

Woodlands Conservation By-law
December 1, 2016 Public Meeting
Springford Community Hall
6:30 PM - 8:00 PM

MEETING START TIME: 6:38 PM

- Warden David Mayberry welcomed attendees, made introductory comments and encouraged public feedback on the draft by-law
- Dianne Damman introduced County and support staff

PRESENTATION

Dianne Damman provided an overview of the public meeting agenda and identified this meeting as the last of three initial public meetings scheduled to obtain comments regarding the woodlands by-law. Ms. Damman further outlined the main features of the by-law, next steps and opportunities to provide input via questions and comments. It was also indicated that the input through the County's social media outlets, notably Speak Up, Oxford was also welcome and encouraged.

County staff provided a presentation regarding the Woodlands Conservation By-law, including an overview of the history and purpose of the By-law and an introduction to the draft by-law for discussion purposes. The presentation outlined specific changes being considered in the draft version including updated definitions, the introduction of minor exemption permits and the removal of the circumference harvest provisions contained in the current by-law. The presentation also included information and comments regarding the recently completed Natural Heritage Systems Study.

Staff also provided an overview of the public information meetings held in Innerkip on November 22, 2016 and Embro on November 24, highlighting a number of areas of discussion, including further consideration of tree harvesting activities that could be exempted from the by-law, how different tree species are covered by the by-law, the need for a County tree [or woodlands] by-law and what natural heritage activities the County participates in or sponsors besides the enforcement of a by-law. It was noted that the comments and questions raised at the November 22 and November 24 meetings in Innerkip and Embro were used to modify and improve the overall presentation.

QUESTION AND ANSWER SESSION

- The first speaker mentioned the management of circumference harvest (CH) and that a slide in a previous presentation [Innerkip] included a percentage of CH intents. Staff noted that the majority of intents [permit applications] come through good forestry and the County is listening to comments and assessing whether the CH provisions need to be kept in the by-law or not. In addition to these meetings, staff will be meeting with loggers and foresters for input.

The speaker asked how many permits were issued last year under good forestry and again asked about the chart that was included in the presentation at the previous meeting. Staff indicated that the chart in question was included in the first public meeting at Innerkip but was removed as being of limited value to the discussion. Staff further confirmed that the # of permits or intents that were handled via the CH provisions was not included in the

noted slide. (NOTE – the slide in question was not available as the December 1 Springford meeting, but staff reviewed the Innerkip meeting slides from November 22 and have confirmed that information regarding the # of CH intents relative to good forestry practice was not included in the said slide).

The speaker continued that it was his opinion that good forestry practice was needed but that the CH method was also useful and had its place in the consideration of woodlot management. Oxford needs some kind of incentive program that supports good forestry practice and should provide information regarding such programs through flyers and other means. One incentive would be for Oxford to provide the good forestry practice directly at no or limited cost.

The speaker asked specifically if it was necessary to get a permit to build a treehouse for his kids or for his kids to ride their motorcycles in the bush, or to be able to park a plow or cultivator in the bush. Staff indicated that this is not the purpose of the woodlands by-law.

The same speaker also indicated that he has previously [at previous meetings] raised the issue of cutting for personal use and asked if the section could be read out loud. Staff indicated that 20 bush cord could be removed for 'own use'. The section of the by-law was recited by another member of the gallery. There was then some discussion as to whether the by-law referred to 20 or to a number less than 20 after which it was suggested that the discussion move on to other topics.

- A question was asked as to what species were exempted from the by-law and were sumac or thorn trees exempted. Staff indicated that the by-law defined a tree as any woody plant that can grow to 15 feet or more. The speaker then asked again as to whether sumac was included and if there was a list, and did that mean that anything that can grow to 15 feet, including roots, was included. Staff indicated that this topic has been raised in previous meetings and that the issue of identifying specific trees for exclusion from the by-law can be tricky if you are trying to identify specific tree species that are within a woodland.

The speaker then suggested that the County wanted farmers and landowner to grow wood for the County and that the by-law calls everything wood, even when it has no value. The speaker further suggested that science will tell you that crop land will create just as much oxygen as a woodland and it was confusing as to why the County wants to maintain species that are not desirable. The speaker expressed disappointment that the County thinks that landowners should be growing things with no commercial value, like sumac, and that perhaps the County should be renting the land that is not doing anything for the landowner.

Staff indicated that the issue of sumac and fence rows has been raised at previous meetings that the matter will be looked at closely as the process continues. The speaker responded that the original by-law from 1946 was created with no idea where we would be at today and that using the by-law to protect fence rows that are not of any use for the

farming of the lands is infringing on the business of the landowner. Staff indicated that this issue has been recognized as important and that the County will be working to improve the by-law in this regard.

- A question was asked as to whether the County has looked into the ALUS program (Alternative Land Use Services) to investigate and identify areas that are less useful to landowners. Staff indicated that the County has been working with the various Conservation Authorities in Oxford to identify areas that are marginal and would lend themselves to tree planting.

The speaker indicated that they had land in both Oxford and Norfolk and that in Norfolk, the County provides incentives through ALUS to plant grass in areas that can't be worked.

- The next speaker indicated that a number of landowners are concerned about bush edges and fence lines and that there needs to be an approach identified that recognizes that bush edges are not cleared back every year. When a landowner only trims back every 5 years, the area becomes overgrown with seedlings. Staff responded that these comments are helpful and that the County has been investigating whether the by-law should contain provision to allow the removal of five or ten years of growth. The speaker noted that 100 years ago, fence lines were kept clear, but this does not occur to the same extent now that less farmers in the area keep cattle.
- A participant indicated that they have a 300 acre farm with 75 acres of woodlot. When the property was purchased there were some laneways leading to the back of the farm that were cleaned up. In the 1990s, the woodlot edges were cleaned up and recently, some additional work along the bush edge was undertaken. Bush was removed back to an old stone pile, but stopped there as the speaker wasn't interested in going further due to the number of stones. Staff responded that these comments are useful and will assist in determining what might be a reasonable approach going forward.
- A comment was made that the by-law should have something that encourages the use of common sense. The speaker indicated that it felt like the onus was on the farmer to keep tree cover in the County and that the County should buy farms if that was the intent. The speaker made reference to a woodlot in Woodstock that was removed and suggested that the citizens of Woodstock should pay to replant trees if they wanted this in rural areas. Restricting farmers from doing reasonable things on their farms is ridiculous and it seems unreasonable that a farmer can't cut a tree on his own land.

The speaker also suggested that the County could plant trees at the dump site [at Salford]. Staff indicated that trees were being planted and that approximately 16,000 trees were planted on County land in 2016.

The speaker concluded by asking for more common sense in the enforcement of the by-law and a better appreciation by the County of the value of certain trees, such as thorn trees, that were considered by all farmers to be a nuisance.

- The next speaker indicated frustration with the County's By-law Enforcement Officer that the said officer should not be involved in customer service. Numerous people have experienced poor customer service and the speaker wanted this fact noted. Customer service training was necessary for anyone involved in by-law enforcement.

The speaker further noted that the issue of woodlands conservation was somewhat of a value statement. Oxford is blessed with some of the most fertile farmland in the Country and statements about increasing forest cover on this farmland is problematic. By-law officers in other jurisdictions consider sumac to be weeds. Staff responded to these comments by indicating that it is not the intent of the County or the purpose of the by-law to decrease the amount of prime agricultural lands available for farming.

The speaker also indicated that some tree planting practices on abutting properties could negatively affect a landowner. For instance, if trees are planted on a neighbouring property, this could impact the abutting landowner by 'creating' a woodland that didn't exist by definition, which may negatively affect the ability to remove trees for farming. If land has been previously farmed, it should be able to be put back to that use. Rented land tends not to be as well cared for as owned land, so if rented lands are 'taken back' by the owner, the owner should be able to put lands that have grown in during the time of rental back to full agricultural production.

Staff indicated that this could be a situation where an exemption from the by-law could be obtained.

- A question was asked as to why a field cannot be cleaned back to the original tree line and that provision should be made in the by-law to allow for periodic clearing back to tree lines so as to avoid having to clear fence lines every year to avoid issues with the by-law. The speaker indicated that he wasn't sure if a 10 year cycle or provision is good enough.
- A participant indicated that they use a drag line for manure spreading and wanted to know if they could remove a fence line to accommodate the passage of this type of equipment. Staff indicated that this is the type of tree/fence line removal that could possibly be removed without the need for a permit and would be considered for inclusion in the by-law going forward. Staff further indicated that if the fence row does not fall within the by-law, then there would be no need to contact anyone (i.e. if the fence row was not connected to a larger woodlot and was less than 1 ha).
- The next speaker indicated that they had just logged a bush and had a tree marker come out to mark approximately 20 acres of woodland, then someone from the County [paid for by tax money] came out and 'blacked-out' a bunch of trees and indicated that they

couldn't be logged. This was identified as a specific situation and the speaker was encouraged to fill out a comment form and/or speak to someone from the County after the meeting.

- A participant indicated that the last time they took trees out of their bush, a tree marker was provided by the government. The speaker suggested that the tree marker that he has to hire may not know any more about which trees should be taken than the landowner and that the landowner shouldn't have to pay for this.
- The next speaker indicated that they mark woodlots and they were very familiar with the County's by-law and at least 23 other by-laws in Ontario. The speaker further indicated that provincial government went through a series of consultations in the 1990s and that the government agreed at the time that a landowner did not need to hire a professional forester for tree marking purposes. Good forestry practice is not mandated by the Forestry Act and the use of this method has gone off the rails at the expense of landowners.
- A participant commented that farmers should be allowed to mark a bush if they choose. Anyone can install a septic system or repair their own car, so marking trees should be an option subject to inspection so that the landowner can avoid charges and stop work orders. We all have to get along. Trees grow on farm land and become a crop. Many farmers wait until they retire to harvest trees and should be able to do so when they like, so long as there are guidelines.

The speaker also indicated that they thought that these meetings and further meetings should be advertised in the Ontario Farmer. Many farmers do not get local papers. When the topic is specific to farmers, the ads should be in a widely read farm paper. The speaker indicated that they had only learned of the meeting a few days ago. The speaker gets the Ontario Farmer and indicated that the Tillsonburg News is for city dwellers. He also indicated that some area farmers get newspapers in other languages.

- The next speaker indicated that they had retained a professional marker to mark a woodlot because they were told to do so by the County. The speaker then indicated that they were ordered to stop the work because the cutting was improper. The speaker was told they could cut all of the trees with dots, but no one had been back for over 6 months to inspect the job. It was suggested that this issue would be better discussed with staff after the meeting.
- A speaker indicated that they know of a situation in Norfolk County where a fence row had been removed from a tobacco farm and the farmer is now experiencing a lot of dust. The speaker was of the opinion that fence rows should be maintained in these types of situations. The speaker further indicated that they had a background in forestry and that they use a consultant for woodland management as their experience has been that using a professional provides better long-term value and that the results of a professional

analysis can be 'taken to the bank'. The speaker also commented that the County used to have a small, but active, association of woodlot owners and that anyone that wants to learn more about woodlots should become part of the association and participate in local events.

- A question was asked as to whether, moving forward, would the input from the public meetings be incorporated into a new draft for consideration or would a new draft be created and then run through Council for approval. Staff indicated that the path forward was not set out in stone, but that the intent would be to provide the information gathered through the public process to Council with options regarding the issues identified and get Council direction as to how to move forward. Regardless, there would be further public input and meetings to consider any revisions.
- A participant questioned how a tree was defined and whether the definition included the roots of a tree. The definition should be something easily understood. The speaker also expressed concern that a neighbouring property owner across a municipal road could plant 2 acres of trees and affect whether a treed area on his own property would become subject to the by-law where it hadn't been before the planting. Woodlots separated by a road should not be considered the same woodlot.

The speaker continued, indicating concern that the rural population is declining and that too many people that have no roots in the community are dictating how agricultural and rural lands are used. What are considered to be farms by some may not be the farms by how the agricultural community measures these things. The rural areas are losing their voice and the speaker asked that those involved at the County level please make sure that the voice of the rural community is heard.

- A question was asked as to whether brush cutters or chainsaws could be used for cutting. Staff indicated that this was an issue that was being reviewed and would be discussed further and that staff would be speaking with other municipalities to see what they are allowing.
- The next speaker read a lengthy prepared statement and provided that material to staff at the end of the meeting. The written statement is attached to the end of these meeting notes.
- A participant commented that maintaining fence lines and woodland edges costs landowners money. The actual care of the features is one cost, but there are also costs with respect to the impact on crops. The landowner is suffering a loss by allowing the trees to exist in the first place.

The speaker also questioned how the County determined that 1/3 of the crown of a tree could be removed (i.e. that 1/3 is the right number). Staff responded that this figure is the accepted practice and that generally, this amount of crown removal won't kill the tree. The

speaker suggested that a better definition in this regard would be beneficial. Trees impact drains and everything around it. The speaker reiterated that farmers are already paying the costs of maintaining trees.

- A participant commented that the County is trying to do too much in one by-law and that the by-law should be broken into two parts – one for tree cutting and one for forestry. Council should sit with stakeholders to create these by-laws.

The speaker made a further comment with respect to the issue of what was considered to be the perimeter. There is a lot of bureaucracy being forced on the landowner and that having to pay for an exemption was considered unreasonable. The speaker indicated that it doesn't make sense to have to pay to manage your own property. The perimeter of a bush should be clearly and reasonably defined. The speaker continued that he did not see the need for a by-law and that a policy that relied on a trust relationship with the landowner was more appropriate. A policy approach would require less staff and save ratepayers some taxes.

- The next speaker indicated that they owned woodlots in both Norfolk and Elgin and since the current by-law was approved [in 2004], it has placed a lot of stress on neighbouring counties. Since 2004, a number of timberjacks that operated in Oxford have been relocated to neighbouring counties and the result has been more damage in neighbouring counties.
- A comment was made regarding a previous speaker's comments about retaining fence rows. The participant indicated that whether you leave a fence row or take it down, it's the business of the landowner. The County's requirement to obtain a permit to remove a fence row is a money grab.
- A question was asked as to whether it would be possible to set up a peer committee to investigate complaints before they went to court. Staff responded that this type of arrangement could be beneficial and would be investigated as the process moved forward, including discussion with Oxford's Agricultural Advisory Committee.

The speaker asked whether the County had a trained forester. Staff responded no. The same speaker asked whether there had been any input from the Conservation Authorities. He pointed out that the CAs have marginal lands subject to erosion and questioned why they didn't plant trees on that. Staff indicated that the CAs do undertake planting on CA-owned properties.

The speaker commented that where someone is getting an exemption, there should be a requirement to take all of the logs and cut the firewood out to make more efficient use of the woodland. The speaker also commented on some public tree removal that took place along Hwy 401 recently where there was a lot of trees left with exposed roots which upset a lot of people.

- A speaker indicated that with respect to trimming or removing fence rows or clearing back to the woodland edge, they didn't want to get a permit every time. He indicated that the County probably wouldn't be happy with the way that he does it. Staff indicated that this was an issue that had been raised often during the public meetings and would be looked at carefully going forward.
- The next speaker commented on best practices for woodlots and suggested that he'd like to be able to decide on his own what is appropriate for his fields and woodlots. For example, if he wanted to cut out a 20-foot wide trail through the bush instead of sending them elsewhere to find something to do, he should be permitted to do this. The speaker commented that markets of this nature can't be controlled and wondered if citizens of Woodstock would be prepared to buy 105 acre farms each year at \$20,000 per acre. The current situation just encourages landowners to find ways to avoid the by-laws.
- A question was asked regarding fence rows extending from a bush and whether there was a way to consider if the fence row was an extension of the woodland or just a feature that was in proximity to it. Staff indicated that this was a matter of interpretation and that the by-law review was looking at ways of improving how fence rows extending from woodlands are reviewed.
- The next speaker commented that a lot of fence lines were meant to be wind breaks and with improved farm practices, they are no longer required. Good farm practices should be taken into consideration when considering the need for fence rows. A farmer should be able to make their own assessment of the need for a fence line and shouldn't need a permit to remove one. An old fence line that doesn't serve any purpose for the farm operation should be taken into consideration when it runs out of a woodlot.
- A question was raised regarding fines and specifically, why fines were significantly larger for corporations. Most family farms are incorporated and the substantial increase in fines for corporations seemed unreasonable. Staff indicated that this matter had been raised at a previous meeting and was being reviewed.
- A speaker indicated that at the last meeting, he had met with the Warden and that the Warden had indicated that this process was a review of the by-law. The speaker suggested that it might be more appropriate to do a further review, all the way back to 1946 when the County's first tree by-law was established. It was further pointed out that prior to the approval of the current woodlands by-law in 2004, previous by-laws had been essentially tree cutting by-laws and were worded differently than the woodlands by-law. It may be a better approach to create two by-laws – one for tree cutting and a second for woodlands conservation.
- A participant commented that they had been advised that the current By-law Enforcement Officer doesn't have the proper credentials to do the job and asked why we would be paying someone a salary that doesn't have the right credentials.

CLOSING REMARKS

- The Warden made a number of closing remarks, commenting on the challenges associated with creating rules that balance the common good between with the rights of individual property owners and what is good for the future of all of us.
- The Warden thanked everyone for their comments and questions.

MEETING ADJOURNED: 8:16 PM