



SUBJECT: Significant tree review update
TO: Committee of the Whole
FROM: Roads, Parks and Forestry Department

Report Number: RPF-05-24

Wards Affected: All

Date to Committee: July 8, 2024

Date to Council: July 16, 2024

Recommendation:

Direct the Director of Roads, Parks and Forestry to proceed with a pilot program for a Fixed Fee Maintenance Subsidy for Significant Tree Maintenance, as detailed within Option 1 of roads, parks and forestry department report RPF-05-24; and

Direct the Acting Chief Financial Officer to allocate one time funding of \$25,000 from the Green Initiatives Reserve Fund to cover implementation costs for the pilot program in 2025; and

Direct the Director of Roads, Parks, and Forestry to report back in Q2 2026 with respect to the efficacy of the pilot program.

PURPOSE:

Vision to Focus Alignment:

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

Background and Discussion:

In 2022, Council approved an update to the Private Tree Bylaw, 40-2022. One of the changes that was included was the provision to provide additional consideration for the preservation of significant trees. The rationale for this consideration is because significant trees tend to provide a substantial amount of canopy cover and benefit more than one landowner. Large, significant trees are more effective than a smaller stature tree as it relates to mitigating urban heat island effect, stormwater attenuation, filtering air particulate matter, and provide greater property value. The requested removal of said trees requires an enhanced approach of review to ensure the property can be sufficiently (and safely) maintained, while large, healthy trees are not being unnecessarily removed.

Per the bylaw, significant trees are defined as any tree with a diameter at breast height (DBH) of 75 cm or greater.

Further, section 7.7 (c) states “The Manager may refuse to issue a tree permit on any of the following grounds:

(c) the application is for the destruction of a significant tree and there are reasonable alternatives to the injury or destruction of the tree.”

In reviewing permit applications seeking the removal of a significant tree(s), staff evaluate the application against the by-law criteria using four pre-determined criteria to determine whether the tree removal application should be approved, subject to applicable permit fees, and replacement requirements. **Table 1.0** below details each of the four criteria that are considered:

Table 1.0: Significant Tree Review Criteria

Criteria	Description	Applicable By-law section
Tree Condition	The tree’s health and structure is assessed based on the Guide for Plant Appraisal, 10 th Edition. Any tree that presents as a poor condition overall would be considered ‘Failed’ and removal would be permitted.	Section 7.4 (b); 7.5 (a) (b)
Risk	Tree risk is evaluated using the International Society of Arboriculture Tree Risk Assessment Methodology. If trees are evaluated as high risk, removal would be permitted.	Section 7.4 (c); 7.5 (c)
Corrective Maintenance	Based on defects noted as part of the condition assessment, can any corrective maintenance be performed to improve the tree condition, e.g. corrective pruning.	N/A

Conflicts with Structures	a) Does the subject tree, including the minimum tree protection zone, conflict with any maintenance activities required to repair a facility or structure. E.g. foundation repair.	Section 7.5 (d) sub (iii)
	b) Does the subject tree, including the minimum tree protection zone, conflict with the footprint of a proposed building or other proposed structure that is compliant with applicable zoning bylaws and the Ontario Building Code.	Section 7.4 (e); 7.5 (d) sub (i)

If none of the criteria can be satisfied, the applicant would be notified of a denial of the private tree permit application by the Forest Protection Officer assigned to the file. If a tree permit is refused, the applicant may request a review by the Director, Roads Parks and Forestry, in accordance with section 9 of the bylaw.

Since 2022, the Forest Protection business unit has been tracking the number of significant trees that have been applied to be removed, as well as the result. Additional information is provided in **Table 2.0** below. This table reflects all significant tree removal permit applications and captures those tied to a general tree permit application, pool application and pre-building approval applications.

Table 2.0: Significant Tree Application Details

	2022	2023	2024 – April 30
# of Significant Tree Removal Applications*	18	104	30
# Applications in Review/Hold**	-	16	12
# of Permitted Removals by Officer	8	25	4
# of Permitted Removals due to Exemption	7	46	12
# of Denied Applications by Officer	2	4	1
# of Permitted Removals approved by Director	-	9	1
# of Denied Applications by Director	1	4	-

**Total number of applications excludes those applications for tree injury*

***Applications in review and/or on hold may be associated with other details of their application and not solely tied to the significant tree review (e.g., Arborist Report deficiencies).*

Strategy/process/risk

The current methodology implemented for significant tree review has been successful in terms of consistency of approach, while maintaining some flexibility through a review (appeal) process. The additional rigor applied to significant tree review has led to the retention of significantly sized trees, while also dissuading future application submissions for healthy large trees that cannot demonstrate reasonable grounds for removal.

A frequent comment that has been received by staff is the high cost associated with maintaining significant trees. Oftentimes, residents are more willing to pay a higher one-time fee to remove a significant tree, rather than pay a lower fee multiple times to maintain the tree through regular maintenance.

Staff have accordingly determined that consideration should be given to the development of an incentive-based strategy to support homeowners that own large significant trees.

Options Considered

Option One – Fixed Fee Maintenance Subsidy Pilot (Recommended)

The City could introduce a fixed fee maintenance subsidy for significant trees that covers up to 50% of costs with an upset limit of \$1,000 that residents could apply for once every 10 years on a first come, first served basis. A similar program is offered by Community Planning as a loan/grant program for heritage buildings, called the Community Heritage Fund. As part of this program, residents may qualify for grants up to a certain percentage of the total project value, subject to eligibility criteria. This requires the submission of an application in advance of work starting, with a staff member review and approval component. Additionally, the applicant would need to demonstrate the work was completed per the approved plan in order to receive compensation from the City.

Such a program would require the development of an application form as well as criteria and guidelines that define what work is eligible for reimbursement. Examples of eligible work include: pruning, fertilization, cable and bracing, and mulching completed within the last 6 months. Residents would be required to submit an application to the City inclusive of a quotation from a qualified tree professional as defined within the private tree bylaw. Upon review and approval, residents would proceed with the work, and pay all costs up front. Once complete, they would be required to submit photo evidence and

a copy of an invoice to the City for reimbursement through a desktop review. It is recommended the program be administered for the first year as a pilot, with a funding ceiling of \$25,000 with a report back function as to the efficacy and resource requirements should it be considered as a permanent program. To proceed with this option, further consultation with Burlington Digital Services (BDS) is required to understand the necessary timelines required to develop an online form in advance of a program launch. From a program administration perspective, the limited pilot as suggested would be administered by the Forest Protection Business unit. Through consultation with finance, it is recommended that one time funding of \$25,000 be directed from the Green Initiatives Reserve Fund.

Option Two – Third Party Agreement – Tree Trust

Tree Trust is a charity organization of the Elora Centre for Environmental Excellence (ECEE). The organization trains and qualifies arborists to perform work on mature trees to extend their lifespan, as well as plant two (2) new trees on the same site. As part of the work, the Tree Trust arborist evaluates the condition of the tree via a Tree Risk Assessment, and develops a prescription based on the tree's needs.

Tree Trust chapters have been established in eight (8) municipalities across Ontario, led by local non-governmental organizations. Each chapter is responsible for determining which trees are to be cared for, as well as seeking out funding sources to cover tree care costs. A total of 15% of all sponsorship dollars raised are allocated to the ECEE to offset the administration costs of the Tree Trust organization.

This option would require the development of a Burlington chapter, which could be led either by a member of the Urban Forestry section, or by an NGO working at arm's reach with City staff. This program would have an administrative impact as it relates to marketing and promotion of educational and program activities, securing funding for the program through external sponsorship, provide program updates to the larger tree trust organization, determine the selection of mature trees to be worked on, and selecting new trees species for planting. The City could opt to provide some financial support to administer this program in addition to external sponsorship. No specific funding source or staffing resource has been identified to support this option at this time, and it is recommended to be considered as a future initiative.

Financial Matters:

If implemented, each incentive-based strategy listed above would have a financial impact. Given the nature of each of these programs, a funding cap could be established as a cost-control measure.

Total Financial Impact

If Option One were to be approved as a one-year pilot, it is recommended that a funding ceiling of \$25,000 be established.

Source of Funding

Through discussion with finance, it is recommended that one-time funding for Option One be funded from the Green Initiatives Reserve fund. If the program were to be considered permanently, program costs would need to be incorporated into the base operating budget.

Other Resource Impacts

The options identified and potential scope of the program could have a staffing impact from an administrative perspective within Urban Forestry, as well as additional resource impacts to Burlington Digital Services, Corporate Legal Services, and Service Burlington. Since the extent of impact is unclear, it is recommended that a pilot program be initiated for one year with a report back component as to the efficacy. For the pilot program, it is estimated that the program will require 50-100 hours of staff time. If approved, this additional workload for the pilot would be absorbed by the proposed Forest Protection business unit. Subject to size, if a permanent subsidy program was approved, a part time staff resource hired on a contract basis may be required.

Climate Implications:

Significant trees provide substantial shade and other associated ecological benefits to the individual tree owner, and often surrounding neighbours. Retaining significant trees is a valuable climate mitigation tool as they support ongoing carbon sequestration, absorb rainwater, reduce surface temperatures, and buffer high winds.

Engagement Matters:

Staff consulted with both corporate legal services and finance as part of this report. Additionally, staff consulted with members of the Tree Trust to learn more about their program offerings.

Conclusion:

The preservation of significant trees is important from an environmental perspective, and it is directly aligned with the Council approved Urban Forest Master Plan. The

Private Tree Bylaw is an effective regulation-based strategy to preserve trees. Incentive based strategies should be considered in future to aid community members to support significant tree retention.

Respectfully submitted,

Steve Robinson

Manager, Urban Forestry

905-335-7777 ext. 6167

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.