



# REQUEST FOR DECISION

Meeting: April 19th 2021

Agenda Item: 5.5

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## Public Tree Management Bylaw

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### PURPOSE:

In 2019 discussions with Council and Committee, it became clear that the current Public Tree Protection Bylaw needed to be re-worked to become an effective regulatory and management tool for the community. The goal of the proposed bylaw is to try and comprehensively address:

- Public Tree protection and enforcement of regulations with penalties;
- A clear process for the public and stakeholders to request the removal or modification of a public tree under a variety of reasonable circumstances;
- Retention of a transparent and accountable requirement for developers to deal with the removal and replacement of public trees responsibly;
- A clear process for tree replacement proposals.

At the October 5<sup>th</sup> 2020 Council meeting, it became clear that the draft bylaw to replace what was there required further work on:

- Species recommendations
- Definitions around pruning

### BACKGROUND / IMPLICATIONS:

The present Tree Protection Bylaw, while well-intentioned, carries few easily enforced provisions and arguably lacks a clear process for any member of the public to approach the town about the pruning, limbing or removal/replacement of specific trees. It is important for transparency purposes that:

- There is a formal process clearly laid out for the public and other interests;
- There does not exist a *de facto* blanket prohibition on measures beyond pruning as this can tie the hands of the Operations Department and encourage disregard for the regulation if the answer to a reasonable request is always 'no'.

While an *Urban Forest* policy by an arborist has been recommended in the past and is also obliquely referred to in the Parks and Open Spaces Plan, one has not been developed for Nanton. Administration believe that this amended bylaw takes the Town beyond policy and provides meaningful and enforceable tree management processes for the *Urban Forest*, whether or not that term is used, or a full policy is ever developed. Administration is recommending that one be created, but that the scale of what is initially created, as a living document, must reflect the operational and budgetary limitations of the Town and not be overly ambitious or grandiose in terms of what it seeks to achieve.

As discussed with Council in 2020, the bylaw also contains these two provisions:

- 3.2.3 *Notwithstanding the responsibilities of Utility Customers as described in Municipal Utilities Bylaw #1273/17, as amended or replaced, the CAO may agree, in his/ her discretion, to the removal of up to five (5) Public Trees per annum, at Town expense, that have been the subject of an Application by an organization, business or resident that has demonstrated that the Public Tree(s) present an unreasonable encumbrance or undue financial hardship to the existing aspects of their adjacent private property.*

3.2.4 Notwithstanding section 3.2.3, a Permit may still be issued for an Application for the same purpose on the condition that the Permittee shall incur the expense of removal and may have to compensate or source replacement trees for the Town.

These provisions will enable certain situations that cannot be addressed or authorized under the Utilities Bylaw to instead be addressed under the Public Tree Management Bylaw. This tacitly acknowledges that there is a very large inventory of very old boulevard trees in Nanton but that it would be financially unsustainable to mitigate every single legitimate complaint around town within a short number of years. This opens the door to occasionally removing trees that are causing serious, urgent problems for adjacent property owners that are possibly generating undue hardships.

Subsequent to October 5<sup>th</sup>, some changes have been made to the definition of 'pruning' and the use of other terms within the bylaw. Administration will continue to recommend against specific prohibitions of recognized measures or practices but agrees that certain measures need not be 'advertised' in the bylaw due to their very low level of desirability.

Administration is particularly grateful for the assistance of Councillor West in assisting in the development of a comprehensive suitable tree and shrub species list. In the interests of advancing the Tree Management Bylaw, administration has removed the species schedule from the draft bylaw and recommends that a policy be developed based on the species information provided, in consultation with the Recreation and Culture Committee that can complement the bylaw and donation programs instead. This is being recommended as there may remain a significant clash between species selection aspirations for boulevard areas and typical planning policy (at present) for the protection of buried and raised infrastructure. It is important, given the extensive range of other matters covered in this bylaw, that discussion of the species aspect does not dominate review and adoption of a general regulation in this area.

**RESOLUTIONS REQUIRED FOR NEXT STEPS:**

- #1 – That Bylaw is given its first reading; OR
- #2 – That Bylaw is given all readings.
- #3 – Proceed no further with this initiative at this time.

STRATEGIC PLAN ALIGNMENT			
<input type="checkbox"/>	CORE SERVICES	<input type="checkbox"/>	FINANCE & I.T.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT PRIORITIES	<input checked="" type="checkbox"/>	COMMUNITY DEVELOPMENT PRIORITIES
<input checked="" type="checkbox"/>	GOVERNANCE	<input type="checkbox"/>	SINGLE ISSUE PRIORITY
Please detail the specific strategic priority and objective if applicable: Business Retention and Expansion recommendations.			

**ALTERNATIVES:**

- REFER to (Administration or Committee) \_\_\_\_\_
- DEFER the matter to the Council meeting of (date) \_\_\_\_\_



Financial (GL# / Amount): N/A

Communications/PR:

Applicable Legislation: MGA

**Attachments:** Bylaw and media release

**Prepared By:** Neil Smith, CAO

**Date:** April 13<sup>th</sup> 2021

