



# THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE REPORT

**Subject:** Private Tree By-Law  
**Director:** Infrastructure & Development  
**Manager:** Environmental Services  
**Report Number:** Environmental Services-2023-18  
**Meeting Date:** Monday, May 8, 2023

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## **Recommendation:**

That Council provide staff direction on next steps related to a private tree By-law for the Municipality of Kincardine.

**Date to be considered by Council:** Monday, May 8, 2023

## **Report Summary:**

Staff provided the previous term of Council a draft private tree By-law. Throughout 2022 staff completed community engagement to better understand the concerns and interest of the community around tree retention. In October of 2022, the prior term of Council deferred a decision on the draft By-law. Staff are presenting Council with the historical reports and By-law and requesting further direction from Council on next steps as it relates to private tree protection.

**Origin:** Environment committee, resident concerns, and Council direction

**Existing Policy:** N/A

## **Background/Analysis:**

Staff have been working since early 2022 on a Private Tree By-law that would implement rules and guidelines on how the tree canopy is managed and protected for parcels between 0.5 to 0.99 hectares. The County of Bruce has a forestry and conservation policy which regulates woodlots 1.0 hectares and larger  
[https://www.brucecounty.on.ca/sites/default/files/Blaw4071\\_updated%20July%202015.pdf](https://www.brucecounty.on.ca/sites/default/files/Blaw4071_updated%20July%202015.pdf).

The Municipality gathered a significant amount of information and feedback related to the regulation of trees on private property. The direction from the outgoing 2018-2022 Council was to recommend the draft policy to the incoming 2022-2026 Council for its consideration and decision.

Staff have appended all historical reports prepared and provided to the previous term of Council along with the latest version of the draft By-law.

In summary, the impetus for policy creation was as a result of community members raising concerns through the Environment Committee due to clearing of trees on lands planned for future development. Staff brought an initial report forward to Council at which time Council directed staff to complete research and bring a draft policy back for consideration.

Throughout the remainder of 2022 staff conducted community engagement through two surveys and a public information session. Feedback received was summarized and provided to Council within the various reports. Council received a draft By-law in July with a final version provided in October. Due to the timing of the term of Council, the previous term elected to defer a decision.

Within the existing draft By-law Section 14 highlights the method in which tree value is calculated. Without obtaining qualified staff in the Arboriculture field, staff would suggest an amendment to 14.1 a) so that it allows for use of GIS and aerial photography to calculate an area method for volume of removal. This would allow existing staff to manage and maintain the policy as drafted. Staff is asking Council for direction on how they would like to proceed in relation to private tree protection.

There are three general options available to Council:

1. Status Quo – minimally, if Council wishes to not have any new tree protection beyond what exists currently, it should update the existing Tree Policy related to trees on municipal property to confirm that this is the policy which satisfies the Section 270 requirement under the Municipal Act, 2001.
2. Pass the Draft By-law, as is, or with minor amendments – This option would regulate a limited number of private properties within Kincardine and does not conflict with the county's approach to regulating trees. This option requires some resources, depending on the approach towards tree valuation.
3. Initiate the development of a new policy with a different intended outcome – Council directs the development of a new policy related to regulating trees on private property with a different/new intended goal to focus efforts. This option requires resources to potentially develop the outcome through research, undertake public consultation and feedback, policy creation, and presentation. This would be a new project that is not currently in Department Business Plans.

**Integrated Strategy 2020 – 2025:** Community Wellbeing – Goal CW3: Manage the planting, pruning and removal of trees located on Municipal owned property to preserve and enhance the urban and rural tree canopy.

**Municipal Tree Policy P.R 3.1:** A Municipal Tree Policy was adopted in 2021 which relates only to municipal tree removal, pruning, and replacement, and does not extend to private property.

**Section 270 Policy:** In 2019 Council passed Resolution # 02/20/19 – 12 instructing the Environmental Action Group be instructed to draft a policy to meet the Municipal Act, 2001 subsection 270(1)7 requirement to adopt a policy on the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality for Council's consideration.

**Financial Implications:**

None with this report; pending Council direction there could be costs associated with the required resources and consulting support. No funds are currently available in the approved budget.

**Attachments:**

Environmental Services-2022-01 – Tree Retention

Environmental Services-2022-11 – Municipal Tree Policy

Environmental Services-2022-14 – Municipal Tree Policy Update

Environmental Services-2022-17 – Final Draft Presentation of the Private Tree Preservation By-law

Draft Private Tree Preservation By-Law

**Prepared by:** Adam Weishar, Director of Infrastructure & Development

**Submitted by:** Adam Weishar, Director of Infrastructure & Development