mr. Crowe advised that this was slated for removal.
- Page 13: Section 37.02 (G)(3)(c)(i) – Correction of a typo "botanic" to "botanical".
- Page 17: Section 37.02 (K)(3) – Correction to the tree preservation credits to be shown in percentage formats. Mr. McCall pointed out that on Page Three, it still says 1.15 percent. Mr. Crowe stated that the "period" has been stricken through.
- Page 20: Section 37.02(N)(5)(b)(i) - New language that required certified arborist supervision of tree barricade placement was revised to just require barricade location on the DRC site plan.

Mr. Mullin questioned page 18: Section 37.02 (M)(1), language "*may recommend to the Board of County Commissioners of Nassau County an unincorporated Nassau County Tree Planting Program*". He stated there are certain flashpoints that get created which could impede the approval. One of the issues is with any tree program is that appears to come off the island. Ms. Huben suggested cleaning the language up to clarify that it is an Amelia Island Tree Protection Ordinance. Mr. Mullin agreed that adding the Unincorporated Nassau County Amelia Island Tree Planting Program would provide clarity. Mr. Crowe continued review of the draft language as following:

- Page 20, Section 37.02(N)(b)(i) – The new language that required certified arborist supervision of tree barricade placement was revised to only require barricade location of DRC site plan.

- Page 29: Section 37.02 (U) (11) - Updates language regarding penalties to add compliance with *Florida Statutes*.

Mr. McCall discussed age 4, Section 37.02(D)(iii) – *International Society of Arboriculture (ISA) Certified County Arborist*. He questioned if the County is hiring a County Arborist or will it be a designee. Mr. Crowe responded that it can be a contracted or staffed position.

Mr. McCall referenced page 5, Section 37.02(E)(2), *Specimen Trees*, Mr. McCall suggested the addition of the term *Healthy Quercus Virginiana* in parentheses and italicized. It can be referred to as Live Oak and any species name shall be italicized throughout the ordinance as there are numerous species of Live Oaks. He further discussed the other types of trees located on Amelia Island.

Mr. Gillette addressed Page 6, Section 37.02 (E)(2)(A), under *Protected Trees*, it states “a healthy specimen tree as defined in this Article and Article 32 Land Development Code (LDC), shall not be removed”-while Section 37.02(E)(2)(C) states that a tree can be removed. He explained that the language gives the landowner no option. Mr. Crowe suggested combining the language to provide clarification. Mr. Jasinsky expressed his concerns with language regarding specimen trees and the effect on property rights. Mr. Crowe referred to Page 6, Section 37.02 (E)(2)(e)(iii), which he felt was the key criterion for the landowner/applicant if no other alternative exists to preserve a specimen tree. Further discussion ensued regarding conflicting language in the draft.

Mr. Gillette discussed page 9, *New Residential Subdivisions*, he and stated that the language does not reference any credit for preservation of trees in commonly held open or upland buffers. He commented there should be credit for saving trees in commonly held areas. Mr. Jasinsky referenced Page 7(v) which states that “financial implications on the developer, applicant and/or property owner shall not be a determining factor in the issuance of a waiver.” Mr. Mullin advised that all of this verbiage will have to be changed because it is inconsistent and if they eliminate the financial aspect, they could be in violation of the Bert Harris Property Rights Protection Act. Further discussion followed regarding the placement of trees on a lot. Mr. McCall stated that the goal is to keep as many specimen trees as they can on the island.qw78 Mr. Jasinsky suggested having two standards for property owners; one for lots purchased before and one for after this ordinance is established. Mr. Gillette felt that this entire specimen tree issue is problematic and difficult to apply. Mr. Gillette suggested incentivizing people by reducing their setbacks or reduce the footprint of the house back into a setback line to save the tree. Mr. Mullin suggested Mr. Crowe and his staff to draft incentives versus penalties. Mr. Huben agreed that the idea of incentives deserves careful consideration; therefore, she suggested a motion to approve the changes as stated and bring back potential incentives language.

Mr. Gillette referred to Page 9, *New Residential Subdivisions*. In his opinion, it reads as if there is no credit for preserving trees in commonly held open space or upland buffers. He added that when he designs lots, they try to put parks in areas with trees and place homes in the areas with less trees in order to satisfy mitigation requirements in commonly owned areas. Mr. Crowe responded that buffer requirements are a separate issue and credit would not be given for required buffer trees. Ms. Huben suggested staff bring this issue back at a later date for language clarification. Mr. McCall referenced page 17 which refers to preservation credits. Mr. Gillette clarified that there should be an incentive for saving trees in common and open space areas. Mr. McCall noted that there was existing language regarding incentives on Page 17 (K)(3) Preservation Credits. Mr. Gillette explained that the way the Land Development Code is written, you are not receiving credits for saving trees in common space areas and open space. Discussion followed.

Mr. McCall discussed page 7, *Tree Removal Permits*, he inquired if the County is going to issue permits to which Mr. Crowe responded that there will be permits.

Mr. McCall referred to page 12, Section 37.02(F)(6), "The tree donator and receiving entity shall be jointly responsible for the tree survival." He asked Mr. Mullin if there can be a contractual agreement drafted. Mr. Mullin stated that the tree donator should not be responsible and the language needs to be changed. Next, Mr. McCall referenced Section 37.02(F)(8), the abbreviations "EPGMD" should be Nassau County Department of Planning. He further addressed that the soil should be similar to the soil at the site and include the term "spodic" which is a layer of soil.

Mr. McCall discussed page 18, Section 37.02 (M)(2), suggested rephrasing "Tree Planting Program" to "Amelia Island Tree Planting Program". The group came to a consensus that the Section should be renamed "Nassau County Amelia Island Tree Planting Program" to clarify that the program is not required off the island.

Mr. Mullin referenced page 8, Section 37.02 (F)(2), "The term *New Development*" if the intent for shed, pool, parking area, drainage facility would require a permit for a shed on the property. Mr. Crowe responded that the Building Department would process the permit for a shed. Further discussion ensued regarding placement of any structure.

Mr. McCall referenced page 21, Section 37.02(N)(5)(c), which refers to trenching and excavation. He stated that damage can be done by air spading also. He suggested having the trenching done by directional boring/tunneling.

Mr. Gillette discussed having an example similar to page 10, which shows there is a need for mitigation. He explained that the maps need to show how much surplus is available and how to calculate the protected areas.

Mr. Mullin discussed page 27, Section 37.02(U), *Specific Penalties for Violation of Tree Protection Measures*, and stated that the penalties intrudes-upon the Code Enforcement Board's authority; however, there could become an addition to their authority. This tells the Board what standard they should follow and-what mitigation plan has to be provided. He referenced the language "*one caliper inch for every inch of DBH removed*" advising that there should be a basis to put in Code Enforcement standards. He next discussed page 28, Section 37.02 (U)(2) and (3), commenting that it gets too convoluted. He further discussed (U)(6) "In the event that an insufficient trunk of the removed tree exists...then County arborist based upon any available information ... in the same natural community". He suggested it would be easier if the established committee provides a set of standards to the Code Enforcement Board for consideration and the procedures need to be refined.

Mr. Mullin referenced Page 29, Section 37.02, (U) (11), "*the damage of a healthy specimen tree which kills or will more likely than not cause the tree to die shall warrant the assessment of a penalty*" will need to be removed. The determination is based upon testimony of an arborist and is within the purview of the Code Enforcement Board.

Mr. Mullin discussed page 4, Section 37.02(D) (2) (b), *Ex-Officio Non-Voting Members*, he is unsure of the intent of these members. Mr. Jasinsky questioned (2) (a) (iv) regarding the two lay citizens, he stated there may issue finding members every three years to serve with this background. Mr. Mullin agreed that the issue would be what is a demonstrated education and/or professional background. He explained who would make that determination. He suggested changing the language. Further discussion ensued.

Ms. Huben referenced page 29, Section 37.02 (U) (11), regarding penalties and fines. She requested clarification whether this would apply to residential and commercial. Mr. Mullin responded that he will further review and referenced page 3, applicability "the terms and conditions of Section 37.02 of LDC shall apply to all lands in the unincorporated area of Amelia Island".

Mr. McCall questioned the makeup of the Nassau County Amelia Island Tree Commission as being all volunteer or if there is a stipend. Mr. Mullin responded that if the ordinance does not reference a stipend, there is not one received.

It was moved by Mr. Gillette and seconded by Mr. McCall to approve the changes as indicated in the Memorandum dated March 17, 2021 (See Attachment "A"). The vote unanimously carried.

The committee came to consensus to hold the next meeting on April 16, 2021 at 1:00 p.m.

Mr. Crowe advised the Jordan Limburgh from Gensis-Halff was present in the meeting today and he is under contract with the County.

Following further discussion. It was moved by Mr. McCall, seconded by Ms. Kirkland, and unanimously carried to approve the minutes from the November 13, 2020 meeting as presented.

There being no further business, the meeting adjourned at 3:00 p.m.

**AMELIA ISLAND TREE PRESERVATION WORKING GROUP April 16, 2021 – 1:00 P.M.
VIRTUAL MEETING VIA GOTOMEETING.COM**

The Amelia Island Tree Protection Working Group Committee met virtually this 16th day of April 2021 at 1:00 p.m. via gotomeeting.com. Working group members present via Go To Meeting were Betsy Huben, Local Planning Agency (LPA) representative; Nick Gillette, P.E., Gillette and Associates, Engineers; Early McCall, I.S.A. Certified Arborist; and Thad Crowe, Planning Director. Absent were Arthur Herman, Amelia Tree Conservancy; and Kelly Gibson, Senior Planner, City of Fernandina Beach. Potential contributors present were Bruce Jasinsky, former LPA working group member; Margaret Kirkland, Amelia Tree Conservancy; Doug Podiak, Public Works Director; Jordan Limburg, representing Gensis-Halff; and, Jessica White, Code Enforcement. Also present were Michael S. Mullin, County Attorney; Naomi Braff, Planner I; Laurie Goltry, Planning Administrative Specialist I; Heather Nazworth, Deputy Clerk and Jennifer Marlatt, recording secretary.

The meeting was not formally called to order due to technical difficulties preventing attendees from hearing the audio. The Deputy Clerk dialed into the meeting via telephone at 1:11 p.m. At which point, Ms. Huben was in the process of calling a vote. Following further clarification, the motion to continue to a later date which is to be provided by staff was moved by Mr. Gillette, seconded by Ms. Kirkland, and unanimously carried to continue the meeting. Mr. Mullin recommended meeting in person instead of electronically, and suggested blocking out a minimum of four hours for the rescheduled meeting. The Deputy Clerk inquired about the five voting members on the committee; Ms. Goltry confirmed: Ms. Huben, Mr. McCall, Ms. Gibson, Mr. Gillette, and Ms. Kirkland, voting by proxy on behalf of Mr. Herman.

There being no further business, the meeting adjourned at 1:15 p.m.

AMELIA ISLAND TREE PRESERVATION WORKING GROUP
MAY 7, 2021 – 1:00 P.M.
COMMISSION CHAMBERS – JAMES S. PAGE GOVERNMENTAL CENTER
YULEE, FL

The Amelia Island Tree Protection Working Group Committee (AITPWGC) was held this 7th day of May 2021 at 1:00 p.m. at the Commission Chambers, James S. Page Governmental Complex, Yulee, Florida. Present were working group members Nick Gillette, P.E., Gillette and Associates, Engineers; Early McCall, I.S.A. Certified Arborist; Kelly Gibson, Senior Planner, the City of Fernandina Beach (arrived at 1:28 p.m.); Margaret Kirkland, Amelia Tree Conservancy (proxy vote for Arthur Herman, Amelia Tree Conservancy due to absence); and Chair Betsy Huben, Local Planning Agency (LPA) representative. Potential contributors were Bruce Jasinsky, former LPA working group member; Jordan Limburgh, representing Gensis-Halff; and Jessica White, Code Enforcement. Absent was Arthur Herman, Amelia Tree Conservancy. Also present were Michael S. Mullin, County Attorney; Amber Jordan, County Attorney Administrative Assistant; Thad Crowe, Planning Director; Holly Coyle, Assistant Planning Director; Naomi Blaff, Planner II; Laurie Goltry, Planning Administrative Specialist 1; and Melissa Lucey, recording secretary.

Chair Huben called the meeting to order at 12:59 p.m. and addressed the first item on the agenda to approve the minutes.

It was moved by Mr. Gillette, seconded by Ms. Kirkland, and unanimously carried to approve the minutes from the April 16, 2021 meeting as presented.

It was moved by Ms. Kirkland, seconded by Mr. Gillette, and unanimously carried to approve the minutes from the March 19, 2021 meeting as presented.

Mr. Crowe pointed out that on the agenda that the review on the County Attorney's revision also included the revisions made by the Amelia Island Tree Protection Working Group from the meeting held in February. He reviewed the comparison of the current and proposed ordinances.

- Applicability under the current ordinance had an exemption for Class I Development for Single Family Residential (SFR), duplex, and mobile home (MH); however, it will require that all properties be subject to the proposed ordinance the tree protection standards.
- The "Administration" will now include the Nassau County-Amelia Island Tree Commission (NCAITC) and planning staff.
- The protected tree minimum caliper measured in diameter at breast height (DBH) will be reduced from six inches to five inches.
- Specimen tree minimum and removal criteria will be added to the proposed ordinance.
- Exemption Classification No. 1 will include pruning, trimming, and minor maintenance with best practices in the proposed ordinance.
- Exemption Classification No. 2 will require a permit or certified arborist letter. Under the current and proposed ordinance, provide similar provisions along with emergency purposes removal.
- Tree preservation increased from 45 percent to 100 percent of the tree caliper inches outside the construction zone and included the limits of disturbance.
- Tree replacement and mitigation would require 25 percent of the construction zone and limits of disturbance tree caliper inches to be replaced under the proposed ordinance.
- Off-site mitigation (tree planting) would be allowed under the proposed ordinance when the site cannot accommodate through the Tree Fund/Fee-in-Lieu and Tree Bank Exchange.

- Fill stockpiling and native soil would have specific fill requirements under the proposed ordinance.
- Class 1 Development for existing SFR, duplex and MH will not be exempt and would be reviewed by planning staff.
- Classes II, III, and IV Developments under the current ordinance will go through the Site Plan (SP) review, under the proposed ordinance it would be applied to the Preliminary Binding Site Plan (PBSP), SP, Site Engineering Plan (SEP), Preliminary Development Plan (PDP) or Final Development Plan (FDP) review.
- Site tree inventory would remain to be required.
- Certified arborist would be required only for the removal of 4 or more trees under the proposed ordinance.
- Replacement tree minimum size in DBH would remain the same.
- Species diversity requirement would be added to the proposed ordinance "not more than 40 percent of genus or 20 percent of one species".
- Fee-in-lieu/Tree Fund would be introduced in the proposed ordinance and provide that the fee would be determined by quotes from 3 retail nurseries.
- Tree fund utilization would be used for tree planting on public or private lands, funding tree-related studies and natural area assessments.
- Tree Fund Fee can only be used for up to 50 percent of the required replacement caliber (DBH).
- Tree preservation credits will be defined in the proposed ordinance of the percentage of credit based on the DBH, including if the trees shade public spaces.
- Tree bank exchange area (off-site planting) was allowed subject to Planning and Zoning Board review; however, this will be allowed for unified developments under the proposed ordinance.
- The NCAITC can adopt the County Tree Planting Program (optional).
- Tree protection zone (TPZ) would provide the requirement that the drip line radius would require a six-foot radius, posts-mesh or wood fence barricades would be necessary, no activity and storage allowed in the TPZ, and hand trenching and directional boring would be permitted in the proposed ordinance.
- Tree abuse is prohibited, including hat-racking, over-pruning, and must follow Arborist standards.
- Waivers section would be introduced into the proposed ordinance allowing staff and the NCAITC to address setback reductions, building height increases, and parking reductions.
- Appeals will continue to go through the Planning & Zoning Board, and violations will be addressed through the Code Enforcement Board.
- Violations will require a restoration plan and an inch-per-inch DBH caliper replacement ratio.

Chair Huben suggested changes to the proposed ordinance regarding "Administration," whereby the committee may also prefer applicants for lay citizens with specific education or professional backgrounds. Mr. Mullin pointed out that there is already a specified landscape architect, but it would be problematic to determine those preferences when checking the applications. He explained that the standards would need to be clear for the Board when making those appointments. Mr. Jasinsky disclosed that the previous committee felt that it should not specify criteria for the two lay citizens to bring balance to the committee. After a brief discussion, Chair Huben agreed with striking that language as drafted in the proposed ordinance for the two lay citizens.

Mr. McCall referred to the standard for the specimen tree removal criteria. He advised that the term for the tree health being sufficiently compromised deemed "hazardous" should be changed to "high risk of failure." He explained that the word hazardous would be considered a nebulous term that a Certified Arborist could not well define. Mr. Gillette addressed the standards for the species diversity requirement.

He inquired if it should specify a minimum number of trees for planning purposes compared to “40 percent of one genus or 20 percent of one species”.

Mr. Crowe reviewed the changes made to the draft Tree Protection Ordinance since the last meeting along with the County Attorney suggestions:

- Page 3, Section 37.02 (B)(3) – *Applicability*, recommend removing Section K, tree preservation credits; Section L, tree bank exchange; Section Q, waivers, as these sections pertain to the new Tree Protection Plans (TPP) moving forward.
- Page 4, Section 37.02 (D)(2)(A)(iv) – *Nassau County-Amelia Island Tree Commission* clarified that the County’s arborist could either be an employee or contractor.
- Page 4, Section 37.02 (D)(2)(A)(iv) – *Nassau County-Amelia Island Tree Commission* deleted the requirement that lay citizen NCAITC members must have technical backgrounds.
- Page 5, Section 37.02 (D)(3)(B)(iii) – *Administration*, added the language “simplified” to Robert’s Rules of Orders.

Mr. Crowe responded to questions posed by the committee members related to the affordability of tree protection due to financial hardship, waivers, and land conservation. Mr. Mullin advised that it would be difficult to define what constitutes a financial hardship. Mr. Crowe pointed out that Page 6, Section 37.02 (E)(2)(iii) – *Protected Trees*, provides language that the application of this ordinance will remove all economically viable use of the property under review. Ms. Kirkland expressed concern that the trees could not be saved for economic hardship due to the design of the building. Mr. Mullin advised that the utilization of the Bert J. Harris, Jr., Private Property Rights Protection Act removes economic viability to the use of the property; however, the NCAITC would have to consider that information when making a determination during a hearing. Ms. Kirkland inquired if the County should offer to purchase or trade for the property. Mr. Mullin advised that it would require the County to establish a funding mechanism to accomplish that and pointed out that the current cost of land on Amelia Island is exceptionally high. Mr. Crowe referenced Page 6, Section 37.02 (E)(2)(iv) – *Protected Trees*, and advised that it provides essential criteria that the applicant must demonstrate good faith effort for preserving trees with the site design on the lot. He continued his review of the draft ordinance.

- Page 5, Section 37.02 (E)(2) – *Protected Trees*, added “*Quercus Virginiana*” and “*Quercus geminata*” and referred to these trees as “Live Oaks” throughout the documents.

Mr. McCall pointed out that anytime a species name of trees is identified that it should either be underlined or placed into italics and does not require to be capitalized. Mr. Crowe continued his review of the draft ordinance.

- Page 5, Section 37.02 (E)(2)(b) – *Protected Trees*, removed prohibition of removal of healthy specimen trees.
- Page 6, Section 37.02 (E)(2)(d) – Page 5, Section 37.02 (E)(2) – *Protected Trees*, added “*Quercus Virginiana*” and “*Quercus geminata*” and referred to these trees as “Live Oaks” throughout the documents.

Mr. McCall pointed out that Page 6, Section 37.02 (E)(d)(iv) – *Protected Trees*, provides the language “boring under tree roots instead of trenching.” He advised that if the phrase “trenching” was listed elsewhere in the ordinance, and should be removed due to being destructive to the root system. Mr. Crowe concurred, advising that mechanical and hand trenching would be removed. He continued his review of the draft ordinance as follows:

- Page 7, Section 37.02 (F)(1)(a)(i) – *Tree Removal*, added pruning and trimming.
- Page 7, Section 37.02 (F)(1)(a)(iv) – *Tree Removal*, reinstated minor maintenance exemption from permit and replacement requirements.
- Page 7, Section 37.02 (F)(1)(b)(i) – *Tree Removal*, clarifies between nonresidential and residential protected trees.
- Page 8, Section 37.02 (F)(2) – *Protected Tree Removed as part of New Development*, recognizes that the specimen tree can be removed “except as in accordance with” criteria of the types of development.

An in-depth discussion ensued regarding the table on Page 8 related to protected tree removal requirements, and Mr. Mullin suggested including an illustration to further clarify the removal techniques for a public hearing. A lengthy discussion followed regarding exemptions, best management practices, encroachment, mitigation, and arborist approval for tree removal.

- Page 12, Section 37.02 (F)(6) – *Tree Removal*, revision requiring the tree-receiving party to be responsible for the survival of the tree.
- Page 12, Section 37.02 (F)(7) – *Tree Removal*, clarifying that low impact development principles can be required in some instances; the word “necessary” does not imply such a mandate.
- Pages 12 and 13, Section 37.02 (F)(8) – *Tree Removal*, requires stockpiling of soil are similar and native soils.
- Page 13, Section 37.02 (G)(1) – *Required Documents for Tree Removal related to New Development*, replaced the terminology “New Development not requiring Development Review Committee (DRC) Approval” to “Class 1 (DRC) Development”.
- Page 13, Section 37.02 (G)(1)(a) – *Required Documents for Tree Removal related to New Development* specifies that the Planning Department can approve Class I TPP.
- Page 13, Section 37.02 (G)(1)(3) – *Required Documents for Tree Removal related to New Development*, replaced the word “format” with the more appropriate term “application.”
- Page 14, Section 37.02 (G)(3)(b) – *Required Documents for Tree Removal related to New Development* clarifies that the Planning Department will determine that the arborist certification is required.
- Page 14, Section 37.02 (G)(3)(c)(xv) – *Required Documents for Tree Removal related to New Development*, eliminating the option of “any other information deemed necessary by the Director of Planning to adequately review the request.”

Mr. Gillette referenced Page 14 (c)(xiii) relating to the jurisdictional wetlands and related vegetative natural buffers and inquired if the application would require a tree inventory for the wetlands. Ms. Gibson stated that her interpretation is that the application would only specify where the wetlands or buffers are located on a survey when including the tree inventory. Ms. Huben suggested that the language should specify the location of the jurisdictional wetlands. Mr. Crowe acknowledged and continued his review of the draft ordinance as follows:

- Page 17, Section 37.02 (J)(4)(d) – *Nassau Tree Fund/Fee-in-Lieu*, eliminated the use of the phrase “match funds” for grant applications.
- Page 17, Section 37.02 (K)(1) – *Preservation Credits*, eliminated unneeded preamble language.
- Page 18, Section 37.02 (L) – *Tree Bank Exchange Area*, eliminated the duplicative language of developments under a unified program.
- Page 21, Section 37.02 (N)(5)(c) – *Protection of Tree During Development Activities*, eliminated air spading option as that can be harmful.

Mr. McCall inquired if the ordinance used the language of trenching by hand. Mr. Crowe referred to Page 23, acknowledging that hand trenching would be removed and remain to read directional boring. Mr. Jasinsky requested clarification on the tree protection barricade referencing "2x4 top rail or wire mesh, chain link or similar" on the illustration on Page 22. Mr. Crowe referred to Page 21, Section 37.02 (N)(5)(b) that dictates that "the tree protection barricade shall be at least three feet tall, the barrier shall consist of either a wood fence or 2x4 posts placed at a maximum of eight feet apart". He clarified that it does require a 2x4 minimum top rail, but a mesh fence would be sufficient as long as the posts are in the ground. After a brief discussion, he continued his review of the draft ordinance

- Page 23, Section 37.02 (N)(5)(c) – *Protection of Tree during Development Activities*, eliminate hand trimming.
- Page 26, Section 37.02 (Q)(3)(c)(iii) – *Abused Trees*, eliminate the statement that "financial hardship is not a factor in determining that the development program cannot be realized."

Mr. Mullin referenced Page 27, Section 37.02 (S) – *Administration and Enforcement*. He requested that the ordinance be listed in subsection 1 (ii) when referencing the standards for a Preliminary Binding Site Plan as defined in Section 5.07 of the Nassau County Land Development Code (LDC) and to include County Arborist under subsection 2. He recommended that there should be a specified timeframe for the restoration plan to take place in Section U – *Specific Penalties for Violation of Tree Protection Measures*.

Mr. Mullin addressed Page 28, Section 37.02 (U)(7) and suggested eliminating NCAITC in evaluating a proposed restoration plan. He noted that this evaluation should take place between the Code Enforcement Board and the arborist. The criteria to be considered would remain as listed a-f.

Mr. Mullin discussed Page 29, Section 37.02 (U)(10) that refers to "no further county permits, site plan approvals or the functional equivalent for the subject property or parcel should be issued or inspections provided until all" and recommending confirmation from the Building Official from a legal standpoint that this does not violate the Building Code. He advised that he would be working with Mr. Crowe to modify the last portion of the penalty section.

Mr. McCall recommended adding the language that an ISA Certified Arborist would be required to justify encroachment in the TPZ on Page 21. Ms. Gibson explained that the City's ordinance could be interpreted that encroachment is allowed when there is a need to provide access. Mr. McCall stated there is a big difference in trenching for utilities compared to putting a driveway or sidewalk; therefore, he feels that justification for the TPZ should be listed on Page 21.

Mr. Crowe responded to a question posed by the committee and advised that the penalty and fine money collected would be collected into the Nassau County Tree Fund and used for tree planning or studies. Ms. Gibson pointed out that the penalty and fine money collection was defined on Page 17, Section 37.02 (J)(7) – *Nassau County Tree Fund/Fee-in-Lieu*. Mr. Crowe noted that on Page 16, Section 37.02 (J)(4) provided the expenditure of monies collected by the Nassau County Tree Fund.

Mr. Jasinsky requested clarification regarding listing the irrigation system as a requirement for the restoration plan on Page 27, Section 37.02 (U)(1). Ms. Kirkland stated that the irrigation system intends to ensure that the planted trees would be watered, even by hand. Mr. Mullin questioned whether a Certified Arborist could determine if a tree died due to lack of water; Mr. McCall indicated that the Code for Landscaping provides instructions on planting and watering a tree. Ms. Huben noted that this could be referenced in that particular section. Mr. McCall responded to a question posed by the committee and reported that a Certified Arborist could determine the cause of the death of a tree. Ms. Gibson advised that the one-year warranty requirement for tree replacement is addressed on Page 16, Section 37.05 (I)(5).

Mr. Mullin advised that based upon the committee's comments today, some minor changes to the proposed ordinance will be made. He recommended that the committee consider voting on the draft ordinance to include the approved changes. He explained that a copy of the proposed ordinance with the corrections would be provided to each committee member before the second meeting in June 2021 for the Planning and Zoning Board.

It was moved by Mr. Gillette and seconded by Mr. McCall to amend Article 37 LDC, Amelia Island Nassau County Tree Ordinance, with the draft date of May 13, 2021, including the revisions and modifications approved today for distribution to the Planning and Zoning Board. The vote unanimously carried.

There being no further business, the meeting adjourned at 2:40 p.m.