



Motion Memorandum

SUBJECT: Referral of City Private Tree By-law to address how proposed amendments will be incorporated into a new bylaw

TO: **Environment, Infrastructure & Community Services Cttee.**

FROM: Councillor Paul Sharman, Ward 5

Date to Committee: June 10, 2021

Date to Council: June 22, 2021

Motion for Council to Consider:

Refer the City Private Tree By-law 02-2020 Implementation Update report RPF-07-21 back to staff; and

Direct the Director of Roads Parks and Forestry to prepare a new City Private Tree By-law that reflects the following proposed amendments, to return by the EICS meeting of September 9, 2021:

Proposed Amendments:

1. Adopt a simplified, on-line, tree residential removal permit issuance that requires no mandatory inspection.
2. Tree permits will be required to remove any tree greater than 20cm's in diameter other than one that has physically fallen, irrespective of species or state of health, unless the City or its agents require that tree(s) be removed.
3. Trees less than 20cms in diameter do not require a permit.
4. A tree permit will be sufficient for a single project, whether for one or several trees as identified in the application form.
5. A tree permit fee will be \$300.00
6. The applicant is responsible to provide two (2) acceptable replacement trees for each individual tree removed.
7. In the event that a property, which is subject to a tree removal application, is sold then the responsibility to plant outstanding replacement trees or pay cash-in-lieu remains the responsibility of the seller.

8. Replacement trees may be planted by the applicant on their own property or by written agreement on another person's private property. Costs to be born as agreed between the parties.
9. If the applicant is unable to plant replacement trees, then they will pay cash in lieu of \$400 per tree to the City
10. All cash in lieu replacement fees will be used entirely for planting trees, not administration costs.
11. Enforcement of the Burlington Private Tree Bylaw shall be the responsibility of Bylaw Enforcement Department.
12. All other fees and fines will be reviewed in alignment with the principles identified and approved by Council and recommendations brought back for approval.
13. City Arborist will make available a consultative service to residential permit applicants, should they wish to receive them. Such service should be provided within 5 days of application being received and may provide recommendations to the applicant. Applicant is under no obligation to accept such recommendations. There will be no regulatory role for Forestry staff with respect to private homes, renovations, extensions, swimming pools, decks, hot tubs, sheds or any other such property improvements.
14. All other aspects of **City Private Tree By-law 02-2020** will be reviewed by City staff, including Legal Services, in alignment with amendments identified and approved by Council and a revised version brought back for approval in September 2021.
15. Amended **City Private Tree By-law 02-2020** again be brought back for review of effectiveness and process efficiency, one year after its implementation date.

Reason:

The first-year implementation of the City Private Tree By-Law in 2020 during the COVID 19 pandemic and note that 1368 applications (265 development and 1003 non development) were processed.

City Private Tree By-law 02-2020, after one year in force, is recommended by staff to be repealed. Experience with Year 1 of the City Private Tree By-law 02-2020 has generated numerous applicant complaints and demonstrated in documented cases, to be:

1. Costly to administer compared to the incremental revenues received by City.
2. Ineffective because it held up Burlington citizens and other community members from proceeding at a reasonable pace with otherwise fully compliant home improvement and development projects.
3. Overly complex and an inefficient from an application processing perspective
4. On a site-specific basis, punitive by demanding excessive costs be borne by a small number of Burlington citizens.

The goals of Council were and continue to be to increase Burlington's Urban tree canopy with a heavy emphasis on planting trees. In that way Burlington will contribute climate change mitigation, breathable air, and a natural beautiful living environment.

Outcome Sought:

Direct the Director of Roads Parks and Forestry to prepare a supplemental report to address how the above listed proposed amendments will be incorporated into a new City Private Tree-By-law, so that Council will have the necessary information to accept final recommendations.

It is believed that the above amendments will help overcome issues 1-4 above in the Reason section and accomplish our goals more effectively, efficiently, timely, with less disruption and at a lower cost for all Citizens of Burlington. At the same time, as the bylaw is simplified the number of replacement trees planted will increase.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Motion Seconded by: Not Required
Share with Senior Staff

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance, Council-Staff Relations Policy and an assessment of the internal capacity within the City to complete the work based on a specific target date (quarter/year).

Comments:

City Clerk: Approved as per form

City Manager: Approved