

Nuisance Tree Replacement Policy Amendments

ISSUE

The current Council Policy, C09-011, Trees on City Property, provides a protocol for responding to requests for the maintenance or removal of a City of Saskatoon (City) tree. City Council has subsequently requested consideration for policy amendments related to removal and replacement of nuisance trees. This report provides the suggested policy amendment options related to nuisance trees, for review and consideration.

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 (see Appendix 1). This report provided City Council with information on City 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.”

In response, City Council received a Tree Protection Process Amendment Report on April 6, 2020 (Appendix 2). The report recommended defining nuisance trees, a process to request removal, and that applicants be required to compensate for the value of the removed tree based on the International Society for Arboriculture (ISA) valuation method.

At the Regular Business Meeting of City Council held on April 27, 2020, Councillor Donauer provided the following Notice of Motion:

"Concerning the April 6, 2020 report on the Tree Protection Process Amendments and the Council directions dated June 25, 2018 and

September 30, 2019, that the Administration bring a report with policy amendments as follows:

1. To allow for replacement of nuisance trees;
2. To make the process easier and less prohibitive for residents;
3. To take into account the value of replacement trees and enable residents to donate the planting of new trees to ensure a healthy urban forest; and
4. That the City bear the cost of removal, as the nuisance is created by our tree."

Public engagement has not occurred directly on the topic of nuisance trees; however, related discussions regarding the overall protection, maintenance and growth of the urban forest have occurred in the past year on the UFMP.

City of Saskatoon's Current Approach

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

Approximately 68 calls are received annually, requesting the removal of public trees (average over the last three seasons). The majority of requests are managed by providing information on how the nuisance tree 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 nuisance tree issues, such as leaf/fruit drop, pests, residents are provided with contact numbers for agencies that can provide a level of service to those not able to perform the required maintenance work themselves. Further to this, Parks staff prune trees in specific cases to improve accessibility and to ensure clearance standards are met.

Approaches in Other Jurisdictions

Winnipeg, MB; Edmonton, AB; and Prince Albert, SK, do not allow for the removal of public trees in nuisance situations. They do however, allow for removal of public trees only if they are dead, diseased, or dying; if safety is affected; and for infill and construction projects. Calgary, AB, and Regina, SK, consider nuisance tree removals only in extenuating circumstances at the Director's approval.

Cities such as Calgary, AB; Victoria, BC; Vaughan, ON; and Kingston, ON, use replacement cost per tree varying from \$565-\$700 per tree; in addition, the ratio of trees to be replaced can be based on the diameter at breast height of the tree being removed, with larger trees requiring up to four replacement trees, paid for by the applicant.

OPTIONS

Regardless of the option chosen, the process is proposed to follow these principles:

- a) Maintain simplicity;
- b) Ensure cost fairness;
- c) Validate legitimacy of nuisance tree applications; and
- d) Promote the integrity of the urban forest.

Each option will follow the initial process outlined below:

1. The applicant is to fill out the Public Tree Replacement Application Form, which will be available online. The applicant outlines evidence of nuisance, including pictures, background, and any other applicable information.
2. The Urban Forestry Staff will contact the applicant and conduct an inspection of the tree within seven business days. The focus of the initial inspection and discussion will be on mitigation and other available solutions (pruning, root removal, etc.). There is no additional cost to the applicant for this inspection.
3. Direct communication, education, and collaboration with the applicant is the main focus of this initial phase.
4. All information gathered will be provided to the Director of Parks (or designate) for a decision. In addition to nuisance factors, historic, environmental, and other intrinsic values of the tree will be considered and discussed with the applicant.
5. Removal will be permitted if the tree is causing significant nuisance for the applicant and all tree preservation options have been exhausted.
6. If a significant nuisance is demonstrated and the applicant wishes to move ahead with removal, the City would undertake to place a notice 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 the pending removal of the nuisance tree and the replacement of a new tree(s) at feasible nearby locations.
7. Based on feedback and all other factors of the application, the Director will confirm or adjust the decision.
6. In cases of denial, the applicant may appeal the decision to the General Manager, Community Services Department.
7. If the application is approved, the tree will be scheduled for removal.
8. Stumping will be scheduled as soon as feasible – standard service levels are within two years; if the applicant contributes to removal of the tree, stumping would be expedited – within six months.
9. On occasion, replanting in close proximity may not be possible due to space constraints or utility conflicts. If there are no sites to plant new trees within close proximity or within the neighbourhood where the tree was removed, trees will be added in other suitable planting locations throughout the city.

10. The option for the applicant to donate trees is not recommended, in order to preserve the integrity of species diversity, to maintain pest resistance in the urban forest, to simplify the supply chain, and to preserve the City's bulk purchasing power.

The City's Cost to Remove and Replace Trees

Average total costs for the City of Saskatoon, inclusive of labour, equipment, hauling, and overhead, are outlined below. Market prices for tree removal have fluctuated in recent years, and the costs below are an estimate based on data from Urban Forestry.

Tree removal can be broken down by size of the diameter at breast height; for reference, a 50-60 year old boulevard tree could have a 45-50 cm diameter at breast height (dbh). The number of replacement trees required based on size is a simplified way of accounting for the environmental and community benefits of the removed tree; this specific model is used in some other Canadian cities.

Previous reports discussed the application of the International Society for Arboriculture (ISA) valuation method, which establishes a price of \$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, and this will continue to be the case. The ISA appraisal formula includes the City's cost for purchasing, planting, and establishing a replacement tree, and the economic, aesthetic, and environmental value inherent to the tree. Throughout this report, it is proposed that the ISA formula not be considered for nuisance tree situations.

The costs outlined in this report are the direct costs for the City, which vary based on species and site-specific situations. Approximate removal, stump grinding, and replanting costs are:

Diameter at breast height (dbh)	Cost for Removal and Stump Grinding	Number of Replacement Trees Required (\$700 each)
<15cm	\$750 (relocation of tree – grinding not required)	0
15-30cm	\$2,500	1
30-45cm	\$3,500	2
45-70cm	\$6,000	3
>70cm	\$7,500	4

Tree Replacement and Maintenance – Total average cost per tree, to purchase, plant, and establishment watering of a new tree for three years	\$700
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The options below complete the process.

Option 1 – Applicant-Paid Nuisance Tree Removal and Replacement Costs

- **Estimated Costs for the Applicant:** \$750 – \$7,500 for each removal (depending on tree size) plus \$700 – \$2,800 for Tree Replacement and Maintenance (depending on number of replacement trees required)
- **Estimated Costs for the City:** \$0

Under this option, if the application is approved, the Applicant absorbs the cost of nuisance tree removal, stumping, and required planting and establishment of replacement trees based on the size of the nuisance tree being removed.

Advantages:

- Operating budget impact minimized;
- Is in line with current policy for tree removal for other reasons, including infill and redevelopment projects; and
- Cost partially reflects the value of large public trees.

Disadvantages:

- Substantial costs to the applicant – ranging from \$750 for the smallest size trees up to a maximum of \$10,300 for largest size trees; and
- If an applicant is unable/unwilling to pay, nuisance trees impacting quality of life may remain.

Option 2 – 50% Cost Sharing for Nuisance Tree Removal and Replacement

- **Estimated Costs for Applicant:** \$375 – \$3,750 for each removal, plus \$350 – \$1,400 for Tree Replacement and Maintenance
- **Estimated Costs for the City:** \$375 – \$3,750 for each removal, plus \$350 – \$1,400 for Tree Replacement and Maintenance

Under this option, the direct costs for tree removal and replacement are shared equally between the applicant and the City.

Advantages:

- Reduces financial cost for the applicant compared to other methods, such as a full ISA valuation;
- More in line with similar City policies, such as 40% applicant-paid, 60% City-paid cost sharing for lead line replacement; and
- Lower cost allows a nuisance to be mitigated before it becomes a larger issue.

Disadvantages:

- Applicants required to pay in the range of \$375 for the small trees up to \$5,150 for removal of very large, mature trees;

- Direct budget impact – variable and dependent on volume of applications and size of trees remove; and
- Potential negative impact to the urban canopy and reduced environmental benefits over time if a large volume of requests are approved.

Option 3 – Applicant-Required Tree Replacement and Maintenance Costs based on Removed Nuisance Tree Size. City covers cost of removal and stumping.

- **Estimated Costs for Applicant:** \$700 – \$2,800 for Tree Replacement and Maintenance (depending on number of replacement trees required)
- **Estimated Costs for the City:** \$750 – \$7,500 for each removal

Under this option, the City covers the cost of nuisance tree removal and stump grinding, and the applicant is required to pay for new replacement trees and maintenance based on the tree size. For example, a 45-70cm dbh tree would require the applicant to pay for three new trees, at a cost of \$700 per tree (\$2,100), while the City's cost would be \$6,000.

Advantages:

- Lower costs for the applicant – \$700-\$2,800 based on the size of the nuisance tree.
- Applicant does not pay for the removal of the nuisance tree.
- Allows a nuisance to be mitigated before it becomes a larger issue.

Disadvantages:

- The City is responsible for a large portion of costs.
- Direct budget impact – variable and dependent on volume of applications and size of trees removed; and
- Potential negative impact to the urban canopy and reduced environmental benefits over time if a large volume of requests are approved.

Option 4 – City-paid Removal and Replacement of Nuisance Trees and Optional Purchase of Tree Replacement and Maintenance

- **Estimated Costs for Applicant:** \$0
- **Estimated Costs for the City:** \$750 – \$7,500 for each removal, plus \$700 – \$2,800 for Tree Replacement and Maintenance

Under this option, the City absorbs the full cost of nuisance tree removal and replacement based on the tree size. Tree replacement will be discussed with the applicant; benefits of replacement, including environmental benefits, will be outlined. It will be recommended that the applicant contribute to tree replacement for a minimum of one tree, with the option to purchase additional trees at the cost of \$700 each.

Additional operating budget to conduct this service will be required, and there would be a potential impact on service levels for tree pruning and maintenance as staff time would be diverted away from maintaining current service levels.

Advantages:

- Resident's ability to pay does not factor into removal of the nuisance tree.
- The contribution to cover the cost of a replacement tree is optional.

Disadvantages:

- Direct budget impact – variable and dependent on volume of applications and size of trees removed;
- Potential higher application rate due to no cost for the applicant;
- Potential larger impact on current Urban Forestry service levels; and
- Potential negative impact to the urban canopy and reduced environmental benefits over time if a large volume of requests are approved.

RECOMMENDATION

That Option 2 – 50% Cost Sharing for Nuisance Tree Removal and Replacement, be approved, and Council Policy C09-011, *Trees on City Property*, be amended as necessary.

RATIONALE

The Administration recommends Option 2 – 50% Cost Sharing for Nuisance Tree Removal and Replacement. The rationale is that this approach:

- a) Reduces financial cost for the applicant compared to other methods, such as a full ISA valuation;
- b) Is more in line with other policies, such as 40%-60% cost sharing for lead line replacement;
- c) Balances costs between the applicant and the City; and
- d) Minimizes budget impacts.

Overall, Option 2 maintains a straightforward process, balances costs for applicants and the operating budget, and maintains the integrity of the urban forest.

FINANCIAL IMPLICATIONS

Financial implications are dependent on the option chosen, the volume of approved requests, and the size of removed trees. For any options involving costs to the City, an additional budget allocation will be required. Currently, approximately 40% of the current tree inventory is 15cm or less, and approximately 30% is within the 15-45cm size ranges. It can be assumed that most requests will be within the larger size, as smaller trees can be more easily moved if they are considered a nuisance.

As such, if the average size tree requested for removal due to nuisance is typically 15-30 cm dbh, for each nuisance tree request the full cost for removal, stumping and replacement tree(s) would be \$3,200. As noted earlier, on average we receive 60 to 70 nuisance tree requests per year, and the majority are typically resolved through other mitigation measures. If one quarter of all requests did require removal and replacement, the total costs would be approximately \$55,000 per year. If up to one-half of the requests for removal of nuisance trees were required, the total annual costs

would be approximately \$110,000 per year. If nuisance tree removal requests were to fall into the larger tree size of 30-45cm dbh, then costs would increase to approximately \$85,000 if one quarter of requests are approved, and approximately \$170,000 if one half are approved.

Therefore using the 15-30cm dbh approximation for financial implications, under Option 1, there would be no financial implications. Under Option 2 - 50% cost share, the financial implications to the City would range from approximately \$27,500 to \$55,000 per year. Under Option 3 - City covers costs of removal and stumping, the financial implications to the City would range from approximately \$44,000 to \$85,000. Under Option 4 – the City covers 100% of all costs, the financial implications to the City would range from \$55,000 to \$110,000 annually.

POLICY IMPLICATIONS

The options outlined above will necessitate changes to the Tree Policy, which provides a protocol for responding to requests for the maintenance or removal of a City tree. Specifically, it is proposed that a “Nuisance Trees Exception” be added to the Tree Policy and that this exception does not follow the ISA valuation formula set out in Section 4.1 of the Tree Policy. Specific amendments will depend on the option chosen.

ADDITIONAL IMPLICATIONS/CONSIDERATIONS

Depending on the volume of nuisance trees removed, there are potential impacts to the urban forest in terms of aesthetics and loss of environmental benefits.

COMMUNICATION ACTIVITIES

Any changes to the process for nuisance trees will be communicated to citizens through our available channels and reflected on the City’s website. The City will also place notices on trees scheduled for removal.

APPENDIX

1. Tree Protection Policy Update Report, dated September 9, 2019
2. Tree Protection Process Amendment Report, dated April 6, 2020

Report Approval

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