

To: COUNCIL
Meeting Date: 11/28/2023
Subject: Updates to the Private Tree By-law
Submitted By: Michael Hausser, Director of Operations – Infrastructure Services
Prepared By: Sam Scarlett, Manager of Operations – Forestry & Horticulture
Report No.: 23-030-IFS
File No.: 011
Wards Affected: All Wards

RECOMMENDATION(S):

THAT Report 23-030-IFS Updates to the Private Tree By-law be received;
AND FURTHER THAT By-law 124-18 be repealed and replaced with the new Private Tree By-law effective January 1st, 2024

EXECUTIVE SUMMARY:

Purpose

The purpose of this report is to obtain Council approval to repeal the current Private Tree By-law (124-18) and replace it with an amended private tree by-law.

Key Findings

The new By-law incorporates feedback and changes identified during public and stakeholder engagement and process improvements identified by Staff after five years of implementing the current By-law.

Financial Implications

It is anticipated that through a simpler permit application process and increased promotion of the private tree by-law, higher compliance will be achieved. Increases in permit fees tree compensation revenue may be realized through greater public knowledge and compliance.

STRATEGIC ALIGNMENT:

Strategic Action

Objective(s): Not Applicable

Strategic Action: Not Applicable

OR

Core Service

Program: Forestry

Core Service: Climate Adaption

BACKGROUND:

In 2017, The City of Cambridge [Urban Forest Management Plan](#) was completed and presented to Council through Report #17-010(CSD). This plan outlined 32 recommended actions, one of which was planning and implementing a City-wide private tree by-law to assist in achieving the City's urban forest targets.

On July 10th 2018, The City of Cambridge's current [Private Tree By-law \(124-18\)](#), "the By-law", was approved by Council. The By-law regulates the injury and/or removal of trees on private property with a diameter equal or greater than 20cm (measured 1.4 meters above the ground). The By-law requires landowners to apply for a permit if they plan to injure or remove a regulated tree on the lands unless it is confirmed by an Arborist as being an imminent hazard or dead. The By-law was ratified by Council and subsequently implemented by staff in July of 2018.

Since the implementation of the Private Tree By-law in 2018, Staff have seen a year-on-year increase in requests for permits. Staff and permit applicants have noted potential areas for improvement in various aspects of the By-law, both in the permit application and granting process, notifications, awareness, and by-law enforcement.

Since the implementation of the Private Tree By-law, the City of Cambridge Climate Adaptation Plan (2019) was completed. The Plan found: "Residents strongly support investing further in maintain and expanding urban canopy and street trees to provide shade and aesthetic value to City Streets."

On the 12th April, 2023 Council directed Staff to amend the existing Private Tree By-law (124-18) and report back to Council with an amended Private Tree By-law and implementation plan.

ANALYSIS:

The recommendation to repeal the existing Private Tree By-law (124-18) and replace with a new Private Tree By-law (23-105 Appendix A) allows for significant changes to be implemented. The changes to the new By-law are based on feedback from City of Cambridge residents and stakeholders in 2022. Staff identified improvements from implementing the existing By-law and permitting process since 2018 have also been taken into consideration. The intent of the original By-law remains the same, to protect and enhance the urban tree canopy City-wide and also remains an effective policy instrument to implement this goal, outlined in the City of Cambridge [Urban Forest Management Plan](#)

Three areas of the current Private Tree By-law and permitting process were identified for improvement through the public consultation. The issues identified were (1) that the application process for a permit to remove trees was too complex, (2) there is not a good understanding of the purpose of the by-law or how it works., (3) many members of the community and other stakeholders are not aware that the City has a private tree By-law or are familiar with its requirements.

Application Process Too Complex

Residents, Arborists/ tree cutting companies and other stakeholders who completed the survey and/or attended the focus groups and indicated they have applied for a permit previously, expressed frustration with the complexity and cost associated with the process.

The current By-law required a resident or Arborist to apply to the City to remove a qualifying tree (equal or greater than 20 centimeters diameter at 1.4 metres above ground level) compensation that was calculated based on size, and condition to satisfy the permit requirements.

The new By-law addresses the complexity issue by simplifying the compensation model (23-105 Appendix A, Schedule A) by specifying the number of trees required as replacement solely based on the size of the tree being removed. Tree health and condition tree does not factor into the replacement ratio.

A standard tree replacement size for the permit holder has been set as a common size that local tree nurseries stock, it is more affordable and easier for residents to handle, transport and plant themselves but large enough to be robust and to withstand environmental challenges. Typically, this pot size will hold a tree of between 4 and 6 feet tall. Replacement trees need to have a minimum pot size of 8 gallons and 20mm

diameter stem/ trunk. Resident can plant bigger if they wish, but larger trees will only count as 1 replacement tree.

If Applicants do not want to replant trees onto their property, they have the option to pay cash-in-lieu of tree planting(s) which will allow the City to plant replacement trees in another location to offset the tree canopy loss of the removed tree(s).

Increase Private Tree By-law Awareness

Many members of the community and stakeholders who participated in the public consultation were not aware that the City has a Private Tree By-law or were familiar with its requirements.

To address the lack of awareness, a communication plan will be created following the proposed new by-law to provide a fulsome and calculated approach to communicate to different areas of the community in multiple mediums. These will include City produced publications and social media channels. Engaging with various community groups and neighbourhood associations. Other mediums include print or radio.

A critical aspect includes a comprehensive review and update of the City's website pages related to the Private Tree By-law and how monies collected through the permit process funds new tree plantings to offset the loss of trees removed on private properties.

Increase Understand of the Private Tree By-law

Similar to the lack of awareness, community members and stakeholders who did know that there was a By-law, there is not a good understanding of the purpose of the By-law or how it works.

Wording changes to the By-law wording may assist in increasing understanding, changes to the communications by the City will address a wider lack of understanding of the By-law, its function and how it works.

Increasing clear and concise information on the City's website and through the communications plan will increase the knowledge in the community and with key stakeholders.

Staff Initiate By-law Changes

A specific clause on tree protection has been included in the By-law to specifically protect trees present on properties subject to Part IV and Part V of the Ontario Heritage

Act (1990). These trees are subject to review and additional measures and/ or considerations.

The new By-law will be limited to applications of 1 to 9 qualifying trees greater than 20cm diameter at breast height per parcel. For applications greater than 9 trees, a Site Alteration By-law will apply and a permit will be require for site alteration.

Requests for tree removal as a result of development related activity under Planning Act legislation, will be subject to City Policy requirements detailed in the Engineering Development Manual.

With the limit of 9 trees, a simplified compensation approach, and the revision of the application form, there will be significant streamlining of the application and permitting process. This will allow for reduction in processing time and less frustrations by Residents and Arborist/ Tree Cutting companies.

EXISTING POLICY / BY-LAW(S):

The existing by-law is the City of Cambridge Private Tree By-law (124-18). Staff recommend repealing the existing Private Tree By-law (124-18) and replacing with draft new Private Tree By-law 23-105. These changes are based on what was heard from City of Cambridge residents and stakeholders in 2022 and from Staff identified improvements from implementing the By-law and permit process since 2018.

FINANCIAL IMPACT:

The recommendations in this report include keeping the existing permit application fee at current rates (\$50 - 2023 rate). It is anticipated there will be an increase of permit fee revenues in 2024 and beyond of between \$2,500 and \$7,500 per year with an estimated increase in the number of permits applied for of between 33% - 100% as a result of promotion and a streamlined application process.

A key objective of the Private Tree By-law is to increase the numbers of replacement trees planted on private property, rather than cash-in-lieu being paid. As a result, the cash-in-lieu for tree planting from Private Tree Removal Permits may reduce year on year. This is difficult to calculate at this point in time.

Residents applying for private tree removal permits under the new proposed By-Law and are willing to replace trees on their property may realize a reduction in tree removal compensation costs than under the current By-Law. The offsetting tree planting is less than the previous By-law as smaller and easier to plant trees.

If residents choose not to replant trees on their property, cash-in-lieu of tree planting is required. This amount is approved annually in the Council approved user fees. In 2023, the cash-in-lieu of tree planting was \$525/tree.

PUBLIC VALUE:

Sustainability:

In alignment with the Urban Forest Management Plan and the City of Cambridge Climate Adaptation Plan, the recommendation to repeal and the replace the Private tree By-law (18-124) will support citywide sustainability by focusing on the objective of mitigating the loss of tree canopy on private lands.

Private tree by-laws are an effective policy instrument to protect and enhance urban tree canopies. Core changes in the proposed By-law streamline the regulation of the removal or replacement of large trees (20cm DBH and greater) in our community and will encourage property owners to replace trees they've removed or fund the future planting of trees to offset their removal for a diverse and healthy tree canopy.

A diverse and healthy canopy is resilient and is better able to withstand pest infestations and extreme weather events to provide the well documented benefits of increased tree canopy coverage in urban areas.

ADVISORY COMMITTEE INPUT:

Advisory Committees Consulted:

Not Applicable.

PUBLIC INPUT:

In mid-2022, Staff engaged a consultant team to assist in a public engagement project to review all aspects of the current by-law. The objectives of the engagement project were to gather information on:

- 1) How well the current private tree by-law is understood,
- 2) Experiences with the private tree by-law, and
- 3) Perspectives on how the private tree by-law and or its processes could be improved.

Due to the ongoing public health guidance because of the COVID-19 pandemic, a hybrid engagement model was implemented which included a combination of virtual and in-person tools and platforms.

A specific webpage was created on the Engage Cambridge platform to promote the project. A survey was the primary tool for collecting information which was available online and hard copy. The survey was promoted to stakeholders and residents through multiple avenues: City social media, local stakeholder social media, council memo,

press release, printed post card and posters.

Additional engagement and outreach with Cambridge residents included:

- Pop-up booths at the Cambridge Farmers Market with tree giveaways and staff onsite,
- Public information sessions both in-person and virtually
 - External focus groups
 - Engaged Residents
 - Previous applicants
 - Local Arborists
 - Local environmental organizations and agencies (REEP, Grand River Conservation Authority
 - Region of Waterloo.
- Other City Departments
 - Planning Service
 - Municipal By-law Compliance

INTERNAL / EXTERNAL CONSULTATION:

Internal consultation was undertaken with By-law, Legal Services, Planning/Heritage, Engineering and Forestry Staff to draft and consult on specialist areas of the proposed By-law.

CONCLUSION:

After implementing Private Tree By-law for 5 years, public consultation, stakeholder input and Staff experience several areas of the current By-law was identified for improvement.

Due to the scope and volume of the changes proposed, repealing the current By-law and replacing with a new By-law is required. Key issues identified from Residents and Stakeholders have been addressed which will simplify the application process, increase awareness and understanding in the community. This will result in increased compliance with the by-law and ultimately a more robust and growing urban tree canopy.

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 23-030-IFS Appendix A – New Private Tree By-law