

THE REGIONAL MUNICIPALITY OF YORK

Committee of the Whole
Environmental Services
September 19, 2013
Report of the
Commissioner of Environmental Services

FOREST CONSERVATION BYLAW SPECIAL PERMIT 17391 WOODBINE AVENUE, TOWN OF WHITCHURCH-STOUFFVILLE

1. RECOMMENDATION

It is recommended that:

1. The application submitted by 1625476 Ontario Inc. for a special permit under the Forest Conservation Bylaw for removal of 0.8 hectares (2 acres) of forest for agricultural purposes be approved.

2. PURPOSE

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

3. BACKGROUND

Council is required to review Forest Conservation Bylaw Special Permit applications considering forest clearing

York Region's Forest Conservation Bylaw (No. TR-0004-2005-036) regulates the destruction or injury of trees in woodlands greater than one hectare on private land. Council may approve or deny Special Permits for large scale tree removal (e.g. forest clearing greater than 0.2 hectares) or cutting which is not considered 'good forestry practices'.

The intent of the bylaw is to help achieve the Region's Official Plan goal of 25 per cent forest cover by the year 2025 and to promote good forestry practices. Council must review applications in accordance with the intent of the bylaw while giving consideration to current legislation, policies and the agricultural and environmental principles established to guide decision-making under the bylaw.

This Special Permit application proposes the removal of 0.8 hectares (2 acres) of woodland for the purpose of reclaiming previously farmed land

A Special Permit application was received from 1625476 Ontario Inc., owners of 17391 Woodbine Avenue, Town of Whitchurch-Stouffville. The application proposes the removal of 0.8 hectares (2 acres) of forest to reclaim a previously cultivated agricultural field. The property is 21 hectares in total and is currently not farmed (*Attachment 1*).

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

To assist with the review of agricultural applications under the Forest Conservation Bylaw, 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 Agricultural Policy Area and the woodland is identified as part of the Regional Greenlands System. The agricultural policy designation supports agricultural uses, while the Greenlands policies provide for protection and restoration of the system.

The subject lands have been owned by the applicant for eight years. A review of historical aerial photography reveals the land was farmed 15 – 20 years ago. The applicant employs a tenant farmer who will farm the property in conjunction with farming adjacent lands also owned by the applicant.

4. ANALYSIS AND OPTIONS

Pre-consultation with the landowner and review of the Environmental

Impact Study has identified the scope of work, potential impacts and mitigation requirements

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

The subject woodland is an early successional (approximately 10 - 15 years old) forest dominated by scots pine. The property has been screened for significant species. No species identified as protected under the *Endangered Species Act (2007)* were found on the subject property. The Environmental Impact Study identified a list of potential impacts and mitigation measures. Conditions of the Region's permit (if approved) will prescribe mitigation requirements including a timing restriction to protect breeding birds, and compensation (forest cover) for removal of forest cover:

- No cutting of trees is to occur between April 15 and July 15, 2014
- Restoration of 1.2 hectares of forest through natural processes

The applicant will set aside 1.2 hectares of land adjacent to the existing Significant Woodland for restoration

1625476 Ontario Inc. proposes to allow 1.2 hectares of land adjacent to the existing Significant Woodland to naturally regenerate the forest to offset forest removal impacts. Given the young age and species composition of the forest proposed for removal this compensation is acceptable. This proposal will result in a net gain of 0.4 hectares of forest cover in the Town of Whitchurch-Stouffville (currently at 29 per cent forest cover).

Greenbelt Plan policies allow for the proposed forest removal

The subject lands are part of the Protected Countryside of the *Greenbelt Plan* and within the Natural Heritage System. The forest area proposed for removal is not a Significant Woodland or a Key Natural Heritage Feature but is within the vegetation protection zone of an adjacent Key Natural Heritage Feature (Significant Woodland).

The proposed new agricultural use is permitted within the vegetation protection zone of a Key Natural Heritage Feature and as such the forest removal is not precluded by the Greenbelt Plan.

Lake Simcoe Region Conservation Authority and Town of Whitchurch-Stouffville staff have reviewed the application and have no concerns

The Lake Simcoe Conservation Authority have reviewed the application and have indicated that as the application falls outside of a Regulated Area, a permit is not required.

The Town of Whitchurch-Stouffville Official Plan has designated the property as Agricultural Area. The forest proposed for removal has been zoned Agriculture in the Town's comprehensive zoning bylaw. The proposed land use and activity are permitted by the applicable Official Plan policies and zoning.

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, implications of the Greenbelt Act (2005) and Plan, Lake Simcoe Protection Act (2008) and Plan, policies established to assist with the review of agricultural applications. The proposed forest removal is permitted by current policies.

Link to key Council-approved plans

This application aligns with the Sustainable Environment fundamental principle within the 2011 to 2015 Strategic Plan. Sustainable management of natural features on the subject property supports the Vision 2026 goal for an Enhanced Environment and helps to secure a green York Region.

Proposal results in a net gain of 0.4 hectares of forest

Recommendations of this report are consistent with the objectives of the Regional Official Plan environmental policies. Proposed woodland impacts will not affect the ability of the features to provide a variety of environmental functions and services. The proposed restoration will result in a net gain of 0.4 hectares of forest in Whitchurch-Stouffville, consistent with the Region's objective to increase woodland cover to 25 per cent by 2025.

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 Agricultural Area and it has been zoned Agriculture. This designation and zoning permit agriculture and associated uses. The proposed restoration will fully offset any loss in forest cover as a result of this application.

7. CONCLUSION

A Special Permit Application was received from 1625476 Ontario Inc. to consider the removal of 0.8 hectares (2 acres) of forest to reclaim previously farmed land to permit a new agriculture use. The proposed forest removal does not conflict with the Greenbelt Plan nor other environmental legislation and policies and the required compensation will result in a net gain in onsite forest cover. 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 at 905 830-4444 Ext. 5204 or Laura McDowell, Director, Environmental Promotion and Protection at Ext. 5077.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Erin Mahoney, M. Eng.
Commissioner of Environmental Services

Bruce Macgregor
Chief Administrative Officer

August 22, 2013

Attachment

JL/IB

#5058597

Report Wizard v.2012.11.07



Proposed Forest Removal and Restoration Areas

Forest Conservation By-law Special Permit Application 17391 Woodbine Avenue
Town of Whitchurch-Stouffville



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Environmental Promotion and Protection
Environmental Services Department
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Legend	
	Subject Property
	Forest
	Area to Farm, Non Forest
	Proposed Forest Removal (0.8 hectares)
	Proposed Restoration Area (1.2 hectares)