

# PRIVATE TREE BYLAW

STEVE ROBINSON, MANAGER OF URBAN FORESTRY

COMMITTEE OF THE WHOLE, DECEMBER 2<sup>ND</sup>, 2019



## PRIVATE TREE BYLAW – PROTECTION



Any tree greater than 20 cm in diameter



More than 5 trees in one calendar year with a diameter range between 10 cm and 20 cm.



Heritage Trees under the Ontario Heritage Act, 1990 are protected



Trees classified as endangered, threatened, or at-risk species, as defined by the Species at Risk Act, 2002.



## PRIVATE TREE BYLAW – EXEMPTIONS



Pruning in accordance with Good Arboricultural Practice



For Emergency Work (considered work of an urgent nature, such as utility repairs)



For an Imminently hazardous tree



If the tree is classified under the Invasive Species Act, 2015, or listed as a noxious weed defined by the Weed Control Act, 1990.



Other aspects of provincial legislation supersede the private tree bylaw which are discussed in Section 3.0: Applicable Legislation.



## PRIVATE TREE BYLAW – APPLICABLE LAW

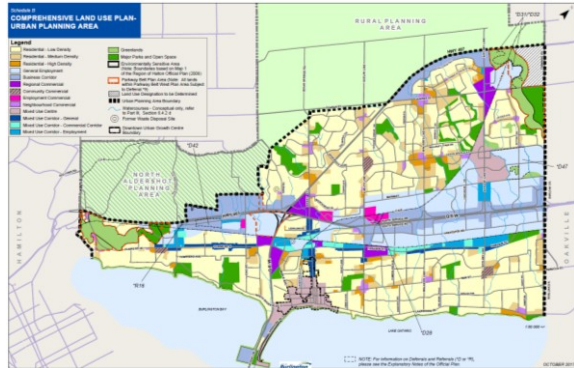
- The Municipal Act, Section 135 (12) identifies exemptions from tree bylaws as a result of existing provincial legislation which includes the Planning Act, among others.

Existing Provincial Legislation	Application Type	COB Applicable Guidelines	Tree Related Guidelines	Notes
Planning Act, Sec. 41	Site Plan (Multi-unit residential and commercial)	City of Burlington Site Plan Guidelines	Section 9.0: Tree Saving Plan	- All trees greater than 10 cm identified on plan. - Permit Fee of \$208 (applies to public tree bylaw only) - Private trees serving a deemed purpose that are removed or do not survive, are to be replaced using an aggregate caliper formula.
Planning Act, Sec. 51	Plan of Subdivision	N/A	N/A	-no specific applicable guidelines/policies related to tree removal. -general guidelines encouraging tree replacement if removed.
Planning Act, Sec. 53	Consent	N/A	N/A	-no specific applicable guidelines/policies related to tree removal. -general guidelines encouraging tree replacement if removed.
Electricity Act, Sec. 2	N/A	N/A	N/A	Owners of a transmission and/or distribution network would be exempt of the bylaw for the injury or destruction of trees to maintain their network.
Aggregate Resources Act/Planning Act, Sec. 34	N/A	N/A	N/A	the injuring or destruction of trees undertaken on land described in a license for a pit or quarry.  AND In order to lawfully establish and operate or enlarge any pit or quarry on land on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act



## PRIVATE TREE BYLAW – APPLICABLE LAW

- Low density residential (light yellow) would fall under the purview of the private tree bylaw for development related applications.



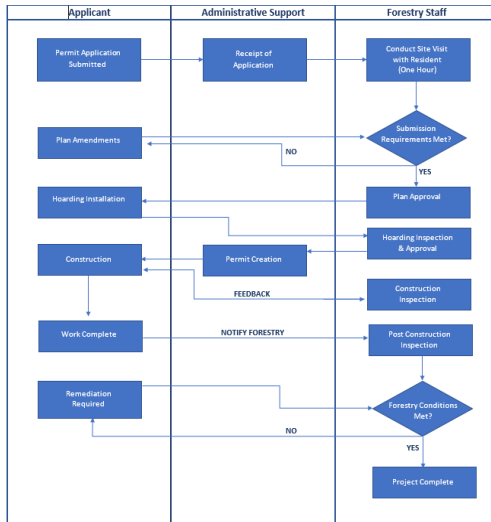
## PRIVATE TREE BYLAW – PERMIT PROCESS

- Recommended dual stream permit applications for Development & Non-Development Related Applications:
- Development related Tree Permit Applications per property: \$680.00
- Non-Development related Tree Permit Applications per property: \$390.00

*\*Permit fees above are recommended only and subject to approval by council*



## PRIVATE TREE BYLAW –DEV'T PERMIT PROCESS



Review Process to take approximately 8 hours to complete.

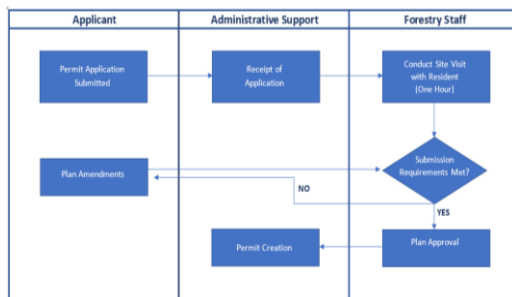
Several opportunities for staff to liaise with applicants and vice versa

Proven success of retaining mature trees through construction process based on Roseland Pilot.

'Development' considered any application requiring a grading and drainage clearance certificate, zoning clearance, and/or building permit.



## PRIVATE TREE BYLAW – NON-DEV'T PERMIT PROCESS



Review Process to take approximately 4 hours to complete.

Non-development process considered for landscaping, pool installations, decks, patios, & other general tree removal.



## ROLE OF THE FOREST PROTECTION OFFICER



Educating residents and developers as to the nature of the bylaw and the importance of trees



Plan review as part of the development process, and liaising with homeowners as a valued partner in the discussion of tree preservation within the City



Conducting ongoing tracking and analysis as to the efficacy of the bylaw and providing residents and members of council with these metrics on a regular basis



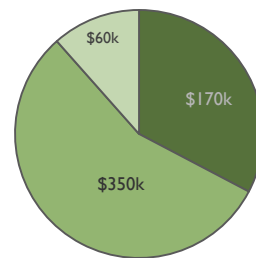
Ensuring permit conditions and all other aspects of both the public and private tree bylaw are adhered to and pursue fees and fines as required.



## ANTICIPATED COST RECOVERY & WORKLOAD

- Estimated Development Related Permits: 250  
(\$680.00 per permit application)
- Revenue: \$170,000.00
- Estimated Non-Development Related Permits: 750  
(\$390 per permit application)
- Revenue: \$290,000.00
- Total: \$520,000.00 (\*Pending amending rates and fees bylaw)

Tree Permits



■ Dev't Permits ■ Non-Dev't Permits ■ Shortfall

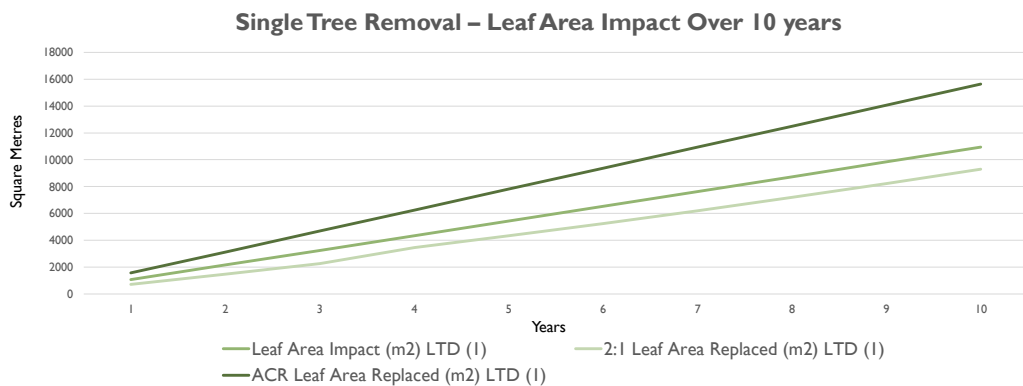


## COMPENSATION – REPLACEMENT OR CASH IN LIEU

- Trees to be injured or destroyed to be compensated using the Aggregate Caliper Method regardless of development or non-development related applications
- Method takes into consideration:
  - Tree condition
  - Tree size
  - Level of Impact (Injured trees vs Destroyed trees)
- Cash in lieu fees of \$700.00 per replacement tree are recommended.
- Evaluation method can be replicated



## COMPENSATION – REPLACEMENT OR CASH IN LIEU



## INVESTMENT

Funds that are received as cash-in-lieu of replacement are recommended to be re-invested into planting initiatives on **private land**. Some examples of programs are:



Free tree giveaways with tree planting workshops



Discounted rates for homeowner tree purchases at participating nurseries



Caliper tree planting on private land through a third-party vendor



Subsidized naturalization planting initiatives for rural property owners



## IMPLEMENTATION

Recommended Bylaw Implementation Date: April 1, 2020

### Communications Plan – Q1 2020

- Educate and liaise with stakeholders throughout the City

### Forestry Policies and Procedures Review – Q1 2020

- Review and Update all relevant policies and procedures related to trees and development

### Internal & External Process Review & Refinement

- Liaise with City staff to refine development review process and payment procedures. Investigate cloud-based sharing functions

### Human Resources

- Work with Human Resources to post and fill new positions of 1 Supervisor and 4 Forest Protection Officers



## CONCLUSION

- The bylaw as proposed is a valuable tool for the City to take proactive measures in the protection of our urban forest by retaining mature trees and replacing those removed.
- Aligns with the V2F Plan for a 35% canopy cover by 2041.
- Changes to permit fees will allow the operation to be near cost neutral
- Replacement according to the Aggregate Caliper Replacement Method will achieve replacement of leaf area in year 1 and will begin to grow the urban forest beyond pre-casualty numbers, leading to an increase in the urban canopy long term
- The role of the Forest Protection Branch is multi-faceted; enforcement is only one aspect
- Cash in lieu of replacement will be earmarked for investment into private tree planting programs administered by the City.

