

Staff Report

Presented By: Kristen Sears, Planning Policy Coordinator

Meeting Date: October 27, 2025

Subject: Urban Tree Conservation By-law

Attachment(s): None

Recommendation

That Council approve By-law 96-2025, being a By-law regulating Urban Tree Conservation to come into effect on April 1, 2026;

That Council supports the review of the implementation of the Urban Tree Conservation By-law during the 2026 Business Plan and Budget deliberations; and

That Council formally request the County of Bruce, exempt the Settlement Area of Saugeen Shores from the Bruce County Forest Conservation By-law, effective April 1, 2026.

Report Summary

In December 2024, Council approved the Urban Tree Canopy Plan in principle. A key recommendation of the Plan was the development of by-laws to support tree conservation on both Town-owned and privately owned lands. On October 14, 2025, Council deferred the proposed Urban Tree Conservation By-law to allow for review of Council feedback. An updated and amended By-law is included in the By-law section of the agenda.

Background/Analysis

During discussion on October 14, 2025, Council identified key points requiring further analysis:

1. Concerns about applying the By-law to Small Lots.
2. To what extent the By-law duplicates the Bruce County Forest Conservation By-law.
3. To what extent the By-law duplicates Conservation Authority Regulations.
4. Municipality of Kincardine's Approach.
5. Approach to Resourcing Enforcement and Education.

1. Concerns about applying the By-law to Small Lots

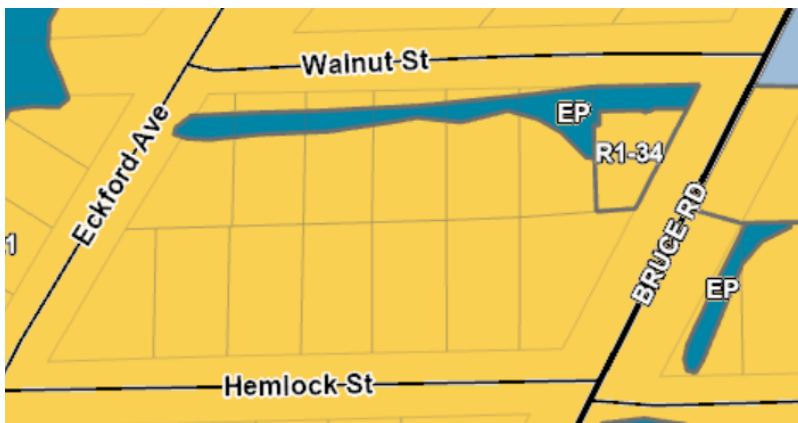
The Environmental Protection (EP) Zone follows natural or physical features and therefore does not usually follow lot boundaries. As a result, many lots have portions of EP in conjunction with

other zone categories that permit development on the non-EP portion of the lot. Similarly, the boundaries of woodlands over 4 hectares (ha) in area which were also included in the By-law, do not follow lot boundaries such that many lots have small portions of these larger woodlands in conjunction with existing or permitted development.

Council noted concern that the Urban Tree Conservation (UTC) By-law would capture these types of situations and thereby create new regulation and new enforcement of private landowner activity on small lots, which Council generally expressed as an undesirable outcome.

In consideration of this, an amended and updated Urban Tree Conservation By-law (UTC) is in the By-law section of the agenda that excludes lots less than 1 ha. This also focuses enforcement efforts on larger lots with more potential for development, larger scale tree removals and allowing for education to be the main approach to tree conservation on smaller lots.

The below images are examples demonstrating where small lots contain EP zoned lands in conjunction with other zones (R1 in these cases). The maps illustrate lots of approximately 900 square meters in area that would have been subject to the previous version of By-law and would be exempt through this proposed 1 ha minimum lot size revision. The 1 ha size threshold was selected is a commonly used threshold for tree conservation.



With this blanket exemption and noting that the larger Environment Protection (EP) and Planned Development (PD) Zoned areas overlap extensively with woodlands over 4 ha, it is no longer necessary to include wording related to woodlands over 4 ha in the By-law. Consequently, the geographic scope of the proposed revised By-law is much more straightforward and is as follows:

- Privately-owned lots larger than 1 ha and zoned EP or PD.

With this simplicity, a map Schedule is no longer warranted and the proposed revised UTC By-law no longer includes a map Schedule.

2. To what extent the By-law duplicates the Bruce County Forest Conservation By-law

Bruce County’s Forest Conservation By-law regulates tree removal in woodlands larger than 1 ha. The recommended revision to the UTC By-law to exempt lots smaller than 1 ha would align with the general exemption contained in the Bruce County By-law.

However, there are other aspects of how the County By-law regulates tree cutting that warrant discussion. The comparison table below was prepared to illustrate key distinctions between the Bruce County Forest Conservation By-law and the proposed UTC By-law.

Comparative	Bruce County By-law	Proposed Town By-law
Scope	Applies to woodlands that are ≥ 1 hectare in area and meet defined size and density criteria.	Applies to individual trees or groups of trees on private property within the urban settlement area, provided the lot is zoned PD or EP and ≥ 1 ha — no size or density criteria.
Tree Size / Density Threshold	Enforcement only occurs if the woodland meets both area and density requirements (typically for forested lands).	Enforcement may occur regardless of tree size or density — focuses more broadly on urban canopy, including isolated trees or smaller groupings.
Replacement Requirements	No requirement for replacement of trees or payment-in-lieu when tree removal occurs under a permit.	Mandatory tree replacement or cash-in-lieu payment for future tree planting if tree removal is permitted.
Enforcement Area	Applies to rural and urban (settlement area) lands in Bruce County.	Applies only within the Settlement Area.

From the above, it is noted that, although there is similar geographic coverage, the Town’s UTC By-law would address regulatory gaps in the County By-law - more specifically, protecting canopy on PD zoned lands before development occurs and requiring replacement/replanting or compensation for removed trees.

Also of note, the proposed UTC By-law would be much simpler than the County By-law for landowners to understand whether they are subject to its regulations, i.e. for example not needing to measure woodlot density and tree sizes.

For these reasons, it is recommended that if adopted, Council forward the request to Bruce County to update its Forest Conservation By-law to remove the Settlement Areas of Saugeen Shores, allowing the UTC By-law to be the only regulation in place. This allows Council to administer the By-law aligning conservation with local community priorities and minimizes the regulatory framework that applies to landowners.

3. To what extent the By-law duplicates Conservation Authority Regulations

Through discussion with Saugeen Valley Conservation Authority (the CA), the Town was advised that tree removal is not within the CA’s authority except in rare situations where the site

work includes tree removal to alter the floodway. There is therefore very limited potential overlap between the CA regulations and the proposed UTC By-law.

4. Municipality of Kincardine's Approach

During Council discussion, a comparison to Kincardine's Tree Cutting By-law was identified. Kincardine's Tree Cutting By-law differs from the proposed Saugeen Shores approach. As a general observation, the Kincardine By-law is not focused on the EP and PD zones and applies more broadly to various zones but includes more exemptions than the Saugeen Shores By-law recommends.

As the Kincardine and Saugeen Shores regulations are quite different, it is not possible to use Kincardine as a base for estimating the potential enforcement and education workload associated with the proposed UTC By-law.

5. Approach to Resourcing Enforcement and Education

The Council discussion on October 14 noted concerns with resourcing pressures associated with the enforcement and education services that administering the UTC By-law would entail.

An approach to understanding workload and effort impacts to be considered is to fund a one-year contract/retainer with a qualified forester or arborist for 2026. This would allow for a pilot of the By-law to gauge the workload pressures and prepare administrative processes for consideration of full implementation in 2027. Accordingly, the date on which the By-law would come into effect has been revised to be April 1, 2026 for the contract position to have the authority to enforce during this pilot period.

As the 2026 Business Plan and Budget has been prepared, if the By-law is approved a Divisional Highlight will be brought forward to the 2026 Business Plan for the Building / By-law Division along with a request for \$50,000 for Council deliberation to fund this contract. Under this approach, a full report will be brought forward to Council in Q3 2026 to evaluate program implementation and support decision making moving forward on resource needs.

Linkages

- Strategic Plan Alignment: Pillar 4: Fostering a Vibrant Place to Live and Visit
- Business Plan Alignment: Development Services Major Initiative

Financial Impacts/Source of Funding

No costs or revenue is associated with this report.

Prepared By: Kristen Sears, Planning Policy Coordinator

Reviewed By: Mark Paoli, Director, Development Services

Approved By: Kara Van Myall, Chief Administrative Officer