

Town of Halton Hills Privately-Owned Tree Management Strategy

Terms of Reference

1 Municipal Situation/Overview

1.1 Background

The Town of Halton Hills has built a strong reputation as a leader in environmental and community sustainability. Starting with the publication of the Green Plan in 2007, Halton Hills has introduced and continues to implement an evolving range of initiatives to reduce greenhouse gas emissions, increase community resilience and enhance the Town's natural environment.

In 2019, Halton Hills intends to continue to build the Town's environmental management program by completing the Privately-Owned Tree Management Strategy to develop a program for managing trees located on private properties in the Town's settlement areas.

This strategy will:

1. Be informed by a comprehensive community and stakeholder engagement process;
2. Determine the community's long term vision for its privately-owned settlement area tree canopy;
3. Involve a "spectrum analysis" to determine how the community wishes to balance landowner rights on the one hand and the public interest in maintaining and enhancing a healthy settlement area tree canopy on private lands on the other;
4. Evaluate and determine the appropriate range of educational, incentive-based and regulatory tools that the Town should employ which both respects the outcome of the spectrum analysis and achieves the Town's vision for its settlement area tree canopy*; and
5. Assess and outline the resource and administrative implications associated with implementing the Privately-Owned Tree Management Strategy.

* The introduction of a tree management bylaw will be investigated as part of this task.

2 Guiding Principles

The overall goals of the Private Tree Management Strategy are to determine how the community wishes to manage trees that are located on private properties in settlement areas and to assess and outline the resource and administrative implications for the Town. In order to achieve these goals, the following principles will guide the development of the Private Tree Management Strategy:

Informed Through Engagement:

The question of how the Town should manage trees on private property is very much a function of the value that the community places on its settlement area tree canopy versus the value that it places on landowner rights. Therefore, the development of the Private Tree Management Strategy will be informed by a comprehensive engagement process that adheres to the Town's [Public Engagement Charter](#) and involves a wide range of residents, community stakeholders and elected officials. The engagement process will employ a range of in-person and electronic engagement tools, such as the Town's online engagement platform – Let's Talk Halton Hills (www.letstalkhaltonhills.ca).

A Range of Tools:

There are a wide range of tools that the Town of Halton Hills can potentially employ to manage trees on private properties. These tools fall into three broad categories:

- Education: Education involves providing people with the information they need to align their actions with a desired outcome. Educational programs do not impact landowner rights and carry no enforcement implications but tend to be less effective at achieving a given desired outcome because they rely on people deciding to voluntarily change their behaviours based on the information they receive.
- Incentives: Incentives involve providing people with a reward for aligning their actions with a desired outcome, and can either be financial (such as a tax credit) or non-financial in nature (such as an expedited approval process). Incentive programs do not impact landowner rights and tend to be more effective than education due to the reward factor but less effective than regulation. Enforcement is typically limited to verifying that an incentivised action has been taken.
- Regulation: Regulation involves the development of a system of rules that people are required to follow to achieve a desired outcome and the introduction of an

enforcement mechanism to deter non-compliance. Regulations do impact landowner rights to varying degrees depending on their nature, but also tend to be the most effective at achieving a desired outcome as long as an effective enforcement regime is in place and the regulations do not generate popular resentment and widespread non-compliance. Enforcement implications will vary depending on the rigour of the enforcement regime and the community's level of acceptance with the regulations.

The project will involve exploring and evaluating a range of tools to determine the appropriate combination of education, incentives and/or regulations that the Town should implement to achieve the community's vision for its settlement area tree canopy.

"Made in Halton Hills"

The strategy will be uniquely reflective of the community's aspirations for its settlement area tree canopy and specifically tailored to suit the particular characteristics of Halton Hills.

Leading and Innovative

Halton Hills has been recognized a number of times at the provincial, national and international levels as an innovative leader in community sustainability. The Strategy will continue to build on this trend and will incorporate the latest advances in private tree management at the municipal level.

Complementarity

The Private Tree Management Strategy will be developed in such a way that it avoids duplication and is able to complement and leverage other initiatives that contribute to the community's settlement area tree canopy, including those led by the Town, the Region of Halton, the Credit Valley Conservation Authority, the Halton Region Conservation Authority, the Province of Ontario, the Government of Canada, and other local community groups.

3 Scope of Work

The following section outlines the Scope of Work required to complete the Private Tree Management Strategy. The Strategy will be completed in Five Phases, as outlined below.

3.1 Phase 1: Explore

The initial phase of the project will be led by Town staff and involve outlining the powers that municipal governments have been granted to manage trees on private lands and exploring the various approaches that municipalities across Ontario have employed to manage trees on private lands to date. Phase 1 will provide the Town with an overview of the opportunities that Halton Hills can take advantage of to manage trees in the private realm as well as any constraints that may exist. Phase 1 will also provide the Town with a summary of the programs that other municipalities in Ontario have implemented to maintain and enhance their settlement area tree canopies. Phase 1 will culminate in a Council Report and Presentation prepared and delivered by Town staff.

Task 1: Enabling Legislation

Task 1 will involve analyzing the Province's enabling legislation that allows municipalities to manage trees on private lands. The nature and extent of the powers that the province has granted municipalities will be outlined along with any limits imposed by the legislation.

Task 2: Existing Municipal Privately-Owned Tree Management Bylaws and Programs

Task 2 will involve analyzing the nature and extent of existing settlement area tree management programs for trees located on private properties in a number of other municipalities across Ontario. This task will include an assessment of existing municipal tree management bylaws that regulate trees on private properties as well as existing incentive programs and educational initiatives that encourage the establishment of enhanced settlement area tree canopies.

3.2 Phase 2: Project Framework

The second phase of the project will be led by the consultant and include the development of a work plan and engagement plan to guide them through the remainder of the project.

Task 1: Work Plan

Task 1 involves the preparation of a work plan that outlines how the consultant proposes to complete the project. The work plan will include, at a minimum:

- A description of the phases, tasks and sub-tasks;
- The methodology;
- A detailed timeline (i.e. Gantt chart);
- Any known resource requirements (i.e. rooms for hosting workshops); and
- Any known implications for Town staff.

The work plan will be prepared by the consultant and submitted to Town staff for review and approval.

Task 2: Engagement Plan

Task 2 involves the preparation of an engagement plan that outlines how the consultant proposes to meet the engagement objectives of the project and how they intend to engage residents, community stakeholders and Council throughout the development of the Strategy. Creative and innovative approaches that adhere to the Town's [Public Engagement Charter](#) are encouraged. The engagement plan will identify effective ways to maximize the active participation of the Town's residents and businesses. It will provide the community with a variety of means to provide input into the project through both traditional (i.e. in-person workshops) and non-traditional (i.e. social media) engagement channels. One of the tools that the consultant will need to incorporate into the engagement plan is the Halton Hills online engagement platform: Let's Talk Halton Hills (<http://www.letstalkhaltonhills.ca/>).

The engagement plan will include, at a minimum:

- A description of the engagement initiative (i.e. in person workshop, digital survey);
- The objective of the engagement initiative;
- The methodology;
- A detailed engagement timeline;
- Any known resource requirements; and
- Any known implications for Town staff.

The consultant may choose to integrate the engagement plan with the work plan (Phase 2 Task 1) if they wish. The engagement plan will be developed by the consultant and submitted to Town staff for review and approval.

3.3 Phase 3: Engage

The third phase of the project will be led by the consultant and will involve completing a comprehensive public engagement process to determine the community's long term vision for its privately-owned settlement area tree canopy and the balance that the community wishes to strike between a landowner's right to manage trees on their property as they wish and the public's desire to maintain and enhance the Town's settlement area tree canopy. Phase 3 will include the completion of a comprehensive community engagement process and a Council engagement process. Deliverables for Phase 3 include the development of a Community Engagement Summary and Synthesis Report and a Council Engagement Summary Report.

Task 1: Engage the Community

Task 1 involves implementing the comprehensive community engagement process outlined in the engagement plan to determine the community's long term vision for its settlement area tree canopy and to understand the community's views on various tree management tools including education, incentives and various forms of regulation. The question of where the community wishes to land on the Landowner-Rights-Versus-Extensive-Tree-Canopy Spectrum (see Figure 1) is a crucially important component of the project because the answer will guide the development of the Strategy's recommendations. Therefore the results of the engagement process must accurately reflect the aggregated views of the community since the ultimate success of the project will be determined by the community's attitudes towards the strategy's recommendations.

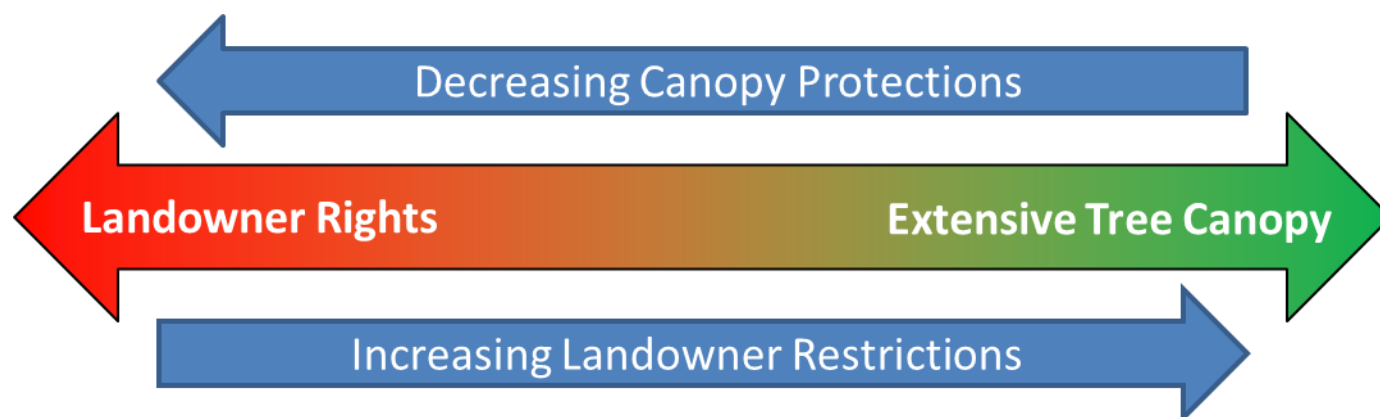


Figure 1: Landowner Rights vs. Extensive Tree Canopy Spectrum

Although the consultant will be given a substantial degree of flexibility to design an effective engagement process, the engagement framework will need to be built around the spectrum analysis concept outlined above, a community vision will need to be developed, and the following topics and questions should be included in the engagement process to inform the development of the strategy's recommendations.

A Vision for Halton Hills' Settlement area tree Canopy

- What is your long term vision for the Town's settlement area tree canopy? What characteristics should the Town's settlement area tree canopy have in 2060?

Community Values:

- How much do you value the Town's settlement area tree canopy? How much do you value landowner rights within the context of settlement area trees? Are you

prepared to sacrifice one for the other, and if so to what extent? What are your views on using education, incentives and/or regulation to achieve the Town's Vision for its Settlement area tree Canopy?

Tree Education:

- Would you benefit from education on settlement area trees and if so on what topics? How would you like to receive information on settlement area trees? What type of municipal educational initiatives would you benefit from?

Tree Planting Incentives

- What would encourage you to plant more trees on your property? What form should tree planting incentives take? Do you support the use of public funds to incentivise settlement area tree canopy enhancements? Should incentives be targeted (i.e. for specific neighbourhoods) or be made available to everyone?

Tree Bylaw:

- Do you support the introduction of a privately-owned tree management bylaw? If so what trees should it cover? How restrictive should the bylaw be? Should the Town introduce a fee structure for permit applications?

Task 2: Engagement Summary and Synthesis Report

As part of Task 2, the consultant will compile and synthesize the results of the engagement process into a draft report. The report will:

- Outline the various engagement tools that were employed and the engagement opportunities that were provided to residents
- Provide relevant engagement statistics (i.e. number of points of contact)
- Include a summary and assessment of the community input received on the various topics and questions that will have been posed to the community during the engagement process (refer to Phase 3 Task 1).

The report will be provided to Town staff for review and approval.

Task 3: Council Workshop #1

Task 3 will involve designing and completing an engagement process with Council to provide Councillors with the results of the community engagement process and to obtain direction for the next phases of the project.

The consultant's objective is to work with Council to develop a vision for the Town's settlement area tree canopy and determine the short list of potential education,

incentive and/or regulation-based tools that Council wishes to have analysed in detail in the “Evaluate, Assess and Determine” Phase of the project (Phase 4). The workshop will be organized and led by the consultant and supported by Town staff.

The consultant will summarize the outcomes of the workshop and the direction provided by Council during the workshop in a draft summary report which will be submitted to Town staff for review and approval.

3.4 Phase 4: Evaluate, Assess and Determine

The fourth phase of the project involves producing a holistic assessment of the various impacts that introducing each of the short-listed tree management tools would have on Halton Hills and engaging Council to select which elements they wish to incorporate in the Privately-Owned Tree Management Strategy. The resource and administrative implications associated with each short-listed tree management tool will be explored and overall suitability within the context of Halton Hills assessed. Council will be provided with this information and asked to determine the way forward for managing privately-owned settlement area trees in Halton Hills by selecting the set of tree management tools that will be incorporated into the draft Strategy document.

It is anticipated that Phase 4 will include an in-depth assessment of various private tree management bylaw models as well as a short list of educational tree management tools and a short list of incentive-based tree management tools.

The consultant will integrate and reference the results of Milestone 1 Task 2 on existing local tree management programs in other municipalities in Ontario and across Canada throughout Phase 4, as appropriate.

Task 1: Evaluating Options

Task 1 will involve developing a fulsome understanding of the various benefits, drawbacks and impacts that introducing each of the items on the short list of potential tree management tools would have on the Town. Task 1 involves completing the following for each tree management tool carried forward from Phase 3:

Step 1: Understanding Financial Implications

This step involves developing a high-level five year balance sheet for each tree management tool that outlines at a minimum:

- Initial start-up costs;
- Ongoing Capital costs;
- Ongoing Operating costs;
- Revenue generation opportunities;
- External funding opportunities; and
- A cost/benefit analysis.

Step 2: Understanding Administrative Implications

This step involves building an understanding of the administrative processes that would have to be put into place to ensure the successful implementation of a given tree management tool, and includes:

- Determining human resource requirements (i.e. FTE equivalents, qualifications and credentials etc.)
- Outlining the processes, procedures and areas of responsibility. In other words, determining who needs to be involved, what they need to do and how should they do it to properly implement the tool.

Step 3: Partnerships and Collaborations

This step involves identifying potential partnership opportunities to support the implementation of a given tree management tool, and includes:

- Identifying potential local partners with aligned missions and outlining opportunities for leveraging knowledge, staff and resources

The consultant will summarize the results of task 1 in a draft report that will be submitted to Town staff for review and approval. The consultant will also produce a series of graphics and illustrations to represent the findings from task 1 that will be used in subsequent engagements.

Task 2: Suitability Assessment

This task involves completing a comparative analysis of the various short-listed tree management tools using the data generated above to determine their overall suitability within the context of Halton Hills. Factors such as, alignment with community values, impact vs. cost, level of resources required, and ease of implementation among others will be evaluated. In other words, this step will be based on the information produced in Phase 4 Task 1 and will clarify whether certain management tools are perhaps better suited to the particular needs of Halton Hills than others. This step will include the development of evaluative criteria that is reflective of the community's values and the application of those criteria against the short list of tree management tools that were included in Phase 4.

The consultant will develop a report outlining the results of Task 2 which will be submitted to Town staff for review and approval. The consultant will also produce a series of graphics and illustrations to represent the findings from Task 2 that will be used in subsequent engagements.

Task 3: Council Workshop #2

Task 3 will involve designing and undertaking a second engagement process with Council to obtain direction on the draft contents of the strategy. Council will be asked to provide clear direction on which tree management tools they wish to see included in the draft Privately-Owned Tree Management Strategy document for Halton Hills. The engagement process will be organized and led by the consultant and supported by Town staff.

Although the consultant will once again be given a substantive degree of flexibility to design the structure of the Council engagement session, Council will need to be presented with a summary of the work undertaken to date and shown how the feedback received from the initial engagements contributed to the development of the Vision, the community values and the selection of the short listed tree management tools that were evaluated in detail in Phase 4. Council will be presented with the results of the tree management tool suitability assessment and asked to select which, if any, of the education and/or incentive-based tree management tools they wish to see incorporated into the draft strategy. Council will also be asked whether they support the introduction of a tree management bylaw and if so, to provide clear direction on how they wish to have the bylaw structured.

The consultant will summarize the outcomes of the second Council workshop in a draft summary report which will be submitted to Town staff for review and approval.

3.5 Phase 5: Strategy Development

The fifth and final Phase of the project involves developing the draft Strategy document, obtaining feedback from the community to finalize the document, and presenting the Privately-Owned Tree Management Strategy to Council for approval.

Task 1: Strategy Document Development

The first task involves developing the draft Privately-Owned Tree Management Strategy document. The document will contain at a minimum, the following content:

1. Executive summary
2. Table of Contents, Graphs and Figures
3. Introduction
 - Purpose of the Study
 - Municipal authority to manage trees on private property (Phase 1)
 - Tree management tools (Phase 1)
 - Examples of education-based tree management tools
 - Examples of incentive-based tree management tools
 - Examples of tree management bylaws
4. Study Framework/Methodology and project timeline (Phase 2)

5. Summary and results from the first community engagement process (Phase 3)
6. Summary and results from the tree management tool evaluation (Phase 4)
7. The Privately-Owned Tree Management Strategy (Phase 5)
 - The selection of education-based tree management tools
 - The selection of incentive-based tree management tools
 - Nature, scope, and extent of the tree management bylaw
 - Five year implementation timeline
 - Five year financial balance sheet

Although the contents of Section 7 of the document will be largely informed by the results of Phase 4 (tree management tool evaluation and suitability assessment), the consultant will refine results where needed and fill any data gaps that may arise and present the results in a simple, graphical, and user friendly format. The section should clearly explain the tree management tools that the Town intends to implement as well as the resource, and administrative implications associated with each tool. The section should include a detailed implementation timeline for each tool that shows major milestones and when they should be completed to ensure the successful implementation of each tree management tool and of the overall strategy.

The consultant will lead the development of the document and be closely supported by Town staff. The consultant will prepare the draft document and submit it to Town staff for review and approval.

At this time, it is assumed that a tree management bylaw will be included in the final strategy, although this assumption and the exact form that the bylaw would take will be confirmed through the community and Council engagement process. Nevertheless, the consultant should anticipate this outcome and be prepared to write a draft bylaw that is reflective of the community's input. The consultant may include this item as a separate line item in their proposed budget.

Task 2: Public Open House

The second task involves organizing and hosting a public open house to receive feedback from the community on the contents of the draft Privately-Owned Tree Management Strategy. During the open house the public will be presented with a summary of the work undertaken to date and shown how the feedback received from the initial engagements contributed to the development of the Vision, the community values and the selection of tree management tools that were included in the draft Strategy. The public will be given the opportunity to learn about and comment on the various tree management tools and indicate their level of support. As above, the consultant will be granted a substantial amount of flexibility to design an effective community engagement process. However, the public open house should be structured around the following central question: based on the input provided, did we get the plan right? In other words, does the plan reflect the collective voice of the community? If not what did we get wrong? How should we fix it?

The consultant will summarize the outcomes of the public open house and feedback received from the community in a draft report which will be submitted to Town staff for review and approval.

Task 3: Finalize Document

This task will be led by the consultant and involves completing the final set of edits to the Strategy document based on the input received at the public open house. The consultant will work very closely with Town staff throughout this task to ensure that any changes made to the document continue to reflect the aggregated views of the community.

The consultant will provide the finalized Strategy document to Town staff for review and approval.

Task 4: Council Presentation

The final task of Phase 5 involves the preparation of a Council Report and PowerPoint presentation to present the draft Privately-Owned Tree Management Strategy to Town Council for approval.

The preparation of the Council Report and PowerPoint presentation will be led by staff and supported by the consultant. Although the actual presentation to Council will be led by Town staff, the consultant's presence may be required in a supporting capacity.

At this time, it is anticipated that the draft strategy document will be approved by Council as presented. However, the consultant should be aware that Council retains the authority to request changes to the draft strategy document until satisfied and agree to make those changes should they be requested. The consultant may include this as a separate line item in their proposed budget.

4 Responsibilities of the Town of Halton Hills

The Town of Halton Hills Planning and Sustainability Department, through the Office of Sustainability, will be responsible for managing the completion of the Privately-Owned Tree Management Strategy.

The Town of Halton Hills will be responsible for:

- Managing the consultant during the project;
- Ensuring timelines are met;
- Ensuring that the consultant has access to necessary resources, data, and venues;
- Reviewing and provide feedback on project deliverables;

- Providing overall technical guidance and direction on the development and completion of the project;
- Acting as the liaison between the consultant and Senior Management, Council and other stakeholders;
- Ensuring that financial resources are well managed;
- Ensuring compliance with the Terms of Reference;
- Ensuring participation of relevant stakeholders;
- Coordinating communications; and
- Coordinating with other studies as appropriate.

5 Responsibilities of the Consultant

The project consultant will be responsible for the completion of the Privately-Owned Tree Management Strategy in accordance with these Terms of Reference. This will be accomplished in close collaboration with the Town of Halton Hills.

The responsibilities of the consultant will be to:

- Develop and deliver a project work plan, project schedule, and stakeholder engagement plan;
- Ensure compliance with these Terms of Reference;
- Produce the deliverables outlined in these Terms of Reference to the satisfaction of Halton Hills;
- Maintain effective communications with the Project Management Team;
- Complete any necessary revisions to project deliverables as required by the Town; and
- Ensure that project costs do not exceed the budget outlined in their proposal.