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## **2019 User Fees and Charges – Tree Maintenance Fee For New Trees on Town-Owned Land at Development Sites Staff Report to Council**

Report Number: 2019-39

Department(s): Engineering Services and Public Works Services

Author(s): Rachel Prudhomme, Director Engineering Services and Chris Kalimootoo  
Director, Public Works Services

Meeting Date: April 29, 2019

### **Recommendations**

1. That the report entitled “2019 User Fees and Charges – Tree Maintenance Fee for New Trees on Town-Owned Land at Development Sites”, dated April 29, 2019, be received; and,
2. That Schedule “E”, of the Town of Newmarket 2019 User Fees for Engineering Services be amended, approved and adopted through by-law, to include a Tree Maintenance Fee of \$85 (plus HST) per tree, to be reviewed annually and adjusted accordingly; and,
3. That the Tree Maintenance Fee come into effect on May 1, 2019; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary (use if report is longer than 5 pages)**

Please see below.

### **Purpose**

The purpose of this report is to recommend a new Engineering Services user fee to come into effect as of May 1, 2019, to support the maintenance of new trees that have been planted within municipal properties (i.e. municipal road allowances, parks, open spaces, facilities, etc.), as part of a development application.

### **Background**

Through the development application process (Subdivision Agreements and Site Plan Agreements), a significant number of new trees are planted each year within

municipally-owned properties. To maximize the life span of the trees, it is important to start a proper maintenance program as early after planting as possible. This would include timely fertilization and pruning that should begin approximately two years after the planting of a tree. Such a program will ensure that the structure of the tree will support future growth and well-being of each tree for several decades. Furthermore, an early start on the maintenance of a tree will save on costs associated with future additional maintenance or replacement that could have been avoided if proper early maintenance had been done. Such costs can be caused by structural problems, such as weak limbs and branches that need to be removed, poor crown development causing stunting of trees, and possible damage to properties from weak branches or whole trees that snap as a result of strong winds or other outside forces.

Currently, the Town cannot begin to maintain the new trees until all works performed on the municipally-owned part of the development lands have been assumed. This assumption can take numerous years, because it is entirely up to the developer to decide when to apply to the Town for assumption. During the several years prior to assumption, there is no way to know if the trees that the Town will assume in the future have been properly maintained from an early age. Therefore, the Town could be inheriting trees that will develop structural or other issues later on after assumption.

## **Discussion**

For the reasons explained above, staff is recommending that the Town take over the maintenance of trees two years after they are planted, regardless of whether the developed lands have been assumed or not. A Tree Maintenance Fee of \$85.00 (plus HST) would apply to each tree planted on Town-owned property by a developer or landowner as a result of a Site Plan Agreement or Subdivision Agreement. This fee would be collected as part of the Subdivision Agreement or Site Plan Agreement process.

Developers would still be required to provide a two-year warranty on newly planted vegetation, including trees within municipally-owned lands. Prior to acceptance, the trees would be inspected by the Town's consulting arborist, in conjunction with the Developer's Arborist, after the two-year period has ended. If the tree needs to be replaced, it would be done by the developer before the Town accepts the tree. Once a tree has been accepted by the Town, the Town's Public Works Services (PWS) would start the tree maintenance program to ensure a healthy environment for its future growth. The cost of the program will be recovered through the proposed Tree Maintenance Fee.

The Tree Maintenance Fee will be reviewed annually and adjusted accordingly, as part of the Town's annual budget review process.

## **Conclusion**

Staff is recommending a Tree Maintenance Fee of \$85 (plus HST) per tree planted by a developer or landowner on Town-owned lands as a requirement of a Site Plan or Subdivision Agreement, and that this fee shall be reviewed annually and adjusted accordingly as part of the Town's annual budget review process.

## **Business Plan and Strategic Plan Linkages**

The adoption of the proposed Tree Maintenance Fee is in alignment with the key focus area of "Well-equipped and managed", of the Town's Community Strategic Plan.

## **Consultation**

PWS has been consulted and is in agreement with the proposed tree maintenance program to ensure the healthy life span for the Town's urban forest.

## **Human Resource Considerations**

No additional resources are recommended as part of this report.

## **Budget Impact**

Operating Budget: The Tree Maintenance Fee revenue will offset the cost recovery to undertake the tree maintenance program.

Capital Budget: Not applicable

## **Attachments**

None

## **Approval**

Rachel Prudhomme, M.Sc., P.Eng., Director, Engineering Services

Chris Kalimootoo, P.Eng, Director, Public Works Services

Peter Noehammer, P.Eng., Commissioner, Development and Infrastructure Services

## **Contact**

Rick Bingham, C.E.T., Manager, Development Engineering