



## 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 1<sup>st</sup>, 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



## 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 Tree Clearing near Tewin Area Date: February 28, 2023

On February 17<sup>th</sup>, 2023, staff were made aware of a tree cutting operation on the land north of Piperville Road between Ramsayville and Anderson Roads (GLOUCESTER CON 7 PT LOTS 16 TO 20). The land where the tree cutting occurred is immediately to the south of a portion of the Tewin urban growth area, as approved in the new Official Plan. The site is a part of a larger area that was considered and evaluated for urban growth as a part of the development of the City's Growth Management Strategy.

The property is subject to the provisions of the Tree Protection By-law, 2020-340 and the Site Alteration By-law, 2018-164. A stop work order was issued under the Tree Protection By-law on February 22<sup>nd</sup> to halt tree cutting activities to allow time for City staff to visit the site to investigate. Staff have confirmed that trees were removed from this land and that no tree permit was obtained from the City.

The landowner has provided notice that cutting operations were in support of future agriculture-related uses and they indicated widespread damage from the 2022 Derecho incident. The Tree Protection By-law and Site Alteration By-law provide for exemptions where permits are not required, including where tree removal is required for normal farm practices as a part of an agricultural operation.

City staff will continue to monitor the activities on the site to determine consistency with by-law exemptions. Staff will provide further updates as required.

Thank you,

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