

Received by Email on December 21, 2023

Hi Kelly,

I understand you are the Economic Development Officer - Agriculture and take questions regarding the Agricultural development Advisory Committee. My wife and I operate a farm in the north part of the municipality producing maple syrup and beef cattle along with a little firewood and every decade or so some timber. Our sales are consistently in excess of \$100,000 per year so this is not a hobby operation. We have significant concerns regarding both the Rural Zoning by-law proposal and the Tree Preservation By-law proposal as they have the potential to have significant negative impact on our and other operations in our area.

With regard to the Rural Zoning By-law I wrote to Jonathan Derworiz both on behalf of our operation and also on behalf of the Haliburton Kawartha Maple Syrup Producers Local of the Ontario Maple Syrup Producers Association regarding several concerns with the proposal that had potential negative impacts in March of 2022. Other than the email saying that he would respond I have heard nothing back and the latest draft appears to not address the concerns raised. If the proposed Rural Zoning By-law complied with the the Official plan which clearly has different permitted uses for Section 15 Prime Agricultural Designation (Class 1,2 and 3 soils) and Section 16 Rural Designation (Class 4,5,6 and 7 Soils) many of my concerns would be addressed, but the "final draft" appears to ignore the the Official Plan and applies the more restrictive Prime Agricultural uses to all Agricultural land. The most frustrating part of this process is having input totally ignored and finding out we have a "final draft". I can provide more details or copies of my correspondence in this matter if you wish.

I have also concerns regarding the proposed Tree Preservation by-Law, but I am happy to say that I have a good dialogue going on in this matter. Following is a summary of my main concerns:

With regard to proposed restrictions on cutting trees in EP areas I would point out that the main objective of EP areas as defined in the City of Kawartha Lakes Official Plan -2012 is to protect people from the environment not the other way around. I have copied the objective statement from the Official Plan following:

Prevent development or site alteration on lands which are hazardous due to flooding, poor drainage, deep organic soils, erosion, steep slopes, or any other physical condition which could cause loss of life, personal injury, property damage or degradation of the environment.

Further the Official Plan specifically permits the following activities in EP areas:

- a) Agricultural, excluding buildings or 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*

But, statement 2.01 c) of the proposed Tree Protection By-law states:

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.

As well as 3.03 (k) allows an Environmental Officer to refuse an approval on land designated for Environmental Protection including but not limited to lands within a woodlot.

The prohibitions on cutting healthy trees in EP areas would appear to me to be in contradiction to the Official Plan.

Further item 2.02 (k) which mentions forestry as a non-application item of the By-law item is irrelevant since this non-application clause is qualified by stating "under a license issued under the Crown Forest Sustainability Act, 1994". This Act is only applicable to provincially owned Crown Land and not to private land, the By-law does not apply to Crown land, so in its present form the statement has no possible application.

I would suggest that clauses 2.01 c) and 3.03 (k) should be removed from the proposed By-law as they are in contradiction to the Official Plan and that 2.02 (k) should be amended to simply read "forestry activities".

This is not the totality of my concerns with the Tree Preservation By-law, but it is start.

Appreciate your and the Committees consideration of these matters.

Regards,
Brian Bartley