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FOREST CONSERVATION BY-LAW SPECIAL PERMIT APPLICATION DRAPER PROPERTY, TOWN OF GEORGINA

The Transportation Services Committee recommends:

- 1. Receipt of the deputation by Ross Draper, owner of subject property; and**
- 2. Adoption of the recommendation contained in the following report dated February 15, 2011, from the Commissioner of Transportation Services.**

1. RECOMMENDATION

It is recommended that:

1. The application submitted by the owner of Part Lot 1, Concession 4, Town of Georgina, dated June 29, 2010, for a Special Permit under the Forest Conservation By-law for the removal of 1.5 hectares (3.7 acres) of forest for farming purposes be denied.

2. PURPOSE

This report seeks Regional Council direction regarding a Special Permit Application under the Forest Conservation By-law to remove 1.5 hectares (ha) of forest for agricultural purposes in the Town of Georgina.

3. BACKGROUND

Regional Council is required to review Forest Conservation By-law Special Permit applications considering forest clearing

The Forest Conservation By-law (No. TR-0004-2005-036) regulates the destruction or injury of trees in forests on private land in the Region. Regional Council may approve or deny Special Permits for the removal of more than 0.2 ha (0.5 acres) of forest.

Regional Council must review the application in accordance with the intent of the By-law while giving consideration to current legislation and policies, and the agricultural and environmental principles established to guide decision-making. The Region's Official Plan goal of achieving 25% forest cover by the year 2025 must also be considered.

Previous application (2001) for the removal of 30 ha (74 acres) was approved by Council contingent on leaving the remaining woodlands

In November 2001, Regional Council approved a Minor Exception under the previous Tree By-law (TR-1-91-154) for S. La Rue Farms to clear 30 ha (74 acres) of forest cover on this property. There were several conditions within this approval including buffering a tributary of the Maskinonge River and planting trees on the property. The property owner was also required to protect the remaining trees on the property. These trees are the subject of this application.

Since 2001, there have been several legislative changes which have increased environmental protection. *The Greenbelt Act (2005) and Plan* and the *Lake Simcoe Protection Act (2008) and Plan* prohibit site alteration which negatively impacts environmental features or their functions.

The proposed removal of 1.5 ha (3.7 acres) of woodland is to maintain and expand the existing agricultural operation

A Special Permit application was received from Mr. Ross Draper the owner of Part Lot 1, Concession 4 Town of Georgina, The application proposes the removal of 1.5 ha (3.7 acres) of forest to expand the existing agricultural operation and undertake drainage works. The property is 48 ha of which 38 ha (90 acres) is farmed (*Attachment 1*).

4. ANALYSIS AND OPTIONS

Considering the existing policies at the Provincial, Regional and local municipal level, this application is not supported by Regional staff.

The review of the permit application is required to take into consideration impacts to significant natural features, the implications of the *Greenbelt Act (2005) and Greenbelt Plan* and *Lake Simcoe Protection Act (2008) and Plan*, policies of the Regional Official Plan and agricultural and natural environment policies and principles established to assist with the review of agricultural applications. The removal of this woodland is prohibited by current policies.

An Environmental Impact Statement, pre-consultation with the landowner and site inspections have identified the scope of tree removal

The applicant is a bona fide farmer in York Region and has owned the subject lands since 2009. The applicant plans to expand the existing operation to farm carrots, onions and potatoes. Staff have inspected the site and developed a scoped Environmental Impact Statement in consultation with the owner. The subject forest is a mid-aged (approximately 60 years old), lowland poplar and ash dominated forest associated with

the Maskinonge River Provincially Significant Wetland Complex. This forest is designated as a Significant Woodland.

There is only 13% forest cover within the Maskinonge River watershed. The background studies for the *Lake Simcoe Protection Act (2008)* identify the Maskinonge watershed as having the least amount of forest cover of any watershed within the Lake Simcoe basin.

Greenbelt and Lake Simcoe Protection Plan policies do not support the proposed tree removal

The subject lands are designated as Protected Countryside in the *Greenbelt Plan*. The woodland area is identified as a Significant Woodland, and is a Key Natural Heritage Feature (KNHF) within the Natural Heritage System. The Provincially Significant Wetland is also identified as a Key Hydrologic Feature under the *Lake Simcoe Protection Plan*. The *Greenbelt and Lake Simcoe Protection Plans* permit existing and new agricultural activities as long as there is no negative effect on the Key Natural Heritage Feature, Key Hydrologic Feature or their functions.

The removal of trees and the installation of tile drainage is considered site alteration which would have a negative impact on the woodland and wetland area. Ministry of Natural Resources staff confirmed the woodland was significant and site alteration would not be permitted. As such the removal of the woodland cannot be supported.

Lake Simcoe Region Conservation Authority (LSRCA) does not support this application

The LSRCA confirmed the woodland falls within a designated floodplain. Tree removal would be subject to a permit application under the *Conservation Authorities Act* and staff indicated that they would not support the application.

York Region Official Plan policies protect existing agriculture and environmental features

The Regional Official Plan (OP) identifies the majority of the property as part of the Regional Greenlands System. The property is also classified as an Agricultural Policy Area. The Greenlands policies provide for the protection and restoration of the system, while the agricultural policy designation supports existing agricultural uses.

Town of Georgina staff are not supportive of this application

The property is zoned Rural under the Town of Georgina Official Plan. The woodlot and wetland areas are designated as Environmental Protection Area (EPA 1, 2 and 3). The removal of the woodlot would only be supported if it was demonstrated there was no negative impact on the natural feature or the ecological functions for which the area was identified. As such, this application could not be supported.

5. FINANCIAL IMPLICATIONS

There are no financial implications of this report.

6. LOCAL MUNICIPAL IMPACT

There are no direct local impacts associated with this report.

7. CONCLUSION

A Special Permit Application was submitted to consider the removal of 1.5 ha (3.7 ac) of forest from his property at Part Lot 1, Concession 4, Town of Georgina. Under the *Greenbelt Plan and Lake Simcoe Protection Plan*, the forest is a Significant Woodland and a Key Natural Heritage Feature and includes part of a Key Hydrologic Feature. Direct and indirect impacts associated with the proposed removal of this woodlot would have a negative impact on the feature and the hydrologic functions of the area. As such this application can not be supported.

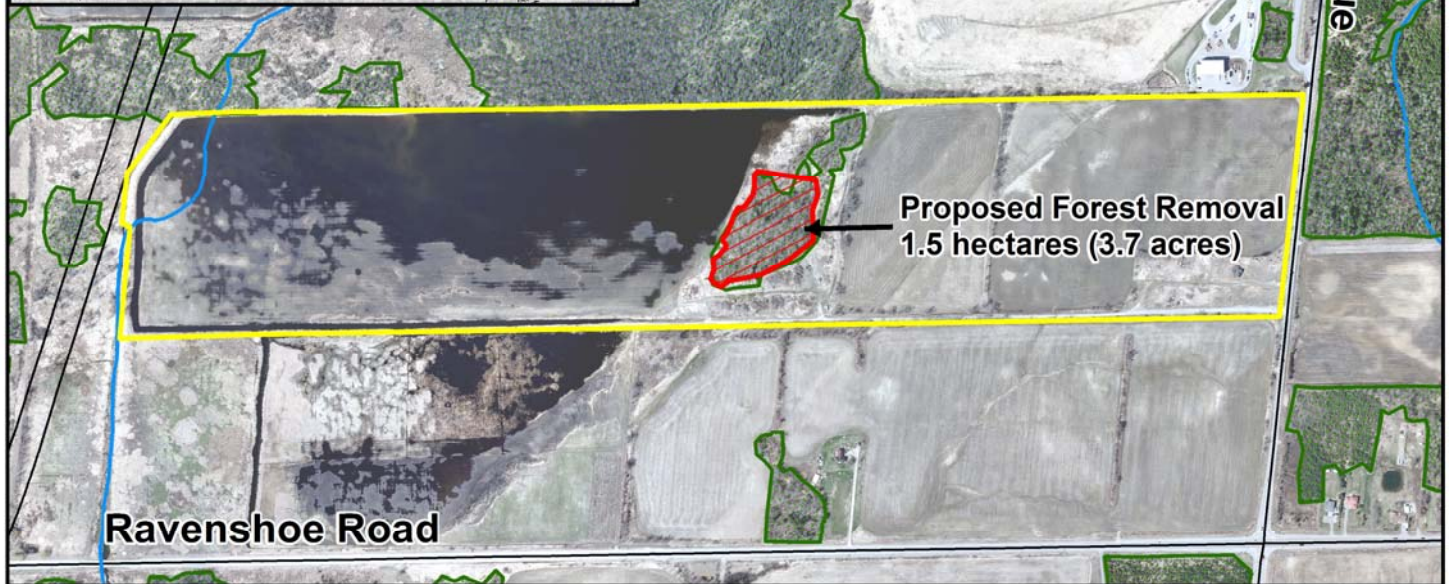
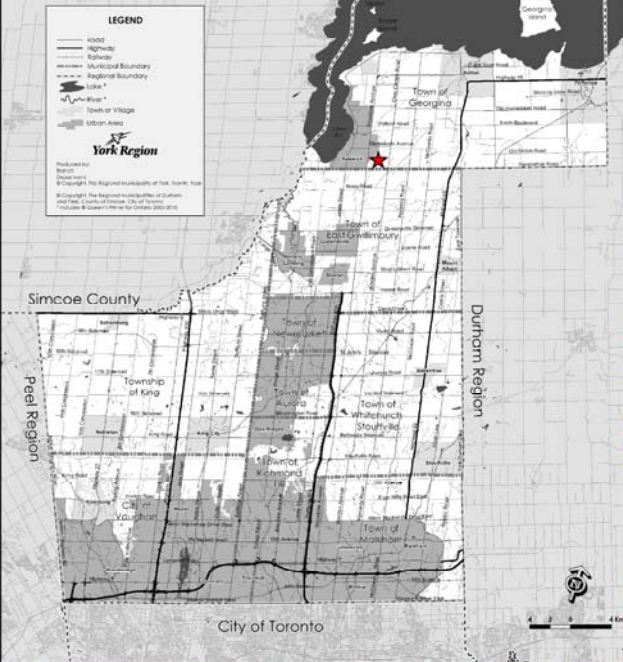
For more information on this report, please contact Ian D. Buchanan at Ext. 5204.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Location Plan

Part Lot 1 Concession 4
Town of Georgina



Location Plan

Forest Conservation By-law
Special Permit Application
Part Lot 1 Concession 4
Town of Georgina

Legend

- Subject Property
- Forest Cover (2009)
- Watercourse
- Proposed Forest Removal



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Transportation Services Department
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