

Woodlands Conservation By-law
November 29, 2017 Public Meeting
Community Centre in Innerkip
6:00 PM - 8:00 PM

MEETING START TIME: 6:05 PM

- Deborah Goudreau welcomed attendees and introduced County Staff in attendance.
- Warden Mayberry also welcomed attendees, made introductory comments, referencing the November and December 2016 public meetings and encouraged public feedback on the latest version of the draft By-law, including any comments regarding administration and customer service.

PRESENTATION

County staff provided a presentation regarding the Woodlands Conservation By-law (WCB) review process that began in the Fall of 2016 with a number of well attended public meetings. Staff also met with the County's Agricultural Advisory Committee in December 2016 and July 2017. Feedback from these meetings as well as information gathered through submissions via e-mail and the County's social media feeds (Facebook, Speak Up, Oxford!) was used in preparing a revised version of the By-law.

It was indicated that the presentation would primarily be an overview of the changes that have been made to the WCB since the Fall 2016 public meetings, but that comments and questions regarding any aspect of the By-law and By-law processes would be welcomed. While the By-law review is no longer in its 'initial' stages, there would continue to be ample opportunity to make comments and raise concerns before any final determination would be made on the WCB by Council.

QUESTION AND ANSWER SESSION

Ms. Goudreau introduced the Q & A session and opened the floor for questions and comments.

- A question was raised regarding whether it was necessary to get permission to prune around the edges of a woodland.

County staff responded that typically, the simple trimming trees along the edge of a woodland was permitted provided that the trimming did not adversely affect the health of the tree.

- A question was raised as to whether a woodland that was zoned A2 (General Agricultural) was included as farmland rather than a woodland.

County staff responded that the WCB applied only to trees and that an owner is permitted to harvest trees in accordance with the By-law regardless of the zoning of the lands.

- A question was asked regarding whether a 'cord' referred to a face cord or bush cord.

County staff responded that the revised WCB no longer makes reference to a 'cord' and instead allows for the harvest of up to 20 trees.

- With respect to the 20 tree provision, a question was asked as to whether an owner could harvest 20 trees each year until the woodland was eventually gone.

Staff responded that while not specifically stated in the WCB, it would be expected that the owner would not be clearing the woodland. Further, an owner cannot reduce the size of the woodland to below the number of trees that are required for the feature to continue to be considered a woodland for the purposes of the By-law.

- A question was asked with respect to penalties that apply for not complying with the WCB.

The penalties under the currently in-force By-law is \$1,000 per tree harvested beyond the provisions of the By-law. This is a maximum penalty permitted by the Municipal Act and while it is generally the intent of the County to not proceed to court on WCB matters, this maximum penalty could be levied by the court.

- A participant indicated that they heat their home with firewood and that 20 trees may not be enough – how is that handled through the WCB.

Staff indicated that the 'own use' provisions of the By-law had not been finalized at this time and that the County was continuing to seek input on the issue. An 'own use' provision could be included which allows for taking such trees with no cap, but only for personal use. This approach would restrict the owner from selling these trees. It was also noted that trees beyond the 20 could be harvested through an application to the County.

- A question was asked as to who could log a bush.

Referencing the previous question, Staff indicated that logging the bush outside of the 20 tree limit would require an application for intent to harvest. Generally, if trees need to be marked for harvest, a professional forester would do this, however, if trees were being taken through the 'circumference harvest' provisions, a land owner could do this themselves. Usually, the number of trees being harvested would require an application to the County and the By-law Officer would inspect any proposed tree cutting (i.e. markings) prior to harvest.

- A question was asked as to whether, when taking out the 20 trees, if dead or dying trees were identified, these trees could also be removed or did the owner have to contact the County and seek permission.

The By-law only applies to living trees. If the tree is dead or laying down, the owner is free to remove them.

A follow up question was asked as to how the owner would know if the tree was 'dead' for the purposes of the By-law. Staff indicated that generally, if there are no leaves on the tree at a time of year when there should be leaves, the tree is considered dead standing.

Staff also indicated that if anyone is uncertain about the state of the tree, they can contact the By-law Officer who would attend the property and speak to the landowner.

- Regarding the 20 tree allowance, a question was asked whether it was necessary to contact the By-law Officer if 20 trees or less were being harvested.

Staff indicated that taking 20 trees or less in a given year was permitted without contacting the County as this would be permitted by the By-law.

- A question was asked as to whether the 20 tree limit [without further approval from the By-law Officer] takes into account the size of the trees.

Staff indicated that it does not, but that owners were encouraged to ask about tree sizes and that the By-law Officer would be pleased to assist any owner in selecting trees with a view to good, long-term forestry management.

- A question was asked regarding how much of the County's woodland areas are lost year over year.

While staff did not have figures regarding woodland coverage over the shorter term, it was advised that woodland coverage over the past decade had not changed dramatically based on current information.

- A concern was raised regarding the use of the drip line to measure the extent of the woodland.

Staff indicated that the edge of the woodland is measured at the stem and that any reference to drip line in the current draft of the WCB was intended to be removed.

- A further concern was raised regarding the increased basal area proposed in the newest draft of the WCB, which is proposed to be increased from 14 m²/ha to 16 and that ash trees should be removed from the protected species in light of the emerald ash borer.

Staff indicated that the increase is in-keeping with recognized good forestry practices. It was further noted that while the issue of dying trees was recognized, removing specific trees from consideration was difficult and allowing dying trees to be removed from the calculation can be problematic for maintaining adequate basal areas. The basal area calculation is recognized as being subjective and is generally aimed at the circumference harvest method of tree harvest.

- A participant indicated concern with the proposed length of time that a Notice of Intent would remain valid and suggested that 2 years should be maintained.

Staff indicated that this matter was still under consideration and that the 2 year period would likely be reinstated into the By-law.

- A participant noted that permit fees had been dropped from the latest version of the By-law and asked whether fees continued to apply under the current By-law.

Staff indicated that fees would apply until such time as a new WCB was adopted by Council that did not include fees.

- A question was raised regarding the removal of trees for new home construction in a number of woodlands in the vicinity of the participant's lands and whether this type of activity was controlled by the By-law and if not, shouldn't it be controlled if it is the County's intent to increase woodland cover.

Staff noted that the current and proposed WCB make provision for the clearing of limited trees where a building permit has been issued for a house and accessory buildings. Development is only permitted where the lands are zoned to allow it. Typically, woodland features are not zoned to allow for development and the findings of the recently completed natural heritage study would be used to further implement appropriate zoning provisions in the Area Municipal Zoning By-laws.

- A participant asked as to what was the desired tree coverage for Oxford.

Staff indicated that the current Official Plan has a target of 15%. Environment Canada has suggested that 30% is optimum, however, it is recognized that in areas such as Oxford County, and southwestern Ontario in general, 30% woodland/natural heritage coverage is not practical and to approach this figure would involve the planting of prime agricultural lands. The County's objective is to increase woodlands cover through the planting of areas that are of marginal use for agriculture.

- A participant asked whether a municipality, such as the City of Woodstock, can still cut down trees without permission and if so, are they required to replant the trees that are removed.

Staff noted that municipalities are exempt from the provisions of the WCB as per the Municipal Act, but that it is generally expected that a municipality will use this authority responsibly. Many municipalities have policies regarding the replanting of trees removed for municipal purposes and these policies vary widely.

A follow up question on this issue asked whether a landowner can request that trees be planted on the landowner's property where the municipality is looking to replant and whether there would be any cost to the landowner.

Oxford is always looking for partners to assist in implementing tree planting initiatives. County initiatives and partnerships are typically undertaken on a cost sharing basis and landowners can contact the County regarding potential funding opportunities for tree planting and other natural heritage restoration initiatives.

- A question was raised regarding Schedule B of the revised WCB [which sets out tree species and the minimum circumference they must obtain before cutting via circumference harvest provision] where the participant noted that some species [red pine] had been dropped from the list and other species [spruce] appear to not be included.

Staff responded by acknowledging that Schedule B required further review prior to the final draft of the document being presented to Council.

CLOSING REMARKS

- The Warden made closing remarks, thanking everyone for attending and providing their input.

MEETING ADJOURNED: 7:32 PM