

City of Burlington Private Tree By-law 02-2020: Implementation Update

EICS Presentation – May 6, 2021

Steve Robinson, OALA, ISA, TRAQ
Manager, Urban Forestry
City of Burlington

Melissa Torchia, ISA, TRAQ, BHA
Supervisor, Forest Protection
City of Burlington



FORESTRY ORGANIZATIONAL CHART



WHAT ARE WE TRYING TO ACHIEVE?

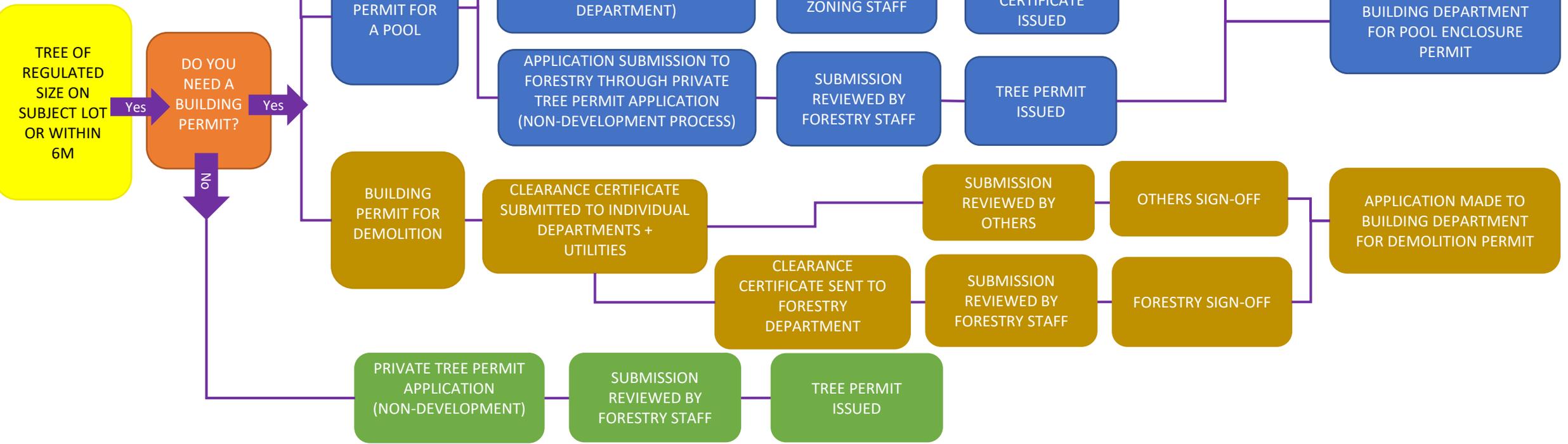
Focus Area 3 - Supporting Sustainable Infrastructure and a Resilient Environment

Top Priorities for Focus Area 3:

- Commitment to increase the tree canopy City-wide to address Climate Emergency through Key Action Items:
 - Complete and Implement the Urban Forest Master Plan Update
 - Identify a mechanism to promote the preservation of existing trees and a framework for tree replacement
 - Introduction of a Private Tree By-law

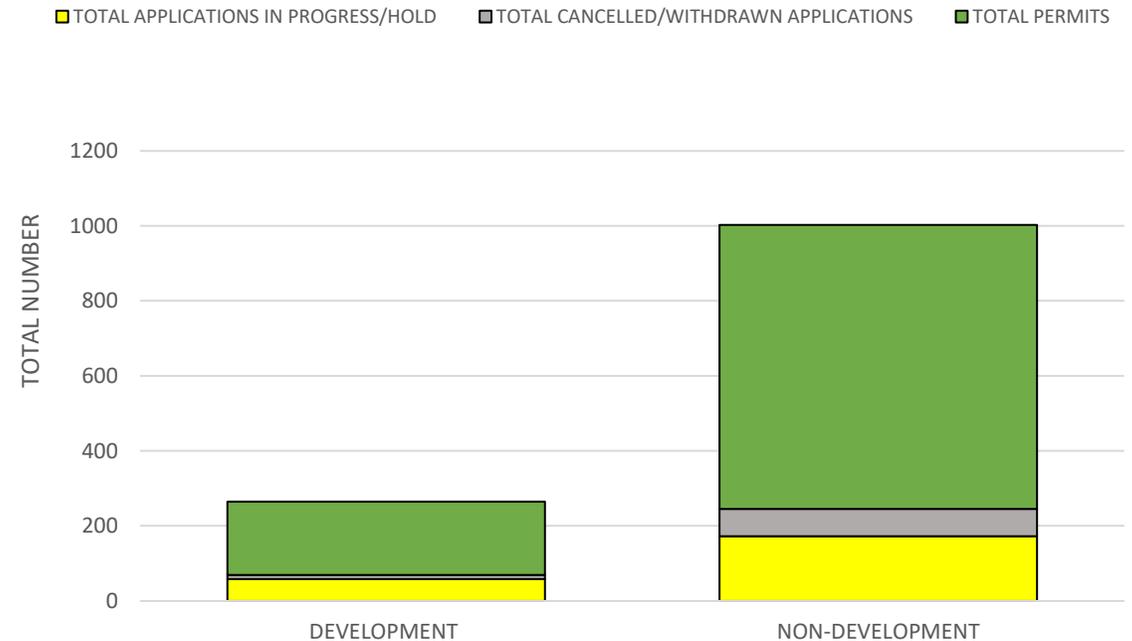


PROGRAM STRUCTURE



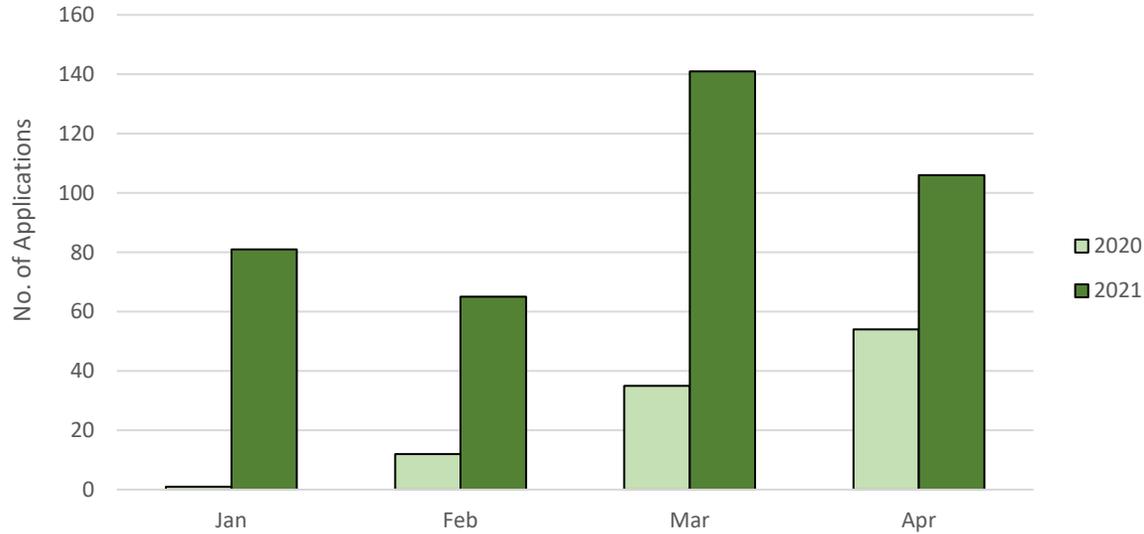
2020 TREE PERMIT APPLICATION SUMMARY

- 258 Development Tree Permit Applications
- 1,003 Non-Development Tree Permit Applications
- 954 Tree Permits Issued
- 84 Applications Cancelled/Withdrawn
- 230 Applications In Progress/Hold
- 1,240 Total Tree Removals
 - 753 Trees (61%) Exempt from Permit Fees and Compensation
- 69 Total Tree Injuries

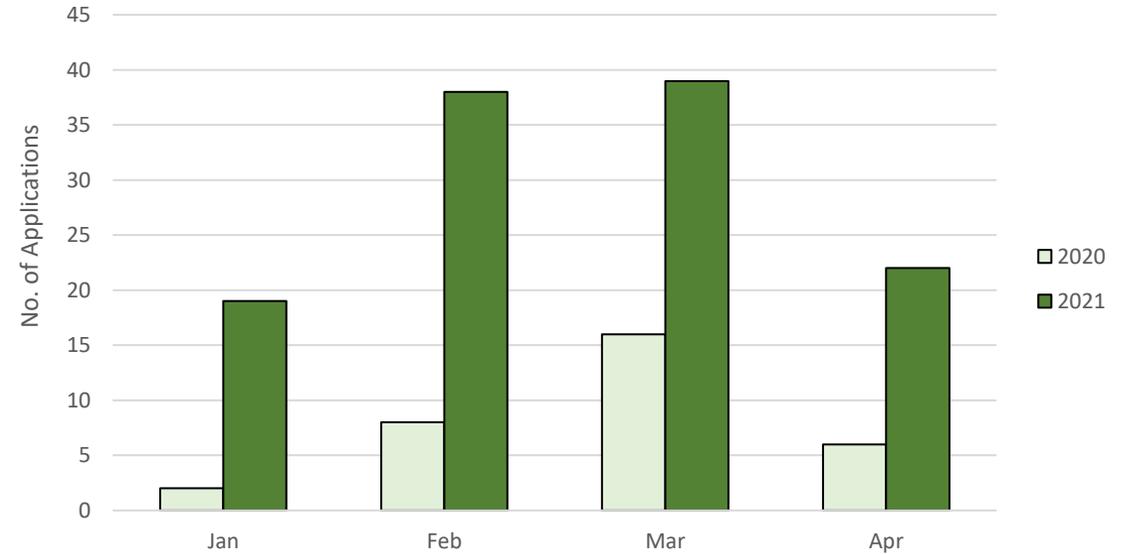


2021 COMPARISON

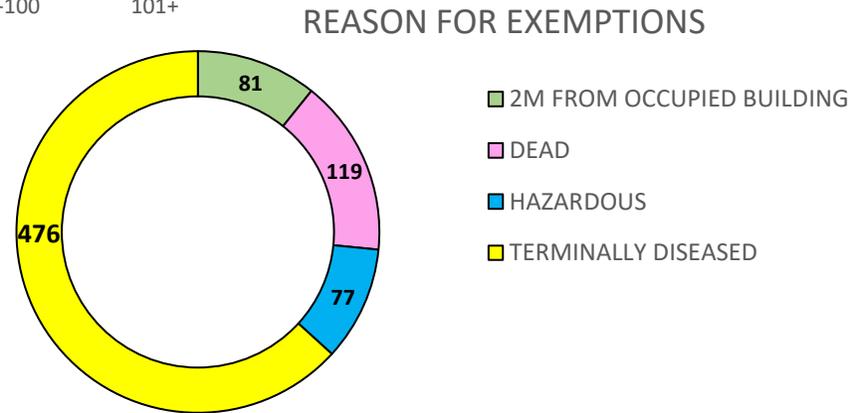
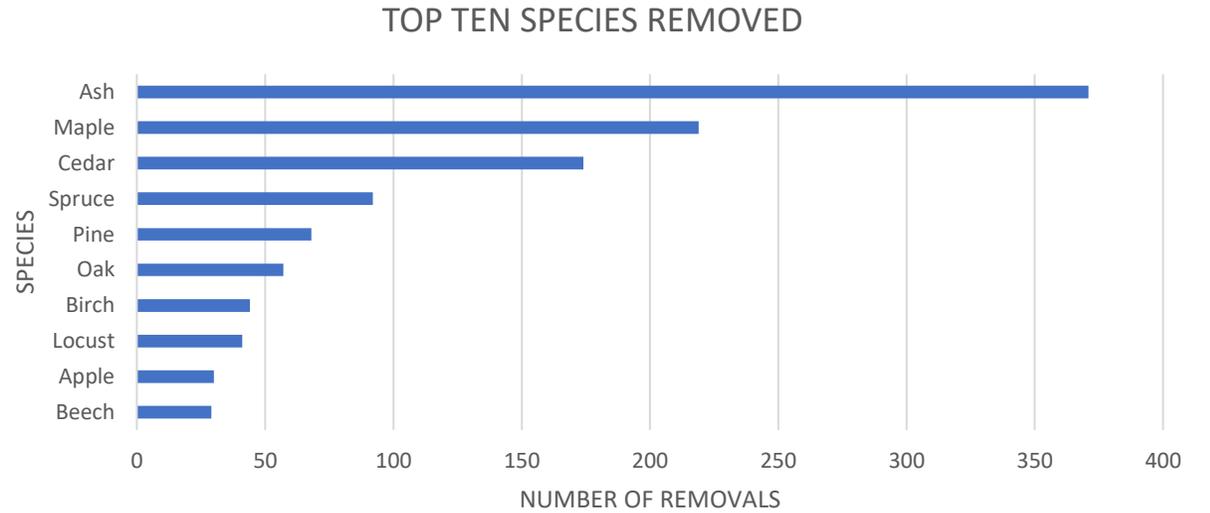
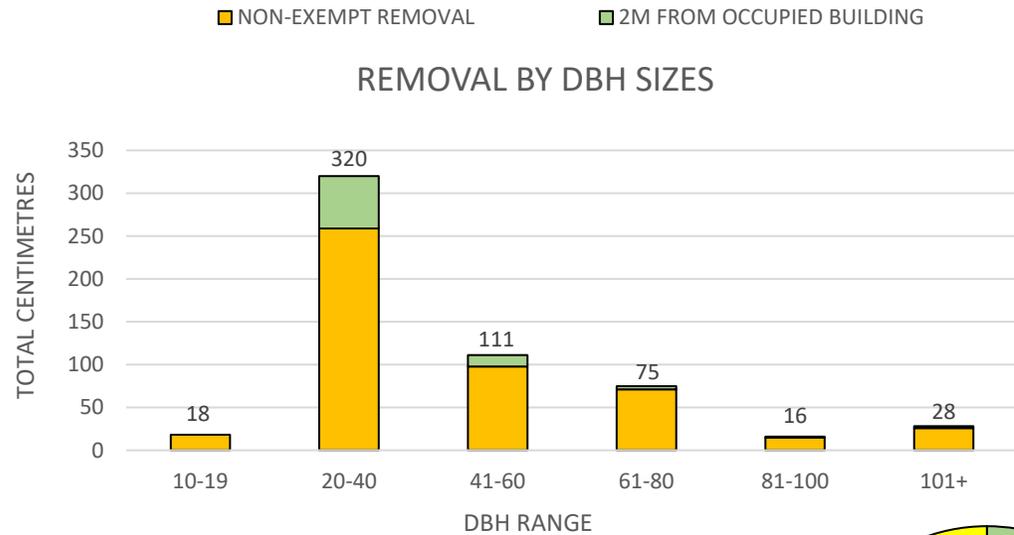
Non-Development Tree Permit Application Comparison



Development Tree Permit Application Comparison



2020 TREE REMOVAL ANALYTICS



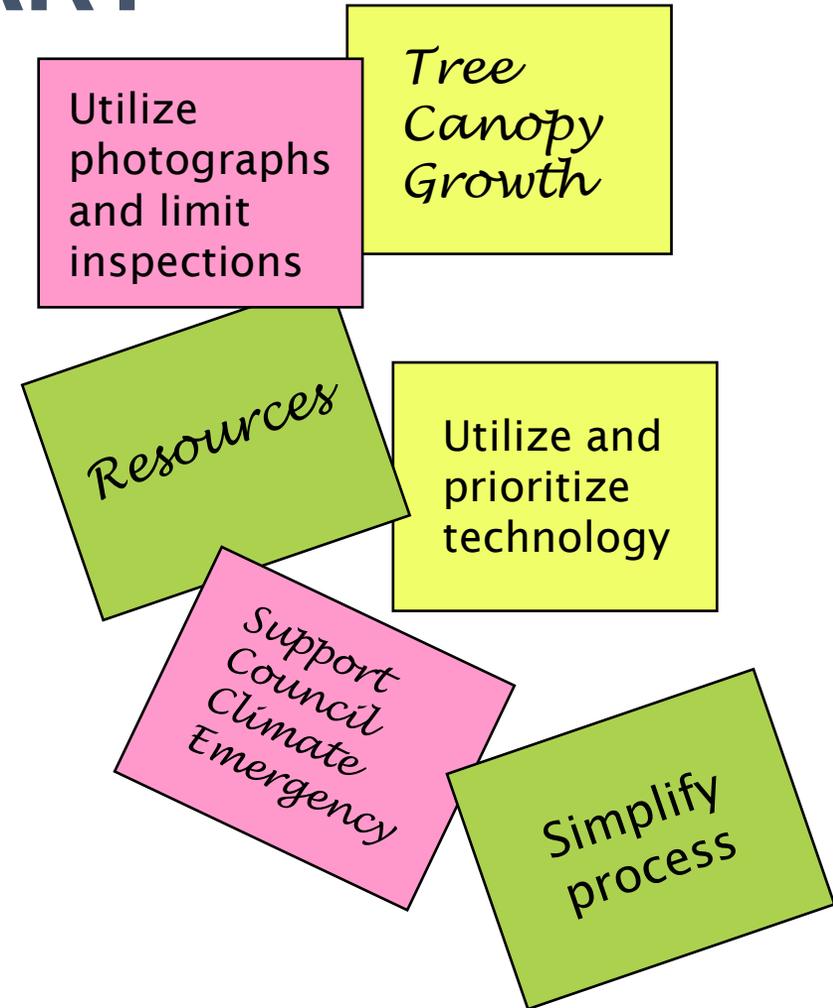
2020 REPLACEMENT PLANTING SUMMARY



- 1,015 Replacement Trees to be planted on Private Property
 - \$406,000 Equivalent cash-in-lieu value
- Timeframe to plant tree(s) is one (1) year from date of permit issuance
- Majority of replacements are Cedar (*Thuja occidentalis*)
- Cash-in-lieu of replacement funds collected was equivalent to \$57,400

COUNCIL WORKSHOP SUMMARY

- Council Workshop held January 18, 2021
- Topics discussed included:
 - Presentation on statistics
 - Program Successes
 - Program Limitations
- Breakout Sessions undertaken to identify ways of improving the Private Tree By-law and the Program as a whole
- Good, Better and Best Ideas identified
- Forestry to utilize lessons learned, feedback and experiences to identify recommendations



PROPOSED PROCESS IMPROVEMENTS

EFFICIENCY AND PROCESSES	OPPORTUNITIES
TECHNOLOGY	
AMANDA	<ul style="list-style-type: none"> • IMPROVED DATA ACCESS, PERMIT TRACKING, KPI REPORTING, INTEGRATION WITH OTHER DEPARTMENTS
CRM	<ul style="list-style-type: none"> • IMPROVED CUSTOMER SERVICE AND ABILITY OF SERVICE BURLINGTON STAFF TO RESPOND TO QUESTIONS AND LIMITING INQUIRES DIRECTED TO FORESTRY STAFF
ADMINISTRATIVE	
FORMS AND PHOTOGRAPHS	<ul style="list-style-type: none"> • IMPROVED EFFICIENCY OF REVIEW FOR SOME TREES (E.G., ASH)
DECLARATIONS	<ul style="list-style-type: none"> • IMPROVED EFFICIENCY FOR PROPERTIES WITH NO TREES



PROPOSED BY-LAW AMENDMENTS

RECOMMENDATION	OPTIONS CONSIDERED
BY-LAW AMENDMENTS	OPTION 1: DO NOTHING
	OPTION 2: MAKE CHANGES AFTER ONE YEAR (RECOMMENDED)
	OPTION 3: ALIGN THE PRIVATE TREE AND PUBLIC TREE BY-LAWS INTO ONE DOCUMENT



PROPOSED BY-LAW AMENDMENTS

PROPOSED AMENDMENTS

- CLARIFICATION PROVIDED TO EXISTING DEFINITIONS & SECTIONS WITHIN THE BY-LAW
 - EXAMPLE REPLACEMENT TREE
- ELIMINATE PERMIT REQUIREMENT FOR REMOVAL OF NOT MORE THAN FIVE (5) TREES BETWEEN 11 AND 19 CM DIAMETER-AT-BREAST-HEIGHT (DBH)
- ELIMINATE THE EXEMPTION FOR THOSE TREES WITHIN TWO (2) M FROM AN OCCUPIED BUILDING
- PROVIDING PROTECTION FOR REPLACEMENT PLANTINGS
- IDENTIFICATION OF A FORMAL REVIEW PROCESS
- INTRODUCTION OF ADMINISTRATIVE MONETARY PENALTIES (AMPS)



PROPOSED FEE STRUCTURE AMENDMENTS

- Through consideration of lessons learned over the last year and data collected, the recommended changes to the fee structure include:
 - Introduction of an Application Fee
 - Permit Per Tree vs. Per Property
 - Introduction of a Separate Fees for Removal and Injury
 - Increased Fee for 2nd Tree and subsequent removals
 - Introduction of Additional Administrative Fees to Compensate for Staff Resources
 - Introduction of Tree Replacement Security Deposit



FINANCIAL IMPLICATIONS

CURRENT FEE STRUCTURE	BASE FEE
TREE PERMIT – DEVELOPMENT PER APPLICATION	\$680
TREE PERMIT – NON-DEVELOPMENT PER APPLICATION	\$390
CASH-IN-LIEU OF REPLACEMENT COMPENSATION PER TREE	\$400
PRIVATE TREE BY-LAW CONTRAVENTION FEE PER TREE	\$680



FEE OPTIONS CONSIDERED

RECOMMENDATION	OPTIONS CONSIDERED
FEE STRUCTURE	OPTION 1: DO NOTHING 70% TAX SUPPORTED ESTIMATED RECOVERABLE \$166,300 ESTIMATED TAX LEVY SUPPORT \$417,200
	OPTION 2: FEE FOR SERVICE PROGRAM 0% TAX SUPPORTED ESTIMATED RECOVERABLE \$583,600 ESTIMATED TAX LEVY SUPPORT \$0
	OPTION 3: 30% TAX SUPPORTED (RECOMMENDED) ESTIMATED RECOVERABLE \$396,600 ESTIMATED TAX LEVY SUPPORT \$188,900*
	OPTION 4: FULLY 100% TAX SUPPORTED ESTIMATED RECOVERABLE \$0 ESTIMATED TAX LEVY SUPPORT \$583,500

* TAX SUPPORT OF \$183,500 APPROVED WITHIN THE 2021 BASE BUDGET.



OPTION 3 FEE & ANNUAL RECOVERY OVERVIEW

Fee Type	Estimated Quantity	Unit Rate	Estimated Annual Recoverable
Application Fee	569	\$100	\$56,900
Permit Per Tree - (1 st Removal) Construction/Project Related	84	\$550	\$46,200
Permit Per Tree – (1 st Removal) General Removal	193	\$350	\$67,550
Permit Per Tree - (2 nd and Subsequent Removal) Construction/Project Related/General	276	\$750	\$207,000
Permit Per Tree - (Injury)	69	\$275	\$18,975
Cash-in-lieu of Replacement Compensation Per tree / Security Deposit	-	\$400	-
Permit Extension/Renewal/Transfer Fee	-	30% of original total permit fee	-
Compliance Inspection Fee Per Inspection	-	\$945	-
Estimated Total			\$396,625*

* ESTIMATED RECOVERABLE ROUNDED TO \$396,600.

FEE STRUCTURE COMPARISON

EXAMPLES	PROPOSED FEE STRUCTURE	EXISTING FEE STRUCTURE
1. NEW SINGLE-FAMILY DWELLING: DESTRUCTION OF 3 TREES (E.G., \$100 + \$550 (TREE 1) + \$750 (TREE 2) + \$750 (TREE 3))	\$2,150	\$680
2. NEW GARAGE: DESTRUCTION OF 1 TREE (E.G., \$100 + \$550 (TREE 1))	\$650	\$680
3. NEW ADDITION: INJURY OF 3 TREES (E.G., \$100 + \$275 (TREE 1) + \$275 (TREE 2) \$275 (TREE 3))	\$925	\$680
4. POOL: INJURY OF 1 TREE (E.G., \$100 + \$275 (TREE 1))	\$375	\$390
5. POOL: DESTRUCTION OF 1 TREE (E.G., \$100 + \$550 (TREE 1))	\$650	\$390
6. GENERAL TREE REMOVAL: DESTRUCTION OF 1 TREE (E.G., \$100 + \$350 (TREE 1))	\$450	\$390
7. GENERAL TREE REMOVAL: DESTRUCTION OF 3 TREES (E.G., \$100 + \$350 (TREE 1) + \$750 (TREE 2) + \$750 (TREE 3))	\$1,950	\$390

NOTE: ABOVE FEES ARE SUBJECT TO HST AND ANY ASSOCIATED COMPENSATION FOR REPLACEMENT REQUIREMENTS INCLUDING THE REPLACEMENT TREE SECURITY DEPOSIT WHERE REPLANTING IS PROPOSED

EXAMPLE

Applicant plans to construct a new garage and requires the destruction of one tree. Tree proposed for destruction (removal) is a 30 cm Sugar Maple in good condition (80% health rating and 80% structural rating). The compensation requirement associated with the removal of the 30 cm Sugar Maple is calculated at 2 replacement trees, or cash-in-lieu equivalent value of \$800 (\$400/Tree). If the applicant chooses to replant 2 trees, they will be required to pay a security deposit for the replacement plantings in the amount equivalent to the cash-in-lieu value. Once the trees are installed as per their replacement plan and verified by Forestry staff, the deposit will be returned.

The total cost by the applicant prior to permit issuance is as follows:

Application Fee: \$100 + HST

Permit Per Tree (1st Removal) Construction/Project Related: \$550 + HST

Replacement Tree Security Deposit: \$800 (No HST)

Total Fees: \$734.50 (HST included) + \$800 refundable security deposit



QUESTIONS & ANSWERS

