

Correspondence from Aaron Sloan

Hello,

I am sending this email to advise that staff are reviewing your comments and the resolutions of the ADAB. In the current draft you have added your changes and I have been working to update as well. The by-law and report are now in SharePoint in draft. (I will check in today)

I am sending this information today to allow you some time to hopefully add it to the ADAB agenda tomorrow. I am willing to attend the meeting to discuss in greater detail. Please let me know the location and time.

- **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
 - a. Construction of agricultural or farm buildings or structures shall have no volume limit of Fill Placed or Dumped within a radius of 100 metres surrounding the building or structure so as to establish an appropriate Grade relative to the building and surrounding area;
- **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

I have concerns with this wording, being that 90% of our fill alteration complaints are occurring on farm properties and are occurring without permit, tests or monitoring. 1000m³ is 100 tri axle trucks, this is a lot of material with potential contamination and I suspect that this section determines that the farmer requires a permit, testing grade plan etc., then the farmer will need to appeal to the Normal Farm Practices Protection Board (NFPPB) for a ruling to see if the by-law is valid based on the activity. We already have environmental contaminated farms in our area. Most farmers are honest, but now we are seeing people buy land simply to make a soil dump, they call themselves farmers but they do not grow crops.

We can work on permit issues with them, such as waiving of fees as an example, but I believe that the city needs to know when grand scale soil is being imported or moved. This could be resolved with a phone call or some minor communication, we just want to be aware and insure that the overall environment is being protected.

I borrowed the following comments from

<http://www.omafr.gov.on.ca/english/engineer/facts/05-013.htm#6>

Some believe normal farm practice means 'customarily' or 'commonly done'. However, just because something is commonly done, does not make it normal. The real question is, 'Would a farmer with average, to above average, management skills use this same practice on his/her farm under the same circumstances?'

What is normal, or not, varies depending on location, type of farm, method of operation, and timing of the farm practice. Normal is site specific for a given set of circumstances, and may change over time.

Under the Nutrient Management Act, 2002 (NMA) any practice that is consistent with a regulation made under the NMA is a normal farm practice. Similarly, any practice, which is inconsistent with the NMA regulation, is not a normal farm practice.

- **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

I agree to this as long as this is contained on one property **(within)** using the soil from the same property...the environmental danger is with importing from outside of our borders

- **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.

Generally, I agree with this. I am sure that Normal Farm Practices do not include Topsoil stripping an entire property down to the clay. Most farmers remove a certain amount with every crop especially if they are growing sod.

I am working through your additional concerns with the by-law. I am willing to meet to discuss. Suggesting that we have a round table with Planning, Engineering, Building and the ADAB chair.

Thanks,

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