



MEMO / NOTE DE SERVICE

To / Destinataire Mayor Sutcliffe and Members of Council

From / Expéditeur Don Herweyer, Interim General
Manager, Planning, Real Estate and
Economic Development

Subject / Objet By-law Exemption for Tree Cutting near Date: March 7, 2023
Tewin Area

The purpose of this memo is to provide an update to the memo sent on March 1st, 2023, regarding the staff investigation into the tree cutting near the Tewin growth area and the associated issuance of a Stop Work Order under the Tree Protection By-law 2020-340.

The ownership group has indicated that the land is being cleared and being prepared for farming activities. Documentation in this regard has been provided to City staff by the ownership group. The land is zoned for agricultural use.

Although the land is subject to the Tree Protection By-law, Subsection 82(7) of the By-law states that a tree permit is not required in circumstances where the injury or destruction of trees is required for farming practices. Ontario's *Farming and Food Production Protection Act, 1998* lays out the requirement for these exemptions by stating that no municipal by-law can restrict a normal farm practice carried on as part of an agricultural operation (Subsection 6(1) of the Act).

Given the information available to staff, the tree cutting on this land is exempt from the Tree Protection By-law and as such, the Stop Work Order will be lifted later today. The ownership group has indicated there is additional tree cutting to be done on site in preparation for planned farming activities. As such, it is expected that tree cutting will resume following the lifting of the Stop Work Order.

The onus of maintaining an exemption under the By-law rests with the ownership group. That said, the City will continue to monitor activities at the property should circumstances change that may affect the exemption status.

Staff's initial investigations have concluded, however as noted above, staff will be monitoring the activities on this site to confirm adherence with the farming exemption. Staff is committed to compliance with the Tree Protection By-law and will provide further updates as required. On site activities in terms of hours of operation are and continue to be regulated by the City's Noise By-law.

Thank you,

A handwritten signature in blue ink, appearing to read "Don Herweyer", with a long horizontal flourish extending to the right.

Don Herweyer, MCIP, RPP
Interim General Manager, Planning, Real Estate and Economic Development

Attached: March 1, 2023 - Council Memorandum