

## The Corporation of the Township of Malahide

## AGENDA

March 16, 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.
- (A) Call Meeting to Order
- (B) Disclosure of Pecuniary Interest
- (C) Closed Session at 6:45p.m. **RES 1-2** 
  - (ii) Training and education for the purpose of professional development relating to a Council orientation session on strategic planning.
- (D) Approval of Previous Minutes **RES 3 (Pages 7-15)**
- (E) Presentations/Delegations/Petitions
  - <u>Public Meeting Zoning By-law & Severance Application</u>—Applicant, Simona Rasanu (SBM Ltd.) on behalf of Joelle Giret, Colleen Giret and Jeremy Giret, relating to property at CON 9 S PT LOT 6, 13996 Whittaker Road **RES 4-6 (Pages 16-60)**
  - Meeting to Consider Robinson Drain, relating to parts of Lot 2, Concession 9, Township of Malahide RES 7-8 (Pages 61-62)
- (F) Reports of Departments

- (i) Director of Fire & Emergency Services
- (ii) Director of Public Works
  - Tender Results Carter Road Bridge Rehabilitation RES 9 (Pages 63-64)
  - Dust Control Contract Extension RES 10 (Pages 65-67)
- (iii) Director of Corporate Services/Treasurer -2022 Council Remuneration and Expense **RES 11(68-70)**
- (iv) Clerk
- (v) Building/Planning/By-law
  - Application for Consent to Sever No. E3-23 of Chad Underhill Farms Ltd. **RES 12 (Pages 71-92)**
  - Passing of Zoning By-law of David and Mary Thiessen **RES 13** (Pages 93-99)
- (vi) CAO
- (G) Reports of Committees/Outside Boards
  - (i) Kettle Creek Conservation Authority Notice of Confirmation –2023 Levy **RES 14** (Pages 100-101)
  - (ii)Long Point Region Conservation Authority Minutes of February 2023 **RES 15 (Pages 102-106)**
- (H) Correspondence **RES 16** 
  - 1. Association of Municipalities of Ontario Watch File dated March 2, 2023. (Pages 2-5)
  - 2. Correspondence received from AMO in relation to sending a letter to the Minister of Transport Canada that speaks to the issue of Railways and the Drainage Act. (Pages 6-8)
  - 3. Municipality of Dutton-Dunwich Provincial Policy Statement Exemptions. (Page 9)
  - 4. Municipality of Chatham-Kent Municipal Insurance Costs. (Page 10)
  - 5. Otter Valley Naturalists The Mayor's Monarch Pledge. (Page 11)
  - 6. Alexandra Hospital, Ingersoll and Tillsonburg District Memorial Hospital Media Release March 6, 2023. (Pages 12-13)
  - 7. Ministry of the Environment, Conservation and Parks Municipal Class Environmental Assessment (EA) Amendment: (Pages 14-16)
    - Stakeholder Notification dated March 3, 2023
    - EA Modernization Update Notification Letter dated March 10, 2023

- 8. Township of Moonbeam –Extension to the moratorium on most pupil accommodation reviews. (Pages 17-18)
- 9. The Corporation of the Town of Cobourg Homeless and Unsheltered Persons. (Pages 19-22)
- 10. Elgin County Council Highlights February 28, 2023. (Pages 23-26)
- 11. Municipality of Trent Lakes Municipal Oath of Office. (Pages 27-28)
- (I) Other Business
- (J) By-laws
  - (i) By-law No. 23-22 2023 Roadside Grass Cutting **RES 17 (107-109**
- (K) Confirmatory By-law RES 18 (Page 110)
- (L) Adjournment RES 19

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 Council move into Closed Session at	p.m	., pursuant to Section
	239(2) of the Municipal Act, 2001, as amended, to	discus	s the following

- (i) Training and education for the purpose of professional development relating to a Council orientation session on strategic planning.
- 2. THAT Council move out of Closed Session and reconvene at \_\_\_\_\_ p.m. in order to continue with its deliberations.
- 3. THAT the minutes of the regular meeting of the Council held on March 2, 2023 be adopted as printed and circulated.
- 4. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z01-23 OF Joelle Giret, Colleen Giret, & Jeremy Giret c/o Strik, Baldinelli, Moniz Ltd., relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road; be called to order at 7:\_\_p.m
- 5. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z01-23 OF Joelle Giret, Colleen Giret, & Jeremy Giret c/o Strik, Baldinelli, Moniz Ltd., relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road; be adjourned and the Council reconvene at 7:\_\_p.m
- THAT Report No. DS-23-05 entitled "Application for Consent to Sever No. D10-E8-23 and associated Application for Zoning By-law Amendment No. D14-Z01-23 OF Joelle Giret, Colleen Giret, & Jeremy Giret c/o Strik, Baldinelli, Moniz Ltd." be received;

AND THAT the Application for Consent to Sever No. D10-E8-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, 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;

AND THAT the Zoning By-law Amendment Application No. D14-Z01-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, BE APPROVED for the reasons set out in this Report.

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Consent Application has been received to the satisfaction of the Township of Malahide.

7. THAT the Engineer's Report for the Robinson Drain be accepted;

AND THAT By-law No. 23-25 being a by-law to provide for the Robinson drainage works be read a first and second time and provisionally adopted.

- 8. THAT the Court of Revision for the Robinson Drain be scheduled to be held on April 20, 2023, at 7:30 p.m.
- THAT Report No. PW-23-18 entitled "Tender Results Carter Road Bridge Rehabilitation" be received;
   AND THAT the Carter Road Bridge Rehabilitation be awarded to W. G. Kelly Construction of Mitchell, Ontario in the amount of \$242,597.00 (plus HST);

AND THAT the Mayor and Clerk be authorized to enter into an agreement with W. G. Kelly Construction for the purpose of completing the Carter Road Bridge Rehabilitation.

10. THAT Report No. PW-23-19 entitled "Dust Control Contract Extension" be received;

AND THAT Township Council authorize the requested price increase to \$0.315 per litre of applied calcium chloride dust control and fuel surcharge tied to the two-week trailing diesel rack rate.

11. Report No. DS-23-06 entitled "Application for Consent to Sever No. E3-23 of Chad Underhill Farms Ltd." be received;

AND THAT the Application for Consent to Sever of Chad Underhill Farms Ltd., relating to the property located at Concession 1 W, Part of Lot 29, and known municipally as 52361 Nova Scotia Line, be supported for the reasons set out in this Report;

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

- 12. THAT Report No. FIN 23-02 entitled "2022 Council Remuneration and Expense" be received.
- 13. THAT Report No. DS-23-09 entitled "Passing of Zoning By-law of David and Mary Thiessen" be received:

AND THAT the Zoning By-law be passed for the previous approval of the application of David and Mary Thiessen relating to the property located at North Part of Lot 24, Concession 3, and known municipally as 51553 Calton Line.

14. THAT the correspondence received from the Kettle Creek Conservation Authority,

dated March 1, 2023, regarding the approval of the 2023 Budget be received.

- 15. THAT the following Reports of Committees/Outside Boards be noted and filed:
  - (i) Long Point Region Conservation Authority Minutes of February 1, 2023
- 16. THAT the following correspondence be noted and filed:
  - 1. Association of Municipalities of Ontario Watch File dated March 2, 2023. (Pages 2-5)
  - 2. Correspondence received from AMO in relation to sending a letter to the Minister of Transport Canada that speaks to the issue of Railways and the Drainage Act. (Pages 6-8)
  - 3. Municipality of Dutton-Dunwich Provincial Policy Statement Exemptions. (Page 9)
  - 4. Municipality of Chatham-Kent Municipal Insurance Costs. (Page 10)
  - 5. Otter Valley Naturalists The Mayor's Monarch Pledge. (Page 11)
  - 6. Alexandra Hospital, Ingersoll and Tillsonburg District Memorial Hospital Media Release March 6, 2023. (Pages 12-13)
  - 7. Ministry of the Environment, Conservation and Parks Municipal Class Environmental Assessment (EA) Amendment: (Pages 14-16)
    - Stakeholder Notification dated March 3, 2023
    - EA Modernization Update Notification Letter dated March 10, 2023
  - 8. Township of Moonbeam –Extension to the moratorium on most pupil accommodation reviews. (Pages 17-18)
  - 9. The Corporation of the Town of Cobourg Homeless and Unsheltered Persons. (Pages 19-22)
  - 10. Elgin County Council Highlights February 28, 2023. (Pages 23-26)
  - 11. Municipality of Trent Lakes Municipal Oath of Office. (Pages 27-28)
- 17.THAT By-law No.23-22, being a By-law to authorize the execution of an Agreement with Fitch General Contracting Inc. for roadside grass cutting for 2023, be given first, second and third readings, and be properly signed and sealed.
- 18. THAT By-law No.23-24, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
- 19. THAT the Council adjourn its meeting at \_\_\_\_\_ p.m. to meet again on April 6, 2023, at 7:30 p.m.

## The Corporation of the Township of Malahide

March 2, 2023 - 7:30p.m.

Virtual Meeting – <a href="https://youtu.be/vvyu25U2fcY">https://youtu.be/vvyu25U2fcY</a>

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 R. Cerna, 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 Human Resources Manager S. Loewen.

#### Via Zoom:

#### Absent:

#### **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 D – Sparta Line Municipal Drain No. 1 and Sparta Line Municipal Drain No. 2. The nature of the conflict being that a Partner at Spriet Associates is an immediate relative of his.

#### **MINUTES:**

No. 23-086

Moved By: Rick Cerna Seconded By: Sarah Leitch

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

#### PRESENTATIONS/DELEGATIONS/PETITIONS:

Deputy Mayor Widner disclosed a pecuniary interest with respect to Council Agenda items D – Sparta Line Municipal Drain No. 1 and Sparta Line Municipal Drain No. 2. He retired from the meeting and abstained from all discussions and voting on the matter.

- <u>Meeting to Consider</u> – Sparta Line Municipal Drain No. 1, relating to parts of Lot 8 and 9, Concession 3, Township of Malahide

No. 23-087

Moved By: Rick Cerna

Seconded By: Chester Glinski

THAT the Engineer's Report for the Sparta Line Drain No. 1 be accepted;

AND THAT By-law No. 23-12 being a by-law to provide for the Sparta Line Drain No. 1 drainage works be read a first and second time and provisionally adopted.

#### Carried

No. 23-088

Moved By: Scott Lewis Seconded By: Sarah Leitch

THAT the Court of Revision for the Sparta Line Drain No. 1 be scheduled to be held on April 6, 2023, at 7:30 p.m.

#### Carried

No. 23-089

Moved By: Sarah Leitch Seconded By: John H. Wilson

THAT the tenders for the construction of the Sparta Line Drain No. 1 be requested for March 30, 2023 at 11:00 a.m.

#### Carried

-Meeting to Consider – Sparta Line Municipal Drain No. 2, relating to parts of Lot 8, Concession 3, Township of Malahide

No. 23-090

Moved By: Rick Cerna Seconded By: Sarah Leitch THAT the Engineer's Report for the Sparta Line Drain No. 2 be accepted;

AND THAT By-law No. 23-13 being a by-law to provide for the Sparta Line Drain No. 2 drainage works be read a first and second time and provisionally adopted.

#### Carried

No. 23-091

**Moved By: Scott Lewis** 

Seconded By: Chester Glinski

THAT the Court of Revision for the Sparta Line Drain No. 2 be scheduled to be held on April 6, 2023, at 7:30 p.m.

#### Carried

No. 23-092

Moved By: John H. Wilson Seconded By: Sarah Leitch

THAT the tenders for the construction of the Sparta Line Drain No. 2 be requested for March 30, 2023 at 11:00 a.m.

#### Carried

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

#### **REPORTS OF DEPARTMENTS:**

#### **Director of Finance/Treasurer**

- Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001

No. 23-093

Moved By: John H. Wilson Seconded By: Scott Lewis

THAT Report No. FIN-23-02 titled "Applications for Assessment Adjustments under Section 357 & 358 of the Municipal Act, 2001" be received;

AND THAT, pursuant to Section 357 (a) and (d) of the *Municipal Act, 2001*, the Township's Treasurer be authorized to amend the Township's tax collection roll for the amount of \$7.782.75.

#### Building/Planning/By-law

- Site Plan Control Activity Report

No. 23-094

Moved By: John H. Wilson Seconded By: Mark Widner

THAT Report No. DS-23-07 entitled "Site Plan Control Activity Report" be received.

#### Carried

- Procedural Policy for Planning Notices Received from Other Municipalities

No. 23-095

Moved By: Sarah Leitch Seconded By: Scott Lewis

THAT Report No. DS-23-08 entitled "Procedural Policy for Planning Notices Received from Other Municipalities" be received;

AND THAT Council direct Administration to finalize and implement a procedural policy as provided.

#### Carried

#### CAO

- Follow-Up Report: Proposed Revised Redistribution of Federal Electoral Districts

No. 23-096

Moved By: John H. Wilson Seconded By: Rick Cerna

THAT Report No. CAO-23-03 entitled "Follow-Up Report: Proposed Revised Redistribution of Federal Electoral Districts" be received;

AND THAT the Mayor be directed to provide a Letter of Support to Malahide's Member of Parliament, Karen Vecchio, for the Federal Electoral Boundaries Commission for the Province of Ontario proposal of a unified Elgin County and City of St. Thomas, represented by one federal electoral district.

- EECC Joint Board Request Re: Roof Top Desiccant Unit

No. 23-097

Moved By: Scott Lewis Seconded By: Sarah Leitch

THAT Report No. CAO-23-04 entitled "EECC Joint Board Request Re: Roof Top Desiccant Unit" be received;

AND THAT Malahide Council authorize the capital expenditure for repairs to the EECC Desiccant Unit with an upset limit of \$22,500.

-Recruitment of Summer Students

No. 23-098

Moved By: Sarah Leitch

Seconded By: John H. Wilson

THAT Report No. HR-23-02 entitled "Recruitment of Summer Students" be received.

AND THAT the Human Resources Manager be authorized to recruit three (3) summer student positions: One (1) Parks General Labourer Student, One (1) Civil Engineering Technologist/GIS Student, and One (1) Office Assistant Student.

AND THAT the Human Resources Manager be authorized to apply for wage subsidies for these positions through Canada Summer Jobs Program.

Carried

#### REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 23-099

Moved By: Sarah Leitch Seconded By: Rick Cerna

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

- (i)Elgin Group Police Services Board Correspondence
- (ii) East Elgin Community Complex Board of Management–Minutes of February 21, 2023

No. 23-100

Moved By: Chester Glinski Seconded By: Rick Cerna

THAT the Council of the Township of Malahide receive the EECC Board letter regarding the EECC Governance Review Committee Appointments;

AND THAT the Council of the Township of Malahide appoint Dominique Giguère and Scott Lewis to serve on the EECC Governance Review Committee;

AND THAT these appointments be included in the passing of By-law 23-15.

Carried

#### **CORRESPONDENCE:**

No. 23-101

**Moved By: Scott Lewis** 

Seconded By: Chester Glinski

THAT the City of Port Colborne correspondence in support of the Corporation of the County of Huron regarding Call to Action: Review of the Cannabis Act be supported;

AND THAT the Council of the Township of Malahide approve forwarding a Call to Action Letter to the following for support.

#### Carried

No. 23-102

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario Watch File dated February 16, 2023, and February 23, 2023. (Pages 2-9)
- 2. Municipality of Shuniah Resolution opposing Bill 3. (Pages 10-12)
- 3. Niagara Region Motion Respecting Declarations of Emergency for Homelessness, Mental Health and Opioid Addiction. (Pages 13-16)
- 4. Ministry of Natural Resources and Forestry -Correspondence received proposing amendments to Ontario Regulation 161/17 under *the Public Lands Act* regarding the use of floating accommodations and camping on water over public lands in Ontario. (Pages 17-18)

- 5. Elgin Area Primary Water Supply System Agenda & Meeting Package for March 2, 2023. (Page 19)
- 6. Municipality of Central Elgin Planning Application (Page 35)
  - Notice of Information Report Proposed Zoning By-law Amendment Talbot Line Employment

#### Carried

#### OTHER BUSINESS:

Deputy Mayor Widner provided Elgin County Council highlights.

#### **BY-LAWS:**

No. 23-103

Moved By: Rick Cerna Seconded By: Sarah Leitch

- By-law No. 23-15 – Appoint members to various Boards/Committees as representatives of the Municipal Council

THAT By-law No.23-15, being a By-law to provide for the naming of persons to positions and to appoint such members as are necessary to the various Boards/Committees as representatives of the Municipal Council, be given first, second and third readings, and be properly signed and sealed.

#### Carried

- By-law No. 23-14 - Grant Agreement with Federation of Canadian Municipalities for the Municipal Asset Management Program

No. 23-104

Moved By: Chester Glinski Seconded By: John H. Wilson

THAT By-law No.23-14, being a By-law to authorize the execution of a Grant Agreement with Federation of Canadian Municipalities, for the Municipal Asset Management Program, be given first, second and third readings, and be properly signed and sealed.

#### **CLOSED:**

No. 23-105

Moved By: Mark Widner Seconded By: Scott Lewis

THAT Council move into Closed Session at 8:06p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

(i) Labour Relations or Employee Negotiations Matter relating to a shared staff recruitment matter relating to the Development Services Department.

#### Carried

No. 23-106

Moved By: Chester Glinski Seconded By: Rick Cerna

THAT Council move out of Closed Session and reconvene at 8:31p.m. in order to continue with its deliberations.

#### Carried

The Clerk stated that during the Closed Session, Council provided direction to Municipal Staff regarding a shared staff recruitment matter relating to the Development Services Department. There is nothing further to report.

#### **CONFIRMATORY:**

No. 23-107

Moved By: Rick Cerna Seconded By: Scott Lewis

THAT By-law No.23-11, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

No. 23-108 Moved By: Mark Widner Seconded By: Chester Glinski
THAT the Council adjourn its meeting at 8:33p.m
Carried
Mayor – D. Giguère
Clerk – A. Adams

**ADJOURNMENT:** 



## Report to Council

REPORT NO.: DS-23-05

**DATE:** March 16, 2023

**ATTACHMENT:** Report Photo, Severance Sketch, Application, By-law

SUBJECT: APPLICATION FOR CONSENT TO SEVER NO. D10-E8-23 AND

ASSOCIATED APPLICATION FOR ZONING BY-LAW

AMENDMENT NO. D14-Z01-23 OF JOELLE GIRET, COLLEEN GIRET, & JEREMY GIRET C/O STRIK, BALDINELLI, MONIZ

LTD.

**LOCATION:** Concession 9 South, Part Lot 6, Geographic Township of Malahide

(13996 Whittaker Road)

#### **Recommendation:**

THAT Report No. DS-23-05 entitled "Application for Consent to Sever No. D10-E8-23 and associated Application for Zoning By-law Amendment No. D14-Z01-23 OF Joelle Giret, Colleen Giret, & Jeremy Giret c/o Strik, Baldinelli, Moniz Ltd." be received;

AND THAT the Application for Consent to Sever No. D10-E8-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, 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;

AND THAT the Zoning By-law Amendment Application No. D14-Z01-23 relating to the property located at Concession 9 S, Part Lot 6, and known municipally as 13996 Whittaker Road, BE APPROVED for the reasons set out in this Report.

AND THAT Council withholds the passing of the By-law until such time that a Notice of Decision from the County of Elgin approving the associated Consent Application has been received to the satisfaction of the Township of Malahide.

## **Background:**

The subject Consent to Sever and Zoning By-law Amendment Applications (the "Applications") have been submitted by Simona Rasanu of Strik, Baldinelli, Moniz Ltd., on behalf of Joelle Giret, Colleen Giret, & Jeremy Giret.

The Applications relate to the property located at Concession 9 S Part Lot 6, and known municipally as 13996 Whittaker Road.

Notice of the Applications have 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 43.2 hectares (106.6 acres) in area, and has approximately 612.6 metres of frontage along Crossley-Hunter Rd and 703.8 m of frontage on Whittaker Road. The subject lands are currently vacant and are used for agricultural uses, specifically field crop production. The Catfish Creek Drain crosses through the southwest corner of the subject lands.

Based on the information provided by the applicant, the subject property is currently owned by three separate owners. The intent of the proposed consent is to sever the subject lands into two equal parcels with two owners owning the severed parcel and the third owner maintaining ownership of the retained parcel.

The proposed severed parcel comprises an area of approximately 20.2 hectares with 324.5 metres of frontage on Whittaker Road. The proposed retained parcel comprises an area of approximately 22.9 hectares with approximately 379.3 metres of frontage on Whittaker Road. Both properties are proposed to continue to be used for agricultural purposes. The severed parcel is proposed to continue to be used for field crop production, while the retained parcel is to be used for a combination of crop production and the raising of livestock. No buildings or structures are proposed at this time.

## **Provincial Policy Statement (PPS)**

The PPS permits the creation of new lots for agricultural uses, provided the lots are of a size that is appropriate for the type of agricultural uses common in the area and are of a suitable size to ensure flexibility of agricultural operations. The proposed lots would be of a size that is consistent with numerous other farm parcels in the area and would meet the minimum lot and frontage requirements of the A1 zone proposed to be applied to the property. Both the severed and retained lot would continue to be used for agricultural purposes, specifically field crop production and the raising of livestock.

The subject lands are located on the adjacent lands of a natural heritage feature. The PPS does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts. Given that the purpose of the proposed severance is to split an agricultural lot and no new uses or buildings are proposed, it is not anticipated that there would be any impact of the proposed lot creation on adjacent natural heritage features.

## **County of Elgin Official Plan**

The subject lands are designated as 'Agriculture' under the County of Elgin Official Plan. This designation permits a range of agricultural uses. The proposed severed and retained parcels are proposed to continue to be used for the agricultural purposes, primarily crop production and the raising of livestock.

The County Official Plan permits the creation of new agricultural lots provided the proposed severed and retained lots each have a lot area of generally 40 hectares or meet the lot area requirements of the local Official Plan (Section E1.2.3.4). The Malahide Official Plan contains separate requirements for agricultural lot sizes and is discussed further in this report, below. The proposed Zoning By-law Amendment would rezone the property from the A3 zone to the A1 zone to allow for the creation of a parcel that has a minimum lot area of 20 hectares and would meet all of the zoning requirements of the A1 zone, including lot area and frontage.

The subject lands are located on the adjacent lands of a designated 'Significant Woodland'. The Official Plan does not permit development and site alteration on adjacent lands to natural heritage features unless it has been demonstrated that there will be no negative impacts. Given that the purpose of the proposed severance is to split an agricultural lot and no new uses or buildings are proposed, it is not anticipated that there would be any impact of the proposed lot creation on adjacent natural heritage features.

#### **Malahide Official Plan**

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses. The Official Plan does not contain minimum lot area requirements for agricultural lots, but directs that these requirements will be stipulated in the Zoning By-law (Section 2.1.6). The Official Plan allows for agricultural lots to be created that deviate from the minimum lot size prescribed in the Zoning By-law provided both the severed and retained lots shall be for agricultural uses; the lots are of a size appropriate for the type of agricultural uses common in the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units (Section 2.1.6).

The size of the proposed severed and retained lots would be consistent with other parcels zoned A1 in the surrounding area and would be of a size that would be able to accommodate the proposed agricultural uses including crop production and the raising of livestock. The application would comply with Minimum Distance Separation requirements.

A portion of the subject lands around the Catfish Creek Drain are designated as 'Hazard Lands'. Development is not permitted on Hazard Lands within approval of the conservation authority. No buildings or structures, or uses other than those existing are proposed. It is noted that any future development or site alteration within the Hazard Lands would require approval from the Conservation Authority.

The subject property is within the "Large Lot Agricultural (A3) Zone" on Key Map 15 of Schedule "A" to the Township's Zoning By-law No. 18-22, and a portion of the subject property is identified as "Hazard Lands". The proposed Zoning By-law Amendment would rezone the proposed severed and retained parcel to 'General Agriculture (A1)' to allow for parcels to be created that have a minimum lot area of 20 hectares, where the A3 zone requires a minimum lot area of 40 hectares but otherwise the A1 and A3 zone have identical zoning standards. The severed and retained parcels would comply with the other requirements of the A1 zone.

## **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:

• The Catfish Creek Conservation Authority (CCCA) has commented on the applications (dated February 24, 2023) and has not raised any concerns.

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

## **Financial Implications to Budget:**

The full cost of the consent 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 is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

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, Chief Administrative Officer	

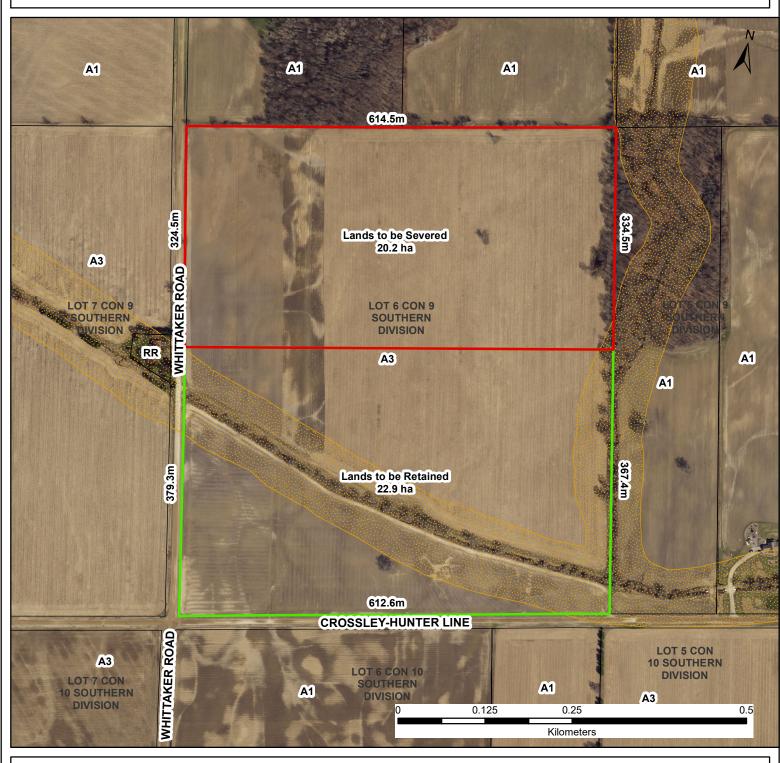
## **APPLICATION FOR A CONSENT TO SEVER**

Owners: Joelle Giret, Colleen Giret, and Jeremy Giret

Authorized Agent: Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)

13996 Whittaker Road Concession 9 S, Part Lot 6 Township of Malahide Township of Malahide Figure 1





21

OFFICIAL PLAN DESIGNATION
Agriculture

Severed Lands

ZONING
A3 Large Lot Agricultural

Retained Lands



## **APPLICATION FOR CONSENT**

1.	Name of Approval Author	prityELGIN COUNTY LAND DIVISION COMMITTEE	
2.	(a) Name of Owner Address	Joelle Giret, Colleen Giret, and Jeremy Giret (see att form with owner's information	ached
	Telephone Number	Email	
2.	(b) Name of owner's so	olicitor or authorized agent Strik, Baldinelli, Moniz Ltd. (c/o Si	mona Rasanu)
	Address	1599 Adelaide St N Unit 301	
	Telephone Number	519-471-6667 x 146 Email srasanu@sbmltd.c	a
2.	(c) Name of Applicant	Joelle Giret - one of the three owners.	
	Address		
	Telephone Number	Email	
	Relationship to Owner:	Purchasing Farmer (☐) Other (☐) please specify	
	Please specify to whom	all communications should be sent:	
		Solicitor ( Agent ( Applicant ( )	
	AUTHORIZATION TO A	APPOINT AN AGENT must be provided if an agent or solution behalf of the land owner or applicant.	licitor is acting on
3.		of proposed transaction: (check appropriate space)	
	Transfer:	creation of a new lot Other: r	mortgage/charge
			ease
		<del></del> '	easement/R.O.W.
	<u> </u>	technical severance c	correction of title
		other (specify)	
		nvolves the severance of a surplus farmhouse (through far submit attached Appendix "B" – "Surplus Farm Dwelling	
	(b) Name of person(s), charged:	if known, to whom land or interest in land is to be transferred,	leased or
	(c) If a lot addition, ider parcel will be added	ntify the assessment roll number and property owner of the land:	ds to which the

## Legal description:

## SOTH HALF LOT 6 CONCESSION NINE SOUTH DORCHESTER

AS IN E221143 (Firstly); S/T E221143; S/T INTEREST IN E221143; MALAHIDE TOWNSHIP

4.	(a)	Location of lan	d:	***	MENINE TOWNS.				
		Municipality			Concession No.				
		Lot(s) No.			Registered Plan	No			
		Name of Stree	t Whittaker Road		Street No. and/or	911 No. <u>1399</u>	96		_
		Assessment Ro	oll No. 3408014010116	600					
	(b)		easements or restrictive		ints affecting the s	subject land?			
		Yes ( ) None known.	No ( If Yes, de	scribe	the easement or c	ovenant and i	ts effect:		
5.	Des		intended <b>to be severed:</b> 324.5			•	20 3 ha		_
		Frontage		-	614.55		20.3 ha		_
		Existing Use	Agricultural						-
			se of buildings and struct	ures o	n the land to be se	evered:			
		Existing None							_
		Proposed None							:
6.	Des		intended to be retained:			1/2	00.0 h =		
		Frontage	379.3		613.54		22.9 ha		-
		Existing Use	Agricultural		_ Proposed Use	Agricultural			_
		Number and us Existing None	se of buildings and struct		n the land to be re				
		Proposed None							_
7.	Nur		s proposed (including re		0				_
8.	Typ TYF		proposed and retained	lot: (	check appropriat	and the second s	<u>RET</u>	AINED LOT	
	Pro	vincial Highway	/		(□)			(□)	
	Mui	nicipal road, ma	aintained all year		( <b></b>			( <b></b>	
	Mui	nicipal road, sea	asonally maintained		(□)			( )	
	Oth	er public road			(□)		÷	( )	
	Rig	ht Of Way			(□)			( 🔲 )	
	Wa	ter access			(□)			( )	
	•	roposed access ecify)	s is by water, what boat	dockin	g and parking fac	cilities are ava	ilable on	the mainland	d? -

9.	(a) What type of water supply is proposed: (che	eck appropriate space)	
	TYPE	PROPOSED LOT	RETAINED LOT
	Publicly owned and operated piped water system	( )	(□)
	Privately owned and operated individual well **		<b>(</b> )
	Privately owned and operated communal well **	( )	(□)
	Lake or other water body	(□)	(□)
	Other means (specify)		
	<ul> <li>(b) ** If existing water supply is provided from a procommunal well, the owner shall be required well installer that the private well provides to by Provincial standards. (Written confirmation)</li> <li>(c) ** A water quality test by the applicable publicable publicable water quality test by the applicable publicable publicable publicable publicable water quality test by the applicable publicable publicable publicable water quality test by the applicable publicable publicable publicable publicable water quality test by the applicable publicable publicable publicable publicable water quality test by the applicable publicable publicable</li></ul>	to provide written confirmation the quality and quantity of position to be attached to the App	on from a licensed stable water required plication); AND
	be attached to the Application)		
10.		(check appropriate space)	
	TYPE	PROPOSED LOT	RETAINED LOT
	Publicly owned and operated sanitary sewage system Privately owned and operated individual septic	(□)	(□)
	Tank **	( <b></b>	( <b>~</b> )
	Privately owned and operated communal septic System **	(□)	(□)
	Other means (specify)		
	(b) **If existing sewage disposal is privately owned confirmation from a licensed septic installe condition. (Written confirmation to be attacked)	r that the system is in satisfa	
	<b>E:</b> If 9(b), 9(c) and 10(b) are not provided, the applicate completed until such time as the outstanding items have		
11.	When will water supply and sewage disposal service Unknown - when any future buildings are erected. No		
			-
12.	What is the existing Official Plan designation(s) of to County of Elgin OP: Agricultural Area; Malahide		
		,	
13.	What is the existing Zoning designation(s) of the su	ubject land?	

14.	Has the subject land ever been the subject of an application for approval of a plan of subdivision under the Planning Act?  Yes (☐) No (☐) Unknown (☑)
	If Yes, and known, provide the application file number and the decision made on the application
15.	If this application is a re-submission of a previous consent application, describe how it has been changed from the original application
16.	<ul><li>(a) Has there been any previous severances of land from this holding?</li><li>Yes (□) No (□) Unknown</li></ul>
	(b) If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:
	Who the severance was granted to  Use of parcel
	Date parcel created (Year)
17.	If this application is for a lot addition, has the lot to be enlarged ever been the subject of a previous severance?  Yes () No ()  If Yes, provide the previous severance File No.
18.	(a) Are there any barns within 750 metres of the proposed severed lands?  As per attached email received from LDS Secretary-Treasurer Pau Yes (☑) No (☐) Clarke, MDS analysis can be provided as a condition of consent, should the subject application be approved.  i) Now used for livestock? Yes (☑) No (☐) ii) Capable of being used for livestock? Yes (☑) No (☐)
	(b) If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent pursuant to Minimum Distance Separation (MDS) document -Implementation Guideline #6.
19.	Is the owner, solicitor, or agent applying for additional consents on this holding simultaneously with this application, or considering applying for additional consents in the future?
	Yes (厂) No (🗾)

20.	Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?	
	Yes (□) No (☑)	
	If Yes, and known, specify the Ministry file number and status of the application	
21.	Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?	
	Yes (🗹) No (🗀)	
	If Yes, and known, specify the appropriate file number and status of the application Concurrent ZBA application is being submitted.	
22.	(a) Is the application consistent with the Provincial Policy Statement 2020 issued under subsection 3(1) of the Planning Act?	
	Yes ( No ( )	
	(b) If Yes, identify policies from the Provincial Policy Statement 2020 to support this application for consent	
	Please see attached Planning Justification Report.	
23.	Is the subject land within an area designated under any provincial plan or plans?  Yes (□) No (☑)	
	If Yes, does the application conform to or conflict with the applicable provincial plan or plans	
24.	Did pre-consultation occur with the local Municipality and/or other agencies?  Yes (☑) No (□)	
	Enter date of consultation and contact person	
	November 8, 2022 (Eric Steele, consulting planner for the Township of Malahide)	_
25.	The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.	
26.	The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards  Please see attached Severance Sketch (Appendix C of Planning	
27.	DETAILED SKETCH:  Justification Report)  The application shall be accompanied by a detailed sketch showing the following:	
	- the boundaries and dimensions of the subject land, the part that is to be severed and the	

- the boundaries and dimensions of any land owned by the owner of the subject land and

part that is to be retained;

that abuts the subject land;

- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be created and shall comply with the Zoning By-Law setbacks;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be retained and shall comply with the Zoning By-Law setbacks;
- the existing use(s) on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.

Dated at the _		2rty	of _	Lo	ndon	
	(Municipality	/Township/City/etc	;.)	(Name of Municipality	//Township/City/e	tc.)
this	2nd	day of	Febran	20 _	23	
	(day)		(mon		(year)	
		Sha	30			
<b>SIGNATURE</b>	OF APPLICAN	T(S), SOLICITOR	<b>OR AUTHORIZ</b>	ED AGENT		

#### AFFIDAVIT OR SWORN DECLARATION

<sub>I/We</sub> Simona Rasanu	of the City
(Applicant/Agent Name	e) (Municipality/Township/City/etc.
of London	in the County of Middlesex
(Name of Municipality/Township/City/etc.	.) (County Name)
	ned in this application is true, and I/We make this solemn ue, and knowing that it is of the same force and effect as if mad DENCE ACT.
DECLARED before me in the	
City	<sub>f</sub> London
(Municipality/Township/City/etc.)	(Name of Municipality/Township/City/etc.)
in the Middlesex (County/Region if applicable)  20 23	this 2nd day of February (Month)
(Year)	
Signature	Signature
Olgridiaio	Olgitataio
	AARON CORNELIS AUGUSTUS STRIK, a Commissioner, etc., Province of Ontario, for Strik, Baldinelli, Moniz Ltd. and SBM Geomatics Ltd. Expires November 30, 2023.
Un S	
A Commissioner, etc.	

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

It is required that one copy of this application be filed, together with one copy of the detailed sketch described, with the responsible person, accompanied by a fee of - \$1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN.

An additional fee of \$300.00 will be charged for affixing the consent stamp.

## **AUTHORIZATION TO APPOINT AN AGENT**

**NOTE:** This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer

Land Division Committee

Corporation of the County of Elgin

Description and Address of Subject Lands: 13996 Whittaker Road	SOUTH HALF LOT 6 CONCESSION NINE SOUTH DORCHESTE	R
13996 Whittaker Road	——————————————————————————————————————	43;
I/We, the undersigned, being the registered	owner(s) of the above lands hereby authorize	
Simona Rasanu	of London t	0:
(Agents Name/Names)	(Agents City/Town of Residence)	
<ul><li>(1) make an application on my behalf to the</li><li>(2) appear on my behalf at any hearing(s) of</li><li>(3) provide any information or material requ</li></ul>		ion.
Please Print Names in Block Letters Below		
Dated at theSpinafield	/City/etc.) of <u>Malahide</u> /City/etc.) (Name of Municipality/Township/City/e	
		HG.)
this <u>12nd</u> day of (Day)		
Jeremy Girct Name of Owner	Signature of Owner	Ĺ
Collein Giret Name of Owner	Pollen Just Signature of Owner	
Joelle Giret Name of Owner	Signature of Owner	2.
Paller 11-0		

# APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW OF THE TOWNSHIP OF MALAHIDE

Note: This application must be filed in duplicate with the Clerk of the Township of Malahide.

To: The Clerk of the Township of Malahide

I HEREBY SUBMIT THIS application to amend the **Zoning By-law** of the Township of Malahide with respect to the lands herein described. This Application is accompanied by a deposit payment in the amount of **\$4000.00**.

- **I, the Applicant**, acknowledges that if a Local Planning Appeal Tribunal Hearing is required, an additional deposit of \$10,000.00 will be submitted to the Township of Malahide prior to the Township sending the notice to the Local Appeal Tribunal. The actual expenses related to the Local Appeal Tribunal hearing shall be calculated and 50% of the costs will be deducted from the said deposit. Any balance remaining will be refunded.
- I, the Applicant, shall assume responsibility for any additional costs exceeding the deposited amounts related to the said application and the Local Appeal Tribunal hearing and understand and agree that for payment of said additional costs shall be a condition of this signed application. I also agree to accept all costs as rendered.

Polleen Mirst

Property Owner

Property Owner

#### FOR OFFICE USE ONLY

DATE RECEIVED:	AMOUNT RECEIVED:
FILE NO:	DATE ADOPTED BY COUNCIL:

## ASSOCIATED PLANNING COSTS

The Application fee paid is a **deposit** towards the actual costs which shall be incurred by the Township during the review and approval process.

The Applicant will be billed for the difference between the actual costs incurred and the deposit. If the deposit exceeds the actual cost, a refund will be made.

There is **no guarantee** that any application considered will be approved. An Applicant can spend his (her) money for the planning review process and still not be able to do what they desire.

Basic steps are established in the Planning Act and associated regulations. They include: a notice, review, consultation, public meeting, and Council decision. <u>Major amendments</u> will be subject to a more demanding and complex planning review process which will be reflected in the final costs paid.

Fees shall be based on municipal staff time, consultant fees (planners) and associated costs and disbursements needed to carry out the review of the planning application. Basically, all costs from the conception of the application up to the decision of Council including posting notification are at the expense of the Applicant. If you wish to discontinue, you mush notify the Township in writing and you will be responsible for all costs to that time and any costs to terminate the process you have set in motion.

Example - 2005 Costs

Municipal Staff billed out at following rates (subject to change)

CAO/Clerk:

\$ 58.99 per hour

Assistant Clerk:

\$ 36.38 per hour

Other:

Disbursements including advertising, fax, photocopies, postage, prints, mileage,

delivery service, telephone calls, etc.

Consultant fees billed out at following rates (Subject to change)

Senior Planner:

\$147.00 per hour

Secretary:

\$63.00 per hour

Other:

Disbursements including advertising, fax, photocopies, postage, telephone

calls, delivery service, prints, mileage, special reports, etc.

FURTHER to my signed Affidavit, I acknowledge that there are associated costs for this application and agree to accept the Planners bills as rendered. All accounts are due when rendered. All overdue amounts are subject to penalty of 18% per annum.

Registered Owner/Authorized Agent

4.

Address:	See attacl	ned fo	orm providing	g contact info fo	or the	e three own	ers.	
Phone No. (Home):				Business:				
Fax:			Emai	l:				
Lot and Conapplicable):	cession (if							
Lands? If s		e nam	nes and addre	charges or oth			es of the Subj	ect
Applicant / /				elli, Moniz Ltd.	. (c/o	Simona Ra	sanu)	
Address:	1599 Adelai	de St	t N Unit 301					
Telephone N	lo.: 519-47	71-66	67 x 146	Ema	ail: _	srasanu@	sbmltd.ca	
Please spec	ify to whom	all co	mmunication	ns should be se	ent:			
Registered C	Owner ( )	A	pplicant / Auth	orized Agent (	( <b>X</b> )			
Concession:	c	ONCE	SOUTH HA SSION NINE : AS IN E221: 1143; S/T II MALAHIDE	amendment is NLF LOT 6 SOUTH DORCHE 143 (Firstly); NTEREST IN E2 TOWNSHIP	STER 2114	3;	6 Whittaker F	Road
What is the	size of prope	erty w		ct to this Appl				
	3.2 ha	m	Frontage: _	612.6	m	Depth:	703.8	n
Area: 4								

Why is the rezoning being requested?

7.

Existing Zonin Classification:		А3			
What are the c	urrent uses of the	subject lands?			
Agricultural	4000	•			
If known, provi	ide the length of ti	me these uses h	ave continued on t	his propert	y.
If there are any information:	v existing building	s or structures o	n the subject lands	s provide th	e following
Туре	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
No existing bui					
,		-			
If known, provi	ide the dates in wh	nich each of thes	e buildings were c	onstructed.	
					4.4
	ture and Extent of				
Change in ag	ricultural zone fro	m A3 to A1			

	creation of two agricultural parcels with a minimum lot area of 20 hectares e	aon.				
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 currepolicies or associated Official Plan amendment.	ent Official Plan				
9.	Does the proposed amendment remove land from an area of employment?					
	If so, attach separately justification or information for the request based on the curre policies or associated Official Plan amendment.	ent Official Plan				
10.	Description of proposed development for which this amendment is requested permitted uses, buildings or structures to be erected. (Be Specific)	l (i.e.				
10.		l (i.e.				
10.	permitted uses, buildings or structures to be erected. (Be Specific)	(i.e.				
10.	permitted uses, buildings or structures to be erected. (Be Specific)					
10.	Permitted uses, buildings or structures to be erected. (Be Specific)  Land severance only; no buildings are proposed at this time.  For any proposed buildings or structures on the subject lands provide the folinformation:  Type  Front Lot Line Side Lot Rear Lot Height Line Setback					
10.	permitted uses, buildings or structures to be erected. (Be Specific)  Land severance only; no buildings are proposed at this time.  For any proposed buildings or structures on the subject lands provide the folinformation:  Type Front Lot Side Lot Rear Lot Height	lowing				
10.	Permitted uses, buildings or structures to be erected. (Be Specific)  Land severance only; no buildings are proposed at this time.  For any proposed buildings or structures on the subject lands provide the folinformation:  Type  Front Lot  Line  Line  Setback  Setback  Setbacks	lowing				
10.	Permitted uses, buildings or structures to be erected. (Be Specific)  Land severance only; no buildings are proposed at this time.  For any proposed buildings or structures on the subject lands provide the folinformation:  Type  Front Lot  Line  Line  Setback  Setback  Setbacks	lowing				
10.	Permitted uses, buildings or structures to be erected. (Be Specific)  Land severance only; no buildings are proposed at this time.  For any proposed buildings or structures on the subject lands provide the folinformation:  Type  Front Lot  Line  Line  Setback  Setback  Setbacks	lowing				

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

Water Supply Existing Proposed

12.

Municipal Piped Water Su	apply	(	)		(	)
Private Drilled Well		(	)		(	)
Private Dug Well		(	)		(	)
Communal Well		(	)		(	)
Lake or other Surface Wa	iter Body	(	)		(	)
Other		(	)		(	)
Sewage Disposal		Exis	sting		Pro	posed
Municipal Sanitary Sewer	s	(	)		(	)
Individual Septic System		(	)		(	)
Communal System		(	)		(	)
Privy		(	)		(	)
Other		(	)		(	)
Note: If the proposed d than 4500 litres of efflue and a hydrogeological r	nt per day, th					
Are these reports attached?						
If not, where can they be found?						
Storm Drainage Ex	isting - existir	ng ag	gricultural	uses are pro	pose	d to continue.
Proposed Outlet:						
How will the property be	accessed?					
Provincial Highway ( )	County R	oad (	( )	Municipal Roa	ıd – n	naintained all year (X)
Municipal Road – season	ally maintained	l (	) Rig	ght-of-way (	)	Water ( )
If access is by water, do to road?	he parking and	l doc	king faciliti	es exist, and v	vhat is	s the nearest public

13. Has the subject land ever been the subject of an application under the Planning Adel 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 application is being submitted concurrently.	t for:							
Zoning By-law Amendment ( ) Ministers Zoning Order ( )  If yes to any of the above, indicate the file number and status of the application.								
If yes to any of the above, indicate the file number and status of the application.								
Consent application is being submitted concurrently.								
	Consent application is being submitted concurrently.							
14. How is the proposed amendment consistent with the Provincial Policy Statement 2	005?							
Please see attached Planning Justification Report.								
15. Are the subject lands within area designated under any Provincial Plan(s)? If the a yes, does the proposed amendment conform to the Provincial Plan(s)?	nswer is							
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

Please see attached Severance Sketch.

- 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								
	<del></del>								
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:								
	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 <u>Planning Act</u>, 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 <u>Joelle Goet</u> <u>Jeremy Greet</u>, <u>Lobbern</u> Giret

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.

Juellebit Gran Bert Polleer Hirt 22 January 2023
Signature Polleer Hirt Day Month Year

1/We, Socke Gret, Jevery Giret, Eller Short the

Springfield TownThurshoot MV Plage etc.

of

, in the county

, do solemnly declare:

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 SBM Ltd. (c/o Simona Rasanu) 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 t	Middlesex de				Shasa
City	of	L	ondo	1	Owner / Agent
in the County/Region of	liddles	1X	this	2nd	
day of February	20	23		-	-
					Owner / Agent

AARON CORNELIS AUGUSTUS STRIK,

a Commissioner, etc., Province of Ontario,
 for Strik, Baldinelli, Moniz Ltd.
 and SBM Geomatics Ltd.
 Expires November 30, 2023.

A Commissioner, etc.



# PLANNING JUSTIFICATION REPORT

# 13996 Whittaker Road Township of Malahide, Elgin County

PROPOSED CONSENT AND ZONING BY-LAW AMENDMENT APPLICATIONS TO SEVER AN AGRICULTURAL PROPERTY AND CREATE ONE NEW AGRICULTURAL LOT

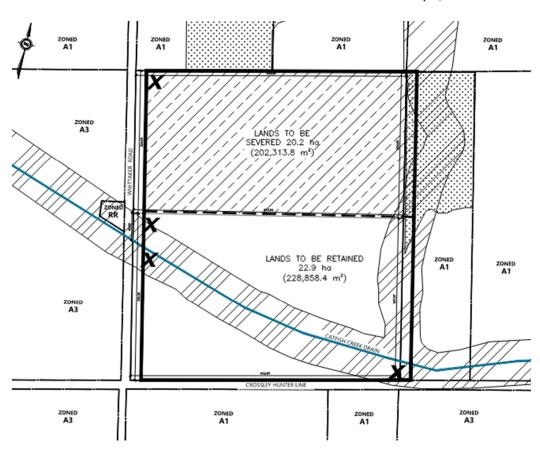
Prepared for: Joelle Giret 51896 Crossley Hunter Line Springfield, ON, NOL 2J0

Strik, Baldinelli, Moniz Ltd. #301, 1599 Adelaide Street North London, ON, N6B 2H8

SBM-22-2615

February 2, 2023

Prepared by:





## LONDON LOCATION KITCHENER LOCATION

1599 Adelaide St. N., Units 301 & 203 London, ON N5X 4E8 P: 519-471-6667 1415 Huron Rd., Unit 225 Kitchener, ON N2R 0L3 P: 519-725-8093

www.sbmltd.ca

sbm@sbmltd.ca

February 2, 2023 SBM-22-2615

Attn: Chloe Cernanec, Development Services Technician/Assistant Planner Township of Malahide 87 John Street South Aylmer, ON, N5H 2C3

# RE: Planning Justification Report – 13996 Whittaker Road, Township of Malahide, Elgin County

Strik, Baldinelli, Moniz Ltd. has been retained by Joelle Giret (the "Applicant") to prepare and submit Zoning By-law Amendment and consent to sever applications for the property municipally known as 13996 Whittaker Road, an agricultural property located at the northeast corner of the Whittaker Road and Crossley Hunter Line intersection in northeast Malahide, Elgin County. The purpose of the applications is to sever an agricultural property to create one new agricultural lot while undertaking a rezoning to address the lot area of the proposed severed and retained parcels.

This report provides a review and analysis of the applicable relevant policies in support of the proposed Zoning by-law Amendment and consent applications, which are being submitted concurrently. The consent application will be submitted to Elgin County, as required. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical

Simona Rasanu, RPP, MCIP

Planner

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#### 1 INTRODUCTION

The purpose of the following land use Planning Justification Report is to evaluate proposed Zoning By-Law Amendment and Consent to sever applications within the context of existing land use policies and regulations, including the *Planning Act*, Provincial Policy Statement, County of Elgin Official Plan, the Malahide Official Plan, and the Malahide Zoning By-law.

The report demonstrates that the applications are in keeping with Provincial, County and Municipal land use planning policies, are suitable for the subject lands, and would be compatible with neighbouring land uses. This report and associated appendices are intended to comprise a "complete" application and are reflective of the discussions and correspondence that have been held prior to this formal submission.

#### **2** SITE DESCRIPTION

The subject property, municipally known as 13996 Whittaker Road (the "Subject Property"), is an agricultural property in northeast Malahide located at the northeast corner of Whittaker Road and Crossley Hunter Line (see **Figure 1** in Appendix A). It is a regularly shaped lot with a total area of 43.1 hectares, a lot frontage of 612.6 metres along Crossley Hunter Line and a flankage of 703.8 metres along Whittaker Road. It is used for cash crop farming – existing crops are corn, wheat and soybean. There are currently no buildings/structures on the Subject Property.

The most notable physical feature of the Subject Property is the Catfish Creek Drain, which bisects the southern portion and results in its regulation by the Catfish Creek Conservation Authority (CCCA) under Ontario Regulation 146/06. The approximate location of the Catfish Creek Drain and the CCCA regulation limit area is identified on the Severance Sketch & Zoning Chart in Appendix C (the "Severance Sketch").

A site visit was undertaken on December 10, 2022 and the photos in Appendix B were taken.

#### 3 SURROUNDING CONTEXT

The Subject Property is surrounded by agricultural uses with a variety of lot sizes, including several farms with lot areas of approximately 20 hectares (50 acres). Small woodlots are interspersed among the agricultural fields. A residential lot zoned Rural Residential (RR) is located on the west side of Whittaker Road (i.e., 14047 Whittaker Road). The Severance Sketch identifies the zones of the abutting properties. Except for the aforementioned rural residential lot zoned RR, these properties are zoned General Agricultural (A1) and Large Lot Agricultural (A3).

#### 4 <u>SEVERANCE PROPOSAL</u>

The attached Severance Sketch illustrates the proposed severance of the Subject Property to create one new agricultural lot identified as the "Lands to be Severed" and a retained lot identified as the "Lands to be Retained". The severed parcel would have a lot area of 20.2 hectares and a lot frontage of 324.5 metres along Whittaker Road. The retained parcel would have a lot area of 22.9 hectares, a lot frontage of 379.3 metres along Whittaker

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Road and a flankage of 612.6 metres along Crossley Hunter Line. The existing access routes identified on the Severance Sketch would continue to be used.

Both farm parcels would continue to be used for agricultural purposes, although some changes in existing farming practices may be introduced to reflect the changing lot sizes and owner preferences. The lands to be severed are proposed to be used for cash crop farming while the lands to be retained are proposed to be used for a combination of crop and goat farming. No buildings/structures are proposed at this time.

The Subject Property is currently owned by three family members, with the Applicant representing the other two co-owners. The purpose of the severance proposal is to change the existing property ownership such that two of the existing co-owners would own severed lot, and the Applicant would be the sole owner of the retained lot. The family members already farm the Subject Property separately and have separate farm business registration numbers. The consent and associated Zoning By-law Amendment would facilitate succession planning and allow further business diversification by the owners (the "Severance Proposal").

#### 5 PLANNING FRAMEWORK

#### 5.1 Existing Planning Framework

The existing planning framework includes the *Planning Act, 1990*, the Provincial Policy Statement (2020), the County of Elgin Official Plan (2015), the Malahide Official Plan (2013), and the Malahide Zoning By-law (2021).

#### 5.2 Required Planning Applications

A consent application is required to divide the Subject Property and create two separate lots. The consent application requires a Zoning By-law Amendment application as the existing zone has a minimum lot area requirement of 40 hectares and a new zone is required to accommodate the proposed new lot sizes of 20.2 hectares and 22.9 hectares, respectively. Further details will be provided below in the zoning analysis of this report.

#### 5.3 Planning Act

The *Planning Act, 1990*, as amended, is the provincial legislation that outlines how land use planning can be practiced in Ontario – it sets out rules and regulations which describe requirements for planning processes, how land uses may be controlled and by whom. Section 51(24) of the *Planning Act* outlines the criteria that need to be considered when evaluating consents and plan of subdivision applications, including the effect of the proposed subdivision on matters of provincial interest; the dimensions and shapes of the proposed lots; the suitability of the land for the purposes for which it is subdivided; and whether the plan conforms to the official plan and any adjacent plans of subdivision.

One of the matters of provincial interest outlined in Section 2 of the *Planning Act* is the "protection of the agricultural resources of the Province". The Severance Proposal will continue to protect the existing agricultural uses of the Subject Property and would not introduce new land uses. The proposed new lots are suitable for their intended purpose, namely agricultural uses, as the general land use will remain the same. As will be discussed

further in this report, the dimensions and shapes of the proposed lots are suitable for their intended agricultural uses and are reflective of surrounding lot areas. The Severance Proposal also substantially conforms to County and Municipal Official Plans. In conclusion, the Severance Proposal substantially conforms to Section 51(24) of the *Planning Act*.

# 5.4 Provincial Policy Statement

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the *Planning Act*, "provides policy direction on matters of provincial interest related to land use planning and development" to ensure efficient and resilient development and land use patterns. Any land use planning decision shall be consistent with the PPS. Section 2.3 of the PPS outlines agricultural policies with respect to permitted uses and lot creation/adjustments. The section below identifies relevant policies and explains how the Severance Proposal is consistent or why a particular policy is not applicable. Italicization reflects defined terms in the PPS.

Policy 2.3.1: "Prime agricultural areas shall be protected for long-term use for agriculture."

**Response**: The Severance Proposal does not seek a land use change or an Official Plan Amendment. Agricultural uses would continue to be protected for long-term use.

Policy 2.3.3.2: "In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards."

**Response**: It is important to note that the PPS, unlike many Ontario official plans, <u>does not</u> mandate minimum lot sizes for lands categorized as "prime agricultural areas". This policy provides for flexibility in considering lot severance requests.

Policy 2.3.3.3 "New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae."* 

**Response**: An email dated December 6, 2023 from Paul Clarke, Elgin County Land Division Committee Secretary-Treasurer, is included in the submission package that allows the MDS I analysis to be completed as a condition of consent.

- Policy 2.3.4.1 "Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
  - a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;"

**Response**: Both proposed parcels would continue to be used for agricultural purposes, although some changes in existing farming practices may be introduced to reflect the changing lot sizes and owner preferences. For example, livestock farming will likely be the dominant agricultural use of the proposed retained parcel instead of the existing cash crop farming. However, any changes should not be interpreted to mean that the proposed agricultural parcels would not continue to be viable farmlands. The proposed severed and retained parcels are sufficient in

area to allow for a variety of crops and potential livestock and to provide the farmer-owners the flexibility to change farming practices.

Furthermore, as previously noted, aerial mapping shows a variety of parcel shapes and sizes in the surrounding area, including farm properties similar in area to those being proposed. For example, the property municipally identified as 13768 Whittaker Road has a lot area of 21.6 hectares; 14258 Whittaker Road has a lot area of 21.9 hectares; and 50961 Wilson Line has a lot area of 21.7 hectares.

Policy 2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

**Response**: This policy is not relevant as residential lots (i.e., lots where residential uses are primary) are not proposed.

In conclusion, the Severance Proposal is consistent with the policies of the PPS.

#### 5.5 County of Elgin Official Plan

The Township of Malahide is one of seven municipalities within Elgin County. The County Official Plan (Schedule 'A' Land Use) designates the Subject Property as Agricultural Area (see **Figure 2** in Appendix A). These lands are characterized as the County's "prime agricultural area", unless otherwise provided for in lower tier Official Plans (Section C2.2). The intent of the designation is the following, as outlined in Section C2.1:

- a) recognize agriculture as the primary activity and land use;
- b) maintain and preserve the agricultural resource base of the County;
- c) protect the County's prime agricultural area from fragmentation, development and land uses unrelated to agriculture;
- d) promote normal farm practices and to protect the right to farm;
- e) promote a diverse, innovative and economically strong agricultural industry and associated activities by enhancing their capacity to contribute to the economy of the County; and,
- f) preserve and promote the agricultural character of the County and its local communities.

**Response:** The Severance Proposal would promote these objectives by maintaining the existing agricultural land use and providing the three co-owners the ability to continue farming in a manner that provides for an ownership structure of their choosing. No new land uses or structures are being proposed as part of the Severance Proposal.

Section E1.2.3.1 outlines general consent criteria, which will be identified below along with a comment respecting the Severance Proposal:

a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;

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**Response**: The severed parcel would have access to Whittaker Road (County Road 49) and the retained parcel would have access from either Whittaker Road and/or Crossley Hunter Line. Both the retained and severed parcels would front on public roads that are characterized as "local" roads in the County Official Plan – Schedule 'B' Transportation.

b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;

Response: As noted above, both Whittaker Road and Crossley Hunter Line are characterized as local roads.

c) will not cause a traffic hazard;

**Response:** There is no reason to believe that approving the Severance Proposal will cause a traffic hazard.

d) has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;

**Response**: A Zoning By-law Amendment application is being submitted concurrently with the consent application to rezone the proposed parcels from the existing A3 Zone to the proposed A1 Zone. The proposed lots comply with the minimum lot area (i.e., 20 hectares) and lot frontage (i.e., 150 metres) required by the Malahide Zoning By-law for the A1 Zone.

e) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;

Response: Acknowledged

f) can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;

**Response**: This policy is not relevant at this time since no structures or buildings are proposed. When new structures are proposed, the appropriate servicing will be addressed at the building permit stage.

g) will not have a negative impact on the drainage patterns in the area;

**Response**: There is no reason to believe the Severance Proposal would have a negative impact on the local drainage patterns.

h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;

**Response**: There are existing accesses to both the retained and severed parcels, and the Severance Proposal would not restrict any future development, especially for rural farm access purposes.

i) will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;

**Response:** As shown on the Severance Sketch based on information provided by the CCCA, the Catfish Creek Drain bisects the southern part of the Subject Property, which is proposed to be included entirely within the severed parcel boundaries. Appendix B shows two photos of the drain taken from Whittaker Road – see **Photo #3** and **Photo #4**. The Catfish Creek Drain is included in the CCCA regulation limit illustrated on Appendix C Severance Sketch – regulation setbacks are approximately 45 metres from the Catfish Creek Drain and any development within this area would require a permit pursuant to the Conservation Authorities Act. Aside from providing regulation limits and required development setbacks, CCCA staff did not identify any concerns with the Severance Proposal during the pre-application consultation meeting on November 8, 2022.

"j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;"

**Response**: There is no reason to believe the Severance Proposal would have a negative impact on the quality and quantity of area groundwater – except for the proposed land severance, no physical changes are proposed to the Subject Property.

"k) will not have an adverse effect on natural hazard processes such as flooding and erosion;"

**Response**: Dividing the Subject Property as shown on the Severance Sketch while maintaining agricultural uses would have no negative impact on natural hazard processes. The Catfish Creek Drain would not be fragmented and would remain entirely within the boundaries of the proposed retained parcel.

"I) conform with the local Official Plan; and,"

Response: Conformance with the Malahide Official Plan is discussed below in section 5.6 of this report.

"m) will conform to Section 51 (24) of the Planning Act, as amended."

**Response**: Please see section 5.3 of this report.

Section E1.2.3.4 of the County Official Plan has specific consent criteria that must be taken into consideration when considering requests to create new lots in areas with an Agricultural Area land use designation. It states that new lots may be permitted if the local Official Plan supports their creation and if identified policies are adequately addressed by a proposed severance.

"a) the lot is to be severed to create a new farm lot and both the retained and severed parcels each have a lot area of about 40 hectares; or as established in the local planning documents or,"

**Response**: Although it is acknowledged that a farm lot with a minimum lot area of 40 hectares is preferred by the County Official Plan based on input received from the Ontario Ministry of Agriculture, Food and Rural Affairs, this Official Plan also allows input from local Official Plans. In this case, as will be discussed further below, both the Malahide Official Plan and the Malahide Zoning By-law allow minimum lot sizes smaller than 40 hectares.

"b) the lot is to be created to accommodate a habitable residence that has become surplus to a farming operation as a result of a farm consolidation provided that the development of a new residential use is prohibited on any retained parcel of farmland created by the consent to sever, unless the retained parcel is the product of the merging in title of two adjacent agricultural parcels in which case a dwelling unit would be permitted as part of the operation; or, "

**Response**: This policy is not applicable as the proposed consent is not a surplus farm dwelling consent. Furthermore, the Subject Property does not have any existing residential buildings and no new structures are proposed as part of the Severance Proposal.

"c) the lot is required for an agricultural-related use as outlined in Section C2.6 of this Plan, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services."

**Response**: This policy is not applicable as the Severance Proposal does not include an "agriculture-related use" as defined by the PPS; the continued "agricultural uses" would be permitted on the properties, as that term is defined by the PPS.

In conclusion, it is my opinion that the Severance Proposal conforms to the relevant policies of the Elgin County Official Plan.

#### 5.6 Malahide Official Plan

The Subject Property is designated Agriculture in the Official Plan (Schedule 'A1' Land Use) (see **Figure 3** in Appendix A). These lands are classified as "prime agricultural areas" (Policy 2.1.2.1). Section 2.1.6 outlines land division policies applicable to the creation of new agricultural lots. Although the proposed lots would not comply with the existing A3 Zone standards, they would meet the provisions of the Agricultural (A1) Zone regulations of the Malahide Zoning By-law.

"a) Both the retained and severed parcel shall be for agricultural purposes and comply with the following: the lots are of a size appropriate for the type of agricultural uses common for the area; the size of the parcels are sufficiently large to permit making changes to the type of farming; compliance with the M.D.S. formula I; and that both parcels are viable agricultural units or will contribute to agricultural viability by means of farm consolidation;"

**Response**: This policy is similar to the policies outlined in Section 2.3 of the PPS, which were discussed in section 5.4 of this report. To summarize, just as there are a variety of farming methods, there should be a variety of farm sizes to accommodate them. Although cash crops like soybeans and corn tend to require larger lot sizes to be cultivated in a cost-effective manner, other types of agriculture (e.g., raising livestock) do not require large areas. As previously noted, and although not a part of the Severance Proposal, the Applicant is interesting in potentially raising goats on the retained parcel at some point in the future. The severed parcel is proposed to be used for cash crop farming. One of the co-owners of the Subject Property owns another farm property on which he resides that has a similar area of 20 hectares and is also used for cash crop farming.

Both the retained and severed parcels would continue to be used for agricultural purposes and would comply with the required lot area and frontage for the A1 Zone. In fact, as previously noted, the proposed areas reflect some

of the existing surrounding farm parcel areas and there is no evidence those farms are not viable. As previously noted, MDS I analysis will be completed as a condition of consent approval; however, given the surrounding land uses, the proposed severance is not anticipated to adversely impact any existing residential/agricultural properties.

"b) Building improvements or new construction on the undersized parcel shall be for farming purposes;"

**Response**: This is not applicable as no new building improvements or new construction is being proposed on either of the two parcels as part of the Severance Proposal.

In summary, it is my opinion that the Severance Proposal would conform to the applicable policies of the Malahide Official Plan.

# 5.7 Zoning Analysis and Proposed Zoning By-law Amendment

The Malahide Zoning By-law has four agricultural zones: General Agriculture (A1) Zone, Special Agricultural (A2) Zone, Large Lot Agricultural (A3) Zone, and the Small Lot Agricultural (A4) Zone. The Subject Property is zoned A3 (see **Figure 4** in Appendix A). This zone is similar to the A1 Zone, which applies to the majority of lands designated Agriculture in the Malahide Official Plan, and includes productive agricultural land under active cultivation as well as nonactive farmland, pasture land, woodlands, ravine lands and other natural areas. Permitted uses in the A1 Zone include a broad range of agricultural activities from the cultivation of land and production of crops to the breeding, raising and care of livestock. Where new agricultural parcels are proposed to be created, the minimum lot area of each parcel should be 20 hectares. The A3 Zone is virtually identical to the A1 Zone - the exception being that a minimum lot area of 40 hectares applies.

As the Severance Proposal involves the creation of two lots that are more than the 20 hectares required under the A1 Zone but less than the 40 hectares required under the A3 Zone, a Zoning By-law Amendment is required. The Zoning By-law Amendment proposes to change the existing A3 Zone to an A1 Zone for both the retained and severed parcels (i.e., each parcel is proposed to have the A1 Zone).

#### 6 CLOSING

Based on a review of the relevant policies and regulatory framework for the Subject Property, the proposed consent and Zoning By-law Amendment applications are justified for the following reasons:

• The Severance Proposal would create two viable farm lots engaged in agricultural uses with no new construction being proposed. The proposed severed and retained parcels are sufficient in area to allow for a variety of agricultural uses, including livestock farming, and to provide the owner-farmers the flexibility to practice different types of farming. The lot sizes are also compatible with and reflective of surrounding lot sizes, which is reflected in the A1 Zone applied to neighbouring properties, as identified on the Severance Sketch.

- The Severance Proposal conforms to Section 51(24) of the *Planning Act* and is consistent with the relevant policies of the PPS.
- The Severance Proposal conforms to the Elgin County Official Plan and the Malahide Official Plan, and only
  requires a Zoning By-law Amendment because the existing zone requires a minimum lot area of 40
  hectares. However, the Malahide Zoning By-law provides for much smaller lot areas under the General
  Agricultural (A1) Zone, including the 20-hectare lots being proposed for both the severed and retained
  lots.

For the reasons noted above and throughout this report, the proposed consent and Zoning By-law Amendment applications represent sound land use planning.

# Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical

Simona Rasanu, RPP, MCIP

Planner

# **APPENDIX A: FIGURES #1-4**

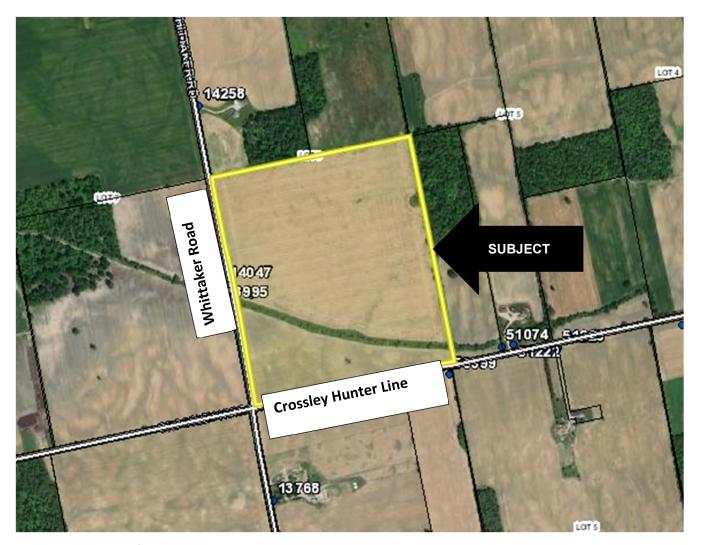


Figure 1. Aerial view of Subject Property

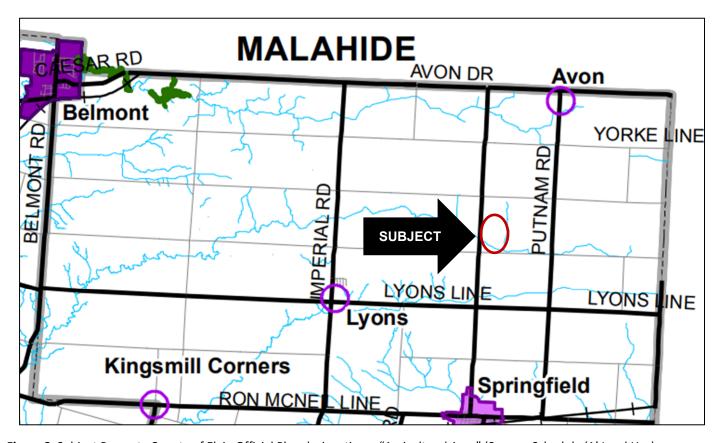


Figure 2. Subject Property County of Elgin Official Plan designation – "Agricultural Area" (Source: Schedule 'A' Land Use)

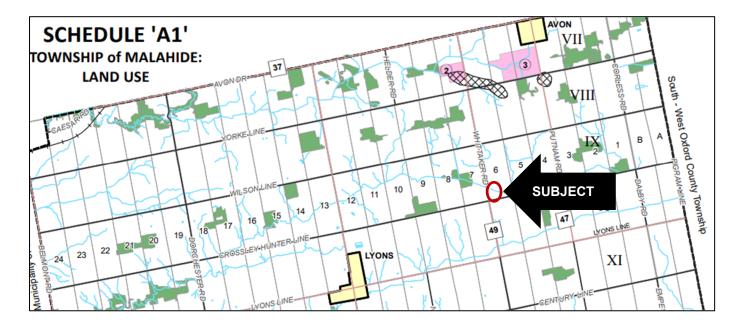


Figure 3. Subject Property Township of Malahide Official Plan designation – "Agriculture" (Source: Schedule 'A1')

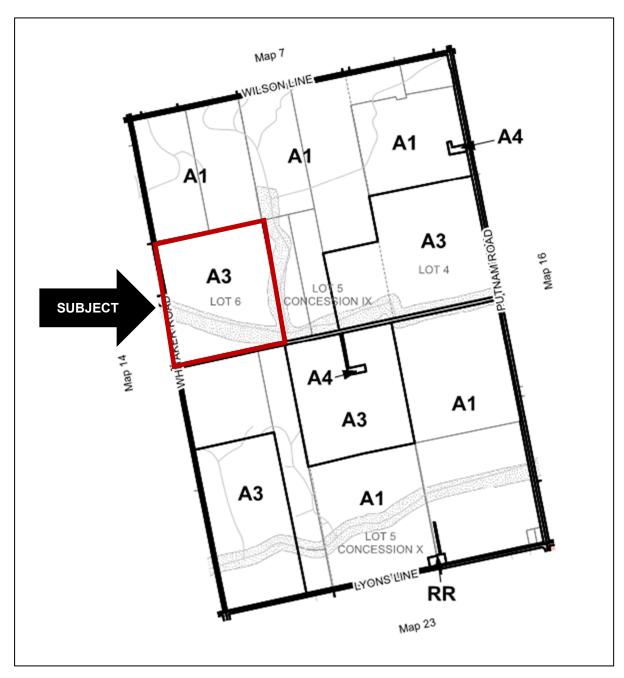


Figure 4. Township of Malahide Existing Zoning – Large Lot Agricultural (A3) (Source: Schedule 'A' Map No. 15)

# **APPENDIX B: PHOTOS #1-4**



Photo 1. View of Subject Property looking south from Whittaker Road



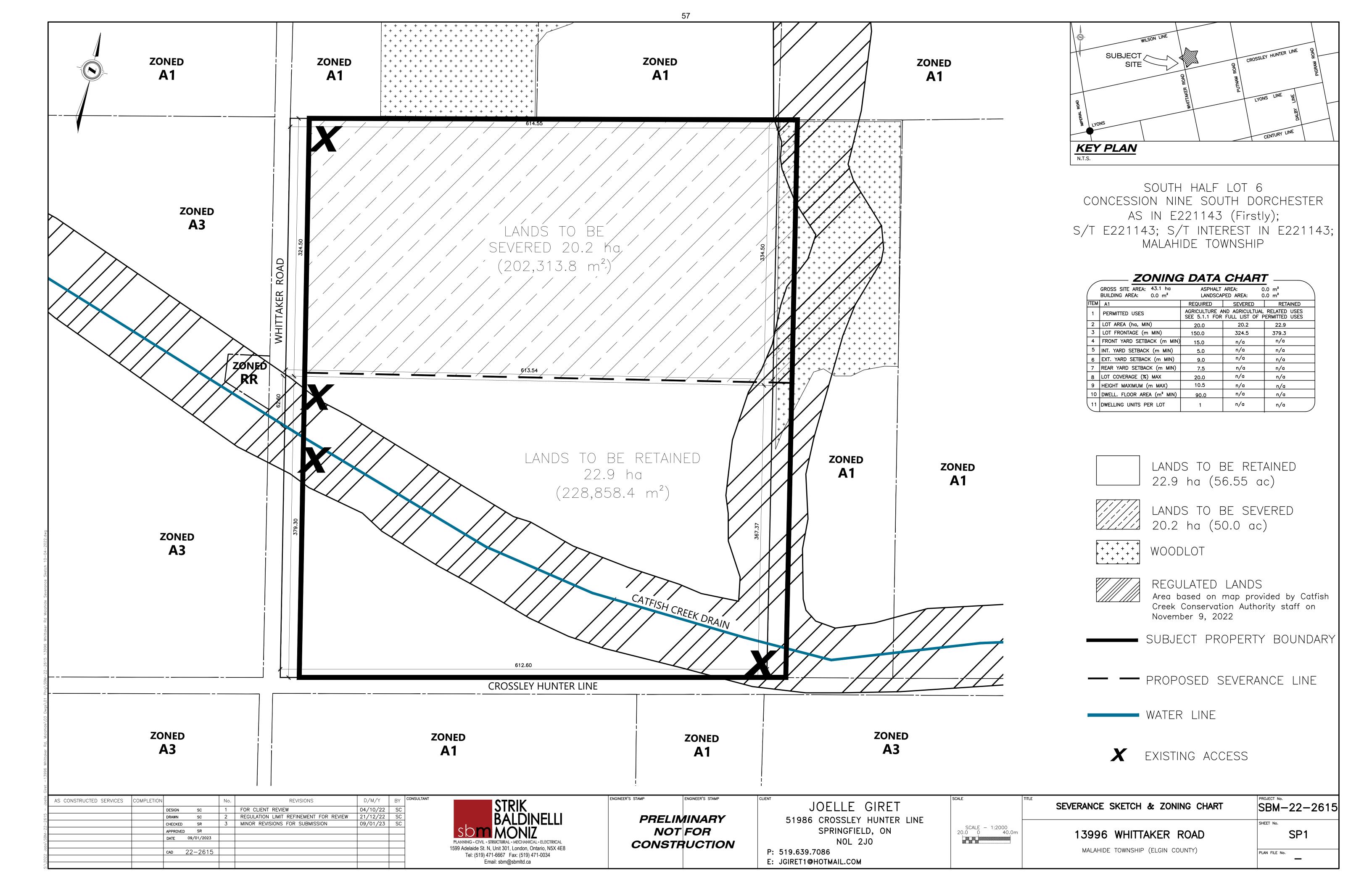
**Photo 2**. View of Subject Property looking northwest from Crossley Hunter Line



Photo 3. View of Catfish Creek Drain from Whittaker Road looking east



Photo 4. View of Catfish Creek Drain and surrounding vegetation corridor from Whittaker Road



## E8/23

- That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
- 2. That all entrance permits are acquired from the appropriate road authority as per our entrance control policy.
- 3. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
- 4. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- 5. That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
- That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- 7. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- 8. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 9. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.

## 59

# THE CORPORATION OF THE TOWNSHIP OF MALAHIDE BY-LAW NO. 23-16

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

Joelle Giret, Colleen Giret, & Jeremy Giret
Authorized Agent: Simona Rasanu (c/o Strik, Baldinelli, Moniz Ltd.)
13996 Whittaker Road

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

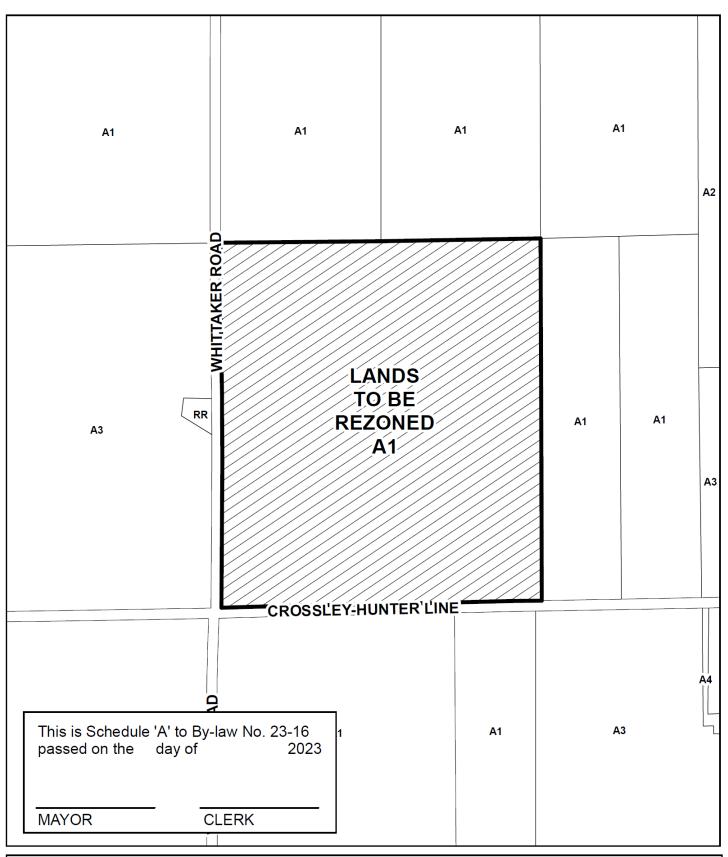
**AND WHEREAS** authority is granted under Section 34 of the Planning Act, as amended, to pass a By-law;

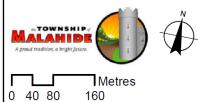
AND WHEREAS this By-law conforms with the Official Plan of the Township of Malahide, as amended;

**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 9 South, Part Lot 6, in the Township of Malahide, shall be removed from the "Large Lot Agricultural (A3) Zone" of By-law No. 18-22 and placed within the "General Agricultural (A1) Zone" of By-law No. 18-22 as set forth in this By-law. The zoning of this land shall be shown as "A1" on Key Map 15 of Schedule "A" to By-law No. 18-22, as amended.
- 2. **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 <u>Planning Act</u> 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 <u>Planning Act</u> and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

<b>READ</b> a <b>FIRST</b> and <b>SECOND</b> time this day of, 202	3.
READ a THIRD time and FINALLY PASSED this day of	, 2023.
Mayor – D. Giguère	





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

SCHEDULE 'A' Map 15



# TOWNSHIP OF MALAHIDE

DRAINAGE BY-LAW NO. 23-25

*Drainage Act*, R. S.O. 1990, c. D17 Reg. 300/81, s.1, Form 6

Being a By-law to provide for a drainage works on the Robinson Drain in the Township of Malahide, in the County of Elgin

\*\*\*\*\*

**WHEREAS** the requisite number of owners have petitioned the Council of the Township of Malahide in the County of Elgin in accordance with the provisions of the Drainage Act, requesting that the following lands and roads may be drained by a drainage works.

Parts of Lot 2
Concession 9
In the Township of Malahide (geographic Malahide)

**AND WHEREAS** the Council for The Corporation of the Township of Malahide has procured a report made by Spriet Associates and the report is attached hereto and forms a part of this By-law;

**AND WHEREAS** the property owner, P. & S. ROBINSON (Roll No. 040-130-09), will construct and fund the drainage works being incorporated under this report.

**AND WHEREAS** zero dollars (\$0.00) is the amount to be contributed by the municipality for construction of the drainage works;

**AND WHEREAS** the Council is of the opinion that the drainage of the area is desirable:

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MALAHIDE UNDER THE DRAINAGE ACT ENACTS AS FOLLOWS:

- 1. The report, dated February 16, 2023, and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized, and shall be completed in accordance therewith.
- 2. (a) The Corporation of the Township of Malahide may borrow on the credit of the Corporation the amount of \$27,000.00 being the amount necessary for construction of the drainage works.

- (b) The Corporation may issue debentures for the amount borrowed less the total amount of,
  - 1. Grants received under section 85 of the Act;
  - 2. Commuted payments made in respect of lands and roads assessed within the municipality;
  - 3. Moneys paid under subsection 61(3) of the Act; and
  - 4. Moneys assessed in and payable by another municipality, and
- (c) Such debentures shall be made payable within five years from the date of the debenture and shall bear interest at a rate not higher than the rate charged by the Ontario Municipal Improvement Corporation on the date of sale of such debentures.
- 3. A special equal amount rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule to be collected in the same manner and at the same time as other taxes are collected in each year for five years after the passing of this By-law.
- 4. All assessments of \$500.00 or less are payable in the first year in which the assessment is imposed.
- 5. This By-law comes into force on the date of the passing thereof and may be cited as "Robinson Drain".

READ A FIRST AND SECOND TIME THE	HIS 16th day of March, 2023.
Mayor	Clerk
READ A THIRD TIME AND FINALLY PA	ASSED THIS 4th day of May, 2023.
Mayor	Clerk



# Report to Council

**REPORT NO.:** PW-23-18

**DATE:** March 16, 2023

ATTACHMENT: None

SUBJECT: TENDER RESULTS – CARTER ROAD BRIDGE

**REHABILITATION** 

# **Recommendation:**

THAT Report No. PW-23-18 entitled "Tender Results – Carter Road Bridge Rehabilitation" be received;

AND THAT the Carter Road Bridge Rehabilitation be awarded to W. G. Kelly Construction of Mitchell, Ontario in the amount of \$242,597.00 (plus HST);

AND THAT the Mayor and Clerk be authorized to enter into an agreement with W. G. Kelly Construction for the purpose of completing the Carter Road Bridge Rehabilitation.

# **Background:**

As Council will recall, Vallee Consulting Engineers were retained by the Township of Malahide through the formal Request for Proposals ("RFP") process to investigate structural deficiencies and provide a detailed rehabilitation design so to extend the life of the Carter Road Bridge.

Vallee Consulting Engineers identified a number of deficiencies with the structure and the required necessary repairs to correct them. The repairs include: removal of the road surface to allow for surface delamination correction; waterproofing; and, the surface preparation, patching, and injection and sealing of all other identified deficient concrete works.

# **Comments/Analysis:**

To facilitate the repairs necessary on the Carter Road Bridge and to secure a contractor who specializes in this type of work, Vallee Consulting Engineers prepared a tender package that was posted to the Township of Malahide Bids & Tenders page on January 30, 2023 and closed on February 21, 2023. A total of two (2) firms submitted tenders for this project. The tender results are as follows and do not include H.S.T.:

- 2585284 Ontario Inc. \$380,380
- W.G. Kelly Construction \$242,597

The lowest bid was received from W.G. Kelly Construction in the amount of \$242,597.00 (plus HST). The Township of Malahide is confident W.G. Kelly Construction has the experience to complete the work tasked to them in this contract.

# **Financial Implications to Budget:**

The projected amount for the Carter Road Bridge Rehabilitation project was \$209,000 which was to be included in the 2023 capital budget. The lowest bid from W.G. Kelly Construction for \$242,597, which includes a \$20,000 contingency amount that would only be drawn upon in the event of any on-site change orders, which brings the variance range to 6.5% – 16.0% (\$13,597 - \$33,597) in exceedance of the budgeted amount which would be drawn from contingency reserve.

# 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 supports the "Our Local Government" strategic pillar is "Embody Financial Efficiency throughout Decision-Making". Ensuring that the cost of maintaining municipal infrastructure is equitably borne by current and future ratepayer's works to achieve this goal.

Submitted by:	Approved by:	Approved for Council:
Bob Lopez,	Matt Sweetland, P.Eng.,	Adam Betteridge,
Engineering Technologist	Director of Public Works	Chief Administrative Officer
Drainage Superintendent		



# Report to Council

**REPORT NO.:** PW-23-19

**DATE:** March 16, 2023

ATTACHMENT: None

SUBJECT: DUST CONTROL CONTRACT EXTENSION

# **Recommendation:**

THAT Report No. PW-23-19 entitled "Dust Control Contract Extension" be received;

AND THAT Township Council authorize the requested price increase to \$0.315 per litre of applied calcium chloride dust control and fuel surcharge tied to the two-week trailing diesel rack rate.

## Background:

In 2022, the Township of Malahide participated in the joint issuance of a multi-year tender call for dust control services which was led by the Municipality of Central Elgin, to which Da-Lee Dust Control Ltd. was the successful proponent.

The contract terms of this multi-year contract ensured pricing from April 1, 2022 to March 31, 2023 allowing for four (4) incremental one (1) year period renewals. Pricing remained firm as tendered for the first year of the contract and the contract stipulates that Da-Lee may request a rate increase in the subsequent year(s), based on the Consumer Price Index (CPI) – Ontario All Goods Index for the preceding 12-month period to the nearest \$0.05. Such price increase requests must be submitted to the Township three (3) months before the anniversary date for each year.

# **Comments/Analysis:**

On February 27, 2023 (1+ month prior to anniversary date), Da-Lee requested a price increase of 10.5% in addition to a fuel surcharge being tied to the two-week trailing diesel rack rate.

Township staff requested for Da-Lee to amend their price increase request to the contract allowable 6.7% CPI amount without fuel surcharge noting a 20% reduction to the diesel rack rate from March 3, 2023 in comparison to the March 23, 2022 tender closing rate.

By the terms of the contract, Da-Lee is not required to accept the year 2 contract renewal and have identified that due to market price increases, they will not be accepting the contract identified increase.

The below table compares the 2022 tender results with the contract allowable terms applied to the second-place unsuccessful bidder to the 10.5% rate increase applied to Da-Lee, indicating the requested Da-Lee increase exceeds the assumed contract increase from the unsuccessful bidder.

	Da-Lee (low bidder)	Da-Lee (low bidder)	Pollard (unsuccessful bidder)
Tendered Rate	\$0.285 per litre	\$0.285 per litre	\$0.305 per litre
CPI Adjustment (6.7%)		\$0.019	\$0.020
Market Requested Adjustment (10.5%)	\$0.030		
Fuel Surcharge Estimate (10%)	\$0.029		
2023 Rate	\$0.344	\$0.304	\$0.325

In 2022, the Township expensed \$70,981.48 equating to 249,057 L of CaCl dust control suppressant. By applying the 2022 tendered rates with the assumed rate adjustments in the table above, the 2-year dust control expense is shown below.

	Da-Lee proposal	Da-Lee Expected Contract	Pollard Comparison
2022 Application Rate	\$0.285		\$0.305
2022 Product Applied	249,057L		249,057
2022 Expense	\$70,981	\$70,981	\$75,962
2023 Assumed Rate	\$0.344	\$0.304	\$0.325
Assumed Product to be applied	249,057	249,057	249,057
2023 Expense	\$85,675	\$75,713	\$80,943
2022 + 2023 Expected Expense	\$156,656	\$146,694	\$156.905

As shown, by allowing the Da-Lee price increase request, the 2-year expected expense for dust control suppressant is lower than the expected contract allowable increase should the second plan bidder have been chosen in 2022.

Should the Da-Lee 10.5% price increase be denied, the Township will then tender for dust control services for 2023 however noting the material market increase is likely to yield higher tendered result than the requested increase from Da-Lee. By non-inclusion of fuel surcharge in a possible new tender following a year of inflated fuel pricing, proponents are forced to inflate pricing as protection. Allowing for fuel surcharge with a trailing 2-week allows product price protection, and total tendered protection against massive price increases with an effective barometer for commodity pricing at time of use.

It is therefore recommended that the Township accept the requested rate increase from Da-Lee dust control Ltd. In the amount of 10.5% partnered with fuel surcharge.

# **Financial Implications to Budget:**

The 2023 Draft budget includes \$82,000 for contracted Dust Control. Actual dust control payment is based on the actual per litre use of product. Based on 2022 product use and possible fuel surcharge use, possible budget exceedance of \$3,000 - \$5,000 can be expected.

# 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 supports the "Our Local Government" strategic pillar is "Embody Financial Efficiency throughout Decision-Making". Ensuring that the cost of maintaining municipal infrastructure is equitably borne by current and future ratepayer's works to achieve this goal.

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

# **Report to Council**

**REPORT NO.:** FIN-23-05

**DATE:** March 16, 2023

**ATTACHMENT:** Statement of Council Remuneration

SUBJECT: 2022 COUNCIL REMUNERATION AND EXPENSE

## **Recommendation:**

THAT Report No. FIN 23-02 entitled "2022 Council Remuneration and Expense" be received.

## **Background:**

Section 283 of the Municipal Act, 2001 states that

**283** (1) A municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality and of the officers and employees of the local board. 2001, c. 25, s. 283 (1).

#### Limitation

- (2) Despite any Act, a municipality may only pay the expenses of the members of its council or of a local board of the municipality and of the officers and employees of the municipality or local board if the expenses are of those persons in their capacity as members, officers or employees and if,
  - (a) the expenses are actually incurred; or
  - (b) the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred. 2001, c. 25, s. 283 (2).

Section 284 of the Municipal Act, 2001 states that

- **284** (1) The treasurer of a municipality shall in each year on or before March 31 provide to the council of the municipality an itemized statement on remuneration and expenses paid in the previous year to,
  - (a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council:

- (b) each member of council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and
- (c) each person, other than a member of council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body. 2001, c. 25, s. 284 (1).

#### Mandatory item

(2) The statement shall identify the by-law under which the remuneration or expenses were authorized to be paid. 2001, c. 25, s. 284 (2).

# **Comments/Analysis:**

By-law No. 20-74 outlines the remuneration established for all members of Council for regular Council and Committee of the Whole meetings, annual mileage allowance for such meetings, per diems for participation in work-related conferences and workshops, along with mileage for such conferences and workshops.

Mileage is paid at a rate of \$0.52/km, being the rate established in By-law No. 20-74 for the use of personal vehicles for Township purposes. It is each individual Council member's responsibility to maintain personal records for their income tax files, sufficient to justify that the mileage payment is a reimbursement for costs and not considered remuneration which is subject to income tax. A simple sheet showing the dates, distance travelled, and purpose or reason for such travel would be adequate.

Attached is the statement of the 2022 remuneration and other payments to each member of Council.

## **Financial Implications to Budget:**

None. The 2022 budget included Council Remuneration at the adjusted amounts approved during the budget deliberations.

#### **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 Local Government" Strategic Pillar relates to "Improve Communication within our Community". Transparency in reporting promotes public confidence.

Submitted by:	Approved by:	Approved for Council:
Sue Loewen	Adam Boylan	Adam Betteridge
Human Resources Manager	Director of Finance/Treasurer	Chief Administrative Officer

# **TOWNSHIP OF MALAHIDE** STATEMENT OF COUNCIL REMUNERATION Year Ended December 31, 2022

Name	Prior Term Title	New Term Title	# of Regular Meetings Attended Prior Term	# of Regular Meetings Attended New Term	# of Committee and Special Meetings Attended	Total # of Meetings Attended	Annual Salary for Regular & Committee Meetings	Annual Mileage Allowance	Township related conferences & workshops	Conference & Workshops related Mileage	Township Total Payments	Remuneration from outside Boards & Committees	Expenses reimbursed by outside Boards & Committees	Outside Boards & Committes Total Payments	Total Payments
Total Meetings held			19	3	4	26									
David Mennill	Mayor		17		4	21	\$21,927.13	\$787.50			\$22,714.63			\$0.00	\$22,714.63
Dominique Giguére	Deputy Mayor	Mayor	18	3	4	25	\$19,402.67	\$900.00			\$20,302.67	\$774.81	\$0.00	\$774.81	\$21,077.48
Rick Cerna	Councillor	Councillor	17	3	3	23	\$12,899.28	\$600.00			\$13,499.28	\$570.00	\$112.32	\$682.32	\$14,181.60
Chester Glinski	Councillor	Councillor	19	3	4	26	\$12,899.28	\$600.00			\$13,499.28			\$0.00	\$13,499.28
Max Moore	Councillor		18		4	22	\$11,322.70	\$525.00			\$11,847.70			\$0.00	\$11,847.70
Mark Widner	Councillor	Deputy Mayor	19	3	4	26	\$13,599.22	\$637.50			\$14,236.72			\$0.00	\$14,236.72
Scott Lewis	Councillor	Councillor	16	3	4	23	\$12,899.28	\$600.00			\$13,499.28	\$50.00	\$21.06	\$71.06	\$13,570.34
Sarah Leitch		Councillor		3		3	\$1,576.58	\$75.00			\$1,651.58			\$0.00	\$1,651.58
John H Wilson		Councillor		3		3	\$1,576.58	\$75.00			\$1,651.58			\$0.00	\$1,651.58
Total							\$104,949.56	\$4,800.00	\$0.00	\$0.00	\$109,599.56	\$1,394.81	\$133.38	\$1,528.19	\$111,127.75

#### Notes

Outside Boards & Committees: EECC, KCCA, CCCA. Authorizing By-Law: 20-74 Council Remuneration Amended By-Law: 22-16 Council Remuneration Authorizing By-law: 13-02 EECC Board Terms of Reference

There were 22 Regular Meetings of Malahide Council (in person or virtual) where minutes are available.

Section 284 of the Municipal Act, 2001 requires the Treasurer to provide Council an itemized statement of remuneration and expenses paid in the previous year Due March 31st



# **Report to Council**

REPORT NO.: DS-23-06

**DATE:** March 16, 2023

**ATTACHMENT:** Report Photo, Application, Recommended Conditions

SUBJECT: APPLICATION FOR CONSENT TO SEVER NO. E2-23 OF CHAD

UNDERHILL FARMS LTD.

**LOCATION:** Concession 1 W, Part of Lot 29 (52361 Nova Scotia Line)

#### **Recommendation:**

THAT Report No. DS-23-06 entitled "Application for Consent to Sever No. E3-23 of Chad Underhill Farms Ltd." be received;

AND THAT the Application for Consent to Sever of Chad Underhill Farms Ltd., relating to the property located at Concession 1 W, Part of Lot 29, and known municipally as 52361 Nova Scotia Line, be supported for the reasons set out in this Report;

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

# **Background:**

The subject application for Consent to Sever (the "Application") has been submitted by Logan Burnett, on behalf of Chad Underhill Farms Ltd. in order to sever an existing dwelling that has become surplus as a result of a farm consolidation from an agricultural parcel.

The Application relates to the property located at Concession 1 W, Part of Lot 29, and known municipally as 52361 Nova Scotia Line.

The County Land Division Committee has scheduled a Public Hearing for this application to be considered on March 22, 2023.

# **Comments/Analysis:**

The subject farm property is approximately 34.5 hectares (85.49 acres) in area, and has approximately 199.1 metres (653.3 feet) of frontage along Nova Scotia Line and contains an existing single detached dwelling and three trailers previously used to house farm workers. The subject lands are bounded by agricultural lands to the east and west, Nova Scotia Line to the north, and Lake Erie to the south.

Based on the information provided by the applicant, the owners reside on the agricultural parcel to the east of the subject lands, and also own the vacant farmland to the west of the subject lands. The existing dwelling on the subject lands has become surplus to their needs and they are proposing to sever the dwelling from the surrounding farmland.

# **Provincial Policy Statement (PPS)**

In Prime Agricultural Areas, the Provincial Policy Statement (PPS) permits lot creation for the purposes of severing an existing dwelling that has been rendered surplus as a result of farm consolidation, provided the new lot will be limited to a minimum size needed to accommodate the use and appropriate private services, as well as it is ensured that residential dwellings are prohibited on any remnant parcel of farmland (Section 2.3.4.1c).

The proposed severed parcel is of a minimum size (0.5 ha) to accommodate the existing dwelling and private services. A Zoning By-law Amendment will be required as a condition of consent approval to rezone the proposed retained parcel to prohibit future residential uses. The Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

# **County of Elgin Official Plan**

The subject property is designated "Agriculture Area" on Schedule 'A', Land Use Plan. Lot creation is permitted for lands within this designation for the purposes of severing a residence surplus to a farming operation provided that development of a new residence is prohibited on any retained farmland (Section E1.2.3.4b).

As a condition of approval, a Zoning By-law Amendment will be required to rezone the proposed retained farmland to 'Special Agriculture Zone (A2)' that would prohibit the construction of a dwelling. As noted above, the Zoning By-law Amendment would also rezone the proposed severed parcel, including a site-specific provision to permit a reduced lot frontage for the proposed severed parcel.

#### Malahide Official Plan

The subject property is designated 'Agricultural' on Schedule 'A1' (Land Use Plan). The Malahide Official Plan permits secondary uses including surplus farm dwellings on separate lots (Section 2.1.2.2).

Section 2.1.7 of the Official Plan permits lot creation for the severance of a surplus farm dwelling provided certain criteria are met, including that the existing dwelling be occupied for a minimum of ten years and a land use conflict is not created with agricultural operations in the surrounding areas (Section 2.1.7.1). The existing dwelling has been in existence for more than 10 years and is not anticipated to create a land use conflict with surrounding agricultural operations. Surplus farm dwelling severances are exempt from Minimum Distance Separation under Section 2.1.3 of the Official Plan.

The Official Plan requires that the severed parcel is able to be serviced by private sanitary waste disposal system and a potable water supply that is situated within the severed lot, is located within 100 metres of an opened travelled road, and the severed parcel be rezoned to a Special Agricultural zone that permits surplus farm dwellings (Section 2.1.7.2). The proposed severed lot meets the minimum lot area requirements of the Zoning By-law and the existing septic system and well are located within the lot boundaries. The proposed lot and existing dwelling are located within 100 metres of a public road.

The proposed severed lot currently contains several existing accessory trailers that are currently used to house farm workers. Based on the information provided, it is the intent of the owner to remove these trailers and sell the surplus dwelling. It is recommended that this be included as a condition of severance to ensure that there are no impacts on adjacent agricultural uses.

The Official Plan also requires that the proposed retained farm parcel be of suitable size to support agricultural uses, meet the provisions of the 'Special Agriculture (A2) Zone', and be rezoned to prohibit the establishment of a dwelling (Section 2.1.7.4a, 2.1.7.4b, 2.1.7.4c). Provided the approval of a Zoning By-law Amendment is granted to rezone the proposed severed and retained lots, the application meets these criteria of the Official Plan.

#### Malahide Zoning By-law No. 18-22

The subject property is within the "General Agricultural (A1) Zone", on Key Map 103 of Schedule "A" to the Township's Zoning By-law No. 22-18. As previously noted in this report, the PPS and both Official Plans require that the proposed severed and retained parcel be rezoned. It is anticipated that the proposed retained parcel would be rezoned to the 'Special Agricultural (A2)' zone to prohibit a residential dwelling. The proposed retained parcel meets the minimum lot area and frontage requirements of the A2 zone.

It is also anticipated that the proposed severed parcel to 'Small Lot Agriculture Special (A4-XX)'. This zone is intended to be applied to lots that created as a result of a surplus farm dwelling severance to reflect the primary use of the lot being for residential purposes. The proposed Zoning Amendment would also include a site-specific provision to permit a reduced lot frontage of 26.3 m where the By-law requires a frontage of 30 m. The proposed severed parcel meets all other requirements of the A4 zone.

#### **General Comments**

The Consulting Planner for the Township has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application, with conditions that a Zoning

By-law Amendment be obtained to rezone the subject lands, as well as require the removal of the three trailers used for farm workers.

The Development Services Staff has also considered comments provided (if any) by other internal departments; no comments were received at the time 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.

One of the goals that support the "Our Land" Strategic Pillar is "Protect & Enhance Malahide's Agricultural Character". By respecting the agricultural land base through the land use planning process, the Council is achieving this goal.

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

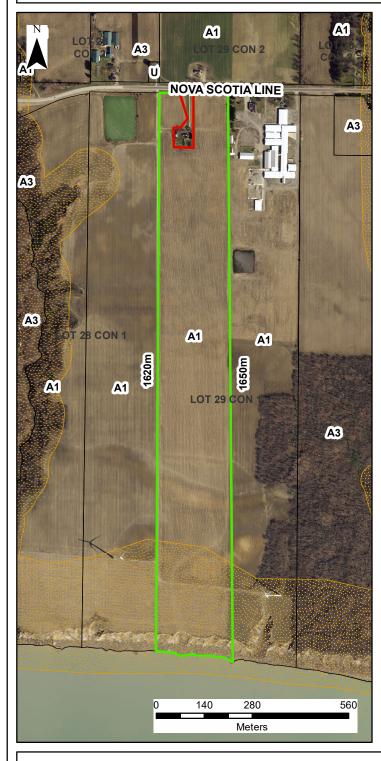
Approved by:
Adam Betteridge, Chief Administrative Officer

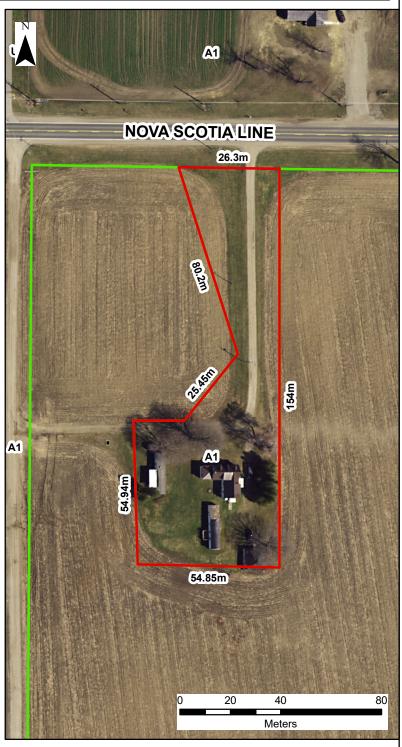
#### **APPLICATION FOR A CONSENT TO SEVER**

Owners: Chad Underhill Farms Authorized Agent: Logan Burnett

52361 Nova Scotia Line Concession 1, Part of Lot 29 Township of Malahide Township of Malahide Figure 1







OFFICIAL PLAN DESIGNATION Agriculture

ZONING A1 General Agricultural Retained Lands

Severed Lands



#### **APPLICATION FOR CONSENT**

1.	Name of Approval Aut	thorityELGIN COUNTY LAND DIVISION COMMITTEE					
2.	(a) Name of Owner	Chad Underhill Farms Limited					
	Telephone Number	c/o Solicitor Email c/o Solicitor					
2.	(b) Name of owner's	solicitor or authorized agent LOGAN BURNET	American				
	Address	130 Dufferin Avenue, Suite 1101, London ON N6A 5R	12				
	Telephone Number	519-661-6795 Email Iburnett@harriso	npensa.com				
2.	(c) Name of Applican						
	Address	7135 Dennis Road, Vienna ON N0J 1Z0					
	Relationship to Owne	er: Purchasing Farmer ( ) Other ( ) please specify same	e corporation				
	Please specify to who	m all communications should be sent:					
	Owner(s) ( )	Solicitor ( ) Agent ( ) Applicant (	1				
	, , , ,		<i>'</i>				
	AUTHORIZATION TO	APPOINT AN AGENT must be provided if an agent or seemalf of the land owner or applicant.	solicitor is acting on				
3.	(a) Type and nymass						
ა.		e of proposed transaction: (check appropriate space)	, , , ;				
			_ mortgage/charge				
		addition to a lot	_				
			_ easement/R.O.W.				
			_ correction of title				
		other (specify)					
	** If the application	involves the severance of a surplus farmhouse (through	form concolidation)				
	please complete an	nd submit attached Appendix "B" – "Surplus Farm Dwellin	ig Information Form."				
	(b) Name of person(s charged:	s), if known, to whom land or interest in land is to be transferre	d, leased or				
	not known	·					
	(c) If a lot addition, id parcel will be adde	lentify the assessment roll number and property owner of the la	ands to which the				
	n/a						
		W. Company of the Com					

4.	(a)	) Location of land:								
		Municipality Township of Malahide			Concession No. One					
		Lot(s) No. Pa	art of 29		Registered Plan No. n/a					
		Name of Street	t Nova Scotia Line	;	Street No. and	d/or 911 No	. <u>5236</u>	1		
		Assessment Ro	oll No. <u>Part of 3408000</u>	011046	600					
	(b)	Are there any e	easements or restrictive o	covenar	nts affecting th	ie subject la	and?			
		Yes (x)	No (x) If Yes, de	scribe th	ne easement o	or covenant	and its	effect:		
5.	Des	scription of land	intended to be severed:	(Accur	ate Measurer	nents in Me	etric)			
		Frontage	26.3	Depth	154		Area _	.5002		
		Existing Use	Agriculture		Proposed U	se <u>Reside</u>	ence wi	th Traile	'S	
		Number and use of buildings and structures on the land to be severed:								
		Existing 1 Sing	gle Family Residence a	and 3 T	railers					
		Proposed 1 Single Family Residence and 3 Trailers								
6.	Des	scription of land	intended to be retained	: (Accu	rate Measurei	ments in Me	etric)			
		Frontage	67.99/334.349	Depth	1644 +/-		Area	104 +/-		
		Existing Use	Agriculture		Proposed U	se <u>Agricu</u>	lture			
		Number and use of buildings and structures on the land to be retained:								
		Existing Wind Turbine								
		Proposed Wind	d Turbine							
7.	Nui	mber of new lot	s proposed (including re	etained	lots) <u>2</u>					
8.	Тур <u>ТҮ</u> І		proposed and retained	lot: (d	check approp <u>PROPOS</u>	•	e)	RETA	INED L	<u> </u>
	Pro	ovincial Highway	/		(	)			( )	
	Mu	nicipal road, ma	aintained all year		( •	<b>/</b> )			( <b>~</b> )	
	Mu	nicipal road, se	asonally maintained		(	)			( )	
	Oth	ner public road			(	)			( )	
	Rig	ht Of Way			(	)			( )	
	Wa	iter access			(	)			( )	
	-	roposed access ecify)	s is by water, what boat	dockin	g and parking	facilities a	re avai	lable on t	he main	ıland?

·9.	(a) What type of water supply is proposed: (check	k appropriate space)				
	<u>TYPE</u>	PROPOSED LOT	RETAINED LOT			
	Publicly owned and operated piped water system	( <b>~</b> )	( )			
	Privately owned and operated individual well **	( )	( )			
	Privately owned and operated communal well **	( )	( )			
	Lake or other water body	( )	( )			
	Other means (specify)		no supply			
	<ul> <li>(b) ** If existing water supply is provided from a private communal well, the owner shall be required to well installer that the private well provides the by Provincial standards. (Written confirmation)</li> <li>(c) ** A water quality test by the applicable public be extended to the Application)</li> </ul>	o provide written confirmation ne quality and quantity of poton on to be attached to the App	on from a licensed table water required dication); AND			
10.	be attached to the Application)  (a) What type of sewage disposal is proposed: (continuous)	check appropriate space)				
	TYPE	PROPOSED LOT	RETAINED LOT			
	Publicly owned and operated sanitary sewage	<u> </u>	TETT WILD EOT			
	system	( )	( )			
	Privately owned and operated individual septic Tank **	( <b>~</b> )	( )			
	Privately owned and operated communal septic	( • )	( )			
	System **	( )	( )			
	Other means (specify)		no system			
	(b) **If existing sewage disposal is privately owned, confirmation from a licensed septic installer condition. (Written confirmation to be attack	that the system is in satisfac				
NOT be a	E: If 9(b), 9(c) and 10(b) are not provided, the application countries the countries of the such time as the outstanding items have been such time as the outstanding items have been such that the such time as the outstanding items have been such that the such time as the such t	on is not considered complete a seen provided and it is deemed o	nd the application will not complete.			
11.	When will water supply and sewage disposal service	es be available?				
12.	2. What is the existing Official Plan designation(s) of the subject land?  Agriculture					
13.	What is the existing Zoning designation(s) of the sub	•				

If Ye	er the Planning Act? Yes ( ) No ( ) Unknown ( ) es, and known, provide the application file number and the decision made on the application
	is application is a re-submission of a previous consent application, describe how it has been nged from the original application
(a)	Has there been any previous severances of land from this holding?
	Yes ( ) No ( <b>✓</b> )
(b)	If the answer to (a) is Yes, please indicate previous severances on the required sketch and supply the following information for each lot severed:
	Who the severance was granted to
	Use of parcel
	Date parcel created (Year)
Yes	
	es, provide the previous severance File No.
(a)	Are there any barns within 750 metres of the proposed severed lands?
	Are there any barns within 750 metres of the proposed severed lands?  Yes (✔) No ( )
	Yes (✓) No ( ) i) Now used for livestock? Yes ( ) No (x)
(b)	Yes (✔) No ()  i) Now used for livestock? Yes () No (x)  ii) Capable of being used for livestock? Yes () No (x)  If there are livestock barns located within 750 metres of the dwelling on the retained lands a MDS 1 calculation is required to be submitted with this application for consent

20. Is the subject land currently the subject of a proposed official plan or official plan amendment that has been submitted to the Minister for approval?						
	Yes ( ) No (x )					
	If Yes, and known, specify the Ministry file number and status of the application					
21.	Is the subject land currently the subject of an application for a zoning by-law amendment, Minister's zoning order amendment, minor variance, or approval of a plan of subdivision?					
	Yes ( ) No (x)					
	If Yes, and known, specify the appropriate file number and status of the application					
22.	(a) Is the application consistent with the Provincial Policy Statement 2020 issued under subsection 3(1) of the Planning Act?					
	Yes (x) No ( )					
	(b) If Yes, identify policies from the Provincial Policy Statement 2020 to support this application for consent					
	This property meets the definition of a residence surplus to a farming operation					
23.	Is the subject land within an area designated under any provincial plan or plans?  Yes ( ) No ( ✔)					
	If Yes, does the application conform to or conflict with the applicable provincial plan or plans					
24.	Did pre-consultation occur with the local Municipality and/or other agencies?  Yes (✔) No ( )					
	Enter date of consultation and contact person					
	Brian Lima - County of Elgin - May 17, 2022					
25.	The Owner/Applicant/Agent hereby authorizes Land Division Committee members and the Corporation of the County of Elgin staff to enter onto the subject property for the purpose of Site inspections with respect to this application.					
26.	The Owner/Applicant/Agent hereby consents to disclosure of the information contained in this Application pursuant to Section 32(b) of Bill 49, Chapter 63, S.O. 1989, being an Act to provide for Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards.					

27. DETAILED SKETCH:

The application shall be accompanied by a detailed sketch showing the following:

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- the boundaries and dimensions of any land owned by the owner of the subject land and

that abuts the subject land:

- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be created and shall comply with the Zoning By-Law setbacks;
- the location of private wells and septic system must be located entirely within the boundaries of the lot to be retained and shall comply with the Zoning By-Law setbacks;
- the existing use(s) on adjacent lands;
- the location, width and name of any roads within or abutting the subject land, indicating
  whether it is an unopened road allowance, a public travelled road, a private road or a right
  of way;
- if access to the subject land is by water only, the location of the parking and boat docking facilities to be used;
- the location and nature of any easement affecting the subject land.

Dated at	the <u>City</u>		of London		
	(Municipality	y/Township/City/etc.)	(Name of M	unicipality/Township/City/e	tc.)
this	and	day of December		20 22	
	(day)		(month)	(year)	
J		M			
SIGNATU	JRE OF APPLICAN	IT(S), SOLICITOR OR AUT	HORIZED AGENT		

#### AFFIDAVIT OR SWORN DECLARATION

I/We Logan Burnett	of the City
(Applicant/Agent Name)	(Municipality/Township/City/etc.
of London in	the County of Middlesex
(Name of Municipality/Township/City/etc.)	(County Name)
solemnly declare that all the information contained i declaration conscientiously believing it to be true, are under Oath and by virtue of the CANADA EVIDENC	in this application is true, and I/We make this solemn nd knowing that it is of the same force and effect as if mad CE ACT.
DECLARED before me in the	
City of Lo	ondon
(Municipality/Township/City/etc.)	(Name of Municipality/Township/City/etc.)
in the County of Middlesex (County/Region if applicable)	this day of December (Month)
20 <u>22 .</u> (Year)	
MAA	
Signature	Signature
A Commissioner, etc.	
A Commissioner, etc.	

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

It is required that one copy of this application be filed, together with one copy of the detailed sketch described, with the responsible person, accompanied by a fee of – \$1,250.00 in cash or by cheque made payable to TREASURER, COUNTY OF ELGIN.

An additional fee of \$300.00 will be charged for affixing the consent stamp.

#### **AUTHORIZATION TO APPOINT AN AGENT**

**NOTE:** This form is only to be used for applications, which are to be signed by someone other than the owner(s).

To: Secretary-Treasurer
Land Division Committee
Corporation of the County of Elgin

Name of Witness

Description and Address of Subject Lands:

52361 Nova Scotia Line, Port Burwell ON N0J 1T0 and being Part of PIN 35319-0174, Part Lot 29.

Concession 1, Malahide

I/We, the undersigned, being the registered owner(s) of the above lands hereby authorize

I/We, the undersigned, being the registered owner(s)	of the above lands hereby authorize
	ity of London to:
(Agents Name/Names) (Agen	ts City/Town of Residence)
(1) make an application on my behalf to the County of (2) appear on my behalf at any hearing(s) of the application or material required by the (3)	cation; and Land Division Committee relevant to the application
Please Print Names in Block Letters Below Signatures	5
Dated at the Municipality	of Bayham
(Municipality/Township/City/etc.)	(Name of Municipality/Township/City/etc.)
this day of _December	20 22
(Day)	70 <u>22</u> (Year)
Chad Underhill Farms Limited  Name of Owner	Signature of Owner
Per: Chad Underhill  Name of Owner	Signature of Owner
Name of Owner	Signature of Owner

Signature of Witness

#### APPENDIX "B"

Surplus Farm Dwelling Information Form in Support of an Application for Consent under the *Planning Act, R.S.O. 1990 c. P.13, as amended* 

1. Details of Subje	ect Lands						
Municipal Address 52	361 Nova Scotia Line,	Port Bun	well N0J 1T0				
Legal Description Par	t of PIN 35319-0174, P	art Lot 2	9, Concession	1, Malahic	le		
Lot Area (metric):	Lot Frontage (metric):	Lot Dep	th (metric):	Year the s	surplus dwelling w ed:	<sup>/as</sup> 1945	
Provide confirmation that the surplus dwelling is capable of human habitation, and that it is not a farm help house:  The dwelling and trailers are capable of human habitation. None need be a farm help house.							
Is the proposed Sur	plus Farm Dwelling a re	sult of fa	rm consolidat	ion?	□ Yes	⊌ No	
2. Proposed Trans	action					4469. 32	
agricultural lands be	transaction (i.e. the proposold or conveyed to? Plea	se includ	e details on pur	chaser/purc	hasee		
SEVERED	LOT - UNKNOWN	) REI	MINED LO	T- KEPT	by PRESEN	IT CHINER	
Residence and Trail	dwelling is surplus to the ers are no longer requi	red by th	e family farmir	ng operatio	n.		
	inds Farmed by the Po	erson to		welling is S			
To whom is the dwe			☑ Owner			<u>armer</u>	
Total area of land fari See properties belov	,		Total area of face propertie		med (metric).		
<del>-</del>	of all lands farmed by the Dennis Road, Vienna; 3 ort Burwell		23, Vienna Lir	ne, Port Bu	rwell; 35319-01	85, 52471	
4. Farm Business	Status						
Is the farm property or Program?	on which the surplus farm	dwelling l	ocated eligible	for the Farm	n Property Class T	「ax Rate □ No	
If yes, please provide	ner have a valid Farm Buthe Farm Business Regines 3244 FB2	stration N	J	ber?	⊮ Yes	□ No	
•	farmer have a valid Farm the Farm Business Regi		· ·	lumber?	□ Yes	□ No	

5. Principal Residence of the Owner							
Identify the location of the owner's principal residence:							
7135 Dennis Road, Vienna ON N0J 1N0							
Does the owner own or rent their principal residence?	⊮ Own	□ Rent					
Does the owner own any other dwellings?	Yes	□ No					
If yes, identify the location of all other dwellings owned by the owner:							
52471 NOVA SCOTIA LINE							

#### **PLEASE NOTE:**

If the purchasing farmer or owner cannot provide sufficient evidence as to their farm business status/status as a farmer, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee. Additionally, if the surplus farm dwelling criteria contained in the Official Plans of both Elgin County and the local municipality cannot be met, the application may be refused and/or not accepted by the Secretary-Treasurer of the Land Division Committee.

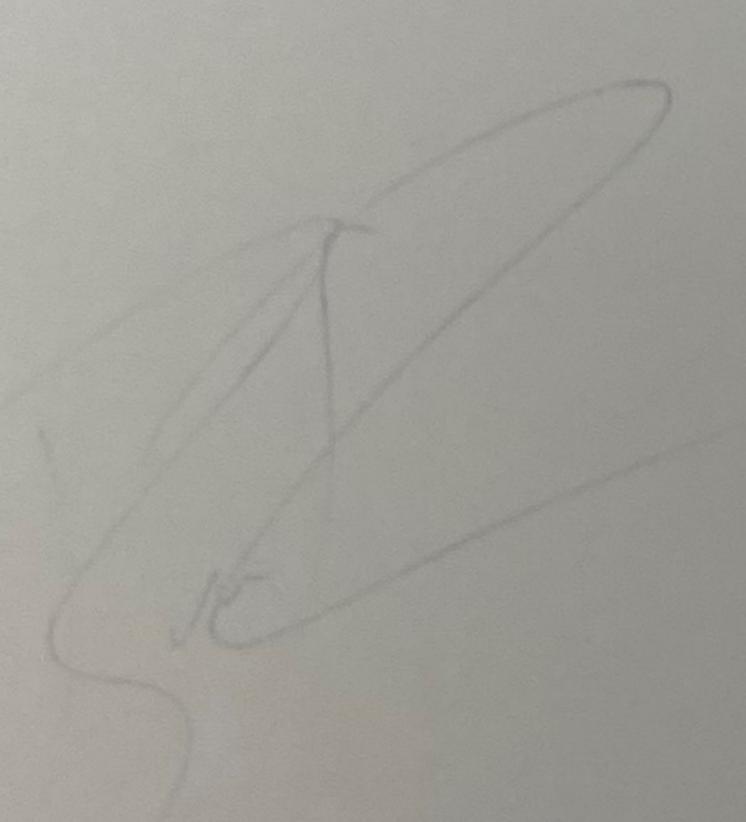


At the time of regular cleanings tank and weeping beds appear to be in good working order at:

55032 Vienna Line

454190 Vienna Line

52361 Nova Scotia Line



Certificate Of Approval: A920388

527 Ontario Street, Woodstock Ontario - Canada 519 688 1124 Website and Email Address

Chittersseptic@hotmail.com

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

87

35319-0174 (LT)

PAGE 1 OF 2
PREPARED FOR rbikker1
ON 2022/10/19 AT 15:33:24

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION:

PART N1/2 LOT 27 CON 1 MALAHIDE; PART S1/2 LOT 27 CON 1 MALAHIDE; PART LOTS 28-29 CON 1 MALAHIDE AS IN E349842, E355524, PART 1, 11R5474; S/T E447948; S/T INTEREST IN E140186; MALAHIDE

PROPERTY REMARKS:

PLANNING ACT CONSENT AS IN E349841. PLANNING ACT CONSENT AS IN E349842. CORRECTION: INSTRUMENT NUMBER E459628 WAS OMITTED FROM THIS PROPERTY IN ERROR AND WAS ADDED AND CERTIFIED ON 2008/11/27 BY JACKIE HORN. CORRECTION: DOCUMENT E447948 ADDED TO 35319-0174 ON 2012/04/02 AT 14:42 BY GARDNER, JANICE.

ESTATE/QUALIFIER:

FEE SIMPLE LT CONVERSION QUALIFIED RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

2007/04/23

OWNERS' NAMES

CAPACITY SHARE

LAND

REGISTRY

OFFICE #11

CHAD UNDERHILL FARMS LIMITED

ROWN SHAR

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
** PRINTOUT	INCLUDES ALI	DOCUMENT TYPES (DE	LETED INSTRUMENTS N	OT INCLUDED) **		
**SUBJECT,	ON FIRST REG	STRATION UNDER THE	LAND TITLES ACT, TO			
**	SUBSECTION 44	1(1) OF THE LAND TIT	LES ACT, EXCEPT PARA	GRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *		
		OR FORFEITURE TO TH.				
				TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF		
				N, MISDESCRIPTION OR BOUNDARIES SETTLED BY		
	CONVENTION.	MOIN OF ADVENSE 103.	PESSION, FRESCRIFII	N, HISDESCRIFITON OR BOUNDARIES SETTLED BI		
			_			
			N 70(2) OF THE REGIS	TRY ACT APPLIES.		
**DATE OF C	ONVERSION TO	LAND TITLES: 2007/0	4/23 **			
E135254	1969/07/18	BYLAW				С
11R5474	1993/12/22	PLAN REFERENCE				С
E447948	2005/07/08	TRANSFER EASEMENT			ERIE SHORES WIND FARM GENERAL PARTNER INC.	C
					ERIE SHORES WIND FARM GENERAL PARTNER TRUST.	
					ERIE SHORES WIND FARM LIMITED PARTNERSHIP	
E447972	2005/07/08	DEBENTURE	\$130,000,000		SUN LIFE ASSURANCE COMPANY OF CANADA	С
E452774	2006/01/27	DEBENTURE	\$130,000,000		SUN LIFE ASSURANCE COMPANY OF CANADA	С
E459625	2007/02/05	TRANSFER	\$369,540		CHAD UNDERHILL FARMS LIMITED	C
E459626	2007/02/05	TRANSFER	\$390,375			
	,	í	4370,375		CHAD UNDERHILL FARMS LIMITED	C
E4:59627	2007/02/05	TRANSFER	\$140,085		CHAD UNDERHILL FARMS LIMITED	С

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.



Ontario ServiceOntario

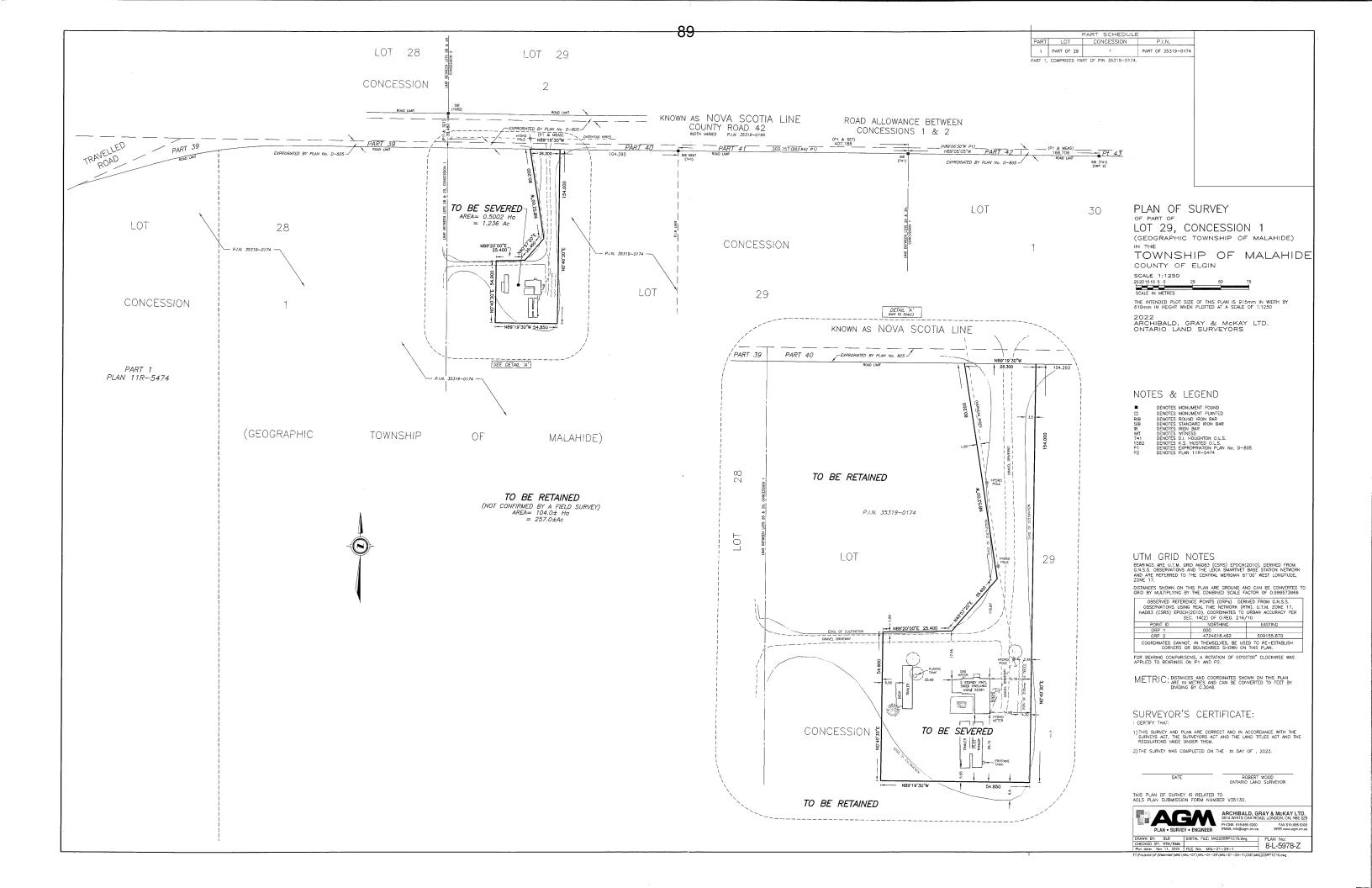
LAND
REGISTRY
OFFICE #11

35319-0174 (LT)

PAGE 2 OF 2
PREPARED FOR rbikker1
ON 2022/10/19 AT 15:33:24

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
CT103881	2014/06/02	CHARGE	\$3,000,000	CHAD UNDERHILL FARMS LIMITED UNDERHILL, CHAD RANDY	BANK OF MONTREAL	С
CT124766	2016/03/30	CHARGE	\$4,000,000	CHAD UNDERHILL FARMS LIMITED UNDERHILL, CHAD RANDY	BANK OF MONTREAL	С
CT203702	2021/09/21	CHARGE		CHAD UNDERHILL FARMS LIMITED UNDERHILL, CHAD RANDY	BANK OF MONTREAL	С



#### **Paul Clarke**

From: Logan Burnett < lburnett@harrisonpensa.com>

**Sent:** January 10, 2023 7:21 PM

To: Paul Clarke
Cc: Renee Bikker

**Subject:** RE: Severance Applications [IWOV-HPMain.FID624107]

**Attachments:** elgin county rules of procedure.pdf

This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Paul,

Thanks for your note of last Friday. For the sake of efficiency, I have responded below in red.

If necessary, I can be available to chat.

Much appreciated,

Logan.

**Logan Burnett** | HARRISON PENSA LLP | Suite 1101, 130 Dufferin Avenue, London, Ontario N6A 5R2 | *tel* 519-661-6795 | *fax* 519-667-3362 | <u>Iburnett@harrisonpensa.com</u>

This e-mail may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

From: Paul Clarke <pclarke@ELGIN.ca> Sent: Friday, January 6, 2023 9:57 AM

To: Logan Burnett < lburnett@harrisonpensa.com>

**Subject:** Severance Applications

#### [EXTERNAL EMAIL]

Hi Logan,

I have received three severance applications and in reviewing them I noticed a few issues. In all three, the person with whom pre-con took place was Brian Lima; however, that questions pertains to pre-con with staff from the local municipality. Can you confirm with whom and on what date pre-con with local municipal staff took place. We reviewed things with Brian Lima for each of the Vienna Line properties and the Nova Scotia Line property as you mention. We did also speak with Paul Hicks (Planner at Republic) based on discussions with Brian and in connection with the Nova Scotia Line property. This being said, in reviewing the procedural guide attached, we noted that consultation is encouraged and not mandatory - can you advise?

In the application for 54190 Vienna line the water quality test from public health is missing. To be provided. In the application for 52361 Nova Scotia Line on Appendix "B", you answered that the surplus dwelling is not the result of farm consolidation. Can you please confirm that the surplus

dwelling is a result of farm consolidation? Our apologies – the "no" was entered incorrectly. The application is in fact the result of a farm consultation.

Thanks,



### Paul Clarke, CPT

Planning Technician / Secretary-Treasurer of the Land Division Committee



(519) 631-1460 x170



450 Sunset Drive, St. Thomas, ON N5R 5V1



www.elgincounty.ca









CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize and can verify the sender and know the content is safe.

#### E3/23

- 1. That all outstanding work orders or by-law enforcement issues be resolved to the satisfaction of the Chief Building Official prior to the condition being deemed fulfilled.
- That the applicants initiate and assume all planning costs associated with the required Zoning Amendment or other land use planning process as required in accordance with the Ontario Planning Act, RSO 1990, with such cost to be paid in full to the Township and that the required process be successfully completed prior to the condition being deemed fulfilled.
- 3. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
- 4. That the necessary deeds, transfers and charges for certificates and/or instruments necessary for registration be submitted in triplicate prior to certification all of which are to be fully executed.
- 5. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- 6. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- 7. That the applicant is responsible to apply and pay all fees to the Township with respect to Civic Addressing Numbers/Signage for the severed and retained portions of property prior to the condition being deemed fulfilled.
- 8. Confirmation that the three mobile home trailers existing on the subject lands, as shown on the submitted site plan, have been removed to the satisfaction of the Municipality prior to the condition being deemed fulfilled.



### **Report to Council**

REPORT NO.: DS-23-09

**DATE:** March 16, 2023

ATTACHMENT: By-law

SUBJECT: PASSING OF ZONING BY-LAW OF DAVID AND MARY

THIESSEN

**LOCATION:** North Part of Lot 24, Concession 3 (51553 Calton Line)

#### **Recommendation:**

THAT Report No. DS-23-09 entitled "Passing of Zoning By-law of David and Mary Thiessen" be received;

AND THAT the Zoning By-law be passed for the previous approval of the application of David and Mary Thiessen relating to the property located at North Part of Lot 24, Concession 3, and known municipally as 51553 Calton Line.

#### **Background:**

This report relates to a previous Zoning By-law Amendment Application (the "Application") that was submitted (and approved) by David and Mary Thiessen to implement the necessary zoning provisions required for an enlargement/expansion of an existing industrial operation known as "Creative Industries".

The Application was submitted together with an Official Plan Amendment Application in the summer of 2020. The purpose of both applications was to allow for a lot addition from the subject property to the adjacent industrial operation.

A Public Meeting for both applications was held at a Regular Meeting of Malahide Council on November 5<sup>th</sup>, 2020. Given the length of time that has transpired since the meeting, an excerpt of the approved meeting minutes is provided below:

"Public Meeting – Official Plan Amendment and Zoning By-law Amendment, as submitted by 1111944 Ontario Limited relating to property at Part Lot 24, Concession 3, Geographic Township of Malahide.

No. 20-445

Moved by: Rick Cerna

Seconded by: Chester Glinski

THAT the Public Meeting concerning the Official Plan Amendment and Zoning By-law Amendment Application of 1111944 Ontario Limited (Creative Enterprises) relating to the property located at Lot 24, Concession 3, be called to order at 8:07 p.m.

#### Carried.

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the Official Plan and Zoning By-law of the subject property located at 51631 and 51553 Calton Line, being Part of Lot 24, Concession 3, from Official Plan designation from "Agriculture" to "Specific Policy Area", Amending Zoning Bylaw from General Agricultural (A2) and Farm Industrial (M3) to "Site-specific Farm Industrial" (M3#).

Mayor Mennill asked the Deputy Clerk to advise and confirm on the method and date of notice given for this meeting. The Deputy Clerk advised that this public meeting was advertised in the Aylmer Express on October 14 and 21, 2020. In addition, affected property owners within 120 meters were sent a notice by prepaid first class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested the Clerk to provide an overview of the application. The Clerk advised that the subject lands comprise, in total, an area of approximately 6.2 hectares (15.4 acres), a frontage of approximately 216 metres (709 feet) on Calton Line and a depth of approximately 243 metres (797 feet). The lands are occupied by various buildings and structures associated with an established industrial use (Creative Enterprises) engaged in the manufacturing of concrete mixer drums and agricultural processing equipment. The owners are proposing to construct a new manufacturing building and related open storage on a parcel of land to be added to the existing lot, as well as a new addition to the existing industrial building to increase its floor area to approximately 8,607 square metres (92,649 square feet).

The Clerk advised that the proposed amendment to the Official Plan is to change the designation of the subject lands from "Agriculture" to "Specific Policy Area". A corresponding amendment to the Zoning By-law would change the zoning of the subject lands from General Agricultural (A1) and Farm Industrial (M3) to "site-specific" Farm Industrial (M3#) to recognize and permit the proposed industrial expansion on the enlarged parcel. The proposed change in zoning would occur if and when the aforementioned enlargement of the existing operation is approved through the Official Plan amendment and a consent has been granted by the County of Elgin Land Division Committee to approve the enlarged lot.

Mayor Mennill asked the Deputy Clerk to provide any comments received from the circulated agencies and landowners. The Deputy Clerk advised that

correspondence has been received from the Catfish Creek Conservation Authority indicating no concerns.

Mayor Mennill asked if any person in attendance wished to make any comments regarding the application and there were none.

Mayor Mennill thanked those in attendance and advised that the Council will consider all comments received at a future date.

No. 20-446

Moved by: Chester Glinski Seconded by: Mark Widner

THAT the Public Meeting relating to the Official Plan Amendment and Zoning By-law Amendment Application of 1111944 Ontario Limited (Creative Enterprises) relating to the property located at Lot 24, Concession 3, be adjourned and the Council meeting reconvene at 8:10 p.m.

#### Carried."

The associated Official Plan Amendment was adopted by Malahide Council and subsequently approved by the County of Elgin. With such approval, the Official Plan Amendment is formally identified in the Township's Official Plan as "Special Policy Area No. 12", which reads as follows:

#### "3.8.12 Specific Policy Area No. 12 (Added by OPA No. 19)

The lands situated on the south side of Calton Line (County Road No. 45), west of Sawmill Road in Part of Lot 24, Concession III in the geographic Township of Malahide, and designated "Specific Policy Area" on Schedule 'A', may be used, developed and zoned for industrial purposes. A consent may be granted to permit the enlargement of lands occupied by Creative Enterprises where no new lot is created. The parcel so designated will be subject to an amendment to the Township's Zoning By-law and the holding ("H") symbol applied with its removal contingent upon a site plan agreement being entered into. The owner shall be responsible for ensuring that all studies deemed necessary to identify and mitigate any impacts arising from the industrial expansion are provided to the satisfaction of the Township."

Since that time, the associated Severance at the County's Land Division Committee has been provisionally approved (Application No. E11-22). Such requires a number of conditions to be completed, one of which includes finalizing the subject Zoning By-law Amendment Application.

#### **Comments/Analysis:**

Analysis of this proposal has been presented and considered previously by Malahide Council, and as per Council's resolution from November 5, 2020, the subject Application has been approved by Council, simply withholding passing of the zoning by-law until

such time that the associated Official Plan and Severance processes were completed. Both are complete and the attached by-law can be passed.

Council adopting/passing the attached by-law will allow the process to conclude, and the industrial operation known as Creative Industries to move forward accordingly with its expansion and development plans via the site plan control and building permit processes.

#### **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.

Submitted and Approved by:

Adam Betteridge, MCIP, RPP
Chief Administrative Officer

## THE CORPORATION OF THE TOWNSHIP OF MALAHIDE BY-LAW NO. 23-05

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

## David and Mary Thiessen 51553 Calton Line

**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 <u>Planning Act</u>, as amended, to pass a Bylaw;

**AND WHEREAS** this By-law conforms with the Official Plan of the Township of Malahide, as specifically amended by Official Plan Amendment No. 19;

**AND WHEREAS** this By-law will satisfy a condition imposed by the County of Elgin Land Division Committee as per Application No. E11-22;

**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 being a portion of North Part of Lot 24, Concession 3, in the Township of Malahide, shall be removed from the "General Agricultural (A1) Zone" and "Farm Industrial (M3) Zone" and be placed into the "Site-Specific Farm Industrial Zone (M3-5) Zone", with the holding symbol "H-1" suffix applied. The zoning of this land shall be shown as "M3-5-H-1" on Key Map 84 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 8.6 FARM INDUSTRIAL (M3) ZONE 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

#### "8.6.5 a) <u>Defined Area</u>

M3-5-H-1 as shown on Schedule 'A', Map No. 84.

#### b) Permitted Uses

Notwithstanding Section 8.1.1 to the contrary, an industrial use shall be permitted in the M3-5 zone.

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

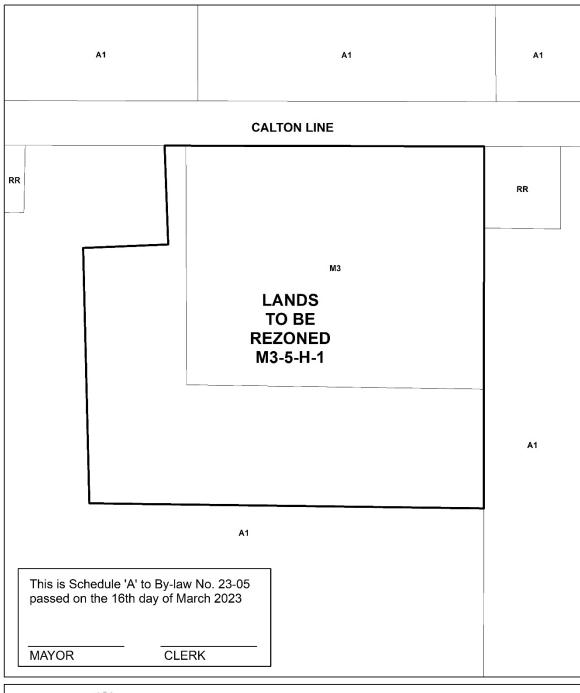
- a) Where no notice of objection has been filed with the Township's Clerk within the time prescribed by the <u>Planning Act</u> and regulations pursuant thereto, upon the expiration of the prescribed time; or,
- b) Where notice of objection has been filed with the Township's Clerk within the time prescribed by the <u>Planning Act</u> and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

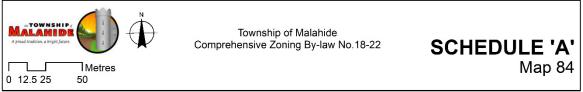
**READ** a **FIRST** and **SECOND** time this 16th day of March, 2023.

READ a THIRD time and FINALLY PASSED this 16th day of March, 2023.

Mayor – D. Giguère	 	
Clerk – A. Adams		

#### **SCHEDULE A**







44015 Ferguson Line St. Thomas, ON N5P 3T3 P 519-631-1270 | F 519-631-5026 www.kettlecreekconservation.on.ca

Member of Conservation Ontario

February 23, 2023

Registered mail

#### **Adam Betteridge**

Chief Administrative Officer / Clerk Township of Malahide 87 John St. South Aylmer, ON N5H 2C3

Dear Mr. Betteridge:

Subject: Notice of Confirmation – 2023 Levy to KCCA

In accordance with provisions of the *Conservation Authorities Act*, R.S.O., 1990, and regulations made governing the approval of Conservation Authority levies, notice is hereby given to all member municipalities of the approval of the attached 2023 levies of the Kettle Creek Conservation Authority.

The 2023 budget and levy approval took place during the February 22, 2023 Annual General Meeting of the Kettle Creek Conservation Authority. Please find enclosed the 2023 levy that was approved at the meeting and the corresponding invoice.

You are hereby informed that the *Conservation Authorities Act* provides for individual municipal appeal of Conservation Authority levy apportionment to the Mining and Lands Commissioner. Appeals must be made in writing and forwarded by registered mail within thirty days after the municipality receives notice of the levy apportioned.

Council is encouraged to communicate their questions regarding all levies to their representatives. Questions on any matter are also welcomed by the undersigned. Thank you for your support of the efforts of the Kettle Creek Conservation Authority.

Also, please be advised the audited 2022 Financial Statements and the 2022 Annual Report are available on our web site (<a href="https://www.kettlecreekconservation.on.ca/about-us/financial-overview/">https://www.kettlecreekconservation.on.ca/about-us/financial-overview/</a>).

Yours truly,

Elizabeth VanHooren
General Manager/Secretary Treasurer

#### Kettle Creek Conservation Authority • 2023 Levies •

Municipality	Modified Current Value Assessment	% Municipality in Watershed	MCVA in Watershed	% Levy	2023Matche d Levy	2023 Non- Matched Levy	2022 Special Levy **	Proposed 2023Total Levy	2022Total Levy	Difference 2022/2023
Central Elgin	\$2,008,384,351.00	60	1,205,030,610	7.8570	\$36,584.84	\$42,602.08	\$9,799.98	\$88,986.90	\$83,984.74	\$5,002.16
Middlesex Centre	\$3,656,532,420.40	7	255,957,269	1.6689	\$7,770.89	\$9,048.99	\$958.56	\$17,778.43	\$16,714.49	\$1,063.94
London	\$58,028,058,304.35	15	8,704,208,746	56.7532	\$264,260.56	\$307,724.45	\$29,549.54	\$601,534.55	\$574,557.92	\$26,976.63
Thames Centre	\$2,574,729,165.45	8	205,978,333	1.3430	\$6,253.52	\$7,282.06	\$952.25	\$14,487.83	\$13,787.39	\$700.44
Malahide	\$1,303,286,034.75	8	104,262,883	0.6798	\$3,165.43	\$3,686.06	\$952.25	\$7,803.74	\$7,483.55	\$320.19
Southwold	\$782,164,183.40	78	610,088,063	3.9779	\$18,522.33	\$21,568.76	\$7,126.11	\$47,217.21	\$43,800.31	\$3,416.90
St. Thomas	\$4,428,568,044.60	96	4,251,425,323	27.7201	\$129,073.65	\$150,302.87	\$42,315.24	\$321,691.77	\$306,814.87	\$14,876.90
Total	\$72,781,722,504		15,336,951,227	100.00	\$465,631.22	\$542,215.28	\$91,653.94	\$1,099,500.00	\$1,047,143.00	\$52,357.00



<sup>\*\*</sup>Footnote: Levy partially supports the costs of operating the provincially mandated reponsibilities of municipal plan input and review. Province moved to greatly reduce grants in 1995. The levy is calculated based on past, existing and anticipated program activity. The municipality has the option of recovering the levy through application fees.



#### LONG POINT REGION CONSERVATION AUTHORITY Board of Directors Meeting Minutes of February 1, 2023 Approved March 3, 2023

#### Members in attendance:

John Scholten, Chair Township of Norwich

Michael Columbus, Vice-Chair
Shelley Ann Bentley
Dave Beres
Doug Brunton
Robert Chambers
Tom Masschaele
Norfolk County
County of Brant
Norfolk County

Stewart Patterson Haldimand County
Chris Van Paassen Norfolk County

Rainey Weisler Municipality of Bayham/Township of Malahide

Peter Ypma Township of South-West Oxford

Regrets: none

#### Staff in attendance:

Judy Maxwell, General Manager
Aaron LeDuc, Manager of Corporate Services
Leigh-Anne Mauthe, Interim Manager of Watershed Services
Zachary Cox, Marketing Coordinator
Dana McLachlan, Executive Assistant

#### 1. Welcome and Call to Order

The Chair called the meeting to order at 6:30 p.m., Wednesday, February 1, 2023.

#### 2. Additional Agenda Items

There were no additional agenda items.

#### 3. <u>Declaration of Conflicts of Interest</u>

None were declared.

#### 4. Minutes of the Previous Meeting

#### a) Board of Directors Meeting Minutes of January 11, 2023

There were no questions or comments.

#### **FULL AUTHORITY COMMITTEE MEMBERS**

#### A-13/23

Moved by P. Ypma Seconded by D. Brunton

THAT the minutes of the LPRCA Board of Directors Meeting held January 11, 2023 be approved as circulated.

Carried

#### 5. Business Arising

No business arising from the previous minutes.

#### 6. Review of Committee Minutes

#### a) Lee Brown Marsh Management Committee (LBMMC) Meeting, August 16, 2022

The August 16, 2022 LBMMC meeting ended at 5:20 p.m.

The 2022 feeding permits were not issued by Canadian Wildlife Service due to the Avian Flu outbreak. The Avian Flu was not detected at the marsh, and to staff's knowledge, there was no report of Avian Flu in the local area.

#### A-14/23

Moved by T. Masschaele Seconded by M. Columbus

THAT the minutes of the Lee Brown Marsh Management Committee meeting of August 16, 2022 be approved as amended.

Carried

#### 7. Correspondence

There was no correspondence presented for review.

#### 8. <u>Development Applications</u>

#### a) Section 28 Regulations Approved Permits

Through the General Manager's delegating authority, 17 applications were approved in the past month. LPRCA-1/23, LPRCA-2/23, LPRCA-3/23, LPRCA-4/23, LPRCA-5/23, LPRCA-6/23, LPRCA-7/23, LPRCA-8/23, LPRCA-9/23, LPRCA-10/23, LPRCA-14/23, LPRCA- 15/23, LPRCA-16/23, LPRCA-17/23, LPRCA-19/23, LPRCA-20/23, and LPRCA-21/23.

All of the staff-approved applications met the requirements as set out in Section 28 of the *Conservation Authorities Act*.

Shelley Ann Bentley referred to application 4/23 for a new build that did not include a septic system plan and inquired about the LPRCA planning process if a septic system needs to be installed at a later date. L. Mauthe explained that an application/permit submitted for a new build that does not include septic plans would require a second application/permit if a septic system was to be installed.

#### A-15-23

Moved by R. Weisler Seconded by D. Brunton

THAT the LPRCA Board of Directors receives the Section 28 Regulations Approved Permits report dated February 1, 2023 as information.

Carried

#### b) 2022 Permit Application Turnaround Times

The Interim Manager of Watershed Services reviewed the Planning Department's statistics for permit turnaround times from the past year.

In 2022, LPRCA approved 278 permits with 96% of the applicants receiving their permits within 15 days, and 100% receiving their permits within 30 days. The average permit turnaround time for minor applications in 2022 was 4.2 days, down from 10.7 days in 2021. The average permit turnaround time for major applications in 2022 was 4.9 days, a significant improvement from 21.3 days in 2021.

Staff will continue to evaluate all proposed Bills and regulation updates with respect to the updated *Conservation Authorities Act* and assess the impact to LPRCA.

#### A-16-23

Moved by D. Beres Seconded by S. Bentley

THAT the LPRCA Board of Directors receives the 2022 Permit Application Turnaround Times Report as information.

Carried

#### 9. New Business

#### a) General Manager's Report

The General Manager provided an overview of operations this past month.

#### **FULL AUTHORITY COMMITTEE MEMBERS**

Staff were notified on January 4, 2023 that the Ontario Wetland Evaluation System was updated and came into effect January 1, 2023. Staff will provide a report to the board regarding the changes and impact to LPRCA.

The Planning Department processed 17 applications as of January 23, 2023 compared to 10 for the same period in 2022.

Camping reservations opened today and by 10 a.m. the reservations surpassed all opening day reservations of 2022.

#### A-17/23

Moved by T. Masschaele Seconded by C. Van Paassen

That the LPRCA Board of Directors receives the General Manager's Report for January 2023 as information.

Carried

#### b) Years of Service Recognition

Three staff members and one board member reached service milestones in 2022. They will be recognized at the 2023 Annual General Meeting on March 3, 2023.

#### A-18/23

Moved by R. Weisler Seconded by P. Ypman

That the Years of Service Recognition Report be received as information.

Carried

#### c) 2023 Community Outreach

The Marketing Coordinator provided an overview of communications, marketing and events for 2023.

Along with the annual brochures, social media content and marketing events, 2023 will feature "75 years in conservation" promotions and activities. Also, the Backus Historic Site will be staffed with heritage interpreters for the first time since the pandemic began, and staff are discussing with the Norfolk Militia the possibility of a return of the "War of 1812" event.

#### A-19/23

Moved by S. Bentley Seconded by D. Brunton

THAT the LPRCA Board of Directors receives the 2023 Community Outreach report as information.

Carried

#### e) Timber Tender LP-349-23 Collver Wintermute Tract

Tender packages were sent to various loggers, sawmill operators, and timber buyers with a closing date of January 27, 2023. Three bids were received by the deadline, and staff recommended the tender be awarded to the highest bidder.

#### A-20/23

Moved by S. Patterson Seconded by P. Ypma

THAT the LPRCA Board of Directors accepts the tender submitted by Leonard Pilkey for marked standing timber at the Collver-Wintermute Tract— LP-349-23 for a total tendered price of \$86,360.00.

Carried

#### **Adjournment**

The Chair adjourned the meeting at 7:20 p.m.	
John Scholten	Judy Maxwell
Chair	General Manager/Secretary-Treasurer
/dm	

# THE CORPORATION OF THE TOWNSHIP OF MALAHIDE BY-LAW NO. 23-22

Being a By-law to authorize the execution of an Agreement with Fitch General Contracting Inc. for roadside grass cutting for 2023.

**WHEREAS** Section 5(3) of the Municipal Act, 2001, c. 25, as amended, authorizes a municipality to pass by-laws to exercise its municipal powers;

**AND WHEREAS** the Council of The Corporation of the Township of Malahide is desirous of entering into an Agreement with Fitch General Contracting Inc. for roadside grass cutting for the year 2023.

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

- 1. **THAT** the entering into of an Agreement with Fitch General Contracting Inc. for roadside grass cutting for the year 2023 is hereby approved and authorized.
- 2. **THAT** the Mayor and the Clerk be and they are hereby authorized and directed to execute on behalf of The Corporation of the Township of Malahide the said Agreement in substantially the same form as that attached hereto as Schedule "A" and forming a part of this By-law.
- 3. **THAT** this By-law shall come into force and take effect on the final passing thereof.

**READ** a **FIRST** and **SECOND** time this 16<sup>th</sup> day of March, 2023.

Clerk, A. Adams

READ a THIRD time and FINAL	LY PASSED this	s 16 <sup>th</sup> day of M	larch, 2023.
Mayor, D. Giguère			

#### SCHEDULE A

THIS AGREEMENT MADE in quadruplicate this _	day of	, 2023.
BETWEEN:		
FITCH GENERAL CONTRA	CTING INC.	

FITCH GENERAL CONTRACTING INC. (herein called the "Contractor")

-AND-

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE (herein called the "Owner")

WITNESSETH: That the Contractor and the Owner for the consideration hereinafter indicated undertake and agree as follows:

#### ARTICLE 1:

The following documents are to be read herewith and form part of this Agreement as fully and completely to all intents and purposes as though all the stipulations thereof had been embodied therein and are referred to herein as the "Contract Documents":

#### 1. Form of Tender

#### **ARTICLE 2:**

The Contractor undertakes and agrees:

- a) To provide all services, except as otherwise specified, and perform all work described in the Contract Documents entitled:
  - a. Contract PW-23-01 Roadside Grass Cutting and,
- To do and fulfil everything indicated by this Agreement and the Contract Documents, and
- c) To complete substantially all the work as specified in the Contract Documents.

#### **ARTICLE 3:**

The Owners undertake and agree:

a) To pay the Contractor in current funds for the performance of the Contract PW-23-01, Forty-Five Thousand, Eight Hundred Forty-Four Dollars (\$45,844.00) plus applicable taxes, for the 2023 Roadside Grass Cutting season subject to additions and deductions as provided in the Contract Documents. b) To make payments on account thereof, as follows:

Payment will be made subject to the provision of monthly invoices submitted to the Township with appropriate product/service receipt tickets signed by Municipal personnel. Payments will be made within 30 days of receipt of said invoices

c) If on account of climate or other conditions reasonable beyond the Contractor's control, there are items of work that cannot be readily completed, the payment in full for the work which has been completed shall not be delayed on account thereof, but the Owner may withhold sufficient and reasonable sum until the uncompleted work is finished.

#### **ARTICLE 4:**

The Contractor and the Owners for themselves, their successors, executors, administrators and assigns, hereby undertake and agree to the full performance of the covenants contained herein and in the Contract Documents, and that this Agreement constitutes the Contract and the following is an exact enumeration of the Specifications and Drawings:

#### Form of Tender

#### **ARTICLE 5:**

If and whenever either party hereto desires to give notice to the other party under or in connection with this Agreement or the General Conditions of the Contract, such notice will be effectively given if sent by registered mail to the Contractor at

To the owner at **87 John Street South, Aylmer, Ontario N5H 2C3** will be considered as having been so given at the time of the deposit thereof in the Post Office.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED, SEALED AND DELIVERED In the presence of	No: 002578646  SEAL
	) THE CORPORATION OF THE ) TOWNSHIP OF MALAHIDE
	SEAL
	)

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#### THE CORPORATION OF THE TOWNSHIP OF MALAHIDE

#### **BY-LAW NO. 23-24**

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 March 16, 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 16<sup>th</sup> day of March, 2023.

**READ** a **THIRD** time and **FINALLY PASSED** this 16<sup>th</sup> day of March, 2023.

Mayor, D. Giguère	
,,	
Clerk A Adams	