

TREE PRESERVATION ON PRIVATE PROPERTY

RECOMMENDATION

That the June 14, 2022, Urban Planning and Economy report UPE00664, be received for information.

Report Purpose

Information only.

Council is being informed of benefits and drawbacks associated with tools to protect and/or encourage tree preservation on private property.

Previous Council/Committee Action

At the May 25, 2021, Urban Planning Committee meeting, the following motion was passed:

Administration provide reports on the following:

1. Previous work completed on landscaping requirements for low density development and the effectiveness of those tools, including tree protection and preservation for sites undergoing redevelopment.
2. Other possible tools to protect and/or encourage tree preservation on private property.

The first part of the motion was addressed through UPE00667 Landscaping Requirements for Low Density Residential Development (August 24, 2021), which provided Urban Planning Committee with a high-level summary and analysis of bylaws, practices and resources implemented. This report addresses the second part of the motion.

Executive Summary

- Two of The City Plan's Big City Moves, Greener As We Grow and A Rebuildable City, emphasize the need to preserve and protect the environment through good design and purposeful development decisions.
- Developments that support increased housing options for a growing population will need to be balanced with the preservation and enhancement of our environmental assets, like the City's tree canopy, to align with policy directions.

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- There are benefits and drawbacks associated with tools to protect and/or preserve trees on private properties. Administration recommends stronger communication with applicants to reinforce existing landscaping regulations, including incentives for tree preservation.
- A jurisdictional scan of private tree bylaws in Canada helped conceptualize scenarios.

REPORT

The City of Edmonton's Urban Forest, a significant municipal asset consisting of approximately 380,000 boulevard and open space trees and over 3,000 hectares of natural stands, provides many environmental, ecological, economic and social benefits to Edmontonians. The City Plan sets an ambitious target to increase the urban tree count in Edmonton by two million net new trees, which will require adding greenery throughout our city's nodes and corridors, parks, public realm and private property.

Edmonton's older, redeveloping neighbourhoods are typically characterized by their mature trees. In some cases of redevelopment, property owners remove trees prior to development because the existing tree's location limits the buildable area of the site or presents access issues during construction. In other scenarios, newly planted trees in developing areas may not thrive or existing trees may be unhealthy (i.e. diseased/dying) and need to be removed.

Over the past decade, Administration has discussed and considered approaches to address tree protection on private properties, while also promoting tree plantings for new developments. While the City of Edmonton now has expanded authority under the City Charter to develop a private tree bylaw, this report outlines the benefits and drawbacks associated with such regulation.

Prior Policy, Programs and Processes

Discussion around tree preservation and protection on private property, initiated as early as 2005, resulted in a variety of approaches and recommendations for policy, programs and processes, and in some cases, Zoning Bylaw text amendments. A chronology of past reports, provided in UPE00667 Landscaping Requirements for Low Density Residential Development (August 24, 2021), identified the difficulties in the effective implementation and enforcement of a permit process for the removal of trees on private property. City Council enacted measures such as enhancements to the City's current landscaping regulations, in addition to programs and processes.

Possible Tools to Protect Private Trees and/or Encourage Preservation

While the City has taken steps to protect and encourage retention of trees on City property, such as boulevards and parkland (Corporate Tree Management Policy, C456C, and Public Tree Bylaw 18825), trees on private property are not subject to the same regulations. Prior to the introduction of the City Charter in 2018, the City did not have the authority through the Municipal Government Act to regulate private trees outside of the Zoning Bylaw. However, section 4(2) of the City Charter introduced the ability for the City of Edmonton to pass bylaws for municipal

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purposes respecting the well-being of the environment. If Council chooses to regulate trees on private property, such regulation could be through a Private Tree Bylaw or the Zoning Bylaw.

Private Tree Bylaw - If the City were to pass a Private Tree Bylaw, the City would need to develop a new permitting system separate from the development permit system set out in the City's Zoning Bylaw. A Private Tree Bylaw would require a permit for the removal of trees and or a tree protection or preservation plan for any trees on private property when redevelopment is occurring on a site. The creation of a new Private Tree Bylaw, including engagement and the development of a new permitting system for tree removal and associated resources, would require funding. The ongoing operation of this new service would also require funding. Depending on the fee associated with the tree removal permit, the City may be able to recover all or part of the funding required for the operation of the tree removal permit system.

Zoning Bylaw - The City could regulate the removal of trees on private property through the Zoning Bylaw. This approach has been considered and rejected previously by Council. Regulating trees on private property through the Zoning Bylaw would allow the City to tie tree removal directly into development permits. However, this approach could be seen as a barrier to development (i.e. limit developability, access, etc.) and would result in an increased demand for the development permit system use, which could lead to an increase in wait times for all development permit applicants.

Communications - Council may choose to continue to focus on an incentive approach to tree planting and preservation rather than proceed with a new Private Tree Bylaw or use the Zoning Bylaw to regulate the removal of trees on private property. Additional communication of the current landscaping obligations in the Zoning Bylaw, which includes incentives for preserving existing trees, would represent a low-cost alternative to the above approaches and will result in the reinforcement of existing landscaping requirements.

The benefits and drawbacks of each of these approaches are further detailed in Attachment 1.

Jurisdictional Scan

Several municipalities in Canada have implemented their own private tree bylaws with mixed results. Benefits and drawbacks of private tree bylaws in Ottawa, Vancouver, Toronto, Surrey, and Oakville are outlined in Attachment 2. All municipalities cited difficulties with the volume of enforcement associated with regulating private trees by way of permit.

Below is a brief summary of other notable benefits and drawbacks:

<i>Potential Benefits</i>	<i>Potential Drawbacks</i>
<ul style="list-style-type: none">● Increased information around private tree preservation requirements and expectations● Large fines serve as a deterrent to private tree removal● Increased clarity when public and private tree bylaws are harmonized into	<ul style="list-style-type: none">● Increased fees for development through a new tree permit; and replacement/compensation costs for private trees removed● Increased staff resources required to review tree permit applications and conduct inspections

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<ul style="list-style-type: none">one bylawIncreased opportunity for replanting of trees on private propertyIncreased opportunity to reach urban canopy targets set out by Urban Forest Management Strategies	<ul style="list-style-type: none">Increased development permit review timelines as tree permit applications are an additional processDecreased ability to enforce tree permit violations and complianceIncreased appeals to the Subdivision and Development Appeal Board (SDAB)Increased volume of neighbour-to-neighbour complaints
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Lessons from these cities and the implementation of their private tree bylaws helped to inform potential scenarios and implications for Edmonton. A new Private Tree Bylaw or use of the Zoning Bylaw to regulate the removal of trees on private property would impact staff resources, development permit processing times and development fees. Administration recommends better communication of existing processes and informing applicants of incentives for tree preservation to meet landscaping requirements.

The City Plan sets out the intention to be Greener as We Grow, recognizing that the urban canopy makes a quantifiable contribution to the long-term livability of our city. While this report focuses on the protection and preservation of existing trees, a more proactive approach of enabling or supporting tree plantings will be necessary to meet the target for new trees set out in The City Plan. In light of a changing climate and intensification of development, the key to achieving these outcomes will be to plant and care for new trees, in addition to protecting and preserving the existing tree canopy.

Budget/Financial Implications

A budget will be needed to support robust community and industry engagement efforts, policy and regulatory analysis, implementation, service delivery options and compliance/enforcement for any of the scenarios advanced. At Council's direction, Administration will bring forward an unfunded service package as part of the 2023-2026 budget to proceed with the preferred scenario, if required.

COMMUNITY INSIGHTS

Engagement with internal and external stakeholders will be critical to implement any of the scenarios presented. Throughout The City Plan engagement process, Edmontonians expressed support regarding the preservation of trees within the municipality. Edmontonians highlight the importance of both maintaining the existing urban tree canopies, as well as planting more trees for a greener Edmonton.

GBA+

Tree preservation on private property is an issue that concerns a wide range of people and perspectives, from residents to builders, from Councillors to community organizations. The benefit of an abundant urban tree canopy and the recent Public Tree Bylaw support social equity

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and reduce heat island impacts. However, tree preservation on private property challenges redevelopment goals. Densification is one of the important ways in which climate change impacts can be mitigated. For example, medium-density housing can be built more efficiently and less carbon-intensively, and a shift towards densely-populated neighbourhoods with nearby amenities and services can reduce car commutes, thus, decreasing greenhouse gas emissions. Increased regulation to preserve trees on private property may be cost-prohibitive for redevelopment and impact the opportunities for a diverse array of housing typologies.

ATTACHMENTS

1. Scenarios for Tree Preservation on Private Properties
2. Jurisdictional Scan: Private Tree Bylaws in Canadian Cities