

2.14.12 #2



Memorandum

To: Honorable Chairman and Members of the Board of County Commissioners

Through: Robert LaSala, County Administrator *RL*
Maureen Freaney, Assistant County Administrator *MF*
Larry Goldman, Bureau Director, BDRS *LGA*

From: Al Navaroli, BDRS Manager *A.N.*

SUBJECT: Habitat Management Workshop Report

Date: February 14, 2012

We are pleased to have the opportunity to present the Board of County Commissioners with an overview of the Habitat Management operations of Environmental Division of BDRS.

The presentation will focus on:

- History of local Ordinances, Comprehensive Plan and Federal Permit Mandates
- Providing examples of positive/negative application of the Code
- Proposed Fee Schedule Adjustments

In addition to the slide presentation, some supplemental documents have been prepared that contain more detailed information for the Board's reference.



Habitat Management Workshop Report

Environmental permitting commenced in Pinellas County in 1971 with the adoption of Ordinance 71-2 (Tree Permitting). This was revised the following year with the adoption of 72-9 by the Board of County Commissioners.



- BOCC established intent: Trees, as defined, regulated, and protected herein, are declared to be a natural public resource, and it is the intent of the County to protect them as herein set out in the interest of the health, safety, and welfare of present and future citizens. For the purpose of this Ordinance, all species commonly known as “mangroves” are hereby declared to be trees.

Trees are known to :

- Produce oxygen
- Absorb carbon dioxide
- Transpire water
- Stabilize / conserve soil
- Filter nutrients from stormwater and recharge aquifer
- Provide cooling of land
- Reduce noise levels and wind velocity

Mangrove Stand



These Ordinances provide for the following requirements:

- Tree survey
- Site plan review
- Tree protection/removal
- Application fee
- Permit issuance
- Exemption of exotics species

**TYPICAL REQUIRED PROTECTIVE BARRIER
WITHIN PINELLAS COUNTY**

WHY A BARRIER?

1. TO PROTECT ALL THE ABOVE GROUND PORTIONS OF THE TREE FROM MECHANICAL DAMAGE.
2. TO PROTECT SOIL NEAR TREE FROM COMPACTION AND PREVENT ROOT DAMAGE.
3. TO PROVIDE PHYSICAL AND MENTAL AWARENESS OF TREE'S PRESENCE TO EQUIPMENT OPERATORS AND CONTRACTORS.

TO MAKE IT WORK

1. PLACE NO HEAVY-EQUIPMENT INSIDE BARRIER; ONLY HAND LABOR.
 2. PLACE NO CONSTRUCTION MATERIAL OR SOIL DEPOSITS INSIDE BARRIER AREA.
- BY OBSERVING THESE TWO SIMPLE RULES A TREE'S CHANCE FOR SURVIVAL IS GREATLY IMPROVED!

SPECIFICATIONS OF INSTALLING A BARRIER

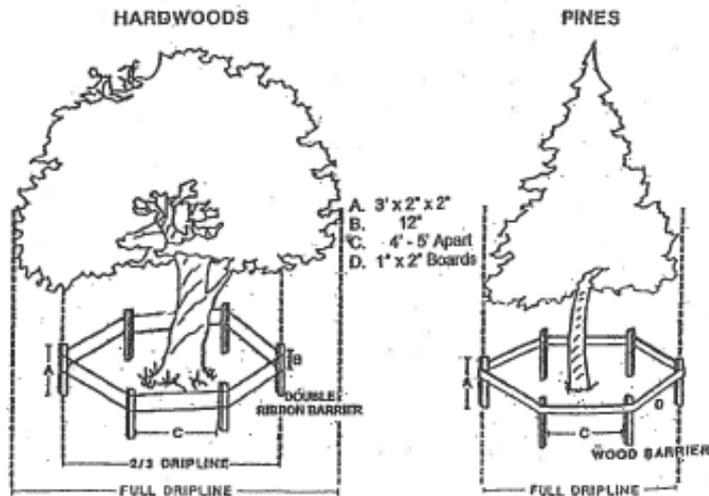
1. MINIMUM RADIUS TO BE PROTECTED:
 - a. PINES-DRIPLINE OR 6', WHICHEVER IS GREATER.
 - b. ALL OTHER TREES INCLUDING HARDWOODS, 2/3 OF THE DRIPLINE OR 6', WHICHEVER IS GREATER.
2. METHOD OF ERECTION (SEE DIAGRAM):
 - A. - MINIMUM HEIGHT OF UPRIGHTS 3' (AFTER BEING POUNDED INTO THE GROUND), AND NO LESS THAN 2" x 2" LUMBER.
 - B. UPRIGHTS SHOULD HAVE HORIZONTAL RIBBONING AT THE TOP AND 12" BELOW THE TOP.
 - C. UPRIGHTS SHOULD BE SPACED AT NO MORE THAN 4' - 5' INTERVALS
 - D. HORIZONTAL MEMBERS OF NO LESS THAN 1" x 2" LUMBER.

BEFORE PERMIT

1. BARRIERS ARE TO BE ERECTED AROUND ALL TREES 4" DBH (TRUNK DIAMETER MEASURED AT 4 1/2 FEET FROM THE GROUND) AND GREATER TO REMAIN. THIS MUST BE DONE BEFORE CONSTRUCTION, GRADING, OR ANY TREES ARE REMOVED.
2. BARRIERS ARE TO REMAIN IN PLACE UNTIL ALL PAVING AND CONSTRUCTION ARE DONE AND HEAVY EQUIPMENT IS OUT OF THE AREA.
3. TREES 4" DBH AND GREATER THAT ARE LOCATED WITHIN 10' OF THE LOT UNDER CONSTRUCTION SHALL ALSO BE PROTECTED BY A BARRICADE.

IF YOU HAVE ANY QUESTION, PLEASE CALL THE DEPARTMENT OF DEVELOPMENT REVIEW SERVICES AT 464-3888.

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NOTE: You may use either the double ribbon barrier or the wooden barrier for hardwoods or pines.

In 1974 the BOCC amended Ordinance 72-9 by adopting Ordinance 74-5



- Required tree survey information for site plan review
- Clarified tree survey requirements
- Expanded definition of trees
- Provide for adjustment in fee schedule to cover County costs
- Required permit for the removal of any mangrove tree regardless of size or species.
- Amended the requirements for protection of trees during construction

In 1976 the BOCC adopted Ordinance 76-15, an Ordinance relating to grounds improvement

- Purpose- To improve the appearance, environment, character and value of the urban area
- Provided for minimum landscape buffer strips from adjacent property and road right of ways
- Provided for the landscaping of vehicular use areas (parking lots) with trees , hedge and groundcovers
- Provided for submittal of combination site plan/ planting plan for review
- Provided for standards of acceptable quality for plant material
- Provided for the replacement of tree canopy removed for the construction of the site
- Exempted single family lots and duplex units from compliance with the code
- Provided for the requirement of a Certificate of Compliance

Parking lot adjacent to a public right of way without landscaping



Landscape material screening parking lot from the public right of way



Large asphalt area without landscape islands



Parking lot in compliance with Code



Preserve existing trees in combination with landscape plantings



Preserve existing tree clusters within a parking lot



Landscape standards

Replant trees must be a minimum of 6' (feet),
1 ½" caliper and Florida grade #1 stock at planting.



The 1985 Growth Management Legislation mandated counties to develop Comprehensive Land Use Plans consistent with the State plan.

- Pinellas County, which had a Comprehensive Plan in effect since 1974, updated via major revisions and complied with the mandate by adopting it's Comprehensive Plan in 1989
- As required in the Comprehensive Plan revisions to the County Land Development Codes were made in order to be consistent with and accomplish the goals, objectives, and policies of various elements of the Plan
- The Ordinances in existence since the 1970's were consolidated and expanded in 1990 by adoption of Ordinance 90-16 which was later codified into section 166 of the Land Development Code (the current code)
- Several elements of the Comprehensive Plan had specific environmental considerations. These are: Natural Resource Conservation and Management Element, Future Land Use & Quality Communities Element, and the Surface Water Management Element.

Natural Resource Conservation and Management Element
GOAL TWO: Pinellas County will conserve, protect, restore and appropriately manage its natural systems and living resources to ensure the highest environmental quality possible



- Objective 2.1 : Pinellas County shall continue to implement management programs for the conservation of natural ecosystems and species of conservation concern (inclusive of native vegetative communities, terrestrial, marine, estuarine and aquatic ecosystems, and native wildlife species)
- Policy 2.1.4: ... And shall continue to require the removal of ecologically undesirable non- native vegetation
- Above accomplished by:
 - a) Section 166-51 Upland Preservation areas
 - b) Section 166-52 Protection of endangered , threatened , and species of special concern
 - c) Section 166.53 Undesirable plant species(removal)

Bald Eagle Nests



The benefits of the code can be seen in the population of bald eagle nests found within the county. Pinellas County had 28 active nests this past season compared to 16 and 10 nests for adjoining counties.

Natural Resource Conservation and Management

GOAL SEVEN: Pinellas County will be a leader in environmentally sustainable government operations, a proponent of smart and sustainable growth management practices and will have a strong economy supported by sound environmental principles, programs and practices

- Objective 7.3: Pinellas County will initiate a program to maximize retention and enhancement of the County's mature native shade tree canopy for the environmental value and for the contribution to this County's quality of life.
- Policy 7.3.1: In association with the update to the Land Development Code, evaluate the need to update regulations aimed at preserving and enhancing the native tree canopy in the unincorporated area.
- Above accomplished by:
 - a) Section 166-84 Requires the re-planting of trees as a condition of permit approval
 - b) Section 166-83 Establishes the criteria for tree removal

Preserving tree canopy



Future Land Use & Quality Communities

Goal Three: Pinellas County's plan shall promote a balanced relationship between the natural environment and development.

- Objective 3.1: Pinellas County shall continue its proactive program for managing the impacts of development upon the County's natural resources (including wetlands, uplands, and the marine environment), and shall continue to ensure that these resources are successfully integrated into the urban environment such that the overall function and viability of these areas is maintained, or where practical, enhanced or restored.
- Policy 3.2.3: Pinellas County shall continue to use a variety of methods for protecting the County's open space areas and natural resources (including wetlands) which include, but are not limited to, the acquisition of open space and environmentally sensitive areas allowing the Transfer of Development Rights (TDR's), density averaging, and requiring upland buffers adjacent to wetlands and other natural environments identified by Pinellas County.
- Above accomplished by:
 - a) Section 166-50 Upland buffers are required adjacent to wetlands
 - b) Section 166-51 Upland Preservation areas

Surface Water Management

GOAL ONE: Surface waters shall be managed to provide flood protection for the citizens of Pinellas County, to preserve and enhance the water quality of receiving water bodies, and for the purposes of natural resource protection, enhancement and restoration, plant and wildlife diversity, and estuarine productivity.

- Objective 1.8: The surface waters of Pinellas County will be managed to preserve and enhance the water quality of receiving water bodies, and to protect, enhance and restore natural resources, plant and wildlife diversity and estuarine productivity.
- Policy 1.8.1: Wetlands and floodplains shall continue to be preserved (e.g., by designating them as Preservation on the Future Land Use Map) and will be protected as conveyance systems, as wildlife and vegetative habitat, and as natural storage.
- Above accomplished by:
 - a) Section 166-50 Upland buffers adjacent to wetlands
 - b) Section 166-51 Upland preservation areas

Planted mangroves shoreline



Shoreline in 2010



bldg near wier

Mangrove Shoreline 2010



middle bldg along canal

Surface Water Management

GOAL ONE: Surface waters shall be managed to provide flood protection for the citizens of Pinellas County, to preserve and enhance the water quality of receiving water bodies, and for the purposes of natural resource protection, enhancement and restoration, plant and wildlife diversity, and estuarine productivity.

- Objective 1.13: Pinellas County shall meet the regulatory requirements of the National Pollutant Discharge Elimination System , Total Maximum Daily Load and other Federal, State and local programs, and will continue to collaborate with other stakeholders to protect and enhance the quality of the County's surface water and to provide flood control.
- Policy 1.13.2 : Pinellas County will continue to implement the directives required by the County's NPDES permit, in coordination with 21 co-permittees, including continued water quality monitoring throughout the County, the compilation of data related to stormwater quality and control, the education of residents of the importance of stormwater management, and the development of a Stormwater Management Plan
- Above accomplished by:
 - a) Section 166-81 General permit provisions

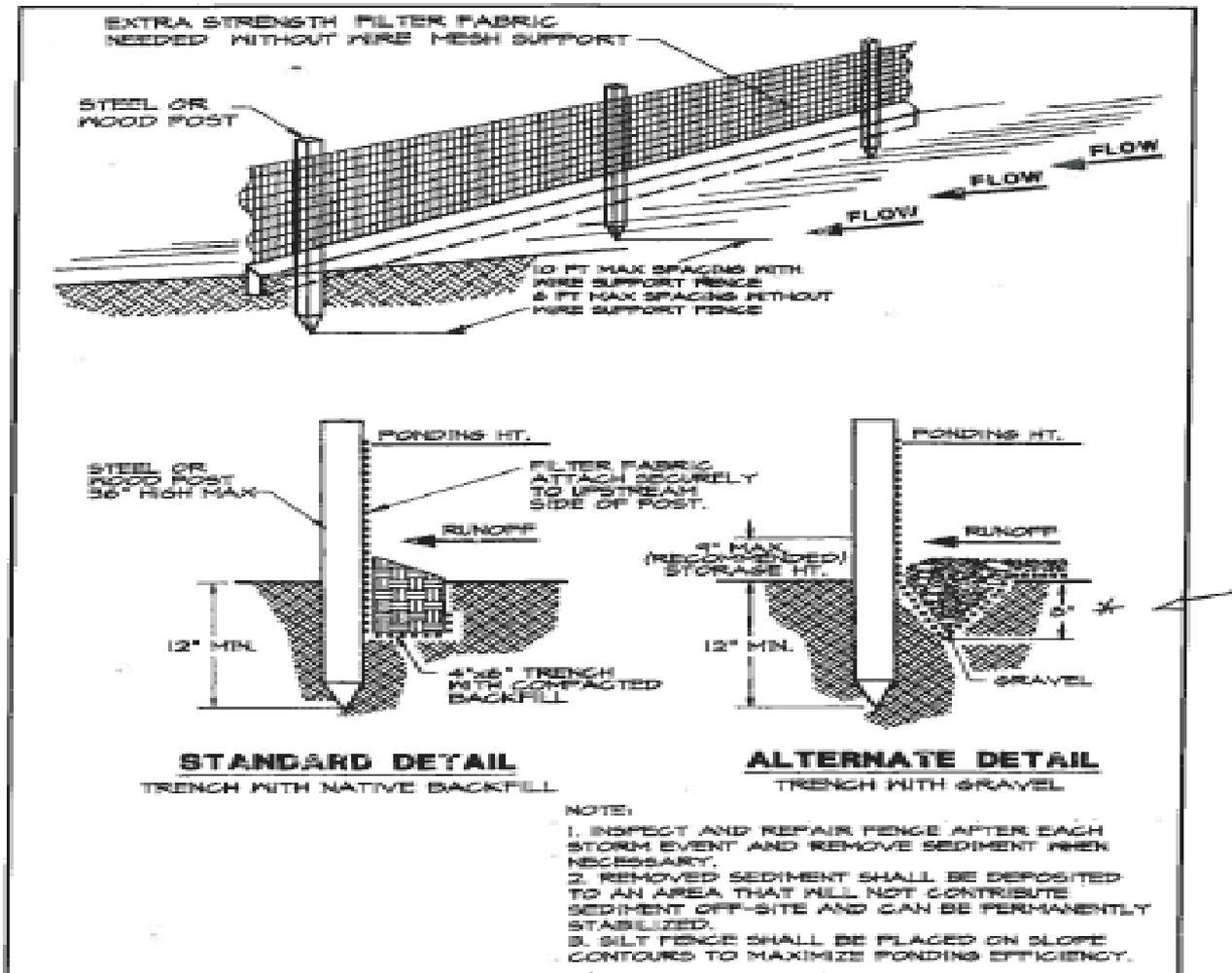


Figure 4.4a. Silt Fence
Source: Erosion Control

Erosion control failure



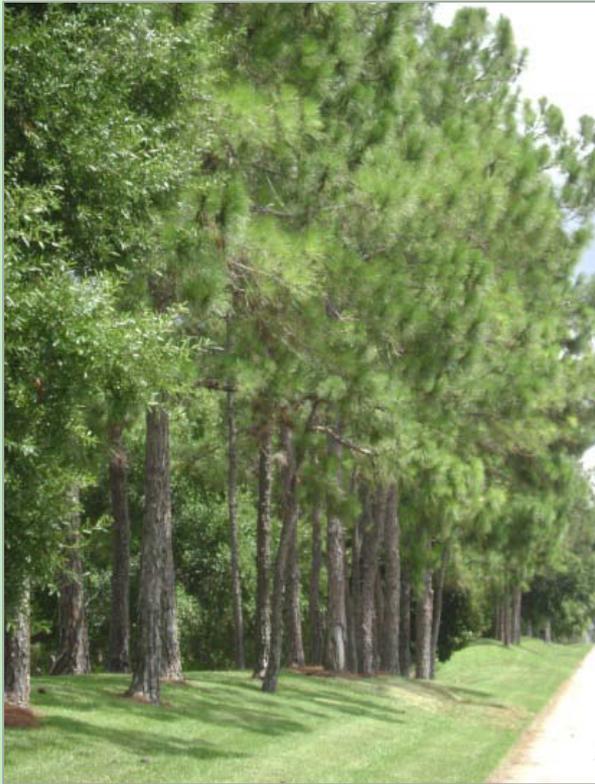
Erosion control properly maintained



In 1990 the BOCC adopted Ordinance 90-16, (codified into Chapter 166) an Ordinance relating to habitat management and landscaping

- Purpose- To perpetuate adequate tree numbers
- Preserve native vegetative plant communities
- Require landscaping of vehicular use areas
- Require replanting of vegetation
- Manage undesirable plant material
- Protect and preserve wildlife and its habitat
- Provide a tree bank fund for furthering this intent

Habitat Management

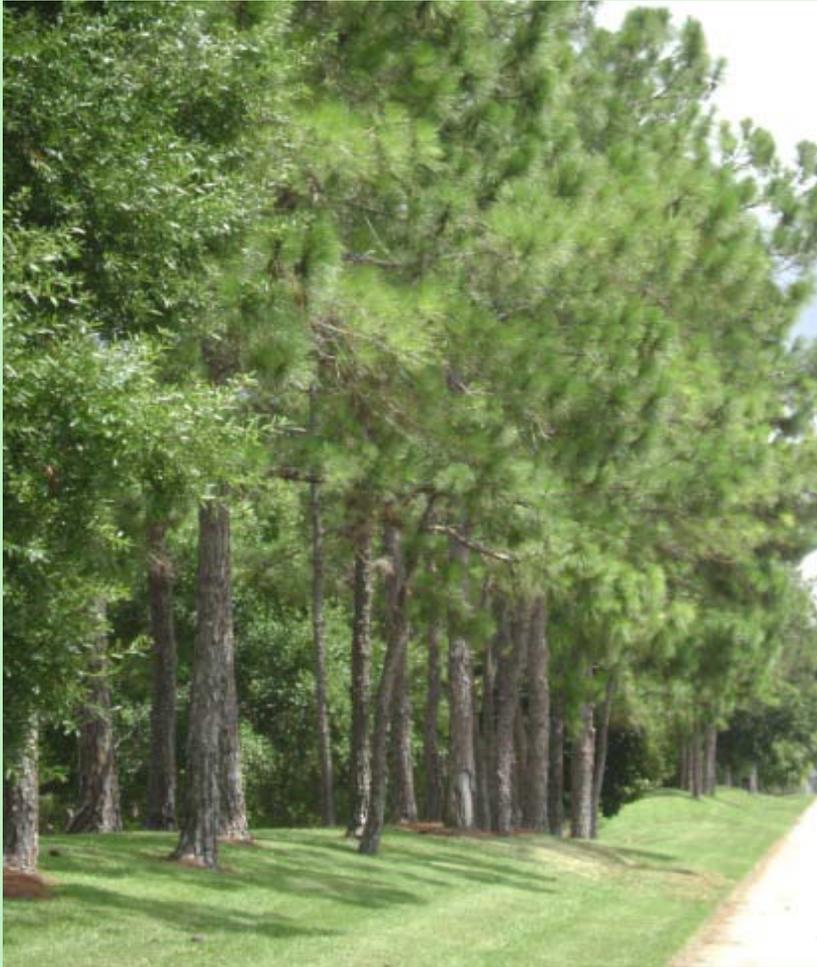


Permits are issued strictly according to code.

- The permit process requires that the applicant submit detailed information as to the reason they are requesting a permit.
- The process further includes evaluation criteria, which determines whether a permit will be granted.



Habitat Management



- An example of a rationale for permit approval is: the vegetation is injured or diseased.

Cause for removal - diseased



Trees too close to the structure ...



With roots causing damage to the foundation



Roots causing damage to the sidewalk



Tree impacting driveway? Sidewalk? Structure? ...



No real impact. No reason for removal.



Impact to driveway? Sidewalk? Structure?



No impact. No reason for removal.



Proposed tree category enhancement/fee adjustments based on citizen input

	FY 11 FEE SCHEDULE - DEVELOPMENT REVIEW SERVICES	FY 11 Approved	FY 12 Proposed	Reason for Increase/Decrease or new fee.	Final Impact (Unit and \$ Value Fee Change) Example: \$15 increase for 100 widgets= \$1,500
III.	Habitat Management Application Fees				
	<u>1. Trees Only.</u>				
	<u>A. Dead Tree verification, replants may be required.</u>	\$11.00	<u>\$18.00</u>	Minimal increase to offset cost.	\$861 ; (\$7 X 123)
	<u>B. Verification of no trees on site, replants may be required.</u>	\$11.00	<u>\$18.00</u>	Minimal increase to offset cost.	\$336 ; (\$7 X 48)
	<u>C. Damaged/Declining/Diseased, replants may be required.</u>	-	<u>\$50.00</u>	Clarifying item.	N/A
	<u>D. Structural Impacts/Vehicle Site Lines replants may be required.</u>	-	<u>\$50.00</u>	Clarifying item.	N/A
	<u>2. Tree removal on existing/developed parcels.</u>				
	<u>A. Single Family, Townhomes, Privately Owned or adjacent parcel Ownership</u>	\$50.00	No change		
	<u>B. Multi-Family (MHP, condo, apartments)</u>	\$495 per unit	<u>\$250.00</u>	Excessive customer complaints of high fee.	(\$24,500) ; (\$245) X 100
	<u>C. Commercial, Occupied, Established.</u>	\$495 per acre	<u>\$100.00</u>	Excessive customer complaints of high fee.	(\$39,500) ; (\$395) X 100

Proposed tree category enhancement/fee adjustments based on citizen input

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FY 11 FEE SCHEDULE - DEVELOPMENT REVIEW SERVICES				
<u>3. Development Activities.</u>		-		
<u>A. Single Family Home.</u>	\$495 per unit	No change		
<u>B. Multi-Family (MHP, condo,apartment)</u>	\$495 per unit	No change		
<u>C. Commercial - Minor (sign/canopy)</u>	\$495 per unit	<u>\$100.00</u>	Excessive customer complaints of high fee.	(\$19,750) ; (\$395) X 50
<u>D. Commercial - Major (building , drainage, etc.)</u>	\$495 per acre	No change		
<u>E. Grubbing (Vacant)</u>	\$495.00	No change		
<u>F. Single in-fill lots.</u>	\$495.00	No change		
<u>G. Addition - Single Family</u>	\$50.00	<u>\$100.00</u>	Cost offset.	\$35,000 ; (\$50 X 700)
<u>H. Addition - Multi-Family/Commercial</u>	\$495.00	No change		
<u>I. Pool - Single Family</u>	\$50.00	<u>\$100.00</u>	Cost offset.	\$5,000 ; (\$50 X 100)
<u>J. Pool - Multi-Family/Commercial</u>	\$495.00	No change		
<u>K. Detached Structures - Single Family</u>	\$50.00	<u>\$100.00</u>	Cost offset.	\$500 ; (\$50 X 10)
<u>L. Detached Structures – Multi-Family Commercial</u>	\$495.00	No Change		

Proposed tree category enhancement/fee adjustments based on citizen input

	FY 11 FEE SCHEDULE - DEVELOPMENT REVIEW SERVICES	FY 11 Approved	FY 12 Proposed	Reason for Increase/Decrease or new fee.	Final Impact (Unit and \$ Value Fee Change) Example: \$15 increase for 100 widgets= \$1,500
	<u>4. Re-Inspection Fees .</u>		-		
	<u>A. Single Family.</u>	\$50.00	No change		
	<u>B. Multi-Family.</u>	\$198.00	<u>\$200.00</u>	Rounding.	N/A
	<u>C. Commercial.</u>	\$198.00	<u>\$200.00</u>	Rounding.	N/A
	<u>D. Each re-inspection after the 2nd - Single-Family</u>	\$50.00	<u>\$200.00</u>	Cost offset.	\$7,500 ; (\$150 X 50)
	<u>E. Each re-inspection after the 2nd - Multi-Family/Commercial</u>	\$495.00	No change		
	<u>5. Certificate of Occupancy Inspections</u>		-		
	<u>A. Initial Inspection - (Single-Family)</u>		<u>incl.</u>	Clarification note.	N/A
	<u>B. Initial Inspection - (Multi-Family or Commercial)</u>	\$138.00	<u>\$200.00</u>	Cost offset.	\$2,790 ; (\$62 X 45)
	<u>C. 2nd inspection - (Single-Family)</u>	\$50.00	No change		
	<u>D. 2nd inspection - (Multi-Family or Commercial)</u>	\$495.00	<u>\$200.00</u>	Uniform fee structure.	(\$5,900) ; (\$295) X 20

Proposed tree category enhancement/fee adjustments based on citizen input

	FY 11 Approved	FY 12 Proposed	Reason for Increase/Decrease or new fee.	Final Impact (Unit and \$ Value Fee Change) Example: \$15 increase for 100 widgets= \$1,500
FY 11 FEE SCHEDULE - DEVELOPMENT REVIEW SERVICES				
<u>E. Each reinspection after the 2nd - (Single-Family)</u>	\$50.00	<u>\$200.00</u>	Uniform fee structure.	\$150 ; (\$150 X 1)
<u>F. Each resinspection after the 2nd - (Multi-Family or Commercial)</u>	\$495.00	No change		
<u>6.5. Safety Harbor Site Plan Review</u>	\$275.00	No change		
			Net Fee Reduction	\$37,500.00

Pinellas County reserves the right to exercise discretion in administering this fee schedule.