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FOREST CONSERVATION BY-LAW SPECIAL PERMIT ADENA NORTH INC., TOWN OF WHITCHURCH-STOUFFVILLE

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated February 16, 2011, from the Commissioner of Transportation Services.

1. RECOMMENDATION

It is recommended that:

1. The application submitted by Adena North Inc. for a Special Permit under the Forest Conservation By-law for the removal of 0.8 hectares (2 acres) of forest for agricultural purposes be approved.

2. PURPOSE

This report seeks Regional Council direction regarding a Special Permit application under the Forest Conservation By-law to remove 0.8 hectares (2 acres) of forest for agricultural purposes in the Town of Whitchurch-Stouffville.

3. BACKGROUND

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

York Region's Forest Conservation By-law (No. TR-0004-2005-036) regulates the destruction or injury of trees in woodlands greater than one hectare on private land. Regional Council may approve or deny Special Permits for large scale tree removal (e.g. forest clearing greater than 0.5 hectare) or cutting which is not considered 'good forestry practices'.

The intent of the by-law is to help achieve the Region's Official Plan goal of 25% forest cover by the year 2025, and to promote good forestry practices. Regional Council must review applications 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 under the by-law.

This Special Permit application proposes the removal of 0.8 hectares (2 acres) of woodland for the purpose of operating an existing agricultural use

A Special Permit application was received from Adena North Inc. the owners of 4001 Davis Drive, Town of Whitchurch-Stouffville. The application proposes the removal of 0.8 hectares (2 acres) of forest to construct a driveway from Kennedy Road to access the agricultural fields on the property. The property is 41 hectares (ha) in total of which approximately 26 ha is farmed (*Attachment 1*).

4. ANALYSIS AND OPTIONS

Considering the existing policies at the Provincial, Regional and local municipal level, this application is supported by Regional staff

Review of the permit application is required to take into consideration impacts to significant natural features, the implications of the *Greenbelt Act (2005) and Plan*, *Lake Simcoe Protection Act (2008) and Plan*, policies of the Regional and local Official Plans and agricultural and natural environmental policies established to assist with the review of agricultural applications. The proposed forest removal is permitted by current policies.

Pre-consultation with the landowner and review of the Environmental Impact Study has identified the scope of work and potential impacts

Staff has met with the applicant and inspected the site. The applicant has submitted an Environmental Impact Study (EIS), Traffic Study and Reforestation Plan in support of the application.

The subject woodland is a mid-aged (approximately 60 years old) forest dominated by eastern white cedar, poplar species, silver maple, white birch and ash species. The property has been screened for significant species. No species identified as endangered under the *Endangered Species Act (2007)* were found on the subject property. The Environmental Impact Study identified a list of potential impacts and mitigative measures to address these impacts. The conditions of the Region's permit (if approved) will prescribe mitigative requirements including the following timing restriction to protect breeding birds and tree planting compensation:

- No cutting of trees is to occur between April 15 and July 15, 2011.
- Implementation of the reforestation plan to be completed by May 31, 2012.

A Traffic Study submitted in support of this application recommends an entrance off Kennedy Road over Davis Drive for operational and safety reasons. This study was

reviewed by Region staff and they concur with the findings. The Region has issued an entrance permit for the proposed driveway.

Adena North Inc. proposes to restore 1.1 ha of forest including the planting of 529 trees and 237 shrubs

Adena North Inc. proposes the planting of 1.1 ha of forest adjacent to the existing woodland to offset the forest removal impacts. A total of 529 native trees and 237 native shrubs will be planted. This proposal will result in no net loss of forest cover in the Town of Whitchurch-Stouffville (currently at 29% forest cover).

Greenbelt Plan policies do not preclude the proposed forest removal

The subject lands are part of the Protected Countryside of the *Greenbelt Plan*. The woodland area is identified as a Significant Woodland, and is a Key Natural Heritage Feature within the Natural Heritage System. The woodland also contains an unevaluated wetland which is identified as a Key Hydrologic Feature. The Greenbelt Plan permits infrastructure within Key Natural Heritage Features.

The construction of a driveway is considered infrastructure and as such the forest removal is not precluded by the Greenbelt Plan. The proposed driveway has been located to avoid the wetland.

York Region policies balance the interests of agriculture and natural environment protection

To assist with the review of agricultural applications under the Forest Conservation By-law, the Region adopted a series of principles to balance the interests of agricultural sustainability and the protection of the natural environment. These principles include: land tenure, farming history, proposed agricultural activity, environment impacts and prohibition areas.

The Regional Official Plan (ROP) designates the property as Rural Policy Area and the woodland is identified as part of the Regional Greenlands System. The rural policy designation supports existing agricultural uses, while the Greenlands policies provide for protection and restoration of the system.

The subject lands have been recently purchased by the applicant. The applicant is a bona fide farmer and has operated race horse breeding and training business in York Region for over 20 years.

Lake Simcoe Region Conservation Authority and Town Whitchurch-Stouffville are supportive of the application

The Lake Simcoe Conservation Authority indicated that the proposed driveway is located in a Regulated Area and a permit has been issued for its construction.

The Town of Whitchurch-Stouffville Official Plan has designated the property as Rural Area and identified the forest as Major Woodlot Area within the Town's Greenlands System. The woodland has been zoned Environmental in the Town's comprehensive zoning by-law. The proposed land use and activity would be permitted by the applicable Official Plan policies and zoning.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The Town of Whitchurch-Stouffville Official Plan designates the subject property as Rural Area and it has been zoned Environmental. This designation and zoning permit agriculture and associated uses. The proposed reforestation plantings will offset any loss in forest cover as a result of this application.

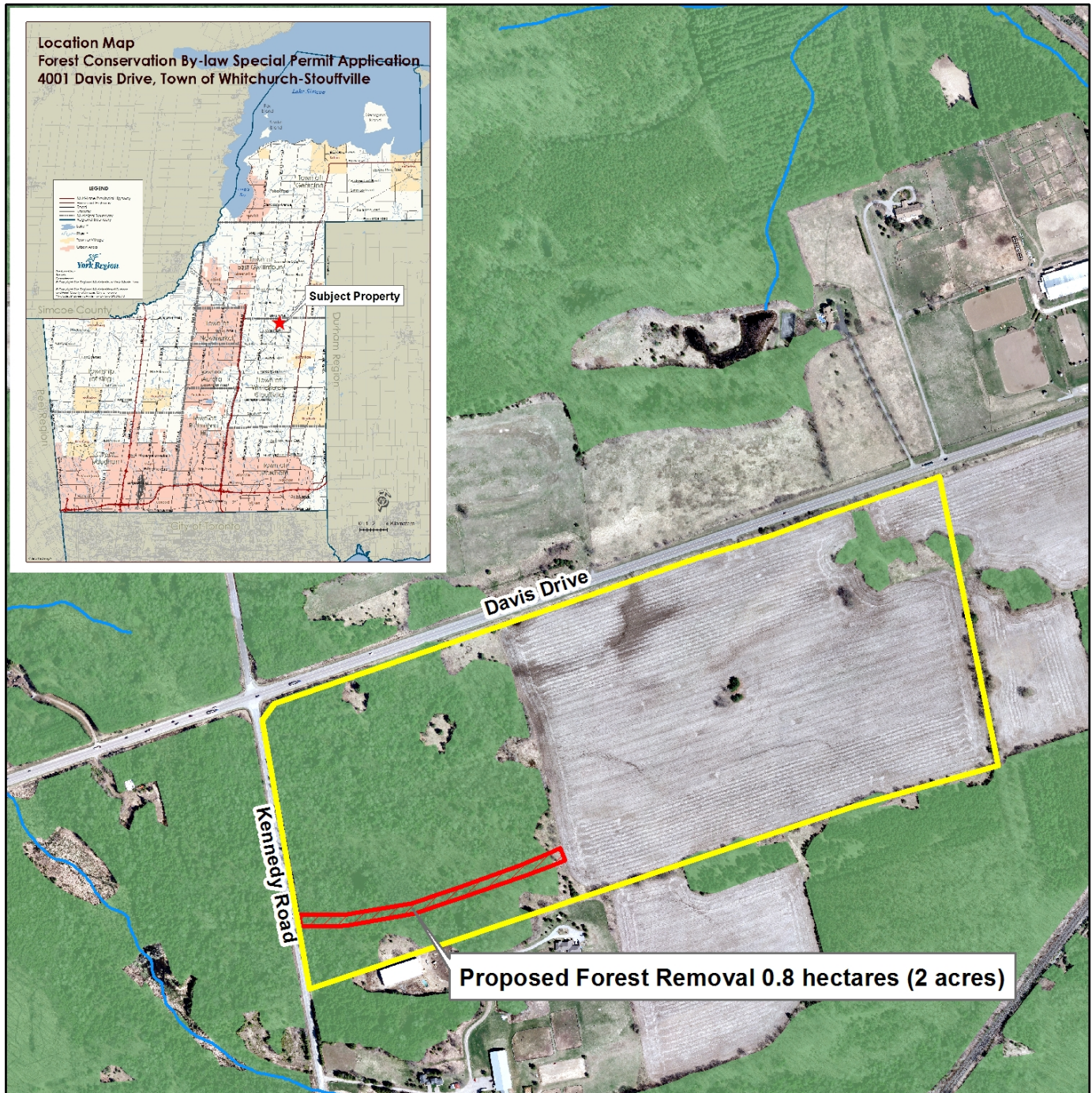
7. CONCLUSION

A Special Permit Application was received from Adena North Inc. to consider the removal of 0.8 ha (2 acres) of forest to construct a driveway for an existing agriculture use. The proposed forest removal is not in conflict with the Greenbelt Plan, other environmental legislation and policies, and is consistent with the Region's agricultural and environmental principles. As such, staff supports approval of this application.

For more information on this report, please contact Ian D. Buchanan, Manager of Natural Heritage and Forestry Services 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

Forest Conservation By-law
Special Permit Application
4001 Davis Drive
Part Lot 35 Concession 6
Town of Whitchurch-Stouffville

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Transportation Services Department
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