

OPTIONS FOR TREE PRESERVATION IN MARKHAM

STUDY BACKGROUND

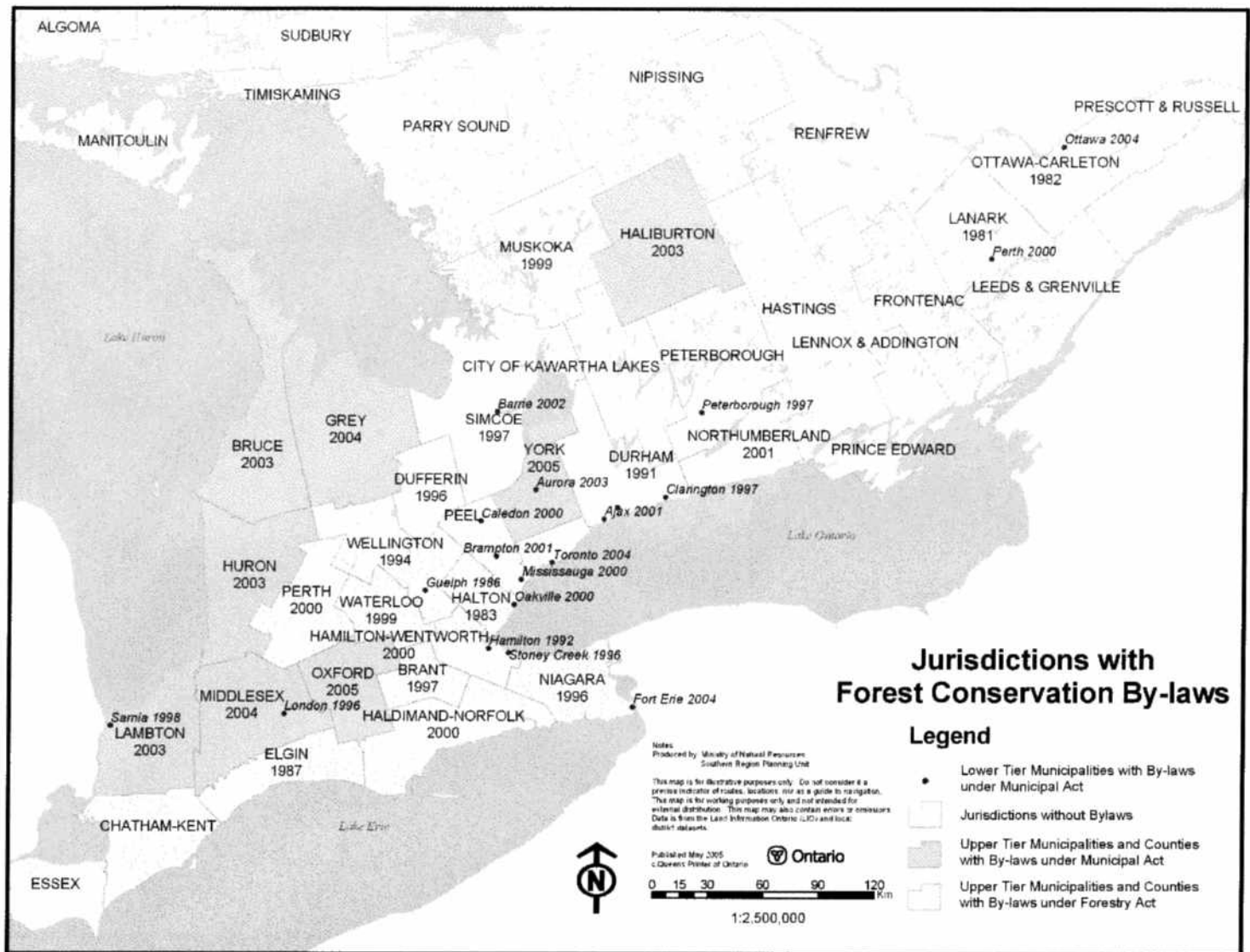
2001 – 2002	Based on some incidences in the Town & concerns of some residents, Staff begin to explore options for a tree by-law covering private lands & present findings to the Development Services Committee of Council.
Fall 2003	Council directs Staff to retain Consultants to develop a Draft Tree By-law & Report that would be scoped to cover priority areas.
2004	Consultants conduct research + scoped field work & provide preliminary recommendations.
Spring 2005	Council directs staff to present all options to the public & get community input over the summer of 2005.

Regulation of trees on private land in Ontario is not new. The first *Trees Conservation Act* was implemented in 1946 and allowed larger (i.e., upper tier) municipalities to pass by-laws regulating the cutting of trees in woodlands. Currently, the *Municipal Act* (2001) allows municipalities of any size to enact tree by-laws, provides more effective tools for protecting trees, and enables harmonization with area municipalities.

Tree by-laws, more so than other types of by-laws, can become somewhat complex and technical, but can be divided into three basic approaches: (1) “woodland” by-laws – that focus on woodland/forest protection, (2) “arboricultural” by-laws – that focus on protection of individual trees, and (3) “sensitive area” by-laws – that protect all trees in designated areas. While some municipalities in southern Ontario have adopted one of these approaches, others have integrated two or all of them into their by-laws.

In Markham, the Region of York is updating its “woodland” by-law and has already entered into an agreement with the Town whereby it will protect all woodlands of at least 0.2 ha (0.5 acres). **Therefore, the Town needs to consider whether or not it would like an “arboricultural” type by-law that addresses the protection of individual trees in specified locations (e.g., heritage areas) or trees in specified categories (e.g., above a certain minimum diameter).**

The intent of such a by-law would be to protect all trees that are considered significant within the Town in recognition of the environmental, aesthetic and heritage value that they provide. This type of by-law has already been adopted by a number of lower-tier municipalities in Ontario over the past 5 years (e.g., City of Mississauga, City of Toronto, Town of Ancaster, City of Scarborough, Town of Dundas, City of Pickering) while others are in the process of developing one.



PRELIMINARY STUDY RESULTS

The EXPERTS in southern Ontario say the BEST tree preservation practice consists of:

1. informing & educating the landowners about proper tree care & the by-law;
2. having a well-trained by-law officer out in the field able to catch infractions quickly & willing to work with the landowners to resolve the situation;
3. the municipality being willing & able to take blatant offenders to court;

AND a local tree by-law must be tailored to the needs & resources of that municipality.

SCOPED SURVEYS in MARKHAM found:

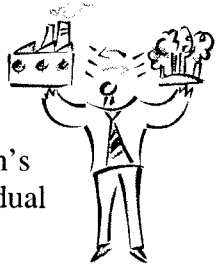
- Many good sized trees located on private properties throughout the Urban Area
- Bur Oak, Black Walnut, Ash & Maples are the most ecologically significant species
- These species primarily occur in the older neighborhoods, some golf courses, and many future development areas (eg. farmer's fields)
- Many large trees in Heritage Areas are "weed" tree species in need of management

INFORMATION SHEET

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 FOR PUBLIC CIRCULATION
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Prepared by
 Dougan & Associates Ecological Consulting
 with Urban Forest Innovations Inc.
 June 2005

WHY CONSIDER A TREE BY-LAW?



As of March 2005, all woodlots of at least 0.2ha (0.5 acres) are protected through the Region's Forest Conservation By-law (and the Town's 2005-84 delegation by-law). However, individual or clumps of trees on private properties are protected at the discretion of the individual landowner.

Each tree in a City or Town contributes to what is called the "Urban Forest". Urban Forests provide many environmental, economic & social "goods & services" (e.g., improved air quality, temperature moderation, higher property values, storm water reduction, noise reduction, wildlife habitat, psychological well-being).

In Toronto it is estimated that the City's forest cover (calculated at 20%, or 3 million trees) is valued at approx. \$2 billion in replacement value alone; sequesters approx. 28,000 tonnes of carbon annually; and absorbs approx. 614 tonnes of ozone, 117 tonnes of sulphur dioxide, 306 tonnes of nitrogen oxide, and 452 tonnes of particulates annually.

ABOUT TREE BY-LAWS

1. Tree by-laws restrict a landowner's ability to cut down trees on their property, under circumstances specified in the by-law.
2. For the trees protected under the by-law, you typically require a PERMIT which needs to be approved by the Municipality.
3. Typically, PERMIT EXEMPTIONS are provided for:
 - trees certified as being dead or diseased
 - trees posing a demonstrated hazard to persons or property
 - trees in active orchards, nurseries and tree plantations
 - tree species considered "invasive" or "weedy" that provide limited benefits to the urban forest (Eg. Manitoba Maple, Siberian Elm, Tree of Heaven, Buckthorn)
4. Process for building new structures:
 - Typically, a permit application for tree removal is submitted along with a building permit application for an addition (for example)
 - Once the permit is approved, the landowner would be subject to the tree preservation an/or replanting plans laid out in the permit.
5. Permit FEES vary widely in different municipalities [range: \$0 - \$500]
 - Typically no charge for confirming permit exemptions.
 - May vary with number of trees being cut.



- 1. Tree Preservation Education without a Tree By-law**
- 2. Tree Preservation Education with a Scoped Tree By-law**
- 3. Tree Preservation Education with a more comprehensive Urban Area Tree By-law**

1. Tree Preservation Education without a Tree By-law

KEY COMPONENTS

- An education & awareness campaign focusing on the benefits of trees & values of the urban forest, proper tree care for landowners, suitable tree species to plant or replant in different sites.

Note: Trees on Approved Draft Plans will still be subject to the same municipal policies as always, and are typically preserved through Subdivision or Site Plan Approval

2. Tree Preservation Education with a Scoped Tree By-law

KEY COMPONENTS

- An education & awareness campaign (as above).
- Protection of trees considered significant in the Town in areas considered to be “high priority”.
- Proposed “High Priority” areas identified by the Town Staff are:
 - Heritage Districts, Heritage Study Areas & Hamlets
 - Valleylands + 10 m from top of bank in the Urban Area
 - Vacant properties with anticipated or current development applications in the Urban Area (until tree inventory and preservation plans are approved)
 - Trees already identified for Preservation through Subdivision or Site Planning Approvals in the Urban Area
- “Significant” trees in these areas are proposed as all trees of 15 cm (6 inches) or greater in diameter, except for highly invasive species

3. Tree Preservation Education with a more comprehensive Urban Area Tree By-law

KEY COMPONENTS

- An education & awareness campaign (as above).
- Protection of ALL trees considered significant in the Urban Area of the Town, including Hamlets
- “Significant” trees are proposed as:
 - Trees of 30 cm (12 inches) or greater in diameter, in the entire Urban Area PLUS
 - Trees of 15 cm (6 inches) or greater in diameter, in Heritage Districts, Heritage Study Areas & Hamlets Heritage Conservation Districts

SUMMARY OF 3 GENERALIZED OPTIONS FOR THE TOWN OF MARKHAM

	PROS	CONS
OPTION 1: EDUCATIONAL AWARENESS	<ul style="list-style-type: none"> Improved awareness among residents & landowners Some landowners more likely to think twice before cutting a tree, or may consider replanting where cutting is considered necessary No need for by-law enforcement or risk of court cases Least costly of the 3 options 	<ul style="list-style-type: none"> Without legislation or enforcement of tree protection on private property, landowners will have the right to cut trees on their land at their discretion
OPTION 2: EDUCATIONAL AWARENESS and SCOPED BY-LAW	<ul style="list-style-type: none"> Improved awareness among residents & landowners Trees considered significant in specified areas will be protected by legislation By-law officers will only be required to cover certain areas, presumably limiting the scope and costs of their work The Town will have the ability to prosecute offenders 	<ul style="list-style-type: none"> Not all landowners will be subject to the same rules Significant trees outside of the specified areas will not be protected Landowners may be confused about whether or not the by-law applies to them This option may be viewed as an infringement on property rights
OPTION 3: EDUCATIONAL AWARENESS and URBAN AREA BY-LAW	<ul style="list-style-type: none"> Improved awareness among residents & landowners All trees considered significant throughout the Town will be protected by legislation By-law officers will be able to work with landowners who otherwise might not preserve or replant trees The Town will have the ability to prosecute offenders 	<ul style="list-style-type: none"> This option may be viewed as the most restrictive of the 3, and as an infringement onto property rights This option will likely be the most costly to administer and enforce

GENERALIZED COST ESTIMATES FOR THE 3 OPTIONS

OPTION 1	OPTION 2	OPTION 3
<ul style="list-style-type: none"> 1 part-time Education / Awareness Coordinator Admin. Support Educational Campaign 	<ul style="list-style-type: none"> 1 part-time Education / Awareness Coordinator 1 <u>part-time</u> Tree By-law Officer Admin. Support Educational Campaign 	<ul style="list-style-type: none"> 1 part-time Education / Awareness Coordinator 1 <u>full-time</u> Tree By-law Officer Admin. Support Educational Campaign
\$25 - \$45 K / year	\$45 - \$65 K / year	\$65 - \$85 K / year

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THE TOWN OF MARKHAM WELCOMES YOUR FEEDBACK

The Town would like to protect its' trees using the approach most widely accepted by the residents of this municipality.

This is your opportunity to provide your input:

- At Tonight's Meeting**
- On the Survey Form**
- In Written Submissions**

CONTACT:

Linda A. Irvine, OALA, CSLA
Manager, Parks and Open Space Development
Planning and Urban Design Department
Town of Markham
(905) 477-7000 x 2120, lirvine@markham.ca



OPTIONS FOR TREE PRESERVATION IN MARKHAM SURVEY FORM

The Town of Markham would like to protect its' trees using the approach most widely accepted by the residents of this municipality. The main options presented at this stage are:

1. Tree Preservation Education without a Tree By-law
2. Tree Preservation Education with a Scoped Tree By-law
3. Tree Preservation Education with a more comprehensive Urban Area Tree By-law

This is your opportunity to provide your input.

WE ENCOURAGE YOU TO REVIEW THE INFORMATION SHEETS BEFORE FILLING OUT THIS SURVEY.

Please submit to: Linda A. Irvine, OALA, CSLA, Manager, Parks and Open Space Development Planning and Urban Design Department, Town of Markham, (905) 477-7000 x 2120, irvine@markham.ca

Please print clearly or type. Your contact information will not be given to any other party and will be used only for follow-up purposes related to Markham's proposed Tree Preservation Bylaw.

Name _____

Address _____

Postal Code _____

Phone _____ Fax _____ Email _____

Name of affiliated group(s), school or agency where relevant.

Affiliations(s) – Please mark all that apply:

Resident of Town	
Owner of land in Markham that contains trees	
Naturalist, environmentalist, ecologist or related conservation interest	
Developer, architect, engineer, builder or related development industry interest	
Operate a farm in Markham	
Operate a business in Markham	
Live in a Heritage Area in Markham	
Town of Markham employee or elected official	
Other (please specify):	

SURVEY FORM

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1. Do you think trees are an important resource in the Town of Markham? Why?

2. Are you in favour of an educational campaign to promote proper tree care practices and tree planting within the Town? Why?

3. Do you think tree protection on private property should be regulated through a tree by-law? Why?

4. Are you in favour of a **Scoped Tree By-law** that would apply only to specified areas? Why?

5. Are you in favour of an **Urban Area Tree By-law** that would apply to all private lands within the Urban Area, as well as all Heritage Areas and Hamlets outside of the Urban Area? Why?

6. Would you be in favour of an educational awareness program only without a Tree By-law? Why?

7. Which of the following categories of trees do you feel warrant protection under a Tree By-law (please specify your preferences for each, if you have any):

- a. Trees with certain diameter or greater (eg. 15 cm, 30 cm, 60 cm): _____
- b. Certain categories of trees (eg. Heritage, native, all): _____

8. Please share any other thoughts or comments related to tree preservation in Markham.

Thank-you!