SUBJECT: Tree Removal and Compensation Amendment - Mattamy (Southcote) Limited - Kitty Murray Lane, Ancaster (PW09022/PED09121) - (Ward 12)

RECOMMENDATION:
That the request by Mattamy (Southcote) Limited to remove fifty-seven (57) municipal street trees situated on Kitty Murray Lane to facilitate the construction of Draft Plan of Subdivision 25T-200711 be approved subject to the following conditions:

(a) Payment of tree removal compensation in the adjusted amount of $63,230 (excluding applicable taxes) based on Mattamy’s Arborist Report and a Municipal credit for proposed new trees and;

(b) Performance of removal works in accordance with the approved removals plan at the applicant’s expense.

Gerry Davis, CMA
Acting General Manager
Public Works Department

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the report is to obtain approval to remove fifty-seven (57) public street trees pursuant to the provisions and requirements of the Public Trees By-law 06-151. In addition, the report seeks to address the applicant’s request to adjust the tree removal compensation requirement for fifty-one (51) of the trees in consideration of the substandard condition of the existing Siberian Elms.

BACKGROUND:

The information/recommendations contained within this report primarily affect Ward 12. The Ancaster Fairgrounds Development by Mattamy (Southcote) Limited is located at 625 Garner Road East in Ancaster, on the north side of Highway 53 at Kitty Murray Lane. The Draft Plan of Subdivision (25T-200711) was approved by Council in June 2008. The subject lands will consist of low and medium density residential dwelling units, a storm water management block and two Park blocks. One of the conditions of approval was the submission of a Tree Management Plan and its endorsement by the Manager of Forestry & Horticulture.

This plan identified fifty-seven (57) municipal street trees on Kitty Murray Lane that would need to be removed to allow for the construction of the road entrance to Street “A”, driveways and curbs on Kitty Murray Lane of residential dwellings for Block 15 and 7 as well as sidewalks, grading and utilities along Kitty Murray Lane. If the trees cannot be removed, then the development of the subdivision will not be possible as the road entrances, driveways and sidewalks are all required.

The Forestry and Horticulture Section advised that all fifty-seven (57) living trees did not meet the criteria for removal and, as such, Council approval and a replacement fee would be required for their removal as per the City of Hamilton Public Tree Removal Policy & the City of Hamilton Reforestation Policy - Municipally Owned Land.

Fifty-one (51) of these trees (Siberian Elms) are on the Prohibited Planting Species list and therefore; an atypical replacement compensation is requested by Mattamy Homes. The remaining six proposed removals (one Slippery Elm, two Cherry, one Maple, one Locust and one Willow) will require full compensation as per the Reforestation Policy with a credit being applied for proposed new street trees on Kitty Murray Lane.

Mattamy Homes has provided a report from Urban Forest Innovations Incorporated, their Professional Consulting Arborist, who has placed the value of the fifty-one (51) Siberian Elms at $59,450. Full compensation to the City of Hamilton for these Siberian Elm trees amounts to $153,450 as per the City of Hamilton Reforestation Policy - Municipally Owned lands. Unreduced replacement compensation for the six non Siberian Elms to be removed is requested and amounts to a further $21,780.

The approval of reduced compensation for a portion of the necessary tree removals required to complete the Fairgrounds Subdivision developed by Mattamy (Southcote) Limited is unique and based on the trees requiring significant work within the road allowance. The existing Tree By-law does not speak directly to this situation and Mattamy does not object to paying fair compensation, but the calculation utilizing the
formula in the Reforestation Policy overstates the true value and significance of the Siberian Elms.

Mattamy is also proposing to plant forty new street trees along the Kitty Murray Lane frontage of the property to be located on municipally owned lands. By planting these trees, a reduction of $450 per 50mm caliper tree is granted for a total of $18,000. Therefore, the total money requested for tree removal and replacement, less credit granted, is $63,230, excluding applicable taxes.

ANALYSIS / RATIONALE:

The proposed removal of fifty-seven (57) municipal street trees is necessary in order to implement the development, and approval is required under the By-law.

The applicant has recently applied for an Official Plan Amendment (OPA-09-001), Zoning By-law Amendment (ZAC-09-002) and a revised Draft Plan of Subdivision (25T-200711R) in order to revise the approved Draft Plan of Subdivision (25T-200711). The purpose of the revision is to permit a School Block fronting onto Kitty Murray Lane, and to reconfigure the internal road network. As a result of the proposed School Block, fewer homes are proposed to front onto Kitty Murray Lane.

The proposed reduction in replacement value for the fifty-one (51) Siberian Elms can be supported as this species of tree is prone to storm damage and is not an essential component of the urban forest. The large number of mature Siberian Elms growing in close proximity to each other on the road allowance of Kitty Murray Lane does not afford these trees ideal growing conditions. The average canopy cover of these trees is approximately 34.0 square meters which is well below the achievable 85.0 square meters for same age trees of suitable species spaced appropriately. The site of the removals will be reforested with approximately thirty-eight (38) new trees of appropriate size and species approved by the Forestry and Horticulture Section which will be spaced sufficiently to allow for maximum growth potential. New trees on Kitty Murray Lane will not only improve the aesthetic value of the area but will reduce future above average maintenance costs and provide improved air and water quality, afford shade and increase the overall canopy cover of Hamilton’s urban forest.

ALTERNATIVES FOR CONSIDERATION:

Should Council not approve this reduction in replacement fee for the fifty-one (51) Siberian Elms, the development may not occur in accordance with the approved plans.

The $153,450 which represents full value for the Siberian Elm trees will have to be divided among the units constructed increasing the cost of each and potentially placing additional burden on potential home purchasers. The most undesirable outcome would be a reduction in overall unit construction leading to decreased tax revenue and a lack of site intensification.
FINANCIAL /STAFFING/LEGAL IMPLICATIONS:

**Financial**
Revenue from tree removals is generally allocated to tree planting operation. A decrease in the receipt of the full replacement value of the fifty-one (51) tree assets in question will result in $94,000 less in available funds to be used in unfunded City Tree Planting Programs. This figure is derived by subtracting the adjusted Siberian Elm tree removal compensation ($59,450) from the non adjusted Siberian Elm tree removal value ($153,450) as set out in the By-law.

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement value of existing municipal trees as per Tree By-law 06-151</td>
<td>$175,230.00</td>
</tr>
<tr>
<td>Replacement value of existing municipal trees as requested by Developer</td>
<td>$81,230.00</td>
</tr>
<tr>
<td>Credit for planting 40 new municipal trees on Kitty Murray Lane</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Adjusted net value (payment) for the removal of the municipal trees</td>
<td>$63,230.00</td>
</tr>
<tr>
<td>Reduction from the municipal tree value determined by By-law 06-151</td>
<td>$94,000.00</td>
</tr>
</tbody>
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**Staffing**
No additional staffing is required and there will not be any service level changes as a result of this proposal to permit reduced compensation.

POLICIES AFFECTING PROPOSAL:
Council approval is being sought for this unique one time exception which is not provided for in the City of Hamilton Tree By-law Number 06-151 and the associated Tree Removal and Reforestation Policies.

This proposal to provide partial fee relief for the removal of fifty-one (51) of the fifty-seven (57) trees onsite does not conflict with the principles set out in the City of Hamilton or Public Works Strategic Plans.

The City of Hamilton’s Strategic Plan for Vision 2020 which includes principles to building a sustainable community. Permitting the acceptance of the aforementioned tree removal and fee reduction will not detract from maintaining our environmental integrity, social quality or economic prosperity.

RELEVANT CONSULTATION:
Development Planning has been consulted in the preparation of this report.

The Ward Councillor has been advised and is in agreement with the recommendations of the report.

Legal Services and Finance have reviewed the submission and found no concerns with the proposal.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Public services and programs are delivered in an equitable manner, coordinated, efficient, effective and easily accessible to all citizens.
Partnerships are promoted and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.
Air and water quality are protected.
Climate related risks are managed; Greenhouse Gas emissions are reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton’s high-quality environmental amenities are maintained and enhanced.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No
There is a trade-off between maximizing our charges for permitting the removal of roadside vegetation and providing a safe flourishing environment to live and raise families.

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No
Permitting this instance of a reduction of fees shows willingness to compromise, promotes harmony and encourages Developers to invest in Hamilton thereby creating Municipal positions related to future projects.