



Town of Lincoln Tree Protection and Enhancement Policy

1. Background and Purpose

A healthy tree canopy provides numerous environmental, economic, and social benefits to our community and therefore it is the Town's goal to support the growth, health, and longevity of the Town's tree canopy.

As per Section 270 (1) (7) of the Municipal Act, 2001, S.O. 2001, c. 25, municipalities are required to adopt and maintain policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality. The Town of Lincoln Tree Protection and Enhancement Policy has been developed to protect and enhance the tree canopy through planning, regulation, education, and enforcement. This policy specifically applies to trees on lands subject to a planning application as well as trees on municipal property.

Other Provincial, Regional, and Municipal Tree Regulations

Certain trees in the Town are protected by other Provincial legislation, Regional by-laws, and Municipal by-laws. These regulations must be abided by and, where any conflicts may exist, supersede provisions of the Tree Protection and Enhancement Policy. Trees protected by other regulations must not be removed or damaged unless the required permits or permissions are granted by the appropriate authority. The following legislation and by-laws protect trees in the Town:

Ontario Heritage Act, 1990

Under the Ontario Heritage Act, the Town can pass a by-law to identify and designate trees as having heritage significance. Trees designated by Council as a "Heritage Tree" cannot be removed, injured, or destroyed without the Town's permission.

Niagara Region's Tree and Forest Conservation By-law No. 30-2008

Niagara Region regulates the removal of trees within regulated woodlands that are 1.0 hectares or more in size through the Region's Tree and Forest Conservation Bylaw No. 30-2008. Property owners are required to obtain a permit from the Region prior to removing or injuring a tree within regulated woodlands. Offences relating to tree removals in a woodland as described within the Region's by-law are enforced through the Region.

Town of Lincoln Site Alteration By-law No. 2020-64

The Site Alteration By-law regulates the removal of trees on properties in the Urban Area. The by-law ensures a process is in place to protect Urban Areas from clear cutting and specified tree canopy deterioration and applies to trees that are proposed to be removed prior to the submission of a development application.

A Site Alteration Permit (Class 2 – tree removal) is required to be issued by the Town prior to the removal of: three or more trees that are 20 cm diameter at breast height or greater, within a 36 month period, and located in an Urban Area.

The Site Alteration By-law does not apply to any lot that permits a single-detached or semi-detached residential use, as per the Town's Comprehensive Zoning By-law, as amended, and is occupied by a residential unit, and a permit is not required in order to remove a tree on these properties. However, property owners must ensure that the subject tree to be removed is located entirely on their private property.

Consistent with the Tree Protection and Enhancement Policy, the Site Alteration Permit application process requires proposed tree removals to be supported with a Tree Protection and Replacement Plan and are subject to the same Tree Replacement Ratio requirements as outlined in Section 5 below. Anyone failing to adhere to the Site Alteration By-law will be subject to enforcement orders and if guilty of an offence, are liable to fines.

Town of Lincoln Parks By-law No. 08-66

Parks By-law No. 08-66 protects trees located in Town parks. The by-law prohibits persons from causing injury or damage to trees and property in parks.

2. Identifying Protected Trees

The Tree Protection and Enhancement Policy applies to Regulated Trees located on lands subject to Planning Approvals or on Municipal Property as described further below.

2.1 Applicable Trees

Trees that meet the following criteria are considered Regulated Trees by the Town:

- Trees that are 20 cm, or greater, in diameter at breast height (DBH), with DBH being measured at 1.4 metres above the ground;
- Excludes Nuisance and Weed Trees (see Appendix A); and
- Excludes trees which are identified by a certified Arborist or other qualified professional, as approved by the Town, as dead, diseased or of a safety risk to a property or persons

2.2 Applicable Lands

The Tree Protection and Enhancement Policy applies to all Regulated Trees located on the following lands:

- Municipal Property, including road rights-of-way and parks; and
- Lands subject to Planning Approvals within an Urban Area

- Lands are considered to be subject to Planning Approvals if any of the following planning applications have been submitted: Plan of Subdivision, Plan of Condominium, Site Plan Control, Official Plan Amendment, Zoning By-law Amendment, Minor Variance (permitting new construction only), or Consent.
- Urban Areas in the Town are delineated on Schedule 'A' of the Town's Official Plan

Any person wishing to remove a tree should check with municipal staff to determine whether the Tree Protection and Enhancement Policy or other Provincial, Regional, or Municipal regulations apply.

3. Exemptions

The following sub-sections describe who and what is exempt from the Tree Protection and Enhancement Policy.

- 3.1 Permission is not required in order to prune a tree on private properties subject to the Tree Protection and Enhancement Policy, as long as the pruning is done in a manner that does not harm the tree.
- 3.2 Permission is not required to remove trees that have been determined by a Certified Arborist to be dead, severely damaged, or diseased, or that pose a danger to people or buildings.
- 3.3 New construction of buildings that do not require Planning Approvals are not subject to the Tree Protection and Enhancement Policy. Any required Building Permits must still be obtained.
- 3.4 Works undertaken by utility providers, surveyors, or any level of government, as approved by the Town.

4. General Policies

- 4.1 All Regulated Trees, as identified in Section 2 herein, may not be removed, injured, or destroyed in any way without prior written approval by the Town of Lincoln.
- 4.2 Tree pruning, root cutting, or removal of any tree located on Municipal Property may only be undertaken by Town of Lincoln staff, an authorized Arborist or other qualified professional as approved by the Town, unless appropriate written authorization has been given by the Town.
- 4.3 All Regulated Trees that are identified to be preserved must be protected by adequate fencing installed as per the Town's Tree Protection Zone standard detail, to the satisfaction of the Director of Planning.
- 4.4 All Regulated Trees which cannot be preserved or protected on-site due to development or space constraints may be removed, as approved by the Town, subject to being replaced according to the Tree Replacement Requirements outlined in Section 5.

4.5 Planning Application Requirements:

4.5.1 No site works shall take place that may result in damaging or destroying 3 or more trees over 20 cm without:

- (a) a Site Alteration Permit for tree removal;
- (b) Official plan, zoning, draft plan, or site plan approval, or in the case of minor variance or consent applications, a decision is made by the Committee of Adjustment, is obtained; or
- (c) prior written approval by the Director of Planning.

4.5.2 Where a planning application is submitted for lands that are also regulated by the Region's Woodland by-law and/or NPCA in the Urban Area, proposed tree removals are required to abide by the Tree Protection and Enhancement Policy in addition to any approvals and permits required by the Region and/or NPCA.

4.5.3 All planning applications for official plan amendment, zoning bylaw amendment, draft plan of subdivision and site plan approval and respective amendments, minor variance (permitting new construction only) and consent in the Urban Area will be required to follow the development approval process as outlined in the Town of Lincoln's Tree Manual - Development Application Requirements. The Tree Manual provides requirements, standards, and specifications for:

- (a) Arborist Report requirements including the location, size, species, and condition of all trees; reason(s) for any proposed tree removals; proposed tree preservation and replacement;
- (b) Landscape Plan requirements;
- (c) Securities required based on the value of trees to be protected and replaced; and
- (d) Inspection, Acceptance and Warranty requirements

4.5.4 The owner/applicant shall provide securities to the Town to ensure that trees are properly protected and preserved in accordance with all approved Arborist Reports. If unwarranted damage or removal of trees occur, financial compensation shall be provided and calculated on a per tree basis in accordance with the Town's Fees & Charges By-law.

5. Tree Replacement Requirements

It is the intent of this Tree Protection and Enhancement Policy to protect and preserve Regulated Trees on proposed development sites and municipal property. However, it is recognized that tree removals may need to occur due to development or space constraints, as approved by the Town. In these circumstances, replacement trees are required as a condition of all Regulated Tree removals.

5.1 Tree Replacement Ratio

Regulated trees which cannot be preserved or protected on-site due to development constraints, as approved by the Town, can be removed subject to being replaced on-site at

a scaled tree replacement ratio. It shall be the intent of the policy to plant replacement trees on the subject lands whenever feasible, to the satisfaction of the Director of Planning.

Where on-site tree replacement is not feasible, and as requested by the applicant, the Town may consider the planting of replacement trees in an alternate location within proximity to the subject site. Alternate locations must be satisfactory to the Town and may include streetscapes, parks, and natural areas in need of tree planting.

The number of replacement trees required will be determined by the diameter at breast height (DBH) of the tree(s) proposed to be removed, as outlined in the chart below.

DBH of Tree Proposed to be Removed or Destroyed	Number of Replacement Trees Required
20-29 cm	1:1
30-49 cm	2:1
50-74 cm	3:1
≥ 75 cm	4:1

DBH refers to the tree diameter measured at 1.4 metres (140 cm) above the ground.

This scaled tree replacement ratio acknowledges the increased environmental and community benefits provided by larger trees and enables a more rapid recovery of those benefits after a permitted tree removal.

All tree replacements are required to meet planting specifications outlined in the Town of Lincoln Tree Manual. This includes tree selection from a list of Approved Tree Species; minimum tree size, tree species diversity requirements, nursery stock requirements, and installation according to the Town's planting detail.

5.2 Cash-in-lieu Contribution

In instances where more replacement trees are required than can be reasonably accommodated on the subject site, a 'cash-in-lieu' of tree replacement may be paid to the Town to fund tree planting initiatives off-site. The cash-in-lieu payment shall be calculated on a per tree basis in accordance with the Town's Fees & Charges By-law.

Note: Town staff will determine if the site can or cannot accommodate all the required replacement trees and if a 'cash-in-lieu' payment is appropriate in each case.

APPENDIX 'A'

The following list of trees are excluded from protection by the Tree Protection and Enhancement Policy.

Nuisance and Weed Tree List

Autumn Olive (*Elaeagnus umbellata*)
Black Alder (*Alnus glutinosa*)
Common Buckthorn (*Rhamnus cathartica*)
European or Glossy Buckthorn (*Rhamnus frangula*)
Female Ginkgo
Norway Maple
Manitoba Maple
Russian Olive
Salt Cedar
Siberian Elm
Tree of Heaven
White Mulberry (*Morus alba*)