

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

Friday August 5th 2022

Good morning Ann,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thanks,
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