

**DUFFERIN COUNTY COUNCIL
ADDENDUM**

**Thursday, March 11, 2010
7:00 p.m.**



6. PRESENTATION AND CONSIDERATION OF REPORTS

6.4 COMMUNITY DEVELOPMENT COMMITTEE – March 4, 2010

THAT the Community Development Committee minutes of March 4, 2010 and the recommendations set out, be adopted.

7. CORRESPONDENCE

7.3 Forest Conservation By-law

Correspondence via e-mail regarding the proposed Forest Conservation by-law.

For consideration of Council.

COMMUNITY DEVELOPMENT COMMITTEE MINUTES

Thursday, March 4, 2010



The Committee met at 7 p.m. at 229 Broadway, Orangeville

Members Present: Councillor Ed Crewson, Chair
Warden Allen Taylor
Councillor Ken McGhee
John Ince, Member from East Luther Grand Valley Council
Councillor Debbie Fawcett, Member from Melancthon
Councillor Walter Kolodziechuk
Sharon Smith (Public member)
Winston Uytendogaart (public member)

Members Absent: Councillor John Oosterhof

Staff Present: Linda J. Dean, CAO (7:20 pm)
Trevor Lewis, Director of Public Works
Melissa Kovacs-Reid, Waste Management Coordinator
Michelle Dunne, Council Committee Coordinator

Chair Crewson called the meeting to order at 7:00 p.m.

Declarations of Pecuniary Interest by Members – None.

PUBLIC QUESTION PERIOD

Mr. Lever asked if he could reserve his questions until after the AlterNRG presentation.

PRESENTATION

1. COMMUNITY DEVELOPMENT COMMITTEE – March 4, 2010 – Item #1
Draft Feasibility Study – AlterNRG

Presentation from Mr. Ken Willis, AlterNRG, on the draft feasibility study on the Dufferin Eco-Energy Park.

Mr. Willis gave an overview of the background of the project and went through in detail about Option 1, a 25,000 tonnes per year facility as per original RFP and Option 2, a larger 70,000 tonnes per year facility.

He briefly illustrated what plasma gasification is, what it produces and the benefits of the process. He showed a chart with the comparison of the technologies of plasma gasification, pyrolysis and incineration. He circulated a sample of slag from the facility located in Japan.

Mr. Willis summarized the feasibility study conclusions for Options 1 and 2, noted that Option 2 is the preferred option. The identified key critical element to any new Energy from Waste (EFW) project is availability of a Feed-In Tariff (“FIT”) from the Ontario Power Authority. It was also noted that preliminary work in late 2009 has confirmed access to waste sources of over 100,000 tonnes per year and the project equity (\$30-35M) is likely with a solid FIT.

After the presentation, Mr. Willis took questions from the committee. The committee discussed feedstock, septage, sludge, and the different uses of slag as well as the potential for mining landfills. They talked about how the program will maintain or add to the current recycling and composting programs.

The committee discussed the amount of land needed for the facility and decided that it could be approximately 5 to 6 acres. It was noted that the facility would have to be scheduled once a year for regular maintenance and a contingency plan would have to be in place to look at how much storage during the down time would be needed.

The committee discussed the timeframe for a FIT approval.

Moved by Councillor McGhee, seconded by John Ince

THAT the presentation from AlterNRG, dated March 4, 2010 regarding the draft feasibility study on the Dufferin Eco-Energy Park, be received.

-Carried-

Moved by Councillor Kolodziechuk, seconded by John Ince

THAT Mr. Willis be invited to make his presentation at the Waste Management Forum being held on Saturday, March 27, 2010.

-Carried-

PUBLIC QUESTION PERIOD

Mr. John Lever asked what the average down time of the Energy from Waste facility would be for scheduled maintenance. Mr. Willis answered it would be closed for two (2) weeks at a time.

Mrs. Joan Lever informed the Committee that she does not agree with Mr. Willis’s response to her previous letter when he stated that her research findings were largely outdated, mismatched and unsubstantiated. She noted in her research that she had found a PowerPoint presentation that contradicted the AlterNRG presentation. Mr. Willis noted that he was unable to respond to the research documents as he had not been presented with the opportunity to read them. Mrs. Lever asked if the US EPA or Canadian Council of Ministers of the Environment consider Plasma Gasification to be incineration. Mr. Willis responded that he would have to investigate this and would need to know the context as there are different regulatory bodies and different plasmas gasification processes. Mrs. Lever submitted her letter, dated March 4, 2010 with research paper to the Committee.

Moved by Winston Uytenbogaart, seconded by Councillor Kolodziechuk

THAT the correspondence from Mrs. Lever dated March 4, 2010 be received and circulated to the members of the committee.

-Carried-

CORRESPONDENCE

2. COMMUNITY DEVELOPMENT COMMITTEE – March 4, 2010 – Item #2
Dufferin Eco-Energy Park (DEEP)

Correspondence from Ms. Joan Lever dated February 3, 2010 with respect to her correspondence of January 14 regarding concerns with the Dufferin Eco-Energy Park and the response from Alter NRG.

Moved by Councillor McGhee, seconded by Sharon Smith

THAT the correspondence from Ms. Joan Lever dated February 3, 2010 with respect to her correspondence of January 14 regarding concerns with the Dufferin Eco-Energy Park and the response from Alter NRG, be received.

-Carried-

REPORTS

3. COMMUNITY DEVELOPMENT COMMITTEE – March 4, 2010 – Item #3
Promotion and Education Activities for 2010

A report from the Director of Public Works dated March 4, 2010 with respect to the promotion and education activities for 2010.

Moved by Sharon Smith, seconded by John Ince

THAT the report from the Director of Public Works dated March 4, 2010 with respect to the promotion and education activities for 2010, be received.

-Carried-

OTHER BUSINESS

Councillor Kolodziechuk inquired about the status of the composting program with York Region. Mr. Trevor Lewis noted that the RFP will close on April 22, 2010. It will be a reoccurring item on all upcoming agendas.

Mr. Lewis noted that there is a good possibility of being successful with an application under the Sustainable Development Technology Canada funding.

Moved by Councillor McGhee, seconded by Councillor Fawcett

THAT staff be authorized to pursue the Feed-In Tariff ("FIT") from the Ontario Power Authority.

-Carried-

ADJOURNMENT

There being no further business the meeting adjourned at 8:50 p.m.

Next Meeting: April 1, 2010 at 7:00 p.m.
Dufferin Room, 229 Broadway, Orangeville

Respectfully submitted,

Councillor Ed Crewson, Chair
Community Development Committee

From: Nanci Malek

Sent: Monday, March 08, 2010 10:48 PM

To: cjohns@orangeville.ca; Denise Holmes1; Jane Wilson; keith@townofmono.com; John Telfer; T Horner; D Price; A Taylor; joosterhof@eastluthergrandvalley.ca; gmontgomery@mulmurtownship.ca; mayor@townofmono.com; dfawcett@melanctontownship.ca; don.maciver@amaranth-eastgary.ca; Pam Hillock; radams@orangeville.ca; shelburne@townofshelburne.on.ca; E Crewson

Subject: Tree Cutting Bylaw

I certainly object to the potential new Bylaw. There is absolutely nothing wrong with the old one, just with the enforcement of that bylaw.

Sincerely,
Nanci Malek

From: Karren Wallace

Sent: Monday, March 08, 2010 8:17 PM

To: cjohns@orangeville.ca; Denise Holmes1; Jane Wilson; keith@townofmono.com; John Telfer; T Horner; D Price; A Taylor; joosterhof@eastluthergrandvalley.ca; gmontgomery@mulmurtownship.ca; mayor@townofmono.com; dfawcett@melanctontownship.ca; don.maciver@amaranth-eastgary.ca; Pam Hillock; radams@orangeville.ca; shelburne@townofshelburne.on.ca; E Crewson

Subject: RE: PROPOSED COUNTY TREE CUTTING BYLAW

Warden and Councillors

I make these comments as a private citizen and not with a professional or grass roots affiliation. This is my right as a Canadian citizen, as guaranteed by the Charter of Rights and Freedoms.

The County of Dufferin has an existing tree cutting bylaw. Unfortunately the provisions of the bylaw were not being enforced by staff. I do not believe it was done deceitfully or with malice, but rather more of a way to assist farmers with their true farming objectives. Unfortunately the largess and kindness of County staff was taken advantage of by a company who's stated public intention is to create a 2,400 acre 200 foot open pit mine, but who clear cut thousands of trees under the goodwill of County staff under the guise of "agriculture" in contravention of the County tree cutting bylaw.

The fact that a corporation with the stated objective of an aggregate operation was clear cutting trees in Melancthon without proper permits and in contravention of the County tree cutting bylaw was brought to the attention of Council in the winter of 2009 by ratepayers and grassroots organizations. These taxpayers were simply asking the County to what they were entitled - that the provisions of the existing bylaw, which was passed at a public meeting and which the public should

have been able to rely on and which provided that there was NO exemption for agricultural cutting, be enforced.

Rather than doing that, County Council has embarked on what I would suppose to be an expensive endeavour to create a NEW bylaw which will in effect permit "agricultural" operations to cut trees without a permit. This is NOT what was asked or expected of elected officials.

In fact there are two troubling provisions in the proposed bylaw.

Firstly, the provision under Exemptions 3b that provides:

"The clearing is carried out in accordance with Normal Farm Practices"

My question is, who at the County is qualified to determine what "normal farm practices are? At the February 24, 2010 museum meeting the Chair indicated, when asked this question by me (and I quote) that "the province would set up a board to make that determination". That is patently untrue, interpretations of legislation are determined in court.

Secondly under Exemptions 3c:

"The land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences."

Please advise how the County proposes to enforce that provision of their bylaw?

Further the Chair of the Museum Committee stated at the February 24 committee meeting that, and I quote, "There are no fundamental changes in this proposed bylaw than in the old one. Farmers weren't exempt under the existing bylaw, but we let them cut anyway without a permit, so now we are putting it in the bylaw so we wouldn't be challenged in court".

This is doing a disservice to all ratepayers in Melancthon and ALL true farmers in the County of Dufferin.

I would ask that the Warden request a recorded vote with respect to the vote on this bylaw, so that all ratepayers in the County of Dufferin will know who voted for this unnecessary and unrequested bylaw, so that the County "wouldn't be challenged in court".

Thank you.

Karren Wallace

From: rick wallace
Sent: Tuesday, March 09, 2010 7:12 AM
To: Pam Hillock
Subject: Forest Bylaw

Dufferin County Council

It is certainly bewildering how so many resources have been spent on re-writing the forest by-law. When it appears that the existing by-law was more than adequate. It appears to only satisfy one individual companies goals. I would like Dufferin County council to consider the consequences of this rewritten by-law.

Rick Wallace
Shelburne

From: Ezio Bobbato
Sent: Tuesday, March 09, 2010 1:12 PM
To: A Taylor; Pam Hillock; radams@orangeville.ca; shelburne@townofshelburne.on.ca; don.maciver@amaranth-eastgary.ca; dfawcett@melancthontownship.ca; mayor@townofmono.com; gmontgomery@mulmurtownship.ca; joosterhof@eastluthergrandvalley.ca
Subject: Draft By-law

To council members of Dufferin County,

We understand that county council is meeting this week to review a draft by-law to regulate the destruction or injuring of trees in woodlands in the County of Dufferin and to repeal by-law 2006-15 (http://www.dufferincounty.on.ca/documents/2010-02-24_MUS_Agenda.pdf).

We'd like to know why public funds and time was spent on drafting a new by-law when the existing by-law was purposeful and adequate. It's our sense that private interest groups (and not farmers and other residents of Dufferin County) are the driving force behind this new by-law which is designed to better serve their needs and goals.

Despite clear evidence being reported and presented on several occasions to the County officials over the past year regarding the illegal destruction of woodlots by the Highland Companies on their properties in Melancthon, there was no enforcement of the current by-law nor was any action taken against this company afterwards to prevent further tree clearing. We don't see any need for passing new by-laws if there's no intent or political will to ensure they are enforced. Given the situation in Melancthon, **we're very much opposed to the passing of this new by-law** if it doesn't serve the publics' interests and, more importantly, isn't enforced when violations are documented and reported.

We'd appreciate a clear, concise response from regional council on the following questions:

1. Why the current by-law wasn't enforced with respect to the known illegal tree cutting by the Highland Companies,
2. Why is a new by-law required at this time,
3. How will this new by-law prevent private companies from continuing to destroy valuable woodlots in the future.

Thank you,

Ezio & Cindy Bobbato
Mulmur Towship

From: Marian Black
Sent: Tuesday, March 09, 2010 5:02 PM
To: Pam Hillock; radams@orangeville.ca; shelburne@townofshelburne.on.ca;
don.maciver@amaranth-eastgary.ca; dfawcett@melancthontownship.ca;
mayor@townofmono.com; gmontgomery@mulmurtownship.ca;
joosterhof@eastluthergrandvalley.ca; A Taylor
Subject: FW: NDACT CALL FOR IMMEDIATE ACTION

CALL FOR ACTION

NDACT has been lobbying the County of Dufferin for over a year, attending meetings, making delegations, hiring a consultant, taking aerial photographs and talking to politicians about the practices of Highland Companies and the fact they are in contravention of the County tree cutting bylaw with the thousands and thousands of trees they have cut without proper permits as required under the County's current bylaw.

NDACT insisted that the County enforce their own bylaw to stop the destruction. Rather than lay charges for the contraventions by Highland Companies, the County has spent several months, much money on legal fees and staff time to draft a new bylaw which, if passed, will in fact enable Highlands to continue their destruction of woodlots in Melancthon and Mulmur by cutting trees without a permit under the guise of "normal farm practices".

From: Garry Hunter [mailto:ghunter@hunter-gis.com]
Sent: Tuesday, March 09, 2010 3:46 PM
To: Linda Dean; John K. Oosterhof; Gordon Montgomery; Debbie Fawcett; Ed Crewson; Rob Adams; Don MacIver; Lorie Haddock
Cc: Michelle Dunne; Pam Hillock; Wayne Townsend; Denise Holmes1; Caroline Mach; Karren Wallace; Carl Cosack; 'Dale Rutledge'; NDACT; Wes Keller; Nanci Malek; Darrell Keenie; James Black; Ralph Armstrong; Rick Wallace; Diane Cowan; Catherine Russell
Subject: Minor Exemption County of Dufferin Forest Conservation By-law 2006-15 (W1/2 Lot 28 Con I OS Melancthon-Lloyd Farm)

Hi Linda,

Thank you for your Mar 2 reply to my email of Feb 9, 2010. However, I remind you of the County 'Opinion of Record' issued to me on Mar 31, 2009 (attached) in response to my letter of Mar 24, 2009 (attached) and our previous correspondence.

County Opinion of Record

The Mar 31, 2009 Opinion of Record makes it clear that there is no By-law authority or discretion for the County Forester to approve destruction of trees in woodlands larger than 1 hectare without the issuance of a Minor Exemption Permit (**There is no free hectare for stands over 0.9999 hectares**).

Lloyd Farm Minor Exemption Violation

The County with the recent approval of the destruction of trees in a stand greater than 1 hectare on the 'Lloyd farm' contrary to the 'Opinion of Record' now appears to have placed itself in violation of its own By-law No 2006-15 and may be subject to the penalties contained therein for the clear cut destruction of 200 + trees from an original 5.3 ha Woodland.

Furthermore clearing has taken place up to the property boundary without notice to the adjacent land owners of the common woodland. The woodland interior is now left exposed to damage.

Lack of Clear Cut Oversight / New Forestry By-law

Perhaps you can also confirm, that aside from the obvious merits of the clarity improvements achieved to date in the redrafting, that the underlying County objective of the new Forestry By-law is to provide regulatory authority to the County Forester to approve in the future, at her sole discretion, even larger single clear cuts without engaging in any further oversight process.

NDACT Primary Concern

The NDACT concern continues to be destruction of the sparse residual natural woodlands in wind exposed areas of the County. NDACTs primary concern is not with regulation of silvicultural management or the clearing of conifer reforestation planted as a timber crop. NDACT acknowledges and accepts that clearance of fence and hedge rows are not included in either the existing or the new proposed By-law.

Inexplicably, the proposed By-law that I previously reviewed, front loads layers of regulatory control on routine forest management but removes almost all oversight for clear cutting tree destruction.

By-law Approval Premature

Approval of the new Forestry By-law is premature at this time. NDACT would be prepared to meet and assist in final drafting of the new By-law within the established framework to ensure that all ratepayer and stakeholder interests and concerns are equitably achieved in a balanced way.

Thank you for your consideration.

Yours truly,

Garry T. Hunter M.A.Sc. P.Eng.

President

Hunter and Associates / Hunter GIS

2285 Dunwin Drive, Unit 18

Mississauga, ON L5L 3S3

Tel (905) 607-4120

Fax (905) 607-1132

Email ghunter@hunter-gis.com

Website <http://www.hunter-gis.com>

----- Original Message -----

Subject: RE: [Fwd: Minor Exemption County of Dufferin Forest Conservation By-law 2006-15 (W1/2 Lot 28 Con I OS Melancthon-Lloyd Farm)]
Date: Tue, 2 Mar 2010 10:37:35 -0500
From: Linda Dean <ldean@dufferincounty.on.ca>
To: 'ghunter@hunter-gis.com' <ghunter@hunter-gis.com>
References: <4B8C52BE.4040702@hunter-gis.com>

Hi Garry

Staff were satisfied that the cutting did not come under the County bylaw as it was less than one hectare. Please see the attached email.

Linda

From: Garry Hunter [<mailto:ghunter@hunter-gis.com>]
Sent: Monday, March 01, 2010 6:50 PM
To: Linda Dean
Cc: Pam Hillock; 'Dale Rutledge'; NDACT; Carl Cosack; Wayne Townsend; Denise Holmes1; Caroline Mach; Michelle Dunne
Subject: [Fwd: Minor Exemption County of Dufferin Forest Conservation By-law 2006-15 (W1/2 Lot 28 Con I OS Melancthon-Lloyd Farm)]

Hi Linda,

I have had no reply to my correspondence to the County on Feb 9, 2010.

I do note that the proposed new Forestry By-law as prepared by Cassels Brock in s1. (cc) contains the following standard definition -- 'Woodlands' means any lands , irrespective of ownership, which contains at least: ' .

The Cassels Brock definition is also consistent with my understanding of 'Woodland' in Forest Conservation By-law No 2006-15.

Thank you in advance for your prompt response.

Yours truly,

Garry T. Hunter M.A.Sc. P.Eng.
President

Hunter and Associates / Hunter GIS
2285 Dunwin Drive, Unit 18
Mississauga, ON L5L 3S3

Tel (905) 607-4120
Fax (905) 607-1132
Email ghunter@hunter-gis.com
Website <http://www.hunter-gis.com>

----- Original Message -----

Subject: Minor Exemption County of Dufferin Forest Conservation By-law 2006-15 (W1/2 Lot 28 Con I OS Melancthon-Lloyd Farm)
Date: Tue, 09 Feb 2010 16:36:30 -0500
From: Garry Hunter <ghunter@hunter-gis.com>
Reply-To: ghunter@hunter-gis.com
Organisation: Hunter and Associates / Hunter GIS
To: Linda Dean <ljdean@dufferincounty.on.ca>
CC: Pam Hillock <phillock@dufferincounty.on.ca>, Caroline Mach <forestmanager@dufferinmuseum.com>, "Denise Holmes, Melancthon Township" <dholmes@melancthontownship.ca>, Wayne Townsend <curator@dufferinmuseum.com>, Carl Cosack <cosack@stn.net>, Nanci Malek <bentertainment@rogers.com>, Dale Rutledge <dandcrutledge@stn.net>, NDACT <info@ndact.com>
References: <4B576969.7050205@hunter-gis.com>

Hi Linda,

Further to our correspondence in March 2009, unfortunately we seem to be once again at variance with how County staff interprets By-law 2006-15. My understanding is that a 'Woodland' must meet the tree density criteria specified in the Forestry Act s1.1 and By-law s.1(y). I have found no reference in either the Act or the By-law that individual woodlands are created by property boundaries bisecting the woodland as a whole. I also draw your attention to Forestry Act s.(10) with regard to boundaries.

County Staff have advised friends of NDACT by email that the woodland in question has been inspected and is less than 1 ha according to a 'contractors map' which I have not seen.

>From the evidence available to me, it would appear that County staff either did not perform due diligence on the 'contractors map' or alternatively have arbitrarily assumed that individual woodlands are created by individual property boundaries.

Thank you in advance for your early response and clarification.

Yours truly,

Garry T. Hunter M.A.Sc. P.Eng.
President

Hunter and Associates / Hunter GIS
2285 Dunwin Drive, Unit 18
Mississauga, ON L5L 3S3

Tel (905) 607-4120
Fax (905) 607-1132
Email ghunter@hunter-gis.com
Website <http://www.hunter-gis.com>

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Linda J. Dean, MPA
Chief Administrative Officer
ljdean@dufferincounty.on.ca
Ext. 2502



Court House
51 Zina Street
Orangeville, ON
L9W 1E5
Telephone: (519) 941-2816
Fax No: (519) 941-4565

County of Dufferin

March 31, 2009

Sent by Email

Mr. Garry Hunter, M.A.Sc. P.Eng.
Hunter and Associates
2285 Dunwin Drive, Unit 18
Mississauga, ON
L5L 3S3

Dear Mr. Hunter:

Thank you for your letter of March 24, 2009.

You are correct that the website dealing with the forest conservation by-law does not make a specific distinction between clear cutting and selection cutting. The information on the website attempts to use non-technical terms.

A Permit and a Minor Exemption are not the same in terms of the forest conservation by-law. A Permit governs the activities described in sections 3 and 6, while a Minor Exemption (section 9) must be applied for activity that does not come under section 3 or 6 or one of the exemptions (section 5) in the by-law.

Your interpretation of the by-law is correct in that a minor exemption is required for clear cutting when the original stand area exceeds 1.0 ha, and 0.5 ha where the Townships have delegated authority for regulation to the County. It is important to note that the 1.0 hectare "trigger" is set out in Section 135 of the Municipal Act. An excerpt of this section is attached for your information.

It has been past practice to allow access roads and reasonable woodland edge trimming for the purposes of facilitating agricultural operations.

If you have any further questions or concerns, please do not hesitate to contact me.

Yours truly

A handwritten signature in blue ink that reads "Linda J. Dean". The signature is written in a cursive style with a prominent initial "L".

Linda J. Dean, MPA
Chief Administrative Officer
County of Dufferin

Attachment

File: EO4

N ATURAL ENVIRONMENT

Tree by- laws

135. (1) Subject to subsection (4) and without limiting sections 9, 10 and 11, a local **municipality** may prohibit or regulate the destruction or injuring of trees. 2006, c. 32, Sched. A, s. 71 (1).

Woodlands

(2) **Without** limiting sections 9, 10 and 11, an upper-tier municipality may prohibit or regulate the destruction or injuring of trees in woodlands designated in the by - law. 2006, c. 32, Sched. A, s. 71 (1).

Definition

(3) **In** this section, “woodlands ”means woodlands as defined in the *Forestry Act* that are one hectare or more in area. 2001, c. 25, s. 135 (3).

Restriction

(4) **If** an upper-tier municipality by - law in respect of woodlands is in effect in a lower-tier municipality, the lower-tier municipality may not prohibit or regulate the destruction of trees in any woodlands designated in the upper-tier by - law and any lower-tier by - law, whether passed before or after the upper-tier by - law comes into force, is inoperative to the extent that it applies to trees in the designated woodlands. 2001, c. 25, s. 135 (4).

Factor to be considered

(5) **In passing a by - law** regulating or prohibiting the injuring or destruction of trees in woodlands, a municipality shall have regard to good forestry practices as defined in the *Forestry Act*. 2001, c. 25, s. 135 (5); 2002, c. 17, Sched. A, s. 27 (1).

Notice

(6) An upper-tier municipality shall immediately notify its lower-tier municipalities of the passing of a by - law under subsection (2). 2001, c. 25, s. 135 (6).

Conditions

(7) Without limiting sections 9, 10 and 11, a municipality may, in a by - law passed under this section,

(a) require that a permit be obtained to injure or destroy trees; and
(b) 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. 2001, c. 25, s. 135 (7); 2006, c. 32, Sched. A, s. 71 (2).

Delegation to lower-tier municipality

(8) An upper-tier municipality may delegate all or part of its power to pass a by - law respecting the destruction or injuring of trees in woodlands to one or more of its lower-tier municipalities with the agreement of the lower-tier municipality or municipalities, as the case may be. 2001, c. 25, s. 135 (8).

Effect of delegation

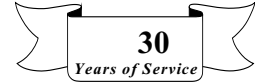
(9) Subsection (4) does not apply to that part of a lower-tier by - law authorized by the delegation of power from the upper-tier municipality. 2001, c. 25, s. 135 (9).

HUNTER and ASSOCIATES

Environmental and Engineering Consultants



www.hunter-gis.com
gisinfo@hunter-gis.com



March 24, 2009

Our File No.: 07-401

Ms. Linda Dean
Chief Administrative Officer
County of Dufferin
51 Zina Street
Orangeville, ON L9W 1E5

VIA E-MAIL
cao@dufferincounty.on.ca

Re: County Forest Conservation By-Law

Dear Ms. Dean:

Indeed there is confusion, I distributed and briefly discussed your letter of Mar 18, 2009 with Melancthon Township Council and with members and friends of the North Dufferin Agricultural and Community Taskforce Inc.

With respect to tree cutting, I provide the following comments:

- Tree cutting is 'tree cutting' to the ratepayers of North Dufferin and exactly that. The ratepayer should not have to be an expert in the 'Tree Cutting' Permits or the By-law to make a complaint or to understand the answers.
- It is the responsibility of County staff to clarify the complaint, interpret the By-law and provide a clear understandable answer not only in By-law terminology but also in the terms of the complainant.
- I do not find that the County Forest By-law web site makes the distinction between tree clear cutting (removal) and selective cutting.
- Virtually all complaints and FOI requests by North Dufferin ratepayers have been in relation to tree clear cutting and systematic tree removals not selective tree cutting or silviculture (logging) and therefore in By-law terms require a 'Minor Exemption' which I understand to be a form of a Permit.
- In my understanding, the North Dufferin ratepayers do not have a By-law concern about silvicultural (selective marked tree cutting) and the related administration of the By-law.

.../2

Ms. Linda Dean
County of Dufferin
March 24, 2005
Page 2

Your letter seems to be saying that the County Forestry Conservation By-law only requires the issue of a Minor Exemption when the actual clear cutting area exceeds 1.0 ha within a bush. This interpretation of the area trigger seems absurd as it would allow owners with multiple wood lots to clear cut 0.99 ha per woodlot with impunity and presumably on multiple occasions until the wood lots are totally removed.

My understanding of the By-law and that of my Forester is that a Minor Exemption is required for clear cutting when the original stand area exceeds 1.0 ha and 0.5 ha where the Townships have delegated authority to the County. I would appreciate your clarification as soon as possible and before the County completes its 'clear cut' inspections.

For the County's assistance during follow up clear cutting inspections I enclose a Map illustrating subject woodlot locations including those in my Table 1.

With regard to my request to accompany the By-law Enforcement Officer, I am simply seeking assurance that the Officer has the necessary tools and corporate support and in the case of dumping and debris burial, the specialized excavation equipment required to undertake the inspection in a fair, thorough and competent manner for all parties.

Thank very much again for your assistance in resolution of these concerns of importance to North Dufferin ratepayers.

Yours truly,



Garry T. Hunter, M.A.Sc., P.Eng.
President
Hunter and Associates

GTH/jp/wp

cc: Denise Holmes
Terry Horner
NDACT
Carl Cosack
Karren Wallace
Dale Rutledge

