



SMITHS FALLS

RISE AT THE FALLS

Report # 2026-056

To: Mayor and Council
From: Richard Grant, Planner I
Date: April 23rd, 2026,
Committee of the Whole Date: April 27th, 2026,

- For Direction
- For Information
- For Adoption
- Attachment 7 page(s)

Title: Urban Tree Canopy Regulatory Approaches

Recommendation: THAT Council accept report #2026-056 Urban Tree Canopy Regulatory Approaches and provide direction to staff.

Purpose: The purpose of this report is to seek Council's direction on regulatory approaches to protecting the Town's urban tree canopy as part of the Town's strategic priorities.

Background: The Tree Canopy and Vegetation Preservation and Enhancement Policy (Tree Canopy Policy), adopted by Council in 2021, advances the strategic goal of expanding the Town's urban forest as part of Council's 2019–2022 Strategic Plan. With a stated goal of achieving at least 30% urban tree cover, the Tree Canopy Policy acknowledges the importance of the urban forest and green spaces as vital assets that enhance community quality of life. In concert with applicable policies and plans, such as the Official Plan, it provides guidance on incorporating landscaping and vegetation features into the orderly development of the community, encourages the preservation of mature trees on lots slated for development where possible, and recommends tree species appropriate for residential properties. The Tree Canopy Policy articulates goals for preserving and enhancing the urban forest and natural areas in the community, and is intended to guide staff, residents, and others in supporting good practices that will enhance our urban forest.

While the Tree Canopy Policy provides helpful guidance on best practices for preserving and enhancing the urban forest, its recommendations are generally not enforceable outside of the development approvals process without an accompanying bylaw. As a result, opportunities for tree preservation and enhancement beyond the development context rely largely on community stewardship rather than enforceable municipal regulations.

The continuation of the urban forest expansion goal in the 2023–2026 Strategic Plan, together with the draft Climate Action Plan's identification of urban forestry as a key climate-resilience objective, has led the Climate Protection Working Group to request that staff explore regulatory tree-protection approaches as part of advancing the Town's climate goals.

Protecting and enhancing the Town's urban tree canopy is critical to advancing Council's goals on sustainability and climate change resilience, including reducing urban heat, managing stormwater, and improving overall community livability. Robust canopy protection policies also help safeguard biodiversity, maintain ecological functions, and support

vulnerable residents who are disproportionately affected by extreme heat and environmental degradation.

This report analyzes three regulatory options: a clear-cutting bylaw, a private tree bylaw, and a site alteration bylaw, each offering different mechanisms to manage vegetation removal on public and private lands. The intent is to assist Council in determining what it ultimately hopes to achieve in protecting the Town’s urban canopy through these tools, and to identify which approach best supports a healthy, resilient, and equitable urban forest over the long term.

Policy Framework

Municipal Act

Sections 8, 9, and 10 of the *Municipal Act, 2001* provide municipalities with broad authority (including “natural person” powers) to govern local matters and to pass bylaws for the health, safety, and well-being of persons; the protection of persons and property; and environmental well-being. This legislative authority provides the legal foundation for a regulatory approach to vegetation retention and tree protection where Council determines there is a local public interest in managing cumulative canopy loss.

In addition, Section 142 authorizes Council to pass bylaws regulating or prohibiting the removal of topsoil, the placement and dumping of fill, and alterations to land grade—key tools that support a site alteration framework and can be used to manage associated impacts on drainage, erosion, and vegetation cover.

Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS), issued under the *Planning Act*, provides overarching provincial policy direction for land use planning and environmental protection. Chapter 4, *Wise Use and Management of Resources*, directs municipalities to protect, enhance, and restore natural heritage features and ecological functions, and to prevent or restrict site alteration where it could negatively affect environmental integrity, public safety, or long-term resilience.

Official Plan

The Town’s Official Plan provides the primary local policy direction for how growth and change will occur, including how natural heritage features, woodlands, and vegetative cover are to be protected and integrated into land use planning decisions. Section 4.1.1 (*Significant Woodlands and Vegetative Cover*) outlines the Town’s commitment to environmental leadership and sustainability, recognizing that retaining vegetation along waterways, development sites, and roadways supports ecosystem health, reduces development-related impacts, and contributes to community character.

Consistent with this direction, Policy NH-4.4 supports implementation by enabling Council to adopt bylaws to regulate or prohibit site alteration, including the placing, removing, or regrading of topsoil or fill, and the destruction or injury of trees. Together, these Official Plan policies provide a clear local basis for a bylaw-based regulatory approach that manages vegetation removal and land disturbance, particularly where activities occur outside the development approvals process, to protect natural heritage features and water resources and to promote environmentally responsible growth.

Tree Canopy and Vegetation Preservation and Enhancement Policy (2021)

The Tree Canopy and Vegetation Preservation and Enhancement Policy provide the Town's strategic and operational framework for promoting a healthy and resilient urban forest, including the objective of achieving a minimum 30% tree canopy cover. In 2024, staff completed a tabletop assessment using the 2019 canopy dataset and confirmed that the Town's canopy cover is approximately 35%, exceeding the minimum target by 5% (see Appendix A).

With new aerial photography now available, staff will undertake another assessment this summer using the same methodology to assess changes. However, maintaining canopy coverage above the minimum target requires ongoing monitoring, as incremental and dispersed tree loss can occur without triggering development approvals or being immediately visible at a community-wide scale. With updated aerial imagery available and evidence that canopy loss can occur incrementally, this presents an appropriate juncture for Council to consider whether existing policy direction should be supported by additional implementation tools.

While the policy informs municipal practices and guides landscaping and tree protection through the development approvals process, it is not a regulatory instrument and does not provide enforceable controls over tree removal or vegetation clearing on private lands outside of development applications. As a result, maintaining canopy cover over time, particularly in the face of incremental and cumulative tree loss, relies largely on voluntary compliance and community stewardship. A bylaw-based regulatory approach would serve as an implementation mechanism, translating the policy's objectives into enforceable standards and clearer expectations for activities outside the development approvals process.

Options and Analysis: If Council seeks a more regulatory (mandatory) approach to tree and vegetation retention, several approaches can be used, depending on Council's preferred area of focus. The following section presents the three main regulatory options: a clear-cutting bylaw, a private tree bylaw, and a site alteration bylaw, along with their analysis using the policy review framework (detailed further in Appendix C). There are examples across Ontario for each of these approaches, any of which can be adapted to meet the Town's specific needs.

Across all three regulatory options, Council should anticipate a bylaw-based approach that sets clear rules for where, when, and how tree removal or site alteration is permitted, with the scope tailored to local priorities and context. Each option relies on a system of fines and penalties that vary by type and frequency of offence, and will require dedicated administrative processes for permit review, record-keeping, public inquiries, education, and access to specialized expertise (e.g., arboriculture, ecology, forestry) to ensure sustainability objectives and best practices are upheld.

Private Tree Bylaw

At its core, the objective of a private tree bylaw is to manage individual trees on private land to preserve and enhance the urban canopy and support broader goals related to climate resilience and neighbourhood character. This type of bylaw typically applies within defined urban areas and is triggered by specific characteristics, such as tree size (usually defined

as diameter at breast height), species, or location, and can require permits for removal above a set threshold, mandate replacement or compensation planting, and create protection zones for heritage, culturally significant, or specimen trees, while often exempting hazardous or diseased trees and emergency work.

Clear-Cutting Bylaw

Clear-cutting bylaws strike a balance between tree preservation and urban development by regulating large-scale tree removal and site alterations through a permit system that may require environmental assessments and approval before clearing activities can commence. They typically apply to defined woodland areas or minimum canopy thresholds and are not intended to regulate routine yard maintenance or the removal of a small number of individual trees.

New developments in wooded areas are generally required to submit technical studies, such as environmental impact statements (including assessments of species at risk) and tree preservation plans, prior to planning approval; these documents inform binding conditions secured through subdivision or site plan approval. When a site is cleared before any planning application is submitted, it becomes difficult to apply and enforce these conditions effectively. A clear-cutting bylaw is specifically intended to prevent this situation by regulating large-scale vegetation removal in advance, supported by appropriate technical review, enforcement, and technical expertise.

Site Alteration Bylaw

A Site Alteration Bylaw is a municipal regulation that controls changes to land grade or vegetative cover, such as excavation, fill placement, soil compaction, and vegetation removal across all or part of a property. Its core objective is to prevent uncontrolled grading and clearing that can negatively affect drainage, erosion, habitat, and adjacent properties. It typically looks at works done outside subdivision or site plan approval, where these matters would be addressed to ensure that new development fits within its context.

The bylaw typically applies when activities exceed defined thresholds (for example, a minimum area of disturbance, depth or volume of fill, or proximity to watercourses or natural features) and may require landowners to obtain permits and comply with specific conditions, while generally not targeting minor landscaping. The retention of shoreline vegetation and natural areas provides significant benefits in mitigating the impacts of climate events and site alteration, and site alteration bylaws, often paired with tree removal bylaws, can help protect these identified features.

A Site Alteration Bylaw has a distinct focus but can be combined with, or used to complement, either of the other two regulatory options to create a more comprehensive protection framework.

While each regulatory tool addresses tree and vegetation retention in different ways, all are intended to address specific public interests associated with unregulated vegetation removal. The appropriate regulatory approach, or combination of approaches, depends on which public interest Council is seeking to address, such as climate resilience, stormwater management, ecological protection, or neighbourhood character.

The following section outlines the three regulatory options and examines how each aligns with public-interest objectives using the Public Interest Matrix (Appendix B) and the Policy Review Framework (Appendix C). This framing is intended to assist Council in focusing first on the “why,” which will, in turn, inform decisions about whether and how regulation should be applied.

For more details on the three regulatory approaches, review Appendix C – Policy Review Framework

Implementation Considerations

Outlined below is a brief overview of key factors to consider for implementation.

1. Bylaw Scope

To ensure effective implementation, the bylaw must clearly define its core objectives, such as enhancing urban tree canopy coverage, preserving natural vegetation and landscape aesthetics, or conserving biodiversity, while acknowledging potential conflicts among them.

These objectives directly determine the bylaw's scope and reach, including tree thresholds (e.g., diameter at breast height), regulated species (all trees or specific types), applicable locations (front yard, rear yard, etc.), and activities (removal, pruning, root disturbance, construction impacts).

Each regulatory approach yields a different scope tied to its priorities; broader bylaws maximize environmental protection but increase administrative burden.

2. Blended Bylaw Approach

Rather than selecting a single regulatory tool, Council may wish to consider a blended bylaw approach that combines a site alteration permitting framework with limited controls on tree removal. Under this model, a permit would be required for land disturbance activities (e.g., grading, placement/removal of fill, topsoil stripping, and vegetation clearing) above defined thresholds, with additional tree protection provisions triggered where disturbance would result in the removal or injury of trees above a specified size, within defined setbacks (e.g., near watercourses), or within identified natural heritage or shoreline areas.

A blended approach can help address the interconnected impacts of grading, drainage, erosion, and vegetation loss through one coordinated application and inspection process, while using clear exemptions and thresholds to avoid capturing routine yard maintenance. This “two-in-one” framework may also be easier to administer and communicate than multiple standalone bylaws and can be designed to complement (not duplicate) controls applied through subdivision and site plan approval.

3. Ecological Basis

In the opinion of staff, a bylaw of this nature should be grounded in ecological data rather than aesthetic preservation of natural heritage features. Linking Council's urban tree canopy objectives, such as the minimum 30% coverage benchmark

outlined in the Tree Canopy Policy, with the bylaw's core requirements ensures meaningful, measurable ecological outcomes.

Maintaining a minimum 30% canopy cover is also important for sustaining the Town's existing quality of life by helping safeguard key ecological functions. In practice, this ecological basis would rely on quantifiable indicators such as canopy coverage, tree size and distribution, species diversity, and proximity to natural heritage features, enabling regulatory requirements to be calibrated to ecological function and cumulative impact rather than visual character alone.

Council should direct staff to evaluate current canopy coverage and loss trends, alongside climate adaptation priorities and stormwater management considerations, to align the scope of any regulatory approach with available ecological data and observed cumulative impacts.

4. Canopy Offset Mechanisms

Council should establish canopy offset mechanisms that support the Town's overall tree canopy policy objectives. This may include considerations such as cash-in-lieu contributions or mandatory replacement ratios

These measures will help mitigate the impacts of canopy loss and establish clear measurable indicators for evaluating the bylaw's effectiveness in achieving long-term canopy targets over time at a community scale. For example, a site-alteration bylaw could require a minimum one-to-one tree replacement where feasible, supported by pre- and post-disturbance tree inventory analysis to track net changes over time.

5. Appeals Process

Given the regulatory nature of the bylaw, Council must balance individual property rights with the broader community benefits associated with maintaining and enhancing the urban tree canopy. An appeals process, typical of municipal bylaws, should be incorporated to maintain fairness and reinforce public confidence in how natural heritage decisions are made.

Staff recommend exploring a less punitive, more educational and community-oriented approach that encourages stewardship and awareness alongside enforcement when developing the bylaw's framework. Examples include developing a compliance plan (e.g., a landscape plan or a maintenance agreement) before issuing a fine and providing community programs, such as annual tree-planting days.

6. Process Integration

From an operational standpoint, any tree regulatory approach should integrate with the existing development approvals process, which already addresses landscaping and vegetation matters through tools such as landscaping and tree preservation plans.

A bylaw-based approach would establish clear, enforceable expectations for tree removal, vegetation clearing, and site alteration outside the development approvals process, while coordinating site-alteration permit review with Public Works where

grading, drainage, or infrastructure impacts are involved to ensure consistency and avoid duplication.

Conclusion

Protecting and enhancing the Town’s urban tree canopy remains central to Council’s strategic objectives for climate change mitigation and adaptation. Council’s direction regarding the preferred policy framework, regulatory scope, and implementation priorities will guide staff in developing detailed bylaw drafts, undertaking public consultation. Through these measures, the Town can achieve an equitable and enduring enhancement of its urban tree canopy.

Budget/Financial Implications: TBD

Link to Strategic Plan: Parks, Trails and Recreation – Urban Forest Expansion Objective (2023–2026 Strategic Plan)

Existing Policy: Official Plan, Tree Canopy and Vegetation Preservation and Enhancement Policy

Consultations: Climate Protection Working Group, Community Services and Public Works and Utilities

Attachments:

- Appendix A – 2019 Urban Tree Canopy Baseline Assessment
- Appendix B – Public Interest Matrix
- Appendix C – Policy Review Framework

Respectfully Submitted

Richard Grant, Planner I

Reviewed and Approved for Submission

Karl Grenke, RPP Manager of Development Services

Approved for agenda by CAO:

Malcolm Morris, CMO

Appendix A – 2019 Urban Tree Canopy Baseline Assessment

Town of Smiths Falls 2019 Urban Tree Canopy Baseline Assessment

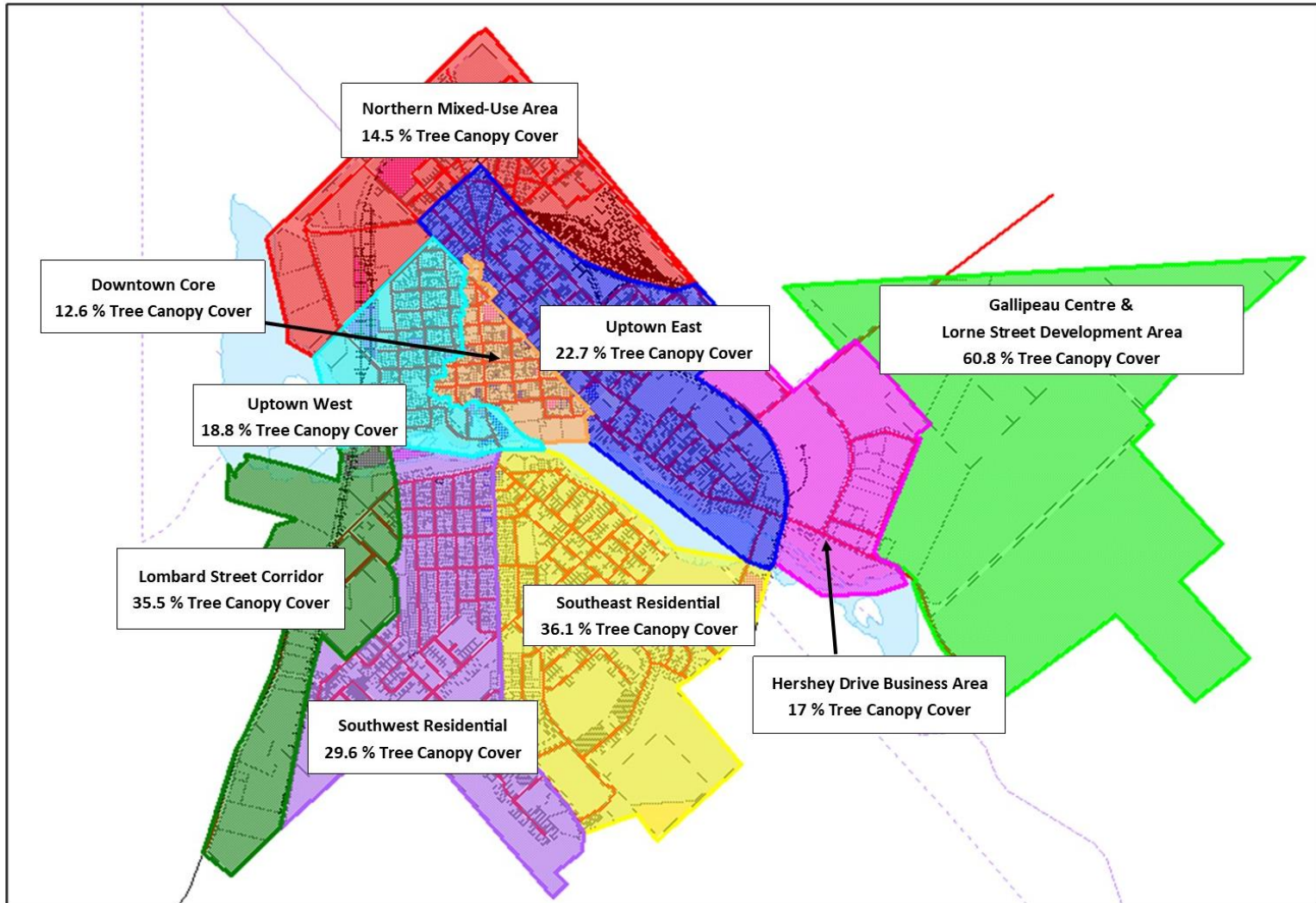


Table 1 2019 Urban Tree Canopy Coverage Distribution

Zone	Total Land Area (ac)	Tree Canopy Cover (ac)	Urban Tree Canopy Coverage Value
Northern Mixed-Use Area	288.37	41.83	14.5%
Uptown East	297.57	67.45	22.7%
Uptown West	133.84	25.13	18.8%
Downtown Core	69.86	8.77	12.6%
Lombard Street Corridor	196.63	69.83	35.5%
Southwest Residential	297.01	88.01	29.6%
Southeast Residential	388.98	140.48	36.1%
Hershey Drive Business Area	172.8	29.45	17.0%
Gallipeau Centre & Lorne Street Development Area	679.93	413.61	60.8%
Entire Town	2524.99	884.56	35.0%

APPENDIX B – PUBLIC INTEREST MATRIX

<i>Public Interest</i>	<i>Clear-cutting bylaw</i>	<i>Private tree bylaw</i>	<i>Site alteration bylaw</i>
<i>Prevent large-scale pre-emptive tree removal</i>	Stop wholesale clearing prior to development	—	—
<i>Manage cumulative loss of urban trees</i>	—	Regulate the removal of individual mature trees	Support replacement through site controls
<i>Protect ecological systems and corridors</i>	Protect larger treed areas and buffers	Support the protection of significant specimen trees on an individual tree basis	Control grading, vegetation removal, and disturbance
<i>Climate resilience (canopy, heat reduction)</i>	Retain broad canopy areas	Maintain neighbourhood-level canopy	Manage vegetative cover linked to drainage and soils
<i>Stormwater, erosion, and drainage impacts</i>	—	—	Control land disturbance, fill, grading, and vegetation removal
<i>Activities outside development approvals</i>	Prevent clearing before applications	Regulate removal on developed lots	Regulate land alteration where no approvals apply

The table above illustrates the types of public-interest outcomes that each regulatory tool is best suited to address. No single tool addresses all objectives equally, and tools can be combined depending on Council's priorities.

Appendix C – Policy Review Framework

<i>Approach</i>	Scope and Application	Regulatory Mechanism	Enforcement Features	Administrative Features	Bylaw Examples
Private Tree Bylaw	Regulates individual tree removal, injury, or destruction based on specific size thresholds (typically diameter at breast height)	Permit system requiring authorization before tree removal above the specified size limits	Enforced by municipal bylaw officers	Permit application fees (e.g., \$150-\$500 per tree as seen in Ottawa's model)	Town of Perth – Tree Conservation Bylaw (2020)
	Applies to privately-owned trees	May include mandatory replacement ratios for removed trees (e.g., 1:1 or 1:3 replacement requirements)	Monetary fines ranging from a minimum \$500 to a maximum \$100,000 (per Municipal Act authority)	Defined exemptions for diseased, hazardous, or plantation trees	City of Kingston – Tree Bylaw (2015)
	May include special provisions for heritage trees, specimen trees, or culturally significant species	May include compensation requirements through cash-in-lieu payments or restoration bonds	Work orders for rehabilitation or corrective planting	Integration with planning approval processes for development applications	City of Ottawa – Tree Protection (2020)
		Protection of root zones during construction or development activities	Appeals process through Council	The Approvals process often requires professional input, such as an arborist	

<i>Approach</i>	Scope and Application	Regulatory Mechanism	Enforcement Features	Administrative Features	Bylaw Examples
Site Alteration Bylaw	Applies to parcels (often over a minimum area threshold, e.g., one acre) on private lands, unless governed by other legislative authority (e.g., Conservation Authorities Act)	Permit requirement for any "development" activity exceeding defined thresholds, supported by submission of site-alteration plans that illustrate existing and proposed grades and vegetation cover.	Enforced by municipal bylaw officers	Permit application fees (either flat or per area or tree) help offset administrative and review costs.	City of Ottawa – Site Alteration Bylaw No. 2024-448 City of Markham – Site Alteration Bylaw No. 2011-232 (as amended)
	Covers activities including removal of topsoil, placement or dumping of fill, alteration of land contours, and vegetation clearing	Conditions for permit issuance often include Environmental Impact Statements (EIS), hydrological studies, and consultation with conservation authorities.	Authority to issue stop-work orders and corrective work orders for non-compliance.	Requires staff or external expertise (e.g., planners, engineers, ecologists) to review technical submissions.	Haldimand County – Site Alteration Bylaw No. 1664-16 (as amended)
	May include language to exempt minor landscaping or routine agricultural operations.	Restoration or compensation planting requirements can be applied to achieve canopy or vegetation targets (e.g., meeting 30 % tree cover)	Monetary fines (up to \$100,000 per offence, plus daily fines) and recovery of remediation costs under the Provincial Offences Act and Municipal Act.	Ongoing site inspections and monitoring consume municipal resources.	

<i>Approach</i>	Scope and Application	Regulatory Mechanism	Enforcement Features	Administrative Features	Bylaw Examples
		Integration of stormwater management and erosion-control measures into permit conditions	Appeal process to Council for permit refusals or conditions.		
Clear-Cutting Bylaw	Applies to private* lands exceeding a minimum area threshold (e.g., one acre or larger) or within designated sensitive areas (riparian buffers, steep slopes, wetlands)***	Mandatory permit for any clear-cut activity, requiring submission of site plans and documentation of compliance with good forestry practices.	Enforced by municipal bylaw empowered to issue stop-work and corrective work orders.	Fine revenue from major infractions can offset enforcement costs.	Carlton Place – Tree Clearing Bylaw (2021) Township of North Glengarry – Clear Cutting Bylaw No. 43-2021
	Defines "clear-cutting" as the removal of every tree above a specified diameter at breast height within a contiguous zone	Establishes no-clear-cut buffer zones (e.g., 30 m from watercourses, wetlands, or significant woodlots)	Monetary fines of up to \$100,000 per offence may be imposed for the unauthorized cutting, removal, or injury of trees, in accordance with the Municipal Act, 2001, and enforced through the Provincial Offences Act.	Requires periodic inspections of large parcels and public education on buffer delineation.	

<i>Approach</i>	Scope and Application	Regulatory Mechanism	Enforcement Features	Administrative Features	Bylaw Examples
	Typically exempts forestry operations conducted under approved good forestry practices or stewardship plans	Can condition permit issuance on approved reforestation or restoration plans (e.g., 1:1 replacement ratio for woodlots).	Council appeal process for permit denials or conditions.		

Note*:** The 1-acre threshold is not based on a single ecological tipping point but rather reflects established best practice, intended to capture land disturbances beyond what is considered “yard work”.