

Subject: Woodland Conservation By-law Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 7, 2025

Recommendations

1. That By-law No. 2020-79, being A By-Law to Prohibit or Regulate the Destruction or Injuring of Trees in Woodlands in The Regional Municipality of Niagara (short title being the “Woodland Conservation By-law”), **BE AMENDED** to reflect the changes set out in Appendix 2 to Report PDS 4-2025;
2. That the necessary amending By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 4-2025 and a final copy of the amended By-law, **BE CIRCULATED** to the Local Area Municipalities, NPCA, Niagara Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission.

Key Facts

- The purpose of this report is to present the updated Niagara Region Woodland Conservation By-law for Regional Council review and approval.
- Niagara Region’s Woodland Conservation By-law was last updated in 2020. Since then many significant changes have been made to Regional and Provincial planning policies and documents, including official plans.
- The goal of the updates is to ensure that the By-law can continue to be effectively interpreted and administered in response to changing natural heritage definitions and planning responsibilities in Niagara Region.
- The majority of changes relate to Agricultural Use exemptions. Further minor changes and modernizations are also recommended.

Financial Considerations

Financial costs of undertaking the Woodland Conservation Bylaw review internally have been accommodated within the approved 2024 and 2025 Infrastructure Planning operating budgets. The budget covers staffing and associated expenses for one full-time staff member, a Registered Professional Forester, to administer this By-law.

Analysis

Background: The Woodland Conservation By-law

Section 135(2) of the Municipal Act authorizes upper-tier municipalities to pass by-laws regulating activities that injure or destroy trees within woodlands greater than one hectare in size, as defined in the Forestry Act. Regional Council passed the Woodland Conservation By-law 2020-79 in October 2020. The current version of the Woodland By-law has been administered internally by Regional staff since January 31st, 2021.

Changing Official Plans and Planning Authority Requires By-law Update

The current iteration of the Woodland By-law contains language referring to environmental designations as provided for in the then current Regional Official Plan (2014), and the official plans of local municipalities. Regional Council adopted the most recent version of the Niagara Official Plan (NOP) in June 2022, two years after enacting the current Woodland Conservation By-law.

In 2022, the Provincial government passed Bill 23, the *More Homes Built Faster Act, 2022*, which has the effect of making Niagara Region an “upper-tier municipality without planning responsibilities” effective March 31st, 2025. As a result, the NOP will be downloaded to the lower tier municipalities until such time as it is replaced by updated local official plans.

Taken together, these changes create the need to update Niagara Region’s Woodland Conservation By-law to ensure viability and clear interpretation going forward.

Consultation

As a result of the changing planning responsibilities in Niagara Region, Niagara Staff conducted an internal analysis and consulted with the Regional Agriculture Policy and Action Committee and Local Area Municipalities.

The Woodland By-law was reviewed internally by Regional by-law and planning staff, and a first draft of proposed revisions was sent to members of the Agricultural Policy and Action Committee (APAC) and area municipalities in the Spring of 2024. Proposed updates to the By-law were modified based on feedback received by APAC members and area municipalities. Further modifications to the proposed changes were made following a review by internal legal staff. A second draft of proposed changes was sent to APAC members and area municipalities in February 2025. Comments and discussion with APAC members lead to further minor revisions.

Proposed Changes to the Woodland By-law

The proposed by-law modernizations are largely driven by the need to ensure alignment with the reality of planning policy in Niagara Region going forward – post Bill 23. In this way, the substantive updates are principally the result of: (i) ensuring alignment with the Niagara Official Plan (2022); (ii) the Region’s Official Plan being transitioned to local area municipalities; and/or (iii) aligning the By-law to the 2024 Provincial Planning Statement, as set out below:

Section 1.1: The definition of “Agricultural Use” was updated to match language in the most recent Provincial Planning Statement (2024)

Section 1.26: The Sensitive Natural Area Definition was updated to refer to environmental features in the 2022 NOP that now receive a similar level of protection to Environmental Protection Area features in the 2014 NOP. The 2014 Official Plan divided all natural heritage features into one of two categories: Environmental Conservation Area (ECA) and Environmental Protection Area (EPA). Within ECAs, certain activities were permitted provided that a no net-negative impact threshold was maintained. In contrast, EPA designation represented a higher, “no touch” level of environmental protection. The 2022 version of the Niagara Official Plan eliminates ECA and EPA categories, instead assigning specific protection thresholds to individual environmental feature types. The updated Sensitive Natural Areas definition includes features afforded a “no touch” level of protection in the 2022 NOP, aligning the By-law with environmental protection levels in the current council-approved Official Plan.

Section 4.15: The agricultural exemption has been streamlined, and references to local official plans have been added. Specifically, clarification that Urban Area boundaries are determined by Local Official Plans, rather than the Regional Official Plan. The updates further clarify that for Local Area Municipalities that use zoning overlay systems, environmental overlays cannot be ignored when determining whether an area is designated for agricultural use in a Local Official Plan. This change recognizes the

increased role that area municipalities will play in determining the location and extent of environmental features in their updated official plans. Given the updates to the definition of “Sensitive Natural Areas” the reference to permit application for Sensitive Natural Areas has been removed. The By-law permitting system continues to be addressed in Sections 5 and 6 of the By-Law where, in accordance with the requirements of those sections, applications can be submitted for Good Forestry Practices Permits. Finally, the references to Normal Farm Practices have been removed, and a new separate exemption explicitly related to activities that are Normal Farm Practices has been created.

Section 4.16: A stand-alone exemption for Normal Farm Practices ensures that pre-existing and ongoing agricultural practices will not be impacted by the updated Sensitive Natural Areas definition.

An additional change is being recommended to Section 9 which removes a potential remedy that has not, as a practical matter, ever been used in the context of this By-law. Regional by-law staff will maintain the ability to issue Orders, charge a landowner with a By-law violation for failing to comply with an Order, and to register Orders on title following a legal process.

Redline and clean copies of the updated By-law are found in Appendix 1 and Appendix 2, respectively, which capture the above referenced edits together with some additional housekeeping items. Appendix 3 provides a summary of impacted sections.

Alternatives Reviewed

Alternate draft updates to the Woodland By-law were considered and circulated by Regional Staff to members of Agricultural Policy and Action Committee and local municipalities and were reviewed by internal Legal staff. Many proposed changes were either modified or removed based on feedback received by APAC members and area municipalities. The final version of proposed updates aims to maintain the By-law in its current structure while aligning environmental protection objectives with changing language and expectations in relevant municipal official plans.

Not updating the By-law will result in definitions that are misaligned with relevant planning language and objectives resulting in challenges to by-law interpretation and enforceability by staff and the public.

Relationship to Council Strategic Priorities

Effective Region - The proposed changes will ensure that the Woodland By-law remains enforceable and clearly understood in a changing municipal context.

Green and Resilient Region - The proposed updates align with expanded protection of Significant Woodlands enacted by council through the adoption of updated environmental policies in the 2022 Regional Official Plan.

Prosperous Region - The proposed updates expand and clarify the exemption for Normal Farm Practices, ensuring that preexisting agricultural uses can continue on existing farmland in Niagara Region.

Other Pertinent Reports

- DPD 49-2006 - Update on the Tree Conservation By-law
- CAO 4-2008 - Tree and Forest Conservation By-law Amendments
- DPD 133-2007 - Tree and Forest Conservation By-law Amendments
- Service Level Agreement Tree and Forest Conservation By-law August 2008
- [PDS 13-2019 - Initiation of a Woodland By-law Review](#)

(<https://www.google.com/url?client=internal-element-cse&cx=005774670460367375179:knxdu-yx3mm&q=https://pub-niagararegion.escribemeetings.com/filestream.ashx%3FDocumentId%3D2496&sa=U&ved=2ahUKEwj8wpCEgfGMAxUxLVkFHeHQASsQFnoECAEQAg&usg=AOvVaw0aQWm117ShZrUNfdlxyEZ>)

- CWCD 41-2020- Woodland By-law Review Update
- [PDS 16-2020 Woodland Conservation By-law Review](#)

(https://www.google.com/url?client=internal-element-cse&cx=005774670460367375179:knxdu-yx3mm&q=https://pub-niagararegion.escribemeetings.com/filestream.ashx%3FDocumentId%3D11805&sa=U&ved=2ahUKEwi1yKL4g_GMAxXCEfKfHY_INSkQFnoECBIQAg&usg=AOvVaw2wo-Fg6C5ukAiy1bWhpvOc)

Prepared by:

Daniel Root, RPF
Regional Forester
Public Works Department

Recommended by:

Terry Ricketts, P.Eng.
Commissioner of Public Works
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Cara Lampman, Manager of Environmental Planning, and reviewed by Brian Wilson, Legal Counsel and Diana Morreale, Director of Growth Management and Planning.

Appendices

Appendix 1 Revised Woodland Conservation By-law (2020-79) – mark-up copy

Appendix 2 Niagara Region Woodland Conservation By-law (2025-xx) – clean copy

Appendix 3 Table summarizing proposed Woodland by-law updates