



The Corporation of the Township of Malahide

A G E N D A

December 2, 2021 – 7:30 p.m.

**Malahide Community Place
12105 Whittaker Road, Springfield.**

**** Note: Due to COVID-19 restrictions, this meeting will have limited seating capacity for Council and Municipal Staff only. The meeting will also be streamed live on YouTube.****

- (A) Roll Call
- (B) Disclosure of Pecuniary Interest
- (C) Approval of Previous Minutes **RES 1 (Pages 10-26)**
- (D) Presentations/Delegations/Petitions
 - (i) Minor Variance Application – Applicants Kayla and Jason Smith, relating to property at Part Block 135, Plan 120, municipally known as 51211 Clinton Street. **RES 2 - 3 (Pages 27- 34)**
 - (ii) Minor Variance Application – Applicants Todd and Laurie Sprague, relating to property at Part Lot 78, Concession STR, municipally known as 9281 Rogers Road. **RES 4 - 5 (Pages 35-48)**
 - (iii) Presentation – Jaiman Chin, Olivia Lahaie, Connor Sharp of Strategy Corp. relating to County of Elgin Road Maintenance Agreement Review. **RES 6 (Pages 49-107)**
- (E) Reports of Departments:
 - (i) Director of Fire & Emergency Services
 - (ii) Director of Public Works

- Request for Drain Improvement – J.L. Ferguson Drain. **RES 7 (Pages 108-112)**
- Petition for Drainage – Burks. **RES 8 (Pages 113-117)**
- (iii) Director of Financial Services/Treasurer
 - 2022 Budget Committee Schedule. **RES 9 (Pages 118-119)**
 - Assessment Update Postponement. **RES 10 (Pages 120-121)**
- (iv) Clerk
- (v) Building/Planning/By-law
 - Application for Consent to Sever of Rockx Farms Ltd
(Authorized Solicitor: Ryan Verhoog) **RES 11 - 12 (Pages 122-137)**
- (vi) Chief Administrative Officer
- (F) Reports of Committees/Outside Boards. **RES 13**
 - (i) East Elgin Community Complex Board of Management Minutes –
Draft Minutes of November 24, 2021. **(Pages 138-140)**
- (G) Correspondence **RES 14**
 1. Association of Municipalities of Ontario - Watch File – dated November 18 and 25, 2021. **(Pages C3 - 8)**
 2. Town of Aylmer - Notice of Study Commencement – Replacement of the Existing Water Storage Facility – dated November 12, 2021 **(Page C9)**
 3. City of Vaughan - Resolution endorsing national teen driver safety week and requesting the Ministry of Transportation to review measures impacting newly licensed drivers. **(Pages C10-13)**
 4. City of Kitchener - Requesting Provincial government to review Liquor Licence Sales and patio extensions. **(Pages C14-15)**
 5. Town of Plympton-Wyoming, Township of Amaranth, Township of Thornloe – Resolution supporting Municipality of Mattice-Val Cotés regarding concerns with the continued postponement of property assessments from Municipal Property Assessment Corporation (MPAC). *Refer to Report FIN 21-16 – Assessment Update Postponement in the December 2, 2021 Regular Agenda Package* **(Pages C16-19)**
 6. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting the Province to provide financial supports for businesses to

cover capital and human resources costs necessary to implement the Covid 19 vaccine passport program. **(Pages C20-21)**

7. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting all levels of government to collaborate in data sharing and collection related to renovations, specifically the impacts of renovations on tenancy. **(Pages C22-23)**
 8. Municipality of Chatham-Kent – Resolution supporting County of Huron requesting the provincial and federal governments to identify Homelessness as a “Provincial” and “National Crisis” and provide financial support for housing and homelessness programs as well as increase funding to mental health and addiction services. **(Page C24)**
 9. Township of Lake of Bays, Township of Wainfleet – Resolution supporting Township of Adelaide Metcalfe requesting the Federal and Provincial Governments to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements. **(Pages C25-29)**
 10. Municipality of Central Elgin – Notice of Passing Zoning By-law Amendment relating to the following: **(Pages C30-31)**
 - 45561 Elm Line.
 - 6531 Bostwick Road.
- (H) Other Business
- (I) By-laws
- (J) Closed Session **RES 15 - 16**
- (i) A Labour Relations or Employee Negotiations regarding Performance Review.
- (K) Confirmatory By-law **RES 17 (Page 141)**
- (L) Adjournment **RES 18**

****VIDEOCONFERENCE MEETING**

Note for Members of the Public:

IMPORTANT --- As a result of COVID-19 protocols, all Council Members and Staff are required to wear a mask or other face covering when they enter Malahide Community Place. Once you are seated in your designated Councillor/Staff spot, you are able to remove your mask while you are seated. If you have to get up and move around during or after the meeting, you are required to put your mask back on. You must wear a mask whenever you are not seated in your designated spot.

Please note that the Regular Council Meeting scheduled to be held on December 2, 2021 will be via videoconference only 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 18, 2021 be adopted as printed and circulated.
2. THAT the Committee of Adjustment for the Township of Malahide be called to order at 7: p.m. and that Mayor Dave Mennill be appointed Chairperson for the "Committee of Adjustment".
3. THAT Report No. DS-21-58 entitled "Minor Variance Application No. D13-MV-08b-21 of Kayla and Jason Smith" and affecting lands described as Part of Block 135 on Plan 120, (Part 1 on 11R-8851) in the Township of Malahide (51211 Clinton St) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08b-21 for relief from the minimum Municipal Drain setback requirement of 7.5 metres in order to construct an accessory building on the subject property 3.5 metres from the Clinton Street Drain.

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

- 1) That a development agreement be registered on title stating that any fencing on the subject lands eastern boundary may need to be removed to accommodate future drainage maintenance or installations at no cost to the Township.
4. THAT Report No. DS-21-59 entitled "Minor Variance Application No. D13-MV-09-21 of Todd & Laurie Sprague" and affecting lands described as Part of Lot 78, Concession South of Talbot Road N, Part 2 of 11R-6248, (Geographic Township of Malahide) (9281 Rogers Road) be received;

AND THAT the Township of Malahide Committee of Adjustment DENY Minor Variance Application No. D13-MV-09-21 for relief from the maximum accessory building floor area of 200 square metres in order to construct an accessory building with a floor area of 335 square metres.

5. THAT the Committee of Adjustment for the Township of Malahide be adjourned and the Council meeting reconvene at ?? p.m.
6. THAT the presentation from Jaiman Chin, Olivia Lahaie and Connor Sharp of Strategy Corp. relating to County of Elgin Road Maintenance Agreement Review, be received.
7. THAT Report No. PW-21-59 entitled "Request for Improvement – J. L. Ferguson Drain" be received;

AND THAT the Request for Improvement be accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected.

8. THAT Report No. PW-21-55 entitled "Petition for Drainage – Burks Petition" be received;

AND THAT the Petition for Drainage accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected so they may request a Benefit Cost Statement or Environmental Appraisal.

9. THAT Report No. FIN 21-15 titled "2022 Budget Committee Schedule" be received;

AND THAT the following meeting schedule for the Budget Committee for 2021 Budget deliberations be approved:

- Tuesday, March 15, 2022 @ 7:00 pm
- Tuesday, March 29, 2022 @ 7:00 pm
- Tuesday, April 12, 2022 @ 7:00 pm.

10. THAT Report No. FIN 21-16 entitled "Assessment Update Postponement" be received.
11. THAT Report No. DS-21-61 entitled "Application for Consent to Sever of Rockx Farms Ltd" be received;

AND THAT the Application for Consent to Sever of Rockx Farms Ltd., relating to the property located at Part of Lot 11, Concession 11, (Geographic Township of South Dorchester), and known municipally as 49779 Lyons Line, be supported for the reasons set out in this Report;

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

12. THAT the Malahide Township Council has no objection to the Land Severance No. E92/21 in the name of Rockx Farms Ltd., relating to the property located at Part Lot 11, Concession 11, Geographic Township of South Dorchester, Township of Malahide, subject to the following conditions:
1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
 2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
 3. 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.
 4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
 5. 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.
 6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
 7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
 8. 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.
 9. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment 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.

13. THAT the following Reports of Committees/Outside Boards be noted and filed:
 - (i) East Elgin Community Complex Board of Management Minutes – Draft Minutes of November 24, 2021
14. THAT the following correspondence be noted and filed:
 1. Association of Municipalities of Ontario - Watch File – dated November 18 and 25, 2021.
 2. Town of Aylmer - Notice of Study Commencement – Replacement of the Existing Water Storage Facility – dated November 12, 2021.
 3. City of Vaughan - Resolution endorsing national teen driver safety week and requesting the Ministry of Transportation to review measures impacting newly licensed drivers.
 4. City of Kitchener - Requesting Provincial government to review Liquor Licence Sales and patio extensions.
 5. Town of Plympton-Wyoming, Township of Amaranth, Township of Thornloe – Resolution supporting Municipality of Mattice-Val Côtés regarding concerns with the continued postponement of property assessments from Municipal Property Assessment Corporation (MPAC). Refer to Report FIN 21-16 – Assessment Update Postponement in the December 2, 2021 Regular Agenda Package.
 6. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting the Province to provide financial supports for businesses to cover capital and human resources costs necessary to implement the Covid 19 vaccine passport program.
 7. Municipality of Chatham-Kent – Resolution supporting City of Kitchener requesting all levels of government to collaborate in data sharing and collection related to renovations, specifically the impacts of renovations on tenancy.
 8. Municipality of Chatham-Kent – Resolution supporting County of Huron requesting the provincial and federal governments to identify Homelessness as a “Provincial” and “National Crisis” and provide

financial support for housing and homelessness programs as well as increase funding to mental health and addiction services.

9. Township of Lake of Bays, Township of Wainfleet – Resolution supporting Township of Adelaide Metcalfe requesting the Federal and Provincial Governments to provide more funding to rural municipalities to support infrastructure projects related to major bridge and culvert replacements.
10. Municipality of Central Elgin – Notice of Passing Zoning By-law Amendment relating to the following:
 - 45561 Elm Line.
 - 6531 Bostwick Road.
15. 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 matter:
 - (i) A Labour Relations or Employee Negotiations regarding Performance Review.
16. THAT Council move out of Closed Session and reconvene at ____ p.m. in order to continue with its deliberations.
17. THAT By-law No. 21-86, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.
18. THAT the Council adjourn its meeting at _____ p.m. to meet again on December 16, 2021, at 7:30 p.m.

The Corporation of the Township of Malahide

November 18, 2021 – 7:30 p.m.

Virtual Meeting - <https://youtu.be/vlggdK1VEow>

Due to COVID 19 and Public Health concerns, the Malahide Township Council met at the Malahide Community Place, at 12105 Whittaker Road, Springfield, at 7:30 p.m. in order to allow for physical distancing. No public attendance was permitted. 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 and Emergency Services J. Spoor, Director of Finance A. Boylan, IT Manager C. Coxen and Manager of Human Resources G. Tracey.

CALL TO ORDER:

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

DISCLOSURE OF PECUNIARY INTEREST and the General Nature thereof:

Councilor Glinski disclosed a pecuniary interest with respect to Council Agenda Item D (ii) "Public Meeting – Zoning By-law Amendment of Chester and Halina Glinski". The nature of the conflict being that he is an owner of the property.

MINUTES:

No. 21-495

Moved by: Max Moore

Seconded by: Rick Cerna

THAT the minutes of the regular meeting of the Council held on November 4, 2021 be adopted as printed and circulated.

Carried.

PRESENTATIONS/DELEGATIONS/PETITIONS:

- Zoning By-law Amendment Application – 943448 Ontario Inc. (Dawson) relating to Part Lots 4 and 5, Concession 9, Geographic Township of South Dorchester.

No. 21-496

Moved by: Mark Widner

Seconded by: Scott Lewis

THAT the Public Meeting concerning the Zoning By-law Amendment Application of 943448 Ontario Inc. (Dawson) relating to the property located at Lots 4 and 5, Concession 9, Geographic Township of South Dorchester, be called to order at 7:32 p.m.

Carried.

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property located at 51275 Wilson Line to Special Agricultural (A2) Zone and Small Lot Agricultural (A4) Zones.

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express on October 27 and November 3, 2021. In addition, affected property owners within 120 meters were sent a notice by prepaid first-class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested the CAO to provide an overview of the application. The CAO advised the Owner/Applicant has obtained approval from the Elgin County Land Division Committee (Application No. E21/21) for consent to sever a surplus farm dwelling as a result of farm consolidation.

As a condition of the approval of Application No. E21/21, a Zoning By-law Amendment is required for the severed and retained lands to be regulated as per the requirements of the Provincial Policy Statement and the Official Plans for the County of Elgin and the Township of Malahide.

The subject Zoning By-law Amendment will place the retained/remnant farm property into the “Special Agricultural (A2) Zone” so to prohibit the establishment of any subsequent dwelling. The Amendment will also place the severed dwelling property into the “Small Lot Agricultural (A4) Zone”.

The CAO advised that correspondence was received from Catfish Creek Conservation Authority indicating no objections.

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

Mayor Mennill asked if any Council Members wished to make any comments regarding the application and there were none.

Mayor Mennill advised that the Council will consider all comments received when making its final decision on the application.

No. 21-497

Moved by: Scott Lewis

Seconded by: Chester Glinski

THAT the Public Meeting relating to Zoning By-law Amendment Application of 943448 Ontario Inc. (Dawson) relating to the property located at Lots 4 and 5, Concession 9, Geographic Township of South Dorchester, be adjourned and the Council meeting reconvene at 7:34p.m.

Carried.

No. 21-498

Moved by: Max Moore

Seconded by: Mark Widner

THAT Report No. DS-21-53 entitled “Zoning By-law Amendment Application of 943448 Ontario Inc. (Melissa Dawson)” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z11-21 of 943448 Ontario Inc. (Melissa Dawson) relating to the property located at 51275 Wilson Line, BE APPROVED for the reasons set out in this Report.

Carried.

No. 21-499

Moved by: Dominique Giguère

Seconded by: Scott Lewis

THAT By-law No. 21-81 being a By-law to amend Zoning By-law No. 18-22 insofar as it relates to the property owned by 943448 Ontario Inc. (Dawson), located at Lots 4 and 5, Concession 9, Geographic Township of South Dorchester, be given first, second and third readings, and properly signed and sealed.

Carried.

- Zoning By-law Amendment Application – Chester and Halina Glinski relating to Part Lot 23, Concession 3, Geographic Township of Malahide.

Councillor Glinski declared a conflict of interest with respect to Council Agenda Item D (ii) relating to the Zoning By-law Amendment of Chester and Halina Glinski, retired from the meeting, and abstained from all discussions and voting on the matter.

No. 21-500

Moved by: Max Moore

Seconded by: Rick Cerna

THAT the Public Meeting concerning the Zoning By-law Amendment Application of Chester and Halina Glinski relating to the property located at Lot 23, Concession 3, be called to order at 7:35 p.m.

Carried.

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property located at 51455 Calton Line to Hamlet Residential (HR) and General Agricultural (A1) Site Specific zones.

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express on October 27 and November 3, 2021. In addition, affected property owners within 120 meters were sent a notice by prepaid first-class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested the CAO to provide an overview of the application. The CAO advised the Owner/Applicant has obtained approval from the Elgin County Land Division Committee (Application No. E56/21, E57-21, E58-21) for consent to create three (3) non-farm residential building lots with frontage along Calton Line, while the retained land will remain as agricultural land. As a condition of the approval of the above noted applications a Zoning By-law Amendment is required for the severed and retained lands to be regulated as per the requirements of the Provincial Policy Statement and the Official Plans for the County of Elgin and the Township of Malahide.

The CAO advised that correspondence was received from Catfish Creek Conservation Authority indicating no objections.

Mayor Mennill asked if the agents of the applicant's, Paul Riley or Douglas Stewart from IBI Group, had any comments to add regarding the application. Mr. Riley noted that the application was in compliance with Malahide Township's

Official Plan and this rezoning would align it with the applicable zoning required and believed it represents good planning and recommended that Council approve the application.

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

Mayor Mennill asked if any Council Members wished to make any comments regarding the application and there were none.

Mayor Mennill advised that the Council will consider all comments received when making its final decision on the application.

No. 21-501

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT the Public Meeting relating to Zoning By-law Amendment Application of Chester and Halina Glinski, relating to the property located at Lot 23, Concession 3, be adjourned and the Council meeting reconvene at 7:37 p.m.

Carried.

No. 21-502

Moved by: Rick Cerna

Seconded by: Dominique Giguère

THAT Report No. DS-21-54 entitled “Zoning By-law Amendment Application of Chester & Halina Glinski” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z13-21 of Chester & Halina Glinski relating to the property located at North Part of Lot 23, Concession 3, (Geographic Township of Malahide), and known municipally as 51455 Calton Line, BE APPROVED for the reasons set out in this Report.

Carried.

No. 21-503

Moved by: Max Moore

Seconded by: Mark Widner

THAT By-law No. 21-82 being a By-law to amend Zoning By-law No. 18-22 insofar as it relates to the property owned by Chester and Halina Glinski,

located at Lot 23, Concession 3, be given first, second and third readings, and properly signed and sealed.

Carried.

Councillor Glinski resumed his seat at the Council Table.

- Zoning By-law Amendment Application – John Loewen and David Loewen relating to Part Lots 23 and 24, Concession NTR, Geographic Township of Malahide.

No. 21-504

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT the Public Meeting concerning the Zoning By-law Amendment Application of John Loewen and David Loewen relating to the property located at Lots 23 and 24, Concession Gore NTR, be called to order at 7:38p.m.

Carried.

Mayor Mennill advised that the purpose of this Public Meeting is to consider an application to amend the zoning of the subject property located at 51499 Glencolin Line, to the Agricultural Residential Zone.

Mayor Mennill asked the Clerk to advise and confirm on the method and date of notice given for this meeting. The Clerk advised that this public meeting was advertised in the Aylmer Express on October 27 and November 3, 2021. In addition, affected property owners within 120 meters were sent a notice by prepaid first-class mail that was posted at least twenty days prior to this meeting.

Mayor Mennill requested the CAO to provide an overview of the application. The CAO advised the Owner/Applicant has obtained approval from the Elgin County Land Division Committee (Application No. E51-21) for consent to sever a surplus farm dwelling as a result of farm consolidation.

As a condition of the approval of Application E51/21, a Zoning By-law Amendment is required for the severed lands to be regulated as per the requirements of the Provincial Policy Statement and the Official Plans for the County of Elgin and the Township of Malahide.

The subject Zoning By-law Amendment will place the severed dwelling property into the appropriate agricultural residential zone.

The CAO advised that correspondence was received from Catfish Creek Conservation Authority indicating no objections.

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

Mayor Mennill asked if any Council Members wished to make any comments regarding the application and there were none.

Mayor Mennill advised that the Council will consider all comments received when making its final decision on the application.

No. 21-505

Moved by: Dominique Giguère

Seconded by: Mark Widner

THAT the Public Meeting relating to Zoning By-law Amendment Application of John Loewen and David Loewen relating to the property located at Lots 23 and 24, Concession Gore NTR, be adjourned and the Council meeting reconvene at 7:40p.m.

Carried.

No. 21-506

Moved by: Rick Cerna

Seconded by: Max Moore

THAT Report No. DS-21-55 entitled “Zoning By-law Amendment Application of John Loewen & David Loewen, Agent - David Roe” be received;

AND THAT the Zoning By-law Amendment Application No. D14-Z14-21 of John Loewen & David Loewen relating to the property known municipally as 51499 Glencolin Line, BE APPROVED for the reasons set out in this Report.

Carried.

No. 21-507

Moved by: Chester Glinski

Seconded by: Scott Lewis

THAT By-law No. 21-83 being a By-law to amend Zoning By-law No. 18-22 insofar as it relates to the property owned by John Loewen and David

Loewen, located at Lots 23 and 24, Concession Gore NTR, be given first, second and third readings, and properly signed and sealed.

Carried.

Presentation – Mark Loucas, Detachment Commander for Elgin OPP Services, Julie Gonyou Elgin CAO, and Sally Martyn, Elgin Group Police Services Board Chair – Update on OPP Services.

Inspector Mark Loucas, Detachment Commander for Elgin OPP Services, Julie Gonyou Elgin CAO and Sally Martyn, Elgin Group Police Services Board Chair appeared before the Council to provide an up-date on OPP Services.

Sally Martyn provided an overview of some of the initiatives currently underway in Elgin County. Inspector Loucas is new to Elgin County with a long standing career in police services.

Inspector Loucas provided an overview of their strategic plan for Elgin County indicating it is a cohesive plan across the province to ensure Safe Communities and a Secure Ontario. He listed the priorities of the OPP and they have gone to great lengths as an organization to promote the best members which will end up bringing a better service delivery to our community. An action plan was created based on feedback and analytical reports that identified strategies for Elgin County which focuses on crime prevention, safety on our roadways, waterways and trails and generate efficiencies within our department to return members to frontline service

Sally Martyn provided an update on the Community Safety and Policing Act that will be coming into effect next year. Once into effect all section 10 OPP boards will be dissolved and a new OPP detachment board will be established. With direction from participating municipalities Elgin CAO submitted a request that a status quo board be kept. Sally Martyn indicated they would keep the affected municipalities updated regarding the application status with the Ministry.

Mayor Mennill inquired why the term of this new board would be changed from a four year term to a three year term. Elgin CAO stated that the Police Services Act specifies it to be a three year term but that an amendment to this term was being requested from the Ministry under its review process to keep the original term length.

Councillor Widner asked Inspector Loucas if there was a plan for alleviating the increase in fatal accidents and poor driving that has been increasing recently in our area. Inspector Loucas indicated that they are reviewing data and analytics of these occurrences and are deploying resources to the areas of concern. As a

result, there is an aggressive media strategy to promote attentive driving and traffic blitz's within Elgin planned.

No. 21-508

Moved by: Mark Widner

Seconded by: Rick Cerna

THAT the presentation from Inspector Mark Loucas, Detachment Commander for Elgin OPP Services, Julie Gonyou Elgin CAO, and Sally Martyn, Elgin Group Police Services Board Chair, providing an up-date on OPP Services be received.

Carried.

The Mayor thanked Inspector Loucas, Julie Gonyou Elgin CAO and Sally Martyn, Elgin Group Police Services Board Chair for their presentation and they retired from the meeting.

Presentation – Kim Earls of South Central Ontario Region Economic Development Corporation – Annual Partner up-date on SCOR Activities

Kim Earls provided an overview of SCOR's primary focus of infrastructure projects and programs, human capital programs, sector development, advocacy and connecting with other levels of government and organizations for joint collaboration efforts across the South Central Ontario Region.

Deputy Mayor Giguère inquired what the financial contribution is from each County and the total annual budget. Kim Earls responded to this inquiry that each County gives an \$25,000 annual contribution which has been the same since the beginning in 2010 which results in \$125,000 per year.

Deputy Mayor Giguère further stated that typically Economic Development reports activity but wanted to inquire if they would be measuring outcomes and results and setting metrics going forward . In response to an inquiry from Deputy Mayor Giguère regarding measuring outcomes and setting metrics, Kim Earls advised that the organization would continue to strengthen these types of reports especially relating to the bigger projects.

No. 21-509

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT the presentation from Kim Earls of South Central Ontario Region Economic Development Corporation providing an Annual Partner up-date on SCOR activities be received.

Carried.

The Mayor thanked Kim Earls of SCOR for her presentation and she retired from the meeting.

REPORTS:

Director of Fire and Emergency Services

- Emergency Services Report-October

No. 21-510

Moved by: Max Moore

Seconded by: Chester Glinski

THAT Report No. F-21-15 entitled “*Emergency Services Activity Report – October*” be received.

Carried.

Clerk

- Accessibility Status Report Update

No. 21-511

Moved by: Dominique Giguère

Seconded by: Max Moore

THAT Report No. HR-21-20 entitled “Accessibility Status Report Update” be received;

AND THAT the Municipal Staff be requested to post the Annual Accessibility Status Report 2020 on the Township’s website.

Carried.

Building/Planning/By-law

- Notice of an Application - Proposed Draft Plan of Vacant Land Condominium, 335 John Street South, Town of Aylmer No. 34CD-AY2102.

Councilor Glinski inquired about what effects these units would have on the waterline as previous Terrace Lodge enlargements had been a concern with their water useage. Mayor Mennill believed this to be a different line. CAO Adam Betteridge stated that the onus would be on the developer or the Town of Aylmer to ensure there were no capacity issues in regards to water/wastewater.

No. 21-512

Moved by: Mark Widner

Seconded by: Scott Lewis

THAT Report No. DS-21-60 entitled “Notice of an Application - Proposed Draft Plan of Vacant Land Condominium, 335 John Street South, Town of Aylmer No. 34CD-AY2102” be received;

AND THAT the Council direct Staff to issue correspondence to the County of Elgin Manager of Planning detailing comments of the Township of Malahide pertaining to this development.

Carried.

- Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck), Application E 81-21

Dan Smith from MBPC provided an overview of the severance application. The zoning was applied for but a severance was never applied for. Conditions have been placed on the application with specific conditions to address the woodland and dilapidated buildings. He noted that if Council didn't want to include the condition in this particular instance it wouldn't be a problem. Mayor Mennill agreed that the Environmental study in this scenario not be included and that he suggested to Council that this one condition be removed and they agreed to remove it within the resolution.

No. 21-513

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT Report No. DS-21-56 entitled “Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck)” be received;

AND THAT the Application for Consent to Sever of Civic Planning Solutions Inc. (David Roe), on behalf of Tri-Gen Farms Inc. (Darren Deleebeeck), relating to the property located in Part Lots 16 and 17 and part of road allowance, Concession 2, (Geographic Township of Malahide), be approved

for the reasons set out herein;

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

Carried.

No. 21-514

Moved by: Scott Lewis

Seconded by: Rick Cerna

THAT the Malahide Township Council has no objection to the Land Severance No. E81/21 in the name of Tri-Gen Farms Inc. (Darren Deleebeeck), relating to the property located at Part Lots 16 and 17, Concession 2, Geographic Township of Malahide, subject to the following conditions:

- (i) That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
- (ii) 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.
- (iii) 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.
- (iv) That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
- (v) That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
- (vi) 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.
- (vii) That the applicant is responsible for the demolition, or repair, of various dilapidated buildings and structures, all of which is to the satisfaction of, and at no cost to, the Township of Malahide.

Carried.

REPORTS OF COMMITTEES/OUTSIDE BOARDS:

No. 21-515

Moved by: Rick Cerna

Seconded by: Chester Glinski

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

- (i) Long Point Region Conservation Authority Board of Directors
– Minutes of October 6, 2021.**

Carried.

CORRESPONDENCE:

No. 21-516

Moved by: Max Moore

Seconded by: Mark Widner

THAT the following correspondence be noted and filed:

- 1. Association of Municipalities of Ontario - Watch File – dated November 4 and 10, 2021.**
- 2. City of Kitchener – Resolution requesting the Province of Ontario to provide financial supports for businesses to cover capital and human resource costs necessary to execute the Covid 19 Vaccine Passport program.**
- 3. Town of LaSalle – Resolution requesting the Federal Government to remove the requirement for Canadian Travelers to be tested for COVID 19 when using a land border crossing into the United States and then returning to Canada after the November 8, 2021 re-opening.**
- 4. Ontario Municipal Employees Retirement System (OMERS) – Requesting support of a Resolution regarding concerns of OMERS Investment performance.**
- 5. Township of Lake of Bays – Resolution requesting the Province for additional Covid 19 funding.**
- 6. Township of Lake of Bays – Resolution requesting Federal and Provincial governments for additional rural infrastructure funding.**

7. **South West Public Health – Changes to Service Model regarding Covid 19.**
8. **Jeff Yurek, MPP Elgin Middlesex London – Correspondence thanking the Council for comments celebrating his 10th Anniversary as MPP.**
9. **Aylmer-Malahide Museum and Archives Newsletter – November and December 2021.**
10. **Town of Aylmer – Zoning By-law Amendment Public Meeting for 215 Sydenham Street, East, Aylmer.**
11. **Municipality of Central Elgin – Zoning By-law Amendment Public Meeting for 44598 Dexter Line (Revised).**

Carried.

OTHER BUSINESS:

- Correspondence from Kelly Pearson, Dawn McClintock and Rosemary Kennedy relating to a Veteran's Banner Project

Deputy Mayor Giguère questioned what the costs and logistics of the current plan were compared to the long term costs of using the current Hydro poles. She noted there is an annual community grant to assist with these costs if they wished to apply for this option. She suggested the Veteran's Banner Project Committee may want to consider this option before committing to the new option.

Councillor Widner noted that the placement of these posts need to be in the correct location within the park as they are currently planned for the middle of the park which is surrounded by sidewalks and could make using a ladder truck difficult. He wanted to ensure the process was made as easy as possible.

No. 21-517

Moved by: Max Moore

Seconded by: Scott Lewis

THAT the correspondence from Kelly Pearson, Dawn McClintock and Rosemary Kennedy relating to a Veteran's Banner Project be received;

AND THAT the Municipal Staff be directed to work with Kelly Pearson, Dawn McClintock and Rosemary Kennedy to determine a plan for Veteran's Banners and a Bulletin board to be placed in the Memorial Park in Springfield.

Carried.

- Correspondence from Long Point Region Conservation Authority dated November 12, 2021, regarding the 2022 Draft LPRCA Budget

No. 21-518

Moved by: Scott Lewis

Seconded by: Dominique Giguère

THAT the correspondence received from the Long Point Region Conservation Authority (LPRCA), dated November 12, 2021, regarding the 2022 Draft LPRCA Budget be received;

AND THAT the Draft 2022 LPRCA Budget be referred to the 2022 Budget deliberations.

- Imperial Road Port Bruce Request for Review – County of Elgin

Councillor Widner requested that the County of Elgin review the stretch of Imperial Road entering Port Bruce around the curve for the possibility of guard rails. The Municipal Staff were directed to forward a letter to the County of Elgin Engineering Department to consider this request.

- Leaf & Yard Waste Program

Councillor Moore requested that the leaf and yard waste collection in Springfield be reviewed as the schedule was not being followed. The Municipal Staff were directed to contact the contractor to ensure they are meeting the terms of the agreement and clear up the service problems being experienced.

- Speed Signage – Budget Deliberations

Councillor Widner requested that 60km signage be considered at budget deliberations at both College Line west of Dorchester Road to Springwater Road and Springwater Road North of Ron McNeil Line to include the new housing boundaries.

Carried.

No. 21-519

Moved by: Mark Widner

Seconded by: Max Moore

THAT By-law No. 21-58 being a By-law to amend parking restrictions, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 21-520

Moved by: Chester Glinski

Seconded by: Dominique Giguère

THAT Council move into Closed Session at 8:42p.m., pursuant to Section 239(2) of the Municipal Act, 2001, as amended, to discuss the following:

- (i) Labour Relations or Employee Negotiations relating to Public Works.**
- (ii) Advice that is subject to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board relating to property on Avon Drive.**
- (iii) A Labour Relations or Employee Negotiations regarding Performance Review.**

Carried.

No. 21-521

Moved by: Max Moore

Seconded by: Rick Cerna

THAT Council move out of Closed Session and reconvene at 9:25 p.m. in order to continue with its deliberations.

Carried.

The Mayor advised that during the Closed Session, the Council provided direction to the Municipal Staff regarding a Labour relations or employee negotiations relating to public works. There is nothing further to report.

The Mayor advised that during the Closed Session, the Council provided direction to the Municipal Staff regarding a litigation or potential litigation including matters before administrative tribunals, affecting the municipality or local board relating to property on Avon Drive. There is nothing further to report.

The Mayor advised that during the Closed Session, the Council provided direction to the Municipal Staff regarding a Labour relations or employee negotiations relating to Staff Performance Review. There is nothing further to report.

No. 21-522

Moved by: Rick Cerna

Seconded by: Scott Lewis

THAT By-law No. 21-85, being a Confirmatory By-law, be given first, second and third readings, and be properly signed and sealed.

Carried.

No. 21-523

Moved by: Chester Glinski

Seconded by: Mark Widner

THAT the Council adjourn its meeting at 9:26 p.m. to meet again on December 2, 2021, at 7:30 p.m.

Carried.

Mayor – D. Mennill

Clerk – A. Adams



Report to Council

REPORT NO.: DS-21-58
DATE: December 2, 2021
ATTACHMENT: Report Photo, Application, and Comments Received to Date (if any)
SUBJECT: **MINOR VARIANCE APPLICATION NO. D13-MV-08B-21 OF KAYLA AND JASON SMITH**

Recommendation:

THAT Report No. DS-21-58 entitled “Minor Variance Application No. D13-MV-08b-21 of Kayla and Jason Smith” and affecting lands described as Part of Block 135 on Plan 120, (Part 1 on 11R-8851) in the Township of Malahide (51211 Clinton St) be received;

AND THAT the Township of Malahide Committee of Adjustment APPROVE Minor Variance Application No. D13-MV-08b-21 for relief from the minimum Municipal Drain setback requirement of 7.5 metres in order to construct an accessory building on the subject property 3.5 metres from the Clinton Street Drain.

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

- 1) That a development agreement be registered on title stating that any fencing on the subject lands eastern boundary may need to be removed to accommodate future drainage maintenance or installations at no cost to the Township.**

Background:

The subject Application relates to the property located at Part of Block 135 on Plan 120, (Part 1 on 11R-8851), and known municipally as 51211 Clinton St. in the Village of Springfield. The Application seeks relief from the minimum Municipal Drain setback requirement of 7.5 metres (approximately 25 feet).

The effect of the specific relief sought would allow a new accessory building to be situated 3.5 metres (approximately 15 feet) from the Clinton Street Drain whereas the Zoning By-law requires such structures to be no closer than 7.5 metres from the centre

line of a municipal tile drain. The Clinton Street Drain is located on the abutting property to the east, 0.5 metres from the eastern side lot line of the subject lands.

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 2, 2021 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-08b-21.

Comments/Analysis:

The subject property is approximately 1449.59 square metres (0.35 acres) in area, and has approximately 24.39 metres (80.05 feet) of frontage along Clinton Street. The property has an average depth of approximately 194.76 metres (638.97 feet). There is an existing single-detached dwelling and detached garage. The subject property is bounded by non-farm residential uses to the north, east and west, and agricultural land to the south.

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) (letter dated November 11, 2021) has no objections to the application.

There have been no comments received from the general public 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 4 tests are as follows: maintains the general intent and purpose of the Official Plan; maintains the general intent and purpose of the By-law; the application is "minor" in nature; and, the proposed development is desirable for the appropriate development or use of the subject property.

The Clinton Street Drain is an enclosed municipal tile drain and poses an unlikely flood risk. The primary intent of the required setback from the centre-line of a municipal tile drain is to ensure adequate space for drain maintenance purposes.

The portion of Clinton Street Drain closest to the subject lands is located on the abutting property to the east, municipally known as 51225 Clinton St. The 3.5m setback requested by this application does not reduce adequate space for future maintenance. For any future maintenance or installations, the Clinton Street Drain could be accessed from the abutting property to the east. Any fencing on the subject lands eastern boundary may need to be removed at no cost to the Township.

Staff recommend that a development agreement be registered on title stating that any fencing on the subject lands eastern boundary may need to be removed to accommodate future drainage maintenance or installations at no cost to the Township.

The above has been incorporated into the recommendation.

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.

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the "Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Reviewed by:
Christine Strupat, CPT Development Services Technician/ Assistant Planner	Adam Betteridge, MCIP, RPP Director of Development Services

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

b) Mailing Address

c) Telephone No.

d) Fax No.

Kayla Smith & Jason Smith
P.O. Box 124, 51211 Clinton Street
Springfield ON N0L 2J0
519-709-3116
N/A

list with Kayla Smith@gmail.com

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.

b) Street No. and
Name

Part of Block 135
Registered Plan 120 Part 1, Plan 11R-8851
Township of Malahide, County of Elgin
51211 Clinton Street

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

Name: Address:
TD Canada Trust
1063 Talbot St Unit 85 St. Thomas ON
N5P 1G4

5. Nature and extent of relief applied for:

To construct a detached garage/shop on the South East corner of said property, 10 feet away from the East property line.

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

The construction would have to be 7 metres from the neighbouring properties drain. The shop would then be in the middle of the rear yard making the backyard unusable, and the cost for a driveway higher.

7. Dimensions of the land affected:

a) Frontage (m) 24 m
b) Depth (m) 59.360 m
c) Area (sq.m / ha) 1448.9 Square meters.

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 House: Ground Floor 1825 sq ft.
1 Storey, W 49.3 ft, L 62.6 ft, H 11 ft to gutters
b) Proposed Garage/Shop Ground Floor 768 sq ft.
W 24 ft, L 32 ft, H 11 ft. to gutters.

9. Date of acquisition of subject land: July 30th 2021

10. Date of construction of all buildings and structures on subject lands:
Residence July 30th 21 / Shop/Garage Nov. 1, 21

11. Existing uses of the subject property:

Residential

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

Since built
July 30/21.

13. Existing uses of abutting properties:

a) North

Residential

b) East

Residential

c) South

Agricultural / Residential.

d) West

Residential.

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

Private Communal System ☐

Tile Field System ☐

Other (please specify)

Municipal

15. Applicable Official Plan designation(s): _____

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

VR 1

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 ☒

REQUIRED SKETCH FOR MINOR VARIANCE APPLICATIONS

APPLICANT NAME

Kayla Smith + Jason Smith

ADDRESS

P.O. Box 124 51211 Clinton Street
Springfield ON NOL 2S0Lot Part of Block 135

Concession

Municipality Malahide

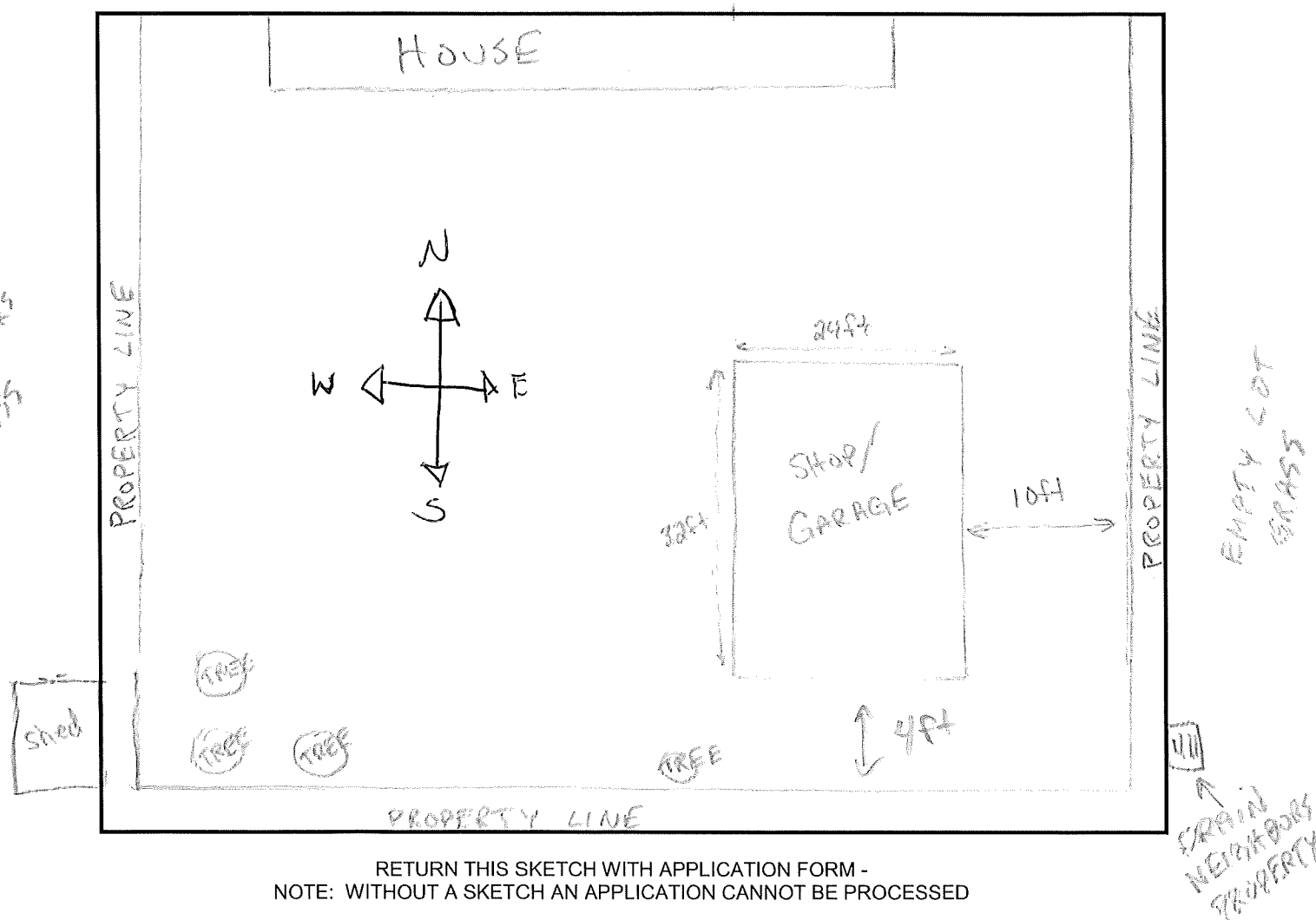
Registration Plan No.

120 Part 1, Plan 11R-8851

Quarter of Township Lot

N.E. ☐N.W. ☐S.W. ☐S.E. ☐

See Sketch Instructions on the following page.



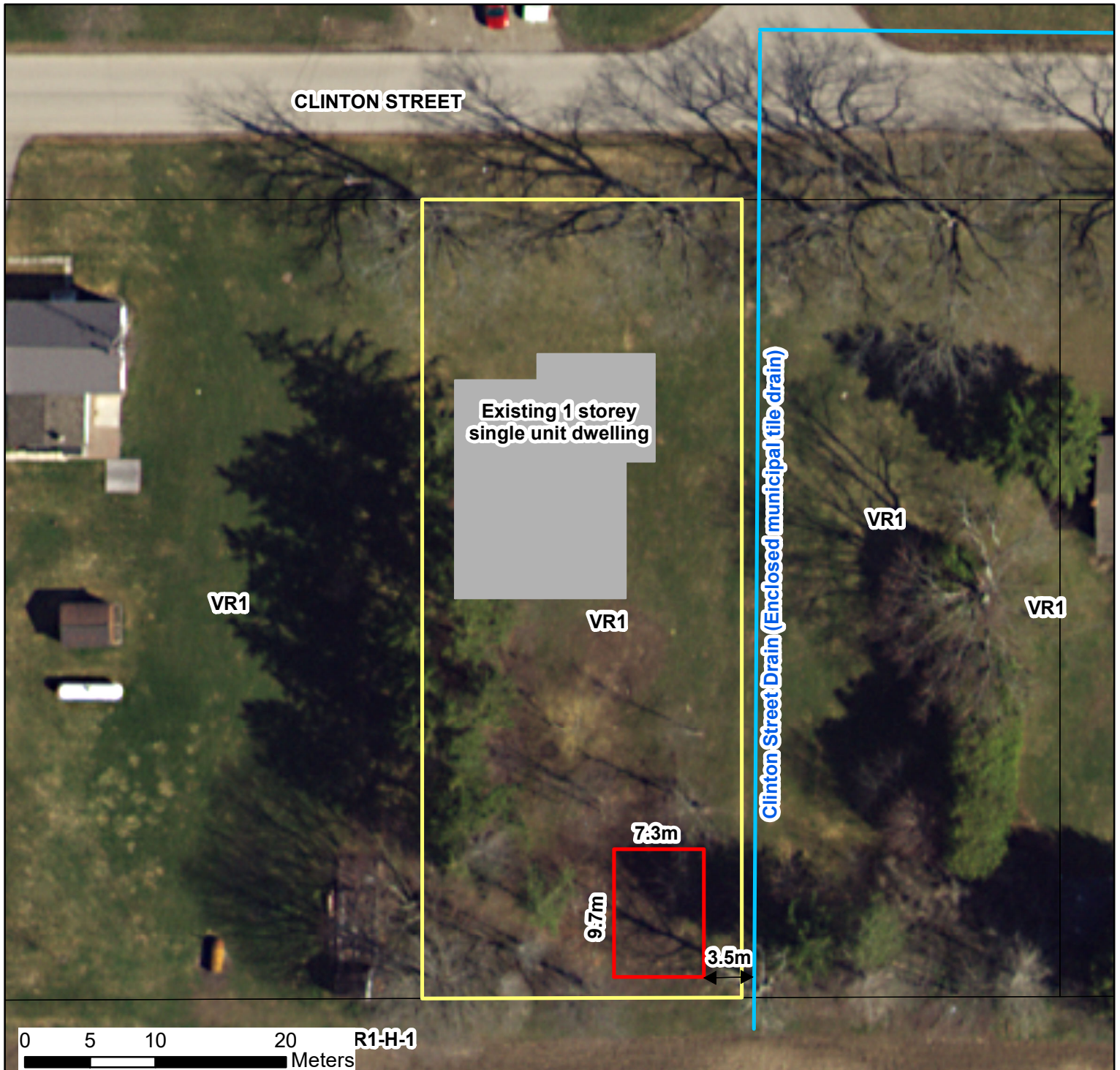
APPLICATION FOR A MINOR VARIANCE

34

Kayla and Jason Smith

51211 Clinton St
Part of Block 135 on Plan 120
Township of Malahide

Township
of Malahide
Figure 1



OFFICIAL PLAN DESIGNATION
Residential



Proposed accessory building

ZONING
VR1 VILLAGE RESIDENTIAL ONE ZONE





Report to Council

REPORT NO.: DS-21-59
DATE: December 2, 2021
ATTACHMENT: Report Photo, Application, and Comments Received to Date
SUBJECT: **MINOR VARIANCE APPLICATION NO. D13-MV-09-21 OF TODD & LAURIE SPRAGUE**

Recommendation:

THAT Report No. DS-21-59 entitled “Minor Variance Application No. D13-MV-09-21 Of Todd & Laurie Sprague” and affecting lands described as Part of Lot 78, Concession South of Talbot Road N, Part 2 of 11R-6248, (Geographic Township of Malahide) (9281 Rogers Road) be received;

AND THAT the Township of Malahide Committee of Adjustment DENY Minor Variance Application No. D13-MV-09-21 for relief from the maximum accessory building floor area of 200 square metres in order to construct an accessory building with a floor area of 335 square metres.

Background:

The subject application (D13-MV-09-21) for Minor Variance (the “Application”) has been submitted by the owners, Todd and Laurie Sprague, in order to erect a building on the subject lands which exceeds the maximum size (floor area) for an accessory building on lands zoned Small Lot Agricultural (A4).

The Application relates to the property located in part of Lot 78, Concession STR N, Part 2, Reference Plan 11R-6248, (Geographic Township of Malahide) and known municipally as 9281 Rogers Road.

The Township of Malahide Committee of Adjustment has scheduled a Public Hearing for this application to be considered on December 2, 2021.

Comments/Analysis:

The subject lands comprise a rectangularly-shaped parcel situated on the west side of Rogers Road south of Talbot Line. The lot has an area of approximately 4,666 square metres (1.2 ac) with a depth of approximately 102 metres (335 ft) and a frontage of approximately 45.7 metres (150 ft) on Rogers Road. Existing buildings and structures on the lands are described in the application as a one-storey single detached dwelling comprising a floor area of 111.5 square metres (1,200 sq ft). No change in the use of the lot is proposed.

The owners propose to erect a building to the rear of the property for personal use functioning as a pool house and vehicle storage including a 5th-wheel travel trailer. The proposed building would have a dimension of 18.3 m x 18.3 m (60 ft x 60 ft) and a floor area of 335 square metres (3,600 sq ft).

The subject lands are situated in an area known locally as 'Aylmer West', being characterized by a mix of residential, commercial and institutional uses with some fragmented agricultural parcels. Residential development has occurred along both Talbot Line and Rogers Road being primarily low density single detached dwellings. Residential lots in the vicinity of the subject lands along Rogers Road are of a similar size and shape.

County of Elgin Official Plan

The subject property is situated in a designated 'Settlement Area' on Schedule 'A', Land Use Plan given they are considered to have a similar definition in the local Official Plan. The policies of the Plan do not specifically address minor variances insofar as these matters are generally left to the local municipality for consideration and approval.

Malahide Official Plan

The subject property is designated 'Suburban Area' on Schedule 'A1' (Land Use Plan). Minor variances are not specifically addressed by the policies of the Plan.

Malahide Zoning By-law No. 18-22

The subject property is zoned Small Lot Agricultural (A4) on Schedule 'G', Map No. G3 to the Township's Zoning By-law No. 18-22. A locally significant wetlands is situated on a vacant parcel lying west of the subject lands.

Township staff have prepared the following zone table to evaluate the development parameters of the proposed building against the minimum and maximum standards of the Zoning By-law as they pertain to an accessory building or structure on lands zoned Small Lot Agricultural (A4). In this instance, the standards contained in Section 5.3.1 of the Zoning By-law are applicable:

Section 5.3.1 Accessory Buildings and Structures

Accessory buildings or structures in the General Agricultural (A1) Zone, Special Agricultural (A2) Zone and the Large Lot Agricultural (A3) Zone shall be governed by the provisions of Section 5.2.1 whereas accessory buildings or structures in the Small Lot Agricultural (A4) Zone shall not:

	Provided/proposed	Compliance
be erected closer to the front lot line or the exterior side lot line than the minimum distance required for the dwelling on the lot;	Greater than	yes
be erected in the front yard or, in the case of a corner lot, in the exterior side yard;	Not in front yard	yes
be erected closer to the road than the dwelling is to that road;	Not closer to road than the dwelling	yes
be erected closer than five (5.0) metres to an interior side lot line;	5.0 m	yes
be erected closer than 1.2 metres to a rear lot line;	Greater than	yes
exceed the maximum floor area prescribed in Section 5.2.1; 200m²	334.89 m²	no
exceed ten (10) percent coverage of the lot area;	$334.89/4668.3778=0.07\%$ Less than	yes
exceed six (6.0) metres in height or contain more than two storeys	6.0 m	yes
be erected within two (2.0) metres of the dwelling;	More than	yes
be considered an accessory building if attached to the dwelling in any way.	Not attached	yes

The minor variance applied for would permit an accessory building having a floor area of **335 square metres** (3,600 sq ft) notwithstanding the maximum floor area standard of **200 square metres** (2,153 sq ft).

General Comments

The Township's Development Services Staff has also received comments provided by other internal departments and external commenting agencies, notably:

- The Catfish Creek Conservation Authority (Nov 22, 2021) – no concerns with the application.

As of the date of writing there has been one comment from surrounding property owners. Gary and Pat DeMers, in an email dated November 25, 2021, have advised that they would prefer to have the proposed building erected more to the rear of the subject

lands such that the building is located 15.2 metres from the rear lot line as opposed to 33.5 metres.

The Township's Consulting Planner has also reviewed and provides the following comments:

As a general planning principle, it is generally understood that, when consideration is given to variances or permissions related to the size of accessory buildings, that the building is in fact "accessory" to the main permitted use(s), buildings and structures on the lot. As previously indicated, the lot is zoned Small Lot Agricultural (A4). The existing single unit dwelling constitutes the main permitted use on the subject lands and the following definition in the Zoning By-law is of relevance:

"2.2 ACCESSORY

when used to describe a use, building, or structure shall mean a use, building, or structure that is:

- a) ***incidental, subordinate and exclusively devoted to a main permitted use, building or structure [emphasis added];***
- b) *located on the same lot as the main permitted use, building or structure;*
- c) *unless specified otherwise in this By-law, not used for human habitation."*

The proposed accessory building would comprise a floor area of 335 sq m (3,600 sq ft), considerably larger than the maximum of 200 sq m (2,153 sq ft) stipulated in the Zoning By-law – a difference in the order of approximately 135 sq m (1,447 sq ft). More notably, the proposed accessory building would be approximately **three times** the floor area of the existing single unit dwelling. The proposed building in this case does not constitute or fall under the definition of "accessory" insofar as it is not, by virtue of its size, considered "incidental" and "subordinate" to the main use (i.e. dwelling) on the property.

The intent of the Zoning By-law, specifically as it relates to accessory buildings and structures, is to ensure that the size of such buildings be kept in check such that the main permitted buildings are not overshadowed by accessory buildings which dominate the landscape. This is particularly of relevance and concern in a concentration of residential uses where abutting lots are modest in size and where excessively large accessory buildings have the potential to conflict with the outdoor amenity space and living enjoyment of neighbouring property owners.

With the proposed accessory building being triple the size of the primary dwelling on the lot, the building cannot meet the test of being clearly accessory, secondary and incidental to the main permitted residential use.

Based on the above analysis, the proposed minor variance to permit the construction of an accessory building would not maintain the general intent and purpose of the Zoning By-law. The proposed variance is not considered minor in the circumstances and is not

desirable for the appropriate use and development of the subject lands and neighbouring lands.

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:
Dan Smith, MA 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

November 25, 2021

Allison Adams, Secretary-Treasurer
Township of Malahide
Committee of Adjustment
87 John Street South
Aylmer, Ontario, N5H 2C3

By email to: malahide@malahide.ca
cc: cstrupat@malahide.ca

RE: File No.: D13-MV-09-21
Owners: Todd and Laurie Sprague
Location: Part of Lot 78, Concession STR N, (9281 Rogers Road)

We are writing for 3 reasons:

- 1) To comment about the application
- 2) Request to attend the virtual public meeting
- 3) Request notification of the decision

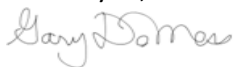
We own and live at 9301 Rogers Rd. We moved there when Gary retired in 2015. We specifically sought out a property that had all the attributes of 9301, including the acreage and that it was a country property. Todd and Laurie are new neighbours and to date have done nothing but improvements to the property.

While on the whole we do not object to the proposed garage our concern is the proposed location within the lot. The application, if granted, would effectively result in a large wall app, 60' x 25' that would be adjacent to the area of our backyard we use the most. Given this our preference would be that the proposed garage be built further back on the lot. Specifically the front of the garage would begin where the back is now proposed. (See drawing on page 2.) The front of the garage would be 33.5 meters from the back of the lot leaving 15.2 meters behind the garage.

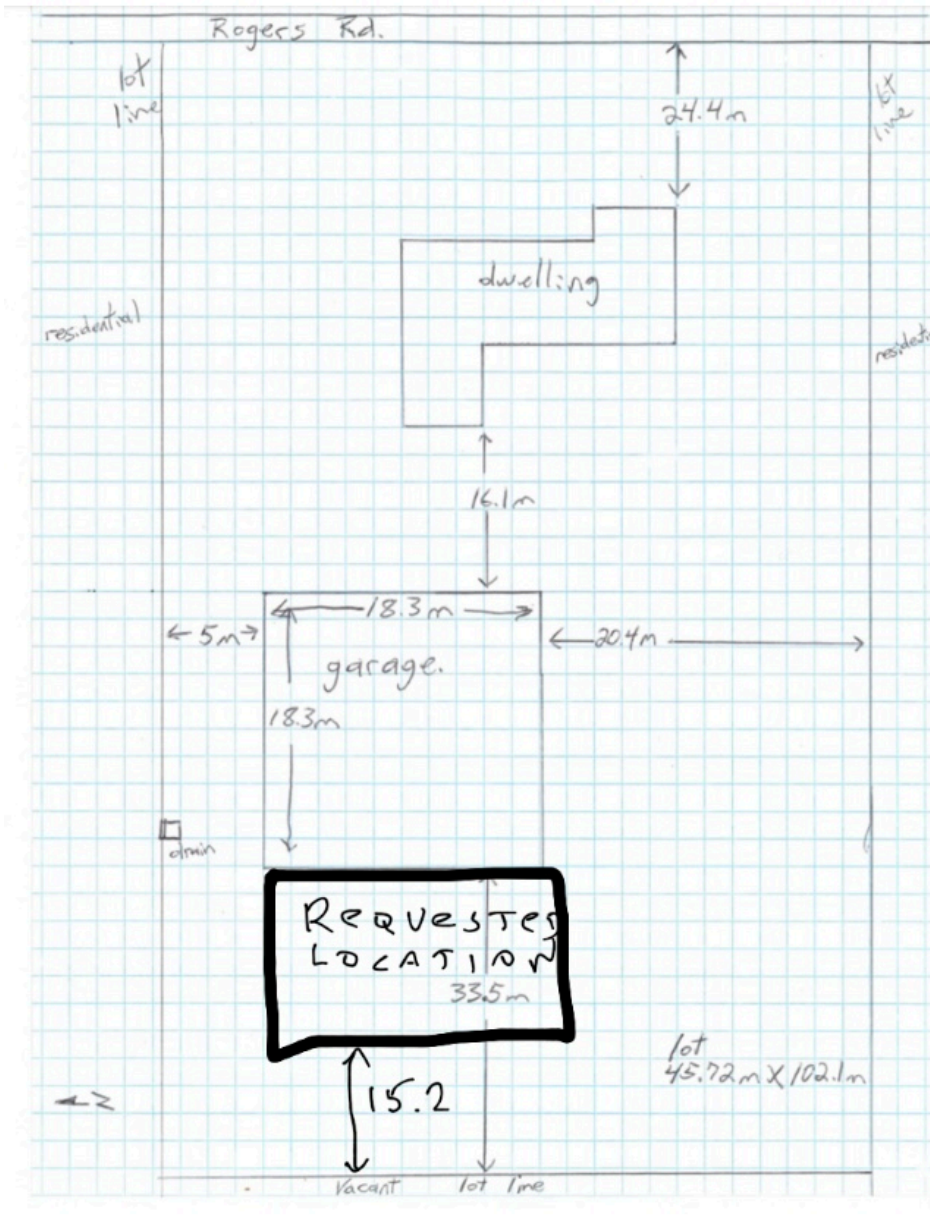
With this change we would be fully supportive of the application!

Should you have any questions please do not hesitate to contact us. We look forward to attending the meeting on December 2, 2021.

Thank you,



Gary and Pat DeMers

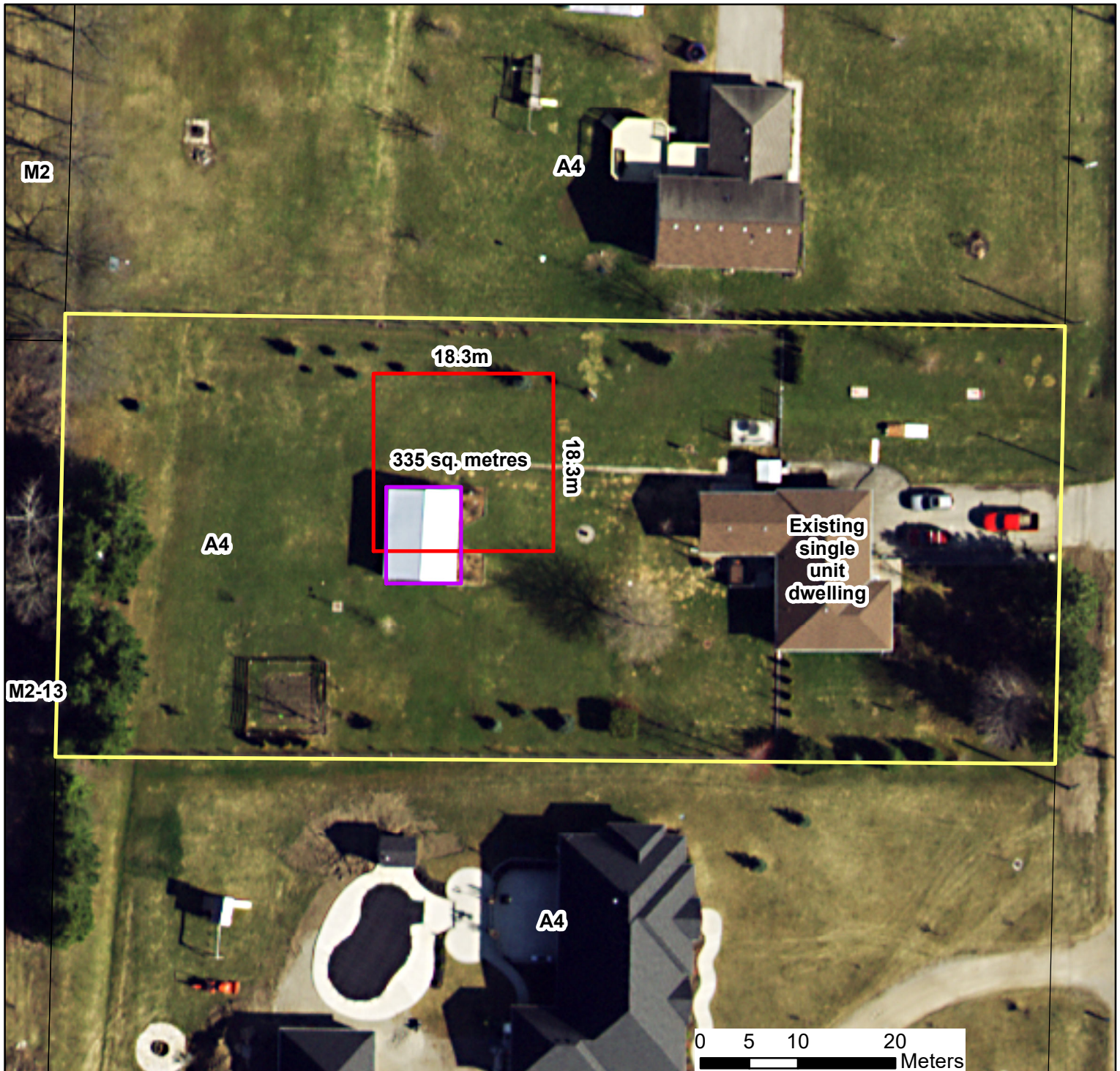


APPLICATION FOR A MINOR VARIANCE
Todd and Laurie Sprague

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9281 Rogers Road
Part of Lot 78, Concession STR N,
Township of Malahide

**Township
of Malahide
Figure 1**



OFFICIAL PLAN DESIGNATION
SUBURBAN AREA

ZONING
A4 SMALL LOT AGRICULTURAL ZONE

-  Proposed accesory building
-  Demolished accesory building



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

Todd Sprague

b) Mailing Address

28 Rogers Rd.

Aylmer ON. NSH 2V9

c) Telephone No.

519-808-9488

d) Fax No.

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.

Lot 78 Conc STR Malahide Pt 2 11R6248

b) Street No. and
Name

28 Rogers Rd.

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

Name:

Address:

NONE

5. Nature and extent of relief applied for:

larger building size for accessory building

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

Max accesory building size is 200sq. m.

7. Dimensions of the land affected:

a) Frontage (m)

~~101.56~~ 45.75

b) Depth (m)

102.18

c) Area (sq.m / ha)

4,910.02

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

dwelling, 1 storey 1200sq.ft (111sq/m)

b) Proposed

accessory building 18m x 18m
1 storey

9. Date of acquisition of subject land:

July 28 2021

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

1965

11. Existing uses of the subject property:

residential

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

13. Existing uses of abutting properties:

- | | |
|----------|--------------------|
| a) North | <u>residential</u> |
| b) East | <u>agriculture</u> |
| c) South | <u>residential</u> |
| d) West | <u>vacant land</u> |

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

a) Method of Water Supply (if applicable)

- | | | | |
|----------------------------|-------------------------------------|-------------------------|--------------------------|
| Public Water Supply System | <input checked="" type="checkbox"/> | Private Individual Well | <input type="checkbox"/> |
| Private Communal Well | <input type="checkbox"/> | Other (please specify) | |

b) Method of Sanitary Waste Disposal (if applicable)

- | | | | |
|--|-------------------------------------|-------------------------|--------------------------|
| Private Septic Tank and
Tile Field System | <input checked="" type="checkbox"/> | Private Communal System | <input type="checkbox"/> |
| | | Other (please specify) | |

15. Applicable Official Plan designation(s): suburban area

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 ☒

REQUIRED SKETCH FOR MINOR VARIANCE APPLICATIONS

APPLICANT NAME

Todd Sprague.

ADDRESS

28 Rogers Rd.Aylmer ON. N5H 2V9

Lot

78

Concession

STR

Municipality

Malahide

Registration Plan No.

340800006011315

Quarter of Township Lot

N.E. ☐N.W. ☐S.W. ☒S.E. ☐

See Sketch Instructions on the following page.

separate sketch attached

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

ALL DIMENSIONS MUST BE IN METRIC

Rogers Rd.

47

lot
line

lot
line

residential

residential

24.4m

dwelling

16.1m

← 5m →

18.3m

garage.

18.3m

← 20.4m →

drain

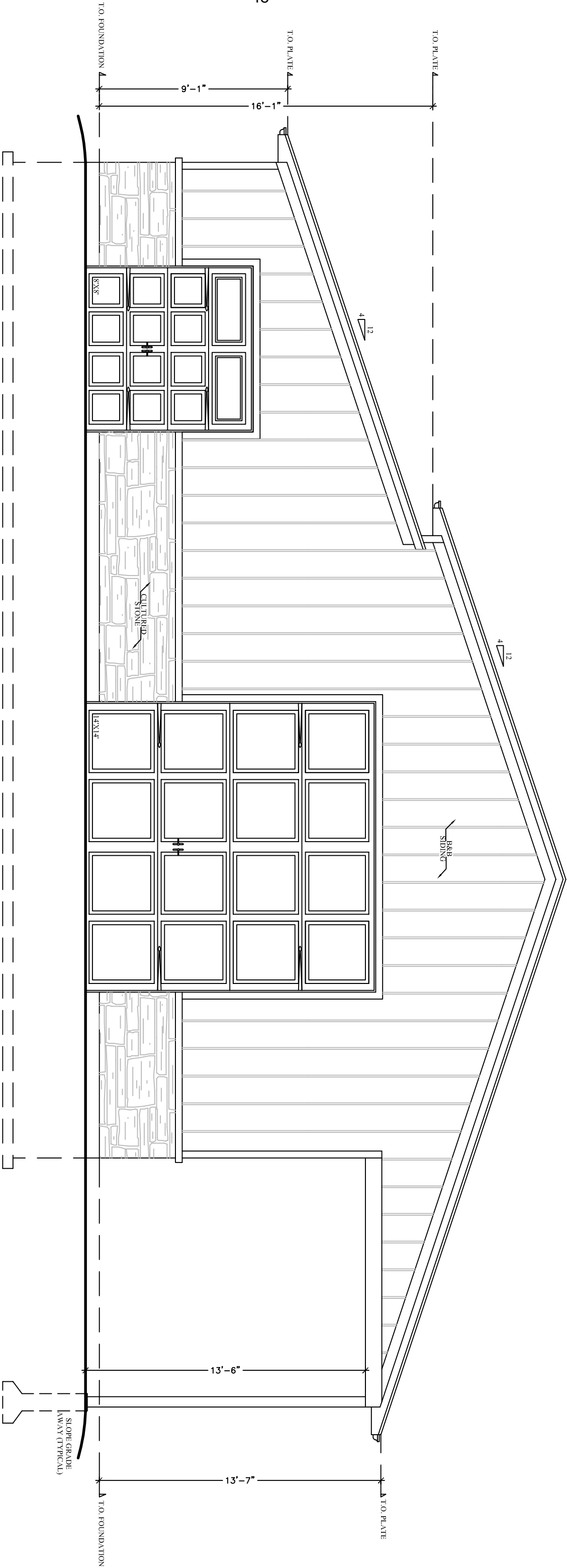
33.5m

lot
45.72m X 102.1m

← Z

vacant

lot line





County of Elgin - Road Maintenance Agreement Review

Final Report

November 10th, 2021

Table of Contents

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1

Executive Summary

Project Context and Objectives

Project Context

- As a result of County restructuring that occurred in 1998, the County of Elgin's roads are maintained through the Road Maintenance Agreement (hereafter "RMA" or "Agreement") with several local municipal partners ("LMPs"), who undertake all road maintenance activities on the County's behalf.
- As part of a 2020 review, StrategyCorp noted several issues and concerns regarding the current RMA, and identified that several opportunities to improve it with the opportunity to:

Address past and ongoing issues in roads maintenance

Improve overall trust in the County and Local Municipal Partners' working relationship

Reduce costs and increase staff productivity

Improve customer and resident experience

Provide the foundation for further shared service delivery progress

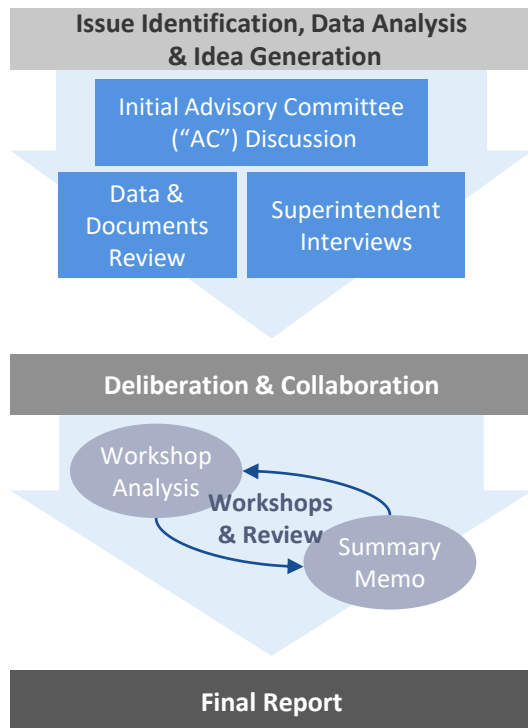
- With the current RMA set expire in 2022, Elgin County is interested in reviewing the RMA based on this recommendation and identifying means to improve the RMA.

Project Objectives

In this context, Elgin County retained StrategyCorp to support it in the review and renewal of the current RMA, including the confirmation of service standards, an assessment of the financial model, and the development of a revised term sheet.

This Report outlines the results of the review including our approach, key findings, recommendations, and high-level term sheet revisions.

RMA Review – Evaluation and Collaboration Process



- The RMA Review was **guided by a cross-functional Advisory Committee (the “AC”)** made up of Roads Superintendents, CAOs, and Treasurers from each LMP and the County.
- Through initial discussions with the Committee, individual interviews, and available data and documents, **four main areas of concern were identified:**

Governance & Communication

Scope of Services

Funding

Reporting & Enforcement

- For each area of concern, SCI presented analysis and recommendations that were reviewed and workshopped with the Committee and summarized in a Memo describing the Workshop discussions and outcomes.
- The outcomes from these AC workshops were consolidated into this Final Report and Term Sheet that includes the key findings from the review and contractual and non-contractual recommendations

Key Issues & Workshop Objectives

Governance & Communication

ISSUES

- Misalignment on the nature of the County/LMP service delivery relationship
- Lack of collaborative operational communication and planning
- No standard and transparent mechanism for resolving disputes
- No clear path for proposing and adopting amendments to the RMA

KEY WORKSHOP OBJECTIVE: Align on RMA Principles and establish clear communication and governance structures

Funding Issues

ISSUES

- Some uncertainty around the sufficiency of the formula versus true costs
- Lack of alignment on the true costs of road maintenance activities

KEY WORKSHOP OBJECTIVE: Establish true cost of services and evaluate current funding formula, and inflation indexes

Scope of Services Issues

ISSUES

- Lack of clear service standards
- Misalignment on definition of maintenance services vs. capital repairs
- Municipalities are expected to provide several specialized services that might be more efficiently contracted out by the County

KEY WORKSHOP OBJECTIVE: Confirm scope of services, clarify Schedule C language, and review opportunities for alternative service delivery options

Reporting & Enforcement Issues

ISSUES

- No consistent reporting systems or methodologies across LMPs
- LMPs provide uneven levels of service that often either exceeds or falls short of County expectations
- The County lacks an appropriate mechanisms to enforce RMA obligations

KEY WORKSHOP OBJECTIVE: Align on standard reporting systems, methodologies, and requirements, and enforcement mechanisms

Key Outcomes – Analysis and Workshops

Governance & Communications

- ✓ New governance and communications structures, and guiding principles were established to help manage and oversee the execution of the RMA.

Scope of Services

- ✓ Scope of Service changes to align service standards with County expectations, Schedule C amendments to clarify existing terms, and identification of shared procurement opportunities and considerations.

Funding

- ✓ Comprehensive evaluation of the existing Funding Model is currently not possible given diverse LMPs tracking and reporting methods and data availability.
- ✓ Insufficient evidence was found to support an increase in the fee allocation based on reported LMP spending.
- ✓ Future evaluations of the existing funding model will require cost tracking and reporting by road class, however evaluation of the fee sufficiency will only require accurate, standardized reporting of LMP true costs, to which the parameters were agreed.

Reporting & Enforcement

- ✓ Harmonized and standardized reporting mechanisms and methodologies for road maintenance activity and financial reporting were established.
- ✓ New enforcement protocols and tools were established to promote adherence to service and reporting obligations.

Complete List of Supporting Recommendations



Contractual Recommendations

- I. Add Guiding Principles to RMA.
 - II. Terms of Reference be established for both an Operational and Governance Committee.
- I. Schedule C to be defined by service and include service descriptions.
 - II. All relevant County Policies to be appended to the RMA.
 - III. The County to develop a schedule of known drainage systems.
 - IV. Changes to service levels with respect to grass cutting, line painting, and road signs.
- I. The existing funding formula remain unchanged.
 - II. The RMA continue to use CPI as its primary inflation index.
- I. Regular Municipal Monthly County Roads Reports and Inspection Responses should be harmonized into a single quarterly report.
 - II. RMA should prescribe a standard reporting template and reporting methodologies for Year-End Financials.
 - III. The RMA should direct the County to compile and submit an Annual Compliance Report to the Governance Committee for review.



Non-Contractual Recommendations

- I. Treasurers should attend operational meetings annually to assess shared procurement opportunities.
 - II. The Governance Committee should be rolled into a regular shared services meeting of the CAOs.
- I. County should investigate all opportunities for shared contracts, evaluate resource requirement to administer identified contracts, and add administrative fees to all shared contracts, as necessary.
 - II. County should assess inspections of drainage systems, etc., that are not currently defined in the RMA.
- I. Pending improved data collection and reporting, amendments to the funding formula could be made during the period of the next agreement, through the Governance committee.
- I. The County should investigate a County-hosted GIS linked Asset & Work Order Management Software Solution.

2

Workshop Outcomes

2.1 Governance & Communications*2.2 Scope of Services**2.3 Funding**2.4 Reporting & Enforcement*

Governance & Communications – Overview

Section Summary

Defining the Philosophical Approach

Designing Governance and Communication Structures

Key Workshop Findings & Discussions

Findings

- The RMA is designed to facilitate an outcome-based, fixed-fee service delivery model. However, LMPs across the County reported having very diverse understandings, approaches, and outcomes to using County fees to meet their obligations under the Agreement.
- The current, informal governance and communications structure appear to be effective at managing day-to-day operations but does not formally surface and resolve structural or systemic issues with the agreement itself.

Discussion

- The Committee aligned on 5 principles to underpin the philosophical approach to the Agreement.
- The Committee established additional contractual mechanisms to improve operational communications, and how distinct governance committee might better administer oversight and address systemic or long-standing issues with the agreement.

Key Recommendations

Contractual

- I Add Guiding Principles to RMA.
- II Terms of Reference be established for both an Operational and Governance Committee.

Non-Contractual

- I Treasurers should attend operational meetings annually to assess shared procurement opportunities.
- II The Governance Committee should be rolled into a regular shared services meeting of the CAOs.

Defining the Philosophical Approach: Fee-For-Outcomes

The existing **RMA was originally designed to facilitate an outcome-based service delivery model** where LMPs are given an annual fixed fee to provide road maintenance services on County roads.

However, LMPs across the County reported very diverse understandings, approaches, and outcomes to using County fees to meet their obligations under the Agreement. This range of municipal philosophies include:

Maintain all service standards even when schedule fees are exceeded, invoice additional services when possible

Maintain service standards and manage surplus and deficits through an accumulated reserve

Maintain MMS, but only complete as many Schedule C services as annual fee will directly cover



Defining the Philosophical Approach: Guiding Principles

Contractual Recommendations



I The Advisory Committee endorsed the following 5 Guiding Principles to be enshrined as a section of the RMA:

I. The fee schedule must be sufficient to cover the anticipated *average* costs of maintenance activities in an average year.

II. Municipalities will execute all the services outlined in the Agreement to the standards outlined in the Agreement, irrespective of annual operating cost fluctuations.

III. Municipalities will be entitled to the entire amount outlined in the fee schedule irrespective of annual operating cost fluctuations.

IV. Municipalities will have the flexibility to perform the services outlined in the Agreement using any service delivery methods they choose, so long as they meet the minimum standards outlined in the Agreement.

V. Municipalities should be given the control and flexibility to annually appropriate funds received as part of the Agreement to operations and/or reserves at the Municipality's discretion.

Designing Governance and Communication Structures: Key Findings

The current informal governance and communications structures appear to be **effective at managing day-to-day operations**, but do not formally surface and resolve structural or systemic issues with the agreement itself.

The RMA currently lacks sufficient governance mechanisms; issues and concerns with the RMA are surfaced on an ad-hoc basis, and the current operational meetings do not meet all communication needs.

RMA Governance

- Except during RMA renewal discussions every 5 years, the RMA is not governed by a particular group or body to oversee its effectiveness, below County Council.
- The Agreement, and any issues or concerns that arise among LMPs, are directly managed by the County Superintendent and General Manager on an ad hoc basis.

RMA Communications

- Quarterly meetings are currently held between the County and LMP superintendents to discuss status and issues related to County road maintenance and LMP requirements and planning for capital projects.
- All parties indicate a lack of transparency around planned operations on County roads, including both capital and maintenance projects.
- Discussions are largely informal, and issues or concerns related to the RMA itself are not regularly reviewed or discussed in a formal manner.

Governance and Communications Structures: Two-Committee Structure

Contractual Recommendations



- II** The Committee endorsed the creation of two separate committees to support communication related to the RMA with distinct and separate objectives, each with Terms of Reference attached to the RMA.

	Operations Committee	Governance Committee
Mandate & Other Terms	<p>Mandate: Sharing upcoming County capital project and repair plans; identification of shared procurement opportunities; and the coordination of shared service delivery, or County-led services.</p> <ul style="list-style-type: none"> Standard agenda items and pre-publishing requirements Mechanisms for reviewing LMP and County engagement at operational meetings 	<p>Mandate: Assess structural or systemic concerns that arise on a regular basis between renewal cycles and recommend changes to the agreement to County Council, where required; resolve disputes and conflicts that cannot be resolved at the operational level; oversee general compliance with the Agreement.</p>
Participants	County and Municipal Superintendents	County and Municipal CAOs
Frequency	Quarterly	TBD

Non-Contractual Recommendations



Additional Notes:	<p>I Treasurers should attend operational meetings annually to assess shared procurement opportunities that can be brought back to regular treasurers' meetings.</p>	<p>II The Governance Committee should be rolled into a regular shared services meeting of the CAOs. This could occur during standing CAO meetings on a quarterly or bi-annual basis.</p>
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2

Workshop Outcomes

2.1 Governance & Communications

2.2 Scope of Services

2.3 Funding

2.4 Reporting & Enforcement

Scope of Services – Overview

Section Summary	Key Workshop Findings & Discussions	Key Recommendations
Defining the Scope of Services and Schedule C	Findings <ul style="list-style-type: none"> Schedule C lacks service descriptions and service standards for many obligatory services. 	Contractual
Service-by-Service Assessment Workshop Activity Outline	Discussion <ul style="list-style-type: none"> The committee discussed amendments to service standards to clarify capital and maintenance activities and funding responsibilities. One key area of discussion surrounded opportunities for collaborative procurement. The Committee agreed that the County should investigate as many shared service contracts as possible on an “opt-in” basis similar to the <i>Phragmites Program</i>, meaning no changes were recommended to the Scope of Services. 	<ul style="list-style-type: none"> I Schedule C to be defined by service and include service descriptions. II All relevant County Policies to be appended to the RMA. III The County to develop a schedule of known drainage systems. IV Changes to service levels with respect to grass cutting, line painting, and road signs.
Schedule C Amendments	<ul style="list-style-type: none"> Discussion was also had on the responsibility of identifying deficiencies for systems not identified in the MMS including for drainage facilities, bridges, and culverts. 	Non-Contractual
Opportunities for Collaborative Procurement	<ul style="list-style-type: none"> The committee also discussed specific “by kilometer” service limits for “rare” events (i.e., washouts) and how those might be accounted for in a per kilometer funding formula. 	<ul style="list-style-type: none"> I County should assess inspections of drainage systems, etc., that are not currently defined in the RMA. II County should investigate all opportunities for shared contracts, evaluate resource requirement to administer identified contracts, and add administrative fees to all shared contracts, as necessary.

Defining the Scope of Services – Schedule Format and Clarifications

Existing LMP maintenance obligations are described in *Schedule C* of the RMA. Work required to meet Schedule C standards that exceed the limits imposed by the Schedule are addressed according to the processes identified in *section 4.5* of the RMA.

Schedule C

- *Schedule C* states that LMP are to meet all MMS legislated standards, and then enumerates all the additional standards that fall outside the MMS LMPs are expected to complete. These standards were originally formatted to accompany a “municipal best practices” schedule that was later removed from the Agreement. The result is that **Schedule C is not currently well formatted to clearly communicate all LMP responsibilities.**

Section 4.5

- *“Road maintenance/repair services in addition to the Scope of Services identified in Schedule “C” may be performed by the Municipality by mutual agreement between the Municipal Superintendent and the County Superintendent...”*

Contractual Recommendations

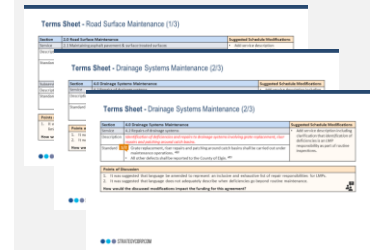


Schedule C should be amended so **standards are organized by service category of all required services** including those prescribed in the MMS, including inspections.

Service-by-Service Assessment – Workshop Activity

Based on the agreed upon Schedule format, **the Advisory Committee conducted a line-by-line review of the Scope of Services.** For each service listed, the following items were discussed:

- i. Confirm service descriptions for each service category.
- ii. Confirm understanding of existing minimum service standards and service level limits including intended purpose of existing stipulations; clarify language, as necessary.
- iii. Discuss opportunities for migration of services to the County or for shared procurement between partners.
- iv. Discuss proposed changes to existing service standards as identified by the County or LMPs in the Scope-of-Services Worksheet.



Services List

1.0 Inspection

- 1.1 Routine Inspections

2.0 Road Surface Maintenance

- 2.1 Maintaining Asphalt Pavement & Surface Treated Surfaces
- 2.2 Maintaining Gravel Shoulders
- 2.3 Sweeping

3.0 Roadside Maintenance

- 3.1 Debris Control
- 3.2 Grass Cutting

3.3 Brush Control

3.4 Tree Maintenance

3.5 Weed Control

4.0 Drainage Systems Maintenance

- 4.1 Cleaning of Drainage Systems
- 4.2 Repairs of Drainage Systems
- 4.3 Ditch Maintenance

5.0 Bridges and Culverts

- 5.1 Structure Cleaning
- 5.2 Erosion Control

6.0 Safety Devices

- 6.1 Road Markings
- 6.2 Road Signs
- 6.3 Guide Rail and Traffic Barrier Systems
- 6.4 Road Closures

7.0 Winter Control

- 7.1 Winter Control

Schedule C Amendments – Clarity and Good Governance

- The following clarifying recommendations are not meant to alter the obligations of either party under the agreement but are designed to clarify the intent of certain stipulations through added language and supporting documents.

Contractual Recommendations



- ✓ **Service descriptions should be added** for each service listed in Schedule C.
- ✓ Where service standards are prescribed by the MMS, **“to be completed as per MMS,” should be added** to the schedule.
- ✓ Where a specific service level limit is described in Schedule C, **a clause referencing section 4.5 of the RMA should be added** to clarify the County responsibility to pay for any additional work necessary to meet minimum service standards.
- II Where Municipalities are expected to provide services with regard to a particular policy referenced in the RMA or Scope of Services, that **policy should be attached at an appendix to Schedule C**, with a provision allowing the County to update these policies between RMA renewal cycles. This includes but is not limited to:
 - i. “No Spray” Policy
 - ii. Road Salt Management Plan
 - iii. Deer Warning Signage Policy

Schedule C Amendments – Drainage Systems

- It was identified that in many cases, such as for drainage facilities, bridges, and culverts, where routine inspection is not prescribed in the MMS, **the existing agreement does not clearly define which party is responsible for the identification of defects on these structures.**

Contractual Recommendations



- III Schedule C should be amended to include a provision requiring the **County to provide a schedule of known drainage structures under the responsibility of LMPs**, and will continuously update that schedule as asset inventories are updated and improved. LMPs will still be responsible for all drainage structures in the municipality.

Non-Contractual Recommendations



- I County should assess *what party is best suited to conduct* inspections of drainage systems, bridges, and culverts and clarify those roles in the terms of the RMA.

Schedule C Amendments – Service Level Changes

Contractual Recommendations



IV

3.2 Vegetation Control

- ✓ The existing minimum standard for full width cutting of the ROW every third year should be removed and replaced with a standard that allows the area between biannual cutting and the property line to naturalize to the extent that it remains free of invasive and noxious weeds, or larger brush and vegetation that impedes sight lines or drainage facilities. Larger vegetation in these areas should also be removed by the municipality before the canopy begins to encroach the road property.

6.1 Road Markings

- ✓ A provision should be added to the schedule for the County to take on responsibility for the costs of re-marking roads following capital re-surfacing or re-paving projects on County roads but that there should be continued collaboration between Municipalities and the County to eliminate duplication of road markings in cases where capital projects are planned, as has been the practice in recent years.

6.2 Road Signs

- ✓ A provision should be added to the scope of services schedule to clarify that where road signs have become deficient over time (i.e., failed reflectivity tests) the County is responsible for the costs of replacing those signs, as has been the practice in previous years. The municipalities should continue to be responsible for replacing damaged or stolen signs, and for regular reflectivity testing as per the MMS.

Draft Schedule C language is appended to the Term Sheet that is the Companion document to this report.



Opportunities for Collaborative Procurement

The committee discussed shared service contract opportunities for a number of municipality-led services that could be taken on by the County. Opportunities for Municipality-led contracts were not favoured by the committee.

- LPMs favoured a contract structure that allows LMPs the opportunity to “opt in” to service contracts procured and administered by the County if the rates prove favorable to their own costs or contracts – Similar to the *Phragmites Program*.
- The County noted that while the *Phragmites Program* has also been successful for the County, it represents an additional administrative workload, and should more contracts be taken on by the County, staff resourcing would become a cost consideration.

Contractual Recommendations



- ✓ **Existing service obligations should remain in Schedule C** so that LMPs have the flexibility to pursue the most cost-effective delivery methods.

Non-Contractual Recommendations



- II The committee agreed that **the County should explore shared contracts for as many services as possible**, though the following services were identified as of special interest:
 - i. Sweeping
 - ii. Road Marking
 - iii. Routine Inspection and Cleaning of Drainage Systems
 - iv. Reflectivity Testing for Road Signage
- ✓ **The County should consider adding an administrative fee to shared contracts** it procures and administers for LMPs based on resource requirements from the County.

2

Workshop Outcomes

2.1 *Governance & Communications*

2.2 *Scope of Services*

2.3 Funding

2.4 *Reporting & Enforcement*

Funding – Overview

Section Summary

Review of Current Reported
LMP Spending

Assessing the Sufficiency of the
Existing Fee Allocation

Fee Schedule Recommendations

Review of Potential Inflation
Indexes

Key Workshop Findings & Discussions

Findings

- Most LMPs do not have consistent reporting on road maintenance costs and use a number of methodologies to report costs to the County, with varying degrees of accuracy.
- Equipment costs represent a significant area of ambiguity, given the subjectivity involved in calculating machine hour costs – previous discussions on RMA funding indicate that funding is intended to cover 75% of OPS-127 machine hour rates.
- SCI evaluated current costs against OPS-127 machine hour rate, and found no evidence that LMPs would report significantly more spending than allocations, even at 100% of OPS-127 rates.
- Based on the level of available data, a comprehensive assessment of funding sufficiency / deficiencies versus costs could not be conducted
- Future evaluation of the funding formula which currently relies on a per kilometer calculation by road class, since LMPs do not track spending by road class, the formula cannot currently be validated.
- While there is some subjectivity in assessing inflation rates in the funding formula, CPI remains the most widely accepted and most relevant benchmark as an escalation factor in the agreements

Key Recommendations

Contractual

- I The existing funding formula remain unchanged.
- II The RMA continue to use CPI as its primary inflation index.

Non-Contractual

- I Pending improved data collection and reporting, amendments to the funding formula could be made during the period of the next agreement, through the Governance committee

Recent LMP Spending on County Roads

SCI reviewed LMP spending on County roads by reviewing LMP's financial reporting to the County, as well as their operating expenses, and compared that to RMA fee allocations for 2018-2020. When reserve transfers are excluded, LMPs only **spent 95% of their allocation in 2020**, and **104% of their allocation on average annually between 2018-2020**. It should be noted that Winter Control spending was notably higher across LMPs in 2018, and lower across LMPs in 2020, as winter controls typically make up the most volatile portion of spending.

Reported LMP Spending in 2020 (Excluding Reserve Transfers)

	Total	Aylmer	Bayham	Central Elgin	Dutton Dunwich	Malahide	Southwold	West Elgin
Total Allocation	\$3,296,220	\$21,864	\$410,794	\$694,704	\$462,362	\$722,593	\$504,225	\$479,678
Spending for all Roads	\$3,357,736	\$16,214	\$378,015	\$593,734	\$476,155	\$596,741	\$558,499	\$450,521
Difference	101%	74%	86%	84%	103%	83%	111%	94%

Reported Spending 2018-2020 (Excluding Reserve Transfers)

3-Year Avg. Difference	102%	113%	92%	113%	104%	99%	109%	96%
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- Based solely on LMP reported spending as compared to County allocation, SCI finds LMP spending does not significantly exceed the current allocation enough to justify a fee increase.

Assessing the Sufficiency of the Existing Fee Allocation

Our Initial Approach

Establish a **true cost-of-services assessment of expenditures** based on the required level of service for each classification of highway in relation to service standards. However, **this would require relatively normalized standards and accuracy in reporting across LMPs** as well as significant visibility and data sharing from all LMPs.

Available LMP Reporting and Data

Most LMPs reported a relatively good, or high degree of accuracy in tracking and reporting, however, **most have been unable to provide detailed reporting on maintenance activities**, and **no LMPs reported tracking maintenance activities by road class**, making any kind of service level-based assessment impossible.

Adapted Methodology

Given LMPs current reporting alone does not seem to support a fee increase, SCI has attempted to review LMP spending by cost center, in an attempt to normalize spending across LMPs, and fully account for both direct and indirect costs, including those that LMPs noted were absent from the funding formula.

Proportion of Cost Centers as Reported LMP Expenditures (3-Year Average)

Average % of Spending		*Aylmer	Bayham	Central Elgin	Dutton Dunwich	Malahide	Southwold	West Elgin
Labour	28%	10%	24%	38%	28%	33%	N/A	36%
Equipment	27%	24%	26%	25%	29%	31%		26%
Materials	42%	66%	30%	22%	44%	16%		30%
Contracts			14%	13%		15%		
Admin/Other	5%	-	6%	1%	-	5%	7%	5%

* Aylmer only has 2020 data available

How LMPs Measure and Calculate Spending – Direct Costs

For **labour**, **materials**, and **contracts**, LMPs all report costs using direct costs, including salaries and invoices. For this reason, and even though LMPs report a range of spending in these areas, this **reporting is considered true-to-cost for the purposes of our assessment**.

	LMP Resource Allocation Tracking	LMP Reporting of Expenses
Labour	<ul style="list-style-type: none"> Most LMPs track labour hours on detailed timesheets, with two LMPs using a work management systems, one LMP does not accurately track labour resources to County or Local roads. 	<ul style="list-style-type: none"> All municipalities report labour costs using direct wages plus an additional percentage for incidentals (including EI, CPP, OMERS, Health and Dental, etc.) this rate varies between LMPs (21%-47%), with some reporting a fixed percentage on all wages, and others reporting actual costs.
Materials	<ul style="list-style-type: none"> Only one LMP reported using their Work Management system to track materials to County or Local roads, all other LMPs reported that unless materials are ordered specifically for a County project, material resource allocation is done based on supervisor estimates only. 	<ul style="list-style-type: none"> All LMPs use invoices to report on materials used on county roads.
Contracts	<ul style="list-style-type: none"> Only one LMP reported using their Work Management system to report materials to County or Local roads, all other LMPs reported that unless materials are ordered specifically for a County project, material resource allocation is done based on supervisor estimates only. 	<ul style="list-style-type: none"> All LMPs use invoices to report on service contractor fees for county roads

How LMPs Measure and Calculate Spending – Indirect Costs

Equipment, administrative, and overhead spending all include some degree of indirect costs or cost estimates. For these cost centers, LMPs have varying degrees of cost tracking and reporting methodologies, so it should be possible to apply best or leading costing practices to available reporting and **normalize reported spending across LMPs that better reflects the true cost of services.**

	LMP Resource Allocation Tracking	LMP Reporting of Expenses
Equipment	<ul style="list-style-type: none"> Most LMPs track machine hours on detailed timesheets, with two LMPs using a work management system, one LMP does not accurately track equipment resources to County or Local roads. 	<ul style="list-style-type: none"> Four LMPs reported using MTO OPS-127 as the source or reference for their equipment rates, one uses a rate based on fuel and maintenance costs, and two LMPs could not directly source their existing rates.
Admin	<ul style="list-style-type: none"> Most LMPs do not directly track administrative resources for managers, supervisors, oversight, etc. Only two LMPs directly track administrative time. 	<ul style="list-style-type: none"> Most LMPs report Administrative spending as a flat rate per service or for all services. Those that track administrative time report it as Labour or Administrative spending.
Other	<ul style="list-style-type: none"> Only one LMP currently tracks and reports some direct or indirect overhead costs, including building maintenance, licenses, utilities, and admin services including phone, radio, and IT. No LMPs separately track or report on insurance costs. 	<ul style="list-style-type: none"> One LMP includes some portion of its overhead spending to the services provided under the RMA. The RMA does not account for additional reported spending for overhead.

Indirect Costs – Equipment and Administration Rates

Equipment – The funding formula for the existing fee allocation model is meant to account for 75% of OPS-127 rates. Three of seven LMPs said they report machine hours based on 100% OPS -127 (MTO) rates, and one LMP reports 70% OPS-127 rates. Generally, **this would indicate some LMP reported costs are inflated compared to the intended scope of the fee allocation of 75% OPS-127 rates.**

EQUIPMENT	Aylmer	Bayham	Central Elgin	Dutton Dunwich	Malahide	Southwold	West Elgin
Tracking	Tracked using Timesheets	Tracked using Timesheets	Tracked using WorkTech (CMMS)	Not effectively tracked	Tracked using WorkTech (CMMS)	Tracked using Timesheets	Tracked using Timesheets
Pricing Rational	100% OPS 127 Rates	100% OPS 127 Rates	Rate based on fuel + maintenance costs	N/A	100% OPS 127 Rates	N/A	70% OPS 127 Rates
E.g. Chevy Silv.*	\$35.25	\$37.55	\$9.44		\$29.00	\$19.60*	\$21.46

*OPS-127 rate: \$30.30

Administration – Most LMPs noted that they do not directly track or report on general effort required to administer the RMA including activities completed by supervisors, treasurers, etc. To account for these expenses, in 2001 County recommended “*that all municipalities incorporate 5% of approved expenditures for administrative overhead.*” **LMPs report varying pricing mechanisms** for reporting administrative expenses.

	Aylmer	Bayham	Central Elgin	Dutton Dunwich	Malahide	Southwold	West Elgin
Tracking	N/A	Timesheets	WorkTech	None	None	None	None
Pricing	N/A	~7%	25% *	5%	~5%	~7%	5%

*As reported to County in 2020

Indirect Costs – Equipment Rate Normalization Exercise

Though most LMPs say they have accurate reporting on machine hours, **only 3 LMPs were able to provide us with an accurate detailed report of machine hours for the past 3 years along with enough detail on fleet to assess the impacts of a rate change** – Bayham, Malahide, and West Elgin.

Bayham Example

- Based on reported machine hours from 2019-2020*, we estimate that the **Municipality's equipment costs would decrease ~15% annually** if they were to charge at 100% of their OPS-127 rates.
- Given the Municipality spends ~28% of its total spending on equipment this would equal an **average annual reduction of 4% in total spending, or 11% less than their 2020 Allocation**.

Malahide Example

- Using reported machine hours from 2018-2020, we estimate that the **Township's equipment costs would increase ~12% annually** if they were to charge at 100% OPS-127 (2016) rates.
- Given the Township spends ~31% of its total spending on equipment this would equal an **average annual increase of 4% in total spending, or 1% more than their 2020 Allocation****.

West Elgin Example

- Using reported machine hours from 2018-2020, we estimate that the **Municipality's equipment costs would increase ~43% annually** if they were to charge at 100% of their OPS-127 rates.
- Given the Municipality spends ~26% of its total spending on equipment this would equal an **average annual increase of 11% in total spending, or 4% more than the Municipality's 2020 Allocation**.

- For the examples shown, this illustrative normalization results in **municipal expenditure at 85-104% of their 2020 allocation**.
- Given the rate variability across LMPs, **SCI cannot draw any conclusions on how a rate change might impact other LMPs**; however, given many LMPs already report using 100% OPS-127 rates, it stands to reason that their change in spending would be limited as well.

*Bayham changed its rates in 2019, and it should be noted that its 2018 equipment spending was far below OPS rates.

**Given Malahide reports already using OPS-127 rates, variation that was found in this experiment could be due to fleet misclassification, outdated rates etc.

Fee Schedule Recommendations

- Reporting by road class is required for the County and LMPs to assess the current funding formula against true cost-of-service, given that it is tied to road classification. Currently, LMPs do not have the capacity to track or report maintenance costs by road class so **funding sufficiency / deficiencies versus costs cannot be comprehensively assessed at this time**, and County is unable to identify LMP costs that are driven by unique road class structures that may be driving up costs for some LMPs.

Contractual Recommendations



- I Based on the current LMP reported spending and reporting methods, the Equipment Charges Normalization Exercise, and overall level of data availability, **no changes to the fee schedule are recommended at this time.**

Non-Contractual Recommendations



- I That **LMPs develop consistent reporting standards and templates** to better inform future reviews of the fee allocation and funding formula.
- II Recommendations for the 2022 RMA should not include requirements to report on road class because to do so would require significant investments in reporting processes or technology for LMPs. **However, future evaluation of the funding structure or base allocation should not be deferred entirely in the absence of road class data. If financial reporting can be standardized to a certain degree in the interim future evaluations may rely on that data to potentially develop alternative funding models.**

Annual Inflation Index Recommendations

Beyond discussions surrounding the base fee for the RMA allocation, LMPs have also historically raised concerns that the **Consumer Price Index** is not the best indication of inflation for the RMA to rely on, and the **Building Construction Price Indexes** would be a better reflection of the actual cost incurred by LMPs. Below is a description of the two indexes, and their comparative percent changes in the last year (*Source: StatsCan*).

Consumer Price Index

- The **Consumer Price Index (CPI)** represents changes in prices as experienced by Canadian consumers. The goods and services in the CPI basket include: food; shelter; household operations, furnishings and equipment; clothing and footwear; transportation; health and personal care; recreation, education, and reading; and, alcoholic beverages, tobacco products, and recreational cannabis.
 - Across Canada, this **increased 2.2% from** March 2020-2021.

Building Construction Price Indexes

- The **Building Construction Price Indexes BCPI** measures change over time in contractors' prices to construct a range of new commercial, institutional, industrial and residential buildings. The contractor's price reflects the value of all materials, labour, equipment, overhead and profit to construct a new building.
- In Toronto, the BCPI for Non-Residential Buildings increased **3.3%** from Q1 2020-2021.

- **The CPI is typically viewed as the best overall indicator of inflation across the Canada;** while the BCPI may reflect some aspects of LMPs changing prices under the RMA, it is not perfectly analogous due to both material and regional differences (i.e., the BCPI measures price changes in metropolitan areas only).

Contractual Recommendations



- II The RMA **continue to use CPI** as its primary inflation index.

2

Workshop Outcomes

2.1 *Governance & Communications*

2.2 *Scope of Services*

2.3 *Funding*

2.4 Reporting & Enforcement

Reporting & Enforcement – Overview

Section Summary

Inspections and Activity Reporting

Annual Financial Reporting

Enforcement Mechanisms

Key Workshop Findings & Discussions

Findings

- LMP compliance with submitting reporting on road maintenance activities is inconsistent, with the majority of LMPs not providing timely or detailed reporting on work performed or materials used.
- Compliance with financial reporting is high, but provides limited value do to lack of standardized reporting.
- The County does not have an effective way of enforcing service standards across the County, demonstrated by the variable service levels provided by LMPs.

Discussion

- The Committee discussed standard methodologies for calculating labour, equipment, material, contract, and admin costs, with the goal of reporting / approximating true costs as accurately as possible.
 - Evaluation of costs will rely on reporting of true cost in hours (for labour and equipment), to validate reported spending.
- The Committee supported the recommendation that a shared digital reporting platform be introduced outside the language of the RMA to reduce reporting burden for LMPs and improve data collection and analysis for the County. Such a system would allow for road specific reporting on maintenance activities and enable evaluations of maintenance activities and costs by road class.

Key Recommendations

Contractual

- I Regular Municipal Monthly County Roads Reports and Inspection Responses should be harmonized into a single quarterly report to County.
- II RMA should prescribe a standard reporting template and reporting methodologies for Year-End Financials.
- III The RMA should direct the County to compile and submit an Annual Compliance Report to the Governance Committee for review.

Peripheral

- I The County should investigate a County-hosted GIS linked Asset & Work Order Management Software Solution.

Inspections and Activity Reporting – Quarterly Inspections

Quarterly Inspections	Existing Terms	Current Practice	Compliance and Outcomes
	<ul style="list-style-type: none"> The County shall perform Quarterly Inspections accompanied by the Municipal Superintendent with respect to the Scope of Services and provide the result of those inspections in an Inspection Report (Schedule E) to LMPs with direction to repair any deficiencies. LMPs are required to make all noted repairs within 60 days of receiving an Inspection Report and provide written confirmation of work performed to address deficiencies. 	<ul style="list-style-type: none"> The County conducts regular inspections quarterly, and provides the results to the LMPs – however, the practice of including a municipal representative was suspended by Council a few years ago. In 2020, the County identified on average 1.5 deficiencies per 10 km of roads across the County, with individual LMPs ranging from an average of zero to 3.8 deficiencies per 10 km of County roads. While the majority of LMPs provide written confirmation of work within 60 days, most exceeded that time frame at least once in 2020. 	<ul style="list-style-type: none"> ➤ LMPs deliver variable road maintenance service levels across the County, as measured by number of deficiencies. ➤ Inspections occasionally result in contested identified deficiencies and LMP compliance in providing written confirmation of work completed in response to an inspection report is inconsistent. ➤ The County does not have an effective way of enforcing service standards across the County.

Inspections and Activity Reporting – Activity Reporting

	Existing Terms	Current Practice	Compliance and Outcomes
Monthly Reporting	<ul style="list-style-type: none"> LMPs are required to submit Monthly Road Maintenance Invoices (Schedule G) that includes the allocated payment as described in Schedule D as well as invoices for work completed outside on the base allocation, as well as a Monthly County Road Report (Schedule F) that includes a description of works performed the previous month by service and road number, planned work for the coming month, and a summary of materials used for winter controls. 	<ul style="list-style-type: none"> LMPs regularly submit invoices in a timely manner, however supporting documentation is not always present. For the year of 2020, only 3 LMPs submitted monthly reports in a timely manner, 3 submitted all their 2020 reports in 2021 at the request of the County, and 1 has not submitting any reports for 2020. <ul style="list-style-type: none"> 5 of 7 LMPs reported the number of winter events and volume of materials applied to County roads. LMPs provided varying degrees of detail in reports, including on work completed and where it occurred. 	<ul style="list-style-type: none"> ➤ LMP compliance with reporting on road maintenance activities is inconsistent, with the majority of LMPs not providing timely or detailed reporting on work performed. ➤ The majority of LMPs do provide detailed monthly reporting on materials used, though often reporting is provided retroactively. ➤ The County does not have access to an accurate record of work performed for liability or asset management planning purposes.

Inspections and Activity Reporting – Recommendations

Contractual Recommendations



- I The RMA must clearly establish the minimum level of reporting required by the County - specifically for liability and insurance purposes – given the administrative burden of current reporting systems. It is therefore recommended that **County Road Reports and Inspection Responses be harmonized into a single quarterly LMP report** that includes the following:
- i. **Description of activities** by service and road number completed since the previous report.
 - ii. **Planned activities** by service type and by road number for the next reporting period.
 - iii. **Number of Winter events**, and **volume of materials** used in Winter Controls.
 - iv. Description of work performed in **response to previous Inspection Report**.

Non-Contractual Recommendations



- I The adoption of a **County-hosted GIS linked Asset & Work Order Management Software Solution** to track and report on specific road maintenance activities and condition remains a key recommendation moving forward. The County has already taken steps to allocate necessary funding to implement such a system. Most LMPs do not use a CMMS to track and report maintenance activities, making all specific reporting based entirely on manual or ad hoc processes to accurately recount activities.

Annual Financial Reporting

	Existing Terms	Current Practice	Compliance and Outcomes
Annual Reporting	<ul style="list-style-type: none"> LMPs are required to submit Year-End Financial Statements detailing total repair/maintenance costs in respect of County Roads, for the previous calendar year, including line items in respect of winter control, material costs, and patrol costs. 	<ul style="list-style-type: none"> All LMPs submit Year-End Financial Statements, and 5 of 7 include all required line items. Every LMP uses a different template for its submitted financial report, includes different costs, and calculates them differently. 	<ul style="list-style-type: none"> ➤ LMP compliance with Annual Financial Reporting is high, but since reporting it is not standardized, provides limited value or insight to the County. ➤ The County is unable to effectively evaluate the sufficiency of fee allocations, or the value of LMP contracts.

Contractual Recommendations



- II The RMA should prescribe a standard template and reporting methodology for Year-End Financials.

Annual Financial Reporting – Recommendations (1/2)

Contractual Recommendations



- ✓ A template for Year-End Financial Reporting should **require costs be reported by a set list of service categories and cost centres** as outlined below and attached as a Schedule to the RMA.
- ✓ **Reported work hours for Labour and Equipment costs should be included** in Year-End Financial Reports as supporting documentation.

Example		Labour (Hourly breakdown Appended)	Equipment (Hourly breakdown Appended)	Materials & Contracts	Admin	Other	Totals
	Inspection/ Patrol	\$	\$	\$	\$	\$	\$
	Road Surfaces	\$	\$	\$	\$	\$	\$
	Roadside	\$	\$	\$	\$	\$	\$
	Drainage Systems	\$	\$	\$	\$	\$	\$
	Bridges/ Culverts	\$	\$	\$	\$	\$	\$
	Safety Devices	\$	\$	\$	\$	\$	\$
	Winter Control	\$	\$	\$	\$	\$	\$
	Totals	\$	\$	\$	\$	\$	\$

- *Beyond the scope of the 2022 RMA, the County and LMPs should investigate the feasibility of leveraging the Asset & Work Order Management System to facilitate financial reporting by road class to allow for evaluation of the existing funding model in the future.*

Annual Financial Reporting – Recommendations (2/2)

Funding Workshop Findings

- **Direct costs (i.e., labour, materials, contracts) are accurately reflected in true cost reporting**, as these cost centres include few additional costs that may be associated with delivering the RMA.
- **The use of full OPS-127 rates for equipment use is leading practice for government contracts** as these rates have been designed to account for all the direct and indirect costs associated with owning and operating a given piece of equipment **including fuel, repairs, depreciation, financing, storage, insurance, overhead, and even profit**. Given most LMPs already use this rate, total LMP spending is unlikely to increase significantly across LMPs.
- **A flat rate for administrative costs continues to be the most practical solution** given most LMP's lack of tracking or visibility into how these costs actually apply to delivery of the RMA.

Contractual Recommendations



- ✓ The following standard methodologies for required cost centres should be added as a section or subsection of the RMA.
 - i. **Labour costs** should be reported as true costs of *salary and benefits paid out*.
 - ii. **Equipment costs** should be reported as *machine hours using OPS-127 rates* most recently published by MTO.
 - iii. **Material and Contract costs** should be *reported as invoiced* to the Municipality by the vendor.
 - iv. **Administrative costs** should be reported *a flat fee of up to 5%* of the LMPs total annual allocation.
 - v. **All other expenses**, including major maintenance works, should be reported as “Other” and should be accompanied by supporting documentation on the reported costs.

Enforcement Mechanisms

	Existing Terms	Current Practice	Compliance and Outcomes
Reporting Enforcement	<ul style="list-style-type: none"> Should LMPs fail to submit required documentation, including Monthly Reports, Inspection Response, Financial Reports, etc. the County may withhold 10% of the value of any then current invoice and all subsequent invoices until the LMP meet their reporting obligation. 	<ul style="list-style-type: none"> In practice, the County does not utilize this enforcement mechanism against LMPs due to the significant political implications of doing so. 	<ul style="list-style-type: none"> ➤ RMA reporting is currently up to the County Superintendent to enforce and since punitive measures may damage working relationships, the available mechanism is ineffective.

Contractual Recommendations



- III The County should compile an **Annual RMA Compliance Report** for the Governance Committee to review and assess for enforcement and performance improvement opportunities across the County. This report should include the following components:
- Individual and summary results of Quarterly Inspections
 - Overall LMP response to noted deficiencies
 - Summary of LMP compliance with reporting requirements and deadlines
 - LMP and County engagement in Operational Committee meetings

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Appendix

3.1 Advisory Committee Members

3.2 *A Brief History of the Fee Schedule*

Appendix A – Advisory Committee Members

Municipality	Name	Position
Elgin County	Julie Gonyou	CAO
	Brian Lima	General Manager Engineering, Planning & Enterprise / Deputy CAO
Aylmer	Andy Grozelle	CAO
Bayham	Lorne James	Treasurer
Central Elgin	Paul Shipway	CAO
Dutton Dunwich	Tracy Johnson	Treasurer
Malahide	Matt Sweetland / Ryan DeSutter	Director of Public Works / Interim Director
Southwold	Paul Van Vaerenbergh	Public Works Superintendent
West Elgin	Lee Gosnell	Manager of Operations and Community Services

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Appendix

3.1 *Advisory Committee Members*

3.2 **A Brief History of the Fee Schedule**

Appendix B – A Brief History of the Fee Schedule

- 1997 ● Fees for the RMA were established based on the County's historical maintenance costs between 1993-1996. The resulting fee schedule provided LMPs with an average of \$2650/km of County roads maintained based on the services required on each road.
- The rate was roughly broken down by service along the following ratios: Bridges & Culverts (3%); Roadside Maintenance (29%); Hardtop (9%); Winter Control (42%); Safety Devices (18%).
 - This rate assumed the County's historic wages and payroll burden, service standards, and 50% of MTO M-135 equipment rates given the equipment provided to LMPs by the County.
- 2001 ● Fee schedule was amended to redistribute funds based on traffic volumes on County roads, without increasing overall maintenance payments for the County using estimated maintenance requirements for different road classes (M5, M8, M11, M14).
- 2003 ● Fee allocation was adjusted with a one-time additional 2% on top of inflation for roads in urban areas.
- 2006 ● Fee allocation was adjusted with a one-time additional 10% on top of inflation, to reflect a theoretical increase in equipment rates from 50% to 75% MTO MRA-135 (now OPS-127) equipment rates.
- 2012 ● Fee allocation in increased by 3% for Class 4, 6% for Class 3, 12% for Class 2 , and 24% for Class 1 roads over 2011 rates.

2021

2021 Maintenance Allocation per Kilometer of County Roads

Road Type	Class 1	Class 2	Class 3	Class 4
Rate	\$ 6,877	\$ 5,545	\$ 4,951	\$ 4,671



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Proposed Term Sheet for Amendment to the RMA

Date: November 12th, 2021

Purpose of this Document

This document sets out the proposed amendments to the Road Maintenance Agreement (RMA) between County and LMPs as agreed to by the Advisory Committee for the RMA Review conducted by StrategyCorp. All other findings and recommendations from this review that do not involve direct changes to the Agreement are summarized in the Final Report.

Governance & Communications Recommendations

1. The RMA should include the following shared guiding principles as a section of the Agreement:
 - i. The fee schedule is intended to be sufficient to cover the anticipated average costs of maintenance activities in an average year.
 - ii. Municipalities will execute all the services outlined in the Agreement to the standards outlined in the Agreement irrespective of annual operating cost fluctuations.
 - iii. Municipalities will have the flexibility to perform the services outlined in the Agreement using any service delivery methods they choose, so long as they meet the minimum standards outlined in the Agreement.
 - iv. Municipalities will be entitled to the entire amount outlined in the fee schedule irrespective of annual operating cost fluctuations.
 - v. Municipalities should be given the control and flexibility to annually appropriate funds received as part of the Agreement to operations and/or reserves at the Municipality's discretion.
2. The RMA should **establish an Operations Committee** comprised of the County and Municipal Superintendents that meets quarterly with the purpose of sharing upcoming County capital project and repair plans; identification of shared procurement opportunities; and the coordination of shared service delivery, or County-led services.
 - a. *Terms of Reference for the Operations Committee* should be established and attached as a schedule to the RMA. These terms should include:
 - i. Committee mandate (described above)
 - ii. Meeting schedule
 - iii. Standard agenda items



- iv. Agenda pre-publishing requirements
 - v. A mechanism for reviewing LMP and County engagement at operational meetings (i.e. attendance, submitted documentation requests, agenda publishing etc.)
3. The RMA should **establish a Governance Committee** comprised of the County and Municipal CAOs to act in an advisory and steering role with a mandate to assess structural or systemic concerns that arise on a regular basis between renewal cycles and recommend changes to the agreement to County Council, where required; resolve disputes and conflicts that cannot be resolved at the operational level; oversee general compliance with the Agreement.
- a. *Terms of Reference for the Governance Committee* should be established and attached as a schedule to the RMA. These terms should include:
 - i. Committee mandate (described above)
 - ii. Meeting schedule – Governance Committee activities may be rolled into shared service discussions at existing regular CAO meetings, but frequency of these discussions should be prescribed.

Scope of Services Recommendations

Specific recommended structure and language for Schedule C is provided in Appendix A to this Term Sheet, with all recommended new or amended language highlighted in red.

4. The **format of the Scope of Services should be amended** to clearly define and describe all Municipal maintenance obligations.
- a. Schedule C should be amended so standards are organized by service category and include descriptions of all required services including those prescribed in the MMS, including inspections.
 - b. Where service standards are prescribed by the MMS, “to be completed as per MMS,” should be added to the schedule.
 - c. Where a specific service level limit is described in Schedule C, a clause referencing section 4.5 of the RMA should be added to clarify the County responsibility to pay for any additional work necessary to meet minimum service standards.
5. The following **changes to service levels** should be made to Schedule C.
- a. *Grass Cutting* - The existing minimum standard for full width cutting of the ROW every third year should be removed and replaced with a standard that allows the area between biannual cutting and the property line to naturalize to the extent that



it remains free of invasive and noxious weeds, or larger brush and vegetation that impedes sight lines or drainage facilities. Larger vegetation in these areas should also be removed by the municipality before the canopy begins to encroach the road property.

- b. *Line Painting* – A provision should be added to the schedule for the County to take on responsibility for the costs of remarking roads following capital re-surfacing or re-paving projects on County roads but that there should be continued collaboration between Municipalities and the County to eliminate duplication of road markings in cases where capital projects are planned, as has been the practice in recent years.
 - c. *Road Signs* – A provision should be added to the scope of services schedule to clarify that where road signs have become deficient over time (i.e. failed reflectivity tests) the County is responsible for the costs of replacing those signs, as has been the practice in previous years. The municipalities should continue to be responsible for replacing damaged or stolen signs, and for regular reflectivity testing as per the MMS.
- 6. Where Municipalities are expected to provide services with regard to a particular policy referenced in the RMA or Scope of Services, that **policy should be attached at an appendix to Schedule C**, with a provision allowing the County to update these policies between RMA renewal cycles.
 - a. The following County Policies shall be appended as currently referenced in the RMA or Scope of Services:
 - i. “No Spray” Policy
 - ii. Road Salt Management Plan
 - iii. Deer Warning Signage Policy
- 7. **A schedule mapping out all drainage system under the responsibility of Municipalities should be added to the RMA** to better facilitate Municipal maintenance on these structures.
 - a. Schedule C should be amended to include a provision requiring the County to provide a schedule of *known* drainage structures under the responsibility of Municipalities, and will continuously updates that schedule as asset inventories are updated and improved, Municipalities will still be responsible for all drainage structures in the municipality.



Reporting Recommendations

8. **Regular Municipal Monthly County Roads Reports and Inspection Responses should be harmonized** into a single quarterly report to County.
 - a. Section 8.2 (Inspection) and 9.1 (Records) should be amended to prescribe a quarterly schedule for Municipalities to provide reporting on road maintenance activities using a template attached as a schedule to the agreement.
 - b. Schedule F should be amended to include the following fields of information:
 - i. Description of activities by service (inspections, road surfaces, roadside, drainage systems, bridges and culverts, safety devices and road closures, and winter control) and road number completed since the previous report
 - ii. Planned activities by service type and by road number for the next reporting period
 - iii. Number of Winter events, and volume of materials used in Winter Controls
 - iv. Description of work performed in response to previous Inspection Report
 - c. Section 5.1 (Payment to the Municipality) should be amended to remove requirements for Monthly County Road Reports and reporting on winter control material as part of Monthly invoicing requirements.
 - i. Language requiring supporting documentation for all additional charges above the monthly allocation prescribed in Schedule D (section 5.2), should remain.
 - d. Schedule G should be amended or removed to reflect the amended reporting requirements for invoicing.
9. The RMA should **prescribe a standard reporting template and reporting methodologies** for Year-End Financials.
 - a. A template for Year-End Financial reporting should require costs be reported by a set list of service categories and cost centres as outlined in *Table 1* and attached as a Schedule to the RMA.
 - i. Reported work hours for Labour and Equipment costs should be included in Year-End Financial Reports



Table 1: Draft Annual Financial Reporting Template

	Labour	Equipment	Materials/ Contracts	Admin	Other	Totals
Inspection/ Patrol	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Road Surfaces	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Roadside	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Drainage Systems	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Bridges/ Culverts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Safety Devices	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Winter Control	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

- b. Section 5.1(3) (Payment to the Municipality) should be amended to reference the new schedule.
- c. The following standard financial reporting methodologies for required cost centres should be added as a section or subsection of the RMA.
 - i. Labour costs should be reported as true costs of salary and benefits paid out.
 - ii. Equipment costs should be reported as machine hours using OPS-127 rates most recently published by MTO.
 - iii. Material and Contract costs should be reported as invoiced to the Municipality by the vendor.
 - iv. A flat fee of up to 5% of the LMPs total annual allocation may be reported as administrative charges
 - v. All other expenses, including major maintenance works, should be reported as "Other" and should be accompanied by supporting documentation on the reported costs.

Enforcement Recommendations

10. The RMA should direct the **County to compile and submit an Annual Compliance Report to the Governance Committee** for review.
 - a. The new section in the RMA should note the following indicators to be included in this report:
 - i. Individual and summary results of Quarterly Inspections
 - ii. Overall LMP response to noted deficiencies



- iii. Summary of LMP compliance with reporting requirements and deadlines
- iv. LMP and County engagement in Operational Committee meetings (as determined in the Terms of Reference)



Appendix A: Amendments to Schedule C

This Appendix sets out draft terms for the updates scope of services schedule.

- All provisions from the existing Schedule are sited with footnotes referencing the corresponding section in the current schedule.
- Provisions in red are recommended changes as per workshop discussions.
- Service descriptions were agreed to by Advisory Committee members in the Scope of Services worksheet completed by all parties.

1.0 Inspection

1.1 Routine Inspections

Service Description: Routine inspection of roads for defects, safety concerns, and road conditions.

- *Routine inspections should follow a schedule consistent with the MMS.*
- Municipalities shall, as part of their regular road patrols, report any concerns with flashing beacons, traffic signals, or pedestrian crossings to the County and the County's Electrical Services Contractor upon becoming aware of the defect.

2.0 Road Surface Maintenance

2.1 Maintaining asphalt pavement & surface treated surfaces

Service Description: Identification and repair of road surface defects including potholes, cracks, edge drop off etc.

- *Repairs should be complete as per MMS.*
- For asphalt pavement surfaces, original design width, minus 0.1m shall be maintained. ¹⁰¹
- For surface treated surfaces, original design width, minus 0.2m shall be maintained. ¹⁰²
- Total linear work should be limited to 50 m per lane km annually. ^{101/102}
- *In cases where Municipalities believe that more than 50 m of work in a specific lane km is necessary to meet MMS, section 4.5 of the RMA should apply.*

2.1.1 Bicycle Facilities Maintenance

Service Description: Identification and repair of surface defects on designated bike lanes.

- Designated bicycle lanes shall be inspected and maintained considering the facility user. ¹⁰¹
- Identification (e.g. with a traffic barrel) of defects should occur as soon as practical,



while repair being scheduled for repair. ¹⁰¹

2.2 Maintaining gravel shoulders

Service Description: Identification and repair of defects along gravel shoulders including potholes, cracks, and edge maintenance etc.

- *Repairs should be complete as per MMS.*
- Original design width, minus 0.3 meters shall be graded a minimum of 2 times per year and as required. ²⁰¹
- Where partially or fully paved shoulders exist, the shoulder width shall be measured from the edge of the driving lane (white line). ²⁰¹
- Isolated or spot shoulder graveling (supply and install Granular 'A' material to a maximum of 10 tonnes and not exceeding 20m in length per location), shall be completed as required to eliminate edge of pavement drop-offs, standing water or depressions and may require berm removal to promote positive sheet flow. ²⁰¹
- *In cases where Municipalities believe that more than 10 tonnes of Granular 'A' material is needed, exceeding 20 m in length per location, in order to meet MMS, section 4.5 of the RMA should apply.*

2.3 Sweeping

Service Description: Sweeping of roadways.

- Roadway sweeping shall be completed 2 times per year in urban areas and as required in rural areas. ³⁰¹

2.3.1 Bicycle Facilities Sweeping

Service Description: Sweeping of designated bicycle facilities.

- Designated bicycle facilities shall be swept a minimum of five times annually and as required considering the road user. ³⁰¹
- The County will accept an additional service invoice for the cost of sweeping designated bicycle facilities five times annually. ³⁰¹

3.0 Roadside Maintenance

3.1 Debris Control

Service Description: Removal of all material deposited on the traveled portion of the road or shoulder, either intentionally or unintentionally (e.g. mud, rocks, dead animals, trash, etc.). ³⁰⁶



- Material should be removed upon being identified. ³⁰⁶

3.2 Vegetation Control

Service Description: Cutting of overgrown or unwanted vegetation along roads, at intersections, and under and around bridges, culverts, and safety systems.

- Cutting along roads shall be completed 2 times annually to a minimum width of 3.6m from the edge of shoulder in the spring, and a minimum width of 1.8m in the fall. ³⁰²
- Vegetation shall be cut around guide rail posts and a minimum width of 1.8m behind guide rail where practicable. ³⁰²
- Vegetation shall be cut across all road property at intersections to achieve a clear sight distance of at least 200m in all directions from intersections. The vegetation shall not be greater than 0.3m in height. ³⁰²
- Cutting of brush shall be completed annually and removed underneath and within 3 meters of culverts, bridges and safety systems (guard rail). ³⁰³
- Brush and vegetation that obscures any road sign shall be removed. ³⁰³
- ~~• At least once every 3 years, all roads shall be cut full width (from the road shoulder to the road property limits) in all areas where this can be completed unless deemed unsafe by the Municipality or deemed not required by the County. Therefore, a minimum of one third of the roads shall be maintained to the full property limits annually. These areas shall be clearly identified and reported to the County annually. ³⁰²~~
- ~~• An additional service invoice in the amount of \$140 per road kilometer will be accepted by the County annually for the actual number of kilometers cut full width by the Municipality and shall not exceed one third of the total number of kilometers maintained. ³⁰²~~
- *Municipalities shall be responsible for ensuring the full width of the County road right-of-way is free of invasive and noxious weeds, or larger brush and vegetation that impedes sight lines or drainage facilities. Larger vegetation in these areas should be removed by the municipality before the canopy begins to encroach the road property.*
- *Municipalities shall perform maintenance (i.e. weed trimming) around Elgin County "Gateway" signs. ⁵⁰²*

3.3 Tree Maintenance

Service Description: Identification and removal of dead trees, and hazardous limbs.

- Tree limbs that pose a public safety hazard shall be remove as soon as they are identified.
- Dead trees should be removed within 1 year of identification. ³⁰⁴



- Stumps shall be ground down to be level with surrounding terrain in rural areas; in manicured lawn areas, ground stumps shall also be restored with topsoil and seed to match surrounding terrain. ³⁰⁴

3.4 Weed Control

Service Description: Cutting and spraying of noxious weeds and invasive species.

- Herbicide use to control unwanted vegetation shall conform to the County of Elgin's "No Spray Policy". ³⁰⁵

4.0 Drainage Systems Maintenance

4.1 Cleaning of Drainage Systems

Service Description: Cleaning and removal of obstructions in all outlets, subdrains, storm sewers, curbs and gutters, catch basins etc. *on all County roads.*

- Storm drainage systems shall be cleaned when they have been identified to be restricting flow (i.e. gutter outlets/swales). This may require video investigations, flushing, removing of obstructions (i.e. roots), etc. ⁴⁰³
- Catch basins shall be cleaned at least once every 2 years or more if debris has filled their sumps. ⁴⁰³
- *The County shall provide a schedule of currently known drainage system assets to be cleaned and will endeavor to update the schedule as its drainage asset inventory becomes more accurate.*

4.2 Repairs of Drainage Systems

Service Description: Identification of deficiencies and repairs to *all* drainage systems *on County roads.*

- Grate replacement, riser repairs and patching around catch basins shall be carried out under maintenance operations. ⁴⁰³
- All other defects shall be reported to the County of Elgin, ⁴⁰³ *and section 4.5 of the RMA should apply.*
- *The County shall provide a schedule of currently known drainage system assets to be inspected for repairs and will endeavor to update the schedule as its drainage asset inventory becomes more accurate.*

4.3 Ditch Maintenance

Service Description: Ditching to maintain positive water flow and to eliminate standing



water.⁴⁰¹

- Ditch maintenance should be limited to 50m in length at each identified area.⁴⁰¹
- *In cases where Municipalities believe that more than 50m of ditching is required to maintain positive water flow or to eliminate standing water, section 4.5 of the RMA should apply.*

5.0 Bridges and Culverts

5.1 Structure Cleaning

Service Description: Cleaning of all bridges and culverts.

- Cleaning shall be completed annually as per the guidelines of the Ontario Good Roads Association's Bridge and Culvert Management Course.⁴⁰⁴
- All culverts shall be cleaned using water jets (flushing) or other effective means where water flow has been restricted by material, debris, etc.⁴⁰²
- Noted deficiencies shall be reported to the County in writing.⁴⁰⁴

5.2 Erosion Control

Service Description: The installation of stone or similar material to prevent erosion around bridges and culverts.

- Municipalities shall be responsible for the costs of supplying and installing up to 10 tonnes of quarry stone or similar repair material per location.⁴⁰⁷
- *Where municipalities have identified areas where more than 10 tonnes of stone is required, section 4.5 of the RMA should apply.*

6.0 Safety Devices

6.1 Road Markings

Service Description: Painting of road markers that includes but is not limited to: centerline markings, edge of lane markings, stop blocks, turn arrows, bike lanes, etc.

- All road markings shall be painted annually as per the Ontario Traffic Manual – Book 11.⁵⁰¹
- White, edge of lane marking locations to be painted annually are shown on Attachment #2 to this schedule. Generally, these locations are at road crests, sags, curves, narrow structures, Class 1 roads and roads with partially or fully paved shoulders. Most county road intersections also have diverging lanes, turning tapers and radii that also require annual painting, and are not specifically depicted on these maps and OTM Book 11 shall be followed.⁵⁰¹



- On paved shoulders that the County has defined as a bicycle lane, two solid white edge lines will be painted annually to create a buffer zone. The County will accept an invoice from the municipality for the cost to paint the second and additional white edge line where bicycle lanes are designated. ⁵⁰¹
- Municipalities will be made aware of planned resurfacing at the beginning of each year ⁵⁰¹ ; ~~if a municipality marks a roadway planned for resurfacing by the County that year, the municipality will be responsible for re-marking that road at their cost.~~ ⁵⁰¹ so municipalities may defer road marking for that year. Re-marking made necessary by County capital works projects shall be funded and coordinated by the County.

6.2 Road Signs

Service Description: Maintenance of all existing regulatory, warning, and information road signs and beacons; re-installation of damaged or stolen road signs; and removal of unapproved signs.

- Road signs to be installed and maintained *as per MMS* and the Ontario Traffic Manual. ⁵⁰²
- Municipalities are responsible for all costs to supply signs and materials to re-install damaged or stolen signs and to maintain battery operated beacons. ⁵⁰²
- *If requested by the County, all municipality labour and/or material costs required to replace road signs that fail reflectivity inspection as part of routine testing, shall be invoiced to the County.*
- Any unapproved signage attached to County infrastructure shall be removed immediately. ⁷⁰²
- The municipality shall remove any and all signage that becomes a safety concern due to sight line or drainage obstruction or is found to be in an unsafe condition or position that has the potential to threaten pedestrian or motorist safety. ⁷⁰²
- Signage to warn motorists of areas identified to have high incidents of deer vs. vehicle collisions will be installed with operating beacons on October 1st and remain in place until January 1st; all other times the beacons shall be removed, and alternative approved signage will be installed. ⁵⁰²
- Elgin County “green” roadway directional/information signs and Elgin County Tourism signs will be supplied by the County. Labour and material costs required to re-install “green” roadway directional/information signs will be included within the base maintenance allocation. Labour and material costs required to re-install Elgin County Tourism signs shall be invoiced to the County. ⁵⁰²
- The municipality is fully responsible for Hamlet Identification signs. ⁵⁰²



- All signs shall be installed on wooden 4"x4" posts, with the exception of 90cm x 90cm signs (or greater), that shall be installed on 6"x6" wooden posts with a 2"x4" cross bracing.⁵⁰²

6.3 Guide Rail and Traffic Barrier Systems

Service Description: Maintain all existing safety systems (i.e. cable, steel beam guide rail, end treatments, etc.).

- Systems to be maintained to the Ontario Provincial Standard Specifications.⁵⁰³
- When damage has occurred from a motor vehicle collision, the municipality shall notify the County.⁵⁰³
- The municipality is responsible for the first \$10,000 spent annually to complete repairs and maintenance on all existing systems; complete documentation shall be provided to the County once this limit has been reached.⁵⁰³
- Damage occurring as a result of municipal operations shall not form part of the annual \$10,000 deductible.⁵⁰³

6.4 Road Closures

Service Description: Management, coordination and participation of road closures and detours on County roads.

- The municipality shall cooperate and participate with all emergency road closures and emergency detour routes that occur.⁷⁰¹
- All costs to facilitate and supervise the event shall be borne by the municipality and are included in the base annual allocation for maintenance services.⁷⁰¹
- The municipality shall participate to manage all temporary road closures that are approved by the local municipality (i.e. parades).⁷⁰¹

7.0 Winter Control

7.1 Winter Control

Service Description: Salting/sanding, plowing, ice blading, additional patrols, standby etc.

- *Winter Maintenance activities to adhere to MMS.*
- Municipality will also provide routine winter maintenance of highway bridges and overpasses not owned by the County but connecting at least to portions of County roads.^{4.9}
RMA
- Municipalities shall follow the "Canadian Code of Practice for the Environmental Management of Road Salts" and the County of Elgin's "Road Salt Management Plan".⁶⁰¹



Report to Council

REPORT NO.: PW-21-59
DATE: December 2, 2021
ATTACHMENT: Request for Improvement Form
SUBJECT: Request for Improvement – J. L. Ferguson Drain

Recommendation:

THAT Report No. PW-21-59 entitled “Request for Improvement – J. L. Ferguson Drain” be received;

AND THAT the Request for Improvement be accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected.

Background:

The Township of Malahide has received a Request for Improvement for the J. L. Ferguson Drain that services properties on both sides of Wilson Line, east of Imperial Road. Jim Crane, the landowner at 50176 Wilson Line, has requested the existing drain be reconstructed to alleviate drainage issues he is having on the northerly portion of his property (see location map).

The existing J. L. Ferguson Drain was constructed pursuant to a report done by J. A. Bell, Civil Engineer, dated October 10, 1913.

Comments/Analysis:

Due to the age and the current state of the existing 1913 J.L. Ferguson Drain, the Drainage Superintendent is recommending that the owner’s request should proceed as an improvement project under *Section 78* of the *Drainage Act R.S.O.*

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. If no notice is received from the aforementioned agencies after 30 days, Council may proceed to appoint an engineer to examine the drain in question and prepare a new engineer’s report.

Section 78(2) of the Drainage Act R.S.O.1990 states:

An engineer shall not be appointed under subsection (1) until thirty days after a notice advising of the proposed drainage works has been sent to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected.

Summary:

The Township received a request for improvement from a landowner on the J. L. Ferguson Drain. The existing J. L. Ferguson Drain was constructed pursuant to a report done by J. A. Bell, Civil Engineer, dated October 10, 1913.

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*.

Financial Implications to Budget:

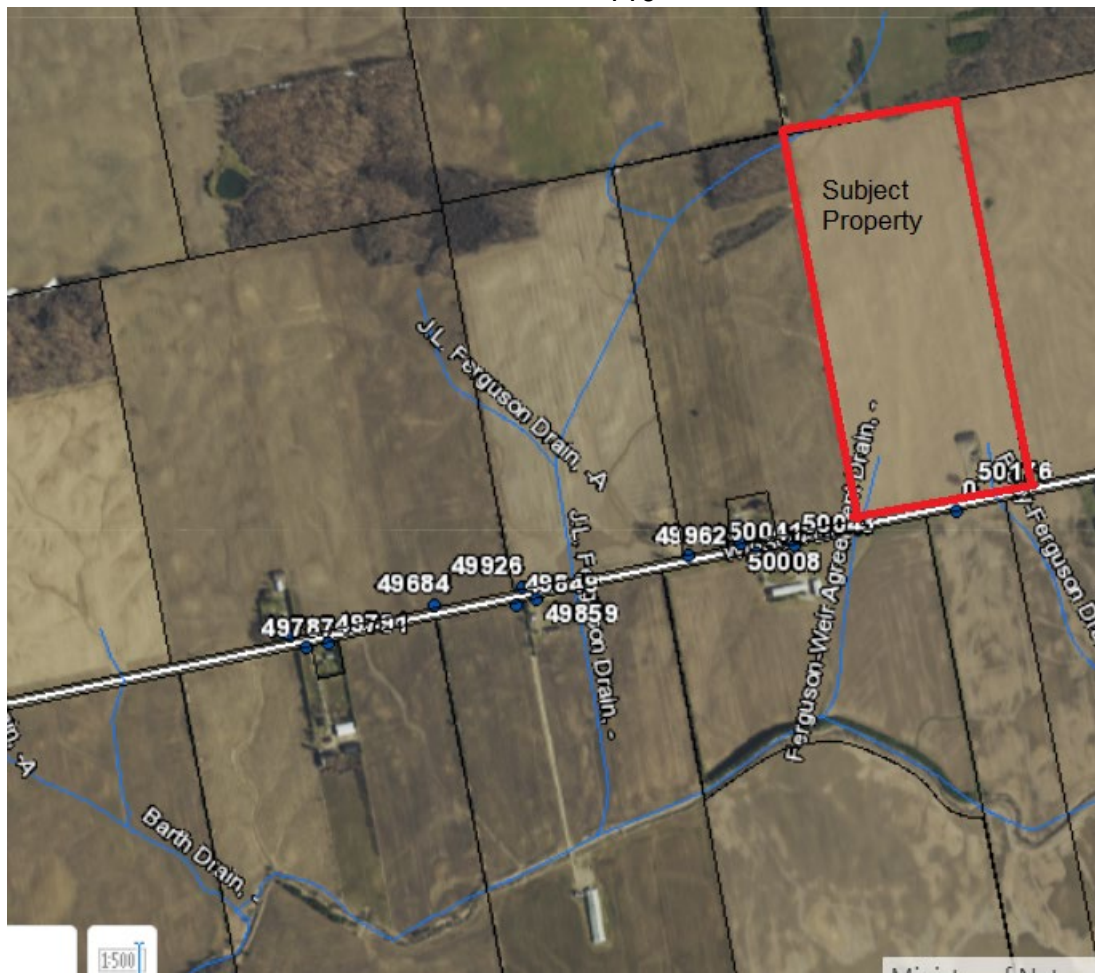
The Township has lands which contribute to the drainage area, and thus, will likely be a party to the Report.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (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 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:
Bob Lopez, Engineering Technologist/Drainage Superintendent	Adam Betteridge, Chief Administrative Officer



NOV 05 2021

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: J.L. Ferguson 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:
upgrade existing drain from 1913.

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 9, Concession 8

Ward or Geographic Township

Township of Malahide

Parcel Roll Number

340801401008500

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.

Sole Ownership

Individual or Sole Ownership

Name (Last Name, First Name)	Signature	Date (yyyy/mm/dd)
CRANE JAMES	<i>J E Crane</i>	2021/11/04

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

Last Name	First Name	Middle Initial
CRANE	JAMES	E

Mailing Address

Unit Number	Street/Road Number	Street/Road Name	PO Box
	14867	Putnam Rd	
City/Town	Province	Postal Code	
SPRINGFIELD	ON	N0L 2T0	
Telephone Number	Cell Phone Number (Optional)	Email Address (Optional)	
519-269-3945		je crane farmer @ icloud . com	

To be completed by recipient municipality:

Notice filed this _____ day of _____ 20 _____

Name of Clerk (Last Name, First Name)	Signature of Clerk



Report to Council

REPORT NO.: PW-21-60
DATE: December 2, 2021
ATTACHMENT: Petition
SUBJECT: Petition for Drainage – Burks Petition

Recommendation:

THAT Report No. PW-21-55 entitled “Petition for Drainage – Burks Petition” be received;

AND THAT the Petition for Drainage accepted by the Council, and that notice be sent to the CA/MNRF, OMAFRA and local municipalities affected so they may request a Benefit Cost Statement or Environmental Appraisal.

Background:

The Township of Malahide has received a request (petition attached) for drainage. The petition is to construct a new drain.

The landowner, John Burks, has petitioned the Township to have a new drain constructed on the north side of Lyons Line west of the intersection with Whittaker Road. The estimated length of the project is 100 meters. A sketch is included with the petition showing the location of the property requiring drainage.

Comments/Analysis:

Once Council has decided to proceed with the drainage works described in the petition, 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. If no notice is received from the aforementioned agencies after 30 days, Council may proceed to appoint an engineer to examine the drain in question and prepare a new engineers report.

Section 6(1) of the Drainage Act R.S.O. 1990 states:

Upon receipt of a notice from the initiating municipality under subsection 5 (1), a local municipality, conservation authority or the Minister of Natural Resources, as the case may

be, may send to the council of the initiating municipality within thirty days a notice that an environmental appraisal of the effects of the drainage works on the area is required, and the cost thereof shall be paid by the party who requested it.

Section 7(1) of the *Drainage Act R.S.O. 1990* states:

The council of any local municipality to which notice was given under subsection 5 (1) or the Minister may send to the council of the initiating municipality within thirty days a notice that a benefit cost statement is required and the cost of preparing such statement shall be paid by the party who required it.

Summary:

The Township received a Petition for Drainage from a landowner at 50795 Lyons Line.

Staff are recommending that Council accept the Petition for Drainage and proceed with the provisions as outlined under *Sections 5 to 7 of the Drainage Act R.S.O. 1990*.

Financial Implications to Budget:

N/A

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 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 for Council:
Bob Lopez, Engineering Technologist/ Drainage Superintendent	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)

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>BURKS</u>	(First Name) <u>John</u>	Telephone Number <u>519-808-0565</u> ext.
--	-----------------------------	---

Address	Road/Street Number <u>50795</u>	Road/Street Name <u>Lyons line</u>
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Location of Project	Lot <u>L</u>	Concession <u>10</u>	Municipality <u>Malahide</u>	Former Municipality (if applicable) <u>S. Dorck</u>
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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 ▼)

Name of watercourse (if known)

Estimated length of project 100 metres

General description of soils in the area clay loam

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

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

Petition filed this 19 day of November 2021

Name of Clerk (Last, first name) <u>ADAMS, ALLISON</u>	Signature <u>A Adams</u>
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- 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 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)

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.



Report to Council

REPORT NO.: FIN-21-15
DATE: December 2, 2021
ATTACHMENT: None
SUBJECT: 2022 Budget Committee Schedule

Recommendation:

THAT Report No. FIN 21-15 titled “2022 Budget Committee Schedule” be received;

AND THAT the following meeting schedule for the Budget Committee for 2021 Budget deliberations be approved:

Tuesday, March 15, 2022 @ 7:00 pm
Tuesday, March 29, 2022 @ 7:00 pm
Tuesday, April 12, 2022 @ 7:00 pm.

Background:

Previously, the Budget Committee and the Council has approved the 2019-2022 Multi Year Budget.

Section 291 of *The Municipal Act, 2001* states that the Council review the budget for the second and each subsequent year to which the multi-year budget applies, make such changes as are required, and re-adopt the budget for that year and for subsequent years to which the budget applies.

Comments/Analysis:

It is estimated that a 2022 Draft Budget can be prepared for Council by February 14, 2022. This would provide Council with a 30-day review period before the committee’s first budget deliberation meeting on March 15, 2022. The aim for this year will be to present the budget in a familiar format with process improvements to be considered for the Township’s next four year budget cycle. In the meantime, Administration welcomes Council’s input, concerns or requests to be submitted to the Treasurer any time leading up to the scheduled committee meetings.

Relationship to *Cultivating Malahide*:

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

One of the goals that support the “Our Local Government” Strategic Pillar relates to “embody[ing] financial efficiency throughout decision making”. A pragmatic, long term approach to the budget process supports this goal.

Submitted by:	Approved for Council:
Adam Boylan Director of Finance / Treasurer	Adam Betteridge Chief Administrative Officer



Report to Council

REPORT NO.: FIN-21-16
DATE: December 2, 2021
ATTACHMENT: None
SUBJECT: **Assessment Update Postponement**

Recommendation:

THAT Report No. FIN 21-16 entitled “Assessment Update Postponement” be received.

Background:

Under the current assessment regime, properties are scheduled to be assessed every four years with any increases being phased in equally each of the four years and all decreases provided in full in the first year. The last reassessment year was 2016 whose values were phased in over the 2017 – 2019 taxation years. Under normal circumstances, the Municipal Property Assessment Corporation (MPAC) would have provided new property assessments for the 2020 taxation year but this process was postponed due to COVID-19. On November 4, 2021, the Province announced that property reassessment would be further postponed until 2024 meaning property assessments for 2022 and 2023 will be based on 2016 values.

Implications for Malahide:

The assessment update postponement does not result in lost revenue for the Township. Through its annual budget process, the Township determines a set amount of property taxes it's going to collect. Tax rates adjust to ensure only this set amount, or tax levy, is collected regardless of property reassessments.

While property reassessments do not affect total revenue, they do determine how much of the Township's tax levy an individual property owner is responsible to pay. During reassessment years, it is common for most property assessments to increase as real estate typically appreciates over time. However, only properties whose assessment increase is higher than average will be required to pay a larger portion of the Town's tax levy. Properties whose assessment increase is lower than average will pay a smaller portion of the Town's tax levy. This is referred to as a tax shift.

The Township's most recent experience with tax shifts was in 2016 during MPAC's latest assessment update. In the years leading up to the 2016 reassessment, farmland had significantly appreciated in value and was being sold at record high prices. While most property assessments increased, as is usually the case, farmland and managed forest property assessments increased at a much higher rate than other tax classes. This resulted in a tax shift to these classes from the Township's residential tax class.

While the exact impact of the upcoming assessment update can only be speculated at this time, recent trends seem to indicate that significant tax shifts will occur. Similar to how farmland sale prices increased in the years leading up to the 2016 assessment update, residential property values have appreciated at an unprecedented rate over the last few years. This will likely result in a significant tax shift to residential properties which would benefit owners of other tax classes.

Some groups have begun to express their displeasure over the Province's decision to once again postpone assessment updates. Assessment postponement is perceived as unfair because non-residential classes will continue to pay higher taxes than otherwise required until the update occurs.

What's Next?

Upper and single tier municipalities have the choice to address tax shifts through their selection of tax policies. For example, the County of Elgin approved a reduction in the farm tax ratio which reversed some of the effects of the tax shift in 2016. Some municipalities adopt revenue neutral tax ratios to freeze the amount charged to a tax class thereby preventing unwanted tax shifts. If there is a desire to reduce the effects of a tax shift, policy options can be further discussed with the County Treasurer.

Once MPAC provides the actual results of its next assessment update, a report will be prepared for Council which details the impacts on the Township's various tax classes. A strategy for communicating the effects of reassessment to residents can be considered at that time.

Relationship to Cultivating Malahide:

The Cultivating Malahide Integrated Community Sustainability Plan (ICSP) is based upon four pillars of sustainability: Our Land, Our Economy, Our Community, and Our Government. One of the goals that support the "Our Local Government" Strategic Pillar relates to "Embody[ing] Financial Efficiency Throughout Decision-Making". Understanding the impacts of changes in assessment valuation between the tax classes meets this goal.

Submitted by:	Approved by:
Adam Boylan Director of Finance	Adam Betteridge Chief Administrative Officer



Report to Council

REPORT NO.: DS-21-61

DATE: December 2, 2021

ATTACHMENT: Report Photo, Application, Recommended Conditions

SUBJECT: **Application for Consent to Sever of Rockx Farms Ltd
(Authorized Solicitor: Ryan Verhoog)**

LOCATION: Part of Lot 11, Concession 11 (Geographic Township of South
Dorchester) (49779 Lyons Line)

Recommendation:

THAT Report No. DS-21-61 entitled “Application for Consent to Sever of Rockx Farms Ltd” be received;

AND THAT the Application for Consent to Sever of Rockx Farms Ltd, relating to the property located at Part of Lot 11, Concession 11, (Geographic Township of South Dorchester), and known municipally as 49779 Lyons Line, be supported for the reasons set out in this Report;

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

Background:

The subject application for Consent to Sever (the “Application”) has been submitted by Ryan Verhoog, on behalf of Rockx Farms Ltd in order to sever an existing dwelling as a result of a farm consolidation. The Application relates to the property located at Part of Lot 11, Concession 11, (Township of South Dorchester), and known municipally as 49779 Lyons Line.

Comments/Analysis:

The subject farm property is approximately 39.1 hectares (96.7 acres) in area, and has approximately 185 metres (606.9 feet) of frontage along Lyons Line. There is an existing single-detached dwelling and detached garage. The subject property is

bounded by farm residential uses to the north and east and agricultural land to the south and west.

County of Elgin Official Plan

The subject property is designated “Agriculture Area” on Schedule ‘A’, Land Use Plan, and a small portion is designated “Woodlands” on Appendix 1, “Environmental Resource Areas”. The subject property has no noted areas on Schedule ‘C’ of the County Official Plan (Aggregate and Petroleum Resources). In addition to the above, the subject property is identified as having frontage along a “County Collector” on Schedule ‘B’, “Transportation Plan”.

Malahide Official Plan

The subject property is designated “Agriculture” on Schedule ‘A1’ (Land Use Plan) and “Hazard Lands” on Schedule ‘A2’ (Constraints Plan). The Agricultural policies of Section 4 of the Official Plan applies to this development. The proposed development is in conformity with these policies.

Applications for the Severance of Surplus Farm Dwellings are to be considered in accordance with Section 2.1.7 of the Malahide Official Plan. In addition to other criteria of Section 2.1.7, the severed lot with the surplus farm dwelling shall be appropriately sized to support a private sanitary sewage treatment and disposal system and be serviced by a potable water supply, and the parcel of property constituting the retained agricultural lands shall be rezoned to prohibit the placement, development, or establishment of any additional type or form of residential dwelling units thereon, regardless of changes in property boundary or ownership.

Malahide Zoning By-law No. 18-22

The subject property is within the “General Agricultural (A1) Zone” on Key Map 21 of Schedule “A” to the Township’s Zoning By-law No. 18-22, and a portion of the subject property is identified as “Regulated Area”.

Through the associated Zoning By-law Amendment process, the proposed severed lot with the surplus farm dwelling will be placed into the “Rural Residential (RR) Zone” zone.

The severed dwelling lot will comply with the “Rural Residential (RR) Zone” zone.

The proposed retained farm lot will be placed into the “Agricultural (A2) Zone” zone. The “Agricultural (A2) Zone” zone requires the following with regard to minimum lot area and frontage:

“A2” Zone	Required:	Proposed Retained Farm Lot
Min. Lot Area	20 ha (50 acres)	38.3 ha (94.6 acres)
Min. Lot Frontage	150m (492 feet)	142 m (465.8 feet)

General Comments

The Development Services Staff has considered the merits of the subject application against applicable Official Plan policies and the Township's Zoning By-law and recommends that the Council support the Application.

The Development Services Staff has also considered comments provided (if any) by other internal departments. Notably:

The Township's Drainage Superintendent/Engineering Technologist has advised that a revised assessment schedule in accordance with the Drainage Act, RSO 1990 is required.

The Township' CAO has also reviewed and has no concerns with the proposal.

The necessary zoning by-law amendment will also address the deficient frontage of the retained farm parcel, which staff have no concerns with.

Financial Implications to Budget:

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

Relationship to Cultivating Malahide:

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

The importance of sustainable planning includes promoting for the protection of agricultural lands. As such, one of the goals that support the "Our Land" Strategic Pillar relates to "Respect the agricultural land base through the land use planning process".

New non-farm lot creation is permitted in very limited circumstances, including surplus farm dwelling severances. As such, the recommendation of this report supports the ICSP.

Submitted by:	Approved by:
Christine Strupat, CPT Development Services Technician/ Assistant Planner	Adam Betteridge, MCIP, RPP Chief Administrative Officer

E92/21 – Rockx Farms Severance

1. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of a revised assessment schedule in accordance with the Drainage Act, RSO 1990, as amended, with a deposit to be paid in full to the township prior to the condition being deemed fulfilled. If the deposit does not cover the costs of the revised assessment schedule, the applicant will be billed for any additional costs incurred.
2. That the applicant be required to retain the services of a professional designer and have an engineered Lot grading development plan and ditch grading plan prepared in accordance with good engineering practices, that are suitable to the Township prior to the condition being deemed fulfilled.
3. 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.
4. Confirmation that private sewage system be confined entirely within the boundaries of the newly created parcel. That system be in conformance with all required setbacks from lot lines prior to the condition being deemed fulfilled.
5. 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.
6. That all applicable property taxes, municipal fees and charges be paid to the Municipality prior to the stamping of the deeds.
7. That an electronic version of the reference plan be submitted to the satisfaction of the Municipality.
8. 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.
9. That the applicants initiate and assume all planning costs associated with the required Zoning By-law Amendment 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

**APPLICATION FOR CONSENT**

1. Name of Approval Authority ELGIN COUNTY LAND DIVISION COMMITTEE
2. Name of Owner Rockx Farms Ltd. c/o Wayne Rockx
- Address 163663 Brownsville Road, Brownsville ON, N0L 1C0
- Telephone Number 519-983-2764 Email wrockx@hotmail.com
- Name of owner's solicitor or authorized agent Ryan E. Verhoog
- Address 408 Dundas Street, Woodstock ON, N4S 1B9
- Telephone Number 519-421-1500 Email rverhoog@whitecoad.com

Please specify to whom all communications should be sent:

Owners ☐ Solicitor ☒ Agent ☐

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

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

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

N/A

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

4. (a) Location of land:

Municipality Malahide Concession No. 11

Lot(s) No. Pt Lt 11 Registered Plan No. _____

Name of Street Lyons Line Street No. and/or 911 No. 49779

Assessment Roll No. 340801401019100

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

Yes ☒ No ☐ If Yes, describe the easement or covenant and its effect:D1411-hydro easement to Ontario Hydro

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

Frontage 43m Depth 67m Area 2860m2

Existing Use agriculture Proposed Use residential

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

Existing 1- residential dwelling

Proposed 1- residential dwelling

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

Frontage 142m Depth 1317m Area 383051m2

Existing Use agricultural Proposed Use agricultural

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

Existing 1- silo

Proposed 1- silo

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

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

<u>TYPE</u>	<u>PROPOSED LOT</u>	<u>RETAINED LOT</u>
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 checked="" type="checkbox"/>	<input 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)**

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 checked="" type="checkbox"/>	() <input 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)**

11. When will water supply and sewage disposal services be available?
n/a- existing

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

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

16. (a) Has there been any previous severances of land from this holding?
Yes ☐ No ☒

(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:

Grantee's name _____
Use of parcel _____
Date parcel created _____

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. If the application involves the severance of a surplus farmhouse (through farm consolidation), please complete attached Appendix "C" – "Surplus Farm Dwelling Information Form".
(Completed Appendix "C" to be attached to the Application)

19. (a) Are there any barns within 750 metres of the proposed severed lands?

Yes ☒ No ☐

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

20. 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 ☒

21. 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

22. 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

23. (a) Is the application consistent with the Provincial Policy Statement 2014 issued under subsection 3(1) of the Planning Act?

Yes ☒ No ☐

- (b) If Yes, identify policies from the Provincial Policy Statement 2014 to support this application for consent

We are creating much needed housing while protecting the important resource of farmland.

24. 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

2.1.2.2: Agriculture-related uses and secondary uses will also be permitted in the "Agriculture" designation provided they are compatible with agricultural uses and do not contribute to land use conflicts. These uses may include surplus farm dwellings on separate lots.

25. Did pre consultation occur with the local Municipality and other agencies (if applicable)?

Yes ☒ No ☐

Enter date of consultation and contact person

February 24th 2021-April 27th 2021 with Adam Betteridge at ABetteridge@malahide.ca

26. 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.

27. 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.

28. DETAILED SKETCH:

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

- the boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained;
- the boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land;
- the distance between the subject land and the nearest municipal lot line or landmark, such as a railway crossing or bridge;
- the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- the approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas;
- the location of private wells and septic system must be located entirely within the



VanCorp Drainage & Excavating Inc.
12709 Imperial Road, R.R. # 2
Springfield, Ontario N0L 2J0
(519)765-4445 FAX (519)765-4730
Cell 519-521-9086

To Whom it may concern,

After inspecting the location of Wayne Rockx, 49779 Lyons Line, R.R. # 2
Springfield, Ontario N0L 2J0

The existing septic system and tank are in good condition and meets the requirements within the boundaries of the severance. Please contact me for further information if needed. Our company BCIN number is 17382. Please note, we are not responsible for any issues with the weeping bed after the inspection is done.

Regards

Jason Van Gorp

**L.S. PUTNAM & SON
PLUMBING & ELECTRICAL
13405 IMPERIAL RD.
SPRINGFIELD ON N0L 2J0
Phone: 519-765-4444
Well Technician Licence #T1929**

Aug 20, 2021

To whom it may concern,

On Aug 18, 2021, I checked the well for Wayne Rockx, at 49779 Lyons Line, Malahide Township. This was found to be a 5" drilled well in good condition, 150ft deep. This well produces 4 1/2 gallons per minute of fresh water.

Yours truly,



Stan Putnam

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	Location of Water Source / Emplacement de la source d'eau
First Name, Last Name / Prénom, Nom de famille ROCKX FARMS LTD Street address / Adresse municipale 163663 BROWNSVILLE RD BROWNSVILLE, ON N0L 1G0	Lot, Concession / ou lot, concession PT 11 11 E Emergency Locator # / 911# 49779 Street address / Adresse municipale 49779 LYONS LINE MALAHIDE ON N0L2J0 County / Comté: ELGIN Health Unit # / # du bureau de santé: 4913

Specimen details / Détails sur l'échantillon:

Barcode / Code à barres: 011997710 Phone # / # tél.: 519 615 2715 Date/Time Collected / Date/heure du prélèvement*: 2021-10-17 16:30:00 Date/Time Received / Date/heure Reçu le*: 2021-10-18 13:49:00 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. Please include the submitter's first and last name on the requisition for future submissions.	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
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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: 2021-10-18 Date Read / Analyse effectuée le: 2021-10-19	

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 détecter (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

MDS I — CALCULATION FORM A

	A	B	C	D	E	F	G	H
1	Livestock/ Manure Type	Livestock/ Manure Description	Number/NU (number of livestock or m ² or m ³)	Manure Type (solid or liquid)	Existing Maximum Number of Livestock (or m ² or m ³)	Existing Maximum Number of Nutrient Units	Factor A Value	Factor D Value
2	Sheep	Ewes/Rems	8	Solid	110	13.75	0.7	0.7
3								
4								
5								
6								

MDS I — CALCULATION FORM B

	A	B
1	Design capacity	13.75 Nutrient Units
2	Final Factor A	0.7
3	Final Factor D	0.7
4	Land use type	Type 1
5	Final Factor E	1.1

Step 7: Convert Livestock/Manure Information to Nutrient Units

1. For each *livestock*/manure type and description outlined on Calculation Form A, calculate how many *Nutrient Units* are associated with the *livestock facility*. Determine this by taking the existing maximum number of *livestock* that can be housed, or maximum area that can be used to house *livestock*, or the maximum volume of manure that can be stored in Cell E2 and divide it by the ‘Number/NU’ in Cell C2. Record this new value in Cell F2. If necessary, repeat this step for each type of *livestock*/manure identified.
2. Next calculate the *design capacity* of all *livestock facilities* on the *lot*. To determine the *design capacity* as expressed in *Nutrient Units*, add values in Cells F2 through F6 on Calculation Form A and record this value in Cell B1 on Calculation Form B.

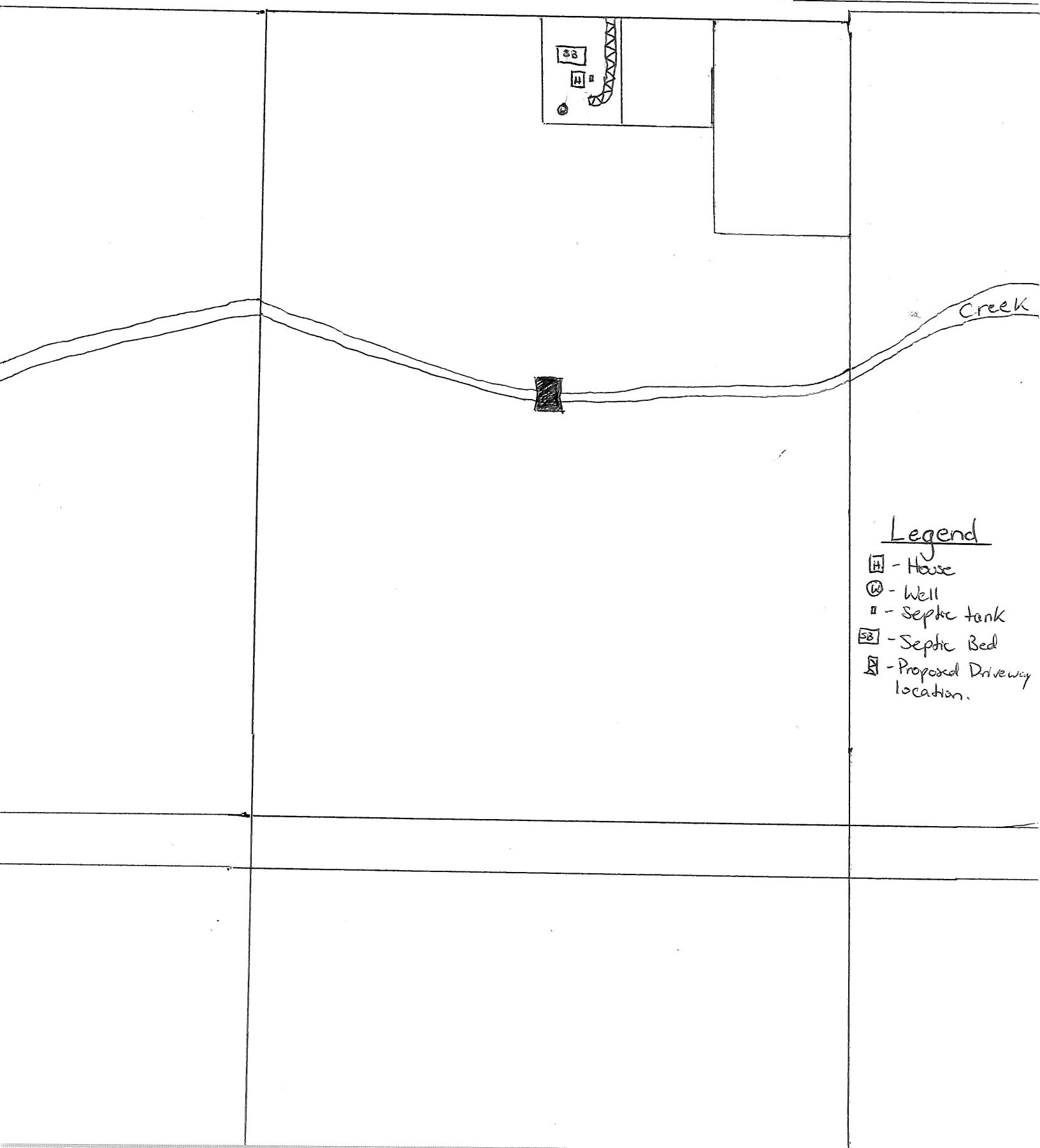
Step 8: Factor A

1. For each *livestock*/manure type and description outlined on Calculation Form A, determine the value of Factor A. For the *livestock*/manure type described in Cells A2 and B2, enter the value of Factor A from Table 1 in Cell G2 on Calculation Form A. For example, if Cells A2 and B2 describe dairy cattle, milking-age cows, large-framed (e.g., Holsteins), record the value 0.7 in Cell G2. If necessary, repeat this step for each type of *livestock*/manure identified.
2. Review Cells G2 through G6. For cells where there is a recorded value for Factor A, if the value for Factor A is the same in every cell, then enter this value in Cell B2 on Calculation Form B. If there is more than one value for Factor A in Cells G2 through G6 on Calculation Form A, then it is necessary to calculate a weighted average for Factor A. For example, if dairy cattle milking-age cows, heifers and calves are recorded, there is no need to calculate a weighted average for Factor A, as the value of Factor A (i.e., 0.7) is the same for all three types of *livestock*. Similarly, if horses are recorded



Detail Sketch of Severed Lands

135



Agricultural

Agricultural
136

Agricultural
G
H

G
H

G

H

B

B

G

G

H

H

G

H

H

LYONS LINE

H

G

B

CREEK

Agricultural

H
G
RR
S
WCL
A4

Bridge

D1411

D1411 Easement

Agricultural

Agricultural

Agricultural

1317m

1208m

300m

Woods

Woods

Woods

Agricultural

Agricultural

LEGEND

- H House
- G Garage
- B Barn
- S Silo
- SP Solar Panel
- W Well
- Septic Tank & Bed
- Severed
- Retained
- A4 Country Residential
- RR Rural Residential

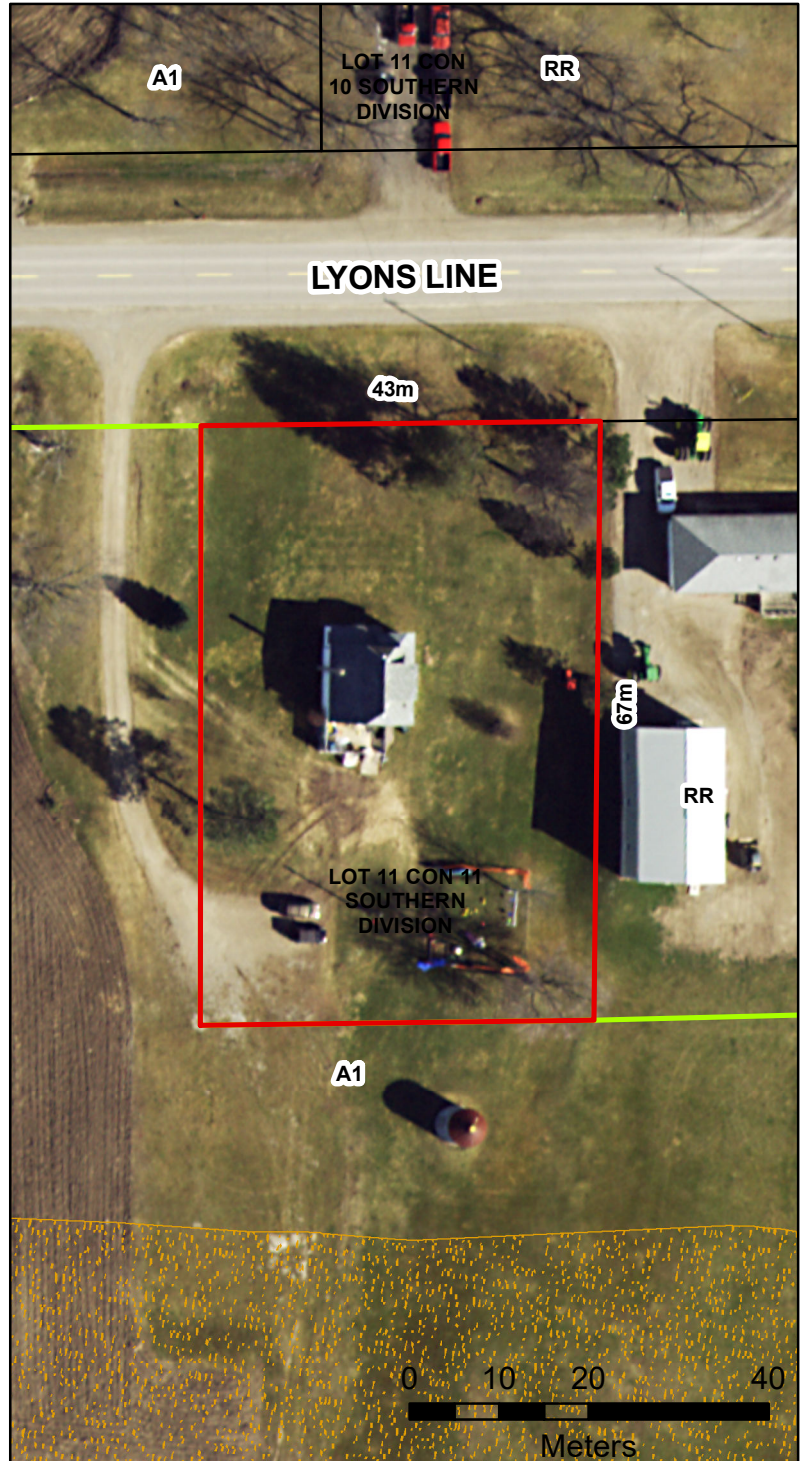
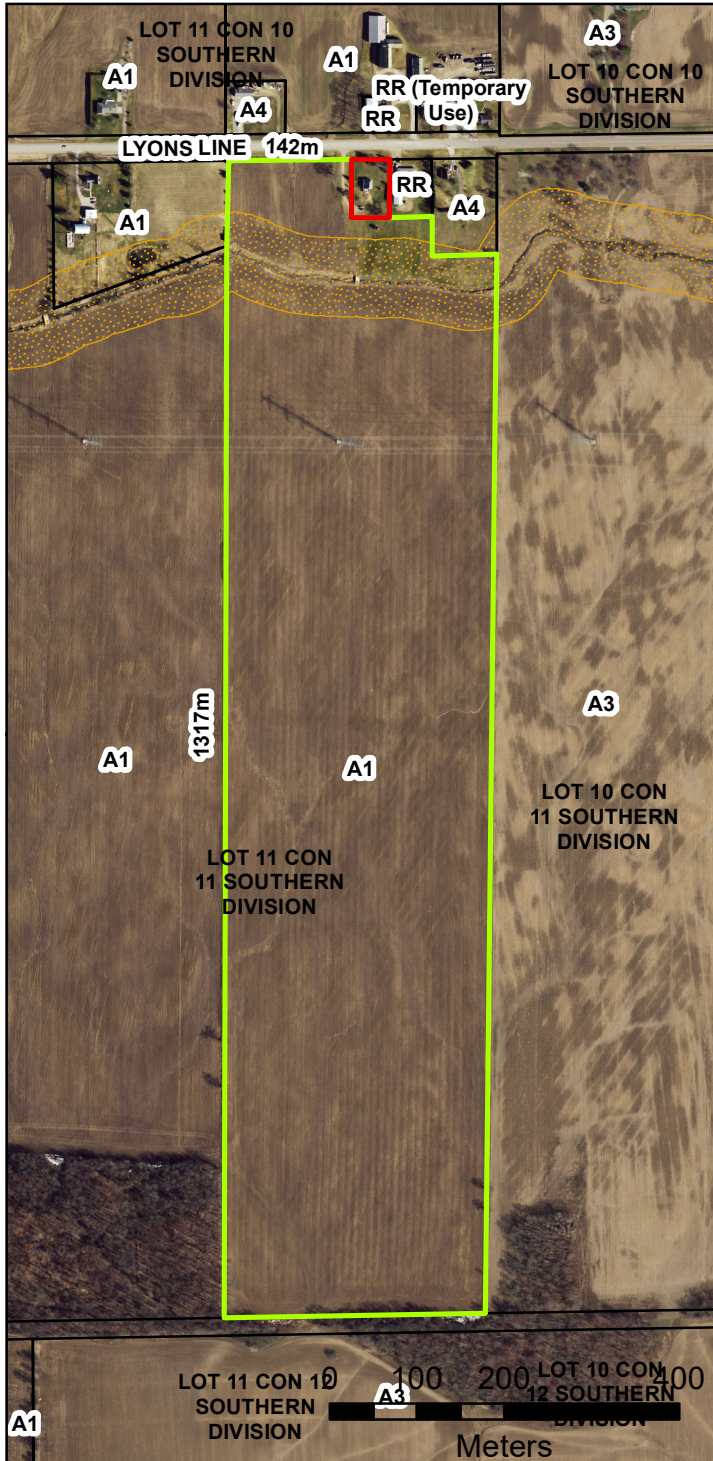
APPLICATION FOR A CONSENT TO SEVER Rockx Farms

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Township
of Malahide
Figure 1



49779 Lyons Line
Part of Lot 11, Concession 11 (Geographic Township of South Dorchester)
Township of Malahide



OFFICIAL PLAN DESIGNATION
Agriculture

ZONING
A1 General Agricultural

- Lands to be Severed
- Lands to be Retained
- Hazard Lands





**East Elgin Community Complex Board of Management
Minutes
November 24, 2021 – 7:00 p.m.
Virtual Meeting**

The East Elgin Community Complex Board of Management met virtually, at 7:00 p.m. with the following present:

Aylmer Council: Mayor M. French, Deputy Mayor S. Andrews, Councillor P. Barbour, Councillor T. Charlton, and Councillor A. Oslach. Councillor J. Chapman

Malahide Council: Mayor D. Mennill, Councillor M. Widner, Councillor M. Moore, Councillor R. Cerna

Staff: Aylmer Chief Administrative Officer A. Grozelle, Malahide Chief Administrative Officer. A. Betteridge, Malahide Clerk A. Adams, Aylmer Manager Parks and Recreation T. Pollard, Aylmer Director of Operations R. Johnson, Aylmer Treasurer H. Sachs, Aylmer Director of Legislative/ Corporate Services J. Brick, Aylmer Deputy Clerk/ Communications Coordinator O. Jaggard.

Absent:, Councillor Mary Hamm, Deputy Mayor D. Giguère, Councillor S. Lewis, and Councillor C. Glinski.

1. WELCOME - Chair - Mayor Mennill

Aylmer Mayor Mennill assumed the Chair and called the meeting to order at 7:00 p.m.

2. CONFIRMATION OF AGENDA

(a) Confirmation of Agenda

Resolution No.1-21

Moved by Board Member Charlton and seconded by Board Member Barbour:

November 24, 2021

That the Board adopts the Agenda for the meeting of November 24, 2022.

The motion is Carried.

3. **DECLARATION OF PECUNIARY INTEREST**

4. **DELEGATIONS**

5. **APPROVAL OF PREVIOUS MINUTES**

- A. Minutes of the EECC Board Meeting held on September 8, 2021

Resolution No.2-21

Moved by Board Member Andrews and seconded by Board Member Barbour:

That the East Elgin Community Complex Board approves the minutes of the EECC Board Meeting held on September 8, 2021.

The motion is Carried.

6. **ACTION ITEMS**

- A. EECC Administrator/CAO Aylmer - Proposed 2022 Capital Budget (Public Meeting)

Resolution No.3-21

Moved by Board Member Chapman and seconded by Board Member Oslach:

THAT the Report respecting the East Elgin Community Complex 2022 Capital Budget be received as information.

The motion is Carried.

- B. EECC Administrator/CAO Aylmer - Proposed 2022 Operational Budget (Public Meeting)

Resolution No.4-21

Moved by Board Member Andrews and seconded by Board Member Charlton:

THAT the Report respecting the East Elgin Community Complex 2022 Operational Budget be received as information.

The motion is Carried.

- C. Manager Parks & Recreation - Report REC 2-21 - Concession Services Terminated

November 24, 2021

Resolution No.5-21

Moved by Board Member Cerna and seconded by Board Member Andrews:

THAT Report No. 2-21 EECC Board of Management, be received for information.

The motion is Carried.

- D. Director of Corporate/ Legislative Services - Report CLRK 43-21 - East Elgin Community Complex, Annual Facility Inspection Results

Resolution No.6-21

Moved by Board Member Charlton and seconded by Board Member Barbour:

That Report CLRK 43-21 entitled East Elgin Community Complex – Annual Facility Inspection Results, be received as information; and, That the Board directs staff to take the necessary follow up actions and repairs as permitted within the 2022 approved operating and capital budget.

The motion is Carried.

7. **INQUIRIES BY MEMBERS**

8. **CLOSED SESSION**

9. **ADJOURNMENT**

- (a) Adjournment

Resolution No.7-21

Moved by Board Member Widner and seconded by Board Member Cerna:
That the Board do now adjourn at 7:18 p.m.

The motion is Carried.

Clerk

Mayor Mennil

THE CORPORATION OF THE TOWNSHIP OF MALAHIDE**BY-LAW NO. 21-86**

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 2, 2021, in respect of each motion, resolution and other action taken by the Council of the Township of Malahide at such meeting is, except where the prior approval of the Ontario Municipal Board or other authority is required by law, is hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this By-law.
2. THAT the Mayor and the appropriate officials of the Township of Malahide are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Township of Malahide referred to in the proceeding section.
3. THAT the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary in that behalf and to affix thereto the corporate seal of the Township of Malahide.
4. THAT this By-law shall come into force and take effect upon the final passing thereof.

READ a **FIRST** and **SECOND** time this 2nd day of December, 2021.

READ a **THIRD** time and **FINALLY PASSED** this 2nd day of December, 2021.

Mayor, D. Mennill

Clerk, A. Adams