

Town of Pelham Council Report

Wednesday, March 05, 2025

Subject: Tree Protection Practices in the Town of Pelham

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Department: Community Planning and Development

Recommendation:

BE IT RESOLVED THAT Council receive report 2025-0057 “Tree Protection Practices in the Town of Pelham”, for information;

AND THAT Council directs staff to undertake option(s) _____ presented in this report to enhance tree protection practices in the Town.

Background:

The Town’s urban and rural tree canopy consists of both public and private trees and is a critical infrastructure asset and a source of great pride in the community. Healthy forests and enhanced tree canopies provide numerous environmental, economic, and social benefits to the community. Trees are as necessary as water, roads, and energy to sustain a healthy community.

Trees play an integral role in climate change mitigation by reducing temperatures and mitigating the heat-island effect through evapotranspiration; sequestering the emission of greenhouse gasses by removing carbon dioxide from the atmosphere; and removing air pollutants by trapping particulate matter in their leaves, needles and bark. Trees also help communities adapt to climate change impacts such as increased precipitation and extreme weather events by reducing the amount of runoff and pollution that enters stormwater and sewer systems, reducing soil erosion, and increasing soil absorption capacity.

A few of the numerous benefits of trees are outlined below:

Environmental Benefits

- Improve local air quality through the active removal of carbon dioxide and other greenhouse gases from the air;
- Mitigate air, dust, noise, heat, and chemical pollution;

- Help reduce local flooding through water filtration and reducing stormwater runoff;
- Reduce urban heat island effect; and
- Provide important habitat for wildlife and help preserve biodiversity.

Economic Benefits

- Increase real estate values and enhance the appeal of neighbourhoods;
- Lower utility costs and increase energy savings as a result of climate amelioration, such as providing shade in the summer and blocking wind in the winter;
- Attractive environment for businesses and visitors; and
- Reduction in noise.

Social and Health Benefits

- Contribute to desirable environments to live, work and spend leisure time;
- Improve mental health and overall well-being by conveying a sense of calm, relieving stress, and facilitating relaxation and outdoor activity;
- Contribute to healthy air quality and aid in respiratory conditions;
- Create a buffer between moving vehicles and pedestrians, enhance community safety; and
- A greater number of trees leads to a reduction in traffic speed.

It is important to recognize that trees are valuable public infrastructure and not simply ornamentation. Whether publicly or privately owned, trees provide environmental, economic, social, and health benefits shared by all of Pelham. As such, implementing strong tree protection measures is essential to preserving the Town's green infrastructure, maintaining environmental resilience, and ensuring the continued benefits that trees provide for current and future generations.

Analysis:

As a result of the Natural Asset Management Project Results presentation and included in the November 6, 2024, Council meeting minutes, Town staff were directed to prepare a report examining forestry within the Town and exploring potential protective measures that could be implemented through policy or by-law.

The first section of this report outlines existing Provincial, Regional and Municipal policies that regulate tree protection and removal in Pelham. The second section considers current approaches to tree protection for town-owned trees, trees on development land, and trees on private land. The final section proposes three options of varying levels of action for enhancing the preservation, growth, and longevity of the Town's tree canopy.

1. Existing Regulatory and Policy Framework

Municipal Act, 2001

Under the *Municipal Act, 2001*, municipalities have the capacity to pass by-laws governing their economic, social, and environmental well-being, including respecting climate change.

Section 135 of the Act gives municipalities the authority to enact by-laws to prohibit or regulate the injuring or destruction of trees. The municipality can also require a permit and impose conditions for a permit.

Under Section 62(1), a municipality may, at any reasonable time, enter upon land lying along any of its highways to inspect trees and conduct tests on trees; and to remove decayed, damaged, or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway.

The Town of Pelham does not have a By-law under Section 135 of the *Municipal Act, 2001*. However, the Niagara Region does.

Niagara Region's Tree and Forest Conservation By-law No. 2020-79

The Region's Tree and Forest Conservation By-law regulates the destruction of trees in woodlands in Niagara. The By-law is enforced by Niagara Region (Regional Forester, Woodland Conservation By-law Officer Position).

The Niagara Region's Tree and Forest Conservation By-law applies to:

- Woodlands that are 1.0 hectare or more in size. "Woodlands" are defined on the basis of minimum tree density and tree size;
- Woodlands having an area of less than 1.0 hectare, but only upon delegation of such authority to the Region by a local municipality in Niagara; and

- Heritage and Significant Community trees identified and designated by the Council of a local municipality, but only upon delegation of such authority to the Region (Pelham has not done this)

The by-law prohibits the clearing of woodlands except under certain specified circumstances, such as a registered farmer clearing for agricultural purposes. Selective cutting or removal of individual trees within woodlands is provided for, but in most cases, a Good Forestry Practices Permit is required. Penalties for individuals contravening the by-law on the first conviction are \$1,000 per tree or \$10,000, whichever is greater, and on subsequent convictions, \$2,500 per tree or \$25,000, whichever is greater. Penalties for corporations on first conviction is \$5,000 per tree or \$50,000; and on subsequent convictions, \$10,000 per tree or \$100,000. A court order may be given requiring rehabilitation of the lands through tree planting as considered appropriate to re-establish the trees.

Species at Risk Act, 2002

The Species at Risk Act (SARA) is intended to prevent the disappearance of wildlife species in Canada, provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened due to human activity, and manage species of special concern to prevent them from becoming endangered or threatened.

SARA contains to protect listed threatened and endangered species and their critical habitat similar to the *Endangered Species Act, 2007*. Environment and Climate Change Canada (ECCC) is responsible for enforcing SARA, which includes conducting inspections, issuing warnings, and pursuing legal action against violators or issuing permits for activities which may otherwise be prohibited.

Endangered Species Act, 2007

The Endangered Species Act, 2007 (ESA), protects over 200 species of plant and animal life in Ontario. The Ministry of Environment, Conservation and Parks (MECP) administers the ESA and protects species at risk by restricting activities that may affect them or their habitat.

Clause 9(1)(a) of the ESA states that “No person shall kill, harm, harass, capture or take a living member of a species that is listed on the Species at Risk in Ontario List as an extirpated, endangered or threatened species.” If a species is listed as an endangered or threatened species, its habitat also receives protection under Section 10 of the ESA.

If a species at risk is identified through an Environmental Impact Study submitted as part of a development application, a permit or authorization may be required from the

MECP before any work can be completed that could adversely impact a species at risk. Avoidance of impact through timing, location or other means is preferred and does not require MECP authorization. The MECP's approval process is undertaken in a coordinated fashion with the municipal development approvals process.

Migratory Birds Convention Act, 1994 (MBCA) & Migratory Birds Regulations, 2022 (MBR)

The MBCA and MBR prevent the disruption or removal of trees containing active nests and eggs of migratory birds. This occurs typically during nesting season for most species and year-round for 18 migratory bird species, which reuse their nests until they are abandoned.

This is enforced by the federal government.

Conservation Authorities Act, 1990

The Niagara Peninsula Conservation Authority (NPCA) regulates the removal of vegetation, including trees, in their regulated areas which include valley slopes and wetlands. This is typically enforced through development permits and on a complaint basis.

Ontario Heritage Act, 1990

Under the *Ontario Heritage Act* (OHA) the Town can pass a by-law to designate heritage trees. A tree may be considered heritage if it is notable due to its size, form, shape, beauty, age, colour, rarity, genetic constitution, or other distinctive features, such as being a prominent community landmark. Permission from the landowner is not required. However, the landowner can appeal the designation to the Ontario Land Tribunal. After designation, the tree cannot be destroyed or altered without the Town's permission.

The Comfort Maple tree is an individual sugar maple (*Acer saccharum*) located in Comfort Maple Conservation Area in the Town of Pelham that is estimated to be about 500 years old. The Comfort Maple was designated a heritage tree in June 2000 under the OHA.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS), 2024, is a province-wide land use planning policy framework. It should be noted that any requirements of the PPS are only applicable should a *Planning Act* application be required. All decision-making on planning matters must be consistent with the PPS. In addition, the Town's Official Plan

must be consistent with the PPS. Town staff are incorporating the policies of the PPS as part of the new Town of Pelham Official Plan that is underway.

Section 4.1.5(b) of the PPS prohibits development and site alteration in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. According to Section 8 of the PPS: *significant* in regard to woodlands, means an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province.

Section 2.9(d) of the PPS requires planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that promote green infrastructure, low-impact development, and active transportation, protect the environment, and improve air quality; 3.6.8(c) requires planning for stormwater management to minimize erosion and changes in water balance, including through the use of green infrastructure.

According to Section 8 of the PPS, Green Infrastructure means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

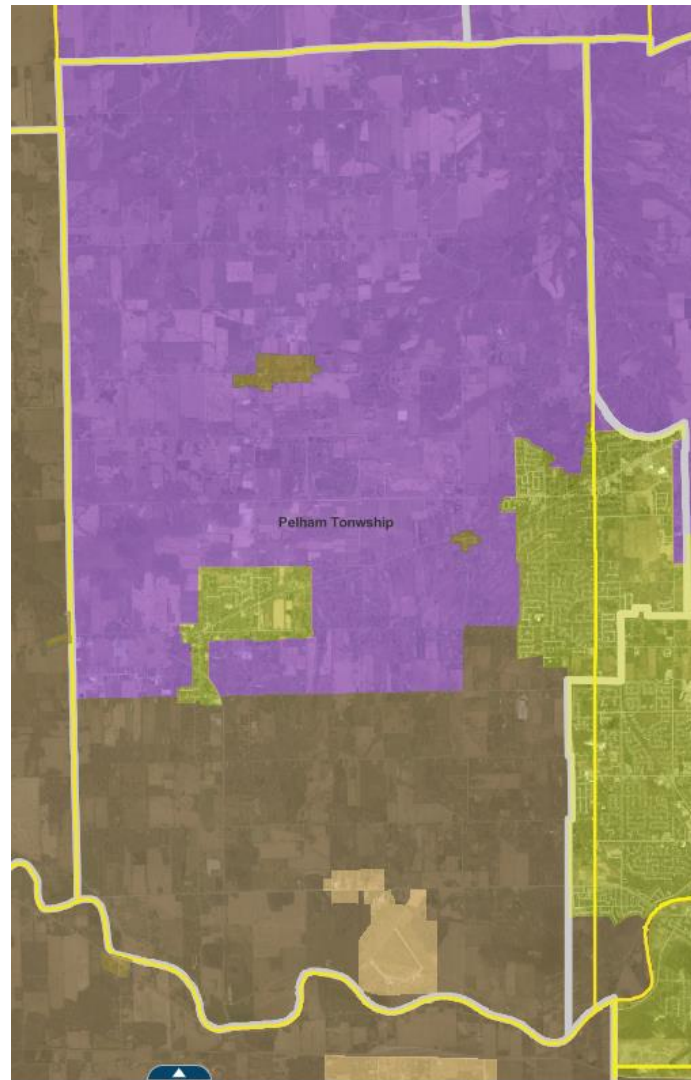
Greenbelt Plan, 2024:

The Greenbelt Plan (GP) applies to lands shown in purple in Figure 1.

Similar to the PPS, the GP's policies are reviewed as part of decision-making on planning matters, and the Town's Official Plan is required to be consistent with the GP. Again, any GP requirements are only applicable should a *Planning Act* application be required.

Section 3.2.5.1 of the GP prohibits development and site alteration in key natural heritage features, including significant woodlands. The GP generally includes requirements for 30-metre vegetative protection zones surrounding key natural heritage features and natural heritage evaluations for development within 120 metres of a key natural heritage feature.

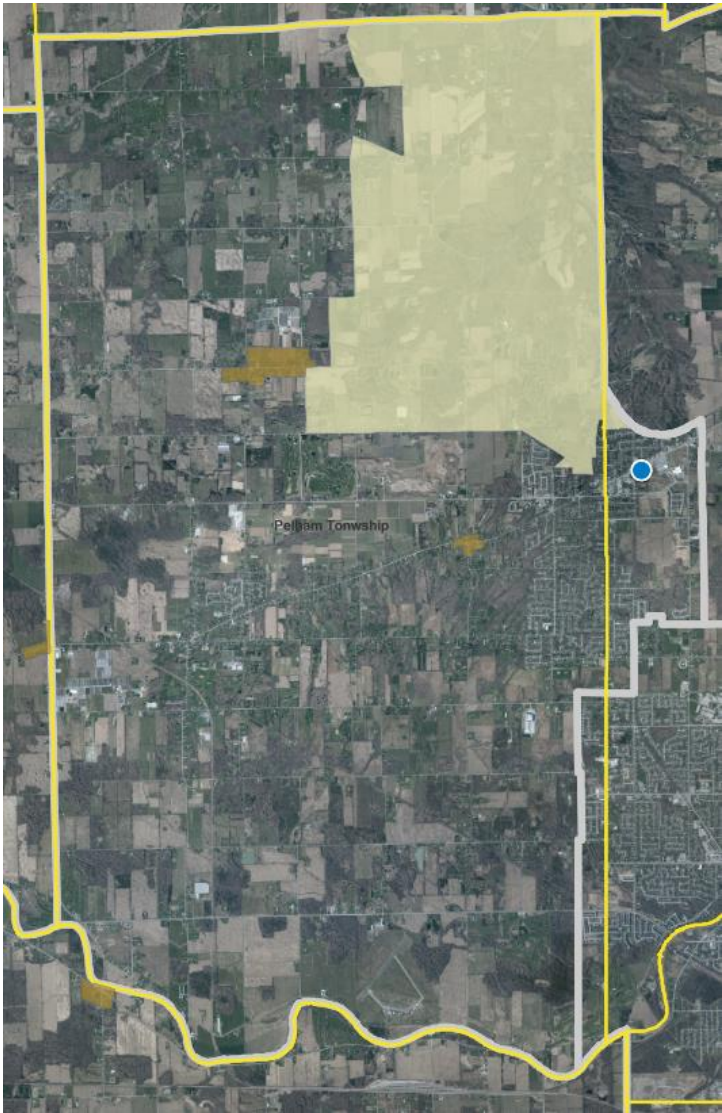
Figure 1: Town of Pelham Greenbelt Lands



Niagara Escarpment Plan, 2024

The Niagara Escarpment Plan (NEP) applies to lands in the Town of Pelham shown in Figure 2 in light yellow.

Figure 2: Niagara Escarpment Plan Area



A development permit is required from the Niagara Escarpment Commission (NEC) prior to development and site alteration within the NEP area (unless the criteria for exemption are met). The permit's issuance requires conformity with the NEP policies.

Woodlands are generally within the Escarpment Natural Area designation of the NEP. There are similar requirements to the GP plan for protection, vegetation protection zones and natural heritage evaluations as the GP for significant woodlands. There are also policies pertaining to woodlands (not significant) which allow some development but require minimal cutting of trees, removal of vegetation and measures to reduce the impact of removal. The policies include long-term goals of aiming over the long term to protect and, where possible, enhance the quality and biodiversity of the woodland and

requirements to maintain existing tree cover of other stabilizing vegetation on steep slopes in excess of 25% (1:4 slope).

The NEC, along with the Ministry of Natural Resources and Forestry (MNRF), have a shared responsibility in ensuring development activities within the NEP area comply with the Niagara Escarpment Planning and Development Act), NEP and associated regulations.

Niagara Official Plan, 2022

Decision-making on planning matters must conform to the Niagara Official Plan (NOP) policies. Town staff will include the NOP's policy requirements as part of the new Town of Pelham OP.

The NOP contains goals to enhance woodland cover by 2051 through various means, including Regional Greening Initiative, regional and local area municipality, NPCA and other organizational efforts of tree planting, private land stewardship, woodland enhancement areas identified through studies and tree and woodland protection and planting through development and a region-wide strategy for land protection (3.1.25.2).

The NOP also includes enhanced protections against development and site alteration for significant woodlands from the PPS (no development and minimum 20 metre buffer outside of settlement areas), and similar protections to the NEP and the GP in the relevant areas.

The NOP only permits development and site alteration in Other Woodlands if it has been demonstrated through the preparation of an environmental impact study that there will be no negative impacts on the natural features or their ecological functions (3.1.9.5.2). In addition, other woodlands are subject to a 10-metre minimum buffer (outside of settlement areas) and an ecologically appropriate buffer to be determined at the time an application is made for development or site alteration (in settlement areas).

Section 3.5.3 of the NOP includes policies that support the transition to net-zero communities that mitigate climate change and include enhancing carbon sinks that store and sequester carbon by maximizing vegetation and promoting tree planting to improve air quality, provide shade, and store carbon and Integrating climate change considerations into planning for parks, open space and trails, including opportunities for tree planting and low impact development.

The importance of trees to the public realm is also recognized in 6.2.2.7 which speaks to the creation of an enriched urban design experience along Regional Roads will be encouraged by supporting pedestrian and transit-supportive facilities, such as street trees and street furniture.

Town of Pelham Municipal Policies:

Council has adopted a number of policy documents which reinforce the importance of trees in Pelham.

Town of Pelham Official Plan, 2014

Decision-making on planning matters is required to be consistent with The Town of Pelham Official Plan (OP). The OP includes policies for protecting Significant Woodlands and Natural Heritage Features like those contained in the PPS, GP and the NROP.

The OP also includes the requirements for an Environmental Impact Study or Tree Preservation Plan with a development application in order to identify impacts and promote sustainability.

There are general policies in the OP which speak to the importance of trees along Heritage Routes and as sustainable design elements for new development.

Policy B3.2.4.9 encourages the dedication of environmentally protected lands (including significant woodlands) through the development approval process. The Town of Pelham has taken ownership of portions of significant woodland and Provincially Significant Wetlands through the development application process for long-term protection.

The new 2024 Official Plan (draft) contains several goals and objectives related to tree protection and planting. Specifically, Section 4.1 includes objectives to:

- Protect woodlands and their biodiversity, restore ecological functions and enhance woodland cover through reforestation and restoration;
- Identify and protect other woodlands to maintain trees areas within the town; and
- To minimize the impacts of invasive species through the proper management and control, and the promotion of native species plantings in the Town.

With respect to Official Plan Section 4.1.20 (Woodland Cover) the Town has included policies such as:

- Woodland cover shall be maintained or enhanced in the Town by 2051; and
- The Town supports opportunities for enhancement of woodland cover, which may be achieved through a number of means including, but not limited to:
 - Supporting the development and implementation of a Greening initiative;
 - Supporting regional efforts of tree planting, as well as tree planting programs of the Conservation Authority and other public or private organizations;

- Private land stewardship that includes protection of existing tree cover and planting efforts;
- Land acquisition or dedication of private land to the Region, Town, Conservation Authority, or other public or private organizations for tree planting and reforestation efforts;
- Identification of woodland enhancement areas through the completion of watershed plans, sub-watershed studies, or similar plans; and
- Required tree and woodland protection and planting through the development application process for development or site alteration.

Official Plan Section 4.6 (Cultural Heritage Resources) contains an objective to:

- Identify, evaluate, and conserve heritage trees which satisfy the criteria for determining cultural heritage value or interest as prescribed by regulation under the *Ontario Heritage Act*.

Town of Pelham Zoning By-law 4481(2022)

The Town's Zoning By-law 4481(2022) zones specific areas for Environmental Protection (EP1, EP2, EP3) to safeguard natural heritage features, including significant woodland and wetlands. These zones restrict development and site alteration to preserve the ecological integrity of these areas. In addition, the By-law requires special setbacks from Environmental Protection Zones, ensuring that new developments maintain a buffer distance to protect sensitive natural areas or be required to undertake an environmental impact study to demonstrate no negative impacts.

Town of Pelham Tree Maintenance Policy (S802-01)

The Town's Tree Maintenance Policy was originally endorsed by Council in 2016, with revisions in 2021. It provides a process for addressing the maintenance and use of trees in municipal parks, rights of way, and other municipal-owned lands, with the goal of promoting a healthy and robust tree canopy within the Town.

The goals of the Tree Maintenance policy include an integrated set of objectives and procedures that combine to form a set of overall working guidelines that:

- Ensure that there shall be no net loss of trees on municipal property and that every effort shall be made to increase tree planting and expand the tree canopy within the Town of Pelham;
- Ensure that all trees on Town properties are adequately protected from destruction, loss or damage;
- Increase species diversity in municipal parks, rights of way and other municipally owned or controlled lands;

- Encourage the planting of native trees, including Carolinian species, whenever possible;
- Ensure the orderly development of the Town of Pelham's tree inventory through proper maintenance, tree planting, and tree replacements;
- Ensure the health and vigour of public trees through regular tree inspection and pruning cycle; and
- Provide opportunities to educate the citizens of the Town of Pelham on the ecological, aesthetic, economic and social benefits of trees.

2. Current Approaches to Tree Protection in Pelham

Municipalities across Ontario have a wide range of approaches to tree preservation and regulation. Tools often utilized to limit tree removal and promote the planting of new trees include tree preservation and replacement policies, public and private tree by-laws, planting standards and guidelines, education programs, and tree planting programs.

There are generally three categories in which a tree may be considered:

- Town-owned trees;
- Private trees on lands that are subject to development approval; and
- Trees on private lands.

A summary of the current approach to tree preservation and replacement in Pelham is provided below.

Town-Owned Trees:

Forests and trees are a shared community resource that provides collective benefit. Both the public and private sectors share responsibility for preserving and enhancing the tree canopy. Town-owned street trees, in particular, contribute to visually attractive streets, maintain the character of established neighbourhoods, and provide shade and comfort to pedestrians and cyclists.

The care and maintenance of municipal trees is a priority throughout the municipality. In 2016, Council adopted the Tree Maintenance Policy S802-01, as noted above. Through this policy, trees are selected and planted in accordance with the Town of Pelham's Municipal Engineering Design Manual. The specifications for species, placement, planting and tree protection are in Section 2.17 of the Town of Pelham Municipal Engineering Design Manual.

Existing Town-owned trees are pruned on a seven-year cycle, primarily to prevent damage to human lives and property and to preserve the trees' health.

Public trees are preserved wherever possible in terms of tree removal. When trees are required to be removed, replacement trees are planted where feasible, depending on location feasibility (e.g., adequate space, maintaining traffic sight lines, etc.). The policy does not allow penalties to be issued for individuals or corporations when cutting Town-owned trees in the same way that a Public Tree by-law could.

Private Trees on Development Lands:

Property owners have the right to develop their lands in accordance with Provincial and Municipal legislation. In addition, many municipalities have tree preservation by-laws, policies, or guidelines that require developers to submit tree preservation plans, establish tree protection zones, and adhere to replacement requirements when trees are removed. Some municipalities also collect cash-in-lieu payments for replanting trees elsewhere if on-site replacement is not feasible.

In the Town of Pelham, when a property is subject to a development application, staff hold a pre-consultation meeting with the applicant to review the proposal and appropriately manage impact and change. Development or site alteration that may have adverse effects on a significant tree or group of trees may be required to submit a tree preservation plan, which identifies/assesses existing trees on-site and outlines measures to protect and retain them during construction.

Any development or site alteration adjacent to a significant or other woodland is required to provide an Environmental Impact Study which demonstrates conformity with the applicable OP, NOP, GP and PPS policies.

Trees on Private Lands:

Many rural municipalities rely on regional woodlot by-laws to protect trees. In agricultural areas, planning policies protect a farmer's right to carry on normal farm practices and manage their properties without interference. Policies include permission to remove trees for agricultural purposes if good forestry practices are used.

Many urban municipalities have enacted or are considering enacting a Private Tree By-law to protect trees on private properties. These by-laws regulate the removal, destruction and injury of trees on private properties. Under a Private Tree By-law, property owners that wish to remove a tree(s) are typically required to apply for a Tree Removal Permit, pay a permit fee per tree, and plant replacement tree(s) or pay cash in lieu of replacement. Permits are only required for trees with a minimum trunk diameter size; this varies greatly across municipalities from a minimum of 10 cm Diameter at Breast Height (DBH) up to a minimum of 70 cm DBH. Fines also vary greatly across municipalities based on each offence or tree removed, with minimum fines ranging from \$400 to \$1000 and maximum fines ranging from \$10,000 to \$100,000. Some by-laws

are also not based on the size of the tree but rather on designated areas (Natural Heritage System, etc.).

Within the Niagara Region, Niagara-on-the-Lake and Fort Erie recently enacted Private Tree By-laws, and the Town of Lincoln is currently exploring enacting a Private Tree By-law. St. Catharines Council recently voted to reject a proposed Private Tree By-law. The remaining Niagara Region local municipalities rely on the Region's Tree and Forest Conservation By-law for tree preservation.

General comments with Private Tree By-laws are summarized below:

- Requires significant resources to train or hire qualified staff to administer the by-law, handle tree removal permits, assist residents in compliance, undertake enforcement and site visits, and convict offenders;
- Added cost to residents for tree removals (permit fee, replacement tree cost);
- Residents may proactively remove the tree(s) on their properties before a by-law is enacted;
- Residents may refrain from planting new tree(s) on their properties for fear of the municipality denying their request to remove them in the future;
- Municipalities generally do not deny tree removal applications which may limit the effectiveness of these by-laws in promoting a healthy tree canopy; and
- Municipalities report that having a by-law has not necessarily stopped developers from clear-cutting properties, as developers see it as a cost of doing business.

Policy 3.1.18 of the NOP provides protection and status to natural heritage features that have been removed or disturbed without authorization by discouraging developers from pre-emptively removing them in advance of development applications.

Currently, trees on privately owned lands not subject to a development application within the Town are generally not protected. Trees which are part of a woodland that is subject to the Region's Tree and Forest Conservation By-law are protected, although this by-law also permits tree removal for reasons such as agricultural purposes.

3. Proposed Options for Enhancing Tree Protection in the Town of Pelham

The Town of Pelham recognizes the importance of preserving and enhancing its tree canopy. To strengthen tree protection efforts, three potential options are proposed below. These options continue the excellent work by the Town of Pelham staff and volunteers and also explore additional potential protective measures. Each option presents a different level of action, ranging from supporting voluntary stewardship efforts to strengthening the existing Niagara Region Woodland Conservation By-law to exploring additional regulatory measures for tree protection.

Option 1: Maintain Current Approach - Encourage Voluntary Stewardship and Expand Tree Canopy Initiatives.

This option involves continuing the Town of Pelham's existing tree protection approaches. It encourages voluntary stewardship efforts and expands or enhances tree canopy initiatives through partnerships. Partnerships are a key recommendation of the Town's Greenbelt Natural Asset Plan.

Education materials can foster greater public awareness and help engage the public in support of tree protection. Staff may be directed to develop a tree protection webpage with educational materials to increase awareness about the importance of the tree canopy and how to care for trees on private property. Additionally, staff may explore and bring to the attention of Council future community tree programs, including tree giveaways or sales, community planting events, educational outreach programs and forthcoming grant opportunities as they arise.

The Town can also continue to work in partnership on municipal tree canopy initiatives with organizations such as:

- Niagara Peninsula Conservation Authority
- Vineland Research and Innovation Centre
- Pelham Advocates for Trees and Habitat (P.A.T.H.)
- Other private/public partnerships

Option 2: Update Town Official Plan Policies and the Niagara Region Woodland Conservation By-law related to Additional Tree Protection.

This option focuses on strengthening the Town's existing policies by directing staff to continue conducting a comprehensive review of existing policies for tree protection and preservation in the new Town of Pelham Official Plan. This would include specifically bringing forward policies from the NOP that protect natural heritage features that have been removed or disturbed without authorization by discouraging developers from pre-emptively removing natural heritage features in advance of development applications.

Furthermore, via this option Council would delegate heritage trees, significant community trees and woodlands between 0.2 and 1ha to the Region to enforce under the existing Niagara Region Woodland Conservation By-law. Currently, the Region only enforces areas in Pelham over 1ha. This would fill a gap that is not currently protected in the community without additional resources or financial contributions to the Region. This option would enhance and provide additional opportunities to protect the overall tree canopy on private lands in the Town of Pelham.

Option 3: Explore the Feasibility of a Private Tree By-law.

This option directs staff to explore the feasibility of developing a private tree by-law to regulate the removal, destruction, or injury of trees on private property, and report back to Council in Q3/Q4 of 2025. Since a large portion of Pelham's tree canopy exists on private land, a by-law could help track and manage these trees, minimizing unnecessary loss and ensuring appropriate mitigation measures.

This investigation would assess how such a by-law could be structured, including permit requirements for tree removal above a certain size, replanting obligations, enforcement mechanisms, exemptions, penalties for non-compliance, etc. The investigation would also determine the financial implications and staff resources of implementing such a By-law.

Financial Considerations:

There are no immediate financial considerations for staff to undertake any of the recommended options presented in this report. However, Option 3 carries potential financial implications related to implementation. As part of the reporting process, staff will assess these implications and provide a detailed analysis to Council as directed.

Alternatives Reviewed:

No alternative approaches were considered beyond the three options outlined in this report, as they represent a range of feasible actions to enhance tree protection in Pelham. Council may also choose to take no further action at this time.

Strategic Plan Relationship: Environmental and Climate Change Adaptation

Enhancing tree protection strongly aligns with Pelham's Environmental and Climate Change Adaptation priority by supporting the resilience and sustainability of the Town's natural assets. A healthy and diverse urban tree canopy plays a critical role in climate mitigation and adaptation by reducing urban heat island effect, managing stormwater, improving air quality, and enhancing biodiversity. Strengthening tree protection measures will help safeguard these benefits for future generations while reinforcing the Town's commitment to environmental stewardship and climate change.

Consultation:

Environmental and Climate Adaptation Advisory Committee

The Town of Pelham's Environmental and Climate Adaptation Advisory Committee (ECAAC) was consulted in the writing of this report.

Overall, the ECAAC outlined the importance of trees in the Town of Pelham and is pleased to see that continuous consideration is being given to how best to ensure the community has an adequate tree canopy.

The ECAAC wondered where the funds are going from the current penalties associated with the Niagara Region's Tree and Forest Conservation By-law No. 2020-79 and if there could be a consideration for these funds to be allocated to environmental programs at the Town.

Committee members supported Option 1 and 2, but some members had concerns about Option 3 regarding implementation and maintenance costs and legality and wondered if a community referendum would arise if such a new by-law was created with associated penalties.

The Committee also suggested that there may be an opportunity for Council to consider more than one option or include additional options to specifically increase the tree canopy through specifically directing staff to further protect public trees/ private trees or trees and natural areas on potentially developable lands.

The Committee encourages Council and staff to provide comprehensive policies in the new Town of Pelham Official Plan and future supporting documents. Although there are already many protection policies and programs at the Provincial, Regional, and Town levels, it is important to convey that these policies and processes should continue to be improved and strengthened to protect the overall scale of the Pelham tree canopy.

Overall, the Committee suggested there will inevitably be a significant cost to the Pelham community if nothing is done to protect trees. The ECAAC understands there will be continual financial obligations to the implementation and protection of the tree canopy but reminds Council that those tools ensure the preservation and protection of the natural assets in Pelham.

Niagara Region

The Manager of Environmental Planning at the Niagara Region was consulted in the writing of this report. She outlined, that the Town may, as part of Option 2 also consider:

1. Delegating Woodlands between 0.2 and 1ha to the Region to enforce under the existing Niagara Region Woodland Conservation By-law. Currently, the Region can only enforce the By-law in Pelham in areas over 1ha. This delegation process is permitted under the *Municipal Act, 2001*.
2. Delegation of Heritage Trees or Significant Community Trees to the Region to enforce under the existing *Niagara Region Woodland Conservation By-law*.

Other Pertinent Reports/Attachments:

N/A

Approved and Submitted by:

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