
HALDIMAND COUNTY

Report FPC-01-2019 Requirement for Municipal Tree Canopy Policy For Consideration by Council in Committee on May 28, 2019



OBJECTIVE:

To outline the policy tools that Haldimand County currently has in place to satisfy the requirements of Ontario Bill 68, Modernizing Ontario's Municipal Legislation Act, 2016.

RECOMMENDATIONS:

1. THAT Report FPC-01-2019 Requirement for Municipal Tree Canopy Policy be received;
2. AND THAT Haldimand County hereby confirms that the tree protection and enhancement policies set out in:
 - a. Section 2.3 Policies for Natural Environment Areas of the Haldimand County Official Plan;
 - b. The Regional Municipality of Haldimand-Norfolk By-law 15-00; and
 - c. Haldimand County Forest Strategy & Forest Management Plan,shall constitute the policy as required by Section 270 (1) of the Municipal Act, 2001.

Prepared by: Adam Chamberlin, Project Manager, Forestry

Reviewed by: David Pressey, Manager, Facilities, Parks, Cemeteries & Forestry Operations

Respectfully submitted: Philip Mete, P. Eng., General Manager of Public Works Operations

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

This report provides an outline of a new requirement introduced through Bill 68, titled Modernizing Ontario's Municipal Legislation Act, 2016, that all municipalities adopt and maintain a policy to protect and enhance the tree canopy and natural vegetation within their communities.

BACKGROUND:

Bill 68 introduced a series of reforms to the Municipal Act, 2001 the Municipal Conflict of Interest Act, 1990, and the Municipal Elections Act, 1996.

An amendment to Section 270 of the Municipal Act, 2001, requires all municipalities to adopt and maintain a policy with respect to the protection and enhancement of the tree canopy and natural vegetation in the municipality.

This section of Bill 68 came into force and effect on March 1, 2019. Specifically section 270 (1) requires:

A municipality shall adopt and maintain policies with respect to the following matters:

- 7. The manner in which the municipality will protect and enhance the tree canopy and vegetation in the municipality.*

ANALYSIS:

Haldimand County currently has three policy tools in place pertaining to the protection and enhancement of the tree canopy within the municipality:

1. Haldimand County Official Plan, 2009
2. The Regional Municipality of Haldimand-Norfolk By-law 15-00
3. Haldimand County Forest Strategy & Forest Management Plan, 2016

Haldimand County Official Plan, 2009

Section 2.3.5 Policies for Natural Environment Areas of the Official Plan, provides general policy direction for the protection and enhancement of forest canopy. The policy of the Official Plan includes:

1. The protection of identified natural linkages which provide a corridor for the movement of forest wildlife species. The County supports good forestry practices and the sustainable harvesting of timber within all woodlands.
2. Development proposals within or adjacent to a wooded area will be reviewed to determine Significant woodlands and shall be subject to an Environmental Impact Study.
3. Development within and/or adjacent to woodlands as defined by the Forest Conservation By-law may be reviewed by the County Forester and a permit may be required.
4. Linking Natural Environment Areas will be promoted where feasible.
5. The County encourages the enhancement of a regional natural environment system.

The tree protection policies of the Official Plan are generally implemented through developing specific site plan controls. Tree canopy enhancement is promoted through the application of design criteria, street tree planting plans and landscape plans for new developments.

During the next Official Plan review, Council may consider applying additional natural environment designations that offer protection to natural areas that are not identified as significant woodlands, as well as, applying minimum tree canopy requirements for new developments, requiring comprehensive vegetation management plans and tree protection plans as part of all development applications.

The Regional Municipality of Haldimand-Norfolk By-law 15-00 (Forest Conservation By-law)

The Forest Conservation By-law restricts and regulates the destruction of trees by cutting, burning or other means in woodlands throughout Haldimand County. For the purpose of the by-law, woodlands are defined as:

Any area of land, 0.2 hectares in size or larger having a density not less than:

- 1. 1000 trees, of any size, per hectare;*
- 2. 750 trees, measuring over five (5) centimeters in diameter, per hectare;*

3. 500 trees, measuring over twelve (12) centimeters in diameter, per hectare;

4. 250 trees, measuring over twenty (20) centimeters in diameter, per hectare.

But shall not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

The Forest Conservation By-law effectively protects and improves woodlands in the County for the purposes of wood production, wood products, environmental benefits, forest integrity, wildlife habitat, protection against floods, soil erosion, water quality and recreation. The Forest Conservation By-law does not offer protection to individual trees that do not meet the definition of a woodlands or promote increasing the forest cover in Haldimand County.

The Forest Conservation By-law has been identified in the Forest Strategy & Management Plan as needing review and updating, which will provide the opportunity to consider changes that will increase the protection of single trees or small groups of trees that are not currently regulated pursuant to the Forest Conservation By-law.

Council may consider the development of reforestation programs that promote the acquisition of forested lands, planting new forests and enhancement of existing forests in Haldimand County.

Haldimand County Forest Strategy & Forest Management Plan, 2016

The Forest Strategy & Forest Management Plan, 2016 is a resource document intended to provide direction and an overarching framework within which decisions are made for the management of Haldimand County's urban and rural forest. The goals of the plan aim to protect and enhance the urban and rural forest through:

1. Undertaking an inventory of County-owned trees and forests to identify current conditions and recommendations for maintenance and replacement.
2. Developing a policy framework and procedures with respect to tree maintenance, removal and replanting.
3. Improving the resilience of the urban forest to current and anticipated stressors.
4. Utilizing human resources efficiently and effectively.
5. Prioritizing protection and maintenance of mature, healthy trees and preservation of older large canopy trees.
6. Transitioning towards proactive tree establishment and replacement where all potential planting locations are explored.
7. Building awareness and engagement among staff and the community regarding the importance and value of the urban forest.
8. Expanding stewardship initiatives and develop partnerships that support the urban forest.
9. Using technologies for the integration of trees in hardscapes such as downtown centres.
10. Updating the Forest Management Plan and operating plans on a regular basis.

The goals of the Forest Strategy & Forest Management Plan, 2016 are already being implemented on a daily basis as Haldimand County continues to develop its forestry program. Tree protection is being applied to trees that may be impacted by County construction projects, tree planting projects are being implemented through collaboration with several community groups and street tree planting has been started on public lands through the County tree planting program.

While the existing policies appear to satisfy the requirements of Bill 68, Council may consider to further enhance and strengthen them through future consideration and enactment of additional by-laws, programs or other municipal initiatives.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Section 2.3 of The Corporation of Haldimand County Official Plan 2009
2. The Regional Municipality of Haldimand-Norfolk By-law 15-00
3. [Haldimand County Forest Strategy & Forest Management Plan 2016](#)