

Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee

From: Meghan Hunter, Manager of Parks and Forestry

Date: December 13, 2022

Report #: RPT-0354-22

Subject: Housekeeping Amendments to Good Forestry Practices By-Law 70-21

Purpose: For Approval

Recommendation

That RPT-0354-22, Housekeeping Amendments to the Good Forestry Practices By-law 70-21 be approved:

And that the amending By-law be presented to Council for approval.

Executive Summary

On July 26, 2022, Council approved minor amendments to Good Forestry Practices By-Law 70-21. County staff have worked with the updated By-law and have identified further minor revisions.

The purpose of this report is to revise language for clarity and streamline process as it relates to the removal of hazard trees while maintaining the purpose of the By-Law, for consideration of approval by Council.

This Report also contains an update on new forestry staff positions.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Impacts and Mitigation

Social Impacts

Forests contribute to residents' mental health and well-being, provide recreation opportunities and economic stability through sustainable forest management practices. The County of Brant's community benefits directly from the Good Forestry Practices By-Law as it ensures sustainable management of forests, balancing ecological preservation and required harvesting by landowners.

Environmental Impacts

Forests are well known for their positive environmental values for enhancing biodiversity, improving air and water quality, and building resiliency to climate change. Most forests within the County of Brant are privately owned and stewarded. Clear and reasonable guidance for

sustainable conservation of forests through the Good Forestry Practices By-Law is essential for preserving this resiliency and ecological integrity while allowing for exercising rights of landowners to support rural economic activity.

Economic Impacts

Sustainable forest management and appropriate land use with woodlots on private lands are significant economic drivers within the County of Brant. Proposed revisions to the Good Forestry Practices By-Law increases clarity of the abilities of private landowners through exemptions of hazard trees to lessen the economic burden on property owners seeking to reduce risk to property and people, while allowing staff to focus efforts on clear cutting and proposed unsustainable forest management.

Report

Background

The County of Brant's approved Property Standard By-Law 205-02 regulates trees that are in an unsafe condition, which includes trees that create a condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any person on or about the property. Where it is uncertain if a tree may pose a risk, an arborist report may be requested.

The Good Forestry Practices By-Law 70-21 regulates the removal of trees in woodlots and woodlands 0.2 hectares in size or larger. While this By-Law does not specifically regulate hazard trees, it provides exemptions that do not require approval from the County for removal of these hazards.

<u>Analysis</u>

To improve clarity and administration of these by-laws, changes as outlined in the following table, are proposed to the Good Forestry Practice By-Law:

Current By-Law Wording	Proposed Changes to Wording	Explanation
Recitals		
AND WHEREAS the Council of the Corporation of the County of Brant has determined it is desirable to enact such a By-Law for the purposes of:	AND WHEREAS the Council of the Corporation of the County of Brant has determined it is desirable to enact such a By-Law for the purposes of:	Addition of purpose to promote sustainable forest management practices balancing conservation and required harvesting/cutting by private landowners.
 Conserving and improving the health of natural heritage features and areas in the County by controlling and reducing clear cutting. Improving the County's resilience and adaptation to climate change. Implementing the 	 Conserving and improving the health of natural heritage features and areas in the County by controlling and reducing clear cutting. Improving the County's resilience and adaptation to climate change. Implementing the 	

- County's strategic priority for Sustainable and Managed Growth by protecting and enhancing the natural environment.
- Promoting good forestry practices that sustain and improve healthy natural heritage features and areas and their related long-term social, economic, and environmental values.
- Protecting, promoting, and enhancing the many benefits that trees contribute to the County in terms of aesthetics, human health, recreation, and the overall enjoyment and quality of life.
- Reducing airborne pollution, protecting and improving the quality and quantity of water, preventing soil and wind erosion, reducing water run-off, and providing cooler temperatures in the summer.
- Promoting and implementing the objectives and policies in the County's Official Plan, Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe on climate change and green infrastructure, in which green infrastructure includes natural and human-made components that provide ecological and hydrologic functions and processes through components

- County's strategic priority for Sustainable and Managed Growth by protecting and enhancing the natural environment.
- Promoting good forestry practices that sustain and improve healthy natural heritage features and areas and their related long-term social, economic, and environmental values.
- Sustainable management of forests, balancing ecological preservation and required harvesting by landowners.
- Protecting, promoting, and enhancing the many benefits that trees contribute to the County in terms of aesthetics, human health, recreation, and the overall enjoyment and quality of life.
- Reducing airborne pollution, protecting and improving the quality and quantity of water, preventing soil and wind erosion, reducing water run-off, and providing cooler temperatures in the summer.
- Promoting and implementing the objectives and policies in the County's Official Plan, Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe on climate change and green infrastructure, in which green infrastructure includes natural and

- such as natural heritage features and systems, urban forests, and natural channels.
- Supporting and implementing the vision, objectives and policies in the County's Official Plan, the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe with regard to the protection, maintenance, and restoration of natural heritage features, areas, and systems.
- human-made components that provide ecological and hydrologic functions and processes through components such as natural heritage features and systems, urban forests, and natural channels.
- Supporting and implementing the vision, objectives and policies in the County's Official Plan, the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshoe with regard to the protection, maintenance, and restoration of natural heritage features, areas, and systems.

Section 1 - Definitions

Agricultural Operation

means an agricultural, aquacultural, horticultural, or silvicultural operation that is carried on in the expectation of gain or reward. The lands must be assessed as farmland, having a valid Farm Business Registration number.

Agricultural Operation

means an agricultural, aquacultural, or horticultural, operation that is carried on in the expectation of gain or reward. The lands must be assessed as farmland, having a valid Farm Business Registration number.

The word 'silvicultural' has been removed as it could be argued that this would nullify many provisions in the By-Law.

Certified Arborist means an individual who is currently certified by the International Society of Arboriculture unless a suspension, term, condition, or limitation of certification applies which would restrict the individual from carrying out responsibilities under this By-Law.

Certified Arborist means an individual who is currently certified by the International Society of Arboriculture and/or by the Province of Ontario unless a suspension, term, condition, or limitation of certification applies which would restrict the individual from carrying out responsibilities under this By-Law.

The trade of an arborist is a certified trade in the Province and acquisition of this trade certification in the Province is more stringent and complex than the process to become an ISA Certified Arborist.

Christmas Tree Plantation means the intentional planting of trees that are maintained or established for the purpose of producing Christmas trees as part of an agricultural operation, but does not include plantations that have ceased to exist for a period of ten years or more.	Christmas Tree Plantation means the intentional planting of trees that are maintained or established for the purpose of producing Christmas trees as part of an agricultural operation, but does not include plantations that have ceased to be harvested for such purposes for a period of ten years or more.	Wording to strengthen this definition.
Environmental Implementation Plan	Environmental Implementation Plan	
m) A proposal for replacement trees outlining if the applicant will provide replacement trees on lands subject to the clearing, on alternate lands approved by the County, and/or as cash-in-lieu to the Replacement Tree Planting Fund. The proposal must include the total area of the canopy of trees to be injured or destroyed, and the aerial extent of replacement trees required to be planted. The aerial extent of replacement trees required to be provided by the applicant shall be at a ratio equal to the greater of: two times the aerial extent of the canopy of trees injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by County approved guidelines;	m) A proposal for replacement trees outlining if the applicant will provide replacement trees on lands subject to the clearing, on alternate lands approved by the County, and/or as cash-in-lieu to the Replacement Tree Planting Fund. The proposal must include the total area of the canopy of trees to be injured or destroyed, and the aerial extent of replacement trees required to be planted. The aerial extent of replacement trees required to be provided by the applicant shall be at a ratio equal to the greater of: two times the aerial extent of the canopy of trees injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by the County's Designated Official;	
NEW	Hazard Tree means any tree or other growth that is dead, decayed or damaged and the branches and limbs thereof which create an	The term "Hazard Tree" has been included for clarity of trees defined as creating an unsafe condition.

	unreasonable hazard or unsafe condition.	
Own Use means the use of a tree or sections of a tree injured or destroyed solely for the personal use by the owner and may include the		Under Section 4 Exemptions, clause p) iii) permits 20 to 40 trees to be removed through selective harvesting.
accessory sale of no more than three bush cords of wood in a calendar year.		To provide more flexibility, it is proposed to remove this term. For example, it could be argued that removing a nuisance tree is not for personal use. This would allow for selective removal of such trees without the requirement for a permit or an arborist report.
Replacement Trees means planting non-invasive native trees and plants through reforestation or afforestation to replace trees injured or destroyed. The aerial extent of the replacement trees shall be at a ratio equal to the greater of: two times the aerial extent of the canopy of trees injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by County approved guidelines. The applicant has the option of providing replacement trees in the form of planting on lands subject to the clearing, on alternate lands approved by the County, and/or as cash-in-lieu to the Replacement Tree Planting Fund. Replacement trees may include a mixture of native trees, plants, ground covers, savannahs and tallgrass prairies, and seed mixes. The minimum density of replacement trees must	Replacement Trees means planting non-invasive native trees and plants through reforestation or afforestation to replace trees injured or destroyed. The aerial extent of the replacement trees shall be at a ratio equal to the greater of: two times the aerial extent of the canopy of trees injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by Designated Official. The applicant has the option of providing replacement trees in the form of planting on lands subject to the clearing, on alternate lands approved by the County, and/or as cash-in-lieu to the Replacement Tree Planting Fund. Replacement trees may include a mixture of native trees. Other vegetation such as, potted shrubs, perennials, grasses and ground covers or seed mixes, may be included in	To replace "County approved guidelines" with "Designated Official" for decision making in the absence of a published guideline. Guidelines will be referred to by the Designated Official. For clarity of applicants regarding replacement trees to be more clearly defined for density requirements in alignment with definition of a woodland woodlot

meet the number of trees the reforestation but will not per hectare required to meet count as the reforested the definition of a woodland aerial extent calculation or or a woodlot. Replacement tree replacement ration. The trees shall have a minimum minimum density of replacement trees must height of 1.0 metres and circumference of three meet the number of *trees* inches, unless otherwise per hectare required to meet approved by the *Designated* the definition of a woodland Official. or a woodlot. Replacement trees shall have a minimum height of 1.0 metres and circumference of three inches, unless otherwise approved by the Designated Official. NEW **Unsafe Condition** shall For alignment with Property Standards By-Law 205-02 mean a condition that poses or constitutes an undue or definition and for clarity of unreasonable hazard or risk definition of hazard tree creating unsafe condition. to life, limb or health of any person on or about the property. Section 2 - Application of the By-Law a) This By-Law shall apply a) This By-Law shall apply to Simplification and to provide to all trees in natural all trees in natural clarity on exemptions for removals of hazard trees. heritage features and heritage features and areas in the County, but areas in the County does not apply to: i. Trees on and adjacent to County of Brant Highways regulated by the County pursuant to By-Law 275-99, as may be amended or updated. ii. Trees in an unsafe condition due to decay, disease or being damaged on a property that are regulated by the County pursuant to Yard Maintenance By-Law 97-19, as may be amended or

updated.				
c) Nothing in this By-Law serves to prohibit the following: i. A normal farm practice under the Farming and Food Production Protection Act. ii. Removal of a tree listed as a noxious weed in accordance with the Weed Control Act iii. Removal of a tree classified as prohibited or restricted as defined in the Invasive Species Act.	c) Nothing in this By-Law serves to prohibit the following: i. A normal farm practice under the Farming and Food Production Protection Act. ii. Removal of a noxious weed in accordance with the Weed Control Act. iii. Removal of a tree classified as prohibited or restricted as defined in the Invasive Species Act. iv. Removal of a hazard tree approved by the Designated Official.	To provide clarity on governance and purpose of By-Law. Revised language to clearly permit the removal of a noxious weed per the Weed Act.		
Section 4 –Exemptions				
This By-Law does not apply to and a <i>permit</i> is not required for:	The provision of this By-Law shall not apply to the following:	Simplification.		
Section 4 – Exemptions Other Exemptions				
o) The <i>injury</i> or <i>destruction</i> of a <i>tree</i> located within 2 metres of a building, domestic well, sewage system or a <i>tree</i> certified by a building inspector or engineer as causing structural damage to a drain, utility, domestic well, sewage disposal system, loadbearing structure or roof structure.	o) The <i>injury</i> or <i>destruction</i> of a <i>tree</i> located within 2 metres of an existing building, driveway, sidewalk, parking lot, domestic well, sewage system or a <i>tree</i> certified by a building inspector or engineer as causing structural damage to a drain, utility, domestic well, sewage disposal system, load-bearing structure or roof structure.	The proposed wording is intended to provide more flexibility.		
p)iii.The <i>injury</i> or <i>destruction</i> of a <i>tree</i> for the owner's own use through selective	p)iii.The <i>injury</i> or <i>destruction</i> of a <i>tree</i> through selective harvesting, subject to the	As noted above, owner's own use is proposed to be		

harvesting, subject to the following provisions: removed, to provide greater following provisions: i. For properties less than 5 flexibility. hectares in area that no i. For properties less than 5 hectares in area that no more than 20 trees or 6 more than 20 trees or 6 bush cords plus bush cords plus associated fuel wood from associated fuel wood from the tops of the the tops of the aforementioned trees are aforementioned trees are injured or destroyed within injured or destroyed within a calendar year, or a calendar year, or ii. For properties 5 hectares ii. For properties 5 hectares or greater in area that no or greater in area that no more than 40 trees or 12 more than 40 trees or 12 bush cords plus associated fuel wood from bush cords plus associated fuel wood from the tops of the aforementioned trees are the tops of the aforementioned trees are injured or destroyed within injured or destroyed within a calendar year; and a calendar year; and iii. The *injury* or *destruction* iii. The injury or destruction does not constitute clear does not constitute clear cutting, or reduce the density of trees in a cutting, or reduce the woodland or woodlot density of trees in a woodland or woodlot below the minimum below the minimum number of trees per number of *trees* per hectare required to be hectare required to be considered a woodland or considered a woodland or woodlot. woodlot. **NEW** u) The injury or destruction To clearly state exemption of hazard trees as for hazard tree removal per approved by the the definition provided in the designated official. By-Law update. **Section 6- Clear Cutting Permit** a) Where an applicant a) Where an applicant To replace "County intends to *injure* or *destroy* intends to *injure* or *destroy* approved guidelines" with trees that are not exempt trees that are not exempt "Designated Official" for under Section 4 of this Byunder Section 4 of this Bydecision making in the Law or approved in Law or approved in absence of a published accordance with a permit accordance with a permit guideline. Guidelines will be issued for a Good Forestry issued for a Good Forestry referred to by the Practices Permit pursuant Practices Permit pursuant Designated Official. to Section 5, an application to Section 5, an

may be made for a Clear

Cutting Permit provided the

injury or destruction is not

application may be made

for a Clear Cutting Permit

provided the *injury* or

destruction is not proposed in a prohibited clear cutting area, by applying for a permit to the Designated Official at least 45 days prior to the intended destruction or injury of trees, by:

- Submitting a complete Clear Cutting Permit Application Form, in the form prescribed by the Designated Official, signed by the applicant and owner,
- ii. Submitting the prescribed fee as set out in the County Fees and Charges By-Law;
- iii. Where the tree is a common property tree, a letter from the adjacent property owner agreeing to proposed injuring or destruction:
- iv. Clearly marking the trees proposed to be injured or destroyed by a Certified Tree Marker in a visible location approved by the Designated Official:
- v. Submitting an Environmental Implementation Plan;
- vi. Submitting an
 Environmental Impact
 Study in addition to
 an Environmental
 Implementation Plan
 where specified by
 the Designated
 Official. An
 Environmental Impact
 Study is required

proposed in a *prohibited* clear cutting area, by applying for a *permit* to the Designated Official at least 45 days prior to the intended destruction or injury of trees, by:

- i. Submitting a complete Clear Cutting Permit Application Form, in the form prescribed by the Designated Official, signed by the applicant and owner.
- ii. Submitting the prescribed fee as set out in the County Fees and Charges By-Law;
- iii. Where the *tree* is a common property tree, a letter from the adjacent property owner agreeing to proposed injuring or destruction:
- iv. Clearly marking the trees proposed to be injured or destroyed by a Certified Tree Marker in a visible location approved by the Designated Official:
- v. Submitting an Environmental Implementation Plan;
- vi. Submitting an
 Environmental
 Impact Study in
 addition to an
 Environmental
 Implementation Plan
 where specified by
 the Designated
 Official. An

- where the *injury* or destruction of trees is proposed in or within 120 metres of known or potential natural heritage features and areas, unless otherwise directed by the Designated Official;
- vii. Submitting a proposal for replacement trees on the lands subject to the injury or destruction of trees. on alternate lands approved by the Designated Official, and/or as a cash-inlieu payment to the Replacement Tree Planting Fund. The aerial extent of the replacement trees required to be provided by the applicant shall be at a ratio equal to the greater of: two times the aerial extent of the *canopy* of *trees* injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by County approved guidelines; and
- viii. Any other information as deemed necessary by the Designated Official.

- Environmental Impact Study is required where the injury or destruction of trees is proposed in or within 120 metres of known or potential natural heritage features and areas, unless otherwise directed by the Designated Official;
- vii.Submitting a proposal for replacement trees on the lands subject to the injury or destruction of trees, on alternate lands approved by the Designated Official, and/or as a cash-inlieu payment to the Replacement Tree Planting Fund. The aerial extent of the replacement trees required to be provided by the applicant shall be at a ratio equal to the greater of: two times the aerial extent of the canopy of trees injured or destroyed; a ratio approved through an Environmental Impact Study; or a ratio as established by Designated Official; and
- viii. Any other information as deemed necessary by the *Designated Official*.

Summary and Recommendations

It is recommended that Council approved the proposed changes.

Attachment 1 includes the proposed amending By-Law.

Attachment 2 includes the existing Good Forestry Practices By-Law with track changes.

New Forestry Staff Positions

In 2022 the Parks and Recreation Division, secured a full-time Forestry Technician and a full-time Manager of Parks and Forestry to support the County's forestry program. The Forestry Technician oversees the technical review of applications through the Good Forestry Practices By-Law and provides forestry related support to other departments and residents within the County of Brant as well as develop strategies and guidelines to support sustainable forest management across the County. The Manager of Parks and Forestry will oversee this portfolio and ensure consistency of park, land, and forest management across the County of Brant.

Attachments

- 1. Proposed Amending By-Law to Good Forestry Practices
- 2. Proposed Good Forestry Practices By-Law With Track Changes

Reviewed By

- 1. Cindy Stevenson, General Manager of Community and Protective Services
- 2. Stacey Ellins, Director of Parks and Recreation

Copied To

- 1. Alysha Dyjach, Director of Council Services, Clerk
- 2. Jyoti Zuidema, Solicitor
- 3. Greg Bergeron, Manager of Enforcement and Regulatory Services
- 4. Pam Duesling, General Manager of Development Services
- 5. Mat Vaughan, Director of Development Planning
- 6. Michelle Schaefle, Senior Environmental Planner
- 7. Richard Weidhaas, Chief Building Official
- 8. Trent Meyers, Forestry Technician

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No