

CITY TREE PROTECTION BYLAW:

At the Planning and Environment Committee on February 2, 2015 (agenda item 9), City of London staff submitted a proposed “City Tree Protection Bylaw” to replace the current “Boulevard Tree Protection Bylaw”, reflecting an interest in protecting all City-owned trees, regardless of whether they fall within boulevards or not.

In addition to the expanded scope, many of the proposed revisions included in the most recent draft for the City Tree Protection Bylaw constitute a significant step forward for protection of City-owned trees in our community, particularly with regards to tree valuation.

At the Feb. 2, 2015 meeting, the by-law was referred back to the Civic Administration for consideration of the comments made at the public participation meeting. Of the four verbal presentations made, Dean Sheppard of ReForest London spoke in support of the by-law; Jim Kennedy of the London Development Institute spoke generally in favour, but noted that LDI would have liked the consultation phase to have been a bit longer; Maureen Temme made notes concerning the need for more public discussion before cutting takes place and some concerns she had regarding the cost of some of the fees to residents; and Gabor Sass requested that the planting of trees in boulevards and on City land be made easier.

Mr. Sass’ request to make planting easier received particular interest from councillors, but a review of the proposed by-law shows that the only requirement of residents wishing to plant on City land is that they receive permission from staff before doing so (sec. 3.1). Given that poor planting choices could potentially lead to safety issues (if small-stature trees are planted immediately in front of key traffic signage), maintenance issues (if a species which has limbs which break easily is planted, creating extra cost for the City) or negative environmental impacts (if invasive species are planted), the current by-law wording seems to already be the bare minimum that we would recommend be used.

Should there be ideas for how to make it easier for residents to plant trees on City land (for example, an online request form or a public workshop on how to plant in parks), these could be developed outside of the by-law itself.

On further inquiry from TFAC regarding how to make planting in boulevards easier, staff explained that the vast majority of requests they get from citizens to plant trees in boulevards are *not* actually for infill, but for planting in new subdivisions where the current planting process (that tree planting is not conducted until the subdivision is assumed means that residents can go for several years without having trees along the roadway. In addition to the impact on residents, this delay in planting trees on what will inevitably be City-owned land and streetscape has a negative impact on canopy cover, as trees planted today will have more of an impact on London’s canopy than trees planted tomorrow.

Craig Linton, LDI’s representation on TFAC, has consulted with London’s development community on this issue and confirmed that they would be happy to have trees planted sooner in subdivisions under development, with two plantings (one at 50% build-out on streets where the homes are already sold and occupied and one once all homes are completed) being proposed. This idea was anticipated by the Urban Forest Strategy, which included the following strategic action:

“2.8 Apply existing guidelines to plant new subdivisions in phases prior to assumption so that tree planting can occur in a timelier manner before the last phase of development is finished.”

Therefore, it is recommended that:

- 1) The City Tree Protection Bylaw be approved (and the current Boulevard Tree Protection Bylaw be repealed);
- 2) Civic Administration be requested to collaborate with the London development community to develop and implement a process through which some street trees can be planted part-way through the development process on streets which are already “move in ready”, so as to get trees into the community faster and while substantially reducing the number of individual requests for tree planting in new subdivisions coming into City staff.

Table 1: A comparison of the main differences between the existing Boulevard Tree Protection By-law P.-69 and proposed City Tree Protection By-law (*excerpt from the Feb. 2, 2015 PEC Agenda*)

Existing Boulevard Tree Protection By-law P.-69	Proposed City Tree Protection By-law
Protect City-owned trees in a boulevard	Protect City-owned trees on any public property, including City Boards and Commissions, but not including lands that are Parks (Parks are covered by a separate Bylaw)
Administered and enforced by the General Manager of Environmental and Engineering Services and any employee acting under his/her direction	Administered and enforced by the Managing Director, Planning and City Planner or his/her designate, or enforced by an officer appointed by Council
Silent with regard to criteria for assisting the General Manager in his/her decision to allow, or refuse to allow, a tree to be planted or removed by request of a third party (consensual removal)	Sets out criteria for assisting the Managing Director in his/her decision to allow, or refuse to allow, a tree to be planted or removed by request of a third party (consensual removal). Criteria are based on values of public interest (wildlife, environmental, social, heritage, etc.)
No exemptions	Exemptions: Emergency work; temporary attachment of objects, where the Managing Director has approved
No set fines, therefore no Part 1 Offence Notices ("tickets") may be issued	Introduce set fines to enable issuance of Part 1 Offence Notices ("tickets")
Schedule B: Set fees for tree removal range from \$500 to \$3,300	Tree removal fees shall remain the same, ranging from \$500 to \$3,300 per tree but are in addition to the appraised asset value that shall be an additional fee
No consensual removal application process defined	Application process defined for injury, destruction or removal of a tree at request of a third party; requires an arborist report and tree appraisal to be submitted by the person making the request, for approval by City staff
Too many defined terms e.g "trim"; "prune"; "cut"; "topping"; "deface"	Simplification of defined terms e.g "injury" includes cutting, pruning, trimming, topping, defacing, etc.
No discretion to avoid charging of fees for consensual removal requests	Discretion where a tree is discovered to be a significant hazard to the public and its removal would be necessary