

11

FOREST CONSERVATION BY-LAW APPLICATION FOR SPECIAL PERMIT CATHOLIC CEMETERIES ARCHDIOCESE OF TORONTO TOWN OF WHITCHURCH-STOUFFVILLE

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, May 31, 2007, from the General Manager, Roads:

1. RECOMMENDATIONS

It is recommended that:

1. The application submitted by the Catholic Cemeteries Archdiocese of Toronto, dated March 30, 2007, for a Special Permit to the Regional Forest Conservation By-law for the removal of 1.76 hectares (4.35 acres) of forest for farming purposes in Part of Lots 31, 32, 33, 34, and 35, Concession 3, Town of Whitchurch-Stouffville be approved.
2. Staff be directed to issue a Special Permit with conditions as outlined in Section 4.6 of this report.

2. PURPOSE

The purpose of this report is to seek approval to issue a permit for the removal of 1.76 hectares (4.35 acres) of forest in the Town of Whitchurch-Stouffville.

3. BACKGROUND

The Regional Forest Conservation By-law (No. TR-0004-2005-036) prohibits or regulates the destruction or injury of trees in The Regional Municipality of York. Regional Council may approve or deny Special Permits which consider “major” tree or forest removal not consistent with good forestry practices, or not in accordance with selective harvest criteria set out in the by-law. Under the new Municipal Act, any decision on the application by Regional Council may not be appealed to the Ontario Municipal Board. The removal of more than 0.2 hectares (0.5 acres) of forest requires Regional Council to consider the matter in accordance with the intent of the by-law while giving consideration to the agricultural and environmental principles established to guide decision making under the by-law.

On March 30, 2007, Regional staff received a Special Permit application under the Regional Forest Conservation By-law from the Catholic Cemeteries Archdiocese of Toronto. The application proposes the removal of 1.76 hectares (4.35 acres) of forest for

the purposes of increasing the available area for farming. A copy of the application is attached to this report (*Attachment 1*).

The Catholic Cemeteries Archdiocese of Toronto is the owner of the property located on Part of Lots 31, 32, 33, 34, and 35, Concession 3, Town of Whitchurch-Stouffville. The subject lands are located between Highway 404 and Woodbine Avenue, south of Davis Drive in the Town of Whitchurch-Stouffville (*Attachment 2*).

The Special Permit applications relates to an area of forest located on the applicant's holdings at Part of Lots 31, 32, 33, 34, and 35, Concession 3, Town of Whitchurch-Stouffville. The Catholic Cemeteries Archdiocese of Toronto owns approximately 164 hectares (406 acres) of land at this location, of which 160 hectares (395 acres) are currently farmed, the balance includes abandoned agricultural land and forest. The applicant wishes to remove 1.76 hectares (4.35 acres) of a 1.92 hectare (4.74 acre) forest to reclaim land for farming purposes. This land was previously farmed.

Natural Heritage and Forestry Services staff have met with the applicant's agent to discuss the proposal, and have completed several site inspections of the property. The applicant has submitted an Environmental Impact Statement in support of this application, including compensation for the removal of 1.76 hectares (4.35 acres) of forest (*Attachment 3*). Staff from the Town of Whitchurch-Stouffville, Lake Simcoe Region Conservation Authority, and Ontario Ministry of Natural Resources were advised of the application and have provided comments in terms of implications of existing policies and legislation. The comments received were taken under consideration during the review of this application.

4. ANALYSIS AND OPTIONS

The application has been reviewed under the Forest Conservation By-law, assessed in the context of the agricultural and natural environment policies of the Region, and considered the implications of the Provincial Greenbelt Act and Plan 2005.

4.1 Forest Descriptions

The subject forest (1.92 hectares) is a successional deciduous forest which has formed around an abandoned farm laneway and farmstead. The forest community is dominated by Manitoba maple and honey locust with several other species present including, choke cherry, Norway spruce, and common buckthorn. The estimated age of the dominant trees is approximately 15 to 20 years old. The ecological significance is described later in this report.

4.2 Planning Implications

4.2.1 York Region Official Plan

The subject land is designated in the Regional Official Plan (ROP) as Agricultural Policy Area (Map – 6 Agriculture and Rural Area). The forested area subject to this application is not included in the Regional Greenlands System as identified in the ROP (Map – 4 Regional Greenlands System). The woodland is not identified as Significant Forested Lands in the ROP (Map – 3 Forest Resources). Further the woodland would not be considered as a Significant Woodland based on the Significant Woodland Criteria adopted by Regional Council in Clause 5 of Report No. 1 of the Transportation and Works Committee on January 26, 2006.

4.2.2 Town of Whitchurch-Stouffville Official Plan

The subject property is zoned Institutional – Holding in the Town of Whitchurch-Stouffville General Zoning By-law 87-34. The current zoning permits the construction and operation of cemetery and related uses subject to the execution of a Site Plan Control Agreement. The subject woodland is identified as a woodlot in the Town of Whitchurch-Stouffville Natural Features and Greenland Study but has not been included in its Natural Heritage System.

4.3 Greenbelt Plan

The entire area of this application is subject to the provisions of the Provincial Greenbelt Plan and Act 2005. The subject lands fall within the prime agricultural area of the Protected. The woodland subject to this application is not located in the Natural Heritage System identified in the Greenbelt Plan. Further the subject woodland does qualify as a key natural heritage feature or key hydrologic feature as identified in the Greenbelt Plan Policy 3.2.4.

4.4 Ecological Significance

The area subject to the application is not located within Significant Forested Lands or the Regional Greenlands System in the ROP (Map – 3 Forest Resources and Map – 4 Regional Greenlands System). There are no endangered or threatened species documented in this area. There are no evaluated wetlands associated with the subject woodland.

4.5 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 is not a farmer, but owns lands which are rented out for agricultural use. The applicant is interested in reclaiming previous farmed land to rent for agricultural use. Based on review of the current age and species composition of the

woodlands and surrounding land use, the subject woodland may have been farmed within the last 15 to 20 years.

4.6 Assessment of Application

An assessment of the application identified the following points:

- The proposed agricultural use is compatible with the Agricultural Policy Area designation and the local rural zoning.
- The woodland is not within the Regional Greenlands System
- The woodland is not identified as significant woodland.
- The woodland is not identified as a key natural heritage feature or key hydrologic feature, and does not occur within the Natural Heritage System in the Greenbelt 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 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 applicant has owned and leased the land for farming for 50 years.
- The applicant proposes to provide compensation for the removal through allowing a 1.76 hectare area adjacent to existing woodland to regenerate into forest (*Attachment 2*). The applicant has provided a letter of intent regarding the compensation and proposes to delineate the area in the field.

Based on a review of the application, including a screening of the environmental features and designations, the age and composition of the woodland, and that the purpose of the tree cutting would accommodate the reclamation of an existing agricultural operation, it is recommended that the Special Permit under the Region's Forest Conservation By-law be approved.

The approval should be subject to the following conditions:

- To protect nesting activity and other wildlife functions, no tree removal should occur between April 1 and July 1.
- A 1.76 hectare area is left to regenerate into forest adjacent to existing woodland in the south west portion of the subject property. This area will increase the size of the existing woodland enhancing its ecological attributes and functions. This boundary is to be verified by Natural Heritage and Forestry Services staff in the field.

4.7 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

The Town of Whitchurch-Stouffville was advised of the application and has no objections to the proposed forest removal for agricultural purposes.

7. CONCLUSION

The Special Permit application has been submitted to remove 1.76 hectares (4.35 acres) of forest for the purposes of increasing the land available for farming. The 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 for the removal of 1.76 hectares (4.35 acres) of forest by the Catholic Cemeteries Archdiocese of Toronto be approved.

For more information on this report, contact Brian Harrison, Director, Operations, Roads Branch at extension 5205 in the Transportation and Works Department.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause were included in the agenda for the June 13, 2007 Committee meeting.)