



Committee of the Whole Report

Report Number PLAN2021-001

Meeting Date: January 12, 2021

Title: Tree Preservation

Description: Review of existing and forthcoming initiatives and opportunities for tree preservation

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Recommendation(s):

That Report PLAN2021-001, **Tree Preservation**, be received;

That Council direct staff to commence a formal public consultation strategy and education plan, and deliver an Options Update report to Council within 6 months; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

On May 30, 2017, **Bill 68** Modernizing Ontario's Municipal Legislation Act, 2016, received royal assent. The Bill introduced a series of reforms to the Municipal Act, 2001, the Municipal Conflict of Interest Act, 1990, and the Municipal Elections Act, 1996. On balance, the Bill mostly focuses on matters of municipal governance and financial accountability, however changes were also introduced that are intended to allow municipalities to be more proactive in combating and mitigating climate change, including giving municipalities the authority to require green roofs, pass by-laws to protect or conserve the environment, and provide or participate in long-term energy planning in the municipality.

Of note, Bill 68 amended Section 270(1) of the Municipal Act, requiring all municipalities to adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality. This section came into force and effect on March 1, 2019.

Following the legislative changes in the spring of 2019, and Council's approval of the Environmental Advisory Committee (CKLEAC) work plan in the summer of 2019 that included development of a tree preservation by-law, Planning staff was directed to review the City's Bill 68 compliance. Staff enlisted summer students to conduct research, canvassed a host of municipalities for like-initiatives across the province, met with internal Divisions, and prepared an information package with existing and forthcoming initiatives to enhance the tree canopy, and possible approaches to a tree preservation by-law, for the City's Senior Management Team the following spring. The work was suspended due to the Covid-19 pandemic and municipal shut-down, but was resumed in the fall of 2020 with direction from the CAO to provide information to Council in early 2021.

Report PLAN2021-001 addresses the City's Bill 68 compliance and provides a review of existing and forthcoming initiatives and opportunities for tree preservation.

Rationale:

Bill 68 requires municipalities to move beyond solely conserving existing trees, and is intended to promote and enhance vegetation, especially in urban areas, to provide a cooling effect and sequester carbon, be a form of green infrastructure, and increase climate change resiliency. Municipalities can amend current policies, by-laws and practices to implement the new policy.

There are a number of approaches supported by the Ministry of Municipal Affairs and Housing and used across municipalities for Bill 68 compliance. These approaches demonstrate range and flexibility in tailoring the policy to local needs. Generally, municipalities consider existing tools that protect and/or enhance trees and natural heritage features; examples of tools include:

- By-law which confirms that the policies set out in the Official Plan for natural heritage, significant woodlands, core areas, and linkages address the requirements of Bill 68;
- By-law for woodlands management, including Tree Preservation By-law, Tree Cutting By-law, Tree Conservation By-law, etc.;
- Forestry Master Plans;
- Grant for tree planting;
- Municipal sustainable management practices;
- Natural Heritage System Study.

The City has developed or is in process of developing a number of initiatives that, cumulatively, protect and enhance the tree canopy and natural vegetation and achieve Bill 68 compliance, including the following:

1. 2020-2023 Strategic Plan
 - Identifies a healthy environment as one of four Strategic Priority Areas for the City
 - Directs to protect and preserve natural areas and prime agricultural land by protecting and enhancing tree canopy
2. City of Kawartha Lakes Official Plan
 - Identifies and protects natural heritage system and its features, including significant woodlands and significant wetlands
 - Policy 3.5.22 supports development of a tree cutting by-law to protect woodlands from destruction
3. Cultural Master Plan
 - Identifies natural heritage as a prime sector for economic development both in terms of contributing to the region's overall quality of life and tourism dollars
4. Forest Management Plan
 - Identifies actions to effectively manage the City's forest tracts located in the former Townships of Somerville, Laxton, Emily, and Manvers in accordance with good forestry practices
5. Healthy Environment Plan
 - Recommends a number of municipal and community adaptation actions to protect natural assets and increase tree canopy,

including: develop an Urban Forestry Plan, protect the existing urban tree canopy, promote and increase planting of native tree species, require green infrastructure, restore features and their functions, protect shorelines, expand naturalization programs, and continue to create and preserve pollinator habitats

6. Integrated Community Sustainability Plan

- Sets out actions to protect and enhance a system of naturally occurring landscapes
- Recommends public awareness of natural features and areas, protection of natural spaces through the Official Plan policies, continuation of Lake Management Planning, development of waterfront natural heritage conservation districts, and implementation of a certification system for waterfront areas

7. Shoreline Planning and Policy Report (KRCA)

- Reviews shoreline policies in lake-based municipalities including those relating to natural heritage protection measures and vegetative buffers; concludes that City's policies are mostly comparable to other municipalities
- Explores the trends in City's shoreline development over the last 30 years and identifies changes in natural cover within 120m of City's lakes

8. Site Plan Guidelines

- Provides guidelines for tree species that have restricted uses, width and composition of natural buffers or screens, street trees, landscaping of parking lots, and park design standards
- Guidelines encourage preservation of existing vegetation on site, tree protection during construction, and tree replacement requirements

9. Subdivision and Development Agreement Template

- Sets out standard conditions for installation of trees within the rights of way, requires securities for street tree planning, requires a landscape plan and notification of tree preservation zones

10. Trails Master Plan

- Supports environmental and ecological objectives through the protection of greenspace in both rural and urban settings

Some of the upcoming policies and regulations that will further the protection and enhancement of the tree canopy includes the following:

- Kawarthas, Naturally Connected Natural Heritage System – a Natural Heritage Areas mapping that was developed between a number of agencies and jurisdictions including the County of Peterborough and the City of Kawartha Lakes. This mapping identifies areas for protection including woodland areas
- Official Plan Amendment 13 and Secondary Plans – presently before LPAT
- Community Design Manual: Guidelines for New Developments – in draft which outlines the importance of planting and preserving trees in new developments
- Tree preservation by-law – forthcoming

There are additional opportunities that warrant further consideration:

- Strengthening Low Impact Design and green infrastructure policies by moving from recommendations to requirements, and identifying tools for implementation (i.e. site plan control). This includes the planting and preservation of vegetation and trees to retain drainage on site.
- Improving Official Plan and Secondary Plan policies to better enhance, not just protect, natural heritage and tree canopy policies, and establish targets for City-wide canopy
- Education campaign

In light of the City's existing and forthcoming initiatives, as well as those taking place by private community advocacy groups, there is much value in ascertaining the community's position on potential opportunities to improve the policy framework and develop implementation tools to better protect and enhance the tree canopy and natural vegetation in the municipality.

The City is well-positioned to consult with, raise awareness and engage the public in matters relating to trees using the corporate engagement platform, hosted by Engagement HQ and branded under the name Jump In Kawartha Lakes. With support from the City's Communications, Advertising and Marketing Team, staff are considering a variety of tools for the engagement campaign, including public questionnaires, virtual open houses and other round-table discussion opportunities, and educational resources.

A public questionnaire is often used to gauge public support for regulations or policy measures to protect and enhance private trees, and to help define scope of projects. Virtual open houses and round table discussion opportunities allow the public to learn about a proposed initiative, such as a tree preservation by-law, ask questions and provide comments. Virtual formats of open houses and round table discussions may include or be supplemented by a webinar presentation and pre-recorded videos that the public can access at their convenience. Other educational resources such as public brochures and landowner packages could further supplement the City's engagement campaign by providing guidance documents relating to tree care matters (i.e. pruning practices, invasive plants, Emerald Ash Borer), address frequently asked questions regarding private and/or public trees, and outline available tools and resources in the City for tree-related matters.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities

The four strategic priorities within the 2020-2023 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

Protecting and enhancing the tree canopy is one action to achieve the Healthy Environment goal to protect and preserve natural areas and prime agricultural land. Furthermore, trees and natural vegetation provide ecological, social and economic benefits that align with all strategic priorities.

Financial/Operation Impacts:

Tree preservation policy, and in particular a tree preservation by-law, have broader corporate implications – costs – and impacts across multiple Departments for staffing, monitoring, enforcement, and permitting. The City's goals for tree canopy enhancement will dictate the requirements and components of a tree preservation by-law.

For instance, the City may prioritize its resources and scope the geography of the by-law to achieve area-specific enhancements initially; and, assess a variety of administrative tools with impacts to staffing like education, inquiries and consultation, permit application, arborist report, replacement plan or cash-in-lieu

option, and monitoring tree cover changes over a given timeframe. In line with corporate values will be to uphold a high quality of public service.

In a subsequent Options Update report, staff will summarize the results of public engagement and review by-law options. A 6-month pilot program can be used to gauge uptake of a new by-law, and determine its efficacy based on public interest, inquiries and complaints as well as impacts to staffing. The pilot will inform budget implications for the resulting tree preservation by-law going forward.

Consultations:

CAO-Municipal Law Enforcement Division
CRS-Communications Advertising and Marketing Division
CS-PRC-Parks and Open Space Division
EA-Engineering-Infrastructure and Design Division
Senior Management Team
Kawartha Conservation

Attachments:

n/a

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