



Committee Report

To:	Warden McQueen and Members of Grey County Council
Committee Date:	January 23, 2020
Subject / Report No:	PDR-CW-06-20
Title:	Forest Management By-law Updates
Prepared by:	Sarah Johnson
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	All
Status:	

Recommendation

- 1. That Report PDR-CW-06-20 be received and that staff be directed to draft a new County Forest Management By-law, including a public process and coordination with the member municipalities.**

Executive Summary

The County's forest management by-law was approved in 2006, significant legislative changes have occurred since its original draft, in addition a number of inefficiencies have been identified, and as a result, a new draft is being recommended.

Staff will coordinate with any municipal requirements (new or proposed) on both the drafting of the by-law and the consultation for the bylaw. This consultation will be used to garner input on what should be considered in the new forest management by-law as well to educate about the requirements of the by-law. Staff are also seeking direction from Council on any changes that they would like to see made in the new forest management by-law and to confirm the desired intent of the by-law. Following the consultation process, staff will prepare a draft by-law based on Council's initial input and the comments received through the consultation process and will bring that back for Council's consideration.

Background and Discussion

The County's Forest Management By-law applies to the entire County and is intended to regulate the management of forest areas in both public and private ownership. It requires harvesting to be done in a sustainable way that will promote forest health. The process is overseen by the County's By-law Enforcement Officer for the Forest Management By-law. The trees are marked, and an application is submitted and then our By-law officer verifies that they

meet the standards of the By-law and either approves or denies the application. In addition to forest management there is also a process called the Minor Exemption process. Minor exemptions are requests that are beyond a sustainably managed harvest, when an individual would like to clear cut lands. The Minor Exemption process is akin to that of a Planning Act application, in that an application is made, the proposal is circulated for comment and a recommendation in a staff report is brought forward to the Committee of the Whole. The by-law also contains some exemptions where a permit is not required (e.g. for municipal infrastructure, development where there's been a building permit issued, etc.).

Currently the day to day administration for the Forest Management By-law is done by the County's By-law Enforcement Officer / Forest Manager, Lee Thurston, who is contracted through the Grey Sauble Conservation Authority. If any complaints or applications are received, Lee will be the one to follow up on them. Lee performs site visits and administers/enforces the by-law when necessary.

Currently, there are several municipalities that have a forest management, or tree-preservation by-law. The City of Owen Sound has a Shade Tree By-law which essentially regulates trees on City owned properties. The Municipality of Meaford has a Tree Cutting By-law that is applicable to trees within the municipality that are not covered under the County's Forest Management By-law and without a permit that are part of a tree preservation plan, a public tree, a tree that would negatively affect the ecological integrity of an environmental area, in an area that is subject to an application under the Planning Act and on lands that are controlled or managed by the County or any local board thereof. The Town of the Blue Mountains is currently updating their forest management by-law and has been working closely with the County to determine the best approach to ensure the by-laws are aligned.

Approximately 6 months after the approval of the current Forest Management By-law a change to the *Municipal Act* occurred which changed the offence/enforcement provisions of the Act in a way that would make the purpose of the By-law easier to achieve if it were rewritten. The knowledge of these changes and inefficiencies were identified based on a review of the By-law by the Director of Legal Services based on a number of recent matters related to the Forest Management By-law.

In addition, staff have noted that there are several items that should be updated or changed to more effectively administer the by-law. As a result, staff are recommending that a new by-law be drafted instead of modifying the existing by-law.

The intent would be to go through a public process including consultation with the member municipalities, agencies, the public and others to determine items such as;

- opportunities to coordinate with the lower tier municipalities (i.e. if municipalities their own by-law making sure the by-laws are aligned)
- does the County want to continue with the existing method of forest management or do we want to reduce/increase the requirements of the by-law?
- Should the County's by-law focus on forest management for lands outside of settlement areas where a municipal tree cutting by-law exists that regulates tree cutting in settlement areas, or should the County by-law still apply to settlement areas as well?

There are a number of issues that staff hope the new by-law will address, in addition to any feedback we may hear from Council, the public, and member municipalities. Some early items for consideration include;

- looking into an exemption for works that are associated with technical studies being done on site, that may be subject to a general clearance from the By-law Enforcement Officer,
- considering an Environmental Impact Study requirement for some application types including minor exemptions,
- ensuring that the requirements in the by-law are synched with the County's new Official Plan, Recolour Grey, and
- looking into whether there is any increased protection needed for some woodland features e.g. fence rows.

In addition to these items, there are several administrative items that need updating, including:

- making accessible and updating the forms,
- re-examining fines or requirements to re-plant,
- updating the minor exemption process, and
- including policies that address and align with planning matters.

The above lists should not be considered exhaustive, and staff would welcome input from Council on what the priorities of the by-law should be, including should the by-law provide further protection, versus where exemptions are warranted.

Staff are also seeking confirmation from Council on what the desired overall intent of the by-law should be. The intent of the current Forest Management By-law is to promote sustainable forest management practices and to prohibit or regulate the destruction or injuring of trees in woodlands. Woodlands are defined as land that is one hectare or more in area with a specified density of trees. As noted previously, the by-law also contains several exemptions under Section 4 of the by-law. Confirmation on the desired intent of the new proposed by-law is being sought as this will assist staff in preparing a new draft by-law for Council's consideration.

County staff will be working closely with staff from each of the 9 member municipalities, Conservation Authorities, the Niagara Escarpment Commission, the logging industry, agricultural community, the development community as well as the general public to (a) get their input, and (b) coordinate the County's updated by-law with any municipal tree-cutting by-laws (either existing or proposed) as well as (c) educating/informing on the existing regulatory requirements around forest management and tree cutting. Grey County staff have already started the process to inform these groups through our 'Call Before You Cut' campaign that was initiated in 2018 and distributed widely in 2019. The campaign was an educational flyer (digital or hard copy) that highlights the key areas of the existing Forest Management By-law that could affect various groups. In addition to these educational efforts a video series was launched in 2012 highlighting a number of different areas of the County Forests including the Forest Management By-law.

At the time of drafting of the existing by-law (2006) the planning process and forest management by-law were essentially separate processes. Since that time, the portfolio of Forestry and Trails has moved into the Planning Department as a result of the overlying aspects of both areas. There are many processes that overlap, and it is the intent of staff to bring these

together and make sure that there isn't duplication in the processes. Items including significant woodlands and natural heritage as well as environmental impact study (EIS) requirements are recommended as considerations within the new forest management by-law.

Following direction and confirmation from Council on the desired intent of the new forest management by-law and following input received through the consultation process, staff would prepare a draft new forest management by-law and bring that forward for Council's consideration.

Legal and Legislated Requirements

The Forest Management by-law will be updated in accordance with the Municipal Act Requirements. Section 135 of the Act allows upper-tier municipalities to "prohibit or regulate the destruction or injuring of trees in woodlands". A "woodland" is defined as an area of one hectare or more that contains a minimum number of trees; the number varies based on the size of the trees. Exceptions are provided for "cultivated fruit and nut orchards" and "plantations established for the purpose of producing Christmas trees". A woodland may span across properties owned by different owners.

The County's Legal Services staff will be involved in drafting and reviewing the document to ensure that it sufficiently addresses the legislative requirements.

Financial and Resource Implications

At this time there are no expected financial or resource considerations beyond those normally encountered in drafting and consulting on a new by-law.

Relevant Consultation

- ☒ Internal: Legal, Planning, Clerks, and Grey County By-law Enforcement Officer
- ☒ External: The Public, Municipalities, Conservation Authorities, Niagara Escarpment Commission, Forestry Industry/Loggers, Developers, and Agricultural Community (all to be consulted on the new by-law)

Appendices and Attachments

[Forest Management By-law](#)

[Call Before You Cut](#)