

DEVELOPMENT REVIEW AND PERMIT PROCESS ADVISORY COMMITTEE
(DRPPAC)

The Indian River County (IRC) Development Review and Permit Process Advisory Committee (DRPPAC) met at **9:00 a.m. on Wednesday, March 21, 2018**, in the County Administration Building, Building B, 1800 27th Street, Vero Beach, Florida. You may hear an audio of the meeting; review the agenda and the Minutes on the IRC website – <http://www.ircgov.com/Boards/DRPPAC/2018.htm>.

Present were: **Chairperson Debb Robinson**, District 1; **Vice-Chairman Joe Paladin**, District 2; **Carter Taylor**, District 2; **John Wesley Mills**, District 3; **Robert Banov**, District 4; **Bruce Redus**, District 4; **John Blum**, District 5; **Chuck Mechling**, District 5; **Christopher Murphy**, Member-at-Large, and; **Stephen Melchiori**, Alternate.

Absent were: **Robin Raiff**, District 1; **Richard Brown**, District 3; **Greg Burke**, Member-at-Large, and; **Raymond Sheltra**, Member-at-Large.

Others Present were: **Jason Brown**, County Administrator; **Bill DeBraal**, Deputy County Attorney; **John King**, Director, Emergency Services; **Stan Boling**, Director, Community Development; **Rich Szpyrka**, Director, Public Works; **Vincent Burke**, Director, Utilities; **Scott McAdam**, Building Official; **John McCoy**, Chief, Community Development; **Roland DeBlois**, Chief, Code Enforcement; **Patrick Murphy**, Current Development Planner; **Ryan Sweeney**, Senior Planner; **Steve Hitt**, Code Enforcement; **Dave Johnson**, Fire Marshall, and; **Lisa Hill**, Recording Secretary.

1) Call to Order and Welcome

Chairman Robinson called the meeting to order at 9:01 a.m., at which time it was determined there was a quorum present.

2) Additions and Deletions to the Agenda

There were none.

3) Approval of the Minutes of February 21, 2018

ON MOTION BY Mr. Mechling, seconded by Mr. Paladin, the Minutes of February 21, 2018 were unanimously (10-0) approved by the Committee as presented.

4) **New Business**

a) **Consideration of Tree Survey Requirements**

Mr. DeBlois reviewed the existing tree survey requirements which started in 1983 and were subsequently modified in the mid-2000's to require mitigation of specimen trees over 12 inches in diameter and preservation or planting of two canopy trees per single family lot for all residential developments. Tree survey information is required at the beginning of development review to factor into project design. Existing survey requirements allow flexibility for properties over two acres in size and areas of trees can be shown as clusters if they are not to be disturbed. The survey is defined as either a sketch or aerial of the affected site with information on tree location, type, and size. Sometimes, careful, limited clearing of exotics may be needed to determine the location of protected and specimen trees. Mr. DeBlois stated that staff is willing to work with developers on the survey and what will be required prior to moving forward with a formal submittal.

Mr. Boling noted that if there is a record of the trees being saved and those to be removed, the information on the survey can then be shared with citizens who come in with concerns about tree removal, and can document compliance.

The members discussed what types of trees were listed as protected in the County requirements. It was noted that protected trees are 4 inches to 12 inches in diameter for hardwoods, sand pines, and cabbage and sabal palms. There is also a definition of specimen trees which are hardwoods greater than 12 inches in diameter and are a specific hardwood or other species of tree. Specific trees listed on the Florida Exotic Pest Plant Council's invasive species list are not protected or specimen trees, regardless of size.

Ms. Robinson asked if there was a way to change the process to allow for the tree survey to occur later in the development process. She also stated that aerial views could be used to show significant hammock areas that exist as opposed to overgrown areas or old citrus areas. She stated that these measures could cut back on time and cost to the developers.

Mr. Melchiori stated that during the layout of the development lots, tree demarcation is shown on the plans. However, once the lots are sold, the new owners can remove the trees that are shown in the plans.

Mr. Boling stated that the developer can put restrictions in the contracts to save the trees that have been indicated in the development plans as the property goes through the process, and that protecting the trees may preserve value for the development. He also stated that the information was needed up front to factor in to the basic project lay-out and design.

Ms. Robinson explained how drainage issues can affect the ability to save protected and specimen trees.

Mr. Murphy noted the constraints of being able to protect a specimen tree within the confines of a lot.

Mr. Paladin stated that specimen trees could be saved by not allowing development on the lot where the tree is located, making it common area.

The Committee members discussed the licensing requirements for certifying a tree survey; staff confirmed there are none.

Mr. Mechling explained the need to plant certain size trees along berms and putting in trees that have a better survival rate as well as aesthetics in placing trees, such as palm trees, that have a long, bare trunk that do not necessary provide a buffer area. He stated that putting a variety of different height trees provides a more natural look.

Ms. Robinson agreed that a wall of 8 to 10 foot tall trees provides no buffer. She expressed that staggered tree heights would provide a more pleasing view and provide better protection, especially if it is placed on a berm which makes it too high for providing a screen.

Mr. McCoy noted that the landscaping requirements including the application of different plantings for mitigation.

Mr. Mills stated that mitigation trees do not generally go on lots so that they can be maintained without the threat of a homeowner taking them down.

The Committee members then discussed the alternative of paying as mitigation for tree removal. Mr. Sweeney stated that the ratio for mitigation tree plantings is 1:2. Mr. Mills stated that with all of the mitigation and plantings, there are some projects where there is not enough room for mitigation plantings so the existing fee-in-lieu option is required.

Mr. Boling explained how the tree mitigation fund provides funding for new trees to be planted in other areas of the County such as preservation parcels, parks and other public areas.

Mr. Mills stated that a preservation area could be set aside to cover the removal of the trees that are not in the preservation area.

Mr. Boling stated that it could be beneficial to look into the issue of the tree survey in more detail and get some examples of areas that work and do not through field visits. He added that the Department is willing to work with developers and provide some flexibility in the regulations.

Mr. Brown noted that the requirements have been through a committee at some point in time and there are many different perspectives on what works or not. Re-evaluating tree protection requirements will involve a wider group of interested parties.

Ms. Robinson requested that this issue be tabled and be brought back at a future meeting with specific examples to look at in more detail. By way of consensus the committee members agreed to bring this item back for further discussion.

b) Consideration of County Stormwater Pond/Lake Design and Littoral Zone Requirements

Mr. DeBlois explained that the littoral zone is the portion of a pond or lake that is designed to contain rooted aquatic plants and are required based on a number of public benefits, such as pollutant treatment, biological community enhancement and residential subdivision amenity aesthetics.

Mr. McCoy noted that the requirements are to make project sites look more natural and that staff will work with applicants to meet the requirements.

Mr. Mechling cited some examples of ponds that are basically square or regular in shape, but are planted so the shape is softened, and confirmed that staff always works with applicants on pond design.

Mr. Taylor shared some other examples used in the design of ponds that provide better aesthetics.

Mr. Boling stated that it could be beneficial to come up with some specific criteria to codify the flexibility used in practice.

Mr. Szyrka suggested that the criteria should not be so restrictive that it boxes the developers into specific configurations.

Mr. Blum noted difficulties experienced in placing the ponds and the littoral zones next to home sites.

Ms. Robinson agreed that the areas are hard to maintain, especially next to home sites. She added that the lack of proper maintenance can cause issues with water quality from the ponds.

Mr. Blum advised that there are some new rules by the Saint John's Water Management District.

Mr. Boling stated that it may be worth reviewing ponds out in the field constructed under the old and newer rules as well as habitat creation, water quality and other

issues. He noted that anything more than minor changes would require a Comprehensive Plan amendment since current littoral zone standards are required in the Comprehensive Plan. An LDR change would also be required.

Ms. Robinson expressed concern with the impact of the ponds on the wildlife as they are designed to carry off heavy metals from the roads and yards that are poisonous to them.

Mr. Boling agreed that the ponds do carry hazardous chemicals, but it also provides a place for them to live as pristine habitats have disappeared over time.

Mr. Mechling stated that the committee could use some input from outside experts and information on plantings and other factors to keep down the algae blooms.

Mr. Redus suggested that there needs to be some flexibility to customize the ponds to each project.

Mr. Boling agreed that there could be some flexibility, but that there needs to be certain criteria outlined that must be met so that the staff has a standard on which to base their interpretations. Mr. Sweeney added that flexibility without some criteria would slow down the review process.

By way of consensus the committee members agreed to bring this item back for further discussion.

c) Consideration of Landscaping “Flexibility” Items

Mr. Boling provided some background information regarding a proposal to change the land development regulation for “infill plantings” and littoral zone plantings, which was proposed during the June 20, 2017, Board of County Commissioners meeting.

Mr. Mechling stated that he would like to look at the differences between the current and proposed land development regulations, as proposed in the update, as well as a cost analysis of each.

Mr. Paladin noted that he would also like to look at the cost of maintenance of items versus the initial cost under the current and proposed regulations.

Ms. Robinson expressed concern with obtaining landscaping material that is required as many of the growers had been impacted by the hurricanes.

Mr. Mechling stated that there is a shortage also because many of the communities impacted by the hurricanes had procured the existing stock and there has not been enough time for regrowth.

Mr. McCoy noted that pricing was analyzed when the landscape standards were last updated in 2010 and they are in need of updating to current prices.

Mr. Paladin stated that the landscaping needs to be afforded a growth period in order to achieve the desired aesthetics once the community is established.

Mr. Boling agreed that an updated cost analysis would be helpful in considering the regulations, but should not be part of the Committee’s work on the development review and permitting process.

By way of consensus the committee members agreed to bring this item back for further discussion.

d) Consideration of “Dry” Model Home Allowances and Regulations

Mr. Sweeney advised that as a result of the request from the Committee on February 21, 2018, he had reviewed the regulations and policies of neighboring jurisdictions on how they handled the allowance of “dry” model homes and spec homes for subdivisions. The following chart is an excerpt from the staff memorandum and briefly outlines each jurisdiction’s requirements.

Jurisdiction	Number of Models Allowed	Summary of Other Requirements
Brevard County	2	Access road, stormwater connection, water for firefighting, and connection to sewer or approved temporary disposal system
St. Lucie County	4	None
Martin County	Not specified	5 parking spaces, no business activity later than 9:00 p.m., landscape buffer between model home and adjacent properties outside of the development, and must terminate once 90% of homes have been sold
City of Palm Bay	25	Final plat must be recorded, stabilized access road and water source for fire apparatus, waiver of liability, 100’ setback from existing structures outside of the development, cannot be sold and no C.O. issued until subdivision C.C., and demolition bond

Mr. Sweeney added that prior to use of a dry model, certain basic infrastructure needs to be in place to serve the model, including:

1. Lot grading and stormwater management; and
2. Access that accommodates customers and emergency vehicles; and

3. Water for fire protection; and
4. Connection to sewer or an approved temporary disposal system.

He stated that it might be better to have a percentage of the total units rather than just a flat number of models allowed.

Mr. Boling noted concern that there may be an issue if a subdivision developer does not complete needed infrastructure while the homebuilder is moving forward with the completion of homes and the County cannot issue a CO for a home.

Mr. Melchiori stated that Brevard County requires plat recordation and a bond to be issued so if the developer does not completed the work, it can be completed utilizing the bond funds.

Mr. Szpyrka stated that the Brevard County regulations require that certain criteria be met prior to getting a plat and model home.

Mr. Melchiori suggested that the Committee discuss the issue with some of the homebuilders that work in the County.

Mr. Mechling suggested that a number of 1 or 2 dry models per 50 units or a percentage not to exceed number could be developed with the size and amount dependent on the size of the development.

Mr. DeBraal noted that there are many communities developed with multiple homebuilders and each of them would want to have their own model homes, which may cause a conflict between the homebuilders.

Ms. Robinson asked why there could not be a requirement to provide all off-site improvements prior to completing a model home. Mr. Boling stated that the County would be agreeable to this, but it would be difficult for large projects to provide "build-out" improvements many years in advance of project impacts.

Mr. Boling stated that staff could work on language changes to the land development regulations to allow between 3-5 dry models based on the Brevard County requirements that would then be reviewed by the Committee.

John King, Chief of Emergency Services, stated that Emergency Services would not be opposed to some small amount of construction as long as there is water and there is a stabilized base for the emergency equipment to reach the model.

By way of consensus the committee members agreed to bring this item back for further discussion.

e) Discussion on Accountability

Ms. Robinson stated that she had asked that this item be discussed with the Committee members. Ms. Robinson suggested that the fees for permits be refunded if deadlines are not achieved.

Mr. Brown advised that the County has looked at the collection of fees and data shows that fees are not covering the costs of processing the plans. If fees are subsequently refunded, it would reduce the amount of funds available to pay staff to do the reviews and slow down the review process. Mr. Brown did agree that staff needs to be accountable, however, refunding of fees would be counterproductive.

Mr. Taylor suggested that there could be performance standards applied for staff to meet a level of service along with the tracking of deadlines.

Mr. Murphy added that a process summary of the timeframe of the development process would assist with accountability.

Mr. Szyrka advised that performance standards and deadlines are currently tracked for review staff. He advised that it is required that a plan be reviewed within five days for the first submittal and all resubmittals. He agreed that accountability is important, but it is needed by both County staff and outside engineers, developers, etc. He added that the staff can only review what is provided by the outside contractors and that there are often times that submittals are incomplete and have been reviewed several times with the same comments of items to be addressed repeated.

Mr. DeBraal stated that any problem with staff should be handled through the channels of supervisors, department heads, and the administration.

Mr. Boling stated that the cooperative relationship between the County staff and the outside consultants is very important to be maintained and is the best way to uphold two-way accountability.

Ms. Robinson concluded that the refunding idea did not have Committee support.

5) **Other Matters**

Discussion on Minimum Requirements for Processing a Request for a Water Meter Installation

Mr. Vincent Burke, Director of Utilities, reviewed the minimum requirements for processing a request for a water meter installation. He advised that some of the water meter boxes will be changed and noted that there is a new form to be filed for such installation. In response to a question from Mr. Mechling, Mr. Burke stated that an email will be sent to the requestor upon receipt of the request as well as notifying when the installation will occur.

Ms. Robinson asked why the meter installation is tied to the building permit issuance, if payment of all impact fees is made earlier than building permit.

Mr. Banov noted the need for water in order to plant or relocate trees and other vegetation on a site prior to the issuance of a permit.

Mr. Vincent Burke advised that the County staff would be willing to work with a developer if there is a valid reason to put in water and the site is appropriately marked, however, the area around the boxes needs to be maintained.

Mr. Murphy asked if there is a meter box reset fee. Mr. Vincent Burke advised that there is a requirement to pay for a box to be replaced if it is damaged.

6) Topics for Next Meeting

Potential topics for the next meeting:

- a) Developer Agreements
- b) Technical Review Committee – Fire and Building staff participation for certain site plan project reviews
- c) Identification of issues with building permits
- d) COs and their impact on small business

7) Announcement of Next Meeting

The next meeting of the Development Review and Permit Process Advisory Committee will be Wednesday, April 18, 2018 at 9:00 a.m. in Conference Room B1-501, Building B, 1800 27th Street, Vero Beach.

8) Adjournment

There being no further business, Chairperson Robinson adjourned the meeting at 11:45 a.m.