

# CITY OF SASKATOON COUNCIL POLICY

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NUMBER  
C09-011

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<b>POLICY TITLE</b> <i>Trees on City Property</i>	<b>ADOPTED BY</b> <i>City Council</i>	<b>EFFECTIVE DATE</b> <i>January 31, 2024</i>
		<b>REVISED</b>
<b>ORIGIN/AUTHORITY</b> <i>Replaced Original by Office of the City Solicitor Report – Item 11.2.1 – dated January 31, 2024.</i>	<b>CITY FILE NO.</b> <i>0421-C09-011</i>	<b>PAGE NUMBER</b> <i>1 of 12</i>

## 1. PURPOSE

The purpose of this Policy is to:

- a) ensure all trees on City of Saskatoon (City) property are adequately protected and preserved from unnecessary injury or destruction;
- b) prevent or minimize destruction of or injury to trees on City property during development, construction, maintenance and other activities;
- c) regulate the planting, care, maintenance and removal of trees on City property;
- d) identify how compensation owing is calculated in the event a tree is injured or destroyed; and
- e) identify the sources of funding and permitted uses of the Tree Replacement Fund.

## 2. SCOPE

2.1 This Policy applies to all trees on City property.

2.2 For the purposes of this Policy:

- a) A tree is considered to be on City property if 50 percent or more of its trunk is on City property, as determined by the Parks Department; and

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- b) the entirety of a tree on City property is protected by this Policy, including any part of a tree on City property that may be located on, over or below private property.

### 3. POLICY STATEMENT

- 3.1 The City is committed to protecting, preserving, enhancing and perpetuating the health and beauty of the City's trees and urban forest for the enjoyment of its current and future residents.
- 3.2 Trees on City property:
  - a) are living assets that are owned by the City and maintained as a legacy for all residents of Saskatoon;
  - b) are valuable public assets, and one of the only public assets that appreciates in value over time; and
  - c) provide various essential services and other benefits to the community, including storm water management, the improvement of air and water quality, temperature moderation, shade, habitat for wildlife, greenhouse gas sequestration and generally improving the quality of life of residents.
- 3.3 The City recognizes that mature, established trees provide more benefits to the community compared to younger trees due to their exponentially greater canopy and root systems.
- 3.4 The City recognizes that development, construction and maintenance-related work may result in tree injury or destruction.
- 3.5 The City's Urban Forest Management Plan aims to manage and protect the City's urban forest and includes a goal of increasing canopy cover from 9 percent (2017) to a minimum of 15 percent by 2060.

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- 3.6 The City's Pathway to a Sustainable Urban Forest: Implementation of the Urban Forest Management Plan 2022 – 2031, promotes urban forestry initiatives that reflect the City's reconciliation, equity, diversity and inclusion objectives.
- 3.7 The City is committed to maintaining relationships with Indigenous communities and organizations through meaningful dialogue, and cares for the urban forest with appreciation for and recognition of the importance of nature to Indigenous peoples.
- 3.8 Bylaw 9957 - The Tree Protection Bylaw, 2024, sets out the requirements that the public must follow with respect to trees on City property.
- 3.9 This Policy is intended to both supplement Bylaw 9957 - The Tree Protection Bylaw, 2024, as well as set out the procedures that City employees, departments and contractors are expected to follow with respect to trees on City property.
- 3.10 All trees on City property will, to the fullest extent possible, be protected in accordance with the provisions of this Policy.

## 4. DEFINITIONS

Unless otherwise defined in this Policy, definitions in Bylaw 9957 - The Tree Protection Bylaw, 2024, apply with any necessary modification, to the interpretation of this Policy.

- 4.1 Bylaw – Bylaw 9957 - The Tree Protection Bylaw, 2024.
- 4.2 DBH – “diameter at breast height”, as measured at 1.3 metres above ground level.
- 4.3 Hazardous – a tree that poses a risk of falling in whole or in part, or that otherwise poses a risk to public safety or property.
- 4.4 Landscape Trees – trees in highly maintained areas, such as parks and boulevards

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- 4.5 Maintain – to maintain a tree in any manner, including pruning and installing protective devices.
- 4.6 Natural Stand Trees – trees in natural areas largely dominated by native vegetation, including forests, bluffs and riparian areas.
- 4.7 Shelterbelt Trees – trees planted closely together in rows.

## 5. POLICY

### 5.1 Recognition for Donated Trees

Plaques recognizing the donors of donated trees planted on City property may be permitted in accordance with Council Policy C09-027, Gifts and Memorial Program.

### 5.2 Planting, Care and Maintenance of Trees on City property

- a) The planting, care and maintenance of trees on City property will be:
  - i) in accordance with this Policy, good arboricultural practices and any other standards and practices established by the City; and
  - ii) guided by the standards of the International Society of Arboriculture.

### 5.3 Requests for Maintenance and Removal of Trees on City Property

- a) Members of the public as well as City employees and departments may submit requests to maintain or remove trees to the Parks Department.
- b) Maintenance requests involving pruning of such significance that a tree is essentially being removed or destroyed may be handled as requests for removal of the tree.

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- c) The determination respecting whether a tree on City property should be maintained or removed will be made by the Parks Department.
- d) Before removing or approving the removal of a tree, the Parks Department will in all cases first explore alternative options that may be available.
- e) When considering requests for maintenance or removal of a tree on City property, the Parks Department may consider any factor it considers relevant, including whether the tree:
  - i) is hazardous;
  - ii) interferes with the visibility of a traffic control device;
  - iii) interferes with the passageway of pedestrians, cyclists or vehicular traffic;
  - iv) interferes with access to, or otherwise needs to be cleared away from, infrastructure;
  - v) is infested with insects or infected by disease that negatively affects or could negatively affect the health of the tree;
  - vi) is dead or dying; and
  - vii) requires general tree care or maintenance, including for the preservation of the health of the tree.
- f) Examples of other factors the Parks Department may consider in addition to those set out in clause e) include:
  - i) whether the tree is located within an environmentally sensitive area, a habitat restoration area or a protected area;

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- ii) whether the tree's location is of special significance;
  - iii) whether the tree is exceptional in any way, such as in respect to species, size or distinctive features;
  - iv) whether the tree's species is classified as endangered, threatened or at-risk, or the tree is an active habitat for a species classified as endangered, threatened or at-risk; and
  - v) whether the tree is located in an under-treed area or neighbourhood (i.e., an area or neighbourhood with below average canopy cover).
- g) Trees will not be maintained or removed merely for the purpose of:
- i) opening up views from private property;
  - ii) making commercial signs, billboards or other forms of advertising more visible to the public;
  - iii) reducing shade;
  - iv) aesthetics;
  - v) reducing insect, bird or other wildlife activity;
  - vi) reducing the presence of leaves, fruit, seeds, sap or needles; or
  - vii) controlling or eliminating damage or potential damage caused by tree roots.
- h) Requests to maintain or remove a tree may also be made in the context of applications for permission to work near trees, as further described in sections 5.4 and 5.5.

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- i) Requests to remove trees for reasons other than those mentioned elsewhere in this section will be considered on a case-by-case basis, however in general:
  - i) trees that are healthy, sound and over 15 centimetres DBH will not be removed; and
  - ii) trees that are healthy, sound and less than 15 centimetres DBH may be relocated or replaced, subject to payment of tree replacement or relocation costs, including costs of labour and costs to establish the tree, as determined by the Parks Department.
- j) In the event that the City receives a request to maintain or remove a tree that the City determines is not on City property, the City will advise the person who made the request that:
  - i) the tree is not on City property; and
  - ii) the City will take no action respecting the tree's maintenance or removal.

## 5.4 Permits to Work Near Trees – Members of the Public

- a) Members of the public wishing to work near a tree on City property must, unless otherwise exempt by the City or the Bylaw, obtain a permit from the Parks Department.
- b) Requests from members of the public to maintain or remove a tree on City property for purposes related to construction, such as moving buildings or constructing, widening or refinishing driveways, will be considered in the context of applications for permits to work near trees.
- c) The Parks Department will not approve requests to construct driveways within 3 metres of a tree on City property at 1 unit, 2 unit or semi-detached unit dwellings.

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## 5.5 Protection of Trees by Employees, Departments and Contractors of the City

- a) The City will take all reasonable precautions to prevent unnecessary injury to or destruction of trees on City property.
- b) Subject to clause c): employees, departments and contractors of the City will not - without the prior approval of the Parks Department:
  - i) injure or destroy a tree on City property;
  - ii) attach an item to a tree on City property;
  - iii) conduct work near a tree on City property;
  - iv) plant trees on City property; or
  - v) place or park heavy equipment, machinery, vehicles or construction materials on or near a tree on City property.
- c) Prior approval of the Parks Department is not required with respect to:
  - i) trees in back lanes;
  - ii) trees in areas that are subject to a plan that:
    - 1) has been approved by the General Manager; and
    - 2) that outlines specific tree protection, management and replacement measures specific to the area, which may include City-owned golf courses and campgrounds.
  - iii) minor landscaping such as hand digging or mowing;

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- iv) the placement or parking of heavy equipment, machinery, vehicles or construction materials near a tree if the equipment, machinery, vehicles or materials are placed or parked on a driveway, street, sidewalk or other paved path;
  - v) the clearing of tree roots from sewer lines;
  - vi) trees on land within the inventory of the Saskatoon Land Department;
  - vii) the pruning of trees by Saskatoon Light & Power for the purposes of protecting existing power infrastructure; and
  - viii) any activity that is exempt from the application of this Policy by the General Manager.
- d) The Parks Department may approve:
- i) the marking of trees for any purpose considered necessary; and
  - ii) the attachment of items to trees in cases where attachment is considered to cause minimal to no harm to the tree.
- e) Employees, departments and contractors of the City working near trees on City property:
- i) are required to adhere to the City's tree protection standards, as outlined in the City's Tree Protection Guidelines; and
  - ii) similar to members of the public, may be required to adhere to tree protection plans, install protective devices and pay compensation to the Parks Department.

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## 5.6 Compensation and Tree Valuation

- a) Compensation owing for injured or destroyed trees will be calculated by the Parks Department in accordance with this Policy and the City's specifications.
- b) The Parks Department will determine whether a tree is most appropriately categorized as a landscape tree, a shelterbelt tree or a natural stand tree.
- c) For landscape trees, compensation owing will be determined in accordance with the edition of the Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers that has been adopted by the Parks Department.
- d) For shelterbelt trees and natural stand trees, compensation owing will be determined by calculating the cost of purchasing, planting, establishing and replacing trees at a 3 to 1 ratio.
- e) Replacement planting may reduce compensation owing, subject to planting plans being reviewed and approved by the Parks Department.
- f) Irrigation and other installed tree infrastructure may, subject to approval of the Parks Department, be credited against the total monetary compensation, to a maximum amount of the compensation owing.
- g) In determining appropriate amount of compensation owing, the Parks Department may consider any other factor considered relevant and may, where considered appropriate, waive or reduce the requirement to pay compensation.

## 5.7 Tree Replacement Fund

- a) The Deferred Tree Replacement Account is continued as the Tree Replacement Fund.

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- b) Any funds received in respect to injured or destroyed trees, including compensation and fines, will be remitted to the Tree Replacement Fund.
- c) The Tree Replacement Fund will be used primarily for the purposes of planting or replacing trees but may also be used for other purposes related to trees such as maintaining and protecting trees, site rehabilitation or restoration and enhancement of the urban forest.
- d) Expenditures of \$50,000.00 or more for one project from the Tree Replacement Fund must be approved by Council.

## 6. RESPONSIBILITIES

### 6.1 Parks Department

- a) The protection, planting, care and maintenance of trees on City property, including establishing technical standards and practices;
- b) Reviewing requests to plant trees, work near trees and maintain, remove or relocate trees on City property;
- c) Making determinations respecting the health of trees on City property, including determining whether a tree is infested or infected;
- d) Determining whether trees are located on private or City property;
- e) Implementing necessary control measures, including pesticide application or tree removal, where appropriate, to prevent the transmission of infestations or infections to other trees;
- f) Determining tree value and calculating compensation owing;

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- g) Generally responsible for administering the provisions of this Policy and making recommendations for updates to this Policy as required.

## 6.2 General Manager, Community Services

- a) Approving plans mentioned in paragraph 5.5(c)(ii)(1);
- b) Approving exemptions mentioned in subclause 5.5(c)(viii).

## 6.3 City Departments

Cooperating with the Parks Department and ensuring compliance with this Policy by employees and contractors, including paying compensation and installing protective devices as required.

## 6.4 Council

Considering and where appropriate, approving amendments to this Policy.