

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2022-0060

**FOR THE CONSIDERATION OF
COUNCIL
July 13, 2022**

SUBJECT: WORK PLAN TO REVIEW AND UPDATE THE TREE PRESERVATION AND COMPENSATION POLICY OID-01 AND INITIAL RESEARCH FOR A TOWN TREE CUTTING BY-LAW. FILE NO. 05-627.

1. RECOMMENDATION:

- 1. That Council receive Report No. DS-2022-0060 prepared by the Planning Policy Division, Development Services Department dated July 13, 2022 on a Work Plan to review and update the Tree Preservation and Compensation Policy No. OID-01 and initial research for a Town Tree Cutting By-Law.**
- 2. That Council endorse the Work Plan for a review and update of the Tree Preservation and Compensation Policy in accordance with Report DS-2022-0060.**

2. PURPOSE:

To present and receive Council's endorsement on a Work Plan for the review and update of the Tree Preservation and Compensation Policy and to present findings from initial research undertaken for a Town Tree Cutting By-Law.

3. BACKGROUND:

3.1 Policy Basis

The York Region State of the Forest Progress Report on Canopy and Woodland Cover, 2021 estimated that the Town of Georgina's canopy cover (area of land under each tree canopy) at 44.4%, the highest of all York Region Municipalities. Of this, 34.8% of the tree canopy was identified as woodland cover (area of land under heavily treed areas that are 0.2 hectares in size and greater). The recommended range for canopy cover is 46-47% and for woodland cover 30-40%.

The Town of Georgina's Official Plan notes that "the natural environment is one of Georgina's greatest assets." One of the Guiding Principle and Objectives in the Plan underlines the importance of tree protection under item 2.2.4.7: "To Ensure the conservation, preservation and maintenance of trees and tree-covered lands as a natural resource, as being essential to the preservation of wildlife habitat, water

conservation, complementary outdoor recreation activities and a sustainable natural environment that is important to human health.”

The Keswick Secondary Plan (Section 13) and The Sutton/Jackson’s Point Secondary Plan (Section 13) both identify the need for tree preservation associated with development applications and set out requirements as part of the application approval process in order to maintain and enhance the extent of canopy cover.

3.2 Existing Tree Preservation and Compensation Policy

The Policy was approved by Council on July 13, 2016 as OID-01. The Policy establishes the Town of Georgina’s practices for the preservation, protection and enhancement of trees over 20cm DBH (diameter at 1.4 meters from the ground) on private property associated with most Planning Act development applications.

This Policy has been applied to lands subject to applications for official plan amendment, draft plan of subdivision, site plan approval, and amendments (permitting new construction only), minor variance and consent. A copy of the Policy is provided as Attachment 1.

In 2021, Council requested a review of the Policy which was initially part of a work plan under Operations and Infrastructure, and approved a budget of \$30,000.00. Upon the transfer of a Senior Landscape Architect position to Development Services in 2022, a work plan has been refined and is presented in this report.

On June 8, 2022, Council provided direction on a related but separate matter, that Staff provide a report to Council on a Town Tree-Cutting By-Law in the fall of 2022. A report is scheduled for the September 14, 2022 Council meeting which will provide analysis and options, and recommendations concerning implementation inclusive of budget implications.

4. ANALYSIS:

4.1 Reviewing and Updating the Policy

4.1.1 Work Plan

A Work Plan for reviewing and updating the Policy is provided as Attachment 2. In summary, the Work Plan includes:

- Undertaking research and review of other municipal private tree protection by-laws and related measures within Ontario.

- Hiring an external Consultant to assist with Stakeholder Consultation, information gathering, and to provide a peer review of the technical analysis undertaken by Staff.
- Stakeholder Consultation through Town's website, outreach / meetings with stakeholder groups, the public, agencies and Town Staff.
- Assessing gathered Information from the consultation process.
- Presenting a Report to Council on proposed Policy changes using the assessed information and guidance from the Consultant and Staff. The Report will be presented to Council in the first quarter of 2023 for review and approval.

4.1.2 Policy Issues

Over the course of implementing the Policy since 2016, a number of issues have arisen concerning the scope, application and interpretation of the policy. These include:

- **Clarification on tree condition requirements for protection.** It is currently unclear whether trees in poor condition require replacement. At this time, Staff have interpreted the Policy to exclude trees from compensation that are dead or in decline.
- **Policy Applicability.** The policy is not clear on the applicability to Committee of Adjustment minor variances. Some minor variances involve significant tree removal. Further, consideration is required on the applicability of the policy at the Site Alteration permit stage. Where a Planning Act application involves site alteration, it may be more appropriate to apply the policy at the site alteration stage where more specific information is available on tree impact and destruction.
- **Clarification for Post-approval process.** The text within the Policy is unclear on the procedures following approval of the proposed tree protection and compensation. This is related to how tree preservation plans are implemented and administered such as when property ownership is changed during the warranty period.
- **Sizes for replacement trees are not specified in the Policy.** This has complicated the calculation of appropriate tree compensation for restoration.
- **Tree compensation values could be updated to reflect price increases for new trees and to reflect loss of canopy volume based on tree size.**

Currently the Policy requires compensation based on numbers and tree species not on size.

An important goal of tree preservation is related to the ability of trees and forests to sequester carbon and remove carbon dioxide from the environment. Carbon dioxide is a greenhouse gas produced by burning fuel such as oil and gas in engines and buildings. Carbon dioxide and methane in the atmosphere acts to trap heat that would otherwise dissipate outwards towards the sun. As more greenhouse gas is produced in the atmosphere more heat has been trapped. This is called the 'Greenhouse Effect' which is affecting our weather patterns, climate and environment in many ways.

Trees absorb carbon dioxide through their leaves every day because they use it to grow, and scientists believe that planting more trees and retaining as much of our tree canopy as we can, will reduce the amount of carbon dioxide in the environment.

Forests store carbon in trees and in soil, and the amount of carbon that can be stored and the rate depends on many factors including growth characteristics of trees, conditions for growth, type of soil, density of tree wood, and tree age.

It is generally accepted that larger-sized trees provide more benefit to the environment and wildlife habitat through their larger canopies, and root systems. Larger and older trees have sequestered more carbon in their roots, branches and wood. However, young to medium-aged trees grow faster and sequester more carbon in the growth process. Tree growth between the ages of 20 and 50 years tend to have the greatest amount of carbon sequestering.

It appears through preliminary research that tree size/age is one of the more important considerations for tree retention. Trees of different sizes could be protected for different reasons.

- **The circumstances that trigger the requirement for an Arborist Report should be reviewed.** Small projects may be able to satisfy requirements for tree protection or compensation through letters and photographs and reduce the cost for the applicant.
- **Synchronization with other approval authority requirements is required.** These should be reviewed and noted within the Policy. The York Region Forestry By-Law and Lake Simcoe Region Conservation Authority also have permit reviews and requirements for tree compensation that could also be triggered by the same application.

The York Region Forest Conservation By-Law is applicable in Georgina, and requires landowners to obtain a permit from the Region before they can remove trees from treed areas greater than 0.5 acres.

In Georgina, the Lake Simcoe Region Conservation Authority has authority under Ontario Regulation 179/06 to require permit approvals and enter into an agreement with the landowner for either the protection of vegetation, or for the compensation of vegetation approved for removal in Regulated Areas.

- **Efficacy of the Policy on maintaining tree canopy.** Trees on private property, not covered by the Region's by-law (i.e. not within a woodlot +0.5 ac.)_ can be removed without compensation or approval under the Policy when a Development Application is not submitted. The Town could consider enacting a Private Tree-Cutting By-Law and this will be the subject of a future staff report.
- **Exemptions could be considered.** These could include exemptions for poor tree condition, emergency situations, small projects, invasive species, specific land uses, (golf course, cemetery, quarry), tree location (rooftop, interior), specific removal purposes (utility work, surveying, government projects).
- **Adding circumstances for refusal of removal to the Policy.** This could include matters such as tree designations, environmental impacts, and publicly-owned trees.
- **Consider Significant or Heritage Preservation.** This could be administered through a tree cutting by-law and by tree protection through the development process and under specific conditions of the tree (such as size, species, age, health) which would incur protection for the designated trees.
- **Education, Outreach and Assistance.** This could involve a program for public assistance under the Policy such as buying trees through the Town at a reduced rate and opportunities for education about tree planting and tree protection. York Region offers a tree planting program for residents with restrictions and limits.

4.2 Town Tree Cutting By-Law

Research on various tree protection measures by municipalities and other governing authorities in Ontario has been undertaken by Staff in 2022.

Tree Protection measures in Ontario were found in the form of Policies, Regulations, and various types of by-laws. They were governed by municipalities, conservation authorities, the province and regional authorities. These operate in a similar fashion as the Town's Policy and are set out in Section 4.2.1

For other municipal Tree Cutting By-Laws, information was gathered on the type of tree protection approach, the characteristics of trees protected, and compensation. These are described in Section 4.2.2 below and a Chart – “Summary of Size and Compensation Criteria under existing Tree Protection By-Laws in Ontario” is provided as Attachment 3.

Tree protection measures that have been passed by Municipal Councils have taken the form of By-Law and Policy documents.

4.2.1 Tree Protection Policies of Other Ontario Municipalities

- The City of Toronto has a Tree Protection Policy and Specifications which review and outline the goals and methods for tree protection within the City. The Policy document is similar to an operation manual to support the By-Laws. Failure to adhere to the Policy can lead to financial responsibility and charges under their Tree Protection By-Law. The Policy and By-Law applies to an application by a landowner to remove a protected tree.
- The City of Hamilton has Tree Protection Guidelines which are triggered by development proposals for private lands subject to Planning Act approvals. A General Vegetation Inventory is required, including trees over 10cm DBH, an Implementation Plan, and Landscape Plan. Compensation at a 1:1 ratio is required or cash-in-lieu determined on a per tree basis.
- The City of Barrie has a Tree Protection Manual which applies to Site Plan Approvals, designated Heritage trees, and private land applications to remove trees in an ecological woodlot over 0.2 hectares. A Tree Inventory, Assessment and Preservation Plan is required. Tree replacement and security may be required.

4.2.2 Tree Cutting By-Laws

Most municipalities in Ontario that have tree protection measures in place for privately-owned properties, have passed Tree Protection By-Laws.

Seventeen municipal Tree Protection By-Laws were reviewed. Variations within the by-laws involved:

- Size of tree protected, which varied from 10cm up to 30cm diameter and over.
- Type of tree protected, certain invasive species or nuisance trees were excluded in some cases.

- Generally, all trees assessed as being dead, poor condition or diseased and in decline were exempted from protection.
- Tree designations for protection were applied in many cases, including heritage, endangered, significant trees.
- Determination of replacement trees is calculated by either size or numbers.
- Cash-in-lieu compensation as a set cost, by appraisal or discretion.
- Permits being issued under a by-law or under a Site Plan Agreement.
- Tree securities being generally held for a two year Warranty period for newly planted trees.
- Application of the by-laws was triggered by proposed damage or removal to protected trees including any Development Applications.
- Exemptions included land use, location, work requirements, species, sizes, and numbers and per year amount.
- Refusals included endangered trees, public trees, designated trees, healthy trees, environmental control requirements such as flooding, erosion.
- Enforcement terms and fines were included.

.2.3 Summary of Trends (Municipal Tree Cutting By-Laws)

The majority of municipalities with a Private Tree Protection By-Law protect trees that were under 20cm DBH, and require replacement compensation based on the sizes of trees removed, with cash-in-lieu as a set amount per tree.

The by-laws are generally triggered by proposed damage or removal of a protected tree in all but exempted circumstances by a home owner or a Development Application.

The process includes:

1. Requirement of an application, a tree report or letter by a Tree Professional, a permit fee, a replacement plan or compensation.
2. Review and approval by Staff.
3. Issuance of a permit with an expiry date.

4. Warranty for two years with tree securities being held.
5. Enforcement and a By-Law to allow entrance to the property for inspection.
6. Fines for non-compliance which could be per occurrence or per day.

5. RELATIONSHIP TO STRATEGIC PLAN:

This Report addresses the priority of “Promoting a High Quality of Life” within the 2019-2023 Strategic Plan. It is within the context of Building a Healthy, Safe and Accessible Community and Promoting Responsible Growth.

6. FINANCIAL AND BUDGETARY IMPACT:

The Council-approved budget for this project is \$30,000.00 including taxes. Staff anticipate that the budget would be used for hiring an external consultant who would assist in the stakeholder meetings, gather information, provide recommendations and provide a third party peer review of the technical work undertaken by Staff and submissions from the public and stakeholders.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no public consultation and notice requirements associated with this report.

8. CONCLUSION:

This report outlines background information and the need for a review and update of the Tree Preservation and Compensation Policy OID-01 dated July 13, 2016, and presented preliminary information for a Town Tree Cutting By-Law.

A proposed Work Plan has been prepared for the review and update of the Policy. Issues with the current Policy were identified and briefly discussed. A short summary of other municipal approaches to private tree protection was provided, together with overall trends for tree protection measures and process.

Staff recommend that Council endorse the Work Plan to review and update the Policy. Staff will provide a Report to Council on a Town Tree-Cutting By-Law for the September 14, 2022 Council meeting which will provide results from in-depth research on other municipal approaches to tree protection, provide analyses of potential impacts to financial and staff resources of a Tree Cutting By-Law program.

If Council adopts the recommendations in this Report, Staff will proceed to work with Procurement Services to hire the Peer Arborist Consultant and commence the consultation program asset out in the proposed Work Plan.

A report will be provided to Council on the results of the Work Program to update the Policy in the first quarter of 2023.

APPROVALS

Prepared By: Shan Tennyson, Senior Landscape Architect

Reviewed By: Alan Drozd, MCIP, RPP. Manager of Planning Policy

Recommended By: Harold Lenters, M.Sc. (Pl.), MCIP, RPP.
Director of Development Services

Approved By: Ryan Cronsberry, Chief Administrative Officer

Attachments:

Attachment 1- Tree Preservation and Compensation Policy No. OID-01.

Attachment 2- Work Plan.

Attachment 3- Chart - Summary of Size and Compensation Criteria under existing Tree Protection By-Laws in Ontario.

Report Approval Details

Document Title:	Work Plan Tree Preservation and Compensation Policy.docx
Attachments:	- AttachmentsRev062322.pdf
Final Approval Date:	Jun 27, 2022

This report and all of its attachments were approved and signed as outlined below:

Alan Drozd

Harold Lenters

Ryan Cronsberry