



TOWN OF MINTO

DATE: May 12, 2016
REPORT TO: Mayor and Council
FROM: Bill White, C.A.O. Clerk
SUBJECT: Proposed Draft Tree Policy

STRATEGIC PLAN:

- 10.9 Implement the Integrated Community Sustainability Plan, continue to be a leader in Environmental consciousness, and proceed with energy conservation initiatives including 9.7 Promote environmentally friendly development through subdivision and site plan control such as naturalized stormwater management, low maintenance landscaping using native species, and energy and water preservation techniques that enhance design and improve the cosmetics of the community.
- 10.1 Protect natural areas and floodplains, encouraging bio-diversity, and increase public awareness of guidelines for pesticide use, hazardous chemicals, and noxious weeds in residential areas
- 10.2 Promote urban forestry, low maintenance landscaping and park development to create more environmentally diverse green spaces including pursuing small plots/community gardens/remote plots in public space.
- 10.9 Implement the Integrated Community Sustainability Plan, continue to be a leader in Environmental consciousness, and proceed with energy conservation initiatives including recognizing employees who develop and implement environmentally friendly practices.

BACKGROUND

Minto appreciates the benefits afforded by trees to people who live here, agriculture and local ecosystems. The Town's 2011 Integrated Sustainability Plan supports reforestation and naturalization to help decrease the Town's ecological footprint. Trees are important for good urban design and contribute to healthier more diversified environments.

Minto has had a tree carvings policy for many years, but has never had a comprehensive policy to help manage tree related issues faced in the municipality on a regular basis. The attached draft policy is designed to assist Council, staff, public and business understand the Town's approach to trees in urban and rural environments.

In summary the policy addresses the following:

- Introduction to the benefit of trees
- Town strategic mission and actions respecting trees and natural environment
- Applicable to public trees and private trees that impact Town lands, but not rural woodlots except those involving Trees for Minto
- Administered by Public Works, Facilities and seasonal Town Landscape Care (TLC) staff
- Definitions of terms such as drip line, public tree, private tree etc. to help understand policy

- Support and funding clauses
- Prohibits public trees from being damaged or destroyed without Town consent and sets basis for restoring damaged trees
- Establishes basis for boulevard and streetscape trees
- Outlines conditions allowing tree removal including naturalized areas and cemeteries to address family plot arrangements
- Includes old tree carving policy
- Sets minimum requirements for Westario and Hydro One annual tree trim program to sustain power supply
- Specifies tree protection practices during construction, prohibited species, and rules for subdivisions and site plan developments.
- Certain requirements for private trees encroaching on public lands or a danger to public.

COMMENTS:

Municipal tree policies are often very detailed prepared by arborists that are expert in the field and have a comprehensive understanding of trees in municipal settings. Many policies in larger municipalities are very detailed and prescriptive with an implementing by-law that allows charges to be laid through enforcement provisions.

The approach in Minto's draft policy is to provide guidance rather than an enforcement tool. The policy outlines ways the Town will further its strategic direction to enhance and maintain strong urban and rural forests.

FINANCIAL CONSIDERATIONS:

The policy was developed in house and includes directions and initiatives currently covered by operating budgets. The policy recommends allowances for tree management in capital projects where needed.

RECOMMENDATION:

That Council receives the C.A.O. Clerk's May 12, 2016 report regarding Proposed Draft Tree Policy, advise of any changes required and provide direction on whether a public meeting should be considered.

Bill White, C.A.O. Clerk

Policy for Retention, Management of Trees in Minto

a. Introduction

Forests in our community have environmental, economic, and social benefits. Trees help reduce air pollutants, provide shade, cooling and wind breaks, and contribute to storm water and soil retention as well as help reduce noise. Trees offer habitat for wildlife, and increase people's psychological well-being. Treed communities look better, while private properties with trees tend to have higher values.

Setting aside the complexity of the "carbon emission and climate change industry", it is accepted science that trees do perform a role in improving air quality by "absorbing" carbon dioxide and converting it to oxygen through the chlorophyll in a tree's leaves. At the very least planting more trees helps keep oxygen levels at a constant safe level in an area where there are exhaust emissions from cars.

Minto appreciates the benefits afforded by trees to people who live here, agriculture and local ecosystems. The Town's 2011 Integrated Sustainability Plan supported reforestation and naturalization as a means to help decrease the Town's ecological footprint. Trees are important for good urban design and contribute to healthier more diversified environments.



The Trees for Minto Committee is now looking at planting trees to the benefit of our rural areas to help with flood and erosion control, wind breaks and similar. The Town has adopted a program that links its fuel consumption with the tree planting program by a voluntary donation of 1cent per kilometer travelled to Trees for Minto.

This policy furthers the Town's strategic goals in protecting and enhancing trees in Minto as set out in the Strategic Plan.

b. Strategic Plan Mission

Provide cost effective and responsive local government through superior customer service, internal stability and efficiency, and promoting responsible economic growth, healthy lifestyles, and respect for the natural environment.

c. Actions

9.7 Promote environmentally friendly development through subdivision and site plan control such as naturalized stormwater management, low maintenance landscaping using native species, and energy and water preservation techniques that enhance design and improve the cosmetics of the community.

10.1 Protect natural areas and floodplains, encouraging bio-diversity, and increase public awareness of guidelines for pesticide use, hazardous chemicals, and noxious weeds in residential areas

10.2 Promote urban forestry, low maintenance landscaping and park development to create more environmentally diverse green spaces including pursuing small plots/community gardens/remote plots in public space.

10.9 Implement the Integrated Community Sustainability Plan, continue to be a leader in Environmental consciousness, and proceed with energy conservation initiatives including recognizing employees who develop and implement environmentally friendly practices.

d. Applicability

- a) This policy applies to persons within the Town of Minto, Public trees; and Private trees which pose a threat or hazard to public property or persons using public property.
- b) This policy does not apply to trees in private woodlands, or in rural areas except for public or private trees planted under the Trees for Minto program.



e. Administration/Enforcement

The Public Works Director of the Town of Minto is responsible for day-to-day oversight and implementation of this policy through Town Landscape Care (TLC) seasonal staff in the following areas:

- 1. The planting, care, and maintenance of public trees within the urban boundaries of Clifford, Harriston and Palmerston Except in public parks or on trails where this policy shall be administered by the Facilities Manager or designate.
- 2. The pruning or removal of trees in the following areas within the urban boundaries of Clifford, Harriston and Palmerston:
 - a) Public property including downtown streetscapes
 - b) Private property where the branches extend over public property and removal is performed by Municipal employees or contractors;
 - c) On a highway where the branches or any public or private tree extend over a highway and the removal is performed the municipality's employees or contractors.
- 3. Advice and assistance when requested by the Trees for Minto Committee.

The Town may consider a by-law including penalty clauses if necessary to legally implement this policy.

f. Definitions

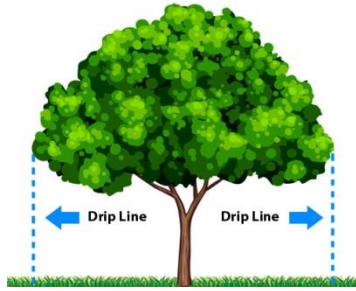
The following definitions apply within this policy.

“Contractor” means a person engaged by the Municipality to perform a specific activity or service, on or at a particular land or premises.

“Council” means the Council for the Corporation of the Town of Minto.

“Destroy” in relation to a tree includes any action which causes or results in the death of a tree, not limited to but including the acts of cutting, burning, knocking over the tree.

“Director” shall mean the Director of Public Works or his/her designate in writing.



“Drip Line” means the area on the ground directly located under the outer circumference of the tree branches.

“Emergency Work” means any work carried out by the Town, a public utility service, or other authority and its contractors, whether above and below ground level, which is work necessary in an emergency situation for maintenance, or to restore or ensure service is maintained.

“Employee” means all employees, servants, and agents of the Town of Minto or contractors hired by the Town including those appointed specifically to maintain trees under Town Landscape Care (TLC).

“Highway” means a common and public highway under the jurisdiction of the Town of Minto and includes any bridge, culvert or other structure forming part of a highway and includes any portion of a highway to the full width thereof

“Improper Pruning” means trimming a tree so as to cause irreversible damage in a manner contrary to Good Arboricultural Practices.

“Injure” includes any act or treatment which causes irreversible damage to a tree.

“Municipal Law Enforcement Officer” means a person appointed as such under this or any bylaw of the Municipality.

“Municipality” as the context requires, means the municipal Corporation of the Town of Minto or the geographical limits of the municipality.

“Naturalized Area” means an area that has been set aside by the municipality for the undisturbed growth of any tree species where the desired effect is that of natural growth of any tree species where the desired effect is that of natural growth, and for the purposes of this bylaw the term will include municipal woodlots and woodlands.

Pest” means any organism including, but not limited to, such things as insects or diseases whether viral, fungal, or bacterial, which directly or indirectly cause irreversible damage to the long-term health, vitality, and integrity of a tree.

“Private Tree” means any tree which has greater than fifty (50) percent of its trunk diameter measured at ground level on private property.

“Public Property” includes a highway, park, public unassumed alley, or any other public place or land owned by, or leased to, or controlled by, or vested in, the Municipality.

“Public Tree” means any tree which has greater than or equal to fifty (50) percent of its trunk diameter measured at ground level on public property, and “public tree” shall be used interchangeably with “municipal tree”, “municipally owned tree”, or “Town owned tree”.

“Removal” means the elimination, in whole or in part, of a tree.

“Tree” means a plant of any species of woody perennial including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity.

“Tree Maintenance” includes all operations of watering, trimming, pruning, spraying, injecting, fertilizing, treating, cabling and bracing and any other like activity.

g. Support/Funding/Budget

The Town supports the Wellington County Green Legacy Program through its annual tree Green Legacy Tree Distribution day.

A budget for new and replacement trees, required maintenance and tree removals are considered by Council's during the annual budget. This includes funding in Public Works, Facilities and Trees for Minto. Capital projects are to include allowances for tree management where needed.

The Town will maintain an optional funding program for Trees for Minto whereby one cent per km travelled by Council and staff may be dedicated to Trees for Minto.



Town staff will seek out provincial, federal or county grants and programs, and partnerships with business, service clubs and other organizations that support tree planting and care.

h. Prohibitions Against Injury or Destruction

1. No person shall injure, remove, disturb damage, destroy, cut above or below ground, spray, prune, or alter in any way, a public tree without prior approval of the Director;
2. Where a person reports having injured or damaged a public tree, or where a person is found to have injured or damaged a public tree, the Director or his designate shall request that the person arrange for restoration and/or restitution to compensate for the lost or damaged tree.

i. Boulevards, Naturalizing and Streetscaping

The Municipality will engage in actively planting on the boulevard spaces and naturalizing public parks and spaces where it is appropriate to do so.

When the downtown streetscape of an urban area is redeveloped species shall be sited and installed to suite the unique conditions in the urban areas. The Town shall employ the services of a qualified landscape professional when selecting, and installing downtown streetscape plantings.

Landowners are not permitted to plant trees on Town boulevards in front of private property without prior written consent of the Director, but the Town at its sole discretion may plant a tree on the public boulevard within the municipal right of way.

Any tree planted on public property, with or without the consent of the Director, is the property of the Town, is deemed to be a public tree, and is subject to all terms and

conditions as of this policy. Species selected for boulevards will be smaller slow growth species.

To assist the Town with maintenance of public trees, landowners must notify the Town of any diseased or damaged tree or limb that is likely present a hazard to people or public property. The Town shall document any public notifications of such trees and shall trim or remove diseased or damage as part of its regular maintenance work unless the condition of the diseased or damaged tree is an immediate threat and must be removed.

j. Tree Removal Protocol

The Town shall remove a tree where one or more of the following conditions exist:

1. Decayed in whole or in part; at the discretion of the Director or his designate;
2. Failed or has the potential to fail which poses a direct and immediate threat to public property or to individuals using public property;
3. A source, host, or infested with any pest which directly or indirectly causes irreversible damage to the long-term health, vitality, longevity, and integrity of a tree;
4. The structural value, or integrity of a tree, as determined by the Director, has been seriously compromised by construction, weather related events or by pruning;
5. Obstructs or impedes the safe use of a highway, sidewalk or other public lands or property;
6. Root system has been proven to compromise the structural integrity of the foundation of any building; or
7. Poor quality, or undesirable species whose removal is required to facilitate new street tree plantings.



In naturalized areas any public tree that has fallen and impedes the use of the public property may be cut back by the Town to provide safe access and use of the public lands. Downed trees in naturalized areas are not to be removed but are to remain as part of the naturalized environment.

In cemeteries trees must be removed from time to time in order to maintain the integrity of family plots. This is because over time as trees grow they can occupy space that was originally available for plots. Staff will work with families to maintain family plot arrangements wherever possible including removing trees that may limit options. Where a tree must be removed in a cemetery, two replacement trees will be planted in the vicinity of the lost tree if practical, or in some other appropriate location in the cemetery as determined by staff.

k. Tree Carvings

Where a tree is removed landowners may still apply to participate in the Town's public art program related to tree stump carving. Trees scheduled for removal are marked in accordance with this policy. Any resident/residents that note a tree is scheduled for removal can contact the Public Works Director with a written request to have the tree stump carved rather than removed. The cost to the Town to remove the stump of the tree, fill the cavity with soil and plant grass in the area where the tree originally stood is about \$500.



The Town will contribute up to 50% of the cost of the carving to a maximum of \$500. The resident/residents requesting a tree stump to be carved will pay the balance of the cost. *Example; if the tree carving costs \$1,200 the municipality will pay \$500 and the resident/residents will pay \$700. If the tree carving costs \$400 the municipality will pay \$200 and the resident/residents will pay \$200.* Council must approve the object that the stump will be carved into before carving starts.

Maintenance of the carved stump is the adjacent landowner's responsibility. Upon request the Town will supply a wood treatment/coating for a landowner to apply to the carving. It is understood over time carved stumps will eventually have to be removed at the Town's cost

I. Westario Power, Hydro One

This section applies to Westario or Hydro One's programs to trim or remove public or private trees that pose a threat to the reliability of electrical power in any part of Minto.

To that end Westario or Hydro One shall be responsible for removing and trimming any public tree at any location where electrical transmission lines are in the vicinity.

Prior to trimming or removing public trees during its regular maintenance period Westario Power and Hydro One shall be subject to the following procedure:

1. Identify clearly with proper marking public trees to be removed or trimmed.
2. Advise the Director or designate in writing the date and approximate time when public trees are to be removed or trimmed including any roadways or sidewalks that might be obstructed in whole or in part during the work.
3. Provide a written notice to adjacent private landowners of the date, time and reason for public trees to be removed or trimmed.
4. Restore the lands as close as possible to their original condition following completion.

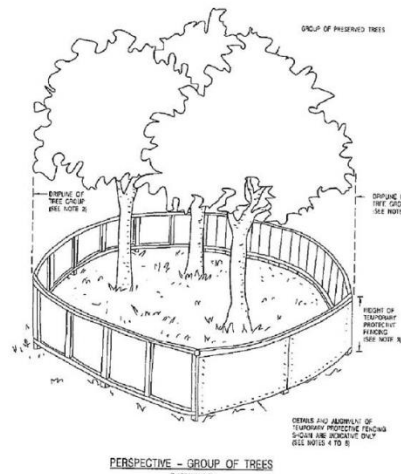
m. Protective Measures for Trees During Construction

Any person undertaking to perform any work within the drip line of a public tree, requires the consent of the Director, and shall follow the regulations and conditions listed herein.

The following regulations shall apply to all contractors, engineers, architects and citizens working or affecting work in the vicinity of municipality owned trees:

1. Written permission must be obtained from the Director prior to commencing any development, construction, or activity within the drip line of municipally owned trees.
2. All trees within the development areas are to be identified as public or private; a tree management plan must be submitted for all public trees prior to any work occurring including grading. The plan shall include enough information on the size and species of public trees to assist Town staff in preparing a report to Council recommending which trees shall be preserved, removed, or relocated.
3. Where a public tree has been designated for removal in order to accommodate work or development on private lands, this policy requires two trees to be planted on private or public property to replace the tree removed.

4. For approved work or development on private lands existing public trees to be preserved shall be tagged and fully protected with fencing located beyond their drip line to the satisfaction of the Director or his designate to protect the roots, trunks and branches during development, as well as the understory and ground covers. The type of fencing to be used is determined during the site inspection by the Director or designate.
5. To avoid damage to trees to be protected, access routes must be established away from protected areas. All excess roads or pathways must be identified and approved by the Director or designate.
6. Written permission must be obtained from the Director, prior to commencing any work such as tunneling, torpedoeing, digging or trenching within the drip line of any public tree to minimize root injury, and to avoid soil compaction.
7. At no time shall there be any placement, deposit, or storage of any stone, brick, sand concrete, soil or any other material or equipment which may impede the free passage of water, air, or nutrients to a public tree.
8. Cables or ropes of any type shall not be wrapped around or installed in or on any trees. Under no circumstances, should any part of the tree that is to remain after construction is completed, have signs or fences nailed to it, or survey markings or paint applied to the tree.
9. Any person who unintentionally damages or destroys a public tree must notify the Town immediately. The cost of removal and replacement of any damaged public tree will be borne by the person, developer or contractor responsible for the damage.



n. Planting of Trees; Prohibited Species

The Town encourages planting of native tree species on public and private property which shall be the species outlined in the Province's Tree Atlas for Southwest Region 6E-5 (<https://www.ontario.ca/environment-and-energy/tree-atlas/ontario-southwest/6E-5>).

Except on the Town shall not permit planting of the following on road allowances:

- a. *Acer negundo* – Manitoba Maple;
- b. *Acer saccharinum* – Silver Maple;
- c. *Populus* spp. – Poplar Species;
- d. *Salix* spp. – Willow Species;
- e. *Ulmus pumila* – Siberian Elm; or
- f. *Ginkgo biloba* – female only
- g. Coniferous Trees

o. Site Plan Control and Plans of Subdivision

In all proposed subdivisions or buildings requiring site plan control, the developer is responsible for the preparing a tree retention plan when requested by the Town, such plan upon approval shall be included within the applicable agreement as a requirement of the development.

The developer shall ensure all trees are planted and or retained as outlined in the tree retention plan. If the tree retention plan is not met the Town may take steps needed to implement the plan and charge the cost of that work to the lands.

p. Private Trees

The owner of private property shall ensure all trees growing partially on public property are maintained in good condition and state of repair, free of decay or damage, so that the tree or branches do not pose a danger to persons on Municipal properties or its highways.

A Landowner with a tree that is standing on private property shall not permit or leave the tree or branches projecting over a highway or sidewalk in such manner as to obstruct the reasonable and safe use of the highway and sidewalk. The Landowner shall be solely responsible and liable for any loss or damage resulting from a private tree or branch that projects over a highway or sidewalk.

As permitted by section 62(2) and in accordance with section 431 of the Municipal Act, 2001, a municipal employee or a contractor of the municipality, may where necessary, at any reasonable time enter on lands adjacent to any of its highways to inspect or conduct tests on trees; or remove decayed, damaged or dangerous trees or their branches, where in the opinion of the employee or contractor, the tree or branch poses a danger to the health and safety of any person using a highway.

