



The Corporation of the Township of Malahide

A G E N D A

December 1, 2022 – 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) Approval of Previous Minutes **RES 1 (Pages 10-18)**
- (D) Presentations/Delegations/Petitions
 - Appointment of Representatives to Boards and Committees – Committee of Adjustment **RES 2**
 - Public Hearing – Minor Variance Application – Applicant Scott Lewis, relating to property at Con 2 S PT LOT 35, Township of Malahide and known municipally as 53376 Nova Scotia Line **RES 3-5 (Pages 19-29)**
 - Public Meeting – Zoning By-law Amendment & Application for Consent to Sever of Nathan Miller – Applicant, Simona Rasanu (SBM), on behalf of Nathan Miller, relating to property at N PT LOT 31, Concession 5, and known municipally as 8150 Carter Road **RES 6-9 (Pages 30-105)**
 - Public Meeting – Zoning By-law Amendment – Applicant, Michael Down, on behalf of David Dale, relating to property at Plan 55, Lots D & R, Part Lots B, C, S & T, and known municipally as 49485 Dexter Line **RES 10-12 (Pages 106-127)**

- Meeting to Consider – Burks Drain No. 3 relating to property at Parts of Lots 7 and 8, Concessions 10 and 11, Geographic Township of South Dorchester, Township of Malahide **RES 13-14 (Pages 128-129)**

(E) Reports of Departments

- (i) Director of Fire & Emergency Services
- Emergency Management – Ice Breaking Services **RES 15 (Pages 130-131)**
- (ii) Director of Public Works
- Request for Improvement – Newell Drain **RES 16 (Pages 132-135)**
- Petition for Drainage – Robinson **RES 17 (Pages 136-141)**
- (iii) Director of Finance/Treasurer
- (iv) Clerk
- 2023 Council Meeting Schedule **RES 18 (Pages 142-144)**
- Post-Election Accessibility Plan **RES 19 (Pages 145-146)**
-2023 Dog Tags and Fees **RES 20 (Pages 147-150)**
- (v) Building/Planning/By-law
- Bill 23 – More Homes Built Faster Act – Summary of Legislative Changes **RES 21 (Pages 151-155)**
- (vi) CAO
- Electronic Monitoring Policy **RES 22 (Pages 156-164)**
- 2nd Informational Report: CAO Use of Restricted Acts Clause **RES 23 (Pages 165-167)**

(F) Reports of Committees/Outside Boards

- (i) Long Point Conservation Authority – Minutes of October 5, 2022 **RES 24 (Pages 168-172)**
- (ii) Correspondence from Long Point Region Conservation Authority dated November 10, 2022, regarding the 2023 Draft LPRCA Budget. **RES 25 (Pages 173-177)**

(G) Correspondence **RES 26**

1. Association of Municipalities of Ontario - Watch File – dated November 10, 2022, November 17, 2022, and November 24, 2022. **(Pages 2-11)**

2. Ministry of Municipal Affairs and Housing – More Homes Built Faster Act, 2022 Media Release. **(Page 12)**
3. Kettle Creek Conservation Authority, Long Point Region Conservation Authority, Town of Aurora, and Township of Puslinch - Call on Province to Reconsider Bill 23. **(Pages 13-23)**
4. Township of Malahide – Federal Cannabis Act Review **(Pages 24-25)**
5. Ministry of Municipal Affairs and Housing – Congratulations and Welcome letter. **(Page 26)**
6. Township of Warwick – CN Railway Contribution Requirements under the Drainage Act and Impacts on Municipal Drain Infrastructure in Ontario. **(Pages 27-29)**
7. Municipality of Central Elgin – **(Pages 30-31)**
 - Certificate Under Section 34(20) of the Planning Act - Notice of No Objections – Block 74, Part of Block 75 in the Municipality of Central Elgin
 - Certificate Under Section 34(20) of the Planning Act - Notice of No Objections – Part 397, Plan 11R-9106 in the Municipality of Central Elgin

(H) Other Business

(I) By-laws **RES 27 (Pages 178-181)**

(i) By-law 22-88 – Appoint members to various Boards/Committees as representatives of the Municipal Council

(J) Closed **RES 28-29**

(i) A Labour Relations or Employee Negotiations regarding Staff Performance Reviews.

(ii) Labour Relations or Employee Negotiations and/or Personal Matters about an identifiable individual, including municipal or local board employees relating to municipal office staffing.

(iii) Advice that is subject to solicitor-client privilege for the purpose of a Zoning By-law Application Appeal.

(K) Confirmatory By-law **RES 30 (Page 182)**

(L) Adjournment **RES 31**

VIDEOCONFERENCE MEETING

Note for Members of the Public: IMPORTANT

Please note that the Regular Council Meeting scheduled to be held on December 1, 2022 will be via videoconference with limited seating for presenters, the press and the public.

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

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

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

1. THAT the minutes of the regular meeting of the Council held on November 3, 2022 and November 17, 2022 be adopted as printed and circulated.
2. THAT the Council of the Township of Malahide does hereby appoint the following members to sit on the Committee of Adjustment:
 - Dominique Giguère
 - Mark Widner
 - Sarah Leitch
 - John H. Wilson
 - Rick Cerna
 - Scott Lewis
 - Chester Glinski
3. THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:___p.m. and that Mayor Dominique Giguère be appointed Chairperson for the "Committee of Adjustment".
4. THAT Report No. DS-22-57 entitled "Minor Variance Application No. D13-MV-09-22 of Scott Lewis" and affecting lands described as CON 2 S PT LOT 35 in the Township of Malahide (53376 Nova Scotia Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-22 to permit a reduced side yard setback for an accessory structure;

AND THAT the approval shall be subject to the following conditions:

1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,

2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.

5. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7: __p.m.
6. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z16-22 of Nathan Miller, relating to the property located at N PT LOT 31, Concession 5; and known municipally as 8150 Cater Road; be called to order at 7: __p.m
7. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z16-22 of Nathan Miller, relating to the property located at N PT LOT 31, Concession 5; and known municipally as 8150 Cater Road; be adjourned and that Council reconvene at 7: __p.m.
8. THAT Report No. DS-22-54 entitled "Zoning By-law Amendment Application of Nathan Miller" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z16-22 of Nathan Miller, relating to the property located at CON 5 N PT LOT 31 and known municipally as 8150 Carter Road, BE APPROVED for the reasons set out in this Report.

9. THAT Report No. REPORT NO.: DS-22-56 entitled "Application for Consent to Sever of Nathan Miller" be received;

AND THAT the Application for Consent to Sever of Nathan Miller (E-94-22), relating to the property located in CON 5 N PT LOT 31 (Geographic Township of Malahide) 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.

10. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z14-22 of David Dale, relating to the property located at Plan 55, Lots D & R, Part Lots B, C, S & T; and known municipally as 49485 Dexter Line; be called to order at 7: __p.m.
11. THAT the Public Meeting concerning the Zoning By-law Amendment Application No. D14-Z14-22 of David Dale, relating to the property located at Plan 55, Lots D & R, Part Lots B, C, S & T; and known municipally as 49485 Dexter Line; be adjourned and that Council reconvene at 7: __p.m.
12. THAT Report No. DS-22-51 entitled "Zoning By-law Amendment Application of David Dale" be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z14-22 of David Dale, relating to the property located at PLAN 55 LOTS D & R PT LOTS;B,C,S & T

RP 11R6347 PARTS;1,2,3 ALL JEFFERSON ST/PT;MCKENZIE, and known municipally as 49485 Dexter Line in the Village of Port Bruce, BE DENIED for the reasons set out in this Report.

13. THAT the Engineer's Report for the Burks Drain No. 3 be accepted;

AND THAT By-law No. 22-86 being a by-law to provide for the Burks Drain No. 3 drainage works be read a first and second time and provisionally adopted.

14. THAT the Court of Revision for the Burks Drain No. 3 be scheduled to be held on January 19, 2023, at 7:30 p.m.

15. THAT Report No. F-22-16 entitled "Emergency Management – Ice Breaking Services" be received;

THAT Malahide Township, as the benefiting municipality, does hereby accept the quotation submitted by Laemers Excavating to provide Ice Breaking Services in Port Bruce from January 1 to March 31, 2023.

16. THAT Report No. PW-22-63 entitled "Request for Improvement – Newell Drain" be received;

AND THAT Council proceed with this matter and appoint George Vereyken, P. Eng., of Spriet Associates, to prepare an Engineer's Report for this petition pursuant to *Section 78* of the *Drainage Act R.S.O. 1990*.

17. THAT Report No. PW-22-64 entitled "Petition for Drainage – Robinson" be received;

AND THAT George Vereyken, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer's Report for the Robinson Petition pursuant to Sections 5 to 8 of the Drainage Act R.S.O. 1990.

18. THAT Report No. CLERK-21-13 entitled "2023 Council Meeting Schedule" be received;

AND THAT the attached schedule of regular Council Meeting dates for the 2023 calendar year be approved;

AND THAT the Municipal Staff be requested to post such schedule on the municipal website.

19. THAT Report No. CLERK-22-14 entitled "Post-Election Accessibility Plan" regarding accessibility for the 2022 Municipal and School Board Elections be received.

20. THAT Report No. CLERK 22-15 entitled "2023 Dog Tags and Fees" be received;
AND THAT Council approve the 2023 Dog Tag Fees as presented in Schedule A.

21. THAT Report No. DS-22-59 entitled “Bill 23 – More Homes Built Faster Act – Summary of Legislative Changes” be received;

AND THAT Township Staff be directed to provide comments to the Ministry of Municipal Affairs in response to the legislative changes proposed under Bill 23.

22. THAT Report No. HR-22-06 entitled “Bill 88, Working for Workers Act, 2022 (Electronic Monitoring)” be received;

AND THAT HR Policy C-3.20 Electronic Monitoring is approved.

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

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

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

(i) Long Point Region Conservation Authority Board of Directors – Minutes of October 5, 2022

25. THAT the correspondence received from the Long Point Region Conservation Authority (LPRCA), dated November 10, 2022, regarding the 2023 Draft LPRCA Budget be received;

AND THAT the Draft 2023 LPRCA Budget be referred to the 2023 Budget deliberations.

26. THAT the following correspondence be noted and filed:

1. Association of Municipalities of Ontario - Watch File – dated November 10, 2022, November 17, 2022, and November 24, 2022. **(Pages 2-11)**
2. Ministry of Municipal Affairs and Housing – More Homes Built Faster Act, 2022 Media Release. **(Page 12)**
3. Kettle Creek Conservation Authority, Long Point Region Conservation Authority, Town of Aurora, and Township of Puslinch - Call on Province to Reconsider Bill 23. **(Pages 13-23)**
4. Township of Malahide – Federal Cannabis Act Review **(Pages 24-25)**
5. Ministry of Municipal Affairs and Housing – Congratulations and Welcome letter. **(Page 26)**

6. Township of Warwick – CN Railway Contribution Requirements under the Drainage Act and Impacts on Municipal Drain Infrastructure in Ontario. **(Pages 27-29)**
7. Municipality of Central Elgin – **(Pages 30-31)**
- Certificate Under Section 34(20) of the Planning Act - Notice of No Objections – Block 74, Part of Block 75 in the Municipality of Central Elgin
 - Certificate Under Section 34(20) of the Planning Act - Notice of No Objections – Part 397, Plan 11R-9106 in the Municipality of Central Elgin
27. THAT By-law No. 22-88, 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.
28. THAT Council move into Closed Session at _____ p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:
- (i) A Labour Relations or Employee Negotiations regarding Staff Performance Reviews.
 - (ii) Labour Relations or Employee Negotiations and/or Personal Matters about an identifiable individual, including municipal or local board employees relating to municipal office staffing.
 - (iii) Advice that is subject to solicitor-client privilege for the purpose of a Zoning By-law Application Appeal.
29. THAT Council move out of Closed Session and reconvene at _____ p.m. in order to continue with its deliberations.
30. THAT By-law No. 22-89, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
31. THAT the Council adjourn its meeting at _____ p.m. to meet again on December 15, 2022, at 7:30 p.m.

The Corporation of the Township of Malahide

November 3, 2022 – 7:30p.m.

Virtual Meeting - <https://youtu.be/eSm8eKdLik8>

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. Mennill, Deputy Mayor D. Giguère, Councillor M. Widner, Councillor M. Moore, Councillor R. Cerna, Councillor S. Lewis and Councillor C. Glinski.

Staff: Chief Administrative Officer A. Betteridge, Clerk A. Adams, Director of Fire & Emergency Services J. Spoor, and Director of Finance A. Boylan.

Absent:

CALL TO ORDER:

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

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

N/A

MINUTES:

No. 22-436

Moved By: Moore

Seconded By: Rick Cerna

THAT the minutes of the regular meeting of the Council held on October 20, 2022, be adopted as printed and circulated.

Carried

PRESENTATIONS/DELEGATIONS/PETITIONS:

-Public Hearing – Minor Variance Application – Applicant Christopher McDonald, relating to property at Con 11 N W PT LOT 21; RP 11R3975 Part 1, Geographic Township of South Dorchester, Township of Malahide and known municipally as 47231 Lyons Line

No. 22-437

Moved By: Mark Widner

Seconded By: Scott Lewis

THAT the Committee of Adjustment for the Township of Malahide be called to order at 7:31p.m. and that Mayor Dave Mennill be appointed Chairperson for the “Committee of Adjustment”.

Carried

Chair Mennill advised that the purpose of this Public Hearing is to consider an application for a Minor Variance as submitted by Christopher McDonald, relating to property at Con 11 N W PT LOT 21; RP 11R3975 Part 1, Geographic Township of South Dorchester

Mayor Mennill requested that Eric Steele of Monteith Brown Planning Consultants (MBPC) provide an overview of the application.

CAO Betteridge noted that the conditions had changed within the report since being included in the agenda package.

The following condition has been removed after further discussions with the applicant and Elgin County Tree Commissioner:

An Environmental Impact Study be completed to the satisfaction of the Township of Malahide.

The condition was replaced with the following:

That, in acknowledgement that the Owner has removed a significant portion of an existing woodlot in preparation for the desired barn enlargement, the Owner shall work with the County of Elgin Tree Commissioner to establish a tree re-planting plan. The tree re-planting plan shall be established to the satisfaction of the County of Elgin Tree Commissioner prior to the issuance of any building permit as per condition no. 1) above.

Chair Mennill asked if any comments were received and the Clerk advised there no comments received.

Chair Mennill asked if any person in attendance wished to make any comments and there were none.

Mayor Mennill asked if any Committee members wished to make any comments regarding the application. Councillor Glinski inquired if the matter was voted on now or after the tree condition has been met. Mayor Mennill noted that it was voted on now. CAO Betteridge further added that the condition was required to be met before a building permit would be issued.

The applicant Mr. McDonald inquired about the process required for the new condition and CAO Betteridge further explained that this would be between the applicant and the Tree Commissioner and the Township would be notified when the condition had been met.

No. 22-438

Moved By: Rick Cerna

Seconded By: Mark Widner

THAT Report No. DS-22-53 entitled “Minor Variance Application No. D13-MV-08-22 of Christopher McDonald” and affecting lands described as CON 11 N W PT LOT 21; RP11R3975 PART 1 in the Township of Malahide (47231 Lyons Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08-22 to permit an increased floor area for an accessory structure;

AND THAT the approval shall be subject to the following conditions:

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application;**
- 2) That the structure be constructed as per the details shown in the sketch as provided with the application to the satisfaction of the Chief Building Official; and,**
- 3) That, in acknowledgement that the Owner has removed a significant portion of an existing woodlot in preparation for the desired barn enlargement, the Owner shall work with the County of Elgin Tree Commissioner to establish a tree re-planting plan. The tree re-planting plan shall be established to the satisfaction of the County of Elgin Tree Commissioner prior to the issuance of any building permit as per condition no. 1) above.**

Carried

No. 22-439

Moved By: Scott Lewis

Seconded By: Chester Glinski

THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at 7:42p.m.

Carried

The Mayor thanked Mr. McDonald and Eric Steele and they retired from the meeting.

- Presentation to Outgoing Council Members

Deputy Mayor Giguère thanked outgoing Mayor Dave Mennill for his years of service. Mayor Mennill was recognized for his 25 years of service on Malahide Council. Members of Council gave congratulatory remarks. Mayor Mennill gave his thanks and farewell messages.

Mayor Mennill thanked outgoing Council member Max Moore for his years of service. Councillor Max Moore was recognized for his service for 54 years on both the former Springfield Council and Malahide Council. Members of Council gave congratulatory remarks. Councillor Moore gave his thanks and farewell messages.

REPORTS:

CAO

- I.T. Service Agreement with Zouling Technologies Inc.

No. 22-440

Moved By: Max Moore

Seconded By: Mark Widner

THAT Report No. CAO-22-15 entitled "I.T. Service Agreement with Zouling Technologies Inc." be received;

AND THAT the Chief Administrative Officer be authorized and directed to take the necessary actions to enter into an I.T. service agreement with Zouling Technologies Inc. of Rodney, Ontario.

Carried

No. 22-441

Moved By: Dominique Giguère

Seconded By: Chester Glinski

THAT Report No. CAO-22-16 entitled “Informational Report: CAO Use of Restricted Acts Clause” be received for information.

Carried

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 22-442

Moved By: Dominique Giguère

Seconded By: Scott Lewis

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

- (i) Elgin Police Services Board – Minutes of May 11, 2022**

Carried

CORRESPONDENCE:

No. 22-443

Moved By: Chester Glinski

Seconded By: Scott Lewis

THAT the Corporation of the Town of Mattawa and Corporation of the Municipality of Wawa’s resolution to petition the Government of Ontario in relation to Bill 3 be supported.

Carried

No. 22-444

Moved By: Chester Glinski

Seconded By: Scott Lewis

THAT the Ontario Energy Board Notice – Customers of Enbridge Gas Inc. – Natural Gas Rates be supported.

Carried

No. 22-445

Moved By: Chester Glinski
Seconded By: Scott Lewis

THAT the Municipality of Central Elgin – Municipal Class Environmental Assessment -Study – Shared Wastewater Serving be supported.

Carried

No. 22-446

Moved By: Chester Glinski
Seconded By: Scott Lewis

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario - Watch File – dated October 20, 2022 and October 27, 2022. (Pages 2-7)**
- 2. Municipality of Central Elgin – (Pages 14-18)**
 - Notice of Public Meeting Concerning a Proposed Draft Plan of Condominium – Part of Lot 1, Concession 2 in the Municipality of Central Elgin.**
 - Notice of Public Meeting – Zoning By-law Amendment -279 Hill Street**
 - Notice of Passing – Zoning By-law Amendment – Canterbury Place Extension**
 - Notice of Passing – Zoning By-law Amendment – Eagle Ridge Phase 2**
 - Notice of Adoption – Official Plan Amendment – Eagle Ridge Phase 2**

Carried

OTHER BUSINESS:

Councillor Moore noted that he had been contacted regarding the eavestroughs on the Council Chambers building and wondered if staff could investigate and fix the issues. CAO Betteridge noted that staff would look into this.

BY-LAWS:

- By-law No. 22-81 – Appoint a Community Emergency Management Coordinator**

No. 22-447

Moved By: Scott Lewis

Seconded By: Rick Cerna

THAT By-law No.22-81 being a by-law to appoint a Community Emergency Management Coordinator for the Township of Malahide pursuant to the standards under the Emergency Management & Civil Protection Act R.S.O., 1990, c. E 9, as amended, be given first, second and third readings, and be properly signed and sealed.

Carried

CONFIRMATORY:

No: 22-448

Moved By: Chester Glinski

Seconded By: Max Moore

THAT By-law No. 22-82, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

ADJOURNMENT:

No. 22-449

Moved By: Max Moore

Seconded By: Scott Lewis

THAT the Council adjourn its meeting at 8:15p.m. to meet again on November 17, 2022, at 7:30p.m.

Carried

Mayor – D. Mennill

Clerk – A. Adams

The Corporation of the Township of Malahide

Inaugural Council Meeting

November 17, 2022 – 7:30 p.m.

The Malahide Township Council met in at Malahide Community Place at 7:30 p.m. with the following 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, and Director of Fire & Emergency Services J. Spoor.

Absent: Director of Finance A. Boylan.

WELCOME AND INTRODUCTIONS:

The Chief Administrative Officer welcomed those present to the 2022 Inaugural Session of the Malahide Township Council and introduced the Mayor and Members of Council.

INVOCATION:

Ryan Howe, Rick Howe, and Adam Howe of Howe Family Farms, offered a keynote address for the occasion of the Inaugural Meeting.

DECLARATIONS OF OFFICE:

The Clerk administered the Declarations of Office to:

- Mayor, D. Giguère
- Deputy Mayor, M. Widner
- Councillor Ward 1, S. Leitch
- Councillor Ward 2, J.H. Wilson
- Councillor Ward 3, R. Cerna
- Councillor Ward 4, S. Lewis
- Councillor Ward 5, C. Glinski

INAUGURAL ADDRESS:

Mayor Dominique Giguère presented her Inaugural Address and welcomed both the returning and new Members of Council.

GREETINGS FROM COUNCIL MEMBERS:

Greetings and remarks were offered by Deputy Mayor M. Widner, Councillor S. Leitch, Councillor J. Wilson, Councillor R. Cerna, Councillor S. Lewis, and Councillor C. Glinski.

ADJOURNMENT:

No. 22-250

Moved by: Chester Glinski

Seconded by: Mark Widner

THAT By-law No.22-84, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried

No. 22-251

Moved by: John H. Wilson

Seconded by: Sarah Leitch

THAT the Council adjourn its meeting at 8:14p.m. to meet again on December 1, 2022 at 7:30 p.m.

Carried.

Mayor - D. Giguère

Clerk – A. Adams



Report to Council

REPORT NO.: DS-22-57
DATE: December 1, 2022
ATTACHMENT: Report Photo, Application, and Comments Received to Date (if any)
SUBJECT: **MINOR VARIANCE APPLICATION NO. D13-MV-09-22 OF SCOTT LEWIS**

Recommendation:

THAT Report No. DS-22-57 entitled “Minor Variance Application No. D13-MV-09-22 of Scott Lewis” and affecting lands described as CON 2 S PT LOT 35 in the Township of Malahide (53376 Nova Scotia Line) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-09-22 to permit a reduced side yard setback for an accessory structure;

AND THAT the approval shall be subject to the following conditions:

- 1) That the owner/applicant obtain the necessary Building Permit within 2 years from the date of decision to the satisfaction of the Chief Building Official, ensuring that the approved variance applies only to the proposed accessory structure as illustrated with the application; and,**
- 2) That the structure be constructed as per the details shown in the drawings as provided with the application (site location and architectural detail) to the satisfaction of the Chief Building Official.**

Background:

The subject application (D13-MV-22) for Minor Variance (“the application”) has been submitted by Scott Lewis to seek relief from the minimum side yard setback requirements for an accessory structure under the ‘Small Lot Agricultural (A4)’ zone to allow for the construction of a storage shed. The property owners seek to construct an accessory building for storage purposes and closer to the side of the subject property to accommodate sufficient functional space between the existing dwelling. The application proposes a side yard setback of 2 metres, where the Zoning By-law requires a minimum side yard setback of 5 metres for an accessory structure.

The subject Application relates to the property located at CON 2 S PT LOT 35, and known municipally as 53376 Nova Scotia Line.

Notice of Public Hearing was given in accordance with Planning Act regulations. Any comments received in response to the Notice of Public Hearing will be reported on at the December 1, 2022 hearing.

Township Planning Staff have reviewed and considered the merits of the Application against applicable Official Plan policies, the Township's adopted Zoning By-law, and all (if any) of the correspondence received as of the date of writing and recommends that the Committee of Adjustment approve Application No. D13-MV-09-22.

Comments/Analysis:

The subject lands comprise a rectangular-shaped parcel on the north side of Nova Scotia Line. The subject property is approximately 6,391 m² in area, and has approximately 30.1 metres of frontage along Lyons Line. The property contains an existing dwelling with two accessory structures. The owner is proposing to replace one of the existing structures with a larger storage shed. The proposed storage shed is proposed to maintain the 2 metre side yard setback of the structure to be replaced to ensure that the existing access to the rear of the property is not impeded.

County of Elgin Official Plan

The subject lands are designated 'Agricultural Area' on Schedule 'A' – Land Use Plan. For lands designated as 'Agricultural Area', the County Official Plan permits agricultural uses and single detached dwellings in conjunction with agricultural use (Section C2.3).

Malahide Official Plan

The subject property is designated "Agriculture" on Schedule 'A1' (Land Use Plan). The Official Plan permits single detached dwellings on parcels that have been severed as part of a surplus farm dwelling severance (Section 2.1.1.2). The Official Plan encourages the protection of agricultural lands and includes policies to ensure that development does not conflict with agricultural uses (Section 2.1.1.2, 2.1.2.2)

Malahide Zoning By-law No. 18-22

The subject property is within the "Small Lot Agricultural (A4) Zone", on Key Map 18 of Schedule "A" to the Township's Zoning By-law No. 18-22. The A4 zone permits single detached dwellings and accessory uses and structures.

The table below identifies the development standards within the Zoning By-law for lands zoned 'Small Lot Agricultural (A4) Zone' as they relate to the proposed development.

Table 1. Small Lot Agricultural (A4) Zone Requirements

Zoning Provision	Required:	Proposed:
Min. Lot Area	2000 m ²	6,391 m ²
Min. Lot Frontage	30 m	30.4 m
Min. Front Yard	15 m	>15 m

Min. Interior Side Yard	5 m	>5 m
Min. Rear Yard	7.5 m	>110 m
Max. Lot Coverage	30%	>30%
Max. Height	10.5 m	<10.5 m
Min. Floor Area – Dwelling	90 m ²	>90 m ²
Max. Number Dwellings	1	1
Accessory Structures		
Max. Floor Area	200 m ²	37.1 m ²
Min. Interior Side Yard	5 m	2 m
Min. Rear Yard	1.2 m	>100 m
Max. Lot Coverage	10%	<10%
Max. Height	6 m	>6 m

The minor variance application is requesting a reduced side yard setback of 2 metres where the Zoning By-law requires a minimum side yard setback of 5 metres.

Public/Agency Comments Received

Notice of Public Hearing was given in accordance with Planning Act regulations. There have been no comments received from the general public or agencies as of the date of writing this report.

When reviewing an application for a minor variance, Section 45(1) of the Planning Act, R.S.O., 1990 requires that the Committee of Adjustment apply four specific tests. These tests, along with the Planner's comments concerning same as they relate to the requested variance, are as follows:

1. The variance maintains the general intent and purpose of the Official Plan.

The proposed accessory structure would be a permitted use under the County and Malahide Official Plans. Generally, the policies of the Official Plan seek to guide orderly and logical growth and development and are not specific so as to address details such as maximum floor area requirements of accessory structures. The minor variance maintains the general intent and purpose of the Official Plans.

2. The requested variance maintains the general intent and purpose of the By-law.

The intent of the side yard setback is to ensure that adequate separation from accessory structures and lot lines is maintained to avoid encroachment or impacts on adjacent properties. The proposed storage shed would replace an existing accessory building that currently has a setback of 2 metres and there is no indication that the setback of the existing structure has impacted the adjacent farm parcel. The application would be consistent with the intent and purposes of the Zoning By-law.

3. The application is "minor" in nature.

Whether a variance is considered minor is evaluated upon the size and impact of the proposed variance from the Zoning By-law. Since the proposed storage shed would have a setback that is consistent with the existing accessory structures on the property, it is not anticipated that the proposed variance would negatively impact surrounding properties. The proposed accessory structure would not impact adjacent land owners from using their properties for permitted uses. The application is minor in nature.

4. The proposed development is desirable for the appropriate development or use of the subject property.

The proposed variance would permit an existing accessory structure to be enlarged and replaced in a similar location that is consistent with other accessory structures located on the property. A reduced side yard setback would allow for the lane access to the rear of the property to remain unimpeded. The application is desirable for the appropriate development or use of the subject property.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

The proposed minor variance addresses a deviation from a standard of the Township of Malahide Zoning By-law and would have no direct relationship or bearing upon the document.

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

Approved by:
Adam Betteridge, Chief Administrative Officer

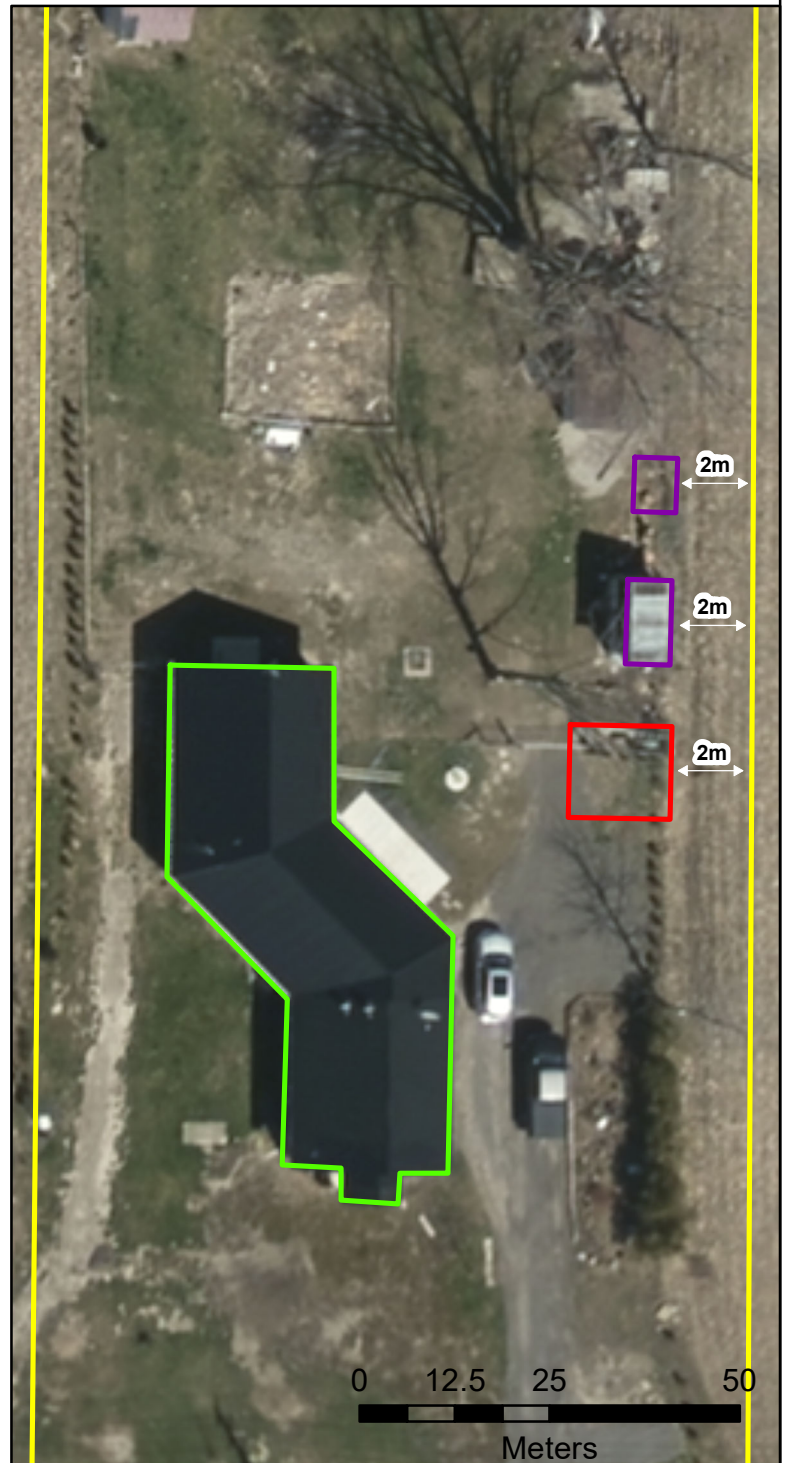
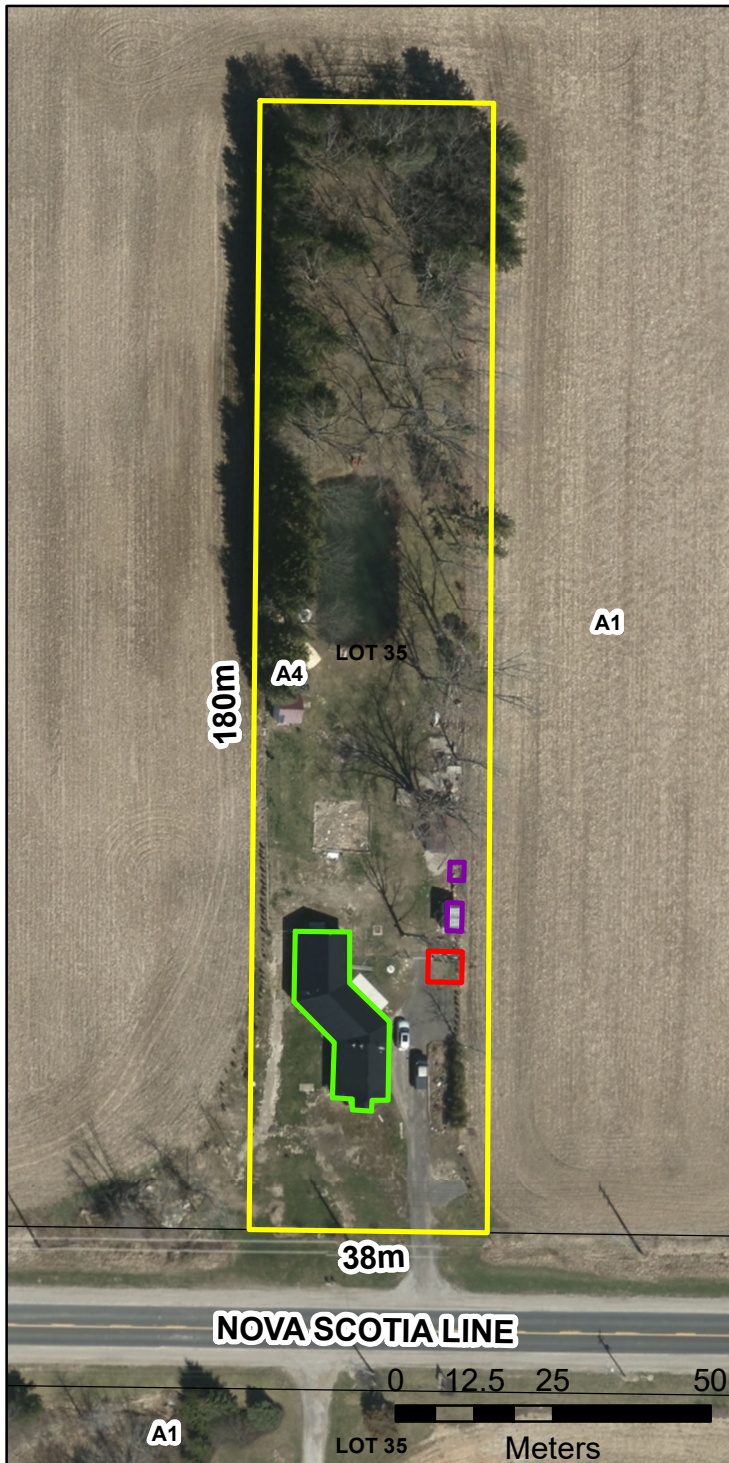
APPLICATION FOR A MINOR VARIANCE

Owner: Scott Lewis

53376 Nova Scotia
Concession 2 South, Part Lot 35
Township of Malahide

23

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agricultural

ZONING
Small Lot Agricultural (A4) Zone

-  Subject Property
-  Existing Dwelling
-  Existing Shed
-  Proposed Garage



APPLICATION FOR MINOR VARIANCE OR FOR PERMISSION

Planning Act, R.S.O. 1990, O.Reg 200/96 as amended

The undersigned hereby applies to the Committee of Adjustment for the

TOWNSHIP OF MALAHIDE

under Section 45 of the Planning Act, R.S.O. 1990 for relief, as described in this application, from By-Law No. 05-27 Township of Malahide.

1. OWNER(S)

a) Name

SCOTT LEWIS

b) Mailing Address

53376 NOVA SCOTIA LINE

RR#1 PORT BURWELL NOT ITO

c) Telephone No.

519 494 4111

d) Fax No.

519 765 3836

2. SOLICITOR / AUTHORIZED AGENT

a) Name

b) Mailing Address

c) Telephone No.

d) Fax No.

3. LOCATION OF LAND

a) Lot and Plan or
Concession No.

CON 2 S PT LOT 35

b) Street No. and
Name

53376 NOVA SCOTIA LINE

4. Names and address of any mortgages, holders and charges or other encumbrances:

Name:

Address:

N/A

5. Nature and extent of relief applied for:

SET BACK, STORAGE BUILDING NEAR LOT LINE

6. Why is it not possible to comply with the provisions of the Bylaw?

STORAGE SHED WOULD BE IN CENTER OF YARD

7. Dimensions of the land affected:

a) Frontage (m)

b) Depth (m)

c) Area (sq.m / ha)

SEE SKETCH.

8. Particulars of all buildings and structures on or proposed for the subject land (specify ground floor area, gross floor area, number of storeys, width, length, height, etc.)

a) Existing

7' x 14'

b) Proposed

20' x 20'

9. Date of acquisition of subject land: 2012

10. Date of construction of all buildings and structures on subject lands:

ORIGINAL HOUSE WITH RECENT ADDITION

11. Existing uses of the subject property:

GRASS, NONE FARM RESIDENTIAL

12. Length of time and existing uses to the subject property have continued: 9 YRS

13. Existing uses of abutting properties:

- a) North
b) East
c) South
d) West

ALL FARM LAND

14. Services available (check appropriate space(s))

- a) Method of Water Supply (if applicable)

Public Water Supply System ☐

Private Individual Well ☒

Private Communal Well ☐

Other (please specify)

- b) Method of Sanitary Waste Disposal (if applicable)

Private Septic Tank and
Tile Field System ☒

Private Communal System ☐
Other (please specify)

15. Applicable Official Plan designation(s): AGRICULTURE,

16. Applicable Zoning By-law zone(s): A4

17. Has the owner previously applied for a minor variance in respect to the subject property?

- a) Yes ☐ No ☒

If Yes, describe briefly:

18. Is the subject property the subject of a current application of consent / severance?

- Yes ☐ No ☒

STATUTORY DECLARATION

I, SCOTT LEWIS of the MALAHIDE
 (Name of Applicant) (City, Municipality, Town, Township)
 in the ELGIN
 (County / District / Region)

SOLEMNLY DECLARE THAT the information provided in this application as required under Section 45 of the Planning Act R.S.O. 1990 and Ontario Regulation 200 / 96 as amended is true.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and affect as if made under oath.

DECLARED before me

MALAHIDE)
 (City, Municipality, Town, Township))

in the ELGIN)
 (County / District / Region))

this 24 day of OCT, 2022)

A. Adams.
 A Commissioner, etc.)

[Signature]
 Signature of Applicant or
 Authorized Agent *

**Allison Adams, a Commissioner
 for taking Affidavits, Pursuant to
 R.S.O. 1990, C.17, Para. 1(2)**

* If authorized agent, a letter from the owner of the property must accompany this application.

APPLICATION FEE to accompany \$2,000.00, payable to the Township of Malahide.

Municipal Freedom of Information Declaration

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

Personal information contained on this form is collected pursuant to the Planning Act, R.S.O. 1990, O.Reg 200/96 as amended and will be used for the purpose of determining permission for minor variance. 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 Scott Lewis, the owner/authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

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



Signature

24 10 2022

Day

Month

Year

Signature

Day

Month

Year

REQUIRED SKETCH FOR MINOR VARIANCE APPLICATIONS

APPLICANT NAME

SCOTT LEWIS

ADDRESS

53376 NOVA SCOTIA LINELot 35Concession 2Municipality MALAHIDE

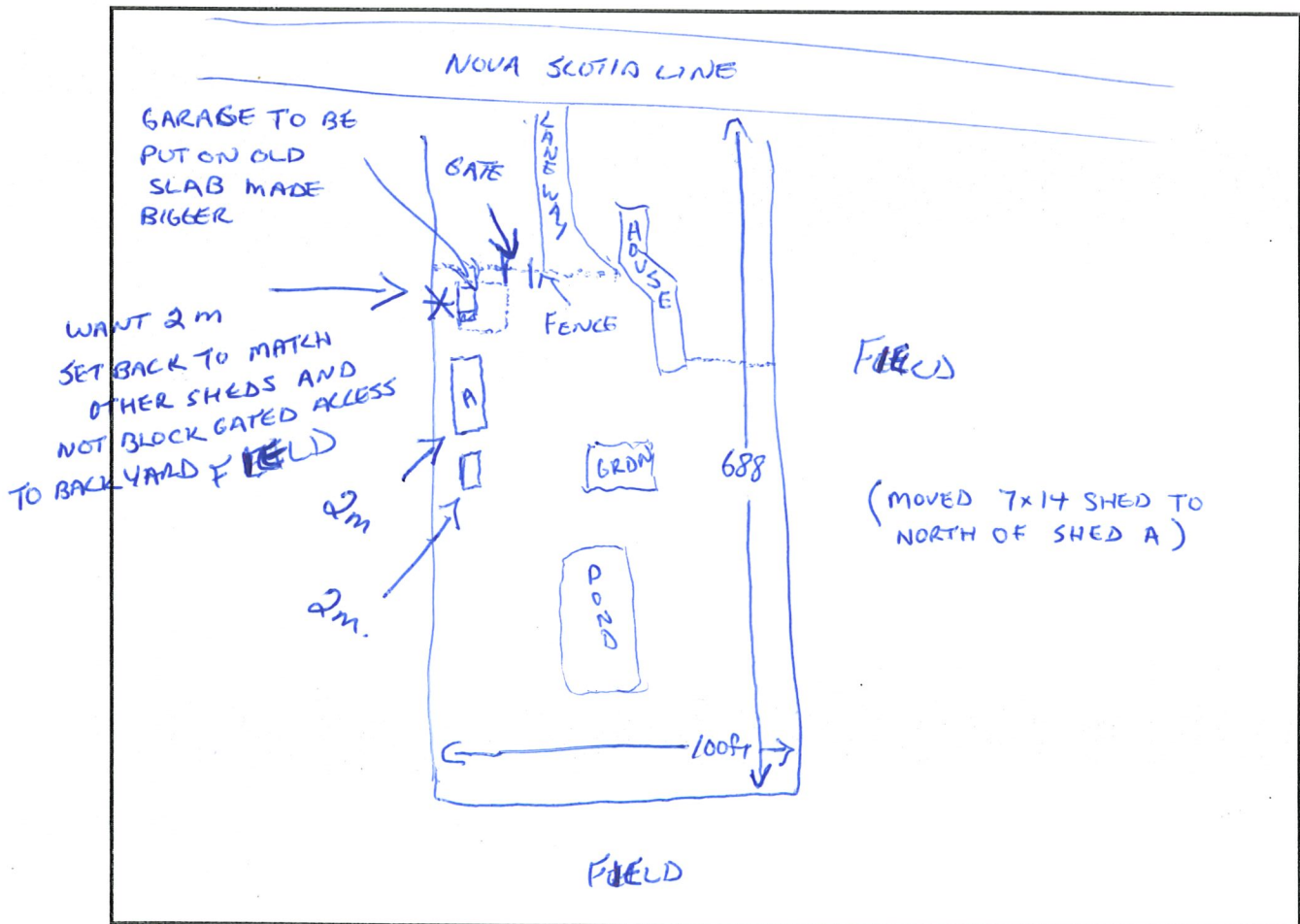
Registration Plan No.

3408 0000 11144 000000

Quarter of Township Lot

N.E. ☐N.W. ☐S.W. ☐S.E. ☒

See Sketch Instructions on the following page.



RETURN THIS SKETCH WITH APPLICATION FORM -
 NOTE: WITHOUT A SKETCH AN APPLICATION CANNOT BE PROCESSED

ALL DIMENSIONS MUST BE IN METRIC



Report to Council

REPORT NO.: DS-22-54

DATE: December 1, 2022 (Report submitted November 24, 2022)

ATTACHMENT: Report Map, Application, By-law

SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION OF NATHAN MILLER (AUTHORIZED AGENT: SIMONA RASANU (C/O STRIK, BALDINELLI, MONIZ LTD.))**

LOCATION: Concession 5 North, Part Lot 31, (8150 Carter Road)

Recommendation:

THAT Report No. DS-22-54 entitled “Zoning By-law Amendment Application of Nathan Miller” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z16-22 of Nathan Miller, relating to the property located at CON 5 N PT LOT 31 and known municipally as 8150 Carter Road, BE APPROVED for the reasons set out in this Report.

Background:

The subject Zoning By-law Amendment Application has been submitted by SBM Limited on behalf of Nathan Miller, to sever an agricultural property into two separate farm parcels. The proposed severed and retained parcel would not meet the minimum lot area requirements of the Large Lot Agriculture (A3) Zone. The Zoning Amendment proposes to rezone the proposed severed and retained parcel from ‘Large Lot Agriculture (A3)’ to ‘General Agriculture (A1)’ to allow for the creation of an agricultural parcel with a minimum lot area of 20 hectares.

The Application relates to the property located at CON 5 N PT LOT 31 and known municipally as 8150 Carter Road.

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

Comments/Analysis:

The subject property is approximately 44.8 hectares in area, has approximately 1,125 metres of frontage on Carter Road, has approximately 179 metres of frontage on Chalet Line, and has a depth of approximately 413 metres. The subject lands currently contain a single detached dwelling, seasonal farm dwelling, barn, greenhouses, and several accessory structures. The subject lands are bounded by Carter Road to the west, Chalet Line and agricultural land to the north, and agricultural land to the east and south.

Based on the information provided, the subject property is owned by three separate individuals. The owners are proposing to sever the property into two separate parcels for the purposes of succession planning so that two of the existing co-owners would own one parcel, and the third co-owner would be the sole owner of the second parcel. Both properties are proposed to continue to be used for agricultural purposes.

Provincial Policy Statement

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 several other farm parcels in the area and would meet the minimum lot and frontage requirements of the proposed A1 zone to be applied to the property. Both the severed and retained lot would continue to be used for agricultural purposes, specifically the growing of vegetables, which is a permitted use under the A1 zone.

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 and agricultural related uses. The proposed severed and retained parcels are proposed to continue to be used for the production of agricultural products, primarily fruits and vegetables.

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.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses, including the growing of crops, vegetables, and fruit. 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 the growing of vegetables and fruit. There are no livestock facilities that have been identified in close proximity to the subject property and the application would comply with Minimum Distance Separation requirements.

Malahide Zoning By-law No. 18-22

The subject property is zoned 'Large Lot Agricultural (A3)' on Schedule 'A', Map No. 61 to the Township of Malahide Zoning By-law No. 18-22. 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.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

As of the date of writing there have been no general comments received from the surrounding property owners.

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, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

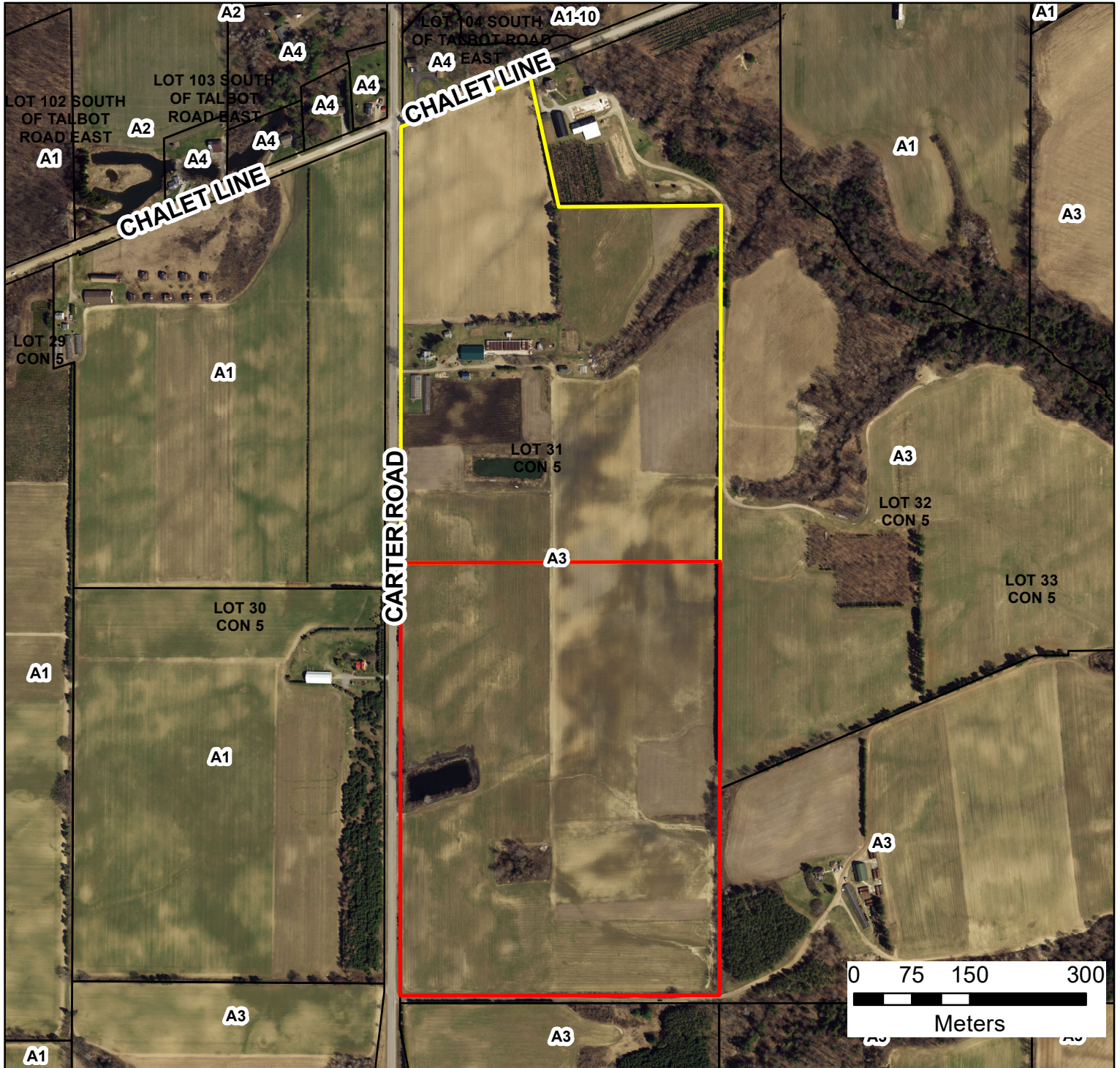
Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT
Owners: Nathan Miller, Elmer Miller, David Gascho
(Agent: Simona Rasanu, c/o Strik Baldinelli Moniz Ltd.)

34

8150 Carter Road
Concession 5, Part Lot 31, 11R-6643
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
Agricultural

ZONING
Large Lot Agricultural (A3) Zone



Lands to be severed and rezoned General Agricultural (A1)



Lands to be retained and rezoned General Agricultural (A1)



1. **Registered Owner's Name:** Nathan Miller, Elmer Miller & David Gascho

Address: 8150 Carter Road, Malahide, ON, N5H 2R1 (Nathan Miller)

Phone No. (Home): 519-765-1674 (Nathan Miller) Business: NA

Fax: NA Email: jformelgin@gmail.com

Lot and Concession (if applicable): NA

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

Please see attached Parcel Register for Subject Property.

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

Address: 1599 Adelaide St N Unit 301, London, ON N5X 4E8

Telephone No.: 519-471-6667 x 146 Fax: NA

Please specify to whom all communications should be sent:

Registered Owner () Applicant / Authorized Agent ☒

3. **Legal Description of the land for which the amendment is requested:** Please see attached Parcel Register.

Concession: 5 Lot:

Reference Plan No: 11R6643 Part Lot: 31

Street and Municipal Address No.: 8150 Carter Road, Malahide, ON, N5H 2R1

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

Area: 448,000 m² Frontage: 1,125.1 m (Carter Rd) Depth: 411.1 (longest) m

When were the subject lands acquired by the current owner?

April 2021

4. **Existing Official Plan Designation:** Elgin County OP: Agricultural Area; Malahide OP: Agriculture

How does the application conform to the Official Plan?

Please see attached Planning Justification Report.

5. Existing Zoning By-law Classification:

A3 (Agricultural)

What are the current uses of the subject lands?

Agricultural uses: hay & various fruit and vegetable produce (ginseng, watermelon, squash and related gourds, lettuce and tomato)

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

Former tobacco farm before being purchased by existing owners so agricultural use has continued for some time (exact time unknown).

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

See Severance Sketch attached as Appendix C to the Planning Justification Report.

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions

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

NA - unknown

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

With respect to the Malahide Zoning By-law, proposed change is from existing A1 Zone to A3 Zone for both retained and severed parcels.

7. Why is the rezoning being requested?

Proposed severance requires a rezoning since the existing A3 Zone requires a minimum lot area of 40 hectares & 22.4 hectares is being proposed for each of the retained & severed parcels.

8. Does the proposed Zoning By-law amendment implement a growth boundary adjustment of a settlement area? No

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

9. Does the proposed amendment remove land from an area of employment? No

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

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

No proposed new buildings/structures or uses; only new development is proposed severance to create a new agricultural lot.

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

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
NA					

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

Water Supply

Existing

Proposed

Municipal Piped Water Supply	()	()
Private Drilled Well	(<input checked="" type="checkbox"/>)	()
Private Dug Well	()	()
Communal Well	()	()
Lake or other Surface Water Body	()	()
Other	()	()

Sewage Disposal	Existing	Proposed
Municipal Sanitary Sewers	()	()
Individual Septic System	(<input checked="" type="checkbox"/>)	()
Communal System	()	()
Privy	()	()
Other	()	()

NA; not necessary at this time since no new structures are being proposed.

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

Are these reports attached?

NA

If not, where can they be found?

Storm Drainage

Provisions:

Status quo will remain.

Proposed Outlet:

12. How will the property be accessed?

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

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

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

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

Plan of Subdivision () Consent ()

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

Unknown, but
unlikely.

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

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

Please see section 5.4 of the Planning Justification Report.

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

NO

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

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

See Appendix C of the
Planning Justification
Report for the
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). **NA**

(c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process **Assumed it is not necessary at this time since no new structures/buildings are being proposed.**

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

NA

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: **NA**

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

Municipal Freedom of Information Declaration

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

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

In submitting this development application and supporting documentation, I _____

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

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

Signature

Day

Month

Year

Please see attached signed authorization form signed by the existing three owners of 8150 Carter Road.

I / We, Nathan Miller, Elmer Miller and David Gascho, of the Township
Name Town/Township/City/Village etc.
of Malahide, in the county County of Elgin, do solemnly declare:
Municipality Name County Name

- (i) that I / We am / are the owner(s) of the lands described above
- (ii) that to the best of my / our knowledge and belief, all of the information and statements given in this application and in all exhibits transmitted are true.
- (iii) that I /we hereby appoint Strik, Baldinelli, Moniz Ltd. (SBM) (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 the:

City of London Stran
 Owner / Agent
 in the County/Region of Middlesex this 7th
 day of October 20 22.
 Owner / Agent

Kevin Moniz
 A Commissioner, etc.

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



PLANNING JUSTIFICATION REPORT

8150 Carter Road, Malahide, Elgin County

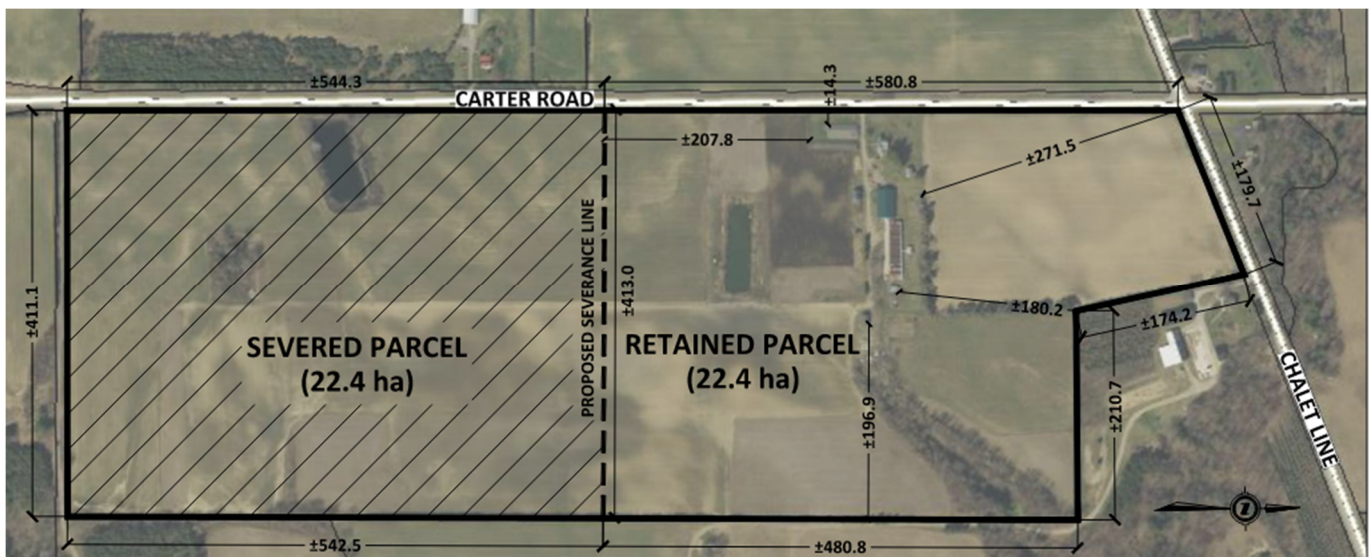
PROPOSED ZONING BY-LAW AMENDMENT AND CONSENT APPLICATIONS TO CREATE A NEW AGRICULTURAL LOT

Prepared for:
Nathan Miller
8150 Carter Road
Malahide, ON
N5H 2R1

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

SBM-21-3490

October 7, 2022





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

PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL

www.sbmltd.ca

sbm@sbmltd.ca

7 October 2022
 SBM-21-3490

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

RE: Planning Justification Report – 8150 Carter Road, Malahide, Elgin County

Strik, Baldinelli, Moniz Ltd. has been retained by Nathan Miller (the “Property Co-Owner”) to prepare and submit Zoning By-law Amendment and consent to sever applications for the property municipally known as 8150 Carter Road, a rural farm property located at the southeast corner of the Carter Road and Chalet Line intersection in southeast Malahide, Elgin County.

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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Appendix C – Severance Sketch (SP1)

Severance Context and Zoning Charts (SP2)

Appendix D – Record of Pre-Application Consultation – January 19, 2022

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 8150 Carter Road (the “Subject Property”) is a rural farm property in southeast Malahide located on the east side of Carter Road at the southeast corner of the Carter Road and Chalet Line intersection (see **Figure 1** in Appendix A). It has frontages on both Carter Road and Chalet Line – the main entrance to the farmhouse is off Carter Road (see **Photo #1** in Appendix B). Except for a small irregular portion near the Carter Road entrance, it is a regularly shaped parcel with an area of 44.8 hectares, a lot frontage along Carter Road of 1,125.1 square metres and a lot frontage along Chalet Line of 179.7 metres.

The northern portion of the Subject Property is improved with structures – the main farmhouse, two greenhouses near the entrance and agricultural accessory structures (see **Photos #1-8** in Appendix B, as well as the Severance Sketch (SP1) and the Severance Context and Zoning Charts (SP2) in Appendix C (the “Severance Sketch”). The southern portion does not have any structures. Irrigation ponds are present throughout and facilitate farming operations. A small cluster of trees can be found in the centre of the southern portion, and a strip of trees can be found in the northeast portion of the Subject Property (see Severance Sketch for details).

The Subject Property was purchased in early 2021 by three individual members of the same family. According to the Co-Owner, it is a former tobacco farm currently being transitioned to the cultivation of hay and various fruit and vegetable produce that includes ginseng, watermelon, squash and related gourds, lettuce and tomato. The Subject Property is farmed by the Co-Owners and by nearby farmers who lease portions of it. As part of their normal farm practices, the Co-Owners use draft horses to pull ploughs and other farm equipment – tractors and highly mechanized equipment are not used to farm the land.

The Subject Property is accessed from Carter Road – the three existing access points are indicated on the Severance Sketch. It is currently serviced by two private septic tanks and one water well located near the main farmhouse, as shown on the Severance Sketch.

3 SURROUNDING CONTEXT

The surrounding land uses are mainly agricultural uses – primarily corn and other grain crops along with some tobacco. The primarily agricultural uses are interspersed with forested/woodland areas – forested areas are particularly evident north of Chalet Line and immediately to the south of the Subject Property (see **Figure 2** in Appendix A). Aerial mapping shows a variety of parcel shapes and sizes. For example, immediately to the west of the Subject Property, the property municipally identified as 52515 Chalet Line has an approximate area of 21 hectares and the property identified as 8075 Carter Road has an approximate area of 20.6 hectares.

4 DEVELOPMENT PROPOSAL

The Subject Property is proposed to be divided/severed into two equal parts, as shown on the Severance Sketch.

Lands proposed to be retained – northern retained parcel is proposed to have an area of 22.4 hectares. Being a corner lot, it would have a lot frontage with respect to Carter Road of 580.8 metres and a lot frontage with respect to Chalet Line of 179.7 metres. Existing agricultural uses are the production of fruits and vegetables. Proposed agricultural uses are ginseng and other fruits and vegetables, corn (small proportion), and hay primarily produced from alfalfa.

Lands proposed to be severed – southern severed parcel would also have an area of 22.4 hectares. It would have access to Carter Road and a lot frontage of 544.3 metres. The resulting lot would be rectangular. Existing agricultural uses are hay and vegetable farming and proposed agricultural crops are hay, corn, and ginseng.

The primary objective of the land severance proposal (the “Severance Proposal”) is to change the existing property ownership such that two of the existing co-owners would own one parcel, and the third co-owner would be the sole owner of the second parcel. The Co-Owner has advised that there are no plans to build any new structures on either of the two proposed parcels and that the Subject Property would continue to be used for agricultural purposes, although the proportion of land allocated to different types of crops will change as the farm transitions from the former tobacco cultivation to a mix of crops that include a variety of fruits and vegetables, as well as some corn and hay. Fruits and vegetables will be grown in the greenhouses and on the field.

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 in half 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. 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 consent 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. Except for the proposed creation of a new lot, no new development is being proposed (i.e., no new structures). The proposed new lots are suitable for their intended purpose, namely agricultural uses, as the 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 the Severance Proposal substantially conforms to County and Municipal Official Plans. 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 is associated with 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, does not 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: This policy is not applicable as there is no evidence of livestock facilities within 750 metres of the Subject Property. Although the Subject Property has a barn with one (1) horse used by the Co-Owner for personal transport, the customary definition of “livestock facility” excludes pets or animals housed for recreational or hobby purposes. As such, the barn cannot be characterized as a livestock facility.

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: The Subject Property is being transitioned by the co-owners from a monocrop (i.e., tobacco) farm to mixed field and fruit/vegetable crops – the rehabilitation of the two existing greenhouses to facilitate greenhouse farming is a component of their plans. Greenhouse farming tends to occur, on average, on smaller parcels of land in comparison to field crops such as corn and wheat. For example, although comparable data for Elgin County was not found, a 2017 study of agricultural lot size in Essex County, a region in southwestern Ontario, found that the average greenhouse farm parcel was approximately five (5) hectares¹. This is significantly smaller than the 22.4 hectares being proposed for each of the retained and severed parcels.

Furthermore, as previously noted, aerial mapping shows a variety of parcel shapes and sizes in the surrounding area, including farm properties similar in size to those being proposed (e.g., 52515 Chalet Line, 8075 Carter Road, as previously noted) and smaller than what is being proposed (e.g., 52981 Chalet Line with an area of 14.8 hectares). The proposed severed and retained parcels are sufficiently large to allow for a variety of crops and to provide the farmer-owners the flexibility to change crop types.

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.

¹ Jones Consulting Group Ltd. January 2017. County of Essex Agricultural Lot Size Study. Retrieved February 16, 2022 from https://www.countyofessex.ca/en/doing-business/resources/Documents/agricultural_lot_size_study.pdf

5.5 Elgin County 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 3** 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."*

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 the land in a manner that provides for an ownership structure of their choosing. No new land uses and structures are being proposed.

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;"*

Response: Both the retained and severed parcels will front on public roads that are characterized as "local" roads in the County Official Plan – Schedule 'B' Transportation. The severed parcel will front on Carter Road while the retained parcel will front on both Carter Road and Chalet Line.

- "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, Carter Road and Chalet 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. The final approval of the consent application would be conditional on the approval of the Zoning By-law Amendment application.

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: Agreed, as noted above.

“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: The private septic system and water well have been professionally inspected and found to be in satisfactory condition – confirmation is submitted to support the consent application, as required by Elgin County.

“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 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: A small northeast portion of the Subject Property is regulated by the Catfish Creek Conservation Authority, as shown on **Figure 5** in Appendix A. This corresponds more or less with the Woodlands designation in the Elgin Official Plan – Appendix #1 Natural Heritage Features and Areas (see **Figure 4** in Appendix A). The woodlot would be incorporated within the retained parcel boundaries.

“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, an increase in density is not proposed.

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

Response: There are no identified hazard features on the Subject Property. Furthermore, dividing the Subject Property in half while maintaining the existing agricultural uses would have no impact on natural hazard processes.

“l) conform with the local Official Plan; and,”

Response: Conformance with the Malahide Official Plan is discussed below.

“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 the following 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 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. The existing farmhouse building will remain within the boundaries of the retained parcel and no new construction is proposed on either of the two parcels.

“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 proposal is not a surplus farm dwelling severance. The existing agriculture-related uses (e.g., storage building) will be incorporated entirely within the retained parcel.

5.6 Malahide Official Plan

The Subject Property is designated Agriculture in the Official Plan (Schedule ‘A1’ Land Use) (see **Figure 6** in Appendix A). These lands are classified as *“prime agricultural areas”* (Policy 2.1.2.1). Section 2.1.6 outlines land

division policies. The creation of agricultural parcels which deviate from the minimum lot size prescribed in the Malahide Zoning By-law is permitted subject to the following policies:

“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 like 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 crops and farming techniques, 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 crops, particularly those grown in greenhouses, can be successfully grown using much smaller land areas. Greenhouse farming is one of the types of farming planned for the Subject Property.

Both the retained and severed parcel would continue to be used for agricultural purposes – the actual crop allocation is still being finalized during the transition process, but, in general, hay and a variety of fruits and vegetables, including ginseng, are being proposed. The proposed 22.4-hectare area for each of the retained and severed parcel is not unusually small. In fact, the proposed areas reflect some of the surrounding farm parcel areas and there is no evidence these farms are not viable. Finally, the Minimum Distance Separation (MDS) formula is not applicable for the reasons previously stated.

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

Response: This is not applicable as no new construction is being proposed on either of the two parcels.

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 7** in Appendix A). This zone is like the A1 Zone, which applies to the majority of lands designated Agriculture in the Malahide Official Plan. The A1 Zone 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 is 20 hectares.

The A3 Zone is virtually identical to the A1 Zone - the exception being that a minimum lot area of 40 hectares applies. It is intended primarily as a means of identifying larger, contiguously owned and/or cultivated farmland parcels which may or may not be further subdivided into smaller holdings provided, amongst other matters, each parcel comprises a minimum lot area of 40 hectares.

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). The only difference in performance standards between the two zones is the minimum lot area, as previously noted.

Both the A1 Zone and the A3 Zone have a maximum of one (1) dwelling per lot. The Severance Sketch identifies two (2) dwellings on the Subject Property, namely the main farmhouse (principal dwelling) and a structure identified as a “seasonal farm dwelling” constructed to house migrant farm workers. Both the existing A1 Zone and the proposed A3 Zone permit a seasonal farm dwelling. These two dwellings are proposed to stay in their existing location and would thus be incorporated within the boundaries of the retained parcel. The zoning chart on the Severance Sketch compares the proposed retained and severed parcel metrics, most of which are existing, against the proposed A1 Zone requirements. There are no variances.

6 **CLOSING**

Based on a review of the relevant policies and regulatory framework for the Subject Property, the proposed Consent to Sever 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 being transitioned to new crops and farming techniques and are sufficiently large to allow for a variety of crops and to provide the owner farmers the flexibility to change crop types. The lot sizes are also compatible with and reflective of surrounding lot sizes, which is reflected in the A1 Zone applied to neighbouring properties to the west of the Subject Property fronting onto Chalet Line.
- 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 zone change because the existing zone has a minimum lot size of 40 hectares. However, the Malahide Zoning By-law provides for much smaller lot sizes, including the 20-hectare minimum lot size being proposed for the severed and retained lots.

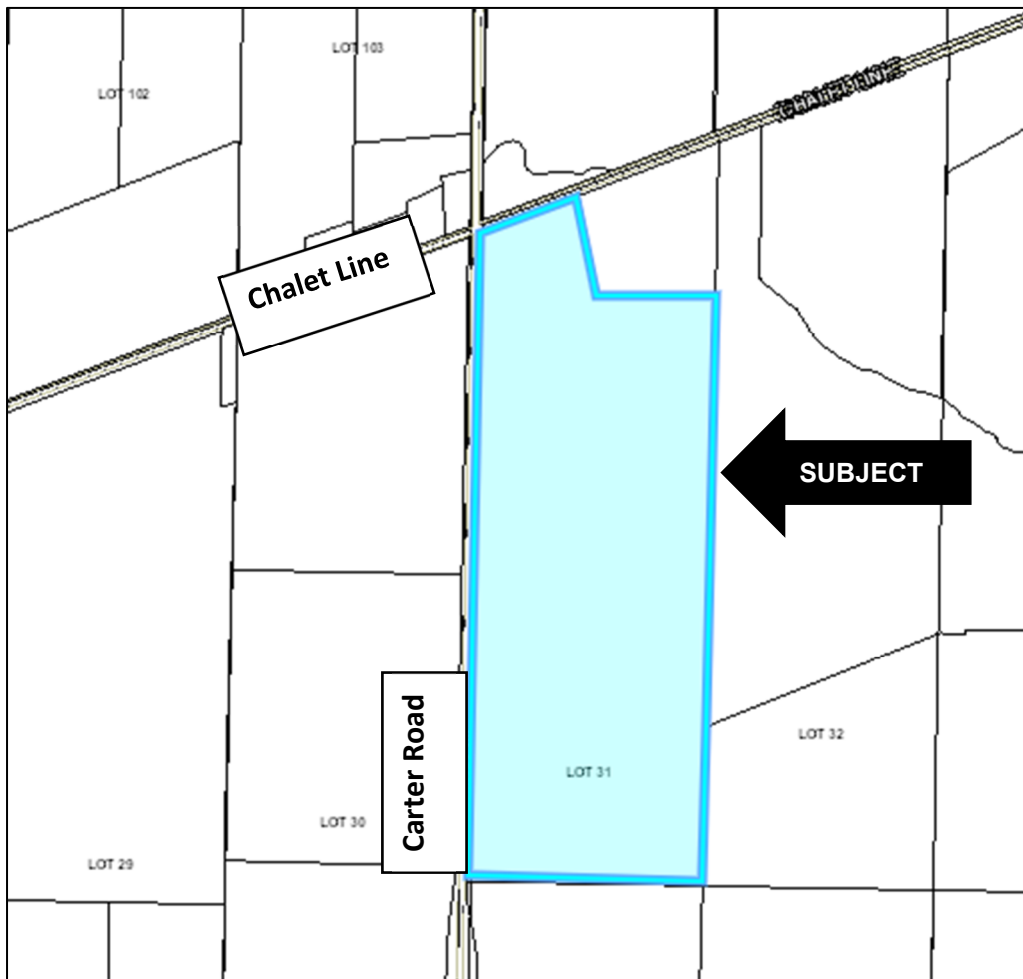
For the reasons noted above and throughout this report, the proposed consent and Zoning By-law Amendment applications represent sound land use planning practice.

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical



Simona Rasanu, RPP, MCIP
Planner

Appendix A: Figures 1-7

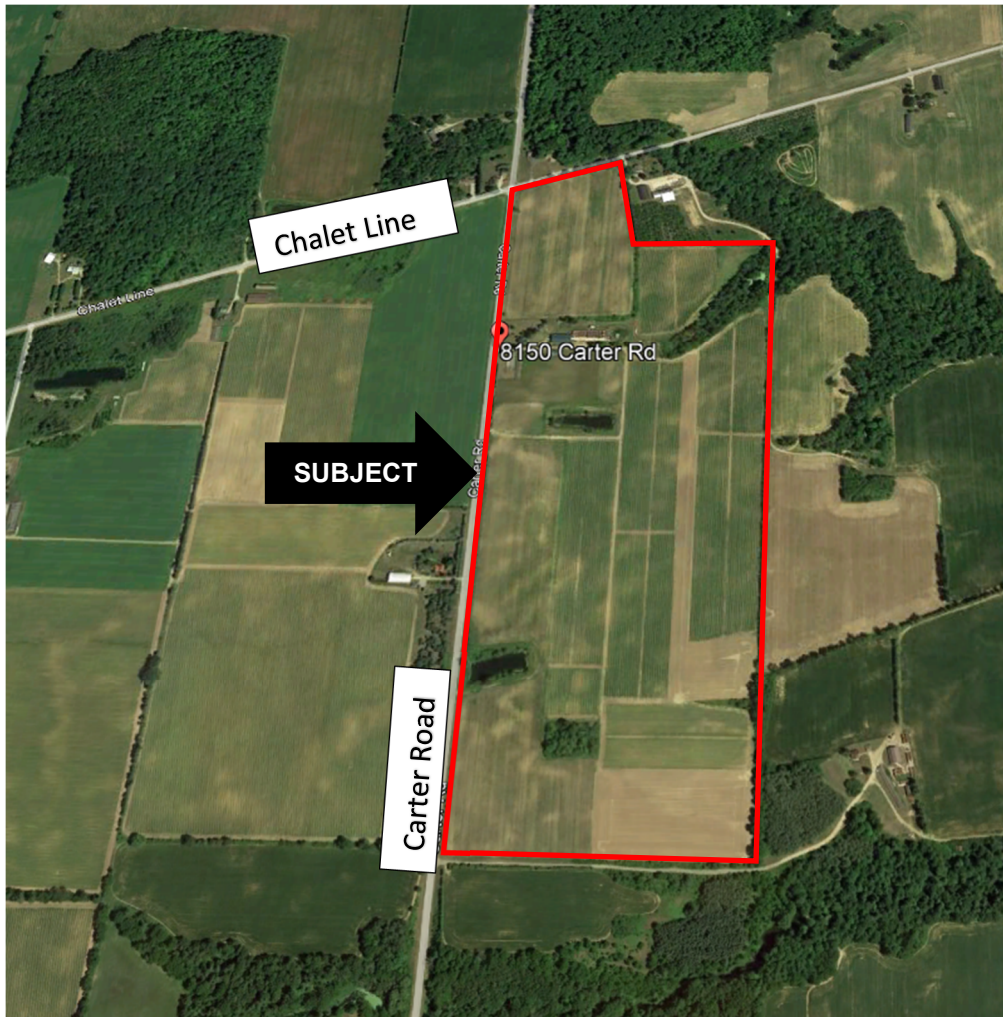


Figure 2. Aerial view of Subject Property and surrounding agricultural uses

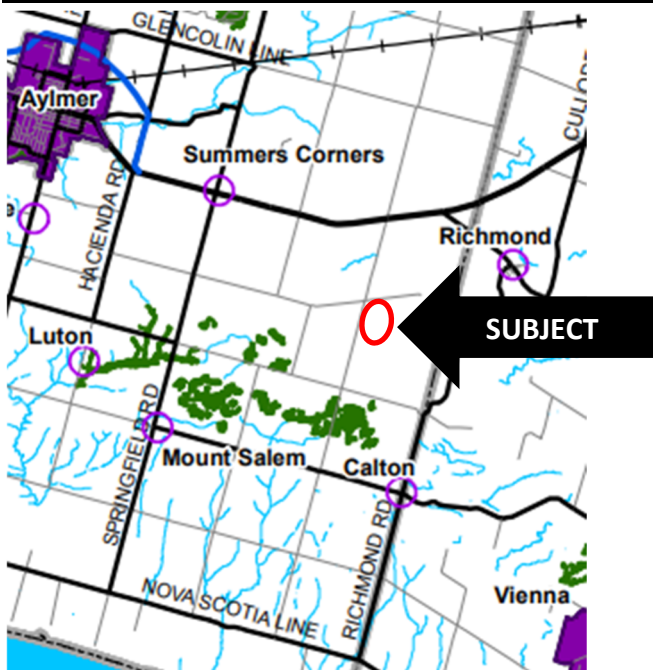


Figure 3. County of Elgin Official Plan land use designation – Agricultural Area (Source: Schedule 'A' Land Use)

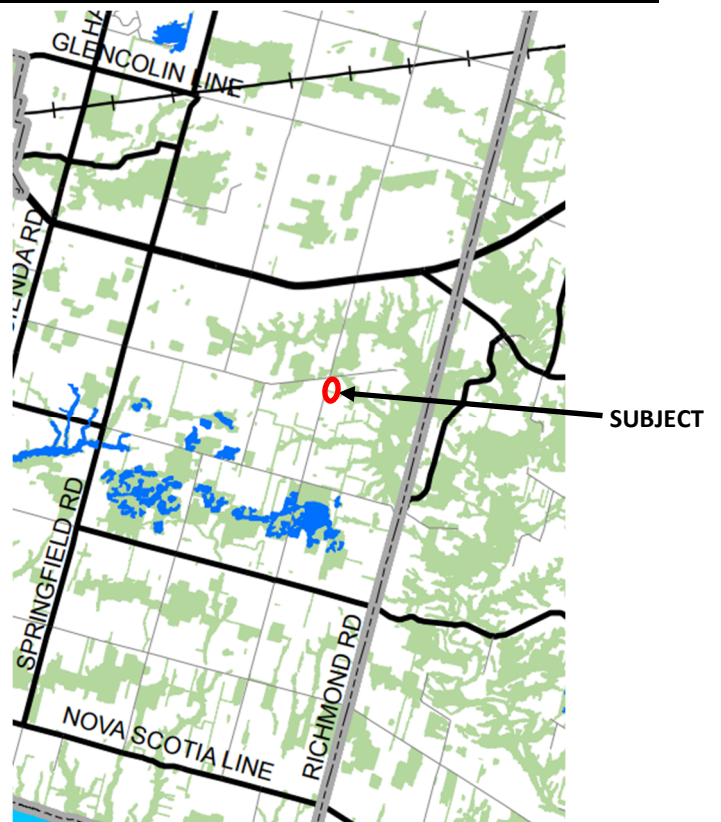


Figure 4. County of Elgin Official Plan natural features (Source: Appendix #1 Natural Heritage Features and Areas)

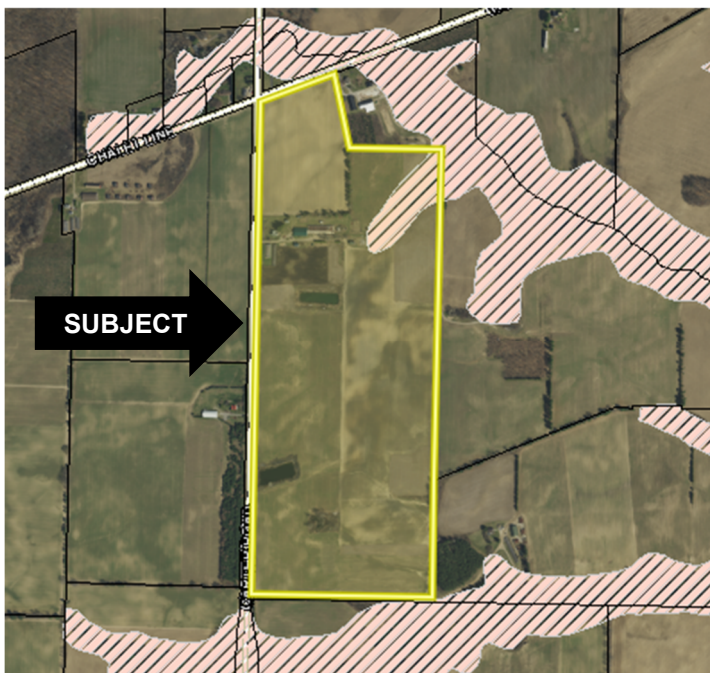


Figure 5. Aerial view of Subject Property showing Conservation Authority Regulation Limits (Source: Elgin Mapping)

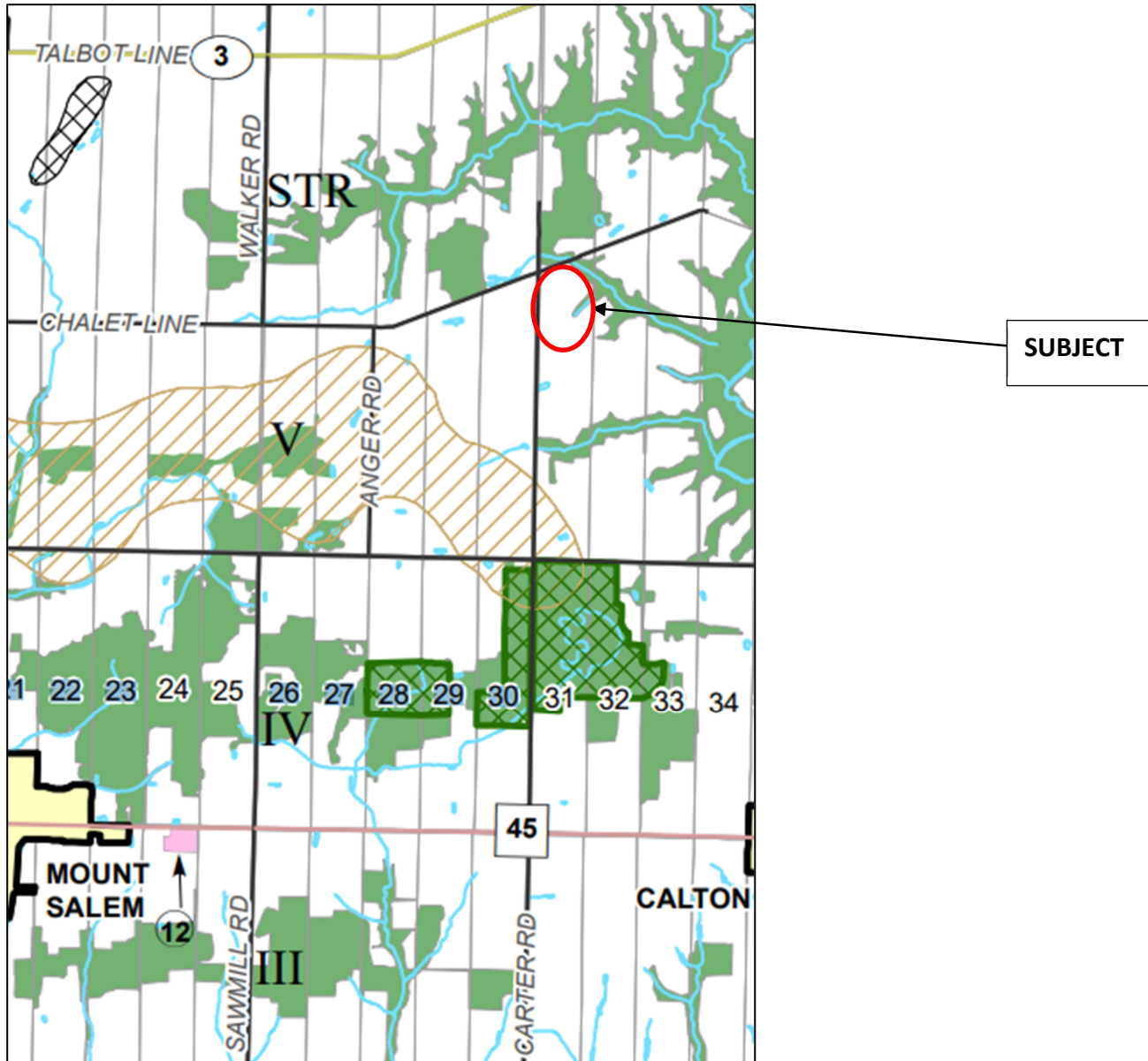


Figure 6. Malahide Official Plan land use designation - Agriculture (Source: Schedule 'A' Land Use)

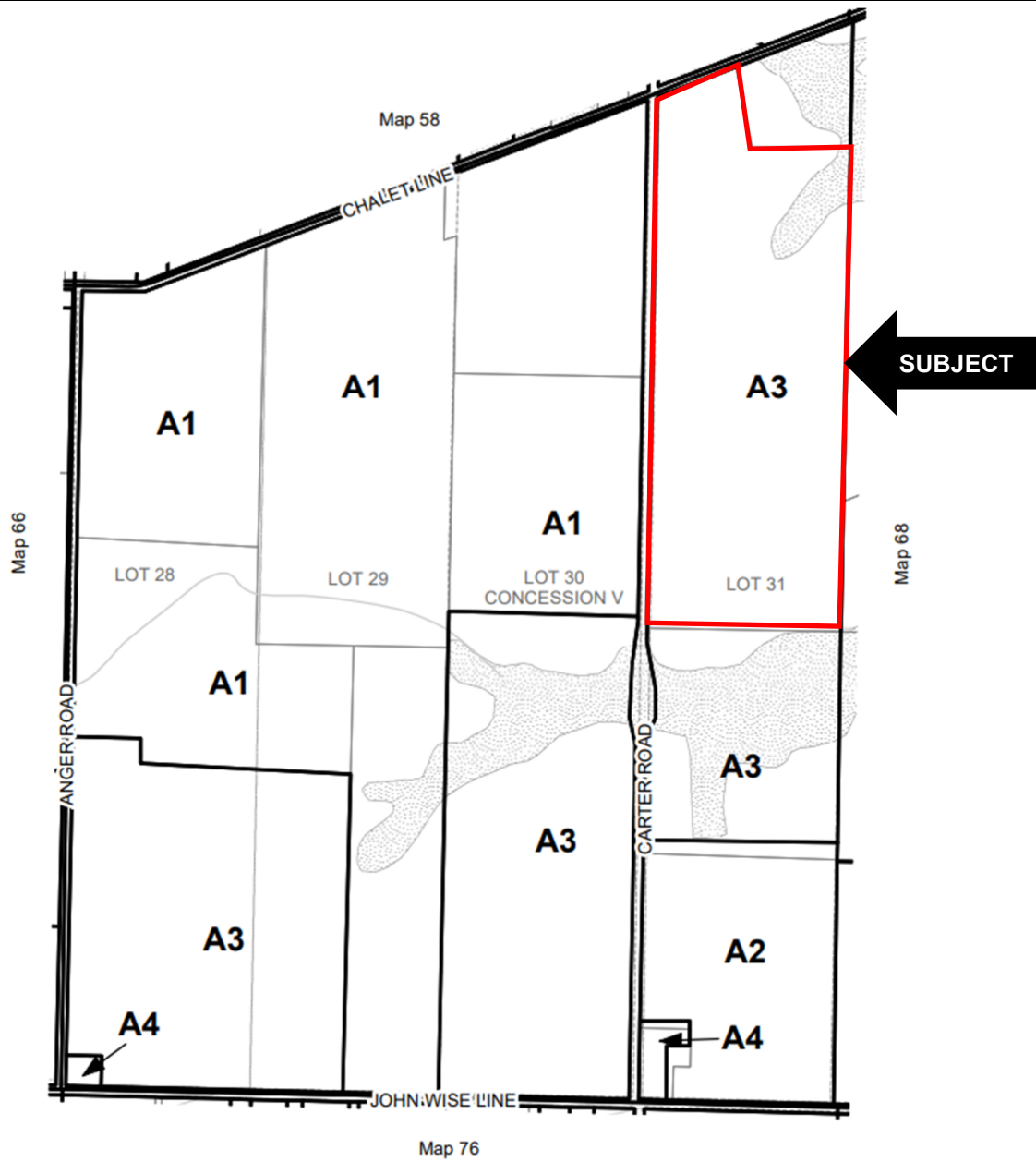


Figure 7. Existing zoning (Source: Malahide Zoning By-law map 67)

Appendix B: Photos #1-8



Photo 1: Subject Property main farmhouse



Photo 2: View of two existing greenhouses near the Carter Road entrance looking southwest



Photo 3: Greenhouse #1 with an approximate footprint area of 391 square metres.



Photo 4: Greenhouse #2 with an approximate footprint area of 420 square metres & abandoned water tower.



Photo 5: Accessory building - barn and farm produce storage building



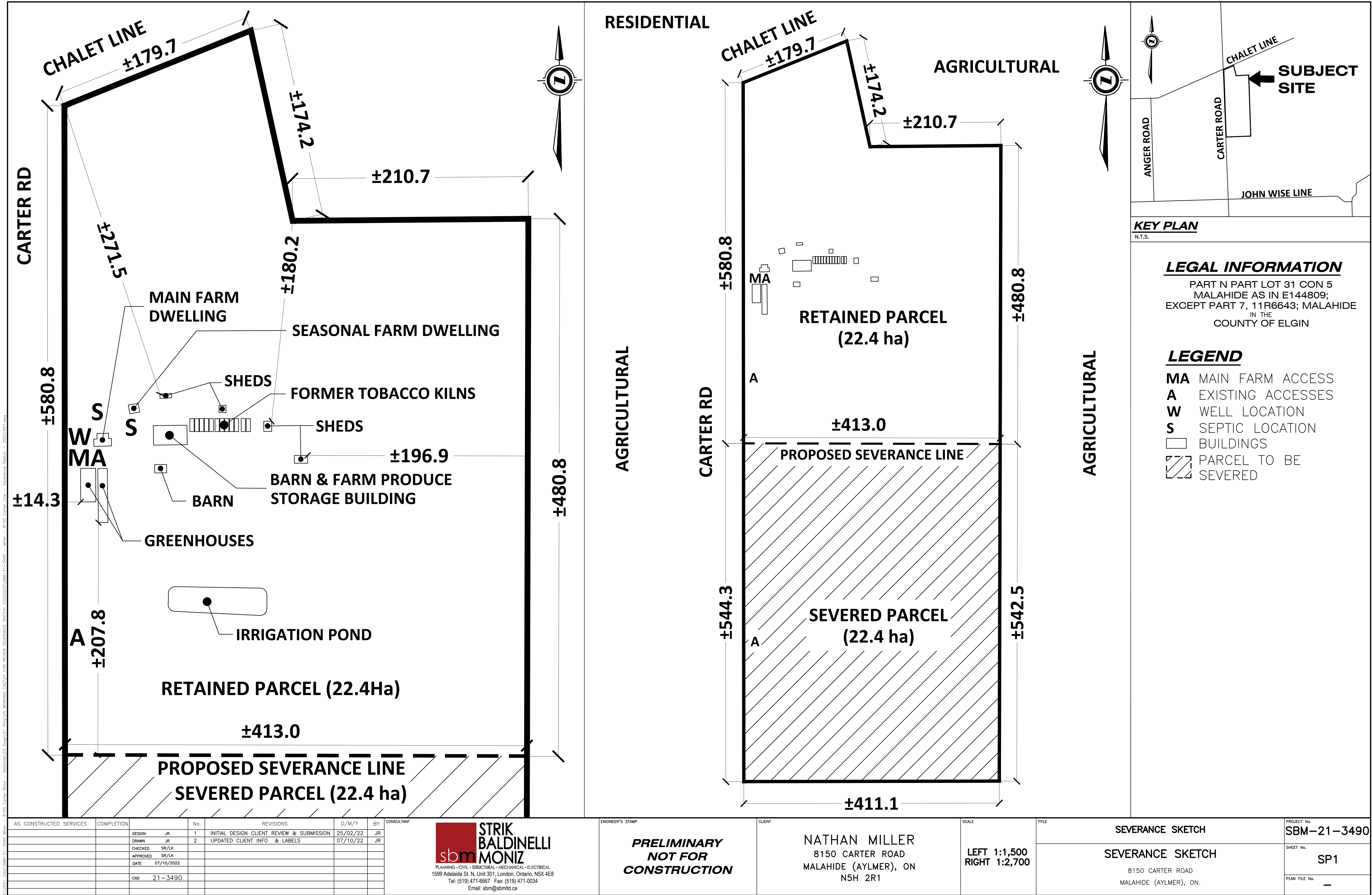
Photo 6: Accessory building - barn



Photo 7: Accessory building - shed



Photo 8: Former tobacco kilns





Long Point Region Conservation Authority

4 Elm St., Tillsonburg ON N4G 0C4 Tel: (519) 842-4242 Fax: (519) 842-7123
Email: conservation@lprca.on.ca Website: www.lprca.on.ca

Township of Malahide
Aylmer, ON

November 21, 2022

Attention: Chloe Cernanec

To whom it may concern,

Long Point Region Conservation Authority (LPRCA) staff have had an opportunity to review application D14-Z16-22 and can provide the following comments based on LPRCA's various plan review responsibilities for the Township of Malahide and the County of Elgin's consideration.

It is staff's understanding that the submitted application for a zoning amendment will facilitate the severance of the existing parcel into two separate parcels.

Delegated Responsibility from the Ministry of Natural Resources and Forestry, Section 3.1 of the Provincial Policy Statement, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of Section 3.0 - Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards. As such, "development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards."

The application is subject to the following subsections of section **3.1** of the Provincial Policy Statement:

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;

Staff can advise that the proposed application is consistent with Section 3.1 of the Provincial Policy Statement, 2020. LPRCA staff have no objection to the concept of this application.

Ontario Regulation 178/06

The subject lands are partially regulated by Long Point Region Conservation Authority under Ontario Regulation 178/06. Permission from this office is required prior to any development within the regulated area.

Development is defined as:

- the construction, reconstruction, erection or placing of a building or structure of any kind,
- any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- site grading, or
- the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere (Conservation Authorities Act, R.S.O. 1990, c. 27, s. 28 (25))

The proposed retained parcel contains erosion hazards associated with the existing watercourse/slope and is partially within the regulation limit of Ontario Regulation 178/06. The proposed severed parcel is not regulated by Ontario Regulation 178/06.

Please feel free to reach out with any further questions related to this matter. Regards,

Aisling Laverty, **Resource Planner**

Office: 519-842-4242 ext. 235

Email: alaverty@lprca.on.ca

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.
2. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance 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. 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. 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.

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 22-79**

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

**Nathan Miller/Simona Rasanu (C/o Strik, Baldinelli, Moniz Ltd.)
8150 Carter Road**

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

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

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

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

1. **THAT** the area shown in hatching on the attached map, Schedule "A", and described as Concession 5 North, Part Lot 31 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 67 of Schedule "A" to By-law No. 18-22, as amended.
2. **THAT** the area shown in bold on the attached map, Schedule "A", and described as Concession 5 North, Part Lot 31 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 67 of Schedule "A" to By-law No. 18-22, as amended.
3. **THAT** this By-law shall come into force:
 - a) Where no notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the expiration of the prescribed time; or,
 - b) Where notice of objection has been filed with the Township's Clerk within the time prescribed by the Planning Act and regulations pursuant thereto, upon the approval of the Ontario Land Tribunal.

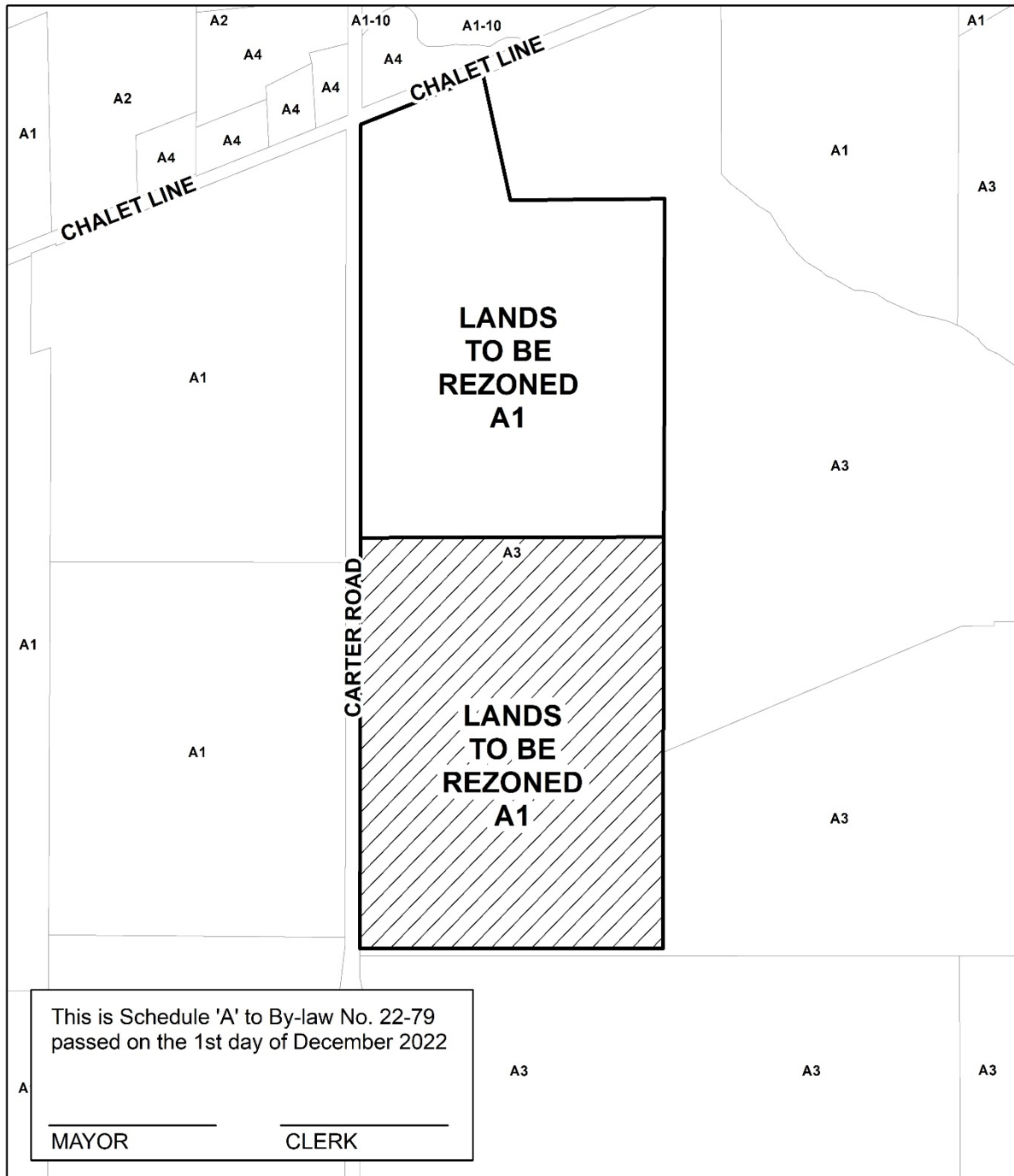
READ a **FIRST** and **SECOND** time this 1st day of December, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 1st day of December, 2022.

Mayor – D. Giguère

Clerk – A. Adams

SCHEDULE A





Report to Council

REPORT NO.: DS-22-56

DATE: December 1, 2022 (Report submitted November 24, 2022)

ATTACHMENT: Application, Conditions

SUBJECT: **APPLICATION FOR CONSENT TO SEVER OF NATHAN MILLER (AUTHORIZED AGENT: SIMONA RASANU (C/O STRIK, BALDINELLI, MONIZ LTD.) APPLICATION E-94-22**

LOCATION: Concession 5 North, Part Lot 31, (8150 Carter Road)

Recommendation:

THAT Report No. DS-22-56 entitled “Application for Consent to Sever of Nathan Miller” be received;

AND THAT the Application for Consent to Sever of Nathan Miller (E-94-22), relating to the property located in CON 5 N PT LOT 31 (Geographic Township of Malahide) 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 Consent Application has been submitted by SBM Limited on behalf of Nathan Miller, to sever an agricultural property into two separate farm parcels. A concurrent Zoning By-law Amendment has been submitted to rezone the property to address the lot area of the proposed severed and retained parcels.

The Application relates to the property located at CON 5 N PT LOT 31 and known municipally as 8150 Carter Road.

Comments/Analysis:

The subject property is approximately 44.8 hectares in area, has approximately 1,125 metres of frontage on Carter Road, has approximately 179 metres of frontage on Chalet Line, and has a depth of approximately 413 metres. The subject lands currently contain a single detached dwelling, seasonal farm dwelling, barn, greenhouses, and several

accessory structures. The subject lands are bounded by Carter Road to the west, Chalet Line and agricultural land to the north, and agricultural land to the east and south.

The proposed severed parcel comprises an area of approximately 22.4 hectare, with a depth of approximately 413 metres, and approximately 544 metres of frontage on Carter Road. The severed parcel would not contain any buildings and no new buildings are currently proposed.

The proposed retained parcel comprises an area of approximately 22.4 hectares, with a depth of approximately 580 metres, and approximately 179 metres of frontage on Chalet Line. The retained parcel would contain the existing buildings and structures on the property.

Based on the information provided, the subject property is owned by three separate individuals. The owners are proposing to sever the property into two separate parcels for the purposes of succession planning so that two of the existing co-owners would own one parcel, and the third co-owner would be the sole owner of the second parcel. Both properties are proposed to continue to be used for agricultural purposes.

Provincial Policy Statement

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 several other farm parcels in the area and would meet the minimum lot and frontage requirements of the A1 zone. Both the severed and retained lot would continue to be used for agricultural purposes, specifically the growing of vegetables.

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 and agricultural related uses. The proposed severed and retained parcels are proposed to continue to be used for the production of agricultural products, primarily fruits and vegetables.

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.

Consents must also meet other criteria, including the severed and retained lots have frontage on a public road, will not create a traffic hazard, has adequate size and frontage for the proposed use, can be serviced appropriately, and will not have an impact on drainage (Section E1.2.3). The severed and retained lots would have frontage on a public road and are not anticipated to cause a traffic hazard. The proposed severed and retained parcels would meet the minimum lot area and frontage

requirements of the A1 zone, subject to the concurrent Zoning By-law Amendment being approved.

Malahide Official Plan

The subject property is designated 'Agriculture', on Schedule 'A'; - Land Use Plan. This designation permits a range of agricultural uses, including the growing of crops, vegetables, and fruit. 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 the growing of vegetables and fruit. There are no livestock facilities that have been identified in close proximity to the subject property and the application would comply with Minimum Distance Separation requirements.

Malahide Zoning By-law No. 18-22

The subject property is zoned 'Large Lot Agricultural (A3)' on Schedule 'A', Map No. 61 to the Township of Malahide Zoning By-law No. 18-22. A concurrent Zoning By-law Amendment has been submitted and proposes to rezone the 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.

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Provincial and Official Plan policies and recommends that Council support the Application. The Development Services Staff has also considered comments provided (if any) by other internal departments.

As of the date of writing there have been no general comments received from the surrounding property owners.

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.

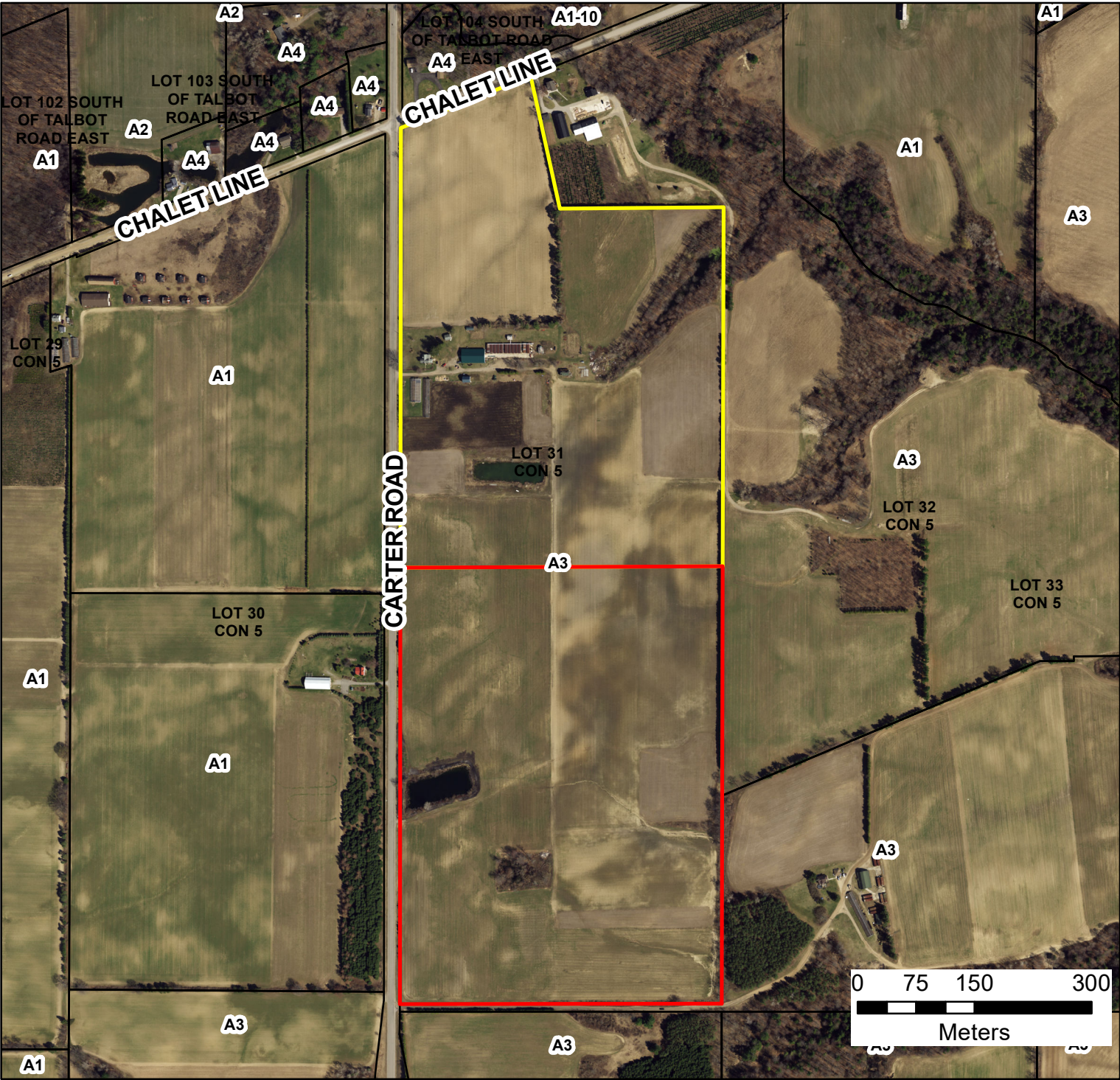
Submitted by:	Reviewed by:
Eric Steele, BES Monteith Brown Planning Consultants, <u>Consulting Planner for the Township</u>	Jay McGuffin, MCIP, RPP Monteith Brown Planning Consultants

Approved by:
Adam Betteridge, Chief Administrative Officer

APPLICATION FOR A ZONING BY-LAW AMENDMENT
Owners: Nathan Miller, Elmer Miller, David Gascho
(Agent: Simona Rasanu, c/o Strik Baldinelli Moniz Ltd.)

8150 Carter Road
Concession 5, Part Lot 31, 11R-6643
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Agricultural

ZONING
Large Lot Agricultural (A3) Zone



Lands to be severed and rezoned General Agricultural (A1)



Lands to be retained and rezoned General Agricultural (A1)





APPLICATION FOR CONSENT

See attached contact info for all owners.

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. (a) **Name of Owner** Nathan Miller, Elmer Miller & David Gascho
 Address 8150 Carter Road, Malahide, ON, N5H 2R1 (Nathan Miller)
 Telephone Number 519-765-1674 (Nathan M.) Email jformelgin@gmail.com
2. (b) **Name of owner's solicitor or authorized agent** Strik, Baldinelli, Monez Ltd. (SBM) (c/o Simona Rasanu)
 Address 1599 Adelaide St N Unit 301, London, ON N5X 4E8
 Telephone Number 519-471-6667 x 146 Email srasanu@sbmltd.ca
2. (c) **Name of Applicant** Strik, Baldinelli, Monez Ltd. (SBM) (c/o Simona Rasanu)
 Address 1599 Adelaide St N Unit 301, London, ON N5X 4E8
 Telephone Number 519-471-6667 x 146 Email srasanu@sbmltd.ca
 Relationship to Owner: Purchasing Farmer (☐) Other (☒) please specify Land Use Planner

Please specify to whom all communications should be sent:

Owner(s) (☐) Solicitor (☐) Agent (☒) Applicant (☐)

AUTHORIZATION TO APPOINT AN AGENT must be provided if an agent or solicitor is acting on behalf of the land owner or applicant.

3. (a) Type and purpose of proposed transaction: (check appropriate space)

Transfer: <input checked="" type="checkbox"/> creation of a new lot <input type="checkbox"/> addition to a lot <input type="checkbox"/> <i>surplus farm dwelling</i> ** <input type="checkbox"/> technical severance <input type="checkbox"/> other (specify) _____	Other: <input type="checkbox"/> mortgage/charge <input type="checkbox"/> lease <input type="checkbox"/> easement/R.O.W. <input type="checkbox"/> correction of title
---	---

**** If the application involves the severance of a surplus farmhouse (through farm consolidation), please complete and submit attached Appendix "B" – "Surplus Farm Dwelling Information Form."**

- (b) Name of person(s), if known, to whom land or interest in land is to be transferred, leased or charged:

- (c) If a lot addition, identify the assessment roll number and property owner of the lands to which the parcel will be added:

NA

4. (a) Location of land:

Municipality Malahide Concession No. 5
 Lot(s) No. 31 Registered Plan No. 11R6643
 Name of Street Carter Road Street No. and/or 911 No. 8150
 Assessment Roll No. 340800003017700

(b) Are there any easements or restrictive covenants affecting the subject land?

Yes ☐ No ☐ If Yes, describe the easement or covenant and its effect:
 No known easements

5. Description of land intended **to be severed**: (Accurate Measurements in Metric)

Frontage 544.3 m Depth 413.0 m (longest) Area 22.4 ha
 Existing Use Agricultural Proposed Use Agricultural

Number and use of buildings and structures on the land to be severed:

Existing 0
 Proposed 0

6. Description of land intended **to be retained**: (Accurate Measurements in Metric)

Frontage 580.8 m Depth 413.0 m Area 22.4 ha
 Existing Use Agricultural Proposed Use Agricultural

Number and use of buildings and structures on the land to be retained:

Existing 1 principal dwelling, 1 seasonal farm dwelling; multiple agricultural accessory structures
 Proposed Substantially the same, except some agricultural structures may be removed & replaced.

See
building
details on
Severance
Sketch

7. Number of new lots proposed (including retained lots) 2

8. Type of access for proposed and retained lot: (check appropriate space)

TYPE	PROPOSED LOT	RETAINED LOT
Provincial Highway	<input type="checkbox"/>	<input type="checkbox"/>
Municipal road, maintained all year	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Municipal road, seasonally maintained	<input type="checkbox"/>	<input type="checkbox"/>
Other public road	<input type="checkbox"/>	<input type="checkbox"/>
Right Of Way	<input type="checkbox"/>	<input type="checkbox"/>
Water access	<input type="checkbox"/>	<input type="checkbox"/>

If proposed access is by water, what boat docking and parking facilities are available on the mainland?
 (specify) _____

9. (a) What type of water supply is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated piped water system	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Privately owned and operated individual well **	(<input type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Privately owned and operated communal well **	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Lake or other water body	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Other means (specify)	_____	_____

- (b) ** If existing water supply is provided from a privately owned and operated individual/communal well, **the owner shall be required to provide written confirmation from a licensed well installer that the private well provides the quality and quantity of potable water required by Provincial standards. (Written confirmation to be attached to the Application); AND**

- (c) ** **A water quality test by the applicable public health unit is required (Written confirmation to be attached to the Application)**

10. (a) What type of sewage disposal is proposed: (check appropriate space)

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
Publicly owned and operated sanitary sewage system	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Privately owned and operated individual septic Tank **	(<input type="checkbox"/>)	(<input checked="" type="checkbox"/>)
Privately owned and operated communal septic System **	(<input type="checkbox"/>)	(<input type="checkbox"/>)
Other means (specify)	_____	_____

- (b) **If existing sewage disposal is privately owned, **the owner shall be required to provide written confirmation from a licensed septic installer that the system is in satisfactory operating condition. (Written confirmation to be attached to the Application)**

NOTE: If 9(b), 9(c) and 10(b) are not provided, the application is not considered complete and the application will not be accepted until such time as the outstanding items have been provided and it is deemed complete.

11. When will water supply and sewage disposal services be available?

Already available on the Subject Property (retained parcel); severed/proposed lot does not require services as no new structures are currently proposed.

12. What is the existing Official Plan designation(s) of the subject land?

Elgin County OP: Agricultural Area; Malahide OP: Agriculture

13. What is the existing Zoning designation(s) of the subject land?

Malahide Zoning By-law: A3 (Agricultural)

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. (a) Has there been any previous severances of land from this holding?

Yes ☐

No ☐ Unknown, but unlikely

- (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) 22

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?

Yes ☐ No ☐

- | | | | |
|-----|--------------------------------------|------------------------------|--|
| i) | Now used for livestock? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| ii) | Capable of being used for livestock? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

- (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 ☐

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 submission; file # unknown at this time.

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 section 5.4 of the 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
NA

24. Did pre-consultation occur with the local Municipality and/or other agencies?

Yes ☒

No ☐

Enter date of consultation and contact person

January 19, 2022; Dan Smith & Eric Steele (Monteith Brown Planning Consultants)

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: **Sketch attached as Appendix C to the Planning 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 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 City of London
 (Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)
 this 7th day of October 2022
 (day) (month) (year)



SIGNATURE OF APPLICANT(S), SOLICITOR OR AUTHORIZED AGENT

AFFIDAVIT OR SWORN DECLARATION

I/We Simona Rasanu 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 in this application is true, 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 in the
City of London
 (Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)

in the County of Middlesex this 7th day of October
 (County/Region if applicable) (Day) (Month)
 20 22
 (Year)


 Signature

 Signature


 A Commissioner, etc.

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

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:

8150 Carter Road, Malahide, ON, N5H 2R1

8150 Carter Road, Malahide, ON, N5H 2R1

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

Strik, Baldinelli, Moniz Ltd. (SBM) (c/o Simona Rasanu) of City of London to:
(Agents Name/Names) (Agents City/Town of Residence)

- (1) make an application on my behalf to the County of Elgin Land Division Committee;
- (2) appear on my behalf at any hearing(s) of the application; and
- (3) provide any information or material required by the Land Division Committee relevant to the application.

Please Print Names in Block Letters Below Signatures

Dated at the Township of Malahide
(Municipality/Township/City/etc.) (Name of Municipality/Township/City/etc.)
this 10th day of August 20 22
(Day) (Month) (Year)

Nathan Miller
Name of Owner

Nathan Miller
Signature of Owner

Elmer Miller
Name of Owner

Elmer Miller
Signature of Owner

David Gascho
Name of Owner

David Gascho
Signature of Owner

Jethro Miller
Name of Witness

Jethro Miller
Signature of Witness



PLANNING JUSTIFICATION REPORT

8150 Carter Road, Malahide, Elgin County

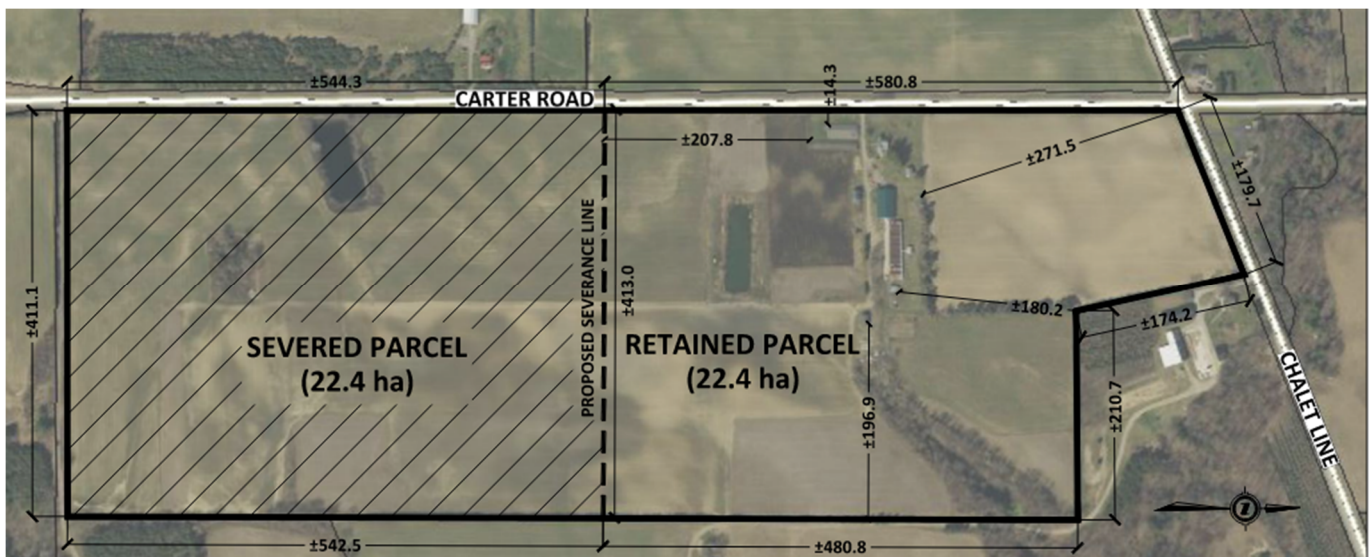
PROPOSED ZONING BY-LAW AMENDMENT AND CONSENT APPLICATIONS TO CREATE A NEW AGRICULTURAL LOT

Prepared for:
Nathan Miller
8150 Carter Road
Malahide, ON
N5H 2R1

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

SBM-21-3490

October 7, 2022





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

www.sbmltd.ca
sbm@sbmltd.ca

7 October 2022
SBM-21-3490

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

RE: Planning Justification Report – 8150 Carter Road, Malahide, Elgin County

Strik, Baldinelli, Moniz Ltd. has been retained by Nathan Miller (the “Property Co-Owner”) to prepare and submit Zoning By-law Amendment and consent to sever applications for the property municipally known as 8150 Carter Road, a rural farm property located at the southeast corner of the Carter Road and Chalet Line intersection in southeast Malahide, Elgin County.

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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Appendix C – Severance Sketch (SP1)

Severance Context and Zoning Charts (SP2)

Appendix D – Record of Pre-Application Consultation – January 19, 2022

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 8150 Carter Road (the “Subject Property”) is a rural farm property in southeast Malahide located on the east side of Carter Road at the southeast corner of the Carter Road and Chalet Line intersection (see **Figure 1** in Appendix A). It has frontages on both Carter Road and Chalet Line – the main entrance to the farmhouse is off Carter Road (see **Photo #1** in Appendix B). Except for a small irregular portion near the Carter Road entrance, it is a regularly shaped parcel with an area of 44.8 hectares, a lot frontage along Carter Road of 1,125.1 square metres and a lot frontage along Chalet Line of 179.7 metres.

The northern portion of the Subject Property is improved with structures – the main farmhouse, two greenhouses near the entrance and agricultural accessory structures (see **Photos #1-8** in Appendix B, as well as the Severance Sketch (SP1) and the Severance Context and Zoning Charts (SP2) in Appendix C (the “Severance Sketch”). The southern portion does not have any structures. Irrigation ponds are present throughout and facilitate farming operations. A small cluster of trees can be found in the centre of the southern portion, and a strip of trees can be found in the northeast portion of the Subject Property (see Severance Sketch for details).

The Subject Property was purchased in early 2021 by three individual members of the same family. According to the Co-Owner, it is a former tobacco farm currently being transitioned to the cultivation of hay and various fruit and vegetable produce that includes ginseng, watermelon, squash and related gourds, lettuce and tomato. The Subject Property is farmed by the Co-Owners and by nearby farmers who lease portions of it. As part of their normal farm practices, the Co-Owners use draft horses to pull ploughs and other farm equipment – tractors and highly mechanized equipment are not used to farm the land.

The Subject Property is accessed from Carter Road – the three existing access points are indicated on the Severance Sketch. It is currently serviced by two private septic tanks and one water well located near the main farmhouse, as shown on the Severance Sketch.

3 SURROUNDING CONTEXT

The surrounding land uses are mainly agricultural uses – primarily corn and other grain crops along with some tobacco. The primarily agricultural uses are interspersed with forested/woodland areas – forested areas are particularly evident north of Chalet Line and immediately to the south of the Subject Property (see **Figure 2** in Appendix A). Aerial mapping shows a variety of parcel shapes and sizes. For example, immediately to the west of the Subject Property, the property municipally identified as 52515 Chalet Line has an approximate area of 21 hectares and the property identified as 8075 Carter Road has an approximate area of 20.6 hectares.

4 DEVELOPMENT PROPOSAL

The Subject Property is proposed to be divided/severed into two equal parts, as shown on the Severance Sketch.

Lands proposed to be retained – northern retained parcel is proposed to have an area of 22.4 hectares. Being a corner lot, it would have a lot frontage with respect to Carter Road of 580.8 metres and a lot frontage with respect to Chalet Line of 179.7 metres. Existing agricultural uses are the production of fruits and vegetables. Proposed agricultural uses are ginseng and other fruits and vegetables, corn (small proportion), and hay primarily produced from alfalfa.

Lands proposed to be severed – southern severed parcel would also have an area of 22.4 hectares. It would have access to Carter Road and a lot frontage of 544.3 metres. The resulting lot would be rectangular. Existing agricultural uses are hay and vegetable farming and proposed agricultural crops are hay, corn, and ginseng.

The primary objective of the land severance proposal (the “Severance Proposal”) is to change the existing property ownership such that two of the existing co-owners would own one parcel, and the third co-owner would be the sole owner of the second parcel. The Co-Owner has advised that there are no plans to build any new structures on either of the two proposed parcels and that the Subject Property would continue to be used for agricultural purposes, although the proportion of land allocated to different types of crops will change as the farm transitions from the former tobacco cultivation to a mix of crops that include a variety of fruits and vegetables, as well as some corn and hay. Fruits and vegetables will be grown in the greenhouses and on the field.

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 in half 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. 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 consent 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. Except for the proposed creation of a new lot, no new development is being proposed (i.e., no new structures). The proposed new lots are suitable for their intended purpose, namely agricultural uses, as the 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 the Severance Proposal substantially conforms to County and Municipal Official Plans. 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 is associated with 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, does not 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: This policy is not applicable as there is no evidence of livestock facilities within 750 metres of the Subject Property. Although the Subject Property has a barn with one (1) horse used by the Co-Owner for personal transport, the customary definition of “livestock facility” excludes pets or animals housed for recreational or hobby purposes. As such, the barn cannot be characterized as a livestock facility.

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: The Subject Property is being transitioned by the co-owners from a monocrop (i.e., tobacco) farm to mixed field and fruit/vegetable crops – the rehabilitation of the two existing greenhouses to facilitate greenhouse farming is a component of their plans. Greenhouse farming tends to occur, on average, on smaller parcels of land in comparison to field crops such as corn and wheat. For example, although comparable data for Elgin County was not found, a 2017 study of agricultural lot size in Essex County, a region in southwestern Ontario, found that the average greenhouse farm parcel was approximately five (5) hectares¹. This is significantly smaller than the 22.4 hectares being proposed for each of the retained and severed parcels.

Furthermore, as previously noted, aerial mapping shows a variety of parcel shapes and sizes in the surrounding area, including farm properties similar in size to those being proposed (e.g., 52515 Chalet Line, 8075 Carter Road, as previously noted) and smaller than what is being proposed (e.g., 52981 Chalet Line with an area of 14.8 hectares). The proposed severed and retained parcels are sufficiently large to allow for a variety of crops and to provide the farmer-owners the flexibility to change crop types.

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.

¹ Jones Consulting Group Ltd. January 2017. County of Essex Agricultural Lot Size Study. Retrieved February 16, 2022 from https://www.countyofessex.ca/en/doing-business/resources/Documents/agricultural_lot_size_study.pdf

5.5 Elgin County 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 3** 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."*

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 the land in a manner that provides for an ownership structure of their choosing. No new land uses and structures are being proposed.

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;"*

Response: Both the retained and severed parcels will front on public roads that are characterized as "local" roads in the County Official Plan – Schedule 'B' Transportation. The severed parcel will front on Carter Road while the retained parcel will front on both Carter Road and Chalet Line.

- "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, Carter Road and Chalet 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. The final approval of the consent application would be conditional on the approval of the Zoning By-law Amendment application.

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: Agreed, as noted above.

“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: The private septic system and water well have been professionally inspected and found to be in satisfactory condition – confirmation is submitted to support the consent application, as required by Elgin County.

“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 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: A small northeast portion of the Subject Property is regulated by the Catfish Creek Conservation Authority, as shown on **Figure 5** in Appendix A. This corresponds more or less with the Woodlands designation in the Elgin Official Plan – Appendix #1 Natural Heritage Features and Areas (see **Figure 4** in Appendix A). The woodlot would be incorporated within the retained parcel boundaries.

“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, an increase in density is not proposed.

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

Response: There are no identified hazard features on the Subject Property. Furthermore, dividing the Subject Property in half while maintaining the existing agricultural uses would have no impact on natural hazard processes.

“l) conform with the local Official Plan; and,”

Response: Conformance with the Malahide Official Plan is discussed below.

“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 the following 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 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. The existing farmhouse building will remain within the boundaries of the retained parcel and no new construction is proposed on either of the two parcels.

“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 proposal is not a surplus farm dwelling severance. The existing agriculture-related uses (e.g., storage building) will be incorporated entirely within the retained parcel.

5.6 Malahide Official Plan

The Subject Property is designated Agriculture in the Official Plan (Schedule ‘A1’ Land Use) (see **Figure 6** in Appendix A). These lands are classified as *“prime agricultural areas”* (Policy 2.1.2.1). Section 2.1.6 outlines land

division policies. The creation of agricultural parcels which deviate from the minimum lot size prescribed in the Malahide Zoning By-law is permitted subject to the following policies:

“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 like 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 crops and farming techniques, 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 crops, particularly those grown in greenhouses, can be successfully grown using much smaller land areas. Greenhouse farming is one of the types of farming planned for the Subject Property.

Both the retained and severed parcel would continue to be used for agricultural purposes – the actual crop allocation is still being finalized during the transition process, but, in general, hay and a variety of fruits and vegetables, including ginseng, are being proposed. The proposed 22.4-hectare area for each of the retained and severed parcel is not unusually small. In fact, the proposed areas reflect some of the surrounding farm parcel areas and there is no evidence these farms are not viable. Finally, the Minimum Distance Separation (MDS) formula is not applicable for the reasons previously stated.

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

Response: This is not applicable as no new construction is being proposed on either of the two parcels.

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 7** in Appendix A). This zone is like the A1 Zone, which applies to the majority of lands designated Agriculture in the Malahide Official Plan. The A1 Zone 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 is 20 hectares.

The A3 Zone is virtually identical to the A1 Zone - the exception being that a minimum lot area of 40 hectares applies. It is intended primarily as a means of identifying larger, contiguously owned and/or cultivated farmland parcels which may or may not be further subdivided into smaller holdings provided, amongst other matters, each parcel comprises a minimum lot area of 40 hectares.

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). The only difference in performance standards between the two zones is the minimum lot area, as previously noted.

Both the A1 Zone and the A3 Zone have a maximum of one (1) dwelling per lot. The Severance Sketch identifies two (2) dwellings on the Subject Property, namely the main farmhouse (principal dwelling) and a structure identified as a “seasonal farm dwelling” constructed to house migrant farm workers. Both the existing A1 Zone and the proposed A3 Zone permit a seasonal farm dwelling. These two dwellings are proposed to stay in their existing location and would thus be incorporated within the boundaries of the retained parcel. The zoning chart on the Severance Sketch compares the proposed retained and severed parcel metrics, most of which are existing, against the proposed A1 Zone requirements. There are no variances.

6 **CLOSING**

Based on a review of the relevant policies and regulatory framework for the Subject Property, the proposed Consent to Sever 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 being transitioned to new crops and farming techniques and are sufficiently large to allow for a variety of crops and to provide the owner farmers the flexibility to change crop types. The lot sizes are also compatible with and reflective of surrounding lot sizes, which is reflected in the A1 Zone applied to neighbouring properties to the west of the Subject Property fronting onto Chalet Line.
- 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 zone change because the existing zone has a minimum lot size of 40 hectares. However, the Malahide Zoning By-law provides for much smaller lot sizes, including the 20-hectare minimum lot size being proposed for the severed and retained lots.

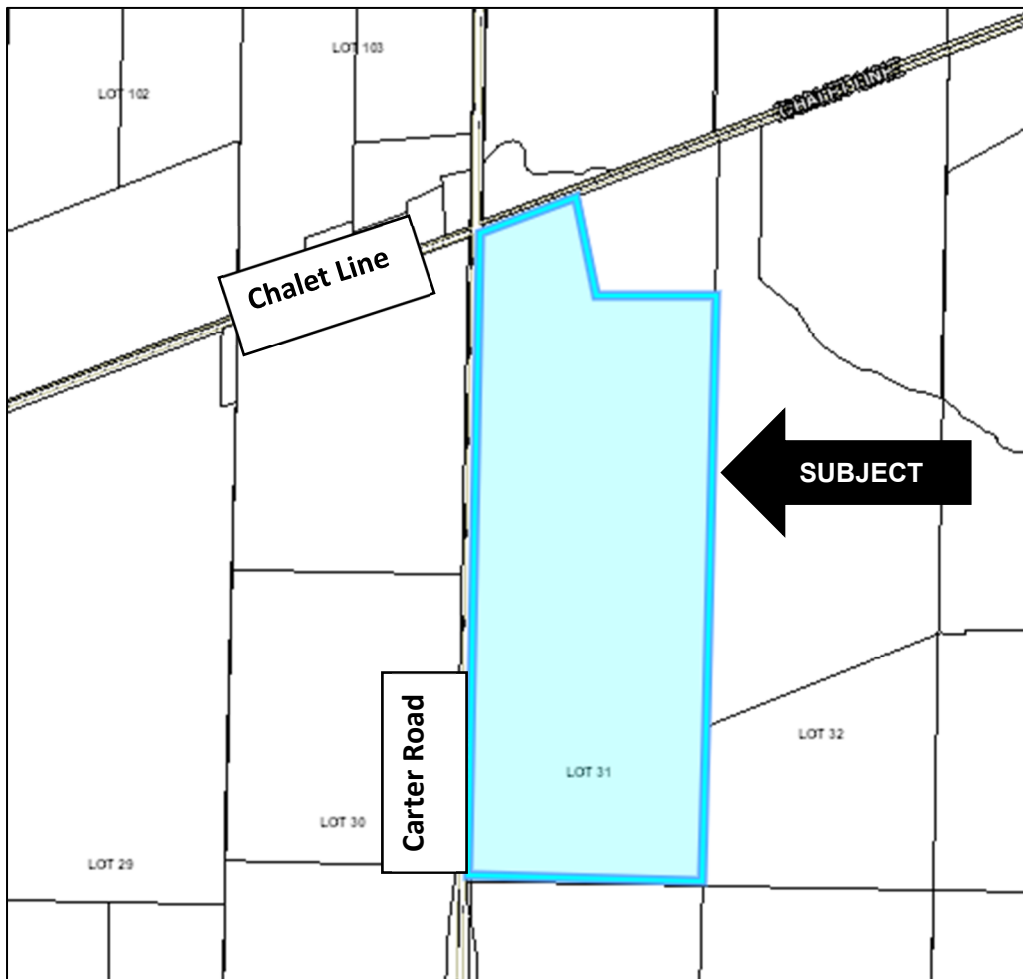
For the reasons noted above and throughout this report, the proposed consent and Zoning By-law Amendment applications represent sound land use planning practice.

Strik, Baldinelli, Moniz Ltd.

Planning • Civil • Structural • Mechanical • Electrical



Simona Rasanu, RPP, MCIP
Planner

Appendix A: Figures 1-7

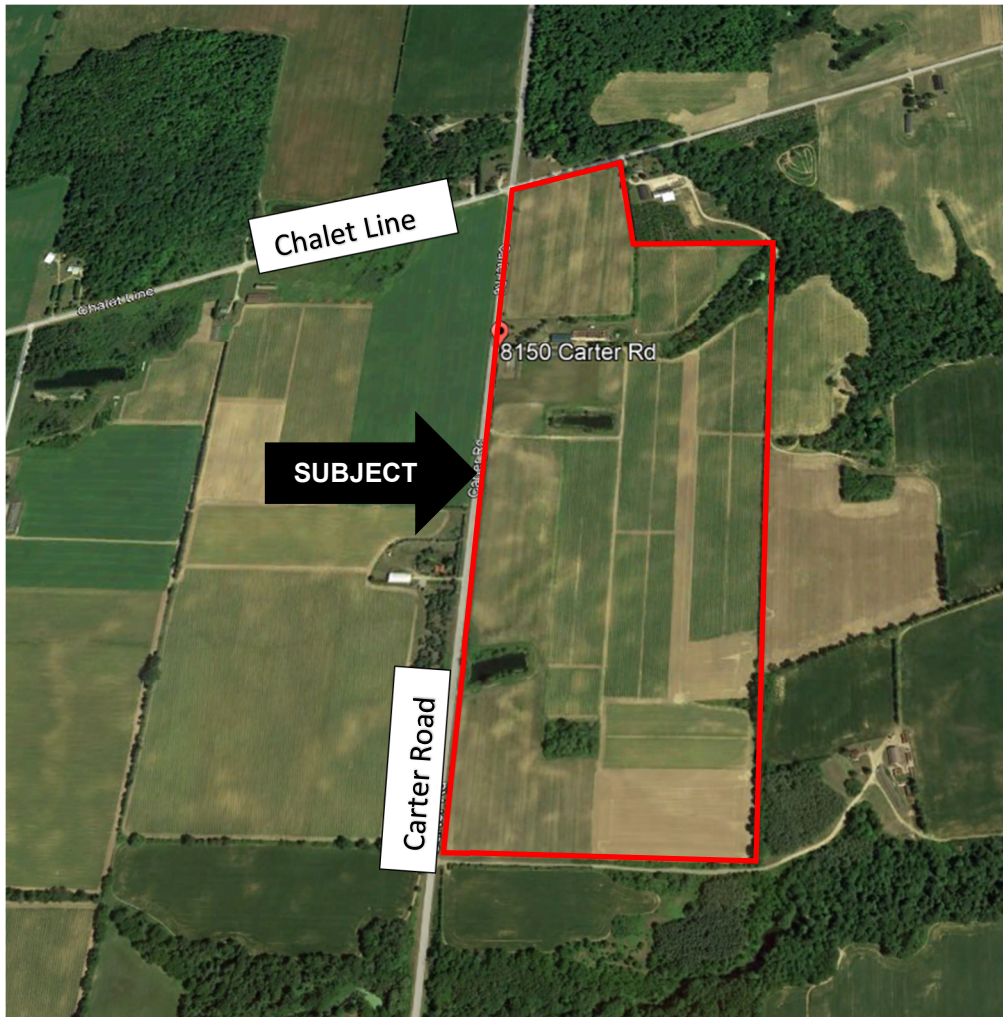


Figure 2. Aerial view of Subject Property and surrounding agricultural uses

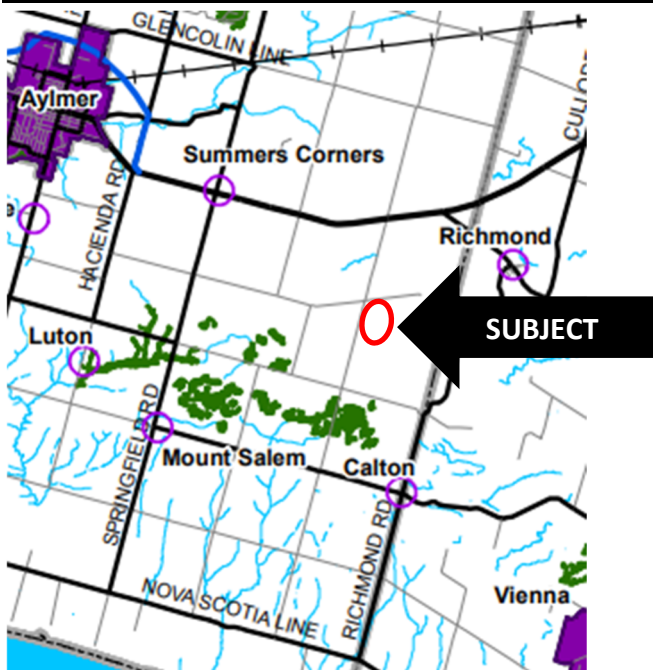


Figure 3. County of Elgin Official Plan land use designation – Agricultural Area (Source: Schedule 'A' Land Use)

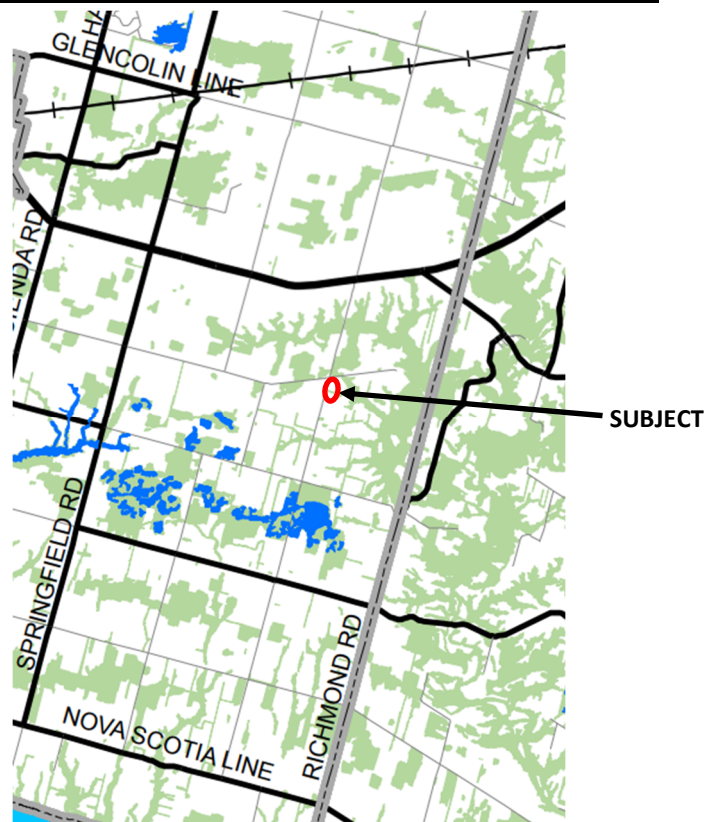


Figure 4. County of Elgin Official Plan natural features (Source: Appendix #1 Natural Heritage Features and Areas)

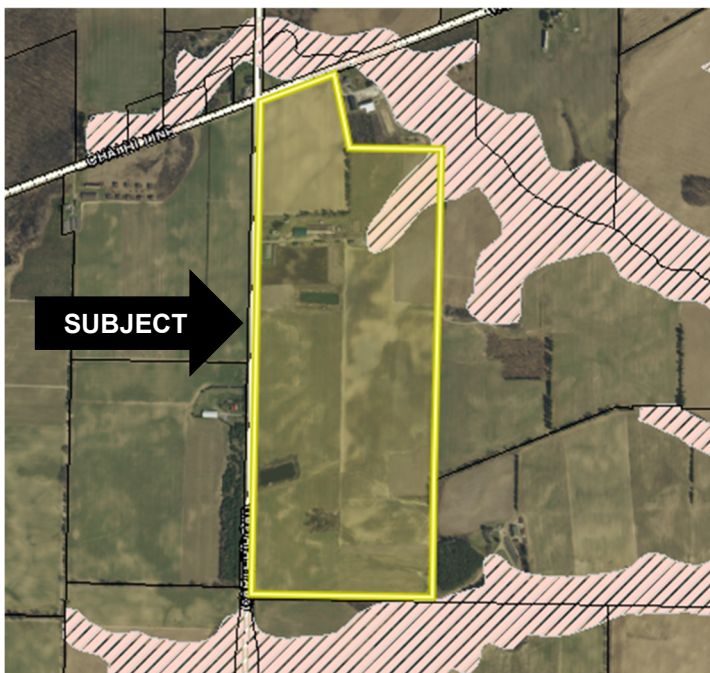


Figure 5. Aerial view of Subject Property showing Conservation Authority Regulation Limits (Source: Elgin Mapping)

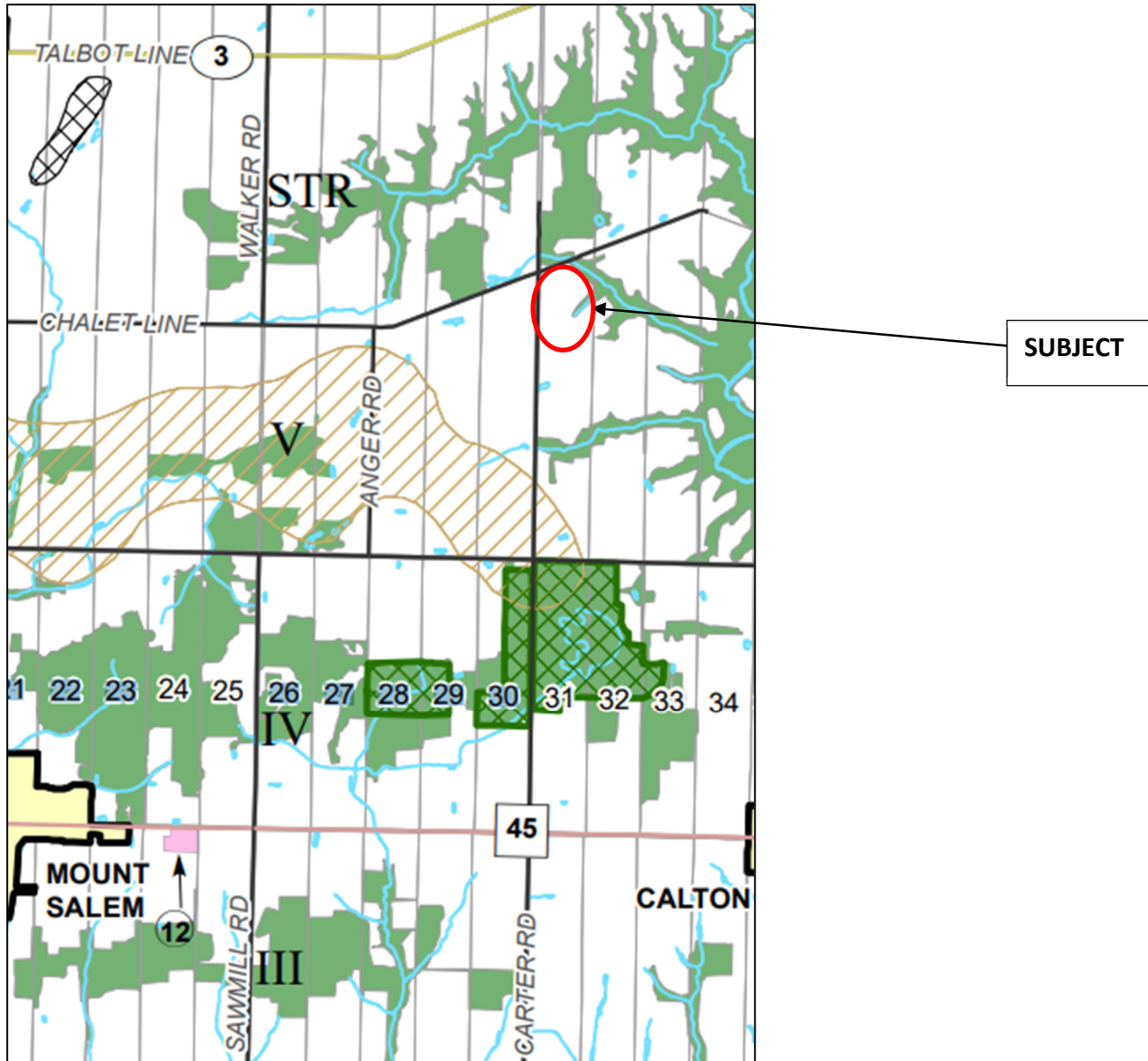


Figure 6. Malahide Official Plan land use designation - Agriculture (Source: Schedule 'A' Land Use)

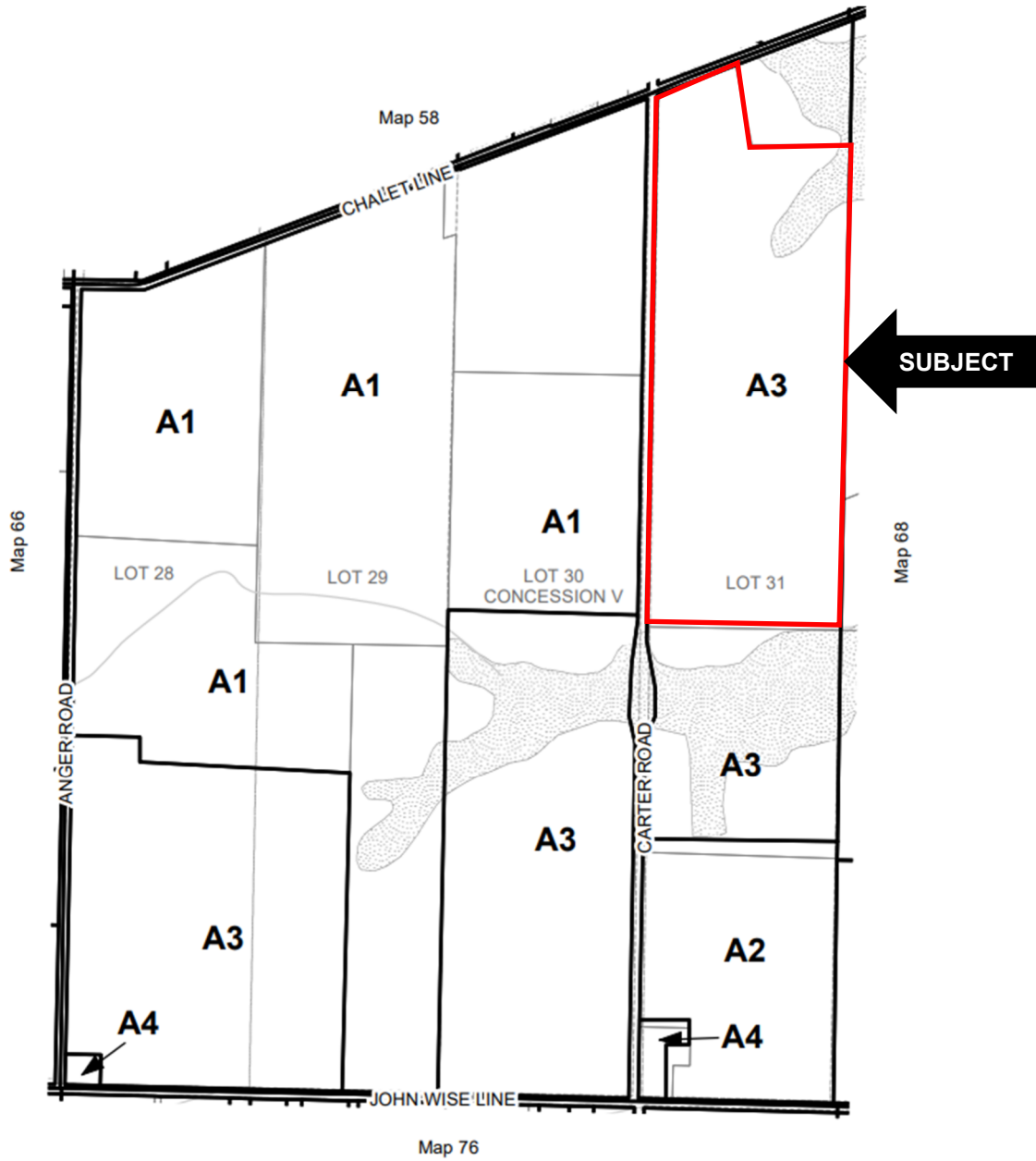


Figure 7. Existing zoning (Source: Malahide Zoning By-law map 67)

Appendix B: Photos #1-8



Photo 1: Subject Property main farmhouse



Photo 2: View of two existing greenhouses near the Carter Road entrance looking southwest



Photo 3: Greenhouse #1 with an approximate footprint area of 391 square metres.



Photo 4: Greenhouse #2 with an approximate footprint area of 420 square metres & abandoned water tower.



Photo 5: Accessory building - barn and farm produce storage building



Photo 6: Accessory building - barn



Photo 7: Accessory building - shed



Photo 8: Former tobacco kilns

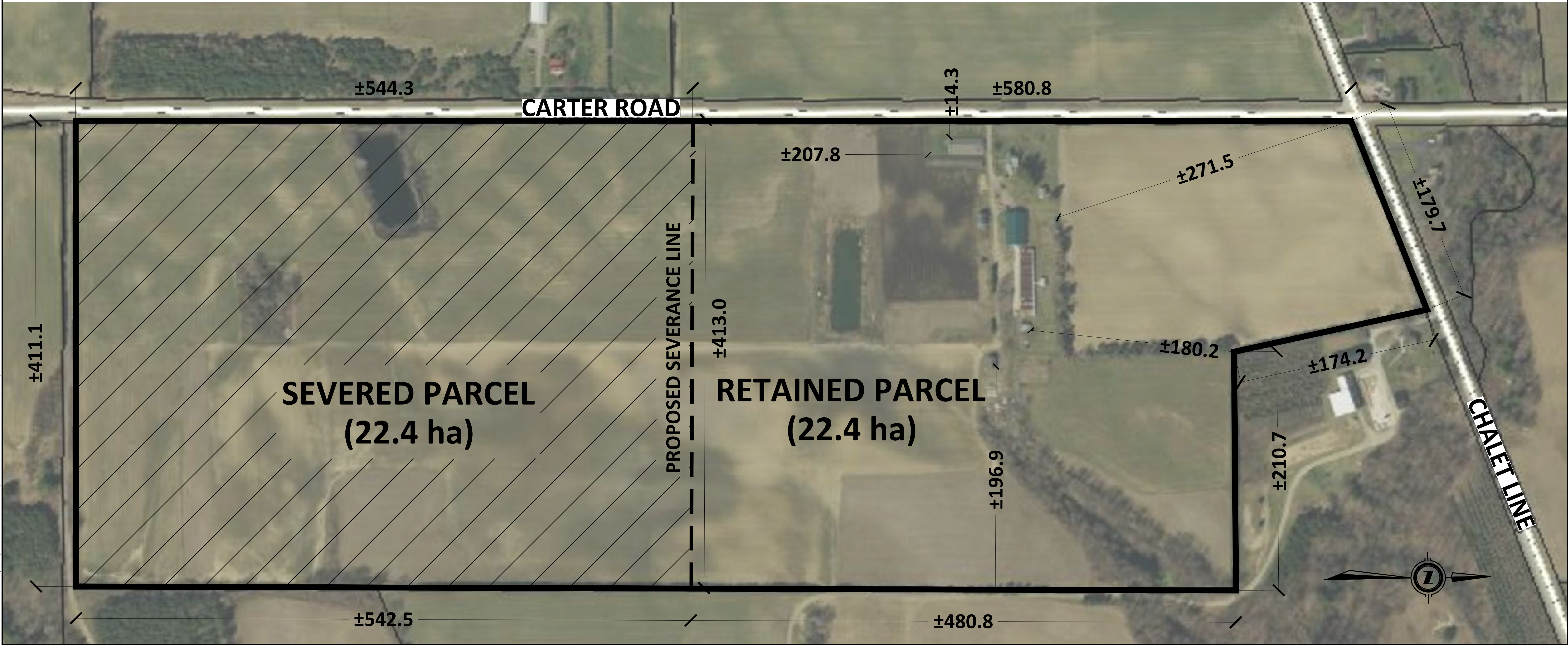
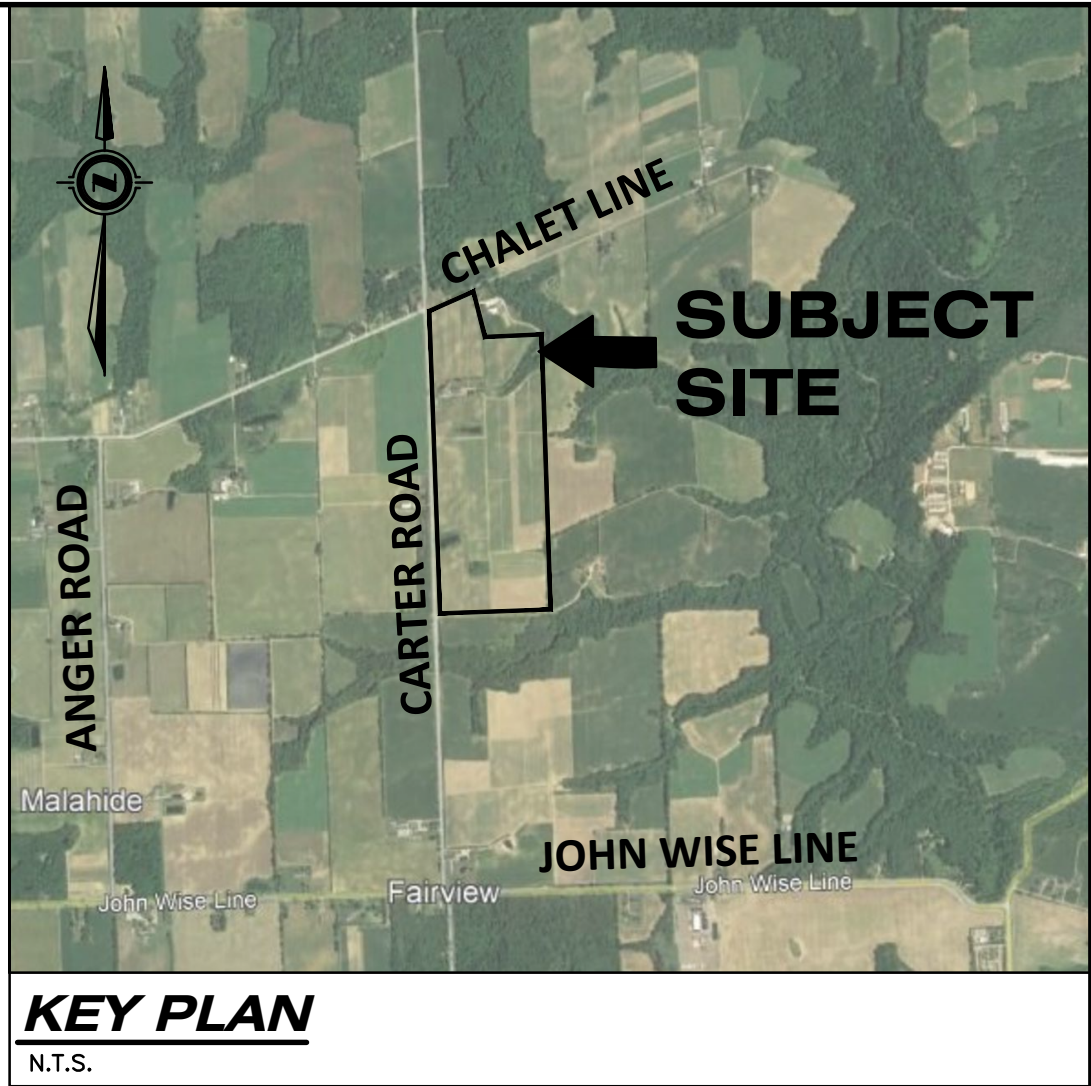
ZONING DATA CHART
SEVERED PARCEL

GROSS SITE AREA: 224,011.9 m ²		GRAVEL AREA: N/A	
BUILDING AREA: N/A		LANDSCAPED AREA: 224,011.9 m ²	
ITEM	A1	REQUIRED	PROVIDED
1	LOT AREA (ha MIN)	20.0	22.4
2	LOT FRONTAGE (m MIN)	150.0	544.3
3	FRONT YARD DEPTH (m MIN)	15.0	N/A
4	INTERIOR SIDE YARD (m MIN)	5.0	N/A
5	EXTERIOR SIDE YARD (m MIN)	9.0	N/A
6	REAR YARD (m MIN)	7.5	N/A
7	LOT COVERAGE (%) MAX	20.0	0.0
8	DWELLING MAX HEIGHT (m)	10.5	N/A
9	DWELLING FLOOR AREA (m ² MIN)	90.0	N/A
10	MAXIMUM DWELLINGS PER LOT	1	N/A

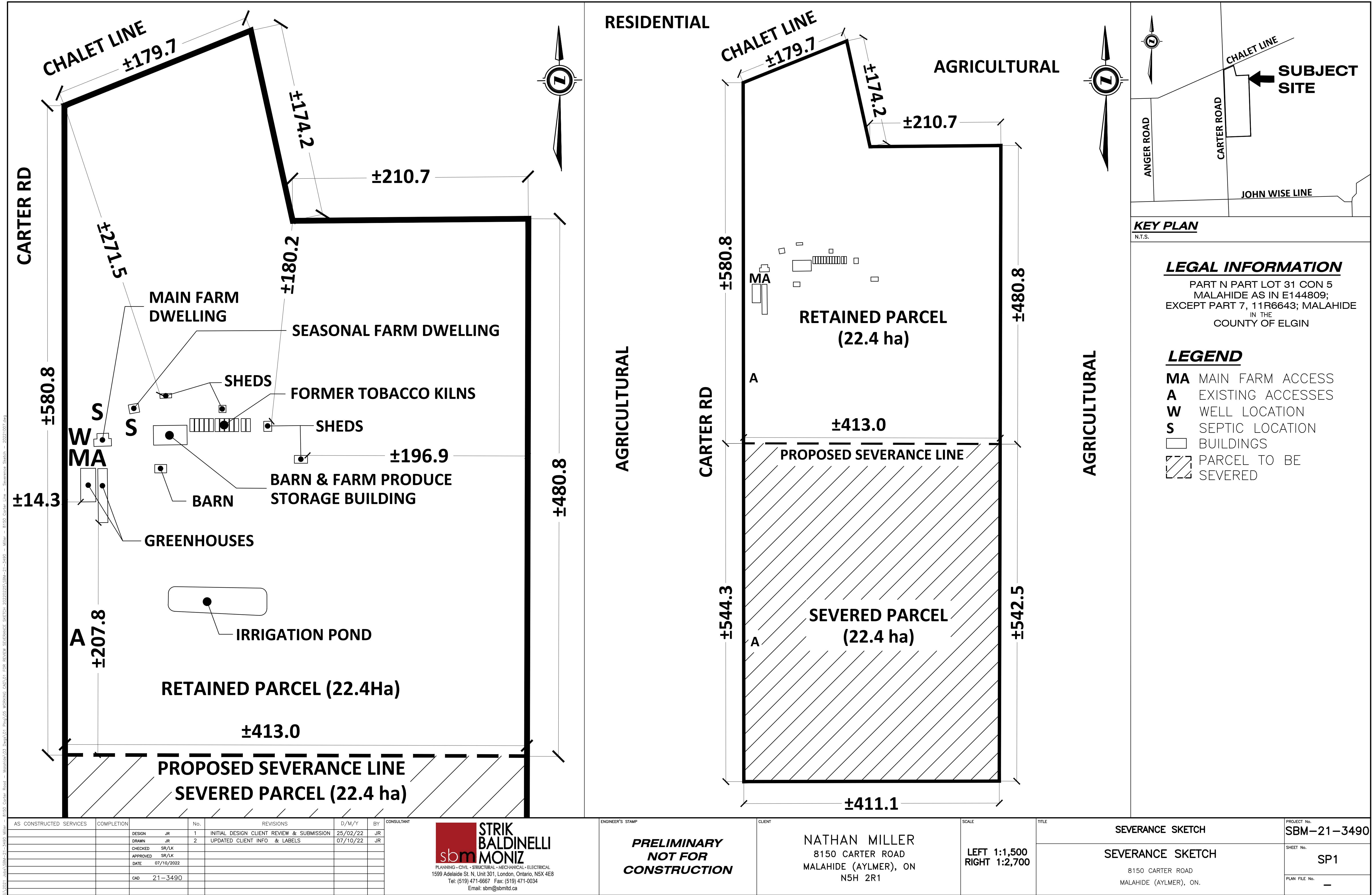
ZONING DATA CHART
RETAINED PARCEL

GROSS SITE AREA: 224,006.5 m ²		GRAVEL AREA: 9,616.3 m ²	
BUILDING AREA: 2,406.4 m ²		LANDSCAPED AREA: 211,983.8 m ²	
ITEM	A1-XX*	REQUIRED	PROVIDED
1	LOT AREA (ha MIN)	20.0	22.4
2	LOT FRONTAGE (m MIN)	150.0	179.7
3	FRONT YARD DEPTH (m MIN)	15.0	269.5
4	INTERIOR SIDE YARD (m MIN)	5.0	194.1
5	EXTERIOR SIDE YARD (m MIN)	9.0	14.0
6	REAR YARD (m MIN)	7.5	205.0
7	LOT COVERAGE (%) MAX	20.0	1.1
8	DWELLING MAX HEIGHT (m)	10.5	<10.5
9	DWELLING FLOOR AREA (m ² MIN)	90.0	155.1 & 72.1
10	MAXIMUM DWELLINGS PER LOT	1	2 (INCLUDING 1 SEASONAL FARM DWELLING)

LEGAL INFORMATION
PART N PART LOT 31 CON 5
MALAHIDE AS IN E144809;
EXCEPT PART 7, 11R6643; MALAHIDE
IN THE
COUNTY OF ELGIN



AS CONSTRUCTED SERVICES		COMPLETION	No.	REVISIONS	D/M/Y	BY	CONSULTANT	STRIK BALDINELLI MONIZ <small>PLANNING • CIVIL • STRUCTURAL • MECHANICAL • ELECTRICAL 1599 Adelaide St. N, Unit 301, London, Ontario, N5X 4E8 Tel: (519) 471-6667 Fax: (519) 471-0034 Email: sbm@sbmltd.ca</small>	PRELIMINARY NOT FOR CONSTRUCTION	CLIENT NATHAN MILLER 8150 CARTER ROAD MALAHIDE (AYLMER), ON N5H 2R1	SCALE 1:1,700	TITLE SEVERANCE CONTEXT & ZONING CHARTS		PROJECT No. SBM-21-3490
	DESIGN	JR	1	INITIAL DESIGN CLIENT REVIEW & SUBMISSION	25/02/22	JR						SEVERANCE CONTEXT		SHEET No. SP2
	DRAWN	JR	2	REVISIONS TO LABELS/DESCRIPTORS	29/07/22	SC						8150 CARTER ROAD MALAHIDE (AYLMER), ON.		PLAN FILE No. —
	CHECKED	SR/LX	3	UPDATED ZONING CHART	07/10/22	JR								
	APPROVED	SR/LX												
	DATE			07/10/2022										
	CAD		21-3490											





101
J.B. Wilson & Son
Well Drilling Ltd.



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June 28/2022

Nathan Miller
8150 Carter Rd.
Aylmer, ON N5H 2R1

To Whom It May Concern:

I am sending this information to confirm that the well that exists at #8150 Carter Road was constructed using the Ministry of the Environment Regulation #903 as a guideline.

Find attached a copy of the water well record indicating the capacity and depth of the well which produces at least 7 gallons per minute of potable water. Also the bacteriological report indicates total coliform – 0, E.coli – 0.

If you require any additional information, please contact me.

M.O.E.
Contractor #5466
Well Technician #T-362

Regards,

John R. Wilson
John B. Wilson & Son Well Drilling Ltd.

Measurements recorded in: ☐ Metric ☒ Imperial

Page 1 of 1

Well Owner's Information

First Name: FAIRVIEW FARMS Last Name / Organization: c/o [REDACTED] E-mail Address: [REDACTED] ☐ Well Constructed by Well Owner
Mailing Address (Street Number/Name): [REDACTED] Municipality: [REDACTED] Province: [REDACTED] Postal Code: [REDACTED] Telephone No. (inc. area code): [REDACTED]

Well Location

Address of Well Location (Street Number/Name): 8150 CARTER RD. Township: MALAHIDE Lot: 31 Concession: S
County/District/Municipality: ELGIN City/Town/Village: AYLMER Province: Ontario Postal Code: N5M2R1
UTM Coordinates: Zone: Easting: Northing: NAD 83 17 50 9 57 6 47 32 6 319 Municipal Plan and Sublot Number: Other:

Overburden and Bedrock Materials/Abandonment Sealing Record (See instructions on the back of this form)

General Colour	Most Common Material	Other Materials	General Description	Depth (m)
DARK BROWN	TOPSOIL	SAND		0 to 1
BROWN	SAND	SILT/CLAY		1 to 30
BROWN	SAND			30 to 45
GREY/BROWN	CLAY		MARBLED	45 to 46
GREY	FINE SAND			46 to 54
GREY	CLAY			54 to 57

Depth Set at (m)	Annular Space	Type of Sealant Used (Material and Type)	Volume Placed (m³/lb)
0 to 46		BENTONITE GROUT	
46 to 56		WELL SAND	

Method of Construction	Well Use
<input checked="" type="checkbox"/> Cable Tool <input type="checkbox"/> Rotary (Conventional) <input type="checkbox"/> Rotary (Reverse) <input type="checkbox"/> Boring <input type="checkbox"/> Air percussion <input type="checkbox"/> Other, specify	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Livestock <input type="checkbox"/> Irrigation <input type="checkbox"/> Industrial <input type="checkbox"/> Other, specify

Inside Diameter (cm)	Open Hole OR Material (Galvanized, Fibreglass, Concrete, Plastic, Steel)	Wall Thickness (cm)	Depth (m)
6.316	PVC	0.250	42.5 to 44
4.4	PVC	0.250	44 to 46
4.4	PVC	0.250	54 to 56

Outside Diameter (cm)	Material (Plastic, Galvanized, Steel)	Slot No.	Depth (m)
4.24	STAINLESS STEEL	10	46 to 54

Water found at Depth (m)	Kind of Water: <input checked="" type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify
46 (m)	<input type="checkbox"/> Gas <input type="checkbox"/> Other, specify
Water found at Depth (m)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify
Water found at Depth (m)	Kind of Water: <input type="checkbox"/> Fresh <input type="checkbox"/> Untested <input type="checkbox"/> Gas <input type="checkbox"/> Other, specify

Well Contractor and Well Technician Information
Business Name of Well Contractor: J.B. WILSON + SON LTD Well Contractor's Licence No.: S14166
Business Address (Street Number/Name): RR1 Municipality: SPRINGFIELD
Province: ON Postal Code: N0L2J0 Business E-mail Address: [REDACTED]

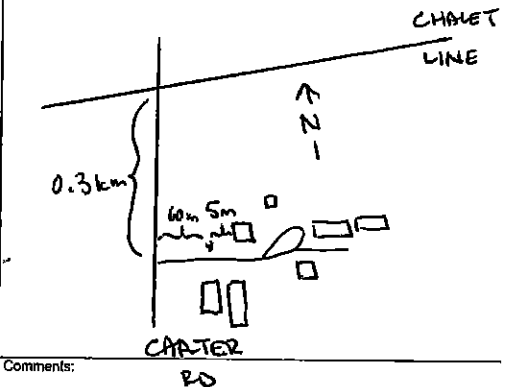
Bus. Telephone No. (inc. area code): 519 269 3364 Name of Well Technician (Last Name, First Name): WILSON, JOHN H.
Well Technician's Licence No.: 126168 Signature of Technician and/or Contractor: [REDACTED] Date Submitted: YYY YYY M M D D D
0505E (2014/11)

Ministry's Copy

Results of Well Yield Testing			
After test of well yield, water was:	Draw Down	Recovery	
<input checked="" type="checkbox"/> Clear and sand-free <input type="checkbox"/> Other, specify	Time (min)	Water Level (m)	Time (min)
If pumping discontinued, give reason:	Static Level	30.6	52
Pump Intake set at (m): 55	1	35.2	1
Pumping rate (l/min / GPM): 7 GPM	2	38.1	2
Duration of pumping: 100 hrs + 4 min	3	40	3
Final water level end of pumping (m): 52	4	41.8	4
If flowing give rate (l/min / GPM):	5	43.4	5
Recommended pump depth (m): 54	10	46.9	10
Recommended pump rate (l/min / GPM): 7 GPM	15	48.1	15
Well production (l/min / GPM): 7 GPM	20	40.6	20
Disinfected? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	25	49.6	25
	30	49.8	30
	40	49.9	40
	50	50.0	50
	60	50.0	60

Map of Well Location

Please provide a map below following instructions on the back.



Comments: 20

Well Owner's Information	Date Package Delivered	Ministry Use Only
YYY YYY M M D D D	YYY YYY M M D D D	2228571
<input type="checkbox"/> Yes <input type="checkbox"/> No	Date Work Completed: 20150903	MAR 10 2016

© Queen's Printer for Ontario, 2014

Bacteriological Analysis of Drinking Water for Private Citizen, Single Household Only
Analyse bactériologique de l'eau potable - Particuliers, Ménages unifamiliaux seulement**Submitter's Name and Mailing Address /****Nom et adresse postale de l'auteur de la demande d'analyse**

First Name, Last Name / Prénom, Nom de famille

NATHAN MILLER

Street address / Adresse municipale

8150 CARTER RD**AYLMER, ON N5H 2R1****Location of Water Source /****Emplacement de la source d'eau**

Lot, Concession / ou lot, concession

31 5

Emergency Locator # / 911#

8150

Street address / Adresse municipale

8150 CARTER RD**MALAHIDE ON N5H2R1**County / Comté: **ELGIN**Health Unit # / # du bureau de santé: **4913****Specimen details / Détails sur l'échantillon:****Barcode / Code à barres: 011997658**Phone # / # tél.: **226 667 6004**Date/Time Collected / Date/heure du prélèvement*: **2022-05-17 11:30:00**Date/Time Received / Date/heure Reçu le*: **2022-05-18 14:24:00**Purification system used (e.g. UV, filtration, etc.)? /
Système d'épuration utilisé (p. ex. rayons UV, filtration, etc.)?**No / Non**

Authorized by / Autorisé par

Chief, Medical Microbiology or Designate**Specimen Note / Note sur l'échantillon:**

This specimen was received in good condition unless otherwise stated. / À moins d'avis contraire, l'échantillon était en bonne condition au moment de la réception.

Additional information provided: SAMPLE 2**Test results / Résultats d'analyse:****Total Coliform CFU/100 mL / Coliformes totaux UFC/100 mL****0****E.coli CFU/100 mL / E. coli UFC/100 mL****0****Interpretation / Interprétation:**

There is no evidence of fecal contamination. If the results show the presence of coliforms it may be indicative of a contaminated water supply. Given the vulnerability of well water to external influences, it is important to test water frequently. Consult local health unit for information if required.

Il n'y a aucune preuve de contamination fécale. Si les résultats indiquent la présence de coliformes, cela peut être révélateur d'une source d'eau polluée. L'eau des puits étant susceptible d'être dégradée par des facteurs externes, il est important de la faire analyser fréquemment. Consultez le bureau local de santé publique pour plus de détails, si nécessaire.

Date of Analysis / Date de l'analyse: **2022-05-18**Date Read / Analyse effectuée le: **2022-05-19****Please Note / Prière de noter ce qui suit :**

The results apply to the sample as received / Les résultats s'appliquent à l'échantillon, tel que reçu.

These results relate only to the sample tested. / Le résultat obtenu se rapporte seulement à cet échantillon d'eau analysé.

Note : This water sample was only tested for the presence of both Total Coliforms and E. coli (ISO/IEC 17025 accredited tests) bacterial indicators of contamination by Membrane Filtration. The sample was not tested for other contaminants, including chemical contaminants, and therefore may be unsafe to drink even when there is no significant evidence of bacterial contamination. Contact your local public health unit for information on testing for other contaminants. / Remarque: Cet échantillon d'eau n'a été analysé que pour déceler (par un laboratoire accrédité conformément à la norme ISO/IEC 17025) la présence des coliformes totaux et des bactéries colibacillaires, indicateurs de contamination par filtration sur membrane. L'échantillon n'a pas été testé pour d'autres contaminants, y compris les contaminants chimiques et, par conséquent, l'eau peut être impropre à la consommation même lorsqu'il n'y a aucune preuve significative de contamination bactérienne. Veuillez communiquer avec le bureau de santé publique de votre localité pour vous renseigner au sujet de l'analyse visant à détecter la présence d'autres contaminants.

If the reported client information does not match the information you supplied on the form please contact the PHO Customer Service Centre. Telephone: 1-877-604-4567 or 416-235-6556 or E-mail: customerservicecentre@oahpp.ca. For operating hours see our website www.publichealthontario.ca/labs. / Si les informations sur le client indiquées ne correspondent pas aux informations que vous avez fournies sur le formulaire, veuillez communiquer avec le Service à la clientèle de SPO par téléphone au 1-877-604-4567 ou 416-235-6556, ou par courriel au customerservicecentre@oahpp.ca. Pour connaître les heures d'ouverture, veuillez consulter notre site Web à www.publichealthontario.ca/labs.

End of report / Fin du rapport

*All time values are EST / EDT / Toutes les heures sont exprimées en HNE ou en HAE.

Print Date / Date d'impression*: 2022-05-19

Date Reported / Date du rapport*: 2022-05-19 14:04:00

Page 1 of 1

LIMS Report #: 45526002

T_SingleSampleOPHL_WATPRIVATE.rpt

R. Good Concrctete
53290 Glencolin Line
Aylmer, Ontario

To whom it may concern:

The septic system at 8150 Carter Road Malahide Ontario was visually inspected for Nathan Miller and found to be in working order on March 17, 2022.

Roger Good
BCIN:44331
R. Good Concrete
Organization BCIN:109301

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.
2. That the applicants initiate and assume all planning costs associated with the required Official Plan Amendment, Zoning Amendment, Minor Variance 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. 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.
4. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
5. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
6. 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.



Report to Council

REPORT NO.: DS-22-51

DATE: December 1, 2022

ATTACHMENT: Application, By-law, Comments Received

SUBJECT: **ZONING BY-LAW AMENDMENT APPLICATION OF DAVID DALE (AUTHORIZED AGENT: MICHAEL DOWN)**

LOCATION: Plan 55, Lots D & R, Part Lots B, C, S & T,
(49485 Dexter Line, Port Bruce)

Recommendation:

THAT Report No. DS-22-51 entitled “Zoning By-law Amendment Application of David Dale” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z14-22 of David Dale, relating to the property located at PLAN 55 LOTS D & R PT LOTS;B,C,S & T RP 11R6347 PARTS;1,2,3 ALL JEFFERSON ST/PT;MCKENZIE, and known municipally as 49485 Dexter Line in the Village of Port Bruce, BE DENIED for the reasons set out in this Report.

Background:

The subject Zoning By-law Amendment Application (the “Application”) has been submitted by Michael Down on behalf of David Dale, to rezone the subject property from ‘Village Residential 2 (VR2)’ to ‘Village Residential 2 – Special (VR2-XX)’ to permit a reduced lot frontage from 25m to 20m in order to facilitate the severance of 2 new residential lots from the subject property.

The Application relates to the property located in the Village of Port Bruce at PLAN 55 LOTS D & R PT LOTS;B,C,S & T RP 11R6347 PARTS;1,2,3 ALL JEFFERSON ST/PT;MCKENZIE and known municipally as 49485 Dexter Line.

Notice of the Application has been circulated to agencies and registered property owners as prescribed and regulated by the Planning Act, RSO 1990, and the Malahide

Official Plan, including posting notice in two recent issues of the Aylmer Express.

Comments/Analysis:

The subject property is approximately 0.54 hectares (5,481 m²) in area, has approximately 62 metres of frontage on Dexter Line, and a depth ranging from approximately 79 metres to 92 metres. The subject lands currently contain an existing dwelling and accessory structure. The subject lands are bounded to the east by Dexter Line and to the north, south, and west by low density residential uses in the Village of Port Bruce.

Based on the information provided, the owner is proposing to create two new residential lots and retain the existing dwelling. Since the subject property has a frontage of approximately 62 metres, a reduction from the lot frontage requirements of the Zoning By-law is required to permit the creation of the desired lots.

Provincial Policy Statement (PPS)

The subject property is located within the floodway of Catfish Creek. The PPS directs that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream, and lake systems which are impacted by flooding hazards (section 3.1.1). Development site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding (Section 3.1.2). The proposed Zoning By-law Amendment a reduction to the minimum lot frontage requirements of the Zoning By-law to allow for future lot creation and an increase in the intensity of residential land uses in a floodway. The Application would not be consistent with the policies of the PPS.

County of Elgin Official Plan

The subject property designated as 'Tier 2 Settlement Area' on Schedule 'A' – Land Use Plan of the County Official Plan. Section D3.3 of the County Official Plan directs that no development or site alteration be permitted within the floodplain to minimize risks to life and property resulting from flooding. Buildings and structures are not permitted within the floodplain, except where written permission is obtained from the Conservation authority. The proposed Zoning By-law Amendment seeks to permit a reduced lot frontage of 20 metres to facilitate lot creation on the subject property. The intent of the Official Plan policies is to restrict new development within floodplains and since the Application proposes to allow for an intensity of development on the subject property, the Application to reduce the lot frontage would not be consistent with the policies of the Official Plan.

Malahide Official Plan

The subject property is designated "Recreational Residential", "Hazard Lands", "Floodway (100yr)", and "Floodfringe (250 yr)" on Schedule 'C' (Land Use and Constraints Plan for Port Bruce).

The "Hazard Lands" designation applies to areas which exhibit or potentially exhibit a hazardous condition as a result of their susceptibility to flooding hazards. No

development is permitted within “Hazard Lands” except where a permit is obtained from the Conservation Authority. The Floodway designation is based on the 100-year flood level of the Catfish Creek. The construction of buildings or structures is not permitted within the Floodway (Section 5.2.1.2)

The “Flood Fringe” designation shown on Schedule “C” is based on the Regulatory Flood level of the Catfish Creek and its associated spill areas. The “Flood Fringe” defines the upper limit of flooding under the most severe regional flood conditions and generally applies to the area(s) between the Regulatory Flood Level and the 100-Year Flood Level (Section 5.3.1.1). The development of buildings and/or structures is only permitted where special flood protection measures are implemented.

The Zoning By-law Amendment proposes to allow for a reduced lot frontage to facilitate future lot creation at an increased density on the subject lands. The intent of the natural hazard policies of the Official Plan restrict and prohibit new development within the floodplain. The Zoning By-law Amendment to permit reduced lot frontage for additional lots to be created would not be consistent with these policies.

Malahide Zoning By-law No. 18-22

The subject property is zoned ‘Village Residential 2 (VR2)’ on Schedule O4 of the Township of Malahide Zoning By-law No. 22-18. The Zoning By-law Amendment proposes to rezone the property to ‘Village Residential 2 – Special (VR2-XX)’. The proposed amendment would apply site specific provisions to the subject property to permit a reduced lot frontage of 20 metres, where the By-law requires a minimum lot area of 25 meters. The subject property is also subject to the ‘Hazard Lands’ overlay. No buildings or structures are permitted within Hazard Lands unless permission is obtained from the Conservation Authority.

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 that the subject property is located within the Catfish Creek Flood Plain and is subject to the regulations of the CCCA. The CCCA has noted that future lot creation to intensify a land use in a flood prone area would not be supported (full comments attached).

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

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

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

Approved by:
Adam Betteridge, Chief Administrative Officer

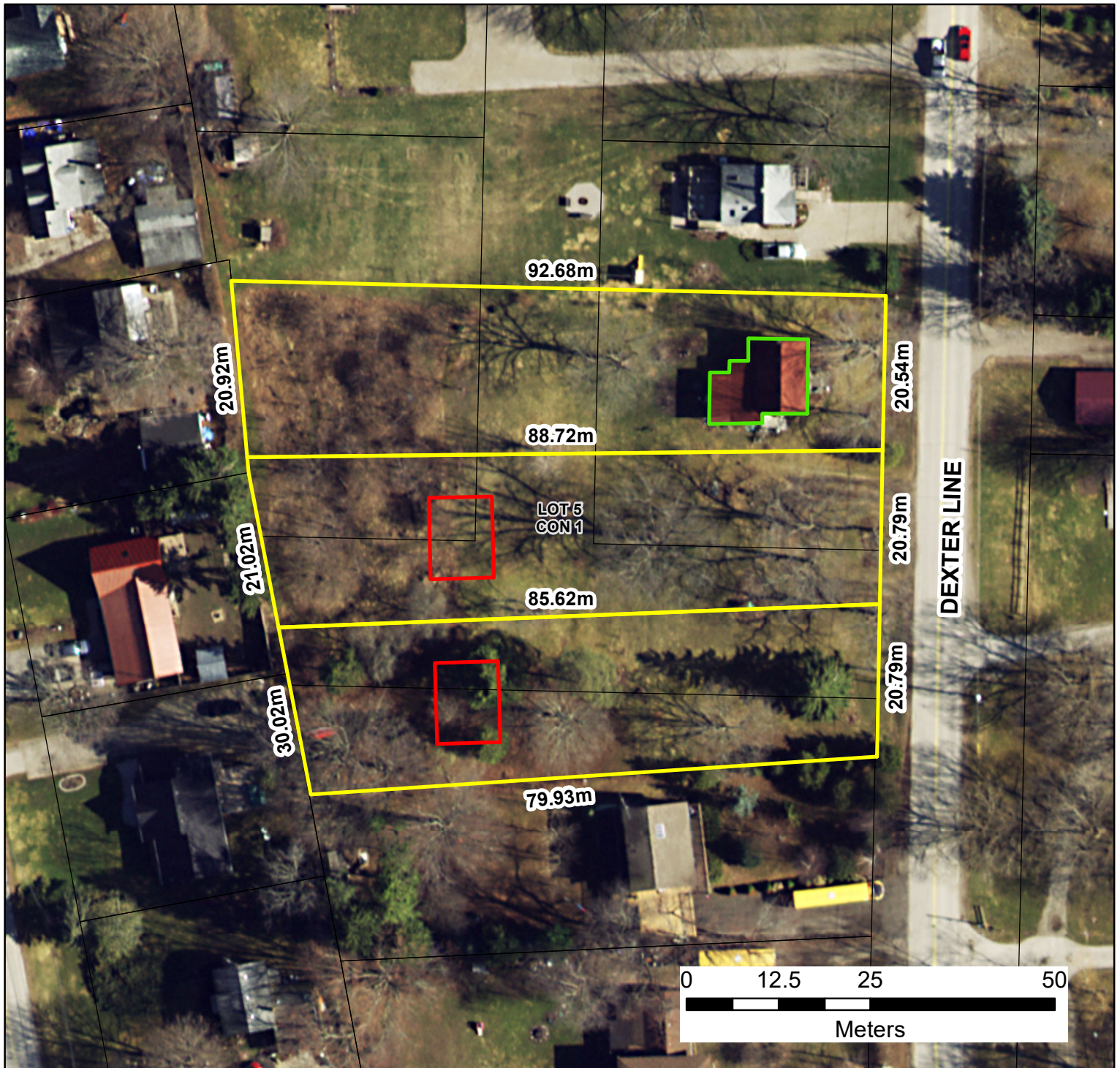
APPLICATION FOR A ZONING BY-LAW AMENDMENT

110

Owner: David Dale
(Agent: Michael Down)

49485 Dexter Line
Plan 55, Lots D & R, Part Lots B, C, S & T
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Hamlet

ZONING
VR2 Village Residential Two

-  Existing Dwelling
-  Proposed Dwelling
-  Proposed Severance



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.

DAVID DALE

W.E. Dahlen

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. Major amendments 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 must 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.

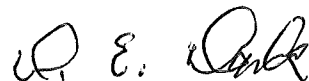
Consultant fees billed out at following rates (Subject to change)

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

LETTER OF AUTHORIZATION

(SAMPLE)

(date)

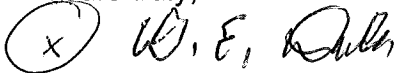
TOWNSHIP OF MALAHIDE
87 John St. S.
Aylmer, ON N5H 2C3

Attention: Development Services

Re: Application for (application type)
John Doe – 1234 Concession Road

I am the registered owner of the lands which are the subject of the above described application. Please consider this correspondence as my authorization for *Michael* (name) *Down* to act on my behalf on all matters with respect to the accompanying application as well as any related planning applications.

Yours truly,

A handwritten signature in black ink, appearing to read "J. Doe", with a circled "x" to its left.

John Doe

Township of Malahide
Application for Rezoning

1. **Registered Owner's Name:**

DAVID EARL DALE
Address: 49485 DEXTER LINE, AYLMER, ON. N5H2R2

Phone No. (Home): 226-577-3421 Business: None

Fax: _____ Email: daivedale@eastlink.ca

Lot and Concession (if applicable): _____

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

2. **Applicant / Authorized Agent:**

Michael Down
Address: 3179 Beach Dr. Aylmer, ON. N5H2R2
Telephone No.: 519-281-1339 Fax: _____

Please specify to whom all communications should be sent:

Registered Owner () Applicant / Authorized Agent (X)

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

Concession: 1 Lot: 5

Reference Plan No: 11R-6347 Part Lot: Parts 1, 2 and 3

Street and Municipal Address No.: 49485 DEXTER LINE

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

Area: 5481 m² Frontage: 62.12 m Depth: 92.68 m

When were the subject lands acquired by the current owner?

1998 December 22

4. **Existing Official Plan Designation:**

Recreational Residential

How does the application conform to the Official Plan?

The property has enough area for the 3 lots it was surveyed into when the minimum frontage requirement was 20m. It has since changed from 20 + 25m.

5. Existing Zoning By-law Classification:

Recreational Residential

What are the current uses of the subject lands?

Residential

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

100+ years

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

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
House	11.88m	6.04m + 4.11m	50+m.	4.5m	120 m ² 8.8 x 13.7m

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

100+ years

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

Reduce the frontage back to 20 meters.

7. Why is the rezoning being requested? To facilitate the severance of 2 lots

I would call this a minor variance and not a rezoning.
The lots were not severed off of the attached survey when I
severed parts 4, 5 and 6 into 2 lots was because a plan of subdivision
would have been required at that time to sever a property into more than 3.

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

No

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

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

No

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

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

2 new houses

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

Type	Front Lot Line Setback	Side Lot Line Setbacks	Rear Lot Line Setback	Height	Dimensions
<u>Residence</u>	<u>meeting all municipal regulations</u>				
<u>Residence</u>					

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

Water Supply

Municipal

Existing ✓

Proposed ✓

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

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

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

Are these reports attached?

Yes - Graphs for each new septic area.

If not, where can they be found?

Storm Drainage

Provisions: _____

Proposed Outlet: _____

12. How will the property be accessed?

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

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

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

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

No

Plan of Subdivision () Consent ()

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

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

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

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

Hamlet of Port Bruce

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

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

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

- the approximate location of all natural and artificial features (buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are on the subject lands, adjacent to the subject lands, or in the opinion of the applicant may affect the application;
 - the current uses of the land that is adjacent to the subject land;
 - the location, width, and name of any roads within or abutting the subject land, indicating where it is an unopened road allowance, a public traveled road, a private road, or a right-of-way;
 - the location of the parking and docking facilities to be used (if access will be by water only);
 - the location and nature of any easement affecting the subject land.
- (b) Written comments from the Elgin St. Thomas Health Unit, Long Point Region Conservation Authority and Ministry of Transportation (if applicable).
- (c) If a private sewage system is necessary, pre-consultation with the Chief Building Official is required about the approval process
- 18. If this application is signed by an agent or solicitor on behalf of an applicant(s), the owner's written authorization must accompany the application. If the applicant is a corporation acting without an agent or solicitor the application must be signed by an officer of the corporation and the seal if any must be affixed.**

19. Additional Information as required by Council

The current home is one of the oldest in Port Bruce and the main floor has never been flooded during my life, I'm 69.

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

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

In submitting this development application and supporting documentation, I Michael Down

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.

Michael Down
Signature

23 Sept 2022
Day Month Year

W. E. White

I / We, _____, of the _____
Name Township/City/Village etc.

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

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

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

DECLARED BEFORE ME at the:

Hamlet of Port Bruce of Aylmer Malahide Township Owner / Agent
 in the County/Region of Elgin this 27
 day of September 20 22.

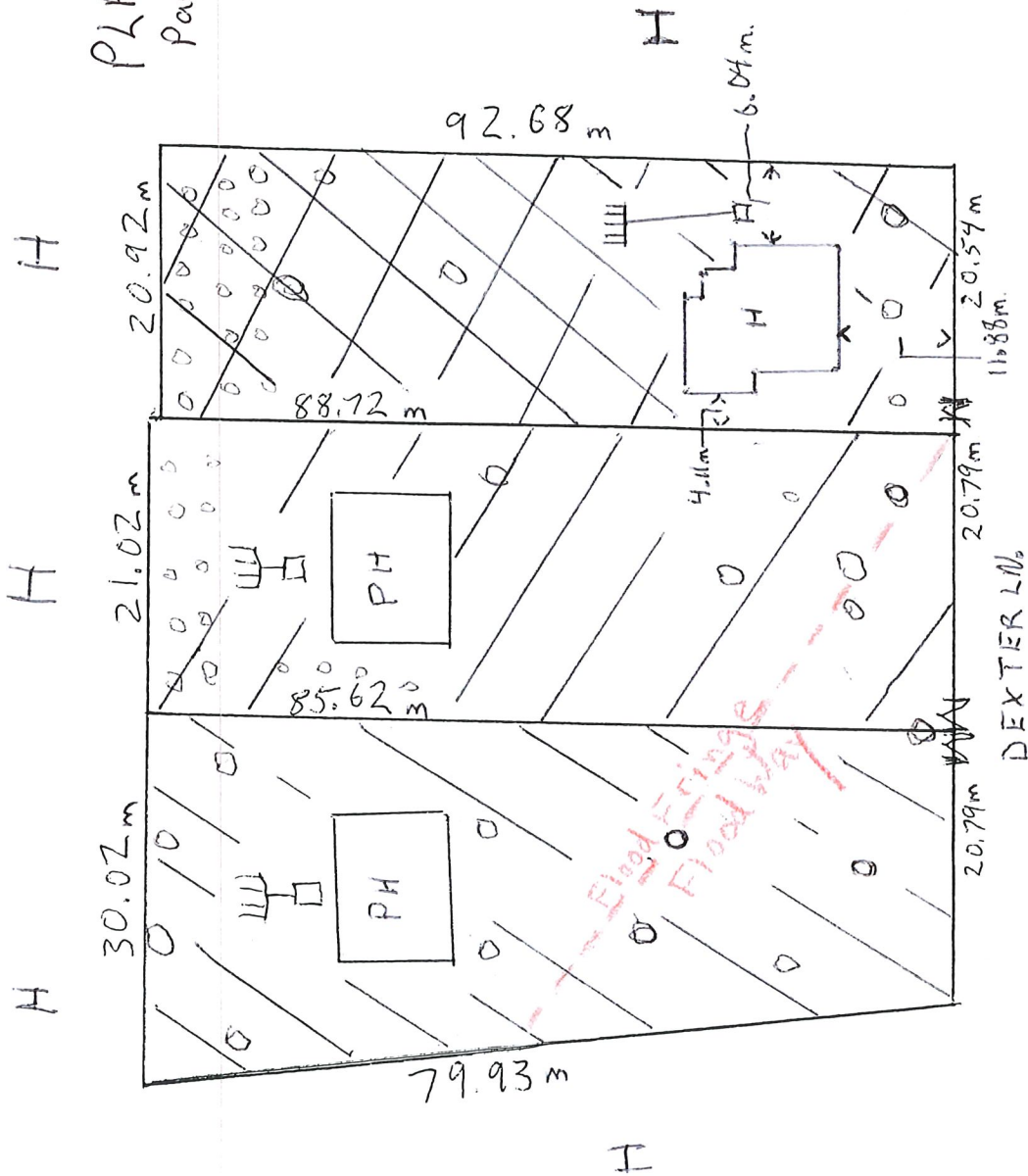
Owner / Agent

A Adams

A Commissioner, etc.

Allison Adams, a Commissioner
 for taking Affidavits, Pursuant to
 R.S.O. 1990, C.17, Para. 1(2)

PLAN R-6347
Parts 1, 2 and 3



Trailer Park

LEGEND

- H House
- PH Proposed House
- PH Septic Tank Weeping Bed
- LANEWAY
- Retained
- Severance #1
- Severance #2
- Trees

Untitled Map

Write a description for your map.

Legend

123

30 m

Google Earth





CATFISH CREEK CONSERVATION AUTHORITY

8079 Springwater Road, R.R. 5, Aylmer, Ontario N5H 2R4

Phone: 519-773-9037 • Fax: 519-765-1489

E-mail: admin@catfishcreek.ca • www.catfishcreek.ca

ATTENTION: Application D14-Z14-22

The above noted property is located within CCCA Floodway (1;100 year flood standard) according to our mapping, CCCA would like to provide the following comments;

This property is within the Catfish Creek Flood Plain in Port Bruce and is therefore regulated pursuant to the Conservation Authorities Act for any development (addition, new construction, fill placement etc) and would also need to ensure compliance with the Provincial Policy Statement (PPS) for Natural Hazards (e.g. shorelines, flood plains, creeks etc.).

CCCA would not support a severance application to intensify land use in a flood prone area which aligns with the PPS and CA Policies as followed;

Section 3.1 of PPS States:

- 3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;

CCCA O.Reg 146/06 States:

- 2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, including the area from the furthest offshore extent of the Authority's boundary to the furthest landward extent of the aggregate of the following distances:

the 100 year flood level, plus the appropriate allowance for wave uprush as outlined in the most recent document entitled "Shoreline Management Plan – Catfish Creek Conservation Authority" available at the CCCA Administration Office.

If the applicant would like to move forward with a potential severance then, It would be required from CCCA that the proponent provide engineering that defines his proposal is outside flood prone area, floodway (100 year flood standard) and flood fringe (regional flood standard), from both shoreline and riverine flooding. Which may be difficult to prove since the property is currently located within the floodway according to our current mapping.

Gerrit Kremers

Resource Planning Coordinator

**THE CORPORATION OF THE
TOWNSHIP OF MALAHIDE
BY-LAW NO. 22-87**

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

**David Dale/Michael Down
49485 Dexter 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 Planning Act, as amended, to pass a By-law;

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 Plan 55, Lots D & R, Part Lots B, C, S & T, in the Township of Malahide, shall be placed in the "Village Residential Two – Site Specific Zone (VR2-__) Zone" of By-law No. 18-22 and allow for a lot frontage of 20 meters as set forth in this By-law. The zoning of this land shall be shown as "VR2-__" on Key Map O4 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 6.5 VILLAGE RESIDENTIAL TWO (2) ZONE – 'SITE-SPECIFIC' ZONES, by adding the following new subsection.

6.5.2 a) Defined Area

VR-__ as shown on Schedule 'A', Map No. O4

b) Minimum Lot Frontage
20 m

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

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

READ a **FIRST** and **SECOND** time this 1st day of December, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 1st day of December, 2022.

Mayor – D. Giguère

Clerk – A. Adams

IMPERIAL ROAD

DEXTER LINE

LANDS
TO BE
REZONED
VR2-__

This is Schedule 'A' to By-law No. 22-87
passed on the 1st day of December 2022

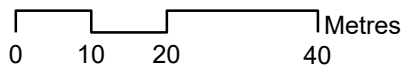
MAYOR _____

CLERK _____



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

SCHEDULE 'A'
Map O4





TOWNSHIP OF MALAHIDE

DRAINAGE BY-LAW NO. 22-86

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 Burks Drain No. 3
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 Lots 7 and 8
Concessions 10 and 11
In the Township of Malahide (geographic South Dorchester)

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

AND WHEREAS the estimated total cost of constructing the drainage works is \$84,800.00.

AND WHEREAS \$84,800.00 is the amount to be contributed by the municipality for construction of the drainage works.

AND WHEREAS \$84,800.00 is being assessed in the Township of Malahide in the County of Elgin.

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 October 5, 2022, 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 \$84,800.00 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,
 - i. Grants received under section 85 of the Act;
 - ii. Commuted payments made in respect of lands and roads assessed within the municipality;
 - iii. Moneys paid under subsection 61(3) of the Act; and
 - iv. Moneys assessed in and payable by another municipality,
 - (c) And 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 passing thereof and may be cited as the "Burks Drain No. 3".

READ A FIRST AND SECOND TIME THIS 1st day of December, 2022.

Mayor

Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 19th day of January, 2023.

Mayor

Clerk



Report to Council

REPORT NO.: F-22-16
DATE: December 1, 2022
ATTACHMENT: none
SUBJECT: **EMERGENCY MANAGEMENT – ICE BREAKING SERVICES**

Recommendation:

THAT Report No. F-22-16 entitled “Emergency Management – Ice Breaking Services” be received;

THAT Malahide Township, as the benefiting municipality, does hereby accept the quotation submitted by Laemers Excavating to provide Ice Breaking Services in Port Bruce from January 1 to March 31, 2023.

Background:

In previous years, the early mitigation and removal of ice in the harbor area was beneficial in alleviating potential flood conditions in Port Bruce during this period.

Comments/Analysis:

There were two bidders on this tender, L. Simon Construction who tendered a bid on a drag line machine and Laemers Excavating who tendered a bid on a long arm excavator. The Tender Results were as follows:

- Laemers Excavating: Grand Total: \$58,760.00
- L. Simon Construction: Grand Total: \$96,106.50

Ice Breaking is included within the Township’s Emergency Management operating budget. Although in report F-22-13 it was recommended by staff to procure both an excavator and a drag line, as a result of the tender results, the costs for the Township to also secure a drag line may be cost prohibitive.

For the 2022 ice season, a long arm excavator (the “excavator”) remained on-site in Port Bruce from January 1, 2022 to March 31, 2022 and according to the Tender an

operator was to be available within 1 hour of notification. Previous years a drag line was secured for this purpose.

There is also an option similar to last year that we allow Laemers to keep the excavator off site but will ensure that it is on-site with an operator within 1 hour of notification. This will remove or lower the stand-by charges. This would result in a significant reduction in costs incurred by the Township, being as much as \$22,500 (maximum).

CCCA will still be responsible for monitoring and forecasting flood warnings as they were previously. Staff will follow the recommendations provided by CCCA but the responsibility to dispatch ice breaking itself will be the responsibility of the Fire Chief, Jeff Spoor and the Roads and Construction Manager, Ryan DeSutter.

The 2022 cost for the use of the long arm excavator was around 20,000 dollars. There were other costs incurred in addition related to the 2022 flood event.

It is noted that, in previous years, the CCCA obtained \$5,000.00 in provincial grants. At the time of writing this report the Director of Fire and Emergency Services is not aware if such funding is available to the Township for 2023 or for future years, but will be exploring this possibility.

Financial Implications to Budget:

As the ice breaking equipment contract is to be in place from January 1, 2023 through March 31, 2023, sufficient funding for the proposed project/program will be included in the Draft 2023 Budget if approved by Council.

Relationship to Cultivating Malahide:

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

One of the goals that support the “Our Community” Strategic Pillar relates to “Keep Our Community Safe”.

Emergency management and preparedness by both the Township and the public are contributing factors in keeping the community safe. Ice breaking services mitigates the potential for ice jams forming in the Catfish Creek and spring flooding in the Village of Port Bruce.

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



Report to Council

REPORT NO.: PW-22-63
DATE: December 1, 2022
ATTACHMENT: Map and Request for Improvement
SUBJECT: REQUEST FOR IMPROVEMENT – NEWELL DRAIN

Recommendation:

THAT Report No. PW-22-63 entitled “Request for Improvement – Newell Drain” be received;

AND THAT Council proceed with this matter and appoint George Vereyken, P. Eng., of Spriet Associates, to prepare an Engineer’s Report for this petition pursuant to *Section 78 of the Drainage Act R.S.O. 1990.*

Background:

The Township of Malahide has received a Request for Improvement for the Newell Drain that services properties on both sides of Walker Road, as well as properties on both sides of College Line. Gary Woolley, the landowner at 11525 Walker Road, has requested the existing drain be reconstructed to alleviate drainage issues he is having on his property (see drain map at bottom of following page).

Comments/Analysis:

The existing Newell Drain was constructed pursuant to a report completed by Spriet Associates, dated October 16, 1978.

As per *Sections 6 and 7 of the Drainage Act R.S.O. 1990*, once Council has initiated the drain improvement, notice will be sent out to local municipalities, local conservation authorities and the Ontario Ministry of Agriculture, Food and Rural Affairs. These agencies have the right to request an environmental appraisal or a cost benefit analysis at their own expense.

Staff have examined the drain and area in question and are recommending that Council accept the landowners Request for Improvement and proceed with the provisions as outlined in *Section 78 of the Drainage Act R.S.O. 1990.*

The estimated construction date for this project is Fall of 2023.

Financial Implications to Budget:

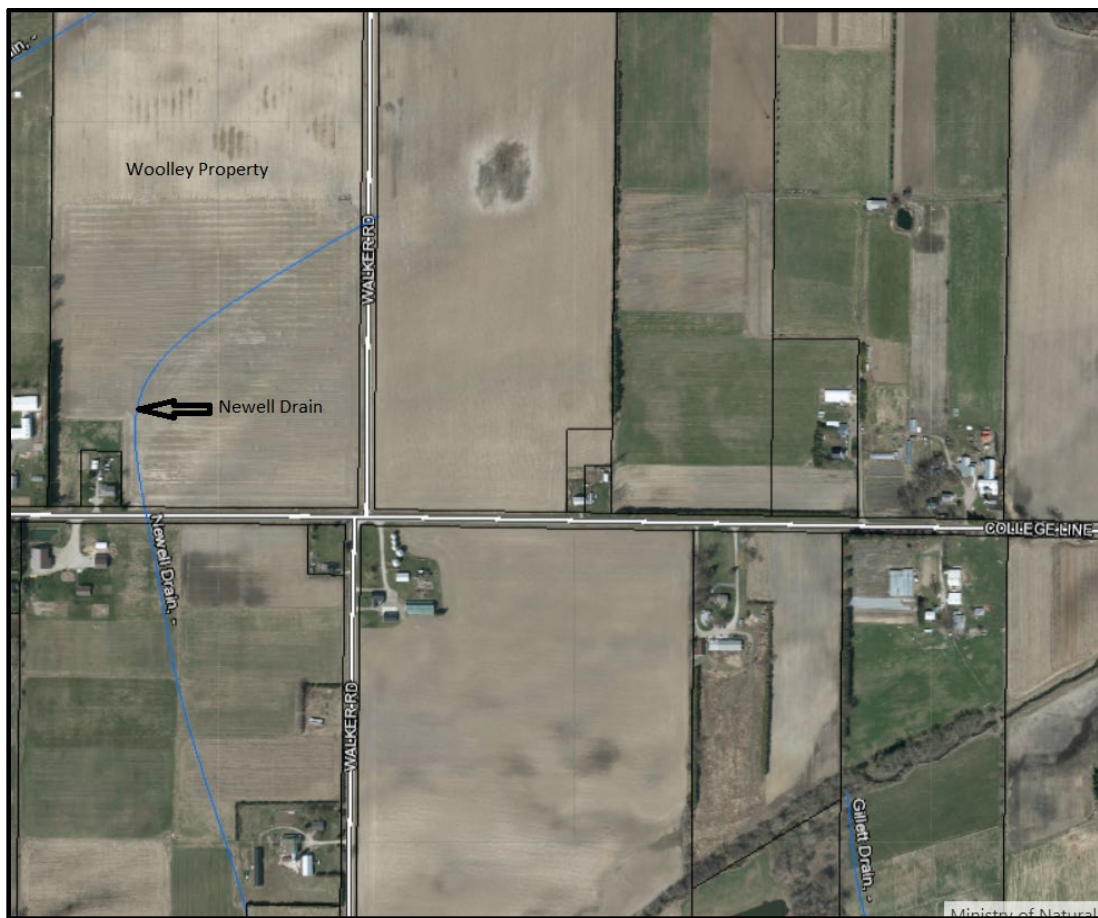
The Township has lands which contribute to the drainage area, and thus, will likely be a party to the Report.

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 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, Engineering Technologist/ Drainage Superintendent	Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer



Notice of Request for Drain Improvement*Drainage Act, R.S.O. 1990, c. D.17, subs. 78(1)*To: The Council of the Corporation of the Township of MalahideRe: Newell Drain

(Name of Drain)

In accordance with section 78(1) of the *Drainage Act*, take notice that I/we, as owner(s) of land affected, request that the above mentioned drain be improved.

The work being requested is (check all appropriate boxes):

- ☐ Changing the course of the drainage works;
- ☐ Making a new outlet for the whole or any part of the drainage works;
- ☐ Constructing a tile drain under the bed of the whole or any part of the drainage works;
- ☐ Constructing, reconstructing or extending bridges or culverts;
- ☐ Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, pumping stations or other protective works in connection with the drainage works;
- ☒ Otherwise improving, extending to an outlet or altering the drainage works;
- ☐ Covering all or part of the drainage works; and/or
- ☐ Consolidating two or more drainage works.

Provide a more specific description of the proposed drain improvement you are requesting:

Updating the existing Newell Drain (1978) to improve drainage. Drain has substantial buildup of soil inside pipe.

Property Owners:

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number, if available.

Property Description

Part of Lot 25, Concession 9

Ward or Geographic Township
Township of Malahide

Parcel Roll Number
340800005019301

If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer. Only the owner(s) of the property may request a drain improvement.

Corporation

Corporate Ownership

Name of Signing Officer (Last Name, First Name) (Type/Print)

Woolley Gary

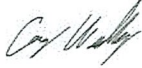
Name of Corporation

1426918 Ont Inc

Position Title

Part Owner

Signature



Date (yyyy/mm/dd)

October 24, 2022

I have the authority to bind the Corporation.

Enter the mailing address and primary contact information of property owner below:

Last Name

Woolley

First Name

Gary

Middle Initial

E

Mailing Address

Unit Number

Street/Road Number

51567

Street/Road Name

Pressey Line

PO Box

City/Town

Springfield

Province

Ontario

Postal Code

N0L 2J0

Telephone Number

1-519-773-9220

Cell Phone Number (Optional)

1-519-777-3171

Email Address (Optional)

Woolleyfarms@gmail.com

To be completed by recipient municipality:

Notice filed this 25th day of October 20 22

Name of Clerk (Last Name, First Name)

ADAMS, ALLISON

Signature of Clerk





Report to Council

REPORT NO.: PW-22-64
DATE: December 1, 2022
ATTACHMENT: Petition and Drawing
SUBJECT: PETITION FOR DRAINAGE – ROBINSON

Recommendation:

THAT Report No. PW-22-64 entitled “Petition for Drainage – Robinson” be received;

AND THAT George Vereyken, P. Eng., of Spriet Associates Ltd., be appointed to prepare an Engineer’s Report for the Robinson Petition pursuant to *Sections 5 to 8 of the Drainage Act R.S.O. 1990.*

Background:

The Township of Malahide has received a petition for drainage. The petition is to construct a new drain as a condition of severance. This is a typical severance requirement which provides a development with a legal and adequate outlet for surface/subsurface water.

The landowner, Philip Robinson, has petitioned the Township to have a new drain constructed at 47932 College Line, to accommodate a proposed severed lot. The estimated length of the project is 100 meters. A drawing is provided at the end of this report showing the location of the proposed severance.

Comments/Analysis:

Once a landowner submits a petition, the Township is required under the *Drainage Act R.S.O. 1990*, to appoint a Drainage Engineer to prepare a Drainage Report for the Council to address the request.

Section 4(1) of the Drainage Act states:

A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, despite subsection 61 (5);
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.

The *Drainage Act* provides that Council must give consideration to the petition and, within thirty days (*Section 5.1a*) of the filing, decide whether or not to proceed. If Council decides not to proceed then written notice of its decision must be sent to each petitioner. A petitioner may appeal to the Ontario Drainage Tribunal if Council decides not to proceed, or if Council does not act on the petition within 30 days.

It may be difficult for Council to decide on the validity of the petition as it is based on definition of the “area requiring drainage”. Initially, the petitioner(s) define the area on the petition they submit, however the area must be defined by an engineer at the “on-site meeting” to determine the validity of the petition.

If the Council decides to proceed then written notice of its decision must be given to (*Section 5.1b*):

- (a) to each petitioner;
- (b) the clerk of each local municipality that may be affected;
- (c) the conservation authority that has jurisdiction over any lands in the area;
- (d) the Minister of Natural Resources.

The Council must appoint an engineer within sixty days (*Section 8.3*) of giving notice to proceed. The engineer appointed is to file a said report within six (6) months (*Section 39.1*) of the appointment.

Following the appointment, the engineer shall (*Section 9.1*) cause the Clerk of the municipality to send out written notice, specifying the time and place of an “on-site meeting”. The notice must be served seven days prior to the proposed site meeting.

Therefore, Staff is recommending that George Vereyken, P. Eng., of Spriet Associates Ltd., be appointed by the Council to prepare an engineer’s report.

Financial Implications to Budget:

N/A

Relationship to Cultivating Malahide:

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

One of the goals that support 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, Engineering Technologist/ Drainage Superintendent	Matt Sweetland, P.Eng., Director of Public Works	Adam Betteridge, Chief Administrative Officer



Petition for Drainage Works by Owners
Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the Township of Malahide

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

Part of Lot 2, Con 9 being the area identified as the "severed parcel" on the attached sketch.

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>Robinson</u>	(First Name) <u>Philip</u>	Telephone Number <u>519 902-5995</u> ext.
Address		
Road/Street Number <u>47932</u>	Road/Street Name <u>College Line</u>	

Location of Project			
Lot <u>2</u>	Concession <u>9</u>	Municipality <u>Malahide</u>	Former Municipality (if applicable)

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel
- ☒ Construction of new tile drain
- ☐ Deepening or widening of existing watercourse (not currently a municipal drain)
- ☐ Enclosure of existing watercourse (not currently a municipal drain)
- ☐ Other (provide description ▼)

Unknown

Name of watercourse (if known)

150m

Estimated length of project

Clay loam

General description of soils in the area

What is the purpose of the proposed work? (Check appropriate box)

- ☐ Tile drainage only ☒ Surface water drainage only ☐ Both

Petition filed this 15th day of November, 2022

Name of Clerk (Last, first name)

ADAMS, ALLISON

Signature

A Adams

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number 47932	Property Description College Line, Aylmer, ON, N5H 2R6
Ward or Geographic Township Malahide	Parcel Roll Number 34-08-000-040-13009-0000

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☒ Sole Ownership

Owner Name (Last, First Name) (Type/Print)

Robinson, Philip

Signature

Date (yyyy/mm/dd)

2022/11/15

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.

Date (yyyy/mm/dd)

Number	Property Description
Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)

Signature

Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)

Signature

Name of Corporation

Position Title

I have the authority to bind the Corporation.

Date (yyyy/mm/dd)

☒ Check here if additional sheets are attached

Clerk initial

Petitioners become financially responsible as soon as they sign a petition.


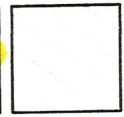

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (municipality to complete)

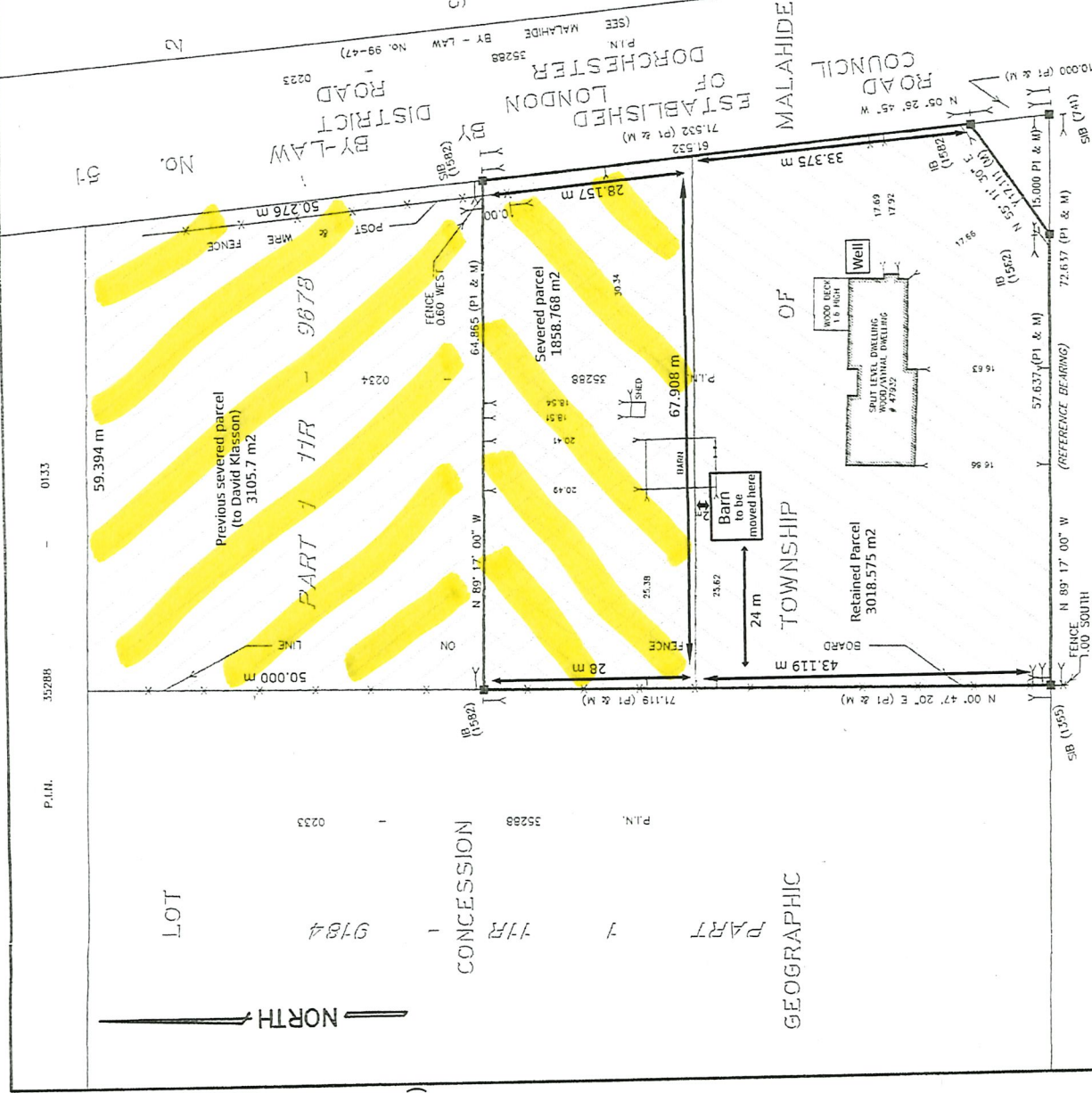
and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

Supporting Legend (cross-hatching only)

-  Severed Parcel
-  Retained Parcel
-  Parcel previously Severed (to David Klasson)

Note to reader:
This is a sketch layed
over survey produced by
Kim Husted Surveying Ltd.

NOT AN ORIGINAL
SURVEY/PLAN/REPORT
PRODUCED BY A
SURVEYER



SURVEYOR'S REAL PROPERTY PLAN OF
PART OF LOT 2
CONCESSION 9
GEOGRAPHIC TOWNSHIP OF MALAHIDE
TOWNSHIP OF MALAHIDE
COUNTY OF ELGIN
KIM HUSTED SURVEYING LTD.

REPORT SUMMARY (TO BE READ IN CONJUNCTION WITH REGISTERED EASEMENTS AND/OR RIGHTS-OF-WAY: NONE COMPLIANCE WITH MUNICIPAL PLANS AND ZONING BY-LAWS: NOT CERTIFIED BY THIS REPORT
ADDITIONAL REMARKS: PROPERTY DESCRIPTION: PART OF GEOGRAPHIC TOWNSHIP OF MALAHIDE COUNTY OF ELGIN DESIGNATED AS PART 2 11R - 9678
PART OF P.L.N. 35288-0234

SUBJECT PROPERTY AREA = 4814.8 SQUARE METRES
AREA OF SUBJECT PROPERTY COVERED BY DWELLING AND LOT COVERAGE = 5.1 %
= 246.9 SQUARE METRES

THIS SURVEYOR'S REAL PROPERTY REPORT H
PHILIP & SYLVIA ROBINSON
AND THE UNDERSIGNED ACCEPTS NO RESPONSIBILITY FOR USE BY OTHERS

141
SURVEYOR'S CERTIFICATE
I CERTIFY THAT

(1) - THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM
(2) - THIS SURVEY WAS COMPLETED ON THE 18th DAY

OCTOBER 21, 2013
DATE

THIS REPORT CAN BE UPDATED BY KIM HUSTED SURVEYING LTD. HOWEVER NO ADDITIONAL PRINTS OF THIS REPORT WILL BE ISSUED SUBSEQUENT TO THE DATE OF CERTIFICATION

NOTES
(1) - BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO AS COLLEGE LINE AS SHOWN ON DEPOSITED PLAN BEARING OF N 89° 17' 00" W

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES STANDARD MONUMENT SET
 - DENOTES IRON BAR
 - DENOTES IRON BAR
 - DENOTES ROUND IRON BAR
 - DENOTES WITNESSED PLAN 11R-11R
 - DENOTES DON T HOUGHTON O.L.S.
 - DENOTES DON VAUGHAN O.L.S.
 - DENOTES SOURCE UNKNOWN
 - DENOTES MEASURED
 - DENOTES SET
 - DENOTES PROPERTY IDENTIFIER NUMBER

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ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN SUBMISSION FORM
1886543

ROAD ALLOWANCE BETWEEN CONCESSIONS 8 AND 9
COLLEGE LINE (SEE MALAHIDE BY-LAW No. 99-47)

P.L.N. 35288 - 0219

KIM HUSTED SURVEYING LTD.



Report to Council

REPORT NO.: CLERK-22-13
DATE: December 1, 2022
ATTACHMENT: Proposed 2023 Council Schedule
SUBJECT: 2023 Council Meeting Schedule

Recommendation:

THAT Report No. CLERK-21-13 entitled “2023 Council Meeting Schedule” be received;

AND THAT the attached schedule of regular Council Meeting dates for the 2023 calendar year be approved;

AND THAT the Municipal Staff be requested to post such schedule on the municipal website.

Background:

Section 6.1 of the Council’s Procedural By-law No. 17-97 requires that, prior to the first meeting in each calendar year, the Council shall establish a schedule of all regular Council meeting dates for such calendar year. The schedule shall include the date, time and location of the meetings and shall be posted on the municipal website at the beginning of each year.

Comments/Analysis:

In order to publicize and facilitate the planning for such meetings for 2023, it is recommended that the Council consider establishing that schedule now rather than waiting until later in the year. It should be recognized that the Procedural By-law does allow for the meeting schedule to be changed if deemed necessary to do so.

There are no changes required for the 2023 schedule in order to facilitate statutory holidays. This schedule follows precedent of previous years in that the second meeting in August has been cancelled.

Financial Implications to Budget:

N/A.

Relationship to Cultivating Malahide:

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

One of the goals that support the “*Our Local Government*” Strategic Pillar relates to “*Improve Communication within Our Community*”.

Establishing and publishing the 2023 Council meeting schedule early, helps to improve communications with the public and community agencies allowing for better coordination of initiatives.

Submitted by:	Approved for Council:
Allison Adams, Manager of Legislative Services/Clerk	Adam Betteridge, Chief Administrative Officer

2023 SCHEDULE OF COUNCIL MEETINGS

MEETING DATE	START TIME
Thursday, January 5, 2023	7:30 P.M.
Thursday, January 19, 2023	7:30 P.M.
Thursday, February 2, 2023	7:30 P.M.
Thursday, February 16, 2023	7:30 P.M.
Thursday, March 2, 2023	7:30 P.M.
Thursday, March 16, 2023	7:30 P.M.
Thursday, April 6, 2023	7:30 P.M.
Thursday, April 20, 2023	7:30 P.M.
Thursday, May 4, 2023	7:30 P.M.
Thursday, May 18, 2023	7:30 P.M.
Thursday, June 1, 2023	7:30 P.M.
Thursday, June 15, 2023	7:30 P.M.
Thursday, July 6, 2023	7:30 P.M.
Thursday, July 20, 2023	7:30 P.M.
Thursday, August 3, 2023	7:30 P.M.
Thursday, September 7, 2023	7:30 P.M.
Thursday, September 21, 2023	7:30 P.M.
Thursday, October 5, 2023	7:30 P.M.
Thursday, October 19, 2023	7:30 P.M.
Thursday, November 2, 2023	7:30 P.M.
Thursday, November 16, 2023	7:30 P.M.
Thursday, December 7, 2023	7:30 P.M.
Thursday, December 21, 2023	7:30 P.M.



Report to Council

REPORT NO.: CLERK-22-14
DATE: December 1, 2022
ATTACHMENT:
SUBJECT: POST-ELECTION ACCESSIBILITY PLAN

Recommendation:

THAT Report No. CLERK-22-14 entitled “Post-Election Accessibility Plan” regarding accessibility for the 2022 Municipal and School Board Elections be received.

Background:

Under the Municipal Elections Act, 1996, as amended (MEA), the Clerk is responsible to conduct the municipal election.

Section 12 of the MEA states:

- (1) A clerk who is responsible for conducting an election shall have regard to the needs of electors and candidates with disabilities.
- (2) The clerk shall prepare a plan regarding the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the plan available to the public before voting day in a regular election.
- (3) Within 90 days after voting day in a regular election, the clerk shall prepare a report about the identification, removal and prevention of barriers that affect electors and candidates with disabilities and shall make the report available to the public.

This Report is being provided in accordance with 12.1(3) of the MEA.

Comments/Analysis:

In preparing the 2022 Municipal Election, the Clerk prepared a Municipal Election Accessibility Plan and presented this to Council earlier this year in report CLERK-22-02. This Accessibility Plan was made available in March on the Township website. In addition, the AMCTO Candidates Guide to Accessible Elections and AMCTO Voter's

Guide to Accessible Elections were also available on the Township website. The voting method provided two options of voting, allowed for internet screen recognition readers to be used and for a fully accessible compliant process.

If Electors required assistance, the Elector could request assistance from an Election Official at the Voter Help Centre located at the Township Office, who under the Act, are designated to provide impartial assistance whenever required by an Elector.

Financial Implications to Budget:

N/A.

Relationship to Cultivating Malahide:

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

One of the goals that support the “Our Community” Strategic Pillar relates to “*Make Malahide an Inclusive Place to Live*”.

By identifying and then working to remove and prevent barriers that affect voters and candidates with disabilities assists in making Malahide more inclusive.

Submitted by:	Approved by:
Allison Adams, Manager of Legislative Services/Clerk	Adam Betteridge, Chief Administrative Officer



Report to Council

REPORT NO.: CLERK-22-15
DATE: December 1, 2022
ATTACHMENT: Schedule A: 2023 Recommended Dog Tag Fees
SUBJECT: **2023 DOG TAGS AND FEES**

Recommendation:

THAT Report No. CLERK 22-15 entitled “2023 Dog Tags and Fees” be received;
AND THAT Council approve the 2023 Dog Tag Fees as presented in Schedule A

Background:

The primary purpose of the dog tag program is to ensure dogs can be identified and returned to their owners if they are lost. The Township issues permanent dog tags to residents and charges annual licensing fees for renewal of tags to fund its animal control services. The Township utilizes by-law enforcement services to enforce collection of its dog tag fees.

An increasing number of municipalities in the region are discontinuing issuance of dog tags including the City of St. Thomas, Municipality of Central Elgin, Township of Southwold, Municipality of West Elgin, and Municipality of Bayham. Given this recent trend, staff have also reviewed its animal control service to determine whether Malahide should follow suit.

Comments/Analysis:

User fees, such as those charged for dog tags, are imposed to recover the cost of services provided by the Township that provide direct and identifiable benefits to individuals, groups, or businesses. They are best imposed when specific beneficiaries can be identified and non-users can be excluded. Historically, dog tag fees became popularized by municipalities under the philosophy that because pet owners theoretically benefit from an animal control service, they should pay for it as opposed to the general tax base. The degree to which an animal control service is funded by dog tags as opposed to property taxes is a choice that resides with municipal councils.

The Township's Director of Finance has reviewed the options and has provided the following financial summary of the Township's animal control service for review:

Animal Control	2022	2023
Expenses		
Administrative Overhead	3,050	3,500
By-Law Enforcement	1,500	1,500
Shelter Fees	11,262	14,600
Animal Control Officer	9,000	0
Total Expenses	\$24,812	\$19,100*
Revenue		
Dog Tag Fees	42,019	TBD
Surcharges	~\$2,300	TBD
Total Revenue	44,319	TBD
Net Cost (Revenue)	(\$19,507)	TBD

*estimated

The Township expects 2022's dog tag fees (schedule provided in attachment) to exceed the cost to deliver the service. For 2023, cost savings are expected to be generated by switching shelter providers from the City of St. Thomas to Hillside Kennels who provides both animal sheltering and pickups as part of their service contract.

Part XII of the Municipal Act provides the Township authority to charge user fees for services it provides if the fees charged bear a reasonable relation to the cost of providing the service. A generated surplus, like what the Township is experiencing with its dog tag fees, is not a problem itself as long as the Township makes a reasonable attempt to match the fees revenues with the costs to provide the service. In this line of thinking, staff are recommending two options for Council's consideration (both of which differ from the Township's current fee structure):

Option 1: Reduce dog tag fees to the point of full cost recovery (recommended)

As presented above, staff expect animal control services to cost \$19,100 during 2023. In order to generate an equal revenue, under this option fees would be cut by 50% and the surcharge would be reduced from \$33 to \$10 (70% cut). This would bring revenue closer in line with estimated service costs while leaving some cushion for the uncertainty of collection rates. Under this option, the service would be fully funded by dog tag fees.

Option 2: Eliminate dog tag fees entirely

Elimination of dog tag fees would transfer this responsibility to pet owners who would have to obtain their own personalized tag online, from a local retail pet store or through micro-chipping through a veterinarian. The Township would still provide an animal control

service which provides sheltering and pickups for animals in distress at an estimated cost of \$16,400. Under this option, the service would be fully funded through property taxes.

Although detailed financial implications are provided in the next section of this report, Staff recommend Council select Option 1 to reduce fees rather than eliminate them. The following rationale was considered in this decision:

- Many municipalities who have discontinued dog tag fees were generating operating losses and had difficulty collecting their fees. Malahide is in the opposite position.
- The philosophy for why dog tag fees were originally adopted by municipalities still holds true despite a trendy shift to full property tax funding of the service.
- The Township has a difficult budget year ahead for 2023 and wishes to limit property taxes increases.
- Dog tag fees are undoubtedly unpopular with residents though a fee reduction may still be appreciated.
- A fee reduction would be a good step towards phasing-out dog tags as opposed to eliminating them completely in a single year if that's ultimately Council's preferred outcome.

Financial Implications:

The Township's Director of Finance / Treasurer was fully involved with the preparation of this report. The Township's 2022 Budget estimates a \$23,838 recovery or profit that is applied against property tax funded services. Under option 1, this would be reduced to \$0 resulting in a budget increase of \$23,838 (0.3% tax levy increase) for the 2023 Budget. Under option 2, property taxes would pay for 100% of the cost of animal control services which would be estimated at \$16,400. Therefore, the total budget increase under this option would be \$40,238 (0.51% tax levy increase).

- Option 1: \$23,838 (0.30% tax levy increase)
- Option 2: \$40,238 (0.51% tax levy increase)

Submitted by:	Approved for Council:
Allison Adams Manager of Legislative Services/Clerk	Adam Betteridge Chief Administrative Officer

Schedule A: 2023 Proposed Dog Tag Fees

Items in this section are exempt from HST.

A surcharge of \$10.00 is applicable for all licence fees paid after March 31st
Effective 2021, permanent (lifetime) dog tags are issued. Fees are payable every year.

DOG TAGS	2022 FEE	2023 FEE
- first dog	\$35.20	\$17.60
- second dog	\$40.30	\$20.15
- third dog	\$60.70	\$30.35
- kennel licence	\$145.00	\$72.50
- replacement tag	\$5.00	\$5.00
- dangerous dog	\$216.30	\$108.15
- guide dog & service dog	\$0.00	\$0.00



Report to Council

REPORT NO.: DS-22-59
DATE: December 1, 2022
ATTACHMENT: N/A
SUBJECT: **BILL 23 – MORE HOMES BUILT FASTER ACT – SUMMARY OF LEGISLATIVE CHANGES**

Recommendation:

THAT Report No. DS-22-59 entitled “Bill 23 – More Homes Built Faster Act – Summary of Legislative Changes” be received;

AND THAT Township Staff be directed to provide comments to the Ministry of Municipal Affairs in response to the legislative changes proposed under Bill 23.

Background:

On October 5th, 2022, the Ministry of Municipal Affairs introduced Bill 23 – The More Homes Built Faster Act. Bill 23 was introduced as part of the province’s Housing Supply Action Plan, which is intended to increase options for affordable housing and the overall housing supply in Ontario. The omnibus bill proposes amendments to several pieces of legislation including, the Planning Act, Ontario Land Tribunal Act, Ontario Heritage Act, Conservation Authorities Act, Municipal Act, and the Development Charges Act.

The purpose of this report is to provide a summary of the proposed changes within Bill 23, identify implications to the Township’s planning documents, and present recommended comments in response to the proposed changes.

Note that the report only includes changes that would have implications for the Township of Malahide and only those matters relating to land use planning.

Planning Act

Expansion of Permitted Uses on Urban Residential Lands

Bill 23 proposes to expand the types of residential uses permitted as-of-right on urban residential lands. Urban residential land is defined as “a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by municipal services”. The proposed legislation would allow for up to three residential units on an urban residential land parcel, either in a primary building or in combination with an ancillary structure. The new residential units would be exempt from development charges and parkland dedication requirements. The proposed changes to the Planning Act would also remove the ability for zoning provisions to be applied that would regulate minimum unit sizes and would limit the number of required parking spaces to one space per unit.

The Township’s Zoning by-law already permits a wide range of residential uses in its Village Residential 1 (VR1) zone that applies to residential areas within the settlement area of Springfield, including single detached dwellings, semi-detached dwellings, duplexes, triplexes, townhouse dwellings and apartments. Second dwelling units are currently permitted accessory to single detached and semi-detached dwellings in settlement areas. The VR1 zone does include minimum floor area requirements for residential dwelling units, as well as contains parking requirements that exceed a minimum of one parking space. For clarity purposes, the Zoning By-law may need to be amended to remove the provisions that would no longer be in effect.

Exemptions from Site Plan Control

Amendments are proposed to Section 41 of the Planning Act that would exempt residential development that proposes fewer than 10 residential units from Site Plan Control process. Bill 23 would also remove the ability for municipalities to regulate matters such as the exterior design, including the character, scale, appearance, and sustainable design of buildings. The application of Site Plan Control would focus on matters relating to health, safety, and accessibility. Site Plan Control can be applied to matters of building design as it relates to environmental standards under the Building Code.

The Township’s Site Plan Control By-law currently exempts residential development that consists of two residential units or fewer from Site Plan Control. Under the proposed changes, the Township’s Site Plan Control By-law would need to be amended to conform to these proposed policy changes if approved. Additionally, the Township may need to amend its Official Plan, as the current Official Plan policies speak to matters impacting the exterior design of buildings and development sites.

The proposed exemptions from Site Plan Control would impact the Township’s ability to regulate potential impacts new development through the removal of requirements to regulate the exterior design of buildings and structures, as well as promoting compatibility of development with the character of the surrounding area. It is noted that in the context of the Township, much of the development within the Township is smaller

in scale than larger urban areas, which may result in the majority of future residential and infill development being exempt from Site Plan Control.

Reduction of Public Meetings for Subdivision

The Planning Act currently requires that a public meeting be held for a plan of subdivision application to provide the opportunity for public input. Changes to the Planning Act under Bill 23 would remove this requirement to streamline subdivision applications. This may reduce opportunities for public input. However, it is noted that while public meetings would no longer be required, approval authorities could still opt to hold a public meeting to obtain feedback from the public if policies are included in their official plans.

Removal of Two Year Moratoriums for Aggregate Proposals, Official Plan Amendments, and Zoning Bylaw Amendments

The Planning Act currently prohibits the submission of applications to amend a new official plan, secondary plan, or Zoning By-laws within two years of it being passed. Bill 23, as amended, would remove this requirement for Official Plan Amendments, Minor Variances, and planning applications relating to aggregate extraction. This may lead to an increase in the number of Minor Variance applications submitted that seek relief from Zoning By-law provisions.

Ministerial Amendment to Section 23

The Minister of Municipal Affairs currently has the ability to approve a Minister's Zoning Order that would amend a Municipality's Zoning By-law without requiring the approval of a Municipality. Bill 23 proposes to expand that power to allow the Minister to make amendment to an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest.

Parkland Dedication Requirements

Bill 23 proposes to reduce the alternative parkland dedication rate for conveyances of land from one hectare per 300 dwelling units to one hectare per 600 dwelling units. Additionally, the alternative rate for cash-in-lieu has been reduced from one hectare per 500 dwelling units to one hectare per 1000 dwelling units. The timing of when parkland dedication is calculated has also been changed from the time a building permit is issued to either the day a site plan application is submitted or a zoning by-law amendment is passed, whichever is later.

Bill 23 will also introduce the ability for landowners to propose a portion of their land for parkland conveyance to a municipality and give landowners the ability to appeal the decision of municipalities to accept these lands for parkland to the Ontario Land Tribunal. Proposals for parkland dedication can also include lands that are encumbered by easements. These changes would reduce the amount of resources that the Township is able to put towards existing and future parkland, which may result in additional costs to be borne by the Township to fund parkland projects.

Third Party Appeals

The Planning Act currently allows for third party appeals for planning applications, including Official Plan Amendments, Zoning by-law Amendments, Minor Variances, and Consents. Under Bill 23, as amended, the third party appeal rights for minor variance and consent applications would be removed other than for 'specified persons', which would only include public bodies such as utility providers, operators of railway lines, and telecommunication infrastructure providers. These changes would be applied retroactively to appeals that have not had a hearing scheduled as of October 25, 2022. This would significantly reduce the ability for members of the public and adjacent land owners to participate in the appeal process.

Ontario Land Tribunal Act

Dismissal of Appeals

The Ontario Land Tribunal currently has the ability to dismiss appeals without a hearing for various reasons. Amendments to the Act under Bill 23 would expand the list of reasons to include where the party that made the appeal has contributed to undue delay or where the Tribunal is of the opinion that a party has failed to comply with a Tribunal order. These changes are intended to expedite the appeal process.

Ontario Heritage Act

Listing of Heritage Properties

There are currently no criteria for a property to be listed on a municipal heritage register and a property may remain on a register indefinitely. Bill 23 proposes to introduce criteria for a property to be listed, as well as require that the designation of a property be reviewed within a 120 day time period. If the property is not designated within the 120 day time period, it is permanently removed from the register.

There is currently one property that is designated within the Township and the Township does not currently maintain a register of heritage properties. There are no implications anticipated for the Township as a result of this change.

Conservation Authorities Act

Review of Development Applications

Conservation Authorities are currently permitted to provide services to a Municipality, including reviewing and commenting on planning applications. Bill 23 proposes to remove the ability for Conservation Authorities to comment on planning and development applications as well as any supporting technical studies that are included with an application submission. This change would have potential implications for the application review process, as Conservation Authorities would not be able to provide comments on planning applications relating to natural hazards or natural heritage features. The proposed change may result in the Township needing to seek the services of an external consultant to review and comment on development applications. Fees for those services could be conveyed to the applicant just as professional planning

fees are for development review. It is therefore premature to determine the precise impact to the Township, both financially and otherwise, however there will be general added burden to the Township as a result of this change.

Financial Implications to Budget:

Potential costs may need to be evaluated in the future when the proposed legislation comes into effect.

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.

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

Approved by:
Adam Betteridge, Chief Administrative Officer



Report to Council

REPORT NO.: HR-22-06
DATE: December 1, 2022
ATTACHMENT: Draft HR Policy B-3.20 – Electronic Monitoring
SUBJECT: **BILL 88, WORKING FOR WORKERS ACT, 2022
 (ELECTRONIC MONITORING)**

Recommendation:

THAT Report No. HR-22-06 entitled “Bill 88, Working for Workers Act, 2022 (Electronic Monitoring)” be received;

AND THAT HR Policy C-3.20 Electronic Monitoring is approved.

Background:

Bill 88, Working for Workers Act, 2022 which was passed on April 11, 2021 indicates that beginning in 2023, employers who employ more than 25 people on January 1st of any year, must have a written Policy in place for all employees with respect to “electronic monitoring”. This Bill is an amendment to the *Employment Standards Act*.

The *Employment Standards Act* requirements:

- Do not establish a right for employees not to be electronically monitored by their employer; and,
- Do not create any new privacy rights for employees.

The *Employment Standards Act* requirements are limited to requiring that certain employers be transparent about whether they electronically monitor employees. If they do, the employer must be transparent by:

- Describing how and in what circumstance that monitoring occurs; and,
- Setting out the purposes for which the information obtained through the electronic monitoring may be used.

The *Employment Standards Act* does not define “electronic monitoring. The Act clarifies that electronic monitoring includes “all forms of employee and assignment employee monitoring that is done electronically” and provides examples such as GPS tracking on vehicles and website monitoring.

To comply with this new legislation, an employer’s written policy must contain the following information:

- A statement as to whether the employer engages in electronic monitoring of employees
- Where the employer does electronically monitor employees, the policy must also contain the following information:
 - o A description of how and in what circumstances the employer may electronically monitor employees
 - o The purpose for which information obtained through electronic monitoring may be used by the employer
- The date the policy was prepared and the date any changes were made to the policy

Comments/Analysis:

Staff have reviewed the various positions of employees, and any monitoring devices that are currently in use.

The draft Policy attached, based on information provided by Municipal Human Resources lawyers, Hicks Morley, and a survey of other municipality’s policies, meets the expectations of the Legislation and provides direction to employees on expectations surrounding “Electronic Monitoring” keeping in mind that the Legislation is not designed to create a right for employees not to be electronically monitored by their employer and does not create any new privacy rights for employees.

The draft Policy is largely the same as what was recently adopted by the Elgin County Council.

The draft Policy has been reviewed by Senior Staff.

Financial Implications to Budget:

There are no new financial implications to enacting this Policy.

Submitted by:	Approved for Council by:
Gwen Tracey, CHRL Human Resources Manager & Emergency Services Assistant	Adam Betteridge, Chief Administrative Officer

Section: Terms and Rules of Employment	Policy Number: C-3.20
Subsection: Standards of Conduct	Effective Date: December 1, 2022
Subject: Electronic Monitoring	Revision Date: November 17, 2022
	Page

C-3.20 ELECTRONIC MONITORING POLICY

Purpose:

The Township of Malahide values trust, discretion, and transparency. This policy is to be used in addition to other Township of Malahide policies, including but not limited to the Computer Usage Policy and Cellphone Use Policy. It is intended to establish guidelines for the Township's practices and procedures related to electronic monitoring of employees.

Electronic monitoring is an essential part of ensuring compliance with Municipal policies, maintaining a respectful workplace environment, and ensuring information technology services' (ITS) assets that are owned and managed by the Township are used safely and appropriately. By monitoring Municipal assets, the Township is protecting its' employees from liability and/or performance challenges caused by the improper or unauthorized use of the systems made available to facilitate the business of the Township.

Scope:

This policy applies to all Employees of the Township of Malahide whether they are working onsite, remotely, or through an approved flexible work arrangement. Aspects of the policy may also apply to any 3rd party ITS provider contracted by the Township.

This policy also applies to volunteers and any other individual who may use the Township's electronic resources.

Definitions:

Electronic Monitoring refers to all forms of employee monitoring that is done using electronic means.

Some examples (not specific to the Township of Malahide) include, where an employer uses GPS to track the movement of an employee's delivery vehicle; or uses an electronic sensor to track employee productivity; or tracks websites that employees visit during working hours.

Employee has the same definition as “employee” in section 1(1) of the *ESA*.

Roles and Responsibilities:

All Employees and ITS Providers are responsible for safeguarding private and/or confidential data collected through electronic monitoring should it fall under their control whether intentionally or unintentionally.

The CAO and Malahide Human Resources Manager are responsible for ensuring any electronic logged data requested as it relates to employee disciplinary action is tracked and that data confidentiality is maintained.

Employer Obligations

The Township may reasonably utilize Electronic Monitoring for any valid business purpose. The Township will continue to be transparent with employees with respect to any electronic monitoring capabilities, as technology evolves.

Employee electronic monitoring data is made available to a limited number of authorized representatives, or third parties associated with the Township, and is restricted based on requirements for legitimate business purposes. Information access is on an as-needed basis and will comply with related policies, confidentiality and security requirements.

Employee Obligations

Employees of the Township of Malahide should always ensure they are working within the policies of the Township, including policies related to use of Township technology, such as e-mail, web-browsers and mobile devices.

When unsure, employees are encouraged to ask their supervisor or the Human Resources Manager for instruction or clarification on appropriate usage.

Policy:

The Township uses various electronic monitoring tools in different circumstances and for different purposes as described in Appendix “A” to this policy.

The Township utilizes tools that are able to both actively and passively monitor employee activity. The majority of the Township’s electronic monitoring is done passively, through the creation of electronic records by employees in the normal course of fulfilling their employment duties.

Information gathered via the Electronic Monitoring activities described in Appendix “A” may be used for employment-related purposes including, but not limited to, purposes such as assessing productivity, in the investigation of alleged violations of law,

regulations, or applicable Township policies, procedures and expectations, or other instances of misconduct or concerns related to health, safety and security.

The Township may also audit Electronic Monitoring information at any time, subject to limitations imposed by contracts of employment, collective agreements or applicable law.

The result of electronic monitoring may lead to discipline, up to and including termination of employment, if warranted in the circumstances.

The Township values employee privacy and its use of information obtained from electronic monitoring tools for employment-related or disciplinary purposes is discretionary, and is subject to any rights an employee may otherwise have per their employment contract, collective agreement or otherwise at law. This policy does not create any new privacy rights for employees or a right to not be electronically monitored. Nothing in this policy affects or limits the Township's ability to use information obtained through electronic monitoring, subject to applicable law.

The Township reserves the right to monitor Information Technology assets and services belonging to the Township to ensure secure, effective, and appropriate use. Employees should not have an expectation of privacy as it relates to their usage of Township Information Technology or the location of Township assets, including laptops and mobile devices.

Privacy and Confidentiality

Malahide's monitoring is aimed at collecting information related to its business. However, some information collected by electronic monitoring may be considered personal information. When personal information is under Malahide control, it is the responsibility of the Township to protect it.

All information collected through electronic monitoring will be securely stored and protected. If any personal information is collected, its use and disclosure will be limited to achieve the stated purpose of its collection. Malahide will adhere to all privacy and confidentiality legislation that applies to the collection, use, and disclosure of personal information obtained by electronic monitoring, including but not limited to the Employment Standards Act and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

Posting, Notice and Retention

The Township shall provide a copy of this Policy to each employee within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the Township shall provide each employee a copy of the revised Policy within 30 days of the changes being made.

The Township shall provide a copy of this Policy to all new employees upon onboarding and within 30 calendar days of the employee commencing employment with the Township.

The Township shall retain a copy of this and any revised version of this Policy for three years after it ceases to be in effect.

The Township may amend this Policy from time to time in its sole discretion. If the County amends this policy, it will provide an amended copy of the Policy to employees within thirty (30) days of the changes being made.

DRAFT

APPENDIX "A"

	Electronic Monitoring Tool	Circumstances in which Electronic Monitoring May Occur	How Electronic Monitoring Occurs	Purpose(s) for which the collected information may be used*
Physical Security	Key FOBs, access cards, alarm panels, cards, etc., with electronic functionality	At any time during use	An electronic sensor creates a record each time an authorized user scans the key fob (etc.) and enters a Township facility or part thereof;	Authenticating entry into buildings; security of premises; verification of attendance;
	CCTV Video Camera Systems	Continuous	Cameras record video footage of specific areas within the Township's facilities and properties, including the administration building and fire stations	Physical security; employee security; investigations; parking enforcement;
	Location Tracking (Laptops, Mobile Devices)	At any time during use	Mobile Device Management Software tracks location of devices;	Locating corporate assets; Health and safety (assisting in locating employee);

	Electronic Monitoring Tool	Circumstances in which Electronic Monitoring May Occur	How Electronic Monitoring Occurs	Purpose(s) for which the collected information may be used*
Network Security	Firewalls, Virtual Private Networks (VPN) / Web Gateway	Continuous	Network security programs and tools monitor use and access of Township systems and networks;	Network security;
	IT security software / cybersecurity prevention tools	Continuous	Software tracks and triggers events for suspicious or risky use activity (e.g. quarantining and preventing suspicious e-mail);	Network security;
	Wi-Fi Access Points	At any time during use	Records maintained regarding access to WiFi access point including device, user, time, duration of use;	Network security;
	Network Servers	At any time during use	Create records of all e-mails sent and received, all electronic records created and saved, all websites accessed, information details regarding when, how, from what ID, from what device, etc. Where an e-mail is quarantined, ITS and authorized managers can read content of e-mail;	Network security;

	Electronic Monitoring Tool	Circumstances in which Electronic Monitoring May Occur	How Electronic Monitoring Occurs	Purpose(s) for which the collected information may be used*
Software	Mobile Device Management Software	Continuous	Software monitors and creates records of serial number of device, provider information, operating system, applications installed, WiFi History;	Track user activity
	Team Viewer	At any time during use	Authorized user of Team Viewer can see in real-time all usage on a mobile device;	Track User Activity

*All electronic monitoring information may be used for employment-related or disciplinary purposes as set out in this policy



Report to Council

REPORT NO.: CAO-22-18
DATE: December 1, 2022
ATTACHMENT: N/A
SUBJECT: 2nd INFORMATIONAL REPORT: CAO USE OF RESTRICTED ACTS CLAUSE

Recommendation:

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

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

Background:

At the Regular Meeting of Council held March 17th, 2022, and after considering Report No. CLERK-22-06 entitled “Restricted Acts after Nomination Day and/or Election Day (Lame Duck)” Council approved resolution No. 22-111 which required that the Clerk prepare the necessary By-Law prior to Nomination Day (August 19, 2022) delegating authority to the Chief Administrative Officer from August 19, 2022 to November 17, 2022 to:

- a) Be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has value exceeding \$50,000 at the time of disposal;
- b) Be the authority to hire or remove any officer from/to employment with the Township of Malahide. That the authority to hire as delegated be restricted to not exceed the overall previously allotted complement number of staff positions excluding those that are 100% provincially funded;
- c) To have discretion to bind the Corporation for projects/ new funding opportunities with the Provincial and/or Federal governments(s) in instances where the contribution of other levels of government totals 66% or greater with a cap of \$100,000 for the municipal contribution; and,

d) That the CAO shall submit to Council an informational report, containing the details relevant to the exercise of all delegated authority by that position under the By-law.

At its November 3rd, 2022 Regular Meeting, the CAO presented Report No.: CAO-22-16, informing Council that the CAO had not utilized any of the delegated authority, and that a similar report for the remainder of the restricted acts period would be provided to the new term of Council at its inaugural meeting on November 17, 2022.

The November 17, 2022 inaugural meeting was ceremonial in nature, and given such, a report was not presented.

Comments/Analysis:

The Township of Malahide Council had been in a restricted acts period (“Lame Duck”) and Council was required to refrain from certain acts until its next term began. Lame Duck continued until the inaugural meeting of this current term of Council commenced on November 17th, 2022.

This 2nd informational report provides a status of the delegated authority assigned to the Chief Administrative Officer (“CAO”) from November 3, 2022 to the inaugural meeting on November 17, 2022.

The CAO did utilize the delegated authority for Restricted Acts during Lame Duck, this to proceed to tender for a replacement single axle snow plow unit scheduled for replacement in 2023.

Utilizing the delegated authority was required given that it is an expenditure outside of the current (2022) budget, and exceeding \$50,000. Utilizing the delegated authority was done so following consultation with Director of Public Works, Matt Sweetland, and Director of Finance / Treasurer, Adam Boylan.

The unit being replaced is a 2011 International Durastar plow and spreader combination unit that provides winter control services to our village streets across the Township. The existing unit was scheduled for replacement in 2023 as per the equipment replacement plan and the asset management plan, the specifications of which have also been vetted by the Township Equipment Committee made up of Councillors Widner and Lewis, PW Director Sweetland, and Roads & Construction Manager, Ryan DeSutter.

Staff sought CAO approval to proceed to tender as soon as possible for this replacement unit, this on the basis of:

- limited availability of truck chassis’ currently available on the market;
- a significant price increase expected for the upcoming 2024 model year chassis expected to be proposed in supplier bids if tendering were to proceed in the mid-late 2023 calendar year; and,
- additional specification changes required upon future chassis buildout and resultant expected cost increases.

The ultimate award of the tender will be at the discretion of Council. Actual delivery dates are expected to vary between 18 and 24 months from time of order.

Financial Implications to Budget:

Staff are unable to provide an accurate account of the costs that the Township are likely avoiding, however an estimate could be between \$20k-\$100 realizing supplier markup when bidding scarce product not immediately available.

This piece of equipment was identified in the 2022 budget document as a capital purchase in 2023. If Council was not in Lane Duck, Staff would have sought pre-budget approval from Council to avoid having to incur the costs summarized above.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ACSP) 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 “Embody Financial Efficiency throughout Decision-Making”. Ensuring that municipal decisions are able to continue to be made during any potential lane duck periods works to achieve this goal.

Submitted by:
Adam Betteridge, Chief Administrative Officer



LONG POINT REGION CONSERVATION AUTHORITY
Board of Directors Meeting Minutes of October 5, 2022
Approved November 2, 2022

Members in attendance:

John Scholten, Chair	Township of Norwich
Michael Columbus, Vice-Chair	Norfolk County
Dave Beres	Town of Tillsonburg
Robert Chambers	County of Brant
Valerie Donnell	Municipality of Bayham/Township of Malahide
Tom Masschaele	Norfolk County
Ian Rabbitts	Norfolk County

Regrets:

Kristal Chopp	Norfolk County
Ken Hewitt	Haldimand County
Stewart Patterson	Haldimand County
Peter Ypma	Township of South-West Oxford

Staff in attendance:

Judy Maxwell, General Manager
 Aaron LeDuc, Manager of Corporate Services
 Lorrie Minshall, Interim Manager, 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, October 5, 2022.

2. Additional Agenda Items

There were no additional agenda items.

3. Declaration of Conflicts of Interest

None were declared.

4. Minutes of the Previous Meeting

a) Board of Directors Meeting of September 7, 2022

There were no questions or comments.

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell,
 Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

A-84/22

Moved by I. Rabbitts
Seconded by V. Donnell

THAT the minutes of the LPRCA Board of Directors Meeting held September 7, 2022 be approved as circulated.

CARRIED

5. Business Arising

There was no business arising from the previous minutes.

6. Review of Committee Minutes

a) Backus Museum Committee Meeting of June 21, 2022

There were no questions or comments.

A-85/22

Moved by D. Beres
Seconded by T. Masschaele

THAT the minutes of the Backus Museum Committee Meeting of June 21, 2022 be approved as circulated.

CARRIED

7. Correspondence

a) Email from the Ministry of Environment, Conservation and Parks Re: New Requirements under the Conservation Authorities Act: Training for CAs and Municipalities

Webinars for Municipal Partners and CA staff are scheduled to provide training for the new requirements.

A-86/22

Moved by M. Columbus
Seconded by V. Donnell

THAT the correspondence outlined in the Board of Directors Agenda of October 5, 2022 be received as information.

CARRIED

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell,
Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

8. Development Applications

a) Section 28 Regulations Approved Permits

Through the General Manager's delegating authority, 15 applications were approved in the past month. LPRCA-190/22, LPRCA-191/22, LPRCA-192/22, LPRCA-193/22, LPRCA-194/22, LPRCA-195/22, LPRCA-196/22, LPRCA-199/22, LPRCA-200/22, LPRCA-201/22, LPRCA-202/22, LPRCA-203/22, LPRCA-204/22, LPRCA-205/22, and LPRCA-207/22

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

A-87/22

Moved by I. Rabbitts

Seconded by T. Masschaele

THAT the LPRCA Board of Directors receives the Section 28 Regulations Approved Permits report dated October 5, 2022 as information.

CARRIED

9. New Business

a) General Manager's Report

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

The GM and the Manager of Corporate Services met with staff of Campfire Circle (formerly Camp Trillium) to tour the facilities and discuss a future capital upgrades plan. The Director of Campfire Circle requested a discussion, in the near future, to review the current lease.

Staff recently applied for federal funding to continue to upgrade the flood hazard mapping to include better flood hydrology. The board will consider approving matching funds if the application is successful.

The Forestry department recently hosted a tour for a Forest Stewardship Council (FSC) working group. Staff and research partners were in attendance to highlight various work being conducted within three LPRCA forest tracts.

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell, Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

A-88/22

Moved by M. Columbus

Seconded by D. Beres

That the LPRCA Board of Directors receives the General Manager's Update for September 2022 as information.

CARRIED

b) Inventory of Programs and Services – October 1, 2022 Progress Report

As required under Ontario Regulation 687/21 and as part of the Transition Plan, staff completed and submitted the compliance reports by the October 1 deadline. The updated Inventory of Programs and Services is posted on the LPRCA website. No formal comments have been received from the municipalities regarding the Inventory of Programs and Services to date. Norfolk County and Oxford County have appointed a municipal representative and there has been an initial meeting with Norfolk County staff. Meetings will be scheduled with all of the municipalities in the coming months.

A-89/22

Moved by Valerie Donnell

Seconded by Tom Masschaele

THAT the LPRCA Board of Directors receives the October 1, 2022 Progress Report and Updated Inventory of Programs and Services as information.

CARRIED

c) 2023 Meeting Schedule

The 2023 meeting schedule was presented earlier than usual to accommodate our municipal partners in light of the upcoming election.

The first meeting of the New Year is scheduled for January 11, 2023 to include the final budget approval and the election of officers. A new member orientation will be held January 6, 2023 beginning at 9:30 a.m.

A-90/22

Moved by I. Rabbitts

Seconded by D. Beres

THAT the LPRCA Board of Directors approves the Updated 2022 Meeting Schedule and the Proposed 2023 Meeting Schedule as presented.

CARRIED

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell,
Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma

The closed session began at 7:25 p.m.

10. Closed Session

A-91/22

Moved by V. Donnell
Seconded by R. Chambers

THAT the LPRCA Board of Directors does now enter into a closed session to discuss:

- *Labour relations or employee negotiations (Pay Equity & Compensation Review)*

CARRIED

The board reconvened in open session at 7:24 p.m.

A-92/22

Moved by I. Rabbitts
Seconded by D. Beres

THAT the LPRCA Board of Directors approves the implementation of the Proposed 2022 Pay Grid as presented in the report from Ward & Uptigrove Human Resources Solutions;

AND,

THAT the LPRCA Board implements the Proposed 2022 Pay Grid effective July 1, 2022.

CARRIED

Adjournment

The Chair adjourned the meeting at 7:25 p.m.

John Scholten
Chair

Judy Maxwell
General Manager/Secretary-Treasurer

/dm

FULL AUTHORITY COMMITTEE MEMBERS

Dave Beres, Robert Chambers, Kristal Chopp, Michael Columbus, Valerie Donnell,
Ken Hewitt, Tom Masschaele, Stewart Patterson, Ian Rabbitts, John Scholten, Peter Ypma



Long Point Region Conservation Authority

4 Elm St., Tillsonburg, Ontario N4G 0C4
 519-842-4242 or 1-888-231-5408 . Fax 519-842-7123
 Email: conservation@lprca.on.ca . www.lprca.on.ca

November 10, 2022

File:1.4.5.1

Adam Betteridge, CAO
abetteridge@malahide.ca

Re: 30-Day Notice to Affected Municipalities – 2023 Draft LPRCA Budget

Dear Mr. Betteridge,

The Board of Directors budget meeting was held on Wednesday, November 9, 2022. The Draft 2023 LPRCA Operating and Capital Budgets were recommended to be circulated to member municipalities for review and comment. The proposed overall increase for the municipal levy is \$143,511 or 6.82% versus last year's increase of 2.13%. The overall municipal support requested for the 2023 operating budget of \$5,568,754 is \$2,099,510 representing a change in the general levy of 21.76% or \$375,251. The overall municipal support requested for the 2023 capital budget of \$651,955 is \$150,000 representing a decrease in the general levy of -60.7% or \$231,000. The municipal levy is calculated using the Modified Current Value Assessment provided by the Ministry of Environment, Conservation and Parks as outlined in Ontario Regulation 670/00. Specific municipal levy allocation can be found in appendix 4.

Ontario Regulation 139/96 calls for a 30-day notice to affected municipal partners in order for them to consider and provide comment regarding the draft budget. The Regulation also requires that the notice be accompanied by the financial information used to determine that levy. As such, please find attached the following information on LPRCA's budgets for its member municipalities:

1. 2023 Draft Consolidated Budget Summary
2. 2023 Draft Consolidated Operating Budget
3. LPRCA 2023 Municipal Levy – Consolidated - Draft
4. Five Year Summary by Municipality of Levy Apportioned by CVA %

LPRCA is requesting any comments regarding the Draft 2023 Budget to be forwarded to this office no later than noon Tuesday, December 13th, 2022.

The weighted vote for the Final 2023 LPRCA Budget will take place the evening of Wednesday, January 11th, 2023 as part of the regular meeting of the LPRCA Board of Directors.

If your officials request a presentation of the Draft 2023 budget, we would be pleased to present at your Councils earliest convenience on behalf of the LPRCA Board of Directors. If you have any questions or need further information, please contact Aaron LeDuc, Manager of Corporate Services at aleduc@lprca.on.ca or 519-842-4242, ext. 224.

Sincerely,

Judy Maxwell
 General Manager

cc. Adam Boylan, Director of Finance/Treasurer
 Allison Adams, Manager of Legislative Services/ Clerk

Encl. (4)

**Long Point Region Conservation Authority
2023 DRAFT Consolidated Budget Summary**

	2020 Actual	2021 Actual	2022 Sept 30 YTD	2022 Budget	2023 Budget	2023 Change from 2022 Budget		% of Approved Budget
	\$	\$	\$	\$	\$	\$	%	
Total Operating Expenditures	3,867,829	4,439,329	3,306,978	4,797,560	5,568,754	771,193	16.1%	89.5%
Total Capital Expenditures *	269,000	349,326	170,336	511,250	651,955	140,705	27.5%	10.5%
Total Expenditures	4,136,829	4,788,655	3,477,314	5,308,810	6,220,709	911,898	17.18%	100.0%

SOURCES OF REVENUE

Municipal Levy - Operating	1,644,960	1,686,943	1,293,194	1,724,258	2,099,510	375,251	21.76%	33.8%
Municipal Levy - Capital	269,000	349,326	368,550	381,700	150,000	(231,700)	-60.70%	2.4%
Municipal Levy - Total	1,913,960	2,036,269	1,661,744	2,105,958	2,249,510	143,551	6.82%	36.16%
 Municipal Levy - Special Norfolk	 -	 -	 -	 -	 -	 -	 0.00%	 0.0%
 Total Municipal Levy	 1,913,960	 2,036,269	 1,661,744	 2,105,958	 2,249,510	 143,551	 6.82%	 36.16%
 Provincial Funding	 222,983	 50,219	 28,798	 29,160	 22,447	 (6,713)	 (23.0%)	 0.4%
MNR Grant	35,229	35,229	-	35,229	35,229	-	0.0%	0.6%
MNR WECl & Municipal Funding	39,785	2,579	-	-	132,500	132,500	0.0%	2.1%
Federal Funding	108,445	33,804	3,920	11,866	66,579	54,713	461.1%	1.1%
User Fees	1,548,587	2,748,884	2,829,446	2,747,137	3,100,555	353,417	12.9%	49.8%
Community Support	347,668	275,847	242,582	250,967	539,233	288,267	114.9%	8.7%
Interest on Investments	24,444	24,363	-	-	-	-	0.0%	0.0%
Land Donation	325,000	-	-	-	-	-	0.0%	0.0%
Gain on Sale of Assets	131,446	1,219	13,339	-	-	-	0.0%	0.0%
Contribution from(to) Reserves	(560,718)	(419,757)	-	128,492	74,656	(53,836)	(41.9%)	1.2%
TOTAL REVENUE	4,136,829	4,788,655	4,779,828	5,308,810	6,220,709	911,898	17.18%	100.0%

* The Capital Expenditures in the 2023 Draft Budget are proposed to be funded by Municipal Levy of \$150,000.

Long Point Region Conservation Authority
2023 DRAFT Consolidated Operating Budget

	2020 Actual \$	2021 Actual \$	2022 Sept 30 YTD \$	2022 Budget \$	2023 Draft Budget	2023 Change from 2022 Budget \$ %	Contribution (to) from Reserves \$	Increase to Levy \$
Program:								
Watershed Planning and Technical Services	498,869	397,680	282,514	406,674	398,020	(8,654) (2.1%)	-	(44,105)
Watershed Flood Control Services	270,129	222,711	61,087	204,611	269,270	64,660 31.6%	-	64,660
Healthy Watershed Services	234,247	173,447	164,136	136,144	251,522	115,379 84.7%	-	34,607
Conservation Authority Lands	302,847	357,192	255,632	472,575	568,996	96,421 20.4%	-	92,546
Communication and Marketing Services	71,047	81,286	59,522	107,219	142,277	35,058 32.7%	-	33,558
Backus Heritage and Education Services	145,375	156,553	93,407	250,224	325,662	75,438 30.1%	-	55,458
Conservation Parks Management Services	769,014	1,180,627	1,037,271	1,345,310	1,612,933	267,622 19.9%	(196,151)	No levy
Public Forest Land Management Services	189,954	307,663	173,010	244,641	320,160	75,519 30.9%	(21,930)	No levy
Private Forest Land Management Services	105,809	136,090	140,005	154,812	119,355	(35,457) (22.9%)	14,656	No levy
Maintenance Operations Services	369,032	400,306	222,356	371,813	383,712	11,899 3.2%	-	(62,836)
Corporate Services	911,506	1,025,774	818,039	1,103,538	1,176,846	73,308 6.6%	218,080	201,362
Total Program Expenditures	3,867,829	4,439,329	3,306,978	4,797,560	5,568,754	771,193 16.1%	14,656	375,251
Objects of Expenses:								
Staff Expenses	2,217,051	2,510,611	1,975,826	3,049,737.20	3,603,498	553,760 18.2%		
Staff Related Expenses	24,127	34,185	21,649	57,990.00	55,355	(2,635) (4.5%)		
Materials and Supplies	195,634	269,764	289,351	326,901.01	306,018	(20,883) (6.4%)		
Purchased Services	1,127,053	1,280,594	932,597	1,249,165.00	1,484,672	235,507 18.9%		
Equipment	28,691	45,669	39,436	47,300.00	50,725	3,425 7.2%		
Other	54,091	59,076	48,118	66,467.00	68,485	2,018 3.0%		
Amortization	221,181	239,431	-	-	-	-		
Total Expenditures	3,867,829	4,439,329	3,306,978	4,797,560	5,568,754	771,193 16.1%		
Sources of Revenue:								
Municipal Levy - Operating	1,644,960	1,686,943	1,293,194	1,724,258	2,099,510	375,251 21.763%		
Provincial Funding	222,983	50,219	28,798	29,160	22,447	(6,713) (23.0%)		
MNR Grant	35,229	35,229	-	35,229	35,229	- 0.0%		
MNR WECL & Municipal Funding	39,785	2,579	-	-	-	- 0.0%		
Federal Funding	108,445	33,804	3,920	11,866	6,579	(5,287) (44.6%)		
User Fees	1,548,587	2,748,884	2,829,446	2,747,137	3,100,555	353,417 12.9%		
Community Support	347,668	275,847	242,582	250,967	539,233	288,267 114.9%		
Interest on Investments	24,444	24,363	-	-	-	- 0.0%		
Land Donation	325,000	-	-	-	-	- 0.0%		
Gain on Sale of Assets	131,446	1,219	13,339	-	-	- 0.0%		
Contribution from (to) Reserves	(560,718)	(419,757)	-	1,058	14,656	15,714 0.0%		
Total Revenue	3,867,829	4,439,329	4,411,278	4,797,560	5,818,209	1,020,648 21.3%		
Surplus - current year	-	-	1,104,300	-	249,455	249,455 4.5%		

LPRCA 2023 MUNICIPAL LEVY - CONSOLIDATED - DRAFT					
MUNICIPALITY	OPERATING	LEVY AMOUNTS CAPITAL	TOTAL	PER CAPITA (Watershed)	PER CAPITA (Municipality)
Haldimand County	\$302,661	\$21,624	\$324,284	\$22.57	\$7.90
Norfolk County	\$1,088,124	\$77,741	\$1,165,865	\$22.95	\$21.80
Norwich Twp.	\$147,333	\$10,526	\$157,859	\$25.26	\$18.69
South-West Oxford Twp.	\$44,004	\$3,144	\$47,148	\$27.15	\$8.15
Tillsonburg	\$260,571	\$18,617	\$279,188	\$20.68	\$20.68
Total Oxford County	\$451,909	\$32,287	\$484,196		
Brant County	\$147,095	\$10,509	\$157,605	\$29.27	\$5.00
Bayham Municipality	\$94,466	\$6,749	\$101,215	\$18.94	\$18.94
Malahide Township	\$15,255	\$1,090	\$16,345	\$24.33	\$2.43
	\$2,099,510	\$150,000	\$2,249,510	\$22.94	\$13.57
Increase over 2022	\$375,251.30	(\$231,700)	\$143,551		
Per Capita Increase over 2022	\$3.84	(\$2.37)	\$1.47		

5 Year Summary by Municipality of Levy Apportioned by CVA %**LPRCA**

		Draft Budget Operating Levy \$ 2,099,510				Draft Budget Capital Levy \$150,000				Draft Budget Total Levy \$2,249,510			
Municipality	Year	Municipal Levy - Operating				Municipal Levy - Capital				Municipal Levy - Combined			
		Amount of Levy Share	% of Total Levy*	\$ Increase Year over Year	% Increase Year over Year	Amount of Levy Share	% of Total Levy*	\$ Increase Year over Year	% Increase Year over Year	Amount of Levy Share	% of Total Levy*	\$ Increase Year over Year	% Increase Year over Year
Haldimand County	2019	\$226,963	14.12%	\$8,919	4.09%	\$54,734	14.12%	\$3,011	5.82%	\$281,697	14.14%	\$11,930	4.42%
	2020	\$232,601	14.14%	\$5,637	2.48%	\$54,631	14.14%	(\$103)	-0.19%	\$287,231	14.14%	\$5,534	1.96%
	2021	\$240,090	14.23%	\$7,489	3.22%	\$53,371	14.23%	(\$1,260)	-2.31%	\$293,461	14.23%	\$6,230	2.17%
	2022	\$245,330	14.23%	\$5,239	2.25%	\$54,309	14.23%	\$938	1.72%	\$299,638	14.23%	\$6,177	2.15%
	2023	\$302,661	14.42%	\$57,331	23.37%	\$21,624	14.42%	(\$32,685)	-60.18%	\$324,284	14.42%	\$24,646	8.23%
Norfolk County	2019	\$845,974	52.63%	\$23,275	2.83%	\$204,014	52.63%	\$8,860	4.54%	\$1,049,988	52.63%	\$32,135	3.16%
	2020	\$865,971	52.64%	\$19,996	2.36%	\$203,390	52.64%	(\$624)	-0.31%	\$1,069,361	52.64%	\$19,373	1.85%
	2021	\$882,185	52.29%	\$16,214	1.87%	\$196,106	52.29%	(\$7,284)	-3.58%	\$1,078,290	52.29%	\$8,930	0.84%
	2022	\$901,067	52.26%	\$18,883	2.18%	\$199,470	52.26%	\$3,364	1.65%	\$1,100,537	52.26%	\$22,247	2.08%
	2023	\$1,088,124	51.83%	\$187,057	20.76%	\$77,741	51.83%	(\$121,729)	-61.03%	\$1,165,865	51.83%	\$65,328	5.94%
Oxford County*	2019	\$344,257	21.42%	\$10,699	3.21%	\$83,020	21.42%	\$3,896	4.92%	\$427,277	21.42%	\$14,595	3.54%
	2020	\$349,761	21.26%	\$5,504	1.60%	\$82,148	21.26%	(\$872)	-1.05%	\$431,908	21.26%	\$4,631	1.08%
	2021	\$360,609	21.38%	\$10,848	3.10%	\$80,162	21.38%	(\$1,986)	-2.42%	\$440,771	21.38%	\$8,862	2.05%
	2022	\$368,308	21.36%	\$7,699	2.20%	\$81,533	21.36%	\$1,371	1.67%	\$449,841	21.36%	\$9,070	2.10%
	2023	\$451,909	21.52%	\$83,601	22.70%	\$32,287	21.52%	(\$49,246)	-60.40%	\$484,196	21.52%	\$34,355	7.64%
Brant County	2019	\$105,228	6.55%	\$7,419	7.59%	\$25,377	6.55%	\$2,176	9.38%	\$130,605	6.55%	\$9,595	7.93%
	2020	\$109,970	6.69%	\$4,742	4.51%	\$25,829	6.69%	\$452	1.78%	\$135,799	6.69%	\$5,194	3.98%
	2021	\$114,930	6.81%	\$4,959	4.51%	\$25,548	6.81%	(\$280)	-1.09%	\$140,478	6.81%	\$4,679	3.45%
	2022	\$119,089	6.91%	\$4,159	3.78%	\$26,363	6.91%	\$814	3.15%	\$145,452	6.91%	\$4,974	3.66%
	2023	\$147,095	7.01%	\$28,006	23.52%	\$10,509	7.01%	(\$15,854)	-60.14%	\$157,605	7.01%	\$12,153	8.36%
Bayham Municipality	2019	\$73,371	4.56%	\$3,070	4.37%	\$17,694	4.56%	\$1,018	6.10%	\$91,064	4.56%	\$4,087	4.70%
	2020	\$74,792	4.55%	\$1,422	1.94%	\$17,566	4.55%	(\$128)	-0.72%	\$92,359	4.55%	\$1,294	1.42%
	2021	\$76,671	4.54%	\$1,879	2.51%	\$17,044	4.54%	(\$523)	-2.98%	\$93,715	4.54%	\$1,356	1.47%
	2022	\$77,927	4.52%	\$1,256	1.68%	\$17,251	4.52%	\$207	1.18%	\$95,177	4.52%	\$1,463	1.58%
	2023	\$94,466	4.50%	\$16,539	21.22%	\$6,749	4.50%	(\$10,502)	-59.78%	\$101,215	4.50%	\$6,038	6.34%
Malahide Township	2019	\$11,659	0.73%	\$398	3.53%	\$2,812	0.73%	\$141	5.27%	\$14,471	0.73%	\$539	3.87%
	2020	\$11,866	0.72%	\$207	1.77%	\$2,787	0.72%	(\$25)	-0.88%	\$14,652	0.72%	\$182	1.26%
	2021	\$12,459	0.74%	\$594	5.00%	\$2,770	0.74%	(\$17)	-0.62%	\$15,229	0.74%	\$576	3.93%
	2022	\$12,538	0.73%	\$79	0.66%	\$2,775	0.73%	\$6	0.21%	\$15,313	0.73%	\$84	0.58%
	2023	\$15,255	0.73%	\$2,717	21.67%	\$1,090	0.73%	(\$1,686)	-60.73%	\$16,345	0.73%	\$1,032	7.04%
	2023	<u>\$2,099,510</u>		<u>\$375,251</u>	22.24%	<u>\$150,000</u>		<u>(\$231,700)</u>	-60.70%	<u>\$2,249,510</u>		<u>\$143,551</u>	6.82%

Operating				Capital				Combined			
2019	\$ 1,607,452			\$ 387,650				\$ 1,995,102			
2020	\$ 1,644,960	\$ 37,508	2.33%	\$ 386,350	\$ (1,300)	-0.34%		\$ 2,031,310	\$ 36,208	1.81%	
2021	\$ 1,686,943	\$ 41,983	2.55%	\$ 375,000	\$ (11,350)	-2.94%		\$ 2,061,943	\$ 30,633	1.51%	
2022	\$ 1,686,943	\$ -	0.00%	\$ 381,700	\$ 6,700	1.79%		\$ 2,105,959	\$ 44,015	2.13%	
2023	\$ 1,724,259	\$ 37,315	2.21%	\$ 150,000	\$ (231,700)	-60.70%		\$ 1,874,259	\$ (231,700)	-11.24%	
Total	\$ 8,350,558			\$ 1,680,700				\$ 10,068,573			

Notes: Operating				Notes: Capital				Notes: Combined			
2019	\$16.47	per capita		2019	\$3.97	per capita		2019	\$20.44	per capita	
2020	\$16.85	per capita		2020	\$3.96	per capita		2020	\$20.81	per capita	
2021	\$17.22	per capita		2021	\$3.83	per capita		2021	\$21.05	per capita	
2022	\$17.71	per capita		2022	\$3.92	per capita		2022	\$21.63	per capita	
2023	\$21.41	per capita		2023	\$1.53	per capita		2023	\$22.94	per capita	
<u>Oxford County Apportionment:</u>				<u>Oxford County Apportionment:</u>				<u>Oxford County Apportionment:</u>			
Norwich Twp.	\$ 147,333			Norwich Twp.	\$ 10,526			Norwich Twp.	\$ 157,859		
South-West Oxford	\$ 44,004			South-West Oxford	\$ 3,144			South-West Oxford	\$ 47,148		
Tillsonburg	\$ 260,571			Tillsonburg	\$ 18,617			Tillsonburg	\$ 279,188		
	\$ 451,909				\$ 32,287				\$ 484,196		

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 22-88**

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.

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 Section 195 of the Municipal Act, 2001, as amended, provides for the Council to appoint members to the various Boards and Committees of the Municipality;

AND WHEREAS the Council of The Corporation of the Township of Malahide is desirous of naming of persons to positions and of appointing officers to the various Boards, Committees and Commissions, as deemed appropriate by Council;

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

1. THAT the naming of persons to positions shall be in accordance with Schedule "A" attached hereto and forming a part of this By-law.
2. THAT the appointments to the various Boards and Committees shall be in accordance with Schedule "B" attached hereto and forming a part of this By-law.
3. THAT these appointments are for the period as duly indicated in the said Schedules "A" and "B", saving and excepting that the Council may alter these appointments and that all members shall continue to hold office until re-appointed or replaced.
3. THAT By-law 18-79 insofar as it relates to the naming of persons to positions and the appointments to various Boards and Committees, be and the same are hereby repealed.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 1st day of December, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 1st day of December, 2022.

Mayor, D. Giguère

Clerk, A. Adams

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE
SCHEDULE "A" TO BY-LAW NO. 22-88**

Position	Name of Appointment	Term of Office
Weed Inspector	Jeff Lawrence	Term of Council

**THE CORPORATION OF THE TOWNSHIP OF MALAHIDE
SCHEDULE "B" TO BY-LAW NO. 22-88**

Position	Name of Appointment	Term of Office
Aylmer Cemetery Board	Rick Cerna	Term of Council
Aylmer-Malahide Museum Board	Sarah Leitch	Term of Council
EECC Board	Dominique Giguère Mark Widner Sarah Leitch Johnny Wilson Rick Cerna Scott Lewis Chester Glinski	Term of Council
Aylmer Area Secondary Water System Board of Management and Port Burwell Secondary Water System Board of Management	Chester Glinski Mark Widner (alternate)	Term of Council
Elgin Area Primary Supply System - Elgin Board	Aylmer representative Mark Widner (alternate)	Term of Council
Catfish Creek Conservation Authority	Scott Lewis	Term of Council
Kettle Creek Conservation Authority	John H. Wilson	Term of Council
Long Point Region Conservation Authority	Bayham Representative <i>determined in consultation with the Municipality of Bayham</i>	Term of Council
Elgin Group Police Services Board	Dominique Giguère	Term of Council
Committee of Adjustment	Dominique Giguère Mark Widner Sarah Leitch John H. Wilson Rick Cerna Scott Lewis Chester Glinski	Term of Council

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 22-89**

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 December 1, 2022, 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 1st day of December, 2022.

READ a **THIRD** time and **FINALLY PASSED** this 1st day of December, 2022.

Mayor, D. Giguère

Clerk, A. Adams