

Current 2004 By-law (as amended in 2006)	Draft By-law for Council Consideration
<p data-bbox="201 269 909 302">Introductory Provisions ('whereas' and 'therefore')</p> <p data-bbox="201 337 1150 467">AND WHEREAS Council has determined that it is desirable to enact such a By-law for the purpose(s) of improving the forest, soil, wildlife, fish and water resources of the County by conserving and improving the woodlands in the County</p>	<p data-bbox="1171 337 2022 435">AND WHEREAS Council has determined that it is desirable to enact such a By-law for purposes including, but not limited to, the following:</p> <ul data-bbox="1224 472 2018 834" style="list-style-type: none"><li data-bbox="1224 472 2018 570">• achieving the goals and objectives of the County Official Plan with respect to sustaining the community's environmental and natural heritage resources;<li data-bbox="1224 570 2018 634">• conserving and improving woodlands through Good Forestry Practices;<li data-bbox="1224 634 2018 732">• protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and<li data-bbox="1224 732 2018 834">• enhancing biodiversity and forest resilience to assist the community in adapting to climate change, and other environmental threats to forest health <p data-bbox="1171 873 2049 1003">This change to the By-law was incorporated to provide a clearer indication of the purpose of the By-law and to provide assistance to decision-makers in determining the appropriateness of exemption requests in relation to the intent of the By-law.</p>

Section 1. - Definitions

“Municipal Law Enforcement Officer” replaced with “By-law Officer”

“By-law Officer” means a provincial offences officer or an individual or individuals appointed by the Chief Administrative Officer for the administration and enforcement of this By-law.

The principle change related to this definition is that the officer is now appointed by the Chief Administrative Officer instead of Council.

A definition for “Chief Administrative Officer” has been added to the 2018 version of the By-law

A definition for ‘Chief Administrative Officer’ has been added to the By-law. The current By-law (i.e. the By-law approved in 2004 that is in effect today) was amended in early 2017 to give the CAO the authority to appoint the By-law Officer(s).

The definition of “conifer plantation” which existed in the 2004 By-law has been removed

“Conifer Plantation” was defined in the 2004 By-law and referenced in the Exemptions section. The Exemptions contained in the 2018 By-law have been modified and there is no longer any reference to a ‘conifer plantation’ in the Woodlands Conservation By-law and as such, the term has been removed.

The definition of “corridor” has been replaced with the term “unforested corridor” in the 2018 By-law

The definition of the term “unforested corridor” remains the same as “corridor” in the 2004 By-law.

“Cord”, as defined in the 2004 By-law, means a pile of firewood measuring not more than 1.22 m (4 ft) by 2.44 m (8 ft) and not exceeding an area of 3.63 m³ (128 ft³)

“Cord” is referenced in the Exemptions section of the current By-law, whereby the owner of a woodlands is permitted to harvest up to ‘20 logs or 20 cords’ of fuelwood’ per woodlands, per year.

Public feedback on the issue indicated that there was some confusion as to what constituted a ‘log’ and/or a ‘cord’ (i.e. did ‘cord’ mean face cord or bush cord). The revised Exemptions section included in the new By-law removes reference to both ‘log’ and ‘cord’ and simply allows the taking of up to 20 trees per hectare, per calendar year, subject to revised “own use” provisions

<p>Definitions for “Destroy, “Destruct” and/or “Destruction” and “Injure” or “Injury” do not exist in the 2004 By-law</p> <p>The definition of “Good Forestry Practices” as contained in the 2004 By-law has been retained, but the definition has been simplified</p> <p>The term “Municipality” has been modified to “Local Municipality” and the definition modified to specifically identify the eight local municipalities within the County</p> <p>The definition of “own use” has been modified from the 2004 By-law to specifically reference a use <u>by the owner</u>, that does not include the sale, exchange, barter or other disposition of trees...</p>	<p>contained in Section 5. – Exemptions, of the new By-law. The revised “own use” provisions are discussed later in this document.</p> <p>These terms are used throughout the 2004 By-law and the new 2018 By-law in conjunction with the term “harvest” (which is defined in the 2004 By-law) and it was determined that providing definitions for each term is appropriate.</p> <p>After considerable feedback on the issue of the “own use” of trees by owners during the two rounds of public meetings held regarding the Woodlands Conservation By-law, the “own use” exemption contained in Section 5. – Exemptions, of the 2018 By-law has been modified to read as follows:</p> <p>The By-law does not apply to:</p> <p>the harvest, injuring or destruction of trees by the owner of a woodland for the owner’s own use where the owner has been the registered owner of the said woodland for a minimum of two (2) years prior to the date of harvest, injury or destruction, and provided that:</p> <ul style="list-style-type: none">• such activity is consistent with good forestry practices;• no more than 20 trees per hectare are harvested, injured or destroyed in a calendar year; and• such activity does not reduce the density of the woodland below the minimum number of trees per hectare required to be considered a woodland
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<p>The definition of “Point of Measurement” as contained in the current 2004 By-law has been updated to reflect currently accepted forestry-practice standards</p> <p>The term “prescription” as defined in the 2004 By-law has been replaced and modified with “silvicultural prescription”</p> <p>“Sensitive Natural Areas”, as defined in the 2004 By-law has been removed from the 2018 By-law</p> <p>The 2004 By-law contains a definition for “Stand Improvement” which provides for the harvest or destruction of trees that, generally, have been damaged or are infected by disease and/or insects</p> <p>The definition of “Total Basal Area” is not included in the 2004 By-law and has been added to the 2018 By-law</p>	<p>“Silvicultural Prescription” means the site-specific operational plan that describes the existing forest conditions and the forest management objectives for an area and which prescribes the methods for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified.</p> <p>While the 2004 By-law included a definition for ‘sensitive natural areas’, there was no reference to the term in the By-law or the By-law schedules. As the Woodlands Conservation By-law is intended to provide for the protection of all woodlands in excess of 1 ha (2.47 acres), or less, where defined in a local by-law, the term is considered to be unnecessary in the context of the 2018 By-law. Measures to protect significant natural heritage features (i.e. sensitive natural areas) are, or will be, considered in the policies of the Official Plan and implemented through Local Municipal Zoning By-laws and other measures as appropriate.</p> <p>The “Stand Improvement” definition has been removed from the 2018 By-law as it is the opinion of staff, including the By-law Officer, that the expanded exemptions as contained in Section 5. of the new By-law, together with reasonable application of the By-law in general, provides sufficient opportunities to remove trees that may be subject to damage and/or disease.</p> <p>The term “Total Basal Area” is used in reference to the circumference harvest provisions contained in Section 3. – Exceptions, of the 2018 By-law. For the purpose of the By-law, the TBA means the sum of the ‘basal area’ of individual trees, which is also defined in the By-law.</p>
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<p>The definition of “Tree Marker” as contained in the 2004 By-law has been removed from the 2018 By-law as the term is considered to be unnecessary in light of revisions incorporated into the new By-law regarding exceptions to the general prohibition on tree harvest, as contained in Section 3(b).</p> <p>The definition of “Woodlands” as contained in the 2004 By-law has been modified to clearly describe woodlands to which the County By-law applies (i.e. woodlands of at least 1 ha (2.47 acres) and the mechanisms for protecting woodlands smaller than 1 ha</p>	<p>The 2018 By-law includes provision that any woodlands that are separated by an ‘unforested corridor’ less than 20 m (66 feet) wide are considered to be a single woodland for the purposes of the By-law. As such, any woodlands separated by a municipal road allowance (typically at least 20 m) would be considered to be separate woodlands and treated accordingly.</p> <p>The new 2018 By-law also provides clearer language as to how woodlands are defined (by the ecological limit of the feature, not by property lines) and further, includes clearer language regarding the applicability of Local Municipal Woodlands By-laws relative to the County By-law.</p>
<p>Section 2. – General Prohibition</p> <p>The current 2004 By-law includes provisions a section that generally prohibits the harvesting of trees, followed by a number of exceptions by which the harvest of trees is permitted</p>	<p>The ‘General Prohibition’ section of the current By-law has been reorganized into two sections (General Prohibition and Exceptions). The Exceptions section provides for tree harvesting through Good Forestry Practices and Circumference Harvest as per the current By-law, however, this section has been simplified for clarity.</p>

Section 3. - Exemptions to this By-law

The standard exemptions as set out in the Municipal Act, as contained in the current By-law have been carried forward into the new 2018 document, as have several 'optional' exemptions including the removal of trees for buildings and structures where a building permit has been issued and taken into consideration the protection of trees surrounding the said structure; and the removal of trees for the installation of utilities and/or a single lane driveway for vehicular access

Additional exemptions that have been included in the 2018 By-law include:

the harvest of trees reasonably required to install a boundary fence between two properties within a woodland;

for "own use" as described in the 'Definitions' section of this chart;

the harvest of trees where:

- land previously cleared and used for agricultural purposes which has become overgrown with less than 10 years of successional tree species (e.g. sumac, hawthorn, apple, scots pine, poplar, white birch, ash) and the land is intended to be used again for agriculture;
- trees are impeding the passage of agricultural equipment along an existing lane that is within or along the edge of a woodland; or
- where trees to be harvested are not located within a woodland Identified as part of an ecologically important vegetation group in The Oxford Natural Heritage System Study or the County Official Plan

For information, the 'original draft' of the proposed new By-law that was drafted for discussion purposes included a number of 'minor' exemptions that were intended to provide an alternative, less process-oriented opportunity to obtain permission to harvest/remove trees that could be handled at the staff level without the need to obtain an exemption from the Woodlands By-law Appeal Committee. In consideration of the comments received through the public consultation process, Minor Exemption Permits have been removed from the By-law and replaced with general 'as-

<p>A recurring comment received via public consultation was related to the removal of and/or maintenance of hedgerows and fence lines in agricultural fields. The intent of the Woodlands Conservation By-law is primarily to assist in preserving the County’s natural heritage system and not those trees that are solely associated with agricultural operations (i.e. hedgerows having no significant natural heritage function)</p>	<p>of-right’ exemptions, or exemptions that can be obtained via inspection and approval by the By-law Officer.</p> <p>The expanded exemptions provided for in the new 2018 By-law will provide for the removal of hedgerows and fence lines where these features are not of sufficient size to be subject to the Woodlands Conservation By-law and/or they are not recognized as having any significant ecological function within the Natural Heritage System.</p>
<p>Section 4. – Committee Exemption</p> <p>The current 2004 By-law has provision for a property owner to seek an exemption from the Woodlands Conservation By-law where a proposal to remove trees does not comply with any of the exemption provisions contained in the By-law. The exemption application is considered by the Woodlands Conservation By-law Appeal Committee, which has historically been the County Land Division Committee wearing a different ‘hat’ for the purpose of considering exemptions</p> <p>The Committee has the authority to approve or refuse an application and impose reasonable conditions regarding matters such as the replanting of trees to compensate for those removed</p> <p>The Committee’s decision on any matters related to an exemption is final and is not subject to appeal</p>	<p>Section 6. – Administrative and/or Committee Exemption Section 7. – Appeals to Committee</p> <p>The Committee Exemption provisions contained in the current 2004 By-law have been modified to allow for more opportunities to obtain exemptions from the By-law directly from staff. The process for obtaining an exemption from the By-law is largely maintained with respect to filing applications for consideration (although improved through clearer process and additional guidance regarding the intent of the By-law, to assist decision-makers in determining whether an exemption is appropriate).</p> <p>However, the new By-law ‘shifts’ the responsibility for the process and decision-making to staff in an effort to streamline the approval process and reduce the time needed to obtain an approval where an exemption is supported by the By-law Officer and planning staff. The staff-driven process would continue to provide for the ability to impose conditions on an exemption with respect to matters such as the replanting of trees as compensation for any trees removed.</p> <p>The revised process continues to include provision to have an exemption application heard by the Woodlands Conservation By-law Appeal Committee in instances where the landowner and staff cannot agree on the extent or number of trees to be removed, or any conditions that may be proposed by staff with respect to replanting trees.</p>

	<p>This revised process has been implemented in response to public feedback regarding the Committee Exemption process and has been endorsed by the County's Agricultural Advisory Committee.</p>
<p>Other Changes</p> <p>Drainage Works</p> <p>The current 2004 By-law includes provision which directs that, with the exception of work on municipal drains (which are exempt via the municipal exemptions contained in the Municipal Act), any tree removal associated with drainage work must comply with the By-law and the By-law Officer must be notified prior to the commencement of any tree removal.</p> <p>Penalties</p> <p>The current 2004 By-law includes a higher level of penalties for corporations, partnerships, etc., compared to individuals. It was indicated through public input that many family-operated farms are incorporated for tax purposes.</p> <p>Fees</p> <p>The current By-law includes a range of fees for various activities associated with obtaining permissions and/or exemptions from the By-law.</p>	<p>The new 2018 By-law includes a specific section regarding the removal of trees associated with non-municipal drainage works (i.e. must comply with the By-law) and further directs that only non-perforated tile may be used in or within 5 m of a woodland.</p> <p>The above essentially carries forward the intent of the current 2004 By-law in this regard and provides added clarity with respect to property owner responsibility when removing trees for non-municipal drainage purposes.</p> <p>The new 2018 By-law has been modified to include only one set of penalties for By-law contravention.</p> <p>The only fee included in the 2018 By-law is for an Application for Administrative and/or Committee Exemption.</p>