

To:	Warden Matrosovs and Members of Grey County Council
Committee Date:	February 13, 2025
Subject / Report No:	PDR-CW-09-25
Title:	Forest Management By-law Update
Prepared by:	Sarah Johnson
Reviewed by:	Scott Taylor
Lower Tier(s) Affected:	All

Recommendation

1. That Report PDR-CW-09-25 be received; and
2. That staff move forward with public and municipal consultation of the Draft Forest Management By-law; and
3. That staff consider all feedback received on the draft By-law, before preparing a final version of the By-law for County Council's consideration.

Executive Summary

Grey County's Forest Management By-law was first adopted over 20 years ago. Given the age, staff have noticed deficiencies in the By-law, as well as a change in the type and volumes of harvesting applications received. Since the By-law was first passed, there have also been a number of legislative and policy changes. As a result, there is a need for an update to the Forest Management by-law to better align with provincial legislation, and County policies including Recolour Grey, the County Official Plan, and Going Green in Grey, the Climate Change Action Plan.

Legal Services, Planning, and Grey Sauble Conservation Authority (GSCA) staff have prepared a new draft Forest Management By-law, attached to this report. Staff are seeking direction to move forward with the public and municipal consultation process, before preparing a final version of the By-law for County Council's consideration.

Background and Discussion

Report PDR-CW-06-20 was brought forward in January 2020 proposing updates to the County's Forest Management By-law, which was supported by Council. A link to that staff report can be found in the Attachments section of this report. In 2020 staff started a consultation process for the By-law update, but given the pandemic and other workload pressures, a new draft by-law was not prepared for Council's consideration. Through this staff report, staff are now looking for

Council's direction to 'relaunch' consultation on a new Forest Management By-law, and a draft By-law has been prepared for consideration through the consultation process. A link to the new draft By-law is in the Attachments section of this report.

The Grey County Forest Management By-Law regulates woodland harvesting and removal. It also promotes woodland preservation. Forest management by-laws regulate the clearing of woodlands, and sustainable harvesting, which is different than some municipal tree by-laws, which may protect individual trees.

Currently, there are several municipalities that have tree-preservation by-laws. The City of Owen Sound has a Shade Tree By-law which regulates trees on City owned properties. The Municipality of Meaford has a Tree Cutting By-law that is applicable to trees within Meaford that are not covered under the County's Forest Management By-law. The Town of the Blue Mountains also has a Tree By-law. In general, the County's By-law covers woodlands, while municipal by-laws cover individual trees, or smaller clusters of trees which would not be covered under the County's By-law. One goal of any by-law update, at the County or municipal level, is to ensure that the County and municipal by-laws do not overlap or conflict.

There have been policy and legislative changes that have occurred since the adoption of Grey's By-law and there is a need to update the by-law to reflect those changes. At a provincial level there have been changes to the *Municipal Act*, while at a County level the Official Plan has been updated and the County now has a Climate Change Action Plan. In addition to the policy alignment, there are some noted administrative and interpretative items that also need to be addressed.

Currently the County's By-law has two types of applications; (1) selective harvesting, and (2) clear cutting (referred to as Minor Exemptions).

1. Under selective harvesting there are also two types of selective harvests, both of which follow the same permitting process; (a) circumference limit cutting, and (b) managed cutting in accordance with good forestry. Circumference limit cutting targets the best trees of the largest size, which is not ideal for the overall health of the woodlot. A managed harvest targets all sizes and those trees that are not growing as well, or showing signs of disease or distress, which benefits the overall health of the woodlot. Selective harvesting permits are approved by staff, with no public comment or notification period.
2. Minor Exemption applications require County Council's approval, and include a public and agency circulation process, similar to a planning application. In recent years the County has seen a dramatic increase in the number of Minor Exemption applications received. From 2004 – 2011 there were no Minor Exemption applications. However, in comparison, in 2024 alone there were ten Minor Exemption applications submitted.

The major highlights of what is proposed to change in the new draft By-law are as follows:

1. Removal of circumference limit cutting, and only allowing for managed cutting in accordance with good forestry practices,
2. Updates to the Minor Exemption application processing including;
 - a. Change of name to Special Permits,
 - b. Giving County Council the opportunity to delegate approval authority,

- c. Outlining complete application requirements, including a process to return an application if incomplete,
 - d. Changes to circulation timelines (i.e., 15 business days instead of 15 calendar days for circulation), and
 - e. The ability to add conditions to the approval of a Minor Exemption, including replanting and rehabilitation
3. Stop Work Orders can now require replanting and/or rehabilitation, and
 4. Penalties are proposed to be increased to the following:
 - a. First conviction (individuals) not more than \$50,000 or \$5,000 per tree (currently \$10,000 or \$1,000 per tree), and
 - b. Subsequent conviction(s)(individuals) not more than \$100,000 or \$10,000 per tree (currently \$25,000 or \$2,500 per tree).

In the current By-law, Council is the approval authority for all applications for Minor Exemptions. The new draft By-law proposes an option for Council to delegate Minor Exemption approvals. It also gives clear requirements for which constitutes a complete Minor Exemption application, which links to other County policies including the Official Plan. Incomplete applications can be returned to the applicant, until they can fulfil the requirements of a complete application. Some other minor changes include circulation timelines and the ability to request replanting and rehabilitation. Stop work orders also provide the ability to make the requests for rehabilitation and replanting. The requirements for replanting and rehabilitation are central to the new draft By-law, and help align with the County's other policy directions found in the Climate Change Action Plan and the Official Plan. Replanting and rehabilitating woodlands is preferable to monetary penalties, as it better helps to maintain wooded cover throughout the County.

Staff are seeking direction to move forward with public and municipal consultation on the new draft By-law, including those within the forestry industry, farmers, Indigenous communities, the development industry, conservation authorities, member municipalities, the Niagara Escarpment Commission, Grey County staff, and the public. After consultation has been completed staff would prepare a final draft of the Forest Management By-law for County Council's consideration.

Legislated Requirements

The draft By-law and any subsequent version are required to conform to the *Municipal Act* and the *Forestry Act*.

Legal Considerations

County Legal Services staff have drafted the updated By-law and will continue to be involved in the review process.

Financial and Resource Implications

This review will be completed under the approved 2025 County budget.

Relevant Consultation

- ☒ Internal: Legal Services, Planning Ecology
 - ☒ Contribution to Climate Change Action Plan Targets (The goal is to bring the Forest Management By-law in alignment with these policies)
- ☒ External: Grey Sauble Conservation Authority

Should direction be given to move forward with the consultation on a new draft By-law, consultation will also include the forestry industry, farmers, Indigenous communities, the development industry, conservation authorities, member municipalities, the Niagara Escarpment Commission, Grey County staff, and the public.

Appendices and Attachments

[4341-06 Consolidated Forest Management By-Law as Amended by By-Laws 4443-07, 4515-08, 4652-10 and 4734-11 - WEB](#)

[Draft Forestry By-law 2024-10-18.pdf](#)

[PDR-CW-06-20 Forest Management By-law.pdf](#)