
HALDIMAND COUNTY

Report FPC-01-2020 Forest Conservation By-law Minor Exception - 1610
Highway 3 East, Moulton



For Consideration by Council in Committee on February 4, 2020

OBJECTIVE:

To consider an application for Minor Exception pursuant to the Forest Conservation By-law, submitted by G. Lunshof & Sons Farms Ltd. for 1610 Highway 3 East.

RECOMMENDATIONS:

1. THAT Report FPC-01-2020 Forest Conservation By-law Minor Exception – 1610 Highway 3 East, Moulton be received;
2. AND THAT the application for Minor Exception to By-law 15-00 at 1610 Highway 3 East, Moulton, be approved subject to the terms and conditions identified in Report FPC-01-2020.

Prepared by: Adam Chamberlin, Project Manager, Forestry

Reviewed by: David Pressey, Manager, Facilities, Parks, Cemeteries and Forestry Operations

Respectfully submitted: Philip Mete, P. Eng., General Manager of Public Works Operations

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The Forest Conservation By-law 15-00 outlines a process to be followed in circumstances where a property owner may wish to seek a Minor Exception to the regulations or restrictions to the injury or destruction of trees in Woodlands. The by-law provides the authority for Council to approve or deny an application for Minor Exception as well as include any terms or conditions to the approval of a Minor Exception.

BACKGROUND:

On October 18, 2019, staff received an application for Minor Exception pursuant to the Forest Conservation By-law 15-00 for the property described as 1610 Highway 3 East, Moulton (MLT CON SFR PR LOTS 20, 21) owned by G. Lunshof & Sons Ltd. The intent of the application is to remove four (4) patches of Woodlands totalling 1.22 hectares (3.02 acres) in size to improve the workability of an existing agricultural field.

ANALYSIS:

Staff and the applicant inspected the subject lands which are approximately 25.05 hectares (61.89 acres) in size and include approximately 6.77 hectares (16.73 acres) of Woodlands located along Jenny Jump Road. The four (4) patches of Woodlands proposed to be cleared were once continuous, but have been disturbed over the years due to the removal of dead Ash trees and understory vegetation. The air photo on the attached site plan is outdated and does not reflect the current site conditions. The patches consist predominantly of Maple, Ash, Poplar and Elm with some Oak and Cherry. A drainage ditch separates these patches from a larger Woodlands area that contains Provincially Significant Wetlands.

The Forest Conservation By-law requires that applications for clearing an area of Woodlands greater than one (1) hectare require an Environmental Impact Study. The applicant engaged Leonard + Associates in Landscape Architecture to prepare the Environmental Impact Study. Leonard + Associates in Landscape Architecture submitted a letter of opinion that the elimination of the four (4) patches of Woodlands would have no impact on the adjacent Woodlands.

A notification of the application was submitted to landowners immediately abutting the subject property, the Grand River Conservation Authority and a notice of the Minor Exception application was posted at the subject property. Staff received no objections from the public or the Grand River Conservation Authority regarding this application. It is the opinion of staff that this application is outside of the intent of the Forest Conservation By-law since it will not improve Woodlands for wood production, maintain and enhance forest integrity or wildlife habitat, protect against floods and soil erosion, provide recreation, and the protection of water supplies. However, staff recognize that the existing four (4) patches of Woodlands provide limited wildlife habitat due to their small size, staff observed no rare or significant vegetation, the health, structure and composition of the patches is poor due to Ash trees declining from Emerald Ash Borer.

While there may be an opportunity to require the applicant to undertake reforestation elsewhere on the property, staff are unaware of any areas where reforestation would not reduce the land currently being used for agricultural operations. Any reforestation undertaken by the property owner would require an allocation of staff time to monitor the tree planting and maintenance until such time as the tree seedlings are established as a sustainable Woodlands. Requiring the replanting on the subject lands would not benefit the public interest as much as using the compensatory funds for reforestation of appropriate lands elsewhere in Haldimand County.

A payment-in-lieu of reforestation would bring this application to a conclusion while providing funds to an existing budget line dedicated to future reforestation projects throughout Haldimand County consistent with the principles and priorities set out in the County's approved Forestry Strategy and Management Plan.

Considering the current poor health, functionality of the Woodlands and that the proposed clearing is located outside of the Provincially Significant Wetlands boundary, it is the opinion of staff that the application for Minor Exemption be granted subject to the following conditions:

- 1) the applicant make a payment-in-lieu of replanting trees, in the amount of \$5,734 to Haldimand County within thirty (30) days of approval of the Minor Exception and prior to the injury or destruction of trees;
- 2) the boundaries of the subject area be clearly identified and reviewed by staff prior to the start of the proposed work; and
- 3) the proposed work shall be completed outside of the core nesting period for migratory birds April 1 – August 31 and be completed prior to December 31, 2020. If the work has not taken place by this date, the Minor Exception approval shall lapse and be of no effect.

FINANCIAL/LEGAL IMPLICATIONS:

It is estimated that for the Haldimand area it costs approximately \$4,700 to reforest a hectare of land. The application identifies the possibility of 1.22 hectares to be cleared, therefore staff recommends that a payment-in-lieu of reforestation be collected from the applicant in the amount of \$5,734. These funds will be deposited in an appropriate deferred revenue account and held until utilized for future reforestation purposes. This is similar to other municipal requirements for parkland dedication and payment-in-lieu practices (these payments are also considered deferred revenues for accounting purposes).

STAKEHOLDER IMPACTS:

The required notification of the application was posted at the site, submitted to the adjacent landowners immediately abutting the subject property as well as the Grand River Conservation Authority.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. 1610 Highway 3 East Site Plan
2. Leonard + Associates Letter of Opinion