



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole Meeting
Meeting Date: September 27, 2022
Report Number: PDS.22.113
Title: Information and Recommendation Report – Tree By-Law Update
Prepared by: Travis Sandberg, Intermediate Planner

A. Recommendations

THAT Council receive Staff Report PDS.22.113, entitled “Information and Recommendation Report – Tree By-Law Update”;

AND THAT Council endorse the By-law to regulate the destruction and injuring of trees in the Town of The Blue Mountains that are located on Town owned lands, within identified or approved Tree Preservation Plan areas, and on land parcels located within the Settlement Area of the Town which have a minimum area of 0.5ha, as outlined in the Draft By-law attached as Attachment 1 to Staff Report PDS.22.113;

AND THAT the By-law shall come into full force and effect twelve months from the date of passing for public education and establishment of appropriate administrative intake, including applicable permit fees, prior to implementation and enforcement;

AND THAT By-law 2010-68 shall be repealed, in its entirety, at such a time the By-law comes into full force and effect.

B. Overview

This report provides an overview of comments received at the public meeting regarding proposed revisions to Municipal Tree Preservation By-law 2010-68. A recommendation is also provided for Council consideration.

C. Background

Planning Staff began the process of reviewing By-law 2010-68 in 2019 with the overall goal to prevent premature tree cutting/removal on larger privately owned properties in advance of a development application. Since that time, staff have conducted an extensive review process that included public meetings and engagement delivered via a dedicated webpage and community survey. In May 2022, staff provided an update to Council on public consultation completed to-date, as well as completed consultation with the Town’s Agricultural Advisory

Committee and Sustainability Advisory Committee, per Staff Report PDS.22.064. By Resolution, Council directed Staff to proceed with an additional Public Meeting to obtain public comment/feedback on the proposed draft changes to Municipal Tree Preservation By-law 2010-68, as outlined in Attachment 2 of Staff Report PDS.22.064.

This report provides an overview of comments received at the Public Meeting, held on July 11, 2022. Comments received prior to the public meeting were outlined in preceding Staff Reports and were considered in the development of the current working draft By-law, as was subject to public comment at the Public Meeting. The attached by-law has been drafted with consideration to all public comments received and is in alignment with the stated goal of the project when launched in 2019.

D. Analysis

Comments received at the Public Meeting can be generally summarized into the following themes:

1. Castle Glen
2. Ecological Benefits of Trees
3. Technical Comments
4. Municipal Authority and Violation of Provincial/Federal Acts
5. Town Policy Support for a By-law
6. Potential to Stifle/Impact Development
7. Should be Aimed at Developers
8. Implementation and Monitoring of By-law Impacts

The working Draft By-law presented at the Public Meeting has been refined as a result of Staff's review of the public comments. A summary of all public agency and public comments received, and staff responses thereto, are provided in Attachment #2 to this report. All written comments in their entirety are included as Attachment #3.

E. Strategic Priorities

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of the recommendations of this report.

G. Financial Impacts

No adverse financial impacts to the Municipality are anticipated as a result of the recommendations of this report. It is noted that costs associated with implementation and enforcement, as well as permit fees, are to be determined following enactment and prior to the By-law coming into full force and effect.

H. In Consultation With

The general public and public agencies through the public meeting process. Further consultation with Will Thomson, Director of Legal Services, was also completed in preparation of the final draft by-law.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on July 11, 2022. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Travis Sandberg, planning@thebluemountains.ca

Any comments regarding this report should be submitted to Travis Sandberg, planning@thebluemountains.ca

J. Attached

1. Draft By-law
2. Comment Response Matrix
3. Comments Received

Respectfully submitted,

Travis Sandberg
Intermediate Planner

For more information, please contact:
Travis Sandberg, Intermediate Planner
planning@thebluemountains.ca
519-599-3131 extension 283

Report Approval Details

| | |
|----------------------|---|
| Document Title: | PDS.22.113 Information and Recommendation Report - Tree By-Law Update.docx |
| Attachments: | - compiled public comments.pdf - Comment Response Matrix (July 2022 PM).docx - TBM Tree By-law - FINAL DRAFT (September 2022).pdf |
| Final Approval Date: | Sep 15, 2022 |

This report and all of its attachments were approved and signed as outlined below:

Adam Smith - Sep 15, 2022 - 3:28 PM



Bluewater District School Board

P.O. Box 190, 351 1st Avenue North
Chesley, Ontario N0G 1L0
Telephone: (519) 363-2014 Fax: (519) 370-2909
www.bwdsb.on.ca

July 14, 2022

Travis Sandberg
Intermediate Planner
Town of The Blue Mountains
32 Mill St, Box 310,
Thornbury, ON N0H 2P0
planning@thebluemountains.ca

RE: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68
Town of The Blue Mountains

Attention: Travis Sandberg,

Thank you for circulating notification of the Public Meeting with respect to proposed amendments to the Municipal Tree Preservation By-law 2010-68. Bluewater District School Board (BWDSB) has reviewed the draft copy of the proposed amendments to the Municipal Tree By-law 2010-68 Update. As mentioned in section 2.1 c of the By-law 2010-68, the proposed changes would apply to all properties that are 0.5ha or larger which are located within the Settlement Area boundary of the Town of The Blue Mountains which would encompass Beaver Valley Community School in Thornbury.

As stated under Project Background Information for By-law 2010-68 on the municipal webpage, "Council is now seeking further comments from the community regarding the direction and scope of tree protection policies in the Town. The project's community engagement will focus on whether or not the Town should take a more active role in the protection of a wider range of trees within the municipality, potentially including those located on privately owned properties. Input and comments received from the public will help to guide the scope and direction of any future policies and/or by-law updates regarding tree preservation in the Town." (<https://www.thebluemountains.ca/planning-building-construction/current-projects/strategic-projects-initiatives/municipal-tree-law>, 2022).

BWDSB is of the opinion that the proposed amendments to By-law 2010-68 would be onerous for the board with regards to the Beaver Valley Community School property and as such request to be exempt from the permit process so that flexibility can be provided when tree works are required to be undertaken in an expediated manner as is often the case. Given the limited timeframe that school boards have to complete site work during the summer months, the permit application and issuance process would add further constraints to the board. Planning staff request that school sites be added to the Exemptions listed under section 3.2 of the By-law.

BWDSB staff thank you for your consideration of these comments.

Sincerely,
Shelley Crummer
Business Analyst

c.c.: Rob Cummings, Superintendent of Business Services
Dennis Dick, Manager of Plant Services
John Bumstead, Assistant Manager of Plant Services

From: planning@grey.ca
To: [Planning General](#)
Subject: County comments for TBM Municipal Tree Preservation By-law 2010-68
Date: July 4, 2022 1:49:24 PM

County comments for TBM Municipal Tree Preservation By-law 2010-68

Hi Town Staff,

Thank you for the opportunity to comment on this by-law. County staff have the following comments for consideration with respect to the Town's Tree By-law.

Section 1 – Definitions

- The Town may wish to define the terms 'good arboriculture practices' (good forestry practices is defined), 'replacement trees', and 'Environmental Impact Study'. Some sample definitions have been provided below for reference purposes.
 - Replacement trees: means planting non-invasive native trees and plants through reforestation or afforestation to replace trees injured or destroyed. The areal extent of the replacement trees shall be at a ratio equal to at least two times the areal extent of the canopy of trees injured or destroyed. Replacement trees may include a mixture of native trees, plants, ground covers, savannahs and tallgrass prairies, and seed mixes. The minimum density of replacement trees must meet the number of trees per hectare required to meet the definition of a woodland or a woodlot.
 - Environmental Impact Study: means an analysis completed in accordance with the Official Plan and/or as per guidelines approved by the Town or by a qualified expert in ecology, forestry, hydrology and/or other specialties based on specific circumstances. The study shall include an assessment of potential hydrologic and ecological impacts, which is to include information such as: an inventory and evaluation of natural heritage features and areas, natural heritage systems, water resource systems and associated hydrologic functions on and adjacent to a project site; identification of environmental constraints including features, systems, linkages and vegetation protection zones; demonstration of conformity with applicable legislation and policies such as the County/Town Official Plans, Provincial Policy Statement, Niagara Escarpment Plan, and Endangered Species Act; identification of potential impacts; and recommended solutions to avoid, minimize and mitigate removal of natural heritage features and areas. An Environmental Implementation Plan is required to demonstrate how recommendations will be implemented.

- ‘Professional Forester’ definition – In reviewing other by-laws, many have switched to the "Qualified OPFA Member" definition: means a Registered Professional Forester, Associate Member or Temporary Member of the Ontario Professional Foresters Association under the Professional Foresters Act, certified to practice professional forestry, unless a suspension, term, condition, or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-Law.

Section 2

- 2.1(a) and 3.2(a) – just wish to clarify that this would not inhibit the County’s ability to maintain our lands/roads, as well as to harvest without our County Forests. County staff believe this to be the case, but please let us know if otherwise.

Section 3

- Could section 3.1(c) be amended to include “or any successor thereto” onto the end of this clause?
- Clarification around when the Town vs. the County by-law would apply may be needed under 3.1(c). In the exemptions it exempts “any tree subject to the County of Grey Forest Management By-law”. According to the County by-law, this would be any property that has trees part of a woodland 1 ha or more. As such, would this mean that any tree, even if on a property 0.5 ha or larger in a settlement area, would be under the County by-law if it was part of a woodland 1 ha or larger? The Town By-law applies to properties 0.5 ha or larger, vs. the County by-law applies based on woodland size. What if the property is under 0.5 ha but the trees on the property are part of a woodlot 1 ha or larger? Presumably in this case the Town By-law would not apply, but the County by-law would. County staff just wish to clarify so as to avoid any unnecessary overlap between the by-laws and so as to be able to clearly communicate to the public which by-law applies where.
- Should Section 3.1(e) also include Ontario Regulation 172/06 with respect to the Nottawasaga Valley Conservation Authority?

Section 4

- Should section 4.1(e) be referencing section 4.1(c) instead of 5.1(c)?

Section 5

- In subsections 5.4(a) and (b) the Town may wish to consider an exemption either here or in another section of the by-law which speaks to the pre-application process where limited tree clearing is required to conduct technical studies or background reports e.g. drilling for geotechnical work.

Section 6

- Should section 6.1(e) be referencing section 6.3 instead of 7.3?
- In section 6.3(d), if the same species are not available for replacement trees, other options could be defined as suitable alternatives. For example, replacement trees may be non-invasive native trees or naturalized non-native trees and may include a mixture of nature trees, plants, ground covers, savannahs and tallgrass prairies, seed mixes etc.

The County’s review of our own Forest Management By-law is on-going. County staff will share a draft with the Town of The Blue Mountains once

it is ready for review and comment.

Please do not hesitate to reach out should you have any questions with respect to the County's comments.

Thanks

Scott Taylor, MCIP, RPP

Planning & Development, Grey County, Owen Sound ON

Tree Preservation

12 July 2022

Ms Corrina Giles, Clerk, Town of the Blue Mountains

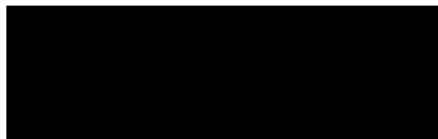
Re: Open House, The Tree Preservation By-Law: "By-Law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains"

The Blue Mountains Watershed Trust Foundation's mission is to protect and enhance the Blue Mountains Watershed ecosystems through direct action, advocacy, and education. In this spirit we urgently request that the Town enact a Tree Preservation By-Law as soon as possible. Trees are arguably the most significant green element of watershed ecosystems. They are integral to the effective functioning of the watersheds where they grow, naturally. Trees sequester carbon (in their trunks and branches), produce oxygen (through photosynthesis), facilitate inter-species communications that hold entire underground ecosystems together, and clean all water absorbed by their roots and exhaled from leaves (through the process of evapotranspiration).

In the Town of the Blue Mountains, absorption of water by trees in their watershed ecosystems significantly reduces run-off and flooding, seasonally and intermittently, over lands between the Niagara Escarpment and Georgian Bay. Trees perform these miracles of sustainability at no extra cost to humans, when humans simply leave them to grow in place, over their lifetimes, and to die, and decay in place as nurse trees for new growth. Re-development, or over-development beyond the parameters described in the Town's Official Plan, that permits the harming of trees, or their destruction in lands designated "Open Spaces", "Wetlands" and "Hazard" areas in the Town must cease.

As a result of our review of the intent and wording of the proposed By-Law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains we strongly urge the Town to enact such legislation as soon as is possible, in the interest of preserving the trees, now.

Respectfully,

A solid black rectangular box redacting the signature of Carl Michener.

Carl Michener, President
Blue Mountain Watershed Trust Foundation

From: [Nicholas Clayton](#)
To: [Planning General](#); [Town Clerk](#)
Cc: [REDACTED]
Subject: Tree By-Law & The Castle Glen Forest
Date: July 6, 2022 7:54:52 PM

”Tree By-Law was intended to prevent developers from clear-cutting lands”, it would seem that the spirit and intent of this by-law should protect the Castle Glen Forest from being razed to make way for 1600 homes, a 300 room hotel, retail & up to 3 golf courses.

Councillor Matrosovs did go on to say that, in the case of the Castle Glen Forest, the by-law would defer to the Niagara Escarpment Commission.

We hope that this matter is addressed in the manner laid out in this meeting, providing a much-needed updating and overriding of the 2006 OMB decision that put this misguided and ecologically destructive development into the Official Plan in the first place.

Please include this letter as public comment in the upcoming public meeting on July 11, 2022.

Kind Regards,

Nick Clayton

--

[REDACTED]

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Town Clerk](#); [Travis Sandberg](#); [Karen Long](#)
Subject: FW: July 11 tree By-law public meeting at Council
Date: July 7, 2022 10:08:44 AM
Attachments: [Tree By-Law Letter.docx](#)
[July 11 Public Meeting Re Proposed Changes to Municipal Tree Protection By-law.pdf](#)
[Names of Attendees at Craigeith community Centre OP Review June 4 22.docx](#)
[image001.png](#)
[image003.png](#)

Good morning Howard,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: howard cole [REDACTED] >
Sent: Thursday, July 7, 2022 9:51 AM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>
Cc: Bruce Harbinson <[REDACTED]>
Subject: Fwd: July 11 tree By-law public meeting at Council

Hello,

I am a resident of Castle Glen and a member of the Escarpment Corridor Alliance. I am in strong support of Bruce's letter below to you.

For me the jewel of this part of the world is the mature forests. They must be protected at all costs for a number of reasons. Trees are the planets lungs and without them we and the majority of species on earth are doomed. You just have to watch David Attenborough documentaries on life on earth to appreciate this. Secondly the Township of Blue Mountains still has some of the finest forests

in Canada and they must be preserved. We would look foolish and neglectful as a township if we didn't do everything we can to protect these forests. I do not want our legacy to be neglect and destruction of them. I want to be remembered as a township that stood firmly against development in our forests. I do not buy the reasoning that Castle Glen's development plan was grandfathered several times and therefore should proceed. Circumstances have changed dramatically. With the rapidity of global heating our future is at stake. This was not a consideration in 2004 through 2006 when the official plan for this area was decided and adopted.

Please confirm that this letter of concern has reached the appropriate people.

Howard Cole

Begin forwarded message:

From: Bruce Harbinson <[REDACTED]>
Subject: Fwd: July 11 tree By-law public meeting at Council
Date: July 7, 2022 at 9:06:53 AM EDT
To: howard cole <[REDACTED]>, John Pratt <[REDACTED]>, Derek Wilson <[REDACTED]>, Adriene Veninger <[REDACTED]>, Mary Ruby <[REDACTED]>, David Yanowski <[REDACTED]>

Good morning folks,

You were all at the recent TBM Official Plan meeting and voiced concern over excess development pressure. You may have heard that there is a proposed tree by-law that is part of the town's effort to mitigate climate change and preserve character and biodiversity. There is a public meeting on Monday and written submissions can be made to the town clerk up until the end of the day. I am attaching my submission and I plan to be there on Monday. For those in Castle Glen you will note the strategic importance of this by-law. Please feel free to submit my document with a few words of your own support or write your own comments if you so choose.

You can send any emails to: kdunlop@thebluemountains.ca

Many thanks,
Bruce

P.S. Mary, can you please forward to Wood as I can't find his email.

Note Please update your contact information with my new personal email address: [REDACTED]

Bruce Harbinson
Chair, TEC Canada

[REDACTED]

[REDACTED] forwarded message:

From: Pamela Spence [REDACTED]
Subject: July 11 tree By-law public meeting at Council
Date: June 29, 2022 at 1:50:52 PM EDT
Reply-To: Pamela Spence <[REDACTED]>

Attached is the notice of the scheduled public meeting on the Tree By-law. This email is a reminder to attend or register to virtually attend and make your comments known. If you support this, your voice must be heard as loud as those against.

I also attach a list of names of folks who attended the Craigeith Official plan review and expressed interest in following up on the Tree By-law. this list was compiled taken from a photo of the names but the Twon would not share the email addresses.

if you know any of these folks and would share their email with me, I would appreciate it. If you would rather not put in their email but can reach them, please let them know or send them the notice of this upcoming meeting July 11.

Thank you for your assistance and interest.

Pamela Spence

[REDACTED]

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Town Clerk](#); [Travis Sandberg](#); [Karen Long](#)
Subject: RE: Town of Blue Mountains Tree Bylaw Comments
Date: July 7, 2022 5:09:14 PM
Attachments: [image001.png](#)
[image002.png](#)

Good afternoon James,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: James Dobbin [REDACTED] >
Sent: Thursday, July 7, 2022 5:05 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: FW: Town of Blue Mountains Tree Bylaw Comments

Dear Krista,

I sent this message to Corrina and she is not available and since I think it might be time sensitive I am sending it to you to make sure you received it today on her behalf.

Many thanks

James Dobbin

From: jim [REDACTED] >
Date: Thursday, July 7, 2022 at 4:55 PM
To: "cgiles@thebluemountains.ca" <cgiles@thebluemountains.ca>
Subject: Town of Blue Mountains Tree Bylaw Comments

Dear Sir,

I fully agree with the points made in the attached letter written by Bruce Harbinson.

We all enjoy the immense benefits provided by the Niagara Escarpment, in fact a large proportion of us live, work and recreate here primarily because of the escarpment corridor and its strategic location bordering the western shores of Georgian Bay. Our successful tourism industry is largely due to the natural escarpment and the opportunities it provides. We must protect the natural escarpment corridor as a connected ecological corridor. That means maintaining and expanding the existing tree cover and connectivity.

The forest cover on the Castle Glen settlement area needs to be protected and preserved as an integral piece of the connected escarpment corridor.

We cannot allow further fragmentation. The health of the two important cold water fisheries that arise from the springs and lake at Castle Glen (Silver and Black Ash) rely on it. As local residents and business owners we rely on a green natural escarpment corridor as our most important natural asset.

Thank you for your consideration.

James Dobbin

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

James Dobbin | President & CEO

[REDACTED]

- Founder, Dobbin International Inc
- Member, IUCN World Commission on Protected Areas (WCPA)
- Fellow, Canadian Society of Landscape Architects (CSLA)
- Member, Ontario Association of Landscape Architects (OALA)

- Member, American Society of Landscape Architects (ASLA)
- Committee Member, for the Aspiring Georgian Bay Geopark, Ontario
- Advisor, Escarpment Corridor Alliance, Collingwood, Ontario

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Submission for Comment on “By-law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains,” by:

Elizabeth F. Marshall,

President All Rights Research Ltd.,

Non-Partisan Advocate

Director of Research Ontario Landowners Association

Author – “Property Rights 101: An Introduction”

Chairperson – Canadian Justice Review Board

Legal Research – Queen’s Counsel, Lawyers, Law Offices, etc.,

Legislative Researcher – MPs, MPPs, Municipal Councilors.

1. An introduction as to who I am. I am a legal, legislative and historical researcher, as well as an author, but I am not a lawyer and do not give any legal advice. I am the President of All Rights Research Ltd., and do Legal/Legislative/Constitutional Research for various Law Offices, as well as for MPs, MPPs, Municipal Councils, and Municipal Officials. Based on the many reports and articles I have done, respecting various pieces of Legislation and Legislative Instruments, I have been cited and acknowledged in Parliament (House of Commons) and Queen’s Park, on a number of occasions. I have also published a book, in its second edition, on property rights with reference to the many Canadian Constitutional documents. As an avid writer, I have authored various articles for the Landowner Magazine, etc. In conjunction with the aforementioned I am the Director of Research for Ontario Landowners Association. In May of 2012 I was elected to the Board of Directors of the Canadian Justice Review Board, and in May of 2016 I was promoted to the position of Secretary. In October of 2020 I was elected as Chairperson of the Canadian Justice Review Board. Over the past decade and a half, I have been invited as a guest on a number of talk radio programs and as a speaker at various functions, including at the University of Guelph, on more than one occasion.

2. I have been asked by a number of residents to make comment on the draft “By-law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains,” presented for public comment/input

3. Having read a number of versions of this By-law, since it was presented in 2019, I find that this and the second last version to, as expressed in the many documents sent

to Council, be still in violation of a number of Acts, including but not limited to: The Municipal Act, Constitution (British North America Act, 1867 [BNA]), the Forestry Act, the Conservation Land Act, the Public Lands Act, etc., as noted in the various documents/emails sent to the Mayor, Deputy Mayor and various Council members, as well as various staff members.

4. And again this version brings in the Council's 2019 Resolution of a "Climate Emergency." This is either making a mockery of climate change, violating the Emergencies Act, or is, it would seem, the Council and/or Staff attempting to mislead the residents of this community.

5. When one sees the map, with the boundaries of where the restrictions are to be implemented, one could only conclude that the statement regarding the "climate" is a mockery, shouldn't they, as the area included is quite small? If, as the By-law states, in the paragraph pertaining to the "climate emergency," "trees have been identified as an important element in mitigating the impacts of a changing climate," then one should expect that this By-law should encompass the entire community, shouldn't one?

6. If, on the other hand, this By-law is to stop development and/or housing, as expressed in a number of newspaper articles, would this not be the Council and Staff doing indirectly what it (they) cannot effect, lawfully, directly?

7. If this By-law is for the purported protection of the environment, then surely, it must be extended to the entire municipality and not merely a few privately owned properties, shouldn't it? Or is that what Council and Staff are attempting to do, create a By-law to open the door to for an amendment to this By-law, in the near future, to encompass everyone's private property? That is what happened in Haldimand County, and not even farmers are exempt.

8. Then there are those who are promoting this By-law to the detriment of their fellow human beings. They, who already have their homes on land that had previously been

cleared to build their homes, will chastise the many who merely want somewhere to live. Somehow, they feel they are the only ones entitled to having a home and in their “hypocrisy” they seem affronted that others want what they have – somewhere to live and raise their families. If there are some who want to save the trees, want to stop development, want to stop others from owning a home, they need to purchase the land. Despite some person’s opinions, something that is unlawful will remain unlawful, no matter how loud they might yell.

9. As noted in the media, for years Ontario has been suffering from a housing shortage. This is driven by supply and demand and it has been found that the middle-class is falling farther and farther behind, merely in a bid to survive. This has been brought on by a few who say they are wanting to, purportedly, save the environment, and yet only if it does not interfere with what they want to do – such as having a home. Aesthetics, scenery, age of foliage, etc., on the whim of a few are not grounds for a By-law to control privately owned land including private trees, and those whims are not grounds for the few to stop someone else from building a home. As expressed in *Ontario v. Rowntree Beach Assn.*, 1994, Conclusion, Section [123] “*The Queen in right of Ontario*” having “*no right, title or interest in and to the lands described...*”¹ and if the Queen has no “right, title or interest” one should question as to where a municipality could expect to have more authority than the Crown, shouldn’t one?

10. As for the delegation of authority to the “Director,” it would seem under By-law 2021-61 that has already been done. The question is – who can have faith in a Council that would delegate to Staff authority which hasn’t even been created yet? With said authority already being delegated could it be there is something that seems to be very presumptuous taking place, and perhaps Council and/or Staff should take a step back, as that action may place the entire issue on a completely different level, couldn’t it?

11. The other issue with this delegation of authority is, why isn’t the Director of Planning named as the “Director” in said By-law, considering the Director of Planning is to have

¹ Ontario (Attorney General) v. Rowntree Beach Assn., 1994, Conclusion, Section [123]

this discretionary authority under By-law 2021-61 and POL.COR.07.04, “Delegation by Council of Powers and Duties Policy”? Under the aforementioned By-law and Policy documents, it is the Director of Planning who is to have control over this egregious action by the municipality, as expressed in those documents.

12. In conclusion it would seem this By-law is in violation of The Municipal Act, The Constitution (British North America Act, 1867 [BNA]), the Forestry Act, the Conservation Land Act, the Public Lands Act, the Emergencies Act, etc.

This By-law could be considered an affront to the residents of this community and should have been stopped, by Council, after the first attempt at passing it.

This By-law, on the face of it, could be considered as mocking climate change and the environment or it would encompass the entire community and not merely a few small select areas.

Is this By-law merely a precursor to the same abuses as have taken place in other municipalities, to the detriment of their residents?

It also seems that this is Council and Staff attempting to do indirectly what it cannot do lawfully directly, making the law an illusion.

As expressed in “*Regina and The Queen Insurance Co., Held by Superior Court, Montreal, Torrance, J., affirmed by Queen’s Bench, Montreal, and confirmed by the Jud. Com. Of the Privy Council ...*” – Angers -

“It is an evasion of the Act from which the Local Legislature derives its power. The Local Legislature cannot, no more than private individuals, act as it were in fraud of the law, that is, do by indirect means what it cannot effect directly...”²

Thank you for your time.

² Constitution of Canada. The B.N.A. Act, 1867; Its Interpretation, etc., p. 209

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Travis Sandberg](#); [Karen Long](#); [Town Clerk](#)
Subject: RE: Tree By law letter
Date: July 7, 2022 8:44:45 AM
Attachments: [image001.png](#)
[image003.png](#)

Good morning Bruce,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Cecilia Spihlmann <[REDACTED]>
Sent: Thursday, July 7, 2022 7:35:58 AM
To: Corrina Giles <cgiles@thebluemountains.ca>
Subject: Tree By law letter

Date: July 6, 2022

From: Bruce Harbinson

To: The Blue Mountains, Mayor, Council and Staff

Re: Proposed Tree By-Law

Dear Mayor, Council and Staff,

My name is Bruce Harbinson and I am a resident of the Blue Mountains and President of the Escarpment Corridor Alliance (the ECA) (www.myescarpment.ca), a not-for-profit organization with a mission to keep our unique and highly sensitive

escarpment green and free from inappropriate development.

The ECA is strongly in favour of the tree by-law and this support is echoed by thousands of our supporters. The Official Plan review and resident surveys also point to overwhelming support for strong environmental leadership within our wonderful community including the maintenance of community character which staff indicated includes our natural heritage. Our supporters and residents of the Blue Mountains clearly understand the economic, conservation and lifestyle value that our UNESCO World Biosphere designated landscape brings. Trees, our forests and dense canopies, provide critical habitat, mitigate the impact of climate change and sustain our tourism and recreation economy.

Our support for this proposed by-law is, however, predicated on one clarification or amendment. The majority of ‘teeth’ in this by-law take effect in designated Settlement Areas. Schedule A, as referenced on the TBM website does not list Castle Glen as a settlement area while the ‘Blue Print’ Official Plan Review document (Vision, Strategic Directions & Land Use Concept Background Paper clearly refers to Castle Glen as a settlement area (pgs 14-18).

Using the town’s own data (May 2022 The Blue Print - Growth Allocations & Fiscal Impact Report) **Castle Glen will have the second most dwelling units constructed (719) between now and 2046 in the town.** This is second only to the 868 units in the **combined** Craigeleith, Swiss Meadows and Blue Mountain Village. [Note: the 719 units at Castle Glen dramatically underestimates what is likely to get built ahead of 2046 should development proceed. Infrastructure costs will punish the return on investment for any developer building out at lower levels than the 1900 units in the Official Plan.]

Moreover, even allowing for this level of development, **Castle Glen will still have the second most remaining capacity for additional dwellings with another 1,124 possible units.** Again this is second only to the combined towns of Clarksburg and Thornbury with 1,304.

So, why must Castle Glen be considered a Settlement Area?

The Province of Ontario recognizes Settlement Areas as built up areas where development is concentrated. While Castle Glen is currently zoned as an ‘escarpment recreational’ Settlement Area the town’s own data, as shown above, substantiate that, in the eyes of planners, it is right at soon to be among the largest of town Settlement Areas. **It makes no sense to wait until Castle Glen is built– tear all the trees down to build the houses and then apply the Tree By Law when it is too late to protect any trees!!**

Town Council has clearly heard the message around resident’s environmental

concerns and our demand for action around climate change mitigation strategies. Better protection, expansion and improved management of the world's forests are considered by many experts as among the most promising nature-based solutions. Michael Coe, a program director at the Woodwell Climate Research Center and co-author of a recent study on the impact of trees and tree cover on temperature and climate change, said: "Without the forest cover we have now, the planet would be hotter and the weather more extreme. Forests provide us defense against the worst-case global warming scenarios."

Tree protection in Castle Glen is especially important as the property is home to the headwaters of Silver and Black Ash Creek. Loss of tree canopy will impact the cold water fisheries in these two valuable waterways. Additionally, loss of trees combined with land alteration and hardscaping for development on sensitive Karst (porous limestone) topography will have profound consequences not just for the immediate area but also disrupt critical, contiguous forests and natural ecological corridors. The forests of Castle Glen are the critical elbow piece in the connected ecological corridor running from Pretty River Valley north to Georgian Peaks and east over through Kolapore and Duncan to the Beaver Valley.

Does the Town of Blue Mountains really want to set the precedent as being the **first municipality along the entire length of the UNESCO Biosphere designated Niagara Escarpment allow for urban development draping over the brow onto the highly protected slopes – and potentially lose the designation?** This is surely not achieving a balance between protection and development in an internationally significant natural ecological corridor. It will make for good media coverage/exposure!

Please ensure that the forests of Castle Glen receive the protection of this by-law as well as the other Settlement Areas of The Blue Mountains.

Yours respectfully,

Bruce Harbinson
President, Escarpment Corridor Alliance

A large black rectangular redaction box covering the signature area.

Sent from my iPhone

To: Council of the Town of The Blue Mountains and Staff
From: Pamela Spence, 209691 Highway 26, Town of the Blue Mountains
RE: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68 – Public Meeting
Date: July 19, 2022

I am providing you with a written version of the presentation I made at the July 11, 2022 Public Meeting to Council and a few further comments arising from comments made during the Public Meeting.

I am Pamela Spence a former member of the Sustainability Advisory Committee, The Economic Development Advisory Committee and an involved citizen of the Town of the Blue Mountains. I am here and writing to speak for the trees of our community.

The Town has declared a climate emergency. Tree preservation and planting is a known solution to help address the climate crisis. More learned folks than I have published multiple books on the subject, namely, Richard Powers – Overstory, Peter Wohlleben – Hidden Life of Trees, Suzanne Simard (Canadian) – Mother Tree and my personal favourite Diana Beresford Kroeger – To Speak for the Trees. With a doctorate in Science Ms. Kroeger, who lives outside Ottawa, has researched the hidden powers of trees and confirms in literature and film that, if we preserve what we have and each person plants 2 trees a year for 3 years (6 trees total), we would have the climate crisis under control. Ms. Kroeger's request is an easy step and starts with safeguarding the trees that we already have.

Research has proven that trees are very valuable because they

- improve our air and water quality
- prevent soil erosion and flooding
- offer shade to control temperatures and conserve energy
- attract and provide habitat for wildlife, birds and pollinators
- improve health and wellness by their very presence and may have medicinal properties
- make our communities more beautiful which in turn sustains our tourism and recreation economy

Councillor Hope described The Blue Mountains as a “nature-based community” and Town policies reinforce that “branding” as she likes to say and speak to strong environmental, social/culture and economic leadership.

The 2016 Official Plan D.8.2 speaks to tree protection, enhancement and expansion and green canopy studies. Even more up to date, the citizens have responded in the Official Plan Review survey, on page 4, that they highly desire the preservation of GREEN, NATURE and ENVIRONMENT.

The ICSP – Blue Mountains Future Story - Big Move on page 10 is to “Create Climate Solutions” to reduce greenhouse gases and ensure the health of all living things. Protecting and preserving trees goes a long way to addressing this solution.

In the Economic Strategy of TBM, page 10, the 3rd goal - **Environmental Resiliency** is “To protect and preserve the natural environment for future generations through sustainable development and businesses practice”. Implementing a tree protection by-law is a sustainable business practice.

I support the changes to the proposed draft of the Tree By-law, including a name change to the Tree Preservation By-law, and I urge staff and Council to adopt this policy.

Thank you to the staff of the Sustainability and Planning Departments for diligently doing the research, speaking with various Town citizens, and reviewing existing legislation and best practices of communities like Halton, Ottawa, London, Vancouver, Waterloo etc. This latest draft is very acceptable.

I would prefer TBM’s by-law cover all trees and areas and I agree with Mr. Uram’s suggestion that the by-law be applicable to ½ acre lots to include infill lots. However, while that is my preference, given the change this represents, this draft is a good start and should be adopted if it is more palatable to citizens.

There have been concerns voiced that the proposed by-law does not have legal standing. Director Thomson’s staff report addressed those concerns and identified which legislation empowers this by-law. Should there be additional clauses that others believe challenge the Director’s conclusions, then perhaps additional consideration should be given to ensure the by-law’s strength. However, numerous municipalities have by-laws in place currently (as revealed in the best practices research) which would have been challenged had they not had legal standing. So the ability to create the by-law must have legal standing and be enforceable.

There were concerns that developers should be the target and not folks. Well this targets lands over half a hectare which are larger landholdings and potential development sites. Anything over a hectare has the County policies to contend with as well. Furthermore this by-law gives Town staff the tool to back their position when reviewing Tree Protection Plans required as part of a subdivision approval process. Without legislation promoting tree protection, there are no teeth to prevent clear cutting on a development application.

There were concerns that agricultural lands and woodlands with existing plans would be negatively affected. Defining exemption boundaries removes this concern as this by-law applies only to serviced or settlement areas currently identified as the more “urban” strip along the shoreline including Thornbury and Clarksburg and not the interior agricultural or rural properties. Because of its location on the escarpment and the large single “new town” holding, I concur that the Castle Glen area must be included in this tree protection by-law. Should there still be concern over the boundaries of the application, perhaps less confusion would be created if the by-law applied to relevant or equivalent TBM Official Plan Land Use designations instead. This also permits an easier update should development land use designations change in the OP review.

Please note - This by-law is not intended to stop people being able to cut trees or change their landscape. I see it as a tool to educate folks about the importance of trees and if large trees are being removed consideration should be given to a replacement plan to keep TBM green.

I would add that there are steps needed to implement this by-law that need to be addressed. Prior to implementation, this by-law should have a year of grace for public information on purpose, implementation process and education on trees and their benefits. In the year timeframe, TBM should

promote tree conservation in complementary programs to raise awareness and encourage land owners to be good stewards of our trees.

Within the grace period and prior to the implementation of this by-law, the permit application should be created that is educational, informative and has a native species tree or replanting list accompanying it. It should also have some direction/preferences on what to do with tree cutting residue.

I believe fees to adhere to the by-law should not be punitive, preferably minimal for a few years, however, penalties should be strict, enforced well and costly. And, learning from STA's, if an infraction occurs then there should be cross departmental communication and consequences.

With respect to comments made by others, I agree that the "director" responsible with application and approval process should not be in the Planning Department. I believe there is sufficient justification to hire an educated tree specialist to manage the Tomahawk nursery (and maybe the heritage orchard the Mayor wants), assist with trail management, direct the promised tree canopy study, review incoming developers' Tree Preservation Plans, direct the imminent green asset/natural asset study and manage the tree protection by-law.

I support adding wording to define and protect border trees (joint decision on removal) and heritage trees. Trees of significant age, purpose (erosion protection) or species should be majorly protected.

I also like the word smithing suggested to change "may" to "shall" or "must" where appropriate. I also do not support tree compensation in the event an applicant does not want to comply.

I will close by saying I walk the Georgian Trail daily. I have seen the destruction of the Emerald Bore on the Ash trees. I have seen the loss of canopy when, in 2020, the Town decided to cut the diseased trees along the trail. I am delighted to report that the trunks that were left now have 10-15 foot trees regrowing from most if not all of those stumps. In a few more years we will have a better canopy for the trail.

Trees are resilient. Our Town is built on resiliency from our early settlers who used trees for their roads and homes to modern day pioneers who have researched the significant contribution trees make to our society. **Please move this by-law forward to protect to protect and enhance TBM's tree canopy** and natural vegetation and create an education program reinforcing the benefit of trees so that TBM may have a positive effect on the climate crisis.

Thank you

Pamela Spence





From: [Kyra Dunlop](mailto:kyra.dunlop@thebluemountains.ca)
To: [REDACTED]
Cc: kyra.dunlop@thebluemountains.ca; [Travis Sandberg](mailto:Travis.Sandberg@thebluemountains.ca); [Kareem Long](mailto:Kareem.Long@thebluemountains.ca)
Subject: FW: my feedback proposed TBM tree protection bylaw
Date: July 13 2022 10:35:59 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning Richard

I acknowledge receipt of your ema led correspondence as it relates to the July 11 Public Meeting: Proposed Amendment to Tree By-law 2010-68 and note that you have copied Council and staff to your email for information and consideration. Your comments will be included in the followup staff report regarding this matter.



Kyra Dunlop
Deputy Clerk
Town of The Blue Mountains 32 Mill Street P.O. Box 310 Thornbury ON N0H 2P0
Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: richard lamperstorfer [REDACTED]
Sent: Wednesday, July 13, 2022 9:46 AM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>; Travis Sandberg <sandberg@thebluemountains.ca>
Cc: council <council@thebluemountains.ca>; SMT <SeniorManagementTeam@thebluemountains.ca>; Natalya Garrod <ngarrod@thebluemountains.ca>; Town Clerk <townclerk@thebluemountains.ca>; Scott Taylor <Scott.Taylor@grey.ca>
Subject: my feedback proposed TBM tree protection bylaw

www.collingwoodtoday.ca/the-blue-mountains-and-gre-highlands/public-opinion-split-for-tbm-tree-bylaw-5573431

Council

Originally I supported the proposed bylaw yet after listening to farmer John Ardiel others i changed my mind.

reference: Arguable is that me being tied to this tree in The Beach started Toronto's Tree Bylaw. Honestly I did this reluctantly selfishly out of peer pressure as I was fully aware the neighbour property was zoned Commercial and that it would affect our property value. https://books.google.ca/books?id=ffR8tGblp8c&q=PA128&dq=PA128&dq=rjcharl_lamperstorfer_heidi_reed_russell&source=bl&ots=dy3e7A2Ct8&sig=ACTU31353lucQzourA8o9ayool_lwid8w&hl=en&sa=X&ved=2ahUKEwJyqytlU33bhXWBM0WjarrALDQ6AE6RgCFAMBy=cospage&grrichard%20lamperstorfer%20heidi%20reed%20russellR-f-true

note: During the meeting Council lor Uram referred to my old apple trees as "weeds" under Bylaw Services which frankly I was unaware of accept attempting to remove ALL.

The proposed bylaw when overlapped with my several 5 year old Slade 00 units(residential development) drawings on my 13 acres West Thornbury initiates me to remove ALL the undersize diameter trees(outside the Grey-Sauble controlled zone) which in a few years of growth would be protected likely then to be used as NIMBY tool/leverage for distance separation.

So reluctantly I have changed my mind. I DO NOT support the tree bylaw! As far as link 'collingwood today' it's a shame reporter's don't capture more of a Councillor quote as I believe Council lor Uram's quote/comment is too easy to misinterpret without the full context/comments he made.

Thank you
Richard Lamperstorfer

Attachment: The Beach Toronto historic photo my residence & storefront 1980's where I started the first Beach BIA from Eliza Dolittle Flowers Ltd our family shop at 1975A Queen at Waverley. note: a 3 storey school is now on the garage footprint fronting Waverley. highest and best use something TBM should strive for imo.

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Town Clerk](#); [Travis Sandberg](#); [Karen Long](#)
Subject: RE: Tree Bylaw letter submission
Date: July 7, 2022 4:54:24 PM
Attachments: [image001.png](#)
[image003.png](#)

Good afternoon Jane,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Jane Pratt [REDACTED] >
Sent: Thursday, July 7, 2022 2:57 PM
To: Kyra Dunlop <kdunlop@thebluemountains.ca>
Subject: Tree Bylaw letter submission

Date: July 7, 2022

From: Jane & John Pratt

To: The Blue Mountains, Mayor, Council and Staff

Re: Proposed Tree By-Law

Dear Mayor, Council and Staff,

Our names are John and Jane Pratt and we are full time residents of the Castle Glen neighbourhood in The Blue Mountains.

We are strongly in favour of the tree by-law and this support is echoed by our neighbours and friends, both in Castle Glen and in the Blue Mountain area. We completed the residents

survey and have read the report on the results of that survey, along with attending meetings about the Official Plan review. Both point to overwhelming support for strong environmental leadership within our wonderful community including the maintenance of community character which staff indicated includes our natural heritage. We clearly understand the economic, conservation and lifestyle value that our UNESCO World Biosphere designated landscape brings. Trees, our forests and dense canopies, provide critical habitat, mitigate the impact of climate change and sustain our tourism and recreation economy.

Our support for this proposed by-law is, however, predicated on one clarification or amendment. The majority of 'teeth' in this by-law take effect in designated Settlement Areas.

Schedule A, as referenced on the TBM website does not list Castle Glen as a settlement area while the 'Blue Print' Official Plan Review document (Vision, Strategic Directions & Land Use Concept Background Paper clearly refers to Castle Glen as a settlement area (pgs 14-18)

Using the town's own data (May 2022 The Blue Print - Growth Allocations & Fiscal Impact Report) Castle Glen will have the second most dwelling units constructed (719) between now and 2046 in the town. This is second only to the 868 units in the combined Craighleith, Swiss Meadows and Blue Mountain Village. [Note: the 719 units at Castle Glen dramatically underestimates what is likely to get built ahead of 2046 should development proceed. Infrastructure costs will punish the return on investment for any developer building out at lower levels than the 1900 units in the Official Plan.] Moreover, even allowing for this level of development, Castle Glen will still have the second most remaining capacity for additional dwellings with another 1,124 possible units. Again, this is second only to the combined towns of Clarksburg and Thornbury with 1,304.

So, why must Castle Glen be considered a Settlement Area?

The Province of Ontario recognizes Settlement Areas as built-up areas where development is concentrated. While Castle Glen is currently zoned as an 'escarpment recreational' Settlement Area, the town's own data, substantiate that, in the eyes of planners, it is soon to be among the largest of town Settlement Areas. It makes no sense to wait until more houses are built in Castle Glen— tear all the trees down to build the houses and then apply the Tree By Law when it is too late to protect any trees!!

Town Council has clearly heard the message around resident's environmental concerns and the demand for action around climate change mitigation strategies. Better protection, expansion and improved management of the world's forests are considered by many experts as among the most promising nature-based solutions. Tree protection in Castle Glen is especially important as the property is home to the headwaters of Silver and Black Ash Creek. Loss of

tree canopy will impact the cold water fisheries in these two valuable waterways. Additionally, loss of trees combined with land alteration and hardscaping for development on sensitive Karst (porous limestone) topography will have profound consequences not just for the immediate area but also disrupt critical, contiguous forests and natural ecological corridors. The forests of Castle Glen are the critical elbow piece in the connected ecological corridor running from Pretty River Valley north to Georgian Peaks and east over through Kolapore and Duncan to the Beaver Valley.

Does the Town of Blue Mountains really want to set the precedent of being the first municipality along the entire length of the UNESCO Biosphere designated Niagara Escarpment to allow for urban development draping over the brow onto the highly protected slopes – and potentially lose the designation? This is surely not achieving a balance between protection and development in an internationally significant natural ecological corridor

Please ensure that the forests of Castle Glen receive the protection of this by-law as well as the other Settlement Areas of The Blue Mountains.

Yours respectfully,
John & Jane Pratt

[Redacted signature block]

[Redacted signature block]

From: [Website Committee](#)
To: [Tree By-law](#); [Travis Sandberg](#)
Subject: Webform submission from: Contact the Tree By-Law Update
Date: July 6, 2022 4:57:59 PM

Submitted on Wed, 07/06/2022 - 16:57

Submitted by: Anonymous

Submitted values are:

Name:

Jan Pratt

Email:

[REDACTED]

Phone:

[REDACTED]

Share your feedback regarding the Tree By-law Update:

PLEASE.....protect the trees in any way you can....protect them from those who see them as obstacles to development, and in return the trees will keep doing their job(s).

I support the tree preservation bylaw and encourage staff and council to keep working toward a SUSTAINable balance between NATURE and the inevitable growth of our town. Jan Pratt
Landscape Architect.

I would like a copy of my submission sent to my email address.

No

Any accompanying files are attached.

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [Council](#); [SMT](#); [Travis Sandberg](#); [Karen Long](#); [Town Clerk](#)
Subject: RE: Town of Blue Mountains Tree Bylaw comments
Date: July 7, 2022 8:45:31 AM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)

Good morning Mike,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

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Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Mike Robbins <[REDACTED]>
Sent: Wednesday, July 6, 2022 9:08:24 PM
To: Corrina Giles <cgiles@thebluemountains.ca>
Subject: Town of Blue Mountains Tree Bylaw comments

Hello

I fully agree with the points made in the attached letter written by Bruce Harbinson.

We all enjoy the immense benefits provided by the Niagara Escarpment, in fact a large proportion of us live, work and recreate here primarily because of the escarpment corridor and its strategic location bordering the western shores of Georgian Bay. Our successful tourism industry is largely due to the natural escarpment and the opportunities it provides. We must protect the natural escarpment corridor as a connected ecological corridor. That means maintaining and expanding the existing tree cover and connectivity.

The forest cover on the Castle Glen settlement area needs to be protected and preserved as an integral

piece of the connected escarpment corridor.

We cannot allow further fragmentation. The health of the two important cold water fisheries that arise from the springs and lake at Castle Glen (Silver and Black Ash) rely on it. As local residents and business owners we rely on a green natural escarpment corridor as our most important natural asset.

Thank you

Mike Robbins



Founding Partner, the Tourism Company
Past Chairman of the Center for Responsible Travel (CREST in Washington DC)
Part of the TAPAS Group network (IUCN Tourism and Protected Areas Specialist Group)
Committee Member for the Aspiring Georgian Bay Geopark
Member of the Trebek Council
Board Member of the Escarpment Corridor Alliance
Fellow International Member of the Explorers Club
Royal Penguin LT&C (Linking Tourism & Conservation)



the Tourism Company

From: [REDACTED]
To: [Travis Sandberg](#)
Subject: Tree by-law
Date: June 23, 2022 10:00:27 PM

Dear Travis

The July 11 2022, Tree By-law meeting may be the last meeting with the local town residents. This meeting is conveniently held during the daytime, unfortunately many residents cannot attend, since so many people are working.

I'm sure many people would like to stand up and defend their rights to protect their land and be good stewards to preserve their forest and plant life.

As in the past, we have gone to the Town of Blue Mountains meeting for the Tree preservation. The by-law should go after the Developers who would like to clear cut forests for future development.

There should be No Limit of cutting 5 Trees on a Landowner's property for firewood.

I have had many mature White Pine Tree tops snap off from mid winter wind storms. Therefore, I must cut the remaining tree down, it is becoming deadfall and soon a hazard.

Please consider all residents concerns, we do not wish to have the same Laws as the (NEC)Niagara Escarpment Commission.

Those person(s) on council who wish to push Town of Blue residents should focus on The NEC district as on their own boundary.

Thank you Shelly Hobson

From: [REDACTED]
To: [Travis Sandberg](#); [Corrina Giles](#)
Cc: [Alar Soever](#); [Andrea Matrosovs](#); [Shawn Everitt](#); [Peter Bordignon](#)
Subject: Re Tree By Law TBM July 11 meeting
Date: July 6, 2022 12:09:51 PM

July 6, 2022

Please share my input to the appropriate Councillors and Staff of TBM

Given the various exemptions to the Tree BY law for many of the parts of the TBM, (ie Non Settlement areas) The town needs to be committed in actions and words to have available to the public, clear data on existing counts of various species of flora and fauna in the TBM as of 2020, so comparison data can be done after a minimum of a 2 year change in the Town Tree By Law.

Will we have fewer species of birds, d insects and mammals as well as understory plants, given the change to their habitat, based on the new ways to manage tree protection?

It will be critical to understand the consequences of the 2022 Tree By LAW and if it is actually achieving a better canopy for the TBM.
How will this by law be measured and monitored to be clear about what it is achieving ...?

Thank you for the incorporation of these concepts into the management of the Tree By Law in TBM.

Regards

Lorraine Sutton
[REDACTED]

July 7, 2022

To: Town of the Blue Mountains Mayor, Council and Staff

Regarding: Proposed amendments to the current municipal Tree Preservation By-law law 2010-68.

On behalf of TreeTrust TBM, I would like to commend any efforts by Council and Staff to help preserve the tree canopy in TBM. A Tree Preservation By-law can serve as an essential component within a broader basket of policies and tools aimed at preventing needless removal of trees. The current draft Tree Preservation By-law is a step in the right direction. For future, it is important to also note that significant trees within properties outside of Settlement Areas and on properties smaller than 0.5 hectare will not be protected under the current proposed By-law, nor are trees necessarily protected once a development approval has been granted. Finally, the removal of trees as a result of municipal operations remains an unaddressed area of concern for residents. After passage of this By-law, which I hope is very soon, I urge staff and council to next consider policies and processes regarding minimizing removal of trees in these unaddressed circumstances.

Notwithstanding that additional policies (beyond the scope of this By-law) need to be developed to preserve the tree canopy in TBM, TreeTrust TBM is in support of moving forward with the current draft Tree Preservation By-law with some recommendations outlined below. I look forward to working with Staff as needed to flush out the specifics of these recommendations as input in the finalized version.

1. Appeals (Section 10). Section 10 allows appeals to council by the permit applicant. Conversely, the public should be informed and be able to appeal a permit that allows removal of a healthy, older, significant tree.
2. Strengthen conditions when permits will not be issued (Section 5.1). Older, significant trees in good condition should be added to the conditions in Section 5.1 as restrictive to issuance of a permit. An older, healthy tree sequesters carbon and offers unmatched natural system, community and aesthetic benefits and should constitute a criteria for preservation in of itself.
3. Clarify and list specific circumstances in which the Director has discretion to issue a permit (Section 2.3). This section, as currently written without a specific mention of valid circumstances (for example, removal required in order to complete technical studies), is much too broad and lacks transparency.
4. Deepen the qualifications required to support a recommendation for tree removal (Section 2.2). Not all certified arborists have expertise in preservation of older trees meaning that some trees that could or should be saved, won't be. Should an older, large tree be identified as eligible for removal, specialized expertise pertaining to assessment and preservation of older trees should be required.
5. Multi-stemmed trees (Section 1 and Section 2.1). The current definition of a tree does not address multi-stemmed trees which could leave highly valuable multi-stemmed trees (i.e., a birch tree) unprotected.

In closing, I thank staff and Council for their leadership in considering ways to preserve the beautiful and valuable natural heritage of the Town of the Blue Mountains. This By-law will play a part. I look forward to working with Staff and Council on additional policies and programs to protect, enhance and grow our tree canopy.

Betty Muise
Manager and Lead Volunteer, TreeTrust TBM

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Town Clerk](#); [Travis Sandberg](#)
Subject: RE: Tree By Law
Date: July 12, 2022 9:10:35 AM
Attachments: [image001.png](#)
[image003.png](#)

Good morning Adriene,

I acknowledge receipt of your emailed correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Adriene <[REDACTED]>
Sent: Tuesday, July 12, 2022 7:24 AM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Tree By Law

Good Day,

Unfortunately I was unable to attend yesterday's meeting at the town hall but would like to add my voice to the many that are concerned with how the cutting down of trees in our municipality is being managed.

The importance of trees in the environment cannot be underestimated as we march towards more extreme weather conditions everywhere in the world including in our region. I would like to see leadership from our community that shows that we understand and are will to undertake decisions that will protect trees as well as important ecosystems in our environment. Once destroyed they are gone forever and the repercussions of that loss will be with us for generations, let ours not be the generation that is responsible for this kind of environmental decline.

Respectfully Yours,

A driene Veninger
Castle Glen



From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Corrina Giles](#); [Krista Royal](#); [Travis Sandberg](#)
Subject: FW: Webform submission from: Town Clerk
Date: July 6, 2022 1:41:49 PM
Attachments: [image001.png](#)
[image003.png](#)

Good afternoon Sarah,

I acknowledge receipt of your email with attached correspondence as it relates to the [July 11 Public Meeting Re: Proposed Amendments to the Municipal Tree Preservation By-law 2010-68](#) and confirm I have forwarded the same to Council for their information and consideration. Your comments will be included in the record of the July 11 Public Meeting, and attached to a followup staff report regarding this matter.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury,
ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Website Committee <webcommittee@thebluemountains.ca>

Sent: Wednesday, July 6, 2022 1:22 PM

To: Town Clerk <townclerk@thebluemountains.ca>

Subject: Webform submission from: Town Clerk

Submitted on Wed, 07/06/2022 - 13:22

Submitted by: Anonymous

Submitted values are:

Name:

Sarah Waggott

Email:

[REDACTED]

Phone:



How can we help you?

As a resident of Thornbury I would like to express my urgent and passionate support for the proposed new tree by-law. Although I feel that the details of this law fall short to adequately protect all of our urban canopy from the rapid development that is occurring in TBM, I will support any law whatsoever that protects from clear cutting. I urge council to look 20 - 50 - 100 years down the road at the Blue Mountains we are passing down to our children and grandchildren; to make decisions today that protect them from climate change. Strong tree preservation laws make the difference. Will you pass down a robust ecosystem that sustains life, or yet another golf course? What will be your legacy

I would like a copy of my submission sent to my email address.

Yes

Any accompanying files are attached.

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

| Comments Received By: | Date Received: | Comment/Concern/Question Summary | Response | Action Taken |
|------------------------|----------------|--|---|--|
| VERBAL COMMENTS | | | | |
| Council | 11/07/2022 | <ol style="list-style-type: none"> 1. How would the By-law apply to abandoned orchards? 2. Smaller parcel size should be considered 3. Larger parcel size should be considered 4. Target development 5. How will Staff determine property lines in review of permits? 6. Will staff or consultants provide peer review of submitted arborist reports? 7. What is appeal process? 8. Would a single detached building lot be subject to the By-law? 9. Niagara Escarpment Commission should be included on mapping | <ol style="list-style-type: none"> 1. By- law would not apply. Abandoned Orchard By-law 2003-38 applies to abandoned orchards. 2. Council directed to include a minimum property size of 0.5ha by Resolution dated September 7, 2022. Council may direct Staff to include an alternative property size through confirming resolution. 3. Council directed to include a minimum property size of 0.5ha by Resolution dated September 7, 2022. Council may direct Staff to include an alternative property size through confirming resolution. 4. By-law is not intended influence technical review of development applications through the Planning process. Tree removal and cutting as a result of development currently guided by Environmental Impact Studies and Tree Preservation Plans as part of planning applications. It is further noted that, as per Council Resolution, dated May 13, 2019, Planning Staff were initially directed to develop changes on an “interim” basis to provide regulation on tree cutting in advance of development applications being submitted, with long-term solutions that could guide development review directed to be developed by the Sustainability Advisory Committee. | <ol style="list-style-type: none"> 1. None. 2. No action taken, as property size consistent with Council Resolution. 3. No action taken, as property size consistent with Council Resolution. 4. None. 5. None. 6. None. 7. None. 8. None. 9. Niagara Escarpment Development Control Area added to Schedule ‘A’ |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

| | | | | |
|---------------------------|------------|---|--|--|
| | | | <ul style="list-style-type: none"> 5. Available GIS mapping and plans of survey to be relied on. 6. Peer reviews and/or consultation with applicable Conservation Authority will be undertaken in review of any submitted arborist reports. 7. Appeals not subject to Ontario Land Tribunal. Per “best practice”, appeals may be submitted and reviewed by Council. 8. A standard single detached building lot would not be subject to the By-law, unless it exceeds 0.5ha in size. 9. Noted. | |
| Sally Leppard | 11/07/2022 | <ul style="list-style-type: none"> 1. Generally, very supportive 2. S.2.2 should require tree studies to be completed and provide recommendations on conditions, per S.5.1. 3. S.6 net gain principle must be a condition. More than one tree replacing one tree removed. 4. S.6.3 Director should provide reasons as to why/why not conditions are imposed | <ul style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Director may specify species, size, number, and location of any required replacement trees. Net-gain principle may be utilized at Director’s discretion where deemed appropriate. 4. With revisions to S.2.2. conditions would typically be based on arborist report, with Director discretion to include any additional conditions, as deemed appropriate. | <ul style="list-style-type: none"> 1. None. 2. Reference to Section 5.1, 6.1, and 6.3, included in S.2.2. 3. None. 4. None. |
| Kim Harris Gardner | 11/07/2022 | <ul style="list-style-type: none"> 1. Supports increased penalties in By-law 2. Impression was that By-law would focus on developments or parcels to be developed 3. Through public consultation, it was identified that ratepayers unwilling to go through permit process to cut down a tree – no appetite for it. | <ul style="list-style-type: none"> 1. Comment received. 2. By-law is not intended influence technical review of development applications through the Planning process. Tree removal and cutting as a result of development currently guided by Environmental Impact Studies and Tree Preservation Plans as part of planning applications. It is further noted that, as per | <ul style="list-style-type: none"> 1. None. 2. None. 3. None. 4. None. 5. Changes previously completed prior to Public Meeting. 6. None. |

**P463 Municipal Tree By-law Update
 Comment Response Matrix (July 11 2022 Public Meeting)**

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| | | <ol style="list-style-type: none"> 4. No bonusing – remove ability to pay to replant elsewhere 5. Director of Planning cannot be administrator 6. Loop-hole exists where piece-meal cutting can occur over time 7. Two years to maintain replacement trees insufficient 8. Inventory on Town lands should be included 9. Agree with replacement trees being equal in diameter – type of tree should be clearer, including border trees 10. Are any aggregate quarries located in settlement area? 11. Definition of tree should include multi-stem trees | <p>Council Resolution, dated May 13, 2019, Planning Staff were initially directed to develop changes on an “interim” basis to provide regulation on tree cutting in advance of development applications being submitted, with long-term solutions that could guide development review directed to be developed by the Sustainability Advisory Committee. Parcels of 0.5ha or greater generally have more development potential than those less than 0.5ha. Impossible to identify “parcels to be developed” until such a time that a development proposal is received.</p> <ol style="list-style-type: none"> 3. Acknowledged – this consideration was part and parcel to establishing a minimum lot size of 0.5ha in order to not encumber standard residential lots in the settlement areas. 4. Section 6.3(g)(ii) does not allow for “bonusing” – first priority is to plant on subject lot. In cases where this may not be possible or feasible, second option is to replant elsewhere (net balance still achieved across the municipality). 5. As outlined in previous Staff Report PDS.22.064, reference to Planning and Development Services removed to allow Council discretion in what department is to administer the By-law. 6. This provision is a standard “best practice” and allows for limited tree cutting without a permit. 7. Two-year period is consistent, and in some cases exceeds, standard maintenance period imposed through Development process. | <ol style="list-style-type: none"> 7. None. 8. None. 9. Definition of “replacement tree” included. 10. None. 11. Definition revised to include “multi-stemmed” |
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**P463 Municipal Tree By-law Update
 Comment Response Matrix (July 11 2022 Public Meeting)**

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| | | <ol style="list-style-type: none"> 5. By-law policing tree management on private lands is an insult. 6. Ag. And Rural community concerned once By-law is passed, can be easily extended to include entire municipality 7. Why are properties less than 0.5ha exempted? Is this a way to get the foot in the door and then extend it? 8. <i>Municipal Act</i> only allows Municipality to regulate trees on municipally owned properties – Ag. Committee was misinformed by Legal Services and Planning Staff. Staff have not followed through and read the <i>Municipal Act</i> – this is a serious problem that the Town has. 9. No stakeholder meetings have been held 10. Entire By-law is wrong and has been poorly drafted in a rush to pass it before Council term ends | <p>decision/discretion on which Municipal Department will be responsible for administration.</p> <ol style="list-style-type: none"> 4. Full financial implications of By-law have not been confirmed at this time. Permit costs to be determined by Council. 5. Comment received. 6. Process to amend By-law includes public notice and a public meeting. This is the same process undertaken to amend the By-law through this current exercise. 7. Property size has been discussed in previous Staff Reports and is result of Council direction per Resolution dated September 7, 2021. To reiterate, properties with minimum area of 0.5ha in the settlement area generally have greater potential for development than standard urban residential lots. This consideration was part and parcel to establishing a minimum lot size of 0.5ha in order to not encumber standard residential lots in the settlement areas and to reduce permit administration, while aiming to achieve Council goal established at on set of the exercise. 8. Municipal authority under the <i>Municipal Act</i> has been addressed, and Legal Services’ legal opinion included, in previous Staff Reports (PDS.21.080 and PDS.22.064). No concerns regarding municipal authority. 9. Extensive public consultation has been undertaken in development of the Draft By-law. | |
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**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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| | | | <p>Through the process, comments have been received from members of the development community, arborists, etc.</p> <p>10. Comment received.</p> | |
| Julia Hinds | 11/07/2022 | <ol style="list-style-type: none"> 1. Owns a 90-acre tree farm – what jurisdiction does the Town have to stop her from stewarding her property? 2. What impact on the tree farm will this by-law have? | <ol style="list-style-type: none"> 1. Municipal authority under the <i>Municipal Act</i> has been addressed, and Legal Services’ legal opinion included, in previous Staff Reports (PDS.21.080 and PDS.22.064). No concerns regarding municipal authority. 2. Tree removal currently subject to GSCA regulations, as majority of site is Regulated under O.Reg 151/06. Further noted that on-site trees may meet the definition of a “woodland” and be subject to the County of Grey Forest Management By-law. Moreover, property in question is designated <i>Rural</i>, per the Municipal Official Plan, whereby tree removal is exempt subject to S.3.1(b) of the Draft By-law. | <ol style="list-style-type: none"> 1. None. 2. None. |
| Bruce Harbinson | 11/07/2022 | <ol style="list-style-type: none"> 1. In attendance on behalf of Escarpment Alliance Commission 2. If applicable to Settlement Areas, why is Castle Glen not included, as it is identified as a Settlement Area in the Official Plan? 3. ECA strongly supports the By-law | <ol style="list-style-type: none"> 1. Comment received. 2. Trees within Castle Glen development area meet definition of “woodland” per County of Grey Forest Management By-law. Tree removal subject to County approval and/or preparation of appropriate technical studies reviewed through any future development applications. Redundant to include in Municipal By-law, as it would not apply as the lands subject to higher authority regulations. 3. Comment received. | <ol style="list-style-type: none"> 1. None. 2. None. 3. None. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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| Lucy Richmond (Blue Mountain Watershed Trust) | 11/07/2022 | 1. Refer to written comments below. | | |
| June Porter | 11/07/2022 | <ol style="list-style-type: none"> 1. Director of Planning should not be administrator 2. Not clear how Director will be satisfied tree removal will not result in drainage impact. 3. Draft By-law is weak 4. Needs to include border trees 5. Need consistency around experts determining which trees may be cut/saved 6. "Replacement trees" needs to be better defined so people can pre-emptively plant trees | <ol style="list-style-type: none"> 1. As noted in PDS.22.064, reference to Planning and Development removed to allow Council decision/discretion on which Municipal Department will be responsible for administration. 2. Comment received. 3. Comment received. 4. Boundary Trees are subject to Section 10(3) of the <i>Ontario Forestry Act</i>. 5. Comment received. 6. Comment received. | <ol style="list-style-type: none"> 1. None. 2. Reference to Section 5.1, 6.1, and 6.3, included in S.2.2. 3. None. 4. None. 5. Additional reference to qualified persons included in S.2.2 and S.4.1(c) 6. Definition of replacement trees included. |
| WRITTEN AGENCY COMMENTS | | | | |
| Bluewater District School Board | 14/07/2022 | <ol style="list-style-type: none"> 1. Proposed amendments would be onerous for the board with respect to Beaver Valley Community School property 2. Request school sites be exempt from the permit process so that flexibility can be provided when tree works are required in an expedited manner | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. Exemption included. |
| County of Grey | 04/07/2022 | <ol style="list-style-type: none"> 1. Consider defining 'good arboriculture practices', 'replacement trees', 'environmental impact study', and 'professional forester' 2. Section 2.1(a) and 3.2(a) – wish to clarify this would not inhibit County's ability to maintain County owned lands | <ol style="list-style-type: none"> 1. Definitions added. 2. Confirmed - By-law would not apply to any actions of the County, on County owned lands per S.3.2(a) 3. Comment received. 4. Comment received. 5. Comment received. 6. Correct. | <ol style="list-style-type: none"> 1. Definitions added. 2. None required. 3. Revision included. 4. Clarification included for where tree removal may be subject to County, NEC, or C.A. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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|--------------------------------------|------------|--|--|--|
| | | <ol style="list-style-type: none"> 3. Section 3.1(c) – consider amending to include “or any successor thereto” 4. Clarification when Town vs. County By-law would apply may be needed under 3.1(c). 5. Should Section 3.1(e) also include O.Reg 172/06 with respect to NVCA? 6. Appears Section 4.1(e) should reference 4.1(c) rather than 5.1(c) 7. 5.4(a) and (b) – consider exemption speaking to pre-application process where limited tree clearing is required for technical studies, etc. 8. Appears Section 6.1(e) should reference 6.3 rather than 7.3 9. Section 6.3(d) – if same species are not available for replacement trees, other options should be defined as suitable alternatives | <ol style="list-style-type: none"> 7. Section 2.3 of Draft By-law permits issuance of a permit prior to <i>Planning Act</i> approval for technical purposes. S. 5.4(a) and (b) refer to Section 2.3. 8. Correct. 9. Comment received. | <ol style="list-style-type: none"> 5. Reference to O.Reg 172/06 included. 6. Reference corrected. 7. Additional clarity included in Section 2.3 to outline examples of technical reasons for permit issuance. 8. Reference corrected. 9. Additional alternatives included in Section 6.3(d) |
| WRITTEN PUBLIC COMMENTS | | | | |
| Blue Mountain Watershed Trust | 12/07/2022 | <ol style="list-style-type: none"> 1. Urgently request the Town enact a By-law as soon as possible 2. Trees are integral to the function of watershed and in carbon sequestering, oxygen production, inter-species communication, and cleaning water 3. Trees help to provide natural stormwater management – trees must be preserved in Open Spaces, Wetlands, and Hazard areas | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Comment received. 4. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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|-------------------------|-----------|---|---|---|
| | | 4. In review of intent and wording of proposed By-law, we encourage TBM to enact such legislation as soon as possible | | |
| Nicholas Clayton | 6/07/2022 | <ol style="list-style-type: none"> 1. Seems intent of by-law should protect Castle Glen Forest from being developed 2. This matter should be laid out, providing much needed updating and overriding of the 2006 OMB decision to provide Official Plan approvals for the Castle Glen development | <ol style="list-style-type: none"> 1. Existing trees/forests located on Castle Glen property meet definition of “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. 2. By-law has no authority to revoke or otherwise impede any existing approvals under the <i>Planning Act</i>. | <ol style="list-style-type: none"> 1. None required. 2. None required. |
| Howard Cole | 7/07/2022 | <ol style="list-style-type: none"> 1. Mature forests are the jewel of this area 2. Must be protected at all costs for many reasons 3. Town needs to do everything we can to protect these forests 4. Castle Glen’s development should not be “grandfathered” and should not be able to proceed 5. Agree with Bruce Harbinson’s letter | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Comment received. 4. By-law has no authority to revoke or otherwise impede any existing approvals under the <i>Planning Act</i>. 5. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. 5. None required. |
| James Dobbin | 7/07/2022 | <ol style="list-style-type: none"> 1. Agree with Bruce Harbinson’s letter 2. Niagara Escarpment provides immense benefits to the area 3. Must protect the natural escarpment corridor as a connected ecological corridor 4. Forest cover on Castle Glen settlement area needs to be protected and preserved as an integral piece of escarpment corridor | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Comment received. 4. Existing trees/forests located on Castle Glen property meet definition of “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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|----------------------------------|-------------------|--|--|--|
| <p>Elizabeth Marshall</p> | <p>6/07/2022</p> | <ol style="list-style-type: none"> 1. Proposed By-law violates a number of Acts including Municipal Act, British North America Act, Forestry Act, Conservation Land Act, Public Lands Act, etc. 2. Refers to Council Resolution of “Climate Emergency” – mockery of climate change, seems attempt of Council and/or Staff to mislead residents 3. If in interest of “climate emergency”, should be expected that the By-law encompass entire community 4. If this By-law is to stop development and/or housing, as expressed in newspaper articles, would this not be Council and Staff doing indirectly what they cannot affect directly? 5. Some who promote the By-law do so at detriment to fellow human beings. 6. Municipality does not have authority 7. Delegation to Director – how is it delegated already, when By-law is not yet in effect? 8. Why isn’t Director of Planning named as Director in the By-law? | <ol style="list-style-type: none"> 1. Municipal Authority outlined in Staff Report PDS.21.080, as provided based on legal opinion of Municipal Solicitor. 2. Comment received. 3. Council direction to apply to Settlement Area and properties 0.5ha and above. 4. By-law is not intended to impede any development – intent is to provide a level oversight to prevent unnecessary tree cutting in advance of development etc. 5. Comment received. 6. Municipal authority outlined in Staff Report PDS.21.080. 7. By-law 2010-68, in its current form, delegates authority to Director of Planning. Reference to Planning removed in response to public comments. Council to decide which Department/Director is most appropriate for administration. 8. See comment response above. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. 5. None required. 6. None required. 7. None required. 8. None required. |
| <p>Bruce Harbinson</p> | <p>6/07/2022</p> | <ol style="list-style-type: none"> 1. President of Escarpment Corridor Alliance 2. ECA strongly in favour of the tree by-law 3. Official Plan review and resident surveys also point to overwhelming support for environmental leadership 4. Support predicated on By-law applying to Castle Glen | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Comment received. 4. Existing trees/forests located on Castle Glen property meet definition of “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. |
| <p>Pamela Spence</p> | <p>19/07/2022</p> | <ol style="list-style-type: none"> 1. Research has proven trees are valuable because of improved air/water quality, prevention of | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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|------------------------------|------------|--|--|--|
| | | <p>erosion/flooding, shade to control temperatures, wildlife habitat, medicinal properties, aesthetics</p> <ol style="list-style-type: none"> 2. Official Plan policy D.8.2 speaks to tree protection, enhancement, expansion of canopy. OP review as confirmed resident desire to preserve environment 3. Blue Mountains Future Story – page 10 outlines goal to “Create Climate Solutions” to reduce GHG’s and ensure health. Preserving trees goes a long way to address this 4. Econ. Strategy, page 10, includes goal “Environmental Resiliency”. 5. Support changes to the By-law, and urge Council to adopt this policy. 6. Prefer By-law cover all trees and agree by-law be applicable to half acre lots. However, given degree of change, current by-law is acceptable 7. Exemptions are appropriate to not encumber agricultural uses and woodlands 8. Castle Glen must be included 9. Implementation needs to be addressed – one year grace period should be included for education prior to implementation/enforcement 10. Fees should be minimal, penalties strict 11. “Director” should not be Planning 12. Border trees should be included; “may” should be changed to “shall”, where appropriate | <ol style="list-style-type: none"> 3. Comment received. 4. Comment received. 5. Comment received. 6. Comment received. 7. Comment received. 8. Existing trees/forests located on Castle Glen property meet definition of “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. 9. Comment received. 10. Permit fee to be determined by Council at future date. 11. Comment received. Current working draft removes reference to planning and allows appropriate Director to be named by Council. 12. Boundary Trees are regulated under Section 10(3) of the <i>Ontario Forestry Act</i>. | <ol style="list-style-type: none"> 3. None required. 4. None required. 5. None required. 6. None required. 7. None required. 8. None required. 9. Staff Recommendation includes a one-year grace period for implementation and recommendation for community education/communication program 10. None required. 11. None required. 12. None required. |
| Richard Lamperstorfer | 13/07/2022 | <ol style="list-style-type: none"> 1. No longer support the By-law changes 2. Potential tool to stifle development (i.e. NIMBYism) | <ol style="list-style-type: none"> 1. Comment received. | <ol style="list-style-type: none"> 1. None required. |
| Jane and John Pratt | 7/07/2022 | <ol style="list-style-type: none"> 1. In favour of By-law – trees important to environment and character 2. Support predicated on inclusion of Castle Glen | <ol style="list-style-type: none"> 1. Comment received. 2. Existing trees/forests located on Castle Glen property meet definition of | <ol style="list-style-type: none"> 1. None required. 2. None required. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

| | | | | |
|----------------------|------------|--|---|--|
| | | | “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. | |
| Mike Robbins | | <ol style="list-style-type: none"> 1. Agree with Bruce Harbinson’s letter 2. By-law should also apply to Castle Glen | <ol style="list-style-type: none"> 1. Comment received. 2. Existing trees/forests located on Castle Glen property meet definition of “woodland”, per Municipal Act and County of Grey Forest Management By-law 4341-06. As such, tree removal currently regulated by the County of Grey and Municipal By-law would not apply. | <ol style="list-style-type: none"> 1. None required. 2. None required. |
| Shelly Hobson | 23/06/2022 | <ol style="list-style-type: none"> 1. Concerned about time of Public Meeting and ability for people to attend 2. By-law should go after developers, not individuals 3. Should be no limit on cutting for firewood 4. Should be no limit on removal of hazard trees | <ol style="list-style-type: none"> 1. Comment received. 2. By-law applies to larger lands within Settlement Area boundary, which generally have more development potential. Intent is to prevent large-scale tree removals in advance of development applications and completion of appropriate studies (i.e. EIS/Tree Preservation Plans). 3. Personal firewood exempted from permit requirements to a maximum of 25 stacked cubic metres annually. Permit required to exceed 25 stacked cubic metres. This only applies to lands located within the Settlement Area. Commercial firewood subject to County Forest Management By-law. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. |

**P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)**

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|-------------------------|------------|--|--|---|
| | | | 4. Hazardous trees exempted from By-law (S.3.1(k)). | |
| Lorraine Sutton | 6/07/2022 | <ol style="list-style-type: none"> 1. Town needs to monitor existing flora and fauna to compare change in the Tree By-law – will there be fewer species based on new tree protection? 2. Essential to understand consequences of proposed By-law – is it actually achieving a better canopy? | <ol style="list-style-type: none"> 1. Natural heritage study to be completed by Town. 2. Monitoring to be considered in development of implementation/administration of By-law | <ol style="list-style-type: none"> 1. None required. 2. None required. |
| Tree Trust | 7/07/2022 | <ol style="list-style-type: none"> 1. Current proposed By-law is step in the right direction 2. Urge ‘next steps’ following passing to address other areas that are beyond scope of the By-law 3. Section 10 – public should be informed and able to appeal permit issuance 4. Section 5.1 – older, significant trees in good condition should be added to conditions as restrictive issuance of a permit 5. Section 2.3 – clarify/list specific circumstance Director has discretion to issue a permit 6. Section 2.2 – deepen qualifications required to support tree removal (not all arborists have expertise in preservation) 7. Section 1 and 2.1 – multi-stemmed trees are not addressed in definition | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. 3. Best Practices do not include public appeal process for the issuance of Permits. 4. Director has ability to deny permit, subject to S.5. 5. Comment received. 6. Comment received. 7. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. 3. None required. 4. None required. 5. Additional clarity included in Section 2.3 6. Clause revised to require a report prepared by a landscape architect or qualified forestry consultant, as deemed appropriate by the Director. 7. Definition revised. |
| Adriene Veninger | 12/07/2022 | <ol style="list-style-type: none"> 1. Importance of trees and environment cannot be underestimated 2. Need leadership to undertake decisions to protect trees and ecosystems | <ol style="list-style-type: none"> 1. Comment Received. 2. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. |
| Sarah Waggott | 6/07/2022 | <ol style="list-style-type: none"> 1. Urgent and passionate support for the proposed by-law | <ol style="list-style-type: none"> 1. Comment received. 2. Comment received. | <ol style="list-style-type: none"> 1. None required. 2. None required. |

P463 Municipal Tree By-law Update
Comment Response Matrix (July 11 2022 Public Meeting)

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|--|--|--|--|--|
| | | 2. Details fall short to adequately protect all of urban canopy from rapid development, but support any by-law protecting from clear-cutting | | |
|--|--|--|--|--|

**THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS**

BY-LAW NO. 2022- ##

**Being a By-law to prohibit and regulate the destruction or injuring of
certain trees in The Town of The Blue Mountains**

WHEREAS Section 135 of the *Municipal Act*, R.S.O. 2001, c. 25, provides Council with the authority to pass By-laws for prohibiting or regulating the destruction or injury of trees and to require that a Permit be obtained for the injuring or destruction of trees specified in the By-law and prescribing fees for the Permit, and prescribing conditions under which a Permit may be issued;

AND WHEREAS the Council of the Town of The Blue Mountains declared a Climate Emergency on October 21, 2019, and trees have been identified as an important element in mitigating the impacts of a changing climate;

AND WHEREAS trees were identified as an important element of the Town's natural and cultural landscape;

AND WHEREAS it was found to be desirable and in the public interest to amend By-law 2010-68 for the purpose of:

- a) Better regulating and controlling the removal, maintenance, and protection of trees;
- b) Supporting the goal of increasing and maintaining the Town's urban forest; and
- c) Promoting good arboricultural and forestry practices that sustain healthy woodlands and the urban forest.

NOW THEREFORE, the Council of The Corporation of The Town of The Blue Mountains enacts the following:

1. DEFINITIONS

In this By-law,

- a) "**Agricultural Activity**" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.;
- b) "**Applicant**" means the person who submits an application to the Town of The Blue Mountains for a Permit to Destroy or Injure Trees pursuant to the provisions of this By-law;
- c) "**Certified Arborist**" means an arborist certified by the Certification Board of the International Society of Arboriculture or who possess appropriate certification from the Ministry of Training, College and Universities;
- d) "**Destroy**" means the injuring or removal of trees by cutting, burning, uprooting, chemical application or other means;
- e) "**Designated Tree**" means a tree that is designated by Council by By-law, as being unique and of importance to the Town of The Blue Mountains with respect to distinctive form, size, age, and/or historical significance to the community;
- f) "**Diameter**" refers to the diameter of the stem of a tree at a height of 1.37m from the ground, in accordance with the Forestry Act, R.S.O. 1990, c. F26;
- g) "**Director**" means the Director of a Municipal Department, as designated by Council to administer this By-law, or his or her designate, as outlined in the Town's Delegation By-law, as amended;

- h) **“Environmental Impact Study”** means an analysis completed in accordance with the Official Plan and/or as per guidelines approved by the Town or by qualified expert in ecology, forestry, hydrology and/or other specialties based on specific circumstances. The study shall include an assessment of potential hydrologic and ecological impacts, which is to include information such as: an inventory and evaluation of natural heritage features and areas, natural heritage systems, water resource systems and associated hydrologic functions on and adjacent to a project site; identification of environmental constraints including features, systems, linkages and vegetation protection zone; demonstration of conformity with applicable legislation and policies such as the County/Town Official Plans, Provincial Policy Statement, Niagara Escarpment Plan, and Endangered Species Act; identification of potential impacts; and recommended solutions to avoid, minimize and mitigate removal of natural heritage features and areas. An Environmental Implementation Plan is required to demonstrate how recommendations will be implemented.
- i) **“Farm Operation”** means an agricultural or horticultural operation that is carried on in expectation of gain or reward, and includes the cultivation of land, the raising of livestock and poultry, the production of agricultural crops and maple syrup production;
- j) **“Forest Technician/technologist”** means a graduate of a post-secondary school forestry and/or ecology-based program;
- k) **“Forestry Consultant”** means a forest technician, a forest technologist, a forest/wildlife ecologist, a managed forest plan approver, or a professional forester;
- l) **“Good Arboriculture Practice”** means the proper pruning and care of trees in accordance with the standards set by the International Society of Arboriculture;
- m) **“Good Forestry Practice”** means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the woodlands and the environmental conditions under which it is being applied and which minimize detriments to woodlands values, including: significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, woodlands productivity and health, and the aesthetic and recreational values of the landscape and includes the cleaning and thinning of trees for the purposes of stimulating tree growth and improving the quality of the woodlands without permanently breaking the canopy; the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees in order to prevent injury, damage, contamination or infestation of other trees; and the cutting or removal of trees which no longer contribute to the achievement of woodlands values;
- n) **“Harvesting”** means the destruction of trees and may be either a single cut or a series of cuts, and shall include logging;
- o) **“Hazardous Tree”** means a dead or severely damaged tree that may pose a danger to persons or property;
- k) **“Infestation”** means infestation as defined in The Forestry Act, R.S.O. 1990, cF26, as amended;
- l) **“Injure”** means to do harm, damage, or impair;
- m) **“Landscape Architect”** means a graduate of a post-secondary school landscape architect program and who is a member of The Ontario Association of Landscape Architects;
- n) **“Municipality”** means The Corporation of The Town of The Blue Mountains;
- o) **“Officer”** means an individual appointed by By-law for the administration and enforcement of this By-law, and includes a Municipal By-law Enforcement Officer;
- p) **“Owner”** means the person having the right, title, interest or equity in land;
- q) **“Permit”** means the written authorization of the director under this by-law to destroy or injure trees, with or without conditions, at the sole discretion of the Director.
- r) **“Person”** means an individual, a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;
- s) **“Qualified OPFA Member”** means a Registered Professional Forester, Associate Member or Temporary Member of the Ontario Professional Foresters Association under the Professional Foresters Act, certified to practice professional forestry, unless a suspension, term, condition, or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- t) **“Replacement Tree”** means a non-invasive native tree that is required under this By-law

to replace an existing tree that is approved for removal;

- u) **“Settlement Area”** means lands identified and located within the *Settlement Area* of the Town of The Blue Mountains, as outlined on Schedule “A” to this By-law;
- v) **“Stacked Cubic Metre”** means the recommended unit of measurement of bulk firewood in Canada, in accordance with *Measurement Canada*. The total stacked cubic metres of a stack of firewood is calculated by measuring, in centimetres, the length, height, and width, including wood, bark, and airspace, and dividing the result by 1,000,000. For example: 209cm x 120cm x 34cm = 1,183,200cm³. 1,183,200cm³ / 1,000,000 = 1.18 stacked cubic metres.
- w) **“Tree”** means any species of single or multi-stemmed perennial woody plant, which has reached or can reach a height of at least 4 metres at physiological maturity;
- x) **“Tree Farm”** means land where trees are grown and maintained for sale;
- y) **“Tree Preservation Plan”** means a plan prepared by an arborist, a landscape architect, a forest technician, a forest technologist, a forest/wildlife ecologist, a managed forest plan approver, or a professional forester which determines trees to be preserved through an assessment process which identifies trees, shrubs and other specific areas of natural habitat and their ecological function or importance, and determines the impacts of development on the trees, shrubs, and other specific areas of natural habitat and their ecological function or importance and such plan shall determine mitigation measures and measures to protect and manage trees to be preserved and proper practices to remove trees to be destroyed;
- z) **“Urban Forest”** means the trees and shrubs in the Settlement Area, including trees in yards, along streets and utility corridors, in protected areas, and in watersheds. This includes individual trees, street trees, and green spaces with trees;
- aa) **“Woodlands or Forest Management Plan”** means a plan for a woodlands prepared according to guidelines set by the Ministry of Natural Resources or other recognized guidelines, which set out objectives and management practices to ensure the sustainability of the woodlands, and approved by a forestry consultant.
- bb) **“Woodland”** means land that is one hectare or more in area with at least:
 - (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees, measuring over five (5) centimetres/1.96 inches in Diameter at DBH, per hectare;
 - (iii) 500 trees, measuring over twelve (12) centimetres/4.72 inches, in Diameter at DBH, per hectare; or
250 trees, measuring over twenty (20) centimetres/7.87 inches in Diameter at DBH, per hectare;but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

2. AREA OF APPLICATION OF BY- LAW

2.1 Applicability- This By-law applies to the following lands:

- a) Town Owned Lands - Subject to Section 3.2(a), no person shall, within the boundaries of the Municipality, destroy or cause to be destroyed any tree that is located on land owned, controlled or managed by the Municipality or the County of Grey or any local board thereof without first obtaining the written authorization of the Municipality or the County of Grey or the local board.
- b) Tree Preservation Plans - No person, shall, within the boundaries of the Municipality, destroy or permit or cause to be destroyed any tree that is identified as a tree for preservation on a tree preservation plan or an area of tree preservation forming part of, or referenced, in an agreement entered into with the Municipality, without first obtaining a Permit from the Municipality.
- c) Settlement Area
 - i. On a parcel of land with an area of 0.5 hectares (ha) or more within the Settlement Area, as outlined on Schedule “A” and subject to the Exemptions outlined in Section 3, no person shall injure or destroy or cause or permit the injury or destruction of trees without first obtaining a Permit pursuant to this By-law in the following cases:

- a. When the applicant proposes to destroy five (5) or more trees simultaneously or in a given calendar year, each with a *diameter* between fifteen (15) cm and thirty (30) cm;
 - b. A tree with a diameter greater than thirty (30) cm;
- 2.2 A Permit pursuant to Section 2.1 of this By-law shall not be issued to destroy trees located on lands unless supported by appropriate studies and reports, such as an Environmental Impact Study, or any other report prepared by a landscape architect, qualified forestry consultant, or a Qualified OPFA Member, that the Director deems appropriate. The Report shall include, at minimum, review and recommendations in accordance with the matters outlined under Section 5.1, Section 6.1, and Section 6.3 of this By-law.
- 2.3 This By-law is a component of the Municipality's development review and approval process. An application for a Permit may be processed and considered concurrently with a development related application submitted pursuant to the *Planning Act* and a Permit pursuant to this By-law may be issued prior to the granting of approval of the *Planning Act* application at the Director's discretion, where the issuance of a Permit would not otherwise prejudice a decision on the *Planning Act* application, such as instances where limited tree clearing may be required to conduct technical studies or background reports in preparation or review of *Planning Act* applications.

3. EXEMPTIONS

- 3.1 A tree may be injured or destroyed, without applying for a Permit from the Town, where:
- a) The tree is located on a Lot which is less than 0.5ha in size;
 - b) The tree is located on lands located outside of the Settlement Area, as outlined on Schedule "A", and/or within the Hamlet Area, Agricultural, Special Agricultural, Rural, Rural Employment, and Mineral Resource Extraction Area designations of the Town of The Blue Mountains Official Plan, as amended.
 - c) Any tree which is located in a Woodland shall be subject to the County of Grey Forest Management By-law No. 4341-06, or any successor thereto;
 - d) Any tree which is located in the Development Control Area of the Niagara Escarpment Plan shall be subject to the Development Control policies of the Niagara Escarpment Plan, as amended.
 - e) Any Tree which is located within an area regulated by a Conservation Authority under Ontario Regulation 151/06, as amended, or Ontario Regulation 172/06, as amended, shall be subject to the requirements of the applicable Conservation Authority.
 - f) Activities or matters undertaken by a local School Board.
 - g) The applicant proposes to injure or destroy four (4) or fewer trees simultaneously or in a given calendar year, each with a diameter between fifteen (15) cm and thirty (30) cm.
 - h) The tree has a diameter of less than fifteen (15) cm.
 - i) The cutting of firewood for personal use to a maximum volume of twenty-five (25) Stacked Cubic Metres per calendar year.
 - j) The injury or destruction as necessary to clear land in accordance with a normal farm practice conducted by a farm operation for its own agricultural activity.
 - k) The maintenance of a tree in accordance with good arboriculture practice.
 - l) The removal of a dead, diseased or hazardous tree when certified as such by an individual designated or approved by the Director.
 - m) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species, when certified as such by an individual designated as such by the Director.
 - n) The removal of a damaged or destroyed tree, when certified as such by an individual designated or approved by the Director, where the removal is in the interest of public safety, health or general welfare following any man-made or natural disasters,

storms, high winds, floods, fires, snowfall or freezes.

- o) A tree injured or destroyed in compliance with a tree preservation plan approved by the Director or otherwise approved and recognized in an executed Development Agreement; or
- p) A tree on land covered by a woodlands management plan approved by a forestry consultant, a copy of which has been submitted to the Director, provided such work is undertaken in accordance with good forestry practice and the woodlands management plan;

3.2 In accordance with Section 135(12) of the *Municipal Act*, this By-law does not apply to:

- a) Activities or matters undertaken by the Municipality or the County of Grey or any local board thereof;
- b) Activities or matters undertaken by a conservation authority as defined by the *Conservation Authorities Act*;
- c) Activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*;
- d) The injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- e) The injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- f) The injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- g) The injuring or destruction of trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- h) The injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- i) The injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i) That has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - ii) On which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act 2001*, c. 25, s. 135(12); 2002, c. 17, Sched. A, s. 27 (3,4).

4. PERMIT APPLICATION

4.1 An Owner who applies for a Permit shall submit the following, as part of a complete application:

- a) A completed Application Form;
- b) Payment of the required fees in accordance with the Town of The Blue Mountains Fees and Charges By-law, as amended;
- c) A report prepared by a landscape architect, a qualified forestry consultant, or a Qualified OPFA Member, which will provide a general visual assessment and categorization of the existing tree(s), set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at-risk species are not present, and shall include recommendations for preservation and protection of any tree(s) to be retained;
- d) Any other technical reports or studies as deemed necessary and appropriate by the Director;
- e) The Director shall have the option of not requiring the report noted in Section 4.1(c) in

special circumstances to be determined at their sole discretion; and

- f) Following receipt of an application, the Director or their designate may enter and inspect the lands upon which the tree is located and the submitted of the application shall be deemed permission to so enter and inspect.

5. PERMIT ISSUANCE

- 5.1 A Permit shall not be issued unless the Director is satisfied that the injury or destruction of a tree will not result in:
 - a) Soil erosion or slope instability including impacting existing flood control measures;
 - b) Blockage of a watercourse or interference with natural drainage processes;
 - c) Siltation in a watercourse;
 - d) Pollution of a watercourse;
 - e) Significant impact on any healthy vegetation community within, or adjacent to the subject site; or
 - f) Significant impact on any fish or wildlife habitat within, or adjacent to, the subject site.
- 5.2 The Director shall review the complete Application and may:
 - a) Issue a Permit;
 - b) Issue a Permit with conditions; or
 - c) Refuse to issue a Permit
- 5.3 The Director may confer with such persons, staff, qualified professional, and agencies as they consider necessary for the proper review of the Application.
- 5.4 A Permit shall not be issued where:
 - a) An application for a plan of subdivision or consent related to lands on which the tree is located has been submitted to the Municipality and has not received draft approval unless otherwise permitted per Section 2.3;
 - b) An application to amend the Official Plan, for re-zoning, or for site plan approval related to the lands on which the tree is located has been submitted to the Municipality, and has not received final approval unless otherwise permitted under Section 2.3;
 - c) Trees that are listed as endangered, threatened, or at-risk species in the *Endangered Species Act*, R.S.O., 1990 or the *Species at Risk Act*, 2002;
 - d) Where approval would be in contravention of the *Migratory Birds Act*, 1994;
 - e) The Permit would result in the destruction of a Designated Tree; or
 - f) The destruction of a tree will not be in accordance with good arboricultural and forestry practices, as determined by the Director.

6. TERMS AND CONDITIONS OF A PERMIT

- 6.1 The Director may impose conditions on a Permit that in their sole discretion are reasonable. Without limiting the generality of the foregoing, the following conditions may be imposed:
 - a) Any conditions in accordance with good arboricultural and forestry practice, and established silviculture;
 - b) Measures to be implemented to protect the retained trees during construction, including if applicable, directional boring, and the length of time that the Permit is valid for;
 - c) The requirement to prepare a Tree Preservation and Protection Plan in accordance with Schedule 'A', which must be approved and implemented as a condition of the Permit;
 - d) To require the destruction or injury to the tree to occur in a safe and appropriate manner and within a specified time frame;
 - e) A requirement to plant a replacement tree in accordance with Section 6.3 of this By-law, as deemed appropriate by the Director; and
 - f) Where the destruction or injury of a tree is not conducted as part of, and in accordance with, a Site Plan Agreement, a Subdivision Agreement, or a Condominium Agreement, the Owner may be required to:
 - i. Enter into an agreement regarding the conditions as set out in 6.1(a) to (e) above this section which form part of the Permit; and

- ii. Register the agreement on the title to the lands affected by the Permit.

6.2 A copy of the Permit shall be posted on the property prior to the commencement of any injury or destruction of any tree allowed by the Permit, in a conspicuous place on the subject property that is adjacent to a public road and visible to all persons or at such other location deemed appropriate.

6.3 Where a Permit requires the planting of replacement trees, the Director may impose conditions on the Permit that in their sole discretion are reasonable. Without limiting the generality of the foregoing, the following provisions related to the replacement tree may be imposed:

- a) The species, size, number, and location of the replacement tree;
- b) The date by which any replacement tree is to be planted;
- c) The maintenance and care of any replacement tree shall be determined by the Director in consultation with a landscape architect or qualified forestry consultant;
- d) Where removal involves a distinctive tree, the replacement tree shall be equal to the net Diameter of the removed tree, either as a single tree or multiple trees, and shall include the same species, where appropriate and commercially available. Should the same species not be appropriate or available, replacement trees may be non-invasive native trees or naturalized non-native trees and may include a mixture of nature trees, plants, ground covers, savannahs, tall grass prairies, and seed mixes;
- e) The maintenance and care of a replacement tree including the deposit of security in the form of a letter of credit, cash or certified cheque, in an amount to be determined by the Director to guarantee, for a specified period of time, the cost of maintaining or replacing a replacement tree;
- f) Replacement trees are to be maintained and protected in accordance with good arboricultural and forestry practices by the Owner or person responsible for the injury or destruction, for a minimum period of two (2) years after planting;
- g) Replacement trees shall be subject to the following locational priorities:
 - i. The first and highest priority shall be to plant the replacement tree on the property where the tree was destroyed; and
 - ii. The next highest priority shall be to plant the replacement tree on another site(s) in the Municipality for the purpose of general reforestation.

7. ADMINISTRATION

7.1 The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive applications and the required fees, if applicable, and to issue Permits and/or approvals and to attach conditions thereto in accordance with this By-law.

7.2 If there is a conflict between this By-law and a By-law passed under the *Forestry Act*, the *Species at Risk Act*, the *Endangered Species Act* or the *Municipal Act*, the provision that is the most restrictive shall prevail.

8. ENFORCEMENT

8.1 As assigned by the Director, an officer may, during daylight hours and upon producing a certificate of designation, enter and inspect any land to which this By-law applies. An Officer may, in carrying out an inspection, be accompanied by an assisting person.

8.2 If the Director is satisfied that a contravention of this By-law has occurred, an Officer may issue a Stop Work Order requiring the person that contravened the By-law, or that caused or permitted the contravention of the By-law, to stop any injury or destruction to the tree, subject to the following:

- a) The Stop Work Order shall set out reasonable particulars of the contravention in sufficient detail to identify the contravention, the location of the contravention, and the date by which there must be compliance with the Order.
- b) A Stop Work Order may be served personally by an Officer, may be posted in a conspicuous place on the property where the contravention occurred, or may be sent by registered mail to the person contravening this By-law. Where an order is issued under this By-law is served personally by an Officer, it shall be deemed to have been

served on the date of delivery to the person(s) named.

- c) The placing of the Order on the affected lands shall be deemed to be sufficient service of the Order on the person or corporation to whom the Order is directed on the date it is posted.
- d) Where an Order issued under this By-law is sent by registered mail, it shall be sent to the last known address of the applicant, the Owner, or the person or company retained to work on the trees on the lands.
- e) Where a person fails to comply with an Order issued under this By-law and the Municipality enters on the lands and completes the work specific in the Order, the Municipality shall be entitled to recover the costs to complete the work from the person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

9. PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

- 9.1 Any person who contravenes any provision of this By-law or an order is guilty of an offence and on conviction is liable:
 - a) on a first conviction, to a fine of not more than \$50,000.00 or \$1,000.00 per tree, whichever is greater; and
 - b) on any subsequent conviction, to a fine of not more than \$100,000.00 or \$2,500.00 per tree, whichever is greater.
- 9.2 Where a person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed by the By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repletion of the offence by the person convicted or any other person;
- 9.3 Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may order the person to replant or have replanted such trees in such manner and within such a period of time as the court considers appropriate, including any silvicultural treatment necessary to re-establish the tree or have the tree re-established and may also order the person to provide compensation for the injury or destruction of the tree to the Municipality, in accordance with Section 10 of this By-law.
- 9.4 No Permit shall be renewed or extended where the Owner or the Applicant is in breach of any terms of this By-law or a condition of said Permit.

10. COMPENSATION

- 10.1 The Director shall calculate the compensation for the injury or destruction of a tree required as a condition of a Permit, or required as a condition of an Order issued under this By-law, as follows:
 - a) The value of any tree that is injured or destroyed shall be determined using the International Society of Arboriculture Trunk Formula Method.
 - b) The value of the tree injured or destroyed, as calculated pursuant to Section 10.1.a), shall be used to determine the number, species, and size of the replacement tree that shall be planted by the permit holder or person responsible for the injury or destruction, as the case may be. The Director shall make this determination in consultation with a qualified forestry consultant and their decision to the number, species, and size of replacement tree shall be final.
 - c) The provisions of Section 6.3, with necessary modifications, shall apply to replacement trees planted in accordance with this Section.

11. APPEALS TO COUNCIL

- 11.1 An Applicant for a Permit pursuant to this By-law may appeal in writing to the Council by filing a notice of appeal by personal service or pre-paid registered mail with the Clerk:
 - a) If the Municipality makes a decision to refuse to issue a Permit, an appeal shall be submitted within thirty (30) days following the date of the refusal;

- b) If the Municipality fails to make a decision on the Application, within forty-five (45) days after the application is received by the Town; or
- c) If the Applicant objects to a condition in the Permit, an appeal shall be submitted within thirty (30) days after the issuance of the Permit.

11.2 The Council has the same powers as the Director under this By-law, and may:

- a) Confirm the refusal to issue the Permit;
- b) Issue a Permit, with or without conditions;
- c) Affirm, vary, or add any conditions to the Permit; or
- d) Confirm the issuance of a Stop Work Order.

The decision of Council is final.

12. SHORT TITLE

This By-law may be referred to as 'The Tree Preservation By-law'.

13. VALIDITY OF THE BY-LAW

Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

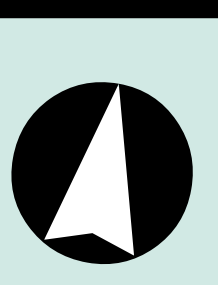
14. EFFECTIVE DATE OF BY-LAW

This By-law shall come into force and take effect twelve months from the day of the passing thereof..

Enacted and passed this day of , 2022 .

DRAFT

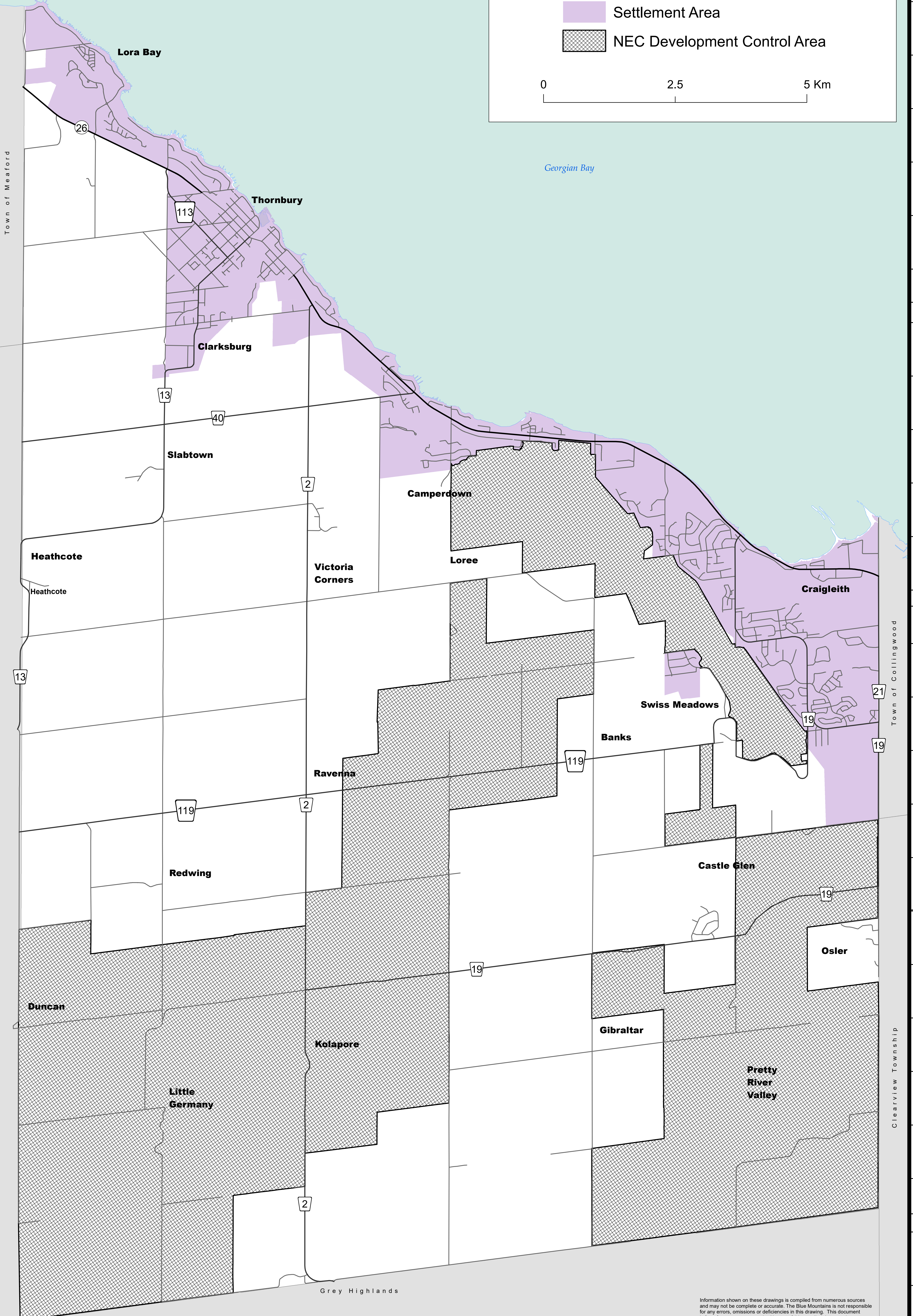
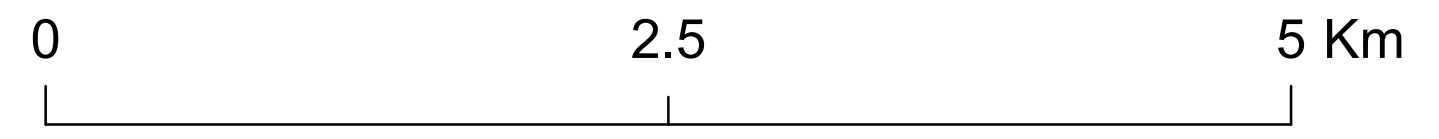
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SCHEDULE "A" - DRAFT FOR DISCUSSION PURPOSES ONLY (09,27,2022)

Town of The Blue Mountains

- Settlement Area
- NEC Development Control Area



Town of Meaford

Town of Collingwood

Clearview Township

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