

Staff Report 2024 0279

Meeting Date: June 18, 2024

Subject: Urban Tree Bylaw Feasibility Report

Submitted By: Michael Hoy, Manager, Parks and Natural Heritage, Planning Department

RECOMMENDATION

That staff be directed to develop an Urban Tree Protection Bylaw to regulate the injuring and destruction of trees on private property and report back to Council with a recommended by-law.

REPORT HIGHLIGHTS

- This report is in response to direction provided by Council to staff from the September 12, 2023 Council Meeting that directed staff to investigate the feasibility of enacting an Urban Tree By-law;
- The Town's Strategic Plan 2023 – 2035 identifies protecting and growing the Town's urban forest and woodlands as a priority under its Environmental Leadership pillar;
- Caledon's urban forest is defined as all trees and their growing environment, including trees on public and private lands. Caledon's urban forest provides ecological, social, and economic benefits to Caledon;
- The Peel Canopy Cover Assessment completed in 2021 estimates Caledon's urban tree canopy at 32% or 22,377 ha of tree cover, but 10-15% outside of the Greenbelt lands;
- Approximately 85% or 18,931 ha of the Town's tree cover is located on private property;
- The Town now has the staff resources and expertise to review and administer a private tree by-law; and
- This report recommends that the Town move forward with the development of an Urban Tree By-law.

DISCUSSION

BACKGROUND

This report is in response to direction provided by Council to staff from the September 12, 2023 Council Meeting. At the meeting, Council directed staff to investigate the feasibility of enacting an Urban Tree By-law within the settlement areas of the Town.

The Town recognizes that urban forests are a vital component of a healthy, resilient, and sustainable Town. The Town's **Strategic Plan 2023 – 2035** identifies protecting and growing the Town's urban forest and woodlands as a priority under its Environmental Leadership pillar.

The recently approved **Future Caledon Official Plan** includes a new Urban Forest section that recognizes the importance of trees to the Town's quality of life and environmental performance. It also directs the Town to investigate the development of an Urban Tree By-law to regulate the destruction and/or removal of trees on private property.

Caledon's urban forest is defined as all trees and their growing environment, including trees on public and private lands. Caledon's urban forest provides ecological, social, and economic benefits to Caledon's private landowners and the wider community, such as erosion prevention, hydrological and nutrient cycling, provision of clean air, energy savings, the long-term storage of carbon, microclimates, habitat for wildlife, linkages between natural heritage features, visual relief, and outdoor recreational opportunities.

The Peel Canopy Cover Assessment completed in 2021 estimates Caledon's urban tree canopy at 32% or 22,377 ha of tree cover (outside of the Greenbelt, Niagara Escarpment and Oak Ridge Moraine Plan areas, the urban tree canopy is estimated between 10% to 15%). Of that 22,377 ha of tree canopy, 85% or 18,931 ha of the Town's tree cover is on located on private property. This means that the protection and maintenance of a vast majority of the Town's tree canopy is the responsibility of private landowners.

Currently, the Town only protects private trees within designated woodlands through the Woodland Conservation Bylaw 2000-100. The purpose of this by-law is to prohibit the cutting of trees in woodlands 0.5 ha or greater without first obtaining a permit or submitting a Forest Management Plan acceptable by the Town. The current By-law does not require Town permission to cut woodland trees for personal use (20 trees per year) and/or to remove hazard trees.

In addition, the Town regulates individual tree removals during the development review process through the review and approval of Arborist Reports. Arborist Reports identify trees impacted by the proposed development and recommend tree protection actions and/or compensation requirements to offset the proposed tree removals. Since 2020, where compensation trees cannot be planted on the development site, the applicants have been required to pay the Town cash-in-lieu of tree planting.

There are instances, however, when landowners remove trees on their property prior to the submission of a development application and thus avoiding the Town's compensation requirements. An Urban Tree By-law with rules and penalties enacted, would be a strong deterrent for landowners not to remove trees on their property outside the development approval process.

An Urban Tree By-law could also help with regulating tree removals associated with development applications that have less than 10 dwelling units. Recent changes contained in the Provincial Bill 23 exempts applications with less than 10 dwelling units from the Town's site plan approval process and thus the requirement to submit Arborist Reports. An Urban Tree By-law would help close this gap by requiring applicants to apply for a tree permit prior to Building Permit issuance.

Finally, previous reports to Council on the feasibility of implementing a private tree by-law cited the lack of staff resources as a primary reason for not implementing a By-law. The Town now has two (2) Environmental Planners with the expertise to review and administer

a private tree by-law. Beyond these two staff resources, there are additional resources within Parks and Natural Heritage and Parks Operations and Forestry Sections that can assist with the administration of the By-law.

CURRENT SITUATION

For the above noted reasons, staff are recommending that the Town move forward with the development of an Urban Tree By-law. Staff are also recommending that the Urban Tree By-law apply to all private lots, regardless of their location and size (i.e., not just within settlement areas and/or of larger size).

Applying a private tree by-law to lots only within settlement areas would only protect an additional 4% or 924 ha of the Town's tree canopy beyond the existing Woodland Conservation By-law. Similarly, applying a private tree by-law to lots only greater than 0.2 ha in size regardless of their location would only protect an additional 0.05% or 12 ha of existing tree cover beyond the existing Woodland Conservation By-law. Therefore, limiting the new By-law to protecting individual trees only on larger private lots and/or only within settlement areas would have very limited benefit when compared to the costs associated with implementing the By-law.

Caledon's urban tree canopy covers approximately 22,377 ha, with 74% of it regulated by the Town's current Woodland Conservation By-law and 15% protected on public property. Applying the new private tree by-law to all private lots regardless of their location and size would protect an additional 5000 ha (11%) of existing tree cover (if trees of all sizes are protected), while also supporting tree protection that is no longer possible through site plan approval applications under 10 dwellings.

NEXT STEPS

If Council adopts staff recommendations to move forward with developing an Urban Tree By-law for all private lots, staff will use the following principles to guide its development:

- Balance tree protection with available staff resources;
- Consider regulating differing tree sizes inside and outside settlement areas;
- Recognize the importance of high-valued trees;
- Develop a permit process that is inexpensive, efficient, and effective; and
- Develop reasonable tree compensation requirements for homeowners.

The following tasks will be included in the development of the Urban Tree By-law:

- Set up a working team with Forestry, Parks, Municipal Law Enforcement, Legal staff to develop a By-law;
- Defining what Trees will be protected (size, species, age, condition, etc.);
- Background review of municipal tree by-laws from comparable municipalities;
- Review the existing Woodland Conservation By-law and consider integrating into a comprehensive Urban Tree By-law;
- Establish a permitting and enforcement process that utilizes staff from Planning, Parks and By-law Enforcement;
- Conduct community engagement prior to finalizing the By-law;
- Report to Council with a recommended By-law in Q1 2025; and

- Update Town website as necessary to educate stakeholders on its objectives and content.

CONCLUSION

Developing and implementing an Urban Tree By-law is not only feasible but vital to demonstrating the Town of Caledon's commitment to protecting and enhancing its urban tree canopy. A resilient and healthy tree canopy has a number of environmental and social benefits that align with the goals and objectives of the Town's Strategic Plan.

FINANCIAL IMPLICATIONS

N/A

COUNCIL WORK PLAN

Strategic Plan 2023-2035

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

Environmental Leadership

Details about Caledon's 2023-2035 Strategic Plan can be found at caledon.ca/strategicplan.

ATTACHMENTS

None.