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FOREST CONSERVATION BY-LAW APPLICATION FOR A SPECIAL PERMIT BROUWER SOD FARMS LIMITED TOWN OF GEORGINA

The Transportation and Works Committee recommends the adoption of the recommendations contained in the following report, June 1, 2005, from the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. The Special Permit application pursuant to the Regional Forest Conservation By-law submitted by Brouwer Sod Farms Limited dated May 20th, 2005, for Part Lots 4 and 5 Concession 9, Town of Georgina be approved.
2. Regional Forestry staff be directed to issue a Special Permit with conditions as outlined in Section 4.6 of this report.

2. PURPOSE

The Regional Forest Conservation By-law (No. TR-0004-2005-036) prohibits or regulates the destruction or injuring 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. 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.

Brouwer Sod Farms Limited has applied for a Special Permit under the Region's Forest Conservation By-law for the clearing of 4.7 hectares (11.5 acres) of forest. The purpose of this report is to recommend that the Special Permit be approved.

3. BACKGROUND

On May 20th, 2005, Regional staff received a Special Permit application under the Regional Forest Conservation By-law from Brouwer Sod Farms Limited. The application proposes the removal of 4.7 hectares (11.5 acres) of forest. A copy of the application is attached to this report (*Attachment 1*).

Brouwer Sod Farms Limited is the owner of the property located on Part Lots 4 and 5 Concession 9, Town of Georgina. The subject lands are located in the north west corner of Baseline Road and Civic Centre Road in the Town of Georgina (*Attachment 2*).

The Special Permit application relates to an area of forest located on the applicant's holdings at Part Lot 4 and 5 Concession 9, Town of Georgina. Brouwer Sod Farms Limited owns approximately 176 hectares (435 acres) of land at this location, of which 80 hectares (200 acres) are currently farmed, the balance includes abandoned agricultural land and forest.

The applicant wishes to reclaim a total of 18.2 hectares (45 acres) of land which was previously farmed. The application proposes the removal of 4.7 hectares (11.5 acres) of forest. The balance of the land (13.5 ha) does not meet the definition of a woodland as defined in the by-law, and is primarily a regenerating old field.

The purpose of the application is to permit the clearing 4.7 hectares (11.5 acres) of forest to allow for the reclamation/expansion of an agricultural operation. Regional Forestry staff have met with the applicant to discuss the proposal, and have completed several site inspections of the property. The Town of Georgina were advised of the application and have provided written comments in terms of implications of their Official Plan.

4. ANALYSIS AND OPTIONS

This application has been reviewed under the Forest Conservation By-law, and assessed in the context of the guiding agricultural and environmental principles for considering agricultural applications adopted by Regional Council (June 26, 2004).

4.1 Forest Description

The subject woodlot (4.7 hectares) is an early successional deciduous forest. The forest community is dominated by Poplar with several other species present including Willow, Eastern White Cedar and White Spruce. The estimated age of the dominant trees is approximately 15-20 years. The ecological significance is described later in this report.

4.2 Planning Implications

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 also part of the Regional Greenland System as identified in the ROP (Map – 4 Regional Greenlands System). The woodland is adjacent to an area designated as Significant Forested Lands in both the ROP (Map – 3 Forest Resources) and Town of Georgina Official Plan.

The subject property is designated Rural on Schedule 'A' of the Town of Georgina's Official Plan, and is zoned Rural on Map 1 Schedule 'A' of the Town's Comprehensive Zoning By-law. The woodland and old field lands are not identified as environmental features in the Town's Natural Features and Greenlands Study or in the Official Plan.

4.3 Greenbelt Plan 2005

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

The Natural Heritage System is intended to protect a connected and integrated system of natural features. It should be noted that The Greenbelt Plan (section 3.2.2.1) permits existing and new agricultural, agricultural-related and secondary uses, and normal farm practices within the Natural Heritage System under the Protected Countryside designation.

4.4 Ecological Significance

The area subject to the application is located within the Regional Greenlands System in the ROP (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. The woodland feature is contiguous with a larger forested area to the west which has been identified in the ROP as Significant Forest Lands (Map – 3 Forest Resources). However, it should be noted that the age, structure and composition of this early successional woodland is different than the older forest community to the west.

The subject area has been identified as a component of the Natural Heritage System in the Greenbelt Plan.

4.5 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 applicant is a farmer, who has owned the property for 30 years. The applicant is interested in reclaiming the old field and forested area as part of the existing sod farm operation. Based on a review of historical air photographs, the current age and species composition of the woodlot and surrounding old field communities, and discussions with the applicant, the area may have been farmed approximately 30 years ago.

4.6 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 woodlot is within a Regional Greenlands System.
- The woodlot is not identified as a significant forest, but it is contiguous with Regional Significant Forest and Significant Forest as identified in the Town of Georgina Official Plan.
- The woodlot is within the Natural Heritage System identified in the Greenbelt Plan. However, existing or new agricultural uses are permitted on these lands.

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 bona fide farmer in the Region.
- Mr. Brouwer has owned and farmed the property for 30 years.
- Although the proposed farming activity is sod farming, the trees are likely less than 20 years old, and this area was likely farmed before that time.
- The forested area is better suited (soil capability) for supporting farming than the adjacent old field lands.
- Brouwer Sod Farms Limited owns approximately 176 hectares (435 acres) of land at this location, of which 80 hectares (200 acres) are currently farmed. Much of the remainder of the property is left undisturbed as a significant woodland.

Based on a review the application, including a screening of the environmental features and designations, the age and composition of the woodlot, and that the purpose of the tree cutting would accommodate the reclamation/expansion 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 30 metre buffer of existing natural vegetation (trees) should be left adjacent to the existing significant forest block to the west. This buffer will mitigate the impact to the existing significant forest and associated wildlife functions. This boundary is to be verified by Forestry staff.

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

There will be no local municipal impact 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 for Brouwer Sod Farms Limited be approved.

The issuance of a Special Permit with conditions, will allow the applicant to reclaim farmland. This tree clearing will have a minimal impact on the Greenlands System and the existing adjacent significant woodland feature and its functions.

The Senior Management Group has reviewed this report.

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