Agricultural Impact Assessment

963 County Road 10, Township of Cavan Monaghan County of Peterborough

May 9, 2025

Assessment Roll Number:

Lot/Concession:

Town of Cavan Monaghan

Official Plan

- Zoning By-law 2018-58

Subject Lands Area:

Prepared for:

Prepared by:

CCS Project No.:

15090100300570000000

Part Lot 13, Concession 6, former Township of Cavan

Urban Employment Area, Community Commercial

Urban Employment (M1),

Community Commercial (C5) &

Natural Linkage (NL)

33.62 ha (83.1 ac)

Vargas P Inc.

Clark Consulting Services

5364



Figure 1 - Subject Lands



1. EXECUTIVE SUMMARY

Clark Consulting Services (CCS) was retained by Vargas P Inc. to prepare an Agricultural Impact Assessment, including a Soil Capability Assessment and a Minimum Distance Separation compliance review, of lands located within 1,500 metres of the subject lands located at 963 County Road 10, as illustrated on *Figure 1*.

The development proposal involves conversion of lands to residential and commercial uses. These lands are located in the County of Peterborough. The conversion of these lands to Urban Use triggers the requirement for an Agricultural Impact Assessment. We have reviewed the subject lands and the lands within 1.5 km from the subject lands, in order to prepare this report.

This study has been managed and prepared by 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 Agricultural Impact Assessment. Mr. Clark maintains membership in good standing with the Ontario Institute of Agrologists (P.Ag.). Mr. Clark is available for further comment where appropriate.

2. Introduction

2.1 Subject Lands

The lands subject to this Assessment are located north of the Village of Millbrook and east of County Road 10 between the intersection of County Road 10 with Fallis Line to the south and Larmer Line to the north. The lands are part of the Millbrook Settlement Area, as outlined on Schedule A of the Cavan Monaghan Official Plan and are designated Urban Employment Area and Community Commercial on Schedule A-1 of the Cavan Monaghan Official Plan. Several parcels have been removed from the original lot. *Figure 1–Location Map* illustrates the location of the 33.62 ha (83.1 ac) parcel.

The cultivated portion of the property is divided into a several large fields. Last year the bulk of the southern portion of the property was planted in soya beans, while the northern part was rough grass. The bulk of the property has rolling topography. There is a watercourse that crosses the property in an east/west alignment two thirds of the way north of the southern boundary.

There is a house located in the south-west corner of the property, immediately north of the extension of Fallis Line. The farm, like many of the neighbouring farms, is devoted to cash cropping as part of a larger farming operation, which is not operated from this property. A hydro transmission line crosses the extreme northern portion of the subject lands.

The adjacent lands to the east, south of the watercourse, are designated residential and although



vacant, appear to be under construction. There are scattered industrial/commercial uses and community facilities including cemeteries located along County Road 10. The remaining land west, north and east of the subject lands are mainly under cultivation.

3. PLANNING POLICY FRAMEWORK

The preparation of this review requires a review of relevant land use plans and policy documents. For this Study, CCS has reviewed the following documents:

- Provincial Planning Statement
- County of Peterborough Official Plan
- Township of Cavan Monaghan Official Plan
- Township of Cavan Monaghan Zoning By-law 2018-58
- Agricultural System
- Agricultural Artificial Drainage Mapping, OMAFRA
- Canada Land Inventory (CLI) Soil Capability Mapping
- Aerial Imagery for the Primary and Secondary Review Areas.

An Agricultural Impact Assessment requires the evaluation of both the Land Evaluation (LE) and an Area Review (AR). The Land Evaluation and Area Review (LEAR) system provides a mechanism to consider both the land capability to support agriculture, and the local conditions and influences on farm operations.

The Land Evaluation focuses on the physical capability of the soil to support crops. For this report, a Soil Capability Assessment has been prepared, which is based on a series of shallow test pits and observations organized of the tilled area.

The Area Review identifies factors that either support or restrict ongoing agriculture on the site. Considerations include parcel size and the uses surrounding the parcel. For this report, a review of land use focusing on agricultural lands and particularly livestock facilities were conducted for the lands within 1,500 m of the subject lands. The developed Urban Area within the 1,500 m range was recognized but not reviewed in detail. This not only identifies the existing agricultural uses in the area, but also identifies livestock facilities which may limit future development.

The subject lands are located within an area designated as an Urban Employment Area and Community Commercial within the Millbrook Settlement Area in the Township Official Plan. The subject lands are located on the northern edge of the Village of Millbrook. A Municipal Official Plan Amendment will be required to allow the conversion of the lands to a residential use.



3.1 Pre-Consultation

We have assumed that a Pre-consultation has been held with the key approval agencies. However, we have not been provided with notes from that meeting.

We have assumed that, as the property is within the Settlement Area designations, the approval authority will only consider the impact on the adjacent Prime Agricultural Area located to the north and east.

The process identified suggests that the agricultural area should reviewed for the current and potential agricultural uses. Consideration will be given to the size and the soil capability available for continued agricultural usage.

3.2 Provincial Planning Statement Review

The Provincial Planning Statement provides a policy basis for a proposal to expand a Settlement Area into residential use adjacent to a Prime Agricultural Area.

In considering changing land uses Section 2.3.2 states:

"In allowing a settlement area boundary expansion, planning authorities shall consider:
f) whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance."

The subject lands are located within the Millbrook Urban Settlement Area as outlined in the Township Official Plan. This indicates that development is possible, the issue is the timing and type of development. We have used the above criteria to assess the impact of development on the existing agricultural uses, both on the subject lands and on the adjacent lands.

A site visit was conducted on April 1, 2025, to review the subject lands and neighbouring land uses. A review of the applicable planning documents was completed, and the following Agricultural Impact Assessment has been prepared.

The Provincial Planning Statement defines Prime Agricultural Area as:

"Areas where Prime Agricultural lands predominate. This includes areas of Prime Agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

Prime Agricultural lands mean specialty crop areas and/or Canada Land Inventory Class 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection."



Section 4.3.4 directs that planning authorities may only exclude land from Prime Agricultural Areas for expansion of Settlement Areas in accordance with policy 2.3.2. The matters to be considered in policy 2.3.2 include:

- a) The need for the designation.
- b) The available infrastructure capacity.
- c) Whether the applicable lands comprise specialty crop areas.
- d) A review of alternate locations of lower priority agricultural lands.
- e) Compliance with the minimum distance separation formulae.
- f) Whether impacts on the agricultural system can be avoided or minimized.
- g) The expanded settlement area provides a phased progress of urban development.

Without reviewing the basis for the current urban designation, it could be assumed that these considerations were made as part of the designation. The purpose of this AIA includes a review of these considerations.

3.3 County of Peterborough Official Plan

The subject lands are located in the Millbrook Area. The County Official Plan directs in Section 4.2.3 that the local municipality is to, "designate a sufficient supply of land for residential, industrial, commercial, recreational/open space and institutional uses to accommodate the projected growth for a minimum 20-year timeframe." As these lands have been designated and approved in the Cavan Monaghan Official Plan, we accept that this designation is justified, and the agricultural use of these lands can be removed.

The conversion of the subject lands to Urban Use will introduce restrictions on the agricultural use of adjacent lands. These restrictions relate to noise, dust, spray movement and odour. Many of these impacts can be addressed through operational adjustments. However, certain activities such as the keeping of livestock are more difficult to regulate and modify through operational adjustments. This suggest that the conversion of the subject lands should be planned to occur in a phased manner over time, allowing the adjacent agricultural uses to make the most efficient adjustment of operations and prolonging existing agricultural uses.

3.4 Township of Cavan Monaghan Official Plan

As referenced earlier in this report, the Cavan Monaghan Official Plan designates the subject lands as Millbrook Urban Settlement Area on Schedule 'A', as illustrated on *Figure 2*, an Excerpt from Schedule A – Land Use.

The adjacent lands to the north and east are designated Agricultural and Natural Linkage Area. The Natural Linkage Area corresponding to the natural areas associated with the watercourses.



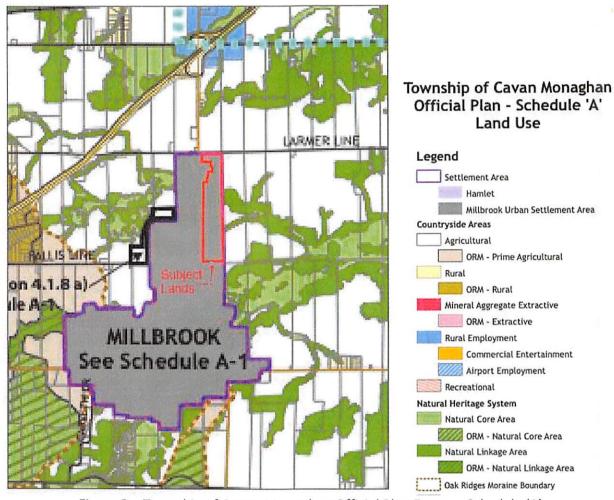


Figure 2 - Township of Cavan-Monaghan Official Plan Excerpt, Schedule 'A'

Schedule A-1 provides the detailed Land Use and Transportation designations for the Millbrook Settlement Area. An excerpt from Schedule A-1 is reproduced as *Figure 3*.



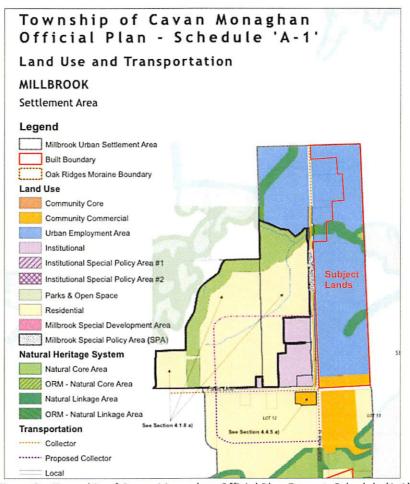


Figure 3 – Township of Cavan Monaghan Official Plan Excerpt, Schedule 'A-1'

As referenced earlier in this report, the lands are designated Urban Employment Area and Community Commercial. The Conceptual Block Plan proposes to develop the eastern portion of these lands for a residential use. This will require an amendment to the Schedule illustrated in *Figure 3*. However, the MDS Guidelines do not distinguish between employment uses and residential uses. As long as they are within a Settlement Boundary, they are classified as a Type B land use as they are characterized by a higher density of human occupancy, habitation or activity.

3.5 Township of Cavan Monaghan Zoning By-law No. 2018-58

The Township of Cavan Monaghan Zoning By-law Schedule E-3 zones the subject lands as Urban Employment (M1), Community Commercial (C5) and Natural Linkage (NL). An excerpt from the Zone Schedule E-1 is shown on *Figure 4 below*.





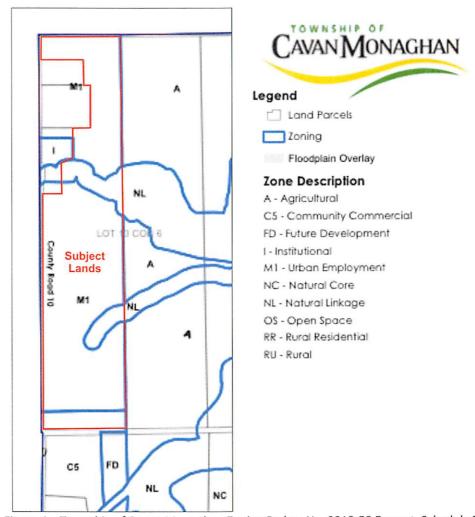


Figure 4 – Township of Cavan Monaghan Zoning By-law No. 2018-58 Excerpt, Schedule E-1

This zoning complies with the Official Plan designation. The Community Commercial (C5) Zone permits a range of commercial uses as outlined in Table 5A. The Zone Standards outlined in Table 5B require a minimum lot area of 4,000 sq.m. and a minimum lot frontage of 20 m.

The Urban Employment Zone permits a wide range of uses as outlined in Table 6A. Table 6B requires a minimum lot area of 0.5 ha and a minimum frontage of 20 m.

The adjacent lands to the east are zoned Agricultural (A) and require a minimum lot area of 40 ha and a minimum frontage of 130 m.

The zoning clearly permits urban uses, but the proposal to develop these lands as residential will require a Zoning By-law Amendment. Please note that a portion of these lands are subject to a



Ministerial Zoning Order (Attachment C - O.Reg. 250/22).

4. On-site Physical Resource Inventory

The Study Areas identified for this report includes the subject lands parcel, which we have called the Primary Study Area, and the lands surrounding the subject lands parcel, extending to a distance of 1,500 m, which we have called the Secondary Study Area. The Secondary Study Area is reduced to the south in view of the Village of Millbrook which is an Urban Area and shields all land further south.

Figure 5 presents an aerial view of the Study Areas and provides a listing of non-farm land uses.

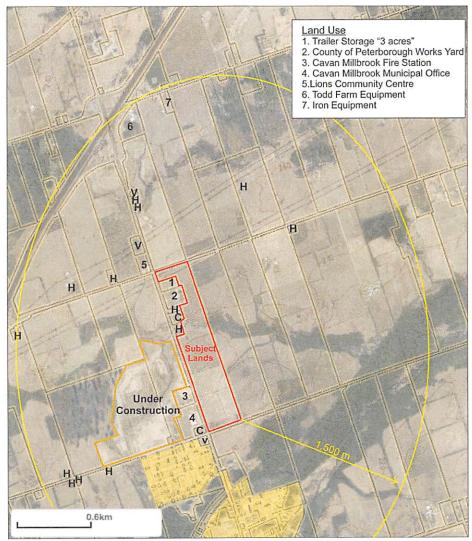


Figure 5 - Non-farm Uses - Study Area



The lands along County Road 10 have a scattering of non-farm uses but the area to the east of the Subject Lands has very few non-farm uses. This provides flexibility for the location of new agricultural uses.

4.1 Primary Study Area

The Primary Study Area totals approximately 33.62 ha (83.1 ac). The boundaries of this parcel are shown on Figure 1 – Location Map.

The parcel is municipally known as 963 County Road 10. With the exception of the residence in the south-west corner, the hydro towers across the northern portion and the lands associated with the watercourses and drainage ditches, the bulk of the lands are under cultivation.

The Peterborough Soils Report identifies the subject lands as being exclusively Otonabee Loam soils which are described as a calcareous, moderately stony loam till with rolling terrain. During our site visit, we dug several test pits across the property to confirm the soil classification.

The Capability Classification is 1^64T^4 . As outlined above, our site visit would confirm this capability classification. The bulk of the lands located to the east of the subject lands are also classified as Otonabee loam with a similar capability classification. An excerpt from the Capability Mapping is reproduced as *Figure 6*.

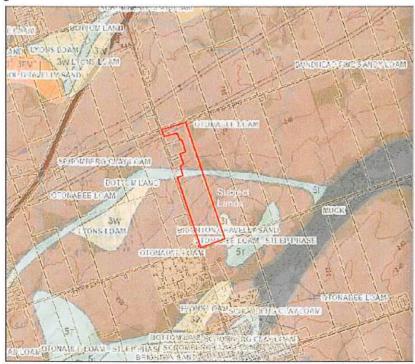


Figure 6 - Soil Capability Map



5. OFF-SITE FEATURES - SECONDARY STUDY AREA

The Secondary Study Area includes lands that may be potentially impacted by the development. For Settlement Area Boundary Expansions, a 1.5 km (1,500 m) radius is recommended for a Secondary Study Area(s).

Minimum Distance Separation (MDS) Guidelines use 1.5 km as an "investigation distance". The rationale for 1.5 km as the investigation distance, is tied to the size of MDS I setbacks. Generally, MDS I setbacks deal sufficiently with odour issues, and therefore can be a good basis for investigating other impacts such as noise, traffic and hydrological changes. Furthermore, a 1.5 km radius provides an appropriate area to assess community and economic impacts and within the Agricultural System using the OMAFRA's Agricultural System portal.

For the purpose of this review, a Secondary Study Area has been chosen that extends up to 1,500 m from the boundary of the Primary Study Areas. The extent of the Secondary Study Area has been reduced in the southern portion, since this is mostly the Urban Lands In this area. The extent of the Secondary Study Area is illustrated on Figure 7 – Livestock Facility Locations with MDS Arcs.

During our site visit on April 1, 2025, we identified the livestock facilities in the Secondary Study Area and attempted to contact each owner to verify their livestock capacity. Where the owner was not available, we have identified the capacity by our own assessment of the barns design and capacity. With this information a series of MDS calculations have been prepared. They are reproduced as Appendix B and are illustrated on *Figure 7*. None of the livestock facilities generated a Minimum Distance Separation distance which would intersect the Primary Area. It is assumed that this verifies the original review that supported the designation of the subject lands as part of the Settlement Expansion.



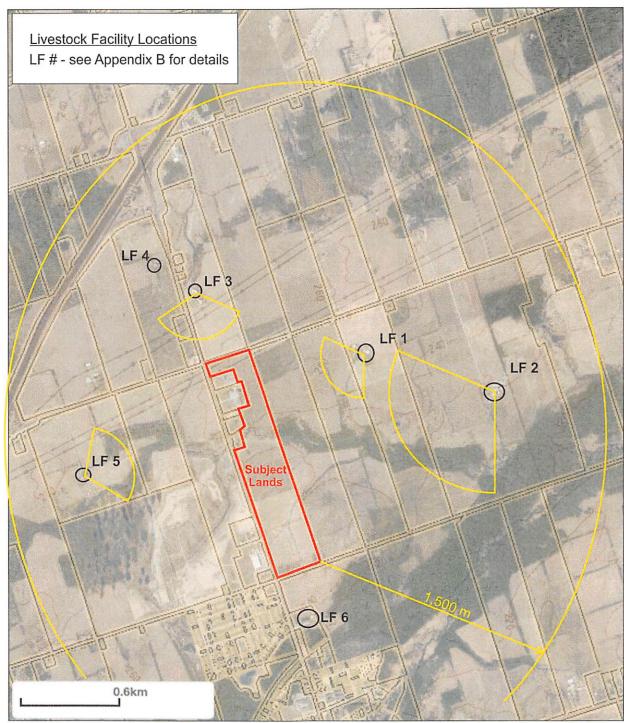


Figure 7 - Livestock Facilities with MDS Arcs



6. ASSESSMENT OF IMPACTS ON AGRICULTURE

6.1 Loss of Resources

The review of the soil capability confirmed that the subject lands qualify as Class 2 Agricultural Capability. Based on the land use analysis, the subject lands were on the edge of a larger agricultural area extending to the east. However, the conversion of these lands from their existing agricultural use to an urban use is indicated in the Municipal Official Plan, where these lands are included in the Millbrook Settlement Area.

6.2 Effect on Surrounding Lands

Our review of the of the Secondary Area identified that the subject lands are surrounded on the south, west and north by urban lands or clusters of urban uses. Thus, although the conversion of these lands from agriculture would reflect a loss of good agricultural lands, the lands are isolated from other agricultural lands and the conversion would not affect the ability of the surrounding lands to continue their agricultural use. This is confirmed by our review of the Minimum Distance Separation Formulae outlined

6.3 Agricultural Character of the Area

The conversion of the subject lands would extend the Urban Area from its current boundary within 1,500 m of the subject lands, but as noted above, the adjacent lands are already dominated by non-agricultural uses. Thus, although the conversion would result in the loss of good quality agricultural lands, the effect on the character of the area would not be significant, as it would reflect a filling in of residential uses in an area already heavily committed to residential development.

6.4 Cumulative Impacts

Based on our review, it is my opinion that despite the loss of good agriculturally capable lands, the cumulative impact would be limited as outlined above.

6.5 Nutrient Management Issues

In considering the conversion of lands to urban uses, one of the considerations is the impact of the adjacent agricultural uses on the future urban uses. This would include the compatibility of the agricultural uses with the future urban uses, in this case residential in nature.

While there are no livestock facilities in close proximity to the subject lands, the ongoing cultivation of farmland can raise concerns with the use of fertilizer, pesticides and insecticides. Based on the



current proximity of existing residential uses, these issues in all likelihood have been raised, although the proximity to the agricultural lands to the east may require additional consideration. This is deemed to be a minor consideration.

7. ALTERNATIVE MANAGEMENT ISSUES

The inclusion of the subject lands in the Millbrook Urban Settlement Area was developed and approved in a Planning Act based process. Although this process identified a significant area for future urban development, the subject lands are located in an area with non-agricultural uses both in the proposed Urban Area and adjacent to the Urban Area, particularly along County Rod 10, as outlined in *Figure 6*, and our review suggests that the conversion of these lands to urban use will have a minimal impact on the adjacent agricultural lands, due to the current use of adjacent agricultural lands for cash cropping.

We have not conducted a review of alternative locations, but our review suggested that the subject lands are part of a larger area currently designated Prime Agricultural in the Municipal Official Plan. The subject lands are the closest to the existing urban uses and therefore, I conclude that there are no reasonable alternatives that are outside the Prime Agricultural Area.

The Millbrook Urban Boundary delineation appears to have considered the impact on the efficient and logical expansion of the Millbrook Urban Area.

It is noted that the change in use is not anticipated in the Municipal Official Plan. An Official Plan Amendment will be required. The planning issues related to the timing of this conversion and justification of the change in use, from agricultural use to residential uses is only one aspect of the justification required as part of this detailed land use planning process.

8. MITIGATION MEASURES

One of the key components in an Agricultural Review is the identification ways to avoid the impact on adjacent agricultural land uses of the conversion of lands to urban uses. We have identified that the subject lands proposed for conversion to a Residential Subdivision would qualify as Prime Agricultural Lands, but have already been designated for Urban Development. Lands adjacent to the subject lands on the west and south have urban characteristics, and there is a strip of non-farm development to the north of the subject lands. As outlined in this report, the presence of non-agricultural uses on adjacent lands already imposes limitations on the use of the subject lands and thus, mitigation measures have already been considered due to these existing non-agricultural uses. Thus, it is not anticipated that the conversion of the subject lands will impose significantly more restrictions on adjacent agricultural uses.



8.1 Avoiding Impacts

Where Urban Lands expand, there may be impacts on the local agricultural community such as, loss of production and agricultural products or existing agricultural operations that have to adapt to adjacent Urban Land Uses. Full avoidance of impacts on the agricultural system may not be possible.

8.2 Minimizing and Mitigating Impacts

Where full avoidance of impacts is unavoidable, we must assess if local impacts can be minimized. We know the subject lands are currently under cultivation. The loss of production of these lands will result in the loss of common crops such as corn and beans. There are limitations to the establishment of livestock facilities due to adjacent non-farm uses and slope.

Following approval of the applications, the agricultural lands adjacent to the new Urban Area Boundary will continue to be used for their current purposes. Buffers between the Built Areas and agricultural uses should be used to minimize any negative impacts normally found where urban and rural uses interface. The buffers could be existing and new trees, shrubs, roads, walls, berms, parks, and other uses that provide a physical barrier between the noise, dust, smell and spray drift associated with agricultural uses. Where urban development and agricultural lands are adjacent and none of the above measures are reasonably able to be used, then a fence between development lands and farm fields may be required to keep trespassing of the agricultural land to a minimum.

Where a residential subdivision is approved, the use of the agricultural lands should be continued for as long as possible.

8.3 Agricultural Drainage

Where natural drainage of soils is imperfect, farmers turn to artificial drainage methods to move excess water away from plant roots. A review of available mapping of tile drainage shows that no parts of the subject lands are tile drained. Where new development could interrupt the drainage patterns of adjacent fields, we recommend a tile specialist be hired to ensure neighbouring systems will not be impacted by adjusted drainage outfall areas created by the proposed development.

8.4 Net Impacts

The inclusion of the subject lands into the Millbrook Urban Boundary and its ultimate development will result in the loss of agricultural lands, which are currently limited to cultivated cropland. The current livestock facilities have been reviewed, and our assessment indicates that none of the existing facilities are within the MDS Separation Distances which indicates that the livestock



facilities are sufficiently separated from the proposed to development to avoid impact. Thus, the development of the subject lands will meet the MDS I requirements.

9. SUMMARY AND CONCLUSIONS

Clark Consulting Services (CCS) was engaged to review how the approval of an application for the conversion of subject lands into residential uses in the Township of Cavan Monaghan could impact existing farm uses and the extended agricultural community.

Our review of the proposed development of the subject lands did not identify any challenges to local farmers. The use of one or more mitigation measures mentioned above may help avoid some of these negative responses to farm uses.

The conversion of lands from agricultural use to urban use represents a permanent removal of lands from agricultural production. Following final approval of the residential subdivision, the use of these lands for existing crops can continue as the development is phased. Thus, allowing for the current use of the lands for as long as possible.

Once development of the lands is to commence, the removal, movement and storage of all soils should include a review of Ontario's Ministry of Environment and Energy's Manage of Excess Soil, and adoption of Best Management Practices mentioned in that guide.

In summary our key findings and conclusion are:

- the proposed residential subdivision conforms to the policy of the Provincial Planning Statement;
- these lands are Prime Agricultural lands;
- the lands are in an area which meets the criteria of a Prime Agricultural Area;
- the conversion of these lands to Urban Use will not have a significant impact on the adjacent agricultural uses which are already limited due to clusters of urban development.

Clark Consulting Services respectfully submits this Agricultural Impact Assessment, as part of the submission for the approval of the development in the Township of Cavan Monaghan.

Sincerely,

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

Principal Planner



FIGURES (Illustrated within the Agricultural Impact Assessment)

Figure 1 – Subject Lands

Figure 2 – Township of Cavan Monaghan Official Plan Excerpt, Schedule 'A'

Figure 3 – Township of Cavan Monaghan Official Plan Excerpt, Schedule 'A-1'

Figure 4 – Township of Cavan-Monaghan Zoning By-law No. 2018-58 Excerpt, Schedule E-1

Figure 5 – Non-farm Uses - Study Area

Figure 6 - Soil Capability Map

Figure 7 – Livestock Facilities with MDS Arcs

ATTACHMENTS

A – Curriculum Vitae – Robert K. (Bob) Clark

B – Review of MDS Guidelines

C – Ministerial Zoning Order O.Reg. 250/22

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ATTACHMENT A Curriculum Vitae - Robert K. (Bob) Clark

Mr. Clark has no perceived or actual conflicts of interest in preparing this Agricultural Impact Assessment (AIA). 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 Agrologists (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

CONTACT

Education

Master of Science,

Resource Economics,

University of Guelph

University of Guelph

Resource Development and

Bachelor of Science (Eng.)
Water Resources Engineering,

1972

1970



T 905-885-8023 bob@clarkcs.com www.clarkcs.com **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





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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



T 905-885-8023 bob@clarkcs.com www.clarkcs.com 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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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.



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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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ATTACHMENT B

Review of Minimum Distance Separation Guidelines

The Ministry of Agricultural Food and Rural Affairs has established a process for determining appropriate separation distances for new non-farm uses (*residential*, *industrial*, *commercial etc*.) in relation to certain farm uses. This process is referred to as a Minimum Distance Separation Formula I (MDS I) Review and requires the determination of the type and size of neighbouring farm livestock operations within a specific Review Area (750 m or 1,500 m), depending on the *'Type'* of application submitted. The calculation generates a recommended separation distance between a farm use related to manure generation, storage or handling and proposed neighbouring non-farm uses. The process is described in the Ministry's Publication 853, The Minimum Distance Separation (MDS) Document.

The proposal is a Settlement Area Expansion to provide additional lands for residential uses. This type of proposal is a *Type B* use and requires a review of lands up to 1,500 m from the subject lands.

The applicable MDS Guidelines for this review are identified and described below. In some places, the information has non-applicable information edited from the specific Guidelines.

Guideline 2

The MDS I setback distances shall be met prior to the approval of:

- Rezonings or redesignations in accordance with Implementation Guideline 10.
- 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 6

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.

As part of municipal consideration of planning applications, all existing livestock facilities or anaerobic digesters within a 1,500 m distance of a proposed Type B land use shall be investigated, and MDS I setback calculations undertaken where warranted.

Guideline 10

An MDS I setback is required for all proposed amendments to redesignate land to permit development in Prime Agricultural Areas, and rural lands presently zoned or designated for agricultural use.

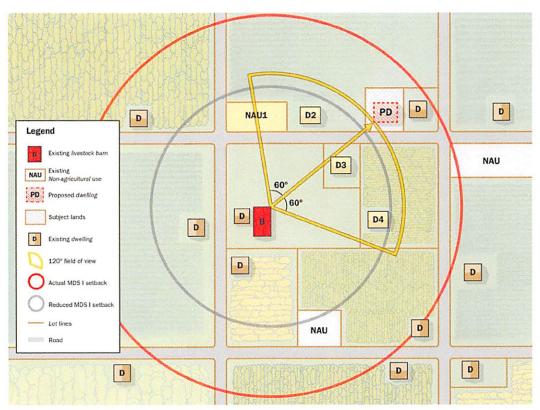


Guideline 12

An MDS I setback is required for proposed development or dwellings, even though there may be existing or approved development or dwellings nearby that do not conform to MDS I requirements. However, a reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings closer to the subject livestock facility than the proposed development or dwellings and those four or more non-agricultural uses, residential uses and/or dwellings are:

- located within the intervening area (120° field of view shown in Figure 4 in Section 7 of this MDS Document), between the closest part of the proposed development or dwelling and the nearest livestock facility or anaerobic digester;
- located on separate lots; and
- of the same or greater sensitivity (i.e., Type A or Type B in accordance with Implementation Guidelines 33 and 34), as the proposed development.

If *ALL* of the above conditions are met, the MDS I setback for the proposed development may be reduced such that, it is located no closer to the livestock facility or anaerobic digester than the furthest of the four non-agricultural uses.



Implementation Guideline 12 - Existing Uses That Do Not Conform to MDS



Figure 4. Implementation Guideline #12 — existing uses that do not conform to MDS.

Step 1: Draw a line (orange arrow) connecting the *livestock occupied portion* of the existing *livestock barn* and the nearest edge of the proposed *dwelling*'s building envelope (or the proposed *development* — not this example). **Step 2:** At the base of the arrow, looking in the direction the arrow is pointing and using a protractor, plot 60° to the right of the arrow and another 60° to the left of the arrow, effectively creating a 120° 'field of view' from the base of the arrow.

Step 3: Draw an arc using the length of the arrow from Step 1 as the radius and connect the two edges of the 120° field of view, forming a wedge shape. This wedge comprises the 'intervening area' referenced in Implementation Guideline #12.

Step 4: Count the number of existing or approved *dwellings* or *development* partially or entirely captured within the intervening area.

Step 5: If there are 4, or more, non-agricultural uses (NAUs), residential uses, and/or dwellings that fall within the intervening area, the actual MDS I setback may be reduced to become the distance of the furthest of the qualifying non-agricultural uses, residential uses and/or dwellings. In this example, there is one qualifying NAU and three qualifying dwellings totalling four. So a reduced MDS I may be permitted and the proposed dwelling can be constructed despite it not meeting the actual MDS I setback generated by the subject livestock barn. This process may need to be repeated for manure storages and/or anaerobic digesters that may also be located in the investigation distance area established in Implementation Guideline #6.

Guideline 14

An MDS I setback is **NOT** required to be met for proposed development, dwelling, agriculture-related use, or on-farm diversified use from an existing livestock facility or anaerobic digester located on the same lot as the proposal.

Guideline 34

For the purposes of MDS I, proposed Type B land uses are characterized by a higher density of human occupancy, habitation or activity including, but not limited to:

- new or expanded Settlement Area boundaries;
- an Official Plan Amendment to permit development, excluding industrial uses, on land outside a Settlement Area;
- a Zoning By-law Amendment to permit development, excluding industrial uses or dwellings, on land outside a Settlement Area; and
- the creation of one or more lots for development on land outside a Settlement Area, that results in four or more lots for development, which are 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.

Because of the increased sensitivity of these uses, a new or expanding Type B land use will generate an MDS I setback that is twice the distance as the MDS I setback for a Type A land use.

Guideline 36

MDS I setbacks are *NOT* required for proposed land use changes (e.g., rezonings, redesignations, etc.) within approved Settlement Areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.



Summary of the Minimum Distance Separation (MDS) Review

The preparation of a complete review of a planning application on lands outside a Settlement Area requires the completion of a review of the OMAFRA planning tool, known as the Minimum Distance Separation (MDS) formulae. The review of compliance with MDS is made using OMAFRA Publication 853, which includes a series of 43 Guidelines to ensure an accurate review is completed. The review begins with a determination of the 'type' of planning application requiring the review. In this case, a proposed Settlement Area Boundary is a Type B Application and requires a review of livestock facilities within 1,500 m of the subject land boundaries.

Within the review area, several barns, other than the barn on the subject lands, that may be livestock facilities were found. The limitation of 4 intermediate non-farm land uses affected 2 of these barns. MDS calculations were prepared for the other barns. None of the MDS Arcs intersected the subject lands.

Thus, my conclusion is that there are no limitations created by the application of the Minimum Separation Distance Formulae.



List of Livestock Facilities within Secondary Study Area

Livestock Facility No. 1 – 1041 Lamer Line (Owner Ben Dickson)

- Barn is traditional barn in good conditions but there was no livestock in the barn at time of visit.
- Owner advises that he had a cow calf operation with 20 cows.

Livestock Facility No. 2 – 1129 Larmer Line (Owner Richard Heeringa)

- Capacity for 200 Holstein cows.
- Currently as 70 beef and 30 goats (meat).

Livestock Facility No. 3 - 1187 County Road 10

No livestock according to owner.

Livestock Facility No. 4 – 1232 County Road 10

- · Chickens.
- Owner was not home at time of visit.

Livestock Facility No. 5 - 809 Larmer Line

- a large barn in good conditions
- owner not home at time of visit

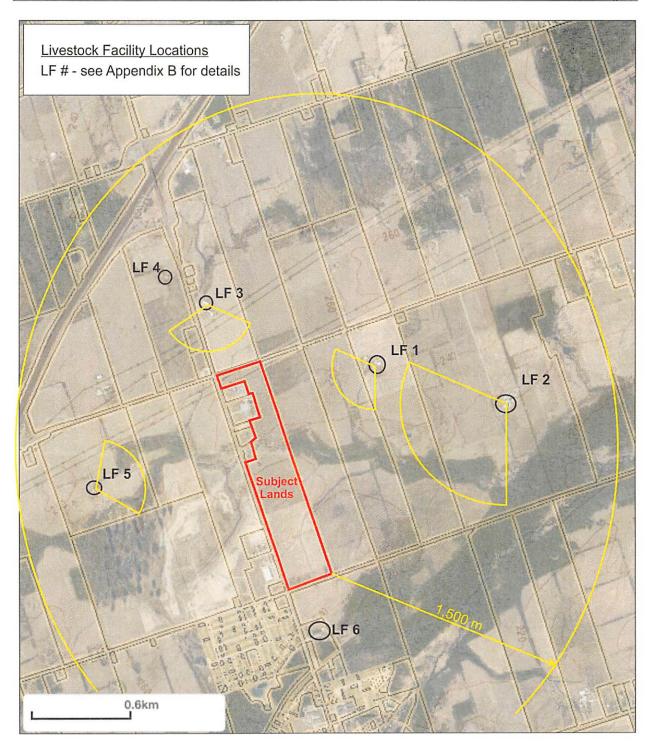
Livestock Facility No. 6 – 917 County Road 10 (Millbrook Valley Farm)

• "Free-range eggs" chickens.



MDS Sketch & Calculations in Secondary Study Area











MDSI

General information

Application date Apr 30, 2025 Municipal file number

Proposed application Lot creation for four, or more, residential lots outside of a settlement area

Applicant contact information



Vargas Properties Inc ON Location of subject lands County of Peterborough Township of Cavan Monaghan CAVAN Concession 6 , Lot 13 Roll number: 15090100300570000

Calculations

LF₁

Farm contact information Ben Dickson 1041 Larmer Line Millbrook, ON Location of existing livestock facility or anaerobic digestor County of Peterborough Township of Cavan Monaghan CAVAN

Concession 6, Lot 10 Roll number: 1509 Total lot size 40 ha

Livestock/manure summary

F	Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
	Solid	Beef, Cows, including calves to weaning (all breeds), Confinement	20	20 <u>NU</u>	186 <u>m²</u>

Setback summary

Existing manure storage

V1. Solid, inside, bedded pack

Design capacity

20 NU

Potential design capacity

40 NU

Factor A (odour potential)
Factor D (manure type)

0.7 0.7 Factor B (design capacity) 240

Factor E (encroaching land use)

2.2

Building base distance 'F' (A \times B \times D \times E)

(minimum distance from livestock barn)

Actual distance from livestock barn

621 m (2037 ft)

259 m (850 ft)

Storage base distance 'S'

(minimum distance from manure storage)

Actual distance from manure storage

259 m (850 ft)

621 m (2037 ft)

Preparer signoff & disclaimer

Preparer contact information Robert Clark Clark Consulting Services 52 John Street Port Hope, ON L1A 2Z2 905-885-8023 bob@clarkcs.com

Signature of preparer

Robert Clark, Principal Planner Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Agribusiness (OMAFA) 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 OMAFA will be considered to be the official version for purposes of calculating MDS. OMAFA 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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MDS I

General information

Application date Apr 30, 2025 Municipal file number

Proposed application Lot creation for four, or more, residential lots outside of a settlement area

Applicant contact information



Vargas Properties Inc ON Location of subject lands County of Peterborough Township of Cavan Monaghan CAVAN Concession 6 , Lot 13 Roll number: 15090100300570000

Calculations

LF 2

Farm contact information Richard Heeringa 1129 Larmer Line Millbrook, ON Location of existing livestock facility or anaerobic digestor County of Peterborough Township of Cavan Monaghan CAVAN Concession 6 , Lot 8

Roll number: 1509

Total lot size 80 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (<u>NU</u>)	Estimated livestock barn area
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), Bedded Pack	200	285.7 <u>NU</u>	2787 <u>m²</u>
	- Not Specified -		0 <u>NU</u>	NA

Setback summary

Existing manure storage

V1. Solid, inside, bedded pack

Design capacity

285.7 NU

Potential design capacity

600 NU

0.7

0.7

Factor A (odour potential)
Factor D (manure type)

.....

Factor B (design capacity) 591.14
Factor E (encroaching land use) 2.2

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)

638 m (2093 ft)

Actual distance from livestock barn

1242 m (4075 ft)

Storage base distance 'S'

(minimum distance from manure storage)

638 m (2093 ft)

Actual distance from manure storage

1242 m (4075 ft)

Preparer signoff & disclaimer

Preparer contact information Robert Clark Clark Consulting Services 52 John Street Port Hope, ON L1A 2Z2 905-885-8023 bob@clarkcs.com

Signature of preparer

Robt. K. Clark	05-05-2025
Robert Clark , Principal Planner	Date (mmm-dd-yyyy)

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MDSI

General information

Application date Apr 30, 2025 Municipal file number

Proposed application Lot creation for four, or more, residential lots outside of a settlement area

Applicant contact information

(

Vargas Properties Inc ON Location of subject lands County of Peterborough Township of Cavan Monaghan CAVAN Concession 6 , Lot 13

Roll number: 15090100300570000

Calculations

LF3

Farm contact information



1187 County Road 10 Millbrook, ON Location of existing livestock facility or anaerobic digestor

County of Peterborough
Township of Cavan Monaghan

CAVAN

Concession 6 , Lot 8 Roll number: 1509 Total lot size 30 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (<u>NU</u>)	Estimated livestock barn area
Liquid	Beef, Backgrounders (7 - 12.5 months), Yard/Barn	30	10 <u>NU</u>	111 <u>m²</u>
	- Not Specified -		0 <u>NU</u>	NA

Setback summary

Existing manure storage

No storage required (manure is stored for less than 14 days)

Design capacity

10 NU

Potential design capacity

20 NU

Factor A (odour potential) Factor D (manure type)

0.8 0.8 Factor B (design capacity) 199.99
Factor E (encroaching land use) 2.2

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)

(minimum distance from livestock barn)

407 m (1335 ft)

282 m (925 ft)

Storage base distance 'S' (minimum distance from manure storage)

Actual distance from livestock barn

Actual distance from manure storage

407 m (1335 ft)

No existing manure storage

Preparer signoff & disclaimer

Preparer contact information Robert Clark Clark Consulting Services 52 John Street Port Hope, ON L1A 2Z2 905-885-8023 bob@clarkcs.com

Signature of preparer

Robt. K. Clade	05-05-2025	
Robert Clark , Principal Planner	Date (mmm-dd-yyyy)	

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MDSI

General information

Application date Apr 30, 2025 Municipal file number

Proposed application Lot creation for four, or more, residential lots outside of a settlement area

Applicant contact information



Vargas Properties Inc ON Location of subject lands County of Peterborough Township of Cavan Monaghan CAVAN Concession 6 , Lot 13

Roll number: 15090100300570000

Calculations

LF 5

Farm contact information



1187 County Road 10 Millbrook, ON

Location of existing livestock facility or anaerobic digestor

County of Peterborough Township of Cavan Monaghan

CAVAN Concession 6, Lot 16 Roll number: 1509

Total lot size 40 ha

Livestock/manure summary

Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Dairy, Milking-age Cows (dry or milking) Large Frame (545 - 658 kg) (eg. Holsteins), 4 Row Free Stall Head To Head	12	17.1 <u>NU</u>	139 <u>m²</u>

Setback summary

Existing manure storage

V1. Solid, inside, bedded pack

Design capacity

17.1 NU

Potential design capacity

34.3 NU

Factor A (odour potential)

0.7

Factor B (design capacity)

228.56

Factor D (manure type)

0.7

Factor E (encroaching land use) 2.2

247 m (810 ft)

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)

Actual distance from livestock barn

878 m (2881 ft)

Storage base distance 'S'

(minimum distance from manure storage)

247 m (810 ft)

Actual distance from manure storage

878 m (2881 ft)

Preparer signoff & disclaimer

Preparer contact information Robert Clark Clark Consulting Services 52 John Street Port Hope, ON L1A 2Z2 905-885-8023 bob@clarkcs.com

Signature of preparer

Rost. K. Clark	05-05-2075
Robert Clark , Principal Planner	Date (mmm-dd-yyyy)

Note to the user

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ATTACHMENT C Ministerial Zoning Order O.Reg. 150/22



ONTARIO REGULATION 250/22

made under the

PLANNING ACT

Made: April 1, 2022 Filed: April 1, 2022 Published on e-Laws: April 1, 2022 Printed in *The Ontario Gazette*: April 16, 2022

ZONING ORDER - TOWNSHIP OF CAVAN MONAGHAN

Definition

1. In this Order,

"zoning by-law" means the Township of Cavan Monaghan Zoning By-Law No. 2018-58.

Application

2. This Order applies to lands in the Township of Cavan Monaghan in the County of Peterborough, in the Province of Ontario, being the lands identified on a map numbered 304 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Community Zone

- 3. (1) This section applies to the lands located in the area shown as the Community Zone on the map referred to in section 2.
- (2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection (1), except for,
 - (a) the uses permitted in the Urban Residential One (UR1) Zone and the Urban Residential Two (UR2) Zone under section 3.2 of the zoning by-law;
 - (b) townhouse dwellings;
 - (c) multiple dwellings;
 - (d) apartment dwellings;
 - (e) long-term care facilities;
 - (f) retirement homes;
 - (g) the uses permitted in the Open Space (OS) Zone set out in section 10.2 of the zoning by-law; and
 - (h) infrastructure uses.
- (3) The zoning requirements respecting setbacks set out in section 11.30 of the zoning by-law do not apply to the uses, buildings or structures permitted under subsection 3 (2).
- (4) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clause 3 (2) (a):
 - 1. The minimum lot area is 270 square metres for uses permitted in the Urban Residential One (UR1) Zone under the zoning by-law.
 - 2. The minimum lot area is 162 square metres for uses permitted in the Urban Residential Two (UR2) Zone under the zoning by-law.
- (5) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clause 3 (2) (b):
 - 1. The minimum lot area is 200 square metres per unit.
- (6) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clauses 3 (2) (a) and (b):
 - 1. The minimum lot frontage is 6 metres.
 - 2. The maximum lot coverage for all buildings is 55 per cent of the lot area.
 - 3. The maximum building height is 11 metres.

- 4. The minimum landscaped open space is 20 per cent of the lot area.
- 5. The minimum front yard setback is 4.5 metres.
- 6. The minimum rear yard setback is 6 metres.
- 7. The minimum exterior side yard setback is 2.5 metres.
- 8. The minimum interior side yard setback is 1.2 metres on one side and 0.6 metres on the other side.
- 9. Despite paragraph 8, there is no minimum interior side yard setback for a common wall between dwelling units.
- 10. Clause (1) in the portion of the zoning by-law named Tables 3B and 3C Additional Regulations does not apply.
- (7) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clauses 3 (2) (c) to (f):
 - 1. The minimum lot frontage is 30 metres.
 - 2. The minimum landscaped open space is 20 per cent of the lot area.
 - 3. The maximum lot coverage for all buildings is 55 per cent of the lot area.
 - 4. The maximum building height is 14 metres not including mechanical penthouses, rooftop amenities and other structures set out in section 11.12.1 of the zoning by-law.
 - 5. The minimum front, rear, exterior side and interior side yard setback is 3 metres.
 - 6. The minimum required parking is 1 parking space per dwelling unit and 0.25 visitor parking spaces per dwelling unit.
 - 7. A maximum of 1 loading space is required.
 - 8. Table 3A Additional Regulations, regarding amenity area requirements, in the zoning by-law applies.
- (8) The zoning requirements set out in section 10.3 of the zoning by-law for the Open Space (OS) Zone apply to the uses, buildings or structures permitted under clause 3 (2) (g).

Commercial/Mixed Use Zone

- 4. (1) This section applies to the lands located in the area shown as the Commercial/Mixed Use Zone on the map referred to in section 2.
- (2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection (1), except for,
 - (a) the uses permitted in the Community Commercial (C5) Zone under section 5.2 of the zoning by-law;
 - (b) art galleries;
 - (c) artisan studios;
 - (d) building supply stores;
 - (e) financial institutions;
 - (f) mobile refreshment vehicles;
 - (g) personal service establishments;
 - (h) places of worship;
 - (i) postal or courier outlets;
 - (j) printing or publishing establishments;
 - (k) motor vehicle repair garages;
 - (l) business offices;
- (m) beer, liquor, wine and cannabis stores;
- (n) dwelling units in mixed-use buildings; and
- (o) live/work dwelling units.
- (3) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under subsection (2):
 - 1. The minimum lot area is 360 square metres.
 - 2. The minimum front, rear, exterior side and interior side yard setback is 3 metres.

- 3. Despite paragraph 2, there is no minimum interior side yard setback where two commercial uses are situated on abutting lots.
- Despite paragraph 2, there is no minimum rear yard setback where the building or structure is adjacent to a public or private laneway.
- 5. The maximum building height is 14 metres not including any mechanical penthouses, rooftop amenities or any of the structures listed in section 11.12.1 of the zoning by-law.
- 6. There is no maximum floor area requirement.
- 7. The zoning requirements respecting setbacks set out in section 11.30 of the zoning by-law do not apply.

Terms of use

- 5. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.
- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.
 - (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

Deemed by-law

6. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a bylaw passed by the council of the Township of Cavan Monaghan.

Commencement

7. This Regulation comes into force on the day it is filed.

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STEVE CLARK Minister of Municipal Affairs and Housing

Date made: April 1, 2022

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