

INFORMATION REPORT

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

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

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Reviewed by: Darren Crilly, Director of Parks

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

Tree Protection Policy Update.docx

CITY OF SASKATOON COUNCIL POLICY

NUMBER
C09-011

POLICY TITLE <i>Trees on City Property</i>	ADOPTED BY: <i>City Council</i>	EFFECTIVE DATE <i>April 10, 1989</i>
		UPDATED TO <i>December 20, 2010</i>
ORIGIN/AUTHORITY <i>Planning and Development Committee Reports 13-1989 and 44-1989; Planning and Operations Committee Report No. 8-2008; and Administrative Report No. 21-2010</i>	CITY FILE NO. <i>CK. 4139-4</i>	PAGE NUMBER <i>1 of 8</i>

1. PURPOSE

To affirm that trees on City Property are “living” assets owned by the City of Saskatoon and maintained as a legacy for the citizens of the City of Saskatoon.

To protect, preserve and perpetuate the health, beauty and safety of the City of Saskatoon’s urban forest for the enjoyment of its citizens, past, present and future.

To ensure that all trees on City Property are adequately protected from unnecessary destruction, loss and damage.

To establish a protocol for responding to requests for tree maintenance or removal of trees that were not planted on City Property and whose main stem is less than 50% on City Property.

2. DEFINITIONS

2.1 City – means the City of Saskatoon.

2.2 City Property – means all land owned, controlled or maintained by the City including parks, boulevards, buffer strips, medians, streets, rights-of-way and natural stands.

2.3 Boulevard – means that portion of a right-of-way that extends from the edge of the street to the property line of the adjacent property, not including the sidewalk.

2.4 Buffer Strip – means City Property set aside for the purpose of providing an aesthetic barrier to act as a buffer between adjacent land uses and prevent through sites.

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- 2.5 Median – means that part of the roadway which divides the lanes of traffic moving in opposite directions, commonly called the centre boulevard, and includes traffic islands, lay-bys and traffic circles.
- 2.6 Natural Stand - means areas on City Property where trees are in their natural state, and includes riverbanks and bluffs.
- 2.7 Pruning – means the removal of specific branches for the purpose of preserving the health and appearance of a tree and for public safety.
- 2.8 Tree or tree – means both trees on City Property that have 50% or more of the main stem on a Boulevard, and includes all parts of the tree, including the roots.
- 2.9 International Society of Arboriculture – means the worldwide professional organization dedicated to fostering a greater awareness of trees and promoting research, technology, and the professional practice of arboriculture.
- 2.10 Agencies – means the Meewasin Valley Authority, and public and private utilities.
- 2.11 Compensation Formula – means the value to be utilized in establishing equitable compensation for damage and/or loss of Trees, and will be based on the current edition of the “*Guide for Establishing Values of Trees and other Plants*” as adopted by the International Society of Arboriculture.
- 2.12 Additional Costs – means all labour, vehicles, equipment, and materials of the City associated with the removal, relocation, pruning and other tree maintenance activities.
- 2.13 Deferred Tree Replacement Account – means an account established to hold funds collected as compensation for tree loss or damage and that will be utilized for the replacement and/or additional tree planting or maintenance in subsequent years.
- 2.14 dbh – means “Diameter at breast height”, the accepted arboriculture method of measuring the diameter of a tree.

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2.15 Straddling Tree – means a tree that is partly on City Property but whose main stem is more than 50% on private property. For the purposes of determining the property line, the City may rely on a surveyor or its own records. With respect to measuring a main stem, the measurement is to be taken at ground level, just above the trunk flare from the midpoint of the tree, perpendicular to the curb. For multi-stem trees, ownership is determined by where the majority of the stems lie, using the same technique. Burls or other growth and/or anomalies are not included in the measurement.

3. IMPLEMENTATION OF THE POLICY

POLICY STATEMENT

All trees situated on City Property will be protected under the provisions of this Policy.

The planting, care and maintenance of trees on City Property will be in accordance with the standards and practices established by the City.

In the case of Straddling Trees, upon receipt of a request for maintenance of a tree that is touching or straddling City Property, the owner will be advised that the tree is privately owned and that the City is prepared to maintain the tree in accordance with City standards and practices provided the owner consents, in writing, to such maintenance and agrees to be bound by the terms of this Policy.

IMPLEMENTATION PROCESS AND PROCEDURE

3.1 Planting - residents may, subject to City approval, plant trees on City Property.

3.2 Recognition of Donations - the City will not allow signage in recognition of the donor of trees planted on City Property except in the case of signage for veterans' memorials.

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3.3 Maintenance and Removal

The City will observe the following priorities when responding to requests from residents, contractors and agencies for the maintenance or removal of trees on City Property:

- Public hazard;
- Interference with overhead utility lines;
- Disease; and
- General tree care.

Trees on City Property may not be removed, pruned, or destroyed in any way, without explicit written consent from the City of Saskatoon, and subject to the following:

- a) Trees will not be pruned, trimmed or removed merely for the purpose of opening up views from private property.
- b) Except for traffic signs or signals or street signs, trees obstructing commercial signs, billboards, or other forms of advertising, will not be pruned, trimmed or removed merely for the purpose of making the commercial sign more visible to the public.
- c) Trees will not be removed for the purpose of relocating driveways or structures unless:
 - i) the tree can be successfully relocated; or
 - ii) the tree can be replaced by one of similar quality; and
 - iii) the replacement or removal costs will be paid by the owner making the request, and such costs will be based on the Compensation Formula and any Additional Costs.

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- d) Requests to remove or replace trees for reasons other than those cited above will be dealt with on their own merit; however, in general:
 - i) trees that are healthy and sound, and over 15cm (6”) dbh will not be removed;
 - ii) trees that are healthy and sound, and less than 15 cm (6”) dbh can be relocated, subject to the Additional Costs; and
 - iii) trees that are not healthy and sound, may be pruned and monitored for health, or removed.

3.4 Protection

The City will expect residents, contractors, agencies and the City working near or carrying on any operation near a tree on City Property to take reasonable precautions to prevent damage to such trees.

- a) The City will seek to hold liable residents, contractors, Agencies and motor vehicle owners or drivers for any loss of or damage to tree(s) on City Property occurring as a consequence of work, operations, deliberate acts, motor vehicle accidents or negligence, and such loss claimed will be an amount based on the Compensation Formula and any Additional Costs.
- b) Residents, contractors and Agencies will be required to adhere to the City’s Tree Protection Guidelines for Construction Sites, attached to this Policy as Schedule “C”.
- c) In the case of an application for demolition, construction, development or building move with respect to property where there are or are likely to be trees on City Property impacted, the applicant will be required, as a condition of any such permit, to acknowledge in writing that the applicant agrees that the appropriate measure for damages to trees on City Property will be based on the Compensation Formula, and further will be obliged to deliver to the City a deposit equal to the total estimated value of the tree(s) on City Property on or near the site, based on the Compensation Formula, plus an amount equal to twenty percent (20%) of the same, and this deposit will be retained as a damage holdback by the Infrastructure Services Department. In the alternative to delivery of the deposit, the applicant may

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provide evidence of insurance to the City naming the City as an additional insured on a comprehensive general liability insurance policy applicable to the work that is to be performed. In the event that trees on City Property are either damaged or destroyed as a result of the work performed, the City will either retain an amount of the deposit or make a claim under the insurance policy equal to the amount of the damages sustained based on the Compensation Formula.

3.5 Straddling Trees

- a) The City will follow the implementation process and procedure set out above, and treat such trees in the same manner as trees on City Property.
- b) In addition, in the case of Straddling Trees the following provisions will apply:
 - i) The owner requesting that the City prune or maintain a Straddling Tree will be advised in writing that the tree is privately owned and that the City is prepared to maintain the tree in accordance with the City's standards and practices provided the owner signs a consent to tree maintenance form, a copy of which is attached to this Policy as Schedule "A";
 - ii) Pruning or maintenance of a Straddling Tree will be scheduled at the City's convenience as part of routine activities in the subject area; and
 - iii) If the Straddling Tree is dead, hazardous or no longer viable to maintain, the City will undertake to remove the tree in accordance with its tree removal schedule for the area.
- c) The value of the tree will be calculated as per Section 4.1 of this policy.

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3.6 Building Moves

All building moves will be required to follow the procedures as outlined in the “Building Move Information and Guidelines” contained in The Building Bylaw, Bylaw No. 7306.

- a) The building mover (contractor) is responsible for all damages to City trees, associated with the move, and all associated costs.
- b) Each applicant for a building move permit will be required to issue a deposit or bond for the total amount of the estimated tree’s value plus twenty percent (20%) for damage holdback, issued to the Infrastructure Services Department.

4. EQUITABLE COMPENSATION FORMULA AND TREE VALUATION

- 4.1 The value to be used in establishing compensation for damage to or loss of a tree on City Property will be based on the then current “Guide for Establishing Values of Trees and Other Plants” adopted by the International Society of Arboriculture. In the case of damage that is repairable, the damage will be appraised and the reduced tree value and/or cost of the repair will be used to determine the Compensation Formula, a copy of which is attached to this Policy as Schedule “B”.
- 4.2
 - a) If an existing tree is 6” or less in diameter, the cost per tree to move it to an alternate location is approximately \$500, however, actual cost of labour, equipment and materials will be charged after completion of the work.
 - b) If a tree is larger than 6” in diameter and requires cutting down, the cost is approximately \$1,500 (including labour, equipment and materials), however, actual cost will be charged after completion of the work.
 - c) If the tree is replaced at the same or an alternate location, the cost of a new tree is \$310, plus labour, equipment and materials for staking, mulching and watering, ranging from approximately \$110 to \$200, depending on location and bid price, however, actual cost will be charged after completion of work.

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5. DEFERRED TREE REPLACEMENT ACCOUNT

- 5.1 The City will establish a fund to retain any monies received for compensation with respect to trees on City Property and the fund will be utilized for the purposes of tree replacement or enhancement of the urban forest.

6. RESPONSIBILITIES

6.1 Infrastructure Services Department

- a) Establish technical standards and practices pertaining to the planting, care and maintenance of trees on City Property.
- b) Administer the provisions of this Policy.

6.2 City Council

- a) Consider and, where appropriate, approve amendments to this Policy.

6.3 The City of Saskatoon

- a) Consider and, where appropriate, reimburse all costs associated with the cutting down and/or replacement of each tree that is affected by all projects initiated by the City of Saskatoon, with all costs being charged to the appropriate Capital or Operating Budget.

SCHEDULE "A" TO POLICY C09-011



Urban Forestry

**CONSENT TO TREE MAINTENANCE FOR BOUNDARY LINE (STRADDLING)
STREET TREES**

I/We, _____ am/are the registered owner of
(please print name)

(please print address including postal code)

in the City of Saskatoon and, as such, I/we request the City of Saskatoon (the City) to provide maintenance of the tree(s) located on my property, on the border of the road allowance, as described below.

I/we agree that any maintenance service provided by the City shall be in accordance with the current policy and practice of the City.

I/we understand and agree that the City shall not be liable for any claims whatsoever in respect of the tree(s) and I/we hereby agree to save harmless and fully indemnify the city, its successors and assigns, from and against all actions, claims and demands whatsoever which may be brought against or made upon the City arising out of the City's performance or non-performance of the tree maintenance services described below.

I/we agree that for a period of 3 years from the date of maintenance to neither prune, nor remove the tree(s) without prior written authorization from the City of Saskatoon, Urban Forestry. I/we understand that I/we will be responsible for paying the cost of the city work if the terms of this agreement are violated

Owners Signature

Owners Signature

Witness

Date: _____

For City Use Only

TREE ID	POS	SPECIES	DBH	OWN	MNT	Location Detail

SCHEDULE "B" TO POLICY C09-011

Trunk Formula Method Worksheet*

Case # _____ Property: _____ Date: _____

Appraiser(s): _____

Field Observations

1. Species: _____ Cell# _____
2. Condition: _____
3. Trunk Circumference: _____ in/cm Diameter: _____ in/cm
4. Location % = Site _____ Contribution _____ Placement _____ $\div 3 =$ _____

Regional Plant Appraisal Committee and/or Appraiser-Developed or - Modified Information

5. Species rating: _____
6. Replacement Tree Size (diameter) _____ in/cm
(Trunk Area) _____ in^2/cm^2 TA_R
7. Replacement Tree Cost _____
(see Regional Information to use Cost selected)
8. Installation Cost \$ -
9. Installed Tree Cost \$ -
10. Unit Tree Cost _____ per in^2/cm^2
(see Regional Information to use Cost selected)

Calculations by Appraiser using Field and Regional Information

11. Appraised Trunk Area:
(TA_A or ATA_A ; use Tables 4.4-4.7)
or c^2 (#3) _____ x 0.08 _____ 0 in^2/cm^2
or d^2 (#3) _____ x 0.785 _____
12. Appraised Tree Trunk Increase (TA_{INCR})
(TA_{INCR}) = TA_A or ATA_A _____ in^2/cm^2 - TA_R _____ 0 in^2/cm^2 = _____ in^2/cm^2
13. Basic Tree Cost =
 TA_{INCR} _____ in^2/cm^2 x Unit Tree Cost \$ - per in^2/cm^2 + Installed Tree Cost = \$ -
= \$ -
14. Appraised Value =
Basic Tree Cost \$ _____ x Species Rating 0% x Condition 0% x Location 0%
= \$ -

15. If the Appraised Value is \$5,000 or more, round it to the nearest \$100; if it is less, round to the nearest \$10

16. Appraised Value = \$ -

Items 5 through 10 are determined by the Regional Plant Appraisal Committee. The Wholesale Replacement Tree Cost, the Retail Replacement Tree Cost, or the Installed Tree Cost (#9) divided by the Replacement Tree Size (#6) can be used for the Unit Tree Cost (#10), or it can be set by the Regional Plant Appraisal Committee.

* Developed by The Council of Tree & Landscape Appraisers and Endorsed by the International Society of Arboriculture (ISA)

SCHEDULE C TO POLICY C09-011

Preventing tree damage in a construction zone

Equipment and vehicles can injure tree trunks, break branches, tear bark or damage roots. Construction damage may result in reducing the value of the tree or lead to the decline and death of a tree.

The purpose of these guidelines is to reduce the number of trees which are unnecessarily damaged or removed as a result of any construction activities.

Anyone failing to adhere to the tree protection policies and guidelines will be financially responsible for any resulting damage to trees. Restitution for damages to City trees will be assessed on the value of the plant material as well as the cost of any removal or repairs.

Any unauthorized excavations, removal, relocation, pruning, or damage in part or whole of existing trees adjacent to your work site is not allowed and may result in a fine or penalty that may be imposed under this policy.

1. Plan ahead

Prior to proceeding with any construction near City trees, a city arborist must be contacted.

2. Protective fencing and hoarding

A protective barrier or fencing will be required to keep vehicles and equipment away from trees.

For trees within 3-5 meters of construction, place a standard snow fence at the farthest possible distance from the tree(s).

For trees within 1-3 meters of construction, use 12.5 mm (1/2") thick plywood sheeting, 1220 mm (48") in height, enclosing tree(s) at the farthest possible distance from trees.

For trees within 1 meter of construction, use 39 X 89 X 2400 mm (2" X 4" by 8' long) boards secured vertically at 300 mm (12") intervals around the tree trunk with strapping or an equivalent method of securing the boards.

Tree Protection barriers are to be erected prior to the commencement of any construction or grading activities and are to remain in place throughout the entire duration of the project.

3. Protecting tree roots

Severing major tree roots impact both the health and stability of a tree. The critical root zone area is within the drip line of the tree.

SCHEDULE C TO POLICY C09-011

Preventing tree damage in a construction zone

4. Do not pile or leave fill near the tree trunk

Most roots are located in the upper 30 cm of the soil, piling soil over them or changing the grade near an established tree will reduce water infiltration and air exchange around the roots.

5. Digging around trees

Excavations within 3.0 meters of a tree:

You will only be permitted to excavate on one side of the tree.

All exposed roots must be pruned with a sharp pruning tool to provide a clean severance of the root.

Exposed roots must be protected from drying out during construction by placing a tarp over the excavation wall during construction.

Backfill around the roots as soon as possible.

Excavations beyond 3.0 meters of a City tree:

Excavations beyond 3.0 meters of a tree, roots are to be backfilled around the roots as soon as possible to prevent any exposed roots from drying out.

6. Prevent compaction under the drip line of a tree

No grade changes, storage of materials or equipment is permitted within the critical root zone area of a tree.

To prevent compaction of the root zone, a wood chip mulch 15 cm (6") in depth within the root zone of the tree and 10 cm (4") away from the trunk is required.

7. Water

Adequate water over the entire root zone is required during and after construction.

If the soil in the root zone has been compacted, aeration to improve conditions for oxygen supply and water uptake by the roots is required. Holes drilled throughout the root zone to a depth should be at least 30 cm deep.

8. Tree Removal and Relocation

Any requests for removal, cutting, pruning, or relocating a tree must be approved by the Parks Manager.

Tree Bylaw and Policy Comparison of Four Municipalities

Municipality	Regina	Edmonton	Oakville	Saskatoon
Tree Policy	Yes (2 policies Tree Protection & Tree Removal)	Yes	Yes	Yes
Tree Bylaw	Yes	No	Yes	No
Tree Protection is Part of Plan Review	Yes	Yes	Yes	Yes
Permit System	Yes	Yes	Yes (3 part system)	Yes
Education & Outreach	Yes	Yes	Yes	No
Guideline for Tree Evaluation	Yes	Yes	Yes	Yes
Incentives for Preservation	N/A	Yes	N/A	N/A
Tree Removal for Nuisance, Construction, staging or Aesthetic	No	No	No	No
Tree Valuation (Based on International Society of Arboriculture Standards)	Yes	Yes	Yes	Yes