

Harbour West Residents Group
Thornbury, Ontario

August 20, 2021

BY E-MAIL

Mr. Alar Soever , Mayor,
Mr. Rob Potter, Deputy Mayor,
Mr. Peter Bordinon, Councillor,
Ms. Paula Hope, Councillor,
Ms. Andrea Matrosovs, Councillor,
Mr. Rob Sampson, Councillor,
Mr. Jim Uram, Councillor,

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

Re: Deputation re Staff Report PDS.21.080

Dear Mayor, Deputy Mayor and Councillors.

The Town appears to be disregarding its Municipal Act, 2001 (the “**Municipal Act**”) requirement to have adopted by March 1, 2019 an official policy to **preserve and maintain its tree canopy and natural vegetation** (a “**TCNV Policy**”).

2 ½ years later, the Town does not have a TCNV Policy and the current status of its progress towards adopting one is not known.

While proposing updates to its Tree By-law, the Town appears to be disregarding its very specific Municipal Act requirement. That Tree By-Law does not specifically deal with what is required in a TCNV Policy including either its tree canopy or natural vegetation.

In its attached Staff Report PDS 19.06 dated January 14, 2019 (**no. 1**), Staff’s focus was instead on the Town’s other ‘policy tools’, as follows:

“The Town of The Blue Mountains currently has four policy tools in place pertaining to the protection and preservation of the tree canopy within the municipality:

- The Town of The Blue Mountains Official Plan, 2016;

- Town of The Blue Mountains Sustainable Path, 2010;
- The Town of The Blue Mountains Tree Preservation By-law, 2010-68; and
- County of Grey Forest Management By-law, By-law No. 4341-06.”

The implication from that Staff Report is that a TCNV Policy is unnecessary because of this collection of ‘policy tools’. However, this is not correct. They practically do nothing to preserve and maintain the tree canopy and natural vegetation.

- The attached Official Plan extract (**no. 2**) include half a page of generic text generally providing only for tree planting and “implementing measures that protect, enhance and expand the tree canopy” (without specifying those measures).
- The 112-page Sustainable Plan similarly doesn’t do what the Municipal Act requires. The word “canopy” is only used twice (as repeated in the same context), as best reflected in the colour-highlighted text on the attached page 21 (**no. 3**).
- The Town’s and County’s by-laws are limited in what they provide/protect. They do not extend to ‘preservation and maintenance of the tree canopy and natural vegetation’. The words “tree canopy” and “natural vegetation” are not used in either of them.

Then, in its attached Staff Report PSC.19.44 of May 6, 2019 (**no. 4**), Staff reported that Council seemed to consider that its Municipal Act TCNV Policy requirement could be largely satisfied by amending its Tree By-law, as follows:

“As a result of the implementation of amendments to Section 270 of the Municipal Act, 2001, Council has expressed its desire to improve and broaden the existing Municipal Tree Preservation By-law in order to further protect and enhance the tree canopy and vegetation within the Municipality.”

Then, by its attached Staff Report PDS.19.141 of November 18, 2019 (**no. 5**), Staff’s approach reverted to amending the Tree By-law to provide for limited additional protection of trees on privately owned land (and not for protection of the tree canopy overall), as follows:

“THAT Council enact a By-law to amend Municipal Tree Preservation By-law 2010-68, as outlined in Staff Report PDS.19.141, in order to implement immediate, temporary, tree protection policies on privately owned land within the Town;”

By its newest Staff Report PDA.21.080 dated August 18, 2021 (**no. 6**), Council generically refers to the Municipal Act requirement for a TCNV Policy, as follows:

“More specifically, Section 270 of the Municipal Act, requires municipalities to develop and maintain policies regarding the manner in which the municipality will protect and enhance tree canopy and natural vegetation in the Municipality.”

In addition to recommending ‘housekeeping amendments” to the Tree By-Law, Staff suggests:

“b) To consider the development of a Comprehensive Tree Strategy/Urban Forest Management Plan based upon completion of the Natural Heritage Study (in 2022 subject to budgeting).”

However, there is no reference to the Town preparing to adopt the TCNV Policy that the Municipal Act requires unless that is what is contemplated in the Comprehensive Tree Strategy/Urban Forest Management Plan ... and the timetable for that plan appears to be a least another year ahead more than 4 years after the Municipal Act required the Town adopt a TCNV Policy.

In the meantime, acres of valuable, beautifying and productive tree canopy in the Town are vulnerable to being clearcut without the protection the Province intended back in 2016 that the Town adopt a TCNV Policy by March 1, 2019.

Yours sincerely,

Harbour West Residents Group

Importance of the Tree Canopy





Tree Canopy

- A tree canopy structure is influenced by environmental and soil factors, and
- It also influences these factors in return. It is an aspect of forest ecology that is receiving more attention in this age of climate change emergency.
- The canopy structure is often overlooked, with most of the focus being on biodiversity. One of the reasons could be that the forest canopy structure is a more complex concept, which cannot be easily captured in a number.



Tree Canopy and Development

- Need a tree protection plan to accompany application for grading, building, change of use, and zoning
- The plan should contain a root protection plan for any tree over five cms in diameter.
- Encourage the designation of “tree save areas,” which are areas in which an existing tree canopy exists that can be measured in square metres, acres or hectares
- Developers should be prevented from disturbing tree save areas unless the city grants a permit to do so.]



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: January 14, 2019
Report Number: PDS.19.06
Subject: Bill 68 – Municipal Act Changes and Requirement for Municipal Tree Canopy Policies
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.19.06, entitled “Bill 68 – Municipal Act Changes and Requirement for Municipal Tree Canopy Policies” for information purposes;

AND THAT Council direct Staff to investigate potential approaches to further enhance/implement/improve the existing policies and bylaws regarding tree preservation and tree canopy enhancement;

AND THAT Council direct Staff to bring an Options Update and Next Steps Report to Council for future consideration prior to proceeding with a formal public engagement initiative;

B. Overview

This report provides an outline of Ontario Bill 68, titled *Modernizing Ontario’s Municipal Legislation Act, 2016*, as it relates to the requirement for all municipalities to adopt and maintain policies to protect and enhance the tree canopy and natural vegetation within their communities. As proclaimed by the Lieutenant Governor, Ontario municipalities have until March 1, 2019, to adopt such policies.

C. Background

Bill 68, entitled *Modernizing Ontario’s Municipal Legislation Act, 2016*, received royal assent on May 30th, 2017. This bill introduced a series of reforms to the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and the *Municipal Elections Act, 1996*.

Of the various reforms introduced, an amendment to Section 270 of the *Municipal Act, 2001*, has the effect of requiring all municipalities to adopt and maintain policies with respect to the protection and enhancement of the tree canopy and natural vegetation in the municipality.

This section of Bill 68 comes into force and effect on March 1, 2019. Specifically, Section 270 requires that:

270(1) *A municipality shall adopt and maintain policies with respect to the following matters...*

7. The manner in which the municipality will protect and enhance the tree canopy and vegetation in the municipality.

D. Analysis

The Town of The Blue Mountains currently has four policy tools in place pertaining to the protection and preservation of the tree canopy within the municipality:

- The Town of The Blue Mountains Official Plan, 2016;
- Town of The Blue Mountains Sustainable Path, 2010;
- The Town of The Blue Mountains Tree Preservation By-law, 2010-68; and
- County of Grey Forest Management By-law, By-law No. 4341-06.

Town of The Blue Mountains Official Plan, 2016

Section D8.2 of the Official Plan, entitled *Tree Canopy*, provides general policy direction for the protection and enhancement of the tree canopy within the municipality. It is a policy of the Municipal Official Plan to:

- a) Encourage the planting of native or non-native non-invasive tree species and vegetation that are resilient to climate change and provide high levels of carbon sequestration, particularly through new development and on municipally-owned land;*
- b) Implement measures to protect, enhance, and expand the tree canopy, including but not limited to:*
 - i) Requiring tree planting in areas of extensive surface parking; and*
 - ii) Promoting development that maximizes areas for tree planting.*
- c) Consider the establishment of a forest resource stewardship strategy and plan;*
- d) Require reimbursement, in the form of new trees or financial compensation, for all healthy trees proposed to be removed in development applications, based on the findings of a Tree Inventory and Preservation Plan; and*
- e) Encourage tree planting by local residents and organizations, and educate residents about the benefits of planting trees on their property and the environmental impact of removing trees.*

The policies of the Official Plan are generally implemented through specific land use designation policies, i.e. 40% open space requirement for new development in the *Residential Recreation Area*, and through implementation of development specific tree inventory and landscape plans. Otherwise, there are currently no By-laws or programs in place to provide for

specific requirements with respect to tree replacement, reimbursement, or preservation. Additionally, there are currently no forest stewardship programs yet established in the Town.

While the existing policies appear to satisfy the requirements of Bill 68, Council may consider to further enhance and strengthen them through further consideration of enactment of additional by-laws, programs, or other municipal initiatives.

Town of The Blue Mountains Sustainable Path, 2010

The Town of The Blue Mountains Sustainable Path, 2010, is a resource document intended to provide direction for all community partners in developing and implementing their own plans and policies for sustainability, and to serve as an overarching framework within which decisions are made. Within the document are various goals and strategies for achieving sustainability. One goal is to “*achieve long-term conservation of existing forest resources for future generations*”. This goal aims to encourage and enhance the protection of forest lands through:

- The establishment of a forest resource management strategy and plan;
- The protection of woodland and forest resources from incompatible adjacent uses;
- Reduce development pressure by directing development away from forested areas;
- Avoid fragmentation of forest habitat;
- Support reforestation efforts;
- Encourage partnerships and support the efforts of agencies involved in the management and preservation of forested ecosystems;
- Incorporate forest management strategies into the natural heritage strategy;
- Support conservation programs to reforest privately held forest lands; and
- Develop tree protection, replacement and enhancement policies and by-laws in urban areas.

Many of the initiatives of the Sustainable Path, 2010, are reflected in the 2016 Official Plan, including the general intent to preserve and enhance tree canopy, and the direction to protect woodland resources. General land use designations and good planning provide some protection of such resources from incompatible land uses, however, as noted above, there remains no specific requirements or regulations pertaining to the removal or replacement of mature trees on privately owned lands within the Municipality. Council may consider strengthening and further implementing the policies of the Sustainable Path and the Official Plan through additional by-laws, programs, or other municipal initiatives.

County of Grey Forest Management By-law, By-law No. 4341-06

The County of Grey Forest Management By-law aims to promote sustainable forest management practices and prohibits and regulates the destruction or injuring of trees in woodlands within the County. This By-law is currently the only enforceable By-law pertaining to tree cutting on private lands within the Town of The Blue Mountains. For the purpose of the By-law, “*woodlands*” are defined as:

1. (bb) ... *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;
- iv) 250 trees, measuring over twenty (2) 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.

The By-law establishes a general prohibition on the harvesting, destruction, or injury of trees within woodlands by any person, except under specific circumstances. This upper-tier by-law is the only 'tree cutting' by-law currently enforce within the Municipality which can be applied to privately owned lands unless under review of an application for development. This program captures large woodland areas and does not apply to any tree stand that is under 1ha in size, leaving any property under this size exempt from the scope of the By-law. Council may consider implementing a municipal by-law to further enhance tree protection on privately owned lands and/or for woodlands under 1ha in size

The Town of The Blue Mountains Tree Preservation By-law, 2010-68

The Town of The Blue Mountains Tree Preservation By-law 2010-68 (please refer to Attachment 1), prevents the removal or damaging of any trees in any of the following two scenarios:

- Where a tree 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
- Where a tree is located on land owned, controlled or managed by the municipality of the County of Grey or any local board thereof.

Otherwise, there are no municipal controls in place to regulate the cutting of trees on privately owned lands nor are there any specific guidelines or regulations for the replacement or reimbursement of trees removed through a development application. Council may consider strengthening the implementation of the direction of the Sustainable Path, 2010, and the 2016 Official Plan through enactment of additional by-laws or initiatives in order to further protect and enhance the tree canopy and natural vegetation within the municipality.

Considering the Official Plan policies that have been adopted and are currently in effect, it appears the Town of the Blue Mountains has met the minimum requirements of Section 270(1) of the *Municipal Act*. However, while there is no imminent need to adopt a new policy by March 1, 2019, privately-owned woodlots under 1 hectare in size are not protected within the current regulatory regime except for those that may be involved in a Planning Act application.

Considering the intent of the Official Plan policies, as well as the pertinent goals and objectives of the Town's Sustainable Path, there may be value in the Town exploring updated methods and approaches that balance tree preservation and canopy enhancement with sustainable

development. This would require further research by staff and engagement with various stakeholders including regulatory authorities, the County of Grey, members of the public, and the development industry.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability

Goal #2: Engage Our Communities & Partners

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #4 Commit to Sustainability

F. Environmental Impacts

As this report is for information purposes, there are no direct environmental impacts as a result.

G. Financial Impact

There are no financial impacts anticipated as a result of this report.

H. In consultation with

No additional consultation has occurred in the preparation of this information report.

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required.

J. Attached

Nil.

Respectfully submitted,

Travis Sandberg
Planner I

Nathan Westendorp
Director of Planning and Development Services

For more information, please contact:

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OFFICIAL PLAN

TOWN OF THE BLUE MOUNTAINS

D8.2 TREE CANOPY

Supporting the protection and enhancement of tree canopies can contribute to improvements to air and water quality, reductions in greenhouse gases, the support of biodiversity, and enhancement of natural features and systems. It is a policy of the Town to:

- a) encourage the planting of native or non-native non-invasive tree species and vegetation that are resilient to climate change and provide high levels of carbon sequestration, particularly through new development and on municipally-owned land;
- b) implement measures to protect, enhance, and expand the tree canopy, including but not limited to:
 - i) requiring tree planting in areas of extensive surface parking; and,
 - ii) promoting development that maximizes areas for tree planting.
- c) consider the establishment of a forest resource stewardship strategy and plan;
- d) require reimbursement, in the form of new trees or financial compensation, for all healthy trees proposed to be removed in development applications, based on the findings of a Tree Inventory and Preservation Plan; and,
- e) encourage tree planting by local residents and organizations, and educate residents about the benefits of planting trees on their property and the environmental impact of removing trees.

- Require remediation/restoration plans for development
- Continue to require green space allocations in new developments
- Establish wildlife corridors to improve habitat connectivity
- ❖ Encourage stewardship of the land
 - Provide education, tax incentives and benefits for land stewardship
- ❖ Create a Town-led Environmental Advisory Committee and include a 'Youth Wing' on the committee

OAL: ACHIEVE LONG-TERM CONSERVATION OF EXISTING FOREST RESOURCES FOR FUTURE GENERATIONS

STRATEGIES AND ACTIONS:

- ❖ Encourage and enhance protection of forested lands
 - Establish forest resource stewardship strategy and plan that includes and considers:
 - Build upon Grey County's inventory of forest resources
 - Identify an optimum target for forest cover
 - Create a mix of natural and managed forests to promote ecological and economic diversity
 - Evaluate and enhance urban canopy to better utilize nature to promote increased energy efficiency in built environment
 - Identify priority areas for conservation and buffer areas
 - Protect woodland and forest resources from incompatible adjacent uses



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: May 6, 2019
Report Number: PDS.19.44
Subject: Tree Protection Options and Next Steps Update
Prepared by: Travis Sandberg, Planner I

A. Recommendations

THAT Council receive Staff Report PDS.19.44, entitled “Tree Protection Options and Next Steps Report”;

AND THAT Council direct staff to provide notice to the public regarding the proposed amendments to the current Municipal Tree Preservation By-law No. 2010-68, in order to extend the scope of the existing By-law to include trees on private lands in order to provide interim regulations for the injury or destruction of trees within the Municipality;

AND THAT Council provide direction to Staff with respect to the preferred long-term approach to tree preservation and enhancement in Municipality, through selection of Approach 1, 2, or 3, of this report and further direct Staff to prepare a follow-up report detailing the project plan to pursue the preferred long-term approach, including public consultation and stakeholder meetings.

B. Overview

Staff have completed a jurisdictional review of various upper-tier and lower-tier municipal approaches to tree protection and provide recommendations for Council to consider in order to further enhance and improve the existing tree preservation and enhancement policies and by-laws of the Municipality.

C. Background

As a result of the implementation of amendments to Section 270 of the *Municipal Act, 2001*, Council has expressed its desire to improve and broaden the existing Municipal Tree Preservation By-law in order to further protect and enhance the tree canopy and vegetation within the Municipality. Staff have conducted a multi-jurisdictional review of various upper-tier and lower-tier governmental approaches to tree protection and have compiled recommendations for Council consideration:

- 1) Pursue immediate interim measures to enhance existing protections in the short-term;
- 2) Consider and direct Staff regarding potential long-term approaches:
 - a) Approach 1: Town and County Coordinated By-laws;
 - b) Approach 2: Municipal Tree Preservation By-law; or
 - c) Approach 3: Comprehensive Municipal Site Alteration By-law

D. Analysis

A summary of the multi-jurisdictional review of various tree preservation/retention By-laws is included as Attachment 1 to this report. As a result of the jurisdictional review, Staff recommend a two staged approach for strengthening the current tree retention and enhancement policies in the Municipality. The first stage involves amending the current By-law in order to include interim protection for tree on privately owned lands. With the stop-gap measures in place, Staff may complete a broader public consultation process into the preferred policy approach for tree protection in the Municipality. In this regard, three long-term policy approaches are provided below for Council's consideration and direction.

Interim measures to enhance existing protections in the short-term

Through review of the current County of Grey Forest Management By-law No. 4341-06 ('the County Forest By-law') and Town of The Blue Mountain Tree Preservation By-law No. 2010-48 ('the Municipal Tree By-law'), it has been determined that a shortfall exists with respect to tree protection within the Municipality. More specifically, the current in-force By-laws collectively protect the destroying or injuring of trees which are:

- a) Located within a '*Woodland*', as defined by the County Forest By-law, which generally pertains to land that is a minimum one (1) hectare in area and contains a specified number of trees;
- b) Located on municipally owned lands; and/or
- c) Identified on a Tree Retention Plan.

This recommendation proposes various amendments to the existing Municipal Tree By-law in order to provide interim, short-term, protections to trees which do not currently fall within the scope of either of the current County or Municipal By-laws. The intent of the amendment is to extend tree protection under the Municipal By-law to larger privately owned parcels of land located outside of residential plans of subdivision which do not currently meet the threshold for protection under the County Forest By-law. This will help to preserve trees on these larger land holdings without encumbering smaller lot owners with permit requirements for removal of trees on smaller low-density residential lots. A more comprehensive review and consultation process can unfold in order to develop appropriate long-term policies for the protection and enhancement of the tree canopy within the Municipality.

Should the proposed amendments to the current by-law be enacted by Council, then all trees within the Municipality located on privately owned lands which are a minimum of 0.5ha in area, and do not contain "woodlands" as defined by the County Forest Management By-law, will be

required to obtain a 'permit' from the Town prior to removal. As a result, any parcel of land which is 0.5ha in area will be subject to a tree preservation by-law. Similar to many other municipal jurisdictions, the administration and issuance of a 'permit' is at the sole discretion of the Director of Planning and Development Services, whom may request any additional/supporting information, as necessary, prior to issuing written approval to remove a tree. Supporting information may include, but is not limited to, the provision of an arborist' report prepared by a qualified professional. For the purpose of this recommendation, a proponent would submit a formal application and supporting information to the Director for review and consideration. If deemed appropriate, then the Director may issue written authorization for the removal of the tree.

In order to implement the "Stop-Gap" protections, the following amendments to the Town's Tree Preservation By-law No. 2010-68, are required:

a) The following definitions to be inserted under Section 1 '*Definitions*' of By-law No. 2010-68:

- i) **"Permit:** *means the written authorization of the director to destroy or injure trees, with or without conditions, at the sole discretion of the Director.*
- ii) **"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";*

b) The following clauses to be inserted under Section 2 '*Application of By-law*' of By-law 2010-68:

- i) ***"c) No person shall, within the boundaries of the Municipality, destroy or cause to be destroyed or injured any tree that is located on a lot with a minimum area of 0.5ha, without first obtaining a Permit pursuant to this By-law."***
- ii) ***"d) A Permit pursuant to this By-law shall generally not be issued to injure or destroy the following trees:***
 - (i) Trees located on lands designated in the Official Plan as:***
 - *'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; and*
 - *Other areas identified as potentially containing significant or sensitive natural heritage features.*
 - *A Permit may be issued to remove or injure trees in the above designations, subject to the provisions of appropriate studies, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary.*

- (ii) Trees identified for preservation in an approved Tree Preservation and Retention Plan; and*
 - (iii) Trees located on lands where there is no active development application under review by the Municipality.*
 - c) Inserting the following clause under Section 3 'Exemptions' of By-law 2010-68:
 - i) *"(m) A tree may be injured or destroyed, without the issuance of a Permit, where:*
 - (i) The applicant proposes to injure or destroy four (4) or fewer trees simultaneously, each with a diameter between fifteen (15) cm and thirty (30) cm;*
 - (ii) The tree has a diameter of less than fifteen (15) cm;*
 - ii) *"(n) Any tree which is subject to the County of Grey Forest Management By-law No. 4341-06".*

The proposed revisions would provide the Director of Planning and Development Services with delegated authority to authorize the removal of trees on private lands that are between 0.5ha and 0.9ha in area, subject to any reasonable conditions at the sole discretion of the Director. The current enforcement policies and penalties for non-compliance would remain in their current state. It is important to note that this option provides for an increased, interim, level of tree protection within the Municipality, however, it does not provide any policies regarding replacement nor for proactive tree canopy enhancements.

The amendments outlined above would require Class 3 Public Notice in accordance with the Town of The Blue Mountains Policy Procedure POL.COR.07.03, which includes a minimum 21-days of notice of the proposed changes to the By-law prior to them being considered by Council.

Long Term Tree Canopy Protection and Enhancement

It is also recommended that further direction also be provided with respect to the preferred long-term approach for tree preservation, so that Staff may begin developing a project plan for public consultation and ultimately the development of new tree preservation policies. At this point in time, Staff require Council direction on the scope of the future By-law prior to initiating the preparation of a project plan.

Approach 1: Town and County Coordinated By-laws

Supplementary to the measures proposed above, one policy approach that Council may consider is to maintain the current County of Grey By-law for the protection of trees within woodlands (i.e. larger than 1.0ha) and to develop and implement a new Municipal By-law which

extends protection to privately owned lands. Through the development of a new By-law, tree protection policies can be modernized to include such matters as:

- Implementation of a long-term, formal permit system for tree removal;
- Specific protection policies for development versus non-development parcels;
- Enhancement and replacement provisions;
- Appropriate exceptions to the Permit requirements.

With this approach, the Municipality will remain reliant on the County Forest Management By-law and will be responsible for developing, implementing, and enforcing a tree preservation/enhancement by-law for all lands that are not subject to the County by-law and satisfy the established minimum lot size.

Class 3 Public Notice in accordance with the Town of The Blue Mountains Policy Procedure POL.COR.07.03, would be required prior to the implementation of any By-law changes, which includes a minimum 21-days of notice of proposed changes to the By-law prior to them being considered by Council.

Approach 2: Municipal Tree Preservation By-law

The second long-term policy approach involves developing a new comprehensive Municipal Tree Preservation By-law. The new municipally enforced by-law would be extended to include trees which are within Woodlands, as defined by the County Forest Management By-law, and would no longer rely on the County By-law for the protection of any trees in the Town. Policies may be included to address tree removal, protection, replacement and enhancement, as well as penalties for non-compliance.

In order to implement this approach, the first step would be to formally request delegated authority from the County of Grey, in accordance with Section 135(8) of the Municipal Act, 2001, in order for Council to be able to legally pass a By-law respecting the destruction of injuring of trees in woodlands, as defined by Section 135(3) of the Act.

Once delegated authority is obtained, the Town would be solely responsible for developing, implementing, and enforcing a comprehensive by-law. Class 3 Public Notice in accordance with the Town of The Blue Mountains Policy Procedure POL.COR.07.03, would be required prior to the implementation of any By-law changes, which includes a minimum 21-days of notice of proposed changes to the By-law prior to them being considered by Council. It is recommended that a Public Open House also be scheduled to obtain feedback from the public prior to a Draft By-law being prepared.

Approach 3: Comprehensive Municipal Site Alteration By-law

The third long-term policy approach involves developing a comprehensive site alteration by-law which can be applied to all lands within the Municipality. The by-law would update and consolidate all by-laws pertaining to site alteration, such as those pertaining to grading and placement of fill and tree preservation, into one comprehensive *Site Alteration By-law*. The

resulting by-law would apply to all lands within the municipality regardless of size, with appropriate exceptions included as necessary.

In order to implement this option, the first step would be to formally request delegated authority from the County of Grey, in accordance with Section 135(8) of the Municipal Act, 2001, in order for Council to be able to legally pass a By-law respecting the destruction of injuring of trees in woodlands, as defined by Section 135(3) of the Act.

Once delegated authority is obtained, the Town would be solely responsible for developing, implementing, and enforcing a comprehensive by-law. The By-law would include matters pertaining to grading, fill, tree removal, tree protection and enhancement/replacement, and would also outline any permit systems or penalties for non-compliance.

Class 3 Public Notice in accordance with the Town of The Blue Mountains Policy Procedure POL.COR.07.03, would be required prior to the implementation of any By-law changes, which includes a minimum 21-days of notice of proposed changes to the By-law prior to them being considered by Council. It is recommended that a Public Open House also be scheduled to obtain feedback from the public prior to a Draft By-law being prepared.

Conclusions

Each of the three (3) long-term policy approaches require extensive community and stakeholder engagement. Upon receipt of direction pertaining to the Council-preferred option, Town Staff will prepare a follow-up report outlining the project plan, timing, and required resources to complete the initiative and implement the preferred approach.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community

F. Environmental Impacts

No direct environmental impacts are anticipated as a result of this report. The impacts of any future draft by-laws will be evaluated appropriately.

G. Financial Impact

No direct financial impacts are anticipated as a result of this report. The impacts of any future draft by-laws will be evaluated appropriately.

H. In consultation with

- The County of Grey;
- Grey Sauble Conservation Authority.

I. Public Engagement

The topic of this Staff Report has not been subject to a Public Meeting and/or a Public Information Centre at this time.

J. Attached

1. Attachment 1 – Jurisdictional Review
2. Attachment 2 – Tracked Changes for Amending By-law

Respectfully submitted,

Travis Sandberg
Planner I

Nathan Westendorp
Director of Planning and Development Services

For more information, please contact:
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519-599-3131 extension 283

<u>Jurisdiction</u>	<u>By-law Number</u>	<u>Upper/Lower Tier By-law</u>	<u>Scope/Application of By-law</u>	<u>Permit System</u>	<u>Administrator of Permits</u>	<u>Additional Prohibitions</u>	<u>Exemptions from By-law</u>	<u>Trees Not within Scope of By-law</u>
County of Grey	Forest Management By-law 4341-06	Lower Tier: TBM Tree Preservation By-law 2010-68	<p>Applies to all Woodlands within the County.</p> <p>Woodland defined as:</p> <p><i>Land that is <u>one (1) ha or more</u> in area with at least:</i></p> <p>(i) <i>1000 trees, of any size, per ha;</i></p> <p>(ii) <i>750 trees, measuring over five (5) cm in DBH;</i></p> <p>(iii) <i>500 trees, measuring over twelve (12) cm in DBH;</i></p> <p>(iv) <i>250 trees, measuring over twenty (20) cm in DBH.</i></p>	Yes	Officer, as designated by Council	<ul style="list-style-type: none"> - No harvesting or destroying trees within a woodland that may result in reducing the Basal Area of the woodlands or in the de-classification as a woodland; - General prohibition on harvesting trees within a Conifer Plantation or a Sensitive Natural Area; - All trees must be marked prior to removal; 	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - Where an exemption has been granted by Council; - Removal to erect a building or structure subject to a building permit. No trees shall be removed beyond 15m from the outer edge of the building; - Removal to install a driveway; - Where the Owner has been the registered owner for at least two-years; - Removal pursuant to a legally binding contract; - Destruction as an integral component of an active farm operation. 	Trees which are not within located within woodlands, as defined by the By-law (i.e. within woodlots that are less than 1.0ha in area, or not in a woodlot)
Town of the Blue Mountains	Tree Preservation By-law 2010-68	Upper Tier: County of Grey Forest Management By-law 4341-06	Applies to all trees identified for preservation under a tree preservation plan and any tree located on lands owned by the Municipality	Yes	Director of Planning and Building Services, through delegated authority of Council	None.	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - Regular maintenance in accordance with good arboriculture practice; - Removal of dead, diseased, or hazardous trees, when approved by the Director; - Removal of a damaged tree, when approved by the Director; - A tree removed in compliance with a tree preservation plan; - A tree on land subject to an approved woodland management plan; - Destruction as an integral component of an active farm operation; 	Trees located on private lands which are not subject to a tree preservation plan or the County of Grey Forest Management By-law (i.e. that are not located within a woodland which is 1ha or more in area)

Town of The Blue Mountains: Proposed "Stop-Gap"	Tree Preservation By-law 2010-68, as amended	Upper Tier: County of Grey Forest Management By-law 4341-06	Applies to all trees identified for preservation under a tree preservation plan, any tree located on lands owned by the Municipality, and trees located on privately owned lots which are a minimum of 0.1ha in area	Yes	Director of Planning and Building Services, through delegated authority of Council	No injuring or destroying of trees on municipal lands or on lands that are a minimum 0.1ha in area, without obtaining a permit	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - Regular maintenance in accordance with good arboriculture practice; - Removal of dead, diseased, or hazardous trees, when approved by the Director; - Removal of a damaged tree, when approved by the Director; - A tree removed in compliance with a tree preservation plan; - A tree on land subject to an approved woodland management plan; - Destruction as an integral component of an active farm operation; - When clearing four or less trees simultaneously, measuring between fifteen (15) cm and thirty (30cm) DBH - Tree measuring less than fifteen (15) cm DBH; - Any tree which is subject to the County of Grey Forest Management By-law No. 4341-06 	Trees located on any lot (public or privately owned) which is less than 0.1ha in area.
Town of Collingwood	Tree By-law 2012-84	None. Full delegated authority from Simcoe County as per Section 135(8) of <i>Municipal Act</i>	<p>Applies to the following trees located on land that is <u>0.5ha or more</u> in area:</p> <ul style="list-style-type: none"> (i) Five or more trees simultaneously, or the fifth within a calendar year, measuring between fifteen (15) cm and thirty (30) cm DBH; (ii) A tree measuring thirty (30) cm DBH or greater; (iii) Trees on municipal property; (iv) Trees located in a woodland (Woodland 	Yes	Director of Planning Services, through delegated authority of Council	<p>A Permit pursuant to the By-law, will generally not be issued for:</p> <ul style="list-style-type: none"> - Trees located on lands designated as Env. Protection, Recreation, or Rural, in the Official Plan; - Trees identified for preservation on an approved tree retention plan; - Trees located on lands where there are no development applications under active review by the municipality; - Trees on lands subject to review for Draft Plan of Subdivision which have not been draft approved; 	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - When clearing four or less trees simultaneously, measuring between fifteen (15) cm and thirty (30cm) DBH; - Tree measuring less than fifteen (15) cm DBH; - Regular maintenance in accordance with good arboriculture practice; 	Trees located on any lot (public or privately owned) which is less than 0.5ha in area

			definition is the same as the County of Grey)			<ul style="list-style-type: none"> - Trees on lands subject to an application to amend the Official Plan, Zoning By-law, or for site plan approval, which has not been granted final approval; - Endangered, threatened, or at risk tree species; - Where approval would contravene the <i>Migratory Birds Act</i> or the <i>Species at Risk Act</i>; - The removal of a historically designated tree; - Destruction of a tree not in accordance with good forestry practices; 	<ul style="list-style-type: none"> - Removal of dead, diseased, or hazardous trees, or invasive species; - A tree on land subject to an approved woodland management plan; - Destruction as an integral component of an active farm operation; 	
Town of Wasaga Beach	Tree By-law 2017-71	None. Full delegated authority from Simcoe County as per Section 135(8) of <i>Municipal Act</i>	<p>Applies to the following:</p> <ul style="list-style-type: none"> (i) Trees located within a woodland (Woodland definition is the same as the County of Grey); (ii) Trees located on lands designated as Natural Heritage System in the Official Plan; (iii) All lands within the Town where the parcel is 1.0ha in area or greater; (iv) On all lands zoned Commercial, as per the Town Zoning By-law. 	Yes	Municipal Clerk, through delegated authority of Council	<p>Permit will not be issued where:</p> <ul style="list-style-type: none"> - An application has not been submitted or a report, as required by the Clerk, has not been provided; - Permit would result in the removal of an endangered, threatened, or at risk tree species; - Permit would result in the removal of a historically designated tree; - Flood, erosion, or ecological integrity of the area would be negatively affected; - The permit is not in keeping with the intent and purpose of this By-law; - Result in de-classification of a woodland; - No permits will be issued or in effect during the period of April 15 to July 31, annually, due to bird nesting (<i>Migratory Birds Act</i>) 	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - Removal of dead, diseased, or hazardous trees, or invasive species; - Personal harvest of fire wood within a woodland to a maximum of 20 face chords annually; - Removal to erect a building or structure subject to a building permit or driveway; 	Trees located on privately owned non-commercial lands which are less than 1.0ha in area.
City of Owen Sound	By-law 1994-020	Upper Tier: County of Grey Forest Management By-law 4341-06	Applies to all trees located on lands owned by the Municipality	Yes	Municipal Arborist and designate thereof	None	<ul style="list-style-type: none"> - Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i>; - Following persons may remove, prune, or otherwise disturb a tree on municipal property: <ul style="list-style-type: none"> i. PUC General Manager ii. City Engineer iii. Parks Manager iv. Works Superintendent v. Bell Canada vi. Union Gas 	Trees located on privately owned lands

	Residential Tree Preservation Policy	Note: This is a policy, not By-law	Applies to lands subject to review of a residential development application. Pertains to retention of existing trees through development review.	No	Planning Services through the review of Development Applications	<ul style="list-style-type: none"> - Trees on steep slopes in hazard areas, ravines and un-developable areas shall be retained; - Trees within a proposed residential development shall be retained where the species is consistent with the guidelines and is unique in terms of age, size, or historical importance; - Where a tree would normally be retained, it may be removed provided a minimum of two trees are planted for each lost; - Tree removal is not permitted prior to approval of a tree retention plan. 	None.	Individual trees on existing lots of record under private ownership.
City of Barrie	Municipal Tree By-law 2014-116	Upper Tier: County of Simcoe Forest Conservation By-law No. 5635	Applies to all public trees within the boundary of the Municipality	Written approval from Director	Director of the Operations Department	<ul style="list-style-type: none"> - No removal of trees which are subject to the <i>Endangered Species Act</i> or are historically designated; - Trees may not be removed which negatively affect flood or erosion control or ecological integrity of protected areas; 	Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i> ;	All trees on privately owned lands within the Municipality
	Private Tree By-law 2014-115	Upper Tier: County of Simcoe Forest Conservation By-law No. 5635	Applies to all trees in woodlots within the boundary of the Municipality with an area of 0.2ha or greater	Yes	Designated Department Head or Officer	None.	Standard exemptions in accordance with Section 135(12) of the <i>Municipal Act</i> ;	All trees on privately owned lands which are below 0.2ha in area
	Tree Protection Manual	Note: This is a policy, not a By-law	Applies to all trees within the Municipality. Provides minimum standards for tree preservation, removal, and replacement	n/a	Designated Department Head or Officer	None.	None.	None.

**THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS
BY-LAW NO. 2010- 68**

**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;

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

1. DEFINITIONS

In this By-law,

- a) "certified arborist" means an arborist certified by the Certification Board of the International Society of Arboriculture;
- b) "destroy" means the injuring or removal of trees by cutting, burning, uprooting, chemical application or other means;
- c) "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. 199, c. F26;
- ~~e~~d) "Director" means the Director of Planning & Building Services for the Municipality or his or her designate;
- ~~e~~e) "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;
- ~~e~~f) "forest technician/technologist" means a graduate of a post-secondary school forestry and/or ecology based program;
- ~~f~~g) "forestry consultant" means a forest technician, a forest technologist, a forest/wildlife ecologist, a managed forest plan approver, or a professional forester;
- g)h) "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;
- ~~h~~i) "harvesting" means the destruction of trees and may be either a single cut or a series of cuts, and shall include logging;
- ~~h~~j) "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;
- m) "Municipality" means The Corporation of The Town of The Blue Mountains;
- n) "officer" means an individual appointed by By-law for the administration and enforcement of this By-law;
- o) "owner" means the person having the right, title, interest or equity in land;
- p) "Permit" means the written authorization of the director to destroy or injure trees, with or without conditions, at the sole discretion of the Director.
- ~~p~~q) "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;

- ~~q)~~r) "professional forester" means a professional forester as defined in the Crown Forest Sustainability Act, S.O., 1994;
- ~~r)~~s) "tree" means any species of single-stemmed perennial woody plant, which has reached or can reach a height of at least 4 metres at physiological maturity;
- ~~s)~~t) "tree farm" means land where trees are grown and maintained for sale;
- ~~t)~~u) "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;
- ~~u)~~v) "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.

2. AREA OF APPLICATION OF BY- LAW

- a) 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.
- b) 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.
- c) No person shall, within the boundaries of the Municipality, destroy or cause to be destroyed or injured, any tree that is located on a lot with a minimum area of 0.5ha, without first obtaining a Permit pursuant to this By-law
- d) A Permit pursuant to this By-law shall generally not be issued to injure or destroy the following trees:
- i) Trees located on lands designated in the Official Plan as:
- 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.
 - A Permit may be issued to remove or injure trees in the above designations, subject to the provisions of appropriate studies, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary.
- ii) Trees identified for preservation in an approved Tree Preservation and Retention Plan;
- iii) Trees located on lands where there is no active development application under review under review by the Municipality.

3. EXEMPTIONS

Section 2 of 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 of his or her agent, while making a survey;
- e) the injuring or destruction of trees imposed 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 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;
- g) the maintenance of a tree in accordance with good arboriculture practice;
- h) the removal of a dead, diseased or hazardous tree when certified as such by an individual designated or approved by the Director;
- i) 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;
- j) a tree injured or destroyed in compliance with a tree preservation plan approved by the Director;
- k) 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; ~~and,~~
- ~~l)~~ the destruction of trees occurring as an integral component of an active farm operation;
- ~~l)m)~~ A tree may be injured or destroyed, without the issuance of a permit, where:
 - ~~i)~~ The applicant proposed to injure or destroy four (4) or fewer trees simultaneously, each with a diameter between fifteen (15) cm and thirty (3) cm;
 - ~~ii)~~ The tree has a diameter of less than fifteen (15) cm.
- ~~m)n)~~ - Any tree which is subject to the County of Grey Forest Management By-law No. 4341-06

4. ADMINISTRATION

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.

5. ENFORCEMENT

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.

6. PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

- (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 \$10,000.00 or \$1,000.00 per tree, whichever is greater; and
 - b) on any subsequent conviction, to a fine of not more than \$20,000.00 or \$2,500.00 per tree, whichever is greater.
- (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 repetition of the offence by the person convicted or any other person.
- (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.

7. SHORT TITLE

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

8. 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.

9. EFFECTIVE DATE OF BY-LAW

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

Enacted and passed this day of October, 2010.

Minimum Lot Size Mapping Review

In preparation of the recommendations presented in Staff Recommendation Report PDS.19.44, Planning Staff completed a mapping review exercise in order to determine an appropriate lot size threshold for the purpose of administrating the proposed amendments to the Municipal Tree Preservation By-law. Staff mapped the effect of setting a minimum lot size of 0.5ha for properties to be subject to the tree preservation policies, which is consistent with other municipal tree protection policies. The resulting map, as included below as Figure 1, highlights all lands which are 0.5ha or greater within the Municipality. All lands highlighted in green would meet the minimum size requirement to be subject to either the existing County of Grey Forest Management By-law or the proposed amended Municipal Tree Preservation By-law. As further detailed by Figure 2 and Figure 3, a 0.5ha property size threshold would encompass the majority of larger private land holdings within the urban areas of the Town, while exempting the average low-density residential lot. In doing so, the properties which have higher potential to contain significant or large tree stands are included under the authority of either the County of Grey Forest Management By-law or the amended Municipal Tree Preservation By-law.

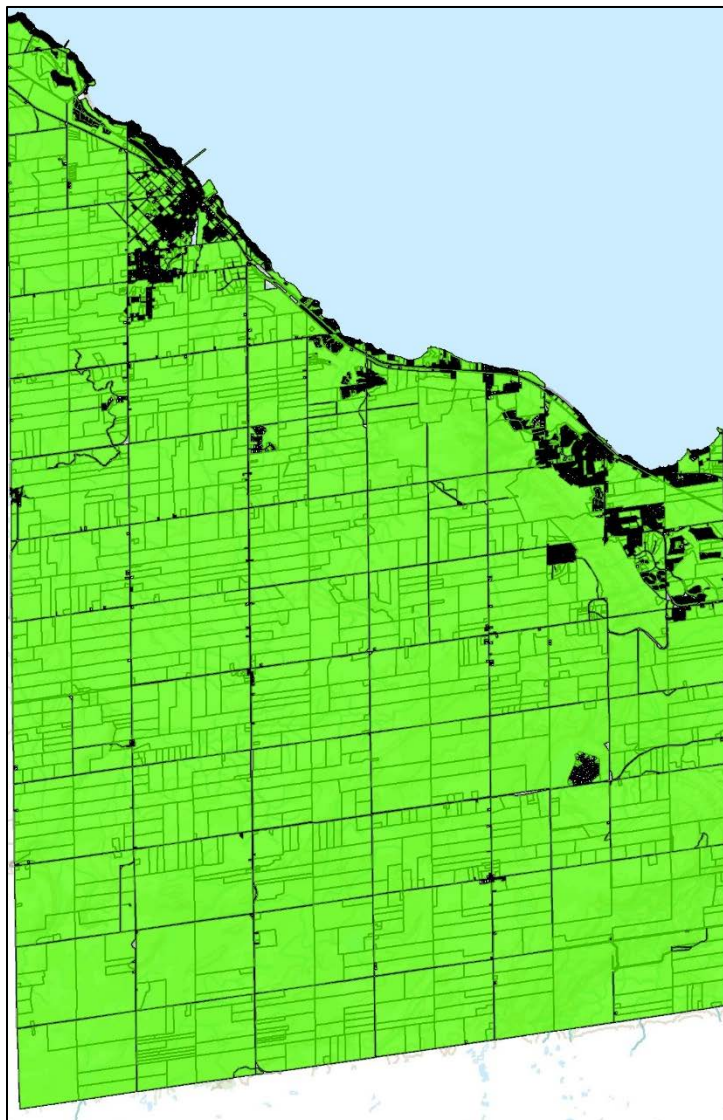


Figure 1: Properties within the Town of The Blue Mountains which are minimum 0.5ha in size are shown in green.

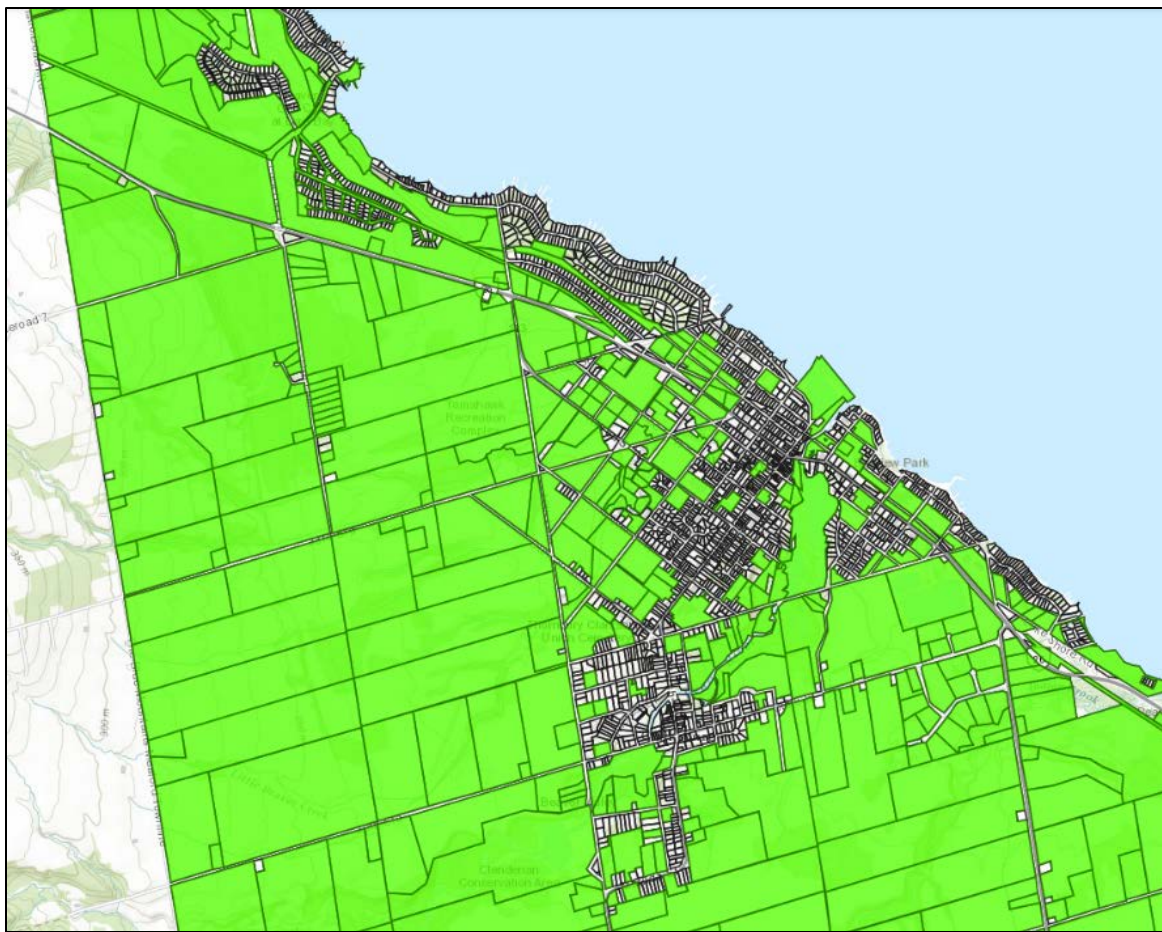


Figure 2: Properties within the Town of Thornbury and the Village of Clarksburg which are minimum 0.5ha in size are shown in green.

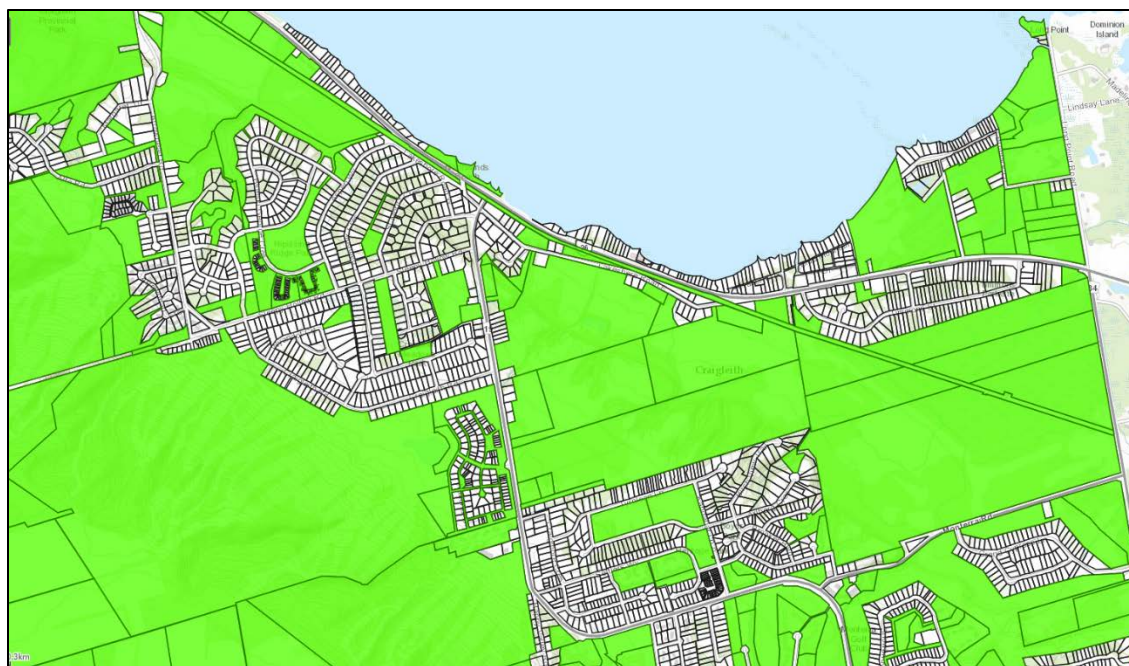


Figure 3: Properties within Village of Craigleith and surrounding areas which are minimum 0.5ha in size are shown in green.



Staff Report

Planning and Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: November 18, 2019
Report Number: PDS.19.141
Subject: Municipal Tree Preservation By-law 2010-68 – Proposed Revisions and Next Steps Report
Prepared by: Travis Sandberg, Planner

A. Recommendations

THAT Council receive Staff Report PDS.19.141, entitled “Municipal Tree Preservation By-law 2010-68 – Proposed Revisions and Next Steps Report”;

THAT Council enact a By-law to amend Municipal Tree Preservation By-law 2010-68, as outlined in Staff Report PDS.19.141, in order to implement immediate, temporary, tree protection policies on privately owned land within the Town;

AND THAT Council direct Staff to pursue negotiations with the Grey Sauble Conservation Authority to utilize their in-house professional expertise for the review of requests under the By-law;

OR

THAT Council receive Staff Report PDS.19.141, entitled “Municipal Tree Preservation By-law 2010-68 – Proposed Revisions and Next Steps Report”;

THAT Council enact a By-law to amend Municipal Tree Preservation By-law 2010-68, as outlined in Staff Report PDS.19.141, in order to implement immediate, temporary, tree protection policies on privately owned land within the Town;

AND THAT Council direct Staff to implement internal review of requests under the By-law and to investigate opportunities to recuperate staff time and resources through the 2020 Municipal Budget exercise.

B. Overview

This report provides an update and recommendations to Council with respect to proposed revisions to the current Municipal Tree Preservation By-law 2010-68. As outlined in Staff Report PDS.19.44 and presented to the Committee of the Whole on May 6, 2019, the overall intent of

the proposed amendments to By-law 2010-68 is to provide immediate controls to prevent the clear-cutting of large, undeveloped parcels of land, which do not currently fall within the scope of either of the current County or Municipal By-laws. The proposed revisions would require owners of a property that is 0.5ha in area or greater to obtain written approval from the Town prior to injuring/destroying a tree on the property.

C. Background

As a result of the enactment of Bill 68, titled *Modernizing Ontario's Municipal Legislation Act, 2016*, and public concern regarding tree cutting occurring within the municipality, Council provided direction to Staff in January of 2019 to develop interim policies to provide for tree protection on private lands within the Municipality, while a robust comprehensive corporate tree strategy is developed by the Sustainability Committee.

Staff Recommendation Report PDS.19.44 was presented to Committee of the Whole in May of 2019, wherein Staff recommended various revisions to the existing Municipal Tree Protection By-law 2010-68 in order to effect immediate controls on tree cutting on private lands within the Municipality. Through the review of existing By-laws, it was noted that the County of Grey Forest Management By-law is woodland based, as opposed to parcel or property based, and as such is only applicable to identified woodlands which are 1ha or greater in size. Given Council's intent to limit tree cutting on individual parcels which are not within woodlands identified by the County, having a Town By-law based on the woodlands approach was expected to introduce further complications in getting an update to the Town By-law in a timely manner. With the proposed amendments at the Municipal level, it is intended that the revised Tree Protection By-law will supplement the County of Grey Forest Management By-law to expand tree protection within the Municipality to privately owned properties which do not contain woodlands identified by the County of Grey. Staff were further directed by Council to proceed with a formal public engagement process to obtain comment on the proposed revisions from the general public.

A Public Meeting was held on July 3, 2019, wherein generally positive comments were received from the Public. A summary of all comments received, and responses thereto, are provided in Attachment #2 to this report. Comments received from the general public can be categorized into the following general themes:

- **Property Size:** The By-law should capture more properties and be applicable to all lands within the Town. The upper threshold of 0.9ha may create additional 'gaps' and inadvertently leave some properties outside of the scope of both the County of Grey and Municipal Tree By-laws;
- **Timeline for Exemptions under Section 3.1(o) of the By-law:** A timeline should be established for the removal of 'four or fewer trees' simultaneously. With the existing wording, it is not clear if trees can be removed on a daily, weekly, monthly basis;
- **Implementation and Enforcement:** How will these changes be implemented and enforced?
- **Exemptions:** Additional exemptions should be considered (i.e. what about firewood for personal use? Agricultural uses? Native vs. Non-native/invasive species?);

- **Existing lots in Plans of Subdivision:** Will these changes apply to existing lots in plans of subdivision?

In addition to the public comments, Council also provided the following comments at the Public Meeting:

- Should a definition of “woodland” be included?
- A Flow Chart should be created to outline the application review process;
- Section 3(b) – What does “activities of the corporation” entail?
- Section 3(m)(i)- consider implementing a calendar year timeline for the exemption;
- Why was the lot size set at a minimum area of 0.5ha?
- Firewood exemption?

It is important to highlight that the proposed interim tree protection policies and the associated implementation strategy will not govern every tree on every property within the Municipality. However, it is Staff’s opinion that the proposed changes will provide for the immediate controls sought by Council in order to prevent the clear-cutting of large, undeveloped parcels of land, which do not currently fall within the scope of either of the current County or Municipal By-laws.

D. Analysis

The following sections provide an overview of the comments received from the public and agencies and introduces a proposed work-flow for implementing the proposed changes.

Summary of the Proposed Revisions

While no major objections were received through the Public Meeting process, Staff have further refined the proposed revisions in consideration of the comments received from the public and agencies.

In order to implement the immediate “Stop-Gap” protections, the amendments to the Town’s Tree Preservation By-law No. 2010-68 outlined below are required. These revisions have been refined in consideration of public comments received :

- a) The following definitions to be inserted under Section 1 ‘Definitions’ of By-law No. 2010-68:
 - i) **“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”;*
 - ii) **“Director:** *means the Director of Planning & Development Services for the Municipality or his or her designate, as outlined in the Town’s Delegation By-law, as amended”;*

- iii) ***"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";*
 - iv) ***"Permit:** means the written authorization of the Director to destroy or injure trees, with or without conditions, at the sole discretion of the Director";*
 - v) ***"Woodland:** 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
 - (iv) 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".*
- b) The following clauses to be inserted under Section 2 'Application of By-law' of By-law 2010-68:
- i) "c) No person shall, within the boundaries of the Municipality, destroy or cause to be destroyed, any tree that is located on a parcel with a minimum area of 0.5ha, without first obtaining a Permit pursuant to this By-law. Subject to Section 3 of this By-law, a Permit shall be obtained from the Town in the following cases:
 - i) When the applicant proposes to destroy five (5) or more trees simultaneously or in a given calendar year, regardless of diameter; and
 - ii) When the applicant proposes to destroy a tree with a minimum diameter of thirty (30) cm or more."
 - ii) "d) A Permit pursuant to this By-law shall generally not be issued to destroy a tree within the following land use designations of the Official Plan, unless supported by appropriate studies and reports, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary:
 - '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; and*
 - *Other areas identified as potentially containing significant or sensitive natural heritage features.*
 - *A Permit may be issued to remove or injure trees in the above designations, subject to the provisions of appropriate studies, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary.*
- iii) *"e) A Permit pursuant to this By-law shall generally not be issued to destroy trees identified for preservation in an approved Tree Preservation and Retention Plan";*
- iv) *"f) A Permit pursuant to this By-law shall generally not be issued to destroy trees located on lands where there is no active development application under review by the Municipality".*
- c) Inserting the following clause under Section 3 'Exemptions' of By-law 2010-68, and renumbering the subsequent clauses accordingly:
- i) *"a) Land parcels which are less than 0.5ha in size";*
 - ii) *"(j) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species";*
 - iii) *"(n) The cutting of firewood for personal use to a maximum of twenty (20) face cords per calendar year"*
 - iv) *"(o) 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, provided that the trees are not located within one of the designations of the Official Plan outlined under Section 2(d) of this By-law";*
 - v) *"(p) A tree may be injured or destroyed, without the issuance of a Permit, where:*
 - (i) 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;*
 - (ii) The tree has a diameter of less than fifteen (15) cm";*
 - vi) *"(q) Any tree which is subject to the County of Grey Forest Management By-law No. 4341-06".*
- d) Inserting the following text under Section 5 'Enforcement', of By-law 2010-68:

i) *“As assigned by the Director”.*

The proposed amendments are intended to provide immediate controls to prevent the clear-cutting of large, undeveloped parcels of land, which do not currently fall within the scope of either of the current County or Municipal By-laws. The proposed revisions would require owners of property that is 0.5ha in area or greater to obtain written approval from the Town prior to injuring/destroying a tree on the property and excludes most existing residential lots in the Town.

Proposed Implementation Strategy

Implementation of the proposed tree protection policies would be conducted through a form of Municipal ‘permit’ system. Any property owner wishing to injure/destroy a tree on their property, which does not fall under one of the exemptions outlined in the By-law, would be required to obtain written permission, i.e. a ‘permit’ for the purpose of the By-law, from the Town prior to completing the works. The application/review process is broken down into six main steps to aide residents in determining if and when they would be required to obtain a permit to injure/destroy a tree, as outlined in Attachment #3 to this report.

For the purpose of the interim tree protection policies, a formal ‘permit’ would consist of written approval from the Municipality in the form of an email or letter in response to a request to injure or destroy a tree. In order to obtain a permit, a property owner would be required to complete and submit a *‘Request to Injure/Destroy a Tree’* form, as attached as Attachment #4. In conjunction with the request form, a property owner would also be required to provide a basic sketch indicating the approximate location of the tree(s) in question and would also be required to mark the tree on-site using surveyor’s tape, or similar material. At this point in time, application fees are not included in Staff’s recommendations and shall be determined through 2020 municipal budget deliberations. Until such a time that an appropriate fee is established through the 2020 budget exercise, no fee would be required to be paid on submission of a request to injure/destroy a tree.

The Grey Sauble Conservation Authority (‘GSCA’) currently administers the County Forest Management By-law and has internal staff expertise available for such purposes. Staff recommend that all requests received by the Town be forwarded to the GSCA for review. Review timelines would depend on GSCA staff availability. Town Staff have had discussions with the GSCA in this regard, however, final implementation of this process would be subject to Council’s support of this By-law. Formal confirmation of the GSCA’s role would be pursued immediately and could potentially require a minor revision to the existing Service Agreement with the Town.

Should an applicant wish to not await GSCA review of their request, then they will also be able to provide an Arborist Report, prepared by a qualified professional, at the time of submission of their request to the Town. Any report submitted may be subject to peer review by a qualified independent consultant at the Director’s discretion. The cost of both the preparation of the initial report, as well as the peer review, would be born solely by the applicant.

Upon completion of review, the applicant would then be issued a written response from the Town indicating whether or not the request has been approved. For the purpose of the temporary, interim, policies, no formal appeal process is proposed by Staff, however, an applicant would be able to make a request directly to Council in the event that the request is denied by Staff.

Conclusions

As a result of public comment and agency consultation, Staff recommend that Council enact the proposed revisions to the existing Municipal Tree Protection By-law 2010-68, in order to provide immediate, interim, protection to trees on larger land holdings. While the proposed revisions and implementation strategy are not adequate for a long-term, permeant, tree protection protocol, Staff are satisfied that the proposal would achieve Council's goal of providing immediate controls on tree removal while a more comprehensive tree strategy can be developed.

E. The Blue Mountains Strategic Plan

Goal #1: Create Opportunities for Sustainability
Objective #5 Improved Visibility and Local Identity

Goal #3: Support Healthy Lifestyles
Objective #1 Promote the Town as a Healthy Community
Objective #4 Commit to Sustainability

F. Environmental Impacts

The proposed revisions would have a generally positive impact on the environment through controlled preservation of existing trees within the municipality.

G. Financial Impact

The proposed changes will have a short-term financial impact on the Municipality with respect to Staff time in accepting requests and general administration of the permit system. Appropriate fees to recover Staff time and reimburse the GSCA for their role in the process should be investigated through the 2020 Municipal Budget exercise.

H. In consultation with

Council and the general public through the circulation of the Notice of Public Meeting. Additional consultation has also taken place with:

- Councilor Andrea Matrosov;
- Tim Lanthier, Grey Sauble Conservation Authority;
- Randy Scherzer, Director Planning and Development, County of Grey.

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on July 3, 2019.

J. Attached

1. Tracked Changes Version of Proposed Amendments to By-law 2010-68;
2. Public Comment Response Matrix
3. Resident's Guide to Tree Cutting in the Town of The Blue Mountains
4. DRAFT 'Request to Destroy a Tree' Form

Respectfully submitted,

Travis Sandberg
Planner I

Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

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

BY-LAW NO. 2010- 68

**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;

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

1. DEFINITIONS

In this By-law,

- a) "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;
- b) "destroy" means the injuring or removal of trees by cutting, burning, uprooting, chemical application or other means;
- c) "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. 199, c. F26;
- ~~e~~d) "Director" means the Director of Planning & Development Services for the Municipality or his or her designate, as outlined in the Town's Delegation By-law, as amended;
- ~~d~~e) "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;
- ~~e~~f) "forest technician/technologist" means a graduate of a post-secondary school forestry and/or ecology based program;
- ~~f~~g) "forestry consultant" means a forest technician, a forest technologist, a forest/wildlife ecologist, a managed forest plan approver, or a professional forester;
- ~~g~~h) "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;
- ~~h~~i) "harvesting" means the destruction of trees and may be either a single cut or a series of cuts, and shall include logging;
- ~~i~~j) "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;
- p) "owner" means the person having the right, title, interest or equity in land;
- q) "Permit" means the written authorization of the director to destroy or injure trees, with or

without conditions, at the sole discretion of the Director.

- Ⓡ) "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;
- Ⓢ) "professional forester" means a professional forester as defined in the Crown Forest Sustainability Act, S.O., 1994;
- Ⓣ) "tree" means any species of single-stemmed perennial woody plant, which has reached or can reach a height of at least 4 metres at physiological maturity;
- Ⓤ) "tree farm" means land where trees are grown and maintained for sale;
- Ⓥ) "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;
- Ⓦ) "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.
- x) "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
 - (iv) 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

- a) 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.
- b) 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.
- c) No person shall, within the boundaries of the Municipality, destroy or cause to be destroyed, any tree that is located on a parcel with a minimum area of 0.5ha, without first obtaining a Permit pursuant to this By-law. Subject to Section 3 of this By-law, a Permit shall be obtained from the Town in the following cases:
 - i) When the applicant proposes to destroy five (5) or more trees simultaneously or in a given calendar year, regardless of diameter; and
 - ii) When the applicant proposes to destroy a tree with a minimum diameter of thirty (30) cm or more.
- d) A Permit pursuant to this By-law shall generally not be issued to destroy a tree within the following land use designations of the Official Plan, unless supported by appropriate studies and reports, such as a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary:
 - Future Secondary Plan Area;
 - Special Study Area;

Refer to same requirements as per Subsection d above (i.e. environmental reports, etc.)

- 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.

- e) A Permit pursuant to this By-law shall generally not be issued to destroy trees identified for preservation in an approved Tree Preservation and Retention Plan;
- f) A Permit pursuant to this By-law shall generally not be issued to destroy trees located on lands where there is no active development application under review by the Municipality.

3. EXEMPTIONS

Section 2 of this By-law does not apply to:

- a) Lands parcels which are less than 0.5ha in size;
- ~~a)~~b) activities or matters undertaken by the Municipality or the County of Grey or any local board thereof;
- ~~b)~~c) activities or matters undertaken by a conservation authority as defined by the *Conservation Authorities Act*;
- ~~e)~~d) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*;
- ~~d)~~e) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying of his or her agent, while making a survey;
- ~~e)~~f) the injuring or destruction of trees imposed 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)~~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;
- ~~g)~~h) the maintenance of a tree in accordance with good arboriculture practice;
- ~~h)~~i) the removal of a dead, diseased or hazardous tree when certified as such by an individual designated or approved by the Director;
- j) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species;
- ~~i)~~k) 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;
- ~~j)~~l) a tree injured or destroyed in compliance with a tree preservation plan approved by the Director;
- ~~k)~~m) 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;
- n) The cutting of firewood for personal use to a maximum volume of twenty (20) face cords per calendar year;
- o) 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, provided that the trees are not located within one of the designations of the Official Plan outlined under Section 2(d) of this By-law;
- ~~h)~~p) A tree may be injured or destroyed, without the issuance of a permit, where:
 - i) 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; or
 - ~~i)~~ii) The tree has a diameter of less than fifteen (15) cm.
- ~~m)~~q) - Any tree which is subject to the County of Grey Forest Management By-law No. 4341-06

4. ADMINISTRATION

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.

5. ENFORCEMENT

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.

6. PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

- (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 \$10,000.00 or \$1,000.00 per tree, whichever is greater; and
 - b) on any subsequent conviction, to a fine of not more than \$20,000.00 or \$2,500.00 per tree, whichever is greater.
- (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 repetition of the offence by the person convicted or any other person.
- (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.

7. SHORT TITLE

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

8. 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.

9. EFFECTIVE DATE OF BY-LAW

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

Enacted and passed this day of October, 2010.

ITEM	Author	Comments	Staff Comment	Proposed Modifications
1	Grey Sauble Conservation Authority	<ol style="list-style-type: none"> Section 2(d)(i): Why will permits generally not be issued for tree removal within ‘escarpment’, ‘wetlands’, and ‘ANSI’ designations? If done properly, removing trees in these areas should not have a large impact on the health of the area Section 3(b): What does “activities” encompass? Section 3(l): ‘integral component of an active farm operation’ – does this apply to any parcel with agricultural activities? Is there a definition of ‘active farm operation’? Section 3(m): is there a timeframe associated with the removal of 4 or less trees between 15-30cm DBH and any tree less than 15cm? Does point ii) mean all trees less than 15cm DBH can be removed? Section 4: does the Director have final say on all permits? Is there a process to appeal? Section 6(3): Are there replacement/replanting policies? 	<ol style="list-style-type: none"> Permits to injury/destroy trees in these designations will not generally be issued, however, a permit may be issued subject to the provision of a Certified Arborist Report, Environmental Impact Study, or any other report that the Director deems necessary (Section 2(d); “Activities” refers to any activity of the Conservation Authority. Conservation Authorities are not required to obtain a permit prior to the injury/destruction of a tree; “farm operation” is a defined term within the By-law. Revised wording is proposed for added clarity. A time frame of a “given calendar year” has been included in the exemption under Section 3(p)(i). This timeframe is consistent with similar exemptions provided in other municipal tree by-laws. Section 3(m)(ii) allows all trees under 15cm DBH to be removed without a permit. The Director has final say on all permits. For the purpose of the stop-gap By-law, no special appeal process is proposed to be established. It is recommended that this be explored by the Sustainability Committee in the development of the long-term municipal tree canopy policies; The stop-gap by-law does not propose any specific replacement or replanting policies. It is recommended that this be explored by the Sustainability Committee in the development 	<ol style="list-style-type: none"> None; None; Section 3(l) to be deleted in its entirety and replaced with the following text as Sub-clause (o): <i>“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, provided that the trees are not located within one of the designations of the Official Plan outlined under Section 2(d) of this By-law”;</i> Section 3(p)(i) to be revised to the following: <i>“The applicant proposes to injure or destroy four (4) or fewer trees simultaneously <u>or</u> in a <u>given calendar year</u>, each with a diameter between fifteen (15) cm and thirty (30)cm”;</i> None; None.

ITEM	Author	Comments	Staff Comment	Proposed Modifications
			of the long-term municipal tree canopy policies.	
2	Betty Muise, Resident	1. Proposed 0.5ha-0.9ha threshold for property sizes should be expanded.	1. The 0.9ha maximum parcel size has been removed from the proposed By-law in order to ensure that larger land parcels which are not subject to the County Forest Management By-law are included in the Municipal By-law. The 0.5ha minimum lot size is intended to encapsulate larger land holding and not encumber individual home/property owners at this time. It is recommended that the Sustainability Committee review the scope of any future policies in the development of the long-term municipal tree canopy policies.	1. Remove “-0.9ha” threshold from the By-law.
3	Tobias Effinger, Arboreal Tree Care	<ol style="list-style-type: none"> 1. Are any exemptions being considered for invasive species? 2. Are any considerations being considered for removal of Native vs. Non-native species? 3. A Municipal Arborist Certification program could be useful in the implementation of the program. 4. What will the permit fee be? Application requirements? 5. “Certified Arborist” definition should also include certification from Provincial Ministry of Training, College and Universities as well as ISA; 6. Canopy Enhancement policies should be considered; 	<ol style="list-style-type: none"> 1. An additional exemption has been included to permit the removal of invasive tree species without a permit from the Municipality; 2. At this time, specific policies for native vs. non-native species are not being considered. It is recommended that this item be reviewed by the Sustainability Committee in the development of long-term municipal tree canopy policies; 3. Noted. It is recommended that this item be reviewed by the Sustainability Committee in the development of long-term municipal tree canopy policies; 4. No fee is proposed at this time. Appropriate fees to be determined through 2020 Municipal Budget exercise. Application requirements will include a completed request form, site sketch showing location of tree(s) in question, and for the tree to be marked on-site. 5. Noted. The definition has been revised to include the reference to the additional recognized certification for arborists; 	<ol style="list-style-type: none"> 1. Section 3 to be revised by inserting a new subclause j, as outlined below, and renumbering the remaining subclauses accordingly: <i>“j) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species”;</i> 2. None; 3. None; 4. None; 5. The following text has been inserted into the proposed By-law: <i>“or who possess appropriate certification from the Ministry of Training, College and Universities”</i> 6. None.

ITEM	Author	Comments	Staff Comment	Proposed Modifications
			6. Canopy enhancement policies will be considered by the Sustainability Committee in the development of long-term municipal tree canopy policies.	
4	Beverly Campbell, Resident	1. What about smaller lots in Plans of Subdivisions?	The intent of the proposed amendments is to provide immediate policies to prevent clear-cutting of larger land holdings. A comprehensive, long-term municipal tree strategy is to be developed by the Sustainability Committee, wherein including smaller residential lots may be considered.	1. None.
5	John McGee, Resident	1. Smaller trees in urban areas need protection as well – is there any consideration for requiring transplantation rather than removal?	The intent of the proposed amendments is to provide immediate policies to prevent clear-cutting of larger land holdings. A comprehensive, long-term municipal tree strategy is to be developed by the Sustainability Committee, wherein tree enhancement/replacement policies may be considered.	1. None.
6	Pamela Spence, Resident	1. Size exemptions should be removed; 2. By-law should apply to all lots and all trees; 3. Is there a timeframe for exemption under Section 3(m); 4. Section 2(d): Hazard and Shoreline Hazard zones should also be included; 5. Administration should not be with Planning Services, as there is potential for perceived conflicts of interest; 6. Town should consider creating a Sustainability Department to promote green infrastructure	1. A time frame of a “given calendar year” has been included in the exemption under Section 3(p)(i). This timeframe is consistent with similar exemptions provided in other municipal tree by-laws; 2. A more expansive/comprehensive scope for tree protection policies should be explored by the Sustainability Committee; 3. A timeframe has been included in the exemption under Section 3(p)(i); 4. Section 2(d) includes the Hazard Land designation of the Official Plan. The Official Plan does not include a shoreline hazard designation; 5. The proposed permit system will be generally administered by Planning Services. However, review of requests will be conducted by either the GSCA or by a qualified third-party consultant; 6. Noted.	1. Section 3(p)(i) to be revised to the following: “ <i>The applicant proposes to injure or destroy four (4) or fewer trees simultaneously in a given calendar year, each with a diameter between fifteen (15) cm and thirty (30)cm</i> ”; 2. None; 3. See 1 above; 4. None; 5. None; 6. None.

ITEM	Author	Comments	Staff Comment	Proposed Modifications
7	Moreen Sutton, Resident	1. Can the By-law apply to smaller lots?	1. The intent of the proposed amendments is to provide immediate policies to prevent clear-cutting of larger land holdings. A comprehensive, long-term municipal tree strategy is to be developed by the Sustainability Committee, wherein including smaller residential lots may be considered.	1. None.
8	Lucy Richmond, Resident	1. Enforcement should be done by a qualified arborist	1. The proposed permit system will be generally administered by Planning Services. However, review of requests will be conducted by either the GSCA or by a qualified third-party consultant;	1. None.
9	Council Comments	1. Include a definition of “woodland”; 2. Include flow charts for application process; 3. Section 3 – what does “activities” include? 4. Section 3(m)(i) – is there a time frame for this exemption? 5. Why is 0.5ha the minimum parcel size? 6. An exemption for personal consumption (i.e. firewood) should be included; 7. An exemption for ‘managed woodlots’ should be included; 8. Will this By-law apply to existing development within Plans of Subdivision?	1. The definition of “woodland”, as per the County of Grey Forest Management By-law, has been inserted into the proposed By-law; 2. Flow charts have been completed and are included in the Recommendation Report; 3. This clause exempts the Municipality from having to obtain a permit prior to the injury/destruction of a tree on Municipal property; 4. A time frame of a “given calendar year” has been included in the exemption under Section 3(p)(i). This timeframe is consistent with similar exemptions provided in other municipal tree by-laws; 5. 0.5ha is recommended as it will achieve the goal of Council to establish immediate controls on the clear-cutting of large, undeveloped parcels of land. Extending the policies to all properties would involve extensive administrative staff time and would not achieve the immediate protection of trees on large, undeveloped, properties, as desired by Council. A comprehensive tree strategy should be developed to include tree cutting policies for smaller lots; 6. An additional exemption for personal consumption has been inserted;	1. The following text has been inserted into the proposed By-law: x) “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 (iv) 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. None; 3. None; 4. Section 3(p)(i) to be revised to the following: “The applicant proposes to injure or destroy four (4) or fewer trees simultaneously or <u>in a given calendar year</u> , each with a diameter between fifteen (15) cm and thirty (30)cm”; 5. None;

ITEM	Author	Comments	Staff Comment	Proposed Modifications
			<div><div>7.</div><div>An exemption for ‘managed woodlots’ is included in the existing By-law under Section 3(m);</div></div> <div><div>8.</div><div>The intent of the revisions to this By-law is to prevent loss of trees on larger land holdings in the Town while more comprehensive, long-term tree enhancement policies are developed by the Sustainability Committee. As such, the By-law generally does not apply to smaller residential lots within registered plans of subdivision.</div></div>	<div><div>6.</div><div>Section 3 to be revised by inserting a new subclause m, as outlined below, and renumbering the remaining subclauses accordingly: “n) <i>The cutting of firewood for personal use to a maximum volume of 20 face chords per calendar year</i>”;</div></div> <div><div>7.</div><div>None;</div></div> <div><div>8.</div><div>None.</div></div>

**Do I Need A Permit to Injure/Destroy a Tree on my Property? A
Resident's Guide to Tree Cutting in the Town of The Blue Mountains**

- Step 1:** Refer to the attached 'County Woodland Map' and confirm if your property contains any County Woodlands.
- If yes, then you may require permission from the County of Grey prior to injuring/destroying any trees. Please refer to the following website for more information on how to initiate the County review process:
<https://www.grey.ca/forests-trails>
 - If no, then proceed to Step 2 below.
- Step 2:** Is your property equal to or less than 0.5ha in total area?
- If yes, then a Municipal permit to destroy trees is not required;
 - If no, then proceed to Step 3 below.
- Step 3:** Does the subject tree fall under an exemption listed under Section 5.3 of the By-law?
- If yes, then a Municipal permit to destroy trees is not required;
 - If no, then proceed to Step 4 below.
- Step 4:** Complete 'Request to Destroy a Tree' and submit the completed form to the Town for review. A site sketch shall

also be provided illustrating to approximate location of the subject tree on the property.

Step 5: Using colored survey tape, or a similar type of marker, mark the tree proposed to be removed and await review of your request by the Town (NOTE: Do not use any type of paint, spray paint, nails, screws, or other type of marker which could adversely impact the health of the tree, to mark the subject tree).

Step 6: Review of the Request by Town and/or GSCA Staff.

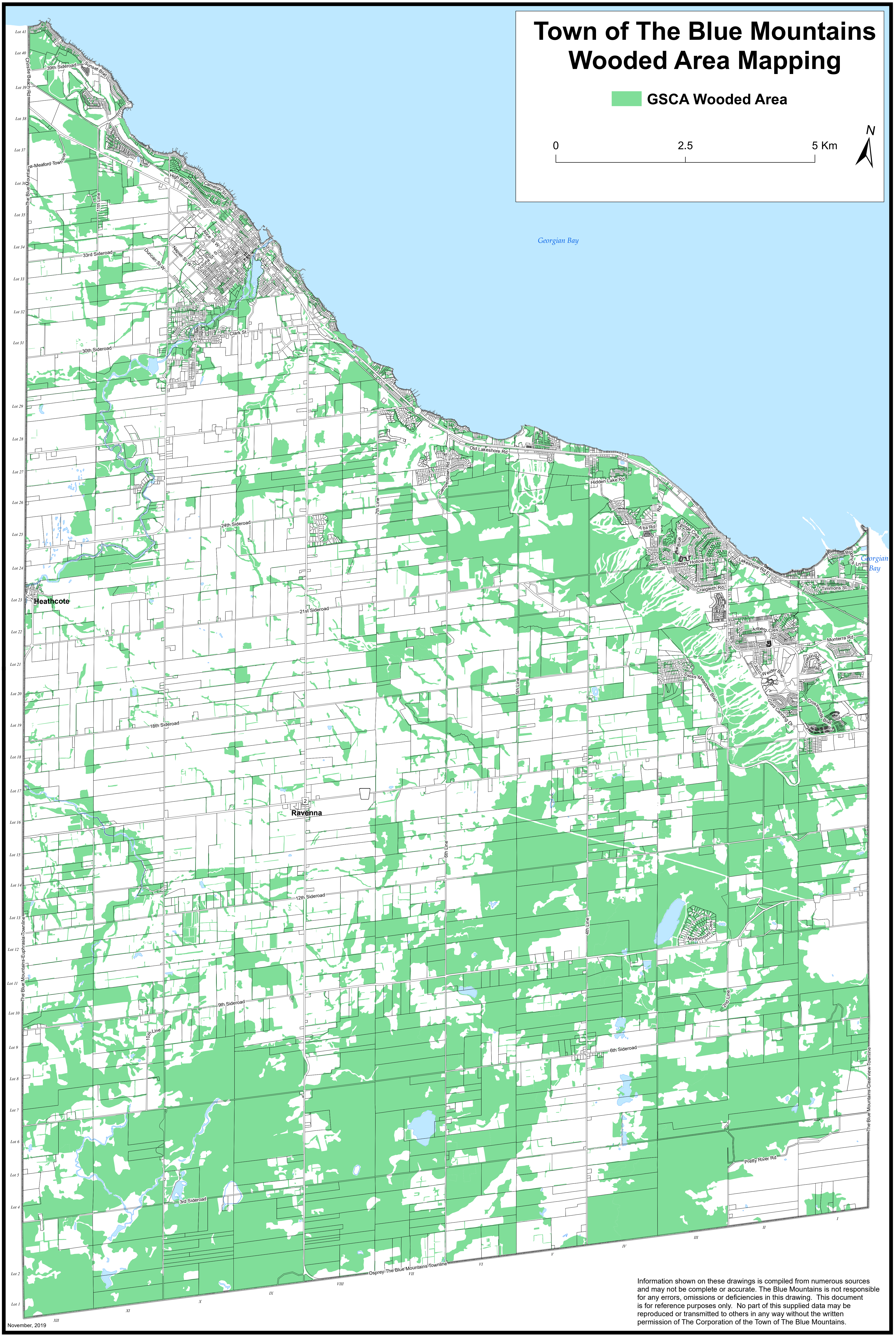
Step 7: Results of review submitted to the Director.

Step 8: If your request is approved, a permit will be issued. Upon issuance, you may proceed with the removal of the tree. If your request is denied, removal of the subject tree may not occur.

Town of The Blue Mountains Wooded Area Mapping

 GSCA Wooded Area

0 2.5 5 Km



Information shown on these drawings is compiled from numerous sources and may not be complete or accurate. The Blue Mountains is not responsible for any errors, omissions or deficiencies in this drawing. This document is for reference purposes only. No part of this supplied data may be reproduced or transmitted to others in any way without the written permission of The Corporation of the Town of The Blue Mountains.

The Town of the Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0
Tel.: (519) 599-3131
Fax: (519) 599-3018
Email: planning@thebluemountains.ca



REQUEST TO DESTROY A TREE

FOR OFFICE USE ONLY

APPLICATION RECEIVED (date) _____ FILE NO: _____

1. (a) **Name of Registered Property Owner:** _____

Mailing Address: _____

Tel. No.: _____ Email: _____

(b) **Name of Applicant/Authorized Agent:** _____

Mailing Address: _____

Tel. No.: _____ Email: _____

2. **Description of the subject land:**

Assessment Roll No.: _____

Concession No.: _____ Lot No.: _____

Registered Plan No.: _____ Lot(s)/Block(s): _____

Reference Plan No.: _____ Part(s): _____

Municipal Address: _____

3. **Detailed Description of work applied for and the reason for the removal:**

4. **What is the current Official Plan designation and Zoning By-law classification applied to the subject lands?**

Zoning By-law: _____

Official Plan: _____

3. Information on the Property and Tree(s) to be Removed

A Site Sketch shall be provided which includes the following information:

- The Property Boundary and dimensions;
- Adjacent Roadways;
- Location of buildings, structures, driveways, and any other man-made feature on the lands;
- Location of all natural heritage features (i.e. streams, wetlands, slopes, etc.);
- Location, number, extent, and size of tree(s) to be destroyed;

4. Description of the Tree(s) to be destroyed:

a) Approximate number of trees:

b) Species Type (common name, botanical name):

c) Diameter at Breast Height:

d) Approximate age:

e) Do the lands contain 'woodlands' as defined by the County of Grey Forest Management By-law, as amended?

Yes

No

5. Proposed timing for works:

Does the proposed timeline comply with the Migratory Birds Act?

Yes

No

6. Has the subject tree(s) been marked for destruction?

Yes

No

7. Please be aware that the following conditions apply to all permissions to destroy trees:

- i) Unnecessary destruction of any tree not authorized by the permit is prohibited. Destruction of any tree not authorized by the Permit shall render the permit null and void;



DECLARATION OF OWNER OR AUTHORIZED AGENT

I/We _____ of the _____
(Name of Owner or Authorized Agent) (e.g. Town of the Blue Mountains)

in the _____
(e.g. County of Grey)

make oath and solemnly declare that the information contained above and that the information contained in any documents that accompany this application is true and that I make this declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the **Canada Evidence Act**.

EXECUTION OF THIS DECLARATION MUST BE WITNESSED BY A COMMISSIONER OF OATHS.

Sworn or declared before me at the _____ of _____ in the _____ of _____ this _____ day of _____ 20____

Applicant Signature Applicant Name (Print)

I have authority to bind the Corporation ☐

Commissioner of Oaths Commissioners Seal



AUTHORIZATION OF APPLICANT/AGENT

I/We, the undersigned, being the registered owner(s) of

(Legal description or municipal address)

in the Town of the Blue Mountains, hereby authorize

(Print name of agent and/or company)

as my/our agent for the purpose of submitting application(s) to the Town of The Blue Mountains and acting on my/our behalf with respect to the application. The authority granted by this authorization shall continue until I shall have revoked such authority in writing, and delivered such written revocation to the Town of The Blue Mountains Planning and Development Services Department. No such revocation shall invalidate any action taken by the authorized applicant/agent prior to the date the Town of The Blue Mountains received such written revocation.

Dated the _____ day of _____, 20__.

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

☐

I have authority to bind the Corporation

(Name of corporation, if applicable)

(Signature of owner or signing officer)

(Please print the full name and position of the individual signing)

☐

I have authority to bind the Corporation

(Name of corporation, if applicable)



PERMISSION TO ENTER

Date: _____

The Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, Ontario N0H 2P0
Tel.: (519) 599-3131
Fax: (519) 599-3018

To Whom It May Concern,

RE: Request to Destroy a Tree

Location of Land: _____
(Municipal Address)

I hereby authorize staff members, consultants, and/or designates of the Town of The Blue Mountains to enter onto the above-noted property for the limited purposes of evaluating the merits of this application.

Signature of owner or authorized agent

Please print name



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole
Meeting Date: August 24, 2021
Report Number: PDS.21.080
Title: Tree By-Law Update and Directions Report
Prepared by: Travis Sandberg, Planner II

A. Recommendations

THAT Council receive Staff Report PDS.21.080, entitled “Tree By-Law Update and Directions Report”;

AND THAT Council direct Staff to implement Option 1, as outlined in Staff Report PDS.21.080, which includes the following:

- a) To direct Staff to complete housekeeping updates to Municipal Tree Preservation By-law 2021-68, as necessary, in order to ensure coordination with any updates completed by the County of Grey regarding County Forest Management By-law 4341-06, as amended; and
- b) To consider the development of a Comprehensive Tree Strategy/Urban Forest Management Plan based upon completion of the Natural Heritage Study (in 2022 subject to budgeting).

B. Overview

This report provides an overview of the results of public survey and comments received by the Town regarding potential updates to the Town’s Municipal Tree Preservation By-law 2010-68. Recommendations with options are also included for Council’s consideration.

C. Background

As a result of the enactment of Bill 68, titled *Modernizing Ontario’s Municipal Legislation Act, 2016*, and public concern regarding tree cutting occurring within the municipality, Council provided direction to Staff in early 2019 to develop interim policies to provide for tree protection on private lands within the Municipality, while a more robust comprehensive corporate tree strategy is explored in 2020 with input from the Sustainability Committee.

In November 2019, Council directed Staff to complete additional public consultation to gain further feedback from the public. A public Open House was initially scheduled for March of

2020; however, it was postponed to March 24, 2021, due to restrictions imposed by COVID-19. A public survey was released following the March 2021 Open House to obtain further comment and feedback from the public with respect to tree preservation and protection in the Municipality. The public survey period was completed on May 14, 2021, and this report provides an overview of the general trends and results of the public survey and comments received through the public Open House process.

D. Analysis

Municipal Act Authority to establish a Tree By-law

Municipal authority to establish by-laws to regulate or prohibit the destruction or injuring of trees is provided under the Ontario Municipal Act, 2001 ("Municipal Act").

More specifically, Section 270 of the Municipal Act, requires municipalities to develop and maintain policies regarding the manner in which the municipality will protect and enhance tree canopy and natural vegetation in the Municipality.

In addition to Section 270, Section 135 of the Municipal Act, entitled "*Tree By-laws*" further outlines municipal authority to establish tree by-laws. Section 135 specifically provides for the following:

- S.135(1) provides authority for municipalities to prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law, subject to subsection (4).
- S.135(4) states that where an upper-tier by-law in respect of woodlands is in effect, the lower-tier municipality may not prohibit or regulate destruction of trees in any woodlands so designated in the upper-tier by-law.
 - o Note: unless the authority is delegated (s. 135(8) of the Act), the upper-tier municipality has the jurisdiction to prohibit or regulate the destruction of trees in "Woodlands". Woodlands means an area one hectare or more and as defined in the *Forestry Act*, meaning land with at least:
 - 1,000 trees, of any size, per hectare,
 - 750 trees, measuring over five centimetres in diameter, per hectare,
 - 500 trees, measuring over 12 centimetres in diameter, per hectare, or
 - 250 trees, measuring over 20 centimetres in diameter, per hectare,
 - but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.
- S.135(5) requires that in passing a by-law regulating or prohibiting the injuring or destruction of trees in woodlands, a municipality shall have regard to good forestry practices, as defined in the *Forestry Act 2001*.
- S.135(7) provides authority to municipalities, in a by-law passed under this section of the Act, to:
 - a) Require that a permit be obtained to injure or destroy trees; and

- b) Impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees
- S.135(12) outlines the statutory exemptions to any municipal tree by-law, which includes:
 - a) Activities or matters undertaken by a municipality or a local board of a municipality
 - b) Activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*
 - c) The injuring or destruction of trees licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey
 - d) 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 52, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections
 - e) 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
 - f) 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
 - g) 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*
 - h) 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).

It is generally noted that the current County of Grey Forest Management By-law and the Town's existing Municipal Tree Preservation By-law both provide additional exemptions for agricultural uses.

As outlined above, the Town is authorized to enact by-laws to regulate or prohibit the injuring or destruction of trees within the municipality, with the exception of trees that are under the

authority of the County of Grey Forest Management By-law. The Municipal Act also provides authority to the Town to require permits for injuring/destruction of trees and to apply various conditions to the issuance of such permit.

Public Survey: Results and Emerging Trends

A public survey was launched on March 30, 2021, for a period of six weeks ending May 14, 2021. There was a total of 140 responses to the survey. The survey results report is attached as Attachment 1. An overview and general summary of the survey results and received comments is provided below:

1. General Support for tree preservation in the Settlement Area (combined 72.8% responding strongly/somewhat agree; combined 13.7% responding strongly/somewhat disagree). Other general comments/feedback:
 - Invasive species or dead/diseased trees should be removed
 - Depends on the land use (i.e., should be preserved on Development Lands outlined in the Official Plan)
 - Should not apply to private property
2. General support for tree preservation in the Rural Area (69.1% responding strongly/somewhat agree; combined 18.7% responding strongly/somewhat disagree). Other general feedback/comments:
 - Should only apply to farmers
 - Should not apply to private property
 - Should be in accordance with NEC and/or Conservation Authority processes
 - Rural owners should be permitted to maintain their own bush (general maintenance)
 - Should focus on protection on Escarpment and Bruce Trail
3. Support for tree protection on privately owned lands with a minimum 1.0ha lot area (combined 60.4% responding strongly/somewhat agree; combined 25.2% responding strongly/somewhat disagree). Other general comments/feedback:
 - Cutting for farming and general maintenance should be permitted; but should protect against clear-cutting
 - Should not apply to agricultural lands, but should apply to residential
 - Should apply to all lands 0.2ha in lot area and above
 - Should not apply to private lands
 - Should apply to urban areas and environmentally sensitive areas
 - Should apply to all properties – charges for clear-cutting
 - Should not apply to large properties as it restricts development
4. Slightly less support for tree protection on privately owned lands less than 1.0ha in lot area (combined 56.1% responding strongly/somewhat agree; combined 27.3% responding strongly/somewhat disagree). Other general comments/feedback:

- Individual trees should be permitted to be removed, especially if dangerous or diseased
 - No clear-cutting – removal of dead, diseased, or dangerous trees should be permitted
 - A threshold should be set for minimum diameter of tree that would require a permit
 - Should apply to Urban Areas, environmentally sensitive lands, and for species at risk
 - Should only apply for clear-cutting – no limit on firewood, diseased trees, etc.
 - Should be assessed by an arborist prior to removal
5. Strong support for financial compensation for unauthorized tree clearing (combined 67.4% responding strongly/somewhat agree; combined 16.7% responding strongly/somewhat disagree). Other general comments/feedback:
- Removal of dead/hazardous trees should be exempt
 - Personal firewood should be exempt; should only apply to large clearing for profit
 - Should apply to clear-cutting for development
 - Replacement of trees should also apply
 - Should not apply to private property
6. Strong support for the creation of an Urban Forest Strategy for Settlement Area (combined 73.9% responding strongly/somewhat agree; combined 12.3% responding strongly/somewhat disagree). Further general comments/feedback:
- Replacement policies should be included. Policies should aim to retain existing trees in development plans and to include planting on municipal properties and street trees in subdivisions
 - Only if the Town's budget can support it
 - Offer incentives in the development process to preserve existing trees
 - Include a municipal tree sale with discount prices
7. Support for the Town to invest financial and staff resources into tree management and protection (combined 71.2% responding strongly/somewhat agree; combined 16.6% responding strongly/somewhat disagree). Further general comments/feedback:
- Too many staff already, should not hire more
 - Initiatives should include a tree nursery, arboretum, but a full-time arborist is not necessary
 - Resources for tree planting only
 - Should collaborate with the County and Conservation Authorities to share resources
 - Hire an arborist as needed, but not full-time

As a result of the survey and additional public comments received through the public Open House, Staff note the following emerging trends:

- (i) General Support for a Tree By-law to apply to private properties.
- (ii) Slightly more support for the application of a tree by-law in the Settlement Area versus the Rural Area. General trend of concerns regarding development related clear-cutting but to permit removal of a small number (or individual) trees on private property without permission.
- (iii) Strong support for financial compensation for unauthorized tree clearing.
- (iv) General support to develop an Urban Forest Strategy, but limited support for additional full-time staff to oversee/implement.

There appears to be public appetite to develop a comprehensive plan for trees in the Municipality, including policies for new development and tree enhancement/replacement. There also appears to be a trend to prevent clear-cutting in the settlement area on future development lands, and concerns related to limiting the impact of any tree by-laws on agricultural operations.

It is noted that a Natural Heritage Study is planned to be completed in 2022 (subject to budgeting), which will include an assessment of the status of the tree canopy across the Town. The information that will be obtained through the completion of this study will be critical in informing any major policy changes and/or the development of any comprehensive tree strategy. In the absence of this information, it is difficult to determine the current needs of the Town and what targets should be established for tree enhancement, and further, where the policy priorities ought to be (i.e., policy focusing on protection, policies focusing on enhancement, policies focusing on development, etc.). At this time, it is suggested by Staff that the Natural Heritage Study be completed to inform appropriate goals and objectives respecting tree canopy enhancement/protection within the Municipality, prior to initiating the development of any comprehensive Plan. By taking this approach, future policy development would be data driven and would develop a Plan that outlines the needs of the Town, as well as a clear path to achieve those needs.

Staff have prepared the following options for Council's consideration. Specifically:

- Option 1 (Recommended Option):
 - a) To direct Staff to complete housekeeping updates to Municipal Tree Preservation By-law 2021-68, as necessary, in order to ensure coordination with any updates completed by the County of Grey regarding County Forest Management By-law 4341-06, as amended; and
 - b) To consider the development of a Comprehensive Tree Strategy/Urban Forest Management Plan based upon completion of the Natural Heritage Study (in 2022 subject to budgeting).
- Option 2:
 - a) To direct Staff to complete housekeeping updates to Municipal Tree Preservation By-law 2021-68, as necessary, to ensure coordination with any updates completed by the County of Grey regarding County Forest Management By-law 4341-06, as amended

- b) To include new requirements in the update to the Municipal Tree Preservation By-law 2010-68, that would require that a Permit be obtained prior to the removal of five or more trees on privately owned lands located within the *Development (D)* zone category of Zoning by-law 2018-65, as amended, and to prepare a Staff Report outlining the details of any required changes to the By-law; and
- c) To consider the development of a Comprehensive Tree Strategy/Urban Forest Management Plan upon completion of the Natural Heritage Study (in 2022, subject to budgeting).

E. Strategic Priorities

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

No adverse impacts to the environment 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. Future budget considerations may be impacted if direction to include the development of a Comprehensive Tree Strategy/Urban Forest Management Plan and Natural Heritage Study in 2022 is directed.

H. In Consultation With

Will Thomson, Director of Legal Services

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **March 24, 2021**. 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. Survey Results Report

Respectfully submitted,

Travis Sandberg
Planner I

Trevor Houghton, MCIP RPP
Manager of Community Planning

Nathan Westendorp
Director of Planning and Development Services

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

Report Approval Details

Document Title:	PDS.21.080 Tree By-Law Update.docx
Attachments:	- ATT 1 PDS.21.080.pdf
Final Approval Date:	Jul 21, 2021

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

Trevor Houghton - Jul 20, 2021 - 12:52 PM

No Signature - Task assigned to Nathan Westendorp was completed by delegate Trevor Houghton

Nathan Westendorp - Jul 20, 2021 - 2:11 PM

Shawn Everitt - Jul 21, 2021 - 2:04 PM