

Report PDR-PCD-05-16

To: Chair McQueen and Members of the Planning and Community Development Committee
From: Sarah Morrison, Intermediate Planner
Meeting Date: February 16, 2016
Subject: **Cleon Martin Request for Minor Exemption under the County's Forest Management By-law**
Status: Recommendation adopted by Committee as presented per Resolution PCD41-16; Endorsed by County Council March 1, 2016 per Resolution CC34-16;

Recommendation(s)

WHEREAS an application for Minor Exemption (clear cutting) under the County's Forest Management By-law has been received for Part of Lots 58-60, Concession 3, in the geographic Township of Egremont, Township of Southgate;

AND WHEREAS adjacent landowners, the Township of Southgate Staff, Saugeen Valley Conservation Authority staff, County Transportation Services staff and the County's Forest Manager were notified of the application and asked to provide comments on the request;

AND WHEREAS the Saugeen Valley Conservation Authority recommended that the application not be granted based on the natural heritage features identified on the subject lands;

AND WHEREAS the application stated that the intended use of the proposed cleared land is for cropping;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-12-15 regarding an application for a Minor Exemption be received;

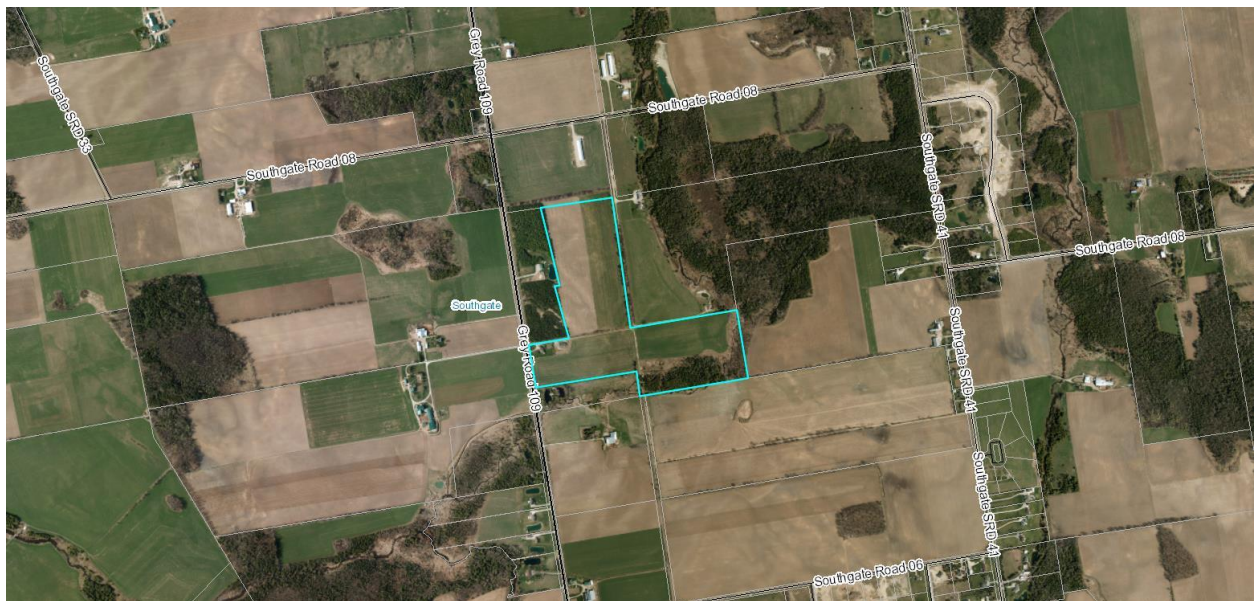
AND THAT the application for a Minor Exemption under the County's Forest Management By-law for Part of Lots 58-60, Concession 3, in the geographic Township of Egremont, Township of Southgate, be refused.

Background

An application for a Minor Exemption was received from Cleon Martin for clear cutting under the County's Forestry Management By-law.

On the application, Mr. Martin states that he is requesting approval to use the field as farmland. The proposed area for clearing is approximately 6.5 acres. The cedar proposed to be removed would be used for fence posts.

The lands are located at Part of Lots 58-60, Concession 3, in the geographic Township of Egremont, Township of Southgate, abutting the east side of Grey Road 109.



Map 1 – Location of Subject Lands

Comments Received

Under the Forest Management By-law, adjacent landowners, the conservation authorities and municipal and County planning staff as well as County Transportation Services (when applicable) staff are to be notified and/or consulted when an application is received.

Public Comments

Staff received a letter dated January 4, 2016 from Tom and Debbie Shupe which indicated that they had concerns with the proposed clearing. They believe that the lands proposed for clearing are environmentally protected and are adjacent to a ever flowing creek that feeds the Saugeen River. They had concerns about the fish in the creek and

the impact of the tree removal on spawning. They had concerns about tile draining and where the water would drain.

“The ecosystem of the fish in the stream could be upset from the drainage of additional fertilizer, silt and manure kill the established spawning grounds. Wetlands are essential to the survival of the environment, the application could have a grave effect on the local environment and set a precedent for future applications.”

Staff received a letter, via fax, dated January 6 2016 from Dwight and Elain Rundle which indicated that they were opposed to the proposed clearing. They indicated concerns with the negative impact it would have on fish and local wildlife. They were also concerned with works that had potentially been done on the property and how stockpiling manure could contaminate the creek through runoff.

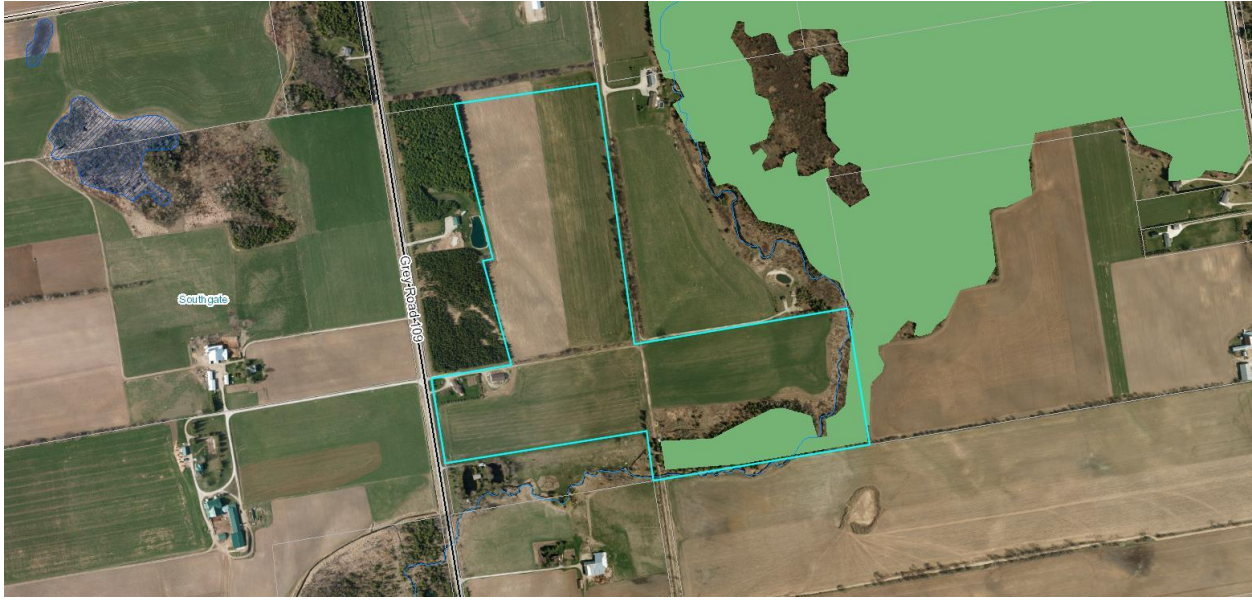
“I have hunted and fished in this particular area and can’t understand how destroying this bush could possibly enhance his farming operation. The whole area is wetlands and has always been.”

Staff also received a letter dated January 3, 2016 from Peter and Mary Reeves which indicated that they strongly oppose the proposed clearing. They raised concerns about the trout in the stream. The natural filter system will be cleared which will result in hazardous leaching from fertilizers and manure, as well as sediment and will affect trout reproductions. Tile drainage will only exacerbate the situation. Increased evaporation will result without the shade of the trees. Trout population requires slow flow of water from the springs in the cedar bush that is proposed to be cleared.

“It is our understanding that the land to be cleared is categorized as an Environmentally Protected Area. Therefore this should be protected and be unchanged.”



Map 2 – Official Plan Land Use Designation (Schedule A)



Map 3 – Significant Woodlands and Other Identified Wetlands (Appendix B)

Agency Comments

The By-law enforcement officer has indicated that the stand is in very good shape and excellent quality. They are dense to very dense mainly cedar with some spruce and tamarack. The area is fairly damp and would require tile drainage to make it suitable for farmland. It is a fairly large area that could be harvested, using good forestry

management practices every 20 years or so, which would provide income and maintain habitat.

There were no comments received from the Township of Southgate.

The Saugeen Valley Conservation Authority (SVCA) recommended that the request not be granted. SVCA staff outline a number of concerns with regard to the proposed clearing including natural heritage features (significant woodlands), staff outlined that the ecological function of the woodland could be negatively impacted by the proposed clearing. In addition to the negative impacts to the significant woodlands, fish habitat and other wetlands were present in this area and the proposed clearing would negatively impact both. The proposed clearing is also within a regulated area, so should the application be approved a permit is required from the SVCA.

Grey County Transportation Services Staff indicated that they would have no concern with the proposed clearing provided no work occurs within the County's Right of Way.

Grey County Planning Staff note that the area proposed for clearing is within the significant woodland designation. Section 2.8.4 (1) of the County's Official Plan (OP) states that, 'no development or site alteration may occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study (EIS)...that there will be no negative impacts on the natural features or their ecological functions.' It would be necessary, at minimum, that in order for this proposal to be considered, that an EIS be completed.

The proposed clearing is proposed right to the banks of a watercourse as shown on Appendix B of the County OP. Section 2.8.5 (5) states that, 'no development shall be permitted within 30 metres of the banks of a stream, river, lake or Georgian Bay.' An EIS *could* be considered to reduce the setback where it has been determined by the appropriate Conservation Authority (SVCA). The OP further states, 'landowners are encouraged to forest areas within 30 metres of any stream to maintain and improve fish habitat, ecological function of the stream and to increase natural connections.' It would appear that the SVCA does not support the proposed removal, and the County OP would encourage the forested area to remain in place.

Based on the comments received from the SVCA and the County OP, staff recommend that the minor exemption be refused or deferred until a time that an EIS is completed to the satisfaction of the County and SVCA.

Financial / Staffing / Legal / Information Technology

Considerations

At this time there are no expected financial, staffing, legal or information technology considerations beyond those normally encountered in processing a Minor Exemption application. The County has received an application fee with the file.

Link to Strategic Goals / Priorities

The application for Minor Exemption applies consistent practices within the County for this type of application, which holds similar timelines as planning applications. The processing of such applications in a timely and efficient manner would fall under the Planning Department's core business mandate.

Respectfully submitted by,

Sarah Morrison, Hons. BA, MCIP, RPP
Intermediate Planner

Director Sign Off: *Randy Scherzer*