

APPENDIX K – ROLES AND RESPONSIBILITIES RESEARCH

The Purpose of this document is to provide a review of how the Development Officer was guided by the Zoning By-law to consider the Horticultural Mix Plant permit application. Research was conducted in and around March 2021 to gather information through a series of FIPPA requests. This research and evidence does not necessarily confirm whether he conducted himself in accordance with the roles and responsibilities, but it does provide a basis to better understand the process requirements.

Under ZONING BY-LAW No. 08-01:

8.2 Development Officer Duties and Responsibilities

The Development Officer:	Development Plan By-law designates the lands as "Agricultural Preserve Area": see "Addendum A"
1) Shall review each development permit application to ascertain whether it conforms to the adopted RM of Springfield Development Plan and amendments thereto, all applicable regulations and information regulations of this By-law and amendments thereto, and other Municipal By-laws, the conditions of any caveat, covenant, site plan, development agreement, variance or conditional use order, easement or any other instrument affecting a building or land.	All Applicable regulations and information regulations of this by-law: see "Addendum B". Other Municipal By-laws: see "Addendum C" Title and any Caveats, Covenants, Easements, Development Agreement or other instrument: See "Addendum D" Site Plan: "Addendum E" Variance or Conditional Use Order: "Addendum F"
2) May refer a development permit application to any municipal, provincial or federal department or any other agency or body, deemed appropriate to obtain comments on the application.	Referrals to other departments: see "Addendum G"
3) Shall approve, without any conditions, or with such conditions as are required to ensure compliance, an application for development of a Permitted Use provided the development complies with the regulations of this By-law, or shall refuse an application for development of a Permitted Use if the development does not comply with the regulations of this Bylaw unless he/she uses his/her discretion pursuant to Section 8.4 of this By-law.	Conditions on Development Permit: see "Addendum H" Section 8.4 of this by-law: see "Addendum I"
4) May give notice of his/her decision on applications for development as follows: a) where an application has been approved notice to the applicant shall be given in writing by ordinary mail; or b) where an application has been refused, notice in writing shall be given to the applicant, by ordinary mail, and such notice shall state the reason for refusal.	
5) Shall receive, review and process development applications.	Copy of Development Permit DX 2020-21: see "Addendum J"
6) Shall perform other such duties as described or implied elsewhere in this By-law or required by Council.	

Further, what is the Development Officer responsible to do once changes are made to an application, or if additional information becomes known that either was or was not divulged by the applicant directly to the Development Officer? Under Section 15.0 of the Zoning By-law there are policies that outline requirements, as follows:

15.0 Enforcement and Penalties

15.1 Offences

- 1) Any owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure:
 - a) contravenes; or
 - b) causes, suffers or permits a contravention of, any provision of the Act, a development permit, a development agreement or this Bylaw; commits an offence.
- 2) Any contractor, worker, or other person who constructs a building or structure, or makes an addition or alteration thereto:
 - a) for which a development permit is required but has not been issued or is not subsisting under this By-law; or
 - b) in contravention of a condition of a development permit issued under this By-law; commits an offence.

15.2 Penalties

Fines and penalties will be imposed as per the Act.

15.3 Suspension or Revocation of the Development Permit

1. The Development Officer may suspend or revoke a development permit where:
 - a. the applicant fails to comply with the conditions of issuance of a permit; or
 - b. any person undertakes or causes or permits any development on a site contrary to the terms or conditions of a permit.
2. Any person who undertakes, or causes or permits, any development on a site without a permit, or after a permit has been suspended or revoked, shall discontinue such development forthwith upon notice in writing issued by the Development Officer so requiring, and shall not resume such development unless a permit has been issued or the permit reinstated.

ADDENDUM A: DEVELOPMENT PLAN

Subject Lands are designated “Agricultural Preserve”

“The decisions of Council related to land use and development will be based on the goals, objectives and policies of the Development Plan” (pg. 1).

“Individual policies of the Development Plan should be interpreted within the overall spirit and intent of all other objectives and policies of the Development Plan. Examples of general land use classifications in the land use policy area of the Development Plan are used for explanatory purposes and to guide the preparation of the RM of Springfield Zoning By law. Specific permitted and conditional use regulations shall be established in the zoning by law” (pg. 2).

Rural Areas

“Land designated Agricultural Preserve Area encompasses prime agricultural land with large farm units and land holdings. Some areas of lower quality land, or small land holdings have been included in this designation to ensure future agricultural expansion options and to prevent the establishment of land uses not compatible with agriculture” (pg. 24).

4.1 AGRICULTURAL PRESERVE AREA AGRICULTURAL PRESERVE AREA OBJECTIVES

- 4.1.1. To promote the use of prime agricultural land and viable lower class land (where agriculture is the dominant land use) by allowing for a full range of agricultural activities¹ and livestock operations².
- 4.1.2. To protect prime agricultural land and viable lower class land (where agriculture is the dominant land use) from unnecessary land fragmentation and encroachment of incompatible land uses.
- 4.1.3. To encourage the sustainable growth and development of the agricultural industry.
- 4.1.4. To ensure proposed developments do not negatively impact agriculture, the environment or adjacent uses.
- 4.1.5. The Agricultural Preserve Area consists of prime agricultural lands and lands where agricultural activities are dominant or could be viable on lower class agricultural land and where it is desirable and feasible to provide protections for such activities. These areas shall be preserved and protected for a full range of agricultural activities and livestock operations.
- 4.1.6. The following land uses may be accommodated in the Agricultural Preserve Area:
 - a) General and specialized agricultural³ uses such as farming, pasturage, agriculture, apiculture, floriculture, aquaculture, horticulture, and agricultural product storage facilities⁴;
 - b) Livestock operations and feedlots subject to the provisions of Section 3.11 Livestock Operations of the Development Plan;
 - c) Agri-commercial or agri-industrial uses and small scale industrial⁵, business and commercial operations that are used to diversify active farming operations.

¹ Defined in Appendix B.

² Defined in Appendix B.

³ Defined in Appendix B.

⁴ Defined in Appendix B.

⁵ Defined in Appendix B.

- d) Resource developments such as forestry⁶ activities, mineral exploration⁷ and extraction operations, outfitters⁸ and game farms⁹ as well as wildlife conservation reserves¹⁰;
 - e) Non-intensive, limited recreational and open space uses such as parks¹¹, nature trails, and agri-tourism¹² that cannot be suitably accommodated in urban settlement centres or General Development areas; and
 - f) Religious assemblies¹³ that cannot be suitably accommodated in urban settlement centres or General Development areas may be allowed to establish on existing parcels as a conditional use, subject to the requirements of the zoning by-law and provided that no subdivision is required. Religious assemblies will be encouraged to locate adjacent to existing urban centres or rural residential areas and will be directed away from agricultural uses. The development of a religious assembly in the Agricultural Preserve Area shall not restrict agricultural practices or existing livestock operations, nor should it lead to the evolution of a new settlement centre. Traffic from development of this type shall not be a detriment to municipal or provincial roads or adjacent land uses. A Traffic Impact Study may be required; and
 - g) Hobby farms that are accessory to existing rural residential dwellings.
- 4.1.7. Agricultural parcels within the Agricultural Preserve Area shall generally be 80 acres. Variations may be allowed in instances where a public work has reduced the size of the parcel. Smaller lot sizes may also be considered in the case of lot boundary adjustments and title considerations, provided the end result is consistent with the overall intent of the plan.
- 4.1.8. Where additional accessory housing is necessary to assist with an agricultural enterprise, such accommodation shall be provided on the existing farmstead as part of the farm unit if staff or family members living in the additional housing are significantly employed by the agricultural enterprise.
- 4.1.9. Certain specialized agricultural activities such as nurseries, horticultural, and apiaries may be allowed on smaller parcels provided they are compatible with the surrounding agricultural activities and do not generate significant levels of traffic.
- 4.1.10. Agri-commercial or agri-industrial uses and small scale industrial, business and commercial operations that are used to diversify active farming operations may be allowed in the Agricultural Preserve Area, subject to requirements outlined in the zoning by-law¹⁴.
- 4.1.11. Council shall consider the following criteria when considering proposed developments in the Agricultural Preserve Area:
- a) The use shall not conflict with agriculture and, wherever possible, locate on lower class farmland;
 - b) The size of the site is appropriate to meet the needs of the use, without being wasteful of agricultural land;
 - c) The parcel has access to the municipal road system and does not negatively impact the provincial highway system. Where the development is proposed in the vicinity of a

⁶ Defined in Appendix B.

⁷ Defined in Appendix B.

⁸ Defined in Appendix B.

⁹ Defined in Appendix B.

¹⁰ Defined in Appendix B.

¹¹ Defined in Appendix B.

¹² Vacation Farm Operation Defined in Appendix B.

¹³ Defined in Appendix B.

¹⁴ See Appendix B.

provincial highway, a copy of the proposal shall be circulated to the province for review and comments. Direct access to the provincial highway system may be restricted;

- d) If required, water, wastewater, and utilities can be economically provided;
 - e) Drainage is adequate on site; and
 - f) The storage, treatment and discharge of all effluent and emissions and disposal of all waste must meet the approval of the province and Council.
- 4.1.12. Limited natural resource developments, non-intensive recreational and open space uses (such as parks, nature trails and agri-tourism) that cannot be suitably accommodated in urban settlement centres or General Development areas may be considered provided that such proposals are compatible with existing agricultural operations and that the size of the proposed parcel is appropriate for the intended use. Such uses will be identified as a conditional use in the zoning by-law.
- 4.1.13. Where feasible, existing non-conforming small holdings shall be consolidated as a requirement of subdivision approval.

ADDENDUM B: ALL APPLICABLE REGULATIONS AND INFORMATION REGULATIONS OF THE ZONING BY-LAW

1.6 Interpretation

- 1) Words, phrases and terms defined herein shall be given the defined meaning.
- 2) Words, phrases and terms neither defined herein nor defined in By-laws of the RM of Springfield shall be given their usual and customary meaning¹⁵ except where, in the opinion of Council, the context indicates a different meaning.
- 3) The phrase used for includes arranged for; maintained for; designed for; or occupied for.
- 4) The provisions of this By-law shall be interpreted to be the minimum regulations except where the abbreviation for, or word, maximum is used, in which case the maximum regulation shall apply.
- 5) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunctions and, or, or either-or, the conjunctions shall be interpreted as follows:
 - a) and indicates that all the connected items, conditions, provisions or events shall apply;
 - b) or indicates that all the connected items, conditions, provisions or events may apply singly or in combination; and
 - c) either-or indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 6) The word includes shall not limit a term to the specified examples, but is intended to extend the meaning to all instances or circumstances of the like kind or character.

7.0 Use Class Definitions

- 1) The Use Classes group individual land uses into a specified number of classes, with common functional or physical impact characteristics.
- 2) The Use Classes of this Section are used to define the range of uses which are permitted or conditional within the various Zoning Districts of this Bylaw.
- 3) The typical uses which may be listed in the definitions are not intended to be exclusive or restrictive. Reference should be made to the definition of the Use Class in determining whether or not a use is included within a particular Use Class.
- 4) Where a specific use does not conform to the wording of any Use Class definition or generally conforms to the wording of two or more Use Class definitions, the Development Officer may deem that the use conforms to and is included in that Use Class which he/she considers to be the most appropriate in character and purpose. In such a case, this use shall be considered a conditional use, whether or not the Use Class is listed as either a permitted use or conditional use within the applicable Zoning District.

¹⁵ As a Land-Use Planner, when I come across words that are not defined, I normally look to relevant By-laws, Acts or Regulations for guidance before looking to Webster's On-line Dictionary. The opinion of Council is sought as a last resort when there is remaining ambiguity.

Under the Agricultural Preserve Area within the Development Plan By-law, the following Zoning By-law Use Classifications are relevant (listed in order of mention under the DP Ag. Preserve policies), which the Development Officer may consider, and which are defined thusly:

7.5(3) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

7.5(15) **Livestock Operation** means a permanent or semi-permanent facility or non-grazing area where livestock producing at least 10.00 Animal Units are kept or raised, either indoors or outdoors, and includes all associated manure collection facilities, but does not include:

- a) an operation for the slaughter or processing of livestock;
- b) an operation for the grading or packing of livestock or livestock products;
- c) an operation for transporting livestock or livestock products;
- d) a livestock auction mart;
- e) an agricultural fair; and
- f) a livestock sales yard where livestock are kept no longer than three days.

7.5(17) **Specialized Agriculture** means the use of land for apiculture, floriculture, horticulture including market gardening, orchards and tree farming, and similar agricultural activities on a commercial basis.

7.5(6) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

7.4(7) **Small Scale Industrial** means light manufacturing, assembly or distribution of ready made products on a small scale that are generally used to diversify active farming operations.

7.6(1) **Forestry Use** means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of wood, pulpwood, lumber and other forestry products.

7.6(2) **Mineral Exploration** means the activity of searching for new mineral deposits.

7.5(14) **Game Farm** means a development where elk, wild boar, bison, etc. are held in captivity, pursuant to *The Livestock Industry Diversification Act* and *The Wildlife Act*.

7.3(36) **Outfitter** means any land or premises equipped with Cottage Dwellings used or maintained for accommodation of the public for outdoor recreational purposes relating to hunting, fishing and other similar pursuits.

7.6(4) **Wildlife and Conservation Reserve** means land that has been designated by Provincial legislation for the protection and conservation of wildlife. This Use Class includes Wildlife Management Areas.

7.8(10) **Public Park** means a development of public land specifically designed or reserved for the general public for active or passive recreational use and includes all natural and human-made landscaping, facilities, playing fields, buildings and other structures that are consistent with the general purposes of public parkland, whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park. Typical uses include tot lots, band shells, interpretive centres, picnic grounds, pedestrian trails and paths, landscaped buffers, playgrounds, water features, amphitheatres, and athletic fields.

7.5(18) **Vacation Farm Operation** means an accessory development to a farm operation that provides temporary accommodations with or without meals to members of the travelling public for remuneration. This Use Class includes Tourist Campsites, Lodges and sites for motor homes or travel trailers.

7.8(11) **Religious Assembly** means a place of worship and related activities. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries.

Per Development Plan Policy 4.1.10, the following policies apply to “Agri-commercial or agri-industrial uses and small scale industrial, business and commercial operations that are used to diversify active farming operations”^{16 17}:

Small Scale Industrial¹⁸:

36.0 Performance Standards for Industrial Use Class Developments

36.1 Applicability All Industrial Use Class developments shall comply with the performance standards of this Section of the By-law and other requirements in applicable Federal, Provincial or Municipal legislation. Where in the opinion of the Development Officer, a use may not comply with the said performance standards or requirements, he/she may require that the applicant submit a statement from a Certified Professional Engineer of Manitoba confirming that the proposed use satisfies the said performance standards or requirements.

36.2 Performance Standards

36.2.1 Emission of Air and Water Contaminants

- 1) No operations or activity shall emit air and water contaminants in excess of the standards prescribed by the Province of Manitoba pursuant to *The Environment Act* and the regulations pertaining thereto.

36.2.2 Noise

¹⁶ Agri-commercial and agri-industrial are neither defined in the Development Plan nor within the zoning by-law, therefore, Policy 1.6(2) applies. Per Policy 1.6(2), I would reference *The Planning Act* and its Regulations. As these words are not specifically therein defined, I would look at the root of each word, prefixed by the word “Agri”, short for “Agricultural”. Therefore, agriculture must be at the root of the use, which is confirmed and reinforced by DP Policy 4.1.10 which gives further clue that both agri-commercial and agri-industrial uses “are used to diversify active farming operations”. Active farming operations would fall under the category of “Agricultural Activities”, defined under 7.5(3) of the Zoning By-law. Therefore, in order to be considered within the scope of agri-commercial or agri-industrial, the use would need to be one that diversifies a farm that is being actively operated for farming, pasturage, agriculture, apiculture, aquaculture, floriculture, horticulture, and/or any other agricultural purpose.

¹⁷ There is no active farming operation on the Subject Lands.

¹⁸ Small Scale Industrial is the only use listed as an Industrial Use Class.

- 1) No activity or operation shall cause, or permit to be caused, a noise level at or inside the lot line of a site in the RS: Residential Single Family, RT: Residential Two-Family, RM: Residential Multiple Family, RC: Residential Comprehensive, HA: Hamlet Area, RR: Rural Residential and MHR: Mobile Home Residential Zoning Districts which exceeds the regulations of the Province of Manitoba pursuant to The Environment Act and regulations pertaining thereto, or the RM of Springfield Noise By-law, as amended.

36.2.3 Appearance

- 1) All Industrial Use Class developments in the MB: Industrial Business Zoning District shall comply with the following appearance standards:
 - a) All loading, service, trash collection and accessory storage areas, and trucking yards shall be located to the rear or sides of the principal building, and shall be screened from view from any public roadway and from adjacent sites, by building walls, landscape materials, berms, fences or a combination thereof, from the ground to a height of 2.00 m. (6.56 ft.).
 - b) The Development Officer may require that exposed projections outside the building such as mechanical and electrical equipment, transformer ducts, and materials handling equipment be screened from view from any public roadway, or from adjacent sites if, in his/her opinion, such projections are inconsistent with the character and appearance of surrounding development or the intended visual qualities of the said Zoning District.
 - c) All buildings shall be constructed and finished with durable materials designed to maintain the initial appearance of the development throughout the life of the project. The Development Officer may require that the appearance of metal, or concrete block walls exposed to public view from beyond the site be improved where, in his/her opinion, such walls are inconsistent with the finishing materials or appearance characteristic of surrounding development.
- 2) Any use or activity in the MG: Industrial General, MXH: Industrial Extractive Holding and MX: Industrial Extractive Zoning Districts shall comply with the following appearance standards:
 - a) All outdoor service, assembly, trash collection and storage areas including the trucking yards associated with such activities shall be located to the rear or sides of the principal building. Loading and trash collection facilities serving office, warehouse and similar developments, where the handling or assembly of goods is carried on within a building, shall be allowed to the rear, sides or front of the principal building.
 - b) Outside display areas are permitted to the side or front of the principal building, provided that such displays are limited to examples of equipment or material related to the industry or business located on the site.

37.2 General Performance Standards for Commercial Uses

Commercial uses shall comply with the following standards:

- 1) All commercial developments¹⁹:
 - a) shall be designed to:
 - i) convey an image of cohesive appearance and architectural character;
 - ii) ensure that offices, reception and public use areas are easily identifiable and visible from the public roadway; and
 - b) shall be constructed and finished with durable materials to maintain the initial appearance of the development throughout the life of the project.
- 2) The Development Officer or Council may require that the appearance of walls exposed to public view from beyond the site of a commercial development be combined with other materials where, in his or Council's opinion, such walls are inconsistent with the finishing materials or appearance characteristics of surrounding developments.
- 3) The location of the principal building on a site of a commercial development shall take into account:
 - a) the setbacks and building placements on adjacent sites; and
 - b) the micro-climatic effects including shading of adjacent buildings or sites.
- 4) Garbage collection, loading, storage or outdoor service areas for commercial developments shall be developed in accordance with Section 52.2 of this By-law and the following:
 - a) All outdoor storage shall be related to the business on the site.
 - b) There shall be no outdoor storage of objects or chattels which, in the opinion of the Development Officer or Council, are unsightly or adversely affect the character or appearance of the site or surrounding developments.

With respect to the Development Permit DX 2020-21, the permit was issued under four (4) Agricultural Use Classifications, being:

7.5(2) **Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector. Typical uses include farm equipment and machinery repair shops, bulk fuel stations, feed and fertilizer supply operations, livestock auction marts and commercial seed cleaning plants.

7.5(3) **Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture. This Use Class does not include Livestock Operations or Natural Resource Developments.

7.5(6) **Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

7) **Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers. Typical uses include aerial spraying companies, grain storage including grain elevators, feed mills and seed plants. This Use Class does not include Bulk Storage Facilities or Anhydrous Ammonia Facilities.

Other Relevant Definitions include:

¹⁹ In terms of applicability, the language does not state "All Commercial Use Classes" which would refer the Development Officer to Section 7.3; it states "all commercial developments", which would include "agri-commercial".

104) **Peat Moss** means a mass of partially carbonized plant tissue ranging in consistency from a turf to a slime that is commonly used as a fertilizer, stable litter or fuel or for making charcoal.

As the Development Officer deemed the Horticultural Mix Plant was permitted use, the application would have been subject to the following requirements:

12.2 Class B Developments (Permitted Use)

The following information shall be submitted with an application for Class B (Permitted Use) developments, and the appropriate application form fully and accurately completed in accordance with the following regulations:

- 1) The municipal address of land and buildings presently occupying the site, if any.
- 2) A status of Title that has been issued within thirty (30) days of the application.
- 3) A legal description of the land on which the proposed development is to occur, by lot, block, subdivision and registered plan numbers.
- 4) The applicant's name, address and interest in the land.
- 5) A sketch plan of the site, showing the location of the proposed development relative to the boundaries of the site.
- 6) Description of the work to be performed with respect to:
 - a) change in current occupancy of land use; or
 - b) description of proposed development or building operations.
- 7) Identification of the scale of the development with respect to:
 - a) gross floor area of the development in square metres;
 - b) area of the site covered in square metres;
 - c) height of the structure in metres; and
 - d) number of floors or storeys.
- 8) The estimated value, in dollars, of the proposed work.
- 9) A site plan, at a minimum scale of 1:500, showing the following:
 - a) a directional true north arrow with the north point located in such a manner that the true north is in the upper position of the drawings;
 - b) setbacks, separation distances and yard dimensions;
 - c) the location of all buildings or structures in relation to property lines; and
 - d) dimensioned layout of existing and proposed parking areas, driveways, entrances and exits, abutting public roadways, median breaks and auxiliary lanes.
- 10) Identification of the scale of the development with respect to the number of dwellings, or establishments for commercial, industrial or other purposes.
- 11) If required by the Development Officer, a site plan at a minimum scale of 1:500, showing:
 - a) the location of sidewalks and walkways; where applicable, parking, loading, storage, outdoor service and display areas; and
 - b) the location of fences, screening, retaining walls, trees, landscaping, and other physical features both existing and proposed in the site and adjoining boulevard, if any.
- 12) Floor plans at minimum scale of 1:100, indicating all uses or occupancies, storage and garbage holding areas.
- 13) Elevations and drawings, indicating sections and the bulk of buildings, at a minimum scale of 1:100.
- 14) Number of parking and loading spaces required and provided.
- 15) A building location certificate, if required by the Development Officer.
- 16) A site plan and description of the proposed water supply and wastewater management systems.

The Development Officer did attach Conditions of Approval as attached under Appendix H of the Main Document. These Conditions would have to adhere to Section 14 of the Zoning By-law:

14.0 Conditions Attached to a Development Permit

- 1) The Development Officer or Council may impose, with respect to a permitted use, such conditions as are required to ensure compliance with this By-law.
- 2) Council may, with respect to a conditional use, impose such conditions as deemed appropriate, having regard to the regulations of this By-law, other municipal, provincial and federal government regulations, and matters raised at the conditional use hearing.
- 3) The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of electric power, vehicular and pedestrian access, or any of the aforementioned, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 4) The Development Officer or Council may, as a condition of issuing a development permit, require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a) to construct, or pay for the construction of, or improvement to, a public roadway required to give access to the development;
 - b) to specify the location and number of vehicular and pedestrian access points to sites from public roadways, including the construction, or payment for the construction thereof or improvements thereto;
 - c) to install, or pay for the installation of, utilities that are necessary to serve the development, or pay the recovery costs of services which have already been installed;
 - d) to repair, improve or reinstate, or to pay for the repair, improvement or reinstatement, of any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by the development or building operations upon the site; and
 - e) to construct, or pay for the construction of, or improvement to, land drainage works that are necessary to serve the development.
- 5) The Development Officer or Council may require any agreement entered into pursuant to Section 14.0 (4) of this By-law to be caveated against the title to the site at the Land Titles Office.

ADDENDUM C: OTHER MUNICIPAL BY-LAWS

R.M. of Springfield Building By-law 97-22

- No applicable provisions

R.M. of Springfield Noise Control By-law 19-11 – adopted September 17, 2019

- Section 2 Definitions lists:

Daytime means the period:

Beginning at 7:00 A.M. and ending at 11:00 P.M. of the same day on Weekdays; or,

Beginning at 10:00 A.M. and ending at 11:00 P.M. of the same day on a Weekend

Weekday means Monday through Saturday, inclusive unless it falls on a holiday as defined in *The Interpretation Act C.C.S.M. c. 180*, as amended or replaced from time to time.

Weekend means Sunday and any other holiday, as defined in *The Interpretation Act C.C.S.M. c. 180*, as amended or replaced from time to time.

- Section 4 Permitted Noises exempts the following:

1. Sound resulting from an activity which is being carried on and is not in breach of any applicable land use provisions²⁰, and it is shown to the satisfaction of the Enforcement Officer or CAO, that:
 - a. The sound intensity level is not unreasonable, taking into consideration the type of activity allowed by the applicable land use provisions, and that,
 - b. all reasonable steps have been taken by the owner, lessee, occupier, or person in control of the property from which the sound is emanating from which to reduce the intensity;

The Interpretation Act C.C.S.M. c. 180 defines holiday as “means a holiday as described in section 23”

Holidays

[23\(1\)](#)

The following days are holidays:

1. Sundays
2. New Year's Day
- 2.1 The third Monday in February, to be known as "Louis Riel Day"
3. Good Friday
4. Victoria Day
5. July 1
6. Labour Day
7. Thanksgiving Day
8. Remembrance Day
9. Christmas Day
10. The day after Christmas Day, known as "Boxing Day"
11. Any day declared a holiday by a proclamation of the Governor General or Lieutenant Governor.

Holidays falling on Sunday

[23\(2\)](#)

When a holiday other than Sunday or Remembrance Day falls on a Sunday, the next day is a holiday.

When Christmas Day falls on a Sunday, December 27th is a holiday.

²⁰ As the Development Officer has deemed Berger's Operations to be permitted use, there is no restriction in terms of noise, and under the Noise Control By-law 19-11, the operation may operate 24-7.

ADDENDUM D: TITLE AND ANY CAVEATS, COVENANTS, EASEMENTS, DEVELOPMENT AGREEMENT OR OTHER INSTRUMENTS

STATUS OF TITLE

Title Number **3038315/1**
Title Status **Accepted**
Client File



1. REGISTERED OWNERS, TENANCY AND LAND DESCRIPTION

BERGER PEAT MOSS LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED
HEREON IN THE FOLLOWING DESCRIBED LAND:

THE WLY 1290 FEET PERP OF
THE NW 1/4 SECTION 23-11-4 EPM

The land in this title is, unless the contrary is expressly declared, deemed to be subject to the reservations and restrictions set out in section 58 of *The Real Property Act*.

2. ACTIVE INSTRUMENTS

Instrument Type: **Mortgage**
Registration Number: **4572648/1**
Instrument Status: **Accepted**

Registration Date: 2015-01-27
From/By: LES TOURBIERES BERGER LTEE/BERGER PEAT MOSS LTD.
To: DESJARDINS TRUST INC.

Amount: \$150,000,000.00
Notes: No notes
Description: No description

INSTRUMENTS THAT AFFECT THIS INSTRUMENT

<u>Registration Number</u>	<u>Instrument Type</u>	<u>Status</u>
5135069/1	Amending Agreement Including Land	Accepted

Instrument Type: **Amending Agreement Including Land**
Registration Number: **5135069/1**
Instrument Status: **Accepted**

Registration Date: 2019-12-06
From/By: Desjardins Trust Inc.
To: LES TOURBIÈRES BERGER LTÉE/BERGER PEAT MOSS LTD.

Amount:
Notes: No notes
Description: No description

Instrument Type: **Easement**
Registration Number: **5199985/1**
Instrument Status: **Accepted**

Registration Date: 2020-08-12
From/By: Berger Peat Moss Ltd.
To: Bell Canada

Amount:
Notes: No notes
Description: statutory easement - right of way

3. ADDRESSES FOR SERVICE

BERGER PEAT MOSS LTD.
121 R.R. #1
Sainte-Modest QC
G0L 2W0

4. TITLE NOTES

No title notes

5. LAND TITLES DISTRICT

Winnipeg

6. DUPLICATE TITLE INFORMATION

Duplicate not produced

7. FROM TITLE NUMBERS

3011172/1 All

8. REAL PROPERTY APPLICATION / CROWN GRANT NUMBERS

No real property application or grant information

9. ORIGINATING INSTRUMENTS

Instrument Type: **Request To Issue Title - Internal**

Registration Number: **5135830/1**

Registration Date: 2019-12-10

From/By: LES TOURBIÈRES BERGER LTÉE/BERGER PEAT MOSS LTD., etal

To:

Amount:

10. LAND INDEX

NW 23-11-4E

WLY 1290 FEET PERP

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE
SYSTEM OF TITLE NUMBER 3038315/1

STATUS OF TITLE

Title Number **3038316/1**
Title Status **Accepted**
Client File



1. REGISTERED OWNERS, TENANCY AND LAND DESCRIPTION

BERGER PEAT MOSS LTD.

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON
IN THE FOLLOWING DESCRIBED LAND:

THE NW 1/4 SECTION 23-11-4 EPM
EXC THE WLY 1290 FEET PERP

The land in this title is, unless the contrary is expressly declared, deemed to be subject to the reservations and restrictions set out in section 58 of *The Real Property Act*.

2. ACTIVE INSTRUMENTS

Instrument Type: **Mortgage**
Registration Number: **4572648/1**
Instrument Status: **Accepted**

Registration Date: 2015-01-27
From/By: LES TOURBIERES BERGER LTEE/BERGER PEAT MOSS LTD.
To: DESJARDINS TRUST INC.

Amount: \$150,000,000.00
Notes: No notes
Description: No description

INSTRUMENTS THAT AFFECT THIS INSTRUMENT

<u>Registration Number</u>	<u>Instrument Type</u>	<u>Status</u>
5135069/1	Amending Agreement Including Land	Accepted

Instrument Type: **Amending Agreement Including Land**
Registration Number: **5135069/1**
Instrument Status: **Accepted**

Registration Date: 2019-12-06
From/By: Desjardins Trust Inc.
To: LES TOURBIÈRES BERGER LTÉE/BERGER PEAT MOSS LTD.

Amount:
Notes: No notes
Description: No description

Instrument Type: **Easement**
Registration Number: **5199985/1**
Instrument Status: **Accepted**

Registration Date: 2020-08-12
From/By: Berger Peat Moss Ltd.
To: Bell Canada

Amount:
Notes: No notes
Description: statutory easement - right of way

3. ADDRESSES FOR SERVICE

BERGER PEAT MOSS LTD.
121 R.R. #1
Sainte-Modest QC
G0L 2W0

4. TITLE NOTES

No title notes

5. LAND TITLES DISTRICT

Winnipeg

6. DUPLICATE TITLE INFORMATION

Duplicate not produced

7. FROM TITLE NUMBERS

3011174/1 All

8. REAL PROPERTY APPLICATION / CROWN GRANT NUMBERS

No real property application or grant information

9. ORIGINATING INSTRUMENTS

Instrument Type: **Request To Issue Title - Internal**

Registration Number: **5135830/1**

Registration Date: 2019-12-10

From/By: LES TOURBIÈRES BERGER LTÉE/BERGER PEAT MOSS LTD., etal

To:

Amount:

10. LAND INDEX

NW 23-11-4E

EXC WLY 1290 FEET PERP

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE
SYSTEM OF TITLE NUMBER 3038316/1



Rural Municipality of Springfield

www.rmofspringfield.ca

April 6, 2021

Jennifer Lim
31 Lakebourne Drive
Winnipeg, Manitoba
R2P 1K9

Dear Ms. Lim:

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act (FIPPA)
Our File No. 21-05

On March 8, 2021, the Rural Municipality of Springfield received your FIPPA request for access to records regarding the following:

Confirmation of, whether finalized or drafted, of a Development Agreement, and, if finalized, a copy of any Development Agreement related to Berger's Peat Moss Processing Plant on 22054 Oakwood Road.

We can advise that a Development Agreement was not a condition of the development permit with Berger and therefore the record does not exist.

Accordingly, your request for access is refused under paragraph 12(1)(c)(i) of *The Freedom of Information and Protection of Privacy Act*.

Section 59(1) of *The Freedom of Information and Protection of Privacy Act* provides that you may make a complaint about this decision to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750-500 Portage Avenue
Winnipeg, MB R3C 3X1
204-982-9130
1-800-665-0531

If you have any questions or require clarification on this response, please contact the writer at 444-6161.

Sincerely,

A handwritten signature in blue ink that reads 'C. Draper'.

Colleen Draper
Access and Privacy Officer

ADDENDUM E: SITE PLAN



Rural Municipality of Springfield

www.rmofspringfield.ca

April 6, 2021

Jennifer Lim
31 Lakebourne Drive
Winnipeg, Manitoba
R2P 1K9

Dear Ms. Lim:

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act (FIPPA)
Our File No. 21-06

On March 8, 2021, the Rural Municipality of Springfield received your FIPPA request for access to records regarding the following:

A copy of the site plan for DX 2020-21, as relates to Berger's Peat Moss Processing Plant on 22054 Oakwood Road.

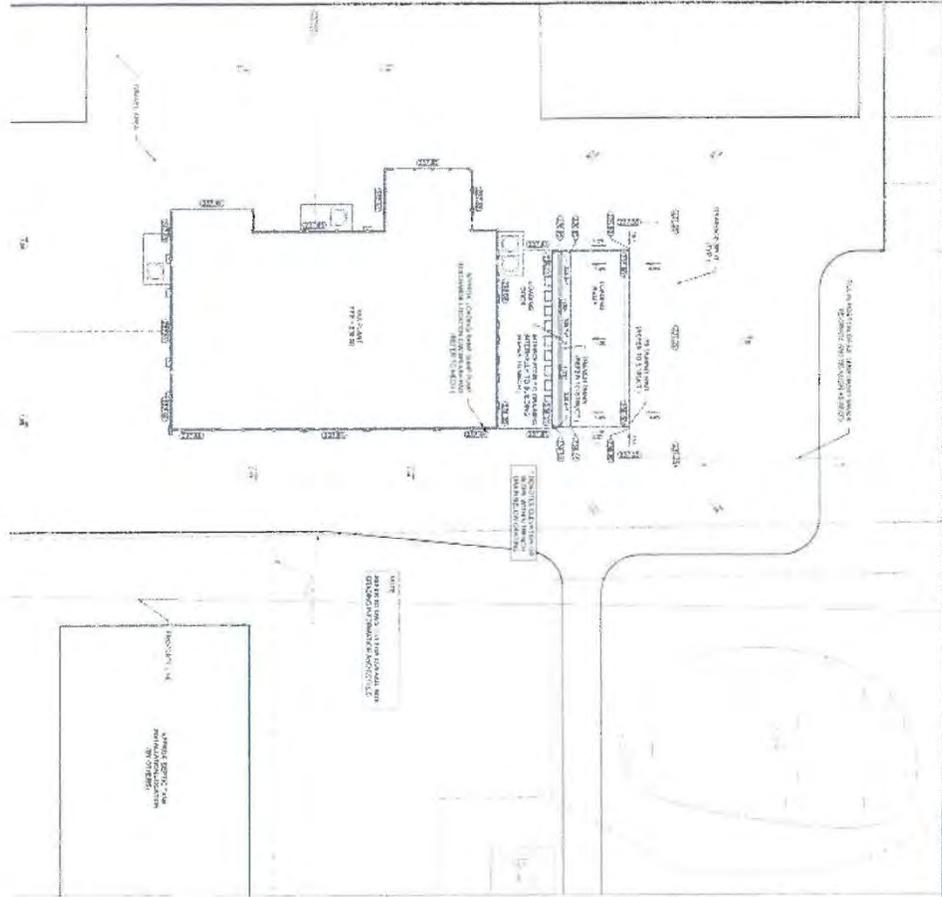
In accordance with clause 14(1)(a) of *The Freedom of Information and Protection of Privacy Act*, I am pleased to provide the enclosed information.

If you have any questions or require clarification on this response, please contact the writer at 444-6161.

Sincerely,

A handwritten signature in blue ink that reads "C Draper".

Colleen Draper
Access and Privacy Officer



BUILDING LOCATION PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES:

1. CONSULT THE ARCHITECT'S RECORD DRAWINGS FOR ALL EXISTING CONDITIONS AND CONDITIONS TO BE MAINTAINED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING DEPARTMENT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO ANY EXCAVATION WORK.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SAFETY BARRIERS AND WARNING SIGNS AT ALL TIMES.
8. ALL WASTE MATERIALS SHALL BE PROPERLY DISPOSED AT AN APPROVED LOCATION.
9. THE CONTRACTOR SHALL MAINTAIN RECORD DRAWINGS OF ALL CHANGES MADE DURING THE COURSE OF THE PROJECT.

ADDENDUM F: VARIANCE OR CONDITIONAL USE ORDER



Rural Municipality of Springfield

www.rmofspringfield.ca

April 6, 2021

Jennifer Lim
31 Lakebourne Drive
Winnipeg, Manitoba
R2P 1K9

Dear Ms. Lim:

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act (FIPPA)
Our File No. 21-08

On March 8, 2021, the Rural Municipality of Springfield received your FIPPA request for access to records regarding the following:

Any review conducted related to Development Permit DX2020-21 to determine if there were any variance or conditional use requirements; and, if there are any variance or conditional use orders on 22054 Oakwood Road.

Your request for access is refused under paragraph 12(1)(c)(i) of *The Freedom of Information and Protection of Privacy Act* as records you request do not exist.

The Development Officer was aware of the existing Pine Ridge Equine Park and Equestrian Establishment (est. 2002) which was listed as a Permitted Use under "A" Rural District of the Springfield Town Planning Scheme 1959.

The Development Officer reviewed the current zoning By-law 08-01 and determined that Berger Agricultural Peat Moss operation fell under a Permitted Use as an Agriculture Support Industry and also Agricultural Product Storage. It was determined by the Development Officer that the Agriculture Support Industry and Agricultural Product Storage are a Permitted Use, and no Conditional Uses and or Variances were required.

Agriculture Support Industry means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers.

Agricultural Product Storage means the temporary storage of any agricultural product for future use, delivery or processing as per *The Environment Act*.

If you have any questions or require clarification on this response, please contact the writer at 444-6161.

Sincerely,

A handwritten signature in blue ink, appearing to read "C. Draper". The signature is fluid and cursive.

Colleen Draper
Access and Privacy Officer

ADDENDUM G: REFERRALS TO OTHER DEPARTMENTS



Rural Municipality of Springfield

www.rmofspringfield.ca

April 6, 2021

Jennifer Lim
31 Lakebourne Drive
Winnipeg, Manitoba
R2P 1K9

Dear Ms. Lim:

Re: Your request for access to information under Part 2 of The Freedom of Information and Protection of Privacy Act (FIPPA)
Our File No. 21-07

On March 8, 2021, the Rural Municipality of Springfield received your FIPPA request for access to records regarding the following:

Any evidence that DX 2020-21 was referred to any other departments prior to release. If the Development Permit application was not referred, please confirm.

Your request for access is refused under paragraph 12(1)(c)(i) of *The Freedom of Information and Protection of Privacy Act* as records you request do not exist.

The Development Officer had verbal discussion with the Provincial Community Regional Planning Office on land use, prior to the release of any permits. DX2020-21 was not referred to any other departments prior to release as it is not required under the current Zoning By-law 08-01.

Section 59(1) of *The Freedom of Information and Protection of Privacy Act* provides that you may make a complaint about this decision to the Manitoba Ombudsman. You have 60 days from the receipt of this letter to make a complaint on the prescribed form to:

Manitoba Ombudsman
750-500 Portage Avenue
Winnipeg, MB R3C 3X1
204-982-9130
1-800-665-0531

If you have any questions or require clarification on this response, please contact the writer at 444-6161.

Sincerely,

A handwritten signature in blue ink that reads "Colleen Draper".

Colleen Draper
Access and Privacy Officer

ADDENDUM H: CONDITIONS ON DEVELOPMENT PERMIT



Rural Municipality of Springfield
Planning & Development Department
Unit 1 – 686 Main Street
Box 219
Oakbank, Manitoba, Canada
R0E 1J0
Phone: (204) 444-3824
Fax: (204) 444-2389

June 9, 2020

Via Fax: 204-948-2089

Office of the Fire Commissioner
c/o Mr. Edgardo Dela Cruz
508 Norquay Building
401 York Ave
Winnipeg MB R3C 0P8

Attn.: Mr. Edgardo Dela Cruz

**Re: Group F Division 3 Building
(Agricultural Peat Moss Processing Operation)
DX 2020/21 - "Full Permit";
NW ¼ of 23-11-4 EPM as described under CT#3011172
22 054 Oakwood Road 64N
Roll No. 98350.000**

Les Tourbieres Berger Ltee c/o Mr. Denis Lebel, has submitted plans for the construction of a 44,062 sq. ft. Group F Division 3 Building (Agricultural Peat Moss Processing Operation), located at 22 054 Oakwood Road 64N, NW ¼ of 23-11-7 EPM as described under CT#3011172. This parcel is zoned 'AG' Agricultural General Zoning District under the Springfield Zoning By-law No. 08-01, as amended.

Under the current zoning, "Agriculture Activities, Agri-Business, Agriculture Support Industry and Agricultural Product Storage", as defined below, are listed as Permitted Uses.

***Agricultural Activities** means a use of land for agricultural purposes. Typical uses include farming, pasturage, agriculture, apiculture, aquaculture, floriculture and horticulture.*

***Agri-Business** means a commercial establishment that provides goods or services to the agricultural sector.*

***Agriculture Support Industry** means an industry, commercial service or retail business in which the major product or service being bought, sold or processed is intended mainly for, from or by farmers.*

***Agricultural Product Storage** means the temporary storage of any agricultural product for future use, delivery or processing as per The Environment Act.*

Conditions of the Development Permit are subject to the following and will not be permitted Occupancy or to be in operation until the following is completed:

1. Approval of a Building Permit from the Office of the Fire Commissioner (contact: Edgardo Defa Cruz (204) 471-4865 Edgardo.DefaCruz@gov.mb.ca);
2. Approval of a Lot Grade Permit LGP 2020-05 (obtained Feb 19, 2020) SBC to confirm the grades upon completed of the building but prior to the request for the Lot Grading Deposit (contact Ross Mitchell SBC - Sison Blackburn Consulting Inc. (204) 505-0855 rmitchell@sbcinc.ca);
3. Approval of an Environmental license from Sustainable Development; (contact Krystal Penner, (204) 945-7107 Krystal.Penner@gov.mb.ca Manitoba Sustainable Development)
4. Approval of a Wastewater permit from Conservation and Water Stewardship; (contact Marguerite Reimer, Environment Officer (204) 945-7016 Marguerite.Reimer@gov.mb.ca Conservation and Water Stewardship - Environmental Compliance and Enforcement)
5. Approval of an Electrical permit from Manitoba Hydro.
6. Enter into an Agreement with Council, at the discretion of Council, for any future off site road improvements and maintenance of Oakwood Road.; (contact Colleen Draper, CAO (204) 444-6161 cdraper@rmoofspringfield.ca Rural Municipality of Springfield)
7. If any required off site upgrades (road improvements) must be approved by Blaine Moffat, Director of Public Work, (204) 444-2241 bmoffat@rmoofspringfield.ca Rural Municipality of Springfield)
8. Any required on site and off site upgrades as per the SBC design (Lot Grading / Surface Drainage Plan) and must be approved by the Rural Municipality of Springfield Planning and Development Office, Dan Doucet, CET (204) 444-3824 ddoucet@rmoofspringfield.ca);
9. An adequate engineered on site Fire Suppression System be approved by our Municipal Fire Chief, Garth Cook, (204) 981-4042 garthcook@rmoofspringfield.ca;
10. A fire safety plan approved by our Municipal Fire Chief Garth Cook, (204) 981-4042 garthcook@rmoofspringfield.ca;
11. If any large quantities of well water are required for Fire Suppression or any other use, then the municipality will require a groundwater hydrogeological engineering impact assessment from a professional hydrogeological engineer and must be approved by the Rural Municipality of Springfield Planning and Development Office, Dan Doucet, CET (204) 444-3824 ddoucet@rmoofspringfield.ca);

12. Submission of a Landscape Plan as per Section 30.0 of Springfield Zoning By-Law No. 08-01 (copy enclosed); The Landscape Plan shall also include the required off street vehicular parking in the amount of forty-five (45) regular spaces and two (2) accessible spaces (relating to this building) as per Table 32.1.1 and Table 32.3.1 of the Zoning By-Law 08-01 and must be approved by the Rural Municipality of Springfield Planning and Development Office, Dan Doucet, CET (204) 444-3824 (ddoucet@rmoofspringfield.ca);
13. Upon completion of the building/structure, a copy of the Occupancy Permit issued by the Office of the Fire Commissioner (contact: Edgardo Dela Cruz (204) 471-4865 | edgardo.delaacruz@gov.mb.ca); shall be submitted to the the Rural Municipality of Springfield Planning and Development Office, Dan Doucet, CET (204) 444-3824 (ddoucet@rmoofspringfield.ca);

Rural Municipality of Springfield
Planning and Development Department



Dan Doucet, C.E.T., C.B.C.O.
Director of Planning and Development

p.c. Les Tourbieres Berger Ltee c/o Denis Lebel

ADDENDUM I: SECTION 8.4 OF THE ZONING BY-LAW²¹

8.4 Variance to Regulations

1. The Development Officer may approve, with or without conditions, a minor variation not to exceed 10.00 percent of the regulations of this Bylaw governing height, distance, area, size or intensity of use regulations.

²¹ This section of the by-law has no relevance to the matter at hand.

ADDENDUM J: COPY OF DEVELOPMENT PERMIT DX 2020-21



Rural Municipality of Springfield

Unit 1 - 686 Main Street, Box 219 Oakbank, MB R2B 1B1
Phone (204) 464-3024 Fax (204) 464-3440

- BUILDING PERMIT APPLICATION
- DEVELOPMENT PERMIT

PERMIT NO. DX 2020/21
RCM NO. 98350
VARIANCE NO.
PERMITTEE
SAC DX 2020/01

- INSTRUCTIONS
1. PRINT CLEARLY AND PRESS HARDLY.
2. APPROPRIATE FEE MUST ACCOMPANY APPLICATION.

This undersigned hereby applies for a Permit to build in accordance with this application, all by laws and regulations applicable thereto, and all conditions stated on the reverse.

LOCATION OF BUILDING

LOT BLK PLAN
 SEC NW 23 TWP 11 RGE 4E
 CIVIC ADDRESS 22054 DAKWOOD RD 64N
 PROPERTY ZONED AG FRONTAGE 1/2 mile FT. LOT SIZE 160 AC.

CLASS OF WORK

NEW REPAIR REMOVAL ALTERATION RELOCATION
 ADDITION RENOVATION DEMOLITION EXCAVATION OTHER

DESCRIBE TYPE OF BUILDING AGRICULTURAL - PEAT PROCESSING PLANT
 PROJECT COST
 SIZE OF BUILDING - LENGTH 256 WIDTH 181 HEIGHT 40' 3"
 SIZE OF BUILDING - FT² 44062 SIZE OF ACCESSORY BLDG. - FT²
 NO OF STOREYS 1 NO OF EXTS 19 TYPE OF HEATING ELECTRIC

MOBILE HOME

DESCRIPTION YEAR MAKE MODEL
 SERIAL NO. LENGTH WIDTH
 TEMPORARY PERMANENT

APPLICANT OR CONTRACTOR: NAME LES TOURS BARRIS BANCA LTEE ADDRESS
 TOWN/CITY POSTAL CODE PHONE RES. OTHER

REGISTERED LAND OWNER: (if different to the applicant) NAME BANCA PEAT MOSS LTD ADDRESS
 TOWN/CITY POSTAL CODE PHONE RES. OTHER

DATE APPROVED JUNE 9/2020 APPROVED BY [Signature]
 Designated Officer

MAJOR OCCUPANCY
 ADDITIONAL INFORMATION

OFFICE USE ONLY

OFFICE USE ONLY

I understand to obtain and perform the provisions of all Dominion or Provincial statutes or regulations, the applicable by laws or by laws schemes or regulations or orders and plans continued in force pursuant to Manitoba Building Code including any applicable town Planning Scheme or zoning by law, by laws of the District including and applicable zoning by law, any agreement entered into affecting said land, and all specifications or instructions issued by the duly authorized officers of the District in respect of the work incidental to this subject matter of this application and if the permit in issue affects the placing of or the position of any building or structure on or in respect of land, to do all work so that the building or structure will be wholly within the boundaries of the lot or parcel of land indicated in this application and to indemnify the Municipality against all losses, costs, charges or damages caused by or arising out of anything done pursuant to any permit issued under this application.

APPLICANT'S SIGNATURE VIA PHONE DATE JUNE 9/2020