
TO: GENERAL COMMITTEE

SUBJECT: PRIVATE TREE BY-LAW AND ECOLOGICAL OFFSETTING REVIEW

WARD: ALL

PREPARED BY AND KEY CONTACT: K. RANKIN, M.SC.F., R.P.F., MANAGER OF PARKS AND FORESTRY OPERATIONS, EXT. 4754

SUBMITTED BY: D. FRIARY, DIRECTOR OF OPERATIONS

GENERAL MANAGER APPROVAL: B. ARANIYASUNDARAN, P. ENG., PMP, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

CHIEF ADMINISTRATIVE OFFICER APPROVAL: M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That By-law 2014-115, the Private Tree By-law be repealed and replaced with a by-law incorporating the proposed revisions included in Appendix "A" to Staff Report OPR001-23.
2. That a full-time Urban Forester position be approved to support the necessary staff resources in the Operations Department that are required to implement the improvements to the Tree By-law and implementation of a Private Land Tree Planting Grant Program and Ecological Offsetting Program. The position will be partially funded by the Ecological Offsetting Reserve generated from Tree Removal Compensation Fees.
3. That the Fees By-law 2023-023 be updated to include an Ecological Offsetting fee of \$57,500 per hectare of woodland removal and \$500 per tree for individual tree replacement value as an interim measure until an Ecological Offsetting Policy is approved by Council.
4. That staff in the Operations and Development Services Departments develop an Ecological Offsetting Policy to achieve a No Net Loss (NNL) target for terrestrial natural heritage systems that includes the creation and restoration of forest habitat on city-owned lands and a tree planting grant program to subsidize tree planting on private property and report back to Council by October 2023.
5. That staff in the Development Services and Operations Departments form a tree by-law standards subcommittee that includes representatives from the land development and professional consulting community to review and update tree protection standards.
6. That a full-time Restoration Ecologist position be approved in Development Services that is fully funded from the Ecological Offsetting Program fees to administer the program, including the review and approval of Ecological Impact Statements (EIS) required with development applications that are no longer reviewed by the Conservation Authorities under Bill 23, and to support the planning, design, implementation and monitoring of natural heritage features identified through the program.
7. That staff in Finance be authorized to establish an "Ecological Offsetting" reserve to be used specifically to fund terrestrial natural heritage creation and restoration to achieve the No Net Loss target, the private lands tree planting grant program, and the positions identified in the report required to administer and implement the program.

PURPOSE & BACKGROUND

8. The Provincial direction to densify existing neighbourhoods and create more affordable housing (e.g. second suites) within existing properties has raised the question of protection of individual trees on residential lots, not just trees that are part of woodlots. As a result, on August 9, 2021, City Council adopted Motion 21-G-210 INDIVIDUAL (SINGLE) TREE BY-LAW regarding the update of Private Tree By-law 2002-12:

“That staff in the Operations Department conduct a cost benefit analysis associated with individual (single) tree by-laws to mitigate future damage of privately owned trees due to private construction and excavation projects and report back to General Committee. (Item for Discussion 8.9, August 9, 2021).”
9. On October 4, 2021, City Council adopted Motion 21-G-229:

“That further to Motion 21-G-210, the Single Tree By-law investigation include: individual heritage trees, an evaluation of best practices from other municipalities, the potential for a more comprehensive approach to mature tree protection beyond excavation and construction, and a public and stakeholder consultation process.”
10. Section 10 of the Municipal Act, 2001, S.O. 2001, provides that a single-tier municipality may pass by-laws respecting matters set out therein including, inter alia, the economic, social and environmental well-being of the municipality. Section 135 of the Municipal Act, 2001, provides that a municipality may prohibit or regulate the destruction or injuring of trees.
11. Since 1990, all trees on private property that are within an ecological woodlot of 0.2 ha (1/2 acre) or greater have been protected under the provisions of a Private Tree By-law (by-law to prohibit or regulate the injuring or destruction of trees on private property in the City of Barrie). The private tree by-law was revised in 2002, 2005 and 2014. Annually, staff issue approximately 3 to 5 Tree Removal Permits for subdivision or site plan developments, 5 to 8 Permits for single lot construction works (e.g. pool installation, additions), and 1 Permit for woodlot management (thinning, harvesting). Staff also receive and deny 1 – 2 permit application requests annually for clearing forest without having an approved site plan, subdivision or other approved development plan in place. Detached accessory dwelling units have resulted in an increase in permit issuance over the last two years, resulting in approximately 75 trees removed annually.
12. The existing Private Tree By-law includes protection of all trees designated as a Heritage Tree by City Council. The definition of a Heritage Trees, process to nominate a heritage tree and the evaluation process are included as part of the Council approved Tree Protection Manual. Any land owner may nominate one (or more) of the trees growing on their properties as a Heritage Tree, which after evaluation by a City arborist can be sent to Council for consideration.
13. While occurring infrequently, City of Barrie has charged landowners for violating the Private Tree By-law with resulting fines and restoration orders issued. Most incidents result in voluntary restoration and replanting by the landowner however some cases must be resolved in courts. Court cases have resulted in a range from negotiated settlements to fines up to \$70,000, and restoration orders as high as \$64,000.
14. The City of Barrie is approximately 10,067 hectares in total area which is covered in approximately 3,066 hectares of tree canopy on private (71%) and public (29%) lands. In 2018, the total canopy cover was measured (via satellite photography) at 30.5% of the land base (see Appendix ‘B’ for detailed breakdown). Of the total tree canopy area, 884 hectares are protected on public lands (Public Tree By-law) and 1,334 hectares are regulated by the existing Private Tree By-law. The remaining 848 hectares (28% of the tree canopy) is not regulated under a Tree By-law.

15. Staff and volunteer organizations work to increase canopy cover through naturalization and reforestation projects on public lands through annual City planting programs and partnerships with local non-profit organizations, community groups and Conservation Authorities. Often these projects were funded by the Lake Simcoe Region Conservation Authority through Ecological Offsetting charges for developments that removed trees and/or woodlots. The Ontario governments recent approval of Bill 23 has prohibited the collection of ecological offsetting fees by Conservation Authorities, however the collection of compensation fees for tree removals is a normal practice within tree by-laws authorized under the Ontario Municipal Act (Appendix 'C').

ANALYSIS

16. Staff completed a review of municipal tree by-laws and tree protection studies from the past decade (Appendix 'C'). In similar sized municipalities, tree protection by-laws range from non-existent to regulating all trees that are 15cm in diameter and larger. Woodlot protection by-laws, such as ours, are also common in upper and single-tier municipalities. Across Ontario, there are many variations of individual tree by-laws. The Town of Oakville and City of Toronto have individual tree-by-laws and also require replanting (or payment in lieu) for trees removed on private land.
17. The most successful individual tree by-laws (based on experiences of other municipalities) combine education, incentives and enforcement. Educating the public of the by-law and its value to protect the environment, incentives for replanting (and increasing tree canopy), and enforcement of the by-law requirements including compliance, restoration planting and the political support to charge landowners who do not comply with the by-law. Community partnerships and incentive programs (e.g. grants) to plant more trees on private lands are successful ways to increase tree canopy in combination with education programs. One example would be directing of funds collected for tree compensation payments towards a grant program for local non-profit organizations to apply for funding to support education and planting programs on private lands (e.g. LEAF).
18. Costs to administer individual tree by-laws in similar sized communities are several hundred thousand dollars per year and require significant staff resources, municipal law enforcement support, legal (prosecutor) support and court time. Permit fees that are set too high result in large numbers of non-compliance, enforcement and associated court expenses. Permit fees that are set low result in higher compliance but only cover a fraction of the administrative costs to implement.
19. Municipalities who identified that their by-law was not as successful as it was intended noted that a lack of resources to implement the by-law combined with a lack of political support to enforce the by-law resulted in a regulation that was ineffectual. By-laws that require replanting of trees as a condition of tree permits were ineffective when they did not include securities and follow up inspections by city staff to ensure the trees were healthy and growing a year or two after planting. In some cases, only a small percentage of tree applications are denied so replanting after removal is the primary method of replacing lost tree canopy.
20. A Public Information Centre (PIC) was held on February 24, 2022 and the survey was online until March 11, 2022. The presentation, frequently asked questions and answers and presentation are posted on www.buildingbarrie.ca/trees and staff continued to receive public comments until late March. 221 visitors viewed the Tree By-law Review page on Building Barrie and 168 respondents answered at least one of the survey questions (Appendix 'D'). The largest contributors to the survey (26% of the total) were from Ward 8 (43 respondents), with anywhere from 5 to 23 respondents living in each of the other Wards. 89% of all respondents identified themselves as property owners.
21. A relatively small number of city residents (160) completed the online survey representing approximately 1 out of every 1,000 residents. Eight (8) non-residents also provided a response on the survey. The respondents to the survey expressed concern for trees in Barrie, as 75% were concerned or very concerned about the total canopy cover in Barrie and 73% feel that the total number of trees in Barrie is decreasing. Of notable concern, 21% of respondents did not know that Barrie had a Private Tree By-law.

22. When asked if the Private Tree By-law should be revised to regulate the removal or injury of individual trees on private property in Barrie, 58% of Barrie residents who responded were definitely in agreement. However, results by Ward varied from 29% to 67% in favour with only half of the Wards having >50% of respondents noting definite need for individual private trees being regulated. Specific comments received (Appendix 'D') illustrate that many of those opposed to regulating individual trees on residential properties had very strong opinions against revising the by-law.

Level of Agreement:	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Ward 6	Ward 7	Ward 8	Ward 9	Ward 10	Total
No, definitely disagree	17%	5%	25%	17%	20%	31%	25%	9%	14%	29%	16%
Somewhat disagree	9%	5%	6%	0%	0%	8%	0%	7%	14%	14%	6%
Neither agree nor disagree	0%	5%	13%	6%	0%	0%	13%	2%	0%	0%	4%
Somewhat agree	9%	20%	19%	11%	20%	15%	13%	16%	29%	29%	16%
Yes, definitely agree	65%	65%	38%	67%	60%	46%	50%	65%	43%	29%	58%
Total Number of Respondents	23	20	16	18	5	13	8	43	7	7	160*

* Note: Eight (8) respondents did not identify their Ward or were not a resident of Barrie.

23. Although more than half of respondents would support improvements to the Private Tree By-law, including regulating more (individual) trees in Barrie, support for the type and level of regulation is highly varied. In general, a majority of the respondents had strong opinions on the following:

- 131 of 168 respondents felt that any permit fee over \$50 would cause a financial strain on applicants
- very high support (127 of 168) for allowing trees to be removed if it is causing damage or risk to properties
- 123 of 167 respondents were in favour of a private land planting grant program
- 113 of 168 respondents felt that the by-law should have set fines for unauthorized tree removals

24. Several questions resulted in split or highly varied opinions on the survey, including:

- 109 of 167 felt that a permit should be issued for either all trees, 10cm and larger or 30cm and larger trees, however there was not a significantly strong opinion for one size class
- 105 of 166 felt that replanting should be a requirement for tree removal
- 99 of 167 respondents were in favour of subsidizing/reducing the stormwater utility rate based on the amount of tree canopy on each private property.
- 94 of 168 felt that the by-law should be revised to regulate individual trees
- 82 of 168 respondents would support a tree planting incentive program for private landowners in place of an individual tree by-law
- 95 of 168 respondents supported a compensation fee for trees removed to be used towards replanting
- Nearly equivalent support for very high fees with compensation for tree removal as those in favour for zero fees for tree removals
- Split opinion on whether tree removals should be posted by the landowner ahead of tree removals.
- Split opinion on whether the municipality should mediate disputes between landowners related to boundary (shared ownership) trees.

25. Areas of public opinion where respondents showed the least support of were:
- Opinions on permit fee structures were highly varied and ranged from preference for no fees (28.6% of respondents) to the most expensive which would be cost recovery plus compensation fees for each tree removed (32.1% of respondents).
 - Less than half of respondents (73 of 166) were in favour of arborist reports being required as part of permit applications
 - There was very low support (19 of 168) for allowing tree removals for cultural or religious beliefs
26. Comments were provided by a representative of the Development Community (Salem and Hewitt's Landowners Group). A summary of their comments included:
- Any tree compensation should be focused on historic neighbourhoods, and it should not apply to greenfield developments
 - A single tree by-law would not reduce the number of trees removed by developers but would only increase the cost of homes
 - A review of existing tree protection standards would be appropriate to ensure the optimum preservation is achieved and trees are not removed from developments unless appropriate.
27. A summary of the arboriculture industry comments related to concerns relating to:
- The cost of a tree removal permit for homeowners should be kept low or no-cost to encourage property owners to apply and reduce economic impact on them
 - Capacity of the city to keep up with high numbers of permit requests. If the city is unable to respond in a reasonable timeframe to permit requests, landowners and businesses will be impacted negatively.
 - Liability impact to the city as a result of landowners being unable to afford to get a tree removed in a timely fashion.
28. A private land grant program could include a rebate for trees planted on private property (e.g. Collingwood), or a subsidized non-profit lead private land planting program. An example of this program would be to offer rebates for landowners who plant a tree on their residential property. The landowner would provide proof of purchase and planting to receive a rebate on trees planted within their property. Another alternative to this program would be to offer a grant program to non-profit organizations (e.g. Forests Ontario, Living Green) to procure, organize and plant trees on private land at a subsidized rate (e.g. modelled after LEAF in Toronto). For example, funding of \$50,000 would equate to 1,000 trees planted at a cost or subsidy of \$50 per tree.
29. Due to Bill 23, the Conservation Authorities are no longer charging ecological offsetting fees for the removal of trees or woodlands. These fees were collected to fund natural heritage and ecological improvement projects, such as reforestation projects, community planting projects and ecological restoration projects. Municipalities can collect these offsetting or tree replacement fees as part of existing Tree By-laws (authorized under the Municipal Act). The Lake Simcoe Region Conservation Authority collected ecological offsetting fees to fund reforestation and watershed improvement projects, which included all costs associated with managing and delivering the projects.
30. A tree planting grant or subsidy program for planting on private and public lands could be funded through an Ecological Offsetting program to replace the Lake Simcoe Region Conservation Authority's program. Woodland feature removal fees for development or construction projects that was charged by the Lake Simcoe Region Conservation Authority was calculated at a 2:1 replacement ratio (2 ha created for every 1 ha removed) at approximately \$140,000 per hectare and included an Environmental Service Fee and a Land Securement Fee (see Appendix 'F' for further details). A proposed 1:1 replacement for woodlands or trees removed for development or construction activities could have the following rates and estimated revenue to support tree planting throughout Barrie:

	Proposed Rate	Estimated Area*	Total (\$)	30- year Build-Out Estimated Annual
Feature Replacement**	\$50,000 / ha	270 ha	\$13,500,000	\$450,000
Tree Removal Compensation Fee	\$7,500 / ha	270 ha	\$2,025,000	\$67,500
Individual Tree Compensation Fee	\$500 / tree	n/a		

* Estimated area of natural heritage (tree canopy) with existing development designation within designated lands zoned for development.

** Includes estimated staff resourcing costs for planning, design, implementation, and monitoring

31. Based on reviews of other municipal jurisdictions and feedback from the survey, several alternatives were considered and evaluated for costs and program benefits as well as direct impact to landowners (Summary in Appendix 'E'). The preferred alternative for improvements to the Private Tree By-law would include revising the by-law to include all trees (not just woodlots) on properties subject to development (subdivisions, site plans, Committee of Adjustment) summarized as follows:

Key Components	Current By-law	Proposed By-law
Trees Regulated	Trees in Woodlots	All Trees in woodlots and/or any tree impacted by development or construction (defined in para. 1 (i) & 1 (k) of By-law)
Exemptions (in addition to listed in Municipal Act)	Trees deemed hazardous by qualified professional.	Trees pruned or removed for property maintenance purposes - defined in paragraph 1 (y) of the proposed By-law
Tree Permit Fee	Woodlot Clearing: \$1,030.43 Woodlot Management: \$133.00	Woodlot Clearing: \$1,030.43 Woodlot Management: \$133.00 Single Tree Removal: \$150.00/tree
Ecological Offsetting Fee for Tree Removals	None <i>(*note: LSRCA fee of \$140,494/hectare was previous fee in place until Dec 31, 2022)</i>	\$57,500 per hectare OR \$500 per tree

32. In addition, the following improvements are recommended:

- Form a tree by-law standards subcommittee that includes representatives from the land development and professional consulting community to review and update tree protection standards.
- Updating the fees collected to include an Ecological Offsetting charge on a per hectare or a per tree basis for trees removed.
- Implementing a private land tree planting grant program for residential properties.
- Implementing an ecological restoration program to create or replace woodlands on public lands.
- Hiring a professional forester to manage additional permit requests, promote the value of trees, coordinating with other organizations (non-profits, conservation authorities, private organizations), manage the grant/subsidy program, update tree protection specifications

- and permit fee structure, author/update tree management best practices and related educational initiatives, work with landowners and consultants to protect and enhance tree canopies on private lands, revise the Heritage Tree application and designation process to protect more heritage value trees, and manage the ecological offsetting program.
- Hiring a Restoration Ecologist in Development Services that is fully funded from the Ecological Offsetting Program fees to administer the program, including the review and approval of Ecological Impact Statements (EIS) required with development applications that are no longer reviewed by the Conservation Authorities under Bill 23, and to support the planning, design, implementation and monitoring of natural heritage features identified through the program.
 - Review of the by-law and standards after three (3) years and report back to Council on its success with any recommended improvements.
33. Based on the public feedback on various alternatives to single tree regulations, two possible alternatives could be considered. An alternative would be to implement a highly regulatory tree protection by-law that protects all trees 20cm in diameter and larger. To successfully implement this by-law, comparable sized municipalities tree by-laws were reviewed to estimate the resourcing needs. An Urban Forestry Regulations section would need to include at a minimum, a Supervisor (Registered Professional Forester), an Urban Forester, two Forestry Technicians, administrative support, Service Barrie support, Municipal Law Enforcement Officer support, as well as capital and operating costs/supports (Appendix 'E').
34. A less restrictive alternative would be to implement a single tree by-law that regulates the removal of all trees that are 50cm in diameter and larger. This by-law would result in less tree removal permit applications needing a smaller full time complement to administer. However, it would still require administrative and municipal law enforcement support due to the anticipated increased calls/complaints related to trees that are mature but not meeting the regulatory size classes. Successful implementation would require a Supervisor, Urban Forester, Forestry Technician and other departmental supports.

Ecological Offsetting Reserve

35. Due to Bill 23, the Conservation Authorities are no longer charging ecological offsetting fees for the removal of trees or woodlands. These fees were collected to fund natural heritage and ecological improvement projects, such as reforestation projects, community planting projects and ecological restoration projects. Municipalities can collect these offsetting or tree replacement fees as part of existing Tree By-laws (authorized under the Municipal Act). The Lake Simcoe Region Conservation Authority collected ecological offsetting fees to fund reforestation and watershed improvement projects, which included all costs associated with managing and delivering the projects.
36. Implementation of an Ecological Offsetting program to replace trees lost due to development has the potential for significant revenues to be used for replanting programs in parks, natural areas and on private lands. Using a 1:1 feature replacement for the identified growth lands would result in an estimated \$13.5 M in woodlot replacement and a further \$2.02 M in administrative fees.
37. Assuming a 30-year timeframe to full build out of the growth lands would result in a \$450,000 annual fund to support a private land tree planting grant program, natural heritage restoration projects including park planting and woodlot feature replacement.
38. In years where the Ecological Offsetting program generates a surplus, it is recommended that any surplus be allocated to the Ecological Offsetting reserve to offset years when fee revenues are insufficient to cover annual operating costs of the program.

ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS

39. Trees and forests provide many valued environmental benefits and services to the community including:
- a) Mitigating the effects of Climate Change.
 - b) Reduction in heat island effect resulting in lower energy consumption in the summer.
 - c) Reduction in winter winds resulting in lower energy consumption in the winter.
 - d) Sequestering of greenhouse gases in trees.
 - e) Stabilization of slopes and natural areas.
 - f) Provision of wildlife habitat.
 - g) Interception and absorption of rainfall and surface water flows, improving the water cycle.
40. Implementation of an Ecological Offsetting fee for tree removals will support implementation of the Climate Change Adaption Strategy which has several recommended actions directly related to increasing and enhancing natural assets within the city, including but not limited to:
- a) Increase natural/forested areas within sub-watersheds with high surcharge and flooding.
 - b) Develop an Urban Forest Management Plan with specific greening strategies for areas of the City where tree canopy/greenspace is low.
 - c) Develop municipal by-laws, standards, and permitting processes to advocate/enhance green space, green roofs, and tree canopy on private and public properties.
 - d) Continue with active tree planting and preservation, community partnerships, and naturalization programs as outlined in the Urban Forest Strategy.

ALTERNATIVES

41. There are several alternatives available for consideration by General Committee, including but not limited to:

Alternative #1:

General Committee could alter the proposed recommendation by directing staff to implement a restrictive by-law that regulates the removal of all trees above 20cm diameter at breast height. A by-law that regulates the removal of all mature trees from private property would be the most restrictive and provide the most potential protection of tree canopy. This alternative would focus on regulatory control of the tree canopy and result in the highest non-compliance and negative public interaction.

This alternative is not recommended at this time as it would create a significant administrative burden to regulate the removal of all mature trees on private lands. Residents would have to apply for permits to remove landscape trees as well as mature trees from their properties.

Financial Implication: The net cost to the taxpayer would be estimated to be \$447,150 per year and would include an administrative forestry section staff and resources dedicated to education, permit application reviews, permit issuance and compliance with the by-law. Additional municipal law enforcement officer(s) and associated municipal courts and prosecutor time to address by-law infractions would also be required at an additional cost.

Alternative #2: General Committee could alter the proposed recommendation by directing staff to implement an individual tree by-law that regulates the removal of large, mature trees (i.e., 50cm diameter at breast height and larger) on private properties could be proposed as a less restrictive protection measure for mature, significant and/or heritage trees.

This alternative is not recommended as it would only provide protection for a small percentage of additional trees on private lands. It may have the opposite effect intended, whereas residents remove trees that are approaching that size ahead of the requirement of applying for a permit. This could result in reducing, not increasing, the tree canopy on private lands in Barrie.

Financial Implication: This alternative would have less administrative cost than alternative #2, however would still require staff to educate the public, review permit applications, issue permits and enforce compliance with the by-law. It would also create need for additional municipal law enforcement officer(s) and associated municipal courts and prosecutor time to address by-law infractions at an additional cost. Based on other municipal programs of similar nature, it is estimated that this alternative would be a net cost to the tax base of approximately \$391,900 annually.

Alternative #3 General Committee could maintain the existing By-law and associated policies with respect to protection of trees within the City of Barrie (i.e. Status Quo providing regulatory protection to 72% of the existing tree canopy).

This alternative would not result in any increased regulatory controls on private tree removals and may result in negative feedback from local environmental organizations and residents who are frustrated by tree removal in established residential areas.

FINANCIAL

42. The recommended alternative changes to the Tree By-law would result in a net annual operating cost of \$52,600 and a first year capital cost of \$32,500, which would include one (1) full-time Urban Forester, operating expenses, vehicle, and other departmental support including assisting with the management of the Ecological Offsetting program and associated restoration projects.

Operating	Recommended By-law	Alternative 1 20cm+	Alternative 2 50cm+	Alternative #3 Status Quo No change
Salaries & Benefits				
Forestry Supervisor	\$0.00	\$125,000.00	\$125,000.00	\$0.00
Urban Forester	\$110,000.00	\$110,000.00	\$110,000.00	\$0.00
Forestry Technicians	\$0.00	\$160,000.00	\$80,000.00	\$0.00
PPE & Equipment	\$1,000.00	\$6,000.00	\$5,000.00	\$0.00
Training & Development	\$1,100.00	\$5,650.00	\$4,400.00	\$0.00
Other Departmental Support				
Administrative Support	\$0.00	\$60,000.00	\$30,000.00	\$0.00
Service Barrie	\$0.00	\$30,000.00	\$15,000.00	\$0.00
MLEO Support	\$15,000.00	\$80,000.00	\$80,000.00	\$0.00
IT (PC, Phone)	\$3,000.00	\$18,000.00	\$15,000.00	\$0.00
Vehicle & Equipment Mtc.	\$5,000.00	\$20,000.00	\$15,000.00	\$0.00
Total Annual Operating	\$135,100.00	\$614,650.00	\$479,400.00	\$0.00

Revenues:				
Tree Removal Permit Fees	\$15,000	\$100,000	\$20,000	\$0
Tree Removal Compensation Fees	\$67,500	\$67,500	\$67,500	\$0
Net Annual Operating Cost	\$52,600	\$447,150	\$391,900	\$0
Forestry Section	\$37,600	\$277,150	\$266,900	\$0
Other Departments	\$15,000	\$170,000	\$125,000	\$0
Capital Cost (Year 1)	\$32,500	\$135,000	\$102,500	\$0
Vehicle(s)	\$30,000	\$120,000	\$90,000	\$0
Workstation(s)	\$2,500	\$15,000	\$12,500	\$0

43. Implementation of an Ecological Offsetting program to replace trees lost due to development has the potential for significant revenues to be used for replanting programs in parks, natural areas and on private lands. Appendix 'F' outlines the proposed replacement of the Conservation Authority woodland feature replacement costing (2:1) compared with the proposed 1:1 feature replacement fee structure proposed. Using a 1:1 feature replacement for the identified growth lands would result in an estimated \$13.5 M in woodlot replacement and a further \$2.03 M in administrative fees. Assuming a 30-year timeframe to full build out of the growth lands would result in a \$450,000 annual fund to support a private land tree planting grant program, natural heritage restoration projects including park planting and woodlot feature replacement. The program would also need a professional Ecologist support to review Environmental Impact Statements, provide development services application review support and plan and implement natural heritage restoration projects. As this fund would be highly dependent on development progress, the funds should be directed towards programs as available using the following recommended breakdown:

	Natural Heritage Restoration Projects	Private Land Planting Grant Program	Ecologist
Percent Allocation	50%	25%	25%
Estimated Annual	\$225,000	\$112,500	\$112,500

44. Costs for the Ecological Offsetting Program are estimated to be about \$100,000 per year for one Ecologist position, fully funded from the Ecological Offsetting fees.
45. Detailed financial estimates of the preferred alternative and alternative tree by-law options are included within Appendix 'E'. Should Council direct staff to implement one of the possible alternatives, the estimated net annual Operating costs range from \$0 (status quo) to \$447,150. First year Capital costs range from \$0 (status quo) to \$135,000.
46. Council could also direct changes to the proposed permit fees which would have an impact on net annual operating expenses. Based on public consultation and feedback, permit fees were recommended at \$50 for individual tree removal permits and \$150 for permits for multiple tree removals to facilitate construction. Woodlot removal permits are recommended to remain at current rates of approximately \$1,000.

LINKAGE TO COUNCIL STRATEGIC PRIORITIES

47. The recommendation included in this Staff Report support the following goals identified in the 2022-2026 Council Strategic Priorities:

- Infrastructure Investments – Implement climate action plans

Goal 5 of the Climate Change Adaption Strategy is to “Protect Biodiversity and Enhance Ecosystem Functions.” Action 5.2 is to “Develop incentives, standards, and permitting processes to enhance green space, green roofs, and tree canopy on private and public properties.”

Goal 7 of the Climate Change Adaption Strategy is to “Build Community Resilience.” Action 7.1 is to continue with active tree planting, community partnerships, and naturalization programs as outlined in the Urban Forest Strategy.

APPENDIX "A" – Draft Private Tree By-law

BY-LAW NUMBER 2023-

A By-law of The Corporation of the City of Barrie to prohibit or regulate the injuring or destruction of trees on private property in the City of Barrie

WHEREAS, Section 135 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, permits the enactment of a by-law by the Council of The Corporation of the City of Barrie for prohibiting or regulating the injuring or destruction of trees or any class of trees;

AND WHEREAS, Council may require that a permit be obtained for the injuring or destruction of trees or any class of trees specified in the by-law and prescribe the fees for the permit and the circumstances under which a permit may be issued;

AND WHEREAS, by *Resolution 05-G-261*, the Council of the Corporation of the City of Barrie has determined that it is desirable to enact such a by-law;

AND WHEREAS Council enacted By-law Number 2014-115 on the 15th day of September, 2014 to prohibit or regulate the injuring or destruction of trees on private property in the City of Barrie and the Council of The Corporation of the City of Barrie has determined that it is desirable to repeal By-law 2014-115 and enact a new by-law to prohibit or regulate the injuring or destruction of trees as authorized in accordance with the Municipal Act, 2001;

NOW THEREFORE, the Council of The Corporation of the City of Barrie enacts as follows:

1. DEFINITIONS

In this by-law:

- (a) "basal area" of a tree shall mean the area of a cross-section of the tree at "breast height" (1.37 metres or 4.5 feet) measured in square metres;
- (b) "basal area" of a woodlot shall mean the ratio of the sum of the basal areas of the trees within the woodlot in square metres to the area of the woodlot in hectares;
- (c) "breast height" refers to a point of measurement 1.37 metres above the highest point on the tree where the ground meets the stump;
- (d) "Building Permit" means a Building Permit issued under the *Building Code Act*, 1992, S.O. 1992, c23, as amended;
- (e) "Certified Arborist" means an individual who has graduated from a recognized College or University program in Forestry or Arboriculture or holds a Certificate from the International Society of Arboriculture;
- (f) "City" and "City of Barrie" means the municipality of The Corporation of the City of Barrie;
- (g) "Clerk" means the Clerk of The Corporation of the City of Barrie;
- (h) "Council" means the Council of The Corporation of the City of Barrie;
- (i) "construction" means any activity that would require the issuance of a Building Permit, Right-of-Way Activity Permit or other formal approval from the City;

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- (j) “destroy” means the removal of trees or harm resulting in the death or ruin of trees by cutting, burning, uprooting, chemical application or other means including irreversible injury that may result from neglect, accident or design and the term “destruction” shall have a corresponding meaning;
 - (k) “development” means any alteration of a site requiring future or present approval from the City in the form of a development agreement or site alteration permit;
 - (l) “Diameter” means the diameter of the stem of a tree measured outside the bark at a specified point of measurement;
 - (m) “Director” means a Director or Department Head for the Corporation of the City of Barrie or his or her designate, provided such designate is an Officer appointed under this by-law;
 - (n) “DBH” means “diameter at breast height” and refers to the diameter of the stem of a tree measured at a point 1.37 metres (4.5 feet) above the highest point on the tree where the ground meets the stump;
 - (o) “good forestry practices” means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitats, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape;

And Good Forestry Practices permits the destruction or injuring of trees that:

- i) have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health of such trees is likely to further deteriorate;
 - ii) should be cut or removed to prevent disease or insects from spreading to other trees;
 - iii) are cut in accordance with the Provincial Silvicultural Guidelines as referred to in the Forest Operations and Silviculture Manual and its revisions prepared under the authority of the *Crown Forest Sustainability Act*, S.O. 1994, c. 25. These Provincial Silvicultural Guidelines include, but are not limited, to: A Silvicultural Guide to Managing Southern Ontario Forests, Silvicultural Guide for the Tolerant Hardwood Forest in Ontario, A Tree Marking Guide for the Tolerant Hardwood Working Group in Ontario, A Silvicultural Guide for the Great Lakes – St. Lawrence Conifer Forest in Ontario;
 - iv) are marked and cut as part of a woodlands management plan approved by a Registered Professional Forester.
- (p) “Heritage Tree” means a tree that Council designates as being unique and of importance to the City in terms of distinctive form, size, age and/or historical significance;
 - (q) “Injure” means to harm, damage or impair trees and includes, but is not limited to, harm, damage or impairment caused by changing grades around trees, compacting soil over root areas, severing roots, proper application of chemicals, improper pruning or the removal of branches and bark and the term “injury” shall have corresponding meaning;
 - (r) “Landscape Architect” means a Landscape Architect who is a member, in good standing, of the Ontario Association of Landscape Architects or the Canadian Society of Landscape Architects;
 - (s) “Major Damage” to a tree shall mean any one of:

- (i) a wound greater than the square of the DBH of the tree (for example, a wound with an area of 100 square centimeters is major damage to a tree with a DBH of 10 cm.)
- (ii) any wound greater than 1000 square centimeters
- (iii) if the wound in paragraph 1(l)(i) or 1(l)(ii) contacts the ground then the wound shall be considered major damage if it is 60% of the size specified in paragraph 1(l)(i) or 1(l)(ii) respectively
- (iv) broken branches destroying more than 33% of the Crown
- (v) the exposure, severing or compaction of more than 25% of the root area
- (vi) the breaking off of any tree
- (vii) the noticeable tipping of any tree
- (t) "officer" means an individual designated in accordance with this bylaw for the administration and enforcement of this by-law;
- (u) "orchard" means a plantation of fruit or nut trees;
- (v) "owner" means the registered Owner(s) of the property;
- (w) "permit" means the authorization from the Director to injure or destroy trees pursuant to this by-law;
- (x) "person" means any individual, corporation, partnership, association, firm, trust, or other entity and includes anyone acting on behalf or under the authority of such entity;
- (y) "property maintenance" means the injury or destruction of trees that:
 - (i) have been damaged by disease, insects, wind, ice, fire, lightning, or other natural causes to an extent that the health or structure of such trees is likely to further deteriorate and pose a hazard;
 - (ii) should be cut or removed to prevent disease or insects from spreading to other trees;
 - (iii) should be pruned to improve the structure and/or health and vitality of the tree; or
 - (iv) that should be pruned to provide safe clearance from structures, fences, public walkways, driveways or highways.
- (z) "qualified forest technician" means someone who has graduated from a recognized College with a diploma in Forestry who is also certified as a tree marker by the Ontario Ministry of Natural Resources;
- (aa) "Registered Professional Forester" as defined in the *Professional Foresters Act, 2000*, S.O. 2000, c.18;
- (ab) "Silviculture" means the theory and practice of controlling forest establishment, composition, growth and quality of forests to achieve the objectives of management;
- (ac) "tree" means a plant of any species of woody perennial plant including its root system which has reached or can reach a height of at least 4.5 metres (15 feet) at physiological maturity;
- (ad) "Tree Protection Manual" means the manual maintained by the City of Barrie setting out standards for protection of trees in the City of Barrie as amended from time to time. Copies of which may be viewed and printed from the City of Barrie website at www.barrie.ca;

- (ae) "woodlot" means a land of at least 0.2 hectares (0.5 acres) in area covered with a density of trees that is not less than:
- (1) 1000 trees of any size per hectare;
 - (2) 750 trees, measuring over 5 centimeters in DBH per hectare;
 - (3) 500 trees, measuring over 12 centimeters in DBH per hectare;
- OR
- (4) 250 trees, measuring over 20 centimeters in DBH per hectare;
- as illustrated by the City of Barrie's Official Woodlot Map, as amended from time to time.
- (i) For the purposes of this by-law, a boundary woodlot shall be defined by the ecological limit of the woodlot and not by private property boundaries.
 - (ii) Notwithstanding paragraph (ad) (i), where a woodlot is dissected by a road, path or natural feature such as a creek, the boundary of the woodlot shall be deemed to cross the road, path or natural feature but the area of the woodlot shall be calculated exclusive of the area of the municipal road or natural feature.
- (af) "Zoning By-law" means the by-law regulating land use as provided for under the Planning Act within the City of Barrie;

2. APPLICATION OF BY-LAW

Subject to Section 5, this by-law applies to all trees within the boundaries of the City of Barrie.

3. PROHIBITIONS

Subject to Section 5 of this by-law:

- (a) No owner, director or officer of a corporation for the owner shall cause or permit the injury or destruction of a tree that is on the owner's land without first obtaining a permit under this bylaw;
- (b) No person, whether or not the agent for the owner, shall injure or destroy a tree without first having obtained a permit under this by-law;
- (c) No person shall injure or destroy a tree other than in compliance with the terms and conditions of a permit issued under this by-law;
- (d) No person shall fail to comply with an Order issued under this By-law; and
- (e) No person shall pull down or deface any Order posted under this bylaw.

4. EXEMPTIONS FROM APPLICATION OF BY-LAW

Notwithstanding paragraph 3 and 4, this by-law does not apply to:

- (b) activities or matters undertaken by the City of Barrie;
- (c) activities or matters undertaken under a licence 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 subject to payment of Ecological Offsetting Fees as set out within the Fees By-law;
- (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 subject to payment of Ecological Offsetting Fees as set out within the Fees By-law;
- (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 licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act subject to payment of Ecological Offsetting Fees as set out within the Fees By-law;
- (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) subject to payment of Ecological Offsetting Fees as set out within the Fees By-law;
- (j) The injuring or destruction of trees undertaken as part of normal maintenance and operation of an established orchard and does not include the expansion or establishment of an orchard; or
- (k) the injuring or destruction of trees undertaken for the purposes of property maintenance under the advice of a Landscape Architect, Registered Professional Forester, qualified Forest Technician or Certified Arborist that is exclusive of any activity related to construction, development or woodlot management.

5. APPLICATION FOR PERMIT TO INJURE OR DESTROY TREES

Where a permit is required under this by-law:

- (a) The owner shall submit an application to the City containing the information set out in Schedule "A" to this by-law, in such form as may be approved by the Director;
- (b) Each application shall be accompanied by the prescribed fee payable in accordance with the Fees By-law, as it may be amended from time to time;
- (c) Every application shall be accompanied by a report from either:
 - (i) a Landscape Architect or Registered Professional Forester providing such information with respect to the property as may be specified in Schedule "A" and certifying that the injury or destruction of tree(s) is required to permit the establishment or extension of a use permitted by the Zoning By-law and there is no reasonable alternative to the injury or destruction of the tree(s); OR

- (ii) a Registered Professional Forester providing such information with respect to the woodlot as may be specified in Schedule "A" and, if applicable, certifying that the proposed injury to or destruction of the tree(s) is in accordance with good forestry practices.
- (d) No application shall be considered complete unless accompanied by the information and fees required in accordance with this by-law.

6. ISSUANCE OF PERMIT

- (a) Subject to paragraph 7(b) the Director may issue a permit to injure or destroy tree(s) where the Director is satisfied that:
 - (i) The injury or destruction of the tree(s) is in accordance with good forestry practices, OR
 - (ii) The injury or destruction of tree(s) is required to permit the establishment or extension of a use permitted by the Zoning By-law and the Director is satisfied that there is no reasonable alternative to the injury or destruction of the tree(s) and the application meets the minimum requirements as prescribed within the Tree Protection Manual.
- (b) A Permit shall not be issued where:
 - (i) an Application required under this By-law has not been submitted in full or the required fees have not been paid;
 - (ii) a report as required by paragraph 6(c) has not been submitted or in the opinion of the Director is not satisfactory;
 - (iii) the permit would result in the destruction of a tree that is an endangered species as defined in the Endangered Species Act, R.S.O. 1990, c. E.15, or successor legislation;
 - (iv) the permit would result in the destruction of a tree that is designated as a heritage tree by City Council;
 - (v) flood or erosion control, or the ecological integrity of a natural area, will be negatively affected;
 - (vi) the destruction of the tree would have the effect of reducing:
 - (1) the density of trees in the woodlot below the density of trees necessary to constitute a woodlot; or
 - (2) the basal area of the woodlot in which the tree stands below 20 square metres per hectare (85 square feet per acre), 15 square metres per hectare (65 square feet per acre) of which is contained in the size class, or classes 24 cm. (9.5 inches) DBH or greater, unless the reduction of the basal area of the woodlot below these standards is in accordance with good forestry practices.

7. CONDITIONS TO PERMIT

The following shall be deemed to be conditions to the issuance of every permit under this by-law:

(a) Marking of Trees

At least 7 days prior to injuring or destroying any tree, but not prior to the issuance of the permit, the owner shall cause all trees which are to be removed or destroyed to be marked by a Registered Professional Forester, qualified forest technician or Landscape Architect with clearly visible marks of yellow paint at breast height and upon the stump to remain after cutting.

(b) Notice of Intent

For at least 7 days prior to injuring or destroying any tree the owner shall post a sign, having dimensions of not less than 61 cm. (24 in.) x 91 cm. (36 in.) in a conspicuous place or places on the private land that is adjacent to all public roads abutting the property and at any other locations designated by the Director. The sign will remain in place in good, legible condition for a minimum of 60 days after the completion of tree removals and include the following information:

- (i) notice that the work will occur in accordance with this by-law;
- (ii) the name of the owner;
- (iii) the name of the person or company retained to work on the trees on the land; and
- (iv) the address and telephone number of a person acting on behalf of the owner from whom further information on the proposed tree work may be obtained.

(c) Tree Preservation Measures

- (i) The owner shall cause the implementation of tree preservation measures consistent with the City of Barrie's Tree Protection Manual.
- (ii) The owner shall cause the installation of all tree preservation measures to be completed under the supervision of the Landscape Architect or Registered Professional Forester and approved by the City of Barrie. Such measures shall be inspected on a regular basis by the Landscape Architect or Registered Professional Forester and a bi-monthly report made to the Director for the duration of the active period of construction.

(d) Limitation of Damage to Residual Trees

During the course of injuring or destroying trees within a woodlot pursuant to a permit issued in accordance with this by-law, no person shall:

- (i) cause Major Damage to trees forming more than 10% of the total residual basal area of the portion of the woodlot which is the subject of the permit;
- (ii) cause Major Damage to trees forming more than 15% of the residual basal area in the size class of 10 cm DBH or more in the portion of the woodlot which is the subject of the permit;
- (iii) cause major Damage to trees forming more than 15% of the residual basal area in the size class of 10 cm DBH or less in the portion of the woodlot which is the subject of the permit;
- (iv) create or permit skid trails covering more than 20% of the ground area in the portion of the woodlot that is the subject of the permit.

(e) Conditions required by the Director

- (i) In addition to the above conditions, the Director may attach conditions to the Permit which in the opinion of the Director are reasonable and related to the purposes of this By-law or the safety and convenience of the public.
- (ii) Prior to the commencement of any work that would result in injury to or destruction of trees authorized pursuant to this bylaw, the person causing such work to be carried out shall ensure that the permit is posted in a conspicuous place within the woodlot or is available

on site and can be produced upon request by an officer. The failure to post or produce a permit as required shall constitute an offence.

8. DURATION OF PERMIT

- (a) Every permit shall be issued to the owner and shall expire twelve (12) months after issuance. For greater certainty, to the extent that the expiry date would occur during the restricted period between March 15 to April 15 in any year as provided in paragraph 9(b) below, the expiry date in the permit shall be deemed to have been extended to a date in the month next following the restricted period that would have the effect of granting the permit to an owner for a full twelve month period clear not including the restricted period.
- (b) All permits for the injury or destruction of trees within woodlots will be deemed not to be in effect during the period of March 15 to April 15. The Director may grant exemptions to this requirement in writing having regard to the potential for rutting of soil and subsequent damage to the ecology of the woodlot or designated area during the spring break up period.
- (c) The Director may extend the expiration date of a Permit if a written request for an extension is received by the Director a minimum of three (3) working days before the date the Permit expires. Any request which is received after this time may require the submission of a new application. Subject to paragraph 9(a), in no case shall the Director extend a Permit for a period of greater than one year.

9. DESIGNATION OF OFFICERS

In addition to Barrie's Municipal Law Enforcement Officers, who are deemed to be designated as Officers for the purposes of enforcing this bylaw, the individuals employed by Barrie and filling the positions set out in Schedule "B" are hereby designated as Officers pursuant to the provisions of this by-law.

10. INSPECTIONS BY AN OFFICER OTHER THAN A MUNICIPAL LAW ENFORCEMENT OFFICER

- (a) At a reasonable time and upon producing City of Barrie identification, an officer, other than a Municipal Law Enforcement Officer, may enter and inspect any land to which this by-law applies. A Municipal Law Enforcement Officer may enter and inspect any land to which this by-law applies at any time.
- (b) Any person who obstructs an officer in carrying out an inspection under this by-law is guilty of an offence.

11. ENFORCEMENT

- (a) This by-law may be enforced by any person designated as an officer for the purposes of this by-law;
- (b) An officer may, in carrying out an inspection be accompanied by an assisting person.

12. ORDERS

- (a) Where an officer is satisfied that a person has contravened any provision of this by-law, the officer may make an order requiring the person to stop the injuring or destruction of trees and shall set out the particulars of the contravention. The order shall set out the information contained in Schedule "C".
- (b) Where the Director is satisfied that a person has contravened any provision of this by-law, the Director may make a repair order requiring the person to rehabilitate the land or to plant or replant

trees in such a manner and within such period as the Director considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

- (c) An Order issued under this section may be served personally or served by sending it by mail to the last known address of;
 - i) the owner of the property; and
 - ii) the person identified as injuring, destroying or harvesting a tree or trees.
- (d) Where service of an Order is made by mail, service shall be deemed to have been served on the fifth day after the order is mailed.
- (e) Where service cannot be carried under section 8, subsection (b), it is deemed sufficient if the Officer places a placard containing the terms of the Order in a conspicuous place on the affected lands and the placing of the placard shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.
- (f) A person to whom an order under this section has been directed may appeal the order to Council by filing a written notice of appeal with the Clerk within 30 days after the date of the order. Council may confirm, alter or revoke the order.
- (g) As soon as practicable after a notice of appeal is filed, Council shall hear the appeal and may confirm, alter or revoke the order and the decision of Council shall be final.

13. OFFENCES

- (a) Every person who contravenes the provisions of any section of this by-law, or contravenes the terms or conditions of a permit or an Order issued under this By-law and every Director or Officer of a Corporation, who concurs in the contravention by the Corporation, is guilty of an offence is liable to a system of fines according to the *Municipal Act*.
 - (i) A minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$100,000. However, a special fine may exceed \$100,000.
 - (ii) In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph (a), the total of all of the daily fines for the offence is not limited to \$100,000.
 - (iii) In the case of a multiple offence, for each offence included in the multiple offence, a minimum fine shall not exceed \$500 and a maximum fine shall not exceed \$10,000. However, despite paragraph (a), the total of all fines for each included offence is not limited to \$100,000.
 - (iv) A special fine may be imposed in accordance with Subsection 429(2)(d) of the *Municipal Act*. In addition to a fine under clause (a) to (c) above, a special fine may be imposed in circumstances where there is an economic advantage or gain from the contravention of this By-Law or an order under Section 10 of this By-Law, and the maximum amount of the special fine may exceed \$100,000 pursuant to Subsection 429(3)(1) of the *Municipal Act*.
- (b) The City of Barrie designates that the destruction of each Tree is one offence in a series of multiple offences.
- (c) If a person is convicted of an offence for contravening this By-law the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the

court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

14. CONFLICT WITH OTHER BY-LAWS

- (a) If there is a conflict between this by-law and a by-law passed under the *Forestry Act* or *Municipal Act*, the provision that is most restrictive of the injuring or destruction of trees prevails;
- (b) Nothing in this by-law shall exempt any person from complying with the requirements of any by-law in force or from obtaining any license, permission, permit, authority or approval required under any by-law or legislation.

15. ADMINISTRATION

- (a) Schedules “A – C” shall form part of this By-law.
- (b) If any section or sections of this By-law or parts thereof are found by any Court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent there from and continue in full force and effect unless and until similarly found illegal.
- (c) The short title of this By-law is the “Private Tree By-law”.
- (d) By-law 2014-115 of the Municipality of the City of Barrie shall be repealed effective on the coming into force and effect of this By-law.
- (e) Despite subsection (d) of this section, By-law 2014-115 of the Municipality of the City of Barrie shall continue to apply to proceedings in respect of offences that occurred before its repeal.

THAT this By-law shall come into force and effect upon the day of passing thereof.

READ a first and second time this Xth day of Month, 2023.

READ a third time and finally passed this Xth day of Month, 2023.

THE CORPORATION OF THE CITY OF BARRIE

MAYOR -

CLERK -

SCHEDULE 'A'

Information Required for Application

1. Name, address and telephone number of all owners.
2. Signature or authorization of all owners.
3. Name, address, and telephone number and qualifications of Landscape Architect, Registered Professional Forester or qualified forest technician submitting report as part of application.
4. Names, address, and telephone number of person retained to perform work on trees under permit, and contact name if corporation or company.
5. Fax numbers and e-mail addresses for the owner(s), Landscape Architect, Registered Professional Forester, qualified forest technician and person performing work on trees where available.
6. Municipal address of property (if assigned).
7. Legal description of property.

AND EITHER

8. A Tree Inventory and Preservation Plan signed and stamped by a Landscape Architect or Registered Professional Forester containing but not limited to:
 - (a) a general description of the history of use of the property;
 - (b) importance of the property to the surrounding landscape;
 - (c) a key map of the property showing the location of the property within the City of Barrie;
 - (d) a detailed inventory map of the property showing the property boundary, vegetation type boundaries, adjacent property vegetation, fences, road, access roads or trails, hydro lines, utility lines, windbreaks, watercourses, grass fields, railways, buildings, towers, bridges, quarries, dams, treed floods or swamps, mines, brush, marshes, debris piles, shallow rocky areas, orchards, hazard areas, developed agricultural lands, plantations, and woodland areas;
 - (e) details with respect to soil types, topography, physical features, water features, drainage, access, wildlife, existing grading and proposed grading and an inventory of trees and tree regeneration, and the method of assessing the inventory of trees with respect to each distinct area or compartment within the woodlot;
 - (f) an analysis and prescription for each vegetation area regarding preservation, conditional preservation, removals and revegetation in accordance with the establishment or extension of a use permitted by the Zoning By-law;
 - (g) a map showing the extents of the areas of preservation, conditional preservation, vegetation removals and restoration where applicable; and
 - (g) a prescription for tree preservation measures, including monitoring, notes, specifications and details for the duration of active development on the property.

OR

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9. A Woodlot Management Plan and/or Managed Forest Plan prepared in accordance with all applicable Federal, Provincial and Municipal laws which is certified by a Registered Professional Forester and includes, but is not limited to:
- (a) a general description of the history of use of the property;
 - (b) importance of the property to the surrounding landscape;
 - (c) a key map of the property showing the location of the property within the City of Barrie;
 - (d) a detailed map of the property showing the property boundary, vegetation type boundaries, fences, road, access roads or trails, hydro lines, utility lines, windbreaks, watercourses, grass fields, railways, buildings, towers, bridges, quarries, dams, treed floods or swamps, mines, brush, marshes, debris piles, shallow rocky areas, orchards, hazard areas, developed agricultural lands, plantations, and woodland areas;
 - (e) details with respect to soil types, topography, physical features, water features, drainage, access, wildlife, and inventory of trees and tree regeneration, and the method of assessing the inventory of trees with respect to each distinct area or compartment within the woodlot which may be subject to different considerations in accordance with good forestry practices;
 - (f) a description of the short term and long term objectives of the landowner with respect to environmental protection, income/investment from the woodlot, wildlife habitat, recreation, forest products, or other objectives, the priorities assigned to these objectives and the plans for accomplishing these objectives; and
 - (g) a silvicultural prescription for each forest compartment within the woodlot including a description of any trees to be injured, destroyed or removed, together with a statement that the silvicultural prescription is in accordance with good forestry practices.

SCHEDULE 'B'

Appointment of Officers

In addition to Municipal Law Enforcement Officers, the following persons employed by the City of Barrie are designated as officers with authority to administer this by-law:

- A Director of the Corporation of the City of Barrie
- Manager of Infrastructure Planning Group
- Manager of Parks & Forestry Operations
- Manager of Parks Planning and Development
- Forestry Supervisor
- Landscape Architectural Planners
- Forestry Foreperson
- Parks & Forestry Program Coordinator
- Such other person(s) employed by the City of Barrie as may be appointed by a Director

SCHEDULE 'C'

STOP WORK ORDER

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease, and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

MUNICIPAL ADDRESS / LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

OWNER / INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ TO _____

Signature of Officer: _____ Date:

Pursuant to By-law 2005-120 Section 13, subsection (f) Where the person to whom the Order is directed has been served in accordance with this By-law is not satisfied with the terms of the Order, the person may appeal to Council by filing Notice of Appeal by personal service or certified mail to the Clerk within 30 days after the date of the Order.

{Contact Information, Phone Number}

Copy to: By-law Enforcement, Director, Consultant, Planning, Engineering, Clerks

APPENDIX “B” – Tree Canopy Statistics

Tree Canopy Area:

	Area (ha)	Canopy Area (ha)	Canopy %	% of Total Canopy Area
City Owned	1,491.0	714.0	47.9%	23%
Road Right of Way	1,467.0	170.1	11.6%	6%
Private Land	7,109.0	2,181.9	30.7%	71%
Total	10,067.0	3,066.0	30.5%	100%

City Ownership by Land Type	Area (ha)	Canopy Area (ha)	Canopy %
FACILITY	56.2	9.3	16.6%
FRONTAGE	13.1	4.8	36.5%
GORE	2.6	0.5	20.3%
MUNICIPAL LOT	2.9	0.2	7.4%
NATURAL AREA	1,010.7	585.3	57.9%
PARK	331.0	93.3	28.2%
SWMF	70.9	19.6	27.6%
OTHER	3.6	0.9	26.0%
	1,491	714.0	47.9%

Canopy Area on All ROWs:	170.1	ha
ROW Est. Area:	1467.0	ha
% Canopy on ROWs:	11.6%	
2018 Average ROW Canopy	36	sq m

Ward #	Ward Area (ha)	Canopy Area (ha)	Canopy %
1	570	151	26.4%
2	739	168	22.7%
3	498	114	22.8%
4	512	156	30.4%
5	724	238	32.8%
6	1,109	539	48.6%
7	1,978	585	29.6%
8	2,014	600	29.8%
9	805	202	25.1%
10	1,119	316	28.2%
	10,067	3,066	30.5%

2018 Tree Canopy Area by Land Use Types:

CA	Area (ha)	Canopy Area (ha)	Canopy %
NVCA	2,970	1,006	33.9%
Regulated Area	1,019	640	62.8%
LSRCA	7,098	2,059	29.0%
Regulated Area	1,499	754	50.3%

Natural Heritage System			
Classification	Area (ha)	Canopy Area (ha)	Canopy %
Level 1	1,418.3	819.5	57.8%
Level 1 with Existing Development Designation	575.0	239.8	41.7%
Level 2	88.7	55.6	62.7%
Level 3	343.8	138.6	40.3%
Level 3 (removed)	0.4	0.0	1.0%
Natural Heritage System Salem and Hewitt's Secondary Plan Areas	698.9	513.4	73.5%
	3,125.1	1,767.1	56.5%

Zoning	Area (ha)	Canopy Area (ha)	Canopy %
Agriculture	26.7	15.7	58.7%
Commercial	689.6	84.0	12.2%
Environmental Protection Area	1129.5	900.9	79.8%
Open Space	427.6	149.1	34.9%
Municipal Services and Utilities	51.0	4.0	7.9%
Industrial	1193.5	213.2	17.9%
Institutional	320.4	45.9	14.3%
Mixed Use	39.7	2.8	7.1%
Residential	2972.8	784.0	26.4%
Annexed Lands: Refer to Zoning By-law 054-04 Innisfil	1786.8	716.5	40.1%

APPENDIX “C” – 2021 Municipal Tree By-law Summary

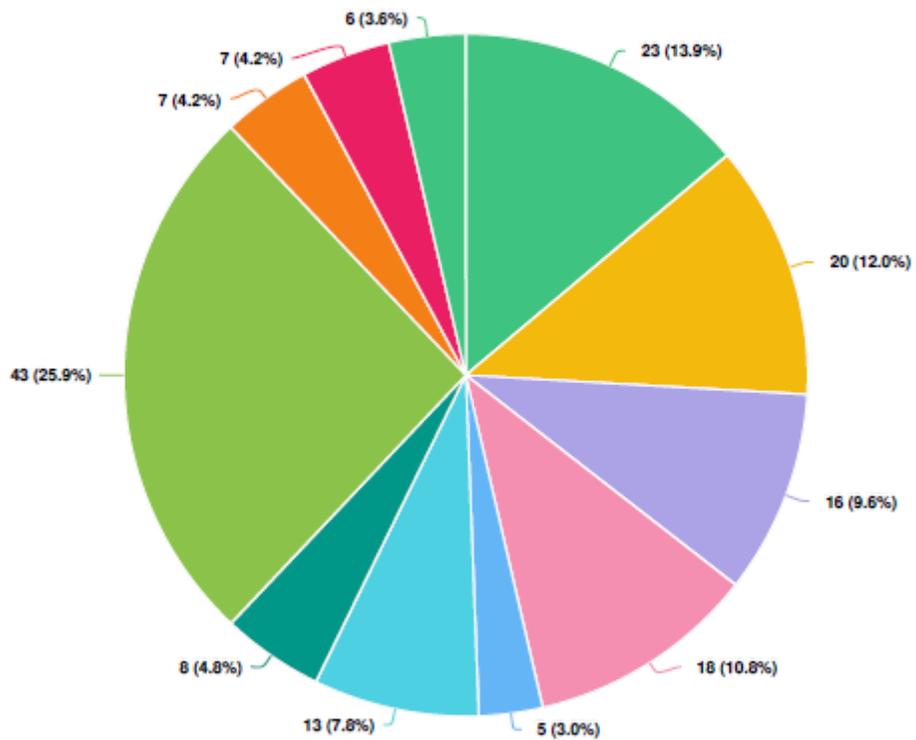
Municipality	Tree By-law	Type	Regulated Size of Tree	Cost of Permit	Replant Required	Other Details
Ajax	Yes	Forest Protection	Greenbelt / Environ. Prot.	\$875	No unless development	
Barrie	Yes	Ecological Woodlot	All trees in 0.5 acre and larger woodlots	\$990.42 (development) \$125 (good forestry practices)	No unless development	Landscape planting plans required for subdivisions and site plans.
Cambridge	Yes	Single	≥ 20cm DBH	\$46.45 + Landscape Appraised Value per tree removed	Yes	Cost-incentive for replanting or paying into a planting fund.
Guelph	Yes	Woodlot	≥ 15cm DBH & on ≥ 0.5 acre lot	\$122	Yes \$500/tree	
Toronto	Yes	Single	≥ 30cm DBH	\$123.55/tree \$369.61/tree (construction)	Yes or \$583/tree	
London	Yes	Single	≥ 50cm DBH	\$100/tree	Yes	88% of tree permits approved. ≥ 50cm DBH represents only 6% of London's urban forest
Mississauga	Yes	Multiple	3 or more trees at ≥ 15cm DBH	\$434.40 + \$98.09/tree	Yes with Security Deposit	Increasing scale of replacements of up to 2 trees per 50cm tree removed
Niagara Falls	Yes	Woodlot	≥ 0.5 acre	\$0.00	No	Good forestry practices only
Oakville	Yes	Single	≥ 15cm DBH	\$68 + \$135/tree	Yes or \$550/tree	Increasing scale of replacements of up to 4 trees per 50cm tree removed
Ottawa	Yes	Single	≥ 50cm DBH	\$150/tree to a max \$750 \$500/tree to max \$2,500 for infill development removals	1:1 ratio Development is 2:1 or 3:1	\$400 per tree replacement value if unable to plant on property.
Oshawa	No					
St. Catherines	No					Council not in support of by-law or cost of admin and support
Thunder Bay	No					Have Urban Forest Management Plan
Waterloo	No					Do not think by-laws save trees
Windsor	No					No political support for by-law

APPENDIX “D” – SUMMARY OF PUBLIC CONSULTATION

Private Tree By-Law Survey

Visitors 221	Contributors 166	CONTRIBUTIONS 168
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What Ward do you live in? (if you're not sure which Ward you're in, check the Ward Information page)

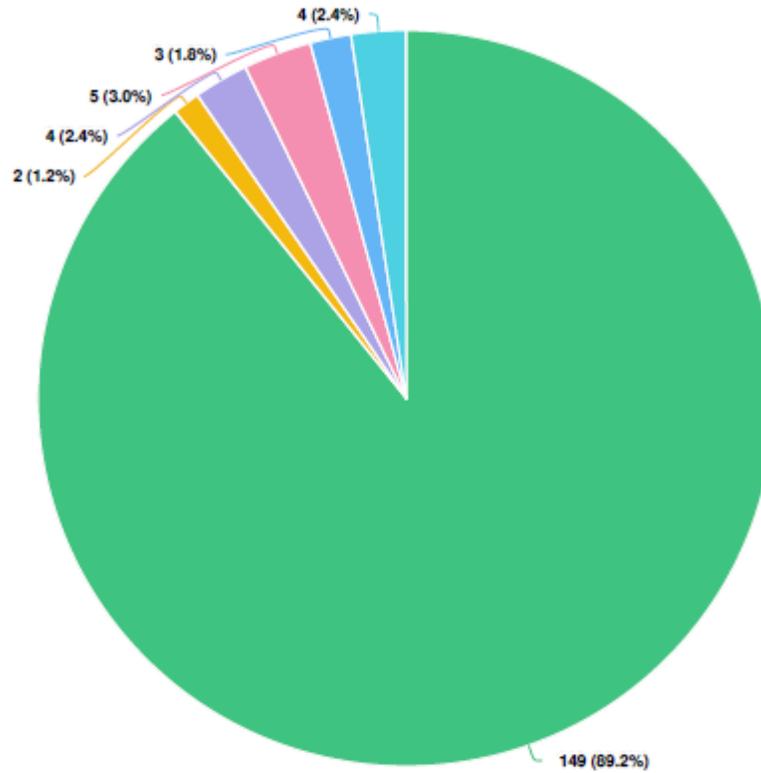


Question options

- Ward 1 ● Ward 2 ● Ward 3 ● Ward 4 ● Ward 5 ● Ward 6 ● Ward 7 ● Ward 8 ● Ward 9
- Ward 10 ● I do not live in Barrie

Optional question (166 response(s), 2 skipped)

What sector of the public would you most associate yourself with?

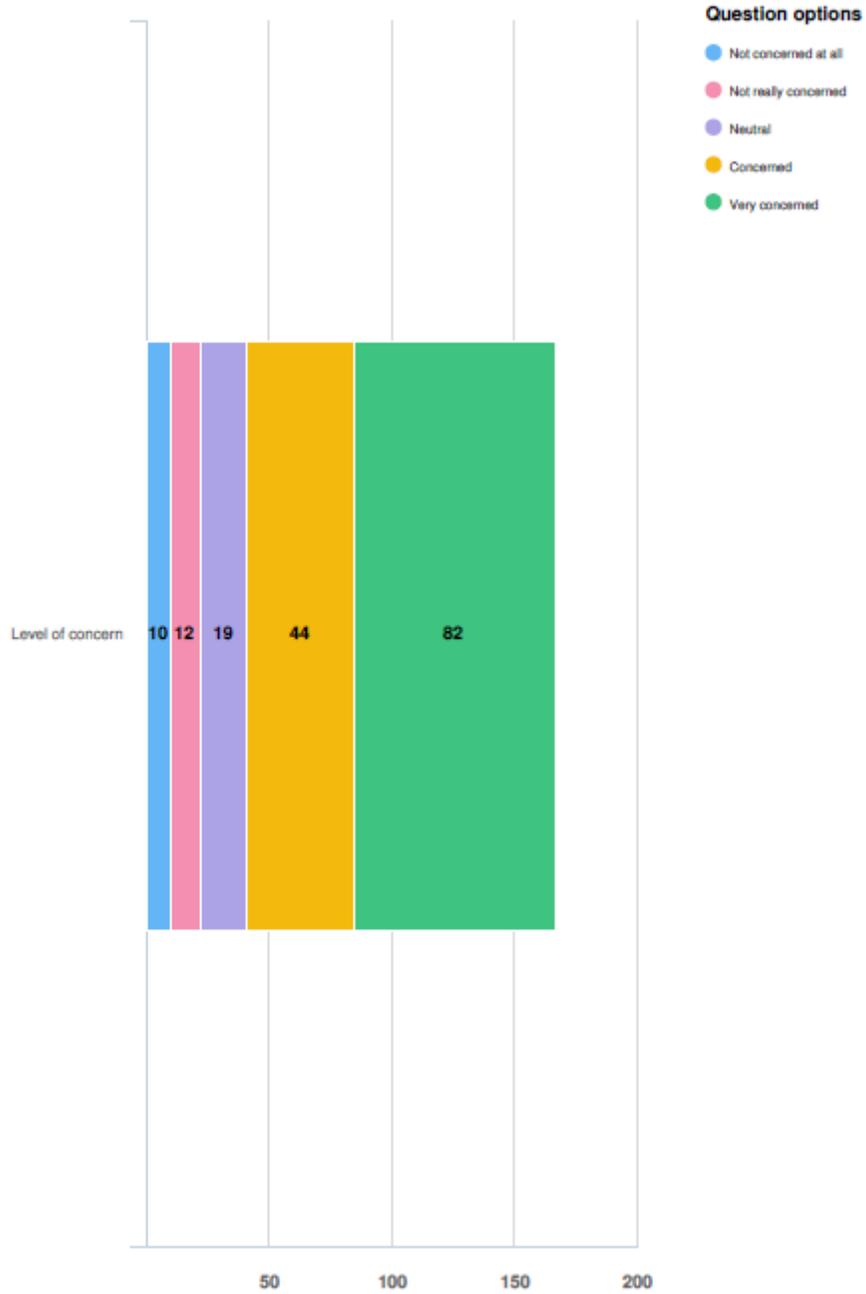


Question options

- Property owner
- Business owner
- Private tree contractor
- Consultant
- Not-for-profit organization
- Other (please specify)

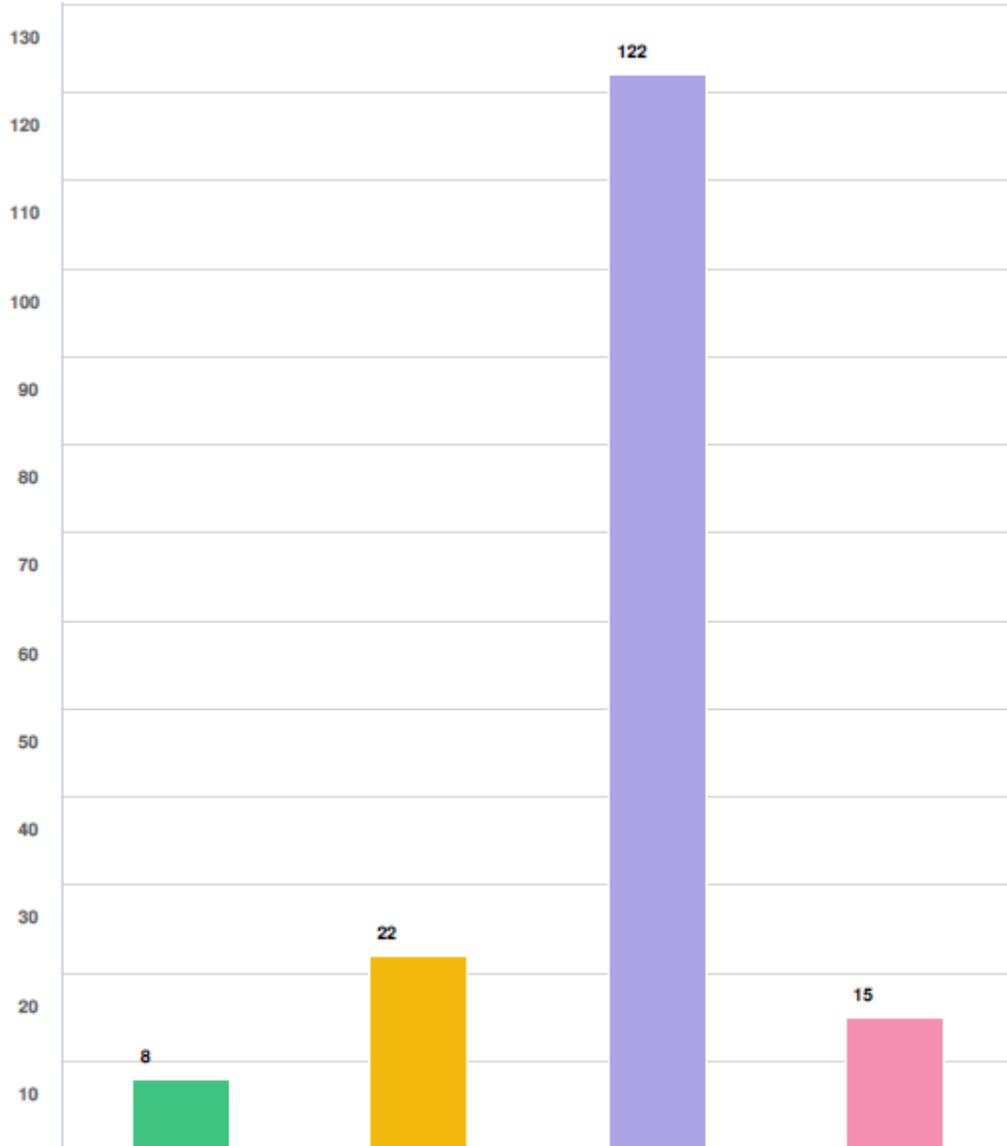
Optional question (167 response(s), 1 skipped)

Are you concerned about the number of trees (total canopy cover) in Barrie?



Optional question (167 response(s), 1 skipped)

Do you think the number of trees (total canopy cover) in Barrie is increasing or decreasing?

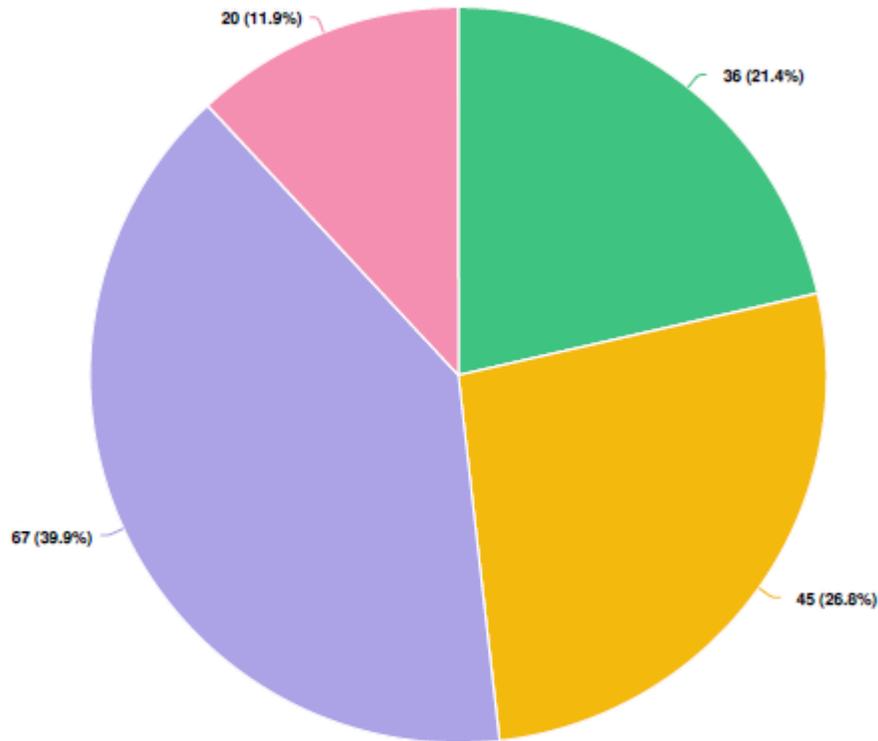


Question options

● I'm not sure ● Decreasing ● Not changing (staying the same) ● Increasing

Optional question (166 response(s), 2 skipped)

How familiar are you with the City of Barrie's existing Private Tree By-law (By-law 2014-115)?

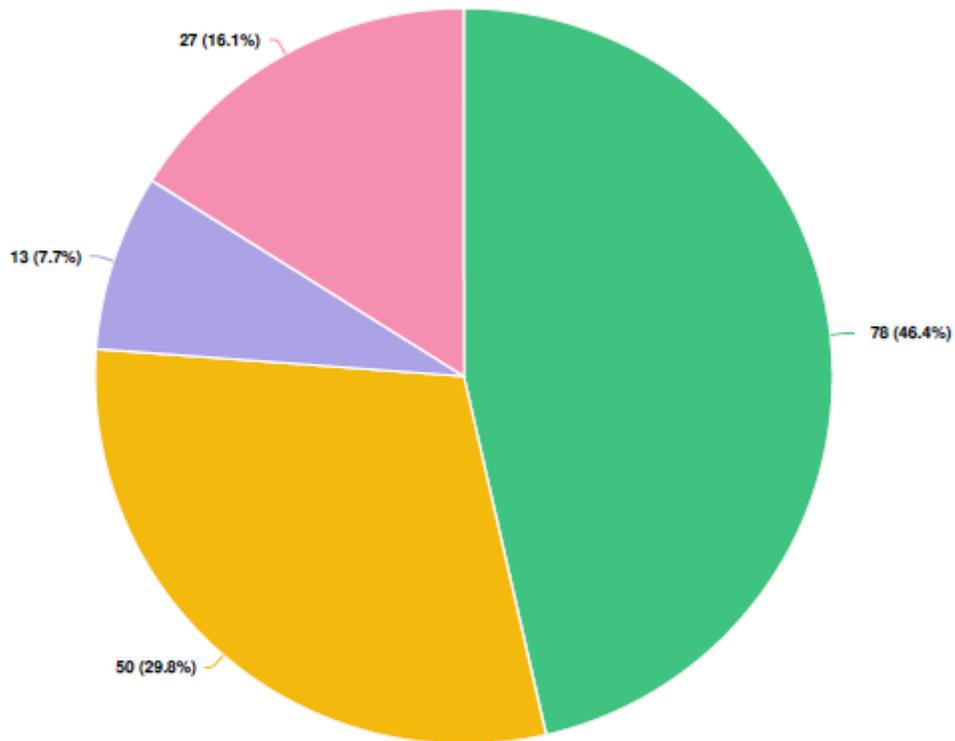


Question options

- I know the details of the By-Law very well
- Aware of it and have a general knowledge about it
- Heard of it, but not very familiar
- Didn't know it existed

Optional question (168 response(s), 0 skipped)

How do you think that revising the Private Tree By-law to regulate the removal of individual trees on private property would affect tree cover in Barrie?

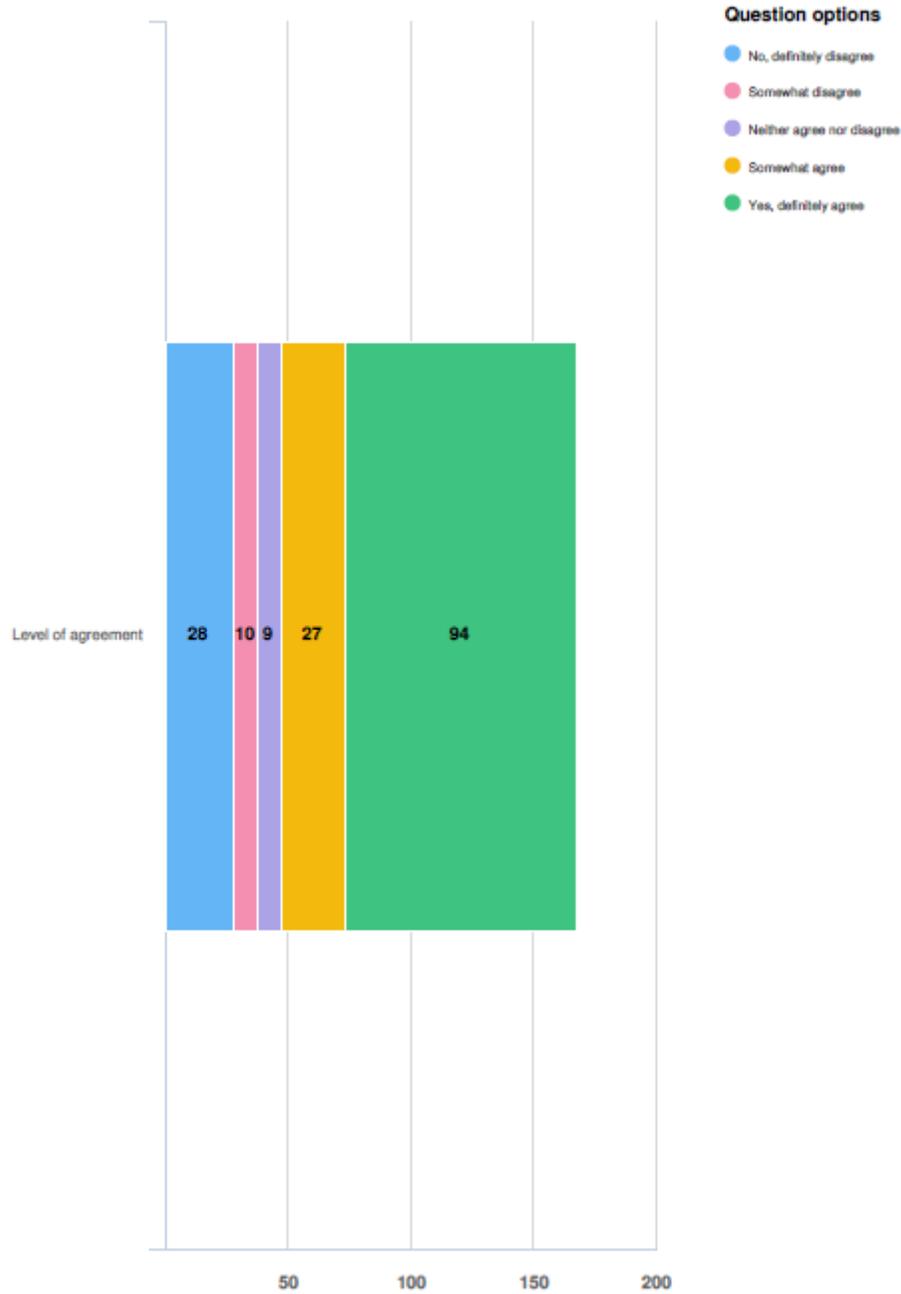


Question options

- I don't know/unsure
- It would decrease the amount of trees in Barrie
- It wouldn't change the amount of trees in Barrie
- It would increase the amount of trees in Barrie

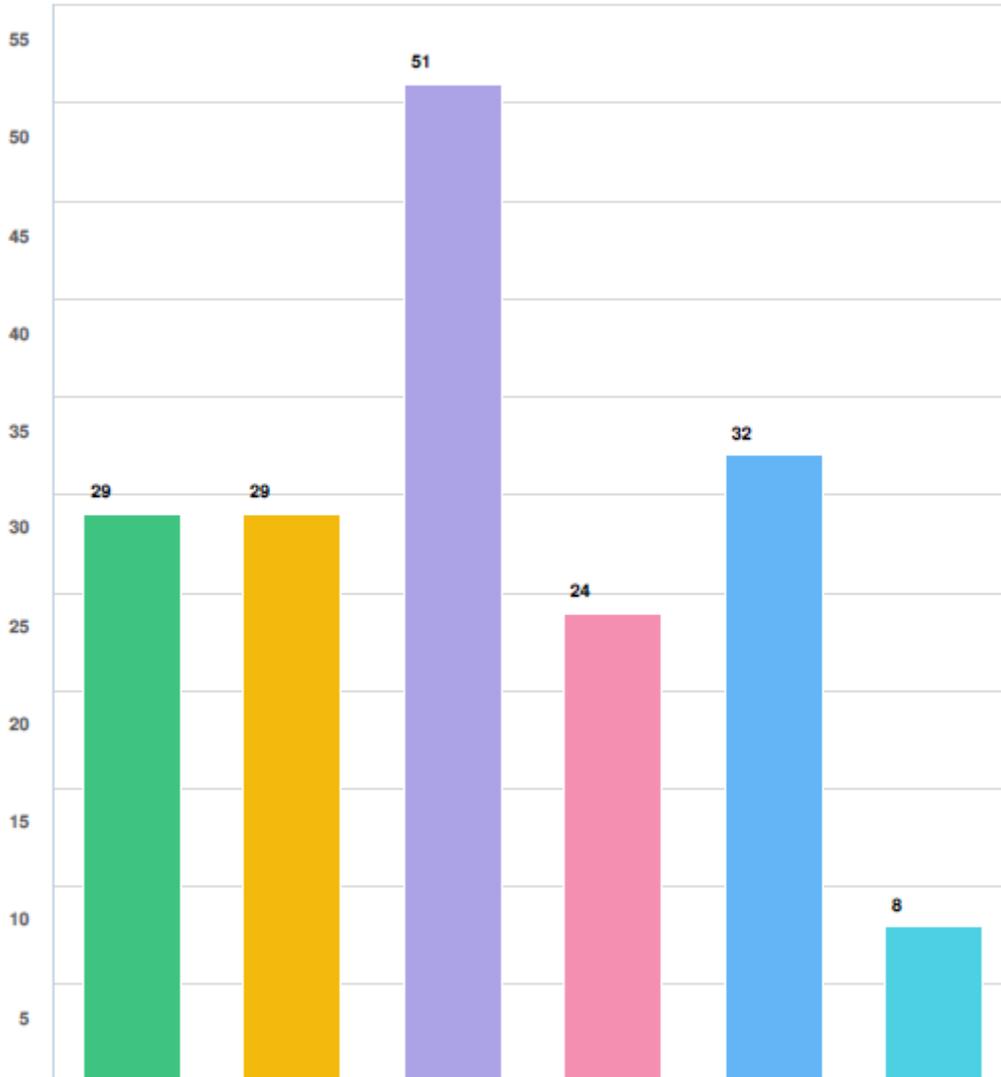
Optional question (168 response(s), 0 skipped)

Do you think the Private Tree By-law should be revised to regulate the removal or injury of individual trees on private property in Barrie?



Optional question (168 response(s), 0 skipped)

What size of tree(s) do you think should be regulated (be able to be removed) under a Private Tree By-law revision?

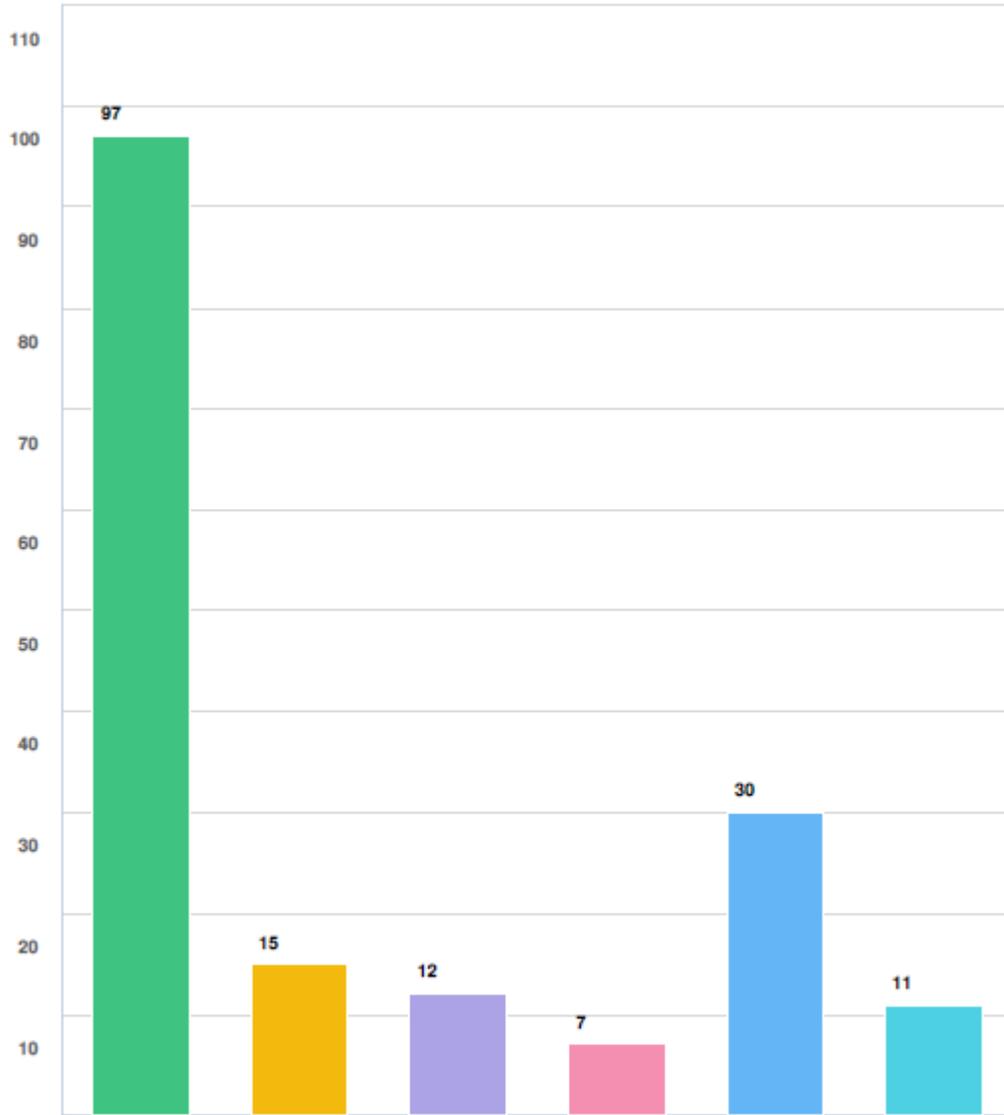


Question options

- Unsure/no opinion
- No trees of any size should be regulated or require a permit for removal
- Trees that are 50cm in diameter and larger
- Trees that are 30cm in diameter and larger
- Trees that are 10cm in diameter and larger
- All trees, no matter what size

Optional question (167 response(s), 1 skipped)

Do you think there should be a number of trees a property owner should be allowed to remove each year from their property without a permit?

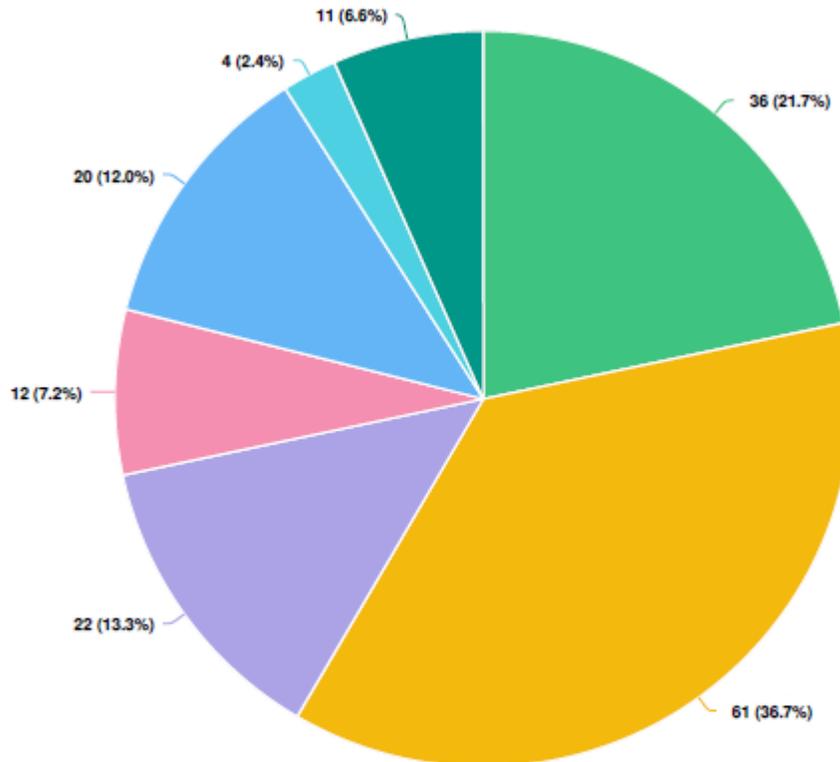


Question options

- Unsure/no opinion
- Any number of trees
- 3 trees or less
- 2 trees or less
- 1 tree
- No, a permit should be obtained no matter how many trees are to be removed

Optional question (168 response(s), 0 skipped)

Do you think that there should be a replanting requirement for each tree removed under permit?

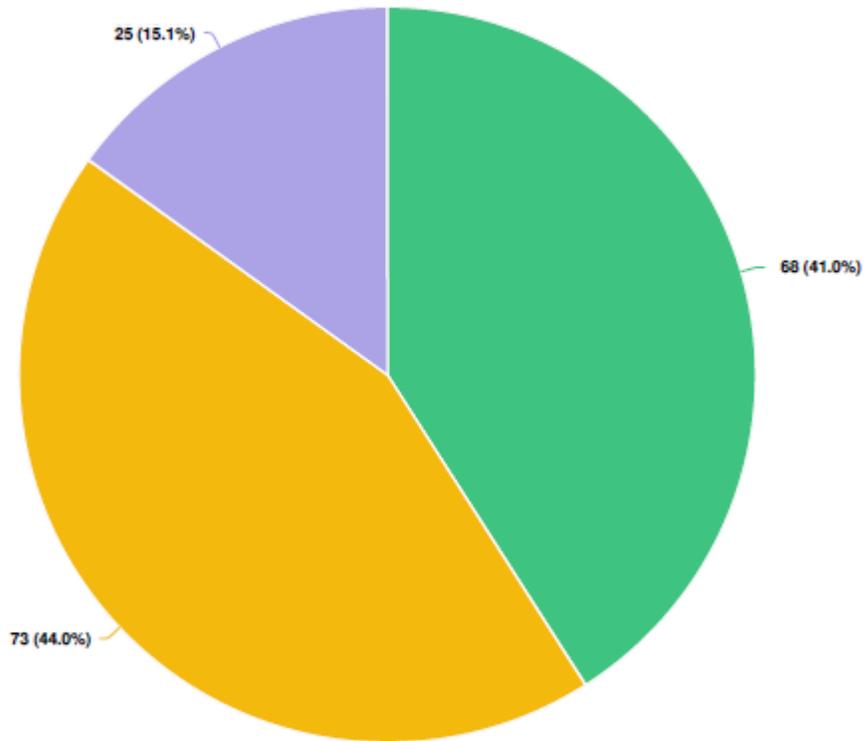


Question options

- Other (please specify)
- Unsure/no opinion
- Yes, but a replanting ratio based on the size of the tree removed (e.g. 1 tree for every 25cm diameter)
- Yes, 3 trees planted for each tree removed
- Yes, 2 trees planted for every tree removed
- Yes, 1 tree planted for each tree removed
- No

Optional question (166 response(s), 2 skipped)

Do you think a landowner should be required to submit a report from an Arborist (at the applicant's cost) that recommends the removal of the tree(s) prior to obtaining a permit?

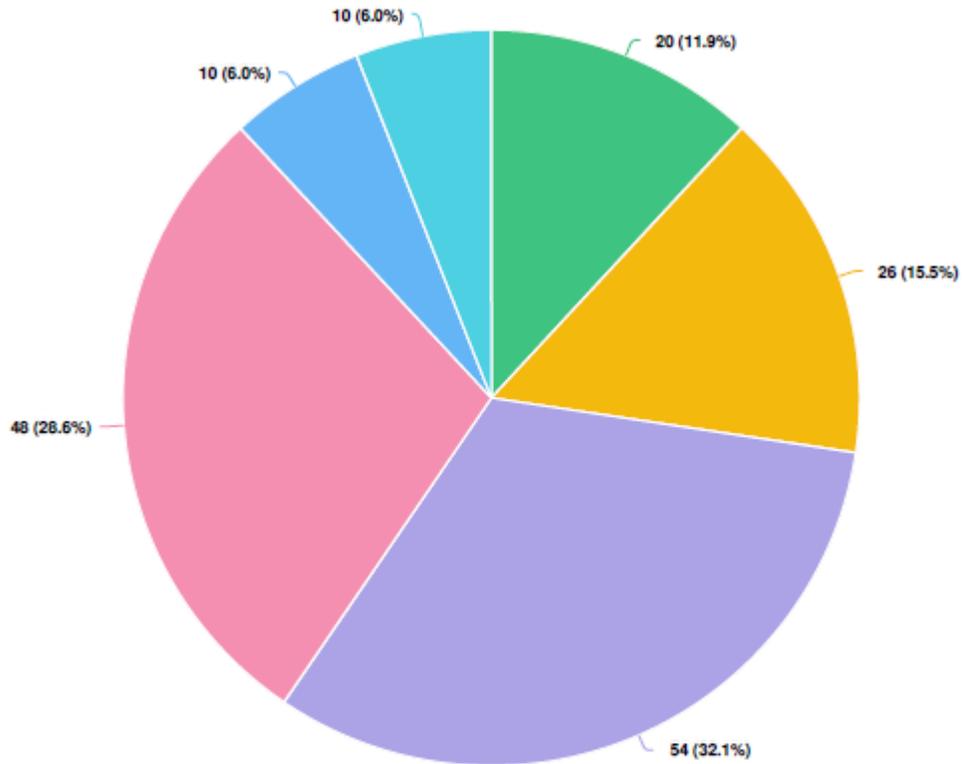


Question options

- I'm not sure
- No
- Yes

Optional question (166 response(s), 2 skipped)

What do you think the fees for a Tree Removal Permit should be based on?

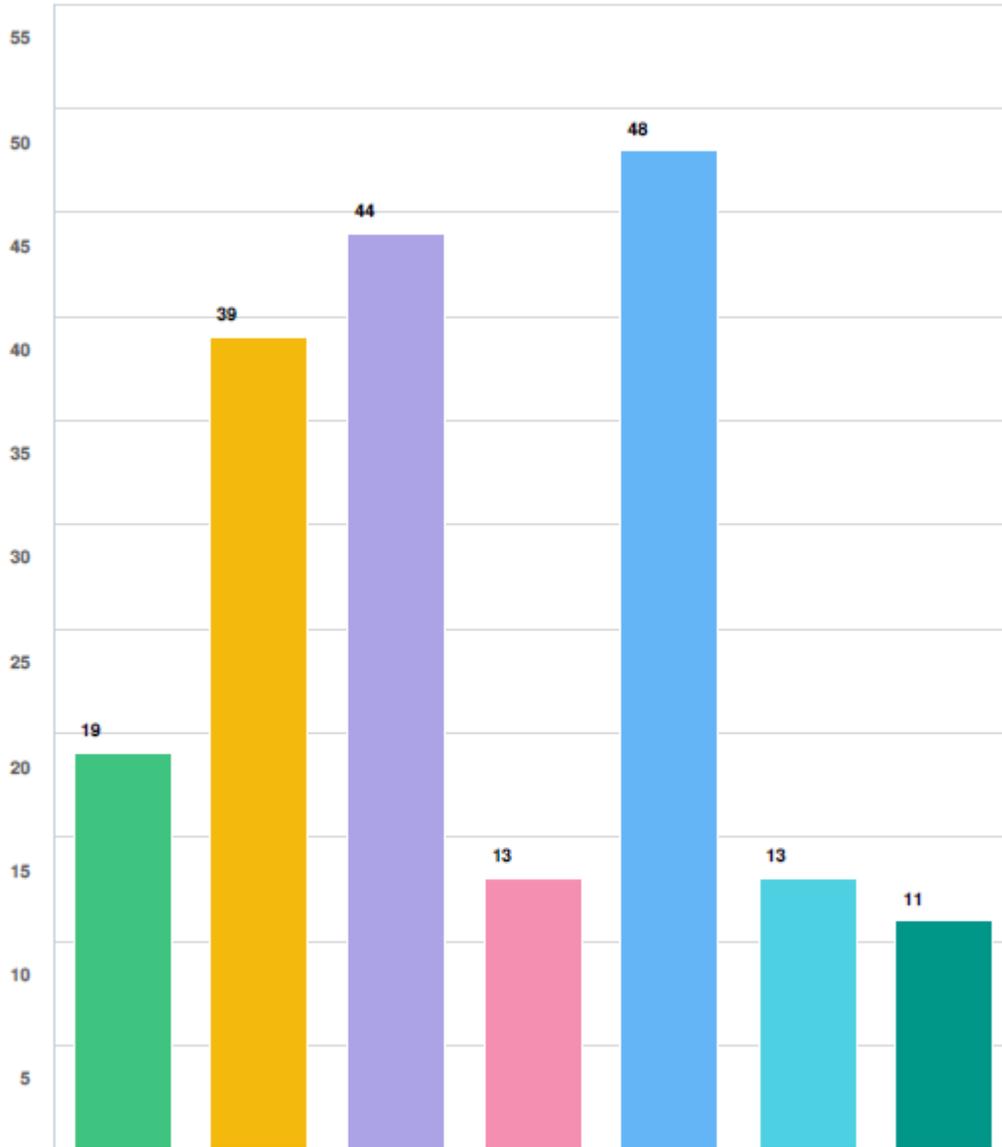


Question options

- Other (please specify)
- Not sure
- No fee (program cost covered by property taxes)
- Cost recovery plus a tree compensation fee (additional cost per tree removed to go to replanting programs)
- Cost recovery (fee to cover full cost to implement program)
- Below cost recovery (program cost subsidized by property taxes)

Optional question (168 response(s), 0 skipped)

At what price point do you think the cost of a permit would create a financial strain on the average residential property owner?

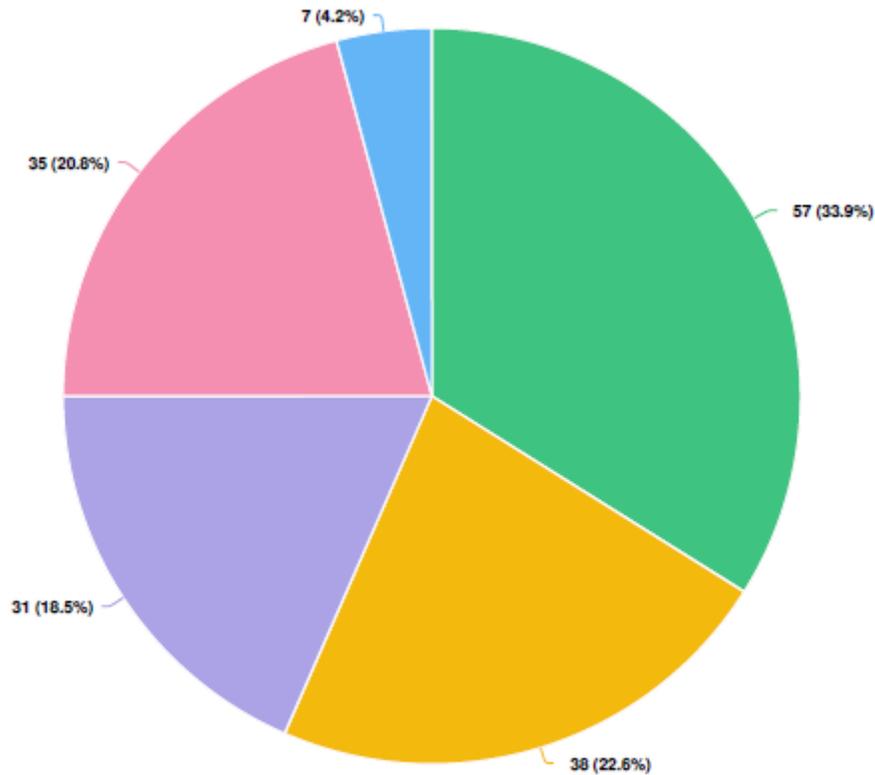


Question options

- Other (please specify)
- Unsure
- There should not be any fees
- \$1,000+
- \$500
- \$100
- \$50

Optional question (168 response(s), 0 skipped)

Do you think issuing a Tree Removal Permit should include a compensation fee to be paid towards replanting and/or grant programs for trees to be planted by the city or volunteer organization on public and/or private lands?

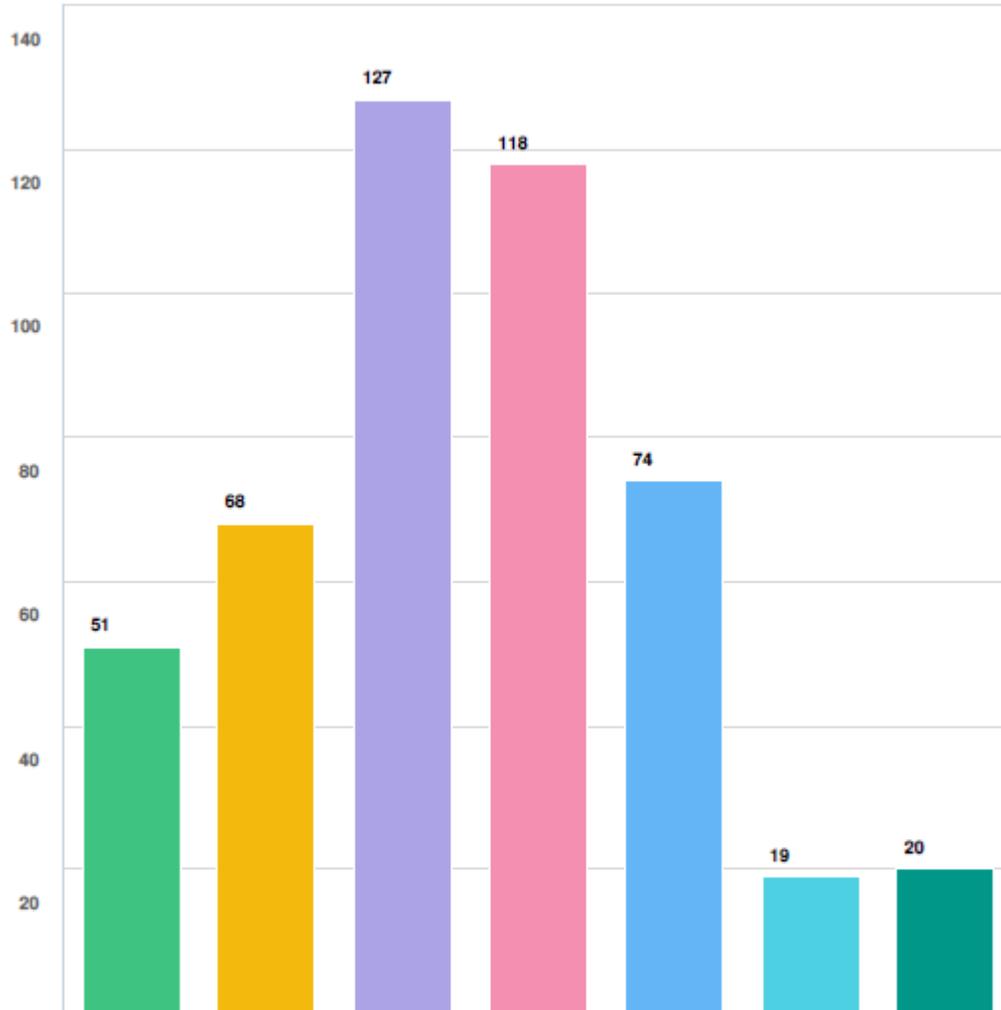


Question options

- Unsure
- No
- Maybe
- Yes - but only to support planting on private lands through a grant or subsidy program
- Yes - but only to support planting on public lands

Optional question (168 response(s), 0 skipped)

In your opinion, in what situations should a Permit be issued to allow the removal of a tree or trees on private land? (select all that apply)

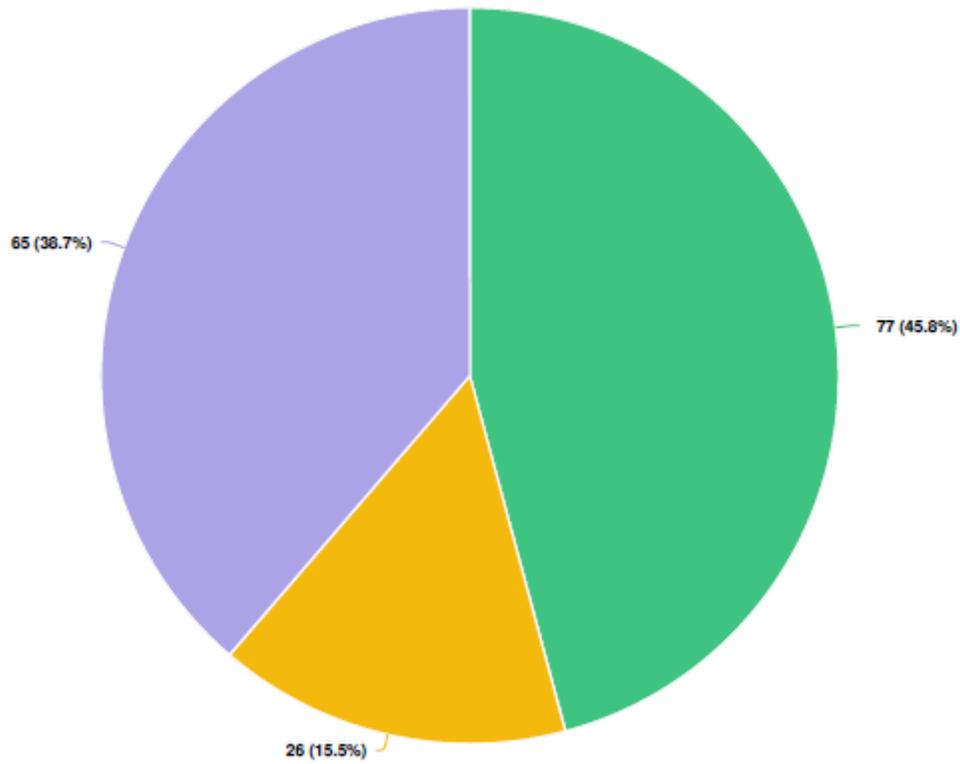


Question options

- Other (please specify)
- If the tree is affecting religious or cultural beliefs
- If the tree is being replaced with a more desirable species
- If the tree is causing damage to home or property
- If the tree is creating a risk or has a disease (deemed hazardous by a certified Arborist)
- If the removal is required to facilitate construction approved by a Building Permit
- Any situations when requested by the landowner (e.g. for any reason)

Optional question (168 response(s), 0 skipped)

In your opinion, should the approved tree removal permit be publicly posted for a 7-day period before the tree is removed, allowing neighbouring properties to receive notification?

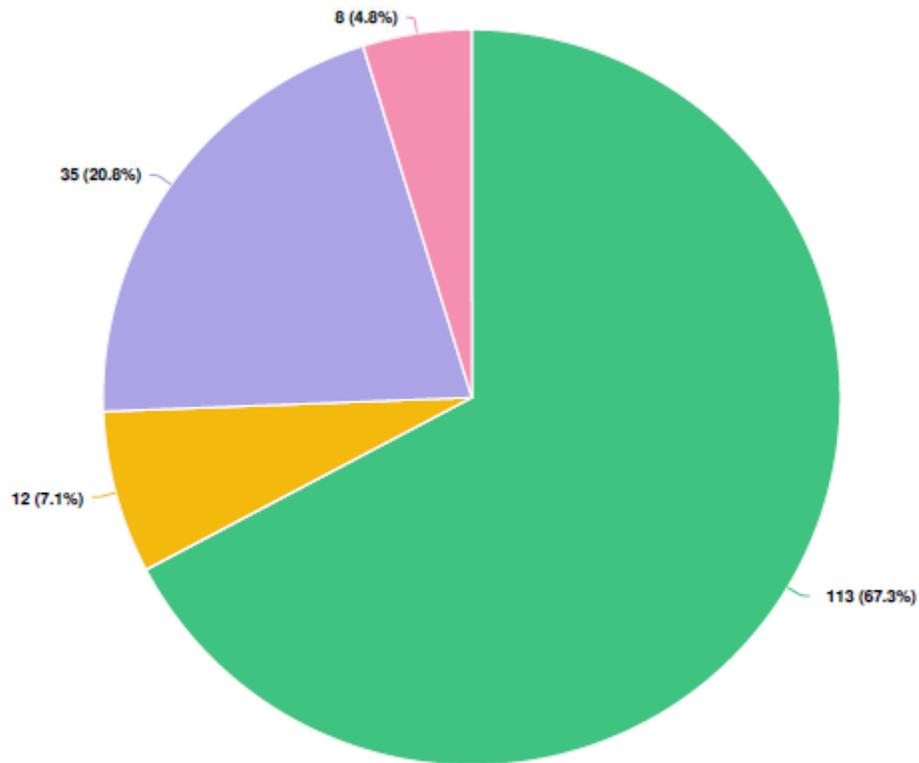


Question options

No Maybe Yes

Optional question (168 response(s), 0 skipped)

Do you think the by-law should include set fines to encourage compliance with the by-law?

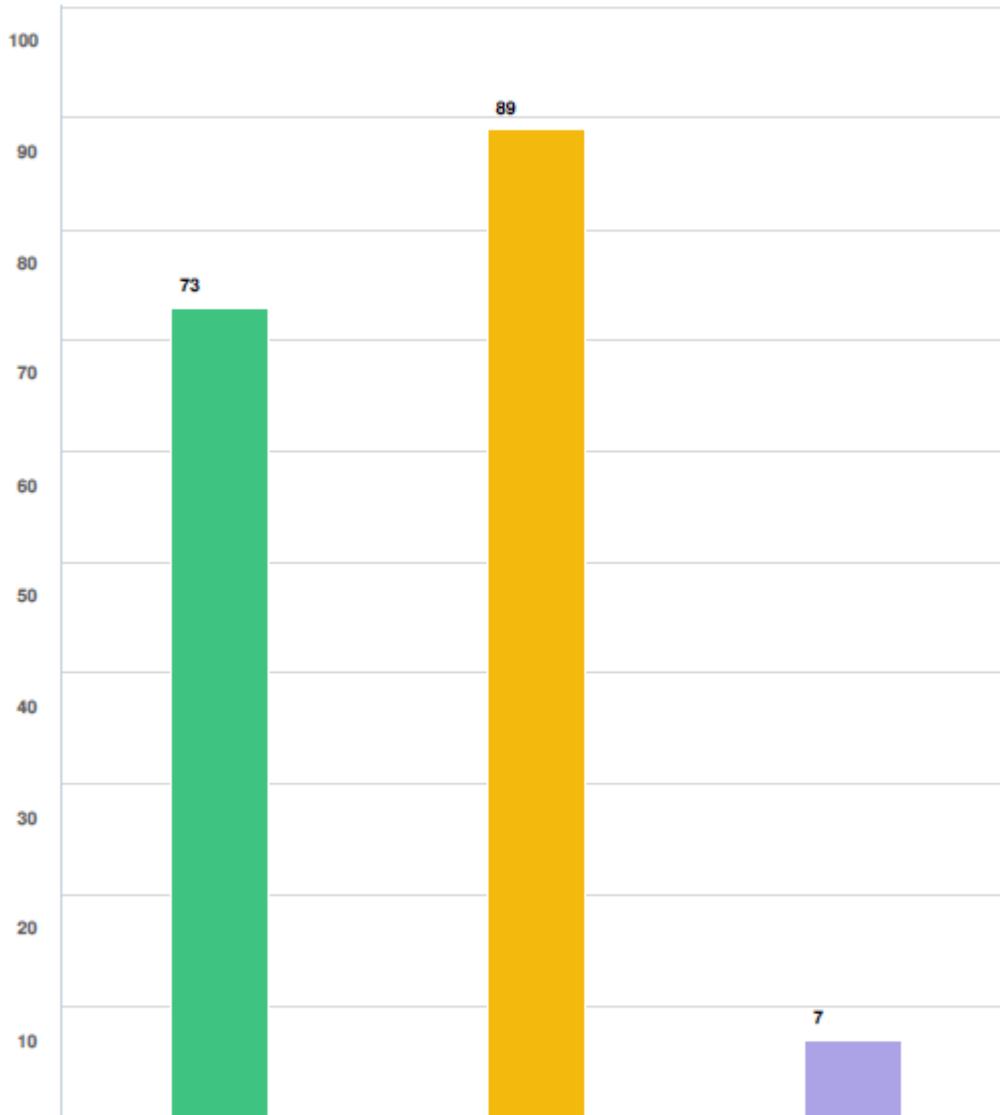


Question options

I don't have an opinion on this No Maybe Yes

Optional question (168 response(s), 0 skipped)

In a situation where a tree permit application is denied because the tree identified for removal is a boundary tree (shared ownership with the neighbouring property) and the neighbour does not want it removed, would you expect the City to mediate t...

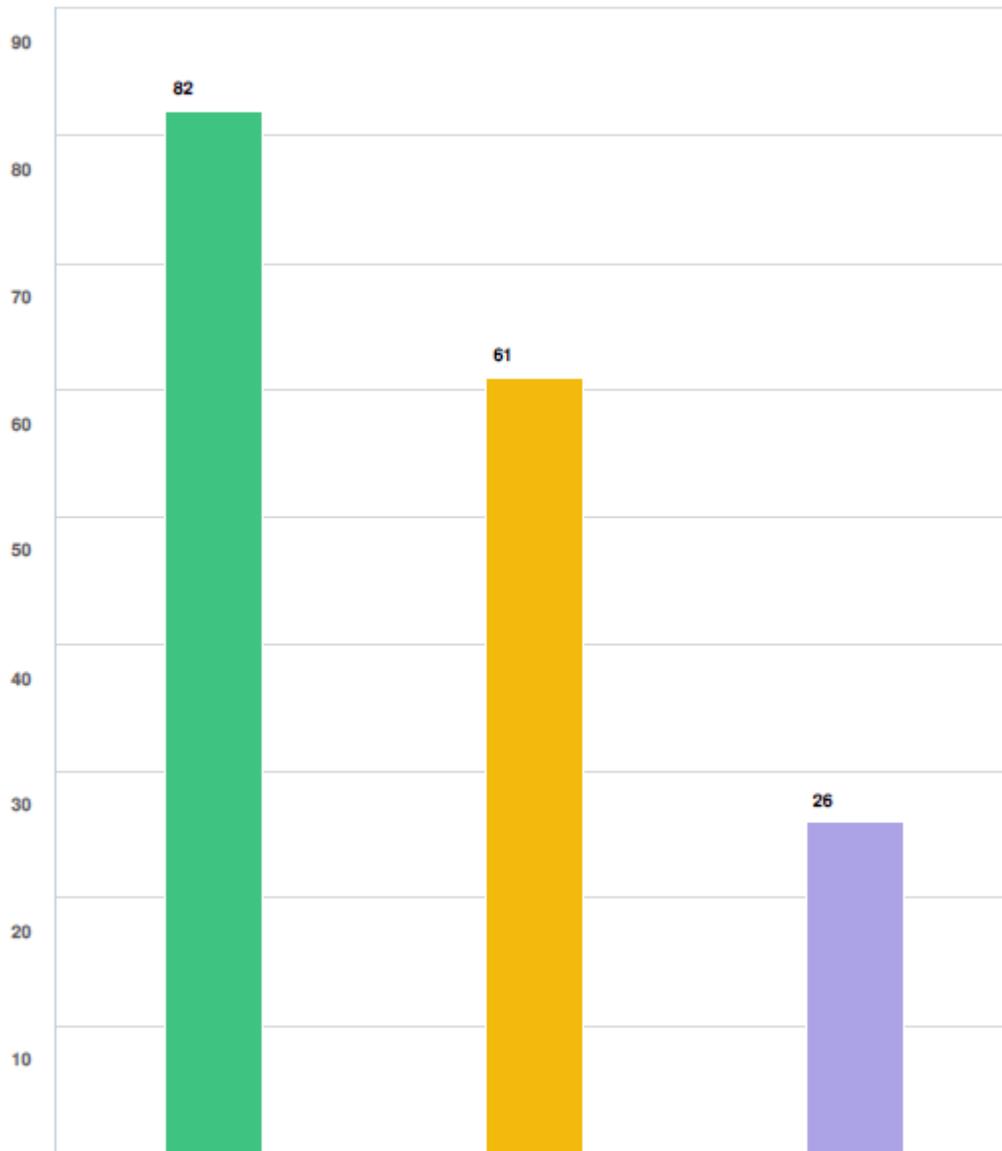


Question options

- Unsure/no opinion
- Yes, I would expect some form of municipal help negotiating with the neighbour
- No, I understand this is a civil dispute between neighbours

Optional question (167 response(s), 1 skipped)

Would you support a tree planting incentive program in place of an individual Tree By-law? For example, a subsidized replanting program where an owner provides notice of tree removal(s) on private lands to the City in order to receive a grant or s...

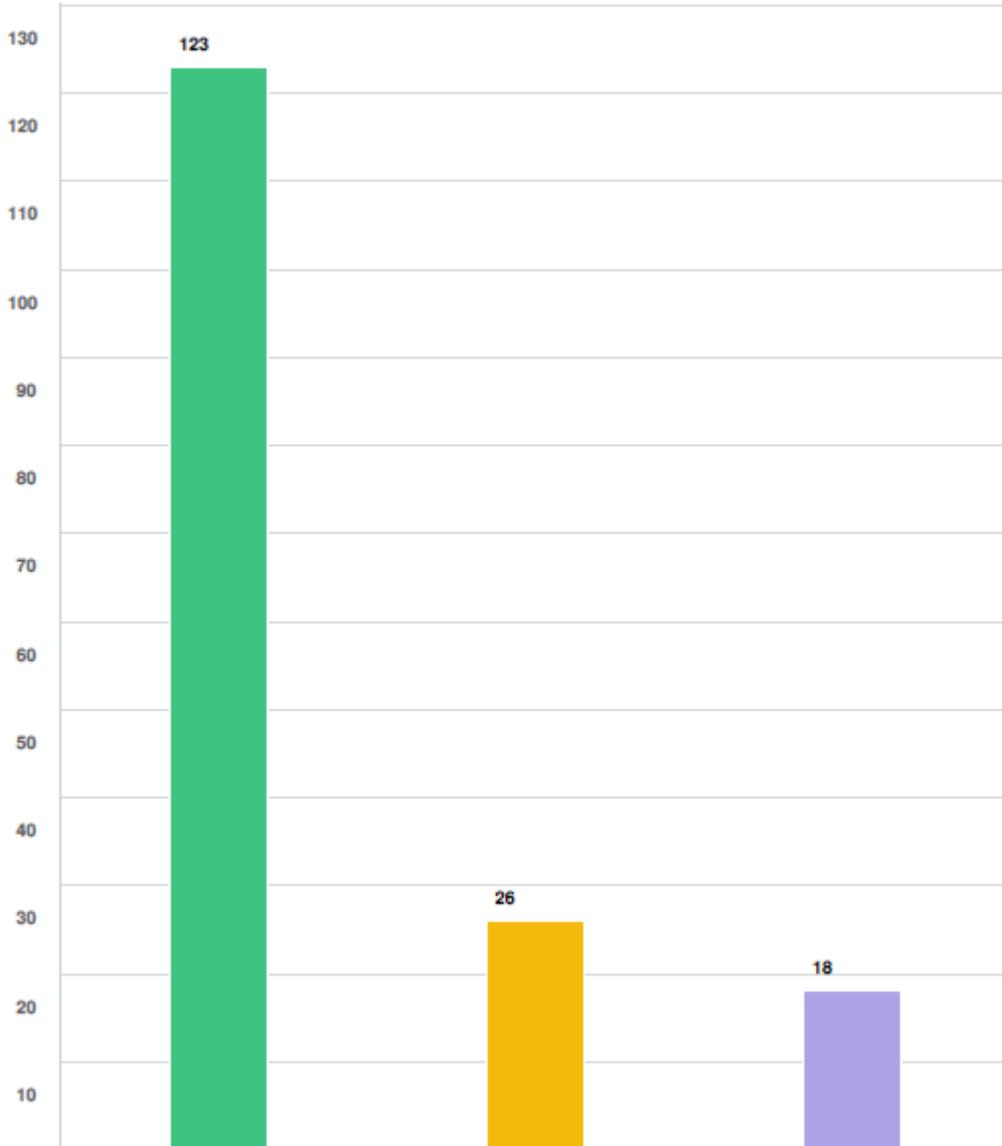


Question options

Unsure/no opinion No Yes

Optional question (166 response(s), 0 skipped)

Would you support the creation of a private land tree planting grant program? An example of this program would be tree(s) provided to private landowners through subsidies, grants or a non-profit partnership organization who plant trees at either n...

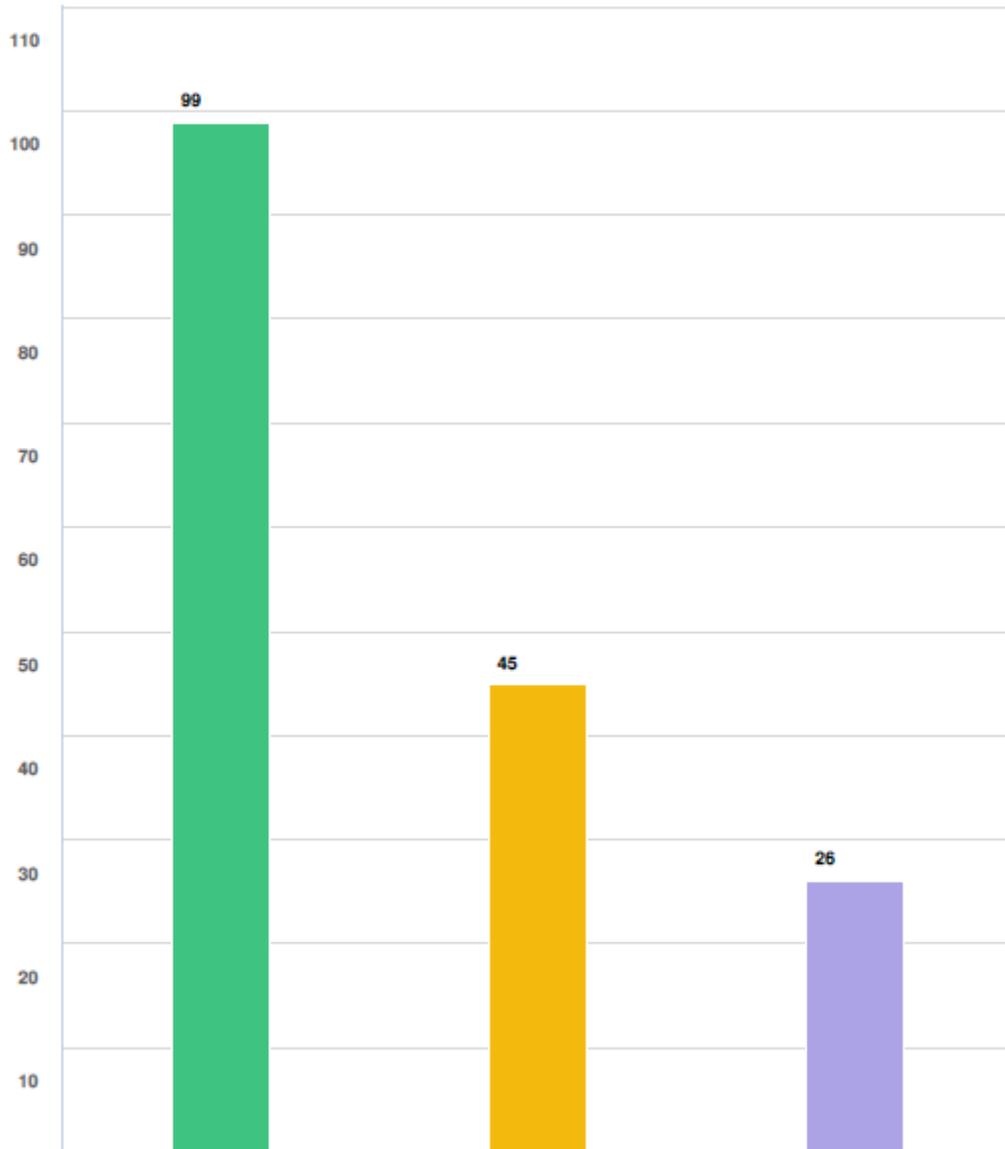


Question options

● Unsure ● No ● Yes

Optional question (167 response(s), 1 skipped)

If the City implements a stormwater utility rate, would you support a subsidized rate based on tree/canopy cover on each property (i.e. the more trees on the property, the less the owner pays via the stormwater utility rate)?



Question options
 Unsure No Yes

Optional question (167 response(s), 1 skipped)

General Comments:

- Time has been tough all around the last few years, with many of us barely able to make ends meet. Everything went up in price, and this program no matter how beneficial to the residents of Barrie will come with a cost, that many of us can not afford at this time.
- The City has to implement rules to construction companies and make sure that they abide by them, or face stiff fines.
- Leave land-owners alone.
- Please don't institute any by-laws which won't be enforced, as the law must be seen to be upheld or becomes counterproductive. I think proper education around the benefits of tree canopies with regards to energy savings, cleaner air, helping with storm water run-off, increasing property values etc. is really the way to go.
- Having the City provide at low cost, a qualified Forestry person/arborist to examine the health of trees on private property for owners considering removal.
- I don't like seeing trees coming down at all! We need to defend the trees and let them live.
- How will this bylaw prevent the destruction of mature trees on lots that the city has proposed high density developments...
- No builder should be given a building permit without a tree inventory being submitted with the intent of saving as many existing trees as possible ie. no clear cutting. This should apply to new developments and existing new builds in developed neighbourhoods regardless of the size of the lot.
- A combination strategy would work best, education, permitting removal of certain size trees, tree protection and inventory required & validated prior to permit approved... Planning applications, Committee of Adjust applications, including those permit requests for pools, fencing, garages/sheds (accessory buildings) should all be required to do complete tree inventory on the property. Zoning bylaw should change to reflect appropriate setbacks from damaging any private property tree whether on homeowners property or neighbours.
- I don't want the city to interfere with my private property rights, I can decide when and how to remove a tree assuming it's done safely etc, this is an over reach by the city to a small home owner , I'm worried about the red tape and regulations and burden being put on homeowners dealing with their own property, the current by law is fine it appears as if someone wants to create a new office and bureaucrats for an issue that isn't a problem for the odd home owner cutting down a tree not in a wood lot as defined under the current regulations...
- Let property owners deal with their own property please
- Homeowners purchase property based on a vision. That vision is that of the individual. If this bylaw is implemented where does control of ownership stop. Will large land owners be subject to same controls/restraints? What if the tree falls over and damages neighbouring property while waiting for permit approval? Who is responsible? What is the cost to taxpayers for this new department to manage the applications? Definitely not warranted!
- Barrie ought to implement a revised Tree By-law similar to Toronto's. The new By-law should include strictures to ensure a healthy canopy e.g. requiring hazardous, damaged, or diseased trees to be treated, pruned or removed if deemed necessary by the City or a Registered Professional Forester...

-
- In determining whether the bylaw is adequate should include the long range costs of tree loss - i.e. climate change and all that that entails - not just immediate costs.
 - have a great many trees on my property which is one of the main reasons I purchased the property. I am a tree lover but believe this can be seen as another form of tax grab and our taxes near the lake are already extremely high... Please treat us as responsible home owners that "most" of us are and let us be the judge of our own beautiful trees and their care.
 - Maintaining our existing private tree canopy is critical in combating the negative impacts of climate change.
 - Barrie City - really needs to alert tax payers of this issue and it's intent to charge (tax) property owners.
 - Absolutely in favour of a By-law regulating tree on private property (not a "private" tree, because we all benefit from the services the tree provides). Keep the by-law and application process simple and easy to understand. A small portion of the cost should be borne by the city/taxpayers as we all benefit from protecting trees and would keep the price point lower for application fee.
 - I think that extra care is required in historical neighbourhoods given the mature canopy. I would expect residents in mature neighbourhoods are reluctant to take trees down. Less reluctant will be developers and new owners wanting to renovate older homes. These are the situations that I'm concerned about and why i think diseased trees are the only ones that should be easily permitted for removal.
 - How can I support a 'fine' programme for compliance, when I don't know how the bylaw is going to be changed? There's already enough bylaws that aren't enforced unless someone complains...so someone with a lousy neighbour can be 'fined' just because someone makes a trivial complaint.
 - The municipal government should hold no power over modifications to any private property. I pay you the taxes, you stay out of my business - simple.
 - Please don't allow an already divided population to protest what we want to do in our own private property. Respect your boundaries while enhancing education of trees and trees upkeep.
 - I would like more guides in the mail though on how to care for trees and what the expectations are from responsible home owners.
 - We do not support further tree bylaws. Residential tree removal has very little impact on the canopy. What affects the canopy is commercial development. The homeowner should not have to pay for the damage the developers do to the canopy. It is completely unjust.
 - Stop government intrusion into private property!
 - Does the City have a plan on how to deal with the influx of permit requests? We are aware other Cities/Townships have these plans in place - as a FREE service. I think the City of Barrie needs to plan accordingly if this is going to move forward. Will there be a separate department just for this? Will it be staffed accordingly with reasonable response times? Due to the Emerald Ash Borer, we have seen a major increase of tree removals in the City of Barrie - there could be weeks when our business could submit up to 20-30 permit requests. This is just one company. Is this manageable for the City employees? What are the costs the City is leaning towards when it comes submitting a permit? Most Townships do not have a fee permitted with this. With the rising costs of everything else in the world, we are concerned that homeowners simply will not be able to afford this additional cost. Insurance companies can void claims if a noticeably dead tree falls on your home & you did nothing to avoid it. But if they can't afford the added \$100-\$1000 for a permit request - this could force homeowners to ignore the issue entirely. As for tree re-planting, I think

this should be focused towards commercial construction & not homeowners. Focus on big contractors that are demolishing acres of forest for condominiums or plazas - not homeowners that are removing a dead tree. We are not against this idea, we 100% agree with protecting the cities tree canopy, we just believe that the city needs to plan for this major change in our industry & think about the rising costs that homeowners are already facing. This should be a free/extremely affordable service.

- 20cm DBH is a better size threshold for what the bylaw would apply to. A condition of removal should be to either replant or pay a fee that the city would use to replant elsewhere. Be transparent with these funds though. They shouldn't go to general maintenance costs, only tree planting. There should be no fee or replacement requirements for removal of hazard trees. Arborist report still required though. There should be consideration for the difference between native and non native trees for both removals and replacement requirements. Solid communication/messaging to help people understand that trees are a shared resource in the community would be helpful if a new bylaw is implemented.
- Residential tree removal barely contributes to the overall canopy. Land developers are the ones who reduce the canopy! One commercial development can equal close to the total number of residential trees removed in a year. It's ridiculous to put financial stress on homeowners when they are not the ones affecting the canopy. It's a money grab. Anyone we have talked to feels the same way. Charge the real culprits, not the homeowners.
- If you are concerned about the canopy, require trees to be planted in the place of removals. A tree permit is only going to make things difficult for homeowners and put a financial and mental strain on them, it won't fix the canopy. Let's be smart about this.
- No by law everyone is stretched to their limit.
- I want all trees that are mature for their species to be deemed a treasure and saved from construction projects especially boundary trees. Mature trees should only come down if they are diseased or damaged severely by a storm.
- If I pay property taxes and follow the rules of the city's property standards, such as keeping my lawn mowed and garbage free, stay off my property. If I have a tree that is causing problems such as dropping leaves and seeds into my pool, I should be able to remove it as it costs me a fortune to keep the pool clean and use water to refill the pool. What is more environmentally friendly? Also, tree removal by a professional is ridiculously expensive. If you put this in place people will just do it themselves to avoid the expense of an arborist, whatever fees and taxes the city puts on top of it. I question if this is due to the gypsy moths and other bugs that are ruining our trees because of infestation. Are you just looking to capitalize on this? Seems like a money grab or motion put forth by the lumberjacks of Barrie to cash in because Covid has destroyed their business.
- I would support a by-law but only to ensure safety and improve the health of trees. The removal of trees should still be easy and affordable for the property Owner. The by-law should be applied to new builds and developments that can afford this. An existing home owner who wants a small shed or to save their deck should be able to remove a few trees without a permit or with a free permit. Perhaps charge a fee for more than 3 trees, projects requiring a building permit or site plan approval.
- With infill development being encouraged in the future. It is important that the City implement an individual Private Tree Bylaw now. The City's canopy of mature trees is under threat of needless removal as large older lots are divided into new infill lots. A reasonable assessment of what trees are actually required to be removed to facilitate construction should be required. Construction of infill lots is important to contain urban sprawl and should still be facilitated without the removal of every tree on every property. The permit application and compensation requirements need to be

enough to discourage developers from simply paying a large fee to remove trees without consideration of retention. The individual Private Tree by-law will also help to guide landowners to remove trees during the appropriate season to avoid impacts to Migratory Birds and Species at Risk Bats, as required by the federal Migratory Birds Convention Act and the Ontario Endangered Species Act. It is important that this by-law does acknowledge that unhealthy, damaged, or invasive species trees should be removed, with little hassle to the property owner so that property standards are maintained and biodiversity is encouraged.

- Make it more difficult to frivolously remove trees. There are many instances where tree removal is necessary, and in that situation, trees should be planted to compensate.
- A green agenda forced upon people is not the way to go. Provide "free" trees to people who want them. Encourage tree coverage through education (lower hydro rates in the summer from the shade, etc). However, if I own a property, I should be able to plant or remove anything I want. We pay a lot of taxes already...I don't need the city saying what I can and cannot remove from my property. I'm all for trees and we have planted several since moving into our house, but I don't think this is the city's business unless it directly and physically affects a neighbour.
- I feel the more healthy trees people have on their property the more incentive there should be to keep them. For example, property tax rebate per tree, water and waste water rebates or similar incentives.
- Only the landowner should have a say on this IF YOU PAY THE PIPER (ie Taxes) YOU CALL THE TUNE
- While individual tree compensation might be appropriate within historic neighbourhoods, a different approach should be considered within greenfield areas where joint trees need to be protected and the balance are removed as part of the comprehensive regrading of the site. We recommend that a tree compensation by-law should apply only within the historic neighbourhoods.
- In green field areas, based on our office experience with developments south of Barrie, the proposed changes to the tree by-law will not reduce the number of trees to be removed by the developers but it will only have a contribution to the increased costs of the houses.
- Incentives should consider the size of the tree canopy/ area to be protected rather than the number of trees; this is because by preserving the trees at the dripline, the land under the tree canopy will not be available for construction.
- More flexibility in the preservation of the boundary trees will benefit both the developers and the City desire to retain more trees; limited grading under the tree canopy (up to 25% of the canopy dia. - except shallow rooted trees) followed by mitigation measures was accepted in the past; minimum TPZ as per Barrie TP manual is accepted only for municipal trees; for private trees, only optimum preservation at the dripline is currently accepted. As consequence a neighbor's consent has usually been obtained and large trees were removed from the boundaries.
- Similar flexibility is recommended regarding the 5m tableland currently enforced from the dripline of the boundary trees to the building envelope. Large trees on the boundaries have been removed due to this requirement because the land under their canopy added to the 5m tableland would have made those lots undevelopable.
- In most of the situations, a strong enforcement of the tree preservation standards, unrelated to the existing specific site conditions and different species tolerance to construction only have had an opposite effect and more trees have been removed from the boundaries than preserved.

APPENDIX "E"

Tree By-law Alternative Cost Comparison

Operating	Recommended Alternative	Alternative 1 20cm+	Alternative 2 50cm+	Alternative 3 No change
Salaries & Benefits				
Forestry Supervisor	\$ -	\$ 125,000	\$ 125,000	\$ -
Urban Forester	\$ 110,000	\$ 110,000	\$ 110,000	\$ -
Forestry Technicians	\$ -	\$ 160,000	\$ 80,000	\$ -
PPE & Equip	\$ 1,000	\$ 6,000	\$ 5,000	\$ -
Training & Development	\$ 1,100	\$ 5,650	\$ 4,400	\$ -
Other Departmental Support				
Administrative Support	\$ -	\$ 60,000	\$ 30,000	\$ -
Service Barrie	\$ -	\$ 30,000	\$ 15,000	\$ -
MLEO Support	\$ 15,000	\$ 80,000	\$ 80,000	\$ -
Municipal Court Costs*	\$ -	\$ -	\$ -	\$ -
IT (PC, Phone)	\$ 3,000	\$ 18,000	\$ 15,000	\$ -
Vehicle & Equip Mtc.	\$ 5,000	\$ 20,000	\$ 15,000	\$ -
Total Annual Operating	\$ 135,100	\$ 614,650	\$ 479,400	\$ -
	100 permits/yr \$150/permit	2,000 permits/yr \$50/permit	400 permits/year \$50/permit	Status Quo
Revenue				
Tree Removal Permit Fees	\$ 15,000	\$ 100,000	\$ 20,000	\$ -
Tree Removal Compensation Fees	\$ 67,500	\$ 67,500	\$ 67,500	\$ -
Net Annual Operating Cost	\$ 52,600	\$ 447,150	\$ 491,900	\$ -
Forestry Section	\$ 37,600	\$ 277,150	\$ 366,900	\$ -
Other Departments	\$ 15,000	\$ 170,000	\$ 125,000	\$ -
Capital Cost (Year 1)				
Vehicles	\$ 30,000	\$ 120,000	\$ 90,000	\$ -
Workstations	\$ 2,500	\$ 15,000	\$ 12,500	\$ -
Existing Permit Fees:				
	Permit Fees			
Good Forestry Practices	\$ 125	<i>(woodlot management plan)</i>		
Development Removals	\$ 1,010	<i>(Subdivision, Site Plan)</i>		
New Individual Tree Removal Fees:				
Single Tree Removal	\$ 50			
Construction Removals	\$ 150	<i>(Committee of Adjustment, Building Permit)</i>		

*Court costs are unknown as would be based on rate of infractions and successful prosecutions.

APPENDIX "F"
ECOLOGICAL OFFSETTING: Cash-in-Lieu Woodland Feature Replacement Costing Comparison

Item	LSRCA	Barrie	Comments
Feature Replacement ¹	Y (2:1)	Y (1:1)	\$50,000/ha incl. planning and design, site prep, plant material, installation, monitoring
Environmental Protection Zone (EPZ) Replacement	Y (1:1)	Y (1:1)	\$50,000/ha incl. planning and design, site prep, plant material, installation, monitoring
Environmental Service Fee (ESV)	Y	N	\$6,234/ha (LSRCA) for Woodland and EPZ
Land Securement	Y	N	15% of feature creation cost + ESV cost (LSRCA) - CoB use own lands
Administration Fee	Y (15%)	Y (15%)	15% of all costs

Example Calculation for Creation of 1.5ha Feature and 0.3ha EPZ:

Feature Replacement	\$150,000.00	\$75,000.00
EPZ Replacement	\$15,000.00	\$15,000.00
Environmental Service Fee (ESV)	\$11,221.00	\$0.00
Land Securement	\$26,433.15	\$0.00
Administration Fee	<u>\$30,398.12</u>	<u>\$13,500.00</u>
	\$233,052.27	\$103,500.00

Notes:

1. Developer could select to replace feature on proposed development site with no cash outlay to City of Barrie. Under LSRCA policy they are required to remit the ESV payment.