



**MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT (PW)
AND
CITY OF GAINESVILLE PARKS, RECREATION AND CULTURAL AFFAIRS (PRCA)
FOR THE STANDARDS ACCORDING TO WHICH THE WORK OF
THE TREE CREW SHALL BE PERFORMED AND TO ASSURE CONTINUING
MAINTENANCE OF TREES ON PROPERTIES MAINTAINED BY PRCA.**

I. Background

The City Arborist (PRCA employee) supervised the crews performing tree pruning and removals from April 1988 until the City Manager transferred the employees to PW on May 31, 2010.

A safe and sustainable urban forest with a stable tree canopy coverage of 50% for assuring that Gainesville is in compliance with the Conservation Element of the Comprehensive Plan. This goal was established in 1990 and reiterated in 2000 and shall be part of the 2010 Comprehensive Plan.

Goal 3 in the Conservation Element is that Gainesville shall “Improve urban spaces through preservation and enhancement of the urban forest.” The objective by which compliance with this goal is measured is the tree canopy coverage statistic. Regulations in the Land Development Code identify practices that PW must be certain the tree crew continue to follow in order to assure the continued achievement of this goal.

II. Purpose

This MOU identifies on-going urban forestry responsibilities, clarifies expectations, and defines the future relationship between PRCA and PW regarding maintenance of trees on public property in Gainesville. It covers both the actual performance of the tree crew’s work and the professional training they require to do their jobs well. Section references that follow pertain to standards established in Article VIII, Environmental Management, in Gainesville’s Land Development Code.

- A. The tree crew shall prune according to the standards detailed in Section 30-265 “Pruning” (Exhibit A). Trees with trunk diameters of less than 5” shall be structurally pruned by PRCA staff employed to meet the Comprehensive Plan’s standard for City government to establish 1000 new trees annually along public right-of-way, in parks, and on other public property. PW staff shall be responsible for structurally pruning all trees

on public property larger than 5" in diameter. "Structural pruning" according to the ANSI A300 Part 1 standards leads to diminished future pruning and other maintenance. In the event that a tree less than 5" in diameter is too tall for PRCA staff to prune, a work request must be submitted to PW.

- B. Tree removals shall meet the criteria in Section 30-254 "Permits for Tree Removal" (Exhibit B). PW shall obtain the tree removal permit for any tree being removed (on ROW or parks). Officially, the replanting responsibility is designated to whoever signs the tree removal permit. However, PRCA tree planting program will assume the responsibility for planting, establishing, and providing aftercare for all replants associated with removals by PW. For PW projects that remove healthy trees, PW will donate the money for the replants.
- C. All of the duties that were performed by the tree crew for PRCA before the transfer will continue to be accomplished while under PW. A work request must be submitted before any work will be done.

III. Mutual Agreements

- A. The following existing policies shall be followed: Removing Public Trees, Removing Jointly Owned Trees, Risk Assessment Policy and Procedures, Tree Risk Management Policy, Tree Roots Damaging Pavement, and the City Commission Policy on Hazardous Tree Removal. Changing these policies requires consultation and agreement between the City Arborist and PW staff.
- B. Requests for PRCA tree work shall be received and processed through PW Operations office. Requests for the City Arborist to provide technical arboricultural expertise to PW shall be received and processed through the Urban Forestry office.
- C. The tree crew shall continue to perform routine tree maintenance in parks and Evergreen Cemetery as well as on all street trees on City-maintained roads. In nature parks, the tree crew shall resolve emergencies and hazardous situations only. PW will prioritize and assign work requests based on public safety (Exhibit C). Maintaining trees in parks shall continue to be a top priority. Work requests submitted by PRCA staff that have been assessed by the PW tree crew supervisor and designated Priority 3 shall be assigned within two weeks, unless the PW tree crew supervisor advises the City Arborist that the response will not be within that time frame due to the work load. Under no circumstances shall a Priority 3 request take more than two months to be resolved.
- D. In the aftermath of hurricanes or storms with strong winds, the immediate priority for the tree crew shall be clearing roads blocked by downed trees. Upon completion of road clearing the tree crew shall resolve tree emergencies and hazards in parks and at Evergreen Cemetery. The role of the City Arborist during natural emergencies shall be to evaluate the impact on the urban forest, advise on the assessment of downed trees, and assure that City Codes are followed. Requirements for tree removal permits are suspended only during the time the Emergency Operations Center is activated.

- E. PRCA Staff and volunteers compile vegetative debris in parks and at Evergreen Cemetery that the tree crew clamshell truck operator removes. Pick-up of debris from any park or Evergreen Cemetery shall be accomplished by submitting a work request to PW.
- F. PW shall submit permits for all regulated trees to be removed. The City Arborist shall post trees in accordance with City Commission Policy Action 960733 (Exhibit D) and organize and conduct any requests for hearings by the Tree Appeals Board.
- G. To comply with the policy to manage risks in the urban forest, PW shall have an arborist certified by the International Society of Arboriculture (ISA) conduct Windshield Risk Assessments (WRA) on 20-25% of trees on public rights-of-way annually as well as annual Visual Tree Assessments (VTA) on trees in declining condition. The City Arborist shall provide a second opinion if requested by PW and shall handle the posting of such trees.
- H. PW shall obtain a survey when a hazardous tree, which is to be removed, appears to be partially owned. If the tree is 100 % private, PW shall notify Code Enforcement and a citation will be issued for the removal of the hazardous tree. On partially owned trees, the Removing Jointly Owned Trees policy will be followed. PRCA will act as a mediator between PW and the partial owner. PW shall apply for a permit for all partially owned trees and PRCA will post these trees. When the City owns more than 40% of a partially owned tree, PW tree crew shall remove the tree at no cost to the partial owner. When the partial owner owns 60% or more of a partially owned tree, PW shall obtain bids from tree removal companies, which meet the City's minimum insurance requirements, and each party will pay an amount proportionally equal to the ownership of the trunk of the tree. PRCA will handle all communication with the partial owner concerning the removal of the hazardous tree.
- I. PW shall be responsible for the maintenance of right-of-way trees that are planted in tree wells. PRCA shall provide structural pruning for trees in wells when until such time as the trees are 5" in diameter. When trees in tree wells die, PW shall remove the tree in its entirety, including the lower trunk and root ball. PRCA tree-planting staff shall be responsible for filling the well with soil, planting a replacement tree, watering the tree until it is established, and replacing the tree grates. Exhibit E describes alternatives to tree grates and the associated trip hazards.
- J. Good communication between the City's arboricultural professionals and the tree crew is essential. PW shall track records and provide the City Arborist with quarterly written updates due within 15-30 days after each quarter. Quarterly reports must include the number of grids evaluated for WRA and the number of trees evaluated on the VTA list. In resolving complaints about the quality of the tree crew's work or the legitimacy of actions taken, the tree crew shall provide information to the City Arborist as requested, and PRCA and PW shall work together to achieve the best resolution.
- K. When light bulbs or timers need to be changed at ball fields, tennis courts and/or recreational facilities, PW will provide a bucket truck on Fridays after a submission of a

work request, for a qualified and trained professional, provided by PRCA to perform the work.

- L. PW ISA-certified arborist shall inspect annually all trees on public property where supporting cables have been installed to brace the trunk or branch crowns. PW shall remediate any weakness observed in the cabling/bracing system and remove such trees when appropriate.
- M. PW tree crew should attend ISA workshops on structural pruning and hazard tree assessment and abatement. Each tree surgeon should be able to attend a minimum of one workshop every two years. PW should encourage tree crew employees to become ISA-certified. Upon successful completion, PW may reimburse the testing fees. Tree surgeons who already have certification should have their annual dues paid by PW and should be provided with opportunities to receive the necessary Continuing Education Units on City time. PW should pay for at least one workshop or conference annually for their ISA certified arborists.
- N. During the week after Thanksgiving, PW shall provide assistance to PRCA to install the Christmas tree at the Thomas Center. Prior to cutting the Christmas tree, an anti-transpirant liquid must be applied. Depending on the height, a bucket truck may be needed. The transportation of the tree usually requires the use of the clamshell truck. After Christmas, the tree crew will be available to chip the Christmas tree once PRCA staff has removed it from the Thomas Center.
- O. Miscellaneous use of the tree crew and/or vehicles must be submitted through a work request. Examples of miscellaneous uses would include, but not limited to; hanging banners, lights, decorations, flags, and assisting in palm tree transplanting. Each request will be dealt with on a case by case scenario.

IV. Amendments to this MOU

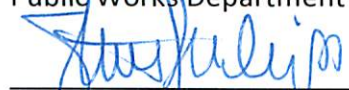
Amendments to this MOU shall be in writing and approved by both parties.

V. Execution

City of Gainesville:


_____ Date 8/18/11

Teresa Scott, Department Director
Public Works Department


_____ Date 8/17/11

Steve Phillips, Department Director
Parks, Recreation and Cultural Affairs

EXHIBIT A

Section 30-265 Land Development Code Standards for Pruning

- (c) *Pruning.* All trees may be pruned to maintain shape and promote their shade-giving qualities and to remove diseased or dying portions in areas where falling limbs could be a hazard to people or property. Tree pruning shall be done in accordance with the latest revision of the American National Standard for Tree Care Operations “Tree, Shrub and Other Woody Plant Maintenance” (ANSI A300) and “Pruning, Trimming, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements” (ANSI Z133). No more than 25% of the crown should be removed at one time. On young trees, limb removal should leave no more than 33% of the trunk bare of branches. So that shade trees can grow with sturdy structure, the top branch or leader should never be removed. Hooks should never be used to climb trees unless the tree is being taken down; climbing trees that will be preserved with hooks. Mature trees overgrowing vehicular use areas shall be pruned to allow the passage of emergency vehicles. Excessive pruning or pollarding of trees into round balls of crown or branches, which results in an unnecessary reduction of shade and promotes weak branch attachments shall be prohibited and may require additional shade trees to be planted on the site.

EXHIBIT B

Land Development Code Standards for Tree Removal

Sec. 30-254 Permits for tree removal.

This section is intended to support the purpose stated in Sec. 30-180 of sustaining and replenishing the urban forest by requiring tree removal permits and mitigation so that as trees are taken down, new trees are planted. Removals associated with projects requiring development plan approval have special rules, which include the possibility of invoking financial mitigation. In single-family residential zoning, regulation of tree removal covers only Champion or Heritage trees.

- (a) *Removal or relocation permits.* Except as provided below, no tree (living or dead) that is eight inches or more in diameter or two feet in circumference, whichever dimension is lesser, at a point 4¹/₂ feet above ground level, may be removed or relocated without a removal permit as provided for in this section. Permits for tree removal shall be obtained by the owner of the property or by an authorized agent of same. All trees planted as part of an approved development plan require a permit for removal or relocation. Trees that require such permit for removal or relocation shall be called "regulated trees" and their removal shall be mitigated. No regulated native trees shall be removed from creek setbacks, wetland setbacks, or wetlands without a permit.

Exceptions to this general provision are as follows:

- (1) No Heritage or Champion Trees as defined in this article may be removed or relocated except as specifically provided for in Sections 30-257 and 30-258 of this article.
- (2) On property with single-family zoning district classifications (RSF-1, RSF-2, RSF-3 and RSF-4), permits shall be required only for the removal of Heritage Trees as defined and provided for in Sec. 30-258.
- (3) Tree removals for utility operations shall comply with the provisions of Article VIII.
- (4) Permits are required to remove healthy trees which cause structural damage or problems to buildings or underground facilities due to excessive root or trunk growth, or soil expansion and contraction caused by uneven water uptake. If the roots can be cut to eliminate the cause of the structural damage, that strategy is preferred. The City Manager or designee may require verification of such claims in the form of a written report from an engineer licensed in the State of Florida which identifies the trees causing the structural problem and defines the problem. The report must bear the embossed seal of the engineer. The minimum mitigation for such permits is the establishment on the same site of two High Quality Shade trees which meet the criteria in Sec. 30-256. If the request is to remove a High Quality Heritage tree, the City Arborist or designee may require additional trees, but no more than would constitute replacement on an inch-for-inch basis.
- (5) Except when in conflict with other regulations established in the Land Development

Code (Chapter 30), Loblolly or Slash Pine shall be considered regulated trees only when 20" inches or greater in diameter at a point 4.5' above ground level. Loblolly or slash pines that were preserved during development to meet a Code requirement are considered regulated regardless of size and shall require a permit and mitigation. Removal of loblolly or slash pines less than 20" in diameter from a natural or naturalized landscape should not require mitigation planting, unless the removals result in a uniform tree density on the site of less than one tree per 900 ft² of unpaved area. Where resulting tree density would be less, sufficient mitigation trees meeting the standard of Sec. 30-256 must be planted and cared for through establishment to achieve the specified minimum density.

(6) In emergency situations that threaten the health, safety, or welfare of the public, trees may be removed without obtaining a permit in advance if such action is necessary to maintain utility lines. However, the requirement for a permit remains; the utility company removing the tree must file one retroactively during the next work day. The approval is guaranteed; such trees shall be mitigated.

(b) *Removal and mitigation of regulated trees subject to development plan approval.* When tree removal or relocation is contemplated in conjunction with any development requiring approval of a development plan or subdivision plat by the Development Review Board or Plan Board, such removal or relocation shall be considered and either approved or denied at the same time a development plan or plat is approved or denied, based upon the same standards for approval as specified in subsection (e) of this section. All of the required plans, data or other information required with the application shall be included on the proposed development plan or on the supporting documents submitted with the plan. The following conditions shall apply:

- (1) Decisions on tree removal shall be based on a graphic depiction of trees on a *tree survey* showing every regulated tree (all trees 8" or larger in diameter, except Loblolly or Slash Pines which are regulated at 20"), or a *qualitative tree survey* which identifies only significant trees. Trees shown on the tree survey shall be identified to genus and species. The landscaping plan shall show all trees to be preserved and give instructions on the construction of protective tree barricades that meet the requirements of Sec 30-255. The landscaping plan also shall communicate the details of the mitigation requirements identified in this section and in section 30-258.
- (2) A summary of mitigation regulations for trees proposed for destruction is presented in the table below, followed by more detailed explanation of the requirements.

Summary of Mitigation Requirements in Association with Development Proposals		
Category	Condition Factor	Mitigation
High Quality Heritage Trees	60% or	Financial based on Tree Appraised Value (Tree Appeals Board resolves disputes);

(limited to 3 such trees/acre averaged over the site)	better	funds to be used for purchase of land with Dual Conservation Easement within Alachua County to preserve trees.
High Quality Heritage Trees	59% or less	Inch-per-inch on a diameter basis*
Heritage Trees of other than High Quality species	60% or better	Inch-per-inch on a diameter basis*
Heritage Trees of other than High Quality species	59% or less	2 trees planted for each removed*
Regulated trees below Heritage threshold	NA	2 trees planted for each removed*
<p>*Mitigation trees are to be in addition to the required trees on a development site. Increasing the diameter of required trees shall not be considered as contributing to meeting the mitigation requirement. Mitigation trees in excess of what can be planted on the development site can be established on other sites within the City limits with the approval of the City Manger or designee or given to the City tree-planting program.</p> <p>Note: Mitigation for solar projects shall be met as required above. High Quality Shade trees that cannot be planted in the required locations due to conflicts with solar generation equipment should be located elsewhere on the project site on land set aside for them [see b(3) below, and Secs. 30-251(8)d and 30-261 (c)].</p>		

a. The financial “tree appraised value” of High Quality Heritage trees with a condition rating of 60% or better shall be collected from the developer prior to the issuance of the Certificate of Occupancy and transferred to a City fund established for the acquisition of land upon which a Dual Conservation Easement has been or shall be established. The maximum average number of trees per acre on a development site for which financial mitigation shall be required is three. High Quality Heritage trees that will be destroyed in excess of the overall average of three per acre eligible for required financial mitigation shall be mitigated as Heritage trees, explained next.

b. Heritage trees that are not High Quality Shade Tree species and High Quality Shade Tree species with a condition factor of 60% or less shall be mitigated on a diameter inch-for-inch basis. Trees planted to meet mitigation requirements are in addition to the trees planted to meet the landscaping requirements and shall not take the form of planting trees in sizes larger than 30-gallon containers. Mitigation trees shall be of High Quality Shade species as identified on the Gainesville Tree List. So mitigation trees planted on site will have sufficient room for growth, at least 140 sq ft shall be set aside for each new tree; each 140-sq-ft-area shall be free of both

above and below-ground infrastructure. The remaining trees for which no space is available on the site of the development project should be established on a different site within the City limits in a location approved by the City Arborist or designee or should be given to the City tree-planting program for establishment on public property.

c. Regulated trees shall be mitigated on a 2:1 basis, with the two trees of High Quality Shade species established for each regulated tree removed. The options for locations of these mitigation trees are the same as above.

- (3) On development projects where the implementation of solar equipment means that more than 10% of the required shade trees cannot be planted because they would shade the solar infrastructure, then the project shall be designed to include High Quality Shade Trees on the property in such numbers as would be required to meet the standard tree-planting requirements for the project. Each such tree must have at least 200 sq ft of space set aside for it in a location on the property where the newly planted tree can grow to maturity without interfering with the solar collection equipment. The 200-sq-ft set-aside applies above-ground and below-ground. Mitigation for trees to be destroyed to implement the solar development shall be the same as in point (2) of this subsection.
- (4) Properties with loblolly pines under the regulation size of 20" in diameter should propose removal of sufficient trees to render the spacing of remaining pines no closer than 25 feet.
- (5) The reviewing board or City Manager or designee may deny approval of a proposal because one or more Champion or High Quality Heritage Trees have not been preserved or adequately protected, or may require special conditions of approval that may include but are not limited to the following:
 - a. Requiring the trees to be protected with chainlink barricades.
 - b. Requiring the posting a performance surety in an amount equal to the appraised tree value if the plan does not protect the areas above and below the Heritage tree dripline. The surety should be in place for a length of time approved by the Tree Appeals Board but not to exceed five years.
 - c. Requiring a soil aeration system in the vicinity of tree roots as needed.
- (6) Trees on the public right-of-way adjacent to the proposed development should be preserved with no impact to the tree root plate, even if the tree root plate impinges on the private property. The installation of new utilities or improvements to public utilities required to serve the development should not require the removal of High Quality Heritage trees on the public right-of-way. Trees planted in association with existing public beautification efforts on Gateway streets should be preserved.
- (7) Construction drawings should be submitted to the Building Department and application for construction permits made before any trees are removed.
- (8) After a certificate of occupancy has been issued for a development, any additional

tree removal shall require either a tree removal permit or an approved plan amendment. Failure to obtain a permit before removing or relocating any existing regulated tree or any tree that was planted to comply with the approved site plan shall be subject to the measures for enforcement and replacement specified in section 30-311, pertaining to violations, and the provisions of Article X of this chapter.

- (c) *Removal and mitigation of regulated trees not subject to development plan approval.* Any person desiring to remove or relocate a regulated tree, except trees subject to development plan approval or trees in an exempt area, shall file a tree removal permit with the City Manager or designee. As a condition of granting a permit, the applicant shall mitigate each tree being removed. The City shall not require a fee for tree removal permits, because of the costs associated with establishing the required mitigation trees. A summary of mitigation regulations for trees proposed for destruction is presented in the table below, followed by more detailed explanation of the requirements.

Mitigation Requirement Summary (Not associated with current development)		
In Single Family Residential Zoning Districts, only Heritage trees (Sec. 30-258) are regulated. High Quality Heritage trees are regulated wherever they occur on the property; other Heritage trees are regulated only in the area between the lot lines and the legal setbacks. (30-258 (2)).		
Category	Condition	Mitigation
Structurally sound High Quality Heritage tree on an <u>owner-occupied</u> property; permit sought based on the grounds that the tree prevents “reasonable development of the property.”	60% or better	May require replacement on an inch-for-inch basis and shall require planting and establishing two shade trees of high quality species on site.*
High Quality Heritage tree, <u>NOT</u> on an owner-occupied property; permit sought based on the grounds that the tree prevents “reasonable development of the property.”	60% or better	Should require replacement on an inch-for-inch basis and shall require planting and establishment of two shade trees of high quality species on site.*
High Quality Heritage tree that meets the <i>permit removal criteria (e)</i>	Less than 60%	Shall require planting and establishment of two shade trees of high quality species on the same

		site. *
Heritage trees that meet the <i>permit removal criteria (e)</i> .	NA	Shall require planting and establishment of two shade trees of high quality species on the same site. *
Properties in all other Zoning Districts and not associated with current development projects.		
Category	Condition	Mitigation
High Quality Heritage tree, the removal of which is not associated with project approval by Planning and Development Services. Permit sought based on the grounds that the tree prevents "reasonable development of the property."	60% or better	Should require financial mitigation based on Tree Appraised Value contributed to a fund for purchase of land with Dual Conservation Easement within Alachua County and shall require planting and establishment of at least two shade trees of high quality species on site.* (Tree Appeals Board resolves disputes).
Heritage tree (species not listed as High Quality) or regulated tree which meets <i>permit removal criteria (e)</i> which is NOT unhealthy as a result of documented damage during construction.	59% or less or causing structural damage	Shall require planting and establishment a minimum of two shade trees of high quality species on site.*
Heritage tree (High Quality otherwise) which are unhealthy as a result of documented damage during construction. See Sec. 30-264 (c).	59% or less	Shall require financial mitigation based on Tree Appraised Value contributed to a fund for purchase of land with Dual Conservation Easement within Alachua County. At a minimum two shade trees of high quality species shall be established on site. (Tree Appeals Board resolves disputes).
Regulated trees (above 8" in diameter and below diameter required for Heritage designation)	No condition requirement	2 high quality shade trees established for each regulated tree removed.*

*Mitigation trees in excess of what can be reasonably planted on the site from which the tree was removed can be established on other sites within the City limits with the approval of the City Manger or designee or given to the City tree-planting program, based on the guidelines explained below.

- (1) High Quality Heritage Trees that have a condition factor of 60% or better according to the standards of the *Council of Tree and Landscape Appraisers* are considered to be healthy. If they are not damaging structures or infrastructure, they should be mitigated financially according to the defined Tree Appraised Value, except in owner-occupied single family dwellings, in which case they should be mitigated on a diameter inch-for-inch basis. Any money collected shall be transferred to a City fund established for the acquisition of land upon which a dual conservation easement has been or shall be established.
- (2) Heritage Trees not causing structural damage that are of species not listed in the "high quality shade" category on the Approved Gainesville Tree List and which would have a condition factor of 60% or better should be mitigated on a diameter-inch-for-inch basis. The trees should be established:
 - a. On the site from which the tree is being removed, provided each tree will have 140 square feet of room at the surface, as well as space below-ground that will not interfere with underground utilities and space above-ground for the crown to achieve the 20-year crown spread as indicated on the approved tree list;
 - b. Off-site in a location within the City limits where each tree will have at least 140 square feet of room at the surface, as well as space below-ground that will not interfere with underground utilities and space above-ground for the crown to achieve the 20-year crown spread as indicated on the approved tree list.
 - c. Given to the City tree planting program for establishment on public property.
- (3) Heritage trees with a condition factor of less than 60% and all other trees meeting the definition of "regulated" shall be mitigated by planting two trees for each tree being removed. Replacement trees shall meet the specifications identified in Sec. 30-256 (Replacement Stock).
- (4) A statement identifying any proposed grade changes on the site and the precautions to be taken to ensure that such changes will not adversely impact or endanger any regulated trees that are not to be removed or relocated. Spot elevations may be required prior to issuance of construction permits.
- (5) As a condition of the granting of a permit, the applicant will be required to replace each tree being removed with two replacement trees as adopted by resolution of the city commission. Two trees will be required for each tree removed that will reach comparable size at maturity from the Gainesville Tree List.
- (6) Construction drawings should be submitted to the Building Department and

application for construction permits made before any tree removal permit may be approved for additional trees on the property. Exceptions may be made for trees that are considered a safety hazard.

- (d) *Tree Removal Permit Application and Procedures.* Permit applications shall include the following information: property owner, address from which tree will be removed, tree species and diameter, and reason for wanting to remove the tree. The permit shall be signed by the property owner or a representative; whomever signs shall be responsible for planting and caring for the required mitigation trees through the defined “establishment” period. The City Manager or designee shall, within five working days of the filing of such applications, attempt to verify the information contained in the application and either approve or deny the application as to each regulated tree proposed to be removed or relocated.
- (e) *Permit approval criteria.* Removal or relocation of regulated trees shall be approved by the City Manager or designee upon a finding that the trees poses a safety hazard; has been weakened by disease, age, storm, fire or other injury. Removal permits requested because a tree prevents the reasonable development of the site, including the installation of solar energy equipment, may be approved and may require more than the minimum identified in (c)(5) above. Trees on property belonging to a different entity shall not be required to be removed to accommodate solar equipment installed on a different property. Regulated trees shall not be removed, damaged or relocated for the purpose of locating utility lines and connections unless no reasonably practical alternative is available, as determined by the City Manager or designee is available. All trees for which a Tree Removal Permit has been approved should be mitigated as defined in the previous subsections of this section.
- (f) *Suppression of disease.* Requests for permits to remove trees to accomplish the suppression of a disease or infestation that could spread to neighboring trees should be evaluated and approved within three days.
- (g) *Standards for tree relocation or replacement.* As a condition of the granting of a permit, the applicant will be required to replace or relocate the trees being removed with suitable replacement trees as defined in (b) and (c) above. The required locations of relocated or replacement trees shall consider the needs of the intended use of the property together with a realistic evaluation of the following:
 - (1) Existing tree coverage, including percentage of canopy.
 - (2) Number of trees to be removed on the entire property.
 - (3) Area to be covered with structures, parking and driveways.
 - (4) Topography and drainage of the site and its environs.
 - (5) Character of the site and its environs.
 - (6) Ecology of the site.
 - (7) Characteristics and amount of shrubs, grass and trees proposed for planting on the site by the applicant.

- (8) The liability to the community of dense stands of loblolly and slash pines.
 - (9) The health and desirability of existing trees.
 - (10) The impact of features included in the proposed project (e.g., buffer areas, etc.) and areas not to be impacted by the proposed project.
- (h) *Natural emergencies or disasters.* In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disasters, issuances of permits for the removal of damaged trees may be waived by the City Manager or designee. This waiver should apply to damaged trees or trees in the way of machinery necessary to correct threats to the health and safety of the public. Such waiver may not be for an indefinite period and shall expire when the City Manager or designee determines that emergency conditions have ended.

EXHIBIT C

**CITY OF GAINESVILLE POLICY ON
REQUESTS FOR WORK BY THE CITY OF GAINESVILLE TREE MAINTENANCE TEAM (URBAN
FORESTRY SECTION)**

(June 2004)

Nature Operations Division of Parks, Recreation, and Cultural Affairs will accept and investigate any work requests from any source regarding a tree growing on City-owned property or parts of trees that overhang or have fallen onto City-owned property or a public right-of-way. The work will be evaluated, and if appropriate, accomplished by City staff utilizing of the following priority system:

(1) **EMERGENCY WORK ORDER: IMMEDIATE DISPATCH (24-7-52).**

Examples:

Street or sidewalk is blocked because a large tree has uprooted or split through the trunk, or when a large branch breaks and is hanging into traffic.

(2) **PRIORITY: DISPATCH OF TREE CREW TO RESOLVE HAZARD.**

Note: Collector streets take priority over local streets. Degree of hazard determines sequence of assignment.

Examples: Limbs blocking traffic directional signals.

Dead and deteriorating trees or limbs larger than 5" in diameter over road or sidewalk or in City parks.

Low limbs preventing safe passage of emergency vehicles, RTS or school buses, or large trucks.

Control of epidemic insect infestations (e.g. Southern Pine Beetle)

(3) **ROUTINE: DISPATCH BASED ON OPERATIONAL EFFICIENCY**

Examples: Small dead trees or branches over streets or sidewalks.

Routine street pruning.

Work so other City Departments can do their jobs (sweeping streets, mowing parks, garbage removal, stump grinding in nature parks).

Non-epidemic disease control.

Trees in parks with low canopy.

(4) **GENERAL: DISPATCH WHEN TIME PERMITS.**

Note: Immediate risk is not an issue; the benefit is for a few citizens.

Examples: Streetlight or palm frond trim; limbs brushing top of RV's.

(5) **SPECIAL: Directives from City Management.**

The work of the City's Tree Maintenance Team will be of two types:

Hazard Abatement. A tree crew will be dispatched as soon as possible to resolve EMERGENCY, PRIORITY and some SPECIAL work orders. If during the completion of the work order, the tree crew is asked by a resident to remove limbs from City trees that overhang their property but such work is not necessary to resolve the safety issue, the tree crew will advise the resident that

such work will be accomplished during the routine preventive maintenance pruning of trees in their neighborhood.

Preventive Maintenance. ROUTINE, GENERAL and some SPECIAL work orders are considered *preventative maintenance*. The City's pruning goal is to strengthen the structure of every tree trimmed. "Structurally pruned" trees diminish in the likelihood of future limb or tree failure. The result of structural pruning is a branching habit that diminishes the need for future routine pruning because it results in a higher canopy level over the street. This improves safety for large vehicles. Fire trucks have sensors on the ladders that alert fire fighters when they are too close to a structure or utility line. Low limbs can tear off such sensors. While accomplishing preventive maintenance, the tree crew will remove branches over private property as necessary to accomplish the structural pruning goal.

If property owners in the neighborhood where the tree crew is performing preventive maintenance ask the crew to remove branches from a tree originating on public property but which overhang their property, the crew will do so, provided the request does not require the crew to backtrack in their work.

Work requests to remove branches from right-of-way trees (or trees from other City-owned property that overhang yards. The common law rule supports the premise that the owner of adjacent property has a right to remove "nuisance" branches from a tree growing on the adjacent property, so long as the branch removal does not jeopardize the life of the tree. Residents who call in to request that a City tree crew prune limbs from a tree growing on the adjacent City-owned property will be advised of their right to have this work accomplished on their own. If they request to wait until the City tree crew is providing assigned and scheduled preventative maintenance in that neighborhood, they can ask the crew to remove the limbs. The crew will do so under the following conditions:

First, the branch removal must not be detrimental to the structural stability and future maintenance of the tree.

Second, the request must be made of the crew while they are working within less than two blocks of the requested work.

Third, the street on which the tree is growing is part of the assigned preventative maintenance work order.

Work requests to remove superficial roots from right-of-way trees. Maintenance of the right-of-way between a City street and a private residence is not a service the City generally provides. If a resident reports that the resident believes a hazardous condition exists due to the roots of a right-of-way tree, the City will investigate and will remove superficial roots in cases where the area that has been improved by the government in some manner that invites public use.

Undeveloped rights-of-way. This section refers to City-owned property where the purpose of the ownership is not public access to the area. The vegetation in unpaved alleys or undeveloped streets is not maintained. Drainage or utility rights-of-way are maintained only for their function. The Parks Division tree crew will not trim limbs from trees on undeveloped rights-of-way unless a hazardous condition as described herein is determined by the City to exist.

EXHIBIT D

POLICY STATEMENT REMOVAL OF HAZARDOUS TREES FROM STREETS AND PUBLIC PROPERTY

Gainesville, Florida is committed to maintaining its tree canopy. Goal 3 of the Conservation Element of the Comprehensive Plan is "Improve urban spaces through preservation and enhancement of the urban forest." To this end, Gainesville has been a Tree City USA since 1984. Occasionally, such as when disease or lightning strikes have resulted in serious structural instability, it is necessary to take down large older trees from streets and public property if the tree is located where people could be hurt or property seriously damaged by falling limbs, the trunk breaking, or uprooting of the entire tree. City government has a duty to protect citizens by keeping streets and parks safe from known hazards.

In order to ensure that tree removals are undertaken with due prudence so both the urban forest and citizens are protected, the Gainesville City Commission approves the following administrative procedures covering the removal of hazardous trees from streets and public property.

Gainesville's Land Development Code (Sec. 30-254) allows the removal of regulated¹ or Heritage trees when they "pose a safety hazard; or have been weakened by disease, age, storm, fire, or other injury..." Such decisions are based upon the reasonable judgment of City staff using available evidence and professional standards. There is no way to know exactly when a tree will fail. The goal is to allow trees to stand as long as possible, but to remove them before they fall and cause harm. The City Arborist is responsible for identifying trees that have become hazardous using criteria specified in *A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas*, (1994, International Society of Arboriculture) or the current equivalent reference.

So that citizens have recourse to review the Arborist's decisions, Ordinance #3529 (4/10/89) authorized the establishment of a Tree Board of Appeals "to hear appropriate appeals regarding dangerous or dead trees designated for removal." Citizens who disagree with the designation of a tree as "hazardous" can request a review of the evidence by the Board. Unless the tree presents a significant imminent hazard, the review process is always available.

¹***"Protected by regulation" or "regulated"***

Designation of a tree as regulated refers to Section 30-254 (a) of the Gainesville Land Development Code, which states that removal of any hardwood larger than 8" or pine 12" in diameter (except longleaf and spruce pine, which are regulated at 8") requires an inspection and issuance of a permit, unless the removal is part of an approved site plan. All trees on public, commercial, and multi-family housing properties are therefore regulated at 8" or 12". *Single family* zoning is an exception; on such properties the only regulated trees are Heritage trees in the legal setbacks. The Heritage designation pertains to all trees 30" or larger.

Section 30-254 (C) (5) of the Land Development Code states that for every living regulated

tree removed with a permit in Gainesville, two young trees must be established. Section 30-256 specifies replacement trees will be at least 8' tall and Florida grade Number One or better. Whenever possible, the trees shall be planted in the same location. If there are no overhead utility lines, large species, such as elms, ash, magnolia, or oaks will be planted. Where there are overhead wires, hollies, redbuds, dogwoods, fringe trees, hornbeam or other understory trees will be planted. Environmental parameters will be considered in selecting species.

The general policy that the City Arborist will follow in designating trees for removal is as follows:

REMOVING LIVING TREES

Before any living regulated¹ tree is removed from public property or city rights-of-way, notice will be given, unless the tree presents a ***significant imminent hazard***.

Significant imminent hazards result when trees suffer a sudden dramatic change that cause them to present an immediate danger to persons or property. Examples:

- Lightning strike has split trunk and half has fallen.
- Top has broken and is hanging.
- Tree has uprooted and fallen.

The size of the tree or limb and the amount of breakage affect the degree of hazard. A 6-foot-long split in a 40-inch trunk is much more dangerous than two branches at the top of a 12" diameter trunk that are pulling apart. In cases of ***significant imminent hazard***, the tree will be removed as soon as possible. If the trunk can be safely preserved as a home for wildlife in line with the principles delineated below, it will be.

If the tree does not present a significant imminent hazard but does, in the opinion of City staff, present danger to citizens or property due to decline in branch, trunk or root stability, then notice will be given in the form of a sign posted on the trunk and letters delivered to residents within 100 feet advising of the City's intention to remove the tree.

Criteria for Determining Hazardous Trees. A "Hazardous Tree Evaluation" form will be completed by the Arborist and/or Senior Tree Surgeon. The City Arborist may propose for removal any living tree for which the "likelihood of failure" is evaluated as "high" and which could harm people or cause property damage should failure occur. For example, a tree with rotting roots, decayed trunk, and hollow branches that leans toward a busy street would be posted for removal. The same tree leaning toward a wooded area would present much less danger and could be allowed to stand until it broke apart or fell.

Citizens who disagree with the City staff's decision can seek a review of decision by filing an

appeal within 7 working days from the time the tree is posted for removal. Appeals will be heard by the Tree Board of Appeals within 30 days. Parties may present testimony and evidence. It is the responsibility of the citizen challenging the removal to show why the tree should remain, based upon substantial competent evidence. The Board's subsequent decision to uphold or deny the permit is final.

The Board may allow the tree to remain and request pruning or other action to minimize hazard. Cabling/Bracing techniques will not be used by the City of Gainesville due to the rate of failure associated with such technology.

REMOVING DEAD TREES

This section pertains to hardwoods larger than 8" in diameter and pines larger than 12" on streets or other public property. Trees smaller than these size limits will be removed completely.

Dead trees that might injure people or cause damage to property will be removed or rendered safe as soon as possible. The tree will not be posted. Two new trees will be planted in replacement as soon as City staff or a volunteer Tree Sponsor can assure appropriate aftercare.

If the likelihood of injury or damage to property resulting from the dead tree's disintegration is minimal, then it will be allowed to stand as a home for wildlife. Generally, such trees will be in isolated locations, such as rights-of-way adjacent to undeveloped property or in wooded areas of parks. The City will take into consideration the desires of contiguous property owners or neighborhood associations. If the owner of the property adjacent to the standing dead tree requests the tree to remain, the trunk may be left as a home for wildlife. On common neighborhood property, the decision whether or not to leave the dead trunk standing may be referred to the neighborhood association.

**THE GAINESVILLE CITY COMMISSION ENDORSED THESE ADMINISTRATIVE
PROCEDURES ON JANUARY 13, 1997 – ACTION 960733**

EXHIBIT E

Alternatives to Tree Grates for Tree Wells

When it becomes necessary to remove tree grates from tree wells, material must be added to reduce the chances of a trip hazard. These materials could include, but not limited to soil, mulch, gravel, or rubber. Plastic, metal, wood, concrete or other material may be added to hold the soil, mulch, gravel or rubber. Below are a few examples.

 <p>www.newingtongreen.org.uk</p>	 <p>www.treesny.com</p>
 <p>www.sustainableseattle.org</p>	 <p>http://www.kbius.com/refsites/RefSites_TreeSurrounds.pdf</p>
 <p>www.brownstoner.com</p>	 <p>http://www.kbius.com/refsites/RefSites_TreeSurrounds.pdf</p>
 <p>http://www.rubberway.com/rubber_treewell.htm</p>	 <p>http://www.rubberway.com/rubber_treewell.htm</p>