



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: August 15, 2023
Report Number: PDS.23.048
Title: Recommendation Report – Follow up to the Tree Preservation By-Law Public Meeting
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.23.048, entitled “Recommendation Report – Follow up to the Tree Preservation By-Law Public Meeting”;

AND THAT Council endorse the By-law to regulate the destruction and injuring of trees in the Town of The Blue Mountains that are located on Town owned lands, within identified or approved Tree Preservation Plan areas, and on land parcels located within the Settlement Area(s) of the Town which have a minimum area of 0.5ha, as outlined in the Draft By-law attached as Attachment 1 to Staff Report PDS.23.048;

AND THAT upon commencing a Natural Heritage Study the By-law shall be considered within the project scope and further amendments considered upon conclusion of the Natural Heritage Study;

AND THAT the By-law shall not come into full force and effect until approval of the 2024 Budget to allow for the development of appropriate administrative intake, including applicable permit fees, prior to implementation and enforcement;

AND THAT By-law 2010-68 shall not be repealed, in its entirety, until such a time in which the 2024 Budget is approved.

B. Overview

Staff began the process of reviewing By-law 2010-68 in 2019 with the overall goal to prevent premature tree cutting/removal on larger privately owned properties in advance of a development application. This report is a culmination of an extensive public engagement process and technical review that occurred since the beginning of the project. The recommendation reflects on the need to update the by-law for the present environment while recognizing there may be opportunities for further changes.

C. Background

Since 2019 staff have undertaken the following public engagement activities in the review of By-law 2010-68:

- 3 public meetings
- 1 joint consultation meeting with the Agricultural Advisory Committee and Sustainability Advisory Committee
- 8 staff reports related to reviewing the by-law
- 1 community survey

All of the engagement sessions to date have been considered in crafting a new by-law and while the comment matrix attached is focused upon the most recent feedback since the public meeting on May 29th 2023, the by-law itself is a product of the consultation that has been completed since the inception of the project.

For additional information on past reports and activities for this project please refer to the project webpage accessed through the link below:

<https://www.thebluemountains.ca/planning-building-construction/current-projects/strategic-projects-initiatives/municipal-tree-law>

At the May 29th Public Meeting, staff presented three different options for discussion related to the direction of the project including:

Option #1: Status Quo

In this scenario, By-law 2010-68 will remain in effect and the project will conclude without any updates to the existing by-law.

Pros:

- Limited administration required with current iteration of the by-law
- Supports capacity of the Department to undertake other priority projects

Cons

- Will not address concerns regarding tree removal on lands that are not subject to tree preservation plans.
- Limited parameters on requirements related to issuance of permits.

Option #2 – Proceed with Draft By-law

Draft By-law that proceeded to Council in September 2022 will be recommended for enactment.

Pros

- Broadens the pre-development controls in place that is reflective of public feedback.
- Detailed guidance provided for administration of by-law and issuance of permits.

Cons

- Does not address feedback on tree removal related to development applications.
- New administrative controls may create staff resourcing challenges.

Option #3 – Defer Upon Completion of Natural Heritage Study

Staff intend on releasing a Request for Proposals (RFP) for a Natural Heritage Study which will include recommendations on Town policies pertaining to the natural environment.

Pros

- Further ensures the by-law is based upon best practices in other jurisdictions.
- Allows for the coordination of updates to various policies affecting natural heritage.

Cons

- Extends the project timeframe into 2024.

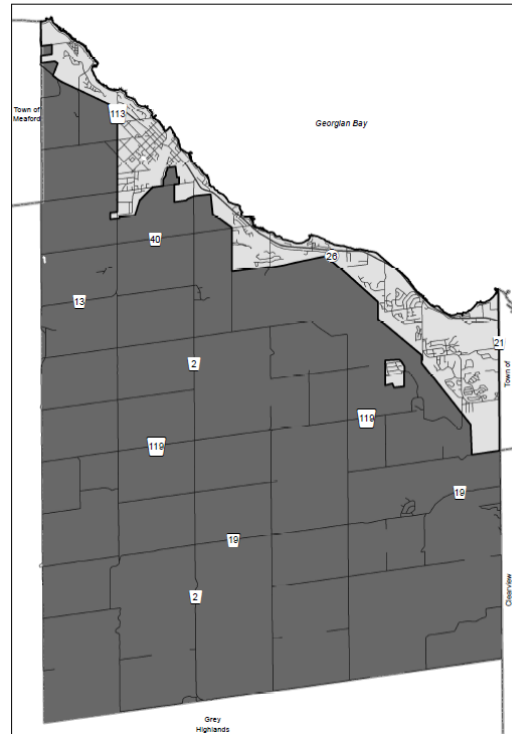
Based on the discussion that took place during the public meeting, consideration has extended to a fourth option in which the draft by-law in its current form is enacted as an interim measure until such a time that the Natural Heritage Study has been completed.

D. Analysis

The proposed by-law will only apply to Settlement Area lands and exclude areas designated as rural and agricultural which will not change upon any further amendments to the by-law in the future.

Town of The Blue Mountains Schedule 'A'

Area Subject to By-Law
Area Excluded from By-Law



However, in pursuing an alternative option as noted in the previous section, the by-law would be subject to further review by third-party ecological experts to ensure that elements of the by-law particularly in relation to the limits on the size of the tree and quantity that would trigger permits is appropriate. In recognition of the review that has taken place, further changes via the NHS would proceed directly to Committee of a Whole.

With the NHS Request for Proposals (RFP) process concluded, staff anticipate that the study and associated recommendations will be approved by Council with further amendments to the Tree Preservation By-law proceeding to Council in Q4 2024.

In the interim, the by-law will proceed in a similar manner to when it was initially proposed in 2022. The exception being to the implementation plan. Rather than allowing a year from enactment to create the administrative framework, staff are proposing that it be tied to the approval of the 2024 Budget to align with the approval of the tariff of fees and charges by-law given there will need to be a new fee included.

In addition, staff have completed a second-round of circulation of relevant agencies and have received comments back from the County of Grey, Grey Sauble Conservation Authority and the Nottawasaga Valley Conservation Authority. Both Conservation Authorities have requested minor adjustments to the proposed by-law and their comments are an appendix to this report.

E. Strategic Priorities

1. Communication and Engagement

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

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

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

The by-law is expected to improve the protection of trees by private landowners within the Settlement Area and enhance protections for lands in which an application under the Planning Act has yet to be received.

G. Financial Impacts

There may be administrative costs associated with more rigorous controls over tree removal and volumes related to permit requests. Updated fees and charges by-law will be required to reflect anticipated costs for processing and enforcement.

H. In Consultation With

Shawn Postma, Manager of Community Planning

Ryan Gibbons, Director of Community Services

Debbie Young, Acting Manager of By-law Enforcement

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 **May 29th 2023**. 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 Adam Smith, directorplanningdevelopment@thebluemountains.ca

J. Attached

1. Draft Tree Preservation By-law
2. Comment Response Matrix and Public Comments Received

Respectfully submitted,

Adam Smith
Director of Planning & Development Services

For more information, please contact:
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Report Approval Details

Document Title:	PDS.23.048 Recommendation Report - Follow up to the Tree Preservation By-Law Public Meeting.docx
Attachments:	- PDS-23-048-Attachment-1.pdf - PDS-23-048-Attachment-2.pdf
Final Approval Date:	Aug 24, 2023

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

Adam Smith - Aug 24, 2023 - 11:39 AM

No Signature found

Shawn Everitt - Aug 24, 2023 - 12:18 PM

THE CORPORATION OF
THE TOWN OF THE BLUE MOUNTAINS

BY-LAW NO. 2024- ##

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

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

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

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

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

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

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

1. **DEFINITIONS**

In this By-law,

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

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

to replace an existing tree that is approved for removal;

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

2. AREA OF APPLICATION OF BY- LAW

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

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

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

3. EXEMPTIONS

- 3.1 A tree may be injured or destroyed, without applying for a Permit from the Town, where:
- a) The tree is located on a Lot which is less than 0.5ha in size;
 - b) The tree is located on lands located outside of the Settlement Area, as outlined on Schedule "A", and/or within the Hamlet Area, Agricultural, Special Agricultural, Rural, Rural Employment, and Mineral Resource Extraction Area designations of the Town of The Blue Mountains Official Plan, as amended.
 - c) Any tree which is located in a Woodland shall be subject to the County of Grey Forest Management By-law No. 4341-06, or any successor thereto;
 - d) Any tree which is located in the Development Control Area of the Niagara Escarpment Plan shall be subject to the Development Control policies of the Niagara Escarpment Plan, as amended.
 - e) Activities or matters undertaken by a local School Board.
 - f) 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.
 - g) The tree has a diameter of less than fifteen (15) cm.
 - h) The cutting of firewood for personal use to a maximum volume of twenty-five (25) Stacked Cubic Metres per calendar year.
 - 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.
 - j) The maintenance of a tree in accordance with good arboriculture practice.
 - k) The removal of a dead, diseased or hazardous tree when certified as such by an individual designated or approved by the Director.
 - l) The removal of a tree that necessitates removal as a result of being considered locally as an invasive species, when certified as such by an individual designated as such by the Director.
 - m) The removal of a damaged or destroyed tree, where the removal is in the interest of public safety, health or general welfare following results from any man-made or natural disasters including storms, high winds, floods, fires, snowfall or freezes.

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

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

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

4. PERMIT APPLICATION

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

- a) A completed Application Form;
- b) Payment of the required fees in accordance with the Town of The Blue Mountains Fees and Charges By-law, as amended;
- c) A report prepared by a landscape architect certified Arborist or qualified professional approved by the Director forestry consultant which will provide a general visual tree health assessment, inventory and categorization of the existing trees, set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at risk tree species are not present, and shall include recommendations for preservation and protection of any trees to be retained.

- d) Any other technical reports or studies as deemed necessary and appropriate by the Director;
- e) The Director shall have the option of not requiring the report noted in Section 4.1(c) in special circumstances to be determined at their sole discretion; and
- f) Following receipt of an application, the Director or their designate may enter and inspect the lands upon which the tree is located and the submitted of the application shall be deemed permission to so enter and inspect.

5. PERMIT ISSUANCE

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

6. TERMS AND CONDITIONS OF A PERMIT

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

- i. Enter into an agreement regarding the conditions as set out in 6.1(a) to (e) above this section which form part of the Permit; and
- ii. Register the agreement on the title to the lands affected by the Permit.

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

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

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

7. ADMINISTRATION

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

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

8. ENFORCEMENT

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

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

- a) The Stop Work Order shall set out reasonable particulars of the contravention in sufficient detail to identify the contravention, the location of the contravention, and the date by which there must be compliance with the Order.
- b) A Stop Work Order may be served personally by an Officer, may be posted in a conspicuous place on the property where the contravention occurred, or may be sent,

by registered mail to the person contravening this By-law. Where an order is issued under this By-law is served personally by an Officer, it shall be deemed to have been served on the date of delivery to the person(s) named.

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

9. PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

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

10. COMPENSATION

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

11. APPEALS TO COUNCIL

- 11.1 An Applicant for a Permit pursuant to this By-law may appeal in writing to the Council by filing a notice of appeal by personal service or pre-paid registered mail with the Clerk:

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

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

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

The decision of Council is final.

12. **SHORT TITLE**

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

13. **VALIDITY OF THE BY-LAW**

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



14. **EFFECTIVE DATE OF BY-LAW**

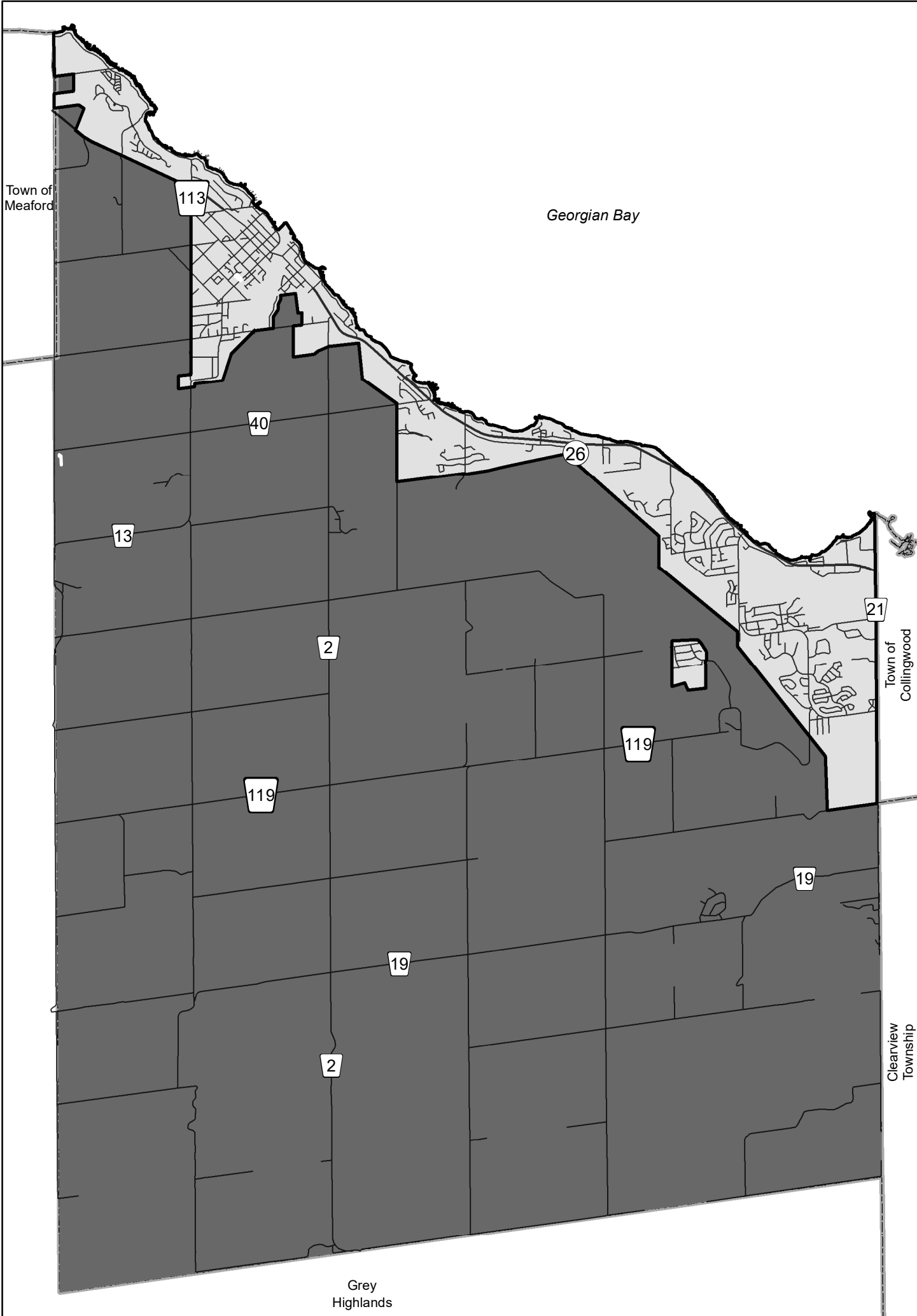
This By-law shall come into force and take effect twelve months from the day of the passing thereof..

Enacted and passed this day of , 2024 .

Town of The Blue Mountains

Schedule 'A'

-  Area Subject to By-Law
-  Area Excluded from By-Law



Comments Matrix

ITEM	Author	Comments Received	Staff Response / Project Modifications
1	Bruce Harbinson and Christina Eaton on behalf of Escarpment Corridor Alliance	<ul style="list-style-type: none"> - Mature trees must be protected and developers must make the preservation of trees a priority. - Feedback from constituents is that they are opposed to development that threatens sensitive eco-systems. 	<ul style="list-style-type: none"> - Noted.
2	Christine Foy	<ul style="list-style-type: none"> - Trees must be protected through an enhanced by-law and enforcement. 	<ul style="list-style-type: none"> - Noted.
3	Glen Ellegood	<ul style="list-style-type: none"> - By-Law needs to be fast tracked given development pressures 	<ul style="list-style-type: none"> - Implementation plan adjusted to coincide with 2024 Budget.
4	Graham Flanagan	<ul style="list-style-type: none"> - No tree should be cut down prematurely without good reason; - By-Law should apply to all privately owned properties - Short term Accommodations should not be exempted from the by-law. 	<ul style="list-style-type: none"> - STAs will not be exempted from by-law. Minimum threshold for property size focuses on lands identified for future development and upon review of tree by-laws across different municipalities.
5	Stella Juhasz	<ul style="list-style-type: none"> - Engage the conservation authorities on the by-law given their expertise in tree ecosystems 	<ul style="list-style-type: none"> - Draft by-law has been subject to an extensive review by Conservation Authorities.
6	Betty Muişe on behalf of Tree Trust	<ul style="list-style-type: none"> - Hopes the new by-law would incorporate best practices in relation to tree protection standards and reflect community interest and public demand for tree preservation; - By-Law should apply to all lots in the urban settlement areas - Adopt current by-law as an interim measure until Natural Heritage Study is completed. 	<ul style="list-style-type: none"> - By-law is based upon a review of tree protection practices across a number of municipalities. - Proposed by-law will be subject to further amendments following the conclusion of the Natural Heritage Study.
7	Kay Schaltz on behalf of CANN	<ul style="list-style-type: none"> - Supports the recommendation made by the Tree Trust - Emphasized the climate benefits of a tree by-law based on Tree Trust recommendations - By-law should be inclusive of properties less than 0.5 hectares. 	<ul style="list-style-type: none"> - Minimum threshold for property size focuses on lands identified for future development and upon review of tree by-laws across different municipalities.
8	Pamela Spence as a member of Town's Sustainability	<ul style="list-style-type: none"> - Discussed the benefits of trees vs. the side effects of removing trees - Encourages Council to adopt a new tree by-law. - Castle Glen should be included in the by-law 	<ul style="list-style-type: none"> - Castle Glen is subject to future secondary plan area controls. Existing trees/forests located on Castle Glen property meet definition of "woodland", per Municipal Act and County of Grey Forest Management By-law 4341-

Comments Matrix

ITEM	Author	Comments Received	Staff Response / Project Modifications
	Advisory Committee	<ul style="list-style-type: none"> - By-law should make tree preservation plans mandatory. - List invasive species within the by-law - Section 3 of the by-law requires further clarity regarding waiving of permits and relationship with development projects. 	<p>06. As such, tree removal currently regulated by the County of Grey.</p> <ul style="list-style-type: none"> - Tree preservation plans would be required in the event pre-development tree removal was proposed. - Section 3 mirrors Municipal Act exemptions related to development projects in which the by-law does not apply to lands subject to an application under the Planning Act given controls in place through that process.
9	Rosemary Gosselin	<ul style="list-style-type: none"> - Interim by-law is very important but concerned about developments in process that may be exempt. - Endorse both CANN and Tree Trust recommendations. 	<ul style="list-style-type: none"> - Noted.
10	John Ardiel	<ul style="list-style-type: none"> - Lack of stakeholder meetings with developers - Settlement area mapping is incorrect as part of the by-law. - Municipal Tree Preservation By-Law 2010-68 is legal because it is on the publicly owned property only. - As a lower-tier municipality, the Town does not have the ability to impose a new by-law covering private property. 	<ul style="list-style-type: none"> - By-law is required to exempt developments subject to applications under the Planning Act. - Mapping of the Settlement Area does not include lands that are unserviced. - Section 135 of the Municipal Act empowers lower-tier municipalities such as the Town of the Blue Mountains to enact by-laws regulating the destruction or injuring of trees.
11	Bob Weirmeir as Vice President of the Ontario Landowners Association	<ul style="list-style-type: none"> - Questioned the legal ability of the municipality to have a tree by-law given language of the Municipal Act - In favour of tree preservation but concerned about the limited area available to regulate given majority of Ontario is crown land. 	<ul style="list-style-type: none"> - See response above.
12	Randy McLeod	<ul style="list-style-type: none"> - Agricultural community wants to ensure that speciality agriculture lands are preserved. - Suggested a secondary plan process to look at considerations more comprehensively. 	<ul style="list-style-type: none"> - Agricultural areas are exempt from the by-law.
END			

External Agencies			
ITEM	Author	Comments Received	Staff Response / Project Modifications
1	Grey Sauble Conservation Authority	<ul style="list-style-type: none"> - Grey Sauble Conservation Authority (GSCA) has been circulated for review and comment a proposed Tree By-law for the Town of Blue Mountains. GSCA is supportive 	<ul style="list-style-type: none"> - Requested changes completed.

Comments Matrix

External Agencies			
ITEM	Author	Comments Received	Staff Response / Project Modifications
		<p>of the overall approach of the By-law as a measure to protect trees within the Town of Blue Mountains. We offer the following specific comment: Page 4, Section 3.1 e), reads to suggest that there is an exemption to the By-law for trees within an area regulated by a Conservation Authority. If this is the correct interpretation, we recommend this exemption be removed as Conservation Authority regulations do not apply to tree removal in the explicit manner of the proposed By-law and that there are different considerations under Conservation Authority regulations.</p>	
2	Nottawasaga Valley Conservation Authority	<ul style="list-style-type: none"> - NVCA staff appreciates the opportunity to comment on the proposed Tree By-law for the Town of Blue Mountains. Overall, NVCA supports proposed By-law, and we offer the following comments intended to assist in the By-law's implementation: - Section 3.1 e): NVCA staff supports GSCA comments regarding removing exemption pertaining to Conservation Authority regulations. - Section 3.1m): "m) The removal of a damaged or destroyed tree, 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;" - We suggest re-wording as follows: "m) The removal of a damaged or destroyed tree, where the removal is in the interest of public safety, health or general welfare following resulting from any man-made or natural disasters including storms, high winds, floods, fires, snowfall or freezes;" Or suggest including a definition of "man-made disaster". - 3.1o) "o) 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 	<ul style="list-style-type: none"> - Additional revisions completed based on feedback. Forest management plans approved through the Managed Forest Tax Incentive Program would also be exempt. Further refinement of definitions to be considered through Natural Heritage Review.

Comments Matrix

External Agencies			
ITEM	Author	Comments Received	Staff Response / Project Modifications
		<p>plan;" Please consider clarifying whether tree removal under forest management plans approved through the Managed Forest Tax Incentive Program would also be exempt from permit requirements.</p> <ul style="list-style-type: none"> - Section 4.1c): "c) A report prepared by a landscape architect or a qualified forestry consultant which will provide a general visual assessment and categorization of the existing trees, set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at risk species are not present, and shall include recommendations for preservation and protection of any trees to be retained;" - We suggest re-wording as follows: "c) A report prepared by a landscape architect certified Arborist or qualified professional approved by the Director forestry consultant which will provide a general visual tree health assessment, inventory and categorization of the existing trees, set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at risk tree species are not present, and shall include recommendations for preservation and protection of any trees to be retained;" - Section 1 – Definitions - "I) "Injure" means to do harm, damage, or impair": Please consider including a mechanism to quantitatively assess whether a tree will be injured i.e. percent incursion into minimum tree protection zone or dripline, improper pruning, damage to rooting zone via excavation or soil compaction. Qualitative assessments may be subject to variable interpretation. . 	
3	County of Grey	<ul style="list-style-type: none"> - TBM have addressed County staff comments sent on 2022-07-04 in this updated version of the by-law. County staff have no further comments. 	<ul style="list-style-type: none"> - Noted.

August 22, 2023
GSCA File: P23-162

Adam Smith, Director of Planning & Development
Town of the Blue Mountains
32 Mill Street, Box 310
Thornbury, ON
N0H 2P0

Sent via email: asmith@thebluemountains.ca

Re: Town of the Blue Mountains Tree By-law

Grey Sauble Conservation Authority (GSCA) has been circulated for review and comment a proposed Tree By-law for the Town of Blue Mountains. GSCA is supportive of the overall approach of the By-law as a measure to protect trees within the Town of Blue Mountains. We offer the following specific comment:

Page 4, Section 3.1 e), reads to suggest that there is an exemption to the By-law for trees within an area regulated by a Conservation Authority. If this is the correct interpretation, we recommend this exemption be removed as Conservation Authority regulations do not apply to tree removal in the explicit manner of the proposed By-law and that there are different considerations under Conservation Authority regulations.

Should you have any questions please do not hesitate to ask.

Regards,



Mac Plewes
Manager of Environmental Planning

c.c. Alex Maxwell, GSCA Director, Town of the Blue Mountains
Chris Hibberd, Nottawasaga Valley Conservation Authority
Planning Department, County of Grey
Niagara Escarpment Commission

Member Municipalities

Municipality of Arran-Elderslie, Town of the Blue Mountains, Township of Chatsworth, Township of Georgian Bluffs, Municipality of Grey Highlands, Municipality of Meaford, City of Owen Sound, Town of South Bruce Peninsula



To: Town Clerk, Town of the Blue Mountains, Members of Council and Town of the Blue Mountains Planning Staff.

From: Kay Schaltz, on behalf of Climate Action Now Network-TBM, 96 Napier Street West, Thornbury, ON

Re: May 30 Public Meeting- Options for the Review of Municipal Tree Preservation By-law 2010-68

On behalf of Climate Action Now Network members, we greatly appreciate the staff and Council efforts for updating the current Tree Preservation By-law. Changes such as the explosive growth of our community and the Climate Emergency determines a much-needed updating of one of the most precious natural assets the Town of the Blue Mountains ... TREES.

CANN endorses, encourages and supports all of the expert recommendations made by Betty Muise, Tree Trust Manager outlined in her submission regarding the recent draft Tree Preservation By-law.

We must get this By-law tight enough to eliminate the senseless, wasteful destruction of our most precious natural assets... TREES.

As an example, there are too many less than 0.5 ha lots within the settlement area which are home to many large trees which could be cut down without consideration for their value to mitigate climate change, to the neighbourhoods' well-being, and the overall value for future generations. Many of our community neighbours have well over 40 mature trees on less than 0.5 ha and those trees would not be subject to the currently proposed By-Law.

To adopt all of Betty Muise's recommendations would not only place TBM's Tree Preservation By-Law as best in practice in Ontario, but would also help;

1. Provide up to 7% reduction for cooling homes which translates into millions of dollars saved and millions of avoided emissions
2. Trees are the best carbon storage solution! One mature tree can absorb 48 lbs of CO2 annually –about the equivalent of driving 70 km.
3. Trees significantly reduce runoff. In fact, runoff from an area covered in impervious surface is 5 times that of a forested watershed of the same size. Trees reduce the amount of polluted runoff entering our waterways, reduce risk of flooding and promote restoration of groundwater.

Adopting and leading with best in practice Tree Preservation now is forward thinking, strategic and certainly what the majority of all the citizens in TBM crave for. There have been too many tears vs cheers arise due to the past few years of seeing our most precious natural assets destroyed. The time is now to get sharp teeth into the Tree Preservation By-Law.

In appreciation for your continued efforts to improve our lives in the TBM by preserving our beautiful and critically useful TREES!

Sincerely,

Kay Schaltz on behalf of CANN –TBM

CANN! We are a volunteer group in Town of the Blue Mountains. Our goal is to reduce the carbon footprint of the area and work together towards a more sustainable community.

May 24, 2023

Town of The Blue Mountains Council
ATTN: Clerk
32 Mill Street, Box 310
Thornbury, ON N0H 2P0

Sent via email to: Corrina Giles, Clerk

RE: Review of Municipal Tree Preservation By-Law 2010-68

Dear Mayor Matrosovs and Council,

Please accept this letter as an expression of the Escarpment Corridor Alliance's (ECA) position on the protection of trees within the Town of The Blue Mountains.

As you know, the ECA is a coalition of local residents, businesses, and organizations who are concerned by rapid development in our region and, in particular, ongoing plans to turn key parts of the brow and prominent slopes of the Niagara Escarpment into mega-developments that would destroy thousands of acres of forest. We were delighted to see The Blue Mountains take action on environmental protection by being the first community to adopt Councillor Maxwell's Motion Re Protection of Green Space.

But Councillor Maxell's motion is just the first step in the many that must be taken in order to protect our landscape and create sustainable planning policies. The creation of a strong tree bylaw that would protect the tree canopy in our community is an important component of sustainable planning, especially as the pressure for growth intensifies.


The Blue Mountains has another opportunity to create and enact policies that will set the tone for all future growth. We urge you to make the protection of mature trees a priority when reviewing the Municipal Tree Preservation By-Law. Our trees have taken generations to grow, and should be protected for our future generations. A mature tree cannot be replaced by a sapling, and the ECA requests that you take this opportunity to ensure that developers must make every effort to preserve our trees. Blanket clearcutting of lands being developed is an insult to our knowledge of the critical role that our forests play in mitigating our biodiversity crises, protecting against the ever-increasing impacts of climate change as well as providing the space and oxygen that allows us all to lead healthy lives.

We encourage strong and clear policies, along with the absolute need for strong enforcement and zero tolerance for non compliance.

Thank you for taking the time to consider our thoughts on this important matter.

Sincerely,

Bruce Harbinson, President
Escarpment Corridor Alliance

From: [Kyra Dunlop](#)
To: 
Cc: [council](#); [SMT](#); [Town Clerk](#); [Planning Dept](#)
Subject: FW: Town of Blue Mountains Municipal Tree By-Law
Date: May 24, 2023 4:29:10 PM
Attachments: [image001.png](#)
[image003.png](#)

Good afternoon Christine,

Thank you for your below comments regarding the May 30, 2023 Council Public Meeting Re: Municipal Tree Preservation Bylaw. By way of copy I am forwarding same to Council and staff for their review and information. Your comments will be summarized and read aloud during the meeting, and will be included in the followup staff report to the meeting.

Kyra Dunlop


Deputy Clerk

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

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

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

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

From: Christine Foy  >
Sent: Wednesday, May 24, 2023 2:57 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Town of Blue Mountains Municipal Tree By-Law

Mayor Matrosovs and Councillors,

The Town of Blue Mountains is under intense development pressure and it is disturbing to see trees clear cut on private property by either developers or home owners with no regards to the canopy of the Town. It is imperative that Council protect trees on private property through the development of a Tree By-Law with strict enforcement by the Town.

Trees are a legacy to be protected by one generation for another.

Christine Foy
Thornbury, On.

Sent from [Mail](#) for Windows

May 25, 2023

To: Town Clerk, Town of the Blue Mountains, Members of Council and Town of the Blue Mountains Planning Staff

From: Betty Muise, Tree Trust TBM Manager, 40 Napier Street West, Thornbury Ontario

RE: May 30 Public Meeting – Options for the Review of Municipal Tree Preservation By-law 2010-68

I would like to thank staff and Council for taking on the critically important task of updating Tree Preservation By-law 2010-68. I hope our new Tree Protection By-law will incorporate best-practice tree protection standards, reflect the consistently strong public demand for tree preservation, and become an important component of a broader basket of tree canopy protection measures initiated by the Town.

It is time to move forward and respond to well-established and frequently stated public concerns about the protection of our tree canopy. TBM Council and staff have undertaken considerable public processes – seven staff reports, three public meetings, a public survey with 72.7% in support of tree protection – all demonstrating that an effective and enforceable tree protection by law is necessary and supported by the community.

This widespread support for better tree protection is also reflected in the work of Tree Trust. We have become a go-to organization for residents interested in and concerned about trees, and we receive a steady stream of accounts of unnecessary and avoidable tree removals, with severe consequences for the character of our communities, the sustainability of our vital natural systems, and our capacity to mitigate climate change.

The importance of meaningful tree protection has become even more critical recently given increasing development pressures. For example, we have seen a tremendous increase in clear cutting this spring, and further delay of an updated By-law will likely mean even more dramatic loss of trees in the immediate future.

Based on a review of the current Municipal Tree Preservation By-law 2010-68, an examination of relevant best practices, interviews with other Ontario municipalities, a review of resident comments received through various engagement opportunities, and ongoing discussions with residents through Tree Trust programs, we believe that the draft Tree Preservation By-law presented in September 2022 should incorporate the following improvements:

Tree protection requirements should be applied to ALL lots in the settlement areas of TBM (Section 2.1.c and Section 3.1). The applicable lot size of 0.5ha or greater in the current draft By-law is much too large. TBM requires comprehensive tree protection in our urban/settlement areas. Many distraught homeowners contact Tree Trust about tree loss on residential lots. Peterborough, Kingston, Mississauga, Oakville, Burlington, Cambridge, Markham, Vaughan and Richmond Hill, to name a few Ontario municipalities, all have By-laws that apply to all lot sizes. The applicable lot size in the draft By-law is simply too large to provide meaningful tree protection, especially given current trends toward development intensification and smaller lots.

Protected Trees (Section 2.1.c.1.a and b) should include all trees with a diameter greater than 20 cm (vs. 30 cm as in the draft By-law).

Meaningful disincentives and fines are required (Section 9). The current level of fines is not large enough to create a meaningful disincentive for removal or sloppy practices related to tree protection measures.

Effective Tree Protection Measures (Section 2.1 b) for existing trees (not being removed) should be specified and expanded upon (detailing specific best practices) and include performance bonding.

Requirements for permit application requests (Section 4.1.c) should be strengthened. Documentation/listing of the number, species and condition of all trees greater than 20 cm DBH should be required.

The list of conditions in which a permit (Section 5.1) will NOT be issued should include a specific listing/mention of older, significant trees in good condition or a designated tree. An older, healthy tree sequesters carbon and offers unmatched natural system, community and aesthetic benefits.

Terms and Conditions of a Permit (6.2) should include a requirement to publish/make available to the public, the tree removal permit for a minimum of 8 weeks or sufficient time that the public may appeal to council for alternatives to removal.

A requirement to plant trees equal to the net diameter of the removed trees should apply whenever trees are removed (Section 6.3). The simple formula of one tree planted for one tree removed will not adequately compensate for removed trees. The replacement formula should require the total DBH of all removed trees to be matched by an equivalent DBH (or caliper) of newly planted trees. This requirement should also apply in Section 9.3 and Section 10.

Requirement to maintain a replacement tree in good health (Section 6.3 f) should be extended to a period of 3 years. A second replacement should be required in the event of failure or injury during this period.

In closing, I would like to thank Council and staff for their leadership in finding ways to preserve the beautiful and valuable natural heritage of the Town of the Blue Mountains. I look forward to Council's response to the above requests, and will be pleased to provide any additional information. A very useful reference document addressing best practices in tree protection is attached.

Betty Muise
Tree Trust TBM Volunteer Manager

Reference Attachments:

1. Waterloo University: Guiding Forest Management Policy into the Next Decade: A Private Tree Protection and Management Practices Summary
2. Guelph Private Tree Protection By-law Update - Summary (March 2023)
3. A Guide to Tree Protection – Burlington
4. Invitation to June 23, 2023 Tree Trust Webinar: Best Practices in Tree Protection



privatetreeprotection
andmanagementprac



Guelph Tree
protection.pdf



Guide-to-Tree-Protec
tion Burlington.pdf



Invite to Tree by law
Webinar TBM_pdf.pdf

From: [Kyra Dunlop](#)
To: [REDACTED]
Cc: [council](#); [SMT](#); [Town Clerk](#); [Planning Dept](#)
Subject: RE: Tree Preservation By-Law/ Letter for Public Meeting May 30 2023
Date: May 25, 2023 11:45:01 AM

Good morning Rosemary,

Thank you for your comments relating to the May 30, 2023 Council Public Meeting Re: Tree Preservation Bylaw. By way of copy I am circulating the attached to Council and staff for their review and information. Your comments will be summarized and read aloud at the meeting and will also be included in the followup staff report.

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

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

-----Original Message-----

From: Rosemary Gosselin [REDACTED] >
Sent: Thursday, May 25, 2023 11:31 AM
To: Corinna Giles <cgiles@thebluemountains.ca>
Subject: Tree Preservation By-Law/ Letter for Public Meeting May 30 2023

Hello Corinna,

Would you be so kind as to read this for us at the Public Meeting May 30th?

With appreciation,
Rosemary

To: Mayor Andrea Matrosov, Members of Council, and Staff
Re: Options for the Review of Municipal Tree Preservation By-law 2010-68

Trees are a prime feature of the gorgeous landscape we all live in and love. Beautiful and dutiful, they provide a myriad of unpaid services:

—As natural infrastructure, trees excel in managing water, sequestering carbon, and supporting biodiversity.

—Trees provide shade and cooling. Extreme heat is accelerating, and one might argue, poses the most significant threat from climate change.

—Trees are natural therapists. How soul-soothing it is to bask in our backyard amidst abundant trees and birdsong. Birds need trees too.

We endorse all the excellent points made by Betty Muise and the Climate Action Now Network:

—5 hectares is too large. Many properties (like ours) have lots of mature trees which would not be subject to the currently proposed By-law.

—We need to preserve trees in all parts of urban TBM, not just large development parcels.

— The By-law must apply to all properties within the settlement area.

With our deep appreciation to all who are working so hard to get this crucial Tree Preservation By-law just right,
Roland and Rosemary Gosselin

Sent from my iPad

From: [REDACTED]
To: [Karen Long](#); [Adam Smith](#)
Cc: [REDACTED]
Subject: Town of the Blue Mountains Tree By-Law
Date: August 22, 2023 3:59:03 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi Karen and Adam:

NVCA staff appreciates the opportunity to comment on the proposed Tree By-law for the Town of Blue Mountains. Overall, NVCA supports proposed By-law, and we offer the following comments intended to assist in the By-law's implementation:

- Section 3.1 e): NVCA staff supports GSCA comments regarding removing exemption pertaining to Conservation Authority regulations.
- Section 3.1m): "m) The removal of a damaged or destroyed tree, 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;"

We suggest re-wording as follows: "m) The removal of a damaged or destroyed tree, where the removal is in the interest of public safety, health or general welfare ~~following~~ **resulting from** any man-made or natural disasters **including** storms, high winds, floods, fires, snowfall or freezes;"
Or suggest including a definition of "man-made disaster".

- 3.1o) "o) 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;" Please consider clarifying whether tree removal under forest management plans approved through the Managed Forest Tax Incentive Program would also be exempt from permit requirements.
- Section 4.1c): "c) A report prepared by a landscape architect or a qualified forestry consultant which will provide a general visual assessment and categorization of the existing trees, set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at risk species are not present, and shall include recommendations for preservation and protection of any trees to be retained;"

We suggest re-wording as follows:

"c) A report prepared by a ~~landscape architect~~ **certified Arborist** or qualified **professional approved by the Director** ~~forestry consultant~~ which will provide a ~~general~~ visual **tree health** assessment, **inventory** and categorization of the existing trees, set forth the reasons for the proposed destruction of the tree(s), shall confirm that endangered, threatened, or at risk **tree** species

are not present, and shall include recommendations for preservation and protection of any trees to be retained;”

- Section 1 – Definitions - “I) "Injure" means to do harm, damage, or impair”: Please consider including a mechanism to quantitatively assess whether a tree will be injured i.e. percent incursion into minimum tree protection zone or dripline, improper pruning, damage to rooting zone via excavation or soil compaction. Qualitative assessments may be subject to variable interpretation.

Please advise on any questions regarding the above comments.

Regards,

Chris Hibberd, MCIP, RPP (he/him/his)
Director, Watershed Management Services

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T 705-424-1479 ext. 229
c.hibberd@nvca.on.ca | nvca.on.ca

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From: Karen Long <klong@thebluemountains.ca>
Sent: Wednesday, August 16, 2023 4:25 PM
To: NEC Owen Sound (MNRF) <necowensound@ontario.ca>; Grey County <planning@grey.ca>; Grey Sauble Conservation Authority <blue.mountains@greysauble.on.ca>; PlanningPermits@greysauble.on.ca; Planning Dept <Planning@nvca.on.ca>
Cc: Adam Smith <asmith@thebluemountains.ca>
Subject: Town of the Blue Mountains Tree By-Law

Good afternoon,

Kindly find attached hereto the draft By-Law which was initially proposed in September, 2022 and was previously subject to comment from agencies. At this time, we are wishing to confirm that there are no concerns in proceeding in a similar form for Council approval in September, 2023.

Kindly provide any comments or feedback by August 23, 2023 to asmith@thebluemountains.ca

Thank you in advance,

Karen Long

Administrative Assistant for Planning Services
Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 263 | Fax: 519-599-7723

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

IMPORTANT INFORMATION

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

From: planning@grey.ca
To: [Planning General](#)
Subject: County comments for TBM Tree By-Law
Date: August 23, 2023 4:37:20 PM

County comments for TBM Tree By-Law

Hello Mr. Smith,

Please see link(s) below for the County comments for Other application TBM Tree By-Law - Town of The Blue Mountains.

TBM have addressed County staff comments sent on 2022-07-04 in this updated version of the by-law. County staff have no further comments.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Stephanie Lacey-Avon

To: Council and Planning Staff of The Town of the Blue Mountains
From: Pamela Spence, 209691 Highway 26, The Blue Mountains
RE: May 30 Public Meeting – Options for the Review of Municipal Tree Preservation By-law 2010-68

Thank you to TBM Planning staff for moving this matter forward. I was on the Sustainability sub-committee in 2020 under the direction of then Councilor Matrosovs to research what the Town had done with trees, compare tree preservation policies of other municipalities and compile examples of best practices. As mentioned many other municipalities have successfully implemented a Tree Protection by-law on private property and the TBM draft tree by-law of September 2022 incorporates many of these best practices.

(Note: Will Thomson, former Director of Legal Services previously addressed the concerns expressed in the May 30 public meeting about authority to implement a tree protection by-law and prepared a staff report on this and concluded that the municipality had the powers to proceed with a by-law.)

Since working on the sub-committee I have read and listened to many amazing authorities on trees. Peter Wohlleben and The Hidden Life of Trees was a Blue Mountain Watershed Trust movie one night this month. I highly recommend that everyone read To Speak for the Trees by Ottawa resident Diana Beresford Kroeger. With her multiple doctorate degrees she has proven the value and benefits of numerous species of trees long appreciated by our forefathers and mothers and indigenous friends.

Please indulge me while refresh you on the 5 major benefits of trees in today's context –

1) Trees purify our air and combat climate change.

Earthday.org says trees remove 1/3 of global emissions every year. Trees and forests are carbon sinks that remove carbon from the atmosphere and store it in their trunks and roots. Trees control climate through evapotranspiration which draws water up through the soil and roots that then evaporates from the leaves. One large oak tree can filter 40,000 gallons of water into clean air in a year. When we cut down trees and disturb the soil, we release carbon and other pollutants into the environment. Trees filter water therefore more trees = cleaner water.

2) Trees cool our streets and settlement areas.

Trees block sunlight and provide shade which contributes in reduced energy demand for airconditioning. 3 trees around your home can reduce your A/C costs by 30%. Trees as windbreaks can save 10-50% on heating bills. Studies suggest we need a 40% canopy coverage to combat the effects of urbanization.

(Note: Discussion on this topic after the meeting would suggest that in an agricultural community like ours, where we have less than 40% tree canopy in the farming regions, we should then have 60% tree canopy in our urban or settlement areas.)

3) Trees provide housing to millions of species that protect us and improve our world.

¼ of our medicines come from plants. Birds, animals, insects and microorganisms require trees for their habitat. Deforestation is threatening all creatures who need these trees.

4) Trees protect against floods and water pollution.

Mature trees protect our communities against flash floods, runoff and landslides by stabilizing and absorbing water. The converse is true too – the lack of trees can increase disasters. Thick red mud runs off the slopes and into Georgian Bay during heavy rains. Landslides are evident at the ski slopes today.

5) Trees ease the mind during stressful times.

Spending a few minutes outdoors can benefit our mental and physical wellbeing, reduce blood pressure, relieve stress and build a stronger immune system. We all sought solace outdoors during the pandemic in our trees, forests and trails.

Trees are amazing, resilient and important. Saving our trees will not by itself stop climate change but it is an easy tool to prevent further destructive and negative consequences.

Therefore, I urge you to support the Tree Preservation By-law as other municipalities have done. As recommended in staff report PDS.22.113, please adopt either Option 2, 3 or 4.

The planners have done a good job incorporating many of the other municipalities' best practices in this version of the By-law. I urge you to adopt many of the suggestions made by Tree Trust and CANN and I also provide a few more for your consideration.

Schedule A should include the secondary plan area of Castle Glen.

In Section 2.1 Applicability subsection 2.1.(c) i should have an "or" after subsection (a).

In Section 2.2 - Appropriate Reports, a Tree Preservation Plan should be mandatory with an acceptance date not to be revised. An Environmental Impact Study justifies removal or destruction and does not address the preservation goal – a Tree Preservation Plan supports the goal and needs strengthening.

Section 3 subsection (m) references and should include a list of species considered invasive that can be amended or updated from time to time without a full by-law review. For ex.: Are Willows invasive?

Section 3 subsection (n) should clearly state the safety of persons and property is paramount in times of natural disaster and permit approval is waved.

Section 3.2 (e) should be reworded. There are numerous examples in Craighleith where the clearing of trees precedes subdivision agreements which this clause calls for. The agreements to date are weak in content and enforceability. During the development review phase, required studies should include a finalized and approved Environmental Impact study, a Tree Preservation Plan, a Landscape/Replacement plan followed by enforceable contracts with penalties for non- compliance. Furthermore, it should be stated that once the development is built out it should then be subject to the Town by-law.

NOTE: In the presentation by the Director of Planning it was stated that once a development project is "in process", the Tree Preservation by-law would not apply. The cited reference in the Planning Act does not speak to this protection. Furthermore, "in process" is a long way from being approved so clarification is needed about the point at which approved studies take precedence over the Tree By-law. Ideally that should be once By-laws and Subdivision plans are approved by Town and County councils respectively.

Section 5.4 subsection (c) referencing Endangered Species should be strong and include Designated Trees. Please know that even endangered species may be removed with MOE approval based on a

compensation plan. The Town must send the signal through stronger language that heritage, endangered and designated trees are strongly protected under Section 2.2.

Section 6.1 Conditions of a Permit should include conditions for the disposal of the tree. Best practices were that wood should be harvested first and then debris chipped and left on or near the cut site. This is even mentioned in TBM Resident Welcome Guide and is evident in Collingwood. The wording of Section 6.1 (c) should be clarified and strengthened. If diseased, do not remove stump – it may grow back.

Finally Section 6.3 Replacement trees should be stronger. Fees should be scaled according to tree size to be cut. Trees at 60cm DBH should have permit fees twice 30cm DBH tree fees and 90cm DBH 3-5 times etc. Maintenance of new trees is **so** critical for success and longevity. Trees should be monitored for 2 years with stiff penalties if the trees fail to thrive. Replacement trees should be native species; a list of which should be included as a Schedule B (or C if a list of invasive species is created).

Note: Post May 31, 2023, It was learned that the Town has hired a tree specialist for Operations Dept. It would be wise for this person to review this by-law and contribute to it with a list of native/desirable trees for replanting (size and quantity as well) and list invasive/undesirable species as well.

Again, I thank you for advancing this very worthwhile initiative and please keep me posted or advised on any progress or meetings on this subject that may arise. While there is pain to start, the gain will serve our human and natural environment immensely.

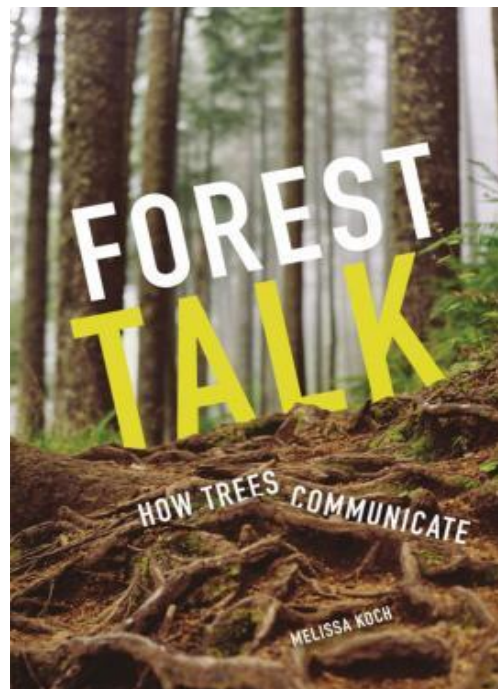
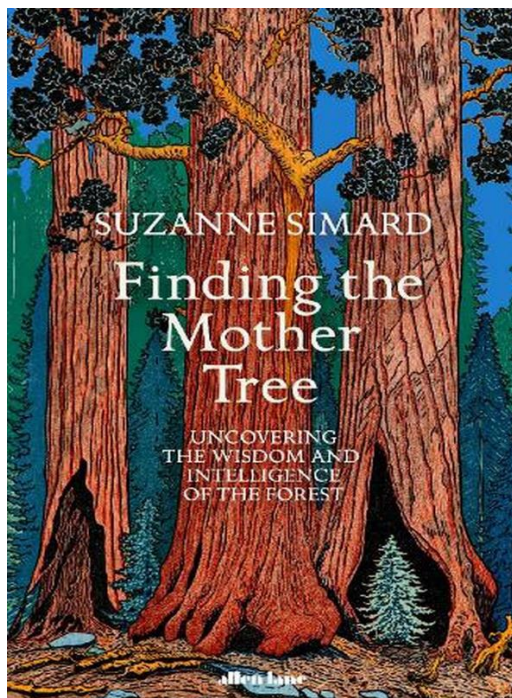
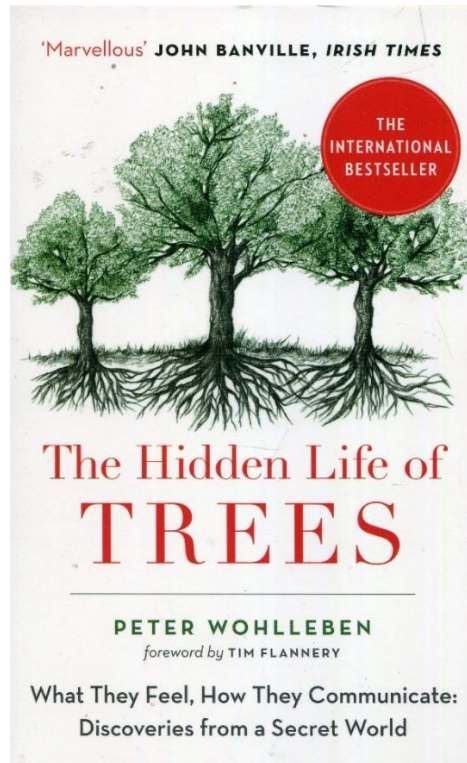
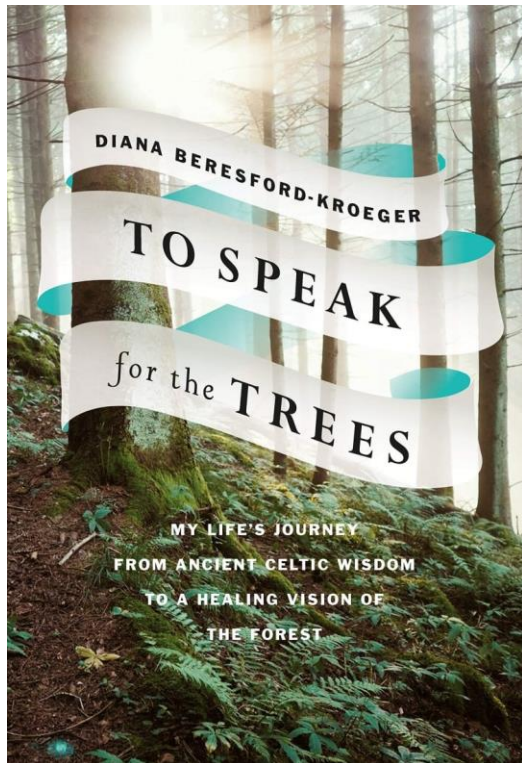
We speak for the trees. And we speak for our human community.

Take Bold Actions!

Pamela Spence

Submitted June 19, 2023

Recommended Reads on Trees



BY E-MAIL

Ms. Andrea Matrosovs, Mayor
Mr. Peter Bordignon, Deputy Mayor
Ms. Paula Hope, Councillor
Mrs. June Porter, Councillor
Mr. Alex Maxwell, Councillor
Ms. Gail Ardiel, Councillor
Mr. Shawn McKinlay, Councillor

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

May 24, 2023

Re: Written Comments for the Review of Municipal Tree Preservation By-Law 2010-68

Dear Mayor, Deputy Mayor and Councillors,

I am responding to the request for written comments related to the review of the municipal tree preservation by-law.

As a director of Escarpment Corridor Alliance (ECA), I receive regular feedback from members of the community regarding the southern Georgian Bay Escarpment. What I hear most often is the expression of heartbreak when trees are clear cut, especially as a result of new housing developments. People ask me, "how can we prevent this from happening?"

We know that greenspaces have a positive impact on social, mental and physical wellbeing. Residents who live close to green spaces have lower premature mortality, fewer mental health problems, and lower rates of cardiovascular disease and cancer. In a region that is under-serviced when it comes to healthcare, these are important things to consider.

I would therefore request that in the drafting of this new by-law, the optimization of tree preservation should be the foremost consideration. ECA's recent survey demonstrated that constituents are opposed to mega-developments that threaten sensitive eco-systems in the Niagara Escarpment, and risk permanently wiping out the forests and watersheds that have attracted people to live, work, and play in southern Georgian Bay. If we don't protect the trees, we don't protect our future.

Thank you for your consideration, and for everything you do to make the Town of Blue Mountains a better place to live.

Sincerely,

Christina Eaton

Director, Escarpment Corridor Alliance (ECA)