



Tree Preservation By-law Review

Community Services – Operations Department
Development Services – Planning Department
Corporate Services – By-law and Regulatory Services / Legislative Services
CAO Commission – Legal Department



Agenda

- Purpose and Principle of the Tree Preservation By-law
- Background
- Public Engagement Results
- Proposed Updates to the Tree Preservation By-law
- Questions and Discussions



Purpose of the Tree Preservation By-law

- To ensure the preservation of the urban canopy for air quality, ground water conservation
- To achieve a tree canopy cover of 30% or greater
- To ensure safety and maintenance of trees

Principles of Tree Preservation By-law Review

- Review of By-law effectiveness
- Align internal processes to ensure consistency
- Prioritizing preservation before replacement and compensation
- Ensuring transparency and fairness



Resolution of Council



RESOLUTION OF COUNCIL MEETING NO. 10 - DATED MAY 31, 2022

8.2 REPORT NO. 22 - GENERAL COMMITTEE (MAY 24, 2022)

8.2.6 TREE PRESERVATION BY-LAW REVIEW AND UPDATE (2.0)

1. That the report and presentation entitled “Tree Preservation By-law Review and Update” be received; and,
2. That the written communication from Valerie Burke be received; and,
3. That the recommendations for amendments to the Tree Preservation By-law and related processes in this report be approved in principle; and,
4. That staff report back to Committee with additional recommendations that provide for the protection of hedges; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.



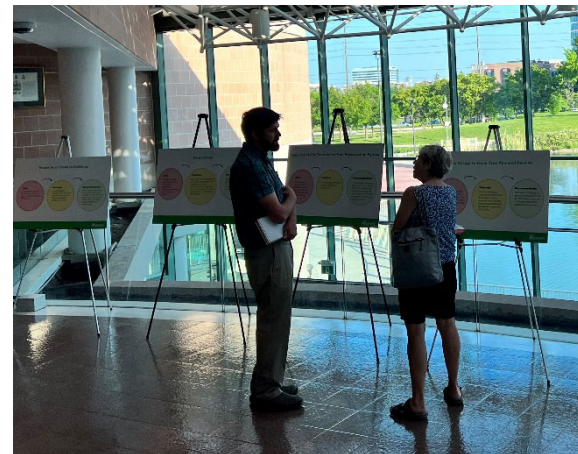
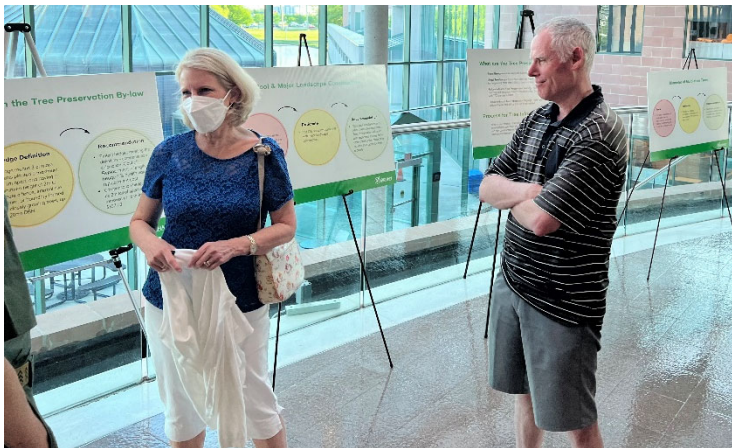
May 31, 2022 Approved Amendments

<u>Additions:</u>	<u>Edits:</u>	
1. Permit Signage	6. Evaluation Method	12. Compensation Illegal
2. Undertaking	7. Permit Expiration	13. Pool Process
3. New Offences	8. Boundary Trees	15. Tree Preservation Zone (TPZ) Barrier Signage
4. Securities for Infill	9. Non-compliant Permits	16. Urban Design to Issue Tree Removal Permits
5. Proximity to Dwelling	10. Multi-stem Tree Calculation	<u>Deletions:</u>
	11. Compensation	17. Trees Located in the Proposed Building Footprint



Public Consultation Results

- Staff conducted a public open house on May 30th, 2023, 6 residents attended and were supportive of the changes with many positive feedbacks
- Notable comments:
 - support for the building footprint exemption being removed
 - propose to allow farmers to manage trees





Your Voice Markham

Comments received and responded to on YVM:

- Privacy for online permits
- Boundary trees
- 1.5m removal option – for other dwelling
- Tree maintenance practices, consider/review all trees on property
- Tree removal for Accessibility
- Building footprint exemption removal opposition
- Developers/residents equity
- Tree selection list to be more diverse
- Infestation, Invasive species should be less protected
- Request for a watch list for landmark trees



New Items Since May 2022

	Proposed
1	<p>Hedge definition: <i>Hedge means 3 or more stems planted a maximum of 1 m apart, and a minimum height of 2 m to create a barrier, up to 20 cm DBH.</i></p>
	<p>Compensation = length of hedge * % health value * replacement cost (cash-in-lieu value \$337.00)</p>
	<p>Conditional hedge re-plants must be 2 m tall of the species being removed</p>
2	<p>Active farm coordination</p>



	Proposed
3	All City trees regardless of size and private trees ≥ 20 cm to be covered under the Tree Preservation By-law
4	Add fee to the Fee By-law for Infill construction related tree review
5	Securities required for tree preservation barriers and <u>existing remaining trees</u> for all construction related permits
6	Use Aggregate Caliper Method to evaluate Illegal removals – cm for cm replacement
7	Conditional planting size for non-construction permits to be 3cm



Next Steps

- Complete By-law Draft and Policy and Procedure document in coordination with internal and external Legal review



Questions & Discussion



Previously Approved Additions

	Proposed
1	Permits signage to be visible from the street
2	An Undertaking will be added to the permit
3	New offences: Failure to install tree preservation fencing Failure to install tree preservation signage
4	Securities required for trees to be planted for Infill related permits
5	Allow trees to be removed if they are ≤ 1.5 m from the edge of the DBH to the edge of any building requiring a building permit on subject the property



Previously Approved Edits

	Current	Proposed
6	Different evaluation methods used across departments for <u>permitted</u> removal	All departments to use Progressive Aggregate Caliper Method with the ability to depreciate the tree based on condition
7	Permit Expiration - 3 months	Permits Expiration - 1 year
8	Boundary Trees, no consistent process across departments	A sample letter provided on Markham website, neighbour's signature required
9	For non-construction permits, no mechanism to collect cash-in-lieu of planting for non-compliance	Non-construction permit – non-compliance will be added to property tax



	Current	Proposed
10	Diameter of multi-stem trees is calculated by sum of the largest three limbs	Change the multi-stem calculation to the industry standard – sum of the square root of the largest three limbs
11	Cash-in-lieu of planting: Non-construction - \$300.00 Construction - \$600.00 Development - \$600.00 Forestry (City trees) - \$675.00	Cash-in-lieu of planting: Non-construction - \$337.00 Construction/Development/City trees - \$675.00
12	Illegal removal cash-in-lieu of planting: Non-construction/Construction/ Development - \$600.00 City trees - \$675.00	Illegal removal cash-in-lieu of planting: Non-construction/ Construction/ Development/City trees - \$675.00



	Current	Proposed
13	Pools and major landscape considered as regular permit	Pools and major landscape considered as a construction related permit
14	Different processes for TPZ signage between By-law and Urban Design	Applicant to install TPZ barrier signage
15	Developers do not have access to the tree permit process	Urban Design will use the Tree By-law to approve and manage tree removals up until execution of a site plan or subdivision agreement
16	Trees located in the building footprint are exempt	Require conditions for trees located in the building foot print



Previously Approved - No Change

	Current
17	Licensing of Arborists
18	Size threshold 20cm DBH
18	Trees in rear yards
20	Heritage designation for trees
21	Permit and Application Fee