

THE REGIONAL MUNICIPALITY OF YORK

Transportation and Works Committee
January 7, 2004
Report of the
Commissioner of Transportation and Works

APPLICATION FOR TREE BY-LAW MINOR EXCEPTION FOREST HILL SOD (LOMBARDO VINCENZO LTD.) TOWN OF GEORGINA

1. RECOMMENDATIONS

It is recommended that:

1. The application submitted by Forest Hill Sod (Lombardo Vincenzo Ltd.), dated September 15, 2003, for a minor exception to the Regional Tree By-law in Part Lot 3 Concession 4, Town of Georgina be approved.
2. The Regional Solicitor be directed to prepare the necessary By-law.

2. PURPOSE

The Regional Tree By-law (T-1-91-154) restricts and regulates the removal of trees on private property throughout The Regional Municipality of York. Regional Council may authorize minor exceptions to the by-law, subject to the notice and hearing requirements set out in the enabling legislation.

On September 15, 2003, Regional staff received an application from Lombardo Vincenzo Ltd. for a minor exception to the Regional Tree By-law. The application was screened and forwarded to the office of the Regional Clerk (November 17, 2003). A copy of the application is attached to this report (*Attachment 1*).

Lombardo Vincenzo Ltd., are the owners of the property located on Part Lots 3, Concession 4, in the Town of Georgina. The subject lands are located east of Highway 48, between Old Homestead Road and Smith Boulevard in the Town of Georgina (*Attachment 2*). The application affects up to 6.5 acres of forest cover on the subject property. The purpose of this report is to present the position of staff to the Committee for consideration at the hearing on this matter.

3. BACKGROUND

The application relates to the woodlot located on the applicants' holdings at Part Lots 3, Concession 4, in the Town of Georgina. The subject property includes an existing sod farm that has been operating for the past 10 years.

The entire property is 80.2 acres of which 6.5 acres remains forested. Regional Forestry staff have completed several site inspections of the property and met with the applicant to discuss the proposal. The purpose of the application is to permit the clearing of the remaining 6.5 acres of forest to allow for the expansion of an existing agricultural operation.

Notice of the application was sent by registered mail by the Office of the Regional Clerk to the abutting landowners. This notice indicated that this application would be given consideration at a hearing of the Regional Transportation and Works Committee on January 7, 2003, in Committee Room 'A', York Region Administration Centre, 17250 Yonge Street, Newmarket, Ontario.

In addition, the Town of Georgina, the Ontario Ministry of Natural Resources (OMNR), Lake Simcoe Region Conservation Authority (LSRCA), York Environmental Stewardship, South Lake Simcoe Naturalists, York Federation of Agriculture and Ontario Federation of Agriculture were also invited to attend or comment on the hearing.

4. ANALYSIS AND OPTIONS

This application has been assessed under the Tree By-law, and reviewed in the context of the guiding principles for reviewing agricultural applications adopted by Regional Council (June 26, 2003).

4.1 Forest Description

The subject woodlot (6.5 acres) is a deciduous forest dominated by Poplar with several other species present including Willow and Green Ash. The estimated age of the dominant trees is approximately 15 years. The ecological significance is described later in this report.

4.2 Planning Implications

The subject lands are designated in the Regional Official Plan (ROP) as a Rural Policy Area (Map – 6 Agriculture and Rural Area). The woodlot appears outside of an area designated as Significant Forested Lands in the ROP (Map – 3 Forest Resources).

The subject property is designated Rural Area on Schedule A of the Town's Official Plan and is zoned Rural RU. Both of these designations permit agricultural uses. The property is not identified as having any environmental features in the Towns Natural features and Greenlands Study or on schedules to the Official Plan.

4.3 Ecological Significance

The subject woodlot is not recognized as a part of the Regional Greenlands System in the ROP (Map – 4 Regional Greenlands System). The woodlot is in close proximity to a woodlot identified in the ROP as Significant Forested Lands, but is not itself identified as significant. The lands to the north of the subject property, across Old Homestead Road, have been identified as the Vachelle Swamp. The Vachelle Swamp is an evaluated wetland designated by the Ontario Ministry of Natural Resources (OMNR).

4.4 Agricultural Significance

To assist with the review of Tree By-law minor exceptions related to agriculture, the Region has adopted a series of principles to assist staff in the review of applications. These principles include, the type of agriculture proposed, the ownership, tenure, and zoning of the property, the agricultural production capability, and the land use history.

In this case, the applicant is a farmer, who has owned the property of 20 years. Mr. Vincenzo is interested in expanding the existing (10 years) sod farming operation. Based on the current age and species composition of the woodlot, and discussions with the landowner, it appears the area may have been farmed up until 15 years ago.

4.5 Assessment of Application

An assessment of the application utilizing the decision tree for screening Tree By-law Minor Exceptions (*Attachment 3*) identified the following points:

- The proposed agricultural use is compatible with the Rural policy designation and local Rural RU zoning.
- The land is not within a Regionally significant feature.
- The forest is approximately 25 metres from an evaluated wetland, however this wetland is on the north side of Old Homestead Road.
- The woodlot is not evaluated as significant in either the Regional or local Official Plan.

A further screening of the application considering the agricultural and natural environmental principles adopted by Regional Council provides the following additional information:

- The applicant is a farmer in the Region who has owned the lands for 20 years.
- Although the proposed farming activity is sod farming, the trees are likely less than 15 years old, and this area was likely been farmed before that time.

Based on a review of the application, including a screening of the environmental designations, the age and composition of the woodlot, and that the purpose of the tree cutting would accommodate the expansion of an existing agricultural operation, it is recommended that the proposed minor exception to the Regional Tree By-law should be approved.

To protect nesting activity and other wildlife functions, no tree removal should occur between April 1 and July 1, 2004.

4.6 Relationship to Vision 2026

Vision 2026 includes a goal statement on Enhanced Environment, Heritage and Culture:

“In 2026, York Region residents will continue to value and embrace the Region’s unique natural heritage (land, air and water) and cultural heritage (sites and buildings important to our history, faiths and cultures).”

To support this goal, the Region has identified specific action areas. The following action area has been considered for this report:

- Sustaining our agricultural base, while also giving consideration to:
 - Securing a Green York Region.
 - Ensuring Clean Water and Air.
 - Promoting Conservation.

The recommendations of this report are consistent with the intent of the goal statement and support the direction of the identified action areas.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

7. CONCLUSION

It is recommended that the application for minor exception for Forest Hill Sod (Lombardo Vincenzo Ltd.) be approved, and the Regional Solicitor be directed to prepare the necessary by-law.

The Senior Management Group has reviewed this report.

Prepared by:



Ian D Buchanan, B.Sc.
Manager of Natural Heritage and Forestry
Services

Reviewed by:



Brian Harrison, P.Eng.
Director, Road Transportation

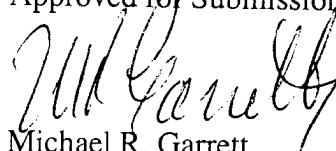
Recommended by:



for

Kees Schipper, P.Eng.
Commissioner of Transportation and Works

Approved for Submission:



Michael R. Garrett
Chief Administrative Officer

December 17, 2003

Attachments (3)

IB/JL

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APPLICATION FOR MINOR EXCEPTION TO BY-LAW TR 1-91-154

of

THE REGIONAL MUNICIPALITY OF YORK

OWNER'S NAME: Lombardo Vincenzo Ltd.APPLICANT'S MAILING ADDRESS: 74 McMullen Dr.
Stouffville, Ont. L4A 7X4AGENT'S NAME & MAILING ADDRESS: Forest Hill SodHOME PHONE NO. 905-881-1286 BUSINESS PHONE NO. 905-881-1286LOCATION OF SUBJECT PROPERTY: 6060 Smith Blvd.Lot No. Part Lot 3 Concession: Cowc. 4Township: GeorginaHAVE YOU BEEN THE REGISTERED OWNER OF THE PROPERTY FOR TWO YEARS? yes

DESCRIPTION OF THE FOREST COVER ON THE SUBJECT LAND. [Size of existing woodlot(s).]

DESCRIPTION OF TREES PROPOSED TO BE DESTROYED. (Include species and size of trees, as well as land area in acres.)

2 inches & less in DiameterIS THE PROPERTY CONSIDERED AN ENVIRONMENTALLY SIGNIFICANT AREA (i.e. wetland, area of scientific interest, environmentally significant area, designated in an official plan, etc.)? NO

HAVE YOU CONTACTED THE CONSERVATION AUTHORITY AND THE MINISTRY OF NATURAL RESOURCES FOR ADVICE AND COMMENT?

PLEASE PROVIDE COMMENT: No work to be done between
April to the 1st July.

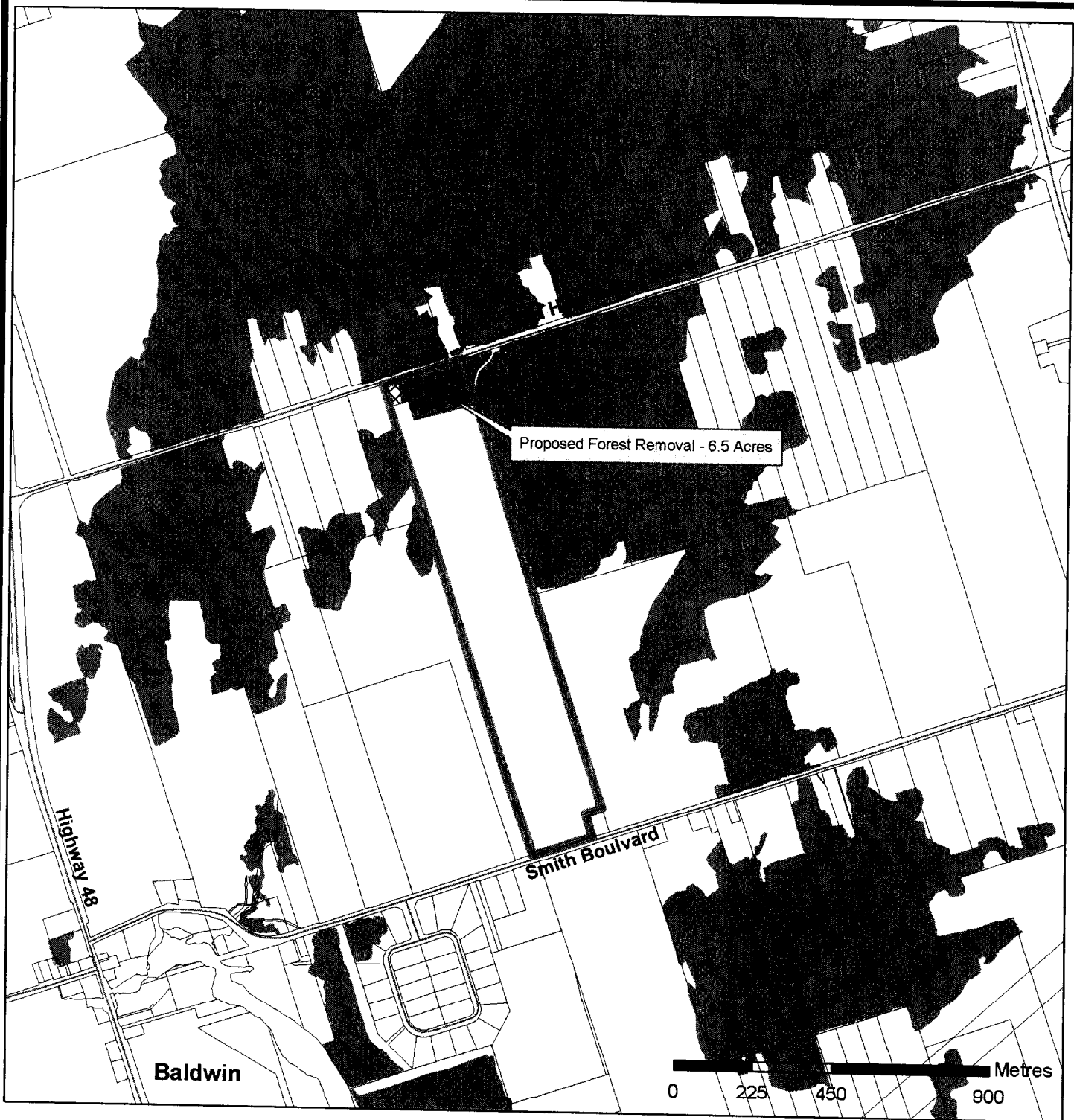
PURPOSE OR REASON FOR MINOR EXCEPTION:

FOR SOD - Farm.

NAMES OF OWNER(S) OF LAND ADJUTING SUBJECT LAND:

Name: Row Kydd. Address:OWNER'S SIGNATURE: V. Lombardo DATE: Sept. 15, 2003

If there is insufficient room to explain, please feel free to expand on a separate sheet of paper. For more information on the Minor Exception process, please consult section 11(6) of the Provincial Forestry Act R.S.O. 1990, Chapter F.26 or call the Regional Forester at the numbers listed above. Please include any other pertinent material which may assist in the explanation of the proposal (i.e. drawings, maps, aerial photos, any relevant comments from the Ministry of Natural Resources or local conservation authorities, etc.)



LOCATION PLAN

Application For Tree By-Law Minor Exception
 Part Lot 3, Concession 4
 Town of Georgina
 Forest Hill Sod Application

Legend

- Forest Cover
- Property Fabric
- Proposed Forest Cover Removal
- Subject Property



Forestry Section Roads Transportation



Green. It's in our nature

Forest Conservation By-law Review and Approval Decision Tree

