



The Corporation of the **City of Kawartha Lakes**
Agricultural Development Advisory Committee
Economic Development Division
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April 12, 2019

To: **Council**

From: **Rebecca Parker, Chair, Agricultural Development Advisory Committee (ADAC)**

Subject: **Recommendations from ADAC regarding By-law 2018-014 Regulating the Removal of Soil, Placement of Fill, and the Alteration of Grades**

The Agricultural Development Advisory Committee was asked by Council at their September 25, 2018 meeting to review the noted By-law. At the October 11, 2018 meeting of ADAC the committee was provided the by-law, and asked to review the by-law for discussion at their December meeting.

At the December 13, 2018 Committee meeting, Aaron Sloan and Richard Holy attended and held a thorough discussion of the issues as they relate to the By-law and its potential impact on normal farm practices for agricultural operations.

It was explained by members of staff that the intent of the By-law was to avoid contamination possibilities from the Large Fill Operations which are typically happening on properties designated for agricultural use. These operations tend to be very large in size and are not part of a normal farm practice, nor are being done by actual agricultural operations. It was understood that there wasn't an intention by Council to interfere with Normal Farm Practices, or to require unnecessary levels of bureaucracy, time delays, or oversight for small to medium scale normal farm practices undertaken by agricultural operations.

The following motion was passed following the discussion:

That the Agricultural Development Advisory Committee recommends that Council amend By-Law 2018-014 Regulating the Removal of Soil, Placement of Fill, and the Alteration of Grades in the following ways:

That the exemption provided in Schedule A Section 2.1, for construction where a permit authorized under the Building Code Act, 1992, S. O. 1002, c. 23, as amended, has been issued by the Chief Building Official, be extended for agricultural buildings or structures to include an area of 100 m surrounding the building and that there be no volume limit imposed for fill dumped or placed within that radius; and

That a section be added in Schedule A Section 3.0 Agricultural Exemptions such that the provisions of this By-law do not apply to the Placing or Dumping of Fill for projects of up to 1000 m³ 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**, save and except

requirements for the Protection of the Natural Environment found within Sections 2.6 and 2.7, unless permitted or required by the Nutrient Management Act, 2002, S.O. 2002, c. 4, as amended; and

That a section be added in Schedule A Section 3.0 Agricultural Exemptions such that 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 the property 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**; and

That that the final sentence of Schedule A Section 3.3, “This exception does not include the removal of Topsoil for sale, exchange or other disposition”, be removed.

Members of staff were concerned with the size of 1000 m³ exemption requested for placement of Fill and requested an opportunity to have a second discussion with the committee at their April meeting.

It was confirmed during discussion that indeed, normal farm practices for agricultural operations would potentially be up to this size. It was also confirmed by staff that all of the complaints regarding large fill operations which had been received since the by-law was enacted would not have received an exemption because they were either much larger in size, or were not agricultural operations, nor conducting a normal farm practice as per the definitions. It is key that the exemption must meet all parts of the exemption test – 1. Normal Farm Practice; 2. Agricultural Operation; and 3. Agricultural Land; as well as that the soil not be contaminated.

At the ADAC meeting of April 12, 2019 the committee passed the following motion:

That the April 11, 2019 correspondence from Aaron Sloan, regarding the December 2018 recommendations from ADAC on By-Law 2018-014 Regulating the Removal of Soil, Placement of Fill and the Alteration of Grades, be received; and

That in addition to the previous recommendations provided, the ADAC recommends Council amend the By-law to provide an extension of the exemption from the Site Alteration permit requirements for “within property” movement of soils to be amended to exempt “within-Agricultural Operation” movement of soils for properties in the Agricultural Operations within the City of Kawartha Lakes.

If the intention of Council is to not interfere with normal farm practices, and not add unnecessary delay, permitting costs and added bureaucracy, then the Agricultural Development Advisory Committee requests that Council support their recommendations and update the By-law.