

REPORT ADDENDUM

MDS Memorandum/Addendum



Kawartha Downs Redevelopment
Township of Cavan Monaghan, County of Peterborough

CCS Project No.: 4922
Date: August 23, 2022

Prepared for: Romspen Investment Corporation
Prepared by: Clark Consulting Services

1. INTRODUCTION

Clark Consulting Services prepared an Agricultural Impact Assessment (AIA) for lands owned by Kawartha Downs and Speedway within the Township of Cavan Monaghan, County of Peterborough on May 17, 2022 (which was mistakenly dated **May 17, 2021** on the first page of the report only). Kawartha Downs is proposing a revitalization project, including structures to be used for livestock as part of various permitted uses, including periodic use for Equestrian Uses, Boarding Stables and uses ancillary to the existing Horse Racing Facilities, as included in the permitted uses described in the Minister's Zoning Order, dated March 4, 2022. This addendum to the AIA (March 2022) will review how the Minimum Distance Separation formulae is applied to the proposal to handle livestock as part of the revitalization and reorganization of activities on the Kawartha Downs property.

2. PROPOSAL AND SITE PLAN (KAWARTHA DOWNS SITE STUDY 15 AUGUST 2022)

Attached to this Addendum, is the Kawartha Downs Site Study, 15 August 2022, which shows the proposed location of the Proposed Horse/Cattle Barn, a 3,252 m² structure to be used for the temporary housing of horses and/or livestock ancillary to the permitted equestrian uses (the use of land or building for the boarding of horses, the training of horses and riders and the staging of equestrian events), and to be used ancillary to the permitted use of Trade and Convention Centre, that would host an Agricultural Fair from time to time.

The horse/cattle barn is wholly within the limits of the development, and is adjacent to various existing structures and new proposed employee parking areas.

3. REVIEW OF OFFICIAL PLAN DESIGNATION AND ZONING BY-LAW

Official Plan

The subject lands are part of properties owned by Kawartha Downs at 1382 County Road 28, Fraserville. The Official Plan of the Township of Cavan Monaghan, Schedule 'A', Land Use, illustrated on *Figure 1*, Township of Cavan Monaghan Official Plan Excerpt, shows the horse/cattle barn is within the Commercial Entertainment designation in the Rural Employment Areas policies. Section 5.4.6 describes area specific policies: *"The areas designated Commercial Entertainment on Schedule A recognize the existing commercial entertainment complex known as Kawartha Downs and Kawartha Slots and the surrounding lands in the community of Fraserville"*. The Official Plan currently places the review lands within the Commercial Entertainment designation of the current Official plan.

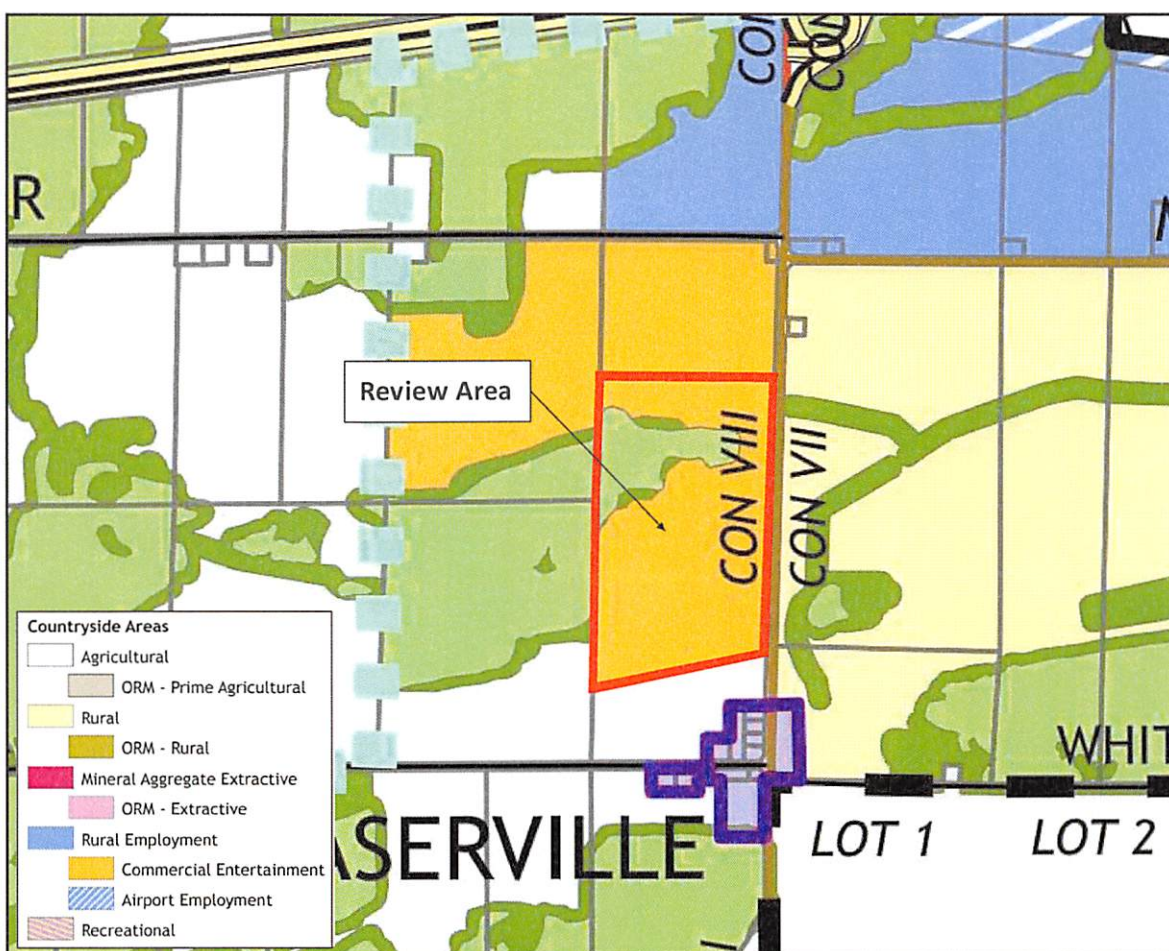


Figure 1 – Township of Cavan Monaghan Official Plan Excerpt



Zoning By-law

The Zoning By-law of the Township of Cavan Monaghan places the review lands in the Entertainment Commercial (C4) Zone, as shown on *Figure 2 – Township of Cavan Monaghan Zoning By-law 2018-58 - Map D-4*. The review area, and specifically the proposed horse/cattle barn, is wholly within the C4 zone.

The C4 permitted uses include, 'Trade and Convention Centre'. The proposal includes the use of the structure identified as 'proposed horse/cattle barn'. The uses of the barn are ancillary to the events held within the Trade and Convention Centre.

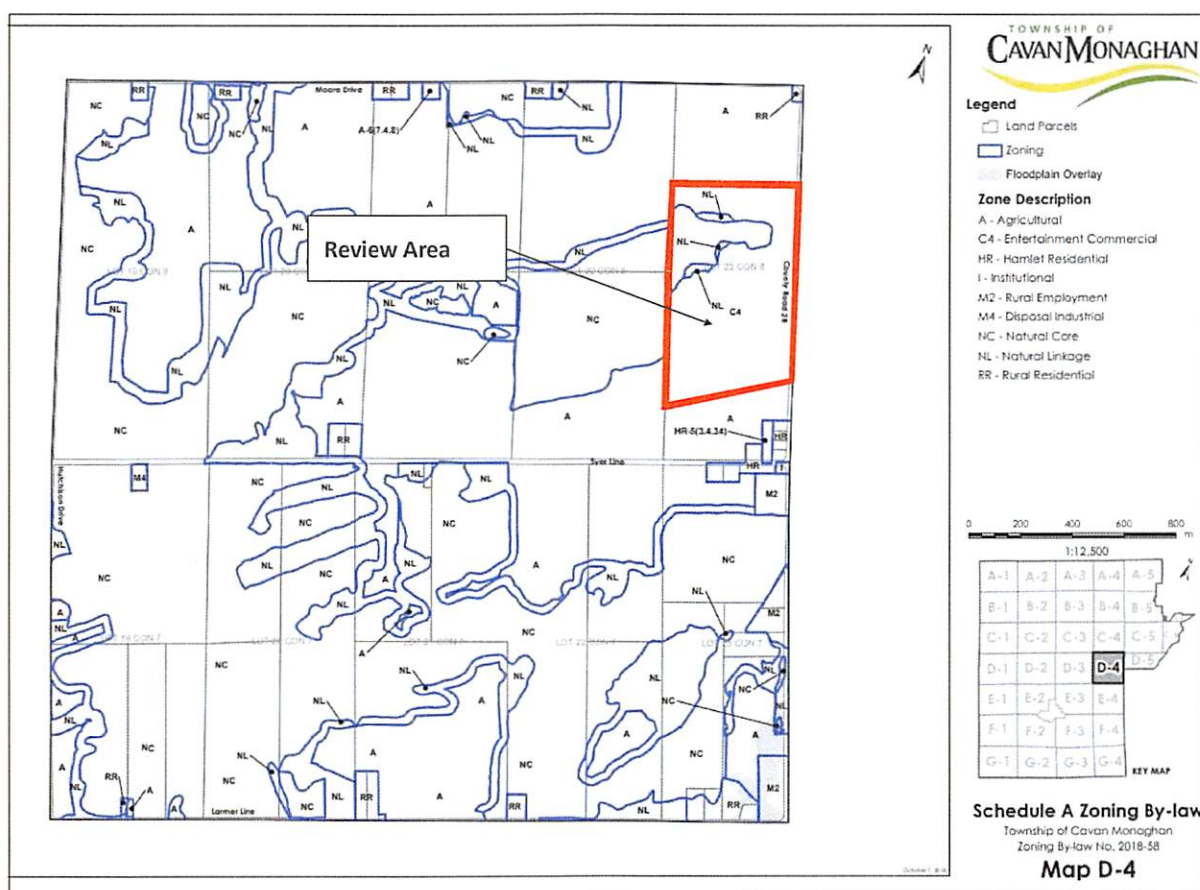


Figure 2 – Township of Cavan Monaghan Zoning By-law 2018-58 - Map D-4

Minister's Zoning Order (MZO)

Ontario Regulation 160-22 is a Minister's Zoning Order, approved on March 4, 2022, to permit various activities on the Kawartha Downs property. Within the permitted uses itemized in the MZO, uses associated with livestock include riding schools or boarding stables and equestrian uses.



4. MDS REVIEW – PROPOSED HORSE/CATTLE BARN

The basis of a review of MDS specific to the proposal is based upon direction for the application of MDS found within “*The Minimum Distance Separation (MDS) Document, Publication 853*” produced by OMAFRA.

The first part of this review of how MDS is applied in this case, is to determine how MDS defines the various livestock components of the existing and proposed uses within the Review Area of the subject lands.

4.1.MDS Definitions (Section 3 of the MDS Document)

Agricultural uses: The growing of crops, including nursery, biomass and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; associated on-farm buildings and structures, including but not limited to *livestock facilities, manure storages*, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

The current and proposed uses are not included in the definition of Agricultural Uses.

First livestock facility: Any building activity to construct a new livestock facility on a lot that requires a building permit issued under the Building Code Act, 1992, where there is currently no existing livestock facility on that lot. This also includes the construction of earthen manure storages.

The proposed ‘horse/cattle barn’ may be considered a ‘new livestock facility’.

Livestock: Includes beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep, swine and other animals as identified in Table 1.

Horses and cattle are included in the list of animals considered livestock.

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.

The proposed ‘horse/cattle barn’ is a permanent building. The intent of the building is for the temporary housing of livestock.

‘Definitions’ continue with a definition of ‘Livestock Occupied Portion’ which includes the area of a Livestock barn where livestock spend the majority of their time and generate a substantial amount of manure.

Non-agricultural uses: Buildings designed or intended for a purpose other than an agricultural use; as well as land, vacant or otherwise not yet fully developed, which is zoned or designated such that the principal or long-term use is not intended to be an agricultural use, including, but not limited to:



commercial, future urban development, industrial, institutional, open space uses, recreational uses, settlement area, urban reserve, etc. However, this does not include agriculture-related uses, on-farm diversified uses and residential uses.

The buildings proposed as shown on the Site Plan, are designed and intended for purposes other than for an agricultural use. Based on the definition of Agricultural Uses above, the proposal does not include associated structures for raising animals or livestock. The uses are not agriculture-related uses or on-farm-diversified uses. The proposed uses shown on the Site Plan within the Commercial Entertainment areas of the property, do not include any agricultural uses.

Recreational uses: Uses that generate frequent or regular public visitation and usually require buildings or infrastructure, such as campgrounds, golf courses, sports fields and trailer parks.

The MDS document has not considered Commercial Entertainment uses. The definition of ‘Recreational uses’ includes components similar to those that are expected at Kawartha Downs, including frequent or regular public visitations.

Settlement areas: Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are built-up areas where development is concentrated and which have a mix of land uses; and lands which have been designated in an official plan for development over the long-term planning horizon.

The subject lands have not been designated as ‘Settlement Areas’ within the Official Plan. However, these lands have been designated for development over the long-term planning horizon. ‘Development’ is defined in the MDS Document as ‘The creation of a new lot, or a change in land use to permit a non-agricultural use or residential use which required or requires approval under the Planning Act, 1990’. The proposal is not for lot creation but does propose some changes in the list of permitted uses on the property.

The definition of Settlement Areas is in two parts with the second part recognizing lands, such as the subject lands, as lands which have been removed from agricultural use by designation for development over the long-term planning horizon.

Within the various definitions to assist us in our review of MDS, we see that the uses proposed within the lands shown on the Site Plan do not define the lands as agricultural lands, so the proposed structure labeled ‘horse/cattle barn’ is not included in the definition of a livestock facility. Additionally, the animals using any of the proposed structures will neither spend the majority of their time within these structures, nor will they spend long enough to generate a substantial amount of manure in any structure.

5. MDS IMPLEMENTATION GUIDELINES

Section 4 of the MDS Document, outlines a series of 43 guidelines to assist in the determination of how MDS is applied in each case. The following guidelines help with the review of applying MDS to



the current proposal:

MDS Guideline 3:

Certain things that may or may not be associated with agriculture do NOT require MDS II setbacks. Such things may include, but are not limited to (partial list):

- fairground buildings;
- feed storages;
- field shade shelters.

MDS is not applied to Fairground Buildings.

MDS Guideline 10:

An MDS I setback is required for all proposed amendments to rezone or redesignate land to permit development in prime agricultural areas and rural lands presently zoned or designated for agricultural use.

The proposal is on lands that are not presently zoned or designated for agricultural use.

MDS Guideline 36:

MDS I setbacks are NOT required for proposed land use changes (e.g., consents, 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.

This guideline is intended for approved Settlement Areas. The reason for this, is that the long-term use is intended for non-agricultural uses.

6. CONCLUSIONS

The MDS document outlines how MDS is applied to various applications for land use changes.

- The first principle we see from the Definitions section is that the subject lands and the existing and proposed uses are not considered Agricultural Uses.
- The second principle is that the structures proposed to be used for livestock (horse/cattle barn) are not Livestock Facilities. The animals that will use the facilities are not housed in or on the property, they will not spend the majority of their time in these structures, and they will not generate a substantial amount of manure in these structures.
- The third principle is that MDS is applied to applications to permit development on lands presently zoned or designated for agricultural use. The proposal lands are neither designated, nor zoned to permit agricultural uses.
- In keeping with the intent, the application of MDS OMAFRA does not apply MDS to Fairground buildings. The proposal includes the reorganization and development of systems and structures



to permit various events. The buildings are designed for multi-use purposes including fairground events.

- The uses of any structure for the proposed periodical temporary livestock use will require the setting up of temporary mobile structures for penning and welfare for the animals. Any manure generated within these places during fairs, races or other events will be removed to a place away from the lands shown on the Site Plan. None of these activities or uses are considered uses associated with a Livestock Facility within an Agricultural use.

Following a full review of the existing and proposed uses shown on the Site Plan, a full review of the current zoning and designation of the subject lands, and a review of the MDS Document, Publication 853, we find that the subject lands are not agricultural lands, that existing and proposed uses on the subject lands are not agricultural uses, that the structures existing or proposed on the subject lands are not livestock facilities, and that the livestock periodically using these structures are not raised or reared in these structures, will not spend a majority of their time in these structures and will not generate a substantial amount of manure in these structures.

Based on this review, it is our opinion that MDS is not applied to existing or proposed structures as shown on the Site Plan.

Sincerely,



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

FIGURES (ILLUSTRATED WITHIN THE REPORT)

Figure 1 - Township of Cavan Monaghan Official Plan Excerpt

Figure 2 - Township of Cavan Monaghan Zoning By-law 2018-58, Map D-4

ATTACHMENT

A - Curriculum Vitae of Robert K. Clark

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





Education

1972

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

1970

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

ROBERT K. CLARK

Bob's career in the field of planning spans 40 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



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CURRICULUM VITAE

Selected Experience

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

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

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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)

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 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.

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

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.

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.

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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.

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

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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