

To: Warden and Members of County Council

From: Director of Community Planning
Director of Public Works

Woodlands Conservation By-law Update

RECOMMENDATIONS

1. That County Council receive Report No. CP 2018-125 regarding the Woodlands Conservation By-law Update;
2. And further, that Council refer the draft Woodlands Conservation By-law to Council's regular meeting of June 13, 2018 for final consideration and approval.

REPORT HIGHLIGHTS

- The purpose of this report is to provide County Council with an update regarding the Woodlands Conservation By-law (WCB), including an overview of the public consultation activities and additional review of the WCB that has occurred since Council's last update in October 2017, and further inform the public meeting to be held at this meeting.
- This report also includes an updated 'final' draft version of the WCB for Council's consideration.

Implementation Points

The report includes a 'final' draft version of the WCB for Council's consideration. It is anticipated that Council will consider any comments received at the public meeting regarding the draft WCB scheduled for May 23, 2018 and refer the WCB to Council's regular meeting of June 13, 2018 for approval, with or without further modifications.

Financial Impact

The recommendations contained in this report will have no financial impacts beyond what has been approved in the current year's budget.

The Treasurer has reviewed this report and agrees with the financial impact information.

Risks/Implications

There are no risks or other implications anticipated as a result of the recommendations contained in this report.

Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following:

3. ii. A County that Thinks Ahead and Wisely Shapes the Future – Implement development policies, land uses and community planning guidelines that:

- *Strategically grow our economy and our community*
- *Provides a policy framework which supports community sustainability, health and well-being*
- *Supports healthy communities within the built environment*
- *Supports and protect a vibrant and diversified agricultural industry*

3. iii. A County that Thinks Ahead and Wisely Shapes the Future – Demonstrated commitment to sustainability by:

- *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
 - *Responsible environmental leadership and stewardship*
 - *Supporting the community implementation of the Community Sustainability Plan*

4. i. A County that Informs and Engages – Harness the power of the community through conversation and dialogue by:

- *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*
- *Fostering greater involvement in County and community events and/or program/project implementation*
- *Understanding and addressing public aspirations for a more livable community*

DISCUSSION

Background

County Council authorized staff to proceed with a public and stakeholder consultation process regarding the development of an updated Woodlands Conservation By-law (WCB) in September 2016 (Report No. CASPO 2016-182). The purpose of the public consultation was to obtain input into the development of the WCB for Council's consideration from a broad range of interests including the County's Area Municipalities, the Ministry of Natural Resources and Forestry, the

Conservation Authorities having jurisdiction in Oxford, neighbouring municipalities, the Oxford Federation of Agriculture, woodlot owners associations, forestry consultants, loggers and other interested groups such as fish and game clubs and Reforest Oxford.

Consultation included three initial public information sessions (held in Innerkip, Embro and Springford) in late November and early December 2016. Staff also made presentations regarding the WCB to several Area Councils, the Oxford County Cattlemen's Association, the Woodstock Environmental Advisory Committee and Reforest Oxford. In addition to the foregoing, the County's various social media feeds, including Speak Up, Oxford!, were used to inform and engage the public regarding matters related to the management of Oxford's woodlands and natural heritage features.

Further, a meeting of the County's Agricultural Advisory Committee (AAC) was held in December 2016 to review the initial draft of the WCB. This meeting was followed by a subsequent meeting of the AAC in July 2017 where the revised version of the By-law was presented and discussed.

A report was presented to County Council in October 2017 which provided a summary of the above-noted consultation activities and included a revised draft WCB for Council's review. The draft WCB contained in the October 2017 report was intended to serve as the basis for additional public and stakeholder discussion prior to further consideration by Council in 2018. Two additional public meetings regarding the revised WCB were held in late November 2017 (Innerkip and Springford) and the By-law was presented for a third time to the AAC, in March 2018.

The minutes from the above-noted AAC meetings are attached to this report ([Attachment 1](#)) for Council's consideration. The meeting notes from each of the three initial public information sessions held in the fall of 2016 (Embro, Innerkip and Springford) and the subsequent meetings in November 2017, together with all comments received through the consultation are also [linked](#) to this report for Council's consideration.

Comments

Using feedback obtained via the above-noted consultation activities, staff have prepared a 'final' version of the draft WCB. The draft By-law [attached](#) to this report was completed with a view to creating a simpler and cleaner document (and associated processes) and addressing the main issues identified during the said consultation activities. These main issues can be summarized as follows:

- Permit more tree harvesting/removal activities that can be undertaken without permits and/or permissions;
- More flexibility in dealing with fence rows and other similar 'minor' harvest/removal issues;
- Potential for the consideration of removing certain tree species covered by the By-law that are seen as 'nuisance' species; and
- Improving by-law administration, enforcement and overall customer service related to the WCB.

A summary of the changes ([Attachment 2](#)) made to the WCB, from the current (2004) By-law to the new draft (2018), including a brief rationale (where warranted) for the said changes, is attached to this report for Council's consideration, together with the updated draft of the WCB ([Attachment 3](#)).

In addition to the proposed changes to the WCB, staff have been working toward improving the delivery of customer service related to the By-law and are actively seeking funding opportunities that would assist in enhancing the County's role in woodlands preservation and planting initiatives. Staff have also been actively involved in projects related to the preservation and restoration of woodlands in association with groups such as Reforest Oxford. It is anticipated that these activities will continue and that the approval of the WCB will include significant outreach and education regarding the role of the WCB going forward.

Outreach and Education

The County Official Plan recognizes the importance of Oxford's natural areas and the larger natural heritage system as integral to the social and economic systems within the County. The WCB is recognized within the Official Plan as an important tool in preserving and enhancing the natural heritage system by ensuring good forestry management and environmental stewardship of woodland areas.

In addition to the WCB, the County is also involved in a number of initiatives which serve to enhance the natural heritage system, including:

- the management of County forests and other County-owned lands;
- the monitoring of the natural heritage system through studies, such as the recently completed Oxford Natural Heritage Systems Study, and Conservation Authority report cards;
- Official Plan policies and Local Municipal Zoning By-laws;
- the promotion of natural heritage tourism (e.g. hiking, fishing, paddling);
- recognition of good natural heritage stewardship (via the annual Stewardship Award);
- incentives such the Clean Water Program, which has provided funding for numerous wetland and woodland enhancement projects; and
- the development of the Future Oxford Community Sustainability Plan, including the establishment of Reforest Oxford, which works with landowners and other partners to plant trees on marginalized and/or retired agricultural lands.

The County provides information regarding natural heritage and the WCB through the County website, factsheets and direct contact with staff in both Community Planning and Public Works (e.g. the By-law Officer). However, through feedback obtained via the WCB public consultation process, it is evident that additional education and communication materials regarding the County's natural heritage system, including woodlands, would be beneficial.

Going forward, Planning staff will be working closely with Public Works and other agencies (e.g. conservation authorities, Reforest Oxford) to enhance public awareness of the importance of the natural heritage areas and features to the community, economic and environmental health of the County.

Regarding the WCB specifically, staff heard through the public consultation process that the WCB would benefit from a 'simplified' version of the By-law that sets out clearly the responsibilities of landowners and the County with respect to the harvest of trees. While a By-law is a technical document that generally requires specific language in order to be enforceable, staff are of the opinion that a 'plain language' document that provides an overview of matters such as the methods of harvesting trees under the WCB (Good Forestry Practices, Circumference Harvest), who can apply to harvest trees, and how the various exemptions contained in the By-law are applied would be valuable to the community.

Agricultural Advisory Committee (AAC)

As noted previously, the minutes of each of the three [AAC meetings](#) at which the WCB was discussed are attached to this report for Council's consideration. The AAC has provided valuable input into the development of the new By-law and many of the amendments that have been incorporated into the draft document are the result of comments and concerns raised by the AAC.

For Council's information, the AAC provided feedback with respect to the Committee Exemption process and expressed concerns that the Land Division Committee (which also serves as the Woodlands Conservation By-law Appeal Committee) may not always have sufficient rural/agricultural representation to best reflect the requirements of rural landowners. The AAC has suggested that it may be beneficial to establish a separate committee for the purposes of dealing with WCB exemptions and possibly other matters that may arise related to the administration of the By-law.

As noted in the attached [summary chart \(Attachment 2\)](#), staff have proposed to revise the Committee Exemption process in a manner that would reduce the number of exemption requests that would need to be heard by the WCB Appeal Committee. Currently, the number of applications for exemption heard by the Committee averages 3 or less per year, and it is anticipated that this number can be reduced further through the proposed exemption process that would be administered by staff (with the continued ability to have the exemption heard by the WCB Committee where staff and the landowner cannot come to agreement on any aspect of the exemption proposal).

In light of this, staff are of the opinion that creating an additional Council committee for what is anticipated to be a very limited number of exemption requests is unnecessarily duplicative. A more efficient approach would be to ensure that Council appointments to the Land Division Committee (and by extension the WCB Appeal Committee) adequately reflects both urban and rural interests, including those of woodland owners. Going forward, the activities of the WCB Committee related to exemptions will be monitored and reported to Council regularly.

Conclusions

Staff recommend that Council receive the draft Woodlands Conservation By-law attached to this report and give final consideration to the By-law at Council's regular meeting scheduled for June 13, 2018, pending consideration of comments received from the public and/or other stakeholders on May 23, 2018.

SIGNATURES

Departmental Approval:

Original Signed By

Gordon K. Hough, RPP
Director of Community Planning

Departmental Approval:

Original Signed By

David Simpson, P.Eng., PMP
Director of Public Works

Approved for submission:

Original Signed By

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENTS

[Attachment 1:](#) Agricultural Advisory Committee Meeting Minutes, December 2016, July 2017 & March 2018

[Attachment 2:](#) Summary of Changes from Current (2004) WCB to Proposed WCB

[Attachment 3:](#) Proposed Woodlands Conservation By-law (draft)



MINUTES

**Meeting of
AGRICULTURAL ADVISORY COMMITTEE
December 12, 2016
1:00 P.M
OCAB 129B**

The meeting of the Agricultural Advisory Committee (AAC) commenced at 1:10 p.m. with the following members, support staff and guest attendees present:

Attendance:

Members: J. Danen, S. Innes, G. Howe, D. Veldman, S. Veldman, J. Vanderbas, K. Armstrong, S. McDonald, G. VanDorp, L. Martin.

Support Staff: G. Hough, P. Michiels and A. Sloan (County Planning), D. Vermeeren (County PW).

Guest Attendees: T. Annett, C. Quinlan (UTRCA).

Regrets: M. Lupton.

Item 1.) Introductions:

G. Hough welcomed the new and returning members and introduced the County support staff and guest attendees. All members introduced themselves and identified the agricultural organization and/or industry they represented.

Item 2.) Overview of AAC Mandate and Selection of Chair

G. Hough directed attention to the AAC Terms of Reference that was distributed and indicated that, to date, only S. Veldman had expressed interest in the Chairperson position. He noted that the elected Chair would ensure the procedural order during the meetings, and then opened the nominations.

“That S. Veldman be nominated for the position of Chair.”

Moved by: L. Martin

Seconded by: G. Howe

CARRIED.

S. Veldman Acclaimed.

L. Martin was acclaimed for the position of Vice Chair.

The Chair indicated that he would try to ensure that all members get an opportunity to speak to matters that are brought to the Committee. G. Hough explained the Terms of Reference and noted that this committee will be

advising Council on certain issues (e.g. agricultural policies) referred to the AAC by County Council or staff and that there will be further discussions on the topics presented today. J. Vanderbas arrived at 1:20.

Item 3.) Oxford Natural Heritage System Study (ONHSS)

County planning staff presented an overview of the County's recently updated draft Oxford Natural Heritage System Study (ONHSS), including the purpose of the study, study findings and conclusions, implementation recommendations and next steps. It was indicated that the primary purpose of the study is to provide the scientific basis and natural feature mapping necessary to inform updates to the County's Official Plan policies and ensure consistency with the natural heritage policies of 2014 Provincial Policy Statement, however, the study will also help to inform the review of the County's Woodlands Conservation By-law and provide a base for monitoring future changes in the County's natural cover.

Following the presentation, there were a number of comments and questions and related discussion including:

- Request for clarification of Provincial level versus municipal level natural heritage policy direction. County planning staff noted that the Provincial direction is provided through the 2014 Provincial Policy Statement (PPS) which requires municipalities to identify the natural heritage system and various component natural heritage features and areas and provide for their protection (e.g. in local Official Plans), including ensuring that development and site alteration within and adjacent to such features and areas does not have a negative impact and that the natural heritage system is maintained, restored and, where possible, improved. Some natural features are identified directly by the Province (e.g. provincially significant wetlands and areas of natural and scientific interest), while others (e.g. significant woodlands, valleylands and wildlife habitat) are to be identified by the municipality based on criteria developed by the province.
- Some concern was expressed with respect to the geographic extent of certain source protection areas shown in the Source Protection Plan and Conservation Authority mapping and the role of Conservation authority/regulations with respect to review of activities within such areas. County planning staff indicated that although there may be some overlap and/or interaction between the source protection areas in the Source Protection Plans and certain natural features and areas, the focus of the ONHSS is on identifying natural heritage features and areas, not source water protection. The Provincially approved Source Protection Plans (SPP) identify well head protection areas and other vulnerable areas (e.g. significant groundwater recharge areas) and the activities (e.g. fuel and manure storage) that can be drinking water threats in such areas and establish the policies for managing those threats. As Source Protection is not a matter currently before the AAC, it was suggested that it the question could be clarified through direct follow up with County/Conservation Authority staff following the meeting or considered as a potential topic for discussion at a future meeting.
- Concern was expressed that farmers may not necessarily be aware of all the existing regulations affecting their property (e.g. Conservation authority regulations) and that perhaps consultation measures could be improved (e.g. direct notice) to try to better ensure that the agricultural community is aware of, and engaged in, new initiatives that may affect their lands.
- It was suggested that it might be useful for the committee to get an indication of the topics that were being considered by the AAC when it was last convened. Planning staff agreed to review the County's files and provide the Committee with an overview for next meeting.
- There was discussion about what mechanisms are in place to protect natural heritage features (e.g. significant wetlands) from farming activities, such as tile drainage, that could negatively impact such features. It was questioned as to whether a significant wetland with water quality issues would still be considered significant and, if so, whether there are tools available to restore such features. Planning staff

noted that the determination as to whether a natural feature is significant and/or ecologically important based on a range of scientific criteria and they do not specifically address water quality. It was further noted that site alteration within or adjacent to a wetland would be subject to review by the CA under their regulations and that the County of Oxford other partners have various incentives and stewardship programs that are available to assist in the restoration and enhancement of wetlands and other natural features.

- There were a number of questions regarding the Official Plan policies that may be developed based on the County natural heritage systems study and the impact they may have on agricultural activities, given that the majority of the natural features identified in the study have been determined to be 'ecologically important'. Planning staff indicated that proposed updates to the natural heritage policies are anticipated to have limited additional impact on existing agricultural operations and cropped areas, given that the majority of the natural features identified in the study are already protected through other measures. However, one of the key considerations in updating the natural heritage policies will be to try to minimize potential additional impacts on agricultural operations.
- There was some discussion regarding how natural features are identified in the ONHSS and Conservation Authority regulations and, whether there is site level confirmation. County Planning staff and UTRCA staff indicated that County/watershed-wide mapping of natural features is typically undertaken initially at the landscape (desktop level), but may be supplemented/refined by more detailed site level studies in certain areas (e.g. environmental impact study or subwatershed studies etc.). This landscape level mapping serves as an information tool for 'flagging' the need for review of potential impacts of proposed development or site alteration on the natural heritage system and features. Site level confirmation (e.g. presence, geographic extent and ecological importance of the features) typically occurs as part of the development review process.

Action Item No. 1: Planning staff to follow up with the County's Risk Management Office with respect to identification of the vulnerable areas from the Source Protection Plans on the County's on-line mapping and the Source Protection Plan requirements for activities within such areas.

Action Item No. 2: A summary of the previous minutes, from the years 2008 and 2009, if available, will be provided to the Committee members in advance of the next AAC meeting.

Item 4.) Woodlands Conservation By-law Update

Planning staff gave a presentation which provided an overview of the County's Woodlands Conservation By-law (WCB) update process, including a summary of the proposed draft changes to the WCB, feedback obtained from three recent public information sessions and next steps. It was noted that the County will be undertaking further consultation on the proposed updates in early 2017.

The AAC had a number of questions and comments with respect to the proposed updates to the WCB, including:

- A request for clarification as to whether the County is still in the consultation stage on the WCB and that the presentation provided to the AAC is essentially the same as what was provided at the public information meetings. Planning staff confirmed that the WCB is still in the consultation phase and that the presentation was the same, but with an updated summary of public comments.
- Members generally concurred with the concerns/issues identified through public consultation and expressed customer service concerns with respect to implementation and enforcement of the WCB.

County staff indicated customer service concerns are already being reviewed and, for the most part, are not directly contingent on the proposed By-Law updates.

- It was suggested that the County should consider splitting the existing by-law into two separate by-laws, one for simple tree cutting and one for sustainable forestry/woodland management, or that there be a plain language guideline or factsheet to help farmers quickly understand what regulations apply to tree cutting on their lands and associated processes (e.g. when they do and do not require a permit).
- General discussion about how the By-law will address the removal of treelines and the maintenance/trimming of woodland edges to ensure they don't encroach into farm fields. Staff noted that the proposed by-law updates would currently allow for exemptions for trimming (not tree removal) along field edges, but different approaches are still being investigated for the updated by-law. It was generally agreed that a clearer and simpler process is needed to ensure farmers can reasonably manage their field edges and tree lines.
- It was suggested the County's natural heritage incentive programs (e.g. Clean Water Program) may benefit from review and updates. Staff noted that the review of existing natural heritage incentives programs is a recommendation of the ONHSS and that the County recognizes that such incentives are key to long-term natural heritage system restoration and enhancement. The County currently provides funding/incentives for various natural heritage projects (woodland and wetlands enhancement, fragile land retirement) through the Clean Water Program. County staff are not aware of any qualifying natural heritage related projects that have been deferred/denied due to lack of funding. However, moving forward, the County and groups like Re-Forest Oxford hope to increase the number of projects and incentive program uptake through increased awareness of available programs and incentives and that may eventually lead to a need to review funding levels. County staff expect to be consulting with the AAC on any potential/proposed updates to the County's stewardship programs and funding incentives when that phase of ONHSS implementation is initiated.
- Concern was expressed with respect to agricultural practices being undertaken on Conservation Authority owned lands and, in particular, that some of the land being cropped would be more appropriate for tree planting or re-vegetation to increase natural cover, protect watercourses and reduce erosion. UTRCA staff noted that long-term management plans (with BMPs built in) are prepared for each farm they owned by the UTRCA and that Wildwood has under gone extensive reforestation over time.
- Tree deaths from invasive species were raised as an issue. County staff noted that cutting dead trees is not currently restricted by the WCB.
- There were concerns about how the height and size of trees are to be measured and which tree species are subject to the WCB (e.g. sumacs and buckthorns). It was felt that the WCB needs to be clear enough for a farmer to determine if a particular tree is regulated by the By-Law.
- It was noted that municipalities should undertake similar practices to those they expect from farmers (e.g. edge trimming, weed spraying, harvesting or chipping lumber if trees are removed).
- The distance between treed features (e.g. 20-30 m) for them to be considered part of the same woodland was discussed. Currently, the by-law has no specific guidance on this distance (only a definition of woodland and provisions for total tree densities). County staff indicated that any proposed distance in the updated By-law should be scientifically-based and established in consultation with other jurisdictions/agencies.
- It was recognized that County Staff and farmers have similar objectives to protect farmland as the farmland in Oxford County is some of the best land in Ontario.

- Issues with the enforcement of the by-law were discussed and, in particular, first contact with the WCB officer. It was noted that County staff often disagree with the forestry industry/certified loggers on various issues, and that there should be a clear and simple way to resolve disputes when they occur.
- More provisions for 'off-setting' and/or 'compensation' should be considered as part of the updated WCB.
- The process going forward will likely involve a Council discussion prior to another draft being released. A new by-law draft will be provided to the public at the same time as the AAC.

Item 5.) Natural Heritage Policies

County planning staff presented on the various updates to natural heritage policies and mapping in the County Official Plan that will likely need to be considered to ensure the County's policies are consistent with the related policies in the 2014 Provincial Policy Statement. It was noted that the required updates are expected to have limited additional impact on existing agricultural uses, as the majority of the natural features and areas identified in the ONHSS are already protected by existing measures (e.g. woodland conservation by-law and conservation authority regulations). However, incorporating the updated natural heritage policies and mapping into the Official Plan is expected to improve public awareness by better ensuring property owners, potential purchasers and others making land use decisions are aware of the presence of natural features on a property and any applicable policies and regulations.

The primary focus of the Official Plan policies will be on ensuring development and site alteration within and adjacent to natural features and areas does not have a negative impact on the features and areas or their ecological functions and that the natural heritage system is maintained, restored and, where possible, improved, particularly when development for non-agricultural purposes is being proposed (e.g. settlement expansions, aggregate extraction operations, recreational uses etc.). Environmental impact studies (EIS) may still be required to evaluate the impacts of proposed agricultural development (e.g. a new livestock barn) within or adjacent (e.g. 120 m) to certain natural heritage features and areas (e.g. woodlands and wetlands), however, the intent is to establish appropriate scoping and waiver criteria (e.g. based on the location, nature and scale of development) to limit the potential impacts on agricultural operations.

The next step in the process will be to finalize a public consultation draft of the natural heritage policies and mapping in consultation with the Province, Conservation Authority and Area Municipalities, followed by an extensive public consultation program, which will include further consultation with the AAC. In addition to the Official Plan policy updates and review of the County Woodland Conservation By-Law, there are a number of other natural heritage related implementation measures that are proposed to be undertaken, including developing/revising Environmental Impact Study guidelines, updating the natural heritage feature mapping and provisions in Area Municipal Zoning By-laws, ensuring consistent natural heritage review services across the County and reviewing and updating natural heritage incentive programs.

Following is a summary of the comments and questions raised by the AAC in response to the presentation:

- Efforts should be made to try to ensure rural property owners are made aware of any consultation being undertaken with respect to potential policies and/or regulations that may affect their property. It was suggested that some form of mailing to property owners should be considered as part of the public notification process. Planning staff discussed various public information/consultation measures that were currently being considered, including updates to the County's natural heritage webpage (with links to natural heritage information and resources) coupled with an on-line natural heritage mapping viewer, on-

line commenting through Speak Up Oxford, mailings to land owners, traditional and social media advertising, consultation with AAC and Re-Forest Oxford and public open houses.

- Question regarding the potential impact new policies may have on existing agricultural operations (i.e. cropping) in floodplain areas. Planning staff noted that the cropping of existing cleared agricultural land should not be impacted by any policy changes. However, the proposed policies will likely promote and encourage restoration and improvement of natural heritage system linkages on existing agricultural lands in appropriate locations (e.g. valleylands, riparian buffers along watercourses) through such measures as targeted stewardship incentive programs and conditions of development, particularly non-agricultural development. Members indicated that normal farm practices should not be hindered by any new policies.
- Support was expressed for the County's rural cluster policies and, in particular, identifying such clusters through Official Plan mapping. It was suggested that such mapping should be retained as part of any proposed Official Plan updates.

Item 6.) Next Meeting:

The next meeting will be at the call of the Chair.

Item 7.) Adjournment:

Meeting adjourned at 3:53pm.



MINUTES

Meeting of AGRICULTURAL ADVISORY COMMITTEE July 17, 2017 1:30 P.M OCAB 129B

The meeting of the Agricultural Advisory Committee (AAC) commenced at 1:33 p.m. with the following members and resource staff present:

Attendance:

Members: S. Innes, R. McKinley, G. Howe, D. Veldman, S. Veldman, J. Vanderbas, G. VanDorp, L. Martin, M. Lupton.

Support Staff: G. Hough, P. Michiels, and A. Sloan (Community Planning), T. Lockhart and D. Vermeeren (Public Works).

Regrets: K. Armstrong, S. McDonald.

Before adoption of the Minutes, there was discussion regarding the total number of dairy farms recorded in Oxford County compared to other counties in Ontario. The background information provided to AAC members in advance of the meeting was based on the 2016 Canadian Census of Agriculture. Staff indicated they would be willing to review alternative data sources provided by the members to verify that the background information provided in the future is as up-to-date and accurate as possible.

Item 1.) Adoption of Minutes:

Chair called for a review of the minutes dated December 12, 2016. No errors or omissions were noted and the Committee agreed to accept the minutes as received.

Item 2.) Agenda Items

It was asked if a follow-up/update regarding Source Water Protection could be added to the list of agenda items for this meeting. As there was already a full agenda, the AAC decided to defer any questions regarding Source Water Protection to the end of the meeting, if time allowed. Additionally, G. Hough noted that Source Protection is not a topic that County Council has asked the AAC to provide feedback on.

Item 3.) Woodland Conservation By-law

G. Hough reviewed the public/stakeholder consultation process for the Woodland Conservation By-law (WCB) Review. Since the last AAC meeting, many changes have been made to the draft by-law (now referred to as Draft 3.0). The main points of these changes have been provided to AAC members in advance of the meeting (in chart form), as well as the draft WCB. Public works staff were also present at the meeting to answer any questions regarding the enforcement and/or administration of the by-law.

Some of the feedback and discussions with AAC members during the presentation, included the following:

- The recommendation to simplify and/or update some of the definitions/terms was generally supported (e.g. *woodlands*, *good forestry practices*, and the wording around *permits*);
- It was requested that the need for a definition, or reference, to the term 'good forestry practices' be re-examined (and potentially removed), as it may imply a specific action or practice (i.e. a guideline) that does not necessarily exist since 'good forestry' itself is determined by the issuer of the exemption and/or enforcer of the by-law (based on the landowner's practices) and may be subjective (i.e. 'grey area');
- The circumference harvest, term to refer to the basal area, could be re-established at a slightly higher density. Sixteen square metres of trees per hectare is a typical threshold for Southern Ontario. AAC members asked staff to describe how that selection process would happen in practice, and asked what the Conservation Authorities' involvement could be in assessing that threshold on behalf of individual landowners. County staff described the circumference harvest assessment and were unsure if the CAs would proactively assess individual woodlots;
- AAC questioned why there are references to aesthetics of the woodlot in the WCB. Staff noted that aesthetics are a good representation of overall health. It was a concern that the reader/landowner would not necessary see that co-relation, and perhaps less vague wording should be used.
- There was discussion regarding the membership process for the Ontario Professional Foresters Association (OPFA) and their Code of Practice (i.e. whether or not there is a standardized tree marking process for all OPFA members). Staff noted it is largely up to the discretion of the by-law officer, but the officer is required to ensure every marking can be justified. Since the OPFA is a self-regulated profession, their membership status could be suspended/revoked. Staff noted that the overall health of the woodland is the main goal in order to implement 'good forestry practices'.
- AAC members questioned the composition of the Board responsible for granting exemptions to the by-law. D. Veldman arrived.
- There was a general sentiment that the WCB Appeal Committee should be composed of largely (or solely) 'peers' (i.e. other bush-land owners, farmers, etc.) and that there is a problem if the Appeal Committee's membership is weighted one way.
- There was a question regarding the types/number of exemption requests the committee would hear. G. Hough noted there was not many over the course of the year (5-6) and that the Land Division Committee currently operates as the body that hears the request. He explained some examples of the types of activities that would need to be exempt.
- It was questioned how stop work orders could be issued on woodlands smaller than one hectare, if the WCB does not apply to woodlots under that size. Staff explained that stop work orders were issued if contravention to the WCB was suspected, and that they would be reversed if found in compliance (and also if woodland was under 1 ha in the first place).

- The goal of creating an ‘atmosphere of compliance’ was discussed between staff and the AAC members, with the hope that a simple phone call (to the County WCB officer, in advance of cutting) would solve many of the existing issues.
- There was a question regarding the Ontario Cutting Standards and what they entail. Staff responded that the term ‘good forestry practices’ is the standard term that replaces older standards of practice, such as the Ontario Cutting Standards. The only piece of legislation that would supersede the County’s WCB would be the Forestry Act (provincial legislation).
- Staff noted that the practice of good forestry is largely about the stock that is ‘left behind’ – not in how much you take/harvest. Often the biggest pressures occur in the year before a farm is sold, as the landowner hopes to realize the value of the harvestable trees (a value that does not get captured in the sale value).
- Dead ash trees were noted as an issue for many farms/farmers. The WCB does not apply to dead trees, but a high percentage of dead ash in a woodlot could affect the circumference harvest calculation. AAC asked if the County was considering incentivizing the cutting/clearing of dead ash.
- The AAC asked for clarification on the determination of a ‘tree’ under the by-law – i.e. does it need to be chest high to be subject to the WCB? Staff noted that a ‘tree’ can be any size and the County received confirmation from the MNR that this interpretation was accurate.
- AAC members noted that the scrutiny placed on woodland conservation/protection in Oxford seems to oppose Provincial direction to clear cut areas of Crownlands in Northern Ontario for new cattle farming/ranching operations.
- AAC members questioned if the root of woodland conservation is for ‘greater public good’ than perhaps society should be ‘picking up the tab’. This was discussed from various perspectives.
- The threshold size for a woodland area under the by-law of one-hectare is Provincially identified, and the County has no authority to make the area smaller. Although individual Area Municipalities can designate smaller woodlots as significant to meet local needs.
- There was discussion regarding the exemption that municipalities have (for their own operations) to the WCB. This exemption is under the Municipal Act. Conservation Authorities are not exempt from the WCB, nor are developers.
- G. Hough noted the exemptions to the by-law provided under the Municipal Act, which have been clarified and moved to the body of the by-law (from an appendix). With respect to non-Municipal Act exemptions (i.e. those implemented by the municipality) the previous draft by-law referred to the ability to cut 20 cords or 20 logs of wood for personal use. The new draft by-law (Draft 3.0) has been modified to allow for taking 20 trees with no stipulation they are for personal use. There will still be a caveat to maintain density.
- Staff noted that consideration was given to the exemption of certain tree species (i.e. hawthorne, sumac), but felt that new exemptions in the WCB would enable landowners to maintain/address potential problems with these bush-type species. For instance, there will also be an exemption for managing trees around laneways and those without ecological functions. Fencerows/hedgerows wider than 20 metres would still generally be subject to the WCB.
- G. Hough noted that the fees have largely been eliminated, except the fees for exemption requests (in order to pay the Board/Appeal Committee members).
- The next steps of the process are to summarize all the consultation material that has been received to date and inform Council of the potential changes to the WCB in the fall of 2017.

Following the presentation, AAC members had the opportunity to express their concerns and introduce any new questions and/or thoughts. The following ideas were discussed:

- Could the word 'drip line' be removed from the WCB? Would it not be easier to measure from trunk to trunk? Staff noted what is easier to measure on the ground may not be the easiest way to measure from an aerial, but agree that measuring from the drip line could prove difficult. Consideration will be made to this change in order to ensure the appropriate ecological boundary is protected/maintained.
- Should windbreaks not be considered a 'plantation' as they are trees planted for commercial gain (although not specifically for the harvest of the tree itself)? Staff noted if there is no ecological value, than windbreaks would generally not be considered under the WCB anyway.
- Question as to when the Oxford Natural Heritage System Study was approved? Staff indicated that the draft study is completed and has been received by County Council, but not yet adopted. The intent is to bring the study back for Council adoption following consultation on the related Official Plan policies and proposed Woodland Conservation By-Law updates.
- Would the feature designations in the natural heritage study be 'locked in'? Staff indicated that the study is primarily an information tool to assist in identifying the County's natural heritage system and 'ecologically important' natural features. This information is to be used primarily for the initial screening of future development proposals (e.g. those that require a planning approval such as a zone change) for potential ecological impacts. Site level confirmation of the boundaries and ecological importance of the natural features identified in the study would then generally be undertaken as part of the development review process (e.g. through CA review and/or an Environmental Impact Study).
- AAC members questioned the accuracy of the current CA regulation mapping (e.g. wetlands) and noted there was little consultation with farmers/landowners on that mapping. Staff indicated that the Conservation Authority regulations and related feature mapping updates are undertaken directly by the CA and are independent from the ONHSS mapping. Therefore, the CA regulations would apply to development or site alteration within a CA regulated area, regardless of the ONHSS feature mapping and associated Official Plan policies.
- Can the draft Oxford Natural Heritage System Study (ONHSS) be made available to the Committee members? Staff indicated that the draft study was received by County Council, so that is a public document that could be shared with the Committee.
- Is anything in the ONHSS going to stop a farmer from expanding their own private drainage? Staff noted that the ONHSS simply identifies the County's Natural Heritage System and component 'ecologically important' natural features and areas. The PPS and Official Plan (OP) set out the permitted uses and requirements for review of development on, or adjacent to, those features. The OP policies generally apply only to 'development' that requires an approval under the Planning Act (zone change, minor variance, consent to sever etc.). Therefore, drainage works that do not require a Planning Act approval (e.g. are not associated with a building or development requiring such approval) should not be directly affected by the ONHSS and associated OP policies. However, private drainage works (i.e. not covered under the Drainage Act or exemptions provided through the Municipal Act) would still be subject to any applicable provisions of the County WCB and may still be considered 'site alteration' and subject to Conservation Authority review and permits, if located within a CA regulated area.
- Question as to whether a barn expansion would trigger an Environmental Impact Study (EIS). Planning staff noted that any development requiring a planning approval or building permit within, or adjacent to (e.g. within 120 m), a significant natural heritage feature may require the preparation of an EIS to demonstrate that the proposed development will have no negative impacts on the natural feature. The current OP policies provide exceptions for minor additions to existing buildings (e.g. barns) developed and located on existing cleared land (e.g. adjacent to a feature, but not within) and for other development where the Conservation Authority has determined an EIS is not necessary. Similar exceptions are

intended to be maintained in the proposed updates to the OP policies. However, if the proposed barn expansion is located within a Conservation Authority (CA) regulated area, the CA may still require the preparation of an EIS through their regulatory authority, which applies regardless of the OP policies.

- Question regarding the ability to trim trees that are on a property line and the need to consult your neighbours. Staff noted this would be cleared up in the next version of the WCB.
- Should there be a definition added for the word 'tile' to the WCB? G. Hough will examine if this is necessary.
- Staff noted the idea of changing the composition of the WCB Exemption Board will be examined further.
- Also, a fact sheet style, simplified plain language document on the WCB (for distribution to various farm organizations) was requested and is being planned for the final iteration of the by-law.

T. Lockhart, D. Vermeeren excused themselves.

Item 4.) Agricultural Policy Discussion

P. Michiels, County Manager of Strategic Policy, presented an overview of the policy direction being considered by Planning staff for proposed updates to the agricultural policies in the County Official Plan (OP).

Updates to the County's agricultural policies are required to ensure they are consistent with the 2014 Provincial Policy Statement (PPS). It was noted that the Province is the approval authority for such OP amendments and have the authority to modify any policies adopted by the County to ensure they are consistent with Provincial legislation and policy.

Planning staff are currently consulting with Area Municipal staff and seeking feedback from the AAC to inform the preparation of a consultation draft of the agricultural policy updates. Further consultation with the AAC and the broader public will occur prior to Council consideration of any final draft policies for adoption.

In addition to ensuring consistency with the PPS, these policy updates are intended to clarify the goals and objectives for the agricultural policies in the hopes of improving the public's understanding of their intent and purpose. Following is a general overview of the discussion on specific agricultural policy areas:

Agricultural Uses/severances

- The AAC noted that it may be challenging to determine at what point a legitimate 'value-retaining facility' on a farm has expanded into a commercial operation (e.g. a grain drying operation serving more than one area farm).
- The current 75 acre minimum parcel size for agricultural lot creation in the Official Plan and the Provincial 100 acre minimum parcel size standard were discussed. Planning staff noted the agricultural severance policies are intended to limit further agricultural land fragmentation and ensure the size and configuration of new or reconfigured farm parcels provides sufficient flexibility to accommodate future changes in farming operations. A 100 acre minimum agricultural parcel size is already the standard in many County/Regional Official Plans in Southern Ontario and will likely be proposed by the Province through their approval of the County's proposed OP amendments.
- Question as to whether there was currently a 'healthy' mix of agricultural parcel sizes in the County to support a range of agricultural operations. Staff noted that the County contains a broad range and geographic distribution of farm parcel sizes which would already appear to provide opportunities for a broad range of agricultural operations, including specialty agricultural uses.

- The policies for additional on-farm residences was discussed. Staff noted that the intent is to clarify and enhance the criteria for establishing second/additional dwellings on a farm parcel, particularly permanent dwellings, to better ensure that such additional dwellings are both necessary and located so as to minimize loss of agricultural land and impacts on farming operations. The AAC noted that placing appropriate limitations on the establishment of additional dwellings in rural areas is important, as they can be barriers to expanding farm operations, particularly livestock operations.

Existing Undersized Agricultural Parcels

- Planning staff explained that the intent of the OP policies for existing undersized agricultural parcels (e.g. <40 acres) is to ensure that, wherever possible, existing under-sized agricultural parcels are utilized for sustainable agriculture over the long term and do not simply become estate residential lots/hobby farms. As such, the policies only allow for construction of a dwelling if it has been clearly demonstrated that it is necessary to support a viable farm operation on that parcel (e.g. will be accessory to the farm).
- The AAC discussed an alternative of potentially allowing for the construction of a dwelling on a small portion (e.g. 1 acre) of an existing undersized agricultural parcel provided that the remainder of the lands are legally merged with an abutting larger agricultural parcel and various other criteria are satisfied. These criteria would include ensuring the dwelling location/retained rural residential lot is located so as to minimize potential impacts on agriculture and that a substantial amount of agricultural land will be merged with the abutting agricultural parcel.
- The AAC reiterated concern with respect to allowing additional residential dwellings/lots to be created in agricultural areas. However, it was noted that the proposed policy approach may be a reasonable compromise if it would help to reduce agricultural land fragmentation and ensure the productive agricultural land on such parcels can be secured for long term, viable agriculture. The AAC noted that MDS implications and limiting impacts on agriculture land and operations should be key considerations in establishing the location of the building lot. Further, it was noted that the price the owner might obtain for the agricultural portion of their lands may be limited by the fact that they must be merged with/sold to an abutting farm. This may affect the level of owner interest in pursuing this option.
- The AAC also discussed the option of allowing for a dwelling to be constructed on existing undersized lots that have no reasonable potential to be used for future viable agriculture due to their small size (e.g. < 2.5 acres) or extent of natural features (e.g. woodlands & wetlands) and/or natural hazards (e.g. erosion hazard areas), subject to satisfying appropriate review criteria. The primary focus of the AAC comments was on ensuring that such development complies with MDS and that potential impacts on surrounding agricultural operations are addressed.

Rural Business Use Policies (e.g. on-farm diversified & agriculture-related uses)

- Planning staff provided an overview of the policy approach being considered for 'on-farm diversified uses'. The intent of the policies is generally to allow for a farmer who is actively involved in the farming operation to establish a small business or value added agricultural/agri-tourism use as a secondary use on their farm and to ensure such uses are secondary to the farm, limited in size/area, compatible with agricultural operations and do not negatively impact settlements.
- The AAC questioned whether commercial grain drying operations, saw mills, and welding shops would be considered an 'on-farm diversified use' and if MPAC assessment of those uses would led to higher taxation of the farm (i.e. if they required re-zoning). Planning staff noted that such uses could potentially be considered to be an 'on-farm diversified use' in certain circumstances (e.g. if they complied with the

various size, scale, location and compatibility criteria for such uses). It is staff's understanding that MPACs assessment of a commercial or industrial use on a farm would be irrespective of the zoning.

- It was questioned whether an 'on-farm diversified use' would be protected by Right to Farm legislation. Planning staff are not familiar with the specific provisions of the Right to Farm legislation, however, it was noted that on-farm diversified uses are not considered 'agricultural uses' in accordance with the definition in the PPS.
- The AAC cited examples in other municipalities where a farm was divided into smaller parcels (e.g. 5 acres) through a condominium process to support groups such as the Amish who rely heavily on individual on-farm businesses to serve their community's need. Planning staff are not aware of any provincial policy provisions or exceptions that would allow for such small parcels/uses, other than potentially designating the area as a rural settlement, as such lots would not be of a size appropriate for the type of agricultural uses in the area or sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations.
- The policy options being considered for agriculture-related uses were discussed. The AAC cited a number of businesses in the County that would likely be considered agriculture-related uses. The AAC expressed general support for allowing such uses in agricultural areas if they are clearly supportive of farming and could not reasonably be located within a settlement.
- The AAC discussed the option of introducing policies into the OP to allow for the establishment of a 'Rural Entrepreneurial Use' on an existing rural residential lot. The intent of the policies would be to allow for a business to be established on such properties as a secondary use to the residential use, but that exceeds the size of a home occupation. This would provide for additional live-work opportunities in the rural area without consuming additional agricultural land or creating new points of conflict for farming operations. Further, it is hoped that allowing for such uses will serve to reduce competition for farm parcels from non-agricultural related business uses. The establishment of the use would require a zone change to ensure the type, scale and location of the use is secondary to the residential use, would not create compatibility concerns and not conflict with the service function of settlement areas.
- The AAC questioned whether rural entrepreneurial uses could potentially introduce additional compatibility issues for surrounding farms (i.e. complaints about farm operations, traffic etc.) and if there would be any MDS or tax implications. Planning staff noted that the intent is to limit the type and scale of permitted uses to avoid compatibility issues and conflict with settlements and that any proposed zoning would still be considered primarily residential, but with expanded provisions for a secondary business use. Therefore, it should not increase the required MDS setbacks. Again, it is staff's understanding that the MPAC assessment for tax purposes is based on use and is not dependent on zoning.
- It was questioned why stand-alone office uses would not be permitted as a 'rural entrepreneurial' or 'on-farm diversified use'. Planning staff noted that small scale office uses are permitted as home occupations. However, larger business/professional and medical/dental offices, retail uses and restaurants are directed to settlement areas, as they are considered key to the commercial service function of Villages and to maintaining the viability and vitality of Village Cores. Further uses, like offices, that have a considerable number of patrons and/or employees have greater potential to create compatibility issues for agricultural operations. However, if such a use can clearly justify the need for a rural location, it could still be considered on a site specific basis through an Official Plan amendment. With new policies, it is often prudent to take a more cautious approach and consider site specific exceptions, if necessary, than to be too permissive and later realize the policies have created an issue that is then difficult to reverse.

Non-Agricultural Uses in Prime Agricultural Areas Policies

- The need to provide opportunities for sustainable residential and employment growth, while minimizing potential impacts on Oxford County's growing agricultural industry was discussed. The AAC raised concerns with respect to allowing for additional rural residential uses in agricultural areas and, in particular, the loss of agricultural land, negative impacts/restrictions on livestock operations and impacts of septic systems on groundwater resources.
- Planning staff noted that the focus of the current PPS and OP policies is on accommodating growth through compact development and intensification within and, where necessary, expansion of settlements with full municipal services and through minor infilling and rounding out within existing un-serviced or partially serviced settlements (e.g. villages and rural clusters). Focusing growth in fully serviced settlement areas allows for more compact development and efficient use of land, infrastructure and public services. For example, residential development in a fully serviced rural settlement in Oxford is typically a minimum of 6 units per net acre as compared to 0.7 acres for a single dwelling on private services.
- It was noted that most of the Township's have sufficient lands designated for residential development within their fully serviced villages to accommodate forecasted residential growth for the current 20 year planning horizon. Further, there are additional opportunities to accommodate rural residential growth through minor infilling and minor rounding out in existing un-serviced/partially serviced rural settlements (e.g. villages and rural clusters) in each of the Townships. A review of rural settlement area boundaries (e.g. villages and serviced villages) is not part of this OP review phase. However, more specific delineation of the settlement boundaries of existing Rural Clusters (e.g. the smallest classification of rural settlement) is being considered to better identify which lands are contained within those settlements.
- Other options being considered to make efficient use of non-agricultural lands for rural residential growth include splitting of existing rural residential lots that are large enough to accommodate a second dwelling and septic system. However, it is not known whether the Province would support this option.
- It was questioned whether urban areas could be required to 'grow up versus out'. Planning staff explained that the OP policies do establish minimum density requirements and intensification targets for fully serviced urban areas. The minimum density requirements ensure that new greenfield development makes efficient use of land and provides a mix of housing types (e.g. not just single detached dwellings), while the intensification policies support infilling and re-development for higher density residential uses in appropriate locations in existing built up areas, such as in and around the downtown, near public services and at the intersection of major roads. However, the intensification policies cannot force re-development to higher densities, it is still largely dependent on market demand and willing landowners/developers.
- The AAC commented that the land surrounding Woodstock (and in the rest of Oxford) is some of the best in Canada and considered 'world-class' and, therefore, there should be a 'high threshold' for allowing the development of non-agricultural uses on it.
- Planning staff explained the planning process for settlement expansions, including the need for a 'comprehensive review' to be undertaken to demonstrate that additional land is needed to accommodate forecasted growth over the 20 year planning period and that alternative directions for growth have been evaluated to determine the most appropriate location taking into consideration various matters of provincial interest (e.g. impact on agricultural land and operations, natural features and areas etc.).
- The AAC noted that recent rural school closures/re-locations could significantly impact the ability for some rural municipalities to attract residential growth to their communities.

- The OP policies pertaining to severance of surplus farm dwellings were discussed. Planning staff noted that Oxford's current policies (e.g. requiring farms to be abutting and merged as one parcel under identical ownership) are somewhat more restrictive than permitted by the PPS. The County's approach limits potential future conflicts from non-farm residential development and does not restrict future use of the consolidated agricultural parcel for a viable farm and dwelling in the future. The AAC seemed to express generally support for the current approach. One challenge noted is that landowners in Oxford may not understand why they can't sever a surplus dwelling, when a farmer in a neighbouring municipality can.

In closing, the Chair recognized the challenge of developing policies that are reasonable, flexible and achieve their desired outcome (for the long term use of land), while at the same time trying to ensure they aren't vulnerable to misinterpretation or misapplication by those who may want to ignore or abuse those policies.

Action Item: Staff to distribute the policy framework slideshow to AAC members following the meeting.

Adjournment – 4:49 p.m.

Next Meeting: "at the call of the Chair"



MINUTES

**Meeting of
AGRICULTURAL ADVISORY COMMITTEE
March 26, 2018
1:30 P.M.
OCAB 221**

The meeting of the Agricultural Advisory Committee (AAC) commenced at 1:30 p.m. with the following members and resource staff present:

Attendance:

Members: G. Howe, S. Veldman, J. Vanderbas, G. VanDorp, L. Martin, M. Lupton.

Support Staff: G. Hough, T. Lockhart, H. McClure

Item 1.) Adoption of Minutes:

Review of the minutes dated July 17, 20167. No errors or omissions were noted.

“Motion to accept minutes as received.”

Moved by: S. Veldman

Seconded by: M. Lupton

CARRIED.

Item 2.) Discussion on Updates to the Woodland Conservation By-law

G. Hough reviewed what stage we are at in the process with regards to the Woodland Conservation By-law (WCB). The draft By-law has gone to County Council. Three public meetings were held in November, 2017. There have been a few additional changes to the By-law since the last WCB draft was discussed at the last AAC meeting back in July, 2017. The discussion the AAC members had with regards to these changes is summarized below:

- The exemption of applications will be left more in the hands of County staff as opposed to going through the committee process. This will result in a faster approach overall.
- It was suggested that applications could still go to committee if deemed necessary by the applicant.
- S. Veldman suggested that applications could come through the AAC. G. Hough suggested that there may not be enough applications to warrant this, and points out that a process is already in place. S. Veldman suggests that the whole committee may not be necessary, but that the committee would have to ensure that there were no conflicts of interest.

- G. Hough states that the drip line definition has been removed. It was too hard to interpret. A presentation by the UTRCA at a recent Council meeting was referenced where they reported on tree loss findings. The amount of tree loss may have been exaggerated based on the use of old imagery for the analysis, and also due to the angle the imagery was captured at. This can make a big difference when determining tree cover. Another example was given from a committee member about a union gas study where shadows were present on the imagery.
- G. Howe inquired about the ash tree cover and if the loss of this type of tree was considered.
- The committee had a brief discussion on nuisance beavers and how to manage them.
- G. Hough discussed the “own use” provisions in the By-law. References to “logs” were removed and replaced with “trees” instead. An attempt was made to try and capture legitimate “own use” trees, but it is hard to determine how much any one individual may use for personal use. It used to be 20 trees, but now a landowner can take more, but not enough to buy, sell or trade. The new threshold is roughly 20 trees/ha (with trees measuring approx. 10-12 inches in diameter). A landowner cannot take out so many so the area is no longer deemed a woodlot. Good forestry practices must be upheld. The new By-law is intended to incorporate a little more flexibility.
- J. Vanderbas inquired about cutting down trees for building purposes. T. Lockhart comments that this would be considered “own use”.
- T. Lockhart states that the aim was to alter the By-law to match more closely with how landowners already behave. He states that you can’t take out so many trees that the canopy is reduced. Dead trees do not fall under the By-law.
- G. Hough states that the aim was to create a By-law you can easily enforce while still being reasonable as well, realizing landowners will be removing some trees for personal use.
- G. Howe inquires about the measurement for separation. G. Hough discusses section 1.38 and the change in size for unforested corridors. The value has been changed to 20m from 30m. A road is sufficient to create a natural separation of a woodlot

Action item – under section 1.38, the reference to 98.4 ft needs to be adjusted to 66 ft

- G. Howe inquires about section 4 (Drainage Works) and specifically about subsection ii). T. Lockhart explains that a property owner must abide by the drainage act and must comply with the By-law. If a woodland is removed for the purposes of putting down tile drainage, then that woodland must be replaced. G. Howe is concerned that woodlands take a priority over farmland and about farmers being penalized in this case. He asks what will happen if a property owner does not have enough land to re-plant the trees. T. Lockhart explains that a property owner could apply for an exemption. Municipal drains are not covered by the By-law. G. Howe states that the By-law should be more flexible, but T. Lockhart states that if a request is reasonable then he is open to reviewing it. As long a property owner calls ahead to discuss and is reasonable in their request, then he will be open to discussions.
- S. Veldman states that if trees are being cut down, then they should be harvested correctly and put to good use. G. Hough states this is something that can maybe go into a guidance document.

- G. Vandorp asked if there was any restriction on trucking distance. T. Lockhart states there are only restrictions across the Canada/U.S.A. border. No restrictions exist in Southern Ontario.
- J. Vanderbas inquires about ash trees. T. Lockhart explains that parasitic wasps were released last summer and have lasted through winter and are being used to try and control the emerald ash borer. He states that our native woodpeckers will also eventually help control the borer populations. The borer infestation will be cyclical now. They will return again in such numbers. He states it is really only a problem where the density of ash trees is high.
- G. Howe inquires as to whether there are any exemption species in the By-law, such as buckthorn or sumac. G. Hough states there are no exemptions at this point.
- T. Lockhart states that knocking back hedgerows is okay, and is already built into the By-law. Hedgerows aren't typically covered by the By-law and can be removed. They are exempt up to the edge of the woodlot. In general, a wind break (or hedgerow) cannot replace a woodlot as this no longer qualifies as a woodlot. Only very wide hedgerows may act as a linkage and therefore, may not be exempt.
- G. Hough states there is a need to be able to interpret and have some wiggle room within the By-law
- An inquiry was made about old nurseries. G. Hough responds that if it was left to grow wild, then it may now be considered a woodlot and is subject to the By-law. But a property owner could always apply for an exemption.
- M. Lupton states the goal is to try and keep as many of the applications out of the courts as possible. This will be the measure of success. G. Hough says it is all about how you enforce the By-law.
- S. Veldman asks about measurement of the trees including the roots. This is no longer the case. Measurements are now straight forward/easy.
- G. Howe inquires about Cherry trees. T. Lockhart states if it is alive then it is counted as a tree, regardless of size.
- G. Vandorp asks about cutting of branches on outside trees. T. Lockhart says this is okay. Committee members have a discussion about roadside tree trimming alternatives.
- J. Vanderbas asks about control of sumac and other soft species and keeping them in check, as they tend to attract more pests. Committee members have a discussion about roadside spraying practices. Some debate as to whether the township/County still does this and if they are still allowed to do this, and what for. There was some discussion on spraying less frequently, like only every 2 or 3 years.
- S. Veldman states that reference to the corporation has been removed. The By-law is more streamlined.
- G. Hough states that he would like to present the final By-law to Council at the end of April. He states that anyone from the Committee is welcome to come and speak. He hopes for final approval of the By-law in May.
- L. Martin stated that there was a big difference between the first and second round of public consultation meetings. G. Hough states that customer service has been improved thanks to T.

Lockhart. Direction and guidance has been improved. M. Lupton states that less phone calls on the subject is a good thing.

Item 3.) Other Business

- J. Vanderbas stated that Council seems to have less agricultural representatives, and explained that there needs to be more of a two-way forum. Currently, a complaint goes from Council to staff. He suggests there could be a way for complaints to go directly to Staff.
- J. Vanderbas comments on the half-load season on gravel roads and its impact on farm operations.
- M. Lupton states that Council has to represent both sides.
- J. Vanderbas states that some things could be saved from going through Council.
- J. Vanderbas has questions about the Source Water Protection process. He states that we are 2-years into implementation and he still is unsure on how the program will roll out to property owners.
- S. Veldman stated there is a need for more AAC meetings to occur, as there are many topics for discussion.
- G. Hough points out that the agricultural policies will come back to the AAC at some point, but there is a process to follow. First they need to be taken to local councils.
- J. Vanderbas comments on local councils being able to comment on applications, and G. Hough states that CBOs and township staff get a chance to comment on all applications especially when MDS is involved.
- Committee discusses the OFA tax presentation to Council that is scheduled for Wednesday March 28th, 2018.
- J. Vanderbas comments on pharmaceuticals in the sewage/NASM supply, and the committee has a discussion surrounding the quality of NASM received from various locations.

Action Item – Set a tentative date for next meeting (aim for end of November/early December)

Adjournment – 3:10 p.m.

Next Meeting: TBD, aiming for end of November/early December

Woodlands Conservation By-law

Summary of Changes to from Current By-law (2004) to Draft By-law for Approval (May 2018)

Current 2004 By-law (as amended in 2006)	Draft By-law for Council Consideration
<p>Introductory Provisions ('whereas' and 'therefore')</p> <p>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>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 style="list-style-type: none"> • achieving the goals and objectives of the County Official Plan with respect to sustaining the community's environmental and natural heritage resources; • conserving and improving woodlands through Good Forestry Practices; • protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and • enhancing biodiversity and forest resilience to assist the community in adapting to climate change, and other environmental threats to forest health <p>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>

COUNTY OF OXFORD

WOODLANDS CONSERVATION BY-LAW NO. _____

To prohibit or regulate the harvesting, injuring or destruction
of trees in woodlands in the
County of Oxford

WHEREAS s.135(2) of the *Municipal Act, 2001*, R.S.O. 2001, c.25 as amended, (hereinafter referred to as “the Act”) permits the enactment of a by-law by the Council of the County of Oxford (hereinafter referred to as “the County”) to prohibit or regulate the harvest, injury or destruction of trees in woodlands;

AND WHEREAS s.135(7) of the Act provides that a by-law enacted in accordance with s.135(2) of the Act may require that a permit be obtained to harvest, injure or destroy trees and that a municipality may impose conditions on a permit, including conditions relating to the manner in which harvesting, injuring or destroying occurs and the qualifications of persons authorized for this purpose;

AND WHEREAS Council of the County has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:

- achieving the goals and objectives of the County Official Plan with respect to sustaining the community’s environmental and natural heritage resources;
- conserving and improving woodlands through good forestry practices;
- protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and
- enhancing biodiversity and forest resilience to assist the community in adapting to climate change and other environmental threats to forest health.

NOW THEREFORE the Council of the County of Oxford hereby enacts as follows:

1. DEFINITIONS

In this by-law:

- 1.1 “Acceptable Growing Stock (AGS)” means *trees* suitable for retention in the stand for at least one (1) cutting cycle, comprising *trees* of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 “Basal Area” means the area of the cross-section of the stem of a *tree* taken at a point of measurement 1.37 m (4.5 ft) above the point on the *tree* where the ground meets the stump in an undisturbed state at the base of the *tree*.
- 1.3 “Building Permit” means a building permit issued under the Building Code Act 1992, R.S.O. 1992, c.23, as amended, or any successor legislation.

- 1.4 “Business Day” means a day falling on or between Monday and Friday of each week, but does not include New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Remembrance Day, Christmas Day or Boxing Day.
- 1.5 “By-law Officer” means a provincial offences officer or an individual or individuals appointed by *Chief Administrative Officer* for the administration and enforcement of this By-law.
- 1.6 “Certified Tree Marker” means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources and Forestry (MNR) program, or similar program approved by the MNR, and has demonstrated experience to mark in accordance with good forestry practice within Oxford County.
- 1.8 “Chief Administrative Officer” means the Chief Administrative Officer of the Corporation of the County of Oxford.
- 1.9 “Circumference” means the measurement of the perimeter or outer boundary of a stem or trunk of a *tree*, including the bark of the stem.
- 1.10 “Committee” means the Woodlands Conservation By-law Committee or other similarly constituted committee as designated by a By-law of the *County*.
- 1.11 “Coppice Growth” means where more than one *tree* stem grows from a single *tree* stump.
- 1.12 “Council” means the Council of the County of Oxford.
- 1.13 “County” means the County of Oxford or the area up to and including the geographical boundaries of the County of Oxford, as the context requires.
- 1.14 “County Clerk” means the County Clerk of the County of Oxford.
- 1.15 “Destroy”, “Destruct” and/or “Destruction” means any action which causes or results in the irreversible *injury* or death of a *tree*.
- 1.16 “Diameter” means the straight-line measurement, from side to side and through the centre of the trunk or stem of a *tree*, including the bark.
- 1.17 “Diameter Breast Height (DBH)” means the diameter of the stem of a *tree* measured at a point that is 1.37 m (4.5 ft) above the ground.

- 1.18 “Good Forestry Practices” means the proper implementation of *harvest*, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health, and the aesthetics and recreational opportunities of the landscape.
- 1.19 “Harvest” means the *injury* or *destruction* of *trees* through cutting or other mechanized means which results in the irreversible *injury* or death of a *tree* by design and further, includes any work, efforts or attempt to move or gather such *trees* having been cut or otherwise *destroyed*.
- 1.20 “Injure” or “Injury” means any action that causes physical, biological or chemical damage to a *tree*, including any lasting damage which has the effect of inhibiting or terminating its growth but does not include pruning branches for maintenance purposes.
- 1.21 “Local Board” means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities.
- 1.22 “Log” means a portion of a *tree* of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products.
- 1.23 “Logger” means an individual or company or similar group who cuts *trees* for purchase, sale or other profit, on behalf of an *owner*.
- 1.24 “Local Municipality” means each of the municipalities of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, Zorra, Ingersoll, Tillsonburg and Woodstock.
- 1.25 “Owner” means a *person* having any right, title, interest or equity in land.
- 1.26 “Own Use” means a use by the *owner* that does not include the sale, exchange, barter or other disposition of *trees harvested, injured or destroyed*.
- 1.27 “Permit” means the written authorization of the *By-law Officer*.
- 1.28 “Person” means any individual, corporation, partnership, association, firm, trust or other entity and includes anyone acting on behalf or under the authority of such entity.
- 1.29 “Plantation” means a wooded areas where *trees* have been planted or seeded in a pre-determined pattern or rows and are *harvested* for commercial purposes in-keeping with the original purpose of planting or seeding.
- 1.30 “Plot” means a specific area set out for the purpose of measuring the number of *trees* within *woodlands*.

- 1.31 “Point of Measurement” means that point on the *tree* stem or trunk measured above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the *tree*. For *coppice growth*, the ‘point of measurement’ means that point on each *tree* stem or trunk measured above the point of separation, provided that such point of separation is less than 1.37 m (4.5 ft) above the highest point of undisturbed ground at the base of the *coppice growth*, and the same *circumference* or diameter limits apply as for single-stemmed *trees*.
- 1.32 “Registered Professional Forester” has the same meaning as contained in the Professional Foresters Act, S.O. 2000, c18.
- 1.33 “Silviculture” means the art, science, theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of good forestry practice and forest management.
- 1.34 “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.
- 1.35 “Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 m (14.8 ft) at physiological maturity.
- 1.36 “Total Basal Area” means the sum of the *basal area* of individual *trees*.
- 1.37 “Unacceptable Growing Stock (UGS)” means *trees* that have a high risk of dying, and are expected to decline over the next cutting cycle, including *trees* of poor form and/or low quality.
- 1.38 “Unforested Corridor” means a break in the forest cover canopy, including, but not limited to roads, paths, or natural features such as a creek or *watercourse*.
- 1.39 “Watercourse” means a natural or man-made waterway containing flowing water for at least a portion of the year.
- 1.40 “Woodlands” means land, at least one hectare (2.47 acres) in area, including any *unforested corridors* less than 20 m (65.6 ft) in width, with at least:
- (i) 1000 *trees* of any size, per hectare; or
 - (ii) 750 *trees* measuring over five (5) cm (2 in) in diameter at *DBH*, per hectare; or
 - (iii) 500 *trees* measuring over twelve (12) cm (5 in) in diameter at *DBH*, per hectare; or
 - (iv) 250 *trees* measuring over twenty (20) cm (8 in) in diameter at *DBH*, per hectare.

Woodlands do not include a cultivated fruit or nut orchard, a registered *tree* nursery or a *tree plantation* planted and maintained for the purpose of producing Christmas *trees*.

The boundary of *woodlands* shall be defined by the ecological limit of the *woodlands* and not by property boundaries.

Notwithstanding the foregoing, where a *Local Municipality* has approved a By-law to prohibit or regulate the *harvesting, injuring or destruction* of *trees* in *woodlands* within the *Local Municipality*, *woodlands* shall mean land that is identified as *woodlands* in accordance with the definition(s) contained in the local municipal By-law.

Alternatively, where a *Local Municipality* has approved a By-law to delegate authority respecting the prohibition or regulation of the *harvesting, injuring or destruction* of *trees* to the County, *woodlands* shall mean land that is identified as *woodlands* in accordance with the definition(s) contained in the delegation By-law.

2. **GENERAL PROHIBITION**

Except as provided in this By-law, no *person*, through their own actions or through the actions of any other *person* shall *harvest, injure or destroy*, or cause or permit to be *harvested, injured or destroyed*, any living *tree* located in *woodlands*.

3. **EXCEPTIONS**

A *person* may *harvest, injure or destroy* a *tree* within *woodlands* if:

- (a) the *person* who is *harvesting, injuring or destroying trees* does so in accordance with a *silvicultural prescription* incorporating *good forestry practices* prepared by:
 - i) a *Registered Professional Forester* in good standing with the Ontario Professional Foresters Association; or
 - ii) a member in good standing with the Ontario Professional Foresters Association;and
 - iii) the *person* who is *harvesting, injuring or destroying trees* has complied with all of the requirements of this By-law; and
 - iv) the *trees* to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the *tree*.

OR

- (b) the *trees harvested, injured or destroyed*:
- i) have attained, at the *point of measurement*, the *circumference* or diameter measurement which is equal to or greater than the minimum *circumference* or diameter prescribed for the species in Schedule “B” to this By-law;
- and
- ii) the *harvesting, injuring or destruction* of trees has occurred in compliance with all of the requirements of this By-law;
 - iii) the *harvesting, injuring or destruction* of trees will not reduce the number of trees per hectare below the minimum number of trees per hectare required for the area to remain a *woodland*;
 - iv) the *harvesting, injuring or destruction* of trees will not reduce the *total basal area* in that part of the *woodland* where trees which measure 25 centimetres (10 in) or more at *DBH* have been *harvested, injured or destroyed* below 16 m²/ha of trees; and
 - v) the trees to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the tree.

4. **DRAINAGE WORKS**

- (a) Except for municipal drainage works:
- i) where the *harvesting, injuring or destroying* of trees is necessary to construct drainage works, the *person* intending to cause or permit the *harvesting, injuring or destroying* of trees, either by themselves or through other *persons*, shall comply with this By-law.
 - ii) every *person* commits an offence who, by themselves or through other *persons*, constructs or causes or permits to be constructed tile drainage works consisting in whole or in part of perforated tile through, or within 5 m (16.5 ft) of, *woodlands*.

5. **EXEMPTIONS**

This By-law does not apply to:

- (a) activities or matters undertaken by a municipality or a *local board* of a municipality;
- (b) activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994, R.S.O. 1990 c25;
- (c) the *injuring or destruction* of trees by a *person* licensed under the Surveyors Act to engage in the practice of cadastral surveying or his or her agent, while making a survey;

- (d) the *injuring or destruction of trees* imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision, or a consent under Section 41, 51 or 53, respectively, of the Planning Act or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the *injuring or destruction of trees* imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under the regulation;
- (f) the *injuring or destruction of trees* by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the *injuring or destruction of trees* undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
- (h) the *injuring or destruction of trees* undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - i) that has not been designated under the Aggregate Resources Act or a predecessor of that Act; and
 - ii) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act.
- (i) the *harvest, injuring or destruction of trees* required to erect any building, structure or thing in respect of which a *building permit* has been issued and has taken into consideration the protection of *trees* surrounding the structure or work within the building envelope, provided that no *tree* is *harvested, injured or destroyed* that is more than 15 metres (49.2 ft) from the outer edge of the building, structure or thing;
- (j) the *harvest, injuring or destruction of trees* that is reasonably required to install and provide utilities and/or a single-lane driveway for vehicular access for the construction or use of a building, structure or thing in respect of which a *building permit* has been issued;
- (k) the *harvest, injuring or destruction of trees* that is reasonably required to install a boundary fence between two properties within a *woodland*;
- (l) 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:
 - 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*.
- (m) the *harvest, injuring or destruction* of *trees* for any of the following purposes, provided that the area in which *trees* are to be *harvested, injured or destroyed* has been inspected, approved and marked by the *By-law Officer* prior to the commencement of the activity and the *person* who *harvests, injures or destroys trees* or otherwise causes same has complied with this By-law:
 - i) where land previously cleared and used for agricultural purposes which has become overgrown with young (less than 10 years), early-successional tree species (i.e. sumac, hawthorn, apple, scots pine, poplar, white birch, ash) and the land is intended to be used again as part of an agricultural operation;
 - ii) where *trees* are impeding the passage of agricultural equipment along an existing laneway that is either within, or along the edge of a *woodland*; or
 - iii) where the *trees* to be *harvested, injured or destroyed* are not located within a *woodland*, or portion thereof, that is identified as part of an ecologically important vegetation group in the Oxford Natural Heritage System Study, 2016, and/or the County of Oxford Official Plan;
- (n) the *harvest, injuring or destruction* of *trees* where said *trees* are *harvested, injured or destroyed* pursuant to a legally-binding contract, provided that:
 - i) the *owner* of the *woodland* has given notice in accordance with this By-law; and
 - ii) a contract was signed between the *owner* and contractor immediately preceding the date on which this By-law came into force and effect; and
 - iii) proof of the signed contract and down payment made to the *owner* is provided to the satisfaction of the *By-law Officer*; and
 - iv) the *trees* subject to the contract are *harvested, injured or destroyed* in a manner consistent with this By-law within two (2) years of the enactment of this By-law.

6. ADMINISTRATIVE AND/OR COMMITTEE EXEMPTION

- (a) Notwithstanding any provision contained in this By-law, a *person* may request an exemption from this By-law beyond those exemptions contained in Section 5. Every *person* who intends to obtain such exemption shall complete and submit to the *By-law Officer* or designate, an application in the form prescribed in Schedule "E" to this By-law containing all of the information required by the application form not less than 30 days and not more than two (2) years prior to the start of any *harvest, injury or destruction of trees*, together with the prescribed fee as set out in Schedule "A".

- (b) Notice of an application for exemption shall be circulated by regular mail not less than 14 days prior to a decision regarding the exemption, to the *owner*, the applicant and/or the applicant's authorized agent and to all assessed *owners* of land that abut the lands subject to the application. The Notice of the proposed exemption shall contain information as prescribed in Schedule "F".
- (c) The *owner* or applicant shall post a Public Notice for a request for exemption not less than 10 days prior to a decision regarding the exemption and such posting shall be located on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access. The Public Notice shall be in the format prescribed in Schedule "F".
- (d) The application for exemption shall be circulated to those agencies that, in the opinion of the *By-Law Officer*, in consultation with the Community Planning Office, may have an interest in the application, for the purpose of obtaining comments regarding the application.
- (e) In consideration of a request for an exemption, the *By-law Officer* may:
 - i) grant the exemption request;
 - ii) grant the exemption request with modifications;
 - iii) refuse the exemption request.
- (f) When evaluating a request for exemption, the *By-law Officer*, in consultation with the Community Planning Office, shall consider whether the *harvest, injuring or destruction of trees* proposed by the application:
 - i) is appropriate for the development or use of the land; and
 - ii) maintains the intent and purpose of the By-law.
- (g) The *By-law Officer*, in consultation with the Community Planning Office, may impose such terms and conditions to the exemption that are reasonable and desirable for the appropriate development or use of the land on which the said exemption is granted.
- (h) The *owner* or applicant shall be notified in writing with respect to the decision regarding the approval or denial of any application for an exemption.
- (i) The decision of the *By-law Officer* shall be final, unless the application for exemption is appealed to the *Committee* in accordance with Section 7.

7. APPEALS TO COMMITTEE

- (a) The *owner* or applicant for an exemption under Section 6 may appeal to the *Committee*:
 - i) if the *By-law Officer* refuses to grant the exemption request, within 10 days of the refusal;

- ii) if the *By-law Officer* fails to grant the exemption request within 45 days after the application is received; or
 - iii) if the *owner* or applicant objects to a condition of exemption, within 10 days of the granting of the conditional exemption.
 - iv) at any time after the application is received, until such time as the application is either refused or approved by the *By-law Officer*, in which case, the *owner* or applicant must request that the application be forwarded to the *Committee* in accordance with subsections 7(a) i) or iii).
- (b) Where an application for exemption is appealed to the *Committee*, subsections 6(e), (f), (g) and (h) shall apply with necessary modifications.
- (c) The decision of the *Committee* shall be final.

8. NOTICE OF INTENT

- (a) Every person who intends to *harvest, injure* or *destroy trees* in the County of Oxford pursuant to Section 3(a) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "C" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring* or *destruction of trees* together with a legible copy of the *silvicultural prescription* signed by and identifying the *person* who prepared the prescription.
- (b) Every person who intends to *harvest, injure* or *destroy trees* in the County of Oxford pursuant to Section 3(b) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "D" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring* or *destruction of trees*.
- (c) Upon receipt of a completed Notice of Intent Permit application, the *By-law Officer* shall, within a reasonable time, return to the mailing address, facsimile number or e-mail address provided in the Notice of Intent Permit application form for that purpose, a receipted copy of the Notice of Intent Permit.
- (d) Any *person* who has submitted a Notice of Intent Permit under Sections 8(a) or 8(b) shall erect and display a notice sign at the entrance to the *woodlands* in a location that is clear and visible to all persons, and the notice shall be in the form prescribed in Schedule "I".
- (e) Every *person* who has submitted or caused to be submitted a Notice of Intent Permit application shall notify the *By-law Officer* or their designate, by facsimile transmission, telephone or e-mail, no more than seven (7) *business days* and no less than 24 hours prior to the date upon which the *harvest, injury* or *destruction of trees* is to begin advising of the location of the *harvest, injury* or *destruction of trees* and the date upon which the *harvest, injury* or *destruction of trees* is to start.

9. ORDERS TO DISCONTINUE ACTIVITY

- (a) Where the *By-law Officer*, or *designate*, is satisfied that a contravention of this By-law has occurred, the *By-law Officer*, or *designate*, may issue an Order to Discontinue Activity requiring the *person* who contravened the By-law or who caused or permitted the *harvest, injuring or destruction of trees* in contravention of the By-law, to stop and discontinue the *harvest, injuring or destruction of trees*. The Order to Discontinue Activity as set out in Schedule "G", shall include the following:
- i) the municipal address and/or the legal description of the land;
 - ii) reasonable particulars of the contravention;
 - iii) the date of inspection; and
 - iv) the date by which compliance with the Order must be achieved.

10. SERVICE OF AN ORDER

- (a) An Order issued under this By-law shall be served on the *owner* of the property and such other *persons* affected by the Order, as determined by the *By-law Officer* or *designate*, and a copy of the Order shall be posted on the property.
- (b) An Order issued under this By-law may be served personally or by registered mail sent to the last known address of:
- i) the *owner* of the *woodlands*; and/or
 - ii) the *person* or *persons* identified as having *harvested, injured or destroyed trees*.
- (c) Where an Order is served by registered mail, service shall be deemed to have been made on the fifth day after the day of mailing.
- (d) Where an Order cannot be served in accordance with Section 9 a), b) or c), a placard containing the terms of the Order shall be placed in a conspicuous place on the affected property by the *By-law Officer*, or *designate*, and the placing of the placard shall be deemed to be sufficient service of the Order on the *person* or *persons* to whom the Order is directed.

11. PENALTY

- (a) Any *person* who contravenes any provision of this By-law, or an Order issued under this By-law, is guilty of an offence and is liable:
- i) on first conviction, to a fine of not more than \$10,000 or \$1,000 per *tree injured or destroyed*, whichever is greater; and
 - ii) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per *tree injured or destroyed*, whichever is greater.

- (b) If a *person* is convicted of an offence for contravening this By-law or an Order issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the *person* to rehabilitate the land or to plant or replant *trees* in such a manner and within any such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the *trees*.

12. **ENFORCEMENT**

- (a) This By-law shall be enforced by a *By-law Officer* appointed by the *Chief Administrative Officer*.
- (b) A *By-law Officer* may, at any reasonable time, enter and inspect any land to determine whether this By-law, an Order or a condition of a *permit* is being complied with.
- (c) A *By-law Officer* exercising a power may be accompanied by a *person* or *persons* under the *By-law Officer's* direction.
- (d) No *person* shall hinder or obstruct a *By-law Officer* or attempt to hinder or obstruct a *By-law Officer* who is performing a duty in accordance with this By-law.
- (e) Any *person* who provides false information to a *By-law Officer* shall be deemed to have hindered or obstructed the *By-law Officer* in the discharge of their duties.

13. **ADMINISTRATION**

- (a) Schedules "A" to "I", inclusive, form part of this By-law.
- (b) If any Section or Sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of the *Council* to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found illegal.
- (c) For the purposes of this By-law, words used in the singular number include the plural and words which refer the masculine shall include the feminine, and visa versa, where applicable.
- (d) For the purposes of this By-law, words in italicized text are defined in Section 1. Such defined words will not be italicized where the context in which the word is used does not correspond to the definition contained herein.
- (e) The short title of this By-law is the "Woodlands Conservation By-law".
- (f) Woodlands Conservation By-law No. 4489-2004, as amended, of the County of Oxford shall be repealed effective on the coming into force and effect of this By-law.

- (g) Notwithstanding subsection (f) of this Section, By-law No. 4489-2004, as amended, of the County of Oxford shall continue to apply to applications filed, *permits* issued and/or proceedings in respect of offences that occurred before its repeal, proof of which has been provided to the satisfaction of the *By-law Officer*.
- (h) Measurements are given in both metric and imperial units in this By-law. For the purposes of this By-law, the metric unit shall govern.

READ a first and second time this 13th day of June, 2018

READ a third time and finally passed this 13th day of June, 2018

David Mayberry WARDEN

TBA CLERK

SCHEDULE "A"

FEE SCHEDULE FOR APPLICATIONS

The following fees will apply for the purpose of this By-law:

Application for Committee Exemption	\$200.00
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Please make cheques payable to **'Treasurer - County of Oxford'**

DRAFT

SCHEDULE "B"

CIRCUMFERENCE LIMITS BY CATEGORY OF TREE SPECIES

SPECIES "A"

- ASH - White (*Fraxinus Americana*)
- Green (Red) (*Fraxinus pennsylvacia*)
- MAPLE - Sugar (*Acer saccharum*)
- Black (*Acer nigrum*)
- Red (*Acer rubrum*)
- Silver (*Acer saccharinum*)
- OAK - Red (*Quercus rubra*)
- Black (*Quercus velutina*)
- White (*Quercus Alba*)
- Swamp White (*Quercus bicolor*)
- Bur (*Quercus macrocarpa*)
- TULIP - (*Liriodendron tulipifera*)
- WALNUT - Black (*Juglans nigra*)
- White (Butternut) (*Juglans cinerea*)

SPECIES "A" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	175 cm (69 in)	56 cm (22 in)
20 cm (8 in)	191 cm (75 in)	61 cm (24 in)
10 cm (4 in)	224 cm (88 in)	71 cm (28 in)

SPECIES "B"

- BASSWOOD - (*Tilia Americana*)
- BEECH - American (*Fagus grandifolia*)
- CHERRY - Black (*Prunus serotina*)
- HACKBERRY - (*Celtis occidentalis*)
- HEMLOCK - Eastern (*Tsuga Canadensis*)
- PINE - White (*Pinus strobus*)

SPECIES "B" MEASUREMENTS

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	160 cm (63 in)	51 cm (20 in)
20 cm (8 in)	175 cm (69 in)	56 cm (22 in)
10 cm (4 in)	208 cm (82 in)	66 cm (26 in)

SPECIES "C"

- ASH - Black (*Fraxinus nigra*)
- BIRCH - Yellow (*Betula alleghaniensis*)
- ELM - White (*Ulmus Americana*)
- Red (*Ulmus thomasii*)
- Rock (*Ulmus ruba*)
- EUROPEAN LARCH - (*Larix decidus*)
- HICKORY - Shagbark (*Carya ovata*)
- Bitternut (*Carya cordiformis*)
- LARCH - (*Larix deciduas*)
- POPLAR - Balsam (*Populus blasamifera*)
- Eastern Cottonwood (*Populus deltoids*)
- SYCAMORE - (*Platanus occidentalis*)

SPECIES "C" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	145 cm (57 in)	46 cm (18 in)
20 cm (8 in)	160 cm (63 in)	51 cm (20 in)
10 cm (4 in)	191 cm (75 in)	61 cm (24 in)

SPECIES "D"

- BIRCH - White (*Betula papyrifera*)
- CEDAR - White (*Thuja occidentalis*)
- POPLAR - Largetooth Aspen (*Populus grandidentala*)
- Trembling Aspen (*Populus tremuloides*)

SPECIES "D" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	79 cm (31 in)	25 cm (10 in)
20 cm (8 in)	97 cm (38 in)	31 cm (12 in)
10 cm (4 in)	127 cm (50 in)	41 cm (16 in)

RARE SPECIES – the following species should be avoided during *tree* removal operations:

- | | | |
|-------------------|-------------|----------------------|
| Blue Ash | Shumard Oak | Black Gum |
| Chestnut | Cucumber | Tamarack |
| Shellbark Hickory | Pawpaw | Chinquapin Oak |
| Pignut Hickory | Balsam Fir | Kentucky Coffee Tree |
| American Chestnut | | |

* NOTE: Please refer to "Species at Risk Act" at www.sararegistry.gc.ca for more information.

SCHEDULE "C"

COUNTY OF OXFORD

NOTICE OF INTENT - GOOD FORESTRY PRACTICES

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. _____-2018

Completed Application must be received by the *By-law Officer* at least **10 business days** prior to the commencement of the harvest, destruction or injury of trees. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519 537 1053.

The *By-law Officer* can be contacted at 519 539 9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Silvicultural Prescription Information

All applications under *Good Forestry Practices* must be accompanied by a forest operations *silvicultural prescription* prepared and/or approved by a Qualified OPFA Member, in accordance with approved practices of the Ontario Professional Foresters Association, as amended from time to time. A *silvicultural prescription* will generally include the following information:

Site and Stand Conditions:

- tree species composition by percentage
- regeneration status
- quality of stand, including health (disease/insects)
- limitations
- stand history, including any previous *silviculture* operations
- sensitive or special features
- date of inventory
- acreage of the *woodland*
- current stocking, stand structure or *basal area* distribution

Habitat, Biodiversity and Recreation Consideration

Short and Long Term Objectives

A record of Discussions with the Landowner and Signature of the Landowner

Tree Marking Direction

- residual *basal area* or stocking
- directions for improvement of health, quality, species diversity, stand structure and/or size class distribution
- *silviculture* system to use for marking

Estimated Time of Next Silviculture Intervention

Map of Site and Stands to Harvest

The map must be legible and include property boundaries, abutting roads, preferred entry points for inspection, location of buildings and structures on the property, forested areas and proposed harvest areas, logging access, drains, watercourses, power lines and other features and a north indicator.

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail: _____

Woodland location: Lot _____ Con. _____ Former Township: _____

SAWTIMBER			
TREE SPECIES	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOUME (F.B.M. or m ³)
i.e. Hard Maple	24	15	3,200
TOTAL			

FUELWOOD/CORDWOOD			
TREE SPEICIES BY %	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOLUME (BUSH CORD)
i.e. Aw4 Be4 Mh2	65	11	20

PRESCRIPTION INFORMATION

Prescription prepared by:

Name: _____

Mailing Address: _____

Telephone #: _____

Qualifications: _____

Date Prescription Prepared: _____

Check if area has been inspected since tree marking

TREE MARKER INFORMATION:	CONTRACTOR INFORMATION: (if different from above)
Trees Marked By: _____	Surname: _____
Mailing Address: _____	Given Name: _____
Telephone #: _____	Mailing Address: _____
Qualifications: _____	Postal: _____ Telephone #: _____
Paint Colour: _____ Date Marked: _____	Person in charge of Harvesting of Trees: _____
<p>All <i>trees</i> to be <i>harvested</i> shall be marked with paint above <i>DBH</i> on opposite sides of the <i>tree</i>. The mark shall be at least 8 cm (4 in) in diameter for hardwood sawlogs/conifer poles or sawlogs and a slash 20 cm (8 in) long for fuelwood/conifer logs/pulp. A similar mark shall be placed at the base of the <i>tree</i> below the saw line and extending to the ground. All <i>trees</i> shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.</p>	Estimated Starting Date: _____
	<p>The person in charge of the harvesting of trees is required to provide 24 hours notice (prior to the start of the harvest date) to Customer Service by e-mail (customerservice@oxfordcounty.ca) or fax (519 537 1053)</p>
<p>DESCRIPTION OF AREA</p> <p>Indicate NORTH</p>	<p>Map must be legible and include:</p> <ul style="list-style-type: none"> • Preferred entry points for inspection • Location/name of surrounding roads • Location of buildings on property • Forested areas and harvest areas • Log landing(s) • Power lines and Municipal ditches
	<p>It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to power lines and equipment due to a logging accident</p> <p>Please indicate if the property is enrolled in:</p> <p>Conservation Land Tax Incentive Program <input type="checkbox"/></p> <p>Managed Forest Tax Incentive Program <input type="checkbox"/></p>

I agree that operations will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law _____ and that I am familiar with the contents and requirements of this By-Law and acknowledge having received a copy thereof. I further agree that any *tree harvested* will be in accordance with *Good Forestry Practice*.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock) or Customer Service at customerservice@oxfordcounty.ca; or by fax: 519 537 1053, 24 hours prior to commencing the *harvesting of trees*.

Signature of Prescription Writer	Date	Signature of Tree Marker (if applicable)	Date
----------------------------------	------	--	------

Signature of Landowner	Date	Signature of Contractor (if applicable)	Date
------------------------	------	---	------

Please circle the appropriate response:

The OPFA member was employed by: Landowner Contractor Other

The Tree Marker was employed by: Landowner Contractor Other

Will the OPFA member or Tree Marker be monitoring the harvest for contract compliance? Yes No

I UNDERSTAND THAT UNDER THE AUTHORITY OF THIS BY-LAW AND THE MUNICIPAL ACT, R.S.O. 2001, C.25, AN APPOINTED OFFICER CAN ENTER THE DESCRIBED PROPERTY FOR THE PURPOSES OF UNDERTAKING AN INSPECTION.

FURTHER, I UNDERSTAND THAT IF THE WOODLANDS WILL NOT BE HARVESTED WITHIN 24 MONTHS FROM THE RECEIPT OF THIS NOTICE OF INTENT, THE NOTICE OF INTENT WILL BE VOIDED.

THE LANDOWNER, BY SIGNING THIS APPLICATION, ACKNOWLEDGES AND AGREES TO ALL TERMS AND CONDITIONS OF WOODLANDS CONSERVATION BY-LAW _____-2018.

DRAFT

SCHEDULE "D"

COUNTY OF OXFORD

NOTICE OF INTENT - CIRCUMFERENCE HARVEST

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. _____

Completed Application must be received by the *By-law Officer* at least **10 business days** prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519 537 1053.

The *By-law Officer* can be contacted at 519 539 9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Property Owner: _____

Address: _____ Postal Code: _____

Phone: Residence _____ Business _____ Fax _____

E-mail _____

Contractor: _____

Address: _____

Postal Code: _____ Telephone: _____

Fax: _____ E-mail: _____

On Site Person in charge of harvest of trees: _____

Expected starting date: _____

Subject Property: Location

Lot: _____ Concession: _____ 911 Address: _____

Municipality: _____

Reason for Removal: Commercial Timber Harvest _____ Stand improvement _____

Firewood Removal _____ Other _____

Approximate size of woodland: _____

Area of harvest (indicate on sketch): _____

Trees marked by: _____

Address: _____

Telephone: _____ E-mail: _____

Qualifications: _____

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, and at the base all the *trees* to be *harvested* with this Notice of Intent.

If the *woodland* will not be *harvested* with 24 months of receipt of this Notice of Intent, it will become null and void.

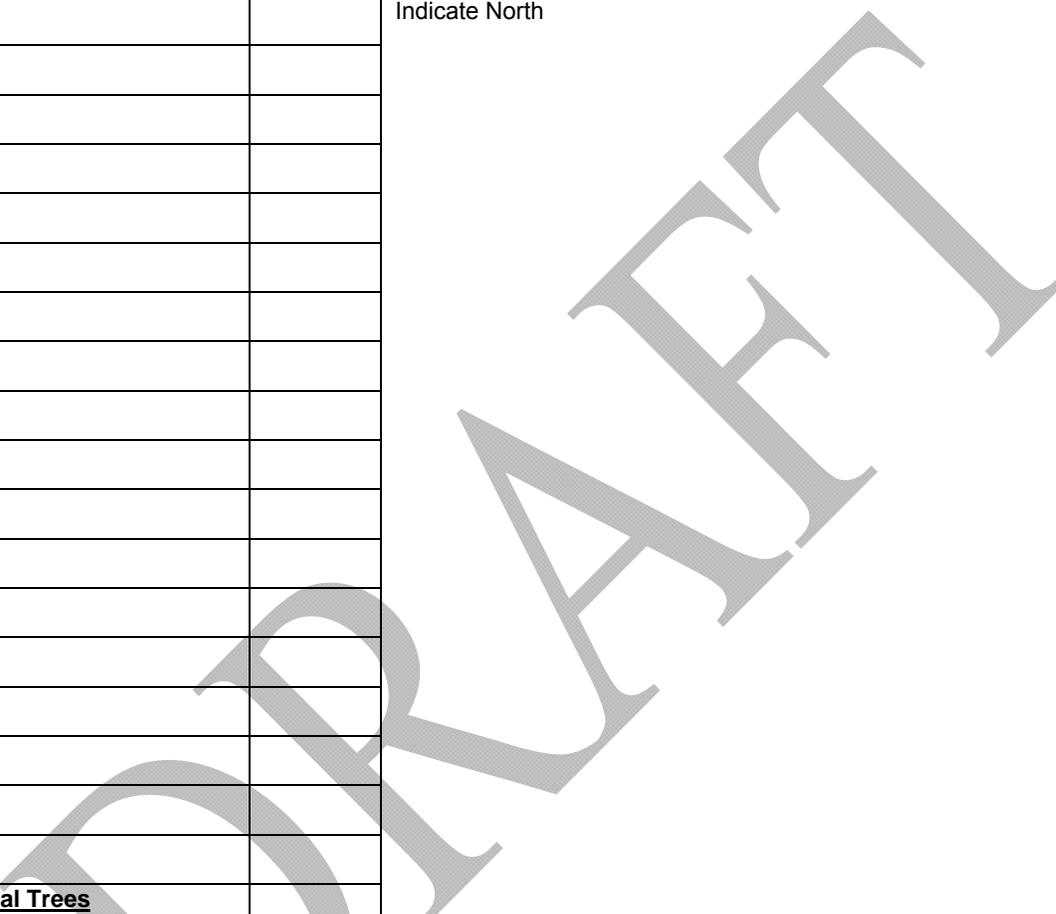
The Notice of Intent or copy must be on site at all times and in possession of the person in charge of cutting.

Each copy of the application must be accompanied by a sketch showing:

- a) the location of subject property, its boundaries and dimensions, including names of all road allowances, streets or highways abutting the property;
- b) location of woodlands on subject property (including approximate dimensions);
- c) abutting land owners;
- d) the distance between the subject land and the nearest township lot line or appropriate landmark (e.g. bridge, railway crossing, etc.);

TREE HARVEST SUMMARY

(A legible tally sheet can be substituted and attached)

Tree Species	No.	SKETCH PLAN	
		USE THIS PAGE FOR SKETCH PLAN AND RETURN WITH APPLICATION FORM. Indicate North 	
Total Trees			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between the landowner and the contractor? YES ___ NO ___

I agree that all *tree* cutting will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law ____, and that I am familiar with the components and requirements of this By-Law and acknowledge having received a copy thereof.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock or Customer Service at customerservice@oxfordcounty.ca; or by fax: 519 537 1053, 24 hours prior to commencing the *harvesting* of trees.

DATED at _____ this _____ day of _____, 20__.

Signature of Contractor

Signature of Landowner or Authorized Agent

SCHEDULE "E"

**APPLICATION FOR ADMINISTRATIVE AND/OR
COMMITTEE EXEMPTION**

Completed Application, including the application fee, must be received by the *By-law Officer* at least 30 business days prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Payment may be made by cash, cheque or credit card. Cheques should be made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to customerservice@oxfordcounty.ca or by fax to 519 537 1053. The *By-law Officer* can also be contacted at 519 539 9800, or by e-mail at customerservice@oxfordcounty.ca.

PLEASE PRINT CLEARLY

Name(s) of Registered Owner _____

Address: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Fax: _____

E-Mail: _____

Applicant (if other than the registered owner)

Location of Trees Affected/Ownership

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Is the property owned by the applicant? _____ YES _____ NO (if NO, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date property was purchased.

Property/Forest Description

This application is requesting permission to remove the following: (please indicate)

Total area: _____ Hectares: _____ Acres: _____

Total *Woodland* size on property: Hectares: _____ Acres: _____

Tree species to be destroyed on the described land:

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed:

Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on the said property? _____ YES _____ NO

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? _____ YES _____ NO

Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the *County Clerk*.

Owner

Date

Applicant

Date

DRAFT

PUBLIC NOTICE

WOODLANDS CONSERVATION BY-LAW _____

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

AN APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. _____ HAS BEEN RECEIVED BY THE COUNTY OF OXFORD AFFECTING THESE LANDS.

Municipality: _____ Assessment Roll #: _____

Lot: _____ Concession: _____ 911 Address: _____

Landowner: _____

THE APPLICATION
SUBMITTED REQUESTS THE CLEARING OF _____
HECTARES OF FORESTED LAND.

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW:

Community Planning Office
County of Oxford,
P. O. Box 1614, 21 Reeve Street
Woodstock, ON N4S 7Y3

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. _____

This Notice is to remain posted no less than ten (10) business days prior to the consideration of this application.

FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM

Community Planning Office
519 539 9800 or by e-mail at planning@oxfordcounty.ca

SCHEDULE "G"

ORDER TO DISCONTINUE ACTIVITY

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

MUNICIPAL ADDRESS/LEGAL DESCRIPTION OF THE PROPERTY:

LOT: _____ CONCESSION: _____ MUNICIPALITY: _____

OWNER/INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:

DESCRIPTION OF INFRACTION:

Date of Inspection: _____

Effective Order Date: _____ To: _____

Signature of Officer: _____ Date: _____

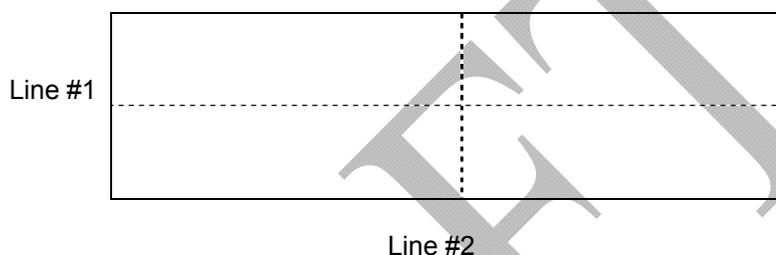
SCHEDULE "H"

BASAL AREA CALCULATION AND ASSESSMENT

1. Point Sampling is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the *basal area* of the *trees*. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whose whole breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.

2. Basal Area will be assessed every 30 m (98.5 ft) along a fixed compass bearing through a forest stand in which *harvesting* has occurred. The first point sample will be placed 60 m (197 ft) from the edge of the *woodland*. No less than 4 point samples will be taken along a compass bearing through a forest stand. If the average *basal area*/hectare is found to be below the requirements of the By-law, then a second compass line will be established from the mid-point of the 1st compass line and will run in a direction 90° from the compass bearing from the 1st line.

See sample illustration below:



3. Where the width of the woodland does not allow the 30 m (98.5 ft) fixed compass bearing, one line will be established along a fixed compass bearing down the centre of the *woodland*.

The following format will be used in calculating average *basal area* per hectare:

Stations Tallied

STATIONS:	1	2	3	4	5	6	7	8	9	10	11	12
TREE SIZE CLASSES	POLE 10 - 24 cm		SMALL 26 - 38 cm		MEDIUM 40 - 48 cm		LARGE 50 - 60 cm		X-LARGE 62+ cm		TOTAL	
SPECIES	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS

** Total Trees (____) x Basal Area Factor (____) = (____) Actual BA/Ha
of Stations (____)

Basal Area Calculation and Assessment

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 ha (25 ac), and 1 plot for every additional 5 ha (12 ac). Plots will be placed 80 m (262 ft) apart and 40 m (131 ft) from stand edges.

In cases where the maximum *DBH* encountered is less than 60 cm (24 in), the plot distance may be 60 m (197 ft) and 30 m (98.5 ft) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.

SCHEDULE "I"

NOTICE of TREE HARVEST

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by the landowner.

Contractor: _____

Phone: _____

Owner: _____

Timber Harvest Date: _____

Timber Marked By: _____

Phone Number of Marker: _____

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. _____.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest, please contact:

County of Oxford Customer Service at 519-539-9800 or via e-mail at customerservice@oxfordcounty.ca

TICKETABLE OFFENCES

SHORT FORM WORDING	Offences Creating Provision	Set Fine, includes Court Costs
Failing to notify the County of Oxford prior to the injuring or destruction of trees by the landowner or person acting on behalf of the landowner.	Sections 8(a) and 8(b)	\$400.00 plus court costs
Failure to erect a sign	Section 8(d)	\$400.00 plus court costs
Failure to give 24 hours notice.	Section 8(e)	\$400.00 plus court costs
Contravening the conditions of a Permit.	Sections 8 and 11(a)	\$400.00 plus court costs
Attempt to obstruct an Officer.	Section 12(d) and 12(e)	\$400.00 plus court costs