



SUBJECT: Update to the City's Private Tree Bylaw

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-08-22

Wards Affected: all

File Numbers: 802-11

Date to Committee: April 7, 2022

Date to Council: April 19, 2022

Recommendation:

Approve By-Law XX-2022, substantially in the form attached as appendix A to roads, parks forestry department report RPF-08-22 and in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel and repeal By-Law 02-2020; and

Amend the Rates and Fees By-law 61-2021 with respect to the City of Burlington Private Tree By-law as described in roads, parks and forestry department report RPF-08-22, and detailed in appendix B.

PURPOSE:

The purpose of this report is to provide council with the new Private Tree Bylaw document and amended rates and fees schedule that correspond to the recommendation report RPF-03-22 that was approved at the Council meeting of March 22, 2022.

Vision to Focus Alignment:

The City's Private Tree By-law was initiated as part of the Vision to Focus Plan and the City's declared climate emergency. As part of the Plan, the implementation of a Private Tree By-law falls within the following focus area:

- Focus Area 3: Supporting sustainable infrastructure and resilient environment

- Key actions under this focus area are the development of Burlington's Climate Action Plan and the Urban Forestry Management Plan. The plan's goals of increasing the City's tree canopy and protection of trees, aligns, and is enabled through implementation of the City Private Tree By-law.
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Background and Discussion:

On March 22nd 2022, Council approved report RPF-03-22 which detailed the proposed improvements related to the Private Tree Bylaw as well as an amended Option 1 fee model which has been incorporated into the attached schedule. Staff committed to reporting back to Council with an updated private tree bylaw and corresponding rates and fees schedule that are aligned with the recommendation report and associated amendments that were passed. Fees related to public tree permits have also been included in the updated rates and fees schedule as their fees had previously been covered under the development and non-development permit streams, which are now superseded by the new fee schedule.

Strategy/process

Since the implementation of the current Private Tree By-law, staff have compiled additional information in the interest of achieving process efficiencies and greater effectiveness of the Private Tree By-law, which will lead to greater customer service and experience long term. A summary of key milestones were included in report RPF-03-22, which focus on additional consultation with members of council, the general public, and staff. This feedback was instrumental in amending the existing Private Tree Bylaw to make it simpler, streamlined, and more equitable for residents and businesses alike. The proposed refinement of the Private Tree By-law has been developed over the last two (2) years and has sought to strike a balance between respecting individual property rights, while having a framework to preserve, protect, and grow a critical community resource that is a 'made in Burlington' solution.

Options Considered

Options considered were provided for consideration as part of RPF-03-22 and should be referenced as part of this report.

Financial Matters:

Financial matters were provided for consideration as part of report RPF-03-22 and should be referenced as part of this report.

The fee schedule as approved at the March council meeting and reflected in the rates and fees schedule 'Appendix 'B'', is a combination of fee options 1 and 3, as amended by council as part of discussion arising from staff direction SD-08-22.

Total Financial Impact

As identified in report RPF-03-22, the private tree bylaw program has been designed as a 70% tax supported program which is funded through the operating budget. The remaining 30% would be recovered through fees, which are detailed as 'Appendix B' to this report.

Climate Implications

Trees contribute towards the City's climate change goals both through their role in climate mitigation, sequestering carbon, adaptation by reducing the heat island effect, promoting infiltration and interception of rainwater, and improving air quality. Trees also improve the overall environment through their aesthetic qualities, providing habitat, reducing noise pollution, contributing to stress reduction, as well as screening and privacy. These benefits accrue to both private properties and the community at large.

Engagement Matters:

Forestry staff have engaged with several internal and external stakeholders over the last year. Given the topics were directly related, discussions on the development of a Corporate Tree Protection and Enhancement Policy, as well as improvements to the Private Tree Bylaw were completed concurrently. Refer to report RPF-03-22 for a detailed summary of engagement in 2021.

Conclusion:

Through the comprehensive review and refinement of the current bylaw, applicable processes, and associated permit fee structure, staff have improved the Private Tree By-law to be simpler and more streamlined, that is equitable for residents and businesses alike. The refinement of the Private Tree By-law over the last two years has sought to strike a balance between respecting individual property rights, while having a mechanism to preserve, protect, and grow a critical community resource with a 'made in Burlington' solution.

Respectfully submitted,

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Appendices:

- A. Private Tree Bylaw XX-2022
- B. Rates and Fees related to Urban Forestry

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.