

**To: Warden and Members of County Council**

**From: Director of Community Planning**  
**Director of Public Works**

## **Woodlands Conservation By-law Update – Supplementary Report**

### **RECOMMENDATIONS**

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- 1. That County Council receive Report No. CP 2018-160 regarding the Woodlands Conservation By-law Update;**
- 2. And further, that Council authorize staff to bring forward the Woodlands Conservation By-law to Council's regular meeting of June 27, 2018 for consideration and approval.**

### **REPORT HIGHLIGHTS**

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- The purpose of this report is to provide County Council with a further update regarding the Woodlands Conservation By-law (WCB), primarily in response to comments and correspondence received at the Public Meeting held at Council's regular meeting of May 23, 2018.
- This report also requests Council authorization to bring the WCB forward to Council's regular meeting of June 27, 2018 for consideration and approval.

### **Implementation Points**

The report includes discussion regarding the comments and correspondence received at the Public Meeting held by Council on May 23, 2018 with respect to the WCB. It is anticipated that Council will consider Report No. CP 2018-160 and refer the WCB to Council's regular meeting of June 27, 2018 for approval.

### **Financial Impact**

The recommendations contained in this report will have no financial impacts beyond what has been approved in the current year's budget. The Treasurer has reviewed this report and agrees with the financial impact information.

## Risks/Implications

There are no risks or other implications anticipated as a result of the recommendations contained in this report.

## Strategic Plan (2015-2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following:

3. ii. **A County that Thinks Ahead and Wisely Shapes the Future** – Implement development policies, land uses and community planning guidelines that:
  - *Strategically grow our economy and our community*
  - *Provides a policy framework which supports community sustainability, health and well-being*
  - *Supports healthy communities within the built environment*
  - *Supports and protect a vibrant and diversified agricultural industry*
  
3. iii. **A County that Thinks Ahead and Wisely Shapes the Future** – Demonstrated commitment to sustainability by:
  - *Ensuring that all significant decisions are informed by assessing all options with regard to the community, economic and environmental implications including:*
    - *Responsible environmental leadership and stewardship*
    - *Supporting the community implementation of the Community Sustainability Plan*
  
4. i. **A County that Informs and Engages** – Harness the power of the community through conversation and dialogue by:
  - *Providing multiple opportunities for public participation and a meaningful voice in civic affairs*
  - *Fostering greater involvement in County and community events and/or program/project implementation*
  - *Understanding and addressing public aspirations for a more livable community*

## DISCUSSION

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### Background

County Council held a Public Meeting regarding the proposed Woodlands Conservation By-law (WCB) on May 23, 2018. Report No. CP 2018-125 was presented at the meeting by staff and Council received four pieces of correspondence (Attachment 1) and heard from two members of the public regarding the WCB.

## Comments

Regarding the attached correspondence received from Jack Winkler, Registered Professional Forester (Attachment 1) and the comments made at the Public Meeting by Bruce Kropf (which referenced the Winkler comments to some extent), staff have reviewed these comments and offer the following in response. Mr. Winkler's comments and concerns are listed here for Council's convenience together with the staff response.

### 1. Size of painted marks on trees to be harvested

Mr. Winkler notes that the draft WCB calls for 4-inch diameter paint dots when marking trees and suggests that this is excessive for sight purposes and exposes the tree marker to potentially inhaling more paint spray. Mr. Winkler suggests that 2-inch dots are adequate for tree marking.

For Council's information, the tree marking requirement noted above is included in Schedule "C", Notice of Intent – Good Forestry Practices of the draft WCB and is referenced under the heading 'Tree Marker Information'.

Staff have reviewed this comment and agree that the size of the mark could be reduced to 2-inches as suggested.

### 2. Basal Area

As per Mr. Winkler's comments, the Basal Area is the cross-sectional area of trees at 1.37 m (4.5 ft) from the ground and is used to estimate how much of a hectare of woodland is occupied by tree stems.

Mr. Winkler's comments in this regard (as per Attachment 1) suggests that the basal area method has no regard for species needs or overhead crowding. One Basal Area figure is arbitrary and can be detrimental to growing good quality tree species such as Oak, Black Cherry, Hickories, etc. Mr. Winkler concludes that a minimum Basal Area requirement should be removed from the By-law.

### 3. Sampling Basal Area

Mr. Winkler has indicated that the sampling method as included in Schedule "H" – Basal Area Calculation and Assessment is inexact and concludes that Basal Area should only be used or reported by a qualified person when voluntarily managing under the Basal Area method and that Schedule "H" should either be deleted or rewritten 'to be correct' for a qualified person to follow.

### 4. Total Basal Area

The comments provided by Mr. Winkler indicate that the term 'total basal area' (which is a defined term in the definitions section of the draft WCB) is misleading as forest managers deal with and report overall average Basal Areas, and do not add and report the sum of samples. If Basal Area is to remain in the WCB, it is recommended that the County use a term that reflects the overall average basal area rather than the 'total basal area'.

Staff have reviewed the comments provided in 2, 3 and 4 above and are of the opinion that the use of a 'basal area' definition (or definitions) in the WCB is appropriate and should be retained in County's By-law.

'Basal Area' is a tool used in forestry to determine more than just forest stand density. It is also linked to timber stand volume and growth and therefore, it is often the basis for making important management decisions such as estimating forest regeneration needs and wildlife habitat requirements.

Further, 'Basal Area' and 'Average Basal Area' are used to mitigate potentially unsustainable practices associated with circumference or diameter-limit cutting. While staff recognize that basal area measures are imperfect, the use of minimum basal area standards when considering circumference harvest activities is an effective and easily employed tool that can assist in maintaining woodland health. The use of basal area measures is common in the By-laws that have been reviewed by staff in completing the County's WCB update.

In consultation with the County's By-law Officer, the definition of 'Basal Area' as currently contained in the draft WCB is proposed to be replaced with the following:

*"Basal Area" means the total cross-sectional area of all live trees 10 cm (4 in) or greater, expressed as square metres per hectare and measured 1.37 m (4.5 ft) above the point on the tree where the ground meets the stump at the base of the tree."*

Regarding the comments related to 'total basal area' provided by Mr. Winkler, staff are of the opinion that the definition of total basal area, as contained in the current draft WCB, should be removed entirely and that the above-noted definition, together with the provisions regarding the maintenance of a minimum basal area (as contained in Section 3(b) iv) of the draft By-law), provides an appropriate approach to the application of basal area measurements when harvesting trees in woodlands.

With respect to the comments related to sampling basal areas, staff have amended the proposed Schedule "H" of the By-law as per Attachment 2.

5. Mr. Winkler's comments suggest that the proposed WCB lacks clarity with respect to the area that is to be used on calculating whether a wooded area is a woodland or would remain a woodland subject to harvesting.

The definition of 'woodland' contained in the draft WCB is consistent with that found in all By-laws that have been reviewed by staff. Further, the current draft By-law does include provision that a woodland must be at least 1 ha in size to be considered a woodland for the purposes of the By-law.

6. Mr. Winkler notes in his comments that it is legal for individuals to practice forestry personally, on lands which they own, as per Section 3.2(a) of the Professional Foresters Act and concludes that 'if a landowner has enough interest to personally manage a woodland, and follows the silvicultural prescription outlined in Schedule "C" of the By-law, that landowner should be included in Section 3(a) of the Oxford By-law'.

Section 3(a) of the WCB provides for the harvesting of trees in accordance with 'good forestry practices' in accordance with a silvicultural prescription (i.e. plan). While a non-professional forester can prepare a silvicultural prescription, such plan must be approved by a professional forester. The Professional Foresters Act allows for individuals who are non-forester/non-tree markers to carry out marking and harvesting activities on their own property, but where these activities are being carried out in accordance with a silvicultural prescription, the said prescription must be either prepared or approved by a forestry professional. The provisions contained in the current draft of the WCB reflect this and are common in all of the By-laws that have been reviewed by staff as they pertain to good forestry practices. However, staff propose to amend Schedule "C" as contained in the WCB to include additional clarity on this issue.

Council will also recall comments provided by Bruce Kropf, a forestry services professional who operates in Oxford County, regarding Schedules "C", Notice of Intent – Good Forestry Practices and "D", Notice of Intent – Circumference Harvest. Mr. Kropf expressed concern that, as the schedule for Good Forestry Practice (which essentially serves as the application form for GFP) is more extensive and requires substantially more information than the application for Circumference Harvest (Schedule "D"), the WCB is encouraging circumference harvest activities over good forestry practices.

For Council's information, circumference harvest is the practice of cutting trees that are over a certain diameter and typically target larger, healthier trees that are of greatest value, leaving poorer quality trees behind. The circumference harvest approach to woodlands management does not account for tree species, age, quality, etc. and is not considered to be a sustainable management practice. The 'Good Forestry Practices' approach to tree harvesting is considered to be a 'best practice' in forest management which contributes to the diversity and health of woodlands and generally lessens the impacts of diseases such as emerald ash borer and beech bark disease.

Based on the foregoing, the circumference harvest provisions that are contained in the current WCB (approved in 2004 and in effect now) were removed from the 'original' draft of the updated By-law that was circulated for public comment in 2016. Concerns were raised during the initial consultation that relying solely on good forestry practices would create added costs for harvest in some circumstances (i.e. while a good forestry practices intent would typically require the preparation of a silvicultural prescription prepared by a registered professional, the circumference harvest provisions have no such requirement). Further, the circumference harvest method is included in all neighbouring municipal WCBs and consultation with By-law Officers from these municipalities indicated that retaining the circumference harvest provisions in the By-law is an appropriate and useful provision for both landowners and the County.

While staff appreciate Mr. Kropf's comments, as noted above, it is the opinion of staff that Schedules "C" and "D" reflect the information required by the By-law Officer with respect to each method of harvest and that the perceived complexity of a Good Forestry Practices application would not typically be a deterrent to a landowner that is interested in managing their woodlands for the long term.

## City of Woodstock Request for Exemption

The City of Woodstock passed the following resolution at their regular meeting of May 17, 2018 with respect to the County WCB:

*“That Woodstock City Council advise County Council that Woodstock requests an exemption from the proposed County of Oxford Woodlands Conservation Bylaw as it is a duplication of regulation within the geographic boundary of the City of Woodstock.”*

The staff report and a copy of Chapter 763 of the City’s Municipal Code regarding property maintenance and specifically, the protection of trees on privately-owned lands, are attached to this report for Council’s consideration (Attachment 3).

As per the noted City report, the City’s tree protection by-law applies to a woodlot (defined as any trees identified on Schedule B of the City’s By-law); lands upon which there is a pending application for a plan of subdivision or condominium; and any lands designated on Schedule “W-1” (Land Use Plan for the City of Woodstock) of the County Official Plan as Environmental Protection Area or Open Space. The report also notes that the City retains a full-time Arborist and an Urban Forester on staff. In addition, the By-law and appoints the Director of Parks and Recreation, Supervisor of Parks and the City’s By-law Officers as appointed officers for the enforcement of the By-law.

As Council is aware, the County WCB only applies to woodlands consisting of 1 ha (2.47 ac) or greater and which contain a sufficient number of trees as set out in the By-law. As such, any woodlands within the City that are less than 1 ha are not subject to the County WCB. Further, while there are a limited number of woodlands within the City greater than 1 ha that are not protected by the City’s By-law because they are not currently designated either Open Space or Environmental Protection, any significant woodland or wetland features (as identified through the Oxford Natural Heritage Systems Study – 2016) are protected via existing zoning provisions and/or Conservation Authority regulations. It is anticipated that those woodland features that are presently not designated as Open Space or Environmental Protection in the Official Plan will be addressed through implementation of the above-noted ONHSS and/or secondary planning exercises within the City.

It would appear that the City of Woodstock’s By-law provides significant protection for woodlands within the City, including provision for the enforcement of the By-law. The Municipal Act allows an upper-tier municipality (i.e. the County) to delegate all or part of its authority to pass a woodlands by-law to one or more of its lower-tier municipalities with the agreement of the lower-tier municipality. In light of the foregoing, staff are of the opinion that the City’s request for an exemption from the County WCB could be given favourable consideration by Council.

## Conclusions

Staff recommend that Council receive the draft Woodlands Conservation By-law attached to this report ([Attachment 4](#)) and give final consideration to the By-law at Council's regular meeting scheduled for June 27, 2018.

## SIGNATURES

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### Departmental Approval:

*"original signed by"*

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Gordon K. Hough, RPP  
Director of Community Planning

### Departmental Approval:

*"original signed by"*

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David Simpson, P.Eng., PMP  
Director of Public Works

### Approved for submission:

*"original signed by"*

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Peter M. Crockett, P.Eng.  
Chief Administrative Officer

## ATTACHMENTS

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- [Attachment 1:](#) Correspondence from J. Winkler, Lori Leblanc & Oxford Coalition for Social Justice
- [Attachment 2:](#) Revised Schedule "H" from the draft Woodlands Conservation By-law
- [Attachment 3:](#) City of Woodstock resolution, report and Chapter 763 of the City's Municipal Code
- [Attachment 4:](#) Draft Woodlands Conservation By-law

**Gordon Hough**

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**From:** Branching Out <branchingout@teksavvy.com>  
**Sent:** May-21-18 10:33 AM  
**To:** Gordon Hough  
**Cc:** Bruce Kropf; john@happyhills.com; gord howe; Bruce Zavitz; dveld@quadro.net; Travis Lockhart; Don McKay  
**Subject:** Re: Oxford County Woodlands Conservation By-law Update

Mr. Hough  
 Gord

I have gone over the latest draft By-law for cutting trees in Oxford County.

As an outsider who works in Oxford County, it is good to see that the County is striking a balance between protecting the natural component of the County and respecting local landowners and loggers.

Well done.

There are, however, some unresolved issues in this draft By-law that have caught my attention. These issues may not be seen by landowners, but these issues can still cause problems for them and those preparing a woodland for harvest:

1. Size of painted marks on trees to be harvested

This draft calls for 4-inch diameter paint dots. This is excessive for sight purposes and exposes the tree marker to breathing in considerably more paint spray drift. **Two-inch dots are adequate.**

2. Basal Area

Basal Area is the cross-sectional area of trees at 1.37 meters from the ground. It is used to estimate (i.e. get an indication of) how much of a hectare of woodland is occupied by tree stems.

Basal Area management is used by some forest managers in shade tolerant Sugar Maple woodlots to reach overall average residual basal area targets for a series of size classes. Since the basal area method has no regard for species needs or overhead crowding, it is not always a good choice. One minimum Basal Area number is arbitrary and it can actually be a detriment to growing good quality shade intolerant tree species such as Oaks, Black Cherry, Hickories, Basswoods, Walnuts, Butternuts and Pines.

**A minimum Basal Area requirement should be removed from the By-law.**

3. Sampling Basal Area



Based partly on evidence that there is considerable variation in tree sizes and tree spacing throughout a woods, a charge concerning Basal Area measurement in Norfolk County was dismissed in Court because the Court found that Basal Area measurement was an "inexact process".

And Norfolk's basal area instructions were far more comprehensive than Oxford By-law's bad instructions in Schedule H.

**Basal area should only be used or reported by a qualified person when voluntarily managing under the Basal Area method, and Schedule H should either be deleted or rewritten to be correct for a qualified person to follow.**

#### 4. Total Basal Area

The term Total Basal Area is misleading as forest managers deal with overall average Basal Areas. We do not add and report the sum of several samples, we report the overall average.

**If Basal Area is to be required in the By-law for some reason, consider using Overall Average Basal Area instead of Total Basal Area.**

#### 5. Determining if a woods is a woodland or remains a woodland

Define "the area" to be used in the By-law. Is it the area to be harvested on the permit application or as outlined in a Silvicultural Prescription? Does it include all of the woodland on a property? All woodlands within the ecological boundary?

Is an abutting field or old pasture now a woodland because there are scattered trees on it, but it alone does not have enough trees per hectare to be a woodland by definition?

Since all sampling will have some sampling error associated with it, what Margin of Error is acceptable?

**Regardless of the definition of "the area", it needs to include 'being least one hectare in size' – the minimum size of a woodland. When addressing an issue, the point of contention shall be as close to the centre of that hectare as possible.**

#### 6. Exclusion Section 3.2 (a) of the Professional Foresters Act

It is legal to practice professional forestry "personally by individuals on land which they own" without a forester.

**If a landowner has enough interest to personally manage a woodland, and follows the silvicultural prescription outlined in Schedule C of the By-law, that landowner should be included in Section 3. (a) of the Oxford By-law.**

#### 7. Everyone to comply with the By-law

A consultant for the Oxford County told me twice that he was "above the By-law" and that he "did not have to follow the By-law".

**The By-law needs to affirm that County staff and County representatives shall follow the same rules and procedures that loggers, landowners and other consultants would have to follow.**

Dear County Council Members:

I have been an Oxford County resident for over 25 years. For 18 of those years I had the pleasure of residing on the beautiful Thames River in Woodstock on Tecumseh Street. All those 18 years, I was very concerned and watched over the wetlands and woodlands, specifically beside Tecumseh Street, in Burgess Park, the Standard Tube Trail area. I saw how it was treated and maintained.

As years passed, I saw more and more of this beautiful area being destroyed and wildlife disrespected. It was very disheartening to watch. Myself along with numerous others tried to get the City of Woodstock to understand that this area needed to be treated different from urban parks in the area and how its walking trails are an asset. To this day, the Burgess Trail is still disrespected; turtle nests are blatantly being destroyed. The piling of gravel on the trail and beside it appears to be done with no regard to wildlife, the river, the wetlands or woodlands.

I no longer live at this residence but my heart will always be there especially for the animals and endangered specials of wildlife which should be our duty to preserve.

I believe if this area cannot be respected as a natural feature accessible to people, it should be closed off and let nature rest and rebuild.

I sat on the Upper Thames planning committee that worked very hard to set a plan for these wild life areas and to restore precious habitat. I watched: the whole plan was not followed by the city; instead employees did things in blatant contradiction to the best advice of professionals and the community.

I have long held hopes for this area. As council members, you can see how important this area is to not only Woodstock but to Oxford County. As a result you would want to hold to account the people responsible for maintaining not only relevant bylaws, but also the plan that the City of Woodstock adopted when presented by the Upper Thames Conservation Authority Staff. This area needs more tender care because of the wildlife, birds and endangered species of trees. It deserves different treatment from a sports field and surrounding grasslands.

Regards

Lori LeBlanc

Resident of Oxford County

37 Glenridge Rd.

Tillsonburg, Ont

519-537-5550

To: Oxford County Warden and Council  
From: The Oxford Coalition for Social Justice  
Re: The Woodland Conservation By-Law  
Date: May 15, 2018

The Oxford Coalition for Social Justice and its environmental wing, sometimes known as the Green Earth Campaign, is pleased that the Woodlands Conservation By-Law of 2004 is now being reconsidered, expanded and brought into line with the aspirations of the community as expressed in various ways including through the consultations in the creation of the Future Oxford Sustainability Plan, previous and subsequent forums of discussion. We are glad to several elements in the introductory portions of the current draft including –

- sustaining the community's environmental and natural heritage resources
- conserving and improving woodlands, and
- enhancing biodiversity and forest resilience....adapting to climate change, and other environmental threats to forest health.

There is much more in the various sections of the document, some of them expansions, some of them clarifications.

The Oxford Coalition for Social Justice is particularly aware of the several negative factors for forest health which have resulted in a loss to the total stock of trees and to the extirpation of at least one species. The devastation caused by the Emerald Ash Borer has been particularly evident in some locations. Continued cutting for housing or other developments and the loss of road-side fence-row trees are to be decried. The Oxford Coalition for Social Justice therefore recommends the following:

- More effective enforcement of provisions to stop the damaging, injury and cutting of trees unlawfully, and higher fines for doing so. \$400 is not a sufficient deterrent, nor does it allow for replacement of adult trees
- Attention to biomass rather than number of trees as a way to quantify tree planting, growth or removal. This would mean that a 6 inch sapling would not be considered as important as a 15 foot tree moved into a devastated areas nor as significant as an adult tree, depending on species
- Added requirements for replanting to recognize the duration of life of some slow-growing species among the Carolinian trees which would be chosen to enhance the biodiversity and forest resilience to climate change. The northward march of animal species due to warmer climate cannot be matched by the trees without our (and therefore, the County's) assistance.
- Heightened awareness of the value of trees alongside roads where sidewalk and widening projects are perhaps not warranted by the real traffic nor by long-term trends toward active and/or shared transportation, as well as alongside country roads where fence-line trees are being removed and not often replaced

- Reconsideration of the “wildlife corridor” concept between woodlands to ensure that they have enough tree cover to make it apparently safe to animals as well as for their benefits to human populations, erosion prevention and provision of habitat.

Agro-forestry is being discovered as an improvement after years of forest mismanagement around the world according to John Vidal, Olivier Ranke, Fabian Liagre, Christian Dupraz as well as Agriculture and Agri-Food Canada. Agro-forestry aligns with Oxford County’s goal of 10 000 tree plantings annually. That goal would be moot if more than 10 000 trees are lost due to planned harvesting, exemptions in the bylaw, illegal tree removal and natural factors. Thus, agro-forestry might well encourage the growth of apple trees on lands that had previously been farmed for grains, bedding or animal feed to increase both soil retention and fertility rather than including them in exemptions.

With its strong agricultural production, Oxford County is a natural place where the improvement in size and health of woodlands can contribute to economic, community and environmental sustainability. The Oxford Coalition for Social Justice commends the efforts of Oxford County and many partners to protect and improve forest health and resilience through this by-law and other measures. Medical and atmospheric sciences agree on the benefits of growing biomass. Trees are the largest examples of such. We encourage Oxford County to lead the way into a green, sustainable, forested and diverse future not down the stony path to higher exemptions and lowered expectations.

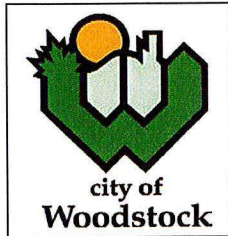



\*\* Total **Number of** Trees (\_\_\_\_) x **Basal Area Factor** (\_\_\_\_) = (\_\_\_\_) **Overall average** BA/Ha  
# of Stations (\_\_\_\_)

**Basal Area Calculation and Assessment**

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 ha (25 ac), and 1 plot for every additional 5 ha (12 ac). Plots will be placed 80 m (262 ft) apart and 40 m (131 ft) from stand edges.

In cases where the maximum *DBH* encountered is less than 60 cm (24 in), the plot distance may be 60 m (197 ft) and 30 m (98.5 ft) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.



Office of The City Clerk  
Woodstock City Hall  
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500 Dundas Street  
Woodstock, ON  
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Telephone (519) 539-1291

May 18, 2018

Warden and Members of Council  
County of Oxford  
P.O. Box 1614 Woodstock, ON  
N4S 7Y3

Via e-mail - [cseior@oxfordcounty.ca](mailto:cseior@oxfordcounty.ca)

Re: County of Oxford Proposed Woodlands Conservation Bylaw

At the regular Council meeting held on Thursday May 17, 2018, the following resolution was passed:

“That Woodstock City Council advise County Council that Woodstock requests an exemption from the proposed County of Oxford Woodlands Conservation Bylaw as it is a duplication of regulation within the geographic boundary of the City of Woodstock;

And further that a copy of this report be forwarded to County Council.”

A copy of Chief Administrative Officer report Item G-1 is included for reference.

Yours Truly,

A handwritten signature in blue ink, appearing to read 'A. Humphries', is written over a light blue horizontal line.

Amy Humphries, City Clerk

TO: Mayor and Members of Council,  
FROM: David Creery, Chief Administrative Officer  
RE: **County of Oxford Proposed Woodlands Conservation Bylaw**

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**AIM:**

To provide comment on the proposed County of Oxford Woodlands Conservation Bylaw.

**BACKGROUND:**

The County of Oxford has been working on the development of a new Woodlands Conservation Bylaw since 2016. Public information sessions held in Innerkip and Springford in November of 2017 helped to inform the development of a draft bylaw. The County released a copy of the Draft bylaw on May 7<sup>th</sup> and will hold a public meeting on May 23, 2018 during the regular County Council meeting.

County Council will not be asked to make a decision on the proposed Woodland Conservation Bylaw at the May 23<sup>rd</sup> meeting. Residents and other stakeholders are encouraged to attend the public meeting for an opportunity to provide feedback to County Council.

The authority to establish Tree and Woodland Conservation Bylaws is established by the Municipal Act.

A Local Municipality (City of Woodstock) has the authority to prohibit or regulate the destruction of trees. The City of Woodstock prohibits and regulates tree removal on private property through Municipal Code Chapter 763. This Bylaw establishes protected tree species and identifies specific properties that are subject to tree protections.

An Upper Tier Municipality (County of Oxford) has the authority to prohibit or regulate the destruction of trees in woodlands that are 1 hectare (2.47 acres) in size or larger. The County cannot prohibit or regulate the destruction of trees on smaller parcels of land unless the Local Municipality delegates their authority to the County. The Municipal Act stipulates that a County of Oxford bylaw supersedes a City of Woodstock bylaw for any woodland that is 1 hectare in size or larger. "Woodland" is defined by the Forestry Act. To qualify as a "Woodland" there must be a certain number of trees on the property and this number varies dependent on the diameter of the trees.

**COMMENT:**

The City of Woodstock private property tree protection bylaw (Municipal Code Chapter 763) automatically protects any tree upon land, including a woodlot of any size, for which there is a pending approval for a plan of subdivision and any land on Schedule W-1 of the County of Oxford Official Plan that is depicted as an Environmental Protection Policy Area or within an Open Space Policy area. This bylaw also provides tree protection for various specified properties. In the City of Woodstock, the majority of properties that qualify as a "woodland"



are also located in proximity to a natural watercourse and therefore subject to Ontario Regulation 97/04 which is enforced by the UTRCA. The majority of such land is also in public ownership.

The City of Woodstock has a full time Arborist and an Urban Forester on staff for expertise in this area.

Accordingly there is nothing in the City of Woodstock that a County of Oxford Woodlands bylaw can protect, which is not already protected. The passage of a County of Oxford Woodlands bylaw creates a redundancy and duplication of regulation. Staff recommends that City Council request an exemption for the City from this bylaw.

There is also concern with a portion of the proposed definition of "Woodlands":  
*"Notwithstanding the foregoing, where a Local Municipality has approved a By-Law to prohibit or regulate the harvesting, injuring or destruction of trees in woodlands within the Local Municipality, woodlands shall mean land that is identified as woodlands in accordance with the definition contained in the municipal By-Law"*. The County cannot assume authority for any woodland in a local municipal bylaw that is less than 1 hectare in size and does not meet the tree numbers as defined in the Forestry Act. It appears that this portion of the definition may have reached beyond the legislative authority that is conferred upon the County in the absence of a delegation of authority by the Local Municipality.

**RECOMMENDATION:**

That City Council advise County Council that it requests an exemption from the proposed County of Oxford Woodlands Conservation Bylaw as it is a duplication of regulation within the geographic boundary of the City of Woodstock, and further

That a copy of this report be forwarded to County Council.

*Approved by: David Creery, M.B.A., P. Eng., Chief Administrative Officer*

### **Tree by-laws**

**135** (1) Subject to subsection (4) and without limiting sections 9, 10 and 11, a local municipality may prohibit or regulate the destruction or injuring of trees. 2006, c. 32, Sched. A, s. 71 (1).

### **Woodlands**

(2) Without limiting sections 9, 10 and 11, an upper-tier municipality may prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law. 2006, c. 32, Sched. A, s. 71 (1).

### **Definition**

(3) In this section,

“woodlands” means woodlands as defined in the *Forestry Act* that are one hectare or more in area. 2001, c. 25, s. 135 (3).

### **Restriction**

(4) If an upper-tier municipality by-law in respect of woodlands is in effect in a lower-tier municipality, the lower-tier municipality may not prohibit or regulate the destruction of trees in any woodlands designated in the upper-tier by-law and any lower-tier by-law, whether passed before or after the upper-tier by-law comes into force, is inoperative to the extent that it applies to trees in the designated woodlands. 2001, c. 25, s. 135 (4).

### **Factor to be considered**

(5) In passing a by-law regulating or prohibiting the injuring or destruction of trees in woodlands, a municipality shall have regard to good forestry practices as defined in the *Forestry Act*. 2001, c. 25, s. 135 (5); 2002, c. 17, Sched. A, s. 27 (1).

### **Notice**

(6) An upper-tier municipality shall immediately notify its lower-tier municipalities of the passing of a by-law under subsection (2). 2001, c. 25, s. 135 (6).

### **Conditions**

(7) Without limiting sections 9, 10 and 11, a municipality may, in a by-law passed under this section,

- (a) require that a permit be obtained to injure or destroy trees; and
- (b) impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees. 2001, c. 25, s. 135 (7); 2006, c. 32, Sched. A, s. 71 (2).

### **Delegation to lower-tier municipality**

(8) An upper-tier municipality may delegate all or part of its power to pass a by-law respecting the destruction or injuring of trees in woodlands to one or more of its lower-tier municipalities

with the agreement of the lower-tier municipality or municipalities, as the case may be. 2001, c. 25, s. 135 (8).

#### **Effect of delegation**

(9) Subsection (4) does not apply to that part of a lower-tier by-law authorized by the delegation of power from the upper-tier municipality. 2001, c. 25, s. 135 (9).

#### **Delegation to upper-tier municipality**

(10) A lower-tier municipality may delegate all or part of its power to pass a by-law respecting the destruction or injuring of trees to its upper-tier municipality with the agreement of the upper-tier municipality. 2001, c. 25, s. 135 (10).

(11) REPEALED: 2006, c. 32, Sched. A, s. 71 (3).

#### **Exemption from by-law**

(12) A by-law passed under this section does not apply to,

- (a) activities or matters undertaken by a municipality or a local board of a municipality;
- (b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
- (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (f) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; or
- (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
  - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
  - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*. 2001, c. 25, s. 135 (12); 2002, c. 17, Sched. A, s. 27 (3, 4).

**Section Amendments with date in force (d/m/y)**

**136** REPEALED: 2006, c. 32, Sched. A, s. 72.

**Section Amendments with date in force (d/m/y)**

**137** REPEALED: 2006, c. 32, Sched. A, s. 72.

**Section Amendments with date in force (d/m/y)**

**138** REPEALED: 2006, c. 32, Sched. A, s. 72.

**Section Amendments with date in force (d/m/y)****Agreement re: enforcement by upper-tier**

**139** An upper-tier municipality may enter into an agreement with any of its lower-tier municipalities for the upper-tier municipality to designate one or more of its officers to enforce by-laws passed by the lower-tier municipality under section 135. 2001, c. 25, s. 139; 2006, c. 32, Sched. A, s. 73.

**Section Amendments with date in force (d/m/y)****Agreement re: enforcement by lower-tier**

**140** A lower-tier municipality may enter into an agreement with its upper-tier municipality for the lower-tier municipality to designate one or more of its officers to enforce by-laws passed by the upper-tier municipality under section 135. 2001, c. 25, s. 140; 2006, c. 32, Sched. A, s. 74.

**Property Maintenance  
Chapter 763 Trees - Protection  
Privately-Owned Lands**

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## **Schedule**

Schedule 'A' - Protect tree species

Schedule 'B' - Lots

WHEREAS section 135 of the *Municipal Act, 2001*, c. 25 authorizes a municipality to prohibit or regulate the destruction or injuring of trees.

AND WHEREAS the Council of The Corporation of the City of Woodstock are desirous of passing a by-law to protect certain trees from injury or destruction on privately-owned lands within the municipality.

## **Article 1 - Interpretation**

### **763.1.1 dbh - defined**

"dbh" means diameter at breast height and refers to the diameter of the stem of a tree measured at a point 1.37 metres (4.5 feet) above the undisturbed ground at the base of the tree.

### **763.1.2 Destroy - defined**

"destroy" means the removal or killing of trees by cutting, burning, uprooting, chemical application or other means.

### **763.1.3 Injure - defined**

"injure" means to harm, damage, or impair and includes the injury of trees by changing grades around trees, compacting soils over root areas, severing roots, and the improper application of chemicals, improper pruning, or the removal of bark.

### **763.1.4 Tree - defined**

"tree" means a tree with a dbh of greater than 10 centimetres (4 inches), but does not include shrubs or trees pruned to grow as hedges or topiary sculptures.

### **763.1.5 Woodlot - defined**

"woodlot" means a group of trees, not necessarily located on or within a

single separately assessed parcel of land, situated on or within the lands identified on the attached Schedule 'B'.

**763.1.6 Specified properties - defined**

"specified properties" means each of the lots identified on the attached Schedule 'B'. By-law 7979-04, March 18, 2004.

**Article 2 - Prohibition**

**763.2.1 Injury - destruction - trees - areas**

No person shall injure or destroy any living tree within or upon any of the following lands within the City of Woodstock:

- a) a woodlot;
- b) lands upon which there is pending an application for any of the following development approvals;
  - (i) a plan of Subdivision; or
  - (ii) a description under the *Condominium Act, 1998*;
- c) lands depicted on Schedule W-1 of the County of Oxford Official Plan as within an Environmental Protection Policy Area or within an Open Space Policy Area; or
- d) specified properties in Schedule 'B'. By-law 7979-04, March 18, 2004; By-law 8205-06, June 1, 2006.

**763.2.2 Injury - destruction - tree - species - Schedule 'A'**

No person shall injure or destroy any living tree of the species set forth in Schedule 'A' to this Chapter at any location within the City of Woodstock.

**Article 3 - Exceptions**

**763.3.1 Activities - by City - local board**

The prohibitions in Article 2 do not apply to activities or matters undertaken by the City or a local board of the City.

**763.3.2 Crown Forest areas**

The prohibitions in Article 2 do not apply to activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act*.

**763.3.3 Surveyors**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or agent while making a survey.

**763.3.4 Site plan approval - plan of subdivision - consent**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees imposed as a condition to the approval of a site plan, a plan of

subdivision or a consent under the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into pursuant to the *Planning Act*.

#### **763.3.5 Development permit**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees imposed as a condition to a development permit authorized by regulation made under the *Planning Act* or as a requirement of an agreement entered into under a Regulation.

#### **763.3.6 Electricity transmission system**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that Act.

#### **763.3.7 Pit or quarry permit**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*.

#### **763.3.8 Pit or quarry - enlargement**

The prohibitions in Article 2 do not apply to the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:

- a) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
- b) on which a pit or quarry is a permitted land use under a by-law passed under the *Planning Act*. By-law 7979-04, March 18, 2004.

#### **763.3.9 Permit issued - by Director of Parks and Recreation**

Where a permit has been issued by the Director of Parks and Recreation, or designate, allowing the injury or destruction of a tree or trees, provided any conditions imposed within any such permit have been observed.

#### **763.3.10 Request for permit - in writing - information required**

Requests for a permit shall be made in writing to the Clerk in a format which may, from time to time, be prescribed by the Director of Parks and Recreation or designate. Permits shall include the following information:

- a) a description of the tree or trees which is or are proposed to be injured or destroyed, including a plan or diagram showing the location of the tree or trees, all of which shall be prepared by a Registered Professional Forester or Certified Arborist;



- b) the reasons for which approval is sought, provided that where such reason or reasons are that the tree is dangerous or diseased, there shall be included a written supporting opinion from a Registered Professional Forester or Certified Arborist attesting to such dangerous or diseased condition; and
- c) any other supporting information or documents in respect of the application for a permit, provided that the Director of Parks and Recreation, or designate, shall be authorized to exempt applicants from the requirement that they provide any or all of the items in (a), (b), or (c) where he/she has determined that the information is unnecessary in the circumstances of the particular application. By-law 7979-04, 18 March, 2004; By-law 8763-12, 17 May, 2012.

#### **763.3.11 Tree on municipal land**

The prohibitions in Article 2 do not apply to where the tree is located on lands owned by The Corporation of the City of Woodstock, The Corporation of the County of Oxford, or the Crown in right of Ontario or Canada.

#### **763.3.12 Approval - federal - provincial - regulation - licence**

The prohibitions in Article 2 do not apply to where the injury or destruction of a tree is authorized by a provincial or federal statute, regulation, licence, or approval.

#### **763.3.13 Manitoba maples**

The prohibitions in Article 2 do not apply to the injuring or destruction of Manitoba Maples.

#### **763.3.14 Commercial orchard - tree farm**

The prohibitions in Article 2 do not apply to where the tree is located within a commercial orchard or tree farm.

### **Article 4 - Permit Applications**

#### **763.4.1 Fee - fixed by Council**

Permit applications pursuant to Sections 763.3.9 and 763.3.10 shall be subject to any fee which might hereinafter be fixed by Council resolution and such fee may be amended from time to time by further resolutions of Council. By-law 7979-04, March 18, 2004.

#### **763.4.2 Application to Clerk - forwarded to Director**

After having been received by the Clerk, permit applications made pursuant to Sections 763.3.9 and 763.3.10 shall be forthwith forwarded to the Director of Parks and Recreation.

**763.4.3 Council - authority to overrule decision**

Council may overrule a decision of the Director of Parks and Recreation in respect of a permit application made pursuant to Sections 763.3.9 and 763.3.10 and may substitute its disposition for that of the Director of Parks and Recreation. By-law 7979-04, March 18, 2004; By-law 8763-12, May 17, 2012.

**763.4.4 Right of appeal**

Any remedy in Section 763.4.3 is in addition to and not in substitution for the statutory rights of appeal available to an applicant pursuant to the provisions of the *Municipal Act, 2001*. By-law 7979-04, March 18, 2004.

**Article 5 - Officers**

**763.5.1 Appointment**

The following persons are appointed officers for the enforcement of this Chapter:

Director of Parks and Recreation

Supervisor of Parks

By-law Officers. By-law 7979-04, March 18, 2004; By-law 8763-12, May 17, 2012.

**Article 6 - Enforcement**

**763.6.1 Fine - for contravention**

Any person, including any subdivider, developer or builder who fails to disclose to a purchaser of property affected by this Chapter who contravenes any provision of this Chapter or who contravenes an order made by an officer appointed under Article 5, is guilty of an offence and on conviction is liable,

- a) on a first conviction, to a fine of not more than \$10,000 or \$1,000 per tree, whichever is greater; and
- b) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree, whichever is greater.

**Article 7 - Enactment**

**763.7.1 Effective date**

This Chapter shall come into effect on March 18, 2004. By-law 7979-04, March 18, 2004.

## Schedule

### Schedule 'A' - Protected tree species

The following tree species in naturally occurring populations are protected.

Common Tree Name	Scientific Name
White Fir	Abies Concolor
Red Maple	Acer Rebrum
Sugar Maple	Acer Saccharum
Downy Serviceberry	Amelanchier Laevis
Yellow Birch	Betula
Blue Birch	Carpinus
Shagbark Hickory	Carva Ovata
Hackberry	Celtis Occidentalis
Redbud	Cercis Canadensis
Turkish Hazel	Corylus Colurna
Cockspur Hawthorn	Crataegus Crus-gali
American Beech	Fagus Granifolia
European Beach	Fagus Sylvatica
White Ash	Fraxinus Americana
Green Ash	Fraxinus
Maidenhair Tree	Ginkgo Biloba
Juniper Varieties	Juniperus spp.
Eastern Red Cedar	Juniperus Virginiana
Tulip Tree	Liriodendron
Ironwood	Ostrya Virginiana
White Spruce	Picea Glauce
White Pine	Pinus Strobes
Black Cherry	Prunus Serotina
Chinquapin Oak	Quercus
Red Oak	Quercus Rubra
Shumard Oak	Quercus Shumardii

<b>Common Tree Name</b>	<b>Scientific Name</b>
White Cedar	Thuja Occidentalis
Basswood	Tilia Americana
Eastern Hemlock	Tsuga Canadensis
White Elm (Only DED)	Ulmus Americana

By-law 8569-09- November 5, 2009.

### **Schedule 'B' - Lots**

Lot 51-83 Draft Plan Subdivision #32T-02001 (Revised)

Lots 6 through 23, inclusive, Plan 41M-164 (for reference, these lots are on the north side of Pember's Pass)

Part of Block 27, Plan 41M-164 and designated as Parts 1 & 2, 41R-M-164 and designated as Parts 1 & 2, 41R-6439 and Parts 1 through 13, inclusive, 41R-6515 (south side of Pember's Pass)

Lots 32 through 44, inclusive, Plan 41M-176 (north side of Potter's Way)

Lots 7 through 22, inclusive, Plan 41M-176 (south side of Potter's Way)

Lots 4 through 11, inclusive, Plan 41M-189 (north side of Forestway Trail)

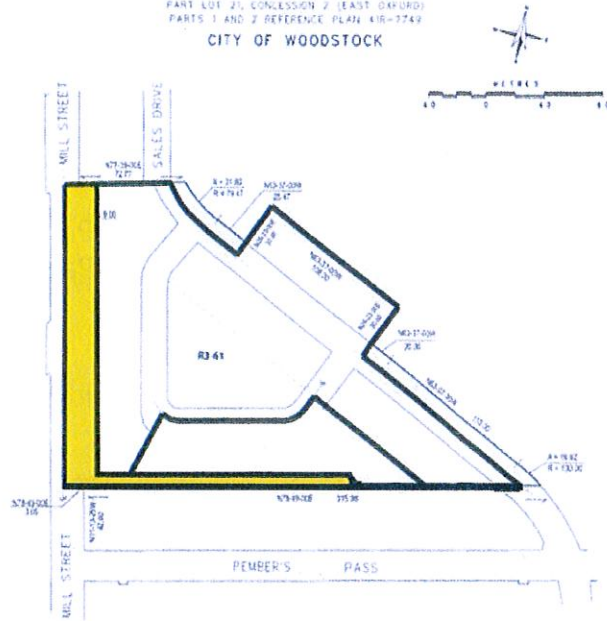
An area more or less 9 metres in width, bordering the east side of Mill Street, between N78° 49'E and N77° 39'E, part of blocks 20, 21 and 22, on Parts 1 and 2 of Plan 41R-7749, as highlighted on the attached sketch (B-1).

An area more or less 7.5 metres in width, bordering the north side of Pember's Pass, starting at N11° 13' 25" W and extending 345.993 metres east, part of blocks 17 and 20 on Parts 1 and 2 of Plan 41R-7749, as highlighted on the attached sketch (B-1).

By-law 7979-04, March 18, 2004; Schedule 'B'; By-law 8205-06, June 1, 2006; By-law 8569-09, November 5, 2009.

# Schedule 'B' - Lots

PART LOT 25, CONCESSION 2 (EAST OXFORD)  
PARTS 1 AND 2 REFERENCE PLAN 41R-3749  
CITY OF WOODSTOCK



By-law 8569-09, November 5, 2009, Schedule 'B (1).'

## COUNTY OF OXFORD

## WOODLANDS CONSERVATION BY-LAW NO. \_\_\_\_\_

To prohibit or regulate the harvesting, injuring or destruction  
of trees in woodlands in the  
County of Oxford

**WHEREAS** s.135(2) of the *Municipal Act, 2001*, R.S.O. 2001, c.25 as amended, (hereinafter referred to as “the Act”) permits the enactment of a by-law by the Council of the County of Oxford (hereinafter referred to as “the County”) to prohibit or regulate the harvest, injury or destruction of trees in woodlands;

**AND WHEREAS** s.135(7) of the Act provides that a by-law enacted in accordance with s.135(2) of the Act may require that a permit be obtained to harvest, injure or destroy trees and that a municipality may impose conditions on a permit, including conditions relating to the manner in which harvesting, injuring or destroying occurs and the qualifications of persons authorized for this purpose;

**AND WHEREAS** Council of the County has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:

- achieving the goals and objectives of the County Official Plan with respect to sustaining the community’s environmental and natural heritage resources;
- conserving and improving woodlands through good forestry practices;
- protecting, promoting and enhancing the value of woodlands for social, economic and environmental value; and
- enhancing biodiversity and forest resilience to assist the community in adapting to climate change and other environmental threats to forest health.

**NOW THEREFORE** the Council of the County of Oxford hereby enacts as follows:

**1. DEFINITIONS**

In this by-law:

- 1.1 “Acceptable Growing Stock (AGS)” means *trees* suitable for retention in the stand for at least one (1) cutting cycle, comprising *trees* of commercial species and of such form and quality as to be saleable as sawlog products at some future date.
- 1.2 “Basal Area” means the total cross-sectional area of all live *trees* 10 cm (4 in) or greater, expressed as square metres per hectare and measured 1.37 m (4.5 ft) above the point on the *tree* where the ground meets the stump at the base of the *tree*.
- 1.3 “Building Permit” means a building permit issued under the Building Code Act 1992, R.S.O. 1992, c.23, as amended, or any successor legislation.

- 1.4 “Business Day” means a day falling on or between Monday and Friday of each week, but does not include New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving, Remembrance Day, Christmas Day or Boxing Day.
- 1.5 “By-law Officer” means a provincial offences officer or an individual or individuals appointed by *Chief Administrative Officer* for the administration and enforcement of this By-law.
- 1.6 “Certified Tree Marker” means an individual who has full certification in good standing for marking under the Ontario Ministry of Natural Resources and Forestry (MNR) program, or similar program approved by the MNR, and has demonstrated experience to mark in accordance with good forestry practice within Oxford County.
- 1.8 “Chief Administrative Officer” means the Chief Administrative Officer of the Corporation of the County of Oxford.
- 1.9 “Circumference” means the measurement of the perimeter or outer boundary of a stem or trunk of a *tree*, including the bark of the stem.
- 1.10 “Committee” means the Woodlands Conservation By-law Committee or other similarly constituted committee as designated by a By-law of the *County*.
- 1.11 “Coppice Growth” means where more than one *tree* stem grows from a single *tree* stump.
- 1.12 “Council” means the Council of the County of Oxford.
- 1.13 “County” means the County of Oxford or the area up to and including the geographical boundaries of the County of Oxford, as the context requires.
- 1.14 “County Clerk” means the County Clerk of the County of Oxford.
- 1.15 “Destroy”, “Destruct” and/or “Destruction” means any action which causes or results in the irreversible *injury* or death of a *tree*.
- 1.16 “Diameter” means the straight-line measurement, from side to side and through the centre of the trunk or stem of a *tree*, including the bark.
- 1.17 “Diameter Breast Height (DBH)” means the diameter of the stem of a *tree* measured at a point that is 1.37 m (4.5 ft) above the ground.



- 1.18 “Good Forestry Practices” means the proper implementation of *harvest*, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health, and the aesthetics and recreational opportunities of the landscape.
- 1.19 “Harvest” means the *injury* or *destruction* of *trees* through cutting or other mechanized means which results in the irreversible *injury* or death of a *tree* by design and further, includes any work, efforts or attempt to move or gather such *trees* having been cut or otherwise *destroyed*.
- 1.20 “Injure” or “Injury” means any action that causes physical, biological or chemical damage to a *tree*, including any lasting damage which has the effect of inhibiting or terminating its growth but does not include pruning branches for maintenance purposes.
- 1.21 “Local Board” means a municipal service board, transportation commission, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs and purposes of one or more municipalities.
- 1.22 “Log” means a portion of a *tree* of a prescribed species reduced to a size suitable for loading on a vehicle for transport to a processing mill for the production of lumber or other products.
- 1.23 “Logger” means an individual or company or similar group who cuts *trees* for purchase, sale or other profit, on behalf of an *owner*.
- 1.24 “Local Municipality” means each of the municipalities of Blandford-Blenheim, East Zorra-Tavistock, Norwich, South-West Oxford, Zorra, Ingersoll, Tillsonburg and Woodstock.
- 1.25 “Owner” means a *person* having any right, title, interest or equity in land.
- 1.26 “Own Use” means a use by the *owner* that does not include the sale, exchange, barter or other disposition of *trees harvested, injured or destroyed*.
- 1.27 “Permit” means the written authorization of the *By-law Officer*.
- 1.28 “Person” means any individual, corporation, partnership, association, firm, trust or other entity and includes anyone acting on behalf or under the authority of such entity.
- 1.29 “Plantation” means a wooded areas where *trees* have been planted or seeded in a pre-determined pattern or rows and are *harvested* for commercial purposes in-keeping with the original purpose of planting or seeding.
- 1.30 “Plot” means a specific area set out for the purpose of measuring the number of *trees* within *woodlands*.

- 1.31 “Point of Measurement” means that point on the *tree* stem or trunk measured above the highest point of the ground in an undisturbed state at the base of the stem or trunk of the *tree*. For *coppice growth*, the ‘point of measurement’ means that point on each *tree* stem or trunk measured above the point of separation, provided that such point of separation is less than 1.37 m (4.5 ft) above the highest point of undisturbed ground at the base of the *coppice growth*, and the same *circumference* or diameter limits apply as for single-stemmed *trees*.
- 1.32 “Registered Professional Forester” has the same meaning as contained in the Professional Foresters Act, S.O. 2000, c18.
- 1.33 “Silviculture” means the art, science, theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of good forestry practice and forest management.
- 1.34 “Silvicultural Prescription” means the site-specific operational plan that describes the existing forest conditions and the forest management objectives for an area and which prescribes the methods for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified.
- 1.35 “Tree” means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 m (14.8 ft) at physiological maturity.
- 1.36 “Unacceptable Growing Stock (UGS)” means *trees* that have a high risk of dying, and are expected to decline over the next cutting cycle, including *trees* of poor form and/or low quality.
- 1.37 “Unforested Corridor” means a break in the forest cover canopy, including, but not limited to roads, paths, or natural features such as a creek or *watercourse*.
- 1.38 “Watercourse” means a natural or man-made waterway containing flowing water for at least a portion of the year.
- 1.39 “Woodlands” means land, at least one hectare (2.47 acres) in area, including any *unforested corridors* less than 20 m (65.6 ft) in width, with at least:
- (i) 1000 *trees* of any size, per hectare; or
  - (ii) 750 *trees* measuring over five (5) cm (2 in) in diameter at *DBH*, per hectare; or
  - (iii) 500 *trees* measuring over twelve (12) cm (5 in) in diameter at *DBH*, per hectare; or
  - (iv) 250 *trees* measuring over twenty (20) cm (8 in) in diameter at *DBH*, per hectare.

*Woodlands* do not include a cultivated fruit or nut orchard, a registered *tree* nursery or a *tree plantation* planted and maintained for the purpose of producing Christmas *trees*.

The boundary of *woodlands* shall be defined by the ecological limit of the *woodlands* and not by property boundaries.

Where a *Local Municipality* has approved a By-law which delegates authority respecting the prohibition or regulation of the *harvesting, injuring or destruction* of *trees* to the County, *woodlands* shall mean land that is identified as *woodlands* in accordance with the definition(s) contained in the delegation By-law.

## 2. **GENERAL PROHIBITION**

Except as provided in this By-law, no *person*, through their own actions or through the actions of any other *person* shall *harvest, injure or destroy*, or cause or permit to be *harvested, injured or destroyed*, any living *tree* located in *woodlands*.

## 3. **EXCEPTIONS**

A *person* may *harvest, injure or destroy* a *tree* within *woodlands* if:

- (a) the *person* who is *harvesting, injuring or destroying trees* does so in accordance with a *silvicultural prescription* incorporating *good forestry practices* prepared or approved by:
  - i) a *Registered Professional Forester* in good standing with the Ontario Professional Foresters Association; or
  - ii) a member in good standing with the Ontario Professional Foresters Association;and
  - iii) the *person* who is *harvesting, injuring or destroying trees* has complied with all of the requirements of this By-law; and
  - iv) the *trees* to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the *tree*.

OR

the *trees harvested, injured or destroyed*:

- i) have attained, at the *point of measurement*, the *circumference* or diameter measurement which is equal to or greater than the minimum *circumference* or diameter prescribed for the species in Schedule "B" to this By-law;
- and
- ii) the *harvesting, injuring or destruction of trees* has occurred in compliance with all of the requirements of this By-law;
- iii) the *harvesting, injuring or destruction of trees* will not reduce the number of *trees* per hectare below the minimum number of *trees* per hectare required for the area to remain a *woodland*;
- iv) the *harvesting, injuring or destruction of trees* will not reduce the *total basal area* in that part of the *woodland* where *trees* which measure 25 centimetres (10 in) or more at *DBH* have been *harvested, injured or destroyed* below 16 m<sup>2</sup>/ha of *trees*; and
- v) the *trees* to be *harvested, injured or destroyed* have been clearly marked with paint on two sides and at the base of the *tree*.

#### **4. DRAINAGE WORKS**

- (a) Except for municipal drainage works:
  - i) where the *harvesting, injuring or destroying of trees* is necessary to construct drainage works, the *person* intending to cause or permit the *harvesting, injuring or destroying of trees*, either by themselves or through other *persons*, shall comply with this By-law.
  - ii) every *person* commits an offence who, by themselves or through other *persons*, constructs or causes or permits to be constructed tile drainage works consisting in whole or in part of perforated tile through, or within 5 m (16.5 ft) of, *woodlands*.

#### **5. EXEMPTIONS**

This By-law does not apply to:

- (a) activities or matters undertaken by a municipality or a *local board* of a municipality;
- (b) activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994, R.S.O. 1990 c25;
- (c) the *injuring or destruction of trees* by a *person* licensed under the Surveyors Act to engage in the practice of cadastral surveying or his or her agent, while making a survey;

- (d) the *injuring or destruction of trees* imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision, or a consent under Section 41, 51 or 53, respectively, of the Planning Act or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the *injuring or destruction of trees* imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under the regulation;
- (f) the *injuring or destruction of trees* by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the *injuring or destruction of trees* undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
- (h) the *injuring or destruction of trees* undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
  - i) that has not been designated under the Aggregate Resources Act or a predecessor of that Act; and
  - ii) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act.
- (i) the *harvest, injuring or destruction of trees* required to erect any building, structure or thing in respect of which a *building permit* has been issued and has taken into consideration the protection of *trees* surrounding the structure or work within the building envelope, provided that no *tree* is *harvested, injured or destroyed* that is more than 15 metres (49.2 ft) from the outer edge of the building, structure or thing;
- (j) the *harvest, injuring or destruction of trees* that is reasonably required to install and provide utilities and/or a single-lane driveway for vehicular access for the construction or use of a building, structure or thing in respect of which a *building permit* has been issued;
- (k) the *harvest, injuring or destruction of trees* that is reasonably required to install a boundary fence between two properties within a *woodland*;
- (l) the *harvest, injuring or destruction of trees* by the *owner* of a *woodland* for the *owner's own use* where the *owner* has been the registered *owner* of the said *woodland* for a minimum of two (2) years prior to the date of *harvest, injury or destruction*, and provided that:
  - such activity is consistent with *good forestry practices*;

- no more than 20 *trees* per hectare are *harvested, injured* or *destroyed* in a calendar year; and
  - such activity does not reduce the density of the *woodland* below the minimum number of *trees* per hectare required to be considered a *woodland*.
- (m) the *harvest, injuring* or *destruction* of *trees* for any of the following purposes, provided that the area in which *trees* are to be *harvested, injured* or *destroyed* has been inspected, approved and marked by the *By-law Officer* prior to the commencement of the activity and the *person* who *harvests, injures* or *destroys trees* or otherwise causes same has complied with this By-law:
- i) where land previously cleared and used for agricultural purposes which has become overgrown with young (less than 10 years), early-successional tree species (i.e. sumac, hawthorn, apple, scots pine, poplar, white birch, ash) and the land is intended to be used again as part of an agricultural operation;
  - ii) where *trees* are impeding the passage of agricultural equipment along an existing laneway that is either within, or along the edge of a *woodland*; or
  - iii) where the *trees* to be *harvested, injured* or *destroyed* are not located within a *woodland*, or portion thereof, that is identified as part of an ecologically important vegetation group in the Oxford Natural Heritage System Study, 2016, and/or the County of Oxford Official Plan;
- (n) the *harvest, injuring* or *destruction* of *trees* where said *trees* are *harvested, injured* or *destroyed* pursuant to a legally-binding contract, provided that:
- i) the *owner* of the *woodland* has given notice in accordance with this By-law; and
  - ii) a contract was signed between the *owner* and contractor immediately preceding the date on which this By-law came into force and effect; and
  - iii) proof of the signed contract and down payment made to the *owner* is provided to the satisfaction of the *By-law Officer*; and
  - iv) the *trees* subject to the contract are *harvested, injured* or *destroyed* in a manner consistent with this By-law within two (2) years of the enactment of this By-law.

## **6. ADMINISTRATIVE AND/OR COMMITTEE EXEMPTION**

- (a) Notwithstanding any provision contained in this By-law, a *person* may request an exemption from this By-law beyond those exemptions contained in Section 5. Every *person* who intends to obtain such exemption shall complete and submit to the *By-law Officer* or designate, an application in the form prescribed in Schedule “E” to this By-law containing all of the information required by the application form not less than 30 days and

not more than two (2) years prior to the start of any *harvest, injury or destruction of trees*, together with the prescribed fee as set out in Schedule “A”.

- (b) Notice of an application for exemption shall be circulated by regular mail not less than 14 days prior to a decision regarding the exemption, to the *owner*, the applicant and/or the applicant’s authorized agent and to all assessed *owners* of land that abut the lands subject to the application. The Notice of the proposed exemption shall contain information as prescribed in Schedule “F”.
- (c) The *owner* or applicant shall post a Public Notice for a request for exemption not less than 10 days prior to a decision regarding the exemption and such posting shall be located on the subject property in a manner that is clearly visible and legible from a public highway or other place to which the public has access. The Public Notice shall be in the format prescribed in Schedule “F”.
- (d) The application for exemption shall be circulated to those agencies that, in the opinion of the *By-Law Officer*, in consultation with the Community Planning Office, may have an interest in the application, for the purpose of obtaining comments regarding the application.
- (e) In consideration of a request for an exemption, the *By-law Officer* may:
  - i) grant the exemption request;
  - ii) grant the exemption request with modifications;
  - iii) refuse the exemption request.
- (f) When evaluating a request for exemption, the *By-law Officer*, in consultation with the Community Planning Office, shall consider whether the *harvest, injuring or destruction of trees* proposed by the application:
  - i) is appropriate for the development or use of the land; and
  - ii) maintains the intent and purpose of the By-law.
- (g) The *By-law Officer*, in consultation with the Community Planning Office, may impose such terms and conditions to the exemption that are reasonable and desirable for the appropriate development or use of the land on which the said exemption is granted.
- (h) The *owner* or applicant shall be notified in writing with respect to the decision regarding the approval or denial of any application for an exemption.
- (i) The decision of the *By-law Officer* shall be final, unless the application for exemption is appealed to the *Committee* in accordance with Section 7.

## **7. APPEALS TO COMMITTEE**

- (a) The *owner* or applicant for an exemption under Section 6 may appeal to the *Committee*:

- i) if the *By-law Officer* refuses to grant the exemption request, within 10 days of the refusal;
  - ii) if the *By-law Officer* fails to grant the exemption request within 45 days after the application is received; or
  - iii) if the *owner* or applicant objects to a condition of exemption, within 10 days of the granting of the conditional exemption.
  - iv) at any time after the application is received, until such time as the application is either refused or approved by the *By-law Officer*, in which case, the *owner* or applicant must request that the application be forwarded to the *Committee* in accordance with subsections 7(a) i) or iii).
- (b) Where an application for exemption is appealed to the *Committee*, subsections 6(e), (f), (g) and (h) shall apply with necessary modifications.
- (c) The decision of the *Committee* shall be final.

## **8. NOTICE OF INTENT**

- (a) Every person who intends to *harvest, injure or destroy trees* in the County of Oxford pursuant to Section 3(a) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "C" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring or destruction of trees* together with a legible copy of the *silvicultural prescription* signed by and identifying the *person* who prepared the prescription.
- (b) Every person who intends to *harvest, injure or destroy trees* in the County of Oxford pursuant to Section 3(b) of this By-law shall complete and deliver, or send by facsimile transmission or e-mail, to the *By-law Officer*, a legible, signed Notice of Intent Permit application in the form prescribed in Schedule "D" to this By-law containing all of the information required by the form no less than 10 *business days* and no more than two (2) years prior to the start of the *harvest, injuring or destruction of trees*.
- (c) Upon receipt of a completed Notice of Intent Permit application, the *By-law Officer* shall, within a reasonable time, return to the mailing address, facsimile number or e-mail address provided in the Notice of Intent Permit application form for that purpose, a receipted copy of the Notice of Intent Permit.
- (d) Any *person* who has submitted a Notice of Intent Permit under Sections 8(a) or 8(b) shall erect and display a notice sign at the entrance to the *woodlands* in a location that is clear and visible to all persons, and the notice shall be in the form prescribed in Schedule "I".
- (e) Every *person* who has submitted or caused to be submitted a Notice of Intent Permit application shall notify the *By-law Officer* or their designate, by facsimile transmission,



telephone or e-mail, no more than seven (7) *business days* and no less than 24 hours prior to the date upon which the *harvest, injury or destruction of trees* is to begin advising of the location of the *harvest, injury or destruction of trees* and the date upon which the *harvest, injury or destruction of trees* is to start.

## 9. **ORDERS TO DISCONTINUE ACTIVITY**

- (a) Where the *By-law Officer, or designate*, is satisfied that a contravention of this By-law has occurred, the *By-law Officer, or designate*, may issue an Order to Discontinue Activity requiring the *person* who contravened the By-law or who caused or permitted the *harvest, injuring or destruction of trees* in contravention of the By-law, to stop and discontinue the *harvest, injuring or destruction of trees*. The Order to Discontinue Activity as set out in Schedule "G", shall include the following:
- i) the municipal address and/or the legal description of the land;
  - ii) reasonable particulars of the contravention;
  - iii) the date of inspection; and
  - iv) the date by which compliance with the Order must be achieved.

## 10. **SERVICE OF AN ORDER**

- (a) An Order issued under this By-law shall be served on the *owner* of the property and such other *persons* affected by the Order, as determined by the *By-law Officer* or designate, and a copy of the Order shall be posted on the property.
- (b) An Order issued under this By-law may be served personally or by registered mail sent to the last known address of:
- i) the *owner* of the *woodlands*; and/or
  - ii) the *person* or *persons* identified as having *harvested, injured or destroyed trees*.
- (c) Where an Order is served by registered mail, service shall be deemed to have been made on the fifth day after the day of mailing.
- (d) Where an Order cannot be served in accordance with Section 9 a), b) or c), a placard containing the terms of the Order shall be placed in a conspicuous place on the affected property by the *By-law Officer, or designate*, and the placing of the placard shall be deemed to be sufficient service of the Order on the *person* or *persons* to whom the Order is directed.

## 11. **PENALTY**

- (a) Any *person* who contravenes any provision of this By-law, or an Order issued under this By-law, is guilty of an offence and is liable:

- i) on first conviction, to a fine of not more than \$10,000 or \$1,000 per *tree injured or destroyed*, whichever is greater; and
  - ii) on any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per *tree injured or destroyed*, whichever is greater.
- (b) If a *person* is convicted of an offence for contravening this By-law or an Order issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the *person* to rehabilitate the land or to plant or replant *trees* in such a manner and within any such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the *trees*.

## 12. **ENFORCEMENT**

- (a) This By-law shall be enforced by a *By-law Officer* appointed by the *Chief Administrative Officer*.
- (b) A *By-law Officer* may, at any reasonable time, enter and inspect any land to determine whether this By-law, an Order or a condition of a *permit* is being complied with.
- (c) A *By-law Officer* exercising a power may be accompanied by a *person* or *persons* under the *By-law Officer's* direction.
- (d) No *person* shall hinder or obstruct a *By-law Officer* or attempt to hinder or obstruct a *By-law Officer* who is performing a duty in accordance with this By-law.
- (e) Any *person* who provides false information to a *By-law Officer* shall be deemed to have hindered or obstructed the *By-law Officer* in the discharge of their duties.

## 13. **ADMINISTRATION**

- (a) Schedules "A" to "I", inclusive, form part of this By-law.
- (b) If any Section or Sections of this By-law or parts thereof are found by any Court of competent jurisdiction to be illegal or beyond the power of the *Council* to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found illegal.
- (c) For the purposes of this By-law, words used in the singular number include the plural and words which refer the masculine shall include the feminine, and visa versa, where applicable.

- (d) For the purposes of this By-law, words in italicized text are defined in Section 1. Such defined words will not be italicized where the context in which the word is used does not correspond to the definition contained herein.
- (e) The short title of this By-law is the “Woodlands Conservation By-law”.
- (f) Woodlands Conservation By-law No. 4489-2004, as amended, of the County of Oxford shall be repealed effective on the coming into force and effect of this By-law.
- (g) Notwithstanding subsection (f) of this Section, By-law No. 4489-2004, as amended, of the County of Oxford shall continue to apply to applications filed, *permits* issued and/or proceedings in respect of offences that occurred before its repeal, proof of which has been provided to the satisfaction of the *By-law Officer*.
- (h) Measurements are given in both metric and imperial units in this By-law. For the purposes of this By-law, the metric unit shall govern.

READ a first and second time this \_\_\_ day of June, 2018.

READ a third time and finally passed this \_\_\_ day of June, 2018.

---

David Mayberry WARDEN

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Chloe Senior CLERK

**SCHEDULE "A"**

**FEE SCHEDULE FOR APPLICATIONS**

**The following fees will apply for the purpose of this By-law:**

Application for Committee Exemption	\$200.00
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Please make cheques payable to **'Treasurer - County of Oxford'**

**DRAFT**

**SCHEDULE "B"**

**CIRCUMFERENCE LIMITS BY CATEGORY OF TREE SPECIES**

**SPECIES "A"**

- ASH - White (*Fraxinus Americana*)
- Green (Red) (*Fraxinus pennsylvacia*)
- MAPLE - Sugar (*Acer saccharum*)
- Black (*Acer nigrum*)
- Red (*Acer rubrum*)
- Silver (*Acer saccharinum*)
- OAK - Red (*Quercus rubra*)
- Black (*Quercus velutina*)
- White (*Quercus Alba*)
- Swamp White (*Quercus bicolor*)
- Bur (*Quercus macrocarpa*)
- TULIP - (*Liriodendron tulipifera*)
- WALNUT - Black (*Juglans nigra*)
- White (Butternut) (*Juglans cinerea*)

**SPECIES "A" MEASUREMENTS**

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	175 cm (69 in)	56 cm (22 in)
20 cm (8 in)	191 cm (75 in)	61 cm (24 in)
10 cm (4 in)	224 cm (88 in)	71 cm (28 in)

**SPECIES "B"**

- BASSWOOD - (*Tilia Americana*)
- BEECH - American (*Fagus grandifolia*)
- CHERRY - Black (*Prunus serotina*)
- HACKBERRY - (*Celtis occidentalis*)
- HEMLOCK - Eastern (*Tsuga Canadensis*)
- PINE - White (*Pinus strobus*)

**SPECIES "B" MEASUREMENTS**

<u>POINT OF MEASUREMENT</u>	<u>CIRCUMFERENCE</u>	<u>DIAMETER</u>
31 cm (12 in)	160 cm (63 in)	51 cm (20 in)
20 cm (8 in)	175 cm (69 in)	56 cm (22 in)
10 cm (4 in)	208 cm (82 in)	66 cm (26 in)

SPECIES "C"

- ASH - Black (*Fraxinus nigra*)
- BIRCH - Yellow (*Betula alleghaniensis*)
- ELM - White (*Ulmus Americana*)
- Red (*Ulmus thomasii*)
- Rock (*Ulmus ruba*)
- EUROPEAN LARCH - (*Larix decidus*)
- HICKORY - Shagbark (*Carya ovata*)
- Bitternut (*Carya cordiformis*)
- LARCH - (*Larix deciduas*)
- POPLAR - Balsam (*Populus blasamifera*)
- Eastern Cottonwood (*Populus deltoids*)
- SYCAMORE - (*Platanus occidentalis*)

SPECIES "C" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	145 cm (57 in)	46 cm (18 in)
20 cm (8 in)	160 cm (63 in)	51 cm (20 in)
10 cm (4 in)	191 cm (75 in)	61 cm (24 in)

SPECIES "D"

- BIRCH - White (*Betula papyrifera*)
- CEDAR - White (*Thuja occidentalis*)
- POPLAR - Largetooth Aspen (*Populus grandidentala*)
- Trembling Aspen (*Populus tremuloides*)

SPECIES "D" MEASUREMENTS

POINT OF MEASUREMENT	CIRCUMFERENCE	DIAMETER
31 cm (12 in)	79 cm (31 in)	25 cm (10 in)
20 cm (8 in)	97 cm (38 in)	31 cm (12 in)
10 cm (4 in)	127 cm (50 in)	41 cm (16 in)

RARE SPECIES – the following species should be avoided during *tree* removal operations:

- |                   |             |                      |
|-------------------|-------------|----------------------|
| Blue Ash          | Shumard Oak | Black Gum            |
| Chestnut          | Cucumber    | Tamarack             |
| Shellbark Hickory | Pawpaw      | Chinquapin Oak       |
| Pignut Hickory    | Balsam Fir  | Kentucky Coffee Tree |
| American Chestnut |             |                      |

\* NOTE: Please refer to "Species at Risk Act" at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca) for more information.

## SCHEDULE "C"

COUNTY OF OXFORD

### NOTICE OF INTENT - GOOD FORESTRY PRACTICES

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. \_\_\_\_\_-2018

Completed Application must be received by the *By-law Officer* at least 10 business days prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca) or by fax to 519 537 1053.

The *By-law Officer* can be contacted at 519 539 9800, or by e-mail at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca).

PLEASE PRINT CLEARLY

#### **Silvicultural Prescription Information**

All applications under *Good Forestry Practices* must be accompanied by a forest operations *silvicultural prescription* prepared and/or approved by a *Registered Professional Forester* or Qualified OPFA Member, in accordance with approved practices of the Ontario Professional Foresters Association, as amended from time to time. A *silvicultural prescription* will generally include the following information:

#### Site and Stand Conditions:

- *tree* species composition by percentage
- regeneration status
- quality of stand, including health (disease/insects)
- limitations
- stand history, including any previous *silviculture* operations
- sensitive or special features
- date of inventory
- acreage of the *woodland*
- current stocking, stand structure or *basal area* distribution

#### Habitat, Biodiversity and Recreation Consideration

#### Short and Long Term Objectives

#### A record of Discussions with the Landowner and Signature of the Landowner

#### Tree Marking Direction

- residual *basal area* or stocking
- directions for improvement of health, quality, species diversity, stand structure and/or size class distribution
- *silviculture* system to use for marking

#### Estimated Time of Next Silviculture Intervention

**NOTE:** Where a *silvicultural prescription* has been prepared and/or approved by a qualified person, as noted above, the marking and *harvesting* of trees in accordance with the provisions of the By-law may be undertaken by a landowner.

#### **Map of Site and Stands to Harvest**

The map must be legible and include property boundaries, abutting roads, preferred entry points for inspection, location of buildings and structures on the property, forested areas and proposed harvest areas, logging access, drains, watercourses, power lines and other features and a north indicator.

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: Residence \_\_\_\_\_ Business \_\_\_\_\_ Fax \_\_\_\_\_

E-mail: \_\_\_\_\_

Woodland location:      Lot \_\_\_\_\_      Con. \_\_\_\_\_      Former Township: \_\_\_\_\_

DRAFT



SAWTIMBER			
TREE SPECIES	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOUME (F.B.M. or m <sup>3</sup> )
i.e. Hard Maple	24	15	3,200
TOTAL			

FUELWOOD/CORDWOOD			
TREE SPEICIES BY %	# OF TREES MARKED	AVG. DIAMETER (in or cm)	VOLUME (BUSH CORD)
i.e. Aw4 Be4 Mh2	65	11	20

<p><b><u>PRESCRIPTION INFORMATION</u></b></p> <p>Prescription prepared by:</p> <p>Name: _____</p> <p>Mailing Address: _____</p> <p>Telephone #: _____</p> <p>Qualifications: _____</p> <p>Date Prescription Prepared: _____</p> <p><input type="checkbox"/> Check if area has been inspected since tree marking</p>	
<p><b><u>TREE MARKER INFORMATION:</u></b></p> <p>Trees Marked By: _____</p> <p>Mailing Address: _____</p> <p>Telephone #: _____</p> <p>Qualifications: _____</p> <p>Paint Colour: _____ Date Marked: _____</p> <p>All <i>trees</i> to be <i>harvested</i> shall be marked with paint above <i>DBH</i> on opposite sides of the <i>tree</i>. The mark shall be at least 4 cm (2 in) in diameter for hardwood sawlogs/conifer poles or sawlogs and a slash 20 cm (8 in) long for fuelwood/conifer logs/pulp. A similar mark shall be placed at the base of the <i>tree</i> below the saw line and extending to the ground. All <i>trees</i> shall be marked facing the same direction, unless the terrain requires a change in direction, in which case the marking will proceed consistently with the terrain.</p>	<p><b><u>CONTRACTOR INFORMATION: (if different from above)</u></b></p> <p>Surname: _____</p> <p>Given Name: _____</p> <p>Mailing Address: _____</p> <p>Postal: _____ Telephone #: _____</p> <p>Person in charge of Harvesting of Trees: _____</p> <p>Estimated Starting Date: _____</p> <p>The person in charge of the harvesting of trees is required to provide 24 hours notice (prior to the start of the harvest date) to Customer Service by e-mail (customerservice@oxfordcounty.ca) or fax (519 537 1053)</p>
<p><b>DESCRIPTION OF AREA</b> Indicate NORTH</p>	<p><b><u>Map must be legible and include:</u></b></p> <ul style="list-style-type: none"> <li>• Preferred entry points for inspection</li> <li>• Location/name of surrounding roads</li> <li>• Location of buildings on property</li> <li>• Forested areas and harvest areas</li> <li>• Log landing(s)</li> <li>• Power lines and Municipal ditches</li> </ul> <p>It is requested that if loggers are working near or adjacent to power lines that they contact the local Hydro Utility Company for assistance to prevent an accident and any damage that may occur to power lines and equipment due to a logging accident</p> <p>Please indicate if the property is enrolled in:</p> <p>Conservation Land Tax Incentive Program <input type="checkbox"/></p> <p>Managed Forest Tax Incentive Program <input type="checkbox"/></p>

**BASAL AREA – DISTRIBUTION OF CUT**

Prism Tally: \_\_\_\_\_ m<sup>2</sup>/ha

Basal Area Factor: \_\_\_\_\_

**STAND ANALYSIS FOR HARVEST OR INTERMEDIATE CUTTING**

OWNERSHIP:					ACREAGE:					
ADDRESS:										
PROPERTY LOT:			CON:			HEIGHT:				
TOWNSHIP:					COUNTY:					
CRUISED BY:					DATE INSPECTED:					
					STAND #					

( TOTAL TREES (\_\_\_\_) X 2 BAF) / # OF STATIONS (\_\_\_\_) = \_\_\_\_ m<sup>2</sup>/ha

STATIONS:	1	2	3	4	5	6	7	8	9	10	11	12
TREE SIZE CLASSES	POLE 10 - 24 cm		SMALL 26 - 38 cm		MEDIUM 40 - 48 cm		LARGE 50 - 60 cm		X-LARGE 62+ cm		TOTAL	
SPECIES	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS
TOTAL TREES												
BA (m <sup>2</sup> /ha)												
BA (m <sup>2</sup> /ha) TOTAL												
TARGET BA (m <sup>2</sup> /ha)												

NOTE: The *Basal Area* sample points used to develop this prescription must be clearly marked with the closest *tree* (>16cm *DBH*) to the centre of the sample point encircled with the paint at *DBH*

If the landowner is selling standing timber to a logger for harvesting has:	YES	NO
a contract been signed between landowner and contractor?		
the contractor provided proof of WSIB coverage for employees/liability insurance coverage?		
the contractor provided proof of cutter/skidder certification for all employees and themselves?		
the main skid trails been delineated? (If NO, refer to By-Law requirements)		
Have arrangements been made to harvest the fuelwood from tree tops? (If No, refer to By-Law requirements)		

I agree that operations will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law \_\_\_\_\_ and that I am familiar with the contents and requirements of this By-Law

and acknowledge having received a copy thereof. I further agree that any *tree harvested* will be in accordance with *Good Forestry Practice*.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock) or Customer Service at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca); or by fax: 519 537 1053, 24 hours prior to commencing the *harvesting of trees*.

\_\_\_\_\_  
Signature of Prescription Writer                      Date                      Signature of Tree Marker (if applicable)                      Date

\_\_\_\_\_  
Signature of Landowner                      Date                      Signature of Contractor (if applicable)                      Date

Please circle the appropriate response:

The OPFA member was employed by:                      Landowner                      Contractor                      Other

The Tree Marker was employed by:                      Landowner                      Contractor                      Other

Will the OPFA member or Tree Marker be monitoring the harvest for contract compliance?                      Yes                      No

I UNDERSTAND THAT UNDER THE AUTHORITY OF THIS BY-LAW AND THE MUNICIPAL ACT, R.S.O. 2001, C.25, AN APPOINTED OFFICER CAN ENTER THE DESCRIBED PROPERTY FOR THE PURPOSES OF UNDERTAKING AN INSPECTION.

FURTHER, I UNDERSTAND THAT IF THE WOODLANDS WILL NOT BE HARVESTED WITHIN 24 MONTHS FROM THE RECEIPT OF THIS NOTICE OF INTENT, THE NOTICE OF INTENT WILL BE VOIDED.

THE LANDOWNER, BY SIGNING THIS APPLICATION, ACKNOWLEDGES AND AGREES TO ALL TERMS AND CONDITIONS OF WOODLANDS CONSERVATION BY-LAW \_\_\_\_\_-2018.

DRAFT

**SCHEDULE "D"**

COUNTY OF OXFORD

**NOTICE OF INTENT - CIRCUMFERENCE HARVEST**

PURSUANT TO WOODLANDS CONSERVATION BY-LAW NO. \_\_\_\_\_

Completed Application must be received by the *By-law Officer* at least 10 business days prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca) or by fax to 519 537 1053.

The *By-law Officer* can be contacted at 519 539 9800, or by e-mail at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca).

PLEASE PRINT CLEARLY

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Phone: Residence \_\_\_\_\_ Business \_\_\_\_\_ Fax \_\_\_\_\_

E-mail \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

On Site Person in charge of harvest of trees: \_\_\_\_\_

Expected starting date: \_\_\_\_\_

**Subject Property: Location**

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ 911 Address: \_\_\_\_\_

Municipality: \_\_\_\_\_

Reason for Removal: Commercial Timber Harvest \_\_\_\_\_ Stand improvement \_\_\_\_\_

Firewood Removal \_\_\_\_\_ Other \_\_\_\_\_

Approximate size of woodland: \_\_\_\_\_

Area of harvest (indicate on sketch): \_\_\_\_\_

Trees marked by: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Qualifications: \_\_\_\_\_

It is the responsibility of the owner or authorized agent to have marked with paint, on 2 sides, and at the base all the *trees* to be *harvested* with this Notice of Intent.

If the *woodland* will not be *harvested* with 24 months of receipt of this Notice of Intent, it will become null and void.

The Notice of Intent or copy must be on site at all times and in possession of the person in charge of cutting.

Each copy of the application must be accompanied by a sketch showing:

- a) the location of subject property, its boundaries and dimensions, including names of all road allowances, streets or highways abutting the property;
- b) location of woodlands on subject property (including approximate dimensions);
- c) abutting land owners;
- d) the distance between the subject land and the nearest township lot line or appropriate landmark (e.g. bridge, railway crossing, etc.);

**TREE HARVEST SUMMARY**

(A legible tally sheet can be substituted and attached)

Tree Species	No.	SKETCH PLAN	
		USE THIS PAGE FOR SKETCH PLAN AND RETURN WITH APPLICATION FORM. Indicate North	
<b>Total Trees</b>			

If the landowner is selling standing timber to a contractor for removal, has a contract been signed between the landowner and the contractor? YES \_\_\_ NO \_\_\_

I agree that all *tree* cutting will be in accordance with the provisions of the County of Oxford Woodlands Conservation By-Law \_\_\_\_\_, and that I am familiar with the components and requirements of this By-Law and acknowledge having received a copy thereof.

Further, I agree to contact the *By-law Officer* (in person at the County Administration Building, 21 Reeve Street, Woodstock or Customer Service at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca); or by fax: 519 537 1053, 24 hours prior to commencing the *harvesting* of *trees*.

DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Signature of Landowner or Authorized Agent

SCHEDULE "E"

**APPLICATION FOR ADMINISTRATIVE AND/OR  
COMMITTEE EXEMPTION**

Completed Application, including the application fee, must be received by the *By-law Officer* at least **30 business days** prior to the commencement of the *harvest, destruction or injury of trees*. All sections must be filled out completely, to the satisfaction of the *By-law Officer*.

Payment may be made by cash, cheque or credit card. Cheques should be made payable to the Corporation of the County of Oxford in the amount as indicated in Schedule "A", as amended from time to time.

Please submit the completed application to County of Oxford Customer Service, P.O. Box 1614, 21 Reeve Street, Woodstock, ON N4S 7Y3 or by e-mail to [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca) or by fax to 519 537 1053. The *By-law Officer* can also be contacted at 519 539 9800, or by e-mail at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca).

PLEASE PRINT CLEARLY

Name(s) of Registered Owner \_\_\_\_\_

Address: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Telephone: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Applicant (if other than the registered owner)

**Location of Trees Affected/Ownership**

Municipality: \_\_\_\_\_ Assessment Roll #: \_\_\_\_\_

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ 911 Address: \_\_\_\_\_

Is the property owned by the applicant? \_\_\_\_\_ YES \_\_\_\_\_ NO (if NO, authorizing letter must be attached)

If purchased within the last three years, state name and address of former owner and the date property was purchased.

\_\_\_\_\_

**Property/Forest Description**

This application is requesting permission to remove the following: (please indicate)

Total area: \_\_\_\_\_ Hectares: \_\_\_\_\_ Acres: \_\_\_\_\_

Total *Woodland* size on property: Hectares: \_\_\_\_\_ Acres: \_\_\_\_\_

Tree species to be destroyed on the described land:

\_\_\_\_\_

\_\_\_\_\_

This Exemption is requested for the following reasons, including description of end use after trees have been destroyed:

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Is the applicant willing to offset the destruction of trees on the subject property through replanting trees on the said property? \_\_\_\_\_ YES \_\_\_\_\_ NO

If the applicant cannot replant in lieu of destruction is the applicant willing to make payment in lieu of destruction? \_\_\_\_\_ YES \_\_\_\_\_ NO

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Personal information on this form is collected under the authority of the *Municipal Act*. Pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, questions about the collection of personal information should be directed to the *County Clerk*.

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\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

DRAFT

# PUBLIC NOTICE

## WOODLANDS CONSERVATION BY-LAW \_\_\_\_\_

This posted notice does not imply unrestricted access. Interested parties must receive permission to enter these forested lands from the landowner.

AN APPLICATION FOR AN EXEMPTION TO WOODLANDS CONSERVATION BY-LAW NO. \_\_\_\_\_ HAS BEEN RECEIVED BY THE COUNTY OF OXFORD AFFECTING THESE LANDS.

Municipality: \_\_\_\_\_ Assessment Roll #: \_\_\_\_\_

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ 911 Address: \_\_\_\_\_

Landowner: \_\_\_\_\_

THE APPLICATION  
SUBMITTED REQUESTS THE CLEARING OF \_\_\_\_\_  
HECTARES OF FORESTED LAND.

Deadline for Written Comments:

COMMENTS CAN BE SUBMITTED TO THE ADDRESS LISTED BELOW:

Community Planning Office  
County of Oxford,  
P. O. Box 1614, 21 Reeve Street  
Woodstock, ON N4S 7Y3

**This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. \_\_\_\_\_**

This Notice is to remain posted no less than ten (10) business days prior to the consideration of this application.

**FURTHER INFORMATION OR WRITTEN NOTICE IS AVAILABLE FROM**

Community Planning Office  
519 539 9800 or by e-mail at [planning@oxfordcounty.ca](mailto:planning@oxfordcounty.ca)



SCHEDULE "G"

# ORDER TO DISCONTINUE ACTIVITY

YOU ARE HEREBY DIRECTED AND ORDERED TO forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those lands comprising;

**MUNICIPAL ADDRESS/LEGAL DESCRIPTION OF THE PROPERTY:**

\_\_\_\_\_

LOT: \_\_\_\_\_ CONCESSION: \_\_\_\_\_ MUNICIPALITY: \_\_\_\_\_

**OWNER/INDIVIDUAL RESPONSIBLE FOR DESTRUCTION OR INJURY OF TREES:**

\_\_\_\_\_

**DESCRIPTION OF INFRACTION:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date of Inspection: \_\_\_\_\_

Effective Order Date: \_\_\_\_\_ To: \_\_\_\_\_

Signature of Officer: \_\_\_\_\_ Date: \_\_\_\_\_

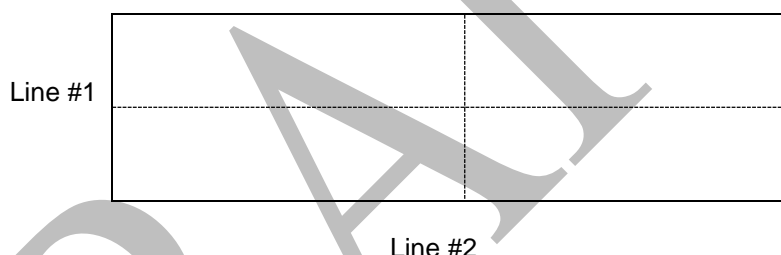
\_\_\_\_\_

## SCHEDULE "H"

### BASAL AREA CALCULATION AND ASSESSMENT

1. Point Sampling is defined as a method of selecting trees for measurement and for estimating stand basal area using tree size rather than frequency as the main parameter. Trees are tallied at a sample location or point sample, with the selection probability being proportional to the *basal area* of the *trees*. In point sampling, a 360-degree sweep is made with an angle gauge about a fixed point, and the stems whole breast height diameter appear larger than the fixed angle subtended by the angle gauge are included in the sample. Point samples will be taken using a factor 2 prism.
  
2. Basal Area will be assessed every 30 m (98.5 ft) along a fixed compass bearing through a forest stand in which *harvesting* has occurred. The first point sample will be placed 50 m (164 ft) from the ecological boundary of the *woodland*. No less than 4 point samples will be taken along a compass bearing through a forest stand. If the width of the forest stand is greater than 130 m (426 ft), two parallel lines spaced 50 m apart shall be established along the fixed compass bearing through the centre of the forest stand where the harvesting has occurred. If the average *basal area/hectare* is found to be below the requirements of the By-law, then a second compass line will be established from the mid-point of the 1<sup>st</sup> compass line and will run in a direction 90° from the compass bearing from the 1<sup>st</sup> line.
  
3. Where the width, length, shape or topography of a forest stand does not allow for the minimum placement of point samples within the required configuration outlined in Section 2 above, a random placement of sample points shall be used to assess overall average basal area, provided there is at least 50 m (164 ft) between all point samples.

See sample illustration below:



4. Where the width of the woodland does not allow the 30 m (98.5 ft) fixed compass bearing, one line will be established along a fixed compass bearing down the centre of the *woodland*.

The following format will be used in calculating average *basal area* per hectare:

Stations Tallied

STATIONS:	1	2	3	4	5	6	7	8	9	10	11	12
TREE SIZE CLASSES	POLE 10 - 24 cm		SMALL 26 - 38 cm		MEDIUM 40 - 48 cm		LARGE 50 - 60 cm		X-LARGE 62+ cm		TOTAL	
SPECIES	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS	AGS	UGS

\*\* Total Number of Trees (\_\_\_\_) x Basal Area Factor (\_\_\_\_) = (\_\_\_\_) Overall Average BA/Ha  
# of Stations (\_\_\_\_)

#### **Basal Area Calculation and Assessment**

To assess tree infractions, a minimum of 1 plot per hectare will be established for areas up to 10 ha (25 ac), and 1 plot for every additional 5 ha (12 ac). Plots will be placed 80 m (262 ft) apart and 40 m (131 ft) from stand edges.

In cases where the maximum *DBH* encountered is less than 60 cm (24 in), the plot distance may be 60 m (197 ft) and 30 m (98.5 ft) from the stand edges. In any case sampling is to be done by a method customarily used in forestry practice.

SCHEDULE "I"

**NOTICE of TREE HARVEST**

DO NOT ENTER during harvesting for your own safety.

This notice does not imply unrestricted access.

Permission to enter these lands must be granted by the landowner.

Contractor: \_\_\_\_\_

Phone: \_\_\_\_\_

Owner: \_\_\_\_\_

Timber Harvest Date: \_\_\_\_\_

Timber Marked By: \_\_\_\_\_

Phone Number of Marker: \_\_\_\_\_

This Notice is posted under the authority of the County of Oxford Woodlands Conservation By-Law No. \_\_\_\_\_.

This Notice is to be posted prior to the commencement of harvest and remain posted no less than 10 days after completion of harvest. Failure to post and removal prior to this period is a chargeable offence.

If you should have any questions or concerns regarding this timber harvest, please contact:

**County of Oxford Customer Service at 519-539-9800 or via e-mail at [customerservice@oxfordcounty.ca](mailto:customerservice@oxfordcounty.ca)**

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TICKETABLE OFFENCES

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<b>SHORT FORM WORDING</b>	<b>Offences Creating Provision</b>	<b>Set Fine, includes Court Costs</b>
Failing to notify the County of Oxford prior to the injuring or destruction of trees by the landowner or person acting on behalf of the landowner.	Sections 8(a) and 8(b)	\$400.00 plus court costs
Failure to erect a sign	Section 8(d)	\$400.00 plus court costs
Failure to give 24 hours notice.	Section 8(e)	\$400.00 plus court costs
Contravening the conditions of a Permit.	Sections 8 and 11(a)	\$400.00 plus court costs
Attempt to obstruct an Officer.	Section 12(d) and 12(e)	\$400.00 plus court costs