

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

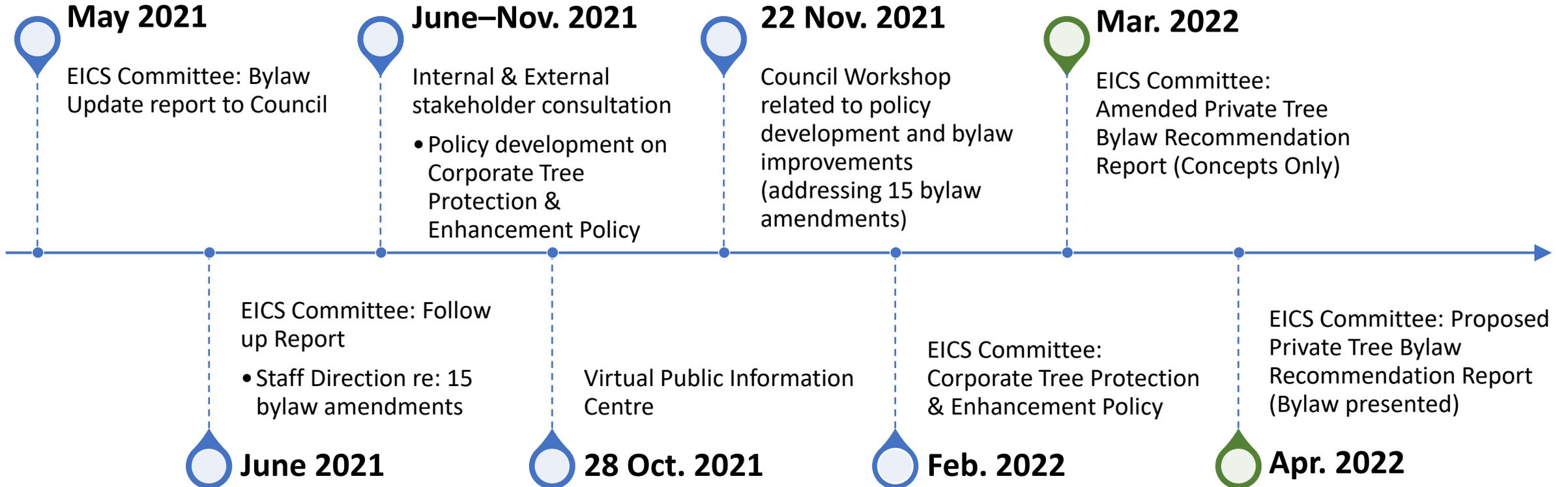
EICS Presentation – March 3, 2022

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Manager, Urban Forestry
City of Burlington**

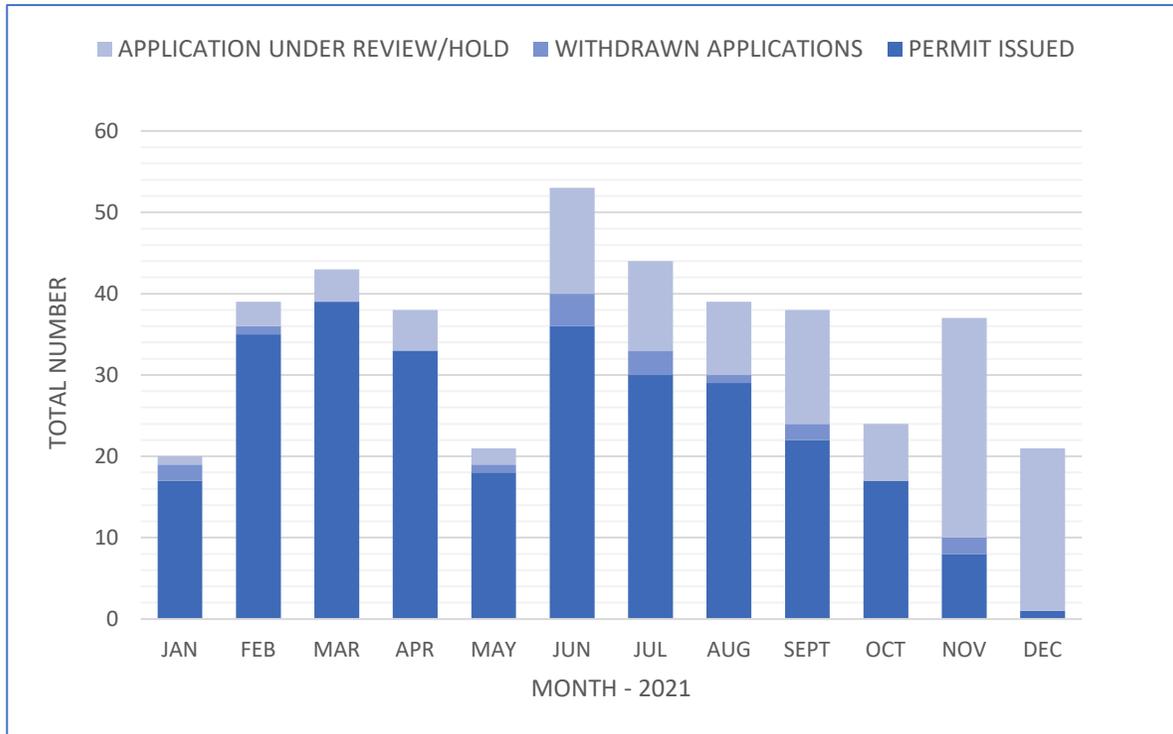
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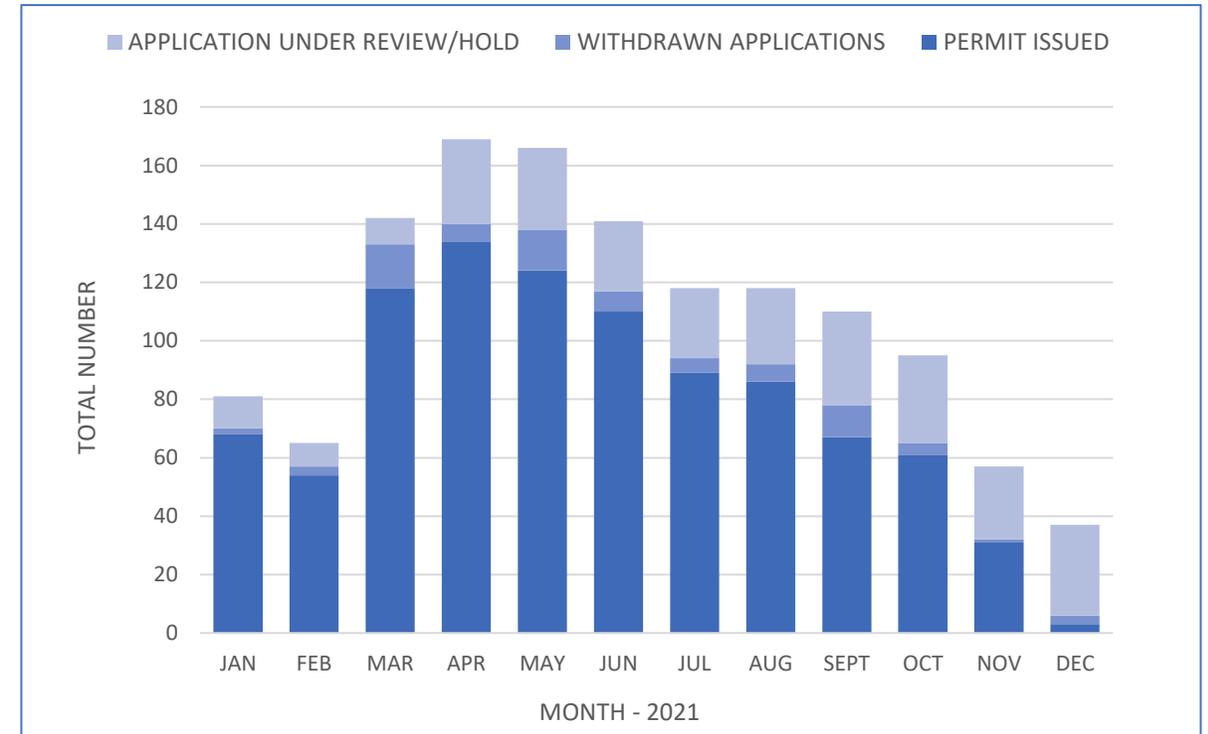
BY-LAW UPDATE AND POLICY TIMELINE



2021 PERMIT VOLUME



419 Development applications
 285 permits issued
 116 on hold/under review
 16 withdrawn

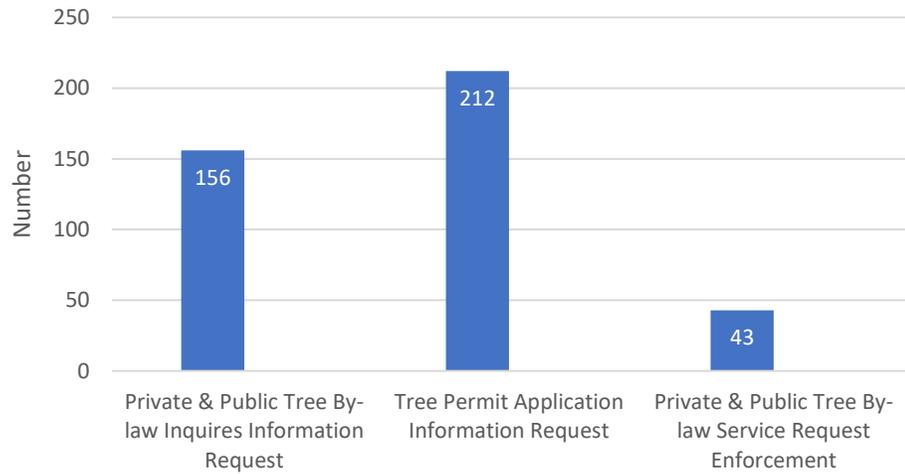


1,300 Non-development applications
 945 permits issued
 277 on-hold/under review
 77 withdrawn

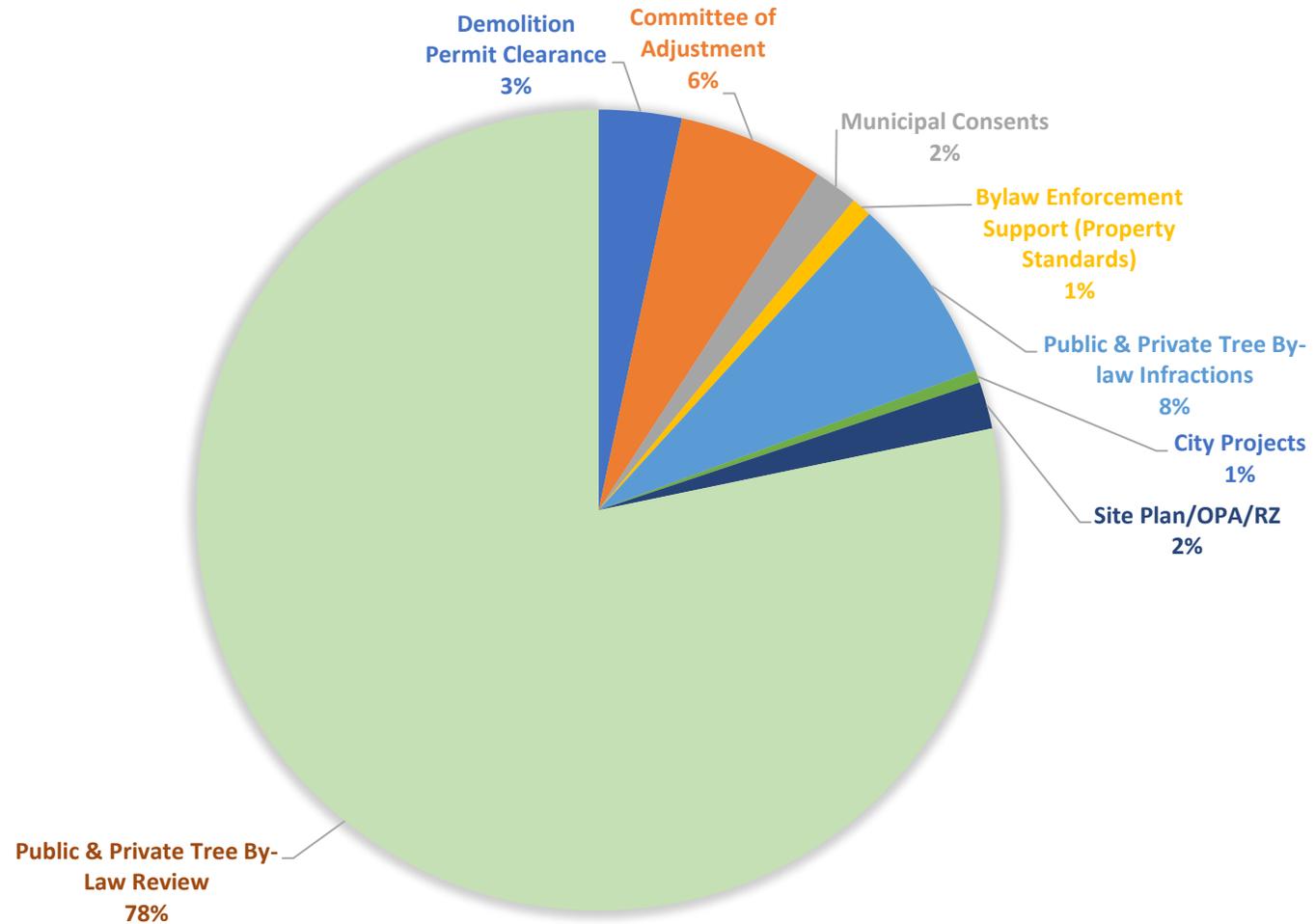


FOREST PROTECTION - WORK BREAKDOWN

CRM Case Summary Since Integration



Work has evolved over past 2 years with expanded community outreach and support to several program areas.



PROGRAM REVIEW

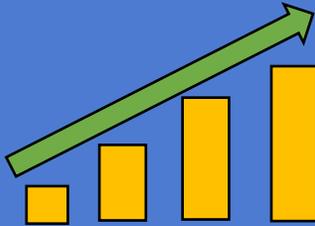
Policy

Corporate Policy on Tree Protection & Enhancement
Approved: February 15, 2022

By-law Amendments / Procedural Changes



Process Improvements



Fee Review



PROCESS IMPROVEMENTS

Item No.	Process Improvement	Status
1.0	CRM Integration and webpage updates	Complete
2.0	Introduction of consolidated pool permit application	Complete
3.0	Introduction of a tree declaration form	Complete
4.0	Improvements to online application form including integration with AMANDA software	Ongoing
5.0	AMANDA software improvements	Ongoing
6.0	Introduction of desktop approval process for dead and terminal trees <i>*Contingent on completion of Task 1.0*</i>	Ongoing
7.0	Introduction of a homeowner's reference guide to understand working around trees	Ongoing



PROPOSED BY-LAW AMENDMENTS

Item No.	By-law Change	Rationale
1.0	Refined some definitions	Required to provide clarity
2.0	Elimination of 2 m exemption from occupied building and addition of another mechanism for fee exemption for maintenance works	Use did not match original intent Simplify process
3.0	Elimination of clause requiring permit for more than 5 trees greater than 10 cm and less than 20 cm in one calendar year.	Simplify process
4.0	Introduction of a review process	Provide transparency Mechanism for tree denials
5.0	Introduction of permit posting	Provide transparency



PROPOSED BY-LAW AMENDMENTS CONT.

Item No.	By-law Change	Rationale
6.0	Introduction of Significant Trees (>75 cm DBH) including option for denial of permits	Significant benefit to canopy cover (Arising from Council Workshop)
7.0	Adding in provisions for greater protection of replanted trees	Supports canopy growth
8.0	Replacement trees allowed to be planted on other properties	Supports canopy growth (Arising from Council Workshop)
9.0	Replacement trees security deposit	Supports canopy growth
10.0	Introduction of Administrative Monetary Penalty (AMP) process	Streamlines process Reduce resources time



TREE REPLACEMENT COMPENSATION

Compensation Requirements	Pros/Cons								
<p>Existing Process:</p> <p>1 tree for every 10 cm removed Downgraded based on condition factors 30 mm caliper tree</p> <p>Cash-in-lieu of Replacement: \$400 per tree</p>	<p>PRO: Existing tree condition considered</p> <p>CON: Method hard to understand Does not allow for pre-planning Potential for lower quality planting stock</p>								
<p>New Process:</p> <table border="1" data-bbox="129 849 611 1049"> <thead> <tr> <th>DBH (cm)</th> <th>Ratio</th> </tr> </thead> <tbody> <tr> <td>21 - 35 cm</td> <td>2:1</td> </tr> <tr> <td>36 - 74 cm</td> <td>3:1</td> </tr> <tr> <td>> 75 cm</td> <td>4:1</td> </tr> </tbody> </table> <p>Cash-in-lieu of Replacement: \$250 per tree</p>	DBH (cm)	Ratio	21 - 35 cm	2:1	36 - 74 cm	3:1	> 75 cm	4:1	<p>PRO: Simplified process Affordable Sliding scale which support canopy growth targets Equitable</p> <p>CON: Existing tree condition not considered</p>
DBH (cm)	Ratio								
21 - 35 cm	2:1								
36 - 74 cm	3:1								
> 75 cm	4:1								



FEE STRUCTURE RATIONALE

Fee Structure	Pros/Cons
<p>Existing structure: Permit per application, two streams: Development Non-Development</p>	<p>PRO: Separates various work types Fees better correspond to resource requirements</p> <p>CON: No incentive to retain trees Same fees applied regardless of number of trees</p>
<p>New structure Permit per tree, one stream</p>	<p>PRO: Simplified process Affordable Equitable: Fees correspond to number of trees impacted Sliding cost scale creates a disincentive for clear cutting</p> <p>CON: Does not separate work types Fees do not correspond with resource requirements</p>



PROPOSED PERMIT FEES

Fee Type	Estimated Quantity	Unit Rate Per Tree	Est. Annual Recoverable
Non-refundable Application Fee	1100	\$50*	\$55,000
Permit Per Tree - 1st removal	330	\$225*	\$74,250
Permit Per Tree - 2nd and subsequent removal	375	\$125*	\$46,875
Permit Per Tree - (Injury)	135	\$75*	\$10,125
Cash-in-lieu of Replacement Compensation Per Tree / Security Deposit		\$250	-
Avoidable fees			
Permit Extension/Renewal/Transfer Fee		\$50*	-
Compliance Inspection Fee Per Inspection		\$500**	-
Estimated Total			\$186,250

**HST applicable*

***Fee charged for completing an inspection associated with a by-law contravention*

FEE & COMPENSATION OVERVIEW

Examples: Tree 1 (20cm) Tree 2 (50 cm) Tree 3 (85 cm)	Proposed permit Fee Structure*	Proposed replacement compensation**	Equivalent cash-in-lieu**
1. New Single-Family Dwelling: Destruction of 3 trees (E.g., \$50 + \$225 (Tree 1) + \$125 (Tree 2) + \$125 (Tree 3))	\$525	9 trees \$2,250 deposit	\$2,250
3. New Addition: Injury of 3 trees (E.g., \$50 + \$75 (Tree 1) + \$75 (Tree 2) \$75 (Tree 3))	\$275	-	-
5. Pool: Destruction of 2 trees (E.g., \$50 + \$225 (Tree 1) + \$125 (TREE 2))	\$400	5 trees \$1,250 deposit	\$1,250
6. General tree removal: Destruction of 1 tree (E.g., \$50 + \$225 (Tree 1))	\$275	2 trees \$500 deposit	\$500

*Fees are subject to HST

** Cash-in-lieu of replacement \$250.00 / tree ; 20cm – 35 cm 2:1 | 36 cm -74 cm 3:1 | >75 cm 4:1



RECOMMENDATIONS AND NEXT STEPS:

1. Approve the recommended changes to the City's existing Private Tree By-law.
2. Prepare updated By-law to replace existing for approval in April.
3. Prepare revised Rates and Fees By-law Schedule A 'Tree Management' for approval in April.
4. Report back after one year to update on process improvements and summarize findings.



QUESTIONS & ANSWERS

