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**PUBLIC HEARING – APPLICATION FOR EXCEPTION
MR. OWEN RONALD HUISMAN
REGIONAL TREE BY-LAW NO. TR-1-91-154**

The Transportation and Works Committee, pursuant to the requirements of Section 9 of the *Trees Act*, R.S.O. 1990, c.T.20, held a public meeting on January 7, 2004, to allow interested parties to appear and have input regarding the application of Mr. Owen Ronald Huisman, for a minor exception to the Regional Tree By-law, and recommends to Council that

1. The presentation by Ian Buchanan, Regional Forester, be received;
2. The following submissions be received;
 - (a) Bohdan I. Kowalyk, Aurora District Forester, Ministry of Natural Resources dated December 23, 2003
 - (b) York Simcoe Naturalists dated December 22, 2003;
3. The recommendations contained the following report, December 17, 2003 of the Commissioner of Transportation and Works be adopted:

1. RECOMMENDATION

It is recommended that:

1. The application submitted by Mr. Huisman dated October 6, 2003 for a Minor Exception to the Regional Tree By-law in Part Lot 16, Concession 2 Old Survey in the Township of King be denied.

2. PURPOSE

Mr. Owen Ronald Huisman, being the owner of a woodlot located on Part Lot 16, Concession 2 Old Survey, in the Township of King, has filed an application for an exception to the by-law. This application affects up to approximately 2 ha (5 acres) of forest.

The purpose of this report is to present the position of staff to the Committee for consideration.

3. BACKGROUND

On October 6, 2003, staff of the Transportation and Works Department received an application for a minor exception to the Regional Tree By-law. A copy of the application is attached to this report (*Attachment 1*).

The application relates to a portion of a woodlot located on the applicants' holdings on Part Lot 16, Concession 2 Old Survey, in the Township of King. The subject lands are adjacent to the Holland Marsh, just south of Yonge Street east of Bradford, at the north end of King Township (*Attachment 2*).

The property was recently acquired by Mr. Huisman. The entire property is 14.51 ha (35.85 acres) of which 2.61 ha (6.44 acres) is woodlot within the property boundary. The purpose of the application is to permit the clearing of 2 ha (5 acres) of forest 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 Township of King, Ontario Ministry of Natural Resources (OMNR), Lake Simcoe Region Conservation Authority (LSRCA), York Environmental Stewardship, South Lake Simcoe Naturalists, Bradford Naturalists, York-Simcoe Naturalists, York Federation of Agriculture and the 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's canopy is dominated by green and black ash and trembling aspen. The dominant trees are 50-60 years in age. The under storey species is dominated by eastern white cedar regeneration and maturing trees with mosses and red osier dogwood forming the most abundant shrub species. Also present were silver maple, white birch, elm, willow, alder and balsam fir.

The forest is classified as Fresh – Moist White Cedar - Hardwood Mixed Forest Type by the Ecological Land Classification for Southern Ontario. The Fresh – Moist White Cedar - Hardwood Mixed Forest type is dominated by white cedar with black ash, trembling aspen, white birch, yellow birch and red maple. This forest type typically occurs on the moist end of the moisture regime. The ecological significance of this forest is described later in this report.

4.2 Planning Implications

The subject lands are designated as a Rural Policy Area in the Regional Official Plan (ROP, Map - 6 Agriculture and Rural Area). This designation supports agricultural uses, but recognises that there are other non-agricultural uses in the area. Agricultural uses are permitted by the current municipal Zoning By-law.

The subject property is zoned (RU2) Rural Intensive, and also Rural and Open Space in the 1970 Township of King Official Plan. Agricultural uses are permitted in these designations. King Township Planning Department are currently reviewing this submission and will be preparing a Planning Report (No. P-2003-64) for the Committee of the Whole on December 15, 2003.

4.3 Ecological Significance

The woodlot is not recognized as part of the Regional Greenlands system and is not identified as Regionally Significant Forested Lands in the ROP. The Greenlands: A Natural Heritage System for the Township of King (ESG 1998) report for King Township considers this woodlot as a Significant Woodland (greater than 4 ha), and the feature is recognized as a supporting area to the King Township Natural Heritage System. On the west side of the Holland drainage canal, the LSCA recognizes this area as the Holland Marsh Lowlands Environmentally Significant Area (ESA C1).

This woodlot is part of a contiguous natural heritage feature which connects both to the forested areas to the south and a larger forested area to the north. During the site inspection wildlife including fresh signs of deer, beaver and ruffed grouse were noted within the woodlot area.

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 applicants' principal business is the construction of wooden boxes for farming purposes, although he does farm in the area. He is interested in expanding an existing agricultural operation on the subject lands. Mr. Huisman purchased the lands in the last year. The proposed farming activity is a sod operation in rotation with carrot farming.

The lands are not designated as Agricultural Policy Area, however farming is compatible with the zoning.

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 relevant points:

- The proposed agricultural use is compatible with the Rural Policy designation and local RU zoning. The land is also not within a Regionally Significant environmental feature.

However,

- Portions of the forest are within a buffer to warm water fish habitat.
- The woodland is identified as Significant under the King Township Greenlands System report.
- The woodland is also identified as a Supporting Area to the King Natural Heritage System.

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 only recently purchased the lands.
- The proposed farming activity includes both sod farming and carrot production.
- This woodlot has not been farmed in at least the past 50-60 years.

The forested area is diverse, connected and contributes to the wildlife habitat in the area. The forest is both a significant woodlot in King Township, and is recognized as a Supporting Area for the Core Natural Heritage System for King Township. Based on the above assessment the proposed minor exception to the Tree By-law should be denied.

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

King Township has been consulted on this minor exception application, and a report is being considered at the Township Committee of the Whole scheduled for December 15, 2003.

7. CONCLUSION

It is recommended that the application for minor exception for Mr. Huisman be denied.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)