



**SUBJECT: Public Tree By-law amendment**

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

**FROM: Roads, Parks and Forestry Department**

Report Number: **RPF-06-23**

Wards Affected: All

File Numbers: 820-01

Date to Committee: June 1, 2023

Date to Council: June 13, 2023

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### **Recommendation:**

Approve amending By-law XX-2023 in Appendix A to roads, parks & forestry department report RPF-06-23, a By-law to amend By-law 68-2013 Public Tree Bylaw.

### **PURPOSE:**

The purpose of this report is to amend the City's Public Tree bylaw as it relates to public tree removal requests associated with development applications, in order to streamline and expedite the review process.

### **Vision to Focus Alignment:**

- Deliver customer centric services with a focus on efficiency and technology transformation

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### **Background and Discussion:**

Municipalities are given the authority under section 135 of the Municipal Act to create tree bylaws to prohibit or regulate the injury or removal of publicly owned trees. The City's Public and Private Tree Bylaws have been created under this authority and afford protection for public and privately owned tree assets respectively, as well as providing a framework for compensation should trees be required to be removed.

Public trees are considered for removal by staff when they present a risk to public safety, present a terminal condition (decline in health), and/or present a conflict with

major public and private construction projects, including but not limited to development related projects.

As part of the development application process, Forestry staff conduct a comprehensive review of submissions in collaboration with planning and site engineering staff. This work includes the evaluation of arborist reports and tree preservation plans, and as part of this process, staff confirm that retained trees are sufficiently protected in accordance with the City's specifications, while trees that require removal are sufficiently replaced either through replacement tree planting, or cash in lieu of replacement.

In addition to the staff review, any removal of public trees associated with a development application must be approved by Council in advance, as per section 1.19 of the public tree bylaw, which states:

*“The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved and Council has also approved the removal of these trees.”*

### **Strategy/process/risk**

The requirement to submit a staff report to support the removal of publicly owned trees per section 1.19 of the bylaw was likely incorporated to provide a final review opportunity, but it adds an additional layer of approval in the development application process. Furthermore, these reports take an average of 8-12 hours of staff time to produce, taking them away from their ability to review other development files. Moreover, the requirement to integrate report submissions into the committee calendar, often extends approval timeframes a minimum of 8 weeks.

In the interest of streamlining the development application review process, staff recommend amending section 1.19 of the Public Tree Bylaw, to eliminate this requirement as follows:

*“The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved ~~and Council has also approved the removal of these trees.~~”*

### **Options Considered**

This amendment to the bylaw supports changes to development application review timelines per Bill 109 and aligns with the corporate direction of cutting through unnecessary red tape in the development process. In addition, other clauses still exist in

section 1.20 of the City's Public Tree Bylaw that provide Council sufficient oversight, to "direct that any Tree or Trees be protected, removed, relocated or trimmed."

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**Financial Matters:**

Not applicable

**Total Financial Impact**

Not applicable

**Source of Funding**

Not applicable

**Other Resource Impacts**

Not applicable

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**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. The continued preservation and protection of trees within the City is an important measure to aid in the fight against climate change.

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**Engagement Matters:**

Forestry staff consulted with departments associated with the development services, specifically planning and development engineering. Through these discussions, it was supported by all groups to eliminate section 1.19 of the bylaw in the interest of streamlining the development application review process. Additionally, Legal services has been consulted and authored the proposed amendment to the City's Public Tree Bylaw.

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## **Conclusion:**

As part of the development application process, Forestry staff conduct a comprehensive review of all tree removal proposals to ensure compliance with the City's public tree bylaw and alignment to the City's Policy for Canopy Protection and Enhancement. Staff have identified section 1.19 of the City's public tree bylaw as a step within the development process which adds unnecessary workload for staff, increases project timeframes, and yields minimal value to the development process. As such, staff support amending the City's public tree bylaw to remove this clause.

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Respectfully submitted,

Steve Robinson, BCMA OALA  
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## **Appendices:**

- A. City of Burlington Bylaw XX-2023

## **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.