



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 Matrosovs;
- 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,

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Planner I

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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;
- 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;
- 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;
- f) "forest technician/technologist" means a graduate of a post-secondary school forestry and/or ecology based program;
- g) "forestry consultant" means a forest technician, a forest technologist, a forest/wildlife ecologist, a managed forest plan approver, or a professional forester;
- 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;
- i) "harvesting" means the destruction of trees and may be either a single cut or a series of cuts, and shall include logging;
- 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.

- †)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) "professional forester" means a professional forester as defined in the Crown Forest Sustainability Act, S.O., 1994;
- †)t) "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;
- †)u) "tree farm" means land where trees are grown and maintained for sale;
- †)v) "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;
- w) "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;
- i) 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)g) 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"> 1. 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 2. Section 3(b): What does “activities” encompass? 3. 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’? 4. 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? 5. Section 4: does the Director have final say on all permits? Is there a process to appeal? 6. Section 6(3): Are there replacement/replanting policies? 	<ol style="list-style-type: none"> 1. 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); 2. “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; 3. “farm operation” is a defined term within the By-law. Revised wording is proposed for added clarity. 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. Section 3(m)(ii) allows all trees under 15cm DBH to be removed without a permit. 5. 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; 6. 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"> 1. None; 2. None; 3. 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> 4. 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 in a given calendar year</u>, each with a diameter between fifteen (15) cm and thirty (30)cm”;</i> 5. None; 6. 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	<ol style="list-style-type: none"> 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 	<ol style="list-style-type: none"> 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. 	<ol style="list-style-type: none"> 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	<ol style="list-style-type: none"> 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? 	<ol style="list-style-type: none"> 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; 	<ol style="list-style-type: none"> 1. The following text has been inserted into the proposed By-law: <ul style="list-style-type: none"> x) “woodland” means land that is one hectare or more in area with at least: <ul style="list-style-type: none"> (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; <p style="margin-left: 40px;"><i>but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.”</i></p> 2. None; 3. None; 4. Section 3(p)(i) to be revised to the following: “<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”;</i> 5. None;

ITEM	Author	Comments	Staff Comment	Proposed Modifications
			<p>7. An exemption for 'managed woodlots' is included in the existing By-law under Section 3(m);</p> <p>8. 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.</p>	<p>6. Section 3 to be revised by inserting a new subclause m, as outlined below, and renumbering the remaining subclauses accordingly: <i>"n) The cutting of firewood for personal use to a maximum volume of 20 face chords per calendar year";</i></p> <p>7. None;</p> <p>8. None.</p>

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.

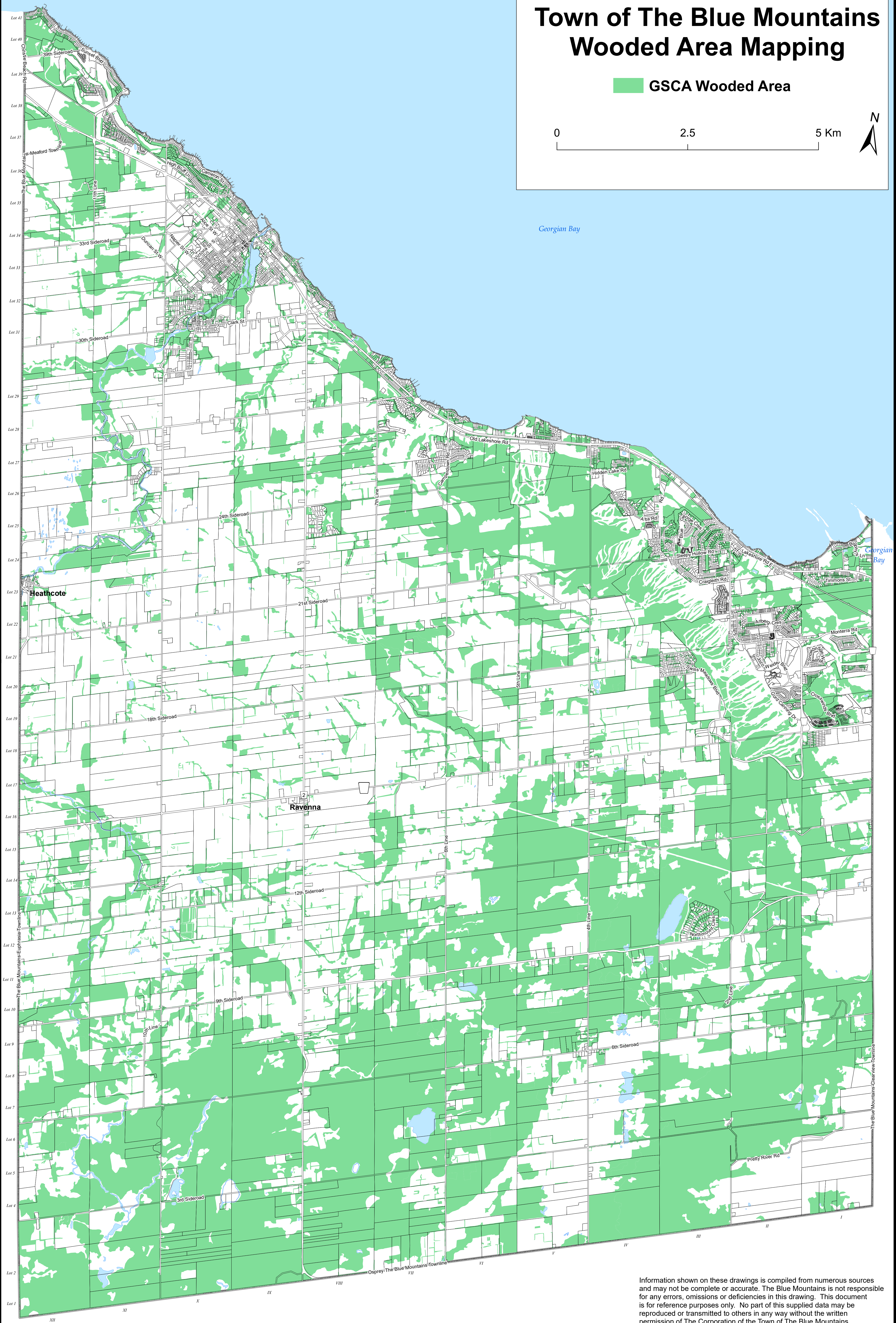
Step 7: Results of review submitted to the Director.

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