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To: Mayor and Council

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RE: Confirmation of Tree Canopy & Natural Vegetation Policy

Report No.: PDS 2019-007

AIM

To provide the Mayor and Council with information related to requirements under the Municipal Act, (Bill 68), that require every municipality to establish policies for the protection and enhancement of the tree canopy and natural vegetation.

BACKGROUND

Bill 68, Modernizing Ontario's Municipal Legislation Act made a number of changes to the Municipal Act. these changes have been phased in with certain changes being proclaimed in 2018 and some changes being proclaimed for March of 2019. One such change is the requirement that municipalities establish policies for the protection and enhancement of the tree canopy and natural vegetation within the municipality (Section 270(1)7 of the Municipal Act).

DISCUSSION

Provincial Policy Statement, since 2005, has required protection and consideration of impact from growth to be assessed as part of all new development. This includes protection of significant wooded areas, wetlands, areas of natural and scientific interest, flood plains, valley lands, and fish habitat and the habitat of endangered and threatened species. With the natural heritage section of PPS in mind all Official Plans drafted since 2005 would have had to be consistent with these policies and include language that addressed protections.

The County of Essex Official Plan and Town of Kingsville Official Plan were both drafted after 2005 and both contain policies that outline the protection of the natural environment as a whole. (Section 3.4 of the County OP and Section 4.2 of the Town's OP) While the

main goal of the policies is preservation that preservation can often require enhancement, expansion or potential relocation at a higher ratio of existing to new i.e. a developer proposes to relocate a natural area but is required to compensate at a rate of 3 to 1.

These policies are implemented through three primary mechanisms, the Comprehensive Zoning By-law, Site Plan Control By-law and development agreements, which do or can require enhancement. The Zoning By-law currently requires a minimum percent of landscaped opened space be provided within most zones ranging from 15% to 30%. This generally consists of landscaping such as grass, flowers, shrubs and trees. The exact quantity and quality of this landscaping in commercial and industrial area is addressed through site plan control and the requirement for specific landscaping plans. In certain cases, this can also include retention plans for existing open space areas, particularly mature trees.

Development agreements, since amalgamation, have all included some form of requirement for the planting of trees on each of the lots within a development or cash-in-lieu for the Town to undertake tree planting in other areas that are lacking or need enhancement.

Although the Town and County do layout a comprehensive set of policies including increasing tree canopy and natural vegetation it is always an area that can be strengthened through ongoing review and enhancement. As part of the Kingsville 5 year Official Plan review ERCA is preparing a natural heritage system study specific to Kingsville that will help to outline what actions are required moving forward.

The Municipal Act is not the traditional governing document for land use regulations so it was a rather obscure inclusion in Bill 68 but does reinforce the importance that the province places on these two specific areas. Council is well aware of the lack of tree cover in southwestern Ontario, roughly 2% to 3% and the need to continue to enhance at the Town level as well as requiring a higher standard from development moving forward.

There are and will continue to be opportunities to increase tree canopy and natural vegetation within the Town however at present, based on the policies contained in the County Official Plan, Kingsville Official Plan and the implementing documents, Kingsville does meet the requirements under the Municipal Act as amended by Bill 68 under Section 270(1)7.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There are no financial considerations as a result of the recommendation of this report.

CONSULTATIONS

CAO and Management Staff

RECOMMENDATION

It is recommended that Council enact a by-law confirming that the policies set out in the County of Essex Official Plan, Town of Kingsville Official Plan and supported by the Town's Comprehensive Zoning By-law, Site Plan Control By-law and standard Development Agreement requirements address the requirements of the Municipal Act Section 270(1)7 to establish policies to protect and enhance the tree canopy and natural vegetation within the Town of Kingsville.

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