



# Staff Report

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## Planning & Development Services – Planning Division

**Report To:** Committee of the Whole Meeting  
**Meeting Date:** May 24, 2022  
**Report Number:** PDS.22.064  
**Title:** Municipal Tree By-Law – Update and Directions Report  
**Prepared by:** Travis Sandberg, Intermediate Planner

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### A. Recommendations

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THAT Council receive Staff Report PDS.22.064, entitled “Municipal Tree By-Law – Update and Directions Report”;

AND THAT Council direct Staff to proceed with a 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.

### B. Overview

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This report provides a summary and overview of comments received by Planning Staff as a result of consultation with the Town’s Agricultural Advisory Committee and Sustainability Advisory Committee, as was directed by Council by Resolution dated September 7, 2021. A working Draft By-law resulting from the consultation completed to-date is included for Council’s information and preliminary consideration.

### C. Background

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Planning Staff provided an update to Council on completed consultation for the proposed revisions to Municipal Tree Municipal By-law 2010-68 in September 2021 per Staff Recommendation Report [PDS.21.080](#). By Resolution, Council did direct Planning Staff to implement “Option 2” of Recommendation Report PDS.21.080, with consultation with the Town’s Agricultural Advisory Committee and the Sustainability Advisory Committee, and which also included the following:

1. Direct Staff to complete housekeeping updates to Municipal Tree Preservation By-law 2010-68, as necessary, to ensure coordination with any updates completed by the County of Grey regarding County Forest Management By-law 4341-06, as amended.
2. To also include in the update to the Municipal Tree Preservation By-law 2010-68, provisions that controls tree clearing, prior to development applications and pursue the following objective and/or exemptions:

- Apply the Town’s Tree Preservation Bylaw inside the Settlement Areas of the Town only (as defined in the County of Grey Official Plan)
- Require a permit for tree removal on parcels with a minimum of 0.5 ha when
  - a. When the applicant proposes to destroy five (5) or more trees simultaneously or in a given calendar year, regardless of diameter; and
  - b. When the applicant proposes to destroy a tree with a minimum diameter of thirty (30) cm or more.
- Only allow permits in certain Official Plan land use designations, when supported by appropriate studies and reports, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary:
- To pursue additional exemptions to the By-law:
  - a. Land parcels which are less than 0.5ha in size”;
  - b. The removal of a tree that necessitates removal as a result of being considered locally as an
  - c. invasive species, diseased, dead, or a hazard to life or property
  - d. 4 or fewer trees a certain size can be removed

Following this Council direction, Planning Staff attended the Town’s Agricultural Advisory Committee and Sustainability Advisory Committee on September 16, 2021, and October 13, 2021, respectively. Planning Staff also attended a Joint Meeting of these Town Committees on January 13, 2022.

Materials were circulated to members of each respective Committee in advance of the meetings in order to facilitate meaningful discussion and to obtain comment on the direction of the revisions to Municipal Tree Preservation By-law 2010-68, as outlined in the Resolution of Council. The circulated materials included a working draft of the proposed By-law changes, which was prepared as a result of Council direction and that public consultation/comments received at that time as part of the review exercise. A brief overview of the comments received from the Committees is included below.

## **D. Analysis**

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Comments received from the Sustainability Advisory Committee and the Agricultural Advisory Committees as a result of the additional consultation can be generally summarized into the following themes:

### Agricultural Advisory Committee Comments:

- Legal authority for the Town to implement a By-law to regulate tree cutting on private property.
- Area of application of the By-law – should be focused on Settlement Area only.
- The maximum threshold of 0.5ha should be removed; +/- 30cm trees on smaller properties should be included.
- Penalties should be split into two categories: individual resident vs. corporate penalty.
- Mapping: aerial photos to show trees in Settlement Area.

- What is the process to amend this By-law in the future? Would there be a public process?
- Definition of “agriculture” should match the Official Plan.

#### Sustainability Advisory Committee Comments

- Need administrative documents attached – one document for permit including exemptions, fees, application fee, etc.
- Section 2.3: A Tree Inventory Plan needs to be completed prior to a development application as preface to a Tree Protection Plan.
- Remove exemption for invasive species.
- Need a statement “no-clear cutting” as it has not been addressed.
- Focus more effort on incentives to maintain trees as green infrastructure in developments.
- What guarantees are there that this would not extend into the Rural area?
- Concerns with applying regulations to private properties.
- How much time will be provided for public review?
- How many properties will actually be captured by the By-law? 0.5ha should be removed to include all properties. Reconsider to reduce to 0.25ha.
- Finances – what is cost to implement, administer and enforce?
- Remove reference to “Settlement Area” – title it “By-law Application Area” or something similar.
- Section 2.3 supersedes S.4(a)(b).
- Broaden application for permit – dead, hazardous, etc., still needs a permit – consider reduced fee.
- Conservation Authority approval should be required prior to issuance of a permit.
- Invasive species and Arborist review – need Community Services/qualified person to review arborist report.
- Permit should be posted at destruction site.
- Town and County development planning process do not provide for protection of trees before a development application has been applied for and approved. The By-law does not and cannot address this process.
- Exception (L) needs to be removed.
- Clear cutting needs to be defined in its biological sense in the By-law.
- Fees could vary depending on property size or tree size/quantity.
- Applying By-law to all properties avoids discrimination and reinforces we all have a part to play.
- Number of Exemptions need to be reduced – visual analysis by the Director should be required for diseased/dead/hazardous trees. Permit fee waived for these removals.

Planning Staff have reviewed the committee comments and have amended the working draft By-law, as appropriate. A Comment Response Matrix, including any resulting action taken, is provided as Attachment 1. It is generally noted that comments, suggestions, and examples of

“Best Practices” have also been received by Planning Staff from the Town’ Sustainability Advisory Committee throughout the duration of the exercise, which has been reviewed and incorporated into the current working draft By-law, as appropriate.

Moving forward, Planning Staff are requesting Council direction to hold a second Public Meeting to obtain final comment and feedback from the general public on the proposed working draft By-law. Following completion of this second Public Meeting, any relevant or desired adjustments to the working draft By-law can be undertaken, and a recommendation Staff Report provided to Council for consideration of adoption of the revisions/updates to Municipal Tree Preservation By-law 2010-68.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **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**

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

## **G. Financial Impacts**

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No adverse financial impacts to the Municipality are anticipated as a result of the recommendations of this report.

## **H. In Consultation With**

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Will Thomson, Director of Legal Services

## **I. Public Engagement**

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The topic of this Staff Report will be the subject of a Public Meeting and/or a Public Information Centre in accordance with the following schedule:

- May 24, 2022 Committee of the Whole – Initial staff report (staff report number and title) with recommendation to proceed to public consultation;
- June 6, 2022 Council – recommendation from Committee of the Whole considered by Council
- June 7, 2022 Public Meeting Notice Circulated;
- June 22, 2022, June 29, 2022, and July 6, 2022 -Public Meeting advertised in the Collingwood Connection;
- July 11, 2022 – Public Meeting Held
- August 9, 2022 – Recommendation Report and Final Draft By-law to Committee of the Whole;
- August 15, 2022 Council – recommendation from Committee of the Whole and related By-law considered by Council

Any comments regarding this report should be submitted to Travis Sandberg,  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

## **J. Attached**

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1. Comment Response Matrix
2. Working Draft By-law

Respectfully submitted,

Travis Sandberg, Intermediate Planner

Trevor Houghton, MCIP RPP  
Manager of Community Planning

For more information, please contact:  
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### Report Approval Details

Document Title:	PDS.22.064 Municipal Tree By-Law - Update and Directions Report.docx
Attachments:	- PDS.22.064 Attachment 1.pdf - PDS.22.064 Attachment 2.pdf - PDS.22.064 Attachment 3.pdf
Final Approval Date:	May 16, 2022

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

**Trevor Houghton - May 10, 2022 - 4:20 PM**

**No Signature found**

**Will Thomson - May 12, 2022 - 11:46 AM**

**No Signature found**

**Shawn Everitt - May 16, 2022 - 1:11 PM**