



# The Corporation of the Town of Milton

Report To:	Council
From:	M. Paul Cripps, P. Eng., Commissioner, Engineering Services
Date:	March 4, 2019
Report No:	ENG-007-19
Subject:	Protecting and Enhancing the Tree Canopy and Natural Vegetation in Milton
<b>Recommendation:</b>	<b>That the Town's approach to the Protection and Enhancement of the Tree Canopy and Natural Vegetation is highlighted for Council's information in response to the Bill 68 amendment to the Municipal Act.</b>

## REPORT

### Background

In December 2017 staff reported through CORS-071-17 that Bill 68 amendments to the Municipal Act required the Town to adopt new policies and/or ensure that the Town was compliant with the Municipal Act amendments highlighted in Bill 68, one being a policy explaining the manner in which the Town will protect and enhance the tree canopy and natural vegetation in the municipality.

### Discussion

Bill 68, Modernizing Ontario's Municipal Legislation Act, mandates that Ontario municipalities create and adopt a policy that outlines the manner in which they will protect and enhance the tree canopy and natural vegetation under their jurisdiction.

Below is an excerpt from the Municipal Act, 2001 containing the noted amendment required. This staff report is to specifically address subsection 270 (1) which reads as follows:

**"Note: On March 1, 2019, the day named by proclamation of the Lieutenant Governor, subsection 270 (1) of the Act is amended by adding the following paragraphs: (See: 2017, c. 10, Sched. 1, s. 32)**



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## 7. The manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.”

In response to this Provincial Act amendment, it is staff’s opinion that the following activities highlighted below enhance and protect the tree canopy and natural vegetation in the geographic limits of the Town of Milton and no further specific policy is required.

### **Existing Approaches to Enhancing and Protecting the Tree Canopy and Natural Vegetation (sample - not limited to the following):**

- a) **Official Plan, O.P. Amendments and Secondary Plans** – The Town will continue to support Conservation Authorities and the Region of Halton in protecting Natural Heritage Systems, Woodlots, Watercourses, Wetlands and other sensitive lands when both updating the Town’s Official Plan (through Official Plan Amendments) and also while negotiating the developable vs. non developable lands established within respective Town Secondary Plans.
- b) **Plans of Subdivision** – Town staff will continue to work to implement the approved Secondary Plan level environmental studies such as the Functional Stormwater and Environmental Management Strategy (FSEMS), the Natural Heritage System Studies, etc. while reviewing plans of subdivision to ensure that agreed to recommendations of such studies are adhered to. Town staff will also work closely with Conservation Authorities, the Region and developers to implement approved Tree Inventory and Preservation Plans that cover the geographic lands of each individual subdivision specifically.

The Town will further require street trees along all new streets and window street flankages to be incorporated into the design of every new subdivision per Town standards (as described in the Town’s Engineering and Parks Standards Manual).

Furthermore, natural and naturalized areas will be designed to restore and enhance (per each Secondary Plans’ Restoration Framework) all Natural Heritage Systems. Developers will continue to work closely with Town and Conservation Authority staff to achieve successful natural heritage design implementations per the plan’s respective Framework.



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- c) **Site Plans** – Town staff will continue to ensure that trees are planted in Town road right-of-ways in accordance with the Town standards through the site plan approval process. Should Town trees require removal (i.e. to accommodate entrances, etc.), the Town will first seek negotiated compensation planting on adjacent Town-owned lands for such trees. However, should appropriate space not be available on adjacent Town lands, planting will be sought within the site plan itself as a secondary consideration to ensure that there is no net loss to the urban forest canopy cover.
- d) **Border Trees** – From time to time residential and commercial site plan development proposals may have an impact on private trees found adjacent to or shared by such development lands. As a result, the Town will continue to request a signed clearance letter from the neighbour to whom the trees are affected, noting the extent of allowable injury, prior to Town approval of such a plan. The Town will require the applicant to ensure full protection of such shared trees meant to remain in situ unless explicitly stated otherwise by all parties involved/affected.
- e) **Woodlots** – Woodlots conveyed through the development process will continue to be conveyed free and clear and without encumbrance to the Town as per standard Town Greenlands / Natural Heritage System conveyance practice. Developers will work with their Secondary Plan Trustees on the cost sharing impacts involved in conveying such assets to the Town.
- Furthermore, the development community will continue to address woodlot edge hazards and require dead or diseased tree removals both at maintenance period and prior to assumption of the subdivision.
- f) **Watercourses and (Engineered) Channels** – Watercourses are existing (in situ natural features), and channels are engineered and naturalized streams and/or rivers that are naturalized through the development process. In the case of watercourses, the Town will continue to seek restoration and compensation (along with the Conservation Authority) through the development process. For areas not undergoing development; the Town has, and will continue to, seek partnerships with Conservation Halton, corporately and publicly to plant trees and shrubs along riparian areas of such watercourses (i.e. TD Tree Days, Union Gas Tree Planting, “From the Ground Up” tree planting, etc.).



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Engineered channels go through an extensive design review process. The outcome of which is closer and closer to a mimicry of natural systems with each new Secondary Plan. With each new Secondary Plan the Town is less and less likely required to intervene and augment such naturalized systems – the ideal riparian forests are being created through the development process. From an urban forestry perspective, development activity has actually increased physical hectares of our Natural Heritage System by combining ephemeral intermittent farmland streams into large riparian forested land parcels. Where we have lost farmland, we have gained forests that are interconnected throughout the fabric of our built communities. We then further enhance such systems with a network of community trails.

- g) Street/Trail/Park Tree Planting** – Forestry staff will continue to plant a large diversity of tree species along Town road right-of-ways, along trails and within parks. Quantity of new trees planted in assumed subdivisions are subject to both market conditions and approval of budgets. Quantity of new street trees in non-assumed subdivisions will continue to be maximized through review of subdivision drawing submissions. Town staff will ensure tree planting in subdivisions is in accordance with the Town’s Engineering and Parks Standards Manual. Town staff will continue to maintain the street trees throughout their respective life cycles to the best possible level of service (in accordance with staffing and budget allowances).

## **Matters for Future Further Discussion**

The following discussion points highlight where this approach can be further advanced in accordance with the recommendations as found in the Urban Forestry Management Strategy 2015-2024. Some aspects of the Strategy recommendations are under way currently. The advancement of the following may have future staffing, and/or budgetary impacts, as highlighted in the Strategy (and paraphrased) below:

1. Review staffing resources available for the urban forest program administration and management;
2. Investigate and implement a Tree Risk Management Strategy which enables a priority tree risk assessment;
3. Continue to implement a comprehensive young tree establishment and maintenance program;



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4. Consider the development of a Tree Protection By-Law (in lieu of policy) for Town-owned trees and implement existing and new tree protection standards during development;
5. Establish and implement an appropriate Level of Service (including pruning cycle) for publicly-owned street/boulevard trees with consideration of current best management practices and industry standards;
6. Utilize the tree inventory to implement a tree asset management system;
7. Expand promotion, outreach and education about forestry to the public and other stakeholders;
8. Establish an ad hoc urban forestry working group;
9. Further support community-based tree-related events and continue to develop a volunteer network;
10. Recognize the value and functions of the urban forest in relevant Town strategies, policies and the Official Plan, when revised, and use consistent terminology Town-wide;
11. Continue to pursue partnerships with agencies and organizations to expand urban forest stewardship activities;
12. Investigate criteria for identification of heritage trees and explore the potential for a Heritage Tree Register.

The staff forestry updates provided to Town Council will continue to express the state of forestry in Milton and proposed improvements (including describing any budget impacts for Council consideration).

## **Responsibilities**

Forestry staff alone do not have the “reach” to cover all aspects of protection and enhancement of the Town’s forests. As a result, the assistance by the following Town teams during the course of their daily work activities will be helpful in protecting and enhancing the Town’s forests:

1. Planning Policy staff – as they affect the OP, Secondary Plan and Urban Design, etc. and other policy frameworks of the built environment;
2. Planning Development Review staff – as they are responsible to coordinate the review and staff comments attributed to all development activity;
3. Engineering Development Review staff – As engineering designs and processes (and site alteration specifically) must conform to environmental



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studies that protect the urban forest assets to be conveyed to the Town through the development process;

4. Engineering Infrastructure staff – As their capital road projects have not only an effect on existing urban forest assets but also present an opportunity to both protect and enhance the urban forest as road segments are updated or urbanized;
5. Parks and Facilities staff – As with the Engineering Infrastructure staff, the Parks and Facilities staff are able to both enhance and protect the urban forest canopy as they move forward with their respective capital projects;
6. Town Council – Determine the tree maintenance service levels based on Town staff information provided through staff forestry update reports and reflected in the budget review process.

## References Cited:

1. **Urban Forestry Management Strategy 2015-2024** (Town of Milton)  
(Found as an appendix in staff report COMS-025-14)  
[Report COMS-025-14](#)
2. **Town of Milton Official Plan** (Consolidated August, 2008)  
(2.3.3 Strategic Policies, Forestry – 2.3.3.1 a) to i) and 2.3.3.2)  
[Official Plan](#)
3. **2018 Fall Forestry Update Report** (ENG-020-18)  
(Latest Forestry Update Report provided to Council from staff)  
[Report ENG-020-18](#)

## Financial Impact

There are no financial implications associated with the existing Tree Canopy and Natural Vegetation approaches highlighted. The information provided simply highlights existing Town development practices pertaining to trees and natural vegetation. The Town's development processes have been established to protect and/or enhance the tree canopy. Ongoing tree maintenance and replacement activity will continue to be included as part of the annual budget process, for Council consideration. Any enhancements to the Town's existing forestry program would be recommended through future forestry update reports along with budget impacts for Council's consideration.



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Respectfully submitted,

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For questions, please  
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<b>Attachments</b>
None

CAO Approval  
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