

Tree Protection Policy Update

ISSUE

This report provides information on Council Policy No. C09-011, Trees on City Property Policy (Tree Policy), related to the possibility of allowing residents to remove dead, diseased or nuisance trees, as well as an interim update on the upcoming Urban Forestry Management Plan (Forestry Management Plan). Within the Forestry Management Plan, in addition to developing an updated Tree Policy, there will also be a recommendation calling for the development and implementation of a tree protection bylaw to respond to changing conditions and improved municipal tree protection practices.

BACKGROUND

City Council, at its Regular Business Meeting held on June 25 & 26, 2018, resolved that:

“The Administration report on best practices for urban forestry, and the possibility of a policy change that would allow residents to replace dead, diseased, or nuisance city trees in their front or back yard.”

Saskatoon’s urban forest is a crucial asset and a fundamental component of the green infrastructure. The City’s approach to protecting these green assets is guided by Council Policy No. C09-011, Trees on City Property, which has been in effect since April 1989, and last updated in 2010 (see Appendix 1). The policy identifies in general, healthy and sound City trees will not be removed. It further notes that requests to remove or replace trees will be dealt with on their own merit, subject to the criteria within the policy, and only upon explicit written consent of the City. The purpose of the policy is to:

- Affirm that trees on City property are living assets owned and maintained by the City as a legacy for residents and visitors of Saskatoon;
- Protect, preserve, and perpetuate the health, beauty, and safety of Saskatoon’s urban forest for the enjoyment of residents and visitors, present and future; and
- Ensure that all trees on City property are adequately protected from unnecessary or unapproved destruction, loss and damage.

CURRENT STATUS

Replacing Dead, Diseased, or Nuisance Trees

Requests for tree removal/replacement on public property abutting private property are received by Parks Division, Urban Forestry Section. Urban Forestry responds to such requests by applying the Tree Policy. In general, the policy allows for the removal of sick, dying, or hazardous public trees, but does not allow removal or replacement of City trees due to perceived nuisance conditions associated with trees.

For clarity, a public tree is one that has been planted by the City or is on or partly on City property. There are three types of public trees; park trees, boulevard trees and front and

side yards. The most frequent public tree requests concern those that are placed on City property but are in a front yard or side yard.

Best Practices in Urban Forestry

Development of a Forestry Management Plan continues. Work completed to date includes:

1. Identification of best tree protection practices from across Canada.
2. Detailed review of the City's current bylaws, policies, practices and other components of the Urban Forestry program with respect to tree protection.
3. Engagement with a number of residents as well as internal and external stakeholders (ongoing).
4. Detailed canopy mapping to determine the percent of canopy cover throughout Saskatoon.

Appendix 2 compares the City's approach to tree protection with three other Canadian municipalities. The best practices review identified that many cities support tree protection efforts through enforcement of a tree protection bylaw and implementation of a tree protection policy. It also identified that none of the cities in the review allow the removal or replacement of trees due to nuisance issues.

DISCUSSION/ANALYSIS

Replacing Dead, Diseased or Nuisance Trees

The current Tree Policy, has provisions that allow for the removal of dying, dead, or diseased public trees (upon written consent from the City), but does not allow removal and replacement of public trees adjacent to private property due to perceived nuisance conditions that can include:

- leaf, fruit, seed, sap and needle drop;
- root growth;
- shade;
- lack of view;
- insect and bird activity; and
- unattractive growth habits.

Mature established trees provide disproportionately more benefits to the community due to their exponentially greater leaf area. Trees are unique as they appreciate in value over time, as opposed to many other assets, which depreciate with age. Replacing mature trees deemed a nuisance, with young trees results in a disproportionate loss of community benefits, such as:

- environmental benefits, such as, improving air and water quality, cooling the air, buffering from winds, reducing flooding, providing wildlife habitat, and ecosystem connectivity;
- health, social and community benefits, and
- economic benefits, such as, increasing property values, increasing economic activity, reducing energy demand

Administration does not recommend a change to the current Tree Policy that would allow tree removal requests on the basis of a perceived nuisance, due to the following:

- if the tree is not dead, dying or diseased, it is actively contributing ecological and community benefits,
- subjectivity associated with the definition of a nuisance tree condition;
- the potential for additional administrative investigative and adjudication effort; and
- the potential of setting precedent that could result in a significant number of additional requests for tree removals due to perceived nuisance conditions.

Best Practices in Urban Forestry

Initial findings as part of the development of the Forestry Management Plan have identified the need for an updated Tree Protection Policy and the development of a bylaw to strengthen and support the City's living assets.

The Forestry Management Plan will provide a ten-year action plan that is developed through extensive internal and external engagement, data analysis, and an assessment of the current state of the City's urban forest. Within the 2020 Capital Projects, Administration submitted a funded Capital Project 1672, to complete an update on the Tree Protection Policy and develop a Tree Protection Bylaw. This project will:

1. Consider initiatives relating to tree protection, such as, the Strategic Plan, Green Strategy and strategic infill goals;
2. Recognize the environmental, economic, and societal services provided by the trees as an essential component of the City's green infrastructure;
3. Clarify the City's expectation to protect against injury or loss of public trees;
4. Establish procedures for identification and mitigation of potential conflicts between hard infrastructure, development, site alterations and all publicly owned trees; and
5. Outline the process for appraising tree value, and collecting security deposits and compensation.

In short, while the report calls for no changes to the current practice for dealing with requests for the removal of public tree deemed a nuisance by a property owner, when the action plan is presented there will be the opportunity to provide the Administration with direction on how to deal with the issue of protecting public trees while permitting a development to proceed.

NEXT STEPS

The Forestry Management Plan is to be presented to City Council for consideration in late 2019. Pending approval, implementation of the recommended actions will begin.

Capital Project 1672 Tree Protection Policy Update and Bylaw in the amount of \$55,000 will be brought forward for consideration during the 2020/21 Business Plan and Budget

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deliberations. The identified funding source for this project is the Deferred Tree Replacement Account. This project will deliver an updated Tree Protection Policy and associated bylaw to better align tree protection with City priorities.

APPENDICES

1. City Council Policy No. C09-011, Trees on City Property
2. Tree Bylaw and Policy Comparison of Four Municipalities

Report Approval

Written by: Jeannette Wheeler, Superintendent, Urban Forestry & Urban Biological Services

Reviewed by: Darren Crilly, Director of Parks

Approved by: Lynne Lacroix, General Manager, Community Services Department

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