

Appendix B- Public Engagement & Feedback

Trees and Forests Advisory Committee (TFAC) Comments 7th Meeting of the Trees and Forests Advisory Committee July 25, 2018

That the Civic Administration **BE ADVISED** of the following comments of the Trees and Forests Advisory Committee with respect to the City of London Tree Protection By-law:

- there should be a standardized form as part of the application package for both the “Arborist Report” and the “Arborist Opinion”;
- the by-law should include a minimum canopy target of 51% of irreversible die back;
- the definition of “Pest” should be revised to include an infestation causing detrimental and irreversible damage to the direct health of a tree;
- the distinctive tree size should be reduced to 25 cm for a permit;
- the definition of “Replacement Tree” should be revised to clarify that “native” is required and that “shade” and “large growing tree” are synonymous;
- golf courses should be added to the exemption list in Section 5 of the by-law; and,
- wildlife values and interests within a tree should be considered more carefully with respect to provincial and federal Acts and Regulations and tied back to the by-law process to ensure a consistent approach;

it being noted that the attached communication from the Tree Protection By-law Working Group, with respect to this matter, was received.

Official Recommendations for City of London Tree Protection By-law

1. Standardized form as part of the application package for both the “Arborist Report” and “Arborist Opinion”

REASONING: Make the application process more streamlined and accessible for applicants and city staff reviewing application package material.

2. Include a minimum canopy target of irreversible die back within the by-law

REASONING: Give arborists an acceptable and standardized target for reports and opinions.

3. Review the definition of “Pest” to include an infestation causing detrimental and irreversible damage to the direct health of a tree

REASONING: Many trees can become “infested” with aphids and other “pests” that do not impact the overall long term health of the tree, and just cause physical appearance to change.

4. Review “Replacement Tree” definition to clarify “native” is required, and “shade or large growing tree” are synonymous.

a. *** Should the distinctive tree size recommendation go forward (25cm), the replacement definition should be altered to

REASONING: As the by-law currently reads, native appears independent from shade or large growing tree, and doesn’t give the impression it is mandatory.

5. Golf courses be added to the exemption list

REASONING: Golf courses currently manage trees on a “required removal for safety” rational, and many do not have the resources to include replacement programs, nor do they want to increase forest density. Overall, the forest cover across the City on golf course land is not significant to raise concern about overall large scale canopy loss.

6. Reduce distinctive tree size to 25cm for a permit (=14% of trees protected in London compared to the current 4% with 50cm diameter)

REASONING: At current 50cm diameter standards, 4% of trees in the City of London are protected under this bylaw. Changing protection to 25cm diameter increases the protection of trees to 14%, and encompasses a greater species diversity.

7. Adding Species at Risk Act (Ontario 2004) to section 8.3 (including other wildlife in the tree), or consider removing other specific provincial legislation and speak generally to halting work when wildlife are present.

REASONING: Select provincial legislation is included (Migratory Birds Convention Act, 1994), but does not encompass all potential wildlife issues that are addressed at the provincial level.

September 17, 2018

Jill-Anne Spence Manager
Urban Forestry City of London
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Re: Proposed Amendments to the City Tree Protection Bylaw

Dear Jill-Anne,

The following comments and suggestions are offered in response to the stakeholder feedback process regarding the draft amendments to The City of London Tree Protection Bylaw C.P. 1515- 228. These comments have been prepared by Ron Koudys Landscape Architects Inc. after consultation with St. Peters Cemetery and Mount Pleasant Cemetery. We welcome the opportunity to provide input to help shape this bylaw.



A. Introductory Comments

The sites of London’s two oldest cemeteries, St. Peter’s (1861) and Mount Pleasant (1875) have been designated as Tree Protection Zones in the current draft of the Bylaw. These cemeteries have been actively maintained for over 140 years, are in excellent condition and are widely regarded as significant natural areas. The trees form an important part of the heritage of these sites and help to reinforce the quiet, serene character of each location. The trees are important to the quality of the experience people have at these cemeteries and are significant when establishing the value of the plots available for sale. As a result, the management of each site places a great deal of emphasis on the proper care of the trees and the protection of the forested character of the site.

The cemeteries have clearly demonstrated that they have been excellent stewards of the trees on their property and they believe that the recommended restrictions are unreasonable and unnecessary. Some of the proposed regulations outlined in the Tree Protection Bylaw are entirely inappropriate when applied to cemetery sites and will pose significant management challenges and financial burdens.

B. Specific References

The Tree Protection Bylaw section 6.1 stipulates that “no person shall injure or destroy a tree or cause or permit the injury or destruction of a tree in a tree protection area”.

tree is defined as “...a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity.”

And “‘Injure’ means to harm, damage or impair the natural function, form of a Tree, including its roots within the Critical Root Zone, by any means...”.

Section 3.1 (b) stipulates that the bylaw applies to “Trees of any size within a Tree Protection Area”.

C. Concerns

1. The digging of graves near trees will damage roots within the Critical Root Zone and would require a permit under the bylaw. The issuance of a permit typically takes 4 to 6 weeks. A burial is not something that can be anticipated in advance and requires immediate response. Waiting for a permit to dig each grave site is not practical or necessary.

The cutting of roots to open a new grave site has been a normal practice at all cemetery sites for a very long time. Since only a small portion of the root mass is removed with each grave, the affected trees recover quickly from this impact and continue to grow as is evidenced by the number of healthy large trees throughout the cemetery sites.

2. The general maintenance practice of removing seedlings and small trees that have sprung up in formal planting areas, in lawns, alongside grave stones or in areas that are not actively maintained is prohibited under the bylaw and would require an arborist report and a permit. The way the bylaw is written, it is intended to promote natural growth and regeneration in wooded areas. A cemetery is a formal setting and is actively maintained. Seeds blowing onto the site or squirrels planting nuts that sprout into trees is a common occurrence and the removal of these seedlings is important to preserve the character of the property.
3. Section 9.2 (a) stipulates that “the permit holder shall ensure that the number of living replacement trees as determined by the City Planner, and the species, range, size and location of Replacement Trees as determined by the City Planner, are planted on the same Site by the date specified on the Permit.

The cemeteries have been diligently replanting when large trees are removed but undertake this work as new sections are opened, or donations are made to plant memorial trees on the site.

Replanting in a short time frame and as part of a permitting process would be very difficult to implement and would negate opportunities for families to donate memorial trees. In addition, the requirement to pay a fee to the City to facilitate the planting of trees on other properties is not warranted and onerous. The cemeteries are not land developers in the way the bylaw envisions. They are actively managing the land and they must accommodate the needs of bereaved families while maintaining a beautiful,

park-like setting. This has been going on for many decades and has resulted in three beautiful sites that are now surrounded by the City. There is no evidence that the current practice needs to change or that they have been deficient in the replacement of trees.

4. The previous bylaw permitted the development of a Tree Management plan which provided the framework for the ongoing care of the trees on the property over an extended period of time. The suggested change to require a permit every time a tree is to be injured or removed is cumbersome and simply won't work. City staff complain that they don't have the resources to administer the permitting process now so adding cemeteries (and golf courses) to their workload would require additional funding and is unnecessary.

D. Recommendations

1. Section 7.3 (e) indicates that the City Planner may require the applicant to provide, "a Tree Management Plan, which may be for one or more Trees". We would respectfully submit that a plan such as this could be prepared for each Cemetery site that outlines a general management program and sets out the arboricultural principals that will continue to be the standard of care for the trees on the property. The plan would be for an extended period of time (10 to 20 years) and could be monitored by City staff on an infrequent basis.
2. Cemetery sites should not be included in the Tree Protection Zone and should be given specific exemptions that reflect the practical issues outlined in this report.
3. Permits should not be required every time a grave is dug near a tree or to remove "weed" trees that appear on site.
4. No compensation for the few distinctive trees that are removed is necessary. The cemeteries will continue to replant trees as space permits and manage the mature trees under their care.

Again, we thank you for the opportunity to submit our thoughts and suggestions. If you have any questions or concerns, we would encourage you to contact us.

Yours truly,

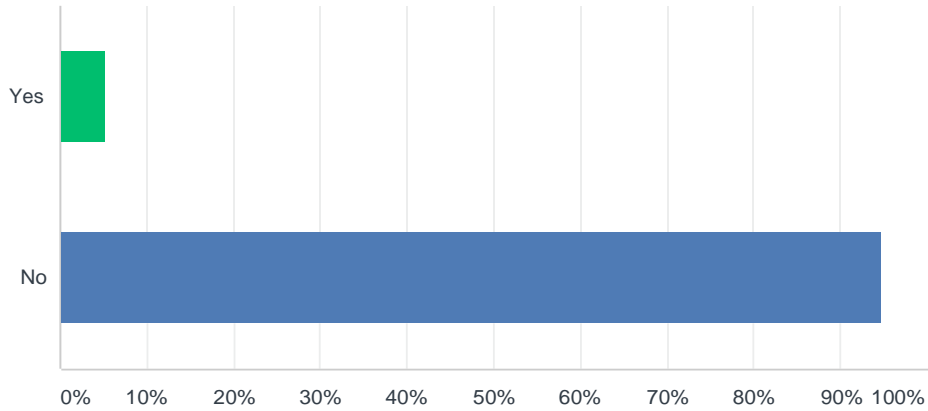


Ron Koudys
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PUBLIC FEEDBACK SURVEY SUMMARY JULY 2018

Q1 Have you ever submitted an application under the Tree Protection By-Law to remove a tree from private property?

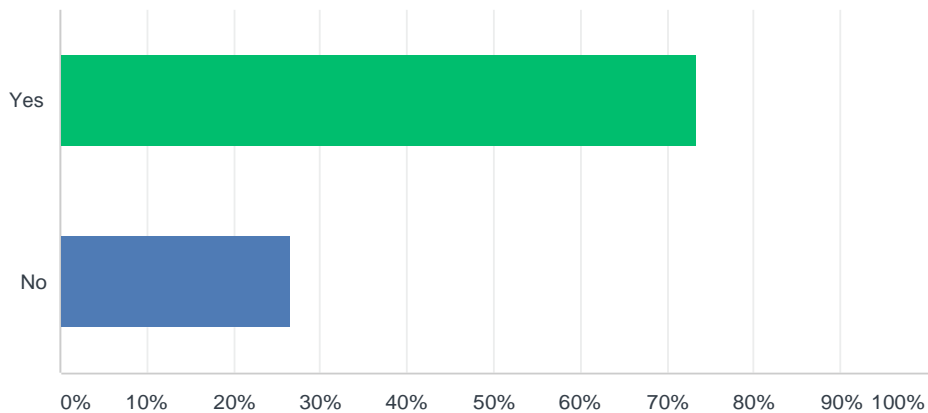
Answered: 135 Skipped: 1



ANSWER CHOICES	RESPONSES
Yes	5.19% 7
No	94.81% 128
TOTAL	135

Q2 Did you know there is a Tree Protection By-Law that protects trees on private property?

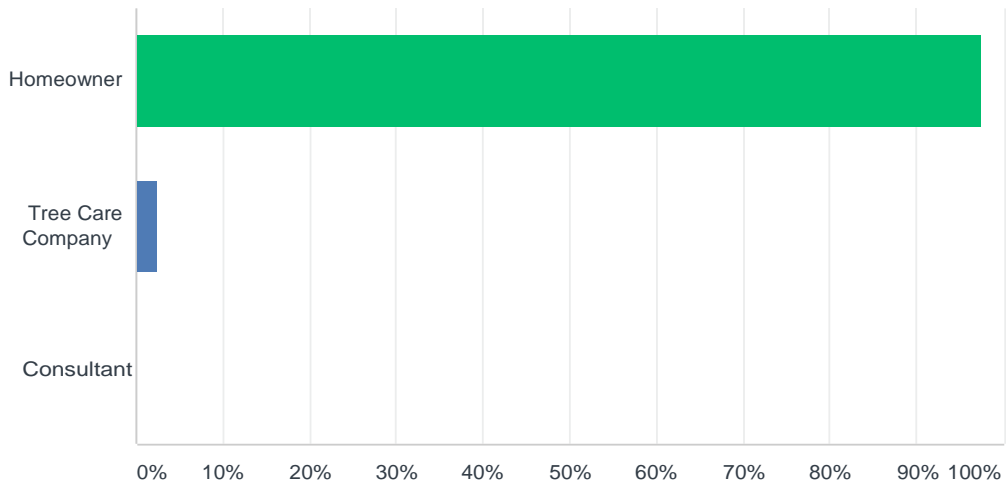
Answered: 135 Skipped: 1



ANSWER CHOICES	RESPONSES
Yes	73.33% 99
No	26.67% 36
TOTAL	135

Q3 Please tell us a little about yourself and who you are.

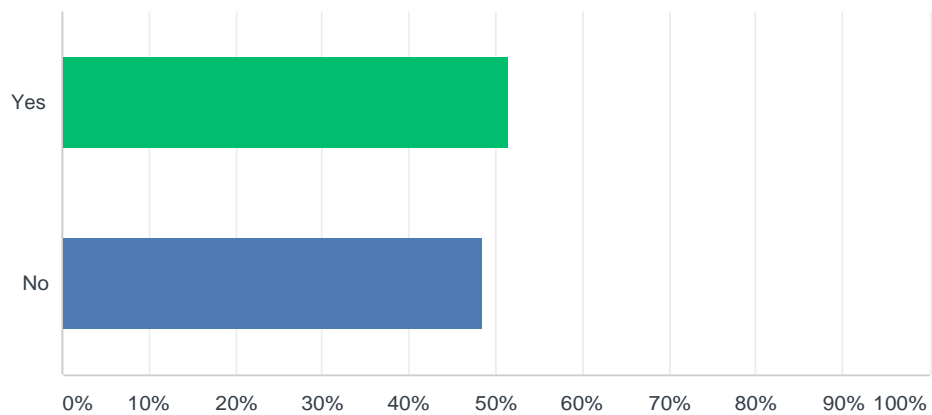
Answered: 122 Skipped: 14



ANSWER CHOICES	RESPONSES	
Homeowner	97.54%	119
Tree Care Company	2.46%	3
Consultant	0.00%	0
TOTAL		122

Q4 Do you know if the Tree Protection By-Law applies to your property?

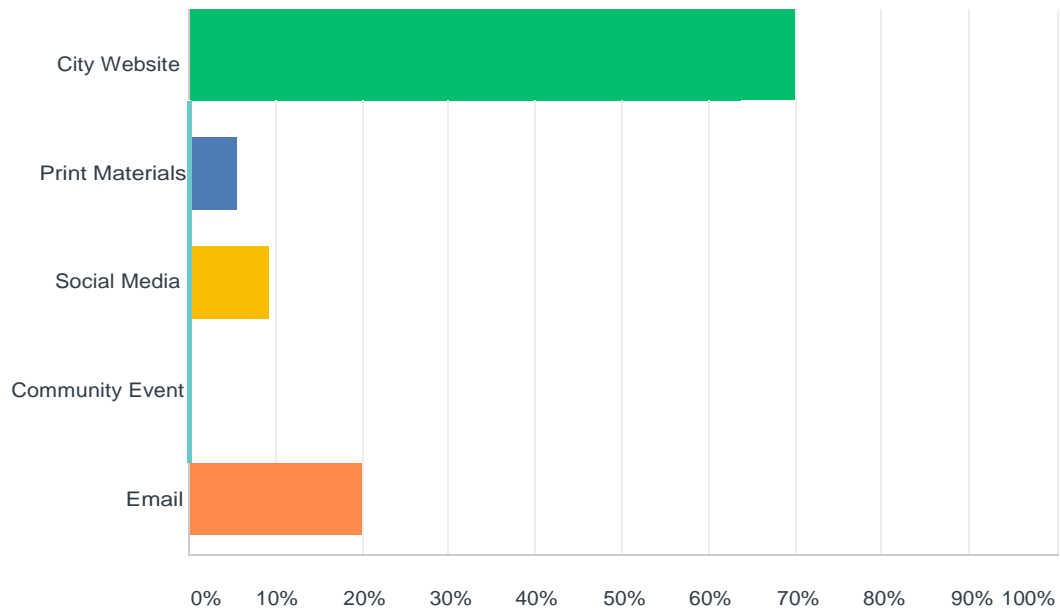
Answered: 132 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	51.52%	68
No	48.48%	64
TOTAL		132

Q5 If you needed information about the By-Law, how would you like to receive it?

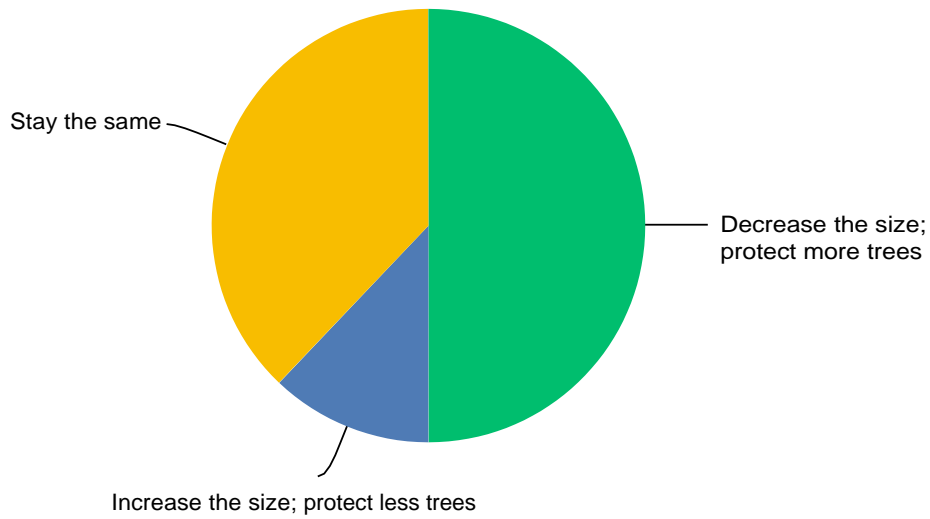
Answered: 129 Skipped: 7



ANSWER CHOICES	RESPONSES	
City Website	63.57%	82
Print Materials	5.43%	7
Social Media	9.30%	12
Community Event	0.78%	1
Email	20.93%	27
TOTAL		129

Q6 Our current by-law protects trees that are located in specially mapped Tree Protection Areas (TPAs) and ALL trees that are 50 cm diameter at breast height (DBH) or larger. *Do you think the size of the "Distinctive" tree should change?*

Answered: 124 Skipped: 12



ANSWER CHOICES	RESPONSES	
Decrease the size which means more trees and tree types will be protected	50.00%	62
Increase the size which means fewer trees and less tree types will be protected	12.10%	15
Stay the same	37.90%	47
TOTAL		124

Q7 If you were to receive a permit to remove a tree, would you attend an event at a later date to get a discounted tree to replace it?

Answered: 132 Skipped: 4

