

# Tree By-law

**OPEN HOUSE**



# Introductions

- ▶ **Rachel Daniels**

Senior Environmental Planner

- ▶ Gerrit Boerema

Manager of Policy & Community Planning

- ▶ Robin Shugan

Junior Community Planner

# Agenda

- ▶ Purpose
- ▶ Benefits of Canopy Retention
- ▶ Impacts to the Fort Erie Tree Canopy
- ▶ Types of By-laws in Ontario
- ▶ Next Steps

# Purpose

- ▶ In response to several accounts of tree clearing occurring within the Town, Council authorized staff on May 29, 2023 to initiate a review and amendment to By-law No. 60-04 - A By-Law To Regulate The Destruction, Injury And Harvesting Of Trees In The Town Of Fort Erie in accordance with the *Municipal Act* of Ontario, as outlined in Report No. PDS-54-2023
- ▶ The review will:
  - ▶ Determine the effectiveness of the existing woodland By-law in regards to the protection of canopy coverage within the Town
  - ▶ Investigate other municipal tree By-laws throughout Ontario and conduct a review on the effectiveness of each approach
  - ▶ Consist of a public consultation program in order to hear what local residents have to say

# Benefits of Tree Canopy Retention





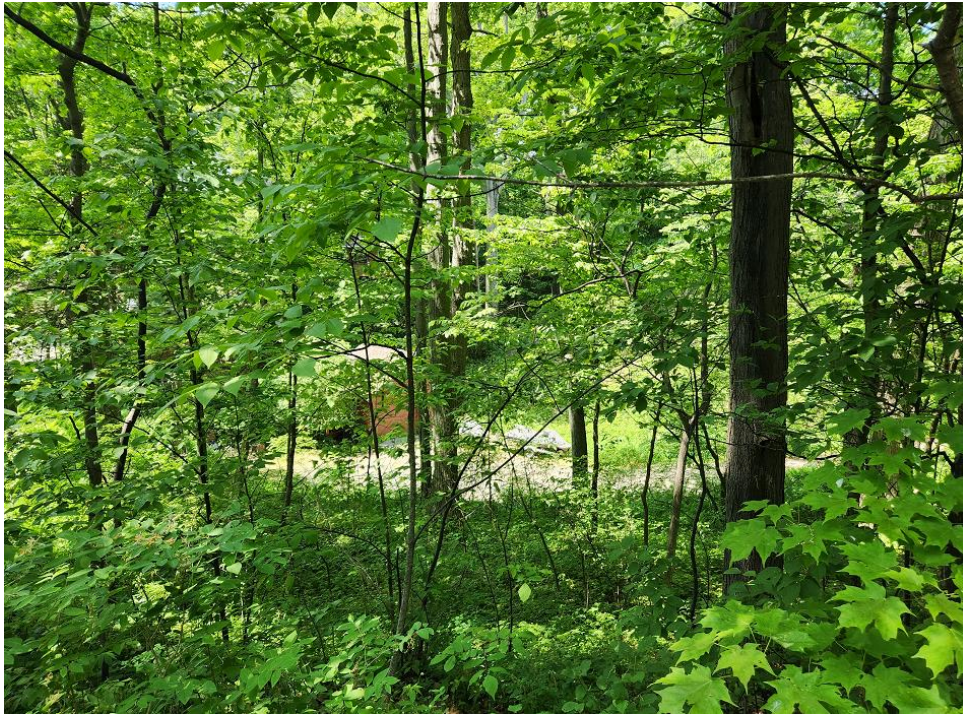
# Benefits of Tree Canopy Retention

## Economic Benefits

- ▶ Stabilization of soils and slopes / Reduction in the volume of stormwater/flooding
- ▶ Increased shade resulting in less energy consumption in summer months
- ▶ Reduction in winter winds resulting in less energy consumption in winter months



# Benefits of Tree Canopy Retention



## Environmental/Climate Benefits

- ▶ Stabilization of soils and slopes
- ▶ Sequestering of carbon (CO<sub>2</sub>)
- ▶ Provision of wildlife habitat



# Benefits of Tree Canopy Retention

## Other Benefits

- ▶ Aesthetic value
- ▶ Improved physical and mental wellbeing
- ▶ Reduced noise pollution





# Impacts to Trees within Fort Erie



# Impacts to Trees within Fort Erie

## ► Land Clearing for Development



## ► Storms and High Winds



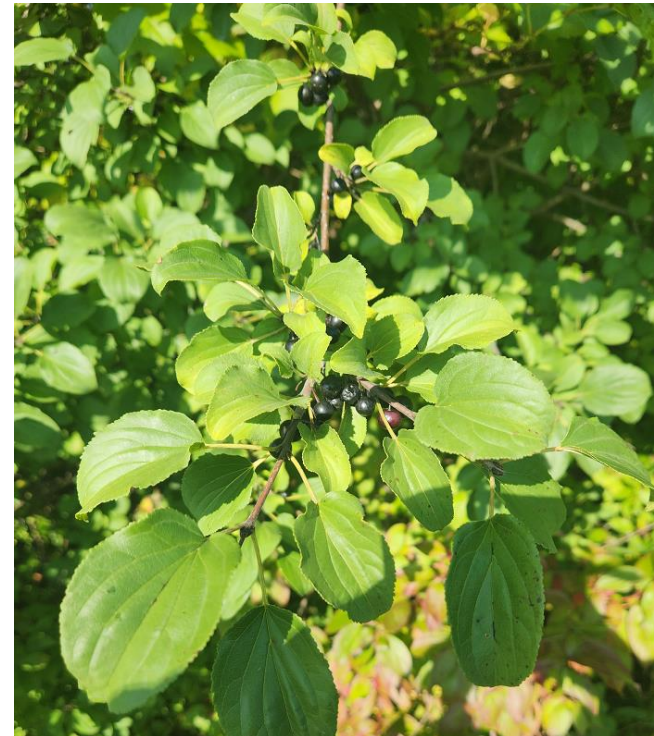


# Impacts to Trees within Fort Erie

## ► Insects and Diseases

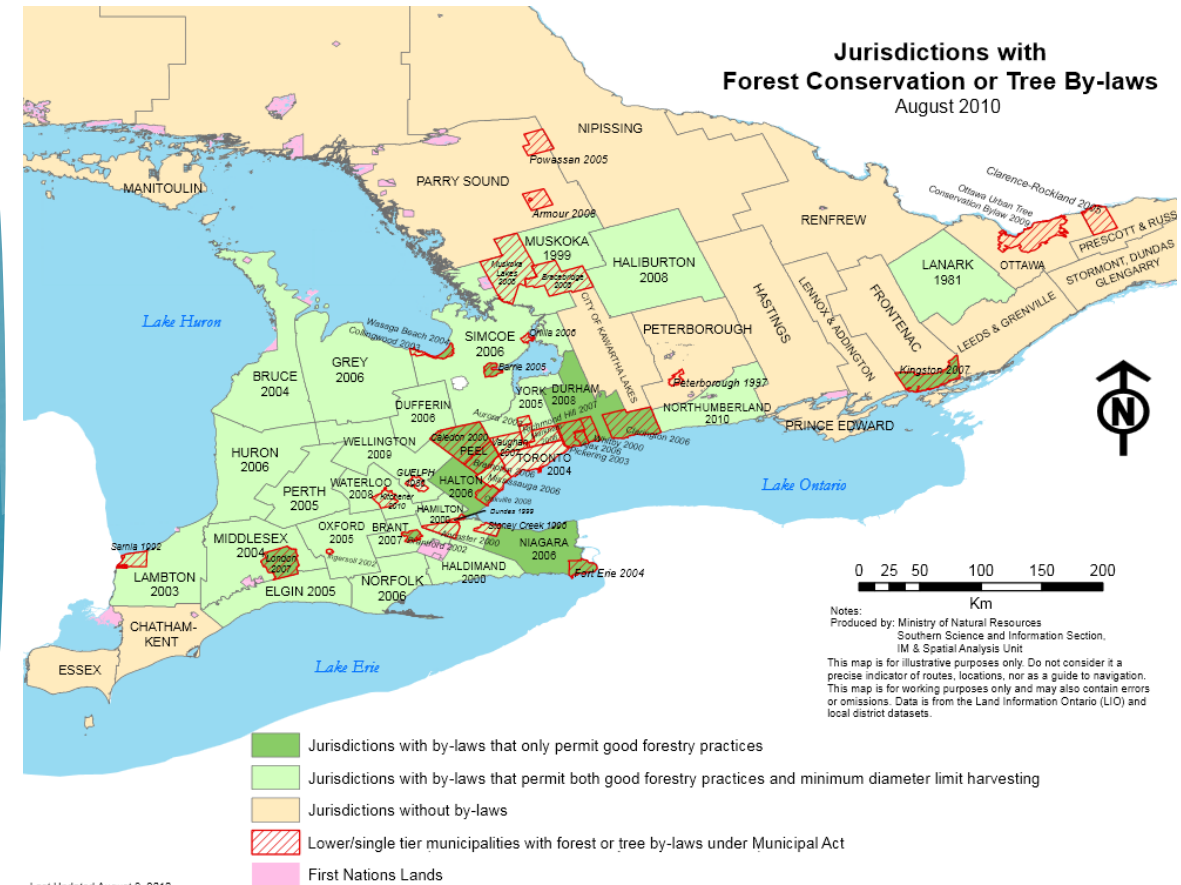


## ► Invasive Species





# ONTARIO BY-LAWS



Last Updated August 9, 2010  
c. Queen's Printer of Ontario

Map Updates: Contact [geoff.clark@ontario.ca](mailto:geoff.clark@ontario.ca) 705-755-

# Research: Tree By-laws in Ontario

- ▶ 146 Lower Tier Municipalities within Southern and Central Ontario were investigated
  - ▶ **29 were found to have private tree bylaws**
- ▶ 13 Single Tier Municipalities within Southern and Central Ontario were investigated:
  - ▶ **9 were found to have private tree bylaws.**
- ▶ 18 Upper Tier Municipalities within Southern and Central Ontario were investigated:
  - ▶ **16 were found to have Forest Conservation By-laws.**

# Municipal Act: Trees

- ▶ **Tree By-laws:** Section 135 (1) of the Municipal Act allows a **local municipality** to prohibit or regulate the destruction or injuring of **trees**
- ▶ **Forest Conservation By-laws:** Section 135 (2) of the Municipal Act allows an **upper-tier municipality** to prohibit or regulate the destruction or injuring of trees in **woodlands**
- ▶ **The definition of a woodland** is consistent with the definition within the Forestry Act:
  - ▶ An ecosystem of different trees, shrubs, ground vegetation and soil complexes that provide habitat for plants and animals that is at least 1 hectares (2.47 acres) or more in area containing at least:
    - ▶ (i) 1000 trees of any size per hectare
    - ▶ (ii) 750 trees measuring more than 5 centimetres dbh per hectare; or
    - ▶ (iii) 500 trees measuring more than 12 centimetres dbh per hectare; or
    - ▶ (iv) 250 trees measuring more than 20 centimetres dbh per hectare;
    - ▶ (v) but does not include a cultivated fruit or nut orchard, a horticultural nursery, or a Christmas Tree Farm



# Niagara Region Woodland Conservation By-law

- ▶ The Niagara Region has had a private tree By-law in place since 2008 that regulates the destruction, injury and harvesting of any tree that is part of a woodland that is over **1 hectare (2.47 acres)**
- ▶ The **definition of a woodland is density based** and is consistent with the definition within the Forestry Act
- ▶ Complete prohibition on tree removal within woodlands with some exemptions
  - ▶ Agriculture
  - ▶ Personal use
  - ▶ Dead/Dying/Hazard Trees
  - ▶ Where a building permit has been issued
  - ▶ Injury of trees imposed as a condition to the approval of Development Applications under the Planning Act

# Existing Fort Erie Tree By-law

- ▶ The Town of Fort Erie has had a private tree By-law in place since 2004 that regulates the destruction, injury and harvesting of any tree that is part of a woodland that is between **0.5 hectares (1.24 acres) and 1ha (2.47 acres)**
- ▶ Complete prohibition of tree removal within woodlands with a few exemptions, including, but not limited to:
  - ▶ Personal Use (harvesting of 10 trees or less by a person who has been the registered owner of land for at least 2 years)
  - ▶ Injury of trees imposed as a condition to the approval of Development Applications under the Planning Act
- ▶ **Similar to the Niagara Region By-law (applies to smaller woodlands)**
- ▶ **Main Difference:** Fort Erie By-law requires permits for dead trees; Niagara Region does not

# Types of Tree By-laws in Ontario

- ▶ Single Trees
- ▶ Multiple Trees (e.g. Cutting more than 3 trees within 2 years)
- ▶ Groups of Trees (e.g. all trees within the Natural Heritage System)
- ▶ Trees that are Part of a Woodland (**Fort Erie By-law**)



# Types of Tree By-laws in Ontario

## Size

- ▶ DBH = Diameter at Breast Height (1.3 m above ground)



10cm DBH



30cm DBH



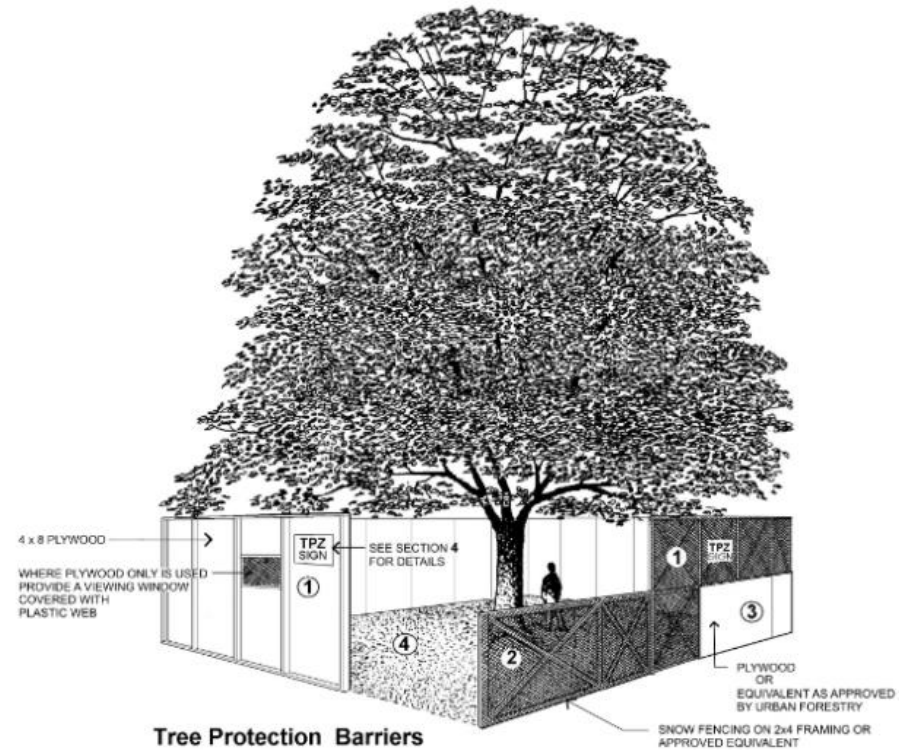
60+ cm DBH

# Types of Tree By-laws in Ontario

## Permissive vs Restrictive

- ▶ Permissive
  - ▶ Most permits are approved
  - ▶ Involves a high compensation/replacement ratio
- ▶ Restrictive
  - ▶ Lower rate of permit application approval
  - ▶ Applicant must demonstrate tree is hazardous, diseased or causing damage to property or a very high ratio of compensation/replacement

# Tree Protection



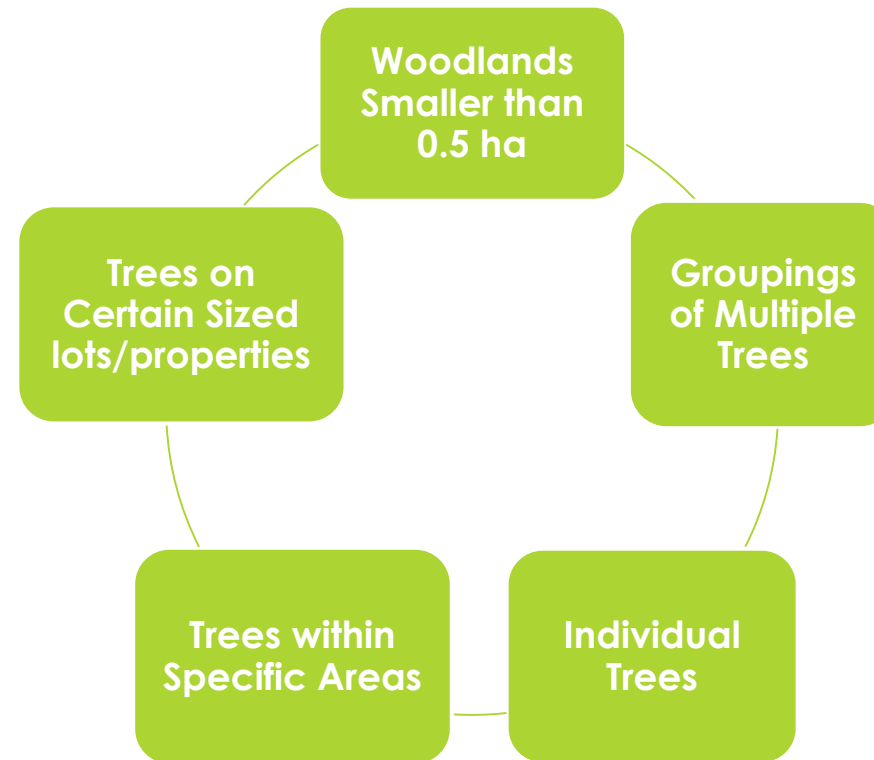


# Types of Tree By-laws in Ontario

## Compensation

- ▶ Most municipalities with Private Tree By-laws require some level of tree compensation for trees that are removed
- ▶ Typically, the preferred approach consists of tree replacement plantings on the subject property. If there is a limited amount of room on the property for replacement plantings, a cash-in-lieu amount can be provided to the municipality for municipal tree planting efforts
- ▶ Compensation approaches can vary:
  - ▶ Ratio Compensation (e.g. 2 trees planted for ever 1 tree removed)
  - ▶ Aggregate Caliper (e.g. compensation is scaled depending on the size of the tree removed)
  - ▶ Area based compensation (e.g. removal of 25m<sup>2</sup> of densely treed areas requires a 25m<sup>2</sup> area of densely planted trees and/or shrubs)

# Potential Regulation Approaches



A private tree By-law with a combination of these approaches may also be considered.

# Next Steps

- ▶ 2023
  - ▶ Regional Consultation
  - ▶ Information Report brought to Council
  - ▶ Public Meeting
- ▶ 2024
  - ▶ Recommendation Report and Draft By-law brought to Council
  - ▶ Final By-law brought to Council
  - ▶ Enforcement of Amended By-law

# We Want to Hear From You!

- ▶ Feedback regarding the regulation approaches outlined on previous slides
- ▶ Additional/different regulation approaches that should be considered
- ▶ Specific examples of tree removal within Fort Erie that you would like to be considered when developing a updated By-law
- ▶ Fees
- ▶ Tree compensation/replacement

**Comments/Questions can be provided in person during the remainder of the Open House or via email until end of day on September 29, 2023 for inclusion within the Information Report**

**Email: [pds@forterie.ca](mailto:pds@forterie.ca)**