



Township of Douro-Dummer Agenda for a Regular Meeting of Council

Tuesday, June 6, 2023, 5:00 p.m.
Council Chambers in the Municipal Building

Please note, that Council may, by general consensus, change the order of the agenda, without prior notification, in order to expedite the efficiency of conducting business

Electronic Meetings

Regular and Special meetings of Council are being held in person and electronically. Regular Meetings are recorded and live-streamed on the Township YouTube channel. Special Meetings will be recorded and live-streamed where feasible.

To watch the meeting live or access a recording please visit the Township's YouTube Channel

https://www.youtube.com/channel/UCPpzm-uRBZRDjB89o2X6R_A

Please contact the Acting Clerk if you require an alternative method to virtually attend the meeting.
martinac@dourodummer.on.ca or 705-652-8392 x210

	Pages
1. Call to Order	
2. Land Acknowledgement	
3. Moment of Silent Reflection	
4. Disclosure of Pecuniary Interest:	
5. Adoption of Agenda: June 6, 2023	
6. Adoption of Minutes and Business Arising from the Minutes	
6.1 Regular Council Meeting Minutes - May 16, 2023	1
7. Consent Agenda (Reports voted upon by ONE motion) - No Debate	
7.1 Rice Lake Snow Drifter - Thank You Letter	10
7.2 Ministry for Seniors and Accessibility - Seniors Month June 2023	11
7.3 Eastern Ontario Warden's Caucus (EOWC) - Strategic Priorities 2023	17
8. Delegations, Petitions, Presentations or Public Meetings: None	

9.	Staff Reports:	
9.1	Report and Capital Project Status - June 2023	19
9.2	Consent Application B-116-21 Amended, Planning-2023-18	24
9.3	Proposed Provincial Planning Statement, Planning-2023-17	145
9.4	Annual Building Department Financial Report - 2022, Treasurer-2023-15	166
9.5	Credit Card Fees, Treasurer-2023-13	170
9.6	Terms of Reference – Historical Committee, Clerk's Office-2023-16	172
9.7	Draft Public Conduct Policy and Procedure, Clerk's Office-2023-19	180
10.	Committee Minutes and Other Reports:	
10.1	Discussion - Waiving of Building Permit Fees for those effected by the May 2022 Derecho - Councillor Watt	
11.	Correspondence – Action Items:	
11.1	Municipality of Tweed - Resolution regarding Reducing Municipal Insurance Costs	227
11.2	Town of Lincoln - Resolution regarding Municipal Heritage Register	228
11.3	Region of Waterloo - Resolution regarding Removing Addresses on Municipal Election Forms	230
11.4	The County of Prince Edward County - Declaring Intimate Partner Violence an Epidemic	233
11.5	Municipality of Trent Lakes - Minden Emergency Department	235
11.6	Ministry of Natural Resources and Forestry - Consultation on Streamlining of Approvals under the Aggregate Resources Act	238
11.7	Lynn McCabe, Marie Howran, Pat Smallman and Susan Field - Request for Various Policy Changes	240
12.	By-laws: None	
13.	Reports derived from previous Notice of Motions	

14. Notices of Motion - No Debate
15. Announcements:
16. Closed Session: None
17. Rise from Closed Session with or without a Report
18. Matters Arising from Closed Session
19. Confirming By-law - 2023-28
20. Next Meeting
 - Regular Council Meeting - June 20, 2023
 - Committee of the Whole - June 27, 2023
21. Adjournment

Minutes of the Regular Meeting of Council of the Township of Douro-Dummer

**May 16, 2023, 5:00 PM
Council Chambers in the Municipal Building**

Member Present: **Mayor Heather Watson**
 Deputy Mayor Harold Nelson
 Councillor Thomas Watt
 Councillor Adam Vervoort
 Councillor Ray Johnston

Staff Present: **CAO - Elana Arthurs**
 Acting Clerk - Martina Chait-Hartwig
 Interim Treasurer - Paul Creamer

1. Call to Order

With a quorum of Council being present, the Mayor called the meeting to order at 5:01 p.m.

2. Land Acknowledgement

The Mayor recited the Land Acknowledgement.

3. Moment of Silent Reflection

Council observed a moment of silent reflection.

4. Disclosure of Pecuniary Interest:

The Mayor reminded members of Council of their obligation to declare any pecuniary interest they might have. None were declared.

5. Adoption of Agenda: May 16, 2023

Resolution Number 149-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Johnston

That the agenda for the Regular Council Meeting, dated May 16, 2023, be adopted, as circulated.

Carried

6. Adoption of Minutes and Business Arising from the Minutes

6.1 Council Meeting Minutes - May 2, 2023

Resolution Number 150-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Watt

That the minutes of the Regular Council Meeting, dated May 2, 2023, be received and adopted as circulated. Carried

6.2 Appointment of Council Member to Events Committee

Resolution Number 151-2023

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That Douro Ward Councillor Ray Johnston, be appointed as the Chair for the Douro-Dummer Events Committee. Carried

7. Consent Agenda (Reports voted upon by ONE motion) - No Debate

7.1 Municipal Appraisal Form (MAF) for Land Division Severance Files B-28-23 and B-29-23

7.2 Emergency Management Ontario - Annual Compliance Report

7.3 Enbridge Gas Inc. - Letter regarding introduction Charges for Locate Requests

7.4 Ministry of Natural Resources and Forestry - Information regarding Spongy Moth

7.5 AMCTO Accredited Ontario Municipal Clerk Designation Awarded to Martina Chait-Hartwig

Resolution Number 152-2023

Moved by: Councillor Johnston

Seconded by: Councillor Watt

That the Consent Agenda items 7.1 to 7.4, dated May 16, 2023, be received, as circulated. Carried

Item 7.5 will be addressed in Section 9 – Staff Reports.

8. Delegations, Petitions, Presentations or Public Meetings: None

9. Staff Reports

9.1 Report and Capital Project Status - May 2023

Resolution Number 153-2023

Moved by: Deputy Mayor Nelson

Seconded by: Councillor Watt

That the report and capital project status for May 16, 2023 be received.

Carried

9.2 Finance Staffing Update, Treasurer-2023-11

Resolution Number 154-2023

Moved by: Deputy Mayor Nelson

Seconded by: Councillor Vervoort

That the report, dated May 16, 2023, regarding Finance Staffing Update be received and that Council approve the hiring of a Junior Financial Analyst in advance of the upcoming retirement and the costs of the overlap of the staff be funded from the Working Reserve.

Carried

9.3 2023 Financial Report – 1st Quarter, Treasurer-2023-12

Resolution Number 155-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Watt

That the report, dated May 16, 2023, being the 2023 Financial Report – 1st Quarter be received with thanks.

Carried

9.4 Results – Tender for Agricultural Land Leases, Clerk's Office-2023-13

Resolution Number 156-2023

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That the report, dated May 16, 2023 regarding the results of the tender for agricultural land leases received for information. Carried

9.5 Result - Water Lot Lease Agreement, Clerk's Office-2023-15

Resolution Number 157-2023

Moved by: Councillor Johnston

Seconded by: Councillor Vervoort

That the report, dated May 16, 2023 regarding the results of the tender for the water lot leases at Crowe's Landing be received for information. Carried

9.6 Township and Library MOU, C.A.O.-2023-11

Resolution Number 158-2023

Moved by: Councillor Watt

Seconded by: Councillor Vervoort

That the report, dated May 16, 2023, regarding the MOU between the Township and the Douro-Dummer Public Library be received and that the MOU approved. Carried

9.7 AMCTO Accredited Ontario Municipal Clerk Designation Awarded to Martina Chait-Hartwig

Resolution Number 159-2023

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That Council congratulate Acting Clerk, Martina Chait-Hartwig on her achievement of receiving the status of Accredited Ontario Municipal Clerk (AOMC) from Association of Municipal Managers, Clerks and Treasures of Ontario (AMCTO). Carried

10. Committee Minutes and Other Reports:

10.1 Update on County Council Matters - Deputy Mayor Nelson

Resolution Number 160-2023

Moved by: Councillor Watt

Seconded by: Councillor Johnston

That the verbal report from Deputy Mayor Nelson regarding County Council be received. Carried

10.2 Douro-Dummer Police Services Board Minutes - February 3, 2023

Resolution Number 161-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Johnston

That the minutes from the Township of Douro-Dummer Police Service Board Meeting, held on February 3, 2023, be received. Carried

10.3 Douro-Dummer Public Library Board Minutes - April 3, 2023

Resolution Number 162-2023

Moved by: Councillor Watt

Seconded by: Councillor Johnston

That the minutes from the Township of Douro-Dummer Public Library Board Meeting, held on April 3, 2023, be received. Carried

11. Correspondence – Action Items:

11.1 Douro-Dummer Integrity Commissioner Services - Annual Report – 2022

Resolution Number 163-2023

Moved by: Councillor Johnston

Seconded by: Councillor Vervoort

That the letter from Cunningham Swan Lawyers, dated May 3, 2023, regarding the Integrity Commissioner Services - Annual Report - 2022 be received. Carried

11.2 Ontario Ombudsman - Letter regarding Complaint concerning the October 5, 2021 Council Meeting

Resolution Number 164-2023

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That the letter from Ontario Ombudsman, dated May 10, 2023, regarding complaint concerning the October 5, 2021 Council Meeting be received. Carried

11.3 AMCTO - Third Party Audits of Municipal Finances and Development Charges

Resolution Number 165-2023

Moved by: Councillor Watt

Seconded by: Councillor Vervoort

That the information from AMCTO regarding Third Party Audits of Municipal Finances and Development Charges be received. Carried

11.4 AMO - 2023 Annual Conference Delegation Requests Notice

Resolution Number 166-2023

Moved by: Councillor Johnston

Seconded by: Deputy Mayor Nelson

That the deadlines for the AMO 2023 Annual Conference Delegation requests be received. Carried

11.5 Kawartha Haliburton Children's Aid Society - Children & Youth in Care Day

Resolution Number 167-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Watt

That the letter from the Kawartha Haliburton Children's Aid Society, dated May 8, 2023, regarding Children and Youth in Care Day be received and supported. Carried

11.6 Municipality of North Perth - Resolution requesting support for School Bus Stop Arm Cameras

Motion

Moved by: Councillor Johnston

Seconded by: Councillor Watt

That the Resolution from the Municipality of North Perth, dated May 5, 2023, regarding school bus stop arm cameras be received and supported. Defeated

Resolution Number 168-2023

Moved by: Councillor Watt

Seconded by: Councillor Vervoort

That the Resolution from the Municipality of North Perth, dated May 5, 2023, regarding school bus stop arm camera be received. Carried

11.7 City of Cambridge - Resolution requesting Highway Traffic Act Amendments

Resolution Number 169-2023

Moved by: Councillor Vervoort

Seconded by: Councillor Johnston

That the Resolution from the City of Cambridge, dated May 10, 2023, regarding Highway Traffic Act Amendments be received and supported.

Carried

12. By-laws: None

13. Reports derived from previous Notice of Motions: None

14. Notices of Motion - No Debate: None

15. Announcements:

Councillor Watt announced that MPP Dave Smith, Peterborough-Kawartha will be hosting Pancake Breakfast on Saturday, May 20, 2023, at Isabel Morris Park in Lakefield.

16. Closed Session: None

17. Rise from Closed Session with or without a Report: None

18. Matters Arising from Closed Session: None

19. Confirming By-law - 2023-27

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That By-law Number 2023-27, being a By-law to confirm the proceedings of the Regular Meeting of Council, held on the 16th day of May, 2022, be passed in open Council and that the Mayor and the Acting Clerk be directed to sign same and affix the Corporate Seal thereto. Carried

20. Next Meeting

Short-Term Rental Committee Meeting - May 18, 2023

Regular Council Meeting - June 6, 2023

21. Adjournment

Resolution Number 170-2023

Moved by: Councillor Vervoort

Seconded by: Deputy Mayor Nelson

That this meeting adjourn at 5:42 p.m. Carried

Mayor, Heather Watson

Acting Clerk, Martina Chait-Hartwig

Dear Mayor Watson,

On behalf of the Rice Lake Snow Drifters I would like to thank your township for your support of our club. We believe our strong partnership brings the opportunity for many sledders to visit our area and enjoy this amazing winter activity.

We have made a donation to the Warsaw-Lion's Club as a token of our appreciation.

If you ever need to be in touch with us please call 705-295-1669 or email us at ricelake snowdriftersd3@gmail.com

Thank you again for your support of our club.

Sincerely,

Sherriff
Secretary
RLSD

June is Seniors Month

Working for Seniors

Information for Seniors in Ontario

The [Ministry for Seniors and Accessibility](#) works with community organizations to offer supports and services to help seniors stay active, well, safe and socially connected through a range of programs and services. This year, the theme for Seniors Month is Working for Seniors.

Age-friendly communities

Age-Friendly Communities are inclusive, accessible environments with programs and services that help seniors stay connected. These communities can include:

- outdoor spaces and buildings that are accessible for seniors
- accessible communication and information about services and programs
- improved transportation services and housing for seniors
- more social and civic participation opportunities.

Learn more at ontario.ca/agefriendly.

Seniors Active Living Centre programs

Seniors Active Living Centre programs help local seniors stay active, become more involved in their community, and meet new friends in person or online. These programs include:

- unique social activities
- learning and educational opportunities
- recreational programming
- the Seniors Centre Without Walls virtual program
- online video sessions.

There are almost 300 programs across the province that serve 115,000 seniors annually.

To find a Seniors Active Living Centre program, please:

- visit the [Seniors Active Living Centre locator map](#)
- contact your municipality
- call 2-1-1.

June is Seniors Month

Working for Seniors

Seniors Community Grants

This program funds local not-for-profit community groups and organizations to deliver projects, supports and resources for seniors that provide opportunities for greater social inclusion, volunteerism and community engagement.

Find information about the [program online](#) or send an email to seniorscommunitygrant@ontario.ca.

Health811

Health811 is a free, secure and confidential service Ontarians can call or access online 24 hours a day, 7 days a week to receive health advice from qualified health professionals, such as a registered nurse, locate local health services and find trusted health information.

This service is available in both English and French, with translation support offered in other languages.

- Call: 811
- Toll-free TTY: 1-866-797-0007
- Chat live online
- Visit ontario.ca/Health811

Seniors Safety Line

Seniors Safety Line is a 24/7, confidential and free resource. It provides counselling, information, safety planning and referrals in 240 languages for seniors in Ontario who are experiencing, or are at risk of, any type of abuse or neglect.

Call Toll-free: 1-866-299-1011.

More information

Learn more about:

- Seniors Month at ontario.ca/SeniorsMonth.
- ministry programs and services at ontario.ca/msaa.
- resources for seniors with the updated [Guide to Programs and Services for Seniors in Ontario](#).
- for other programs and services available in your area visit: 211ontario.ca.
- Seniors' INFOline
Call: 416-326-7076
Toll-free: 1-888-910-1999
TTY: 1-800-387-5559

Follow us on social  [@SeniorsON](#)  [@SeniorsOntario](#)  [@Seniors and Accessibility](#)

June is Seniors Month

Working for Seniors

Tips on how you can support Seniors Month 2023

Thank the seniors in your life for all their hard work and show them just how much they are appreciated:

- Send a "Thank You" message, either in person, over the phone, by mail or email, or on social media.
- Nominate a senior in June for an [Ontario Senior Achievement Award](#).
- Post a message on the Ministry for Seniors and Accessibility's [Facebook page](#).

Tell us what you are doing during Seniors Month

- Join our Seniors Month conversation on Twitter and Facebook by using **#SeniorsMonth2023**.
- Post photos of your Seniors Month celebrations and tag us on **Twitter: @SeniorsON**, and on **Facebook: @SeniorsOntario**
- Seniors volunteering and helping in their neighbourhood? Tell us about it! Tag us on **Twitter: @SeniorsON**, and on **Facebook: @SeniorsOntario**

Promote Seniors Month to your friends and family


- Share health and fitness tips for seniors.
- Post info about seniors' events taking place during Seniors Month (via link to community centres/municipalities)
- Feature topics of interest to seniors (retirement, financial scams and fraud, elder abuse, housing, driving, recreation, and learning) in your posts.
- Provide Seniors Month resources to celebrate the month: poster, factsheet, or ideas to celebrate Seniors Month.



June is Seniors Month

Working for Seniors

ontario.ca/SeniorsMonth

Ontario 



June is Seniors Month

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2023 Strategic Priorities

Attainable and Affordable Housing

As part of the Ontario Government's goal of building 1.5 million homes by 2031, the EOWC is looking to do our part to increase housing supply through our '7 in 7' regional housing plan.

Across the EOWC region, there are 12,000 to 14,000 units on municipal community rental housing wait lists. The EOWC's '7 in 7' regional housing plan proposes building at least **7,000 community rental units over seven years** across the region to address the wait lists. Using a mixed-model approach, the '7 in 7' plan has the added benefit to bring on nearly 21,000 additional market rate units. This would **total 28,000 housing units**. The plan requires partnering with Federal and Provincial Governments, as well as the private and non-profit sectors, and Indigenous partners. The EOWC is working with KWM Consulting Inc. to create a business case which will be ready by Summer 2023.

The EOWC is also calling on government to develop a strong **financial framework** to support municipalities to prepare, plan and implement housing and support services. In addition, the EOWC is advocating for government to **clarify and standardize 'affordable and 'attainable' housing definitions**.

Long-Term Care

Municipal governments are key partners in the delivery of long-term care, which was highlighted throughout the COVID-19 pandemic. The EOWC was an early advocate for the four hours of care model that the Province is in the process of implementing and continues to provide evidence-based feedback to inform the government decisions.

The EOWC is advocating for the Province to **implement the long-term care human resources strategy** to address staffing shortages that work for rural long-term care facilities and labour markets. As part of the human resources advocacy, the EOWC is continuing to call on the Provincial Government to **eliminate staffing agencies** that pose an unnecessary and unsustainable resource and cost burden on municipalities and taxpayers.

Additionally, the EOWC is advocating that the Provincial Government **review and modernize the long-term care funding framework**. The EOWC is ready to provide input and work with government and stakeholders.

Paramedic Services

EOWC member municipalities are experiencing increased pressures on their paramedic services. The EOWC is advocating for **permanent, sustainable and predictable funding** to support paramedic services as well as **community paramedicine** efforts.

The EOWC is also calling on the Provincial Government to **modernize the dispatch system** to improve the prioritization of calls and overall level of service. Additionally, the Caucus is advocating for the Provincial Government and associated stakeholders to **reduce offload delays** at hospitals which would allow paramedics to spend more hours serving their communities.

The EOWC is working with ApexPro Consulting Inc. to update the **Review of Eastern Ontario Paramedic Services Situation Overview report** to be launched in 2023. The EOWC looks forward to sharing report findings and recommendations with government and stakeholders.



www.eowc.org

 @EOWC_ON

Chair's Message

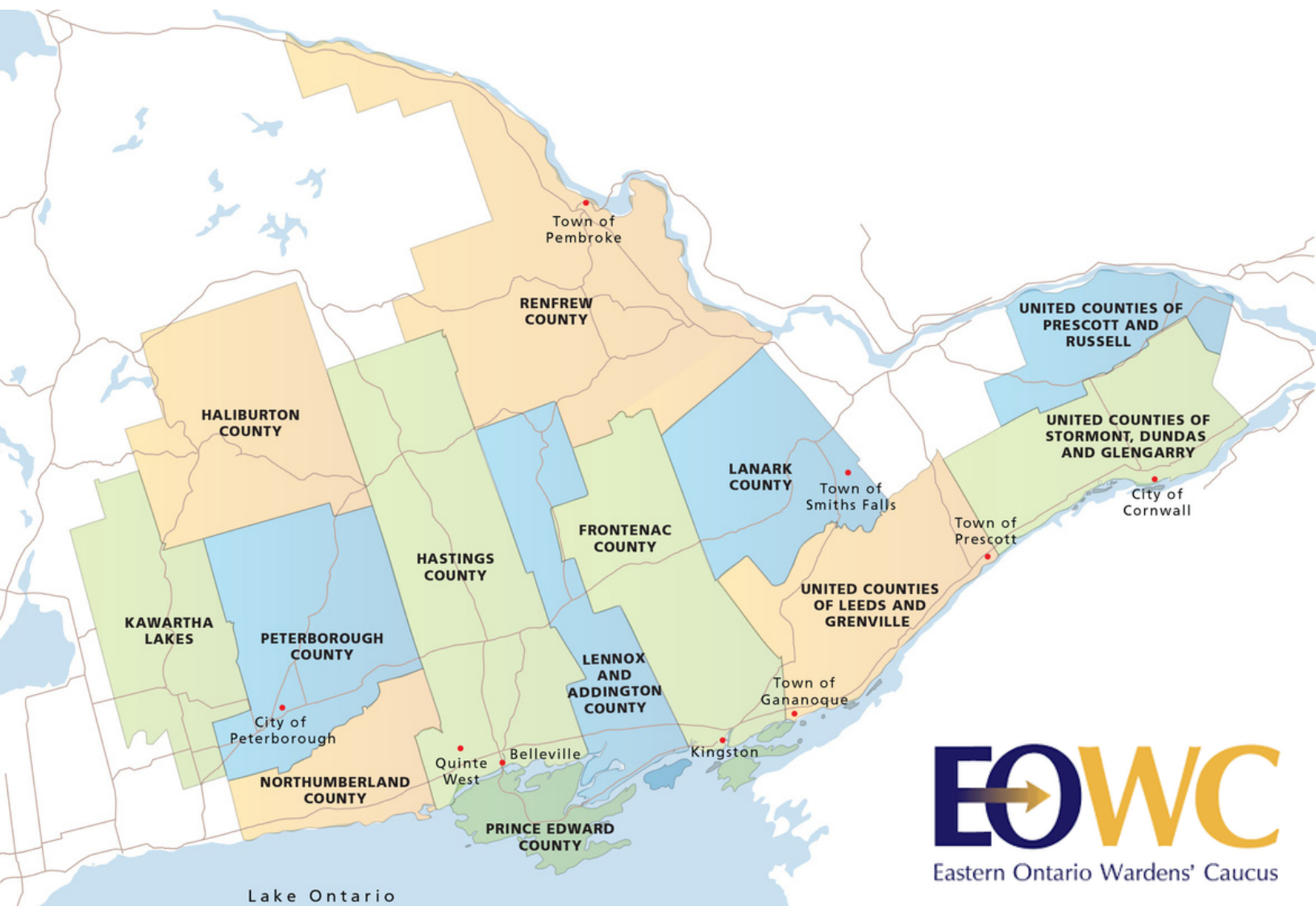
"Now more than ever, municipal governments play a vital role as organizations that unify and strengthen Ontario and Canada. The EOWC is in a position to lead, inform and respond during the coming year and beyond. The Caucus has set clear goals and we intend to strongly advocate on behalf of our region's communities and residents" -
Chair, Warden Peter Emon

The Eastern Ontario Wardens' Caucus (EOWC) is an incorporated non-profit organization comprised of the Heads of Councils of 13 upper-tier and single-tier municipalities. The EOWC covers an area of approximately 50,000 square kilometres from Northumberland County to the Québec border. The EOWC supports and advocates on behalf of 103 municipalities including 750,000 residents to champion priorities and work with government, stakeholders, media, and the public.

EOWC Members

County of Frontenac
County of Haliburton
County of Hastings
City of Kawartha Lakes
County of Lanark
United Counties of Leeds and Grenville
County of Lennox and Addington

County of Northumberland
County of Peterborough
United Counties of Prescott and Russell
County of Prince Edward
County of Renfrew
United Counties of Stormont, Dundas and Glengarry



Contact Information

Elected Officials and General Inquiries

Chair, Renfrew County Warden Peter Emon

Vice-Chair, Peterborough County Warden Bonnie Clark

info@eowc.org

Staff

Meredith Staveley-Watson

Manager of Government Relations and Policy

meredith.staveley-watson@eowc.org

Township of Douro-Dummer

Report and Capital Project Status

- Directed by Council and/or CAO
- Directed by the Province/legislation
- Directed by an Agency
- New items and updates are highlighted in Yellow

Report Status

Department	Date Requested	Directed By	Resolution/Direction	Est. Report Date
CAO	August 3, 2021	Council	Committee Recommendation on Short-Term Rentals	August 2023
Corporate	May 3, 2022	Council	Future Gravel Resources	Spring 2023
Clerk	February 14, 2023	Council	Review of Records Retention By-law	Summer 2023
Finance/Clerk	February 21, 2023	Council	Policy/Program for Community Grants	Spring 2023
Finance/Clerk	February 21, 2023	Council	Policy to allow for multi-year budgets	Summer 2023
Finance/Clerk	May 16, 2023	Council	Finance Staffing - Junior Financial Analyst	June/July 2023

Planning	June 7, 2022	Council/ Province	Bill 109 – Update to Site Plan Control By-law, Create Pre-Consultation By-law, ensure the language in Official Plan allows for Peer Review as part of Complete Application	Changes pending release of final provincial regulations
Public Works/CAO	March 7, 2023	Council	Indacom Drive Lot 3	Summer 2023
CAO	April 11, 2023	COW	Report regarding Tree Seedling Program	Summer 2023
CAO and Clerk	April 11, 2023	COW	Report to Council re ORV use in Township	Summer 2023
Clerk	April 4, 2023	Council	Terms of Reference for Historical Committee	June 6, 2023

Capital Project Status

Department	Capital Project List	Status
Fire	Douro Station Reconfiguration	Ongoing
Fire	Resurfacing of the parking lot at Fire Station 2	Summer 2023
Fire	Station 2 Pumper	RFP Awarded – waiting on date for delivery
Fire	Fans for the Trucks	2023
Fire	Paging Infrastructure Fees	Spring 2023
Fire	Bunker Gear	Ordered – awaiting arrival
Fire	Master Fire Plan & Community Risk Assessment	Due 2024
General Government	Demolition of Old House at Fifth Line	Barn is removed – August 2022 Tender for house demolition and clean up – Required
General Government	New Sloped Roof - Town Hall	RFP in Spring 2023
General Government	Asset Management Plan	Ongoing

General Government	Computer Modernization	Ongoing
General Government	Finance Modernization	In progress – will continue into 2023 - New Payroll Module in place – Jan 2023
General Government	Municipal Office Front Door Replacement	Summer 2023
General Government	Pay Equity Review	June 6, 2023
General Government	Development Charge Study	2023
General Government	Strategic Plan	Starting March 2023
General Government	Marriage License and Civil Marriage Ceremonies	Complete – Waiting on Materials from Province
Parks and Recreation	Parks and Rec Master Plan – Implementation	On hold due to Covid-19
Parks and Recreation	Tables and Chairs	Tables Delivered
Parks and Recreation	Lime Kiln Restoration – 2022 Budget	Spring 2023
Parks and Recreation	Consultant Fees - Arena Facilities Future Ad-Hoc Committee	Summer 2023
Parks and Recreation	Back Dam Shelter Roof	Due 2023

Parks and Recreation	New Parks Mower	Received and in use May 2023
Parks and Recreation	Garage Door Replacement – Douro Community Centre	Due 2023
Parks and Recreation	Water Softener Replacement – Warsaw Community Centre	2023
Parks and Recreation	Compressor Replacement Reserve Contribution	2024
Parks and Recreation	New Park Trailer	Received and in use May 2023
Planning	Zoning By-Law Update	On hold until Province Approves OP
Public Works	Spot Gravel Repairs - Centre Dummer Road	2023
Public Works	Gravel Pit Purchase	Late 2023
Public Works	Excavator with Brush head (John Deere 190)	2023

Severance Review

File No: B-116-21 Amended - REVISED
Name: David and Debra Brown
Location: 400 Douro First Line
Part Lot 5, Concession 2 (Douro)
Roll No. 1522-010-002-05800

Recommendation:

That Planning-2023-18 Report, be received and that Severance Application B-116-21 Amended – REVISED be supported and if approved by Peterborough County Land Division, the following Township conditions be imposed:

- \$1250.00 cash-in-lieu of parkland be paid to the Municipality.
- A 3-metre strip of frontage from the severed parcel be deeded to the Township for road widening purposes. Cost to be incurred by the applicant.
- A test hole for the septic system be inspected, there is a fee to inspect test holes to ensure a septic system would be viable – current fees are \$150 per severed lot severed and applicant is responsible for the digging of the test holes.

Purpose of the application – Creation of two new residential lots.

Official Plan Designation:

Severed:	Rural
Retained:	Rural and Provincially Significant Wetland.

OP Conformity:

The severed parcel is designated Rural in the Local Component of the County Official Plan (the Township Official Plan).

In accordance with Section 6.2.2.2 of the Official Plan, limited development by severance is permitted within the Rural designation subject to the policies contained in Section 6.2.2.3 of the Plan.

In Douro-Dummer, a maximum of two severances to create new residential lots may be granted on a property provided there have been no previous severances in the last 25 years (Ss. 6.1.1 & 6.2.2.5(d)) and provided the following criteria are met and all other relevant policies of the Official Plan are complied with:

- i) The applicant has owned the property for a minimum of 5 years; and
- ii) The size of the new residential new lot must not exceed 1 hectare (2.47 acres) in area. The area may exceed 1 hectare if there are other rural uses in addition to, or separate from, the residential use (i.e. hobby farms,

recreational uses). The maximum lot area in such instances will be stipulated in the Zoning By-Law.

Peterborough County Land Division records indicate that the subject property has received one severance in 2015 and therefore the property is eligible for one more severance.

The applicant has confirmed that they have owned the property for a minimum of 5 years.

Sections 6.2.2.3(d), 6.2.2.5(e) and 7.2.3 of the Official Plan require that new development shall only be established in accordance with the Minimum Distance Separation (MDS) requirements of the Provincial Policy Statement (PPS) in order to protect farm operations from encroachment and to allow for the future flexibility and expansion of existing farm operations. A MDS Report and Addendum were prepared by Clark Consulting Services (CCS) and copies are attached to this Report.

Due to the presence of key hydrological features within 120 metres of the proposed severed lot, an opinion letter offering an assessment of an unevaluated wetland was prepared by GHD, dated October 10, 2022 in support of the Amended severance application. A copy of the GHD correspondence is attached to this Report.

Based on the GHD opinion, the severed lot was reconfigured via the Revised Amended application in order to be located more than 120 m away from any key hydrologic features.

The Otonabee Region Conservation Authority (ORCA) reviewed the Revised Amended application and in comments dated May 5, 2023 indicated that the application is consistent with Section 3.1 of the PPS referencing natural hazards and has demonstrated consistency with Sections 2.1 and 2.2 of the PPS referencing natural heritage and water and conforms to Sections 4.2.3 and 4.2.4 of the Growth Plan referencing key hydrologic features, key hydrologic areas and key natural heritage features and lands adjacent to key hydrologic features and key natural heritage features.

ORCA indicated that permits from their agency are not required and that the application is not located within an area that is subject to the policies contained within the Trent Source Water Protection Plan.

A copy of ORCA's correspondence is attached to this Report.

Zoning:

Rezoning Required:

Severed:	Rural (RU)	No
Retained:	Rural (RU) & Environmental Conservation Provincially Significant Wetland (EC(P))	No

Zoning Conformity:

The severed parcel is zoned Rural (RU) as identified on Schedule 'A1' to By-law No. 10-1996, as amended. A residential use is permitted in the (RU) Zone (S. 9.1.5) and requires a minimum lot area of 0.4 hectares and a minimum lot frontage of 45 metres (S. 9.2.4 (a) & (b)). The proposed severed parcel appears to meet these requirements.

The retained parcel is zoned Rural (RU) and Environmental Conservation Provincially Significant Wetland (EC(P)) as identified on Schedule 'A1' to By-law No. 10-1996, as amended. An agricultural use or farm is permitted in the (RU) Zone (S. 9.1.1) and requires a minimum lot area of 20 hectares and a minimum lot frontage of 135 metres (S. 9.2.1 (a) & (b)). The retained parcel appears to meet these requirements.

PPS and Growth Plan Conformity:

Severance Application B-116-21 Amended - REVISED will not be located within a known floodplain. Therefore, ORCA concluded that the application is consistent with Section 3.1 of the PPS as it relates to natural hazards.

Based on the revised application, the severed parcel is no longer located within 120 metres of key hydrological features.

Based on the information provided in the CCS MDS Report and Addendum, the severed parcel appears to comply with Section 1.1.5.8 of the PPS which requires that new lands uses on rural lands, including the creation of lots, comply with the minimum distance separation formulae. Further discussion on minimum distance separation is outlined below in the Comments section of this Report.

Entrance Report:

The Manager of Public Works noted that a safe entrance for the severed parcel is possible. A 3-metre strip of frontage from the severed parcel is required for road widening purposes. When applying for the entrance permit, the following additional comments apply: Update existing field entrance, keep entrance to the south end of lot at the crest of hill. Complete ditching to improve sightlines.

Comments:

A Preliminary Severance Review (PSR) was completed by the Peterborough County Planning Department on August 2, 2021 and a copy is attached to this Report. Application B-116-21 was applied for as outlined in the PSR and circulated for comment on October 18, 2021.

On December 3, 2021 the Application was amended and recirculated for comment. The amended application changed the location of the proposed severed parcel moving it outside of the 120 m buffer from a non-evaluated wetland to the east and further north along Douro First Line. The proposed severed parcel is located directly west of 369 Douro First Line. The amended application was supported by a Minimum Distance Separation (MDS) Report prepared by Clark Consulting Services (CCS) and dated June 2, 2022. A copy of the Amended Application and the CCS MDS Report are attached to this Report.

On August 5, 2022, an objection to the amended application was received by Peterborough County Land Division from the owners of 369 Douro First Line. A copy of the objection is attached to this Report. The objection outlines the owners concerns with respect to the MDS calculations that were completed by CCS. Specifically, the owners of 369 Douro First Line noted that the MDS I calculations were prepared without their input regarding their livestock facility nor did it reflect their intention to re-establish a beef feeder operation.

The owners of 369 Douro First Line retained the services of EcoVue Consulting Services who prepared a Memo dated October 23, 2022 which addressed the MDS I calculation for their livestock facility. A copy of the EcoVue Memo is attached to this Report.

CCS reviewed the EcoVue Memo and prepared an Addendum to their June 2, 2022 MDS Report, dated January 10, 2023. The CCS Addendum made adjustments to the MDS calculation for the livestock facility at 369 Douro First Line. The CCS Addendum accepted the EcoVue suggestion that the existing livestock facility is capable of housing 45 beef cattle which generates an MDS I setback of 136 m. The proposed severed parcel is located 138 m away from this livestock facility. Based on these calculations, the proposed lot appears to comply with the MDS requirements in accordance with Section 1.1.5.8 of the PPS. A copy of the CCS Addendum is attached to this Report.

On May 3, 2022, the Amended Application was Revised and recirculated for comment. The revised amended application changed the configuration and dimensions of the proposed severed parcel, but not the location. The configuration was revised based on the findings of the GHD Report. A copy of the Revised Amended Application is attached to this Report.

On May 29, Peterborough County Land Division notified the Township that the owners of 369 Douro First Line still do not agree with the CCS MDS Report.

All department managers have been circulated for comment on these applications.

Report Approval Details

Document Title:	B-116-21 Amended - REVISED.docx
Attachments:	<ul style="list-style-type: none"> - 116-21 Amended Application - REVISED May 2023.pdf - CCS Brown MDS Douro First Line (June 2, 2022).pdf - CCS Addendum Brown MDS Douro First Line (January 10, 2023).pdf - GHD 400 Douro First Line severance-wetland assessment (October 10, 2022).pdf - Revised 5May2023 B-116-21; 400 Douro first line; ORCA PPLD-2206.pdf - Brown - PSR.pdf - EcoVue MDS calculations for 369 Douro 1st Line (October 23, 2023).pdf - 116-21 Application.pdf - 116-21 Amended Application.pdf - Objection B-116-21A Jordan Brown.pdf
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs



Application for Consent

<p>Note to Applicant: All questions must be answered or application may be returned. Application Fee: \$1150.00 must accompany fully completed application and 6 copies. It is strongly advised the applicant complete a Preliminary Severance Review with the County of Peterborough Planning Department. Have you done so: Y/N _____ Date: _____ If yes, were there any Studies required? Y/N _____ (i.e. Traffic Study, Archaeological Study and Environmental Impact Analysis (EIA)). Have you attached 4 copies of each to this application? Y/N _____</p>	<p>Office Use:</p> <p>File No. B- 11621 Amended</p> <p>Date Received: RECEIVED DEC 03 2021 LAND DIVISION</p>
--	---

1. Owner Information	
Name(s): <u>DAVID/DEBRA BROWN</u>	Address: <u>400 DOURO 1ST LINE</u>
City/Province: <u>DOURO-DUMMER</u>	Postal Code: <u>K0L 2B0</u>
Phone: (H) <u>705-652-7645</u> (B) _____	Fax or E-mail: <u>dbrown50@rogers.com</u>
Do you wish to receive all communications? <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Authorized Agent/Solicitor Information	
Name(s): _____	Address: _____
City/Province: _____	Postal Code: _____
Phone: (H) _____ (B) _____	Fax or E-mail: _____
Do you wish to receive all communications? <input type="checkbox"/> Yes <input type="checkbox"/> No	

3. Property Description			
Ward: <u>DOURO</u>	Township: <u>DOURO-DUMMER</u>	Lot: <u>5</u>	Concession: <u>2</u>
Municipal (911) Address: <u>400 DOURO 1ST LINE</u>	Tax Roll #: <u>1522010 on 205800</u>		
Registered Plan #: _____	Block/Lot: _____		

4. Type and Purpose of Proposed Transaction					
Transfer:	<input checked="" type="checkbox"/> Creation of a New Lot	<input type="checkbox"/> Addition to a Lot (moving/adjusting lot line)			
Other:	<input type="checkbox"/> Right-of-Way	<input type="checkbox"/> Easement	<input type="checkbox"/> Correction of Title	<input type="checkbox"/> Charge	<input type="checkbox"/> Lease

5. Transferee	
If known, the name of the person(s), to whom land or interest in land is intended to be transferred, charged or leased: _____ relationship to owner: _____	
Address: <u>SELF</u>	
Phone: (H) _____ (B) _____	Fax or E-mail: _____

6. Description of Severed Lot (provide both metric & imperial measurements and include all dimensions on sketch)			
Frontage (metres): XXXX 45	Depth (metres): XXXX 153	Area (m ² or hectares): 5000m ²	
Frontage (feet): XXX 147	Depth (feet): XXXX 501	Area (ft ² or acres): 1.23	
Existing Use: (i.e. residential, commercial, recreational) <u>AGRICULTURE</u>		Proposed Use: (i.e. residential, commercial, recreational) <u>RESIDENTIAL</u>	
Name Existing Buildings & Structures, including well & septic (and show on sketch with setbacks)		Name Proposed Buildings & Structures, including well & septic (and show on sketch with setbacks)	
<p>Type of Access:</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Municipal maintained road <input type="checkbox"/> Seasonally maintained municipal road </div> <div> <input type="checkbox"/> County Road <input type="checkbox"/> Private road or right-of-way </div> <div> <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Water <input type="checkbox"/> Other _____ </div> </div>			
<p>Water Supply: <u>PROPOSED</u></p> <input type="checkbox"/> Publicly owned/operated piped water system <input checked="" type="checkbox"/> Privately owned/operated individual well <input type="checkbox"/> Privately owned/operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other _____		<p>Sewage Disposal: (if existing, show on sketch) <u>PROPOSED</u></p> <input type="checkbox"/> Publicly owned/operated sanitary sewage system <input checked="" type="checkbox"/> Privately owned/operated individual septic tank <input type="checkbox"/> Privately owned/operated communal septic tank <input type="checkbox"/> Privy <input type="checkbox"/> Other _____	
If a septic system exists on the severed parcel, when was it installed and inspected? <u>N/A</u>			
How far is it located from the lot line(s) & well? _____ (ft. or meters)			
Have you shown the well & septic locations and setbacks on the sketch? _____			

If the severed lot is an "Addition" or "Lot Line Adjustment", please provide the following information.
 If not, please skip this section and move onto Section 8:

7. Description of Lot Being Added To (provide both metric & imperial measurements and include all dimensions on sketch)			
Frontage (metres): _____	Depth (metres): _____	Area (m ² or hectares): _____	
Frontage (feet): _____	Depth (feet): _____	Area (ft ² or acres): _____	
Existing Use: (i.e. residential, commercial, recreational)		Proposed Use: (i.e. residential, commercial, recreational)	
Name Existing Buildings & Structures, including wells & septic (and show on sketch with setbacks)		Name Proposed Buildings & Structures, including wells & septic (and show on sketch with setbacks)	
Official Plan Designation: _____		Current Zoning: _____	
<p>Type of Access:</p> <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Municipal maintained road <input type="checkbox"/> Seasonally maintained municipal road </div> <div> <input type="checkbox"/> County Road <input type="checkbox"/> Private road or right-of-way </div> <div> <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Water <input type="checkbox"/> Other _____ </div> </div>			
Roll # of Lot Being Added to: _____			

8. Description of Retained Lot (provide both metric & imperial measurements and include all dimensions on sketch)			
Frontage (metres): <u>428.42</u>	Depth (metres): <u>irregular</u>	Area (m ² or hectares): <u>38.85</u>	
Frontage (feet): <u>1428.48</u>	Depth (feet): <u>irregular</u>	Area (ft ² or acres): <u>96 ACRES</u>	
Existing Use: (i.e. residential, commercial, recreational)		Proposed Use: (i.e. residential, commercial, recreational)	
Name Existing Buildings & Structures, including wells & septic (and show on sketch with setbacks)		Name Proposed Buildings & Structures, including wells & septic (and show on sketch with setbacks)	
<u>RESIDENCE, BARN, 2 DRIVE SHEDS, HAY STORAGE, GARAGE</u>			
Type of Access: <input checked="" type="checkbox"/> Municipal maintained road <input type="checkbox"/> County Road <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Seasonally maintained municipal road <input type="checkbox"/> Private road or right-of-way <input type="checkbox"/> Water <input type="checkbox"/> Other _____			
Water Supply: <input type="checkbox"/> Publicly owned/operated piped water system <input checked="" type="checkbox"/> Privately owned/operated individual well <input type="checkbox"/> Privately owned/operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other _____		Sewage Disposal: (if existing, show on sketch) <input type="checkbox"/> Publicly owned/operated sanitary sewage system <input checked="" type="checkbox"/> Privately owned/operated individual septic tank <input type="checkbox"/> Privately owned/operated communal septic tank <input type="checkbox"/> Privy <input type="checkbox"/> Other _____	
If a septic system exists on the retained parcel, when was it installed and inspected? <u>N/A + 2005</u>			
How far is it located from the <u>lot</u> line(s) & well? <u>25</u> (ft. or meters)			
Have you shown the well & septic locations and setbacks on the sketch? _____			

9. Local Planning Documents
What is the current Township Official Plan designation on this property? <u>RURAL/AG</u> (this information is available from the Preliminary Severance Review and/or from the Township)
What is the current zoning on this property, as found in the Township Zoning By-Law ? <u>RURAL, 1</u> (this information is available from the Preliminary Severance Review and/or from the Township)

10. Provincial Policy	
Is the application consistent with the Provincial Policy Statements? (this information is available from the Preliminary Severance Review and/or from the County Planning Dept.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the subject property within an area of land designated under any provincial plan(s)? (Oak Ridges Moraine Conservation Plan applies to portions of Cavan Ward only; Growth Plan applies to the entire County of Peterborough so answer should be yes)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, does the application conform to or meet the intent of the provincial plan(s)?	<input type="checkbox"/> Yes <input type="checkbox"/> No

11. Restrictions of Subject Land	
Are there any easements or restrictive covenants (i.e. hydro, Bell) affecting the subject land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, describe the easement or covenant and its effect: _____	

12. Previous Planning Act Applications

Is the subject land now, or has it been, the subject of an application for a Plan of Subdivision under Section 51 or a consent under Section 53 of the *Planning Act*? ☐ Yes ☒ No

Has the owner of the subject land severed any land from the original acquired parcel? ☒ Yes ☐ No

If yes, indicate this information on the required sketch and provide the following (if known):

File No. B- 27-15, Transferee: JASON/MERANDA BROWN Date of Transfer: APRIL 2019

File No. B- _____, Transferee: _____ Date of Transfer: _____

Is this land currently the subject of any other application under the Planning Act, such as an application for Official Plan Amendment, Zoning By-Law Amendment, Minor Variance, Minister's Order, or Power of Sale? ☐ Yes ☒ No

If yes, please provide the following:

Type: _____ File No. _____ Status: _____

13. Minimum Distance Separation (MDS)

Are there any barns within 750-1,500 metres (2,460-4,921 feet) of the subject property which currently house, or are capable of housing, livestock? ☐ Yes ☒ No

Are there any anaerobic digesters within 750-1,500 metres (2,460-4,921 feet) of the subject property? ☐ Yes ☒ No

If yes, please complete an "MDS Data Sheet" for each barn.

14. Agricultural Severances (for lands within the agricultural designation only)

Is the severance to dispose of a residence surplus to a farming operation (must have 2 houses)? ☐ Yes ☒ No

Is this severance to create a new farm parcel approximately 40 hectares (100 acres) in size? ☐ Yes ☒ No

Is this severance for a commercial or industrial "agriculture-related" use? ☐ Yes ☒ No

15. Adjacent Lands Surrounding the Landholding

Please state the names of the owners, the use of the land and buildings existing on the lands surrounding the applicants' entire landholding. This information should also be on the sketch, and can be obtained from the Township or Land Division Office. If more room is needed, please add extra Schedule page.

Direction	Name of Owner	Use of Land (i.e. farm, residential etc.)	Buildings (i.e. house, barn etc.)
North	BRIAN LEAHY	PASTURE/ RESIDENCE	HOUSE
South	TERRY O'BRIEN	RESIDENCE/ PASTURE	COVERALL NEW RESIDENCE
East	JORDAN BROWN	PASTURE	RESIDENCE COVERALL HORSE BARN
West	N/A		

16. Driving Directions

Please describe in detail driving directions to the subject property: EAST OF DOWRO ON CTY RD 8
RIGHT ON DOWRO 1ST LINE

Subject RE: Lot
To: [DAVE BROWN <dbrown50@rogers.com>]
From Warren, Amanda <AWarren@ptbocounty.ca>
Date Fri., 26 Nov. 2021 at 12:49 p.m.

It's fine to be one acre since the MDS is no longer an issue. I have put in the estimated measurements so you can mark it out – at least it will give something for the surveyor to go on.

You may proceed with your formal application – all the forms can be found online. Ann Hamilton is available to assist if you need any help making the application.



Signatures Page

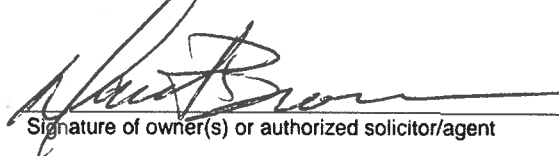
If the applicant is not the owner of the subject land, a **written authorization** of the owner that the applicant is authorized to act as agent and make the application on his/her behalf is required (original please).

If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation and the Corporation's Seal (if any) must be affixed.

Signature(S)

Dated at the (City, Township) of PETERBOROUGH this 3RD day of DECEMBER, 2021.


Signature of owner(s) or authorized solicitor/agent



Signature of owner(s) or authorized solicitor/agent

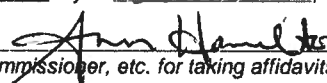
Declaration

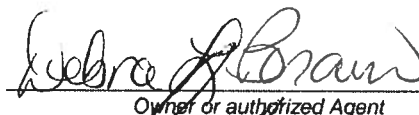
This section must be signed before a Commissioner for Taking Affidavits or a designated Official of the Municipality (i.e. Reeve, Clerk, Secretary-Treasurer of the Land Division Committee, lawyer, etc.)

I/we, DAVID/DEBRA BROWN of the Township, City, etc. of Oakville-Dummer, in the County/Region/Municipality, etc. of PETERBOROUGH, solemnly declare that all the statements contained in this application are true, and I make this solemn declaration as if made under oath and by virtue of the Canada Evidence Act.

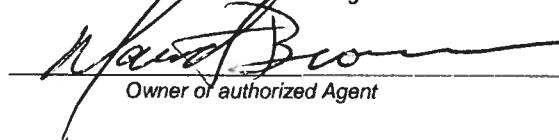
Declared before me at the PETERBOROUGH
City, Township
of Oakville-Dummer, Peterborough
Name of City, etc.
in the COUNTY
County, Region, etc.
of PETERBOROUGH

this 3 day of December, 2021.


Commissioner, etc. for taking affidavits
Ann Frances Hamilton, a Commissioner,
Province of Ontario, for the
County of the County of Peterborough.
Expires December 29, 2023.



Owner or authorized Agent



Owner or authorized Agent

Personal information contained on this form is legally authorized under Sec.53 of the Planning Act and O.Reg.197/96 for the purpose of processing your planning application and will become part of a public record.

Pursuant to Sec.1.0.1 of the Planning Act, and in accordance with Sec.32(e) of the Municipal Freedom of Information and Protection of Privacy Act the County of Peterborough may make all planning applications and supporting material available to the public in hard copy or electronically. If you have any questions about the collection, use or disclosure of this information by the County of Peterborough, please contact the CAO or Clerk, County of Peterborough, 470 Water Street, Peterborough, Ontario K9H 3M3

An "original" signed copy of the application and sketch must be submitted, together with 6 copies of both the application and sketch, each copy stapled individually with a sketch. All copies of the sketch or survey must be coloured – red for severed lots, green for retained. Copies may be double-sided. Please submit application with a cheque for \$1150.00 payable to the "County of Peterborough".

Legend

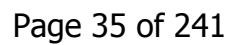
Retained Lot 

Severed Lot 

Seepage 

Wetland 

MDS 





Minimum Distance Separation (MDS) Report

David Brown, Douro-Dummer

Location: 400 First Line, Douro-Dummer
Part Lot 5, Concession 2, Douro
Township of Douro-Dummer, County of Peterborough

CCS Project No.: 5034
Date: June 2, 2022

Roll No.: 1522 010 002 05800
County of Peterborough OP: Township OP Schedule
Township of Douro-Dummer OP: Rural
Township of Douro-Dummer ZB: Rural Zone
Subject Land Size: 41.4 ha, 102 ac
Prepared for: David Brown
Prepared by: Clark Consulting Services

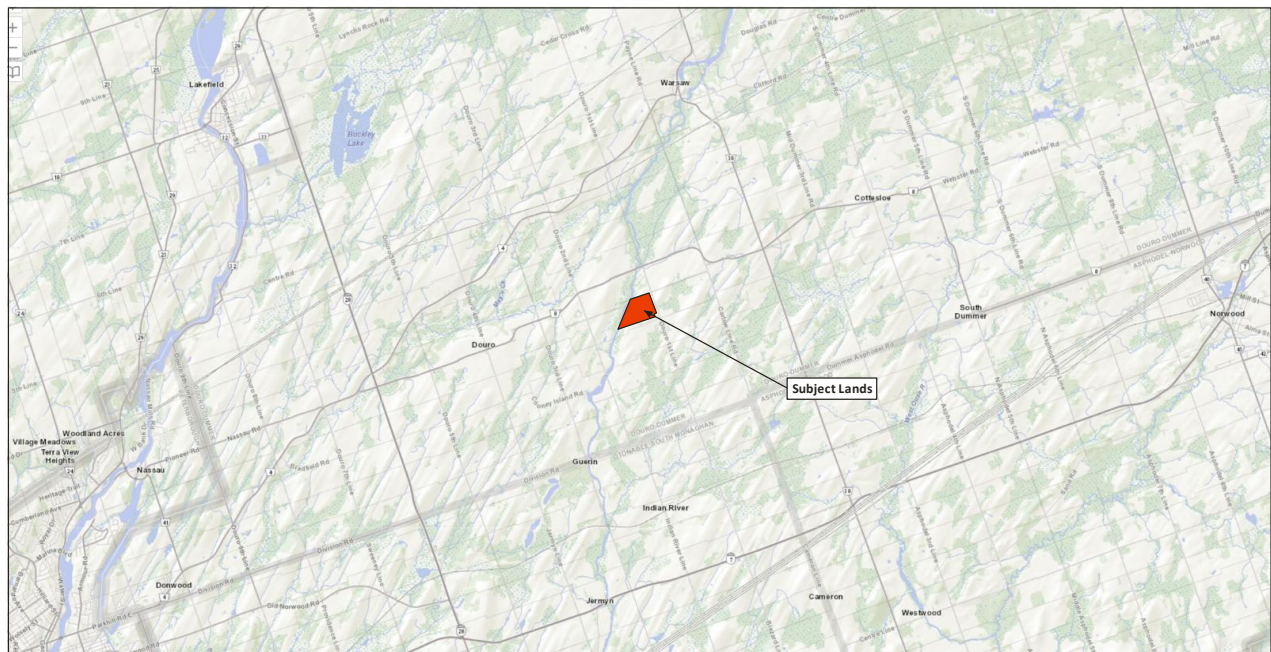


Figure 1 – Location Map



1. INTRODUCTION

Clark Consulting Services (CCS) was retained by David Brown to prepare a Minimum Distance Separation (MDS) Report, as required for an application for a residential severance in the Rural Area of the Township of Douro-Dummer, County of Peterborough. The location of the subject lands is illustrated on *Figure 1 – Location Map*.

The subject lands are approximately 41.4 ha. The result of the application will be a residential parcel of up to 1 ha leaving an agricultural parcel (*retained*) of about 40.4 ha. An MDS Report is required for a Severance Application outside a Settlement Area. The retained parcel with a residence is exempt from MDS, as per MDS Guideline 8. The MDS review for the vacant severed parcel will make comments to cover both the severance and a future building permit, if such a future application is made.

A site visit was carried out on May 26, 2022 and included an interview with the property owner and discussions on local agriculture and livestock uses. The proposal is illustrated on *Figure 2 – Proposal*.



Figure 2 – Proposal



A preliminary MDS review was made by Staff at the County of Peterborough. Following that review, a detailed MDS review was requested. Comments from the Otonabee Region Conservation Authority are also requested regarding the siting of the severance in proximity to regulated areas.

This report will examine if, and to what extent, approval of the severance application will impact neighbouring livestock barns. A site visit has been completed, neighbouring barns have been identified, MDS calculations have been made using OMAFRA AgriSuite Program, and an MDS Sketch has been prepared showing the subject lands, the 750 m review area, identified neighbouring barns, and the MDS setbacks from each livestock facility where required.

2. SITE VISIT DURING COVID-19 RESTRICTIONS

Clark Consulting Services has reviewed how the gathering of information for an MDS Study can be done safely and respectfully during the time of COVID-19 cautionary measures. MDS Guideline 16 says, *“The preferred method for obtaining information (e.g., livestock and manure type as well as design capacity) to be used in MDS I calculations for a complete planning application is visiting the site and getting information directly from the farm operator(s) or owner(s) of the property where the livestock facilities or anaerobic digesters are located.”*

CCS Staff have considered how to gather information without physically approaching barn owners. If the barns generate an MDS setback critical to the application, CCS Staff will contact the owners by telephone or personal visit only where absolutely required.

3. STUDY AREA

The Study Area is an area extending 750 m from the subject lands and covers an area of approximately 247 ha. The Review Area is shown in *Figure 3 – Review Area*.



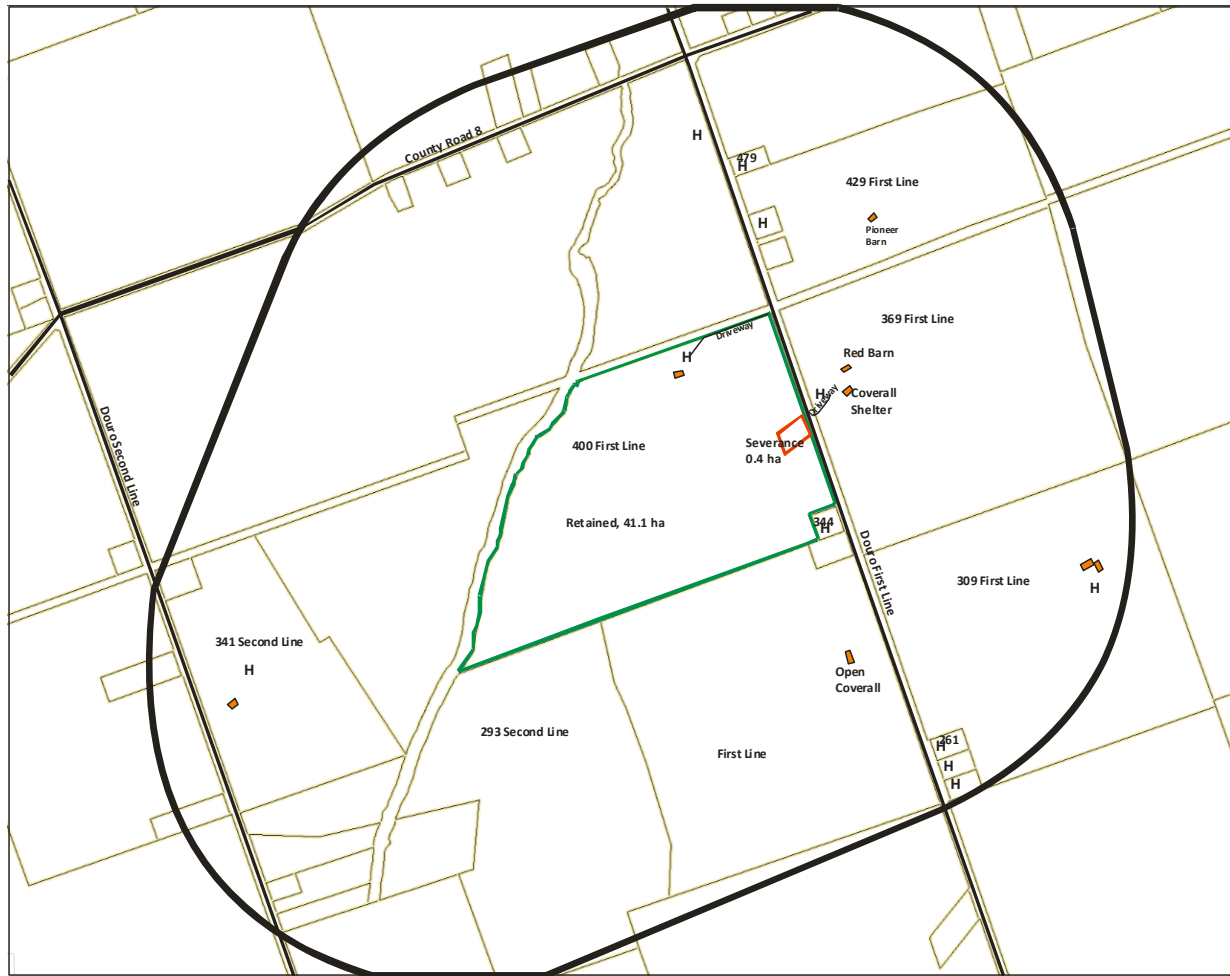


Figure 3 – Review Area

4. APPLICATION OF MINIMUM DISTANCE SEPARATION

The introduction of non-farm uses into a rural area requires consideration of compatibility with existing farming activities, specifically livestock operations. One of the most controversial is the proximity to livestock facilities, which can cause concerns with adjacent land uses, principally due to odour. The Ministry of Agricultural Food and Rural Affairs has established a process for determining appropriate separation distances for new non-farm uses in relation to existing livestock operations. This process is referred to as an MDS I Calculation and requires the determination of the type and size of local livestock operations. The calculation generates a recommended separation distance. This process is described in the Ministry's Publication 853. The calculation can be prepared manually or with the use of the Ministry's calculator within the AgriSuite Program.

Publication 853 contains 43 guidelines to assist in addressing the unique situations that do not lend themselves to a simple calculation.

OMAFRA Publication 853 provides guidance on barns to review and the extent of the review area. In this case, the application is for Lot Creation for one dwelling.



Review of Applicable MDS Guidelines

The following is an edited review of MDS guidelines that apply to the current Consent Application.

Guideline 2 says, *“The MDS I setback distances shall be met prior to the approval of proposed lot creation in accordance with Implementation Guideline 8. The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning application to be complete.”*

Guideline 3

Certain proposed uses are not reasonably expected to be impacted by existing livestock facilities or anaerobic digesters and as a result, do NOT require an MDS I setback:

- livestock barns occupying an area less than 10 m²;
- certain unoccupied livestock barns in accordance with Implementation Guideline 20;
- field shade shelters;
- pastures.

Guideline 6

This discusses the investigation distances for the review of livestock facilities from the subject lands. Type A land uses require a review distance of 750 m. It says, *“A separate MDS I setback shall be required to be measured from all existing livestock facilities and anaerobic digesters on lots in the surrounding area **that are reasonably expected** by an approval authority to be impacted by the proposed application.”* The Guideline is clear that all livestock facilities within the investigation distance to determine those barns that are *“reasonably expected”* to be impacted by the application.

Guideline 8 - Setbacks for Lot Creation

Where lot creation is proposed, including new lots for agricultural uses, an MDS I setback is required for both the severed and retained lot. However, an MDS I setback is **NOT** required:

- for a severed or retained lot for an agricultural use when that lot already has an existing dwelling on it;
- for a severed or retained lot for an existing non-agricultural use.

NOTE: The lot creation policies contained in the PPS, provincial plans and other local lot creation policies continue to apply, despite any exemptions from MDS I setbacks.

Guideline 20

Design capacity for an MDS I calculation shall include all unoccupied livestock barns on a lot. The number of livestock or the area of livestock housing of unoccupied livestock barns should be based on information supplied by the farm operator or owner.

Guideline 33

For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including the creation of one or more lots for development on land outside of a Settlement Area that would NOT result in four or more lots for development in



immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant.

Guideline 41 - Measurement of MDS I Setbacks for the Creation of Lots

Where an MDS I setback is required for the creation of a lot, in accordance with Implementation Guideline 8, measurement of the MDS I setback should be undertaken as follows:

- for proposed lots without an existing dwelling that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.
- for proposed lots without an existing dwelling that are > 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters;
- for lots created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for non-agricultural uses and dwellings in accordance with Implementation Guideline 7.

Summary of MDS Guidelines for this Review

MDS directs that, certain applications for lot creation comply with MDS. In this case, the creation of the single residential lot, with a lot area of approximately 0.4 ha as proposed, requires compliance with MDS Guideline 41, that the lot will be outside any MDS setback generated from neighbouring barns or if the lot is 1 ha or more, a building envelope of 0.5 ha must be available outside the MDS setback. The application is considered a Type A application, so the investigation distance is 750 m from the boundaries of the new lot. Since the retained lot already has a dwelling, an MDS setback is not required for the retained lot in accordance with the provisions of Guideline 8 (*for a severed or retained lot for an existing non-agricultural use*).

Livestock Facilities that Require Examination

A review of aerial imagery and information gathered from the site visit, shows that there may be six (6) livestock facilities (Barns A to F), located within the 750 m review area. These livestock facilities are shown on *Figure 4 – MDS – Barns for Review*.



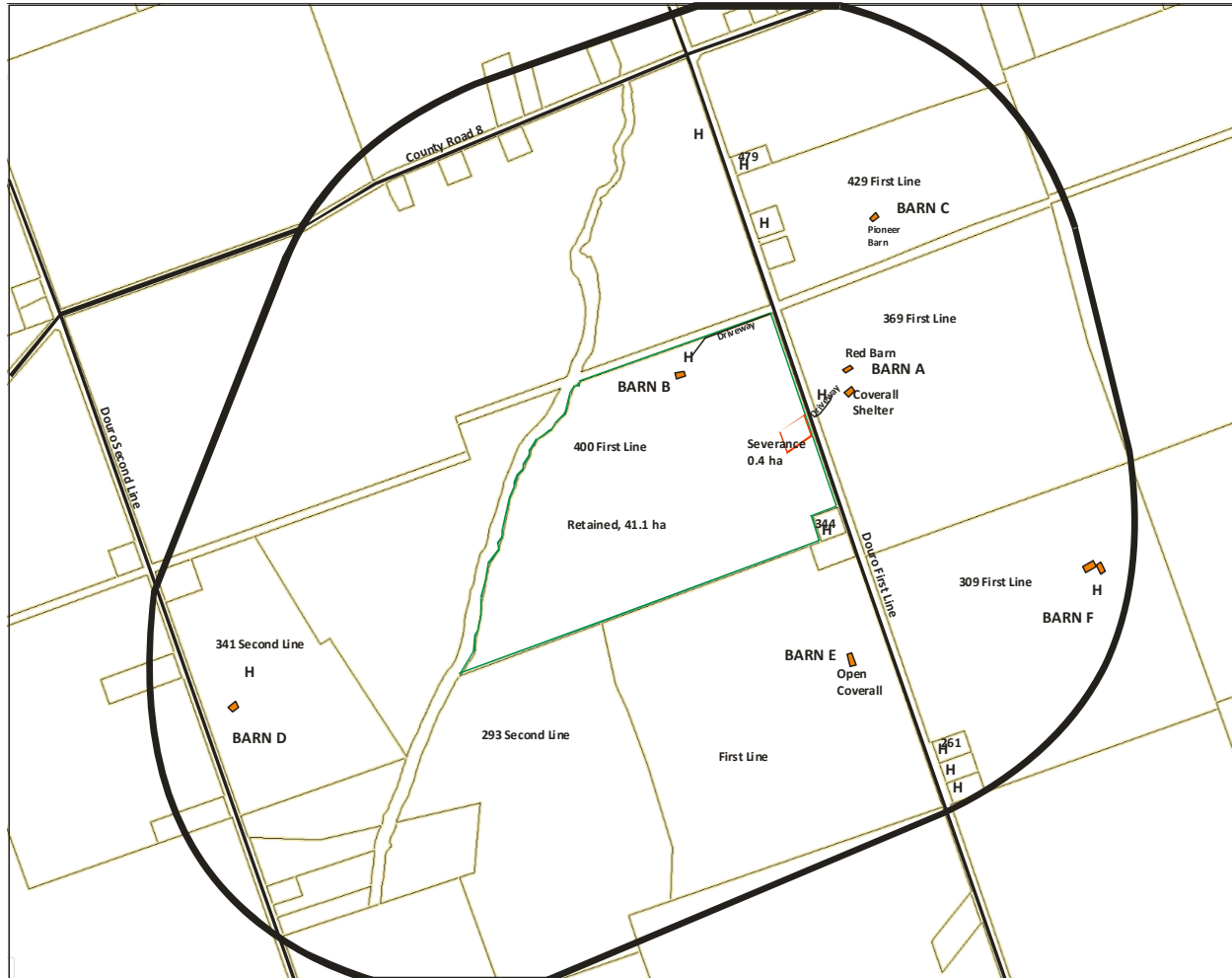


Figure 4 – MDS – Barns for Review

Barn A – 369 Douro First Line

This 41.5 ha farm includes a single storey open sided barn, lying east of the house, used as part of a small beef operation which includes a few recreational horses. The owner runs up to 6 cows which are bred and produce calves periodically. The red single storey barn is used for storage and shelter. Livestock are kept on pasture (MDS Guideline 3 says that MDS setbacks are not required from pastures). The owner said the barn may be used for calving cows. The owner provided information to the applicant prior to the site visit.

An open-ended coverall shelter lies south of the house. This is used as a storage space and can be used as a field shelter. For the purposes of MDS, this is not considered a Livestock Barn.

The presence of an active livestock barn in proximity to a proposed residential severance must be considered a critical review barn. This review will look at the farm, the structures, the actual livestock use of the farm, the capacities of the structures, and MDS setbacks from livestock barns and manure storage facilities. Where assumptions must be made, CCS will provide a number of



calculations and sketches showing how the calculated MDS setbacks may affect the location of the new lot.

The County of Peterborough prepared a preliminary MDS review based on information from the owner, Jordan Brown. For that review, the Coverall Building was said to be a Livestock Barn. Livestock capacity was attributed to this storage/shelter and an MDS setback calculated based upon the assumption that there are two livestock facilities on this farm. The site visit revealed this Coverall is an open-ended building that does not meet the definition of a Livestock Barn as described in Section 3 of the MDS Guidelines:

- **Livestock barns:** *One or more permanent buildings located on a lot which are intended for housing livestock, and are structurally sound and reasonably capable of housing livestock.*

It goes on to define a Livestock Facility as:

- **Livestock facilities:** *All livestock barns and manure storages on a lot, as well as all unoccupied livestock barns and unused manure storages on a lot.*

OMAFRA also provides guidelines and information for farmers planning to construct a livestock facility (Planning to Build or Renovate Your Livestock Facility (Housing) including Feed Storage/Milkhouse if Attached to Barn, which is available through the OMAFRA website. If the Coverall building is considered a Livestock Barn, information will be available at the Building Department of the Township, including an MDS II Study, building permit(s), zoning verification, and a review of Nutrient Management to determine if a Nutrient Management Plan is required to establish the new livestock barn.

During the site visit, CCS Staff observed that the Coverall is used for, and appears to be intended to be used as, a storage building similar to a drive shed. The required amenities for a livestock barn do not appear to exist. The development of a new livestock barn requires an MDS II Study to ensure proper placement of the new barn (MDS Guideline 7 MDS II). The conversion of a storage building to a livestock barn requires an MDS II Study (MDS Guideline 8 MDS II). The repair or upgrade of a building to make it suitable as a livestock barn may require building permits if water or electricity is added to the building to provide basic amenities to the housed animals. The review of the Coverall structure from the roadside does not suggest that this building is anything other than that what it appears to be, and that is a storage facility. The positioning of the structure is such that livestock may use the Coverall for shelter (MDS Guideline 3 says that MDS setbacks are not required from field shade shelters). ***It is the opinion of Clark Consulting Services, that this Coverall structure is not a Livestock Barn, is not part of the Livestock Facilities on this property, and does not generate an MDS setback.***

There is a single storey red barn to the east of the house. This barn appears to be a well-maintained building suitable for housing livestock. The barn is not currently being used to capacity. An estimate of housing may be made to confirm capacity, by calculating the floor area of those portions of a barn capable or suitable for housing livestock.



The barn is an open-sided structure with penning suitable for beef cattle or other large livestock. A portion of the building is fully enclosed and does not appear to be part of the housing environment, so is not included in the area calculation. MDS Guideline Section 3, Definitions, provides guidance on determining the appropriate floor area for calculation:

- ***Livestock occupied portion:*** *Areas of a livestock barn where livestock spend the majority of their time, allowing substantial amounts of manure to accumulate. This DOES NOT include areas such as: alleys, equipment storages, feed bins, feed storage/preparation areas, field shade shelters, assembly areas, loading chutes, machinery sheds, milking centres, milking parlour holding areas, offices, pastures, riding arenas, silos, tack rooms, utility rooms and washrooms.*

This definition clearly states that calculations are made from ‘*areas of a livestock barn where livestock spend the majority of their time*’. The livestock on this farm spend the majority of their time outdoors, not within the barn. Manure from these animals is spread throughout pasture, in areas that are not part of an MDS review.

In preparing this review, CCS have considered these factors and have prepared a calculation based on a portion of the floor area of this barn as follows:

Determination of Appropriate Floor Area

In determining the appropriate floor area for housing as defined in Section 3 of the Guidelines, we have considered the following:

- Total floor area of structure is 250 m²
- Estimated closed-in area on west end of barn is 50 m²
- Area where penning is exposed to open weather is approximately 100 m²
- Area which may be considered sheltered and appropriate for housing livestock for a majority of their life is estimated at 100 m².

Three MDS setbacks have been calculated. The first is based on the actual livestock use of the property, and based on an estimate of capacity of the single storey red barn. The second is based upon the estimated housing capacity area of the livestock barn (100 m²), and this barn being used only to house beef cattle to its capacity. The third is a review of the barn housing only horses.

Each of the three scenarios are presented with reasons for the estimates, and a sketch showing how the various MDS setbacks relate to the proposed severance.

MDS I Calculation – Actual and Estimated use of Property

The farm is approximately 41.5 ha. The manure from livestock handling is largely spread on the pasture. No constructed manure storage facility was seen. Manure generated within the barn will generally be spread on the land. There does not appear to be an area for a manure storage approved under Nutrient Management Plan. We have considered manure to be temporarily stored behind the barn and to be V3. Solid, outside, no cover, >=30% DM.



First MDS Calculation

The actual livestock use of the farm is for 3 to 4 beef cattle (cow/calf) and 6 recreational horses. The calculation for Barn A -Actual is 108 m from the barn and 108 m from the manure pile. The measured distance from the closest part of the barn structure (not from the livestock occupied portion of the barn) to lot line is 136 m and from the manure pile is 160 m. These two MDS setbacks do not encroach into the proposed 0.4 ha severance, and so the application meets the MDS setbacks from 369 Douro First Line.

The following (*Figure 5 – MDS Setbacks First MDS Calculation*), is a graphic description of how the MDS setbacks relate to the proposed new severance.

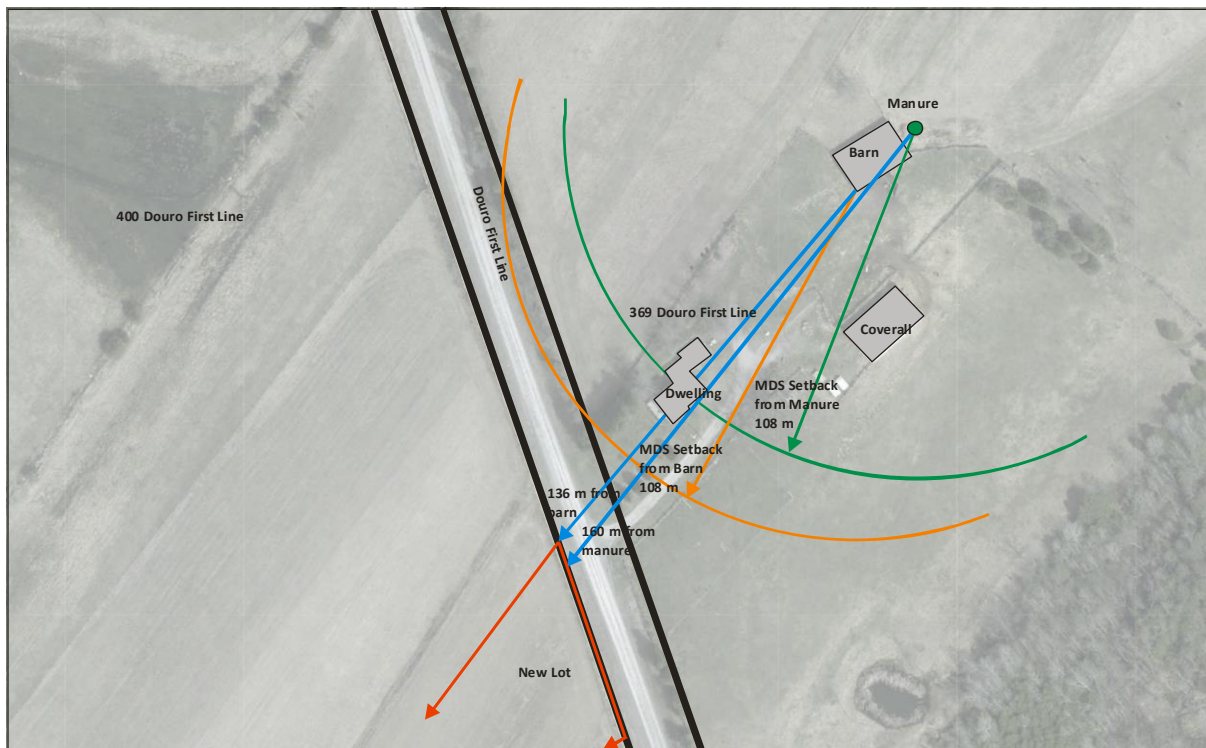






Figure 5 – MDS Setbacks First MDS Calculation

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	108 m (354 ft) 
Actual distance from livestock barn	136 m (446 ft) 
Storage base distance 'S' (minimum distance from manure storage)	108 m (354 ft) 
Actual distance from manure storage	136 m (446 ft) 

MDS Calculation Sheet, AgriSuite



Second MDS Calculation

Estimated Livestock Use – Beef Cattle Only

If the barn capacity for the purpose of housing beef cattle as part of a cow/calf operation is 100 m², then housing capacity is 22 cattle. If this is the capacity of the barn for beef, there is no additional space for housing the horses. The MDS setback for use only by beef cattle is 133 m MDS setback from the barn, and 133 m setback from the manure pile. The measured distance is 136 m from the barn, and 160 m from the manure pile to the new lot line. The application meets the MDS requirements from the barn if the barn is used to capacity for beef cattle.

The following (*Figure 6 – MDS Setbacks Second MDS Calculation*), is a graphic description of how the MDS setbacks relate to the proposed new severance.

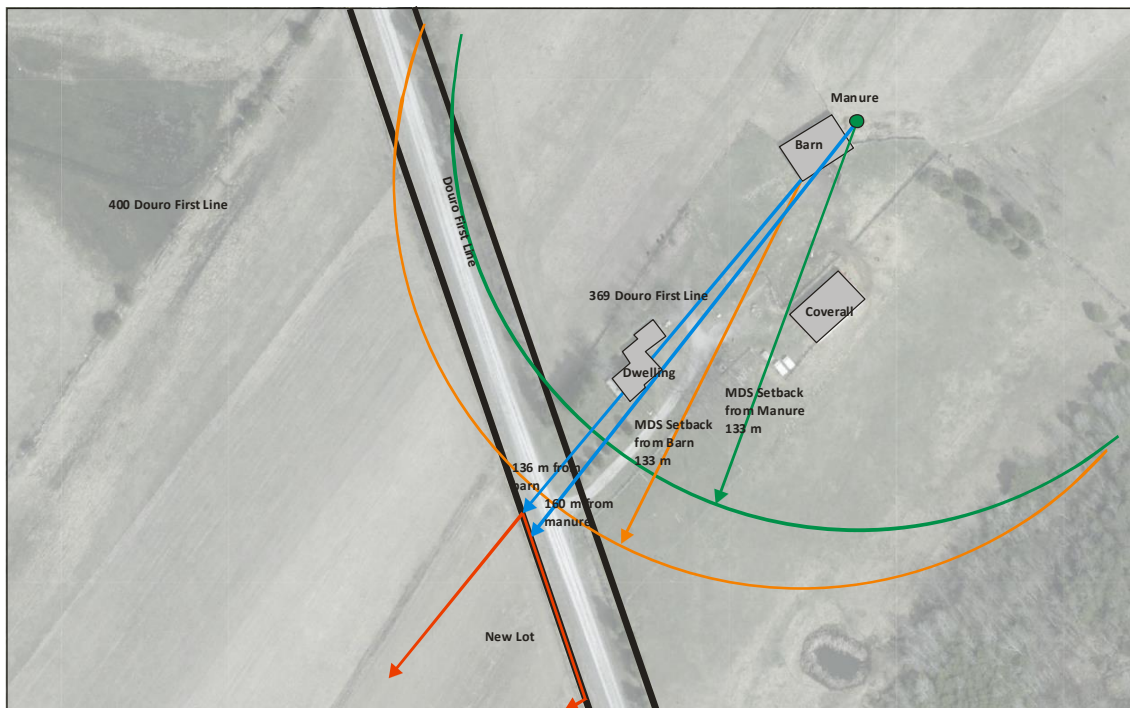


Figure 6 – MDS Setbacks Second MDS Calculation

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	133 m (436 ft)	i
Actual distance from livestock barn	136 m (446 ft)	✎
Storage base distance 'S' (minimum distance from manure storage)	133 m (436 ft)	i
Actual distance from manure storage	160 m (525 ft)	✎

MDS Calculation Sheet, AgriSuite



Third MDS Calculation

Using the Barn for Horses

We have prepared an MDS Calculation if the barn is only used for horses, and the beef cattle are only kept on pasture.

We have determined the appropriate floor area for housing is 100 m². A calculation of housing area required for 6 medium horses is 150 m². If the 6 horses are housed within the barn, then there is no additional space available for beef cattle. The MDS setback for 6 medium horses within this barn is 96 m and from the manure pile is 96 m. The actual setbacks are 136 m and 160 m, so the application complies with MDS from this barn if it is used for horses.

The following (*Figure 7 – MDS Setbacks Third MDS Calculation*), is a graphic description of how the MDS setbacks relate to the proposed new severance.

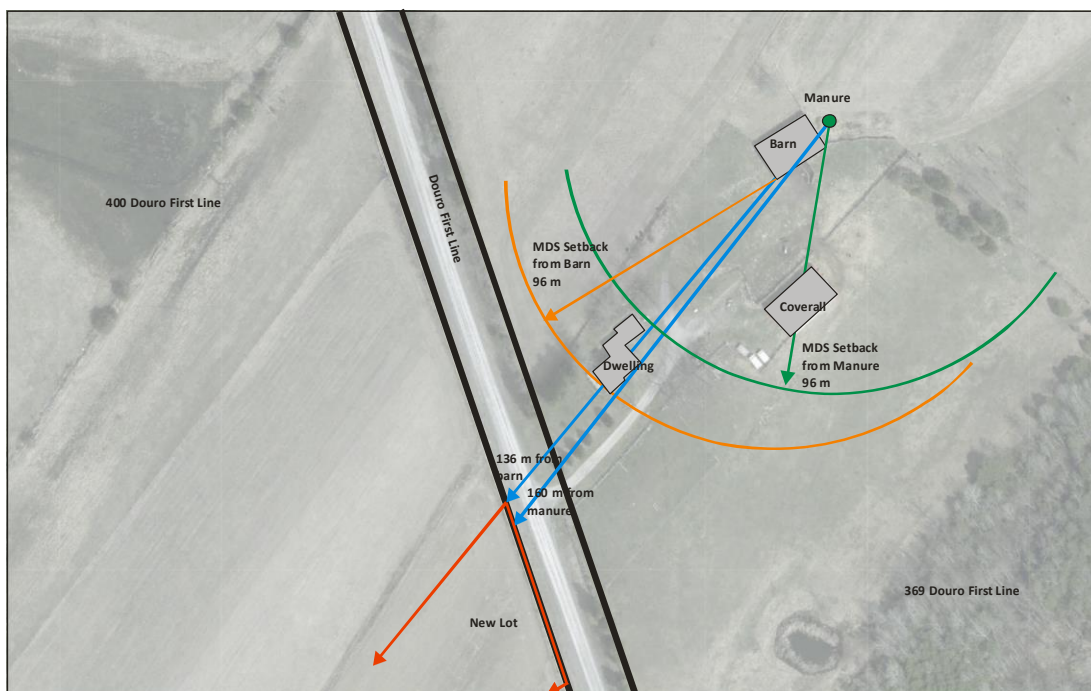


Figure 7 – MDS Setbacks Third MDS Calculation

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	96 m (315 ft)	i
Actual distance from livestock barn	136 m (446 ft)	✓
Storage base distance 'S' (minimum distance from manure storage)	96 m (315 ft)	i
Actual distance from manure storage	160 m (525 ft)	✓

MDS Calculation Sheet, AgriSuite



CCS understands that the owner's intention that the Coverall will be used for housing livestock. Part of the process involved in establishing a livestock barn is an MDS II review. We have prepared a test MDS II calculation to determine if approval of the severance application, and if a new house on the new proposed lot will restrict the conversion of the Coverall from a Storage/Shelter to Livestock Barn. The total floor area of the Coverall is approximately 250 m². The entire floor area of a Coverall Building without substantial concrete walls cannot be used to house large livestock. Therefore, we have based housing estimates on a penned area of 200 m².

A penned area of 200 m² permits housing of up to 43 beef cattle within a Cow/Calf operation. This is shown graphically on *Figure 8 – MDS II Test Setbacks Beef Cattle in Coverall*. A penned area of 200 m² permits housing of up to or up to 9 medium horses. The MDS II setback for use as housing for cow/calf operation is 138 m. The MDS II setback for use as housing for horses is 91 m. The distance from the coverall to the closest part of the severed lot is 113 m.

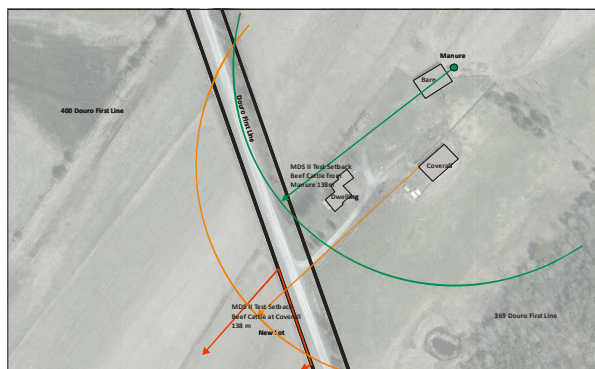


Figure 8 – MDS II Test Setbacks Beef Cattle in Coverall

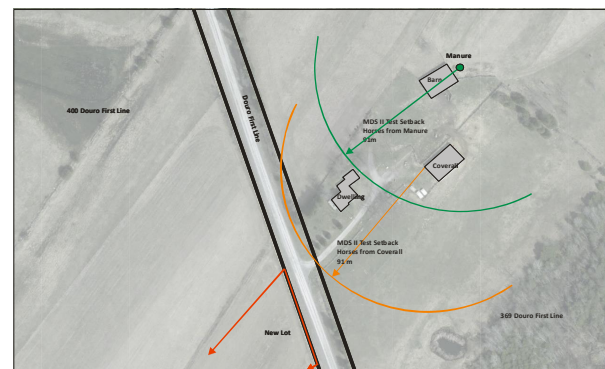


Figure 9 – MDS II Test Setbacks Horses in Coverall

Description	Building setbacks		Storage setbacks	
Type A land uses	Minimum 138 m (453 ft)	Actual 113 m (371 ft)	Minimum 138 m (453 ft)	Actual 160 m (525 ft)
Type B land uses	Minimum 276 m (906 ft)	Actual NA	Minimum 276 m (906 ft)	Actual NA
Nearest lot line (side or rear)	Minimum 14 m (45 ft)	Actual NA	Minimum 14 m (45 ft)	Actual NA
Nearest road allowance	Minimum 28 m (91 ft)	Actual 84 m (276 ft)	Minimum 28 m (91 ft)	Actual 121 m (397 ft)

Description	Building setbacks		Storage setbacks	
Type A land uses	Minimum 91 m (299 ft)	Actual 113 m (371 ft)	Minimum 91 m (299 ft)	Actual 160 m (525 ft)
Type B land uses	Minimum 182 m (597 ft)	Actual NA	Minimum 182 m (597 ft)	Actual NA
Nearest lot line (side or rear)	Minimum 9 m (30 ft)	Actual NA	Minimum 9 m (30 ft)	Actual NA
Nearest road allowance	Minimum 18 m (60 ft)	Actual 84 m (276 ft)	Minimum 18 m (60 ft)	Actual 121 m (397 ft)

An MDS II measurement is measured to the nearest dwelling. Approval of the proposed lot does not affect a future application to convert the Coverall to housing for horses. If the owner wishes to convert the Coverall for use for housing beef cattle, the MDS II setback may encroach into the new lot. If such an application is for the housing of the maximum number of cattle (43), the setback to the house will be 138 m. If the application was for 21 or fewer cattle, the setback would not encroach into the new lot. Since the setbacks are measured to the dwelling, not to the lot line, CCS suggests the location of the dwelling could be 138 m or more from the nearest corner of the Coverall structure. With that, there will be no concerns to the approval of the severance application based on any perceived MDS issues.

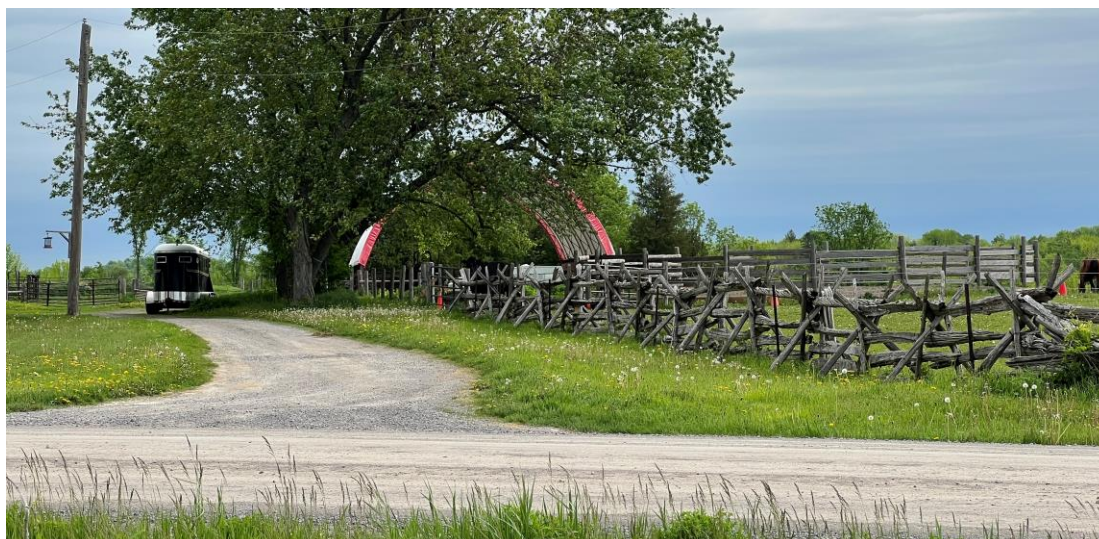


Based on this test review of an MDS II setback measured between the Coverall building to the location of a new home on the newly created lot as proposed, assuming the new house meets all the usual setbacks, and that the house was built back from the frontage, the house should be outside a future MDS II setback if the owner of the Coverall wished to submit an application for conversion to livestock housing.

Based on this test, the severance of the new lot does not compromise the ability of the neighbouring farmer to increase the housing capacity on his farm. MDS rules still apply, and so if the farmer wishes to increase livestock housing capacity using the Coverall, an MDS II Study is required.



Barn A – 369 Douro First Line



Coverall Structure – 369 Douro First Line



Barn B – 400 Douro First Line

The subject farm is a working livestock farm. The applicant runs up to 30 beef cattle as part of a cow/calf operation. The cattle are outdoor cattle, kept on pasture. The barn may be used for shelter, but is not generally used for housing. MDS Guideline 3 exempts 'pasture' land from MDS. However, if the owner was to use the barn to house livestock, it would most likely house 15 to 20 cattle as part of a cow calf operation. For the purposes of this calculation, we have considered the 30 cattle currently pastured on this farm as fitting within the barn.

MDS Guideline 6 says that when a barn is located on the same lot as the severance, then after the severance, the barn is now on a separate lot, an MDS I review should be made to ensure the barn and lot are an appropriate distance apart.

400 Douro First Line is approximately 41.5 ha. The horizontal distance measured between the barn and severance is 252 m, however the new lot is higher than the barn and so the actual distance is greater than 252 m.

The calculated setback using 30 beef cattle is 123 m, therefore this barn does not impact the application as proposed.



Barn B – 400 Douro First Line

Barn C – 429 Douro First Line

An old Pioneer Barn was noted on the farm at 429 Douro First Line, at a distance of just under 500 m from the proposed severance. No livestock was seen on this property and two new houses appear to be in the construction phase at the front of the farm. No MDS calculation has been made.

Barn D – 341 Douro Second Line

The farm at 341 Douro Second Line includes a wooden barn with a tin roof, and appears in good condition. If this barn is capable of housing livestock, then an MDS setback should be calculated.



However, the barn, although only 536 m from the closest part of the subject farm lot, is more than 1,400 m from the proposed severance. MDS Guideline 6 says that MDS I setbacks shall be required from barns that area reasonably expected to be impacted by the proposal. At a distance of over 1,400 m, it is not likely this barn could impact the proposal. No further review has been made of this barn.



Barn D – 341 Douro Second Line

Barn E – Douro First Line

A Coverall storage structure is south of the subject lands. This is an open Coverall used for storage and is not a livestock barn. No MDS is generated from this structure.

Barn F – 309 Douro First Line

From a review of aerial mapping, it appears there may be a barn on the property at 309 Douro First Line. Although the structures are 600 m from the subject farm, the structures are approximately 720 m from the proposed severance and so could not be affected by the application. No further review has been made.

5. MDS CALCULATION SHEETS

MDS setbacks are calculated using the AgriSuite online calculator. The sheets generated are included with this report as *Attachment B*.

6. MDS SKETCH

CCS has prepared an MDS Sketch to show the retained and severed parcels comprising the subject lands on 400 Douro First Line, the location of the neighbouring farms, dwellings and livestock



facilities, and the calculated MDS arcs. The MDS Sketch shows graphically any MDS setback generated from the barns, and shows the actual distance from a barn to the subject lands.

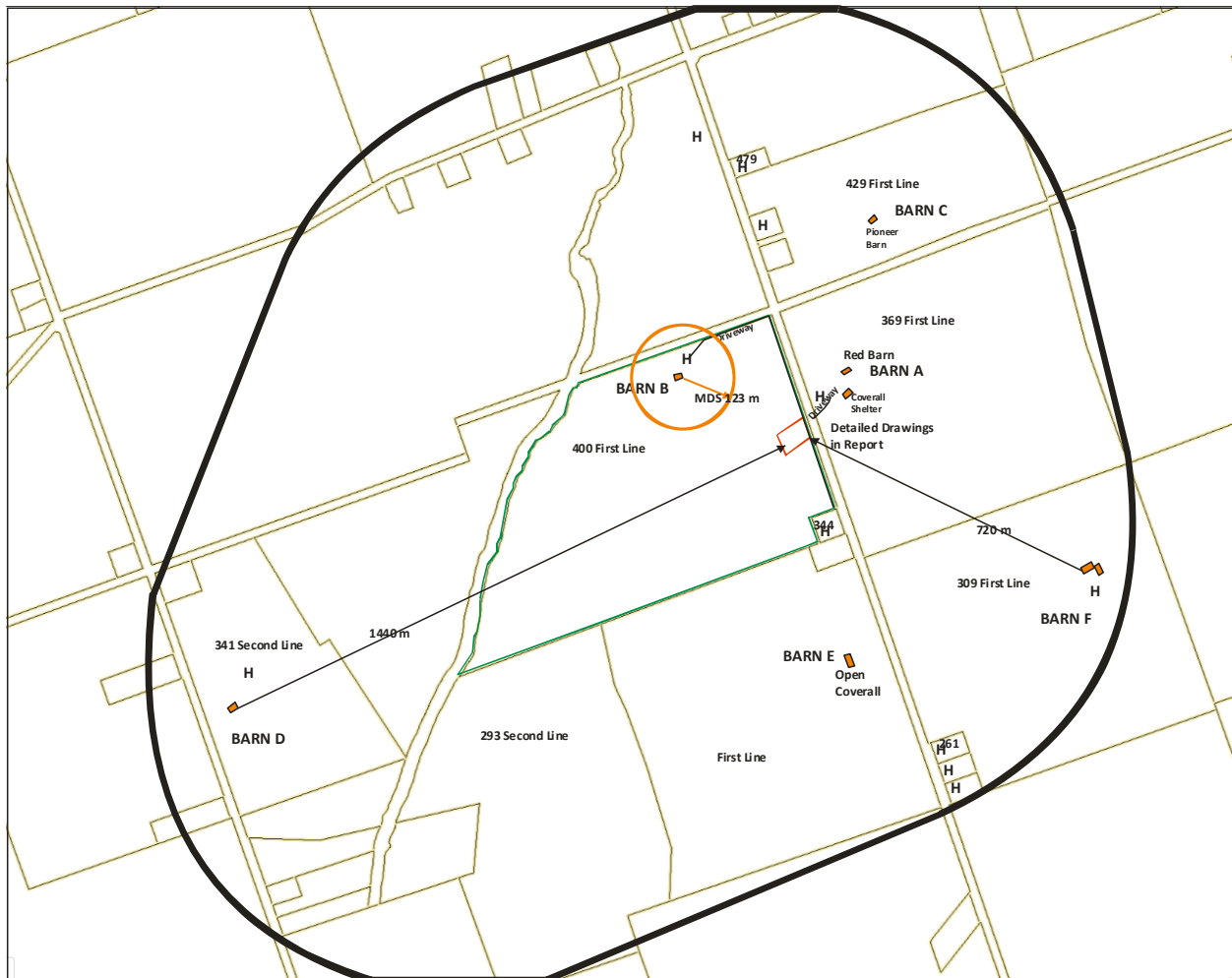


Figure 10 – MDS Detail

7. MDS CONCLUSIONS AND RECOMMENDATIONS

Clark Consulting Services (CCS) was asked to prepare a Minimum Distance Separation (MDS) review for an application for a residential severance at 400 Douro First Line. A site visit was made on May 26, 2022. A review of the area around the subject lands to a distance of 750 m was made to identify and assess all barns within that review area.

The application of MDS is guided by the OMAFRA document, The Minimum Distance Separation (MDS) Document, Publication 853, which provides 43 Guidelines and other information to assist with the appropriate application of MDS. Guideline 6 says, *“A separate MDS I setback shall be required to be measured from all existing livestock facilities and anaerobic digesters on lots in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application.”*



The application for severance will result in a new residential parcel. An MDS review showing how the application can comply with the requirements of MDS is required for the planning application, and may be required for a building permit on the new lot. If this is the case, this study can be used for both applications.

The process to date has indicated that there may be an MDS issue with the livestock facilities at 369 Douro First Line. This farm includes a red single-storey barn and a Coverall hoop drive-through storage structure. A previous conversation with the owner appeared to indicate a desire that the Coverall structure be considered a livestock barn. This structure is not a livestock barn. It is a storage structure and could be used as a shelter for livestock when needed. However, the structure does not meet the definition of a livestock barn for the purpose of MDS (MDS Guideline Section 3, Definitions). This structure does not generate an MDS setback.

The subject lands are within a Rural area with a mix of residential, recreational and agricultural uses. During the site visit, six barns of interest were noted including the barn on the subject farm, 369 Douro First Line, 429 Douro First Line, 341 Douro Second Line, Douro First Line and 309 First Line. The barn on the subject lands is set much further from the severance than the MDS Arc setback. The barn at 429 Douro First Line is an old Pioneer barn and no setbacks were calculated. The barn at 341 Douro Second Line is more than 1,400 m from the severance, so no calculations were made. The Coverall storage structure at First Line is not a livestock barn, and the structures at 309 Douro First Line is set farther from the severance than any MDS setback that will be generated.

The barn at 369 Douro First Line is located 136 m from the closest part of the proposed severance. The barn is not used as housing, as part of the current farm operation of 4 beef cattle (cow/calf) and 6 recreational horses. The MDS setback generated from this barn based on the actual usage of the property, is less than the 136 m distance to the severance. However, a capacity calculation has been made based on an estimate of floor area of the barn where housing, as defined by MDS, can reasonably be considered. The capacity of this open sided building is 22 beef cattle or 9 medium horses. This generates setbacks less than the actual setback of 136 m. A review of the proposed lot shows there is the ability to build a new house based on a lot of 1 ac (0.4 ha).

Concern may be raised that if the Coverall structure was intended to be converted to a livestock barn, would the new lot impact the farmer's ability to convert that structure? If a new barn, or an altered barn is proposed, an MDS II Study is required. A test calculation of an MDS II setback, based on maximum capacity of that structure once converted, was made and is attached as *Attachment C* to this report. This shows the Coverall could be converted in future even if the new lot is created and a new house built. The setback distance from the closest part of the coverall to the new lot plus a 15 m front yard setback, is 128. CCS is of the opinion that the conversion of the Coverall to livestock housing would not be affected by the approval of the severance application.

Based on the information gathered, a review of Provincial and Local planning documents, and a review of the MDS Implementation Guidelines, it is the opinion of Clark Consulting Services that the application for a residential lot of 0.4 ha or greater does comply with the requirements of the Minimum Distance Separation formulae. Further to that, it is our opinion that if the owner of the



Coverall structure wishes to convert that structure to be a livestock barn, the approval of the application will not hinder the owner's ability to make that change.

This review has been prepared under the direction of a '*Qualified Person*', Robert K. Clark, with appropriate qualifications and experience in the Province of Ontario. Mr. Clark has no perceived or actual conflicts of interest in preparing this report. Mr. Clark maintains membership in good standing with the Ontario Institute of Agrologists (*P.Ag.*), and is available for further comment where appropriate.

Sincerely,



Bob Clark, *P.Eng., P.Ag., MCIP, RPP, OLE*
Principal Planner

ATTACHMENTS

Attachment A – Curriculum Vitae of Robert K. Clark

Attachment B – MDS I Calculation Sheets

Attachment C – MDS II Test Calculation Sheet

z:\5034 Dave Brown MDS\Brown MDS Douro First Line



ATTACHMENT A

Curriculum Vitae - Robert K. (Bob) Clark

Mr. Clark has no perceived or actual conflicts of interest in preparing this Report.

Mr. Clark maintains membership in good standing with the Ontario Institute of Agrologists (P.Ag.).



ATTACHMENT B

MDS I Calculation Sheets



ATTACHMENT C

MDS II Test Calculation Sheets





Addendum to Minimum Distance Separation (MDS) Report (June 2, 2022)

David Brown, Douro-Dummer

Location: 400 First Line, Douro-Dummer
Part Lot 5, Concession 2, Douro
Township of Douro-Dummer, County of Peterborough

CCS Project No.: 5034
Date: January 10, 2022

Roll No.: 1522 010 002 05800
County of Peterborough OP: Township OP Schedule
Township of Douro-Dummer OP: Rural
Township of Douro-Dummer ZB: Rural Zone
Subject Land Size: 41.4 ha, 102 ac
Prepared for: David Brown
Prepared by: Clark Consulting Services



Figure 1 – Location Map



1. INTRODUCTION

Clark Consulting Services (CCS) was retained by David Brown to prepare a Minimum Distance Separation (MDS) Report, as required for an application for a residential severance in the Rural Area of the Township of Douro-Dummer, County of Peterborough. The location of the subject lands is illustrated on *Figure 1 – Location Map*.

The subject lands are approximately 41.4 ha. The result of the application will be a residential parcel of 0.5 ha leaving an agricultural parcel (*retained*) of about 40.9 ha. An MDS Report is required for a Severance Application outside a Settlement Area. The retained parcel with a residence is exempt from MDS, as per MDS Guideline 8. The MDS review for the vacant severed parcel will make comments to cover both the severance and a future building permit, if such a future application is made.

A site visit was carried out on May 26th, 2022 and included an interview with the property owner and discussions on local agriculture and livestock uses. The proposal is illustrated on *Figure 2 – Proposal*.

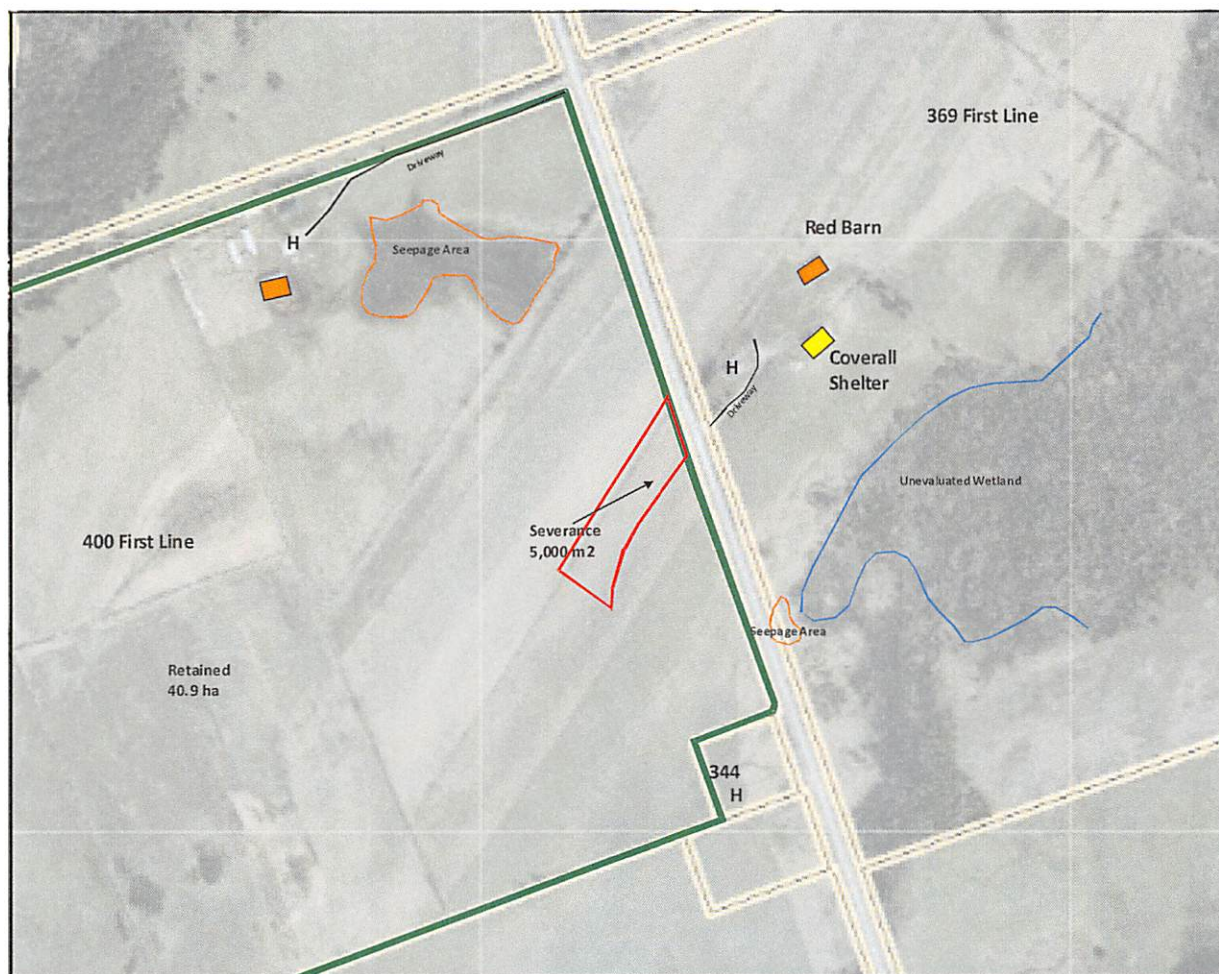


Figure 2 – Proposal



A preliminary MDS review was made by Staff at the County of Peterborough. Following that review, a detailed MDS review was requested. Comments from the Otonabee Region Conservation Authority were also requested regarding the siting of the severance in proximity to Regulated Areas.

An MDS Report was prepared and submitted to the County of Peterborough on June 2nd, 2022. Comments were issued by County Staff, Otonabee Conservation, and a letter of concern from EcoVue Consulting Services Inc. on behalf of a neighbouring landowner. Further studies were completed and this addendum provides further information on the MDS Report of June 2nd, 2022 and the appropriate siting of the severed lot, based on a detailed review of wet and seepage areas in proximity to the severed parcel.

2. REVIEW OF WET AREAS AND SEEPAGE AREAS

Otonabee Region Conservation regulates certain lands in proximity to the proposed severance. A request was made to identify the edges of the wet and seepage areas, and to determine if the severance lies outside a 120 m buffer zone from these areas, or if an EIS is required. A request was made to GHD Peterborough to examine the lands and determine the edge of these areas.

An unevaluated wetland lies south-west of the severed parcel with the closest portion of that area occupying the southern portion of the farm at 369 Douro First Line. An area of approximately 18 ha of this farm, is shown as part of this wetland on the Ministry of Natural Resources and Forestry Natural Heritage Areas mapping. In addition to this area, there appeared to be seepage areas on both this farm and the subject farm.

Following a site visit by a GHD Biologist, a map of the two seepage areas and the closest edges of the adjacent wetland was prepared. This map is shown as *Figure 3 – GHD Wetland Identification*.

The GHD mapping was provided to the client's surveyor to assist in the appropriate placement of the severed parcel.

The GHD mapping identifies the unevaluated wetland in blue shading and an additional two seepage areas. One of these is a small area to the south-east of the severance on 369 Douro First Line and a portion of the road allowance, and to the north-west of the severance on the subject farm at 400 Douro First Line.

The GHD drawing identifies a 4,000 m² severance shown as a red outlined area. Using the GHD mapping, a detailed severance sketch has been prepared to show an appropriate severance.

GHD has also provided an opinion and description of the identified wet areas and how the severance relates to these areas. This opinion letter is included at the end of this addendum report as *Attachment C*.





Figure 3 – GHD Wetland Identification

3. MINIMUM DISTANCE SEPARATION (MDS)

An application for a rural severance generally requires a review of compliance with the Minimum Distance Separation formulae (MDS) as described in the MDS Implementation Guidelines document 853 published by OMAFRA, March 1, 2017. A review of MDS was completed and submitted to the Peterborough County Land Division Committee on June 2nd, 2022.

A memo from EcoVue, dated 2022 10 23, was submitted to Land Division stating concerns that the MDS Report prepared by CCS did not reflect the intention of the owners of the farm at 369 Douro First Line to re-establish a beef feeder operation on their farm. CCS has reviewed this memo and has made adjustments the MDS setback generated from this barn. CCS also provides comments within this addendum on the information provided in the memo. This memo is included with this report as *Attachment D*.

The proposed severance is considered an MDS I Type A application, so a study area extending 750 m from the subject lands must be considered. The Review Area is shown in *Figure 4 – Review Area*.



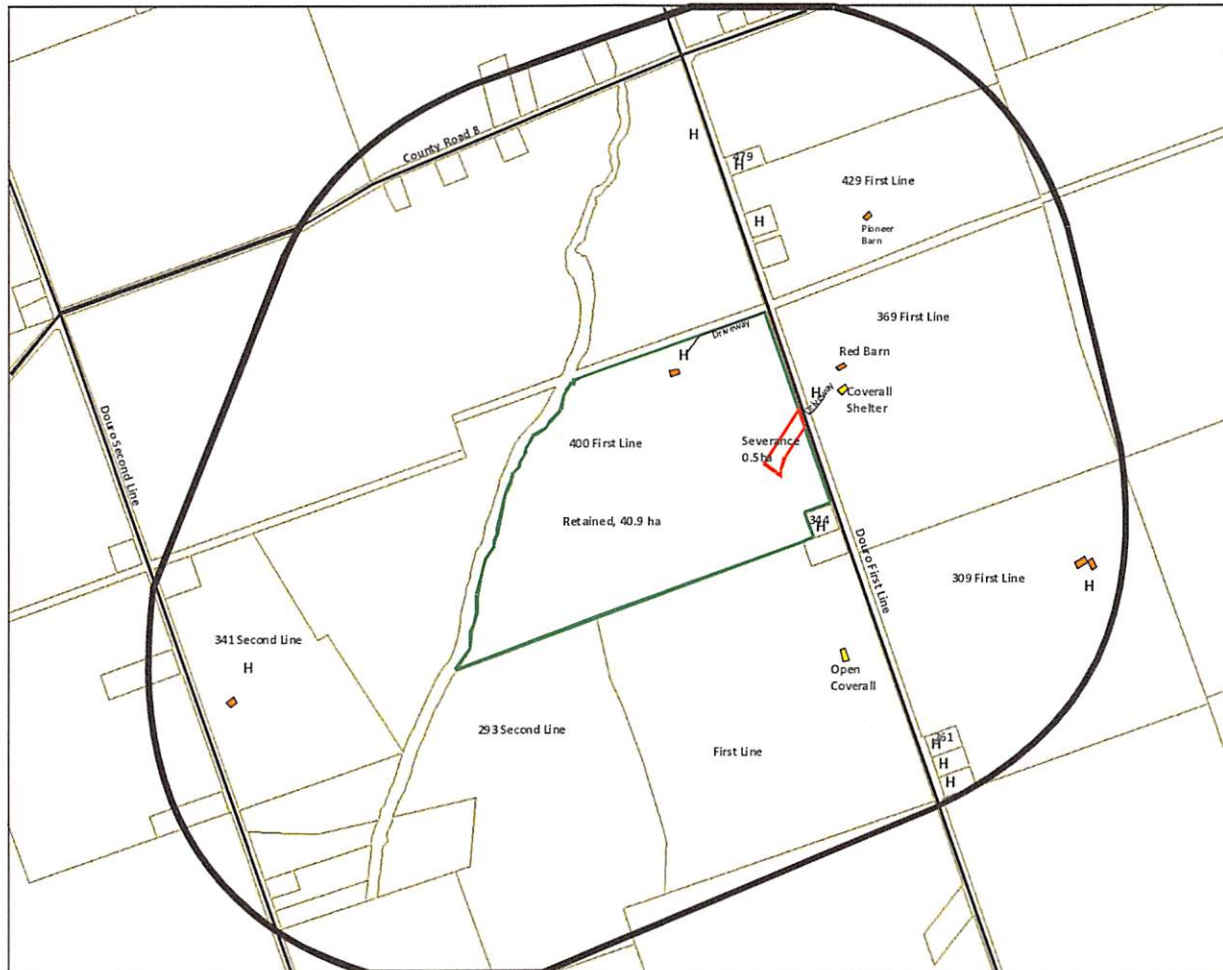


Figure 4 – Review Area

3.1. Application of Minimum Distance Separation

The introduction of non-farm uses into a rural area requires consideration of compatibility with existing farming activities, specifically livestock operations. One of the most controversial is the proximity to livestock facilities, which can cause concerns with adjacent land uses, principally due to odour. The Ministry of Agricultural Food and Rural Affairs has established a process for determining appropriate separation distances for new non-farm uses in relation to existing livestock operations. This process is referred to as an MDS I Calculation and requires the determination of the type and size of local livestock operations. The calculation generates a recommended separation distance. This process is described in the Ministry's Publication 853. The calculation can be prepared manually or with the use of the Ministry's calculator within the AgriSuite Program.

Publication 853 contains 43 guidelines to assist in addressing the unique situations that do not lend themselves to a simple calculation.

OMAFRA Publication 853 provides guidance on barns to review and the extent of the review area. In this case, the application is for Lot Creation for one dwelling.



Review of Applicable MDS Guidelines

Guideline 2 says, “The MDS I setback distances shall be met prior to the approval of proposed lot creation in accordance with Implementation Guideline 8. **The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning application to be complete.**”

Guideline 3

Certain proposed uses are not reasonably expected to be impacted by existing livestock facilities or anaerobic digesters and as a result, do **NOT** require an MDS I setback:

- livestock barns occupying an area less than 10 m²;
- certain unoccupied livestock barns in accordance with Implementation Guideline 20;
- field shade shelters;
- pastures.

Guideline 8 - Setbacks for Lot Creation

Where lot creation is proposed, including new lots for agricultural uses, an MDS I setback is required for both the severed and retained lot. However, an MDS I setback is **NOT** required:

- for a severed or retained lot for an agricultural use when that lot already has an existing dwelling on it;
- for a severed or retained lot for an existing non-agricultural use.

NOTE: The lot creation policies contained in the PPS, provincial plans and other local lot creation policies continue to apply, despite any exemptions from MDS I setbacks.

Guideline 41 - Measurement of MDS I Setbacks for the Creation of Lots

Where an MDS I setback is required for the creation of a lot, in accordance with Implementation Guideline 8, measurement of the MDS I setback should be undertaken as follows:

- for proposed lots without an existing dwelling that are ≤1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters;
- for proposed lots without an existing dwelling that are >1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters;
- for lots created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for non-agricultural uses and dwellings in accordance with Implementation Guideline 7.

3.2. Review of Barns within the Review Area

The MDS Report submitted to Land Division on June 2nd, 2022 provided details on appropriate MDS setbacks for each of the identified livestock facilities within the review area. The EcoVue comments



memo of 2022 10 23 suggests an MDS setback from the property at 369 Douro First Line than that provided in the CCS MDS Report.

369 Douro First Line

The farm at 369 Douro First Line is approximately 41.5 ha and includes a dwelling, a single-storey open-sided barn and an open-ended Coverall structure. A small number of livestock, including horses and cattle are normally kept on this farm. The EcoVue memo says the owners intend to re-establish a beef feedlot operation on this farm. At time of the CCS site visit of May 26th, 2022, the site visit by EcoVue on October 21st, 2022, and the preparation of this Report Addendum, no substantial change in the use of this farm has been made beyond the keeping of a few cattle, horses and poultry.

The following are considerations in preparing an appropriate MDS setback from this farm:

- The Coverall structure is an open-ended hoop structure suitable for storage and shelter.



- The open sided single-storey red barn is a livestock facility suitable to house livestock. The 'Livestock Barn Area' is said to be 251 m², based on the EcoVue MDS calculation image on page 6 of the letter of concern. A review of aerial imagery shows the roof area of this barn is 251 m².





The MDS document defines livestock facilities and discusses how MDS is measured from the 'livestock portions' of the facility.

Livestock occupied portion: Areas of a livestock barn where livestock spend the majority of their time, allowing substantial amounts of manure to accumulate. This **DOES NOT** include areas such as: alleys, equipment storages, feed bins, feed storage/preparation areas, field shade shelters, assembly areas, loading chutes, machinery sheds, milking centres, milking parlour holding areas, offices, pastures, riding arenas, silos, tack rooms, utility rooms and washrooms.

Livestock facilities designed for large animals commonly have alleys for movement and feed storage areas. These are not included in the total area calculation for the livestock occupied portion applicable to the MDS calculation. The available occupied portion of the barn is reflected in the stated historical use of the farm for 48 cattle (pages 1 and 2 EcoVue) or 45 cattle (page 6 EcoVue). OMAFRA provides an area calculator within the AgriSuite Program for calculating appropriate MDS setbacks. A review of occupied areas available for cattle use was made using the calculator built into AgriSuite. The following findings were made:

The following is a calculation of Livestock Occupied Portion areas for Beef, Feeders (7-16 months), Yard/Barn, on a farm of 41.5 ha.

- 251 m² available housing space results in a total of 60 head of cattle;
- 200 m² available housing space results in a total of 48 head of cattle;
- 190 m² available housing space results in a total of 45 head of cattle.

Based upon the stated historic use of the farm for 45 to 48 head of cattle, it is unlikely the available floor area for housing livestock is the same as the 251 m² roof area of the barn.



For reference, we have provided the relevant definitions and comments together:

- The OMAFRA MDS document defines ‘*Livestock Barn*’ and ‘*Livestock Occupied Portions*’ as follows:
 - **Livestock barns:** One or more permanent buildings located on a *lot* which are intended for housing *livestock*, and are structurally sound and reasonably capable of housing *livestock*.
 - **Livestock occupied portion:** Areas of a *livestock barn* where *livestock* spend the majority of their time, allowing substantial amounts of manure to accumulate. This **DOES NOT** include areas such as: alleys, equipment storages, feed bins, feed storage/preparation areas, field shade shelters, assembly areas, loading chutes, machinery sheds, milking centres, milking parlour holding areas, offices, pastures, riding arenas, silos, tack rooms, utility rooms and washrooms.
- In determining maximum livestock area of a livestock facility, a reviewer must discount the areas not included in an MDS calculation. The EcoVue memo has assumed the entire barn is where animals spend the majority of their time and substantial amounts of manure will accumulate.
- The EcoVue memo describes the type and number of animals on the farm at the time of the October site visit. MDS calculations are not based on the number of animals kept on the farm, but on the capacity of buildings approved for housing livestock. The memo says the farm has previously supported 45 to 48 head of cattle.
- Based upon the MDS review previously done by CCS, we are prepared to accept that the livestock barn capacity is 45 beef cattle. The EcoVue memo says these cattle would be Beef, feeders with yard access, and that the barn is currently unoccupied.
- The EcoVue memo stated the farm currently is home to cattle, horses and poultry.
- The MDS setback based upon a livestock facility with a capacity of 45 feeder cattle on a lot of 41.5 ha, is 136 m. If the MDS setback was based upon 48 cattle, the setback is 138 m.
- The distance from the closest part of the livestock facility to the proposed severance is 138 m.

3.3. The Application of MDS: Current Conditions

The application of MDS is guided by the MDS Document, Publication 853. Implementation Guideline 2 says that:

*“MDS I setback distances shall be met prior to the approval of: **proposed lot creation in accordance with Implementation Guidelines #8 and #9**; rezonings or re-designations in accordance with Implementation Guideline #10; building permits on a lot which exists prior to March 1, 2017 in accordance with Implementation Guideline #7; and as directed by municipalities for local approvals for agriculture-related uses or on-farm diversified uses in accordance with Implementation Guideline #35.*



The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.”

Guideline 3 discusses where MDS setbacks are not applied. The list of items that MDS I setbacks are not applied to is quite extensive. This list includes:

- livestock barns occupying an area less than 10 m²;
- certain unoccupied livestock barns in accordance with Implementation Guideline 20;
- field shade shelters;
- pastures.

OMAFRA directs that MDS setbacks must reflect the conditions at the time the application is declared complete. CCS has reviewed how MDS is applied to the structures on the farm at 369 Douro First Line. The following applies:

- MDS is applied to livestock occupied portions of livestock facilities;
- MDS is not applied to field shade shelters;
- MDS is not applied to pastures.

Based on these findings, CCS applies MDS only to the livestock facility on the farm at 369 Douro First Line. MDS should not be applied to the pasture or fenced area around the livestock facility on the farm at 369 Douro First Line.

3.4. The Application of MDS: Coverall Structure on the Farm at 369 Douro First Line

MDS is applied to livestock facilities. The Coverall structure is not a livestock facility by definition, and the application of MDS to that structure is inappropriate. If an owner wishes to establish a livestock facility, or to expand an existing facility, compliance with MDS is required. The report required to establish compliance is an MDS II report.

The Coverall structure on the farm at 369 Douro First Line is an open-ended storage and not a livestock facility. It cannot just be called a livestock facility. The conversion of an open-ended Coverall structure to a livestock facility would typically require a building permit for one or more of the following:

- the construction of required structural components;
- the installation of watering facilities to provide fresh water at all times to animals housed in the facility;
- the installation of electrical equipment for lighting, fans, and other items commonly found in a livestock facility;
- would typically require the preparation and maintenance of a Nutrient Management Plan.

The structure is a simple open-ended Coverall building designed for storage. These structures can, and often are, used as shelter. None of the above amenities required in a livestock facility appear to be in place at the time of any of the site visits. The Coverall structure cannot be considered a livestock facility.



Various structures can be used as part of a livestock operation. MDS identifies Field Shade Shelters as one of those structures. The current Coverall structure may be used to shelter animals, but should not be considered a livestock facility until the structure includes the amenities required for animal welfare. Based upon this, CCS finds that this structure could be used as a shelter, but it is inappropriate to apply an MDS I setback to the Coverall structure on the farm at 369 Douro First Line.

4. OBTAINING REQUIRED INFORMATION TO CALCULATE MDS SETBACKS

In preparing the MDS report dated June 2nd, 2022, CCS met with the owner of the farm at 400 Douro First Line, Dave Brown. This is the farm subject to the current planning application. Dave Brown is a local farmer and knowledgeable in the uses and capabilities of farms in the immediate area, and in particular the farm at 369 Douro First Line. Information was gathered from Dave Brown regarding current and historic use of the farm at 369 Douro First Line. At the time of the site visit, this information was considered by CCS to be adequate for the preparation of the MDS Report.

MDS Guideline 16 says the preferred method for obtaining information is from the owner or operator of the facility an MDS setback may be calculated from. The EcoVue memo dated 22 10 2022 provides additional information about the intended use of the farm, including the intent to use the farm to support a cow/calf operation of up to 60 cattle and up to 8 horses. The EcoVue memo continues to describe how the existing barn and land around the barn is sufficient to house well in excess of 350 feeder cattle and 8 horses. Housing livestock requires appropriate barn space. While the expression of intent for the future use of a farm is interesting, it does not assist in the completion of an MDS Report. The author of an MDS Report must separate the capability of the livestock facilities on a farm, compared to the current or intended number of animals at the farm at the time of the site visit.

The area of the current application is an area historically used for beef cattle. This is seen by the number of older barns around the subject farm. Many of the barns are not used to their capacity now and the level of financial investment in cattle raising seen in the area, reflects the decreased number of cattle here over the past few decades. It is often the case that the barn capability may be greater than the actual number of animals currently on the farm.

The EcoVue memo says the farm previously supported approximately 45 or 48 head of cattle. MDS setbacks are not based upon how many animals the farm may support but how many animals a livestock facility can appropriately house.

The EcoVue memo provides information on the intent of the current owners. Cattle can be ranged in open or treed areas of a farm. MDS is based upon the capacity of an existing livestock facility to house animals. The EcoVue memo provides the total roof area of the barn, but does not provide the total area which can be used to house livestock. Because of this, CCS is prepared to accept a capacity of 45 head of cattle for the livestock facility.

The intent of MDS Guideline 16 is that the best information be used in the calculation of an MDS setback. The historic use of the barn is better information on which to base an appropriate MDS



calculation than using information based on the intended use of the farm as a whole. CCS understands that the new owners wish to establish a cattle operation using the various components of the farm as a whole. MDS is based upon the capacity of housing facilities and is not applied to pastures or intended future uses.

5. MDS CALCULATION FOR THE LIVESTOCK FACILITY AT 369 DOURO FIRST LINE

MDS setbacks are calculated using the AgriSuite online calculator. For the purpose of this addendum, only the livestock facility on the farm at 369 Douro First Line has been included in this calculation.

The following information has been used in the preparation of this calculation:

- The application is an MDS I Type A application;
- The farm land area is 41.5 ha;
- The capacity of the livestock barn is 45 head of cattle;
- The cattle type is Beef, Feeder (7-16 months), Yard/Barn;
- Manure Storage Type, V3, Solid, Outside, no cover.

The calculated MDS setback for this barn is 136 m. The calculation sheet is included with this report as *Attachment B*.

6. MEASUREMENT OF MDS I SETBACKS FOR THE CREATION OF LOTS

MDS Implementation Guideline 41 provides how MDS I setbacks are measured for the creation of new lots. This guideline provides the measurement of MDS in 4 different scenarios:

1. For proposed lots with an existing dwelling that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.
2. For proposed lots with an existing dwelling that are > 1 ha, MDS I setbacks are measured as the shortest distance between the existing dwelling and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.
3. For proposed lots without an existing dwelling that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.
4. For proposed lots without an existing dwelling that are > 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.



7. MDS CONCLUSIONS AND RECOMMENDATIONS

Clark Consulting Services (CCS) was asked to prepare a Minimum Distance Separation (MDS) review for an application for a residential severance at 400 Douro First Line. A site visit was made on May 26th, 2022. A review of the area around the subject lands to a distance of 750 m was made to identify and assess all barns within that review area.

The application of MDS is guided by the OMAFRA document, The Minimum Distance Separation (MDS) Document, Publication 853, which provides 43 Guidelines and other information to assist with the appropriate application of MDS. Implementation Guideline 6 says, *“A separate MDS setback shall be required to be measured from all existing livestock facilities and anaerobic digesters on lots in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application.”*

The application for severance will result in a new residential parcel. An MDS review showing how the application complies with the requirements of MDS is required for the planning application, and may be required for a building permit on the new lot. The MDS information can be used for both the current and possible future application.

The process to date has indicated that further consideration of the livestock facility at 369 Douro First Line is required. This farm includes a red single-storey barn and a Coverall hoop drive-through storage structure. Information provided indicates a desire to use the Coverall structure for sheltering livestock. Although the structure may be capable of sheltering animals, it is not a livestock barn. The structure does not meet the definition of a livestock barn for the purpose of MDS (*MDS Guideline Section 3, Definitions*). This structure does not generate an MDS setback.

This addendum has been prepared by and under the direction of a ‘Qualified Person’, Robert K. Clark, with appropriate qualifications and experience in the Province of Ontario. Mr. Clark has no perceived or actual conflicts of interest in preparing this report. Mr. Clark maintains membership in good standing with the Ontario Institute of Agrologists (*P.Ag.*), and is available for further comment where appropriate.

Sincerely,



Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE
Principal Planner



ATTACHMENTS

Attachment A – Curriculum Vitae of Robert K. Clark

Attachment B – MDS I Calculation Sheet

Attachment C – GHD Opinion Letter

Attachment D – EcoVue Consulting Services Inc. Memo 2022 10 23

Attachment E – Severance Sketch, 400 Douro First Line



ATTACHMENT A

Curriculum Vitae - Robert K. (Bob) Clark

Mr. Clark has no perceived or actual conflicts of interest in preparing this Report.
Mr. Clark maintains membership in good standing with the Ontario Institute of Agrologists (P.Ag.).





ROBERT K. CLARK

Bob's career in the field of planning spans 46 years. He approaches each project with creativity and a strong intent to meet and exceed the client's expectations. The Planning Field is changing rapidly to address the changing needs of our communities. While financial viability remains an important consideration in all projects, increasingly, sustainability, impact on the environment, the health of the community and the individual are key aspects of successful projects. Clark Consulting Services was created to give Bob the freedom to take on projects that he found interesting and challenging as well as work in an atmosphere guided by the principles of honesty and integrity.

Professional Qualifications and Associations

Canadian Institute of Planners (MCIP)
Ontario Professional Planning Institute (RPP)
Ontario Institute of Agrolgists (P.Ag.)
Professional Engineers of Ontario (P.Eng.)
Association of Ontario Land Economists

Professional Background

1994-Present – Clark Consulting Services
Principal Planner, President

Expert Testimony

Qualified by the OMB to give expert testimony in the fields of:

- Land Use Planning
- Agricultural Land Evaluation
- Municipal Finance
- Land Economics
- Environmental Impact Assessment

Education

1972
Master of Science,
Resource Development and
Resource Economics,
University of Guelph

1970
Bachelor of Science (Eng.)
Water Resources Engineering,
University of Guelph

CONTACT



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CURRICULUM VITAE

Selected Experience

Agricultural Land Assessments/Analysis (Project Manager and Senior Professional Agrologist/Pedologist on all projects)

- Agricultural Lands Review, United Counties of Stormont, Dundas and Glengarry
- City of Kingston - Agricultural Study
- Stormont Dundas and Glengarry: Review of Prime Agricultural Area for Official Plan Update
- Capital Region Resource Recovery Centre, Agricultural Land Assessment (as part of Environmental Assessment) Russell and Boundary Road Sites
- Vale Agricultural Land Assessment Prince Edward County
- Dafoe Agricultural Assessment, City of Quinte West
- Desjardine, Agricultural Assessment, Township of Elizabethtown Kitley
- Sills Agricultural Assessment, City of Quinte West
- Lafleche Agricultural Assessment, Stormont, Dundas and Glengarry
- McQuillan Land Assessment, Haldimand Township
- Pepper/Hamilton Township
- Espie Agricultural Assessment Beckwith Township
- White Tail Golf Course Agricultural Assessment and Professional Evidence OMB
- Wesleyville Land Assembly, Municipality of Port Hope
- Baulch Road Land Review, Municipality of Port Hope
- Midtown Corridor Hamilton Township Land Evaluation
- Cavan Millbrook North Monaghan OP Prime Agricultural Land Evaluation
- Hamilton Township OP Prime Agricultural Land Evaluation
- Frontenac Islands OP Prime Agricultural Land Evaluation
- Campbellford Seymour Agricultural Land Evaluation
- Sidney Township OP Agricultural Land Evaluation
- South Fredricksburgh OP Agricultural Land Evaluation
- Agricultural Land Use Analysis, Former Township of Hope

Agricultural Impact Assessment

- Fenelon Falls Baptist Church
- Cation Ag Impact Assessment
- Brown Planning Justification including Agricultural Impact Assessment
- May Agricultural Assessment
- Peer Review of Agricultural Viability for planning applications, City of Oshawa
- White Tail Golf Course, City of Kawartha Lakes
- Snug Harbour, City of Kawartha Lakes
- Murray Hills Subdivision former Murray Township

Contact



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Agricultural Land Assessments for Solar Installations

-Agricultural Land Capability Assessment for Potential Solar Farm Installations to meet requirements of OPA FIT Program, (over 340 projects to date)

Environmental Assessment

-Public Works Garage, Class EA, Town of Gananoque,
-Wilson Island Bridge (Socio-economic Assessment), County of Northumberland,
Environmental Impact Assessment, private owners including Michael Lash, Eithery/Buttery Lands, Vanden Hoek site; Three Strand Development Group – Communal Sewage System.

Environmental Impact Study/Statement

Based on experience and training as a water resource engineer and pedologist, Mr. Clark has prepared Environmental Impact Studies/Statements for situations in which the primary issues relate to site grading, drainage and building location. Examples include:

-Lash Cottage addition (minor variance)
-Hog Island EIS (consent application)
-Eberle Farm lot creation ORMCP

Official Plans, Official Plan Updates and Amendments

Township of Cavan-Millbrook-North Monaghan, Township of Haldimand, Township of Hamilton, Township of Smith, Township of Lochiel, Township of Charlottenburgh, Town of Brighton, Township of Burleigh and Anstruther, Township of Sidney, Township of Frontenac Islands, Township of Hope, Town of Gananoque.

Secondary Plans

Fraserville Secondary Plan - Township of Cavan- Millbrook-North Monaghan; South Sidney Secondary Plan, Township of Sidney; Alcan District Area Study - City of Kingston; Shasta Secondary Plan - Town of Westminster, Baltimore-Creighton Heights Community Plan, Township of Hamilton, Southwest Industrial Sector Plan, Township of Hamilton, Jackson Creek West Secondary Plan, City of Peterborough.

Growth Strategy Studies

Township of Hamilton, Township of Manvers, Town of Cobourg/Township of Hamilton, Village of Stirling, Village of Cochrane, Township of Smith.

Development Charges Studies

Township of Murray, Township of Hamilton, Township of Smith, Township of Manvers, Town of Brighton, Township of Alnwick, Township of Haldimand, Township of Somerville, Township of Woodville, Townships of Anson, Hindon, Minden, Village of Omemee, Township of Galway, Cavendish & Harvey, Township of Fenelon, Township of Verulam, Township of Emily, Township of Eldon, Village of Fenelon Falls, Township of Smith-Ennismore, Township of Cavan-Millbrook-North Monaghan, Village of Bobcaygeon, Township of Brighton, Township of Centre Hastings, Town of Greater Napanee, County of Victoria, Township of Cramahe, Municipality of Campbellford/Seymour, Village

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CURRICULUM VITAE

of Colborne, City of Kawartha Lakes, The Township of Frontenac Islands, The Township of Alnwick/Haldimand, Municipality of Trent Hills, Township of Rideau Lakes, Township of Asphodel Norwood, County of Peterborough, Municipality of Trent Lakes.

Municipal Financial Impact Assessments

Sandy Point Recreation Development, Harvey Township, Reference Plan Development, Cavan Township, Township of Manvers, Township of North Monaghan.

Zoning By-laws/By-law Amendments

Township of Cavan-Millbrook-North Monaghan; Township of Frontenac Islands; Township of Percy, Township of Alnwick, Town of Campbellford, Town of Brighton, Village of Madoc, Town of Picton

Aggregate Resource Planning

Review of Aggregate Potential for Official Plans and Zoning By-laws

Howe Island Gravel Pit – review of proposal; prepare report to Council with planning documents; provide professional opinion evidence at OMB Hearing; Stonescape II Quarry Appeal – review of proposed quarry, preparation of planning review, attendance at OMB Hearing; Codrington Pit Proposal – review of proposed pit, advice to adjacent land owner, monitor approvals

Official Plans, Official Plan Updates and Amendments

Township of Cavan-Millbrook-North Monaghan, Township of Haldimand, Township of Hamilton, Township of Smith, Township of Lochiel, Township of Charlottenburgh, Town of Brighton, Township of Burleigh and Anstruther, Township of Sidney, Township of Frontenac Islands, Township of Hope, Town of Gananoque.

Recent Renewable Energy Projects

Planning Approvals, Wolfe Island Wind Farm, Township of Frontenac Islands; Gas fired Peaking Plant Location study; Epcor, Skypower; Solar Farm; Algonquin Power. – Wind Farm

Watershed Plans

South Sidney Watershed, Lower Trent Region Conservation Authority; Storm Water Management Plan, Town of Delhi; Oshawa Creek Watershed Master Plan, City of Oshawa.

Waterfront Studies

Town of Deseronto, Town of Deep River, City of Kingston.

Tourism Development Studies

Ministry of Industry and Tourism, Tourism Development Strategy Trenton Cornwall and Renfrew

- Kingston Zones, County of Northumberland Tourism Planning Study.

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CURRICULUM VITAE

Socio-Economic Assessments

TransCanada Pipelines Transco Project, Brampton to Burlington Gas Pipeline, TransCanada Pipelines, Eldorado Nuclear Hexafluoride Refinery, Hope Township site, Wilson Island Bridge, County of Northumberland, Three Strand-Communal Sewage System EA.

Recreational Studies

Riverwalk-Minden, Georgian Trail, Township of Collingwood, Recreation Master Plan, Township of Cavan, Beavermead Park Redevelopment Plan, City of Peterborough;; Rail Corridor Study, County of Victoria; Pangman Conservation Area Master Plan, Lake Simcoe Region Tourism Study, ESI - Sir Sandford Fleming College, provided Social-Economic Impact Assessment for the Millennium Trail Master Plan, County of Prince Edward.

Advisory Services including Planning Appraisals

Township of Cavan-Millbrook-North Monaghan; Township of Frontenac Islands; Township of North Monaghan, Township of Smith, Township of Burleigh and Anstruther, Municipality of Sherbourne McClintock and Livingstone, Township of Stanhope, Township of Lutterworth, Township of Hope, Township of Hamilton, Township of Alnwick, Township of Percy, Township of Seymour, Town of Campbellford, Town of Gananoque, Village of Hastings, Township of Haldimand, Municipality of Trent Hills, County of Prince Edward

Industrial Development Studies

City Owned Industrial Land Study, City of Kingston; Lucas Point, Town of Cobourg, Township of Charlottenburgh, Town of Brighton, Great Lakes Deep Water Port Industrial Site Development Plan, Township of Hallowell; Draft Plan of Subdivision; Cataraqui Business Park, City of Kingston.

Economic Development Studies

Accommodation Evaluation, Township of Asphodel-Norwood; South Dundas Economic Development Study, South Dundas Economic Development Commission, Almonte Economic Development Study, Town of Almonte and Township of Ramsay; Best Use Study, Douro-Dummer Township.

Housing Policy Statements

Town of Cobourg.

Solid Waste Management Studies

County of Haliburton, Township of Hallowell, County of Northumberland, Seymour Township, National Capital Region, Lanark County, Snow Disposal Study, National Capital Region.

Private Development/Projects

Assist developers in the design and approval of both residential and industrial/commercial projects. References available upon request.

Contact



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CURRICULUM VITAE

Recent OMB Cases

OMB Case No. PL090057 Lash
OMB Case No. PL100622 – Reynolds
OMB Case No. PL101329 – White Tail
OMB Case No. PL100904 – Stonescape
OMB Case No. PL090838 - Sepa
OMB Case No. PL09841 - Bremer
OMB Case No. PL100475 - McDonald
OMB Case No. PL050584 – City of Ottawa
OMB Case No. PL031324 – City of Ottawa
OMB Case No. PL080239 – City of Ottawa
OMB Case No. PL080373 – City of Ottawa
OMB Case No. PL070728 - Carter
OMB Case No. PL090147 – Semler
OMB Case No. PL1000711 – Mound Brighton
OMB Case No. PL011198 – City of Kingston, Alfred Street
OMB Case No. PL030524 – City of Kingston
OMB Case No. PL110520 - City of Niagara Falls
OMB Case No. PL130785 – Township of McNab/Braeside
OMB Case No. PL141138 – Evans
LPAT Case No. PL 150192 – Municipality of Brighton
LPAT Case No. PL160588 – Municipality of Trent Hills
OMB Case No. PL170008 – Township of Brock
OMB Case No. PL170878 – Burl's Creek
LPAT Case No. PL171446 & PL 180385 – Municipality of Brighton
LPAT Case No. PL170178 – Municipality of Clarington

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CURRICULUM VITAE

ATTACHMENT B

MDS I Calculation Sheet



MDS I
General information


Application date Jan 10, 2023	Municipal file number	Proposed application Lot creation for a maximum of three non-agricultural use lots
Applicant contact information David Brown 400 Duoro First Line Duoro-Dummer, ON	Location of subject lands County of Peterborough Township of Douro-Dummer DOURO Concession 2 , Lot 5 Roll number: 152201000205800	

Calculations
Brown Severance

Farm contact information J and M Brown 369 Duoro First Line Duoro-Dummer, ON	Location of existing livestock facility or anaerobic digester County of Peterborough Township of Douro-Dummer DOURO Concession 1 , Lot 5 Roll number: 152201000201100	Total lot size 41.5 ha
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Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn	45	15.1 NU	190 m ²

 **Confirm Livestock/Manure Information (Brown Severance)**
The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Setback summary

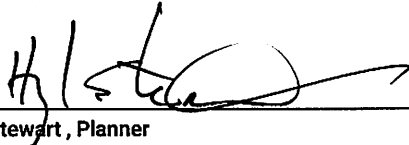
Existing manure storage	V3. Solid, outside, no cover, >= 30% DM	
Design capacity	15.2 NU	
Potential design capacity	30.3 NU	
Factor A (odour potential)	0.8	Factor B (design capacity) 220.6
Factor D (manure type)	0.7	Factor E (encroaching land use) 1.1
Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)		136 m (446 ft)
Actual distance from livestock barn		138 m (453 ft)
Storage base distance 'S' (minimum distance from manure storage)		136 m (446 ft)
Actual distance from manure storage		138 m (453 ft)

Preparer signoff & disclaimer

Preparer contact information

Hugh Stewart
Clark Consulting Services
52 John Street
Port Hope, ON
L1A 2Z2
905-885-8023
hugh@clarkcs.com

Signature of preparer



Hugh Stewart, Planner

Jan 10 2023.

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

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ATTACHMENT C

GHD Opinion Letter



10 October 2022

Dave Brown,
400 Douro First Line,
705.652.1645,
dbrown50@rogers.com

Re: Proposed severance
400 Douro First Line
Part Lot 5, Concession 3
Township of Douro-Dummer
County of Peterborough

Dear Mr. Brown

The property is approximately 41 ha in size and located in a rural area with mostly active agricultural properties. The proponent is applying for a single severance on top of the hill on the farm. The severance configuration is located in an area of drumlins with low areas contained wetland pockets.

The severance is about 120 m from an unevaluated wetland on the farm east of severance. Otonabee Conservation have also suggested there may be a wetland on the farm at the bottom of the hill near the farmhouse. This looks like a drainage area or wet area on aerial photography.

The County Land Division (Peterborough) has asked for an opinion letter from a qualified wetland biologist regarding the presence of wetlands on the property and if it is within 120 m of the proposed severance. A mapped unevaluated wetland is located approximately 120 m to the southeast of the proposed severance. There is currently no wetland mapped on the subject parcel on ORCA, County or MNRF GIS mapping or schedules.

GHD completed a site visit on August 7, 2022 to walk the property and confirm the presence/absence of wetlands on or within 120 m of the proposed severance.

This field is located just south of the farmhouse and barns and is used by cattle for pasture. As a result the field grass is short from moderate grazing and trampling. In the middle is a slightly lower area where reed canary grass and narrow-leaved cattail have established (0.5 acre). Although the cattle seemed to be walking through this area, the plant species are not ones that are browsed by cattle. The wetland is approximately 150 m from the proposed severance.

The damp soils, species of hydrophilic/wetland plants and some loamy soils, did confirm that pocket is wetland. It has not been evaluated under OWES and is an isolated feature in a low area. There was no evident outlet or inlet.



Photo 1. View of wetland pocket on farm pasture (red outline), facing south. Green arrow is location of proposed severance.

To the south of the proposed severance and on the east side of the road was a low area that conveyed some water to the east. The presence of reed canary grass, slender willow and red-osier dogwood and the saturated conditions confirmed this was wetland. The feature was narrow as mapped on MNRF Make a map and ORCA mapping and drained eastward.



Photo 2. View of wetland to south of proposed severance, facing north east. Wetland is the brown grass (reed canary grass and willow to right of cedars (outlined in red).

The location the proposed severance and the location of these two wetlands creates two 120 m regulated area lines, that leave a gap between at the top of the hill. This is the location of the proposed severance.

Modifications to the severance line and lot shape may be able to remain outside of the 120 m distance from both wetlands, however other factors such as MDS arc, required minimum road frontage and minimum lot area also are considered.

If the 120 m distance cannot be met as a result, the following statements can be made.

1. The wetlands are located on low areas to the north and south and associated with drainage off of the rolling hills and drumlins.
2. The northern wetland is less than 2 hectares in size, at 0.5 acres.
3. The hill where the severance is proposed is well above the elevation of the wetlands and at the highest point on the property.
4. The field associated with the severance is active agricultural land and has limited ecological functions.
5. The creation of lot and the construction of a single family dwelling would not have a negative impact on the natural features or ecological functions of the southern or northern wetland.
6. No hydrological impacts from the proposed severance or dwelling construction are anticipated as the runoff from the top of this hill will continue to be downslope to the north and south.

If you require further information please contact me.

Regards



Chris Ellingwood
Senior Terrestrial and Wetland Biologist
GHD Limited
+1 705 931 3929
chris.ellingwood@ghd.com




Figure 1. Google air photo showing location of wetlands and proposed severance.

ATTACHMENT D

EcoVue Consulting Services Inc. Memo 2022 10 23



 MEMO	Project:	369 Douro 1st Line J. Brown MDS calculations	Date:	2022 10 23
	File No.:	22-2495	Designed:	RLH
	Subject:	Calculation of MDS I for livestock facility at 369 Douro 1st Line Jordan and Melinda Brown Response to Consent Application B-116-21		

MEMO TO: K. Randall

FROM: Roy L. Haig, C.Tech

Background

The Browns are concerned that the MDS I calculations and report filed in support of application B116-21A, by the applicant, was prepared without their input. The CCS report does not reflect the fact that the Browns purchased the property with the intention to re-establishing a beef feeder operation to eventually match or even exceed the previous herd of 48 cattle, as well as several horses. It is their intention to make full use of the capacity of the existing structure and to utilize the existing coverall for hay storage and housing of livestock in future.

A site visit was completed on October 21, 2022. The information gained during this visit are the basis for this report.

In October of 2021, an application for consent to sever a non-farm residential lot from an existing agricultural holding at 400 Douro 1st Line was filed with the County of Peterborough's Land Division Committee (CPLDC). The application (B116-21) proposed that the new lot be located at the south-east corner of the subject property and fronting onto the Douro 1st Line. Included with the application was a sketch showing the MDS arc generated by the existing livestock facility at the clients' property (formerly the Clysdale farm), as shown on Figure 1 below. Please note that the Browns did not have any concerns with the original severance, as it would not have impacted their agricultural operation. Notwithstanding, it is our understanding that Application B116-21 was not approved by the CPLDC.

An amended application for Consent was filed with the CPLDC in December of 2021 and assigned application number B116-21A. The amended application sought a lot location directly across the Township concession road from the agricultural holding at 396 Douro 1st Line (Jordan and Melinda Brown).

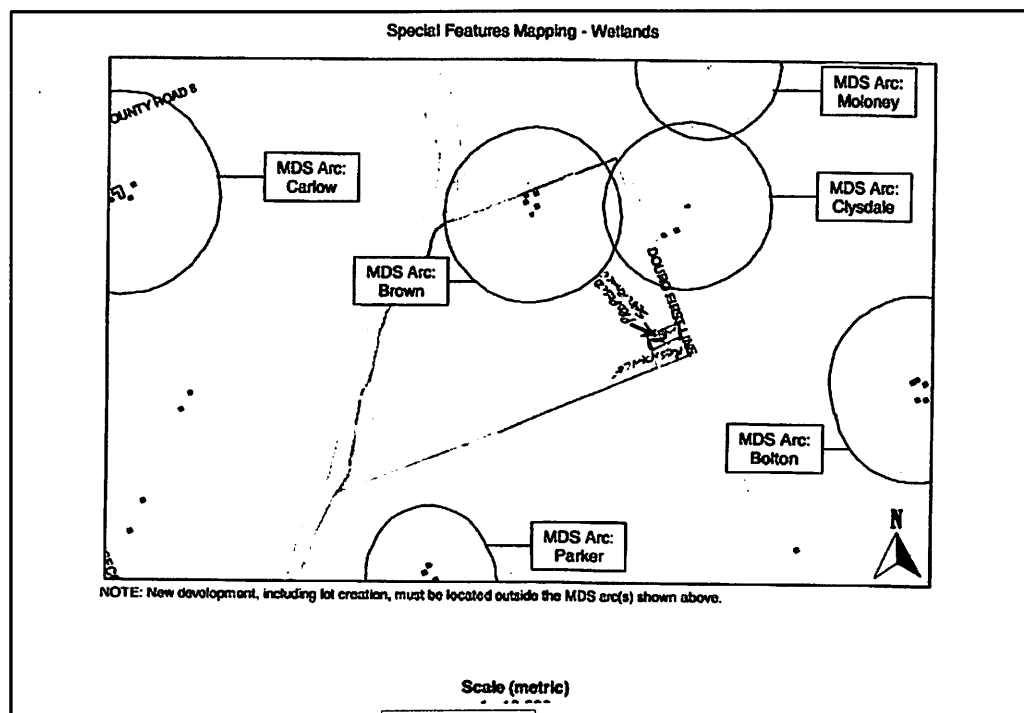


Figure 1 - MDS ARC - as per Application B116-21

The application was supported by an MDS Report, prepared by Clark Consulting Services (CCS). The Report provided MDS I calculations for six barns located within 750m of the proposed lot, including the barn at 369 Douro 1st Line, which was identified as "Barn A". The Report concluded that the MDS arc generated by "Barn A" extends 108m from the livestock barn and 108m from the manure storage area located to the east of the barn. The distance from these locations to the proposed lot are 136m and 160m, respectively, and will not impact the proposed severance. The coverall building is currently described as a storage area, with possible use as a field shelter and not subject to MDS calculations.

J&M Brown Cattle Farm Plan

The Browns are slowly re-establishing a beef cow/calf operation on their farm property. The farm was previously used for this purpose with a maximum herd size of 48 cattle. The existing facilities on the property are suitable for this use. Reference can be made to information available on the OMAFRA

website page entitled OMAFRA Virtual Beef – Facilities for Beef Cattle. According to the website, 'Beef Farmers of Ontario (BFO) conducted an extensive study last year as they looked at what a start-up beef operation would require for land, machinery, and facilities. Long discussions with farmers, advisory staff, and economists considered a wide range of options.'

The study found that

"...with a beef cow/calf operation, three critical care points are easily identifiable: calving, health treatments and weaning. In Ontario, our weather determines how elaborate our calving facility needs to be. Traditional calving during the winter months requires some type of barn to protect the newborn calves from the elements, and typically include a heat source of some kind. The BFO model looks at working with nature and the seasons, with calving on grass during the summer months. This eliminates the need for a heat source, and a specific calving barn.

Treating animals for health reasons requires an excellent handling system. Under the Beef Code of Practice it is critical to handle cattle safely and humanely. The BFO model builds in a facility for handling livestock in a safe manner."

"What did the BFO model indicate as an absolute requirement for facilities to look after these animals?

The first building is a simple open fronted pole shed, 30' X 100', or in that size range, that would serve primarily as storage for high quality hay. Wastage from dry hay stored outside without cover can be extensive. Storing some high quality dry hay under cover would retain quality, plus allow for hay that could be accessed in the middle of winter if it is stormy. The secondary purpose of this facility would be for sick pens and a weaning area as the hay is fed out. See Diagram 1 or follow this link for plans for such a building.

The second building would be a covered handling facility, approximately 30' X 30'. This would house the crowd tub, working chute and squeeze for restraining livestock for treatment purposes."

Clearly, the existing barn, yard and coverall are sufficient to serve the purposes outlined in the BFO study, without the need for a building permit to be issued. Although the coverall is used primarily for

hay storage, it is suitable for sick pens and a weaning area. The hay provides a wind barrier for prevailing westerly winds.

The existing barn provides shelter from the wind and is suitable for use as a covered handling facility. The barn was most recently used as a holding area for three cattle sent to the abattoir from the farm on October 21, according to Mrs. Brown.

Review of CCS Report

As is stated on page 4 of the CCS Report, the introduction of non-farm uses into a rural area requires consideration of compatibility with existing farming activities, specifically livestock operations. Clearly, the goal is to protect the right of farmers to farm their land and to prevent conflict with non-farm uses. The MDS calculations provided by CCS fail to reflect the intent of the Browns to utilize the capacity of the existing farm buildings to support a cow/calf operation of up to 60 cattle and up to 8 horses.

Guideline 20 of OMAFRA Publication 853 states that *"The number of livestock or the area of livestock housing of unoccupied livestock barns should be based on information supplied by the farm operator or owner"*. Further, MDS Section #16 of Publication 853 states that *"Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS I calculation is reasonably accurate and reflects existing conditions."*

CCS staff never contacted the farm owner at 369 Douro 1st Line to ascertain the number of livestock historically, those currently on site, or the area of the livestock facility suitable or capable of being used in the future. According to their report, the information was gathered during discussions with the applicant. CCS maintains that face-to-face contact with the Browns was not possible because of COVID protocols. It is not clear why CCS was unable to complete a site visit while maintaining social distancing requirements, or to contact the Browns by telephone. This has, in our opinion, resulted in the use of inaccurate information regarding the capacity of the barns and yard, and the potential for agricultural uses in the future.

The CCS report accurately describes "Barn A" as having a total floor area of 250m². The report refers to a "closed in area on the west end of barn" as having an approximate area of 50m². While it is true that this area is not currently being used for livestock, the area was previously used for livestock housing and a manure collection channel in the floor remains in place. Publication 853 describes an *"Unoccupied livestock barn as a livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing*

livestock". The 50m² area of the barn was previously used to house livestock, is structurally sound, and is capable of being used in the future. As such, it should be considered an unoccupied livestock barn area within an existing livestock facility.

The Report assumes that only half of the barn (100m²) is sheltered and suitable for housing livestock, while the balance (100m²) is exposed to open weather. There is no reason given for this determination. During the site visit, the open area was fully accessible, such that the farm's cattle and horses could move freely around within the loose-housing barn and yard area.

Mrs. Brown expressed her concern, based on her experience, that confining the farm's cattle and horses to the barn can lead to poor health of the animals. Her position is supported by the Food and Agriculture Organization of the United Nations paper entitled *FAO ANIMAL PRODUCTION AND HEALTH PAPER 1 - Open yard housing for young cattle*. The paper argues that it is a frequent misconception about stabling to give undue emphasis to protection of the animals from inclement weather. Often, in fact, excessive concern with protection, such as stables which completely isolate the animal from the outside, can provoke even greater problems (such as lung diseases furthered by poor circulation) than those the building was designed to avoid. Therefore, based on the agricultural practices for the Brown's farm, the CCS assumption that the barn is unsuitable for housing cattle is not supported. Had the authors of the Report contacted the Browns regarding their farm practices, this would have been made evident.

In the case of feeder cattle, the barn and barnyard are considered part of the beef cow/calf livestock facility. This was confirmed during the site visit. The OMAFRA Agri-Suite Tool includes both the barn and yard in the estimated *livestock barn area for feeder cattle (up to 16 months)*. The barn and fenced yard area has a total area of approximately 2500m², as illustrated in Figure 2 below.



Figure 2 - Total Area of Existing Barn/Yard

Using the Agri-Suite Tool, we have determined that the existing 2500m² barn/yard is sufficient to house well in excess of 350 feeder cattle and eight (8) horses. As mentioned previously herein, the Browns have stated their intention to house approximately 60 cattle and up to eight (8) horses. There was one (1) beef cow, one (1) calf and five (5) horses, as well as 12 layer hens on the property at the time of the site visit. Three (3) beef cattle were shipped to the abattoir earlier that morning. The MDS arc generated for this number of livestock is 183m. as shown in Figure 2 below. The farm previously supported approximately 45 head of cattle.

Ontario Agricultural Planning Tools Suite

Start Page | File Information | Worksheet 1 | Worksheet 2

Print | Add MDS Calculation

General Information

Is there ONLY a manure storage on this lot (i.e. no existing livestock barn)?

Is there an anaerobic digester on this lot?

The livestock/manure information for this location has been confirmed with the property owner and/or farm operator?

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn [Livestock barn is currently unoccupied]	60	20.0	251 m ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	8	11.4	242 m ²

[Add Livestock/Manure](#)

Calculation Summary

Design Capacity (NU): 31.4

Potential Design Capacity (NU): 94.3

Factor A (Soil Potential): 0.76

Factor B (Soil): 310.64

Factor D (Manure Type): 0.7

Factor E (Encroaching Land Use): 1.1

Building Base Distance 'F' (minimum distance from livestock barn) (actual distance from livestock barn): 183 m (599 ft) TBD

Storage Base Distance 'S' (minimum distance from manure storage) (actual distance from manure storage): 183 m (599 ft) TBD

Figure 3 - MDS Calculation for J. Brown Farm Operation

This arc precludes the creation of a new non-farm residential lot at 400 Douro 1st Line.

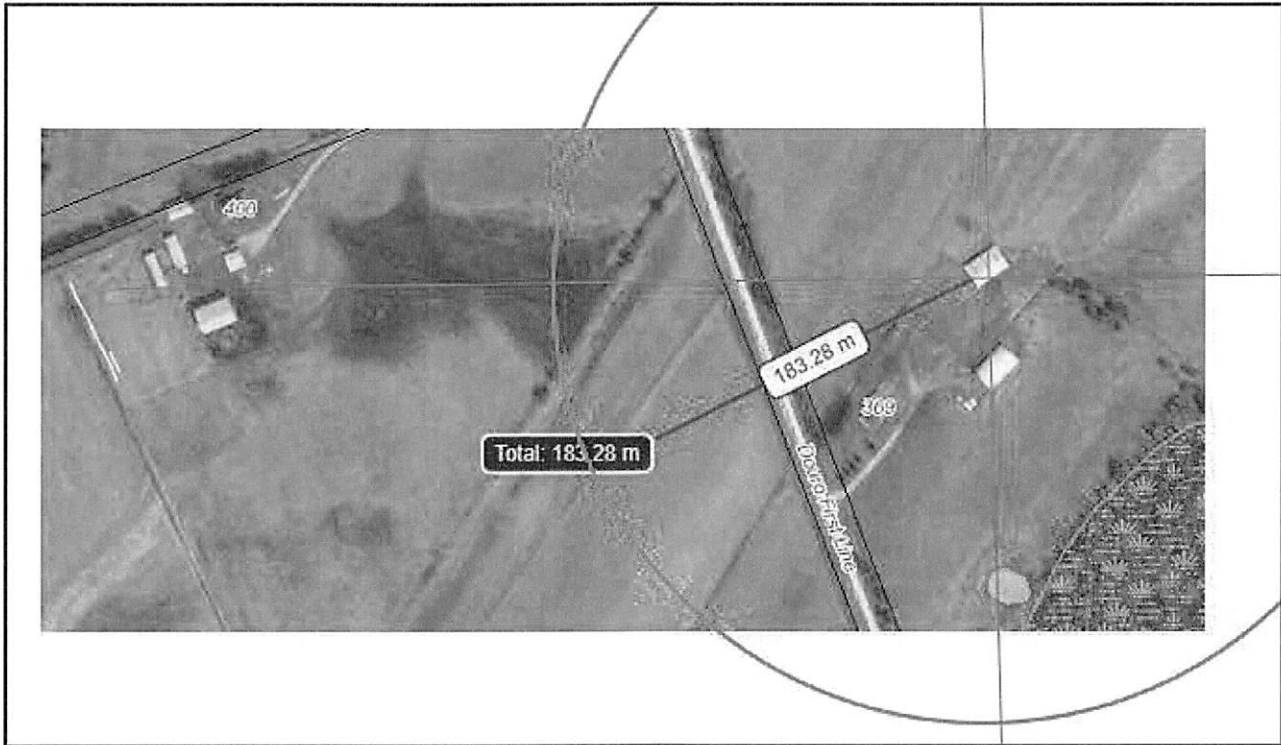


Figure 4 - Approximate Location of 183m MDS Arc, Relative to Proposed Lot

Conclusions

Although the CCS Report concludes that the existing farm operation will generate an MDS arc of 108m, thereby allowing the proposed lot to proceed, this conclusion is not based on the existing capacity of the farm or the intentions of the Browns to optimize these facilities.

The CCS Report was prepared without input from Jordan and Melinda Brown, owners of the farm at 369 Douro 1st Line. The Report fails to reflect the existing conditions, including the capacity of the Brown farm to support a beef cow/calf herd of at least 60 cattle and 8 horses. Further, the Report fails to reflect that the Browns purchased the farm for this purpose. They are currently re-establishing the cattle historically supported on the farm, using the existing facilities. The Browns are employing best practices for beef cow/calf farming, as outlined by the BFO. No building permits are currently required to accommodate the operation.

In conclusion, The MDS setback generated by the existing barn/yard at 369 Douro 1st Line precludes the proposed a rural non-farm residential lot on the property at 400 Douro 1st Line lot created, when the existing capacity of the barn/yard is considered for a beef cow/calf operation.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



Roy L. Haig, C.E.T.
Senior Engineering Technologist

ATTACHMENT E

Severance Sketch - 400 Douro First Line



10 October 2022

Dave Brown,
400 Douro First Line,
705.652.1645,
dbrown50@rogers.com

Re: **Proposed severance**
400 Douro First Line
Part Lot 5, Concession 3
Township of Douro-Dummer
County of Peterborough

Dear Mr. Brown

The property is approximately 41 ha in size and located in a rural area with mostly active agricultural properties. The proponent is applying for a single severance on top of the hill on the farm. The severance configuration is located in an area of drumlins with low areas contained wetland pockets.

The severance is about 120 m from an unevaluated wetland on the farm east of severance. Otonabee Conservation have also suggested there may be a wetland on the farm at the bottom of the hill near the farmhouse. This looks like a drainage area or wet area on aerial photography.

The County Land Division (Peterborough) has asked for an opinion letter from a qualified wetland biologist regarding the presence of wetlands on the property and if it is within 120 m of the proposed severance. A mapped unevaluated wetland is located approximately 120 m to the southeast of the proposed severance. There is currently no wetland mapped on the subject parcel on ORCA, County or MNRF GIS mapping or schedules.

GHD completed a site visit on August 7, 2022 to walk the property and confirm the presence/absence of wetlands on or within 120 m of the proposed severance.

This field is located just south of the farmhouse and barns and is used by cattle for pasture. As a result the field grass is short from moderate grazing and trampling. In the middle is a slightly lower area where reed canary grass and narrow-leaved cattail have established (0.5 acre). Although the cattle seemed to be walking through this area, the plant species are not ones that are browsed by cattle. The wetland is approximately 150 m from the proposed severance.

The damp soils, species of hydrophilic/wetland plants and some loamy soils, did confirm that pocket is wetland. It has not been evaluated under OWES and is an isolated feature in a low area. There was no evident outlet or inlet.

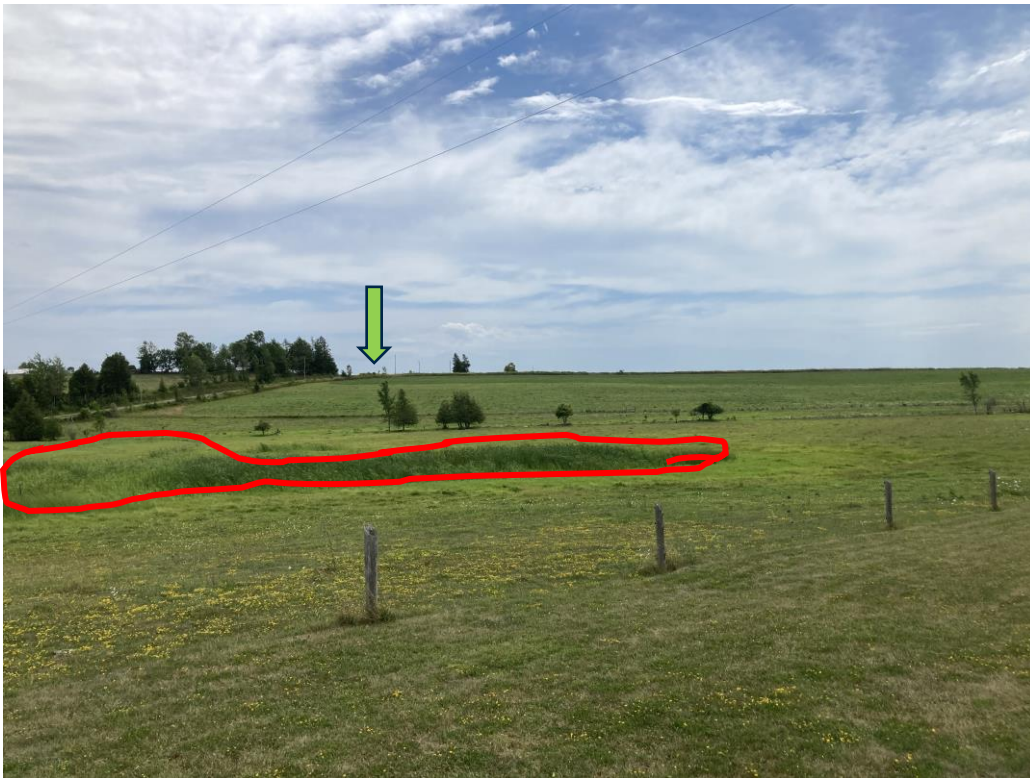


Photo 1. View of wetland pocket on farm pasture (red outline), facing south. Green arrow is location of proposed severance.

To the south of the proposed severance and on the east side of the road was a low area that conveyed some water to the east. The presence of reed canary grass, slender willow and red-osier dogwood and the saturated conditions confirmed this was wetland. The feature was narrow as mapped on MNRF Make a map and ORCA mapping and drained eastward.



Photo 2. View of wetland to south of proposed severance, facing north east. Wetland is the brown grass (reed canary grass and willow to right of cedars (outlined in red).

The location the proposed severance and the location of these two wetlands creates two 120 m regulated area lines, that leave a gap between at the top of the hill. This is the location of the proposed severance.

Modifications to the severance line and lot shape may be able to remain outside of the 120 m distance from both wetlands, however other factors such as MDS arc, required minimum road frontage and minimum lot area also are considered.

If the 120 m distance cannot be met as a result, the following statements can be made.

1. The wetlands are located on low areas to the north and south and associated with drainage off of the rolling hills and drumlins.
2. The northern wetland is less than 2 hectares in size, at 0.5 acres.
3. The hill where the severance is proposed is well above the elevation of the wetlands and at the highest point on the property.
4. The field associated with the severance is active agricultural land and has limited ecological functions.
5. The creation of lot and the construction of a single family dwelling would not have a negative impact on the natural features or ecological functions of the southern or northern wetland.
6. No hydrological impacts from the proposed severance or dwelling construction are anticipated as the runoff from the top of this hill will continue to be downslope to the north and south.

If you require further information please contact me.

Regards



Chris Ellingwood
Senior Terrestrial and Wetland Biologist
GHD Limited
+1 705 931 3929
chris.ellingwood@ghd.com



Figure 1. Google air photo showing location of wetlands and proposed severance.



May 5, 2023

Ann Hamilton
Secretary-Treasury
Land Division Committee
County of Peterborough
470 Water Street
Peterborough, ON K9H 3M3

Dear Ann Hamilton,

Re: Revised Application
File: B-116-21, ORCA File: PPLD-2206
Location: 400 Douro First Line, Township of Douro Dummer; Roll#1522.010.002.05800;
Owner: Brown

The Otonabee Region Conservation Authority (Otonabee Conservation/the Authority) has received a revised circulation for Consent (severance) for the above noted property. Otonabee Conservation staff have reviewed the information in accordance with our mandate and policies and offer the following comments.

The purpose of the above noted application is to create a new irregular shaped residential lot approximately 5000 square metres, fronting 45 metres of Douro First Line.

Otonabee Conservation's interest in this application is four-fold:

- 1. Otonabee Conservation has reviewed this application through our delegated authority from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS).*

Otonabee Conservation mapping indicates that the proposed new residential lot will not be located within a known floodplain. **As such, it is the opinion of Otonabee Conservation**

that the application is consistent with section 3.1 (related to natural hazards) of the Provincial Policy Statement (PPS).

2. *The Authority has reviewed the application as a service provider to the County of Peterborough and the Township of Douro Dummer, in that we provide technical advice on natural heritage matters through a Memorandum of Understanding.*

As noted in the Preliminary Severance Review (PSR) from the County of Peterborough, section 4.2.4.1 of the Growth Plan states that development and site alteration, including lot creation, within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres.

The revised site sketch (no date) indicates that the proposed parcel is located outside 120 metres of key hydrologic features.

Therefore, it is the opinion of Otonabee Conservation that the application has demonstrated consistency with PPS sections 2.1 (related to Natural Heritage) and 2.2 (related to Water) or conformity to sections 4.2.3 and 4.2.4 of the Growth Plan for the Greater Golden Horseshoe.

3. *Otonabee Conservation has reviewed the application through a regulatory lens. Under Ontario Regulation 167/06, this Authority's 'Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' regulation under Section 28 of the Conservation Authorities Act, any development, interference with or alteration within a flooding hazard, erosion hazard, watercourse, wetland and their adjacent lands/areas of interference requires a permit from the Authority. When an application is circulated under the Planning Act will also require an Otonabee Conservation permit, it is the practice of the Authority to establish the policy requirements of both processes during the planning stage.*

Otonabee Conservation mapping indicates the proposed severed lot are not subject to Ontario Regulation 167/06 Otonabee Conservation's "development, interference with wetlands and alterations to shorelines and watercourses" regulation. **Permits from this agency are not required.**

4. *Otonabee Conservation has reviewed the application in terms of the Revised Trent Source Water Protection Plan (SPP), prepared under the Clean Water Act. The SPP, intended to protect Ontario's drinking water at its source, came into effect on January 1, 2015 and contains policies to protect sources of municipal drinking water supplies from existing and future land use activities.*

The application was also reviewed in consideration of the SPP. It was determined that the subject property is not located within an area that is subject to the policies contained in the SPP.

If you have any questions, please do not hesitate to call.

Yours truly,

A handwritten signature in black ink that reads "Matthew Wilkinson". The signature is written in a cursive style with a large initial "M".

Matthew Wilkinson
Planner

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



Date: August 2, 2021

Name: David & Debra Brown

Agent:

Email: dbrown50@rogers.com

Phone: 705-652-1645

Municipality: Douro-Dummer, Douro Ward

Lot: Part Lot 5 **Concession:** 2

Roll No.: 1522-010-002-05800

Municipal Address: 400 Douro First Line

Type of Severance: residential lot(s)

	Severed	Retained
County Official Plan	Rural	Rural
Municipal Official Plan	Rural	Rural, Provincially Significant Wetland
Municipal Zoning	Rural (RU)	Rural (RU), Environmental Conservation - Provincially Significant (EC(P))
Area and Frontage	± 0.40 hectares, ± 63.4 m frontage on Douro First Line	± 41.14 hectares, ± 417.6 m frontage on Douro First Line
Existing Use/Buildings	Vacant, agricultural	Agricultural with dwelling and outbuildings

Conforms to Provincial policies?

☐ Yes ☒ No

Studies are required in respect to adjacent unevaluated wetlands and potential species at risk (SAR) habitat.

Conforms to County Official Plan policies?

☒ Yes ☐ No

Conforms to Township Official Plan policies?

☒ Yes ☐ No

The applicant must demonstrate that they have owned the property for a minimum of 5 years

Conforms to Township Zoning By-Law?

Severed parcel meets Zoning requirements:

☒ Yes ☐ No

Retained parcel meets Zoning requirements:

☒ Yes ☐ No

Studies required to support the application?

☒ Yes ☐ No

- Natural Heritage / Hydrologic Evaluation
- Species at Risk Assessment

Provincial Policy Review:

The following key natural heritage features and/or key hydrologic features have been identified on or adjacent to the subject property:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Wetlands | <input type="checkbox"/> Significant Wildlife Habitat | <input type="checkbox"/> Area of Natural and Scientific Interest (ANSI) |
| <input type="checkbox"/> Fish habitat | <input type="checkbox"/> Significant Woodlands | <input checked="" type="checkbox"/> Other key hydrologic feature (stream, pond, lake) |
| <input checked="" type="checkbox"/> Species at Risk | <input checked="" type="checkbox"/> Habitat of Endangered or Threatened Species | |

Does the proposal require a Natural Heritage Evaluation to address the features identified above?

- ☒ Yes ☐ No

Section 4.2.4.1 of the Growth Plan states that development and site alteration, including lot creation, within 120 metres of a key hydrologic feature will require a natural heritage evaluation/hydrologic evaluation that identifies a vegetation protection zone (VPZ) that is no less than 30 metres. Since the severed parcel is located within 120 metres of the above key hydrologic features, a natural heritage evaluation and/or hydrologic evaluation is required. Evaluations undertaken in accordance with policy 4.2.4.1 will identify any additional restrictions to be applied before, during and after development to protect the hydrologic and ecological functions of the feature. Please note that any technical study submitted to the County (i.e. EIS, traffic impact study, hydrogeological study etc.) will be peer reviewed at the County's request. Both the cost of the study and the peer review will be at the applicant's expense. Please contact ORCA regarding specific study requirements.

Policy 2.1.7 of the Provincial Policy Statement prohibits development and site alteration, including lot creation, within habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. Species at Risk data available to the County has identified a possible species at risk on or adjacent to the proposed severed lot, therefore, a Species at Risk (SAR) assessment is required as part of the natural heritage evaluation, referenced above.

The subject property is located within a Candidate Agricultural Area, as identified in the new Agricultural System for the Greater Golden Horseshoe (Growth Plan). Outside of the Greenbelt Area, provincial mapping of the agricultural land base does not apply until it has been implemented in the County Official Plan. Until such time, Candidate Agricultural Areas will be subject to the rural policies of the Provincial Policy Statement. Section 1.1.5.2 of the Provincial Policy Statement allows for limited residential development on rural lands.

Does the proposal meet Minimum Distance Separation requirements?

- ☒ Yes ☐ No ☐ Not Applicable

Minimum Distance Separation Formula I (MDS I) as per policy 1.1.5.8 of the 2020 Provincial Policy Statement has been calculated for the livestock facilities at 276, 309, 369 and 400 Douro First Line. The proposed severed lot appears to meet all MDS setbacks.

Preliminary Severance Review

Prepared by the Peterborough County
Planning Department



County Official Plan Policy Review:

Section 2.6.3.5 of the Plan suggests that residential severances for land holdings located in the Rural Area should be discouraged in favour of development in Settlement Areas in an effort to promote orderly growth and development. However, severances in the Rural Area may be considered provided Health Unit, road frontage and access and Minimum Distance Separation requirements can be met (Ss.2.6.3.5 (A), (C) & (G)) and provided the applicable policies of Sections 2.6.3.1, 2.6.3.5, 4.1.3 and 4.3 are complied with (S.2.6.3.5 (H)).

Section 2.6.3.1 of the Plan states that “under no circumstances shall severances be recommended for approval where proposed severances are contrary to this Plan and/or the respective local Official Plan.”

Municipal Official Plan Policy Review:

The lands proposed for severance are designated Rural. In the Rural designation, permitted uses include low density residential development.

In the Rural designation a maximum of two severances are permitted from a property as it existed 25 years prior to the date of application (S. 6.1.1 & 6.2.2.5(d)). Peterborough County Land Division records indicate that the subject property has received one (1) severance in 2015 and therefore the subject property appears to be eligible for one (1) more severance.

In addition to the above requirement for a residential lot in the Rural designation, the landowner must have owned the property for a minimum of 5 years, and the size of the new lot created specifically for a residential use shall not exceed 1 hectare in area (S. 6.2.2.5(d)(i)&(ii)). The proposed severed lot meets the maximum 1 hectare area requirement. However, Planning Staff are unable to determine the historical ownership of the subject property. The applicant will be required to demonstrate that they have owned the property for a minimum of 5 years.

As applicable, all consent applications must comply with Health Unit, road frontage and access and Minimum Distance Separation requirements (S. 2.6.3.5 (A), (B), (C), (G)). Both severed and retained parcels appear to meet the lot area and frontage requirements of the Rural (RU) Zone.

Reviewed By: Amanda Warren

Additional Notes

Agencies to be contacted by landowner or agent (marked with an X):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Township | <input type="checkbox"/> Peterborough Public Health |
| <input checked="" type="checkbox"/> Conservation Authority | <input type="checkbox"/> Trent-Severn Waterway |
| <input type="checkbox"/> Source Water Risk Management Officer | <input type="checkbox"/> First Nations |
| <input checked="" type="checkbox"/> Ministry of Environment, Conservation and Parks | <input type="checkbox"/> Other |

- ☒ Proposal requires confirmation from the Township or identified agency regarding policy conformity.

* The landowner should be aware that local council may not support a rezoning or minor variance to create a lot that is not in compliance with the provisions of the Zoning By-law.

* The lands may be within the watershed of a local Conservation Authority. It is recommended that you contact the Authority to determine what, if any, permits may be necessary:

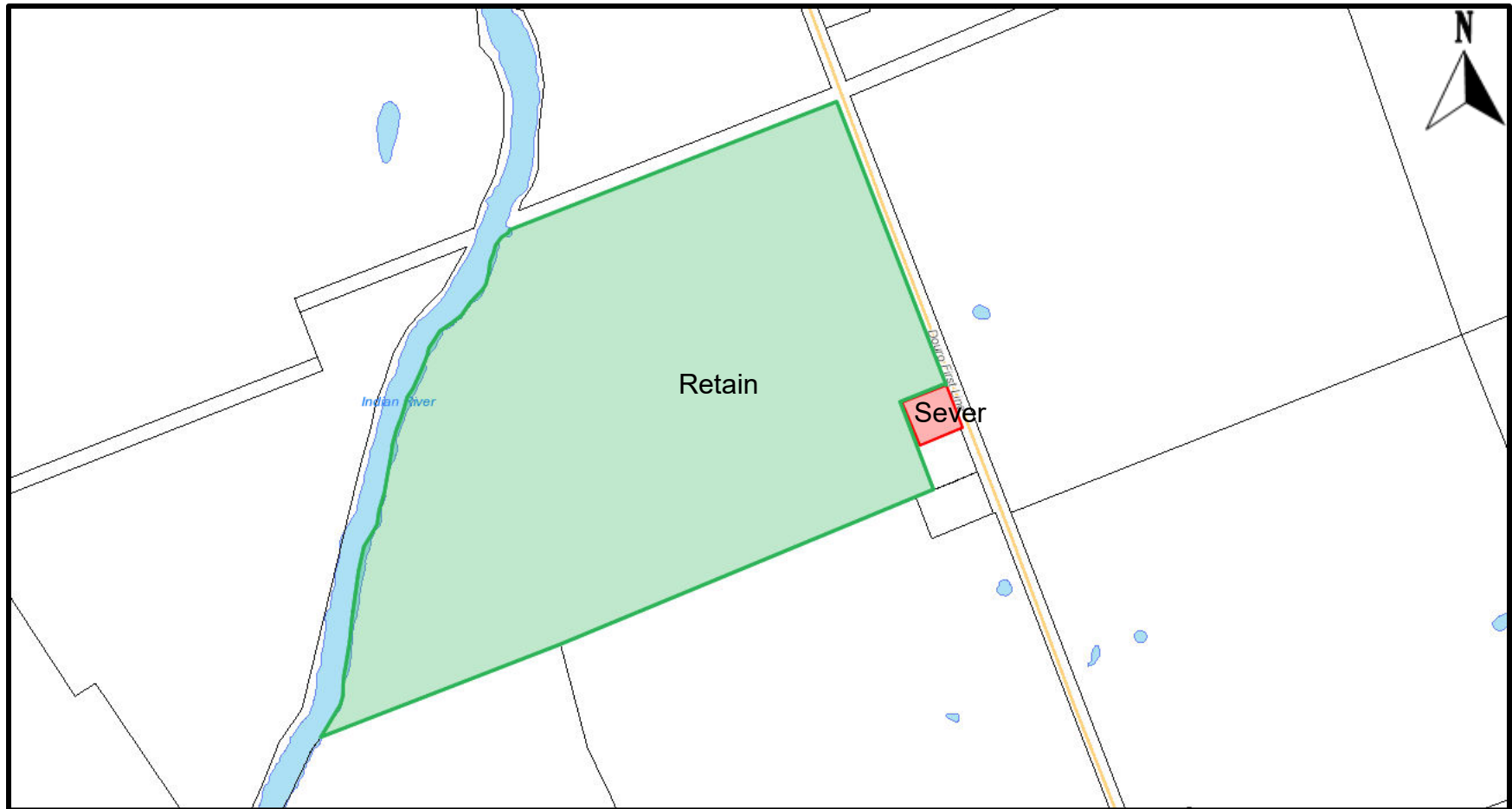
- ☐ No Conservation Authority in the area
- ☒ Otonabee Region Conservation Authority (ORCA), (705) 745-5791
- ☐ Crowe Valley Conservation Authority (CVCA), (613) 472-3137
- ☐ Kawartha Region Conservation Authority (KRCA), (705) 328-227

* It is the responsibility of the landowner to identify endangered and threatened species and their habitat on the property prior to undertaking work, and to ensure that the work/activity will not result in negative impacts. Landowners are encouraged to consult with the Ministry of Environment, Conservation and Parks (MECP) if they have questions about the *Endangered Species Act, 2007 (ESA)*. Any sightings of a threatened or endangered species during development and construction on the property must be reported in accordance with the ESA.

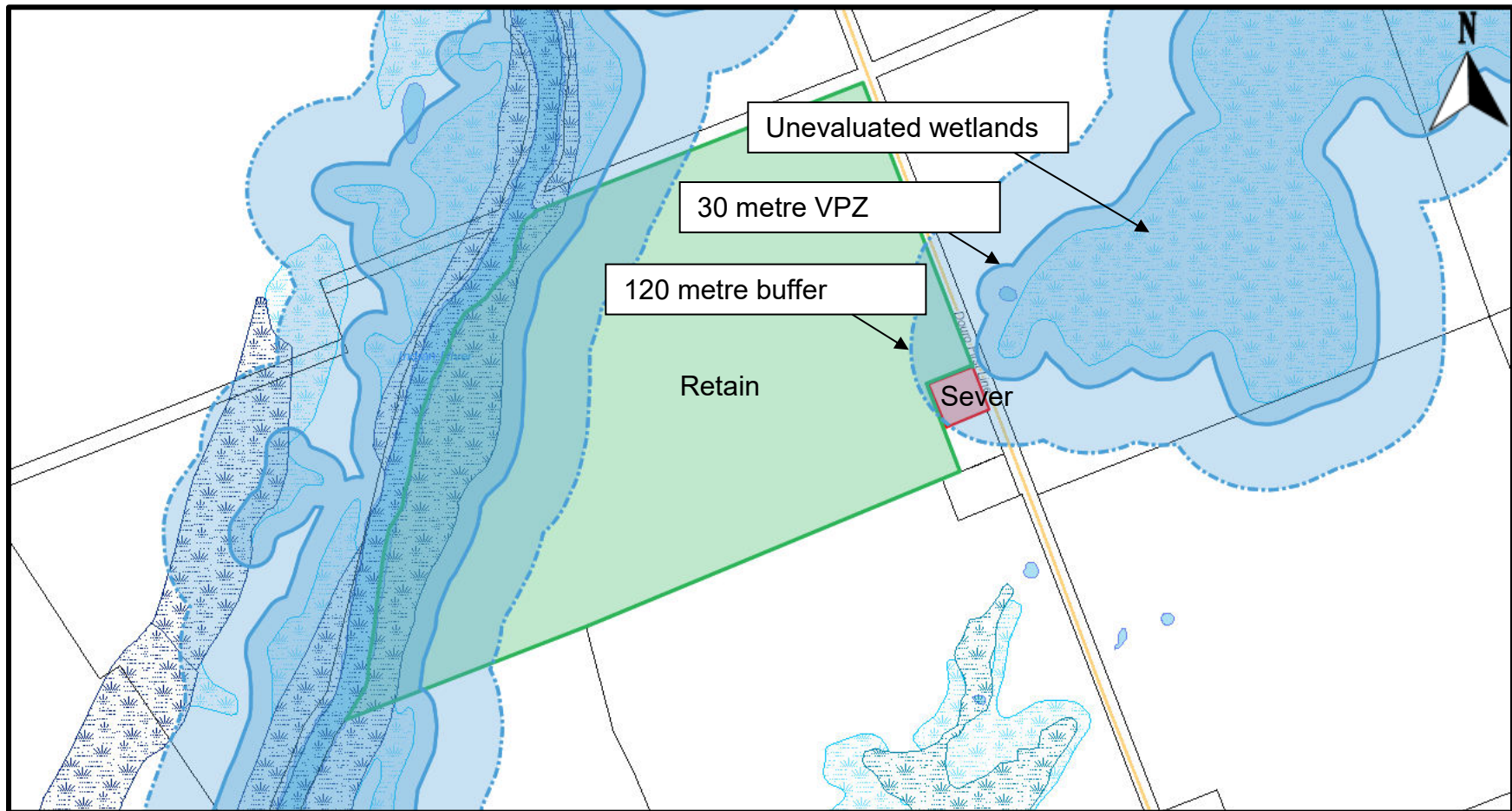
Important

Our position on the overall conformity of the proposal is based on information available at the time of review. Subsequent information from commenting agencies can change our comments relating to any formal application for severance which is subsequently filed. The above-noted comments should not be construed as preliminary approval or denial of a proposal but recognized as a position of the County Planning Department based on the availability of current information.

Roll #1522-010-002-05800
Part Lot 5, Concession 2, Douro
(Brown)
Severance Sketch

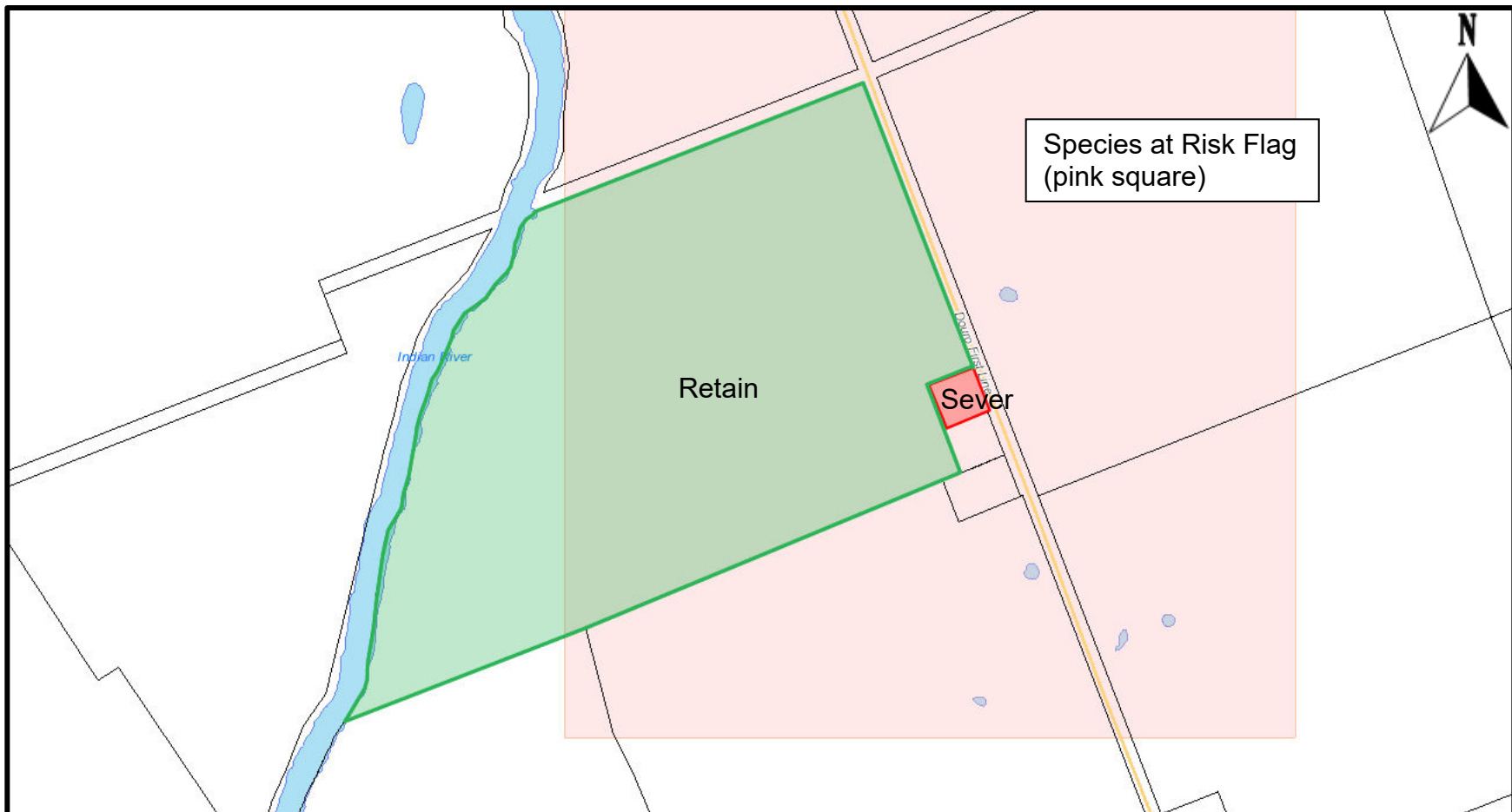


Roll #1522-010-002-05800
Part Lot 5, Concession 2, Douro
(Brown)
Key Hydrologic Features



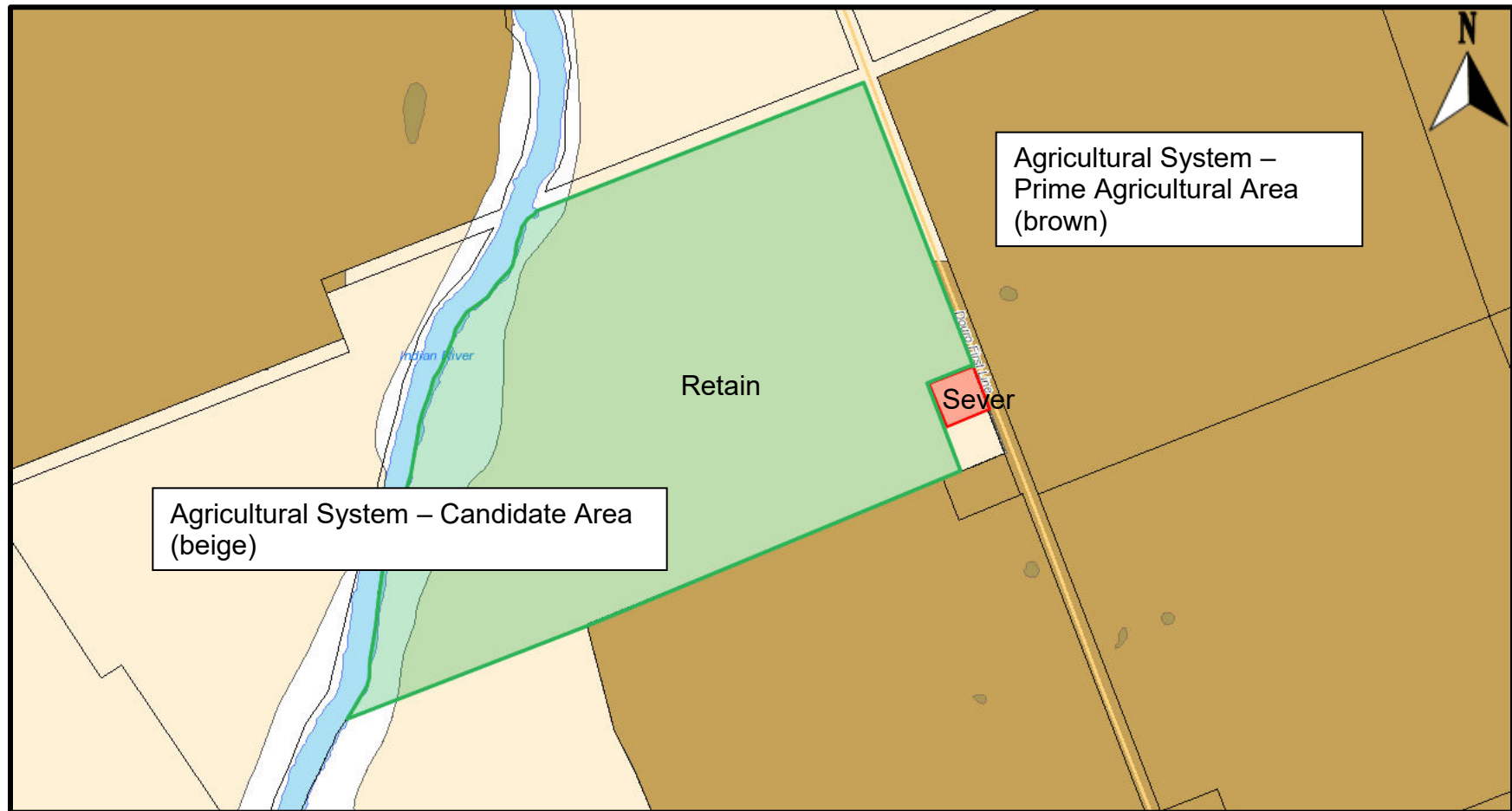
NOTE: Development and site alteration is not permitted within key hydrologic features; any development proposed within the 120 metre buffer surrounding key hydrologic features requires a natural heritage evaluation/hydrologic evaluation to identify a vegetative protection zone (no less than 30 metres). No development, including lot creation, is permitted within the 30 metre vegetation protection zone (VPZ).

Roll #1522-010-002-05800
Part Lot 5, Concession 2, Douro
(Brown)
Key Natural Heritage Features

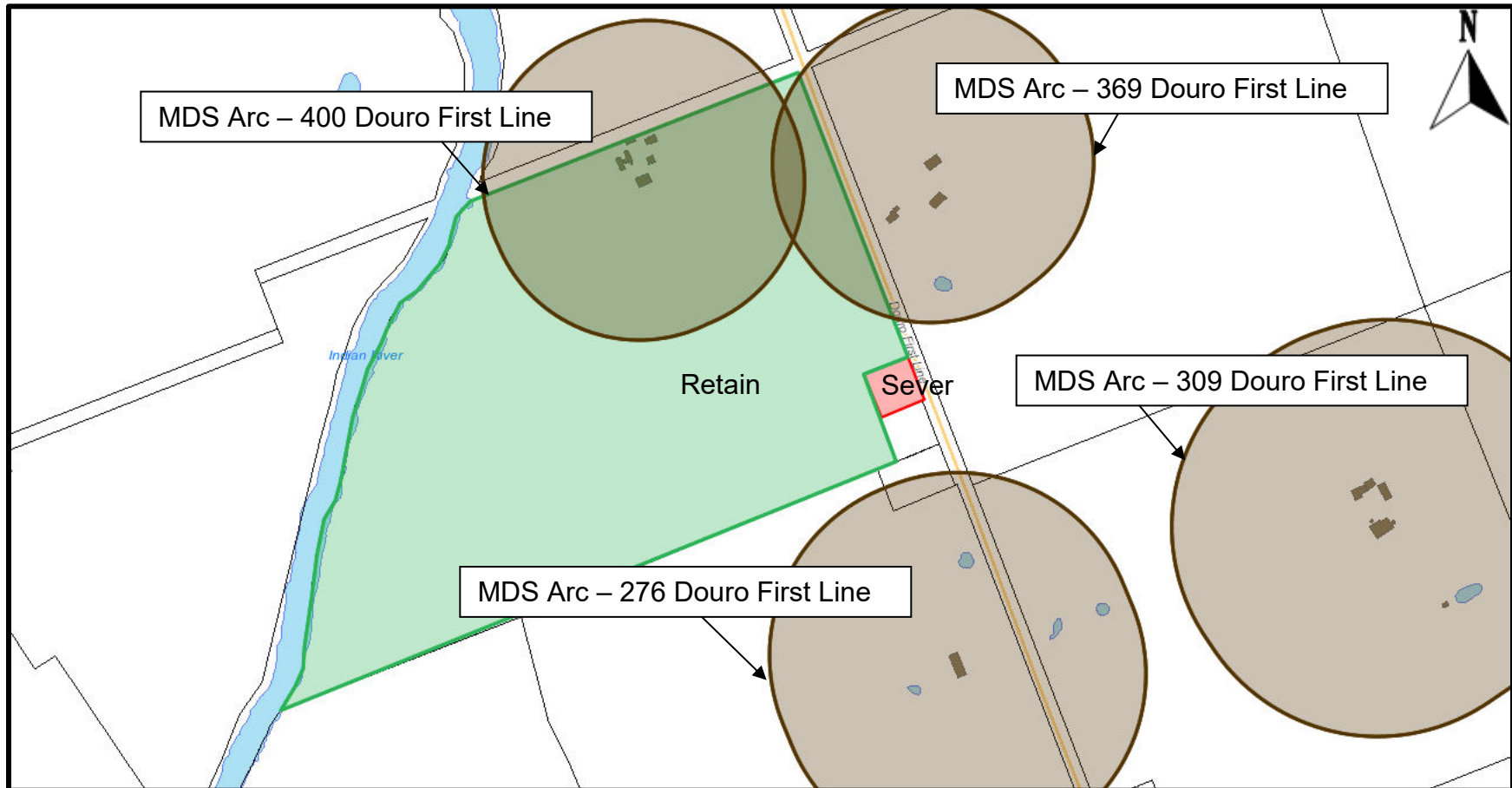


NOTE: New development, including lot creation, is not permitted within habitat of threatened and endangered species, except in accordance with provincial and federal requirements. Species at Risk Data available to the County has identified an observation or potential habitat (i.e. pink squares) that may require a Species at Risk (SAR) Assessment to support the severance application.

Roll #152201000205800
Part Lot 5, Concession 2, Douro
(Brown)
Agricultural System



Roll #152201000205800
Part Lot 5, Concession 2, Douro
(Brown)
Minimum Distance Separation (MDS)



NOTE: New development, including lot creation, must be located outside the MDS arc(s) shown above.

Minimum Distance Separation I

Worksheet 1

Prepared By: Emma Drake, Planner, D.M. Wills Associates Limited

Description: Brown PSR

Application Date: Monday, August 2, 2021

Municipal File Number:

Proposed Application: Lot creation for a maximum of three non-agricultural use lots
Type A Land Use

Applicant Contact Information

Not Specified

Location of Subject Lands

County of Peterborough, Township of Douro-Dummer

DOURO, Concession: 2, Lot: 5

Roll Number: 152201000205800

Calculation Name: *Farm 1*

Description: 400 Douro First Line (Home)

Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DOURO, Concession: 5, Lot: 2

Roll Number: 152201000205800

Total Lot Size: 41.54 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	60	60.0	279 m ²



The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 60.0

Potential Design Capacity (NU): 180.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X 387.87	X 0.7	X 1.1	= 209 m (686 ft)	TBD
Storage Base Distance 'S'					
(minimum distance from manure storage)					(actual distance from manure storage)
209 m (686 ft)					TBD

Calculation Name: *Farm 2*

Description: 276 Douro First Line (Coverall)

Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer

DOURO, Concession: 2, Lot: 4

Roll Number: 152201000205300

Total Lot Size: 42.68 ha


The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Minimum Distance Separation I

Worksheet 1

Prepared By: Emma Drake, Planner, D.M. Wills Associates Limited

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	95	95.0	441 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 95.0

Potential Design Capacity (NU): 285.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	Storage Base Distance 'S' (minimum distance from manure storage)
0.7	X	455.55	X	0.7	X
				1.1	
				=	
				246 m (806 ft)	TBD
					246 m (806 ft)

Calculation Name: *Farm 3*


Description: 309 Douro First Line

Farm Contact Information
Not Specified

Location of existing livestock facility or anaerobic digester
County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 1, Lot: 4
Roll Number: 152201000200800
Total Lot Size: 40.11 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	126	126.0	585 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 126.0

Potential Design Capacity (NU): 378.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	Storage Base Distance 'S' (minimum distance from manure storage)
0.7	X	502.88	X	0.7	X
				1.1	
				=	
				271 m (889 ft)	TBD
					271 m (889 ft)

Calculation Name: *Farm 4*

Description: 369 Douro First Line

Farm Contact Information
Not Specified

Location of existing livestock facility or anaerobic digester
County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 1, Lot: 5
Roll Number: 152201000201100
Total Lot Size: 42.03 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Minimum Distance Separation I

Worksheet 1

Prepared By: Emma Drake, Planner, D.M. Wills Associates Limited

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Cows, including calves to weaning (all breeds), Yard/Barn	59	59.0	274 m ²



The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 59.0

Potential Design Capacity (NU): 177.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	385.59	X	0.7	X
				1.1	=
				208 m (682 ft)	TBD

Storage Base Distance 'S'	(minimum distance from manure storage)	(actual distance from manure storage)
208 m (682 ft)	TBD	


Preparer Information

Emma Drake
Planner
D.M. Wills Associates Limited
150 Jameson Drive
Peterborough, ON, Canada K9J0B9
Phone #1: 705-742-2297
Email: edrake@dmwills.com

Signature of Preparer: _____ Date: _____
Emma Drake, Planner

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

 <h1>MEMO</h1>	Project:	369 Douro 1st Line J. Brown MDS calculations	Date:	2022 10 23
	File No.:	22-2495	Designed:	RLH
	Subject:	Calculation of MDS I for livestock facility at 369 Douro 1st Line Jordan and Melinda Brown Response to Consent Application B-116-21		

MEMO TO: K. Randall

FROM: Roy L. Haig, C.Tech

Background

The Browns are concerned that the MDS I calculations and report filed in support of application B116-21A, by the applicant, was prepared without their input. The CCS report does not reflect the fact that the Browns purchased the property with the intention to re-establishing a beef feeder operation to eventually match or even exceed the previous herd of 48 cattle, as well as several horses. It is their intention to make full use of the capacity of the existing structure and to utilize the existing coverall for hay storage and housing of livestock in future.

A site visit was completed on October 21, 2022. The information gained during this visit are the basis for this report.

In October of 2021, an application for consent to sever a non-farm residential lot from an existing agricultural holding at 400 Douro 1st Line was filed with the County of Peterborough's Land Division Committee (CPLDC). The application (B116-21) proposed that the new lot be located at the south-east corner of the subject property and fronting onto the Douro 1st Line. Included with the application was a sketch showing the MDS arc generated by the existing livestock facility at the clients' property (formerly the Clysdale farm), as shown on Figure 1 below. Please note that the Browns did not have any concerns with the original severance, as it would not have impacted their agricultural operation. Notwithstanding, it is our understanding that Application B116-21 was not approved by the CPLDC.

An amended application for Consent was filed with the CPLDC in December of 2021 and assigned application number B116-21A. The amended application sought a lot location directly across the Township concession road from the agricultural holding at 396 Douro 1st Line (Jordan and Melinda Brown).

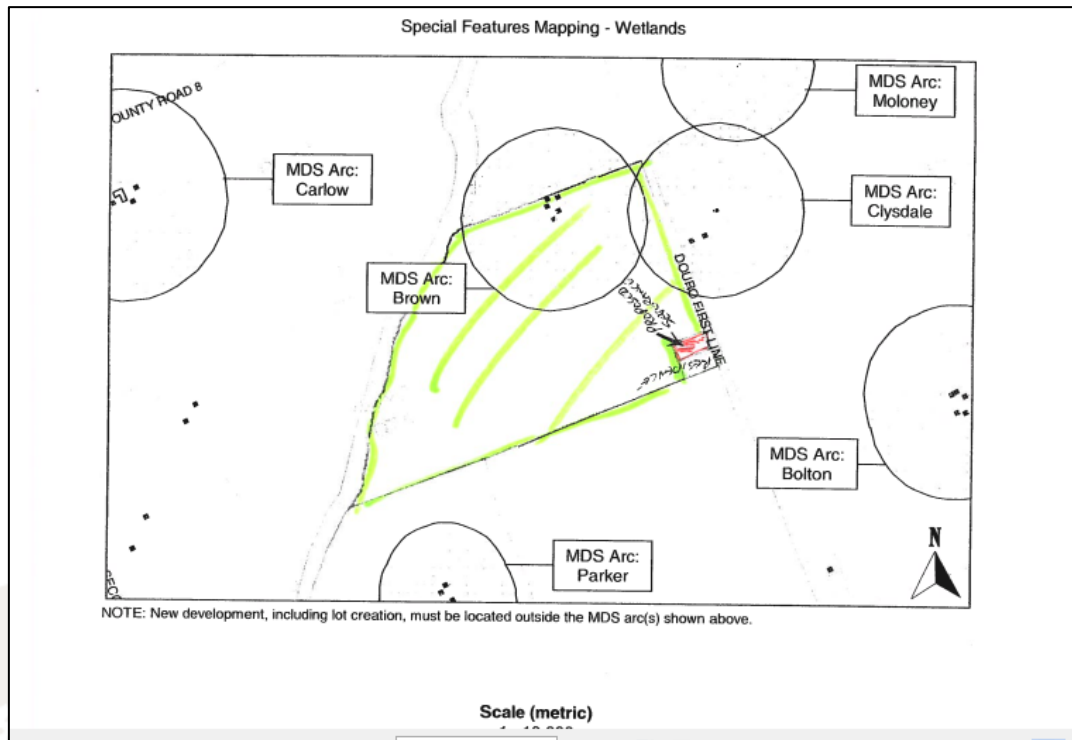


Figure 1 - MDS ARC - as per Application B116-21

The application was supported by an MDS Report, prepared by Clark Consulting Services (CCS). The Report provided MDS I calculations for six barns located within 750m of the proposed lot, including the barn at 369 Douro 1st Line, which was identified as "Barn A". The Report concluded that the MDS arc generated by "Barn A" extends 108m from the livestock barn and 108m from the manure storage area located to the east of the barn. The distance from these locations to the proposed lot are 136m and 160m, respectively, and will not impact the proposed severance. The coverall building is currently described as a storage area, with possible use as a field shelter and not subject to MDS calculations.

J&M Brown Cattle Farm Plan

The Browns are slowly re-establishing a beef cow/calf operation on their farm property. The farm was previously used for this purpose with a maximum herd size of 48 cattle. The existing facilities on the property are suitable for this use. Reference can be made to information available on the OMAFRA

website page entitled OMAFRA Virtual Beef – Facilities for Beef Cattle. According to the website, ‘Beef Farmers of Ontario (BFO) conducted an extensive study last year as they looked at what a start-up beef operation would require for land, machinery, and facilities. Long discussions with farmers, advisory staff, and economists considered a wide range of options.’

The study found that

“...with a beef cow/calf operation, three critical care points are easily identifiable: calving, health treatments and weaning. In Ontario, our weather determines how elaborate our calving facility needs to be. Traditional calving during the winter months requires some type of barn to protect the newborn calves from the elements, and typically include a heat source of some kind. The BFO model looks at working with nature and the seasons, with calving on grass during the summer months. This eliminates the need for a heat source, and a specific calving barn.

Treating animals for health reasons requires an excellent handling system. Under the Beef Code of Practice it is critical to handle cattle safely and humanely. The BFO model builds in a facility for handling livestock in a safe manner.”

“What did the BFO model indicate as an absolute requirement for facilities to look after these animals?

The first building is a simple open fronted pole shed, 30' X 100', or in that size range, that would serve primarily as storage for high quality hay. Wastage from dry hay stored outside without cover can be extensive. Storing some high quality dry hay under cover would retain quality, plus allow for hay that could be accessed in the middle of winter if it is stormy. The secondary purpose of this facility would be for sick pens and a weaning area as the hay is fed out. See Diagram 1 or follow this link for plans for such a building.

The second building would be a covered handling facility, approximately 30' X 30'. This would house the crowd tub, working chute and squeeze for restraining livestock for treatment purposes.”

Clearly, the existing barn, yard and coverall are sufficient to serve the purposes outlined in the BFO study, without the need for a building permit to be issued. Although the coverall is used primarily for

hay storage, it is suitable for sick pens and a weaning area. The hay provides a wind barrier for prevailing westerly winds.

The existing barn provides shelter from the wind and is suitable for use as a covered handling facility. The barn was most recently used as a holding area for three cattle sent to the abattoir from the farm on October 21, according to Mrs. Brown.

Review of CCS Report

As is stated on page 4 of the CCS Report, the introduction of non-farm uses into a rural area requires consideration of compatibility with existing farming activities, specifically livestock operations. Clearly, the goal is to protect the right of farmers to farm their land and to prevent conflict with non-farm uses. The MDS calculations provided by CCS fail to reflect the intent of the Browns to utilize the capacity of the existing farm buildings to support a cow/calf operation of up to 60 cattle and up to 8 horses.

Guideline 20 of OMAFRA Publication 853 states that *“The number of livestock or the area of livestock housing of unoccupied livestock barns should be based on information supplied by the farm operator or owner”*. Further, MDS Section #16 of Publication 853 states that *“Even though information may be provided by the applicant or their agent, ultimately, it is the responsibility of the municipality to determine if information used for an MDS I calculation is reasonably accurate and reflects existing conditions.”*

CCS staff never contacted the farm owner at 369 Douro 1st Line to ascertain the number of livestock historically, those currently on site, or the area of the livestock facility suitable or capable of being used in the future. According to their report, the information was gathered during discussions with the applicant. CCS maintains that face-to-face contact with the Browns was not possible because of COVID protocols. It is not clear why CCS was unable to complete a site visit while maintaining social distancing requirements, or to contact the Browns by telephone. This has, in our opinion, resulted in the use of inaccurate information regarding the capacity of the barns and yard, and the potential for agricultural uses in the future.

The CCS report accurately describes “Barn A” as having a total floor area of 250m². The report refers to a “closed in area on the west end of barn” as having an approximate area of 50m². While it is true that this area is not currently being used for livestock, the area was previously used for livestock housing and a manure collection channel in the floor remains in place. Publication 853 describes an *“Unoccupied livestock barn as a livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing*

livestock". The 50m² area of the barn was previously used to house livestock, is structurally sound, and is capable of being used in the future. As such, it should be considered an unoccupied livestock barn area within an existing livestock facility.

The Report assumes that only half of the barn (100m²) is sheltered and suitable for housing livestock, while the balance (100m²) is exposed to open weather. There is no reason given for this determination. During the site visit, the open area was fully accessible, such that the farm's cattle and horses could move freely around within the loose-housing barn and yard area.

Mrs. Brown expressed her concern, based on her experience, that confining the farm's cattle and horses to the barn can lead to poor health of the animals. Her position is supported by the Food and Agriculture Organization of the United Nations paper entitled *FAO ANIMAL PRODUCTION AND HEALTH PAPER 1 - Open yard housing for young cattle*. The paper argues that it is a frequent misconception about stabling to give undue emphasis to protection of the animals from inclement weather. Often, in fact, excessive concern with protection, such as stables which completely isolate the animal from the outside, can provoke even greater problems (such as lung diseases furthered by poor circulation) than those the building was designed to avoid. Therefore, based on the agricultural practices for the Brown's farm, the CCS assumption that the barn is unsuitable for housing cattle is not supported. Had the authors of the Report contacted the Browns regarding their farm practices, this would have been made evident.

In the case of feeder cattle, the barn and barnyard are considered part of the beef cow/calf livestock facility. This was confirmed during the site visit. The OMAFRA Agri-Suite Tool includes both the barn and yard in the estimated *livestock barn area for feeder cattle (up to 16 months)*. The barn and fenced yard area has a total area of approximately 2500m², as illustrated in Figure 2 below.



Figure 2 - Total Area of Existing Barn/Yard

Using the Agri-Suite Tool, we have determined that the existing 2500m² barn/yard is sufficient to house well in excess of 350 feeder cattle and eight (8) horses. As mentioned previously herein, the Browns have stated their intention to house approximately 60 cattle and up to eight (8) horses. There was one (1) beef cow, one (1) calf and five (5) horses, as well as 12 layer hens on the property at the time of the site visit. Three (3) beef cattle were shipped to the abattoir earlier that morning. The MDS arc generated for this number of livestock is 183m. as shown in Figure 2 below. The farm previously supported approximately 45 head of cattle.

Ontario Agricultural Planning Tools Suite

Start Page | File Information | **Worksheet 1** | Worksheet 2

Print | Add MDS Calculation

General Information

- Calculations
 - Farm 1
 - Farm 2

Livestock/Manure Information

Is there ONLY a manure storage on this lot (i.e. no existing livestock barn)?

Is there an anaerobic digester on this lot?

The livestock/manure information for this location has been confirmed with the property owner and/or farm operator?

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn [Livestock barn is currently unoccupied]	60	20.0	251 m ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	8	11.4	242 m ²

[Add Livestock/Manure](#)

Calculation Summary

Design Capacity (NU): 31.4

Potential Design Capacity (NU): 94.3

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance "F" (minimum distance from livestock barn)	Storage Base Distance "S" (minimum distance from manure storage)
0.76	310.64	0.7	1.1	183 m (599 ft)	183 m (599 ft)

TBD

Figure 3 - MDS Calculation for J. Brown Farm Operation

This arc precludes the creation of a new non-farm residential lot at 400 Douro 1st Line.



Figure 4 - Approximate Location of 183m MDS Arc, Relative to Proposed Lot

Conclusions

Although the CCS Report concludes that the existing farm operation will generate an MDS arc of 108m, thereby allowing the proposed lot to proceed, this conclusion is not based on the existing capacity of the farm or the intentions of the Browns to optimize these facilities.

The CCS Report was prepared without input from Jordan and Melinda Brown, owners of the farm at 369 Douro 1st Line. The Report fails to reflect the existing conditions, including the capacity of the Brown farm to support a beef cow/calf herd of at least 60 cattle and 8 horses. Further, the Report fails to reflect that the Browns purchased the farm for this purpose. They are currently re-establishing the cattle historically supported on the farm, using the existing facilities. The Browns are employing best practices for beef cow/calf farming, as outlined by the BFO. No building permits are currently required to accommodate the operation.

In conclusion, The MDS setback generated by the existing barn/yard at 369 Douro 1st Line precludes the proposed a rural non-farm residential lot on the property at 400 Douro 1st Line lot created, when the existing capacity of the barn/yard is considered for a beef cow/calf operation.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



Roy L. Haig, C.E.T.
Senior Engineering Technologist



Minimum Distance Separation I

Worksheet 1

Prepared By: Heather Sadler MCIP RPP, Principal Planner , EcoVue Consulting Services

Description: arc for proposed severance

Application Date: Sunday, October 23, 2022

Municipal File Number: B116-21A

Proposed Application: Lot creation for a maximum of three non-agricultural use lots
Type A Land Use

Applicant Contact Information

Jordan Brown
369 Douro 1st Line
Douro, ON, Canada
Phone #1: 705 741-8867

Location of Subject Lands

County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 1, Lot: 5
Roll Number: 152201000201100

Calculation Name: *Farm 1*

Description: 369 Douro 1st Line

Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Peterborough, Township of Douro-Dummer
DOURO, Concession: 1, Lot: 5
Roll Number: 152201000201100
Total Lot Size: 42 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn [Livestock barn is currently unoccupied]	60	20.0	251 m ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	8	11.4	242 m ²

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 31.4

Potential Design Capacity (NU): 94.3

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.76	X 310.64	X 0.7	X 1.1	= 183 m (599 ft)	TBD
Storage Base Distance 'S'					
(minimum distance from manure storage)					(actual distance from manure storage)
183 m (599 ft)					TBD

Calculation Name: *Farm 2*

Description:

Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Peterborough
Concession: , Lot:
Roll Number:



Total Lot Size: 0 ha



The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.



The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: N/A

Design Capacity (NU): 0.0

Potential Design Capacity (NU): 0.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)
N/A	X	N/A	X	N/A
			1.1	
			=	
				N/A

Storage Base Distance 'S'
(minimum distance from manure storage)

N/A

Preparer Information

Heather Sadler MCIP RPP
Principal Planner
EcoVue Consulting Services
51 Platt Rd
Warkworth, ON, Canada K0K 3K0
Phone #1: (705) 927-6235
Email: rosesonreid@gmail.com

Signature of Preparer: _____ Date: _____
Heather Sadler MCIP RPP, Principal Planner

NOTE TO THE USER:

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County of Peterborough Land Division

470 Water Street, Peterborough, Ontario K9H 3M3

email: AHamilton@ptbocounty.ca

T-705-743-3718 or 800-710-9586, Ext. 2406 Fax: 705-876-1730



Application for Consent

Note to Applicant: All questions must be answered or application may be returned.
Application Fee: \$1150.00 must accompany fully completed application and 6 copies.

It is strongly advised the applicant complete a Preliminary Severance Review with the County of Peterborough Planning Department. Have you done so:

Y/N ☒ Date: _____

If yes, were there any Studies required? Y/N _____
(i.e. Traffic Study, Archaeological Study and Environmental Impact Analysis (EIA)).

Have you attached 4 copies of each to this application?

Y/N _____

Office Use:

File No. **B- 116-21**
RECEIVED

Date Received:

OCT 12 2021

LAND DIVISION

1. Owner Information

Name(s): DAVID / DEBRA BROWN Address: 400 DOURO 1ST LINE

P.O. Box: _____ City/Province: DOURO DUMMER ON

Phone: (H) 705-652-1645 (B) _____ Postal Code: K0L 2B0

E-mail: dbrown50@rogers.com

Do you wish to receive all communications? ☒ Yes ☐ No

2. Authorized Agent/Solicitor Information

Name(s): _____ Address: _____

P.O. Box: _____ City/Province: _____

Phone: (H) _____ (B) _____ Postal Code: _____

E-mail: _____

Do you wish to receive all communications? ☐ Yes ☐ No

3. Property Description

Ward: DOURO Township: DOURO DUMMER Lot: 5 Concession: 2

Municipal (911) Address: 400 DOURO 1ST LINE Tax Roll #: 1522 010 002 05800

Registered Plan #: _____ Block/Lot: _____

4. Type and Purpose of Proposed Transaction

Transfer: ☒ Creation of a New Lot ☐ Addition to a Lot (moving/adjusting lot line)

Other: ☐ Right-of-Way ☐ Easement ☐ Correction of Title ☐ Charge ☐ Lease

5. Transferee

If known, the name of the person(s), to whom land or interest in land is intended to be transferred, charged or leased: _____ relationship to owner: _____

Address: SELF

Phone: (H) _____ (B) _____ E-mail: _____

6. Description of Severed Lot (provide both metric & imperial measurements and include all dimensions on sketch)

Frontage (metres): 208' (63.6) Depth (metres): 208' (63.6) Area (m² or hectares): 0.405
 Frontage (feet): ↓ Depth (feet): ↓ Area (ft² or acres): 1 ACRE

Existing Use: (i.e. residential, commercial, recreational)AGRICULTURAL**Proposed Use:** (i.e. residential, commercial, recreational)RESIDENTIALName Existing Buildings & Structures, including well & septic
(and show on sketch with setbacks)Name Proposed Buildings & Structures, including well & septic
(and show on sketch with setbacks)**Type of Access:**☒ Municipal maintained road☐ County Road☐ Provincial Highway☐ Seasonally maintained municipal road☐ Private road or right-of-way☐ Other _____☐ Water☐ Parking/docking facilities – distance from these to the nearest road : _____**Water Supply:** PROPOSED☐ Publicly owned/operated piped water system☒ Privately owned/operated individual well☐ Privately owned/operated communal well☐ Lake or other water body☐ Other _____**Sewage Disposal: (if existing, show on sketch)** PROPOSED☐ Publicly owned/operated sanitary sewage system☒ Privately owned/operated individual septic tank☐ Privately owned/operated communal septic tank☐ Privy☐ Other _____If a septic system exists on the severed parcel, when was it installed and inspected? N/A

How far is it located from the lot line(s) & well? _____ (ft. or meters)

Have you shown the well & septic locations and setbacks on the sketch? _____

If the severed lot is an "Addition" or "Lot Line Adjustment", please provide the following information.
 If not, please skip this section and move onto Section 8:

7. Description of Lot Being Added To
(provide both metric & imperial measurements and include all dimensions on sketch)

Frontage (metres): _____ Depth (metres): _____ Area (m² or hectares): _____
 Frontage (feet): _____ Depth (feet): _____ Area (ft² or acres): _____

Existing Use: (i.e. residential, commercial, recreational)**Proposed Use:** (i.e. residential, commercial, recreational)Name Existing Buildings & Structures, including wells & septic
(and show on sketch with setbacks)Name Proposed Buildings & Structures, including wells & septic
(and show on sketch with setbacks)

Official Plan Designation: _____

Current Zoning: _____

Type of Access:☐ Municipal maintained road☐ County Road☐ Provincial Highway☐ Seasonally maintained municipal road☐ Private road or right-of-way☐ Water ☐ Other _____

Roll # of Lot Being Added to: _____

8. Description of Retained Lot (provide both metric & imperial measurements and include all dimensions on sketch)Frontage (metres): 492.02 (M) Depth (metres): _____ Area (m² or hectares): 38.85Frontage (feet): 1614' Depth (feet): _____ Area (ft² or acres): 96 acres

Existing Use: (i.e. residential, commercial, recreational)

Proposed Use: (i.e. residential, commercial, recreational)

AGAGName Existing Buildings & Structures, including wells & septic
(and show on sketch with setbacks)Name Proposed Buildings & Structures, including wells & septic
(and show on sketch with setbacks)DUCKING BARN 2 DRIVE SHEDS, CONCRETE, GARAGEN/A**Type of Access:**☒ Municipal maintained road☐ County Road☐ Provincial Highway☐ Seasonally maintained municipal road☐ Private road or right-of-way☐ Other _____☐ Water☐ Parking/docking facilities – distance from these to the nearest road : _____**Water Supply:**☐ Publicly owned/operated piped water system☐ Privately owned/operated individual well☐ Privately owned/operated communal well☒ Lake or other water body☐ Other _____**Sewage Disposal: (if existing, show on sketch)**☐ Publicly owned/operated sanitary sewage system☒ Privately owned/operated individual septic tank☐ Privately owned/operated communal septic tank☐ Privy☐ Other _____If a septic system exists on the retained parcel, when was it installed and inspected? ?How far is it located from the lot line(s) & well? N/A 15 (ft. or meters)

Have you shown the well & septic locations and setbacks on the sketch? _____

9. Local Planning DocumentsWhat is the current Township **Official Plan** designation on this property? RURAL / AGWhat is the current County **Official Plan** designation on this property?
(this information is available from the Preliminary Severance Review and/or from the Township)

Explain how the application Conforms with the current Official Plans: _____

What is the current zoning on this property, as found in the Township **Zoning By-Law**? RURAL, EC
(this information is available from the Preliminary Severance Review and/or from the Township)**10. Provincial Policy**

Is the application consistent with the Provincial Policy Statements?

(this information is available from the Preliminary Severance Review and/or from the County Planning Dept.)

☒ Yes ☐ No

Explain how the application is consistent: _____

Is the subject property within an area of land designated under any provincial plan(s)?

(Oak Ridges Moraine Conservation Plan applies to portions of Cavan Ward only;

Growth Plan applies to the entire County of Peterborough so answer should be yes)☒ Yes ☐ No

If yes, explain how the application conforms or does not conflict with provincial plan(s)? _____

11. Restrictions of Subject LandAre there any **easements or restrictive covenants** (i.e. hydro, Bell) affecting the subject land?☐ Yes ☒ No

If yes, describe the easement or covenant and its effect: _____

12. Previous Planning Act Applications

Is the subject land now, or has it been, the subject of an application for a Plan of Subdivision under Section 51 or a consent under Section 53 of the *Planning Act*? ☐ Yes ☒ No

Has the owner of the subject land severed any land from the original acquired parcel? ☒ Yes ☐ No

If yes, indicate this information on the required sketch and provide the following (if known):

File No. B-27-15, Transferee: JASON M. GRANDI BROWN Date of Transfer: APRIL 2019

File No. B-_____, Transferee: _____ Date of Transfer: _____

Is this land currently the subject of any other application under the Planning Act, such as an application for Official Plan Amendment, Zoning By-Law Amendment, Minor Variance, Minister's Order, or Power of Sale? ☐ Yes ☒ No

If yes, please provide the following:

Type: _____ File No. _____ Status: _____

13. Minimum Distance Separation (MDS)

Are there any barns within 750-1,500 metres (2,460-4,921 feet) of the subject property which currently house, or are capable of housing, livestock? ☐ Yes ☒ No

Are there any anaerobic digesters within 750-1,500 metres (2,460-4,921 feet) of the subject property? ☐ Yes ☒ No

If yes, please complete an "MDS Data Sheet" for each barn.

14. Agricultural Severances (for lands within the agricultural designation only)

Is the severance to dispose of a residence surplus to a farming operation (must have 2 houses)? ☐ Yes ☒ No

Is this severance to create a new farm parcel approximately 40 hectares (100 acres) in size? ☐ Yes ☒ No

Is this severance for a commercial or industrial "agriculture-related" use? ☐ Yes ☒ No

15. Adjacent Lands Surrounding the Landholding

Please state the names of the owners, the use of the land and buildings existing on the lands surrounding the applicants' entire landholding. This information should also be on the sketch, and can be obtained from the Township or Land Division Office. If more room is needed, please add extra Schedule page.

Direction	Name of Owner (only when known to the applicant)	Use of Land – (must be filled in) (i.e. farm, residential etc.)	Buildings (i.e. house, barn etc.) (must be filled in)
North	BROWN (SELF)	AGRICULTURAL	
South	TERRY O'BRIEN	PASTURE	COVERALL + NEW DWELLING
East	JORDAN BROWN	AGRI.	DWELLING, COVERALL BARN
West	N/A		

16. Driving Directions

Please describe in detail driving directions to the subject property: EAST OF DOURO ON CTY RD 8

RIGHT ON DOURO 1ST LINE

MDS DATA SHEET

This is to be completed and attached to the application when applying for a severance within 1,000 metres (3,281 feet) of an existing livestock facility. Complete one sheet for each barn if it is capable of housing livestock regardless of current use.

Owner of Livestock Facility: David BrownTelephone: 652-1645Township: Douglas SummerLot: PT5Concession: 2Distance from livestock facility to new use: Approx 2000' (metres or feet)

Distance from manure storage to new use: _____ (metres or feet)

Tillable land where livestock facility is located: _____ (hectares or acres)

Type of Livestock (check those that apply)	Maximum Housing Capacity (#)	Type of Manure Storage (enter appropriate code from following page)
DAIRY <input type="checkbox"/> Milking Cows ↳ <input type="checkbox"/> Holstein <input type="checkbox"/> Guernsey <input type="checkbox"/> Jersey <input type="checkbox"/> Heifers ↳ <input type="checkbox"/> Holstein <input type="checkbox"/> Guernsey <input type="checkbox"/> Jersey		
BEEF <input type="checkbox"/> Cows ↳ <input checked="" type="checkbox"/> Barn Confinement <input checked="" type="checkbox"/> Barn with Yard <input type="checkbox"/> Feeders ↳ <input type="checkbox"/> Barn Confinement <input type="checkbox"/> Barn with Yard	20	V3
SWINE <input type="checkbox"/> Sows <input type="checkbox"/> Feeder Hogs <input type="checkbox"/> Breeder Gilts <input type="checkbox"/> Weaners		
POULTRY <input type="checkbox"/> Chicken Broilers (____ week cycle) <input checked="" type="checkbox"/> Broiler Layers <input type="checkbox"/> Pullets ↳ <input type="checkbox"/> Chicken <input type="checkbox"/> Turkey <input type="checkbox"/> Meat Turkeys ↳ <input type="checkbox"/> < 6.2kg <input type="checkbox"/> 6.2-10.8kg <input type="checkbox"/> > 10.8kg <input type="checkbox"/> Turkey Breeder Layers		
HORSES		
SHEEP <input type="checkbox"/> Adult Sheep <input type="checkbox"/> Feeder Lambs		
GOATS <input type="checkbox"/> Adult Goats <input type="checkbox"/> Kid Goats		
OTHER (please specify)		

Signatures Page

If the applicant is not the owner of the subject land, a **written authorization** of the owner that the applicant is authorized to act as agent and make the application on his/her behalf is required (original please).

If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation and the Corporation's Seal (if any) must be affixed.

Signature(S)

Dated at the (City, Township) of Douro Dummer this 23 day of SEPTEMBER, 2021.

Signature of owner(s) or authorized solicitor/agent

Signature of owner(s) or authorized solicitor/agent

Declaration

This section must be signed before a Commissioner for Taking Affidavits or a designated Official of the Municipality (i.e. Reeve, Clerk, Secretary-Treasurer of the Land Division Committee, lawyer, etc.)

I/we, DAVID/DEBRA BROWN of the Township, City, etc. of DOURO-DUMMER, in the County/Region/Municipality, etc. of PETERBOROUGH solemnly declare that all the statements contained in this application are true, and I make this solemn declaration as if made under oath and by virtue of the Canada Evidence Act.

Declared before me at the TOWNSHIP City, Townshipof DOURO-DUMMER Name of City, etc.in the COUNTY County, Region, etc.of PETERBOROUGHthis 12 day of October, 2021.

Ann Hamilton
Commissioner, etc. for taking affidavits

**Ann Frances Hamilton, a Commissioner,
etc., Province of Ontario, for the
Corporation of the County of Peterborough.
Expires December 29, 2023.**

Owner or authorized Agent

Owner or authorized Agent

Personal information contained on this form is legally authorized under Sec.53 of the Planning Act and O.Reg.197/96 for the purpose of processing your planning application and will become part of a public record.

Pursuant to Sec.1.0.1 of the Planning Act, and in accordance with Sec.32(e) of the Municipal Freedom of Information and Protection of Privacy Act the County of Peterborough may make all planning applications and supporting material available to the public in hard copy or electronically. If you have any questions about the collection, use or disclosure of this information by the County of Peterborough, please contact the CAO or Clerk, County of Peterborough, 470 Water Street, Peterborough, Ontario K9H 3M3

An "original" signed copy of the application and sketch must be submitted, together with 6 copies of both the application and sketch, each copy stapled individually with a sketch. All copies of the sketch or survey must be coloured – red for severed lots, green for retained. Copies may be double-sided. Please submit application with a cheque for \$1150.00 payable to the "County of Peterborough".

LEAH
PASTURE

DRIVE
SHED

HOUSE
SEPTIC

COVERALL

DRIVE SHOP

SHOP

WASHES

BARN

HAY
PASTURE

96 ACRES
TO BE
RETAINED

HILLS

VALLEYS

HAY
GROUND

1614'

POURD 1ST LINE

LEAH
PASTURE
BARN
SEPTIC

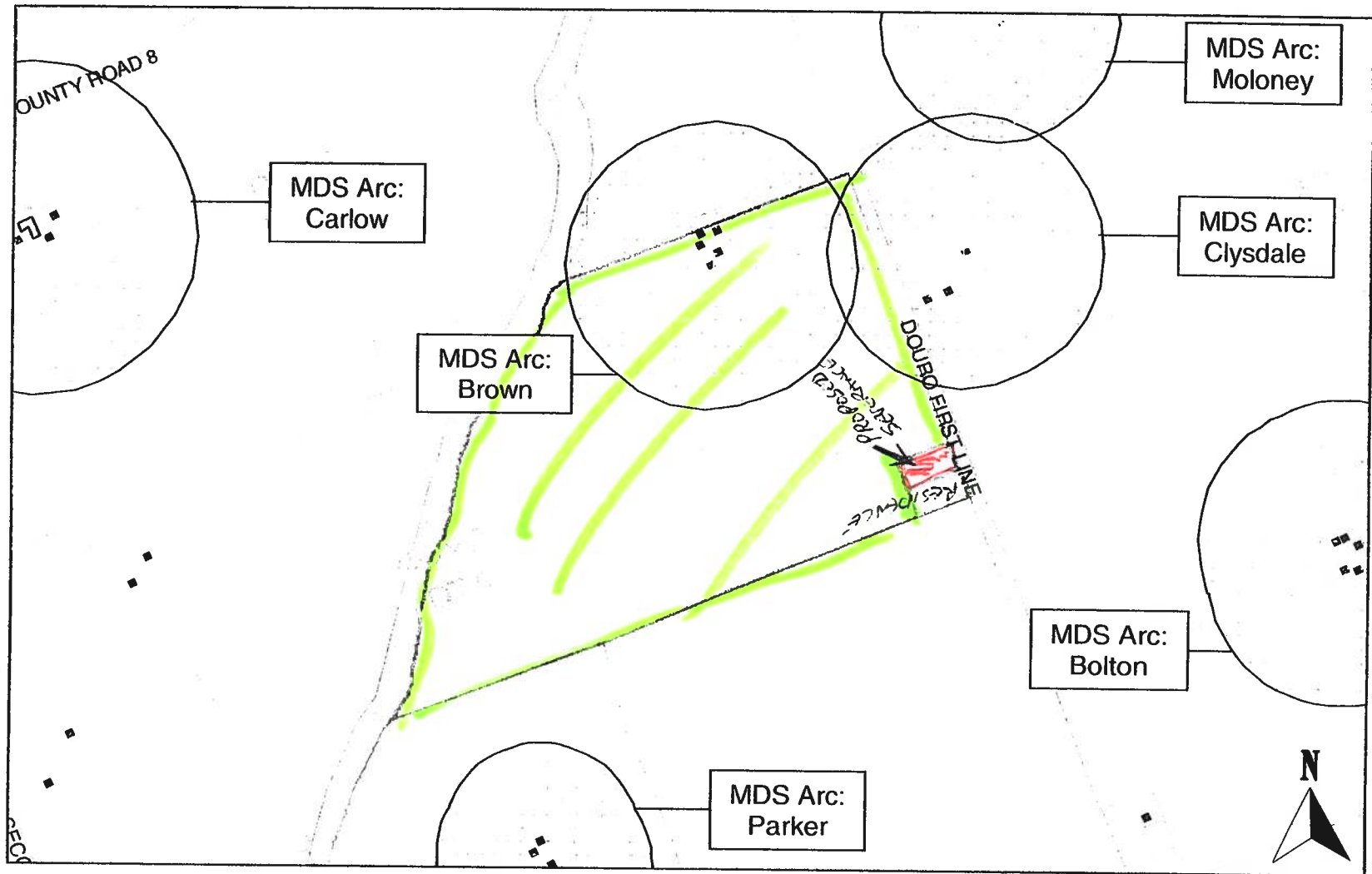
PROPOSED
SEPTIC
TANK

B-27-15

JASON
M
BROWN

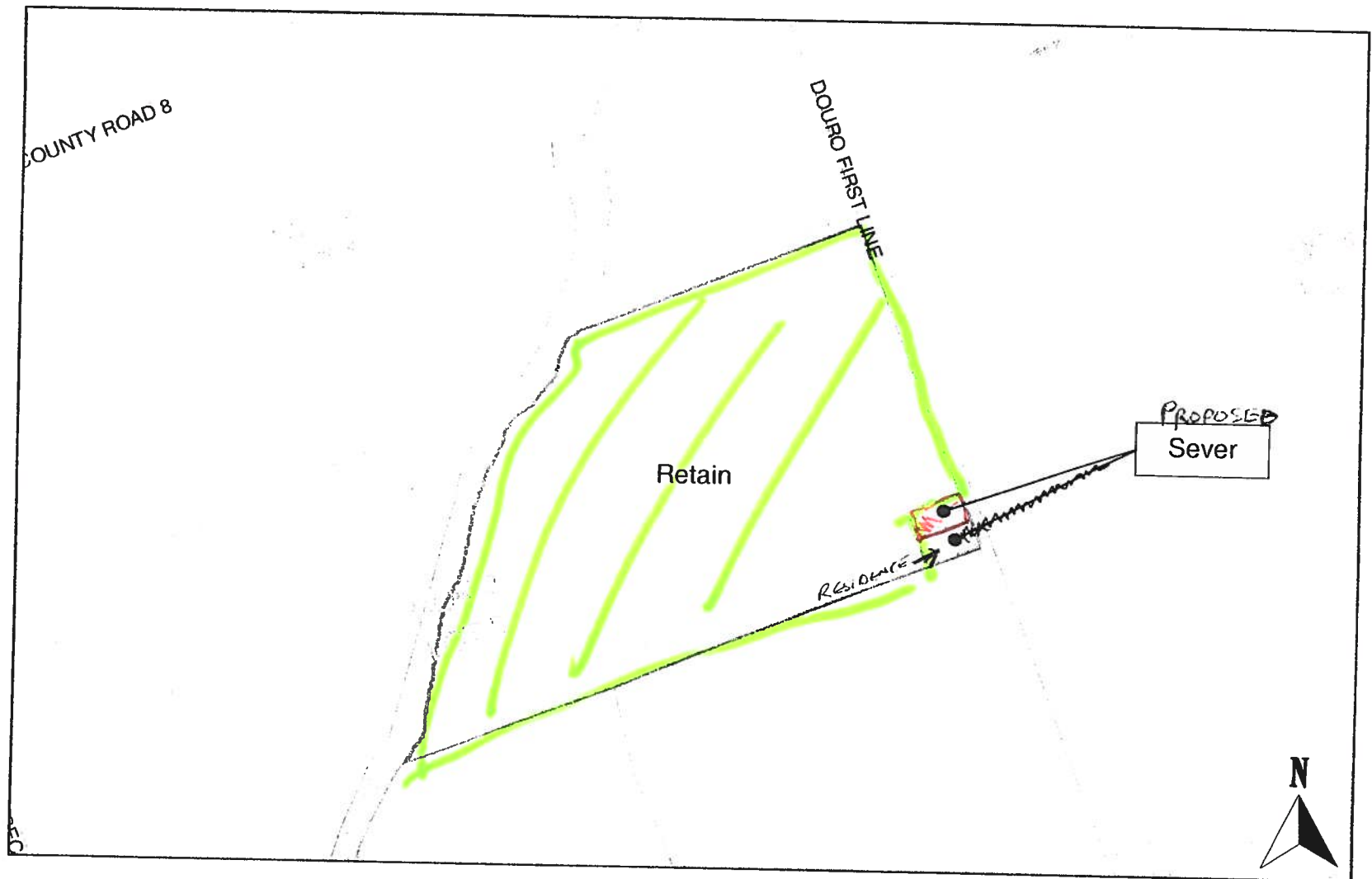
ERIN
OB
LO

Special Features Mapping - Wetlands



NOTE: New development, including lot creation, must be located outside the MDS arc(s) shown above.

Scale (metric)
1 : 10,000



Scale (metric)
1 : 10,000

County of Peterborough Land Division
470 Water Street, Peterborough, Ontario K9H 3M3
email: AHamilton@ptbocounty.ca
T-705-743-3718 or 800-710-9586, Ext. 2406 Fax: 705-876-1730



Application for Consent

Note to Applicant: All questions must be answered or application may be returned. Application Fee: \$1150.00 must accompany fully completed application and 6 copies. It is strongly advised the applicant complete a Preliminary Severance Review with the County of Peterborough Planning Department. Have you done so: Y/N _____ Date: _____ If yes, were there any Studies required? Y/N _____ (i.e. Traffic Study, Archaeological Study and Environmental Impact Analysis (EIA)). Have you attached 4 copies of each to this application? Y/N _____	Office Use: File No. B- 11621 Amended Date Received: RECEIVED DEC 03 2021 LAND DIVISION
---	--

1. Owner Information	
Name(s): <u>DAVID/DEBRA BROWN</u>	Address: <u>400 DOURO 1ST LINE</u>
City/Province: <u>DOURO-DUMMER</u>	Postal Code: <u>K0L 2B0</u>
Phone: (H) <u>705-652-7645</u> (B) _____	Fax or E-mail: <u>dbrown50@rogers.com</u>
Do you wish to receive all communications? <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Authorized Agent/Solicitor Information	
Name(s): _____	Address: _____
City/Province: _____	Postal Code: _____
Phone: (H) _____ (B) _____	Fax or E-mail: _____
Do you wish to receive all communications? <input type="checkbox"/> Yes <input type="checkbox"/> No	

3. Property Description			
Ward: <u>DOURO</u>	Township: <u>DOURO-DUMMER</u>	Lot: <u>5</u>	Concession: <u>2</u>
Municipal (911) Address: <u>400 DOURO 1ST LINE</u>	Tax Roll #: <u>1522010 on 205800</u>		
Registered Plan #: _____	Block/Lot: _____		

4. Type and Purpose of Proposed Transaction	
Transfer:	<input checked="" type="checkbox"/> Creation of a New Lot <input type="checkbox"/> Addition to a Lot (moving/adjusting lot line)
Other:	<input type="checkbox"/> Right-of-Way <input type="checkbox"/> Easement <input type="checkbox"/> Correction of Title <input type="checkbox"/> Charge <input type="checkbox"/> Lease

5. Transferee	
If known, the name of the person(s), to whom land or interest in land is intended to be transferred, charged or leased: _____ relationship to owner: _____	
Address: <u>SELF</u>	
Phone: (H) _____ (B) _____	Fax or E-mail: _____

6. Description of Severed Lot (provide both metric & imperial measurements and include all dimensions on sketch)						
Frontage (metres): <u>63.6</u>	Depth (metres): <u>63.62</u>	Area (m ² or hectares): _____				
Frontage (feet): <u>208</u>	Depth (feet): <u>208</u>	Area (ft ² or acres): <u>1</u>				
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Existing Use: (i.e. residential, commercial, recreational) <u>AGRICULTURE</u> </td> <td style="width: 50%; vertical-align: top;"> Proposed Use: (i.e. residential, commercial, recreational) <u>RESIDENTIAL</u> </td> </tr> <tr> <td style="vertical-align: top;"> Name Existing Buildings & Structures, including well & septic (and show on sketch with setbacks) </td> <td style="vertical-align: top;"> Name Proposed Buildings & Structures, including well & septic (and show on sketch with setbacks) </td> </tr> </table>			Existing Use: (i.e. residential, commercial, recreational) <u>AGRICULTURE</u>	Proposed Use: (i.e. residential, commercial, recreational) <u>RESIDENTIAL</u>	Name Existing Buildings & Structures, including well & septic (and show on sketch with setbacks)	Name Proposed Buildings & Structures, including well & septic (and show on sketch with setbacks)
Existing Use: (i.e. residential, commercial, recreational) <u>AGRICULTURE</u>	Proposed Use: (i.e. residential, commercial, recreational) <u>RESIDENTIAL</u>					
Name Existing Buildings & Structures, including well & septic (and show on sketch with setbacks)	Name Proposed Buildings & Structures, including well & septic (and show on sketch with setbacks)					
Type of Access: <input checked="" type="checkbox"/> Municipal maintained road <input type="checkbox"/> County Road <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Seasonally maintained municipal road <input type="checkbox"/> Private road or right-of-way <input type="checkbox"/> Water <input type="checkbox"/> Other _____						
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Water Supply: <u>PROPOSED</u> <input type="checkbox"/> Publicly owned/operated piped water system <input checked="" type="checkbox"/> Privately owned/operated individual well <input type="checkbox"/> Privately owned/operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other _____ </td> <td style="width: 50%; vertical-align: top;"> Sewage Disposal: (if existing, show on sketch) <u>PROPOSED</u> <input type="checkbox"/> Publicly owned/operated sanitary sewage system <input checked="" type="checkbox"/> Privately owned/operated individual septic tank <input type="checkbox"/> Privately owned/operated communal septic tank <input type="checkbox"/> Privy <input type="checkbox"/> Other _____ </td> </tr> </table>			Water Supply: <u>PROPOSED</u> <input type="checkbox"/> Publicly owned/operated piped water system <input checked="" type="checkbox"/> Privately owned/operated individual well <input type="checkbox"/> Privately owned/operated communal well <input type="checkbox"/> Lake or other water body <input type="checkbox"/> Other _____	Sewage Disposal: (if existing, show on sketch) <u>PROPOSED</u> <input type="checkbox"/> Publicly owned/operated sanitary sewage system <input checked="" type="checkbox"/> Privately owned/operated individual septic tank <input type="checkbox"/> Privately owned/operated communal septic tank <input type="checkbox"/> Privy <input type="checkbox"/> Other _____		
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If a septic system exists on the severed parcel, when was it installed and inspected? <u>N/A</u>						
How far is it located from the lot line(s) & well? _____ (ft. or meters)						
Have you shown the well & septic locations and setbacks on the sketch? _____						

If the severed lot is an "Addition" or "Lot Line Adjustment", please provide the following information.
If not, please skip this section and move onto Section 8:

7. Description of Lot Being Added To (provide both metric & imperial measurements and include all dimensions on sketch)						
Frontage (metres): _____	Depth (metres): _____	Area (m ² or hectares): _____				
Frontage (feet): _____	Depth (feet): _____	Area (ft ² or acres): _____				
<table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Existing Use: (i.e. residential, commercial, recreational) </td> <td style="width: 50%; vertical-align: top;"> Proposed Use: (i.e. residential, commercial, recreational) </td> </tr> <tr> <td style="vertical-align: top;"> Name Existing Buildings & Structures, including wells & septic (and show on sketch with setbacks) </td> <td style="vertical-align: top;"> Name Proposed Buildings & Structures, including wells & septic (and show on sketch with setbacks) </td> </tr> </table>			Existing Use: (i.e. residential, commercial, recreational) 	Proposed Use: (i.e. residential, commercial, recreational) 	Name Existing Buildings & Structures, including wells & septic (and show on sketch with setbacks)	Name Proposed Buildings & Structures, including wells & septic (and show on sketch with setbacks)
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Official Plan Designation: _____ Current Zoning: _____						
Type of Access: <input type="checkbox"/> Municipal maintained road <input type="checkbox"/> County Road <input type="checkbox"/> Provincial Highway <input type="checkbox"/> Seasonally maintained municipal road <input type="checkbox"/> Private road or right-of-way <input type="checkbox"/> Water <input type="checkbox"/> Other _____						
Roll # of Lot Being Added to: _____						

8. Description of Retained Lot (provide both metric & imperial measurements and include all dimensions on sketch)Frontage (metres): 428.42 Depth (metres): _____ Area (m² or hectares): 38.85Frontage (feet): 1405.7 Depth (feet): _____ Area (ft² or acres): 96 ACRES**Existing Use:** (i.e. residential, commercial, recreational)**Proposed Use:** (i.e. residential, commercial, recreational)Name Existing Buildings & Structures, including wells & septic
(and show on sketch with setbacks)Name Proposed Buildings & Structures, including wells & septic
(and show on sketch with setbacks)RESIDENCE, BARN, 2 DRIVE SHEDS, HAY STORAGE, GARAGE**Type of Access:**☒ Municipal maintained road☐ County Road☐ Provincial Highway☐ Seasonally maintained municipal road☐ Private road or right-of-way☐ Water ☐ Other _____**Water Supply:**☐ Publicly owned/operated piped water system☒ Privately owned/operated individual well☐ Privately owned/operated communal well☐ Lake or other water body☐ Other _____**Sewage Disposal: (if existing, show on sketch)**☐ Publicly owned/operated sanitary sewage system☒ Privately owned/operated individual septic tank☐ Privately owned/operated communal septic tank☐ Privy☐ Other _____If a septic system exists on the retained parcel, when was it installed and inspected? N/A + 2005How far is it located from the lot line(s) & well? 25 (ft. or meters)

Have you shown the well & septic locations and setbacks on the sketch? _____

9. Local Planning DocumentsWhat is the current Township **Official Plan** designation on this property? RURAL/AG
(this information is available from the Preliminary Severance Review and/or from the Township)What is the current zoning on this property, as found in the Township **Zoning By-Law**? RURAL, 1E
(this information is available from the Preliminary Severance Review and/or from the Township)**10. Provincial Policy**

Is the application consistent with the Provincial Policy Statements?

(this information is available from the Preliminary Severance Review and/or from the County Planning Dept.)

☒ Yes ☐ No

Is the subject property within an area of land designated under any provincial plan(s)?

(Oak Ridges Moraine Conservation Plan applies to portions of Cavan Ward only;

Growth Plan applies to the entire County of Peterborough so answer should be yes)☒ Yes ☐ No

If yes, does the application conform to or meet the intent of the provincial plan(s)?

☐ Yes ☐ No**11. Restrictions of Subject Land**

Are there any easements or restrictive covenants (i.e. hydro, Bell) affecting the subject land?

☐ Yes ☒ No

If yes, describe the easement or covenant and its effect: _____

12. Previous Planning Act Applications

Is the subject land now, or has it been, the subject of an application for a Plan of Subdivision under Section 51 or a consent under Section 53 of the *Planning Act*? ☐ Yes ☒ No

Has the owner of the subject land severed any land from the original acquired parcel? ☒ Yes ☐ No

If yes, indicate this information on the required sketch and provide the following (if known):

File No. B- 27-15, Transferee: JASON/MERANDA BROWN Date of Transfer: APRIL 2019
 File No. B- _____, Transferee: _____ Date of Transfer: _____

Is this land currently the subject of any other application under the Planning Act, such as an application for Official Plan Amendment, Zoning By-Law Amendment, Minor Variance, Minister's Order, or Power of Sale? ☐ Yes ☒ No

If yes, please provide the following:

Type: _____ File No. _____ Status: _____

13. Minimum Distance Separation (MDS)

Are there any barns within 750-1,500 metres (2,460-4,921 feet) of the subject property which currently house, or are capable of housing, livestock? ☐ Yes ☒ No

Are there any anaerobic digesters within 750-1,500 metres (2,460-4,921 feet) of the subject property? ☐ Yes ☒ No

If yes, please complete an "MDS Data Sheet" for each barn.

14. Agricultural Severances (for lands within the agricultural designation only)

Is the severance to dispose of a residence surplus to a farming operation (must have 2 houses)? ☐ Yes ☒ No

Is this severance to create a new farm parcel approximately 40 hectares (100 acres) in size? ☐ Yes ☒ No

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15. Adjacent Lands Surrounding the Landholding

Please state the names of the owners, the use of the land and buildings existing on the lands surrounding the applicants' entire landholding. This information should also be on the sketch, and can be obtained from the Township or Land Division Office. If more room is needed, please add extra Schedule page.

Direction	Name of Owner	Use of Land (i.e. farm, residential etc.)	Buildings (i.e. house, barn etc.)
North	BRIAN LEAHY	PASTURE/ RESIDENCE	HOUSE
South	TERRY O'BRIEN	RESIDENCE/ PASTURE	COVERALL NEW RESIDENCE
East	JORDAN BROWN	PASTURE	RESIDENCE COVERALL HORSE BARN
West	N/A		

16. Driving Directions

Please describe in detail driving directions to the subject property: EAST OF DOWRO ON CTY RD 8
RIGHT ON DOWRO 1ST LINE

Subject RE: Lot
To: [DAVE BROWN <dbrown50@rogers.com>]
From Warren, Amanda <AWarren@ptbocounty.ca>
Date Fri., 26 Nov. 2021 at 12:49 p.m.

It's fine to be one acre since the MDS is no longer an issue. I have put in the estimated measurements so you can mark it out – at least it will give something for the surveyor to go on.

You may proceed with your formal application – all the forms can be found online. Ann Hamilton is available to assist if you need any help making the application.



Signatures Page

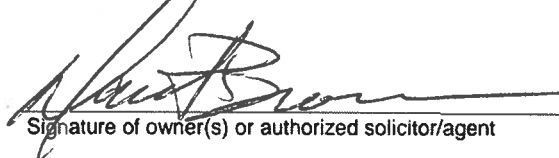
If the applicant is not the owner of the subject land, a **written authorization** of the owner that the applicant is authorized to act as agent and make the application on his/her behalf is required (original please).

If the applicant is a Corporation acting without agent or solicitor, the application must be signed by an Officer of the Corporation with a declaration indicating that the said Officer has the authority to bind the Corporation and the Corporation's Seal (if any) must be affixed.

Signature(S)

Dated at the (City, Township) of PETERBOROUGH this 3RD day of DECEMBER, 2021.


Signature of owner(s) or authorized solicitor/agent



Signature of owner(s) or authorized solicitor/agent

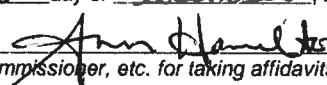
Declaration

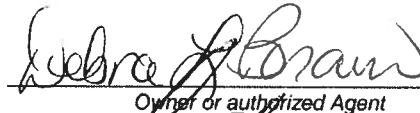
This section must be signed before a Commissioner for Taking Affidavits or a designated Official of the Municipality (i.e. Reeve, Clerk, Secretary-Treasurer of the Land Division Committee, lawyer, etc.)

I/we, DAVID/DEBRA BROWN of the Township, City, etc. of Oakville-Dummer, in the County/Region/Municipality, etc. of PETERBOROUGH, solemnly declare that all the statements contained in this application are true, and I make this solemn declaration as if made under oath and by virtue of the Canada Evidence Act.

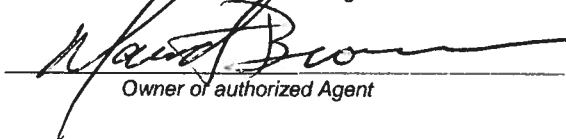
Declared before me at the PETERBOROUGH
City, Township
of Oakville-Dummer, Peterborough
Name of City, etc.
in the COUNTY
County, Region, etc.
of PETERBOROUGH

this 3 day of December, 2021.


Commissioner, etc. for taking affidavits
Ann Frances Hamilton, a Commissioner,
Province of Ontario, for the
Corporation of the County of Peterborough.
Expires December 29, 2023.



Owner or authorized Agent

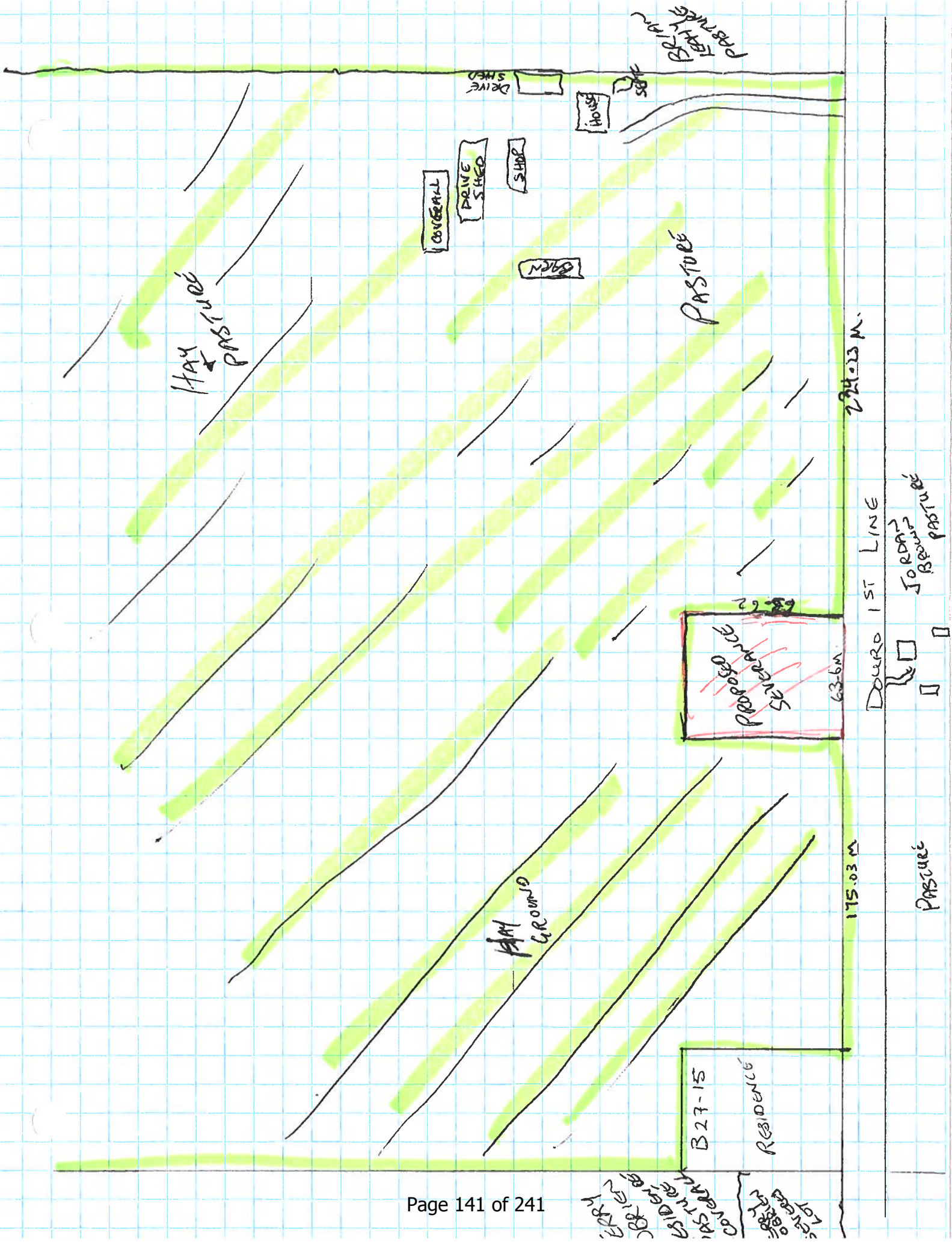


Owner or authorized Agent

Personal information contained on this form is legally authorized under Sec.53 of the Planning Act and O.Reg.197/96 for the purpose of processing your planning application and will become part of a public record.

Pursuant to Sec.1.0.1 of the Planning Act, and in accordance with Sec.32(e) of the Municipal Freedom of Information and Protection of Privacy Act the County of Peterborough may make all planning applications and supporting material available to the public in hard copy or electronically. If you have any questions about the collection, use or disclosure of this information by the County of Peterborough, please contact the CAO or Clerk, County of Peterborough, 470 Water Street, Peterborough, Ontario K9H 3M3

An "original" signed copy of the application and sketch must be submitted, together with 6 copies of both the application and sketch, each copy stapled individually with a sketch. All copies of the sketch or survey must be coloured – red for severed lots, green for retained. Copies may be double-sided. Please submit application with a cheque for \$1150.00 payable to the "County of Peterborough".



From: [Jordan Brown](#)
To: [Hamilton, Ann](#)
Subject: B-116-21A severance objection
Date: August 5, 2022 8:49:51 AM
Attachments: [Brown - MDS.pdf](#)
[Brown MDS Douro First Line.pdf](#)
[369 First Line MDS for Main Barn Rev.1.pdf](#)
[369 First Line MDS for Coverall Rev. 1.pdf](#)

Friday August 5th 2022

Good morning Ann,

In Regards to "Notice of Application for Consent" File B-116-22 Amended

Please accept this as my formal objection to severance application B-116-21 Amended that was sent on July 25 2022. The amended application shows no substantial change in lot location that would change the concerns I have raised since the amended application was first submitted in December 2021. Among my concerns (but not limited to this list) are the following;

The original MDS circles for 369 Douro First Line were completed for Peterborough County for the severance application B-116-21 by Emma Drake, Planner for D.M Wills and Associates for the application dated August 2nd 2021. The original submission (attached) showed the MDS circles as being based off of having an existing maximum number of beef of 59. This number is in line with historical and planned potential use of the property. The building base distance "F" and the storage base distance "S" were both set at 208m. No objection was submitted in regards to this application. In December of 2021 the application was amended to B-116-21A where the MDS-1 document prepared was changed to show a horse only farm facility with a maximum of 11 horses. This change was done without the input of myself or my wife, Melinda, the owner/operators of the farm.

In the "Minimum Distance Separation (MDS) Document" issued by the Ministry of Agriculture Food and Rural Affairs it is stated in implementation guideline 16 that "the preferred method for obtaining information (e.g. livestock and manure type as well as design capacity) to be used in MDS 1 calculations for a complete planning application is visiting the site and getting information directly from the farm operator(s) or owner(s) of the property where the livestock facilities or anaerobic digesters are located."

At no point in the original application of B-116-21 or the secondary application of B-116-21A where Melinda or I (owners and operators) contacted to verify the validity of the MDS-1 assumptions. As we agreed that the original MDS-1 document prepared for the original application was close to being accurate (59 cattle V3 manure), we did not contest the application. However in December 2021 the application was amended without our consent or input. Our land use was attempted to be modified by our neighbours to state we did not have any cattle (see attached). Ironically I bought a cow off of Dave and Deb once so they knew for certain we had cows, a simple look out their window would have confirmed cows were present. The applicants untruthful and knowingly inaccurate information was given for the sole purpose of getting a severance application approved that shouldn't be approved.

At that point I raised these concerns to Amanda Warren and Ann Hamilton of Peterborough County. I had several good discussions with Amanda and I submitted the attached MDS-1 forms based on my (owner/operator) assessment of the MDS-1 setbacks that were calculated using the OMAFARA "AgriSuite" tool with and physical measurements and livestock uses in place on the farm.

The MDS-1 forms I submitted for the main barn, as the owner/operator showed a value of 61 cattle maximum capacity with a V3 manure type. The value of 61 gave a setback such that the suggested lot severance location was well in violation of the MDS setback. The owner / operator assessment of the MDS-1 and the D.M. Wills original MDS-1 calculation show very similar numbers (61 and 59). Not until December 2021 when the applicants for B-116-21 amended their application did the numbers for our barns get inaccurately reported, in order to get a severance approved that shouldn't be approved. The applicants, in order to get the answer they wanted in regards to the severance, attempted to change our land use by giving information they knew to be inaccurate.

After my communication with Amanda and Ann in December of 2021 with an update of accurate MDS-1 info, collected as specified in the Minimum Distance Separation Document, the application was not pursued by the applicants.

On July 30th 2022 I received another “notice of application for consent” from from County of Peterborough with the same file number as existed in December 2021 (B-116-21A). I requested what lot location information had been modified since the previous application, under the same number. I was sent the attached consulting document prepared for Dave Brown by Clark Consulting Services. Again I was not consulted by Dave Brown, County of Peterborough or the consultant Robert K. Clark to verify if any of the assumptions or measurements or calculations were accurate. At no point did Dave, County of Peterborough or Robert K. Clark have a site visit to measure and verify any of the measurements that are being used in the report to attempt to approve this application or to verify the actual, historical or projected livestock use. As such, the consulting document is inaccurate and uses information not collected in accordance with how information should be collected, specified by the Minimum Distance Separation Document. On page 3 of the consulting document the consultant Robert K. Clark states “CCS staff have considered how to gather information without physically approaching barn owners. If the barns generate an MDS setback critical to this application, CCS Staff will contact the owners by telephone or personal visit...”. Neither a personal visit or telephone call to verify the inaccurate information in the consulting document took place. The document prepared for Dave Brown by Clark Consulting Services is riddled with errors, too many to mention them all in this objection. Some of the inaccuracies are;

- The barn size is approx. 250m square and was reduced in the report to 100m square.
- The livestock counts for current and historical are inaccurate.
- The maximum number of livestock that can be housed in the barn is the calculation to be used in the MDS guidelines - this is not what was used in the report.
- The Agrisuite MDS calculations were created using inaccurate data, without the land owners input.

Formally, I will be hiring a third party consultant to properly asses the farm at 369 Douro First Line in relation to application B-116-21A.

Please confirm receipt of this formal objection to “Notice of Application for Consent” file number B-116-21 Amended.

Can you also please confirm that I will be given the appropriate time necessary (considering summer vacations and staffing concerns) to get a consultant hired, out for a site visit and time to prepare the report before the tribunal hearing?

It is clear the applicants have manipulated the data and continue to use data collection methods that are not inline with the guidance of the Minimum Distance Separation Document to get the result they desire, not the result that should be accepted based off of the guidelines.

Thanks,
Jordan Brown
369 Douro First Line
Douro-Dummer ON
K0L 2B0
705 741 8867

Jordan Brown

Recommendation:

That the Planning-2023-17 Report, dated June 6, 2023, regarding Proposed Provincial Planning Statement be received and that staff be directed to add a cover letter to the Minister and local MPPs indicating Township support of the Peterborough County formal response on the draft Provincial Policy Statement and that Council provide direction on Section 4.3.3 of the PPS as outlined in Appendix A.

Overview:

On April 6, 2023, the Province posted a draft Provincial Planning Statement (PPS) to the Environmental Registry of Ontario (ERO) for a 60-day commenting period. The initial 60 day commenting period was set to close at 11:59 p.m. on June 5, 2023. However, in correspondence dated May 30, 2023, the Province noted that a decision was made to extend the commenting period by an additional 60 days. The commenting period will now close at 11:59 p.m. on August 4, 2023.

The ERO posting is available on-line at: <https://ero.ontario.ca/notice/019-6813> and a copy of the Provincial April 6, 2023 correspondence is attached to this Report.

At its meeting held on May 17, 2023, Peterborough County Council received Report PPW 2023-13 on the draft PPS and passed the following Resolution:

Moved by Councillor Black
Seconded by Councillor Nelson

That Report PPW 2023-13, Report on the draft Provincial Planning Statement, be supported with the exception of 4.3.3 in Appendix A;

That staff be directed to add a cover letter to the Minister and local MPPs, which includes considerations for:

- Local autonomy regarding the number of severances in Agricultural Areas taking into account soil classifications and local mapping, and,
- Removes the broad-brush approach to Natural Heritage mapping that allows for more local autonomy.

That staff be directed to forward the cover letter and report to the Minister of Municipal Affairs and Housing and local MPPs as the formal response from Peterborough County on the draft Provincial Planning Statement; and

That a copy of the report and cover letter be forwarded to each local Township for their information.

Carried

A copy of Peterborough County Report PPW 2023-13, Appendix A and the cover letter to the Minister were received by the Township on May 24, 2023 and are attached to this Report.

The proposed PPS has been developed prior to the Province rendering a decision on the new County (and Township) Official Plan which was adopted on June 29, 2022. The proposed PPS, if approved in its current form, represents significant changes to a number of policies and possibly mapping in the newly adopted Official Plan, a process that began in 2017 and involved input from the Technical Advisory Committee, Council and the public.

It is unclear how the proposed PPS will impact the new Official Plan, not only with respect to the timing for a decision, but also by introducing uncertainty regarding whether the Province will modify the Official Plan to be consistent with the proposed PPS. The decision of the Province on the Official Plan will be final and cannot be appealed.

Conclusion:

Township Planning Staff have reviewed the proposed PPS and concur with Peterborough County Report PPW 2023-13, including the recommendation to not support Section 4.3.3 of the PPS as outlined in Appendix A.

Given that the time frame for commenting on the ERO has been extended, Staff recommend submitting comments to the Minister and local MPPs indicating Township support of the Peterborough County formal response on the draft Provincial Policy Statement.

Should Council support the motion of Peterborough County Council in its entirety, then it is recommended that Council clearly state their position on Section 4.3.3 by choosing one of the following options:

- Support – agree with the proposed PPS direction.
- Support with modification – agree with the proposed PPS direction but needs clarification/changes.
- Do not support – has the potential to significantly impact Peterborough County and/or conflicts with local plans such as the Climate Change Action Plan, Sustainability Plan etc.
- Concern – major concerns that could be resolved through modification or removal of other related policies.
- Unknown – insufficient information provided to form an opinion.

Financial Impact: N/A

Strategic Plan Applicability: To preserve and enhance the natural heritage features and resources of the Township.

Report Approval Details

Document Title:	Planning Department Report - Proposed PPS.docx
Attachments:	<ul style="list-style-type: none"> - 234-2023-1754 Minister to Heads of Council and CAO SIGNED (April 6, 2023).pdf - May 24 2023 letter to Minister Steve Clark - Proposed PPS 2023 (County of Peterborough).pdf - Staff Report - Proposed PPS (County of Peterborough).pdf - Staff Report - Proposed PPS - Appendix 1 (County of Peterborough).pdf
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416 585-7000



234-2023-1754

April 6, 2023

Good afternoon,

Today, our government announced further action to tackle the housing supply crisis and reach our goal of 1.5 million homes by 2031. The *Helping Homebuyers, Protecting Tenants Act* is the latest in a series of steps our government is taking to increase housing supply and help more Ontarians find a home they can actually afford.

Despite external economic challenges that are slowing down new home construction, including inflation and soaring interest rates, Ontario's plan to build more homes faster is working – with the highest number of housing starts in more than 30 years in 2021 and 2022, and the highest number of rental housing starts on record last year.

Details about the range of measures in our plan can be found in the [news release here](#).

As part of the plan, our government is introducing a new province-wide planning policy document that would provide municipalities with more flexibility, reduce duplication, create more homes in urban and rural communities, support local economies and create jobs while continuing to protect the environment (including existing Greenbelt protections), and public safety. It would also require coordination between municipalities and school boards to consider school and childcare needs earlier in the planning process, so that families moving to new housing can expect that local schools will be available for their children.

Ontario is undertaking a 60-day consultation on the proposed new Provincial Planning Statement until June 6, 2023 <https://ero.ontario.ca/notice/019-6813>.

In addition, the plan contains numerous actions to further tackle Ontario's housing crisis, including:

- A \$6.5 million investment to appoint an additional 40 adjudicators and hire five staff to improve service standards and continue to reduce active applications and decision timeframes at the Landlord and Tenant Board. This increase more than doubles of the number of full-time adjudicators at the Landlord Tenant Board.

.../2

- Proposed changes to make life easier for renters, with changes that would, if passed, clarify and enhance tenants' rights to install air conditioners. We are proposing to further strengthen protections against evictions due to renovations, demolitions and conversions, as well as those for landlord's own use.
- Proposed changes to the *Planning Act*, *City of Toronto Act*, and *Ministry of Municipal Affairs and Housing Act* to support the proposed new Provincial Planning Statement as well as other housing supply priorities.
- Doing more to protect first-time home buyers and their savings by expanding deposit insurance for First Home Savings Accounts held at Ontario credit unions.
- We are exploring a cooling-off/cancellation period on purchases of new freehold homes, and a requirement that purchasers of all new homes receive legal advice on their purchase agreements when they make one of the biggest purchases of their lives – a new home.

These and other related consultations can be found through the [Environmental Registry of Ontario and the Ontario Regulatory Registry](#).

Our plan was informed by AMO's 2022 A Blueprint for Action and ROMA's 2022 Task Force Report on Attainable Housing and Purpose-Built Rentals. These changes build on our continued work to provide a solid foundation to address Ontario's housing supply crisis over the long term and will be supplemented by continued action in the future.

The housing supply action plan is the latest in a series of steps our government is taking to increase housing supply and help more Ontarians find a home they can afford. We look forward to continued collaboration with our municipal partners to create the homes that Ontarians need today, tomorrow and in the decades to come.

Sincerely,



Steve Clark
Minister

c. Chief Administrative Officer



May 24, 2023

Honourable Steve Clark
Minister of Municipal Affairs and Housing
College Park 17th Floor
777 Bay St
Toronto, ON
M7A 2J3

Dear Sir:

RE: Proposed Provincial Planning Statement, 2023

The County of Peterborough has reviewed the proposed Provincial Planning Statement (ERO# 019-6813) and would like to submit the following comments.

At its meeting held on May 17, 2023, County Council passed the following motion:

Moved by Councillor Black
Seconded by Councillor Nelson

That Report PPW 2023-13, Report on the draft Provincial Planning Statement, be supported with the exception of 4.3.3 in Appendix A;

That staff be directed to add a cover letter to the Minister and local MPPs, which includes considerations for:

- Local autonomy regarding the number of severances in Agricultural Areas taking into account soil classifications and local mapping, and,
- Removes the broad-brush approach to Natural Heritage mapping that allows for more local autonomy.

That staff be directed to forward the cover letter and report to the Minister of Municipal Affairs and Housing and local MPPs as the formal response from Peterborough County on the draft Provincial Planning Statement; and
That a copy of the report and cover letter be forwarded to each local Township for their information.

Carried

Generally speaking, the County of Peterborough is in support of the proposed Provincial Planning Statement (PPS). The County has been on record for a great number of years advocating to be removed from the rigors of the Growth Plan. We appreciate the flexibility contained in the proposed PPS and the ability to consider local elements as we embark on a more County-appropriate approach to land use planning.

You will see in our staff report (attached) that we state our support for many of the proposed policies. However, you will also see from the above Resolution of Council, Council did not support staff comments associated with Section 4.3.3. To be clear, Council is very supportive of our agricultural industry and for the preservation of good farmland. At issue is the lack of flexibility for determining exactly what good farmland is. We would prefer to be able to use our own mapping based on existing ground conditions. Council doesn't necessarily oppose some/limited lot creation on farmland however, it would like the ability to determine the number of new lots based on local soil classes.

Council also wants to address the identification of natural heritage features. While we understand that this component will be considered at a later time by the Province, Council wanted to make you aware that it does not agree with the broad brush approach to the Natural Heritage Systems mapping that is currently in place. Peterborough County undertook an extensive mapping exercise with the assistance and involvement of the then Ministry of Natural Resources and community stakeholders to arrive at our Kawarthas Naturally Connected natural heritage mapping. The ability to utilize this mapping, which is much more accurate and geographically-specific, would assist us in applying more local autonomy to our decision making. We therefore ask that the current Natural Heritage Systems mapping be re-imagined.

Thank you for the opportunity to provide comment on the proposed PPS. If Ministry staff have any questions they may contact me or Mr. Iain Mudd, Director of Planning.

Yours truly,

BWeir

Bryan Weir
Sr. Director, Planning & Public Works
County of Peterborough

Cc: MPP Laurie Scott
MPP David Smith
MPP David Piccini

Attachments: Staff Report and Appendix



Staff Report

Meeting Date: May 17, 2023

To: County Council

Report Number: PPW 2023-13

Title: Report Draft Provincial Planning Statement

Author: Iain Mudd, Director of Planning

Approval: Sheridan Graham, CAO

Recommendation: That report PPW 2023-13, Report on the draft Provincial Planning Statement, be received; and,

That staff be directed to forward Report PPW 2023-13 to the Minister of Municipal Affairs and Housing and local MPP's as the formal response from Peterborough County on the draft Provincial Planning Statement; and,

That a copy of the report be forwarded to each local Township for their information.

Overview

On April 6, 2023, the Province posted the draft Provincial Planning Statement to the Environmental Registry of Ontario (ERO) for a 60 day commenting period.

The draft Provincial Planning Statement looks to create a province-wide, land use planning document with a focus on speeding up housing approvals.

While a number of the Statement's policies and definitions have been carried over from the 2020 Provincial Policy Statement, many have been modified to further the province's goal of increasing residential development. Some of the Statement's policies and definitions are entirely new. The Statement would eliminate the Growth Plan for the Greater Golden Horseshoe however a number of Growth Plan policies and definitions, some of which have also been modified to align with this housing goal are incorporated into the new Statement.



Staff Report

Background

The Ministry of Municipal Affairs and Housing (MMAH) sought input in 2022 on how to integrate The Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement. As a result of that exercise the Ministry has drafted a new planning policy document entitled “Provincial Planning Statement”.

Through this new draft Provincial Planning Statement, the government is proposing policies grouped under five pillars:

- Generate an appropriate housing supply
- Make land available for development
- Provide infrastructure to support development
- Balance housing with resources
- Implementation

This report focuses on those areas most applicable to the County.

Analysis

In short, the new Statement takes approximately 142 combined pages of policy contained in the Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2019) and reduces it to 44 pages. The Statement, although prescriptive with certain policies, seems to be removing some previous mandatory policies and replacing them with more relaxed policies. In many areas formerly prescriptive words “shall” and “will” have been replaced with “should” and “encourage” thereby providing municipalities with more local autonomy on policy applicability dependent on local circumstances.

Two areas of specific note relate to the Agricultural policies and the Natural Heritage policies. During the development of the County Official Plan we conducted surveys and open houses with County residents wherein comments were sought on the importance of several policy areas. Two policy areas which received a great deal of input/comment related to the importance and protection of Agricultural lands and Natural Heritage features.

Agricultural Lands

Of particular concern are the draft changes related to agricultural lands. Residential severances (other than those related to farm amalgamations) have not been permitted on Agriculturally designated lands for close to 20 years in an attempt to reduce farm



Staff Report

fragmentation, reduce non-farm land use conflicts and to protect the agricultural land base for future expansion of farm operations.

The draft Statement proposes to allow up to 3 residential lots to be created from any agricultural parcel where the predominant use of the parcel was agriculture as of January 1, 2023. The lots must:

- be compatible and not hinder surrounding agricultural operations
- comply with the minimum distance separation formula (MDS)
- have existing access on a public road and appropriate frontage for ingress/egress
- are adjacent to existing non-agricultural land uses or consist primarily of lower-priority agricultural lands

The Statement also directs that no official plan or zoning by-law shall contain provisions that are more restrictive than the 3 lot quota (except to address public health or safety concerns). In other words, municipalities would not be able to reduce or eliminate the 3 lot number if they so desired. This could have an immediate impact to the long-term viability of agriculture not only within our County but across the province.

Some local townships currently have ownership rules (land must be owned for 5 or 10 years) or size requirements (retained must be a certain acreage size). Such rules would be removed as they would be seen as more restrictive than the Statement allows.

Less than 5% of Ontario's land base is prime agricultural lands (OMAFRA 2016). Stats Canada (2022) reported 48,346 farms in Ontario in 2021. If each of those farms were to create 3 lots at one acre each that would represent 145,038 acres taken out of agricultural production.

Couple this with the minimum separation distance required for new or expanding livestock operations and it quickly becomes apparent that permitting residential lot creation in the agricultural area will limit the ability of livestock operations to be created or expanded.

The recent pandemic magnified the need for food security and coupled with the existing grocery prices being experienced today, it is somewhat alarming that the province is willing to throw away 20 years of agricultural protection in the name of housing when such opportunities more appropriately exist in other areas. The agricultural sector is a huge economic driver for Peterborough County. The impacts of this singular policy could have an irreversible impact to that sector. Once residential lots/uses are introduced into agricultural areas they will remain – residential lot creation is not a temporary use on the landscape.



Staff Report

Natural Heritage lands

The draft Statement that is currently out for comment on the Environmental Registry of Ontario (ERO) contains no policies related to Natural Heritage. These policies are apparently being developed by the province and will be released at a later date. It is problematic to review such an overarching policy document which is not fulsome in its policy context. The County has extensive natural heritage features across its landscape. It is disappointing that a fulsome policy document wasn't released that would allow a detailed analysis of the overall impacts and policy interconnectivity that will be applicable to our County.

Appendix "A" attached to this report is a table outlining the section number, effect of the policy, staff comments about the section, and our recommendation. Recommendations are summarized as follows:

- Support – agree with the proposed direction.
- Support with modification – agree with the proposed direction but needs clarification/changes.
- Do not support – has the potential to significantly impact Peterborough County and/or conflicts with local plans such as the Climate Change Action Plan, Sustainability Plan etc.
- Concern – major concerns that could be resolved through modification or removal of other related policies.
- Unknown – insufficient information provided to form an opinion.

Overall, the proposed Provincial Planning Statement appears to be prioritizing housing above all other matters of provincial interest. While the effect favours a more municipally lead approach and will eliminate some of the issues and red tape posed by the existing legislation, there are serious items of concern that will undermine good planning practices and years worth of implementation that have protected some of our most valuable areas.

Financial Impact

Not applicable.

Anticipated Impacts on Local and/or First Nations Communities

None

To provide high quality services to residents, businesses and Townships:

Housing – To engage in partnership and planning in support of meeting the housing needs of our community.



Staff Report

Industry & Business – To support the attraction, retention and growth of local business and industry.

In consultation with:

1. Keziah Holden, Senior Planner
2. Bryan Weir, Senior Director of Planning and Public Works

Communication Completed/required: Council's comments forwarded to MMAH via the ERO

Attachments

Appendix A – Table of changes and recommended position

Respectfully Submitted,

Original signed by:

Iain Mudd

Director of Planning

For more information, please contact:

Iain Mudd, Director of Planning

imudd@ptbocounty.ca

705-743-0380 x 2401

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
2.1.1	<p>Requires municipalities to add approved MZO's as an addition to the projected needs over the planning horizon as established in local Official Plan. This somewhat unplanned additional growth must be incorporated into the OP and related infrastructure plans during future updates.</p> <p>Minister's Zoning Orders have been approved regularly in recent years, with several approved in Peterborough County. Recognizing these in an OP and through infrastructure plans may put municipalities in a position to essentially plan and fund for previously unplanned growth. It could also mean major changes to or deviations from existing settlement area delineations and infrastructure plans where growth has been planned and budgeted for in municipalities for years. (ie the MZO will dictate where development will occur and not by municipal Councils through proper planning analysis).</p> <p>Reference to "provincial guidance" to inform future population and employment projections. No provincial guidance documents have been released for review, so it is unclear what these documents will look like and how they will impact future changes to the OP. This comment is applicable to all references to provincial guidance throughout the proposed Provincial Planning Statement.</p>	Concerns
2.3.4	<p>Allows for the establishment of new settlement areas, and the expansion of existing settlement areas, subject to meeting five criteria.</p> <p>This removes issues the County has seen with a limit on the area permitted by expansion, no longer requires any 'swap' of settlement area lands for adjustments and removes the need for a Municipal Comprehensive Review. However, the criteria are not substantial, requiring very little justification and no examination of the ability of existing settlement areas to accommodate the growth or justify how a new settlement area would utilize existing infrastructure efficiently. While the ability to expand settlement areas is welcome, the establishment of new settlement areas should not be taken so lightly and should be prohibited or subject to a more robust set of criteria.</p>	Support with modification

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
2.3.5	<p>Planning authorities encouraged to establish density targets for new or expanded settlement areas that are appropriate and based on local conditions.</p> <p>This is a significant change from policies in the current Growth Plan which require a specific methodology to be used, and minimum densities to be achieved regardless of local circumstances, presence of natural hazards, capability of emergency services or existing built form.</p> <p>Within serviced settlement areas, there is no longer a need to identify built-boundaries, designated greenfield areas or excess lands. This will remove some of the red-tape and additional policy hurdles that developers must overcome to move ahead with applications. However, it will rely on careful planning and review from various municipal departments to ensure development happens in a logical progression and doesn't get ahead of itself and available infrastructure.</p>	Support
2.4.1	<p>Municipalities may identify strategic growth areas where growth and development will be focused. The use of the term 'may' gives municipalities the option to utilize these policies to better support complete communities and a wider range of housing options that is appropriate to local conditions and need.</p>	Support
2.5	<p>The proposed Provincial Planning Statement no longer directs growth in Rural Areas to rural settlement areas.</p> <p>This is unfortunate since the effect almost encourages scattered rural growth which is known to be less efficient and less cost-effective in the delivery of services. As well, local Municipalities have recently reviewed their rural settlement areas and adjusted them through the development of the new Official Plan in anticipation that these areas would attract significant, and much needed, residential development.</p>	Do Not Support
2.6.1	<p>On rural lands, lot creation and multi-lot residential development is permitted where appropriate sewage and water services can be provided.</p> <p>This differs from the current policy environment which allows lot creation that is locally appropriate. The term 'multi-lot residential development' is not defined so it is unclear what this means. Given the number of new lots that are proposed to be permitted in</p>	Do Not Support

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	<p>prime agricultural areas, one can assume that this would mean at least 3 new lots but possibly more. It is concerning that this policy could permit new plans of subdivision in rural areas, something that has not been permitted for almost 20 years. This form of development does not build 'complete communities' but rather isolated clusters of residential development. It is strongly suggested that the policy be amended to read the same as Section 1.1.5.2(c) of the 2020 Provincial Policy Statement. If it remains unchanged, a definition for 'multi-lot residential development' should be provided.</p>	
2.8.1	<p>It is recognized that there may be employment uses located outside of designated employment areas, and a wide variety of uses are permitted in these areas to support complete communities. Official Plans cannot be more restrictive on these uses unless it is a matter of public health and safety.</p> <p>This is a much broader policy than anything in the 2020 PPS or the 2019 Growth Plan, which don't necessarily recognize or permit employment uses outside of designated areas. Allowing a variety of uses will enable local Municipalities to plan in a way that is appropriate to local context.</p>	Support
2.8.2	<p>Planning authorities are required to designate, protect and plan for employment areas in settlement areas. This includes selecting locations which serve research and development, manufacturing, warehousing and transportation, and prohibiting uses such as residential, unrelated retail and office uses, and other sensitive land uses within these areas.</p> <p>Planning authorities may remove lands from employment areas in circumstances where a small list of criteria can be met.</p> <p>Policy surrounding employment areas has been significantly reduced and streamlined. The proposed policy no longer requires a Municipal Comprehensive Review to add or remove lands from employment areas, there is no reference to provincially significant employment zones, there is no requirement to establish or implement minimum density targets (jobs per hectare) in employment areas, and the list of criteria to be satisfied to remove lands from an employment area has been substantially reduced. This will allow municipalities to maintain more control over employment areas and make changes as</p>	Support

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	they are needed. There is no policy that prohibits an Official Plan from being more restrictive or providing additional direction or criteria that may better assist in achieving a community's employment goals. The policy also appears to provide more flexibility in the establishment of limited types of employment uses (outside of employment areas).	
4.1	<p>Natural Heritage policies and related definitions are not included in the draft document and remain under consideration by the Provincial government. They will be made available in a separate posting on the Environmental Registry.</p> <p>Given how significantly the natural heritage policies of the Growth Plan have impacted Peterborough County since its release in 2017, it is extremely disappointing and frustrating that a fulsome policy document has not been provided. There are concerns that the addition of Natural Heritage policies could interact with and impact other policies that have been reviewed by staff, and could change staff opinion. Recent legislation has removed the authority of Conservation Authorities to review and comment on natural heritage features for Planning Act applications, so it will be doubly important to not only understand the impact of the new policies on the landscape but also on the day-to-day operation and implementation of those policies.</p> <p>The new County Official Plan, as adopted by Council in June 2022, was developed to conform to the Provincial Growth Plan and any changes to natural heritage policies will inevitably necessitate changes to the OP as adopted.</p>	Unknown Impact
4.2.3	<p>Municipalities are encouraged to undertake watershed planning to inform planning for water and sewage services and stormwater management, and for the protection, improvement or restoration of water quality and quantity.</p> <p>This is a significant change from the current mandate of the 2019 Growth Plan, which places the onus for undertaking watershed planning on upper-tier municipalities. Instead, the proposed policy encourages (rather than requires) and doesn't prescribe which level of government must undertake the work. The new policy appears to provide flexibility to allow watershed plans to be focused around areas of development pressure versus the entire County. This would be a better investment of funds to undertake the study.</p>	Support with Modification

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	<p>There is no reference to any provincial guidance so it is assumed that there is no prescribed methodology to be used, and unclear what role (if any) the Watershed Planning Guidance documents will play.</p> <p>Presumably, the scale of watershed planning can be undertaken at a level that makes sense locally. If this is not the case, it is recommended that additional clarity be provided. In going through the development of the new Official Plan, the County inquired whether watershed planning could be done only for those watersheds that contain serviced settlement areas but Provincial direction at the time was that it must be undertaken for the entire County, even though the vast majority of the County wouldn't see significant development.</p>	
4.3.1	<p>Planning authorities are encouraged to use an agricultural system approach based on provincial guidance. The term 'agricultural system' is defined in part as an agricultural land base, based on mapping provided by the Province where mapping is available and requested, comprised of prime agricultural areas and rural lands that create a continuous productive land base for agriculture.</p> <p>It is unclear if the existing Provincial agricultural system associated with the 2019 Growth Plan is the mapping referenced in the definition, or if there is new mapping that will become available. Based on the definition, it appears as though the mapping must be requested from the Province. There is also no requirement for municipalities to implement an agricultural system. Instead, planning authorities are encouraged to use a similar approach based on provincial guidance. It is unclear what this provincial guidance is, or what it will look like.</p> <p>Many municipalities have just finished undertaking an extensive review and justification process to incorporate the Provincial agricultural system into Official Plans. While some discretion in implementing an agricultural system is welcome (the process for not including lands in the system was particularly onerous), it is felt that stronger language in the proposed policy could be utilized. Up until the release of the Provincial agricultural system, the amount of designated agricultural land had been continuously</p>	Support with Modification

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	shrinking, and once it is fragmented by rural development and no longer farmed, it is very difficult to get back. Stronger protections should be in place to ensure those areas that are actively farmed are protected for the long-term economic prosperity of the agricultural industry and local food security.	
4.3.2.1	<p>Agriculture-related and on-farm diversified uses shall be compatible with and shall not hinder surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches which achieve the same objective.</p> <p>While this policy is almost identical to policies contained in the 2020 PPS, it is unclear if the 'provincial guidance' refers to the existing Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas or if new guidance will be released. Implementing policy for agriculture-related and on-farm diversified uses has required careful balance and guidance documents are helpful in that regard.</p>	Support
4.3.2.5	<p>Up to two additional residential units (ARU's) may be permitted in prime agricultural areas provided the units are within, attached to or in close proximity to the primary dwelling, they comply with minimum distance separation formulae, they do not hinder surrounding agricultural operations and adequate servicing can be provided. Additional residential units can be severed from the lot in accordance with severance policies.</p> <p>While the Planning Act permits ARU's on a lot where a detached house, semi-detached house or rowhouse is permitted, the proposed policies have provided clarity that this includes prime agricultural areas. It is uncertain how an ARU that is not contained within the primary dwelling can meet minimum distance separation (MDS) requirements. Guideline #14 appears to exempt development on the same lot as the subject livestock facility, but additional residential units are not specifically listed. Updates to the MDS Guidelines may be necessary for absolute clarity.</p> <p>It is concerning that this policy, coupled with the proposed severance policies discussed below, could permit up to 12 residential units across 4 lots (3 severed plus 1 retained) in a prime agricultural area whereas the current policy environment would permit a maximum of 3 residential units (primary dwelling plus 2 ARU's). That is a significant increase in traffic on roads which may be gravel and which are used regularly by farm</p>	Concern

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	equipment, and much greater potential for land use conflicts due to noise, dust and odor which are all part of normal farm practices.	
4.3.3	<p>Permits a total of 3 new residential lots from a property as it existed January 1, 2023, provided agriculture is the principal use of the lot, the severance does not hinder surrounding agricultural operations, complies with MDS, has public road frontage and adequate servicing, and is adjacent to existing non-agricultural land uses or consists or lower-priority agricultural lands. Official Plans and Zoning By-Laws shall not be more restrictive unless it is a matter of public health and safety.</p> <p>Also allows for lot creation for a residence surplus to a farming operation, and new lots for agricultural uses and agriculture-related uses.</p> <p>The protection of agricultural resources is identified in the Planning Act as a matter of provincial interest. The creation of residential lots, unrelated to agriculture or intended to assist the farmer, has been discouraged since the Countryside Planning/Foodland Guidelines were issued by the Province of Ontario in the 1970's. It is now contradictory of the Province to both state that agriculture is a priority worth protecting, while simultaneously proposing to allow such a high volume of scattered residential development.</p> <p>The effect of the proposed policy would:</p> <ul style="list-style-type: none"> • Severely fragment the agricultural land base, contrary to the direction of the current and proposed PPS direction to maintain and enhance a geographically continuous land base which supports the long-term economic prosperity and productive capacity of the agri-food network. • Generate a loss of potentially hundreds of acres of designated prime agricultural land in Peterborough County alone. • Limit the ability of existing farm operations to expand due to MDS restrictions on new or expanding livestock facilities. • Increase land use conflicts due to noise, dust and odor which are part of normal and modern farm practices. 	Do Not Support

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	<ul style="list-style-type: none"> • Increase in land use conflicts between other uses which are permitted to locate in prime agricultural areas such as aggregate extraction, on-farm diversified uses and agriculture-related uses. • Increase road safety concerns due to higher levels of vehicular traffic in areas where it is necessary for farm machinery to travel on the roadway between fields/farms. • Increase on demand for local Municipalities to provide rural services such as snowplowing, road maintenance or improvements, waste collection, emergency services, school bussing, and utilities services. • Potentially place strain on water tables in the long-term, particularly since each new lot created could be eligible for up to two additional residential units. • Reduce the number of units constructed in settlement areas where municipalities have gone through a significant boundary refinement process as part of the Municipal Comprehensive Review and where substantial investments have been made in services and infrastructure. • Reduce opportunities for infrastructure efficiency in settlement areas. <p>It should also be noted that the effect of the proposed policy resets the lot of record date that is currently established in all local Official Plans, so the 3 new residential lots are permitted over and above any lots which have been historically created through surplus dwelling severances, farm help lots and farm retirement lots. Since no previous severances are counted towards the maximum number of severances, the issues described above may be further exacerbated. The creation of lots off of farms is not a sustainable business plan for the agriculture community.</p> <p>As discussed above, the Province is proposing to permit settlement area boundary expansions without the requirement for a Municipal Comprehensive Review. Understanding that some agricultural land may be needed to address the demand for housing, directing development to settlement areas would be a more efficient use of agricultural land (achieving higher density growth) than scattered residential development throughout the countryside.</p>	

Appendix A to Report PPW 2023-13
Significant Changes to PPS and Recommended Position

Section	Effect of Policy and Comment	Position
	<p>It is strongly recommended that this policy be removed from the proposed Provincial Planning Statement altogether. However, should it remain, clarity should be provided on the following items:</p> <ul style="list-style-type: none"> • What is the test to determine if agriculture was the primary use of the lot as of January 1, 2023? How is this validated and is it tied to the current owner or the property itself? For example, the owner on January 1, 2023 is an active farmer, but sells the property in 2024 to a non-farmer. Is the new owner eligible for the new lots? How do staff validate that the property was being farmed back in 2023 and therefore meets the test to allow severances? • What is considered to be “adjacent to a non-agricultural use”? Does this include natural heritage features? Is it limited to areas where the lands are adjacent to settlement areas, institutional uses, recreational uses? Can it be located adjacent to existing residential uses? • What are “lower-priority agricultural lands”? Clarity should be provided as to whether this is limited to lower priority agricultural lands on the subject property itself, or with a certain soil classification. • Does a severance for a surplus farm dwelling count towards the maximum number of 3 residential severances from a parcel of land? 	

Recommendation:

That the Treasurer-2023-15 report, dated June 6, 2023 regarding the Annual Building Department Financial Report - 2022 be received and that \$93,438.45 be transferred from the Building Department reserve for 2022 to balance the annual budget.

Overview:

Each year the Township is required to post an annual building department report as per Section 1.9.1.1(1)(2) of the Ontario Building Code Act.

The following table summarizes the financials for the Building Department for 2022:

Opening Reserve Balance	\$336,844.28
<i>Indirect Costs</i>	
Overhead	-\$7,921.58
Staffing	<u>-\$16,521.06</u>
Total Indirect Costs	-\$24,442.64
Operating Expenses	<u>-\$419,213.81</u>
Total Operating Expenses	-\$443,656.45
<i>Revenues</i>	<u>\$534,106.03</u>
Operating Surplus	\$90,449.58
Capital Asset Purchases	<u>-\$183,888.03</u>
Transfer from Reserve	-\$93,438.45
Closing Reserve Balance	\$243,405.83

Conclusion:

The report shows that the Building Department - ran an operating surplus of \$90,449.58 in 2022. The Building Department undertook a renovation to the Municipal Office basement in order to have a dedicated space which was funded through the Building Department Reserve. After factoring in the capital costs of \$183,888.03 there was \$93,438.45 transferred from the Building Reserve to balance the budget. This results in a closing reserve balance of \$243,405.83 for 2022.

Financial Impact:

The purpose of this reserve is help offset years that have deficits and fund capital purchases; 2022 did reduce the reserve but the expenditures meet the purpose of the funds.

Strategic Plan Applicability: To effectively respond to the challenges of addressing the Township's municipal infrastructure needs as well as effectively managing the assets of the corporation.

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Annual Building Department Report - 2022.docx
Attachments:	
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs

Recommendation:

That the Treasurer-2023-13 report, dated June 6, 2023 regarding Credit Card Fees be received and that Council approve a 2.5% service fee to be added to credit card transactions.

Overview:

Currently, the Township allows for credit card payments for property taxes, building permits and burn permits and adds 1.75% as a credit card transaction fee because that has been the cost incurred by the Township. We currently have a portal setup through Paymentus which has been used to collect credit card payments for property taxes and a workaround was established to allow for building permits to be paid through this portal.

Last year we reached out to Paymentus to change the portal to allow for additional fees such as facility rentals and dog tags, in addition to property taxes and building permit fees. They had very limited resources and we were still waiting for them to work on this project until a few weeks ago. Given the delay I researched other options and found that we can create our own portal through our website and switch to Moneris as the credit card processor who we already use for our front counters.

Conclusion:

Even if we stay with Paymentus they would need to revise our current agreement and would raise the fees to 2.5% from the current 1.75%. Moneris will also charge 2.5%. It is recommended to change to Moneris so we control our own portal and can make any necessary changes needed without significant delays.

It is also really important to note that residents can submit payments for property taxes through online banking which does not charge any fees. Township staff are going to continue to investigate and refine the online payment process but this change will allow residents/customers to make payments virtually and avoid calling or travelling to the office.

Financial Impact:

This change will not represent an increase to the Township's budget as the fees are passed on the customer.

Strategic Plan Applicability: To ensure and enable an effective and efficient municipal administration.

Sustainability Plan Applicability: N/A

Report Approval Details

Document Title:	Credit Card Fees.docx
Attachments:	
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Elana Arthurs

Recommendation:

That the report from the Clerk's Office-2023-16, dated June 6, 2023 regarding a draft Terms of Reference for the Historical Committee be received, that the draft Terms of Reference be approved and that staff be directed to begin a recruitment process for members.

Overview:

The Township has been undergoing a process to improve Committee structure and functions to ensure that Committees of Council are serving Council and the community well. Through this process, each Committee will have an individual Terms of Reference that will guide their work and provide them direction on what Council would like them to achieve during their tenure.

At the Council Meeting held on April 4, 2023, Ruth Benson, a former member of the Historical Committee presented to Council and requested that the Committee be reformed. In response Council passed the following Resolution:

Resolution Number 103-2023

Moved by: Councillor Johnston

Seconded by: Deputy Mayor Nelson

That the presentation from Ruth Benson, former member of the Historical Committee regarding the future of the Historical Committee be received and that Council will appoint a Committee in near future. Carried

Conclusion:

In response to Council's direction, staff have drafted the attached Terms of Reference for the Committee. The goal of the Terms of Reference was to focus the work of the Committee on the preservation of the Township's culture and history and to promote and educate the public on that history and culture. In the Terms, staff have also inserted clauses requesting that the Committee submit a yearly budget to Council for approval as part of the Township Budget process and that the Committee present to Council once a year to highlight the work they have completed and hope to do in the future. These two new actions will ensure that the Committee and Council are working together to safeguard the history of the Township.

Further to the Terms of Reference, staff are also requesting that Council allow a recruitment process to begin for members to sit on the Committee. The Committee has had a core group of dedicated volunteers and it would be great to be able to bring new voices and faces to the table.

Financial Impact:

Recruitment will cost approximately \$250.00 for ads to be placed in local papers. The Committee once formed will need to bring a budget request forward for the 2024 Township Budget. Currently the 2023 budget allocated \$3250.00 to the Committee.

Strategic Plan Applicability: To develop and/or assist with the development and delivery of social and recreational programs as well as effectively maintaining and updating recreational facilities to promote healthy lifestyles and meet the broad range of community needs.

Report Approval Details

Document Title:	Terms of Reference - Historical Committee.docx
Attachments:	- Historical Committee Terms of Reference.docx
Final Approval Date:	May 26, 2023

This report and all of its attachments were approved and signed as outlined below:

Elana Arthurs

Township of Douro-Dummer Historical Committee

Terms of Reference

1. Purpose

The Township of Douro-Dummer Historical Committee, is a committee appointed by Council to collect and celebrate the history of Douro-Dummer and share that information with residents and the general public.

2. Duties and Functions

2.1 The Committee will focus on collecting and preserving local culture and history and providing educational opportunities to the public through events, displays, newsletters, publications, the municipal website, and other means. The Committee will be responsible for the following duties:

- a) Create a yearly budget to be submitted no later than the second week in September;
- b) Provide an annual presentation to Council at the first meeting in October regarding the work of the Committee during the course of the year;
- c) Work in partnership with the Public Library, Parks and Recreation, the Municipal Office and other Township Departments to provide cultural and historical displays where space and operations permit;
- d) In consultation with the Clerk and the Library CEO assist the public with access to the Historical Records Archive located at the Public Library;
- e) Provide recommendations to Council on possible cultural or historical projects the Township could undertake;
- f) Adhere to all Township Policies including the Code of Conduct.

2.2 The Committee shall not be responsible for:

- a) The daily operations or maintenance of facilities and services;
- b) Providing direction to Library or Municipal staff;
- c) Incurring expenses outside of what has been approved and budgeted for;
- d) Managing or directing any capital works.

3. Committee Membership

3.1 The Committee shall be composed of a minimum of 4 members of the public and a maximum of 12 members, duly appointed by Council.

3.2 The Committee shall include:

- a) One (1) Member of Council

- 3.3 All members of the Committee are appointed by Council for a four year term, corresponding to the term of Council. Advertisements of vacancies and appointments will be made available to the public through appropriate mediums. Persons interested in being appointed to the Committee must submit a letter of interest or application form that will be made available on the Township website and at the municipal office.
- 3.4 Any member of the Committee whose term of office has expired is eligible for reappointment provided they reapply following the proper procedures.
- 3.5 The Committee shall declare a member's seat vacant and shall provide notice to Council through the Township Clerk, if a Committee member,
 - a) is convicted of an indictable offense;
 - b) becomes incapacitated;
 - c) is absent from the meetings of the Committee for three (3) consecutive meetings without sending their regrets;
 - d) provides written notice that they are resigning from the Committee.

4. Officers

- 4.1 At its first meeting in a new term, the Committee shall elect from their members a Chair who shall hold office for a period of one year and is eligible for re-election.
- 4.2 The Chair is responsible for ensuring the effective operation of the Committee. Specific duties of the Chair include, but are not limited to:
 - a) calling meetings to order;
 - b) conducting Committee business in accordance with these Terms of Reference and the Township's Procedural By-Law;
 - c) maintaining regular communications with appropriate Township staff;
 - d) acting as spokesperson and representing the Committee when necessary.
- 4.3 The Committee shall elect from their members a Vice-Chair who shall have all the powers and duties of the Chair when the Chair is absent or otherwise unable to act, and who shall hold office for a period of one year the term and is eligible for re-election.
- 4.4 The Township Clerk shall provide a staff person as secretary to the Committee, who shall:
 - a) administer correspondence of the Committee;
 - b) in consultation with the Chair, produce and circulate an agenda at least 5 days in advance of all meetings;

- c) record minutes of every meeting of the Committee and forward then to Council for approval; and
- d) ensure the Township's By-laws and Policies are adhered to.

5. Remuneration

- 5.1 Members of the Committee shall serve without remuneration.
- 5.2 Members may be reimbursed for direct and appropriate expenses incurred in the fulfillment of their Committee responsibilities with prior approval from Council.

6. Conflict of Interest

As outlined in the Municipal Conflict of Interest Act, where a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting in which the matter is being considered, the member shall:

- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) not take part in any discussion of, or vote on any question in respect of the matter;
- c) not attempt in way whether before, during or after the meeting to influence the voting on any such question; and
- d) leave the meeting or the part of the meeting during which the matter is under consideration

7. Committee Meetings

- 7.1 The Committee will hold regular meetings, at such time and place as determined by the Committee, the minimum number of meetings annually shall be four. Meetings may also be scheduled at the call of the Chair.
- 7.2 All committee meetings shall be open to the public. A meeting or part of a meeting may be closed to the public only as specifically permitted by, and in accordance with, the Municipal Act, 2001.
- 7.3 Quorum for Committee meetings will be a majority of the current membership.
- 7.4 The Committee may establish sub-committees for a project-specific initiative. Individuals recruited will have project-based knowledge. Sub-committees shall report to the Committee through the sub-committee Chairperson.
- 7.5 The Committee will strive to make decisions and recommendations based on consensus. In the event consensus cannot be reached, the Committee will vote with a Resolution moved and seconded, with majority vote prevailing.

- 7.6 Meetings shall be held at a Township facility such as the Town Hall, a multi-purpose room or the Public Library depending on the availability of the facility.

8. Amendments

- 8.1 Amendments to the Terms of Reference can only be made by Council.
- 8.2 If the Committee wishes to review the Terms of Reference they may do so at any time and make recommendations to Council regarding amendments.

Recommendation:

That the Clerk's Office-2023-19 report, dated June 6, 2023 regarding the Draft Public Conduct Policy and Procedure be received and that the Policy and Procedure be approved and numbered as Policy A32 and A32a in the Township Policy Manual.

Overview:

During this term of Council, staff have been focused on updated and creating policies and procedure to modernize our service delivery and risk management program. Through this process the following Policies and Procedures have either been updated or created in the Township Policy Manual:

A23, A23a, and A23b – Complaint Handling Policy, Procedure and Form
A30 and A30a – Customer Service Standards and Customer Conduct Policy and Procedure
A31 and A31a – Routine Disclosure Policy and Procedure
P9 and P9a – Building Department Customer Service Policy and Procedure

All of these policies and procedures focus on the customer service which is integral to the work of the Township and forms the foundations of the relationships between the Township, residents and community stakeholders. As our Township has grown and the services that the Township provides have become more complex, policies were needed to formalize the internal standards that were already in place and to provide clear guidance to staff and the public on the expectations for service delivery.

Through the research for the above policies and through discussions with staff from the Ombudsman's Office it was recommended that the Township introduce a Public Conduct Policy which would address highly unusual customer interactions that are not addressed via the Policies above and already in place.

“Having a well-publicized policy that establishes clear expectations for the conduct of members of the public and for responding to problematic behaviour, enhances the consistency and transparency of municipal administration. It is a best practice that should be adopted ... for the benefits of ... staff and citizens alike.”

- Ombudsman of Ontario – “Counter Encounter”: Investigation into a complaint about the Township of Red Rock” (May 2017) (Full document attached to report)

In January 2016, the Ontario Ombudsman received a mandate to investigate decisions made by municipalities and to make recommendations based on the findings¹. Since then, the Ombudsman has strongly recommended that municipalities should adopt

¹ Bill 8, the *Public Sector and MPP Accountability and Transparency Act, 2014*, received Royal Assent in December 2014 and gave the Ontario Ombudsman the discretion, as of January 1, 2016, to investigate any decision or recommendation made or any act done or omitted in the course of the administration of municipalities, their local boards and municipally-controlled corporations, regardless of whether or not the Ombudsman receives a formal complaint.

policies regarding how they address public complaints, as well as policies for responding to unreasonable conduct from members of the public. As stated above, the Township has implemented a new Complaint Process and Customer Service Standards. However, it currently does not have an overarching policy to guide the response to unreasonable conduct by members of the public.

The Ombudsman has stated in various reports that public conduct policies can guide the response from the municipality in addressing unreasonable conduct, including vexatious and/or frivolous requests, aggressive, disrespectful or intimidating behaviour, and bullying and harassment. Such conduct may occur over the telephone, online, or face-to-face at a Council meeting, program, service, event, property or facility.

While such behaviour from members of the public is very rare, it can have significant impacts on those staff, Council members, Committee members and volunteers, as well as on corporate resources and other residents. Some situations involving unreasonable behaviour may cause concern for the reasonable safety of individuals on municipal premises, which is something the Township has a statutory duty to ensure. Other situations may compromise the enjoyment of municipal facilities for all users.

Requests of a frivolous, vexatious and/or unreasonably nature as defined in the Policy and Procedure may use a large amount of staff time and impede staff from attending to other essential issues, and hinders the Township's ability to provide service in a fair, efficient and effective manner as laid out in the Customer Service Standards and Customer Conduct Policy and Procedure.

For the very small number of individuals who may subject to any restrictions, the Public Conduct Policy would provide for procedural fairness, and include an indication of conduct expectations, requirements such as notification, consideration of factors on a case-by-case basis, and an opportunity to review and/or appeal any restrictions.

Conclusion:

In reviewing the Service Delivery and Organizational Review, there was a lengthy discussion on the need for the Township to modernize its policies and to create a separation between Policies and Procedures. This Policy and its accompanying Procedure reflect the recommendation presented in the Review and follow the recommendations outlined in the Ombudsman's Report - Counter Encounter 2017 referenced above and attached to this report. The Procedure document speaks to who is responsible, who the procedure applies to and direction on how it will be carried out.

1.2.1 Develop a Policy Review Process.	Develop a practice of governance oversight through the routine review of "key" policies (at a minimum once per council term) in order to instill Council's oversight role. Remove procedures from corporate policies. Develop a Policy Review Process. Transition existing policies to set guiding principles, accountabilities and direction as opposed to procedures.
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Financial Impact:

There is no direct financial impact to this report but if the draft Policy and Procedure are implemented they will insure that service can be delivered in a fair, efficient and transparent manner which will optimize the Township's resources.

Strategic Plan Applicability: To ensure and enable an effective and efficient municipal administration.

Report Approval Details

Document Title:	Public Conduct Policy.docx
Attachments:	
Final Approval Date:	May 31, 2023

This report and all of its attachments were approved and signed as outlined below:

Elana Arthurs

Public Conduct Policy

Approved By: Council
Approval Date:
Effective Date:
Revision Date:

Policy Statement

The Corporation of the Township of Douro-Dummer is committed to delivering excellent, impartial and accessible customer service.

Staff will provide the best customer service possible and are empowered to make decisions to ensure that each customer experience is meaningful, fair and respectful.

To achieve these objectives, unreasonable behaviour or frivolous and vexatious complaints or requests from members of the public who require Township services or access to Township premises may need to be limited in a manner that is clear, consistent, reasonable, and proportional to the individual's action(s). Situations arising from unreasonable behaviour may cause concern for the safety of individuals on Township premises or may compromise the enjoyment of Township facilities for other users. Vexatious, frivolous or unreasonably persistent requests may consume a disproportionate amount of a staff member's time and resources and can compromise a staff member's ability to provide assistance or deliver good customer service efficiently and effectively. Such requests may also impede staff from attending to other essential issues. These situations and requests may require the Township to put restrictions on the contact that certain individuals have with the Township.

Purpose:

The purpose of this policy is to provide a positive, safe, and supportive approach to promoting acceptable and appropriate interactions with the public. The decision to classify someone's behaviour as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual(s), including restricting their access to members of Council and to staff, services or property. As such, this Policy provides examples of behaviours and actions that are classified as frivolous and/or vexatious, as well as a clear process for staff to follow. Any restrictions made under this Policy are dependent on the particular context of the case in question.

Application: This Public Conduct Policy and its associated Procedure serves to provide notice of what constitutes unacceptable behaviour and sets expectations for both the public and Township staff, Council Members, Committee members and volunteers when interacting with members of the public.

This Policy and its Procedure applies to all forms of communication by any Member of the Public (as defined below), including, but not limited to, written, printed, electronic, online, verbal, telephone, or in-person communications, including participation in public meetings or Town Hall events. The location of such interactions includes, but is not limited to, any and all Township properties, including parks, Public Library, Municipal Office and recreation facilities, online environments managed by the Township, and all such places where the Township's business is conducted.

This Policy is not intended to deal with generally difficult clients and individuals. It applies to members of the public whose behaviours and actions are unreasonable, frivolous and/or vexatious. Determining whether particular behaviours or actions are unreasonable, frivolous or vexatious can be a flexible balancing exercise that requires all circumstances of a particular case to be taken into account. In many cases, the key question is whether the behaviours or actions are likely to cause distress, disruption or irritation, without proper or justified cause.

This Policy is meant to complement, not replace, the policies, Codes of Conduct, or other documents noted in the Reference and Related Policies Section of this Policy.

Definitions:

Member of the Public or Customer, includes, but is not limited to, residents, individuals, businesses, not-for-profit organizations, stakeholders, and community or corporate organizations that interact with the Township and its staff, Council Member, Committee Members and volunteers.

Frivolous – a complaint that is reasonably perceived by the Township to be: (a) without reasonable or probable cause; (b) without merit or substance; or (c) trivial.

Vexatious – a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by the Township to be (a) malicious; (b) intended to embarrass or harass the recipient; or (c) intended to be a nuisance.

References & Related Policies:

Policy A08 – Accessible Customer Service Policy
Policy A14 – Code of Conduct (Administration)
Policy A17 – Integrated Accessibility Standards
Policy A23 – Township Complaint Handling

Policy A30 - Customer Service Standards Policy
Policy A31 – Routine Disclosure Policy
Policy P4 – Code of Conduct CBO
Policy P8 – Active Investigation Policy
Policy 9 – Building Department Customer Service Policy
By-law 2018-53 – Code of Conduct for Members of Council

Consequences of Non-Compliance:

It is important that all Township staff, Council Members, Committee members and volunteers are in compliance with the Policy as set out by the Township. Failure to comply with this Policy may result in disciplinary actions as per the HR Handbook and could result in Health and Safety issues.

Exceptions:

Nothing within this policy restricts or otherwise limits:

- The Township's authority to engage in litigation or seek legal redress for actions taken by individuals, regardless of whether those actions may fall within the scope of this policy;
- The Township's ability or obligation to comply with any requirements established by provincial or federal legislation; or
- Township staff's right to refuse unsafe work under the Occupational Health and Safety Act.

Review Cycle: This Policy will be reviewed on an as needed basis.

Public Complaint Procedure

Approved By:
Approval Date:
Effective Date:
Revision Date:

Purpose: The purpose of this Policy is to provide a positive, safe, and supportive approach to promoting acceptable and appropriate interactions with the public. The decision to classify someone's behaviour as unreasonable, or to classify a request as vexatious or frivolous, could have serious consequences for the individual(s), including restricting their access to members of Council and to staff, services or property. As such, this Policy provides examples of behaviours and actions that are classified as frivolous and/or vexatious, as well as a clear process for staff to follow. Any restrictions made under this Policy are dependent on the particular context of the case in question.

Application:

This Public Conduct Procedure serves to provide direction of what constitutes unacceptable behaviour and sets expectations for both the public and Township staff, Council members, Committee members and volunteers when interacting with members of the public.

This Procedure applies to all forms of communication by any Member of the Public (as defined below), including, but not limited to, written, printed, electronic, online, verbal, telephone, or in-person communications, including participation in public meetings or Town Hall events. The location of such interactions includes, but is not limited to, any and all Township properties, including parks, Public Library, Municipal Office and recreation facilities, online environments managed by the Township, and all such places where the Township's business is conducted.

Definitions:

Frivolous – a complaint that is reasonably perceived by the Township to be: (a) without reasonable or probable cause; (b) without merit or substance; or (c) trivial.

Member of the Public or Customer, includes, but is not limited to, residents, individuals, businesses, not-for-profit organizations, stakeholders, and community or corporate organizations that interact with the Township and its staff, Council members, Committee Members and volunteers.

Ombudsman means the individual designated and appointed by the Council of the Township of Douro-Dummer as an Ombudsman in accordance with the Municipal Act, or an Ombudsman having jurisdiction in accordance with the Ombudsman Act.

Vexatious – a complaint that is frivolous and which is pursued in a manner that is reasonably perceived by the Township to be (a) malicious; (b) intended to embarrass or harass the recipient; or (c) intended to be a nuisance.

Procedures

For the purposes of this procedure, unacceptable conduct is any action by a member of the public, which because of its nature or frequency, has a disproportionate and unreasonable impact on the Township, or its staff, Council members, Committee members, volunteers, other customers, services, time or resources.

Responsibilities:

A Member of the Public or Customer to:

- Comply with this Policy

Staff, Council Members, Committee Members and Volunteers:

- Complying with this policy and any site or program specific conduct and procedures; and
- Participating as applicable in customer service or de-escalation training as directed; and
- Documenting interactions, especially where there is a pattern of behaviour.

Department Managers:

- Contacting the CAO to report unacceptable behaviour towards staff, Council members, Committee Members and volunteers that is related to the prohibited grounds of the Ontario Human Rights Code or the definitions of workplace violence or harassment under the Occupational Health and Safety Act; and,
- Taking action when an individual's conduct is unreasonable based on the criteria in this policy; and
- Providing information to other departments, where appropriate, to make staff aware of any restrictions that have been put in place; and
- Ensuring all staff is provided with information and training in support of this Policy.

Township Clerk to:

- Ensuring all staff, Council members, Committee members and Volunteers are provided with information and training in support of this Policy; and
- Keep records of any decisions, including the name and address of individual(s) who have been identified as in violation of this policy; the restrictions that have been put in place; and the start and end date of the restrictions, in accordance with any provincial access and privacy laws,

- including the Municipal Freedom of Information and Protection of Privacy Act; and
- Work with Department Managers and/or CAO in the preparation of any necessary restrictions and notice documents.

Chief Administrative Officer (CAO) to:

- In addition to the above noted responsibilities, the CAO is responsible for determining what restrictions will be applied and signing off on written notices; and
- The CAO reserves the right to make the determination of appropriate action and has authority to step in at any time throughout the course of any incident management.

Examples of Unreasonable Behaviour:

Examples of what might be considered unreasonable behaviour while accessing a Town program, service, event, or facility are listed below. While a single incident may, depending on its nature and severity, constitute unreasonable behaviour, the focus of this policy is on a pattern of unacceptable conduct. This list is not exhaustive:

- Engaging in discriminatory conduct, harassment or bullying, whether verbal, written or physical;
- Abusive or disrespectful written or verbal communication, including threats, profanity, rude or inappropriate language, name calling, attempts to goad or incite anger in others, harassment, discrimination, yelling or shouting;
- Inappropriate physical behaviour, including approaching an individual in an aggressive or intimidating fashion, throwing objects in a deliberate or aggressive manner, spitting, unwelcome touching, striking or assaulting anyone;
- Posting libelous statements or private information about staff in a public or private forum, or posting abusive or disrespectful comments about staff on Town moderated platforms;
- Unreasonably fixated on a staff member, member of Council, Committee member or volunteer and filing complaints regarding that individual that are frivolous or vexatious in nature;
- Making unjustified complaints or derogatory comments about staff member, member of Council, Committee member or volunteer who are trying to manage an issue and seeking to have them replaced;
- Making excessive demands on the time and resources of staff members, members of Council, Committee members or volunteers, so as to create a high volume or frequency of correspondence, or mingling requests with accusations and complaints;

- Engaging in illegal activity, including illegal consumption of alcohol or drugs, theft, possession of weapons, and vandalism;
- Any intentional or repeated act that violates Township permits, Policies, or By-laws;
- Any act that gives rise to concern for public safety, including loitering, causing a disturbance, or acting under the influence of drugs and alcohol while attending Township premises;
- Knowingly making or using falsified documents; or
- Recording meetings and conversations, without informing staff member, members of Council, Committee members or volunteers involved.

Examples of Vexatious or Frivolous Requests

Examples of what might be vexatious or frivolous are provided below. While a single incident may, depending on its nature and severity constitute a vexatious or frivolous request, the focus of this Procedure is on a pattern of unacceptable conduct. This list is not exhaustive:

- Submission of requests with very high volume and frequency of correspondence;
- Persistently or repeatedly contacting the Township about the same or similar matter when it has been considered and dealt with, or attempting to reopen issues that have already been considered and dealt with;
- Requests that would impose significant burden on the Township in terms of expense, and negatively impact the ability to provide service to others;
- Requests intended to cause maximum inconvenience, disruption, or annoyance;
- Requests that lack any serious purpose or value, particularly when combined with one or more of the listed factors in the Policy;
- Insisting on outcomes that are not possible or appropriate in the circumstances;
- Demanding services that are of a nature or scale that cannot be provided by the Township or refusing to accept that the Township cannot provide a particular service or action on a particular issue;
- Contacting different Township staff to receive a different outcome or response to a matter that has been considered and dealt with;
- Withholding relevant information in respect of a request, providing false information or misquoting others;
- Initiating a complaint, but refusing to cooperate with the complaint investigation process or to specify the grounds of the complaint, or changing the basis of the complaint as the matter proceeds;
- Denying or materially changing previously provided statements; or
- Making excessive demands on the time and resources of staff member, members of Council, Committee members or volunteers with lengthy or

excessive phone calls, emails, voicemails, visits, or letters, or expecting immediate responses.

Enforcement

If a staff member experiences or witnesses any incident or behaviour that gives them cause to feel uncomfortable or unsafe, or if the behaviour falls under any of the examples noted above, the following procedures apply:

1. General Guidelines

Township Staff are expected to only use non-physical, verbal, intervention methods to enforce this policy. Appropriate actions may include the following:

- Requesting that the identified party, without jeopardizing one's safety, cease the inappropriate behaviour or violence immediately;
- Asking them to leave the premises;
- Informing the individual(s) of the existence of the Public Conduct Policy and that they may be subject to consequences;
- Advising the identified party that failure to cease the inappropriate behaviour, violence or vandalism will result in the OPP being called and advise that they will be considered to be trespassing;
- Removing themselves from the situation entirely or seeking the presence of additional personnel for support;
- Advising the appropriate supervisor or manager, Clerk or CAO about the incident during or following an interaction, and compiling all documentation, information and evidence related to the incident; and
- If the individual refuses to cease the inappropriate activity, Township Staff shall avoid engaging in a verbal or physical confrontation, and shall call the OPP (911) to report the situation immediately.

2. Documentation of incidents by staff may include:

- Nature of the incident, including date and (approximate) time;
- Amount of time that has been consumed;
- Length of time that staff have been in contact with the individual(s) and the history of interactions;
- Amount of correspondence that has been exchanged with the individual(s);
- Number of requests that the individual has brought and the status of each; and
- Detailed records of staff interactions with individuals, including emails, voicemails, written notes or other documentation, to justify any actions taken to restrict the individual's access to staff or services.

3. Notice Provisions and Actions

The Manager, in consultation with the Chief Administrative Officer ("CAO"), will determine what restrictions will be put in place.

Before deciding to apply any restrictions, the Town will:

- Review the incident(s) and any available documentation and information;
- Ensure the complaint or request for information or delivery of service has been dealt with properly and in accordance with the relevant procedures and statutory guidelines; and
- Verify that staff have made every effort to satisfy the request or resolve the complaint.

When these have been applied and where appropriate because of a repeated pattern of unacceptable conduct or a single significant incident, the Township may take the following actions:

- Inform the person(s) through written or verbal notice that their conduct is inappropriate and contrary to the Public Conduct Policy;
- Inform the person(s) through written and if possible verbal notice that their request for service or information has been considered and dealt with in accordance with relevant municipal, provincial, and federal procedures and statutory guidelines and that only new requests for service or information will be responded to;
- Limit communication to one method of contact (e.g., telephone or email), time, duration, or with one named member of staff;
- Require any face-to-face interactions between the individual and staff to take place in the presence of another staff member and in a suitable location, as determined by the Township;
- Require the person(s) to make contact only through a third-party representative (e.g., solicitor, councillor, or friend acting on their behalf);
- Limit or regulate the use of Township services or facilities which may include refusing or limiting access to Township facilities (e.g., by appointment or specific permission); or
- Issue a no trespass letter which may include notification to local police services.

Written Notice

Upon review and determination of what actions will be taken, including but not limited to measures as described above, the CAO will proceed by providing written notice of the action(s) to be taken. Written notice, shall be delivered within fifteen (15) business days of the determination in question by e-mail or registered letter mail, and will outline the following:

- A brief description of the observed unacceptable behaviour;
- The date of issuance;
- Any restrictions that apply, and the duration of the restrictions;
- The Township staff or representative that the individual may contact during the restriction period (if any), and the form of communication to be used; and
- Instructions, if applicable, for submitting a request for review.

Trespass

When an individual is prohibited from entering on to one or more specific Township properties for a period of time, the Township may issue a Notice of Trespass to Property to the individual. The OPP may be requested to assist where a Notice of Trespass to Property is contravened by an individual.

4. Disputing or Requesting Review of Restrictions

Individuals who have had restrictions applied may request a review at any time during the restriction period. The request must be made in writing and submitted via e-mail or letter mail to the Issuer, including at minimum:

- Identification of the incident in question.
- An explanation of why the individual is requesting the review; and
- The resolution sought from the Township.

A request for review shall be limited to one time within a 365-day period. Individuals may request an in-person meeting to review the restrictions applied. However, Township staff may refuse to meet in person if, in the opinion of Township staff, it is unsafe to do so.

Following a review of the restrictions applied, which may include consultation with Township Council, the Issuer may uphold, amend, or rescind the Township's previous decision, and shall notify the individual of the Township's decision through e-mail or letter mail.

Individuals who believe that the provisions of the Policy and Procedure have been applied unfairly or are unsatisfied with the outcome of the review process may file a complaint with the Ontario Ombudsman. Township staff shall supply contact information for the Ontario Ombudsman upon request.

5. Privacy

Personal Information Collected, Used & Disclosed

- Personal Information collected and used under this policy may include an individual's general description, photographic image or likeness, and shall not be used or disclosed for an inconsistent purpose;
- In order to enforce any restrictions applied to an individual under this policy, Township staff may disclose to other Township staff or agents of the Township the individual's personal information, a summary of the unacceptable behaviour, any restrictions applied to the individual, and any other relevant information pertaining to the incident;
- All Township staff shall have regard for the individual's privacy and shall not use or disclose their personal information in any way that may reveal to the public the individual's personal information, the unacceptable behaviour that occurred, or the nature of any restrictions applied to them.



“Counter Encounter”

Investigation into a complaint about the
Township of Red Rock

Paul Dubé
Ombudsman of Ontario

May 2017

Table of Contents

Overview	3
Complaint.....	5
Investigative Process	5
Election Countdown	6
Counter encounter.....	7
First encounter: September 11, 2014	7
Second encounter: September 12, 2014	8
Harassment complaint and investigation.....	11
Anti-harassment policy	11
Handling of the harassment complaint.....	11
Serial trespass notices	13
Litany of Errors.....	14
Harassment and the Occupational Health and Safety Act.....	14
Lack of policy clarity.....	15
Choosing the Act over policy	17
Remedial confusion	18
Specially trained investigator	18
Tainted investigative process.....	20
For the record	21
Adoption of best practices	21
Lack of a trespass policy	22
Mr. Martin's case	24
Conduct policy.....	26
Opinion	27
Recommendations	28
Response.....	29

Overview

- 1 In September 2014, Lewis Martin, a longtime resident of the Township of Red Rock, decided to run for municipal council. By September 11, he had only two days left to register as a candidate. He arrived at the municipal office that day confident he had assembled all the necessary paperwork.
- 2 Unfortunately, in this small northern community, Mr. Martin and municipal staff had developed a strained relationship. Mr. Martin distrusted staff's ability to effectively follow through on his requests. Staff, in turn, saw Mr. Martin as rather demanding and difficult.
- 3 The exchange on September 11, 2014 between Mr. Martin and township staff was par for the course. The Deputy Clerk told Mr. Martin that some required registration papers were missing. He disagreed with her and insisted everything was in order. She eventually accepted his materials, but would not verify that the papers were properly filed. In response, Mr. Martin questioned her knowledge of the candidate registration process.
- 4 The next day, Mr. Martin returned to the municipal office. This was the last day to register, and he wanted to make sure that his name would be added to the ballot. According to our interviews with township staff, he repeatedly asked questions about the process and insinuated that they might intentionally make a mistake to keep him out of the election. Their recollection was that Mr. Martin did not raise his voice, swear or threaten, but he spoke sternly and condescendingly. In the end, Red Rock's Chief Administrative Officer (who is also the township Clerk) stepped in to deal with the matter, and Mr. Martin left shortly thereafter.
- 5 In the wake of this interaction, the Deputy Clerk submitted a written complaint under the township's Anti-Harassment Policy, claiming that during the September 11 and 12 encounters, Mr. Martin had made her feel bullied, belittled, uncomfortable, and "less of a dedicated and honest employee."
- 6 Despite having been a witness to the incident, the Chief Administrative Officer assumed the role of complaint investigator. He soon abandoned the steps and remedies set out in the Anti-Harassment Policy, opting instead to issue a trespass notice. It barred Mr. Martin from entering the municipal office during office hours for three months.

- 7 Mr. Martin was successful in his bid for a seat on council in the October 27, 2014 election. However, his refusal to apologize for his pre-election conduct, which he believes was perfectly justified, has left him subject to a series of trespass notices. Since July 2015, the prohibition has even extended to the entire municipal building, preventing him from accessing the township's only public library during business hours. He is still able to attend council meetings, as they take place after business hours.
- 8 My investigation found that the township's handling of the concerns about Mr. Martin was fraught with errors and missteps. The township's Anti-Harassment Policy was not followed and, in any event, it is unclear whether it encompasses staff complaints about members of the public. The "internal investigation" conducted in this case was perfunctory and procedurally unfair. Insufficient records were kept of witness accounts, the Chief Administrative Officer was an untrained investigator, and as a witness to the events in issue, lacked impartiality and independence.
- 9 Finally, the township's imposition of a series of trespass notices is not provided for in the Anti-Harassment Policy or any other policy or procedure. The Chief Administrative Officer simply issued the notices unilaterally after a defective and unfair process. The imposition and continuation of the ban on Mr. Martin, for behaviour that all concerned acknowledged was not violent or threatening, was excessive and unjustly punitive.
- 10 In order to prevent such situations from occurring in future, and to balance the interests of township staff and citizens, I have made 11 recommendations for improvement, including that Red Rock develop a procedurally fair, thorough and reasonable process for dealing with difficult interactions between staff and the public. In the case of Mr. Martin, I believe the only appropriate redress at this stage is for the trespass notice against him to be revoked immediately.

Complaint

- 11 As of January 1, 2016, the Ontario Ombudsman has the authority to carry out impartial reviews and investigations of complaints about the administrative conduct of municipalities, including municipal councils, local boards and municipally-controlled corporations.
- 12 The Township of Red Rock is located in the Thunder Bay district and has a population of less than 900. Council is made up of a mayor and four councillors, including the complainant, Lewis Martin.
- 13 Councillor Martin's complaint focused on how the township handled a harassment complaint made against him in 2014, and its ongoing issuance of trespass notices barring him from the municipal building during the day. He told us that the township failed to follow a fair process in investigating the complaint, and was unreasonable in repeatedly renewing the trespass notice. The township's office is located in the same building as its public library and a boardroom that serves as council chambers. Mr. Martin explained that the trespass notice even restricts him from accessing a computer and fax machine in the library during the municipality's business hours, which hinders his ability to conduct personal and council-related business.

Investigative Process

- 14 My Office receives more than 20,000 complaints annually, most of which are resolved expeditiously using alternative dispute resolution techniques. Consistent with our practice of attempting to resolve complaints quickly and informally wherever possible, we initially contacted the Township of Red Rock to obtain relevant information and documents, and to try to facilitate a solution to the situation. We identified best practices that the township could apply to assist with resolving this complaint, and to prevent similar issues from arising in the future.
- 15 Unfortunately, despite repeated discussions with township officials in the hope of resolving the matter informally, we received limited co-operation from the township. Ombudsman staff contacted the Chief Administrative Officer at least seven times to address the issues raised by Mr. Martin. We provided him with copies of relevant court cases on trespass notices and an example of a policy about responding to unreasonable customer behaviour. The Chief Administrative Officer was uninterested in informal

resolution and requested that our Office commence a formal investigation. We also spoke with the Mayor twice in an attempt to facilitate a resolution of the dispute, and suggested that he raise the matter with council. The issue remained unresolved. Consequently, I issued a formal notice of investigation on November 3, 2016.

- 16 Although we have received more than **4,000** complaints about municipalities since obtaining authority in the municipal sector some 15 months ago, I have only initiated **three** investigations, including a systemic investigation regarding the non-competitive procurement practices in the City of Brampton. As this was one of the first investigations we commenced, and given the level of resistance we encountered during our early resolution efforts, I assigned the matter to the Director of the Special Ombudsman Response Team, who worked in conjunction with legal staff.
- 17 On December 5, 2016, two investigators travelled to the township and conducted eight in-person interviews with township staff and all members of council, including Councillor Martin. Staff also spoke with Councillor Martin's life partner, who was present during the interactions with township staff in September 2014, and an official from the Ministry of Municipal Affairs who had dealt with Mr. Martin and the township concerning the candidacy requirements. The township co-operated with our investigation by making staff available for interviews and providing requested documents.
- 18 In April 2017, we forwarded a confidential preliminary report to the relevant municipal staff and council members, setting out my findings, opinion and proposed recommendations. The Mayor, Councillor Martin, and the Chief Administrative Officer responded with comments, which we considered in preparing this final report.

Election Countdown

- 19 In accordance with the Ontario *Municipal Elections Act*, nomination forms for the October 2014 municipal elections had to be filed, along with a fee, with municipal clerks by 2 p.m. on September 12, 2014. Municipal clerks

were required to certify the eligibility of candidates by 4 p.m. on Monday, September 15, 2014.¹

Counter encounter

- 20 Based on witness accounts and notes the Chief Administrative Officer prepared a few days after Mr. Martin's September 12, 2014 visit to the municipal office, we were able to piece together the sequence of events that led to the filing of the staff complaint against Mr. Martin. The problematic interaction took place in the municipal office, where employees' desks are arranged in an open-concept setting, separated from the public reception area by a long counter.

First encounter: September 11, 2014

- 21 According to his account, Mr. Martin went to the municipal office on Thursday, September 11, 2014 to submit his nomination papers, accompanied by his life partner. He approached the counter and spoke with the Deputy Clerk about submitting his forms. A second township employee and a member of council were also in the office.
- 22 Mr. Martin told us he believed he had all the required documents, but the Deputy Clerk said he needed to submit additional information, including papers to show that he had opened a campaign bank account. He then left the municipal office and called an advisor at the Ministry of Municipal Affairs. Township staff also spoke with the Ministry advisor. The advisor recalls explaining that although the *Municipal Elections Act* requires candidates to open a campaign-specific bank account, this could be done after the nomination papers were filed.
- 23 Mr. Martin and his partner then returned to the municipal office. He recalled that the Deputy Clerk accepted his nomination papers and fee, but told him that the Chief Administrative Officer, who is also the township's Clerk, would have to confirm that the papers were properly filed. Mr. Martin told us he suggested to the Deputy Clerk that she should know what she was doing if she was accepting the nomination forms.

¹ Ontario Ministry of Municipal Affairs and Housing, "2014 Candidates' Guide for Ontario Municipal and School Board Elections", online:
<<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10336>>.

- 24 When we interviewed the councillor who witnessed part of Mr. Martin's visit to the municipal office, he did not recall the full content of the conversation between Mr. Martin and the Deputy Clerk. However, he described Mr. Martin as being loud and accusing staff of withholding information related to his nomination package. The councillor told us that the Deputy Clerk seemed rattled, but Mr. Martin did not threaten anyone or act violently.
- 25 The Deputy Clerk told us that during this visit, Mr. Martin was badgering her and asking for additional information. He also questioned why he needed to submit bank account information. She did not recall other details of their discussion.
- 26 The other staff member who was present could not recall any specific information about the interaction between the Deputy Clerk and Mr. Martin.
- 27 Both staff members told us that Mr. Martin left the office without being asked. They said the behaviour that led to the complaint happened mainly when Mr. Martin returned to the office the next day.
- 28 The Chief Administrative Officer was not present for the encounter on September 11, 2014, but prepared notes on September 16, 2014, based on discussions with the township staff and councillor who were there. The notes are relatively sparse. They refer to Mr. Martin's initial visit – when he questioned the need to have a campaign bank account – and his return later that day to file his papers. The notes describe him as “quite rude,” and repeatedly asking about the required forms. They also refer to the Deputy Clerk as becoming “flustered” as a result.

Second encounter: September 12, 2014

- 29 As he was anxious to confirm that he had done everything necessary to assure his candidacy in the upcoming election, Mr. Martin returned to the municipal office on Friday, September 12, 2014, again with his partner. The Deputy Clerk and the other employee who was present the previous day were in the office, as well as the Chief Administrative Officer.
- 30 Mr. Martin told us he wanted a receipt for the nomination fee he had paid, and assurance from the township that his papers had been correctly filed. He said that the Deputy Clerk provided a receipt for the fee, but would not verify that the papers were filed correctly. The Chief Administrative Officer came out of his office, and Mr. Martin asked him about the nomination

papers. He and his partner each told us that the Chief Administrative Officer refused to acknowledge that his papers had been properly filed, and said Mr. Martin would find out the following Monday. As noted, clerks were required to certify eligible nominations on the following Monday under the *Municipal Elections Act*.

- 31 Unable to get the assurance he requested from staff, Mr. Martin told them he would fill out a request under the *Municipal Freedom of Information and Protection of Privacy Act* to confirm whether his papers were correctly filed. In response, staff provided him with a freedom of information request form. The Chief Administrative Officer accepted the information request, and indicated that the township would respond in two weeks. Mr. Martin then left the office.
- 32 Mr. Martin told us he could tell the Deputy Clerk was upset during his visit, but did not know why. He said he, too, was upset because he felt ignored and disrespected. Mr. Martin told us that he never raised his voice, insulted the employees, swore, or threatened anyone, and he was not asked to leave, but did so of his own accord.
- 33 His partner supports his recollection of events. She told us Mr. Martin never raised his voice, and was only asking staff questions because the Deputy Clerk appeared not to know what paperwork she needed to collect. She also said the Chief Administrative Officer refused to answer when Mr. Martin asked if his papers had been filed properly, and insisted that he would have to wait until Monday to find out. She recalled that the Deputy Clerk seemed upset, but she believed this was because of the actions of the Chief Administrative Officer, who she felt made the situation worse by refusing to give the confirmation Mr. Martin requested.
- 34 According to the Deputy Clerk, throughout the interaction with Mr. Martin, he badgered her, peppered her with questions, and implied that she was not doing her job. She told us she felt uncomfortable, intimidated, and belittled because Mr. Martin was commenting on everything she did. She recalled him saying things like, "You should know this," when she was trying to confirm that he had submitted the correct paperwork. She said Mr. Martin did not swear or threaten her, and there was no physical violence or threat of violence, but his attitude seemed violent and intimidating. The police were not called, and she said she does not believe anyone asked Mr. Martin to leave the office.
- 35 The other employee who witnessed the interaction said it grew tense, and she heard Mr. Martin saying that he believed the Deputy Clerk was going

- to intentionally make a mistake with the paperwork so he would not be registered as a candidate. She said he did not yell, but was speaking sternly and “talking down” to the Deputy Clerk. She said she heard him say things like, “Is this going to get misplaced?” and “You’re purposely going to mess this up so I can’t run.” She explained that the Deputy Clerk remained courteous throughout the encounter, but was flustered by the questioning. She confirmed that there was no physical violence or threat of violence, and no one asked Mr. Martin to leave.
- 36** The Chief Administrative Officer told us he overheard Mr. Martin raising his voice and came out of his office to take over the interaction. He described that Mr. Martin was demanding information that he believed the township was not providing. He said he interpreted Mr. Martin’s remarks as suggesting that the employee was lying, and characterized this behaviour as “abusive.” He told us Mr. Martin made no physical threats, but described his body language as “pacing back and forth” and “grabbing things off the counter.” He also recalled that he had to ask Mr. Martin to leave the office. In response to my preliminary report, the Chief Administrative Officer said he has a “low voice that does not travel” and might not have been heard when he asked Mr. Martin to leave.
- 37** The Chief Administrative Officer’s notes from September 16, 2014 refer to Mr. Martin arguing with the Deputy Clerk, demanding forms to file a freedom of information request, and then doing so. The notes describe Mr. Martin as “belligerent.” There is also reference to a call to a Ministry advisor to confirm the required nomination forms, and Mr. Martin complaining about having to fill them out.
- 38** We interviewed the Chief Administrative Officer on December 5, 2016 and he responded to our preliminary report on May 17, 2017. The more contemporaneous written account does not refer to Mr. Martin pacing, grabbing things off the counter or being asked to leave on September 12, 2014. No other witnesses supported this characterization of Mr. Martin’s physical movements, or recalled the Chief Administrative Officer asking him to leave. Under the circumstances, I do not consider this aspect of the Chief Administrative Officer’s evidence to be reliable and do not find, on a balance of probabilities, that Mr. Martin engaged in this behaviour or that he was asked to leave the municipal office on September 12.

Harassment complaint and investigation

- 39 The Deputy Clerk drafted a harassment complaint on the evening of Friday, September 12, 2014. The complaint states that on September 11 and 12, 2014, the Deputy Clerk felt “bullied” and that Mr. Martin’s “constant questioning” made her feel uncomfortable and belittled. It also states that Mr. Martin’s actions made her feel and look like “less of a dedicated and honest employee.”

Anti-harassment policy

- 40 The Deputy Clerk’s complaint was filed under the township’s Anti-Harassment Policy. Dated July 9, 2010, the policy refers to the township’s commitment to providing a safe and respectful work environment for all staff and customers. It contains the following general description of harassment:

any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

- 41 Under the policy, the Deputy Clerk is the designated person for receiving complaints. If she is involved in a complaint, the Mayor is personally responsible for addressing the matter.
- 42 The policy sets out three different options for dealing with complaints: Informal resolution with the help of the designated person; mediation by the designated person or an external mediator; and formal investigation, “either by a specially trained person from within the organization or a consultant.” If a matter is investigated and the complaint substantiated, the investigator is to report in writing to council with recommendations for remedies and corrective action. Council then decides what action will be taken.

Handling of the harassment complaint

- 43 The Deputy Clerk told us she emailed her complaint about Mr. Martin to the Chief Administrative Officer late on Friday, September 12. She then filed a formal complaint with the Chief Administrative Officer when she returned to work after the weekend, on Monday, September 15, 2014. She

also said that she met that day with the Chief Administrative Officer and the Mayor to discuss her concerns.

- 44 The Mayor told us he attempted to resolve the matter informally and phoned Mr. Martin to ask him to attend a meeting to discuss “a matter of some urgency.” Mr. Martin told us the Mayor called him but did not leave any message. He said he subsequently agreed to meet with the Mayor, if he could audio-record it. He told us that the Mayor refused this request, offering instead to have someone take notes. Based on his past negative experiences at the township office, Mr. Martin decided not to meet with the Mayor. The Mayor does not recall any discussion with Mr. Martin about audio-recording or taking notes of a meeting. On September 22, 2014, the Mayor sent a registered letter to Mr. Martin to reschedule the meeting for September 29. Mr. Martin again chose not to meet with the Mayor.
- 45 The township did not attempt to pursue mediation of the issue, as provided for under its Anti-Harassment Policy. However, the Chief Administrative Officer told us that he did an investigation under the policy.² He did so by questioning the Deputy Clerk, the other staff member who was present on September 11 and 12, 2014, and the councillor who witnessed the exchange on September 11.
- 46 The Chief Administrative Officer did not keep separate notes of any of his interviews with the three witnesses. He prepared two and a half pages of handwritten notes in total, without any attribution, dated September 16, 2014.
- 47 He did not proceed to the next stage under the Anti-Harassment Policy, which is to prepare a report substantiating the complaint to council and making remedial recommendations. He told us that, at some point, he switched from conducting an investigation under the township’s harassment policy to operating under the *Occupational Health and Safety Act*. He said that, under that Act, he has an obligation to keep township employees safe. He could not remember when he changed his focus. However, instead of seeking a remedy under the Anti-Harassment Policy, he opted to issue a trespass notice against Mr. Martin under Ontario’s *Trespass to Property Act*. The notice, dated October 20, 2014, restricted

² In response to our preliminary report, the Chief Administrative Officer stated that the Mayor did the investigation under the policy and that he was the “recorder.” However, this characterization of the Chief Administrative Officer’s role is inconsistent with his previous evidence and the fact that he carried out interviews with witnesses.

Mr. Martin from entering the municipal office between 8:30 a.m. and 4:30 p.m. for a three-month period.

- 48 A letter from the Chief Administrative Officer accompanying the notice states that the notice is “self-explanatory.” It says the notice can “only be revoked upon receipt of a written apology above your signature and is accepted by [the Deputy Clerk].” It also warns: “Should an apology not be received and accepted by [the Deputy Clerk] the Trespass Warrant may be extended.”
- 49 The Chief Administrative Officer informed the Deputy Clerk – and, later, the township’s council – that he had issued a trespass notice to Mr. Martin. His report to council simply states that the OPP delivered the trespass notice banning entry to the municipal office. The minutes for the November 3, 2014 council meeting during which the report was considered do not indicate that there was any related discussion of the issue or formal approval of this sanction through resolution or by-law.

Serial trespass notices

- 50 Mr. Martin was elected on October 27, 2014, and took office as a councillor for the Township of Red Rock on December 1, 2014. When the initial trespass notice expired in January 2015, the Chief Administrative Officer issued a new trespass notice for the next six months, extending to July 2015. He then issued another trespass notice, this time barring Councillor Martin’s entry to the entire municipal building during regular business hours (8:30 a.m. to 4:30 p.m., Monday to Friday) for a one-year period. He told us that the trespass notice was expanded when it became apparent that the Deputy Clerk had to conduct business throughout the building during working hours. In July 2016, a fourth trespass notice, again for one year and for the entire municipal building, was issued. As a result, Mr. Martin has been barred from entering either the municipal office or municipal building during regular business hours since October 2014.
- 51 In each instance, the Chief Administrative Officer unilaterally issued the notice and then reported to council. Council never passed a resolution or by-law respecting Mr. Martin or the trespass notices. However, when interviewed, all members of council except Councillor Martin confirmed that they individually supported the Chief Administrative Officer’s decision to continue the notices until Mr. Martin apologizes and the Deputy Clerk “feels safe.”

- 52 The Deputy Clerk told us that the situation continues to make her uncomfortable and she would like to see it resolved.

Litany of Errors

- 53 I recognize that Red Rock is a small community with limited resources. However, its citizens are still entitled to expect that municipal services will be administered fairly, reasonably, and responsibly. Unfortunately, the way in which the complaint against Mr. Martin was handled reflects a combination of unclear policy, poor administrative practices and misunderstanding and misapplication of the law.
- 54 From the outset, difficulties arose as a result of an Anti-Harassment Policy that was singularly unsuited to addressing the Deputy Clerk's concerns about Mr. Martin.

Harassment and the Occupational Health and Safety Act

- 55 The *Occupational Health and Safety Act* addresses workplace harassment, which it defines as:
- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
 - (b) workplace sexual harassment.³
- 56 The Act is intended to be applied through the development and implementation of individual employer workplace harassment policies and programs. Section 32.0.1 requires every employer to prepare a policy with respect to workplace harassment, and to develop and maintain a program to implement that policy. Red Rock developed its Anti-Harassment Policy as required by the Act in 2010.

³ *Occupational Health and Safety Act*, R.S.O. 1990, CHAPTER O.1, s. 1(1).

Lack of policy clarity

- 57 Township staff told us that its Anti-Harassment Policy was copied from an online template. It is clear that the policy was not tailored to reflect the specific workplace. For instance, substantiated complaints are to be reported in writing to “the President,” although no township official bears that title. In addition, in the remedies section, there is an inexplicable reference to obtaining apologies “from the harasser and XYZ Company.”
- 58 Members of council (with the exception of Councillor Martin), as well as township staff, told us the Anti-Harassment Policy applies to everyone, including members of council, contractors and citizens. However, this is not apparent from the language of the policy. The policy says that harassment can take place between an employee and a “client” or a “job applicant.” The Chief Administrative Officer told us that a non-employee is considered a “client.” However, there is no specific reference to complaints against members of the general public. The corrective remedies set out in the township’s policy also appear to primarily address circumstances of workplace harassment between co-workers. For instance, they refer to written reprimands, fines, suspensions, transfers, demotions, dismissal and anti-harassment training.
- 59 From the outset, based on the limitations of its language, the Anti-Harassment Policy was not a good fit for addressing the complaint against Mr. Martin. The policy’s unclear scope may explain, in part, why it was soon abandoned in favour of a remedy under the *Trespass to Property Act*. Consistent with the township’s obligations under the *Occupational Health and Safety Act*, it is justified in seeking to protect its staff from harassment from members of the public. Unfortunately, its Anti-Harassment Policy is an ineffective mechanism for achieving this purpose. To avoid confusion in future, the township should ensure that its Anti-Harassment Policy specifically addresses the various categories of persons it applies to, and adapt its procedures and remedies accordingly.
- 60 It has now been more than six years since the township developed its template-based Anti-Harassment Policy. My investigation revealed that it is deficient in several respects. The township should revise its policy, to correct the drafting errors evident from copying the policy without individualizing it, and to reflect current best practices. In doing so, the township should review the information on this subject

available through the Ministry of Labour⁴. The Association of Municipal Managers, Clerks and Treasurers of Ontario also has an excellent research tool on its website, the AMCTO Municipal Google search, which can be used to find workplace harassment and violence policies applied by municipalities of various sizes.⁵

Recommendation 1

The Township of Red Rock should conduct research, and review and revise its Anti-Harassment Policy to ensure that it:

- **Reflects its specific workplace;**
- **Adopts municipal best practices; and**
- **Specifically addresses the categories of alleged harassers it is intended to cover.**

- 61 The township should also consider whether it is more appropriate to address certain conduct through a separate policy. For instance, many municipalities have established a code of conduct under the *Municipal Act, 2001* to deal with inappropriate conduct of council members, including in their interactions with staff. Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2016*, which was before the Legislature at the time this report was written, proposes to make codes of conduct mandatory for all municipalities and to require that they obtain the services of an integrity commissioner to enforce them. The township should consider adopting, as a best practice, a code of conduct to address the conduct of council members, together with appointing an integrity commissioner to enforce it.

Recommendation 2

The Township of Red Rock should consider adopting a code of conduct for council members and appointing an integrity commissioner.

⁴ <https://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>

⁵ AMCTO Municipal Google Search, online:

<<http://www.amcto.com/imis15/content/GoogleSearchPage.html>>.

Choosing the Act over policy

- 62 After initially proceeding to address the complaint against Mr. Martin under Red Rock's Anti-Harassment Policy, the Chief Administrative Officer later chose to ignore it. He did not prepare a report on his investigation for council's consideration, but took it upon himself to frame a remedy. Although it would have been challenging to apply the township's policy in the context of this case, given its deficiencies, the process the Chief Administrative Officer did adopt was superficial, arbitrary and procedurally unfair.
- 63 The Chief Administrative Officer justified his approach by saying since Mr. Martin would not co-operate by meeting with the Mayor, he chose to apply the *Occupational Health and Safety Act* rather than the policy. The Chief Administrative Officer told us several times that he was required by the *Occupational Health and Safety Act* to take every reasonable precaution to protect a worker. Under that Act, there is a general duty imposed on a supervisor to "take every precaution reasonable in the circumstances for the protection of a worker" (s.27(2)(c)). However, the *Occupational Health and Safety Act* contains specific provisions relating to workplace violence and harassment. The Act requires employers to develop and implement policies against violence and harassment in the workplace. There is no legislative framework for applying the Act generally instead of a specific workplace policy and program developed in compliance with the Act. The policy also continues to apply even if the respondent is unco-operative. The Chief Administrative Officer's evidence on this point demonstrates a lack of understanding of the law relating to workplace violence and harassment.
- 64 While the Township's Anti-Harassment Policy is in desperate need of a refresh, if a complaint is made under it, and in the absence of any other specific policies applying to a situation, the township should ensure the steps set out in the policy are followed. As demonstrated in this case, the alternative is an unauthorized, unclear, and unfair process, which is inconsistent with the intent of the *Occupational Health and Safety Act*.

Recommendation 3

The township should ensure that complaints under its Anti-Harassment Policy are handled in accordance with that policy.

Remedial confusion

- 65 It is clear that an investigator under the township's Anti-Harassment Policy has no authority to impose a remedy unilaterally. Council alone has the power to sanction harassers under the policy, after receiving the investigator's report and recommendations. Issuing a trespass notice is also not one of the corrective actions that can be taken under the policy. Despite these jurisdictional limits, the Chief Administrative Officer issued the trespass notice on his own initiative and then reissued it three times. The township should ensure that the authority to grant remedies and issue corrective actions is only exercised in strict compliance with the terms of the policy.

Recommendation 4

The township should ensure that remedial authority under its Anti-Harassment Policy is only exercised in accordance with the terms of the policy.

Specially trained investigator

- 66 Under the *Occupational Health and Safety Act*, employers are obligated to conduct investigations of incidents and complaints of workplace harassment that are appropriate in the circumstances (s. 32.0.7 (1)).
- 67 The township's Anti-Harassment Policy calls for a specially trained person from within the organization or a consultant to conduct complaint investigations, which are not resolved informally or through mediation. In discussing his training and experience with us, the Chief Administrative Officer expressed confidence in his abilities to investigate such matters. However, the process that he followed clearly demonstrates his lack of understanding of basic investigative principles.
- 68 The Ministry of Labour recently issued a Code of Practice to Address Workplace Harassment. It refers to best practices in meeting obligations

under the *Occupational Health and Safety Act*, including for conducting investigations.⁶

- 69 For instance, it provides that the individual conducting a workplace harassment complaint investigation should have knowledge of how to conduct an appropriate investigation. It also refers to minimum investigative standards that should be followed, such as:
- Thoroughly and separately interviewing the complaining worker, other relevant witnesses, and if the alleged harasser is not an employee, making reasonable efforts to interview them;
 - Taking appropriate notes and statements during interviews; and
 - Preparing a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker claiming harassment, the alleged harasser's response, the evidence of any witnesses and other evidence gathered, and setting out findings of fact and a conclusion about whether harassment was found or not.
- 70 In addressing the complaint against Mr. Martin, the Chief Administrative Officer failed to follow even these basic steps. He apparently interviewed various witnesses, but there are no individual witness statements or notes from interviews. The Mayor sent letters to Mr. Martin asking him to meet, but the Chief Administrative Officer took no further steps to try to obtain Mr. Martin's evidence. The bare record consists of the letter of complaint and a sparse and composite summary of information about Mr. Martin's visits to the municipal office on September 11 and 12, 2014, without any attribution to specific witnesses. Finally, no investigative report was prepared, in contravention of the township's Anti-Harassment Policy as well as the best practices reflected in the Ministry's code.
- 71 In future, the township should ensure that only an appropriately trained individual carries out investigations under the Anti-Harassment Policy. I recognize that it might present a challenge to this small community to retain an experienced workplace investigator. However, there are various courses offered in Ontario to train individuals to conduct thorough, well-documented and fair investigations, including specialized training on conducting a workplace investigation.

⁶ Ontario Ministry of Labour, "Code of Practice to Address Workplace Harassment Under Ontario's Occupational Health and Safety Act" (August 2016), online: <www.labour.gov.on.ca/english/hs/pdf/harassment.pdf>.

- 72 In accordance with its existing policy, the Township of Red Rock's Anti-Harassment Policy should ensure that all investigations are carried out by a person with special training on conducting workplace investigations, or by a consultant with relevant expertise. Failure to do so may serve to undermine public confidence in its administration.

Recommendation 5

In accordance with its policy, investigations conducted under the Township of Red Rock's Anti-Harassment Policy should be conducted by a person with special training on conducting workplace investigations, or by a consultant with relevant expertise.

Tainted investigative process

- 73 It is fundamental to credible investigations that investigators be independent and unbiased. As the Ministry's code states, an investigation must be objective, and the person investigating "must not be directly involved in the incident or complaint."⁷ Not all organizations can afford to hire external counsel to conduct every investigation, but as a senior labour lawyer recently remarked, at a basic level, the investigator should be neutral and "have no direct involvement in the matters being investigated".⁸
- 74 Ultimately, the whole investigative process followed in this case was tainted by the fact that the Chief Administrative Officer appointed himself as investigator. The Chief Administrative Officer's proper role was as a witness to the exchange that led to the complaint. He lacked the impartiality and independence necessary to carry out a credible investigation.
- 75 The township should ensure that, in future, complaints are investigated by individuals who have no direct involvement in the events or complaint under consideration. Failure to abide by this principle will inevitably result

⁷ Ontario Ministry of Labour, "Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act, Part III: Employer's Duties Concerning Workplace Harassment", online: <www.labour.gov.on.ca/english/hs/pubs/harassment/>.

⁸ Kelly J. Harbridge, Workplace Investigations: A Management Perspective, Canadian Bar Association 2011 National Administrative Law, Labour & Employment Conference, November 25-26, 2011, Ottawa, online: <www.cba.org/cba/cle/PDF/ADM11_Kelly_Harbridge_paper.pdf>.

in investigations under the policy being procedurally unfair and subject to reproach. When investigations are perceived to be unfair, it undermines the credibility of the process and makes it less likely that the public will trust in and accept the results.

Recommendation 6

The Township of Red Rock should ensure that investigators appointed to address complaints under its Anti-Harassment Policy have no direct involvement in the events or incident leading to the complaint.

For the record

- 76 The township's record of the investigation consisted solely of the complaint and the superficial and composite investigative summary. Failure to keep proper records and follow a principled and thorough investigative process leaves the township open to allegations of impropriety and incompetence. Consistent with the recommendations reflected in the Ministry's code and general best investigative practices, the township should ensure that all aspects of its workplace investigations are fully documented.⁹ By adopting this practice, the township will be better placed to demonstrate that it is following a fair process and complying with applicable rules.

Recommendation 7

The Township of Red Rock should fully document all complaints received and investigations conducted under its Anti-Harassment Policy.

Adoption of best practices

- 77 The township should also develop detailed procedures under its Anti-Harassment Policy to ensure that its staff follow an investigative process consistent with the requirements of the *Occupational Health and Safety Act* and that reflect the best practices promoted by the Ministry of Labour.

⁹ See e.g. Dean Benard, "Protecting investigations from allegations of impropriety or incompetence" (2013) 3:4 *Journal of Nursing Regulation* 35.

Recommendation 8

The township should develop procedures under its Anti-Harassment Policy that reflect the requirements of the *Occupational Health and Safety Act* and the best practices in the Ministry of Labour’s Code of Practice to Address Workplace Harassment.

Lack of a trespass policy

- 78 Under the *Trespass to Property Act*, persons who are responsible for premises or controlling activities on them have the authority to prohibit entry by notice, either outright or subject to various conditions.¹⁰ Failure to obey a trespass notice is a provincial offence, which may attract a fine of not more than \$10,000.¹¹ The township does not have any by-law, procedure, or policy relating to issuing trespass notices.
- 79 Although municipalities have the authority to issue no trespass notices under the *Trespass to Property Act* to protect municipal staff and property, this is a remedy that should be exercised judiciously. Some municipalities have developed policies specifically addressing when and how trespass notices can be issued; Red Rock has not. In the absence of a clear process, the Chief Administrative Officer has been exercising the authority to issue trespass notices without any specific delegation from council.
- 80 In three recent cases, the Ontario courts have considered the propriety of trespass notices issued by municipalities. Although these cases focused on citizens’ rights to attend council meetings, they suggest that trespass notices should be considered a recourse of last resort when it comes to limiting public access to municipal services.
- 81 In the 2014 decision *Gammie v. Town of South Bruce Peninsula*,¹² the court considered two resolutions passed by a municipality that, among other restrictions, barred a member of the public from entering the municipal building. The town argued that it had to issue the resolutions to protect employees under the *Occupational Health and Safety Act*,

¹⁰ S.1(1), 2 *Trespass to Property Act*

¹¹ S. 2 *Trespass to Property Act*

¹² *Gammie v. South Bruce Peninsula (Town)* [2014] O.J. No. 5157 [QL].

asserting that Mr. Gammie was a threat to the safety of public officials, staff or members of the public.

- 82 The court was not satisfied, on a balance of probabilities, that Mr. Gammie was violent or made threats of violence that reasonably caused town officials, staff, or members of the public to fear for their safety. The court considered this to be the threshold for triggering the municipality's obligations respecting workplace violence under the *Occupational Health and Safety Act*.
- 83 The court concluded that the restriction on Mr. Gammie attending council meetings violated his section 2(b) right to freedom of expression under the *Charter of Rights and Freedoms*. It found the town's ban was also overbroad and that it failed to carefully design a remedy that impaired Mr. Gammie's rights as little as possible. The court gave examples of how the town could have addressed the disruptive behaviour short of an outright ban, such as by limiting Mr. Gammie's communications with town staff to a designated person.
- 84 The court also concluded that the ban deprived Mr. Gammie of his right to liberty and security of the person under s. 7 of the *Charter*, because, "[b]anning an individual in a public space where the rest of the public is free to attend engages section 7 of the *Charter* when the individual is using the public place in a manner consistent with the public purpose for that space."¹³
- 85 In *Bracken v. Regional Municipality of Niagara*,¹⁴ the court considered a trespass notice issued by the Regional Municipality of Niagara against a member of the public. In that case, the region's Chief Administrative Officer issued the notice based on two incidents – one in which Mr. Bracken was asked to stop filming a council meeting, and a second in which a member of council claimed that Mr. Bracken made her feel intimidated and threatened. The evidence was that Mr. Bracken spoke calmly and was not asked to leave. The court found that Mr. Bracken did not exercise or attempt to exercise any physical force, or make any statements or behave in a manner that could reasonably have been interpreted as a threat of physical force engaging the municipality's

¹³ *Gammie*, *supra* at 106.

¹⁴ 2015 ONSC 6934.

obligations under the *Occupational Health and Safety Act*. The court concluded that the trespass notice was invalid under the circumstances.

- 86 In contrast, the court came to a different conclusion in 2016 with respect to a trespass notice issued against Mr. Bracken by the Town of Fort Erie.¹⁵ The court upheld that notice, finding that Mr. Bracken's behaviour differed significantly from the behaviour that led to the notice in *Bracken v. Niagara*, and was not protected under the *Charter*.
- 87 In *Fort Erie*, the town issued a trespass notice to Mr. Bracken after he protested outside the town hall with a megaphone and siren. Town staff testified that Mr. Bracken paced, swore, shouted, acted erratically and aggressively, and raced up to members of the public trying to enter the municipal building for a council meeting, causing staff to fear for their safety and that of the public. The police were called, and officers said they found Mr. Bracken agitated and incomprehensible. He refused to leave when asked to do so multiple times by police, tore up a ticket the police issued to him, and police had to physically remove and detain him. The court upheld the trespass notice, finding that Mr. Bracken's behaviour was violent, harassing, erratic and disruptive and went "far outside the limits of peaceful protest."

Mr. Martin's case

- 88 In Mr. Martin's case, there is no evidence that he was violent or threatened violence during the interactions at the municipal office on September 11 or 12, 2014. While the Deputy Clerk might have been uncomfortable as a result of the exchange, it does not appear to rise to the level the courts suggest would justify a response under the *Occupational Health and Safety Act* and/or imposition of a trespass notice. In addition, the perpetual renewal of the trespass notice without any further consideration of its reasonableness or Mr. Martin's interests is extremely problematic.
- 89 Mr. Martin is also now an elected councillor. He has regularly attended council meetings since December 2014, and there have been no further incidents or complaints relating to his conduct.
- 90 In addition, Red Rock's trespass notice against Mr. Martin is extremely broad. If the intent of the trespass notice was to limit disruptive behaviour

¹⁵ *Bracken v. Town of Fort Erie*, [2016] O.J. No. 862.

in the municipal office, the least restrictive remedy should have been imposed; for instance, requiring that he communicate with a specific staff member, or in writing. Instead, Red Rock's trespass notices became even more restrictive after July 2015, when Mr. Martin was banned from accessing the entire municipal building without explanation or justification.

- 91 Under the circumstances, the trespass notice was a disproportionate and arbitrary remedy. It should be withdrawn immediately.

Recommendation 9

The Township of Red Rock should immediately withdraw the trespass notice issued against Mr. Martin.

- 92 In order to avoid a similar situation arising in future, the township should develop a policy relating to the issuance of trespass notices consistent with the principles established by the courts. It should consider using such tools as the AMCTO Municipal Google Search to find samples of trespass policies used in other jurisdictions.

Recommendation 10

The Township of Red Rock should develop and publicize a trespass policy, setting out at a minimum:

- **the circumstances that might justify issuance of a notice, including examples;**
- **the procedure for issuing and serving trespass notices, including appropriate delegation to staff;**
- **required documentation to support the issuance of a notice, including records of the complaint and any investigation undertaken;**
- **time limits for notices; and**
- **a right for an affected individual to request a review and/or appeal of the notice.**

Conduct policy

- 93 Although I do not believe that Mr. Martin's conduct represented "harassment" as contemplated under the township's Anti-Harassment Policy, Red Rock is entitled to encourage respectful and courteous interactions with its staff. Other municipalities in Ontario, both large and small, have developed policies for responding to difficult or unreasonable behavior on the part of citizens. These public conduct policies are distinct from the workplace violence and harassment policies required by the provincial legislation. They enable administrators to respond in a more appropriate, proportionate and fair manner when dealing with citizens, and specifically include reference to such remedies as trespass notices.
- 94 For example, the Town of Wasaga Beach has a policy called "Handling Unreasonable Customer Behaviour."¹⁶ It states that it is intended to address "[v]exatious, frivolous and/or unreasonably persistent" conduct, rather than "generally difficult customers." It provides:
- Concrete examples of unreasonable behaviour and vexatious or frivolous requests, without limiting the application of the policy to those examples;
 - Clear steps to follow in response to such behaviour;
 - A non-exhaustive list of potential restrictions that may be imposed by the municipality;
 - A requirement for the restrictions to be reviewed after a certain amount of time, with the length based on the severity of the situation; and
 - A process for appeal or review of any sanctions.
- 95 Another example is the "Rzone" Procedure (the "R" standing for respect), which the Town of Oakville developed under its Respectful Conduct Policy.¹⁷ This procedure sets out examples of inappropriate behaviour, as well as detailed responding steps and remedial options, from letters of warning to trespass notices that vary in length depending on the

¹⁶ Town of Wasaga Beach, Policy 2-15, "Handling Unreasonable Customer Behaviour" (2016), online: <<http://www.wasagabeach.com/Bylaws/2-15%20Handling%20Unreasonable%20Customer%20Behaviour.pdf>>.

¹⁷ Town of Oakville, Respectful Conduct Policy - HR-MNG-008, online: <<http://www.oakville.ca/townhall/hr-mng-008.html>>.

circumstances. Members of the public subject to corrective action under the procedure can also request a review by someone else in the municipality. In addition, the procedure explicitly specifies that training and education on the procedure will be provided to all staff.

- 96 Oakville's RZone procedure has been adopted by at least eight other municipalities, including the Cities of London, Guelph, and Niagara Falls, the Municipalities of North Perth and Middlesex Centre, the Towns of Orangeville and Shelburne, and the Township of Centre Wellington.
- 97 Having a well-publicized policy that establishes clear expectations for the conduct of members of the public and for responding to problematic behaviour, enhances the consistency and transparency of municipal administration. It is a best practice that should be adopted by Red Rock for the benefit of its staff and citizens alike.

Recommendation 11

The Township of Red Rock should create and implement a policy specifically designed to apply to conduct by members of the public. This should be distinct from the Township's Anti-Harassment Policy.

Opinion

- 98 The Township of Red Rock failed to follow a fair and reasonable process in response to a complaint made against Lewis Martin under its Anti-Harassment Policy. The policy was unsuited to the circumstances, and ultimately abandoned in favour of an overly punitive and disproportionate remedy that was unauthorized by any existing by-law or policy. Under the circumstances, I find that its actions were unreasonable, unjust, wrong and contrary to law in accordance with s. 21(1)(a), (b) and (d) of the *Ombudsman Act*.

Recommendations

99 To address the concerns that I have identified in my investigation, I make the following recommendations:

1. **The Township of Red Rock should conduct research, and review and revise its Anti-Harassment Policy to ensure that it:**
 - **Reflects its specific workplace;**
 - **Adopts municipal best practices; and**
 - **Specifically addresses the categories of alleged harassers it is intended to cover.**
2. **The Township of Red Rock should consider adopting a code of conduct for council members and appointing an integrity commissioner.**
3. **The township should ensure that complaints under its Anti-Harassment Policy are handled in accordance with that policy.**
4. **The township should ensure that remedial authority under its Anti-Harassment Policy is only exercised in accordance with the terms of the policy.**
5. **In accordance with its policy, investigations conducted under the Township of Red Rock's Anti-Harassment Policy should be conducted by a person with special training on conducting workplace investigations, or by a consultant with relevant expertise.**
6. **The Township of Red Rock should ensure that investigators appointed to address complaints under its Anti-Harassment Policy have no direct involvement in the events or incident leading to the complaint.**
7. **The Township of Red Rock should fully document all complaints received and investigations conducted under its Anti-Harassment Policy.**
8. **The township should develop procedures under its Anti-Harassment Policy that reflect the requirements of the**

***Occupational Health and Safety Act* and the best practices in the Ministry of Labour's Code of Practice to Address Workplace Harassment.**

9. The Township of Red Rock should immediately withdraw the trespass notice issued against Mr. Martin.
10. The Township of Red Rock should develop and publicize a trespass policy, setting out at a minimum:
 - the circumstances that might justify issuance of a notice, including examples;
 - the procedure for issuing and serving trespass notices, including appropriate delegation to staff;
 - required documentation to support the issuance of a notice, including records of the complaint and any investigation undertaken;
 - time limits for notices; and
 - a right for an affected individual to request a review and/or appeal of the notice.
11. The Township of Red Rock should create and implement a policy specifically designed to apply to conduct by members of the public. This should be distinct from the Township's Anti-Harassment Policy.

Response

- 100 The township was provided with a preliminary report setting out my findings, opinion and recommendations, and given an opportunity to respond.
- 101 The Mayor provided a brief written response on May 18, 2017. He asserted that the township followed a fair process. The Mayor also confirmed that, other than Councillor Martin, all council members individually supported the Chief Administrative Officer's decision to continue to issue trespass notices until Councillor Martin apologizes. The Mayor, by implication, did not accept my **Recommendation 9**, calling for withdrawal of the trespass notice. However, he did not address any of my other 10 recommendations.

- 102 The Chief Administrative Officer also provided a response. With respect to **Recommendation 1** about reviewing and revising the township's Anti-Harassment Policy, he wrote that "all policies can be improved and I am sure Council will consider doing so."
- 103 He also requested removal of **Recommendation 2**, which recommends that the township adopt a code of conduct and appoint an integrity commissioner. He maintained that this recommendation was irrelevant to the investigation and premature, given the state of the law. At the time of writing this report, legislative amendments requiring all municipalities to have a code of conduct and use the services of an integrity commissioner are not yet in force. However, I continue to encourage municipalities to develop codes of conduct and appoint integrity commissioners to assist in their enforcement, as a best practice and matter of good governance.
- 104 Consistent with the Mayor's position, the Chief Administrative Officer rejected **Recommendation 9**, refusing to withdraw the trespass notice. He told us that the trespass notice would remain in place until Councillor Martin apologizes to the satisfaction of the Deputy Clerk. He also emphasized that the onus is on Councillor Martin to resolve the situation.
- 105 It is obvious that Councillor Martin, the Chief Administrative Officer, and other council members are entrenched in their positions on the matter of the trespass notice. This impasse threatens to undermine public confidence in the township's administration. A recent example of dysfunction related to this situation occurred when my preliminary report was provided to the municipality for review. The Chief Administrative Officer distributed copies of the report to all members of council other than Councillor Martin. Our Office had to arrange for direct delivery of the report to him. More concerning, when council met to consider the preliminary report in closed session, the Ontario Provincial Police were called to remove Councillor Martin from the session. The Mayor justified this action on the basis that the councillor was in a "conflict of interest" position.
- 106 The township is misguided in placing full responsibility for resolving the situation on Councillor Martin. It has not taken ownership of the problem, acknowledged any of the procedural deficiencies identified by my investigation, or recognized that issuing serial trespass notices to Mr. Martin was excessive and inconsistent with the existing law. Under the circumstances, I find the township's response to my preliminary report to be wholly unsatisfactory.

- 107 My investigation has confirmed that the township acted unreasonably, unjustly and contrary to law. Its failure to provide a meaningful and positive response to my report and recommendations represents a disservice to the citizens of Red Rock. I am finalizing my report in the hope that council will take a sober second look at this matter, reconsider its position with the public interest in mind, and agree to implement my recommendations.



Paul Dubé
Ombudsman of Ontario

**Municipality of Tweed Council Meeting
Council Meeting**



Resolution No.

329

Title:

Proposed Resolution Re: Reducing Municipal Insurance Costs

Date:

Tuesday, May 9, 2023

Moved by

J. DeMarsh

Seconded by

J. Palmateer

WHEREAS escalating insurance costs are one of the Municipality of Tweed's priorities;
AND WHEREAS the Municipality of Tweed's annual insurance premiums have increased from \$161,441.84 (4.21% of taxes) to \$482,027.08 (10.42% of taxes) from 2017 to 2023, representing an accumulated increase of 298.58% over this period;
AND WHEREAS the annual increases to the Municipality of Tweed's insurance premiums have been one of the most significant constraints in limiting yearly tax levy increases over the past seven years;
AND WHEREAS Ontario Municipalities are experiencing higher insurance rates at each renewal with limited access to insurance companies willing to quote on municipal insurance needs;
NOW THEREFORE BE IT RESOLVED that the Council of the Municipality of Tweed calls upon the Province to take action to reduce municipal insurance costs;
AND FURTHER, that this Resolution be forwarded to the Association of Municipalities of Ontario (AMO), the Minister of Finance, the Minister of Municipal Affairs and Housing, MPP Ric Bresee, and all Ontario Municipalities for support.

Carried



**4800 SOUTH SERVICE RD.,
BEAMSVILLE, ON L3J 1L3
905-563-2799**

May 10, 2023

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Sent via email: premier@ontario.ca

Dear Honourable Doug Ford:

RE: Town of Lincoln Council Resolution – Municipal Heritage Register

Please be advised that Council of the Corporation of the Town of Lincoln at its Council Meeting held on May 8, 2023, passed the following motion:

Resolution Number: RC-2023-58

Moved by: Councillor Lynn Timmers; Seconded by Councillor JD Pachereva

WHEREAS the Municipal Heritage Register is an important tool for the recognition, preservation and protection of cultural heritage properties within the Town of Lincoln and throughout the Province of Ontario;

AND WHEREAS the Municipal Heritage Register allows municipalities to regulate demolition on properties protected under section 27 of the Ontario Heritage Act, to allow for evaluation of potential heritage value or significance, thereby ensuring that their potential cultural heritage value is preserved for future generations;

AND WHEREAS listing a property on the Municipal Heritage Register recognizes a property's potential cultural heritage value, and is generally less complex, time-consuming, and economically burdensome to local municipalities than pursuing the designation of a property as outlined within the existing process, which requires extensive research and documentation;

AND WHEREAS the new legislative requirements of the Ontario Heritage Act associated with Bill 23 mandate assessment of all properties on the

Municipal Heritage Register within two years, resulting in need for an unreasonable amount of resources and major budget implications for a local municipality within the short 2-year timeline;

AND WHEREAS the Town of Lincoln has 247 listed properties on the Municipal Heritage Register; and

AND WHEREAS the new requirement to remove the listed property after 2 years leaves resources exposed, and unprotected for up to 5 years;

THEREFORE, BE IT RESOLVED that the Council of the Town of Lincoln addresses this resolution to the government of the Province of Ontario, affirming the importance of the Municipal Heritage Register and its role in preserving the cultural heritage of municipalities throughout the Province;

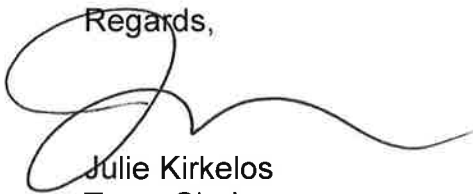
BE IT FURTHER RESOLVED that this Council of the Town of Lincoln encourages the government of the Province of Ontario to maintain the previous provisions of Section 27 of Ontario Heritage Act which promote the retention and expansion of the Municipal Heritage Register, keeping listed properties on the registry indefinitely, rather than for a maximum of 2 years in order to provide adequate time for the municipality to consider the heritage value of properties and, if necessary, initiate the designation process, before they may be demolished, and allowing properties to be re-listed within an unlimited timeframe; and

BE IT FURTHER RESOLVED that this Council of the Town of Lincoln circulate this resolution to the municipalities of Ontario for endorsement and circulation to the Province.

CARRIED

If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Julie Kirkelos
Town Clerk
jkirkelos@lincoln.ca

JK/dp

c.c. All Municipalities of Ontario



The Honourable Steve Clark
Minister of Municipal Affairs & Housing
minister.mah@ontario.ca

DELIVERED VIA EMAIL

May 11th 2023

Re: Removing Addresses on Municipal Election Forms

Dear Minister Clark,

Please be advised that at the Regular Council Meeting on May 10th 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the Council of the Region of Waterloo regarding Removing Addresses on Municipal Election Forms.

Motion 13

Moved by Councillor Kristen Rodrigues

Seconded by Councillor Mike Vasey

That Council support item 'M' of correspondence from the Region of Waterloo regarding Removing Addresses on Municipal Election Forms.

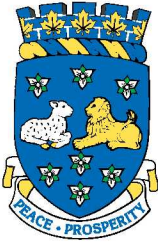
Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at dgiles@plympton-wyoming.ca.

Sincerely,

Denny Giles
Deputy Clerk
Town of Plympton-Wyoming

cc: Rebekah Harris, Research/Administrative Assistant to Council, Region of Waterloo
Bob Bailey – MPP, Sarnia-Lambton
Association of Municipalities of Ontario
Association of Municipal Clerks and Treasurers of Ontario
Ontario Public School Boards' Association
Ontario Catholic School Trustees' Association
All Ontario Municipalities



April 24, 2023

Area Members of Provincial Parliament
Sent via email

Dear Area Members of Provincial Parliament:

Re: Councillor J. Erb Notice of Motion

Please be advised that the Council of the Regional Municipality of Waterloo at their regular meeting held on April 19, 2023, approved the following motion:

WHEREAS the Municipal Elections Act requires all individuals wishing to be a candidate in a municipal or school board election to file Nomination Paper - Form 1 with the municipal clerk;

AND WHEREAS the Municipal Elections Act requires all candidates who sought election to a municipal council or school board to file Financial Statement – Auditor’s Report Candidate – Form 4 with the municipal clerk;

AND WHEREAS Form 1 requires candidates to provide their qualifying address;

AND WHEREAS Form 4 requires candidates to list the name and home address of any donor contributing over \$100.00

AND WHEREAS the Municipal Elections Act specifies that these documents are not protected by the Municipal Freedom of Information and Protection of Privacy Act, and requires the municipal clerk to make Form 4 available on a website;

AND WHEREAS there has been concern expressed about those who hold public office and those who support them that they have been the subject of unnecessary attention and excessive scrutiny;

AND WHEREAS the requirement to publish the personal home address of donors to specific candidates may discourage individuals from

engaging in the democratic process to elect municipal and school board politicians.

THEREFORE, BE RESOVLED THAT the Regional Municipality of Waterloo calls on the Minister of Municipal Affairs and Housing for the Province of Ontario to protect the privacy of candidates and donors by removing the requirement for their street name, number and postal code to be listed on publicly available forms.

AND FURTHER THAT for verification purposes, the addresses of all candidates and all donors over \$100 be submitted to the municipal clerk on separate forms that are protected by the Municipal Freedom of Information and Protection of Privacy Act and will not be published.

AND FINALLY, that this resolution be forwarded to the Area Members of Provincial Parliament, the Association of Municipalities of Ontario, the Association of Municipal Clerks and Treasurers of Ontario, the Ontario Public School Boards' Association, the Ontario Catholic School Trustees' Association, and all Ontario municipalities.

Please accept this letter for information purposes only. If you have any questions or require additional information, please contact Rebekah Harris, Research/Administrative Assistant to Council, at RHarris@regionofwaterloo.ca or 519-575-4581.

Regards,



William Short

Regional Clerk/Director, Council and Administrative Services

WS/hk

cc: Association of Municipalities of Ontario
Association of Municipal Clerks and Treasurers of Ontario
Ontario Public School Boards' Association
Ontario Catholic School Trustees' Association
Ontario municipalities

May 11, 2023

Please be advised that during the Regular Council meeting of May 9, 2023 the following resolution regarding Declaring Intimate Partner Violence an Epidemic was carried:

RESOLUTION NO. 2023-294

DATE: May 9, 2023

MOVED BY: Councillor MacNaughton

SECONDED BY: Councillor St-Jean

WHEREAS the jury that adjudicated the Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam Inquest (The Renfrew Inquest) issued 86 recommendations to the Province of Ontario on Intimate Partner Violence; and **WHEREAS** recommendation #1 of the Inquest is for the Province of Ontario to declare Intimate Partner Violence an epidemic; and

WHEREAS every six days in Canada a woman is killed by her intimate partner, and rural areas see an increased risk of Intimate Partner Violence; and

WHEREAS this past year in Ontario, 52 women or one every week, were victims of femicide, and in Prince Edward County, 233 domestic violence investigations in 2022 were led by the OPP, and service provision by Alternatives for Women was provided to over 100 women and their children per year in our community; and

WHEREAS violence against women costs the national justice system, health care systems, social service agencies, and municipalities billions of dollars per year; and municipalities are on the front lines in addressing gender-based violence; and

WHEREAS the Council of the Corporation of the County of Prince Edward has recognized that issues of violence against women in rural communities are of local importance to the health and wellness of our residents, and has demonstrated this by including it as a pillar in our Community Safety and Well-Being Plan;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the County of Prince Edward recognizes that:

- the Renfrew Inquest is important to all rural communities;
- Council is committed to engaging with community partners to educate and support our residents about the seriousness and long-term consequences of gender-based violence in our community; and

THAT the Council of the Corporation of the County of Prince Edward declares, in accordance with Recommendation #1 of the Renfrew Inquest, that Intimate Partner Violence and Violence Against Women are epidemic; and

BE IT FURTHER RESOLVED THAT this resolution be circulated to all 444 municipalities of Ontario, The Hon. Doug Ford, Premier of Ontario, The Hon. Charmaine A. Williams, Associate Minister of Women's Social and Economic Opportunity, Bay of Quinte MPP, Todd Smith, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities.

CARRIED

Yours truly,



Catalina Blumenberg, **CLERK**

cc: Mayor Ferguson, Councillor Hirsch, Councillor MacNaughton & Marcia Wallace, CAO

May 23, 2023

Via email only

To: The Honourable Sylvia Jones, Minister of Health and Long-Term Care
sylvia.jones@ontario.ca

Re: Minden Emergency Department

Please be advised that during their Regular Council meeting held May 16, 2023, Council passed the following resolution:

Resolution No. **R2023-265**

Moved by Councillor Franzen
Seconded by Deputy Mayor Armstrong

Whereas Haliburton Highlands Health Services (HHHS) has announced that, as of June 1, 2023, staff working in the Minden Emergency Department will be transferred to the Haliburton Emergency Department; and

Whereas the Minden Emergency Department serves a large portion of Municipality of Trent Lakes' residents; and

Whereas the health and wellbeing of our residents is dependent on the Minden Emergency Department continuing to operate out of Minden, rather than Haliburton;

Therefore That Council direct staff to prepare a letter expressing the concerns and impacts this closure would have on the residents of the Municipality of Trent Lakes to the Minister of Health and Long-Term Care; and further

That Council direct staff to circulate the attached letter to HHHS, MPP David Smith, Haliburton County, Peterborough County, and their local municipalities.

The Municipality of Trent Lakes Council has expressed concern with the recent announcement relating to the closure of the Minden Hospital Emergency Department effective June 1, 2023.

Many of Trent Lakes' permanent and seasonal residents use the critical health services offered at the Minden Emergency Department. The essential and compassionate care provided by the dedicated staff working at this facility has been an important and valued part of this community for many years.

As a neighbouring Municipality and a partner in providing critical public services, we respect the funding challenges that must come with the roughly 13,000 annual visits to Minden's Emergency Department. Although we respect the intention to offer the same services at the Haliburton Hospital, it should be

recognized that there will be additional pressure added to this facility with this closure, and potential transportation issues for those accessing care at the Haliburton site.

Our community is facing a physician shortage resulting in a lack of available primary health care professionals. This situation is typical of many communities across Ontario and Canada as the shortage of physicians, nurse practitioners and nurses is a national concern. The lack of access to health care professionals that provide comprehensive patient support most certainly puts pressure on Emergency Rooms like the one in Minden.

At the Association of Municipalities of Ontario Conference in August of 2022, Trent Lakes provided a presentation where they called on the provincial and federal governments to collaborate and take a more active role in addressing the shortage of health care professionals in Canada.

Although Trent Lakes has two health centres, neither of these centres are currently taking patients and both have struggled securing physicians in the past. In recognition of the importance of health services to our community, the Municipality budgets approximately \$100,000.00 annually to support operations at these centres.

Based on the feedback received to date from our community members, there is certainly concern with the quick timeline for this closure. Once again, we very much respect the funding challenges faced in delivering health care services as we too face funding challenges in providing the necessary services we deliver.

In closing, Trent Lakes Council respectfully requests a reconsideration of the decision to close the Minden Emergency Department. For that reason, it is requested that the Ministry, at a minimum, extend the June 1, 2023 closure date to allow collaboration with all stakeholders to ensure a seamless transition.

Sincerely,

Mayor and Council of the Municipality of Trent Lakes

cc: Haliburton Highlands Health Services – info@hhhs.ca
The Honourable Dave Smith, MPP Peterborough-Kawartha - dave.smithco@pc.ola.org
Haliburton County – caoclerk-info@county.haliburton.on.ca
Peterborough County – kstevenson@ptbocounty.ca
Township of Algonquin Highlands – dnewhook@algonquinhighlands.ca
Municipality of Dysart et al – mbishop@dysartetal.ca
Municipality of Highlands East – rrogers@highlandseast.ca
Township of Minden Hills – tmckibbin@mindenhills.ca
Township of Asphodel-Norwood – cwhite@antownship.ca
Township of Cavan-Monaghan – cpage@cavanmonaghan.net
Township of Douro-Dummer – martinac@dourodummer.on.ca
Township of Havelock-Belmont-Methuen – bangione@hbmtpwp.ca
Township of North Kawartha – c.parent@northkawartha.ca

Township of Otonabee-South Monaghan – hscott@osmtownship.ca
Township of Selwyn – achittick@selwyntownship.ca

RE: Streamlining of Approvals under the *Aggregate Resources Act* and Supporting Policy

Greetings,

Ontario's aggregate industry plays a key role in our government's vision to Build Ontario, supporting vital development and jobs across the province. The Ministry of Natural Resources and Forestry (the ministry) is proposing changes to [Ontario Regulation 244/97](#) under the *Aggregate Resources Act* to expand the list of changes that can be made to existing pit or quarry site plans without ministry approval, called self-filing changes (subject to conditions and eligibility), as well as seeking feedback on a new policy that provides direction for making changes to licences, permits and site plans that do require ministry approval.

The ministry is proposing to expand the list of small or routine site plan changes to an existing pit or quarry that can be self-filed, provided they satisfy detailed eligibility requirements and specified conditions. If approved, five additional site plan changes will be added to the list of self-filed amendments in the regulation. These are:

- Enabling recyclable aggregate material to be imported (concrete, asphalt, bricks, glass, or ceramics) to aggregate sites
- Adding or relocating entrances or exits to aggregate sites when the operator can provide proof of the relevant road authority approval for the change
- Adding, removing or changing portable processing equipment at aggregate sites (e.g., for crushing or screening aggregate material)
- Adding, removing or changing portable concrete or asphalt plants where required for public authority projects
- Adding, removing or changing above-ground fuel storage at aggregate sites

In addition, the ministry is proposing a new policy to clarify requirements including notification requirements when amendments are proposed to existing licenses, permits, or site plans that require ministry approval. The ministry is also outlining criteria or considerations to determine whether these changes are significant or not.

Amendment requests can include changes to site plans, conditions of a licence or permit, or any other information normally included on licences, permits, or wayside permits (e.g., name of operator, address, etc.). Amendment requests can vary in type and complexity ranging from small or administrative changes to significant changes to operations and rehabilitation. Significant changes may require consultation and notification.

We invite you to review the changes and offer comments.

**Ministry of Natural Resources and
Forestry**

Resources Planning and Development
Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

**Ministère des Richesses Naturelles et
des Forêts**

Direction des politiques de planification et
d'exploitation des ressources
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7



A complete summary of the proposed regulatory and policy changes can be found on the Environmental Registry at the following address: www.ero.ontario.ca. Then search for notice: 019-6767.

There are several ways you can comment on this proposal, including:

1. Directly through the Environmental Registry posting (click on the "Submit a comment" button)
2. By email to aggregates@ontario.ca, or
3. By mail to:
Resources Development Section
Ministry of Natural Resources and Forestry
300 Water Street, 2nd Floor South
Peterborough, ON K9J 3C7

If you have any questions, you can contact Jamie Prentice at aggregates@ontario.ca.

Sincerely,

Jennifer Keyes,
Director, Resources Planning and Development Policy Branch

May 29th, 2023

Dear Mayor and Council Members of Douro-Dummer Townships

We are writing to you to formally request, policy changes that we feel are in the best interests of we the people who live and contribute to these townships.

In no particular order, we request the following changes to current policies be put into effect immediately.

- 1) That the (draft) minutes taken at the council meetings be posted and available for review within 48 business hours, of said meeting. The minutes are taken and recorded during the meeting, so there is no reason that they aren't posted (albeit in draft form) in a more timely manner. (we understand they still need to be adopted by two council members at upcoming meeting) and have the ability to be amended by same. We feel it would give the council members more time to review and spread their work load more efficiently with respect to the minutes and the agenda.
- 2) That the agenda (in draft format) for the upcoming council meeting be posted and available for review at least 7 Business Days prior to the upcoming meeting. This will allow time to properly, review, research and prepare any questions or concerns, and further allow time to contact applicable ward council with questions or concerns or further explanations of topics if necessary. (we understand the draft agenda may change, but any changes could be noted in a different colour or text to bring awareness to those changes)
- 3) We request that persons attending the meeting or via zoom be permitted to ask questions or make brief statements and within reason (or at the discretion of the chair), with respect to the current topic if they feel something didn't get asked or addressed by a council member or that something wasn't made clear during the discussion. We understand these questions/statements should be kept brief and to the point and only be allowed once all council members have had opportunity to ask their questions.

Respectfully, Lynn McCabe, Marie Howran, Pat Smallman, Susan Field

The Corporation of the Township of Douro-Dummer

By-law Number 2023-28

Being a By-law of The Corporation of the Township of
Douro-Dummer to confirm the proceedings of
the Special Council Meeting and Regular Council Meeting held on the June 6th
day, 2023 in the Township Council Chambers

The Municipal Council of The Corporation of the Township of Douro-Dummer Enacts as follows:

1. **That** the action of the Council at its special meeting and regular meeting held on June 6th, 2023 in respect to each motion, resolution, and other action passed and taken by the Council at its said meeting is, except where prior approval of the Local Planning Appeal Tribunal is required, hereby approved, ratified, and confirmed.
2. **That** the Deputy Mayor and the proper officers of the Township are hereby authorized to do all things necessary to obtain approvals where required, and to execute all documents as may be necessary in that behalf and the Acting Clerk is hereby authorized and directed to affix the Corporate Seal to all such documents.

Passed in Open Council this 6th day of June, 2023.

Deputy Mayor, Harold Nelson

Acting Clerk, Martina Chait-Hartwig