AGENDA ........................................................................................................................................... 1

4.1 REPORT FROM MARK DORFMAN DATED NOV. 9, 2010
RE: CITY OF KAWARTHA LAKES OP ................................................................. 2

4.2 REPORT FROM MARK DORFMAN DATED NOV. 22, 2010
RE: OUTDOOR WOOD FURNACES ................................................................. 4

4.3 REPORT FROM MARK DORFMAN DATED NOV. 22, 2010
RE: PLANNING NOTICE REQUEST FROM PROVINCIAL
MINISTRIES ........................................................................................................... 14

4.4 REPORT NO. AD-20-10 BY RICHARD BATES, CAO
DATED NOV. 22, 2010 RE: RESPONSIBILITY
REQUIREMENTS ................................................................................................ 16

4.5 EMAIL TO TOWNSHIP OF RAMARA DATED NOV. 16,
2010 RE: PUBLIC CONSULTATION ON "ENVIRONMENTAL
NOISE GUIDELINE, NPC-300" BY MOE .......................................................... 32

4.6 NOTICE OF PUBLIC MEETING FROM CITY OF
KAWARTHA LAKES RECEIVED NOV. 15, 2010 RE:
APPLICATION FOR AN AMENDMENT TO THE TOWNSHIP
OF DALTON ZONING BY-LAW 10-77 ............................................................. 35

4.7 UNAPPROVED MINUTES FOR COMMITTEE OF
ADJUSTMENT - NOVEMBER 2, 2010 ............................................................... 37
COMMITTEE OF THE WHOLE - PLANNING COMMITTEE AGENDA
NOVEMBER 22, 2010 – 7:00 P.M. - UDNEY COMMUNITY CENTRE

1. OPENING OF THE MEETING BY THE MAYOR

2. DISCLOSURE OF PECUNIARY INTEREST

3. DEPUTATIONS/PRESENTATIONS

4. PLANNING AND DEVELOPMENT SERVICES – Councillor White, Chair
   4.3 Report from Mark Dorfman to Richard Bates, CAO dated November 22, Planning Notice Request from Provincial Ministries.
   4.5 Email to Township of Ramara dated November 16, 2010 regarding Public Consultation on “Environmental Noise Guideline, NPC-300” by MOE.
   4.6 Notice of Public Meeting from the City of Kawartha Lakes received November 15, 2010 regarding an Application for an Amendment to the Township of Dalton Zoning By-law No. 10-77.
   4.7 Unapproved Minutes for Committee of Adjustment Meeting of November 2, 2010.

NEW OR UNFINISHED PLANNING COMMITTEE BUSINESS

5. CLOSED SESSION, IF REQUIRED

6. ADJOURNMENT
November 9, 2010

Report to: Richard Bates, Chief Administrative Officer

Subject: City of Kawartha Lakes Official Plan
         EBR Registry Number: 011-1498

Recommendation

That the Township of Ramara advise the Ministry of Municipal Affairs and Housing that it supports the City of Kawartha Lakes Official Plan and that in the interests of inter-municipal cooperation, the Ministry modify subsection 22.3.3 as follows with regard to the matters considered in the proposed Aggregate Secondary Plan:

"Establishing preferred haul routes and their connection to haul routes in the Township of Ramara in consultation with the County of Simcoe and the Township of Ramara".

On September 21, 2010, the City of Kawartha Lakes adopted its new official plan. The Ministry of Municipal Affairs and Housing have posted a Notice on the Environmental Registry asking for comments by November 24, 2010.

I have reviewed this official plan as it may affect the interests of the Township of Ramara. The only area that is relevant to the Township is with respect to aggregate resources. Of particular interest is the policies relating to haul routes and transportation.

Section 21 sets out the policies for the Aggregate Designation. One of the objectives in subsection 21.2 state:

Ensure safe and adequate transportation routing and site access for all aggregate resource extraction operations and to minimize the impact of aggregate extraction-related traffic on the community. Encourage aggregate extraction to be undertaken in locations with direct or suitable access to provincial highways and major traffic routes.

This is a reasonable objective.
The policies require that an official plan amendment and a zoning bylaw amendment are required for all proposed new or expanded aggregate extraction operations. The applicant will be required to demonstrate to the satisfaction of the municipality “that the transportation of aggregate with the operation can be adequately accommodated by the transportation system.” (21.3.10).

Subsection 21.3.11 states:

Haul routes to serve the aggregate industry will be identified to link pits and quarries to provincial Highways while protecting sensitive areas and avoiding settlement areas. A study has been carried out for finalizing and recommending a "Haul route Network". Council will consider amendments to this plan to implement the study.

The City prepared the “Aggregate Haul Route Study” in June 2006. The study recommends an aggregate haul route network that links the City’s major routes to Simcoe County Roads 45 and 47 in the Township. It proposes to use Kirkfield Road and Mara Carden Boundary Road as major routes.

There is a Township interest in ensuring that haul route impacts in the Township are not aggravated by inter-municipal aggregate trucks. The Township and the County of Simcoe are particularly concerned that the Township’s Concession B-C haul route be linked to the City’s network.

In this regard, subsection 22.3.3 states, in part:

The City will undertake an Aggregate Secondary Plan that will consider matters such as:

# Establishing preferred haul routes.

Since the Township of Ramara has a direct interest in the Aggregate Secondary Plan, I recommend that the City of Kawartha Lakes support a modification by the Ministry of Municipal Affairs of Housing to subsection 22.3.3 that revises one of the matters as follows:

"# Establishing preferred haul routes and their connection to haul routes in the Township of Ramara in consultation with the County of Simcoe and the Township of Ramara”.

Mark L. Dorfman, R.P.P.
November 22, 2010

Report to: Richard Bates, Chief Administrative Officer

Subject: Outdoor Wood Furnaces
        Issues and Options

Background

The Township of Ramara is interested in regulating the use of outdoor wood furnaces on lots in residential areas. The Township has initiated this study and review. For reasons stated, this report sets out the basis upon which the issues and options are open for Council and public discussion.

The Use of Outdoor Wood Furnaces

Outdoor wood furnaces are manufactured appliances that are typically free-standing units or in some cases are housed in buildings outside of the dwelling. The appliance consists of a firebox that is surrounded by a boiler that holds water. When wood is burned at a high temperature, it heats the water to an upper set point then air supply to the fire is cut off. The hot water is pumped from the furnace through underground pipes to the dwelling where it is circulated through the home’s heating system. A thermostat in the dwelling controls the burn rate of the wood by varying the amount of oxygen supplied to the firebox. The cold water is returned to the furnace and reheated. The water from the furnace may also be used to provide hot water in the dwelling.

The outdoor furnace is equipped with a chimney that releases combustion gases to the atmosphere. Smoke from the fire is released through the chimney.

Typically, these units have a footprint in the order of 3.7 m² (40 ft²) and overall heights ranging from 1.5 m (5.0 ft) to 2.4 m (7.8 ft). The firebox ranges from 0.43 m³ (15 ft³) to 0.73 m³ (26 ft³) depending upon the space to be heated. The footprints are less than the minimum 100 m² required for a building permit. The chimney built into the furnace is short in height.

In Canada, 2% of the approximately 13.7 million home heating systems use wood as an energy source. In single detached dwellings, 0.5% use wood. Approximately 7% of all home heating systems use a combination of wood and electricity or oil or natural gas. Less than 0.5% of single detached heating systems use wood as the only heating source.
These furnaces are used in urban and rural areas to provide comfort heat in residential dwellings and are used to heat barns and other farm buildings. There are wood heating appliances that are designed to be installed indoors.

Outdoor wood burning furnaces that are technically efficient continues to be promoted in Ontario. The provincial government provides a maximum rebate of $375.00 under its Ontario Home Energy Savings Program for eligible homeowners to replace an existing outdoor boiler with a model that meets current U.S. EPA or CAN/CSA standards.

The Benefits of Using Outdoor Wood Furnaces

In today’s desire to use renewable energy sources, the outdoor wood furnace that uses raw wood is an example of a bioenergy device. The use of wood is an alternative to using oil, natural gas and electricity as a sole source of energy for heating homes and farm buildings.

Some obvious benefits of using wood as an energy source are:

- Residential living is more self-sufficient;
- Local/regional sources of wood are used reducing the transportation distances and costs for the energy source;
- People may gain physical exercise benefits by cutting their own wood;
- There are energy cost-savings over the long term compared to oil, gas and electricity;
- The outdoor wood furnace technology has improved because of United States EPA research and standards;
- The standards recommend that only dry seasoned wood should be burned for environmental reasons;
- Wood burns completely and efficiently at high temperatures;
- Glass doors of newer furnaces withstand higher temperatures;
- Manufacturers and dealers provide reliable installation by certified installers;
- The furnaces are inspected by certified inspectors;
- Less wood is used;
- The furnaces are 30% more efficient and produce 90% less smoke by burning the wood before leaving the furnace.
with newer dwellings that are better insulated and with sealed doors and windows, less indoor heat is needed.

The Issues Resulting from Outdoor Wood Burning

The fundamental issue is the air quality impact from chimney emissions. These impacts are generally caused by wood not burning completely and poor management and maintenance of the furnace and its operation.

Manufacturers of outdoor wood furnaces are now encouraged to voluntarily meet one or two well-researched standards:


These standards apply to furnaces that have an average minimum burn rate greater than or equal to 5 kg of fuel per hour. The purpose of these standards is to establish maximum emission rates for particulate matter based on a standard BTU heat output. The new EPA standard is an average air emission level of 0.32 lbs/million BTU heat output where there is no exceedance of 18.0 grams of fine particles (PM2.5) per hour.

These new units may also burn wood pellets, shelled corn and wood chips.

In Ontario, the Ministry of the Environment and municipalities have received complaints over the years regarding smoke and odours not only from outdoor wood burning furnaces, but from open air burning. Responses to these nuisance issues have included Ministry investigations and municipal enforcement of open air burning bylaws, where they exist. The Ministry rarely issues Stop Orders because of the difficulty in proving adverse effects under the Environmental Protection Act.

There is one known Court case in Ontario that concerns nuisances from an outdoor wood burning furnace. This is the case of Scott v. Pike decided on March 17, 2008. The Scott’s sought and received an injunction preventing their neighbours, the Pike’s from using an outdoor wood furnace located on their property in Uxbridge. They live in a rural area.
The Known Dangers of Wood Burning

There are human health impacts caused by smoke from wood burning. Smoke from the combustion may be a nuisance because of odours and dirt. These nuisances are generally caused by burning wet wood, green wood, processed wood, construction materials and garbage. Smoke is also created by inefficient burning in the furnace and outdoors. Smoke emitted from outdoor furnaces may cause burning eyes, coughing, throat irritation, odours to many individuals.

Wood smoke contains a variety of pollutants that cause longer term human health issues. These include:

- **Particulate Matter (PM2.5)**
  These are solid or liquid particles that are very small - less than 2.5 microns (a micron is one-millionth of a metre). They travel deep into the lungs causing respiratory and heart problems.

- **Carbon Monoxide (CO)**
  This is a colourless, odourless gas that at high levels is poisonous. It can interfere with the delivery of oxygen in the blood to the entire body.

- **Volatile Organic Compounds (VOCs)**
  These are chemical compounds such as benzene and nitrogen oxide that have no colour, taste or odour. They may cause direct health effects such as cancers.

- **Polycyclic Aromatic Hydrocarbons (PAH)**
  These are a group of chemicals that form during incomplete combustion and are a potential health concern.

These health impacts have led governments in the United States and Canada to encourage improved wood burning technology and to provide the public and manufacturers with education and awareness of these physical health effects.

In Ontario, emissions from residential fireplaces, wood burning stoves, and open air burning account for 37% of annual PM2.5 emissions. This is a higher percentage than transportation and industrial sources. At the Barrie ambient air monitoring station, PM2.5 concentrations are annually below the standard emission of 30 micrograms per cubic metre of air.
Regulating Outdoor Wood Burning Furnaces

Some municipal jurisdictions have banned the use of outdoor wood furnaces particularly in urban areas.

The province of Ontario does not have regulations that comprehensively deal with outdoor wood burning furnaces. There are several pieces of legislation that deal with aspects of outdoor burning.

(a) Fire Protection and Prevention Act
Subsection 7.1(1) allows municipalities to enact bylaws that regulate open air fires including the times during which open air fires may be set. Approximately 250 Ontario municipalities have enacted these bylaws, but they do not apply to fires in enclosed buildings or devices such as outdoor wood furnaces.

(b) Fire Code - O.R. 213/07
Subsection 2.6.3.4(1) permits open air burning only if it is approved by the Chief Fire Official of the municipality. A small, confined fire that is supervised at all times and is used to cook food on a grill or a barbeque is permitted without prior approval.

Subsection 2.6.3.4(2) allows an appliance for outdoor use that conforms with the Technical Standards and Safety Act. This Act does not apply to this type of appliance. (Boilers and Pressure Vehicles - O.R. 220/01).

The Fire Code does not apply to an outdoor wood burning furnace.

(c) Forest Fires Prevention Act
A fire in an outside wood burning furnace is regulated by O.R. 207/96.

(d) Outdoor Fires - O.R. 207/96
If a person is using a wood burning furnace outdoors and it is outside of a Restricted Fire Zone ordered by the Minister of Natural Resources, then the furnace must be located at least five metres from any forest area and it must be located at least two metres from any flammable materials. If the furnace is located within a Restricted Fire Zone, then it must also be located within 100 metres of a permanent dwelling structure.
(e) **Ontario Building Code - O.R. 350/06**
Subsection 6.2.5.2 regulates fuel-fired heating appliances outside of a building. It must be located not less than 1.2 metres from a property line measured horizontally and not less than 3 metres from a wall of a building that has openings, unless the openings have a closure assembly.

(f) **Municipal Act**
Section 125 permits the municipality to pass bylaws to regulate the use and installation of heating and cooking appliances and the storage of fuel for use in heating appliances. Some municipalities use this authority to regulate the location, installation and operation of outdoor wood burning furnaces.

(g) **Environmental Protection Act**
A Certificate of Approval (Air) under section 9 of the Act is not required for equipment associated with a dwelling in a building or structure that contains one or more permanent or seasonal dwellings. (O.R. 524/98 - Certificate of Approval Exemptions - Air).

**Approaches to Dealing with Air Quality and Nuisance Issues**

(a) **Open Air Burning Bylaw**
This bylaw enacted under the Fire Protection and Prevention Act is limited to regulating the time, location and type of open air fires. Approvals are required from the municipality’s Chief Fire Official prior to starting a fire. Fines for contravening the provisions of the bylaw are established under the Provincial Offences Act and require the municipality to take legal action. Cooking fires with barbeques are permitted provided the fire is supervised at all times.

(b) **Municipal Act Bylaw**
This bylaw allows the municipality to regulate the use and installation of heating appliances and the storing of wood used in heating. The application of this type of bylaw appears to be limited in scope and must not limit the municipality’s authority under sections 9 and 11 of the Act. A municipality can deal with air quality and nuisances by regulating outdoor wood burning furnaces using this type of bylaw.

(c) **Zoning Bylaw**
This authority under the Planning Act is limited to allowing land to be used for an outdoor wood burning furnace in certain zones. It is doubtful if the bylaw can regulate the size and type of outdoor furnace and deal
with issues of air quality. The bylaw could establish a separation distance between the equipment and the lot line and any buildings or structures on the lot. If the furnace is free-standing, the bylaw could not regulate height and bulk. If the furnace is located within a structure, the structure would be considered as an accessory structure, but different setback provisions may be needed for this use. It is not clear whether the minimum height of the chimney could be regulated in the bylaw. The bylaw cannot regulate the type of fuel to be used and prohibit using waste and construction materials, and green wood.

There are significant limitations in using a zoning bylaw to regulate outdoor wood burning furnaces especially if they not within a structure. A building permit will likely not be required under the Building Code where the footprint is less than 100 m².

Framing the Municipal Regulatory Response

A total ban on outdoor wood burning furnaces is likely not to succeed if the municipality takes this approach. The legislative basis for not allowing these devices does not exist. Regulating the cause of nuisances and human health effects requires provincial legislation if a commercial product is to be banned by the municipality.

In local jurisdictions in the United States where complete bans are in place, the regulations are authorized by State statutes. Most northeastern states have regulations that deal with these furnaces and allow municipalities to enact their specific codes and bylaws. Quebec has separate legislative authority.

In 2000, the Canadian Council of Ministers of the Environment (except Quebec) developed the Canada-wide Standard for PM2.5. The standard in Canada is 30 micrograms per cubic metre of air. At the Barrie ambient air monitoring station, PM2.5 concentrations are annually below the standard emission of 30 micrograms per cubic metre of air.

Arising from this consensus, Environment Canada produced a “Model Municipal By-law for Regulating Woodburning Appliances” (2006). This workbook has a variety of elements that could be incorporated into a municipal bylaw if the municipality has the authority to enact and enforce such a bylaw. British Columbia has enacted an “Open Burning Smoke Control Regulation” and Quebec has enacted a “Wood-Burning Appliances Regulation.”
At this time, dealing with the human health effects by regulating the use of outdoor wood burning furnaces is a matter that needs to be covered by the Environmental Protection Act. Dealing with the nuisance effects could be managed by the municipality, if clearly articulated.

The matters that should be considered in a municipal bylaw are wide-ranging and include the following elements.

- total or partial bans on the installation of appliances in residential areas;
- zones where outdoor wood burning appliances are permitted and prohibited;
- requirements for certification standards for new appliances;
- requirements for existing non-certified appliances;
- replacement or change-over of appliances;
- type of fuels permitted and prohibited in an appliance;
- application of wood-burning days based on air quality advisories;
- opacity of smoke limits;
- nuisance provisions for maintenance and operation of appliances;
- minimum lot area for installation of an outdoor appliance;
- minimum setbacks from property lot lines;
- minimum separation distances from buildings and structures on the lot;
- minimum separation distances from dwellings and sensitive uses on other lots where there is no outdoor furnace;
- minimum requirement for non-combustible material surrounding the appliance;
- requirements for installation of a rain cap/spark shield on the chimney of the appliance;
- minimum height of the chimney/stack;
- requirement for approval by Chief Building Official and issuance of certificates;
- location of fuel storage area in relation to the appliance;
- maximum number of solid-fuel combustion appliances on each lot;
Provincial Government Initiatives

The Ministry of the Environment has concluded that open air burning generally does not result in exceedance of the provincial air quality standards or the Canada-Wide Standards for pollutants. The Ministry recognizes that the municipal open air burning bylaw does not override provincial air quality standards and the municipality could try to prosecute infractions. The Ministry has not commented on outdoor wood burning furnaces but it is likely that there would be compliance with air quality standards.

Since 2008, the Ministry of the Environment has been consulting with various stakeholders including the Association of Ontario Municipalities and the Clean-Air Partnership in a Wood-Burning Advisory Group and is preparing two codes of practice for public consultation. These are:

Model Municipal Code of Practice for Wood Burning Appliances, and

Model Municipal Code of Practice for Open Air Burning in Ontario

The Ministry has indicated that these two proposed codes will be posted on the Environmental Registry during November 2010.

The Ministry indicates that the wood-burning appliance code may include the following bylaw elements:

- types of wood-burning appliances;
- particulate matter emission standards (EPA and CSA);
- setbacks for all furnaces;
- provisions for uncertified furnaces;
- actions for smog watch or advisory;
- municipal visible emissions testing, inspections and enforcement;
- provisions for upgraded equipment where the appliance is the home’s only heat source;
# provincial financial incentives for upgrading appliances;
# best burn practices.

The open-air burning code may include the following elements:

# prohibit burning waste and construction materials;
# prohibit burning near sensitive receptors;
# municipal inspections and enforcement;
# exemptions for certain types of open-air burning;
# aboriginal outreach for collaborative airzone management;
# application to municipalities that are not subject to the Forest Fires Prevention Act and the Outdoor Fires Regulation.

Conclusion

The issues to be assessed by the Township and the approach that are decided should be deferred until the Ministry of the Environment presents its proposed codes and we understand the positions of the various stakeholders.

This report should be retained and used as the basis for Council discussion in framing a response to the codes and legislative and regulatory changes.

Mark L. Dorfman, R.P.P.
November 22, 2010

Report to: Richard Bates, Chief Administrative Officer

Subject: Planning Notice Request from Provincial Ministries

On November 8, 2010, the Township received from the Ministry of Municipal Affairs and Housing a written request for planning application notices. The Ministry is invoking the Official Plan and Amendments (543/06); Plans of Subdivision (544/06); and Zoning By-laws, Holding By-laws and Interim Control By-laws (545/06) Regulations under the Planning Act.

Under the Regulations, the Ministry of Municipal Affairs and Housing must give written notice to the Clerk of the municipality for Notices.

Under the current request, the Ministry is asking all of the municipalities in the County of Simcoe and the County for the following information during the period from November 5, 2010 to November 5, 2011.

Official Plan and Amendments

Notice of the statutory public meeting and statutory open house and notice of the adoption of the proposed plan and amendment that:

- revises, alters or amends an existing settlement area boundary, urban area boundary or community plan boundary;
- identifies or creates new settlement areas or proposes residential, commercial or industrial development outside of a settlement area;
- redesignates land in a settlement area currently designated industrial, commercial or institutional to residential uses or other non-employment uses;
- redesignates land in a settlement area currently designated rural or agricultural.

Zoning Bylaw and Amendments

Notice of the statutory public meeting and statutory open house and notice of the passing of zoning bylaws that:

[continued on next page]
rezones land in a settlement area currently zoned industrial, commercial or institutional to residential uses or other non-employment uses;

rezones land in settlement areas currently zoned agricultural or rural.

**Plan of Subdivision**

Notice of application for approval of a plan of subdivision where:

the application was made on or after June 16, 2006.

Notice of the Township’s decision to draft approve a plan of subdivision where:

the application was made on or after June 16, 2006.

The Ministry is not asking for notices of applications or decisions regarding holding bylaws, interim control bylaws, consents, variances and site plans.

The Township has received the zoning bylaw amendment application from Mr. D’Amico. The land is within a designated settlement area however the land is currently zoned as residential and natural area protection. The proposed use is residential. In my opinion, there is no need to advise the Ministry of this application.

The only plan of subdivision that was before the Township after June 16, 2006 is the Veltri application. Township Council made the decision to draft approve the plan. The Ministry should be notified of the decision along with the conditions of draft plan approval.

The Township must abide by this request. This report is submitted for information.

Mark L. Dorfman, R.P.P.
SUGGESTED MOTION:

THAT we adopt by bylaw, the draft responsibility agreements for condominiums and private developments attached to staff report AD-20-10 as our generic agreements for developments other than for plans of subdivision.

BACKGROUND & DISCUSSION:

In November 2009, Council directed staff to prepare generic responsibility agreements for private developments (such as Lakepoint) and condominium developments (such as Atherley Gardens).

The Township has already adopted generic agreements for subdivisions and site plans.

Generic agreements ensure all developments and developers are treated equally and know the rules before a planning application is submitted.

Responsibility agreements are required by the Ministry of Environment for all developments where multiple occupancy occurs which is not connected to municipal water and sewage systems. It applies to residential, commercial, industrial and institutional development.

The law states that if the system is not operated to MOE standards, the MOE can order the Township to take control of the system and operate it. To protect the Township, we require a responsibility agreement.

This agreement requires a developer to post a letter of credit (LC) with the Township to cover the replacement cost of the sewer and water systems at the following amounts:

- mechanical: 100%
- structural: 50%
As each unit is sold (condominium) or unit leased (rental), cash is placed a bank account controlled by the Township. As the cash is deposited, the LC is reduced until we have cash versus the LC.

The rental systems are to be re-evaluated every 5 years and the owner is required to increase the cash deposit to the value required. The condo systems are to be evaluated every 3 years according to the law.

The owner can, with Township permission, draw upon the cash deposit for repairs and replacement of the system as agreed upon. The owner must top-up the funds over time back to the required amount. Once a condominium corporation is legally formed, their bylaws will make it responsible for the fund.

In the event the Township is ordered to assume a system, we would have the cash available to carry out any mechanical or structural repairs.

Township residents are protected by having this type of agreement.

**ALTERNATIVES:**

Council has already chosen a generic approach versus negotiating each agreement separately.

**FINANCIAL INFORMATION:**

The proposed agreements protect the Township.

**STRATEGIC ISSUES:**

None presented

**RECOMMENDED ACTION:**

That the agreements be adopted as Council’s position on the matter.

Respectfully submitted,

[Signature]

Chief Administrative Officer

RPB/cmw

Attachment
Precedent (Condominium)
WATER AND WASTEWATER RESPONSIBILITY AGREEMENT

THIS AGREEMENT MADE BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF RAMARA
(herinafter called the "Municipality")

- and -

(herinafter called the "Owner")

WHEREAS the lands affected by this Agreement are the lands described in Schedule A
(the "subject lands");

AND WHEREAS the Owner will construct a on the subject lands,
which development will be held under condominium tenure at a future date;

AND WHEREAS the lands are not served by municipal water or wastewater systems
and will be served by privately owned water and wastewater systems;

AND WHEREAS the Owner will enter into a site plan agreement regarding the subject
lands;

AND WHEREAS the Owner will be responsible for the construction, maintenance and
operation of the water and wastewater systems;

AND WHEREAS the Municipality requires the Owner to enter into an agreement which
will have the effect of guaranteeing that the water and wastewater systems can be
operated and maintained to the satisfaction of the Municipality and in accordance with
the applicable standards;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the
premises and for other good and valuable consideration and the sum of Two Dollars
($2.00) of lawful money of Canada now paid by each of the parties hereto to each of the
other parties hereto, (the receipt whereof is hereby acknowledged), the parties hereto
covenant and agree with one another as follows:

1. DEFINITIONS

a. "Applicable Standards" shall mean any and all statutes, regulations,
policies and guidelines of the Province of Ontario, any Certificates of
Approvals, Orders or Permits (municipal or otherwise) which are
applicable to the Systems.

b. "Estimated Replacement Value" or "ERV" shall mean the cost of repairing
or replacing the System(s)in accordance with the Applicable Standards
that prevail at the time of repair or replacement; the ERV may be further
quantified or identified by reference to the ERV for individual components
of the Systems and shall include, among other things, the cost of all of the
components, including installation, supervision and administration of such
repair or replacement.

c. "Reserve Fund" shall mean a reserve fund(s) established in the
declaration of the condominium corporation, which fund(s) is, by
operation of the Condominium Act, 1998 dedicated exclusively for the
repair and replacement of the System(s), and for no other purpose.
3. **OWNER'S OBLIGATIONS**

   a. The Owner agrees and acknowledges that it is responsible for the design, construction, operation and maintenance of the Water and Wastewater Systems and all costs arising therefrom.

   b. The Owner agrees and acknowledges that it shall maintain and operate the Water and Wastewater Systems in accordance with all Applicable Standards at its own cost and expense including, but not limited to, the Safe Drinking Water Act, 2002, the Ontario Water Resources Act, R.S.O. 1990, c.O.40 and any regulations passed thereunder.

   c. The Owner shall provide to the Municipality all documents and information as required by the Applicable Standards in accordance with the provisions therein.

   d. Upon request of the Municipality, the Owner shall provide access to the Systems to the Municipality, its employees, servants, agents, etc. and where necessary shall obtain/grant all necessary easements, licenses of occupation etc necessary to service the vacation resort development.

   e. The Owner shall comply with all notices, Orders, directions issued by the Ministry of Environment, and where the Owner has retained an "Accredited Operating Authority", the Owner shall comply with all directions, instructions, requisitions, reports etc. issued by the authority concerning the operation of the Systems in compliance with the Applicable Standards and the Owner shall forthwith carry out the necessary remedial work and obtain all approvals necessary for such remedial work.

4. **DEFAULT**

   a. The Owner shall be in default of this Agreement if any of the following occurs:

      i. The Owner fails to provide the Financial Security required by Section 8(a);
      
      ii. The Owner fails to maintain and operate the Systems in accordance with all applicable standards including, but not limited to, the Safe Drinking Water Act, 2002, the Ontario Water Resources Act, R.S.O. 1990, c. O.40, and any regulations passed thereunder;
      
      iii. The Owner both fails to remedy a defect or Deficiency in the Systems and fails to make arrangements with the Ministry to deal with such defect or Deficiency;
      
      iv. The Owner both fails to comply with a Ministry of Environment Order relating to the Systems and fails to make arrangements with the Ministry of Environment to comply with such Order;
      
      v. The Municipality receives legal notice, or otherwise finds, that the Owner has ceased to carry on business, whether such cessation of business is voluntary or involuntary; or,
      
      vi. The Owner otherwise fails to meet any of its obligations under this agreement.
be final and binding upon the Owner, and the provisions of Section 12 of this Agreement shall apply, mutatis mutandis, to such decision.

6. RIGHTS OF MINISTER OF ENVIRONMENT TO COMPEL MUNICIPALITY TO REMEDY, ASSUME, ETC.

a. The parties expressly acknowledge and agree that:

i. The Municipality shall not at any time be required or expected to assume ownership of or responsibility for the Water or Wastewater Systems except in accordance with this agreement. The parties agree that the Municipality shall only become responsible for the operation and maintenance of the Water and/or Waste Water Systems in the event, and only to the extent that, the Municipality is ordered to do so pursuant to Part 9 of the Safe Drinking Water Act, 2002, S.O. 2002, c.32., or the Ontario Water Resources Act, R.S.O. 1990 c.O40, as amended or any similar or successor legislation ; and

ii. In no circumstances shall the Municipality be deemed to have any obligation to provide water and wastewater services to the owners or occupants of units within the proposed condominium except in accordance with this agreement or be construed to be a landlord of or in respect of any units within the proposed condominium.

b. The parties acknowledge, each to the other, that the Safe Drinking Water Act in Part 9, and the Ontario Water Resources Act, R.S.O. 1990, c.O40 provides, that:

i. Where "Director" within the meaning of the Acts reports in writing to the clerk of a municipality that he or she is of the opinion that it is necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, the municipality shall forthwith to do every act and thing in its power to implement the report of the Director;

ii. If the municipality fails to do everything in its power to implement the report forthwith after receiving it, and the time for taking an appeal has passed or there has been a final disposition of an appeal confirming or altering the report, the Director, with the approval of the Ontario Municipal Board, may direct that whatever is necessary to implement the report or the report as confirmed or altered be done at the expense of the municipality, and may arrange for the Agency to do it; and

iii. The Minister of the Environment or the Ontario Clean Water Agency may recover the expense incurred in implementing the report, with costs, by action in a court of competent jurisdiction, as a debt due to the Crown or the Agency, as the case may be, by the municipality.

7. INDEMNITY

a. In the event that the Municipality is made subject to or required to take action or incur any costs as a result of an Order or Report issued under the Safe Drinking Water Act, 2002, or the Ontario Water Resources Act, R.S.O. 1990, c.O40 or any similar or successor legislation, the Owner shall indemnify and save harmless the Municipality for any cost relating to or arising from such order.
retained by the Township below the levels specified in subsection (d). In such case, the amount of the reduction shall be limited such that the levels specified in subsection (d) are maintained.

f. The Owner shall provide to the Municipality, prior to the execution of this agreement by the Municipality, the required cash deposits and security set out herein and shall.

g. In addition to the Financial Security provided for herein, the Owner shall also be responsible for all costs, including the municipality's, related to the preparation of the "Estimated Replacement Value" pursuant to section 9.

9. **PERIODIC ENGINEERING REVIEW AND SECURITY UPDATES**

a. The Owner shall retain a licensed professional engineer who shall provide a written report to the Municipality setting out the estimated amount to repair and/or replace the Systems, in accordance with the legislation and regulations applying to such System at that time.

b. The first report shall be required no later than 4 years from the date of execution of this agreement. Each subsequent report shall be required to be submitted no later than 5 years from the date of the prior report. Such report shall include a summary/explanation of all measures taken, since the last report provided under this section, to upgrade/repair/replace the Systems (or major components thereof) in accordance with the Applicable Standards. The Municipality, may in its discretion, submit the report for a peer review by a licensed professional engineer at the cost of the owner.

c. Upon approval of the report, the Township shall establish an updated Estimated Replacement Value and shall apply the formula set out in subsection 8(d) to establish the updated security amounts required to be lodged with and maintained by the Township. Such update shall be confirmed by resolution of Council and shall represent the current required security levels.

d. Whereupon the Owner fails to submit the report required pursuant to section 8(e), the Municipality may do so in place of the Owner at its discretion.

e. The Owner, may initiate the approval of an updated "Estimated Replacement Value" in intervals less than five years if so desired.

f. Whereupon the Owner has posted the security in the form of cash (certified cheque) approved by the Municipality, any such cash may be invested as allowed for under Provincial legislation and the policies of the Municipality. All interest earned shall be added to the Financial Security until such time as an updated Estimated Replacement Value is approved. The Municipality shall advise the Owner, upon receiving a written request, regarding the amount of any interest earned, and any such interest earned shall be credited to the Owner.

g. Whereupon a condominium corporation has been established, the declaration for such condominium corporation shall include a reserve fund for on site water and wastewater systems in accordance with section 9 herein; in consideration of such reserve fund or funds, the Municipality may accept a reserve fund study prepared in accordance with the Condominium Act, 1998, as amended to determine the Estimated Replacement Value of the Water and Wastewater System in lieu of the procedure outlined above. Where such reserve fund study is acceptable
12. **EXPENSES TO BE PAID BY THE OWNER**
   a. Every provision of this Agreement by which the Owner is obligated in any way shall be deemed to include the words "at the expense of the Owner" unless the context otherwise requires.
   
b. The Owner shall pay such reasonable fees as may be invoiced to the Municipality by its Solicitor in connection with all work to be performed as a result of the provisions of this Agreement.
   
c. All expenses for which demand for payment has been made by the Municipality, shall bear interest at the rate of 15% per annum commencing 30 days after demand is made.
   
d. In the event that the Municipality finds it is necessary to engage the services of an engineer or technical personnel not permanently employed by the Municipality, to review the plans of the Owner and/or carry out onsite inspections of the work performed, the Municipality will advise the Owner accordingly of this need, and the costs of such outside engineers so engaged shall be the responsibility of the Owner. The Municipality may require a deposit for this purpose.

13. **CONDITIONS PRIOR TO EXECUTION OF AGREEMENT BY THE MUNICIPALITY**
   a. The Owner prior to the execution of this Agreement by the Municipality, shall:
      
      i. **Taxes** - have paid all municipal tax bills issued and outstanding against the said lands;
      
      ii. **Postponement Mortgage/Charge** - have filed with the municipal solicitor, for his approval, a postponement any Mortgage/Charge in favour of this agreement;
      
      iii. **Cash Deposits, Development Charges & Security** - have paid to the Municipality all cash deposits, development charges and security required hereunder;
      
      iv. **Land Ownership** - be the registered owner in fee simple of the lands described in Schedule "A", and that there will be no encumbrances registered against the said lands which will have priority to this agreement when registered;

14. **ESTOPPEL OF OWNER AND SEVERABILITY**
   a. The Owner agrees to not call into question directly or indirectly in any proceeding whatsoever, in law or in equity, or before any administrative tribunal, the right of the Municipality to enter into this Agreement and to enforce each and every term, covenant and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceedings.
   
b. The Owner agrees and acknowledges that it will not make any request in writing or orally of the Ministry of Environment to issue an order requiring the Municipality to assume responsibility for the operation, maintenance, repair or replacement of the water and wastewater services.
By The Corporation of the Township of Ramara on the ___ day of ___, 20__

THE CORPORATION OF TOWNSHIP OF RAMARA

Per: ____________________

, Mayor

Per: ____________________

, Clerk
SCHEDULE "B"

CASH DEPOSITS AND SECURITY

The Developer shall, on the dates specified herein, lodge with the Municipality the following described cash deposits, capital levies and security.

1. TYPE OF SECURITY

Any security required to be filed under this Agreement, shall be by a certified cheque, a Letter of Credit valid for a period of 1 year with extension provisions and prepared in a form provided by the Municipality (which shall be drawn on a Schedule 1 Chartered Bank of Canada and shall be for the amount hereafter set out) or a Performance Bond in a form satisfactory to the Township.

2. CASH DEPOSITS AND SECURITY TO THE MUNICIPALITY

The following cash deposits and are estimates only and are to be paid to the Municipality prior to the execution of this Agreement by the Municipality, except where otherwise noted. In the event that the actual costs incurred by the Municipality exceed the deposits, such excess shall be invoiced to the Developer and be due and payable 30 days after demand:

(a) For legal, planning and engineering expenses and disbursements in connection with this Agreement;

i) preliminary deposit of $  

3. SECURITY SUMMARY

Security to the following amounts shall be deposited with the Municipality to initially finance the Securities, and shall be deposited prior to the execution of this Agreement by the Municipality, in the amounts set out below (which reflect the initial Estimated Replacement Value):

For Water System $  
For Wastewater System $  
Total for Initial Security Pursuant to Section 8(a)(i) $  
Precedent
WATER AND WASTEWATER RESPONSIBILITY AGREEMENT

THIS AGREEMENT MADE BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF RAMARA
(hereinafter called the "Municipality")

- and -

(hereinafter called the "Owner")

WHEREAS the lands affected by this Agreement are the lands described in Schedule A (the "subject lands");

AND WHEREAS the Owner will construct a __________________ on the subject lands;

AND WHEREAS the lands are not served by municipal water or wastewater systems and will be served by privately owned water and wastewater systems;

AND WHEREAS the Owner will enter into a site plan agreement regarding the subject lands;

AND WHEREAS the Owner will be responsible for the construction, maintenance and operation of the water and wastewater systems;

AND WHEREAS the Municipality requires the Owner to enter into an agreement which will have the effect of guaranteeing that the water and wastewater systems can be operated and maintained to the satisfaction of the Municipality and in accordance with the applicable standards;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration and the sum of Two Dollars ($2.00) of lawful money of Canada now paid by each of the parties hereto to each of the other parties hereto, (the receipt whereof is hereby acknowledged), the parties hereto covenant and agree with one another as follows:

1. DEFINITIONS

   a. "Applicable Standards" shall mean any and all statutes, regulations, policies and guidelines of the Province of Ontario, any Certificates of Approvals, Orders or Permits (municipal or otherwise) which are applicable to the Systems.

   b. "Estimated Replacement Value" or "ERV" shall mean the cost of repairing or replacing the System(s) in accordance with the Applicable Standards that prevail at the time of repair or replacement; the ERV may be further quantified or identified by reference to the ERV for individual components of the Systems and shall include, among other things, the cost of all of the components, including installation, supervision and administration of such repair or replacement.

   c. "Intentionally Deleted".

   d. "System(s)" or "Water and Wastewater System(s)" means the "Water System" and "Waste Water System" as defined herein.
3. **OWNER'S OBLIGATIONS**

   a. The Owner agrees and acknowledges that it is responsible for the design, construction, operation and maintenance of the Water and Wastewater Systems and all costs arising therefrom.

   b. The Owner agrees and acknowledges that it shall maintain and operate the Water and Wastewater Systems in accordance with all Applicable Standards at its own cost and expense including, but not limited to, the *Safe Drinking Water Act, 2002*, the *Ontario Water Resources Act*, R.S.O. 1990, c.O.40 and any regulations passed thereunder.

   c. The Owner shall provide to the Municipality all documents and information as required by the Applicable Standards in accordance with the provisions therein.

   d. Upon request of the Municipality, the Owner shall provide access to the Systems to the Municipality, its employees, servants, agents, etc. and where necessary shall obtain/grant all necessary easements, licenses of occupation etc necessary to service the vacation resort development.

   e. The Owner shall comply with all notices, Orders, directions issued by the Ministry of Environment, and where the Owner has retained an “Accredited Operating Authority”, the Owner shall comply with all directions, instructions, requisitions, reports etc. issued by the authority concerning the operation of the Systems in compliance with the Applicable Standards and the Owner shall forthwith carry out the necessary remedial work and obtain all approvals necessary for such remedial work.

4. **DEFAULT**

   a. The Owner shall be in default of this Agreement if any of the following occurs:

      i. The Owner fails to provide the Financial Security required by Section 8(a);

      ii. The Owner fails to maintain and operate the Systems in accordance with all applicable standards including, but not limited to, the *Safe Drinking Water Act, 2002*, the *Ontario Water Resources Act*, R.S.O. 1990, C.0.40, and any regulations passed thereunder;

      iii. The Owner both fails to remedy a defect or Deficiency in the Systems and fails to make arrangements with the Ministry to deal with such defect or Deficiency;

      iv. The Owner both fails to comply with a Ministry of Environment Order relating to the Systems and fails to make arrangements with the Ministry of Environment to comply with such Order;

      v. The Municipality receives legal notice, or otherwise finds, that the Owner has ceased to carry on business, whether such cessation of business is voluntary or involuntary; or,

      vi. The Owner otherwise fails to meet any of its obligations under this agreement.

   b. Remedies of Default:

      i. The Municipality shall give written notice within three (3) business days of the event of default that it considers the Owner in default of
6. **RIGHTS OF MINISTER OF ENVIRONMENT TO COMPEL MUNICIPALITY TO REMEDY, ASSUME, ETC.**

a. The parties expressly acknowledge and agree that:

i. The Municipality shall not at any time be required or expected to assume ownership of or responsibility for the Water or Wastewater Systems except in accordance with this agreement. The parties agree that the Municipality shall only become responsible for the operation and maintenance of the Water and/or Waste Water Systems in the event, and only to the extent that, the Municipality is ordered to do so pursuant to Part 9 of the **Safe Drinking Water Act, 2002**, S.O. 2002, c.32., or the **Ontario Water Resources Act**, R.S.O. 1990 c.O40. as amended or any similar or successor legislation; and

ii. In no circumstances shall the Municipality be deemed to have any obligation to provide water and wastewater services to the owners or occupants of units within the proposed condominium except in accordance with this agreement or be construed to be a landlord of or in respect of any units within the proposed condominium.

b. The parties acknowledge, each to the other, that the **Safe Drinking Water Act** in Part 9, and the **Ontario Water Resources Act**, R.S.O. 1990, c.O40 provides, that:

i. Where “Director” within the meaning of the Acts reports in writing to the clerk of a municipality that he or she is of the opinion that it is necessary in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, the municipality shall forthwith to do every act and thing in its power to implement the report of the Director;

ii. If the municipality fails to do everything in its power to implement the report forthwith after receiving it, and the time for taking an appeal has passed or there has been a final disposition of an appeal confirming or altering the report, the Director, with the approval of the Ontario Municipal Board, may direct that whatever is necessary to implement the report or the report as confirmed or altered be done at the expense of the municipality, and may arrange for the Agency to do it; and

iii. The Minister of the Environment or the Ontario Clean Water Agency may recover the expense incurred in implementing the report, with costs, by action in a court of competent jurisdiction, as a debt due to the Crown or the Agency, as the case may be, by the municipality.

7. **INDEMNITY**

a. In the event that the Municipality is made subject to or required to take action or incur any costs as a result of an Order or Report issued under the **Safe Drinking Water Act, 2002**, or the **Ontario Water Resources Act**, R.S.O. 1990, c.O40 or any similar or successor legislation, the Owner shall indemnify and save harmless the Municipality for any cost relating to or arising from such order.

b. In addition to the indemnification given in subsection (a) above, the Owner shall indemnify and keep indemnified and save harmless the Municipality
ii. Contributions shall be limited to occur semi-annually or annually at the Owner's choice;

iii. Accumulated contributions and interest earned thereupon shall be treated in the same manner as other security;

iv. Upon written request of the Owner, the Municipality shall provide a statement of the balance in the trust account;

v. The Owner may, at any time in writing, request the Municipality to release all or a portion of the funds in the trust account, to the Owner where such funds will be used by the Owner to maintain, repair, upgrade, etc the systems; the Municipality shall release such funds whereupon Owner supplies such other permitted security (i.e. Letter of Credit) of equal value to the funds requested.

f. The Owner shall provide to the Municipality, prior to the execution of this agreement by the Municipality, the required cash deposits and security set out herein and shall.

g. In addition to the Financial Security provided for herein, the Owner shall also be responsible for all costs, including the municipality's, related to the preparation of the "Estimated Replacement Value" pursuant to section 9.

9. PERIODIC ENGINEERING REVIEW AND SECURITY UPDATES

a. The Owner shall retain a licensed professional engineer who shall provide a written report to the Municipality setting out the estimated amount to repair and/or replace the Systems, in accordance with the legislation and regulations applying to such System at that time.

b. The first report shall be required no later than 4 years from the date of execution of this agreement. Each subsequent report shall be required to be submitted no later than 5 years from the date of the prior report. Such report shall include a summary/explanation of all measures taken, since the last report provided under this section, to upgrade/repair/replace the Systems (or major components thereof) in accordance with the Applicable Standards. The Municipality, may in its discretion, submit the report for a peer review by a licensed professional engineer at the cost of the owner.

c. Upon approval of the report, the Township shall establish an updated Estimated Replacement Value and shall apply the formula set out in subsection 8(d) to establish the updated security amounts required to be lodged with and maintained by the Township. Such update shall be confirmed by resolution of Council and shall represent the current required security levels.

d. Whereupon the Owner fails to submit the report required pursuant to section 8(e), the Municipality may do so in place of the Owner at its discretion.

e. The Owner, may initiate the approval of an updated "Estimated Replacement Value" in intervals less than five years if so desired.

f. Whereupon the Owner has posted the security in the form of cash (certified cheque) approved by the Municipality, any such cash may be invested as allowed for under Provincial legislation and the policies of the Municipality. All interest earned shall be added to the Financial Security until such time as an updated Estimated Replacement Value is approved.
13. **CONDITIONS PRIOR TO EXECUTION OF AGREEMENT BY THE MUNICIPALITY**

   a. The Owner prior to the execution of this Agreement by the Municipality, shall:
      
      i. **Taxes** - have paid all municipal tax bills issued and outstanding against the said lands;
      
      ii. **Postponement Mortgage/Charge** - have filed with the municipal solicitor, for his approval, a postponement any Mortgage/Charge in favour of this agreement;
      
      iii. **Cash Deposits, Development Charges & Security** - have paid to the Municipality all cash deposits, development charges and security required hereunder;
      
      iv. **Land Ownership** - be the registered owner in fee simple of the lands described in Schedule "A", and that there will be no encumbrances registered against the said lands which will have priority to this agreement when registered;

14. **ESTOPPEL OF OWNER AND SEVERABILITY**

   a. The Owner agrees to not call into question directly or indirectly in any proceeding whatsoever, in law or in equity, or before any administrative tribunal, the right of the Municipality to enter into this Agreement and to enforce each and every term, covenant and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceedings.

   b. The Owner agrees and acknowledges that it will not make any request in writing or orally of the Ministry of Environment to issue an order requiring the Municipality to assume responsibility for the operation, maintenance, repair or replacement of the water and wastewater services.

15. **ENTIRE AGREEMENT**

   a. This Agreement may not be modified or amended except by an instrument in writing signed by the parties hereto or by their successors or assigns.

   b. This Agreement and the schedules hereto constitute the entire agreement between the parties and neither party is bound by any representation, warranty, promise, agreement or inducement not embodied herein or therein.

   c. There shall be no changes in the Schedules attached hereto, or in any Plan accepted by the Municipality or others, unless such proposed changes have been submitted to, and approved by, the Municipality.

16. **ATTACHED SCHEDULES**

   a. It is agreed that everything included in this Agreement and the Schedules attached thereto, together with all engineering drawings, material and undertakings filed by the Owner and accepted by the Municipality, or by any Ministry of the Government, shall be included in and form part of this Agreement.

   b. The Plans attached hereto as Schedules are either photographic or photostatic reductions or reproductions of the original plans filed and
SCHEDULE A

LEGAL DESCRIPTION

Legal Description -.
SCHEDULE "C"

COST ESTIMATES

Note Cost Estimates relate only to mechanical and other designated components that are subject to failure as listed below. Estimates do not reflect overall/total costs of the systems.

**Water System**

**Wastewater System**

Total ERV $
Public Consultation on the Ministry of the Environment draft
"Environmental Noise Guideline, Publication NPC-300"

On November 16, 2010, the draft "Environmental Noise Guideline – Noise Assessment Criteria for Stationary Sources and for Land Use Planning, Publication NPC-300" was posted on the Environmental Registry for a 60-day public comment period by the Ministry of the Environment (Ministry). To view the Proposal Notice, please use this link: http://www.ebr.gov.on.ca/ERS-WEB-External/displaynoticecontent.do?noticeId=MTEwNDAw&statusId=MTY1NzQz&language=en, or go to the Environmental Registry website at www.ebr.gov.on.ca and enter Registry Number 011-0597.

The Ministry has organized two stakeholder meetings on the draft NPC-300 guideline and would like to invite your organization to attend one. The purpose of the meeting is to provide an overview of and solicit feedback on the draft NPC-300 guideline. The meeting will include a presentation and question & answer sessions on each section of the draft NPC-300 guideline.

Each organization is invited to either send two representatives (maximum) to attend the meeting or to participate by online using Webex with simultaneous teleconference. Capacity is limited and is available on a first-come, first-served basis. When registering by email, please include the name(s) of the representative(s) from your organization, indicate which meeting date has been selected and specify if they will attend the meeting or participate by webex and teleconference.

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<th>NPC-300 Stakeholder Meeting Details</th>
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We look forward to your participation in this important meeting.

NOTE: To be considered during the decision-making process by the Ministry of the Environment all comments need to be submitted by the end of the 60-day public comment period, on January 15, 2011.

To submit comments:

- mail or fax written comments to the contact name and address provided in the proposal notice posted on the Environmental Registry (also listed below); or,
- access the on-line submission form from the proposal notice posted on the Environmental Registry and use it to submit comments electronically.

All the comments submitted become part of the public record. Comments submitted electronically through the Environmental Registry can be read on-line once a decision on the proposal has been made (personal information is not available). All the written and electronic comments are available for viewing at the Ministry of the Environment office listed on the notice.

Alice Verbaas
Environmental Assessment and Approvals Branch - Program Services
Ministry of the Environment
2 St. Clair Ave W, Floor 12A
Toronto, ON M4V 1L5

tel: 416-314-8341
fax: 416-314-6810
email: Alice.Verbaas@ontario.ca
Policy Proposal Notice:

Title: Environmental Noise Guideline - Noise Assessment Criteria for Stationary Sources and for Land Use Planning
(Publication NPC-300)

EBR Registry Number: 011-0597
Ministry: Ministry of the Environment
Date Proposal loaded to the Registry: November 10, 2010

Keyword(s): Land use planning
Related Act(s): Environmental Protection Act, R.S.O. 1990
Comment Period: 60 days: submissions may be made between November 16, 2010 and January 15, 2011.

Description of Policy:

The proposed updated Environmental Noise Guideline defines the requirements and criteria used by the MOE when issuing approvals for noise from stationary sources (which includes most industrial-type equipment and activities that are noise sources). The types of approvals MOE issues for noise include Certificates of Approval under section 9 of the Environmental Protection Act and Renewable Energy Approvals under section 47.3 of the Environmental Protection Act.

Additionally, the proposed updated Environmental Noise Guideline will provide advice concerning noise, which can be applied to land use planning decisions made by land use planning approval authorities. Land use planning approval authorities include municipalities, planning boards or other ministries and agencies that are involved in various aspects of land use planning. The advice provided in the proposed updated Environmental Noise Guideline concerning noise can be used for land use planning decisions to promote appropriate new development in a manner that is compatible with existing land uses.

Purpose of Policy:

The purpose of the policy proposal for the draft "Environmental Noise Guideline - Noise Assessment Criteria for Stationary Sources and for Land Use Planning (Publication NPC-300)" is to update three existing noise-related guidelines issued by the Ministry of the Environment (MOE).

The MOE is proposing to update and clarify the three guidelines listed below regarding noise assessment criteria. These guidelines apply to facilities that are sources of noise, (such as industries) and are used to assist land use planning decisions made by land use planning approval authorities, such as municipalities.

The proposed updated guideline will protect the people of Ontario against the impacts of noise and provide certainty and consistency for facilities that are sources of noise.

There are two existing MOE guidelines which address facilities that are sources of noise. These two guidelines are entitled "Publication NPC-232: Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban)" and "Publication NPC-233: Sound Level Limits for Stationary Sources in Class 3 Areas (Rural)", both dated October 1995. There is also a third existing MOE guideline which deals specifically with noise in the land use planning process, entitled "Publication LU-131: Noise Assessment Criteria for Land Use Planning" and is dated October 1997. The three guidelines cited above would be replaced by the proposed updated guideline entitled: "Environmental Noise Guideline - Noise Assessment Criteria for Stationary Sources and for Land Use Planning (Publication NPC-300)".

Public Consultation:

This proposal has been posted for a 60 day public review and comment period starting November 16, 2010. If you have any questions, or would like to submit your comments, please do so by January 15, 2011 to the individual listed under "Contact". Additionally, you may submit your comments on-line.

All comments received prior to January 15, 2011 will be considered as part of the decision-making process by the Ministry of the Environment if they are submitted in writing or electronically using the form provided in this notice and reference EBR Registry number 011-0597.

Please Note: All comments and submissions received will become part of the public record. You will not receive a formal response to your comment, however, relevant comments received as part of the public participation process for this proposal will be considered by the decision maker for this proposal.

Other Public Consultation Opportunities:

Focus group sessions and questionnaires from selected stakeholders were used in the summer 2009. The stakeholders were selected to reflect the broad range of users of the MOE's noise-related guidelines and included land use planners, municipal representatives, developers, noise consultants, lawyers, engineers, industry groups and other provincial ministries.

The purpose of the focus group sessions and questionnaires was to solicit stakeholder input on the need for changes to the existing noise-related guidelines for stationary sources and land use planning.

The input and the assistance provided by an external noise consulting expert was used by the MOE to draft the proposed updated Environmental Noise Guideline.

All comments received during the comment period will be considered by the MOE as part of the decision-making process to finalize the draft Environmental Noise Guideline.

Please Note: All comments and submissions received will become part of the public record.

Submit Comment

Additional Information:

The following government offices have additional information regarding this Proposal. To arrange a viewing of these documents please call the Ministry Contact or the Office listed below.

Environmental Assessment and Approvals Branch
2 St. Clair Avenue West
Floor 12A
Toronto Ontario
M4V 1L5
Phone: (416) 314-8341
Fax: (416) 314-8452

The documents linked below are provided for the purposes of enhancing public consultation. All links will open in a new window.

1. Draft NPC-300 November 2010
An application for a Zoning By-law Amendment has been submitted by Barry Peyton c/o Provista Group Inc. on behalf of Jack Kohn c/o Famcorp Developments Inc. c/o Wilgro Developments Inc. in Trust for land described as 92 Gardner Dr., being Part of Lot 30, Conc. 9, Geographic Township of Dalton, City of Kawartha Lakes. The application has been reviewed and it is considered to be a complete application in keeping with the prescribed regulations under the Planning Act.

The purpose of the rezoning is to change the zoning from Rural General (RG) Zone to Rural General Exception Eight (RG-8) Zone.

The effect of the zoning change would permit a multi-family residence on a seasonal basis.

The land affected by the proposed zoning by-law amendment is shown on the Key Map as 'SUBJECT LAND'.

Our records indicate that the land subject of this application is not the subject of any other application under the Planning Act.

If you have any questions or concerns regarding this application, please contact Dan Della Mora, Planning Technician, ddellamora@city.kawarthalakes.on.ca, (705) 324-9411 Ext. 1206; Fax (705) 324-4027. Please refer to File: D06-26-038.

Take Notice that the Planning Committee, on behalf of the Council of the City of Kawartha Lakes, will hold a Public Meeting on Wednesday, December 8, 2010 at 1:00 p.m. in the Council Chambers, City Hall, 28 Francis Street, Lindsay, Ontario, to consider a proposed Zoning By-law Amendment.

The meeting starts at the above noted time to consider a number of applications. The items are considered in the order that they appear on the agenda and it may take some time before a matter is dealt with at the meeting.

Additional Information relating to the proposed Zoning Amendment is available for inspection at the Development Services - Planning Division, Lindsay Service Centre, 2nd Floor, 180 Kent Street West, Lindsay and the Kirkfield Service Centre, Box 247, 7 Munroe St., Kirkfield, ON K0M 2B0, during regular office hours.

Any Person May Attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Zoning By-law Amendment. At the public meeting presentations that would take longer than five minutes should be presented in written form and summarized verbally. All submissions received prior to or at the Public Meeting will be considered.

If You Wish to Be Notified of the Recommendation and/or the Decision in respect of this application, provide your name, address and postal code either on the appropriate form at the Public Meeting or by mailing such request to the address provided below.

If a person or public body that files a notice of appeal of a decision in respect of the proposed Zoning By-law Amendment does not make oral submissions at the public meeting or make written submissions to the City before the proposed Zoning By-law Amendment is approved or refused, the Ontario Municipal Board may dismiss all or part of the appeal.

DATED AT THE CITY OF KAWARTHA LAKES THIS 9th DAY OF NOVEMBER, 2010.

Ron Taylor, Director of Development Services, City of Kawartha Lakes
180 Kent Street West, 2nd Floor, Lindsay, ON K9V 2Y6
Minutes of the meeting of the Township of Ramara Committee of Adjustment held on Tuesday, November 2, 2010, at 9:00 a.m. Ramara Centre, Atherley, Ontario.

Present: Mike Thompson Chair
Richard Whitty Member
Florian Camartin Member
Maurice Truax Member
Doug Cooper Member
Angela Shane Assistant Secretary Treasurer

1. OPENING THE MEETING

The Chair called the meeting to order at 9:00 a.m.

2. CHAIR’S INTRODUCTION

The Chair read the introduction in accordance with the requirements of the Planning Act.

3. DISCLOSURE OF INTEREST

The Chair asked the Members if they had any interest in the applications before them. There was none.
4. APPLICATIONS

4.1 Consent File B-19/10

PROPERTY: North Part of Lots 4 and 5, Concession 2, Mara – known municipally as 1485 Concession Road 3.

REQUEST: James and Marilyn Watson, owners are requesting consent to sever a parcel of land having an open road frontage of 45 m on Concession Road 3 and to be comprised of 8090 m² with the intent of utilizing the parcel for residential purposes. The retained parcel will have an open road frontage on Concession Road 3 of 100 m and will be comprised of 40 ha.

The Committee received the staff report PD-31-10 dated November 1, 2010. The Assistant Secretary Treasurer outlined the purpose of the application and advised the Committee that circulation had occurred in accordance with Provincial Regulations.

Correspondence was received from:

CAO: Provided there is adequate road frontage, no concerns
BUILDING DEPT.: No concerns
WORKS DEPT.: No concerns
LSRCA: Object – recommend deferral
Public School Board: No objection

Jim Watson, owner was in attendance at the hearing along with his daughter Bethany and future son-in-law Rob Readman. The intended severance is for his daughter Bethany which they intend to build a home on. Mr. Watson said he was surprised when the Lake Simcoe Conservation Authority objected but he’s hoping to resolve that issue shortly.

Mike Thompson asked if they were aware of the business located across the street and its’ implications. Mr. Watson said that he was circulated when Implo applied for a zoning change and he did not object at the time; however, at the time he was unaware to the full extent of what Implo would be doing and how it might affect his property at a later date. Implo contacted Mr. Watson a month ago and explained to him that they required certain setbacks from any dwellings to the location they set off explosives. Mr. Watson did further investigation and was told that the onus is on Implo to have a minimum setback of 80 meters with a berm or 270 meters without a berm from any dwellings. Mr. Watson is under the understanding that if he was to build a home within that setback, Implo would loose their license. He then told the Committee in the spirit of being good neighbours he adjusted the original proposal for the severance to be accommodating which in turn caught the attention of the LSRCA. Mr. Watson reviewed a drawing of the property with the Committee Members showing them where the old proposed severance...
was and the current proposal which satisfies the needs of both Implo and the Watson’s. The current location of Implo’s building hasn’t allowed enough room for them to build a berm on their property and the Watson’s are currently negotiating with Implo to allow them to build the berm on their property.

Mr. Watson was frustrated because the LSRCA didn’t understand why he couldn’t just move the parcel to a different location on the property. He said he tried to explain to them that the Township also has stipulations such as road frontage which is why the lot had been strategically placed in its current location. Mr. Watson also asked Jackie Burkart of the Conservation Authority if she could identify for him which specific characteristics on his property warranted the protection. According to Mr. Watson, Ms. Burkart was unable provide any specifics over the phone.

The Chair asked if there was anyone in the audience with an interest in the particular application and there was no one.

Mike Thompson went out to visit the property and he said his first impression is you see this nice big piece of bushed area, but as you begin to walk in you see it’s all cleared. Mr. Watson explained that in 1992 he decided to begin clearing out some older brush that was dying and the Ministry of Natural Resources came onto the property and marked out which trees should be removed. After advertising, a logging company came with tractor trailers and removed them. The clearing is where the logging company set up a base for the tree removal. Mr. Watson chose to keep that clearing groomed from that point onwards.

Florian Camartin also went out to the property and went as far as the dead end of the road but did not walk further into the property. He initially thought the Watson’s owned Implo as well. Although he was not opposed to what the Watson’s wanted to do and he empathized with their frustration of trying to work out their issues with the Conservation Authority, he stated that they must first find a way to work things out with the LSRCA.

Maurice Truax attended the site and thought it was a very nice piece of property. He did note that the driveway seemed quite long. Mr. Watson said that the driveway is 250’ only because of trying to accommodate Implo’s 80 m setback or it would have been made much shorter.

Richard Whitty was fine with the proposal provided clearance is given from the LSRCA and thought the application should be deferred until such time.

Doug Cooper agreed with the other members noting it is unfortunate when agencies don’t have the information or take the time to come out to inspect the property in person. The County of Simcoe has also been a problem at times and it puts these agencies at a disadvantage because they have to work out of a book. Mr. Cooper felt there is so much that can be gained by walking the property.

Mr. Watson added that when Ms. Burkart mentioned her concerns about cutting down any of the forested area he contacted the County regarding their tree cutting policies. Mr. Barrette was able to come on site that day. Mr. Watson asked Mr. Barrette if he could see anything that would jump out as being a concern to himself or perhaps the LSRCA but Mr. Barrette said he didn’t see anything that would be of a concern. In fact, Township of Ramara Committee of Adjustment Minutes November 2, 2010 Page 3
Mr. Watson was only looking to clear cut approximately 60’ and Mr. Barrette felt 80’ would be fine. If the Township would provide Mr. Barrette with a letter stating they were prepared to issue a building permit then he would respond with a letter approving the clear cutting of 80’ of trees.

Mr. Cooper and Mr. Thompson suggested that if Mr. Watson could set up a meeting on site perhaps the Committee, if Mr. Watson wanted, could also attend. Mr. Watson felt that would be very beneficial. Mr. Thompson said that when the Committee is able to see the clear logic for protecting a piece of property it makes it much easier for them to make their decision. If this option was not convenient then perhaps after the site visit someone from the LSRCA could come back to the Committee and explain to them why it should be denied. Other agencies usually are able to give tangible background information that clearly supports their position and the Committee would like to see more of this in the future.

Mr. Whitty pointed out that it was possible that after next month there could be new Committee of Adjustment Members and the application would have to be reheard. With this revelation in mind the Committee felt a 1 month deferral was best.

Before leaving Mr. Watson told the Committee he had been apprehensive about today and how much he appreciated their ability to be helpful while being fair, and all the insightfulness they were able to offer.

**RESOLUTION CA-69-2010**  
MOVED BY: Florian Camartin  
SECONDED BY: Richard Whitty  
THAT the hearing on Consent Application B-19/10 be deferred until **December 7, 2010** or earlier at the request of the LSRCA to enable the applicant to determine and fulfill the study requirements of the LSRCA subject to the Lake Simcoe Protection Plan. To allow LSRCA to walk the property and identify areas of concern with the applicants, with or without Township representation.  
CARRIED

5. **MINUTES**

**RESOLUTION CA-70-2010**  
MOVED BY: Florian Camartin  
SECONDED BY: Richard Whitty  
THAT the minutes of the September 14, 2010 hearing be approved as presented.  
CARRIED

**RESOLUTION CA-71-2010**  
MOVED BY: Florian Camartin  
SECONDED BY: Richard Whitty  
THAT the minutes of the September 16, 2010 hearing be approved as presented.  
CARRIED
6. NEW AND UNFINISHED BUSINESS

6.1 The Committee of Adjustment members received the memo from Deb McCabe, Secretary Treasurer regarding Consent Files B-17/10 and B-18/10 (Readman).

6.2 The Committee of Adjustment members received the email from Cathy Wainman regarding the Committee and Board assignments.

7. ADJOURNMENT

RESOLUTION CA-72-2010
MOVED BY: Doug Cooper
SECONDED BY: Mike Thompson

THAT, the meeting be adjourned. (10:30 a.m.)

ADOPTED:

__________________________________________  __________________________________________
Mike Thompson, Chair                           Angela Shane
Assistant Secretary Treasurer