



# Memo – Planning Services

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Phone: 519-599-3131

**Date:** September 16, 2021  
**To:** Sustainability Advisory Committee & Agricultural Advisory Committee  
**From:** Travis Sandberg, Planner II  
**Subject:** Municipal Tree Preservation By-law 2010-68 – Update and Discussion

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The Town of The Blue Mountains By-law No. 2010-68, commonly cited as the “Tree Preservation By-law”, is a By-law to prohibit and regulate the destruction or injuring of certain trees in The Town of The Blue Mountains. Section 135 of the *Municipal Act* limits the authority and scope of such a By-law to prohibiting or regulating the destruction or injury of trees and to allow for the By-law to require that a permit be obtained prior to the destruction or injuring of certain trees, as specified.

In its current form, By-law 2010-68 applies to trees located on lands owned or managed by the Town or the County of Grey, and to trees identified as a tree preservation plan referenced in an agreement entered into with the Municipality. By Resolution dated May 13, 2019, Council directed Staff to draft appropriate revisions to Municipal Tree Preservation By-law 2010-68 in order to extend the scope of the existing By-law to include trees on certain private lands. The main intent is to provide regulations to avoid unfettered tree clearing on private properties, with specific concerns for future development lands, while long term solutions/strategies related to tree enhancement etc. were deferred to the Sustainability Committee.

Following completion of a Public Meeting, as mandated by Town Corporate Policy, a draft by-law was presented to Council in November 2019. Ultimately, Council directed Staff to complete additional public consultation to obtain further feedback regarding tree preservation in the Town. While delays in the additional engagement exercises were incurred to the COVID-19 pandemic, these exercises have now been completed and the results are summarised in Staff Report PDS.21.080. The Committee of the Whole has provided an “in principle” endorsement of various revisions to By-law 2010-68 in order to achieve the goal originally set by the May 13, 2019, Resolution. This endorsement in principle, provides staff a refreshed starting point and guidance to focus efforts when updating the bylaw.

Prior to presenting any final draft of the By-law, Staff have been directed to further consult with the Sustainability Advisory Committee and Agricultural Advisory Committee on some of the details of the proposed/potential revisions for final comment and input. In accordance with direction of the Committee of the Whole, Staff seek further input/comment with respect to the following matters (see Attachment 1 for the complete Resolution):

1. 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:

- i) Apply the Town's Tree Preservation Bylaw inside the Settlement Areas of the Town only (as defined in the County of Grey Official Plan)

**Staff Comment:** See mapping attached as Attachment 2 which outlines the "Settlement Area" of the Town, as proposed for the application of the By-law. Are there any areas that should/should not be included in this? Any other comments related to "Settlement Area"?

- ii) Require a permit for tree removal on parcels with a minimum area 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

**Staff Comment:** See mapping provided in Attachment 2 which outlines the parcels that would be subject to the By-law (i.e. those that are minimum of 0.5ha in size, and are located within the Settlement Area). Are there any identified shortfalls using a minimum 0.5ha area threshold? Any further comments on when the By-law should apply (i.e. with respect to item ii))?

- iii) 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.

**Staff Comment:** The intent of this section would be to generally prohibit the destruction of trees within these areas. A permit would be required in all cases and would only be issued if supported by an appropriate study.

- Future Secondary Plan Area
- Special Study Area
- Escarpment
- Wetlands
- Hazard Lands
- Major Open Space
- Areas identified as containing Provincially Significant Areas of Natural and Scientific Interest
- Other Areas identified as potentially containing significant or sensitive natural heritage features

It is noted that in some cases, lands located within the designations outlined above would be subject to existing regulations of another government authority (i.e. the County of Grey, a Conservation Authority, etc.). As such, the Municipal By-law would only apply where lands are not subject to another authority.

Should the destruction or injuring of a tree in these land use designations remain subject to the exemptions outlined in the By-law (current and proposed)?

2. To pursue additional exemptions to the By-law:
  - i) Land parcels which are less than 0.5ha in size
  - ii) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species, diseased, dead, or a hazard to life or property
  - iii) 4 or fewer trees a certain size can be removed

**Staff Comment:** It is noted that no exemptions contained in the current By-law are proposed to be removed, including the existing exemption for the destruction of trees occurring as an integral component of an active farm operation. Some minor modifications may be included to add further clarity to the agricultural/normal farm practice exemption. As mandated by the *Municipal Act*, and as currently included in the By-law, exemptions shall also be included for lands that are subject to an approval/agreement under various Section of the Ontario *Planning Act* (i.e. the approval or agreement will oversee appropriate tree removal).

Additional exemptions will also be included as general administrative/housekeeping, such as exemptions where any other government regulation/by-law is in force and effect (i.e. the County of Grey Forest Management By-law, where lands are regulated by a Conservation Authority, or are subject to Development Control under the Niagara Escarpment Plan).

Through previous review of other municipal tree cutting by-laws, it is noted that item iii) above generally pertains to trees that have a diameter between fifteen centimeters and thirty centimetres, and typically also permits the removal of any tree that has a diameter less than fifteen centimetres.

Should an exemption be included for the use of personal firewood? Any other suggestions for refinement of proposed exemptions and/or additional exemptions that should be completed?

3. To consider the development of a Comprehensive Tree Canopy Strategy in conjunction with the planned Natural Heritage Study (subject to Budget 2022 Approval) and Integrated Community Sustainability Plan.

**Staff Comment:** A number of comments that were heard through the public consultation process included initiatives that exceed the scope of the authority of a Municipal By-law to regulate the injuring/destruction of trees, as outlined by the *Municipal Act*. The exercise to update Municipal Tree Preservation By-law 2010-68 is the

first piece in a much larger exercise to develop comprehensive Tree policies for the Town. The intent of the By-law update is simply to provide some regulation on the destruction/injuring of trees on specific privately owned parcels to allow the larger exercise to unfold, as outlined in the Council Resolution dated May 13, 2019.

New penalties for non-compliance were not originally proposed to be incorporated at this time. Please refer to Part 6 of By-law 2010-68 to view the current penalties for non-compliance to the By-law. Further consultation and Council input is required to determine what additional or increase penalties should be.



**The Town of Blue Mountains, Council Meeting  
Council Meeting**

**Date:** Tuesday, September 7, 2021

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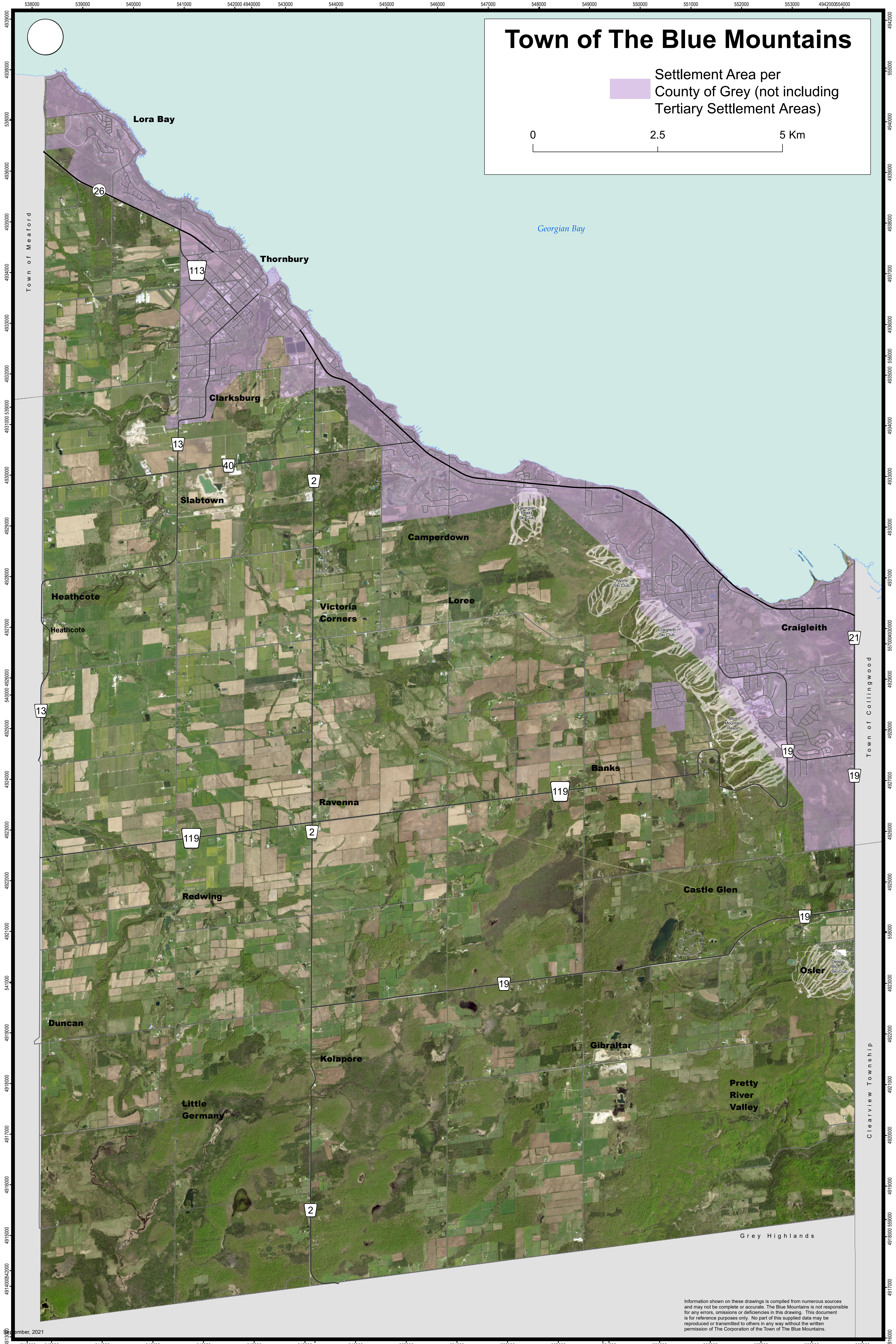
**Moved by:** Councillor Hope

**Seconded by:** Councillor Uram

THAT Council receive Staff Report PDS.21.080, entitled "Tree By-Law Update and Directions Report";  
AND THAT Council direct Staff to implement Option 2, in consultation with the Agricultural Advisory Committee and Sustainability Advisory Committee, as outlined in Staff Report PDS.21.080, which includes 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 invasive species, diseased, dead, or a hazard to life or property
    - C. 4 or fewer trees a certain size can be removed
3. To consider the development of a Comprehensive Tree Canopy Strategy in conjunction with the planned Natural Heritage Study (subject to Budget 2022 Approval) and Integrated Community Sustainability Plan

The motion is Carried



# Town of The Blue Mountains

Settlement Area per  
County of Grey (not including  
Tertiary Settlement Areas)

0 2.5 5 Km

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