

The Corporation of The Township of Stone Mills

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FOR IMMEDIATE RELEASE

The Township of Stone Mills received a letter dated May 28, 2020 from the Tamworth & Erinsville Community Development Committee (TECDC) and the Friends of the Salmon River, signed by Susan Moore and Mark Oliver relating to the Site Plan Control application submitted by Slack Family Farms Inc.

The letter was seeking Council to halt the processing of the Site Plan Control application respecting the establishment of an Intensive Livestock Operation, which was approved by the Township of Stone Mills Council at their May 19, 2020 meeting.

Furthermore, the letter included 24 questions which were categorized as 'errors of omissions' by the TECDC, that warranted further investigation the approval be delayed until such items are satisfactorily addressed.

Council directed staff to seek appropriate agency/ministry response and provide a response and post it on the Municipal Website (www.stonemills.com) for the public to view.

The following is the response that was prepared in collaboration with input from Quinte Conservation Authority, Township of Stone Mills Management, Ontario Ministry of Agriculture, Food and Rural Affairs and The Ministry of the Environment, Conservation & Parks.

Please find the responses summarized below:

- 1. The site plan application sections 2.1 and 2.3 indicate that the land in question, lots 9 and 10 Concession 3 are owned by the operator with a mortgage holder listed on the application. However, in the Nutrient Management Strategy form, information shows this land, identified as Transfer Contact #2, is leased. This contradiction requires resolution since if it is leased, it may require identification as an additional Transfer contact.**

Section 2.1 and Section 2.3 of the Site Plan Control application identifies that Lots 9 and 10, Concession 3 are owned by the operator. The Nutrient Management Strategy states that the land is leased. Based on information provided by the applicant as part of the Site Plan Control Application, and information contained within the Township of Stone Mills database, the lands known legally as Part Lot 9 – 10, Concession 3 as in LA268656, S/T S8557, Geographic Township of Sheffield, Township of Stone Mills is owned by Slack Family Farms Inc.

In accordance with the Nutrient Management Act, farmers are permitted to include both owned and leased / rented lands in the farm unit for a Nutrient Management Strategy.

- 2. The site plan application section 2.5 indicates that this same parcel of land has not been included in any previous site plan registered, but in fact, would it not have been included and identified in the 2001 application?**

It is the understanding of Township staff that the originally proposed Site Plan Control Application proposed by Slack Family Farms Inc. to facilitate the construction of a livestock facility west of Erinsville was withdrawn, and the facility was constructed in a neighbouring municipality. As such, although the applicant submitted a previous Site Plan Control application, the Site Plan Control application was never finalized nor registered on title.

- 3. The site plan application section 4.4 indicates that the applicant has never been made aware by any source of any contamination yet there is community awareness of an adjacent property owner experiencing contaminated water issues. If this incident is in any way connected to the current level of manure spreading, then it only stands to reason there will be an increase in this type of contamination as the manure loads increase in volume. Water quality tests including source species identification of fecal and coliform bacteria should be completed by the applicant at all private wells located within 1.5 km of the proposed barn site and spreading locations to establish a baseline for local water quality.**

The Site Plan Control application was completed by the applicant, which as noted within Section 4.4 of the application, the applicant has identified that to their knowledge the subject land (i.e. land that the proposed development is to be

developed through this application) has not been contaminated by former uses or adjacent lands.

Peter Doris, Environmental Specialist with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) confirmed that he has not attended the site nor has any other OMAFRA staff to his awareness. OMAFRA reviews and approves Nutrient Management Strategies remotely without visiting the subject property throughout Ontario.

A condition within the Site Plan Agreement is for the applicant to engage a qualified consultant to conduct a baseline water well survey of neighbouring residents. This survey is to include collection of water quality samples for submission to a qualified laboratory for analysis of bacteriological parameters (total coliform and E. coli), general chemistry and metals including nutrients such as nitrogen. The results of water quality analysis are to be provided to the individual property owners with notification of any unacceptable exceedances. The survey is to include those residences within 500 metres of the proposed barn and manure storage facility as well as immediately adjacent neighbours located at the down gradient eastern property boundary. During the survey the coordinates of neighbouring wells are to be recorded to allow the applicant to prepare a map of nearby wells to ensure appropriate setbacks and agricultural best management practices are implemented to protect wells and the local water supply.

- 4. Further to section 4.4 of the site plan application is information provided by Quinte Conservation in a January 30, 2020 letter stating that analysis of samples of groundwater from wells on the site indicated unacceptable levels of bacteria (total and fecal coliform) as well as concentrations of chlorides, sodium, nitrates and bromides. The letter also states that the groundwater was determined to be at a relatively shallow depth below ground surface with flow in a northeast to easterly direction towards Beaver Lake and Erinsville and noted the existence of domestic wells installed in shallow bedrock located approximately 900 metres downgradient (east) of the proposed barn facilities and when a manure or chemical release occurs these down gradient wells may be affected.**

The January 30, 2020 correspondence from Quinte Conservation included a summary of the results of hydrogeological testing from an assessment of the property completed in 2001. This original hydrogeological assessment identified elevated bacteriological parameters in some onsite wells and elevated levels of sodium, chloride, nitrate and bromide in one of the onsite monitor wells. The

source of bacteriological parameters was indicated as unknown and the source of elevated chemical parameters in the one onsite monitor well was reported as being attributed in part to the depth of the monitor well. Given the original hydrogeological report was inconclusive and out of date, Quinte Conservation's recommendation was that an updated hydrogeological assessment was required to support the application. The updated assessment by Malroz Engineering dated April 16, 2020 confirmed the suitability of the groundwater quality of the water supply for the proposed operation. Quinte Conservation further recommended that the water quality of onsite monitor wells will need to be confirmed prior to determining suitability of onsite wells for use in a monitoring program.

The original hydrogeological assessment report (2001) further stated that "should a release occur that down gradient wells could be affected". It is recognised that this statement was made prior to implementation of the Nutrient Management Act and associated regulations, which provides stipulation on how manure is to be stored, handled and managed. This Act was established to provide standards on how agricultural source material is to be managed in the interest of protecting the natural environment. Regardless, Quinte Conservation provided recommendations in consideration of the local conditions to provide assurance of the design and construction of the onsite facilities be provided in accordance with relevant regulations and site-specific conditions. Further to this, it was recommended that the applicant engage a qualified consultant to implement a groundwater monitoring program to assess the quality of groundwater around the site, using onsite monitor wells, and provide interpretation of the monitoring results.

Dustin Ellis, Agricultural Environmental Officer at the Ministry of the Environment, Conservation and Parks confirmed that he has not visited the site or surrounding properties in the course of my duties, nor have other MECP staff to my knowledge. I have conducted a search for relevant files associated with properties adjacent to the proposed development including:

- 383 Waddell Road*
- 183 Waddell Road*
- 356 Waddell Road*
- 41 Keegan's Road*
- 6020 County Road 41*
- 5988 County Road 41*

Further, Mr. Ellis confirmed he was unable to locate any information that has been received or collected by MECP regarding groundwater contamination at any of these properties.

- 5. Also relevant to groundwater is the almost certainty that *Giardia duodenalis* and *Cryptosporidium* will contaminate the groundwater. A 2007 study shows the occurrence of zoonotic isolates of *G. duodenalis* and *Cryptosporidium* to be very high on swine farms in southern Ontario, and that there is a potential for transmission between swine and humans by means of cyst and oocyst contaminated water or foods. *Cryptosporidium* and *Giardia* are important causes of diarrhea with the main clinical symptoms of infections with *Cryptosporidium* spp. being diarrhea, along with vomiting and abdominal cramps, loss of appetite, and low-grade fever. Measures must be identified that will be implemented to prevent such contamination of water in order to protect not just the community but also employees at the installation.**

*As identified through the Quinte Region Source Water Protection Program all groundwater in the Quinte Region is considered to be at risk to contamination from activities being conducted near the surface. Sources of contamination includes things like onsite septic systems as well as agricultural activities. Prevention of such contamination is the best way to manage this risk. This includes ensuring that the construction of water supply wells are in accordance with Ontario Regulations 903 to help reduce and prevent the entry of shallow surface water into a well. Other measures include the regular maintenance and inspection of on-site septic systems as well as implementation of agricultural best management practices and the requirements of the Nutrient Management Act to reduce potential of groundwater contamination. In addition to prevention of contamination it is recommended that owners of private wells have the water quality of their water supply tested regularly through the Public Health Unit. This testing is a free service and should be conducted 4 times a year, once for each season. The monitoring parameters of the Health Unit testing include *E. coli* which is an indicator of contamination from fecal sources. If unacceptable contamination is identified it is recommended that the source of the contamination be found and corrected. The owners of private wells are encouraged to establish a well head protection area around their well where activities that could potentially contaminate the water be eliminated.*

- 6. The Township of Stone Mills bylaw 2000-83 addressing Intensive Livestock Operations requires that prior to the issuance of a Building Permit, the Nutrient Management Plan shall undergo Third Party Review acceptable to the Township. Such review will be at the operator's expense Any concerns or issues with respect to the NMP**

identified in the review shall be addressed to the satisfaction of the Township. This has yet to be completed.

In accordance with the Nutrient Management Act, the proposed development does not require a Nutrient Management Plan, rather a Nutrient Management Strategy. Township of Stone Mills, Intensive Livestock By-law (By-law#2000-83) has been largely superseded with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) enactment of the 2002 Nutrient Management Act. Section 5.1.3 of By-law 2000-83, has been interpreted by staff to require applicants to provide confirmation of an OMAFRA approved Nutrient Management Strategy or Nutrient Management Plan in accordance with the Nutrient Management Act prior to the issuance of a building permit.

- 7. The Township of Stone Mills bylaw 2000-83 addressing Intensive Livestock Operations requires that prior to the issuance of a Building Permit, the hydrogeology study shall require third party review acceptable to the Township. This has yet to be completed.**

The applicant's Hydrogeology Study has been peer reviewed by Quinte Conservation Authority Hydrogeologist, Mark Boone. As such, this third-party review was completed concurrently with the processing of the Site Plan Control application. Several recommended conditions have been incorporated within the Site Plan Agreement based on this peer review.

- 8. The Township of Stone Mills bylaw 2000-83 addressing Intensive Livestock Operations requires that the submission of the Nutrient Management Plan shall be accompanied by attached signed agreement(s) with the persons who will be acquiring a quantity of solid and/or liquid livestock manure as defined in the agreement. These agreements are not included in the NMS.**

Through correspondence received from OMAFRA, the proposed development does not require the applicant to complete a Nutrient Management Plan, as the proposed livestock facility is to be 270 Nutrient Units whereas the threshold of 300 Nutrient Units is the requirement to trigger a Nutrient Management Plan in accordance with the Nutrient Management Act.

- 9. Page 3 of 7 from the Nutrient Management Strategy indicates that 12,027,500 gallons of manure will be spread annually. Missing is the quantity per Transfer Contact and whether the particular contact is permitted to accept manure on an annual basis or a monthly basis. Soil**

analysis must verify the soil capacity at each location in order to assist with ensuring of the environmental integrity of this procedure.

Based on the Nutrient Management Strategy (page 2 of 7) for the five-year period, it shows liquid manure volume of 732,338 ft³ (4,561,731 imp gallons or 5,478,620 US gallons) at approximately 2.5% dry matter (DM) based on the livestock information provided and 181,275 ft³ of solid manure for the same 5 year period.

On this same page, under Nutrient Content and Utilization heading, it shows 1,073,760 ft³ (6,688,234 gal) at 5.1% DM over the 5-year period. The volume and DM value of the liquid manure have increased from the above figures because Mr. Slack is intending to combine the swine manure with the beef manure and as result the DM increases from ~2.5% to 5.1% with the addition of the solid beef manure to the liquid swine manure.

- 10. The Nutrient Management Strategy indicates that the location of the farm is Concession 3 Lot 10 and has 156 tillable acres. This appears to be erroneous information as the tillable acreage of Concession 3 Lot 10 is approximately 40 acres. It also states in the NMS that the farm generates manure and receives manure. This implies that this area of land is already bound by a pre-existing Nutrient Management Strategy relating to existing operations, perhaps those at the Kinlin Road farm, and would not be eligible to receive additional nutrients.**

OMAFRA evaluates acreage submitted in Nutrient Management Strategy using an on-line mapping tool called AgMaps. We recognize that there can be some differences in map area vs. actual area based on accuracy of estimated acreage using on-line maps, clarity of the imagery for an area and potential changes in land use since the imagery was provided. We also cross reference acreage with other Nutrient Management Strategies for the same operation when a Nutrient Management Strategy is submitted for approval and MECP could potentially inspect multiple farm units for the same operation if there is a concern related to nutrient loading.

- 11. The total spreadable area of the 4 Transfer Contacts identified in the NMS is 140.5 acres. Using the volumes provided in the Nutrient Management Strategy document results in approximately 22,400 gallons per acre per year being applied to these lands. This is clearly a contradiction of OMAFRA's policy of a typical application rate of 5,000**

gallons per year per acre. The fact that the NMS identifies only Contact 3 as receiving this manure escalates the severity of this breach.

Based on information on page 2 of 7, the nm strategy is predicting 1,336,183 gallons of manure will be produced. If all the manure was transferred to the 140.5 acres, it would be 9,510 gallons per acre plus there is the acreage at the farm where the barn is located for application as well. An appropriate application volume requires consideration of multiple factors including the nutrient content of the material, the condition of the fields receiving manure, the frequency of application and the crops to be grown on the field. In addition, a farmer can add additional fields where manure can be applied through the annual review and update of the Nutrient Management Strategy.

- 12. The inclusion of "monthly" spreading in the Nutrient Management Strategy is not consistent with best practices as identified by OMAFRA. Spreading manure on frozen ground presents one of the highest risks for contamination of the environment and should not be approved for this location.**

The Nutrient Management Strategy indicates that this operation will have 400+ days of manure storage capacity so monthly transfer is unlikely. The selection of "monthly" transfer was likely a data entry error.

- 13. The specific properties identified in the Nutrient Management Strategy contain locational discrepancies.**

- a. Listed under Farm Unit Summary as Farm A, the roll number provided points to an actual location on Lot 9, Concession 3 as opposed to that identified in the NMS document as Lot 10 Concession 3.**
- b. Listed under Transfer Contacts as Contact 2 -Leased Land with an additional roll number for identification purposes, based on the provided roll numbers appears to be located on Lot 6, Concession 7 and Lot 7 Concession 7 and not Lot 10 concession 3 as indicated in the NMS.**
- c. Listed under Transfer Contacts as Contact 3 the identifying roll number shows the land to be located at Lot 12 Concession 3 and not Lot IO Concession 3 as indicated in the NMS.**
- d. The location of Contact 3 is abutting a marsh-wetland area that feeds into Beaver Lake making it inappropriate for a manure receiving location.**

- e. **Listed under Transfer Contacts as Contact 4 in the NMS, the property in question is named as owned by Steve Kennedy. This requires verification as an independent investigation indicates the land identified for Contact 4 in the NMS may be a different location.**
- f. **Contact 1 listed under the Transfer Contacts has a location in Hungerford at Concession 2 Lot 33, across a roadway from Dry Lake rendering this property inappropriate for the spreading of manure. Blue outlined area is Contact 1 land. Tillable land as closest to Dry Lake.**

OMAFRA Brighton staff will follow up with OMAFRA Guelph about verification of lot and concession information with roll numbers.

14. **There is no indication in the NMS as to which party is responsible for conducting regular soil analysis tests and for sharing results for the receiving lands. This should be made clear.**

There is no mandatory requirement for soil testing for farms with a Nutrient Management Strategy and farms receiving manure. OMAFRA encourages all farms in Ontario to have a valid soil test for their fields done every 3-5 years. With respect to concerns about nutrient loading, the following link provides additional details about OMAFRA's approach with dealing with nutrient loading in a Nutrient Management Strategy:

<https://www.nutrientmanagement.ca/resources/nutrient-management-strategy-plan-development/nutrient-loading-for-nms-p/>

15. **The Nutrient Management Strategy application indicates that a contingency plan has been established but offers no details. This issue should be transparent and documented.**

Contingency plans are required for Nutrient Management Strategies and are kept on file at the farm for ready access. Ministry of Environment, Conservation and Parks can ask to review the contingency plan when inspecting nm documentation on the farm. At a minimum, contingency plans must address the required elements in the Nutrient Management Protocol linked here:

<http://www.omafra.gov.on.ca/english/nm/regs/nmpro/nmpro12-12.htm>

16. **There is concern about the use of the term tillable in determining the amount of land owned by the applicant suitable for the spreading of manure. Independent measurement of "ready for the plough" or tillable land using Township mapping suggests that the Keegans & Waddell Roads location there is estimated to be 62 tillable acres not 156. This includes both Lot 9 & 10 Con 3. If this is the case the applicant could be in contravention of the Township's Intensive Farming by-law 2000-83 Section 9 which requires the applicant to own a minimum of 40% of the land upon which manure is being spread.**

The spreading of manure is regulated by OMAFRA through Nutrient Management Strategies and Nutrient Management Plan(s) in accordance with the Nutrient Management Act. As the Nutrient Management Act contains specific legislation pertaining to this action, the local municipal by-law is considered superseded in this regard.

17. **The Nutrient Management Strategy application contains cautionary "flags" that require resolution.**

The cautionary flags were all addressed in the submission such as the completed Engineering Requirement Form and the proof of the articles of incorporation included near the end of the Nutrient Management Strategy. The change in the bedding is 0% (so no change) and the change in DM content of the beef manure is very minor (0.1% from 21.9% to 22.0%).

18. **Also, in their letter from January 30, Quinte Conservation noted that additional hydrogeologic testing should be required to:**
- a. Ensure that the bottoms of the proposed manure storage facilities and barn are above the highest elevation of the water table as there is potential for the release of high nutrient manure liquids into the ground water**
 - b. Guarantee the operational water quantity availability during lowest water table periods while having no impact on neighbouring properties and their water requirements.**

The Hydrogeological study indicates that a 16.5-hour test successfully produced a result of 14,500 litres of water. As pointed out by Quinte Conservation, this was accomplished at a high-water period. Surely a single test is not a guarantee that for the duration of this operation

there will be an abundance of continuously available water. Water supply needs to be confirmed by additional tests that actually show the true flow rates at low water times, an estimate isn't adequate. This is a large water use facility and the potential for the lowering of water levels in adjacent wells is significant.

The required site characterization under the Nutrient Management regulations by a Geoscientist/P.Eng for any new or expanding liquid manure storage facility will be required to identify any bedrock and aquifers at a depth of 1.5 metres below the lowest point of the storage. The linked factsheet provides more information on site characterization requirements:

<http://www.omafra.gov.on.ca/english/engineer/facts/08-049.htm>

Based on testing by Malroz Engineering in the spring of 2020 Quinte Conservation recommended additional testing be completed during the dry season to ensure that adequate water supply is available for the proposed operation without impacting on neighbouring residents. The applicant has indicated that he will engage a qualified consultant to complete this work at a dry time of year. Quinte Conservation is available to review the results of this testing when complete. Although dated, the original testing of the well proposed for water supply (as outlined in the 2001 assessment report) was completed at a dry time of year and demonstrated feasibility at that time. Once the additional testing is completed the proposed supply well will have been tested a minimum of three times.

Per Nutrient Management regulations, applicants must have a site characterization completed by geoscientist to a depth of 1.5 m below lowest point in the storage and identify presence of any bedrock and aquifers. Also, construction must be overseen by P. Eng and ensure that construction is appropriate based on finding of site characterization (two levels of protection: engineering / construction standards in regs and one of the following that the soil on site provides protection or installation of a clay/synthetic liner.

- 19. In the provided Minimum Distance Separation document, the MDS Summary table contains no actual site-based data. All site-specific cell entries are completed with TBD. How is it possible to approve this incomplete application?**

The Minimum Distance Separation (MDS) calculations support the Site Plan Control information provided within the submission. As part of the submission,

an Ontario Land Surveyor (OLS), P.A. Miller Surveying Ltd. plotted the proposed livestock facility and manure pit on the Site Plan drawing. The survey accurate Site Plan drawing confirms both the surrounding sensitive land uses, and their minimum setbacks from the proposed development. The MDS calculations as completed on the OMAFRA AgriSuite software have been superimposed on the Site Plan drawing by the surveyor to confirm zoning compliance.

- 20. Based on GIS-based studies of intensive Livestock Operations having up to 599 animal units elsewhere in Canada, and given the fact that during normal operations, gaseous contaminants can spread and cause an ongoing public nuisance up to a 1 km radius, the norm has been to require new ILO to be located a minimum of 1.3 km from residences or other non agricultural- related structures. With the site plan drawing showing the barn to be located 791.5 metres from the edge of Erinsville, clearly dwellings and other non-agricultural structures will be within the recommended 1.3 km in multiple directions. Will this recommendation be adopted to protect the community?**

Livestock facilities throughout Canada may be reviewed differently from those in Ontario. The Province of Ontario, through the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) provide local municipalities with Minimum Distance Separation (MDS) guidance for separating livestock facilities and sensitive land uses. The most recently released guiding document, Publication 853 as well as the AgriSuite software program guide approval authorities with the minimum setback distances and requirements for locating livestock facilities. The proposed livestock facility and manure pit comply with the minimum Type A and Type B MDS setback requirements as prescribed based on provincial documentation.

- 21. The applicant has acknowledged the presence of karst limestone on the property. Karst can cause shifting of structural support and it is well recognized by geologists for its ability to form solution channels which can increase pathways for contaminants into the water supply. This implies that further assessment by an appropriate engineering firm is required as well as approval from Quinte Conservation prior to the project proceeding.**

Through the technical review, it has been confirmed that karst topography may exist on the subject property. At the time of development and site excavation, this potential will be confirmed. With the inclusion of Condition 8 in Schedule E of the Site Plan Control Agreement, to the discretion of the Township of Stone Mills

Chief Building Official and Quinte Conservation Authority staff, the applicant may require an evaluation completed by a qualified engineer to determine bedrock stability and obtain necessary permitting from Quinte Conservation.

- 22. While there might not be a case of "error by omission" surrounding the approval of the site plan at the May 19 Council meeting, when the question of whether or not there had been any concerns forwarded from the community was posed, the fact that there was a lack of procedural understanding at the table is cause for concern. The answer to that question, which indicated no expressions of concern had been received then formed part of the foundation for the approval of the motion and that is an issue. Council did not have complete information as they were not aware that no one from the public knew about this controversial application. This motion should be overturned.**

At the May 19, 2020 Council meeting, staff confirmed that no objections were received from technical reviewers. Any and all comments received through the technical review associated with the processing of this Site Plan Control application were successfully incorporated within the draft Site Plan Control Agreement that was before Council for their consideration. The application was included on the Council agenda, published to the Township of Stone Mills website on Friday, May 15, 2020 - consistent with the Township of Stone Mills Procedural By-law.

- 23. The future of the community is being unreasonably and unfairly restricted by this project as the Minimum Distance Setback requirements that would engage once this site is established exclude further development in the vicinity of Erinsville as illustrated in the map below. The outline shown in the map below represents approximate 1,500 metre boundaries which indicate the region affected by MDS requirements.**



Per Implementation Guideline #6 of Publication 853, all existing livestock facilities or anaerobic digestors within a 750m distance of a proposed Type A

land use and within a 1500m distance of a proposed Type B land use shall be investigated and MDS I calculations undertaken. Future development will be reviewed in accordance with OMAFRA Publication 853, to ensure zoning compliance.

- 24. There are additional concerns which raise questions about the validity of information provided. These include missing easement reporting and financials for the farm packages as well as documentation supporting claims of community support and conflicts like the statement in the site plan application indicating the land is vacant when in fact, it is currently home to a cattle operation.**

The questionable content of this site plan application and its associated documents combined with its lack of inclusion of modern standards for removing potential human and environmental impacts requires that an appeal be initiated into this application. The Township should not be satisfied that documents have been delivered but instead should verify the content of the documents in order to protect the future of the municipality.

There is some common sense that needs to be incorporated into the process. Quinte Conservation needs to provide input as to the acceptability of the manure spreading lands based on topography, geology, surface water and soil qualities. Clarity of the locations, acreages, manure application loads, etc., must be presented. Missing agreements are required. Minimalistic approaches to water testing and reporting, surface run-off mitigation, soil testing and reporting, hydrogeological testing, and setback distances are not reflective of best practices and we believe are not adequate when it comes to serving the interests of the ratepayers of Stone Mills.

At a minimum, the Township should put a halt to this process and engage the services of experts in the appropriate fields to validate the application. This is not the time to strive to reach the lowest level possible. If approved, this facility will likely operate for decades. This is the time to ensure that it is being set up with the best possible practices to guarantee environmental safety and sustainability.

Through a land titles search, staff are confident that the subject property is not subject to an easement that would impact the proposed development. Financial data related to the proposed development is not required nor applicable to rendering decisions related to land use planning applications. The existing livestock facility

located on the subject property was included on the Site Plan drawing submitted in support of the proposed development.

Explanation of Alternative Approach

In accordance with the Township of Stone Mills Intensive Livestock (2000-83) and Site Plan Control By-laws (2001-100), applicants are subject to Municipal approvals process when an operation exceeds 100 nutrient units (NU) for a proposed construction of a livestock facility.

Based on submitted application SP04-2019, these by-laws are activated as the proposal exceed 100 NU and therefore were subject to the Site Plan Control process which is circulated for comment to the following list agencies/associations:

- County of Lennox and Addington
- Ministry of Environment, Conservation and Parks
- Ministry of Northern Development Mines
- Ministry of Natural Resources & Forestry
- Ontario Ministry of Agriculture Food and Rural Affairs
- Ministry of Municipal Affairs & Housing
- Quinte Conservation
- Hydro One
- Bell Canada
- KFL&A Public Health

In response to comments received from the commenting agencies and ministries, Management and Council compiles a list of conditions that ought to be met as part of the Site Plan Control approval process and included within an Agreement. This Agreement is subject to Council approval prior to an issuance for a building/occupancy permit.

In application SP04-2019, a different approach with a similar outcome may have negated the Township of Stone Mills from having the same authority granted under Site Plan Control and being able to impose conditions as presently included within the approved Site Plan Agreement.

If the applicant through application SP04-2019 made alterations to the development application by reducing the size of the proposed herd while proposing to construct the same size barn and manure storage tank, the applicant could bypass the Township's involvement by remaining under the NU levels that "trigger" Intensive Livestock and Site Plan Control By-law applicability. Through this alternative process, the applicant would have made an application for a building permit, collaborate with Ontario Ministry

of Agricultural Food and Rural Affairs on their Nutrient Management Strategy (which has been complied with in accordance with OMAFRA).

Following the commencement of operation and the issuance of occupancy, the applicant could then choose to expand the operation at his oversized built farm to accommodate growth. This approach would provide the municipality with minimal opportunity for meaningful, enforceable conditions for inclusion in site plan approval as construction would have already been completed. This approach may be able to circumvent the imposed requirements for items such as base-line well testing, hydrogeological studies etc. as the building permit and structure would already have been constructed to allow for the current capacity.

In the interest of the Community, it is preferred that council, management and the Ministry /agency input received are incorporated into the approvals process. Without these, the municipality's ability to impose on-going monitoring and community safety through imposed Site Plan Control conditions are considerably hindered.