

The Corporation of the City of Kawartha Lakes

Agenda

Regular Council Meeting

Tuesday, September 24, 2024

Open Session Commencing at 1:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Deputy Mayor Charlie McDonald

Councillor Ron Ashmore

Councillor Dan Joyce

Councillor Mike Perry

Councillor Tracy Richardson

Councillor Eric Smeaton

Councillor Pat Warren

Councillor Emmett Yeo

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To speak to an Item on this Agenda you must submit a completed [Deputation Request Form](#) by Friday, September 20th, 2024 at 12:00 p.m.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1.	Call to Order	
1.1	Recognition of National Seniors Day	
1.2	Recognition of the National Day of Truth and Reconciliation	
1.3	International Plowing Match, 2024 - Kawartha Lakes	
2.	Opening Ceremonies	
2.1	O Canada	
2.2	Moment of Silent Reflection	
2.3	Adoption of Open Session Agenda	
3.	Disclosure of Pecuniary Interest	
4.	Notices and Information by Members of Council and Staff	
4.1	Council	
4.2	Staff	
5.	Council Minutes	27 - 47
	Regular Council Meeting, August 27, 2024	
	That the Minutes of the August 27, 2024 Regular Council Meeting, be received and adopted.	
6.	Deputations	
6.1	CC2024-12.6.1	48 - 50
	Comments Relating to a Memorandum Regarding Wind and Solar Developments	
	Relating to Item 9.3.18 on the Agenda	
	Gene Balfour	
	Cynthia Sneath	
	That the deputation of Gene Balfour and Cynthia Sneath, regarding a Memorandum on Wind and Solar Developments , be received.	
7.	Correspondence	

8. Presentations

8.1 CC2024-12.8.1

Update on the Activities of the Otonabee Region Conservation Authority
Janette Loveys Smith, Chief Administrative Officer, Otonabee
Consevation

That the presentation by Janette Loveys Smith, Chief Administrative Officer, Otonabee Conservation, **regarding an Update on the Activities of the Otonabee Region Conservation Authority**, be received.

9. Committee of the Whole

9.1 Correspondence Regarding Committee of the Whole Recommendations

9.2 Committee of the Whole Minutes

51 - 67

Committee of the Whole Meeting, September 10, 2024

That the Minutes of the September 10, 2024 Committee of the Whole Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

9.3 Business Arising from Committee of the Whole Minutes

9.3.1 CW2024-151

That the deputation of Daniell Babcock, **regarding the Proposed Surplus Declaration and Sale of City Owned Land Adjacent to 2 and 4 Gilson Point Place, Little Britain**, be received.

9.3.2 CW2024-152

That the deputation of Katie Almond and Kathy Hoffman, **regarding the Proposed Surplus Declaration and Sale of City Owned Land, being Lot 37 on Plan 139**, be received.

9.3.3 CW2024-153

That the deputation of Shane Sauve, **regarding a High Water Bill for Property Located at 29 Wellington Street, Lindsay**, be received.

9.3.4 CW2024-154

That the deputation of Wylita Clark, **regarding Traffic Control Measures for William Street North, Lindsay**, be received.

9.3.5 CW2024-155

That the deputation of David Robinson, **regarding a Request for the Use of the Municipal Facilities in Garnet Graham Park, Fenelon, for a Fundraising Event**, be received.

9.3.6 CW2024-156

That the correspondence from Dan Segal, of Segal Construction, **regarding the Housing Shortage**, be received.

9.3.7 CW2024-157

That the correspondence from Holly Porter, Victoria Feeds Horse and Hound Inc., and Charity Porter, 2799374 Ontario Inc., **regarding Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Identified as Doubletree Road and Willowdale Court, Geographic Township of Ops, City of Kawartha Lakes**, be received.

9.3.8 CW2024-158

That the presentation by Michelle Corley, Manager of Human Services, and Aaron Sloan, Manager of Municipal Law Enforcement and Licensing, **regarding an Overview of the Encampment Response Protocol**, be received.

9.3.9 CW2024-159

That Report RS2024-034, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Between the Properties Municipally Identified as 18 Golden Road, Somerville and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes**, be received;

That the subject property, being a portion of road allowance legally described as road allowance between Concession 6 and Concession 7, in the Geographic Township of Somerville; road allowance between Lot 36 and Lot 37, Concession Front Range, in the Geographic Township of Somerville, between Highway 588 and Four Mile Lake, in the City of Kawartha Lakes (between the properties municipally identified as 18 Golden Road, in the Geographic Township of Somerville and 10 Griffin Drive, in the Geographic Township of Somerville), be declared surplus to municipal needs;

That the closure and sale of the portion of road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the

provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing and a condition requiring the applicant to install drainage infrastructure prior to closing);

That, if one of the adjacent landowners decide that they do not wish to proceed with purchasing their respective portion of the road allowance, the entirety of the road allowance be sold to the remaining purchaser (with the City retaining an easement to preserve the drainage infrastructure, and with the City retaining a 0.3 metre wide reserve across the frontage of the road allowance to be sold, to prevent a driveway access at this location);

That, as a precondition of closing, the purchaser to install drainage infrastructure in the road allowance, at the purchaser's cost, to the satisfaction of the Director of Public Works;

That notwithstanding section 8.01 of By-Law 2018-020, Council direct staff to proceed through the disposition process of the road allowance leading to water;

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

That Staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

That Report RS2024-040, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Known as Grove Road, Geographic Township of Fenelon**, be received;

That the subject property, being a portion of shoreline road allowance known as Grove Road, in the Township of Fenelon, in the City of Kawartha Lakes, legally described as McArthur Ave. on Plan 114; Part of Lot 33 on Plan 114 as in F7313 description may not be acceptable in future as in F7313, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0177); and Byrnell Ave. on Plan 166; Brynell Ave. on Plan 121, subject to R142782, except part 6 on plan 57R-9829, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0442), be declared surplus to municipal needs;

That the closure of the portion of shoreline road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that a merger agreement be registered on title to each of the subject portion of shoreline road allowance and the purchaser's property on closing, requiring that neither be transferred or encumbered without the other and requiring that both be treated together as one parcel for zoning purposes, and including a condition that an easement in gross over the property be registered in priority to any mortgage, allowing the City access to maintain and repair Grove Road and the related drainage infrastructure);

That Council set the value of the land at the set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake;

That Staff be directed to commence the process to stop up and close the said portion of shoreline road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its dispositions shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the shoreline road closing and conveyance of the lands.

9.3.11 CW2024-161

That Report CS2024-010, **Release of Fenelon Falls Legacy C.H.E.S.T. Funds**, be received; and

That the Fenelon Falls Volunteer Firefighters Association be approved for funding in the amount of \$6,000.00 with the allocation to come from the Fenelon Falls Legacy C.H.E.S.T. Reserve (3.24350).

9.3.12 CW2024-162

That Report ED2024-015, **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**, be received;

That the Municipal Heritage Committee's recommendation to designate 49 King Street East under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed; and

That Staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including the preparation and circulation of Notices of Intention to Designate, initiating formal consultation with stakeholders, including the property owner(s), and preparation of the designating by-laws.

9.3.13 CW2024-163

That Report ED2024-036, **Proposed Heritage Designation of 2 King Street West, Village of Omeme (John McCrea Memorial Methodist Parsonage)**, be received;

That the Municipal Heritage Committee's recommendation to designate 2 King Street West under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed; and

That staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including the preparation and circulation of Notices of Intention to Designate, initiating formal consultation with stakeholders, including the property owner(s), and preparation of the designating by-laws.

That Report RS2024-035, Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance identified as Doubletree Road and Willowdale Court in the Geographic Township of Ops, in the City of Kawartha Lakes, be received;

That the subject property, being a portion of road allowance identified as Doubletree Road legally described as PCL Streets – 1 Sec on 57M-758; Doubletree Road on plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Parts 2 and 3 on 57R-9931 (PIN: 63240-0017), be declared surplus to municipal needs;

That the subject property, being a portion of road allowance identified as Willowdale Court legally described as PCL Streets – 1 Sec on 57M-758; Willowdale Court on Plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Part 1 on 57R-9931 (PIN: 63240-0018), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the adjacent landowner entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing);

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

That Staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands.

That Report RS2024-039, Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance and a Proposed Sale of City-Owned Property Adjacent to 2 and 4 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes, be received;

That the subject property, being City-owned property legally described as Block B on Plan 509, in the Geographic Township of Mariposa, in the City of Kawartha Lakes (PIN: 63196-0125) (located south of 2 and 4 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes), be retained in City ownership; and

That the subject property, part of the road allowance described as Part A on Plan 509, in the Geographic Township of Mariposa, in the City of Kawartha Lakes (PIN: 63196-0052) (located south of 2 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes), be retained in City ownership.

9.3.16 CW2024-166

That Report RS2024-041, Proposed Surplus Declaration and Sale of Lot 37 on Plan 139, Geographic Township of Fenelon (adjacent to the rear Lot Lines of 40 and 42 Rose Street, be received;

That the subject property, being Lot 37 on Plan 139; Kawartha Lakes (PIN: 63275-0162 (LT)), be declared to be surplus to municipal needs;

That the sale to the adjoining landowner (as historically approved by Council of the former Fenelon Township) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the subject property merge with the purchaser's adjacent property on closing);

That Council set the value of the land at the originally accepted price of \$1,750.00, marked up by inflation to today's value, minus \$750.00 to account for the amount paid as a deposit to Fenelon Township in 1991;

That a by-law (with any amendments deemed necessary) to authorize the disposition of the subject property shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required; and

That the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands.

9.3.17 CW2024-167

That Report ED2024-039, Kawartha Lakes Membership in Farm 911, be received; and

That the membership of the City of Kawartha Lakes within Farm 911: The Emily Project be endorsed.

9.3.18 CW2024-168

That the Memorandum from Councillor Warren, **regarding the City of Kawartha Lakes Becoming a Willing Host for Solar and Wind Developments**, be received.

9.4 Items Extracted from Committee of the Whole Minutes

10. **Planning Advisory Committee**

10.1 Correspondence Regarding Planning Advisory Committee Recommendations

10.2 Planning Advisory Committee Minutes

68 - 73

Planning Advisory Committee Meeting, September 11, 2024

That the Minutes of the September 11, 2024 Planning Advisory Committee Meeting be received and the recommendations, included in Section 10.3 of the Agenda, be adopted.

10.3 Business Arising from Planning Advisory Committee Minutes

10.3.1 PAC2024-056

That Report PLAN2024-052, Zoning By-law Amendment, 75 Main Street (Lot 5 East of Main Street, Plan 70, Village of Bobcaygeon), 75Maindev Inc. (Kevin M. Duguay, KMD Community Planning and Consulting Inc.), be received for information.

10.3.2 PAC2024-057

That Report PLAN2024-053, Request for Tribute (Lindsay 1) Limited to enter into a Subdivision Agreement – Lindsay Heights Phase 1, be received for information.

That the Subdivision Agreement substantially in the form attached in Appendix 'C' to Report PLAN2024-053, Request to Enter into a Subdivision Agreement, be endorsed by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this request.

10.3.3 PAC2024-058

That the verbal update regarding the Planning Advisory Committee Reporting Update from Director of Development Services L. Barrie, be received.

10.4 Items Extracted from Planning Advisory Committee Minutes

11. Consent Matters

That all of the proposed resolutions shown in Section 11.1 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

11.1	Reports	
11.1.1	LGL2024-008	74 - 123
	Proposed Amendments to Site Alteration By-Law 2019-105 Robyn Carlson, City Solicitor	
	That Report LGL2024-008, Proposed Amendments to Site Alteration By-law 2019-105, be received; and	
	That a by-law be advanced to Council to enact the amendments to By-law 2019-105 as set out in Attachment A.	
11.1.2	LGL2024-009	124 - 161
	New Road Construction - Existing Lots of Record Robyn Carlson, City Solicitor	
	That Report LGL2024-009, Road Construction – Existing Lots of Record, be received.	
11.1.3	LGL2024-010	162 - 321
	Tree Preservation By-Laws Robyn Carlson, City Solicitor	

That Report LGL2024-010, **Tree Preservation By-laws**, be received;

That a proposed City Tree Canopy Preservation By-law, attached in Appendix A (which is inclusive of amendments pursuant to public feedback) be approved and that the necessary by-law be brought forward for adoption;

That the proposed Tree Preservation on Private Property By-law be narrowed in scope to apply only to development applications pursuant to the Planning Act, and amended as more specifically set out in this report as a result of public feedback, and that a revised By-law be presented to Council for its consideration by the end of Q4, 2024;

That Staff be instructed to review and report back to Council on recommended actions for the protection of the urban tree canopy by the end of Q4 2025;

That Staff be instructed to review and report back to Council on recommended actions for woodlot conservation in consultation with the Ontario Woodlot Association by the end of Q4 2025; and

That Staff investigate potential partnerships with Fleming College with respect to implementation of tree preservation efforts and report back to Council by the end of Q4 2025.

11.1.4

RS2024-020

322 - 329

Encroachment Adjacent to 1189 County Road 121 Fenelon

Lucas Almeida, Law Clerk - Realty Services

Christine Oliver, Law Clerk - Realty Services

That Report RS2024-020, **Encroachment adjacent to 1189 County Road 121, Fenelon**, be received.

11.1.5

RS2024-042

330 - 333

Request for Easement over a Portion of 14 York Street South - Hydro One Networks Inc.

Lucas Almeida, Law Clerk - Realty Services

That Report RS2024-042, Request for Easement over a Portion of 14 York Street South – Hydro One Networks Inc., be received;

That a Grant of Easement in favour of Hydro One Networks Inc. over a portion of the City-owned property known as 14 York Street South and legally described as PT LT 3 S/S KENT ST, 3 N/S RUSSELL ST, 2 N/S RUSSELL ST PL TOWN PLOT AS IN VT67203, VT93198, VT68920; City of Kawartha Lakes (PIN: 63228-0046 (LT)) be supported, in principle;

That a by-law (with any amendments deemed necessary) to authorize the Grant of Easement shall be passed, if appropriate; and

That the Mayor and Clerk be authorized to sign all documents required to facilitate registration of the Grant of Easement.

11.1.6

RS2024-045

334 - 337

Request for Easement over 65 Robmar Crescent - Enbridge Gas Inc.
Lucas Almeida, Law Clerk - Realty Services

That Report RS2024-045, Request for Easement over 65 Robmar Crescent – Enbridge Gas Inc., be received;

That a Grant of Easement in favour of Enbridge Gas Inc. over the City-owned property known as 65 Robmar Crescent and legally described as Block 39 on Plan 609; City of Kawartha Lakes (PIN: 631870228 (LT)) be supported, in principle;

That a by-law (with any amendments deemed necessary) to authorize the Grant of Easement shall be passed, if appropriate; and

That the Mayor and Clerk be authorized to sign all documents required to facilitate registration of the Grant of Easement.

11.1.7

CORP2024-024

338 - 354

2024 Quarter Two Capital and Special Project Close
Carolyn Daynes, Treasurer

That Report CORP2024-024, **2024 Quarter Two Capital and Special Project Close**, be received;

That the capital and special projects identified in Appendix A to Report CORP 2024-024 be approved for closure;

That Capital project 983240103 Colborne St Bridge preparations utilize financing of \$900,000.00 from the Property Development Reserve and reduce \$900,000.00 from previously approved Debenture financing;

That a 2024 special project entitled Facility Condition Assessments be created and financed as follows:

- \$200,000.00 from Building and Property 2024 Operating Budget and applicable funding
- \$30,000.00 from Corporate Assets 2024 Operating Budget and applicable funding

That 2024 Projects for Victoria Manor be created as per the following table to address the Provincial increased grant announcement:

Project	Budget Funded by
One-Time Provincial Grant	
Main Entrance Exterior Doors	\$36,000.00
Loading Dock Overhead Doors	\$10,000.00
Laundry Chute	\$10,000.00
Interior Walls, Wall Guards and Countertops	\$50,000.00
Resident Furniture	\$21,000.00
Dining Room Tables and Chairs	\$26,000.00
Baseboard Heaters	\$42,000.00
Ceiling Lifts	\$60,000.00
Lighting	\$26,000.00
Total Project Budget Funded by Grant	\$281,000.00

That a Special Projects Reserve be created to provide a financing source for Special Projects, and to address Special Project surpluses and deficits;

That \$500,000.00 from the Capital Contingency Reserve – uncommitted (1.32248) be transferred to the Special Projects Reserve;

That the balances below and provided in Appendix A be transferred to (from) the corresponding reserve to address all project closures listed;

Reserve Balance	Report Closing
Capital Contingency Reserve-Uncommitted	\$1,221,642.18
Capital Contingency Reserve – Haul Route	\$126,957.03
Special Projects Reserve	\$57,155.50
General Contingency Reserve	\$46,255.86
KLPS Area Rate Stabilization Reserve	\$20,979.17
Fleet Reserve	(26,752.30)
Water Infrastructure Reserve	(63,215.83)
Sewer Infrastructure Reserve	(240,229.34)
Property Development Reserve	(73.77)
Total Reserve Transfers	\$1,142,718.50

That the projects recommended for closure below, and provided in Appendix A, be approved for (additional)/reduced debenture financing;

Capital Program Number - Capital Program Description - Debenture Financing Reduction

983220401	CKL Rd10- Rd17-Rd14	\$31,110.98
983230401	CKL Road 17-Civic Address #14	(4,167.54)
983230402	CKL Road 12-Highway 35 to Glamorgan Rd	\$57,179.85
983230403	Corbett Drive-Coulter Dr to Coulter Dr	\$18,276.90
983230404	Propp Drive-Corbett Dr to Hooper Dr	\$9,897.73
983230405	Hooper Drive-John St to Coulter Dr	\$11,016.51
998200103	Bobcaygeon WTP HL Pump (39,240.42)	
998200105	Lindsay WTP Containment Tanks \$12,519.69	
998200204	Omeme LSSDS Lagoon Fencing \$25,108.86	

998210102 Lindsay WTP Chemical Tanks
\$198,476.14

998210107 Bobcaygeon WTP HiLift Pumps \$2,351.59

998210303 Fenelon Falls Colborne St. Mains
\$237,366.81

Total Reduction in Debenture Needed
\$559,897.10

11.1.8

PUR2024-017

355 - 357

2024-084-SS Fenelon Falls Water Treatment Plant (WTP) Membrane Expansion

Linda Lee, Buyer

Savannah Johnson, Engineering Technician

That Report PUR2024-017, **2024-084-SS Fenelon Falls Water Treatment Plan (WTP) Membrane Expansion**, be received;

That Ontario Clean Water Agency (OCWA) be awarded the single source (SS) 2024-084-SS Fenelon Falls WTP Filter Membrane Expansion for the submitted price of \$395,176.74 (not including HST);

That the deficit of \$195,467.00 (including payable HST) be financed from the Water Infrastructure Reserve (1.32050); and

That subject to receipt of the required documents, the Director of Engineering and Corporate Assets be authorized to execute the agreement to award.

11.1.9

PUR2024-020

358 - 361

2024-076-CQ Memorial Park Roadway and Parking Improvements

Ashley Wykes, Buyer

Ryan Smith, Manager of Parks and Recreation

That Report PUR2024-020, **2024-076-CQ Memorial Park Roadway and Parking Improvements**, be received;

That Melrose Paving Co Ltd. be selected for the award of Request for Quotation (RFQ) 2024-076-CQ Memorial Park Roadway and Parking Improvements for the submitted price of \$1,298,116.39, not including HST;

That the deficit of \$642,631.00 (including payable HST) be financed from the uncommitted portion of the Capital Contingency Reserve (1.32248);

That subject to receipt of the required documents, the Director of Community Services be authorized to execute the agreement to award; and

That Community Services be authorized to issue a purchase order.

11.1.10

PUR2024-021

362 - 365

2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update

Linda Lee, Buyer

That Report PUR2024-022, **2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update Change Order**, be received;

That the budget be increased by \$169,501.00 (not including HST) to accommodate additional expenditures incurred;

That the additional expenditure of \$169,501.00 required to complete the Water Wastewater Master Plan project be financed from the Development Charges Reserve (3.24140), equally from the Water Treatment and Wastewater Treatment accounts;

That the Department be authorized to issue an increase to the purchase order.

11.1.11

CA2024-003

366 - 370

Early Start Approval for Designated Proposed 2025 Capital and Special Projects

Dr. Adam Found, Manager of Corporate Assets

That Report CA2024-003, Early-Start Approval for Designated Proposed 2025 Capital and Special Projects, be received;

That the capital projects identified in Table 1 of Report CA2024-003 proceed early as part of the 2025 Tax-Supported Capital Budget, as per with Mayoral 06-2024;

That the special projects identified in Table 2 of Report CA2024-003 proceed early as part of the 2025 Special Projects Budget, as per Mayoral Decision 06-2024;

That Council approve proceeding with a grant application under the Community Sport and Recreation Infrastructure Fund for the Emily/Omemee Arena Ice Pad System by October 29, 2024 as per Table 1 of Report CA2024-003; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

11.1.12

ENG2024-027

371 - 422

Ellice Street Reconstruction and Water-Wastewater Main Replacement
Corby Purdy, Manager, Infrastructure, Design and Construction

That Report ENG2024-027, Ellice Street, Fenelon Falls, Reconstruction and Water-Wastewater Main Replacement, be received;

That the budget for capital project 983240303 (Ellice St. - Clifton St. to Wychwood Cres.) be increased by \$150,000.00, with that increase financed as follows: (i) \$15,000.00 by the Roads Account of the Development Charges Reserve Fund and (ii) \$135,000.00 by tax-supported debenture;

That the budget for capital project 998240411 (Ellice St. Mains - Clifton St. to Wychwood Cres.) be increased by \$1,618,000.00, with that increase financed as follows: (i) \$456,918.00 by the Water Distribution Account of the Development Charges Reserve Fund, (ii) \$205,282.00 by water debenture, and (iii) \$955,800.00 by wastewater debenture; and

That staff be authorized to issue to GIP Paving Inc. change orders in connection with these budget increases as necessary.

11.1.13

HS2024-008

423 - 426

Cash Flow Assistance Request - Fenelon Area Independent Living Association

Michelle Corley, Human Services Manager, Housing

That Report HS2024-008, **Cash Flow Assistance Request – Fenelon Area Independent Living Association**, be received;

That the City provides cash flow assistance to the Fenelon Area Independent Living Association and Fenelon Area Independent Living Association (2007), during the study phase of their participation within the Federation of Canadian Municipalities Retrofit of Sustainable Affordable Housing grant program, not to exceed two hundred and fifty thousand dollars (\$250,000.00), with payment terms and conditions identified in an executed cash flow assistance loan agreement; and

THAT the Director of Human Services and the Human Services Manager, Housing be authorized to execute the necessary loan agreements supporting the cash flow assistance.

11.1.14

WWW2024-006

427 - 449

Amendments to Source Protection Plan for King's Bay Drinking Water System

Amber Hayter, Manager, Water and Wastewater

That Report WWW2024-006, **Amendments to Source Protection Plan for King's Bay Drinking Water System**, be received;

That the proposed amendments to the Trent Source Protection Plan and Assessment Report, as per Section 34 of the Clean Water Act, 2006, resulting from the proposed new municipal well for the King's Bay Drinking Water System, be endorsed;

That the new Wellhead Protection Area (WHPA) for King's Bay Drinking Water System and associated mapping be incorporated into the City of Kawartha Lakes Official Plan following approval by the Minister of the Environment, Conservation and Parks, and be added to the Trent Source Protection Plan and Assessment Report; and

That the commencement of the public consultation process by Trent Conservation Coalition Source Protection Region, be authorized.

11.2

Items Extracted from Consent

12.

Petitions

12.1	<p>CC2024-12.12.1</p> <p>Request for the Resurfacing of Heights Road, North of Kawartha Lakes Road 36 (Note: A complete copy of petition with 48 signatures is available at the City Clerk's Office for viewing) David Penney</p>	450 - 450
12.2	<p>CC2024-12.12.2</p> <p>Request for a Dog Park in the Village of Omemee (Note: A complete copy of the paper petition with 244 signatures is available at the City Clerk's Office for viewing. An additional 19 signatures were submitted with an electronic petition for a total of 263 signatures) Mona Bailey</p>	451 - 453
12.3	<p>CC2024-12.12.3</p> <p>Request for the Clean Up and Restoration of the Omemee Beach (Note: This is an electronic petition with 21 signatures) Janet Patterson</p>	454 - 455
12.4	<p>CC2021-12.12.4</p> <p>Request for the City of Kawartha Lakes to Collaborate with the Ministry of Transportation on the Implementation of Traffic Lights or a Roundabout at Elm Tree Road and Highway 7, Kawartha Lakes (Note: This is an electronic petition with 208 signatures) Randolph Neals</p>	456 - 457
13.	Other or New Business	
14.	By-Laws	
	<p>That the By-Laws shown in Section 14.1 of the Agenda, namely: Items 14.1.1 to and including 14.1.21 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.</p>	
14.1	By-Laws by Consent	
14.1.1	<p>CC2024-12.14.1.1</p> <p>By-Law to Authorize the Execution of a License Agreement Between the City of Kawartha Lakes and the Manvers Township Historical Society for the Use of Space at the Bethany Library, in the City of Kawartha Lakes</p>	458 - 471

14.1.2	CC2024-12.14.1.2 By-Law to Authorize the Sale of Municipally Owned Property Legally Described as Part Lot 15 Concession 10 Eldon as in VT93528; Kawartha Lakes, being PIN: 63175-0085 (LT) (910 Hartley Road, Woodville, former Palestine Community Centre)	472 - 475
14.1.3	CC2024-12.14.1.3 By-Law to Authorize the Sale of the City's Ownership Interest in the Property Legally Described as Part Lot 4 Range 6 Plan 11 Verulam; Part Block M Plan 11 Verulam as in R332827; Kawartha Lakes (PIN: 63129-0092 (LT)) (21 Canal Street East, Bobcaygeon)	476 - 479
14.1.4	CC2024-12.14.1.4 By-Law to Authorize the Acquisition of the Property Legally Described as Block N, O Plan 105; Kawartha Lakes (PIN: 63120-0969 (LT)) (4 Station Road, Kinmount, Austin Sawmill)	480 - 481
14.1.5	CC2024-12.14.1.5 By-Law to Designate 19-21 King Street East, Village of Omemee in the City of Kawartha Lakes	482 - 487
14.1.6	CC2024-12.14.1.6 By-Law to Designate 3740 Highway 7, Geographic Township of Emily in the City of Kawartha Lakes	488 - 493
14.1.7	CC2024-12.14.1.7 By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Hansen A.)	494 - 495
14.1.8	CC2024-12.14.1.8 By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Kaur, J.)	496 - 497
14.1.9	CC2024-12.14.1.9 By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Maan, A.)	498 - 499

14.1.10	CC2024-12.14.1.10	500 - 501
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Merritt, A.)	
14.1.11	CC2024-12.14.1.11	502 - 503
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Mulafer, M.)	
14.1.12	CC2024-12.14.1.12	504 - 505
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Patel, H.)	
14.1.13	CC2024-12.14.1.13	506 - 507
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Singh, B.)	
14.1.14	CC2024-12.14.1.14	508 - 509
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Singh, G.)	
14.1.15	CC2024-12.14.1.15	510 - 511
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Singh, H.)	
14.1.16	CC2024-12.14.1.16	512 - 513
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Singh, M.)	
14.1.17	CC2024-12.14.1.17	514 - 515
	By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes (Parking Enforcement, Fleming College, Uchacz, P.)	

14.1.18	CC2024-12.14.1.18	516 - 517
	By-Law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes (Hertel, S.)	
14.1.19	CC2024-12.14.1.19	518 - 519
	By-Law to Appoint a Weed Inspector for the City of Kawartha Lakes (Hertel, S.)	
14.1.20	CC2024-12.14.1.20	520 - 521
	By-Law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes (Building Inspector, Matthews, A.)	
14.1.21	CC2024-12.14.1.21	522 - 524
	By-Law to Prohibit Commercial Through Traffic of Any Weight Class from Using Parts of Regent Street, Elgin Street, and Pottinger Street in Lindsay	
14.2	By-Laws Extracted from Consent	
15.	Notice of Motion	
16.	Closed Session	
16.1	Adoption of Closed Session Agenda	
16.2	Disclosure of Pecuniary Interest in Closed Session Items	
16.3	Move Into Closed Session	
	That Council convene into closed session at ___ p.m. pursuant to Section 239(2) of the Municipal Act, S.O. 2001 s.25, in order to consider matters identified in Section 16.3 of the Regular Council Meeting Agenda of Tuesday, September 24, 2024, namely Items 16.3.1 to and including 16.3.6.	

- 16.3.1 CC2024-12.16.3.1
- Confidential Closed Session Minutes, Regular Council Meeting, August 27, 2024**
- Municipal Act, 2001 s.239(2)(b) personal matters about an identifiable individual, including municipal or local board employees**
- Municipal Act, 2001 s.239(2)(c) proposed or pending acquisition or disposition of land by the municipality or local board**
- Municipal Act, 2001 s.239(2)(d) labour relations or employee negotiations**
- Municipal Act, 2001 s.239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**
- Municipal Act, 2001 s.239(2)(f) advice that is subject to solicitor-client privilege including communications necessary for that purpose**
- 16.3.2 LGL2024-011
- Ontario Land Tribunal Matter - OLT-22-00091 - Omeme Secondary Plan**
- Municipal Act, 2001 s.239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board**
- Municipal Act, 2001 s.239(2)(f) advice that is subject to solicitor-client privilege including communications necessary for that purpose**
- Robyn Carlson, City Solicitor
- 16.3.3 RS2024-043
- Obtain Easements Along Crego Street, Kinmount, for Existing Water Main**
- Municipal Act, 2001 s.239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board**
- Lucas Almeida, Law Clerk - Realty Services
- 16.3.4 RS2024-044
- Acquisition of Land for Road Purposes - Romany Ranch Road, Cameron**
- Municipal Act, 2001 s.239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board**
- Lucas Almeida, Realty Services Law Clerk

The Corporation of the City of Kawartha Lakes
Minutes
Regular Council Meeting

CC2024-11
Tuesday, August 27, 2024
Open Session Commencing at 1:00 p.m.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Doug Elmslie
Deputy Mayor Charlie McDonald
Councillor Ron Ashmore
Councillor Dan Joyce
Councillor Mike Perry
Councillor Tracy Richardson
Councillor Eric Smeaton
Councillor Pat Warren
Councillor Emmett Yeo

Please visit the City of Kawartha Lakes YouTube Channel at <https://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings electronically.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. Call to Order

Mayor Elmslie called the Meeting to order at 1:00 p.m. Deputy Mayor C. McDonald and Councillors R. Ashmore, D. Joyce, T. Richardson, E. Smeaton and P. Warren were in attendance in Council Chambers.

Councillor E. Yeo was in attendance electronically.

Councillor M. Perry was absent.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk S. O'Connell, Directors L. Barrie, S. Beukeboom, C. Faber, J. Johnson, B. Robinson, R. Rojas, Fire Chief T. Jones and Paramedic Chief S. Johnston were also in attendance in Council Chambers.

City Solicitor R. Carlson, N. Rahman, Supervisor of Environmental Capital Project Management, and E. Turner, Economic Development Officer - Heritage Planning were in attendance electronically.

2. Opening Ceremonies

2.1 O Canada

The Meeting was opened with the singing of 'O Canada'.

2.2 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

2.3 Adoption of Open Session Agenda

CR2024-426

Moved By Councillor Joyce

Seconded By Councillor Warren

That the Agenda for the Open Session of the Regular Council Meeting of Tuesday, August 27, 2024, be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

4. Notices and Information by Members of Council and Staff

4.1 Council

Councillor Richardson:

- Words of congratulations were extended to three local Olympians for their participation in the 2024 Paris Games. Emma Wright was the team captain for Canada's water polo team and lead the way for their 8th place finish overall. Jill Moffatt partnered in the lightweight sculls and finished in 8th place in the world. Olivia Apps was captain of Canada's Women's Rugby Sevens and her leadership and tenacious determination lead Canada to a silver medal. They were applauded for their accomplishment.
- The Pontypool Annual Classic Car Show will be held in Pontypool on at 3:00 p.m. on Sunday, September 1st. The event will include live music, face painting, touch a truck and a barbeque.
- Residents were encouraged to watch for registration dates for local winter activities including local minor hockey and figure skating programs.
- Residents were encouraged to support local food banks across the City of Kawartha Lakes.
- Words of congratulations were extended to all of the local community groups and their volunteers on the successful events that were held throughout the summer months.

Deputy Mayor McDonald:

- Ribfest will be held at the Lindsay Exhibition on Sunday, August 30th.
- Victoria Manor will be hosting their annual car show on Thursday, September 5th.
- The 170th Lindsay Exhibition will begin on Saturday, September 14th.
- Residents were also reminded that the International Plowing Match will be held at the Lindsay Exhibition from Tuesday, October 1st to Saturday, October 5th. Training sessions for event volunteers will be held at the Lindsay Exhibition from 9:00 a.m. to 12:00 p.m. on Saturday, September 14th. Anyone interested in volunteering for the event is welcome to attend the training sessions.

Councillor Warren:

- Mayor Elmslie, Councillor Richardson and Councillor Warren attended the annual Association of Municipalities of Ontario Conference from Sunday, August 18th to Wednesday, August 21st.
- The Kinmount and District Health Centre held a fundraising event on Sunday, August 11th.
- A Midnight Madness shopping event was held in Bobcaygeon on Saturday, August 3rd and there was a fantastic turnout.
- The Kinmount Fair will be held in Kinmount from Friday, August 30th to Sunday, September 1st with Councillor Warren and Mayor Elmslie scheduled to attend.

Councillor Joyce:

- The Kawartha Lakes Public Library's Summer Reading Program was a huge success with attendance being up over 18% when compared to 2023 Summer Reading Program.
- The Lindsay Branch of the Kawartha Lakes Public Library will be closed for renovations from Saturday, August 31st to Saturday, September 14th. The Lindsay Branch is an original Carnegie Library and 120 years later we are still investing in that amazing facility.
- The Little Britain Community Association will be hosting their Harvest Moon Celebration on Saturday, September 7th which will include a tractor parade at 2:00 p.m. followed by a dinner and dance; tickets are now available.
- Councillor Joyce recently travelled to Sweden to attend the World Masters Athletic Competition; this is a track and field event for participants over 35 years old with over 8000 participants. Canada earned 54 medals and it was a wonderful display of sportsmanship and kindness.

Councillor Smeaton:

- On Saturday, September 7th Mark Fevang will be hosting a Mark-a-thon Fundraising Walk in support of A Place Called Home. The walk will begin at 9:00 a.m. at the Kawartha Lakes Police Service Building on Victoria Avenue in Lindsay.

- Staff will be hosting an information open house on the Lindsay Legacy Chest Fund Program from 5:00 p.m. to 7:00 p.m. on Wednesday, September 11th at the Lindsay Branch of the Kawartha Lakes Public Library. Anyone interested in learning about the Lindsay Legacy Chest Fund Program is welcome to attend.
- Words of encouragement were extended to all local students as they embark on a new school year; drivers were encouraged to be mindful of speed limits and take care as they travel close to schools.
- Residents were reminded that the Lindsay Farmers Market is open on Saturday mornings.
- Words of thanks were extended to Mark Mitchell, former Chief of the Kawartha Lakes Police Service, on his retirement and words of congratulations were extended to Kirk Robertson, the newly appointed Chief of the Kawartha Lakes Police Service.

Councillor Ashmore:

- The Municipal Heritage Committee will be hosting the 2024 Doors Open Event from 10:00 a.m. to 4:00 p.m. on Sunday, September 15th. The event will focus on historical sites within Fenelon Falls, Sturgeon Point and Bobcaygeon.
- Words of thanks were extended to the Omemee Blooms Garden Club for all of their dedication to the Village of Omemee.
- Words of condolence were extended to the friends and family of Barbara McGregor, a former Councillor for the Village of Fenelon Falls.
- Words of appreciation were extended to all of the volunteers that are working to prepare for the International Plowing Match being held in Lindsay from Tuesday, October 1st to Saturday, October 5th.
- Words of thanks were extended to Staff on the anticipated installation of two new crosswalks, within one located on Deane Street in Omemee and one located at the intersection of Sturgeon Road North and St. Luke's Road.

Mayor Elmslie:

- The Kawartha Arts Festival will be held at the Fenelon Falls Fairgrounds on Saturday, August 30th and Sunday, August 31st. It is a great opportunity to start your Christmas shopping.
- Mayor Elmslie provided an overview of his attendance at the Association of Municipalities of Ontario Conference that was held from Sunday, August 18th to Wednesday, August 21st.

4.2 Staff

Chief Jones:

- Words of thanks were extended to everyone who attended the Emergency Services Golf Tournament that was held on Wednesday, August 21st. Proceeds from the tournament support of the Kawartha Lakes Food Service and the Art Truax Memorial Bursary. The tournament resulted in a \$10,000.00 donation to the Kawartha Lakes Food Source and the allocation of three (3) \$1,000.00 bursaries for students that are pursuing a career in emergency services.

5. Council Minutes

Regular Council Meeting, July 23, 2024

CR2024-427

Moved By Councillor Richardson

Seconded By Councillor Warren

That the Minutes of the Regular Council Meeting of July 23, 2024, be received and adopted.

Carried

6. Deputations

7. Correspondence

7.1 CC2024-11.7.1

Correspondence Regarding the Existing Physician Shortage in Ontario

Kimberly Moran, Chief Executive Officer, Ontario Medical Association

Colin Best, President, Association of Municipalities of Ontario

CR2024-428

Moved By Councillor Warren

Seconded By Councillor Richardson

That the correspondence from Kimberly Moran, Chief Executive Officer of the Ontario Medical Association, and Colin Best, President of the Association of Municipalities of Ontario, **regarding the Existing Physician Shortage in Ontario**, be received; and

That the City of Kawartha Lakes urge the Federal Government and the Province of Ontario to recognize the physician shortage in the City of Kawartha Lakes and Ontario, to fund health care appropriately and ensure every Ontarian to primary care.

Carried

8. Presentations

8.1 CC2024-11.8.1

Highway 7 Sewage Pumping Station Environmental Assessment (EA) Completion Presentation

Jeanorth Sinnakando, Greer Galloway Group Inc.

Nafiur Rahman, Supervisor, Environmental Capital Project Management

Nafiur Rahman, Supervisor of Environmental Capital Project Management, and Jeanorth Sinnakando, of Greer Galloway Group Inc., provided an overview of the Environmental Assessment (EA) that has been completed for the Highway 7 Sewage Pumping Station that will be located in the area of Highway 7 and Lindsay Street South, in Lindsay. The overview outlined that the sewage pumping station is part of the process to expand the wastewater collection system for Lindsay. The overview also summarized the preferred option for the project, being the construction of a new Sewage Pumping Station and associated force main, and the next steps to be taken.

CR2024-429

Moved By Deputy Mayor McDonald

Seconded By Councillor Warren

That the presentation by Jeanorth Sinnakando, of Greer Galloway Group Inc., and Nafiur Rahman, Supervisor, Environmental Capital Project Management, **regarding the Highway 7 Sewage Pumping Station Environmental Assessment (EA) Completion**, be received.

Carried

8.1.1 Report ENG2024-024

Highway 7 Sewage Pumping Station Environmental Assessment (EA) Completion

Martin Leclerc, Senior Engineering Technician

CR2024-30

Moved By Councillor Smeaton

Seconded By Councillor Yeo

That Report ENG2024-024, **Highway 7 Sewage Pumping Station Environmental Assessment (EA) Completion**, be received;

That the preferred solution of constructing a new Sewage Pumping Station and associated force main within the proposed block of the Gateway Subdivision to service new development of the Gateway Subdivision and the adjacent properties identified, be supported by Council; and

That Staff be authorized to file the Environmental Study Report (ESR) for the legislated 30-day comment period.

Carried

9. Planning Advisory Committee

9.1 Correspondence Regarding Planning Advisory Committee Recommendations

9.2 Planning Advisory Committee Minutes

Planning Advisory Committee Meeting, August 8, 2024

CR2024-431

Moved By Councillor Warren

Seconded By Councillor Richardson

That the Minutes of the August 8, 2024 Planning Advisory Committee Meeting be received and the recommendations, included in Section 9.3 of the Agenda, be adopted.

Carried

9.3 Business Arising from Planning Advisory Committee Minutes

9.3.1 PAC2024-051

That Report PLAN2024-049, **Amendment to the Village of Bobcaygeon Zoning By-law 16-78 at 89 Prince St West in the former Village of Bobcaygeon - Kawartha Dairy Ltd.**, be received; and

That Report PLAN2024-049, Amendment to the Village of Bobcaygeon Zoning By-law 16-78 at 89 Prince St West in the former Village of Bobcaygeon - Kawartha Dairy Ltd., be referred back to staff to address agency comments and for further review of technical studies.

Carried

9.3.2 PAC2024-052

That Report PLAN2024-050, **Amend the Township of Emily Zoning By-law 1996-30 at 1023 Kings Wharf Road**, be received; and

That Report PLAN2024-050, Amend the Township of Emily Zoning By-law 1996-30 at 1023 Kings Wharf Road be referred back to staff to address agency comments and for further review of technical studies.

Carried

9.3.3 PAC2024-053

That Report PLAN2024-051, **Amend the Somerville Zoning By-law 78-45 and City of Kawartha Lakes Official Plan at 1062 3rd Concession and 1691 County Road 121, Part of Lot 17 and 18, Concession 2, Township of Somerville in the City of Kawartha Lakes**, be received;

That a Zoning By-law Amendment respecting application D06-2024-015, substantially in the form attached as Appendix D to Report PLAN2024-051, be approved and adopted by Council;

That an Official Plan Amendment respecting application D01-2024-005, substantially in the form attached as Appendix E to Report PLAN2024-051, be approved and adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Carried

9.3.4 PAC2024-054

That Report PLAN2024-043, **31 Barkwell Lane Zoning By-law Amendment**, be received for information;

That a Zoning By-law Amendment, respecting application D06-2023-028, substantially in the form attached as Appendix D to Report PLAN2024-043, be adopted by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

Carried

9.4 Items Extracted from Planning Advisory Committee Minutes

10. Consent Matters

The following items were requested to be extracted from the Consent Agenda:

Moved By Councillor Warren

Seconded By Councillor Joyce

That all of the proposed resolutions shown in Section 10.1 of the Agenda, save and except for Items 10.1.2, 10.1.6, 10.1.7, 10.1.8 and 10.1.9, be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered.

Carried

10.1 Reports

10.1.1 CAO2024-006

Physician Recruitment Reserve Request

Ron Taylor, Chief Administrative Officer

CR2024-432

That Report CAO2024-006, **Physician Recruitment Reserve Request**, be received; and

That payment of up to \$270,000.00 to the Kawartha Lakes Health Care Initiative (KLHCI) be authorized from the Doctor Recruitment Reserve (\$224,000.00) and the Primary Care Recruitment and Retention Reserve (\$46,000.00) to support three Doctor Return of Service agreements.

Carried

10.1.3 ED2024-028

Amendments to the Heritage Applications Policy

Emily Turner, Economic Development Officer - Heritage Planning

CR2024-433

That Report ED2024-028, **Amendments to the Heritage Applications Policy**, be received; and

That Policy CP2021-040, entitled Heritage Applications Policy, be amended as outlined in Appendix A of this report.

Carried

10.1.4 ED2024-037

Economic Development Fund: A. Sheila Boyd Foundation (Boyd Heritage Museum)

Rebecca Mustard, Manager, Economic Development

CR2024-434

That Report ED2024-037, **Economic Development Fund: A. Sheila Boyd Foundation (Boyd Heritage Museum)**, be received; and

That the A. Sheila Boyd Heritage Foundation being an organization that is structured as a not-for-profit Foundation for the purpose of operating and maintaining the Boyd Heritage Museum be approved for funding of \$11,865.18 from the Economic Development Fund Cultural Facilities Support Grant 2024 commitment in the General Contingency Reserve (1.32090).

Carried

10.1.5 HS2024-006

Cross Jurisdictional Child Care Agreements

Janine Mitchell, Manager, Human Services

CR2024-435

That Report HS2024-006 **Cross Jurisdictional Child Care**, be received;

That the agreement between the Corporation of the City of Kawartha Lakes and the County of Simcoe for the purpose of the provision of cross jurisdictional child care, attached as Appendix A to report HS2024-006, be approved, and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

Carried

10.2 Items Extracted from Consent

10.1.2 PUR2024-018

Fibre Optic Cable Installation for the Future Paramedic Headquarters

Ashley Wykes, Buyer

Peter Evans, Chief Information Officer

CR2024-436

Moved By Councillor Joyce

Seconded By Councillor Smeaton

That Report PUR2024-018, **Fibre Optic Cable Installation for the Future Paramedic Headquarters**, be received;

That the 2025 budgeted Capital project 928250108– Fibre Optic Network for the installation of Fibre Optic Cabling for the Paramedic Headquarters be granted early start approval, as per Mayoral Decision 05-2024;

That R Line Utility Construction Ltd. be awarded the single source contract for fibre optic cabling installation for a total cost of \$1,000,000.00, not including HST;

That the Director of Corporate Services be authorized to execute the agreement to award the contract; and

That the IT Department be authorized to issue a purchase order.

Carried

10.1.6 EMS2024-003

2025 Response Time Performance Plan

Jamie Golden, Deputy Chief Professional Standards

CR2024-437

Moved By Councillor Joyce

Seconded By Deputy Mayor McDonald

That Report EMS2024-003, **2025 Response Time Performance Plan (RTPP)**, be received;

That the 2025 Response Time Performance Plan Targets as outlined in Table 1 to Report EMS2024-003 be approved; and

That staff be authorized to submit the 2025 RTPP to the Ministry of Health under part VIII of Ontario Regulation 257/00 made under the Ambulance Act, including the Response Time Performance Plan Targets.

Carried

10.1.7 ENG2024-016

Jewell Drain - Petition for Drainage

Richard Monaghan, Drainage Superintendent, Engineering and Corporate Assets

CR2024-438

Moved By Councillor Joyce

Seconded By Councillor Smeaton

That Report ENG2024-016, **Jewell Drain – Petition for Drainage**, be received;

That Council proceed with the petition submitted by Sarah Jewell for drainage works for Concession 6, Lot 21 Geographic Township of Fenelon to be known as the Jewell Municipal Drain and instruct the City Clerk to proceed with the notices required under Section 5(1)b of the Drainage Act;

That Staff concurrently continue to pursue with the petitioner options for a mutual drain agreement as per the City Policy; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, Staff recommend to Council, Ken Smith and Mark Hoar of D.M. Wills and Associates Limited be appointed as the Engineers of Record for the examination of the area requiring drainage and proceed with the requirements of the Drainage Act for the proposed Jewell Drain.

Carried

10.1.8 ENG2024-023

Request for Streetlight - Cottingham Road and Highway 7

Joseph Kelly, Traffic Management Supervisor

CR2024-439

Moved By Councillor Richardson

Seconded By Deputy Mayor McDonald

That Report ENG2024-024, **Request for Streetlight – Cottingham Road and Highway 7**, be received; and

That Staff be directed to establish delineation lighting at the intersection at Highway 7 and Cottingham Road by installing a new light fixture with consultation and approval from Hydro.”

Carried

10.1.9 RD2024-009

Brushing Program Overview

Chris Porter, Manager of Roads Operations East

Thomas Hopper, Manager of Roads Operations West

CR2024-440

Moved By Councillor Ashmore

Seconded By Councillor Richardson

That Report RD2024-009, **Brushing Program Overview**, be received.

Carried

11. Petitions

11.1 CC2024-11.11.1

Request for a 40km/hr Community Area Speed Limit for the Community of Lorneville within the Hamlet Boundaries with Speed Signage

Note: This is an Electronic Petition with 23 Signatures

Melanie Maryniuk

CR2024-441

Moved By Councillor Joyce

Seconded By Councillor Warren

That the petition received from Melanie Maryniuk, regarding a Request for a 40km/hr Community Area Speed Limit for the Community of Lorneville within the Hamlet Boundaries with Speed Signage, be received and referred to Staff for review and report back by the end of Q4, 2024.

Carried

11.2 CC2024-11.11.2

Request for the Asphalt Resurfacing and/or Reconstruction of Bury's Green Road between Kawartha Lakes Road 121 and Kawartha Lakes Road 49 by the end of 2025

Note: This is an Electronic Petition with 38 Signatures

Jenn Patterson

CR2024-442

Moved By Councillor Warren

Seconded By Councillor Ashmore

That the petition received from Jenn Patterson, regarding a Request for the Asphalt Resurfacing and/or Reconstruction of Bury's Green Road between Kawartha Lakes Road 121 and Kawartha Lakes Road 49 by the end of 2025, be received and forwarded to the Mayor and Staff for consideration in the 2025 Budget.

Carried

12. Other or New Business

13. By-Laws

The mover requested the consent of Council to read the by-laws by number only.

CR2024-443

Moved By Councillor Ashmore

Seconded By Councillor Smeaton

That the By-Laws shown in Section 13.1 of the Agenda, namely: Items 13.1.1 to and including 13.1.18, save and except for Item 13.1.3, be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

13.1 By-Laws by Consent

13.1.1 By-Law 2024-156

By-Law to Stop Up and Close the Road Allowance between Lot 18 and Lot 19, Concession 2, Somerville, North of Plan 434; City of Kawartha Lakes, designated as Part 2 on Reference Plan 57R-11133 (PIN: 63119-0345 (LT)) and to Authorize the Sale of the Land to the Abutting Landowner (263 Somerville 2nd Concession, Fenelon Falls)

13.1.2 By-Law 2024-157

By-Law to Authorize the Execution of a Telecommunications License Agreement Between the City of Kawartha Lakes and Shared Tower Inc. for 1 Duke Street, Bobcaygeon, in the City of Kawartha Lakes

13.1.4 By-Law 2024-158

By-Law to Designate 16-22 King Street East, Village of Omemee in the City of Kawartha Lakes

13.1.5 By-Law 2024-159

By-Law to Designate 24-26 King Street East, Village of Omemee in the City of Kawartha Lakes

13.1.6 By-Law 2024-160

By-Law to Designate 1884 Pigeon Lake Road, Geographic Township of Emily in the City of Kawartha Lakes

13.1.7 By-Law 2024-161

By-Law to Amend By-Law 2019-154, being a By-Law to Delegate Authority for the Alteration of Heritage Property in the City of Kawartha Lakes

13.1.8 By-Law 2024-162

By-Law to Amend By-law 2023-179 being A By-law to Regulate Parking in the City of Kawartha Lakes

13.1.9 By-Law 2024-163

By-Law to Amend By-Law 2005-328, being a By-Law to Establish Speed Limits in the City of Kawartha Lakes

13.1.10 By-Law 2024-164

By-Law to Provide for the Erection of a Stop Sign at Monck Street and Cockburn Street (Norland) in the City of Kawartha Lakes

13.1.11 By-Law 2024-165

By-Law to Amend the Township of Somerville Zoning By-Law No. 78-45 to Rezone Land within the City of Kawartha Lakes (1062 3rd Concession and 1691 County Road 121)

13.1.12 By-Law 2024-166

By-Law to Amend the City of Kawartha Lakes Official Plan to Re-designate Land within the City of Kawartha Lakes (1062 3rd Concession and 1691 County Road 121)

13.1.13 By-Law 2024-167

By-Law to Amend The United Townships of Laxton, Digby and Longford By-Law 32-83, as amended, to Rezone Land within the City of Kawartha Lakes (31 Barkwell Lane)

13.1.14 By-Law 2024-168

By-Law to Appoint Municipal Law Enforcement Officer for the City of Kawartha Lakes for Limited Enforcement Purposes (Noise enforcement at Fleming College) (Desormeaux, C)

13.1.15 By-Law 2024-169

By-Law to Appoint Municipal Law Enforcement Officer for the City of Kawartha Lakes for Limited Enforcement Purposes (Noise enforcement at Fleming College) (Dorman, K)

13.1.16 By-Law 2024-170

By-Law to Appoint Municipal Law Enforcement Officer for the City of Kawartha Lakes for Limited Enforcement Purposes (Noise enforcement at Fleming College) (Elliot, J)

13.1.17 By-Law 2024-171

By-Law to Appoint Municipal Law Enforcement Officer for the City of Kawartha Lakes for Limited Enforcement Purposes (Noise enforcement at Fleming College) (Trudell, J)

13.1.18 By-Law 2024-172

By-Law to Amend By-Law 2014-026 being a By-Law to Require the Owners of Yards Within Kawartha Lakes to Clean and Clear Them

13.2 By-Laws Extracted from Consent

13.1.3 CC2024-11.13.1.3

By-Law to Designate 97 King Street, Village of Woodville in the City of Kawartha Lakes

CR2024-444

Moved By Councillor Joyce

Seconded By Councillor Richardson

That the By-Law to Designate 97 King Street, Village of Woodville in the City of Kawartha Lakes, be read a first, second, third time, passed, numbered, signed and the corporate seal attached.

Carried

14. Notice of Motion

15. Closed Session

15.1 Adoption of Closed Session Agenda

CR2024-445

Moved By Councillor Ashmore

Seconded By Councillor Smeaton

That the Closed Session agenda be adopted as circulated.

Carried

15.2 Disclosure of Pecuniary Interest in Closed Session Items

There were no declarations of pecuniary interest disclosed.

15.3 Move Into Closed Session

CR2024-446

Moved By Deputy Mayor McDonald

Seconded By Councillor Warren

That Council convene into closed session at 2:33 p.m. pursuant to Section 239(2) of the Municipal Act, S.O. 2001 s.25, in order to consider matters identified in Section 15.3 of the Regular Council Meeting Agenda of Tuesday, August 27, 2024, namely Items 15.3.1 to and including 15.3.10.

Carried

16. Matters from Closed Session

Item 15.3.1

The Confidential Closed Session Minutes for the Regular Council Meeting of July 23, 2024 were approved.

Item 15.3.2

CR2024-458

Moved By Councillor Smeaton

Seconded By Councillor Warren

That the following members of the public be appointed to the Kawartha Lakes Municipal Heritage Committee:

Thomas Barnett for a 2-year term, ending December 31, 2026

Katie Virag-Cavanagh for a 2-year term, ending December 31, 2026

Carried

Item 15.3.3

Council received an update on the status of the Rural Zoning By-Law for the City of Kawartha Lakes.

Item 15.3.4

CR2024-459

Moved By Deputy Mayor McDonald

Seconded By Councillor Joyce

That the City acquire title to the property known municipally as 23 Wellington Street, Omemee and legally described as Part NE ¼ Lot 8 Concession 3 Emily, designated Part 1 Plan 57R9639; Kawartha Lakes, all as in PIN 63259-0514 (LT); and

That the City assume operation of the Omemee Medical Centre as of January 1, 2025.

Carried

Item 15.3.5

The City Solicitor was provided instruction with respect to an appeal brought to the Ontario Land Tribunal respecting land at 158 Colborne Street, Lindsay, and being Tribunal Matter OLT-24-000646.

Item 15.3.6

The City Solicitor provided an update and received instructions with respect to appeals brought to the Ontario Land Tribunal respecting the Bobcaygeon

Secondary Plan and the Official Plan 2012, and being Tribunal Matter OLT-22-002091.

Item 15.3.7

An appraisal and counter offer for the road allowance adjacent to 27 Campbell Beach Road, Brechin was provided to Council. Council provided instruction to Staff.

Item 15.3.8

Staff provided an update to Council regarding the Phase I and Phase II ESAs for 4 Station Road, Kinmount. Council provided direction regarding the proposed acquisition of the subject property.

Item 15.3.9

Staff provided an update to Council regarding a Phase I ESA for a vacant parcel on Kent Street West, Lindsay. Staff advised Council of the costs associated with a Phase II ESA. Council provided direction regarding the funding for a Phase II ESA.

Item 15.3.10

Council received a final update on Collective Bargaining Ratification for CUPE 855.

17. Confirming By-Law

By-Law to Confirm the Proceedings of the Regular Council Meeting of August 27, 2024

CR2024-460

Moved By Councillor Richardson

Seconded By Councillor Smeaton

That a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, August 27, 2024 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

Carried

18. Adjournment

CR2024-461

Moved By Councillor Yeo

Seconded By Councillor Smeaton

That the Council Meeting adjourn at 4:12 p.m.

Carried

Read and adopted this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Gene Balfour

Address: *

[Redacted]

City/Town/Village:

[Redacted]

Province: *

[Redacted]

Postal Code:

[Redacted]

Telephone: *

[Redacted]

Email: *

[Redacted]

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Gene Balfour

Deputant Two:

Cynthia Sneath

Please provide details of the matter to which you wish to speak: *

I will make a Request of Council concerning COW2024-07.8.1 which advocates for more solar farms and wind turbines in our City. My wife, Cynthia Sneath, wishes to support this request.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

- Yes
 No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

I will be submitting a supporting letter to Council on this matter when I have received a deputation date.

The letter will outline specific steps to be taken by Councillor Warren (and others on Council?) to prove that the need and desire for more solar farms and wind turbines has been expressed by CKL residents. The Memorandum submitted to Council by Councilor Warren documented an inadequate 'Rationale' which fails to justify her request of City staff to prepare a report by early 2025 on this matter.

This deputation is asking that Council prevent any future effort by Councillor Warren and others on Council to bring more solar farms and wind turbines to the CKL until a full justification for them is established and is acceptable to CKL residents. Several steps to achieve this justification will be presented to Council.

On a similar note, in 2023, Councillor Warren promoted a ban to prevent new natural gas plants from being built in the CKL. Should Council be making decisions for all CKL residents as to which forms of energy are available to them for their applications? Is this a legitimate role for our Councillor members?

How would you like to complete your deputation? *

In Person in Council Chambers

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Gene Balfour

Date:

9/14/2024



The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at clerks@kawarthalakes.ca.

Do you agree to the publication of your contact information (including your address, telephone number and email) on the City's website as part of a meeting agenda? *

Please complete this form and return to the City Clerk's Office by submitting it online or:

Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca

The Corporation of the City of Kawartha Lakes
Minutes
Committee of the Whole Meeting

COW2024-07

Tuesday, September 10, 2024

Open Session Commencing at 1:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Doug Elmslie

Deputy Mayor Charlie McDonald

Councillor Ron Ashmore

Councillor Dan Joyce

Councillor Mike Perry

Councillor Tracy Richardson

Councillor Eric Smeaton

Councillor Pat Warren

Councillor Emmett Yeo

Please visit the City of Kawartha Lakes YouTube Channel at <http://www.youtube.com/c/CityofKawarthaLakes> to view the proceedings electronically.

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact AgendaItems@kawarthalakes.ca if you have an accessible accommodation request.

1. Call to Order

Mayor Elmslie called the Meeting to order at 1:00 p.m. Deputy Mayor C. McDonald and Councillors R. Ashmore, D. Joyce, C. McDonald, M. Perry and P. Warren were in attendance in Council Chambers.

Absent: Councillors E. Smeaton and E. Yeo

CAO R. Taylor, Deputy Clerk J. Watts, Deputy Clerk S. O'Connell and Directors L. Barrie, S. Beukeboom, C. Faber, J. Johnson, B. Robinson, J. Rojas, Fire Chief T. Jones, Deputy Paramedic Chief J. Golden, Manager of Municipal Law Enforcement and Licensing A. Sloan and Manager of Housing M. Corley were also in attendance in Council Chambers.

City Solicitor R. Carlson and Economic Development Officer - Agriculture K. Maloney were in attendance electronically.

1.1 Recognition of Big Brothers Big Sisters Day

Mayor Elmslie provided words of recognition in celebration of Big Brothers Big Sisters Month, which is celebrated in September. It was noted that the important work of this organization will be recognized by the City of Kawartha Lakes on September 18th as the exterior lighting at City Hall will be blue to honour the support that Big Brothers Big Sisters provides to the youth in our community.

2. Adoption of Agenda

CW2024-150

Moved By Deputy Mayor McDonald

Seconded By Councillor Richardson

That the Agenda for the Committee of the Whole of Tuesday, September 10, 2024, be adopted as circulated and with the following amendments:

Addition:

Item 5.2 being correspondence from Holly Porter, of Victoria Feeds Horse and Hound Inc., and Charity Porter, of 2799374 Ontario Inc., regarding the proposed surplus declaration, closure and sale of a road allowance identified as Doubletree Road and Willowdale Court, Ops, being Report RS2024-035

Deletion:

Item 4.2 being a deputation by Michael Sloboda and Myrna Sloboda regarding the four-way stop at Riverview Road and Kawartha Lakes Road 36, Lindsay

Carried

3. Disclosure of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

4. Deputations

4.1 COW2024-07.4.1

**Proposed Surplus Declaration and Sale of City Owned Land Adjacent to 2 and 4 Gilson Point Place, Little Britain
(Relating to Item 7.1.3 on the Agenda, being Report RS2024-039)**

Daniell Babcock

Daniell Babcock spoke on behalf of residents of Gilson Point Place to express concern relating to the proposed surplus declaration and sale of the City owned land adjacent to 2 and 4 Gilson Point Place, Little Britain. She outlined that the land involved in the proposed sale is used by area residents and the proposed sale would have a negative impact on those users. She noted that the lands were conveyed to the municipality for use as a road allowance and as park lands and she ask that the lands be kept within municipal ownership for use by the community.

CW2024-151

Moved By Councillor Joyce

Seconded By Councillor Warren

That the deputation of Daniell Babcock, **regarding the Proposed Surplus Declaration and Sale of City Owned Land Adjacent to 2 and 4 Gilson Point Place, Little Britain**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

4.2 COW2024-07.4.2

Four-Way Stop at Riverview Road and Kawartha Lakes Road 36, Lindsay

Michael Sloboda

Myrna Sloboda

This deputation was deleted from the Agenda.

4.3 COW2024-07.4.3

Proposed Surplus Declaration and Sale of City Owned Land, being Lot 37 on Plan 139

(Relating to Item 7.1.5 on the Agenda, being Report RS2024-041)

Katie Almond

Kathy Hoffman

Katie Almond and Kathy Hoffman expressed concern regarding the proposed surplus declaration and sale of Lot 37 on Plan 139 (adjacent to the rear lot lines of 40 and 42 Rose Street, Fenelon). They outlined that the parcel of land is adjacent to the rear of their property and they have previously applied to purchase the lands to address encroachment issues. Those encroachment issues have since been resolved but they didn't pursue the purchase at that time. Lot 37, in its entirety, is now being considered for sale to the neighbouring landowner. Katie and Kathy asked Council to consider the division of Lot 37 which would allow a portion of the lot to be sold to them and a portion to be sold to the neighbouring landowner using logical lot lines when making the division of the lot.

CW2024-152

Moved By Councillor Perry

Seconded By Councillor Ashmore

That the deputation of Katie Almond and Kathy Hoffman, **regarding the Proposed Surplus Declaration and Sale of City Owned Land, being Lot 37 on Plan 139**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

4.4 COW2024-07.4.4

High Water Bill for Property Located at 29 Wellington Street, Lindsay

Shane Sauve

Shane Sauve provided an overview of the personal circumstances that have lead to the occupancy of his property and he noted that a malfunctioning plumbing fixture (i.e. a leaky toilet valve) lead to a high water bill. He asked Council to provide relief for the high water bill. He confirmed that the malfunctioning plumbing fixture that caused the high water bill has been repaired.

CW2024-153

Moved By Councillor Richardson

Seconded By Deputy Mayor McDonald

That the deputation of Shane Sauve, **regarding a High Water Bill for Property Located at 29 Wellington Street, Lindsay**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

4.5 COW2024-07.4.5

Traffic Control Measures for William Street North, Lindsay

Wylita Clark

Wylita Clark provided an overview of the increased traffic levels that have been experienced on William Street North in Lindsay. She asked Council to consider the installation of a four way stop at the intersection of William Street North and Elgin Street to address the increased traffic speeds which have been witnessed as traffic volumes have increased. She noted that a petition was submitted to Council in 2023, which was supported by area residents, to request the installation of a four way stop at William Street North and Elgin Street.

CW2024-154

Moved By Councillor Perry

Seconded By Councillor Warren

That the deputation of Wylita Clark, regarding Traffic Control Measures for William Street North, Lindsay, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

4.6 COW2024-07.4.6

Request for the Use of the Municipal Facilities that are Available at Garnet Graham Park, Fenelon, for a Fundraising Event

David Robinson

David Robinson provided an overview of the Turkey Trot Fundraising Run that will be held at Garnet Graham Park on Saturday, October 12th. He made note he has submitted a request to Staff for the municipal washroom facilities at Garnet

Graham Park to be opened at 9:00 a.m. on October 12th for use by race participants. He also asked for confirmation that the gates along the Victoria Rail Trail Corridor starting in Garnet Graham Park will be open for the race and asked if Staff could assist with the relocation of picnic tables in Garnet Graham Park for use during the lunch reception following the conclusion of the race event.

CW2024-155

Moved By Councillor Perry

Seconded By Councillor Warren

That the deputation of David Robinson, **regarding a Request for the Use of the Municipal Facilities in Garnet Graham Park, Fenelon, for a Fundraising Event**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

5. Correspondence

5.1 COW2024-07.5.1

Correspondence Regarding the Housing Shortage

Daniel Segal, Segal Construction

CW2024-156

Moved By Councillor Richardson

Seconded By Councillor Joyce

That the correspondence from Dan Segal, of Segal Construction, **regarding the Housing Shortage**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

5.2 COW2024-07.5.2

Correspondence Regarding the Proposed Surplus Declaration, Closure and Sale of a Portion Road Allowance Identified as Doubletree Road and Willowdale Court, Geographic Township of Ops, City of Kawartha Lakes (Relating to Item 7.1.2 on the Agenda, being Report RS2024-035)

Holly Porter, Victoria Feeds Horse and Hound Inc.

Charity Porter, 2799374 Ontario Inc.

CW2024-157

Moved By Councillor Ashmore

Seconded By Deputy Mayor McDonald

That the correspondence from Holly Porter, Victoria Feeds Horse and Hound Inc., and Charity Porter, 2799374 Ontario Inc., **regarding Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Identified as Doubletree Road and Willowdale Court, Geographic Township of Ops, City of Kawartha Lakes**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

6. Presentations

6.1 COW2024-07.6.1

Encampment Response Protocol Overview

Michelle Corley, Manager, Human Services

Aaron Sloan, Manager of Municipal Law Enforcement and Licensing

Michelle Corley, Manager of Housing, and Aaron Sloan, Manager of Municipal Law Enforcement and Licensing, provided an overview of the Encampment Response Protocol that has been developed by Staff to outline a clear, transparent and coordinated process to guide staff in delivering a response to encampments on City-owned spaces. The objectives of the protocol include:

- providing a consistent coordinated approach to encampment response;
- to clarify the role and responsibility of City divisions in addressing encampments;
- to outline how the City will provide supports to those living in encampments; and
- to outline the process for initiating and conducting enforcement, including the potential of removal of an encampment, when needed.

They noted that the theme and guiding principles behind the response protocol use a human rights, needs-based and compassionate approach that will lead through the engagement, connection and support and planning stages of the response protocol.

CW2024-158

Moved By Councillor Richardson

Seconded By Councillor Joyce

That the presentation by Michelle Corley, Manager of Human Services, and Aaron Sloan, Manager of Municipal Law Enforcement and Licensing, **regarding an Overview of the Encampment Response Protocol**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7. Consent Matters

That all of the proposed recommendations shown in Section 7.1 of the Agenda be approved by the Committee of the Whole in the order that they appear on the Agenda, sequentially numbered and forwarded to Council for consideration at the next Regular Council Meeting.

Carried

7.1 Reports

7.1.1 RS2024-034

Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Between the Properties Municipally Identified as 18 Golden Road, Somerville, and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes

Christine Oliver, Law Clerk - Realty Services

CW2024-159

That Report RS2024-034, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Between the Properties Municipally Identified as 18 Golden Road, Somerville and 10 Griffin Drive, in the Geographic Township of Somerville, in the City of Kawartha Lakes**, be received;

That the subject property, being a portion of road allowance legally described as road allowance between Concession 6 and Concession 7, in the Geographic Township of Somerville; road allowance between Lot 36 and Lot 37, Concession Front Range, in the Geographic Township of Somerville, between Highway 588 and Four Mile Lake, in the City of Kawartha Lakes (between the properties

municipally identified as 18 Golden Road, in the Geographic Township of Somerville and 10 Griffin Drive, in the Geographic Township of Somerville), be declared surplus to municipal needs;

That the closure and sale of the portion of road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing and a condition requiring the applicant to install drainage infrastructure prior to closing);

That, if one of the adjacent landowners decide that they do not wish to proceed with purchasing their respective portion of the road allowance, the entirety of the road allowance be sold to the remaining purchaser (with the City retaining an easement to preserve the drainage infrastructure, and with the City retaining a 0.3 metre wide reserve across the frontage of the road allowance to be sold, to prevent a driveway access at this location);

That, as a precondition of closing, the purchaser to install drainage infrastructure in the road allowance, at the purchaser's cost, to the satisfaction of the Director of Public Works;

That notwithstanding section 8.01 of By-Law 2018-020, Council direct staff to proceed through the disposition process of the road allowance leading to water;

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

That Staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.4 RS2024-040

Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Known as Grove Road, Geographic Township of Fenelon

Christine Oliver, Law Clerk - Realty Services

CW2024-160

That Report RS2024-040, **Proposed Surplus Declaration, Closure and Sale of a Portion of Shoreline Road Allowance Known as Grove Road, Geographic Township of Fenelon**, be received;

That the subject property, being a portion of shoreline road allowance known as Grove Road, in the Township of Fenelon, in the City of Kawartha Lakes, legally described as McArthur Ave. on Plan 114; Part of Lot 33 on Plan 114 as in F7313 description may not be acceptable in future as in F7313, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0177); and Byrnell Ave. on Plan 166; Brynell Ave. on Plan 121, subject to R142782, except part 6 on plan 57R-9829, in the Geographic Township of Fenelon, in the City of Kawartha Lakes (PIN: 63160-0442), be declared surplus to municipal needs;

That the closure of the portion of shoreline road allowance and sale to the adjoining landowners be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that a merger agreement be registered on title to each of the subject portion of shoreline road allowance and the purchaser's property on closing, requiring that neither be transferred or encumbered without the other and requiring that both be treated together as one parcel for zoning purposes, and including a condition that an easement in gross over the property be registered in priority to any mortgage, allowing the City access to maintain and repair Grove Road and the related drainage infrastructure);

That Council set the value of the land at the set price of \$9.00 per square foot of shoreline road allowance adjacent to a lake;

That Staff be directed to commence the process to stop up and close the said portion of shoreline road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its dispositions shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required;

That the Mayor and Clerk be authorized to sign all documents to facilitate the shoreline road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.6 CS2024-010

Release of Fenelon Falls Legacy C.H.E.S.T. Funds

LeAnn Donnelly, Executive Assistant, Community Services

CW2024-161

That Report CS2024-010, **Release of Fenelon Falls Legacy C.H.E.S.T. Funds**, be received;

That the Fenelon Falls Volunteer Firefighters Association be approved for funding in the amount of \$6,000.00 with the allocation to come from the Fenelon Falls Legacy C.H.E.S.T. Reserve (3.24350); and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.7 ED2024-015

Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)

Emily Turner, Economic Development Officer - Heritage Planning

CW2024-162

That Report ED2024-015, **Proposed Heritage Designation of 49 King Street East, Village of Bobcaygeon (Bobcaygeon Schoolhouse)**, be received;

That the Municipal Heritage Committee's recommendation to designate 49 King Street East under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed;

That Staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including the preparation and circulation of Notices of Intention to Designate, initiating formal consultation with stakeholders, including the property owner(s), and preparation of the designating by-laws; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.8 ED2024-036

Proposed Heritage Designation of 2 King Street West, Village of Omemee (John McCrea Memorial Methodist Parsonage)

Emily Turner, Economic Development Officer - Heritage Planning

CW2024-163

That Report ED2024-036, **Proposed Heritage Designation of 2 King Street West, Village of Omemee (John McCrea Memorial Methodist Parsonage)**, be received;

That the Municipal Heritage Committee's recommendation to designate 2 King Street West under Part IV of the Ontario Heritage Act as being of cultural heritage value or interest be endorsed;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including the preparation and circulation of Notices of Intention to Designate, initiating formal consultation with stakeholders, including the property owner(s), and preparation of the designating by-laws; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.2 Items Extracted from Consent

7.1.2 RS2024-035

Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance Identified as Doubletree Road and Willowdale Court, Geographic Township of Ops, City of Kawartha Lakes

Christine Oliver, Law Clerk - Realty Services

CW2024-164

Moved By Councillor Perry

Seconded By Deputy Mayor McDonald

That Report RS2024-035, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance identified as Doubletree Road and Willowdale Court in the Geographic Township of Ops, in the City of Kawartha Lakes**, be received;

That the subject property, being a portion of road allowance identified as Doubletree Road legally described as PCL Streets – 1 Sec on 57M-758; Doubletree Road on plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Parts 2 and 3 on 57R-9931 (PIN: 63240-0017), be declared surplus to municipal needs;

That the subject property, being a portion of road allowance identified as Willowdale Court legally described as PCL Streets – 1 Sec on 57M-758; Willowdale Court on Plan 57M-758, in the Geographic Township of Ops, in the City of Kawartha Lakes, being Part 1 on 57R-9931 (PIN: 63240-0018), be declared surplus to municipal needs;

That the closure of the portion of road allowance and sale to the adjoining landowner be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the adjacent landowner entering into a conditional Agreement of Purchase and Sale (including a condition that the subject portion of road allowance merge with the purchaser's adjacent property on closing);

That Council set the value of the land at the set price of \$2.50 per square foot of interior road allowance;

That Staff be directed to commence the process to stop up and close the said portion of road allowance;

That a by-law (with any amendments deemed necessary) to close the road and authorize its disposition shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required;

That the Mayor and Clerk be authorized to sign all documents to facilitate the road closing and conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.3 RS2024-039

Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance and a Proposed Sale of a City-Owned Property Adjacent to 2 and 4 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes

Christine Oliver, Law Clerk - Realty Services

CW2024-165

Moved By Councillor Joyce

Seconded By Councillor Warren

That Report RS2024-039, **Proposed Surplus Declaration, Closure and Sale of a Portion of Road Allowance and a Proposed Sale of City-Owned Property Adjacent to 2 and 4 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes**, be received;

That the subject property, being City-owned property legally described as Block B on Plan 509, in the Geographic Township of Mariposa, in the City of Kawartha Lakes (PIN: 63196-0125) (located south of 2 and 4 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes), be retained in City ownership;

That the subject property, part of the road allowance described as Part A on Plan 509, in the Geographic Township of Mariposa, in the City of Kawartha Lakes (PIN: 63196-0052) (located south of 2 Gilson Point Place, in the Geographic Township of Mariposa, in the City of Kawartha Lakes), be retained in City ownership; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.5 RS2024-041

Proposed Surplus Declaration and Sale of Lot 37, Plan 139 (Adjacent to Rear Lot Lines of 40 and 42 Rose Street)

Laura Carnochan, Law Clerk - Realty Services

CW2024-166

Moved By Councillor Ashmore

Seconded By Councillor Richardson

That Report RS2024-041, **Proposed Surplus Declaration and Sale of Lot 37 on Plan 139, Geographic Township of Fenelon (adjacent to the rear Lot Lines of 40 and 42 Rose Street,** be received;

That the subject property, being Lot 37 on Plan 139; Kawartha Lakes (PIN: 63275-0162 (LT)), be declared to be surplus to municipal needs;

That the sale to the adjoining landowner (as historically approved by Council of the former Fenelon Township) be supported, in principle, in accordance with the provisions of By-Law 2018-020, as amended, and the Municipal Act, 2001, and subject to the parties entering into a conditional Agreement of Purchase and Sale (including a condition that the subject property merge with the purchaser's adjacent property on closing);

That Council set the value of the land at the originally accepted price of \$1,750.00, marked up by inflation to today's value, minus \$750.00 to account for the amount paid as a deposit to Fenelon Township in 1991;

That a by-law (with any amendments deemed necessary) to authorize the disposition of the subject property shall be passed, if appropriate;

That a deeming by-law be passed contemporaneously with the disposition by-law, if required;

That the Mayor and Clerk be authorized to sign all documents to facilitate the conveyance of the lands; and

That these recommendations be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

7.1.9 ED2024-039

Kawartha Lakes Membership in Farm 911

Kelly Maloney, Economic Development Officer - Agriculture
Susanne Murchison, Chief Building Official

CW2024-167

Moved By Councillor Richardson

Seconded By Councillor Joyce

That Report ED2024-039, **Kawartha Lakes Membership in Farm 911,** be received;

That the membership of the City of Kawartha Lakes within Farm 911: The Emily Project be endorsed; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

8. Memorandums

8.1 COW2024-07.8.1

Memorandum Regarding Becoming a Willing Host for Solar and Wind Developments

Councillor Warren

Moved By Councillor Warren

Seconded By Councillor Perry

That the Memorandum from Councillor Warren, **regarding the City of Kawartha Lakes Becoming a Willing Host for Solar and Wind Developments**, be received;

That Staff report back, first quarter 2025 on changes to the Provincial Renewable Energy Program and procurement of new projects;

That the report includes information and options for council to reconsider being a “Willing Host” for solar and/or wind developments, natural gas or biomass; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Motion Failed

CW2024-168

Moved By Councillor Warren

Seconded By Councillor Perry

That the Memorandum from Councillor Warren, **regarding the City of Kawartha Lakes Becoming a Willing Host for Solar and Wind Developments**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Carried

9. Adjournment

CW2024-169

Moved By Deputy Mayor McDonald

Seconded By Councillor Joyce

That the Committee of the Whole Meeting adjourn at 2:56 p.m.

Carried

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes
Minutes
Planning Advisory Committee Meeting

PC2024-10
Wednesday, September 11, 2024
1:00 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Mayor Doug Elmslie
Councillor Tracy Richardson
Councillor Pat Warren
Mike Barkwell
Patrick O'Reilly
Andrew Veale
Jason Willock

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1. Call to Order and Adoption of Agenda

Vice-Chair Councillor T. Richardson called the meeting to order at 1:00 p.m. Mayor D. Elmslie, Councillor P. Warren, and Committee Members M. Barkwell, and P. O'Reilly were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Director of Development Services L. Barrie, Manager of Planning J. Connolly, Manager of Development Engineering C. Sisson, and A. Watson of Dillon Consulting were also in attendance.

Absent: Chair A. Veale, and Member J. Willock

The Vice-Chair opened the meeting and noted the members of the Planning Advisory Committee and staff present.

PAC2024-055

Moved By Mayor Elmslie

Seconded By P. O'Reilly

That the agenda for the Wednesday, September 11, 2024 Planning Advisory Committee Meeting be adopted as circulated.

Carried

2. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

3. Public Meeting Reports

The Vice-Chair stated that, as required under the Planning Act, a Public Meeting is being held prior to the next Regular Council making decisions on the following planning matters. The Vice-Chair requested staff to advise on the manner of giving notice for each of the proposed applications. She also asked staff to briefly describe the proposal and summarize the correspondence, if any, received to date, and further advised how the public could participate in the Public Meeting portions of the agenda.

3.1 PLAN2024-052

Application to Amend the Village of Bobcaygeon Zoning By-law 16-78 at 75 Main Street, Bobcaygeon - 75Maindev Inc.

Raphael Romeral and Amanda-Brea Watson, MCIP, RPP, Dillon Consulting Limited Urban Planners on behalf the City of Kawartha Lakes

3.1.1 Public Meeting

Ms. Watson confirmed that the required notice was given in accordance with the Planning Act. She summarized the application, explaining that it proposes a multiple-unit townhouse development (16 units contained in two (2) buildings). An amendment to the Village of Bobcaygeon Zoning By-law 16-78 is required to change the 'Central Commercial (C1) Zone' in order to facilitate the proposal. Consistency with the Provincial Policy Statement, and conformity to the Growth Plan for the Greater Golden Horseshoe and the Victoria County and/or Kawartha Lakes Official Plans (including the Bobcaygeon Secondary Plan) will be determined upon further review of the application. Ms. Watson summarized the comments received to date, as detailed in the report, noting that subsequent to the writing of the report additional comments were received from R. Dainty and C. & J. Snider. Staff are recommending that the application be received for information. She responded to questions from members of the Committee.

The Chair inquired if the applicant wished to speak to the application.

Kevin Duguay of KMD Community Planning and Consulting spoke on behalf of the owners and summarized the application stating that it would be a private property rental development. He noted a traffic study had been submitted, and that it was the norm to have one parking space per unit where active transportation options were nearby. Mr. Duguay further noted that City Staff have indicated that a technical Official Plan amendment may be required of either the Victoria County Official Plan or Bobcaygeon Secondary Plan to address the matter of residential density per acre permitted on the land. He requested that this application be expediently returned to an upcoming Planning Advisory Committee meeting. Mr. Duguay and Ms. Barrie responded to questions from the members of the committee.

The Chair inquired if anyone wished to speak to the application.

Shazad Bilwani spoke as the owner of the property and stated that this is their first project in Kawartha Lakes and he emphasized trying to meet the needs of the community by offering a rental development with some rent-gear-to-income units. He requested that with respect to his investors that timelines for approval be kept on schedule. Mr. Bilwani responded to questions from the members of the committee.

Ron Sullivan spoke as an adjacent neighbouring property owner and requested that one of the survey bars at the rear of his property (that was previously moved) be returned by a surveyor prior to development.

No other persons spoke to the application.

The Chair permitted the applicant to respond to the issues raised by the member of the public. Mr. Duguay confirmed that a topographical survey was available, and that they would ensure the survey stake is reinstalled.

The Public Meeting concluded at 1:31p.m.

3.1.2 Business Arising from the Public Meeting

PAC2024-056

Moved By Councillor Warren

Seconded By Mayor Elmslie

That Report PLAN2024-052, Zoning By-law Amendment, 75 Main Street (Lot 5 East of Main Street, Plan 70, Village of Bobcaygeon), 75Maindev Inc. (Kevin M. Duguay, KMD Community Planning and Consulting Inc.), be received for information.

Carried

4. Deputations

5. Correspondence

6. Regular and Returned Reports

6.1 PLAN2024-053

Request for Tribute (Lindsay 1) Limited to enter into a Subdivision Agreement – Lindsay Heights Phase 1

John F. Connolly, Manager of Planning

Mr. Connolly provided an overview of his reports and confirmed that on June 20, 2023, Council granted draft plan approval to the Plan of Subdivision in accordance with the Planning Act. He summarized the report, explaining that the proposal that the Tribute (Lindsay 1) Lindsay Heights Phase 1 subdivision will contribute 270 residential units (corrected from 222 units listed in the report). The proposed development of the subject lands includes low and medium density development (singles, semis, townhouse and multiple attached units); general commercial uses; institutional uses (a school); and open space properties (parks, stormwater management facilities and natural corridors) serviced by a number of new and connecting municipal roads. He noted that there are three (3) elements of note for the Phase 1 Subdivision Agreement:

- The inclusion of Nexicom as one of the standard group of utilities;

- An agreement between Tribute and a third party (Craft Development) for the pre-dedication of a block of land to continue St. Joseph Road from that development into Tribute Phase 1;
- The recognition in the draft Subdivision Agreement of a negotiated cost sharing between Tribute and the Ministry of Transportation regarding improvements and access along Highway 35 to the subject lands.

Staff are recommending that the subdivision agreement be forwarded to Council for approval. Mr. Connolly, Ms. Sisson and Ms. Barrie responded to questions from the members of the Committee.

PAC2024-057

Moved By Mayor Elmslie

Seconded By Councillor Warren

That Report PLAN2024-053, **Request for Tribute (Lindsay 1) Limited to enter into a Subdivision Agreement – Lindsay Heights Phase 1**, be received for information.

That the Subdivision Agreement substantially in the form attached in Appendix C to Report PLAN2024-053, Request to Enter into a Subdivision Agreement, be endorsed by Council; and

That the Mayor and Clerk be authorized to execute the documents required by the approval of this request.

Carried

6.2 Planning Advisory Committee Reporting Update

Verbal Update

Leah Barrie, Director of Development Services

Member P. O'Reilly left the meeting at 1:53.p.m.

Ms. Barrie provided a verbal update to the Planning Advisory Committee (PAC) Reporting practices and stated that after much review, service improvements were being recommended to ensure efficient response for Planning Reports to PAC meetings and to provide early and more comprehensive engagement with the community. She noted that much like the Statutory Public Meeting report on today's agenda, future reports for Statutory Public Meetings will have reduced initial analysis to allow those reports to get to a PAC meeting earlier, and in timelines compliant with the updates to the Planning Act under Bill 97 and its precursor Bill 23. She further noted that there will still be opportunities for the

initial statutory public meeting reports to have an approval recommendation where those reports are likely straightforward and not contentious. Ms. Barrie responded to questions from the members of the committee.

PAC2024-058

Moved By Mayor Elmslie

Seconded By Councillor Warren

That the verbal update regarding the **Planning Advisory Committee Reporting Update** from Director of Development Services L. Barrie, be received.

Carried

7. Adjournment

PAC2024-059

Moved By M. Barkwell

Seconded By Mayor Elmslie

That the Planning Advisory Committee Meeting adjourn at 1:59p.m.

Carried



Council Report

Report Number: LGL2024-008
Meeting Date: September 24, 2024
Title: Proposed Amendments to Site Alteration By-law 2019-105
Description: Requesting instruction
Author and Title: Robyn Carlson, City Solicitor

Recommendations:

That Report LGL2024-008, Proposed Amendments to Site Alteration By-law 2019-105, be received; and

That a by-law be advanced to Council to enact the amendments to By-law 2019-105 as set out in Attachment A.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In 2019, Council passed a by-law to regulate the removal of topsoil, placement of fill, and the alteration of grades on properties within the City of Kawartha Lakes in situations wherein a property owner was not also seeking a building permit or pursuing a development application under the Planning Act (more specifically, a site plan application or an application to subdivide land), as those processes regulate the removal of topsoil, placement of fill, and the alteration of grades. In other words, Council recognized that the removal of topsoil, placement of fill, and the alteration of grades could exist outside of these contexts, and sought to regulate the removal of topsoil, placement of fill, and the alteration of grades in all possible scenarios.

The By-law does not apply to development applications such as site plan, subdivision and consent to sever; aggregates; contractor's yards; construction authorized by building permit; non-residential site alteration involving fill up to 200 m³¹; etc, as more specifically set out in Schedule A to the By-law, which is found at Attachment A to this Report.

The purpose of the By-law is set out in section 5 of the Recitals to the By-law, and is to ensure the following:

- a. Existing drainage patterns are maintained and erosion and sedimentation is prevented;
- b. Changes to drainage or grades are appropriate to protect natural heritage features and archaeological resources;
- c. Interference and damage to watercourses or water bodies are prevented;
- d. Groundwater and surface water quality is maintained;
- e. There is no discharge of a contaminant into the natural environment that causes or may cause an adverse effect to the environment, and that degradation of the pre-existing soil and ground water quality at the site and on abutting and adjacent properties is prevented; and
- f. Haul Routes for the transportation of fill will be designated to minimize damage to the City's roads and minimize disturbance to the City's residents and businesses.

¹For context, this would be approximately 15 to 20 dump trucks.

Changes to legislation and Council Policy since the inception of the by-law has necessitated updates to the By-law to ensure the By-law remains in conformity with its stated objectives. More specifically, since the enactment of the By-law, the Province of Ontario passed Ontario Regulation 406/19 to the *Environmental Protection Act*, R.S.O. 1990, c. E.19, known as the “Excess Soil Regulations”, and the City passed Council Policy CP2022-007 – First Nations Consultation Policy.

The purpose of this Report is to seek amendment to By-law 2019-105 to bring it into alignment with this law and policy.

As the By-law has been in effect for five years, Staff implementing the By-law recommend several potential improvements to it, which would allow for greater ease of enforcement while maintaining the intent of the By-law. The proposed amendments are set out below.

Rationale:

Excess Soil Guidellines

The Province of Ontario passed the Excess Soil Guidelines to better manage the movement of soil between properties throughout Ontario. Previous to the enactment of this regulation, the Environmental Protection Act prevented the discharge of contaminants into the environment. While this is still the case, it now also requires soil to be tracked when it leaves a site so that its former use is known when entering another site. This is helpful, to ensure that soil from a contaminated site does not end up at a sensitive site, where it would be considered a contaminant.

One of the purposes of the By-law is to ensure that there is no discharge of a contaminant into the natural environment and that degradation of the pre-existing soil and ground water quality at the site and on abutting and adjacent properties is prevented.² Complimentary wording is proposed to build on this purpose, in the way that the Excess Soil Guidelines have built on compliance with the purpose of preventing the discharge of contaminants into the environment: that “[e]xcess soil is appropriately reused, in accordance with [the Excess Soil Guidelines]”.

A new section 2.12 is proposed: “No Person or Owner shall remove Soil, or Place or Dump Fill in contravention of the rules pertaining to the reuse of excess soil set out in [the Excess Fill Guidelines].”

² recitals, paragraph 5(e).

This section is in addition to section 2.6, which set out the requirements of the Environmental Protection Act as it existed prior to the Excess Soil Guidelines, and which continue to be in force and effect.

This compliance scheme also requires an amendment to sections 4.5 (p) & (q), 5.5 and a new section xxiii to Schedule B. See track changed amendments at Attachment A.

Council Policy CP2022-007 – First Nations Consultation Policy

On page 7 of this policy, passed by Council in 2022, is the following commitment:

“Movement of Fill (Site Alteration) in Proximity to Water Bodies or in areas with Archaeological Potential (Indigenous Interest Identified).

If site alteration is proposed in an area which may contain archaeological resources or have archaeological potential (i.e. within 300 metres of a water body or another area with potential to have archaeological resources, or has a known archaeological site as identified by the City’s Heritage Officer), the City/ developer, as the case may be, is required to conduct an Archaeological Assessment. This requirement, in the case of terrestrial works, is per the City’s Fill By-law 2019-105. In the case of in-water works and shorelines adjacent to the Trent-Severn Waterway, this may be a requirement of obtaining a permit from Parks Canada.

The assessment must be completed by a qualified Archaeologist in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) standards. For more information, see ‘Criteria for Evaluating Archaeological Potential’ –Form 0478E, located on the MHTSCI website.

If the Archaeologist finds an artefact or remains of Indigenous origins, the Archaeologist shall contact all Potentially-Impacted First Nations to provide an opportunity for input, as they have identified they require consultation prior to submission of any archaeological report to the MHSTCI, and they also wish to be engaged at Stage 1-2 for participation in on-the-ground fieldwork and to offer any Indigenous Knowledge that may be pertinent for the Stage 1 report. Reference should be made to the Curve Lake First Nation Archaeological Protocol.”

The following new requirement is proposed to be added to the By-law, so that it complies with CP2022-007:

“Protection of Archaeological Resources:

2.18. No Person or Owner shall remove or disturb Soil in an area that may contain archaeological resources or have archaeological potential, as identified in accordance

with provincial criteria and/or the City’s archaeological potential modelling, without first having an archaeological assessment conducted by a qualified archaeologist in accordance with provincial standards, and submitted to the City to its satisfaction.”

This requirement in turn requires amendment to section 4.5 (new section “o”; see Attachment A).

Post-offence Compliance with the By-law

Persons who have imported fill, removed fill or altered the grade of their property in contravention of the By-law can come into compliance with the By-law by returning their property to its original condition. Alternatively, and if supported by the report of a Qualified Person issued after soil sampling has occurred, the property owner can come into compliance with the By-law by complying with the terms of an Order pursuant to section 7.2.

Accordingly, amendments to sections 6.6 - 6.8, 7.2(v) and (viii) of the By-law are proposed. See Attachment A. Section 7.2(vii) provides for enhanced fees, to deter people from deciding to proceed via this route.

Amendment to the Definitions

The definition of “fill” is needlessly complex and results in difficulty in enforcement of offences relating to “fill” under the By-law. Accordingly, this definition is proposed to be simplified (see section 1.1.21 at Attachment A).

Service of an Order

Service of an Order can now be made by email.

Time for Compliance with an Order

The maximum length of time for compliance of an Order – 60 days – has been removed in light of the constraints of the seasons on the ability to comply with an Order.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities

This report demonstrates progress towards achievement of the City’s strategic priority of A Vibrant and Growing Economy. Page 10 of the Strategic Plan indicates that a vibrant and growing economy in Kawartha Lakes will be achieved through the goal of

encouraging sustainable growth and development, which in turn requires the City's Secondary Plans to come into force and effect.

Financial/Operation Impacts:

Should the proposed amendments be approved by Council, compliance with the by-law itself will become more expensive and time consuming for those within areas of known or potential archaeological importance, and will require additional staff time to administer, accordingly. It is recommended that Staff return to Council with an impact report on the one-year anniversary of the amendments.

Attachments:

Attachment A – Proposed Amendments to By-law 2019-105, shown in track change format



LGL2024-008 -
Attachment A - By-la

Attachment B – Council Policy CP2022-007 – First Nations Consultation



LGL2024-008
Attachment B - CP20

Consultations:

Director of Engineering and Corporate Assets
Manager of Municipal Law Enforcement
Economic Development Officer – Heritage Planning
Economic Development Officer - Agriculture
Manager, Development Engineering
Supervisor, Development Engineering
Director of Development Services
Policy Supervisor
Manager of Planning

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

The Corporation of the City of Kawartha Lakes

By-law 2019-105

Site Alteration By-law

A By-law To Repeal and Replace By-law 2018-214, Being a By-law Regulating the Removal of Topsoil, Placement of Fill, and the Alteration of Grades

Recitals

1. Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended (the “Municipal Act, 2001”) authorizes a municipality to pass By-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;
2. Section 128 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to public nuisances;
3. Section 129 of the Municipal Act, 2001 authorizes local municipalities to prohibit and regulate with respect to noise, vibration and dust;
4. Section 142 of the Municipal Act, 2001 authorizes municipal councils to pass by-laws respecting Site Alteration, including by-laws regulating the removal of Topsoil, Placement of Fill, and the alteration of the Grade of the land in any defined areas in the municipality;and
5. Council considers it in the public interest to enact a by-law regulating the removal of Topsoil, Soil, Placement of Fill, and the alteration of the Grade of land within the City in order to ensure that:
 - a. Existing drainage patterns are maintained and Erosion and sedimentation is prevented;
 - b. Changes to drainage or Grades are appropriate to protect natural heritage features and archaeological resources;
 - c. Interference and damage to watercourses or water bodies are prevented;
 - d. Groundwater and surface water quality is maintained;
 - e. Excess soil is appropriately reused, in accordance with Ontario Regulation 406/19 under the *Environmental Protection Act*, R.S.O. 1990, c. E.19;

- e.f. There is no discharge of a contaminant into the natural environment that causes or may cause an Adverse Effect and that degradation of the pre-existing Soil and ground water quality at the Site and on abutting and adjacent properties is prevented;
- f.g. Haul Routes for the transportation of Fill, Soil and Topsoil authorized for Placement, Dumping or removal will be designated to and/or from a Site by the Director to minimize damage to the City's roads and minimize interference and/or disturbance to the City's residents and businesses;
- g.h. Disturbance to landform characteristics are kept to a minimum;
- h.i. The proponent of the Site Alteration project pays for its costs; and
- i.j. The precautionary principle, as defined by the Bergen Ministerial Declaration on Sustainable Development (1990), is respected and applied to the issue of Site Alteration within the Municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-105.

Section 1.0 Definitions and Interpretation

1.1 Definitions:

The following definitions shall be applicable to this By-law.

- 1.1.1 **“Adverse Effect”** means as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended.
- 1.1.2 **“Agricultural Drain”** means infrastructure constructed for the purpose of draining Agricultural Land under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended.
- 1.1.3 **“Agricultural Impact Assessment”** means a study that describes the agricultural area and uses, evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts, as defined by Provincial Plans.
- 1.1.4 **“Agricultural Lands”** means all lands that are zoned appropriately and used by an Agricultural Operation as defined by the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended.

- 1.1.5 **“Agricultural Operation”** means an agricultural, aquacultural, horticultural or silvicultural operation that is carried on in the expectation of gain or reward and interpreted by the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended, to include:
- (a) draining, irrigating or cultivating land;
 - (b) growing, producing or raising,
 - (i) livestock, including poultry and ratites,
 - (ii) fur-bearing animals,
 - (iii) bees,
 - (iv) cultured fish,
 - (v) deer and elk,
 - (vi) game animals and birds, or
 - (vii) any additional animals, birds or fish prescribed by the Minister;
 - (c) the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister;
 - (d) the production of eggs, cream and milk;
 - (e) the operation of agricultural machinery and equipment;
 - (f) the application of fertilizers, Soil conditioners and pesticides;
 - (g) ground and aerial spraying;
 - (h) the storage, handling or use of organic wastes for farm purposes;
 - (i) the processing by a farmer of the products produced primarily from the farmer’s agricultural operation;
 - (j) activities that are a necessary but ancillary part of an agricultural operation such as the movement of transport vehicles for the purposes of the agricultural operation; and
 - (k) any other agricultural activity prescribed by the Minister, conducted on, in or over agricultural land. 1998, c. 1, s. 1 (2).

- 1.1.6 “**Applicant**” means each Person who is in the process of obtaining a Permit.
- 1.1.7 “**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes.
- 1.1.8 “**Conservation Authority**” means the Kawartha Region Conservation Authority, Lake Simcoe Region Conservation Authority, Otonabee Region Conservation Authority, or the Ganaraska Region Conservation Authority, as designated by the Province as having jurisdiction within the boundaries of the City of Kawartha Lakes.
- 1.1.9 “**Contaminated Fill**” means:
- a. Fill which contains material or debris that does not naturally occur in the location of the lot or parcel of land;
 - b. any Soil that does not meet the Table 1 Standards of the “Solid, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” as published by the Ministry of the Environment, Conservation and Parks (MOECP) dated April 15, 2011, as amended, unless the Applicant has demonstrated to the satisfaction of the Director that the existing ambient Soil quality of the receiving site does not meet Table 1 Standards or that the Placing or Dumping of Soil meets Table 2 Standards would not have a detrimental effect on ground water; and
 - c. any Fill that contains putrescible material.
- 1.1.10 “**Contractor’s Yard**” means a lot, building or structure where equipment and materials of a contractor, landscaper or similar business are stored or where the contractor, landscaper or similar business performs activities permitted by the Zoning By-law.
- 1.1.11 “**Council**” or “**City Council**” means the Council of the City of Kawartha Lakes.
- 1.1.12 “**Site Alteration Agreement**” means a legal agreement between the City, an Applicant and an Owner, and including any other relevant party, which can be registered on the title of the Property.
- 1.1.13 “**Director**” means the City’s Director of Engineering and Corporate Assets, or a designate.
- 1.1.14 “**Dumping**” means the depositing of Fill in a location on properties within the City, or the movement and depositing of Fill from one

location to another location and “Dump” and “Dumped” in relation to Fill have the same meaning. “Place” shall have a similar meaning.

- 1.1.15 **“Ecological Function”** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, as defined by the Provincial Plans.
- 1.1.16 **“Environmental Impact Study”** or **“Natural Heritage Evaluation”** means a study which shall:
- a. demonstrate that the development or Site Alteration will have no Adverse Effects on the Key Natural Heritage Feature or on the related ecological functions;
 - b. identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the Key Natural Heritage Feature and its connectivity with other Key Natural Heritage Features and with Key Hydrologic Features;
 - c. demonstrate how connectivity within and between Key Natural Heritage Features and Key Hydrologic Features will be maintained and, where possible, improved or restored before, during and after construction;
 - d. determine whether a Minimum Vegetation Protection Zone is required, and if one is required, specify the dimensions of the required Minimum Vegetation Protection Zone, and provide for the maintenance and, where possible, improvement or restoration of natural self-sustaining vegetation within it; and
 - e. in the case of a Key Natural Heritage Feature that is fish habitat, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).
- 1.1.17 **“Erosion”** means the detachment and movement of Soil, sediment or rock fragments by water, wind, ice or gravity.
- 1.1.18 **“Erosion and Sediment Control Plan”** means a plan as defined in Section 5.7 of this By-law.
- 1.1.19 **“Farmer”** means the owner or operator of an Agricultural Operation.
- 1.1.20 **“Feature”** means a Key Natural Heritage Feature and/or Key Hydrologic Feature, as defined by Provincial Plans.

- 1.1.21 **“Fill”** means any type of imported or relocated material deposited or Placed on the Property and includes Soil, stone, concrete, slurry, sod or turf either singly or in combination, ~~scientifically demonstrated inert and able to pass a slump test as outlined in the General Waste Management provisions contained in Ontario Regulation R.R.O. 1990, Reg. 347: GENERAL WASTE MANAGEMENT as amended.~~
- 1.1.22 **“Fill Operation”** means an operation that involves Placing or Dumping of Fill and shall be comprised of each of the following, as may be applicable:
- a. **“Small Fill Operation”** means an operation that involves the Placing or Dumping of up to 1,000 cubic metres of Fill.
 - b. **“Large Fill Operation”** means an operation that involves the Placing or Dumping of more than 1,000 cubic metres of Fill.
- 1.1.23 **“Flood Plain”** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.
- 1.1.24 **“Flooding”** means the inundation of areas not normally covered by water.
- 1.1.25 **“Grade”**, means the elevation of the ground surface of land and shall be comprised of the following as may be applicable:
- a. **“Existing Grade”** means the elevation of an existing ground surface, upon which Dumping and/or Placing of Fill or other Site Alteration is proposed and of the adjacent ground surface up to three (3) metres wide surrounding such site;
 - b. **“Proposed Grade”** means the proposed elevation of the ground surface of land upon which any Fill is proposed to be Placed; and
 - c. **“Finished Grade”** means the approved elevation of ground surface of lands, upon which Fill has been placed or removed in accordance with this By-law.
- 1.1.26 **“Grading and Drainage Plan”** means a plan containing any or all of the matters and activities described in Section 5.7 of this By-law.
- 1.1.27 **“Hydrogeological Impact Study”** or **“Hydrogeological Study”** means a hydrogeologic and geotechnical review of the stratigraphy of the overburden (Soil) from ground surface to bedrock, depth to bedrock, depth to water table, aquifers, aquitards, and infiltration capacity,

- 1.1.28 **“Infrastructure”** means physical structures (facilities and corridors) that form the foundation for development, as defined by the Provincial Plans.
- 1.1.29 **“Inspector”** means any Officer and any of the following staff members of the City: Director of Engineering and Corporate Assets, Director of Development Services, Director of Public Works, or a designate, Roads Supervisors in the City’s Department of Public Works – Roads General Operations, and such Municipal Law Enforcement Officers as may be appointed by the City from time to time.
- 1.1.30 **“Key Hydrologic Feature”** means Permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs and wetlands as defined by the Provincial Plans.
- 1.1.31 **“Key Natural Heritage Feature”** means Habitat of endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars as defined by the Provincial Plans.
- 1.1.32 **“Lake Simcoe Protection Act”** means the Lake Simcoe Protection Act, 2008 or any successor thereto.
- 1.1.33 **“Lake Simcoe Protection Plan”** means a plan established under Lake Simcoe Protection Act, 2008 or any successor thereto.
- 1.1.34 **“Landform Features”** means distinctive physical attributes of land such as slope, shape, elevation and relief as defined by the Provincial Plans.
- 1.1.35 **“Lot”** means a lot or block within a registered plan of subdivision of land or any portion of a lot or block which may be conveyed separate and distinct under the provisions of the Planning Act, or any parcel of land that may be legally conveyed as one separate and distinct parcel by an Owner.
- 1.1.36 **“Minimum Vegetation Protection Zone”** means as defined by the Provincial Plans.
- 1.1.37 **“Manager of Municipal Law Enforcement and Licensing”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.1.38 **“Municipal Act”** means the Municipal Act, 2001 or any successor thereto.
- 1.1.39 **“Municipal Storm Drainage System”** means the City’s stormwater collection and treatment system.
- 1.1.40 **“Municipal Law Enforcement Officer”** means a person appointed by Council under Section 15 of the Police Services Act to enforce the by-laws of the City, and includes any Licencing Officer.
- 1.1.41 **“Normal Farm Practice”** is defined as meaning a practice that:
- a. is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
 - b. makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 1.1.42 **“Oak Ridges Moraine Conservation Act”** means the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.
- 1.1.43 **“Oak Ridges Moraine Conservation Plan”** means a Plan established under the Oak Ridges Moraine Conservation Act, 2001 or any successor thereto.
- 1.1.44 **“Official Plan”** means a land use policy document adopted by the council of the City by By-law, pursuant to Section 17 of the Planning Act, as amended.
- 1.1.45 **“Order”** means an order issued pursuant to the provisions of this By-law.
- 1.1.46 **“Owner”** means the registered owner of the Property in question as revealed in the Land Registry Office of the Ministry of Government and Consumer Services; any occupant of the Property in question with authority to act on behalf of the registered owner; any person authorized by the registered owner to act on his or her behalf, any mortgagee or receiver and manager or trustee in bankruptcy with possession and control of the Property may have a similar meaning to Person.
- 1.1.47 **“Permit”** means an approval issued pursuant to the provisions of this By-law.
- 1.1.48 **“Person”** means an individual, partnership, association, firm or corporation.

- 1.1.49 **“Place”** means the distribution of Fill on Property to establish a Finished Grade higher or lower than the Existing Grade and “Placing”, “Placement” and “Placed” in relation to Fill have the same meaning.
- 1.1.50 **“Ponding”** means the accumulation of surface water in an area not having drainage where the lack of drainage is caused by the Placing or Dumping of Fill or the alteration of the Grade.
- 1.1.51 **“Prime Agricultural Area”** means areas where prime agricultural lands predominate, and as defined by the Provincial Plans.
- 1.1.52 **“Prime Agricultural Land”** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, and as defined by the Provincial Plans.
- 1.1.53 **“Provincial Plans”** means the Provincial policy and four land use plans including the Provincial Policy Statement, 2014; A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019; Greenbelt Plan, 2017; Oak Ridges Moraine Conservation Plan, 2017; and Lake Simcoe Protection Plan, 2009; currently in effect within the City. Any changes made by the Province to the Provincial policy or four land use plans, creation of additional plans or policies, or rescinding of policies or plans shall not require an amendment to this By-law.
- 1.1.54 **“Qualified Person”** means a professional person who is accredited or certified with a degree in the study of relevant environmental sciences and as further defined in the Environmental Protection Act, as amended, Ontario Regulation 153/04, Records of Site Condition – Part XV.1 of the Act. The QUALIFIED PERSON may include an agrologist if Soil is to be used for an agricultural purpose.
- 1.1.55 **“Rehabilitation Plan”** means a plan approved under the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended to rehabilitate a pit or quarry.
- 1.1.56 **“Retaining Wall”** means a wall designed to contain and support Fill which has a Finished Grade higher than that of abutting lands.
- 1.1.57 **“Risk Management Official”** means the Risk Management Official appointed under Part IV of the Clean Water Act, 2006, S.O. 2006, c. 22.
- 1.1.58 **“Site Alteration”** means the Placement or Dumping of Fill on land, the removal of Soil from land or the alteration of the Grade of land by any means.

- 1.1.59 **“Site Alteration Plan”** means a plan containing any or all of the matters and activities described in Schedule “B” to this By-law.
- 1.1.60 **“Soil”** means material that is naturally occurring commonly known as clay, earth, gravel, loam, rock, sand, subsoil, or any combination thereof that is the result of the natural breakdown of rock or organic material; Topsoil may also have a similar meaning.
- 1.1.61 **“Source Water Protection Area”** or **“Source Protection Area”** means a drinking water source protection area established by subsection 4(1) or by the regulations under the Clean Water Act, 2006, S.O. 2006, c. 22.
- 1.1.62 **“Surface Water Intake Protection Zone”** means an area that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: General, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.
- 1.1.63 **“Swale”** means a shallow depression in the ground sloping to a place for the purpose of conveying surface drainage.
- 1.1.64 **“Table 1 Standards”** means the standards established in Table 1 of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.
- 1.1.65 **“Table 2 Standards”** means the standards established in Table 2 of the “Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act” published by the Ministry of Environment and Climate Change dated April 15, 2011, as amended from time to time.
- 1.1.66 **“Topsoil”** means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.
- 1.1.67 **“Wellhead Protection Area”** means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats as defined by Ontario Regulation 287/07: GENERAL, under the Clean Water Act, 2006, S.O. 2006, c. 22, ss. 2(1), 116(3), as amended.
- 1.1.68 **“Zoning By-law”** means a by-law passed by the City pursuant to Section 34 of the Planning Act, as amended, and includes all Zoning By-laws for the City’s former Towns, Villages, and Townships, as

amended or superseded from time to time and the City's Oak Ridges Moraine Zoning By-law 2005-133, as amended, whichever is applicable to any land to which this By-law applies.

1.2 Interpretation:

- (a) Schedule "A" - Exemptions - is attached to and forms part of this by-law.
- (b) Schedule "B" – Site Alteration Plan – is attached to and forms part of this by-law.
- (c) Except as otherwise provided, the provisions of this By-law apply to Soil removal, Placement of Fill, and Grade alteration throughout the City and may be referred to as the Site Alteration By-law.
- (d) The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.3 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.4 Severability: If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

Section 2.0 Regulations and Prohibitions

- 2.1. No Person or Owner shall remove Soil, cause or permit Fill to be Placed or removed, or perform any other form of Site Alteration in the City except in accordance with this By-law.
- 2.2. No Person or Owner shall, except in accordance with the provisions of a Site Alteration Permit issued by the City pursuant to this By-law;
 - i. remove Soil or cause or permit the removal of Soil;
 - ii. Place Fill or cause or permit Fill to be Placed; or
 - iii. alter the Grade of any land or cause or permit the Grade of any land in the City to be altered.
- 2.3. No Owner, Person or Person acting on the behalf of an Owner shall cause or permit the removal of Soil or the Placement or Dumping of Fill or alteration of the Grade of any land or Property within the City unless the

Owner has consented in writing to the removal of Soil, Placing or Dumping of Fill or to the alteration of the Grade.

- 2.4. No Person or Owner shall permit a Property being used for storage purposes to be altered by the Placement or Dumping of Fill unless such storage is permitted as part of a Contractor's Yard pursuant to the Zoning By-law, as amended.
- 2.5. No Person or Owner shall cause or permit the removal of Soil or the Placing or Dumping of Fill or altering the Grade of any land or Property within the City that contravenes any Federal, Provincial or Municipal By-law, notice, Order, regulation, Permit or agreement.

Protection of the Natural Environment:

- 2.6. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains materials that are from the demolition of any structure including construction refuse or debris, toxic or hazardous materials, glass, raw sewage, or Contaminated Fill unless permitted by an order, regulation or permit as issued in accordance to Municipal, Federal or Provincial regulation.
- 2.7. No Person or Owner shall cause or permit the Placing or Dumping of Fill that contains putrescible materials, termites and invasive species including eggs and seeds of such species, except as permitted by the Nutrient Management Act and O. Reg. 267.
- 2.8. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property by causing or permitting any other form of Site Alteration on land zoned as Hazard Land, Open Space or Environmental Protection zones, including exception zones thereof, as identified in the Zoning By-law, or within or adjacent to a watercourse, Flood Plain area or a wetland or other such regulated areas pursuant to O. Reg. 167/06, O. Reg. 168/06, O. Reg. 179/06, or O. Reg. 182/06 made pursuant to Section 28 of the Conservation Authorities Act, R.S.O. 1990, c. C.27 as amended, unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law, as required.
- 2.9. To protect Landform Features identified in landform conservation areas 1 and 2 as defined by the Oak Ridges Moraine Conservation Plan and through the implementing Oak Ridges Moraine Zoning By-law 2005-133, as amended, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity may impact any land within the Oak Ridges Moraine Conservation Plan Area unless, approval has been issued by the Conservation Authority that has jurisdiction over such land, and/or a Permit has been issued pursuant to this By-law.

- a. Small Fill Operations may be prohibited if it is determined there will be an impact to the Landform Features; and
 - b. Large Fill Operations will be prohibited.
- 2.10. To protect Key Natural Heritage Features and Key Hydrologic Features, no Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity is within a Key Natural Heritage Feature, Key Hydrologic Feature, or any associated Minimum Vegetation Protection Zone as defined by the Provincial Plans unless approval has been issued by the Conservation Authority that has jurisdiction over such land (and the activity is in accordance with the approval), or a Permit has been issued pursuant to this By-law (and the activity is in accordance with the Permit).
- a. Small Fill Operations will be prohibited within the Feature, and also may be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature; and
 - b. Large Fill Operations will be prohibited within the Feature, and may also be prohibited within the associated Minimum Vegetation Protection Zone if it is determined there will be an impact to the Feature.

2.11. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will likely result in Soil Erosion from wind or water, unless the required erosion and sediment control measures as per this By-law are in place in advance of the work and maintained, and exposed soils are vegetated within the prescribed time frame.

~~2.11.~~2.12. No Person or Owner shall remove Soil, or Place or Dump Fill in contravention of the rules pertaining to the reuse of excess soil set out in Ontario Regulation 406/19 under the *Environmental Protection Act, R.S.O. 1990, c. E.19.*

Protection of Agricultural Resources and Preservation of Drainage:

~~2.12.~~2.13. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the blockage of a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

~~2.13.~~2.14. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will cause or permit sediment or sediment laden water to be discharged, either directly or indirectly, into a Municipal Storm Drainage System, Agricultural Drain, natural drainage system, or watercourse.

~~2.14.~~2.15. No Person or Owner shall remove Soil, Place or Dump Fill or alter the Grade of a Property where the activity will result in the Flooding or Ponding of water on an abutting Property.

~~2.15.~~2.16. No Person or Owner shall fail to provide Erosion or sediment protection for wind and drainage run off related to the activity of removal of Soil, Placement or Dumping of Fill or alteration of grade, where such Erosion or sediment may enter onto an abutting Property.

~~2.16.~~2.17. A Farmer Placing between 500 cubic metres to 1000 cubic metres of Fill per calendar year on Agricultural Land as an incidental part of a Normal Farm Practice shall be exempt from Sections 2.2.ii, 2.3, 4.0 and 5.0 of this By-law provided that the Farmer submits to the City a completed Agricultural Soil Placement Declaration Statement confirming that it is by definition of this By-law Agricultural Land, an Agricultural Operation and an incidental part of a Normal Farm Practice and is in compliance with this By-law.

Protection of Archaeological Resources:

2.18. No Person or Owner shall remove or disturb Soil in an area that may contain archaeological resources or have archaeological potential, as identified in accordance with provincial criteria and/or the City's archaeological potential modelling, without first having an archaeological assessment conducted by a qualified archaeologist in accordance with provincial standards, and submitted to the City to its satisfaction.

Section 3.0 Exemptions

- 3.1 The regulations established by this By-law do not apply to the activities and matters described in **Schedule "A"**.
- 3.2 Notwithstanding Section 3.1, no person shall place Contaminated Fill on properties subject to the Exemptions outlined in Schedule "A".

Section 4.0 Issuance of a Site Alteration Permit

- 4.1 An Owner or Applicant shall have a preliminary discussion or meeting with the Director and any other Persons that the Director deems necessary, in order to review the proposal to determine if a Permit or Site Alteration Permit could be issued under the requirements of this By-law.
- 4.2 No Person shall remove Soil, Place or Dump Fill or alter the Grade unless the alteration of Grade is established by a Site Alteration Plan as approved by the Director.
- 4.3 Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or contrary to the terms

of a Permit shall forthwith restore the land to its original condition including the replacement of Topsoil and seed to the Existing Grade of the land.

- 4.4 The issuance of a Permit under this By-law does not relieve the Owner or the Applicant from the obligation to secure all other applicable approvals.
- 4.5 When applying for a permit an Applicant authorized by the Owner and/or Owner shall submit the following information:
- In this section Site Alteration shall have the meaning listed in 1.1.58 and include Fill, Soil, Topsoil as a described term in the Site Alteration Plan
- a. a completed application and any applicable fees in the form prescribed from time to time by the Director in accordance with the information required in this By-law;
 - b. proof of liability insurance showing the City as an additional named insured as may be required by the Director at his or her sole discretion and in a form satisfactory to the City;
 - c. the name, address and contact telephone number or the Owner(s) of the land upon which the Site Alteration is to occur and all authorized agents for the Owner;
 - d. the municipal address of the land on which the Site Alteration is to occur;
 - e. legal description of the land upon which the Site Alteration is to occur;
 - f. the Owner's authorization, Owner's proof to bind a corporation where applicable;
 - g. a Site Alteration Plan, except where exempt, based on a legal survey if required by the Director, accurately indicating:
 - i. the Property lines of the lands for the Site Alteration with dimensions,
 - ii. all materials and manmade features, including top and bottom of slopes, drainage patterns, tree lines, buildings and stockpiles on the lands and within thirty (30) metres on abutting lands and water bodies,
 - iii. all existing storm sewers, ditches, swales, creeks, watercourses and wetlands on the lands and on abutting lands and public highways,

- iv. all existing buildings, trees and driveways on the lands and all easements and right-of-ways over, under, across or through the lands,
- v. proposed Grade and drainage systems upon completion of the Site Alteration,
- vi. all proposed ground covering to be used upon completion of the Site Alteration operation, and
- vii. all Erosion, sediment and tree protection measures for Site Alteration operation;
- h. a copy of a Permit for related activities issued by a Conservation Authority where applicable within the City of Kawartha Lakes;
- i. a description of the Fill proposed to be Dumped or Placed including a detailed description of the source of the Fill with a letter from the party from whom the Fill is being acquired attesting that the Fill meets the requirements for clean Fill if applicable, the quantity of Fill (expressed in cubic metres), and the proposed location of the Fill on the lands. Contact information shall be included;
- j. the Permit fee, where Soil removal, Fill Placement, or Site Alteration activity associated with an application is subject to the provisions of this By-law, and shall be adjusted annually in accordance to the Consolidated Fees By-law:
 - Small Fill Operation \$600 (2019),
 - Large Fill Operation \$1,000 plus \$1.00 per cubic metre (2019);
- k. the Permit fee, where all Soil removal, Fill Placement, or Site Alteration activity associated with an application is regulated by a Conservation Authority but impacts the City's Infrastructure, shall be adjusted annually in accordance to the Consolidated Fees By-law:
 - Small Fill Operation \$600 (2019),
 - Large Fill Operation \$1,000 (2019);
- l. for a Large Fill Operation, a Site Alteration Plan shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property and the Plan shall include information for matters and activities described in **Schedule "B"**;
- m. when required by the Director, an Environmental Impact Study, Natural Heritage Evaluation, and/or Hydrogeological Impact Study, shall be

submitted in order to assess the impact of the Fill Placement or Grade alteration on the Key Natural Heritage Features and/or Key Hydrologic Features on or within 120 metres of the Property;

- n. when required by the Director, an Agricultural Impact Assessment shall be submitted if the Site Alteration is on or adjacent to Agricultural or Rural lands as identified in the City's Official Plan or in the Provincial Agricultural System as Prime Agricultural Area, where the placement is not part of an Agricultural Operation and a Normal Farm Practice;
- o. when required by the Director, an archaeological assessment shall be submitted if Site Alteration is within an area that may contain archaeological resources or have archaeological potential, as identified in accordance with provincial criteria and/or the City's archaeological potential modelling;
- p. a description of the proposed quantity and type of Fill, whether it qualifies as a Table 1 Standards of Fill or a Table 2 Standards of Fill, including a list of the Fill origin sources and geotechnical reports as to content and quality, prepared by a Qualified Person in that regard. The Applicant shall demonstrate in a report how the proposed Fill Placement and type of Fill being Placed meets the existing and/or intended land uses for the Property as indicated by the City's Official Plan, relevant Zoning By-law, and/or Rehabilitation Plan ~~approved by the Ministry of Natural Resources and Forestry;~~
- q. a certificate from the Owner, Applicant and each Qualified Person referenced in paragraph 5.3 and Schedule "B" certifying that the Fill contains no contaminants as defined in the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, and that the intended reuse site demonstrates compliance with O. Reg. 406/19;
- r. a plan showing the design details to proper scale of any Retaining Wall that may be required and the dimensions of any materials to be used in construction of such Retaining Wall. A Retaining Wall plan may require a building permit as regulated by the Building Code Act; and
- s. for a Large Fill Operation a security in a form and amount to be determined by the Director to include 100% for the operation and removal of all required on-site works and off-site improvements associated with the Permit and \$1.00 per cubic metre of Fill being placed on the site and held in accordance to the Consolidated Fees By-law. Securities for on-site and off-site works will be refunded once the City is satisfied that the works have been completed and/or constructed to the City's satisfaction and that the Fill meets the Ministry of the Environment, Conservation and Parks criteria. The City reserves

the right to have the Fill tested at the Applicant's and/or Owner's expense.

- 4.6 The City shall have the authority to designate all truck routes and trucking schedules, including any revisions, in order to minimize impacts to the public and municipal Infrastructure. The City shall require truck traffic to follow designated aggregate haul routes where possible. Public notification may also be required by the City.
- 4.7 An Owner or Person operating a Small Fill Operation or Large Fill Operation shall post information at the entrance to the excavation site containing the purpose of the operation, names, mailing addresses, and emergency telephone numbers of the company to which the Permit has been issued as well as sub-consultants, contractors, and trucking companies that are undertaking the work, to the satisfaction of the City. Emergency contact names and telephone numbers shall also be provided to the City as part of the permit application in Section 4.5 of this By-law.
- 4.8 Any person removing Soil, Placing or Dumping Fill, or altering Grades within the City shall implement and maintain an approved Construction Management Plan as per the City's requirements, including staging work to limit erosion, vegetating stockpiles and exposed soil, mud tracking and dust control program. As part of the Permit process, when required, such a plan shall be provided in writing to and be approved by the City and shall include the provision of mud mats and dust control measures at both the extraction and placement sites, and the continuous monitoring thereof. Where mud and dust, and construction site management are not controlled to the satisfaction of the City, the City may, without Order, have such mud or dust controlled by City employees or a third party contractor and such costs, plus a 30% management and administration charge in accordance to the Consolidated Fees By-law, shall be invoiced and collected as per Section 7.4 of this By-law.
- 4.9 In addition to Section 4.8, the Director may revoke the Permit until such invoices are paid in full at the sole discretion of the City.
- 4.10 The City may draw upon the security posted pursuant to Paragraph 4.5 sf. to recover the costs incurred by the City in performing any required work which the Owner or the Applicant has failed to perform.
- 4.11 The City will consider a Permit for the removal of Soil, Placement of Fill, or the alteration of Grades within an area identified by a Conservation Authority, source water protection plan, or by the City's Official Plan as a Source Water Protection Area, Surface Water Intake Protection Zone or Wellhead Protection Area subject to the appropriate studies being submitted for review and approval by the relevant Conservation Authority, the Risk Management Official, and/or the City as required.

- 4.12 The City will not issue a permit to an Applicant and/or Owner if the City is made aware in advance of processing the Permit application that the Applicant or Owner has outstanding Orders for violations issued by the Ministry of the Environment, Conservation and Parks or other government agency for Property located within the City.

Section 5.0 Permit Requirements

- 5.1. The Director may, prior to the issuance of a Permit, require the Owner or Applicant or both to enter into a Site Alteration Agreement which may be registered on title to the Lot containing such requirements of this By-law as the Director considers necessary to ensure that the alteration of land or the Placing or Dumping or removal of Fill is done in accordance with the prevailing design standards of the City and proper engineering principles, and that prior to the commencement of the Placing or Dumping of Fill, a program to control mud tracking onto public roads and dust control program containing measures considered to be appropriate by the Director to control mud tracking and dust both on the Lot or other land from which the Fill is proposed to be removed and on the land on which Fill is to be Placed or Dumped and the truck routes proposed to be used by the Applicant, if any, to move the Fill to the Lot on which it is proposed to be Dumped or Placed.
- 5.2. Requirements contained in a Site Alteration Agreement Development Agreement or will include the Owner or Applicant or both releasing and indemnifying the City, certifying that the Fill placed contains no contaminants as defined in the Environmental Protection Act, as amended, posting with the City the required security and where, in the opinion of the Director, extensive activities are proposed, certification by a geotechnical engineer or other similarly Qualified Person, both prior to the issuance of a Permit and upon completion of the work. All such certification shall state that the Owner or Applicant has complied with all of the obligations and conditions contained in the Permit.
- 5.3. The Director may at the Applicant's and/or Owner's expense, require the testing of any Fill by a Qualified Person retained by the City. Fill Removal and/or Placement of Fill operations may be suspended pending test results at the direction of the Director.
- 5.4. The City requires the Applicant and/or Owner to provide copies of prior certification that every load of Fill being placed on a Property complies with all Ministry of the Environment, Conservation and Parks Table 1 Standards or Table 2 Standards, whichever is applicable based on the zoning and/or intended use of the Property, [as more specifically set out in O. Reg. 406/19 and guidelines thereto.](#)
- 5.5. The Property Owner and/or the Applicant for which a Permit has been issued shall be solely responsible for the removal of Contaminated Fill and

the Property shall not be used for the remediation or cleaning of Contaminated Fill.

- 5.6. The Director may require the Applicant and/or Owner to install such site remediation measures, including Soil Erosion and sediment control, seeding, sodding and installation of berms and landscaping, as are necessary to minimize the visual impact of Fill or Grade alteration proposals and to provide for stabilization of the altered Grades.
- 5.7. An Erosion and Sediment Control Plan shall be completed as part of the Site Alteration Plan and Permit application submitted to the Director and shall include but may not be limited to the following requirements:
 - i. Project description, including the nature of the land disturbing activity;
 - ii. Condition of the existing site, including site use, topography, soil types and characteristics, vegetation, drainage system and receiving waters;
 - iii. Description of areas in the site that have potential for Erosion or sediment transportation;
 - iv. A delineation and description of measures to be taken to prevent Erosion and to retain sediment on the site, including but not limited to the designs and specifications for swales, dykes, drains, sediment control ponds, and a schedule for their continued maintenance over the project lifespan specified by the City; and
 - v. A delineation and description of the revegetative measures to be used including, but not limited to, mulches, type of seeds, the type and location of pre-existing and undisturbed vegetation types. The proposed revegetation shall consist of native, non-invasive plant species.

Section 6.0 Permit Expiry, Renewal, Transfer, and Revocation

- 6.1. A Permit shall expire 90 calendar days after the day on which it is issued pursuant to this By-law. Alternatively, an extended time frame may be approved by the Director upon request by the Owner and/or Applicant.
- 6.2. A Permit may be renewed at any time prior to its expiry for an additional 90 day period by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law. Any requested changes to the permit as a result of the renewal request shall be considered a new and separate permit.

- 6.3. A Permit shall not be renewed if the Applicant and/or Owner have violated the terms of a Permit previously issued by the City until the violation has been rectified.
- 6.4. A Permit shall not be transferred to a new Owner and/or Applicant unless the Director approves an amendment to the Permit by an Applicant and/or Owner making a written application to the Director accompanied by the applicable fee as described in the City's Consolidated Fees By-Law.
- 6.5. It is a condition of each Permit that the Permit shall be revoked by the Director or Municipal Law Enforcement Officer under the following circumstances:
 - i. if the Permit was obtained on mistaken, false or incorrect information;
 - ii. if the Permit was issued in error;
 - iii. if the Property Owner or Property Applicant fails to comply with an Order;
 - iv. if the Owner or Applicant requests in writing that the Permit be revoked;
 - v. if the terms of a Development Agreement under this By-law have not been complied with; or
 - vi. if an Owner and/or an Applicant fails to comply with the provisions of this By-law or with an Order requiring work to be done to correct any contravention of this By-law.
- 6.6. Unless otherwise permitted by the terms of an Order, Every Person who removes Soil contrary to this By-law or contrary to an issued Permit shall forthwith rehabilitate the land from which the Soil was removed including the replacement of the Topsoil and the restoration of the Existing Grade.
- 6.7. Unless otherwise permitted by the terms of an Order, Every person who removes and Places Fill or who causes or permits Fill to be removed or Placed contrary to this By-law or to a Permit shall forthwith remove such Fill and restore the Grade of the land that existed prior to the Placement of Fill on the Property.
- 6.8. Unless otherwise permitted by the terms of an Order, Every Person who alters the Grade of land or who causes or permits the alteration of the Grade of land contrary to this By-law or to a Permit shall forthwith restore the land to its original condition including the Existing Grade of the land.

Section 7.0 Orders

- 7.1. If the Director or Municipal Law Enforcement Officer becomes aware that a contravention of this By-Law is occurring or has occurred, the Director or Municipal Law Enforcement Officer may make an Order requiring any person who is removing Soil, placing Fill, or altering the Grade of land in contravention of this By-law to discontinue the activity or to do work to correct the contravention.
- 7.2. The contents of an Order issued under the By-Law shall include:
- i. The reasonable particulars of the contravention;
 - ii. The inspection date;
 - iii. The municipal address of the Property or legal description of the Property where the Order applies;
 - iv. The Owner information;
 - v. What must be done to rectify the contravention, which may include the provision of a remediation plan with associated soil testing, provided by a Qualified Person;
 - vi. A time period, which is not less than fourteen (14) days ~~and is not more than sixty (60) days~~, in which the Order must be complied with;
 - vii. A statement that, where an Owner fails to comply with an Order within the specified time frame, a Municipal Law Enforcement Officer may, in addition to any enforcement of this By-Law, cause the City's forces to complete the work required by the Order, without further Order to the Owner; and
 - viii. Payment of double the fee otherwise payable per paragraph 4.5(g)(j) or 4.5(g)(k), to the extent that those payments would have been made had the Owner complied with the By-law, as well as any associated fees or administration charges payable pursuant to section 4.8.
- 7.3. Orders under this By-law shall be deemed sufficient if delivered in person, by regular mail, email, by courier, or by registered mail to the address of the Property on which the contravention is occurring and to the last known address of the registered Owner of the Property on which the contravention is occurring, if different. Any such Order shall be conclusively deemed to have been given and received upon the same day if personally delivered or sent by email or facsimile, or, if mailed, delivery shall be deemed completed after three business days.

- 7.4. When a Person or Owner fails to comply with an Order issued by the Director or a Municipal Law Enforcement Officer, the City may in addition to all other remedies enter onto the Property at a reasonable time to complete the remedial work. The costs of this action, including a General Inspection fee as set out in the Consolidated Fees By-law, shall be added to the tax roll of the Property which is the subject matter of the Order and shall be collected in like manner as municipal taxes, or by drawing on the security provided.

Section 8.0 Enforcement and Penalties

- 8.1. **Enforcement:** This By-law may be enforced by every Municipal Law Enforcement Officer who has been designated by Council.
- 8.2. **Obstruction:** No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Inspector, City Employee or Agent exercising a power or performing a duty under this By-law or under the Municipal Act, 2001, as amended.
- 8.3. **Offence and Penalty:** Every person who contravenes this By-law or an Order made by an officer under the authority of the Municipal Act, 2001, is guilty of an offence and, upon conviction, is liable to a fine in accordance with the Municipal Act, 2001, and to any other applicable penalty. More specifically:
- a. Any individual person or owner who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$10,000, and on any subsequent conviction, to a fine of not more than \$50,000.
 - b. Any corporation who contravenes this By-law or an Order issued under this By-law is guilty of an offence and is liable, on a first conviction, to a fine of not more than \$50,000, and on any subsequent conviction, to a fine of not more than \$100,000.
- 8.4. Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act, 1990, c.P.33, as amended from time to time, and to any other applicable penalties.
- 8.5. **Multiple Offences:** The conviction of a Person for the contravention of any provision of this By-law shall not operate as a bar to the prosecution against the same Person for any subsequent or continued contravention of this By-law.
- 8.6. **Court Order:** If a Person is convicted of an offence for contravening this By-law or an Order made by an officer under the authority of the Municipal

Act, 2001, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other penalty, Order the Person, in such manner and within such period as the court considers appropriate to:

- i. rehabilitate the land; or
- ii. restore the Grade of the land to its original condition.

Section 9.0 Rights of Entry

- 9.1. The Director, Municipal Law Enforcement Officers, and the City's employees and agents may enter on the Owner's land at any reasonable time for the purpose of confirming compliance with the By-law or for doing works pursuant to Section 7.4 of the By-law.

Section 10.0 General Provisions

- 10.1 **Administration:** The Director of Engineering and Corporate Assets is responsible for the administration of this By-law.
- 10.2 **Designation of Officers:** All Municipal Law Enforcement Officers and Inspectors as defined in this By-law are designated as Officers for the purpose of the enforcement of this By-law.
- 10.3 **Effective Date:** This By-law comes into force on the date that it receives third reading and is passed.

Section 11.00: Repeals

11.01 **Repeal:** By-law 2018-214, a By-law Regulating The Removal of Topsoil, Placement of Fill, and the Alteration of Grades, is repealed.

By-law read a first, second and third time, and finally passed, this 16 day of July, 2019.

—

Andy Letham, Mayor

—

Cathie Ritchie, City Clerk



Set Fines By-law
2019-105.pdf

Schedule “A”

Permit Exemptions

The Permit exemptions noted below apply only to the provisions of this By-law, and do not prevent the owner and/or applicant from obtaining other required Federal, Provincial and/or municipal approvals, as required by law (including Conservation Authority Act approvals).

The provisions of this By-law do not apply to the removal or Placement of Fill or alteration of the Grade of land under the following situations:

1.0 General Exemptions

- 1.1 The use, operation, establishment, alteration, enlargement or extension of a waste management system or waste disposal site within the meaning of Part V of the Environmental Protection Act, R.S.O. 1990 as amended or a waste disposal or waste management system that is exempted by regulation from said Part V;
- 1.2 The construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P.50, as amended;
- 1.3 Emergency measures taken by the City or Conservation Authority or any other federal, provincial or governmental agency or body, to prevent Flooding, Erosion, slipping of Soil or damage of trees;
- 1.4 The activities of the City or the Conservation Authority related but not limited to the establishment or maintenance of utilities and services, roads, bridges, Flood and Erosion control facilities, walkways, bicycle paths, fences, retaining walls, steps and lighting;
- 1.5 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53 of the Planning Act, R.S.O. 1990 c. P.13 as amended, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 1.6 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, R.S.O. 1990 c. P.13 as amended or as a requirement of an agreement entered into under that regulation;
- 1.7 Aggregate (as defined in the Aggregate Resources Act, R.S.O. 1990, c. A.8, as amended) brought onto a pit or quarry operating under a licence or

- wayside permit issued under that statute as part of the operations of that pit or quarry;
- 1.8 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land described in a licence and/or site plan for a pit or quarry or a permit for a wayside pit or wayside quarry issued/approved under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended;
 - 1.9 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - i. that has not been designated under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended or a predecessor of that statute; and
 - ii. on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act, R.S.O. 1990 c. P.13 as amended;
 - 1.10 Any rehabilitation or filling activity in a pit or quarry licensed under the Aggregate Resources Act, R.S.O. 1990 c. A.8 as amended, and specifically addressed on the approved site plan when there is insufficient overburden retained to rehabilitate such pit or quarry in accordance with that statute;
 - 1.11 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken as an incidental part of the Agricultural Drain construction or Agricultural Drain cleanout under the Drainage Act, R.S.O. 1990, c. D.17, as amended, or the Tile Drainage Act, R.S.O. 1990, c. T.8, as amended;
 - 1.12 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the Electricity Act, 1998, S.O. 1998, c. 15, Schedule A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - 1.13 The activity is undertaken in accordance with an Order issued pursuant to the City's Property Standards By-law as amended from time to time;
 - 1.14 The activity is conducted within a Contractor's Yard which imports, processes, uses, and/or sells Soil materials and which complies with the applicable City's Zoning By-law as amended;
 - 1.15 The activities or matters undertaken by the City or a local board of the City, Province of Ontario, or Dominion of Canada involving the alteration of Grades or Placement of Fill on Property or public highways. These organizations shall ensure that Fill materials being removed meets all relevant Ministry of the Environment, Conservation and Parks Table 1 Standards and/or Table 2 Standards requirement. All contractors or

agents working on behalf of the City or a local board of the City, Province of Ontario, or Dominion of Canada will be required to obtain approvals for the Placement of these Fill materials on private Property, with the exception of the Placement of ditching materials;

- 1.16 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under Section 41, 51 or 53, respectively, of the Planning Act, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 1.17 The Placing or Dumping of Fill, removal of Topsoil or alteration of the Grade of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the Planning Act, or as a requirement of an agreement entered into under that regulation.

The provisions of this By-law do not apply to the Removal or Placement of Fill or alteration of the Grade of land under follow situations:

2.0 Building and Development Exemptions

- 2.1 Construction, where authorized by the Chief Building Official and a building permit including erection, installation, construction, demolition of a building, structure, swimming pool or on-site sewage system issued in accordance to the Building Code Act, 1992, S.O. 1992, c. 23, as amended, or in accordance to the Swimming Pool and Swimming Pool Fence By-law, where the building permit application provides sufficient information to determine that the Placing or Dumping of Fill conforms with provisions of this By-law and the amount of Fill to be Dumped or Placed pursuant to the building permit does not exceed 500 cubic metres;
 - a. A one-time Placing or Dumping of Fill within a 100 metre radius and associated with the construction of agricultural or farm buildings or structures shall be permitted, through the issuance of a Building Permit where applicable, so as to establish an appropriate Grade relative to the surrounding area of the buildings or structures and as deemed appropriate;
- 2.2 The Placing or Dumping of Fill in an excavation to the elevation of Existing Grade following the demolition or removal of a building or structure for which a building permit has been issued. This includes demolition or removal of an agricultural building or structure where a building permit is not required;
- 2.3 The Placing or Dumping of Fill on lands for the purpose of Flood or Erosion control to establish Finished Grade shown on a Grading and Drainage Plan

- approved by the Conservation Authority or City in conjunction with a subdivision approval;
- 2.4 The Placing or Dumping of Fill on lands for non-residential Site Alteration involving an amount of Fill of less than two hundred (200) cubic metres on a Lot within any one-year period, provided that there is no significant change in the direction or rate of drainage to the neighboring properties, and unless the site includes or is adjacent to a body of water. Such alteration shall not take place within sixty (60) centimetres of any Property line;
- 2.5 The Placing or Dumping of Soil or Topsoil on lands zoned or used for residential purposes within the meaning of the Zoning By-Law for the purpose of lawn dressing, landscaping, adding of flowerbeds or vegetable gardens, provided that:
- a. The elevation of the land is not changed within sixty (60) centimetres of the Property line;
 - b. There is no change in the location, direction, or elevation of any natural or artificial watercourse, open channel, swale, or ditch used to drain land;
 - c. The functionality of any drainage Infrastructure is not impeded;
 - d. The volume of Soil or Topsoil does not exceed one hundred (100) cubic metres in any consecutive 12 month period on a Lot which is 0.1 hectares or less; and
 - e. The volume of Soil or Topsoil does not exceed two hundred (200) cubic metres in any consecutive 12 month period on a Lot which is greater than 0.1 hectares in area.
- 2.6 The resurfacing or paving of existing driveways where there is no alteration to the existing driveway base and no significant change in the direction or rate of drainage to neighboring properties;
- 2.7 The Placing or Dumping of Fill for the construction and/or installation of a new driveway and associated works within the municipal right-of-way as per Public Works Access to Municipal Right-of-Way By-Law 2017-151 as amended from time to time and subject to the following provisions:
- a. The use is permitted by the Zoning By-law;
 - b. Driveways shall not be installed in advance of the zoning use being established;

- c. The width of the driveway shall not exceed seven (7) metres and the depth of fill does not exceed fifteen (15) centimetres above the existing Grade; and
 - d. An entrance permit has been issued by Public Works.
- 2.8 One time widenings of existing driveways are permitted to a maximum increase in impervious area of 50% of the original driveway area to a maximum width of seven (7) metres.

The provisions of this By-law do not apply to the Removal of Topsoil or Placement of Fill or alteration of the Grade of land under follow situations:

3.0. Agricultural Exemptions

- 3.1. The provisions of this By-law do not apply to the removal of Soil, as an incidental part of a Normal Farm Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended, on Agricultural Lands as part of an Agricultural Operation;
- 3.2. The provisions of this By-law do not apply to the Placing or Dumping of Fill and resulting Alteration of Grade on Agricultural Lands as part of an Agricultural Operation with an annual calendar year limit of 500 cubic metres as an incidental part of a Normal Farm Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, c. 1 as amended, save and except requirements for the protection of the natural environment found within Sections 2.6, 2.7, 2.12, 2.13, 2.14 and 2.15 unless permitted or required by the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended;
- 3.3. The provisions of this By-law do not apply to any form of Site Alteration or the alteration of Grade where soils are being moved within an Agricultural Operation wholly within Kawartha Lakes as an incidental part of a Normal Farm Practice as defined by the Farming and Food Production Protection Act, S.O. 1998, c. 1 as amended, on Agricultural Lands as part of an Agricultural Operation;
- 3.4. Storage of Topsoil for the restoration of Agricultural Lands used for Normal Farm Practices, as an incidental part of an agricultural or horticultural operation shall not exceed one thousand (1,000) cubic metres, and shall be Stored a minimum of 30 metres from any Property line and any Key Hydrologic Feature and/or Key Natural Heritage Feature.
- 3.5. The removal of Topsoil on Agricultural Lands as part of an Agricultural Operation incidental to a Normal Farm Practice including but not limited to removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products or other agricultural activities as per the Farming and Food Production Protection Act, S.O. 1998, C. 1, as amended;

- 3.6. The harvesting or excavation and removal of peat and/or organic soils in a commercial operation as approved by the Conservation Authority and/or the Ministry of Natural Resources and Forestry.

Schedule “B”

Site Alteration Plan

- 1.0 A Site Alteration Plan, shall be submitted in order to assess the impact of the Fill Placement or Grade alteration on the Property affected. For a Small or Large Fill Operation, the Plan must be prepared by a Professional Engineer or an Ontario Land Surveyor. The Plan shall include any or all of the matters and activities described as follows:
- i. key map showing the location of each Lot, including the nearest roadways and major intersection, and north arrow;
 - ii. locations where municipal pavement, ditches, culverts, sidewalks, facilities or other Infrastructure or services are impacted. The City may invoke its right to post a No Heavy Trucks route in the event that a hauler is damaging Municipal infrastructure;
 - iii. the Lot’s boundaries and area (expressed in square metres and/or hectares) of each such Lot or parcel of land;
 - iv. the existing and proposed use of the land and the location and use of the buildings and other structures adjacent to each Lot. This information shall include the distance between the proposed work area and adjacent residential uses;
 - v. the location, dimensions and use of any building and other structures existing or proposed to be erected on each Lot;
 - vi. the location of all Key Natural Heritage Features, Key Hydrologic Features and/or any other environmentally sensitive features, including but not limited to: lakes, streams, rivers, wetlands, channels, ditches, other watercourses and other bodies of water including hydrologically sensitive features such as springs, seeps, etc. on and within a minimum of 120 metres beyond each Lot’s boundaries;
 - vii. the location of all Regulatory Flood Lines and Conservation Authority Regulation limits;
 - viii. the location and identification of the predominant existing Soil types on and abutting the Lot within 120 metres;
 - ix. the species, Grade at base and size (in diameter at breast height) of all trees greater than 250 millimetres in calliper, all shrubs, trees and hedges within three (3) metre(s) of the Property line and driveways on each Lot and all easements and rights-of-way over, under, across or through the Lot;

- x. the location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within a minimum of 30 metres beyond each Lot's boundaries;
- xi. the location and dimensions of utilities, structures, roads, highways and paving located within a minimum of 30 metres beyond each Lot's boundaries;
- xii. the existing topography on the Lot and extending a minimum of 30 metres beyond the Lot's boundaries;
- xiii. the Proposed Grades of each Lot;
- xiv. the location and dimensions of all proposed land disturbance activities, including construction of access roads;
- xv. the location and dimensions of all temporary Soil, Topsoil or Fill stockpiles on the Property;
- xvi. the total quantity of fill in cubic metres;
- xvii. the location, dimensions, design details and design calculations of all construction site Erosion control measures that may be necessary to minimize the impact of the proposal;
- xviii. a schedule of the anticipated starting and completion dates of each land disturbance or land development activity;
- xix. provisions for the maintenance of the construction site Erosion control and dust control measures during construction and after as required;
- xx. traffic management information including proposed daily truck traffic levels, a plan of proposed external haul routes and daily schedule for hours of hauling operations, traffic control plan and a plan showing signage as required by the City;
- xxi. the scale of drawing, ranging from 1:250 to 1:1000 as deemed appropriate, in metres;
- xxii. an indication on the drawing of directions of overland water flow and overland flow route; ~~and~~;
- xxiii. any information, being location of intended reuse site, soil testing results or otherwise, required by Ontario Regulation 406/19 – Excess Soil Management; and
- xxiv. any information, plans or studies required by Ontario Regulation 140/02, as amended – The Oak Ridges Moraine Conservation Plan.

The City shall require a \$3,000.00 deposit should the City require the services of a Qualified Person to peer review the studies submitted by the Applicant;

Council Policy No.:	CP2022-007
Council Policy Name:	First Nations Consultation
Date Approved by Council:	June 15, 2021
Date revision approved by Council:	June 21, 2022
Related SOP, Management Directive, Council Policy, Forms	Consolidated Notice By-law

Policy Statement and Rationale:

Consultation between the federal government and provincial government and First Nations is enshrined at section 35 of the Constitution. The City of Kawartha Lakes is a corporate creature of provincial statute, specifically the Municipal Act, 2001. Through various provincial statutes, such as the Planning Act and its related provincial plans and policy, and the Environmental Assessment Act, the provincial government has indicated how municipal consultation is to occur with First Nations, and when.

Case law, being decisions of the courts on consultation, has directed that:

1. It is to occur during the planning stage, not following the planning stage, of a process. Consultation occurs earlier in the planning process than does public consultation, and in line with consultation of affected provincial and federal government entities (MNRF, Conservation Authorities, etc.); and
2. Is to be meaningful engagement, with a willingness to change plans based on feedback.

Each First Nation is a separate, sovereign, one-tier government (unlike the Canadian government, which is broken into federal and provincial governmental entities, and municipal governments, being created by provincial statute). The First Nations signatories to Treaty 20 and the “Williams Treaties” each contracted with the British Government to enable the British (and later, the Canadian) government to obtain ownership of the ceded land in exchange for reserve land and – in the case of the numbered treaties, allowed the First Nations to share the land on the same basis that

each of the First Nations shared the land with each other. This was ownership in common.

Treaty 20 and the “Williams Treaties” apply to all of the land in the City of Kawartha Lakes.

The Williams Treaty First Nations commenced litigation against the Canadian federal government and the parties settled the litigation in 2018. The federal government paid the Williams Treaty First Nations financial compensation, as well as recognized the First Nations rights to hunt, fish and harvest from provincial and federal lands and waters within this area.

Scope:

This policy applies to consultation in the course of:

1. City-initiated capital projects that fall under the environmental assessment requirements of the Environmental Assessment Act and require public consultation;
 - a. Construction of a new road within 300 m of a water body or another area with potential to have archaeological resources, or has a known archaeological site as identified by the City’s Heritage Officer;
2. Rezoning and/or redesignating land, or subdividing land per the process set out in the Planning Act, Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement, both in the context of a site-specific privately-initiated rezoning/ redesignation and/or subdivision of land and in the context of a City-initiated rezoning and/or redesignation (both site-specific and comprehensive/ City-wide);
3. Construction of a petition drain pursuant to the Drainage Act.
4. Site alteration, or movement of fill, necessitating a fill permit within 300 m of a water body or another area with potential to have archaeological resources, or has a known archaeological site as identified by the City’s Heritage Officer, where an Indigenous artefact or the historical remains of an Indigenous person are discovered.
5. City-initiated capital projects being in-water or shoreline works along the Trent-Severn Waterway, necessitating a permit from Parks Canada.
6. Discovery of a potential Aboriginal burial ground or burial site (as defined within the Funeral, Burial and Cremation Services Act) or other archaeological sites containing First Nations artefacts;

7. Program-specific service plans developed by the City that include Provincial expectations of Metis or First Nation consultations;
8. Creation of City Policy relating to natural and cultural heritage resources;
9. Repatriation of First Nations artefacts and remains; and
10. Sharing of archival information pertaining to Indigenous persons.

Definitions:

“City” means the Corporation of the City of Kawartha Lakes.

“Drainage Act” means the Drainage Act, R.S.O. 1990, c. D.17, as further amended or replaced from time to time.

“Environmental Assessment Act” means the Environmental Assessment Act, R.S.O. c. E.18, as further amended or replaced from time to time.

“Funeral, Burial and Cremation Services Act” means the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, c.33, as amended or any successor thereof;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c.o.18, as amended or any successor thereof.

“Planning Act” means the Planning Act, R.S.O. 1990, Chap. 13, as amended or any successor thereof; **“Growth Plan for the Greater Golden Horseshoe”** or **“Growth Plan”** means that version of the Provincial planning document by that name, amended to 2020, as further amended or replaced from time to time.

“Potentially-Impacted First Nations” or **“First Nations”** means the Treaty First Nations within the Williams Treaty area, being the following First Nations:

- Alderville First Nation
- Beausoleil First Nation
- Curve Lake First Nation
- Georgina First Nation
- Hiawatha First Nation
- Rama First Nation
- Mississaugas of Scugog Island First Nation

It may also include First Nations outside of the Williams Treaty area who have an interest in certain matters, such as archaeology.

“Provincial Policy Statement” or **“PPS”** means that version of the Provincial planning document by that name, amended to 2020, as further amended or replaced from time to time.

“Treaty” means contract.

“Unbroken Shoreline Road Allowance” refers to shoreline road allowances that have not had portions of the shoreline road allowance sold into private ownership.

“Water Bodies” or “water body” means “navigable water” as defined under the Canadian Navigable Waters Act, R.S.C., 1985, c. N-22 , specifically: a body of water, including a canal or any other body of water created or altered as a result of the construction of any work, that is used or where there is a reasonable likelihood that it will be used by vessels, in full or in part, for any part of the year as a means of transport or travel for commercial or recreational purposes, or as a means of transport or travel for Indigenous peoples of Canada exercising rights recognized and affirmed by section 35 of the Constitution Act, 1982, and

- (a) there is public access, by land or by water;
- (b) there is no such public access but there are two or more riparian owners; or
- (c) Her Majesty in right of Canada or a province is the only riparian owner.

“Williams Treaties” means Treaty 20 and the Williams 1923 Treaties, signed between the Treaty First Nations within the Williams Treaty area and the British Government prior to Confederation.

Policy:

Capital Projects per the Environmental Assessment Process

City-initiated capital projects that fall within the purview of the Environmental Assessment Act require consultation at the project outset. This may include, for an example, the case where a private individual is issued a license to construct a road on a City road allowance. This example is by no means exhaustive, but illustrates an unexpected application of the Environmental Assessment Act.

Invitation to Consult

The City of Kawartha Lakes will consult with Potentially-Impacted First Nations, in accordance with its obligations set out at section 5.1 of the Environmental Assessment Act, by sending each First Nation a Notice of Commencement of the Environmental Assessment process, at commencement of projects where consultation is required per the Environmental Assessment Act, as may be amended from time to time. The Notice

will invite the recipient to provide written or verbal comments, questions or concerns to identified members of the project team and will invite the recipient to an Open House. The Notice will ask the recipient to identify any barriers to effective consultation. If identified, the City will attempt to address those barriers: for example, an Open House may be held on video conferencing in addition to live attendance to accommodate the attendance of First Nations who would otherwise have to travel a distance to attend.

Meaningful Consultation

When feedback is received, the City will make a meaningful and significant attempt at accommodating the concerns of the First Nations. It is expected that the City will meet with the First Nation to discuss how to resolve any issues. If an initial meeting does not resolve the conflict, then a series of meetings and correspondence constituting meaningful dialogue will occur.

Report to Council

In the final report for Council's consideration, it will be explained how the feedback shaped the ultimate recommendations, and whether or not the First Nation(s) is/are satisfied with the recommendation. If the First Nation(s) is/are unsatisfied, the report will explain why the First Nation(s)' interests could not be addressed to their satisfaction.

Construction in Proximity to Water Bodies or in areas with Archaeological Potential

If development is proposed (in the context of development under the Planning Act, the construction of an agricultural drain under the Drainage Act, or the movement of fill per the City's Fill By-law) in an area which may contain archaeological resources or have archaeological potential (i.e. within 300 metres of a water body or another area with potential to have archaeological resources, or has a known archaeological site as identified by the City's Heritage Officer), the City/ developer, as the case may be, is required to conduct an Archaeological Assessment. The assessment must be completed by a qualified Archaeologist in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) standards. For more information, see 'Criteria for Evaluating Archaeological Potential' –Form 0478E, located on the MHTSCI website.

The Archaeologist, if he/she determines that a find has uncovered an Aboriginal burial or an Indigenous artefact shall contact all Potentially-Impacted First Nations to provide an opportunity for input, as they have identified they require consultation prior to submission of any archaeological report to the MHSTCI, and they also wish to be engaged at Stage 1-2 for participation in on-the-ground fieldwork and to offer any Indigenous Knowledge that may be pertinent for the Stage 1 report. Reference should be made to the Curve Lake First Nation Archaeological Protocol.

Development of Land per the Planning Act

The City of Kawartha Lakes will circulate the Curve Lake First Nation on every preconsultation application and all Potentially-Impacted First Nations on every planning application, excluding minor variances to the zoning by-law and applications for the severance of land.

Meaningful Consultation

When feedback is received, the City will make a meaningful and significant attempt at accommodating the concerns of the First Nations. It is expected that the City will meet with the First Nation to discuss how to resolve any issues. If an initial meeting does not resolve the conflict, then a series of meetings and correspondence constituting meaningful dialogue will occur.

Report to Planning Advisory Committee

In the final report for Planning Advisory Committee's consideration, it will be explained how the feedback shaped the ultimate recommendations, and whether or not the First Nation(s) is/are satisfied with the recommendation. If the First Nation(s) is/are unsatisfied, the report will explain why the First Nation(s)' interests could not be addressed to their satisfaction.

Construction of an Agricultural Petition Drain pursuant to the Drainage Act

The Drainage Act requires the City's, via its Drainage Engineer, to consult with the Potentially-Impacted First Nations when embarking upon the petition drain process, and the City undertakes to do so consistent with the obligations as more fully set out in that Act.

Meaningful Consultation

When feedback is received, the City will make a meaningful and significant attempt at accommodating the concerns of the First Nations. It is expected that the City will meet with the First Nation to discuss how to resolve any issues. If an initial meeting does not resolve the conflict, then a series of meetings and correspondence constituting meaningful dialogue will occur.

Report to Council

In the report for Council's consideration, it will be explained how the feedback shaped the ultimate recommendations, and whether or not the First Nation(s) is/are satisfied

with the recommendation. If the First Nation(s) is/are unsatisfied, the report will explain why the First Nation(s)' interests could not be addressed to their satisfaction.

Movement of Fill (Site Alteration) in Proximity to Water Bodies or in areas with Archaeological Potential (Indigenous Interest Identified)

If site alteration is proposed in an area which may contain archaeological resources or have archaeological potential (i.e. within 300 metres of a water body or another area with potential to have archaeological resources, or has a known archaeological site as identified by the City's Heritage Officer), the City/ developer, as the case may be, is required to conduct an Archaeological Assessment. This requirement, in the case of terrestrial works, is per the City's Fill By-law 2019-105. In the case of in-water works and shorelines adjacent to the Trent-Severn Waterway, this may be a requirement of obtaining a permit from Parks Canada.

The assessment must be completed by a qualified Archaeologist in accordance with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) standards. For more information, see 'Criteria for Evaluating Archaeological Potential' –Form 0478E, located on the MHTSCI website.

If the Archaeologist finds an artefact or remains of Indigenous origins, the Archaeologist shall contact all Potentially-Impacted First Nations to provide an opportunity for input, as they have identified they require consultation prior to submission of any archaeological report to the MHSTCI, and they also wish to be engaged at Stage 1-2 for participation in on-the-ground fieldwork and to offer any Indigenous Knowledge that may be pertinent for the Stage 1 report. Reference should be made to the Curve Lake First Nation Archaeological Protocol.

Meaningful Consultation

When feedback is received, the City will make a meaningful and significant attempt at accommodating the concerns of the First Nations. It is expected that the City will meet with the First Nation to discuss how to resolve any issues. If an initial meeting does not resolve the conflict, then a series of meetings and correspondence constituting meaningful dialogue will occur.

Budget

City/ developer to budget for archaeological work as part of the project.

Creation and Amendment of Policy and Plans with the Potential to Impact First Nations

The City will consult with First Nations when developing corporate policies, studies and plans which have the potential to impact First Nations and First Nations interests. This include the development of policies and plans which address the following issues:

- Land use planning
- Natural resource management
- Protection and management of watersheds, shorelines, and ecosystems
- Cultural heritage resource management, including archaeology

Program-specific service plans developed by the City that include Provincial expectations of Metis or First Nation consultations will follow this policy in those consultations.

Invitation to Consult

The City of Kawartha Lakes will consult with Potentially-Impacted First Nations by sending each First Nation a notice outlining the purpose and scope of the policy, study, or plan that is being contemplated. The Notice will invite the recipient to provide written or verbal comments, questions or concerns to identified members of the project team and will invite the recipient to a meeting. The notice will alert the First Nations regarding any public meetings related to the proposed policy, study, or plan. The Notice will also ask the recipient to identify any barriers to effective consultation. If identified, the City will attempt to address those barriers: for example, meetings may be held on video conferencing in addition to live attendance to accommodate the attendance of First Nations who would otherwise have to travel a distance to attend.

Meaningful Consultation

When feedback is received, the City will make a meaningful and significant attempt at accommodating the concerns of the First Nations. It is expected that the City will meet with the First Nation to discuss how to resolve any issues. If an initial meeting does not resolve the conflict, then a series of meetings and correspondence constituting meaningful dialogue will occur.

If requested by the First Nations, the City will provide a draft copy of the policy, study, or plan to the First Nation for review and commenting prior to the presentation of the final document to Council.

Report to Council

In the final report for Council's consideration, it will be explained how the feedback shaped the ultimate recommendations, and whether or not the First Nation(s) is/are satisfied with the recommendation. If the First Nation(s) is/are unsatisfied, the report will explain why the First Nation(s)' interests could not be addressed to their satisfaction.

Discovery of Aboriginal Remains or Artefacts

The City will consult with First Nations when remains or artefacts are discovered as part of City projects, either as part of an archaeological assessment or unexpectedly. The First Nations will identify their interest and level of participation in the archaeological process and the required level of consultation depending on the find. When remains or artefacts are uncovered which are related to non-indigenous settlement, the City may notify First Nations for information. Any archaeological work will follow provincial legislation and guidelines related archaeological investigations and relevant City policies. The City will also adhere to the Curve Lake First Nation Archaeological Protocol and other documents from First Nations related to archaeological work.

Discovery of Burials

Burials discovered as part of an archaeological assessment or as unexpectedly as part of a City project will follow the requirements under the Funeral, Burial and Cremation Services Act and the Ontario Heritage Act. The City and its consultant archaeologist will consult with First Nations as part of the archaeological assessment to determine the cultural affiliation of the burial and the ultimate disposition of the site. When a burial is found unexpectedly, a work stoppage will occur in order to alert the coroner to determine forensic interest and undertake an archaeological assessment as per the MHTSCI guidelines and to consult with First Nations.

If the burial is determined to be an Aboriginal burial ground (as is defined through the Funeral, Burial and Cremation Services Act) through the archaeological investigation, the City will consult with the First Nation(s) to determine interest in the site, temporary housing of the remains, and reinternment. The City will enter into a site disposition agreement with the relevant First Nation(s).

Discovery of Artefacts

When First Nations artefacts are uncovered as part of an archaeological assessment or unexpectedly as part of a City project, the City will follow the requirements outlined in the Ontario Heritage Act. The City will contact relevant First Nation(s) to alert them of the find. If the site has the potential to contain First Nations artefacts, the City, through its consulting archaeologist, will contact First Nations to invite them to participate in the archaeological assessment. When an artefact is found unexpectedly, a work stoppage will occur in order to undertake an archaeological assessment as per the MHTSCI guidelines and to consult with First Nations.

The City will work with the relevant First Nation(s) to determine the preferred care, treatment, and final location of any artefacts.

Spirit and Intent of the Policy

It is recognized that this policy may not be comprehensive. Where a particular situation is not covered by this policy, the City will adhere to the spirit and intent of this policy.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
0.1	June 15, 2021	Initial Release	
0.2	June 21, 2022	Inclusive of consultation. Additional discussion with Curve Lake First Nation required	



Council Report

Report Number: LGL2024-009
Meeting Date: September 24, 2024
Title: Road Construction – Existing Lots of Record
Description: Providing information on the City’s decision matrix when considering the expansion of the City’s road network to service existing lots of record
Author and Title: Robyn Carlson, City Solicitor

Recommendations:

That Report LGL2024-009, Road Construction – Existing Lots of Record, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The municipality currently allows the construction of new roads on private property that will be transferred to the City once constructed to the engineering standards set out by the Engineering Department and located on that Department's webpage. This usually occurs as part of an application under the Planning Act: either it is the construction of a new road associated with a subdivision or a plan of condominium.

These applications all come into the Planning Division of Development Services and the Planning Department takes the lead in circulating the proposal for comments (to the Ministry, First Nations, Conservation Authority, internal Departments at the City, such as the Engineering Department, and to the public). **This report does not address these situations.**

The municipality in many cases requires existing lots of record to front on an open and municipally-maintained road pursuant to its zoning by-laws, in order to allow for a building permit to be issued for that lot. **Where a lot of record exists on a City-owned road allowance, and zoning requires frontage on an improved (for vehicular travel) road, assumed for maintenance by the City, in order to obtain a building permit, the municipality is often asked by the lot owner how it can proceed to obtain a building permit. The purpose of this Staff Report is to inform the public and Council as to how Staff will process these inquiries, and the rationale for same.**

The City is currently engaged in a growth management strategy, which will guide where development will occur for the time period 2021-2051. As part of that study and informing that study, the City reviews where development pressures from the private sector exist in the context of existing and planned services (water, sewer, and roads), in order to most efficiently expand its infrastructure to meet growth needs over this long-term planning horizon.

Council Policy CP2017-010 and Management Directive MD2022-007, which outline considerations in the efficient expansion of the transportation network informs, in part, the transportation master plan, which is a component of the growth management strategy.

Rationale:

The standard that the City's uses to justify the construction of new municipal roads on existing road allowances is set out in Management Directive MD2022-007. The developer/ homeowner will upfront the cost of construction, and be required to satisfy

the City that all archaeological, servicing, and environmental considerations can be addressed satisfactorily.

When road construction occurs through the Planning Act process, the proponent is exempt from the public notification and environmental and archaeological considerations of the Environmental Assessment Act process. This exemption is provided because the Planning Act process mirrors the same consideration and consultation process as set out in the Environmental Assessment Act process.

However, in the case at issue, there is no Planning Act process. Accordingly, construction of new roads must proceed through the Environmental Assessment Act process before the City can determine that the construction of the road as proposed is in the best interests of the City, taking into consideration archaeological, financial, social and environmental considerations.

Where the City's growth planning (that is, the transportation master plan) has identified that a road will be constructed within a particular timeline (referred to as "growth horizons" in the planning context), this will be scheduled as part of the City's capital works process and costs will be recovered pursuant to Development Charges By-laws. Where the road construction has not been identified and the road construction is to service an existing lot outside the Planning Act process (that is, there is no concurrent zoning by-law amendment or subdivision agreement, for example), the costs and process to construct a new road are set out in detail in Attachment A.

The costs and processes are the same as in instances that fall under the Planning Act purview, the only difference is that the City conducts an Environmental Assessment at the cost of the proponent prior to determination that the road will be built, in order to comply with the legislation and mirror the Planning Act consultation and consideration process.

Regardless of whether or not a road will be assumed by the municipality for maintenance purposes, once a road is constructed on a road allowance, the municipality is responsible to the motoring public to ensure that the road is well constructed. For this reason, the Management Directive requires that the Engineering and Corporate Assets Department be satisfied with the construction of the road.

New roads will not be constructed within the Oak Ridges Moraine, or in areas designated as being environmental protection (woodlot or wetland) in the City's Official Plan (Schedule B).

Currently, infill development in the urban settlement areas of Lindsay, Bobcaygeon, Omeme and Fenelon Falls is impacted by water and sewer servicing restrictions. The City is currently conducting servicing and growth studies. These restrictions will be lifted once Servicing needs for growth to 2051 will be identified in master servicing studies, the Development Charges By-law will be updated to collect the necessary fees to fund these costs, and the identified upgrades to water and sewer infrastructure will be constructed. In Lindsay, additional construction in 2025 should bring on some additional capacity at the water and wastewater treatment plants, as well as improvements to linear infrastructure.

New roads in rural areas may be constructed, provided the proponent is willing to pay all the costs associated with completing the public review process under the Environmental Assessment Act and provided that the review process concludes that the new road and resulting additional development is feasible from an environmental, private servicing, and cost perspective.

Council approval for the commencement of the Environmental Assessment process is required, as well as for adoption of the recommendations of the Environmental Assessment.

The new road may be constructed at the proponent's costs. The timing of construction will be determined by the Engineering and Corporate Assets Department, so as not to interfere with competing capital projects of priority. The road, once constructed, may be assumed by the municipality by by-law if assumption is in alignment with the Zoning By-law. If assumed by the municipality by by-law, the municipality is solely responsible for summer and winter maintenance post-assumption, as well as emergency and future capital works.

Alternatively, if the road is not required to be assumed by by-law post-construction, then the proponent will need to maintain it at its own expense in order to ensure continued access. The terms will be set out in a license agreement. Moreover, the proponent must obtain the consent of the City to conduct future capital works on the road, including emergency repairs. These future works are all at the cost of the proponent; not the City.

A full list of the decisions made by the City under this framework is set out at Attachments B - D. Of particular interest to Council will be the decision rationale pertaining to property North of 81 Harvest Road, owned by Faro Ltd., as Council has received a deputation from Mr. and Mrs. Arnold on this matter.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities

This report aligns with the City’s strategic priority of Good Government, through facilitating the growth of a Vibrant and Growing Economy in the City while doing so in a way that does not compromise a Healthy Environment or Good Government. The information provided in this report demonstrates the Guiding Principles of fiscal responsibility and service excellence and the corporate Value of teamwork, in that these development projects are interdepartmental.

Financial/Operation Impacts:

While development brings more tax dollars into the City, it also brings additional operational costs, where the zoning requires that the property be on a road assumed for maintenance purposes.

While the initial capital costs will be placed on the developer, the construction of the road as a capital project will still create an administrative operational pressure on the Engineering and Corporate Assets Department. The road construction will need to be prioritized in accordance with existing, scheduled competing capital priorities.

Operational pressures will be placed on Staff should the zoning for the property require road assumption. Specifically, Public Works will need to patrol the road for hazards, will need to repair the road as needed (i.e. potholes, brushing, grading/ patching), and will need to provide winter maintenance (snow plowing and sanding). Public Works will need to provide garbage pick up and Emergency Services (fire, paramedics) will need to be able to access the property. If assumed for maintenance purposes, the road will need to be placed into the City’s Roads Need Plan and managed as a City asset. Eventually, when the road deteriorates such that additional capital works are required, the City will be required to outlay these additional costs (capital replacement is a corporate reality).

Attachments:

Attachment A – Management Directive – Road Construction on Road Allowances to Service Existing Lots of Record MD2022-007



Attachment A

Attachment B – Decisions Made Pursuant to MD2022-007 – Approvals



Attachment B.docx

Attachment C – Decisions Made Pursuant to MD2022-007 – Denials for Reasons of Environmental Features or Insufficient Road Allowance Width



Attachment C.docx

Attachment D – Decisions Made Pursuant to MD2022-007 – Denials for Reasons of Insufficient Density (inefficient expansion of road network)



Attachment D.docx

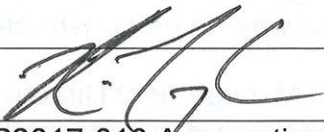
Consultations:

Director of Development Services
Director of Engineering and Corporate Assets
Manager of Planning
Manager, Development Engineering
Manager, Technical Services
Manager, Infrastructure Design
Director of Public Works

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Management Directive

Management Directive No.:	MD2022-007
Management Directive Name:	Construction of Rural and Urban Roads to Access Existing Lots of Record
Date Approved by CAO:	July 19, 2022
Date Revision Approved by CAO:	March 27, 2023 
Related SOP, Management Directive, Council Policy, Forms	<p>Council Policy CP2017-010 Assumption of Private and Unassumed Roads</p> <p>Comprehensive City Official Plan 2012</p> <p>First Nations Consultation Policy</p> <p>Construction of Rural and Urban Roads to Access Existing Lots of Record</p> <p>Standard Operating Procedure</p>

Management Directive Statement and Rationale:

This Management Directive establishes the Staff response to requests to construct a new road on an unimproved road allowance within both the urban and the rural areas within the City of Kawartha Lakes. The zoning by-laws for all areas in Kawartha Lakes – excluding the former Laxton Digby Longford Township – require that the only uses permitted on lands with no frontage or direct access onto a road assumed for maintenance purposes by the City or the Province shall be agricultural uses with no dwelling unit associated (provided the land is zoned for agricultural uses), or limited services residential uses.

The reason for this requirement is to prevent inefficient expansion of City infrastructure. Accordingly, road construction requests are made to facilitate development on existing lots of record with no such frontage, and will very rarely be permissible.

The request may be accompanied by a request that the City assume the road post-construction. Alternatively, the request would need to be accompanied by a request to amend the zoning by-law (if the zoning by-law prohibits the development). This will not be considered, as this would not be in conformity with the general spirit and intent of the zoning by-law, official plan, or overarching planning policy.

Although requests for road construction are posed as requests to construct “driveways” to access the applicant’s lot, this is a mischaracterization of the request. See the definition of “Driveway” below. “Driveways” should only be considered as private assets

Management Directive

and used for the sole purpose of accessing private property. They are often short in length and not designed to accommodate traffic by the general public at high speeds. When a “driveway” is proposed to be constructed within a City road allowance, the general public is entitled to travel on that “driveway”. The City is exposed to liability for negligent construction resulting in personal injury. The greater the length of the “driveway” to be constructed, the greater the exposure.

This Management Directive only applies with respect to requests for access to existing lots of record, not for road creation on land that is originally private property (and transferred to the City as part of lot creation) associated with lot creation. This could occur in conjunction with site plan application, or may not have any corresponding Planning Act process. For road creation on land that is originally private property (and transferred to the City as part of lot creation) associated with lot creation, such as draft plan of condominium or draft plan of subdivision, see the City’s Planning and Development section of the City webpage for guidelines and process. However, there may be a case where the City’s road allowance is to be opened up to access a subdivision, severance, or plan of condominium in an urban settlement area.¹ This management directive would apply to the City’s property only in that case; not to roads created on private property.

The goal of this Management Directive is:

- a) To ensure adherence to the relevant Official Plan policies, the Growth Plan for the Greater Golden Horseshoe, and the Planning Act;
- b) To ensure adherence to the Environmental Assessment Act;
- c) To avoid passing any new development costs to ratepayers of the municipality (“growth pays for growth”);
- d) To control the means by which the City of Kawartha Lakes may allow construction of new roads, to provide fairness and consistency; and
- e) To control the development of unimproved road allowances so as to ensure the efficient expansion of the City’s road network.²

¹ No lot creation is to occur outside urban settlement areas or hamlet areas, pursuant to the Planning Act.

² Efficiencies are based on overall capital replacement and routine operations and maintenance. There is a financial cost to the municipality for expansion of the road network. The number of users on the network is related to the operational cost.

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Scope:

The City shall only consider through this Management Directive the construction of new roads on existing City owned unimproved road allowances, in order to provide access to an existing lot of record. This Management Directive does not deal with:

- the construction of a road originally on private property (to be transferred to the City) to access lots to be created by subdivision (the assumption of new roads where assumption is governed by the Subdivision Agreement), or
- assumption of existing unassumed or private roads (where assumption is governed by Policy CP2017-010).

As an alternative to proceeding through this process, where several (five or more) neighbouring owners wish to have an existing unassumed or private road upgraded at the owners' expense and then assumed by the City for maintenance purposes, they may petition the City for a local improvement pursuant to the provisions and regulation under the Municipal Act, 2001 This road may then be assumed by the municipality, by by-law of Council.

Definitions

- a) **City** – shall mean the Corporation of the City of Kawartha Lakes.
- b) **Driveway** – shall mean an access constructed from private property to an Open Road Allowance, with reference to By-law 2017-151; construction of a road on a road allowance and parallel thereto, does not result in the creation of a Driveway. Driveways are private assets used for the sole purpose of accessing private property from a municipal road that runs along the property frontage.
- c) **Highway** – Every public road is a highway. As defined in the Highway Traffic Act, a Highway includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof. As per Section 26 of the Municipal Act, 2001, the following are Highways unless they have been closed:
 1. All highways that existed on December 31, 2002.
 2. All highways established by by-law of a municipality on or after January 1, 2003.

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3. All highways transferred to a municipality under the Public Transportation and Highway Improvement Act.
 4. All road allowances made by the Crown surveyors that are located in municipalities.
 5. All road allowances, highways, streets and lanes shown on a registered plan of subdivision.
- d) **Right of Way** – means municipal property designated as Highways, Roadways, Lanes, Pathways and Walkways and includes features therein such as curbs, shoulders, boulevards, and drainage ditches.
 - e) **Road Allowance** – is a strip of land reserved for the Government by a Crown Surveyor for the purposes of accessing lots within a concession or created via registered plan of subdivision.
 - f) **Open Road Allowance** – is an improved road allowance that has been modified from its natural state to accommodate vehicular traffic. An open road allowance will have municipal road infrastructure and may have municipal and/or utility company servicing installed. In the case of a road allowance created through a plan of subdivision, the road allowance is open when the plan of subdivision is registered. In the case of a road allowance set out by a Crown Surveyor, a road allowance is open unless permanently closed by by-law prohibiting public access and a certified copy of the by-law is registered in the proper land registry office.
 - g) **Closed Road Allowance** – means a road allowance that has been permanently closed by by-law to prohibit public access and a certified copy of the by-law is registered in the proper land registry office.
 - h) **Unimproved Road Allowance** – means a road allowance in a natural state (could be closed or open pursuant to By-law). An unimproved road allowance could have trails or pathways used for public access purposes, but has not been improved by the municipality for the purposes of vehicular (car, truck) movement.
 - i) **Improved Road Allowance** – means improved by the municipality for the purposes of vehicular (car, truck) movement.
 - j) **Private Road** – means roads in existence on property held in private ownership that has not been dedicated as public highway/ road allowance or assumed by the municipality for maintenance purposes, which provides access by means of a registered right-of-way to private property; the use and maintenance of which is the responsibility of the abutting land owners.

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- k) **Unassumed Road** - means a road that is within a municipal road allowance that has not been assumed by the City through by-law. The City does not provide year round maintenance on an unassumed road. An unassumed road will be assumed by the City, once the road has been confirmed to be in a condition satisfactory to the City for assumption by the City.
- l) **Assumed Road** - means roads and highways in municipal ownership (or shown on title as being in private ownership) and that have been assumed by the municipality for year-round maintenance by the municipality. Assumed roads must be on an open road allowance or forced over private property.
- m) **Proponents** - shall mean residents or ratepayers associations who are requesting to construct an improved road on an unopened or unimproved road allowance so that the road, once constructed, becomes an unassumed road unless assumed by municipal by-law.
- n) **Seasonal Roads** – shall mean roads that are owned by the City, but on which maintenance is performed on a seasonal basis. Seasonal maintenance could include winter plowing and/or road grading. These roads are unassumed.
- o) **Development Review Team** – shall mean the Director of Development Services, Manager of Planning, Director of Engineering and Corporate Assets and Director of Public Works, as well as technical staff as determined from those individuals.

The above definitions will be adopted for purposes of future policy and by-law creation. Existing policies and by-laws will be amended for consistency.

Policy:

Planning for Development or Use of Existing Lots of Record

The Planning Division will not only plan for “growth” or lot creation; the Planning Division will also plan for and approve the orderly development (i.e. building on) or use (i.e. use for farming, forestry or recreational purposes, where no dwelling / building permit³ is required) of existing lots that currently front on unimproved road allowances.

³ Dependent on the applicable zoning by-law.



Management Directive

Requests from the public to construct a road to provide access to an existing lot of record will be sent to the Planning Division by email circulation for response.⁴

Road Allowances in the Oak Ridges Moraine

New roads will not be constructed within the Oak Ridges Moraine Conservation Plan area, which area is defined by the Conservation Plan itself, as well as by the City's Oak Ridges Moraine Official Plan and Zoning By-law. This policy is consistent with all 3 planning documents.⁵

Road Allowances in Natural Heritage Area

New roads will not be constructed in areas designated as being natural heritage (woodlot or wetland) in the City's Official Plan (Schedule B).

Road Extension within Urban Areas with insufficient Servicing

Road extension within urban areas to lots with a "hold" zoning for servicing will not be approved, without the inclusion of adequate municipal servicing.⁶ Official Plan policy requires that, within settlement areas, municipal servicing be provided. Moreover, policy 2.2.1.2.b of the Growth Plan provides that growth will be limited in settlement areas that are not serviced by existing or planned municipal water and wastewater systems. The Environmental Assessment Act public notification and impact assessment process would be engaged and an amendment to the City's Environmental Compliance Approval from the Ministry would be required, where available.⁷ Moreover,

⁴ For matters where no Planning Act process is required, such as requests where site plan approval is not required and where zoning exists except for the existence of an improved and potentially assumed road, these will be circulated by email to Planning and then from Planning to DRT, if discussion with Public Works and/or Engineering is required.

⁵ New roads within settlement areas in the ORCP area can only occur if they are for municipal/ provincial / federal purposes, which is not the case of private development within the Moraine.

⁶ Unless the hold zone itself should be removed. See comment below.

⁷ Municipal sanitary only (not water) is available in Coboconk. Municipal sanitary and limited water is available in Omemee. Municipal water only (not sanitary) is available in Woodville and Bethany. Development in these areas is subject to Hold zoning that can be removed through the Comprehensive Rural Zoning By-law process or as a result of successful applications made by individual property owners to amend the zoning by-law to remove the Hold zoning: The Provincial Plan requires development in urban areas be on full municipal water and sanitary servicing. Fenelon Falls, Bobcaygeon and Lindsay have insufficient servicing for additional infill growth to 2031, without further capital upgrades to the municipal water and sewage systems. The Municipal Comprehensive Review, underway as of June 2022, will plan for growth to 2051 and will plan for upgrades that, once incorporated into the Development Charges By-law and built, will allow infill development on unimproved road allowances to occur on existing lots of record in these areas.

construction could be required to a higher standard, to meet engineering standards. This could be to a full urban standard.⁸

Orderly expansion of Servicing – Orderly expansion of Urban Settlement Areas

In conjunction with and as part of the Planning Division's Municipal Comprehensive Review (which results in a Comprehensive Official Plan for the City) the Engineering and Corporate Assets Department will review the development pressures identified by Planning and will provide input in the form of determining existing reserve capacity in the City's water and wastewater systems in each urban settlement area within the City.

The Growth Management Strategy, Municipal Servicing Master Plan and Transportation Master Plan will be developed in consultation with one another. Servicing will be based on growth and development design.

Expansion of the road network within urban settlement areas will follow the municipal comprehensive planning and capital budgeting process. No road expansion and servicing expansion will occur within the urban settlement boundary outside this process and as contemplated by the Development Charges By-law and constructed by the City.

Cost Recovery

Engineering staff will coordinate the Environmental Assessment and building of the road through the capital program. As the road extensions are arguably local services, these costs will not be incorporated into the Development Charges Background Study, which in turn form the basis for the Development Charges By-law, which must be updated every 5 years according to the Development Charges Act. Alternatively, these costs could be recovered through agreement wherein the proponent pays for the cost of the road. A further alternative is a capital charge under Part XII of the Municipal Act, 2001.

10-year Phasing in the Official Plan

When expansion of an urban settlement area or the opening up of a rural area through road construction is forecasted through the Official Plan as occurring sometime in the next 30 years⁹, these expansions will be phased in the Official Plan into 3, 10-year increments in order to meet the phasing intent of the Growth Plan and ensure that these

⁸ Areas within urban boundaries may have a rural road cross section rather than an urban road cross section for stormwater management purposes or drainage purposes.

⁹ Approximate planning horizon as set out in the Growth Plan. Current planning horizon in the 2020 Growth Plan goes to 2051.

projects are incorporated by Engineering and Corporate Assets into the Long Term Capital Plan (a 10-year plan).

Road Construction not in Accordance with the DC By-law

Where road construction on a City-owned road allowance is not set out in the City's Development Charge By-law, and thus the costs of such construction are not set out in the City's Capital Plan or Capital Budget, but where Planning Staff are of the opinion that construction of the road demonstrates orderly and efficient expansion of the City's road network, in consultation with the City Solicitor, and is in line with planning for growth as illustrated above (see related Standard Operating Procedure for guiding criteria and process), the following process shall be followed to determine this and to allow for a road be constructed in order to facilitate access to an existing lot of record: The Planning Division will advise the proponent:

1. of the zoning by-law requirements for road frontage;
2. that an Environmental Assessment is required to confirm the construction of the road;
3. that the road is to be constructed by the City, on the City's timeline and according to the City's priorities, and at the cost of the proponent; and
4. the standards as set out in Schedule A to this Management Directive.

If the proponent is willing to meet the standards and pay the associated costs (in the hundreds of thousands of dollars), then the proponent will be directed to work with the City Solicitor and the Engineering and Corporate Assets Department for the creation of a Road Construction Financing Agreement. The Agreement will be advanced to Council for execution once the proponent has executed the Agreement.

If an individual proponent is unable to pay the full costs of road construction, but where several properties would benefit from the construction of a road along their frontage, the proponent (et. al.) could petition the municipality to complete the road works at the cost of the municipality and bill back the benefitting properties through the local improvement process set out in O. Reg. 586/06 to the Municipal Act, 2001 (voluntary payment or placement on tax roll). A capital charge levied on benefitting properties pursuant to Part XII of the Municipal Act could alternatively be requested by the proponent. If such a cost recovery method receives support from Council, then the Engineering and Corporate Assets Department will plan and budget for the road project accordingly.

Unplanned Road Construction

The request for construction by private individuals of new roadways on City-owned road allowances will in the vast majority of instances not be permitted outside the development (lot creation) process. Such construction does not conform to the Growth

Plan for the Greater Golden Horseshoe, by allowing for unplanned growth and, in turn, inefficient development.

Moreover, this type of development is cost-prohibitive for most individual lot owners. The individual lot owner would be required to bear the cost of the Environmental Assessment process, in addition to meeting the City's design guidelines for new road construction. This is the case regardless of whether or not the City will assume a road for maintenance issues, as construction of a new road on a City-owned road allowance outside the Planning Act rezoning process engages the Environmental Assessment (EA) process. The City's Engineering and Corporate Assets Department needs to conduct the EA itself, which EA informs the capital process. This is an unplanned in-year pressure on the department's work plan. For that reason, the Engineering and Corporate Assets Department will add the project to its capital project work plan and will prioritize it appropriately, subject to Council approval. It is anticipated that it will take several years to complete each project.

Based on the City's experiences in approving all road construction requests to date, regardless of whether or not the road expansion is a logical expansion to the City's road network, City Staff have come to the conclusion that the City cannot provide a good user experience if it approves all road construction projects without discrimination. In line with the City's Strategic Priority¹⁰ of Good Government, the City should not be providing services it cannot do well in providing.

Road Assumption

In the case of proposed construction, the Planning Division does not consider applications to remove frontage requirements to be minor in nature.¹¹ Nor are these proposed amendments minor in impact.¹² Accordingly, these applications are not appropriately the subject of minor variances and are more appropriately made as zoning by-law amendments. Planning Division Staff have advised that they will not support

¹⁰ City of Kawartha Lakes Strategic Plan 2020-2023

¹¹ One of the 4 tests for a minor variance, as set out at s.45 of the Planning Act.

¹² Another of the 4 tests for a minor variance, as per s.45 of the Planning Act.

Management Directive

applications for rezoning to remove the requirement for frontage on an improved and assumed public road, in cases where new development is proposed.¹³

Accordingly, a better alternative to minor variance or zoning by-law amendment is the requirement that the applicant request that the City construct a road and Council assume same road if approved by Council. Council approval is required. Except in the case where not required by zoning, a road assumption by-law will be advanced to Council once the road is constructed to the City’s standards.

In rare circumstances, such as access to lands for resource extraction or to build renewable energy facilities, road assumption may not be required in order to allow for the proper use of the property in accordance with the zoning by-law. In these cases, Planning Staff will consider whether or not the road construction request (resulting in a road construction financing agreement being advanced to Council) requires an assumption by-law for zoning compliance and – if so – whether or not Planning supports a zoning by-law amendment to remove the frontage (on an assumed road) requirement.¹⁴

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	July 19, 2022	Initial Release	
1.1	March 27, 2023	New provision stating that new roads will not be constructed in areas	City Solicitor & Manager of Planning

¹³ On the contrary, where redevelopment is proposed – i.e. where development is existing – and an improved road exists, but where the road is unassumed for maintenance purposes (and may not meet the City’s engineering standards for assumption, as per Council Policy CP2017-010, or the City’s engineering standards for new construction), it is possible that the Planning Department may conclude that the lack of frontage on an assumed road constitutes a minor variance.

¹⁴ In accordance with Comprehensive Official Plan Policy 28.6.7, this would be achieved by zoning the property “limited service”.

Management Directive

		<p>designated as being natural heritage</p> <p>Distinguish between development and redevelopment (where a road is improved, but not assumed) for purposes of determination of whether or not a variance to the zoning by-law to remove the frontage requirement is minor.</p>	
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SCHEDULE A – ROAD CONSTRUCTION REQUIREMENTS

City of Kawartha Lakes Municipal Infrastructure Guidelines

For these guidelines, see the Planning and Development webpage on the City's website. The standards for road creation to access an existing lot of record are the same as that for a new lot of record.

The following are components for a detailed engineering design for the proposed road construction:

- Ontario Land Surveyor legal & topographic survey
- Civil detailed engineering design drawings (i.e. removals, erosion and sediment control, plan and profile, grading, drainage, utilities, municipal servicing, etc.) and cost estimate, contractor/construction actuals, engineering inspection, certification, as-built/record drawings
- Turn around including any land required
- Security – 100%
- Engineering administrative fee – 3.7%
- Geotechnical initial investigation plus ongoing testing
- Legal administrative fee of \$1,500
- Third party agency fees
- Tree removal compensation, tree preservation plan, to the satisfaction of the City's Arborist
- Environmental Assessment
- Archaeological Assessment, if road within 300 m of a water body or required by a First Nation or the Heritage Officer, to the satisfaction of the Heritage Officer

Brush and tree overhang: Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side) to be provided.

Drainage and culverts: Drainage must be sufficient to adequately manage typical rain events: culverts must be sized correctly and must be (and remain) structurally sound.¹⁵

¹⁵ A component of the overall engineering design requirements

Management Directive

All areas within the road allowance and outside the traveled portion of the road disturbed by construction shall be covered by 150mm of screened topsoil complete with seed.

All work and material shall conform to OPSD and OPSS standards and City guidelines as approved by Council.

All employers on site will comply with the Occupational Health and Safety Act and the Workplace Safety and Insurance Board (WSIB) Act and the proponent will provide the City with a WSIB Clearance certificate prior to commencing any work.

All work shall conform to the Plan and Profile design.

All work shall conform to the Site Grading, Sediment & Erosion Control Plan.

All work to be completed to the satisfaction of the Director of Engineering and Corporate Assets or their designate.

The proponent will provide the Director of Engineering and Corporate Assets with a record (as-built) plan and profile drawing at the completion of construction.

The proponent acknowledges and agrees that this remains a public right of way and is not entitled to gate the roadway.

Compensation for City Administrative Costs

The proponent will pay a one-time fee of \$1,500 plus 3.7% of the construction costs on City property to the City, as an administrative fee to pay for the staff time to administer the license. The proponent will pay a one-time fee of \$1,000 for the arborist to administer the permit to remove trees. Of the 125% security taken for the Environmental Assessment, 25% of that is the administrative fee for the Engineering Department to administer the Environmental Assessment process, and the balance is to cover the cost of the Environmental Assessment.

Compensation for Tree Removal

The proponent shall provide compensation to the City for the removal of vegetation (mature trees and hedgerows) undertaken during construction on the Road Allowance. These funds will be used for canopy creation, maintenance, and conservation within the City of Kawartha Lakes.

Compensation shall be calculated as being equivalent to the supply and installation of four (4) new trees for each mature tree (trees being 5 inches or greater in diameter, measured at 4.5 feet from the ground) removed in the Road Allowance as part of the construction. The calculation uses the following criteria for replacement trees:

Management Directive

deciduous trees shall be a minimum of six (6) feet in height and minimum 60mm in caliper and new coniferous trees shall be a minimum of eight (8) feet in height. The calculation uses the average cost of the supply and installation of trees meeting these criteria in 2017: \$425.00 per tree. Accordingly, the calculation for each tree removed is as follows: $\$425.00 \times 4 = \$1,700.00$.¹⁶

The proponent shall pay for a tree preservation plan, in order for the City to calculate the total amount of compensation owing. The City will not tender the project for construction until the tree compensation payment has been made.

Construction Liens

If any person shall register against the City's Lands a claim for lien under the *Construction Act (Ontario)* in respect of any work carried out by the proponent, the proponent shall, upon having been given notice thereof or otherwise becoming aware of same, forthwith remove and vacate such lien at its sole cost and expense within twenty (20) days. In the event that the proponent does not forthwith discharge any such lien and/or certificate registered as aforesaid within such twenty (20) day period, the City shall be entitled to do so at the sole cost and expense of the proponent.

Environmental Damages

The proponent shall be, at its own expense, responsible for any loss, costs, damages, charges or expenses whatsoever which may be sustained by the City as a result of any environmental contamination, spill or hazard as may be created by the proponent.

Environmental Assessment

The Engineering and Corporate Assets Department will schedule the completion of the necessary Class of environmental assessment under the Environmental Assessment Act for proposal in a following calendar year, which year will be determined in light of the Department's competing capital priorities. While the Engineering and Corporate Assets Department, through the use of an external contract, will administer the environmental assessment, the proponent will provide the Engineering Department with a deposit of 125% of the costs associated with the environmental assessment, and will be responsible for any overages. Full payment will be made prior to the Engineering Department tendering the work.

¹⁶ See Fees and Charges By-law and Tree By-law

Management Directive

The scope of the Environmental Assessment will consider the servicing impact on the environment of opening up lots for development, and will consider whether or not sufficient groundwater exists for private water servicing of each affected lot.

The City will consult with First Nations, Conservation Authorities, the Ministry of Northern Mines and Development, Natural Resources and Forestry and the Trent Severn Waterway (all as applicable) will occur as part of the environmental assessment process and at the expense of the proponent. Consultation with First Nations will occur in accordance with the City's First Nations Consultation Policy.

Any and all third party permits must be submitted to the City to its satisfaction prior to commencement of any work.

Archaeological Assessment

If consultation with First Nations or the City's Heritage Officer identifies a potential archaeological interest in the site, or where the site is within 300 m of a water body, the proponent will be required to hire an archaeologist and complete an archaeological assessment in accordance with provincial requirements and to the satisfaction of the City and the First Nations who have identified an interest. The proponent will be responsible for all consultation costs. The proponent will be responsible for any repatriation costs, if an archaeological find is discovered.

Indemnity

The proponent shall at all times indemnify and save harmless the City, its employees, agents and members of council from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, arising out of or occasioned by the construction, maintenance or use of the road except for the negligence or willful misconduct of the City.

The proponent further covenants to indemnify and save harmless the City with respect to any encumbrance on or damage to the property or the Corporation of the City of Kawartha Lakes occasioned by or arising from the act, omission, default, or negligence of the proponent, its officers, agents, servants, employees, contractors, customers and/or invitees.

Security

Proponent to provide Engineering with a cost estimate to confirm the amount of security to be provided to the City: 100% of total construction costs, in the form of cash or a



Management Directive

letter of credit. The security is to be paid to the City at the time of the execution of the agreement authorizing the road construction. The City will be entitled to pay this directly to subcontractors in the case of a Construction Act claim.

SCHEDULE B – RELEVANT COMPREHENSIVE OFFICIAL PLAN 2012 POLICIES

28.6.7. Where lots do not have direct access onto a maintained year round municipal road or provincial highway, the City will not permit development to take place. This provision will be incorporated into the zoning by-law. The exceptions to this provision, are when:

- the lot is zoned Limited Service;
- the lot is within a plan of subdivision where the road is to be assumed by the municipality as provided for in a subdivision agreement;
- the land owner has entered into an agreement or licence with the City for maintenance and/or construction of the road; or
- access will be over a road that is part of a condominium where the owner of the lot or unit is a member of the condominium.
- The area is within DP8 (Longford Area) except if application for consent, subdivision or condominium is made.

28.6.5. There are a number of local roads that are maintained seasonally. The City will not encourage new development on these roads unless the new development contributes to upgrades to the road to bring it up to a year round municipal standard.

28.6.6. There are a number of private roads throughout the City. The City will require these to be upgraded prior to being assumed by the City. The roads right of ways should have a minimum width of 20 metres. Alternatively, the road could be part of a condominium whereby the abutting property owners would be responsible for the capital cost to upgrade the road and maintaining it.

APPROVALS OF LOGICAL EXTENSIONS TO THE ASSUMED / UNASSUMED ROAD NETWORK

Name	Decision and Ranking	Notes re Decision Analysis
<p>Property North of 81 Harvest Road; Roll Number 165102601000410</p> <p>See Map C-1</p>	<p>Approved for construction only (not sale/ easement over City property) and assumption post-construction. Decision based on turnaround improvement to road network. Decision is consistent with past approval.</p>	<p>Faro Ltd. (the Arnolds)</p> <p>0 Harvest road is not in an urban settlement area, not in the Oak Ridges Moraine, and the road to be constructed is not zoned Environmental Protection. Therefore, there is not an automatic denial of consideration of road construction by the municipality.</p> <p>The connecting road to the South (Harvest Road) is assumed and fully maintained, so should only construct the road extension if it will be assumed (otherwise, the unassumed portion will constitute an unfunded pressure to maintain, and snow storage issues will arise).</p> <p>Portion of connecting road is forced, but since is assumed, not a concern re lack of connectivity.</p> <p>Turnaround required – rural offset, with 7 metre taking from 27 metres of southern frontage. Will result in a benefit to the road network. Logical extension of the road network.</p> <p>Paragraph 19.3(a) of the Township of Verulam Zoning By-Law states that, notwithstanding the permitted uses set out for the A1 zone (rural general), the only uses permitted on lands zoned A1 which do not have frontage or direct access onto a road assumed and maintained year round by the Township, County or Province shall be agricultural uses with no dwelling unit associated therewith.</p>

		<p>Building permit for a dwelling requires a 36 metre frontage. A reduced standard isn't achievable, as a turnaround is required. Therefore, a zoning by-law amendment is not the appropriate course of action. A further 73.52 metres of road to the South will connect to the existing road network. The road construction would require a development agreement and the project would be 100% funded by the applicant, meaning it could take years and hundreds of thousands of dollars to complete.</p> <p>The parties would enter into a development agreement wherein Faro Ltd fully funds the extension of the road, associated drainage with turnaround and resultant land and builds it as a private project.</p> <p>The density score for this build is $1/109.52 = 0.00913075$ (lower than standard)</p> <p>Verulam Zoning By-Law in force 1987. Consent to sever 1990, granted conditional on the road being constructed by the proponent at its cost. Constraint re septic servicing noted on title.</p> <p>No Environmental Assessment required because prior approval from City exist for expansion.</p> <p>Don't recommend selling a portion of the RA because insufficient frontage would result (20 m rather than 36 m). Moreover, would reduce access to Dunsford Nature Trail. Would need to also obtain a Zoning By-Law amendment. Irregular lot creation would result (poor planning). City would need to install the turnaround in this scenario at the public cost, whereas the condition to consent would result in the turnaround being at the developer's cost.</p>
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<p>MacIntyre Road near Paradise Road, Eldon - Roll Number 165116005053200</p>	<p>Construction Standard: Match existing roadway to the East (MacIntyre Road). City will not maintain.</p> <p>No need to extend to end or install turnaround as development of lots to the West will result in MacIntyre Rd joining up to Paradise Rd, which is a benefit for road connectivity.</p> <p>Meets density threshold.</p>	<p>This property has Limited Service Residential zoning. In the Eldon Zoning By-Law, the property can get a building permit, as there is no requirement to be on an improved and assumed road. This will not change when the Rural Zoning By-law comes into force and effect.</p> <p>Public Works will not issue an entrance permit, as the road itself is not assumed, however, they will give general direction (sight lines and culvert sizes).</p> <p>The property owner will need to make an application for a septic system, and a building permit application for the building.</p> <p>The property and the vacant property to the West are in an intake protection zone.</p> <p>The property owner will also need to obtain permission from the City to extend the road. McIntyre Road (unassumed, unmaintained 2 lane road) could establish connection with Paradise Road to the West. The lots are all established and for the most part built out in this area. This road extension is acting like infill and therefore will not require an Environmental Assessment. Estimated that 62 m of unassumed road will need to be constructed, plus turnaround. This will benefit at least 2 properties (may also benefit the property to the North, if it does not have legal access over private property). Using 1/62, this provides a score of 0.01612903 (meets density threshold).</p> <p>Would NOT need to bring the balance of MacIntyre Road up to municipal standard and have it assumed by the City. Limited Service Residential zoning.</p>
<p>(Thurstonia)</p>	<p>Allow property owner to proceed through planning process to reduce frontage</p>	<p>Off Thurstonia and Hazel. General Rural. Run road westerly along southerly boundary, to fix driveway</p>

165102601129301	on assumed road. Require greenfield development standards. No turnaround required. City will maintain.	<p>encroachment to the East and to achieve access to the frontage most directly. When built out, run it to the assumed road to the West. 1/196.78 metres = 0.00508182. Could impact another one or two properties to the West. Both properties have adjacent properties on maintained roads.</p> <p>0.00508182 -0.01524545*</p>
North of 32 Dunbar Dr.; 165102603012210	Approved for construction and assumption post-construction. Decision based on turnaround improvement to road network.	<p>Environmental feature crosses road allowance and impacts most of the building lot to the north. 53 metres of frontage outside the feature and 1.87 acres of the parcel outside the feature.</p> <p>Parcel was created previous to zoning requirements for frontage on an opened and lot. Dunbar Rd is a 2 lane gravel road that is assumed to the driveway entry for 32.</p> <p>There is no snowplow turnaround on the fully assumed and maintained road. Environmental assessment required to support extension of this roadway to this lot.</p> <p>Construction standard: 2 lane gravel with rural offset turnaround at end, necessitating a 7m taking from the southern frontage.</p>

* Lower number assumes only the applicant develops; Higher number assumes all vacant properties on the road develop.



Legend
 Upper Municipalities

Notes
Denial for failure to meet requisite density target.

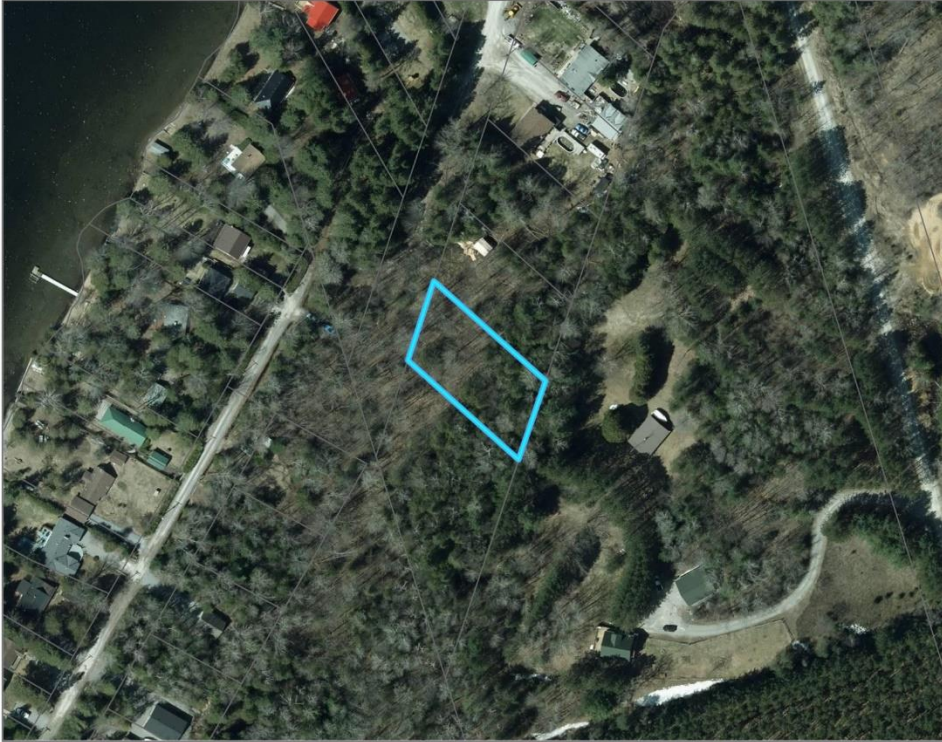
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SOP to MD2022-007: Road Construction - Existing Lots of Record



Legend
 Upper Municipalities

Notes
Decisions made under SOP, Schedule A to SOP.
Paradise Road - Roll Number 165116005053200

0.11 Kilometers
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**DENIALS OF REQUESTS TO EXTEND ROAD NETWORK DUE TO
LOCATION (ENVIRONMENTAL CONSIDERATIONS)
OR INSUFFICIENT ROAD ALLOWANCE WIDTH**

Name	Decision	Decision Rationale
<p>Old Cottage Lane See Map D-1</p>	<p>Denial for insufficient width</p>	<p>In the Oak Ridges Moraine Conservation Plan, in Settlement Area. Development not precluded.</p> <p>Road is only 7.8m wide. Would need a 20 m wide road allowance. Clearance to hydro is a concern for the 4 lots to the South.</p> <p>Properties in differing ownership; sale of road allowance and condo road development is not an option.</p>
<p>3 Janice Drive</p>	<p>Denial for insufficient width</p>	<p>Insufficient road allowance width. If developer buys the road allowance from the City and is able to provide a condo road to the City's satisfaction with drainage provided for, City will consider.</p>

SOP to MD2022-007: Road Construction - Existing Lots of Record



Legend
 Upper Municipalities

Notes
Decisions made under SOP, Schedule A to SOP.
Old Cottage Lane properties (5)

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DENIALS OF REQUESTS TO EXTEND ROAD NETWORK DUE TO INSUFFICIENT DENSITY (OTHERWISE, WOULD PROCEED BY WAY OF ENVIRONMENTAL ASSESSMENT AND CONSTRUCTION AGREEMENT; NO PLANING PROCESS)

Name	Decision	Decision Analysis
<p><i>Average Density: 0.0140000 (based on 7 properties for 500m of 2 lane km = 71.4285714 km/property or 1/ 71.4285714 = 0.014)¹</i></p>		
<p>112 Wrights Road, Carden See map E-1</p>	<p>No road construction due to no existing lot, low density of road network created, poor condition of existing assumed road.</p>	<p>Owner wants a severance (retirement lot). Rural General and Environmental Protection (EP) zoning. To the East is EP zoning. Kirkfield Rd to the West is assumed and fully maintained. Child's Rd is assumed and fully maintained. Wrights Rd is assumed and fully maintained between Kirkfield Rd and Child's Rd, being 1 lane with 4.5m platform width and no shoulders. Wrights Rd is unassumed West of Child's Rd, and the 1 lane narrows to 3m platform width and no shoulders.</p> <p>207 metres of assumption required. 45 metres frontage required for properties such as this, being within the RR1 zone. Existing road (Wright's Rd) is 1 lane with 3 m platform width. Will need to improve this section of road East of Child's Road to a 4.5 m platform width to match existing road to the West, with an offset rural turnaround at the end and associated property taking of 7 metres.</p> <p>Environmental Assessment required because zoning by-law amendment not required. Will be assumed once built.</p> <p>1 property benefitted / 207 metres of road constructed = 0.00483092 (does not meet City average of 0.014, and thus has a negative impact on overall road network density)</p>

¹ Obtained the figure of 7 homes per lane km (from the Roads 101 presentation) using 38,444 houses City wide in 2016 (on unassumed, assumed and private roads) / 5,400 lane kms with winter maintenance (figure consists largely of assumed roads only, but some roads maintained by limited service agreement are included).

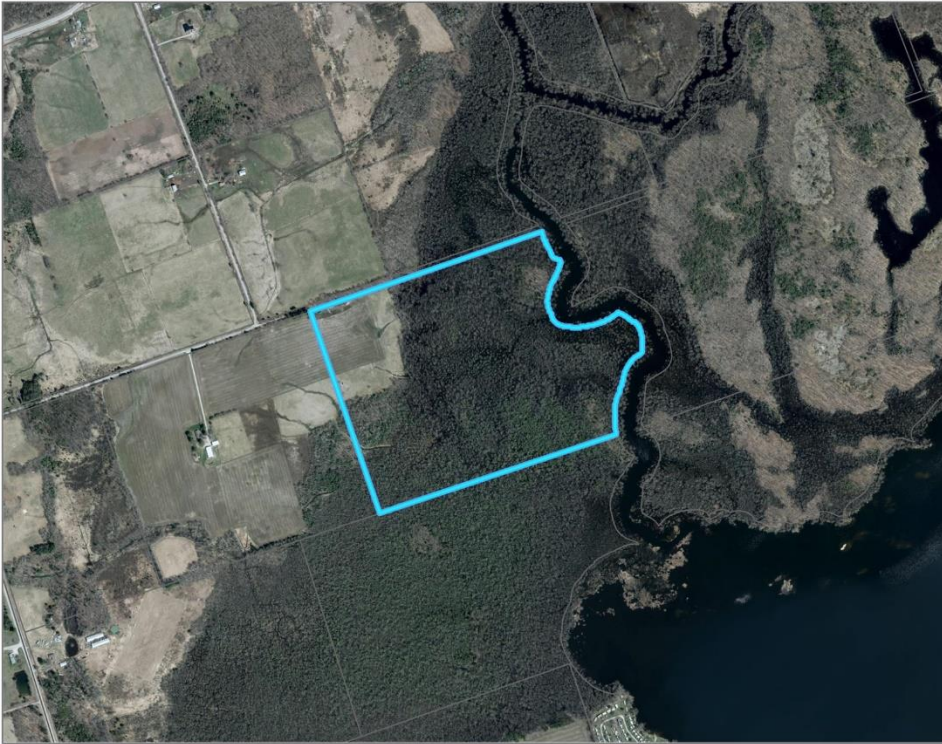
<p>South of 399 Black River Road;</p> <p>165103900225100</p> <p>See Map E-3</p>	<p>In the absence of a planning application, no approval to build a road due to no connectivity or improvement to existing road network. Opening the right of way for agriculture use or single family home not cost-effective.</p>	<p>Parcel of land south of the river. Request is for road construction to the property zoned Rural General in Dalton Zoning By-law 10-77. A road construction request to access this property would require an Environmental Assessment and agreement for improvement, with reduced frontage (15 metres). Assumption would not be required if solely for agricultural use, but if residential use, would require assumption (note: once Rural Zoning By-law in force, assumption required for agricultural use).</p> <p>Construction standard: Should be to greenfield engineering standard (see website) with turnaround at the end, as potential for residential use.</p> <p>The property is 176 acres in area (sufficient area to develop) and an intervening benefiting property is 88 acres (the minimum lot size is 89 acres, so this intervening property may require a minor variance in order to develop unless it develops for agricultural use, per sections 8.2(i) and 14.4).</p> <p>The nearest road is Chisholm Trail, which is assumed and fully maintained.</p> <p>The required frontage is 225 metres. However, the Dalton Zoning By-law does not require the road to be improved and assumed in order to get a building permit, for existing lots.</p> <p>Nevertheless, approval for road construction is still required from a practical standpoint (the owner will still need to go through the Environmental Assessment process, pay for tree removal in order to physically get access). Perhaps the end use, if agricultural, does not require assumption but improvement is required.</p> <p>From the centreline at Chisholm Trail, it is 821.31 metres to the West boundary</p>
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		<p>line of the property in question. Adding a further 15 metres to this is 836.31 metres.</p> <p>The ranking for this is $1/836.31$ (it can be improved to $2/836.31$ if the intervening parcel expresses interest in developing and paying into the improvement) = 0.00119573</p> <p>0.00119573 -0.00239146* (net negative impact on road network)</p>
165131001007900	Deny for lack of connectivity, lack of improvement to existing road network, low density.	<p>Proponent wishes to build single family home in rural location. Permission granted by Land Management Team in 2019 and proponent did not proceed.</p> <p>Properties (2 separately conveyable) zoned Agricultural in Somerville Zoning By-Law. Requires 15 m frontage on an improved road only (not assumed).</p> <p>Necessary to improve 2,753.42 metres of roadway for 2 properties benefited. $2/2,753.42 = 0.00072637$ (net negative impact on road network density). Environmental Assessment required.</p>
PIN 63115-0088	No connectivity, improvement to existing road network and density of resultant road network too low.	<p>Proponent wishes to build single family home in rural location. Permission granted from Land Management Team in 2019 and proponent did not proceed.</p> <p>Can't access from the East because Environmental Protection lands to the East. Can't take Doyle Rd North from Mountain Rd, as that also crosses an environmentally protected area. Only option is to head West from Victoria Road (assumed) 2,787.50 metres plus 12 metres required frontage per the Bexley Zoning By-law (section 3.11.1). 3 additional properties would be opened for development. Environmental Assessment required. $1/2,799.5 = 0.00035721$</p>

		0.00035721 - 0.00142883* (net negative impact on density of road network)
<p>Mount Horeb;</p> <p>Roll number 165100804026900</p> <p>See Map E-5</p>	<p>Denied. Density too low.</p>	<p>Vacant Land - prospective buyer questions what they can build</p> <p>Mostly Environmental Protection and Rural General zoning. Unimproved Mount Horeb road allowance frontage.</p> <p>In Manvers</p> <p>10 Acres</p> <p>Chipmunk Rd to the East and property is East of Highway 35</p> <p>McGill Drive to the West turns into Mount Horeb</p> <p>Mount Horeb is only improved Westward 400 m from Highway 35 to Chipmunk, which is to the East of this property, maybe giving necessary frontage to the property to the East, and the property to the North of that.</p> <p>Mount Horeb Road is assumed by service, open, and fully maintained for 400 m West of Hwy 35. Gravel, 2 lanes.</p> <p>A further 312 metres to the property boundary needs to be improved. Environmental Assessment required.</p> <p>15 m frontage required per zoning by-law (74 metres of frontage is outside of the environmental feature).</p> <p>Owner would need to build and have assumed 367m in total. Construction standard would include turnaround (as would want to protect environmental feature to the West) and 2 lane gravel road to match existing standard to the East.</p> <p>4,376.7 square metres = 1.08 acres of the property is outside of the environmental feature. Development</p>

		<p>here would be residential (too small for agricultural) and would put a lot of pressure on the EP portion of the property.</p> <p>One other potentially impacted property to the North</p> <p>$1/367 = 0.0027248$</p> <p>$0.0027248 - 0.00544959^*$ (negative impact on road network density)</p> <p>*If second benefitted property taken into account</p> <p>Construction Standard Required: Would need to build a 2 lane gravel with turnaround.</p>
Southview Estates	City will not take ownership of the private driveway and assume for maintenance purposes.	<p>No new lots opened for development by the construction of an additional access road.</p> <p>Public Works and Engineering: Existing road network is sufficient.</p> <p>$0/x \text{ metres} = 0$ (negative impact on density of road network)</p>

* Lower number assumes only the applicant develops; Higher number assumes all vacant properties on the road develop.



- Legend**
- Upper Municipalities
 - Populated Places
 - Populated Places
 - Populated Places

Notes
Denial for failure to meet requisite density target.

0.92 Kilometers
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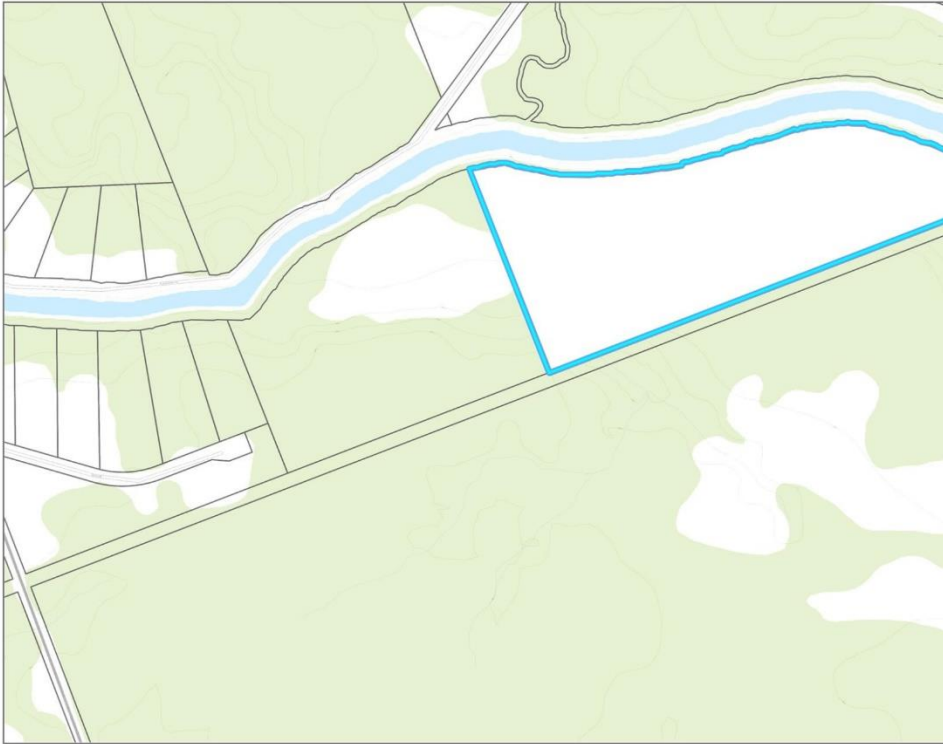


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Schedule B to SOP to MD2022007 - South of 399 Black River Rd - Roll Number 165103900225100



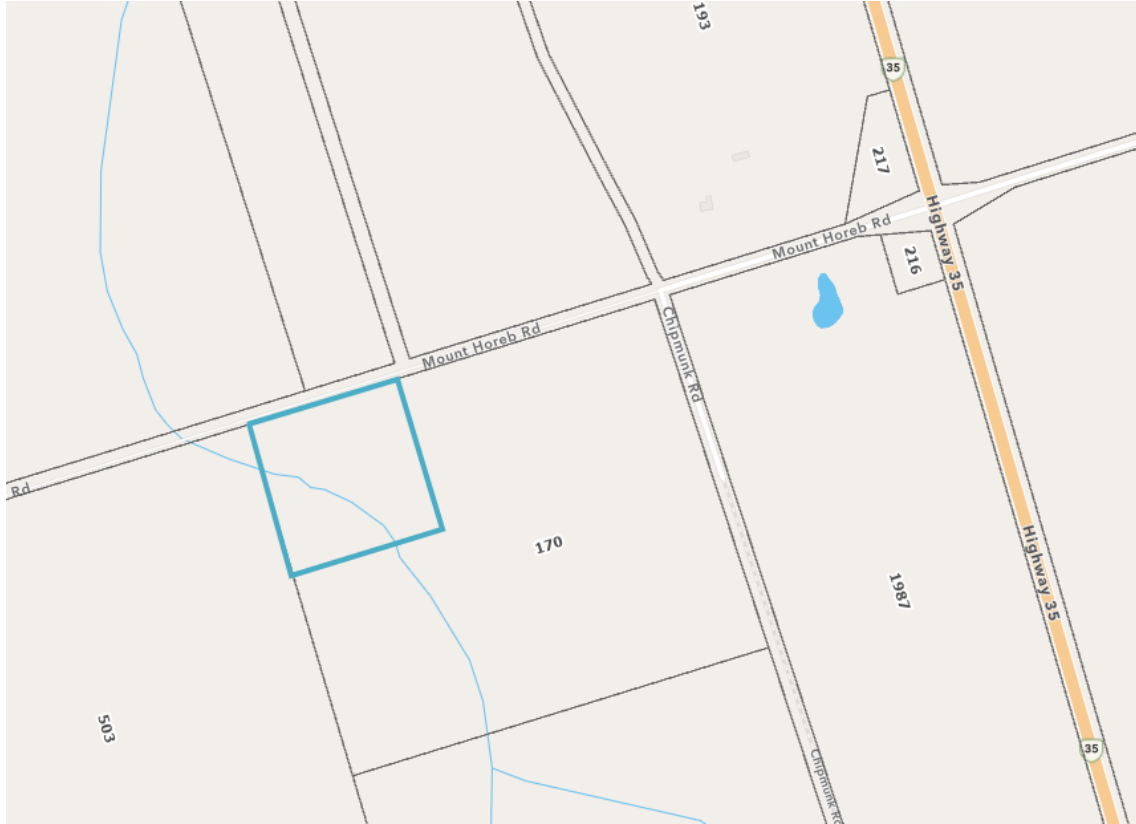
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Council Report

Report Number: LGL2023-012
Meeting Date: September 24, 2024
Title: Tree Preservation By-laws
Description: Proposed By-law for the Preservation of Trees in the context of development & Proposed By-law for the Preservation of Tree Canopy in ownership of the City of Kawartha Lakes
Author and Title: Robyn Carlson, City Solicitor

Recommendations:

That Report LGL2024-010, Tree Preservation By-laws, be received;

That a proposed City Tree Canopy Preservation By-law, attached in Appendix A (which is inclusive of amendments pursuant to public feedback) be approved and that the necessary by-law be brought forward for adoption;

That the proposed Tree Preservation on Private Property By-law be narrowed in scope to apply only to development applications pursuant to the Planning Act, and amended as more specifically set out in this report as a result of public feedback, and that a revised By-law be presented to Council for its consideration by the end of Q4, 2024;

That Staff be instructed to review and report back to Council on recommended actions for the protection of the urban tree canopy by the end of Q4 2025;

That Staff be instructed to review and report back to Council on recommended actions for woodlot conservation in consultation with the Ontario Woodlot Association by the end of Q4 2025; and

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That Staff investigate potential partnerships with Fleming College with respect to implementation of tree preservation efforts and report back to Council by the end of Q4 2025.

Background:

This report introduces two by-laws for the protection of trees: The first proposed by-law protects trees on City property. The second proposed by-law protects trees on privately owned property.

The proposed by-law to regulate the destruction or injuring of trees on City property by members of the public was first introduced to Council on July 19, 2022 in draft form, for consideration. Council directed that the draft by-law be referred to the City's Environmental Advisory Committee and to the Williams Treaties First Nations, for consideration and comment, and for the revised by-law to return to Council:

CR2022-264

Moved By Councillor Yeo

Seconded By Deputy Mayor Richardson

That Report LGL2022-013, **Tree Preservation By-Law - City Property**, be received;

That an interest-bearing reserve be established for the preservation of existing tree canopy and hedgerows within the City of Kawartha Lakes, called the "Tree Canopy Reserve";

That \$192,720.00, obtained by the City for tree preservation associated with the development of a portion of Wild Turkey Road, between Gray Road and Ballyduff Road, to access wind turbines, be removed from the Contingency Reserve (1.32090) and placed into the Tree Canopy Reserve;

That a proposed Tree Preservation By-law as at Appendix A be advanced to the Environmental Advisory Committee and the Williams Treaties First Nations and, inclusive of comments from these entities, to Council for approval; and

That the Consolidated Fees By-law 2018-234 be amended to incorporate the fees introduced in the Tree Preservation By-law, once approved by Council.

Carried

Staff met with the City's Environmental Advisory Committee, which was supportive of the By-law but wanted to see a by-law protecting trees on private property along shorelines, in furtherance of the recommendations in the Lake Management Plans.

Accordingly, a by-law to protect trees on private property along shorelines was drafted and advanced to Council on November 7, 2023 per Council Report LGL2023-012. A copy of that Report, and proposed by-laws is attached as Appendix D. On November 7, 2023, Council passed the following resolution:

CW2023-256

Moved By Councillor Yeo

Seconded By Councillor McDonald

That Report LGL2023-012, Tree Preservation By-Laws, be received;

That a proposed Tree Preservation on Private Property By-law, provided in Appendix A be advanced to the Kawartha Lakes Environmental Advisory Committee, the Kawartha Lakes Agricultural Development Advisory Committee, the Williams Treaties First Nations, and the public via Jump In survey, for consideration and consultation, and following receipt of input, return to Council for approval with recommended amendments as appropriate;

That a proposed City Tree Canopy Preservation By-law, provided in Appendix B be advanced to the Williams Treaties First Nations for consultation and, following receipt of input, return to Council for approval with recommended amendments as appropriate;

That the Consolidated Fees By-law 2018-234 be amended to incorporate the fees introduced in the Tree Preservation By-laws, when in their final form and once approved by Council;

That the costs associated with a new Environmental Officer and City Arborist, and additional fleet vehicle, be included in appropriate 2025 Budget(s); and

That these recommendations be brought forward to Council for consideration at the next Regular Council meeting.

Carried

Results of Consultation with the Agricultural Development Advisory Committee

The author of this Report attended the Agricultural Development Advisory Committee meeting held on October 27, 2023, to overview the proposed Private Lands Tree Preservation By-law and obtain comment. The Committee had several interesting proposed amendments that were accepted by the author and placed into the by-law attached to Report LGL2023-012:

- An exemption should be made for septic installation/ repair within 30 metres of shorelines, to encourage septic rehabilitation (which will improve phosphorous loading into lakes and rivers);
- An exemption should be made for removal of buckthorn; an invasive species; and
- A broadening of the exemptions relating to agriculture, to allow hobby farms and managed wootlots to be included in the exemptions.

The Committee also recommended that the threshold relating to property size be increased from “greater than 0.5 hectares” to “greater than 5 hectares”, to capture all subdivision and condominium development but not to impact a great number of large shoreline residential property owners. This option was placed into the “Alternatives” section of Report LGL2023-012, for further consideration and was adopted by the author of this report following further review of the matter.

The author of this Report returned to the Committee on April 11, 2024, to provide an update and obtain further and fulsome comments to draft. The Committee was of the opinion that the by-laws as presented protect the interests of the agricultural community.

Results of Consultation with Williams Treaties First Nations

The City sent a copy of the proposed by-laws to each of the Williams Treaties First Nations, and to the Metis Nation of Ontario (Peterborough and District Office) and an invitation to discuss. No responses were received, with the exception of Beausoliel First Nation, which sought and received clarification as to how larger development will be impacted by the private lands tree by-law.

Results of Public Outreach

The City conducted engagement with the public via survey on its Jump In website, and as well responded to emails received by treebylaw@kawarthalakes.ca.

The survey results are attached as Attachment E. The by-law responses are attached as Attachment F.

Responses were obtained from tree experts, such as registered professional foresters and certified arborists. Fleming College’s experts reached out to provide assistance and to collaborate their programming with this programming. As a result of this feedback, it was determined that the Private Lands Tree by-law as originally presented to Council would require amendment with respect to the minimum size of replacement trees. Specifically, in order to increase the rate of transplant survival the replacement sizes

should be lowered to a minimum of 40 mm, or 4-foot conifer, and the option to plant apple or pear trees should be added. Doing this will increase the number of different species of trees planted, which promotes biodiversity. This would reduce costs and make compliance more achievable.

A further amendment is required to the Species at Risk exemption. Examples should be included and the Ministry of Environment, Conservation and Parks referenced in place of the Ministry of Natural Resources, Conservation and Forestry.

The public was largely not in support of regulating tree cutting on privately owned lands unless in the context of development (i.e. subdivision). However, the public did indicate that further review should occur with respect to protection of the urban tree canopy as well as with respect to woodlot conservation.

Rationale:

Amendments to draft City-owned Tree By-law & draft Privately-owned Tree By-law

As a result of engagement to date, the author of this report recommends the following amendments to the Tree Preservation By-law for City-owned Trees, as well as to the Tree Preservation By-law for Privately-owned Trees applicable to multi-residential development (i.e. subdivisions and plans of condominium):

- A payment of \$1,500 per mature healthy native tree removed, in place of \$1,700;
- A cap of \$250,000 to be paid per development; and
- An exemption to development that has obtained draft plan of subdivision approval, site plan approval, plan of condominium approval or consent to severance,

to ensure that the by-law does not prohibit development of this nature. Otherwise, the impact of the by-laws on development was largely not contentious by the general ratepayer. The development community would prefer that they pay nothing, and a senior housing developer preferred an exemption for senior's housing, but this recommendation of a financial cap does allow money from tree loss to be used to fund tree canopy creation elsewhere, while not prohibiting development. The existing proposal provides an exemption for affordable housing.

Amendments to draft Privately-owned Tree By-law

As a result of public consultation, this report also recommends the following amendments to the draft Tree Preservation By-law for Privately-owned Trees applicable to individual and infill residential development (i.e. consents to sever 1 residential lot into 2 lots; and building permits for single family dwellings):

- A payment of \$375 per mature healthy native tree removed, in place of \$1,700 for properties greater than 0.5 ha (so that, regardless of property size, the same payment applies);
- A cap of \$5,000 to be paid per development; and
- An exemption to development that has obtained consent for severance, to ensure that the by-law does not prohibit development of this nature.

Finally, this author recommends that the private lands by-law be reduced in scope to only impact development, given the public concern with regulating tree removal in a non-development context.

City Tree Preservation By-law – purpose and overview

The purpose and effect of the proposed Tree Preservation By-law is to offset tree removal from City property in certain circumstances with tree planting and naturalization elsewhere in the municipality. The proposed City Tree Preservation By-law does not regulate tree cutting on privately owned property.

The City Tree by-law governs how the City treats its own trees on:

- treed road allowances, which shouldn't impact farmers unless they are looking to construct a road. Road construction is largely governed by the Environmental Impact Assessment process from a process and cost perspective;
- open space water access blocks, which shouldn't impact farmers. Members of the public are already prohibited from cutting down trees on these open space blocks without City approval, so the only change introduced by the City Tree By-law would be that the By-law expressly does not permit private individuals from cutting down trees on water access blocks; and
- shoreline road allowances (with or without a road). The City already prohibits tree cutting by private interests in these locations, per the Encroachment By-law and Docking Policy, so the only change introduced by the City Trees By-law is to the fines related to an offence.

The proposed City Tree Preservation By-law does not permit members of the public or any other entity from cutting down City-owned trees on shoreline road allowances, for the purpose of improving sight lines to the water or from cutting down City-owned trees on City-owned waterfront blocks that are held for the purpose of water access.¹

The Tree Preservation By-law does permit a member of the public, a developer, a telecommunications provider, or a utility provider to remove trees from a road allowance for the purpose of development, construction on or vehicular access to private property, or for the purpose of installing transmission / distribution lines in the road allowance. In the case of road construction by a property owner, however, the property owner will compensate the City for the necessary tree removal. Telecommunication entities and utility companies are exempt from the permitting requirement.²

Tree removal in the context of an entrance permit to permit a new driveway entrance to an existing roadway is exempt from the permit requirement.

The City Tree Preservation By-law does not permit the creation of new roads for personal development/ development of privately-owned property in the Oak Ridges Moraine Conservation Area or in lands zoned for environmental protection. The City Tree Preservation By-law does permit the creation of new access roads for telecommunications and utility infrastructure in environmentally-sensitive lands.³ Accordingly, the City Tree Preservation By-law is consistent with the zoning provisions of the City's Oak Ridges Moraine Zoning By-law and the Electricity Act, and respects the federal jurisdiction over telecommunications.

Trail creation, by a hiking association or snowmobile association for example, is not permitted by virtue of this by-law. This does not change the status quo. Accordingly, such requests will need to be considered in light of the City's Trails Master Plan and established approval processes.

Costs to the developer

For the removal of every mature tree from City property, the person removing the tree will provide the City with \$1,500. This cost recovery is not unprecedented in the case of development in the City: In the case of the Sumac Ridge Wind Energy Project off of Ballyduff Road in 2016, this compensation ratio, at \$1,300 per tree based on the 2016

¹ Sections 3.04 and 3.05 of the proposed By-law give priority to naturalization of shorelines.

² They enter into municipal consent agreements with the City.

³ This does not result in the creation of roadways that are assumed for maintenance purposes by the City.

cost of mature saplings, net the City \$192,720. The monies were used to fund hedgerow installation in roadways in the Oak Ridges Moraine, to protect driver safety from blowing snow while improving vegetative cover in the Moraine.

Funds recovered under this by-law will likewise be used to protect driver safety by the installation of hedgerows adjacent to roadways where drifting snow is an issue throughout the City. When the program is complete, future funding will be earmarked for other tree canopy and vegetation maintenance and creation projects. As a Council resolution is required to remove funds from a Reserve, Council and the public will receive further details at the time that monies are being proposed to be removed from the Reserve for use.

Pursuant to Master Framework Development Agreements signed with the developers that have achieved Ministerial Zoning Orders in Lindsay, these developments will compensate the City at \$1,500 per mature tree removed.

Draft Private Tree Preservation By-law - purpose and overview

The overall purpose of this by-law is to encourage growth and development in a manner that minimizes negative impact on existing tree cover.

This by-law proposes that developers that do not have existing permissions from the City for development (i.e. approval for draft plan of subdivision, consent to sever property, condominium approval, or site plan approval) are required to apply for and obtain a permit to cut mature trees. The proposed By-law is found at Appendix A.

The by-law requires the payment of \$375 per healthy mature tree removed⁴ in the context of a consent to sever a lot, to an upset limit of \$5,000. For tree removal on property in the context of subdivision, site plan application or plan of condominium, the by-law requires a payment of \$1,500 per healthy mature tree removed.

The payment for healthy tree removal on property in the context of subdivision development is pursuant to precedent in the City: The City has negotiated Framework Development Agreements with the developers within the Town of Lindsay that have obtained Ministerial Zoning Orders from the province. These Agreements provide that the developer will make a payment of \$1,500 for every healthy mature tree removed. In the case of the only development to proceed to draft plan of subdivision approval as of the date of this report, the Gateway development at the Southeast corner of the Town of Lindsay, at the corner of Highway 7 and Lindsay Street South, this has net the

City \$136,500 in payment to the Tree Canopy Reserve. This payment is in addition to the existing requirement to ensure one tree is planted for each lot created in the subdivision. This payment, once received at the time of the registration of the plan of subdivision, will fund the aforementioned hedgerow project, subject to future Council approval.

Exemptions to the by-law exist for agricultural operations, forestry operations, cemetery operations, golf clubs, orchards, tree nursery businesses, affordable housing development⁵, and building permit related to a single family dwelling or commercial or industrial use on an existing lot.

Payment for tree removal will be placed into the Tree Canopy Reserve and earmarked for maintaining and improving the amount of tree and vegetative cover within shorelines and environmentally protected areas elsewhere in the City, when funds are received from tree removal within shorelines or environmentally protected areas. When funds are received from development outside these sensitive areas, they will be placed within the Tree Canopy Reserve to allow Council to fund tree and/or hedgerow planting initiatives elsewhere in the municipality.

This By-law will not apply to:

- the individual property owner cutting down a tree to get better water views from an existing residential property,
- an owner of vacant property clearing land for installation of a building, driveway, and/or accessory building (garage),
- an owner with a home on a piece of property greater than 0.5 hectares in size wishes to cut down a mature tree on their property,

Other Alternatives Considered:

None.

Alignment to Strategic Priorities:

This report aligns with the City's strategic priority of a Healthy Environment and is in support of the City's Council-adopted Healthy Environment Plan 2019 and Lake Management Plans.

⁵ The by-law provides an exemption for affordable housing developments of the Kawartha Lakes Haliburton Housing Corporation and Habitat for Humanity. Other housing developments must proceed through the existing municipal incentivization process for affordable housing developments, in order to have these fees waived.

Financial/Operation Impacts:

City-owned Tree Preservation By-law

There is no impact to the entrance permit process, administered by Public Works, as tree removal in the context of entrance permits is exempt from the by-law.

Currently, the City has control over members of the public cutting down trees on City property by virtue of common law (the decisions of the courts), in relation to the rights of a property owner, which rights are civil or are prosecuted in the Ontario Court of Justice via the Trespass to Property Act. The City began regulating unauthorized tree removal in 2018 via Council approval of the Encroachment By-law 2018-017. At which time, additional funds were added to the Municipal Law Enforcement Office operating budget, and staff recommended additional staffing in that Division back in 2018.

Accordingly, there is no additional work contemplated for the Municipal Law Enforcement Office of the City as a result of this proposed by-law; only the tool for enforcement changes.

What this proposed by-law does, however, is provide a framework for the City's approval or denial of a request to cut trees on City property. The by-law proposes that requests from the public to cut down trees on City road allowances will go to Parks and Recreation (the Environmental Officer and City Arborist) via the email address "treebylaw@kawarthalakes.ca".

It may be that persons with City-owned shoreline road allowance adjacent to their property may seek a permit to cut down trees on the shoreline road allowance to improve the view from their property to the water. Currently, the City licenses private use of City-owned shoreline road allowance specifically for docking, via the Encroachment By-law 2018-017 and the Council-approved Docking Policy. The Docking Policy CP2021-047 stipulates that private docking on City-owned land is permissible in certain instances, as set out in that Policy. A condition of the licenses permitting docking on City-owned land is that no tree removal can occur. Accordingly, the proposed City-owned Tree Preservation By-law is consistent with the administration of the Docking Policy, in that the City-owned Tree Preservation By-law only allows for tree removal for the purpose of road construction; not to improve sightlines on private property to waterbodies over unimproved shoreline road allowance, and not to allow for tree removal on blocks of shoreline property owned by the City for the purposes of water access. The City-owned Tree Preservation By-law indicates that persons making an application with respect to tree removal on a shoreline road allowance, for the

purpose of sight lines, will be directed to the Land Management Team. The Land Management Team, constituted per the Council Policy CP2018-007, is entirely comprised of Staff that meets regularly for decision-making purposes with respect to potential recommendations to Council for sale of shoreline road allowances. The City-owned Tree Preservation By-law indicates that persons making an application with respect to tree removal on a water access block will be denied. Accordingly, there is no operational impact with respect to these situations.

The net financial impact of the City-owned Tree Preservation By-law is that tree removal in the context of construction of a road on City-owned road allowance will now be compensated for by the developer. The compensation, at \$1,500 per healthy mature tree, will allow for the City to add tree cover and hedgerows to property elsewhere in the municipality. Preference will be to fund identified revegetation projects on City-owned land.

Private Tree Preservation By-law

With the narrowed scope proposed by this report, this by-law can operate using the 1 Environmental Officer (position vacant, budgeted for in the 2024 budget, and is part of the Planning Department) and 1 Arborist (position filled in 2024; position is part of the Community Services Department) existing within the City Staffing Organizational Chart.

Attachments:

Attachment A – City-owned Tree Preservation By-law



Tree By-law - City
Owned Property.doc

Attachment B – Report LGL2023-012



LGL2023-012 Tree
Preservation By-laws.c

Attachment C – Survey Results



Attachment C -
Survey Results.docx

Attachment D – Responses to treebylaw@kawarthalakes.ca



LGL2024-010
Attachment D - Respo

Consultations:

Representatives from Fleming College, Forestry Program
Kawartha Lakes Environmental Advisory Committee
Kawartha Lakes Agricultural Development Advisory Committee
Williams Treaties First Nations
Metis Nation of Ontario (Peterboro & District)
Members of the Public (via Jump In survey and email submission)

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

The Corporation of the City of Kawartha Lakes

By-Law 2024-

Being a by-law to protect and enhance the healthy tree canopy in City ownership

Recitals

1. Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Municipal Act, 2001”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change.
2. Subsection 135(1) of the Municipal Act, 2001 permits a local municipality to enact by-laws to prohibit or regulate the removal, destruction or injuring of healthy trees.
3. Subsection 135(7) of the Municipal Act, 2001 provides that the by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees.
4. Subsection 270(1) of the Municipal Act, 2001 requires a municipality to adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 Definitions:

“Applicant” is a Person who makes an application for a permit pursuant to this by-law.

“City”: means The Corporation of the City of Kawartha Lakes or the geographic area of the City of Kawartha Lakes, as the context requires.

“City Owned Tree”: means a tree with its trunk entirely or partly on property owned by the City.

“City Owned Mature Tree”: means a tree on property owned by the City, being 5 inches or greater in diameter, measured at 4.5 feet from the ground. If a tree has been cut down such that identification is impossible, “Mature Tree” means a tree 5 inches or greater in diameter measured at its base.

“Drip Line” means the area located directly under the outer circumference of the tree branches for a particular tree.

“Emergency Work” means the work necessary to terminate an immediate threat to life or property.

“Tree By-law Administrator” means the person holding that title and in employ with the City.

“Injure”: means damage to a Tree that, in the City Arborist’s determination, is a healthy tree and the damage could inhibit or terminate its growth. This does not include trimming or pruning up to 30% of the crown of a tree in accordance with good arborocultural practice.

“Municipal Law Enforcement and Licensing Office” means that Division of the City of Kawartha Lakes tasked with enforcement of the by-laws of the City, and “Municipal Law Enforcement Officer” means those employees within that Division, appointed for the purpose of enforcing the by-laws of the City.

“Person” does not include the City, including its employees acting in the course of City business. The term includes reference to an individual or a corporation.

“Regular Business Day”: Is any day between Monday and Friday, inclusive of those days, and between 8:30 am and 4:30 pm. This does not include Saturdays, Sundays, statutory holidays in the Province of Ontario, and City office closures during the last week of December and first week of January.

“Threatened or Endangered Trees”: means those species of trees listed as threatened, endangered or special concern and listed in Ontario Regulation 230/08 to the Ontario Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, and includes but is not limited to the butternut tree.

“Tree Protection Plan”: A plan detaining tree protection on the entirety of the property, prepared in conjunction with an arborist or in consultation with an arborist, and for construction drawings. Tree Protection Plans must be legible, prepared at a usable metric scale and include all the following information:

- Show all existing buildings, structures, hard surfaces and all existing mature trees (crown, including the crowns of trees with trunks on adjacent property where the crown overhangs the property boundary line so as to be partially on the property in question).
- Show the area of protection as retaining the vast majority of mature trees, and being protected by adequate tree protection barriers (silt fencing or snow fencing).
- Show the area for construction as including all proposed changes on the property, including all proposed structures, services, hard surfaces and grade changes

- Indicate vehicular access and construction staging areas. Areas proposed for temporary stockpiling of fill shall be fenced with sediment control
- Indicate trees to be removed / injured
- Indicate location of all City Owned Mature Trees
- Indicate location of any unhealthy trees, as determined by a certified Arborist
- Indicate location of all Threatened or Endangered Trees
- Indicate location of Environmental Protection Zone, per the applicable Zoning By-law, on the property
- Include a comprehensive legend

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Application

2.01 Application: This By-law applies only to City-owned property, including but not limited to:

- (a) Road allowances, including shoreline road allowances, both improved and unimproved for vehicular travel; and
- (b) Vacant City-owned property, such as water access blocks.

2.02 Non-Application: This By-law does not apply to:

- (a) activities undertaken on property in private ownership;
- (b) activities undertaken by the City;
- (c) activities undertaken pursuant to an entrance permit issued by the City, for a new driveway entrance to an existing road;
- (d) activities undertaken by a utility company or telecommunication company;
- (e) activities undertaken by a Conservation Authority;
- (f) activities undertaken by the Province of Ontario; or
- (g) activities undertaken by the City under a licence issued under the Crown Forest Sustainability Act, 1994.

Section 3.00: Destroying and Injuring City-Owned Trees Prohibited

3.01 No Person may Destroy or Injure a City-Owned Tree except pursuant to a Permit, and consistent with the terms of said Permit.

3.02 Permit Application; Form and Content – Application Fees: Any Person who wishes to Injure, Destroy or remove a City-Owned Tree for the purpose of road construction on a City-owned road allowance shall submit an application to the Tree By-law Administrator on the form set out on the City’s webpage and shall provide the following to the satisfaction of the Tree By-law Administrator:

- (a) The name, address and telephone number of the applicant;
- (b) A non-refundable application fee of \$1,000.00, which fee is to be included into the Fees and Charges By-law 2018-234 and indexed annually, according to that By-law;
- (c) A payment of \$1,500.00 per City-Owned Mature Tree to be removed, which fee is to be included into the Fees and Charges By-law 2018-234 and indexed annually, according to that By-law;
 - i) Fee waivers are available to “high need households” as defined under Ontario Regulation 370/11 to the Housing Services Act, 2011, upon receipt of sufficient proof of income;
 - ii) To an upset limit of \$250,000.00.
- (d) The purpose for which the permit is required;
- (e) A map, sketch or otherwise, sufficient to outline the property to be affected in question;
- (f) A confirmation of the zoning of the property to be affected;
- (g) A Tree Protection Plan satisfactory to the City Arborist; and
- (h) In the case of a proposed road to be constructed, an Environmental Impact Study to the satisfaction of the City, including but not limited to determination of whether or not the habitat of any Species at Risk per the Ontario Species at Risk Act will be affected.
- (i) In the case of a proposed road to be constructed, this Environmental Impact Study will be conducted per an Environmental Assessment analysis of the proposal per the Ontario Environmental Assessment Act.

3.03 The Tree By-law Administrator may refuse to accept an Application or may deny an Application unless the Tree By-law Administrator is satisfied that:

- (a) the Application is for the purpose of the construction of a road, in order to open up properties owned by the Applicant for development, and not

for the purpose of improving sightlines to a water body (in which case, the Applicant will be directed to make application to the Land Management Team for the purchase of the portion of shoreline road allowance adjacent to their property), and not for the purpose of personal use of a City-owned shoreline block of land owned for the purpose of public access to the water;

- (b) the Application is complete and legible;
- (c) an individual Applicant is not a minor;
- (d) the Application is by or on behalf of all Owners;
- (e) a corporate Applicant is incorporated pursuant to the laws of Ontario and is in good standing;
- (f) the Application is accompanied by payment in full of any fee established by Council;
- (g) the approval is not contrary to any recommendation of the City on any related Environmental Assessment;
- (h) the approval is not contrary to the Migratory Birds Act;
- (i) the approval is not contrary to the Endangered Species Act;
- (j) the approval is not contrary to the Conservation Authorities Act;
- (k) The approval does not permit cutting of trees on land zoned for Environmental Protection, including but not limited to lands within the Oak Ridges Moraine Conservation Plan Natural Core Area or Natural Linkage area.

- 3.04** Applications for the purpose of improving sight lines to a water body will be denied.
- 3.05** Applications for tree removal on vacant open space water access blocks will be denied.
- 3.06** Applications for tree removal for any purpose other than for road construction to open up properties owned by the Applicant for development, will be denied.
- 3.07** In addition to conditions otherwise imposed pursuant to this By-law, the Tree By-law Administrator and/or the City Arborist may, at any time and from time to time, impose conditions to a Permit as the Tree By-law Administrator or the City Arborist determines are necessary to maintain the general intent and purpose of this By-law.
- 3.08** The Tree By-law Administrator may issue a Permit to an Applicant if the Tree By-law Administrator is satisfied that the Application complies with sections 3.02 - 3.06. The Tree By-law Administrator may otherwise refuse to issue a Permit.

3.09 If the Tree By-law Administrator issues a Permit with conditions pursuant to section 3.10 or refuses to issue a Permit pursuant to section 3.03 - 3.06, the Tree By-law Administrator will give the Applicant a Permit Decision Notice that includes the following information:

- (a) where a Permit is issued with conditions pursuant to section 3.10, particulars of the conditions;
- (b) where a Permit is refused, particulars of the reasons for refusing to issue the Permit.

3.10 Conditions Applicable to all Permits: Each of the following is a condition of obtaining and continuing to hold a Permit:

- (a) The injury, destruction or removal of a City Owned Tree shall be carried out by or under the supervision of an arborist;
- (b) Compliance with good arboricultural practices (timing of cutting will be in accordance with the Migratory Birds Conservation Act);
- (c) No cutting, digging or heavy machinery will be permitted within the Drip Line of City Owned Trees to be protected;
- (d) Tree protection barriers must remain in place and in good condition during demolition, construction and/or site disturbance, including landscaping;
- (e) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree that is Threatened or Endangered pursuant to the Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, without first getting the necessary permits and approvals from the Province;
- (f) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree located within the Environmental Protection zone of the applicable City Zoning By-law, which includes but is not limited to lands within the Oak Ridges Moraine Conservation Plan area;
- (g) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree located within an area regulated by a Conservation Authority without the applicable permit from the Conservation Authority;
- (h) the Permittee provides to the Tree By-law Administrator such information as the Tree By-law Administrator may from time to time require in relation to this By-law;
- (i) the Permittee complies with all applicable law respecting the subject matter of the Permit including this By-law; and
- (j) the Permittee notifies the Tree By-law Administrator in writing of any change to the information provided in an Application within three days of the change.

3.11 Permit Revocation: Where the Tree By-law Administrator has reason to believe that a Permittee has not complied with this By-law, the Tree By-law Administrator may give to the Permittee a Permit Revocation Notice that includes the following information:

- (a) a statement that the Permit is revoked; and
- (b) particulars of the reasons for which the Permit is revoked.

3.12 Offences and Fines: Each Person that contravenes section 3.01 or 3.02 of this By-law is guilty of an offence and, upon conviction, is liable to a fine of:

- (a) not less than double the costs that would have been payable pursuant to a Permit, being \$2,000.00 plus \$3,000.00 per City Owned Tree damaged, injured or removed/cut down without a Permit or not in accordance with the terms of a Permit. This fine is a special fine per section 429 of the Municipal Act, 2001, in that it is designed to prevent economic incentive to contravene the By-law. The offence is designated as a multiple offence per section 429 of the Municipal Act, 2001.

3.13 Offences and Fines – Corporation: Each officer and director of a corporation that knowingly concurs in the contravention of sections 3.01 or 3.02 of this by-law is guilty of an offence and liable upon conviction to the minimum fines set out in section 3.09(a) of this by-law.

Section 4.00: Notice

4.01 Any notice to be given to a Person other than the City is sufficiently given:

- (a) when given verbally to the Person;
- (b) when hand delivered in writing to the Person;
- (c) on the fifth day after it is sent by regular lettermail to the Person's last known address; or
- (d) when sent to the Person by e-mail to the Person's last known address. A Person's last known lettermail or e-mail address are those provided by the Applicant to the City pursuant to this By-law.

4.02 Any notice to be given to the City is sufficiently given:

- (a) on the fifth Regular Business Day after it is sent by regular lettermail to "Tree By-law Administrator, City Hall, Lindsay ON K9V 5R8; or
- (b) when sent by e-mail on a Regular Business Day to "treebylaw@kawarthalakes.ca".

Section 5.00: Administration and Effective Date

- 5.01 **Administration of the By-law:** The Tree By-law Administrator and the City Arborist are responsible for administration of this by-law for the purposes of issuing, revoking or denying Permits, and the Municipal Law Enforcement and Licensing Office is responsible for enforcement of the offence sections of this by-law.
- 5.02 **Financial Administration of the By-law:** The Finance Division will place the proceeds of the payment per section 3.02(c) of this by-law into the Tree Canopy Reserve. The Provincial Offences Office and Finance Division will place the portion of fine recovery net of provincial payment into the Tree Canopy Reserve.
- 5.03 **Effective Date:** This By-law shall come into force on July 1, 2025.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk



Committee of the Whole Report

Report Number: LGL2023-012
Meeting Date: November 7, 2023
Title: Tree Preservation By-laws
Description: Proposed By-law for the Preservation of Trees on private property within 30 metres of a shoreline, within an environmentally protected area or on property greater than 0.5 ha & Proposed By-law for the Preservation of Tree Canopy in ownership of the City of Kawartha Lakes
Author and Title: Robyn Carlson, City Solicitor

Recommendations:

That Report LGL2023-012, Tree Preservation By-laws, be received;

That a proposed Tree Preservation on Private Property By-law, provided in Appendix A be advanced to the Kawartha Lakes Environmental Advisory Committee, the Kawartha Lakes Agricultural Development Advisory Committee, the Williams Treaties First Nations, and the public via Jump In survey, for consideration and consultation, and following receipt of input, return to Council for approval with recommended amendments as appropriate;

That a proposed City Tree Canopy Preservation By-law, provided in Appendix B be advanced to the Williams Treaties First Nations for consultation and, following receipt of input, return to Council for approval with recommended amendments as appropriate;

That the Consolidated Fees By-law 2018-234 be amended to incorporate the fees introduced in the Tree Preservation By-laws, when in their final form and once approved by Council;

That the costs associated with a new Environmental Officer and City Arborist, and additional fleet vehicle, be included in appropriate 2025 Budget(s); and

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

That these recommendations be brought forward to Council for consideration at the next Regular Council meeting.

Background:

Subsection 270(1) of the Municipal Act, 2001 requires a municipality to adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

The City of Kawartha Lakes has made a commitment, per the 2020-2023 Strategic Plan, to protect and enhance the City's tree cover. The City of Kawartha Lakes has made similar commitments in the Healthy Environment Plan. In the Lake Management Plans for the various lakes within the City of Kawartha Lakes, the City has similarly made commitments to improve tree cover along shorelines.

Subsection 135(1) of the Municipal Act, 2001 permits a local municipality to enact by-laws to prohibit or regulate the destruction or injuring of trees. Subsection 135(7) of the Municipal Act, 2001 provides that the by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees.

This report introduces two by-laws for the protection of trees: The first proposed by-law protects trees on privately-owned property. The second proposed by-law protects trees on City property.

The proposed Tree Preservation on Private Property By-law is consistent with City of Kawartha Lakes Official Plan 2012 waterfront policies, at Section 20 of that Plan. More specifically, one of the objectives of that policy is to protect surface water quality through shoreline naturalization efforts, among other things. As per policy 20.3.3, naturalized and/or vegetative shorelines shall be retained and restored. As per policy 20.5.4, tree cover and vegetation shall be retained to uphold the environmental integrity of the waterfront.

The proposed by-law to regulate the destruction or injuring of trees on City property by members of the public supports the Road Construction – Existing Lots of Record Management Directive MD2022-007, the City's Docking Policy CP2021-047, the Encroachment By-law 2018-017 and the Assumption of Unassumed and Private Roads Council Policy CP2017-010. This by-law was first introduced to Council on July 19, 2022

in draft form, for consideration. Council directed that the draft by-law be referred to the City's Environmental Advisory Committee and to the Williams Treaties First Nations, for consideration and comment, and for the revised by-law to return to Council:

CR2022-264

Moved By Councillor Yeo

Seconded By Deputy Mayor Richardson

That Report LGL2022-013, **Tree Preservation By-Law - City Property**, be received;

That an interest-bearing reserve be established for the preservation of existing tree canopy and hedgerows within the City of Kawartha Lakes, called the "Tree Canopy Reserve";

That \$192,720.00, obtained by the City for tree preservation associated with the development of a portion of Wild Turkey Road, between Gray Road and Ballyduff Road, to access wind turbines, be removed from the Contingency Reserve (1.32090) and placed into the Tree Canopy Reserve;

That a proposed Tree Preservation By-law as at Appendix A be advanced to the Environmental Advisory Committee and the Williams Treaties First Nations and, inclusive of comments from these entities, to Council for approval; and

That the Consolidated Fees By-law 2018-234 be amended to incorporate the fees introduced in the Tree Preservation By-law, once approved by Council.

Carried

Following receipt of the above resolution, Staff met with the City's Environmental Advisory Committee, which was supportive of the By-law but wanted to see a by-law protecting trees on private property along shorelines, in furtherance of the recommendations in the Lake Management Plans.

Rationale:

Private Tree Preservation By-law

The overall purpose of this by-law is to encourage growth and development in a manner that minimizes negative impact on existing tree cover. Areas of environmental significance have been prioritized for retention of tree cover, which includes shoreline areas.¹ Larger properties have also been prioritized for retention of tree cover, as these larger properties are also usually associated with lot creation by way of subdivision or

¹ The Kawartha Region Conservation recommends the introduction of a tree preservation by-law to protect shoreline areas. See "Shoreline Planning and Policy in the City of Kawartha Lakes: Summary of land use policies across 22 lake based municipalities in Ontario"; Kawartha Region Conservation Authority; 2020: <https://www.kawarthaconservation.com/en/resources/Shoreline-Planning-and-Policy-in-the-City-of-Kawartha-Lakes---Comparison-of-municipal-land-use-policies-2020.pdf>

plan of condominium. Where subdivision or condominium development is not contemplated, the construction of a single dwelling/ building on a large property provides more opportunity to avoid mature healthy trees than does construction of a single dwelling/ building on a small property. This by-law acknowledges the lack of flexibility for smaller lot owners.²

This by-law proposes that, in areas designated Environmental Protection per the City's Official Plan, or within 30 metres of shorelines, or in cases of tree removal on property greater than 0.5 hectares, property owners are required to apply for and obtain a permit to cut mature trees.³ The proposed By-law is found at Appendix A.

The by-law requires the payment of \$425 per healthy mature tree removed⁴ on shoreline/ environmentally protected property up to 0.5 hectares for any reason (including building a new dwelling or structure, clearing land for a back yard or driveway access to a property) and not replaced with a mature sapling. For tree removal on any property greater than 0.5 hectares, whether or not shoreline or environmental protection, the by-law requires a payment of \$1,700 per healthy tree removed and not replaced with 4 mature saplings.

The payment for healthy tree removal on property greater than 0.5 hectares in size is pursuant to precedent in the City: The City has negotiated Framework Development Agreements with the developers within the Town of Lindsay that have obtained Ministerial Zoning Orders from the province. These Agreements provide that the developer will make a payment of \$1,500 for every healthy mature tree removed. In the case of the only development to proceed to draft plan of subdivision approval as of the date of this report, the Gateway development at the Southeast corner of the Town of Lindsay, at the corner of Highway 7 and Lindsay Street South, this has net the City \$136,500 in payment to the Tree Canopy Reserve. This payment is in addition to the existing requirement to ensure one tree is planted for each lot created in the subdivision. This payment, once received at the time of the registration of the plan of

² By applying to all lots greater than 0.5 ha in size regardless of concurrent development application, the by-law avoids a loophole that would allow development to occur post land clearing and avoid the more restrictive permitting process.

³ A 30 metre riparian buffer zone was chosen, as the Lake Scugog Environmental Management Plan (2020) notes that there is a 57% average of natural, vegetated buffer within this zone, and that Environment Canada recommends a 75% cover within this zone. The Kawartha Region Conservation Authority supports a 30 metre setback. See "Shoreline Planning and Policy in the City of Kawartha Lakes: Summary of land use policies across 22 lake based municipalities in Ontario"; Kawartha Region Conservation Authority; 2020: <https://www.kawarthaconservation.com/en/resources/Shoreline-Planning-and-Policy-in-the-City-of-Kawartha-Lakes---Comparison-of-municipal-land-use-policies-2020.pdf>

subdivision, will fund the aforementioned hedgerow project, subject to future Council approval.

Exemptions to the by-law exist for agricultural operations, forestry operations, cemetery operations, golf clubs, orchards, tree nursery businesses, affordable housing development⁵, and low income residents.

Payment for tree removal will be placed into the Tree Canopy Reserve and earmarked for maintaining and improving the amount of tree and vegetative cover within shorelines and environmentally protected areas elsewhere in the City, when funds are received from tree removal within shorelines or environmentally protected areas. When funds are received from development outside these sensitive areas, they will be placed within the Tree Canopy Reserve to allow Council to fund tree and/or hedgerow planting initiatives elsewhere in the municipality.

To make the by-law less costly to implement for the property owner, this proposed by-law does not require the property owner to have expert consultants (arborist and environmental) assist in the submission of an application for a permit. There is no application fee. This By-law will apply to:

- the individual property owner cutting down a tree to get better water views from an existing residential property,
- a developer preparing a large property for future development, including rezoning and subdivision,
- an owner of vacant property clearing land for installation of a building, driveway, and/or accessory building (garage),
- an owner with a home on a piece of property greater than 0.5 hectares in size wishes to cut down a mature tree on their property,

A person is not allowed to cut down mature healthy trees in an area designated for environmental protection in the City's Official Plan, however, unhealthy trees can be removed without a permit.

Results of Consultation with the Agricultural Development Advisory Committee

The author of this Report attended the Agricultural Development Advisory Committee meeting held on October 27, 2023, to overview the proposed Private Lands Tree Preservation By-law and obtain comment. The Committee had several interesting

⁵ The by-law provides an exemption for affordable housing developments of the Kawartha Lakes Haliburton Housing Corporation and Habitat for Humanity. Other housing developments must proceed through the existing municipal incentivization process for affordable housing developments, in order to have these fees waived.

proposed amendments that have been accepted by the author and placed into the by-law attached to this Report:

- An exemption should be made for septic installation/ repair within 30 metres of shorelines, to encourage septic rehabilitation (which will improve phosphorous loading into lakes and rivers);
- An exemption should be made for removal of buckthorn; an invasive species; and
- A broadening of the exemptions relating to agriculture, to allow hobby farms and managed woodlots to be included in the exemptions.

The Committee also recommended that the threshold relating to property size be increased from “greater than 0.5 hectares” to “greater than 5 hectares”, to capture all subdivision and condominium development but not to impact a great number of large shoreline residential property owners. This option bears further review, so it has been placed into the “Alternatives” section of this Report for further consideration and is a question posed to the public on the online Jump In platform.

The author of this Report will return to the Committee in February 2024, to obtain further and fulsome comments to draft.

Outstanding Consultation – Environmental Advisory Committee, Agricultural Development Advisory Committee, Williams Treaties First Nations and Members of the Public

This report recommends that this proposed by-law be advanced to the City’s Environmental Advisory Committee for comment and input, be returned to the City’s Agricultural Development Advisory Committee for comment and input, and to the Williams Treaties First Nations for consultation. This report recommends further that the public be invited to provide feedback online per survey via the City’s Jump In platform. Once this input is sought, this by-law with appropriate amendment will return to Council for further consideration.

City Tree Preservation By-law

The purpose and effect of the proposed Tree Preservation By-law is to offset tree removal from City property in certain circumstances with tree planting and naturalization elsewhere in the municipality. The proposed City Tree Preservation By-law does not regulate tree cutting on privately owned property.

The proposed City Tree Preservation By-law does not permit members of the public or any other entity from cutting down City-owned trees on shoreline road allowances, for

the purpose of improving sight lines to the water or from cutting down City-owned trees on City-owned waterfront blocks that are held for the purpose of water access.⁶

The Tree Preservation By-law does permit a member of the public, a developer, a telecommunications provider, or a utility provider to remove trees from a road allowance for the purpose of development, construction on or vehicular access to private property, or for the purpose of installing transmission / distribution lines in the road allowance. In the case of road construction by a property owner, however, the property owner will compensate the City for the necessary tree removal. Telecommunication entities and utility companies are exempt from the permitting requirement.⁷

Tree removal in the context of an entrance permit to permit a new driveway entrance to an existing roadway is exempt from the permit requirement.

The City Tree Preservation By-law does not permit the creation of new roads for personal development/ development of privately-owned property in the Oak Ridges Moraine Conservation Area or in lands zoned for environmental protection. The City Tree Preservation By-law does permit the creation of new access roads for telecommunications and utility infrastructure in environmentally-sensitive lands.⁸ Accordingly, the City Tree Preservation By-law is consistent with the zoning provisions of the City's Oak Ridges Moraine Zoning By-law and the Electricity Act, and respects the federal jurisdiction over telecommunications.

Trail creation, by a hiking association or snowmobile association for example, is not permitted by virtue of this by-law. This does not change the status quo. Accordingly, such requests will need to be considered in light of the City's Trails Master Plan and established approval processes.

Costs to the developer/ ratepayer

For the removal of every mature tree from City property, the person removing the tree will provide the City with \$1,700. This is based on the cost to replace each mature⁹ tree removed with 4 mature saplings. This cost recovery is not unprecedented in the case of development in the City: In the case of the Sumac Ridge Wind Energy Project off of

⁶ Sections 3.04 and 3.05 of the proposed By-law give priority to naturalization of shorelines.

⁷ They enter into municipal consent agreements with the City.

⁸ This does not result in the creation of roadways that are assumed for maintenance purposes by the City.

⁹ "Mature" was defined as 5 inches at 4.5 feet from the ground, consistent with the current proposed by-law.

Ballduff Road in 2016, this compensation ratio, at \$1,300 per tree based on the 2016 cost of mature saplings, net the City \$192,720. The monies are being used to fund hedgerow installation in roadways in the Oak Ridges Moraine, to protect driver safety from blowing snow while improving vegetative cover in the Moraine.

Funds recovered under this by-law will likewise be used to protect driver safety by the installation of hedgerows adjacent to roadways where drifting snow is an issue throughout the City. When the program is complete, future funding will be earmarked for other tree canopy and vegetation maintenance and creation projects. As a Council resolution is required to remove funds from a Reserve, Council and the public will receive further details at the time that monies are being proposed to be removed from the Reserve for use.

Results of Public Consultation – Environmental Advisory Committee

The Kawartha Lakes Environmental Advisory Committee recommended that a series of fines be considered for enforcement purposes, so that higher-value trees (larger/older and/or threatened or endangered according to the *Species at Risk Act*) would attract a higher fine.

While the by-law provides minimum fines, it leaves room for opportunity for the prosecutor to consider higher fines for more egregious offences, which could consider the value of a tree cut down as well as the number of trees cut down and the location of trees cut down (with trees in environmentally-protected areas attracting higher fines). For this reason, no amendment to the by-law is recommended at this time.

Outstanding Consultation – Williams Treaties First Nations

As a result of the recommendation made by the Kawartha Lakes Environmental Advisory Committee for additional by-law creation, consultation with the Williams Treaties First Nations on this by-law will occur in conjunction with the further by-law proposed below. Once this further consultation has occurred, this by-law will return to Council for further consideration.

Additional Consultation Not Required – Public or Agricultural Development Advisory Committee

No public or Agricultural Development Advisory Committee consultation is being done for the City Tree by-law over and above the public process afforded by debate and decision before Committee of the Whole and Council Meetings. The only real impacts on the public, including the farming community, arises from the proposed Tree By-law on Private Property. The City Tree by-law governs how the City treats its own trees on:

- treed road allowances, which shouldn't impact farmers unless they are looking to construct a road. Road construction is largely governed by the Environmental Impact Assessment process from a process and cost perspective;
- open space water access blocks, which shouldn't impact farmers. Members of the public are already prohibited from cutting down trees on these open space blocks without City approval, so the only change introduced by the City Tree By-law would be that the By-law expressly does not permit private individuals from cutting down trees on water access blocks; and
- shoreline road allowances (with or without a road). The City already prohibits tree cutting by private interests in these locations, per the Encroachment By-law and Docking Policy, so the only change introduced by the City Trees By-law is to the fines related to an offence.

Implementation

These by-laws are intended to apply to development and non-development scenarios.

Other Alternatives Considered:

Upset Fee Limit

An upset limit on total fees to be paid was considered (i.e. Markham has a \$5,000 upset limit), but rejected: The City has obtained \$197,000 in the case of removal of City-owned trees for the purpose of road construction in the past, and \$136,500 associated with the removal of privately-owned trees in the context of subdivision development. This indicates that these fees are commercially viable. With the significant exemptions to the by-law (i.e. for use in residential home fuel), the only upset limit that might be appropriate would be to allow for construction on an existing lot of record. A \$5,000 limit would allow in excess of 11 mature healthy trees to be cut for free (the first 11 being paid for at \$425/ tree not replaced). The author recommends that the impact on construction on existing lots of record be tracked and, if a significant negative impact is established, the issue be brought back at a future date for amendment to the by-law.

Increased Threshold relating to Property Size

The Agricultural Development Advisory Committee has recommended that the threshold relating to property size be increased from "greater than 0.5 hectares" to "greater than 5 hectares", to continue to capture all subdivision and condominium development but not to impact a great number of large shoreline residential property owners. This option bears further review, so it has been placed into the "Alternatives" section for further consideration and is a question on the online Jump In platform.

Alignment to Strategic Priorities:

This report aligns with the City's strategic priority of a Healthy Environment and is in support of the City's Council-adopted Healthy Environment Plan 2019 and Lake Management Plans.

Financial/Operation Impacts:

Private Tree Preservation By-law

This by-law will not operate in a cost-neutral manner, so as to encourage compliance. Accordingly, the related implementation and enforcement costs will be added to the City's 2025 Operating Budget and be paid out of the tax roll. These costs are unquantified at this time. Once quantified using 2025 actual numbers, Staff will propose adjustment to the 2026 Operating Budget, accordingly.

The estimated staffing needs of 1 Environmental Officer and 1 Arborist may be insufficient to run the program. Once the area to which the by-law applies has been determined, the author of this report will identify comparable municipal programs and, based on discussion with those municipalities, obtain a better estimate of likely staffing requirements. These estimates will be refined for the purposes of the report back to Council in 2024.

City-owned Tree Preservation By-law

There is no impact to the entrance permit process, administered by Public Works, as tree removal in the context of entrance permits is exempt from the by-law.

Currently, the City has control over members of the public cutting down trees on City property by virtue of common law (the decisions of the courts), in relation to the rights of a property owner, which rights are civil or are prosecuted in the Ontario Court of Justice via the Trespass to Property Act. The City began regulating unauthorized tree removal in 2018 via Council approval of the Encroachment By-law 2018-017. At which time, additional funds were added to the Municipal Law Enforcement Office operating budget, and staff recommended additional staffing in that Division back in 2018.

Accordingly, there is no additional work contemplated for the Municipal Law Enforcement Office of the City as a result of this proposed by-law; only the tool for enforcement changes.

What this proposed by-law does, however, is provide a framework for the City's approval or denial of a request to cut trees on City property. The by-law proposes that

requests from the public to cut down trees on City road allowances will go to Parks and Recreation (the Environmental Officer and City Arborist) via the email address "treebylaw@kawarthalakes.ca".

It may be that persons with City-owned shoreline road allowance adjacent to their property may seek a permit to cut down trees on the shoreline road allowance to improve the view from their property to the water. Currently, the City licenses private use of City-owned shoreline road allowance specifically for docking, via the Encroachment By-law 2018-017 and the Council-approved Docking Policy. The Docking Policy CP2021-047 stipulates that private docking on City-owned land is permissible in certain instances, as set out in that Policy. A condition of the licenses permitting docking on City-owned land is that no tree removal can occur. Accordingly, the proposed City-owned Tree Preservation By-law is consistent with the administration of the Docking Policy, in that the City-owned Tree Preservation By-law only allows for tree removal for the purpose of road construction; not to improve sightlines on private property to waterbodies over unimproved shoreline road allowance, and not to allow for tree removal on blocks of shoreline property owned by the City for the purposes of water access. The City-owned Tree Preservation By-law indicates that persons making an application with respect to tree removal on a shoreline road allowance, for the purpose of sight lines, will be directed to the Land Management Team. The Land Management Team, constituted per the Council Policy CP2018-007, is entirely comprised of Staff that meets regularly for decision-making purposes with respect to potential recommendations to Council for sale of shoreline road allowances. The City-owned Tree Preservation By-law indicates that persons making an application with respect to tree removal on a water access block will be denied. Accordingly, there is no operational impact with respect to these situations.

The net financial impact of the City-owned Tree Preservation By-law is that tree removal in the context of construction of a road on City-owned road allowance will now be compensated for by the developer. The compensation, at \$1,700 per healthy mature tree, will allow for 4 mature saplings to be purchased by the City for each mature tree removed. This in turn will allow the City to add tree cover and hedgerows to property elsewhere in the municipality. Preference will be to fund identified revegetation projects on City-owned land.

Attachments:

Attachment A – Privately-owned Tree Preservation By-law



Tree By-Law -
Private Property - Sh

Attachment B – City-owned Tree Preservation By-law



Tree By-law - City
Owned Property.doc

Attachment C – Proposed Amending By-law to the Fees and Charges By-law



Amend Fees By-law
- Tree Preservation E

Consultations:

Kawartha Region Conservation Authority
Director of Development Services
Manager of Planning
Director of Community Services
Manager of Parks, Recreation and Open Space
City Arborist
Treasurer
Director of Engineering & Corporate Assets
Manager, Infrastructure Design, Department of Engineering & Corporate Assets
Supervisor, Technical Services, Department of Engineering & Corporate Assets
Manager, Municipal Law Enforcement Office
Kawartha Lakes Agricultural Development Advisory Committee

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

The Corporation of the City of Kawartha Lakes

By-Law 2024-

Being a by-law to protect and enhance the healthy tree canopy in private ownership in proximity to shorelines, in areas designated for environmental protection, and on property greater than 0.5 hectares in size

Recitals

1. Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Municipal Act, 2001”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change.
2. Subsection 135(1) of the Municipal Act, 2001 permits a local municipality to enact by-laws to prohibit or regulate the removal, destruction or injuring of healthy trees.
3. Subsection 135(7) of the Municipal Act, 2001 provides that the by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees.
4. Subsection 270(1) of the Municipal Act, 2001 requires a municipality to adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 Definitions:

“Applicant” is a Person who makes an application for a permit pursuant to this by-law.

“City” means The Corporation of the City of Kawartha Lakes or the geographic area of the City of Kawartha Lakes, as the context requires.

“City Arborist” means the Supervisor, Parks and Recreation, or their designate, including agent.

“Drip Line” means the area located directly under the outer circumference of the tree branches for a particular tree.

“Environmental Officer” means the person holding that title and in employ with the City.

“Injure” means damage to a Tree that, in the City Arborist’s determination, is a healthy tree and the damage could inhibit or terminate its growth. This does not include trimming or pruning up to 30% of the crown of a tree in accordance with good arborocultural practice.

“Lot” means a separately-conveyable piece of property.

“Mature Sapling” means either deciduous trees of a minimum of 6 feet in height and minimum 70 mm in caliper or coniferous trees of a minimum of 8 feet in height. The estimated average cost of the supply and installation of trees meeting these criteria in 2022: \$425/tree.

“Mature Tree” means a tree 5 inches or greater in diameter, measured at 4.5 feet from the ground. If a tree has been cut down such that identification is impossible, “Mature Tree” means a tree 5 inches or greater in diameter measured at its base.

“Municipal Law Enforcement and Licensing” means that Division of the City of Kawartha Lakes tasked with enforcement of the by-laws of the City, and “Municipal Law Enforcement Officer” means those employees within that Division, appointed for the purpose of enforcing the by-laws of the City.

“Navigable Waterway” means a lake, pond, river, stream, or any other area which is permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding. The bed of a Navigable Waterway is in most cases in the ownership of the Province of Ontario or the Federal Government (Parks Canada, and managed by the Trent Severn Waterway Commission). The waterway should be traversable by canoe.

“Normal Farming Practice” has the same meaning as set out in the Ontario *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1.

“Person” includes reference to an individual or a corporation.

“Regular Business Day” Is any day between Monday and Friday, inclusive of those days, and between 8:30 am and 4:30 pm. This does not include Saturdays, Sundays, statutory holidays in the Province of Ontario, and City office closures during the last week of December and first week of January.

“Threatened or Endangered Trees” means those species of trees listed as threatened, endangered or special concern and listed in Ontario Regulation 230/08 to the Ontario Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, and includes but is not limited to the butternut tree.

“Tree Canopy Reserve” means that financial reserve established by the City for the protection and enhancement of tree and vegetative cover (i.e. hedgerows) within the geographic confines of the City of Kawartha Lakes.

“Tree Protection Plan” A plan detailing tree protection on the entirety of the property. Tree Protection Plans must be legible, prepared at a usable metric scale and include all the following information:

- Show all existing buildings, structures, hard surfaces and all existing mature trees (crown, including the crowns of trees with trunks on adjacent property where the crown overhangs the property boundary line so as to be partially on the property in question).
- Show the area of protection as retaining the vast majority of mature trees, and being protected by adequate tree protection barriers (silt fencing or snow fencing).
- Show the area for construction as including all proposed changes on the property, including all proposed structures, services, hard surfaces and grade changes
- Indicate vehicular access and construction staging areas. Areas proposed for temporary stockpiling of fill shall be fenced with sediment control
- Indicate location of all Mature Trees
- Indicate location of any unhealthy trees, as determined by a certified Arborist
- Indicate trees to be removed / injured, including timing of removal/ injury
- Indicate trees to be replaced, including species, size, location, and timing of the replacements
- Indicate location of all Threatened or Endangered Trees
- Indicate location of Environmental Protection Zone, per the applicable Zoning By-law, on the property
- Indicate boundary of 30 metre setback from a Navigable Waterway, as defined in section 2.01, on the property
- Include a comprehensive legend

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Application

2.01 Application: This By-law applies to land in private ownership within the geographical boundaries of the City of Kawartha Lakes.

- (a) In addition to and without limiting the generality of the foregoing, this By-law applies to situations in which the injuring or destruction of trees is pursuant to contemplated development of land (site plan application, application to subdivide land by subdivision or a consent to sever pursuant to sections 41, 51 or 53, respectively, of the Planning Act). In cases of a concurrent Planning Act application, the site plan agreement or subdivision agreement entered into under those sections will be consistent with and subject to this by-law.
- (b) In addition to and without limiting the generality of the foregoing, this By-law also applies to any tree cutting that occurs outside the contemplated development of land (site plan application, application to subdivide land by subdivision or a consent to sever pursuant to sections 41, 51 or 53, respectively, of the Planning Act), when the tree(s) to be removed is/are within 30 metres measured over a horizontal distance inland from the high water mark of a Navigable Waterway.
- (c) In addition to and without limiting the generality of the foregoing, this By-law also applies to tree cutting within any land in private ownership that is in an area designated by the City of Kawartha Lakes Official Plan 2012 as being used for “environmental protection”, whether within the context of a development application or not.
- (d) In addition to and without limiting the generality of the foregoing, this By-law also applies to any tree cutting on land in which mature trees will be injured or destroyed on a lot of record that is greater than 0.5 hectares in size.

2.02 Non-Application: This By-law does not apply to:

- (a) activities undertaken on land owned by the City;
- (b) activities undertaken pursuant to the Drainage Act;
- (c) agricultural activities or activities undertaken as an incidental part of a Normal Farming Practice on lands zoned for agricultural use in the applicable zoning by-law, or on lands with an established legal non-conforming agricultural use, including hobby farms;
- (d) the removal of damaged or destroyed trees in the interests of public safety, health and general welfare following any man-made or natural

- disasters, storms, high winds, floods, fires, snowfall, freezes or as a result of insects, disease or wildlife;
- (e) the removal of trees for non-commercial personal use by a landowner for residential heating;
 - (f) the removal of trees for septic installation or repair within 30 metres of a shoreline of a Navigable Waterway;
 - (g) the removal of trees that, due to their proximity to a building or structure, will pose a hazard to that building or structure;
 - (h) activities of utility companies and telecommunication companies;
 - (i) activities undertaken by a Conservation Authority;
 - (j) activities undertaken by the Province of Ontario;
 - (k) forestry activities undertaken under a licence issued under the Crown Forest Sustainability Act, 1994, or with an approved managed forest plan per the Managed Forest Tax Incentive Program administered by the Ministry of Natural Resources and Forestry;
 - (l) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act;
 - (m) cemetery operations;
 - (n) the operations of a golf club or tree orchard, Christmas tree farm or nursery business;
 - (o) affordable housing developments initiated by the Kawartha Lakes Haliburton Housing Corporation or Habitat for Humanity

Section 3.00: Destroying and Injuring Healthy Trees Prohibited

- 3.01** No Person may Destroy or Injure a Mature Tree within 30 metres measured over a horizontal distance inland from the high water mark of a navigable waterway, or within any area designated “Environmental Protection” in the Official Plan adopted by the City of Kawartha Lakes in 2012, or on any Lot greater than 0.5 hectares in size, except pursuant to a Permit, and consistent with the terms of said Permit.
- 3.02 Permit Application; Form and Content – Permit Fees:** Any Person who wishes to Injure, Destroy or remove a Mature Tree that is located on their property and within 30 metres - measured over a horizontal distance inland from the high water mark - of a navigable waterway, or on any Lot greater than 0.5 hectares in size, shall submit an application to the

Environmental Officer on the form set out on the City's webpage and shall provide the following to the satisfaction of the Environmental Officer:

- 1.1. The name, address, email address, and telephone number of the applicant;
- 1.2. Any concurrent Planning Act Application (site plan application, a plan of subdivision or a consent to sever property pursuant to section 41, 51 or 53, respectively, of the Planning Act):
- 1.3. A payment of \$1,700 per healthy Mature Tree to be removed and not replaced with 4 Mature Saplings to the satisfaction of the City Arborist in the case of tree removal from a Lot greater than 0.5 hectares in size, or \$425 per healthy Mature Tree to be removed and not replaced with 1 Mature Sapling to the satisfaction of the City Arborist otherwise. Both fees are to be included into the Fees and Charges By-law 2018-234 and indexed annually;
 - 1.3.1. Fee waivers are available to "high need households" as defined under Ontario Regulation 370/11 to the Housing Services Act, 2011, upon receipt of sufficient proof of income;
- 1.4. A map, sketch or otherwise, sufficient to outline the property to be affected in question;
- 1.5. A confirmation of the zoning of the property to be affected; and
- 1.6. A Tree Protection Plan satisfactory to the City Arborist.

3.03 The Environmental Officer may refuse to accept an Application or may deny an Application unless the Environmental Officer is satisfied that:

- (a) the Application is complete and legible;
- (b) an individual Applicant is not a minor;
- (c) the Application is by or on behalf of all Owners;
- (d) a corporate Applicant is incorporated pursuant to the laws of Ontario and is in good standing;
- (e) the Application is accompanied by payment in full of any fee established by Council;
- (g) the approval is not contrary to the Migratory Birds Act;
- (h) the approval is not contrary to the Endangered Species Act;

(i) the approval is not contrary to the Conservation Authorities Act;

(k) the approval does not permit cutting of trees on land designated for Environmental Protection, including but not limited to lands within a woodlot, a provincially significant wetland or the Oak Ridges Moraine Conservation Plan area.

3.04 In addition to conditions otherwise imposed pursuant to this By-law, the Environmental Officer or City Arborist may, at any time and from time to time, impose conditions to a Permit as the Environmental Officer or City Arborist determines are necessary to maintain the general intent and purpose of this By-law.

3.05 The Environmental Officer may issue a Permit to an Applicant if the City Arborist is satisfied that the Application complies with sections 3.02 & 3.03. The Environmental Officer may otherwise refuse to issue a Permit.

3.06 If the Environmental Officer issues a Permit with conditions pursuant to section 3.07 or refuses to issue a Permit pursuant to section 3.03 - 3.05, the Environmental Officer will give the Applicant a Permit Decision Notice that includes the following information:

(a) where a Permit is issued with conditions pursuant to section 3.07, particulars of the conditions;

(b) where a Permit is refused, particulars of the reasons for refusing to issue the Permit.

3.07 Conditions Applicable to all Permits: Each of the following is a condition of obtaining and continuing to hold a Permit:

(a) Compliance with good arboricultural practices (timing of cutting will be in accordance with the Migratory Birds Conservation Act);

(b) No cutting, digging or heavy machinery will be permitted within the Drip Line of trees to be protected;

(c) Tree protection barriers must remain in place and in good condition during demolition, construction and/or site disturbance, including landscaping;

(d) the Permittee is not to cut – or allow anyone to cut – any Mature Tree that is Threatened or Endangered pursuant to the Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, without first getting the necessary permits and approvals from the Ministry of Natural Resources and Forestry;

(e) the Permittee is not to cut – or allow anyone to cut – any Mature Tree located within the Environmental Protection zone of the applicable City Zoning By-law, which includes but is not limited to lands within the

Oak Ridges Moraine Conservation Plan area (this provision does not apply to utility or telecommunication providers, nor does it apply to the destruction of a tree that constitutes a hazard in the opinion of the City Arborist);

- (f) the Permittee shall ensure that the Permit is posted on the Lot on which the Mature Trees are to be Injured or Destroyed. The Permit shall be posted on a location that is visible from the adjacent street edge for the entire period of time during which the Trees are being Injured or Destroyed, and for one week thereafter.
- g) the Permittee provides to the Environmental Officer and/or City Arborist such information as the City Arborist and/or Environmental Officer may from time to time require in relation to this By-law;
- (h) the Permittee complies with all applicable law respecting the subject matter of the Permit including this By-law; and
- (i) the Permittee notifies the Environmental Officer in writing of any change to the information provided in an Application within three days of the change.

3.08 Permit Revocation: Where the Environmental Officer has reason to believe that a Permittee has not complied with this By-law, the Environmental Officer may give to the Permittee a Permit Revocation Notice that includes the following information:

- (a) a statement that the Permit is revoked; and
- (b) particulars of the reasons for which the Permit is revoked.

Alternatively, the Environmental Officer may give to the Permittee a **Notice to Comply** that provides a period in which the Permittee is to come into compliance with this By-law and the particulars of how the Permittee will come into compliance.

3.10 Completion of Replacement Plantings: Where the Applicant commits to replacement of Mature Tree(s) Destroyed or Injured with Mature Sapling(s), as set out in the Application and Tree Protection Plan thereto and to the satisfaction of the City Arborist (“Replacement Saplings”),

The Applicant will contact the City Arborist for an inspection following planting of the Replacement Sapling(s). Subject to and following the City Arborists’ attendance and confirmation that the plantings are to their satisfaction and in conformity with the approved Tree Protection Plan, the City Arborist will confirm their determination in writing.

1.6.1.1.1. Where the City Arborist is not satisfied that the plantings are to their satisfaction and in conformity with the Tree Management Plan,

1.6.1.1.1.1. The Environmental Officer will issue a Notice to Comply, which Notice will set out a minimum 30 day period in which action is to be taken in accordance with the Notice, in order to satisfactorily complete the replantings;

1.6.1.1.1.2. Alternatively, the Environmental Officer will issue a Notice to make Payment in accordance with sections 3.02(b)(1) and 3.11, which Notice will set out a minimum 30 day period in which payment is to be made, and the amount of the payment owing in accordance with this section.

3.11 Offences and Fines: Each Person that contravenes section 3.01, 3.02, 3.10 or 5.03 of this By-law, or fails to comply with the terms of a Notice to Comply issued pursuant to section 3.08 or Order to Comply issued pursuant to section 5.03(a) of this By-law, is guilty of an offence and, upon conviction, is liable to a fine of:

- (a) not less than double the costs that would have been payable pursuant to a Permit, being no less than \$850 per Mature Tree damaged, injured or removed/cut down without a Permit or not in accordance with the terms of a Permit for tree removal on a Lot up to 0.5 hectares in size or \$2,550 otherwise (note costs are 2023 costs and subject to inflation). This fine is a special fine per section 429 of the Municipal Act, 2001, in that it is designed to prevent economic incentive to contravene the By-law.
- (b) Or, in the case that paragraph 3.11(a) is inapplicable in the circumstances, such as in the case of a contravention of section 5.03 or otherwise: The minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000.

3.12 Offences and Fines – Corporation: Each officer and director of a corporation that knowingly concurs in the contravention of sections 3.01, 3.02, 3.10 or 5.03 of this by-law, or fails to comply with the terms of a Notice to Comply issued pursuant to section 3.08 of this by-law, is guilty of an offence and liable upon conviction to the minimum fines set out in section 3.11 of this by-law.

3.13 Multiple Offences: The conviction of a person for the contravention or breach of any provision of this by-law shall not operate as a bar to the prosecution against the same person for any subsequent or continued breach or contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence. The offence is designated as a multiple offence per section 429 of the Municipal Act, 2001.

Section 4.00: Notice or Order

4.01 Any notice or order to be given to a Person other than the City is sufficiently given:

- (a) when given verbally to the Person;
- (b) when hand delivered in writing to the Person;
- (c) on the fifth day after it is sent by regular lettermail to the Person's last known address; or
- (d) when sent to the Person by e-mail to the Person's last known address (except in the case of notice of entry, in which case electronic mail does not constitute sufficient notice).

A Person's last known lettermail or e-mail address are those provided by the Applicant to the City pursuant to this By-law.

4.02 Any notice to be given to the City is sufficiently given:

- (a) on the fifth Regular Business Day after it is sent by regular lettermail to "Environmental Officer, City Hall, 26 Francis Street, Lindsay ON K9V 5R8 ; or
- (b) when sent by e-mail on a Regular Business Day to "treebylaw@kawarthalakes.ca".

Section 5.00: Enforcement Powers

5.01 A Municipal Law Enforcement Officer may enter on privately-owned lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) a provision of this By-law;
- (b) the terms and conditions of a Permit; and
- (c) a direction or an Order under this By-law.

5.02 A Municipal Law Enforcement Officer may, for the purpose of an inspection:

- (a) require the production for inspection of documents or things relevant to the inspection, including but not limited to government-issued photo identification or a Permit;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection;

(d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection;

(e) order the Permittee to take and supply at the Permittee's expense such tests and samples as are specified; and

(f) enter upon any property for the purposes of conducting an inspection to ensure compliance.

5.03 No person shall hinder or obstruct an Environmental Officer, City Arborist or Municipal Law Enforcement Officer from performing any of their duties as provided for in this By-law.

Section 6.00: Administration and Effective Date

6.01 Administration of the By-law: The Environmental Officer and the Director of Community Services are responsible for administration of this by-law for the purposes of issuing, revoking or denying Permits, and the Municipal Law Enforcement and Licensing Office is responsible for enforcement of the offence sections of this by-law.

6.02 Financial Administration of the By-law: The Environmental Officer is responsible for intaking payments per section 3.02(b). The Environmental Officer will notify the Finance Division of the payment per section 3.02(b). The Finance Division will place these proceeds into the Tree Canopy Reserve and earmark the funds for tree canopy or creation in shoreline areas or environmentally-protected areas.

(a) **Upon conviction of an offence pursuant to this by-law, and payment of a fine per sections 3.11 or 3.12,** the Provincial Offences Office will notify the Finance Division of fine recovery net of provincial payment, and the Finance Division will place this amount into the Tree Canopy Reserve and earmark the funds for tree canopy or creation in shoreline areas or environmentally-protected areas.

6.03 Effective Date: This By-law shall come into force on July 1, 2025.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

Being a by-law to protect and enhance the healthy tree canopy in City ownership

Recitals

1. Subsection 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Municipal Act, 2001”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change.
2. Subsection 135(1) of the Municipal Act, 2001 permits a local municipality to enact by-laws to prohibit or regulate the removal, destruction or injuring of healthy trees.
3. Subsection 135(7) of the Municipal Act, 2001 provides that the by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees.
4. Subsection 270(1) of the Municipal Act, 2001 requires a municipality to adopt and maintain policies with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 Definitions:

“Applicant” is a Person who makes an application for a permit pursuant to this by-law.

“City”: means The Corporation of the City of Kawartha Lakes or the geographic area of the City of Kawartha Lakes, as the context requires.

“City Owned Tree”: means a tree with its trunk entirely or partly on property owned by the City.

“City Owned Mature Tree”: means a tree on property owned by the City, being 5 inches or greater in diameter, measured at 4.5 feet from the ground. If a tree has

been cut down such that identification is impossible, “Mature Tree” means a tree 5 inches or greater in diameter measured at its base.

“Drip Line” means the area located directly under the outer circumference of the tree branches for a particular tree.

“Emergency Work” means the work necessary to terminate an immediate threat to life or property.

“Environmental Officer” means the person holding that title and in employ with the City.

“Injure”: means damage to a Tree that, in the City Arborist’s determination, is a healthy tree and the damage could inhibit or terminate its growth. This does not include trimming or pruning up to 30% of the crown of a tree in accordance with good arborocultural practice.

“Mature Sapling” means either deciduous trees of a minimum of 6 feet in height and minimum 70 mm in caliper or coniferous trees of a minimum of 8 feet in height. The estimated average cost of the supply and installation of trees meeting these criteria in 2022: \$425/tree.

“Municipal Law Enforcement and Licensing Office” means that Division of the City of Kawartha Lakes tasked with enforcement of the by-laws of the City, and “Municipal Law Enforcement Officer” means those employees within that Division, appointed for the purpose of enforcing the by-laws of the City.

“Person” does not include the City, including its employees acting in the course of City business. The term includes reference to an individual or a corporation.

“Regular Business Day”: Is any day between Monday and Friday, inclusive of those days, and between 8:30 am and 4:30 pm. This does not include Saturdays, Sundays, statutory holidays in the Province of Ontario, and City office closures during the last week of December and first week of January.

“Threatened or Endangered Trees”: means those species of trees listed as threatened, endangered or special concern and listed in Ontario Regulation 230/08 to the Ontario Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, and includes but is not limited to the butternut tree.

“Tree Protection Plan”: A plan detailing tree protection on the entirety of the property, prepared in conjunction with an arborist or in consultation with an arborist, and for construction drawings. Tree Protection Plans must be legible, prepared at a usable metric scale and include all the following information:

- Show all existing buildings, structures, hard surfaces and all existing mature trees (crown, including the crowns of trees with trunks on adjacent property

where the crown overhangs the property boundary line so as to be partially on the property in question).

- Show the area of protection as retaining the vast majority of mature trees, and being protected by adequate tree protection barriers (silt fencing or snow fencing).
- Show the area for construction as including all proposed changes on the property, including all proposed structures, services, hard surfaces and grade changes
- Indicate vehicular access and construction staging areas. Areas proposed for temporary stockpiling of fill shall be fenced with sediment control
- Indicate trees to be removed / injured
- Indicate location of all City Owned Mature Trees
- Indicate location of any unhealthy trees, as determined by a certified Arborist
- Indicate location of all Threatened or Endangered Trees
- Indicate location of Environmental Protection Zone, per the applicable Zoning By-law, on the property
- Include a comprehensive legend

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Application

2.01 Application: This By-law applies only to City-owned property, including but not limited to:

- (a) Road allowances, including shoreline road allowances, both improved and unimproved for vehicular travel; and
- (b) Vacant City-owned property, such as water access blocks.

2.02 Non-Application: This By-law does not apply to:

- (a) activities undertaken on property in private ownership;
- (b) activities undertaken by the City;
- (c) activities undertaken pursuant to an entrance permit issued by the City, for a new driveway entrance to an existing road;
- (d) activities undertaken by a utility company or telecommunication company;

- (e) activities undertaken by a Conservation Authority;
- (f) activities undertaken by the Province of Ontario; or
- (g) activities undertaken by the City under a licence issued under the Crown Forest Sustainability Act, 1994.

Section 3.00: Destroying and Injuring City-Owned Trees Prohibited

3.01 No Person may Destroy or Injure a City-Owned Tree except pursuant to a Permit, and consistent with the terms of said Permit.

3.02 Permit Application; Form and Content – Application Fees: Any Person who wishes to Injure, Destroy or remove a City-Owned Tree for the purpose of road construction on a City-owned road allowance shall submit an application to the Environmental Officer on the form set out on the City's webpage and shall provide the following to the satisfaction of the Environmental Officer:

- (a) The name, address and telephone number of the applicant;
- (b) A non-refundable application fee of \$1,000, which fee is to be included into the Fees and Charges By-law 2018-234 and indexed annually, according to that By-law;
- (c) A payment of \$1,700 per City-Owned Mature Tree to be removed, which fee is to be included into the Fees and Charges By-law 2018-234 and indexed annually, according to that By-law;
 - i) Fee waivers are available to “high need households” as defined under Ontario Regulation 370/11 to the Housing Services Act, 2011, upon receipt of sufficient proof of income;
- (d) The purpose for which the permit is required;
- (e) A map, sketch or otherwise, sufficient to outline the property to be affected in question;
- (f) A confirmation of the zoning of the property to be affected;
- (g) A Tree Protection Plan satisfactory to the City Arborist; and
- (h) In the case of a proposed road to be constructed, an Environmental Impact Study to the satisfaction of the City, including but not limited to determination of whether or not the habitat of any Species at Risk per the Ontario Species at Risk Act will be affected.

- (i) In the case of a proposed road to be constructed, this Environmental Impact Study will be conducted per an Environmental Assessment analysis of the proposal per the Ontario Environmental Assessment Act.

3.03 The Environmental Officer may refuse to accept an Application or may deny an Application unless the Environmental Officer is satisfied that:

- (a) the Application is for the purpose of the construction of a road, in order to open up properties owned by the Applicant for development, and not for the purpose of improving sightlines to a water body (in which case, the Applicant will be directed to make application to the Land Management Team for the purchase of the portion of shoreline road allowance adjacent to their property), and not for the purpose of personal use of a City-owned shoreline block of land owned for the purpose of public access to the water;
- (b) the Application is complete and legible;
- (c) an individual Applicant is not a minor;
- (d) the Application is by or on behalf of all Owners;
- (e) a corporate Applicant is incorporated pursuant to the laws of Ontario and is in good standing;
- (f) the Application is accompanied by payment in full of any fee established by Council;
- (g) the approval is not contrary to any recommendation of the City on any related Environmental Assessment;
- (h) the approval is not contrary to the Migratory Birds Act;
- (i) the approval is not contrary to the Endangered Species Act;
- (j) the approval is not contrary to the Conservation Authorities Act;
- (k) The approval does not permit cutting of trees on land zoned for Environmental Protection, including but not limited to lands within the Oak Ridges Moraine Conservation Plan Natural Core Area or Natural Linkage area.

3.04 Applications for the purpose of improving sight lines to a water body will be denied.

3.05 Applications for tree removal on vacant open space water access blocks will be denied.

- 3.06** Applications for tree removal for any purpose other than for road construction to open up properties owned by the Applicant for development, will be denied.
- 3.07** In addition to conditions otherwise imposed pursuant to this By-law, the Environmental Officer and/or the City Arborist may, at any time and from time to time, impose conditions to a Permit as the Environmental Officer or the City Arborist determines are necessary to maintain the general intent and purpose of this By-law.
- 3.08** The Environmental Officer may issue a Permit to an Applicant if the Environmental Officer is satisfied that the Application complies with sections 3.02 - 3.06. The Environmental Officer may otherwise refuse to issue a Permit.
- 3.09** If the Environmental Officer issues a Permit with conditions pursuant to section 3.10 or refuses to issue a Permit pursuant to section 3.03 - 3.06, the Environmental Officer will give the Applicant a Permit Decision Notice that includes the following information:
- (a) where a Permit is issued with conditions pursuant to section 3.10, particulars of the conditions;
 - (b) where a Permit is refused, particulars of the reasons for refusing to issue the Permit.
- 3.10 Conditions Applicable to all Permits:** Each of the following is a condition of obtaining and continuing to hold a Permit:
- (a) The injury, destruction or removal of a City Owned Tree shall be carried out by or under the supervision of an arborist;
 - (b) Compliance with good arboricultural practices (timing of cutting will be in accordance with the Migratory Birds Conservation Act);
 - (c) No cutting, digging or heavy machinery will be permitted within the Drip Line of City Owned Trees to be protected;
 - (d) Tree protection barriers must remain in place and in good condition during demolition, construction and/or site disturbance, including landscaping;
 - (e) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree that is Threatened or Endangered pursuant to the Endangered Species Act, 2007, S.O. 2007, c.6, as amended and replaced, without first getting the necessary permits and approvals from the Ministry of Natural Resources and Forestry;
 - (f) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree located within the Environmental Protection zone of the applicable City Zoning By-law, which includes but is not limited to lands within the

Oak Ridges Moraine Conservation Plan area;

- (g) the Permittee is not to cut – or allow anyone to cut – any City Owned Tree located within an area regulated by a Conservation Authority without the applicable permit from the Conservation Authority;
- (i) the Permittee provides to the Environmental Officer such information as the Environmental Officer may from time to time require in relation to this By-law;
- (i) the Permittee complies with all applicable law respecting the subject matter of the Permit including this By-law; and
- (j) the Permittee notifies the Environmental Officer in writing of any change to the information provided in an Application within three days of the change.

3.11 Permit Revocation: Where the Environmental Officer has reason to believe that a Permittee has not complied with this By-law, the Environmental Officer may give to the Permittee a Permit Revocation Notice that includes the following information:

- (a) a statement that the Permit is revoked; and
- (b) particulars of the reasons for which the Permit is revoked.

3.12 Offences and Fines: Each Person that contravenes section 3.01 or 3.02 of this By-law is guilty of an offence and, upon conviction, is liable to a fine of:

- (a) not less than double the costs that would have been payable pursuant to a Permit, being \$2,000 plus \$3,400 per City Owned Tree damaged, injured or removed/cut down without a Permit or not in accordance with the terms of a Permit. This fine is a special fine per section 429 of the Municipal Act, 2001, in that it is designed to prevent economic incentive to contravene the By-law. The offence is designated as a multiple offence per section 429 of the Municipal Act, 2001.

3.13 Offences and Fines – Corporation: Each officer and director of a corporation that knowingly concurs in the contravention of sections 3.01 or 3.02 of this by-law is guilty of an offence and liable upon conviction to the minimum fines set out in section 3.09(a) of this by-law.

Section 4.00: Notice

4.01 Any notice to be given to a Person other than the City is sufficiently given:

- (a) when given verbally to the Person:

- (b) when hand delivered in writing to the Person;
- (c) on the fifth day after it is sent by regular lettermail to the Person's last known address; or
- (d) when sent to the Person by e-mail to the Person's last known address.

A Person's last known lettermail or e-mail address are those provided by the Applicant to the City pursuant to this By-law.

4.02 Any notice to be given to the City is sufficiently given:

- (a) on the fifth Regular Business Day after it is sent by regular lettermail to "Environmental Officer, City Hall, Lindsay ON K9V 5R8; or
- (b) when sent by e-mail on a Regular Business Day to "treebylaw@kawarthalakes.ca".

Section 5.00: Administration and Effective Date

- 5.01 **Administration of the By-law:** The Environmental Officer and the Director of Community Services are responsible for administration of this by-law for the purposes of issuing, revoking or denying Permits, and the Municipal Law Enforcement and Licensing Office is responsible for enforcement of the offence sections of this by-law.
- 5.02 **Financial Administration of the By-law:** The Finance Division will place the proceeds of the payment per section 3.02(c) of this by-law into the Tree Canopy Reserve. The Provincial Offences Office and Finance Division will place the portion of fine recovery net of provincial payment into the Tree Canopy Reserve.
- 5.03 **Effective Date:** This By-law shall come into force on July 1, 2025.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2023.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-law to Amend By-law 2018-234, being a By-Law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes (known as the Consolidated Fees By-law)

Recitals

1. By-laws may be passed to establish and require the payment of fees for information, services, activities and use of City property.
2. Section 391 of the Municipal Act 2001, S.O. 2001, as amended, provides for a municipality to pass by-laws imposing fees or charges on persons for services and activities provided or done by or on behalf of it, for cost payable by it for services or activities provided or done by or on behalf of any other municipality or local board, and for the use of its property including property under its control.
3. Section 398(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to add fees and charges to the tax roll for the property and collect them in the same manner as municipal taxes.
4. By-law 2018-234 is the Consolidated Fees By-law for the City.
5. This by-law amends By-law 2018-234 by adding fees charged by the municipality in the context of tree removal on City-owned property, or on privately-owned property either within 30 m of a shoreline or within an environmental protection designation.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 Definitions:

All defined terms in the amending By-law take their meaning from By-law 2018-234 of the City of Kawartha Lakes.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

Section 2.00: Amendment Details

2.01 Amendments:

Schedule D-5: Parks, Recreation and Culture – Tree Preservation

Service Description	Unit	Rate as of July 1, 2025	By-law
Application to cut mature trees on City-owned property	Each	\$1,000 for a Permit to Cut Mature Trees for roadway creation + \$1,700 for every healthy mature tree removed + \$0 for every immature tree removed	2024-xxx
Application to cut mature trees on private property within 30 horizontal metres of a permanent navigable waterway	Each	\$0 for Permit to Cut Mature Trees + \$425 for every healthy mature tree removed from property up to 0.5 hectares in size / \$1,700 for every healthy mature tree removed from property greater than 0.5 hectares in size + \$0 for every unhealthy mature tree removed, in the opinion of the City Arborist + \$0 for every immature tree removed	2024-xyy
Application to cut mature trees on private property within environmental protection designation area, per Official Plan	Each	\$0 for Permit to Cut Mature Trees (prohibited to cut healthy mature trees in an environmental protection designation) + \$0 for every unhealthy mature tree removed, in the opinion of the City Arborist + \$0 for every immature tree removed	2024-xyy
Application to cut mature trees on private property greater than 0.5 hectares in size	Each	\$1,000 for Permit to Cut Mature Trees + \$1,700 for every healthy mature tree removed from property greater than 0.5 hectares in size	2024-xyy

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Director of the Community Services is responsible for administration of the fees as approved in this by-law.

3.02 **Effective Date:** This By-law shall come into force on July 1, 2025.

By-law read a first, second and third time, and finally passed, this [redacted] day of [redacted], 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk



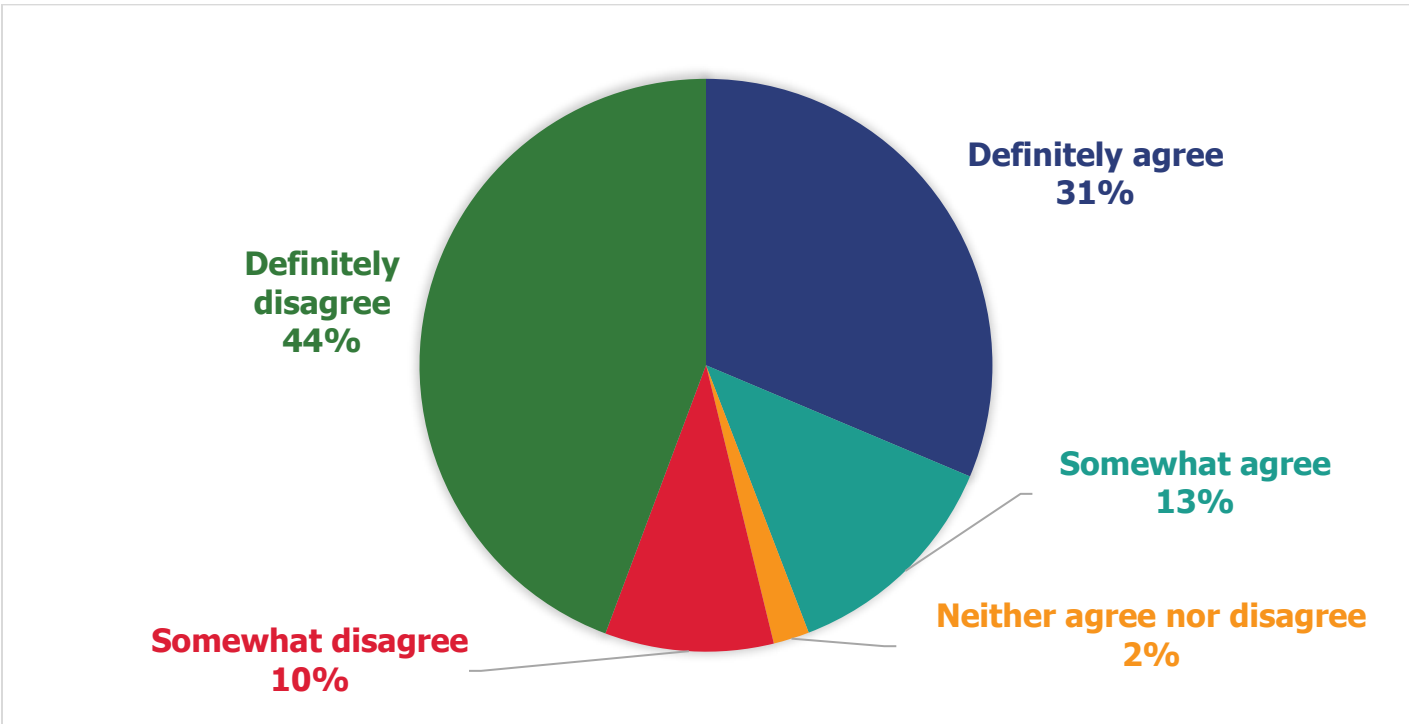
Tree Preservation By-law survey results

Dates: November 8, 2023 to June 8, 2024

Contributions: 788

Question 1

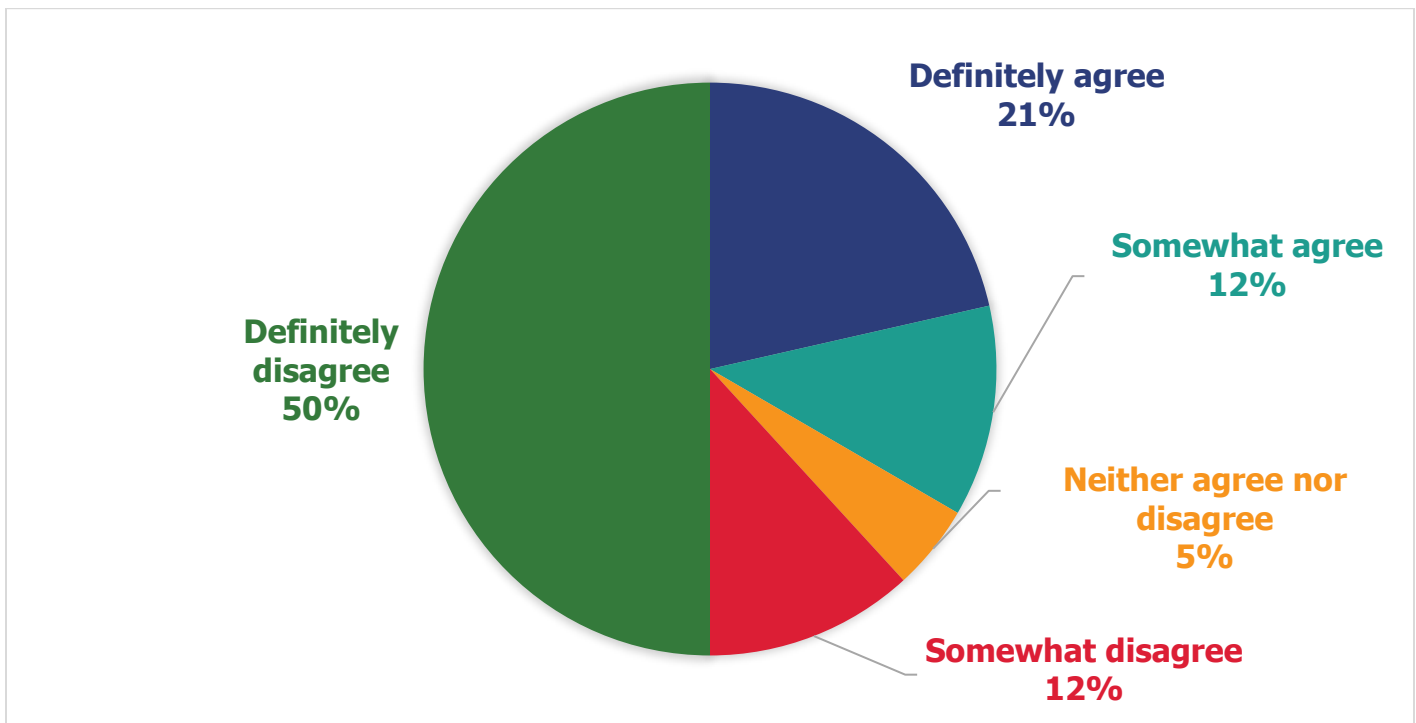
The municipality does not currently regulate or restrict the destruction of trees on privately-owned property. The proposed By-law will prohibit cutting down mature, healthy, non-hazardous trees in Environmental Protection areas for any reason. **Do you agree with this change?** If you have any alternatives to be considered, please provide them at the end of this survey.



Answer Choice	Percentage of responses
Definitely agree	31%
Somewhat agree	13%
Neither agree nor disagree	2%
Somewhat disagree	10%
Definitely disagree	44%

Question 2

The proposed By-law will apply a fee for cutting down mature, healthy trees on all properties larger than 0.5 hectares (1.2 acres), in addition to all properties 30 meters (98.4 ft) from shoreline regardless of property size. **Do you agree with this property size threshold?** If you have any alternatives to be considered, please provide them at the end of this survey.

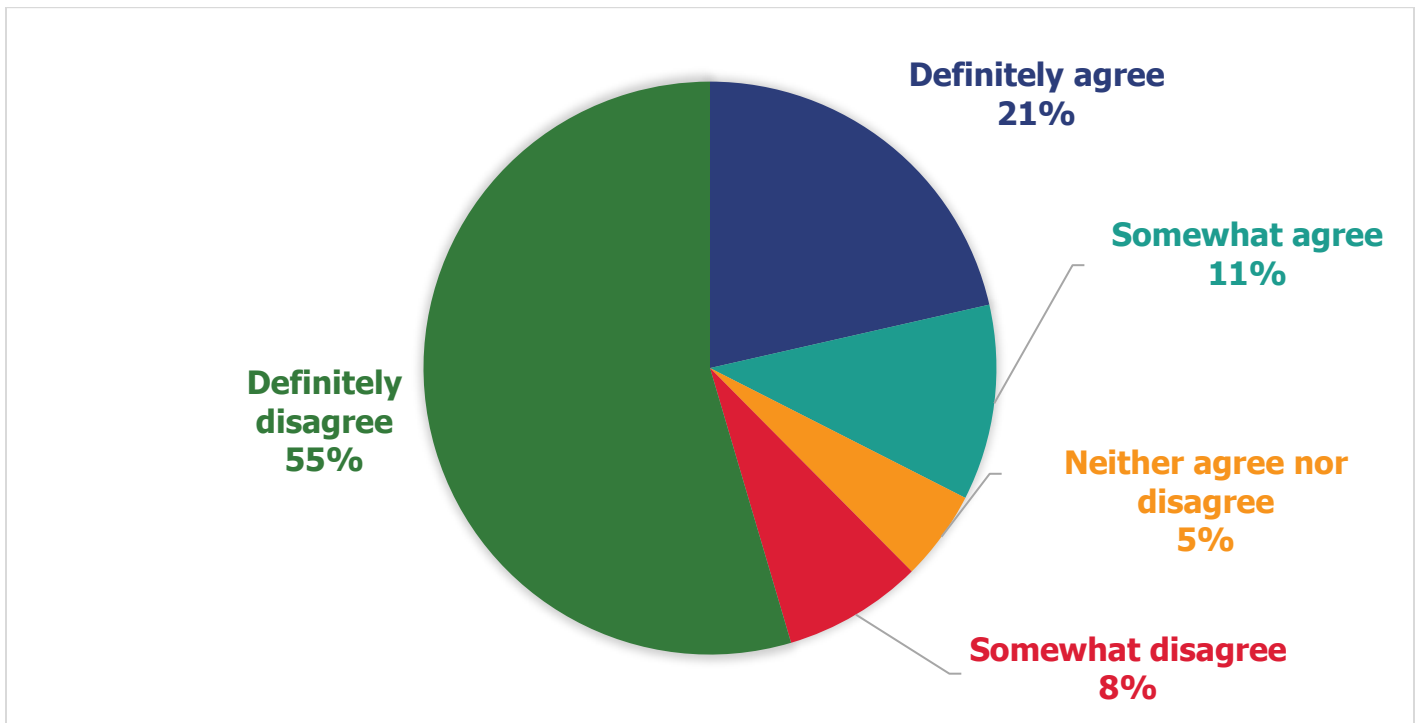


Answer Choice	Percentage of responses
Definitely agree	21%
Somewhat agree	12%
Neither agree nor disagree	5%
Somewhat disagree	12%
Definitely disagree	50%

Question 3

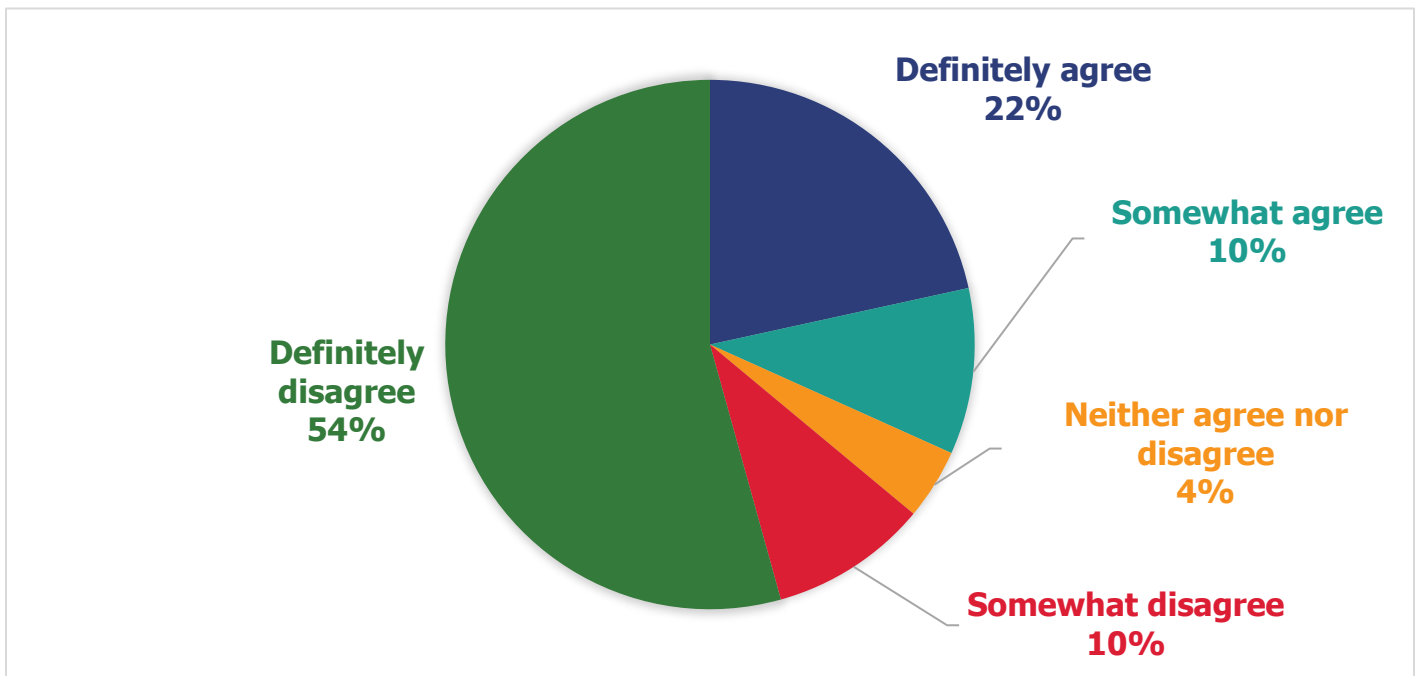
The proposed By-law outlines fees for cutting down mature trees based on property size (unless exemptions or fee waivers apply). **Do you agree with these fee amounts?** If you have any alternatives to be considered, please provide them at the end of this survey.

\$425 or replace with one mature sapling, if property is less than 0.5 hectares (1.2 acres) in size.



Answer Choice	Percentage of responses
Definitely agree	21%
Somewhat agree	11%
Neither agree nor disagree	5%
Somewhat disagree	8%
Definitely disagree	55%

\$1700 or replace with four mature saplings, if property is more than 0.5 hectares (1.2 acres) in size.



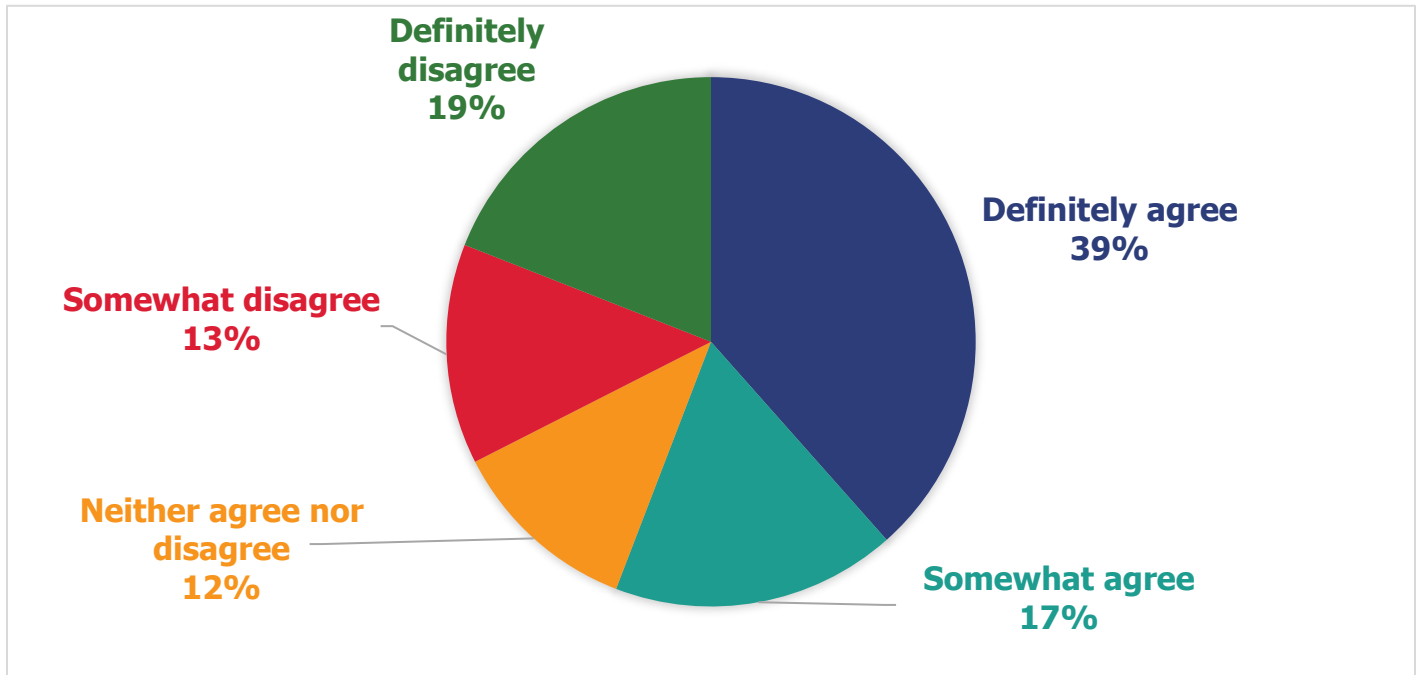
Answer Choice	Percentage of responses
Definitely agree	22%
Somewhat agree	10%
Neither agree nor disagree	4%
Somewhat disagree	10%
Definitely disagree	5%

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Question 4

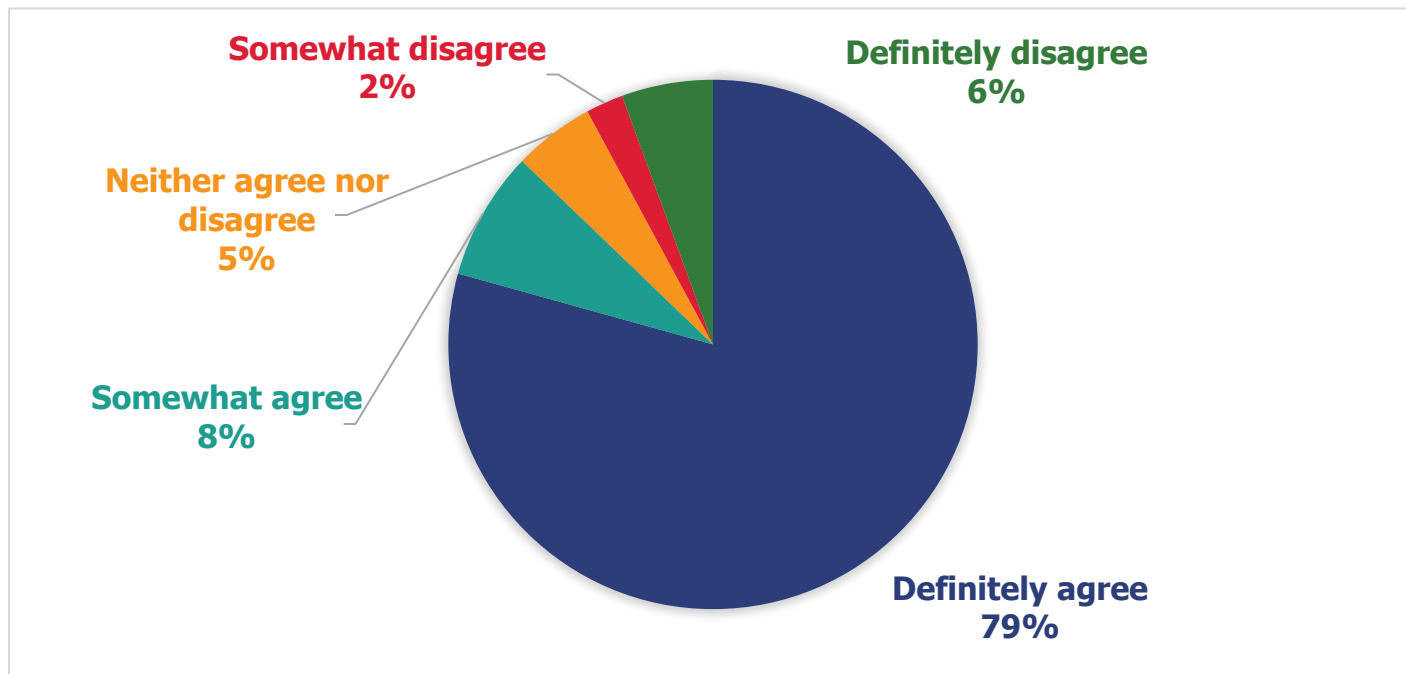
The proposed By-law outlines exemptions, meaning you would not need to apply for a permit in these situations. **Do you agree with each of these exemptions?** If you have any alternatives to be considered, please provide them at the end of this survey.

Specific Operations (agriculture, aggregates, cemetery, golf clubs, tree nurseries, forestry)



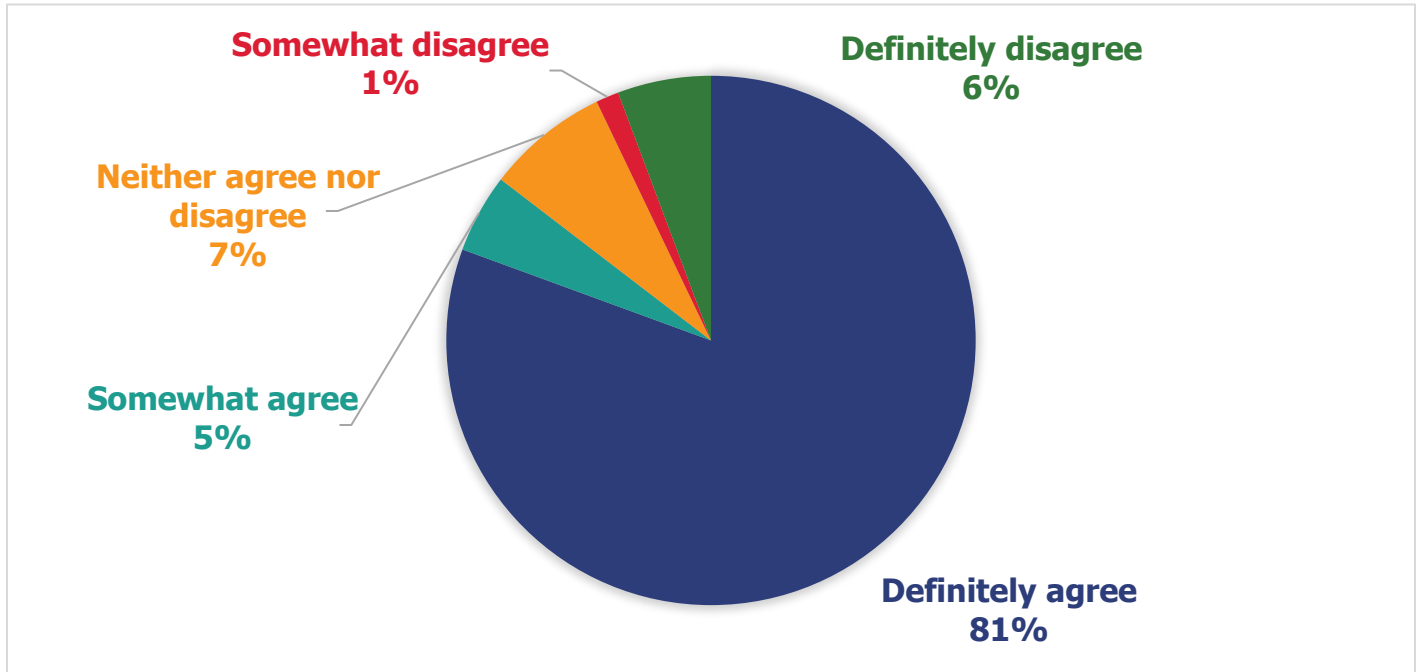
Answer Choice	Percentage of responses
Definitely agree	39%
Somewhat agree	17%
Neither agree nor disagree	12%
Somewhat disagree	13%
Definitely disagree	19%

Trees that pose a hazard to structures



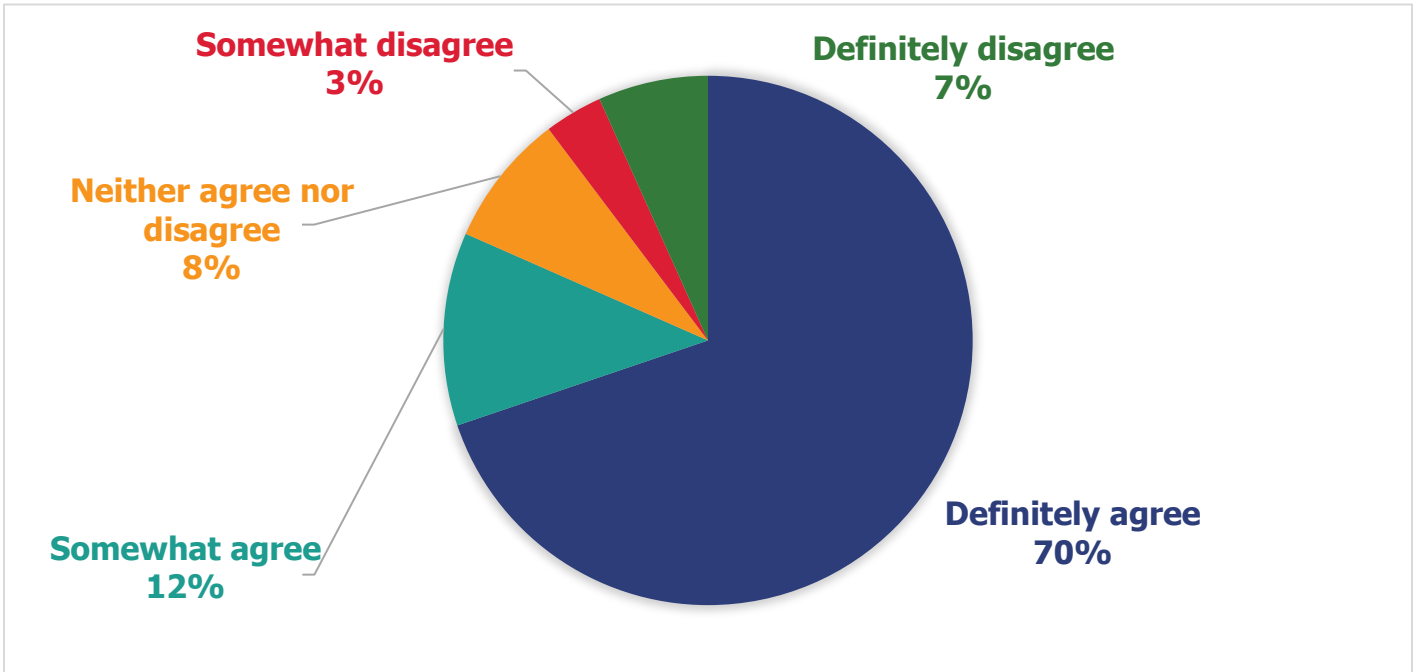
Answer Choice	Percentage of responses
Definitely agree	79%
Somewhat agree	8%
Neither agree nor disagree	5%
Somewhat disagree	2%
Definitely disagree	6%

Cutting down buckthorn (non-native invasive species)



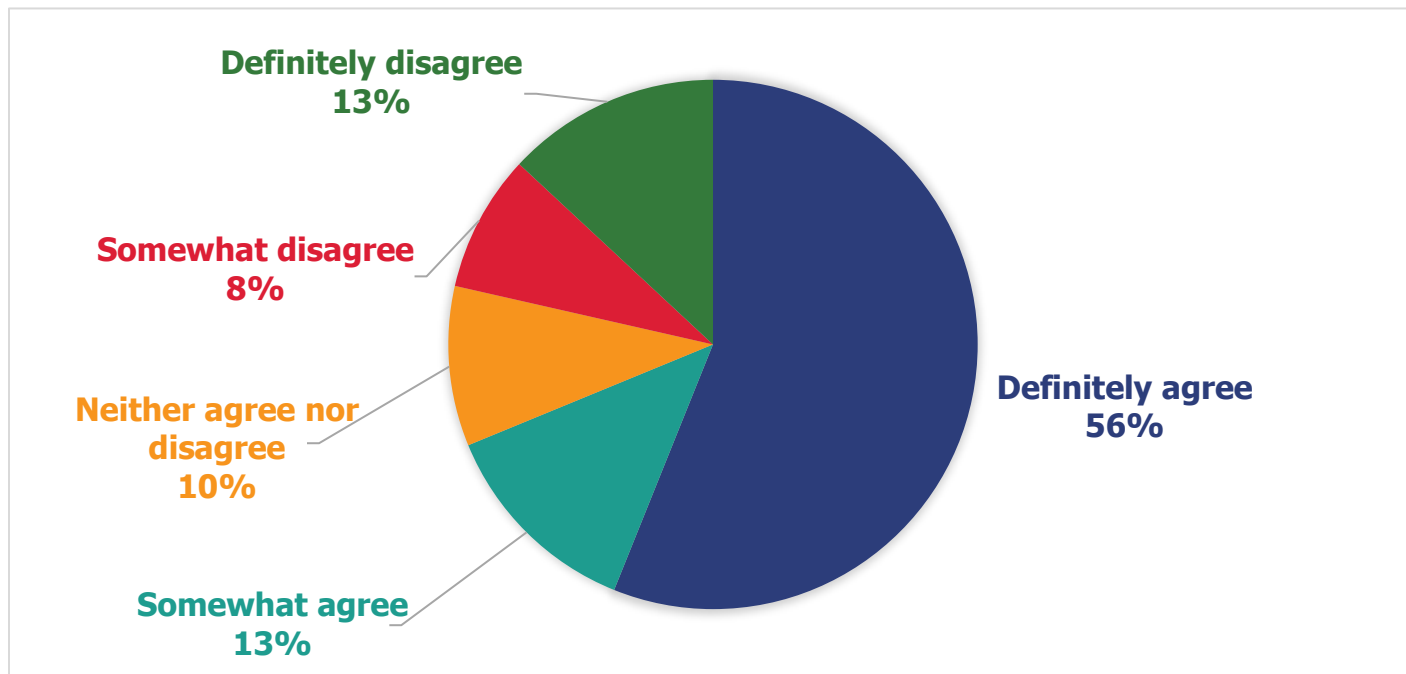
Answer Choice	Percentage of responses
Definitely agree	81%
Somewhat agree	5%
Neither agree nor disagree	7%
Somewhat disagree	1%
Definitely disagree	6%

Cutting related to septic installation or repair within 30 metres of a shoreline



Answer Choice	Percentage of responses
Definitely agree	70%
Somewhat agree	12%
Neither agree nor disagree	8%
Somewhat disagree	3%
Definitely disagree	7%

Trees that are used as wood fuel to heat your own home

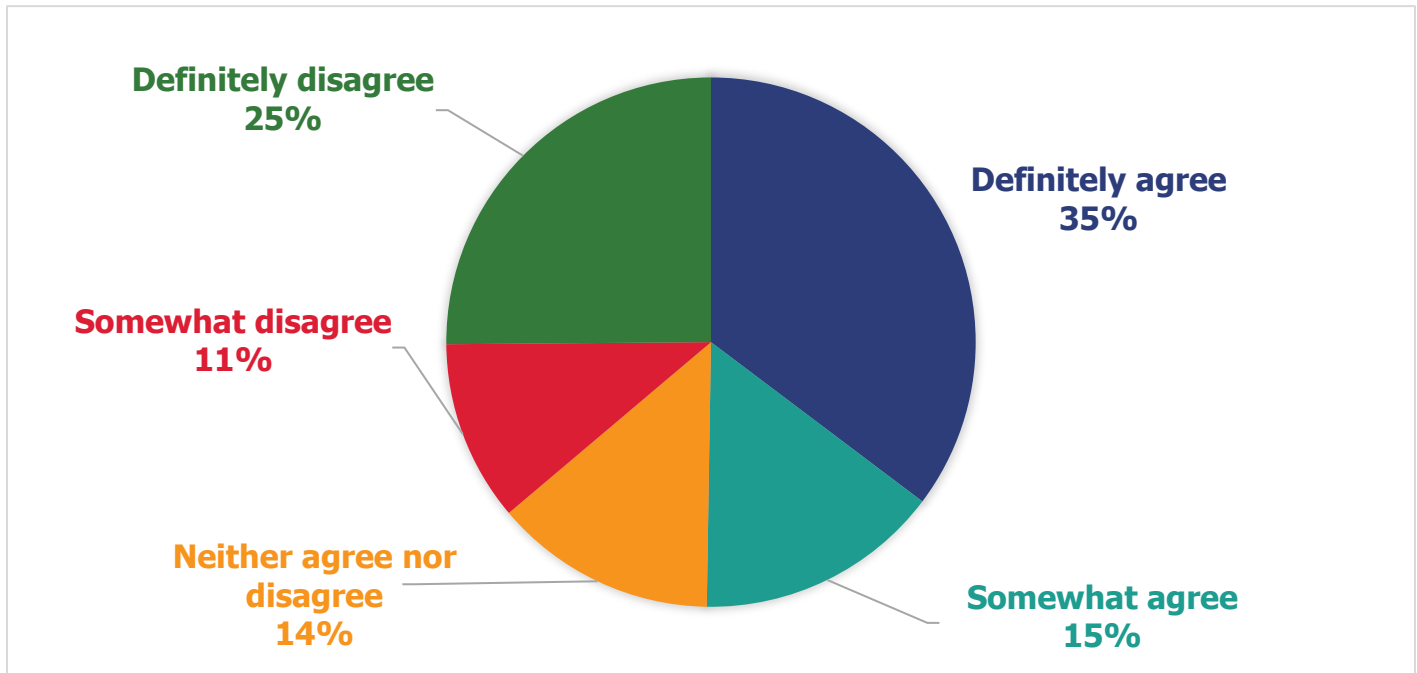


Answer Choice	Percentage of responses
Definitely agree	56%
Somewhat agree	13%
Neither agree nor disagree	10%
Somewhat disagree	8%
Definitely disagree	13%

Question 5

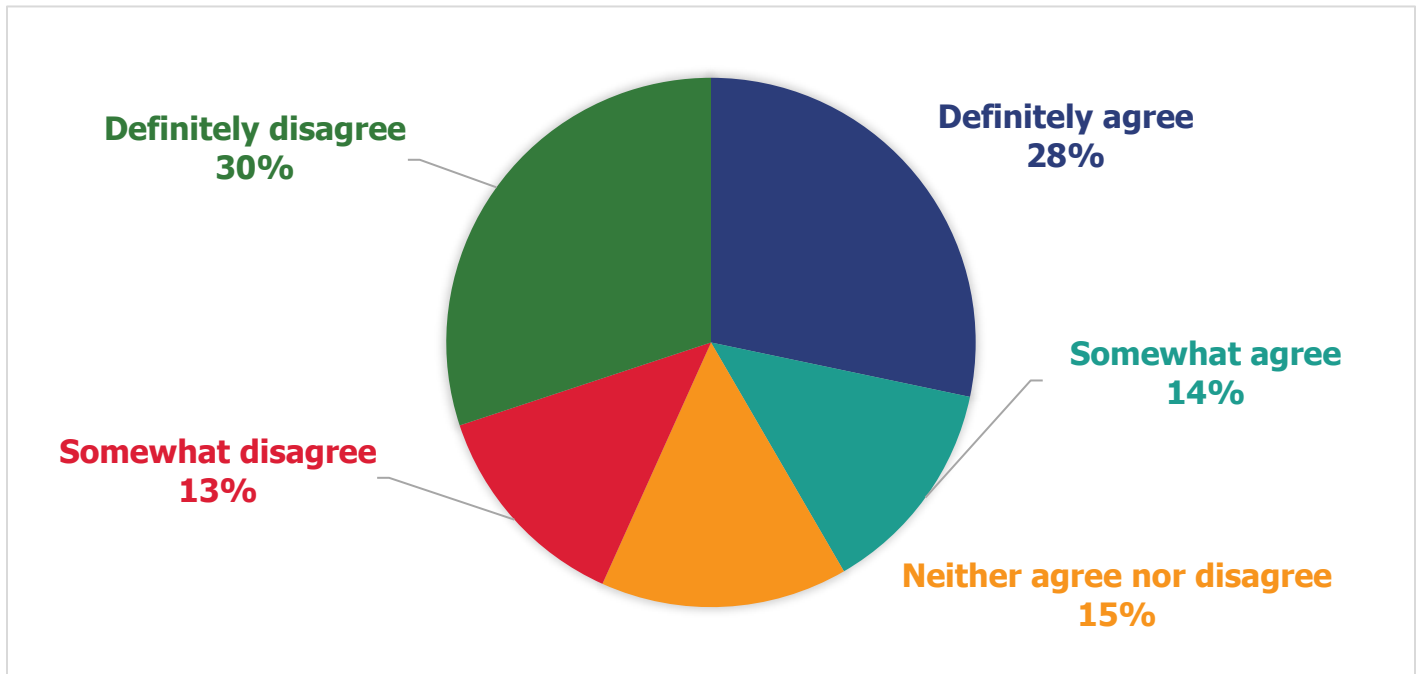
The proposed By-law outlines a fee waiver for low-income households and affordable housing developments. **Do you agree with each of these fee waivers?** If you have any alternatives to be considered, please provide them at the end of this survey.

Low-income households



Answer Choice	Percentage of responses
Definitely agree	35%
Somewhat agree	15%
Neither agree nor disagree	14%
Somewhat disagree	11%
Definitely disagree	25%

Affordable housing developments



Answer Choice	Percentage of responses
Definitely agree	28%
Somewhat agree	14%
Neither agree nor disagree	15%
Somewhat disagree	13%
Definitely disagree	30%

Question 6

Please let us know any alternatives you would like the project team to consider, including for: prohibiting cutting in Environmental Protection Areas, minimum property size, exemptions, fees and fee waivers.

Responses:

I agree with the general principle of the proposed by-law. I like the idea from the QA section on using satellite imagery to incentivize land owners to maintain and plant more trees. Many municipalities are using satellite photos to automatically detect undeclared structures or changes to properties. This can be done automatically and would be a great way to help the environment. I personally disagree with the exemption of golf courses. It should be understood that clearing trees

just to play a game on an open field should be taxed just like any other clear-cut. In this day and age it should be considered a luxury to have such fields that are not used for anything more useful besides entrainment. Cutting wood for heating fuel should also be reconsidered as an exemption. Each cut tree should be replaced with a young sampling. They cost very little (e.g. from Kawartha Conservation) and should not present a financial burden even for low income.

Prohibiting cutting during migratory bird windows and where active habitat for wildlife is present and proven

In Toronto I know that people avoid buying homes with large trees and avoid replanting trees that will grow large on their properties. I do wonder if over protection of trees can lead to unintended consequences where eventually Toronto loses some of its beautiful tree cover. I don't think there is a shortage of trees in the Kawartha Lakes and people have much larger lots with many more trees so there should be more flexibility in managing ones property. I don't see how this is an issue as you drive around and see a sea of trees but as someone with probably 40 trees (that as a family we've maintained for 40 years) I hate the idea of increased regulation and will clear cut a lot of beautiful maple trees if I think this is going through to give myself flexibility in the future. They're huge and I would leave them otherwise but they're getting so big that they're dropping huge branches and our local tree arborists can't even get to the top of them to remove dead branches. I love them but in a decade or two they might become dangerous and I just don't want to have to fight to remove them. They might get into our basement foundation etc. I know in Toronto you can't do much and I simply don't want to deal with that. I can't be the only one thinking of getting ahead of this regulation and I just don't think that city laws apply to the countryside where over regulation of trees may be too punitive when you have so many trees to manage.

Scrap the idea, this not Toronto with hear island benefits

HOW DID YOU COME UP WITH THE TREE PROTECTION AREAS WHERE THERE ARE WOODED AREAS THAT ARE NOT INCLUDED AS WELL OPEN FIELDS WITH NO TREES AND AREAS USED FOR FARMING ARE IN THESE AREAS?

If you own a larger property or wood lot you should not be told how you are going to use it. Is there ever talk of giving woodlot owners a tax rebate for having the trees and reducing carbon? No

"Fees should be higher.

Fine for cutting down healthy mature trees should be very high. \$2,000 - \$3,000.

I'm tired of people moving up from the city and clear cutting trees on their ""new"" country property. If they don't like trees they should stay in the city or suburbs. A mature sampling will take many years to replace an 80' mature tree."

I don't believe trees on private property should require permits so I don't have an alternative. I do agree with the exemptions, and perhaps there could be added 1 "freebie" tree per calnader year or

something so if somebody has 1 just incredible ugly tree they don't have to pay and fill out paperwork

There should be exemption where property has more than 30 trees and is less than 1/2 hectare.

I think an approach of no cutting trees outside of the perimeter of land that is maintained (lawn mowed, used for livestock) would be better than setting that xx acreage number. This basically ensures forested areas are always subject to permit enforcement. I also think farmers need exemptions for clearing land for livestock use.

I suggest reviewing Tree Cutting/Preservation Bylaws in other Ontario municipalities, consulting with Registered Professional Foresters, Tree Bylaw Officers (ie James Rogers), the Ontario Woodlot Association. This bylaw is not in line with 'good forestry practices' and will be difficult to manage with so many exemptions.

"This is too much government over-reach and over regulation.

I planted on my own initiative & cost 3,000 white pine, and 3,000 spruce trees back in 1980. Now I'm restricted to cutting down a tree and facing a fine?

Leave property owners alone.... they do more good than harm. Keep government out of property owners' lives in matters like these. No one voted for this."

Are you out of your minds

IF there is no chronic out-of-control problem with residents cutting down trees right now, then this is unnecessary. It is nothing more than big CITY staff and politicians creating unnecessary bureaucracy and fee grabs on a largely rural municipality. WHO decides if a permit is needed - an arborist? ANY fee should be less than \$100.

"Allowing cutting down of trees for septic systems installation/maintenance is going to be abused. People along the lakes will use it as an excuse to cut down trees to ensure they have a water view. This needs to be addressed. This exemption should not apply unless it is an emergency repair.

I am a bit confused. Is this only applying to EP zones? What about non-EP zones?"

This will be in conflict with the City's new rural zoning by law section 10.2 that allows for forestry operations in Environmental Protection zones. The by law project had significant public engagement and found it optimal to allow forestry within this zone. By banning it through this by law which does not have the same level of public engagement, it is undoing the consultation and work of a recent City project.

How will developers be treated? The bylaw as is indicates they could not remove trees without paying for replacements. Would it be possible to further encourage development design to incorporate leaving mature healthy trees in situ? They could form mini parks in some cases, or street

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boulevards without hampering excavations for housing and utilities. Perhaps an incentive would be needed, but it is well worth considering.

Once again the city is forming a nanny state, and patting themselves on the back for creating revenue from dumb ideas. Stay away from private property rights. Taxpayers have had enough of being told to do work for the city and pay high property taxes. (Eg. Clear bag program) This proposal's silly restrictions puts all the liability onto the property owner, and makes the city the righteous overseer. Leave regular taxpayers/property owners alone and target land developers who damage the trees. Whoever is proposing this should be fired.

"Penalties are too small to change behaviours. I was building a million dollar cottage ... your penalty is chump change. As a matter of fact you are encouraging people to cut down the trees and use them for wood heating.... seriously... another whole issue..."

People are destroying shorelines.... we need to stop that behaviour period not find a way to charge them. If we are talking non shoreline then different rules should be considered ... along what you have proposed."

This shouldn't be a by law at all. This would be trampling on property owners rights.

I do not agree with this proposal. I believe it to be infringing on my rights as a property owner and feel this is an ill thought out idea with no beneficial outcome, neither financially for the municipality, nor a benefit environmentally. This is something that is proposed to fix a problem that does not exist. I do not see environmental planning, such as this, going into any of the new subdivisions being built anywhere in the town of Lindsay, why is that? If there are those who feel there need to be more trees, why are there not enough trees available at Kawartha Conservation Authority, and at a reasonable price. I also believe there are few qualified arborists capable of determining the health of trees, this could lead to, not only unnecessary costs incurred by the property owner and further infringement by the municipality in policing this policy. There are many people that do not know the species of trees in our area and the health issues many have, and because of this feel opined to speak out, without understanding, the concern they have, regarding trees being removed in their neighborhood. This policy is much ado about nothing, and should be removed from procedure. This municipality has enough more pressing issues to attend to than this unnecessary action.

This is a tree tax and is not required. Tree preservation is not required as trees grow like weeds in the Kawartha lakes. This law is political and a money grab. It has failed in other jurisdictions and it will fail here as it impedes on an individual property owners rights and freedoms... if not with this council, then it will be reversed by a future council that actually listens to the wishes of it's electorate.

Leave this topic alone. Will create a negative environment of neighbors reporting each other. City has bigger priorities than this to be concerned with ie. Roads, sewers, water

My concerns are how the law will be written when it comes to "Trees that pose a hazard to structures". How is that determined? Does a property owner need to hire arborist? Removing a

large tree is expensive enough. Paying for someone to make that determination, plus the removal, plus permit / fee will make this very expensive.

Exemption for active golf courses is OK. A wannabe developer slaughtered over 200 mature trees in Kings Bay to make a point. The specific operations exemption must only exempt active golf courses. Those that have ceased operations and are really "land banks" must not be allowed to do what occurred in Kings Bay.

"I do agree to preserve mature trees in towns. I also agree about around lakes but the 100 foot buffer should be closer to 50ft or at least take into consideration size of the lots.

Low income housing do not have the means to even afford a house as proposed and they are typically renting.

More green spaces should be enforced in all new developments, trees, playgrounds and parks."

Copy of City of Toronto tree bylaws is unnecessary cash grab in cottage country where trees are not at risk to development as much a big city.

Need to look at farmers!! The removal of hedgerows through out CKL is a disgrace!! Also tree cutting during spring on farm land, then piled in heaps and lit on fire... again prevalent in CKL and again a disgrace and contrary to the Migratory Bird Act, but in order to proof it, you normally have to trespass which isn't a good thing!

STOP trying to regulate everything!!! No bylaw, No fee! Quit taxing us to death to pay your salaries!!!!

The City has no current bylaw because said bylaw would be deemed unlawful. My lands were deeded to me, not CKL and its surface resources are mine to make use of as I see fit, without interference. There are no "commons" rights established to allow the CKL to generate fees from my forest.

Are builders in new construction being tasked with planting trees when development is in final landscape phase?

"what kind of professional is required to determine that a tree is unhealthy? is there a certificate or signature required? are these individuals licensed by the city or can anyone provide this service (can I declare a tree unhealthy and cut it down myself)? I would have to pay for this inspection, or is this provided by City staff?

this bylaw should apply to all trees 30 meters from the shore irrespective of property size or use."

I dealt with the Toronto Tree Bylaw as an arborist in Toronto about 10 years ago. I worked on golf courses and they all had to apply for permits as well. Maintaining a strong canopy throughout CKL should be the priority, and golf courses can be notorious at removing beautiful established trees without valid reason if they are exempt from this bylaw. Obviously, there can be exemptions

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depending on safety or pest outbreaks, but they should not be exempt. As for agriculture etc, they should also have some form of bylaw applied. Obviously, this will not be as strong as the residential side, but any sort of removal or clear cutting of established mature trees should be reviewed by the municipality no matter where a golf course, cemetery, farmer's field etc.

I don't actually think any of this is logical and completely disagree with the entire proposition. Additionally I don't see why affordable housing developments should be exempt as they are often undertaken by the municipality and feels like a self-serving exemption.

Please allow removal of trees for agricultural uses (no buildings) with Environmental Protection Zones. Several areas that are used for agriculture are to be fully or partially zoned environmental protection under the City's new Rural Zoning Bylaw. I agree that we should not be cutting down trees in Environmental Protection zones to build buildings however, the Rural Zoning bylaw will prohibit new buildings in Environmental Protection zones which solves this problem. We should allow the cutting of trees within Environmental Protection zones for agricultural farming uses. Healthy ecosystems, which is what the Environmental Protection designation is trying to promote, does not just mean a large tree canopy. Open areas such as fields also play an important role. We need to allow the expansion of agricultural uses such as livestock and crop farming given we are losing so much current farm land in the province to housing development. Maybe consider a buffer zone around water body or wetland features within the Environmental Protection zone (i.e 30 m from wetland or water body) where no trees can be cut even for agricultural land use as a middle ground point of view but please allow for the expansion of farming.

Landowners should be able to cut down (or move) any trees to build a home or cottage on waterfront property. This new proposal would discourage people from purchasing vacant lots and existing waterfront properties. This would affect the city property tax base and our local builders and local supply stores.

"Please stay out of personal property's.

There are enough rules and regs and taxes.

If you want to regulate what and how property's are managed purchase them from the home owner.

This is in reality a money making tool.

I purposely did not buy into an home owners association."

"Why I disagree about the cost of a replacement tree has to do with the part of CKL on the Canadian Shield. Try to put anything but a small sapling in a 1 litre pot into the ground in areas covered by the Canadian Shield. I have put over 35 trees on my property. You are lucky to find enough space (width and depth) for a shovel to even be able to out a 1 litre pot's sapling in a hole! The bylaw should be tweaked to suit our geography.

As for Disagreeing over "Affordable housing developments, I fear Premier Ford will use the exemption to basically clear cut in the name of progress and allegedly helping to house more people. He is a threat not only to the Green Belt but to all of Ontario's environmental concerns.

Thank you for the tree survey questions. Glad action is being taken."

"No fee waivers no exceptions, you cut a tree you must replant one.

Same goes for the fee or replacement of tree, no matter the property size a tree must be replanted, no excuses.

If a property owner is putting a new septic system in then fine, but new tree(s) must be planted.

I'm tired of people in Lindsay and in Kawartha Lakes cutting trees and not replanting new ones. Look at Kent St in Lindsay, both sides of Kent St had lots of Trees now there are few and less shade on Kent St."

"1) ".....may require a permit to remove mature trees if their property is:

located 30 meters (98.4 ft) from shoreline and less than 0.5 hectares (1.2 acres) in size;" wording ambiguous. Implies ENTIRE property is located 30 metres from shoreline . Should specify any TREE within 30 metres of shoreline.

2) mature tree size of 5 cm is far too small, Typical Municipal By-Laws use 20 cm (Markham), 30 cm (Toronto).

3) There should absolutely be NO EXEMPTIONS for golf clubs or cemeteries.

4) Increase tree size to 20cm DBH and apply to ALL property sizes. This will greatly simplify administration of the By-law.

5) Provide a list of acceptable replacement "mature saplings" should be long lived native species.

6) Firewood exemption will be abused."

Leave well enough alone and forget about a Tree Preservation by-law. Banning tree cutting in EP areas is not consistent with the Official Plan.

There should be NO fee for cutting your own trees on your own property. This is not the role of municipal government.

Cutting of trees that are in the restricted areas as outlined by the existing bylaws that exist now in regards to building structures within distance of waterways is far more realistic. The environment was taken into account when these distances from water were established. Presently they are not under CKL bylaws but rather the old municipality bylaws. Example Fenelon's is 50 feet. Beyond that to call

all property that lies within 30m should have an Environment Protection is not realistic let alone do not fall in line with other municipalities such as Muskoka, Parry Sound, and many others. This is only a fallacy given tree hugger type of personalities. Of course you will get the majority in bed with this for it is not in their back yard let alone their principal residence. Stay within what is real data as well as speak with other far greater lake areas as mentioned for they have already gone through this exercise.

Keep your millennial noses OUT of taxpayers private property rights. Restrict my property rights and face a lawsuit 100% guaranteed. Who the actual heck do you elected civil servants think you are?

I would like to see substitution for all mature trees cut down, period. I would like to have very strict rules about any mature trees cut down. \$425 is not sufficient as a disincentive. Can alternatives be found to the need to cut? Trees have environmental and public value, even if on "private property" and mature trees were not planted by the owner. Therefore owners of land with trees should be first of all considered caretakers, with tree cutting permitted in very restricted circumstances, and new trees planted in exchange. Similar to the rules for destroying wetlands: not under most circumstances, and when necessary, replace.

"-I do not like "" for any reason"" wording re environmental protection areas. Should be case by case. Ie. Want an addition etc but trees in the way (?)"

-Size of property shouldn't matter

- the proposed fees are way too high, especially for those on fixed income. Many retirees have income higher than proposed amounts but still can't afford these fees. People will try to remove without permits because they can't afford the fees. I propose \$ 150 and \$500 or equivalent in saplings mentioned.

- cutting required for septic installation or repairs or(trees damaging septic systems) should be allowed on ANY property regardless of size or where located without permits for removal of the tree(s)"

Just another scam

Well if I cut down a tree on my property it is used to heat my house in the winter. Branches are chipped to improve ground cover. This really is a ridiculous bylaw. Very hard to enforce unless you photograph every property. Stump grinder sales will certainly increase. Good Luck.

It is already so expensive to have someone cut a tree down on your property and now you want us to pay extra fees to have an arborist assess the tree before cutting it down even if it may possibly be dangerous and kill someone. This is a horrible idea, putting plant lives ahead of human lives. This will also lower the value of land and property in the area. How about you guys spend some money on making sure power lines are free of trees so we don't loose power in the winter and freeze to death.

"5" isn't a mature tree. Manitoba maple, buckthorn, willow and others grow to 5" in a few years and are garbage trees. This needs to be changed

A property "within 30m" isn't a good measure. The trees should be individually measured if you're actually worried about shoreline preservation.

Low income and affordable housing is city subsidized. Why should the city be exempt from paying into its own program if"

"No healthy trees should be cut down unless there is a threat to safety, or there is an absolute need due to septic construction, agricultural development,

Forestry, Cemetery development. Old growth trees should be protected in all areas.

Shoreline tree cutting and complete clearing is happening in Kawartha Lakes as we speak, with no permits/ restrictions.

Fines and fees are still not high enough and it needs to be monitored. Permits are a necessity. Many Cottage and home owners on Balsam Lake don't care about the by laws and fines and will easily pay them if they are caught violating them. The fines, consequences must be more severe."

Sequestering carbon by allowing trees to be cut that will be used for building materials in particular log building construction. If this initiative is meant to deal with climate change, we need to stop burning wood, so I disagree with allowing trees to be cut down for firewood.

Property owners should be left well enough alone to decide for themselves whether they want more/less trees on their property at their own sole discretion. No property owner should be financially penalized for their landscaping choices. Are property owners who plant trees being offered financial incentives?? Thought not. This is another government money grab from the citizen.

Has there really been a problem? Do we always need to set up another bigger government to now monitor and enforce these new bylaws. Have neighbours call out each other. You are using a sledge hammer to address a very very small problem. Most lakefront owners are great stewards of their property and thus action is not needed.

If your looking to stop clear cutting it would be better to address this thru zoning or development charges. This increases red tape instead of smart governing. Feedback had fallen on deaf ears at city Hall, again

"How about you guys manage public trees that are infected with ash bore instead of coming up with fees for no reason. Perhaps work with hydroONE to avoid trees coming down on power lines since no one can afford to cut down infected tress as it stands.

Again another useless move just like regulating airbnb rentals, how is that one working out ?"

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"Manage trees on Municipal property only.

There is no place for government oversight on private property trees.

Economic distinction is ridiculous, exemptions are ridiculous, just save the trouble and expense to landowners and taxpayers and forget this idea. Landowners care for their property and have the right to manage the trees."

The city needs to allow property owners to manage their private property on their own. There is no place for the city to be charging fees for trees removed on private property.

"This new proposed law is ridiculous imposition of another tax grab primarily affecting rural residents, who have many trees. No-one is interested in cutting down trees needlessly. We don't need more regulation like this in the rural areas where our tree coverage is already really significant. What I would like to see is tree planting along the roads to provide a windbreak and also increase the canopy.

As I see it, this new bylaw will justify more employees reporting to others that will receive a promotion as their span of control is larger. I oppose any such new law as it is unjustified and ill thought out. You are probably just copying legislation from other areas and our councilors, who should be informed are lazily agreeing to these changes, without a true understanding of the underlying rationale. They are being bamboozled by the so-called experts. If you want to apply it to Lindsay and Fenelon Falls, great. Leave the rest of us alone."

Please do not bring in this By- Law, The city Has to much Rural areas for this to work.

Home owners should have some discretion over there own land use. Why exempt industries that can claim such fees as business operating expenses while requiring a serious gardener home owner to pay for tree removal if the tree is interfering with their chosen land use.. gardening. This makes zero sense to me. Thus entire proposal reads like just another cash grab on the backs of citizens that already pay so much more for everything. Now is NOT the time.

This is a penalty based proposal whereby private property owners who pay high levels of property taxes are having a further cost being imposed on them via professional consultations fees and replacement costs. Why doesn't the CKL put in place an incentive based program where saplings are offered at no cost or little cost to the property owner. This could be implemented in partnership with the appropriate Ontario Provincial Ministry This current proposed program will just alienate the public especially in rural areas. I agree with the need to maintain a certain level of forestation but not in the proposed manner.

"You keep cutting mature trees down this earth will continue to get hotter and hotter.

Look at Toronto for example. It is so blood hot in the summer. It is unbearable sometimes."

"Let people do what they chose on their OWN property. Charge developers for removing trees to make a profit and have them have to replace trees.

Make it a % of the trees on a property that can be cut down without a permit, ie 10%"

We are currently in an economy where we are taxed heavily, raising inflation and carbon taxes. I dont think now is the time to start implementing new bylaws in which there are larger issues within our communities. We are concerred with our tax payers tree cutting, but the large developers are clear cutting acres and hectares of land with no real concern. There is some replanting done when landscaping is done but not to the extreme in which they are cleared to make room for houses.

Fees should be higher and no carve outs for special interests. Start treating everyone equally.

"Perhaps cutting down for home heating should have a clause that cannot be within say 15 m of shoreline ... to protect

These trees that may be important for shoreline erosion and protection."

"There has been an abundant amount of research that have linked trees to the well being of people.

Why are we limiting the tree protection to all properties larger than 0.5 hectares (1.2 acres), in addition to all properties 30 meters (98.4 ft) from shoreline. Most properties in this area are less than that. Plus with the mention of exemption for agriculture, at what area can this be applied to? I would rather have a by-law that includes everyone than a by-law than a by-law that is limited to 30 m from shoreline and properties that are > 0.5 ha and that are not specific operations. This is a low bearing fruit approach, its so low that its rotten on the ground.

The entire area below the Kawartha Lakes is almost all agriculture, how much more trees need to be removed? In some areas its >80% of the area if agriculture, so Specific Operations should not be exemptions. Plus, I do not support operations that pollute the waterways which I swim and fish (let alone drink), cause air pollution to the air i breath, and contaminate the soil.

Trees that pose a hazard to structures should be certified by an SA Certified Arborist.

Trees that are used as wood fuel to heat your own home. - Isn't there a law or by-law that requires ever household to have consistent accessible forms of heat? like hydro and oil, or hydro and propane. Heating by wood is a privilege and should be done responsibly, but not in CKL where the tree cover is "

"Why should we pay to cut down trees on our own property?"

Developers can clear an entire area to put up malls or sub divisions, why penalize the individual home owners."

Development of a vacant lot should be permitted and this typically involves cutting down trees

This is a total waste of taxpayers money, considering this, looking around the lakes, I cannot find one property that has abused the removal of any healthy tree.

Don't worry about what people do on their own land. Worry about fixing the roads.

"Property owners are already hit with enough costs, and we should not have to incur more costs for maintaining our property.

Recommendation:

Go after property owners to have them pay for permits when they want to strip their land of all or determined number of trees for financial gains."

"This proposal is just another level of government reach with the number of loopholes such as tree being cut for firewood or unhealthy trees trees being poisoned so they die .

We would a property owner that is in 1.5 ha have to pay more than others that own 1 ha

How many additional public employees are need to be hired to inspect these trees and issue permits .We should be looking of ways to save public funds necessary to support existing programs not finding ways to spend more tax payers money"

"This will require more overpaid government employees. Definitely a waste of money given the deficit the city already has.

Just leave the whole thing alone. This is a cost that is not necessary."

No tree cutting bylaw on personal property. If you want to have laws about who is and who isn't allowed to cut a tree then you have to own the property that the tree is on first because the municipality authority to dictate land use extends from the municipality act which is conferred to it by the province so the municipality cannot supercede private property rights that are pre-existing agreements between private property owners and the province.

What about all these bloody farmers removing so many trees to grow more corn, soy right to the edge of the road? Destruction of so much wildlife habitat has been going on too long in this municipality.

leave the tree owners alone 98 percent of us appreciate our trees we dont need a bloated beurocracy to tell us how to manage our property . if a bylaw comes to pass any person who cant cut their own tree should be adequatly compensated by the municipality . if you want to do something great for the enviornment and the people of the municipality halt all building on class 1 and 2 farmland

Stay away from our property if you aren't paying my taxes stay off my land with all your rules

It shouldn't be any of your business what people do on their own property. Concern yourself with the public issues you don't handle competently, like road maintenance and stay off private property

Just a money grab stay out of peoples lives

Private property should be just that.... private! Sounds like another money grab in Kawartha Mistakes...

For new developments this will only cause more valuable farm land to be used.

There are plenty of trees in the Kawartha Lakes, why do we need more regulation and more government?

There needs to be understanding for wood burning stoves, farmers and the need to clear land for fence rows, and land clearing for agriculture. For years farmers have removed and kept in check sick Hazardous trees without the need of a "professional" to tell them a tree is sick. Frankly it's common sense to identify dead standing wood and sick trees. Seems like yet another fee/cost that is just being added on to the middle class. This is primarily a rural farming area, maybe actually consult farmers and rural tax payers before forcing new bylaws on your citizens

Stay out of people's private property.

There is nothing mentioned concerned dead trees. These may not necessarily pose a risk but should be cut, no questions asked.

Fix the roads.

This proposal will not provide a single benefit to the Community. There must be other more worthy projects that need attention and are not such a blatant wastes of taxpayer Money. This proposal sounds like a bureaucrats pet project, it will benefit no one and cost many.

This is a horrendous cash grab on already overtaxed seasonal property mainly cottages. It will not stop private homeowners from cutting down trees they own and cherish. What will it accomplish other than subsidizing a bloated municipal budget and benefitting arborists that are already highly paid. expanding a septic tile bed is already horrendously expensive, add a level of bureaucracy about trees and it will only get worse. The end result people won't undertake projects that would otherwise benefit water quality. This is cheap window dressing by council and smacks of government overreach. Let the Ministry continue to issue logging permits and quarry licenses and rape the land with no proper oversight, then cover it up with tree bylaws? What are you doing?

Who decides what is an "Environmental Protection area"? Who decides what tree is appropriate for removal? At what cost and time to a land owner? Why implement another layer of regulations on Landowners? Mature trees do not live forever, many are rotten or diseased and many times this cannot be determined till its been cut down and examined. Once again more government over reach

to address a non problem and impact negatively the ability of property owners to manage their wood lots for some economic return. I don't believe any assurances that this will not encroach further into agriculture and wood lot properties. I am not in support of this at all. Jeff Karelsen.

I payed for my property and pay the taxes so I will not let the city tell what to do and pay for it. Only if they worked this hard on things that matter like looking after their employees and paying accordingly. If they did waste \$\$\$ changing their logo

This will unnecessarily increase costs of maintaining the property. Even for cutting down healthy tree we would need to hire "experts ". This is money grab scheme and nothing else.

The complete by-law should be rescinded . it is not the job of City staff to form these type of policies without proper need. Only elected officials have the right to create these policies so that the publics best interests are considered. There should be zero input from staff or By-law enforcement to use taxpayers dollars to harm citizens of the municipality financially and encroach on sovereign rights of the taxpayers. This is a costly programme with no transparency and a huge draw on the rights of taxpayers. City staff must serve the taxpayers as a service agent in a dejure government and end this defacto overreach of power. let the taxpayers decide there own policies.

Shorelines should be kept in their natural state as much as possible. These shorelines provide irreplaceable access to water and trees routes help to solidify the shorelines. As humans we have the ability to understand how detrimental it is to keep nature natural and cutting down trees unnecessarily has long term negative affects.

The best alternative is to not put in another bylaw at all. We have far too many laws and too much spending by our government. We need to decrease the size and scope of all government and decrease the number of regulations to curtail all government spending, if we are to remain any semblance of a free country.

Farm Properties need to be exempt from requiring permits.

Keep you hands out of my pockets, how will this help developers keep new construction costs down? How will the city have a level playing field for single family homes verses sub division projects. I would propose if the trees need to be cut down to provide room for a new home that fees would be waived.

Eliminate the professional assessment requirements. The cost will cripple the intended good benefits of maintain our healthy, safe properties. Tree management is part being a property owner . As an environmental technician graduate not qualify me to manage my own property or would I have to waste my hard earned money a report/approval report that I am qualified to do. Is Tree management out side the scope of the township skill set and ability.

"As someone who has worked with trees my whole life, I'd suggest the status quo while more considered research is done that reflects the realities of a largely rural "city". Research forest management best practices (you'll find this includes the culling/thinning of trees).

This policy, imported from densely populated urban municipalities, doesn't translate to a rural community like ours. I'm already seeing the unintended consequences of this proposal with neighbours cutting down trees they'd otherwise leave because they are worried about the fee down the road.

I think you would be better served to focus on urban trees - protecting the large old trees of Lindsay, encouraging the planting of native species, etc. look to the town of Amherstberg as an example."

"This entire concept, despite presumably positive intentions, is absurd. It infringes on personal property rights and incentivizes perverse behaviour without having any positive demonstrable impact of creating a "healthy environment". It will make our city and community less competitive while trying legislate change to a macro challenge that is beyond the scope of council's ability to resolve.

The fact that narrow special interests and arbitrary measures have been identified is also perplexing and promotes a sense of "rules for thee and not for me".

Our city is trying to thrive and grow after decades of mismanagement and myopia and thoughtless policies and rule-making like this threatens the prospects many in the community have created via their own blood, sweat and tears, despite any thoughtful collaboration from local government."

Bylaw appears to allow clearcutting for a price. Focus should be tree preservation rather than income generation from clearcut trees.

Let people use their own property. People pay enough to own property that they shouldn't be nickel and dimed to use their property as they see fit.

This bylaw is ridiculous! We have a tree that is too close the house. It needs to be cut down but we will not be able to afford the fee to you, plus a tree removal company and would not qualify under low income. Charge a fee to the companies that come in and clear cut to build new expensive homes.

"The definition of a mature tree on a property should be amended to 8 inches in diameter.

Properties within 30 metres of a shoreline should be exempt unless the property is greater than 0.5 hectares (1.2 acres) since these are subject conservation policies and other water and shoreline management policies.

Fire prevention practices put out by the Ontario government and other agencies should be allowed."

The ignorance of council to attempt to take more money from its citizens with over-regulating private property, during a time in which the tax payers funds are already stretched thin is just un-imaginable. Stop the micro-managing of your community just to make money!

Exemptions for agriculture and open pit mines should not be allowed. These wood forest habitats should be protected.

"Stop controlling citizens lives. So many things are not predictable into an unknown future. Stop treating everyone/everything as one rule for all. This by-law appears to be another distraction, while world corporations continue to control us behind the scenes, like the control of the now corrupted United Nations, of which, in the fine print, you are agreeing to taking control away from the individual and giving it to unelected psychopath billionaires that are overtaking total control of our world. Elected Government leaders, including Municipal Government, are now at the mercy of world control, by accepting the large grants of money , with promises that are almost impossible to meet. One mayor power may seem pie in the sky at the moment, but DO NOT BE SO NIEVE, MONEY IS CONTROLLING AND ABUSING OUR WORLD. YOU ARE MERE PUPPETS SELLING US OUT TO SATANIC BILLIONAIRES. ONE DAY YOU WILL BE HELD ACCOUNTABLE TO AGREEING TO SELLING US ALL INTO COMMUNISM.

TYRANY HAS NOT GONE AWAY, IT HAS JUST BECOME BETTER OVER THE LAST 70 YEARS AT TAKING OVER AND EXTERMINATING PEOPLE WITH THEIR OWN FEARFUL PERMISSION. YOU ARE ALSO PART OF THE WORLD ECONOMIC FORUMS ""USELESS EATERS"", WHICH WILL BE EXTERMINATED AFTER YOUR USEFULNESS IS FULFILLED."

"I find the opening sentence above and the word ""destruction"" to be poorly chosen and could display a bias, maybe ""removal"" should be used. Most property owners I would like to think are ""Managing"" their trees and shrubs on their properties in a responsible manner.

-I am a waterfront property and believe the 30M from shoreline should be reduced to 15M. Many of the waterfront properties have structures 20-40M back from the shoreline and many of these properties were farm fields prior to the 1950's, not woodlots.

-Instead of taxing and creating a need for additional staff with the policing of peoples properties, create a system with positive incentives instead of punishing. The last thing most CKL tax payers want is yet more municipal costs.

-Why don't we Introduce a Managed Tax Incentive for smaller Residential properties owners?

-If a tree must be removed replace it

-In my opinion, as it is currently structured it is simply a tax facilitating Municipal overreach on privately owned land

-A description of how this regulation would administered is needed"

Unwarranted fee pushed onto the residents of Kawartha Lakes

"Not sure that this bylaw is really needed to begin with.

I worry that this might become a he said she said situation.

Who decides if a tree meets or does not meet the regulation?

We have enough red tape in CKL.

I vote against this bylaw."

In the proposed by-law where one wants to cut down a tree due to septic system or within 30 metres of a repair on shoreline, these occupancies should be approved by our inspectors before an owner can cut a tree down. However if the tree is a old but healthy tree, I would prefer alternative solutions to be considered before removing such a tree.

"1) If a building permit is issued there should be no fee

2) Fee should not be determined by property size or location such as shoreline. All properties or none

3) Fee should be for certain trees only ie Maple, Oak, Ash etc. Not short Lived tree species like Poplar, Willow

4) Everybody pays - if you are a property owner you pay

5) Fees are too high per tree - Saplings or seedlings should be allowed to replace trees. Saplings can be hard to get to survive. Some areas are too hard to dig deep enough to plant."

"If a by-law is passed, the fee amount should be lower and should apply to all homeowners regardless of income level.

The fee should be based on the number of trees removed and not property size.

An alternative to the fee, should be the planting of an equivalent number of replacement trees or 2 new trees to 1 tree removed, and include the option to plant seedlings or mature saplings."

"No bylaw

Tree planting program instead

Development provisions to support tree planting

Do proper consultation with affected groups and tax payers"

The only acceptable alternative to this proposal is to scrap it completely. In a time when people are struggling to make ends meet, we do not need to be making additional payments just to maintain our properties. Create ruling to affect subdivision developers, not the average homeowner.

"This is overreaching.

Appears to punish homeowners while allowing exemptions to low income whom are already supported by government funds and companies. Seems that a few contributing community members will be targeted. Who exactly is the target of this plan?"

This is a terrible idea. We don't need more micromanaging bureaucracy introduced that will cost taxpayers more money and we don't need to make their lives harder seeking permits for unimportant things. Focus on basic services.

For low income and affordable houses provide replacement trees at no cost.

"The intent of this bylaw makes sense if there is a current problem with healthy trees being removed indiscriminately. As a longtime resident of the area, I do not believe this is the case. Healthy trees are only removed for building/property improvement projects.

I am very concerned about the administrative costs of enforcing this bylaw. I don't believe this is a workable solution since the end result will be higher taxes to the property owners.

I believe this proposed bylaw should be put on hold until studies can be done (and communicated) to determine:

- what is the extent of the problem being addressed? If the bylaw was in place today, how many trees would have been prevented from being removed? (Eg. the massive housing development on the north side of Lindsay)

- what will be the administrative cost to enforce this program and how will the city pay for it without an impact on property taxes?

I strongly recommend that the project team should consider adding tree removal information to the building permit application process as a first step. This will provide more information on the extent of the problem."

Giving CKL control over what we do on our private property does not make sense. We take care of the land and forest we own, caring for the healthy trees, cleaning up and clearing out the dead standing. It's our responsibility, not yours. And to pay a fee to be told a tree can or can't be removed when we do it to protect our land... Nonsense. Leave it alone and allow people the freedom to be stewards of the land they own and pay for.

As someone with a forestry degree, I very much disagree with all of this. If someone is cutting down a tree, there is a reason for it. Especially on a property they already pay taxes for. Unless the city of Kawartha lakes will be paying for the cost of saplings, complete crap.

Why is my strongest opposition option "Somewhat Disagree" instead of "Definitely Disagree"?

"Kawartha Lakes should have created a Tree-cutting By-law prior to a Tree Preservation By-Law. All trees need protection, not just ""heritage"" trees. A permit should be required to cut down a certain acreage of trees. If the trees on a property do not meet the 15 cm threshold, than a clear-cut can occur on the property.

The fee should not be based on the property, but the number of trees they are wanting to remove."

"Government is over-stepping. This is my land, all 25 acres of it. We pay property taxes (for what, I'm unsure); but you have ZERO RIGHT to step foot on, or tell me how to manage, my property.

Step way back government - focus on your potholes, lack of police and the subdivisions devouring the country side with not increase in basic services."

"Q#1 - My read of proposed by-law seems to indicate scope is beyond just environmentally protected areas (eg shoreline) which is what I totally disagree with; bona fide shoreline/EP areas are understandable within reasonable limits but across-the-board application on ALL private property over 1.2 acres is unacceptable.

Q#2 - As per above comments, I fully disagree with ANY by-law that restricts tree management on private property that is not within shoreline boundaries or within a bona fide EP area. No exceptions.

Q#3 - Proposed ""fees"" are excessive and are not congruent with a reasonable and justified administrative process; they are more reflective pre-assessed ""fines"" and/or ""penalty"". Perhaps if the scope of this proposed tree management/preservation by-law for areas outside of shoreline/EP areas were more correctly aimed at those parties who are actually causing the large scale damage (eg developers), then high fees of this nature could more reasonably be considered but to expect regular residents to absorb that kind of cost is unacceptable and an irresponsible direction for a municipal government to take. And there doesn't seem to be any max. upper limit on proposed fees either...again, maybe that makes sense if the target audience was limited to developers but, otherwise, it seems unreasonable. I also cannot see how the municipality thinks it is going to even properly staff an operation such as is currently being proposed; with that tight of a noose around the neck of the population, the administrative and approval bottlenecks will be massive and immediately obvious to all.

Q#4 - I disagree with the majority of the proposed exemptions with the exceptions being agriculture and cemeteries. While I also do agree there should be an exemption for property owners who cut their own wood to heat their own home, I don't understand why there wouldn't also be an exemption for small businesses who cut wood for others to purchase in order to heat their own private homes? There seems to have been an oddly chosen selection of commercial activities which would be able to operate outside the scope of this by-law (eg. golf; aggregates; forestry) - why has it been determined these specific commercial operators are above everyone else?

Q#4 - I agree with exemption for invasive tree species (there's more than Buckthorn in that category though)

Q#5 - Totally disagree with exemptions for deemed 'low income' households and deemed 'affordable housing' projects. From what I see in Bobcaygeon, ""affordable housing"" attracts and retains nothing but problematic individuals who prowl, break-in, steal from and otherwise frighten other residents who should not have to be subjected to this crap., No exemptions for these people; if you own a home, you are accountable to the same rules as the rest of us are going to be held hostage to.

Thank you for the opportunity to provide input, however, it would have been appreciated if the City had been more transparent about this proposed by-law vs. trying to fly it 'under the radar' it seems. Why no broad communication of this proposed action when it clearly has a massive scope for the residents of CKL? Perhaps I missed the PR campaign and opportunities for wider input/conversation and, if so, I do apologize for preceding comment. After my spouse and I became aware of this intended course of action though, we communicated to everyone and anyone we knew as a 'heads up' and I don't think we encountered ANYONE who had a clue this proposed by-law was motion. I truly hope the municipality takes a serious and realistic revisit of this proposed by-law. A cohesive approach for the protection of sensitive shoreline areas and other areas that fall within a bona fide EP area is understandable but that is not what is being proposed in this by-law."

There should be no permits needed. For rural areas. In town permits make sense.

"I do not think fees are required at all. People bought these properties without these restrictions.

If this proceeds, please consider grandfathering current owners."

"Hi I am XXX of XXX XXXX. We have been in business for over 45 years and harvested timber in your county for a long time. I think if you guy's want to put in a tree cutting By-law should copy the Northumberland county tree cutting by-law. It is a very good and easy by-law to deal with.

Even though there is No tree cutting By-law in your county right now. This is what we have used when we harvest wood lots in your area. I real do not think you need a tree cutting by-law at all for wood lots that are owned by farmers and land owners in rule areas. You just need to protect the trees along shore lines around lakes.

I would like to assist you in putting in a workable tree cutting by-law in your county as I was on the committee to put the Northumberland county tree cutting by-law in. It is a very good by-law that all land owners like. It is very important to me that we put in the right by-law as it will affect my company and many others like me and we get the support of the public.

Minimum diameter permits for 5 inch, is ambitious and incredibly understaffed, even with the proposal of new staffing. There is no indication that a permit will be denied. I have interpreted that a tree can be removed if it is hazardous without a permit but there is no clarity on who considers it hazardous. The owner? An arborist? What are their qualifications? TRAQ? Can anyone get a permit

otherwise? Are permits issued so trees are still removed with the exception that the owner pays are will permits be denied if the tree is not accepted for removal?

"Q1- I agree trees and shorelines need to be protected. From what I have seen, the properties that I have worked on as an owner operator of a local tree care company many people are willing to do what it takes to protect the trees on their property and in their communities. They do a great job of looking after their shorelines and trees. I suggest that instead of banning the removal of trees, you educate the benefits of keeping trees on your property. Fleming College, City of Kawartha Lakes arborists and other International Society of Arboriculture certified arborists in the area are great resources for this. As a former arborist for City of Kawartha Lakes I know we have partnered up with Fleming College and found them a great help.

Q2) How about set a certain distance from the water on lake fronts, and tributary fronts instead of hectares. By doing this you then protect the trees doing the work along the water ways, but you also leave the homeowners with some control over what they do with their trees on their property. Ie. 10 meter distance from the water edge.

Q3) The proposed fees will not cover your time going to check if the new trees are planted, nor the people needed to process applications, check the trees, enforce the bylaw. There are many trees in the area that are getting removed by many different people, professional and not. It is going to take a huge budget to cover the cost of this proposed bylaw if it is enforced. Let's not push the debt of our great city further into the red. As suggested above, an education program might be a better use of time and resources. If fees are what is desired what about a water/E.P. front development fee. A trend I have seen in the field has been that empty wooded lots are being sold and then the new owner clears the lot for a new build. Put stipulations on these lots. There are less of them which would be easier to manage but more profitable for the city. Less overhead and higher fees for these developments.

It should apply to all properties regardless of size. Seems in our community new people move in and one of the first things done is to remove trees. At this rate we will lose all our bird habit.

I would suggest that, especially for the larger properties, waivers should be based on why the cutting is occurring. As such, if I as a landowner, cut a clearing to put in a vegetable garden for example, I feel that requires different consideration than cutting down a large area to build a subdivision. Additionally, application to the cutting of every tree does not feel equal when looking at the small lot vs. the large lot. I.e. impact of one tree on 25 acres is quite different than on 1 acre.

stay out of and don't regulate privately owed land

I believe this bylaw is a complete waste of time! To ask a resident of kawartha lakes to apply for a permit to remove a tree on their private property is absolutely wrong. This proposed bill is just another tax that city residents cannot afford. Please think about how absurd this is

it is my opinion that land containing a forest of trees should be managed. By that I mean the deadwood should be removed and use for firewood, or for some other purpose thereby allowing existing trees to capture sunlight. I definitely do not agree with developers removing existing trees. While it is good that they will be replaced, it will take years for them to obtain the growth that they were at.

No fees are necessary. All property owners should be able to use best discretion at all times. Clear cutting should not be option. People pay enough taxes already additional fees are not necessary. This passes too much control to the municipal government

"Throw out the whole project. This was a make work project for the city solicitor to do while she lives in Nicaragua and has has nothing else to do. First it was how long the grass can be grown in our yards now this. She doesn't take the time to work with our Councilors and honestly what can she when she is not living in the same country- that's not working from home.

A complete waste of time."

"Why are you creating all these new fees and rules when there is not a problem. You are in essence making the average resident a criminal for cutting down a tree on their property unless they pay a fee.

I personally love trees but government does not need to intrude into people's lives like this.

It always seems lately that city politicians like to impose these punitive rules across the whole city.

Outside of Lindsay, we do not need such rules as 99% of country residents are great stewards of this resource and have been for a long time. Some common sense has to prevail and I understand the canopy case within city town limits but you do not need fees to accomplish this goal. It is just another tax grab on top of the cost to replace a tree"

Some residents have trees that were planted way too close together by previous owners and have to be cut down along with unhealthy trees. There shouldn't be fees because most people plant seedlings anyways

Please make businesses and golf courses subject to the same fees as tax paying residents.

Tree cutting should only be prohibited in Environmentally Protected areas.

Would consider expanding the non native invasive species list to include any non native invasive species rather than only the one specific tree.

Leave people alone, we don't have a deforestation problem!

Defeat the By-law

The fees must be higher to serve as a deterrent

"I bought my property! I pay my taxes! The only services I receive are garbage pickup and very poorly plowed winter roads. (The roads are no joke, I leave at 4am every day. hitting the durham region line is like crossing into Florida on a snowy morning!)

My taxes regualry go up but my services DO NOT improve!

Why in hell should I have to pay to maintain my own property? If i want to cut a tree I will.

Focus on somthing that actually matters, like the homeless and addicts that are running rampant around town.

Shove this Tree Preservation By-law up your rear."

We pay enough taxes, and you can't even keep the potholes filled. You've cost me \$2300 in tires and rims in the last 2.5 years. If you don't fix Sunnywood Road I will, and submit you an invoice. You should be ashamed of yourselves for considering this foolish tax grab. Quit wasting money in Lindsay, and quit neglecting rural folks. Tax us more so you can waste it in town again, truly unbelievable.

My land my choice.

I think it's ridiculous to try and enforce this bylaw. There is a lot of well managed wood lots in the kawartha lakes. Cutting down mature trees like poplar is beneficial for their regrowth as the suck from the exposed roots. This bylaw is nothing more than a power and money grab. Grade the back roads and leave property owners alone.

Stop wasting taxpayers money and time on crap like this. How many trees were wasted to do this survey?

Stop wasting money on surveys like this, that cost millions of tax payer dollars every year. How many trees were killed in the progress of this survey??

"A few years ago, lightning struck a power line resulting in a fire that spread to the ground and nearby trees just 100 meters from our property. This event got us thinking about ways to protect our property from fire, especially with the dramatic increase in wildfires. We would like you to consider making exemptions to the proposed by-law based on the Province of Ontario ""Be FireSmart"" recommendations (<https://www.ontario.ca/page/firesmart>). These recommendations include removal of evergreens within specific distances of your house/cottage in order to minimize the risk of destruction or damage to property and safety for occupants. Proper tree management is essential especially considering the limited firefighting resources outside of the main cities. Our property is 0.3 hectare and, most of it, all within 30 meters of a shoreline. We have a very dense tree coverage that

we have started to carefully thin out (according to the Be FireSmart guidelines). This careful forest management plan could be compromised by the potential application of this proposed by-law.

In addition, shorelines and surrounding areas are already protected by other by-laws or rules and regulations. As long as these other property standards and by-laws are met, smaller properties (0.5 hectares) should also be exempt from this proposed by-law.

The Be FireSmart recommendations are a great tool that you might consider posting in your Fire Safety and Prevention webpage.

Also, the exemption for home heating should include cooking of food and small maple syrup producers using wood.

Thank you,"

I do not support imposing fees on private property owners if they decide for whatever reason that mature trees must come down. Most people would do this for safety reasons anyways.

I don't think that the city should be involved in these decisions. Most property owners who look after their property plant trees and only remove what is necessary.

Let property owners have some control over what happens on their properties.

This is a cash grab. If you own a lot of acres this is going to add up a lot

The fees seem like a cash grab.

No by law at all . Dictating what people can do or not do on private property is not democratic. You have no staff to do this and if you think you are going to hire more people and build more bldgs to administer this when people can't afford food and housing already and the big taxes of city of Kawartha lakes then you need to rethink this. Who's idea was this anyways?

What is the \$ amount for low-income households?

"Don't see logic in property size or distance from water, vague and open to interpretation, should be one rule for all, then clear exemptions

Owners should have option of replacement with smaller trees, in appropriate larger quantities, perhaps there depending on property size, that could be planted by hand without bringing in heavy equipment and damaging the environment further. ALL research shows small trees transplant much more successfully, and they can be obtained from conservation authority. Give people credit for sweat labour replanting native species as seedlings and don't exempt the poor or charity. Unclear whether plantings must be on same lot. Bylaw should not be cash cow for landscaping businesses and city taxes without solid environmental protection and progress to reestablishing tree canopy. As it stands it could discourage replanting.

Not logical to exempt cemeteries, golf clubs or tree nurseries, who are already agricultural

Not fair to only exempt some septic repairs - what is the logic there if a tree has grown into someone's tile bed?

Buckthorn is not the only problematic non-native and invasive species whose removal should not be discouraged, ie Norway maples take over in some areas, and surely invasive buckthorn should be removed even from Environmental Protection Areas?"

If a property owner wants to cut down some trees to better enjoy their property it should be allowed!

This is a dangerous autocratic/dictatorial approach, and the City should respect the rights of property owners who will not be cutting down mature trees for no apparent reason. This initiative is being perceived as a dangerous 'cash-grab' - consider more worthwhile causes! Shame on you!

This exercise would be much more useful if I knew what areas are EPAs in Kawartha Lakes

Keep your hands out of private taxpayer pockets. If they want to cut down a tree on their property so be it. Who is going to pay for the person or persons to administer and enforce these permits??

"I think the fees should be looked at by our arborists in Lindsay, Kawartha Lakes areas...not outsiders and be fair

If the cutting is for new homes, golf courses etc ,anywhere there are residential homes,the homeowners should have a say costs to businesses

Tree shouldn't be cut down just because they can

We need our farm tree lines and mature trees etc for our birds and animals they make a difference too"

Information so far on the subject seems slightly overly hard to understand. Property listing should be made available to residents for those that qualify under fee waivers

"Is this something that needs to be fixed? How about focusing on important issues...the unhoused, crime, safety, more recreation programs to start.

Not permits, permits permits....waste of time."

Exemption for trees planted in inappropriate spots due to lack of planning or understanding. Homeowner purchasing an older property with badly planned planting should not be penalized. Example: too close to asphalt driveway and asphalt is lifting and cracking. Or too close to a house foundation causing damage. A one year grace period from date of purchase to remove nuisance plantings.

Why would golf courses be exempt?

"I strongly believe that if I am a landowner, I have the ability to do what I want on my property. There should be NO fee if I wish to remove a tree on my property. Typically there is a reason for an old rotting tree that could be dangerous to people and surrounding homes to be cut down.

This sounds like a way for Kawartha lakes to unfairly tax / fine property owners."

"This is a bylaw that belongs in Toronto but is impossible to enforce in the country. I see it as a chance for the City to hire more staff when it isn't really necessary. In addition, the bylaw misses the point with large properties used for agriculture, developments, golf courses, etc. They move in with bulldozers and tear down fence rows without any consideration to how those trees could be put to good use first. Often there are large trees that could be taken for lumber, lesser trees could be sold for firewood. Think in terms of ""harvesting"" the trees rather than just destroying them. I know that is time consuming. However, it is irresponsible to allow property owners to push the fence rows into a pile and burn it. They don't even need a special burn permit. Have you any idea how disruptive that is to the neighbours, what it does to the air quality. I do. On a nice summer day, I couldn't open my windows or go outside because the air quality was so poor. My family has farmed. We have taken out fence rows - responsibly. I know that it can be done. They are NOT the groups that deserve an exemption.

In addition, your survey is flawed. Many people won't notice that they need to scroll across to get to ""definitely disagree""."

In the course of excavating for new builds, additions and renos, sometimes trees have to be removed. In the interest of streamlining the building process in order to align with current federal, provincial and municipal initiatives to encourage construction, it would behoove CoKL to include construction in the list of exemptions.

Our woodlands in southern Ontario have been so poorly managed for many years. We do need to have mature trees and mature wood lots, but the necessity of selective cut logging, even in smaller tracts, to increase forest and wildlife diversity and health has had its value misunderstood. As someone that spends much time in the forest of our area it's quite visible to see and understand the growth and benefits of opening up the forest canopy in a selective fashion to allow new shoots and a more diverse mix of species. Adding a permit isn't going to solve the problem the problem is poor woodlot management. That said within town limits I do think that all trees should be left unless they provide a hazard to people, property, pose a risk of spreading disease or infestation or are dead or dying or to facilitate the building of new dwellings or structures.

"1.2 acres is pretty big

Prohibit cutting in any environmentally protected area"

"Unless there are environmental reasons for cutting in Environmental Protection Areas, cutting should be prohibited.

There should be a cutting bylaw that applies to all properties.

1. Rules for urban areas need to be included in this bylaw or developed in a separate bylaw.
2. There are documents on best tree practices and the benefit of trees on golf courses. Golf courses should be required to have a best practices plan in place for preserving the tree canopy.
3. I hesitate to ask for an application process as that requires manpower and takes time to process. However requiring that a property owner provide notification of their intention to remove a tree x amount of time prior to removal would at least give the City an opportunity to inspect the site and provide the land owner with a decision. I would qualify my hesitation regarding an application process with my belief that in many environmental areas we have been negligent. If an application process is the most effective, then it's the price we have to pay."

"The new bylaw as proposed appears to do nothing to preserve or enhance the current urban tree canopy

I also think it should apply to ALL properties, not just shoreline and those over 0.5 hectare.

Cutting trees for fuel is not environmentally sound. I don't understand an exemption in this case.

I like the wording of Peterborough's bylaw: ""Tree owners are required to submit an application to the City in advance of any work being completed. This can be done by the property owner, a Licensed Tree Service Provider (LTSP), or an applicant on the owner's behalf. Processing times for these applications is based on the accuracy of information submitted. It is highly recommended that you seek the assistance of a LTSP or an arborist to ensure your application is correct.""

Bylaw should cover entire city, not just the narrow defined area. Fees should be low and data collected to make better informed decisions on local areas throughout CKL. Free permit for exempted, but still collect data. Bylaw should also be reviewed by independent environmental experts to be better defined for goal of "healthy environment".

Who is going to monitor any tree cutting in the entire City? Will there be delays while home owners wait for approvals? Who will be making any final decisions? Is there a process for home owners who do not agree? What process will be in place for trees affecting more than one property? Can someone force a neighbour to cut down a tree if it impacts their property? Why require fees? What will determine a 'sapling' size to replace a mature tree? I have been told not to plant maple trees as there is a disease that affects only maples on my property so will issues like this be considered? Will you dictate the type of tree that can be planted? Will there be a quick response process for damaged trees or those that pose a risk to others?

"Developers should have to plant minimum 3 mature trees for every tree they cut down.

Golf courses should NOT be exempt from fees for cutting down trees. No more golf courses should be allowed in Kawartha Lakes. The run off from their pesticides & herbicides is unacceptable. So is the amount of water they use. They use as much water in a year as 1800 households."

"Owner should be asked for a Tree Preservation Plan or a Replanting Plan on site.

Owner should provide reasons for proposed removals.

Developers should pay more and have a special category.

More to come, this is one of my specialties, I am a member of the defunct CCKL."

"City needs to focus on maintaining mature healthy trees on development sites to the greatest extent possible. Not all saplings grow into mature trees and even if they do, they require ongoing care to make it through the first few years and it takes years for new trees to reach a point where they can provide the amount protection from heat and sun to nearby buildings, people and ground that mature trees can provide. In addition, trees hold water, capture carbon and their root structure helps secure and protect soil, preventing erosion from wind, water and foot traffic.

The city needs to enforce this bylaw particularly in the case of new development or redevelopment to ensure that development does not lead to vast open areas susceptible to wind and water erosion.

Cash in lieu does not get used equally around the city and it by definition, causes a delay in the replacement of trees. All areas of the City, not just major urban areas need trees in their parks, hedgerows, streetscapes, shorelines and new or redevelopment projects.

Long overdue."

People should not have to pay a fee to the city (or anyone) to come out and look at trees to determine they are a hazard. Question 4 seems to be misleading, as past information stated a property owner would need to have the tree inspected prior to cutting. If the property owner considers the tree a hazard, then it's a hazard and should not have to apply for a permit to remove. In the end, we do not need a mature tree bylaw, except in EP areas.

"This is purely a cash grab.

Utterly over reaching.

The fees are outrageous, it's private land that is over taxed already!

In today's environment anyone having income of \$50,000 or under is struggling to keep mortgages, taxes and bills paid."

Bi-law is overstepping properly owner rights / Strongly disagree with proposed bi-law

For the cost of replacing trees, would this be by tree removed to replace with a sapling on the same property? How would it be ensured that the replacement trees are surviving to maturity and that the location where trees are planted do not negatively impact the ecosystem (ie. planting trees in wetlands, choosing species that are incorrect for local ecosystem)? In the exemptions, I do not believe that a golf course should be exempt as they are proposing a use that could otherwise be used for agricultural production potentially. Will the restrictions on cutting down trees apply to more than just properties zoned Environmental Protection? Some properties may not be accurately captured in old zoning by-laws and not reflect Official Plan designation. How will you avoid people using the excuse of cutting the wood down for fuel? Will there be a way to verify they are not abusing this clause? Will arborists be responsible for reporting properties that are looking to remove healthy trees if they are hired to do so? Will enforcement only be based on when someone is reported for cutting trees? How will it be determined if someone is cutting down trees when not visible from the road? Will the consequences for cutting down a tree be retroactive in case it is not discovered for some time or will the owner need to be caught in the act? For the agricultural exemption, the property owner should need to demonstrate that they are a bona-fide farmer to use the clause in order to avoid home owners exploiting system. Are there properties where property owners can have the saplings planted off their property to aid in reforestation and creating a carbon capture program in the City. Who will oversee the carbon storage offered by the program through the preservation of trees and replacement to show the impact of the program? When a tree is replaced by a property owner on their own property, will a follow-up be done to ensure that the tree is planted and after a certain time period is still alive (in place of planting then letting it die). Could there be an option for relocating healthy trees from one property to another supported by City (like buying trees from private property to put elsewhere). For planting new trees, this should be done with consideration for a changing climate as the trees of the past may not continue to be the species suited to future climate. This program may aid in providing an expedited transition of more southerly species currently faces extirpation to new parts of the province which may be more suited to them in the changing climate. In addition, will the program ensure a variety of species as well as tree sexes are planted to ensure healthy ecosystem? If the City has policies currently in place limiting the sex of trees to be planted, these may need to be addressed as having excessive amounts of pollen producing trees can lead to a decrease in air quality impacting people living there. For the exemptions, inclusion of an exemption to remove trees that may promote transference of disease may be good to include such as was done for Ash trees to remove the trees so that the Emerald Ash Borer spread was limited. Need to ensure the system is not exploited to avoid reforestation and that the choices made for reforestation reflect today's best practices.

No alternatives will be needed unless this is passed as a bylaw. This bylaw is not needed in any way and only creates more burden and red tape on the property owner.

"clear cutting fence rows to facilitate large cash cropping

clear cutting fence rows providing shields against blowing soil or snow

the above should not be permitted"

Leave things alone and shove your bylaw up your a** stop implementing communism

Essentially, the whole idea should be dropped.

waterfront property

"This is another money grab by staff to underwrite their annual increase in salaries. It is another power grab by Staff. It is another maneuver to increase the size of staff. The only problem I have seen is that staff have authorized, and carried out, the slaughter of trees in Bobcaygeon in three places. That follows on the complete destruction of the Lilac grove, followed by staff mismanagement of the replanting of the uprooted trees.

The very first step for any new bylaw is to identify, itemize, and evaluate the problem. Is there a problem with trees on private property? If so what is it exactly? Have staff explained WHY we need a new bureaucratic empire to deal with a non-existing problem, ?

Who gives the city the authority to create laws, and then enforce them, with egregious punishments? You are the SERVANTS of the people, yet you create laws, and then act as judge, and jury. This is an OUTRAGE!

Property owners do not need government telling them what trees they can or cannot cut down. There is no need for this by-law!

I emphatically wish to point out that the dramatic random shearing /cutting of roadside trees must STOP. Currently this cutting has not advised property owners when this destructive activity is to occur. In addition this random cutting has been very destructive to fences and buildings that are close to roadside. eg some of the sheared tree limbs actually landed on our verandah, as well our electric fence, bordering on pasture was destroyed.

who decides if a tree is healthy/unhealthy?

This is just a cash grab by the city. I'm arranging to have at least 15 trees on my property cut down before this stupid bylaw passes so I don't have to deal with the city. I would leave the trees if I knew the bylaw wasn't being considered. Buy stock in a tree cutting business as they will be very busy before this bylaw passes.

The government has no right to dictate how a property owner tends their land. The notion that people do not respect the natural environment and must be legislated into doing so is faulty.

Consider trees growing on public right of ways and growing on public roads to be cleared, and roadways repaired to assumed road standards in all wards, by the city workers.

The entire exercise here is far too narrow. A tree bylaw should also address the progressive loss of urban forest canopy by restricting the cutting of healthy trees in urban areas and aggressive replanting on the many mature trees that continue to be lost to disease and storms. It should also restrict the continued loss of hedgerows in agricultural areas.

We need existing by-laws to be adhered to before making up unnecessary and expensive new ones. This is a make work project which we don't have the manpower to follow through with. Let's look at the existing by-laws and figure out how to economically ensure they are followed I.e, parking, rentals etc.

"There should be NO FEES to cut down trees on your OWN PROPERTY!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!"

Sometimes you purchase a home with trees you DO NOT WANT!

This is just another money grabbing scheme from the council.

JUST SAY NO TO SUCH FEES!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!"

We are in a prime agriculture zone and farmers should be exempt from this by law to produce more food for our growing population.

I think a replacement 2 trees for 1 cut tree policy for developers should be implemented. The fees for businesses should be at least double what they are for individual home owners.

Don't regulate tree cutting on private properties

The cost of having a tree professional come to site and make a judgement should be paid out by the city

"add Manitoba maple to allowed species

concerned how this bylaw will be policed

if fees are too high it will force people to go underground"

All trees all the time. Golf courses shouldn't be exempt.

"You need to differentiate between properties that are >1.2 acres, > 10 acres, > 50 acres, >100 acres, etc.

You have also omitted forest management and thinning practices."

I believe that "clear cutting" should be restricted, however we should not support maintenance clearing of select trees on a lot. For example, trees obstructing view, or dirty/messy trees, or trees in the way of something.

Fees

"Two immediate issues I have with this are non-inclusion of private hydro lines and non-inclusion of removal of trees in support of necessary infrastructure - In my instance a new well. Just as Ontario Hydro cuts down thousands of trees each year to keep hydro lines up, we have private lines on our property. While we prefer to maintain our mature trees sometimes it is necessary to remove a tree. Simple hydro line maintenance would cost extra thousands under the proposed by law. Next up, I need to potentially put a new well in at the back of my property where I have a large forested area. In the end lets say I need to clear a 40'x40' area to accommodate the process and infrastructure. Now lets assume say 5 mature trees per 10'sq = about 80 trees = \$136000! That is a lot to have to pay for water I can drink.

There are other reasons you might need to remove some trees - say to improve drainage or repair a private drive. This bylaw would take an already expensive proposition and make it untenable.

Suggestions: Widen the definition of reasons you can cut down a tree. Reduce the fee - it is pretty usurious."

"Minimum property size - consider 2.5 acres as minimum size

Exemptions- golf clubs should not be exempt

Fees - fees quadrupled going from under 1.2 acres to over, that's an unreasonable increase. Have a more appropriate scale for fees with more options for lot size, scaling up gradually. , I.e. 1 tree/\$400 under 1.2 acres; 2 trees/\$650 1.2 - 3 acres; 3 trees/\$900 3 - 6 acres, etc. Increase fees, or # saplings based on how many trees are being removed."

The restriction on properties greater than 1.2 acres in rural areas of the City is obviously only a cash grab. perhaps the city will pay me for every new tree that I grow on my property to balance it out. If you own a forested property on 5-10 acres and you need to clear the forested parts the cost of managing the property would be cost prohibitive at \$1700. for every 4 trees you need to remove. It makes sense on waterfront properties to protect the shoreline and to protect wetlands. This is government overreach and a cash grab in a municipality that is largely rural and forested.

Exempt trees that are shading solar installations on homes.

"How in the world do you feel that you have any say on private property what I can cut to heat my home and keep my children. Let alone you going to look into everyone's bank accounts to see if they can't afford the fees this year or waive them! It sure sounds Like The Kawartha Lakes is thinking of crossing the line and controlling things that they have absolutely no right or need.

If you want to control or designate private land the only way is for you to compensate the land owner by law so

BACK OFF OUR LAND!

You can control City property and Provincial and Crown lands that is more than enough lands to keep you busy.

This survey was not friendly and looks like you trying to lead the answers more than truly concerned what landowners feel ."

Fees. Would like to know better where these fees will be going and what service the city will be providing to justify them

"I read the Municipal Act and as far as I can see, the municipality cannot regulate private property.

It is time to reduce our debt, not hire people to regulate things that should be and can be left alone.

It is time to cut staff and services and pay off the debt, that is where you should be concentrating your efforts."

This is an unnecessary bylaw as it relates to properties that are not located on lakes/ivers. Why cutting of trees on large acreages needs to be regulated is beyond me and is an unnecessary overstep by municipal government. I understand regulating sensitive environments, so the by-law should be targeted towards that. The proposed fees are way too high (e.g \$1,700) and are nothing more than a cash grab. Why no exemption for cutting as part of development of a property or making an outdoor area for recreation purposes?

I find it very destructive to see developers clear cut subdivision large areas. I live on XXXXXXXX and moved from Cedartree Lane, Bobcaygeon. The subdivision along Jennings Creek bulldozers pushed over beautiful old cedar trees with no conscience and leaves them bent over to die...just discusting. The clear cut at the end of Cedartree in Bobcaygeon was also uncalled for. Gorgeous mature healthy white pines, Ontario majestic symbolic tree, just destroyed, nothing saved, looks horrible. Left to rot and smolder, I have seen smoke in the piles of sawdust left behind from heat generating from the piles of sawdust in the summer. Pure neglect. Where is our environmental conscience. Bring on some tree by laws, it's about time. When they built port 32 they built around trees why can't they do that now.

These fees are way too high for average people. It's already very expensive to have trees cleared. Charge developers and people clearing trees for driveways and buildings through the permit process with only replacement of tree regulations for work along shoreline properties-those are the only things i feel should be applicable to this bylaw..But if you insist on money grabbing everyone be realistic.. Being that the size of rural properties varies significantly across the City I think these property sizes need to be adjusted. No fees for clearing trees of any size on a small parcel of land-3 acres or less. Then reasonable fees like \$200 3-5 acres, \$300 5-10 acres, \$500 10 acres+ with obvious exemptions for agri-business & larger fees based on properties of any size being

developed. Golf clubs should not get exemption as a for profit business they should pay like everybody else.

I have lived (farmed) in Victoria County all of my life as has my ancestors. We made it a priority to preserve trees and plant as many as possible over the years.. It's disgusting that the Garden alvar has been destroyed by the aggregate industry for the sake of huge \$\$\$. And those aggregate companies are to be protected for the destruction they cause! Your new bylaws are a joke meant to demean the honest citizen that is trying to live a good life in this so called city... Good luck!

Other than within 100m of water, there should be no restrictions on cutting down trees on PRIVATE property. This proposed bylaw is a major overreach for a municipal government.

"No. No. No. No. No. This is textbook government over reach and a cash grab. Leave property owners alone to manage their trees as they see fit on the property they own. The alternative I would suggest is to drop this idea completely. No need for Prohibiting cutting in Environmental Protection Areas,

Minimum property size, Exemptions, Fees, Fee waivers.

If you want to encourage landowners to have more trees on their property (so you can score ESG points - I'm sure this is what's behind this), offer incentives to plant more trees, not penalties and taxes for removing them. Carrots, not sticks.

How much extra administration and bureaucracy is this going to add to the already bloated city government? We don't need more government and taxes and authoritarianism. We need less."

we live next to a shoreline where active beaver damage trees including hedges located near the shore. they may not be classified as dangerous so will I need a permit to remove trees that were thus damaged? will hedges be classified as trees? will I need a permit to plant trees on my property, close to shore?

"Private residential home owners are not destroying mature trees in CKL. This bylaw is just another burden on an over taxed rate payer population. The CKL doesn't have the staff to support this kind of bylaw. This will drive up insurance rates due to the amount of unmaintained trees.

Minimum lot = 2 acres

Exemption = residential building lots (no exemption for quarries or developers) tree size should be 13".

Fees = should be based piece of property not per tree

Waivers are too much of a burden on CKL staff.

Please scrap this proposed bylaw ASAP!"

44 | Kawartha Lakes Tree Preservation By-law survey results

scrap this bylaw

"Tree work is already expensive enough. The municipality should have zero input on homeowners want, need or rationality on whether a tree needs to be removed.

The municipality should not profit from an already unwanted expense of homeowners."

It would have been easier if you had put this with each item. How are we to remember the precise question to give our correct answer? In a nutshell, then, we need strict prohibitions of cutting in EPAs with stiffer fines, more in the thousands, regardless of whether a farmer, building low income housing, or are of low income. Destroying nature still occurs no matter what the circumstances are. Our trees and forests clean the air, retain soil, prevent wind, provide habitat for wildlife, and help maintain the water table, all of which are more important that ever in this time of extreme climate change. We need to increase the bylaws to include properties of ANY size, not 1.2 acres minimum. We need to have ecological assessments, not just the financial purpose of the destruction, to guide how to best protect forests, trees, shrubs and edge habitat on farms. Just because we have a false sense that 'ownership' includes 'the right to destroy nature' does mean this outdated thinking cannot be changed. It is up to you to change it. In CKL I've seen rampant clearing of trees just for the purpose of creating a monoculture of commercial lawn grass for out of touch conceptions of aesthetics. I've seen farmers clear every last tree from their properties, including along roadways (where they would provide windbreaks, shade, water and soil retention and wildlife habitat, not to mention natural beauty in our CKL environment), thinking that extra couple of feet of 'growing soil' is worth the exorbitant cost to our quality of life. Let's keep the trees, shrubs and vegetation so we can all enjoy them. I like the 100 feet set back from the shorelines, which seems to be customary now in cottage areas. But without enforcement, it is just words. People bulldoze down to the shore, and take the tiny fine as a cost of doing what they want. These fines need to be 2,000 minimum, and a 'permit' should actually be a required assessment from an ecologist / biologist / scientist, with no ties to commercial entities that sway the scientific opinions. If there are alternatives to cutting down trees of any size, we need to explore them. We need a big education program in CKL about the importance of trees, wetlands, retaining fencerows on farms, retaining trees along roadways, converting grass lawns to smaller patches and replanting native species around the edges of our properties to become a part of nature, not a mortal enemy to it in everything we do.

coupons for sapling plantings at various time of the year other than the quantities offered once a year in minimum purchase of twenty five by the Conservation Authority to encourage planting.

I strongly do not feel that the municipality needs to extend its authority to collect permit fees for removal of trees on private property. Currently, when trying to develop a property the municipality already subjects an owner to multiple miscellaneous permits and fees.

I own my trees, they are on my property which I pay high property taxes. I don't cut down trees for fun, there cut because I feel it's required , and many of the trees I've planted from saplings. Sounds like another money grab from the middle class working family. Thanks

The rules should be equally applicable irrespective of income.

Paying more because your property is larger makes no sense. I have 30 acres with 1000's of trees. If I want to cut one down I have to pay more then someone in town that may only have one tree on their property???

That is ridiculous

Make land developers pay for more trees per property and make more green space on there development land

"If i planted it on my Property it's my tree

If i no longer want that tree on my Property

ITS MY CHOICE"

People should be allowed to do what they like with their property. Give people freedom to do what they want and what they think is right the property they have paid for and they pay taxes for yearly. Piss off with the fees, waivers and rules.

Stop trying to control every inch a person does on thier personal property. We are not a communist country, nor do we want to become one

I believe consideration should be given to those land owners who participate and are actively working within in the Managed Forest Tax Incentive Program (MFTIP), run by the Ontario Provincial Government. Landowners must have a Registered Forestry Planner create and submit a 10 year plan to the Province, in order to be approved. These plans are essentially conservation based, where owners commit to managing their wood lot / properties responsibly, with conservation at the core of the program. After 5 years an update on progress must be submitted to the province and at the 10 year mark a new plan must be submitted and approved in order to continue in the program. Things such as tree planting, control and removal of invasive species (buckthorn, dog-strangling vine, garlic mustard, others), installation of duck nesting boxes, bat houses, and other environmental protection and conservation activities are all acceptable projects and activities (there are many others). In some cases, a planned tree harvest. My property was agriculture at one time, but is currently classified as Environmental Protection / Open Space. We have been participating in the program for over 15 years, and in my case, my plan calls for a harvest of cedar trees from the property. I must have the trees marked by a Certified Tree Marker and the harvesting must be in my approved Management plan. The harvest must will be sustainable and of a tree species (white cedar) that regenerate quickly and easily. Given this plan is already approved by a Provincially Certified Forestry Manager, and approved by the Ministry of Natural Resources and Forestry, and will be done in a responsible manner (not clear cut, limited in area, mature trees left for seeding / regeneration), would I still need a permit from the City? I think consideration should be given to those land owners who participate in the MFTIP, who are already committed to conservation and have been approved by the Provincial Government, and who plan for a tree harvest, to be exempt from this City by-law. Certainly I support the by-law as a tool to stop reckless tree or timber harvest that does not support

conservation or causes environmental damage or habitat destruction, or is otherwise unjustified by the suggested exemptions.

There is no need for such a by-law at all. The need for landowners to prove qualification for an exemption would be a major burden on rate payers. Furthermore the enforcement of this bylaw would be a waste of taxpayers resources.

Property size should be considered as people with large property must maintain there land witch involves cutting down trees and cleaning up the forest on a regular basis any property over 1/2 acre or out side town limits should be exempt

"Stop trying to think of new ways to raise money and use what you already get more wisely.

Getting rid of the useless abundant do nothing employees would really help. Bureaucratic XXXX is all this city has proven to be good for."

With regards to home heating, the words"own home" puts a potential restriction regarding retail wood sourcing.It may be interpeted in the future that if you dont cut the wood yourself a permit will apply. This will negativley affect firewood producers. Secondly I opened google earth and scanned Kawartha Lakes. There is not a tree shortage thus I am opposed to all measures restricting peoples property rights. Planting trees is a good idea so offer trees for free and people will plant them without extortion by the city on the property owner. We have thousands of high school students that need vollenteer hours to graduate so here is a potential workforce. Elections were last year and this was not disscused. City staff need to address real issues such as a system for building new homes without the ridiculous process and fees they have created. Letting the regular taxpayer develop their property and not favour Flato and his billionaire buddies only. Stop lowering speed limits on county roads. Erase every bylaw created after Jan 1st 1990!!!!!! Its time to stop increasing the city debt and punishing property owners.

Too close he should not get blanket exemption but replacement ratio

This is just another sneaky cash grab! If the government is so concerned about the amount of trees, you own land everywhere to keep planting. Not penalize private property that pay more than enough taxes!! Golf courses and cemeteries in exemptions would be ridiculous. As they make money clearing the way.

This is ridiculous. I would never pay for a permit to cut down a tree on my own property. This sounds like a liberal money grab. I'll cut down every tree on my property before this comes into effect. Disgusting.

Extend bylaws to include all residential areas. Must apply for permit.

"This whole idea seems like nothing more than a money grab for the city. Where entire forest is being stripped out by developers, then they should have to pay for the destruction of the trees. I do

not agree that individual home owners should be required to have a permit to remove an unwanted tree from their own land. Having previously lived in a city with such nonsense bylaw, I can assure you that homeowners who want a tree removed and are denied the right to remove it, healthy or not, will find other ways, less safe for the environment, of removing/ killing the tree. Kawartha Lakes has no shortage of trees. I do not see anyone, except the developers of large projects, cutting down so many trees that a bylaw effecting everyone would need to be implemented. Take your bylaw and address it to the culprits of tree destruction, large corporations, instead of hiding behind ordinary citizens who do not abuse their right to maintain their own property.

Grab the money from those that have it....the developers and leave we citizens alone to look after the trees on our PRIVATE properties. If you want to control trees on city property, then have at it. Sick and tired of governments using the environmental card every time for everything especially when there has been no need to. That translates into a money grab and nothing else."

"How/who would enforce the by-laws? Private property owners hire commercial arborists. How will the arborist know if a permit is required? Are you expecting arborist to become by-law officers?"

How long would it take to get a permit? do you have staff to confirm if tree needs permit. do you expect arborist companies to do the assessing of each potential tree removal and then tell client if they need the permit.

Why should a golf course be allowed to cut down healthy trees?

Who decided what constitutes a mature tree? Size/maturity depends a lot on species.

Fees are too expensive. removal of a tree is expensive enough, adding a permit fee is over the top.

FYI, check what happened when Peterborough tried to impose a tree cutting bylaw."

I don't think there should be any fee on large lots. If you have a forested rural property you should be able to cut down some trees and sell the wood without a fee. I understand restricting tree cutting near shorelines but there doesn't appear to be enough rationale for why fees are being charged on inland large properties.

Prohibit cutting in Environmental Protected Areas.

Laws should be strict about mature trees. The fee when applicable should be more than what it would cost to trim a tree, since some might make their case to cut when a good trim might be enough, including for developments. Developers, golf courses, farmers should work around mature trees, just as roads of old worked around property lines or even trees.

No bylaws to apply outside of Urban areas, period. I already have a managed forest, and will not comply with these proposed changes to my titled proper. My trees are a fixture on my land and are not common property to be regulated in a fee grab.

i planted a few thousand pine trees when i was 16 to 18 years of age . I am now 81 years old and ready to harvest them. Any interference with that 65?year process would severely upset me as it would any farmer who needed a permit to harvest his corn .

Total Exemptions and no fees for...Responsible tree removal by the property owner when the property is larger than 0.5 hectares (1.2 acres) in or near Environmental Protection Areas or Shorelines.

"This is a very intrusive bylaw proposal that interferes with the ability of any landowner to make appropriate and reasoned decisions concerning land use.

This proposal should be scrapped.

There are prohibitions already in place at the Provincial level regulating usage on Environmentally Protected lands.

CKL should not be wasting municipal taxpayer's monies in providing oversight and bylaw policing on this issue, which already has Provincial regulations for E.P. lands.

Every year, we try to hold the line on Municipal tax rate increases, yet this kind of addition seems to creep onto the To Do list.

Do not restrict landowners."

We don't agree with city monitoring peoples private property like this.As adults we should be able to decide ourselves.This seems like a money grab because as soon as u start with exemptions it muddys the water ,its about trees or not.We don't want anything to change.

"This isnt about protecting trees. This is a money grab. Should be ashamed trying to charge tax paying land owners for the things they do on thier land. I may not be a profesional but i can tell when one of my mature ash trees needs to cut down. I use those trees for outdoor fires and outdoor cooking. Why would i want to pay a fee to cut them down or buy wood from someone else so i dont pay fee.

This isnt comstitutional and.is an overreach into hard working land owners rights."

Sounds like a municipal money grab

Gol Courses should not be exempt - ever! They pollute and should have to pay more than any other property.

Fees are way to high

I think it should be up to the property owners what they do on THEIR property that they pay for and own

The survey does not take into account the fact that some affordable housing developments are owned by the municipality, and could be multi unit housing. Because of this, what discretion would be used to best serve the community when protecting mature trees? Will these trees be exempt from the bylaws in place? This bylaw also doesn't take into consideration the impact of new mass development of new construction which is taking place in the City of Kawartha Lakes. Careful planning and discretion should be taking place to protect and preserve where ever possible the bio diversity of species and tree canopies in our area as large housing developments take place. While these areas may not be considered Environmental Protection areas, they may and often fit the criteria for protection of green belt. As we know, many new developments are being proposed for agricultural lands, which is unfortunate, but at least specific hedge rows can be protected where possible. There should be bylaws in place so developers must work within that framework.

I have hydro lines running through my property. If this law came into effect I would be forced to have hydro remove those lines as I am not the one that is allowed to trim trees, and I am not going to get in the middle of Hydro and CKL. They cut down trees every couple of years and they only do that when the trees get bigger, so they will have to remove the polls and wires off my property for me and my insurance company to ensure we comply with any laws you dream up. Also who is going to pay to have someone come to my property to decide if the trees are a hazard to property or individuals. I also have a road allowance and the user of the road cuts trees back and down every year, so I guess they will not be able to do that going forward? How many people will the CKL have to higher to deal with this process and how much will is cost the tax payors of CKL? Have you contacted all cottage owners for their voice to be heard, they pay taxes also? These are just some of my concerns of your proposal.

This entire concept is ridiculous and poorly thought out! .Myself, as well as thousands of other CKL landowners already manage the health of the forest stands, EP areas, AOCs on their property with a well planned provincial MFP(Managed Forest Plan) that was custom tailored for my property by a Registered Professional Forester (RPF). Timber harvest is an integral part of most MFP's. My MFP includes extensive tree cutting in what are deemed to be Environmental Protection areas. The goal is to maintain these areas in an early successional state, to favour the growth of early successional tree species, boost woody browse production and nesting habitat for wildlife, provide downed woody debris as a habitat requirement for wildlife species on my property, maintain optimal crown closure and tree species composition in a stand managed for wildlife, etc. of Why are golf courses included in your exemption list? With widespread deforestation, habitat destruction, environmentally damaging hazardous pesticide and fertilizer use, they are easily one of the worst unregulated environmental offenders in the city. We disregard public and environmental health, at great cost, so that a privileged group of people can play a sport! If you want to do something useful, add some teeth to your existing planning and building bylaws, to keep individuals like Flato from raping what is left of our environment and agricultural lands. His proposed clear cut clearing of the forested lands at Cameron for a golf course and luxury resort is criminal. Eg. have it in the bylaw that a developer must have a property professionally inventoried prior to development and a set percentage mature trees and existing forest cover must be maintained

This is an intrusion on property owner rights and we will fight it!

_____ removes Scotch PINE on his property as they are invasive in the context of the land. He then replaces them with a mix of other young trees that will be better for the climate projected in the future. He abides by good forest management principals. Be very careful this black and white by-law doesn't have unintended consequences. Also if this is in fact an environmental initiative, I ask that the township care for the trees planted in parks that were mandated to be planted. Many young trees are neglected after planting, are a waste of money and a reminder that imposing by-laws on others comes with a cost and responsibility. Model what you expect of others.

This a money grab in no uncertain way these are my trees I didn't see the city step up to help me purchase the property therefore you have no right to stop me from taking down any tree on my private property. Your proposal would mean upwards of 4-5 thousand dollars to remove a single tree. Will the city take responsibility for any damage caused by a tree they didn't approve for removal that should be part of your bylaw that if the city deems a tree to be a chargeable tree and it causes damage in the mean time they should cover all damages

Leave my trees alone, grow your own, It is not just about offering trees to owners to plant it is about all species down to the microcosm including fungi and milkweed, bushes and mosses, asters and bogs, rotten aspens are where the bumble bees live, you have no clue what you are talking about and is best left to the professionals, the private land owner that allowed that tree to grow to this point and protecting trees hurts them as I do not want any butternut trees on my land at all of you say I can not disturb 150 ft around it, I do not want ginseng, I do not want anything that is going to restrict in order to save. Some times a healthy tree needs to be removed so 100's of other trees can get light. Grow up, get off my property and stay out of my affairs. You want a mature tree, plant on your property, mine is 100% perfect, you are the flaw that cut yours down now you want to "protect" mine????

This proposal is nothing but a cash grab. Purchase of a property includes all the trees on it. You are arrogating a right to the township to dictate to landowners what they can do with a property. If trees need to be removed for legal activities then there is no need to be further involved and no fees are needed. The "mature sapling" replacement scheme has the same smell as "the carbon tax is revenue neutral" with no mention of where the saplings will be obtained or where they will be planted. I will point out to you that removal of scrub trees, such as you describe, is environmentally insignificant and healthy for woodlots and forested areas and furthermore, the removal of significant trees is already very expensive causing people to live with danger trees for years because of not being able to afford the removal of such trees. I am very much in favour of preservation of the littoral area of the lakes but this is not the way to do it. Scrap this bylaw outright.

Stop trying to generate revenue for you bloated bureaucracy

I am not in favor of destroying healthy trees, however land owners must have title over their property. If the city is truly concerned about the preservation of healthy trees, a permit system with

fees should not be implemented. In addition, the financial burden to tax payers to enforce this bylaw is not justifiable and will be extremely difficult to enforce. There are more important issues that require attention and justify the use of tax dollars.

"Before jumping the gun and blindly posting permits on citizens, the city first needs to do a comparative study to find out the mature tree population and the environmentally protected area coverage and tree canopies there. Has the tree coverage declined in Environmentally Protected areas in the last five years? If so, which areas within city limits have experienced this loss and why? Does the city have enough resources for enforcing such bylaw or is it just another red tape measure that would require more of city's resources to enforce, maintain and execute permitting ?

Tree cutting by property owners could be for several reasons (not all can be covered under one permit with steep permit fees).

I would suggest to remove the permit fee and incentivize an honour system to cut a tree and plant a tree instead.

The proposal exempts all businesses like farms , forestry and golf courses from this bylaw which is contradictory. Since golf courses are specifically recreational and used by less than 5% of the city population.

Before enforcing such regulations on property owners, city needs to define concrete goals as to what they want to achieve, justify the permit requirements, give more thought to the affect of such regulation (livelihood of people who make a living selling wood/wood products) and lastly , not enforce a bylaw on property owners that hinders with their freedom to use their property as they deem necessary (carve a trail, clear a patch for vegetable garden, sell lumber, etc)."

Have a sliding scale fee based on property size. If you have 0.55 ac, you shouldn't have to pay \$1700, same as a 15 ac property. Trees that are deemed to be a danger to a structure must be reviewed by a non-biased and knowledgeable party to confirm that risk assessment. Posing a danger can be a loosely interpreted approach. Perhaps "significant danger". Also, tree health must be part of the equation. If the tree is dead or in the final stages of dying due to disease, removal should be allowed without a fee. It devalues a home to have a large dead tree on your property or hanging over your property from a neighboring property. Determine the reason you are saving the trees - if it is to reduce carbon by photosynthesis, then dead trees have no value. Dead standing trees pose a number of threats, including harboring potentially damaging bug / fungi populations.

"Common sense, these are rural areas not the town of Lindsay.

This survey whether intentional or not does not populate completely on computer screen basically eliminating an individuals choice to definitely disagree."

It isn't clear what you are defining as an Environmental Protection Area. In general, I think permits should be required and that all development projects should be required to maintain and protect existing healthy trees. I've seen too much of the attitude of 'get 'er done, then pay the fine' in CKL.

"It is not fair to assume that an individual has money to cut down a tree on their property and replace it. What happens if someone is trying to make a pathway or parking spot or get some sunlight to their place or larger properties that need access to a field or different area. Are you taking into consideration how many trees are already on a property, how many saplings have been planted recently.

Private property is private property, you should not have say in what people do with this."

Septic systems must be exempt. Start with the city properties and see how it goes, there are a ton of personal issues that are not factored in for costs. With the tree cover in the area this is not needed. More tax grabs are not needed.

I completely disagree with this proposed bylaw especially since the city is using climate change and the environment as an excuse to implement a money grab and increase taxes on owners of private property. Private property is just that—PRIVATE! When the municipality interferes with a property owners rights and freedoms to the use of their property, then it becomes blatant COMMUNISM. I wonder who came up with this idea? "Let's regulate the trees on private property, What a great way to raise revenues for the city's ever-expanding expenses!" Rather than looking for ways to control costs, the Mayor and council is trying to tax property owners to raise revenues and use a supposed "climate change emergency" (dictated by an unelected UN) to justify it. If the city council is determined to pass this obvious tax grab bylaw, and treats ordinary citizens like idiots, they will be replaced by a mayor and council that supports its constituents.

Leave it the way it is. It is just a money grab.

Farmers should have the ability to remove trees on their property without permits.

"Lots of people cut down trees to not only to fuel your own home. There are some business that are heated by wood. Also, there are some wood fired items used for food processing like maple syrup, outdoor ovens etc. Would this bylaw not allow me to manage my maple syrup bush and burn the wood out of it to create food for family? I would like to point out that sometimes trees are cut down to manage forest on your own property. 1 large mature maple tree is shading out multiple healthy small maple trees from thriving.

Many families also sell wood to campers and cottagers to help create extra income or teach their kids how to make money and hard work. Trust me, these families do not want to clear-cut their bush, just to sell all the trees in one year and be left with an open field. They only want to help manage the forest to keep it healthy so they can continue to profit on it for many of years. Personal this was one of my first jobs as a child cutting, splitting wood and selling it to help pay for my first car. We then are forcing campers and cottagers to buy bagged wood only from business that clear-cut forest and

wood is shipped from who knows how far away that increases the spread of diseases, especially like the emerald ash borer.

Mature Saplings are also not cheap and unrealistic for most households to buy. 1 Sugar Maple (Ontario Native Tree) from Rockwood Forest is \$350.00. If the City would like to supplement the cost of this, I know many people who would love to plant more trees around their property. More trees located around your home helps cut the cost of hydro (trees are a wind break to your house). If the city wants to encourage forest management and help the environment buy use of less fuel, better air quality and habitat for wildlife, how about you fund planting trees on your property instead of taking money from hardworking taxpayers cutting down a couple trees on there property."

"I feel very strongly that it is NOT the place of the city or its staff to propose a By-Law to prohibit cutting down ANY type of tree on privately owned property. The city may manage its own trees only on public properties and park lands, and leave private landowners to be the stewards of their lands; and manage their trees and canopy as they choose. I am aware that other Ontario municipalities have passed Tree Preservation ByLaws and to do so is completely illegal. City staff and council may be interested to know that any Tree Preservation By-Laws are in complete violation of well established, and documented Sovereign Land Owner Rights. In addition, I believe that this survey is entirely inadequate to capture the input and opinion of those who object to the very nature of this proposed ByLaw. Finally, our municipal, provincial and federal public lands at every level of government have an extreme plethora and abundance of trees and canopy cover to manage. ""The term Crown Land in essence means Public Land. Crown Land in Canada represents about 89% of Canada's land area, almost 9 million sq km. Approximately 41% is federal Crown Land, 48% is provincial Crown Land and the remaining is privately owned."" With only approximately 11% of Canada's land held by private land owners, I believe it is entirely acceptable that we continue to uphold strong Land Owner Rights within the City of Kawartha Lakes, and reduce bureaucratic by-laws that ultimately have a negligible impact on anything quantifiable - least of all carbon capturing. Since the founding of this great municipality we have trusted land owners to manage their own trees, and I believe we may have confidence that capable and hardworking citizens of this community will continue to do so within this tradition, un-fettered by municipal ByLaws and cumbersome fees.

Lastly, may I note that by waiving fees for ""low-income households"" and ""affordable housing developments"" you create a two tier legal system between those the Municipality believes can bear the burden of additional fees and thus a type of additional tax on their incomes and lands. This is fundamentally unconstitutional and sets a dangerous precedent within our municipality for any Bylaw to be financially burdened by those deemed to be capably of shouldering additional fees. If this is already practiced with other By-Laws in the municipality, I disagree with it.

In conclusion, while this survey is woefully inadequate a space to capture the full extend of mine and many other's concerns about this proposed ByLaw, I hope that city staff will hear loud and clear that many private land owners have no interest in conceding their rights to the town and be subjugated to additional dictatorial conditions of land ownership, for the benefit of the trees or not."

The perfect alternative is to back off and leave private property owners alone. They should have the right to decide what they do with their own trees.

It is critical that agricultural is exempt from a tree by-law. It is totally inappropriate for the City to prevent farmers from using land for agriculture.

These By-Laws often sound good on paper, but the devil is in the details and implementation where they can often have an overall negative effect where residents begin seeing trees as potential liabilities to be eliminated before they become mature. I would highly recommend looking to other jurisdictions that have provided incentives, rather than penalties. Additionally, I recommend that exemptions be allowed only with proper, professional direction from members in good standing with organizations such as the Ontario Professional Foresters Association.

Minimum property size should be 5 acres.

"I don't think the city should be charging a fee for people cutting trees on their own property."

Why do gold courses get an exemption. They should be stewards of the land

Exemptions should include those who are harvesting wood to use in building projects if they are harvested according to good forestry practices under management (MFTIP). Not sure if this is covered under "Forestry". The DBH of 12 cm is small and should be reconsidered to be more in line with other municipalities (e.g. City of Toronto is 30 cm). These bylaws are difficult to enforce, especially over such a large land base, so please consider who will enforce this if every tree over 12 cm dbh is considered. The last piece would be about the cost to the landowner for an "Expert" to assess the tree to ascertain whether it poses a risk before removal.

"Tree cutting for dock access

There should not be a minimum property size, but all properties with EP should be affected

The fees are unclear. Is this amount per tree that the landowner wants to cut or a fee for a permit? Regardless, it seems very high.

Exemption for forestry should include that property is in the MFTIP program and the owner has advice from a Registered Professional Forester

Exemption for hazard tree should include name/signature of Certified Arborist.

Exemption for firewood could be misused. There should be a way to prove this, such as the amount of wood they need for heat per year, or MFTIP etc"

"Many woodlands (including some EP areas) benefit from forest management activities to enhance and protect ecosystems and to prepare for anticipated changes in climate, new pests and diseases etc. This is something that Professional Foresters do and is regulated by the Professional Foresters Act 2000. There seems to be no recognition of the profession of forestry at all in this bylaw. Please refer to opfa.ca (Ontario Professional Foresters Association) for more information. Another good source of information for municipalities in Ontario is <https://www.ontariowoodlot.com/Bylaw-FAQs>

Please make an effort to consult with the people who have made their careers and businesses in the field of forestry and forest conservation before considering adopting this bylaw. The Ontario Woodlot Association is a good start for consultation, as well as local professionals."

Just another money grab.. its not like everyone is going around clearing trees.

Instead of focusing on trees maybe you should focus on hospital infrastructure or other health services in the communities instead of closing them down. Spend the money this will cost to run on the thousands of potholes that are in the roads. Maybe leave the trees to the responsible home owner who isn't about to destroy his property taking trees down unnecessarily. This is just a money grab. How about working on election promises and do the job your constituents elected you to do.

This is taking private property too far. Turning into the dictatorship of Kawartha Lakes. Absolutely disgusting. Instead of charging people, you should be educating people and asking that they plant a tree for every one they take down. But you have no problem, clear cutting trees and farms in our beautiful area when it suits your purpose!

Wouldn't the local CA or MNRF already regulate tree removals in Environmental Protected areas? It seems like a cash grab by Municipality for something that already has regulation to protect. There shouldn't be exemptions for low income or affordable housing, sets dangerous precedent for two tiers of citizen in municipality. Main issue is does the City have the by-law staffing to handle this program and is the city responsible for determining if a tree is hazardous? This program is likely to cause more problems than it would solve. if someone wants to build a garage in backyard but has a tree there, are they going to be denied a building permit because they have a tree the City says they aren't allowed to cut down? I think we should leave environmental protection to the agencies that already do this and have laws to back up their mandates and worry about the current by-laws that we're still facing challenges to enforce.

Golf courses should not be an exception to this. They are environmental hazards and should start paying their fair share.

Will there be anyone enforcing these? If a tree is cut and disposed of on private property before a bylaw officer is aware, how could it be determined if it applied to an exemption or not? If removal of the tree was urgent for safety reasons, will we be required to provide evidence that it was required? I love the idea of preserving all trees, and am all for it, but would like more language on how it will be enforced and followed.

The town of Lindsay is an absolute nightmare to deal with as far as permits are concerned. (Inefficient and incompetent) You have no right to dictate what people do on their private property and you certainly have no right to steal their money. How the township is somehow entitled to my hard earned money because I wish to remove my own tree is completely inconceivable. Just like the CCTV project, this is another gross overreach by the Township

"Does this just apply to town of Lindsay or all of Kawartha Lakes?"

If it's just Lindsay, some of my concern won't apply...

Minimum property size seems small as we are many rural communities who tend to have larger property sizes with areas that are treed.

Fees are way too high!! e.g. If I'm putting addition on home, I'd have to pay to remove my private tree(s) + permit + pay to plant replacements when property size is now reduced (what if no room) ?

Culling of trees is often required for health of overall group of trees as per forest management best practices. Has this been considered ; not identified in exemptions.

Exemptions don't discuss removal of trees as part of property access maintenance

(tree encroachment on driveway that need removal).

Exemptions don't discuss difference of properties who have multiple trees & want to remove one as opposed to folks who have NO trees ... owner with trees is penalized for being environmentally conscious- hardly fair...

Exemptions don't discuss trees that are damaged during storms & pose hazard to folks using/accessing property, only if "hazard to structure". Storm of 2022 required removal of multiple trees for that reason ...

Exemptions for trees cut for fuel should include structures requiring heat on own property (e.g. garages, work sheds, cottages, sleep camps , etc...) not just "own home".

Exemptions for smaller properties (e.g. "

"Do we currently have a problem or issue with landowners indiscriminately removing mature trees?"

If not, this will just add unnecessary bureaucracy and bigger government."

we need more incentives and education to the public on why trees are great for our planet, our health and for biodiversity. Often people cut down trees because they are "too messy" (pine needles, leaves, walnuts) but this isn't a good enough reason to cut down trees. Educational promotions around town, in the Lindsay Advocate, and in hardware stores (where one might go to buy supplies to cut down a tree) might help raise awareness on why trees are so vital to our lives - and how hard

it is for them to grow. Just because you charge fees to someone and demand they plant new trees doesn't mean these new trees will grow to be healthy and mature, its actually very unlikely. So cutting down a tree, charging a fee and planting a new one does not equal the loss of the mature, healthy tree.

"I believe most people in the City of Kawartha Lakes are environmentally conscientious and don't need fees to cut a tree on their own property. This by law is a way for the city to take money from regular middle class citizens while catering to large operations such as golf courses. I found it quite interesting that a golf course would be exempt allowing them to clearcut huge areas for business purposes but a homeowner has to pay and run it by the municipality to cut a single tree. This is a very disappointing proposition that further outlines the larger issue with the City of Kawartha Lakes ideals. Thanks,

Instead of punishing those who cut can we find a way to incentivize people to plant trees?

Remove Land Taxes and you can tell property owners what they can do!

"1. I disagree with the regulating of tree cutting on rural properties. Factors exist in rural areas that are extremely different than urban areas. The majority of rural property owners successfully manage their own properties and have done so for many decades. Those rural property owners (many of which are members of the Ontario Woodlot Association) are committed to sustainable land management practices because that is the life they have chosen to live. Members of this community who choose to live in rural areas should not face further financial hardships with more taxation because of the honourable lifestyle they have chosen to live.

2. In urban areas, most tree cutting is done by professional tree services. Those services are provided by trained professionals in that field and carry liability insurance. These services are expensive to the property owner and further taxes on area residents at this time when the cost of living is so high, simply places more unnecessary pressure on the financial situation of all the area residents. I understand that neighbourhoods can be impacted by the removal of large trees from a residential yard in an urban setting. Regulating that situation could be accomplished if the permits were less expensive to the owner. The city could place conditions on the permit that would include the requirement of a licensed/insured tree removal service to carry out the tree removal, if the tree is of considerable size and a potential risk to neighbouring homes from the felling of that tree.

3. I am hoping that this regulation proposal is not in response to complaints being lodged against the city for their consideration of the large scale residential developments that are being considered on our rural and agricultural lands in this community. As you know, the residential development of ""Fenelon Trails"" includes a significantly large number of mature trees. As you also know, fractured tree locations are nowhere near as beneficial to the natural environment as large-scale tree canopies (which are found on this development property). The removal of such vast numbers of trees in a forested area such as this will never be compensated by the sporadic residential tree regulation proposal.

4. I hope the city will supply a clear and concise explanation for the purpose of this proposed tree removal regulation.

The Municipality should not be involved in the use and enjoyment of private properties. This appears as a money grab rather than environmental management. If there is a desired direction offer incentives, not fees.

Advise where are protection areas

an exemption for cutting trees to allow a home to be built or for using the wood as part of the construction of a home (assuming the other needed permits are received)

There should Not be waivers for Any housing developments. Mature saplings should be planted by housing developments.

Please explain "in addition to all properties 30 meters (98.4 ft) from shoreline regardless of property size.". Does this mean if your property starts 30m from the shore line, or, does it mean you cannot cut trees that are 30m from the shore line. The fines are too big since the fee for cutting down large trees is high to begin with.

IF the trees are not healthy shouldn't have a fee to cut down

The fees you propose are excessive. \$10 is quite enough!

Enough environmental awareness these days, this is obvious a bureaucratic cash grab. People are educated enough to decide which trees need to come down or stay. Fix the roads do a perform better on task you have, you can't handle more.

homeowners should be entitled to remove any tree that does not affect other neighbors. there are many reasons for tree removal- none mentioned here. eg fire hazard, large tree that overwhelms property etc etc etc. Anybody that owns a property and has spent hundreds of thousands of dollars owns the right to making the right decision on their property with being subject to a money grab.

It is illegal and against the Municipal Act to control private property. The Municipality may only control property it owns. This attempt of Tree Bi-law control of privately owned trees has been attempted in other municipalities to great adverse reaction by the constituents, and incredible expense wasted on resources in repeated attempts to implement this unnecessary infringement of property rights.

Septic tanks have been mentioned, but not sewer lines. If a healthy , mature tree blocks those, it may have to be cut down. But the owner, who couldn't predict this, should not be charged. As for low income households and affordable housing developments, no, but regulation to insure that only trees that interfere with immediate safety to life and limb and septic, water lines and shorelines are cut down.

My biggest concern is not being able to cut down a mature tree that I feel poses a threat to my house. From how I read this, there would need to be damage before that would even be allowed. I am not sure how you prevent someone from just saying they think a tree is a threat without actual damage but I should be able to prevent a problem before it happens. Waiting for the City to approve and / or relying on someone who does not live on my property to make that decision seems like a pain point for property owners as well. I don't have a solution but there has to be some consideration included in the ByLaw that takes into account the needs of the property owner, without adding undue hardship and still meets the intent of the ByLaw itself.

Protect the property rights of property owners by scrapping all bylaws and regulations that interfere with their use of their property. Property owners will generally make good decisions regarding their property within the City from interfering.

"This whole thing is more red tape and more beauracracy at city hall. This is a joke. You all can barely keep up with housing and other permits let alone add trees and consultations to this process.

No developer of any building should be exempt when their point is to make money of of the development. That's exactly who should pay any fee.

This whole bylaw is a joke. The way its written is a joke. I'll be contacting my councilor to relay my thoughts as well."

I think the city should just let property OWNERS do what they want with the trees that they OWN including cutting down trees for any reason that the property OWNER sees fit. This proposal is an overreach by the municipal government and infringes on my rights as a property owner. Please just focus on things that benefit property owners.

Any areas that are designated as EP land should not be touched for any reason

I agree with these. I think "exemptions" and "fee waivers" should be very limited.

Kawartha Lakes is NOT Toronto and this is a tax that is opportunistic in my view. There is no shortage of mature trees in KL. Having spent thousands to remove dead ash trees recently I would be disgusted to be paying any taxation fees in addition to the expense to maintain a property. I AM A TREE LOVER but not a taxation fan.

There are concerns about cottage type properties that need to install septic systems. They could be mandated to replace the trees once construction is completed. Even on agricultural lands there should be some management of the tree canopy, otherwise we may lose too many.

We absolutely do not need a bylaw regarding trees on private property period.

"Farmers do not pay a tax to harvest a crop on an annual basis.

I have paid good money for a future income that I can no longer harvest with out paying taxes! The by-laws have come after the planting so this could not be disclosed first. Had I known this I would not have wasted my time, money or farm land.

But out big brother!"

"Tree cover in some areas of Kawartha Lakes is well above best practice guidelines and in other areas falls below, or is impacted by factors such as agricultural use, lakes, or large industrial, or dense residential building and roadway footprints. The background need points to waterfront concerns and EP areas. This by-law should be scaled back to focus on waterfront, with reduced (15 m) setback, and on EP areas, and have some way of treating areas with low percentage tree cover differently from areas with high tree cover. The positive and proactive approach is somewhat missed within the by-law by not including incentives for proactive planting. Could there be off-set credits for tree planting on other portions of the property or nearby properties, if the focus is ultimately the overall tree canopy? Urban area developments should be required to include 2 trees per new residential lot rather than the current 1. Larger numbers of whip saplings should be included as the replacement, rather than the very costly mature saplings. If massive clearing for large residential developments is the issue then consider some class of regulation and fees for removal of larger numbers of trees. Could there be a general exemption for removal of 1 tree per lot per year for any reason as well as an increase in lot size for applicability of the by-law to 5ha outside of shoreline or EP areas?

Expand exemptions to include all agricultural activities, not just for agricultural operations (for profit farming operations), with the intent to expand the exemption to include hobby farms. Provide exemptions for septic and well installation and upgrades.

Provide exemptions for tree removal for single residential lot developments for the building footprint of the dwelling and garage and driveway, and a setback of 15m surrounding the dwelling on all sides to allow for necessary building and service equipment access at least some use able yard space. The setback may need to be adjusted in consultation with residential construction businesses. The intent would be to allow for the space to construct the home, garage, septic, well and garage with at least a small yard, but if the lot were a fully treed lot, that trees in the other portions of the lot would remain, or be subject to the fees for removal.

The use of a blanket term of EP area is risky, since the creation of mapping was related to trying to identify areas of wetlands. The presence of tree cover alone was sometimes used as a potential indicator of possible areas of wetlands. We had this explanation when looking at 'regulated areas' within Conservation Mapping. If protection of water features by maintaining vegetative/tree cover adjacent to it, then there should be provisions for considerations related to wetland features, not using 'all EP lands' as the area of restriction. Some EP lands are grasslands by nature. The mapped EP area would already have a set-back built in from the edge of the feature. Set-backs are not always consistent depending on the type of feature. The setbacks and restrictions were for

building/development, not management of the vegetation. There are also many classes of EP lands and Open Space lands, depending on the regulatory document. Clarity is needed.

What effect will this by-law have on the long-term regeneration if people begin cutting/removing the smaller trees and saplings on their properties so that they are not dealing with a potential costly tree to manage?"

Maybe I missed it but what is considered an environmental protection area . I've owned a woodlot for 30 years and have never cut a healthy tree for firewood . There is just too many sick and dying and overly crooked trees to fill that need . Also on my woodlot there is an over abundance of large healthy trees . Are you telling us that I must get a permit if I want to take one down . If so maybe the government is wanting to be a little too involved in my affairs . There would have to be an exemption for managed woodlots . Thankyou

Please consider the requirement for 'Good Forestry Practices' permits for any commercial forest harvesting on private lands

this proposed bylaw is intrusive and proposes more red tape and it looks like a money grab. If a homeowner wishes to remove a tree on their own property for whatever reason, it is their own business and doesn't require city input for any reason!

The city should consider rules prohibiting the clear cutting of the few remaining densely forested areas still located on residential zoned properties within the boundaries of urban areas in the COKL to protect them from further development if they already have an existing dwelling on them. This would allow for the removal of individual trees that might pose a safety hazard but would prevent the removal of more than a certain maximum number of trees (perhaps three) per annum from any given residential property. This suggestion would only impact residential properties with existing dwellings and only those within city limits.

"There should not be an exemption for agriculture, aggregates, or golf clubs. The same rules should apply. The largest deforestation is our area and southern Ontario as a whole is due to these activities, as well as development. Farmers and business owners need bylaw incentive to retain the very limited tree cover that remains on those landscapes. Further, forestry operations must require a certified tree marking and permit, or forestry will not be sustainable.

This bylaw has a huge potential to not only disincentive tree cutting via fees, but greatly improve landowner education around trees and their value. For example, do farmers understand the value of these trees on their landscape for water retention, wind protection, riparian protection? How can this be communicated in dollars and cents so that farmers will not WANT to cut down the trees in the first place?

Along with fee payments, and education, there must be some funds diverted to paying for tree planting and maintenance efforts on land that is greater than 0.5 acres. These lands provide a great public benefit, and the landowners are not adequately compensated for the public service they

provide by having these large tracts of treed land. Please explore options to make it less costly for these land owners to do the good work that needs to be done to ensure these lands are healthy (ie. Subsidized tree consulting services, sub sized tree marking and forestry consulting, sub-sized firewood harvest, sub-sized tree planting).

"Bullet #1 Oxymoron

Bullet #2 Why not apply indiscriminate cutting rules to all properties.

Bullet #3 Why do you discriminate between the have and have nots?

Bullet #4 An amount of \$450 for a permit is outrageous.

As a CoKL taxpayer I am NOT in favour of the hiring of an Environment Officer and Certified Arborist fulltime with vehicles supplied. This municipality cannot afford this ongoing cost.

From a financial point of view, this service should be contracted out."

All fee should be waived if a replacement tree sapling is planted on the property at a different location with-in a specified period of time for example 1 year.

How about government stay out of property owners business, always too much government overreach! Seems like the same people injecting their beliefs on Others! Stop!

If I no longer have the right to cut down trees on my own property, it would suggest then, that I really do not have full ownership of that property. Therefore, it would then seem reasonable to me that I would not be expected to pay taxes on that property as a full and complete piece of land.

My biggest concern is how this will be administered/enforced. How will you ensure that offenders will be charged or will it only be the people that follow the right process that will be charged.

The Kawarthas are not a highly density population, cottages & farms. Property owners should have the RIGHT to remove trees on their property!!!!

It's called PRIVATE property for a reason. You want to be Communists, move to China. You have NO right to tell anyone what they can do on their own PRIVATE property. Try that here and you'd best bring a warrant.

What an unbelievable waste of time and money to spend on this. Every tree belongs to the property owner. They and they alone ought to be the only one who decides which trees stay and which trees go.

The government needs to back off. Start cutting the city staff who proposed this nonsense.

The fees should be higher. Lakeshore properties should not be allowed to cut all their trees under any circumstances

The minimum property size seems somewhat arbitrary. I suggest there is no minimum but that it applies to all properties. I also suggest that the exemptions need to be examined by a forester to be sure that the tree removals are done responsibly and sustainably (in the case of forestry that it is done in accordance to best sustainable practices, in the case of golf courses that adequate tree cover be maintained to provide shade, habitat, etc.) Housing developments should be sure that some tree cover is maintained on each lot.

This bylaw is immoral. Private property is the most important right in the creation of a caring community where all people are respected. 13% of Ontario's landmass in private property and should be left 100% to the benefit and use of the private property owner.

If the goal is the protection of ecological integrity and diversity (and it should be), then permits should only be considered if tree removal is part of a comprehensive landscape plan that includes protection of all threatened species, critical habitat and no net loss of standing timber. Half hectare is too high a threshold and \$450. Is too low a fee to deter abuse by deep pockets or politically connected property owners.

"I'm an ISA Certified Arborist and property owner and I can't get behind a tree bylaw in CKL.

Having worked for multiple reputable companies in the Kawarthas, and now an owner of my own, many people already take the initiative to replace trees when cutting one down. Forcing people to do this or pay a what you're calling a fee, but is really a fine, should be illegal and is disgraceful, let people have autonomy of their own property.

I don't own waterfront property so have no bias in the matter but having no minimum size property for waterfront gives the feeling that you're just taking the rich cottagers for a ride. There's no ecological reason for the special preservation of trees on properties within 30m of a shoreline. Trees directly on the shoreline that help stabilize shoreline erosion are one thing but every tree on the property is a gross overstep. This whole section needs to be scrapped and redone to match the minimum property size for all other regulations with possible special consideration for trees of 24" DBH or larger within 5m of a shoreline of a major body of water or tributary.

At a time when more people are struggling to pay for things, you think adding up to \$2000 for the removal of a single tree is the play? Are you out of your mind? A large portion of the properties in CKL are larger than 1.2acre and now you're saying these people are just expected to absorb thousands to have their property taken care of. The replant and fine needs to be totally scrapped. If people are already paying for a permit they don't need to pay more if they chose not to have a tree. Many times I've cut down trees in municipalities that have this requirement and there's no realistic spot for the replants. Example, wooded front yard with a 100x80' back yard. Mature tree with a 60' wide canopy between house to the south hedge to the north and west and pool to the east. Tree is

killing the hedge and shading the pool. Now I'd recommend replacements that more fit their needs such as a small ornamental or some fruit trees but surely not 4 of them and if they would rather have a yard to throw a ball around then they should be charged \$2000 for that.

The CKL covers a massive area, there is no way you have the budget to properly run a tree bylaw program in a way where people are having tree work done in a timely manor. The city of Peterborough introduced a tree bylaw 6 years ago that was a total train wreck because it was written by people with little to no industry experience and couldn't staff the demand within city limits and if you think you can do it from pontypool to Kinmount you're lying to yourselves.

If the idea is to preserve "mature" trees (which means what exactly you don't say) then the only acceptable alternative in my mind is for lot clearing and construction purposes you'd need to have a special permit for mature tree destruction and leave everybody else alone."

"Fines are important deterrents but replanting requirement should be higher. Wood for home heating should come from already downed trees rather than cutting down living.

No mention of enforcement. Rules, by-laws mean nothing without an enforcement plan."

"The proposed bylaw is a ridiculous one. Kawartha Lakes is approximately 3,084 square kilometers in size. The territory is massive and mostly forested, with some bodies of water within. The population of this area alone represents approximately 0.5% of the total population of Ontario. There is no deforestation problem here, and no no measurable impact on climate change from the tree cutting activities of the small population in this large region. There is no need for property owners to ask or beg for permission to cut down one of their own trees, on their own property.

If the staff of the Kawartha Lakes municipal office find themselves to be bored and are looking for ideas to keep themselves busy during the work day then I suggest they tackle more pressing problems such as waste removal in our towns, and why the number of garbage bins have been halved, and the remaining ones hidden from view so as to discourage their use, promoting littering instead. Maybe focus more on providing lots of publicly located recycling bins in addition to more publicly located garbage bins, and devising a public education campaign teaching folks to recycle - that would have more impact on our municipality's environment than a few people cutting down their own trees on their own property."

I think crowding should also be taken into consideration. If the tree is hindering other plants ability to thrive it should be considered necessary. Also low income households shouldn't get special treatment if the tree doesn't meet any of the exemptions. It's expensive for everyone, and low income properties and housing shouldn't be leading an example when it comes to vanity over functionality.

Please consider either prohibiting or gradually introducing prohibition of cutting down trees in the urban locations. Please consider introducing the prohibition over time that will allow property-owners to prepare for the expense and/or plan responsibly. I do not mean to allow for mass cutting down in a rush to avoid the prohibition, but to be fair if this comes as news to propertyowners.

I do not see how any aspect of this proposed bylaw would be enforceable.

Tree cutting for the purpose of having a view or enabling construction vehicles should be controlled through restrictions. Cutting trees on municipal owned property should be prohibited. Protection of trees on shore lines should be upheld regardless to help reduce erosion. If trees are cut, thoughts on impacts to drainage need to be considered. If someone is cutting trees on their property consideration of impacts to others is needed. Maybe a study is needed with their application that states that no issues from drainage or loss of shade will occur.

My property, my tree, my choice!!

"I would like to be able to conserve 2 or 3 large willows, that are over 125 years old, in our Port Hoover community. These trees are on the shoreline and on private property and were planted before Port Hoover became a ghost town.

As to 98ft from shoreline, doesn't help these trees. On acreage 1.5 acres in size doesn't preserve these trees. Also, giving exceptions just because people are poor or a community wants to build housing should be no excuse for cutting down mature trees."

I would like to see farm properties that border hwy 36 be mandated to plant trees along the fence lines to help prevent wind blown snow on highways

This is the most ridiculous thing I have now heard. A permit to cut down trees on private property - and who is going to enforce this? A permit for tree removal should be in place for commercial/industrial land use, such as a subdivision/quarry/factory/warehouse - not private property. Yet another permit required to bog down any progress in this city.

Need to reach out to other municipalities with current bylaws in place and see what they have to offer- Markham for example is 30cm or greater at breast height requires a permit- no exemptions for golf courses, cemeteries etc. doesn't make sense to allow that. There needs to be high \$ fines in place if there is negligence to the by law once in effect. Maintaining a mature canopy cover for Kawartha lakes is a huge priority that needs to be taken seriously. New residents to the area cutting down huge healthy trees because they don't like leaves or are nervous for their home are left uneducated in the circumstances regarding the science of tree biology. Having a Norway maple next to a home versus a sugar maple is a big difference of likelihood of failure from the tree.

There should be a greater fees for large developers building big, expensive homes.

I'm uncomfortable with the principle of charging a fee for cutting trees on your own property, except for the EP areas which I wholeheartedly agree should be protected. With the number of proposed exemptions, it's also unclear to me under what conditions someone WOULD pay this fee? Developers? I completely agree with giving developers a reason to protect or replace trees in their developments.

in rural areas hedge rows are being removed, nothing here to cover that and why should trees be removed in affordable housing what ever that means and why aren't those buyers entitled to having mature trees in their housing development. look what we made wind farms and solar farms do. i thought there was already a bylaw in place that you couldn't cut down a tree on city property in front of your home if the city won't or can't remove it. it took me 5 years to get a cluster of 5 dead ash trees that were 50 ft tall and finally the city cut them down. no saplings (what is a sapling) were planted. double standard. i agree somewhat that, after the May 24th/ 2022 incident that trees close to a home or building should be distanced from the structure or trimmed to ensure that if it falls it won't damage the structure. you have't addressed trees that hang over a neighbours property and cause a problem, ie black walnut, fruit trees etc. who decides whether it is trimmed or removed.

"I think that the exemption for cutting trees used as wood fuel for your own home should only be available for larger properties with wood lots. I wouldn't want to see a small urban lot with only a few trees be allowed to cut down a tree to use as wood fuel. That just creates a loop-hole for people to cut down a tree without having to follow the by-law.

I also believe that other nuisance trees (non-native and native) and invasive trees should be exempted. Scotch pines are non-native and seed easily. I don't know if they are considered invasive, but they are a nuisance tree that require maintenance. Manitoba maples are native, but prolific seeders. These trees have been called ""weed trees"" that require a high degree of maintenance. I have experience with these trees so I am familiar with them. I am sure there are other similar trees that should be exempt.

I am interested in developing my property with native plants. I have a lot of trees on my property with only a small area outside of my tile bed where I can barely grow a vegetable garden. I am on waterfront. I don't want more trees, but I would like to replace non-native trees with native trees. I think that there should be an exemption that allows a non-native tree to be replaced with a native tree. I would also like to encourage others to replace a non-native tree with a native tree and not have to commit to 4 trees. That is a benefit to our ecosystem."

Is this outrageous tax and property grab even legal. You criminals should be ashamed of yourselves.

Why do we need this bylaw? We need less governance not more. If I decide to remove a tree on my property, that is my decision. I don't feel the need to get approval from a bureaucrat and then pay them for that approval.

If someone's personal property is less than an acre, the decision should be up to the home owner, and government/municipality should not get involved in the decision making in anyway. They purchased the property they are living on and the home owner should be able to make the decision whether to cut a tree down or not in a safe manor.

Private property and the trees on it should be left to the discretion of the owner. The city is over stepping their authority

Let me do what I want with my property and focus on the destruction by new development!!!

I disagree with this bylaw, it is the same as telling me I only have two choices to paint my house

The alternative is to not take advantage of home owners and to focus on your own public land and what you want to do with it and leave private owners alone. This crosses a line and is unbelievably prideful to think you know what's best for others. Do not exploit home owners. Focus on your own inefficiencies within the government like building permit approvals for example.

The land we purchase with our hard-earned, after-tax dollars is OUR land. Leave us alone. We own everything on the land including the trees and can do what we want with all of it. It's called private property rights. You can regulate what happens to trees on public lands, and that's enough. You are overreaching again. Stop it.

"My opinion on this new change is not really relevant as I am not informed enough to make a decision. I do not know have any information as to what the situation is now and if there is a problem

with trees being unnecessarily removed from our city."

"What gives the city the right to create laws that ultimately tell people what they are able to do with property which they paid for and abide in and conforms with any applicable safety standard.

A majority of our own councillors have sided with and was noted by councillor Charlie McDonald in voicing "We shouldn't be going around telling people what they can and cannot do with their property"."

Why has this been brought to the table? Has there been significant clear cutting on larger properties or simply good maintenance practices? I would be very interest to view the statistics upon which the City has prepared this potential By-Law. You have it aligned with commercial and agricultural properties being exempt. I have no problem with agriculture properties being exempt, having grown up on a 300-acre farm property assisting with the natural clearing of the forest in order for it to thrive. I strongly question commercial properties such as golf courses etc. being exempt. Simple Economics analysis concludes that you are targeting a specific demographic in regard to income and collection of fees. What is your threshold in today's economic conditions when it comes to low income? I am positive the number is much lower than reality dictates. In conclusion, I deem this By-law to be unnecessary pending factual and actuarial data being gathered. The funds that would be spent on Administration and Enforcement would be more effective; if the true intent is to preserve our trees, perhaps by making available once a year, either free or at a reduced cost saplings to your residents to plant. Or, simply plant this seemingly Fee driven potential By-Law into the ground.

"Stay out of it completely. If the city gets involved, it will become a mess. Private Property will no longer be Private. Whole project sounds like a ""money crab"" and will. create a sea of ""Red Tape"". If it is not broken, don't fix it!!

My alternative is to scrap the whole project and stop wasting time and money on it. There are more important issues that need to be addressed."

There is no evidence that a tree-preservation by-law is required in the City of Kawartha Lakes.

I think you used the proper word at the beginning of the survey "private property". The city doesn't need to control and dictate what a home owner is doing on his property in regards of cutting trees, among other things. Explain why a rural property with acreage needs to consult the city in tree removal. The city and council need to stop overstepping their authority and worry more about maintaining the city and bringing jobs to the city.

New construction on a property.

Let people do as they please (within reason) on private property. We left the GTA to get away from unnecessary intrusion such as this idiotic proposal.

Tree cutting regulations should be more in line with CO2 emission reductions. We need more trees not less. I suggest 1/2 way between the suggestions above.... a fee for anyone taking down a tree must pay the fee of \$425 unless they plant at least 4 more. I also think that trees that are cut down that are going to environmentally friendly applications such as no burning, should be exempt (Good examples here are for Log home or cabin building or furniture making...Trees cut down for this purpose are good for the climate by sequestering the carbon) There should be rules around the disposal of branches such as chipper-shredding, back to the soil, again not to be burnt in a bon fire. The challenge would be enforcing this. I therefore think the burn permit is perhaps an easier way to go, as most burns are tree/branch related. I would be interested to understand if this will be a basic paper bylaw, or something with teeth that can and will be enforced

"What is the goal of the By-law? Urban Tree Canopy (crude but useful objective), preservation of Heritage Trees

Should be 30m from any waterbody including watercourses and wetlands

Should be no size limit and apply to all parcels. Size should be a criterion for approval (e.g., hazard tree on small lot would be permitted)

Exemptions: That list is too general. Cemeteries and golf courses should comply.

Make a list of invasive species that could be removed without a permit – e.g., Manitoba Maple

Re: septic – should be a process to ensure restoration of infrastructure installation, not an exemption. E.g., cottager dug up the shoreline damaging roots of many trees and ditched right into the lake. Poor installation, never filled in and trees likely to all die as the excavation in such a sensitive area should have been by hand; not backhoe

Re wood fuel: it is relative to the size of the property, the density of trees and ability to replant/regenerate.

Waiver only if the required replacements are funded by the City"

"I don't understand why there is a minimum property size, as unless the tree is hazardous, why does property size matter?

I don't think that necessity of replanting should be waived for low income or affordable housing developments. I do however feel that the cost of replanting could be subsidized. I strongly feel that low income and affordable housing occupants (or development as this states) have the same benefit from the urban canopy and share the same responsibility for maintaining it. I fail to imagine any reason to cut down a healthy, non hazardous tree that is not either for income or for appearances,decoration, so I don't see it as a right or a necessity . I do see it as a responsibility of ALL of us to maintain and build our forests.

Finally I assume that there is some assurance that fees collected would go to replanting further trees. I'm sure that some will be required for administration of the programme.

Finally I believe that if this is truly going to make a difference that we must insist on the ""mature saplings"" being native species."

Prohibit cutting in protected areas.

You must be kidding me. I find this proposed bylaw totally absurd and totalitarian. The economy is a wreck. Affordable housing non-existent. Interest rates at high levels. Groceries going through the roof and heaven forbid paying GST on the carbon tax to heat my home. The bylaw is offensive and a perceived tax grab. Not one of my neighbours whom I have spoken with agree with the bylaw. I suggest the project team focus on something that will contribute to the betterment of the community rather than penalizing(taxing) it. I don't support the bylaw so my alternative for the project team to consider is to scrap it.

"Exemptions should not be issued as of right for Specific Operations. They should be individually considered and approved by the City and a fee applied if trees are cut down for golf courses, aggregate harvesting, tree nurseries, etc. Regarding prohibition within 30 metres of shoreline, I suggest that it should be greater, perhaps 45 metres to preserve growth along shorelines and to prevent erosion close to waterways. Septic beds should be farther away than 30 metres from shorelines but, if allowed, the City should need to approve and the owner charged a fee. Regarding fuel, there are so many dead or vulnerable trees around that needing trees for fuel should not be an exemption. We should be discouraging burning fossil fuels anyway but definitely not cutting down mature trees only for fuel. Regarding low income persons, mature trees do not know or care what the person's income is. Trees should be preserved as much as possible but, perhaps a sliding scale put out by the City in terms of the fee might be a better option for a reduced fee for low income people. Regarding affordable housing developments, the only people that would benefit from fee

exemptions would be developers who do not need these benefits. If the argument is that they will pass on savings to potential low income households, that is not likely to happen.

Also the by-law should address boundary trees and the owners of the adjoining properties MUST agree if removal is to be contemplated so that this aligns with the Forestry Act.

Also cutting down a tree is not the only way to damage trees. Construction and construction materials, especially if over roots, might also be hazardous to trees. The by-law should mandate the City to cause an owner to remove materials that might damage tree roots over a longer term especially if an arborist has deemed that material to be likely to kill a tree."

"In relation to question 2, 30 is not enough from shoreline. I would suggest 45m.

Question 4 re cutting trees at 30 metres from shoreline is too short of a distance.

With a septic system the city should review it before allowing trees to be cut down.

With affordable housing developments trees should be saved as much as possible and not clear cut to increase higher density.

Developers should provide a certain number of trees on a site so the environment becomes a healthier place to live. Landscaping fees should all be covered by developers.

Border trees should be taken into consideration when a new building is taking place at an adjacent property. No damage whatsoever is justified with a boundary tree by any landscaping endeavour of that adjacent property."

This By-law is focused on individual trees. It ignores woodlots, which are more significant environmentally, and which require tree culling to remain healthy. This Bylaw actually works against the preservation of large woodlots. They are neither defined, nor protected in any manner - and they SHOULD be, even if they are on golf courses, farmland, or land for cemeteries etc. You have focused on the tree and been oblivious of the more important "forest" and the tree canopy provided by that. This is a completely flawed focus.

1. Absolutely cutting should be prohibited in EPAs for any reason other than forest stewardship. 2. While golf course serve a recreational and economic purpose, they overall are a climate-unfriendly enterprise. Cutting down trees for the purposes of creating and maintaining golf courses, in my opinion, a problem.

using wood as heating fuel is very environmentally unfriendly so lets not encourage that by waiving fees.

"The minimum property size is difficult. A large tree can overhang many properties and even healthy chinese elms (as a for instance) can drop branches on a very regular basis, possibly causing damage to your or your neighbour's property.

Who determines the health of the tree for taking the tree down? On a 100 + acre farm, who is going to be monitoring and enforcing these bylaws?

I completely understand the impetus to want to preserve stands of trees, but I'm not entirely sure how this is enforceable. Would not providing a carrot of a subsidy to plant more trees be a better way to go, with the exception of cutting down swaths of forest for buildings, either commercial or residential? And for large scale tree removal, why does that only need to be within an Environmental Protection area? I think any large scale removal should be regulated, whether or not it exists within the current definition of Environmental Protection area."

Why is this being considered? Why does it matter whether the property is near the shoreline? Why can't the property owner simply plant a replacement tree on their own property? Who is going to arbitrate the exemptions and fee waivers, how much is it going to cost, how much time is it going to take, how much paper work will be involved, etc? Take a look at some shoreline properties, such as Stanley Road in Bolsover. The tree density is extreme. Is removing one tree from a property going to impact the tree canopy? The originators of this proposal need to shake their heads, and kill the project.

The fees are too high. I would suggest \$300 fee for smaller properties and \$1200 for larger properties. Also the permits should be free if a permit is needed to cut down a tree.

"Why a fee. We pay taxes, why can't someone just check the reason for taking down a tree. If there is a fee, why should the income of a person determine the fee? Everyone pays the same fine/fee not based on income for speeding, parking, property tax etc.

No mention of trimming trees"

There should be no law for a person to cut trees on their own property, this is an over reach of Government power and control. I do NOT agree with this at all.

I think the fee(fine) needs to be higher depending on income. Some builder or people will put it down as a cost to do business. If a shift in location saves tree then it should be built here.

Evergreen trees such as scotch pine should be allowed to be cut down if they are a fire hazard.

"if I own my property why should I pay a fee to cut down a tree at all.? this is is a blatant money scam, to once again bleed the homeowner/tax payer of their income.

I 100% disagree with this proposal. it is totally wrong, never will I ask to cut down my own trees on my own property. I will advise people to never move to city of kawarthas if this proposal goes through."

Prohibited in environment protected areas

" - I would like to see a guaranteed permit approval turn around time as part of the By-law. Permits from the city are notoriously slow and adding another By-law/permit application/review/enforcement stream for trees will clog up the system even more.

- healthy trees not posing a hazard should only come down during certain times of the year so as not to interfere with the breeding cycles of birds and other animals as well as migratory birds

- Any provisions for ""dead"" trees that provide habitat for animals such as squirrels and birds who nest in cavities in the trees and woodpeckers that feed off the insects and larva in trees (ex. palliated woodpecker)

- The only exemptions for people who heat their homes with wood should be based upon property size. Ex. >50 acres in size could be exempt as the harvesting of wood for heating can be demonstrated to be sustainable. As an aside, wood as a primary heat source should be discouraged in the Kawarthas in this day and age.

- I would support a 2 for 1 sapling replacement for each mature tree taken down. 4 for 1 seems excessive

- I would keep the same fees for low income households but support a \$100 tax refund for every additional mature sapling planted on low income household properties.

- A list of preferred replacement species (and site suitability) should be available to home owners who are replacing trees."

None. The bylaw is good policy as written

Just another money grab.Back off

Golf courses and cemeteries should not be exempt

I think this is just another way to gouge the taxpayers of the City and remove yet another freedom from property owners This seems totally ridiculous considering every park that has been developed in the city has had all the established trees cut down. Not to mention the time and paperwork that will probably be involved in administering this. How will this be enforced??? Will neighbours report others if a tree is cut down??? What happens if someone cuts a tree without a permit???? Is there a fine??? Instead of putting money into this idea which will probably cost why not concentrate the resources into roads. Something that is sorrily needed and everyone uses!!!!

"Shoreline property must include rivers and lakes. Perhaps this could be clarified.

The slaughter of 200+ trees in the former golf course of Kings Bay, without any development approval, is causing tremendous disruption within our community and our avian population. The exemption for golf courses should make it clear that only active / functioning operations are exempt. Those that have become ""land banks"" for developers must not be exempted."

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"There should be a fine for damaging mature trees through soil compaction and grade changes on any property or development. Too many trees (including two large maples on my own property line) are being lost due to construction and landscaping projects that ignore the danger to mature trees. If you are going to allow an exemption for trees that are damaged or unhealthy, you must first determine WHY the trees are in this state, otherwise trees could be deliberately damaged or damaged as a result of landscaping, construction or development grading that should not have been allowed to proceed.

There should also be an educational program that makes it clear to residents, businesses and developers that trees can be damaged in by soil grade changes, paving and vehicle access, and compaction, and that there are fines for doing so."

Prohibiting cutting in Environmental Protection Areas

I don't think any of this should be implemented on private property

Stop controlling what land owners do on their own property

"This By-law should only apply in built up urban areas with a defined density. It is ridiculous to apply this By-law in rural areas of the City. Basically if a person is going to cut down a tree damaged or infested they have to pay a professional to declare it so and wait to obtain one. This is just another layer of government bureaucracy for private property owners. This By-law is really only applicable to those clear cutting land for forestry reasons or agriculture or for a large housing project or commercially selling firewood.

The number of nurseries evident everywhere is an indication that private property owners are buying and planting shrubs and trees more than ever before.

If the City is truly concerned about the canopy of trees they should get more involved in diseases and pests that are killing many of our trees like the Pine beetle, Ash bore, Gypsy moth, etc. instead of leaving that to the individual property owner to deal with.

I am an avid gardener and involved in landscaping with natural species and I see this as no more than a cash grab that adds another layer of red tape for the property owners trying to effectively manage their property.

This is an overreach of government especially in rural areas."

Golf clubs should NOT have an exemption on their ability to cut down mature, healthy trees. It's a recreation that can easily accommodate a course that works with trees. Of all the businesses in the Kawarthas, this is one that should be PROTECTING parts of their property given the harmful / toxic impact that their greens and lawns have on the environment.

Some of the waivers will just become loopholes.

Trees on a property are the property of the owner. What they choose to do should be their choice.

I do not believe that there is a serious need for a tree preservation by-law in Kawartha Lakes. And I object to having to obtain a permit in order to cut down trees. Totally unnecessary and a money-grab.

What does the fee accomplish? This eliminates the tax grab comment.

DON'T DO THIS

"Replace with saplings of same species

Create nursery to have a good supply of saplings"

I do not agree with a By-Law which would restrict my use of personal trees on my personal property. Along with imposing fees to do so. This sounds like a money grab to me.

Minimum property size: A property owner should not be allowed to cut down any trees regardless of the size of the property.

"There should be no property size threshold - all sizes should be subject to bylaw.

No fee - replace with mature sapling only."

No minimum property size ... also, paying for the privilege of cutting down trees is not environmentally sound ... we should not be cutting healthy trees, PERIOD.

I don't want the city telling me how to landscape my property or making me jump through hoops and pay fees to do so. I believe in conservation and the preservation of trees and other habitat, but I don't need some bureaucrats to tell me what I can or cannot do on my own property as long as that property is my personal homesite and not of a significant acreage. Stick to taking care of public lands and larger acreages that negatively impact the public space or public concerns.

"There needs to be a bona fide reason to take down any mature tree. A permit should definitely be required and the property should be monitored. Clear cutting of old forest healthy trees occurs on the shores of Balsam Lake without any permits. One owner down the road on the lake, just cut at least 20 plus trees, some 150 yrs old, and healthy.

Fees need to be higher and fines should be huge if the bylaw is violated. Lots of owners are willing to pay fines .

Golf courses or building developments should not be allowed to cut old growth forests down. There is enough open land in Kawartha Lakes."

should be on all properties, regardless of size or proximity to lake.

Government should not be dictating and profiting on private property in relation to trees, unless it is specifically on land that is conservation/protected area.

Just make sure that restrictions are not put on any farmers operations period.

"It seems to me that rural properties should be considered differently than ones in town.

I definitely agree than trees within more built up areas should be preserved whenever possible. The benefits are many, especially esthetically and the amelioration of the heat in summer.

However when a tree must be removed one issue I see is that the proposed bylaw doesn't specify what size is a 'mature sapling'. What about people wanting to clear saplings of the specified replacement size? Why is that not an issue?

In more rural settings what about people who have many trees and want some air and light at their home? What if people want to thin out trees on a building lot?

If I take down a tree that is half an inch less than the specified diameter, that is still a reasonably large tree. I foresee that people may take down healthy trees before they reach the specified size in order to avoid having to get a permit.

With regards to special operations such as golf courses and aggregates, I don't agree they should be allowed to freely remove multiple trees, even hundreds of trees just because they are a business. When businesses want to set up shop there are many steps to get the necessary permits and approvals. It seems to me that the impact of necessary tree removals should be part of the environmental studies required and appropriate fees applied. Perhaps this is already the case. If so, please disregard this observation."

Ensure all housing developments must have these fees or replacement trees applied, with due care to nurturing replacement trees for their first 5 years. Tribute has just cut down a large number of fence-line trees and I expect other future developers will do the same. If property owners are fined for cutting down trees for heating, it would encourage other sources of heat (wind, solar, etc.) and preserve the canopy. Developers of low cost housing should not receive a break on destroying healthy trees.

If the tree is diseased or in a hazardous condition property owner should be able to cut down the tree

people should not cut down healthy trees and do as much as they can to protect, in all situations - not dependant on property size.

Canada has Trillion and Trillions of Trees. You have no right to interfere with private property, There is NO reason for this change

Stop trying to control private property

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"Property owners should be allowed to cut down trees on their property if necessary. Invasive trees and plants should be removed as they cause more trouble in the long run. If the county or government wants trees removed off someone's private property, then the private property owner should be paid for the loss. On larger scales of land of trees, any mature trees that get cut down should be replaced with mature saplings, so we don't run out of resources and oxygenated air to breathe. Not to mention the animals that depend on trees for a living.

Companies that run a tree's service for cutting and removing trees shouldn't be allowed to jack the prices so high.

Trees that are in protected areas should not be cut down, unless it's a hazard in some bad way, otherwise just leave them alone."

I would strongly prefer the bylaw apply to all sizes of property, with the only exemptions being for trees that pose a hazard for falling onto electrical wires or buildings, or that have the potential to crack foundations or affect septic systems. I would also like to see the planting of a replacement tree be mandatory, with some kind of last resort right of appeal that would be stringently applied. On larger properties (more than five acres, perhaps) cutting for firewood should be permitted but for private/household use only. Managing forests is essential but should be done with the guidance of a forester. Clearcuts should be penalized severely.

"Cutting mature trees for golf courses are Environmentally Protected Areas.

Minimum property size should be 1 acre or less."

"i also think there should be a by law for cutting and removing dead and hazardous trees. Even if there is a fee attached.

this way it will lessen damage to private and public property"

There should be higher fees for 'harvesting' trees on larger properties and a permit should be required for any harvesting of trees for heating purposes and the same permits required for persons selling firewood for heating purposes. A harvested tree is a dead tree and negatively impacts the environment.

Do not regulate at all. Leave people alone with the trees on their own property.

"I think the city has more important issues to deal with than a home owner wanting to cut down trees. Such as paving roads and lowerint taxes. There are lots of dead trees on city property that need to be removed before they fall on roads or houses."

Definitely agree with prohibiting cutting in all environmental protection areas. With regards to fees, I would like to see the fees increased for anyone owning a very expensive property (say for instance a property assessed at over \$1 million) or developing a property other than low income (such as

realtors or developers) for sale. It is too easy for those with a lot of money at their disposal to pay fees whereas for someone with little money it would be a deterrent. I wish you much success in saving the large older trees that beautify Kawartha Lakes.

Reduce property size to 0.5 acres, increase fines to \$2000 and 4 saplings.

"The fee for cutting down a tree that is smaller than 1.2 acres should be \$700 plus planting a new tree and the fee for cutting down a tree that's on much bigger acres lot should be \$2,000 plus planting a new tree.

When affordable housing or low income is built, the developer must work around the mature tree(s) and that includes not cutting or trimming a single branch or properly remove the mature tree(dig it out of the ground) and replant the mature tree back onto the property after the construction is complete. If a mature tree is cut during construction a fine should be a signed of \$10,000 plus a new tree(s) planted."

"Why are you doing this?

Its private property, the owners can do as they choose.

You dont own it, MYOB

owners eventually grow there own trees as needed. no shortage."

The more the regulation the more we need enforcement, lets respect the taxpayer, we do not need needless regulations.

Clearing brush or trees growing too close together should also be an exemption. As long as its to "clear the air" the area around a young tree to thrive better. (Preferably a native tree)

No to this entire idea

Disagree with proposed bylaw. Cash grab by COKL and adds bureaucracy and fees to residents. If I choose to cut a tree on property that will eventually pose risk to home due to prior owners ignorance on location to plant original tree or prior owner not maintaining tree properly with effective pruning, then that is my business and not any concern of oversight/bylaw. It would be punitive to seek professional and have to pay them for that opinion. No need to enact this bylaw.

"This proposal is laden with government overreach.

What people DO with their private property should not be dictated by the government, barring damage to shorelines or any other notable environmental impact.

There are bigger issues at hand, within CKL."

I don't believe it is the Local Councils right to dictate and set requirements to someone's Private Land be it a small parcel or large. It will be seen as government gouging the residents and it is, let's be honest.

"Everyone should be required to replace each tree with four saplings.

I think the COKL should do a blitz and provide everyone with trees to plants at no cost"

The fees are another example of charging for something the City neither nurtured or contributed to. Another cash grab. If the city wants to collect fees then they should start maintaining these trees by fertilizing, spraying for insects and removing non native trees.

" - If I understand the proposal, there would be no exemptions to cutting a mature healthy tree down. This seems rather restrictive. For instance, if a fence was required and a tree was in the way, or if a communications cable or electrical lines were required, then what? Please consider petitioning for exemptions and fee waivers. Try to aim to support the community should be considered the first priority in balance with the idealistic views of saving the environment.

- The proposed fees are hefty and may create financial hardship for many. I suggest reducing the fee as there is no municipal action required such as actually planting the actual tree. I recently donated a fee for a 10-yr old tree under a program that is now be planted at the UEL Heritage Park, a historic site in Ontario and it was only \$250. with a charitable receipt. Please keep in line with other municipalities. This just looks like a shameful money grab and is viewed as a civic punishment. How will the fine money be used? Are you going to plant trees with that funding? How can you possibly enforced this? Why not focus on replacement costs - In Mississauga, you can either replant the tree or pay the city to plant one for you with the associated costs.

- If I understand this, the municipality would exempt land developers from paying a fee for ripping up mature trees while putting in affordable housing. This is too much of a double standard to even stomach. I would prefer to see trees of a certain diameter and/species be protected from destruction and enforced. The developers can keep the money from selling the wood. And, the city needs to approved the plans that will protect the environment. Many developers have been known to rip up old trees anyway, despite protection, paying the municipal fine to get housing completed. What assurance will you put in place to protect the trees?"

I do not agree with the city getting involved in tree maintenance on private property

"This bylaw is ill conceived, and a complete overstep of government authority. It is infringing on the rights of property owners under the guise of environmental stewardship. It is totally unnecessary and only gives municipal bureaucrats something to pat themselves on the back for.

The survey questions are stacked against honest feedback, asking if certain properties or landowners should be exempt. They shouldn't be exempt, there should be no law in the first place."

All shoreline should be protected as well along creek and river banks. No cutting zones

We have real challenges in the community about development, affordability and planning. Really? Is this what council has time to do? You are spending way too much time and energy on these token green things. If such a by-law is in place then it should apply to every single tree in all of CKL especially agriculture (so many farmers just clear cut and burn up the forests to grow more with chemicals and fertilizers). Environmental protection areas rules should be province wide not municipally managed. This is totally a non-starter. Is the driving force that you need to get more revenue and you are trying anything to avoid looking like you are raising taxes for the already lousy service and value we get from CKL? I'd consider selling and moving with this kind of stupid policy thinking. This will end up being a bureaucratic nightmare, with absolutely no benefit to anyone. I oppose this in strongest terms. Thinking that having exemptions, property minimums etc will somehow make this ok is typical government making policies that look to be good but are not in fact effective, fair or otherwise. Shelve this without further study.

The size of the properties should be all households. Not just large land sizes. I believe golf courses should not be considered for exemptions.

"Properties 30 meters from shoreline is confusing. Does this mean 30 meters or more, or just those properties that run along the 30 m line?-

While I'm pro conservation of our tree canopy, the permitting structure for taking out nuisance trees needs to be fast, economical and robust. Victoria, BC has a similar tree bylaw and it has not been welcomed by the residents. It took 9 months and thousands of dollars for my parents to get permission to remove a Doug fir that had split in a storm. There are also far less arborists working in the area now and it has become very expensive to remove trees. The tree mentioned cost 9000 to have taken down. Not fining low income individuals for removing trees is fine, but if they can't afford to remove them in the first place it will just mean poorly placed, diseased or damaged trees will cause more damage as they grow or fall in storms."

What, does this mean if there a dead tree on property that I own, I cannot cut it down regardless of what type of property it is?

I just see a money grab. Private property is that. People pay yearly taxes the city should mind its business. If I have a tree I want down. I'll cut it down. My neighbor has a hazardous tree affecting my property touching my garage roof after a snow. Roots are busting the floor in my garage yet I'm told I can't touch it.

There should only be fees for cutting down trees that are part of the streetscape or development properties and not in backyards, side yards, or fields. There should be no fees for cutting down trees on principal residences for members of the community or commercial enterprises and this should be added as an exemption. If this is not feasible, there should be a limit on how many trees one can cut down without a fee being charged for a principal residence ex 4 for properties less than 0.5 hectares

8 for properties greater than 0.5 hectares (these numbers are just an example). Please consider separating fees for properties that are personal use/business and those where the trees are being removed for development purposes. There should be a greater level of fees or sapling replacements for properties that are being clear cut for development versus those which are for personal use as this will rebalance the removal of nature.

This is private property, meaning these are trees owned by the home owner. I understand conservation is important but there are already conservation permits that need to be paid for now you want to charge fees for tree removal. WRONG.

"I feel a bylaw May be relevant in urban areas. However, with all the wild fires taking place world wide, a person should be able to protect their property from fire.

Also, what's low income exceptions? Definitely not the numbers you mentioned?"

"Do not stop anyone from cutting down trees on their own property.

Focus on building more houses and apt buildings."

SUCH A MONEY GRAB AND PEOPLE WILL BE TIED UP FOREVER IN APPLICATION PROCESS

I think we should be stopping tree cut down on any size lot. In my neighborhood there was a lot less than 1 acre and every tree was taken down

" - By-Law should stipulate a minimum size for all trees on private property i.e. 20 cm DBH. Not only mature healthy trees should be protected. These criteria need to be measurable and defensible...wording is too too subjective as proposed.

- Protection should be for all trees in Municipality.
- Exemptions only for dead, high risk (as verified by ISA qualified Tree Risk Assessment Qualified Certified Arborist) or invasive alien species(European Buckthorn, Norway Maple, Tree of Heaven)
- There should be no minimum property size
- Fees should be increased to cover future maintenance
- shoreline property setback should be increased to 50 metres"

Unnecessary tree cutting is wrong but paying the city to allow you to cut a tree on private property that you own and pay taxes on is more than wrong its extortion!!

Prohibiting cutting in environmental protection areas. Minimum lot size put into place. Permit fees should be much higher. \$450.00 change to \$1000. \$1700 change to \$3000.00. There should be a clause that states if a healthy tree is cut down without a permit a fine of \$5000 or more added to

their taxes if they don't pay up front. The permit should be per tree and the cost as well. Everyone no matter who has to pay. No exemptions unless the tree is dead, invasive or diseased.

"CLASS WETLANDS AREAS AND CERTAIN FORESTED AREA ARE REGULATED BY THE PROVINCE AND NOT THE MUNICIPALITY.

WOOD MAY BE HARVESTED FOR WOOD BURNING OR LOGGING ACTIVITIES. IF PROPERTIES ARE GREATER THAN 5 ACRES THEY SHOULD BE EXCEPT FROM THIS BYLAW."

The fees are FAR TOO HIGH, especially for smaller properties. And why should only septic repair within 30 m of a shoreline be exempt? If I need to remove a tree because its roots are interfering with my or my neighbour's septic, that's still a potential environmental hazard that needs to be addressed and we shouldn't be penalized for doing the right thing. Oh, but I can cut it down if I want to burn it, so that's cool? Ridiculous.

Private property is private period

Might tie the fee to the scale of the assessed value. Paying the fee will be just the cost of doing business for wealthy homeowners. If it is supposed to be punitive to deter taking healthy trees then it must hurt.

Where does the definition of a mature tree come from? 5 inches in diameter seems pretty small. The fees are too expensive.

I strongly feel that it should apply to ALL properties, not just those larger than 1.2 acres. We need to protect trees in all settlement areas.

"If the bylaw is passed, then the public needs to be educated on identifying environmentally protected areas of their properties and on the appropriate process to follow.

There also needs to be significant penalties associated with violating the bylaw and a means for the public to identify those that do without consequence to those reporting the issues."

"This concept is ridiculous in a rural/agrarian area like ours. Restrictions can be applied to secondary plans to provide area specific considerations, but the notion that CKL will effectively manage a policy of this scope is difficult to perceive.

This reeks of a bald cash grab that is unnecessary and, as proposed, is FAR too broad.

If this is about maintaining waterfront then fine, make a bylaw for that narrow purpose.

If this is about levying yet another fee on developers to make it less attractive to develop in CKL then fine, make a bylaw for that narrow purpose that is triggered when a certain number of trees over a particular threshold - like +100 trees - are removed (or as you say here 'destroyed').

There are too many instances in which this will simply be a friction with CKL: dangerous trees after a wind-storm or other weather event, people removing dead/diseased trees; cutting for firewood; clearing for agriculture; managed forests; etc. If you have so many proposed exceptions its probably a good indication that its not a good area to try to regulate - implying narrow, precise regulation would be better IF its actually required.

Overall this is far too controlling of property owners, instills bad feelings for CKL and will be spectacularly difficult to manage, monitor and enforce."

A good reference with lots of years in managing the tree preservation bylaw is the City Of Toronto tree preservation bylaw. This could be a great resource for City of Kawartha Lakes to reference and build from. Thank you!

Property owners must be able to maintain their properties without permission or fees. If there are trees of a certain species or age that should be considered prior to cutting, then make that the process. Adding additional red tape and fees will just result in people circumventing the process. A suggestion would be to provide guidelines and then allow property owners to make decisions on their own, without fees, within these boundaries. The city isn't able to enforce bylaws now. Stop making additional rules that no one will enforce and that punishes landowners.

This is just another cash grab for the CKL. Existing owners should be grandfathered

Permit exemption for trees that pose a hazard within a Conservation Area (hanging over trails, etc.)

"Personally, I understand the desire for sustained tree canopy for 'in-town' situations because fools with a chainsaw often equals property damage or personal injury. RURAL area properties are already generally unsupported, over taxed(as in low value for taxes paid) and generally unacknowledged except by bureaucratic measures to micromanage. RURAL properties should not be burdened with CKL's deep desire to grab more money and assess layers of micromanagement paperwork.

Already demarcated Environmental Protection areas should have some measures to protect canopy but absolutely not at the expense of personal or property safety.

City/town lots should have controls in place. Permits, maybe. Fees ABSOLUTELY NOT, unless CKL is paying to take the tree down. Taxes vs value of services is already at a breaking point, in my opinion. Frankly city location properties should be able to remove ugly trees/bushes to contribute to the beautification process. Just because a tree is standing doesn't make it have intrinsic value to the local environment. CKL, I would think, would prefer beautification rather than some unattractive planting - all with a mind to encouragement of tourism.

There should be NO fees regardless of household income. This is just some make work project to keep underutilized personnel on the payroll.

Good God CKL, get your head out of your butt and find something of actual value to dig into like the drunk drivers, crime sprees, delinquent youth, supporting seniors, FOOD INSECURITY. I am wholly certain you can find better value directing this make work project into aforementioned actual crises in this region."

Bylaw might better apply to 2 acres (+ equivalent in hectares). Also, people should be permitted to cut trees without charge, near waterfront or not, that are injured due to storm damage. For example, last year's derecho broke and/or felled 4 trees at my cottage. As I read it you would be charging me \$425 (+ cost to arborist, usually around \$1,000 per tree) to finish taking down or cutting up fallen trees due to what insurance calls "an act of God." We should be able to take down trees that are unsafe, near water, near buildings, or not. Should branches or damaged trees come down on someone then I am said to have liability. I think I should have the right to cut storm damaged trees without fees, though I would support requiring proof in the form of emailed attached photos so that people couldn't get away with just cutting and claiming wind damage. Also, I would support freely cutting any invasive species tree(s) identified by CKL as invasive.

1) Should be able to remove up to three trees per year without any permit requirement. 2) Should not apply to rural areas outside of built-up towns or city properties (e.g. areas served by public utilities such as water and sewer). 3) Prohibit cutting in environmental protected areas except as outlined in Q4.

I feel your exemptions are too restrictive. What about the property owner who wishes to add a pool to enjoy their property or build a garage. You are restricting the property's owners from using their property as they want.

I'd like to see a robust in towns policy....

Folks ... are we talking conservation or a new revenue stream ???. A cost of 1700\$ is less than the lumber cost to build a small deck . You need to decide what the real purpose of this initiative is and adjust your numbers and intent accordingly. In my mind this does not provide any protection for a 200 year old tree when you are clearing a lot to build a 2 million dollar home.

Please leave the decision to cut down trees to the property owners.

"Hi thank you for acting on this very important topic.

My question is; how can herbicide and pesticide use be reduced ?

Specifically at golf clubs, which do not grow food but very much burden the ground water , the air as well as destroy insects.

Thank you"

Who determines or what are the parameters of wishing to remove a tree. I.e. what is dangerous

any species on protected list or species at risk, not to be touched. Properties with Farm Registered Numbers should be exempt to all rules and fees except species at risk. which means properties with animals / birds at risk need certain environment so those properties need to be protected from cutting period.

Who determines the status of the tree? Will the property owner have to hire, at their expense, a specialist to assess the condition of the tree and what qualifications are required? Also, what is the added cost to the municipality to administer this added administration cost? This is not well thought out and will cause added burden on rural residents.

Lets just leave it as it is no bylaw required.

How are "low income" and "affordable housing developments" being defined? How is this by-law being enforced? What are the permit details (fees, application process, duration of permit, etc.)? Will EP areas be CLEARLY communicated to all landowners who will be impacted by this proposed by-law?

List of the environmental protection area??

"Regarding question 5, there should not be any fee waivers for any households looking to remove trees that do not fall under the waivers previously outlined in question 4, as well as the option for allowing the homeowner to plant a specific number of trees in place of the tree they want to remove. There is a potential to provide VOUCHERS for planting trees for low income or affordable housing developments but the planting of trees should be greatly promoted instead of just waiving fees. There may also be an opportunity to promote homeowners to prune and maintain their healthy, mature trees instead of removing them. Tax breaks or other incentives to keep their trees could help promote maintaining CKL's canopy.

Regarding question 6, if there is a MFTIP in place for a property and they are operating within that Forest Management Plan, they should not require any extra permits for harvesting trees on their property."

I am a staunch supporter of planting and saving trees. I would like to see a minimum of two trees planted for every one tree removed if the property is less than 1.2 acres and I am okay with the four trees planted for every one removed if the property is over 1.2 acres. I propose that if the property is more than ten acres then it should be six trees planted for every one removed. Planting trees is good for the climate as well as they removed CO2 and create oxygen.

All of the above. Just another tax grab in the part of CKL.

People wanting to cut down mature trees on their own properties, particularly in urban areas, need to consult with authorities before doing so. Trees that are very old like the Black Walnut trees in Lindsay, but that are also very strong in spite of their age need to be designated as a 'heritage species'. It is unconscionable for anyone to cut down a 150 year old tree, just because they don't

want it on their property. Replacing it with mature saplings is not a good solution. It will take 150 years to grow a new one. A tree that age cannot be replaced. There are other fairly rare species, that are not invasive that need to be protected also. We need more broad leafed, strong and relatively fast growing species to be planted to replace the decimated tree canopy in our City. Question: How is this new by-law to be monitored that people are abiding by it? If a neighbour cuts down a tree will authorities only respond if a complaint is lodged? I think that there will need to be designated department devoted to advising citizens and inspecting trees and properties where people are wanting to deal with their tree problems.

Total exemption for small lots ... say less than 0.5 acres

Please don't limit to properties within a certain distance of the shoreline only for smaller (under 1.2 acres) properties. All properties should be considered not just those close to the shoreline. There are mature trees within the town limits that should be protected, not just those along the shoreline. Consider a higher fee for developers. Development can be done with existing trees in mind and preserving as many as possible - a perfect example is Port 32 in Bobcaygeon

" -proposed bylaw says ""non-hazardous trees in Environmental Protection areas for any reason"". This exempts all cutting in residential zones not impacted by bylaw.

-if residential zones are considered as part of bylaw, then NO BYLAW should be passed. there is already too much government control on our municipal properties.

-fees - no need for cutting fees if bylaw prevents cutting"

Overall this Bylaw consideration oversteps your authority and will provide no advantage and will cause a large increase in cost for tree removal. Especially with the more frequent removal of diseased Elm and Ash trees before they fall down or become a hazard. Focus on Community owned property and trees located on road allowance.

Attachment D to LGL2024-010

Summary of Email Responses from Public Engagement

	Comments
1	No mature tree should be cut down on any Private Property, unless deemed unhealthy and if a mature tree is cut down it is replaced by a silver back maple tree, no pine or fur trees. Better air filtration.
2	What is the definition of Low Income?
3	<p>So sick of the city pulling extra taxes and fees out of their ass so lets just make up a new department and pay more people and increase the cost of government and taxes and create more bureaucracy, the only people to benefit from this will be the tree services that will no doubt charge for a "consultation" to see if a tree can come down. The city of Toronto at 1 point was 5 years behind in granting tree cutting permits.</p> <p>I agree that you should plant another tree somewhere if one has to go. The city is so hypocritical as they have no compunction about clearcutting lakefront land to build high density hideous condo developments like those in Fenelon Falls. Most property owners find it a painful hard choice to cut down a tree and go to lengths to go around a tree when building their house and usually plant replacement trees and natural stone and native plant landscaping . and its the city and their developers who are the assholes here, follow the money.</p> <p>This is a typical money grab and so tone deaf people are hurting life is now outrageously expensive so leave us alone and don't add to the burden instead maybe worry about the raw sewage going into lakes and rivers every time it rains.</p> <p>I agree a tree for a tree but check your FEES It is far more beneficial to plant a tree than give the city money and wait god knows how long and god knows how much for the city to decide.</p> <p>Taxes and spending are out of control in Kawartha Lakes so give us break and stop dreaming up ways to take our money.</p>
4	I do not see a need to implement a by law to control the cutting down of trees. I can see regulating the cutting of trees on subdivision property where they clear

	<p>cut the property because it is easier to build. There are often trees that are cut that do not impede the building but it is practice to clear cut the property. If you are concerned about the health of the lakes look at septic. There are probably existing by laws for that but no one enforces them. I do not see a need for this by law</p>
5	<p>Tree Service: - Definition of a mature sapling?</p> <p>Not a common term used in the industry. Typically we would state a size of tree in to be replaced in millimeters. That is how they are often sold in nurseries. Also, a list of species to be encouraged. This would prevent a homeowner replanting with invasives or non native. Planting non native species truly does not fit a residential canopy initiative.</p> <p>- Mature tree classified as a 5in tree?</p> <p>Typically other cities will classify a mature tree as 30cm or larger. Factors for this being many aren't classified as mature at 12cm. In addition, does the City of Kawartha Lakes have the staffing to monitor and process this many trees? A back logged permit system will result in many ignoring it completely. As a tree service owner, time is money, we cannot afford to be waiting on permits backlogged.</p> <p>- Unhealthy tree to be determined by professional?</p> <p>Defining terms of a professional? Required information to classify it as healthy? Defects/concerns to be noted on quote as reference? This would provide evidence in case of a complaint from neighbour witnessing removal?</p> <p>- Terminology</p> <p>"Cutting down" would be better replaced with "removal of". This would reduce any confusion of if stump removal is allowed.</p> <p>Building an effective tree by law permit must consist of an achievable scope of work based on the staffing available. In addition to staffing, there must be realistic guidelines implemented provided by a professional in the industry.</p>
6	<p>The proposed tree by-law is vague. It includes the phrase located 30 meters (98.4 ft) from shoreline Does this mean</p> <p>Exactly 30 metres</p>

More than 30 metres

Less than 30 metres

What if a property is both more than 30 metres and less than 30 metres from a shoreline?

Why is distance from a shoreline even significant?

There seem to be 2 distinct purposes for this proposed by-law,
 1 - to protect shoreline trees, trees in environmentally-protected areas,
 and

2 - to ensure that subdivision development is done in a manner that
 protects existing tree cover

Would it clarify things if there were 2 by-laws, one addressing each
 purpose? I was certainly confused by the mixing of the 2 purposes. 2
 by-laws would allow people interested in just one purpose to comment
 explicitly on that topic.

In my case, I know nothing about the second intent, so will comment just on
 the first.

In your comments below, you talk about "with respect to Lake Scugog, you will
 see that forest cover within 30 metres of the shoreline is 57%, and the
 target is 75%." In the Lake Scugog Lake Management Plan, these numbers
 refer to "vegetated cover", not to forest or trees ("In the Lake Scugog watershed,
 there is a 57% average of natural, vegetated cover within a
 30-metre riparian buffer zone, well below the 75% recommended by Environment
 Canada.") In the Plan, the corresponding numbers related to trees are 24.8%
 and 30%.

Let's look at how to get from 24.8% to 30%. Clearly, restricting the cutting of
 trees is not going to get there; even if all trees continue to grow, the coverage is
 not going to increase by 20% (24.8 to 30). The only way to get there is to plant
 more trees.

Encouraging property owners to plant more trees may require incentives, not

	<p>restrictive bylaws. For example, what if every waterfront owner were allowed a \$20 annual property tax reduction for every mature tree (to some maximum number, such as 20) within 30 metres of the waterfront? Would this, or some other incentive, achieve the target?</p> <p>As you can see, I believe that, now that we understand the goal, a restrictive tree-cutting bylaw may prove useless in getting to the goal, while some form of incentive might work miracles.</p>
7	<p>It is not obvious to me what it is that we are trying to achieve – beyond what is stated which feels incongruent – since the rationale and the by-law don't seem to align or be logical (ie) the tree canopy in the City doesn't require protection in the way it has been outlined or the by-law has been structure. After reading the proposed by-law it almost feels like there is a very important need requiring attention but the by-law is too broad and too encompassing to adequately address the issue that has brought this by-law to this point. I would recommend reviewing what it is that is trying to be achieved and to devise a more specific and precise by-law to address whatever that particular need may be. All this to say I think more specificity and alignment is required as this by-law seems out of place in a largely rural City.</p> <p>Should you wish to proceed in the current iteration I would recommend the following:</p> <ul style="list-style-type: none"> Limiting the by-law to more urban areas of the City. Clarify how enforcement will occur (eg) is the City going to inventory all of its trees and then perform an audit to or we relying to neighbours to escalate proposed violations to the City. How will a violation be determined after a tree has been removed? <ul style="list-style-type: none"> i. Further to this – with the firewood carve out which is incredibly important - how do you prevent any tree from being cut down and then stating it was for home heating? ii. If one chooses to replace a cut down tree with a sapling and it dies is the resident required to continually replant? Clarify who is an expert that can validate if a tree is a danger/unhealthy – is by a certified arborist only? If yes, where will these services come from as they are currently limited within the City? In an area like we live many people possess this expertise through experience or simply knowledge (ie) do we need an expert to tell a homeowner/City that an ash tree affected by the emerald ash borer is a hazard? While I can appreciate the need for financial relief, basing it solely on income leaves out families with higher incomes and, as a result of their cost

	<p>structure, rather than their income, and could make for difficult choices. If you proceed with financial relief a better 'needs test' would be required.</p> <p>Should the setback from a shoreline be aligned with the setback for building/conduction purposes?</p> <p>There should be some relief/process for tree removal as it relates to the square meter coverage required for new building on existing lots where the lots are smaller.</p> <p>It is not clear, if an environmentally protected area, could a tree be removed is structurally unsound and posing a hazard or for home heating.</p> <p>Should there be an outright exclusion for lots over a certain size (ie) greater than 10 acres.</p> <p>How would this impact trees that are on a lot line?</p>
8	Home heating users concerned with the \$1,700/ mature tree.
9	Why are golf courses except?
10	What is the defn of "forestry"?
11	<p>Owns a large property and is concerned as to whether or not it is regulated as EP designation, given a OS zoning.</p> <p>"I am confident that the majority of woodlots in the municipality are on land that qualifies for the farm rate tax reduction and are not under the MNFR's managed forest program. Certainly this is true of my farm and of others of my acquaintance. I note the Official Plan permits forestry, including on land zoned EP, and it does not specify it needs to be under a MNRF managed forest plan."</p> <p>References section 16 of the Official Plan: Rural – Goals s.16.1(a): "To promote growth and development of the City's agricultural and natural resources through a sound economic, social and environmental framework." s.16.3: "The primary use will be agriculture in the form of ranching and forestry." In the list of uses is "forestry management"</p>
12	I think if the city requires a professional opinion on the health of a tree they should at least cover part of the cost.
13	<p>Farm: First of all. I am happy to see agriculture exemptions. I would like to have riparian areas removed from this exemption. Riparian areas should be protected everywhere. Except for maintaining field edges or hazard trees removal.</p> <p>For fuel wood. Fuel wood should only be for personal use.</p>

	Wants forestry to be based on good forestry practice.
14	Seriously another tax most of us are trying to get by and cost of living is up 38-50% your disgusting greedy bastards. You serious think 1700\$ a tree is okay I would love to know the name of the person who suggested it. Make sure they never get into any position of power again. Seriously do something with this dump of a city. You take take take for what some brick sidewalks in that dump. Crack heads everywhere homeless everywhere and you dinging a person who is trying to get by fuck you!
15	You people are nuts
16	<p>Arborist: I am an ISA Certified Arborist and can't agree more with this bylaw, however I would suggest increasing the permit size from 12cm DbH to 30cm DbH. City's like Richmond Hill have a 15cm DbH policy and I have seen too many times voluntary seedlings becoming a problem after that 15cm mark but before 30cm. A lot of people don't know they have a problem until they have a tree in the way, at 12cmDbH it is barely a stick.</p> <p>Failing to create a more reasonable permit size will create A LOT of unnecessary paperwork and make the bylaw extremely difficult to enforce.</p> <p>Just my 2 cents from many years of forestry and arboriculture experience, and working with many different municipalities over those years.</p>
17	I do not support this proposal. In my opinion, it is a tax grab and focuses only on specific people within the community. As a waterfront owner I feel unfairly targeted. Either make the bylaw applicable to all in the city fairly, or perhaps change it to encourage planting of trees rather than focusing on taxing removal. A "strategic priority of a Healthy Environment" is great, but not at the cost of the few. As a primarily rural community, this makes no sense given the abundance of trees freely established already. In the few cities this would make more sense versus focusing on rural areas. Further, most trees are invasive/non-native and, if we are going to try and focus on a health environment, these should be removed to encourage native species to flourish.
18	<p>I don't think this is going to be very popular with property owners or tree companies. I can see it being viewed as a cash grab. There is also the question of who at the City has the staff to manage this file. They will be overwhelmed. This will be a huge file.</p> <p>Another important exemption that needs to be added is that if tree roots are getting too close to septic tile beds. Maybe you have that covered in the</p>

	<p>exemption that reads "trees that pose a hazard to structures", where a septic tile bed is defined as a structure.</p>
19	<p>To whom it my concern.I think that in this day 90% of people would only cut down a tree if necessary. With the cost and inflation and how hard it is to live today this seems to be another money grab.Really...it seems the city is looking for more ways to get money from people.</p>
20	<p>Forest Conservation Officer: The Ontario Woodlot Association's Kawartha Chapter has been interested in seeing a good bylaw for our municipality for over 20 years. It is something that was brought forward by the Kawartha Chapter several times over the past two decades to various council members and committees. It is nice to see some action on this front, however, the draft as it is written makes very little mention of forests or forestry and has left woodlot owners with many questions and concerns.</p> <p>The draft bylaw bears no resemblance to neighbouring jurisdictions with comprehensive and successful bylaws such as Northumberland County, Haliburton County, and Durham Region. Perhaps there are reasons CKL has decided to take a new direction, and I do see some very interesting components of this new draft that could be very helpful in addressing problems with land developers. There are specialized online resources available for municipalities to share and learn about tree bylaws. These resources were developed by a partnership with the Ministry of Natural Resources and a large number of upper tier municipalities with tree and forestry bylaws about 10 years ago. I will send a link for your reference and I hope you can encourage the folks who are involved with the drafting of this bylaw to educate themselves on the subject in detail.</p> <p>https://www.ontariowoodlot.com/Legislation-in-Ontario</p> <p>Another resource is the Ontario Professional Foresters Association (OPFA) - they have provincial legislation that regulates the profession of forestry in Ontario. So only qualified OPFA members or those who have narrow exemptions can practice the regulated activities. Arborists get an exemption for urban tree work but are not qualified to prescribe or authorize active forestry management in a woodlot setting. There should be some consideration of this legislation and the forestry professionals in the bylaw I think.</p> <p>When considering a bylaw, a distinction is made between a tree bylaw for</p>

cities, and a forest conservation type bylaw for upper-tiers. Usually the distinction is made based on the size of the treed or forested area - areas of contiguous trees 1 ha and larger being treated much differently than individual trees or trees forming a woodlot less than 1 hectare in size.

The approximate average annual income for the CKL forest management operations over the past 20 years is \$100 000, while the average annual consulting fees over the same period are approximately \$15 000 per year.

Durham is a better model for better protection of woodlands. MOECP does not monitor MFTIP.

Prefer cut off at 1 ha over 5 acres.

Better define managed woodlot.

Require a RPF for woodlot management.

Need RPF to be the witness for the prosecution.

Durham spends \$40-60k for arborist & has 30 applications for commercial forestry per year.

York has 5 RPFs and Simcoe has 3.

We don't have any out here. CKL has 10,000 acres of woodlot.

Hire at \$90k+/a.

Circulate to Haliburton, Northumberland and Ptbo.

Shoreline and logging should be separate by-laws.

Many woodlands (including some EP areas) benefit from forest management activities to enhance and protect ecosystems and to prepare for anticipated changes in climate, new pests and diseases etc. This is something that Professional Foresters do and is regulated by the Professional Foresters Act 2000. There seems to be no recognition of the profession of forestry at all in this bylaw. Please refer to opfa.ca (Ontario Professional Foresters Association) for more information. Another good source of information for municipalities in Ontario is <https://www.ontariowoodlot.com/Bylaw-FAQs> Please make an effort to consult with the people who have made their careers and businesses in the field of forestry and forest conservation before considering adopting this bylaw. The Ontario Woodlot Association is a good start for consultation, as well as local professionals."

	<p>Please feel free to contact me anytime as you continue through the process. If you decide to use Durham or Northumberland as a model, there is some wording in each of those bylaws that I would tweak for clarity - there might have been a few too many cooks in the kitchen with the Durham bylaw, but it is a good one. Lastly I would discourage you from including the topics of migratory birds and endangered species within the bylaw. That legislation stands on it's own, and especially with migratory birds there is a lot of nuance as to how it might apply. Bird breeding timing windows can be added in as a permit condition on a case by case basis when appropriate. I have some experience dealing with the feds on this and can further explain this rationale if needed. There are so many hurdles to getting this new bylaw accepted and those are two items that don't need to be in the mix.</p>
21	<p>Rejuvenating of trees is important. Young shrubby trees are the nesting habitat of so many species of birds. The most impact to our climate, birds etc happens on large properties like golf courses. When a developer uses farm land or vacant land this is were the most destruction happens to trees. They need a permit at the same rate as home owners. Or no permit to remove. On some of these properties are Woodlots that are nesting sites for a large number of species including owls.</p>
22	<p>Wants to ensure he can buy fuel for home heating. Does not support environmental need for by-law.</p>
23	<p>Does not support. Money grab.</p>
24	<p>1.2 acre threshold is too small</p>
25	<p>Illegal: Municipal Act 394 1 (b) and 394 1 (e) and Forestry Act 92 (5) Do not support fees for taxpayers</p>
26	<p>Supports retention of road windrows by farmers</p>
27	<p>Does not support in principle due to landowner's rights to manage their own property, constituting a minor fraction of forest tracts within Canada. Not a core service; focus on core services.</p>
28	<p>Developer. We have a good enough program for developers re 1 tree per lot. Don't need this by-law. Not a core service; focus on core services.</p>
29	<p>Is this proposed bylaw just for water front properties? I have a cottage on Four Mile Lake.</p> <p>I own a farm in the village of Burnt River. Would it apply to the trees on that property as well as a lot that I own in the village?</p>

	<p>I have other properties that are 10 and 24 acres in Burnt River. Are there any restrictions there? My farm backs on the Burnt River. Would there be tree restricts there also?</p> <p>I own a forestry lot of 104 acres on the river, would there be restrictions as to the distance from the water that I could cut a tree? As you see I am concerned.</p>
30	<p>Other than agricultural hedgerows and subdivision, no by-law required.</p> <p>Replanting fruit trees should be encouraged.</p>
31	<p>Reduce scope so don't effect Brenemans sawmill [Note to file: Are they in the MFTIP?]. No private nature trails on large property. What if plant on neighbouring property? What if plant 1,000 seedlings instead of a sapling? Why replant when the forest can act as a replanter? Does not like brushing equipment. Areas that will not support a root ball will need to pay.</p> <p>Here are some suggestions regarding the proposed tree preservation by-law:</p> <p>If the City of Kawartha Lakes wishes to involve itself in environmental preservation, the first step really should be a thorough examination of local ecosystems to identify priorities for preservation. To fail to do this is likely to doom the City (though well meaning) to cause more harm than good.</p> <p>The City should be encouraging people to plant native species, rather than nursery stock generally.</p> <p>This by-law seems to overlook the fact that natural regeneration of forests, where practical, is clearly a better environmental option than bringing in nursery stock.</p> <p>It is a mistake to assume that planting large nursery stock is necessarily the best course of action, this needs to be revised to take into account the fact that seedlings are better for the environment, more economical and in many locations will do better than "mature saplings."</p> <p>If the City is going to encourage people to plant trees, it really should provide information on choosing the right tree for the site, rather than pushing people to buy large nursery stock, that in some cases is just going to die. Local Horticultural Societies, the Kawartha Field Naturalists, and Kawartha Conservation would likely volunteer to help the City put this information together.</p> <p>It seems that this by-law was drafted with waterfront areas and subdivisions or urban areas in mind, but is going to apply to many other types of ecosystems. It is a mistake to apply an environmental by-law to ecosystems without taking the time</p>

	<p>to consider them first. As drafted, this by-law would make a lot more sense if it was only applied to waterfront areas and subdivisions/residential development.</p> <p>It is a mistake to focus on the environmental impact of cutting trees, while overlooking other impacts of development. This by-law should be revised to take into account the environmental impact of development more broadly.</p> <p>This by-law is rigid and drafted in a legalistic manner. There is an environmental cost to the enforcement and to forcing people to do things that may not be the best idea in their particular location. Have you considered an approach that is based upon enabling people to do the right thing, rather than attempting to enforce that they will not do the wrong thing? For instance:</p> <p>Do a public consultation where people are encouraged to suggest places or aspects of the local environment that are worth preserving.</p> <p>Create a registry of local environmental sites that are worth preserving (similar to how heritage properties are already catalogued). Include sites that should be preserved for environmental and cultural reasons.</p> <p>In consultation with local environmental groups, establish priorities for what habitat needs to be preserved, and determine the costs of doing this.</p> <p>Work with local environmental groups to educate the public about the local environment, and specifically, to communicate the priorities from (c)</p> <p>Instead of enforcing tree cutting fees, create a public education program along the lines of “cut a tree, plant a tree”</p> <p>There are people who would want to donate land to be preserved. Help these people find a way to make this happen, especially, when it can help accomplish the priorities from (c)</p> <p>Encourage people to donate money for reforestation and conservation projects</p> <p>Instead of imposing tree cutting fees (which turn trees into a liability), make a portion of development fees fund reforestation and conservation projects, addressing the priorities from (c)</p> <p>Use a portion of the environmental fees to create a grant program (similar to the Community Partnership and Development Program) to help local charitable groups with voluntary environmental projects and environmentally-related public education projects. Local volunteers can do a lot of good work at minimal cost, but often they could do much more if they had resources to work with.</p> <p>Instead of creating a one-size-fits-all rule to govern development (that might not be sensible in all locations), consider offering the service of environmental consultation on a voluntary basis. For those who would be interested in doing the right thing for the environment, provide an advisor who would look at their property with them, identify how to develop it in a way that minimizes environmental impact, and to identify if there are features on the property that are worth preserving.</p>
32	Fleming:

	<p>Enforcement is an issue with the current by-law. Discussed intentional to ensure that staffing is sufficient, then can close loopholes re hazard requires permit in future iteration.</p> <p>Okay with 5a cutoff.</p> <p>Fleming is a free resource.</p>
33	<p>Farm:</p> <p>Does not like the idea of any restrictions for farmers that reduce the efficiency of the land (hedgerows and water setbacks).</p>
34	<p>Farmer. Woodlot owner:</p> <p>Clear cuts every 10-20 years as part of good forestry management.</p> <p>Clause 3.03 (k) of the proposed Tree Preservation By-law which does not permit cutting of trees on land designated for Environmental Protection, including but not limited to lands within a woodlot , a provincially significant wetland or the Oak Ridges Moraine Conservation area is not consistent with the City of Kawartha Lakes Official Plan -2012 section 17.3.1 which does permit a) agriculture (excluding buildings and structures), b) Buildings or structures for erosion or flood control, c) Conservation (excluding buildings or structures), d) forestry (excluding buildings or structures,) e) Nursery and Market Gardening (excluding buildings or structures), f) Recreation or park purposes, excluding buildings or structures g) Wildlife management areas, excluding buildings or structures. To be consistent with the Official Plan I submit that clause 2.01 c) and clause 3.03 (k) should be removed from the proposed Tree Preservation by-law.</p> <p>Need the requirements of the Tree Management Plan to be "or as determined by the EO", as mapping all trees on a very large lot may not be practical.</p>
35	<p>We think that the by-law needs to be stronger. The City of Peterborough tree by-law is a good example of a more comprehensive one and we assume that you have seen it along with others.</p> <p>This draft by-law does not have provisions to preserve and enhance the urban tree canopy, that is trees on properties smaller than 1/2 hectare and those not on shorelines. The by-law should apply to all properties.</p> <p>Furthermore, there should not be exemptions for farms and particularly not for golf courses. Furthermore, trees should not be cut down for use as wood fuel, especially in these times when climate change should require us to minimize healthy tree destruction. There is enough wood, to serve as fuel for those that need it, from trees that are cut down due to storms, disease, being invasive</p>

	<p>species and those that are hazards to structures.</p> <p>Also, the tree replacement cost should be higher than prescribed in this proposed by-law to serve as a deterrent to it just being seen as a cost of doing business, especially for developers.</p> <p>The by-law should also require tree owners to submit an application to the City in advance of any work being completed and require developers to submit tree saving plans when they request permission to build new homes. Such plans will help save mature trees and small forests for all the value they will provide to the new community.</p> <p>Thank you for reading this and we hope that you consider some amendments to incorporate the above concerns.</p>
36	<p>Ontario Woodlot Association: https://www.ontariowoodlot.com/resources/Tree_Conservation_By-law_Template_Jan-2013.pdf</p>
37	<p>Had concerns with impact to farming. Advised no impact. Had questions that were answered.</p>
38	<p>Developer: I do not agree that such a by-law is required. It is tantamount to "a taking without compensation" and a serious interference with private property rights. A more reasonable approach to the subject is required.</p> <p>If the City feels it absolutely has to have such a bylaw then it should at maximum call for penalties on removal of trees with a trunk diameter of at least 12 inches (30cm) as called for in the City of Toronto Private tree bylaw which has been in effect for many years and seems to be working quite effectively.</p> <p>A further exemption should be included as follows:" cutting is done in accordance with a valid subdivision agreement or site plan agreement that is registered on title, in accordance with the Planning Act of Ontario" Especially in the case of file #16T96501 which has been in effect for many years and the approval of which was grandfathered under Settlement Agreement" with the City in 2015 written agreement.</p> <p>I reserve the right to make further and other representation to the above bylaw after further study and input from my consultants.</p>

	<p>Please take my comments above into consideration and keep me informed.</p> <p>[16T-96501 lapses Dec 31, 2031; in Oct 11 2023, via PLAN2023-053, red line amendments to plan referred back to Staff re phase 3 of the Woodland Hills Community Inc.]</p> <p>[\$300k payment estimated, being \$1,840.49 for each of the 163 lots planned]</p>
39	<p>Tree Care:</p> <p>1) I found how the use of the word "mature" confusing and odd in this bylaw. Mature saplings are not real. Whips, saplings, small, medium and large trees are real. I suggest that the word "mature" should be removed. It is unprofessional and it is confusing for many people. Instead, describe the tree by the word "tree" and the diameter of the stem at breast height (DBH), as defined by the International Society of Arboriculture. For example, trees smaller than 13.5 cm DBH do not need a permit.</p> <p>2) This by law utilizes two different kinds of measurements in the definitions. Plese use metric as the primary and imperial in brackets for clarification.</p> <p>3) The areas that the bylaw governs is a little confusing.</p> <p>a) Does the bylaw only cover all private and public land that is within 30 m. of a water way and environmentally protected area?</p> <p>b) Does it cover all land over 0.5 hectare?</p> <p>c) If it covers land outside of the 30m. mark, what about the land that is less than 0.5 hectare? I did not read anything about that.</p> <p>Clarification would be great, thanks.</p> <p>4) I see that the plan is to hire two more staff to look after this new bylaw. Is this enough staff? As a former Arborist for the City of Kawartha Lakes (2014 to 2020) and steward of Living Legacy Tree Care (2013-2024), I have a unique understanding of the area, the trees, cottagers, public spaces on and off the water. It is my opinion that only bringing on two people you will not have</p>

	<p>enough staff to administrate, and properly police this new bylaw.</p> <p>One last suggestion is that when looking for people to consult on a bylaw such as this bring in local professionals too. There is a great resource right in Lindsay at Fleming College. They have an Arboriculture, Urban Forestry, and Forestry programs that have gladly partnered with the City of Kawartha Lakes in the past. I know because I have worked on the college side and the city side of this great partnership.</p> <p>After reading again the proposed tree bylaw I have a concern about the minimum size of replacement trees suggested in the bylaw. Transplanting a 70 mm/ 8-foot tree has a lower success rate in surviving and thriving in the new location than a smaller (40-50mm) tree would. I would also like to point out that most citizens do not have the means to move these trees to a planting area, let alone plant them properly. The average weight is between 600 and 800 pounds of a 70 mm/ 8-foot tree. Also, when planting trees, you have to consider where you are to plant them. Some lots do not have the space to plant such large trees in an area where they would thrive.</p> <p>What if the homeowner wants to plant a fruit tree such as an apple or pear? Those trees do not come in larger sizes.</p> <p>Another thing to consider, do local tree nurseries even stock 70 mm trees? Most trees I have bought and planted for my own clients, and when I worked at the City of Kawartha Lakes as an arborist, were between 40 mm and 60 mm. So why have private owners do something the city staff does not do themselves?</p> <p>As a certified arborist, I suggest that in order to increase the rate of transplant survival the sizes be lowered to a minimum of 40 mm, or 4-foot conifer, and also add in the option to plant apple or pear trees. Doing this you will increase the number of different species of trees planted, which promotes biodiversity. It might encourage people to plant more trees because smaller trees cost less. It also makes it easier for people to comply when they can do the work themselves.</p> <p>The purpose of the bylaw is "to protect and enhance the healthy tree canopy in private ownership in proximity to shorelines." Let's make it easy for the homeowners to do it.</p>
40	Voluntarily incentivize people instead
41	Developer:

	Want an exclusion for senior's housing. Proposed cap of \$250k.
42	<p>Tree Farmer:</p> <p>Exemptions should be considered for properties with a forest management plan. Landowners who have an approved plan, are taxed at a lower rate. Depending on the plan, some of them specify that the purpose of the trees are for lumber production and are scheduled to be cut down.</p> <p>This is a provincial program and as such, the bylaw should be bounced off the Ministry of Natural Resources and Forestry.</p> <p>The bylaw should provide incentives to plant more trees. For example; Over the past two decades, Maple Leaves Forever has supported the planting of 133,443 Native Canadian Maple trees! That's equivalent to 1,228 km (763 miles) of maple-lined Ontario roadside, more than the driving distance from Thunder Bay to Parry Sound!</p> <p>The proposed bylaw will benefit if the proponents discuss the bylaw with; Ontario Woodlot Association who have 2800 members. OWA Values</p> <p>As an organization built by enthusiastic and engaged people, committed to using best land management practices, we want our land and relationships to be:</p> <ul style="list-style-type: none"> Sustainable and productive Ecologically healthy and diverse Spiritually and physically renewing <p>Try to avoid creating a bureaucracy for the purpose of administering the bylaw.</p> <p>These bylaws have been tossed out in other municipalities if voters see more aggravation in their lives rather than benefits.</p>
43	<p>Only one article is mandated, namely a policy, as in 270(1) 7.</p> <p>I have constructed such a policy for your consideration.</p> <p>It is the policy of the City of Kawartha Lakes to engage the citizens in the protection, and enhancement, of the tree canopy. The city will, from time to time, provide educational materials that will emphasize the importance of the tree canopy. These may include print materials related to tree identification, damage caused by pests, and physical hazards. A web page will provide links to some of the excellent YouTube videos that have already been made by experts. In the</p>

	<p>summer season a limited number of hands-on demonstrations will be arranged regarding the planting, fertilizing, and pruning, of trees.</p> <p>A well-informed public will make wise choices regarding the selection, planting, and long-term care of trees. The future of the tree canopy will be in their safe hands.</p> <p>It is wise that larger trees should be planted by qualified arborists. To that end, 10% of the cost of planting trees may be charged against property taxes, up to a maximum of \$500 per year.</p> <p>This bylaw will encourage people to get rid of old, slow growing, ecologically diverse trees, because there is no penalty. A canopy of Aspens is not environmentally desirable.</p> <p>Tamarack, with a trunk diameter of 3.7 inches. It is about 18ft tall! It will, in a few years, be an important part of the canopy. It can, under this bylaw, be chopped down with impunity. Perhaps that 'tree' and others like it, should be protected.</p> <p>These problems do not arise when my suggested policy, or something similar, is adopted by Council.</p> <p>Note: The educational program will also encourage people to plant a wide range of native trees. We, as a society, need to look at the long-term diversity of the entire canopy, rather than encourage fast growing shade trees that are popular with urban communities.</p> <p>The City Arborist should visit the property <u>BEFORE</u> anything else is done. The arborist should look at the location, soil types, amount of shade, prevailing winds, and species that would do well. Then the owner can proceed with confidence to plant the four saplings. I believe that citizens should be encouraged to plant fruit trees, and nut trees. These trees provide nutrition for humans, and for the wildlife.</p> <p>Appeal process to City Council.</p> <p>Perhaps, at this special time, you could start a kinder, and gentler, form of stewardship.</p>
44	<p>Kawartha Haliburton Federation of Agriculture: Will be meeting in early January and the proposed tree cutting by law with be discussed. Formal comments are expected to go to adac and Council.</p>

	<p>Watershed report cards from Kawartha Conservation (KC) provide some perspective of ongoing environmental pressures.</p> <p>When looking at report cards over the years, a trend can be seen for decreasing tree cover in urban areas primarily and residential development on shorelines.</p> <ul style="list-style-type: none"> - Oddly, this by-law does not apply to properties less than 1.25ac (portion may be covered along shoreline) which would take in a majority of urban areas and rural lots. However, all properties larger than 1.25ac may be included. This doesn't align with the areas showing reduced tree cover in the KC data. - The proposed by-law carries more significant fines for larger properties (\$1700) than smaller properties (\$425) for removal of individual trees. However, as properties gets smaller, each individual tree becomes a larger percentage of the total area. These fees do not reflect the significance of tree density on a property. <p>Much of the land used for agriculture is not zoned as agriculture.</p> <p>EP and regulated areas mapping is inaccurate in many places and will cause issues in the application of the bylaw.</p>
45	<p>Developer:</p> <p>The proposed Private Tree By-law risks inadvertently restricting property owners' ability to act swiftly in managing their land. It creates potential barriers that could prevent property owners from undertaking important stewardship and forest management measures as a result of delays in obtaining permits and the complexity of compliance with the proposed Private Tree By-law regime. The proposed Private Tree By-law will serve as a general disincentive to property owners from engaging in proactive forest management measures through the creation of undue administrative hurdles.</p>

46	Wants to buy a large forested property for SFH. Asked him if moving threshold 0.5 h to 5 acres and cap for SFH to \$5k would satisfy him.
47	<p>Registered Professional Forester: Refinement of the duties under the term 'urban forest services'. This element of the position should:</p> <ul style="list-style-type: none"> not have the focus of resolving a particular tree issue (a chicot, a diseased tree ,a tree needing pruning...) work with municipality planners, developers, etc in creating and implementing quality 'greenscape' plans for all the towns in CKL develop over arching approaches in maintaining and enhancing the CKL greenscape inventory and manage greenescapes across CKL work with the latest approaches in urban forest planning
48	<p>Small lot on water. Wants to know if Rural Zoning By-law will prevent agriculture on EP lands. Otherwise, he will be flooded out (downstream of a stand of trees).</p> <p>Wants to know the rules and timing for the Tree By-law.</p>
49	Proposes woodlot conservation per By-law 70-21 County of Brant
50	Advised that I will be looking for development and City-lands to go forward at Sept 24, 2024 and balance July 1 2025.
51	The CKL could incentivize tree coverage through property taxes i.e. lower property taxes on lands that have a specific percentage of tree coverage. This could be something similar to what the County does for conservation land, including provincially significant wetland.



Council Report

Report Number: RS2024-020
Meeting Date: September 24, 2024
Title: **Encroachment Adjacent to 1189 County Road 121, Fenelon**
Description: Update to Council for an encroaching fence adjacent to 1189 County Road 121, Fenelon
Author and Title: Lucas Almeida, Law Clerk – Realty Services
Christine Oliver, Law Clerk – Realty Services

Recommendation:

That Report RS2024-020, **Encroachment adjacent to 1189 County Road 121, Fenelon**, be received.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

A Snowmobile Club, pursuant to an agreement with the City of Kawartha Lakes, had an established trail on the East side of County Road 121 in the vicinity of 1189 County Road 121, in the Geographic Township of Fenelon, in the City of Kawartha Lakes. In order to improve rider experience, the Club moved the trail to the west side of the road. Part of the trail relocation required grading work to be completed. The Snowmobile Club received permission through a road occupancy permit to complete general maintenance/grading in November 2019. The grading work resulted in excess soil. This excess soil was left in the road allowance (as a pile or a berm) adjacent to the driveway to 1189 County Road 121, Fenelon.

The owners of 1189 County Road 121 erected a fence partially in the road allowance, which fence was located between the berm and the driveway, to prevent trail users from driving across the driveway when getting to/from the trail head adjacent to their property. The berm itself was problematic in that trail users exiting the trail to County Road 121 could use the berm as a jump, landing on the driveway of 1189 County Road 121.

Municipal Law Enforcement received a complaint regarding an encroaching fence at 1189 County Road 121, Fenelon. Municipal Law Enforcement provided a notice of violation to the owners of 1189 County Road 121, Fenelon. The notice of violation provides an option to submit an application to Realty Services to request to enter into a license agreement to allow an encroachment to remain.

Realty Services received an application to request to leave a fence in the current location adjacent to 1189 County Road 121, Fenelon.

The Land Management Team Reviewed the application at the meeting on March 14, 2022. The team denied the application because they were of the opinion that the fence posed a strike hazard to trail riders. The property owners proceeded to Council by way of deputation.

At the Council Meeting of September 27, 2022, Council adopted the following resolution:

CC2022-09.11.1

Request for a Cedar Rail Fence Encroachment Along Kawartha Lakes Road 121 to Remain in Place

Laurie Anderson
Bruce Newman

Laurie Anderson advised that she was present to request an Encroachment Agreement that will allow the cedar rail fence along her property to remain in its current location. Ms. Anderson and Mr. Newman advised that the cedar rail fence provides separation between the relocated snowmobile trail along Kawartha Lakes Road 121. Ms. Anderson also requested that the snowmobile trail be moved back to its original location.

CR2022-326

Moved By Councillor Dunn

Seconded By Councillor Yeo

That the deputation of Laurie Anderson and Bruce Newman, regarding a Request for a Cedar Rail Fence Encroachment Along Kawartha Lakes Road 121 to Remain in Place, be received and referred to staff for review and report back in Q1, 2023.

Carried

This report addresses that direction.

Rationale:

Subsequent to the 2022 Council meeting, the Area Manager within Public Works met with a representative of the Snowmobile Club and the owner of 1189 County Road 121, Fenelon. During this meeting, the Snowmobile Club agreed to move its trail to the other side of the road and to remove the berm of soil. Both the berm of soil and the fence encroachments have now been removed from the City road allowance.

The request for a license agreement to allow the fence to remain is no longer necessary because the fence has been removed.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities

This report aligns with the Good Government strategic priority within the 2020-2023 Kawartha Lakes Strategic Plan as it ensures municipal assets are well maintained and managed.

Financial/Operation Impacts:

None.

Consultations:

Land Management Team

Attachments:

Appendix A – Location Map



General Location
Map

Appendix B – Map



Map

Appendix C – Aerial Map



Aerial Map

Appendix D – Photo of Previous Encroachment

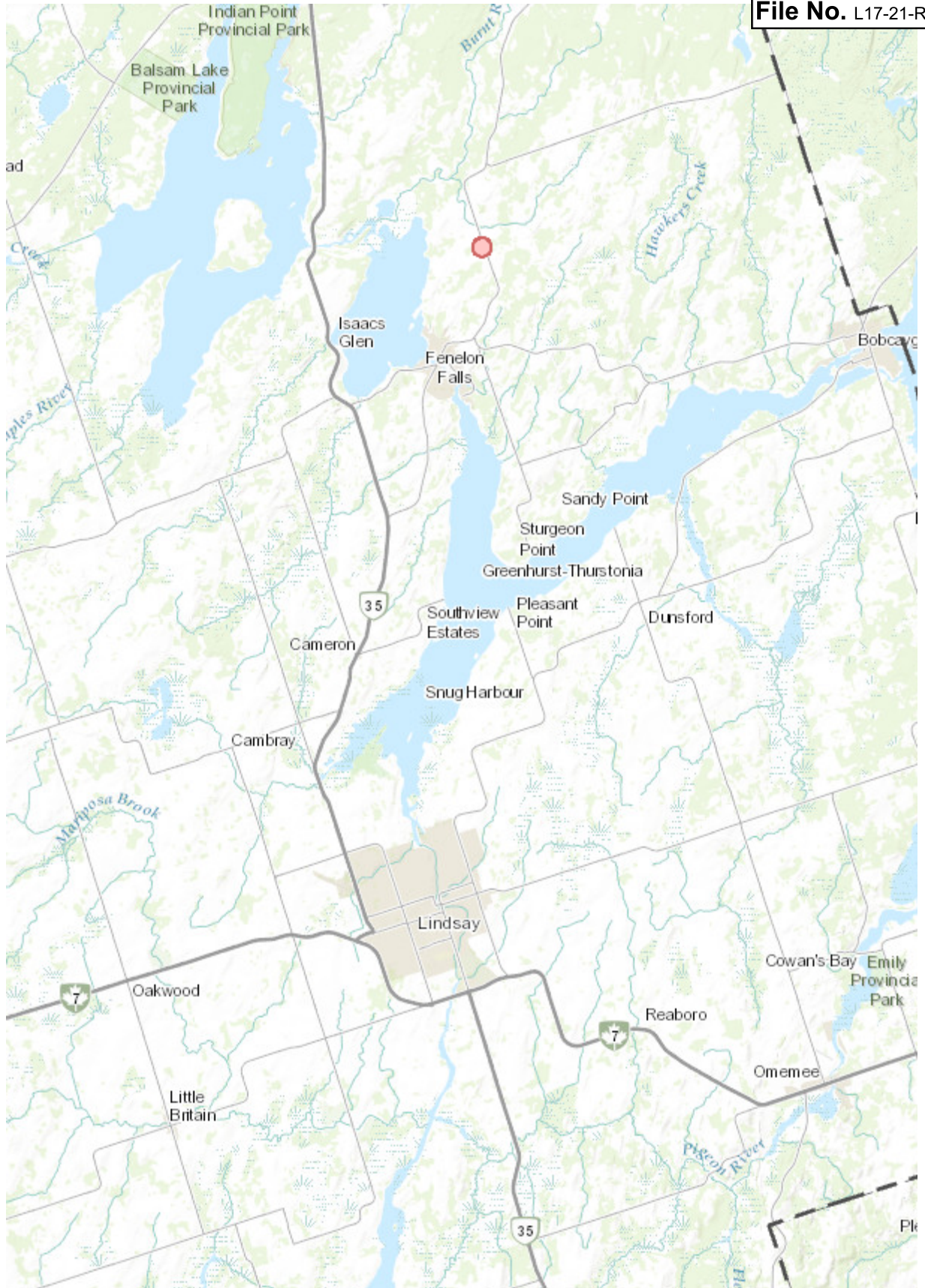


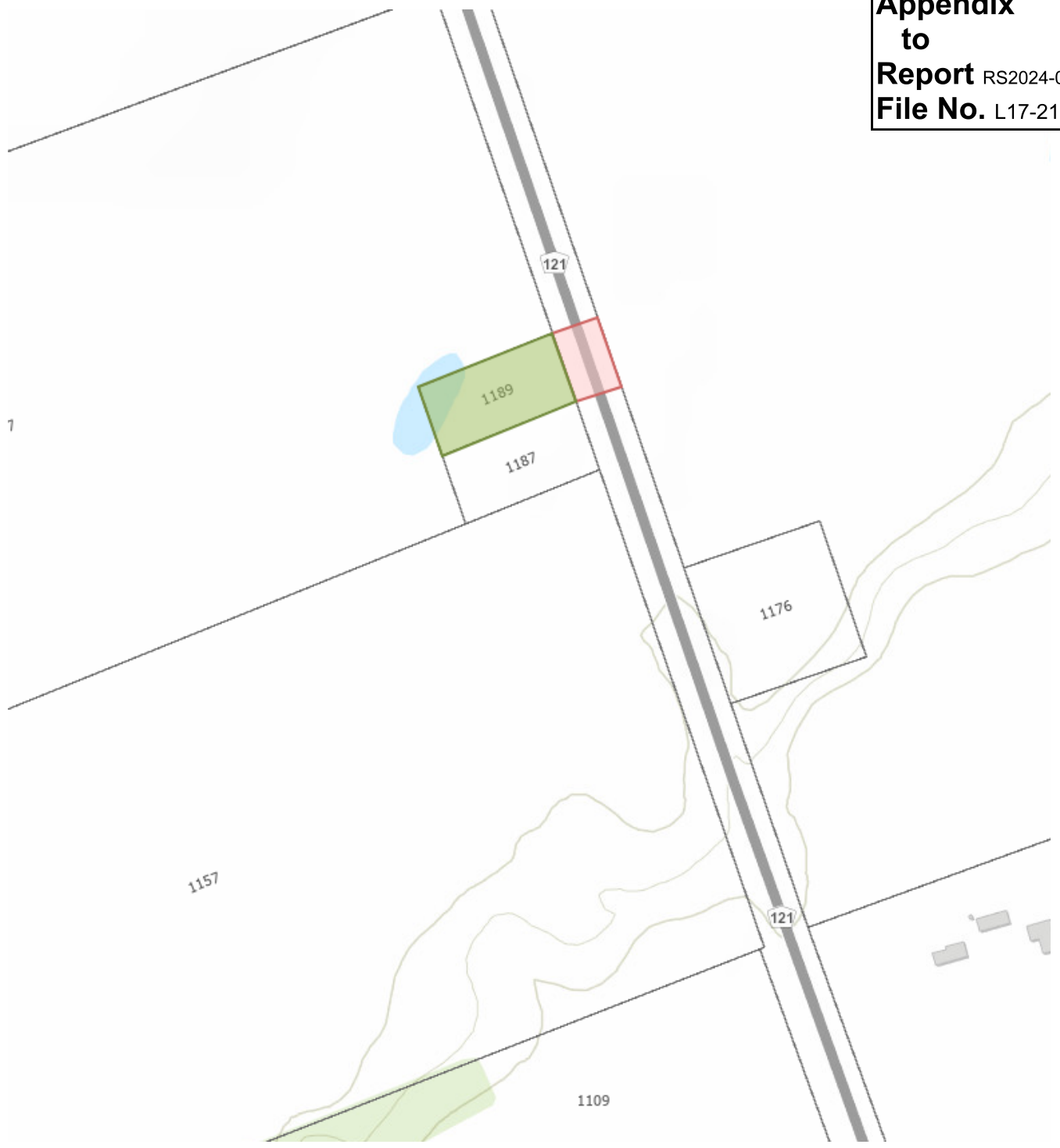
Photo of
Encroaching Fence

Department Head email: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L17-21-RS078









Council Report

Report Number:	RS2024-042
Meeting Date:	September 24, 2024
Title:	Request for Easement over a Portion of 14 York Street South – Hydro One Networks Inc.
Description:	Request for an Easement over a Portion of 14 York Street South in favour of Hydro One Networks Inc. to maintain existing infrastructure.
Author and Title:	Lucas Almeida, Law Clerk – Realty Services

Recommendations:

That Report RS2024-042, **Request for Easement over a Portion of 14 York Street South – Hydro One Networks Inc.**, be received;

That a Grant of Easement in favour of Hydro One Networks Inc. over a portion of the City-owned property known as 14 York Street South and legally described as PT LT 3 S/S KENT ST, 3 N/S RUSSELL ST, 2 N/S RUSSELL ST PL TOWN PLOT AS IN VT67203, VT93198, VT68920; City of Kawartha Lakes (PIN: 63228-0046 (LT)) be supported, in principle;

That a by-law (with any amendments deemed necessary) to authorize the Grant of Easement shall be passed, if appropriate; and

That the Mayor and Clerk be authorized to sign all documents required to facilitate registration of the Grant of Easement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Realty Services division received a request from Hydro One Networks Inc. (hereinafter referred to as "Hydro One") for an easement required to maintain an existing utility vault located within the City-owned property known as 14 York Street South, legally described as PT LT 3 S/S KENT ST, 3 N/S RUSSELL ST, 2 N/S RUSSELL ST PL TOWN PLOT AS IN VT67203, VT93198, VT68920; City of Kawartha Lakes (PIN: 63228-0046 (LT)). The vault was recently relocated 10 meters north pursuant to permission to construct issued by the City, from its previous location within the road allowance adjacent to 14 York Street, into the parking lot owned by the City, to accommodate for City projects conducted on York Street South. The proposed easement, in favour of Hydro One, allows Hydro One access for maintenance and repair, including eventual removal and decommissioning.

Rationale:

Hydro One's sketch of the relocation plan is attached as Appendix A.

The location has been reviewed by the Director of Engineering and Corporate Assets and was confirmed to be an acceptable location, with no interference to City infrastructure.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Ensure municipal assets are well maintained and well managed
- A Vibrant and Growing Economy
 - Provide and advocate for enhancement and expansion of critical support infrastructure to serve current and future residents

Financial/Operation Impacts:

None. All costs related to this transaction will be the sole responsibility of Hydro One Networks Inc.

Consultations:

City Solicitor
Director of Engineering and Corporate Assets

Manager of Municipal Law Enforcement

Attachments:

Appendix A – Aerial showing previous and new vault locations



Appendix A -
2024-042.pdf

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L25-24-RS016



Kent Street West

York Street South

Legend:

New vault location

Previous Vault Location

Council Report

Report Number:	RS2024-045
Meeting Date:	September 24, 2024
Title:	Request for Easement over 65 Robmar Crescent – Enbridge Gas Inc.
Description:	Request for an Easement over 65 Robmar Crescent in favour of Enbridge Gas Inc. to install and maintain gas line infrastructure
Author and Title:	Lucas Almeida, Law Clerk – Realty Services

Recommendations:

That Report RS2024-042, **Request for Easement over 65 Robmar Crescent – Enbridge Gas Inc.**, be received;

That a Grant of Easement in favour of Enbridge Gas Inc. over the City-owned property known as 65 Robmar Crescent and legally described as Block 39 on Plan 609; City of Kawartha Lakes (PIN: 631870228 (LT)) be supported, in principle;

That a by-law (with any amendments deemed necessary) to authorize the Grant of Easement shall be passed, if appropriate; and

That the Mayor and Clerk be authorized to sign all documents required to facilitate registration of the Grant of Easement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Realty Services division received a request from Enbridge Gas Inc. (hereinafter referred to as “Enbridge”) for an easement required to install and maintain a gas line through the City-owned property known as 65 Robmar Crescent, legally described as Block 39 on Plan 609; City of Kawartha Lakes (PIN: 631870228 (LT)).

Rationale:

The gas line will power the generator for the Mariposa Water Pump Station. The request for easement was approved by the Land Management Team at their meeting on July 8th, 2024.

Other Alternatives Considered:

None.

Alignment to Strategic Priorities:

The recommendations set out in this Report align with the following strategic priority:

- Good Government
 - Ensure municipal assets are well maintained and well managed
- A Vibrant and Growing Economy
 - Provide and advocate for enhancement and expansion of critical support infrastructure to serve current and future residents

Financial/Operation Impacts:

The legal costs associated with registering the easement will be taken out of the Realty Services operating budget.

Consultations:

City Solicitor
Director of Engineering and Corporate Assets

Attachments:

Appendix A – Single Line Diagram - Water Pump Station Generator Renewal



Appendix A -
RS2024-045.pdf

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L25-24-RS009



Council Report

Report Number: CORP 2024-024
Meeting Date: September 24, 2024
Title: 2024 Quarter Two Capital and Special Project Close
Description: Closure of Capital and Special Projects
Author and Title: Carolyn Daynes, Treasurer

Recommendation(s):

That Report CORP2024-024, 2024 Quarter Two Capital and Special Project Close, be received;

That the capital and special projects identified in Appendix A to Report CORP 2024-024 be approved for closure;

That Capital project 983240103 Colborne St Bridge preparations utilize financing of \$900,000 from the Property Development Reserve and reduce \$900,000 from previously approved Debenture financing;

That a 2024 special project entitled "Facility Condition Assessments" be created and financed as follows:

\$200,000 from Building and Property 2024 Operating Budget and applicable funding

\$30,000 from Corporate Assets 2024 Operating Budget and applicable funding

That 2024 Projects for Victoria Manor be created as per the following table to address the Provincial increased grant announcement:

Project	Budget Funded by One-Time Provincial Grant
Main Entrance Exterior Doors	\$36,000.00
Loading Dock Overhead Doors	10,000.00

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Laundry Chute	10,000.00
Interior Walls, Wall Guards and Countertops	50,000.00
Resident Furniture	21,000.00
Dining Room Tables and Chairs	26,000.00
Baseboard Heaters	42,000.00
Ceiling Lifts	60,000.00
Lighting	26,000.00
Total Project Budget Funded by Grant	\$281,000.00

That a Special Projects Reserve be created to provide a financing source for Special Projects, and to address Special Project surpluses and deficits;

That \$500,000 from the Capital Contingency Reserve – uncommitted (1.32248) be transferred to the Special Projects Reserve;

That the balances below and provided in Appendix A be transferred to (from) the corresponding reserve to address all project closures listed;

Reserve	Report Closing Balance
Capital Contingency Reserve-Uncommitted	\$1,221,642.18
Capital Contingency Reserve – Haul Route	126,957.03
Special Projects Reserve	57,155.50
General Contingency Reserve	46,255.86
KLPS Area Rate Stabilization Reserve	20,979.17
Fleet Reserve	(26,752.30)
Water Infrastructure Reserve	(63,215.83)
Sewer Infrastructure Reserve	(240,229.34)
Property Development Reserve	(73.77)
Total Reserve Transfers	\$1,142,718.50

That the projects recommended for closure below, and provided in Appendix A, be approved for (additional)/reduced debenture financing;

Capital Program Number	Capital Program Description	Debenture Financing Reduction
983220401	CKL Rd10- Rd17-Rd14	\$31,110.98
983230401	CKL Road 17-Civic Address #14	(4,167.54)
983230402	CKL Road 12-Highway 35 to Glamorgan Rd	57,179.85
983230403	Corbett Drive-Coulter Dr to Coulter Dr	18,276.90
983230404	Propp Drive-Corbett Dr to Hooper Dr	9,897.73
983230405	Hooper Drive-John St to Coulter Dr	11,016.51
998200103	Bobcaygeon WTP HL Pump	(39,240.42)

998200105	Lindsay WTP Containment Tanks	12,519.69
998200204	Omeme LSSDS Lagoon Fencing	25,108.86
998210102	Lindsay WTP Chemical Tanks	198,476.14
998210107	Bobcaygeon WTP HiLift Pumps	2,351.59
998210303	Fenelon Falls Colborne St. Mains	237,366.81
	Total Reduction in Debenture Needed	\$559,897.10

Background:

This report is to provide Council with the closed capital and special projects completed as of June 30, 2024, in accordance with the Capital and Special Project Policy.

Rationale:

The goal of a capital and special project close report is to bring completed capital projects to a zero balance by providing recommendations to finance deficits and to dispose of a surplus amount. Projects closed with a surplus typically transfer to the Capital Contingency Reserve. There are exceptions to this practice. A project being closed that was financed from a source other than the general tax levy, are returned to the original source of financing.

Special projects are one-time operating projects that require greater than one year to complete. Special projects are treated in the same manner as capital projects in that the project balance will be brought to a zero balance by providing recommendations for surplus and deficits. Special projects closed with a surplus will be transferred to the General Contingency Reserve and if the projects are in a deficit, it will be financed from the same reserve. The same exceptions apply to this practice, as in capital project closures above, in that those sources of funding other than tax levy, are returned to the original source of funding.

Please see the list of attachments:

Appendix A – Completed projects at June 30, 2024

Appendix B – Projects Remaining after June 30, 2024

Remaining open projects (Summation of Appendix B):

Total Budget to Date	\$247.5 Million
Total Spending to Date	\$172.5 Million
Total Capital Spending Remaining	\$74.9 Million

983240103 Colborne St Bridge

The Colborne Street Bridge was financed in the 2024 Budget by Development Charge Reserve and Debenture. The Property Development Reserve has been increasing over time and currently has a balance of \$2,708,941.27. It is prudent to fund this project from the reserve. The following recommendation has been included in this report:

That Capital project 983240103 Colborne St Bridge preparations utilize financing of \$900,000 from the Property Development Reserve and reduce \$900,000 from previously approved Debenture financing;

Facility Condition Assessments

It was discovered through the development of the Asset Management Plan that a few departments had various monies set aside for Building Condition Assessment Work. As this is a key element of the Asset Management Plan Staff felt it prudent to combine the money set aside for Building Condition Assessment in one Special Project. This would result in a coordinated approach to the management of this type of work, and it typically requires greater than one year to complete. The following recommendation has been included in the report:

That a 2024 special project entitled "Facility Condition Assessments" be created and financed as follows:

\$200,000 from Building and Property 2024 Operating Budget and applicable funding

\$30,000 from Corporate Assets 2024 Operating Budget and applicable funding

Victoria Manor One-Time Grant

A One-time Grant has been received from the Province that will allow Victoria Manor to advance capital projects that were originally slated for the 2025 year. The list included in the resolutions are those projects that are fully funded by the grant and can be initiated in 2024, in addition to the 2024 Approved capital budget. The projects are as follows:

New 2024 Projects to be created	Budget Funded by One-Time Grant
Main Entrance Exterior Doors	\$36,000.00
Loading Dock Overhead Doors	10,000.00
Laundry Chute	10,000.00
Interior Walls, Wall Guards and Countertops	50,000.00
Resident Furniture	21,000.00
Dining Room Tables and Chairs	26,000.00
Baseboard Heaters	42,000.00
Ceiling Lifts	60,000.00
Lighting	26,000.00
Total Project Budget Funded by Grant in 2024	\$281,000.00

Staff request approval to assign project numbers to these projects to allow the work to commence.

Special Projects Reserve

Special Projects have been included in the Operating budget for a few years now. Special projects are those projects that do not meet the capital criteria and require greater than one year to complete. The Capital and Special Projects Policy (CORP 2023-018) requires that surpluses in Special Projects be transferred to the Contingency Reserve – committed to Special Projects and all deficits are funded by this reserve. The motion recommended in this report creates a more transparent reserve called the Special Projects Reserve but follows the same requirements inherent in the original Policy. The following recommendation has been included in this report:

That a Special Projects Reserve be created to support Special Project funding where future Special Project surpluses will be transferred into the reserve and Special Projects deficits will be funded by the reserve.

Special Project Reserve Top Up

The 2025 special projects budget has utilized \$700,000 that was in the Contingency Reserve-committed to Special Projects.

There are some larger 2025 Special projects requiring financing, for example:

- Solid Waste EA – Requires commitment of \$2,000,000 annually for 5 years until 2029
- Stormwater Master Plan – Requires \$500,000 in next 2 years until 2026
- Thurstonia Drainage Study – Requires \$500,000 in 2025

The transfer from the 2025 Tax Levy to the Special Projects Reserve has increased approximately \$2M to accommodate the needed projects. In preparation for this increased level of Special Project financing in the future, Staff recommend that \$500,000 be allocated from the Capital Contingency Reserve. The uncommitted portion of the Capital Contingency Reserve has \$2.5Million and this report is contributing an additional \$1.2Million for a total balance of \$3.7M. Therefore, this reserve has sufficient funds to finance projects over budget as a contingency.

Other Alternatives Considered:

Council may choose an alternative direction with respect to the surplus/deficit disposition being recommended. Staff's recommendations are in accordance with the Capital and Special Project Policy CORP2023-018.

Financial/Operating Impacts:

The status of each program has been reviewed by Directors and appropriate management staff. The table below illustrates the results of the project closures to/from the various Reserves and Deferred Revenue accounts.

Appendix A: Completed Projects

The table below lists the reserves that require Council approval to transfer funds.

Reserve	Report Closing Balance
Capital Contingency Reserve-Uncommitted	\$ 1,221,642.18
Capital Contingency Reserve – Haul Route	126,957.03
Special Projects Reserve	57,155.50
General Contingency Reserve	46,255.86
KLPS Area Rate Stabilization Reserve	20,979.17
Fleet Reserve	(26,752.30)
Water Infrastructure Reserve	(63,215.83)
Sewer Infrastructure Reserve	(240,229.34)
Property Development Reserve	(73.77)
Total Reserve Transfers	\$1,142,718.50

Obligatory Funds

The table below represents the return of obligatory funds that do not require Council approval. Only deficits require Council approval to withdraw from the obligatory fund and are included in the Council resolutions.

Obligatory Reserves	Report Closing Balance
Parkland Reserve Fund	\$ 35,472.47
Infrastructure Gas Tax Reserve	721,808.20
Development Charge Reserve	26,623.55
Total Reserve Transfers	\$783,904.22

Debenture Proceeds

The net impact of debenture financing adjustments provided in Appendix A, will decrease by \$559,897.10 for projects closing. The resolution above details the projects affected by changes required in debenture financing to close the project.

In summary, a total of \$2,486,519.82 is recommended for closure and returned to the original budget funding sources. There are 128 projects closing and 818 remaining open.

Consultations:

Directors, Managers and Executive Assistants

Budget and Financial Planning

Attachments:

Appendix A – Completed Projects



Adobe Acrobat
Document

Appendix B – In Progress Projects



APPENDIX B -
Projects Remaining a

Department Head email: sbeukeboom@kawarthalakes.ca

Department Head: Sara Beukeboom

Appendix A - Completed Projects as of December 31, 2023																								
Program Number	Project Number	Program Description	Project Description	Capital Contingency Reserve	Capital Contingency Reserve-Airport	Capital Contingency Reserve-Victoria Manor	Asset Management Reserve	General Contingency Reserve	Development Charge Reserve	Federal Gas Tax Reserve	Debtenture	Sewer Infrastructure Reserve	Water Infrastructure Reserve	PW Fleet Reserve	Economic Development Reserve	KL Police Reserve	Deferred Revenue	OCIF Grant	ICIP Grant	Parkland Reserve	Other Municipalities	Other AR	Total Funds to be Returned	
921202901	921202901	IT Password Reset Software	IT Password Reset Software					7,585.50															7,585.50	
921203001	921203001	IT Upgrade POA ICON Gateway	IT Upgrade POA ICON Gateway					2,794.18															2,794.18	
921203601	921203601	DS Commercial Lands S&P Review	DS Commercial Lands S&P Review					10,000.00	90,000.00														100,000.00	
921210101	921210101	M/Y AD Healthy Enviro Plan Imp	M/Y AD Healthy Enviro Plan Imp					69,000.00															69,000.00	
921210201	921210201	M/Y DS Lake Dairyplmle Mqmt Plan	M/Y DS Lake Dairyplmle Mqmt Plan																				-	
921210501	921210501	ECA Geotech Road Assessment	ECA Geotech Road Assessment					(5,790.90)															(5,790.90)	
921210601	921210601	ECA Roads Needs Study	ECA Roads Needs Study					76,150.79	16,716.03														92,866.82	
921210701	921210701	PW Sand & Salt Storage Repairs	PW Sand & Salt Storage Repairs					10,121.29															10,121.29	
921211401	921211401	IT Service Desk Software	IT Service Desk Software																				(7,467.74)	
921212601	921212601	PR Arena Upgrades	PR Arena Upgrades					2,983.72															2,983.72	
921213401	921213401	PR Building Accessible Audits	PR Building Accessible Audits					220.61															220.61	
921214101	921214101	DS Agricultural Lands Mapping	DS Agricultural Lands Mapping					55,000.00	45,000.00														100,000.00	
921214201	921214201	DS Natural Heritage Systems	DS Natural Heritage Systems					55,000.00	45,000.00														100,000.00	
921214301	921214301	Assess of Park 125-9 Kent	Assess of Park 125-9 Kent																				20,000.00	
921220601	921220601	Slalom Dr Drainage Easement	Slalom Dr Drainage Easement					(217.33)															(217.33)	
921221001	921221001	Remote Monitoring Sys Fuel Stn	Remote Monitoring Sys Fuel Stn					5,654.99															5,654.99	
921221101	921221101	SharePoint System	SharePoint System					8,919.86															8,919.86	
921221201	921221201	ERP System	ERP System					50,113.07															50,113.07	
921221301	921221301	Municipal Permit System	Municipal Permit System					(2,150.78)															(2,150.78)	
921221401	921221401	Fire Records Management System	Fire Records Management System					(22,030.93)															(22,030.93)	
921221501	921221501	Energy Management Plan	Energy Management Plan					27,619.15															27,619.15	
921230501	921230501	IT Perfmc Management Softwar	IT Perfmc Management Softwar					270,000.00															270,000.00	
921231101	921231101	BP Interior Fixtures & Finish	BP Interior Fixtures & Finish					450.19															450.19	
928190100	928190104	IT Systems 2019	M/Y Disaster Recovery					299,880.94															299,880.94	
928220100	928220105	Information Technology Systems	Fire Service Training Centre W					40,000.00															40,000.00	
928220100	928220107	Information Technology Systems	Point-to-Point Network					40,049.43															40,049.43	
928230100	928230105	Information Technology Systems	Point-to-Point Network					50,000.00															50,000.00	
932172201	932172201	Coboconk Fire Hall Upgrades	Coboconk Fire Hall Upgrades					2,145.27															2,145.27	
932180100	932180101	Fire Facilities Program (2018)	Cameron Fire Hall Repairs					135.33															135.33	
932180100	932180102	Fire Facilities Program (2018)	Dunsford Fire Hall Repairs					(176.01)															(176.01)	
932180100	932180104	Fire Facilities Program (2018)	Dunsford Exhaust System					(397.02)															(397.02)	
932180100	932180105	Fire Facilities Program (2018)	Emily Exhaust System					(397.02)															(397.02)	
932180100	932180106	Fire Facilities Program (2018)	Janetville Exhaust System					(397.02)															(397.02)	
932180100	932180107	Fire Facilities Program (2018)	Fenelon Exhaust System					(33.14)															(33.14)	
932180100	932180108	Fire Facilities Program (2018)	Bobcaygeon Driveway/Parking Lot					(17,398.05)															(17,398.05)	
932180100	932180109	Fire Facilities Program (2018)	Dunsford Driveway/Parking Lot					29,102.38															29,102.38	
932180100	932180110	Fire Facilities Program (2018)	Cameron Driveway/Parking Lot					3,043.01															3,043.01	
932180100	932180111	Fire Facilities Program (2018)	Garden Exhaust System					(933.23)															(933.23)	
932190100	932190101	Fire Facilities 2019	Misc Fire Hall Components 2019					(319.56)															(319.56)	
932190100	932190102	Fire Facilities 2019	Fire Hall Exhaust Systems 2019					(10,759.51)															(10,759.51)	
932190100	932190103	Fire Facilities 2019	Fire Hall Driveway/Parking Lot					(4,057.01)															(4,057.01)	
932190100	932190104	Fire Facilities 2019	Mariposa Fire Station						124.48														1,244.82	
932200100	932200101	2020 - Fire Facilities	Dunsford FH Building Envelope					3,752.06			1,120.34												3,752.06	
932200100	932200103	2020 - Fire Facilities	Omemece FH Entrance					564.49															564.49	
932200200	932200204	2020 - Fire Fleet	2020 - Pickup Truck																				878.39	
932200300	932200301	2020 - Fire Equipment	2020 - Misc Fire Equipment					(276.23)															(276.23)	
932200300	932200302	2020 - Fire Equipment	2020 - Extrication Equipment					314.12															314.12	
932200300	932200303	2020 - Fire Equipment	2020 - Bunker Gear					(2,640.11)	52.41														(2,640.11)	
932210100	932210103	2021 Fire Fleet & Equipment	Boat																				(9,441.17)	
932210100	932210104	2021 Fire Fleet & Equipment	UTV & Trailer																				1,952.90	
932210100	932210105	2021 Fire Fleet & Equipment	Misc Fire Equipment					(203.79)															(203.79)	
932210100	932210106	2021 Fire Fleet & Equipment	Extrication Equipment					340.21															340.21	
932210100	932210107	2021 Fire Fleet & Equipment	Bunker Gear & Helmets					1,161.17			54.92												1,161.17	
932220100	932220101	Fire Facilities	Omemece FH Kitchen/Training Rms					1,274.91															1,274.91	
932220100	932220102	Fire Facilities	Ops Fire Hall Bunker Gear Rack					1,824.09															1,824.09	
932220100	932220105	Fire Facilities	Cameron Fire Hall Envelope					91.95															91.95	
932220100	932220109	Fire Facilities	Kimmeunt Fire Hall Training Room					(3,990.38)															(3,990.38)	
932220200	932220201	Fire Fleet and Equipment	Pickup Trucks (1)																				(857.96)	
932220200	932220202	Fire Fleet and Equipment	Boats (1)																				(9,441.17)	
932220200	932220204	Fire Fleet and Equipment	Extrication Equipment					79.59															12.85	
932220200	932220205	Fire Fleet and Equipment	Bunker Gear and Helmets					(37,807.81)															92.44	
932230100	932230102	Fire Facilities	Lindsay Fire Station Flooring					(715.62)															(37,807.81)	
932230100	932230104	Fire Facilities	Bobcaygeon Fire Station Bunker					(2,385.11)															(715.62)	
932230200	932230203	Fire Fleet and Equipment	Pickup Truck																				(2,385.11)	
932230200	932230204	Fire Fleet and Equipment	Boat and Trailer																				1,204.93	
932230200	932230207	Fire Fleet and Equipment	Extrication Equipment					(1,018.39)															2,681.98	
932230200	932230211	Fire Fleet and Equipment	Sand Baaqing Machine					(5,247.62)															(1,018.39)	
938210200	938210202	2021 Paramedic Fleet																						

Appendix A - Completed Projects as of December 31, 2023

Program Number	Project Number	Program Description	Project Description	Capital Contingency Reserve	Capital Contingency Reserve-Airport	Capital Contingency Reserve-Victoria Manor	Asset Management Reserve	General Contingency Reserve	Development Charge Reserve	Federal Gas Tax Reserve	Debenture	Sewer Infrastructure Reserve	Water Infrastructure Reserve	PW Fleet Reserve	Economic Development Reserve	KL Police Reserve	Deferred Revenue	OCIF Grant	ICIP Grant	Parkland Reserve	Other Municipalities	Other AR	Total Funds to be Returned
94222040	942220401	Vehicle Replacements	Vehicle Replacement													(36,783.33)							(36,783.33)
942220701	942220701	CEW's (Taser) 14 Units	CEW's (Taser) 14 Units													(25,521.61)							(25,521.61)
942230101	942230101	KLPS Computers	KLPS Computers													(5,632.30)							(5,632.30)
942230102	942230102	Printer Replacement	Printer Replacement													744.48							744.48
942230104	942230104	ALPR Project	ALPR Project													5,888.91							5,888.91
950180100	950180101	Parkland Siteworks (2018)	Sand to Wood Carpet	(4,333.91)																			(4,333.91)
950180100	950180102	Parkland Siteworks (2018)	Central Parks Soccer Nets	(1,360.71)																			(1,360.71)
950180100	950180103	Parkland Siteworks (2018)	Memorial Park Tennis Courts	4,980.19																			4,980.19
950180100	950180104	Parkland Siteworks (2018)	Oss Baseball Diamond	(446.03)																			(446.03)
950180100	950180105	Parkland Siteworks (2018)	Bobcaygeon Beach Park	(1,501.70)																			(1,501.70)
950180100	950180106	Parkland Siteworks (2018)	Bob Riverview Park Shelter Pad	1,030.08					(13,515.27)														1,030.08
950180100	950180107	Parkland Siteworks (2018)	Mayor James Flynn Park Pathway	150.85					1,357.65														1,508.50
950180100	950180108	Parkland Siteworks (2018)	Austin Sawmill Pk Shelter Roof	15,000.00																			15,000.00
950180100	950180109	Parkland Siteworks (2018)	Boat Launches	(19.02)																			(19.02)
950180100	950180110	Parkland Siteworks (2018)	50/50 Community Capital Program	41,613.25																			41,613.25
950180100	950180117	Parkland Siteworks (2018)	Tommy Anderson Ballpark Lights	35,878.95																			35,878.95
950180100	950180119	Parkland Siteworks (2018)	Elgin Park Splash Pad	8,835.26																			8,835.26
950180100	950180120	Parkland Siteworks (2018)	Elgin Park Accessible Pathway	(3,138.23)																			(3,138.23)
950180100	950180121	Parkland Siteworks (2018)	Thurstonia Docks/Piers	(2,923.03)																			(2,923.03)
950180100	950180122	Parkland Siteworks (2018)	Iron Bridge	(8,197.36)																			(8,197.36)
950180100	950180123	Parkland Siteworks (2018)	Scuog Meadows Playground	19,329.37																			19,329.37
950180100	950180124	Parkland Siteworks (2018)	Cobocank Lions Park Playground	7,156.06																			7,156.06
950180100	950180125	Parkland Siteworks (2018)	Memorial Park Playground	(26,551.08)																			(26,551.08)
950180100	950180126	Parkland Siteworks (2018)	Reaboro Park Playground	(243.13)																			(243.13)
950190100	950190101	Parkland Siteworks 2019	Playgrounds	326.71																			326.71
950190100	950190102	Parkland Siteworks 2019	Tommy Anderson Ball Diamond	(818.67)																			(818.67)
950190100	950190104	Parkland Siteworks 2019	Docks & Piers	11,386.14																			11,386.14
950190100	950190105	Parkland Siteworks 2019	Boat Launches	1,463.30																			1,463.30
950190100	950190106	Parkland Siteworks 2019	50/50 Community Programs	37,817.83																			37,817.83
950190100	950190107	Parkland Siteworks 2019	Wilson Estates 2019	55,000.00													67,959.98						122,959.98
950190100	950190110	Parkland Siteworks 2019	Wilson Fields Tennis Lighting	(14,457.23)																			(14,457.23)
950190100	950190111	Parkland Siteworks 2019	Sports Fields Lighting/Breaker	(844.56)																			(844.56)
950190100	950190112	Parkland Siteworks 2019	Russ Baptiste Park Ball Lights	(13,723.29)																			(13,723.29)
950190100	950190113	Parkland Siteworks 2019	McDonnell W Slope & Shorepath	53,511.30																			53,511.30
950190100	950190114	Parkland Siteworks 2019	Underground Waste Receptacles	3,459.95																			3,459.95
950190100	950190115	Parkland Siteworks 2019	Wilson Fields - East Fence	(416.77)																			(416.77)
950190300	950190302	2019 Recreation Facilities	LRC Lighting	(1,164.40)																			(1,164.40)
950190300	950190303	2019 Recreation Facilities	LRC Washroom & Dressing Rooms	(19.79)																			(19.79)
950190300	950190304	2019 Recreation Facilities	LRC Auk Trail Parking Lot	(4,875.27)																			(4,875.27)
950190300	950190305	2019 Recreation Facilities	LRC Ice Pad Heat Exchangers	(4,650.00)																			(4,650.00)
950190300	950190306	2019 Recreation Facilities	LRC Refrigeration Controls	(8,000.00)																			(8,000.00)
950190300	950190308	2019 Recreation Facilities	LRC Pool Roof Replacement	(69,800.05)																			(69,800.05)
950190300	950190310	2019 Recreation Facilities	LRC Complex Flooring	(2,226.47)																			(2,226.47)
950190300	950190311	2019 Recreation Facilities	Woodville Arena Barrier/Fence	7.16																			7.16
950190300	950190313	2019 Recreation Facilities	Woodville Arena Washrooms	(666.83)																			(666.83)
950190300	950190314	2019 Recreation Facilities	Woodville Arena Heating System	(226.79)																			(226.79)
950190300	950190315	2019 Recreation Facilities	Woodville Arena Compressor	1,000.00																			1,000.00
950190300	950190316	2019 Recreation Facilities	Bobcaygeon Arena Partitions	(2,207.10)																			(2,207.10)
950190300	950190317	2019 Recreation Facilities	FF Arena Com Hall Access Doors	1,975.51																			1,975.51
950190300	950190318	2019 Recreation Facilities	FF Arena Natural Gas System	(1,225.00)																			(1,225.00)
950190300	950190319	2019 Recreation Facilities	Omemee Arena North Condenser	(4,000.00)																			(4,000.00)
950190300	950190320	2019 Recreation Facilities	Omemee Arena Refrige Controls	10,000.00																			10,000.00
950190300	950190321	2019 Recreation Facilities	Omemee Arena Compressor	1,000.00																			1,000.00
950190300	950190322	2019 Recreation Facilities	LB Arena Compressor	1,000.00																			1,000.00
950190300	950190323	2019 Recreation Facilities	Oakwood Arena Compressor	1,000.00																			1,000.00
950190300	950190324	2019 Recreation Facilities	Arenas Condenser & Desiccant	609.68																			609.68
950190300	950190325	2019 Recreation Facilities	Hydration Stations	(775.29)																			(775.29)
950190300	950190326	2019 Recreation Facilities	VP Armoury Interior Doors	-																			-
950190300	950190327	2019 Recreation Facilities	VP Armoury Plumb & Rain Water	(2,380.54)																			(2,380.54)
950190300	950190328	2019 Recreation Facilities	VP Armoury Elevators	9,837.05																			9,837.05
950190300	950190329	2019 Recreation Facilities	Baldlow CC Oil Tank	12,066.66																			12,066.66
950190300	950190330	2019 Recreation Facilities	Coby Train Station Roof	15,789.35																			15,789.35
950190300	950190331	2019 Recreation Facilities	Woodville Town Hall Mech Sys	(82.49)																			(82.49)
950190300	950190332	2019 Recreation Facilities	Forbert Pool Roof	(654.00)																			(654.00)
950190300	950190333	2019 Recreation Facilities	Forbert Pool Heat & Mech Sys	(6,028.54)																			(6,028.54)
950200100	950200101	2020 - Parkland Siteworks	Playgrounds	(6.48)																			(6.48)
950200100	950200103	2020 - Parkland Siteworks																					

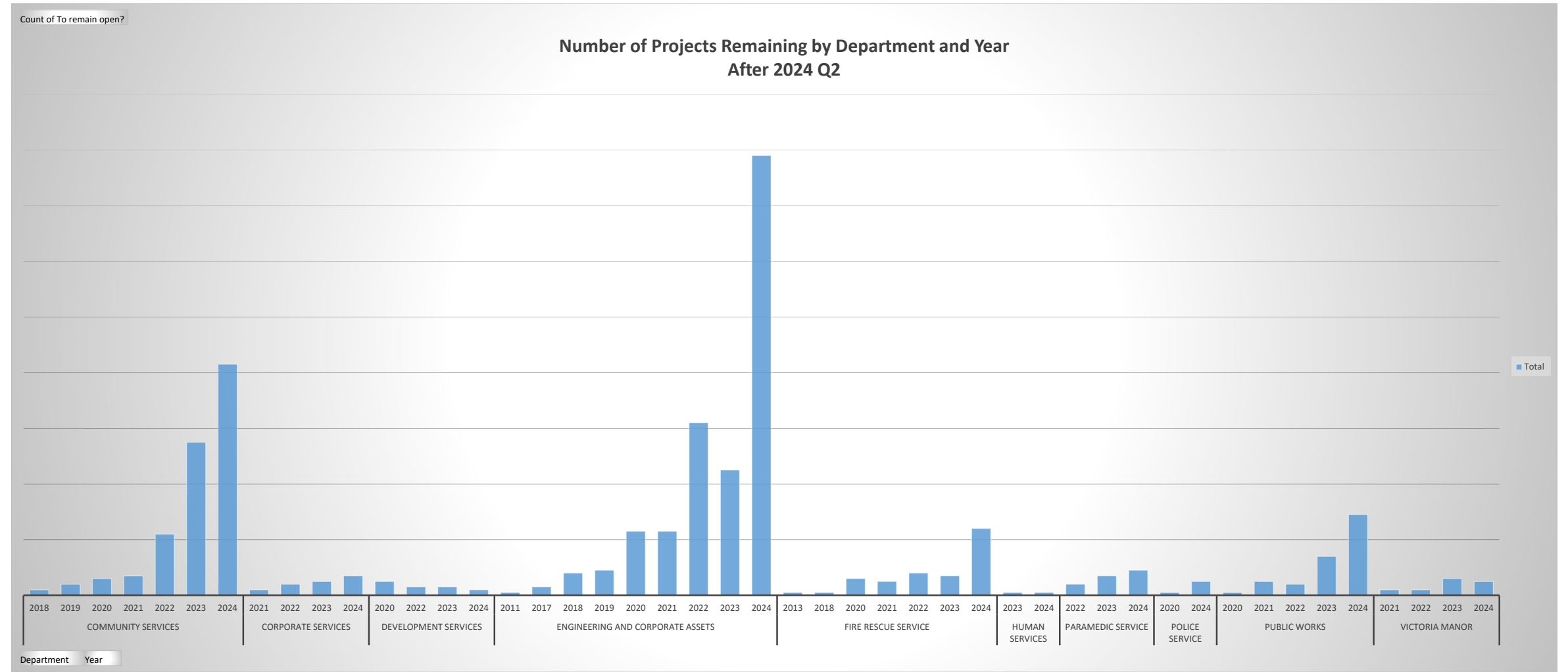
Appendix A - Completed Projects as of December 31, 2023																									
Program Number	Project Number	Program Description	Project Description	Capital Contingency Reserve	Capital Contingency Reserve-Airport	Capital Contingency Reserve-Victoria Manor	Asset Management Reserve	General Contingency Reserve	Development Charge Reserve	Federal Gas Tax Reserve	Debtenture	Sewer Infrastructure Reserve	Water Infrastructure Reserve	PW Fleet Reserve	Economic Development Reserve	KL Police Reserve	Deferred Revenue	OCIF Grant	ICIP Grant	Parkland Reserve	Other Municipalities	Other AR	Total Funds to be Returned		
991200100	991200106	Public Works Facilities	Emily Depot - Fuel Security	969.81																			969.81		
991200100	991200107	Public Works Facilities	Oakwood Depot Fuel Security	969.81																			969.81		
991200100	991200108	Public Works Facilities	Coboconk Depot - Fuel Security	969.81																			969.81		
991210101	991210101	Oakwood Depot Oil/Grit Separator	Oakwood Depot Oil/Grit Separator	4,084.04																			4,084.04		
991220100	991220101	Public Works Facilities	Coboconk Fleet Depot HVAC Sys	11,567.11																			11,567.11		
991220100	991220102	Public Works Facilities	Lindsay Fleet Depot Security D	(4,235.01)																			(4,235.01)		
991220100	991220106	Public Works Facilities	89 St David St Garage HVAC	(34,883.35)																			(34,883.35)		
991230100	991230101	Roads, Fleet and Transit Facilities	Fleet Depots Security Doors and Storage Units	(6,966.62)																			(6,966.62)		
991230100	991230103	Roads, Fleet and Transit Facilities	Fleet Depots Sand Blasting Cab	10,577.15																			10,577.15		
994200200	994200201	Fleet 2020	2020 - Backhoes (1)	861.81																			861.81		
994200200	994200202	Fleet 2020	2020 - Buses (1)	11,961.74															18,514.05				30,475.79		
994200200	994200203	Fleet 2020	2020 - Grader (1st)	19,105.13																			19,105.13		
994200200	994200204	Fleet 2020	2020 - Tractors (1st)	13,321.53																			13,321.53		
994200200	994200205	Fleet 2020	2020 - Medium Duty Trucks (2)	30,512.34																			30,512.34		
994200200	994200206	Fleet 2020	2020 - Loaders (2)	23,796.97																			23,796.97		
994200200	994200207	Fleet 2020	2020 - Cars (1st)	5,795.59																			5,795.59		
994200200	994200208	Fleet 2020	2020 - Pickup Trucks (12)	22,815.84																			22,815.84		
994200200	994200209	Fleet 2020	2020 - Ice Machines (1)	1,954.17																			1,954.17		
994200200	994200210	Fleet 2020	2020 - Single Axle Trucks (4)	(9,345.50)																			(9,345.50)		
994200200	994200211	Fleet 2020	2020 - Tandem Axle Trucks (4)	9,345.98																			9,345.98		
994200200	994200212	Fleet 2020	2020 - Vans (1)	9,890.70																			9,890.70		
994200200	994200213	Fleet 2020	2020 - Sidewalk Machines (1st)	5,462.07																			5,462.07		
994200200	994200214	Fleet 2020	2020 - Trailers (1st)	7,354.24																			7,354.24		
994200200	994200215	Fleet 2020	2020 - Hot Boxes (6)	138,598.58																			138,598.58		
994200200	994200216	Fleet 2020	2020 - Grader (2nd)	35,439.13																			35,439.13		
994200200	994200217	Fleet 2020	2020 - Tractor (2nd)	(1,674.22)																			(1,674.22)		
994200200	994200218	Fleet 2020	2020 - Tractor (3rd)	18,086.38																			18,086.38		
994200200	994200219	Fleet 2020	2020 - Cars (2nd)	3,783.80																			3,783.80		
994200200	994200220	Fleet 2020	2020 - Sidewalk Machine (2nd)	6,856.74																			6,856.74		
994200200	994200221	Fleet 2020	2020 - Sidewalk Machine (3rd)	6,856.74																			6,856.74		
994200200	994200222	Fleet 2020	2020 - Trailer (2nd)	680.12																			680.12		
994210200	994210201	2021 Fleet Equipment	2021 Choppers (1)	(2,562.09)																			(2,562.09)		
994210200	994210202	2021 Fleet Equipment	2021 Buses (1)	30,255.16															18,380.01				48,635.17		
994210200	994210203	2021 Fleet Equipment	2021 Graders (1)	75,000.00																			75,000.00		
994210200	994210205	2021 Fleet Equipment	2021 Medium Duty Trucks (1of3)	68,423.58																			68,423.58		
994210200	994210207	2021 Fleet Equipment	2021 Cars (1 of 3)	4,055.61																			4,055.61		
994210200	994210208	2021 Fleet Equipment	2021 Pick Up Trucks (7)	47,226.65																			47,226.65		
994210200	994210209	2021 Fleet Equipment	2021 Ice Machines (1)	4,444.28																			4,444.28		
994210200	994210210	2021 Fleet Equipment	2021 Single Axle Plow Trk (1)	(0.36)																			(0.36)		
994210200	994210212	2021 Fleet Equipment	2021 Vans (1 of 3)	(15,049.75)																			(15,049.75)		
994210200	994210213	2021 Fleet Equipment	2021 Sidewalk Machines (1)	(74.59)																			(74.59)		
994210200	994210214	2021 Fleet Equipment	2021 Trailers (1 of 3)	2,225.53																			2,225.53		
994210200	994210215	2021 Fleet Equipment	2021 ATVs (1)	(1,586.89)																			(1,586.89)		
994210200	994210217	2021 Fleet Equipment	2021 Cars (2 of 3)	(14,331.53)																			(14,331.53)		
994210200	994210218	2021 Fleet Equipment	2021 Cars (3 of 3)	(13,831.53)																			(13,831.53)		
994210200	994210219	2021 Fleet Equipment	2021 Vans (2 of 3)	8,774.37																			8,774.37		
994210200	994210221	2021 Fleet Equipment	2021 Trailers (2 of 3)	638.07																			638.07		
994210200	994210222	2021 Fleet Equipment	2021 Trailers (3 of 3)	231.03																			231.03		
994210200	994210223	2021 Fleet Equipment	Transmission Replacement	4,341.36																			4,341.36		
994220200	994220201	Fleet and Transit Equipment	Buses (4)	3.66					1.15														4.81		
994220200	994220203	Fleet and Transit Equipment	Medium Duty Trucks (5)																				(444.23)		
994220200	994220204	Fleet and Transit Equipment	Loaders (1)																				(14,755.58)		
994220200	994220205	Fleet and Transit Equipment	Cars (3)																				(444.23)		
994220200	994220206	Fleet and Transit Equipment	Pickup Trucks (17)																				(14,755.58)		
994220200	994220207	Fleet and Transit Equipment	Single-Axle Plow Truck (1)																				42,168.47		
994220200	994220210	Fleet and Transit Equipment	Sidewalk Machines (1)																				15,900.97		
994220200	994220211	Fleet and Transit Equipment	Water Tanks (4)																				(0.36)		
994230200	994230202	Public Works Fleet Equipment	Graders (2)																				(74.56)		
994230200	994230208	Public Works Fleet Equipment	Pickup Trucks (7)						1,502.29														17,535.91		
994230200	994230209	Public Works Fleet Equipment	Pickup Plow Trucks (2)																				276,914.58		
994230200	994230214	Public Works Fleet Equipment	Water Tanks (4)																				9,013.77		
994230200	994230215	Public Works Fleet Equipment	Sidewalk Machines (2)																				0.24		
994230200	994230216	Public Works Fleet Equipment	Excavators (2)																				6,585.26		
994230200	994230217	Public Works Fleet Equipment	Flail Mowers (1)																				(4,189.80)		
994230200	994230221	Public Works Fleet Equipment	Sidewalk Machine Mower Decks (-		
997130801	997130801	Eldon Landfill	Eldon Landfill	(37,416.65)																			3,256.89		
997210100	997210101	2021 - Landfill Siteworks	Eldon LF Final Cover Phs Cells	819,608.49																			15,714.52		
997210100	997210102	2021 - Landfill Siteworks	Contaminated Skipl 68 Lindsay	166,646.30																			(37,416.65)		
997210100	997210104	2021 - Landfill Siteworks	LindsayOps LF Cells 4/5 South	995.37																			819,608.49		
997230100	997230104	Landfill Siteworks and Facilities	Emily Landfill Leachate Collec	82,669.73																			166,646.30		
997230100	997230104	Landfill Siteworks and Facilities	LindsayOps Landfill Operation	15,718.64																			995.37		
998110100	998110102	Omemee WPC Plant Upgrades	Update Capital Charge Study																				82,669.73		
998110100	998110103	Omemee WPC Plant Upgrades	Omemee LSSDS																				15,718.64		
998110100	998110104	Omemee WPC Plant Upgrades	Omemee WPC-Design Remediation																				(6,099.91)		
998161501	998161501	Wastewater Operating Monitor System	Wastewater Operating Monitor System																				(39.63)		
998170100	998170103	Watermain Replacement (2017)	Denniston (StPaul-StPatrick)																				3,256.89		
998170100	998170104	Watermain Replacement (2017)	East St N Watermain - Construct																				15,714.52		
998180300	998180301	Water Distrib&WW Collect(2018)	Lindsay Area 6 Mains (Design)																				0.24		
998180300	998180302	Water Distrib&WW Collect(2018)	Bay/Durham St W Mains																						

Appendix A - Completed Projects as of December 31, 2023

Program Number	Project Number	Program Description	Project Description	Capital Contingency Reserve	Capital Contingency Reserve-Airport	Capital Contingency Reserve-Victoria Manor	Asset Management Reserve	General Contingency Reserve	Development Charge Reserve	Federal Gas Tax Reserve	Debtenture	Sewer Infrastructure Reserve	Water Infrastructure Reserve	PW Fleet Reserve	Economic Development Reserve	KL Police Reserve	Deferred Revenue	OCIF Grant	ICIP Grant	Parkland Reserve	Other Municipalities	Other AR	Total Funds to be Returned
998180300	998180312	Water Distrib&WW Collect(2018)	Colborne St Mains FF (Design)						4,985.79		38,383.73												43,369.52
998180300	998180313	Water Distrib&WW Collect(2018)	Hillside Dr Mains (Design)								11,577.61												11,577.61
998190100	998190101	Water Treatment	Lindsay WTP Reactivator								3,949.63												3,949.63
998190100	998190104	Water Treatment	FF WTP Membrane/THM/Pump								(44,610.65)												(44,610.65)
998190100	998190105	Water Treatment	FF WTP PLC & SCADA Systems									(362.77)											(362.77)
998190100	998190106	Water Treatment	Bob Storage Tank Safety Rail										12,993.81										12,993.81
998190100	998190107	Water Treatment	FF Storage Tank Safety Rail										8,759.51										8,759.51
998190100	998190108	Water Treatment	Woodville Storage Safety Rail										9,312.11										9,312.11
998190200	998190203	2019 Wastewater Treatment	Bob WCPC Scum Box/Pump									9,499.35											9,499.35
998190200	998190204	2019 Wastewater Treatment	Lindsay WPCP Laagoon Aerator									2,574.71											2,574.71
998190300	998190301	W Distribution WW Collection	Bay St Mains									64,278.26											64,278.26
998190300	998190302	W Distribution WW Collection	Durham St Mains						58,090.40			25,000.00											125,788.79
998190300	998190303	W Distribution WW Collection	George St E Mains									52,368.51											52,368.51
998190300	998190304	W Distribution WW Collection	Glennlg St E Mains									100,000.00	132,160.33										251,908.42
998190300	998190305	W Distribution WW Collection	Caroline St Mains									(15,530.00)											(110,433.71)
998190300	998190306	W Distribution WW Collection	Russel St W Mains									478,589.68											553,113.68
998190300	998190307	W Distribution WW Collection	Pest St Mains									(117,979.98)											(117,979.98)
998190300	998190310	W Distribution WW Collection	Lindsay Colborne/Riveria SPS						135,071.04														277,571.04
998190300	998190311	W Distribution WW Collection	Lindsay St N SPS Exhaust									23,684.55											23,684.55
998190300	998190312	W Distribution WW Collection	Lindsay St N SPS Pumps									10,892.21											10,892.21
998190300	998190313	W Distribution WW Collection	Cobocok SPS Pumps/Piping						(4,531.42)			(1,806.23)											(6,337.65)
998200100	998200101	2020 Water Treatment	Pinewood WTP High-Lift Header																				(364.07)
998200100	998200102	2020 Water Treatment	Bobcaygeon WTP Flooring																				(3,208.96)
998200100	998200106	2020 Water Treatment	Lindsay WTP HL Pump# 3 & VFD																				17,796.89
998200200	998200202	Wastewater Treatment	Fencing Lindsay Landfill/WPCP									21,173.84											21,173.84
998200200	998200203	Wastewater Treatment	Lindsay WPCP Laagoon Aerator									(6,275.21)											(6,275.21)
998200200	998200206	Wastewater Treatment	Fenelon Falls WPCP Scum Pit									39,820.60											39,820.60
998200300	998200303	2020 W Collection WW Distribution	Colborne St Mains									60,577.72											60,577.72
998200300	998200304	2020 W Collection WW Distribution	Bobcaygeon - Main St Bridges									20,975.00											20,975.00
998200300	998200314	2020 W Collection WW Distribution	Thornhill Reservoir Fire/Pump										16,855.63										16,855.63
998200400	998200401	WWW Studies/Special Projects	Rate Study & Financial Plan										3,501.56										7,003.12
998200400	998200402	WWW Studies/Special Projects	FF Elevated Tank Assessment										(14,571.06)										(14,571.06)
998200400	998200403	WWW Studies/Special Projects	Manilla Wells Assessment/CPlan										253,082.81										253,082.81
998210100	998210101	2021 Water Treatment	Lindsay WTP Filter Media									106,922.25											106,922.25
998210100	998210103	2021 Water Treatment	Lindsay WTP Recirculation Pump									3,375.43											3,375.43
998210100	998210109	2021 Water Treatment	Pontypool WTP Generators									22,054.86											22,054.86
998210100	998210110	2021 Water Treatment	Canadiana Shores WTP Various									60,000.00											60,000.00
998210200	998210201	2021 Wastewater Treatment	Lindsay WPCP Tertiary Chemical Pump									19,257.70											19,257.70
998210200	998210202	2021 Wastewater Treatment	FF WPCP Clarifiers and Small Rotor									63,850.88											63,850.88
998210200	998210203	2021 Wastewater Treatment	Bobcaygeon WPCP Electrical Panel and Fixtures									54,563.71											54,563.71
998210200	998210204	2021 Wastewater Treatment	King's Bay WPCP Maintenance Hydrant									28,035.42											28,035.42
998210300	998210307	2021 W Distribution WW Collection	Logie St. SPS Fencing									936.09											936.09
998210300	998210308	2021 W Distribution WW Collection	Wellington St. SPS Fencing									209.57											209.57
998210300	998210309	2021 W Distribution WW Collection	Riverview SPS Fencing									1,620.23											1,620.23
998210300	998210310	2021 W Distribution WW Collection	Northwest Trunk Sewer Fencing									656.93											656.93
998210400	998210402	WWW Studies & Special Projects	Bobcaygeon WTP Filter Optimization										16,688.63										16,688.63
998210400	998210403	WWW Studies & Special Projects	Facility Condition and Capital										(4,524.00)										(4,524.00)
998220100	998220102	Water Treatment	Lindsay WTP High-Lift Pump #4									10,374.74											10,374.74
998220100	998220103	Water Treatment	Woodville WTP Filters									60,000.00											60,000.00
998220300	998220305	W Distribution and WW Collection	SPS #5 Backup Power Generator									59,570.85											59,570.85
998220300	998220306	W Distribution and WW Collection	Fairgrounds SPS Pump									(8,978.27)											(8,978.27)
998220300	998220307	W Distribution and WW Collection	Jennings Creek SPS Pump #1									4,310.11											4,310.11
998220400	998220401	Studies and Special Projects	WTP Carbon Dioxide & Polymer Study										27,030.11										27,030.11
998220400	998220402	Studies and Special Projects	WTP Process Optimization Study									37,267.50											37,267.50
998230100	998230112	Water Treatment	FF WTP Driveway & Parking Lot									16,502.12											16,502.12
998230200	998230202	Wastewater Treatment	FF WPCP Tertiary Bypass Flow Monitoring									17,401.08											17,401.08
999190101	999190101	SP Doc & Record Mngmt System	SP Doc & Record Mngmt System	16,879.81																			16,879.81
Total Capital and Special Projects Completed				3,569,959.10	2,193,100.00	211,438.94	-	621,423.41	465,145.33	148,952.46	2,554,955.32	209,580.28	509,194.33	879,646.24	20,000.00	(60,267.30)	399,703.55	-	37,572.01	778.45	47,761.38	670.55	11,809,614.05
Capital and Special Project Funding Adjustments																							
921203801	921203801	ED Cultural Centre Feasibility	ED Cultural Centre Feasibility									(7,703.60)					7,703.60						-
921221801	921221801	VM Facility Master Plan	VM Facility Master Plan									(130,000.00)											(130,000.00)
983221101	983221101	Wilson Fields Stormwater Pond	Wilson Fields Stormwater Pond									126,631.82											126,631.82
994190300	994190316	2019 Fleet Equipment	Vans (1 Caroo Van)						240.60					(240.60)									-
997190100	997190103	Landfill Siteworks 2019	Lindsay LF Leachate Pump Stn	(250,000.00)									100,111.56										(250,000.00)
998160900	998160900	Vimv St W&S Main Replacement	Vimv St W&S Main Replacement										84,534.98				</						

Appendix A - Completed Projects as of December 31, 2023																								
Program Number	Project Number	Program Description	Project Description	Capital Contingency Reserve	Capital Contingency Reserve-Airport	Capital Contingency Reserve-Victoria Manor	Asset Management Reserve	General Contingency Reserve	Development Charge Reserve	Federal Gas Tax Reserve	Debtenture	Sewer Infrastructure Reserve	Water Infrastructure Reserve	PW Fleet Reserve	Economic Development Reserve	KL Police Reserve	Deferred Revenue	OCIF Grant	ICIP Grant	Parkland Reserve	Other Municipalities	Other AR	Total Funds to be Returned	
NEW	NEW	City Hall LSC Renovations	City Hall LSC Renovations	(285,000.00)																			(285,000.00)	
998220300	998220303	W Distribution and WW Collection	MurrayStMains-ElliotSt-WestSt						(112,050.00)				(337,950.00)											(450,000.00)
953230100	953230106	Building and Property Facilities	Fenelon Falls Library Flat Roof								(250,000.00)													(250,000.00)
953240100	953240108	Building & Property Facilities	Fen Falls Library HVAC System								250,000.00													250,000.00
Total Capital and Special Project Funding Adjustments				(1,750,000.00)	-	-	600,000.00	(137,703.60)	(111,809.40)	-	210,000.00	226,743.38	(126,945.62)	(240.60)	-	-	7,703.60	(600,000.00)	-	-	-	-	-	(1,682,252.24)
TOTAL				1,819,959.10	2,193,100.00	211,438.94	600,000.00	483,719.81	353,335.93	148,952.46	2,764,955.32	436,323.66	382,248.71	879,405.64	20,000.00	(60,267.30)	407,407.15	(600,000.00)	37,572.01	778.45	47,761.38	670.55	10,127,361.81	

Row Labels	Count of To remain open?
Community Services	179
2018	2
2019	4
2020	6
2021	7
2022	22
2023	55
2024	83
Corporate Services	18
2021	2
2022	4
2023	5
2024	7
Development Services	13
2020	5
2022	3
2023	3
2024	2
Engineering and Corporate Assets	332
2011	1
2017	3
2018	8
2019	9
2020	23
2021	23
2022	62
2023	45
2024	158
Fire Rescue Service	52
2013	1
2018	1
2020	6
2021	5
2022	8
2023	7
2024	24
Human Services	2
2023	1
2024	1
Paramedic Service	20
2022	4
2023	7
2024	9
Police Service	6
2020	1
2024	5
Public Works	53
2020	1
2021	5
2022	4
2023	14
2024	29
Victoria Manor	15
2021	2
2022	2
2023	6
2024	5
Grand Total	690





Council Report

Report Number:	PUR2024-017
Meeting Date:	September 24, 2024
Title:	2024-084-SS Fenelon Falls WTP Membrane Expansion
Author and Title:	Linda Lee, Buyer
Co-Author and Title:	Savannah Johnson, Engineering Technician

Recommendation(s):

That Report PUR2024-017, **2024-084-SS Fenelon Falls WTP Membrane Expansion**, be received;

That Ontario Clean Water Agency (OCWA) be awarded the single source (SS) 2024-084-SS Fenelon Falls WTP Filter Membrane Expansion for the submitted price of \$395,176.74 (not including HST);

That the deficit of \$195,467.00 (including payable HST) be financed from the Water Infrastructure Reserve (1.32050); and

That subject to receipt of the required documents, the Director of Engineering and Corporate Assets be authorized to execute the agreement to award.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

Ontario Clean Water Agency (OCWA) oversees the operations and maintenance of the Fenelon Falls Water Treatment Plant (WTP) on behalf of the City. Filters at the WTP are essential for removing contaminants, improving water quality, protecting equipment, enhancing treatment efficiency, and ensuring regulatory compliance. They also aid in extending the lifespan of the treatment system.

The WTP filter system utilizes a submersible membrane system which is a proprietary packaged system from Veolia Water Technologies and Solutions. Membrane filters are composed of individual modules assembled into cassettes within a stainless steel frame.

This filter system operates as two parallel trains in a separate tank. During the summer months the WTP runs continuously due to increased water demand from the splash pad and new housing developments. As a result, each filter requires a thorough cleaning every three weeks which takes one train out of service for up to four days at a time and forces the remaining train to operate at full capacity which leads to quicker clogging.

To address these challenges, OCWA recommends upgrades including the installation of an additional cassette within the empty slot of each train and upgrading the process pumps. These improvements will allow the filters longer run time between cleans, enhance contaminant removal, ensure compliance with health standards, increase the operational efficiency and reliability, reduce maintenance costs, and extend the system's lifespan. It is noted that this upgrade will not increase the overall plant rated capacity.

In accordance with the Procurement Policy, single source purchases over \$121,000 must be approved by Council.

Rationale:

Staff recommend that Ontario Clean Water Agency (OCWA) be awarded the single source (SS) 2024-084-SS Fenelon Falls WTP Filter Membrane Expansion for the submitted price of \$395,176.74 (not including HST).

Other Alternatives Considered:

No alternative is being recommended as Veolia Water Technologies and Solutions holds the proprietary rights for the system that is currently used at the Fenelon Falls WTP. To replace the system would incur a much larger investment of funds.

Alignment to Strategic Priorities

The recommendation in the report contributes to Council’s adopted strategic plan namely:

1. An Exceptional Quality of Life
2. A Vibrant and Growing Economy
3. Good Government

Financial/Operation Impacts:

Financing for Fenelon Falls WTP Filter Membrane Expansion is included in the 2024 Capital budget:

Project Number	Original Project Budget	Other Committed Funds *see below	Project Balance	Purchase Amount (excl. HST and Contingency)	Contingency 10%	HST Payable	Total Purchase Amount	Project Balance
998240105	\$200,000	\$290	\$199,710	\$361,511	\$33,666	\$0	\$395,177	(\$195,467)

Other committed funds include internal staff labour.

Any surplus or deficit will be dealt with by the Treasury Department in accordance with the Capital Close policy.

Consultations:

- Executive Assistant – Engineering and Corporate Assets
- Supervisor of Environmental Capital Project Management
- Manager of Corporate Assets
- Supervisor of Procurement
- Treasurer
- Director of Engineering and Corporate Assets
- Director of Corporate Services

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas

Procurement File: 2024-084-SS

Council Report

Report Number: PUR2024-020
Meeting Date: September 24, 2024
Title: 2024-076-CQ Memorial Park Roadway and Parking Improvements
Author and Title: Ashley Wykes, Buyer
Ryan Smith, Manager of Parks and Recreation

Recommendation(s):

That Report PUR2024-020, **2024-076-CQ Memorial Park Roadway and Parking Improvements**, be received;

That Melrose Paving Co Ltd. be selected for the award of Request for Quotation (RFQ) 2024-076-CQ Memorial Park Roadway and Parking Improvements for the submitted price of \$1,298,116.39, not including HST;

That the deficit of \$642,631 (including payable HST) be financed from the uncommitted portion of the Capital Contingency Reserve (1.32248);

That subject to receipt of the required documents, the Director of Community Services be authorized to execute the agreement to award; and

That Community Services be authorized to issue a purchase order.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In 2017 the Parks and Recreation Division completed a Master Plan for Memorial Park. Elements for inclusion contained within the Master Plan were a much-needed playground replacement, washroom upgrades, tennis court renovations, two pavilion replacements, pathway enhancements, increased parking and accessibility improvements. Also contained within the plan was the replacement of the driveway with a one-way design to improve traffic flow. To date, upgrades to the tennis courts, replacement of the playground and washroom facility have been completed. The driveway improvements, pathways, parking upgrades and two pavilion replacements are the last remaining components to complete the Master Plan recommendations.

The Request for Quotation 2024-076-CQ Memorial Park Roadway and Parking Improvements was issued in accordance with the Procurement Policy. The RFQ was opened electronically on September 29, 2024, with the following results:

Company Name	Submission Amount
Melrose Paving Co. Ltd.	\$1,298,116.39
Powcon Inc.	\$1,299,212.50
Marquis Snow & Ice Ltd.	\$1,329,551.10
Envision Excavating Ltd.	\$1,407,110.00
Real Landscaping Plus Inc.	\$1,422,022.59
Gerald Everson Excavating Ltd.	\$1,447,413.78
W.G Jackett & Sons Construction Ltd	\$1,476,178.61
1799877 Ontario Inc. (Young's Construction)	\$1,556,036.78
Dufferin Construction Company, A division of CRH Canada Group Inc.	\$1,806,000.00
Four Brothers Construction	\$1,953,947.50
Brennan Paving & Construction Ltd.	\$1,989,232.50

Melrose Paving Co. Ltd. was the lowest compliant submission. References were checked and found to be favorable.

Rationale:

Currently, the driveway at Memorial Park is a closed loop that enters and exits to Lindsay Street South. The driveway is narrow and often creates challenges when vehicles are entering and exiting the property. The proposed driveway will allow one-way traffic to travel through the park, reducing congestion and vehicular conflict. Memorial Park is a high priority park within the municipality with hundreds of visitors enjoying the park each year. Recent improvements to the amenities have created an increase in traffic to the park. The new proposed driveway, with concrete curbing, will help manage traffic flow and increase parking along the curb lane while minimizing vehicular damage to the park from straying motorists. This project also incorporates the replacement of the highly utilized pavilions. Pavilions within Memorial Park are rented by residents and visitors to host events like family reunions, corporate team building events, family celebrations and community events. There are four pavilion structures currently located in the park. Pavilions 1 and 2 are in good condition however Pavilions 3 and 4 are at the end of their lifecycle and are in need of replacement. The proposed project will see these two pavilions replaced and accompanied by accessible parking improvements at the specific structures that will align with the new drive. The recent upgrades to the washroom building included the sanitary sewer and waterline. This infrastructure is in the driveway from Lindsay Street South and requires resurfacing. The parking lot expansion adjacent to the tennis/pickle ball courts will support the community and the increased court demand for pickle ball. This driveway reconstruction project has been deferred for multiple years amplifying the need for this work to take place.

Other Alternatives Considered:

No alternative is being recommended as a competitive procurement process was issued and the lowest compliant bidder is being recommended.

Alignment to Strategic Priorities

This project aligns with the following Strategic Priorities:

1. An Exceptional Quality of Life – Making improvements to Memorial Park will help promote physical activity and a healthy lifestyle for residents and visitors of Kawartha Lakes.
2. A Vibrant and Growing Economy – The park improvements will help promote Kawartha Lakes as a tourist destination.

3. Good Government – Improving the park will promote continuous improvement and innovation, and ensure municipal assets are well maintained and managed.

Financial/Operation Impacts:

Financing for 2024-076-CQ Memorial Park Roadway and Parking Lot Improvements is included in the 2024 Capital budget. The deficit will be financed from the uncommitted Capital Contingency Reserve.

Project Number	Original Project Budget	Other Committed Funds *see below	Project Balance	Purchase Amount (excl. HST)	Contingency 15%	HST Payable	Total Amount	Project Balance
950240108	\$900,000	\$23,522	\$876,478	\$1,298,116	\$194,718	\$26,275	\$1,519,109	(\$642,631)

Other committed funds include the costs associated with the development of the detailed design and specifications that were used to tender the project.

Any surplus or deficit will be addressed by the Treasury Department in accordance with the Capital and Special Project Policy.

Consultations:

Treasurer
 Supervisor, Procurement

Department Head email: jjohnson@kawarthalakes.ca

Department Head: Jenn Johnson

Department File: 2024-076-CQ

Council Report

Report Number: PUR2024-021
Meeting Date: September 24, 2024
Title: 2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update Change Order
Author and Title: Linda Lee, Buyer
Nafiur Rahman, Supervisor, Environmental Capital Project Management

Recommendation(s):

That Report PUR2024-022 2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update Change Order, be received;

That the budget be increased by \$169,501.00 (not including HST) to accommodate additional expenditures incurred;

That the additional expenditure of \$169,501.00 required to complete the Water Wastewater Master Plan project be financed from the Development Charges Reserve (3.24140), equally from the Water Treatment and Wastewater Treatment accounts;

That the Department be authorized to issue an increase to the purchase order.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update was awarded at Council on June 21, 2022 with the following resolution:

11.1.8 PUR2022-024

2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update

Linda Lee, Buyer

CR2022-207

That Report **PUR2022-024 2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update**, be received;

That T.Y. Lin International Inc. being the highest scoring proponent, be selected for the award of Request for Proposal 2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update for the amount of \$713,338.00 not including HST;

That the additional expenditure of \$209,777.00, be financed equally by the Water Treatment and Wastewater Treatment accounts of the Development Charges Reserve Fund;

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the contract to award this Proposal; and

That the Procurement Division be authorized to issue a purchase order.

Carried

As noted in the original Council Report it was difficult to accurately estimate the type and extent of field testing required for the assessment of the servicing and capacity study update. Instead, staff considered and received unit prices from the proponent for various field tests in the RFP. The current RFP allowed unit price for each type of field test, as provisional.

As part of this servicing study a flow monitoring field testing program was undertaken to collect flow data within Lindsay, Bobcaygeon and Fenelon Falls sanitary collection systems for the purposes of establishing sanitary flow rates and patterns, as well as assessing the amount of rainfall-derived extraneous flows in the networks and undertaking sanitary system model calibration. Staff utilized the contingency to

authorize this work through a change order based on the unit rate price from the contract.

Based on updated model results for water systems T.Y. Lin is currently reviewing if there is a need for hydrant flow tests to collect model parameter to be used for model calibration. T.Y. Lin has recommended adding six additional tests which would cost \$15,000 based on the unit rate price from the contract.

The level of effort required to complete the study has exceeded what was anticipated when T.Y. Lin submitted the proposal in 2022. In general, the project schedule has had to be extended due primarily to delays in the progress of Growth Management Strategy (GMS) process, which is integral to informing the Infrastructure Planning exercise. This delay also resulted in additional meetings and overall project management effort, as well as some additional technical analysis as the planning forecasts evolved and new considerations were triggered.

Rationale:

Staff recommend that the budget be increased by \$169,501.00 (not including HST) to accommodate additional expenditures incurred.

Other Alternatives Considered:

No other alternative is being considered as a T.Y Lin International Inc. was the awarded Proponent for this work.

Alignment to Strategic Priorities

Servicing Master Planning supports the City’s priority of Good Government by planning for and providing critical assets and infrastructure in an affordable and sustainable manner. Water-wastewater infrastructure is critical in supporting a vibrant and growing economy.

Financial/Operation Impacts:

Funds for 2022-13-CP Water and Wastewater Servicing and Capacity Master Plan Update was approved through the 2022 Capital Budget.

Project Number	Original Project Budget	Other Committed Funds *see below	Project Balance	Purchase Amount (excl. HST)	Field Test Contingency* see below	HST Payable	Total Amount	Project Balance
998210408	\$909,777	\$966,075	(\$56,298)	\$96,245	\$15,000	\$1,958	\$113,203	(\$169,501)

Other committed funds include the amount committed for the original part of the project and estimated internal staff labour charges of \$25,000.

Field Test Contingency amount includes \$15,000 for any additional field testing that may be required, as per the recommendation made by T.Y. Lin.

The additional funds will be financed equally from the Water Treatment and Wastewater accounts of the Development Charges Reserve, based on costs incurred.

Servicing Implications:

Master plans are long-range plans which integrate infrastructure requirements for existing and future land use with environmental assessment planning principles. This Water-Wastewater Servicing and Capacity Master Plan Update will identify all reasonable and feasible servicing solutions and infrastructure improvement projects with associated costs required to address each growth strategy as well as those projects needed for sustainability and security of current and future infrastructure capacity and operations. This Master Plan Update will also be an input into the budget and planning process in development of water-wastewater capital forecasts and work plans for City staff to proceed with those undertakings.

Consultations:

Executive Assistant – Engineering and Corporate Assets
Treasurer
Supervisor of Procurement
Director of Engineering and Corporate Assets
Director of Corporate Services

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering and Corporate Assets

Department File: 2022-13-CP

Council Report

Report Number:	CA2024-003
Meeting Date:	September 24, 2024
Title:	Early-Start Approval for Designated Proposed 2025 Capital and Special Projects
Description:	This report recommends that Council confirm early-start approval for designated proposed 2025 capital and special projects for which timely initiation is considered essential.
Author and Title:	Dr. Adam Found, Manager of Corporate Assets

Recommendation(s):

That Report CA2024-003, **Early-Start Approval for Designated Proposed 2025 Capital and Special Projects**, be received;

That the capital projects identified in Table 1 of Report CA2024-003 proceed early as part of the 2025 Tax-Supported Capital Budget, as per with Mayoral Decision 06-2024;

That the special projects identified in Table 2 of Report CA2024-003 proceed early as part of the 2025 Special Projects Budget, as per Mayoral Decision 06-2024;

That Council approve proceeding with a grant application under the Community Sport and Recreation Infrastructure Fund for the Emily/Omemee Arena Ice Pad System by October 29, 2024 as per Table 1 of Report CA2024-003; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this agreement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

As part of the budget preparation process, staff has identified 2025 capital and special projects for which early-start approval is considered essential. These projects are outlined in Tables 1 and 2 below, wherein proposed expenditures and associated financing are indicated.

Table 1: Proposed 2025 Capital Projects Requiring Early-Start Approval								
Project	Primary Treatment or Activity	Expenditure (\$)	Financing (\$)					Total
			Asset Mgt. Reserve	DC Reserve	Public Works Fleet Reserve	ICIP Grant	Debtenture	
Ambulances (6)	Replacement	450,000	450,000					450,000
Ambulance and Equipment (1)	Acquisition	135,000		135,000				135,000
Buses (5)	Replacement	1,000,000			392,500	607,500		1,000,000
King St. Bridge Expansion Joints	Design; Replacement	650,000					650,000	650,000
Omemee Arena Ice Pad System	Replacement	2,900,000					2,900,000	2,900,000
Total		5,135,000	450,000	135,000	392,500	607,500	3,550,000	5,135,000

Table 2: Proposed 2025 Special Projects Requiring Early-Start Approval						
Project	Scope, Source and or Rationale	Expenditure (\$)	Financing (\$)			Total
			Special Projects Reserve	DC Reserve	General Contingency Reserve	
Municipal Websites	Renewal and redesign of City's websites.	400,000	150,000		250,000	400,000
Total		400,000	150,000	-	250,000	400,000

The Mayor has provided early-start approval for the projects identified in Tables 1 and 2 in Mayoral Decision 06-2024.

Rationale:

In past years, staff has brought forward to Council capital and special projects proposed for the upcoming year for which early-start approval is considered essential. In a non-election year, deliberations of proposed capital and special project budgets routinely occurred in November-December, with early-start approval for designated projects being sought from Council in the preceding September. Early-start approval for a capital or special project is typically considered essential if one or more of the following reasons pertains, with each reason representing a high threshold:

1. Mitigate or prevent major service disruption or non-compliance with legislation, or a significant risk thereto.
2. Secure substantial grant funding, cost avoidance or efficiencies through timely project approval, commencement or procurement, or orderly project sequencing.

3. Address other pressing and time-sensitive matters relating to capital or special projects proposed for the upcoming year.

Accordingly, recommendations to propose capital or special projects for early-start approval are not taken lightly by staff. Based on information received from City divisions and other sources, the following details recommended early-start approval for the projects identified in Tables 1 and 2 above.

Ambulances (6) and Ambulances and Equipment (1): Of the Multiyear Capital Projects program, these capital projects entail the replacement of six ambulances, for a total of \$1,920,000 over 2025-2026, and the growth-driven acquisition of one equipped ambulance, for a total of \$570,000 over 2025-2026. The financial entries for these projects in Table 1 relate only to the 2025 installments thereof, reflecting deposits required upfront to secure ambulance orders and pricing. For these projects, staff is recommending a multiyear clustered replacement and acquisition strategy designed to reset ambulance replacement cycles considering the extremely long lead times which have recently developed between the ordering and delivery of new ambulances. Paramedic Service has advised that such lead times have increased to approximately two years. The desired outcome of the proposed strategy is to reset ambulance replacement cycles such that future capital budgets identify ambulances for replacement when they have two years of expected useful life remaining. Key to the strategy and the minimization of capital costs is the timely securing of ambulance pricing by October of 2024. As such, it is recommended that the ambulance projects be given early-start approval.

Buses (5): Of the Public Works Fleet program, this capital project entails replacement of five buses, and it is supported extensively by the transit stream of the Investing in Canada Infrastructure Program (ICIP) grant. Staff recently entered discussions with the City of Peterborough to purchase five like-new buses which are surplus to their needs. This inter-municipal arrangement benefits both parties, allowing Peterborough to offload surplus buses while enabling Kawartha Lakes to obtain like-new buses under advantageous conditions respecting pricing and delivery. Due to the financial circumstances of the City of Peterborough in respect of these buses, however, Fleet and Transit Division advises that early-start approval of the Buses project is required to ensure that the pressing procurement timeline set by the City of Peterborough is met.

King St. Bridge Expansion Joints: Of the Bridges and Culverts program, this capital project entails design and replacement of the expansion joints of the King St. Bridge in Omemee. As the bridge forms part of a connecting link, as defined by the Ministry of Transportation, this project is eligible for the Connecting Links Program (CLP) grant,

which supports up to 90% of eligible capital costs to a maximum of \$3,000,000. Through this grant, the City secured \$3,000,000 toward the improvements made to King St. in Omemee over 2022-2024. The application for the CLP grant requires that the subject project be approved by Council, and the deadline to apply through the 2024 intake is November 13, 2024. As such, it is recommended that the King St. Bridge Expansion Joints project be given early-start approval.

Emily - Omemee Arena Ice Pad System: Of the Recreation Facilities program, this capital project entails the replacement of the ice pad system at the Emily - Omemee Arena. Earlier this year, Ontario announced the Community Sport and Recreation Infrastructure Fund (CSRIF), a new grant aimed at supporting state-of-good-repair and expansionary capital works relating to sport and recreation facilities owned by municipalities, indigenous communities, and not-for-profit organizations. The grant has two streams with the following purposes: (i) repair and upgrade of existing sport and recreation facilities; (ii) building of new and transformative sport and recreation facilities. For municipalities, the CSRIF supports up to 50% of eligible costs to a maximum of \$1,000,000 for stream (i) and \$10,000,000 for stream (ii). As stream (ii) has no application deadline, staff expect to report to Council on that front in the near term. As for stream (i), staff has identified the Emily - Omemee Arena Ice Pad System as the most suitable project. An application to the CSRIF requires that the subject project be approved by Council, and the deadline to apply through stream (i) is October 29, 2024. As such, it is recommended that the Emily - Omemee Arena Ice Pad System project be given early-start approval.

Municipal Websites: This special project entails the redesign and enhancement of the City's various websites, as these websites are approaching the end of their useful lives on current technology. Corporate Services advises that timely procurement is required to ensure that the communications and online services delivered through the City's municipal, tourism and library websites continue uninterrupted. The current contract for these services ends June 30, 2025, and the project requires a minimum of eight months to be completed. The project must commence before October 15, 2024 to ensure the new websites go live by June 30, 2025. As such, it is recommended that the Municipal Websites project be given early-start approval.

Other Alternatives Considered:

Council may choose to amend the early start projects that have been approved by the Mayoral Decision through a similar process to what is required to amend the Mayor's Proposed Budget under the new Strong Mayor Legislative framework. Should Council decide to make an amendment, a motion would be required at this meeting to amend

the Mayor approved early start projects. Should the Mayor disagree with the amendment adopted by Council, the Mayor may issue a veto of the amendment. In that event, an opportunity to override the veto would be explained to Council at that time by staff. This would require a 2/3rds vote by Council to reinstate the amendment.

Alignment to Strategic Priorities:

The recommendations of this report support responsible financial and asset management, and hence align with the strategic priority of “Good Government” identified in the City’s 2024-2027 Strategic Plan.

Financial/Operation Impacts:

The expected financial and operational impacts of not providing early-start approval for the capital and special projects identified in Tables 1 and 2 are those previously noted.

Consultations:

Senior Management Team

Asset Management Team

Finance Team

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering and Corporate Assets

Council Report

Report Number:	ENG2024-027
Meeting Date:	September 24, 2024
Title:	Ellice Street Reconstruction and Water-Wastewater Main Replacement
Description:	As a result of unforeseen circumstances, this report requests Council to increase the budgets of 2024 capital projects relating to the reconstruction of Ellice Street and the replacement and expansion of water-wastewater mains under that street.
Author and Title:	Corby Purdy, Manager, Infrastructure, Design and Construction

Recommendation(s):

That Report ENG2024-027, **Ellice Street Reconstruction and Water-Wastewater Main Replacement**, be received;

That the budget for capital project 983240303 (Ellice St. - Clifton St. to Wychwood Cres.) be increased by \$150,000, with that increase financed as follows: (i) \$15,000 by the Roads Account of the Development Charges Reserve Fund and (ii) \$135,000 by tax-supported debenture;

That the budget for capital project 998240411 (Ellice St. Mains - Clifton St. to Wychwood Cres.) be increased by \$1,618,000, with that increase financed as follows: (i) \$456,918 by the Water Distribution Account of the Development Charges Reserve Fund, (ii) \$205,282 by water debenture, and (iii) \$955,800 by wastewater debenture; and

That staff be authorized to issue to GIP Paving Inc. change orders in connection with these budget increases as necessary.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At its meeting of February 20, 2024, Council adopted the following resolution:

CR2024-075

That Report PUR2024-004, 2024-011-CQ Ellice Street Reconstruction, be received;

That GIP Paving Inc. of Bowmanville be selected for the award of Request for Quotation 2024-011-CQ Ellice Street Reconstruction for the tender price of \$4,463,239.70 (not including HST);

That the deficit of \$1,570,507.00 in water-wastewater project 998240411 be financed \$270,912.46 (17.25%) by Water Debenture, \$514,341.04 (32.75%) by the Water Distribution Account of the Development Charges Reserve, and \$785,253.50 (50%) by Wastewater Debenture;

That subject to the receipt of the required documents, the Director of Engineering and Corporate Assets be authorized to execute the agreement to award Request for Quotation #2024-011-CQ; and

That the Engineering and Corporate Assets Department be authorized to issue a purchase order.

Carried

This project consists of two coordinated component projects as follows:

1. Ellice St. - Clifton St. to Wychwood Cres.: Approved as part of the 2024 Tax-Supported Capital Budget, this project entails reconstruction of the road and replacement of the storm sewer under it and is currently budgeted \$2,754,000.
2. Ellice St. Mains - Clifton St. to Wychwood Cres.: Approved as part of the 2024 Water-Wastewater Capital Budget, this project entails replacement and expansion of the watermain and replacement of the sewer under the road and is currently budgeted \$2,581,507, given CR2024-075.

During the design stage of the project, exploratory work and geotechnical analysis were conducted to determine material and chemical composition as well as groundwater levels of the project's site. The results of this work, as summarized in the geotechnical report attached as Appendix A to this report, indicated that the site was of a standard composition with expected bedrock elevations, that road base materials were acceptable for reuse from a chemical viewpoint, and that groundwater levels would be manageable without extraordinary dewatering techniques or efforts.

The construction tender for the project was released based on that geotechnical report, with the City's request for tender informing potential bidders that trench dewatering could be completed with sump and local pumping only. This expectation was consistent with the City's recent experience with comparable projects, such as the reconstruction of nearby Murray Street in 2022. In addition, the request for tender identified a provisional item for the removal of a relatively small quantity of hazardous material from the road base.

As a result of the taking of additional soil samples to comply with O.Reg 406/19 (On Site and Excess Soil Management), staff learned during the early stages of construction of elevated levels of contaminated material in the road base. This necessitated a major increase in the volume of soil required to be removed from the site and treated at a special facility. Furthermore, groundwater levels observed during construction were and continue to be much higher than indicated by the original geotechnical report. As such, the City and GIP Paving registered water taking activities on the Environmental Activity and Sector Registry, allowing for the taking of up to 400,000 L/day without a permit to dewater the site. However, the need for dewatering is so extensive, far beyond 400,000 L/day, that the City and GIP Paving submitted an application for a permit to take water, which is under review by the Ministry of Environment, Conservation and Parks.

As a result of these unforeseen circumstances, this report requests that Council increase the budgets for the affected capital projects.

Rationale:

The unforeseen volume of contaminated soil at the site is estimated to entail a budget increase of \$300,000. This relates to the legislated requirement that the contaminated soil be removed and transported to and treated at a facility specialized in the processing of such material. As reflected in the recommendations of this report, staff has determined that the \$300,000 in increased cost is attributable equally to the road and water-wastewater components of the project. In turn, staff has determined the \$150,000 water-wastewater share of this cost to be equally attributable to the watermain and sewer.

The unforeseen high groundwater at the site is estimated to entail a budget increase of \$1,468,000, which comprises the following contributors: (i) \$703,300 relating to the need for enhanced dewatering techniques and efforts (e.g., securing of permits, use of large pumps, installation of settlement tanks, sampling of water discharge quality, recording of discharge rates, monitoring and reporting, regulatory compliance etc.) and (ii) \$764,700 relating to the need to resort to a less efficient approach to construction (e.g., delays in work caused by high groundwater and waiting for permits to take water,

awkward staging of work and timing of pipe installation, temporary water supply and asphalt during winter, winterized installation of curb and gutter etc.). As reflected in the recommendations of this report, considering the sewer is of greater depth than the watermain, staff has determined that the \$1,468,000 in increased cost is attributable to the watermain and sewer at rates of 40% and 60%, respectively.

Other Alternatives Considered:

No other alternatives are being considered at this time, as the project is well underway and the recommendations of this report reflect the most cost-efficient approach to completing the project in light of the unforeseen circumstances stated above and the legislative compliance obligations arising from them.

Alignment to Strategic Priorities

The recommendations of this report align with Council’s 2024-2027 Strategic Plan as follows:

1. Healthy Environment: Contributed to by removal of contaminated soil in the road base and renewal of water-wastewater infrastructure.
2. An Exceptional Quality of Life: Contributed to through asset renewal and watermain expansion required to serve growth in Fenelon Falls.
3. A Vibrant and Growing Economy: Contributed to through asset renewal and watermain expansion required to serve growth in Fenelon Falls.
4. Good Government: Contributed to through asset renewal and compliance with legislation and regulatory requirements.

Financial/Operation Impacts:

The financial impacts associated with the recommendations of this report are those noted below.

Project Number	Project Budget	Other Committed Funds *see below	Project Balance	Purchase Amount (excl. HST)	HST Payable	Total Amount	Project Balance
983240303	\$2,754,000	\$2,600,995	\$153,005	\$150,000	\$2,640	\$152,640	\$365
998240411	\$2,581,507	\$2,492,781	\$88,726	\$1,618,000	\$28,478	\$1,646,478	(\$1,557,752)
Totals	\$5,335,507	5,093,776	\$241,731	\$1,768,000	\$31,118	\$1,799,118	(\$1,557,387)

Consultations:

Ministry of Environment, Conservation and Parks

GIP Paving Inc.

Manager of Corporate Assets

City Treasurer

Attachments:

Appendix A: Geotechnical Investigation Report



2024-011-CQ Annex
3 - Geotechnical Inves

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering and Corporate Assets



Geotechnical Investigation Report

Elliot Street, Ellice Street, Murray Street, West Street and Green Street Fenelon Falls, Ontario

The Corporation of the City of Kawartha Lakes

GHD | 347 Pido Road Unit 29 Peterborough Ontario K9J 6X7 Canada
11139234| 01| Report No 1 | January 3, 2016



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1. Introduction

This report presents the results of a Geotechnical Investigation that was conducted for the proposed replacement of municipal services and road reconstruction of various roadway sections within the Village of Fenelon Falls, in the City of Kawartha Lakes, Ontario, Canada. GHD Limited (GHD) was retained by the Corporation of the City of Kawartha Lakes (the Client) to complete this geotechnical investigation. The work conducted for this investigation was carried out under the authorization of Mr. Taylor Burke, representing the Client, in accordance with our proposal No. PG- 3710, dated November 2, 2016.

It is GHD's understanding that the project shall consist of road reconstruction including replacement of watermain, sanitary sewer and storm sewer, for the following sections of roadway:

-) Elliot Street from Lindsay Street to Juniper Street;
-) Ellice Street from Juniper Street to Wychwood Crescent;
-) Murray Street from Elliot Street to West Street;
-) West Street from Murray Street to Lindsay Street; and
-) Green Street and Murray Street to Lindsay Street.

The Request for a Quotation (RFQ) RFQ 2016-ENGG 01, included a site plan illustrating the Client's requested borehole locations and directions regarding borehole depths and soils testing specifications.

2. Purpose and Scope

The purpose of this geotechnical investigation is to define the subsurface soil and groundwater conditions at the project site and to develop geotechnical engineering recommendations regarding earthwork construction, reuse of existing soils and backfill material, dewatering and drainage, service installation (including bedding and backfill), and pavement structure. In addition, excess soils handling options will be provided based on chemical laboratory results. The information contained herein must in no way be construed as an opinion of this site's environmental status.

The following scope of work was performed in order to accomplish the foregoing purposes:

1. Underground services were cleared prior to advancing the boreholes. The boreholes were located as shown on the Test Hole Location Plan (Figures 1 to 5). The Client provided a plan with the requested borehole locations; the boreholes were located and advanced in locations as close as possible to those requested locations taking into account the location of existing services.



2. The subsurface soils conditions were explored by advancing, sampling and logging a total of eleven (11) boreholes to depths at which practical refusal to further borehole advancement was encountered. The depth of practical refusal ranged from approximately 0.5 to 2.4 metres below existing grade (mbeg).
3. Traffic control was carried out in accordance with OTM Book 7 (January 2014).
4. The ground at the borehole locations was reinstated as close as possible to its original condition upon completion of the fieldwork.
5. Physical laboratory analysis of the encountered material was carried out including grain size analysis and moisture content tests.
6. As requested, three (3) soil samples were submitted for chemical laboratory analysis of benzene, toluene, ethylbenzene, and xylenes (BTEX), petroleum hydrocarbons (PHCs, F1 to F4), Polychlorinated Biphenyls (PCBs), and a suite of metals and inorganics including electrical conductivity (EC) and sodium adsorption ratio (SAR).
7. Geotechnical engineering analysis of acquired field and laboratory data have been compiled in this report outlining our findings, conclusions, and geotechnical engineering recommendations.

3. Field and Laboratory Procedures

A field investigation was conducted under the supervision of GHD staff on December 9, 2016. The work consisted of subsurface exploration by means of advancing and sampling a total of eleven (11) exploratory boreholes to practical refusal, which occurred at depths ranging from about 0.5 to 2.4 mbeg. The location of each borehole is illustrated on the attached Test Hole Plans (Figures 1 to 5).

A detailed log of each borehole was maintained and representative samples of the materials encountered in the boreholes were collected. A detailed log of each borehole is presented in Appendix A.

The boreholes were advanced using a truck mounted drill rig equipped with continuous flight, 115mm diameter, solid stem power augers. Representative, disturbed samples of the strata penetrated were obtained directly from auger cuttings. Disturbed samples were also obtained using a split-barrel, 50 mm outer-diameter (OD) sampler advanced by a 63.5 kg hammer dropping approximately 760 mm. The results of these standard penetration tests (SPT's) are reported as "N" values on the borehole logs at the corresponding depths.

Soil samples obtained from the boreholes were inspected in the field immediately upon retrieval for type, texture, and colour. All test holes were backfilled following completion of the fieldwork,. All samples were sealed in clean plastic containers and transported to the GHD laboratory for further visual-tactile examination, and to select appropriate samples for laboratory analysis.

Groundwater measurements and observations were obtained from the open boreholes during drilling operations. Groundwater data is presented on individual borehole logs.



Physical laboratory testing was completed on soil samples, and consisted of moisture content tests on all samples recovered and gradation analyses on eight (8) representative soil samples (including three (3) hydrometers). The analytical results of the moisture content tests are plotted on the attached logs. The results of the gradation testing are incorporated into the borehole logs, and are presented graphically in Appendix B.

Three (3) soil samples obtained from boreholes specified by the Client were submitted to Caduceon Environmental Laboratories (CEL) for chemical testing of O.Reg 153 parameters; BTEX, PHCs (F1 to F4 fractions), PCBs and a suite of metals and inorganics including EC, SAR. CEL's Certificates of Analysis for the testing are included in Appendix C.

4. Site Location and Surface Conditions

The subject area (Site) consists of five existing streets located within the Village of Fenelon Falls, City of Kawartha Lakes, Ontario. The investigated roadway sections are as follows:

-) Elliot Street from Lindsay Street to Juniper Street;
-) Ellice Street from Juniper Street to Wychwood Crescent;
-) Murray Street from Elliot Street to West Street;
-) West Street from Murray Street to Lindsay Street; and
-) Green Street and Murray Street to Lindsay Street.

The site topography is generally flat to rolling, with elevation generally dropping to the south and east. Surrounding properties are a mixture of residential and commercial use properties.

5. Subsurface Conditions

5.1 General

Details of the subsurface conditions encountered at the Site are graphically presented on the borehole logs (Appendix A). It should be noted that the boundaries between the strata have been inferred from the borehole observations and non-continuous samples. They generally represent a transition from one soil type to another, and should not be inferred to represent an exact plane of geological change. Further, conditions may vary between and beyond the boreholes.

The boreholes generally encountered a surficial layer of asphalt over fill, over inferred bedrock. Groundwater was not encountered in the open boreholes during drilling operations. Practical refusal to borehole advancement was encountered in all the boreholes. The presence of bedrock was inferred at the depths of refusal, while zones of weathered bedrock were also inferred above such depths of refusal.



The following sections describe the soil and groundwater conditions encountered in more detail.

5.2 Asphalt

A surficial layer of asphalt was encountered in all boreholes. The asphalt thickness ranged from approximately 25 to 100 mm.

5.3 Fill

Layers of fill were observed immediately beneath the asphalt in nine (9) boreholes. The fill extended to depths ranging from approximately 0.4 and 2.0 mbeg. The fill generally consisted of brown sand and gravel, containing varying amount of silt, occasional cobbles, and was noted to exist in a compact occasionally loose, moist in-situ state.

Moisture content tests conducted on samples of the fill yielded values of approximately 3 to 12 % moisture by weight. Grain size distribution analysis conducted on representative samples of the fill suggest the following compositional ranges: 4 to 50 % gravel; 28 to 63 % sand; and 11 to 23 % silt and clay-sized particles. All samples of the fill tested did not meet Ontario Provincial Standard Specifications (OPSS) for Granular B Type I material due to an excess of fine grained soils. Three of the four samples tested do meet grain size distribution OPSS for Select Subgrade Material (SSM).

5.4 Bedrock (Inferred)

All eleven (11) of the boreholes encountered practical refusal to further borehole advancement during drilling operations. Details regarding these depths are provided on the borehole logs (Appendix A). Based on the overall drilling results, and a general knowledge of subsurface conditions in the vicinity of this project, the cause of the refusal was inferred to be the presence of bedrock. A layer of material that was inferred to be weathered/fractured bedrock overlying the more competent bedrock was encountered in five (5) boreholes.

The following table summarizes the depth of practical refusal (inferred bedrock) and inferred weathered bedrock in each borehole location.



Table 5.1 Depth to Practical Refusal (Inferred Bedrock) and Weathered Bedrock

Street Name	Borehole ID	Depth to Inferred Weathered Bedrock (mbeg)	Depth to Practical Refusal (Inferred Bedrock) (mbeg)
West Street	BH-1	NE	0.5
Murray Street	BH-2	NE	0.5
	BH-3	0.4	1.7
	BH-4	NE	1.2
	BH-6	0.4	1.2
Green Street	BH-5	0.1	2.3
Elliot Street	BH-7	0.1	1.1
	BH-8	NE	0.8
Ellice Street	BH-9	1.2	1.4
	BH-10	2.0	2.4
	BH-11	NE	0.7

Note:
 mbeg – metres below exterior grade
 NE – Weathered bedrock not inferred

Due to the general properties of bedrock material in this area, (including a zone of highly weathered/fractured bedrock near its surface), and the nature of drilling with penetrative augering equipment, definitive information regarding the exact depth of the bedrock surface is difficult to obtain from boreholes alone. It is possible that some of the material shown as being fill in the logs may be highly weathered/fractured/fragmented bedrock that was penetrated by the drilling prior to practical refusal occurring. Conversely, some of the material shown as weathered bedrock on the borehole logs may be a fill or a glacial till material containing higher levels of cobbles and/or fractured rock particles. Further exploration (i.e., test pitting and/or diamond coring) to confirm the bedrock presence and properties was not conducted as part of this investigation.

Moisture content tests conducted on augered samples of the inferred weathered bedrock yielded values ranging from approximately 2 to 8 % moisture by weight. Grain size distribution analyses conducted on augered samples of the inferred weathered bedrock material suggest the following compositional ranges: 31 to 63 % gravel; 26 to 60 % sand; and 8 to 18 % silt and clay-sized particles. Hydrometer analyses conducted on these samples suggests it contains 5 to 8 % particles between 5 and 75 μm in size. It is noted that the augering action on this material may have caused a crushing action on some particles, thereby increasing the fine-grained particle content in the augered samples obtained.



5.5 Groundwater

Groundwater observations and measurements were obtained from the open boreholes during and upon completion of drilling each borehole. Groundwater seepage or accumulation was not encountered in any of the boreholes during drilling operations.

It must be noted that groundwater levels are transient and tend to fluctuate with the seasons, periods of precipitation, and temperature.

5.6 Chemical Analysis

Three (3) soil samples obtained from boreholes specified by the Client were submitted to CEL for chemical testing of O.Reg 153 parameters of BTEX, PHCs (F1 to F4), PCBs and a suite of metals and inorganics including EC, SAR. CEL's Certificates of Analysis for the testing are included in Appendix C.

The results of the chemical analyses are presented in Tables 5.1 and 5.2 below, and are compared to Ministry of the Environment and Climate Change (MOECC) Table 2 Full Depth Generic Site Condition Standards in a Potable Groundwater Condition, coarse textured soil ("Soil, Groundwater and Sediment Standards for use Under Part XV.1 of the Environmental Protection Act", April 15, 2011), Residential / Parkland / Institutional (RPI) Property Use.

Table 5.2 Summary of BTEX, PHCs and PCBs

Parameter	Sample Identification			MOECC Table 2*
	BH-4, SS-1 Dec. 9, 2016	BH-7, SS-1 Dec. 9, 2016	BH-10, SS-1 Dec. 9, 2016	
PHC F1 (C6 to C10)	< 10	< 10	< 10	55
PHC F2 (C10 to C16)	6	15	< 5	98
PHC F3 (C16 to C34)	20	80	60	300
PHC F4 (C34 to C50)	40	20	30	2800
Benzene	< 0.02	< 0.02	< 0.02	0.21
Ethylbenzene	< 0.05	< 0.05	< 0.05	1.1
Toluene	< 0.2	< 0.2	< 0.2	2.3
m&p-Xylene	< 0.03	< 0.03	< 0.03	NS
o-Xylene	< 0.03	< 0.03	< 0.03	NS
Total Xylenes	< 0.03	< 0.03	< 0.03	26
Poly-Chlorinated Byphenyls (PCB's)	< 0.3	< 0.3	< 0.3	0.35

Notes: all values in ug/g, unless otherwise noted. (<) denotes less than laboratory detection limits

*Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition. Soil, Ground Water and Sediment Standards for Residential/Parkland/Institutional (RPI) Use Under Part XV.1 of the Environmental Protection Act, April 15, 2011.



Table 5.3 Summary of Metals and Inorganics

Parameter	Sample Identification			MOECC Table 2*
	BH-4, SS-1 Dec. 9, 2016	BH-7, SS-1 Dec. 9, 2016	BH-10, SS-1 Dec. 9, 2016	
Antimony	< 0.4	< 0.4	< 0.4	7.5
Arsenic	< 0.5	0.9	1.6	18
Barium	29.4	19.5	23.6	390
Beryllium	0.15	0.20	0.14	4
Boron	4.6	7.1	4.4	120
Cadmium	< 0.03	0.03	< 0.03	1.2
Chromium	6.5	8.7	6.5	160
Cobalt	1.7	0.7	1.9	22
Copper	8.0	4.9	6.7	140
Lead	2.5	24.9	4.6	120
Mercury	< 0.005	0.007	< 0.005	0.27
Molybdenum	0.2	0.3	0.3	6.9
Nickel	3.9	4.4	3.6	100
Selenium	0.2	0.5	0.4	2.4
Silver	0.03	0.06	0.02	20
Thallium	0.05	0.07	0.06	1
Uranium	0.41	0.40	0.51	23
Vanadium	15.9	10.1	15.4	86
Zinc	< 30	< 30	< 30	340
pH @ 25°C	8.10	8.06	8.12	5-9(1)
Electrical Conductivity (2:1) (mS/cm)	0.73	0.54	0.42	0.7
Sodium Absorption Ratio (2:1) (no units)	3.92	3.17	2.24	5

Notes: all values in ug/g, unless otherwise noted. (<) denotes less than laboratory detection limits

*Table 2: Full Depth Generic Site Condition Standards in a Potable Ground Water Condition. Soil, Ground Water and Sediment Standards for Residential/Parkland/Institutional (RPI) Use Under Part XV.1 of the Environmental Protection Act, April 15, 2011.

Bold – Exceeds the Table 2 Provincial Standards

Sample BH-4, SS-1 exceeded EC parameter levels under Table 2 Provincial Site Condition Standards (SCS) for Agricultural (Ag), and Residential/Parkland/Institutional (RPI) land use but meets Table 2 SCS for Industrial/Commercial/Community (ICC) land use. All other parameters meet concentration under Table 2 Provincial SCS for Ag, RPI and ICC land use. See Section 6.4 of this report for commentary on handling and disposal options available for excess soils generated during construction.



6. Discussion and Recommendations

Supporting data upon which our recommendations are based have been presented in the foregoing sections of this report. The following recommendations are governed by the physical properties of the subsurface materials that were encountered at the site and assume that they are representative of the overall site conditions. It should be noted that these conclusions and recommendations are intended for use by the designers only. Contractors bidding on or undertaking any work at the Site should examine the factual results of the assessment, satisfy themselves as to the adequacy of the information for construction, and make their own interpretation of this factual data as it affects their proposed construction techniques, equipment capabilities, costs, sequencing, and the like. Comments, techniques, or recommendations pertaining to construction should not be construed as instructions to the contractor.

The boreholes generally encountered a surficial layer of asphalt over fill, over inferred bedrock. Groundwater was not encountered in the open boreholes during drilling operations. Practical refusal to borehole advancement was encountered in all the boreholes. The presence of bedrock was inferred at the depths of refusal while zones of weathered bedrock were also inferred above such depths of refusal.

Details regarding our conclusions and recommendations are outlined in the following sections.

6.1 Excavation, Dewatering and Backfill

Excavations should be carried out to conform to the manner specified in Ontario Regulation 213/91 and the Occupational Health and Safety Act and Regulations for Construction Projects (OHSA). All excavations above the water table not exceeding 1.2 m in depth may be constructed with unsupported slopes. The fill soils encountered during this investigation above the groundwater table are generally classed by OHSA as Type 3. As such, unsupported / unshored excavation walls in these soils must maintain a gradient of 1 horizontal to 1 vertical (1H:1V) or flatter, to the base of the excavation.

Any groundwater or surficial water infiltration into open excavation above the groundwater table is expected to be controlled by pumping from a sump to an acceptable outlet. Note that excavations into the underlying inferred bedrock may encounter groundwater bearing fractures or zones which may require more intensive groundwater dewatering or control methods.

Based on the borehole results, and the potential depth of excavations for this project, it is expected that construction excavation operations will encounter bedrock at variable depths throughout. It is strongly recommended that a unit price allowance for bedrock removal be included in the construction contract due to the variable bedrock elevations that are expected during the proposed construction. Excavation of any highly fractured / weathered bedrock may be possible using a large hydraulic backhoe. However, it is anticipated that the majority of any fractured and any sound bedrock to be excavated will require the use of hydraulic breaking techniques and /or blasting, preceded by property condition surveys in the effected vicinities, and accompanied by vibration monitoring during construction.



Some excavated inorganic soils may be suitable for use as service trench or pavement subgrade backfill. The existing granulars are expected to be suitable for reuse as select subgrade materials (SSM) as per OPSS. The reuse of all existing excavated soils is conditional on it being workable, at a suitable moisture content, and receiving final review and approval for such reuse at the time of construction. Some soils may require prior processing (such as aeration) to lower their moisture content before being considered for approval as backfill material.

6.2 Service Installation

The materials encountered during this investigation at the anticipated service invert elevations typically consist of inferred bedrock. As such, a normal compacted Class "B" bedding is recommended for all underground services. Class "B" bedding is Granular "A", or 19 mm crusher run (angular) limestone, as per Ontario Provincial Standards (OPSS 1010). The minimum recommended bedding thickness for the underground services is 150 mm. All bedding should be compacted to 100 % of its Standard Proctor Maximum Dry Density (SPMDD).

It is recommended that cover backfilling of the underground services be accomplished using Granular "A", sand, or other suitable material as allowed by the Municipality's standards, to a minimum of 300 mm above the pipe. Compaction of this material should attain 100 % SPMDD. It is expected that some of the excavated soils may be suitable for reuse as trench backfill, conditional upon suitable moisture content (within 2 % of optimum), final review and approval by an experienced geotechnical engineer at the time of construction, and regular monitoring and inspection of such reuse throughout construction. Compaction of any native soil in service trenches is recommended to be a minimum of 98 % of its SPMDD. The soils observed may require processing (such as aeration) to lower their moisture content to appropriate levels prior to being considered as backfill material.

It is recommended that the service bedding subgrade be inspected and approved by GHD prior to placing the bedding fill, to ensure its suitability and consistency with conditions encountered during this investigation. Bedding and backfill materials and compaction should also be inspected and tested.

6.3 Road Reconstruction

6.3.1 Road Reinstatement

For any areas where the pavement is being merely reinstated within the trenched areas versus full road-width reconstruction, the material and thicknesses of the granular and asphalt used to reinstate the trenched areas should match the existing, adjacent granular and asphalt.



6.3.2 Road Reconstruction

For sections of the roadway to be fully reconstructed following repair and/or replacement of the services, we recommend the following procedures be implemented.

1. Subexcavate the entire width of the existing roadway. Remove all asphalt, any free organic topsoil, fill, subsurface organics and organic-bearing materials, frozen earth, and boulders larger than 150 mm in diameter encountered at subgrade elevation for the full width of construction. It is expected that some of the excavated native soils may be suitable for reuse as trench backfill, conditional upon suitable moisture content (within 2 % of optimum) and final review and approval by an experienced geotechnical engineer at the time of construction.
2. Any bedrock shatter should be achieved in accordance with OPSS 202.
3. Proof roll the subgrade for the purpose of detecting possible zones of overly wet or soft subgrade. Any deleterious areas thus delineated should be replaced with acceptable earth fill or granular material compacted to a minimum of 98 % of its SPMDD.
4. Contour the subgrade surface to prevent ponding of water during the construction and to promote rapid drainage of the sub-base and base course materials.
5. To maximize drainage potential, and ensure satisfactory pavement performance, 150 mm diameter perforated pipe subdrains should be installed along any curb lines. The pipe should be encased in filter fabric and surrounded by clear stone aggregate. It is recommended that the subdrains outlet to the storm sewer system.
6. Construct transitions between varying depths of granular base materials at a rate of 1:25 minimum.

It is expected these streets will typically experience vehicular traffic in the form of passenger and commercial vehicles. Data regarding vehicular traffic volumes was not available to GHD at the time of writing this report. In this regard the following minimum flexible pavement structure is recommended for the proposed roadway reconstruction.

Table 6.1 Pavement Structure for Roadway

Profile	Material	Thickness (mm)	In Conformance with OPSS Form
Asphalt Surface	H.L.3	40	1150
Asphalt Base	H.L.8	50	
Granular Base	Granular "A"	150	1010
Granular Subbase	Granular "B"	300	



The following steps are recommended for optimum construction of paved areas:

1. The Granular "A" and "B" courses should be compacted to a minimum 100 percent of their respective SPMDD's.
2. All asphaltic concrete courses should be placed, spread and compacted conforming to OPSS Form 310 or equivalent. All asphaltic concrete should be compacted to a minimum 92.0 % of their respective laboratory Maximum Relative Densities (MRD's).
3. Adequate drainage should be provided to ensure satisfactory pavement performance.

It is recommended that all fill material be placed in uniform lifts not exceeding 200 mm in thickness before compaction. It is suggested that all granular material used as fill should have an in-situ moisture content within 2 % of their optimum moisture content. All granular materials should be compacted to 100 % SPMDD. Granular materials should consist of Granular "A" and "B" conforming to the requirements of OPSS Form 1010 or equivalent.

It is noted that the above recommended pavement structures are for the end use of the project. During construction of the project, the recommended granular depths may not be sufficient to support loadings encountered.

6.4 Excess Soil Generated During Construction – Handling Options

Section 5.6 summarizes the results of chemical testing performed on soil samples as part of this investigation. Based on these results, and anticipating that the Client will try to maximize reuse of the existing fill materials as trench and/or pavement subgrade backfill on this project site, the following handling options are recommended for excess soils excavated at this site during the proposed construction for this project:

1. Remain on-site (i.e.: appropriately reused as trench or road subgrade backfill), under the guidance of a Qualified Person (QP) as defined by the MOECC. Note that additional chemical testing is recommended during the proposed works for quality control purposes;
2. Move to another similar land setting (ie., municipal road right-of-way that is not within an environmentally sensitive area) or a Table 2 or 3 ICC property, under the guidance of a QP. Additional chemical testing to further assess EC and PHC levels in other areas of these sites is recommended prior to utilizing this option;
3. Disposed at a waste disposal landfill appropriately certified by the MOECC. This option would require further chemical testing to ensure compliance with the landfill's C of A.

Note that the chemical results are intended to generally characterize the soils and that the number of samples, or the analytical parameters tested, may not be sufficient to meet the requirements of the chosen option and additional testing may be required.

The testing completed as part of this report should not be misconstrued as an Environmental Site Assessment. Should conditions encountered or the proposed work scope vary from those described in this report, GHD should be notified to evaluate the need for further work.



6.5 General Recommendations

6.5.1 Wells

Any decommissioning of wells on-site must be performed by an appropriately- licensed well contractor, in compliance with O.Reg. 903.

6.5.2 Test Pits During Tendering

It is strongly recommended that test pits be excavated at representative locations of this Site during the tendering phase, with mandatory attendance of interested contractors. This will allow them to make their own assessments of the bedrock, groundwater and soil conditions at the Site and how these will affect their proposed construction methods, techniques and schedules.

6.5.3 Subsoil Sensitivity

The native subsoils are susceptible to strength loss or deformation if saturated or disturbed by construction traffic. Therefore, where the subgrade consists of approved soil, care must be taken to protect the exposed subgrade from excess moisture and from construction traffic.

6.5.4 Winter Construction

The subsoil encountered across the site are frost-susceptible and freezing conditions could cause problems to the pavement subgrade, pipe bedding subgrades, and/or culvert founding subgrades. Suitable protective measures should be utilized during any winter construction to ensure such subgrade soil surfaces are not compromised.

Because of the frost heave potential of soils during winter, it is recommended that the trenches for underground services be excavated with shallow transition slopes in order to minimise the abrupt change in density between the granular backfill, which is relatively non-frost susceptible, and the more frost-susceptible native soils.

6.5.5 Design Review and Inspection

Due to the preliminary nature of the design details at the time of this report, it is recommended that GHD's geotechnical group be allowed to review the roadway design, including utility profiles and final grading, prior to its finalization. In addition, we strongly recommend that our firm be retained to review the grading proposals when they are available.

Geotechnical inspection and review of foundation excavations and compaction procedures must be carried out to ensure compliance with our recommendations.



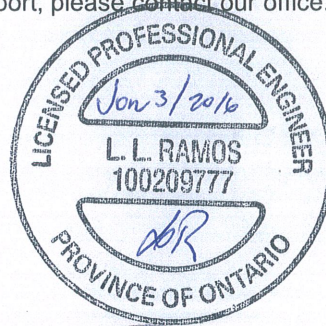
7. Statement of Limitations

The attached Statement of Limitations is an integral part of this report. Should questions arise regarding any aspect of this report, please contact our office.

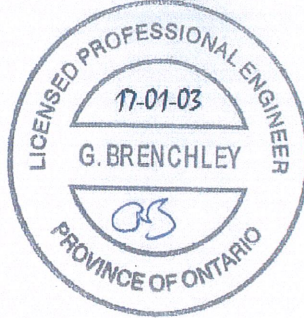
Sincerely,

GHD

Leandro Ramos, P.Eng.



Garnet Brenchley, P.Eng.





STATEMENT OF LIMITATIONS

This report is intended solely for the Corporation of the City of Kawartha Lakes and other parties explicitly identified in the report and is prohibited for use by others without GHD's prior written consent. This report is considered GHD's professional work product and shall remain the sole property of GHD. Any unauthorized reuse, redistribution of or reliance on the report shall be at the Client and recipient's sole risk, without liability to GHD. Client shall defend, indemnify and hold GHD harmless from any liability arising from or related to Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The recommendations made in this report are in accordance with our present understanding of the project, the current site use, ground surface elevations and conditions, and are based on the work scope approved by the Client and described in the report. The services were performed in a manner consistent with that level of care and skill ordinarily exercised by members of geotechnical engineering professions currently practicing under similar conditions in the same locality. No other representations, and no warranties or representations of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties.

All details of design and construction are rarely known at the time of completion of a geotechnical study. The recommendations and comments made in the study report are based on our subsurface investigation and resulting understanding of the project, as defined at the time of the study. We should be retained to review our recommendations when the drawings and specifications are complete. Without this review, GHD will not be liable for any misunderstanding of our recommendations or their application and adaptation into the final design.

By issuing this report, GHD is the geotechnical engineer of record. It is recommended that GHD be retained during construction of all foundations and during earthwork operations to confirm the conditions of the subsoil are actually similar to those observed during our study. The intent of this requirement is to verify that conditions encountered during construction are consistent with the findings in the report and that inherent knowledge developed as part of our study is correctly carried forward to the construction phases.

It is important to emphasize that a soil investigation is, in fact, a random sampling of a site and the comments included in this report are based on the results obtained at the eleven (11) test hole locations only. The subsurface conditions confirmed at the 11 test hole locations may vary at other locations. The subsurface conditions can also be significantly modified by construction activities on site (e.g. excavation, dewatering and drainage, blasting, pile driving, etc.). These conditions can also be modified by exposure of soils or bedrock to humidity, dry periods or frost. Soil and groundwater conditions between and beyond the test locations may differ both horizontally and vertically from those encountered at the test locations and conditions may become apparent during construction which could not be detected or anticipated at the time of our investigation. Should any conditions at the site be encountered which differ from those found at the test locations, we request that we be notified immediately in order to permit a reassessment of our recommendations. If changed conditions are identified during construction, no matter how minor, the recommendations in this report shall be considered invalid until sufficient review and written assessment of said conditions by GHD is completed.

Enclosures



Source: Base plan obtained from Ministry of Natural Resources and Forestry, Make a Topographic Map, accessed December 30, 2016.

Scale:
See Above
Coordinate System:
NAD 1983 UTM Zone 17



Elliot Street, Ellice Street, Murray Street, West Street and Green Street
Fenelon Falls, Ontario
Geotechnical Investigation

11139234-01
December 30, 2016

Test Hole Location Plan

FIGURE 1



Source: Base plan obtained from Ministry of Natural Resources and Forestry, Make a Topographic Map, accessed December 30, 2016.

Scale:
See Above
Coordinate System:
NAD 1983 UTM Zone 17



Elliot Street, Ellice Street, Murray Street, West Street and Green Street
Fenelon Falls, Ontario
Geotechnical Investigation

11139234-01
December 30, 2016

Test Hole Location Plan

FIGURE 2



Source: Base plan obtained from Ministry of Natural Resources and Forestry, Make a Topographic Map, accessed December 30, 2016.

Scale:
See Above
Coordinate System:
NAD 1983 UTM Zone 17

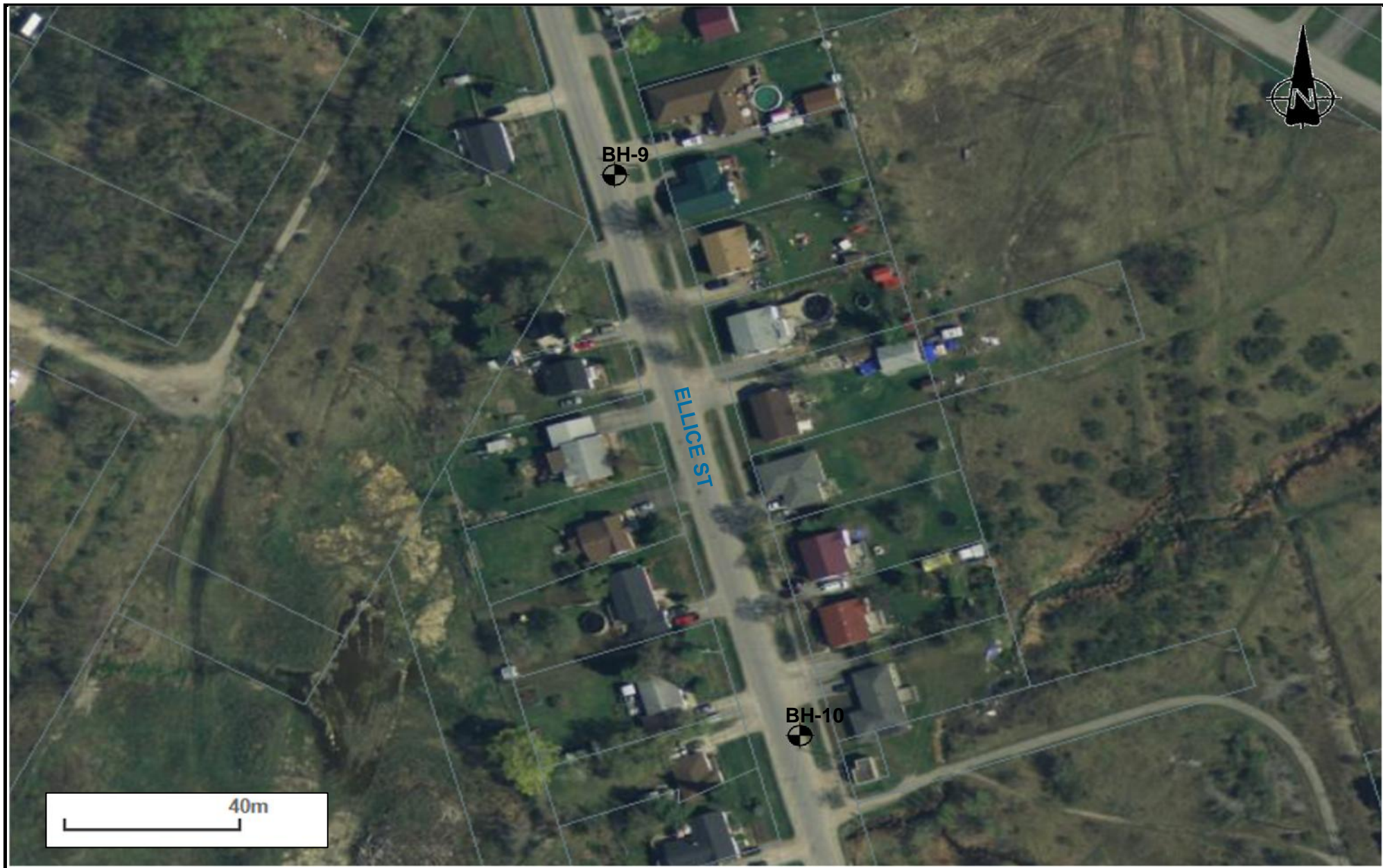


Elliot Street, Ellice Street, Murray Street, West Street and Green Street
Fenelon Falls, Ontario
Geotechnical Investigation

11139234-01
December 30, 2016

Test Hole Location Plan

FIGURE 3



Source: Base plan obtained from Ministry of Natural Resources and Forestry, Make a Topographic Map, accessed December 30, 2016.

Scale:
See Above
Coordinate System:
NAD 1983 UTM Zone 17

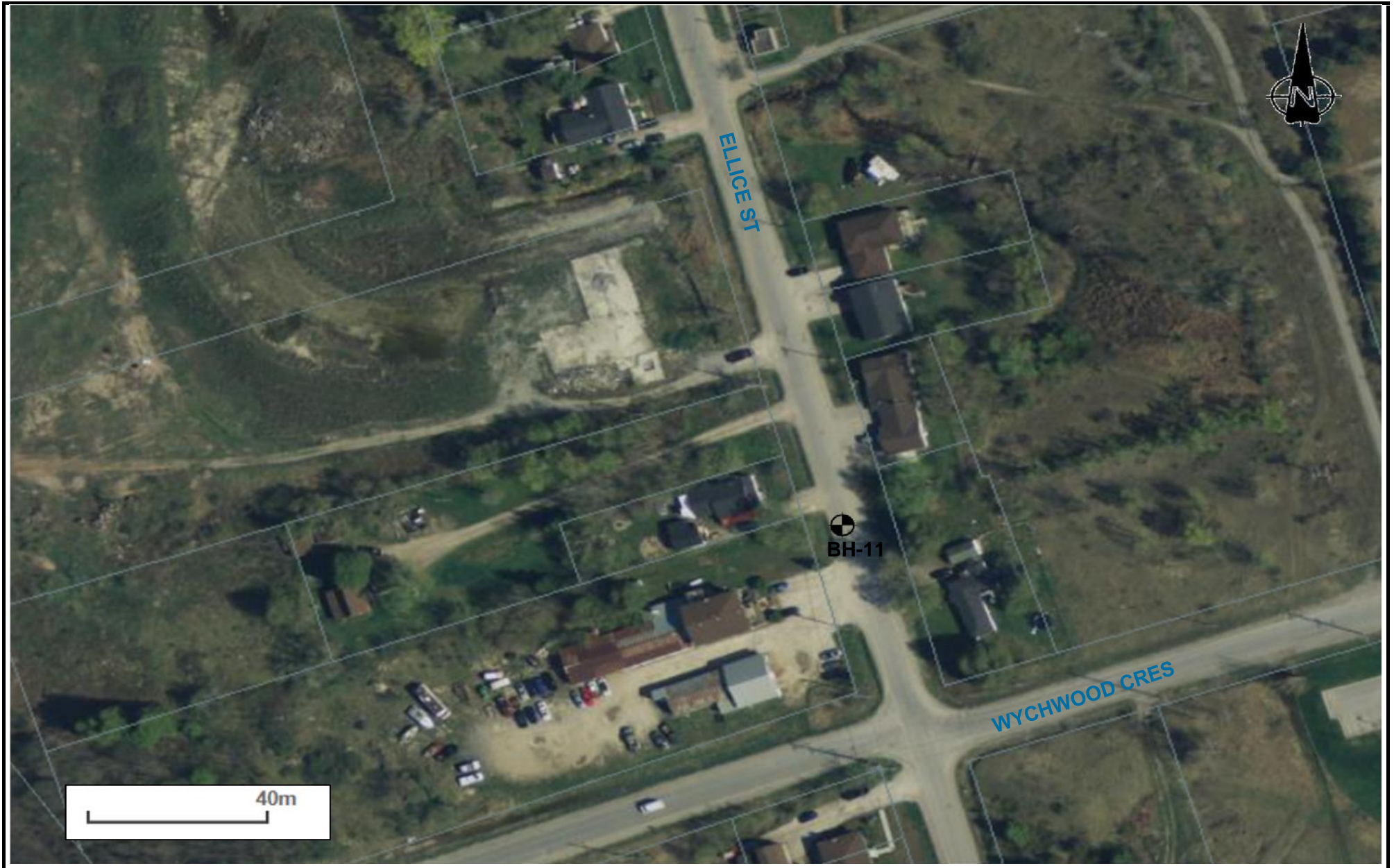


Elliot Street, Ellice Street, Murray Street, West Street and Green Street
Fenelon Falls, Ontario
Geotechnical Investigation

11139234-01
December 30, 2016

Test Hole Location Plan

FIGURE 4



Source: Base plan obtained from Ministry of Natural Resources and Forestry, Make a Topographic Map, accessed December 30, 2016.

Scale:
See Above
Coordinate System:
NAD 1983 UTM Zone 17



Elliot Street, Ellice Street, Murray Street, West Street and Green Street
Fenelon Falls, Ontario
Geotechnical Investigation

11139234-01
December 30, 2016

Test Hole Location Plan

FIGURE 5

Attachment A Borehole Logs



BOREHOLE No.: BH-1
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- SS - SPLIT SPOON
- AS - AUGER SAMPLE
- ST - SHELBY TUBE
- CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1		ASPHALT (100 mm)															Open borehole remained dry throughout drilling operation AS-1: Did not meet OPSS for Granular 'B' Type I gravel (22 % passing 75 µm) Borehole terminated at practical refusal to further auger advancement at 0.5 m (presence of bedrock inferred) AS-2: 4% Gravel 57% Sand 39% Silt and Clay 23% between 5-75 µm	
1		0.4		FILL - Brown Sand and Gravel, Some Silt, Damp, Compact	AS-1		6		○											
		0.5		Brown Silty Sand, Trace Gravel, Damp, Compact	AS-2		7		○											
2		0.5		END OF BOREHOLE																
3		1.0																		
4																				
5		1.5																		
6																				
7		2.0																		
8		2.5																		
9																				
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-3
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

LEGEND

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.0	▨	ASPHALT (40 mm)															Open borehole remained dry throughout drilling operation	
		0.0	▨	FILL - Brown Sand and Gravel, Some Silt, Damp, Compact	AS-1		5			○										AS-1: Did not meet OPSS for Granular 'B' Type I gravel (15 % passing 75 µm)
		0.4	▧	WEATHERED BEDROCK (Inferred)															AS-2: 51% Gravel 31% Sand 18% Silt and Clay	
		0.5	▧		AS-2		7			○										
		1.0	▧																	
		1.5	▧		AS-3		2			○									Borehole terminated at practical refusal to further auger advancement at 1.7 m (presence of bedrock inferred)	
		1.7		END OF BOREHOLE																
		2.0																		
		2.5																		
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLOGIC.GDT, 3/1/17



BOREHOLE No.: BH-4
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery %	Moisture Content %	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS		
	ft	m								10	20	30	40	50	60	70	80	90				
		0.0		GROUND SURFACE					N													
		0.1	▨	ASPHALT (50 mm)																		
		0.2	▨	FILL - Brown Sand and Gravel, Some Silt, Damp, Compact																		
1			▨	Brown Sandy Silt, Some Gravel, Moist, Loose	SS-1	65	8	12 5 5 9	10	×												Open borehole remained dry throughout drilling operation
2		0.5																				
3		1.0			SS-2	78	12	4 2 4	8	×												
4		1.2		END OF BOREHOLE																		Borehole terminated at practical refusal to further auger advancement at 1.2 m (presence of bedrock inferred)
5		1.5																				
6		2.0																				
7																						
8		2.5																				
9																						
		3.0																				

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-5
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- SS - SPLIT SPOON
- AS - AUGER SAMPLE
- ST - SHELBY TUBE
- CS - CORE SAMPLE
- WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1		ASPHALT (90 mm)															Open borehole remained dry throughout drilling operation	
1				WEATHERED BEDROCK (Inferred)	AS-1		3													
		0.5																		
2																				
		1.0																	AS-2: 63% Gravel 26% Sand 11% Silt and Clay 8% between 5-75 µm	
3					AS-2		3													
		1.5																		
4																				
		2.0																		
5																				
		2.3		END OF BOREHOLE	AS-3		2												Borehole terminated at practical refusal to further auger advancement at 2.3 m (presence of bedrock inferred)	
6																				
7																				
		2.5																		
8																				
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-6
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

LEGEND

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▩ ST - SHELBY TUBE
- ▮ CS - CORE SAMPLE
- ▼ - WATER LEVEL

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1	▨	ASPHALT (75 mm)															Open borehole remained dry throughout drilling operation	
1		0.4	▨	FILL - Brown Sand and Gravel, Moist, Compact	AS-1		6		○											
		0.5	▨	WEATHERED BEDROCK (Inferred)																
2																				
3		1.0																	AS-2:	
4		1.2	▨	END OF BOREHOLE	AS-2		8		○										31% Gravel 60% Sand 9% Silt and Clay	
5																			Borehole terminated at practical refusal to further auger advancement at 1.2 m (presence of bedrock inferred)	
6																				
7																				
8		2.5																		
9																				
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-7
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery %	Moisture Content %	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)											COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90			
	0.0			GROUND SURFACE					N	10	20	30	40	50	60	70	80	90			
	0.1		▨	ASPHALT (50 mm)																	
			▨	WEATHERED BEDROCK (Inferred)															Open borehole remained dry throughout drilling operation		
1			▨		SS-1	65	2	19 50 38 34	88	○								×			
0.5			▨																		
2			▨																		
3		1.0	▨		AS-2		2			○											
1.1				END OF BOREHOLE															Borehole terminated at practical refusal to further auger advancement at 1.1 m (presence of bedrock inferred)		
4																					
5		1.5																			
6																					
7		2.0																			
8		2.5																			
9																					
3.0																					

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-8
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1	▨	ASPHALT (65 mm)															Open borehole remained dry throughout drilling operation	
		0.1	▨	FILL - Brown Sand and Gravel, Damp, Compact	AS-1		2													
		0.4	▨	Occasional Cobbles																
		0.5	▨																	
		0.8	▨	END OF BOREHOLE	AS-2		3												Borehole terminated at practical refusal to further auger advancement at 0.8 m (presence of bedrock inferred)	
		0.8	▨																	
		1.0																		
		1.5																		
		2.0																		
		2.5																		
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-9
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES:

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1	▨	ASPHALT (50 mm)															Open borehole remained dry throughout drilling operation	
1			▨	FILL - Brown Sand and Gravel, Damp, Compact	AS-1		4		○											
		0.5																		
2																				
		1.0																		
3																				
		1.2	▩	WEATHERED BEDROCK (Inferred)	AS-2		4		○										AS-2: 62% Gravel 30% Sand 8% Silt and Clay 5% between 5-75 µm	
4																				
		1.4		END OF BOREHOLE															Borehole terminated at practical refusal to further auger advancement at 1.4 m (presence of bedrock inferred)	
5																				
		1.5																		
6																				
		2.0																		
7																				
		2.5																		
8																				
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLOGIC.GDT 3/1/17



BOREHOLE No.: BH-10
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- ☒ SS - SPLIT SPOON
- ▨ AS - AUGER SAMPLE
- ▧ ST - SHELBY TUBE
- ▩ CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES: _____

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery %	Moisture Content %	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE					N	10	20	30	40	50	60	70	80	90		
		0.1	▨	ASPHALT (50 mm)															Open borehole remained dry throughout drilling operation	
		0.2	▨	FILL - Brown Sand and Gravel, Damp, Compact, Dense Occasional Cobbles, Compact	SS-1	82	3	31 28 18 18	46	○			×							
1		0.5	▨																	
2		1.0	▨		SS-2	35	5	7 6 6	12	○	×									
3		1.5	▨																	
4		2.0	▨	WEATHERED BEDROCK (Inferred)	SS-3	35	8	5 7 5	12	○	×									
5		2.4	▨	END OF BOREHOLE															Borehole terminated at practical refusal to further auger advancement at 2.4 m (presence of bedrock inferred)	
6																				
7																				
8																				
9																				
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17



BOREHOLE No.: BH-11
ELEVATION: Existing Grade

BOREHOLE REPORT

Page: 1 of 1

CLIENT: City of Kawartha Lakes

LEGEND

PROJECT: Subsurface Investigation - Various Streets, Fenelon Falls, Ontario

- SS - SPLIT SPOON
- AS - AUGER SAMPLE
- ST - SHELBY TUBE
- CS - CORE SAMPLE
- ▼ - WATER LEVEL

LOGGED BY: L. Ramos DATE: 9 December 2016

DRILLING COMPANY: Strong Soil Search Inc. METHOD: Truck Mounted CME-55

NOTES: _____

Depth	m Below Existing Grade		Stratigraphy	DESCRIPTION OF SOIL AND BEDROCK	Type and Number	Recovery	Moisture Content	Blows per 6 in. / 15 cm	Penetration Index	Shear test (Cu) Sensitivity (S)										COMMENTS
	ft	m								10	20	30	40	50	60	70	80	90		
		0.0		GROUND SURFACE		%	%		N	10	20	30	40	50	60	70	80	90		
		0.1		ASPHALT (50 mm)															Open borehole remained dry throughout drilling operation	
				FILL - Brown Sand and Gravel, Damp, Compact	AS-1		2													AS-1: Did not meet OPSS for Granular 'B' Type I gravel (11 % passing 75 µm)
		0.4		Occasional Cobbles																
		0.5																		
		0.7		END OF BOREHOLE	AS-2		4												Borehole terminated at practical refusal to further auger advancement at 0.7 m (presence of bedrock inferred)	
		1.0																		
		1.5																		
		2.0																		
		2.5																		
		3.0																		

BOREHOLE LOG GEOTECH 11139234-01, 16-12-13, BOREHOLE LOGS.GPJ GEOLGIC.GDT 3/1/17

Attachment B

Physical Laboratory Data

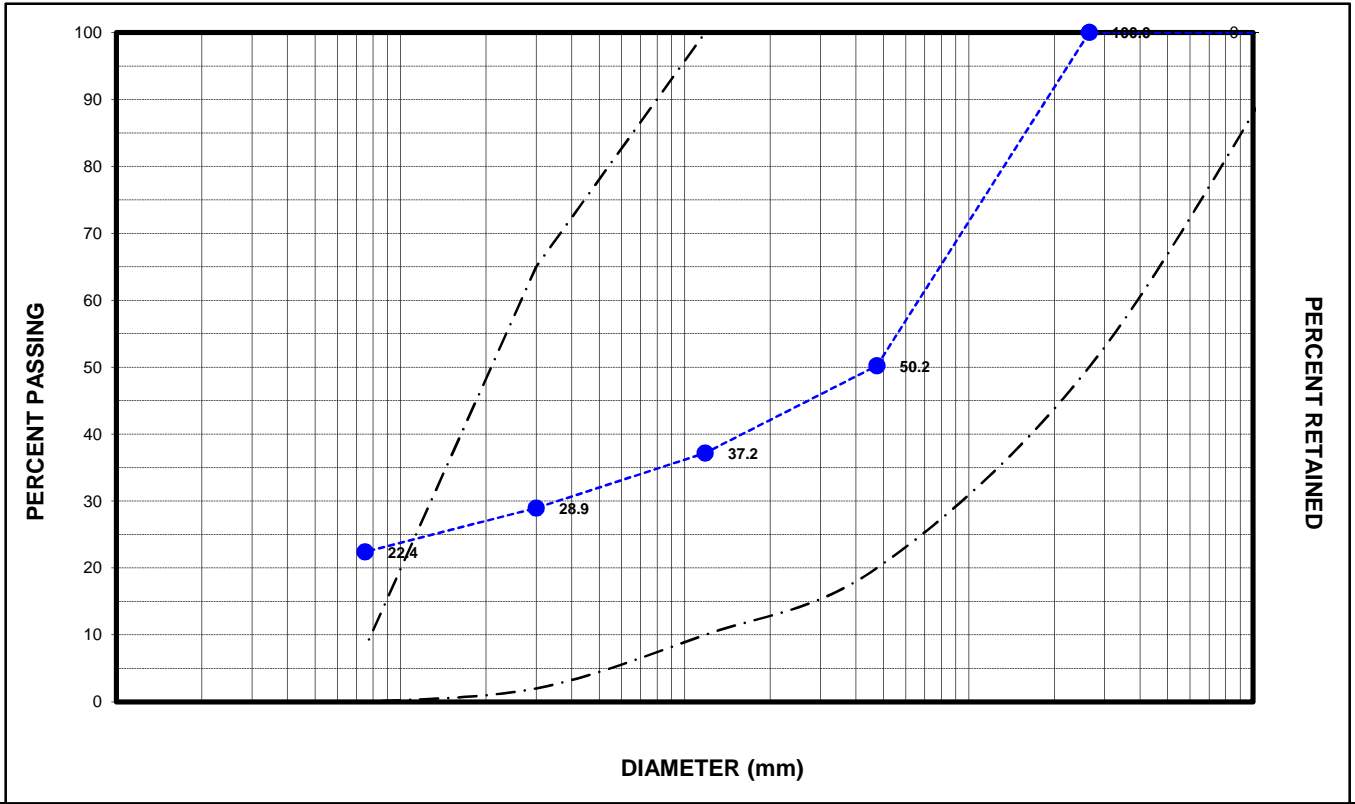


**GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)
(LS-602)**

CLIENT:	City of Kawartha Lakes	LAB No.:	SS-16-110
PROJECT/SITE:	Reconstruction - Various Roads	PROJECT No.:	11139234-01

Source: BH-1 AS-1 (0.2-0.3 m)	Enclosure: B-1
Sampled By: L. Ramos	Date Sampled: December 9, 2016

SIEVE SIZE (mm)	SAMPLE % PASSING	O.P.S.S. Form 1010 SPECIFICATIONS
150.00	100.0	100
26.50	100.0	50 - 100
4.75	50.2	20 - 100
1.18	37.2	10 - 100
0.300	28.9	2 - 65
0.075	* 22.4	0 - 8



REMARKS:

* Denotes sieve result that does not meet the project specification for: GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)

PERFORMED BY: D. Williams	DATE: January 3, 2017
VERIFIED BY: <i>[Signature]</i>	DATE: January 3, 2017

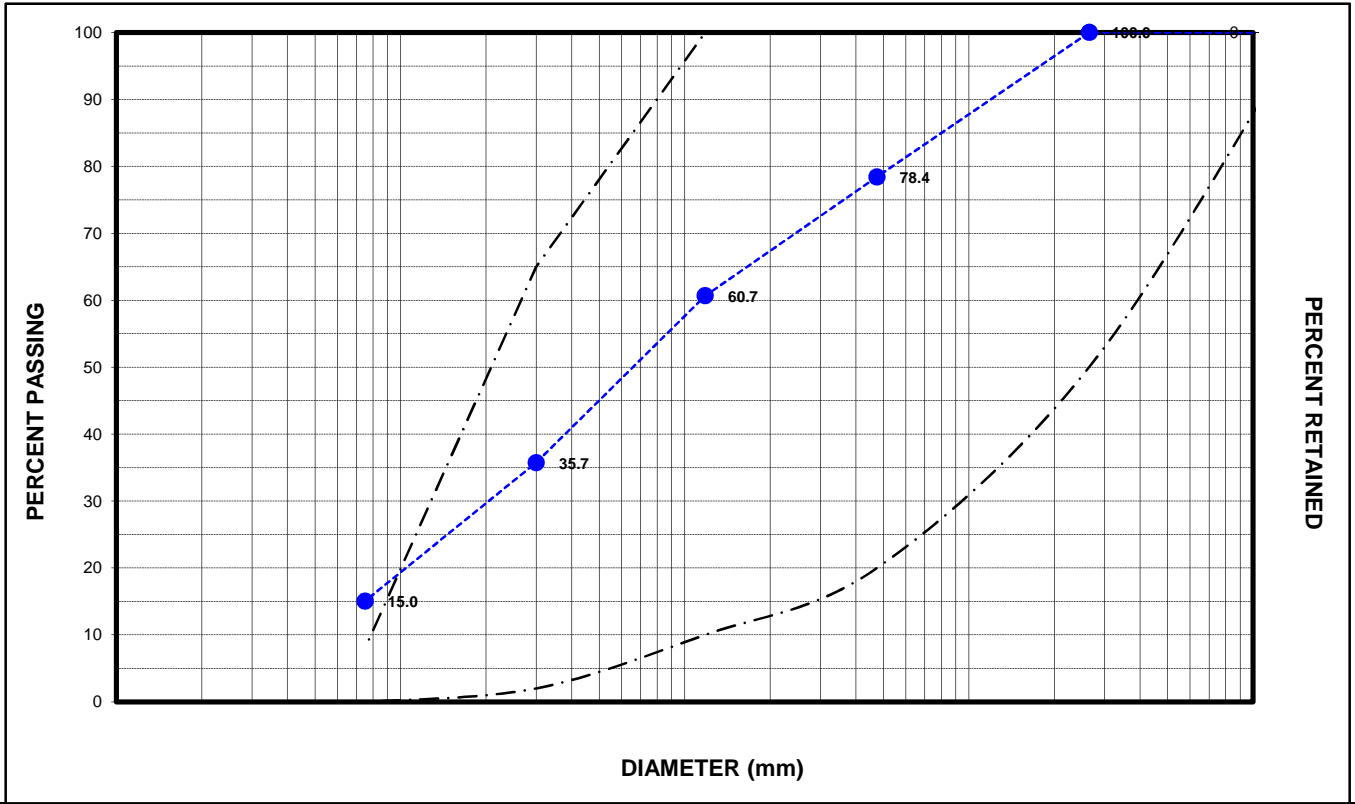


**GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)
(LS-602)**

CLIENT:	<u>City of Kawartha Lakes</u>	LAB No.:	<u>SS-16-110</u>
PROJECT/SITE:	<u>Reconstruction - Various Roads</u>	PROJECT No.:	<u>11139234-01</u>

Source: <u>BH-3 AS-1 (0.2-0.3 m)</u>	Enclosure: <u>B-2</u>
Sampled By: <u>L. Ramos</u>	Date Sampled: <u>December 9, 2016</u>

SIEVE SIZE (mm)	SAMPLE % PASSING	O.P.S.S. Form 1010 SPECIFICATIONS		
150.00	100.0	100		
26.50	100.0	50	-	100
4.75	78.4	20	-	100
1.18	60.7	10	-	100
0.300	35.7	2	-	65
0.075	* 15.0	0	-	8



REMARKS: _____
 * Denotes sieve result that does not meet the project specification for: GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)

PERFORMED BY: <u>D. Williams</u>	DATE: <u>January 3, 2017</u>
VERIFIED BY: <u>[Signature]</u>	DATE: <u>January 3, 2017</u>

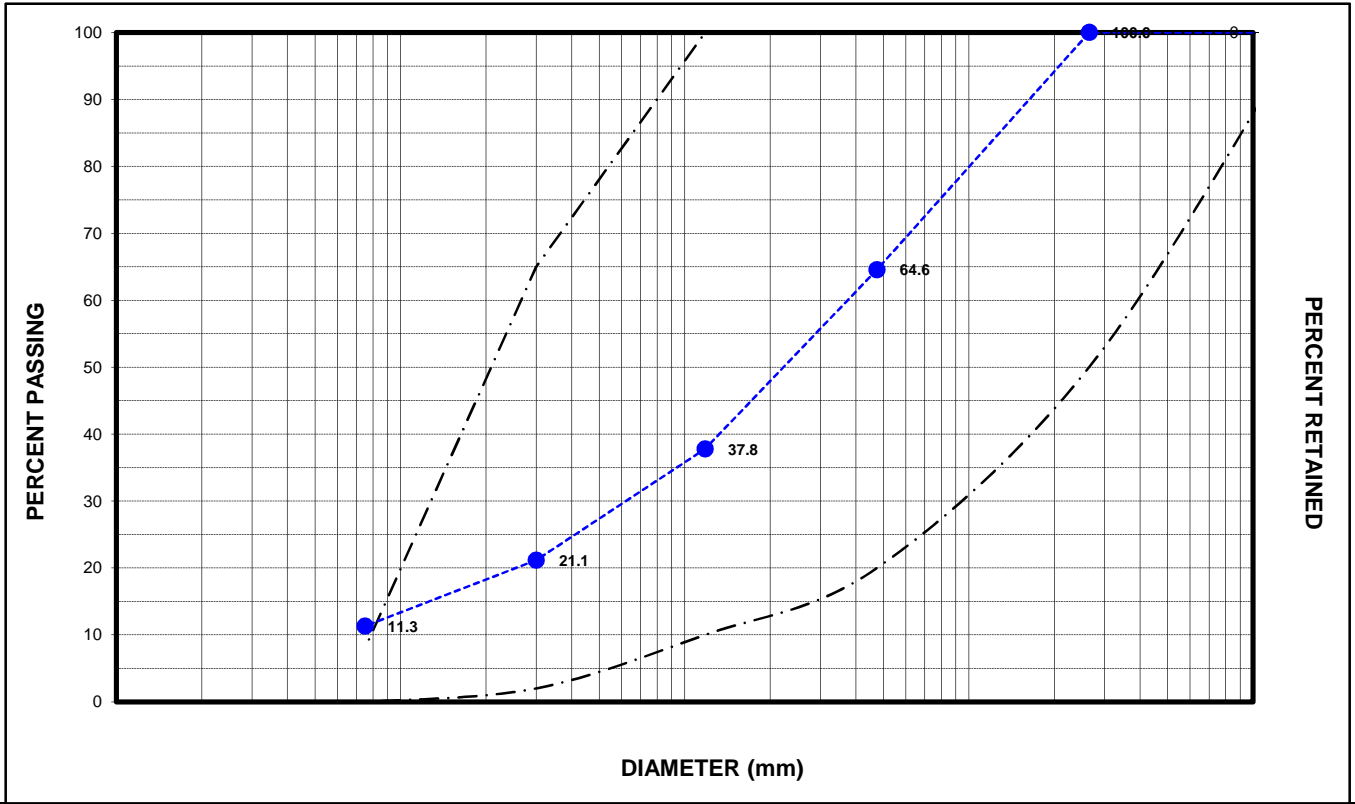


GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)
(LS-602)

CLIENT:	<u>City of Kawartha Lakes</u>	LAB No.:	<u>SS-16-110</u>
PROJECT/SITE:	<u>Reconstruction - Various Roads</u>	PROJECT No.:	<u>11139234-01</u>

Source: <u>BH-11 AS-1 (0.2-0.3m)</u>	Enclosure: <u>B-3</u>
Sampled By: <u>L. Ramos</u>	Date Sampled: <u>December 9, 2016</u>

SIEVE SIZE (mm)	SAMPLE % PASSING	O.P.S.S. Form 1010 SPECIFICATIONS
150.00	100.0	100
26.50	100.0	50 - 100
4.75	64.6	20 - 100
1.18	37.8	10 - 100
0.300	21.1	2 - 65
0.075	* 11.3	0 - 8



REMARKS: _____
 * Denotes sieve result that does not meet the project specification for: GRANULAR 'B' TYPE I - SIEVE ANALYSIS (GRAVEL)

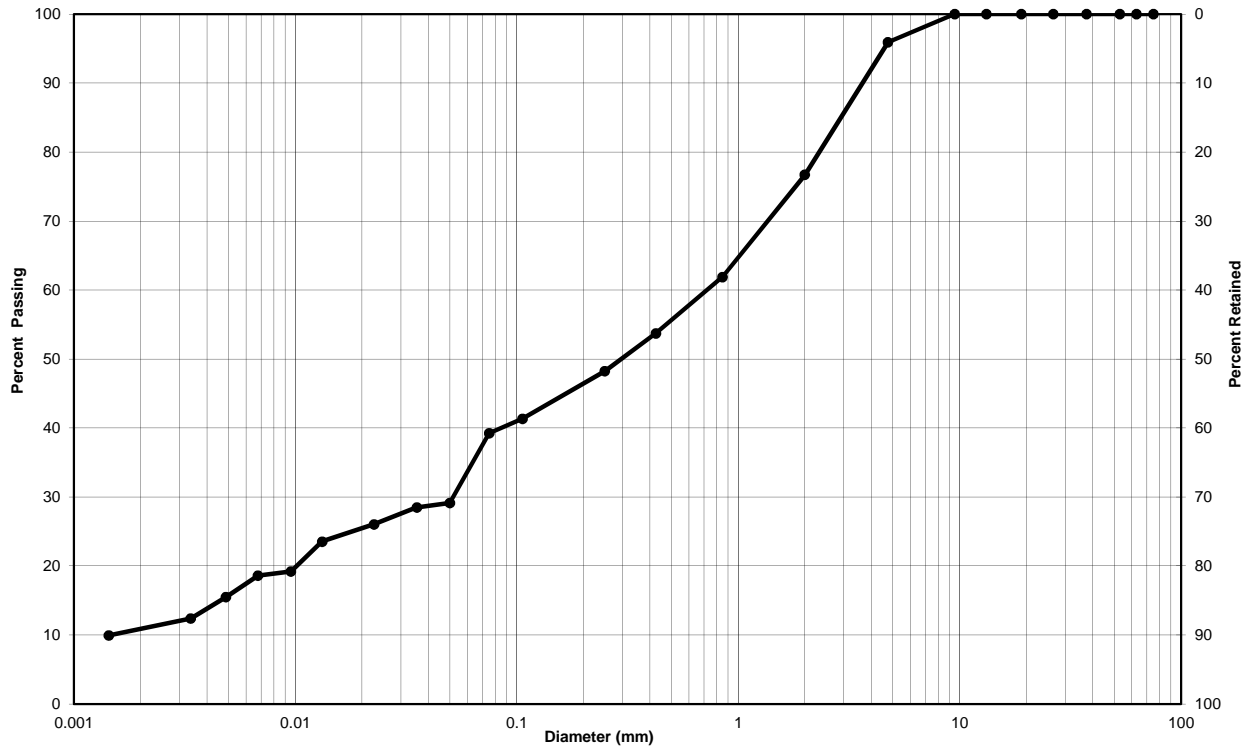
PERFORMED BY: <u>D. Williams</u>	DATE: <u>January 3, 2017</u>
VERIFIED BY: <u>[Signature]</u>	DATE: <u>January 3, 2017</u>



Particle-Size Analysis of Soils (Geotechnical)
(USCS) (ASTM D422)

Client:	City of Kawartha Lakes	Lab no.:	SS-16-110
Project/Site:	Reconstruction - Various Streets, Fenelon Falls	Project no.:	11139234-01

Borehole no.:	BH-1	Sample no.:	AS-2
Depth:	0.5 - 0.8 m	Enclosure:	B-4



Clay & Silt	Sand			Gravel	
	Fine	Medium	Coarse	Fine	Coarse
Unified Soil Classification System					

Soil Description	Gravel	Sand	Clay & Silt
BH-1 AS-2	4	57	39

Remarks:

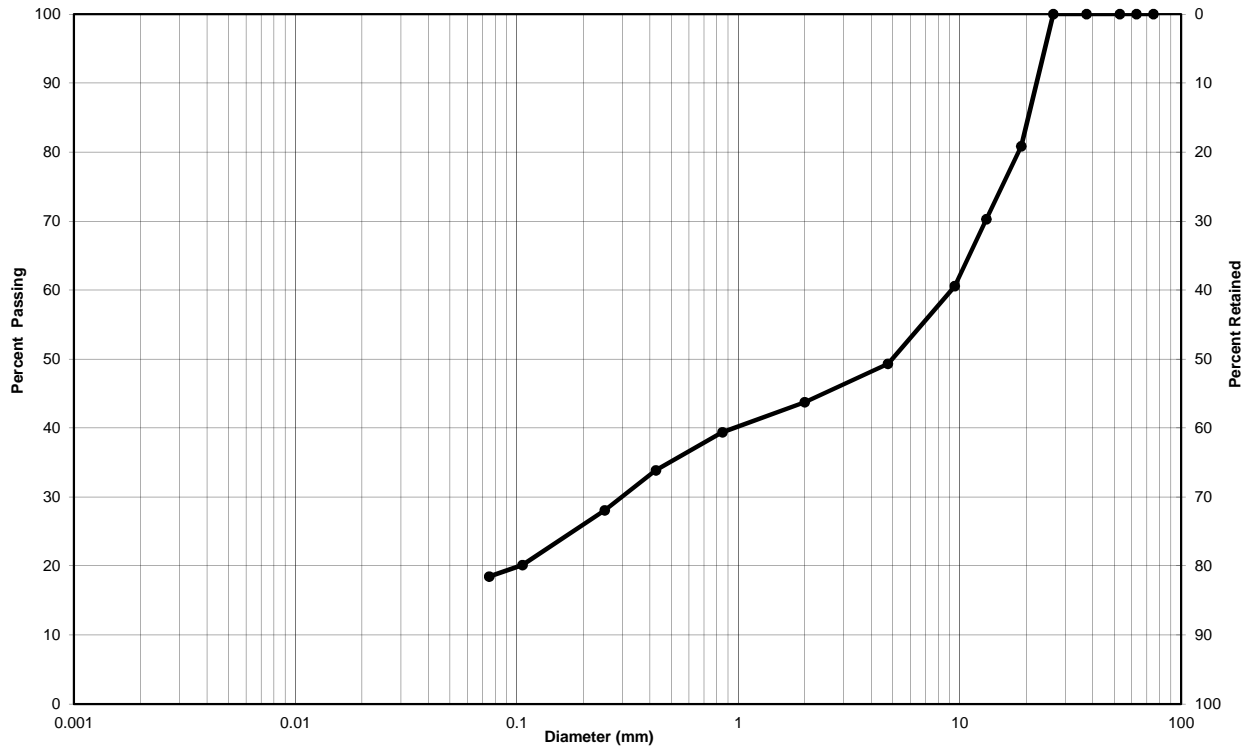
Performed by:	D. Williams	Date:	2-Jan-17
Verified by:	<i>Joe Williams</i>	Date:	2-Jan-17



Particle-Size Analysis of Soils (Geotechnical)
(USCS) (ASTM D422)

Client:	City of Kawartha Lakes	Lab no.:	SS-16-110
Project/Site:	Reconstruction - Various Streets, Fenelon Falls	Project no.:	11139234-01

Borehole no.:	BH-3	Sample no.:	AS-2
Depth:	0.8 - 0.9 m	Enclosure:	B-5



Clay & Silt	Sand			Gravel	
	Fine	Medium	Coarse	Fine	Coarse
Unified Soil Classification System					

Soil Description	Gravel	Sand	Clay & Silt
BH-3 AS-2	51	31	18

Remarks:

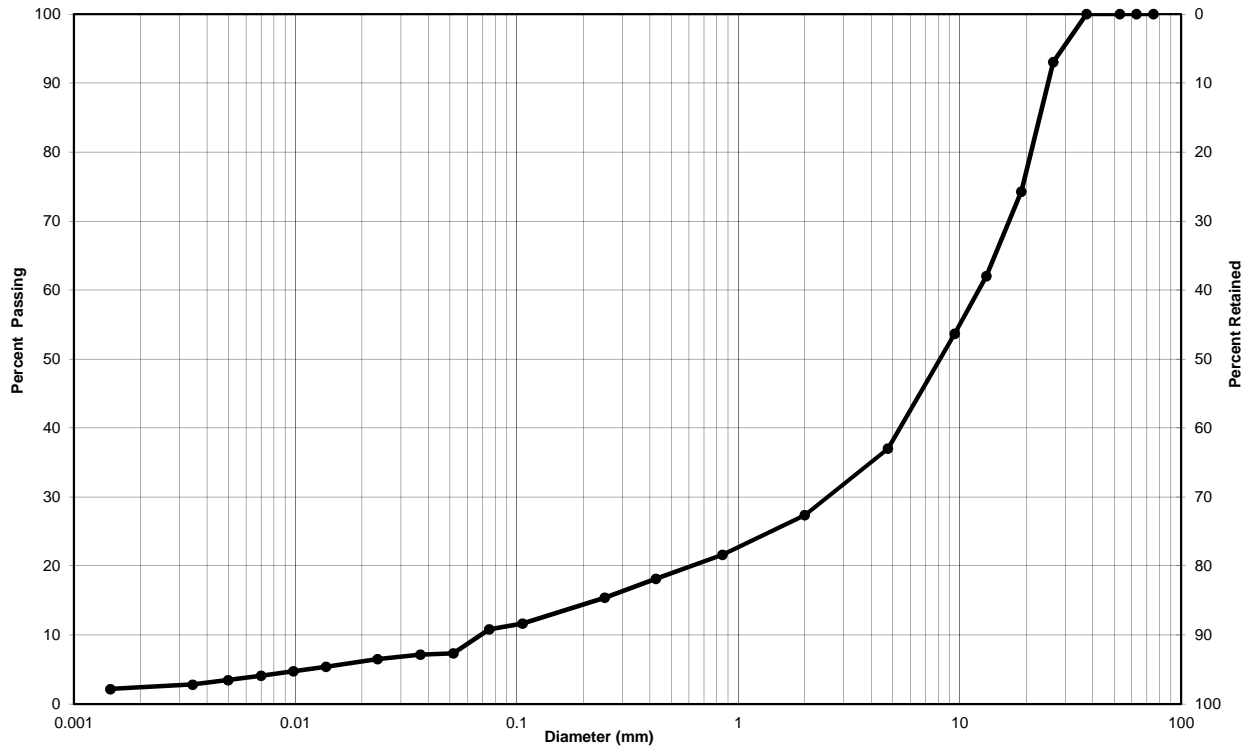
Performed by:	D. Williams	Date:	2-Jan-17
Verified by:	<i>Joe Sullivan</i>	Date:	2-Jan-17



Particle-Size Analysis of Soils (Geotechnical)
(USCS) (ASTM D422)

Client:	City of Kawartha Lakes	Lab no.:	SS-16-110
Project/Site:	Reconstruction - Various Streets, Fenelon Falls	Project no.:	11139234-01

Borehole no.:	BH-5	Sample no.:	AS-2
Depth:	0.8 - 1.1 m	Enclosure:	B-6



Clay & Silt	Sand			Gravel	
	Fine	Medium	Coarse	Fine	Coarse
Unified Soil Classification System					

Soil Description	Gravel	Sand	Clay & Silt
BH-5 AS-2	63	26	11

Remarks:

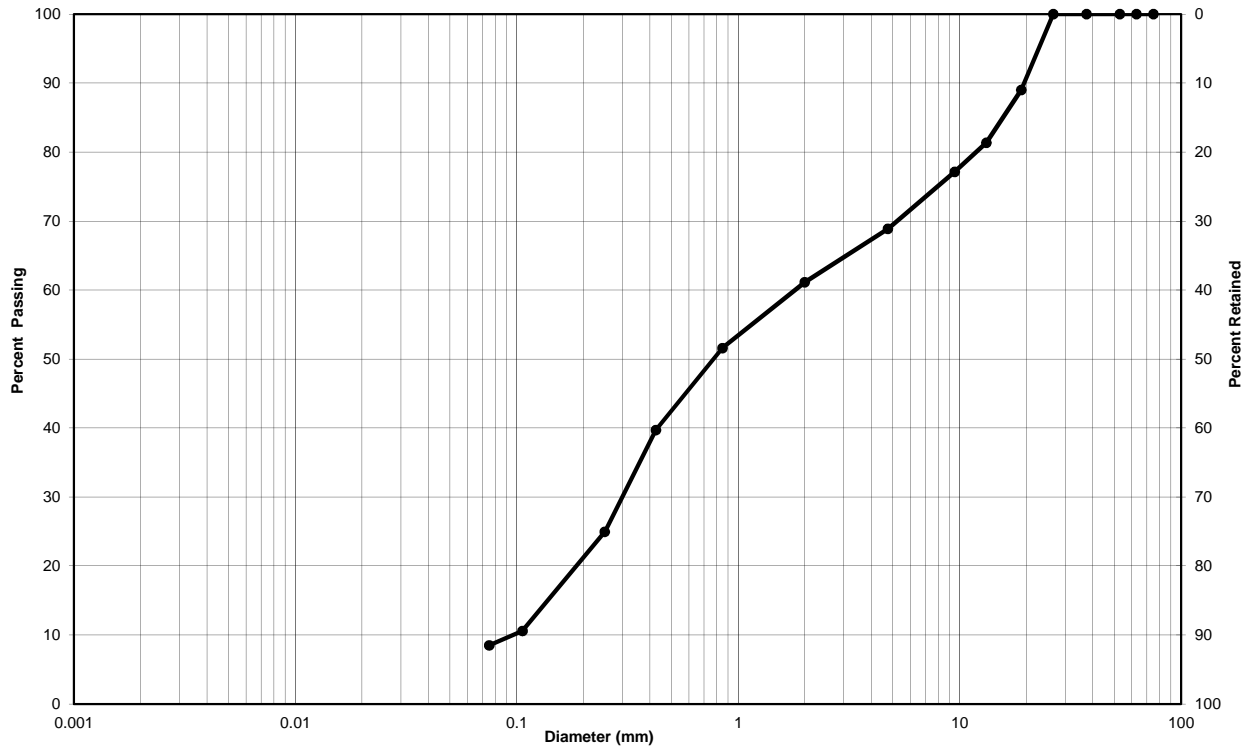
Performed by:	D. Williams	Date:	2-Jan-17
Verified by:	<i>Joe S. Williams</i>	Date:	2-Jan-17



Particle-Size Analysis of Soils (Geotechnical)
(USCS) (ASTM D422)

Client:	City of Kawartha Lakes	Lab no.:	SS-16-110
Project/Site:	Reconstruction - Various Streets, Fenelon Falls	Project no.:	11139234-01

Borehole no.:	BH-6	Sample no.:	AS-2
Depth:	0.9 - 1.2 m	Enclosure:	B-7



Clay & Silt	Sand			Gravel	
	Fine	Medium	Coarse	Fine	Coarse
Unified Soil Classification System					

Soil Description	Gravel	Sand	Clay & Silt
BH-6 AS-2	31	60	9

Remarks:

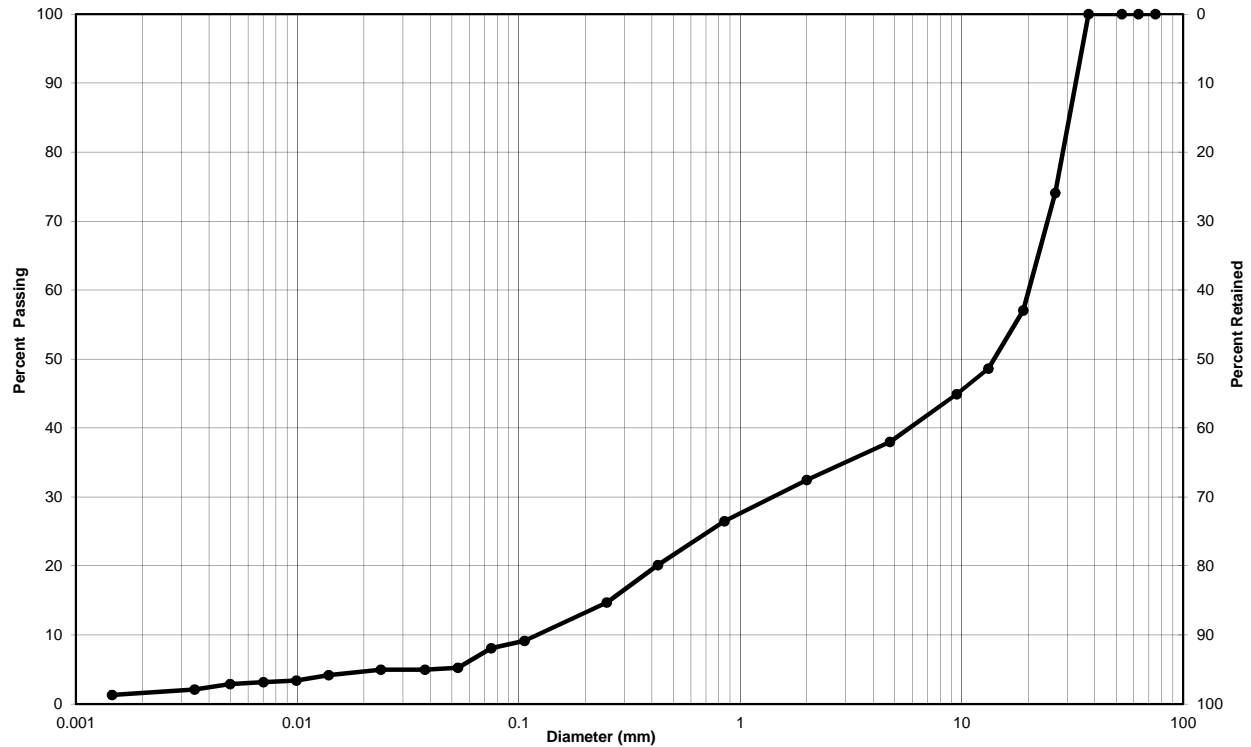
Performed by:	D. Williams	Date:	2-Jan-17
Verified by:	<i>Joe Sullivan</i>	Date:	2-Jan-17



Particle-Size Analysis of Soils (Geotechnical)
(USCS) (ASTM D422)

Client:	City of Kawartha Lakes	Lab no.:	SS-16-110
Project/Site:	Reconstruction - Various Streets, Fenelon Falls	Project no.:	11139234-01

Borehole no.:	BH-9	Sample no.:	AS-2
Depth:	1.2 - 1.4 m	Enclosure:	B-8



Clay & Silt	Sand			Gravel	
	Fine	Medium	Coarse	Fine	Coarse
Unified Soil Classification System					

Soil Description	Gravel	Sand	Clay & Silt
BH-9 AS-2	62	30	8

Remarks:

Performed by:	D. Williams	Date:	2-Jan-17
Verified by:	<i>Joe Sullivan</i>	Date:	2-Jan-17

Attachment C

Chemical Laboratory Data

C.O.C.: G55980

REPORT No. B16-36963 (i)

Report To:

GHD Limited
 651 Colby Drive,
 Waterloo Ontario N2V 1C2 Canada

Attention: Leandro Ramos

Caduceon Environmental Laboratories

110 West Beaver Creek Rd Unit 14
 Richmond Hill ON L4B 1J9

Tel: 289-475-5442

Fax: 289-562-1963

DATE RECEIVED: 13-Dec-16

JOB/PROJECT NO.: Fenelon Falls/11139234-01

DATE REPORTED: 19-Dec-16

P.O. NUMBER:

SAMPLE MATRIX: Soil

WATERWORKS NO.

Client I.D.	BH-4, SS-1	BH-7, SS-1	BH-10, SS-1	
Sample I.D.	B16-36963-1	B16-36963-2	B16-36963-3	
Date Collected	09-Dec-16	09-Dec-16	09-Dec-16	

Parameter	Units	R.L.	Reference Method	Date/Site Analyzed				
pH @25°C	pH Units		MOEE 3137	15-Dec-16/R	8.10	8.06	8.12	
Conductivity @25°C	mS/cm	0.07	MOEE3138	15-Dec-16/R	0.73	0.54	0.42	
Sodium Adsorption Ratio	units		SM 3120	15-Dec-16/O	3.92	3.17	2.24	
Antimony	µg/g	0.4	EPA 200.8	14-Dec-16/R	< 0.4	< 0.4	< 0.4	
Arsenic	µg/g	0.5	EPA 200.8	14-Dec-16/R	< 0.5	0.9	1.6	
Barium	µg/g	0.4	EPA 200.8	14-Dec-16/R	29.4	19.5	23.6	
Beryllium	µg/g	0.05	EPA 200.8	14-Dec-16/R	0.15	0.20	0.14	
Boron	µg/g	0.5	EPA 200.8	14-Dec-16/R	4.6	7.1	4.4	
Cadmium	µg/g	0.03	EPA 200.8	14-Dec-16/R	< 0.03	0.03	< 0.03	
Chromium	µg/g	0.4	EPA 200.8	14-Dec-16/R	6.5	8.7	6.5	
Cobalt	µg/g	0.2	EPA 200.8	14-Dec-16/R	1.7	0.7	1.9	
Copper	µg/g	0.4	EPA 200.8	14-Dec-16/R	8.0	4.9	6.7	
Lead	µg/g	0.1	EPA 200.8	14-Dec-16/R	2.5	24.9	4.6	
Mercury	µg/g	0.005	EPA7471A	16-Dec-16/R	< 0.005	0.007	< 0.005	
Molybdenum	µg/g	0.1	EPA 200.8	14-Dec-16/R	0.2	0.3	0.3	
Nickel	µg/g	0.4	EPA 200.8	14-Dec-16/R	3.9	4.4	3.6	
Selenium	µg/g	0.1	EPA 200.8	14-Dec-16/R	0.2	0.5	0.4	
Silver	µg/g	0.01	EPA 200.8	14-Dec-16/R	0.03	0.06	0.02	
Thallium	µg/g	0.02	EPA 200.8	14-Dec-16/R	0.05	0.07	0.06	
Uranium	µg/g	0.02	EPA 200.8	14-Dec-16/R	0.41	0.40	0.51	
Vanadium	µg/g	0.8	EPA 200.8	14-Dec-16/R	15.9	10.1	15.4	
Zinc	µg/g	30	EPA 200.8	14-Dec-16/R	< 30	< 30	< 30	



Christine Burke
 Lab Manager

R.L. = Reporting Limit

Test methods may be modified from specified reference method unless indicated by an *

Site Analyzed=K-Kingston,W-Windsor,O-Ottawa,R-Richmond Hill

The analytical results reported herein refer to the samples as received. Reproduction of this analytical report in full or in part is prohibited without prior consent from Caduceon Environmental Laboratories.

C.O.C.: G55980

REPORT No. B16-36963 (ii)

Report To:

GHD Limited
 651 Colby Drive,
 Waterloo Ontario N2V 1C2 Canada

Attention: Leandro Ramos

Caduceon Environmental Laboratories

110 West Beaver Creek Rd Unit 14
 Richmond Hill ON L4B 1J9

Tel: 289-475-5442

Fax: 289-562-1963

DATE RECEIVED: 13-Dec-16

JOB/PROJECT NO.: Fenelon Falls/11139234-01

DATE REPORTED: 19-Dec-16

P.O. NUMBER:

SAMPLE MATRIX: Soil

WATERWORKS NO.

Client I.D.	BH-4, SS-1	BH-7, SS-1	BH-10, SS-1	
Sample I.D.	B16-36963-1	B16-36963-2	B16-36963-3	
Date Collected	09-Dec-16	09-Dec-16	09-Dec-16	

Parameter	Units	R.L.	Reference Method	Date/Site Analyzed				
Benzene	µg/g	0.02	EPA 8260	13-Dec-16/R	< 0.02	< 0.02	< 0.02	
Toluene	µg/g	0.2	EPA 8260	13-Dec-16/R	< 0.2	< 0.2	< 0.2	
Ethylbenzene	µg/g	0.05	EPA 8260	13-Dec-16/R	< 0.05	< 0.05	< 0.05	
Xylene, m,p-	µg/g	0.03	EPA 8260	13-Dec-16/R	< 0.03	< 0.03	< 0.03	
Xylene, o-	µg/g	0.03	EPA 8260	13-Dec-16/R	< 0.03	< 0.03	< 0.03	
Xylene, m,p,o-	µg/g	0.03	EPA 8260	13-Dec-16/R	< 0.03	< 0.03	< 0.03	
PHC F1 (C6-C10)	µg/g	10	CWS Tier 1	13-Dec-16/R	< 10	< 10	< 10	
PHC F2 (>C10-C16)	µg/g	5	CWS Tier 1	14-Dec-16/R	6	15	< 5	
PHC F3 (>C16-C34)	µg/g	10	CWS Tier 1	14-Dec-16/R	20	80	60	
PHC F4 (>C34-C50)	µg/g	10	CWS Tier 1	14-Dec-16/R	40	20	30	
Poly-Chlorinated Biphenyls (PCB's)	µg/g	0.3	EPA 8082A	15-Dec-16/R	< 0.3	< 0.3	< 0.3	
Aroclor	-	-	-	15-Dec-16	-	-	-	
% moisture	%			13-Dec-16/R	6.00	13.1	3.74	



Christine Burke
 Lab Manager

R.L. = Reporting Limit

Test methods may be modified from specified reference method unless indicated by an *

Site Analyzed=K-Kingston,W-Windsor,O-Ottawa,R-Richmond Hill

The analytical results reported herein refer to the samples as received. Reproduction of this analytical report in full or in part is prohibited without prior consent from Caduceon Environmental Laboratories.

Council Report

Report Number:	HS2024-008
Meeting Date:	September 24, 2024
Title:	Cash Flow Assistance Request – Fenelon Area Independent Living Association
Description:	Cash flow assistance to support energy assessments for decarbonization retrofit program for the designated housing service provider
Author and Title:	Michelle Corley, Human Services Manager, Housing

Recommendation(s):

That Report HS2024-008, **Cash Flow Assistance Request – Fenelon Area Independent Living Association**, be received;

That the City provides cash flow assistance to the Fenelon Area Independent Living Association and Fenelon Area Independent Living Association (2007), during the study phase of their participation within the Federation of Canadian Municipalities Retrofit of Sustainable Affordable Housing grant program, not to exceed two hundred and fifty thousand dollars (\$250,000), with payment terms and conditions identified in an executed cash flow assistance loan agreement; and

THAT the Director of Human Services and the Human Services Manager, Housing be authorized to execute the necessary loan agreements supporting the cash flow assistance.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

As prescribed in the *Housing Services Act*, the City of Kawartha Lakes is the Consolidated Municipal Service Manager for Fenelon Area Independent Living Association (FAILA) in Fenelon Falls. This legislative arrangement requires the City of Kawartha Lakes to ensure that designated non-profit housing providers like FAILA, operate their organization in accordance to prescribed rules, local policies and overall sustainable operations.

FAILA, the designated non-profit housing provider's building is located at 70 Murray Street, Fenelon Falls. This building is 32 years old with 26 residential units, with 20 units designated for rent-geared-to-income (RGI) senior tenants, while five units are designated to market senior tenants. One residential unit has been converted to commercial office space for Community Care of Kawartha Lakes. 70 Murray Street also includes a commercial kitchen which is used by Community Care for the Meals on Wheels program.

Fenelon Independent Living Association (2007) (FAILA (2007)), the newer non-profit housing provider has a building located at 105 Lindsay Street, Fenelon Falls. This building is 17 years old with 25 affordable housing units geared for seniors. All 25 affordable housing units are able to be rented out at RGI rents through municipally-funded rent supplements.

The City supported FAILA (2007) as the newer non-profit housing provider through the provision of provincial capital funding to construct their building and ongoing municipal rent supplement funding. Geographically, their building is attached to the original FAILA building, and legally sits on an adjacent property, with a separate street address (as stated above). The two organizations share the same staff and many Board members are directors of both organizations. Although FAILA (2007) does not have a legislative relationship with the City, FAILA (2007) has a contractual relationship with the City to offer the units as affordable housing until 2042.

Recently, senior staff and Board members of both FAILA and FAILA (2007) have actively pursued grant opportunities to evaluate solutions for integrating deep energy efficiency measures and onsite renewable energy generation. The organizations have submitted applications for the Federation of Canadian Municipalities' (FCM) Green Municipal Fund, and have met funding eligibility for the planning phase of the program. The housing providers are currently working with FCM in the second (study) phase of the program.

Rationale:

To receive grant funding payments, FAILA and FAILA (2007) require upfront cash flow assistance to support interim consultant payments to undertake the energy efficient audits for the purposes of the second phase of the program. As they've become eligible to move to this phase, the energy audits are required first, prior to moving forward with recommendations that will be outlined through the energy audit process. Grant funding will flow afterwards, hence the request.

The FCM Green Municipal Fund provides grant funding up to 80% of the total cost of each of the planning, study and capital phases of the program. The remaining 20% of the costs will be paid through additional grant programs that FAILA and FAILA (2007) are exploring, or alternatively these costs will be covered through their capital reserve funds.

Given that FAILA and FAILA (2007) cannot easily access their capital reserve funds to support this interim cash flow need due to reserve funds being secured in guaranteed investment certificates, the upfront request has been made. Additionally, pulling the required amount from their reserves would eliminate their ability to gain interest income, income that is important to a non-profit organization. Thus, realizing these constraints, the City will assist by providing interest free cash flow assistance to an upset limit of \$250,000 for the purpose of this request.

The terms of this assistance will be set out within an agreement between the City and FAILA and FAILA (2007). The organizations will pay invoices related to the study phase of the grant program and when cash flow is required, notification to the City will occur as set out in the agreement. Payments will be lump sum to a maximum of \$250,000. Recovery and repayment details will be set out in the agreement. It is anticipated that repayments and recoveries will happen by summer of 2025.

If the results of the study phase support FAILA and FAILA (2007) to apply to FCM's subsequent capital retrofit phase of the program, staff anticipate an additional cash flow request may be made at that time, given the similar process set for the program.

The City has provided interest free cash flow assistance in the past to A Place Called Home which supported the construction of the new shelter. The cash flow assistance bridged the gap between payment obligations to the contractor and grant funding payments received. As per the set loan agreement with the City, APCH repaid the cash flow assistance in-full once the grant funding was received.

Other Alternatives Considered:

Not applicable.

Alignment to Strategic Priorities

This report aligns with the Strategic Priority of the following:

1. Healthy Environment – support environmental sustainability and resilience in our community.
2. An Exceptional Quality of Life – Improve the health and well-being of residents.
3. Good Government – Provide accountable government and responsible management of resources.

Financial/Operation Impacts:

Total combined cash flow assistance of up to \$250,000 for the two organizations to be recovered 100% through contractual agreement.

Consultations:

Treasurer

Department Head email: cfaber@kawarthalakes.ca

Department Head: Cheryl Faber, Director of Human Services

Council Report

Report Number:	WWW2024-006
Meeting Date:	September 24, 2024
Title:	Amendments to Source Protection Plan for King’s Bay Drinking Water System
Description:	The City of Kawartha Lakes is revising the Wellhead Protection Area (WHPA) for the King’s Bay Drinking Water System (DWS) due to the installation of a new well. These upgrades have resulted in the Proposed Amendments to the Trent Source Protection Plan (SPP) and Assessment Report (AR).
Author and Title:	Amber Hayter, Manager, Water & Wastewater

Recommendation(s):

That Report WWW2024-006, **Amendments to Source Protection Plan for King’s Bay Drinking Water System**, be received;

That the proposed amendments to the Trent Source Protection Plan and Assessment Report, as per Section 34 of the *Clean Water Act, 2006*, resulting from the proposed new municipal well for the King’s Bay Drinking Water System, be endorsed; and

That the new Wellhead Protection Area (WHPA) for King’s Bay Drinking Water System and associated mapping be incorporated into the City of Kawartha Lakes Official Plan following approval by the Minister of the Environment, Conservation and Parks, and be added to the Trent Source Protection Plan and Assessment Report;

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The *Clean Water Act* (Act) was enacted in 2006 to ensure the protection of Ontario's municipal drinking water sources. The Act ensures that municipal drinking water sources are protected through prevention by developing collaborative, watershed-based Source Protection Plans based on science. The plans delineate vulnerable areas around drinking water sources referred to as Wellhead Protection Areas (WHPA) for groundwater sources and Intake Protection Zones (IPZ) for surface water sources. The goal of the plan is to manage or remove activities that are, or could be, significant threats to a municipal drinking water source within the delineated areas. The plan includes various policies to achieve this.

In accordance with the *Clean Water Act, 2006* (the Act), before water can be provided to the public from any new well connected to the Drinking Water System (except in an emergency situation), technical work including the delineation of the new Wellhead Protection Area, aquifer vulnerability assessment, and enumeration of significant threats must be incorporated into the respective Source Protection Plans and the Assessment Reports within which the subject well is located. Section 34, of the Act specifically outlines the detailed process that must be followed in order to update the Plans and Reports. An important step in this process is the requirement for municipal endorsement of the changes through a Council resolution. This report addresses that requirement for changes being proposed to the King's Bay Drinking Water System resulting in changes to the Source Protection Plan.

The Source Protection Committee at each of the Source Protection Regions typically develop and update Source Protection Plans, including policies to protect existing and future municipal drinking water sources within their watersheds. Each Source Protection Committee also prepares the Assessment Report, which characterizes the entire watershed of the Source Protection Region. Source Protection Plans and Assessment Reports must be amended when approved by the Minister of the Environment, Conservation and Parks.

The King's Bay Drinking Water System is located in the southern region of the City of Kawartha Lakes, near Seagrave and is within the Trent Conservation Coalition Source Protection Region and the Kawartha-Haliburton Source Protection Area.

In order to accommodate future development (as approved by a recent Ontario Land Tribunal decision) in the King's Bay Subdivision a new production well has been installed to supply the King's Bay Drinking Water System, which has resulted in changes to the existing Wellhead Protection Area (WHPA), requiring updates to the current Trent Source Protection Plan (SPP) and Assessment Report (AR).

The King's Bay Drinking Water System consists of three existing wells, with the addition of one recently constructed well (TW21-3). This well is to be connected to the municipal drinking water system to provide additional capacity to the site based on the water

supply investigation completed by WSP Canada Inc. in 2021, for the proposed further development within the King's Bay Subdivision.

Under Section 34 of the *Clean Water Act, 2006*, the proposed amendments to the Trent Source Protection Plan and Assessment Report, attached as Appendix A to this report, are required as the result of the revised delineation of the new Wellhead Protection Area for the newly constructed well #4 (TW21-3) for the King's Bay Drinking Water System. The Assessment of Drinking Water Threats and Vulnerability Scores were also updated within the newly delineated Wellhead Protection Area for the new and existing wells.

Rationale:

The amendments to the Trent Source Protection Plan and Assessment Report are based on upgrades to the King's Bay Municipal Drinking Water System and are limited to the addition of a new well located near the existing municipal wells and the use of new modeling which has resulted in changes to the delineation and vulnerability of the wellhead protection areas. No changes are proposed to the policies in the Trent Source Protection Plan at this time.

The City of Kawartha Lakes must complete source water protection requirements including delineation of new Wellhead Protection Areas and enumeration of potential Significant Threats within the new Wellhead Protection Areas for any new wells before water is provided to the public.

Amendments under Section 34 of the *Clean Water Act, 2006* for implementing source protection requirements are summarized below:

- a. Early Planning - municipal residential drinking water system owners and local Source Protection Authority (SPA) discuss owners' intention of establishing or altering a system;
- b. Notification from Owner - System owner conducts technical EA and source protection planning work (mapping, vulnerability) and provides confirmation to the local Source Protection Authority of their input in applying for a permit/licence from Ministry of the Environment, Conservation and Parks (the Ministry);
- c. Source Protection Work – System owner completes and submits Wellhead Protection Area mapping and vulnerability delineation to local Source Protection Authority and the leading Source Protection Area Program Manager;
- d. Notice from Source Protection Authority – Local Source Protection Authority reviews technical work to determine if work is sufficiently completed and issues a Notice to the

Owner stating that the works are complete. Owner then applies for Drinking Water Works Permit/Licence;

e. Source Protection Authority Update Early Engagement 1 - Local Source Protection Authority informs affected municipalities that a Council Resolution will be required and starts early engagement with the Ministry for feedback;

f. Plan Amendments(s) Developed – Source Protection Authority and Source Protection Committee agree on amendments required;

g. Early Engagement 2 – At the discretion of the local Source Protection Authority, copies of the proposed amendments can be provided to the Clerk of the affected municipalities and other persons;

h. Pre-consultation - Notice of Source Protection Plan revisions including draft policy text, summary of rationale for changes and a request for written comments sent to impacted bodies including municipalities and government bodies;

i. Municipal Endorsement - Municipalities affected by proposed amendments pass a Council Resolution endorsing the amendments if this has not already been accomplished in pre-consultation step h;

j. Public Consultation - Local Source Protection Authority publishes proposed amendments on website with hardcopies to be made available and notification in the newspaper and to affected parties. Public consultation to last minimum thirty-five (35) days from the date of notification;

k. Finalize Amendment Package – System owner obtains final endorsement from Source Protection Authority board(s) and prepares Ministry submission package;

l. Source Protection Authority Submission to Ministry – Including cover letter confirming Source Protection Authority board(s) support of amendments, proposed amendments, revised explanatory documents, summary of all consultation activities and example of notices;

m. Provision of Water – Chair of Source Protection Committee, Local and Lead Source Protection Areas receive notification from the Ministry that amendments to the Source Protection Plan have been approved. The new wells can now supply water to the public; and

n. Once the Wellhead Protection Area for King's Bay is approved by the Ministry and added to the Assessment Report, associated amendments can be made to the City's Official Plan.

The City has already completed steps a to h. Municipal endorsement (step i) is required in order to move to the next step in the process, which is to complete the public consultation process (step j), endorsement is being requested through this report.

Other Alternatives Considered:

No other alternatives are being considered.

Alignment to Strategic Priorities

This report aligns with the strategic goals and priorities in the Kawartha Lakes Strategic Plan in the following areas:

1. A Healthy Environment by protecting source water and ensuring quality of drinking water;
2. A Vibrant and Growing Economy by encouraging sustainable growth and development and improve and expand critical and transformational infrastructure;
3. Good Government by ensuring municipal assets are well maintained and well managed.

Financial/Operation Impacts:

The proposed endorsement does not require any financial commitment by the City, beyond the typical requirements related to the operations and maintenance of the drinking water system, which are recovered through the user rate.

Consultations:

Manager of Planning
Kawartha Conservation
Contract Coordinator
Director of Public Works
Director of Engineering and Corporate Assets
Manager, Development Engineering

Attachments:

Appendix A: King's Bay Summary of Proposed Amendments to Source Protection Plan and Assessment Report



Appendix A King's
Bay Summary of Pro

Department Head email: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson – Director of Public Works

**Summary of Proposed Amendments to the Trent Source
Protection Plan and Assessment Report – King’s Bay
Drinking Water System**

*Pursuant to Section 34 of Ontario Regulation 287/07 of the Clean Water
Act*

2024-07-17

The City of Kawartha Lakes is revising the Wellhead Protection Area (WHPA) for the King’s Bay Drinking Water System (DWS) due to the installation of a new well. These upgrades have resulted in the Proposed Amendments to the Trent Source Protection Plan (SPP) and Assessment Report (AR) (last updated and approved DATE) listed below and summarized and highlighted in yellow on the following pages. A strike-through indicates that text is to be removed.

List of Proposed Amendments

SPP

1. Summary of Amendments (second page): Updated.
2. Appendix 2: Updated Policy Applicability Map (to be provided).
3. Appendix 5: Updated to include consultation activities for the Proposed Amendments. (to be updated with dates after consultation process).
4. Explanatory Document to be updated.

AR: Volume 1

1. Table 5.1-2: Updated well depth.
2. Section 5.2.2.2.4: King’s Bay Wellhead Protection Area Studies Update
3. Section 5.2.2.2.8: King’s Bay Wellhead Protection Area Studies Update
4. Table 5.2-6: Updated Summary of City of Kawartha-Lakes Drinking Water Systems Table
5. Table 5.2-7: Updated Vulnerability Scores
6. Table 5.3-7: Updated King’s Bay Water Quality Standards Exceedances
7. Table 5.4-3: Updated Number of Significant Drinking Water Threats

AR: Volume 2

8. Appendix F, Groundwater Systems: Water Quality Risk Assessment, Vulnerability Assessment: Updated list of background reports
9. Appendix G, Section 34 Amendment Approval Letter (To be added after approval)

AR: Volume 3

10. Updated King’s Bay Mapping 5-4a-c

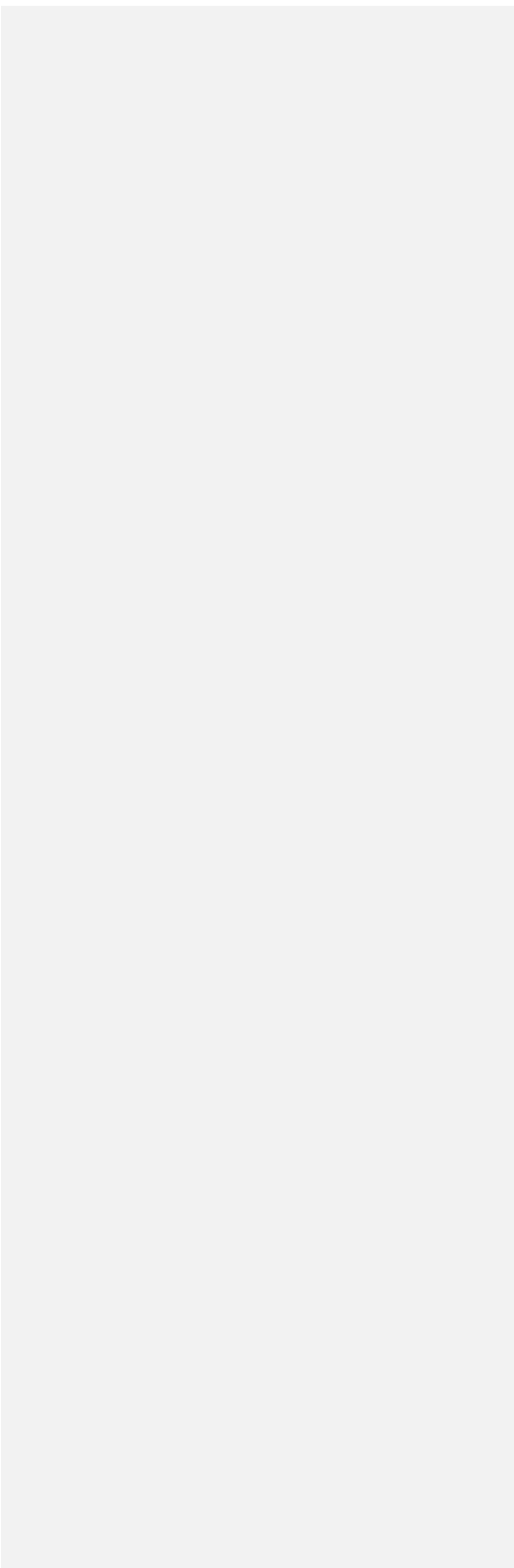


Table 5.1-2: Summary of Wells and Water Treatment Systems for Existing Municipal Residential Groundwater Systems in the Trent Source Protection Areas

System Name	Well(s)								Water Treatment System	
	Location	No. Wells	Depths (m)					GUDI Status	Disinfection	Other Available Treatment Details
			1	2	3	4	5			
Kawartha-Haliburton Source Protection Area										
Canadiana Shores	North side of Lake Scugog	3	13.4	23.2	20.1	NA	NA	Yes	Sodium hypochlorite	Dual media (anthracite/silica sand) gravity filters, 1micron absolute filtration,
Janetville	Janetville	3	36.5	50	51	NA	NA	No	Sodium hypochlorite	Iron sequestration (sodium silicate)
King's Bay	West side of Lake Scugog	4 3	17.4	17.4	17.7	18.3 NA	NA	No	Sodium hypochlorite	
Manorview	Bethany	2	24.4	25	NA	NA	NA	Yes	UV irradiation	Cartridge filtration
Mariposa Estates	West side of Lake Scugog	2	15.5	25.2	NA	NA	NA	No	Sodium hypochlorite	Nitrate removal softening system

System Name	Well(s)								Water Treatment System	
	Location	No. Wells	Depths (m)					GUDI Status	Disinfection	Other Available Treatment Details
			1	2	3	4	5			
Omemee	Omemee	2	9.5	9.1	NA	NA	NA	No	Sodium hypochlorite	Iron sequestration
Pleasant Point	North side of Lake Scugog	2	15.2	17.1	NA	NA	NA	Yes	UV irradiation	1 micron cartridge filtration

5.2.2.2.4 2024 King's Bay Wellhead Protection Studies Update – *Other sections included for numbering amendments:*

5.2.2.2.4 2024 King's Bay Wellhead Protection Studies Updates

King's Bay Golf Club Limited c/o Geranium proposed to further develop King's Bay Golf Club site located near Seagrave, in the City of Kawartha Lakes, Ontario. The proposed development is 51.07 ha, of which 5.83 ha will be devoted to the development of the proposed 46 lots for single detached homes. This is in addition to the existing 111 homes in the area of development.

There is currently enough water to supply the existing homes and additional housing. However, as per the municipal requirements, an additional potable water source (a new municipal well) was drilled to provide firm capacity to the site. The proposed residential redevelopment will rely on groundwater as water supply source, consistent with the 111 existing homes in the area of development.

WSP Canada Inc. (WSP) was retained by King's Bay Golf Club Limited to carry out a water supply investigation for the proposed redevelopment. As per the source water protection requirements of the Clean Water Act (2006), a study was initiated by WSP to meet the source water protection requirements, and include delineation of wellhead protection areas, groundwater vulnerability analysis, and threat assessment by including the new supply well (well #4) as a municipal water supply source. This work was undertaken as per 2021 Technical Rules under the CWA.

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5.2.2.2.45 Groundwater Vulnerability Assessment

An aquifer vulnerability index method was used to determine groundwater vulnerability for each of the 13 municipal systems in the City of Kawartha Lakes. Each of the 8 or 12 model layers was categorized as either an aquifer or an aquitard according to the designations developed for the Conservation Authorities Moraine Coalition in 2006. The aquifer vulnerability index was calculated as a sum of the thickness of each layer multiplied by a K-Factor of either 1 for an aquifer or 4 for an aquitard.

The presence of transport pathways identified in the WHPAs resulted in modifications to the vulnerability assignments of most of the municipal systems. The majority of the transport pathways identified in the City of Kawartha Lakes systems were private water wells. Transport pathways associated with aggregate extraction were identified in the WHPA for Mariposa Estates. Two criteria were used to trigger an increase in vulnerability rating. If a water well penetrated to within 3 metres of the aquifer, then the vulnerability of the area within 30 metres of the well was increased by one level. Or, if there was a cluster of 6 wells or more within a 100-metre radius, then the vulnerability of the cluster was increased by one level.

The results of the groundwater vulnerability assessments for municipal well systems in the City of Kawartha Lakes are shown on Maps 5-1a through 5-13a. The range of groundwater vulnerability ratings in the WHPAs delineated for these systems is given in Table 5.2-.

5.2.2.2.5–6 2019 Pinewood Wellhead Protection Studies Updates

As per the original study (Genivar, March 2010), groundwater (vertical) vulnerability was assessed by calculating Aquifer Vulnerability Index (AVI) based on the CAMC/YPDT regional hydrostratigraphic interpretations.

However, since well #2 and well #3 (upper aquifer wells) were removed from the system, only the AVI values pertinent to the deep aquifer (supporting well #4 and well 35) were considered in the vertical vulnerability assessment over the WHPA footprint.

5.2.2.2.6–7 2019 Canadiana Shores Wellhead Protection Studies Updates

The replacement well is screened within the same geological unit as the replaced well. Therefore, the aquifer vulnerability mapping remains unchanged due to the replacement well and as such no new delineations are warranted.

5.2.2.2.8 2024 King's Bay Wellhead Protection Studies Updates

As per the consultants (WSP) information, an additional well was needed to satisfy the firm capacity requirements of the new development. In this case, the existing wells have the capacity to meet demands, but redundant capacity is needed. During the consultants' 2021 hydrogeological investigation, it was determined that well TW21-3 (well #4), completed in the King's Bay Aquifer, could be used as a municipal water supply source.

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In order to provide a conservative approach and consistency with existing WHPA development, the pumping rates (in L/day) used to determine WHPA are based on total permitted takings of the existing wells. In this case, 4 scenarios were run with one well off during each scenario as summarized in the following table:

Scenario	Well #1	Well #2	Well #3	TW21-3 (Well #4)	Notes
1	123840	110880	176752	0	Existing wells operating
2	123840	110880	0	176752	TW21-3 replaces Well #3
3	123840	0	176752	110880	TW21-3 replaces Well #2
4	0	110880	176752	123840	TW21-3 replaces Well #1

For this study, the regional scale 3D southwest sub-regional model (Genivar, 2010) was used to develop WHPAs. The model domain encompasses an area of 136.6 km². As part of this study, the southwest sub-regional model was refined in the King's Bay area in accordance with field activities (including test well drilling and pumping test). The model was further refined during the model calibration, such that numerical model simulations reasonably reflect the observed field conditions. In general, there were no changes made to the aquifer geometry, stratigraphy and extent, though the hydraulic conductivity of a localized area of the aquifer around the King's Bay wellfield was increased to 5x10⁻⁴ m/s based on the calibration to the pumping test. The value assigned in the original southwest sub-regional model was 2x10⁻⁴ m/s.

To account for some of the uncertainty in the capture zones, a factor of safety was applied. The width and length of the capture zone is increased by 20% to account for some of the uncertainty in the hydraulic characteristics of the aquifer.

The vertical vulnerability assessment was done using the Aquifer Vulnerability Index (AVI) method as per the original assessment. Since there were no changes in the stratigraphy of the conceptual model, the intrinsic vulnerability remained the same.

The WHPAs were overlain with the intrinsic vulnerability to produce vulnerability scoring maps, as per Table 4 in the Technical Rules (MECP, 2021)

Table 5.2-6: Summary of City of Kawartha Lakes Municipal Well Systems

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System	Well	Aquifer Type	Geology	GUDI Status	Groundwater Flow Model
Birch Point	Well #3	confined to semi-confined	overburden	non-GUDI	East Sub-Regional
	Well #4	confined to semi-confined	overburden	non-GUDI	
Canadiana Shores	Replacement Well #1	unconfined to semi-confined	overburden	GUDI	Southwest Sub-Regional
	Well #2	unconfined to semi-confined	overburden	GUDI	
	Well #3	unconfined to semi-confined	overburden	GUDI	
Janetville	Well #3	confined	overburden	non-GUDI	South Sub-Regional
	Well #4	confined	overburden	non-GUDI	
	Well #5	confined	overburden	non-GUDI	
King's Bay	Well #1	confined to semi-confined	overburden	non-GUDI	Southwest Sub-Regional
	Well #2	confined to semi-confined	overburden	non-GUDI	
	Well #3	confined to semi-confined	overburden	non-GUDI	
	<u>Well #4</u>	<u>confined to semi-confined</u>	<u>overburden</u>	<u>non-GUDI</u>	
Manorview	Well #1	semi-confined	overburden	GUDI	South Sub-

System	Well	Aquifer Type	Geology	GUDI Status	Groundwater Flow Model
	Well #2	semi-confined	overburden	GUDI	Regional
Mariposa Estates	Well #2	confined to semi-confined	overburden	non-GUDI	Southwest Sub-Regional
	TW1-03	confined to semi-confined	overburden	non-GUDI	

Table 5.2-7: Vulnerability Scores for City of Kawartha Lakes Municipal Residential Well Systems

System	Well(s)	Method 1	Transport Pathways by WHPA2					Range of Groundwater Vulnerability Ratings by WHPA				Range of Vulnerability Scores by WHPA				
			A	B	C	D	E	A	B	C	D	A	B	C	D	E
Birch Point	All	AVI	-	-	-	-	N/A	High	High	High	High	10	10	8	6	N/A
Canadiana Shores	All	AVI	-	-	-	W	-	Med-high	Low-high	Low-high	Low-high	10	6-10	4-8	2-6	5.6
Janetville	All	AVI	-	-	-	-	N/A	Low	Low	Low	Low	10	6	4	2	N/A
King's Bay	All	AVI	-	-	-	-	N/A	Med-high	Med-high	Med-high	Low-Med-high	10	8-10	6-8	2-6	N/A
Manorview	All	AVI	-	-	-	-	-	Med-high	Med-high	Med-high	Low-high	10	10	4-8	2-6	5.6
Mariposa	Well	AVI	-	-	-	-	N/A	Med-	Med-	Med-	Low-	10	8-10	6-8	2-4	N/A

System	Well(s)	Method 1	Transport Pathways by WHPA2					Range of Groundwater Vulnerability Ratings by WHPA				Range of Vulnerability Scores by WHPA				
			A	B	C	D	E	A	B	C	D	A	B	C	D	E
Estates	#2							high	high	high	med					
	TW1-03					W/Q	N/A	Med-high	Med-high	Med-high	Med-high	10	10	6-8	4-6	N/A
Victoria Glen	All	AVI	-	W	W	W	N/A	High	Med-high	Med-high	Med-high	10	8-10	6-8	4-6	N/A
Pleasant Point	Well #1	AVI	-	-	-	W	SUC	Med	Low-med	Low-med	Low-med	10	6-8	4-6	2-4	5.6
	Well #2	AVI	-	-	-	W	D	Med	Low-med	Low-med	Low-med	10	6-8	4-6	2-4	5.6

5.3.2.4 King's Bay

The drinking water issues evaluation for the King's Bay municipal well system is summarized in Table 5.3-7, which lists the water quality parameters that exceeded the primary or secondary benchmarks and indicates whether or not they were considered issues and the rationale for the conclusion. No drinking water issues were identified. No upward trends were noted for the parameters present.

Table 5.3-7: King's Bay Water Quality Standards Exceedances

Parameter	Water Type ¹	Years on Record	Benchmark Exceedances			Standard		Extrapolation		Drinking Water Issue	Rationale
			Exceeds ODWQS	Above detection limit	Above local background level	Value	Type ²	Trend	Exceed within 50 years		
Schedule 1											
Coliforms	Raw	2003/2004	Yes			0 cfu/100 mL	MAC	–	No	No	Rare exceedances in low numbers. Adequate treatment
Coliforms	Treated	2003/2004	Yes			0 cfu/100 mL	MAC	–	No	No	Adequate treatment
Schedule 2 & Table 4											
NDMA	Raw	2003/2004		Yes		0.009 ug/L	MAC	–	No	No	Rare exceedances in trace concentrations
Turbidity	Treated	2003/2004	Yes			5 NTU	OG	–	No	No	Rare exceedances in low numbers
<u>Hardness</u>	<u>Raw</u>		<u>Yes</u>			<u>80 mg/L</u>	<u>OG</u>				<u>Naturally Occuring; frequent exceedance</u>

¹Indicates if the data on record is for raw (untreated) or treated water; ²Standard types: MAC=Maximum Acceptable Concentration; AO=Aesthetic Objective; OG=Operational Guideline

Table 5.4-3: Summary of Significant Threats for Groundwater Systems in the Trent Source Protection Areas (Listed by System)

Drinking Water Threats		Minden	Lutterworth Pines	Cardiff	Dyno Estates	Alpine Village	Buckhorn Lake Estates	Norwood	Blackstock	Greenbank	Port Perry	Havelock	Grafton	Colborne	Brighton	Crystal Springs	Keene Heights	Millbrook	Stirling	Fraserville	Birch Point	Canadiana Shores	Janetville	Kings Bay	Manorview	Mariposa Estates	Victoria Glen	Pleasant Point	Pinewood	Sonya	Victoria Place	Woodfield	Woods of Manilla	TOTAL	
No.	Prescribed Drinking Water Threats																																		
1	The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act	1					1				1	3						3																9	
2	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage	0	1	2	7	4	1	1	5	1	3	1	1	1	6	1	1	2	96	2	5	2	1	2	3	1	1	1	1	2	1	5	5	513	
3	The application of agricultural source material to land					0	0	0	2				4	0	1			10	0			0	2			2	0		1					202	
4	The storage of agricultural source material					0	0	0	0	0						0	0	0	3				0												3
5	The management of agricultural source material																																		0

Drinking Water Threats		Minden	Lutterworth Pines	Cardiff	Dyno Estates	Alpine Village	Buckhorn Lake Estates	Norwood	Blackstock	Greenbank	Port Perry	Havelock	Grafton	Colborne	Brighton	Crystal Springs	Keene Heights	Millbrook	Stirling	Fraserville	Birch Point	Canadiana Shores	Janetville	Kings Bay	Manonview	Mariposa Estates	Victoria Glen	Pleasant Point	Pinewood	Sonya	Victoria Place	Woodfield	Woods of Manilla	TOTAL
6	The application of non-agricultural source material or biosolids to land							0											1															1
7	The handling and storage of non-agricultural source material or biosolids																		0															0
8	The application of commercial fertilizer to land							0	3													0	1											4
9	The handling and storage of commercial fertilizer																																	0
10	The application of pesticide to land				0			0	2					0	1	2			0	1			0	1		8	2		0		1	0		18
11	The handling and storage of pesticide						0	0																										0
12	The application of road salt																																	0
13	The handling and storage of road salt	29																																29
14	The storage of snow	4	1				10				14																							29
15	The handling and storage of fuel	10	5	1	7	1	2	5	0	0	1	5	6		1	0	2	9		9	9	1		2	1		8	4	1	1	2	1	103	
16	The handling and storage of a dense non-aqueous phase liquid	3					5	0			1		8				5	6																28
17	The handling and storage of an organic solvent	1					1						1					1																4

Drinking Water Threats		Minden	Lutterworth Pines	Cardiff	Dyno Estates	Alpine Village	Buckhorn Lake Estates	Norwood	Blackstock	Greenbank	Port Perry	Havelock	Grafton	Colborne	Brighton	Crystal Springs	Keene Heights	Millbrook	Stirling	Fraserville	Birch Point	Canadiana Shores	Janetville	Kings Bay	Manonview	Mariposa Estates	Victoria Glen	Pleasant Point	Pinewood	Sonya	Victoria Place	Woodfield	Woods of Manilla	TOTAL
18	The management of runoff that contains chemicals used in the de-icing of aircraft																																	0
21	The use of land as livestock grazing or pasturing land, an outdoor confinement area, or a farm- animal yard					1	0	0	1				1		0			16	0			0				1				1				21
22	The establishment and operation of a liquid hydrocarbon pipeline.																																	
Total No. Significant Prescribed Drinking Water Threats		48	21	34	14	51	18	41	53	24	34	35	13	36	63	40	90	145	33	68	29	15	64	37	27	53	23	14	15	45	13	51	78479	
Total No. Parcels Affected by Significant Prescribed Drinking Water Threats		34	18	27	75	18	35	58	21	33	32	11	21	63	30	20	99	121	33	59	24	14	44	35	25	22	15	10	14	29	10	33	6544	
Local Drinking Water Threats																																		
None																																		
TOTAL (All Significant Drinking Water Threats)																																		
Total No. Significant Drinking Water Threats		48	21	34	14	51	18	41	53	24	34	35	13	36	63	40	90	145	33	68	29	15	64	37	27	53	23	14	15	45	13	51	78479	
Total No. Parcels Affected by Significant Drinking Water Threats		34	18	27	75	18	35	58	21	33	32	11	21	63	30	20	99	121	33	59	24	14	44	35	25	22	15	10	14	29	10	33	6544	

Note: the total number of affected parcels may be less than the total number of drinking water threats because more than one threat may occur on some parcels

References:

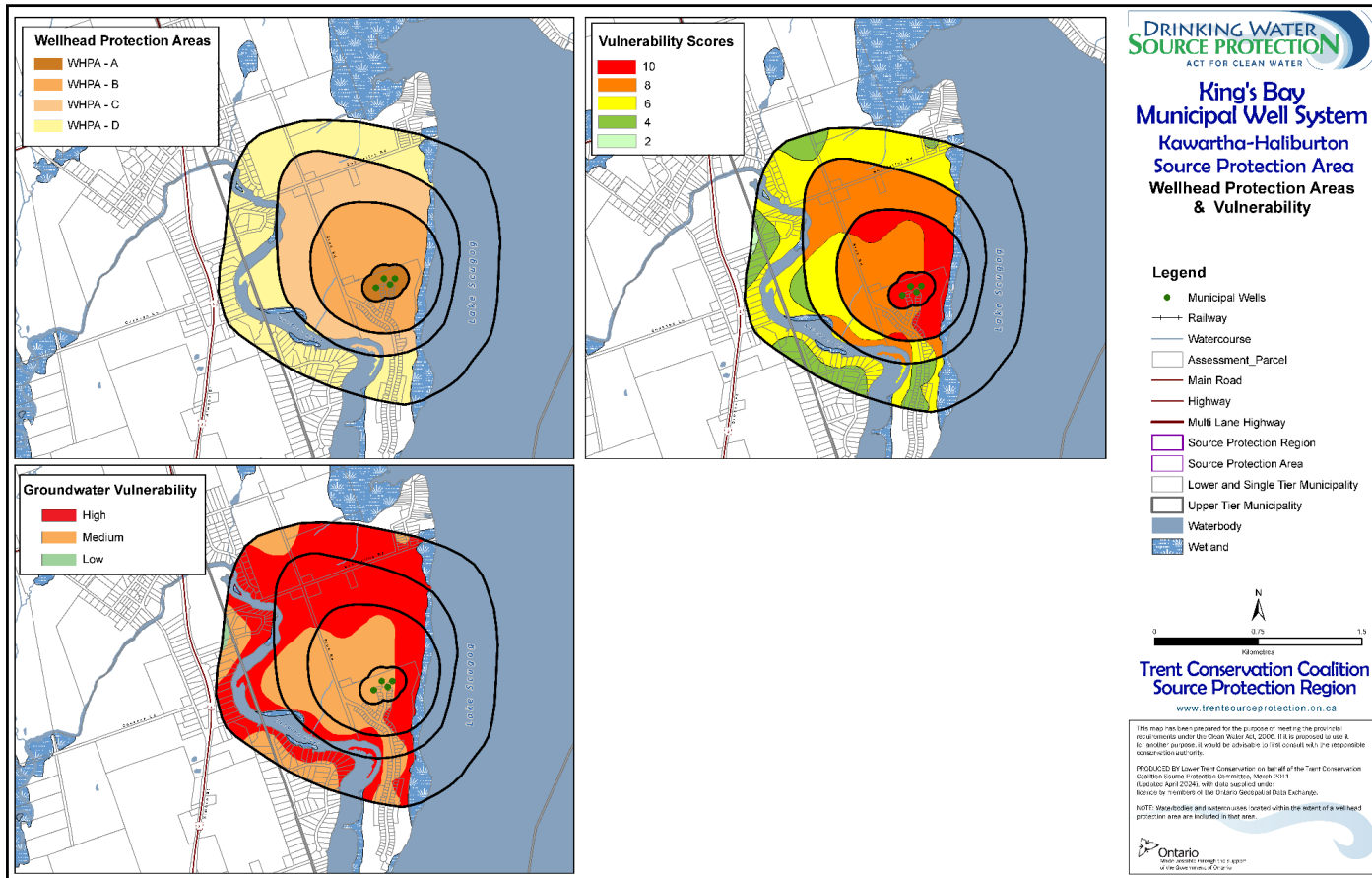
WSP Canada Inc., 2024, Source Protection Vulnerability, Issues and Threats Assessment, King's Bay Golf Course Redevelopment, Seagrave, City of Kawartha Lakes, Ontario, Project Number 19116164 (4400), January 2024

Golder, A Member of WSP, 2022, Water Supply Investigation, King's Bay Golf Course Redevelopment, Seagrave, City of Kawartha Lakes, Ontario, Project Number 19116164, February 2022.

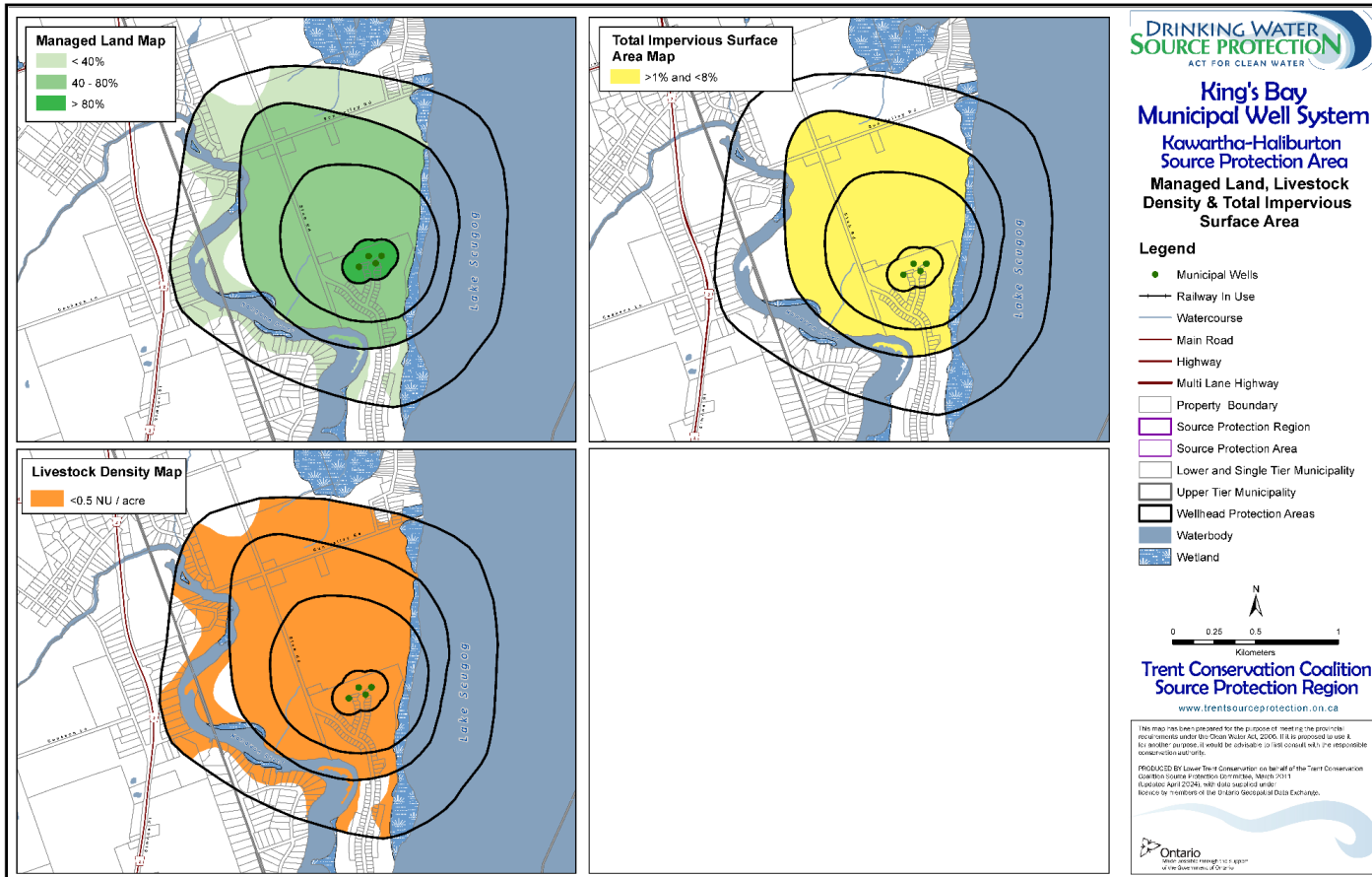
Golder, A Member of WSP, 2021, Geotechnical and Hydrogeological Investigations, King's Bay Golf Course Redevelopment, King's Bay, Township of Mariposa, Ontario, Project Number 19116164 (3000), December 2021.

WSP Canada Inc., 2024, King's Bay Municipal Drinking Water System – Response to Source Water Protection Comments from Kawartha Conservation, Project Number 19116164, January 2024

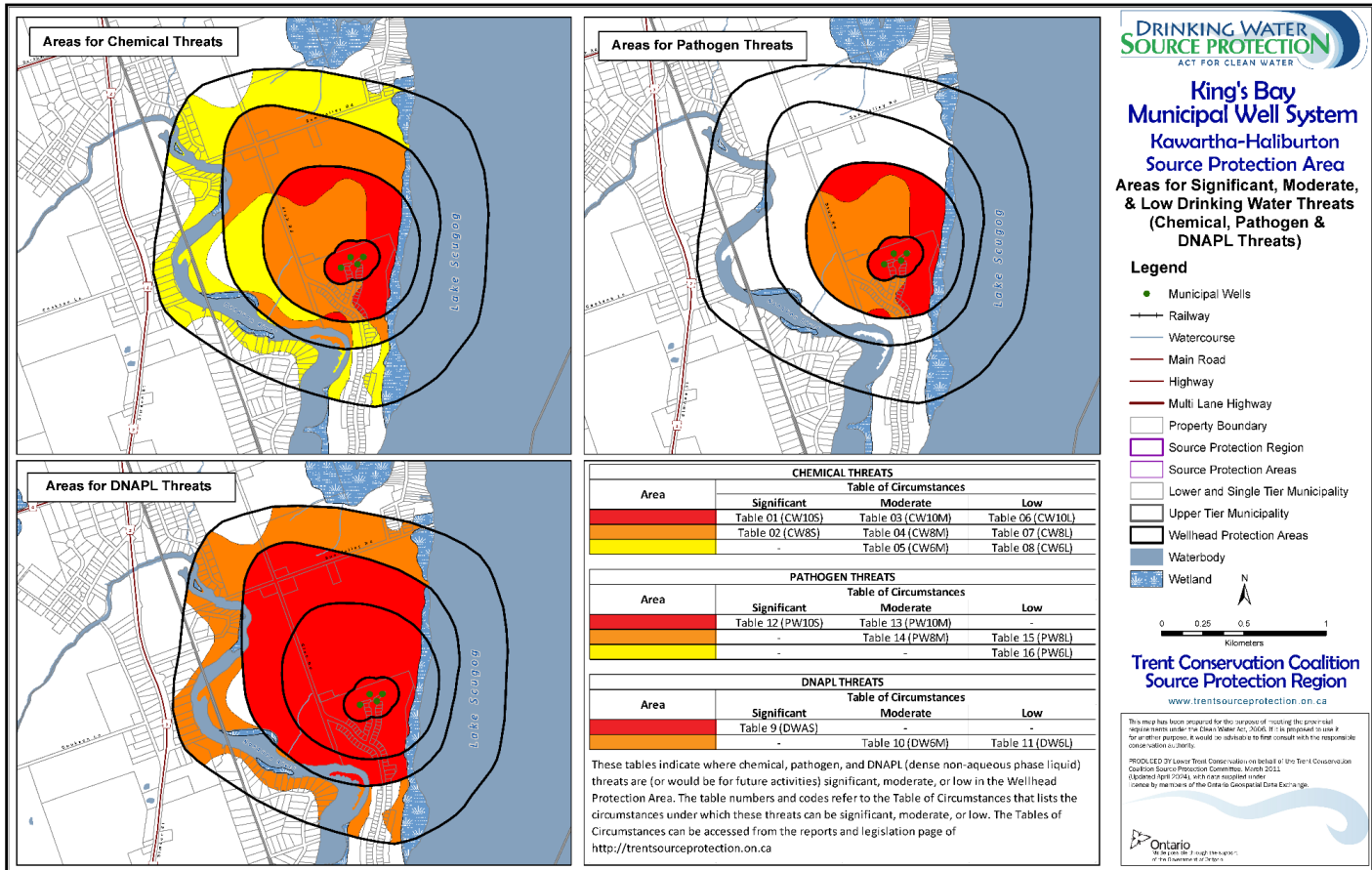
Assessment Report Volume 3 – Updated King’s Bay Mapping



Trent Assessment Report Map 5-4a



Trent Assessment Report Map 5-4b



Trent Assessment Report Map 5-4c

Person Submitting the Petition

Name:	David Penney	RECEIVED SEP 03 2024
Address:	76 Bells Lane	
Phone:	905-213-4123	

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

Petition

To: the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8.

I/We the undersigned, petition the Council of the City of Kawartha Lakes as follows:

to hard surface Heights Road from HWY. 36 to the north end of that road. The road is graded periodically but still normally has pot holes and two or three stretches of washboard. It is necessary to reduce speed to a crawl in several places. This could be a dangerous situation for a driver not familiar with the road conditions.

We ask council to consider this a decision unit in the 2025 or 2026 capital budget from the general tax levy.

#	Name	Contact Information	Signature
1	JAN PENNEY	76 BELLS LANE 905-439-6751	
2	Jason Bibeau	1858 Heights Rd 705-328-5005	
3	Mark Richardson	1860 Heights Rd 705 464 0669	
4	Adrienne Manuel	1860 Heights Rd 705-464-0669	
5	Sherry Ware	1948 Heights Road 705 341-3413	
6	MIKE WARE	1948 416 402-9201 HEIGHTS RD	
7	ANNE CONNELLY	1988 HEIGHTS RD. 705 793 2400	
8	Asher Perez	416 707 0764	
9	Ronit Knefo	9 Loon Lane Dundas 416-895-2818	
10	Bernadette Dubick	23 Loon Lane Dundas 416 275-5035	
11	Julian Dubicki	21 Loon Lane Dundas 416-662-9737	
12	LUCY BUTLER	24 Loon Lane Dundas 705-928-3751	
13	Sharee Mitchell	29 Loon Lane 705-879-8512	
14	LUCAS PULLER	31 Loon Lane 905-439-8940	

Signatories to a Petition are deemed to have waived any expectation of privacy as a result of the record being created for review by the general public. Questions about the collection and disclosure of personal information contained in this petition should be directed to the City Clerk at 705.324.9411 ext. 1295.

Person Submitting the Petition

Name:	Mona Bailey	RECEIVED
Address:	46 Sturgeon Road North, Omemee, Ontario K0L2W0	SEP 18 2024
Phone:	705-977-1075	

OFFICE OF THE CITY CLERK
KAWARTHA LAKES

Petition

To: the Council of the City of Kawartha Lakes, 26 Francis Street, Lindsay, ON K9V 5R8.

I/We the undersigned, petition the Council of the City of Kawartha Lakes as follows:

To provide a dog park in the Village of Omemee .

#	Name	Contact Information	Signature
1	Doris Burgomaster	705-799-5993	<i>D Burgomaster</i>
2	Joyce van der Broek	705-928-0313	<i>Joyce van der Broek</i>
3	Darlene Hamilton	905-715-0320	<i>D Hamilton</i>
4	Dorina O'Neill	705-799-6366	<i>Dorina O'Neill</i>
5	michele O'Leary	289-314-2836	<i>Michele O'Leary</i>
6	DAN O'LEARY	905-448-2025	<i>Dan O'Leary</i>
7	GREGA EUSTEYON	647-335-2080	<i>Grega Eusteyon</i>
8	Warner Chambers	705 868-7648	<i>Warner Chambers</i>
9	Joan Long	647 286 4018	<i>Joan Long</i>
10	Sam Long	905 431 4290	<i>Sam Long</i>
11	Kaitlynn Wright	705 977 2058	<i>Kaitlynn Wright</i>
12	Holly Goode	705-808-3852	<i>Holly Goode</i>
13	PAUL HAUSSZ	705-799-2933	<i>Paul Hausz</i>
14	Margaret Rickard	705-799-0201	<i>M. Rickard</i>
15	Catherine Milligan	4519-984-8300	<i>Catherine Milligan</i>

Jump In Kawartha Lakes

Omemee Dog Park

Aug 30, 2024 - Sep 15, 2024

Project: Online Petitions

Tool Type: Form

Activity ID: 289

Exported: Sep 18, 2024, 03:39 PM **Exported By:** jwatts

Petition Request: We the undersigned, petition the Council of the City of Kawartha Lakes to provide a dog park in the village of Omemee.

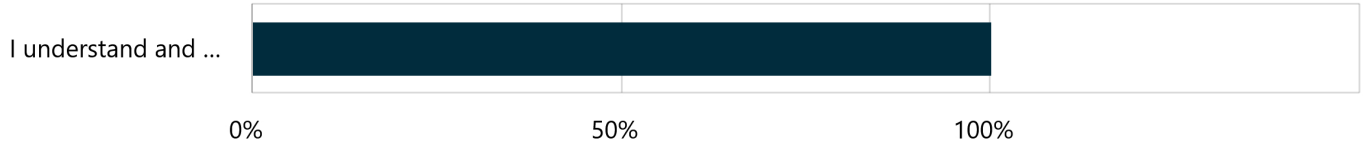
Petition Background: There is a lot of interest from the residents of Omemee to have a dog park. Currently residents have to travel to either Lindsay or Peterborough to access a dog park.

Petition Organizer: M. Bailey of Omemee, ON

Petition Disclaimer: The City of Kawartha Lakes does not support, endorse or detract from the Petition Request above until a formal resolution regarding this matter is adopted by City Council. The City of Kawartha Lakes also cannot attest to the factual accuracy of the background material, as it has been solely provided by the Petition Organizer.

5. Signatories to a petition waive any expectation of privacy as a result of the petition being created for review by City Council and the General Public in an Open Session of City Council. Your personal information will not be published on any Kawartha Lakes website, however will be made available to any member of City Council upon request, and may also be publicly released in a Freedom of Information Request. Questions about the collection and disclosure of personal information provided by me on this petition should be directed to the City Clerk's Office. Required

Multi Choice | Skipped: 0 | Answered: 19 (100%)



Answer choices	Percent	Count
I understand and agree.	100.00%	19

Clean Up and Restore Omemee Beach

Aug 16, 2024 - Sep 15, 2024

Project: Online Petitions

Tool Type: Form

Activity ID: 283

Exported: Sep 18, 2024, 09:30 AM

Exported By: jwatts



Petition Request: We the undersigned petition the Council of the City of Kawartha Lakes to:

- Remove and clean up the unkept plantings in the middle of the sand area;
- Clean up the overgrown shoreline;
- Maintain and add new sand to the existing beach; and
- Clearly mark the swimming area with proper buoys.

Petition Background:

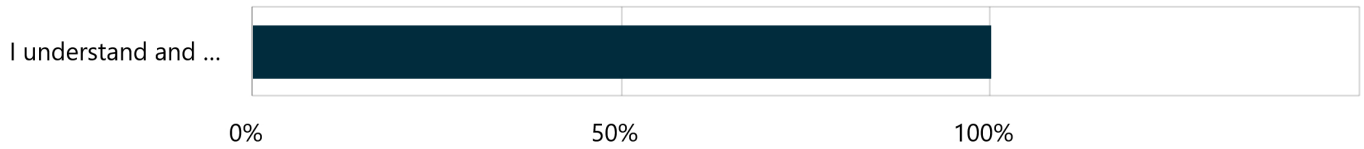
I write not just as a regular citizen, but as someone who grew up surrounded by the beauty of our community beach in Omemee. Countless summer holidays were spent basking in the sun, perfecting my swimming strokes alongside my friends. This beach was more than a spot for relaxation; it was the lifeblood of our community, a magnet for families and swimmers alike. Today, however, that picture of bustling youthful activity and community engagement is painted over by the dismal reality of unkept brush, overgrown shorelines, and ever-invasive weeds. The once-clear marked swimming area is gone, stolen along with the laughter and cheer that used to echo on our beloved beach. It doesn't have to be this way. Clean, accessible, and well-maintained public parks and beaches are not just wishful thinking. In fact, they contribute to public health and community cohesion. A study conducted by The Trust For Public Land found that quality parks and beach spaces support physical activity, improve mental health, and foster community connection. (Trust for Public Land, 2020) Our beach falls within the purview of your municipal government, and it's their undertaking to ensure public areas like our beach are maintained, for the good of all residents and visitors. It's time to bring back the ethos of communal leisure and outdoor enjoyment that once dominated our beach. Let's petition the local authorities and demand a comprehensive restoration and cleanup of our community beach. Enable future generations to create memories and form relationships in a clean, safe environment. It's time we restore the beach to its former glory, for the future of Omemee. Please add your signature to support this initiative. Thank you

Petition Organizer: J. Patterson of Omemee, ON

Petition Disclaimer: The City of Kawartha Lakes does not support, endorse or detract from the Petition Request above until a formal resolution regarding this matter is adopted by City Council. The City of Kawartha Lakes also cannot attest to the factual accuracy of the background material, as it has been solely provided by the Petition Organizer.

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Multi Choice | Skipped: 0 | Answered: 21 (100%)



Answer choices	Percent	Count
I understand and agree.	100.00%	21

Jump In Kawartha Lakes

Traffic Lights or Roundabout at Elm Tree Road and Highway 7, Kawartha Lakes

Sep 06, 2024 - Sep 17, 2024

Project: Online Petitions

Tool Type: Form

Activity ID: 290

Exported: Sep 18, 2024, 09:01 AM

Exported By: jwatts

Petition Request: We the undersigned, petition the Council of the City of Kawartha Lakes to collaborate with the Ontario Ministry of Transportation to rapidly implement:

- a) Traffic Signals to control traffic at the intersection of Elm Tree Road, or
- b) Implement a Roundabout that calms the traffic and provides a safer intersection

Petition Background: The intersection of Elm Tree Road and Ontario Highway #7, the Trans-Canada Highway, is notorious for the number and severity of vehicle collisions resulting in property damage and serious life-altering personal injuries, including death.

This petition is brought forward by the people of Kawartha Lakes and Region, in memory of those that we have lost at this intersection. We are concerned for our own safety and for the safety of those we love.

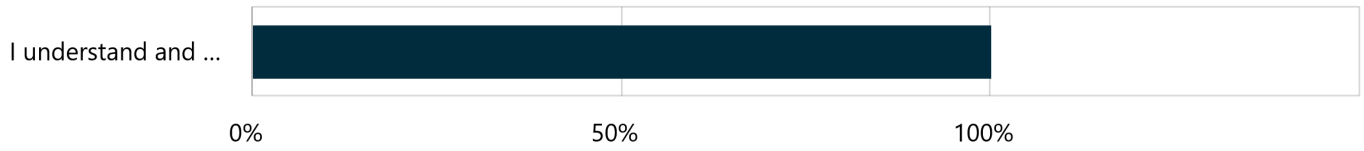
Petition Organizer: R. Neals of Lindsay, ON

Petition Disclaimer: The City of Kawartha Lakes does not support, endorse or detract from the Petition Request above until a formal resolution regarding this matter is adopted by City Council. The City of Kawartha Lakes also cannot attest to the factual accuracy of the background material, as it has been solely provided by the Petition Organizer.



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Multi Choice | Skipped: 0 | Answered: 208 (100%)



Answer choices	Percent	Count
I understand and agree.	100.00%	208

The Corporation of the City of Kawartha Lakes

By-Law 2024-____

A By-law to Authorize the Execution of a License Agreement Between the City of Kawartha Lakes and the Manvers Township Historical Society for the use of space at the Bethany Library, in the City of Kawartha Lakes

Recitals

1. The City of Kawartha Lakes and the Manvers Historical Society agree to enter into a license agreement allowing the non-exclusive right to use a part of the City property located known as the Bethany Library.
2. Section 5.03(2) of By-Law 2016-009, being a by-law regarding delegated authority to execute documents, required that proposed license agreements with a revenue or expense over \$10,000.00 per year and/or a term over 5 years must be approved by Council.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“**Council**” or “**City Council**” means the municipal council for the City;

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Authorization

2.01 **Authorization:** The Mayor and Clerk are hereby authorized and directed to sign the license agreement between the City of Kawartha Lakes and the Manvers Township Historical Society, appended to this By-Law as Schedule A, and affix the City of Kawartha Lakes' corporate seal.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The City Clerk is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A

LICENSE AGREEMENT

Effective the 1st day of November, 2023.

BETWEEN:

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

(hereinafter called the "City")

- and -

MANVERS TOWNSHIP HISTORICAL SOCIETY

(hereinafter called the "Licensee")

WHEREAS:

- a) Historical Societies in the City of Kawartha Lakes play an important role in our society and their local communities;
- b) The Licensee has a valued history of providing service to the greater Manvers Township community and its citizens, dating back to 1888;
- c) The City is the owner of the property known as the Bethany Library, located at 1474 Highway 7A and legally described as Lot 2 east side of Wilson Street Plan 3 Manvers, except R322759, City of Kawartha Lakes (the "City Property");
- d) The Licensee currently uses part of the City Property, as identified in Schedule A;
- e) The City and the Licensee wish to execute an agreement that recognizes the historical and current role of the Licensee, continues City support of the services provided by the Licensee and encourages shared and compatible uses of the City Property for the greater benefit of the citizens of Kawartha Lakes.
- f) The Licensee has applied to the City for a license for a period of ten (10) years in order to provide the Licensee with a non-exclusive license to use the City Property.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Grant of License

- 1.1. The City hereby grants to the Licensee a non-exclusive license (the "License") to occupy and use a part of the City Property, as more specifically shown on the survey sketch attached as Schedule "A" (the "Lands").
- 1.2. It is understood and agreed that the use of the Lands shall not conflict with the reasonable occupation or use of the Lands by any other licensee of the City entitled to occupy or use the Lands under the terms of a non-exclusive license, except to such extent the Licensee and such other licensees may agree in writing amongst themselves from time to time.

2. Non-Exclusive License

- 2.1. The License grants the Licensee the non-exclusive right to occupy and use the Lands, while recognizing the right of the City to enter into agreements with other individuals, partnerships, corporations, organizations, associations, and community groups (each being an "Other Licensee"), for the non-exclusive

occupation and use of the Lands on a continuing basis for, for example, the establishment and maintenance of a community center, arena, or community service club on the Premises.

3. Access Beyond Operating Hours

- 3.1. The Licensor grants the Licensee a key and authorized access to the premises beyond regular library hours for the duration of this agreement. The Licensee agrees to use the key responsibly and to ensure that the premises are secure upon departure. Any unauthorized use or sharing of the key by the Licensee is strictly prohibited and may result in termination of this agreement.

4. License Term

- 4.1. This License will commence on the 1st day of November, 2023 and extend for a period of ten (10) years, terminating on the 31st day of October, 2033 (the "Termination Date").

5. License Renewal

- 5.1. At the option of the Licensee, and upon written notice to the City not less than six (6) months in advance of the Termination Date, this License Agreement may be renewed for one (1) further term of ten (10) years, unless earlier terminated in accordance with this Agreement.

6. License Fee

- 6.1. In consideration for its use and occupation of the Lands, the Licensee agrees to pay to the City an annual license fee (the "License Fee") of One Dollar (\$1.00), payable upon execution.

7. Payment of Fee

- 7.1. All payments of the License Fee pursuant to this License shall be delivered to the City at the City's address for service set out in Section 22 or to such other place as the City may from time to time direct in writing.

8. Licensee Expenses

- 8.1. The Licensee shall be responsible for the maintenance and repair of the buildings, fixtures and appurtenances built, constructed or installed by the Licensee on the Lands (the "Buildings").
- 8.2. It is understood and agreed that should Historical Societies become legally liable in the future for the payment of any tax(es) associated with the Licensee's use of the Lands, including but not limited to property tax, the Licensee will assume full responsibility for the payment of such tax(es) and will remit same to the appropriate authority when due and the City will not be obligated to pay any portion of such tax(es).
- 8.3. It is understood and agreed that the City will not be obligated to participate in any maintenance or capital expenditures on the Lands, except as specified by this Agreement or as may be offered or agreed upon from time to time in writing.

9. Licensee's Covenants

- 9.1. The Licensee shall not do or permit to be done on the Lands anything that may:
- a) constitute a nuisance;
 - b) cause damage to the Lands;
 - c) cause injury or annoyance to an Other Licensee or occupants or owners of neighbouring properties;

- d) make void or voidable any insurance upon the Lands or any part of the Buildings;
- e) constitute a breach of any by-law, statute, order or regulation of any municipal, provincial, federal or other competent authority relating to the Lands; or
- f) cause any lien, mortgage, or other encumbrance to be incurred or registered against the Lands.

10. Alterations and Additions

- 10.1. If the Licensee during the Term of this Agreement, or any renewal thereof, desires to make any alterations or additions to the Lands, including but not limited to: painting, erecting partitions, attaching equipment, and installing necessary furnishings or additional equipment, the Licensee may do so at its own expense, at any time and from time to time, if the following conditions are met:
- a) before undertaking any alteration or addition the Licensee shall submit to the City a plan showing the proposed alterations or additions and items included in the plan which are regarded by the Licensee as "Trade Fixtures" shall be designated as such on the plan, and the Licensee shall not proceed to make any such alteration unless the City has approved the plan and appended Schedule "A";
 - b) any and all alterations or additions to the Lands made by the Licensee must comply with all applicable building and fire code standards, by-laws and fees;
 - c) such additions or alterations shall not be of such nature or extent as to in any manner weaken the structure of the Trade Fixtures or the Lands or reduce the value of the Trade Fixtures, the Lands, or the property of any Other Licensee; and
 - d) any such maintenance or improvements to the Lands shall be undertaken in a good and workmanlike manner by the Licensee and shall be executed by duly qualified and licensed tradesmen.
- 10.2. The Licensee shall be responsible for and pay the cost of any alterations, additions installations or improvements that any governing authority, municipal, provincial, federal or otherwise, may require to be made in, on or to the Lands or in connection with any private protective system used by the Licensee.
- 10.3. All signage, advertisement or notices inscribed, painted or affixed by the Licensee, or any other person on the Licensee's behalf, on any part of the inside or outside of a Building or on the Lands must be in accordance with City policy.
- 10.4. All alterations and additions to the Premises made by or on behalf of the Licensee not in accordance with this Agreement shall immediately become the property of the City without compensation to the Licensee, unless otherwise agreed by the parties in writing.
- 10.5. The Licensee agrees, at its own expense and by whatever means may be necessary, immediately to obtain the release or discharge of any encumbrance that may be registered against the City's property in connection with any additions or alterations to the Lands made by the Licensee in connection with any other activity of the Licensee.
- 10.6. The Licensee agrees that upon the expiration of the Term or any extension or renewal thereof, or upon other termination of this License, the Licensee shall leave the Lands in a state of good repair, reasonable wear and tear excepted.

11. Repairs and Maintenance

- 11.1. The Licensee acknowledges that the City shall not be responsible for nor shall it assume any liability or responsibility for any capital expenditures, repairs or alterations of any nature whatsoever related to the Licensee's use of the Lands and in default of this covenant, the City shall have the right to terminate this License.
- 11.2. The Licensee shall not obstruct persons authorized by the City to enter the Lands to examine the condition thereof and view the state of repair at all reasonable times:
 - a) and if upon such examination repairs are found to be necessary, written notice of the repairs required shall be given to the Licensee by or on behalf of the City and the Licensee shall make the necessary repairs within the time specified in the notice;
 - b) and if the Licensee refuses or neglects to keep the Lands in good repair the City may, but shall not be obliged to, make any necessary repairs, and shall be permitted to enter the Lands, by itself or its servants or agents, for the purpose of effecting the repairs without being liable to the Licensee for any loss, damage or inconvenience to the Licensee in connection with the City's entry and repairs, and if the City makes repairs the Licensee shall pay the cost of them immediately.
- 11.3. Upon expiry of the Term or other determination of this License the Licensee agrees to peaceably surrender the Lands, including any alterations or additions made thereto, to the City in a state of good repair.
- 11.4. The Licensee shall immediately give written notice to the City of any damage that occurs to the Lands from any cause.

12. Environmental

- 12.1. The Licensee shall be, at its own expense, responsible for any loss, costs, damages, charges or expenses whatsoever which may be sustained by the City as a result of any environmental contamination, spill or hazard as may be created by the Licensee during its use of the Lands.
- 12.2. Execution of this License constitutes confirmation that any environmental damage occurring as a result of its occupation of the Lands shall be remedied upon the expiration of the License at the sole cost of the Licensee.

13. Insurance

- 13.1. During the License Term and any renewal thereof, the Licensee shall provide and maintain Commercial General Liability Insurance (CGL) on an occurrence basis and shall include, but is not limited to, legal liability and personal liability, property damage including loss of use thereof, contractual liability, tenant's legal liability, and all risk property coverage on all property owned by or for which the Licensee is legally liable in an amount of the full replacement cost of the property. Such policy shall be written for an inclusive liability limit of not less than Two Million Dollars (\$2,000,000.00) per occurrence, with a deductible that is acceptable to the City. To achieve the desired limit, umbrella or excess liability insurance may be used. The policy shall be issued by an insurance company authorized by law to carry on business in the Province of Ontario and The Corporation of the City of Kawartha Lakes shall be named as an additional insured on the policy.
- 13.2. The insurance shall be non-contributing with and apply as primary and not as excess of any insurance available to the City.

- 13.3. Upon execution of this License, and annual thereafter, the Licensee shall provide the City with a Certificate of Insurance as confirmation of the above-requested insurance coverage. If requested by the City, the Licensee shall provide copies of the said insurance policies.
- 13.4. If the City receives notification that the insurance policy has been cancelled, this License will terminate immediately.
- 13.5. The Licensee shall provide and maintain all risk property insurance in an amount equal to the full replacement cost insuring:
 - a) All property owned by the Licensee or for which it is responsible and located within the leased premises, including but not limited to fittings, fixtures, additions, alterations, partitions, and all other City and Licensee improvements, and
 - b) the Licensee's furniture, inventory, trade fixtures, and equipment.

14. Indemnity

- 14.1. The Licensee shall at all times indemnify and save harmless the City, its employees, agents and members of council from and against any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever made or brought against, suffered by, or imposed on the City in respect of any loss, damage or injury to any person or property directly or indirectly arising out of, resulting from, or sustained, arising out of or occasioned by the maintenance, use or occupancy of the Lands or as a result of this License or any operation connected therewith except for the negligence or willful misconduct of the City.
- 14.2. The Licensee further covenants to indemnify and save harmless the City with respect to any encumbrance on or damage to the Lands or the Corporation of the City of Kawartha Lakes occasioned by or arising from the act, omission, default, or negligence of the Licensee, its officers, agents, servants, employees, contractors, customers and/or invitees.
- 14.3. The foregoing indemnities shall survive the termination of this License notwithstanding any provisions of this License to the contrary.

15. Acts of Default and City's Remedies

- 15.1. An "Act of Default" has occurred when:
 - a) The Licensee has breached its covenants or failed to perform any of its obligations under this License; and
 - i. the City has given fifteen (15) days notice, or such longer period as the City may determine in its sole discretion, specifying the nature of the default and the steps required to correct it; and,
 - ii. The Licensee has failed to correct the default as required by the notice;
 - b) The Licensee has;
 - i. become bankrupt or insolvent or made an assignment for the benefit of creditors;
 - ii. had its property seized or attached in satisfaction of a judgment;
 - iii. had a receiver appointed;
 - iv. committed any act or neglected to do anything with the result that a Construction Lien or other encumbrance is registered against the City's property;

- v. without the consent of the City, made or entered into a license to make a sale of its assets to which the Bulk Sales Act applies;
 - vi. taken action if the Licensee is a corporation, with a view to winding up, dissolution or liquidation;
 - vii. ceased to exist.
- c) any insurance policy is cancelled or not renewed by reason of the use or occupation of the Lands, or by reason of non-payment of premiums;
- d) the Lands;
- i. become vacant or remain unoccupied by the Licensee for a period of ninety (90) consecutive days or
 - ii. is used by any other person or persons, or for any other purpose than as provided for in this License without the written consent of the City.
- 15.2. When an Act of Default on the part of the Licensee has occurred the City shall have the right to terminate this License.
- 15.3. If, because an Act of Default has occurred, the City exercises its right to terminate this License prior to the end of the Term, the Licensee shall nevertheless be liable for payment of the License Fee and all additional fees and all other amounts payable by the Licensee in accordance with the provisions of this License.
- 15.4. If, when an Act of Default has occurred, the City chooses not to terminate the License, the City shall have the right to take any and all necessary steps to rectify any or all Acts of Default of the Licensee and to charge the costs of such to the Licensee.
- 15.5. If, when an Act of Default has occurred, the City chooses to waive its right to exercise the remedies available to it under this License or at law, the waiver shall not constitute condonation of the Act of Default, nor shall the waiver be pleaded as an estoppel against the City to prevent its exercising its remedies with respect to a subsequent Act of Default. No covenant, term, or condition of the License shall be deemed to have been waived by the City unless the waiver is in writing and signed by the City.

16. Termination Upon Notice and at End of Term

- 16.1. In the unlikely event that the City finds it necessary at any time to remodel, demolish, sell or change the land use of the Lands or any part thereof, to an extent that renders continued possession by the Licensee impracticable, the Licensee shall, upon receiving five hundred and forty-five (545) clear days' written notice from the City, representing not less than one and one half years' notice:
- a) surrender the License, including any unexpired remainder of the Term; and
 - b) vacate the Lands.
- 16.2. In the event that the entire or any portion of the Lands are expropriated, this Agreement shall be cancelled without further recourse by either party against the other. The City and the Licensee may exercise fully all rights, remedies and claims from compensation which each may have under applicable legislation. The City and the Licensee shall inform each other fully of the claims for compensation made by each of them in the event of any expropriation, shall not claim compensation on any basis inconsistent with this Agreement, and

shall afford reasonable co-operation to each other in the prosecution of any property separate claim.

- 16.3. In the event of the permanent closure of the Lands for any reason whatsoever and made in the sole discretion of the City, acting reasonably, the City shall have the right to terminate this Agreement by giving written notice to the Licensee in which case the License shall be cancelled without further recourse by either party against the other. The City and the Licensee may exercise fully at their rights, remedies and claims for compensation which each may have as a result of the closing of the Lands. The City and the Licensee shall inform each other fully, in writing, of the claims for compensation made by each of them in the event of the Lands being closed, shall not claim compensation on any basis inconsistent with this License and shall afford reasonable co-operation to each other in the prosecution of any property separate claim.
- 16.4. If the Licensee is not in default of its obligations pursuant to this Agreement, at the expiration of the Term or any renewal period, or upon earlier determination of the Term, the Licensee has the right to remove, at its sole cost all Trade Fixtures on the Lands. The Licensee agrees to restore the Lands upon which the removed Trade Fixtures were located, to a state of repair satisfactory to the City within six (6) months of the date of termination of the Term.
- 16.5. If the Licensee remains in possession of the Lands after termination of the License as aforesaid and if the City then accepts payment of the License Fee for the Lands from the Licensee, it is agreed that such overholding by the Licensee and acceptance of License Fee by the City shall create a monthly license and that the occupation of the Lands by the Licensee shall remain subject to all the terms and conditions of this License except those regarding the Term and renewal options.

17. Acknowledgement by Licensee

- 17.1. The Licensee agrees that it will at any time or times during the Term or any renewal or extension period thereof, upon being given at least forty-eight (48) hours prior written notice, execute and deliver to the City a statement in writing certifying:
 - a) that this Agreement is unmodified and is in full force and effect (or if modified stating the modifications and confirming that the Agreement is in full force and effect as modified);
 - b) the License Fee being paid;
 - c) the dates to which the License Fee has been paid;
 - d) other charges payable under the Agreement which have been paid;
 - e) particulars of any prepayment of License Fees; and
 - f) particulars of any agreement executed by the Licensee with respect to holding of a Licensee Event on the Lands.

18. Subordination and Postponement

- 18.1. This Agreement and all the rights of the Licensee under this Agreement are subject and subordinate to any and all charges against the land, buildings or improvements of which the Lands form a part, whether the charge is in the nature of a mortgage, trust deed, lien or any other form of charge arising from the financing or re-financing, including extensions or renewals, of the City's interest in the property.
- 18.2. Upon request of the City the Licensee will execute any form required to subordinate its License and the Licensee's rights to any such charge, and will, if required, attorn to the holder of the charge.

- 18.3. No subordination by the Licensee shall have the effect of permitting the holder of any charge to disturb the occupation and possession of the Lands and by Licensee as long as the Licensee performs its obligations under this License.

19. Rules and Regulations

- 19.1. The Licensee agrees on behalf of itself and all persons entering the Lands with the Licensee's authority or permission to abide by such reasonable written rules and regulations that form part of the Agreement and as the City may make from time to time.

20. Notice

- 20.1. Any notice required of permitted to be given by one party to the other pursuant to the terms of this License shall be given:

To the City at:

The Corporation of the City of Kawartha Lakes
Attention: Clerk's Office
26 Francis Street, P.O. Box 9000
Lindsay, ON K9V 5R8
Fax: (705) 324-8110
E-mail: clerks@kawarthalakes.ca

To the Licensee at:

Manvers Township Historical Society
Attention: Teresa Jordan, President

1480 Hwy 7A
Bethany, ON L0A 1A0
Fax: (705) 277-2636
E-mail: teresaanddon651@gmail.com

- 20.2. The above addresses may be changed at any time by giving ten (10) days written notice to the other party to this License.
- 20.3. Any notice given by one party to the other in accordance with the provisions of this License shall be deemed conclusively to have been received on the date delivered if the notice is served personally or sent by facsimile transmission or seventy-two (72) hours after mailing if the notice is mailed.

21. Registration

- 21.1. The Licensee hereby acknowledges and agrees that this License does not create or confer on the Licensee any interest in the Lands, that this License is personal to the Licensee and that this License merely confers on the Licensee the non-exclusive right to enter onto and occupy the Lands for the Term for the purpose of holding Licensee Events. Accordingly, the Licensee agrees that it shall not at any time register notice of or a copy of this License on title to the Lands or the property of which the Lands forms part.

22. Assignment and Transfer

- 22.1. The Licensee shall not assign or transfer all or any part of its interest in this License without the prior written consent of the City, which consent may be unreasonably withheld.
- 22.2. The consent of the City to any assignment or transfer of interest in this License shall not operate as a waiver of the necessity for consent to any subsequent assignment or transfer.
- 22.3. Any consent granted by the City shall be conditional upon the assignee or transferee executing a written License directly with the City agreeing to be bound by all the terms of this License as if the assignee or transferee had originally executed this License as Licensee.

- 22.4. Any consent given by the City to any assignment or other disposition of the Licensee's interest in this License shall not relieve the Licensee from its obligations under the License.
- 22.5. If the party originally entering into this License as Licensee, or any party who subsequently becomes the Licensee by way of assignment or transfer or otherwise as provided for in this License, is a corporation then;
- a) the Licensee shall not be entitled to deal with its assets in any way that results in a change in the effective voting control of the Licensee unless the City first consents in writing to the proposed change, and;
 - b) if any change is made in the control of the Licensee corporation without the written consent of the City then the City shall be entitled to treat this License as terminated.
 - c) The Licensee agrees to make available to the City or its authorized representatives the corporate books and records of the Licensee for inspection at reasonable times.

23. Amendment

- 23.1. No alteration, amendment, change or addition to this License shall be binding on the City and/or the Licensee unless such alteration, amendment, change or addition is reduced to writing and signed by both the City and the Licensee.

24. Confirmation

- 24.1. The parties hereto hereby confirm that this License is a non-exclusive license to occupy and use the Lands only and shall not constitute a lease of the Lands and that the provisions of the *Commercial Tenancies Act* (Ontario) shall not apply hereto.

25. Entire License

- 25.1. It is agreed and understood that this License (including the schedules referred to herein, which are hereby incorporated by reference) constitutes the entire License between the parties with respect to the subject matter hereof and supersedes all prior arrangements, proposals, understandings and negotiations, both written and oral, between the parties or their predecessors with respect to the subject matter of this License.

26. General Matters of Intent and Interpretation

- 26.1. Each obligation under this License is a covenant.
- 26.2. The headings in this License are for ease of reference only and are not to be taken into account in the construction or interpretation of any provision to which they refer.
- 26.3. The use of the neuter singular pronoun to refer to the City or the Licensee is a proper reference even though the City or the Licensee is an individual, a partnership, a corporation or a group of two or more individuals, partnerships or corporations. The grammatical changes needed to make the provisions of this License apply in the plural sense when there is more than one City or Licensee and to corporations, associations, partnerships or individuals, males or females, are implied.
- 26.4. Whenever a statement or provision in this License is followed by words denoting including or example (such as "including" or "such as") and there is a list of, or reference to, specific matters or items, such list or reference shall not be read so as to limit to restrict the generality of such statement or provision, even though words such as "without limitation" or "without limiting the generality of the foregoing" do not precede such list of reference.

- 26.5. If a part of this License or the applications of it to a person or circumstance, is to any extent held or rendered invalid, unenforceable or illegal, that part:
- a) is independent of the remainder of the License and is severable from it, and its invalidity, unenforceability or illegality does not affect, impair or invalidate the remainder of this License; and
 - b) continues in all circumstances except those as to which it has been held or rendered invalid, unenforceable or illegal.
- 26.6. This License will be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 26.7. Time is of the essence of this License.
- 26.8. To the extent that liability exists at the time of expiry or earlier surrender or termination of this License, the covenant(s) from which such liability is derived shall survive such expiry or earlier surrender or termination.

27. Force Majeure

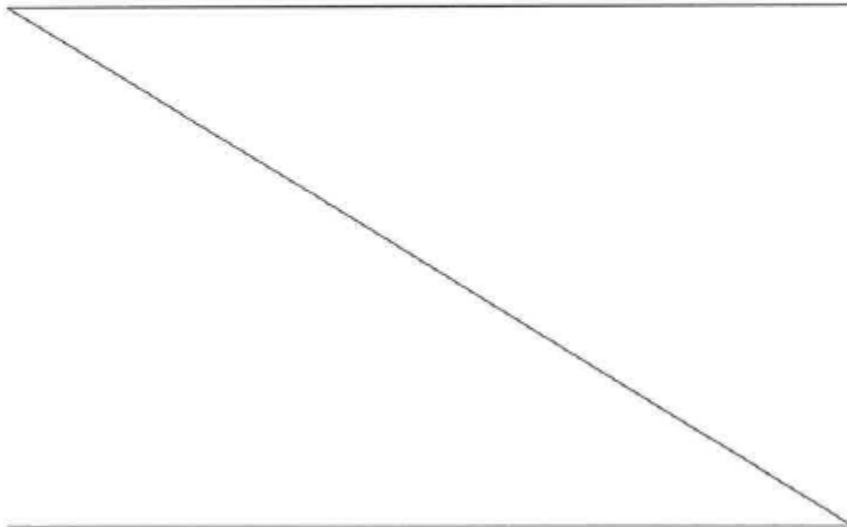
- 27.1. Except for any obligation to pay money, neither party will be liable for any failure or delay in its performance under this License due to any cause beyond its reasonable control, including acts of war, acts of God, earthquake, flood, embargo, riot, sabotage, labour shortage or dispute, governmental act or failure of the Internet, provided that the delayed party:
- a) gives the other party prompt notice of such cause; and
 - b) uses its reasonable commercial efforts to correct promptly such failure or delay in performance.

28. Compliance With Laws

- 28.1. The Licensee agrees to comply with all lawfully enacted statutes, regulations and by-laws of the Province of Ontario, the Government of Canada, and the City, as such may from time to time apply to the Licensee or its occupation of the Lands.

29. Successors

- 29.1. The rights and obligations under this License extend to and bind the parties and their respective successors and permitted assigns.



30. Electronic Signatures

30.1. This Agreement may be executed and delivered by facsimile or other electronic means, which electronic copies shall be deemed to be original.

DATED at Lindsay, this _____ day of _____, 2024

**THE CORPORATION OF THE CITY OF
KAWARTHA LAKES**

PER: _____
Name: Doug Elmslie
Title: Mayor

PER: _____
Name: Cathie Richie
Title: City Clerk

We have authority to bind the Corporation

I/We hereby accept the above License on the terms and conditions contained therein

DATED at Lindsay, this 9th day of August, 2024

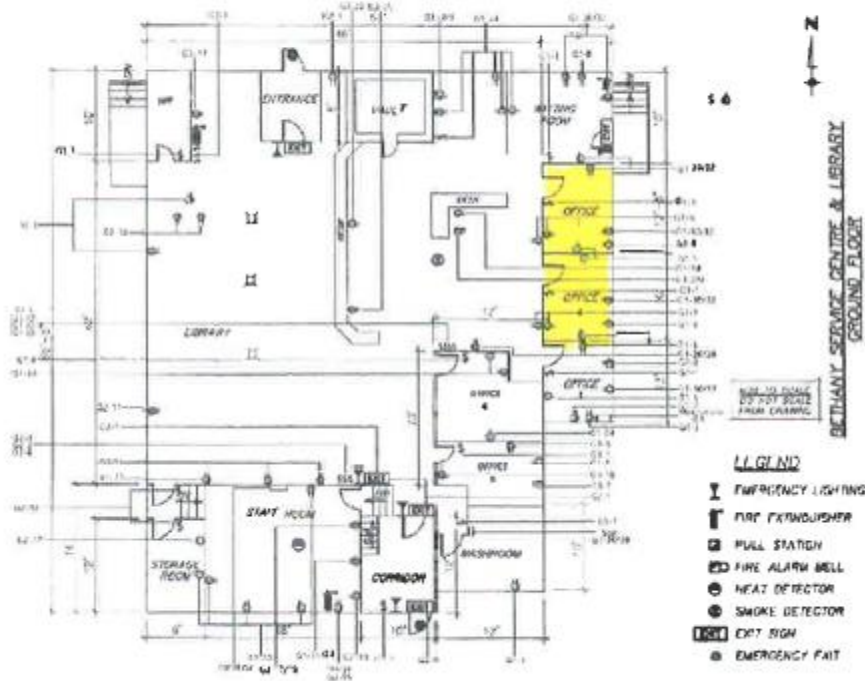
MANVERS TOWNSHIP HISTORICAL SOCIETY

PER: 
Name: Teresa Jordan
Title: President

(I/We have authority to bind the Corporation)

SCHEDULE "A"

The Lands



The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-law to Authorize the Sale of Municipally Owned Property Legally Described as Part Lot 15 Concession 10 Eldon as in VT93528; Kawartha Lakes, being PIN: 63175-0085 (LT)

File L06-18-RS008, respecting 910 Hartley Road, Woodville (former Palestine Community Centre)

Recitals

1. The surplus declaration of the subject property and its sale on the open market was recommended by the Committee of the Whole on March 5, 2024 by CW2024-060. The recommendation was adopted at the Regular Council meeting on March 19, 2024 by CR2024-106.
2. A map of the subject property is attached as Schedule A.
3. Notice of the intention of City Council to pass this by-law was given by notice posted on the City of Kawartha Lakes website commencing February 5, 2024 and a "Potential Surplus Property" sign posted on-site for a three week period commencing February 8, 2024.
4. The proposed by-law came before Council for consideration at its regular Council meeting on September 24, 2024 at 1:00 p.m. and at that time no person objected to the proposed by-law nor claimed that their land would be prejudicially affected.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Manager of Realty Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Sale of Surplus Property

2.01 **Sale:** The property municipally known as 910 Hartley Road, Woodville and legally described as Part Lot 15 Concession 10 Eldon as in VT93528; Kawartha Lakes, being PIN: 63175-0085 (LT) (former Palestine Community Centre), is hereby authorized to be sold to Larry and Donna Thornbury for Three Hundred Ten Thousand Dollars (\$310,000.00), plus HST if applicable, inclusive of all costs incurred by the City in relation to this transaction.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

—
Doug Elmslie, Mayor

—
Cathie Ritchie, City Clerk

Schedule A





The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-law to Authorize the Sale of the City's Ownership Interest in the Property Legally Described as Part Lot 4 Range 6 Plan 11 Verulam; Part Block M Plan 11 Verulam as in R332827; Kawartha Lakes (PIN: 63129-0092 (LT))

File L06-24-RS002, respecting 21 Canal Street East, Bobcaygeon

Recitals

1. The surplus declaration of the City's interest in the subject property and its sale to The A. Sheila Boyd Foundation was recommended by the Committee of the Whole on May 7, 2024 by CW2024-128. The recommendation was adopted at the Regular Council meeting on May 21, 2024 by CR2024-265.
2. A map and aerial map of the subject property are attached as Schedule A.
3. Notice of the intention of City Council to pass this by-law was given by noticed posted on the City of Kawartha Lakes website commencing April 8, 2024 and a "Potential Surplus Property" sign posted on-site for a three-week period commencing April 11, 2024.
4. The proposed by-law came before Council for consideration at its regular Council meeting on September 24, 2024 at 1:00 p.m. and at that time no person objected to the proposed by-law nor claimed that their land would be prejudicially affected.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

"City", "City of Kawartha Lakes" or "Kawartha Lakes" means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Manager of Realty Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Sale of Surplus Property

2.01 **Sale:** The City’s interest in the property municipally known as 21 Canal Street East, Bobcaygeon and legally described as Part Lot 4 Range 6 Plan 11 Verulam; Part Block M Plan 11 Verulam as in R332827; Kawartha Lakes (PIN: 63129-0092 (LT)), is hereby authorized to be sold to The A. Sheila Boyd Foundation for Five Dollars (\$5.00), plus HST if applicable. Each party shall pay their own costs in relation to the transaction.

Section 3.00: Administration and Effective Date

3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.

3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

—
Doug Elmslie, Mayor

—
Cathie Ritchie, City Clerk

Schedule A





The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-law to Authorize the Acquisition of the Property Legally Described as Block N, O Plan 105; Kawartha Lakes (PIN: 63120-0969 (LT))

File No.: L06-11-RS001, respecting 4 Station Road, Kinmount (Austin Sawmill)

Recitals

1. The acquisition of the property municipally known as 4 Station Road, Kinmount and legally described as Block N, O Plan 105; Kawartha Lakes (PIN: 63120-0969 (LT)) was approved, in principle, by City Council in closed session at the regular Council meeting held on August 27, 2024.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**City Clerk**” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“**Council**” or “**City Council**” means the municipal council for the City;

“**Manager of Realty Services**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.02 **Interpretation Rules:** The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Acquisition of Land

- 2.01 **Acquisition:** The parcel of land municipally known as 4 Station Road, Kinmount, and legally described as Block N, O Plan 105; Kawartha Lakes (PIN: 63120-0969 (LT)) is hereby authorized to be acquired by The Corporation of the City of Kawartha Lakes for nominal consideration, with a charitable donation receipt issued to the Vendor in the amount of One Hundred Thirty-Five Thousand Dollars (\$135,000.00), plus all costs associated with the transaction, including the Vendor's legal fees to a maximum of \$2,000.00 (inclusive of HST).

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

–
Doug Elmslie, Mayor

–
Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-XXX

A By-law to Designate 19-21 King Street East, Village of Omemee in the City of Kawartha Lakes

A By-law to designate 19-21 King Street East in the Village of Omemee in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 19-21 King Street East, Village of Omemee described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and **“alteration”** and **“altering”** have corresponding meanings;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Director of Development Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“Property” means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation of Property

2.01 19-21 King Street East, Village of Omemee is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 **Enforcement:** This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 **Offence and Penalty:** It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A to By-law 2024-XXX

Being a By-law to designate 19-21 King Street East, Village of Omemee in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

19-21 King Street East, Village of Omemee

Section 2: Location of Property

Located at the northeast corner of the intersection of King Street East and George Street North

Section 3: Legal Description

LOT 6N KING E GEORGE

Section 4: Location of Heritage Features

The primary heritage feature of the property is the historic mixed-use building facing onto King Street East and built to the southwest lot line of the property.

Section 5: Statement of Reasons for Designation

Design and Physical Value

19-21 King Street has design and physical value as a representative example of an Italianate commercial building in Omemee and one of the oldest extant commercial buildings in the village. Constructed after 1891, it displays typical characteristics of the Italianate commercial style which was the most popular style for downtown commercial architecture in the second half of the nineteenth century, including two-storey brick construction with a flat roof; an ornate cornice with decorative brickwork; and a retained Victorian storefront.

Historical and Associative Value

19-21 King Street East has historical and associative value as a long-standing pharmacy in Omemee, particularly as R.J. Mulligan's pharmacy and in its association with Mulligan, a prominent local businessman, politician and lay leader in the Methodist Church. Through its long-standing use, it yields information regarding the development of medical services in Omemee and the development of pharmacies in turn of the century communities. Constructed around 1891, it yields information regarding the reconstruction of Omemee after a series of fires in the early 1890s and the development of its businesses in the late nineteenth century. It has direct historical relationships with the history of commercial and economic development in Omemee as a well-known local business premise.

Contextual Value

19-21 King Street East has contextual value as part of the historic streetscape of downtown Omemee. It helps maintain and support the character of the commercial core of downtown Omemee as one of a range of nineteenth century commercial buildings extant along King Street East. It is one of a collection of late nineteenth century commercial buildings dating from the 1890s along the

street and forms part of the historic streetwall along the north side of King Street. It is physically, visually and historically linked to its surroundings as part of the village's downtown streetscape.

Section 6: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes support the property's value as a representative example of late nineteenth century Italianate commercial architecture.

- Two-storey buff brick construction
- Flat roof
- Cornice with dog tooth coursing
- Fenestration including:
 - Sash windows
 - Voissoirs
 - Ground floor picture windows in storefront
- Signboard with cornice
- Victorian-style storefront with cornice
- Recessed entrance
- Set back residential portion including Classical entrance porch

Historical and Associative Attributes

The historical and associative attributes support the property's value as a pharmacy and in its role as part of the history of commercial development and the post-1890 reconstruction of Omeme.

- Historic and continuing use as a pharmacy
- Historic association with local figures Thomas Matchett, William Higinbotham and R.J. Mulligan
- Relationship to the history of commercial development in Omeme

- Relationship to other buildings erected as part of the post-1890 reconstruction of Omeme

Contextual Attributes

The contextual attributes of the property support its value as a contributing feature to the historic streetscape of downtown Omeme.

- Construction on the northwest corner of King Street East and George Street
- Construction to the lot line
- Views of the property along King Street East and George Street North
- Views from the property along King Street East and George Street North

Relationship to other Italianate commercial buildings in downtown Omeme

The Corporation of the City of Kawartha Lakes

By-Law 2024-XXX

A By-law to Designate 3740 Highway 7, Geographic Township of Emily in the City of Kawartha Lakes

A By-law to designate 3740 Highway 7 in the Geographic Township of Emily in the City of Kawartha Lakes as being of Cultural Heritage Value or Interest under Part IV of the Ontario Heritage Act.

Recitals

1. Section 29 of the Ontario Heritage Act, R.S.O. 1990, provides that the Council of a municipality may pass a by-law to designate a property within the boundaries of the municipality as being of cultural heritage value or interest.
2. A Notice of Intention to Designate 3740 Highway 7, Geographic Township of Emily described further in Schedule A, has been given in accordance with Section 29 of the Ontario Heritage Act.
3. No objection to the proposed designation has been served on the Clerk of the City.
4. Council has consulted with its Municipal Heritage Committee.
5. Reasons for Designation are set forth in Schedule A.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-XXX.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“alter” means to change in any manner and includes to restore, renovate, repair, erect, demolish, and disturb; and **“alteration”** and **“altering”** have corresponding meanings;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Council” or “City Council” means the municipal council for the City;

“Director of Development Services” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Municipal Heritage Committee” means the Kawartha Lakes Municipal Heritage Committee which makes recommendations to Council and is established under Section 28 of the Ontario Heritage Act;

“Ontario Heritage Act” or **“the Act”** means the Ontario Heritage Act, R.S.O. 1990, c. o.18, as amended or any successor thereof;

“Property” means property as set out in Section 2.01.

1.02 Interpretation Rules:

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Designation of Property

2.01 3740 Highway 7, Geographic Township of Emily is designated as being of cultural heritage value, as described further in Schedule A. This designation shall not preclude alterations that may be deemed necessary for the efficient use of the property but that any and all alterations shall be in keeping with the original and present character of the property and that no alterations to the property affecting its heritage attributes as outlined in Schedule A shall be made without written consent from the City.

2.02 The City is hereby authorized to cause a copy of this by-law to be registered against the property described above in the Land Registry Office.

2.03 The Clerk is hereby authorized to cause a copy of this by-law to be served on the owner of the aforesaid property and on the Ontario Heritage Trust, and to cause notice of the passing of this by-law to be published in a newspaper with general circulation within the municipality.

Section 3.00: Enforcement, Offence and Penalties

3.01 Enforcement: This by-law may be enforced by every municipal law enforcement officer and police officer.

3.02 Offence and Penalty: It is an offence for a person to contravene any provision of this by-law, and every person who contravenes this by-law is guilty of an offence and, on conviction, is liable to a fine in accordance with

the provisions of the Provincial Offences Act, the Ontario Heritage Act and to any other applicable penalty.

Section 4.00: Administration and Effective Date

4.01 **Administration of the By-law:** The Director of Development Services is responsible for the administration of this by-law.

4.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this XXX day of XXX, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

Schedule A to By-law 2024-XXX

Being a By-law to designate 3740 Highway 7, Geographic Township of Emily in the City of Kawartha Lakes as being of cultural heritage value or interest.

Section 1: Description of Property

3740 Highway 7, Geographic Township of Emily

Section 2: Location of Property

Located on the south side of Highway 7 to the east of the intersection of Highway 7 and Mount Horeb Road

Section 3: Legal Description

PT LT 3 CON 3 EMILY AS IN R405693

Section 4: Location of Heritage Features

The primary heritage feature of the property is the historic house located on the north side of the property.

Section 5: Statement of Reasons for Designation

Design and Physical Value

3740 Highway 7 has design and physical value as representative example of Victorian rural residential architecture in Emily Township, that is also unique due to its size and ornateness. Built in the pervasive Gothic Revival style, the house, constructed in about 1865, demonstrates key features of Victorian rural domestic architecture in the middle decades of the nineteenth century. It includes key features that were popular around this time including decorative bargeboard, steeply pitched gables and a projecting front entrance bay with a central door including a transom and sidelights. It is a particularly large example of this domestic architectural type in the township and includes decorative elements, including its surviving gingerbread, that demonstrate the high degree of craftsmanship in the building.

Historical and Associative Value

3740 Highway 7 has historical and associative value through its association with two prominent political figures in nineteenth century Emily Township and Omemee: William Cottingham and Arthur McQuade. Cottingham, one of Emily Township's early settlers and the first owner of the house, was one of the major landholders in the township and served as the Reeve of Emily, the first Reeve of Omemee after its incorporation, and Warden of the United Counties of Peterborough and Victoria. McQuade, the second owner of the house, also served in local politics and as the Conservative Member of Parliament for Victoria South between 1874 and 1882. Through these two figures, who dominated the political landscape of the area in the second half of the nineteenth century, the property yields information regarding the political culture of Emily Township, the Village of Omemee and southern Victoria County more broadly during this period.

Contextual Value

3740 Highway 7 has contextual value as part of the historic rural landscape of Emily Township just outside of Omemee. The property is located in an area contained a wide array of historic residential properties dating from a similar period that reflect the rural agricultural character of the township. It is historically and visually linked to its surroundings as part of the historic nineteenth century development of both Emily Township and Omemee. It is also specifically historically linked to the adjacent village of Omemee through its original occupants. It is widely considered a landmark locally, for its distinct architecture, prominent position along Highway 7 at the western gateway to Omemee, and its association with prominent local figures in the community.

Section 6: Heritage Attributes

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

Design and Physical Attributes

The design and physical attributes of the property support its value as a representative, but large and ornate, example of rural Gothic Revival domestic architecture in Emily Township.

- Two storey buff brick construction
- T-shaped plan
- Cross gable roof
- Gables
- Decorative bargeboard
- Projecting front bay
- Primary entrance including:
 - Entrance
 - Sidelights
 - Transom
 - Moulded hood
- Fenestration including:
 - Sash windows

- Voussoirs
- Moulded window hoods
- Oculus windows with raised surrounds
- Chimneys

Historical and Associative Attributes

The historical and associative attributes of the property support its important historic relationship with William Cottingham and Arthur McQuade.

- Association with William Cottingham
- Association with Arthur McQuade
- Association with the history of politics in Omemee and Emily Township

Contextual Attributes

The contextual attributes of the property support its value in supporting the historic agricultural character of Emily Township and as a local landmark.

- Location of the property in rural Emily Township on the west side of Omemee
- Location of the property on the south side of Highway 7
- Relationship to the rural agricultural landscape of Emily Township
- Views of the property from Highway 7 and Mount Horeb Road
- Views of Highway 7 and surrounding rural properties from the property

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**Council**” or “**City Council**” means the municipal council for the City;

“**Manager of Municipal Law Enforcement Officer and Licensing**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Asta L. Hansen as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Asta L. Hansen is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Jasleen Kaur as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Jasleen Kaur is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Arshpreet S. Maan as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Arshpreet S. Maan is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Alexander W. Merritt as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Alexander W. Merritt is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Mohamed Nifraz Mohamed Mulafer as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Mohamed Nifraz Mohamed Mulafer is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Het S. Patel as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Het S. Patel is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Balraj Singh as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Balraj Singh is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Gagandeep Singh as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Gagandeep Singh is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Hasandeep Singh as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Hasandeep Singh is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Mansher Singh as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Mansher Singh is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint a Municipal Law Enforcement Officer for Limited By-law Enforcement Purposes

Recitals

1. Private property owners and businesses find it convenient to have certain municipal by-laws enforced by members of their own staff. The City receives requests, from time to time, for the appointment of citizens as municipal law enforcement officers for limited purposes.
2. The City has received such a request from Fleming College.
3. Section 15 of the Police Services Act, R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
4. The Manager of Municipal Law Enforcement and Licensing recommends that the person put forward be appointed for limited enforcement purposes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-__.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement Officer and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Appointment:** Pyper Uchacz as a Municipal Law Enforcement Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Adelaide Street South, Lindsay, and 200 Albert Street South Lindsay.
- 2.02 **Provincial Offences Officer:** Pyper Uchacz is appointed as a Provincial Offences Officer for the limited purpose of enforcement of the applicable Kawartha Lakes parking by-laws and regulations for the properties located at 133 Albert Street South, Lindsay and 200 Albert Street South, Lindsay, and in accordance with the provisions of the Provincial Offences Act, R.S.O. 1990, c.P. 33.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Rithie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-____

A By-Law to Appoint a Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Section 15 of the Police Services Act R.S.O. 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
2. Council considers it advisable to appoint an individual to serve as a municipal law enforcement officer.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-____.

Section 1.00: Definitions and Interpretation

- 1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**Council**” or “**City Council**” means the municipal council for the City;

“**Manager of Municipal Law Enforcement and Licensing**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.02 **Interpretation Rules:**

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Municipal Law Enforcement Officer:** Stephen Hertel is appointed as a Municipal Law Enforcement Officer for the City of Kawartha Lakes in accordance with section 15 of the Police Services Act R.S.O. 1990, c.P.15.
- 2.02 **Reporting Relationship:** Stephen Hertel shall report to and be under the direction of the Manager of Municipal Law Enforcement and Licensing.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint an Area Weed Inspector for the City of Kawartha Lakes

Recitals

1. Weed inspectors are required to enforce the Weed Control Act, R.S.O. 1990, c. W.5.
2. Paragraph 6(1) of the Weed Control Act, R.S.O. 1990, c. W.5 states that the council of every upper-tier and single tier municipality shall By-Law appoint one or more persons as area weed inspectors to enforce the Weed Control Act, R.S.O. 1990, c. W. 5 in the area within the council's jurisdiction and fix their remuneration or other compensation.
3. Council deems it appropriate to appoint Municipal Law Enforcement Officers as Weed Inspectors.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-Law 2024-_____.

Section 1.00: Definitions and Interpretation

1.01 Definitions: In this By-Law,

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“Council” or “City Council” means the municipal council for the City;

“Manager of Municipal Law Enforcement and Licensing” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 Interpretation Rules:

(a) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this By-Law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-Law to be illegal or unenforceable, that portion of this By-Law shall be considered to be severed from the balance of the By-Law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Municipal Weed Inspector:** Stephen Hertel is appointed as an Area Weed Inspector for The Corporation of the City of Kawartha Lakes.

Section 3.00: Duties and Responsibilities

- 3.01 The duties and responsibilities of the Area Weed Inspector are set out in the Statutes and Regulations of the Province of Ontario and in the By-Laws and Policies of The Corporation of the City of Kawartha Lakes, which exist or may be passed in future.
- 3.02 The Area Weed Inspector shall report to and be under the direction of the Manager Municipal Law Enforcement and Licensing of The Corporation of the City of Kawartha Lakes.

Section 4.00: Remuneration

- 4.01 The Area Weed Inspector shall receive remuneration in accordance with the City's Collective Agreement with the Canadian Union of Public Employees.

Section 5.00: Notice

- 5.01 Written notice of this By-Law shall be given to the chief inspector appointed under Section 2 of the Weed Control Act R.S.O. 1990, c.W.5 by the Manager of Municipal Law Enforcement and Licensing.

Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-Law:** The Manager of Municipal Law Enforcement and Licensing is responsible for the administration of this By-Law.
- 6.02 **Effective Date:** This By-Law shall come into force on the date it is finally passed.

By-Law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Appoint an Inspector and Municipal Law Enforcement Officer for the City of Kawartha Lakes

Recitals

1. Section 3 of the Building Code Act, 1992, S.O. 1992, c.23 requires the council of every municipality to appoint a Chief Building Official and such inspectors as they are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction.
2. Section 15 of the Police Services Act, R.S.O., 1990, c.P.15 authorizes municipal councils to appoint municipal law enforcement officers, who are peace officers for the purpose of enforcing their by-laws.
3. Council considers it advisable to appoint an individual to serve as both an inspector and municipal law enforcement officer.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-___.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

“**Council**” or “**City Council**” means the municipal council for the City;

“**Chief Building Official**” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

1.02 **Interpretation Rules:**

(a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.

(b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-

law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Appointments

- 2.01 **Building Inspector:** Alex Matthews is appointed as an inspector for the City of Kawartha Lakes in accordance with section 3 of the Building Code Act 1992, S.O. 1992, c.23.
- 2.02 **Municipal Law Enforcement Officer:** Alex Matthews is appointed as a Municipal Law Enforcement Officer for the City of Kawartha Lakes in accordance with section 15 of the Police Services Act R.S.O. 1990, c.P.15.
- 2.03 **Reporting Relationship:** Alex Matthews shall report to and be under the direction of the Chief Building Official.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Chief Building Official is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of The City of Kawartha Lakes

By-Law 2024-____

A By-law to Prohibit Commercial Through Traffic of Any Weight Class from Using Parts of Regent Street, Elgin Street, and Pottinger Street in Lindsay

Recitals

1. In the Municipal Act, 2001, Section 35 authorizes a municipality to pass a by-law removing or restricting the common law right of passage by the public over a highway.
2. Policy CP2022-002 grants the Director of Engineering and Corporate Assets, or their delegate, the authority to bring By-laws to regulate traffic to Council.
3. Engineering staff have deemed this amendment to be in keeping with best practices.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-____.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law:

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“Council” means the municipal council for the City.

"Commercial Through Traffic of Any Weight Class" means the use of highways by a commercial, hauling, or institutional vehicle, object or contrivance for moving loads, having any registered Gross Weight, but does not include a passenger vehicle, an ambulance, a public works vehicle, a vehicle of the police or fire departments, a school bus, a privately owned commercial vehicle, being driven to or from the residence of the owner by the owner or other family member, a commercial vehicle accessing a local pit while using an identified local haul access route, or a commercial motor vehicle making a delivery to or collection from a bonafide destination, which cannot be reached by way of a Highway or Highways upon which Commercial Traffic is not prohibited by this By-Law.

“Municipal Act, 2001” means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation.

"Vehicle" includes a Motor Vehicle, trailer, traction engine, farm tractor, road building machine, Bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car.

1.02 Interpretation Rules:

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The words “include”, “includes” and “including” are not to be read as limiting the phrases or descriptions that precede them.
- (d) The headings in this By-law are for ease of reference only and are not to be used as interpretation tools.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Commercial Through Traffic of Any Weight Class Prohibited

2.01 No Person shall operate "Commercial Through Traffic of Any Weight Class" on any of the Highways or parts of Highways when properly worded signs have been erected and are on display as listed below:

Highway:	From:	To:
Regent Street	William St N	Victoria Ave N
Elgin Street	William St N	Victoria Ave N

Pottinger Street	William St N	Victoria Ave N
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Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Director of Engineering and Corporate Assets is responsible for the administration of this by-law. The Director of Public Works is responsible for the installation and maintenance of any signs authorized by this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed, and after properly worded signs have been erected.

By-law read a first, second and third time, and finally passed, this 24^h day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-Law 2024-

A By-Law to Stop Up and Close Part of the Shore Road Allowance Around Duck Lake, in the Geographic Township of Laxton, City of Kawartha Lakes, designated as Part 4 on Plan 57R-11157, and to Authorize the Sale of the Land to the Abutting Owner

File L06-21-RS002, respecting 2612 Victoria Road, Kirkfield

Recitals

1. Pursuant to the Municipal Act, 2001, Council is empowered to stop up, close, and sell any part of a highway under its jurisdiction.
2. The Land described as Part of the Shore Road Allowance Around Duck Lake, in the Geographic Township of Laxton, City of Kawartha Lakes, designated as Part 4 on Plan 57R-11157, forms part of the original shore road allowance along Duck Lake, and has been declared to be surplus to municipal needs.
3. It is desirable to stop up and close Part of the Shore Road Allowance Around Duck Lake, in the Geographic Township of Laxton, City of Kawartha Lakes, designated as Part 4 on Plan 57R-11157, and to authorize the sale of the Land to the abutting owner to merge with its existing holdings.
4. Notice of the intention of City Council to pass this by-law was given by advertising notice duly published in the Kawartha Lakes This Week on the 12th, 19th, and 26th days of August, 2021 in accordance with the provisions of the Municipal Act, 2001 and City of Kawartha Lakes by-law 2018-020, as amended.
5. The sale of this land was recommended by the Committee of the Whole on the 7th day of September, 2021 by CW2021-208. The recommendation was adopted at the Regular Council meeting on the 21st day of September, 2021 by CR2021-417.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024- .

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“**City**”, “**City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area;

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

"Council" or "City Council" means the municipal council for the City;

"Manager of Realty Services" means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.

- 1.02 **Interpretation Rules:** The words "include" and "including" are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, which are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Road Closure and Sale

- 2.01 **Closure and Sale:** That part of the shoreline road allowance legally described as Part of the Shore Road Allowance Around Duck Lake, in the Geographic Township of Laxton, City of Kawartha Lakes, designated as Part 4 on Plan 57R-11157 has been declared to be surplus to municipal needs and is hereby stopped up, closed, and authorized to be sold to the abutting owner for Ninety Thousand Dollars (\$90,000.00), plus HST (if applicable), plus the costs of the Reference Plan, advertising, registrations, City staff time fee, legal fees and disbursements, and any other costs incurred by the City in connection to the transaction. It is a condition of the sale that the purchased property merge with the existing adjacent property.

Section 3.00: Administration and Effective Date

- 3.01 **Administration of the By-law:** The Manager of Realty Services is responsible for the administration of this by-law.
- 3.02 **Effective Date:** This By-law shall come into force on the date it is finally passed and has been deposited on title in the Registry Office of Victoria (No. 57).

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk

The Corporation of the City of Kawartha Lakes

By-law 2024-____

A By-Law to Confirm the Proceedings of a Regular Meeting of Council, Tuesday, September 24, 2024

Recitals

1. The Municipal Act, 2001, S.O. 2001 c. 25 as amended, provides that the powers of a municipal corporation are exercised by its Council.
2. The Municipal Act, also provides that the Council's powers must be exercised by by-law.
3. For these reasons, the proceedings of the Council of The Corporation of the City of Kawartha Lakes at this meeting should be confirmed and adopted by by-law.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2024-____.

Section 1.00: Confirmation

- 1.01 The actions of the Council at the following meeting:

Tuesday, September 24, 2024, Regular Council Meeting

and each motion, resolution and other action passed or taken by the Council at that meeting is, except where prior approval of the Ontario Municipal Board is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

- 1.02 The Mayor and the proper officials of the City are authorized and directed to do all things necessary to give effect to the actions of the Council referred to in Section 1.01 of this By-law. In addition, the Clerk is authorized and directed to affix the corporate seal to any documents which require it.

Section 2.00: General

- 2.01 This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 24th day of September, 2024.

Doug Elmslie, Mayor

Cathie Ritchie, City Clerk