



## Notes on the Current AI Tree Protection Ordinance Revision

October 2, 2023

There are many improvements in the current update of the ordinance, and we greatly appreciate all of the work that has gone into producing this document. We strongly support the update of this document. The comments and questions below reflect a few new comments and a few that have lingered over a series of updates.

One very broad concern is how this document can be made easy for developers and builders to use, in an era when most people don't have the attention span to read or contemplate details or length. This has been discussed with Gabriel and he does have some ideas for dealing with this challenge. Perhaps simplified basic documents or slides and training of contractors and developers would help.

### Specific Comments:

**Purpose and Intent, After A.5. (p. 4):** We recommend adding the following: "Communal benefits to the inhabitants of Amelia Island and Nassau County include economic sustainability, as demonstrated by the importance of the canopy in both the tourism and residential markets." (This concept has been documented by the research of the Amelia Island Convention and Visitor Bureau and a decade of Amelia Tree Conservancy resident interviews. It could also be included in a whereas clause.)

**E.2. Specimen trees (p. 8):** We support a minimum DBH of 36", rather than 40." Based on our experience in Fernandina Beach, we are concerned that we won't have sufficient specimen trees to support island sustainability.

**E.2. Specimen trees, c. Criteria for removal of a specimen tree (p. 8):** We recommend deletion of "iii. The application of this Section will remove all economically viable use of the property under review." Historically, this has been a vague excuse utilized and accepted in a wide range of case types. If maintained, it must be defined and restricted. Since Section iv. now essentially repeats this notion, we see no reason for retaining it. If retained, this statement has the potential to negate the entire tree protection effort.

**F. Tree removal (pp. 9-13):** Exemptions were built into the ordinance for County departments that remove trees and for utility companies, yet both of these groups need to be held to high standards. Utilities have destroyed and created dangerous conditions as a result of tree pruning along A1A and many other parts of the island. It is apparent that strict regulations are needed to prevent them from continuing to destroy the aesthetic and the economy of the island. One would hope that County staff would ensure that tree removal is only done when essential. However, in Fernandina Beach, dramatic



tree destruction was carried out in Bosque Bello and city parks by staff. Standards and training are essential for these groups. Examples of use:

- 1.a. Exempt classification 1, i & vi (p. 10): public works dept., utilities
- 1.b. Exempt classification 2, ii (p. 11): Nassau County

**F. Tree removal, 1. Exemptions, a. Exempt classification 1, i. unacceptable risk (p. 10):** Why is replacement not required, considering the nature of a barrier island and all of the Whereas clauses?

**F. Tree removal, 2. New development, b. limits of disturbance (p. 11):**

- What is the meaning of the new addition in this context? This needs clarification. “For the purposes of tree protection and replacement regulations contained herein, the limits of disturbance shown on a tree protection and replacement plan shall not encompass portions of a site on which development activity is not proposed.”
- Compare “boundary” with the diagram on p. 14. Does “limits of disturbance” refer to a boundary line or a zone? (See also the example cited in the next item.) This needs to be perfectly clear and consistent.

**F. Tree removal, 2. New development, d. requirements (pp. 11-13):**

- **In each type of site, is 33% the best we can do?** In recent years, we have lost a dramatic amount of canopy as a result of constructing buildings that are way too large for the sites and denser development where there is very little room for trees. **We recommend that the replacement requirement be 50%.** E.g.: “Replacement of ~~thirty-three~~ ~~twenty-five~~ (3325) percent of the total caliper inches of the protected trees located within the construction zone and limits of disturbance shall be required.”
- What does the inclusion of the phrase “and limits of disturbance” mean here?

**F. Tree removal, 4. Understory/groundcover (pp. 14-15): Encouraged? Can’t we require this?** The understory and groundcover maintain the moisture in the soil that our trees depend on for survival and often provide nutrients as well. Is it OK to kill our trees gradually? Saw Palmetto, for example, is one of the primary characteristics of our maritime forest, along with Live Oak, yet we have very little remaining and it is difficult to reestablish.

It is encouraged that as part of the development program the naturally occurring groundcover and understory be maintained. However, the removal of underbrush and removal of trees which are less than five (5) inches DBH is allowed **except as otherwise stated herein**. Removal of **native** underbrush within a tree protection zone shall be **minimized and be** consistent with the methodologies defined in this article. **A minimum of seventy-five (75) percent of the native underbrush within a tree protection zone shall be preserved.**

**F. Tree removal, 5. Wetlands, etc. (p. 15):** “Credit shall not be given for the preservation of protected trees located in jurisdictional wetlands, **required upland wetland buffers, required natural perimeter landscape strips, or required incompatible use buffers. or required upland buffers/ or vegetative**



**natural buffers.” There must not be any approval of development of wetlands, wetland buffers or buffers established adjacent to bodies of water on Amelia Island. This should also apply to the rest of the county.**

**F. Tree Removal, 10. Forested sites (p. 16):** “Development plans shall maximize tree preservation by incorporating tree protection measures and employing low impact development (LID) principles in the design of the site. Sites containing at least seventy-five (75) percent area that is forested or in an otherwise natural, undisturbed state shall not remove more than seventy (70) percent of protected trees. If existing conditions on a site are such that the limited number of protected trees would render the site unbuildable due to the strict application of this provision, then reduction beyond the minimum preservation requirement prescribed herein may be approved by the NC-AITC upon application for removal.” This 70% needs to be far lower, perhaps 30-40%. There are very few forested sites remaining, and at this point, they should be conserved if we intend to have any sustainability at all.

**F. Tree removal, 11. Wood reuse vs burning (p. 16):** “Wood-logging and harvesting, reuse of lumber, chipping, and/or shredding are preferred methods of removal of vegetation removed as part of new development. On-site burning of vegetation removed as part of new development is discouraged.” Should this be “discouraged” or “prohibited”? Remember that we are discussing a built-out barrier island. **No fires, please.**

**J. Tree Fund/fee in-lieu, 4. Expenditure (p. 21-22):** If the trees in question (and many more) are being removed from Amelia Island and Amelia Island is facing multiple hazards that our trees provide protection from, what is the rationale for the funds being expended for the entire county? **If the entire county should be included (and the entire county has lost a tremendous amount of canopy), the entire county should also have a solid tree protection ordinance.**

**Q. Waivers, 3. Administrative waiver (pp. 34-36):** This section creates an awkward situation and should be deleted because of the potential for undercutting the ordinance.

### **Section 3: Amending Section 37.08 Canopy/Scenic Roads**

**After section F (before G. Traffic safety) (pp. 42-43): “Care and Succession Planning:”** We need a section on the county commitment to and process for care and succession planning of canopy roads.

**Maintaining the health of any tree planted or retained:** Who is responsible for this? Can we make this clearer?

Respectfully submitted,

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