



The Corporation of the Township of Malahide

A G E N D A

February 2, 2023 – 7:30 p.m.

**Springfield & Area Community Services Building
51221 Ron McNeil Line, Springfield**

**** Note:** At this time, seating capacity is limited and those individuals with matters pertaining to agenda items will be prioritized for in person attendance.

The meeting is also streamed live on YouTube and available after for viewing.

REMINDER: National Sweater Day is back!

On February 2nd, all municipal facilities will drop their heat by 3 degrees to help the planet! Wear your sweater and show your commitment!

- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1 (Pages 8-14)**
- (D) Presentations/Delegations/Petitions
 - Court of Revision – W. McIntyre Drain, relating to property at parts of Lots 7 and 8, Concessions 7 and 8, Geographic Township of South Dorchester, Township of Malahide. **RES 2-5**
 - Public Meeting – Zoning By-law– Applicant, Deren Lyle (c/o CJDL) on behalf of Performance Communities Reality Inc. and Schipper Farms Ltd., relating to property at CON NTR PT LOT 80 PCL 80-1;RP 11R2571 PARTS 4,5&6, Concession North of Talbot Road.(**Pages 15-98**) **RES 6-8**

- Public Meeting-Zoning By-law Amendment – Applicant, Joseph M. Hentz on behalf of James & Doreen MacIntyre, relating to property at CON 8 N PT LOT 6. **(Pages 99-118) RES 9-11**

(E) Reports of Departments

- (i) Director of Fire & Emergency Services
- Malahide Fire and Emergency Services -2022 Year End Report
RES 12 (Pages 119-130)
- (ii) Director of Public Works
- Tender Award Follow-up Report re: Single Axle Dump Truck Complete with Winter Control Equipment **RES 13 (Pages 131-138)**
- (iii) Director of Finance/Treasurer
- (iv) Clerk
- (v) Building/Planning/By-law
- (vi) CAO
- Shared Director of Development Services Recruitment **RES 14 (Pages 139-140)**

(F) Reports of Committees/Outside Boards

- (i) Terrace Lodge Redevelopment Fundraising Committee – Recruitment of Members – **RES 15 (Pages 141-144)**

(G) Correspondence **RES 16**

1. Association of Municipalities of Ontario - Watch File – dated January 26, 2023, **(Pages 2-5)**
2. Town of Petrolia – Resolution requesting school boards become responsible for conducting their own trustee elections or for compensation to be provided to municipalities for overseeing them. **(Page 6)**
3. Township of Malahide - Zoning By-law Amendment Application No. D14-Z14-22– Correspondence received from Michael Down (agent) in response to denied rezoning application at 49485 Dexter Line. **(Page 7)**
4. Municipality of Killarney & Township of Huron-Kinloss - Correspondence received regarding letter of support of Township of Malahide Federal Cannabis act Review Resolution. **(Pages 8-10)**

5. Elgin County Economic Development & Tourism – What’s New in Elgin – January 2023 issue. **(Pages 11-30)**
6. Municipal Property Assessment Corporation – 2022 Municipal Partnership Report. **(Page 31)**
7. City of Kitchener – Resolution regarding the Ontario’s Big City Mayors (OBCM) Bill 23, More Homes Built Faster Act, 2022. **(Pages 32-34)**
8. Kettle Creek Conservation Authority – Notice of Meeting for Levy Approval. **(Pages 35-36)**
9. City of Thunder Bay – Bill 42 – Gender Affirming Healthcare Act **(Page 37)**
10. Grand River Conservation Authority – Pre-Consultation notice regarding proposed changes to the Kettle Creek Source Protection Plan. **(Pages 38-43)**
11. Town of Aylmer – Planning Applications
 - Notice of Completion - Development of Industrial Park - Municipal Class Environmental Assessment Study. **(Page 44)**
 - Notice of Rescheduled Public Meeting – 62 Pine Street West. **(Pages 45-47)**

(H) Other Business

(I) By-laws

(J) Closed

(K) Confirmatory By-law **RES 17 (Page 145)**

(L) Adjournment **RES 18**

VIDEOCONFERENCE MEETING

Note for Members of the Public: IMPORTANT

Please note that the Regular Council Meeting scheduled to be held on February 2, 2023 will be via videoconference with limited seating for presenters, the press and the public.

Please note that, at this time, there is not an option for the public to call in to this meeting. However, we will be livestreaming the Council Meeting via YouTube. [Please click here to watch the Council Meeting.](#)

Written comments regarding the Council Agenda items are welcome – please forward such to the Clerk at aadams@malahide.ca.

PLEASE NOTE that the draft resolutions provided below DO NOT represent decisions already made by the Council. They are simply intended for the convenience of the Council to expedite the transaction of Council business. Members of Council will choose whether or not to move the proposed draft motions and the Council may also choose to amend or defeat them during the course of the Council meeting.

1. THAT the minutes of the regular meeting of the Council held on January 19, 2023 be adopted as printed and circulated.

2. THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Court of Revision for the W. McIntyre Drain:

Mayor Dominique Giguère (Chair)
Councillor John H. Wilson
Councillor Sarah Leitch

3. THAT the Court of Revision for the W. McIntyre Drain be called to order at 7: p.m.

AND THAT Dominique Giguère be appointed Chair.

4. THAT the Court of Revision members for the W. McIntyre Drain do hereby accept the recommendations of Drainage Engineer John M. Spriet; and further, does hereby confirm the drainage assessments as outlined in the Report of the Drainage Engineer dated November 8, 2022.

5. THAT the Court of Revision relating to the W. McIntyre Drain be adjourned and the Council Meeting reconvene at 7: p.m.

6. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z17-22 of Performance Communities Realty Inc. and Schipper Farms Ltd, relating to the property located at CON NTR PT LOT 80 PCL 80-1;RP 11R2571 PARTS 4,5&6, Concession North of Talbot Road; be called to order at 7: __p.m

7. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z17-22 of Performance Communities Realty Inc. and Schipper Farms Ltd, relating to the property located at CON NTR PT LOT 80 PCL 80-1;RP 11R2571 PARTS 4,5&6, Concession North of Talbot Road; be adjourned and the Council reconvene at 7: __p.m

8. THAT Report No. DS-23-03 entitled "Zoning By-law Amendment Application of Performance Communities Realty Inc. and Schipper Farms Ltd. Authorized Agent: Deren Lyle (c/o CJDL)" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z17-22 of

Performance Communities Realty Inc. and Schipper Farms Ltd. (Authorized Agent: Deren Lyle (c/o CJDL)), relating to the property located at Performance Communities Realty Inc. and Schipper Farms Ltd, BE APPROVED for the reasons set out in this Report.

9. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z19-22 of James and Doreen MacIntyre, relating to the property located at CON 8 N PT LOT 6; and known municipally as Part Lot 6, Concession 8, 11R-6241, Part 2; be called to order at 7:___p.m
10. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z19-22 of James and Doreen MacIntyre, relating to the property located at CON 8 N PT LOT 6; and known municipally as Part Lot 6, Concession 8, 11R-6241, Part 2; be adjourned and the Council reconvene at 7:___p.m
11. THAT Report No. DS-23-04 entitled "Zoning By-law Amendment Application of James and Doreen MacIntyre" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z19-22 of James and Doreen MacIntyre, relating to the property located at CON 8 N PT LOT 6, and known municipally as Part Lot 6, Concession 8, 11R-6241, Part 2, BE APPROVED for the reasons set out in this Report.

12. THAT Report No. F23-01 entitled "Malahide Fire and Emergency Services – 2022 Year End Report" be received.

AND THAT the Officers appointed for Malahide Fire Services effective January 1, 2023 are: South Station – District Chief, Randy Loewen; District Deputy Chief, Jason Brown; Captains: Joseph DeRyk Jr., Dylan DeKraker, Randy Huse, Andy Lamb, Scott Salmon, and Harmen Schuurman; North Station – District Chief, Ryan DeSutter, District Deputy Chief, Dave Bradley; Captains: Aaron Bradley, Rob DeSutter, Dennis Johnson, Mark Moyer, Rob Lindsay and Corey VanDenNest.

13. THAT Report No. PW-23-07 entitled "Tender Award Follow-up Report re: Single Axle Dump Truck Complete with Winter Control Equipment be received;

AND THAT the bid received from Team Truck Centres of London, Ontario in the amount of \$358,505.00 (plus applicable taxes), for the purchase of one new single axle dump truck complete with winter control equipment be accepted;

AND THAT Staff be directed to prepare terms of reference to establish the Township Equipment Committee as a formal Committee of Council;

AND THAT Staff be directed to report on an updated Long-Term Financial Plan for all Township Fleet replacement cycle.

14. THAT Report No. CAO-23-01 entitled “Shared Director of Development Services Recruitment” be received;

AND THAT Council directs the Chief Administrative Officer to formally invite the Mayor (or designate) and the CAO of the Municipality of Bayham to sit with the Township’s Mayor, Deputy Mayor, CAO, and the HR Manager to form the Recruitment Committee for the hiring of a new Director of Development Services.

15. THAT the correspondence from Elgin County regarding recruitment of members for the Terrace Lodge Redevelopment Fundraising Committee be received;
AND THAT Council appoint _____ to the Terrace Lodge Redevelopment Fundraising Committee for the four-year Council term.

16. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated January 26, 2023, **(Pages 2-5)**
2. Town of Petrolia – Resolution requesting school boards become responsible for conducting their own trustee elections or for compensation to be provided to municipalities for overseeing them. **(Page 6)**
3. Township of Malahide - Zoning By-law Amendment Application No. D14-Z14-22– Correspondence received from Michael Down (agent) in response to denied rezoning application at 49485 Dexter Line. **(Page 7)**
4. Municipality of Killarney & Township of Huron-Kinloss - Correspondence received regarding letter of support of Township of Malahide Federal Cannabis act Review Resolution. **(Pages 8-10)**
5. Elgin County Economic Development & Tourism – What’s New in Elgin – January 2023 issue. **(Pages 11-30)**
6. Municipal Property Assessment Corporation – 2022 Municipal Partnership Report. **(Page 31)**
7. City of Kitchener – Resolution regarding the Ontario’s Big City Mayors (OBCM) Bill 23, More Homes Built Faster Act, 2022. **(Pages 32-34)**
8. Kettle Creek Conservation Authority – Notice of Meeting for Levy Approval. **(Pages 35-36)**
9. City of Thunder Bay – Bill 42 – Gender Affirming Healthcare Act **(Page 37)**
10. Grand River Conservation Authority – Pre-Consultation notice regarding proposed changes to the Kettle Creek Source Protection Plan. **(Pages 38-43)**
11. Town of Aylmer – Planning Applications

- Notice of Completion - Development of Industrial Park - Municipal Class Environmental Assessment Study. **(Page 44)**
- Notice of Rescheduled Public Meeting – 62 Pine Street West. **(Pages 45-47)**

17. THAT By-law No.23-09, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

18. THAT the Council adjourn its meeting at _____ p.m. to meet again on February 16, 2023, at 7:30 p.m.

DRAFT

The Corporation of the Township of Malahide**January 19, 2023 – 7:30p.m.**Virtual Meeting – <https://youtu.be/looQH8XbQoc>

The Malahide Township Council met at the Springfield & Area Community Services Building, at 51221 Ron McNeil Line, Springfield, at 7:30p.m. Seating capacity is limited and those individuals with matters pertaining to agenda items were prioritized for in person attendance. The following were present:

Council: Mayor D. Giguère, Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor S. Lewis, and Councillor C. Glinski.

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Public Works M. Sweetland, Director of Finance A. Boylan, Director of Fire & Emergency Services J. Spoor, and Manager of Building and By-law S. Sutherland.

Via Zoom:

Absent: Councillor R. Cerna

CALL TO ORDER:

Mayor Giguère took the Chair and called the meeting to order at 7:30p.m.

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda items I – 3rd reading of By-laws Kettle Creek Drain, Burks Drain No. 3 and Pressey Line Drain and Council Agenda item J (i) - Tate Drain. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

Councillor Glinski disclosed a pecuniary interest with respect to the Council Agenda item J (i) - Tate Drain The nature of the conflict being that the Tate Drain passes through a property that he owns.

MINUTES:

No. 23-030

Moved By: Chester Glinski

Seconded By: Sarah Leitch

THAT the minutes of the regular meeting of the Council held on January 5, 2023 and the special meeting of Council held on January 16, 2023 be adopted as printed and circulated.

Carried

No. 23-031

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT Report No. FIN 23-01 titled “2023 Budget Deliberations” be received;

AND THAT the following special meetings for the 2023 Budget deliberations be approved (all dates are 7:30 pm start):

- **Wednesday, March 1, 2023**
- **Tuesday, March 7, 2023**
- **Thursday, March 9, 2023**
- **Tuesday, March 14, 2023**

Carried

No. 23-032

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Report No. DS-23-02 entitled “2022 Building Permit Activity Report” be received.

Carried

THAT Council direct staff to seek additional framework or guidelines for secondary dwellings on properties to ensure that the objectives of Malahide township are being met and report back to Council with further recommendations.

THAT Council direct staff to review its entrance policy and report back to Council with recommendations.

No. 23-033

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT Report No. DS-23-01 entitled “Application for Consent to Sever of Helena Zacharias on behalf of Dave & Judy Mennill and Rita Cochrane” be received;

AND THAT the Application for Consent to Sever of Helena Zacharias on behalf of Dave & Judy Mennill and Rita Cochrane, relating to the property located at Concession 3, Part Lot 22, (Geographic Township of Malahide), and known municipally as 51200 Vienna Line, be supported for the reasons set out in this Report;

AND THAT this report and the recommended conditions be forwarded to the Land Division Committee for its review and consideration.

No. 23-034

Moved By: Scott Lewis

Seconded By: Sarah Leitch

THAT the following Reports of Committees/Outside Boards be noted and filed

(i) Long Point Region Conservation Authority – Minutes of December 7, 2022

Carried

No. 23-035

Moved By: Chester Glinski

Seconded By: Mark Widner

THAT the correspondence received regarding the condition of Temperance Line complaint be received;

AND THAT correspondence be sent on behalf of Council to the Ministry of Transportation outlining the request received for maintenance and reconstruction of Temperance Line.

Carried

No. 23-036

Moved By: Chester Glinski

Seconded By: Mark Widner

THAT the correspondence received from the Elgin Federation of Agriculture sent to Elgin County Council in respect to farm assessments for 2023 be supported.

Carried

No. 23-037

Moved By: Chester Glinski

Seconded By: Mark Widner

THAT the following correspondence be noted and filed:

1. **Association of Municipalities of Ontario - Watch File – dated January 5, 2023, and January 12, 2023. (Pages 2-7)**
2. **Municipality of Thames Centre, Conmee Township, Township of Faraday and Town of Prescott – Correspondence received regarding letter of support of Township of Malahide Federal Cannabis act Review Resolution. (Pages 8-13)**
3. **Ministry of Municipal Affairs and Housing – Correspondence received updating on More Homes Built Faster Act, 2022. (Pages 14-15)**
4. **Elgin County – Correspondence received from Elgin County announcing new Manager of Emergency Management. (Page 18)**
5. **City of Kingston – Correspondence received regarding Resource Recovery and Circular Economy Act, 2016. (Pages 19-20)**
6. **Town of Aylmer Notice of Public Hearing (Pages 21-22)**
 - **78 Victoria Street South**
7. **Municipality of Central Elgin – Notice of Decision (Page 23)**
 - **Official Plan – Entire Municipality**

Carried

OTHER BUSINESS:

Deputy Mayor Widner provided an update of items addressed at Elgin County Council. He highlighted the budget review process has begun and Mayor Giguère noted the budget documents are available on the County website for review.

Deputy Mayor Widner commented on the roundabouts that are being installed and their locations with hopes that these can be installed at a few Malahide intersections in the future.

Lastly, Deputy Mayor Widner recognized the departmental overview of the County structure and its depth.

Deputy Mayor Widner declared a conflict of interest with respect to Council Agenda items I – Court of Revision Kettle Creek Drain, Burks Drain No. 3 and Pressey Line Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

No. 23-038

Moved By: John H. Wilson

Seconded By: Scott Lewis

THAT By-law No. 22-93 being a By-law to provide for Drainage works on the Kettle Creek Drain Reassessment, be read a third time, finally passed, and be properly signed and sealed.

Carried

No. 23-039

Moved By: Chester Glinski

Seconded By: Scott Lewis

THAT By-law No. 22-94 being a By-law to provide for Drainage works on the Pressey Line Drain Reassessment, be read a third time, finally passed, and be properly signed and sealed.

Carried

No. 23-040

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT By-law No. 22-86 being a By-law to provide for Drainage works on the Burks Drain No. 3 Reassessment, be read a third time, finally passed, and be properly signed and sealed.

Carried

Deputy Mayor Widner returned to his seat at the Council table.

No. 23-041

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Council move into Closed Session at 8:12p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

(i) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board relating to the Tate Drain.

(ii) training and education for the purpose of professional development relating to Building Services and the Building Code.

(iii) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board relating to taxation matters.

Carried

Deputy Mayor Widner declared a conflict of interest with respect to Council Agenda item J (i) – Tate Drain. He remained retired from the meeting and abstained from all discussions and voting on the matter.

Councillor Glinski declared a conflict of interest with respect to Council Agenda item J (i) – Tate Drain. He retired from the meeting and abstained from all discussions and voting on the matter.

No. 23-042

Moved By: Sarah Leitch

Seconded By: Chester Glinski

THAT Council move out of Closed Session and reconvene at 10:10p.m. in order to continue with its deliberations.

Carried

The Clerk stated that during the Closed Session, Council provided direction to Municipal Staff regarding advice regarding Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board relating to two items, the first being the Tate Drain and the second being taxation matters. There is nothing further to report.

The Clerk stated that during the Closed Session, Council were provided training and education relating to the Building/Building Code as part of professional development and Council Orientation. There is nothing further to report.

No. 23-043

Moved By: Sarah Leitch

Seconded By: Scott Lewis

THAT By-law No.23-07, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

No. 23-044

Moved By: Mark Widner

Seconded By: Chester Glinski

THAT the Council adjourn its meeting at 10:12p.m. to meet again on February 2, 2023, at 7:30 p.m.

Carried

Mayor – D. Giguère

Clerk – A. Adams



Report to Council

REPORT NO.: DS-23-03
DATE: February 2, 2023
ATTACHMENT: Application, By-law
SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION OF PERFORMANCE COMMUNITIES REALTY INC. AND SCHIPPER FARMS LTD. (AUTHORIZED AGENT: DEREN LYLE (C/O CJDL))**
LOCATION: Concession North Talbot Road East, Part of Lot 80, (Township of Malahide)

Recommendation:

THAT Report No. DS-23-03 entitled “Zoning By-law Amendment Application of Performance Communities Realty Inc. and Schipper Farms Ltd. Authorized Agent: Deren Lyle (c/o CJDL)” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z17-22 of Performance Communities Realty Inc. and Schipper Farms Ltd. (Authorized Agent: Deren Lyle (c/o CJDL)), relating to the property located at CON NTR PT LOT 80 PCL 80-1;RP 11R2571 PARTS 4,5&6, Concession North of Talbot Road, BE APPROVED for the reasons set out in this Report.

Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by Deren Lyle (c/o CJDL), on behalf of Performance Communities Realty Inc. and Schipper Farms Ltd. to implement the necessary zoning provisions to rezone the property from ‘General Agriculture (A1)’ to ‘General Agriculture – Site-Specific (A1-22)’ to permit parkland and stormwater management uses as part of a proposed subdivision development in Aylmer.

The Application relates to the property located at CON NTR PT LOT 80 PCL 80-1;RP 11R2571 PARTS 4,5&6, Concession North of Talbot Road.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, as amended, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

Comments/Analysis:

The subject property is a landlocked parcel that abuts the Town of Aylmer settlement boundary to the east and south, is approximately 2.59 ha in size, and is irregular in shape and depth. The current use of the subject lands is for agricultural purposes, specifically field crop production.

Based on the information provided, the owners of the subject lands are looking to include the property as part of a residential subdivision proposed within the settlement area of the Town of Aylmer.

Since the subject lands are physically separated from the agricultural lands to the west by Catfish Creek and a small stream, as well as abutting the Town of Aylmer settlement boundary, they would become landlocked after the proposed subdivision is developed and would not easily continue to be used for agricultural purposes. As a result, the owner is proposing to include the entirety of the subject lands within the proposed subdivision development for the purposes of parkland and stormwater management area uses.

Provincial Policy Statement (PPS)

The subject lands are designated as agricultural lands and are currently used for agricultural purposes. It is noted that the only access to the subject lands is through the proposed subdivision within the Town of Aylmer. Access to the existing agricultural uses to the west is restricted due to the location of the creek that borders and therefore, the land will become inaccessible if any development takes place. It is also noted that only a minor portion of the proposed Stormwater management pond would extend onto the lands designated 'Agriculture' with some site alteration for lot grading.

The subject lands are located within areas designated as 'Hazard Lands' by the Malahide Official Plan. Development within hazardous lands may be permitted where the development is limited to passive non-structural uses which do not affect flood flows (s. 3.1.4b). No buildings or structures are proposed as part of the application and minimal site alteration is proposed for the stormwater management block.

The subject lands contain, and are adjacent to, a natural heritage feature. The PPS directs that development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on natural features (s. 2.1.5). An Environmental Impact Study has been conducted for the subject lands and determined that there were no negative impacts of the proposed development on the natural heritage features.

County of Elgin Official Plan

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan, and “Significant Woodlands” on Appendix 1, “Environmental Resource Areas”. It is noted that while the subject property is currently used for agriculture, the parcel is separated from the agricultural lands to the northwest by a ravine and is currently accessed through the proposed draft plan of subdivision within the settlement boundary of Aylmer. As a result, access would no longer be available once the proposed subdivision is developed.

Additionally, the only development proposed on the parcel is in the form of buried infrastructure, a portion of the proposed stormwater management pond, and parkland. No buildings or structures are proposed. Considering that the lands would form a block as part of a draft plan of subdivision and minimal development and site alteration is proposed on the parcel, the proposed Zoning By-law Amendment is consistent with the County Official Plan.

Development is not permitted within or adjacent to ‘significant woodlands’ unless it has been demonstrated that there will be no negative impacts on environmental features (Section D1.2.2.1). An Environmental Impact Study has been conducted for the subject lands and determined that there were no negative impacts of the proposed development on the natural heritage features.

Malahide Official Plan

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan) and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan). As discussed above, the ability of the subject lands to be used for agricultural purposes would be limited after the proposed draft plan of subdivision is developed, as the property’s only access would no longer be available. Additionally, the only development proposed for the property is minimal and for the purposes of accommodating infrastructure and the proposed Stormwater management pond. Development and site alteration is not permitted on hazard lands unless approval has been obtained from the Conservation Authority.

The proposed Zoning By-law Amendment conforms to the Malahide Official Plan.

Malahide Zoning By-law No. 18-22

The subject property is within the “General Agricultural (A1) Zone”, as well as “Hazard Land Overlay”, on Key Map G2 of Schedule “A” to the Township’s Zoning By-law No. 18-22. As previously noted, the application proposes to rezone the property to “General Agriculture – Site Specific (A1-22) to allow for parkland and Stormwater management as permitted uses. No buildings or structures are proposed and there are no proposed site-specific setback provisions required.

The subject lands are located within the Hazard Land Overlay. The construction of buildings or structures is not permitted within hazardous lands and any development or site alteration may require a permit to be obtained from the Conservation Authority. No buildings or structures are proposed as part of this application.

Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- No agency or general public comments have been received as of the date of writing this report.

Development Services Staff has considered the merits of the subject application against the Provincial Policy Statement (PPS), applicable Official Plan policies and the Township's Zoning By-law and all (if any) of the correspondence received as of the date of writing and recommends that Council approve the application.

Financial Implications to Budget:

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that support the "Our Land" Strategic Pillar relates to "Respect for Our Natural Environment". An Environmental Impact Study was submitted as part of the application and determined that there would be no negative impacts on adjacent natural heritage areas.

One of the goals that support the "Our Land" Strategic Pillar relates to the "Design of Healthy Livable Communities". The proposed application would permit uses that support development within the Town of Aylmer and utilizing land that would become landlocked to provide recreational amenities to the surrounding community.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, Consulting Planner for the Township	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

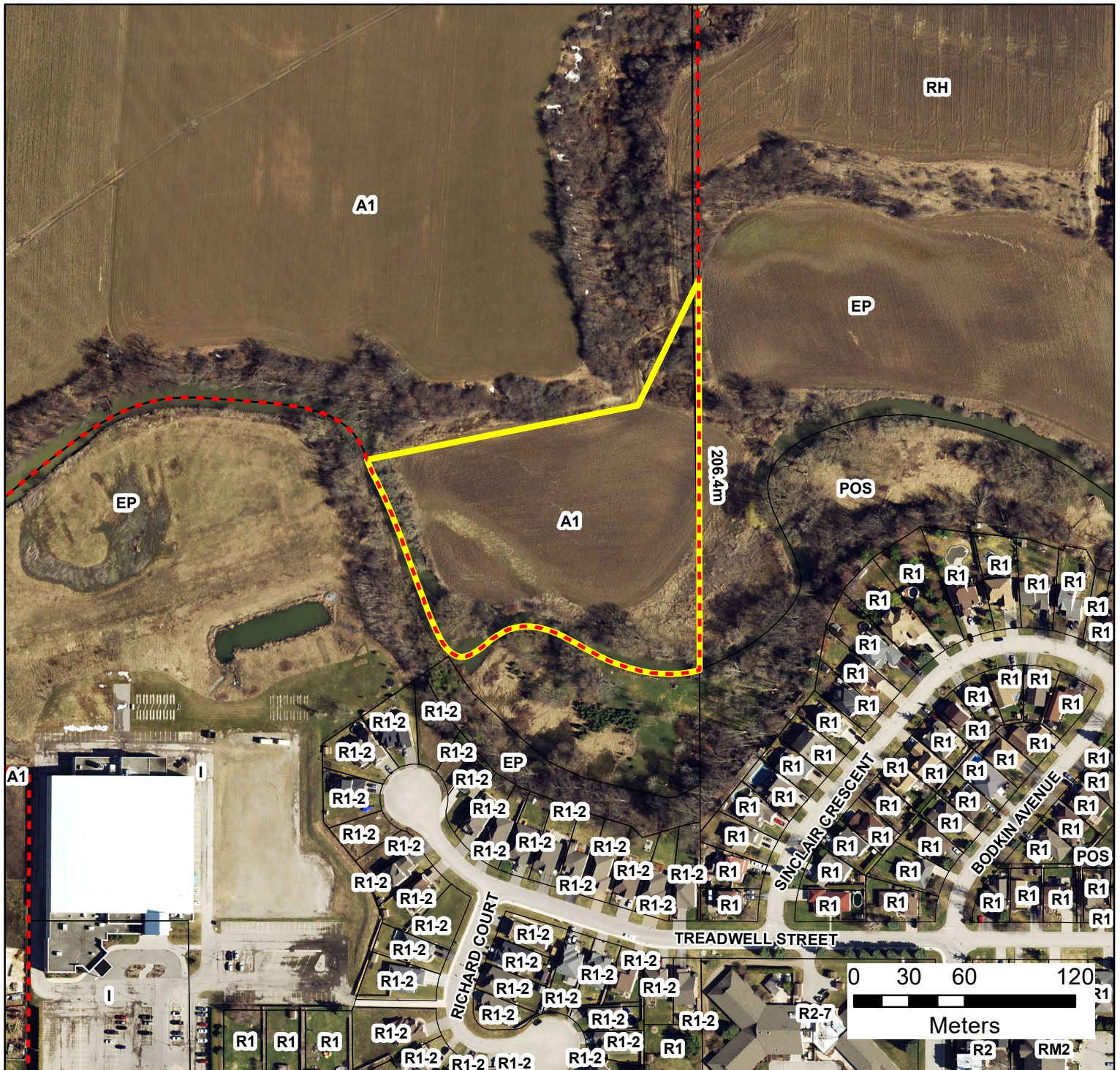
Approved by:
Adam Betteridge, MCIP, RPP Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT

Owners: Performance Communities Realty Inc. & Schipper Farms Limited
(Agent: Deren Lyle c/o CJDL)

Concession North Talbot Road East
Part of Lot 80,
Geographic Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agricultural

ZONING
General Agricultural (A1) Zone



Town of Aylmer

Subject Area



1. **Registered Owner's Name:** (1) Performance Communities Realty Inc. (2) Schipper Farms Limited
- Address: (1) 1 Barrie Blvd., St. Thomas, ON N5P 4B9 (2) 48314 Talbot Street West, Aylmer, ON N5H 2T9
- Phone No. (Home): _____ Business: (1) 519-633-2050 (2) 519-282-4525
- Fax: _____ Email: (1) will.hayhoe@hayhoehomes.com
- Lot and Concession (if applicable): _____
- Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.**
- (1) Performance Communities Realty Inc. - No Mortgage
- (2) Schipper Farms Limited - Mortgage with RBC, 7 Talbot Stree W, Aylmer, ON, N5H 1J6
-
2. **Applicant / Authorized Agent:** CJDL - Deren Lyle
- Address: 261 Broadway, Tillsonburg P.O. Box 460
- Telephone No.: 519-688-1000 Fax: 519-842-3235
- Please specify to whom all communications should be sent:**
- Registered Owner (✓) Applicant / Authorized Agent (✓)
- Send to: Deren Lyle and Will Hayhoe
3. **Legal Description of the land for which the amendment is requested:**
- Concession: North Talbot Road East Lot: Part of Lot 80, Geographic Township of Malahide
- Reference Plan No: _____ Part Lot: _____
- Street and Municipal Address No.: _____
- What is the size of property which is subject to this Application?** Irregular, Blocks 81 and 85 on concurrently filed Draft Plan
- Area: 2.59ha m Frontage: N/A m Depth: attached. m
- When were the subject lands acquired by the current owner?** Schipper Farms Limited -1981, 1982
- Performance Communities Realty Inc. -2021
4. **Existing Official Plan Designation:** Agriculture

How does the application conform to the Official Plan?

The blocks conforms with the Official Plan Policy of maintaining agricultural land use.

5. Existing Zoning By-law Classification:

General Agricultural (A1)

What are the current uses of the subject lands?

Catfish Creek drainage tributary and marginal cash crop area

If known, provide the length of time these uses have continued on this property.

Current uses remain historically unchanged

If there are any existing buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimension s
None					

If known, provide the dates in which each of these buildings were constructed.

6. What is the Nature and Extent of the Rezoning?

Proposed rezoning is limited to the 2.59ha (Blocks 81 and 85 on concurrently filed Draft Plan) to be permissive of a Stormwater Management Area, and walking trail.

7. Why is the rezoning being requested?

To permit the area to contain infrastructure related to the subdivision proposal located to the east within the Town of Aylmer. Blocks for this subject area would be created through the subdivision approval to be permissive of a Stormwater Management Area, and Walking Trail.

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area?

No

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

9. Does the proposed amendment remove land from an area of employment?

No

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

Infrastructure for a Stormwater Management Area, and walking trails to be conveyed to the Town of Aylmer

For any proposed buildings or structures on the subject lands provide the following information: N/A

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>

11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply

Existing

Proposed

Municipal Piped Water Supply	()	()
Private Drilled Well	()	()
Private Dug Well	()	()
Communal Well	()	()
Lake or other Surface Water Body	()	()
Other	()	()

Sewage Disposal	Existing	Proposed
Municipal Sanitary Sewers	()	()
Individual Septic System	()	()
Communal System	()	()
Privy	()	()
Other	()	()

Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.

Are these reports attached? N/A

If not, where can they be found?

Storm Drainage

Provisions:

Proposed Outlet: See attached: Functional Servicing Report - CJD, November 4, 2022

12. How will the property be accessed?

Provincial Highway () County Road () Municipal Road – maintained all year ()

Municipal Road – seasonally maintained () Right-of-way (✓) Water ()
(Areas are directly abutting lands also to be transferred to the Town of Aylmer)

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision (✓) Consent ()

Zoning By-law Amendment () Ministers Zoning Order ()

If yes to any of the above, indicate the file number and status of the application.

Draft Plan of Subdivision application has been concurrently filed, File # TBD

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

The purpose of the subject site is to constitute infrastructure (Stormwater Management) and the PPS 2020 is permissive of lot creation and lot adjustments in prime agricultural areas for the purpose of infrastructure.

Refer to Planning Justification Report Proposed Willow Run Subdivision

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?

No

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

- (a) A sketch based on an Ontario Land Surveyor description of the subject lands showing
- the boundaries and dimension of the subject lands;
 - the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;
-

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
 - the current uses of the land that is adjacent to the subject land;
 - the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
 - the location of the parking and docking facilities to be used (if access will be by water only);
 - the location and nature of any easement affecting the subject land.
- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

- 18. If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor the application must be signed by an officer of the corporation and the seal if any must be affixed.**

19. Additional Information as required by Council

Willow Run Residential Subdivision, Aylmer Transportation Impact Assessment – Paradigm, October 2022
 Stage 1 Archaeological Assessment of Willow Drive – Lincoln Environmental Consulting Corp., March 2022
 Rail Noise and Vibration and Lane Use Compatibility Feasibility Study – HGC Engineering, November, 2022
 Scoped Environmental Impact Study Hayhoe Homes Willow Drive , Aylmer - Vroom + Leonard, October 31, 2022
 Willow Drive Vacant Lands Development Investigation, Geotechnical Investigation – MTE, October 14, 2022
 Planning Justification Report Proposed Willow Run Subdivision, Vacant Land Condominium and Zoning By-Law Amendment
 Town of Aylmer, County of Elgin - Barb G. Rosser, MCIP, RPP, Planning Consultant, November 2022
 Preliminary Stormwater Management Report - CJD, November 4, 2022
 Functional Servicing Report - CJD, November 4, 2022
 Design Brief for the Willow Run Sanitary Sewage Pumping Station and Forcemian - CJD, November 4, 2022
 Draft Plan of Subdivision - Dated Oct. 28, 2022 Draft Plan of Vacant Land Condominium - Dated Oct. 28, 2022

- 20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information: N/A**

Date surplus farm dwelling was erected: _____

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for re-zoning. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I Deren Lyle

the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.

Signature

7th Nov. 2022
Day Month Year

Property Legal Description: Part of Lot 80, North Talbot Road East, Geographic Township of Malahide

Property Description on Concurrently filed Draft Plan: Proposed Block 85

Performance Communities Realty Inc.

I / We, (William R. Hayhoe, President), of the _____ Municipality
Name Town/Township/City/Village etc.

of Central Elgin, in the county Elgin, do solemnly declare:
Municipality Name County Name

Property Legal Description: Part of Lot 80, North Talbot Road East, Geographic Township of Malahide

Property Description on Concurrently filed Draft Plan: Proposed Block 81

Schipper Farms Limited

I / We, (Rudolf J. Schipper, President), of the Township
Name Town/Township/City/Village etc.

of malahide, in the county Elgin, do solemnly declare:
Municipality Name County Name

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I / we hereby appoint CJDL - Deren Lyle to act as an Agent on my/our behalf in all aspects of this application.

And I / We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act".

DECLARED BEFORE ME at the:

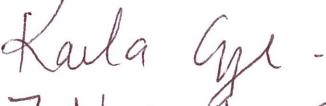
Township _____ of Southwold
 in the County Region of Elgin this 7th
 day of November 20 22 .


 Owner (Agent)

Karla Suzanne Cyr, a Commissioner, etc.,
 Province of Ontario,
 for Cyril J. Demeyere Limited.
 Expires March 21, 2025.

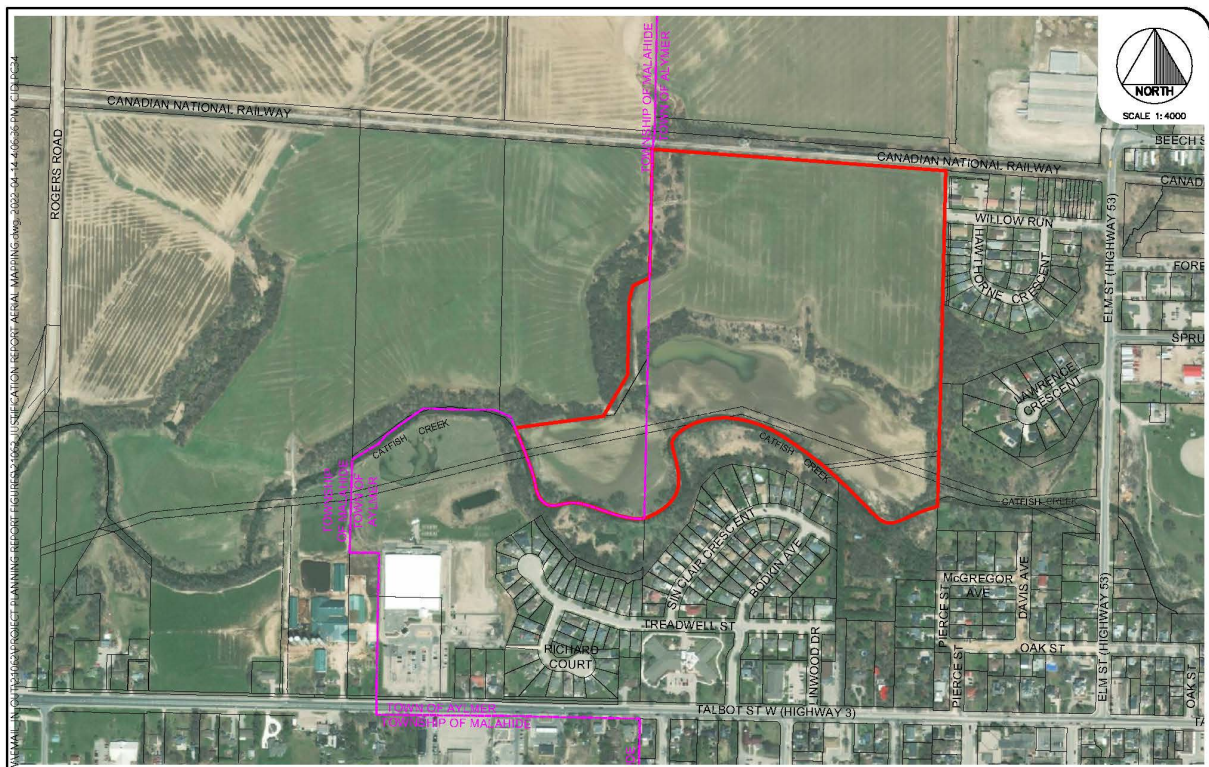
Owner / Agent

A Commissioner, etc.


 7 November 2022

Planning Justification Report

Proposed Willow Run Subdivision, Vacant Land Condominium and Zoning By-law Amendment, Town of Aylmer, County of Elgin



Prepared by: Barbara G. Rosser, MCIP, RPP, Planning Consultant
November 2022

Table of Contents

	Page
1.0 INTRODUCTION	2
1.1 The Subject Property	3
1.2 Surrounding Land Uses	6
2.0 PROPOSED DEVELOPMENT	9
2.1 Proposed Subdivision	9
2.2 Proposed Condominium	12
2.3 Parkland/Trail Dedication	12
2.4 Proposed Rezoning	12
2.4.1 Town of Aylmer of Aylmer Zoning By-law	12
2.4.2 Township of Malahide Zoning By-law	15
3.0 PLANNING IMPACT ANALYSIS	16
3.1 Provincial Policy Statement 2020	16
3.2 County of Elgin Official Plan	17
3.3 Town of Aylmer Official Plan	20
3.4 Town of Aylmer Zoning By-law No. 57-99, as amended	27
4.0 LAND USE COMPATIBILITY	29
4.1 Abutting Land Uses	29
4.2 Intensity of Use	29
4.3 Scale and Massing	30
4.4 Pedestrian Circulation	30
4.5 Traffic	30
4.6 Parkland	30
4.7 Community Investment	30
5.0 TECHNICAL STUDIES	31
5.1 Environmental Impact Study	31
5.2 Servicing Reports	31
5.3 Geotechnical Engineering Report	33
5.4 Rail Noise and Vibration and Land Use Compatibility Feasibility Study	33
5.5 Archaeological Assessment	34
5.6 Traffic Impact	34
6.0 CONCLUSIONS	36
7.0 REFERENCES	37

1.0 INTRODUCTION

This report provides planning impact analysis regarding the residential proposal of Performance Communities Realty Inc. ("PCRI") for the Willow Run Draft Plans of Subdivision and Vacant Land Condominium and associated Zoning By-law Amendment ("ZBA") approvals on lands located in the west central portion of the Town of Aylmer, Elgin County, Ontario. The report has been prepared within the policy framework of the Provincial Policy Statement, the County of Elgin Official Plan and the Town of Aylmer Official Plan. The Willow Run lands are generally located west of the built up residential area of Elm Street and Willow Drive/Hawthorne Crescent, north of Catfish Creek, south of the CN/Gio Rail east/west branch line and east of the westerly Town of Aylmer boundary with Malahide Township. There are also parts of the plan technically located in Malahide Township (Blocks 81 and 85) which contains a marginal part of the upper storm water management area (Block 80) of the draft plan. Block 81 is not in the ownership of PCRI but will be consolidated in ownership with the remainder of the draft plan at final registration. Other than limited storm water management infrastructure within Block 81, there will no development taking place and it will be conveyed to the Town of Aylmer and consolidated with the other blocks forming part of the storm water management area and parkland dedication at the appropriate time which will ensure future maintenance after construction.

As a whole, the subdivision lands consist of 19.90 hectares with 20.12 metres frontage on Willow Drive and are described as follows:

- PART OF LOT 81, NORTH TALBOT ROAD EAST (FORMERLY OF THE GEOGRAPHIC TOWNSHIP OF MALAHIDE) in the Town of Aylmer (17.18 hectares), County of Elgin
- PART OF LOT 80, NORTH TALBOT ROAD EAST (GEOGRAPHIC TOWNSHIP OF MALAHIDE), County of Elgin (2.72 hectares)

The Willow Run Aylmer lands are primarily located the Town of Aylmer Settlement Area ("SA") boundaries according to the Elgin County Official Plan ("COP") and the Town is one of the County's fully serviced Tier 1 Settlement Areas. Residential development of the subject lands is contemplated by its Low Density Residential designation under Aylmer Official Plan ("OP"). Under OP Schedule "A" -- Land Use Plan (see [Appendix A](#)) the lands are subject to limitations by inclusion within the Flood Line and the Catfish Creek Conservation Authority (CCCA) Regulation Limit, both of which are contained within the Parks and Open Space designation along Catfish Creek running west from the Town's Rotary Park. The proposed residential portion of the subdivision lands is fully located within the Low Density Residential Area designation.

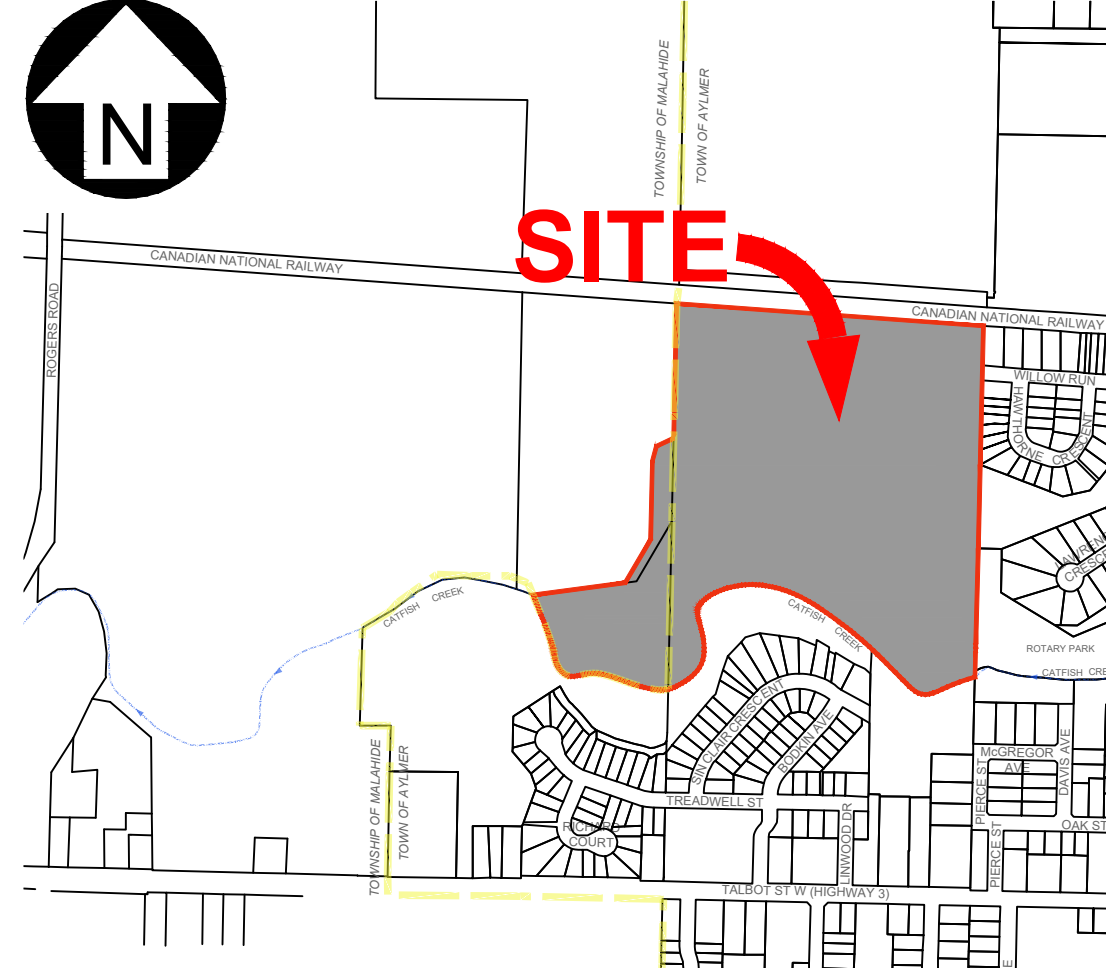
Future residential development is also anticipated by its Residential Holding (RH) zoning under Aylmer Zoning By-law No. 57-99, as amended ("ZB")(see By-law No. 57-99 Schedule 'A' MAP 4 at [Appendix B](#)). The Environmental Protection (EP) Zone generally applies to the lands within the Parks and Open Space OP designation.

The lands within the proposed development located in the Township of Malahide are designated by the Malahide Official Plan ("MOP") as Agricultural with Hazard Lands Constraint and zoned

FIGURE 1: DRAFT PLAN OF SUBDIVISION

PART OF LOT 80, NORTH TALBOT ROAD EAST
GEOGRAPHIC TOWNSHIP OF MALAHIDE
AND
PART OF LOT 81, NORTH TALBOT ROAD EAST
(FORMERLY OF THE GEOGRAPHIC TOWNSHIP OF MALAHIDE)
IN THE
TOWN OF AYLMER
COUNTY OF ELGIN

INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT RSO 1990
(A) ON PLAN
(B) ON PLAN
(C) ON PLAN
(D) LOTS 10-38, 47, 48, 51-74 - SINGLE DETACHED RESIDENTIAL,
LOTS 39-46 - SEMI-DETACHED RESIDENTIAL,
LOTS 1-9, 49, 50, 75, 76 - TOWNHOUSE RESIDENTIAL,
BLOCK 77 - MEDIUM DENSITY RESIDENTIAL,
DEDICATED STREETS - WILLOW DRIVE, STREET 'A',
BLOCKS 78-79 - WALKWAYS / SERVING BLOCKS,
BLOCKS 80-81 - STORM WATER MANAGEMENT AREA,
BLOCK 82-85 - OPEN SPACE / PARK,
BLOCK 86 - SANITARY PUMPING STATION,
BLOCK 87 - FUTURE ROAD ALLOWANCE,
BLOCK 88-89 - TEMPORARY ROAD TURN AROUND
(E) NORTH - RAILWAY, EXISTING INDUSTRIAL,
WEST - RAVINE / CULTIVATED LANDS,
EAST - EXISTING RESIDENTIAL, EXISTING PARKS & OPEN SPACE,
SOUTH - EXISTING PARKS & OPEN SPACE, CATFISH CREEK, EXISTING RESIDENTIAL
(F) ON PLAN
(G) ON PLAN
(H) MUNICIPAL WATER AVAILABLE
(I) SILTY CLAY
(J) ON PLAN
(K) STORM SEWERS, SANITARY SEWERS, TELEPHONE, GAS, T.V. CABLE
(L) TOWN OF AYLMER OFFICIAL PLAN AND ZONING BY-LAWS
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



KEY PLAN
SCALE: 1:10,000

AREA SUMMARY

	DESCRIPTION	AREA (ha)
LOTS 10-38, 47, 48, 51-74,	SINGLE DETACHED RESIDENTIAL	2.82
LOTS 39-46	SEMI-DETACHED RESIDENTIAL	0.54
LOTS 1-9, 49, 50, 75, 76	TOWNHOUSE RESIDENTIAL	2.20
BLOCK 77	MEDIUM DENSITY RESIDENTIAL	1.38
DEDICATED STREETS	WILLOW DRIVE, STREET 'A'	1.91
BLOCKS 78-79	WALKWAYS / SERVING BLOCKS	0.02
BLOCKS 80-81	STORMWATER MANAGEMENT AREA	0.95
BLOCK 82-85	OPEN SPACE / PARK	9.87
BLOCKS 86	SANITARY PUMPING STATION	0.05
BLOCK 87	FUTURE ROAD ALLOWANCE	0.08
BLOCK 88-89	TEMPORARY ROAD TURN AROUND	0.08
TOTAL		19.90

OWNER'S CERTIFICATE

PERFORMANCE COMMUNITIES REALTY INC., THE REGISTERED OWNER OF THE LANDS TO BE SUBDIVIDED, HEREBY AUTHORIZES CYRIL J. DEMEYERE LIMITED TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATE _____ WILLIAM R. HAYHOE, PRESIDENT,
PERFORMANCE COMMUNITIES REALTY INC.

OWNER'S CERTIFICATE

SCHIFFER FARMS LIMITED, THE REGISTERED OWNER OF THE LANDS TO BE SUBDIVIDED, HEREBY AUTHORIZES CYRIL J. DEMEYERE LIMITED TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATE _____ RUDOLF SCHIFFER, PRESIDENT,
SCHIFFER FARMS LIMITED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE _____ KIM HUSTED, ONTARIO LAND SURVEYOR

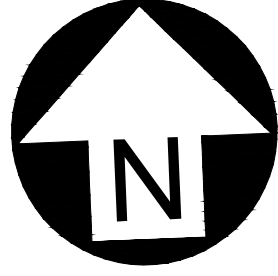
PLAN PREPARED BY:

CJDL
Consulting Engineers

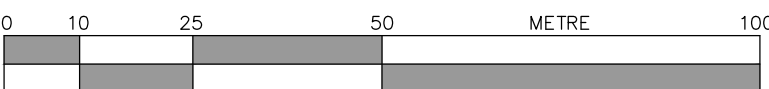
JOB No. 21062

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tilsonburg, Ontario, N4G 4H8
Tel: 519-689-1000
866-302-9886
Fax: 519-842-3235
cjd@cjdeng.com

DATE: 28 OCT. 2022



SCALE: 1:1250



NOTE: ORIGINAL CONTOURS SHOWN FROM 2021 C.J.D.L. SURVEY

FIGURE 2:

PARKS & TRAILS PLAN
WILLOW RUN SUBDIVISION
PERFORMANCE COMMUNITIES INC.
TOWN OF AYLMER


PLAN PREPARED BY:

CJDL
Consulting Engineers

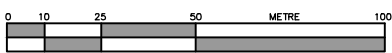
JOB NUMBER: 21062

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tillsonburg, Ontario, N4G 4H8
Tel: 519-688-1000
866-302-9886
Fax: 519-842-3235
cjd@cjdeng.com

DATE: 4 NOV 2022



SCALE 1:2000



- LEGEND**
- PROPOSED SIDEWALK (1.5m)
 - PROPOSED MULTI-USE TRAIL (3.0m)
 - EXISTING SIDEWALK
 - EXISTING GRASSED PATHWAY
 - PARKS/ OPENSACE WITHIN SUBDIVISION
 - SUBDIVISION LIMITS
 - MUNICIPAL BOUNDARY



I:\ACAD Projects\2021\21062\04-Layouts\21062_Parks & Trails.dwg, 11/8/2022 1:24:10 PM, CJD LPC44

FIGURE 3: DRAFT PLAN OF VACANT LAND CONDOMINIUM

ALL OF BLOCK 77 ON CONCURRENT DRAFT PLAN OF SUBDIVISION APPLICATION XXT-XXXXX BEING PART OF LOT 81, NORTH TALBOT ROAD (GEOGRAPHIC TOWNSHIP OF MALAHIDE) FORMERLY TOWNSHIP OF MALAHIDE IN THE TOWN OF AYLMER COUNTY OF ELGIN

INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT RSO 1990
(A) ON PLAN
(B) ON PLAN
(C) ON PLAN
(D) UNITS 1 TO 44 - VACANT LAND CONDOMINIUM.
(E) NORTH - PROPOSED RESIDENTIAL
WEST - PROPOSED RESIDENTIAL
EAST - PROPOSED RESIDENTIAL
SOUTH - PROPOSED RESIDENTIAL
(F) ON PLAN
(G) ON PLAN
(H) MUNICIPAL WATER AVAILABLE
(I) SILTY CLAY
(J) ON PLAN
(K) STORM SEWERS, SANITARY SEWERS, TELEPHONE, GAS, T.V.CABLE
(L) TOWN OF AYLMER OFFICIAL PLAN AND ZONING BY-LAWS
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

LAND USE SUMMARY

DESCRIPTION	
SITE AREA	1.38 HECTARES
COMMON AREA	0.54 HECTARES
UNIT AREA	0.84 HECTARES
NUMBER OF UNITS	44
DENSITY	32 UNITS PER HECTARES

LEGEND

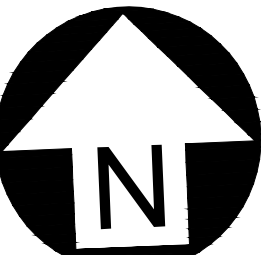
CONDOMINIUM BOUNDARY
BUILDING LIMITS / UNIT LIMITS
COMMON ELEMENT AREA

OWNER'S CERTIFICATE
PERFORMANCE COMMUNITIES REALTY INC., THE REGISTERED OWNER OF THE LANDS TO BE SUBDIVIDED, HEREBY AUTHORIZES CYRIL J. DEMEYERE LIMITED TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

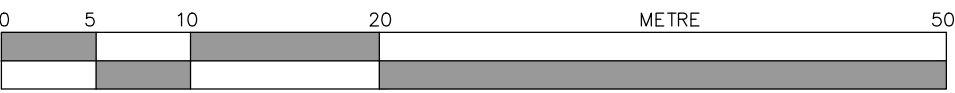
DATE WILL HAYNOE, PRESIDENT, PERFORMANCE COMMUNITIES REALTY INC.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

DATE KIM HUSTED, ONTARIO LAND SURVEYOR



SCALE: 1:400



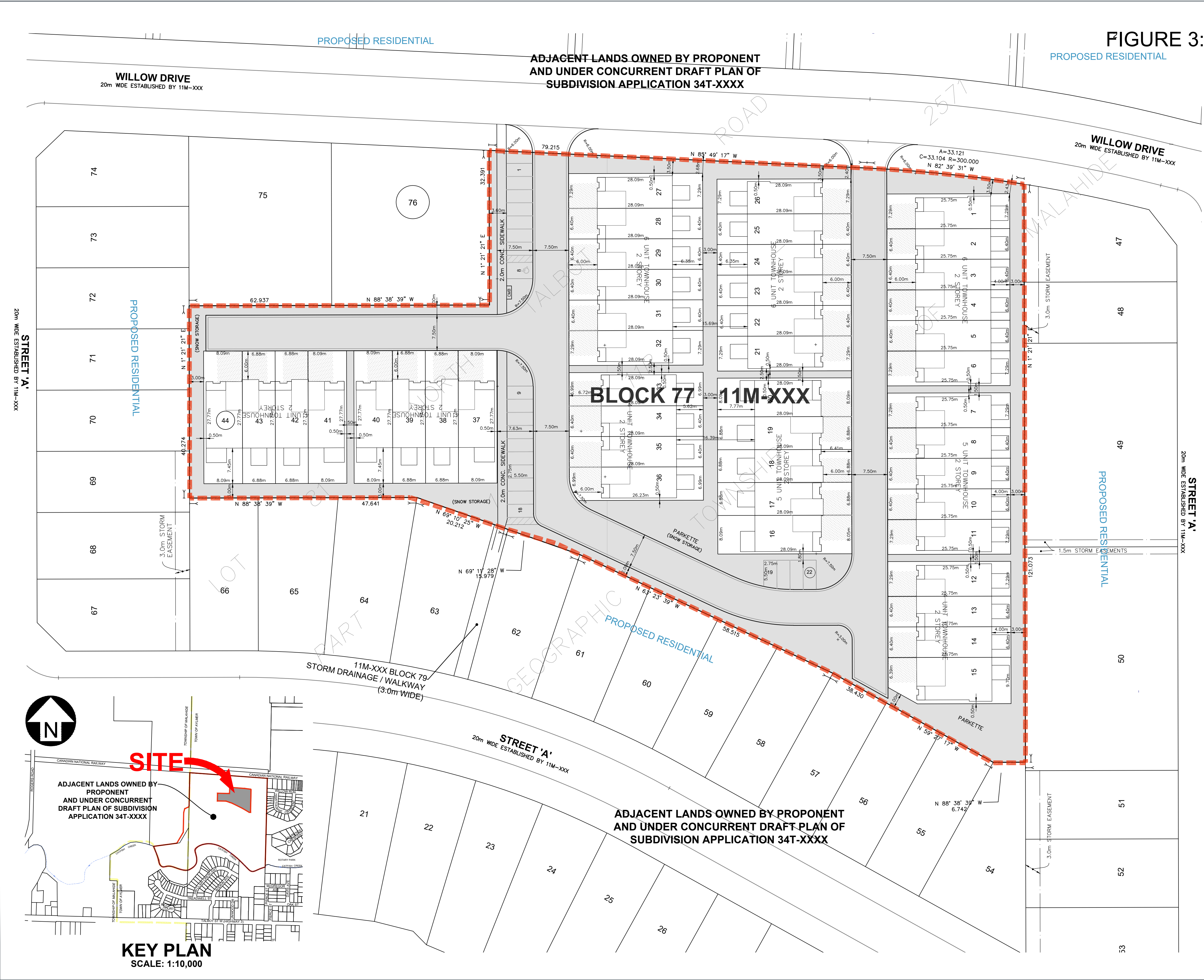
NOTE: ORIGINAL CONTOURS SHOWN FROM 2022 C.JDL SURVEY

PLAN PREPARED BY:
CJDL
Consulting Engineers

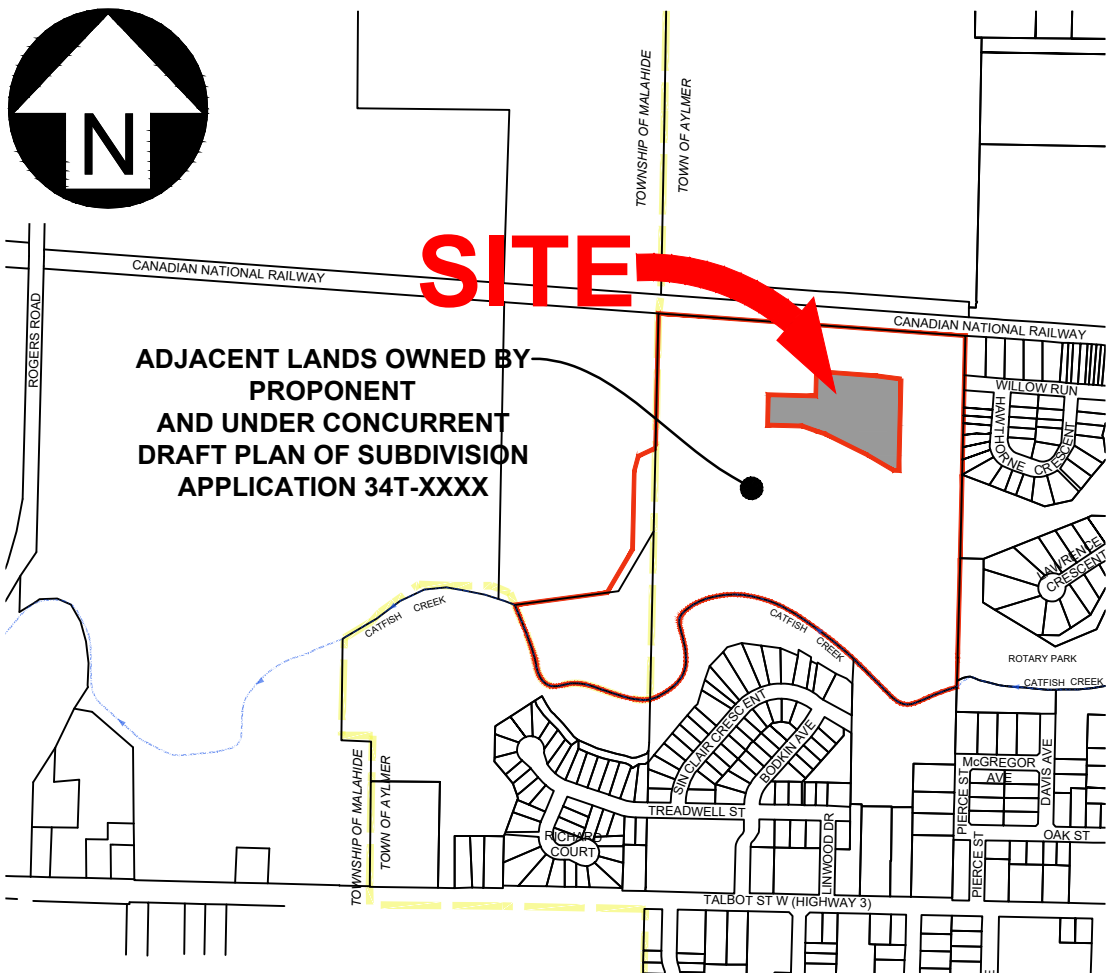
JOB No. 21062

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tillsonburg, Ontario, N4G 4H8
Tel: 519-688-1000
866-302-9886
Fax: 519-842-3235
cjd@cjdle.com

DATE: 28 OCT 2022



KEY PLAN
SCALE: 1:10,000



by Malahide Zoning By-law No. 18-22, as amended, as General Agricultural (A1) with an overlay for the CCCA regulated lands (see [Appendix C](#)).

The purpose of the proposal is to permit the development of a subdivision which would consist of a total of 185 dwelling units including single detached, semi-detached, street townhouse and vacant land condominium townhouse units. In addition, the proposal entails the creation new streets extending westerly from Willow Drive to the east of the lands. The development would make use of municipal services (water and sanitary sewer) already existing within the vicinity of the subject property.

The Draft Plan of Subdivision at [Figure 1](#) herein is predicated on a significant parkland dedication to the Town of Aylmer which will provide for the further extension and development of the Town's existing trail system from its current westerly limit within Rotary Park and eventually through to the East Elgin Community Complex within the Township of Malahide as depicted on [Figure 2](#) herein. The Draft Plan of Condominium at [Figure 3](#) relates to Block 77 of the [Figure 1](#) plan.

As noted, the proposed subdivision, condominium and zoning by-law amendments will be evaluated within the context of existing land use policies and regulations including the Provincial Policy Statement 2020 ("PPS"), the COP, the OP including the policy framework of Section 5.6 PLANNING IMPACT ANALYSIS, and the ZB.

An amendment to Malahide Zoning By-law No. 18-22, as amended, will be required to recognize the use of the lands within Malahide Township comprising Blocks 81 and 85. Under the Official Plan for the Township of Malahide (see Malahide Official Plan Schedule 'A', 'A2' and 'G' at [APPENDIX C](#)), the blocks are designated as Agriculture and subject to Hazard Lands constraint. However, an official plan amendment is not required for the rezoning on the basis that the blocks form part of a draft plan of subdivision encroaching into Malahide in a marginal way. Development will be limited to some buried infrastructure within Block 81 and, otherwise, construction of no buildings or structures will be entailed within either of the Malahide blocks consistent with their natural hazards status as reflected in the MOP and applicable zoning overlay. However, the blocks will contain parts of the PCRI multi-use trail proposal and both will be conveyed to the Town of Aylmer at the appropriate time.

Formal consultation took place with regard to the proposed development on 24 August 2021 in accordance with the COP and the OP as well as with the Township of Malahide on 13 April 2022, followed up by the Records of Consultation at [Appendix D](#). Both consultations took place within the context of a prior draft plan which proposed a construction access road westerly from the subject lands within Malahide Township to Rogers Road which is not a component of the current [Figure 1](#) draft plan.

1.1 The Subject Property

As noted, the subject property is primarily located within the Town of Aylmer which is an SA of Elgin County located in the eastern portion of the County and surrounded by the Township of Malahide. It is approximately 16 kilometres east of the City of St. Thomas and 45 kilometres southeast of the City of London. Aylmer, along with Straffordville, Dutton and West Lorne, is described by Section A2 The Community Vision of the COP as follows:

Inland settlements such as Aylmer, Straffordville, Dutton and West Lorne continue in their role as service centres for the surrounding agricultural community providing

schools, places of worship and other institutional uses, recreational facilities, commercial and industrial employment uses.

Aylmer offers local employment in various sectors as well as proximity to employment in London and St. Thomas and to the east in Tillsonburg via Highway 3 and in Ingersoll and Woodstock via Highway 401. The Town also offers a variety of housing options for young families and for retirees although predominantly single detached. The availability of four elementary schools (McGregor Public School, Davenport Public School, Assumption Separate School and Immanuel Christian School) and a secondary school (East Elgin Secondary School) as well as excellent parkland and recreational facilities are appropriate for family needs.

Of note relative to the subject property, there is proximity within walking distance to the above-noted schools as well as the Optimist and Rotary Parks on Elm Street and the East Elgin Community Complex on Talbot Street. An integral component of the proposed plan of subdivision is the parkland dedication to the Town of Aylmer which will provide passive, multi-use trail linkage to the Town's existing park and trail system including the Kiwanis/Trans Canada Trail section to the east as well as providing the CCCA the opportunity for possible wetland enhancement measures in future through collaboration with the Town and PCRI. This will be of benefit to both future residents of the development and current Town residents.

There has also been an historical attraction to retirees from the surrounding farming area. Like many smaller urban centres outside of the Greater Toronto Area, Aylmer has also recently experienced demand for housing from those wishing to relocate and/or able to work remotely as a result of the global pandemic which was declared in 2020.

As noted, Aylmer is served by excellent road connectivity to surrounding areas via Provincial Highway 3 (Talbot Road) which provides linkage to the City of St. Thomas to the west and to Tillsonburg to the east as well as via John Street (Elgin County Road 73) which runs north to Highway 401 and south to Lake Erie. Recent new residential development has been located primarily in the southwestern (Bradley Park, completed) and eastern (Cottonwood, in process) portions of Aylmer largely reflective of the availability of designated lands. Cottonwood was initially draft approved in 1998 with Phase 1 complete and Phase 2 under development. Apart from the remaining phases of Cottonwood, the Willow Run lands appear to be the last of the significantly sized parcels designated for residential development in Aylmer according to the Elgin County Industrial and Business Employment Vacant Land Inventory Report to Elgin County Council of November 30, 2021 (Elgin County Council agenda 9 December 2021). The report focused on residential, industrial and commercial vacant lands and, of the Aylmer parcels identified with residential zoning, the majority identified in the Town were 1 hectare or less in area with some having been developed or proposed for development in the interim since the report further reducing the residential inventory (Residential, Commercial, Industrial, Institutional Vacant Land Inventory Town of Aylmer).

The foregoing situation was recognized in the Elgin County Official Plan Review Discussion Paper #5: Population, Housing and Employment Forecasts and Associated Land Needs Analysis (Hemson/Stantec June 2022) which concluded that the Town of Aylmer requires approximately 21 developable hectares of land to accommodate anticipated growth to 2051 comprising approximately 600 additional units and population growth of 2,850 people/1180 households.

As demonstrated on [Figure 4](#) herein and the following photographs, the lands are currently vacant and cultivated for agricultural purposes with relatively level topography except for the



Town of Aylmer lands
agricultural cash crop

existing industrial

agricultural cash crop



SUBJECT semi
residential

PROPERTY

medium density residential

WILLOW RUN

semi-detached residential

single detached residential

medium density residential

WILLOW RUN

single detached residential

single detached residential

Rotary Park

mobile homes

vacant

FOREST ST

SPRUCE ST W apartment buildings

trucking
business

MAPLE ST W

CHESTNUT ST W

48314
Talbot
Line dairy
operation.

East Elgin Community Centre

single detached residential

single detached residential

commercial uses

single detached residential

East
Elgin
Secondary
School

TALBOT ST W (HIGHWAY 3)

ST SYDENHAM ST W

broad area along the southerly and westerly boundaries where valley/ravine lands associated with Catfish Creek have natural heritage and natural hazard characteristics.



Subject property from the end of Willow Run looking west Photo: Barbara Rosser, 30 March 2022



Subject property from the end of Willow Run looking northwest Photo: Barbara Rosser, 30 March 2022



Subject property from the end of Willow Run looking southwest

Photo: Barbara Rosser, 30 March 2022

As noted, the subject property is primarily within the SA boundaries of Aylmer (COP Tier 1) and significantly designated for development by the OP. The current zoning is Residential Holding (RH) zoning under the ZB plus Environmental Protection (EP).

The PCRI lands were previously in the same ownership as the Block 81 lands in Malahide. The blocks are partly cultivated for cash crop production. For these purposes, they were accessed from the west via an existing crossing of the ravine area to the north of Block as is visible from the [Figure 4](#) Surrounding Land Use map herein. It should be noted that there were no concerns noted in the Environmental Impact Study (EIS) prepared to support the Willow Run proposal with regard to the storm water management area within these blocks from a natural heritage perspective. The conclusions and recommendations of the EIS will be addressed in Section 5.1 of this report.

1.2 Surrounding Land Uses

Land uses existing in the vicinity of the subject property are indicated on [Figure 4](#). To the east, surrounding land uses in the immediate vicinity of the subject property are primarily residential in nature consistent with their Low Density Residential and Medium Density Residential designation by the OP. Immediately abutting the subject property on the north side of Willow Drive between the subject property and Elm Street are several medium density residential units:

- Five fourplex dwellings, 20 units in total
- One triplex dwelling, 3 units total
- One nine unit townhouse dwelling, 9 unit total

Total Willow Run north side medium density dwelling units: 32



Medium density development north side Willow Drive looking east Photo: Barbara Rosser, 30 March 2022

On the east side of Elm Street are a variety of uses including three four unit dwellings fronting on Forest Street, a veterinarian office and a trucking business on the northeast and southeast corners of Spruce and Elm Streets respectively, and – further south – Optimist Park. There are also four low rise apartment buildings east of Elm Street and, otherwise, primarily single detached residential development.

Immediately abutting the subject property on the south side of Willow Run is a semi-detached dwelling. Beginning at the southwest corner of Willow Drive and Hawthorne Crescent also abutting the subject property are three additional semi-detached dwellings on the west side of Hawthorne Crescent for a total of 8 units



Abutting semi-detached dwelling south side Willow Drive

Photo: Barbara Rosser, 30 March 2022



Abutting semi-detached dwellings west side Willow Drive

Photo: Barbara Rosser, 30 March 2022

Other than the foregoing, residential development between Elm Street and the subject property is primarily single detached in nature. Lots would have been sized in accordance with the applicable zoning under Aylmer By-law No. 91, 21, as amended or a predecessor zoning by-law. South of the existing residential development is the Town's Rotary Park.

As has been noted, the subject property is bounded on the north by CN/Gio Rail east/west line through Aylmer. Further north is a large Town owned vacant parcel of land and to the northeast along Elm Street North and White Street are several industries. There are also eleven mobile homes situated on the south side of Beech Street east of Elm Street.

Abutting the west side of the subject property are lands in agricultural cultivation outside of the Town of Aylmer within the Township of Malahide, Elgin County. To the south within these lands is a dairy cow operation including farm-related buildings (barns and buildings accessory to the use) and a single detached dwelling fronting on Talbot Line (48314 Talbot Line). This operation is adjacent to the Town of Aylmer boundary and there are a number of single detached dwellings on separate lots located in close proximity. Consideration of Minimum Distance Separation setbacks for the proposed development within the Town of Aylmer will not be required as Guideline #36 Non-Application of MDS in Settlement Areas of the OMAFRA Minimum Distance Separation Document (Publication 853) stipulates as follows:

MDS setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, re-designations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

2.0 PROPOSED DEVELOPMENT

2.1 Proposed Subdivision

The proposed Draft Plan of Subdivision (as depicted on the draft plan of subdivision at [Figure 1](#)) contemplates the creation of the following:

1. 55 single detached residential lots
2. 8 semi-detached residential lots, 16 units
3. 13 street townhouse blocks, 70 units
4. Block 77 is the vacant land condominium block comprising 44 townhouse units
5. Blocks 78 and 79 are walkways/servicing blocks
6. Blocks 80 and 81 contain stormwater management works also to be conveyed to the Town of Aylmer
7. Blocks 82 to 85 comprise the future parkland dedication to the Town of Aylmer
8. Block 86 is for the sanitary pumping station
9. Block 87 is for a future road allowance for access to the westerly lands
10. Blocks 88 and 89 are for a temporary street turnaround pending the extension of Willow Drive to the west in future.

The lots will require site-specific zoning permissive of these uses and with appropriate setback and coverage regulations. All proposed lots would front onto new internal public streets via linkage with Willow Drive to the east with the exception of the vacant land condominium block which will have roadways and services internal to the condominium.

The single, semi-detached and street townhouse lots would be developed at a mix of single and two storeys according to buyer preference. There are different building models proposed for the subject lands, ranging from one to two storeys in height interspersed throughout the development as illustrated in the following drawings:

Semi-detached Models (not to scale):



Willow Run - Single Storey Semi-Detached Model



Willow Run - Two Storey Semi-Detached Model

Four Unit Townhouse Models (not to scale):



Willow Run - Two Storey 4 Unit Townhouse Model

Six Unit Townhouse Models (not to scale):



Willow Run - Single Storey 5 Unit Townhouse Model



Willow Run - Two Storey 6 Unit Townhouse Model

2.2 Proposed Condominium

As noted, the Draft Plan of Condominium at Figure 3 will comprise 44 vacant land condominium townhouse units. The condominium townhouses are expected to be two storey units.

2.3 Proposed Parkland/Trail Dedication

The proposed parkland dedication (Blocks 82 to 85) comprising almost 50% of the draft plan area is considerable and was determined to be acceptable through consultation with Town staff. Blocks 88 and 89 will eventually be consolidated with the parkland blocks. It was agreed during consultation that the blocks located within Malahide Township (Blocks 81 and 85) will be conveyed to the Town of Aylmer at the appropriate time.

2.4 Proposed Rezoning

The site-specific zoning regulations proposed to implement the plan of subdivision are considered to be minor in nature and are intended to make appropriate and cost-effective use of the lands to provide for a mix of residential uses and respond to the housing needs of current and future residents of the Town.

2.4.1 Town of Aylmer Zoning By-law

The zonings applicable to existing residential development to the east of the subject property are a combination of Residential Type 1A (R1A) Zone, Residential Type 2 (R2) including site-specific R2-12 and R2-13 and Residential Multiple First Density (RM1) Zone. To the east, there are also areas of Parks and Open Space (POS) Zone and Environmental Protection (EP) Zone.

Both POS and EP Zones are permissive of a “a Public or Private Park” and “a Public Use” as defined by the ZB Section 2 (240) and (278) respectively.

The proposed amendment to the Town’s zoning by-law would implement the existing Low Density Residential designation of the Aylmer OP and be reflective of the proposed Draft Plans of Subdivision and Vacant Land Condominium. In addition, the area currently zoned as EP (Block 84) will be expanded on the westerly and northerly portion of the draft plan to include Blocks 80, 82, 83, 88 and 89 which will be permissive of the stormwater management area works as public uses and the parkland use as a public park.

The ZBA proposal would change the lands requiring rezoning from the current RH under the ZB, generally as follows and depicted on Figure 5:

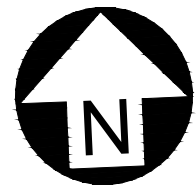
a. **Proposed RESIDENTIAL TYPE 2 (R2-XX) ZONE**
(semi-detached lots)

R2-XX (Willow Run)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned R2-XX on Schedule “A” hereto, semi-detached dwelling shall be the only permitted use and the provisions of the R2 Zone shall apply except for the following special provisions:

- | | | |
|-----|--|--------------|
| (a) | LOT AREA (MINIMUM) | |
| | (i) Semi- Detached Dwelling | 620 m2 |
| | (ii) One half of a Semi-detached Dwelling | 310 m2 |
| (b) | FRONT YARD (MINIMUM) | 6 m |
| (c) | EXTERIOR SIDE YARD DEPTH (MINIMUM) | 3.5 m in all |
| | cases notwithstanding Section 3.26 | |
| (d) | MAXIMUM LOT COVERAGE | 50% |
| (e) | MAXIMUM DECK ENCROACHMENT | 4 m |
| (f) | OTHER PARKING REGULATIONS: Notwithstanding Section 3(18)(i)(i)., a semi-detached dwelling will require one driveway per unit with the driveway to be fully within the individual unit frontage with a minimum width of 3.0 metres and a maximum width of 6.0 metres. | |
| (g) | ZERO LOT LINE – SEMI-DETACHED DWELLING | |

should a semi-detached dwelling with frontage on a public street and with individual unit vehicular access subsequently obtain a consent or be subdivided into individual lots such that the lot line extends along a common wall dividing the units, the lot area, frontage and side yard provisions of this by-law shall be interpreted as applying to the zone and not the individually created lot.



LEGEND

- PROPOSED DRAFT PLAN LIMIT
- MUNICIPALITY LIMIT

- (R2-X) RESIDENTIAL TYPE 2 SPECIAL ZONE
- (R3-X) RESIDENTIAL TYPE 3 SPECIAL ZONE
- (RM2-X) RESIDENTIAL MULTIPLE SECONDARY DENSITY SPECIAL ZONE
- (RM2-XX) RESIDENTIAL MULTIPLE SECOND DENSITY SPECIAL ZONE
- (A1-X) GENERAL AGRICULTURAL
- (EP) ENVIRONMENTAL PROTECTION

CONSULTANT:
CJDL
Consulting Engineers
DATE : 20 OCT 2022

Cyril J. Demeyere Limited
P.O. Box 460, 261 Broadway
Tillamook, Ontario, N4G 4A8
Tel: 519-889-1000
855-333-0886
Fax: 519-842-5235
cjd@cjdong.com

REVISION		
#	DESCRIPTION	DD/MM/YYYY BY

PROPOSED OVERALL ZONING FIGURE
FIGURE 5

CONTRACT #: 21062
PROJECT NAME: WILLOW RUN
PERFORMANCE COMMUNITIES INC.
SCALE: 1:1500
DRAWING #: 1

b. **Proposed RESIDENTIAL TYPE 3 (R3-XX) ZONE**

(single detached lots)

R3-XX (Willow Run)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned R3-XX on Schedule "A" hereto, single detached dwelling shall be the only permitted use and the provisions of the R3 Zone shall apply except for the following special provisions:

- | | | |
|-------|--|--------------|
| (i) | EXTERIOR SIDE YARD DEPTH (MINIMUM)
cases notwithstanding Section 3.26 | 3.5 m in all |
| (ii) | MAXIMUM LOT COVERAGE | 50% |
| (iii) | MAXIMUM DECK ENCROACHMENT | 4 m |
| (iv) | GARAGE SETBACK (FRONT YARD): Notwithstanding Section 10(3)c)(v) and 10(4)(v), the garage front yard shall be a minimum of 6.0 m. | |

c. **Proposed RESIDENTIAL MULTIPLE SECOND DENSITY (RM2-XX) ZONE**

(street townhouse blocks)

RM2-XX (Willow Run)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned RM2-XX on Schedule "A" hereto, townhouse dwelling shall be the only permitted use and the provisions of the RM2 Zone shall apply except for the following special provisions:

- | | | |
|--------|--|--------------------------|
| (i) | LOT AREA (MINIMUM) | 180 M2 per dwelling unit |
| (ii) | LOT FRONTAGE (MINIMUM)
Townhouse Dwelling
One unit of a Townhouse Dwelling | 25 m
6 m |
| (iii) | INTERIOR SIDE YARD WIDTH (MINIMUM) | 2 m |
| (iv) | EXTERIOR SIDE YARD DEPTH (MINIMUM)
cases notwithstanding Section 3.26 | 3.5 m in all |
| (v) | MAXIMUM LOT COVERAGE | 50% |
| (vi) | MAXIMUM DECK ENCROACHMENT | 4 m |
| (vii) | GARAGE SETBACK (FRONT YARD): | 6 m. |
| (viii) | OTHER PARKING REGULATIONS: Notwithstanding Section 3(18)(i)(i)., a townhouse dwelling will require one driveway per unit with the driveway to be fully within the individual unit frontage with a minimum width of 3.0 metres and a maximum width of 6.0 metres. | |

(ix) ZERO LOT LINE – TOWNHOUSE DWELLING

Should a townhouse dwelling with frontage on a public street and with individual unit vehicle access subsequently obtain a consent or be subdivided into individual lots, the lot area, lot frontage and side yard provisions of this By-law shall be interpreted as applying to the Zone and not the individually created lot.

- (x) For Lot 9, the front lot line shall be determined to be the northerly lot line for the purposes of the other RM2 zone provisions

d. **Proposed RESIDENTIAL MULTIPLE SECOND DENSITY (RM2-XX) ZONE**
(vacant land condominium townhouse dwellings)

RM2-XX (Willow Run)

Notwithstanding any provisions of this By-law to the contrary, within any area zoned RM2-XX on Schedule “A” hereto, the provisions of the RM2 Zone shall apply except for the following special provisions:

- | | | |
|-------|--------------------------------------|-------|
| (i) | FRONT YARD (MINIMUM)
(north side) | 3.5 m |
| (ii) | INTERIOR SIDE YARD WIDTH (MINIMUM) | 2 m |
| (iii) | REAR YARD (MINIMUM)
(south side) | 3.5 m |
| (iv) | MAXIMUM DECK ENCROACHMENT | 4 m |

e. **Proposed ENVIRONMENTAL PROTECTION (EP) ZONE**
(Parkland Block and Stormwater Management Blocks)

2.4.2 Township of Malahide Zoning By-law

The zoning applicable to Blocks 81 and 85 within the Township of Malahide is currently General Agricultural (A1) under Malahide Zoning By-law No. 18-22, as amended. The proposed ZBA would be reflective of the proposed draft plan of subdivision and would rezone the Blocks to site-specific A1 zones as follows:

a. **Proposed GENERAL AGRICULTURAL (A1-XX) ZONE**
(Block 81 and 85)

a) Defined Area

A1-XX as shown on Schedule “G”, Map No. G2

b) Permitted Use

parkland and stormwater management

3.0 PLANNING IMPACT ANALYSIS

3.1 Provincial Policy Statement 2020 (PPS)

The PPS came into effect on 1 May 2020 and provides policy direction on matters of provincial interest related to land use planning and development within the Province of Ontario under the Planning Act. Decisions of municipalities regarding proposed land division such as plans of subdivision and proposed ZBAs are required to be consistent with applicable PPS policy under Planning Act legislative authority. The proposed Willow Run subdivision plan and associated ZBA to rezone the lands are consistent with PPS policy as follows:

- Aylmer is one of the primary, fully serviced settlement areas of Elgin County intended to be the focus of growth and development and the proposed development would be an enhancement to its vitality and regeneration further to PPS Section **1.1.3.1**.
- The subject property abuts lands already developed for residential purposes and is already substantially designated by the OP as Low Density Residential further to PPS Section **1.1.3.6**. Development of the subject property will assist in completing the development anticipated within this area of Aylmer.
- The proposed development would make efficient and cost effective use of the subject property, avoid inappropriate land consumption and make appropriate use of existing services already available within the area further to PPS Section **1.1.1 a), d) and e)** and **1.1.3.2 a) 1. and 2.**
- The proposed development would add to the housing inventory and options including tenure currently available in the Town of Aylmer through the provision of single detached, semi-detached and both freehold and condominium townhouse units not readily available within the immediate area of the subject property and not widely available within Aylmer further to PPS Section **1.1.1 b), 1.1.2, 1.1.3.2 a) and 1.1.3.4.**
- The proposed development of the subject property would be within walking distance of the Core Commercial and the Arterial Commercial areas of Aylmer along the north side of Willow Drive and the west side of Elm Street where sidewalks exist as well as to public institutional uses which, together with internal sidewalks and multi-use trail linkage to nearby parks and other facilities, would promote active transportation further to PPS Section **1.1.3.2 e).**
- Housing within the Regional Market Area (RMA) of the City of St. Thomas which includes the County of Elgin has historically been available at affordable levels relative to many areas of the Province of Ontario. However, by providing for a greater range and mix of housing types including the street and condominium townhouse blocks and smaller lot single and semi-detached lots and avoiding a consumptive pattern of development, the proposed development should offer opportunities for greater relative affordability to be attained.

PPS Section 2.1 is relevant because of the proximity of a natural heritage feature to the southeast beyond the subject property, indicating a requirement under 2.1.5 and 2.1.8 to demonstrate that there will be no negative impacts on the natural features or their ecological functions or upon adjacent lands to the features. Accordingly, an EIS has been prepared which

concluded that there are no potential issues nor potential cumulative effects of the development proposed. Consequently, no need was identified for additional information or studies relating to the natural heritage component of this application. Appropriate mitigation measures were recommended to ensure PPS consistency.

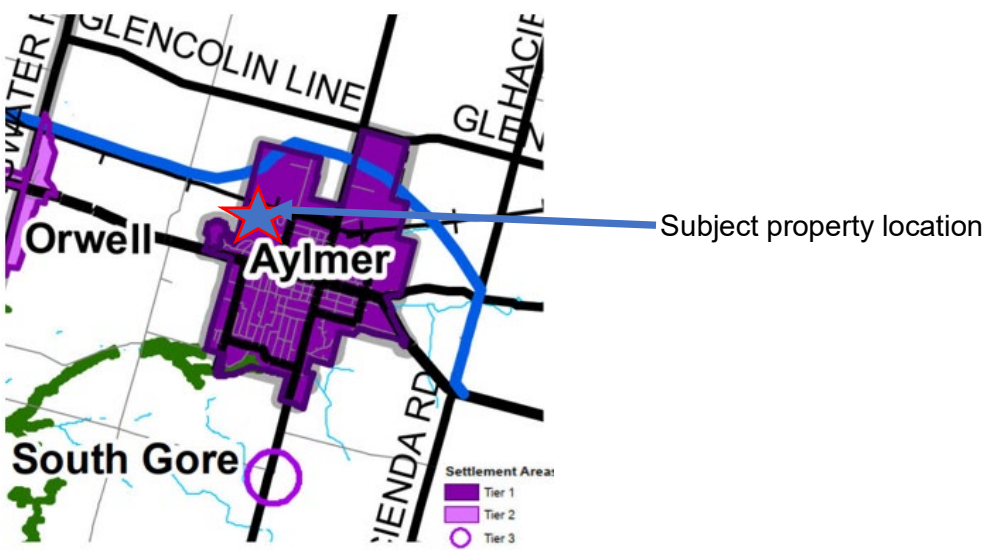
- PPS Section 2.3 is also relevant because of the Agricultural designation of the lands within Blocks 81 and 85 as Agriculture by the Malahide OP thereby technically being part of a prime agricultural area. However, it has been noted that the blocks are subject to Hazard Lands constraint and will merge in ownership with the subdivision upon registration and be conveyed to the Town of Aylmer. Moreover, they will be the subject of very limited development other than some buried storm water management infrastructure in Block 72 and the multi-use trails. The blocks contain limited cultivated land presently which will become inaccessible once ownership is consolidated and development takes place.

CONCLUSION: Based upon the foregoing analysis, the proposed development would be consistent with the Provincial Policy Statement.

3.2 County of Elgin Official Plan (COP)

The COP was approved by the Ministry of Municipal Affairs and Housing with modifications on 9 October 2013. Aylmer is one of the County's **Tier 1** Settlement Areas of the hierarchy of settlement areas set out on Schedule 'A' Land Use of the plan. Under Section **B2.5 d)**, such areas *have the largest populations in the County and as a consequence have full municipal services (municipal water and water services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.*

As indicated on the following COP Schedule 'A' excerpt, the subject property is generally within the SA boundaries of Aylmer:



The COP is currently under review and the process is occurring in four phases. As of the date of this report, Phases 1 (Engagement) and 2 (Analysis and Specialized Meetings) have been undertaken with Phase 3 (Findings and draft policy changes) and Phase 4 (Adoption) remaining. As adoption of the final COP and amendments has not occurred, the 2013 COP provides the current policy framework within which the Willow Run proposal is to be analyzed.

The proposed development of the subject property for the purposes of a residential plan of subdivision and plan of vacant land condominium with associated rezonings would be in conformity with Section **B2.6** New Development in Existing Settlement Areas policies of the COP in the following respects:

- Given its location within the SA of Aylmer and within an area already substantially designated as Low Density Residential by the OP, the proposed development would serve as a logical extension to the existing built up area of the town further to Section **B2.6 a)** of the plan. In addition, the provision of single, semi detached and both street and condominium townhouse residential on lot sizes suitable to full services would be compact and minimize land consumption as also required.
- The scale and location of the proposed development would make use of existing servicing infrastructure and would be in proximity to the employment, commercial and service areas of Aylmer further to Section **B2.6 b)** of the COP.
- The plan proposes diversity in housing to provide a greater range of choice further to Section **B2.6 c)** of the plan while being compatible in form with existing single detached development within the area. Given the province's priority on affordability, it is felt that this will be beneficial to Aylmer and this part of Elgin County especially where first time home buyers are concerned where primary preference is for owned dwellings.
- The servicing reports prepared by CJDLC and referenced at Section 5.2 herein, demonstrate that the necessary infrastructure required to service the proposed development is available and that the proposal would make efficient use of existing and planned servicing further to Section **B2.6 d)** of the plan.

In terms of other relevant COP policies, those of Section **C1.1.1** Residential Areas are largely complementary with the foregoing **B2.6** policies. In particular and in conformity with the Plan, this proposed development will:

- Enhance the character and identity of Aylmer as a whole and especially the residential area within which the subject property is located by providing for more range of density choice while respecting the character of adjacent development and the community as a whole ((**C1.1.1 a)**).
- Provide a housing option advantageous economically and socially for both new and existing residents of Aylmer ((**C1.1.1 b)**) including, specifically, retirees, families and first time buyers.
- Result in development consistent with "intensification", that is not readily available within existing/approved development and development in process in the Town while being compatible with the immediately surrounding semi-detached, townhouse and single detached residential uses ((**C1.1.1 c)**).

- Achieve the objective of density increase and minimizing the amount of land required for new development through appropriate zoning standards ((**C1.1.1 d**)).
- Ensure that residential development will be complementary and compatible to existing residential use in the area while allowing for a scale that permits efficient development and a greater variety of residential uses, possibly at varying price points geared to first time buyers and families as well as retirees ((**C1.1.1 e**)).

Section **C.1.3.3.3** Affordable Housing of the COP reflects the PPS definition of Affordable which references the regional market area (RMA), in this case the City of St. Thomas RMA which is inclusive of the City as well as the County of Elgin, and is found at **C1.3.3.3 a) and b)**. Average purchase prices cited have increased dramatically since 2011 as have the statistics indicated (Ministry of Municipal Affairs and Housing, PPS-HOUSING TABLE, Table 1: All Households Incomes and Affordable House Prices, 2020). The table indicates that the affordable house price in the City of St. Thomas RMA in 2020 at the 60th income percentile, therefore not exceeding 30% of gross annual income, to be \$311,300. It is acknowledged that the purchase prices for new housing within the proposed development, like the majority of new housing developed over the past decade, will exceed the affordable purchase price at the 60th income percentile within the St. Thomas RMA. However, it is anticipated that prices will be comparable to similar developments in the RMA and within the nearby London regional market area particularly in developing areas outside of the City as well as being competitive with new house prices within Aylmer. The reality is that construction costs remain volatile due to a variety of factors beyond municipal and private control including the global pandemic and this is expected to continue for some time.

It is widely acknowledged that affordability can be improved by increasing overall supply of dwelling units which will be the case with the Willow Run development's contribution of 185 total new housing units to Aylmer and wider area. Moreover, the range of housing types proposed will allow for housing to be provided at less cost than a typical single-detached dwelling which has been the dominant new housing form in the Town of Aylmer to date.

Appendix #1 Natural Heritage Features and Areas to the COP approximately indicates the presence of Woodlands within the southern portion of the subject property and adjacent lands comprising the ravine/valley lands of the Catfish Creek and currently zoned as (Environmental Protection (EP). Section **D1.2.2.1** Significant Woodlands, therefore, applies as well as possibly **D1.2.2.2** Significant Habit of Endangered Species and Threatened Species. Accordingly, the EIS has been prepared according to the requirements of the County further to Section **D1.2.6** Development and Site Alteration, **D1.2.7** Adjacent Lands and **D1.2.8** Environmental Impact Studies as well as those of the Town of Aylmer (see Section 5.1 herein).

With regard to Section **E1.2.2** Subdivision Review Criteria, the following comments are provided:

- a) as set out herein with regard to the COP and to follow relative to the OP, the proposed plan of subdivision and plan of condominium would be in conformity both in terms of objectives and policies;
- b) full municipal services exist in Aylmer and in the vicinity of the subject property meaning that a settlement area capability study was not required further to Section **B2.7**;

- c) the servicing report prepared in support of the proposed plan of subdivision establishes that there is adequate capacity available in the municipal water and sewage treatment systems along with suitable provision for other services;
- d) as noted, full services exist with the adequacy for the proposed development;
- e) through the required supporting studies prepared including servicing and environmental as well as overall subdivision design, the proposed plan of subdivision and plan of condominium should be compatible with surrounding land uses, the transportation network and significant natural heritage features and areas; and
- f) the plan is designed to be compatible with and integrated with adjacent neighbourhoods and development through the incorporation of appropriate densities in concert with street linkage and pedestrian walkways.

Pursuant to Section **E2.1** Archaeological Resources, a Stage 1 archaeological assessment has been prepared and entered into the Ontario Public Register of Archaeological Reports by the Ministry of Citizenship and Multiculturalism as of 23 September 2022 (see [Appendix D](#)).

As has been indicated, the subject property is accessed by Willow Drive in Aylmer which connects with Elm Street (Elgin County Road 53) designated as a County Collector Road by COP Schedule 'B' Transportation, connecting with Talbot Street (Provincial Highway No. 3) to the south and John Street (Elgin County Road 73) to the north which is a County Minor Arterial Road/Tourism Corridor leading north to Highway 401 and south to the Lake Erie shoreline. Together, these connecting roads will provide the proposed development with an efficient County level road network for connections to major urban centres to the west and east, e.g., London, St. Thomas, Ingersoll and Woodstock as well as to smaller urban centres and hamlets within the County. Section **E5.3** Traffic Impact Study – County Roads indicates that a traffic impact assessment is required relative to this development proposal. Accordingly, a Traffic Impact Study (TIS) has been prepared and will be addressed in Section 5.5 herein. It was determined that no improvements to the road network are required to accommodate the proposed development.

CONCLUSION: Based upon the foregoing analysis, the proposed development would be in conformity with the County of Elgin Official Plan.

3.3 Town of Aylmer Official Plan (OP)

The OP was adopted by Council on 8 November 1999 and approved with modifications by the Province on 23 March 2000. The OP was updated by the local adoption of Official Plan Amendment No. 20 on 21 December 2020, approved by the County of Elgin on 22 June 2021. As noted on OP Schedule "A", the subject property is primarily designated as Low Density Residential with an area of Natural Heritage in a broad area within the southern portion of the property generally bounded by the Flood Line. The Low Density Residential lands are also partially impacted by the CCCA Regulation Limit. The OP Schedule "C" Roads Plan indicates Willow Run as a Local Road and Elm Street from Talbot Street West (Provincial Highway 3 (Connecting Link)) which is an Arterial Road to Beech Street West as a County Road. To the north of Beech Street, Elm Street is classified as a Local Collector Road. These Schedules are included in Appendix A to this report with the subject property boundaries superimposed.

➤ SECTION 2 MUNICIPAL DEVELOPMENT STRATEGY

OP Section 2.1 Strategic Direction of Plan (Mission Statement) of the Aylmer OP sets out a range of directions of which the following are relevant to the Willow Run proposal entailing the development as described in Section 2.1 herein:

Aylmer will be a vibrant market centre for East Elgin. To ensure and enhance our small town atmosphere we will:

- *Ensure the quality of life and safety of families and neighbourhoods;*
- *Preserve our heritage and the natural environment;*
- *Ensure planned, orderly growth;*
- *Make the Town attractive; and*
- *Prepare for the local impacts of a changing climate*

The development proposed by PCRI will enhance Aylmer's small town atmosphere by providing for housing by way of comprehensive plans of subdivision and condominium -- so inherently orderly -- that is of high quality and compatible with existing residential development in the vicinity. It will be respectful of natural heritage priorities and will be based on servicing that is low impact, thereby ensuring proper treatment of storm water so as to be protective of Catfish Creek and its lowlands, thus preparing for climate change impacts.

OP Section 2.2.3 ACCOMMODATING FUTURE GROWTH indicates the modest population projection of 7,293 by 2031 which is an increase of 158 people presumably from the adoption of Official Plan Amendment No. 20 in 2020. However, it should be noted that the Aylmer Census Profile 2021 (Statistics Canada, Census of Population) indicates the Town's current population at 7975 for an increase of 222 people since 2016 reflecting growth that may not have been anticipated by the OP population projection. Additionally, the decline in household size was not borne out in the 2021 census reflecting household size at 2.9 persons per household versus 2.45 in 2011 meaning that the projection of 2.11 in 2031 may not take into account attraction of the Town to families.

OP Section 2.2.3 also states reliance upon development of the three phases of Cottonwood (parcels 1, 4, and 3) to meet residential dwelling demand of 554 residential units in Aylmer to accommodate the demand projected of 549 units 2014 to 2034. As previously noted, Cottonwood was draft plan approved in 1998 with Phase 1 fully developed and Phase 2 (53 dwelling units) recently registered. It is understood that final approval of Phases 3 and 4 has not been advanced although the Phase 3 plan was recently rezoned but is comprised solely of single detached lots. The OP's stated reliance on Cottonwood may not be appropriate in order to meet the projected unit requirements to accommodate growth potential.

➤ SECTION 3 FUNCTIONAL POLICIES

OP Section 3.1.2 SITE SUITABILITY of the LAND USE POLICIES – ALL LAND USES provides criteria to be satisfied prior to the approval of any development, official plan or zoning by-law amendment of which the following are relevant to this proposed development:

- (1) *Development shall be located in areas of the Town with existing, future or planned service capacity for hydro, natural gas and municipal water.*

- (2) Development with access to sanitary sewer service shall be required to connect and demonstrate adequate unreserved capacity in the service area. Development in close proximity to sanitary sewer service shall be encouraged to connect, where feasible, and where unreserved capacity is available.*
- (3) Development shall demonstrate appropriate, safe access to the local and County road network capable of supporting the type and volume of vehicular traffic generated by the proposed development.*
- (4) Development shall provide on-site storm water quantity and quality management and demonstrate no negative impact to approved drainage outlet(s).*
- (5) Development shall be encouraged to incorporate best management practices and the utilization of low impact storm water management systems.*

Expanding upon these criteria, OP Section **3.1.4 (2) Servicing Strategy/Full Municipal Services** stipulates that new proposals shall not be granted development approvals unless adequate uncommitted reserve water and sewage treatment capacity is demonstrated to be available to be allocated to accommodate the proposed development. CJDL's reports confirm conformity of the Willow Run site in that it is located in a location where full municipal services are available with (and the Town has confirmed) sufficient unreserved capacity to accommodate the proposed development. The proposed storm water management strategy will have no negative impacts on the Catfish Creek and will utilize low impact storm water management systems.

Moreover, the Paradigm TIS demonstrates that safe access exists via Willow Run to Elm Street and capacity exists to accommodate the anticipated volume and type of vehicular traffic generated from the proposed development.

➤ **SECTION 4 LAND USE POLICIES**

Building on the foregoing policies, OP Section **4.2.1 RESIDENTIAL USES** of the LAND USE POLICIES reflect the Town's objectives for its Residential designations of which the following are relevant to the Willow Run proposal:

- (1) To ensure that new development occurs in a manner in keeping with the capacity of the Town's municipal water, sewer and community facilities and the financial capability of the Town.*
- (2) To support the provision of a choice of housing types including location, size, cost, tenure, and design so that a broad range of housing opportunities within the community.*
- (3) To foster the provision of affordable housing and special needs housing.*
- (4) To encourage the provision of an adequate supply of draft approved and/or registered lots and blocks on new plans of subdivision and/or registered lots which have been created in accordance with the policies of this Plan.*
- (5) To encourage infill residential development and intensification of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and*

community facilities.

- (6) To encourage the provision of an adequate supply of new building lots to meet the anticipated demand for additional housing units over the next 10 years as the capacity of the Town's services and land base permit.*
- (7) To promote the maintenance and rehabilitation of the existing housing stock.*
- (9) To encourage residential development that is conducive to the conservation of water and energy and that retain, to the extent feasible, desirable natural features.*
- (10) To support the development of multi-unit, medium density residential uses in locations where development is compatible with surrounding land uses, and where there is safe and convenient access to shopping, public open space, recreation facilities and other urban amenities.*

OP Section **4.2.2 (1), (2), (4) and (11)** of the GENERAL POLICIES applicable to RESIDENTIAL USES also have relevance to the Willow Run proposal:

Section 4.2.2.(1) Housing Mix indicates that the Town shall encourage the development of a range of housing types and tenures to assist in meeting the affordability and density targets of the Plan and to accommodate all age groups and special needs requirements notwithstanding that its housing mix is anticipated to continue to be predominantly single detached dwellings. In that respect, the Willow Run draft plan proposes a total of 185 dwellings units of which 155 will be semi-detached, and either street or condominium townhouse dwellings.

The policy of Section **4.2.2 (2)** Housing Supply is as follows:

It is an objective of this Plan to maintain, at all times, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans. The Town shall review, on an annual basis, the supply of these serviced residential lands against the objective to maintain a minimum continuous three-year supply, as well as the housing mix, affordability and density targets of this Plan.

It is also an objective of this Plan to maintain, at all times, the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.

The housing units to be achieved through the Willow Run proposal will assist in meeting the Town's objective of maintaining a continuous minimum three year supply of residential units. Moreover, the development proposed on this property which is Low Density Residential designated and available through existing servicing infrastructure extension would assist the Town in having the ability to accommodate residential growth for a minimum of 15 years. The Town has confirmed approximately 214 residential units either under construction or registered and expected to begin construction in 2022 (staff email of 23 March 2022). Draft plan approved units comprise approximately 276 with no certainty on timeline for construction. If it is assumed, based on the Watson & Associates Development Charges Background Study (October 15,

2021) (pp 3-5) that the Town will be averaging 39 new housing units annually 2021 to 2031 so approximately 400 units and 600 units over 15 years. On this basis, the 185 units in Willow Run will assist the Town in maintaining the ability to accommodate residential growth, as required by policy, over the next 15 years.

Section **4.2.2 (4)** Vacant and Residentially Designated Areas is particularly applicable to the Willow Run proposal given the property's primary designation as Low Density Residential:

In vacant areas proposed for residential development, housing shall be provided to achieve the housing mix, density and affordability targets of this Plan while ensuring that the overall density restrictions are not exceeded and that conflicts do not occur between housing types. The planning of new residential areas shall make provisions for a range of housing type, size, price and tenure in order to provide accommodation for households of differing socio-economic characteristics.

While housing affordability is a key priority of the OP and there are affordability specific policies, like the County OP they are based on the provincial definition of affordability for ownership housing and for rental housing (OP Section 4.2.2 (8)). While this definition is the standard for planning documents in the province, as has already been discussed achieving "affordable" housing prices according to the definition has become increasingly challenging as a result of the factors that are beyond the control of the development community or municipalities. The Willow Run development will, however, contribute to relative affordability in the Town by its contribution of 185 total new dwelling units of which almost three quarters will be either semi-detached or townhouse units thereby significantly increasing the Town's housing supply and diversity and potentially enhancing affordability.

Internal road networks should be designed to ensure good access to the major road network while discouraging through traffic.

The Willow Run proposal is designed so as to provide good connectivity to Elm Street and will not lend itself to through traffic,

Consideration shall be given to the orientation of streets, lots and buildings to make full use of solar energy, as well as energy efficient construction techniques. In order to achieve this objective, the following design techniques should be considered when evaluating new plans of subdivision:

- (a) east-west street orientation so facing walls and windows of houses may orient south;*
- (b) angled lots; and*
- (c) the development of pedestrian and bicycle pathways that bisect the community, providing the shortest distance between the residential area and areas of employment, community and commercial facilities.*

There will be opportunities for solar features and PCRI is experienced in energy efficient construction principles through its other projects which will be employed. Where feasible, the streets within the draft plan have an east/west orientation and sidewalks will be provided for pedestrian access both to access off site services and for connection to the pathway through to the trail. In future, the Town may consider dedicated bike paths,

Consideration shall also be given to landscaping, planting and facilities that will promote water conservation.

In particular, the storm water management strategy will have the benefit of promoting water conservation through its low impact features. Landscaping and tree planning will be in accordance with Town requirements.

In general, Council shall maintain a flexible attitude towards carefully designed experimental housing. Energy efficient construction of housing shall be encouraged in the Municipality, provided it meets the requirements of the Ontario Building Code.

As noted, PCRI is experienced with energy efficient construction features which will be employed in construction of the dwelling units wherever possible.

New plans of subdivision within the Residential designation shall be designed so that continuous interior access roads will connect to adjacent subdivisions. For larger blocks of lands located adjacent to arterial roads, direct access to the arterial road may be limited.

Vehicular access will be provided via internal streets and Willow Drive through the adjacent subdivision to Elm Street as required.

Undeveloped lands that are designated Residential may be placed in a holding zone in the implementing Zoning By-Law. The holding symbol will be removed when appropriate sanitary sewage, water and other necessary arrangements are made to the satisfaction of the Town and a plan of subdivision or condominium is approved where required. Existing uses shall be permitted in the interim.

The Willow Run lands are zoned as Residential Holding (RH) in accordance with this policy. Although the ZB does not indicate the use of holding zones beyond the RH, the rezoning can occur further to this policy with the County's approval of the plans of subdivision and condominium.

4.2.2 (11):

Finally, the Willow Run lands are designated as Low Density Residential by the OP. The Low Density Residential policies are permissive of single detached, semi-detached, duplex, or converted dwelling units, home occupations uses and public uses whereas the Willow Run draft plan also proposes street and condominium townhouses which constitute Medium Density Residential uses under OP policy. However, OP Section **4.2.3.(4)** Policies for Medium and High Density Residential in the Low Density Residential Designation of Section 4.2.3 RESIDENTIAL LAND USE DESIGNATIONS applies as the lands generally meet the following criteria:

- (a) the subdivision lands about the Town's Rotary Park designated as Parks and Open Space Area and an area of the property designated as Parks and Open Space Area will form a dedication to the Town of Aylmer for the purposes of future parkland development as described herein; and
- (b) the lands about an extensive Employment area to the north beginning with and including the railway lands.

The draft plan would result in a gross density of 9.3 units per gross hectare overall and 10.7 hectares within the Town of Aylmer, thereby within the 10 unit per hectare minimum gross density and the 15 unit maximum gross density in a Low Density Residential Area per OP Section 4.2.3(1).

As a result of the foregoing, the following policies apply to the medium density aspects of the proposed development per Section 4.2.3 (4) (a) to (e):

(a) general compatibility with existing uses in close proximity to the proposed development;

The existing residential uses located to the east of the Willow Run lands are a combination of single detached, semi-detached, fourplex and townhouse development with fourplex and semi-detached dwellings being in closest proximity to the proposed development. The semi-detached dwelling units proposed will directly abut existing semi-detached dwellings on the west side of Hawthorne Crescent. Street townhouses will directly abut fourplex dwellings on the north side of Willow Drive.

(b) the capacity of the roads affected and their ability to handle the expected increases in traffic;

On the basis of the TIS conclusions and recommendations, the conclusion was that the Willow Run be approved as proposed.

(c) the adequacy of services to serve the proposed development;

The adequacy of servicing is addressed in Section 5.2.1 herein.

(d) the adequacy of off-street parking facilities to serve the proposed development; and

All dwelling units proposed provide on site parking as required by the zoning by-law, avoiding reliance on off-street parking.

(e) the provision of landscaping, buffering and building setbacks adequate to protect the privacy of surrounding residential properties.

The draft plan in particular the provision of semi-detached lots on the east side and the proposed rezoning are based on appropriate side and rear yard setbacks ensuring preservation of privacy for the surrounding development,

On the basis of the foregoing, it is concluded that an Official Plan Amendment is not required for the proposed development. Moreover, existing land uses within a 120 metre radius are a mix of low and medium density development including the five fourplexes on the north side of Willow Run and the four semi-detached dwellings on the north side of Willow Drive and west side of Hawthorne Crescent, with the remaining dwellings within the radius being single detached. There are an additional two single detached dwellings within the radius measured from the southeasterly extent of the proposed lots at the end of Lawrence Crescent but this development with intervening extensive vegetated area. Taken together, all of these factors provide an appropriate density transition between existing development and the Willow Run subdivision proposal.

Further to OP Section **4.6** PARKS AND OPEN SPACE, the Town's acceptance of the parkland and stormwater management blocks as parkland dedication as opposed to cash-in-lieu will be in accordance with Section **4.6 (c)** of the Parks and Open space Land Use Policies.

With regard to OP Section **4.7** NATURAL HAZARD AREAS and **4.7.1** DEVELOPMENT CONTROL AREAS and **4.7.2** DEVELOPMENT REGULATED AREAS, the subject property is

indicated on SCHEDULE “B” – NATURAL FEATURES as within a Development Control Area and a Development Regulated Area. Both are based on the CCCA’s regulatory limits and, therefore, the proposed development will be based on permission requirements according to the CCCA’s regulations. Setbacks for the proposed lots are based on CCCA requirements and geotechnical considerations.

Further to OP Section 4.7.4 NATURAL HERITAGE AREAS, it has been noted that an EIS has been prepared in order to address applicable PPS, COP and OP policies with the conclusion that the proposed development would conform with the Official Plans for the Town of Aylmer and the Township of Malahide subject to the recommended mitigation measures.

• SECTION 5 DEVELOPMENT POLICIES

OP Section 5.1.2 (9) is to be referenced whether land division is occurring by plan of subdivision or land severance: Given that the Town’s current development charges will apply, that execution of a subdivision agreement will be required addressing a range of matters including fencing if necessary and servicing and that rezoning is proposed, the proposal conforms with this policy.

CONCLUSION: Based on the foregoing analysis, the Willow Run development proposal would conform with applicable Aylmer Official Plan policies.

3.4 Town of Aylmer Zoning By-law No. 57-99, as amended (ZB)

The ZB was passed on 8 November, 1999. As noted, the current zoning of the subject property is primarily Residential Holding (RH) with Environmental Protection (EP) along the Catfish Creek and its tributaries per Schedule ‘A’ Map 4 thereof (Appendix B). RH Zone permitted uses include: (a) a building or structure accessory to the foregoing permitted uses; (b) a home occupation; (c) a public use; (d) those uses legally existing on the day of the passing of this By-Law per ZB Section 13(2). Lands to the east of are zoned as a combination of Residential Type 1A (R1A), Residential Type 2 (R2), site-specific Residential Type 2 (R2-12 and R2-13), and Residential Multiple First Density (RM1). These zonings are reflective of their Low Density Residential and Medium Density Residential designation under the OP.

Developed lands to the north including the CN/GIO Rail line are zoned as Heavy Industrial (M2) while the currently vacant lands further north are zoned as (M2(h-6)). These lands are owned by the Town of Aylmer and in late 2021 the Town enacted the h-6 holding provision as part of a general housekeeping by-law to clarify its expectations with regard to their future development. Aylmer By-law No. 62-21 to passed 3 November 2021 and in full force and effect contained the h-6 holding provision per ZB Section 4(6)(b)(vii) as follows:

h-6 Purpose: To ensure orderly, comprehensive and compatible development of employment lands, the “h-6” symbol shall not be removed until the following conditions have been satisfied:

- 1. To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the holding symbol; and,*
- 2. To ensure the orderly development of lands and the adequate provision of municipal services, the holding symbol shall not be deleted until full*

municipal sanitary sewer and water services are available to service the site and that sufficient servicing capacity is demonstrated to the satisfaction of the Town; and,

3. To ensure there are no land use conflicts between industrial uses and adjacent residential land uses, the holding symbol shall not be deleted until the owner agrees to implement all noise and vibration attenuation and design mitigating measures, including separation setbacks, as recommended in applicable studies, to the satisfaction of the Town.

The effect of the h-6 provision is that the onus will be on any future proponent of industrial development of these lands to ensure that any appropriate noise and vibration attenuation measures relative to the existing and future adjacent residential development are implemented through the Town's site plan approval authority. This is a key matter due to the implications of the Ministry of the Environment, Conservation and Parks (MECP) land use compatibility guidelines and D-6 Compatibility Between Industrial Facilities in particular. Although the D-6 guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another, it was agreed by Town and County staff (see email of 10 November 2021) that the effect of the h-6 provision is sufficient to confirm that possible future industrial development will be required to address any incompatibilities and implementation of any required attenuation measures including setbacks will occur through the Town's site plan approval authority.

The zoning proposals set out in Section 2.3 herein and are generally intended to achieve cost-effective development standards to minimize the overall relative cost of the housing units that would result. The proposed ZBA would implement some marginally reduced standards from those of the ZB on a site-specific basis in order to deliver the number of units proposed which, in turn, could contribute to lower housing costs for the proposed development and greater affordability.

For instance, the proposed R2-XX zone applicable to the semi-detached lots would marginally adjust the minimum lot area for a semi-detached dwelling from 650 m² to 620 m² (noting that the 310 m² lot area regulation for one-half of a semi-detached dwelling would be met), minimum front yard from 7 m to 6 m and the exterior side yard depth from 7.0 m to 3.5 m.

The proposed R3-XX zone applicable to the single detached lots would maintain the current minimum lot frontage of 25.0 m but adjust exterior side yard depth from 7.0 m to 3.5 m and stipulate a garage (front yard) setback of 6 m

The proposed RM2-X zone applicable to the street townhouse blocks will stipulate regulations appropriate to this form of development and to the eventual division of the units into individually created lots.

The proposed separate RM2-XX zone applicable to the vacant land condominium townhouse dwellings (Block 77) would adjust the minimum front yard from 6.0 m to 3.0 m on the north side, the minimum interior yard from 3 m to 2 m and the minimum rear yard from 6.0 m to 3.7 m on the south side.

In all cases, maximum lot coverage of 50% is proposed in order to accommodate buyer preferences on the lot sizes proposed. Further, 4.0 maximum deck encroachment is proposed for the R2-XX and R3-xx zones which, based on the minimum rear yard regulation applicable to

both zones of 7.5 m, would result in ample open green space of 3.5 m minimum on individual lots and would also accommodate buyer preferences.

The proposed ZBA would also provide clarity with regard to the future division of semi-detached and townhouse units vis-à-vis zoning regulations including interior side yard, minimum lot area and frontage and other setbacks. Further, the ZBA would stipulate garage setbacks in conformity with the dwelling setback to achieve appropriate urban design.

CONCLUSION: The Aylmer Zoning By-law dates to 1999 and, as a result, does not necessarily reflect regulations appropriate to recent residential development except by site-specific zoning which is consistent with the Willow Run site-specific zoning proposals. The development proposed is an opportunity for growth that will assist the Municipality in achieving its population projections as well as an opportunity for housing that is more affordable and in addressing needs not currently being met in the area. Affordability is directly impacted by lot size and other regulations and associated servicing costs, justifying the reduced zoning standards required by this proposed plan of subdivision.

4.0 LAND USE COMPATIBILITY

4.1 Abutting Land Uses

As was illustrated in Section 1.2 and discussed in Section 2.7, the subject property is located adjacent to lands which have already been developed for residential purposes at varying densities including single detached, semi-detached, and townhouse varying between one and two storey heights. As required by OP policy, the proposed development represents an appropriate transition between this pattern of residential development associated with prior zoning generally in accordance with existing ZB regulations and the scale of development required in order to provide a greater range of residential options including type and density. Proposed lots abutting existing development to the east which is the main interface location are semi-detached maintaining consistency with the abutting semi-detached development and maintaining existing minimum rear yard regulations.

To the north, the subject property abuts industrial lands including the CN/Gio Line right-of-way which will be buffered by a berm along the rear lot lines of the lots immediately adjacent as recommended by the Rail Noise and Vibration and Land Use Compatibility Feasibility Study. To the east, similar buffering was required for the lots abutting the railway lands.

CONCLUSION: The proposed development would be compatible with abutting land uses and consistent with the established neighbourhood character..

4.2 Intensity of Use

The density of the residential uses proposed were envisioned in the OP on the basis of the Municipality's desire to achieve new development in a compact form as a logical extension of existing development. Moreover, the plan permits a range of residential densities through the Low Density Residential designation that applies supplemented by the Medium Density in Low Density Residential designation policies that apply to the subject property appropriate to the immediate vicinity and the Town of Aylmer.

CONCLUSION: The intensity of use proposed for the subject property is appropriate.

4.3 Scale and Massing

The proposed development will be a mix of single storey and two storey residential development consistent with adjacent residential development in Aylmer. As a result, there are no scale and massing implications warranting shadowing assessment.

CONCLUSION: The scale and massing proposed for the subject property is appropriate and will not impact adjoining properties.

4.4 Pedestrian Circulation

Internal sidewalks will provide for pedestrian movement within the proposed development with linkage to existing Willow Run and Elm Street sidewalks to the Town's Commercial Core as well as to schools, recreational facilities, etc. Plus, Blocks 78 and 79 will provide pedestrian linkage including through to the parkland and trails to be developed. .

CONCLUSION: Pedestrian circulation can be adequately provided as a condition of subdivision approval and by future actions of the Municipality relative to future trails as depicted on Figure 2.

4.5 Traffic

As was referenced in Section 3.2 herein, PCRI has undertaken the preparation of a TIS to be referenced in Section 5.5 of this report and no improvements to the road network are required to accommodate the proposed development.

4.6 Parkland

As has been previously indicated and based upon indications from the Municipality, the draft plan proposes the dedication to the Town of Aylmer the parkland blocks will representing a very significant proportion of the draft plan of subdivision..

4.7 Community Investment

The proposed development of the subject property would add a possible 185 dwelling units to the Town of Aylmer. This is based on the numbers set out in Section 2.1 herein. There is the potential for numerous positive spin off effects for local businesses and services of having the additional residents.

In addition, the proposed development will contribute substantial development charges as per the current Town of Aylmer Development Charges By-law.

CONCLUSION: The proposed development will contribute substantially to offset any growth-related impacts upon eligible services within the area and to help finance required improvements. There is also expected to be spinoff effects ranging from the support of local

businesses and services to potential employment.

5.0 TECHNICAL STUDIES

5.1 Environmental Impact Study (EIS)

The EIS prepared by Vroom & Leonard (October 2022) was required further to the COP and OP due to the presence of the Natural Heritage features associated with the Catfish Creek valley/ravine lands primarily on the south side of the subject property. There were also species at risk investigations required. The proposed development was assessed with regard to abiotic (soils and slopes, hydrology and water) and biotic considerations including aquatic, flora, fauna, significant wildlife habitat, diversity, linkage and size, disturbance and representativeness.

The EIS provided a series of mitigative and enhancement recommendations pertaining to trail creation within the parkland blocks, the cul-de-sac road in the northwest of the draft plan, rear yard plantings in certain areas of the draft plan, construction measures and potential naturalization enhancement opportunities. As noted, there were no potential issues nor potential cumulative effects of the development proposed and no additional information or studies was identified as required to address the natural heritage aspects of the proposal.

5.2 Servicing Reports

CJDL has prepared three reports pertaining to the servicing of the proposed Willow Run subdivision: Preliminary Servicing Report, Preliminary Stormwater Management Report and Design Brief for the Willow Drive Sanitary Sewage Pumping Station and Forcemain.

5.2.1 Preliminary Servicing Report and Preliminary Stormwater Management Report

a. Watermain

Willow Run Subdivision will be provided with municipal water by extending the Town of Aylmer's existing distribution system. A looped feed will be provided, by extending both an existing 200mmØ watermain stub at the west limit of Willow Drive, and also by connecting to the existing 300mmØ trunk watermain within the lower lands north of Catfish Creek.

Using onsite hydrant flow testing data as well as as-constructed records for the existing distribution network, CJDL constructed a WaterCAD hydraulic model as a design tool for proposed watermain infrastructure within the subdivision. In accordance with design requirements of both the MECP and Town of Aylmer, the water model has been ran for average day, maximum day, peak hour, and maximum day plus fire flow demand scenarios. The FSR concludes that extending the distribution systems proposed provides a satisfactory level of service to the proposed subdivision lands, and no external improvements are required.

b. Sanitary Sewage

Sanitary sewage generated from the Willow Run Subdivision is proposed to be conveyed to the Aylmer Lagoons via the Town's main sanitary pumping station in Optimist Park. Sanitary sewage will be conveyed via an existing 300mmØ gravity sewer on Willow Drive. It has been confirmed by the Town of Aylmer that uncommitted reserve capacity exists within the Aylmer Lagoons to provide sanitary treatment for the subdivision lands.

Due to topographical constraints of the site, a sanitary sewage pumping station is required to provide gravity basement sanitary service to the subdivision lands. The pumping station is proposed to be located on the north side of Willow Drive, towards the west limit of the subdivision, on Block 86 of the Draft Plan of Subdivision. The tributary service area of the pumping station includes Willow Run Subdivision, and also external westerly lands within the Township of Malahide.

c. Storm Drainage

The Preliminary Servicing Report indicates that storm servicing will be provided to Willow Run via an internal storm sewer network following Street 'A' and Willow Drive. The minor flows will be conveyed to the stormwater management facility (SWMF) via the underground storm sewer. The storm sewer will flow from the northeast corner of the site to the southwest corner of the table lands. The major flows will also flow from northeast to southwest within the ROW. All major and minor flows will be directed to the SWMF with the exception of the rear yards for the lots that back onto the eastern and western ravines and the south slope to the lowlands. (pg 8)

The Preliminary Stormwater Management Report Executive Summary includes the following findings:

- i. *The Willow Run Subdivision lands are located within the Catfish Creek Watershed. Drainage is currently provided to the site by a series of existing ravines and watercourses, all of which generally flow southwest and eventually drain to Catfish Creek itself, before flowing southwest to Lake Erie.*
- ii. *Water balance and groundwater concerns were addressed by Vroom + Leonard in the 'Issues Summary Report' (November 2021), where it was found that the woodland within the adjacent ravines were not reliant upon groundwater and surface drainage due to soil type and a lack of significant groundwater features.*
- iii. *The storm sewers and stormwater management facility (SWMF) have been designed in general accordance with the 'Stormwater Management Planning and Design Manual' (MECP, 2003). Outflow rates from the SWMF are in accordance with parameters set-forth by the predevelopment outflow rates.*
- iv. *An end-of-pipe SWM wet pond and wetland facility is proposed near the southwest limit of the table lands and will be the primary vehicle to provide quantity and quality control for the development. The permanent pool volume in the SWMF achieves MECP targets for quality control (suspended solids settlement, biological removal of pollutants, etc.). The outlet control structures will restrict peak flows from storm events from 2-year to 100-year design frequency. The quality storm (25mm-1hr AES) is required to drain the first 1 inch of rainfall over a minimum period of 24 hours.*
- v. *The SWMF will outlet into Catfish Creek that runs along the south property boundary. The rear yards of lots that back onto the existing ravines and floodplains will drain directly into the open channels and floodplain bypassing the SWMF.*

d. Other Servicing Note

ERTH Power Eastlink, Rogers and Epcor will be the service providers for the subdivision through connections to existing infrastructure on streets abutting the subject property.

5.3 Geotechnical Engineering Report

A geotechnical report has been completed by MTE in support of the proposed development which provided recommendations with regard to site preparation, site servicing (inclusive of excavations and dewatering, pipe bedding, trench backfilling, concrete slab-on-grade), pavements, stormwater infiltration and preliminary hydrogeological comments (pp. 6 – 13).

In addition, the following construction and testing recommendations were provided:

MTE recommends that geotechnical inspection and testing procedures be conducted throughout the various phases of the project.

Engineer site visits should be conducted to confirm geotechnical bearing resistances for footings. Soil compaction testing should be carried out on structural fill beneath the residential building, foundation wall backfill, trench backfill and slope stability. Laboratory and field testing of the pavement structure components (granulars and asphaltic concrete) should be conducted, as well as concrete testing for foundations. (pg. 14)

5.4 Noise and Compatibility Report

The Noise and Compatibility Report prepared by HGC Engineering (October 2022) provides the following summary and recommendations:

1. *A combined 4.0 m high noise barrier above top of rail (2 m high earthen berm with a 2 m acoustic wall on top) is recommended along the north property line adjacent to the railway right of way. The wall component of the barrier can be constructed from any concrete, wood, plastic or composite construction with a minimum surface density of 20 kg per sq. m. and free of gaps or cracks within or below its extent. A typical wood acoustical wall detail is provided by the report..*
2. *Brick or masonry exterior wall constructions from foundation to rafters are required for the first row of dwelling units adjacent to the rail line. A typical equivalent to brick masonry construction is provided as Figure 5 to the report..*
3. *HGC Engineering has reviewed the Building Drawings entitled “Hayhoe Homes Willow Run Typical Building Adjacent to Rail Line” Dated February 8, 2022 attached in Appendix D and the most recent site plans and Grading Plans attached in Appendix E and confirm that they will provide sufficient acoustical insulation for these purposes.*
4. *For the remaining dwelling units, any building construction meeting the minimum requirements of the Ontario Building Code will provide adequate acoustical insulation.*
5. *Central air conditioning systems are required for the first row of dwelling units adjacent to the rail line. Forced air ventilation systems with ducts sized for the future installation of air conditioning by the occupant or central air conditioning systems are required for the second row.*
6. *Warning clauses are required in the property and tenancy agreements and offers of purchase and sale in order to inform future owners/tenants of the proximity to the railway line, the sound level excesses related to the railway line and the proximity of nearby industrial/ commercial facilities.*
7. *Vibration measurements should be conducted when the railway resumes operation to determine if vibration levels are significant and recommend any vibration mitigation measures which may be found to be required.(pp. 14 – 15)*

The report recommends that, to ensure that the noise control recommendations outlined above are fully implemented prior to assumption of the subdivision, the Municipality's building inspector or a Professional Engineering qualified to perform acoustical engineering services in the Province of Ontario should certify that the noise control measures have been properly installed and constructed.

5.5 Archaeological Assessment

As has been noted in 3.2 herein, field work for a Stage 1 archaeological assessment was completed in the fall of 2021 (Lincoln Lincoln Environmental Consulting Group, Stage 1 Archaeological Assessment of Willow Drive Parcel in part of Lot 80 & 81, Concession North of Talbot Road East, Geographic Township of Malahide, Now Town of Aylmer, Elgin County, Ontario, February 2022). The Analysis and Conclusions of this work is as follows:

During the Stage 1, no fieldwork was conducted nor was a site inspection conducted. As based on the aerial the entire study area is being recommended for a Stage 2 property assessment. As based on the aerials, the recommendation for a Stage 2 property assessment proposes 5m interval pedestrian be carried out for the 80% of the property that consists of agricultural field and 5m interval test pit survey be carried out for the 20% of the property that consists of woodlot. (pg. 11)

As has been noted, the Stage 1 report has been reviewed and entered into the Ontario Public Register of Archaeological Reports by the Ministry of Culture and Multiculturalism as of 23 September 2022.

The Stage 2 field work has now been completed for the property and a limited archaeological site was identified within the lowlands of the property well outside of the proposed development. Lincoln Environmental Consulting (LEC) has completed a "Controlled Surface Pickup" (CSP) for this archaeological site, and to the satisfaction for the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI), a 20m avoidance (no construction) and 50m monitoring buffer will be implemented from its perimeter. The Figure 2 Trail Map depicts this area indicating a 20 metre setback within which no disturbance would take place with construction monitoring and the Stage 2 report is being completed and submitted to the Ministry.

5.6 Traffic Impact

As has been previously indicated, a TIS was completed for the Willow Run proposal in October 2022 (Paradigm Transportation Solutions Limited, Willow Run Residential Subdivision, Aylmer, Traffic Impact Assessment, October 2022). The TIS was prepared in accordance with requirements of the County of Elgin with regard to key intersections within the Town of Aylmer including Elm Street (CR53) / Talbot Street W, Elm Street (CR53) / Willow Drive, Elm Street (CR53) / Beech Street (CR53), and Beech Street (CR53) / John Street N (CR73) (see [Appendix D](#)).

The TIS conclusions and recommendations are as follows:

Based on the investigations carried out, it is concluded that:

- **Existing Traffic Conditions:** *The study area intersections are currently operating with acceptable levels of service.*

- **Development Trip Generation:** *The development is forecast to generate 105 AM peak hour trips and 131 PM peak hour trips.*
- **Background Traffic Conditions:** *The study area intersections are forecast to operate with acceptable levels of service under 2026, 2031 and 2036 background traffic conditions.*
- **Total Traffic Conditions:** *The study area intersections are forecast to operate with acceptable levels of service under 2026, 2031 and 2036 total traffic conditions. The southbound left-turn movement at the intersection of John Street North and Beech Street is forecast to operate with v/c ratio of 0.86 during the PM peak hour under 2036 total traffic conditions.*
- **Subdivision Roads and Access:**
 - *The main access intersection of Willow Drive and Elm Street is forecast to operate with LOS B or better during the AM and PM peak hours.*
 - *A northbound left-turn lane is not warranted on Elm Street and Willow Drive under 2026, 2031 or 2036 forecast total traffic volumes. John Street North and Beech Street: The southbound left-turn movement is not directly impacted by the subject development, is forecast to operate with LOS C and delay is to increase only by 2 seconds compared to 2036 background traffic conditions. Optimization of signal timings can relieve the potential long-term*
 - *Internal Road System: The subdivision design provides 20-metre right-of-way for both the Willow Drive extension and for Street A, consistent with the project development traffic volumes on the subdivision roadways.*
 - *Emergency Access: The site is constrained by an existing railway corridor to the north, and Catfish Creek and wetlands to the south. These constraints prohibit the potential for providing an alternative emergency access connection to Elm Street. However, the emergency access requirements are addressed through the subdivision road system which is designed to provide multiple connections to facilitate access within the subdivision. The distances between access points and different parts of the subdivision range from less than 100 metres to a maximum of 280 metres which are within the range of allowed maximum distances in other jurisdictions. The road system also has the potential for future road connections to the west.*
- **John Street North and Beech Street:** *The southbound left-turn movement is not directly impacted by the subject development, is forecast to operate with LOS C and delay is to increase only by 2 seconds compared to 2036 background traffic conditions. Optimization of signal timings can relieve the potential long-term (2036) capacity constraint for this movement.*
(pp. 40 -- 41)

The TIS conclusions with regard to Alternative Emergency Access are relevant relative to prior consideration of an access road within Malahide Township to the west which was in response to request from the County during consultation. However, the Figure 1 draft plan reflects the recommended continuation of Willow Drive as a perimeter road within the subdivision which is an appropriate response to the County's request and in accordance with the TIS recommendation.

Based on the foregoing findings and conclusions, the TIS recommended that the Willow Run development be approved as proposed.

6.0 CONCLUSIONS

The proposed development of the subject property by way of residential plan of subdivision and condominium approval and rezoning represents efficient and appropriate development consistent with the PPS and in conformity with the OPs for the County of Elgin and the Town of Aylmer. The subject property is fully within the SA of Aylmer with the residential portion of the draft plan lands designated as Low Density Residential and adjacent to lands previously developed for residential purposes. Its location provides an opportunity for development consistent with the Aylmer OP Residential Uses Goals of promoting sustainable, efficient and diverse residential neighbourhoods and providing a diverse range of housing types and densities that are compatible with existing development and with Aylmer as a whole. In particular, the Willow Run proposal would constitute intensification of a vacant parcel of land within a designated area compatible with existing uses contributing to more efficient use of sewer and water services and community facilities.

The additional housing would assist Aylmer in meeting its growth projections and targets and potentially assist in achieving more relative affordability and would be compatible with provincial goals for additional housing. The proposed development would be compact in form, be a logical extension to existing development and make use of existing servicing infrastructure. Although the scale of development would be greater intensity than what currently exists in some older parts of the Town including immediately adjacent to the subject property, continuing to develop at that scale would be land consumptive, uneconomical and result in reduced affordability, contrary to PPS, COP and OP policies. The addition of this proposed development will provide enhanced housing options and is anticipated to have a positive impact upon local businesses and services. The development charges accruing from the development would assist in addressing service improvements required as a result of growth impacts within the Town of Aylmer.

The EIS identified no negative, nor adverse or unalterable direct impacts upon the natural heritage features as a result of the proposed development. Mitigation measures are recommended to ensure consistency with the PPS and conformity with the OPs which should be included within any agreement with the proponent. The parkland dedication that is an essential part of this development will enhance the Town's existing parkland system including a significant wetland enhancement opportunity, enable the extension of the Town's trail system and provide linkage through to the East Elgin Community Centre.

In summary, the proposed development is:

- consistent with the PPS
- in conformity with the Elgin County Official Plan
- in conformity with the Town of Aylmer Official Plan
- in conformity with the Township of Malahide Official Plan
- in compliance with the Aylmer Zoning By-law subject to the consideration of zoning appropriate to the density of development proposed
- representative of sound land use planning.

7.0 REFERENCES

CJDL, Willow Run Subdivision Town of Aylmer Preliminary Servicing Report, 4 November 2022.

CJDL, Willow Run Subdivision Town of Aylmer Preliminary Stormwater Management Report, 4 November 2022.

CJDL, Willow Run Subdivision Town of Aylmer Design Brief for the Willow Drive Sanitary Sewage Pumping Station and Forcemain, 4 November 2022.

MTE Consultants, Willow Drive Vacant Lands Development Geotechnical Investigation, October 14 2022.

HGC Engineering, Rail Noise and Vibration and Land Use Compatibility Feasibility Study Proposed Willow Drive Residential Development Town of Aylmer, Elgin County, Ontario, October 2022.

Lincoln Environmental Consulting Group, Stage 1 Archaeological Assessment of Willow Drive Parcel in part of Lot 80 & 81, Concession North of Talbot Road East, Geographic Township of Malahide, Now Town of Aylmer, Elgin County, Ontario, February 2022.

Paradigm Transportation Solutions Limited, Willow Run Residential Subdivision, Aylmer, Traffic Impact Assessment, October 2022.

Vroom & Leonard, Scoped Environmental Impact Study, October 2022.

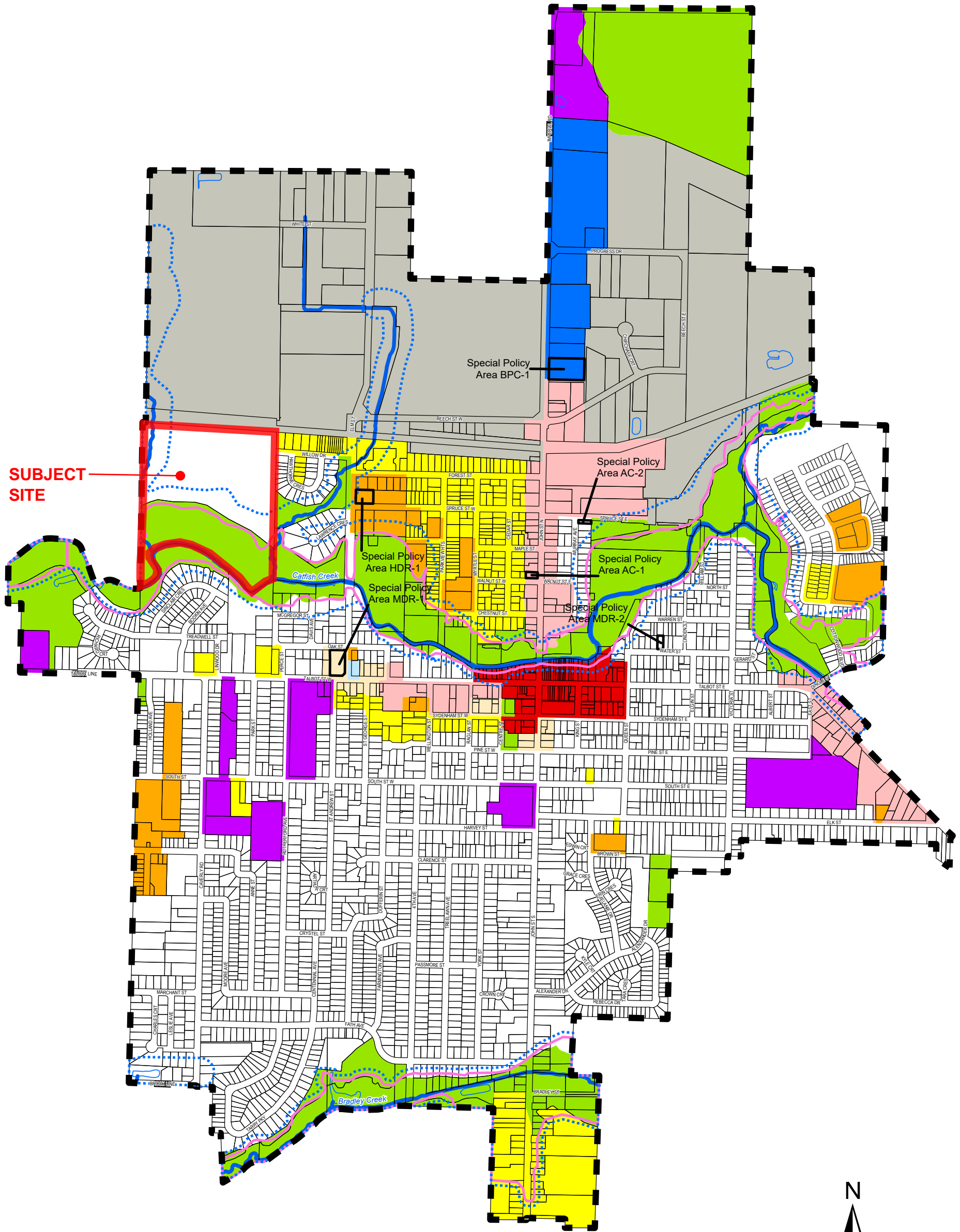
APPENDIX A

TOWN OF AYLMER OFFICIAL PLAN

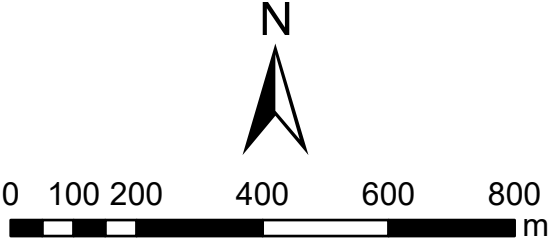
SCHEDULE “A” – LAND USE PLAN

SCHEDULE “B” – NATURAL FEATURES

SCHEDULE “C” – ROADS PLAN



SOURCE:
Parcel Data/Land Use: Town of Aylmer
Watercourse/Waterbody: Ontario Hydro Network (Ontario Ministry of Natural Resources and Forestry)
Roads: Ontario Road Network (Ontario Ministry of Natural Resources and Forestry)
Regulation Limit/Flood Line: Copyright © Catfish Creek Conservation Authority
Cottonwood Subdivision Parcels: MHBC



Legend

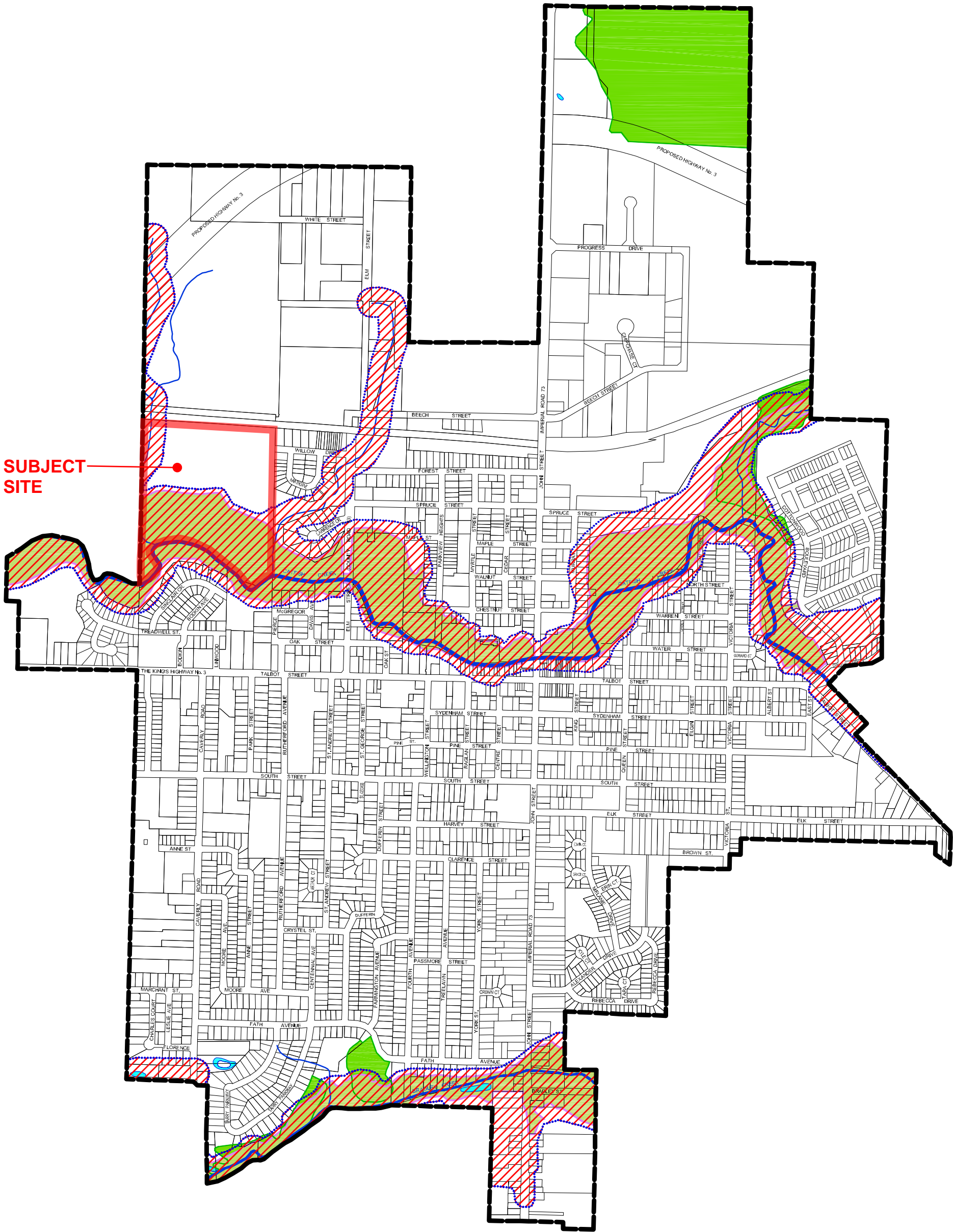
- | | |
|----------------------------|-----------------------|
| Low Density Residential | Institutional |
| Medium Density Residential | Employment |
| High Density Residential | Parks and Open Space |
| Office Residential | Municipal Boundary |
| Core Commercial | Flood Line |
| Arterial Commercial | CCCA Regulation Limit |
| Business Park Commercial | Waterbody |
| Neighbourhood Commercial | |

TOWN OF AYLMER
OFFICIAL PLAN

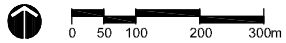
SCHEDULE "A" - LAND USE PLAN

Draft
2020-10-29





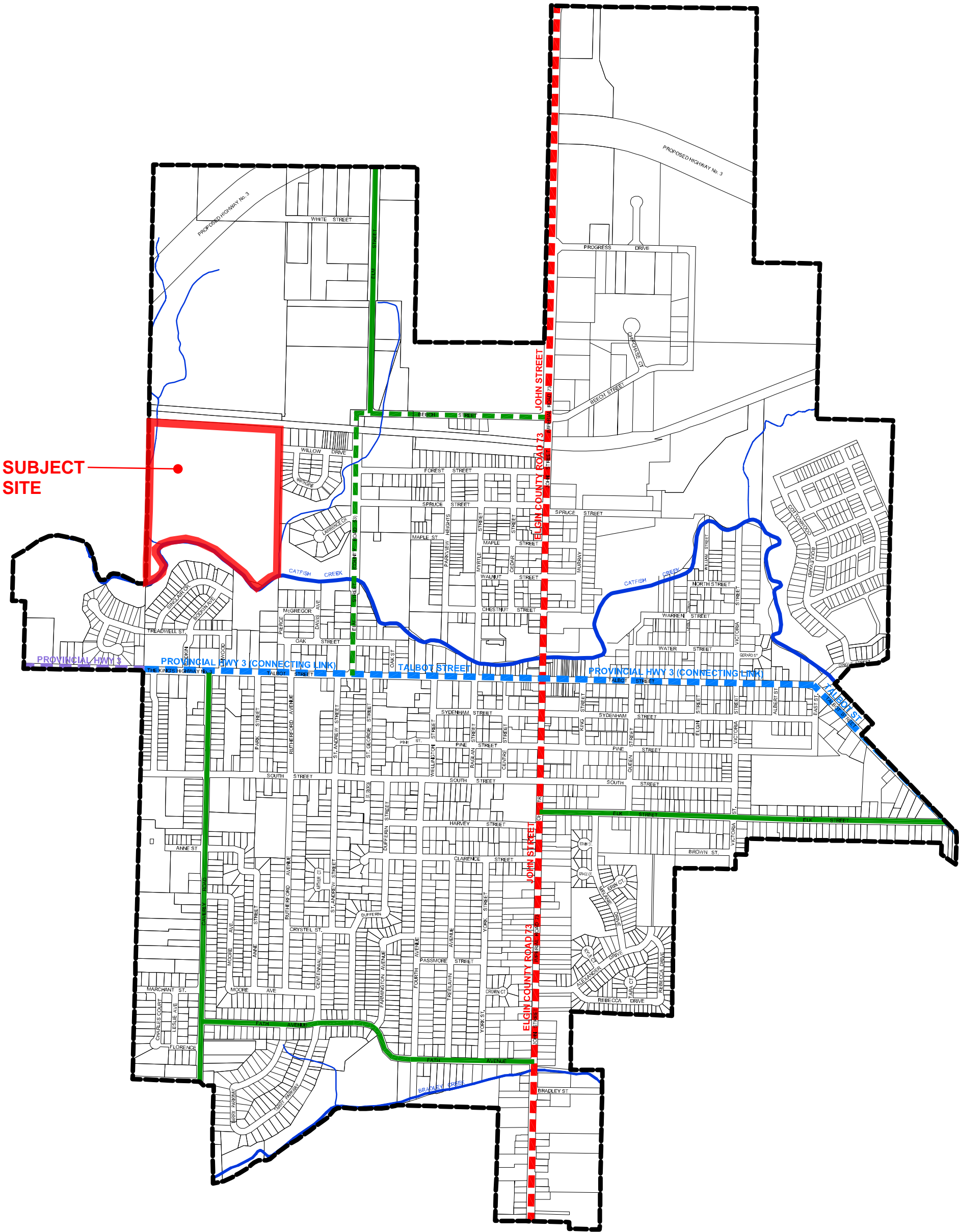
TOWN OF AYLMER
OFFICIAL PLAN
SCHEDULE "B"
NATURAL FEATURES



Base mapping provided by the Town of Aylmer
CCCA Regulation Limit and Flood Line mapping provided by the Catfish Creek Conservation Authority, 2006
Woodlot mapping provided by the CCCA and the Ministry of Natural Resources, 2006

LEGEND

- | | | | |
|---|----------------------------|---|-----------------------|
|  | SIGNIFICANT WOODLOTS |  | DRAINAGE |
|  | DEVELOPMENT CONTROL AREA |  | MUNICIPAL BOUNDARY |
|  | DEVELOPMENT REGULATED AREA |  | FLOOD LINE |
|  | WATER |  | CCCA REGULATION LIMIT |



TOWN OF AYLMER
OFFICIAL PLAN
SCHEDULE "C"
ROADS PLAN

0 50 100 200 300m
Base mapping provided by the Town of Aylmer

MODIFICATION
NO. 10

- LEGEND
- ARTERIAL ROADS
- PROVINCIAL HIGHWAY
 - PROVINCIAL HIGHWAY (CONNECTING LINK)
 - COUNTY ROAD
- COLLECTOR ROAD
- COUNTY ROAD
 - LOCAL COLLECTOR
 - LOCAL ROAD

APPENDIX B

**TOWN OF AYLMER ZONING BY-LAW NO. 57-99 AS AMENDED
MAPS 4 AND 1**

SUBJECT SITE

76

RH

R2

RM1

WILLOW DR

R2-12

R2-13

R2

R1A

R1A

R2

R1A

POS

RM2-5

EP

R1B

LAWRENCE CRES

EP

POS

R1

R1

SINCLAIR CRES

R1

R1

BODKIN AVE

R1

POS

R1

R1B

R1B

R1B

MCGREGOR ST

R1B

R2

TREADWELL ST

R2-7

R1

R1

R2

RM2

LINWOOD DR

R1

R2-2

R2

R2

R1B

PIERCE AVE

OAK ST

DAVIS AVE

R1

R2

RO

RM2-6

C4-1 R2-11

RO-7

R2

SCHEDULE 'A'
MAP 4
TOWN OF AYLMER
ZONING BY-LAW No. 57-99



77

M2

M2-1

M2

WHITE ST

M2(h-6)

M2

APPENDIX C

TOWNSHIP OF MALAHIDE OFFICIAL PLAN

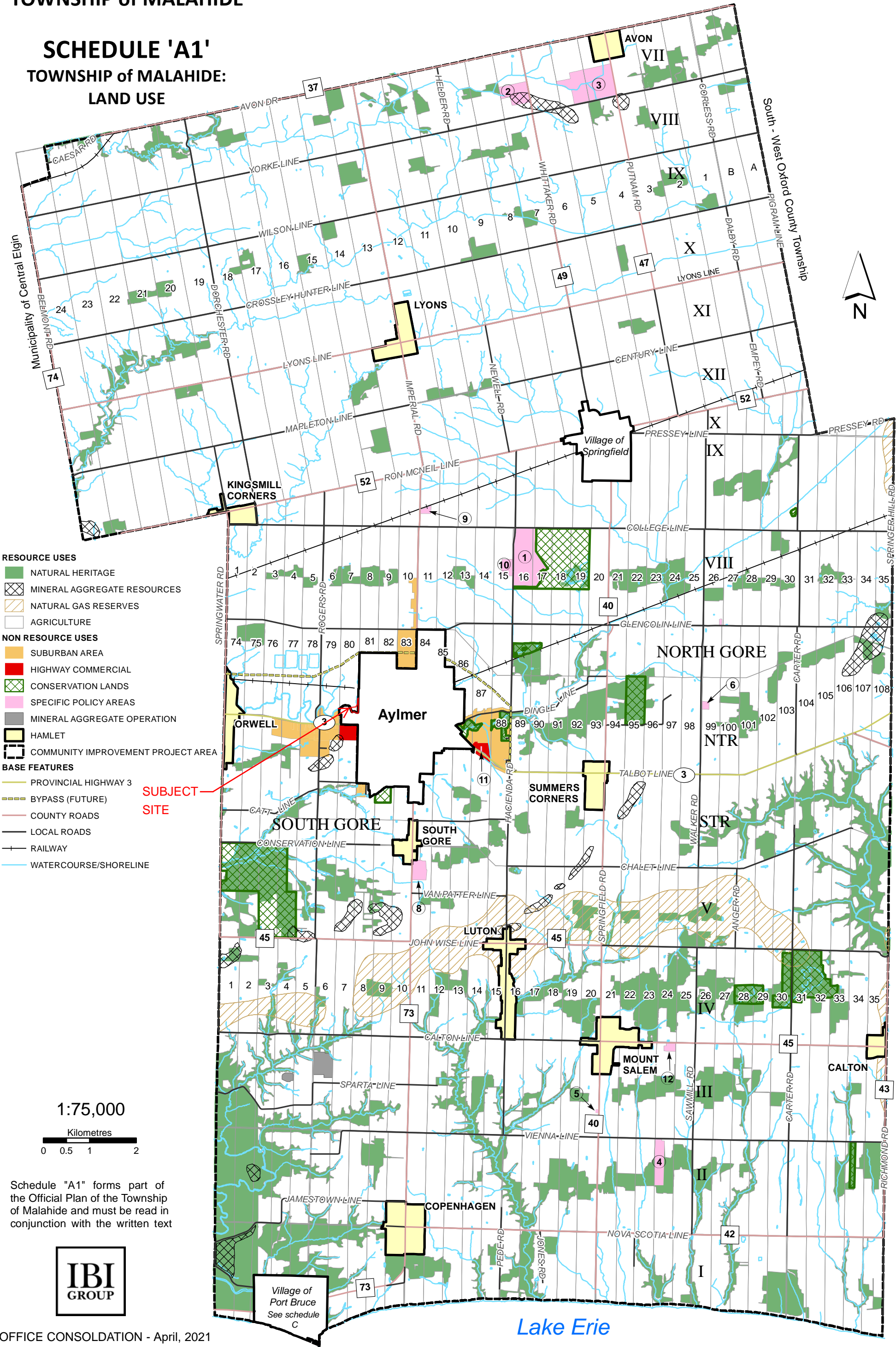
SCHEDULE 'A1' TOWNSHIP OF MALAHIDE: LAND USE

SCHEDULE 'A2' TOWNSHIP OF MALAHIDE: CONSTRAINTS

SCHEDULE 'G' MAP NO. G2 TALBOT WEST

OFFICIAL PLAN
OF THE
TOWNSHIP of MALAHIDE

SCHEDULE 'A1'
TOWNSHIP of MALAHIDE:
LAND USE



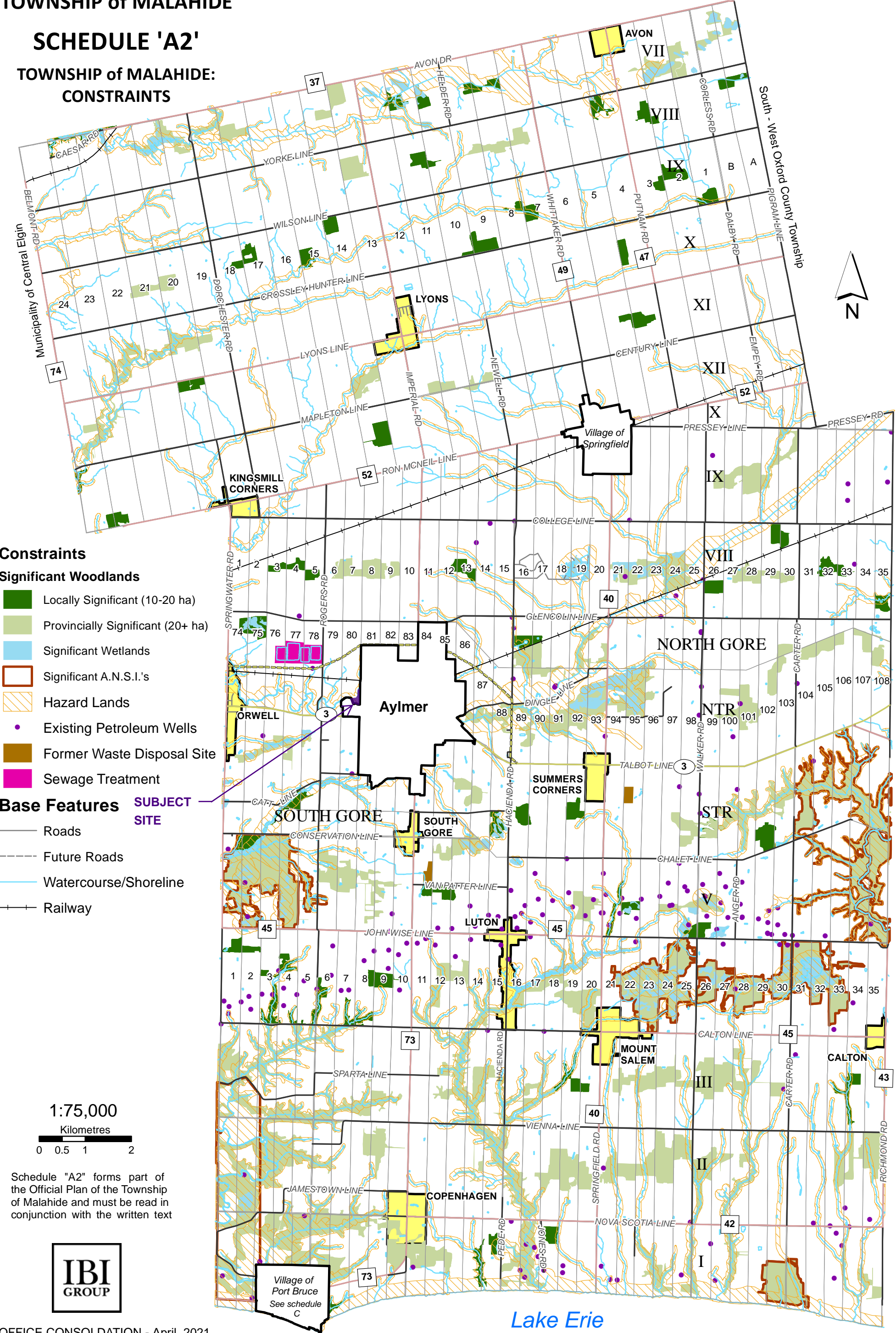
Schedule "A1" forms part of the Official Plan of the Township of Malahide and must be read in conjunction with the written text



OFFICIAL PLAN
OF THE
TOWNSHIP of MALAHIDE

SCHEDULE 'A2'

TOWNSHIP of MALAHIDE:
CONSTRAINTS



Map 43

SCHEDULE G- MAP No. G1

TOWN OF ALYMER

LOT 79 (6)
N.S.T.R.
CONCESSION VII

LOT 80 (7)

A1

SUBJECT SITE

TOWN OF ALYMER

RC-12

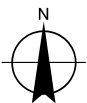
RR

RR

RR

TALBOT LINE

SCHEDULE G- MAP No. G4

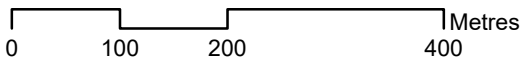


Township of Malahide
Comprehensive Zoning-Bylaw No.18-22

SCHEDULE 'G'

Map No. G2

TALBOT WEST



APPENDIX D

RECORDS OF CONSULTATION

TOWN OF AYLMER, 24 AUGUST 2021

TOWNSHIP OF MALAHIDE, 13 APRIL 2022

Record of Consultation

Meeting Date: August 24, 2021

Date of Record: September 16, 2021

Town Staff: Christie Kent Rob Johnson Josh Brick Chelsea Jibb**Attendees:** William Hayhoe Jr., Will Hayhoe, Tony Difazio (CCCA), Barb Rosser (Agent), Deren Lyle (CJDL - Developer), Nancy Pasato (County Planner), Adam Betteridge (Malahide CAO), Peter Penner(CJDL - Town)**Owner:** Performance Communities Inc. (Hayhoe Homes)**Agent:** Barb Rosser, Planner & Deren Lyle, Engineer**Background**Proposal

Development of vacant lands for residential purposes

Unit potential initially identified as approximately 160 low and medium (townhouse) density units

Current Land Use Designation

Low Density Residential

Currently Zoning

Residential Holding (RH) Zone

Proposed Access

Single access from Willow Drive proposed

Summary of Key Discussion Items

1. Lands located adjacent to development area within the Township of Malahide
2. Ownership and planning for lower table / parkland areas
3. Extension of train network across Township lands and creek to connect to East Elgin Community Complex
4. Status of Supporting Studies
5. Requirements for Zoning / Land Use Compatibility
6. Submission Timing

Summary of CommentsCounty of Elgin

County Engineering Services requires the preparation of Traffic Impact Study which shall also review cumulative impacts on the following various intersections:

- Elm Street (CR53) / Talbot Street W;
- Elm Street (CR53) / Willow Drive;
- Elm Street (CR53) / Beech Street (CR53); and,

- Beech Street (CR53) / John Street N (CR73)

The Developer or their transportation agent is encouraged to connect directly with Engineering Services staff to finalize the required terms of reference.

County notes that development is currently limited to a single emergency access – request that the developer consider a secondary access or other means of emergency access to the lands

Developer may wish to consider adding adjacent lands as a block within the proposed Plan of Subdivision opposed to proceeding through the Consent process

County to confirm if completion of three-season EIS can be included as a condition of draft plan approval

Town of Aylmer

Aylmer is committed to working with MECP and local Council regarding the application D-Series Guidelines and land use controls

A Zoning By-law Amendment will be required for upper and lower table lands related to land use permissions and provisions for residential and environmental protection areas – to be included as a condition of draft approval

Detailed comments related to site servicing will be providing following receipt and review of a Servicing Memo

Aylmer will work with Town staff and the CCCA to establish a vision and objectives for park development on the lower table lands within the development

Township of Malahide

A Site-specific Zoning By-law Amendment will be required – to be included as a condition of draft approval

Agreements shall include that Malahide will have no liability, obligations or maintenance requirements for lands located within the Township forming part of this development.

Malahide requests confirmation that Town of Aylmer is satisfied with remaining lagoon capacity to service development – to be included as a condition of draft approval

Catfish Creek Conservation Authority

With respect to stormwater management, preference to keep treatment out of flood plain but will consider hybrid model, including lower table lands, if other options investigated first.

The Developer shall obtain a permit pursuant to the *Conservation Authorities Act* for Development, Interference and Alterations within a Regulated Area.

Applications Required

- ☐ County Official Plan Amendment – County Approval
- ☐ Aylmer Official Plan Amendment – County and Local Approval
- ☒ Plan of Subdivision – County Approval

- ☐ Plan of Condominium – County Approval
- ☒ Zoning By-law Amendment – Local Approval
- ☒ Site Plan Control – Local Approval (If applicable)
- ☐ Consent to Sever – Land Division Committee Approval (if applicable)

Consultations

In advance of formal submission of any of the above applications, the Town recommends undertaking the following consultations:

1. Elgin County
 Brian Lima, County Engineer
 450 Sunset Drive
 St. Thomas, ON. N5R 5V1
 (519) 631-1460 ext. 117
blima@elgin.ca
 Nancy Pasato, Manager of Planning
 450 Sunset Drive
 St. Thomas, ON. N5R 5V1
 (519) 631-1460 ext. 126
npasato@elgin.ca
2. Utility Providers
3. Catfish Creek Conservation Authority
 Tony Difazio
 Resource Planning Coordinator
 8079 Springwater Road, R.R.#5,
 Aylmer ON. N5H 2R4
 519-773-9037
planning@catfishcreek.ca
4. Town of Aylmer Operations Staff / Town's Consulting Engineer regarding servicing

Robert Johnson Director of Operations Town of Aylmer 46 Talbot St. West Aylmer, ON. rjohnson@town.aylmer.on.ca 519 773 3164 ext.4918	Peter Penner CJDL Consulting Engineers ppenner@cjdlen.com 519 688 1000
--	---

Minimum Report Requirements

- ☒ Planning Justification Report
- ☒ Functional Servicing Study including Stormwater Management Plan
- ☒ Noise and Vibration Assessment Study (to be scoped through consultation)
- ☒ Geotechnical Report
- ☒ Environmental Impact Study (to be scoped through consultation)
- ☒ Archaeology Assessment
- ☐ Floodplain and Hazard Land Boundary Plan
- ☐ Sensitive Land Use Report
- ☒ Traffic / Parking Impact Analysis
- ☐ Other reports as requested through further consultation

Should you wish to further discuss the above, please contact:

Christie Kent

Manager of Planning and Development

46 Talbot Street West, Aylmer, ON N5H 1J7

519-773-3164 Ext. 4915

ckent@town.aylmer.on.ca

Wednesday, April 13, 2022

Will Hayhoe, President (sent via email to will.hayhoe@hayhoehomes.com)
 Hayhoe Homes - Performance Communities Inc.
 1 Barrie Boulevard
 St Thomas, ON
 N5P 4B9

Barbara G. Rosser, RPP, MCIP (sent via email to brosser@execulink.com)
 Professional Land Use Planning
 P.O. Box 96
 Ailsa Craig, ON
 N0M 1A0

Dear Will and Barbara:

**Re: Record of Formal Pre-submission Consultation for lands legally
 described as “NTR PT LOTS 79 AND 80 SEC;NTR PARCEL 80-2 1 AND
 RP;11R2571 PART 1”
 (known locally as 48314 Talbot Line) Roll No. 340800006025400**

The purpose of the Pre-submission Consultation Meeting (“Pre-sub meeting”) is to review a proposed development application and identify the need for, and scope of, the *other information and materials* necessary for a thorough review of the development application(s).

This Record of Pre-sub meeting documents the required *other information and materials* that must be submitted in conjunction with the application form and fees. It will be used by the Township of Malahide in determining whether the application is complete. This form does not preclude staff or other agencies from requiring additional reports/studies/plans throughout the development review process as required.

A formal Pre-sub meeting was held virtually on April 7, 2022 to discuss the proposed development of the subject lands as described in the request email and attached Willow Drive Concept Layout Option #1 and Access Road SWM Block Addition received March 21, 2022.

The lands subject to the Pre-sub meeting (the “Lands”) have frontage on Rogers Road, Talbot Line and are bound by St. Thomas and Eastern Railway to the north.

Meeting participants are provided in the following table:

Name	Agency	Contact
Adam Betteridge, CAO	Township of Malahide	(519) 773-5344 x. 223 abetteridge@malahide.ca
Christine Strupat, CPT, Development Services Technician/Assistant Planner		(519) 773-5344 x. 239 cstrupat@malahide.ca
Eric Steele, Planner	Monteith Brown Planning Consultants on behalf of the Township of Malahide	(519) 686-1300 esteele@mbpc.ca jmcguffin@mbpc.ca
Jay McGuffin, MCIP, RPP Vice President, Principal Planner		
Will Hayhoe, President	Hayhoe Homes - Performance Communities Inc	519.633.2050 will.hayhoe@hayhoehomes.com tom.looby@hayhoehomes.com
Tom Looby, Vice President		
Deren Lyle, P. Eng.	Cyril J Demeyere Limited (CJDL) Consulting Engineering	519-688-1000 dlyle@cjdlen.com
Barbara G. Rosser, RPP, MCIP	Professional Land Use Planning	519-282-2560 brosser@execulink.com

Regrets:

Name	Agency	Contact
Andy Grozelle, CAO	Town of Aylmer	519-773-3164 ext: 4901 agrozelle@town.aylmer.on.ca

Proposal: Information included in the attached Concept Layout Option #1, Access Road SWM Block Addition, and in the request email, is provided below:

1. Block "A" - the temporary Construction/Emergency Entrance
 - a. It is temporary given that the location is not in the permanent location of an ultimate extension of Willow Drive westerly
 - b. It is a temporary construction entrance; it is not intended or required for any emergency or municipal vehicles
 - c. Once Willow Run community is built out then the temporary gravel road will be removed
 - d. It is not required by the Town of Aylmer; it is a "good-will", voluntary offer by the developer to reduce construction traffic on existing Willow Drive
 - e. Paradigm TIS concludes that a second entrance is not required.

2. Block “B” - SWM Block and trail connectivity:
 - a. Refer to attached Plan (2021-07-27- Willow Drive Concept Layout Option #1)
 - b. Small portion of SWM Pond proposed to be within Malahide
 - c. Propose a trail from the upper lands via an existing lane on Block “B” down to the lower lands.

County of Elgin Official Plan: The Lands are currently designated as follows in the County of Elgin Official Plan:

Schedule A – Land Use Plan: Agricultural Area

Schedule B – Transportation Plan:

- Rogers Road: Local Road
- Talbot Line: Provincial Highway and Tourism Corridor

Schedule C - Aggregate and Petroleum Resource Areas Plan: N/A

Appendix #1 - Natural Heritage Features and Areas: Woodlands

The requirement for an amendment to the County of Elgin Official Plan should be confirmed by County staff.

The County of Elgin Official Plan can be reviewed in its entirety by viewing/downloading the document from the County’s website here: <https://www.elgincounty.ca/wp-content/uploads/2017/11/FINAL-CONSOLIDATED-OFFICIAL-PLAN-OF-THE-COUNTY-OF-ELGIN.pdf>

Township of Malahide Official Plan: The Lands are currently designated as follows in the Township Official Plan:

Schedule ‘A1’ Land-Use Plan – Agriculture

Schedule ‘A2’ Constraints Plan – Hazard Lands

An amendment to this Official Plan is not expected to be required based on the information included in the request letter.

The Township of Malahide Official Plan can be reviewed in its entirety by viewing/downloading the document from the Township of Malahide website here: https://www.malahide.ca/en/municipal-office/planning-official-plan.aspx?_mid_=77509

Township of Malahide Zoning By-law No. 18-22: The Lands are currently zoned General Agricultural (A1) Zone on Key Map G2 of the Township of Malahide Zoning By-law No. 18-22.

The Township’s Zoning By-law can be reviewed in its entirety by viewing/downloading the document from the Township of Malahide website here: https://www.malahide.ca/en/municipal-office/planning-zoning-by-law.aspx?_mid_=77511#Zoning-By-law---Text-by-Section

Agency / Staff comments:

Block "A" is shown as a 15m-wide gravel road access that abuts the St. Thomas and Eastern Railway and provides access to the construction site in Aylmer from Rogers Road.

- The Township is generally not opposed to the need for a construction access from Rogers Road, but the applicant should consider an easement and agreement for Block "A" for temporary use.
- Applicant concludes from discussion that Block A should not be included within the subdivision.
- It will be required that an agreement between the Developer and the Township will be executed to address any concerns relating to construction access onto and from Rogers Road.

Block "B" - SWM pond constitutes a small land locked portion of 48314 Talbot Line, approximately 945m² (0.2 acres) in area located along the eastern side lot line and abutting Woodlands.

- A Zoning By-law Amendment is expected for Block "B" - SWM Block as shown on Willow Drive Concept Layout Option #1.
- The Township does not require an OPA.
- It is expected that Block "B" will be transferred to the Town of Aylmer.
- The County may have comments on the fragmentation of the natural heritage feature.
- Suggest to applicant to speak to the non-need for the Official Plan Amendment as part of the Planning Justification Report.
- It is understood the Town of Aylmer requires a Geotechnical and Environmental Impact Study (to be scoped through consultation); copies of such shall be required as part of the Zoning By-law Amendment submission.

A portion of the Lands proposed for a trail network are within Malahide Township.

- A Zoning By-law Amendment is expected for the Trail network as shown on Willow Drive Concept Layout Option #1.
- The Township expects that the network would be maintained by the Town of Aylmer through an agreement.

It is noted that any of the above may change subject to new/different information being received.

Respectfully,



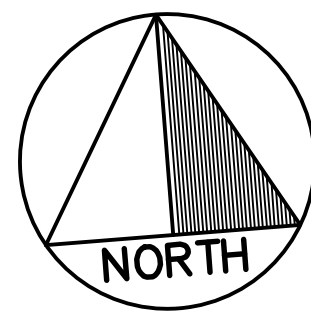
Christine Strupat, HBA, CPT
Development Services Technician/Assistant Planner
Township of Malahide - 519-773-5344x239 - cstrupat@malahide.ca

cc: Meeting Participants

WILLOW DRIVE
DEVELOPMENT
PERFORMANCE COMMUNITIES
REALTY INC.

TOWN OF AYLMER - ELGIN COUNTY

OPTION #1



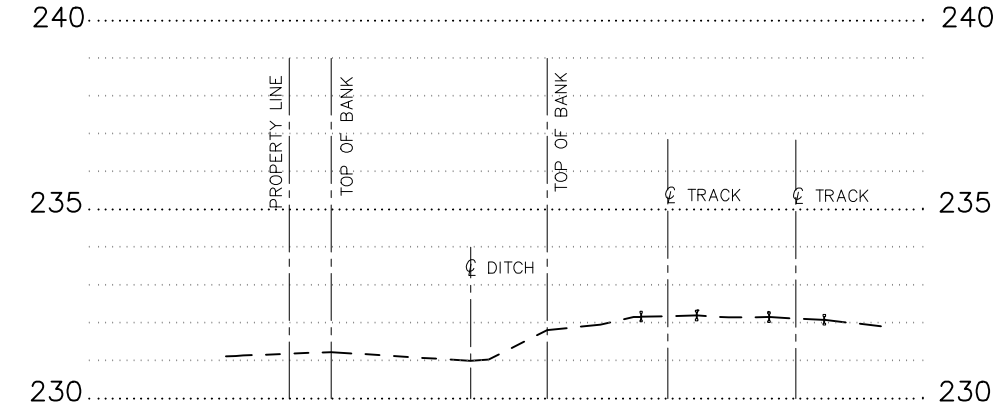
SCALE 1:1000

LEGEND

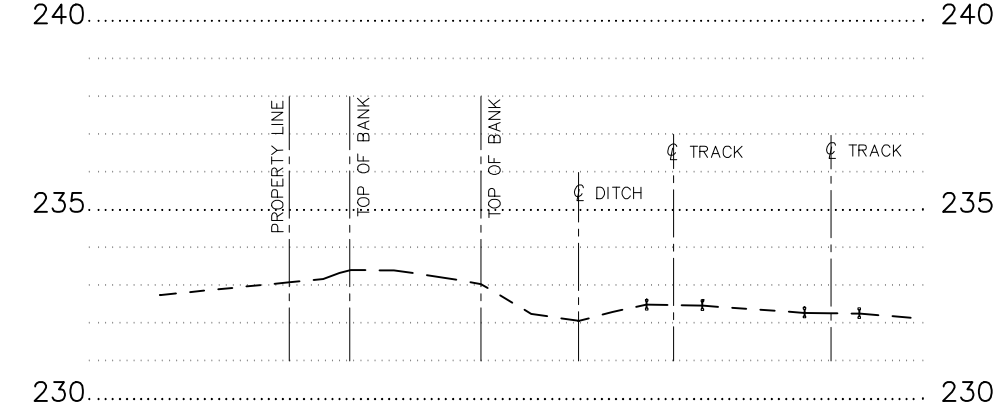
- LIMIT OF SITE
- LIMIT OF POTENTIAL ADDITIONAL LAND ACQUISITION

RAILWAY SECTIONS
SCALE 1:200

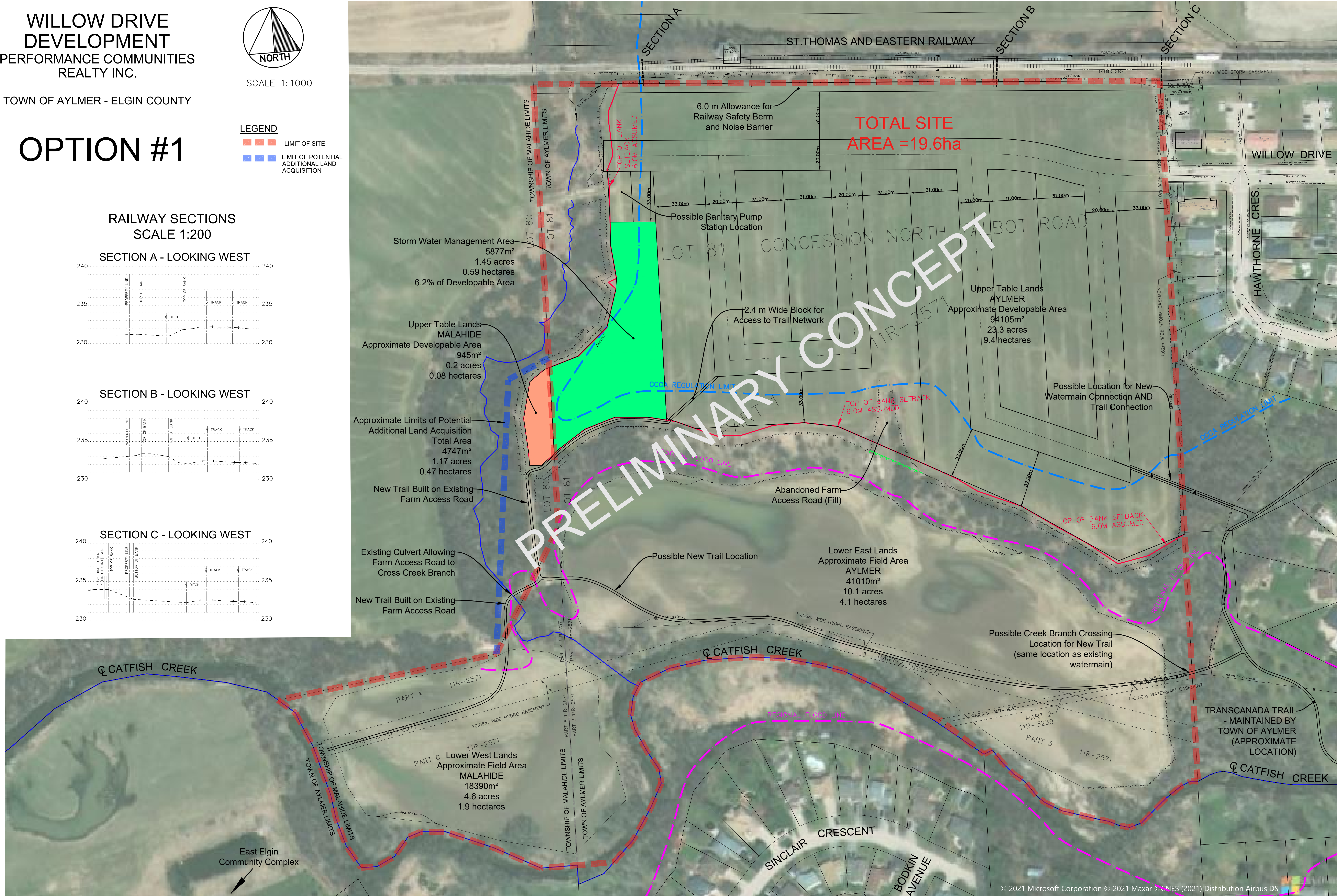
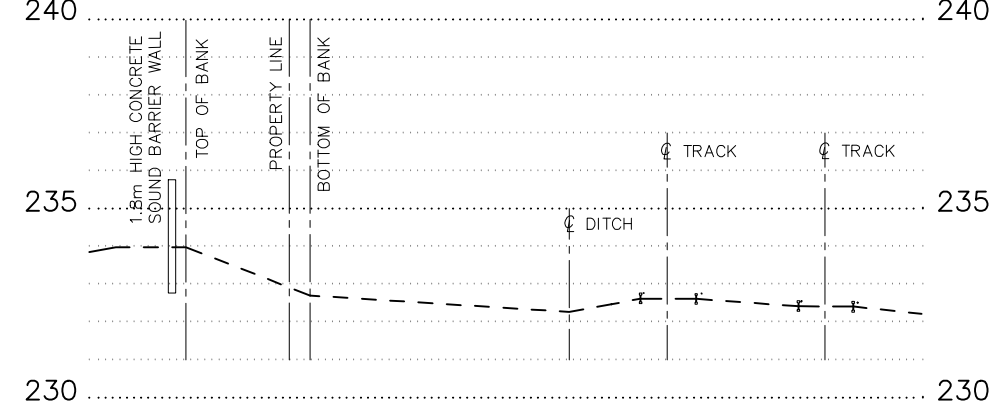
SECTION A - LOOKING WEST



SECTION B - LOOKING WEST



SECTION C - LOOKING WEST





APPENDIX E

**Review and Entry into the Ontario Public Register of Archaeological Reports:
Archaeological Assessment Report Entitled, "Stage 1 Archaeological Assessment
of Willow Drive Parcel in part of Lot 80 & 81, Concession North of Talbot Road
East, Geographic Township of Malahide, Now Town of Aylmer, Elgin County,
Ontario", Dated Mar 18, 2022, Filed with MHSTCI Toronto Office on Aug 3, 2022,
MHSTCI Project Information Form Number P1289-0218-2022, MHSTCI File Number
0016259**

Ministry of Citizenship and Multiculturalism (MCM)

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
5th Floor, 400 University Ave.
Toronto ON M7A 2R9
Tel.: (249) 885-1567
Email: Paige.Campbell@ontario.ca

Ministère des Affaires civiques et du Multiculturalisme (MCM)

Unité des programmes d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
5e étage, 400 ave. University
Toronto ON M7A 2R9
Tél. : (249) 885-1567
Email: Paige.Campbell@ontario.ca



Sep 23, 2022

Kara Adams (P1289)
Lincoln Environmental Consulting Corp
6807 Calvert Strathroy ON N7G 3H5

RE: Review and Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1 Archaeological Assessment of Willow Drive Parcel in part of Lot 80 & 81, Concession North of Talbot Road East, Geographic Township of Malahide, Now Town of Aylmer, Elgin County, Ontario", Dated Mar 18, 2022, Filed with MHSTCI Toronto Office on Aug 3, 2022, MHSTCI Project Information Form Number P1289-0218-2022, MHSTCI File Number 0016259

Dear Miss Adams:

This office has reviewed the above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18.¹ This review has been carried out in order to determine whether the licensed professional consultant archaeologist has met the terms and conditions of their licence, that the licensee assessed the property and documented archaeological resources using a process that accords with the 2011 *Standards and Guidelines for Consultant Archaeologists* set by the ministry, and that the archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario.

The report documents the assessment of the study area as depicted in Figure 4 of the above titled report and recommends the following:

During the Stage 1, no fieldwork was conducted nor was a site inspection conducted. As based on the aerial the entire study area is being recommended for a Stage 2 property assessment. As based on the aerials, the recommendation for a Stage 2 property assessment proposes 5m interval pedestrian be carried out for the 80% of the property that consists of agricultural field and 5m interval test pit survey be carried out for the 20% of the property that consists of woodlot.

Based on the Stage 1 archaeological assessment, a Stage 2 assessment of the property is recommended.

Based on the information contained in the report, the ministry is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry's 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences. This report has been entered into the Ontario Public Register of Archaeological Reports. Please note that the ministry makes no

representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require any further information regarding this matter, please feel free to contact me.

Sincerely,

Paige Campbell
Archaeology Review Officer

cc. Archaeology Licensing Officer
will jr Hayhoe, Hayhoe Homes
will jr Hayhoe, Hayhoe Homes

¹ In no way will the ministry be liable for any harm, damages, costs, expenses, losses, claims or actions that may result: (a) if the Report(s) or its recommendations are discovered to be inaccurate, incomplete, misleading or fraudulent; or (b) from the issuance of this letter. Further measures may need to be taken in the event that additional artifacts or archaeological sites are identified or the Report(s) is otherwise found to be inaccurate, incomplete, misleading or fraudulent.

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 23-08**

Being a By-law to amend By-law No. 18-22

**Performance Communities Realty Inc. and Schipper Farms Ltd./
Authorized Agent: Deren Lyle (c/o CJDL)**

WHEREAS the Council of The Corporation of the Township of Malahide deems it necessary to pass a By-law to amend By-law No. 18-22, as amended;

AND WHEREAS authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

AND WHEREAS this By-law conforms with the Official Plan of the Township of Malahide, as amended;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the area shown in hatching on the attached map, Schedule "A", and described as Concession North Talbot Road East, Part of Lot 80 (Concession North of Talbot Road), in the Township of Malahide, shall remain in the "General Agricultural (A1) Zone" of By-law No. 18-22 and shall be subject to the added provisions of Section 5.4.20 of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "A1-22" on Key Map G2 of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 5.4 GENERAL AGRICULTURAL (A1) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

"5.4.20 a) Defined Area

A1-22 as shown on Schedule 'A', Map No. G2.

b) Permitted Uses

park

stormwater management pond

3. **THAT** this By-law shall come into force:
 - a) Where no notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,

- b) Where notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

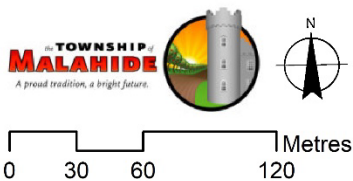
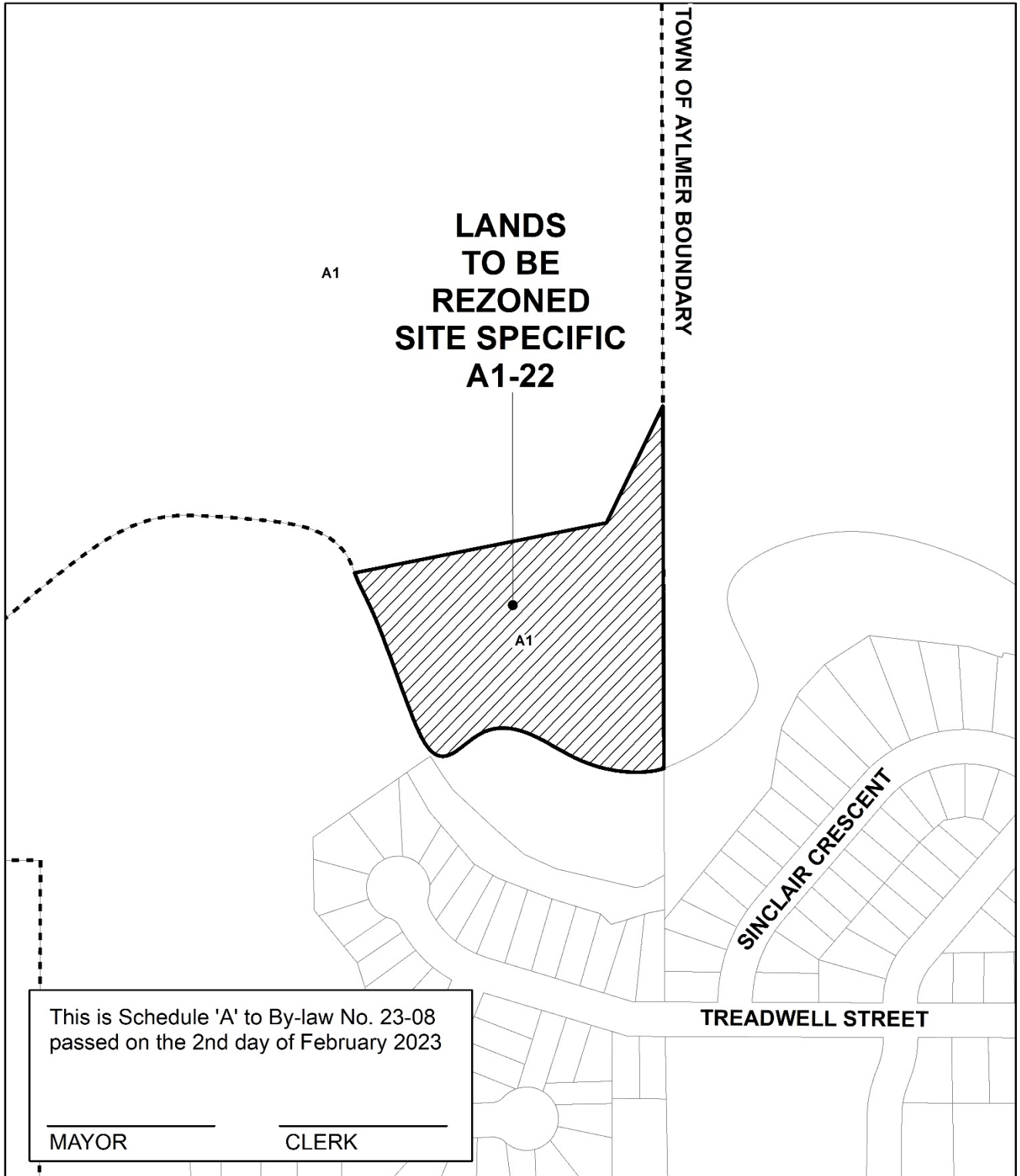
READ a **FIRST** and **SECOND** time this 2nd day of February, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 2nd day of February, 2023.

Mayor – D. Giguère

Clerk – A. Adams

SCHEDULE A



Township of Malahide
Comprehensive Zoning By-law No.18-22

SCHEDULE 'A'
Map G2



Report to Council

REPORT NO.: DS-23-04
DATE: February 2, 2023
ATTACHMENT: Application, By-law
SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION OF JAMES & DOREEN MACINTYRE (AUTHORIZED AGENT: JOSEPH M. HENTZ)**
LOCATION: Concession 8 North, Part of Lot 6,
(Part Lot 6, Concession 8, 11R-6241, Part 2)

Recommendation:

THAT Report No. DS-23-04 entitled “Zoning By-law Amendment Application of James and Doreen MacIntyre” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z19-22 of James and Doreen MacIntyre, relating to the property located at CON 8 N PT LOT 6, and known municipally as Part Lot 6, Concession 8, 11R-6241, Part 2, BE APPROVED for the reasons set out in this Report.

Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by James & Doreen MacIntyre and Robert & Constance Foster to implement the necessary zoning provisions to recognize a new minimum lot frontage to provide road access to the farm parcel which is presently landlocked along Rogers Road. The proposed Zoning By-law amendment is required as a condition of a previously approved consent application (E 64-22). The Zoning Amendment proposes to rezone the portion of lands that were conveyed (“merged”) to the abutting parcel, as well as the agricultural parcel receiving the lot addition, from ‘General Agricultural (A1)’ to ‘Special Agriculture-Special) (A2-12)’ to include site specific provisions to recognize a reduced lot frontage of 19.6 meters for a road access created from the approved consent application, and to prohibit the construction of a dwelling on the subject lands.

The Application relates to the property located at Part Lot 6, Concession 8.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide Official Plan, including posting notice in two recent issues of the Aylmer Express.

Comments/Analysis:

The subject property is approximately 28.4 hectares (70 acres) with approximately 19.6 meters of frontage on Rogers Road. The lands are currently vacant and used for agricultural production. The subject lands are surrounded by agricultural parcels to the west, south, and east. The parcel abuts a former rail corridor that has been abandoned to the north.

The lands were subject to a previous consent application (E64-22) to facilitate a lot addition to provide an access to a landlocked agricultural parcel. A condition of the approved consent application was the requirement for a Zoning By-law Amendment to be filed to rezone the property to permit a reduced lot frontage and to prohibit the construction of a dwelling on the subject lands to mitigate any impacts of future residential uses on the surrounding agricultural land.

Provincial Policy Statement (PPS)

In Prime Agricultural Areas, the PPS permits lot adjustments for the purposes of agriculture-related uses and that the new lot will be limited to the minimum size needed to accommodate the use (Section 2.3.4.1c), that lot adjustments may be permitted in prime agricultural areas for legal of technical reasons (2.3.4.2) and that the creation of new residential lots within prime agricultural areas shall not be permitted (2.3.4.2). The proposed Zoning Amendment would rezone the subject lands to 'Special Agriculture Zone – Site Specific (A2-12)' that would prohibit the construction of a dwelling consistent with the requirements of the PPS and allow for a reduced lot frontage to provide sufficient access to an open public road for the receiving parcel in satisfying conditions of a previously approved consent application.

County of Elgin Official Plan

The subject lands are designated "Agriculture Area" on Schedule 'A', Land Use Plan.

In addition to the above, the subject lands are identified as having frontage along a "Local" on Schedule 'B', "Transportation Plan". Lot boundary adjustments are permitted provided no new building lot is created and the lot boundary adjustment does not impact the viability of the property for its intended uses. The application would permit a reduced lot frontage to minimize the amount of land needed to provide an access to the subject property. No new building lot is proposed. The application would support the viability of the farm parcel by providing a legal access and prohibiting future residential development that may impact adjacent agricultural lands.

Malahide Official Plan

The subject lands are designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The Malahide Official Plan permits lot adjustments as long as the severed and retained parcels conform to the other applicable requirements of Official Plan and the Zoning By-law (Section 8.7.1.7). The Official Plan also encourages the preservation of agricultural land and the proposed reduced lot frontage would minimize the amount agricultural land conveyed to only that which is needed for the proposed access.

The Zoning Amendment application proposes to rezone the property to 'Special Agriculture- Special (A2-12)' to prohibit the construction of a dwelling and permit a reduced lot frontage. The reduced lot frontage maintains conforms to the Official Plan, and the Zoning by-law amendment application is intended to implement a conditional approval of a consent for a lot adjustment, compliance with section 8.7.1.7, noted above.

Malahide Zoning By-law No. 18-22

The subject lands are zoned 'General Agricultural (A1)' on Schedule 'A', Map No. 34 of the Township of Malahide Zoning By-law No. 22-18. The Zoning By-law Amendment proposes to rezone the subject lands to "Special Agriculture - Site Specific (A2-12)". The proposed rezoning would also include a site-specific provision to recognize the reduced lot frontage of 19.6 metres, where the by-law requires 150 metres.

Public/Agency Comments Received

Notice of Public Meeting was given in accordance with Planning Act regulations. As of the date of writing this report, the following has been received:

- No agency comments have been received.

There have been no comments received from the general public as of the date of writing this report.

Financial Implications to Budget:

The full cost of the consent and associated rezoning process is at the expense of the Applicant and has no implications to the Township's Operating Budget.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the "Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process". The proposed application would support the ongoing use of the property for agriculture by allowing for an access to be provided to the property, as well as prohibiting future

residential development that may impact the surrounding agricultural area.

Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

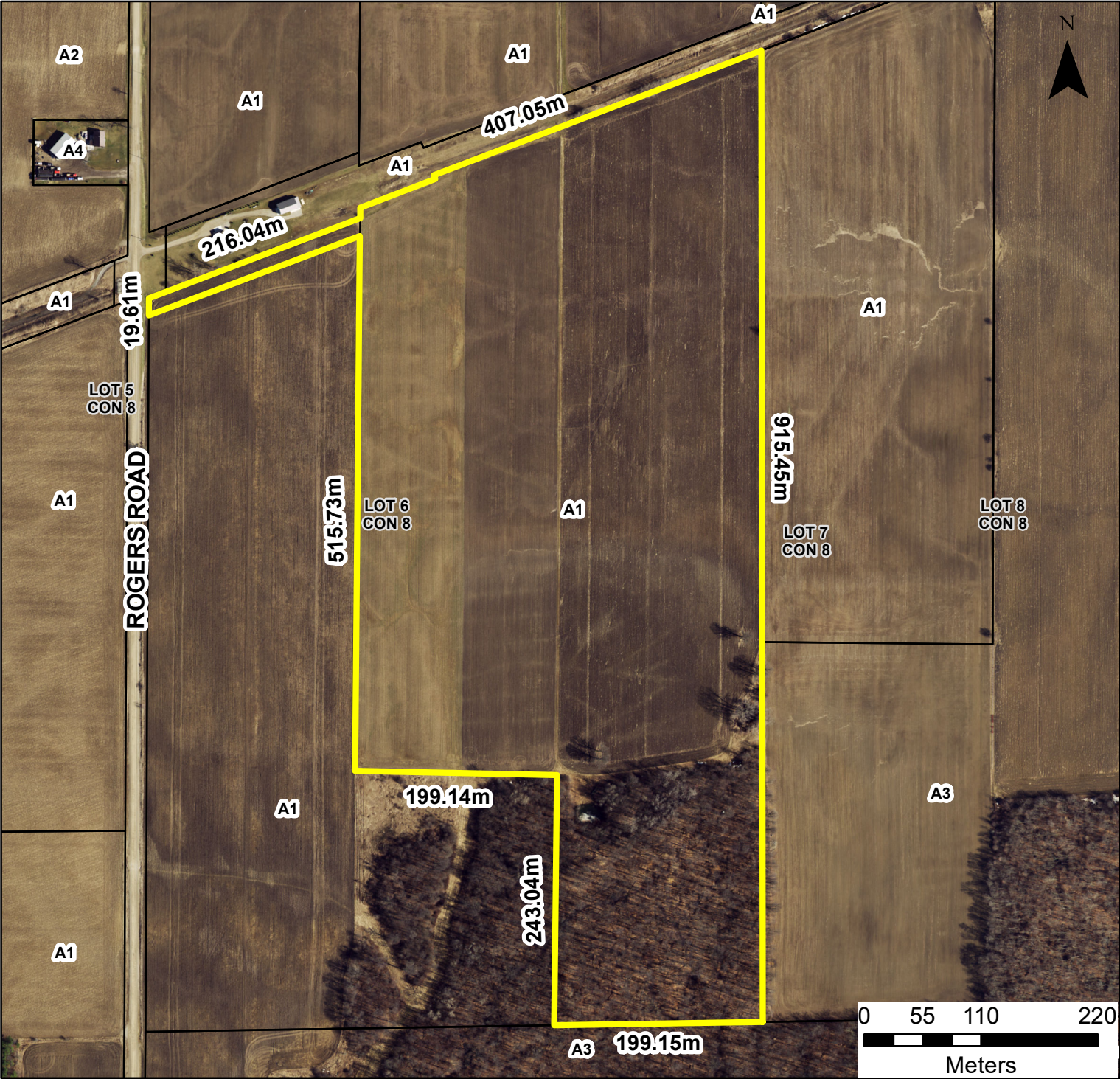
APPLICATION FOR A ZONING BY-LAW AMENDMENT

Owners: Constance Foster & Ian Foster
(Agent: Joseph M. Hentz)

Township
of Malahide
Figure 1



Concession 8 North, Part of Lots 6 North & 7
Township of Malahide



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural



Lands to be Rezoned Site-Specific Special Agricultural (A2-XX) Zone

- 1. Registered Owner's Name:** Current Owners of Lot to be Severed:
James MacIntyre and Doreen MacIntyre
50767 York Line, R.R. #1, Belmont, ON N0L 1B0
519-269-3909
farmkids@execulink.com
- Owners of Farmland (35288-0170):
Robert Ian Foster and Constance Marie Foster
48649 College Line, Aylmer, Ontario N5H 2R3
icfoster@amtelecom.net
- Address:** Note: Current owners are selling the lot to be severed, conditional upon a consent certificate being obtained.
Application E 64-22 was approved subject to conditions, including that the severed lot (currently owned by MacIntyres) ~~AND the existing farm lot (currently owned by Fosters) be rezoned to recognize a new lot frontage.~~

Phone No. (Home): _____ Business: _____

Fax: _____ Email: _____

Lot and Concession (if applicable): _____ Pt Lot 6, Concession 8

Are there any other holders of mortgages, charges or other encumbrances of the Subject Lands? If so provide the names and addresses of such persons.

N/A.

- 2. Applicant / Authorized Agent:** Joseph M. Hentz
- Address:** 53 Front Street West, Strathroy, Ontario N7G 1X6
- Telephone No.:** 519-640-6307 **Fax:** _____
- Please specify to whom all communications should be sent:** jhentz@lerner.ca

Registered Owner () Applicant / Authorized Agent (X)

- 3. Legal Description of the land for which the amendment is requested:**

Concession: 8 Lot: _____

Reference Plan No: _____ Part Lot: 6

Street and Municipal Address No.: Rogers Road

What is the size of property which is subject to this Application?

Area: 28 ha/ 280,000 sq. m Frontage: 19.6 m Depth: _____ m Irregular shape; see sketch

When were the subject lands acquired by the current owner?

Lot to be enlarged (35288-0170): 1977
Severed Parcel: _____

- 4. Existing Official Plan Designation:** Agriculture Area

How does the application conform to the Official Plan?

Section 8.7.1.7 - lot adjustments, lot additions and minor boundary changes are permitted in any land use designation in accordance with this section

5. Existing Zoning By-law Classification:

General Agricultural (A1)

What are the current uses of the subject lands?

35288-0170 is farmland owned by the Fosters; the severed parcel will be merged with the farmland owned by the Fosters and used to gain access to the Foster farmland.

If known, provide the length of time these uses have continued on this property.

Foster farmland has been owned by Fosters since 1977. Severed parcel has also been used as farmland prior to the severance.

If there are any existing buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimension s
N/A					

If known, provide the dates in which each of these buildings were constructed.

N/A

6. What is the Nature and Extent of the Rezoning?

The rezoning requested is 'site-specific" Special Agricultural (A2) to recognize a new minimum lot frontage of 19.6 meters to provide road access to the Foster Farmland which is presently landlocked along Rogers Road

7. Why is the rezoning being requested?

To recognize a new minimum lot frontage of 19.6 metres for the irregular shaped lot.

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area?

N/A

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

9. Does the proposed amendment remove land from an area of employment?

N/A

If so, attach separately justification or information for the request based on the current Official Plan policies or associated Official Plan amendment.

10. Description of proposed development for which this amendment is requested (i.e. permitted uses, buildings or structures to be erected. (Be Specific)

No development is being proposed.

For any proposed buildings or structures on the subject lands provide the following information:

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
N/A					

11. Services existing or proposed for the subject lands: Please indicate with a ✓

Water Supply	Existing	Proposed
--------------	----------	----------

Municipal Piped Water Supply	()	()
Private Drilled Well	()	()
Private Dug Well	()	()
Communal Well	()	()
Lake or other Surface Water Body	()	()
Other	(N/A)	(N/A)

Sewage Disposal	Existing	Proposed
Municipal Sanitary Sewers	()	()
Individual Septic System	()	()
Communal System	()	()
Privy	()	()
Other	(N/A)	(N/A)

Note: If the proposed development is on a private or communal system and generate more than 4500 litres of effluent per day, the applicant must include a servicing options report and a hydrogeological report.

Are these reports attached? N/A

If not, where can they be found?

Storm Drainage

Provisions:	N/A
-------------	-----

Proposed Outlet:

12. How will the property be accessed?

Provincial Highway () County Road () Municipal Road – maintained all year (X)

Municipal Road – seasonally maintained () Right-of-way () Water ()

If access is by water, do the parking and docking facilities exist, and what is the nearest public road?

13. Has the subject land ever been the subject of an application under the Planning Act for:

Plan of Subdivision () Consent (x)

Zoning By-law Amendment () Ministers Zoning Order ()

If yes to any of the above, indicate the file number and status of the application.

Consent to sever concurrent with this application - Application # E 64-22. This by-law amendment is being sought to fulfill a condition stipulated by Decision #E 64-22.

14. How is the proposed amendment consistent with the Provincial Policy Statement 2005?

Provincial Policy Statement section 2.3.4.2 states that lot adjustments in prime agricultural areas may be permitted for legal or technical reasons. Legal or technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot. The severance in this application results in a minor boundary adjustment and does not result in the creation of a new lot.

15. Are the subject lands within area designated under any Provincial Plan(s)? If the answer is yes, does the proposed amendment conform to the Provincial Plan(s)?N/A

17. The Owner is required to attach the following information with the application and it will form part of the application. Applications will not be accepted without the following.

(a) A sketch based on an Ontario Land Surveyor description of the subject lands showing

- the boundaries and dimension of the subject lands;
 - the location, size and type of all existing and proposed buildings and structures, indicating their setbacks from all lot lines, the location of driveways, parking or loading spaces, landscaping areas, planting strips, and other uses;
-

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
- the current uses of the land that is adjacent to the subject land;
- the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
- the location of the parking and docking facilities to be used (if access will be by water only);
- the location and nature of any easement affecting the subject land.

(b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).

(c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process

18. If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor the application must be signed by an officer of the corporation and the seal if any must be affixed.

19. Additional Information as required by Council

20. If this application is to accommodate the consent of a surplus farm dwelling, please provide the following information:

Date surplus farm dwelling was
erected:

N/A

Please provide the assessment roll number, location, and zoning of the farm parcel with which the subject lands is being consolidated.

Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for re-zoning. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I James McIntyre and Doreen McIntyre

the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.

<p>DocuSigned by:</p> <p><u>James MacIntyre</u></p> <p>11A8C172EDE3429...</p>	<p>DocuSigned by:</p> <p><u>Doreen MacIntyre</u></p> <p>11A8C172EDE3429...</p>	<p>December 1, 2022</p> <p>December 2022</p> <p>Day Month Year</p>
---	--	--

I / We, James MacIntyre and Doreen MacIntyre, of the Municipality

Name Town/Township/City/Village etc.

of Central Elgin, in the county Elgin, do solemnly declare:

Municipality Name County Name

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I /we hereby appoint Joseph M. Hentz to act as an Agent on my/our behalf in all aspects of this application.

And I / We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "*Canada Evidence Act*".

DECLARED BEFORE ME at the:

Municipality

of

Dutton/Dunwich

DocuSigned by:

James MacIntyre

11A8C172EDE3429...

Owner / Agent

in the County/Region
of

Elgin

this December 1, 2022

day of

December

20

22

.

DocuSigned by:

Doreen MacIntyre

11A8C172EDE3429...

Owner / Agent

DocuSigned by:

Courtney Sinclair

51951A566D10497...

A Commissioner, etc.

Municipal Freedom of Information Declaration

In accordance with the provisions of the Planning Act, it is the policy of the Township Planning Department to provide public access to all development applications and supporting documentation.

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for re-zoning. The personal information collected will be maintained in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

In submitting this development application and supporting documentation, I _____
Robert Ian Foster and Constance Marie Foster

the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Township of Malahide to post a Change of Use sign and municipal staff to have access to the subject site for purposes of evaluation of the subject application.

DocuSigned by:

Ian Foster

B4008233F9354D4...

Signature

DocuSigned by:

Connie Foster

B4008233F9354D4...

December 1, 2022

Day

December

Month

2022

Year

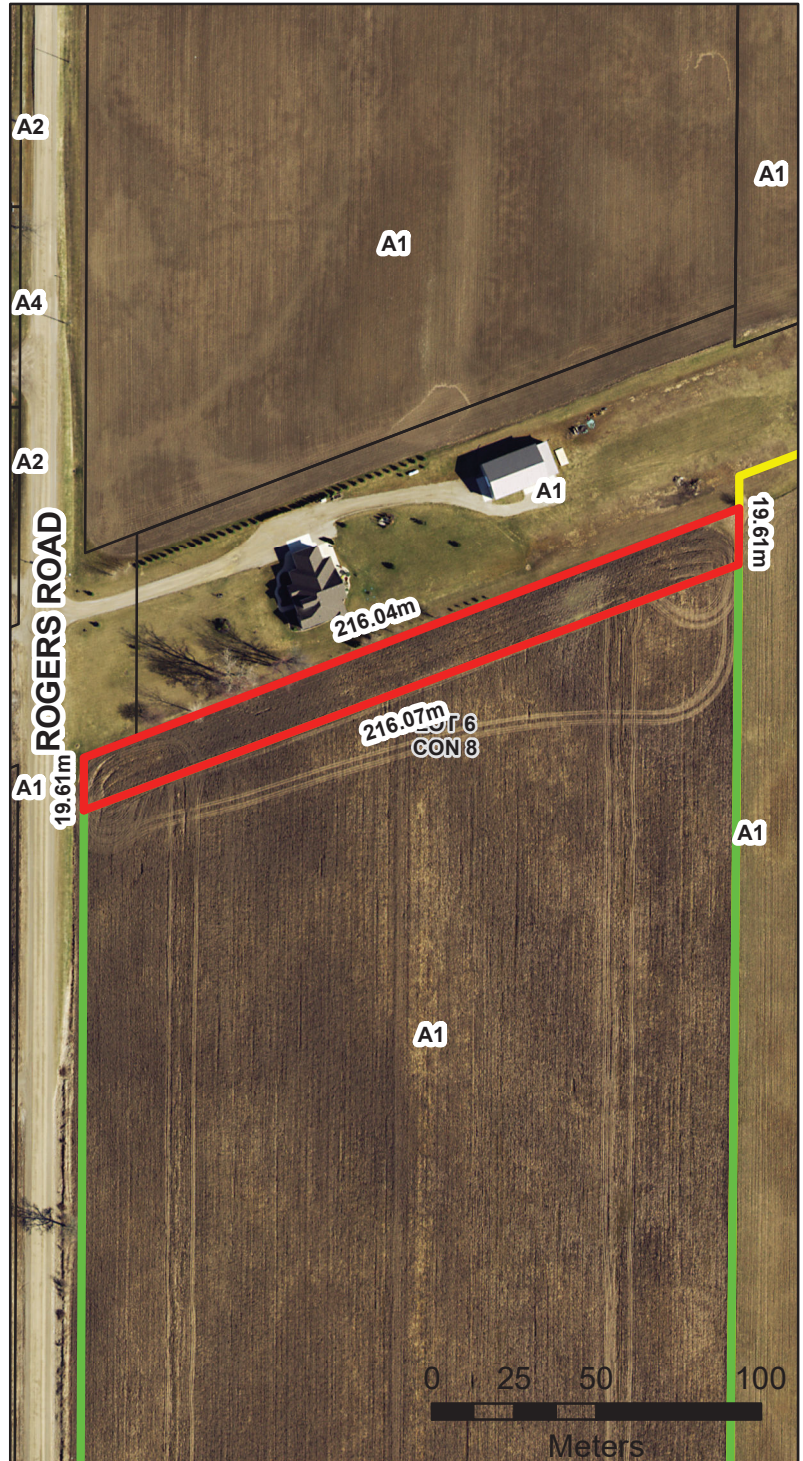
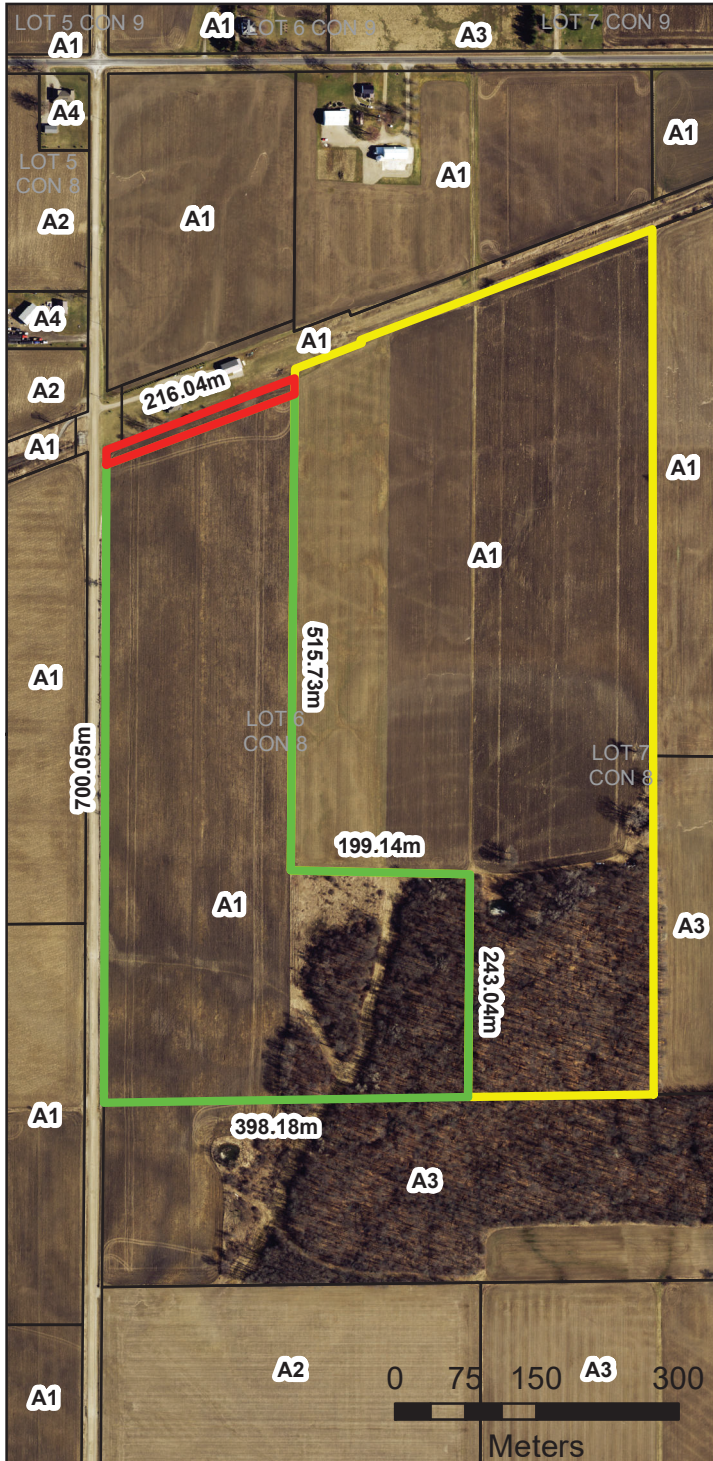
I / We, Robert Ian Foster and Constance Marie Foster, of the Township
Name Town/Township/City/Village etc.

of Malahide, in the county Elgin, do solemnly declare:
Municipality Name County Name

APPLICATION FOR A CONSENT TO SEVER
Doreen MacIntyre & James MacIntyre
(Agent: Joseph M. Hentz)

Part Lot 6, Concession 8, Part 2 Plan 11R-6241
 Township of Malahide

**Township
 of Malahide
 Figure 1**



OFFICIAL PLAN DESIGNATION
 Agriculture

ZONING
 A1 General Agricultural



Lands to be retained

Lands to be severed

Lands to which the severed lot will be conveyed
 as lot addition



SKETCH

115

ILLUSTRATING PURPOSED SEVERANCE
FOR: IAN FOSTER

CAUTION

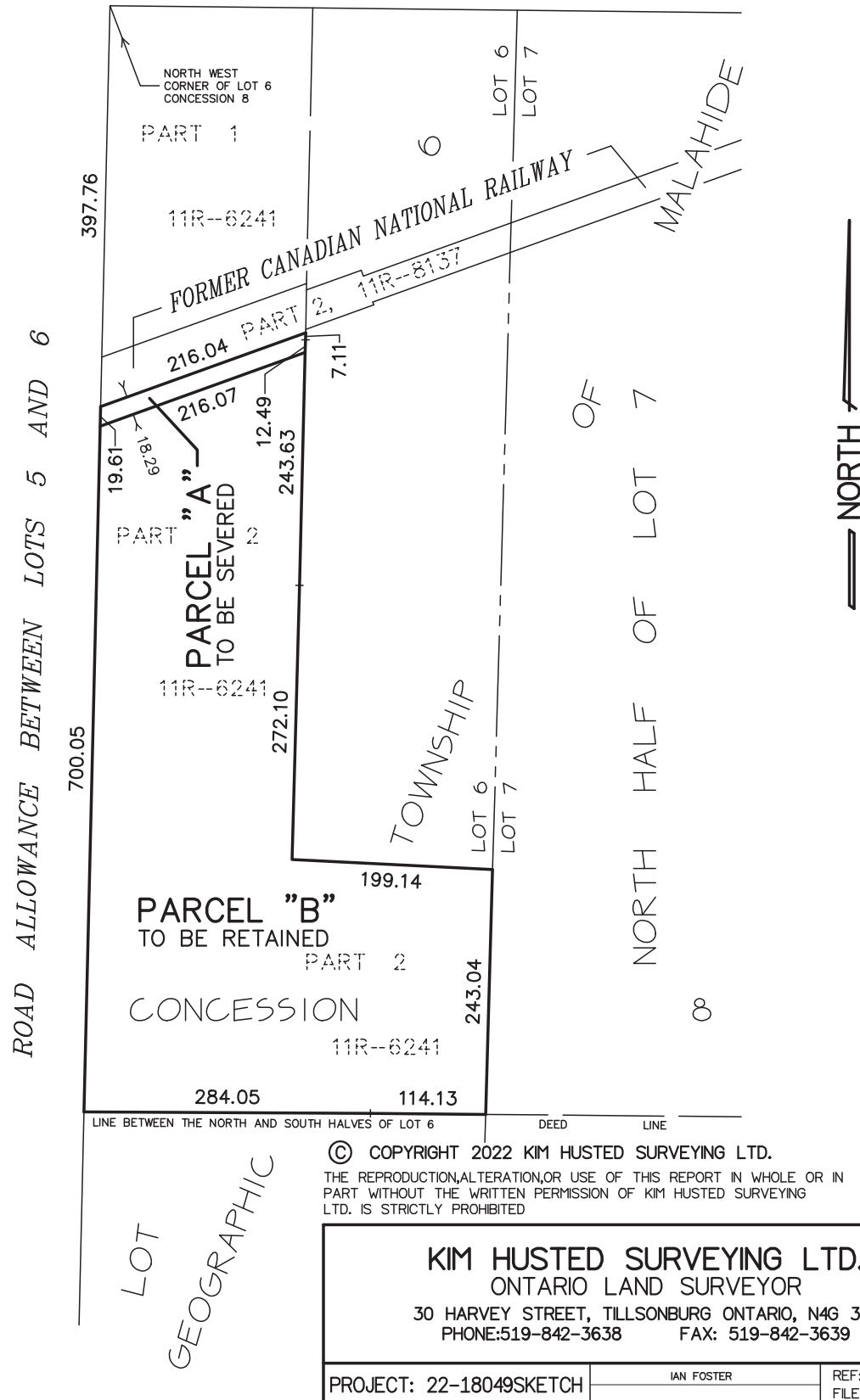
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR
THE PURPOSE INDICATED IN THE TITLE BLOCK

NOT TO SCALE

ROAD ALLOWANCE BETWEEN
CONCESSIONS 8 & 9

PARCEL "A"
TO BE SEVERED
AREA = 0.40 HECTARES

PARCEL "B"
TO BE RETAINED
AREA = 19.31 HECTARES



© COPYRIGHT 2022 KIM HUSTED SURVEYING LTD.

THE REPRODUCTION, ALTERATION, OR USE OF THIS REPORT IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF KIM HUSTED SURVEYING
LTD. IS STRICTLY PROHIBITED

KIM HUSTED SURVEYING LTD.
ONTARIO LAND SURVEYOR

30 HARVEY STREET, TILLSONBURG ONTARIO, N4G 3J8
PHONE: 519-842-3638 FAX: 519-842-3639

PROJECT: 22-18049SKETCH

IAN FOSTER

REF:
FILEDWG. WLP
CKD. XXX

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 23-04**

Being a By-law to amend By-law No. 18-22

**James & Doreen MacIntyre/
Joseph M. Hentz
Part Lot 6, Concession 8, 11R-6241, Part 2**

WHEREAS the Council of The Corporation of the Township of Malahide deems it necessary to pass a By-law to amend By-law No. 18-22, as amended;

AND WHEREAS authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

AND WHEREAS this By-law conforms with the Official Plan of the Township of Malahide, as amended;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the area shown in bold on the attached map, Schedule "A", and described as Concession 8 North, Part of Lot 6, in the Township of Malahide, shall be removed from the "General Agricultural (A1) Zone" of By-law No. 18-22 and placed within the "Site Specific Special Agricultural (A2-12) Zone" of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "A2-12" on Key Map 34 of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** By-law No. 18-22, as amended, is hereby further amended by amending Section 5.5 SPECIAL AGRICULTURAL (A2) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

"5.5.12 a) Defined Area

A2-12 as shown on Schedule 'A', Map No. 34.

b) Minimum Lot Frontage 19.6 m

3. **THAT** this By-law shall come into force:

- a) Where no notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,

- b) Where notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

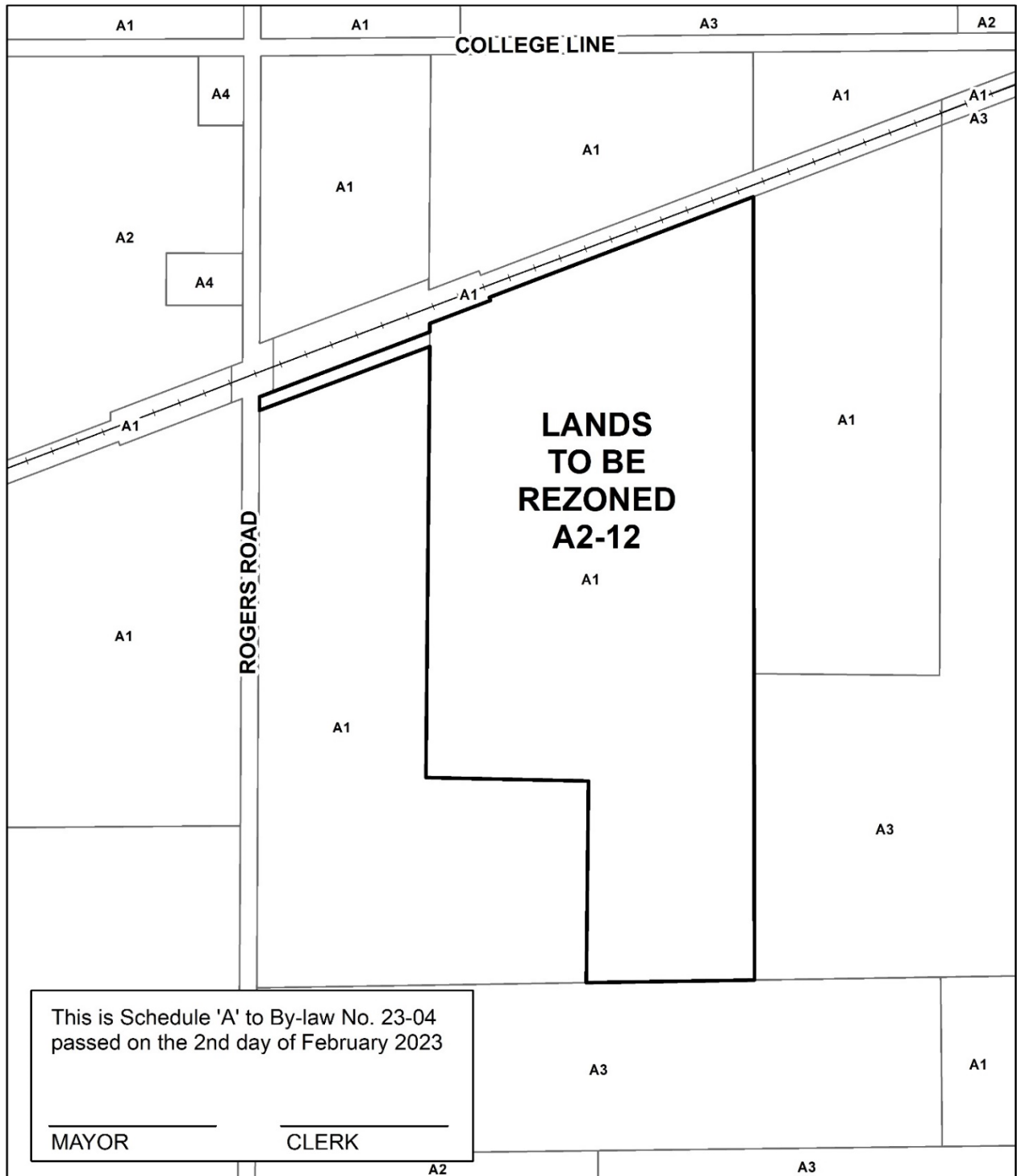
READ a **FIRST** and **SECOND** time this 2nd day of February, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 2nd day of February, 2023.

Mayor – D. Giguère

Clerk – A. Adams

SCHEDULE A





Report to Council

REPORT NO.: F-23-01
DATE: February 2, 2023
ATTACHMENT: None
SUBJECT: Malahide Fire and Emergency Services – 2022 Year End Report

Recommendation:

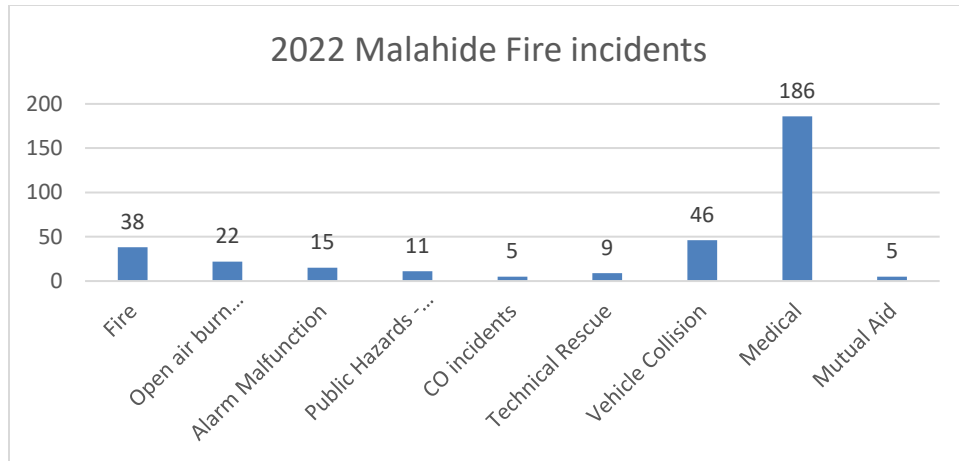
THAT Report No. F23-01 entitled “Malahide Fire and Emergency Services – 2022 Year End Report” be received.

AND THAT the Officers appointed for Malahide Fire Services effective January 1, 2023 are: South Station – District Chief, Randy Loewen; District Deputy Chief, Jason Brown; Captains: Joseph DeRyk Jr., Dylan DeKraker, Randy Huse, Andy Lamb, Scott Salmon, and Harmen Schuurman; North Station – District Chief, Ryan DeSutter, District Deputy Chief, Dave Bradley; Captains: Aaron Bradley, Rob DeSutter, Dennis Johnson, Mark Moyer, Rob Lindsay and Corey VanDenNest.

Background:

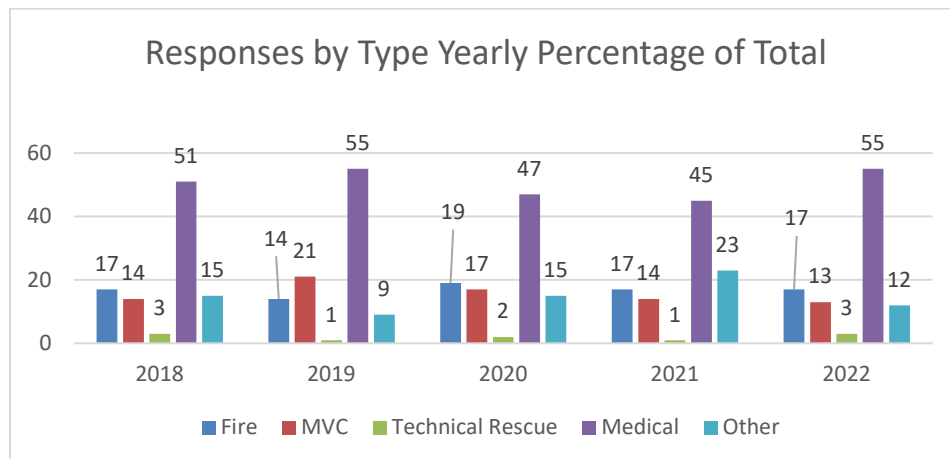
Department Incidents

In 2022, the Malahide Fire Services (MFS) responded 337 times to emergency incidents, as compared to 278 in 2021, 407 in 2020, 369 in 2019, and 521 in 2018.



In 2022, medical responses accounted for approximately 55% of all responses as compared to 45% in 2021. On average for the last five years, medical responses account for approximately 51% of all incidents annually.

Fire responses, which have been broken into two categories (Fire 11% and burn complaints 6%), accounted for approximately 17% of all responses in 2022, and account for approximately 17% of all responses on average for the last five years. Motor Vehicle Collisions account for 13% of all 2022 with a five-year average of 16%. The remaining percentages are made up of Mutual Aid, Technical Rescue and other miscellaneous incidents.



Station Response

The average response time for all incidents in 2022 was 9:15 (all times are minutes: seconds) compared to approximately 10:33 in 2021, 13:18 in 2020, 10:40 in 2019, 11:27 in 2018, 10:57 in 2017, 10:47 minutes in 2016, 11:46 minutes in 2015, 11:17 minutes in 2014, and 10:35 minutes in 2013.

Station	#calls	Average Response time
North Station	123	9:03
South Station	214	9:29

Response times are considered as the time from when the firefighters receive a page of an incident to the time that the first apparatus arrives on scene. These times are dependent on the availability and proximity of firefighters to the stations and the proximity of the incident to the stations.

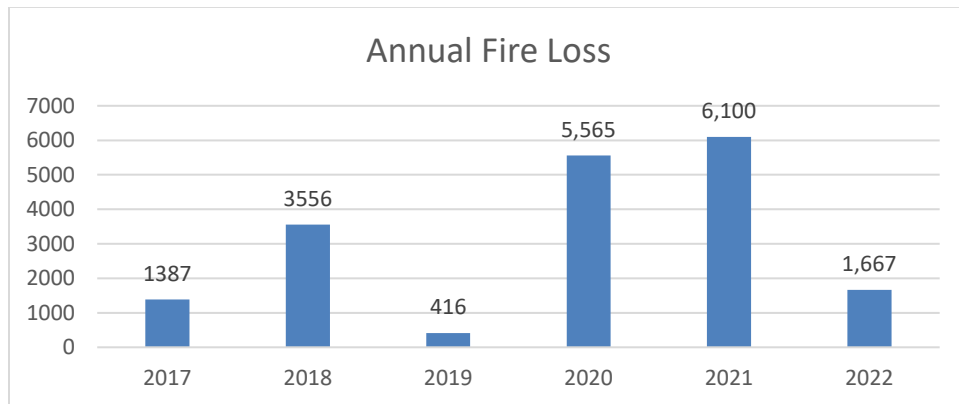
The Department averaged 11.88 firefighters responding in 2022, 13.2 in 2021; 12.4 in 2020; 9.66 in 2019; 8.2 in 2018; and, 8.1 firefighters in 2017. This average takes into account all types of incidents, including medicals, fires, MVC, other incidents, open air burning complaints, etc.

NFPA 1720 establishes a standard of service, Section 4.3.2. further establishes, for rural areas with a population of less than 500 people per square mile of, 6 firefighters on scene within 14 minutes 80% of the time (Malahide falls within section 4.3.2.).

Malahide's response of an average of 11.88 firefighters in attendance in 9:15 minutes or under is met 95% of the time thus exceeding the NFPA standard. Medical calls are not considered within the standard.

Fire Loss Statistics

In 2022, the estimated dollar loss as a result of fire was approximately \$1.6 million as compared with approximately \$6.1 million in 2021, \$5.5 million in 2020 \$416,500 in 2019, \$3.6 million in 2018, \$1.38 million in 2017, \$1.6 million in 2016. Dollar loss statistics are based on the Staff's best estimate of property and building replacement values only. Fire incidents in 2022 resulted in significant dollars saved due to fast extinguishment and proper tactics used by fire crews.



In addition, 2022 saves of \$14.7 million of property were recorded compared to 2021 saves of \$5.2 million, 2020 saves of \$4.6 million, 2019 \$1.7 million, in 2018, \$4.3 million, in 2017 \$2.3 million.

Total Incident Hours and Staff Hours

The 911 response in 2022 required 337 hours of on scene time. The total of all firefighter hours spent at all these incidents total 3970 hours.

Fire Prevention – Public Education

The MFS public fire safety education activities are delivered by a committed group of volunteer firefighters that partner with the other Elgin County Fire Departments. The MFS currently has 10 members certified as Fire & Life Safety Educators lead by CFPO Dave Bradley.

Fire Safety Inspections

11 inspections were conducted in 2022 with no inspection orders issued for non-compliance. In 2021 staff conducted 10 fire safety inspections, in 2020, 12, in 2019, 52, in 2018, 20, and in 2017, 4. The following types of properties/facilities were inspected:

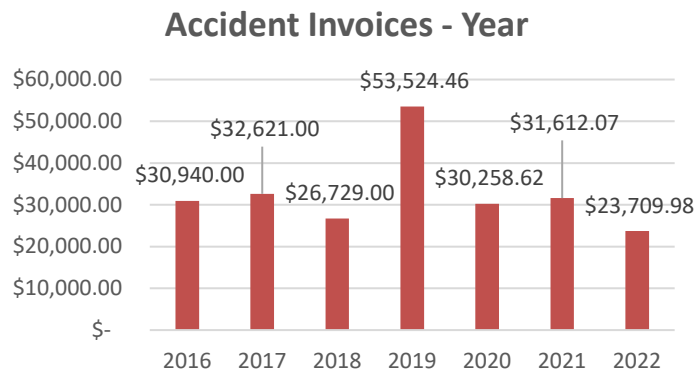
- Assembly (0)
- Industrial (1)
- Institutional (2)
- Mercantile (0)
- Residential (2)
- Miscellaneous (6).

The inspections that were performed were because of complaints, life safety issues, and mandatory inspections of long-term care facilities.

Fire Services Revenue

Motor Vehicle

In 2022, the Township invoiced (non-residents of Malahide) a total of approximately \$23,709.98 for response to MVC's on all roadways in the Township, as compared to \$34,967.42 in 2022, \$30,258.62 in 2020, \$53,524 in 2019, \$26,729 in 2018, \$32,621 in 2017, and \$30,940 in 2016.



Ontario Police College (OPC)

Fire Prevention Staff provide fire extinguisher and motor vehicle safety awareness and fire behavior training to Cadets attending the Ontario Police College and fills self-contained breathing apparatus cylinders upon request. New Fire Scene Management and Fire Behavior components were added from the Coroner's Inquest recommendations in 2019.

The OPC is charged a flat fee of \$2,000 per Basic Cadet Training (BCT) intake. This is the agreed amount as the Malahide Fire Services uses their facilities without any invoicing from the College. In 2022, the Township did not provide these services to the OPC because of COVID restrictions.

The revenues generated for services provided to the OPC are dependent on the number of Police Cadets trained annually, and the number of other courses offered by OPC that require the use of self-contained breathing apparatus cylinders by students.

The Fire Prevention Staff have complete one intake of students (484) in January of 2023.

Fire Safety Inspections

The Township's Fees By-law includes provision for the invoice of fire safety inspections on certain types of buildings and properties. Fees are only issued for inspections that are requested by the owner, and are normally due to licensing requirements or the sale of a property. In 2022, the Township invoiced six hundred (\$600.00) dollars for fire safety inspections.

Year	Fees (\$)
2012	500
2013	400
2014	575
2015	0
2016	0
2017	0
2018	0
2019	562.50
2020	0
2021	600.00
2022	600.00

Fire Incident Reports

The Township's Fees By-law includes provision for the invoicing of copies of emergency response incident reports.

In 2022, the Township invoiced Two Hundred Twenty-Five (\$1252.50.00) dollars for emergency response incident report requests compared to Two Hundred and Twenty-Five (225.00) in 2021.

Year	Fees (\$)
2012	0
2013	275
2014	250
2015	105
2016	107.50
2017	207.50
2018	0
2019	0
2020	0
2021	225.00
2022	1252.50

Burn Permits

In 2013, the Township introduced an Open-Air Burning By-law to regulate the setting of fires in the Township. Under this By-law, residents are not required to obtain a Burn Permit for specific fires such as campfires and recreation fires. The requirements along with the issuance of permits for the calendar year have resulted in less permits being issued annually by the Township Staff.

In 2022, the Township issued approximately 417 permits, a decrease of 5 from 2021.

In 2022, MFS responded to twenty-one (21) unauthorized burning complaints where the property owner did not comply with the Open-Air Burning By-law. Written and verbal warnings were issued under the enforcement policy for violating the open-air burning regulations. In 2022, Staff did not invoice any property owners for disregarding the provisions of the Open-Air Burning By-law.

Payroll to Firefighters

In June 2010, the Township implemented a 'points pay' system for all firefighters. Firefighters are awarded two points per hour for attending emergency incidents, regular training sessions, public education activities, and other approved duties such as filling air cylinders.

In 2019, a standardized point value was determined for each year until 2022. The 2022-point value (representing ½ hour of time) was \$13.00. Each year the point value increased by \$1.00 until 2023 when the increase will be consistent with the % increase granted under the then current Collective Agreement.

The first full year for 'points pay' was 2011. Below is a chart indicating the point value from 2011 to 2020:

Year	Total Points	Point Value (\$)
2011 (12 months)	16,399	6.18
2012 (11 months)	15,247	7.19
2013 (12 months)	16,348	7.17
2014 (12 months)	19,932	6.28
2015 (12 months)	18,271	7.61
2016 (12 months)	18,266	8.19
2017 (12 months)	18,621	8.41
2018 (12 months)	24,022	6.98
2019 (12 months)	17,209	10.00
2020 (12 months)	15,491	11.00
2021 (12 months)	16,341	12.00
2022 (12 months)	16,810	13.00

Malahide Station Training

In 2022, 56 training sessions were conducted for all 3 stations covering 31 subjects from firefighting, medical, and all forms of Technical Rescue. Total time committed by firefighters to in service training was 2470 hours. Instructors spent additional hours preparing for the delivery of this training.

Technical Rescue Services

The Department's Technical Rescue training program includes:

- a) Auto Extrication;
- b) Water Rescue;
- c) Ice Rescue;
- d) Rope Rescue and
- e) Confined Space.

As of December 31, 2022, the Department has twenty-three (23) firefighters that are or qualifying to Awareness, Operations and Technician levels in each of these disciplines.

As of December 31, 2022, the Department has 5 qualified instructors in vehicle extrication, rope and confined space and 3 members designated as Ontario Fire College Associate Instructors for Water and Ice Rescue. All instructors are committed to providing training to other MFS members.

Volunteer Firefighter Recruitment

In 2022, the Department welcomed six (6) new recruit volunteer firefighters. Due to COVID-19 limitations, these recruits were joined by the 2021 recruits to completed their NFPA 1001 Level 1 and Level 2 Certification as well as HazMat. All recruits completed their First Aid/CPR and Modified Tier Responder Training as well as defibrillator, Epi and Naloxone administration.

We have 9 recruits for 2023.

The current compliment of MFS volunteer firefighters is sixty-eight (68).

Junior Firefighter Program

A Junior Firefighter (JFF) is a member of the Department that is currently attending secondary school and interested in the fire service. JFF's are authorized to attend training sessions only, and are not permitted to enter into burning structures during training.

Currently, the Department has one (1) JFF at North Station.

Officer Selection and Appointment

District Chiefs, District Deputy Chiefs and Captains are appointed for a 4-year term. The ending of the 4-year terms are staggered so that the Department is not changing all of its officers at the same time. At the end of their term or when a vacancy occurs positions are posted for a 30-day period, applications are received, interviews are held and the most qualified candidate is selected. In 2022 "recruitment" was carried out for one Captain at South Station and two Captains at North Station (one for Lyons and one for Springfield). The District Chief at South Station was up for renewal as of December 31, 2022.

Below is a chart indicating the Station Officers and the expiry of their terms as of December 31, 2022.

Name	Station	Position	Expiry
Loewen, Randy	South Station	District Chief	December 31, 2026
Brown, Jason	South Station	Deputy District Chief	December 31, 2025
DeRyk, Joseph	South Station	Captain	December 31, 2023
Dekraker, Dylan	South Station	Captain	December 31, 2026
Huse, Randy	South Station	Captain	December 31, 2024
Lamb, Andy	South Station	Captain	December 31, 2023
Salmon, Scott	South Station	Captain	December 31, 2025
Schuurman, Harmen	South Station	Captain	December 31, 2025
DeSutter, Ryan	North Station	District Chief	December 31, 2025
Bradley, Dave	North Station	Deputy District Chief	December 31, 2024
Bradley, Aaron	North Station (L)	Captain	December 31, 2025
DeSutter, Rob	North Station (S)	Captain	December 31, 2025
Johnson, Dennis	North Station (S)	Captain	December 31, 2023
Moyer, Mark	North Station (L)	Captain	December 31, 2024
Lindsay, Rob	North Station (L)	Captain	December 31, 2026
VandenNest, Corey	North Station (L)	Captain	December 31, 2026

Mutual Aid

Mutual Aid is normally requested when the requesting Department's resources are expended.

In 2022, Malahide Fire Services provided assistance to neighboring Departments (Aylmer, Bayham, Central Elgin, South-West Oxford) at sixteen (16) incidents

Automatic Aid Agreements

In July 2011, the Township entered into an Automatic Aid Agreement with the Municipality of Central Elgin to provide specific fire and rescue services to specific areas of the Township.

Automatic Aid is when a municipality enters into an agreement to provide or receive the initial or supplemental response to fires, rescues, and emergencies to enhance the delivery of seamless service on a day-to-day basis.

The Automatic Agreement enhances the initial response time to an emergency by ensuring the closest station is dispatched immediately upon the Dispatch Centre receiving the call.

The Agreement has demonstrated that fire and rescue service are timelier than if the Agreement was not in place. For example, Central Elgin Fire and Rescue has arrived anywhere from 3-12 minutes before any Malahide apparatus has arrived at incidents located in the Agreement coverage areas.

An additional benefit of the Agreement is that Malahide can maintain a minimum level of fire protection services to other areas of the Township when dispatched to emergencies in the extreme northwest of the Township.

Automatic Aid was activated 3 times in 2022.

Staff Development

We have continued to expand our training of all firefighters and officers. Our Technical Rescue Team continues working on training and skill development to provide a highly skilled response to our most difficult calls. We are actively assisting with providing instructors to the new RTC (Regional Training Centre) for the County of Elgin. This RTC will allow the Township of Malahide to access a greater range of training at a lesser cost. In 2022 The (RTC) utilized 12 of our instructors for 7 different courses as well as the full recruit training program.

On July 1st, 2022 O. Reg. 343/22 Firefighter Certification was passed and lays out the frame work where all firefighters in Ontario need to be fully certified by July 1, 2026 for Firefighter Standards and by July 1, 2028 for all Technical Rescue Standards. Our previous training plan has put us in a good place in regards to this and we will be able to meet the timelines set out by the province.

Driver Certification Program

The Township is an authorized agent to deliver a Driver Certification Program (DCP), which allows the Township to certify and renew drivers for up to a Class D and air brake testing and certification.

Employees seeking upgrades to their driver license must undergo a comprehensive training program that includes both in-class training and on-road training. In addition, in order to obtain an air brake endorsement, drivers must attend a 2.5 day in-class training session and demonstrate the ability to perform the MTO air brake inspection requirements.

The Elgin County Chiefs Mutual Aid Association has requested Malahide to provide DZ Certification training to other Elgin County Department recruit firefighters. MTO has provided us with the process in order for this to be acceptable under our program, Dennis Johnson and Ruben Wiebe, our certified trainers, have agreed to dedicate the time to do the training; and the Staff have developed a billing model for the other municipalities to ensure that there are no unrecovered costs to the Township of Malahide for providing this training.

In addition to providing the DCP program to Aylmer, West Elgin, Dutton-Dunwich, Southwold, and Bayham in Elgin, the program has been expanded to also include Thames Centre, Middlesex Centre, and Strathroy-Caradoc in Middlesex County, as well as the OPP. The delivery of the program outside of Elgin County is billed at a higher rate.

Emergency Management Program

Emergency Response

There was approximately 96 hours of ice breaking done in 2022. There was one flood event in 2022 in Port Bruce which led to a partial evacuation of the town for several days and causing significant property damage. Staff were able to have the province attend and they provide funding through DRAO (Disaster Recovery Assistance for Ontarians) to assist with some of the costs not covered by insurance.

Public Education/Awareness

In 2022, the Township met the Emergency Management Ontario minimum requirements for public education and awareness.

Public education activities included displays at various venues across the Township, normally in conjunction with fire safety education activities set out above.

Emergency Management Program Committee (EMPC)

The Township EMPC has met the Emergency Management Ontario minimum requirements prescribed under the *Emergency Management and Civil Protection Act* (EMCPA) for the Township/s Emergency Management Program.

The EMCPA requires the Township's EMPC to review, revise, develop and/or endorse the following at least annually:

- Community Hazard Identification and Risk Assessment (HIRA)
- General Community Hazards Assessment
- Hazard Information Sheets for each General Hazard
- Community Risk Profile
- Appendices to the Emergency Response Plan
- Critical Infrastructure Assessment
- Malahide Flood Emergency Response Plan.

The Emergency Management Program Committee met on December 14, 2022. All of the above were reviewed prior to the meeting by staff and CEMC Stephanie Cyros. The Emergency Response Plan and Malahide Flood Emergency Response Plan require updating and staff will be bringing a report in the first quarter of 2023 to adopt updated Plans.

Training and 2022 Program Compliance Activities

The Emergency Management Program Committee met on December 14, 2022 and carried out a tabletop exercise and training. This was very informative for the new staff members who are now part of the Committee.

Comments/Analysis:

In 2022, the Staff completed the following program enhancements:

- Partnered with Elgin County and other Fire Departments to support our RTC (Regional Training Centre) This allows Elgin County Fire Departments to access and delivery a certified training program following NFPA Standards. These courses are offered and delivered at a cost recovery basis to the county departments and requests for certain courses can be added as needed.
- Conducted fire safety inspections of all required properties. High risk occupancies, public assembly buildings and migrant farm worker accommodations as requested.
- Maintain effective partnerships with the Ontario Police College, Elgin County Fire Departments, Long Point Region Conservation Authority, and Catfish Creek Conservation Authority.
- Completed training of 6 recruit firefighters 2022 class
- Delivered enhanced medical training to all firefighters.

In 2023, the Staff will explore enhancements to the following services/programs:

- Develop required CRA (Community Risk Assessment) due in 2024.

- MFS, in partnership with Elgin County Regional Training Centre, will work together for the purpose of officer, instructor and specialty training and the delivery of two full recruit classes in 2023.
- Continue to build our Township Tech Rescue Team and to focus on member certifications.
- Train firefighters in Officer and Instructor levels.
- Maintain effective partnerships with the Ontario Police College, Elgin County Fire Departments, Elgin OPP, Elgin EMS, local Conservation Authorities.
- Delivery of training for Post-Traumatic Stress Disorder (PTSD) Prevention and resiliency to all firefighters.
- Identify upcoming officers and deliver Officer Development training.
- Conduct fire safety inspections on high risk occupancies, including schools, public assembly buildings and small businesses, as requested.
- Train 2023 recruit firefighters.
- Deliver DZ training to other Elgin and Middlesex County Departments, as well as Elgin OPP under the Township's Driver Certification Program as required.
- Enhance Emergency Management Plans and create full scale exercise for 2023.
- Continue to deliver paid training for Basic Cadet Program with OPC.
- Provide to Council quarterly reports of fire activities.
- Update enabling By-law and Fees Structure for service.

Relationship to Cultivating Malahide:

The *Cultivating Malahide* Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Local Government.

One of the goals that support the "Our Community" Strategic Pillar relates to "Keep Our Community Safe" by undertaking a long-range strategy, in consultation with the appropriate emergency services authorities, to identify resources required to optimize the provision of emergency services.

Submitted by:	Approved by:
Jeff Spoor Director of Fire and Emergency Services/Fire Chief	Adam Betteridge, Chief Administrative Officer



Report to Council

REPORT NO.: PW-23-07
DATE: February 2, 2022
ATTACHMENT:
SUBJECT: TENDER AWARD FOLLOW-UP REPORT RE: SINGLE AXLE
DUMP TRUCK COMPLETE WITH WINTER CONTROL
EQUIPMENT

Recommendation:

THAT Report No. PW-23-07 entitled "Tender Award Follow-up Report re: Single Axle Dump Truck Complete with Winter Control Equipment be received;

AND THAT the bid received from Team Truck Centres of London, Ontario in the amount of \$358,505.00 (plus applicable taxes), for the purchase of one new single axle dump truck complete with winter control equipment be accepted;

AND THAT Staff be directed to prepare terms of reference to establish the Township Equipment Committee as a formal Committee of Council;

AND THAT Staff be directed to report on an updated Long-Term Financial Plan for all Township Fleet replacement cycle.

Background:

The current in place large equipment replacement plan was included as a deliverable within the 2008 Road Needs Study completed by Aecom Canada Ltd., identifying the recommended fleet replacement timeline over a 20-year horizon (2009 – 2029). This plan provides Staff and Council with the professional guidance necessary to undertake the appropriate fleet replacements in order to meet Minimum Maintenance Standards (O.Reg. 239/02, and referred herein as "MMS") as regulated by the Province of Ontario, and just as important, to ensure the public's investment in the Township fleet is maximized.

The large equipment replacement plan was included in the project scope of the Road Needs Study specifically noting timely equipment replacement as a critical means for efficient and effective delivery of Public Works service. Township Council received the plan at its February 17, 2009 Regular Meeting (resolution No. 86). The subject vehicle (2011 International Durastar Single Axleplow) is identified in the adopted study with a recommended 12-year replacement plan.

Subsequent to the noted Aecom Road Needs Study, and noting the irregular replacement schedule at that time, the Road Fleet Replacement Long Term Financial Plan (Staff Report T-11-09) was brought forward in 2011. A continual escalation of fleet repair costs related to aging equipment was being fueled by untimely fleet replacements. The resultant reduction in fleet reliability and down time posed an unacceptable risk to meeting MMS on Township and County roads.

As specifically noted by report T-11-09, the delayed replacement of fleet represented the greatest potential risk to the corporation. The following was passed:

Moved by: Max Moore

No. 108

Seconded by: Mark Widner

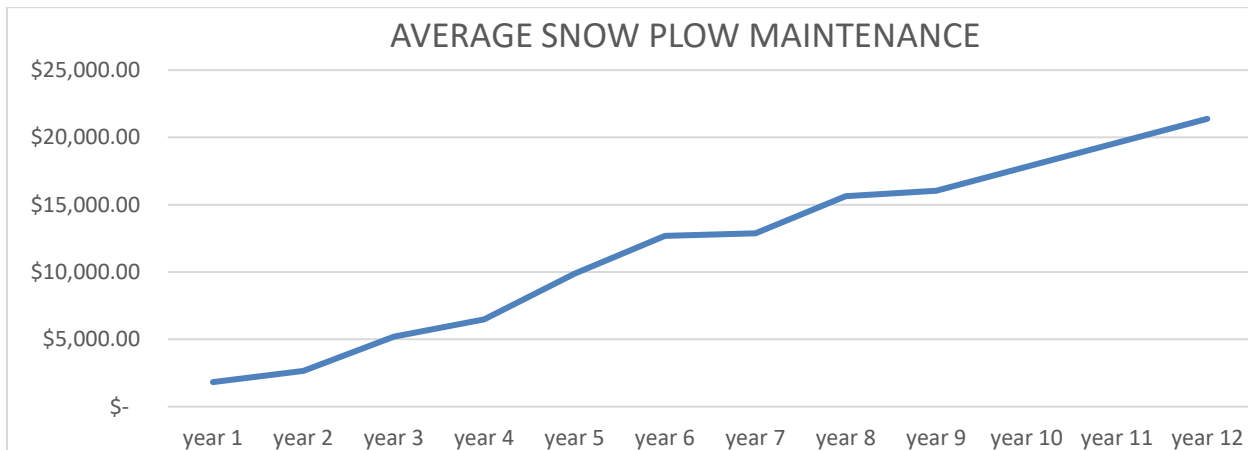
THAT Report No. T-11-09 entitled "Road Fleet Replacement – Long Term Financial Plan" be received;

AND THAT the 2011 to 2014 Draft Budget incorporate the suggested recommendations.

Carried.

The escalation of repair expenses with age can be confirmed with the current day fleet as well. The charts below represent the average annual maintenance expense of current day Township of Malahide snow plows over their lifecycle:

Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12
\$1,800	\$2,600	\$5,200	\$6,500	\$9,900	\$12,600	\$12,900	\$15,600	\$16,000	\$17,800	\$19,600	\$21,380



The subject vehicle (2011 International Durastar Single Axle Plow) was procured in 2010 (Council Resolution No. 38, following Staff report R-10-01(a)) from Carrier Truck Centers Inc. in the amount of \$151,159.87.

The vehicle was delivered and entered into the Township fleet workforce in 2011, and was accordingly entered for future replacement in 2023, noting the risks outlined in both the adopted Aecom study and Fleet Replacement Plan. The plan included accommodating an updated like-for-like replacement to ensure provincially required service levels are met by the best-management-practice approach in utilizing a single axle plow for village street snow clearing.

In September of 2022, the Roads & Construction Manager was informed that a limited-number of 2023 chassis builds are expected, and should the Township have upcoming needs, action should be taken to avoid likely delivery delays in the future as a result.

Recognizing the advised risk to the Corporation, reliant on the third party Aecom recommendations and adopted large-fleet replacement plan, in late October 2022 Township staff called on the informal Equipment Committee to meet for the purpose of discussing the Single Axle plow replacement. The Equipment Committee, comprised of Council members Mark Widner and Scott Lewis, Director of Public Works Matt Sweetland, and Road and Construction Manager Ryan DeSutter, met on November 7, 2022 to review the specifications of the plow replacement.

Recognizing the aggressive time requirements and noted limited availability of 2023 model chassis builds, partnered with the lame-duck Council status at that time, the Equipment Committee recommended moving forward with the planned replacement of the single axle plow. Utilizing the delegated authorities provided to the CAO during the Restricted Acts period ("Lame Duck"), the CAO authorized the issuance of the tender for the piece of equipment.

Email advisory of the CAO's authorization was given to the Mayor and the Deputy Mayor on November 8th, and the tender posted to the Township's Bids and Tenders website on November 16th, 2022. This was further advised to Council and received per resolution No. 22-274 to accommodate provisions in the 2023 Capital Budget for the single-axle plow replacement:

No. 22-274

Moved By: Scott Lewis

Seconded By: Mark Widner

THAT Report No. CAO-22-18 entitled "2nd Informational Report: CAO Use of Restricted Acts Clause" be received for information;

AND THAT Staff make the necessary provisions in the Draft 2023 Capital Budget for the necessary single axle snow plow unit replacement.

Carried

As noted in the Staff Report presented January 5, 2023, the tender called for one Single Axle Dump Truck with Winter Control Equipment, and seeking a delivery in the spring of 2024. The tender was open for four (4) weeks, closing at 11:00am local time on December 16, 2022 with two bids received and staff recommended award to the tender compliant low bid by Team Truck Centres / Premier Truck Group in the amount of \$358,505, noting that amount was \$43,505.00 (13.8%) in excess of the anticipated budget amount (plus applicable taxes).

Noting the budget overage, Council deferred the award subject to an inspection of the existing International Durastar Single-Axle plow.

No. 23-019

Moved By: Lewis

Seconded By: Widner

THAT Report No. PW-23-04 entitled "Tender Award – Single Axle Dump Truck Complete with Winter Control Equipment be received;

AND THAT Council direct staff to provide further information regarding the current piece of equipment including the results of an inspection

AND THAT staff provide a follow up report with these findings and recommendations.

Carried

A Special Meeting of Council was held January 16, 2023 to provide a self-directed inspection of the existing 2011 International Durastar Single-Axle plow by members of Council, as requested in the meeting minutes of the January 5, 2023 regular meeting of Council.

Comments/Analysis:

As requested by Resolution No. 23-019, staff are able to provide the following detail of information on the existing 2011 Durastar Single-Axle plow, subject to replacement per the adopted large equipment replacement plan.

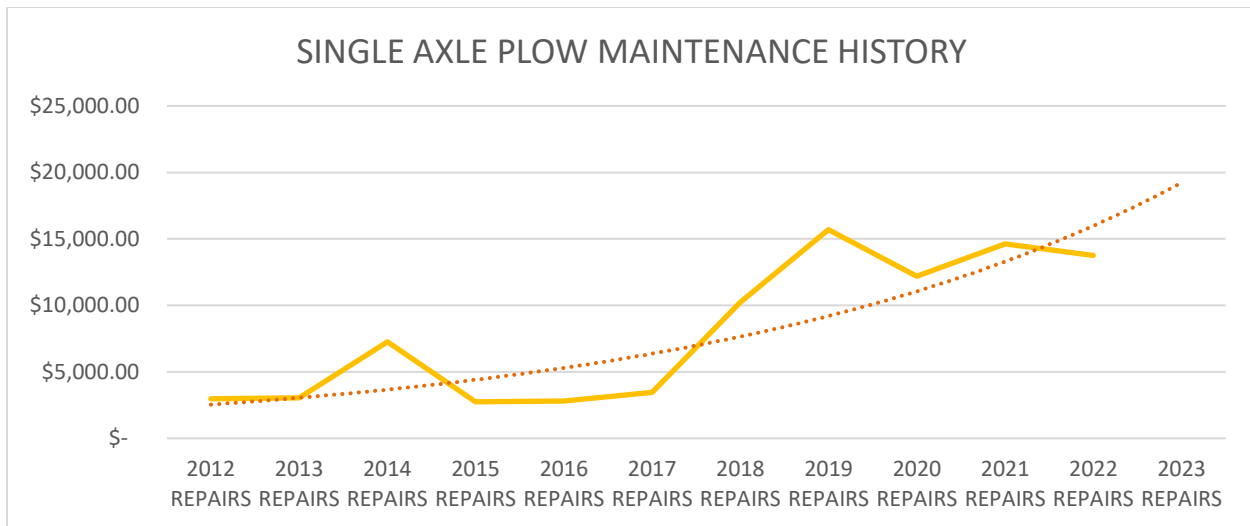
The 2011 International Durastar Single Axle Dump/Plow/Spreader Combination is used to plow village streets within the Township of Malahide and is therefore one of the most important pieces of equipment used during winter control as it serves benefit to the

greatest concentration of Township residents, and there is only one (1) of these trucks in the entire fleet. The following is provided:

Purchase Price: \$151,159.87
 Maintenance Cost 2011 – 2022: \$82,771
 Current Odometer: 84,500
 Current Engine Hours: 3,900
 Average annual km: 7,680
 Annual fuel consumption: 1,893L

Repair History Noted as follows:

Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12
2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
\$2,982	\$3,043	\$7,253	\$2,743	\$2,810	\$3,463	\$10,244	\$15,695	\$12,198	\$14,609	\$13,760	TBD



Some noted repairs: 2012 – Plow repairs; 2018 - Windshield replacement and brake drum replacement; 2019 – Tires; 2020 – PTO repairs and door glass replacement; 2021 – Fuel injectors; 2022 – ECM module; and, 2023 – PTO solenoid (which caused complete loss of operational controls. This occurred just recently, and following the special Council inspection).

The tender identification of award anticipation in early January 2023 allowed suppliers to identify the anticipated in-service date at the time of bid. The recommended award to Premier Truck group identified an expected in-service date of Spring 2024. While the tender allows the tendered price to be in effect until February 14, 2023, staff have been advised that the award deferral may result in a delivery delay as very few build time-slots remain available in the third and fourth quarter of 2023. As a result, the realistic delivery window of a new unit, if ordered now, would be 20-24 months, meaning the existing unit will be required to remain in service for two more winter seasons before the replacement unit arrives (likely early 2025).

Tender Award Consideration

Current vehicle value has been estimated through research of Single Axle Plow sales on govdeals.ca through the 2022 calendar year:

AGE OF TRUCK (years)	ODOMETER (km)	AUCTIONED VALUE (\$)
Less than 10yrs	28,500	\$ 40,500
10 to 15	100,929	\$ 21,370
16 to 20	113,750	\$ 9,900
Greater than 20	155,667	\$ 4,680

The total tendered cost consideration is therefore noted as follows:

Tendered Cost (A)	Estimated Auction Value (B)	Actual Cost (A) – (B)	Budget	Budget Exceedance (\$)	Budget Exceedance (%)
\$358,505	(\$21,370)	\$337,135	\$315,000	\$22,135	7.0%

Operational Risk to Cancel Tender Award

Various best management practice publications note the most important method for winter road maintenance involves the mechanical removal of snow and ice from roadways using snowplows by typical use of single axle and tandem axle dump trucks with plows, rotary plows, and loaders (Conger, 2005; Williams and Linebarger, 2000).

The selection of the appropriate type of plow, and proper adjustment of the plow will reduce costs and lessen the need to use salt to clear the roadway (TAC, 2003).

As noted, the subject single axle plow is used to plow village streets including:

- Village of Springfield
- Orwell
- Lyons
- Port Bruce Community
- Copenhagen

The single axle plow is chosen for its shorter turning radius and ability to access narrow village streets and tight areas, partnered with the ability to spread salt and ability to meet the MTO Maintenance Manual best management practice guidelines relating to winter control activities.

As repairs are widely expected to be more common among aging fleet, additional risk to the municipality is absorbed should a large repair be required, resulting in the Township's inability to maintain the roadway. The Township's existing fleet of (larger)

tandem axle plows is not a feasible option to complete the village road clearing due to increased turning radius, and size exceeding the road allowance width in some cases, which in-turn increases the likelihood of damage to private property.

Accordingly, should a significant repair be required during the winter control season, the Township will need to investigate private service contractors to clear Village Streets in order to meet MMS requirements.

Financial Risk to Cancel Tender Award

The existing vehicle is in working order, and inspected annually with maintenance completed as required to ensure the continued safe use and ability to meet MMS requirements. The rolling last 4 years of maintenance history reflect an average cost of \$14,065 annually representing 66% of the machines projected residual value.

The projected operating and maintenance costs for aged fleet cannot be accurately calculated, as repair requirements are sporadic in nature. The provincial requirements to meet MMS would require the Township to contract 3rd party snow clearing operators if a large repair is required during snow clearing season, the cost of which would be dependent on the down time.

Legal Risk to Cancel Tender

There is no legal risk to the Township if this tender is cancelled completely. If this was the decision of Council however, a sufficient period of time (i.e., two (2) or more years) would need to pass before a tender could be issued.

To summarize, the recommendation to proceed with awarding the tendered single-axle plow is consistent with the direction given to staff from Council by the noted history and risk assessment herein.

The single-axle plow is the historically and industry accepted vehicle to undertake such required MMS task for its weighted ability to move heavy snow in residential areas and ability to meet the various publications noted herein.

The Township's financial planning allow such recommendations to be acted upon to meet the service levels established by Council and remain consistent with the adopted road needs study fleet program recommendations and best management practices.

The adopted process by the noted historical resolutions herein to direct staff resources and undertaking for planned fleet replacement allow a Council defined operational and financial process to meet the intended MMS task.

A varied practice (i.e.: review of 'how' snow clearing is achieved outside of industry best management practice) will require formal direction. This direction, if sought, shall include:

- Formal establishment of the Equipment Committee as a committee of council for the purpose of establishing guidance of fleet use and ongoing replacement model recommendations to Council
- Direction to proceed with and updated long term financial plan for Township Fleet replacement noting the dynamic funding model change requirement.
-

Financial Implications to Budget:

The adopted Equipment Replacement Plan has allowed for directed reserve funding since 2011 to meet the needs of the Corporation's obligated responsibilities. The replacement tendered price has been allocated to the 2023 Capital Budget as directed by Council.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government.

One of the goals that support the "Embody Financial Efficiency throughout Decision-Making" Strategic Pillar is ensuring that the cost of maintaining municipal infrastructure is equitably borne by current and future ratepayers.

Submitted by:	Approved for Council:
Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer



Report to Council

REPORT NO.: CAO-23-01
DATE: February 2, 2023
ATTACHMENT: None
SUBJECT: Shared Director of Development Services Recruitment

Recommendation:

THAT Report No. CAO-23-01 entitled “Shared Director of Development Services Recruitment” be received;

AND THAT Council directs the Chief Administrative Officer to formally invite the Mayor (or designate) and the CAO of the Municipality of Bayham to sit with the Township’s Mayor, Deputy Mayor, CAO, and the HR Manager to form the Recruitment Committee for the hiring of a new Director of Development Services.

Background:

The Township is currently posting for a Director of Development Services. This position is being shared with the Municipality of Bayham, this through a signed Memorandum of Understanding (“MOU”) between the two municipalities.

The closing for this posting is February 10, 2023 and Staff is preparing for the interview process that will follow.

Comments/Analysis:

In accordance with the Township’s Hiring Procedure, when a Director level position is being recruited, a Committee of Council comprised of the Mayor, Deputy Mayor, and one additional Council Member is to sit with the Chief Administrative Officer (CAO) and Human Resources Manager to form the Recruitment Committee. Such Recruitment Committee will be responsible for interviewing prospective candidates and making a recommendation to Council with regard to the preferred candidate.

The CAO is requesting that Council authorize a one-time adjustment from the Hiring Procedure for this position based on the following:

As noted, this position is going to be shared with the Municipality of Bayham. As such, and in consultation with the Bayham's CAO, it is being recommended that the Recruitment Committee be comprised of:

- Township of Malahide Mayor and Deputy Mayor;
- Municipality of Bayham Mayor (or other member of Bayham Council at Bayham's discretion);
- Both CAOs; and,
- Township of Malahide Manager of Human Resources.

The Township's CAO believes that this adjustment maintains the spirit and intent of Council's Hiring Procedure, especially given that the position will also be reporting to the Municipality of Bayham Administration and Council, and its residents and stakeholders.

Financial Implications to Budget:

N/A.

Relationship to Cultivating Malahide:

The *Cultivating Malahide* Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Local Government.

One of the goals that support the "Our Local Government" Strategic Pillar relates to "Embody Financial Efficiency throughout Decision-Making". Undertaking a comprehensive recruitment process to ensure that the Township is able to recruit a well-qualified person to fill the current vacancy works to achieve this goal.

Submitted by:
Adam Betteridge, Chief Administrative Officer



January 17, 2023

Mayor Giguère and Members of Council
Township of Malahide
87 John Street South
Aylmer ON N5H 2C3

Subject: Recruitment of Members for the Terrace Lodge Redevelopment Fundraising Committee

Dear Mayor Giguère and Members of Council,

As you are aware, Terrace Lodge Long-Term Care Home in the Township of Malahide is currently underway, and making great progress. As part of the redevelopment process, the Terrace Lodge Redevelopment Fundraising Committee is raising funds to provide value added supports for the residents of Terrace Lodge through the Comforts of Home Campaign. Through our campaigning efforts and the generosity of our donors, the Committee has already been able to purchase various items including outdoor benches, two outdoor gazebos, televisions, memory care kits, electric fireplaces and furniture for the lounge, along with entertainment subscriptions (i.e. Netflix, Amazon Prime, etc.).

I am extremely proud to share that we have raised 49% of our campaign goal of \$675,000. The campaign has received \$329,000 in total donations, with \$114,600 raised in 2022 alone. None of this would have been possible without the support of our dedicated Committee members. The Committee worked tirelessly in 2022 to promote and raise funds for the campaign. Efforts included participating in new initiatives and events such as the Warden's Fundraising Gala as well as attending many local fairs across Elgin County.

With a new term just beginning, and with the Fundraising Committee having been officially reinstated by County Council resolution, it is time to appoint or reappoint members from your municipality to ensure momentum can be maintained and the goals achieved. We must work together to provide the Comforts of Home to our Terrace Lodge residents.

At this time, I therefore respectfully request that the Council of the Township of Malahide appoint, by resolution, one (1) member, either an Elected Official or a member of the public, to serve on the Terrace Lodge Redevelopment Fundraising Committee for a four-year term. Attached are the Committee Terms of Reference approved by Elgin County Council that outlines the goals and responsibilities of the Committee. This is a great opportunity to make a difference in the lives of our seniors' community.

If you have any questions, please do not hesitate to contact me.

Yours truly,

Councillor Dominique Giguère
Terrace Lodge Redevelopment Fundraising Committee

Schedule A-2 – Standing Committee – Terrace Lodge Redevelopment Committee

TERRACE LODGE REDEVELOPMENT - FUNDRAISING COMMITTEE

TERMS OF REFERENCE

The following Terms of Reference describe the scope of the committee's responsibilities, the limits of authority, the results it is expected to achieve and the reporting required.

PURPOSE

The Terrace Lodge Redevelopment Fundraising Committee (herein referred to as "Fundraising Committee") is a sub-committee of the Terrace Lodge Redevelopment Project Steering Committee (herein referred to as "Steering Committee"). Working in collaboration with the Steering Committee, the purpose of the Fundraising Committee is to plan, coordinate, implement and evaluate fund development activities in support of the operational and "value added" revenue generation in support of Terrace Lodge Redevelopment Project. The Fundraising Committee shall not support the capital costs associated with the Terrace Lodge Redevelopment Project.

REPORTING/ACCOUNTABILITY

The Fund Development Committee is a Sub-Committee of the Terrace Lodge Redevelopment Project Steering Committee. The Fund Development Committee will provide reports to the Steering Committee through the distribution of the committee's minutes.

MEMBERSHIP

The Fundraising Committee membership includes elected officials representing the East Elgin municipalities and representatives of local service groups, local businesses and community members.

Representatives of the Councils or a member of the public of Elgin's seven (7) Local Municipalities including:

- One (1) Member of Municipality of Central Elgin;
- One (1) Member of Municipality of Bayham;
- One (1) Member of Township of Malahide;
- One (1) Member of Town of Aylmer;
- One (1) Member of Municipality of Dutton Dunwich
- One (1) Member of Municipality of West Elgin; and,
- One (1) Member of Township of Southwold

- One (1) Elgin County Councillor
- One (1) Member of the Terrace Lodge Auxiliary;
- A minimum of four (4) and a maximum of ten (10) members from local service groups, local businesses, and the community that represent the catchment area;
- Long-Term Care Staff including Director of Homes and Seniors Services, Terrace Lodge Administrator, and Manager of Program and Therapies

TERMS

Members from municipal council are appointed for the duration of their term on local Council.

Community Members are appointed for a four (4) year term and shall be eligible for re-appointment.

SECRETARY

An employee of the County shall be the Secretary of the Committee and shall act as a resource person in a non-voting capacity.

SCOPE OF RESPONSIBILITIES

To assist the Terrace Lodge Redevelopment Project Steering Committee to meet its project targets, including working with staff and volunteers to recommend goals and objectives of the fundraising initiatives:

Recommend and draft a Fundraising Plan and Fundraising Target that supports and encourages community engagement with Terrace Lodge Redevelopment Project both the short and long-term, for approval by the Terrace Lodge Redevelopment Steering Committee;

Support the staff and volunteers to identify, research, solicit, foster and steward major prospect and donors so as to build a pipeline of project specific support;

Assist with the development and cultivation of mutually supportive fundraising partnerships with local community groups and organizations;

Monitor and evaluate progress in meeting fundraising targets and return on investment;

Oversee the formation/review of policies and procedures associated with fundraising activities so that they are conducted in accordance with County of Elgin Policies;

Create and recommend fundraising policies that ensure that fundraising best practices are maintained and that committee's program is donor-centric;

Promote and support fundraising events/activities by attending, volunteering and/or giving monetary/in-kind assistance to the level that committee members are able;

Review and recommend levels of sponsorship recognition and evaluate methods of donor recognition and stewardship opportunities so that all donations of time and money are recognized appropriately.

MEETINGS

Meetings will be held as necessary or an estimated 6 times per year.

ADMINISTRATION OF FUNDS

Elgin County will administer funds and will issue tax receipts.

VOTING/QUORUM

The Fundraising Committee shall endeavour to operate by consensus. In case of disagreement, Committee members shall cast votes. Decision-making is limited to providing advice and recommendations.

A quorum will be five (5) Members at the meeting who are entitled to vote.

Members of the Fundraising Committee will attempt to advise County staff at least two days in advance if unable to attend a meeting of the Committee. If quorum cannot be met, the meeting may be cancelled and rescheduled.

REVIEW

An evaluation of the Fund Development Committee will be conducted from time-to-time as the Terrace Lodge Redevelopment Project Steering Committee deems necessary.

Draft approved by County Council: January 10, 2023

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 23-09**

Being a By-law to adopt, confirm and ratify matters dealt with by resolution of the Township of Malahide.

WHEREAS Section 5(3) of the Municipal Act, 2001, c. 25, as amended, provides that the powers of every council are to be exercised by by-law;

AND WHEREAS in many cases, action which is taken or authorized to be taken by the Township of Malahide does not lend itself to the passage of an individual by-law;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Township of Malahide at this meeting be confirmed and adopted by by-law;

NOW THEREFORE the Council of The Corporation of the Township of Malahide **HEREBY ENACTS AS FOLLOWS:**

1. THAT the actions of the Council of the Township of Malahide, at its regular meeting held on February 2, 2023, in respect of each motion, resolution and other action taken by the Council of the Township of Malahide at such meeting is, except where the prior approval of the Ontario Municipal Board or other authority is required by law, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. THAT the Mayor and the appropriate officials of the Township of Malahide are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Malahide referred to in the proceeding section.
3. THAT the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Malahide.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 2nd day of February, 2023.

READ a **THIRD** time and **FINALLY PASSED** this 2nd day of February, 2023.

Mayor, D. Giguère

Clerk, A. Adams