Tree Protection Process Amendments

ISSUE
Trees are living infrastructure that increase in value over time. Due to normal physiological functions, trees drop leaves, needles, small branches, fruit, sap, cast shade, and have root systems that do not recognize property lines. A small number of requests are made each year to remove public trees from road allowances where the adjacent property owners believe the tree is creating significant nuisance. This report proposes amendments to existing policy to improve service levels in cases of demonstrated nuisance from public trees (trees).

RECOMMENDATION
That the Standing Policy on Environment, Utilities and Corporate Services recommend to City Council that the proposed process for significant nuisance and tree replacement for public trees be further developed and incorporated within Capital Project No.1672 - Tree Protection Policy Update and Bylaw.

BACKGROUND
At its June 25, 2018 meeting, City Council resolved:

> "that 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."

In response, City Council received a Tree Protection Policy Update report in September 2019 (Appendix 1). This report provided City Council with information on Council Policy No. C09-011, Trees on City Property Policy (Tree Policy), related to the possibility of allowing residents to request the removal of dead, diseased or nuisance trees, as well as an interim update on the upcoming Urban Forestry Management Plan (UFMP). The report did not recommend a change to the current Tree Policy that would allow tree removal requests on the basis of a perceived nuisance.

At its September 30, 2019 meeting, City Council resolved:

> "That the Administration bring a report that allows residents, in some cases, to replace nuisance City of Saskatoon trees in their yard (on city right-of-way) for specific reasons such as: stunted growth, lack of leaves, unhealthy appearance, excessive sap discharge, or property damage including evaluation of environmental value of any trees to be removed."

DISCUSSION/ANALYSIS
Saskatoon's Urban Forest is a valuable component of the City's green infrastructure, contributing to a high quality of life for residents. The current estimated value of Saskatoon's 110,000 public trees is approximately $532,000,000. Similar to most medium to large size municipalities, the City's tree protection policy prioritizes protection

and preservation by limiting conditions that allow public tree removal to occur. As noted in the September 2019 report, trees provide numerous environmental, ecological, economic, social and community benefits.

Arborists employed by the City are certified by the International Society for Arboriculture (ISA) and Tree Risk Assessment Qualifications (TRAQ). This combined certification includes specific training and education on the art and science of tree planting, health, and maintenance and basic tree risk assessment. This training and education is internationally recognized and provides the City's Arborists with the expertise necessary to accurately assess and determine the health, valuation and stability of public trees. This information is often detailed within tree condition assessment(s) and is recognized by legal proceedings when required.

Tree Protection Policy Current Application
Current policy allows removal of trees that are considered public hazards, interfering with utility lines, or are either dead or dying. The policy does not include a formal tree removal and replacement application process for residents who believe a public tree is causing a significant nuisance.

On average, approximately 68 calls requesting public removal have been received over the last three seasons. The majority of requests are managed by providing information on how the issues will be mitigated or that the tree will be pruned in the next few months, as part of the normal pruning cycle.

When requests for service are received regarding issues such as leaf/fruit drop, pests, residents are provided with contact numbers for cost effective agencies that can provide a level of service to those not able to perform required maintenance work themselves. Parks staff prune trees in specific cases to improve accessibility and to ensure clearance standards are met.

Proposed Amendments
The sections below illustrate the implications of allowing tree replacement based on particular concerns that rise to a level of significant nuisance. Proposed amendments to the current process are outlined.

Stunted Growth, Lack of Leaves, Non-Invasive Pests, Excessive Shade, and Unhealthy Appearance
Parks staff determines tree condition by applying the accepted ISA *Tree Risk Assessment Qualification (TRAQ)*. TRAQ is a technical process that requires experience, judgement and science based training. Tree risk focuses on the likelihood of failure and nearby proximity value of targets caused by loss of roots and/or leaves, broken branches and or disease. As such, due to the subjectivity involved, stunted growth, non-invasive pests, lack of leaves, and excessive shade are not defined as suitable reasons for replacement. For these types of conditions, Urban Forestry would conduct an inspection to attempt to resolve any concerns through regular tree maintenance methods. During routine inspections, trees with excessive dieback that

indicate irrecoverable decline or TRAQ inspections that indicate a high risk of failure would result in removal and replacement of the tree. The existing Policy restricts removal/replacement of trees that are structurally sound and healthy; it is proposed this provision remains in place.

To address other concerns, a process has been developed that considers significant nuisance as a criteria for Public Tree Replacement.

Recommended Process in Cases of Significant Nuisance
To gain a more in-depth understanding of each unique situation and have a more comprehensive approach to working with residents reporting nuisance trees, the following process is proposed for cases of significant nuisance:

1. In cases where a resident has a non-hazardous concern, a resident would contact the Parks Division directly for information.

2. An ISA certified arborist trained in TRAQ would conduct an inspection. City staff would meet the applicant, and inspect the tree, providing an opportunity for the resident to discuss concerns regarding the tree(s).

3. Unique and situation-specific aspects of the property and the applicant would be investigated to determine if the nuisance is significant.

4. If tree maintenance or relocation can mitigate the applicant's concerns without compromising health of the tree, the work would be scheduled by Urban Forestry to occur in a timely manner.

If the initial steps outlined above do not alleviate the applicant's concerns, further steps are proposed:

5. The applicant submits a written request to the Director of Parks (or designate) for Public Tree Replacement, with an estimated fee of $100 to pay for administrative costs and further inspections.

6. The request will include background, justification, pictures, and need for removal of the public tree. The City will provide a tree condition and valuation report completed by a staff ISA arborist; inclusion of a third-party ISA arborist report can be included if the applicant so wishes. Costs of private inspection(s) would be paid for by the applicant.

7. Tree removal and replacement is considered a last resort – opportunities to mitigate concerns while preserving the tree will be discussed directly with the applicant. Any historical, community, or environmental value of the tree should be part of the adjudication.

8. Prior to considering tree replacement, all other options to alleviate the issue will be examined, including branch and root pruning.

9. At this time the tree would be appraised for monetary value and the applicant would be notified.

10. All information gathered will be provided to the Director of Parks (or designate) for a decision. Removal will be permitted if the tree is causing significant nuisance for the applicant and all tree preservation options have

been considered. Removal will not be permitted for the reasons below as these do not meet the threshold of significant nuisance:

- Provides too much shade;
- Obstructs a view;
- Stunted growth;
- Lack of leaves;
- Unhealthy appearance;
- Conditions associated with non-invasive pest infestation;
- Attracts birds; and/or
- Prevents alternative landscaping of a property.

11. If a significant nuisance is demonstrated and the applicant wishes to move ahead with removal, a notice would be placed on the tree for a period of two weeks and be mailed to adjacent property owners, including across any roadway. The notice will be the official notification of pending removal and replacement at nearby locations. Based on feedback and all other factors of the application, the Director will confirm or adjust the decision.

12. In cases of denial, the applicant may appeal the decision to the General Manager, Community Services Department.

13. In all cases, the applicant would be required to compensate for the value of the tree as calculated using the ISA formula and costs of removal. Funds received would be used to replant on or near the site followed by the nearest suitable location(s).

14. If approved, once the fee is paid, tree removal and replacement plantings will be scheduled.

How Trees are Valued
The City follows accepted standards for tree valuation contained in the ISA *Guide on Plant Appraisal*, with work performed by ISA certified arborists. Calculated using the ISA standard formula (Appendix 1), value ranges from $12,000-$30,000 for established trees, but can vary depending on specific conditions. The tree valuation formula is applied in cases of vandalism, infill development, unauthorized removal, and for SGI claims.

Trees are pruned on a seven-year cycle for structure and health. When performing work in response to citizen requests, priority is placed on trees which pose a public hazard, interference with traffic lights, signs, and/or disease. For calls related to safety, the tree is inspected for hazards, and signs of disease, including unsafe branch attachments. Pruning or removal activities (in the case of a dead or dying tree) would be provided if deemed necessary.

Environmental Value
The ISA tree valuation formula does not specifically consider environmental value. The upcoming Urban Forestry Management Plan contains analysis on estimated tree value in terms of carbon and pollution sequestration, including an estimated value for an average mature tree.

In the Public Tree Replacement process outlined above, it is proposed that estimated environmental costs are not directly added to the ISA tree valuation due to:

- the subjectivity involved of estimating environmental value for specific, individual trees;
- adding this cost will likely make tree replacement cost prohibitive for mature trees; and
- numerous trees will be replanted to compensate for a removed tree.

It is proposed that during the application process, the Director (or designate) considers the impact of carbon sequestration and environmental value of the tree, including a discussion with the applicant on the environmental value and impact of removal.

FINANCIAL IMPLICATIONS
Amendments to the process are proposed to be offered on a cost recovery basis. In the past three years, an average of 68 requests to the Parks Division have been received regarding nuisance associated with adjacent trees. As such, the estimated requests and impacts on staff are expected to be minimal and not affect current service levels; however, it should be noted that this is difficult to estimate. With a cost recovery model, any additional staff required would be paid for by the applicants with no impact on the mill rate.

OTHER IMPLICATIONS
When large public trees are replaced, environmental implications include tree loss and the benefits they provide, such as loss of shade, increased storm water impact, impact to the character of the neighbourhood, and potential for reduced property value. While any trees removed would be replaced, there would be a loss in environmental, social and economic benefits. An increase in tree removal requests may also be experienced.

NEXT STEPS
If the proposed amendment are approved, the Administration would draft amendments to the Policy and bring them forward as part of the Urban Forestry Management Plan actions.

APPENDICES
1.   September 9, 2019 Report – Tree Protection Policy Update – EUCS Committee

Report Approval
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