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FOREST CONSERVATION BY-LAW SPECIAL PERMIT GOKKURT, TOWN OF GEORGINA

The Transportation and Works Committee recommends:

- 1. The presentation by Ian Buchanan, Manager of Natural Heritage and Forestry be received; and**
- 2. The recommendation contained in the following report, April 26, 2006, from the Commissioner of Transportation and Works be adopted:**

1. RECOMMENDATION

It is recommended that:

1. The application submitted by Mr. Mustafa Gokkurt, dated January 8, 2006, for a Special Permit to the Regional Forest Conservation By-law in Part Lot 7, Concession 1, Town of Georgina, be denied.

2. PURPOSE

The purpose of this report is to recommend against issuing a permit for the removal of 6.9 hectares of forest in the Town of Georgina.

3. BACKGROUND

The Regional Forest Conservation By-law (TR-0004-2005-036) prohibits and regulates the destruction or injury of trees on private property throughout the Region. Regional Council may authorize Special Permits to the by-law, provided it is satisfied that the injuring or destruction of trees will be in compliance with agricultural and natural environment policies adopted from time to time.

On January 8, 2006, staff of the Transportation and Works Department received an application from Mr. Mustafa Gokkurt for a Special Permit to the Region's Forest Conservation By-law. This application considers the removal of 6.9 hectares (17.1 acres) of forest located at Part Lot 7, Concession 1, in the Town of Georgina. A copy of the application is attached to this report (*Attachment 1*).

Mrs. Fatma Gokkurt is the owner of the subject property located on Part Lot 7, Concession 1, Town of Georgina. The application relates to the removal of two forested areas; a 0.7 hectare (1.8 acres) woodlot and to the removal of 6.2 hectares (15.3 acres) of

a larger forested area on the subject lands. The property is located east of Park Road and south of Old Shiloh Road in the Town of Georgina (*Attachment 2*).

The owner's holdings are approximately 19 hectares (48 acres) of which 9 hectares (23 acres) are currently farmed. The applicant wishes to clear a total of 6.9 hectares (17.1 acres) of land to expand his farming operation.

Regional staff has met with the applicant to discuss the proposal and assist in the preparation of a scoped Environmental Impact Statement (*Attachment 3*). A site inspection of the property was completed to evaluate the natural heritage features, their functions and attributes. Staff of Town of Georgina (*Attachment 4*), Lake Simcoe Region Conservation Authority (*Attachment 5*) and Ontario Ministry of Natural Resources (*Attachment 6*) were advised of the application and have provided written comments in terms of implications of existing policies and legislation.

4. ANALYSIS AND OPTIONS

This application has been reviewed in the context of the agricultural and natural environment policies of the Region and considered implications of the Provincial Greenbelt Act and Plan.

4.1 Planning Implications

4.1.1 York Region Official Plan

The subject land is designated in the Regional Official Plan (ROP) as a Rural Policy Area (Map – 6 Agriculture and Rural Area). The forested area is designated as a connecting link in the Regional Greenbelt System as identified in the ROP (Map – 4 Regional Greenbelts System). The woodland is adjacent to an area designated as Significant Forested Lands in the ROP (Map – 3 Forest Resources).

4.1.2 Town of Georgina Official Plan

The subject property is designated Environmental Protection Areas 2 and 3 on Schedule 'A' of the Town of Georgina's Official Plan, and is zoned Rural (RU) on Map 1 of the Town's Comprehensive Zoning By-law 500.

4.2 Greenbelt Plan

The entire area of this application is subject to the provisions of the Provincial Greenbelt Act and Plan 2005. The subject lands fall within the rural area of the Protected Countryside, with the woodland being located within the Natural Heritage System identified in the Greenbelt Plan.

The key natural heritage features and key hydrologic features policies are identified in Greenbelt Plan Policy 3.2.4. The subject woodlands were identified as wetland swamps through an on site evaluation of the forest type and also as significant woodlands through

York Region's Significant Woodlands Study. Either one of these designations qualifies the subject woodlands as key natural heritage features.

The Natural Heritage System is intended to protect a connected and integrated system of natural features. It should be noted that The Natural Heritage System Policies of the Greenbelt Plan (section 3.2.2.1) permit existing and may allow for new agricultural, agricultural-related and secondary uses, and normal farm practices within the Natural Heritage System under the Protected Countryside designation. Greenbelt Plan Policy 3.2.2.3 allows for site alteration in the Natural Heritage System provided that it can be demonstrated that there will be no negative effects on key natural heritage features or key hydrologic features or their functions.

Where multiple policies of the Plan apply, these are to be applied in either a cumulative or integrated manner, such that all of the policies that relate to a matter are addressed, with the more specific or restrictive policy applying where there are conflicts. The more restrictive policy being 3.2.4.1 site alteration, including activities that would change the natural vegetation communities, is not permitted in key natural heritage features.

The Ministry of Natural Resources Lake Simcoe Region Conservation Authority and Town of Georgina comments highlighted concerns with conformity with the Greenbelt Plan. Site alteration within the Natural Heritage System shall demonstrate that there will be no negative impacts on key natural heritage features or key hydrologic features or their functions, connectivity between key natural heritage features or key hydrologic features is maintained and the removal of natural features should be avoided. The agencies indicated that further studies would be required to consider the proposed impact or that site alteration should not be permitted within key natural heritage features or key hydrologic features, including any associated vegetation protection zone. It is the opinion of staff that the removal of trees proposed in this application will result in a negative impact to the key natural heritage features on the property.

4.3 Ecological Significance

4.3.1 Forest Description

The subject woodlands' canopy is dominated by eastern white cedar, poplar and silver maple. Other tree species present included black and green ash, elm, white birch and European buckthorn. The dominant trees in the stand are approximately 40 years in age.

The forest is classified as Silver Maple Mineral Deciduous Swamp Type and White Cedar – Hardwood Organic Mixed Swamp Type by the Ecological Land Classification for Southern Ontario (1998). These treed swamps are considered wetland habitat.

The subject woodlands are identified as significant woodlands through The Significant Woodlands Study, as adopted by Regional Council January 26, 2006.

4.3.2 Natural Features

The subject property is situated between two evaluated provincially significant wetlands to the north and southwest. On the property, the larger northern woodland patch of 6.9 hectares includes an unevaluated wetland (MNR communication), as well as a tributary of the Black River flowing northward, connecting the Zephyr-Egypt Wetland Complex and Black River Wetland Complex. The property's south central woodland patch of 0.7 ha is also identified as an unevaluated wetland (MNR communication). There are no endangered or threatened species documented in this area. The entire property is fill regulated by the Lake Simcoe Region Conservation Authority.

4.3.3 Natural Heritage Systems

The subject forests in the application form a connecting link in the Regional Greenland System in the ROP (Map – 4 Regional Greenlands System).

The subject forests are designated environmental protection areas in the Town of Georgina Official Plan. Existing agricultural operations may be supported subject to the York Region Forest Conservation By-law.

The area is designated a key natural heritage feature within the Natural Heritage System of the Greenbelt Plan's Protected Countryside.

4.4 Agricultural Significance

To assist with the review of agricultural applications under the Forest Conservation By-law the Region has adopted a series of principles to assist staff in balancing the interests of agriculture and the natural environment. These principles include; land tenure, farming history, proposed agricultural activity, environmental impacts, prohibition areas and buffer zones.

In this case, the applicant has farm experience and has owned the property for three years. The applicant is interested in expanding his operations. The applicant currently harvests hay, but would be interested in expanding his operations to include animal husbandry and cash crop production. Based on a review of the current age and species composition of the woodlands and surrounding land use, and discussions with the applicant, the small woodlot may have been farmed 20 years ago and the remainder of the forested area may have been farmed approximately 40 years ago.

4.5 Assessment of Application

An assessment of the application identified the following points:

- The proposed agricultural use is compatible with the Rural Policy Area designation and local rural zoning.
- The woodlands are identified as a connecting link in the Region's Greenlands System.

- The woodlands are identified as significant forest through the application of the criteria as adopted from the Region's Significant Woodlands Study.
- The subject lands are identified as Protected Countryside in the Greenbelt Plan.
- The woodlands are within the Natural Heritage System identified in the Greenbelt Plan.
- The woodlands are identified as key natural heritage features, as they are both wetlands and significant forest.

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 not a bona fide farmer as identified in the Forest Conservation By-law in the context of the Farm Registration and Farm Organizations Funding Act.

- The Gokkurt's have owned and farmed the property for three years.
- The larger woodland area (6.9 hectares) may have been farmed 40 years ago, whereas the smaller woodland area (0.7 hectares) may have been farmed 20 years ago.
- The proposed farming activity is soya bean, corn and livestock production.

A review the application, including a screening of the environmental features and designations, the age and composition of the woodlot, and the purpose of the tree cutting to accommodate the reclamation/expansion of an existing agricultural operation was considered. The Region identifies these woodlands as significant woodlands. Under the Greenbelt Plan, the balance of protecting the natural environment versus supporting agriculture weighs towards protecting the natural environment in the rural policy areas and supporting agriculture in the agricultural policy areas. In the context of the Greenbelt Plan, the subject woodlands fall within the Natural Heritage System in a rural policy area and includes key natural heritage features. Site alteration, including the proposed removal of trees is not permitted in key natural heritage features. It is the recommendation of staff that the Special Permit application under the Region's Forest Conservation By-law 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

There will be no local municipal impacts associated with this report.

7. CONCLUSION

The Special Permit application has been reviewed giving consideration to the agricultural and natural environment policies and principles under the Forest Conservation By-law. The recommendation is that the application by Mr. Mustafa Gokkurt be denied.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)