

Memorandum

Date: May 16, 2024

To: Kawartha Lakes Environmental Advisory Committee

From: Robyn Carlson, City Solicitor

Re: Tree Preservation By-law Proposal: Summary of Responses from Public Engagement, Costs of Program & Status Update

The purpose of this memorandum is to provide the Kawartha Lakes Environmental Advisory Committee ("KLEAC") with a summary of the responses received to date to the City's public engagement and recommended amendments to draft resulting from same, estimated costs of the program, and a status update, including upcoming dates.

The City conducted engagement with the public via survey on its Jump In website, and as well responded to emails received by treebylaw@kawarthalakes.ca. The survey results are attached.

After receiving feedback to date, I am of the opinion that a shift to incentivization from regulation for the non-development context would be an appropriate resolution for Council in at this time.

Consultation on the draft by-laws with the Williams Treaties First Nations is currently underway:

- Alderville First Nation
- Beausoleil First Nation
- Curve Lake First Nation
- Georgina First Nation
- Hiawatha First Nation
- Rama First Nation
- Mississaugas of Scugog Island First Nation

... as well as with the Metis Nation of Ontario (Peterborough and District Office).

Engagement with the Ontario Woodlot Association and the Ministry of Natural Resources and Forestry will commence in July 2024.

The results of public engagement, engagement with this Committee and the Agricultural Development Advisory Committee, and consultation with First Nations and the Metis Nation of Ontario (Peterborough and District Office) will be presented to Council on September 24, 2024.

The administration of the program will require 2 new members of staff and one vehicle. This would be an annual salary investment of approximately \$120,000 over the two positions (administrative position and arborist), with an upfront investment of approximately \$52,000 for the vehicle. Benefits are added to the salary costs. Maintenance replacement costs are added to the fleet costs over time.

In discussions with Fleming College, they suggested partnering with their Arborist program and hiring a summer student and co-op student. I will incorporate this recommendation into the report back to Council.

As a result of engagement to date, I will be recommending the following amendments to the Tree Preservation By-law for City-owned Trees, as well as to the Tree Preservation By-law for Privately-owned Trees applicable to multi-residential development (i.e. subdivisions and plans of condominium):

- Threshold for full property application of the by-law (under the assumption that the purpose of the tree removal is multi-residential development in the absence of evidence to the contrary) is increased from 0.5 ha to 5 ha;
- A payment of \$1,500 per mature healthy native tree removed, in place of \$1,700; and
- A cap of \$250,000 to be paid per development

... to ensure that the by-law does not prohibit development of this nature. Otherwise, the impact of the by-laws on development was largely not contentious by the general ratepayer. The development community would prefer that they pay nothing, and a senior housing developer preferred an exemption for senior's housing, but my recommendation of a financial cap does allow money from tree loss to be used to fund tree canopy creation elsewhere, while not prohibiting development. The existing proposal provides an exemption for affordable housing.

I will be also be recommending the following amendments to the Tree Preservation By-law for Privately-owned Trees applicable to individual and infill residential development (i.e. consents to sever 1 residential lot into 2 lots; and building permits for single family dwellings):

- A payment of \$375 per mature healthy native tree removed, in place of \$1,700 for properties greater than 0.5 ha; and
- A cap of \$5,000 to be paid per development

... to ensure that the by-law does not prohibit development of this nature.

I have received valuable feedback from certified arborists and registered professional foresters with respect to replanting options, and will be incorporating those recommendations into the recommended amendments to the draft by-law.

These professionals have also indicated that separating the by-law provisions into separate by-laws (one aimed at shoreline preservation and one aimed at the development industry) would be beneficial. I concur with this recommendation, and will make the amendments to draft prior to returning the matter to Council in September.

Furthermore, both the professional industry and the public were interested in review of options pertaining to tree cover in urban areas as well as in woodlots. I will be recommending in September that these areas receive study and return to Council in 2025.

I will be recommending that, if the By-laws are not approved, or are approved with a reduced scope such that additional staff and fleet costs will not be required to implement the by-laws, that the costs that would have been directed to by-law administration be directed into the Tree Canopy Reserve annually (i.e. \$172,000 payment from general revenue to the Tree Canopy Reserve annually).



Robyn Carlson

Encl.