

# Niagara Region's Woodland By-law Review

Planning and Economic Development Committee  
PDS 16 2020

October 14, 2020

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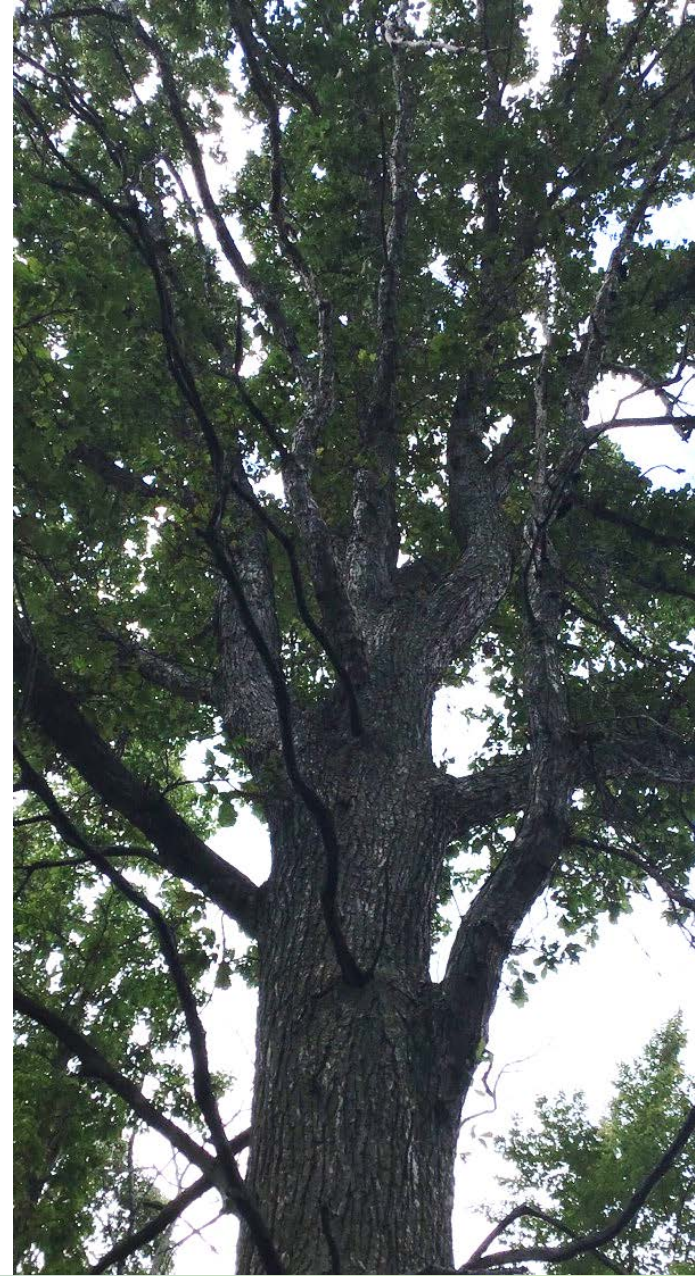
# Agenda

- Presentation ~ 10 minutes
  - Public Consultation Summary
  - Overview of Existing By-Law
  - By-Law Exemptions
  - Key Changes Proposed



# Why Are We Here?

- Niagara Region has undertaken a comprehensive review of the Region's Woodland By-law
- By-law was last updated in 2008
- We are now bringing proposed changes to Committee for consideration



# Goals of the By-law Review

- To review any relevant changes to Provincial legislation
- To review alignment with the Regional Official Plan
- To compare with similar by-laws and update best practices
- To review and confirm by-law objectives
- To review and confirm administration and enforcement processes



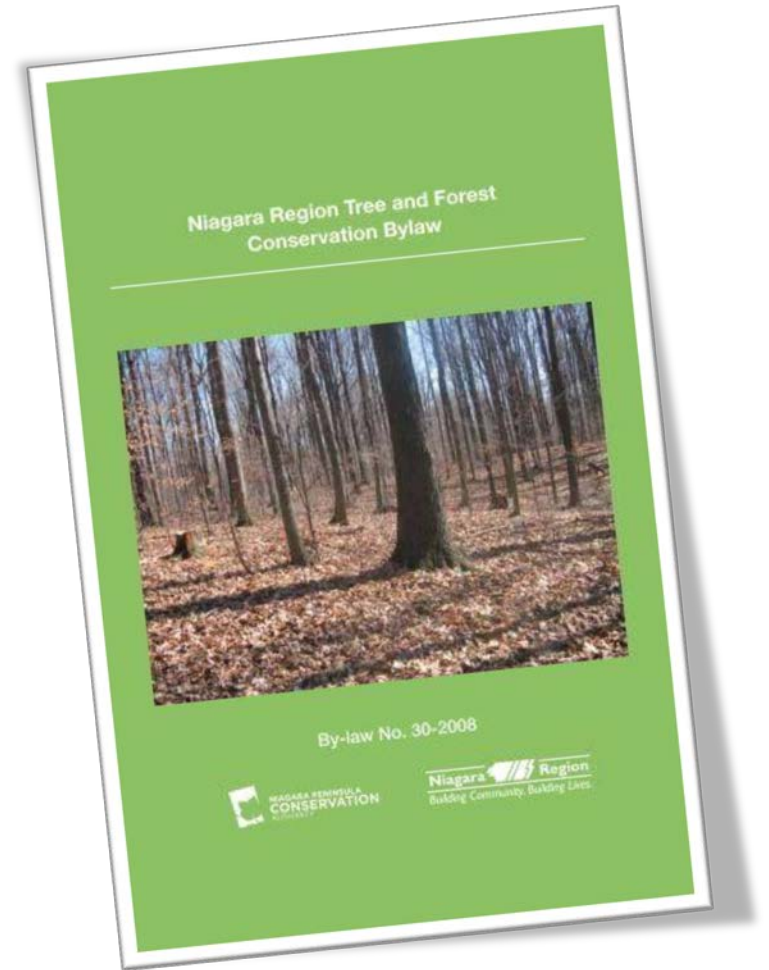


# Public Consultation

- Two stakeholder sessions
  - 24 attendees in the AM- biologists, arborists, ecologists, planners, developers and project managers.
  - 14 attendees in the PM- planners from the local area municipalities and representatives from local environmental groups
- Virtual public open house
- Online survey
- Dedicated project webpage and email for other questions and enquiries

# Existing By-law Facts 1 of 2

- Administered and enforced by the NPCA on behalf of the Region since 2008
- Prohibits injury or destruction of protected trees, unless an exemption applies
- Permits harvesting in accordance with Good Forestry Practices
- Legislated by the *Municipal Act* (2001) s.135



# Existing By-law Facts 2 of 2

- Applies to treed areas measuring 1 ha or more that meet the definition of “woodland” as defined in the *Forestry Act*
- Applies to all woodlots less than 1 ha and designated heritage trees and significant trees upon delegation of authority to the Region by the local area municipality





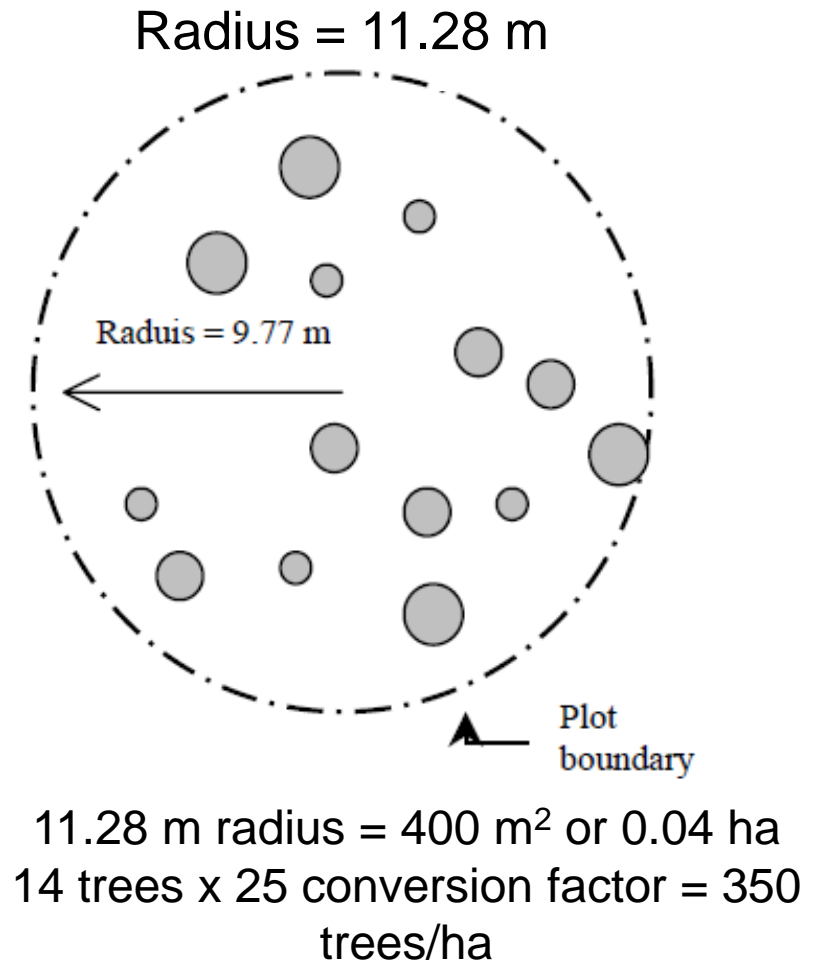
# Delegation of Authority

- Delegated authority for woodlots less than 1 ha:
  - Grimsby
  - Niagara Falls
  - Niagara-on-the-Lake
  - West Lincoln
  - St. Catharines
- Must meet density requirements as per the *Forestry Act*.



# Forestry Act Woodland Definition

- Land on one or more properties with a density of:
  - 1000 or more trees of any size per hectare
  - 750 trees 5 cm or more in diameter per hectare
  - 500 trees 12 cm or more in diameter per hectare
  - 250 trees 20 cm or more in diameter per hectare
- Does not include dead trees, cultivated orchards or actively tended Christmas tree plantations
- Includes plantations that have not been harvested for 15 years





# By-law Cannot Regulate: 1 of 2



- Woodlands less than 1 ha or heritage/ significant trees where authority has not been delegated to the Region by the local area municipality
- Removal of trees required for construction or maintenance of electrical transmission or distribution systems
- Removal of trees required for municipal activities or surveying
- Removal of trees on Crown land or for licensed pits & quarries

# By-law Cannot Regulate: 2 of 2

- Removal of trees approved through a *Planning Act* application as a condition of site plan, subdivision or consent, or a development permit
- These exemptions are legislative and not open to review





# Existing Exemptions 1 of 3

- Harvest of trees for the owner's own use, provided that:
  - There is no commercial sale of trees
  - Good Forestry Practices are followed and the woodland is maintained
  - Prior notification of cutting has been provided
  - The owner has owned the woodland for at least 2 years
  - Does not involve a "sensitive natural area", otherwise a permit is required

**Sensitive Natural Area** currently means lands that are in a woodland designated as part of an Environmental Protection Area in the Regional Official Plan or within a Natural Area designated in the Niagara Escarpment Plan.

# Existing Exemptions 2 of 3

- Removal of trees by a farmer for agricultural use, provided that:
  - The land is owned by the farmer doing the clearing and part of a farm operation that has existing for at least 3 years
  - The land is put into agricultural use within 3 years
  - The land is outside the urban area and zoned for agricultural use
  - Clearing is carried out in accordance with normal farm practices
  - Prior notification of cutting has been provided
  - Does not involve a “sensitive natural area”, otherwise a permit is required



# Existing Exemptions 3 of 3

- Removal of trees:
  - Where a building permit has been issued by a local area municipality
  - On approved waste disposal sites
  - For construction of drainage works under the *Drainage Act*
  - That are dead or hazardous to human safety or property
  - That are diseased, as identified in a Forest Management Plan or Silvicultural Prescription

# Good Forestry Practices Permit

- The by-law prohibits tree cutting in woodlands unless a Good Forestry Practices Permit has been obtained
- Good Forestry Practices improve the health, vigour and economic value of woodlands over time

**NIAGARA PENINSULA CONSERVATION AUTHORITY**  
Niagara Region

**GOOD FORESTRY PRACTICES PERMIT APPLICATION**  
REGIONAL MUNICIPALITY OF NIAGARA  
TREE AND FOREST CONSERVATION BY-LAW NO. 30-2008

This application is to be completed in full by the owner, the contractor and forester (OPFA member), and the certified tree marker, and is to be delivered to the office of the Niagara Peninsula Conservation Authority.

**Property Owner**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: Home \_\_\_\_\_ Work/Cell \_\_\_\_\_ Fax \_\_\_\_\_

**Location and Information about Woodland**

Lot: \_\_\_\_\_ Con: \_\_\_\_\_ Municipality: \_\_\_\_\_  
Street/Road (include a cross street): \_\_\_\_\_  
Is the property enrolled in: Managed Forest Tax Incentive Program (Y or N): \_\_\_\_\_ Conservation Land Tax Program (Y or N): \_\_\_\_\_  
Total area of the woodland: \_\_\_\_\_ ac/ha Area of woodland to be harvested: \_\_\_\_\_ ac/ha  
Basic Area Prior to Harvest: \_\_\_\_\_ m/ha Residual Basic Area: \_\_\_\_\_ m/ha  
Expected Starting Date: \_\_\_\_\_ Expected Completion Date: \_\_\_\_\_  
Will there be a timber harvest? (Y or N): \_\_\_\_\_ When: \_\_\_\_\_ (month/year) By whom: \_\_\_\_\_

**Information about forestry professionals involved**

**Logging Contractor**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Cell \_\_\_\_\_ Fax \_\_\_\_\_

**Certified Tree Marker**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Cell \_\_\_\_\_ Fax \_\_\_\_\_

**OPFA member providing the Forest Management Plan or Prescription**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Cell \_\_\_\_\_ Fax \_\_\_\_\_  
OPFA Number: \_\_\_\_\_

# Feedback from Public Consultation

- Major Themes
  - Existing and proposed exemption policies;
  - Changes to Definitions;
  - Connection between the By-law and Official Plan;
  - Status of By-law Advisory Committee; and
  - Enforcement Policies



# Key Changes Proposed 1 of 4

- Title change
  - ~~Woodland Tree and Forest~~ Conservation By-law
- Enforcement responsibilities
  - Administration and enforcement by ~~NPCA~~  
Niagara Region
- Definitions
  - Remove terms not used and add others



# Key Changes Proposed 2 of 4

- Advisory Committee
  - Remove – no other municipality has a committee
- Redefine woodlot characteristics
  - Do not include hedgerows less than 20 m wide
- Tree Saving Plan requirements
  - Interim – Relocate existing guidelines from within current By-law to an Appendix so that they can be updated at a later date





# Key Changes Proposed 3 of 4

- Exemptions
  - Keep existing exemptions
  - Add exemption for contaminated lands
- Building permit requirements
  - Update to include a land area limitation for woodland removals associated with building permits





# Key Changes Proposed 4 of 4

- Good Forestry Practices
  - Plans must be prepared by an Ontario Professional Foresters Association member
  - Qualified Tree Marker approvals
  - Notification required 48-hours prior to cutting



# Next Steps

- Draft By-law and Report is going to PEDC on October 14<sup>th</sup>, 2020 for consideration







# Thank you!