



THE REGIONAL MUNICIPALITY OF NIAGARA AGRICULTURAL POLICY & ACTION COMMITTEE AGENDA

APAC 1-2021

Friday, February 26, 2021

9:00 a.m.

Meeting will be held by electronic participation only

Due to efforts to contain the spread of COVID-19 and to protect all individuals, there is no public access to Niagara Region Headquarters. If you are interested in viewing this meeting or would like to speak to an item listed on the agenda please contact the Office of the Regional Clerk at clerk@niagararegion.ca at least 24 hours in advance of the meeting.

Pages

1. CALL TO ORDER
2. DISCLOSURES OF PECUNIARY INTEREST
3. SELECTION OF COMMITTEE CHAIR AND VICE CHAIR
 - 3.1. Call for Nominations for Committee Chair
 - 3.2. Motion to Close Nominations for Committee Chair
 - 3.3. Voting for the Position of Committee Chair
 - 3.4. Call for Nominations for Committee Vice-Chair
 - 3.5. Motion to Close Nominations for Committee Vice-Chair
 - 3.6. Voting for the Position of Committee Vice-Chair

4. PRESENTATIONS

- 4.1. Golden Horseshoe Food and Farming Alliance Action Plan

3 - 12

Janet Horner, Executive Director, Golden Horseshoe Food and Farming Alliance

5. DELEGATIONS

6. ITEMS FOR CONSIDERATION

None.

7. CONSENT ITEMS FOR INFORMATION

7.1. APAC 3-2020 13 - 16

Agricultural Policy and Action Committee Meeting Minutes - November 27, 2020

7.2. APAC-C 2-2021 17 - 45

Niagara Region Official Plan Draft Agricultural System Policies

A presentation will precede the discussion of this item.

7.3. APAC-C 3-2021 46 - 60

A letter to Councillor Witteveen, Chair, Agricultural Policy and Action Committee, from Grant Bivol, Executive Coordinator to the Chief Administrative Officer and Board, Niagara Peninsula Conservation Authority, dated February 23, 2021, respecting 2020 Niagara Region Tree and Forest By-law Annual Report

8. OTHER BUSINESS

8.1. Irrigation Update

8.1.1. APAC-C 1-2021 61 - 62

A letter to Bill Schenck, Irrigation Committee Chair, from The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs, dated February 4, 2021, respecting Irrigation Infrastructure.

9. NEXT MEETING

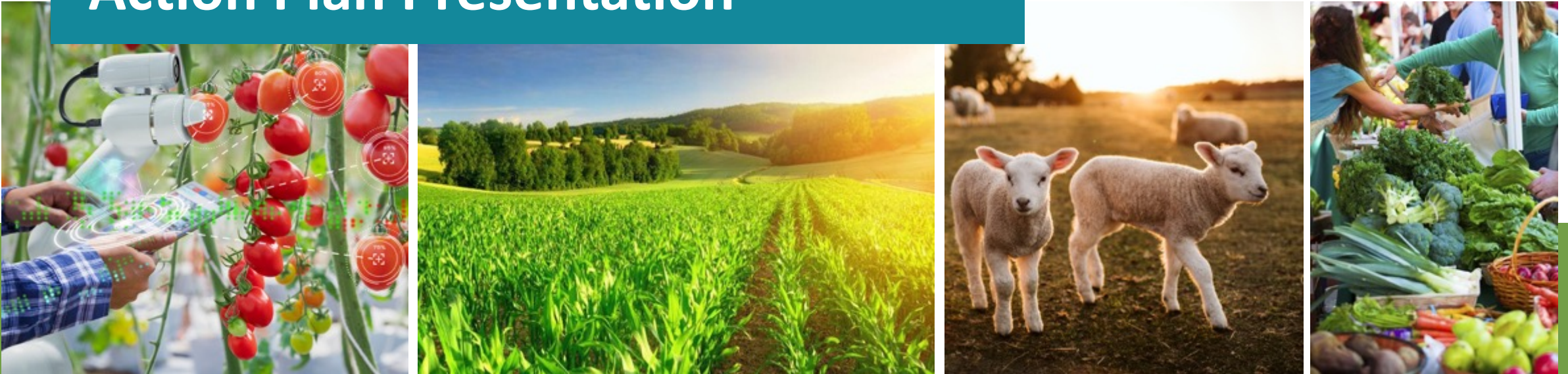
The next meeting will be held on Friday, April 30, 2021, at 9:00 a.m.

10. ADJOURNMENT

If you require any accommodations for a disability in order to attend or participate in meetings or events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376 (cellphone) or accessibility@niagararegion.ca (email).

Golden Horseshoe Food and Farming Alliance

Action Plan Presentation



The Golden Horseshoe Food and Farming Alliance

- Not-for-profit partnership among municipalities, agricultural groups, educational institutions, and provincial ministries
- Alliance co-ordinates projects and efforts to support the agri-food sector in the Golden Horseshoe
- In 2012, The Alliance produced an Action Plan to set goals and guide activities over a 10-year planning horizon



January 2012



Action Plan 2021-2026



The Vision

The Golden Horseshoe is globally renowned as a vibrant and sustainable agri-food cluster, characterized by profitable farming operations of all sizes, a thriving hub of food processing and food retail, extensive research capacity, and innovative technology.



GOAL A:

The GHFFA is recognized as the leading organization with expertise on food and farming issues and opportunities in the Golden Horseshoe Region of Ontario.

- refine its organizational capacity
- grow influence and impact by building new partnerships,
- strengthen existing institutional connections, and ensure that members recognize the value in the Alliance's collaborative approach



GOAL B:

Establish the Golden Horseshoe as Canada's leading innovative agriculture and agri-food cluster.

- support and drive efforts across the region to enable economic growth in the Golden Horseshoe's agri-food sector.
- Convene knowledge sharing events, fostering relationships from diverse perspectives, coordinating data resources to inform decision making
- Encourage innovation and research to grow the cluster.

GOAL C:

Enable the agri-food cluster to support sustainability outcomes.

Sustainability outcomes include

- long-term environmental stewardship
- participation in climate change adaptation and mitigation efforts
- ensuring inclusive and socially responsive agri-food sector

Critical to support the three pillars of sustainability—economy, society, and the environment—to achieve a truly vibrant, inclusive, and equitable agri-food cluster.

Ref.	Objectives and Action Items
C.1	Enhance the economic capacity of agricultural land in the Golden Horseshoe.
C.1.1	Maintain regular Working Group meetings as a space to collaborate and align land use policy and economic development topics and best practices from a food systems perspective.
C.1.2	Strengthen collaborative opportunities with OMAFRA to provide expert advice in the review of land use policy tools, documents, and amendments, and develop connections with the Ministry of Municipal Affairs and Housing to ensure Alliance input regarding provincial planning policy.
C.1.3	Continue to collaborate with the OMAFRA regional economic development staff to support strong regional-provincial connections and forge new collaborations with other provincial groups such as The Department of Innovation, Science and Economic Development (ISED); Ministry of Environment, Conservation and Parks (MOECP); Environment and Climate Change Canada (ECCC); Agriculture and Agri-food Canada (AAFC); and Ministry of Finance (MOF).

Ref.	Objectives and Action Items
C.2	Enhance the capacity for agricultural land in the Golden Horseshoe to contribute to public health outcomes.
C.2.1	Invite public health staff from each member municipality to participate in an annual Working Group meeting to discuss food access initiatives and GHFFA work.
C.2.2	Monitor the activities of local food policy councils and efforts to enact food charters and strategies from food access and availability perspectives. Participate in regional initiatives as needed and consider the National Food Policy priority outcomes in Alliance activities.
C.2.3	Discuss opportunities for incentives to remove business/enterprise development barriers to small-scale urban agriculture and community gardens across the Golden Horseshoe within urban areas, specifically with respect to publicly-owned land. (See also B.3.5)



Read the full report at
www.foodandfarming.ca

**THE REGIONAL MUNICIPALITY OF NIAGARA
AGRICULTURAL POLICY & ACTION COMMITTEE
MINUTES**

**APAC 3-2020
Friday, November 27, 2020
Committee Room 4 / Video Conference
Niagara Region Headquarters, Campbell West
1815 Sir Isaac Brock Way, Thorold ON**

Committee Members Present in Committee Room 4: Councillor Witteveen (Committee Chair)

Committee Members Present via Video Conference: Councillors Disero, Jordan, Steele; G. Janes, J. Kikkert, C. Mullet Koop, B. Schenck (Committee Vice Chair), J. Schonberger, L. Troup, K. Wiens

Absent/Regrets: Bradley (Regional Chair); Councillors Butters, Easton; C. Hamilton, A. Vaughn

Staff Present in Committee Room 4: E. Acs, Manager, Community Planning, K. Lotimer, Legislative Coordinator, L. Sicoli, Economic Development Officer

Staff Present via Video Conference: M. Evelyn, Legislative Coordinator, M. Trennum, Deputy Regional Clerk

Others Present via Video Conference: P. Bootsma, Christian Farmers Federation of Ontario, H. Fraser, Irrigation Ambassador, Ontario Tender Fruit Growers, J. Janiec, Ontario Federation of Agriculture, K. MacPhearson, Greenbelt Foundation, S. Marshall, Ontario Tender Fruit Growers, R. Sayej, Town of Lincoln

1. CALL TO ORDER

Committee Chair Witteveen called the meeting to order at 9:05 a.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. **PRESENTATIONS**

3.1 **Irrigation Update**

Hugh Fraser, Irrigation Ambassador, Ontario Tender Fruit Growers, provided information respecting Irrigation Update. Topics of the presentation included:

- Project as of November 2019
- Mimicking the "LADII" System
- St. Catharines Interviews
 - Ontario Power Generator
 - Water Treatment Plant
- Other Areas
 - Town of Lincoln
 - Town of Niagara-on-the-Lake
- Why is this Initiative Important?

4. **DELEGATIONS**

There were no delegations.

5. **ITEMS FOR CONSIDERATION**

5.1 **APAC-C 6-2020**

2021 Agricultural Policy and Action Committee Meeting Dates

Moved by Councillor Steele

Seconded by J. Kikkert

That Correspondence Item APAC-C 6-2020, being a memorandum from A.-M., Norio, Regional Clerk, dated November 27, 2020, respecting 2021 Agricultural Policy and Action Committee Meeting Dates, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Agricultural Policy and Action Committee meetings **BE HELD** on Fridays at 9:00 a.m. on the following dates in 2021:

February 26, April 30, September 24, and November 26.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by Councillor Jordan
Seconded by J. Kikkert

That the following items **BE RECEIVED** for information:

APAC-C 7-2020

Report PDS 25-2020 Woodland Conservation By-law, Agricultural Policy and Action Committee

APAC 2-2020

Agricultural Policy and Action Committee Minutes – September 25, 2020

Carried

7. OTHER BUSINESS

7.1 Farm Help Housing

Sarah Marshall, Ontario Tender Fruit, requested an update respecting the request for a Regional Development Charges By-law (By-law 2017-98) exemption specific for farm help houses. Erik Acs, Manager, Community Planning, advised that it will be considered as part of the scheduled review of the Development Charges By-law scheduled to occur in 2022.

7.2 Niagara Peninsula Conservation Authority (NPCA) Update

Joe Schonberger, Committee member, advised that the Niagara Peninsula Conservation Authority (NPCA) would be hosting virtual information sessions respecting Floodplain Mapping for the Town of Lincoln on December 15, 2020 at 6:00 p.m. and the Town of Grimsby on December 16, 2020 at 6:00 p.m.

7.3 Bill 229, Protect, Support and Recover from COVID-19 Act

Committee members discussed the impact of *Bill 229, Protect, Support and Recover from COVID-19 Act* on the Niagara Peninsula Conservation Authority (NPCA) and the downstream effects for the agricultural community in Niagara. Committee Chair Witteveen advised that a number of Niagara organizations have sent letters to the Provincial Government respecting this matter.

8. NEXT MEETING

The next meeting will be held on Friday, February 26, 2021, at 9:00 a.m.

9. ADJOURNMENT

There being no further business, the meeting adjourned at 10:05 a.m.

Councillor Witteveen
Committee Chair

Mark Evely
Legislative Coordinator

Ann-Marie Norio
Regional Clerk



making our mark

NIAGARA

OFFICIAL PLAN

The Agricultural System

Presentation to APAC

February 26. 2021



Basis

- The *Agricultural System* contains an agricultural land base and the *agri-food network* that enables the agri-food sector to thrive.
- There are natural heritage features located throughout the agricultural land base, and farm stewardship facilitates both environmental benefits and agricultural protection.
- The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network* includes *infrastructure*, services and assets important to the viability of the agri-food sector.
- The Region's Agricultural System, including the natural environment system, will provide a significant contribution to the Region's resilience and our ability to adapt to climate change.
- The agricultural land base will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable.



Objectives

- To protect the Region's agricultural land base.
- To support a thriving agri-food sector and rural economy that:
 - Adapts to new and changing agricultural markets;
 - Takes advantage of new agricultural opportunities;
 - Diversifies agricultural economic activities and adds value to primary agricultural products; and
 - Improves the understanding of agriculture by the general public.
- To provide an efficient and orderly pattern of land uses in the *Agricultural System*, which:
 - Conserve and enhance the agricultural and natural environment systems;
 - Preserve capabilities for natural resource extraction;
 - Protect the watersheds; and
 - Adapt and develop resiliency to climate change.
- To protect normal farm practices by minimizing the potential for conflicts between farm and non-farm uses.
- To encourage *agriculture-related uses* and *on-farm diversified uses* that:
 - Support the *Agricultural System*;
 - Are at an appropriate location and scale suitable to the agricultural area; and
 - Contribute to profitable, economical, resilient, and environmentally sustainable agriculture.
- To provide for a limited amount of non-agricultural uses on *rural lands*.



Policy Areas

- Policies for the Agricultural System
- Specialty Crop Area Policies
- Prime Agricultural Area Policies
- Farm Diversification Policies
- Rural Land Policies
- Non-Farm Residential Development in Rural Lands
- Existing Use Policies
- Definitions



Initiatives

- Existing Uses
- Indigenous Agriculture



Next Steps

- Seek Feedback on Draft Policies through July 2, 2021
- Finalize Agricultural Land Base Mapping with Local Municipalities & Release for Consultation
- Prepare Draft Plan for Consultation Q1, 2022
- Target Official Plan Adoption Date of June, 2022



MEMORANDUM

APAC-C 2-2021

Subject: Niagara Region Official Plan Draft Agricultural System Policies

Date: February 26, 2021

To: Agricultural Policy and Action Committee

From: Erik Acs, MCIP, RPP, Manager Community Planning

The purpose of this memo is to share a **DRAFT** Agricultural System policy set (Appendix I) that is in development to support the Region's Municipal Comprehensive Review process.

As APAC members are aware, the Region is currently undertaking the development of a new Niagara Official Plan. Niagara Region staff have previously presented to APAC on the development of both the Natural Environment and Watershed Planning components of the Official Plan. While work on Natural Environment and Watershed Planning is ongoing, a draft Agricultural System policy set has been prepared for review and feedback.

Background work for the Agricultural System chapter has been underway since 2015, with a number of reports that have been prepared for Council. The policies recognize that Niagara Region is home to an active and vibrant farming sector which includes a wide range of farming types including grape and tender fruit, greenhouse/ nursery & floriculture operations, oilseeds and grain operations, livestock operations, and more.

Some highlights of the draft policy set include:

- Updates to language and definitions for Provincial conformity purposes. This includes the use of Provincial definitions, for example, the use of Prime Agricultural Area in place of Good General Agriculture, and Specialty Crop Area in place of Unique Agricultural Area;
- Streamlining of the Region's Farm Diversification policies;
- Introduction of requirements for Agricultural Impact Assessments to minimize and mitigate impacts from proposed non-agricultural uses on agricultural operations and the Agricultural System;

- Simplification of the entire policy set and removal of duplicated or repeated policies, such as matters related to servicing in rural areas;
- Removal of hamlet policies from the Agriculture and Rural section of the plan. Going forward, hamlet policies will be included with the balance of settlement area policies;

Staff would like to stress that the attached policies are draft, and for discussion and feedback purposes. A report to the Region's Planning and Economic Development Committee in April of 2021 aims to circulate these draft policies on a wider scale. However, APAC and other interested agricultural stakeholders can submit comments at any time through the [Region's Official Plan project page](#): or by emailing Katie Young, Planner (Katie.young@niagararegion.ca).

Respectfully submitted and signed by

Erik Acs, MCIP, RPP
Manager of Community Planning

DRAFT

COMPETITIVE REGION



The Agricultural System

This Chapter outlines the objectives and the policies for the Region's *Agricultural System*. The *Agricultural System* contains an agricultural land base and the *agri-food network* that enables the agri-food sector to thrive. There are natural heritage features located throughout the agricultural land base, and farm stewardship facilitates both environmental benefits and agricultural protection.

The agricultural land base is comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands*. The *agri-food network* includes *infrastructure*, services and assets important to the viability of the agri-food sector.

The Region's Agricultural System, including the natural environment system, will provide a significant contribution to the Region's resilience and our ability to adapt to climate change. The agricultural land base will be protected for the provision of healthy, local food for future generations. Farming will be productive, diverse, and sustainable.

Regional Agriculture Committee and Agri-Food Strategy

Niagara Region has a long standing Agricultural Policy and Action Committee (APAC) with a mandate to advise Regional Council on issues that impact the agricultural industry by initiating, developing, implementing and participating in actions and strategies needed to advance the agricultural industry and preserve the agricultural land base throughout Niagara. The APAC maintains a Regional Agri-Food Strategy, with a mission to support agri-food prosperity and sustainability.

Agricultural System Objectives

1. To protect the Region's agricultural land base.
2. To support a thriving agri-food sector and rural economy that:
 - a) Adapts to new and changing agricultural markets;
 - b) Takes advantage of new agricultural opportunities;
 - c) Diversifies agricultural economic activities and adds value to primary agricultural products; and
 - d) Improves the understanding of agriculture by the general public.
3. To provide an efficient and orderly pattern of land uses in the *Agricultural System*, which:
 - a) Conserve and enhance the agricultural and natural environment systems;
 - b) Preserve capabilities for natural resource extraction;
 - c) Protect the watersheds; and
 - d) Adapt and develop resiliency to climate change.

4. To protect normal farm practices by minimizing the potential for conflicts between farm and non-farm uses.
5. To encourage *agriculture-related uses* and *on-farm diversified uses* that:
 - a) Support the *Agricultural System*;
 - b) Are at an appropriate location and scale suitable to the agricultural area; and
 - c) Contribute to profitable, economical, resilient, and environmentally sustainable agriculture.
6. To provide for a limited amount of non-agricultural uses on *rural lands*.

1. Policies for the Agricultural System

1. The geographic continuity of the agricultural land base, as shown in Schedule B, and the functional and economic connections to the *agri-food network* will be maintained and enhanced.
2. *Prime agricultural areas* and *specialty crop areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

3. In the *specialty crop areas* and *prime agricultural areas*, the permitted uses and predominant use of land will be for *agricultural uses* of all types. This includes secondary uses, such as:
 - a) *Agriculture-related uses*;
 - b) *On-farm diversified uses*; and
 - c) Compatible uses such as forestry and conservation of the natural environment.
4. The removal of topsoil and the placement of fill in *specialty crop areas*, *prime agricultural areas*, and *rural lands* is generally discouraged. Local municipalities will be encouraged to enact by-laws to regulate the placement of fill and the removal of topsoil and to require the rehabilitation of lands from which topsoil has been removed.

5. The Region encourages the continued operation and expansion of agricultural infrastructure including irrigation systems.
6. Local municipalities, with assistance from the Region, shall formulate policies and schedules for inclusion in their Official Plans to protect the agricultural land base consistent with the policies of the Niagara Official Plan.
7. An *agricultural system* has been identified in which all types, sizes, and intensities of *agricultural uses* and activities and *normal farm practices* shall be promoted and protected in accordance with Provincial Standards. Removal of land from *prime agricultural areas* may only occur for expansions or identification of *settlement areas* through the time of a *comprehensive review*. Revisions to the Greenbelt Plan and Niagara Escarpment Plan boundaries and redesignation of *specialty crop areas* are prohibited.
8. All proposed development and uses will include sustainable on-site private water and sewage subject to applicable Provincial regulations and Ministry approval.
9. Non-agricultural uses should not be located in *specialty crop areas* and *prime agricultural areas*. The introduction of new non-agricultural uses of all types into these areas has a potential adverse impact on *agricultural uses*, natural resources and the natural environment. Permissions for limited non-agricultural uses may be considered through an amendment to this plan, subject to the following conditions:
 - a) The completion of an *agricultural impact assessment* by a qualified professional;
 - a) New non-agricultural uses are not permitted in *specialty crop areas*;
 - b) The proposed use complies with the *minimum distance separation formulae*;
 - c) There are no reasonable alternatives in *rural lands* or in *settlement areas*;

Mitigating impacts from new or expanding non-agricultural uses

This would depend on the size and nature of the proposed use, the existing *agricultural uses*, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding agricultural operations. Mitigation measures should be incorporated as part of a proposed non-agricultural use, as appropriate, within the area being developed.

- d) There are no reasonable alternative locations in other *prime agricultural areas* with lower priority agricultural land;
 - e) Impacts from new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible;
 - f) Applications must be supported by adequate technical assessments to ensure that private water supply and private sewage services can be provided; and
 - g) Compliance with policies contained in the Niagara Official Plan, including the Natural Environment and Mineral Aggregate Resource Policies.
10. Proposed residential lots being considered for a consent in the *agricultural system* must meet the following conditions:
- a) Any new lot is of sufficient size and has suitable soil and site conditions for the installation and long-term operation of a private sewage disposal system in compliance with Provincial requirements;
 - b) Any new lot has an adequate ground or other water supply, in compliance with Provincial requirements;
 - c) Any new lot has sufficient frontage on an existing publicly-maintained road;
 - d) Where possible, joint use should be made of the existing road access to the farm operation;
 - e) Road access to any new lot does not create a traffic hazard because of limited sight lines on curves or grades or proximity to intersections;
 - f) The size of any new lot shall not exceed an area of 0.4 hectares except to the extent of any additional area deemed necessary to support a well and private sewage disposal system as determined by Provincial requirements; and
 - g) Proposed lots should be located to minimize impacts on surrounding farming operations.
11. New uses on existing lots and proposed new lots must be separated from existing livestock operations on adjacent properties. Similarly, new or expanded livestock operations must be separated from existing uses on adjacent properties. It is required that local official plans and zoning by-laws use the *minimum distance separation formulae* as their standard for assessing proximity to existing or proposed new livestock operations. Exceptions may be made for agricultural buildings under the same

ownership. Other non-agricultural uses shall comply with the *minimum distance separation formulae*.

12. Where *agricultural uses* and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the *Agricultural System*, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.
13. Any land conveyance for a residential lot shall comply with local official plans and by-laws where more detailed and/or more restrictive criteria are included.
14. Temporary accommodation for seasonal or full-time farm labour may be permitted without severance where:
 - a) the size and/or nature of the agricultural operations makes the employment of such help necessary; and
 - b) where such temporary accommodation does not have a significant effect on the tillable area of the agricultural operation or its viability.

2. Policies for Specialty Crop Areas

1. In *specialty crop areas*, all continuous existing uses lawfully used for such purpose prior to December 16, 2004, (the date the Greenbelt Plan came into effect), are permitted. Also, in *specialty crop areas*, single detached dwellings are permitted on existing lots of record, provided they were zoned for such as of December 16, 2004.
2. *Specialty crop areas* shall not be redesignated in official plans for non-agricultural uses. Non-agricultural uses may be permitted subject to **<insert appropriate infrastructure policies>**.
3. *Settlement areas* are not permitted to expand into *specialty crop areas*.
4. In the *specialty crop areas*, consents to convey may be permitted only in accordance with the following provisions and the general consent provisions in Section A. Within the Niagara Escarpment Plan Area, the policies of the Niagara Escarpment Plan, as amended from time to time, shall prevail unless the following policies are more restrictive, then the more restrictive policies shall prevail. Policies for

**Exemptions for
non-agricultural uses**
**<insert appropriate
exemptions>**

lot creation in local Official Plans can be more restrictive than the following policies and still conform to this Plan.

- a) The consent is for an *agricultural use* where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 16 hectares;
 - b) The consent is for an *agriculture-related use*, provided that any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
 - c) The consent is for acquiring land for *infrastructure* purposes, where the facility or corridor cannot be accommodated through the use of easements or rights of way, provided that:
 - i. The need has been demonstrated and it has been established that there is no reasonable alternative; and
 - ii. An *agricultural impact assessment* has been completed by a qualified professional
 - d) The consent is for facilitating conveyances to public bodies or non-profit entities for natural heritage conservation, provided it does not create a separate lot for a residential dwelling
 - e) The consent is for minor lot adjustments or boundary additions, provided they do not create a separate lot for a residential dwelling, there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*, and complies with other policies in this Plan.
 - f) The consent is for a *residence surplus to a farming operation* as outlined in policy 2.5.
5. The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:
- a) The lot contains a habitable residence, which existed as of December 16, 2004, that is rendered surplus as a result of farm consolidation;
 - b) The severance shall not exceed an area of 0.4 hectares except to accommodate the use and appropriate sewage and water services to a maximum of 1 hectare;
 - i. Proposals that exceed 1 hectare may be considered subject to an amendment to this plan

To reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the applicant must have the retained farm parcel rezoned to preclude its use for residential purposes.

3. Policies for Prime Agricultural Areas

1. In *prime agricultural areas*, consents to convey may be permitted only in those circumstances set out in the following provisions and the general consent provisions of Section A. Policies for lot creation in local Official Plans can be more restrictive and still conform to this Plan.
 - a) The consent is for *agricultural uses*, subject to the following criteria:
 - I. supported through a planning justification report;
 - II. provided that the resulting parcels are both for *agricultural uses*;
 - III. the size of the resulting parcels meet the local official plan and zoning agriculture provisions, and:
 - i. is appropriate for the farming activities proposed;
 - ii. is suited to the particular location and common in the area; and
 - iii. provides some flexibility for changes in the agricultural operation.
 - b) The consent is for *agriculture-related uses* subject to the following:
 - i. any new lot shall be limited to the minimum size needed to accommodate the use and appropriate sewage and water services;
 - ii. any new lot shall be zoned to preclude residential uses in perpetuity; and
 - iii. The completion of an *agricultural impact assessment* by a qualified professional.
 - c) The consent is for a *residence surplus to a farming operation* as outlined in **policy 3.2**
 - d) The consent is for a lot adjustment for *legal or technical reasons*.
 - e) The consent is for *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
2. The severance of a *residence surplus to a farming operation* may be permitted under the following circumstances:
 - a) The lot contains a habitable residence, which existed as of June 16, 2006, that is rendered surplus as a result of farm consolidation;

Legal or Technical Reasons

Legal or technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (PPS).

- b) The severance shall not exceed an area of 0.4 hectares except to accommodate the use and appropriate sewage and water services to a maximum of 1 hectare;
 - i. Proposals that exceed 1 hectare may be considered subject to an amendment to this plan
 - c) To reduce fragmentation of the agricultural land base, the retained lot shall be merged with an abutting parcel. Where merging of two lots is not possible, the applicant must have the retained farm parcel rezoned to preclude its use for residential purposes.
 3. Where urban area boundaries have been established closer to an existing livestock operation, new urban development must comply with the *minimum distance separation formulae*.

4. Farm Diversification Policies

1. *Agricultural uses, agriculture-related uses and on-farm diversified uses* are permitted in the following areas:
 - a) *specialty crop areas*;
 - b) *prime agricultural areas*; and
 - c) *rural lands*

Type of Use	Agricultural Uses	Agriculture-Related Uses	On-Farm Diversified Uses
Definition	Growing of crops or raising of animals; includes associated on-farm buildings and structures; all types, sizes and intensities; <i>normal farm practices</i> are promoted and protected	May or may not be on a farm; farm-related commercial or industrial use; compatible with surrounding agricultural operations; directly related to farms in the area; supports agriculture, provides products or services to farms; benefits from proximity to farms	On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, <i>agri-tourism uses</i> and value-added uses; compatible with surrounding agricultural operations
Example	<ul style="list-style-type: none"> • Cropland • Pastureland • Barns and other associated buildings and structures 	<ul style="list-style-type: none"> • Local processing • Farm equipment repair shop • Agriculture research centre 	<ul style="list-style-type: none"> • <i>Agri-tourism uses</i> • Small restaurant • Home occupations

2. Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder surrounding agricultural operations.
3. *Agriculture-related uses* and *on-farm diversified uses* shall be consistent with the applicable provisions of the Provincial Policy Statement, and conform to A Place to Grow Plan, Greenbelt Plan, and Niagara Escarpment Plan.
4. *On-farm diversified uses* are secondary to the principal agricultural use of the property, and are limited in area. The appropriate scale for diversification uses may vary depending on the type of use and whether the activities are located in the *specialty crop area* or in other *prime agricultural areas*.
5. Local municipalities through their Official Plans and Zoning By-laws should define, categorize, and provide specific performance criteria for *agriculture-related uses* and *on-farm diversified uses*, in accordance with the provisions of the Niagara Official Plan. Local Official Plans can be more restrictive regarding their *agriculture-related uses* and *on-farm diversified uses* policies and still conform to the Niagara Official Plan.
6. Local municipalities may limit the number of *agriculture-related uses* and *on-farm diversified uses* permitted in association with the farm operation.
7. Local municipalities shall utilize site plan control to regulate the impact of *agriculture-related uses* and *on-farm diversified uses*, in relation to entrances, parking and loading facilities, signage, grading and storm water drainage, buffering and landscaping and landscape protection.
8. Local municipalities, through their official plans, may provide for the implementation of *agriculture-related uses* and *on-farm diversified uses* through the establishment of a development permit system, based on the degree of compatibility of specific uses in relation to the principal agricultural operation.
9. Local municipalities may permit some uses “as of right” through local documents. “As of right” uses may include such *agriculture-related uses* that are small scale and directly related to the farm operation or *on-farm diversified uses* that are also small scale and are compatible with the principal agricultural operation on the property and surrounding agricultural lands.

10. Local municipalities may recognize some uses through a process that involves site-specific zoning. Larger scale *agriculture-related uses* and *on-farm diversified uses* may require a site specific zoning amendment to evaluate the impact and compatibility to the principal agricultural operation and surrounding agricultural lands.

11. The following criteria shall be considered when reviewing Planning Act applications for proposed *agriculture-related uses* and *on-farm diversified uses*:

- a) Whether the proposed activity is more appropriately located in a nearby settlement area or in rural lands;
- b) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
- c) The extent to which the use is compatible with the existing farming operation and surrounding farming operations;
- d) Whether the scale of the activity is appropriate to the site and farming operation;
- e) Whether the use is consistent with and maintains the character of the agricultural area;
- f) The use does not generate potentially conflicting off-site impacts;
- g) The activity does not create a new residential use;
- h) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;
- i) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; and
- j) The use complies with all other applicable provisions of the Niagara Official Plan.

12. *Agri-tourism uses* may be recognized and regulated by the local municipality. The activities shall be subject to the following criteria:

- a) The scale of the operation is limited and appropriate to the site and the surrounding area;
- b) The use has minimal impact on, does not interfere with and is compatible with the surrounding agricultural and rural land uses;
- c) The use is limited to low water and low effluent producing uses and the site is capable of accommodating the use on private water and private sewage treatment systems;

- d) The use does not cause off site impacts related to infrastructure or transportation/traffic;
- e) The use does not generate potentially conflicting off-site impacts;
- f) Short-term accommodations shall not exceed 6 bedrooms;
- g) For special events, the use represents an occasional activity and is not a regular recurring activity;
- h) The timing and duration of such uses does not hinder the agricultural operation on the site or on surrounding lands; and
- i) The use complies with all other applicable provisions of the Niagara Official Plan.

Short-Term Accommodations

Short-term accommodations may include uses such as bed and breakfast facilities, farm stays, etc. Short-term accommodations are different from temporary accommodation for seasonal and full-time farm labour, as detailed in Policy 1.14.

13. Within the Niagara Escarpment Plan Area, the policies contained in the Niagara Escarpment Plan apply. *Agriculture-related uses* and *on-farm diversified uses* must meet the permitted uses, Development Criteria and policies of the Niagara Escarpment Plan.

5. Policies for Rural Lands

1. The predominant use of lands in *rural lands* will continue to be agriculture, but some non-agricultural related development may be permitted.
2. Permitted uses on rural lands include:
 - a) The management or use of resources in accordance with this plan;
 - b) Residential development in accordance with Section 6;
 - c) Agricultural uses, agriculture-related uses, on-farm diversified uses, normal farm practices, in accordance with this chapter;
 - d) Home occupations and home industries in accordance with local provisions;
 - e) Cemeteries; and
 - f) Other uses not described in this chapter may be permitted subject to an amendment to this plan.
3. Local Official Plan policies for non-agricultural development shall provide direction on the following issues:
 - a) The future pattern and character of development;
 - b) The extent of protection for agricultural activities;

- c) Considerations for the proposed use or development to be sustained by rural service levels and meet access and servicing requirements;
 - d) Impacts from new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible:
 - i. Mitigation measures should be incorporated as part of the non-agricultural use, as appropriate, within the area being developed;
 - ii. Non-agricultural uses shall comply with the *minimum distance separation formulae*
 - e) The extent of protection to natural resources and the natural environment; and
 - f) Compatibility with adjoining agricultural areas, surrounding rural landscape and local land uses.
4. The *rural lands* along the Lake Erie shoreline contain historic patterns of seasonal and permanent residential development. These uses and expansions thereof continue to be permitted in accordance with local provisions.

6. Non-Farm Residential Development on Rural Lands

- 1. The Region will permit some non-farm residential development on *rural lands* in accordance with the policies of this section.
- 2. The long-term pattern and character of future development within any local municipality must be carefully considered before non-farm residential development on *rural lands* can be approved.
- 3. Proposals for non-farm residential development on *rural lands* must meet the following criteria and the general consent provisions in Section 1.10, in addition to the other requirements of this Official Plan, the Niagara Escarpment Plan and the local official plans. Such development is limited to:
 - a) A maximum of 3 new lots (plus 1 retained);
 - b) For residential development consisting of up to three lots and one retained, the minimum lot size will be 1 hectare unless it is determined through a hydrogeological study that considers potential cumulative impacts that a smaller size lot will adequately accommodate private water and sewage treatment facilities for long term operation;

- c) The proposed development should offer amenities such as diverse landscaping and native vegetation;
- d) The proposal should be designed, insofar as is possible, to retain desirable natural features and vegetation, if any, and, in addition, may make provision for
- e) the enhancement of the site;
- f) The development should be at a scale and density suitable to the physical characteristics of the site;
- g) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long-term operation of an adequate means of waste disposal;
- h) The proposed development should be consistent with **<insert natural hazards policy>**; and
- i) Proposed developments must be suitably distant from, and protected from:
 - i. incompatible land uses such as existing pits and quarries;
 - ii. possible mineral resource areas recognized in this Plan;
 - iii. livestock operations, in accordance with the *minimum distance separation*;
 - iv. existing and former solid waste sites;
 - v. major existing and proposed transportation facilities; and employment uses.

7. Existing Use Policies

1. This Plan shall not prohibit the continued operation of legally established residential, commercial, employment, agricultural, and institutional uses.
2. In *specialty crop areas*, expansions of legally established structures and accessory structures which bring the use more into conformity with this Plan, are permitted subject to a demonstration of the following:
 - a) New municipal services are not required;
 - b) The use does not expand into *key natural heritage features* and *key hydrological features* unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure; and
 - c) The completion of an *agricultural impact assessment* by a qualified professional.
3. In *specialty crop areas*, conversions or redevelopment of legally established uses, structures, accessory structures are permitted subject to a demonstration of the following:

- a) The proposed use must be in accordance with the *Specialty Crop Guidelines*, as amended from time to time;
 - b) The use does not expand into *key natural heritage features* and *key hydrological features* unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure; and
 - c) The completion of an *agricultural impact assessment* by a qualified professional.
4. This Plan shall not prohibit the reasonable expansion or change in the use of such legally established use provided the following:
- a) Urban Area Boundaries are not superseded;
 - b) The use is brought more into conformity with this Plan;
 - c) The expansion does not involve a major intensification of land use in accordance with **<insert Natural Heritage policy>**;
 - d) The expansion will not have a negative impact on the Natural Heritage System;
 - e) result in the intrusion of new incompatible uses; and
 - f) subject to an *agricultural impact assessment* by a qualified professional and the following:
 - i. the need and desirability of the operation;
 - ii. regard for environmental, agricultural, and other policies of this Plan;
 - iii. compatibility with existing surrounding uses;
 - iv. access and servicing requirements being met; and
 - v. no new municipal services being required.
5. Further policies guiding the continued operation and possible expansion of such existing uses should be included in local official plans.
6. Within the Niagara Escarpment Plan area, the Niagara Escarpment Plan Policies apply to existing uses.
7. Notwithstanding Sections **2, 3, 5**, infill *development*, *redevelopment*, and resort *development* is permitted in developed shoreline areas of Lake Ontario, Lake Erie, and the Niagara River that are designated or zoned for concentrations of *development* as of July 1, 2017, subject to the following requirements. The *development* will:
- a) Enhance or be integrated with existing or proposed parks and trails, such as the Great Lakes Waterfront Trail, and will enhance ongoing or planned stewardship and remediation efforts;

- b) Restore, to the maximum extent possible, the ecological features and functions in development shoreline areas; and
- c) In the case of *redevelopment* and resort *development*:
 - i. Establish, or increase the extent and width of, a *vegetation protection zone* along the shoreline to a minimum of 30 metres;
 - ii. Increase the extent of *fish habitat* in the littoral zone;
 - iii. Be planned, designed, and constructed to protect *hydrologic functions*, minimize erosion, and avoid or mitigate sedimentation and the introduction of nutrient or other pollutants into the lake;
 - iv. Exclude shoreline structures that will impede the natural flow of water or exacerbate algae concerns along the shoreline;
 - v. Enhance the ability of native plants and animals to use the shoreline as both *wildlife habitat* and a movement corridor;
 - vi. Use lot-level stormwater controls to reduce stormwater runoff volumes and pollutant loadings;
 - vii. Use natural shoreline treatments, where practical, for shoreline stabilization, erosion control, or protection;
 - viii. Meet other criteria and direction set out in applicable *watershed planning* and *subwatershed plans*;
 - ix. Be serviced by *sewage works* which reduce nutrient inputs to groundwater and the lake from baseline levels; and
 - x. Demonstrate available capacity in the receiving water body based on inputs from existing and approved development.

Definitions

Agricultural impact assessment: A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the *Agricultural System* and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts (Greenbelt Plan, 2017).

Agricultural System: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) An agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands* that together create a continuous productive land base for agriculture; and
- b) An *agri-food network* which includes *infrastructure*, services, and assets important to the viability of the agri-food sector.
(Provincial Policy Statement, 2020).

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment (Provincial Policy Statement, 2020).

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity (Provincial Policy Statement, 2020).

Agri-food network: Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities (Provincial Policy Statement).

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation (Provincial Policy Statement, 2020).

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities (Provincial Policy Statement, 2020).

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (Provincial Policy Statement, 2020).

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities (Provincial Policy Statement, 2020).

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act (Provincial Policy Statement, 2020).

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses* (Provincial Policy Statement).

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province (Provincial Policy Statement, 2020).

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (Provincial Policy Statement, 2020).

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites* (Provincial Policy Statement, 2020).

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). (Provincial Policy Statement, 2020).

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas* (Provincial Policy Statement).

Settlement areas: Includes both *urban settlement areas* and *rural settlement areas*:

- a) **Urban settlement area:** Lands located within the urban settlement boundary as identified in Schedule A. *Urban settlements* are made up of *built-up areas*, *designated greenfield areas*, and *excess lands*.
- b) **Rural settlement area:** Existing hamlets that are delineated in Schedule A of the Niagara Official Plan. *Rural settlements* are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to Official Plan policies that limit growth.
(Based on Provincial Policy Statement, 2020 definition and modified for the Niagara Official Plan).

Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.
(Provincial Policy Statement, 2020).

Specialty crop guidelines: Guidelines developed by the Region or Province, as amended from time to time (Developed from the Provincial Policy Statement definition of *specialty crop area* and modified for this Plan).

DRAFT

February 23, 2021

Councillor Albert Witteveen,
Chair, Agricultural Policy & Action Committee
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Chair Witteveen,

Please be advised that at its meeting of February 18, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority received Report No. FA-11-21 and subsequently directed that the report including the Niagara Region Tree and Forest Bylaw Annual Report be provided to Niagara Region's Agricultural Policy & Action Committee.

Accordingly, please find the subject documentation included herewith. Should you have any questions or inquiries, please feel free to contact me at gbivol@npca.ca or alternatively at (905) 788-3135 ext. 250.

Sincerely,



Grant Bivol
Executive Co-ordinator to the C.A.O. and Board

Encl.

Report To: Board of Directors

Subject: Niagara Region Tree and Forest Bylaw Annual Report

Report No: FA-11-21

Date: February 18, 2021

Recommendation:

THAT Report No. FA-11-21 RE: Niagara Region Tree and Forest Bylaw Annual Report **BE RECEIVED.**

Purpose:

The purpose of this report is to present to the Board of Directors, the final NPCA Annual Report on activities undertaken by the NPCA in relation to administration of the Niagara Region's Tree and Forest Conservation Bylaw in 2020.

Background:

The NPCA has been successfully administering the Niagara Region's Tree and Forest Conservation Bylaw on behalf of the Region since 2008. On January 31, 2021, the Niagara Region's new Woodland Bylaw was enacted, replacing the existing Tree and Forest Conservation Bylaw. As the Board is aware, as part of this process, the Niagara Region has assumed responsibility for administration of their new bylaw. As such, the NPCA is no longer involved in the administration of the new Woodland Bylaw.

Discussion:

A full review of the details and information related to the transfer of the bylaw's administration from the NPCA to the Niagara Region was presented to the Board of Directors at the Full Authority meeting on October 22, 2020 in Report No. FA-56-20. As per the direction provided in that report, NPCA staff including the Watershed Forester are and will continue to offer assistance to the Region in support of this transition to ensure the highest level of environmental protection and landowner outreach. NPCA staff are currently in the process of working with Niagara Region staff to develop details around the level of support required in 2021.

Appendix 1: 2020 Annual Report – Niagara Region Tree and Forest Conservation Bylaw (2008-30) is attached for information and will be the last NPCA staff report to the Board of Directors with regards to the NPCA's administration of the bylaw.

Financial Implications:

None.

Related Reports and Appendices:

Appendix 1: 2020 Annual Report – Niagara Region Tree and Forest Conservation Bylaw (2008-30)

Authored by:

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Supervisor, Compliance & Enforcement

Reviewed by:

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Submitted by:

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Chief Administrative Officer/Secretary-Treasurer

Appendix 1: 2020 Annual Report – Niagara Region Tree and Forest Conservation
Bylaw (2008-30)

2020 ANNUAL REPORT
NIAGARA REGION
TREE AND FOREST CONSERVATION BYLAW (2008-30)



Niagara Region Tree and Forest Conservation Bylaw 2020 Annual Summary Report

Niagara Peninsula Conservation Authority

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Introduction

The Niagara Region Tree and Forest Conservation By-law 30-2008 exists to encourage the conservation and improvement of woodlands in Niagara through Good Forestry Practices. The By-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow Good Forestry Practices when harvesting trees. This is done by requiring landowners to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or a member of the Ontario Professional Foresters Association) to obtain a permit.

In August of 2008, the Region of Niagara delegated administration of the By-law to the Niagara Peninsula Conservation Authority (NPCA). The NPCA is responsible for reviewing applications and issuing permits for timber harvesting within the Region. We also follow up on public inquiries and investigate violations, which sometimes lead to charges. For this reason, NPCA forestry staff is designated as Provincial Offences Officers under the Provincial Offences Act. The NPCA employs one full-time staff, a Registered Professional Forester to administer the By-law.

The 2020 year marked the twelfth year and final year in which the NPCA administered the By-law on behalf of the Region. This report will summarize the activities undertaken throughout the year by the NPCA to promote Good Forestry Practices, educate the public and enforce the provisions of the By-law.

Permits

Good Forestry Practices (GFP) Permits are issued after an application is received and satisfies the necessary criteria. In 2020, 15 new GFP Permits were issued by the NPCA, 6 permits were carried over from the 2019 year. 73% of these permits were completed by the end of 2020. Poor weather conditions were a contributing factor for permits not being completed by year's end.

Commenced in 2012 and continued in 2020, strategies for managing woodlots for emerald ash borer (EAB) are required in prescriptions and tree marking for woodlots that have a significant component of ash. This strategy will continue into 2021 as the impact of EAB continues to be an issue.

Landowners are provided a copy of a recent publication from the Ontario Woodlot Association, 'A Landowner's Guide to Careful Logging', when a permit is approved. The guide provides landowners with information on proper logging practices that will ensure good forestry is attained. The harvest inspections conducted by the NPCA are based on the contents in the guide.

All permits are subject to conditions which are specified and tailored to the characteristics of the individual site. For example, harvesting in woodlands with sensitive ground conditions will be conditional to the work being done while the ground is frozen in the winter, or during a dry period during the summer, to minimize soil disturbance. Failure to follow the conditions of a permit is considered a violation of the By-law. There were no incidents in 2020 where permit conditions were not complied with. Forest Bylaw staff maintained regular communication with logging contractors to ensure operations were suspended when ground conditions were not favourable.

Selection Silvicultural System

The forest management plan or silvicultural prescription required for a permit is prepared and reviewed by forest professionals with expert knowledge in silvicultural practices. Silviculture practices are treatments applied at the stand (woodlot) scale to achieve specific forest management objectives. Treatments are broadly categorized as either harvest, renewal, or tending. Ideally these practices are applied in a coordinated fashion with a long-term view of what is possible, practical, and desirable at both a stand and landscape scale. The coordination and long-term view are achieved through application of a silvicultural system.

A silvicultural system is a planned program of silviculture treatments that extends throughout the life of a stand for the purposes of controlling stand establishment, composition, and growth. While this view implies a certain intensity of effort and manipulation, on suitable sites the simplest application may include only a single harvest with natural regeneration (assuming a seed source, seedlings are present in sufficient quantity to restore the forest to a desired composition and structure).

There are three silvicultural systems used in Ontario; Clear-cut, Shelterwood and Selection. **Selection is the system most used in the Niagara Region.** The following table describes the three silvicultural systems.

Silvicultural System	Description	General characteristics
Clear-cut	Most of the overstory trees are removed over a short period of time to create a fully exposed microenvironment for the establishment of a new even-aged stand.	<ul style="list-style-type: none"> • even-aged future stand • regeneration established in >70% full sunlight.
Shelterwood	Most of the overstory trees are removed in a series of two or more harvests for the purpose of establishing and sheltering regeneration under a residual canopy.	<ul style="list-style-type: none"> • even-aged future stand • regeneration established in 30-70% full sunlight • regeneration period <20% of the intended rotation • final removal creates >70% full sunlight.
Selection	Periodic partial harvests timed based on basal area recruitment using vigour, risk, and species preference, to select trees for harvest and retention.	<ul style="list-style-type: none"> • all-aged future forest • regeneration established in ≥70% residual cover (approx. ≤30% full sunlight) • dense mature forest cover maintained in perpetuity.

The selection system provides an environment ranging from partial to full-shade and a forest floor protected from temperature extremes and desiccation. Regeneration under single tree selection favours shade tolerant species while some mid-tolerant species are well suited to group selection openings. Both single tree and group harvest methods are used in Niagara

Single Tree: Individual trees are removed at regular intervals with no clear patches or edges created.

Group: The removal of a small group of trees, in an area normally less than 2 tree heights in diameter, in a single entry or progressive fashion, within a matrix of mature forest canopy.

The following illustrations show the implementation of the Single Tree Selection Silvicultural System.

(a) Pre-harvest



(b) Post-harvest

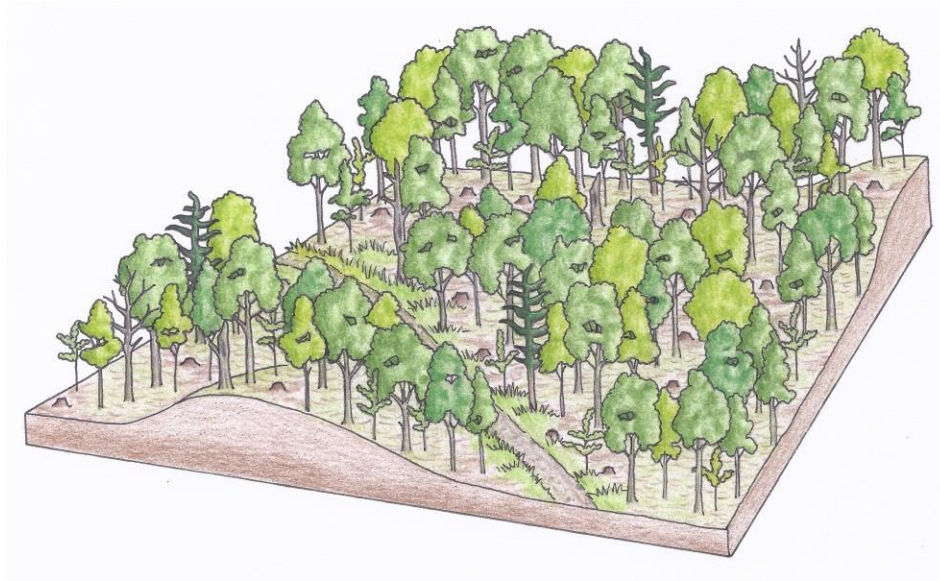


(c) Ten years later

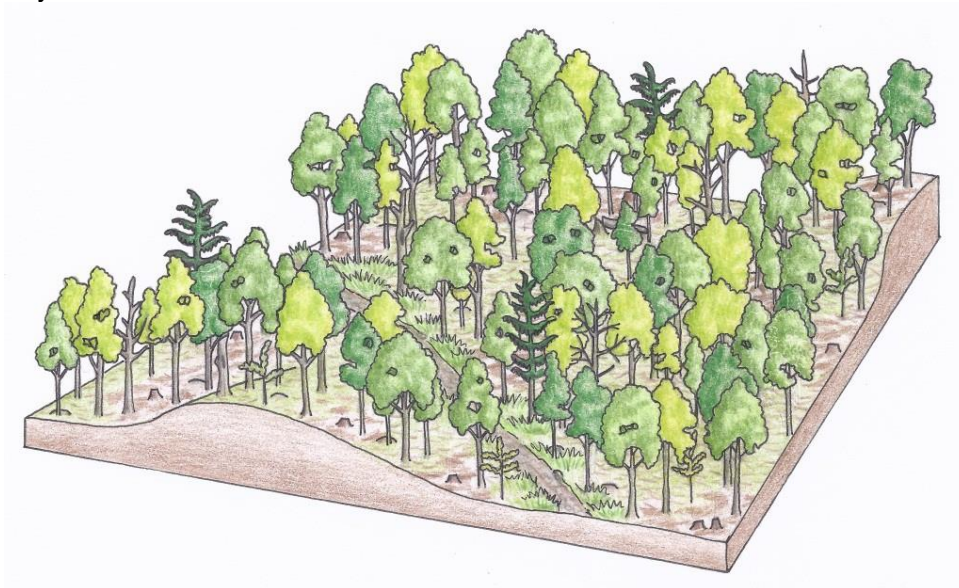


A profile of an individual selection silviculture system depicting a pre-harvest tolerant hardwood stand (a), stand conditions after a partial selection cut (b), and 10 years later with the natural regeneration of shade tolerant species under the canopy (c) (illustrations by Jodi Hall).

(a) Post-harvest



(b) Ten years later



An aerial view of an individual tree selection harvest in a tolerant hardwood stand resulting in >70% residual cover and perpetual all-aged stand. Image (a) depicts the initial harvest entry, while image (b) depicts regrowth after approximately 10 years and the harvest associated with the next cutting cycle (illustrations by Jodi Hall).

Tree Marking

The selection system requires the practice of tree marking. Tree marking involves the selection of individual trees to be harvested, while leaving trees to grow for future harvests and to provide wildlife habitat. The actual process of tree marking is recognized as being both an art and a science. Historically, many of our forests were subjected to various types of uncontrolled harvest. This included “high-grading,” a term that refers to woodlots that have had only the largest and best quality timber harvested. These unregulated disturbances, in combination with other factors, such as disease and insects, can lead to a forest with irregular stand structure and unpredictable growth. In the absence of sound forest management these forests often display a lack of regeneration of favorable species and poor spacing of smaller diameter stems.

When properly applied, tree marking can reverse many of the historical, negative impacts that unregulated cutting has created in our forests. This often requires two or more cutting cycles and adhering to the guidelines of selection and shelterwood system management.

Trees to be cut through tree marking are physically identified through the application of paint on the tree. Depending on the management system being used, trees are marked in a colour that indicates the tree is to be cut or in some cases a colour that indicates the tree should not be cut. The objective of marking is to optimize growth for all trees being retained rather than attempting to maximize growth on a few individual trees. Marking also allows the forest manager to make changes, if necessary, to selected trees before the harvest takes place.

Tree marking alone will not prevent 'high-grading'. Virtually anyone with a can of spray paint can sell their services as a tree marker. It is only when tree marking is applied in conjunction with good forestry practices that the opportunity for high grading can be minimized. Regular monitoring (site visits) by the NPCA Forester during harvest operations ensures tree marking is being followed.

To ensure the practice of tree marking is being done professionally, the Bylaw requires those marking woodlots be ‘Certified Tree Markers’. Since 1995, the MNRF has provided tree marking certification training. The training involves a one-week course covering silvicultural systems, silviculture, silvics, wildlife habitat, tree defects and tree vigour characteristics. Participants are field tested, and successful trainees are issued a certificate endorsing their skills as a certified tree marker (of conifer forests, hardwood forests or both). To maintain MNRF's certification, a tree marker must attend and successfully complete a two-day refresher course every three years.

Certified tree markers must be knowledgeable in silviculture, tree and wildlife biology, and forest economics to choose the right trees to mark for cutting. Knowledge required for proficiency as a tree marker:

- ability to identify species
- understanding of silvical characteristics of species
- familiarity with site and land features
- recognition of tree defect characteristics and indicators
- appreciation of tree quality and vigour, including use of an acceptable tree classification system
- comprehension of stocking levels and structural types
- appreciation of commercial values of species, products, and grades, and
- appreciation of wildlife habitat, biodiversity, and other ecosystem values

Forest Harvest Summary

The following table breaks down the distribution and harvest area of the 2020 GFP permits by municipality.

Municipality	Number of permits	Harvest Area		Harvest Volume	
		Hectares	Acres	FBM	Cubic Meters
Fort Erie					
Grimsby					
Lincoln					
Niagara Falls					
Niagara on the Lake					
Pelham	1	14.0	34.6	45,871	108.2
Port Colborne					
St Catharines					
Thorold	1	3.2	7.9	17,593	41.5
Wainfleet	6	33.9	83.8	186,733	440.6
Welland					
West Lincoln	7	46.0	113.7	129,199	304.9
Totals	15	97.1	240	379,396	894.7

The table excludes permit renewals. Permit renewal statistics will always be included in the year in which the original permit was issued.

Inspections

Generally, each permit site is inspected at least twice, many sites were visited multiple times. The first inspection occurs upon receiving the application. NPCA Bylaw staff visit the site and inspect the tree marking to ensure it follows good forestry practices. Any concerns with the tree marking and prescription will be noted and followed up with the landowner and/or certified tree marker. The permit may not be approved until any concerns are addressed. At this time NPCA staff also assesses the site conditions (soil) and any environmental values present which may be impacted by the harvest operation such as stick nests and streams. This will affect conditions that may be stipulated on the permit.

The operation may be inspected again while the work is underway, and the crew is onsite. This gives NPCA Bylaw staff the opportunity to observe the precautions being taken and ensure that the permit conditions are being met.

Lastly the site is inspected again when the work has been completed. At this time NPCA Bylaw staff can verify that only trees that were marked have been removed and that all permit conditions are satisfied.

The result is that NPCA staff made approximately 61 site inspections on permits during 2020.

Education

In 2020 the NPCA continued to educate the public as well as groups and public agencies regarding the Bylaw.

Much of the educational activity takes place when members of the public phone or drop into the NPCA office and ask questions. Staff also conducted site visits when requested by the landowner to provide forestry knowledge and make them aware of Bylaw requirements. Staff is always available to answer questions and often spend considerable time going over the details of the bylaw and management strategies to deal with Emerald Ash Borer.

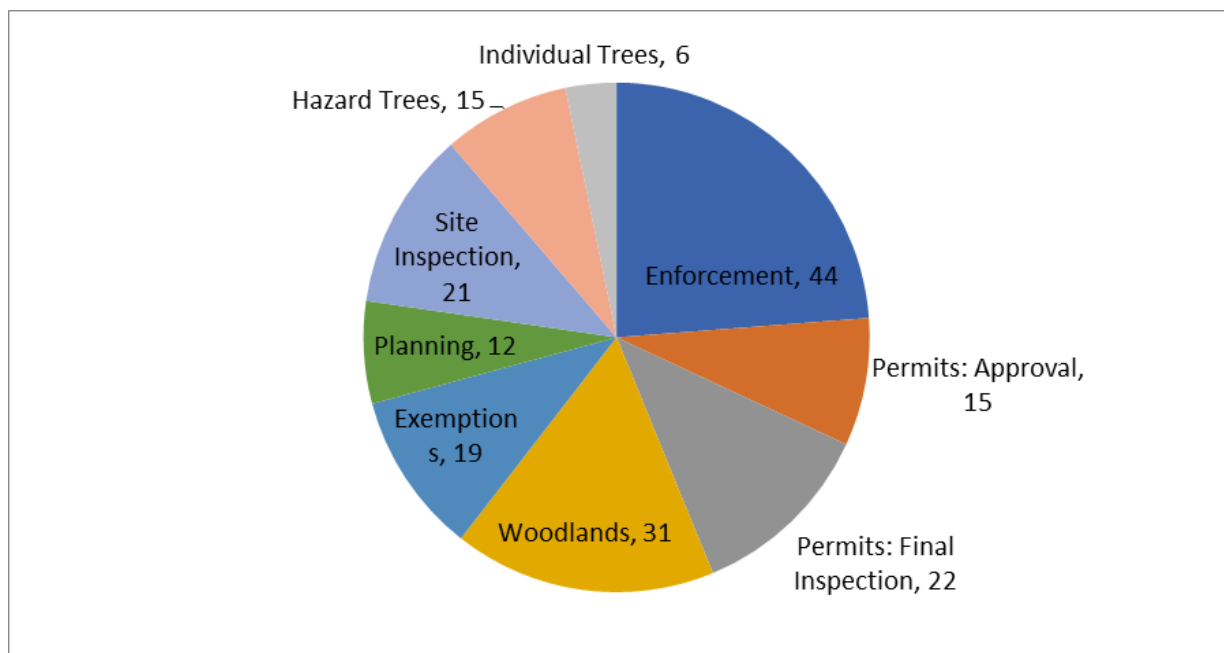
The NPCA website has a section dedicated to the Forest Bylaw with an emphasis placed on Good Forestry Practices and the latest strategies for managing woodlots for Emerald Ash Borer.

Bylaw Inquiries

Bylaw inquiries occur when Bylaw staff responds to an issue either presented by a member of the public or outside agency, or an issue initiated based on observations of Bylaw staff. Most are made by telephone and email. NPCA staff track inquiries for reporting purposes.

In 2020, Bylaw staff responded to 200 bylaw inquiries. Chart 1 indicates the number of inquiries by program area. Most of the inquiries were about enforcement followed by permits and woodlands. Most of the inquiries about individual trees were related to dead and dying ash trees from local citizens. Many inquired if a permit was required for their removal. A brief explanation of program area's follows.

Chart 1: Number of Inquiries by Program Area



Program Area Descriptions

Enforcement: Any enforcement related matters which required action by Bylaw staff.

Exemptions: Inquiries regarding exemptions which required evaluation by Bylaw staff.

Individual Trees: Inquiries regarding individual trees on private property, most of which are outside the jurisdiction of the Bylaw.

Permits Approval: The review and issuing of a Good Forestry Practices permit.

Permits Final Inspection: A formal documented inspection of a completed harvest operation.

Public Outreach: Inquires about by-law & other educational materials. Mail out of educational materials.

Woodlands: Issues and inquiries centered on the application of the Bylaw to woodlands.

Site Inspections: An informal site inspection of a permit during a harvest operation.

Planning: Land use planning inquiries

Chart 2: Number of Inquiries by Interest Group

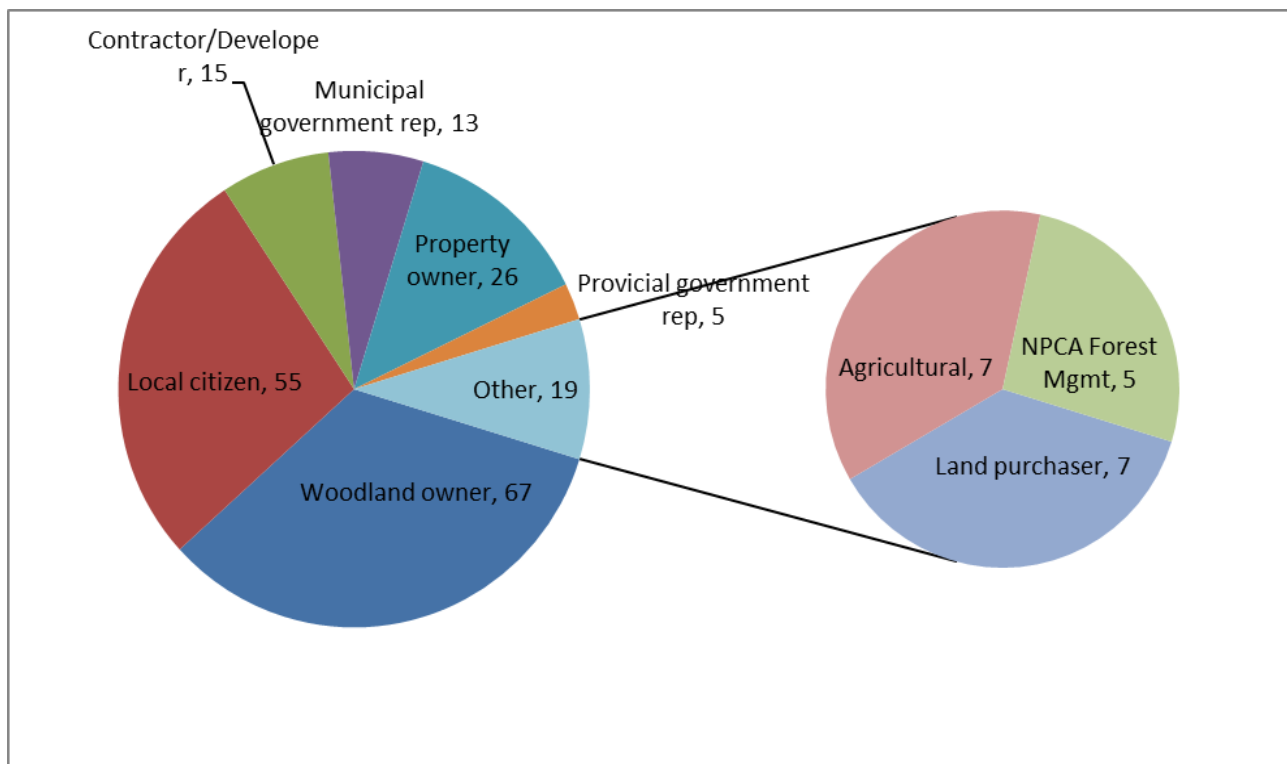


Chart 2 is a break down of the types of people that make the inquiries to the NPCA office. Most of the inquiries are from woodlot owners, followed by local citizens and contractors/developers.

Enforcement and Charges

Should it become necessary to initiate charges resulting from Bylaw violations, it is done under Part III of the Provincial Offences Act. This is referred to as commencement by information.

There were no Bylaw violations that required charges to be laid in 2020.

In 2018, there were two Bylaw infractions in which Part III Informations were filed for properties located in Thorold and St. Catharines, and in 2019 one charge was filed for another property in Thorold. The cases for the Thorold properties are still being processed in court as of the date this report was prepared. The COVID-19 pandemic has impacted the court process leading to delays in getting cases resolved. Tree planting associated with a reforestation order for the infraction in St. Catharines was completed in June 2020.

It is the intention that the outcomes will be presented in future annual reports once the matters are finalized.

Training and Development

The Bylaw staff conducted independent learning to remain current with respect to the practice of forestry in the region and the application of the Bylaw. Staff will attend applicable training opportunities when available.

Advisory Committee

The Tree and Forest Conservation By-law Advisory Committee did not meet during 2020, as there were no issues brought up by NPCA that required additional meetings. The role of the committee is to review and provide advice or recommendations on matters of forest conservation as requested by the NPCA.

Conclusion

2020 is the twelfth and final full year in which the Bylaw was being administered by the NPCA. There were no issues with the NPCA's ability to carry out the role of administering the Bylaw for the Region. All aspects of the Bylaw, from managing Good Forestry Practice permits, enforcement and public education were conducted in a professional manner.

Woodlot management strategies to deal with Emerald Ash Borer will continue to be a main concern in 2021 especially in the southern part of the region. Current strategies will be used in woodlots that have a significant component of ash.

The Bylaw was amended in November 2020. The administration of the Bylaw returns to the Niagara Region on January 31, 2021.

Literature Cited:

OMNRF. 2015. Forest Management Guide to Silviculture in the Great Lakes-St. Lawrence and Boreal Forests of Ontario. Toronto: Queens Printer for Ontario. 394 pp.

**Ministry of Agriculture,
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Ontario

February 4, 2021

Bill Schenck
Irrigation Committee Chair
wmjschenck@gmail.com

Dear Mr. Schenck

Thank you for sharing information about your plans to leverage funding from the Canada Infrastructure Bank (CIB) to improve irrigation infrastructure in the Niagara region.

I understand your irrigation infrastructure is important for the region's tender fruit and viticulture industries.

My government is committed to helping Ontario's agri-food sector be successful, competitive and a key driver for the economy.

I commend you for being proactive in seeking federal funding for expanding irrigation infrastructure and improving the existing irrigation infrastructure through the CIB.

My colleague, the Honourable Laurie Scott, Minister of Infrastructure, has overall responsibility for provincial infrastructure programs. I will discuss your challenges with her. The Ministry of Infrastructure (MOI) has monthly meetings with the CIB and Eric Brox, who works in my ministry's Deputy Minister's office, has been invited to connect with them. I look forward to hearing how we can leverage this opportunity.

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Also, OMAFRA staff are available to provide technical and policy support to your project. You are welcome to contact Rebecca Shortt at rebecca.shortt@ontario.ca or 519-420-7645 and Mike Marcolongo at Mike.Marcolongo@ontario.ca or 226-820-0063.

Please keep me updated with the progress of your infrastructure projects.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ernie Hardeman', with a large, stylized initial 'E'.

Ernie Hardeman
Minister of Agriculture, Food and Rural Affairs

c: The Honourable Laurie Scott, Minister of Infrastructure
Eric Brox, Executive Assistant, Deputy Minister's Office, OMAFRA
Rebecca Shortt, Engineer, Water Quality, Environmental Management Branch,
OMAFRA
Mike Marcolongo, Policy Advisor, Economic Development Policy Branch,
OMAFRA

COVID-19 Reminders

- Practise physical distancing – stay 2 metres away from others in public
- Wash your hands – with soap and water thoroughly and often
- Get the facts - www.ontario.ca/page/covid-19-stop-spread