



The Regional Municipality of Durham

Committee of the Whole Agenda

Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Wednesday, September 15, 2021

9:30 AM

Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may [view the Committee meeting](#) via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing delegations@durham.ca and will be provided with the details to delegate electronically.

1. Roll Call

2. Declarations of Interest

3. Statutory Public Meetings

There are no statutory public meetings

4. Delegations

There are no delegations

5. Presentations

There are no presentations

6. Correspondence

- A) Correspondence from the Downtown Oshawa Business Alliance dated August 18, 2021, re: Property Value Protection and Loss of Rental Income Program

Recommendation: Refer to Staff for a Report

7. Reports

- A) Request for Funding from Kawartha Conservation for the Acquisition of Land within the Durham East Cross Forest in the Township of Scugog (2021-COW-21) 5 - 12
- B) Application for Mixed Waste Pre-sort and Anaerobic Digestion Facility Project Capital Funding through the Federal Government's Clean Fuels Fund 2021 Call for Proposals (2021-COW-22) 13 - 18

8. Confidential Matters

- A) Confidential Report of the Commissioners of Planning & Economic Development, Works and Finance – closed matter subject to Sections 239(2) (h), (i) and (k) of the Municipal Act as it relates to open meeting provisions, regarding a Regional Broadband Program; Grant Application Status Update (2021-COW-23) Under Separate Cover
- B) Confidential Report of the Commissioners of Works and Finance – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes as it relates to the Acquisition of Property, in the City of Oshawa (2021-COW-24) Under Separate Cover
- C) Confidential Report of the Commissioners of Works, Finance, Social Services and Planning & Economic Development – Proposed or Pending Acquisition or Disposition of Land for Regional Corporation Purposes from Habitat for Humanity to Durham Region Non-Profit Housing Corporation as part of the Rapid Housing Initiative in the City of Oshawa (2021-COW-25) Under Separate Cover

9. Other Business

10. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

Downtown Oshawa Business Alliance
Property Value Protection and Loss of Rental Income Program
C/O John Mutton
Suite GF1
57 Simcoe Street South
Oshawa, ON
L1H 4G4
jmutton@municipalsolutions.ca

August 18, 2021

Dear Mayor Carter and Chair Henry,

The members of Downtown Oshawa representing 45 businesses known as the Downtown Oshawa Business Alliance would respectfully ask Council to refer the following request to staff for a report to council to recommend and adopt the implementation of a Property Value Protection and Loss of Rental Income program.

At our meeting, August 4, 2021, our committee passed the following resolution:

Whereas the Oshawa's Central Business District and surrounding area has become one of the worst exchange centres and congregate areas for addiction and substance misuse, homelessness, mental health issues, vandalism and business disruption resulting in a negative image and reputation for conducting business.

Whereas we have seen significant business disruption resulting in economic losses from increased operating cost, retail sales decrease and also rental income losses due to the reality that clients and tenants do not want to do business in Oshawa's downtown.

Whereas our taxes continue to rise and our insurance costs have escalated to reflect the increased operating risks of the downtown, making this area difficult to insure because of rise in property damage and business interruption claims.

Whereas under the latest amendments to the Ontario Police Services Act, Municipalities are responsible to develop and adopt community safety and well-being plans, working in partnership with police services/boards and various other sectors, including health/mental health, education, community/social services, and children/youth services that ensures the wellness of the community.

Whereas the downtown core of Oshawa has seen the highest volume of those individuals seeking public support in recent years, including increases from individuals outside of the downtown area.

Whereas the downtown core of Oshawa has an increased number of support agencies and organizations that densifies the unsheltered population resulting in the highest increase in business interruption incidents in recent years

Now therefore be it resolved that the City of Oshawa and the Region of Durham be requested to develop and implement an appropriate Property Value Protection and Loss of Rental Income program similar to that instituted in Port Hope and Port Granby in Clarington.

That the City of Oshawa be requested to develop and implement a tax abatement program to offset the negative Business interruption impact for the affected area.

That this resolution be copied to all Durham MPPs, MPs, DRP and the insurance underwriter for the City of Oshawa.

Sincerely,

Downtown Oshawa Business Alliance

CC: Oshawa City Council
Oshawa Clerk
Paul Ralph
Durham Region Council
Durham Region Clerk
Stella Danos-Papaconstantinou
Elaine Baxter-Trahair
Brian Bridgeman



The Regional Municipality of Durham Report

To: The Committee of the Whole
From: Commissioner of Finance and Commissioner of Planning and Economic Development
Report: #2021-COW-21
Date: September 15, 2021

Subject:

Request for Funding from Kawartha Conservation for the Acquisition of Land within the Durham East Cross Forest in the Township of Scugog

Recommendation:

That the Committee of the Whole recommends to Regional Council:

- A) That the request for funding from Kawartha Conservation in the amount of \$10,840, representing 40 per cent of the eligible acquisition costs of approximately two hectares (five acres) of land within Durham East Cross Forest in the Township of Scugog, be approved and financed from the Region's Land Conservation and Protection Reserve Fund; and
 - B) That the Commissioner of Finance be authorized to adjust the total payment amount to Kawartha Conservation pending a review of the eligibility of final costs incurred pursuant to the Region's Land Acquisition Funding Policy.
-

Report:

1. Purpose

- 1.1 The purpose of the report is to advise Council of and seek approval for Kawartha Conservation's request for \$10,840 in funding under the Durham Region Land Acquisition Funding Policy for Conservation Authorities for the purchase of approximately two hectares (five acres) of land within Durham East Cross Forest.

2. Previous Reports and Decisions

- 2.1 In October 2007, Regional Council adopted the recommendations of Report 2007-J-36 entitled “Durham Region Land Acquisition Funding Policy for Conservation Authorities”. This report identified a process and eligibility requirements by which the Region’s five Conservation Authorities could apply for funding from the Region’s Land Acquisition Reserve Fund to finance the acquisition of properties for conservation purposes.
- 2.2 A goal of this policy is to ensure that land acquisition efforts of Regional Council in partnership with Conservation Authorities in Durham Region, will contribute to the protection, enhancement and restoration of the natural environment in Durham Region.

3. Kawartha Conservation’s Request for Funding

- 3.1 Kawartha Conservation is requesting approval for \$10,840 in funding from the Region, representing 40 per cent of the following eligible acquisition costs:

Description	Total Estimated Cost \$	Estimated Regional Portion (40 per cent) \$
Purchase Price	25,000	10,000
Legal Fees	600	240
Appraisal Cost	1,500	600
Total	27,100	10,840

- 3.2 On June 25, 2021 Kawartha Conservation purchased a two hectare (five acre) parcel, known as Part of Lots 20 and 21 Concession 1, Cartwright, in the Township of Scugog, within the Durham East Cross Forest Conservation Area. This property is located on the Oak Ridges Moraine and is protected as a Natural Core Area. Kawartha Conservation has indicated that acquisition of this property is the best securement option because of the historical uses in the Durham East Cross Forest area. By bringing this property into Kawartha Conservation’s ownership, it will make boundary management more effective while also ensuring that the landscape management promotes core area features that will protect habitats for wildlife.
- 3.3 This land acquisition was authorized by Kawartha Conservation’s Board of Directors through Resolution #65/20 at their May 27, 2021 Board meeting.

4. Advancing Regional Planning Objectives

- 4.1 In accordance with the Land Acquisition Funding Policy for Conservation Authorities, Regional Planning staff have reviewed Kawartha Conservation's request and concluded that the request meets the primary planning criteria for eligibility.
- 4.2 Specifically, the acquisition of this property meets the objectives of the Durham Regional Official Plan as this property:
- is being purchased for conservation purposes;
 - is located within or contributes to the enhancement of the Regional Official Plan Greenlands System outside of urban areas;
 - contains key natural heritage and/or key hydrological features; and
 - supports the long-term planning and growth management of the Region.

5. Financial Considerations

- 5.1 The Region of Durham has established the Land Conservation and Protection Reserve Fund to, in part, make funding available to the Region's five Conservation Authorities for the purpose of acquiring environmentally sensitive lands. There are sufficient uncommitted funds available in the Land Conservation and Protection Reserve Fund to finance Kawartha Conservation's request.
- 5.2 The request from Kawartha Conservation for \$10,840 in funding for the eligible acquisition cost meets the maximum amount allowed within the Council approved Conservation Land Acquisition Funding Policy that limits the Region's maximum contribution for land purchases for conservation properties to 40 per cent of the total eligible costs.

6. Relationship to Strategic Plan

- 6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:
- Goal 1.3 Environmental Sustainability – to protect, preserve and restore the natural environment, including greenspaces, waterways, parks, trails, and farmlands; and
 - Goal 5.1 Service Excellence – to provide exceptional value to Durham taxpayers through responsive, effective and financially sustainable service delivery.

7. Conclusion

- 7.1 The request from Kawartha Conservation for \$10,840 in funding for the acquisition of approximately 5 acres of land within Durham East Cross Forest is recommended for approval as it meets the requirements of the Durham Region Land Acquisition Policy for Conservation Authorities.

8. Attachments

Attachment #1: Correspondence from Kawartha Conservation requesting approval for funding under the Durham Region Land Acquisition Policy for Conservation Authorities

Respectfully submitted,

Original Signed By

Nancy Taylor, BBA, CPA, CA
Commissioner of Finance

Original Signed By

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and Economic
Development

Recommended for Presentation to Committee

Original Signed By

Elaine C. Baxter-Trahair
Chief Administrative Officer



July 21, 2021

The Regional Municipality of Durham
Finance Department
605 Rossland Rd. E.
Whitby, ON
L1N 6A3
Attn: Nicole Pincombe

Dear Ms. Pincombe:

On June 25, Kawartha Conservation purchased a 5-acre parcel within the Durham East Cross Forest Conservation Area of interest. We respectfully submit this request for funding support through the Land Acquisition Funding program for Conservation Authorities, established by the Region of Durham. Further to our earlier communications, this letter and attachments will provide the detailed information required for the submission.

SITE DETAILS

Size: 5 Acres
Location: Durham East Cross Forest (see map attached)
Intended Use: Passive recreation as part of the larger Durham East Cross Forest Conservation Area
Rationale: This property is located on the Oak Ridges Moraine and is protected as Natural Core Area. The property is completely forested with some trails already existing on the property that link it to the neighbouring sites. Acquisition of this property is the best securement option because of the historic uses in the Durham East Cross Forest area. The larger area is prone to significant pressure from illegal off-road use that originally prompted the securement of this area. Since 2005, Kawartha Conservation has been acquiring properties in this area to help clearly establish a Conservation Area with distinct boundaries that can easily be understood by the community and visitors. Within the Conservation Area block are a series of 5 – 20 acre lots that are in private ownership. These landowners do not live on the properties and have not historically taken a proactive approach to halting the illegal activity in the area. As a result, many off-road vehicles end up in Durham East Cross Forest either by design or by error. By bringing these properties into Kawartha Conservation ownership, we make boundary management more effective while also ensuring that the landscape management promotes core area features that will protect habitats for wildlife.

KAWARTHA CONSERVATION
277 Kenrei Road, Lindsay, ON K9V 4R1
705.328.2271 Fax 705.328.2286
KawarthaConservation.com

Our Watershed Partners:

City of Kawartha Lakes • Region of Durham • Township of Scugog • Municipality of Clarington • Township of Brock • Municipality of Trent Lakes • Township of Cavan Monaghan



COSTS

Purchase price: \$25,000
Legal fees: \$600
Appraisal cost: \$1,500
Total cost: \$27,100

Total Request: \$10,840

- Property taxes as part of the closing costs are not included in this request.

Ongoing stewardship costs: This property will be managed through the existing budget for Durham East Cross Forest.
There are no additional stewardship costs being projected.

SUPPORTING DOCUMENTS:

Please find attached the following documents to support our application.

- a) Location map of the property
- b) Appraisal Document
- c) Agreement of Purchase and Sale
- d) Signed direction to close
- e) Land Securement Strategy for Durham East Cross Forest
- f) Board minutes of approval

SCHEDULE A CRITERIA:

Primary Considerations:

1. This property is being purchased for the purposes of conservation and to be managed in conjunction with the existing Durham East Cross Forest Conservation Area.
2. This property contributes to the Greenlands System outside of urban areas.
3. According to the NHIC, this property has significant woodland on the property.
4. This property is Natural Core Area and therefore, the purchase of this property will not compromise future planned growth as development on the property is already restricted.

Secondary Considerations:

1. This property will enlarge the existing land holdings of Durham East Cross Forest. As well, given that Kawartha Conservation holds the land on 3 sides of this property will ensure that boundary management will be easier to attain.
2. There are no known features on site that would be considered significant beyond being allocated as Natural Core Area on the ORM.
3. The property is 100% in natural cover

KAWARTHA CONSERVATION

277 Kenrei Road, Lindsay, ON K9V 4R1

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KawarthaConservation.com

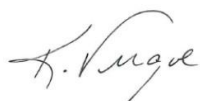
Our Watershed Partners:

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4. Natural Core Area on the Oak Ridges Moraine
5. Given the issues of illegal use in the area and absentee landownership, it is fair to assume that illegal motorized use has taken place on the property. KRCA has a security strategy that continually works to eliminate this activity.

The above information is provided for your review. Please do not hesitate to contact me should you have any questions regarding the information provided, or if any information is missing.

Kind Regards,

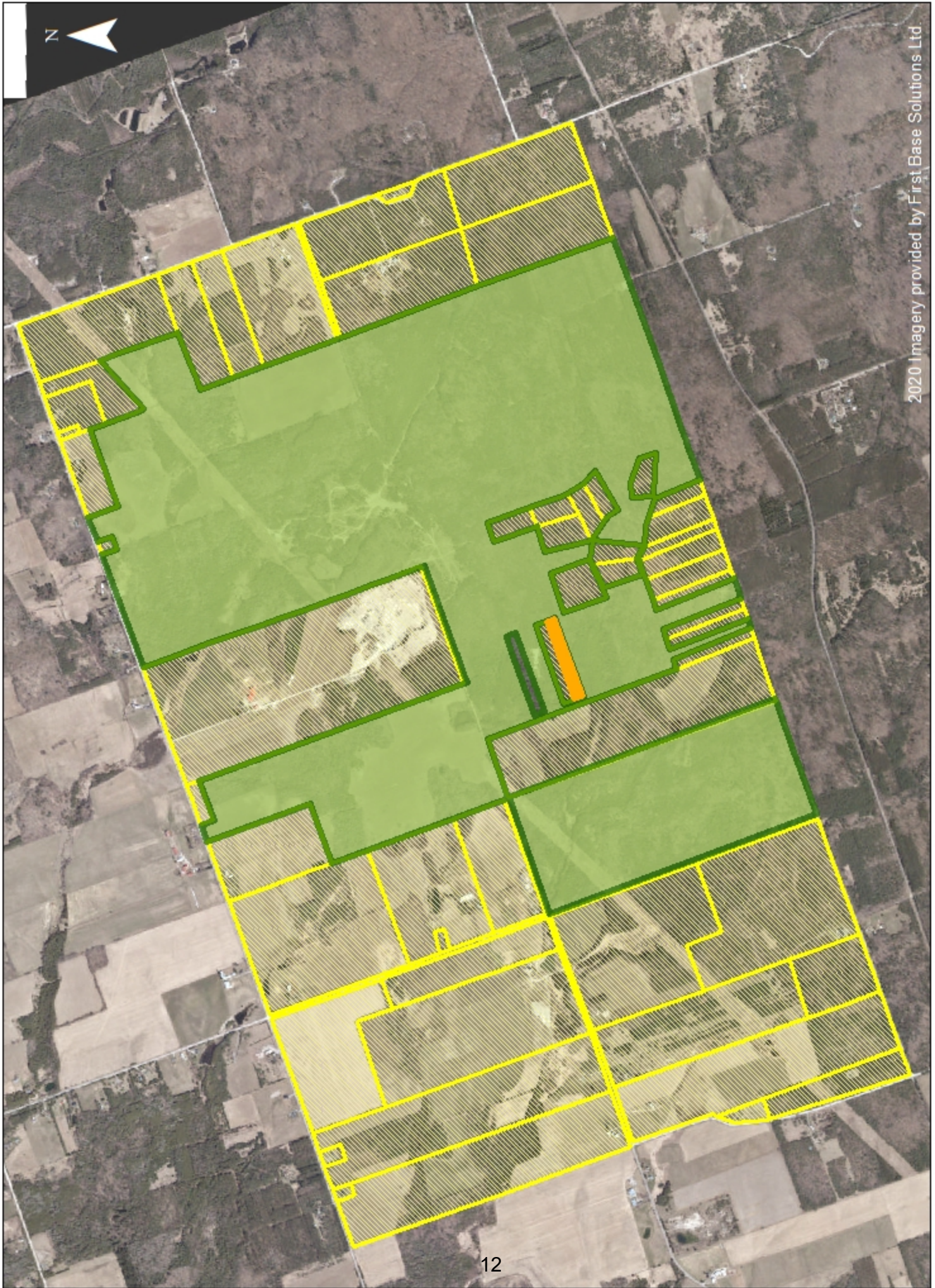


Kristie Virgoe,
Director, Stewardship & Conservation Lands

KAWARTHA CONSERVATION
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The Regional Municipality of Durham Report

To: Committee of the Whole
From: Commissioner of Works, Commissioner of Corporate Services and
Commissioner of Finance and Treasurer
Report: #2021-COW-22
Date: September 15, 2021

Subject:

Application for Mixed Waste Pre-sort and Anaerobic Digestion Facility Project Capital Funding through the Federal Government's Clean Fuels Fund 2021 Call for Proposals

Recommendation:

That the Committee of the Whole recommends to Regional Council:

- A) That Regional staff be authorized to proceed with work necessary to meet the requirements of the Federal Government's Clean Fuels Fund (CFF) 2021 Call for Proposals and submit an application for the Mixed Waste Pre-sort and Anaerobic Digestion Facility (AD Project) under the funding program, including minor scope of work amendments to existing consulting agreements where necessary to be funded from approved capital project funds;
- B) That the Commissioners of Works, Corporate Services and Finance be authorized to negotiate a Contribution Agreement should the federal application authorized under A) be successful;
- C) That the Commissioner of Finance and Treasurer be authorized to execute the Contribution Agreement and any other necessary agreements or documents, in a form satisfactory to the Regional Solicitor, to receive CFF funding to be applied to total capital costs for the AD Project, as part of and subject to, financing approvals received from Regional Council once a preferred Respondent is selected under the pending Negotiated Request for Proposals (NRFP #1080-2021); and,
- D) That the by-law, in the form included as Attachment #1, be passed.

Report:**1. Purpose**

1.1 The purpose of this report is to:

- a. Provide Regional Council with an update on the opportunity provided by the federal Clean Fuels Program;
- b. Secure necessary authorizations to apply to NRCan under the CFF building new domestic low carbon intensity fuels production capacity call for proposals; and,
- c. Should the application be successful, to complete necessary agreements to receive the CFF funding.

2. Background

2.1 The 2021 Federal Budget established the CFF with \$1.5 billion in funding to be provided over five years to support the production and distribution of low carbon fuels in Canada, including renewable natural gas (RNG), a key by-product of Durham Region's AD Project.

2.2 The \$1.5 billion of CFF funding has three components:

- a. Building domestic production capacity and supporting engineering / feasibility studies (\$1.38 billion);
- b. Establishing biomass supply chains (\$30.4 million); and,
- c. Developing and enabling related codes and standards (\$19.4 million).

2.3 On June 21, 2021, the federal government announced a CFF call for project proposals for building new domestic low carbon intensity fuels production capacity opened effective June 21, 2021 and with an application submission deadline of September 29, 2021.

2.4 Provincial and federal governments require details regarding municipal council authorizations as part of municipal funding application submissions, and Regional Council approvals as recommended herein are a key component to meeting these application submission requirements by the September 29, 2021 Clean Fuels Fund submission deadline.

3. Previous Reports and Decisions

- 3.1 Based on Report #2021-COW-14 “Organics Management Solution Update - Request for Prequalification and Initiation of Request for Proposal Process,” Regional Council directed staff to proceed with the AD Project NRFP to the top three qualified respondents of RFPQ-1062-2020. The report confirmed the CFF as a significant potential funding opportunity and noted staff would report back to Regional Council with any subsequent updates.

4. The Opportunity

- 4.1 The CFF program could provide eligible recipients with a maximum of 30 per cent of total eligible project costs up to a maximum of \$150 million per project.
- 4.2 Stacking is permitted so that Durham Region would be free to pursue other senior government funding opportunities for the AD Project, should additional funding opportunities become available.
- 4.3 The Region’s AD Project is anticipated to meet key technical CFF application requirements, including:
- a. A minimum RNG production capacity of 50,000 gigajoules (GJ) per year; and,
 - b. Carbon intensity of gaseous clean fuels equal to or below 36 g carbon equivalent per megajoule (CO₂e/MJ).

5. Application Requirements

- 5.1 The application process is detailed, especially from a technical perspective and the project management team has established a work plan to meet technical, financial and legal application requirements by the September 29, 2021 submission deadline.
- 5.2 Projects must be operational by March 31, 2026 under the CFF funding program.
- 5.3 GHD, the Region’s technical consultant on the AD Project, will be required to complete the following additional tasks at a cost of up to \$20,000:
- a. Provision of more detailed technical information, including but not limited to energy content, methane production potential, fuel conversion process details, a process flow schematic, heat and mass balance information and operating data for key biogas equipment; and,

- b. Completion of a carbon intensity assessment utilizing the GHGenius simulation tool in accordance with ISO Standard 14040 “Environmental management - Life cycle assessment - Principles and framework” and ISO Standard 14044 “Environmental management - Life cycle assessment - Requirements and guidelines.”

5.4 Federal evaluations will extend into 2022 and scoring will be based on:

- a. Technical - 22 per cent;
- b. Financial feasibility - 24 per cent;
- c. RNG supply and offtake plans or agreements - 10 per cent;
- d. Timing and readiness - 22 per cent; and,
- e. Partnership and benefit to Canadians - 22 per cent.

5.5 NRCan noted that it anticipates many more projects than there is available funding, and in terms of competitiveness NRCan anticipates a score of greater than 70 per cent will be required for applicants to be successful.

5.6 Notification of a successful application is anticipated through a federal ‘Letter of Conditional Approval’ from the Department of Natural Resources Canada (NRCan), the agency responsible for administering the Clean Fuels program.

6. Relationship to Strategic Plan

6.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

- a. Optimize resources and partnerships to deliver exceptional quality services and value.
- b. Responsibly manage the Region’s financial assets to deliver critical infrastructure and services for current and future generations.

7. Conclusion

7.1 The recommended Regional Council authorizations in this report are required to submit a fulsome application to the Federal Government’s Clean Fuels Fund funding program under the Clean Fuels Fund 2021 building new domestic low carbon intensity fuels production capacity call for proposals.

- 7.2 Staff are optimistic that the Mixed Waste Pre-sort and Anaerobic Digestion Facility could receive federal funding under this program despite a very competitive environment nationally. Should the Regional Municipality of Durham's application be successful, the Mixed Waste Pre-sort and Anaerobic Digestion Facility capital costs could be offset by up to 30 per cent, representing a significant opportunity and a significant federal government partnership.

8. Attachments

Attachment #1: Draft Clean Fuels Fund By-law

Respectfully submitted,

Original signed by:

Susan Siopis
Commissioner of Works

Original signed by:

Don Beaton
Commissioner of Corporate Services

Original signed by:

Nancy Taylor BBA, CPA, CA
Commissioner of Finance and Treasurer

Recommended for Presentation to Committee

Original signed by:

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number **-2021
of The Regional Municipality of Durham

Being a by-law to authorize Regional staff to apply for and obtain funding from the Federal Government's Clean Fuels Program;

Whereas the Federal Government established a \$1.5 billion Clean Fuels Fund under the Clean Fuels Program to provide funding to support the construction of new or expanding clean fuel production facilities;

Whereas the Region is proposing to construct an anaerobic digestion facility, which will produce renewable natural gas and may be eligible for funding under the Clean Fuels Fund.

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That Regional staff are hereby authorized to submit an application to the Federal Government's Clean Fuels Fund for the Region's anaerobic digestion facility, including modifying the scope of work of existing consulting agreements to assist with the work required to submit the application to be funded from approved capital project funds, where necessary.
2. That the Commissioners of Works, Corporate Services and Finance be authorized to negotiate a Contribution Agreement with Natural Resources Canada should the application be successful.
3. That the Commissioner of Finance be authorized to execute the Contribution Agreement and any other necessary agreements or documents, in a form satisfactory to the Regional Solicitor, to receive the funding from Clean Fuels Fund to be applied to the capital costs of the anaerobic digestion facility.
4. This By-law is effective on the date of its passing.

This By-law Read and Passed on the XX day of September 2021.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk