

Street Tree Removal Offsetting Policy

Approved By: **Council or Chief Administrative Officer**

Approved On: **Date this version of the policy was approved**

Policy Statement

A policy to govern offsetting for the removal of street trees within Regional road allowances to preserve and achieve the Region's canopy cover goals.

Application

This policy applies to the removal of street trees including third party street tree removal. It does not apply to tree removals under the Forest Conservation Bylaw.

Purpose

This policy sets out the factors and criteria to offset for tree removal including the calculation of offsets for street tree removal administered through municipal consents, road occupancy permits, development approvals, and to determine cost recovery or replacement in connection with civil enforcement and regulatory proceedings.

Definitions

Canopy Cover: the total area covered by all trees and shrubs in the Region. It includes woodland canopy and the canopy provided by trees and shrubs along streets, in parks, yards, cemeteries, on farms, around businesses, and in all other locations.

DBH (Diameter at Breast Height): the diameter of the stem or trunk of a tree at a point of measurement 1.37 metres from the ground.

Fees and Charges for Services and Activities Bylaw: means Bylaw No. 2020-04, A bylaw to impose fees and charges for services and activities provided by The Regional Municipality of York, or any successor to that bylaw.

Forest Conservation Bylaw: means Bylaw No. 2013-68, A bylaw to prohibit or regulate the destruction or injuring of trees in The Regional Municipality of York, or any successor to that bylaw.

Offsetting: the process of compensating for the removal of street trees to counterbalance adverse effects caused by their removal.

Replacement Cost: the cost incurred by the Region to plant a single street tree, at the replacement tree caliper size, and to maintain that tree in good condition for 2 years following the year of planting. This cost is updated every January 1 by calculating the weighted average of tree planting cost for the previous year plus the cost to water that tree for 3 years. This cost is not subject to CPI annual increase.

Replacement Tree Caliper Size: the caliper size of nursery stock that will be used to replace the removed street tree. Replacement tree caliper is 50mm caliper, as measured in accordance with the Canadian Landscape Nursery Standards.

Street Tree: any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity located within a Regional road allowance and excludes trees that are “noxious weeds” pursuant to the *Weed Control Act, R.S.O. 1990, c. W.5*.

Description

Offsetting is required for the removal of street trees to preserve canopy cover and achieve the goal of increasing canopy cover to at least 40 percent as outlined within the York Region Forest Management Plan, as amended. Offsetting may be achieved through replacement plantings, payment of equivalent value, or a combination of both as determined by the Region.

Replacement tree plantings are the preferred primary method of offsetting and should be planted within a Regional road allowance according to an approved planting plan and the Region’s standards and specifications for street tree planting.

Street Tree Removals and Replacement Street Tree Requirements

Offsetting for removed street trees will be calculated in accordance with this policy and informed by the Region’s Street Tree and Forest Preservation Guidelines.

The number of replacement trees to offset for street trees removed shall be determined based on the size, health condition, and species of a street tree being removed (Table 1).

Table 1
Regional Street Tree Removal Offsetting Requirements

Tree to be Removed (cm) ¹	Replacement Trees Required for Offsetting			
	Desirable Tree Species		Less Desirable Tree Species	
	Healthy	Poor Health	Healthy	Poor Health
1-10	1	0	0	0
11-25	2	1	0	0
26-50	4	2	3	1
51-75	6	3	4	1
76+	8	4	5	1

¹ Based on diameter at breast height (DBH).

Replacement trees should be provided as replacement plantings within the Region's road allowance as approved by the Region.

Replacement Cost and Cash-in-lieu Payments

In instances where the required number of replacement trees cannot reasonably be accommodated within the Regional road allowance in accordance with the Region's Street Tree and Horticultural Design Guidelines and Standards, all or the balance of offsetting shall be provided through a cash-in-lieu payment of equivalent value using the following formula:

$$\text{Offsetting value (\$)} = (\text{Number of replacement trees required}) \times \text{Replacement Cost}$$

Replacement cost as annually updated can be found within the Fee and Charges for Services and Activities Bylaw.

Funds remitted for the purposes of offsetting the removal of street trees will be used primarily for the purpose of planting replacement trees but may also be used to support programming to increase canopy cover.

Technical information regarding the process for removal of street trees can be found in the Region's Street Tree and Forest Preservation Guidelines.

Responsibilities

Department of Public Works

- Administration of the Street Tree Removal Offsetting Policy, and
- Approval of departmental operating procedures, processes, and guidelines under this policy, and

- Determining replacement cost and calculating offsetting owing based on this policy and the guidelines, as amended, and
- Review street tree removal requests and recommend approval/non-approval, and
- Review Regional road allowance planting plans and recommend approval/non-approval, and
- Collection of fees related to street tree removal through the issuance of Road Occupancy Permits and Municipal Consents, and
- Abide by the requirements set out in this policy.

Department of Corporate Services

- Collection of fees related to street tree removal through the issuance of Development Approvals, and
- Cooperating with Public Works and ensuring compliance with this policy, including required offsetting.

Regional Solicitor and/designate

- Civil enforcement where applicable to collect and enforcement offsetting measures, and
- Collection of restitution in regulatory proceedings.

Compliance

All York Region employees involved in administering street tree offsetting activities must adhere to this policy and the Region's Street Tree and Forest Preservation Guidelines. Regional staff failure to comply with this policy, and its associated guidelines, is a violation of authority vested in staff and is subject to appropriate disciplinary action by the Commissioner, Public Works, up to and including dismissal. Additionally, in the event of a conflict between this policy and any applicable Provincial or Federal legislation or regulation, the relevant Provincial or Federal legislation or regulation shall take precedence.

Reference

Legislative and other authorities

- Fees and Charges for Services and Activities Bylaw

- *Municipal Act, 2001, S.O. 2001, c. 25*
- *Weed Control Act, R.S.O. 1990, c. W.5*
- Street Tree and Forest Preservation Guidelines
- Street Tree and Horticultural Design Guidelines and Standards
- Natural Heritage and Forestry Street Tree Planting Specifications

Contact

Director, Waste Management and Forestry, Public Works

Manager, Natural Heritage and Forestry, Public Works

Approval

(Remove the CAO approval section for policies approved by Regional Council)

CAO Signature: _____

Date Approved: _____

(Remove the Council approval section for policies approved by CAO only)

Council Date:

Committee Date:

Council Minute Item:

Committee Minute Item:

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