



Tree Preservation Board Regular Meeting

Agenda

October 25, 2022 @ 5:00 pm

Commission Chambers

City Hall

401 S Park Ave.

Winter Park, FL 32789

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of August 23, 2022 Minutes](#) 2 Minutes
 3. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Public Hearings**
(Public participation and comment on these matters must be in-person.)
 5. **Action Items**
 - a. [Tree Removal Appeal - 1445 Bonnie Burn Circle](#) 20 Minutes
 - b. [Tree Removal Appeal - 1631 Hillcrest Ave.](#) 20 Minutes
 - c. [Regular Meeting Frequency](#) 5 Minutes
 6. **Non-Action Items**
 - a. [Expansion of parking lot islands at S Knowles Ave and E Welbourne Ave](#) 5 Minutes
 7. **Staff Updates**
 - a. [Tree Law Amendment](#) 15 Minutes
 8. **Board Comments**
 9. **Upcoming Agenda Items**
 10. **Adjournment**



Tree Preservation Board

agenda item

item type	Consent Agenda	meeting date	October 25, 2022
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Approval of August 23, 2022 Minutes

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[08.23.22 Draft Minutes.pdf](#)



Tree Preservation Board Minutes

August 23, 2022 at 5:00 p.m.

City Hall Commission Chamber
401 S Park Ave | Winter Park, Florida

Present

Melanie Love, Rebecca Gallardo, Kim Ashby, and Christine Girand

Absent

Christina Schloot, Jill Bendick, and Steve Carras

Staff Present

Josh Nye, Stefano Alvernia, and Laura Halsey

1. Call to Order

Meeting called to order by Chairperson, Kim Ashby, at 5:00pm. Quorum was present.

2. Consent Agenda

Approval of the June 28, 2022 Board Meeting Minutes.

Motion made by Melanie Love, seconded by Christine Girand, to approve the June 28, 2022 minutes. Motion carries unanimously.

3. Citizen Comments (for items not on the agenda)

4. Public Hearings

5. Action Items

Meeting frequency

Staff recommended regular meetings occur every other month with the caveat that additional meetings could be scheduled should they be needed. Melanie Love inquired about how much work goes into preparing for the meetings and prefers to continue with the monthly meeting schedule.

Discussion ensued about the options available and the status quo for meetings and it was recommended by Mrs. Ashby that Staff put together options to present at the next meeting for further review and discussion.

Motion made by Kim Ashby, seconded by Rebecca Gallardo, to table the item until the regularly scheduled September meeting. Motion carries unanimously.

6. Non-Action Items

7. Staff Updates

- **New Arborist**

Mr. Nye informed the Board of the hiring of a new Arborist, Jorden Hinrichsen, along with the fact that she is doing well with training.

- **Mead Garden Amphitheater plantings**

Mr. Nye provided a brief update on the recent planting improvements made in the area - three bald cypress, six eagleston holly, and one live oak.

Mrs. Ashby spoke on the beauty of the improvements in the area and thanked staff for a job well done.

- **Kings Way median plantings**

Mr. Nye provided the Board with an update of the ten long leaf pines that were planted in the area. Hurricane Irma did a decent amount of damage to the area so he is happy with the progress of the trees and the aesthetic they have provided to the area.

- **Ordinance Rewrite Work Session**

Mr. Nye provided a brief update on the status of the Ordinance updates. He anticipates one more work session will be necessary before staff can move forward with the approval of the ordinance updates. Mr. Nye's point of concern is the difficulty of planting shade trees with the setback allowances currently in place and has voiced his concern to the Planning & Zoning Department. There may be some language changes to assist with resolving this issue. Mr. Nye and Mr. Alvernia will be working together to revise the ordinance language to present to the Planning & Zoning Board.

Mrs. Ashby brought to light that there is a myriad of issues that affect tree planting possibilities including drainage issues.

Mrs. Gallardo inquired about trees being planted in swales. Mr. Alvernia provided feedback that certain trees can thrive in swales and areas more prone to water retention.

8. Board Comments

Mrs. Ashby inquired on the progress of the mangrove that was moved to Vero Beach. She was quite pleased that the tree was able to be relocated to an area that it would be happier and do well.

She also complimented on the Run for the Trees event being a success and how happy everyone was with the selection of trees that were available to the public. She overheard a lot of positive feedback in the crowd during the event.

Mrs. Gallardo commented on the Community Canopy Program. She received two bald cypress trees and planted them along the water's edge in her backyard and they are thriving. She stated that the trees growth and development in the short period of time was impressive.

9. Upcoming Agenda Items

10. Adjournment

Motion made by Kim Ashby, seconded by Melanie Love, to adjourn the meeting at 5:42pm



Tree Preservation Board

agenda item

item type	Action Items	meeting date	October 25, 2022
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Tree Removal Appeal - 1445 Bonnie Burn Circle

motion / recommendation

Staff recommends Board upholds denial

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TRP appeal ppt - 1445 Bonnie Burn Circle.pdf](#)

Tree Removal Permit Appeal:

Case #22-0002

- ▶ 1445 Bonnie Burn Circle, Winter Park, FL 32789
- ▶ Parcel ID #07-22-30-0496-02-030
- ▶ Zone: R-1AA
- ▶ Tree Removal Permit Appealed: TRP-2021-0330

Print Date: 09/16/2022 System Refresh Date: 09/15/2022



Previous



Next



Print



Map



Street



Birdeye



Trim



Port



Estimate



Taxes



FEMA



Plat



Sketch



Share



Favorite

1445 Bonnie Burn Cir 07-22-30-0496-02-030**Name(s):**Starkey Nathalie Jasmin
Starkey Zachary Taylor**Physical Street Address:**

1445 Bonnie Burn Cir

Property Use:

0001 - Vacant Residential

Mailing Address On File:1445 Bonnie Burn Cir
Winter Park, FL 32789-5702
[Incorrect Mailing Address?](#)**Postal City and Zip:**

Winter Park, FL 32789

Municipality:

Winter Park



1445 BONNIE BURN CIR, WINTER PARK, FL 32789 1/26/2022 8:30 AM

[Upload Photos](#) [View 2022 Property Record Card](#)

PROPERTY FEATURES



VALUES, EXEMPTIONS AND TAXES



SALES



MARKET STATS



LOCATION

[View Plat](#)**Property Description**

BANKS COLONIAL ESTATES V/81 LOT 3 BLK B & N 15 FT OF VAC RR R/W S OF LOT 3 SEE 2531/1774 & 1779

Total Land Area

GIS Calculated

Notice

14,823 sqft (+/-) | 0.34 acres (+/-)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1AA	1 LOT(S)	\$500,000	\$500,000	\$0	\$500,000

TRP-2022-0330

- ▶ Denied:

- ▶ Live oak 24"

- ▶ Approved:

- ▶ Pignut hickories 23" and 24"

- ▶ Live oaks 21", 20", and 19"



City of Winter Park
401 S Park Ave, Winter Park, FL 32789

Permit NO.: TRP-2021-0330 Permit IVR Number: 278523

Permit Type: Tree Removal
Work Classification: Tree Removal

Permit Status: Fees Due

Issue Date: 11/17/2021

Expiration: 11/17/2022

Location Address

Parcel Number

1445 BONNIE BURN CIR, WINTER PARK, FL 32789-5702 302207049602030

Contacts

Zachary Starkey **Property Owner**

(321)315-1901

DAVID MONTALTO **Applicant**

PO BOX 547103, ORLANDO, FL 32854

(321)451-1901 davidm@lahrhomes.com

Description: Approved: Pignut hickory 24", 23", live oaks 21", 20", and 19"

Denied: Oak 24"

Requires replanting of 10 Florida grade #1 3" minimum caliper approved shade trees or 20 Florida grade #1 2" minimal caliper approved understory trees 30 days from removal.

A payment of \$11,770.00 may be made into the Tree Trust Fund in LIEU of replanting.

Valuation: \$ 0.00

Total Sq Feet: 0.00

Inspection Requests:

407-599-3350

Fees	Amount
Residential Tree Removal	\$35.00
Tree Removal Code Enforcement Board	\$100.00
Appeal Fee	
Total:	\$135.00

Payments	Amt Paid
Total Fees	\$135.00
Credit Card	\$100.00
Credit Card	\$35.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	IVR
Arborist Inspection	

Power Line?* No ▼

Zone Clearance Needed?* No ▼

Please Specify Property Use:* Single Family D... ▼

Tree(s) Information

Tree Species

Oak (5)
Palm (2)
Camphor (3)

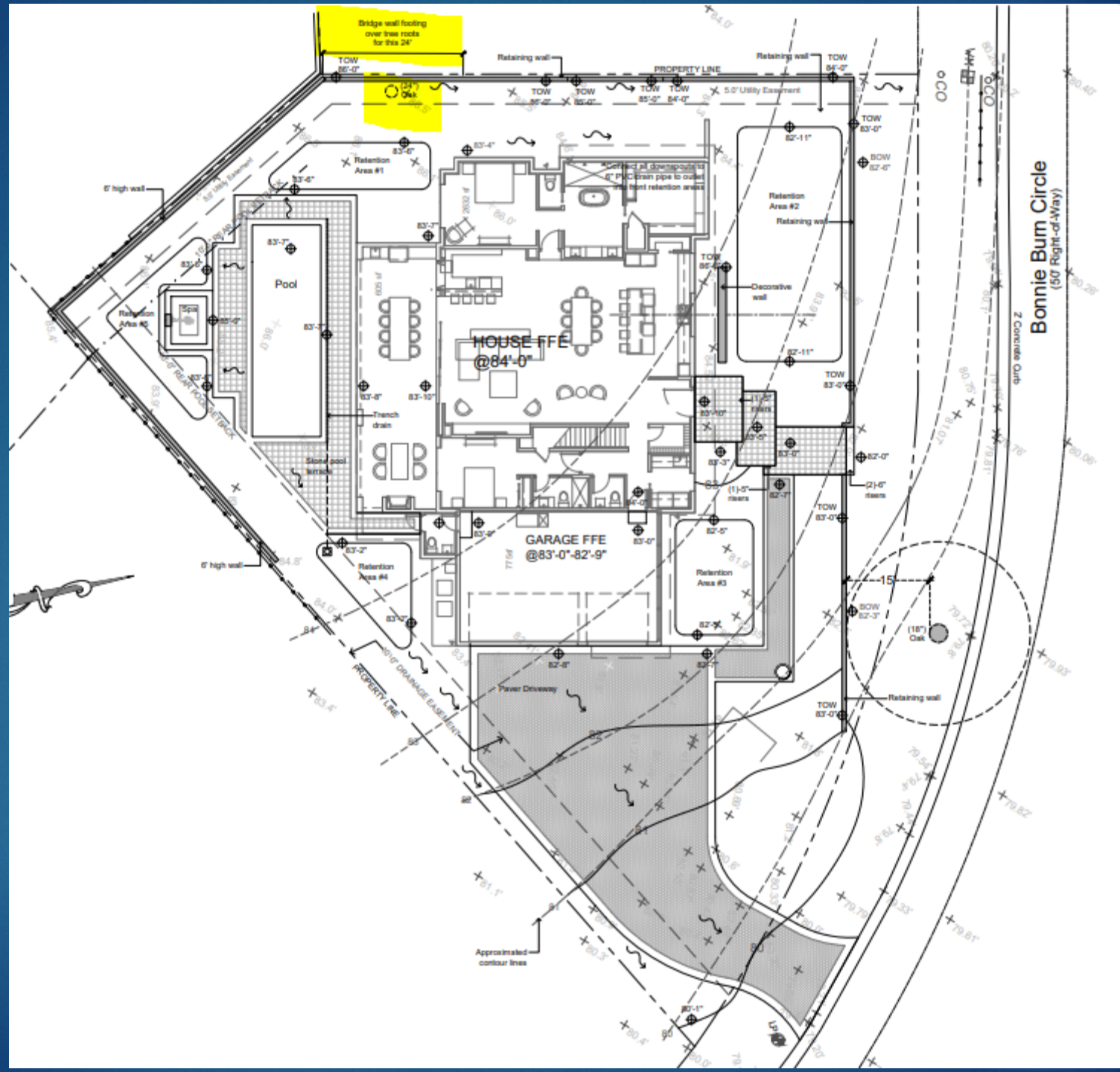
Estimated DBH

Varies between 10" and 24". See survey for tree sizes.

Health

Varies

Reason for removal New construction house



Species: Live oak

DBH: 24"









Tree Preservation Board

agenda item

item type	Action Items	meeting date	October 25, 2022
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Tree Removal Appeal - 1631 Hillcrest Ave.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

TRP appeal ppt - 1631 Hillcrest Ave.pptx

Tree Removal Permit Appeal: Case #22-0003

- ▶ 1631 Hillcrest Ave, Winter Park, FL 32789
- ▶ Parcel ID #07-22-30-2472-02-111
- ▶ Zone: R-1AA
- ▶ Tree Removal Permit Appealed: TRP-2021-0331

1631 Hillcrest Ave 07-22-30-2472-02-111

Name(s):

Bailes Charles E IV
Bailes Leigh Ann

Physical Street Address:

1631 Hillcrest Ave

Property Use:

0001 - Vacant Residential

Mailing Address On File:

1680 Walnut Ave
Winter Park, FL 32789-2036
[Incorrect Mailing Address?](#)

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park



[Upload Photos](#)

[View 2022 Property Record Card](#)

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

LOCATION

2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

ELLNO WILLO K/15 THE S 30 FT LOT 11 & ALL LOT 12 BLK B

Total Land Area

12,577 sqft (+/-) | 0.29 acres (+/-)

[GIS Calculated](#)

[Notice](#)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0001 - Vacant Residential	R-1AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

TRP-2021-0331

- ▶ Denied:
 - ▶ Live oak 24"
 - ▶ Live oak 20"
 - ▶ Laurel oak 24" (Not being appealed)



City of Winter Park
401 S Park Ave, Winter Park, FL 32789

Permit NO.: TRP-2021-0331 Permit IVR Number: 278535

Permit Type: Tree Removal
Work Classification: Tree Removal
Permit Status: Denied

Issue Date:

Expiration:

Location Address

Parcel Number

1631 HILLCREST AVE, WINTER PARK, FL 32789

302207247202111

Contacts

DAVID MONTALTO **Property Owner**
PO BOX 547103, ORLANDO, FL 32854
(321) 815-1301 david@pahrhomes.com

DAVID MONTALTO **Applicant**
PO BOX 547103, ORLANDO, FL 32854
(321) 815-1301 david@pahrhomes.com

Description: Denied: Live oaks 24" and 20" and laurel oak 24"
Permit denied.

Valuation: \$ 0.00

Total Sq Feet: 0.00

Inspection Requests:

407-599-3350

Fees	Amount
Residential Tree Removal	\$35.00
Tree Removal Code Enforcement Board	\$35.00
Appeal Fee	
Total:	\$70.00

Payments	Amt Paid
Total Fees	\$70.00
Credit Card	\$35.00
Credit Card	\$35.00
Amount Due:	\$0.00

Inspections:	
Inspection Type	IVR
Arborist Inspection	

Power Line?* No ▼

Zone Clearance Needed?* No ▼

Please Specify Property Use:* Single Family D... ▼

Tree(s) Information

Tree Species

Camphor
Palm
3 - Oaks

Estimated DBH

30" Camphor
6" Palm
20" 24" and 24" Oaks

Health

Varies

Reason for removal New owners prefer removing existing trees onsite



Species: Live oak

DBH: 24"





Species: Live oak

DBH: 20"







Tree Preservation Board

agenda item

item type	Action Items	meeting date	October 25, 2022
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Regular Meeting Frequency

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[TPB Meeting Cancellation Policy.pdf](#)

Tree Preservation Board Meeting Cancellation Policy

The Tree Preservation Board meets on the fourth Tuesday of each month. Regularly scheduled meetings may be cancelled or postponed for the following reasons.

Lack of quorum

- A physical quorum of four board members must confirm attendance prior to each meeting.

Staff scheduling conflicts

- A board liaison from City staff must be available to attend each meeting.

Lack of action items or other substantive materials

- Action items, significant staff updates and/or other substantive issues must be on the agenda.



Tree Preservation Board

agenda item

item type Non-Action Items	meeting date October 25, 2022
prepared by Laura Halsey	approved by
board approval	
strategic objective	

subject

Expansion of parking lot islands at S Knowles Ave and E Welbourne Ave

motion / recommendation

background

alternatives / other considerations

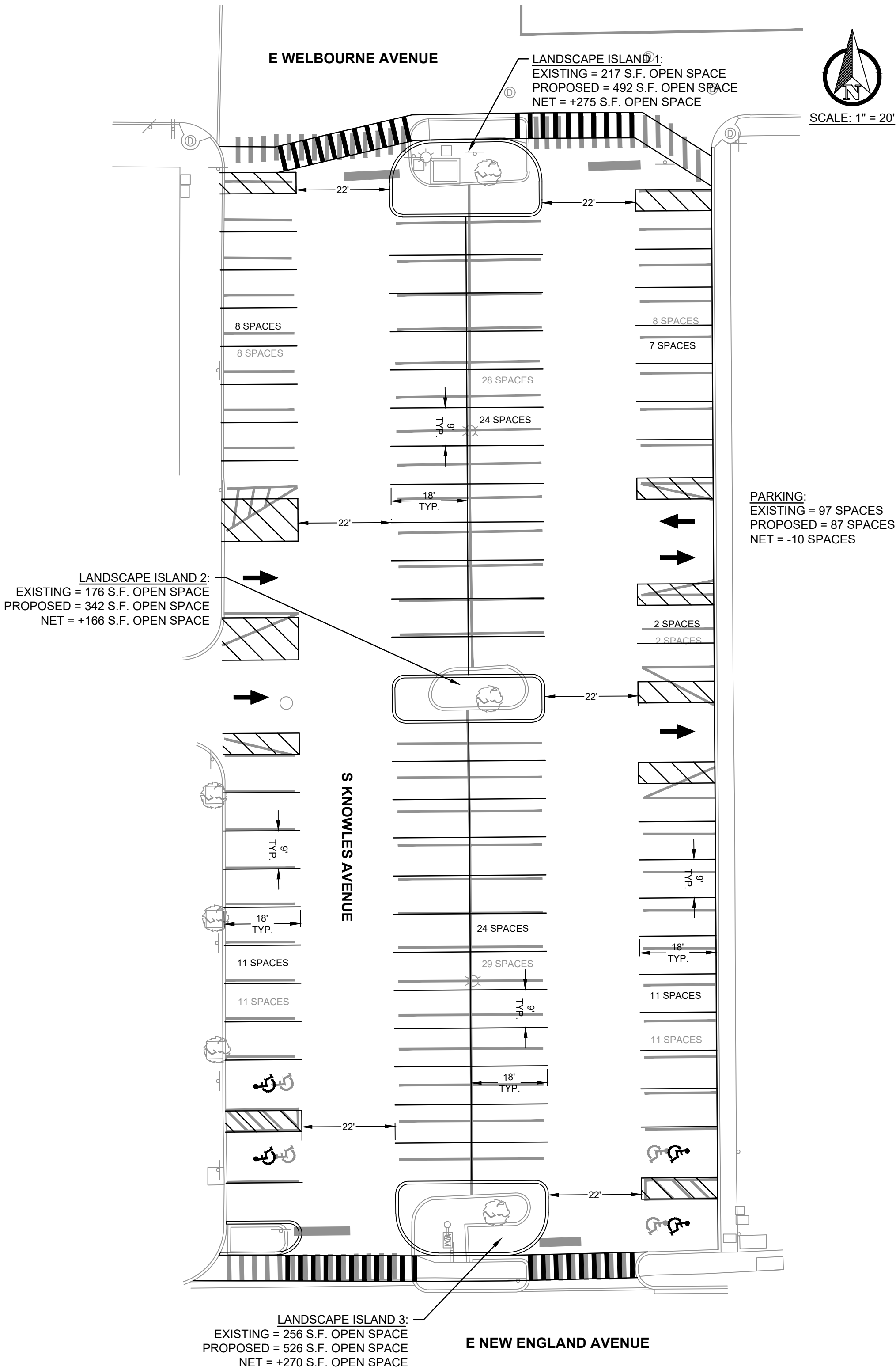
fiscal impact

ATTACHMENTS:

[Knowles at Welbourne_CONCEPT-2-South.pdf](#)

ATTACHMENTS:

[Expansion of Islands Photos.pdf](#)















Tree Preservation Board

agenda item

item type	Staff Updates	meeting date	October 25, 2022
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Tree Law Amendment

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[Tree Law Amendment Analysis.pdf](#)

ATTACHMENTS:

[CS_SB 518.pdf](#)

ATTACHMENTS:

[Tree Law Email.pdf](#)

ATTACHMENTS:

[Sample-Risk-Assessment-Report-2021.pdf](#)

CS/SB 518 and FS 163.045: How a Statute Amendment Impacts Tree Preservation in Winter Park

Prepared by Josh Nye, Parks Services Manager (ISA Certified/TRAQ Arborist) 6/9/2022

Signed into law by Governor Ron DeSantis in 2019, Florida Statutes (FS) § 163.045 provides Floridians a means of bypassing local ordinances pertaining to the pruning and removal of trees on residential property. The original statute reads as follows:

163.045 Tree pruning, trimming, or removal on residential property. —

- (1) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property.*
- (2) A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.*
- (3) This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.*

History.—s. 1, ch. 2019-155.

The language of this statute left open significant questions as to how and when one could use it. As local governments, consulting arborists, tree work contractors and residents attempted to understand what it meant for them, interpretations and usage of the law varied widely across the state. The core of the confusion focused on some key words in the statute:

- “Residential” – The term residential covers a broad range of properties from single family homes to apartment buildings and other multi-family properties. The term does not differentiate between properties under occupancy verses those under development.
- “Documentation” – By leaving this term undefined, it left open the possibility that an arborist could simply declare a tree dangerous, provide their ISA certification number and be done with it.
- “Danger” – The term “danger” is not part of the lexicon of arboriculture. ISA certified arborists use the terms “hazard” and “risk.” Since there is no elaboration as to what constitutes “danger,” it follows that theoretically one could classify any tree as “dangerous” under the statute.
- “Obtains” – The phrase, “if the property owner obtains documentation” suggested that a property owner removing a tree could obtain documentation of “danger” after removing the tree instead of beforehand.

The inherent ambiguities in the statutory language rendered enforcement of the City of Winter Park’s Tree Preservation Ordinance exceedingly difficult. In January of 2020, Speaker of the House Jose Oliva sent a strongly worded memorandum to municipalities throughout the State, which underscored his intent of the vaguely worded law. The message boiled down to, “If you continue to enforce your tree ordinances, expect legal action”.

In this environment of ambiguity and confusion, some unscrupulous actors stepped into the gap. In the experience of Urban Forestry staff over the past three years, residential property developers most frequently used this statute. Even before passage of FS 163.045, tree removals on residential properties under development constituted the lion's share of total canopy loss in Winter Park. The added freedom to declare trees "dangerous" under FS 163.045 meant that developers could now remove essentially any tree they wished without obtaining a permit. Unfortunately, plenty of ISA Certified Arborists were willing to provide cover for highly questionable removals.

On May 18, 2022, Governor DeSantis signed into law an amendment to FS 163.045. The law takes effect on July 1, 2022 and provides much-needed clarity. The new language is as follows:

163.045 Tree pruning, trimming, or removal on residential 16 property. —

(1) For purposes of this section, the term:

(a) "Documentation" means an onsite assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017) by an arborist certified by the International Society of Arboriculture (ISA) or a Florida licensed landscape architect and signed by the certified arborist or licensed landscape architect.

(b) "Residential property" means a single-family, detached building located on a lot that is actively used for single family residential purposes and that is either a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction's applicable land development regulations.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner ~~possesses~~ obtains documentation from an arborist certified by the ~~ISA International Society of Arboriculture~~ or a Florida licensed landscape architect that the tree ~~poses an unacceptable risk~~ presents a danger to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

The new language clarifies the application of the statute in several important respects. These include:

- "Residential" – This term is now narrowly defined to mean occupied single-family homes. Developers may no longer use the statute for properties not "actively used" as a single-family residence.
- "Documentation" – Documentation must now conform to industry standards. Simply declaring a tree "dangerous" and providing a certification number will not suffice.
- "Risk" – The amendment replaced the word "danger" with "risk." All trees have at least a low associated risk. Low risk trees are not eligible for removal under the new language. Trees with an associated risk of moderate and above are eligible under the law only if removal is the "only means" of reducing the risk to low.
- "Possesses" – A property owner must possess documentation in compliance with ISA risk assessment procedures before removing a tree.

The big takeaway from all of this is simple. Beginning on July 1, 2022, the ability of property owners to use FS 163.045 to circumvent the Tree Preservation Ordinance is severely limited. Only people living in single-family homes not slated for development can utilize the statute. The documentation required must be of a quality typically produced only by reputable ISA certified arborists. The risk associated with the tree must be at a level which would, in most cases, would render the tree a permitted removal under CWP ordinance.

In light of this new information, it is staff's recommendation that the City of Winter Park Urban Forestry Division return to enforcing the City's Tree Preservation Ordinance on residential property. We advise an outreach campaign to the public at large regarding changes to the statute. It is relevant to note that some developers immediately welcomed the initial passage of FS 163.045 with no small amount of enthusiasm. It follows then that the burden remains on those same developers to stay current with the new statutory changes. Urban Forestry will treat misuse of the state law under the amended language as a code violation.

2022518er

1
2 An act relating to private property rights to prune,
3 trim, and remove trees; amending s. 163.045, F.S.;
4 defining terms; revising conditions under which a
5 local government may not require a notice,
6 application, approval, permit, fee, or mitigation for
7 the pruning, trimming, or removal of a tree on
8 residential property; specifying when a tree poses an
9 unacceptable risk; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 163.045, Florida Statutes, is amended to
14 read:

15 163.045 Tree pruning, trimming, or removal on residential
16 property.—

17 (1) For purposes of this section, the term:

18 (a) "Documentation" means an onsite assessment performed in
19 accordance with the tree risk assessment procedures outlined in
20 Best Management Practices - Tree Risk Assessment, Second Edition
21 (2017) by an arborist certified by the International Society of
22 Arboriculture (ISA) or a Florida licensed landscape architect
23 and signed by the certified arborist or licensed landscape
24 architect.

25 (b) "Residential property" means a single-family, detached
26 building located on a lot that is actively used for single-
27 family residential purposes and that is either a conforming use
28 or a legally recognized nonconforming use in accordance with the
29 local jurisdiction's applicable land development regulations.

2022518er

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses ~~obtains~~ documentation from an arborist certified by the ISA International Society of Arboriculture or a Florida licensed landscape architect that the tree poses an unacceptable risk ~~presents a danger~~ to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

~~(3)(2)~~ A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

~~(4)(3)~~ This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

Section 2. This act shall take effect July 1, 2022.

Text of Staff Email Blast on Amended Tree Law

I write today to inform you of significant changes to the City of Winter Park's enforcement of its Tree Preservation Ordinance. CS_SB 518, recently signed into law, went into effect on July 1, 2022. The law amends Florida Statutes (FS) 163.045 - Tree pruning, trimming, or removal on residential property – which initially exempted many residential properties from municipal application and permitting requirements. Major changes to the statute include:

- FS 163.045 now applies only to lots with actively occupied, single-family homes. Commercial lots, multi-family lots, and lots planned for, or under development are not eligible for exemption from any municipal application and permitting requirements for tree removal.
- Documentation to remove a tree must now conform to industry standards as defined by the International Society of Arboriculture (ISA) Best Management Practices – Tree Risk Assessment, Second Edition (2017), ANSI A300 Standards for Tree Risk Assessment and associated BMP.
- Trees with a risk rating of moderate and above are eligible for removal under the law only if removal is the sole means of reducing the risk to persons or property to low. Low risk trees are not eligible for removal.
- Property owners must possess ISA and ANSI A300 compliant documentation before tree removal and must produce the documentation to the City upon request.

Attached, please find the amended statute and an example of an ISA-approved tree risk assessment report. The City of Winter Park will not accept reports that do not meet this standard.

The Florida Chapter of the ISA created an online tool to help the public understand when using the exemptions under the statute is and is not permissible:

<https://www.fltreelaw.org/>

To apply for a tree removal permit, please follow this link:

https://selfservice.cityofwinterpark.org/energov_prod/selfservice/#/home

Winter Park is a Tree City USA. We are a community that highly values its storied tree canopy. I ask that you help us to protect and preserve our trees by using FS 163.045 according to the amended language. Be advised that the City will treat misuse of, or non-compliance with the statute as a code violation. The City may submit ethics complaints to the ISA Ethics Review Committee against ISA Certified Arborists suspected of knowingly misusing FS 163.045.

July 12, 2021

Mr. and Mrs. John Smith
101 Main Street
Anytown, FL

Dear Mr. and Mrs. Smith,

Please find below my Tree Risk Assessment report for your red maple tree.

REPORT

SUMMARY *(optional)*

I assessed the risk of one red maple tree on your property using a Level 2 and Level 3 assessment. I found extensive internal decay that can lead to tree failure in normal weather conditions within two years. Multiple assets including people, houses, and powerlines could be struck if this tree failed causing significant or severe damage. This resulted in a risk rating of MODERATE. With mitigation the risk rating can be reduced to LOW.

ASSIGNMENT *(required)*

My assignment was to provide a tree risk assessment for one large red maple tree (*Acer rubrum*) because you were advised by others that this tree may be a liability. The tree is located on property described as: 101 Main Street, Anytown, FL. I conducted my inspection on the afternoon of July 8, 2021 in your presence.

This report contains proprietary information and is for the exclusive use of Mr. and Mrs. Smith. The report can be shared with the city of Anytown to comply with tree protection regulations.

METHODOLOGY *(required)*

I performed a **Level 2** and **Level 3** Tree Risk Assessment based on the ANSI A-300 (Part 9, 2017) Tree Risk Assessment standard and used the methodology defined in the International Society of Arboriculture's Best Management Practice for Tree Risk Assessment (2017). I considered people near the tree, your and your neighbors' houses, and the powerlines in your backyard as likely to be



Photo *(optional)*

impacted if the tree failed. I used a mutually agreed to 2-year time frame for the assessment.

OBSERVATIONS *(required)*

The Tree. *(required)* The tree is a large (28-inch **DBH**) red maple (*Acer rubrum*) that is about 55 feet tall with an approximate 30-foot spread. The tree is located in near the north-west corner of your yard. It is the most prominent tree in the area, meaning that it is fully exposed to the wind.

Tree Health. The tree is quite old and currently in good health based on a scale of poor, fair, good, and excellent.

Defects and conditions of concern. *(required)* A visual examination of the tree revealed several small dead branches and several cavity openings. I struck the tree trunk with a mallet in several locations to listen for tones indicating internal decay. This sounding revealed that the trunk was hollow. I then drilled the trunk of the tree in four locations to determine the amount of solid wood. I found an off-center undulating decay pattern within the trunk and a nominal solid wood thickness of 3.5 inches. The tree also has two cavity openings at the site of old pruning wounds. Heartwood decay is common in old trees and is not necessarily a condition of concern. However, based on our **decay formula** this tree would need a nominal sound wood thickness of 4.6 inches so as not to be a ‘probable’ likelihood of failure. This tree also lacks **response growth** that would lessen the effects of heartwood decay.

ANALYSIS *(required)*

The Primary Concern *(required)*

The primary concern for this tree is heartwood decay in the lower trunk that is likely to result in a whole-tree failure in **normal weather**. Given the tree’s large size, off-center decay, insufficient sound wood thickness, breaches in the trunk, and height prominence in the landscape, this tree is categorized as **MODERATE RISK** for the adjacent homes, and **LOW RISK** for the powerlines and people.

Additional Concerns *(required)*

The small dead branches in the canopy over your patio are also likely to fall during normal weather. Given their small size, location low in the canopy, the infrequent use of the patio by people, the risk to people is categorized as **LOW RISK**.

Risk Ratings Explained *(required)*

What does MODERATE RISK for the adjacent homes mean? Risk ratings are comprised of three parts. My assessment determined that within the 2-year time frame:

1. The likelihood of failure is probable

2. The likelihood of striking a valuable asset (either home) is medium. (As the canopy is symmetrical there is a greater than 50% chance the tree will fall away from the homes).
3. The consequences (damage) of this event would be significant (considerable damage would be done to the house)

What does LOW RISK posed by small dead branches for people mean? Risk ratings are comprised of three parts. My assessment determined that within the 2-year time frame:

1. The likelihood of failure is probable
2. The likelihood of striking a valuable asset (people) is unlikely. (As your patio has infrequent use it is unlikely that someone will be present when they fall).
3. The consequences (damage) of this event would be minor (injury from a small dead branch falling from a low height striking a person)

Risk Tolerance *(required)*

Risk tolerance is the amount of risk you are willing to accept. Different people have varying amounts of risk they will tolerate. You will have to decide your own risk tolerance and decide on a course of action for this tree. Be aware that all trees begin at a **low** risk rating

RISK MITIGATION OPTIONS *(required)*

There are a few options that can be considered for mitigation to lower your risk from this tree.

1. Pruning to reduce the length of 10 of the highest branches by 30%. Unfortunately, the branching nature of elderly red maple trees makes reduction pruning difficult. Many **heading** cuts may be necessary to get the 30% length reduction. The heading cuts may lead to internal branch decay that will need to be monitored and mitigated over time. With this treatment the **residual risk** rating would become **LOW**.
2. Do nothing and continue to monitor the tree with regular inspections.

REINSPECTION *(required)*

This tree should be re-inspected every 6 months unless you have additional health or safety concerns that warrant more frequent attention. Tree inspection services should be performed by an ISA Tree Risk Assessment Qualified (TRAQ) arborist skilled in the science of tree risk assessment. I can perform these services should you desire.

ASSUMPTIONS AND LIMITING CONDITIONS *(required)*

My inspection was a ground based visual inspection that also included internal drilling to detect decay. The inspection was limited to defects that can be seen while standing on the ground. There may be defects below ground or in the canopy that were not visible from this perspective. These hidden defects may result in the failure of branches, trunks, or

roots. No other trees on this property were inspected other than those specifically addressed in this report.

GLOSSARY *(optional)*

Normal Weather. This tree risk assessment is based on ‘normal weather’ for the region. Hurricanes are considered ‘abnormally extreme’ weather and were not considered in this risk assessment. Any tree can fail during abnormally extreme weather.

Response growth. Response growth is wood formation that compensates for weaknesses caused by defects that naturally occur in trees, like hollowness.

Level 2 Tree Risk Assessment. A level 2 Tree Risk Assessment is a basic assessment providing a detailed visual inspection of a tree and surrounding site that may include the use of simple tools. It requires that the tree risk assessor inspect completely around the trunk looking at the visible aboveground roots, trunk, branches, and site.

ISA Tree Risk Assessment Methodology – the categorization of tree risk based on the ISA’s Best Management Practices categorization of likelihood of tree failure, the likelihood of impacting a defined asset, and the likely consequences of the failure and impact. The four categories of tree risk are low, moderate, high and extreme.

Level 3 Tree Risk Assessment. A level 3 Tree Risk Assessment is an advanced assessment performed to provide detailed information about specific tree parts, defects, assets, or site conditions. Specialized equipment, data collection and analysis, and/or expertise are usually required.

DBH. DBH stands for Diameter at Breast Height and it is the diameter of the tree measured at 4.5 feet above the ground.

Decay Formula. The tree risk decay formula is based on ‘mechanical pipe formula’ and is a ratio of stem wall thickness to diameter. The physical loss of more than two-thirds of the trunk makes the tree likely to fail during normal weather. The ‘decay formula’ assumes a centered symmetrical decay pattern and a tree with a balanced canopy. The decay formula is a starting point and many other factors must be weighed that increase or decrease likelihood of failure.

Residual Risk. Residual risk is the risk rating after a mitigation action is completed.

Risk Ratings Range. The range of possible risk ratings is low, moderate, high, and extreme.

Normal Weather

Weather common in this area, storms that typically occur every year. Normal weather for Southwest Florida is defined as a thunderstorm that produces 50 to 55 mph wind gusts and heavy rain.

Heading cuts. A pruning cut that removes a branch or stem between nodes leaving a stub.

Time Frame. Time frame is the duration of time for the assessment.

If you have any questions regarding the report, please do not hesitate to call me. I will be happy to discuss it with you.

Respectfully,

John Q. Arborist, *(required)*
Certified Arborist, FL-00000 *(required)*
Tree Risk Qualified

NOTICE

This example Tree Risk Report meets and sometimes exceeds the required components of a tree risk report as required by ANSI A300 (Part 9), and the related BMP. This example report is not endorsed, recognized, sanctioned, approved, or recommended by: the International Society of Arboriculture, or The Florida Chapter ISA or any of their employees, directors, or members.

This example Tree Risk Report is the work product, opinion, view, judgement, and conclusion of Norm Easey, Consulting Urban Forester.

Norm Easey is not an attorney and is not providing a legal opinion, and is not offering any service that can, by law, be performed only by an attorney.