

**Region of Waterloo**

**Planning, Development and Legislative Services**

**Community Planning**

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**To:** Licensing and Hearings Committee

**Meeting Date:** December 17, 2021

**Report Title:** Woodland Removal Permit Application at 515 Erbsville Rd.,  
Waterloo

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**1. Recommendation:**

That the Regional Municipality of Waterloo issue a “Woodland Removal Permit” to Russ Howald for the removal of approximately 3.65 hectares of Black Walnut/White Pine plantation located at 515 Erbsville Rd., Waterloo subject to the following conditions, as described in report PDL-CPL-21-44:

- i. That a 15m strip be retained around the identified seepage area near the centre of the area identified for removal until an EIS is completed to the satisfaction of the City of Waterloo Environmental Planning staff.
- ii. That a 15m strip be retained along the north and south property boundaries in order that these areas can be evaluated in conjunction with the future development application (e.g. through a vegetation management plan).
- iii. That a 10 m buffer is established at the west end of the plantation adjacent to the Core Environmental Feature (CEF) forest with the understanding that this buffer is to be enhanced with native tree and shrub species plantings in a manner to be determined through the future development planning process (e.g. through a vegetation management plan).
- iv. That all buffers and retained areas are to be flagged and clearly demarcated to the satisfaction of Regional staff prior to the commencement of any tree removals.
- v. That all woodland removal activities be undertaken in compliance with the Migratory Birds Convention Act (MBCA), ideally during the non-breeding winter period.
- vi. That all woodland removal activities be undertaken in compliance with the Endangered Species Act.
- vii. That this permit does not pertain to stump removals and/or site grading.

**2. Purpose / Issue:**

Woodland Removal Permits require the approval of Regional Council pursuant to the

Region of Waterloo's Woodland Conservation By-law (By-law 08-026).

### **3. Strategic Plan:**

The property at 515 Erbsville Rd. has been identified as a Future Determination Zone within the City of Waterloo Zoning By-law (Policy and Land Use Analysis 515 Erbsville Road, Waterloo. IBI Group, October 19, 2021).

Permitting the removal of the plantation will allow for the use of this land in an urban setting while at the same time maintaining and protecting the Core Environmental Feature on the property (Strategic Action - 3.5: Promote the efficient use of urban land, and protect and enhance agricultural and natural areas.).

### **4. Key Considerations:**

- a) The Region's Woodland Conservation By-law (By-law 08-026) regulates the destruction or injuring of trees in a woodland with the stated purpose of "sustaining a healthy natural environment while also having regard to good forestry practices." It also allows for woodland removal if the injuring or destruction of the tree or trees is desirable for the appropriate development or use of the property, and the general intent and purpose of the By-law is maintained.
- b) An application for a Woodland Removal Permit at 515 Erbsville Road, Waterloo has been submitted to the Region (Figure 1 and Attachment A), and is supported by a woodland evaluation and a planning justification report prepared by WSP Canada and IBI Group respectively (Attachment B).
- c) The long-term goal for the site is to proceed with a development application. As such, conditions for this permit include additional consultation with City of Waterloo and/or Regional planning staff before removing trees where tree cover may have a role to play in preserving natural heritage features in the area.

### **5. Background**

The western part of the property at 515 Erbsville Road is designated as a Core Environmental Feature (Significant Woodland) in the Region's Official Plan (ROP). It is also part of the Forested Hills Environmentally Sensitive Policy Area (ESPA19). Both designations preclude any woodland clearing particularly for development purposes. Sampling in this woodland showed consistency with the native Great Lakes St. Lawrence forest type dominated by Sugar Maple and American Beech. As would be expected, the numbers of naturally occurring native species per hectare meet the definition of woodland.

In contrast, the eastern part of the property, adjacent to Erbsville Rd and surrounding the current residence on the property, is primarily a Black Walnut/White Pine plantation.

As a plantation, the arrangement, spacing and species composition are such that there is no similarity in appearance to the natural woodland.

While there has been some management activity in the plantation, many of the trees, including the White Pine and Red Oak, but especially the Black Walnut are showing signs of decline and deterioration. White Ash has begun seeding in to the plantation, however, these trees are being killed by Emerald Ash Borer. The ground vegetation is not similar to that found in the natural woodland as it is made up mostly of meadow type grasses and raspberries.

Documents supporting the Woodland Removal Permit include a detailed vegetation review and analysis, a detailed Planning Justification report, and a Memo reviewing and evaluating the property in broader environmental terms and making some preliminary recommendations (Attachments “B” and “C”). Based on these reports and visits to the site, Regional staff is in agreement that the plantation does not form part of the Core Environmental Feature, and as such is a candidate for removal based on the justifications provided as part of the application.

The Woodland Removal Justification report recommends the retention of a 10m buffer at the west end of the plantation, i.e. adjacent to the Core Environmental Feature. This buffer is to be retained with the understanding that it is to be enhanced with native tree and shrub species plantings in a manner to be determined through the future development planning process (e.g. through a vegetation management plan).

Several additional considerations on this property result in further exclusions from the requested removal area.

One of these is a seepage area located near the current residence. The June 29, 2021 WSP memo mentions this area as being worth special consideration, as a “groundwater seepage area in the vicinity of the residence contains, which has greater relative ecological sensitivity than the surrounding plantation....”

This feature was not referred to in the Woodland Removal Justification Report other than being shown in an attachment to the report (i.e. “Attachment A: ELC Mapping”). As such, it is recommended that before tree removals occur in this seepage area, a scoped EIS be undertaken to the satisfaction of City of Waterloo Environmental planning staff. In order to ensure that no ecological function is lost prior to the completion of an EIS, a 15m strip is to be retained around the seepage area (i.e. excluded from the permitted woodland removal) until such time that further review determines how this area is to be dealt with.

Finally, a 15m wide strip is to be retained along the north and south property boundaries in order that these areas can be better evaluated in conjunction with the future development application. These retention areas are to be delineated and clearly marked prior to the start of tree clearing activities.

The Woodland Removal permit does not imply permission for stump removal and or site grading which activities are potentially regulated by the City of Waterloo's Site Alteration By-law.

## **6. Area Municipality Communication and Public/Stakeholder Engagement:**

When an application for a "Woodland Removal Permit" has been submitted for consideration by Committee, section 6(c) of the by-law requires that the Clerk provide public notice prior to the Licensing and Hearings Committee date. The notice must be sent at least 10 days prior to the Committee date to all property owners within 120 metres of the property.

The Notice for the application at 515 Erbsville Road, Waterloo (Attachment D), was delivered to approximately 190 property owners on November 25, 2021. This property owner list was developed on November 17, 2021.

A draft of this report was shared with City of Waterloo staff, as was a copy of the Notice to Neighbours.

## **7. Financial Implications:**

The required \$1000.00 fee plus a \$50.00 filing charge was included with the submission of the permit application.

## **8. Conclusion / Next Steps:**

Upon approval of the permit application, the permit will be issued to the landowner. Prior to the commencement of any tree removal activity, Regional staff must be satisfied that all buffers and retained areas are flagged and clearly demarcated to ensure that clearing activities will not occur within them. Subsequent activities such as stump removals and/or grading are not to be considered to be approved under the permit.

### **Attachments / Links:**

Figure 1. Showing the subject property with Core Environmental Feature and plantation area requested for tree removal, including areas to be retained ([DOCS#3873373](#))

Attachment "A" – Woodlands Removal Permit Application ([DOCS#3873366](#))

Attachment "B" – Justification for Woodland Removal (WSP Canada, October 2021) includes Planning Justification (Policy and Land Use Analysis, 515 Erbsville Road, Waterloo. IBI Group, October 19, 2021) ([DOCS#3870873](#))

Attachment "C" – Memo: 515 Erbsville Road, Waterloo – Plantation Evaluation (WSP Canada, June 29, 2021) ([DOCS#3873335](#))

Attachment "D" – 515 Erbsville Rd., Waterloo Woodland Removal Notice to Neighbours.

([DOCS#3867534](#))

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