



Report to Council

Department: Infrastructure Services
Division: Capital Works and Asset Management
Date: August 12, 2024
Prepared by: David McBeth, C.E.T.
Manager, Capital Works and Asset Management
Report Number: Capital Works and Asset Management-2024-10
Subject: Trees in Developments and Tree Request Policy
Number of Pages: 7 + 1 attachment

Recommendation(s)

That Capital Works and Asset Management-2024-10 entitled “Trees in Developments and Tree Request Policy” **prepared** by David McBeth, Manager, Capital Work & Asset Management dated August 12, 2024 be received, and

That Council approve the following changes effective immediately, to the Development Standards Manual regarding trees in new developments, which will be updated in the next iteration of the manual:

- Change the requirement from 1 tree per lot to trees being planted every 12m along each side of the right of way.
- Add that the Town of Essex will take over the responsibility for planting the trees in new developments.
- **Add that the developer’s are to pay (by cash or cheque) for the number of trees required by the annual average tree price rounded to the nearest \$25, including non-**

refundable Harmonized Sales Tax (\$1,050 per tree in 2024) to the Town of Essex at the time of submission of development securities.

That Council direct Administration to create a Tree Planting Request Policy for resident's looking for a tree to be planted in front of their property in the Town's right-of-way.

Purpose

Community Objective 6.1 of the Town of Essex's Climate Change Adaptation Plan has recommended that the Town develop a tree distribution/purchase program for residents.

Also, the Town of Essex's requirements for new developments regarding trees is falling behind other municipalities, and an update to the Development Standards Manual (DSM) may help resolve both items.

Background and Discussion

Recent end of maintenance works on residential developments has seen issues arise regarding tree plantings, which has delayed the assumption of the development and release of the securities to Developers.

In 2022, numerous trees within developments did not survive the year which saw the delay of the acceptance of multiple subdivision developments as they were not replaced in time by the Developer. The Town typically does not perform multiple security release reductions as a Council Report is required for each release. Holding back ten to hundreds of thousands of dollars for a few thousand dollars of trees is not practical.

In addition, a Developer planted new trees in a new subdivision per the requirements in the DSM, but it was illegally removed by the resident and the developer was required to plant a replacement. It was later learned that the resident did not want a tree located in front of their property and the newly planted tree was eventually relocated by Community Services. While the Protection of Highways and Tree Management By-Law does not permit the resident to

remove the tree without approval, the DSM requires Developers plant a tree per lot with no consultation with the residents of these new developments.

Currently, Developers are required to plant one tree per lot based on our **Development Agreements and Development Standard's Manual for single detached and semi-detached** units and 3 trees for every 4-plex unit. Industrial developments require 3 trees per lot.

There are situations such as townhome or semi-detached units where planting 1 tree per lot is **not possible without impacting infrastructure. In those situations, the Developer's have taken** those limitations to mean that their requirement to provide a tree is not required, which needs to be addressed. The one tree per lot also leaves the side yards of the developments adjacent to the right-of-way without any trees giving the development a barren appearance depending on the layout of the development.

Other municipalities, such as the Town of LaSalle require trees to be planted every 9.1m and in Tecumseh every 12m including 1 tree in the front yard.

Infrastructure Services is proposing to amend the Development Standards Manual for all future developments (residential, commercial, and industrial) that trees be required to be planted every 12m or one per lot, whichever is greater. Existing developments with a signed development agreement prior to this amendment would only be required to meet the previous standards of one tree per lot.

For new developments, at the time of draft plan approval, the number of trees required for the development would be determined. At the time of construction when securities are required, the developer would then pay the Town for the number of trees required for the phase of the development based on the average tree price determined for that calendar year and those funds placed in a reserve account.

The average tree price would be determined yearly by Capital Works & Asset Management based on the current approved tree list (attached), including the supply, planting and watering of the tree, including a one-year maintenance period. All these requirements are

already being performed by the Developer's currently. The Developer's would pay the average tree price based on the year when the securities are established, and not based on the year of the draft plan approval.

The Capital Works & Asset Management Division would then take over the requirement of planting new trees in developments from the Developers, coordinating with the property owners and ensuring their survival during maintenance.

Existing developments with agreements in place will not be impacted by the proposed changes. These developers would have the ability to complete this work themselves or with their own contractor, but could elect to have the Town administer the tree requirement portion of their Development Agreement.

Using last year's 80 Maidstone Development (38 lots) for an example, here is breakdown of what would be required:

- Under the current DSM, the developer would be required to plant 38 trees. Based on the servicing layout only 24 trees can be planted in front of lots due to limited space in the right of way. Of the 14 trees that cannot be planted in front of the lots, the Town may be able to find additional planting space for these trees in the neighbouring park, around the stormwater ponds or other locations nearby, however, there is no guarantee that the Town will be able to find a practical location for all of these trees.
- Under the proposed change to the DSM of a tree every 12 metres, 58 trees would be required. Considering that only 24 trees can be feasibly planted, the remaining 34 trees could then be used in the park, around stormwater ponds and other locations with the excess funds being used in the proposed Tree Planting Request Policy to plant trees for residents who request them throughout the Town of Essex.

The benefits of this update to the DSM for the Town are:

- Timelier end of maintenance walkthroughs and acceptances of the developments.
- Ensuring trees are planted according to our by-laws.

- Allows for resident input, although does not guarantee that request for having or excluding a tree will be granted.
- Increased tree coverage per our Climate Change Adaptation Plan.
- Better aesthetics throughout the Town
- The ability to create a Tree Planting Request Policy using unused tree funds from development for payment of trees to residents who want a tree.

As noted previously, depending on the type of development, not all are able to have one tree planted per lot. Under the proposed changes to the DSM and per the recommendations in this report, any funds leftover at the time of end of maintenance from a development could then be used to fund the purchase trees for residents that request one as part of a new Tree Planting Request Policy.

If Council proceeds with the directing Administration to create a Tree Planting Request Policy, the likely specifics of the policy would likely be:

- The Tree Planting Request Program would be led by Capital Works & Asset Management.
- Any tree request would need to be made by the property owner, not a tenant.
- One tree per lot per the life of the tree planted. The trees would preferably be planted on private property first within the front yard.
- Request would be on a first-come, first-served basis based on the funding available each year.
- A request does not guarantee a tree, as there may be problems based on, but not limited to:
 - utility conflicts
 - non-conformance to the Highways Protection by-law
 - known future infrastructure improvements or projects that would lead to the potential removal of the tree.

- A request does not guarantee a specific variety of tree, although the program will likely allow for the residents to list their Top 3 Choices.

Trees may be planted either in the Spring or the Fall depending on the contractor and availability of funding.

The Town of Essex currently has a Tree Management By-Law #2205, which was passed by Council on December 5, 2022 and will remain in place. By-Law #2205 has a section on Reforestation, which is subject to budget and available funding. This proposed Tree Planting Request policy will supplement this By-Law and provide the funding and framework for the trees required and lost to be replaced.

As this will be a new policy, and since new developments take a few years to get to end of maintenance works, Administration is asking if that if Council approves the Tree Planting Request Policy and the changes to the Development Standard Manual, that Council also commit funding yearly in the budget starting in 2025 for at least 10 new trees based on the previous yearly average price plus expected inflation.

Financial Impact

There is no financial impact to approving this report and potential policy for the 2024 Budget year. Pending approval from Council, administration would include in the 2025 Budget, an expense for the Tree Planting Request Policy, in the expected amount of \$10,500, which would be put into a newly created reserve account. This would be a recommended yearly commitment from Council to ensure continuation of the policy unless money from extra trees from Development projects is received and considered sufficient. Changes to the DSM and additional tree spacing requirement have no financial impact to the Town. The Town is currently updating the DSM and this is a good time to potentially adopt these proposed changes.

Consultations

Kevin Girard, Director, Infrastructure Services

Kate Giurissevich, CPA, CA, Director, Corporate Services/Treasurer

Link to Strategic Priorities

- Embrace asset management best practices to build, maintain, and continuously improve our municipally owned infrastructure.
- Leverage our Town's competitive advantages to promote jobs and economic investment.**
- Take care of our natural environment and strengthen the sense of belonging to everyone who **makes Essex "home"**.
- Deliver friendly customer service in an efficient, effective, and transparent manner while providing an exceptional working environment for our employees.
- Build corporate-level and community-level climate resilience through community engagement and partnership and corporate objectives.

Report Approval Details

Document Title:	Tree Planting Policy - Capital Works and Asset Management-2024-10.docx
Attachments:	- Approved Tree List for Residential Properties.docx
Final Approval Date:	Aug 7, 2024

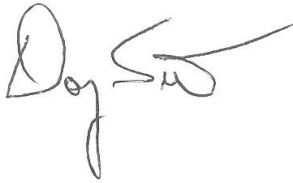
This report and all of its attachments were approved and signed as outlined below:



Kevin Girard, Director, Infrastructure Services - Aug 6, 2024 - 11:50 AM



Kate Giurissevich, Director, Corporate Services - Aug 7, 2024 - 9:21 AM



Doug Sweet, Chief Administrative Officer - Aug 7, 2024 - 9:23 AM