

THE CORPORATION OF THE TOWN OF GEORGINA

REPORT NO. DS-2024-0015

**FOR THE CONSIDERATION OF
COUNCIL**

May 29, 2024

SUBJECT: TREE PRESERVATION AND COMPENSATION POLICY UPDATE

1. RECOMMENDATIONS:

- 1. That Council receive Report No. DS-2024-0015 prepared by the Planning Policy Division, Development Services Department dated May 29, 2024 respecting an update to the Tree Preservation and Compensation Policy;**
- 2. That the Draft Tree Preservation and Compensation Policy attached as Appendix 2 to Report No. DS-2024-0015 be endorsed as the basis for further consultation with the public and stakeholders; and,**
- 3. That Staff be directed to report back to Council on the results of further consultation and a recommended update to the Tree Preservation and Compensation Policy.**

2. PURPOSE:

The purpose of this report is to present a draft updated Tree Preservation and Compensation Policy (Draft Policy), to review and present findings from the initial research and consultation, and to recommend that the Draft Policy be endorsed as the basis for further consultation with the public and stakeholders.

3. BACKGROUND:

3.1 Policy Basis

The York Region State of the Forest Report, 2021 identifies that the Town of Georgina has a 44.4% tree canopy cover and recommends a target tree canopy cover of 46-47% by 2051. Of this 44.4%, only 9.6% of the tree canopy is within settlement areas, the areas undergoing the most development pressure. Since settlement areas have the most development pressures, continued planting and protection efforts in these areas should be the focus of replanting initiatives.

The Town of Georgina Official Plan identifies a Greenlands System and related policies, the purpose of which is to preserve, protect and enhance the natural environment, to encourage restoration of the quality and integrity of the ecosystems

and natural processes, and to improve the quality of life, maintain healthy communities, and promote an environmentally sustainable resource use.

The Tree Preservation and Compensation Policy assists in the protection of trees and the tree canopy as part of the development approval process, and puts in place requirements for compensation and replanting where the loss of trees is unavoidable. It is also an important part of Climate Change initiatives underway at the Town.

3.2 Rationale

The urban development process includes tree removals, site clearing and grading which may result in a reduction to the size of the overall urban forest canopy. As the development of the Town continues, existing natural areas including trees will continue to be under pressure. Mature and significant trees are becoming more threatened.

A healthy urban forest contributes to physical and mental health, as well as the overall social wellness of residents and wildlife populations. Trees are nature's resilient way of reducing the damaging effects associated with increased carbon dioxide in the atmosphere.

Trees absorb carbon dioxide through their leaves and store it within their biomass (carbon sequestration). Retaining mature trees with more leaves and a large canopy, as well as planting new trees, will reduce the amount of carbon dioxide in the environment.

It is generally accepted that large trees provide more benefit to the environment and wildlife habitat through their larger canopies and root systems. Larger and older trees sequester more carbon within their roots, branches and wood. Younger to medium-aged trees grow faster and sequester carbon in the growth process so newly planted trees can have carbon sequestering benefits as well. Replanted trees are better than no trees.

Trees and vegetation are important to the outdoor space and they protect public safety, health, and general welfare by:

- Reducing excessive noise pollution through buffering;
- Helping to minimize the adverse effects of land disturbance activities and the effects of impervious surfaces causing runoff, land instability, pollution of waterways and erosion, thus minimizing the overall cost of maintenance and stormwater control/treatment;
- Sheltering buildings from wind, sun and severe weather conditions, which reduces the costs of heating in the winter through insulation and cooling in the summer through shading;

- Providing habitat, food supply, cover and natural corridors for a wide diversity of animals, birds, insects, fish, and other wildlife including other plants;
- Enhancing built environments and contributing to the overall natural aesthetics of the community; and,
- Contributing psychological benefits.

3.3 Existing Tree Preservation and Compensation Policy

The Town's current Tree Preservation and Compensation Policy (Existing Policy) was approved by Council on July 13, 2016 (refer to Attachment 1). The Existing Policy establishes the Town's practices for the preservation, protection and replacement of trees over 20cm Diameter at Breast Height (DBH), which is the diameter measured at 1.4 metres from the ground. The Existing Policy applies to private properties associated with a range of *Planning Act* development applications.

Applicable planning applications are required to be supported by an Arborist Report that includes an assessment of all trees located on site. A review of the Arborist Report by staff determines if compensation is required for all the trees with a 20 DBH and greater that are proposed to be removed. Compensation is based on a ratio replacement method related to species type (e.g. if a maple tree is proposed to be removed and is 40 DBH, then a 4:1 replacement is required). This is based on the species alone and does not take into consideration tree size.

The Existing Policy applies to lands subject to Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Site Plan Approval and/or Consent applications where new construction is proposed. Since the introduction of the Existing Policy, a number of implementation issues have been identified that are further outlined in Section 4.3 of this report.

In 2021, Council requested a review of the Existing Policy, which was initially part of a work plan under the Operations and Infrastructure Department with an approved budget of \$30,000.00. Upon the transfer of the Senior Landscape Architect position to the Development Services Department in 2022, a revised work plan and report was presented to Council on July 13, 2022. Council considered and endorsed the recommendations in Report No. DS-2022-0060 which outlined a work plan for conducting the review and update of the Existing Policy. The report can be found at this link [DS-2022-0060](#).

On September 28, 2022, Council received Report No. DS-2022-0076 concerning a potential Town Tree Cutting By-law and passed Resolution C-2022-0343 receiving the subject report and directing further research and a subsequent report. A possible future Town Tree Cutting By-law will be the subject of a future report and is not

addressed in this report. That report can be found at the following link [DS-2022-0076](#).

In October 2023, through a Quick Bid Request for Acquisition (QBRFA), Tree Effects, a firm of arborists, were retained to provide technical assistance to staff in the preparation of the policy update, as well as to assist in the stakeholder consultation, information gathering and consolidation.

4. ANALYSIS:

4.1 Work Plan

The Work Plan consists of the following phases:

- Phase 1: Undertaking research and review of other municipal Tree Protection and Conservation practices in Ontario.
- Phase 2: Hiring an external Consultant to assist with stakeholder consultation, information gathering, and to provide a peer review of the technical analysis.
- Phase 3: Stakeholder consultation through the Town's website, outreach / meetings with stakeholder groups, the public, agencies and Town staff.
- Phase 4: Assessing information gathered from the consultation process.
- Phase 5: Presenting a report to Council on draft policy changes using the assessed information, guidance from the consultation process and staff research / recommendations.
- Phase 6: Presenting a final report to Council which summarizes the results of the consultation on the Draft Policy and recommending a new Tree Preservation and Compensation Policy

This report represents Phase 5 of the study process.

4.2 Tree Protection Policies of Other Ontario Municipalities

In 2023, York Region retained an external consultant to complete an environmental scan of public tree compensation practices in Ontario and Canada to determine best practices in relation to tree protection. During the consultation phase conducted by Town staff, York Region provided this study to assist. The comprehensive report is available at this link.

[YR Environmental Scan of Public Tree Compensation Practices](#)

Some highlights from this review include:

- The City of Toronto has a Tree Protection Policy and Specifications which review and outline the goals and methods for removal of protected trees. The document is similar to an operation manual to support the City's by-laws. Failure to adhere to the Policy can lead to charges under the City's Tree Protection By-law.
- 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 a Landscape Plan. Compensation at a 1:1 ratio is required, or cash-in-lieu determined on a per tree basis. Compensation is also required for all damaged trees and a follow-up inspection inclusive of monitoring is also conducted.
- The Town of Aurora has a Tree Cutting By-law which identifies all Tree Protection Zones and gives a radius of the trees in order to protect the critical root zones. The by-law also identifies a caliper of 50 mm for all tree replacements. Violations result in charges under the Tree Protection By-law.

4.3 Policy Issues

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

- **Clarification on tree condition requirements for protection.** It is currently unclear whether trees in poor condition require compensation. At this time, staff have interpreted the Existing Policy to exclude trees from compensation that are dead or in decline.
- **Policy applicability.** Applicability to Committee of Adjustment Minor Variance applications is unclear. Some Minor Variance applications facilitate development that results in significant tree removal. Further, consideration is required on the applicability of the Existing Policy at the Site Alteration and Entrance Permit (SEAP) stage.
- **Clarification for post-approval process.** The Existing Policy is unclear on the administrative procedures following approval of the proposed Tree Protection and Compensation Plan. This is related to the applicability of tree preservation plans when property ownership changes during the warranty period, as well as how to ensure that the plans provided within the submitted applications are enforced.

- **Sizes for replacement trees are not specified.** This has complicated the calculation of appropriate tree compensation for restoration.
- **Tree compensation values are not updated to reflect price increases for new trees and to reflect loss of canopy volume based on tree size.** The Existing Policy requires compensation based on the number of trees and species without taking into consideration the size of the tree when equating compensation using the ratio formula (refer to Section 4.4.3). The species being removed equates the number of trees required to be replanted.
- **Synchronization with other approval authority requirements.** Bill 23 *The More Homes Built Faster Act* now restricts the ability of the Lake Simcoe Region Conservation Authority to review or require tree compensation for development applications in certain situations. Accordingly, the Town's Existing Policy stands alone as the mechanism by which to require tree compensation in many circumstances.
- **The York Region Forest Conservation By-law.** The York Region Forest Conservation by-law (Regional 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 0.2 hectares (0.5 acres) in size. The Existing Policy does not outline this requirement. Inclusion of a reference to the Regional By-law will help reviewers when deciding to contact the Region for applicability and enforceability.
- **Efficacy of the Policy on maintaining tree canopy.** Trees on private property, not covered by the Regional By-law (i.e. not within a woodlot up to 0.5 acres) and not subject to a *Planning Act* application, can be removed without compensation or approval.
- **Exemptions are not clearly identified.** 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), or specific removal purposes (utility work, surveying, infrastructure projects).
- **Adding circumstances for refusal of tree removal to the Policy.** The Existing Policy does not include any direction on the potential refusal of requests. This could include matters such as tree designations, environmental impacts, and not upholding the requirements set out in the Policy.
- **Review Steps.** The Existing Policy lacks clear directive steps on how it applies in conjunction with an applicable planning application.
- **Education, Outreach and Assistance.** The Existing Policy does not include reference to education, public outreach or assistance. This could involve a

program for public assistance for, restoration and replanting programs once applications have been approved and the Town owns the lands on title. Education programs address the importance of trees as it relates to carbon sequestering and the importance of maintaining the existing canopy.

- **Associated Funds.** The current tree account has discrepancies differentiating whether or not the payments made are a security or a cash-in-lieu payment. The Existing Policy does not prescribe where the collected funds are to be allocated.

4.4 Updating the Policy

4.4.1 Addressing the Issues

In preparing the Draft Policy update, consideration was given to all the previously expressed concerns, each of which was acknowledged and addressed where appropriate as shown in Attachment 2. A large portion of the Draft Policy consists of the requirements to prepare an Arborist Report. This has been modified to consider the best municipal and industry practice.

4.4.2 Layout

Town staff gave significant consideration to hierarchy in comparing the Existing Policy to the Draft Policy and the layout inclusive of appendices has changed significantly.

The length of the document has increased and includes many easy-to-use tables, charts and appendices, as well as a section on educational awareness.

4.4.3 Compensation

A new compensation method – The Compensation Ratio Method – is proposed. It is the most widely recognized method used within the industry. If a tree is proposed to be removed, the DBH measurement (regardless of the species) is divided by the Replacement Tree Caliper size. The policy proposes this to be 75mm, determined based on survival success rates. This number is then multiplied by the condition rating of the tree in question, which is represented through the Tree Inventory Table. (See below breakdown).

$$\text{Number of replacement trees} = \left(\left(\frac{\text{DBH of tree to be removed}}{\text{Replacement Tree Caliper Size}} \right) * \text{Condition rating} \right)$$

This is different from the method utilized in the Existing Policy which is based on replanting ratios of 1:1, 2:1, 3:1 depending on the species and being 20 DBH or greater.

4.4.4 Tree Preservation and Compensation Account

Funding Sources

All monies collected through the Tree Preservation and Compensation Policy should continue to be deposited into the Town's Tree Account as either a compensation amount paid cash-in-lieu or a security amount held for replanting with associated roll number. The following are other sources that may contribute to the Tree Account:

- Sales of trees or wood from any Town owned property;
- Grants or donations to the fund;
- Sales of seedlings by the Town;
- Civil penalties fees awarded; and/or,
- Any other monies allocated by the Town for trees.

Tree Account Expenditures

The Town may use the Tree Account for any of the following purposes:

- Planting and maintaining trees within the Town;
- Maintaining and preserving wooded areas within the Town;
- Urban forest education initiatives;
- Identification and maintenance of heritage trees; and/or,
- Any other purpose determined by Council.

5. RELATIONSHIP TO STRATEGIC PLAN:

This Report and Draft Policy is aligned with the Pillars of "Creating a Vibrant, Healthy, and Safe Community for All" and "Advancing Environmental Sustainability" in the Town's Corporate Strategic Plan.

6. FINANCIAL AND BUDGETARY IMPACT:

The Council-approved budget for this project is \$30,000.00.

7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:

There are no legislative requirements associated with this report. Despite this, Town staff have undertaken a consultation process which was inclusive of a Public Open House, posting a survey to the Town website and hosting internal and external stakeholder meetings. Notice of the subject report and Council meeting was provided to all those who requested notice on May 15, 2024.

7.1 Public Outreach

A Project Webpage was created to provide information and a forum for input on the policy update process. It outlines key points of the project and important dates such as the Public Open House. More information can be found at the following link:

[Tree Preservation and Compensation Update](#)

An online survey was conducted and posted on the Town website in order to collect feedback and resident opinion on the update. The advertisement for the survey was completed via the Town's website, social media channels and a posted QR code. There were 156 responses to the survey, which demonstrated a strong desire of those who responded to protect existing trees through the development stage. Respondents reflected the belief that existing trees largely contribute to a carbon free future and that the Town should be doing more through restrictions and finding more sustainable solutions. The specifics of the survey and the data results have been included for reference as Attachment 3.

A Public Open House was held on December 7, 2023, in the Council Chambers. No members of the public attended.

7.2 External and Internal Comments

After conducting external and internal stakeholder meetings all comments were consolidated into a matrix provided in Attachment 4. Below is a summary of those comments.

Georgina Developers Association

On January 10, 2024, staff met with the Georgina Developers Association (GDA) who provided various comments. The GDA suggested that tree-related issues and concerns be worked out as early as the draft plan approval stage and that time be built into the assessment of trees to account for the length of time associated with the development process between approval and construction. It was noted that often a tree or group of trees becomes significant after draft plan approvals have been issued.

The GDA asked if the Town would provide any credits for going above and beyond the replanting ratios for compensation and advised that it has been their experience that municipalities prefer replanting over paid cash-in-lieu. The GDA also indicated that they would like to comment on a draft Policy before it is finalized.

Development Engineering Division

The Development Engineering Division has noted that the Existing Policy does not cover all Committee of Adjustment applications. At the planning application stage, the extent of the development envelope is not fully understood until site engineering

is completed, or a building permit is submitted. Currently, there is no applicable law under the Building Code Act to protect trees and the Policy is not enforceable without a Municipal Tree Cutting By-law.

Development Engineering staff expressed that the Existing Policy does not include monitoring or reporting. It is recommended that the previous compensation ratios of the LSRCA be reviewed as they are no longer able to comment on planning applications as it relates to trees. It was noted that trees help with Low Impact Development (LIDS) requirements.

Community Services Department, Operations Division

It was broadly noted that a Tree Cutting By-law would help to alleviate specific situations where trees are cut down prior to the submission of a development application without clear methods on how to administer tree replanting/securities. It was also suggested that the maintenance period be increased to 3 or 4 years as the Forestry Division is finding that it is within those years that the prospects for the survival of the tree is most apparent (i.e. a two-year warranty period is insufficient).

Legal Services, Municipal Law Enforcement Division

Any policy should be developed in harmony with a Tree Cutting By-law in order for the two to work with each other. Currently, there is nothing legally enforcing the Policy and staff must rely upon provisions in agreements (e.g. Subdivision Agreement) to enforce tree cutting restrictions. There are no restrictions that currently prevent cutting of trees on Town road allowances.

Environmental Groups within Georgina

The South Lake Simcoe Naturalists Club and Friends of the Maskinonge River have indicated that although it is proactive to have a Tree Preservation Policy, without a by-law the Policy has no legal enforcement. It was suggested to overhaul the hierarchy of the Policy to start with the proclamation statements so everyone is clear why we have this policy, which is to protect the trees and preserve the canopy we already have. There was concern about the usability of the document and it was requested that easy-to-use appendices be included, along with tables, pictures and prohibited uses.

Georgina Environmental Advisory Committee (GEAC)

Staff met with the GEAC on February 27, 2024. Comments were received by the GEAC on compensation methods, treatment of heritage trees, considerations of fragmented forests, carbon offsetting, tree protection zones and implementing a Tree Cutting By-law. The GEAC suggested that staff ensure best practices around “no net loss” of tree canopy and suggested that street trees not be included towards compensation replanting. A link to the presentation and meeting can be found here, [GEAC Meeting](#).

York Region Forestry Conservation and Urban Forestry Renewal Departments

York Region staff expressed concerns about the Town not having a Tree Cutting By-law because the Region's Forestry Conservation By-law only captures wooded areas of 0.2 hectares and above. On that basis, the Region cannot comment or enforce any tree cutting regulations for any trees/woodlots below the 0.2-hectare size threshold. The Region relies heavily on the municipality to capture trees below the 0.2-hectare threshold and have suggested to many other municipalities to have their own Tree Cutting By-law that captures anything below this figure.

8. CONCLUSION:

This report presents the results from the review of the Existing Tree Preservation and Compensation Policy and includes an updated Draft Tree Preservation and Compensation Policy, which is based on findings from initial research and a consultation process. It is recommended that the Draft Policy be endorsed as the basis for further consultation with the public and stakeholders. If Council adopts the recommendations in this Report, staff will proceed with the next phase of the consultation process with the public and stakeholders. A final recommended Policy will be presented to Council for consideration once the consultation process on the Draft policy is concluded which is targeted for early fall 2024.

APPROVALS

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|-----------------|---|
| Prepared By: | Justine Burns Senior Landscape Architect |
| Reviewed By: | Alan Drozd, MCIP, RPP Manager of Planning Policy |
| Recommended By: | Denis Beaulieu, 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 - Draft Policy
Attachment 3 - Survey Data
Attachment 4 - Comments Matrix