



## **LUCAN BIDDULPH COUNCIL AGENDA**

TUESDAY, DECEMBER 15, 2020 6:00 PM  
Lucan Biddulph Township Office  
270 Main Street P.O. Box 190 Lucan, ON

### **AGENDA**

**MEETING TO BE HELD ELECTRONICALLY. THE MEETING WILL BE AVAILABLE AS FOLLOWS AT 6:00 P.M. ON DECEMBER 15, 2020**

[https://www.youtube.com/channel/UCeA4Y0M03UFY2O\\_nbymnWHg](https://www.youtube.com/channel/UCeA4Y0M03UFY2O_nbymnWHg)

**1. Call to Order**

**2. Disclosure of Pecuniary Interest & Nature Thereof**

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

**3. Announcements**

**4. 5:45 pm Closed Session**

(Note: Resolution required for the Council to adjourn its regular meeting in order to conduct a closed session Pursuant to Section 239 (2)(b) of the Municipal Act)

Section 239 (2) (b) – personal matters about an identifiable individual, including municipal or local board employees;

(Note: Resolution required for the Council to reconvene its regular meeting.)

**5. 6:00 pm Public Meetings**

(Note: Resolution required for the Council to adjourn its regular meeting in order to sit as a Committee of Adjustment under the Planning Act.)

- a) Consent Application B-15-2020  
Moray and Joan Watson, Owner  
33799 Stonehouse Line, Lucan, ON

[PL-24-2020 - Application for Consent B-15-2020 \(33799 Stonehouse Line\)](#)

(Note: Resolution required for the Council to adjourn Committee of Adjustment to convene a Public meeting under the Planning Act.)

- b) Application for Draft Plan of Subdivision Approval 39T-LB2002 and Zoning Amendment ZBA-12-2020  
2219260 Ontario Inc., Owner c/o Vito Campanale  
Dillon Consulting, Agent  
Part Lots 27 & 28, Conc. 5, Lucan Biddulph (East Side of Saintsbury Line, Lucan, ON)  
[PL-23-2020 - Timber Ridge Subdivision 39T-LB2002 and ZBA-12-2020](#)

(Note: Resolution required for the Council to reconvene its regular meeting.)

**6. Delegations, Presentations & Petitions**

**7. Adoption of Minutes**

[Council Minutes December 1 2020](#)

**8. Business Arising From the Minutes**

[BA Dec 15 2020](#)

**9. Correspondence**

a) Balance of Communication:

1. [New municipal representative joins source protection committee](#)
2. [ABCA Minutes, GM's Report and Agenda](#)
3. [Resolutions \(Multiple\) re Bill 229 Impact on Conservation Authorities and Proposed Amendments](#)
4. [Request for Support regarding Bill C-213 The Canada Pharmacare Act](#)
5. [Resolution - Marmora Lake - Accessibility for Ontarians](#)
6. [Resolution - Howick Township - re amending the Tile Drainage Installation Act](#)
7. [Resolution - Region of Peel - Letter to MOF re Veteran Clubs Property Tax Exemptions](#)
8. [Resolution - Southwest Middlesex - Municipal Drainage & CN Rail](#)
9. [Support Resolution - Mun of Tweed - Cannabis Production Facilities, Cannabis Act and Health Canada Guidelines](#)
10. [AMO Watchfile Dec 3](#) [AMO Watchfile Dec 10](#)

**10. Committee Reports**

- a) CEDC
- b) Bluewater Recycling
- c) Lake Huron
- d) Fire Boards

[Lucan Biddulph Fire Area Board Minutes - Nov 19 2020](#)

[Biddulph Blanshard Fire Board Minutes - Nov 26 2020](#)

- e) ABCA
- f) UTRCA
- g) Parks & Recreation

**11. Staff Reports**

- a) CAO/Clerks Office  
[CL-11-2020 - Face Mask By-law extension](#)
- b) Building/By-law Enforcement
- c) Finance  
[FIN-16-2020 - ICIP COVID Funding](#)
- d) Planning
- e) Public Works  
[PW-36-2020 Memo of Understanding](#)
- f) Parks & Recreation  
[PR-16-2020 - Wetlands proposal ABCA](#)
- g) Economic Development

**12. Councillor's Comments**

**13. Changes to Budget**

**14. Notice of Motions**

**15. Motions and Accounts**

[Accounts paid Nov 2020pdf](#)

[Motions December 15 2020](#)

**16. By-laws**

[58-2020 Face Mask By-law](#)

[59-2020 Confirming](#)

[210-2020 ZBA \(Malbrecht\)](#)

**17. Adjournment**



Planning Department  
County of Middlesex  
399 Ridout Street North  
London, ON N6A 2P1  
(519) 434-7321 (fax) 434-0638  
www.middlesex.ca

**MEETING DATE:** December 15, 2020

**REPORT**

**TO:** Committee of Adjustment and Council  
Township of Lucan Biddulph

**FROM:** Dan FitzGerald, Planner

**RE: Applications for Consent (B-15/2020), 33799 Stonehouse Line**

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**Purpose:**

The purpose of this report is to provide the Committee of Adjustment with a recommendation in regards to an application for a severance (B-15/2020) of a surplus farm dwelling on a farm that is located on the west side of Stonehouse Line, south of the intersection at Stonehouse Line and Observatory Drive.

A location map is included as Attachment 1.

**Background (see Figure 1):**

The purpose and effect of Consent Application B-15/2020 is to sever a farm dwelling from a farm as deemed surplus by the applicant. The subject property is approximately 41.4 hectare (102.3 acre) farm parcel located on the west side of Stonehouse Line, south of the intersection at Stonehouse Line and Observatory Drive, and is legally described as as Lot 32, Concession 10, in the Township of Lucan Biddulph, County of Middlesex. The lands are designated 'Agricultural Area' according to the County of Middlesex, 'Agricultural' in the Township Official Plan and zoned General Agricultural (A1) Zone according to the Township Zoning By-law.

The applicant is requesting to sever a portion of lands with a frontage of approximately 277 metres (908.8 feet) along Stonehouse Line and an area of approximately 4.8 hectares (11.8 acres) of land occupied by single detached dwelling, a detached accessory structure, two ponds, two separate regulated forests, private services, and a geothermal heating system. The balance of the farm would have an approximate frontage of 133 metres (436.4 feet) off Stonehouse Line and an area of 36.2 hectares (89.5 acres) for the purposes of agricultural crop production. It should be noted to the Committee that the application is a 'reverse' surplus farm dwelling severance whereby the applicant would keep the residential lands and the farmland would be sold to a farmer who qualifies for a farm consolidation. See attached proposed severance sketch provided by the applicant.



The proposal is summarized below:

	<b>'Severed Lands – House'</b>	<b>'Retained Lands – Farm'</b>
<b>Lot Frontage</b>	277 metres (908.8 feet) – Stonehouse Line	133 metres (436.4 feet) – Stonehouse Line
<b>Lot Area</b>	4.8 hectares (11.8 acres)	36.2 hectares (89.5 acres)

The surrounding land uses are predominantly agricultural in nature. A forested portion of the lands located along the south and east property boundaries that would be severed are identified as part of the Middlesex Natural Heritage Systems Study (MNHSS). Additionally, a portion of the lands at the rear of the proposed remnant lands along the west area of the property is also identified as part the MNHSS, and a portion of said area is also regulated by the Upper Thames River Conservation Authority.

### **Policy and Regulation Background**

The subject lands are located within a 'Prime Agricultural Area' as defined by the 2020 Provincial Policy Statement and within the 'Agricultural' designation of the County and Township Official Plan's.

The subject lands are zoned General Agricultural (A1) Zone according to the Township Zoning By-law.

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

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 2.3.4.1(c) of the PPS directs that lot creation may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided the new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and new residential dwellings are prohibited on the remnant parcel of farmland.

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

### **County of Middlesex Official Plan:**

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include:

Section 4.5.3.4(a) of the Plan indicates that consents to sever a residence surplus to a farming operation as a result of farm consolidation may be permitted, provided the residence was built prior to January 1, 1999 and that the new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Section 4.5.3.4 (c) of the plan states consents for new farm lots shall generally not be considered where the result is the creation of a farm lot less than a typical township lot of

about 40 hectares. Consents for the creation of new farm lots shall be considered where both the size of the lands being severed and the lands being retained are appropriate to:

1. the type of agriculture being engaged in or proposed to be engaged in; and
2. the type of agricultural activity and farm lot size common in the area. In general, farm lot size shall be sufficiently large to create large contiguous farming blocks and to maintain flexibility to adapt to future changes in agriculture and to avoid the unwarranted fragmentation of farmland.

A minimum farm lot size shall be established in the Zoning By-laws of the local municipalities.

### **Township of Lucan Biddulph Official Plan**

Section 3.1.1.4 of the Township of Lucan Biddulph Official Plan states that the severing of agricultural land into smaller parcels shall be discouraged. Where the severing of agricultural land is proposed, the owner must demonstrate that the resulting parcels would constitute productive or logical farm units or viable farm enterprises and would not have a detrimental impact on agricultural productivity, operating efficiencies or future farming options. Generally, both parcels should be at least 40 ha in size. In considering such proposals, the following factors shall also be taken into account:

- a) the effect of the severance on the fragmentation of farmland and the need to discourage the unwarranted fragmentation of farmland;
- b) the agricultural capability and productivity of the land;
- c) whether the size of the parcels are appropriate to the type of agriculture being engaged in or proposed to be engaged in and the type of agricultural activity and farm lot size common in the area;
- d) the minimum farm parcel size as established in the Township's Zoning By-law;
- e) the County of Middlesex Official Plan and the Provincial Policy Statement;
- f) the requirements of the Planning Act;
- g) whether the new parcels are sufficiently large to maintain flexibility to accommodate future changes in the type or size of agricultural operations.

Section 3.1.1.10 of the Township of Lucan Biddulph Official Plan states that dwellings considered surplus to a farming operation as a result of farm consolidation, meaning the acquisition of farm parcels to be operated as one farm operation, may be severed from the balance of the farm subject to the following criteria:

- a) The surplus dwelling shall have been in existence as of January 1st, 1999 and in a sound and reasonable state of condition to permit human habitation.

- b) The remaining farmland shall be zoned agricultural and new dwelling shall be prohibited.
- c) Farm buildings and structures deemed surplus to the needs of the farm, which may be incompatible with the disposal of a surplus dwelling, may be required to be demolished or removed as a condition of consent, or retained and decommissioned of any livestock barn or the facilitation of manure storage for livestock purposes.
- d) The dwelling shall not be severed from the farm where it may have a detrimental impact on the operation, expansion or flexibility of any nearby livestock operation.
- e) An agreement shall be entered into and registered on title advising future owners of the potential for odours and similar adverse impacts arising from neighbouring farm operations despite the fact that such operations may be operating in accordance with normal farm practices.
- f) An adequate water supply be available to service the dwelling to the satisfaction of the Township.
- g) Sanitary waste disposal systems must be available to service the dwelling an upgraded to current standards, and wholly contained on the proposed lot in accordance with the required setbacks to the satisfaction of the Township.
- h) Vehicular access shall be available or made available from a public highway or public road of reasonable construction and maintenance.
- i) The frontage and size of the proposed lot shall be suitable for the purpose intended and shall generally only be a large as necessary to accommodate an on-site water and sanitary waste disposal system. The lot shall be a regular shape and the loss of productive farm land shall be minimized, while ensuring the requirements of the Zoning By-law are met. An amendment to the By-law shall be required.

### **Township of Lucan Biddulph Zoning By-law No. 100-2003**

*Current Zone:* The existing 'General Agricultural (A1) Zone' permits generally agricultural and requires a minimum lot area of 40 ha and a minimum lot frontage of 150 m.

#### **Analysis:**

The Provincial Policy Statement (PPS), County Official Plan and Township Official Plan generally permit lot creation in agricultural areas for a dwelling surplus to a farming operation as a result of farm consolidation. This is subject to evaluation criteria, including but not limited to, the dwelling being habitable and in existence as of January 1, 1999, the lands being serviceable, and limited in size to those necessary to support the residential function and services.

Consolidation means the acquisition of additional farm parcels to be operated as one farming operation. In the case of a farm consolidation, the onus is on the applicant to demonstrate

their proposal meets the intent of a farm consolidation in that more than one farm is owned and operated, and another dwelling exists in the same ownership; deeming a house situated on one of the farm parcels as surplus to the farmers needs. The applicant has indicated to Planning Staff that they do not own another farm parcel with a house and are not farmers with a farm operation. As such Planning Staff are unable to determine that a farm consolidation is occurring on the lands and are, at this time, unable to verify for Committee that the proposal meets the minimum requirements of the Provincial Policy Statement 2020 section 2.3.4.1(c).

It is noted that when an applicant themselves does not qualify for a surplus farm dwelling severance, as in they are not a farmer or own a farming operation with an additional residence, an opportunity is provided for the applicant to demonstrate consolidation is occurring through what is sometimes termed a 'reverse' surplus farm dwelling severance. In this scenario, the applicant is required to identify a farm operation that would meet the definition of a farm consolidation. Staff would then provide Committee with the information of the qualified farmer for consideration in their decision making. As a condition of the consent, Committee would require that the lands be transferred to the specific farm operation who was qualified by the Committee prior to the decision. In this situation the applicant is requesting that the determination be delegated to staff subsequent to a decision as a condition of consent. Staff does not recommend this approach as Committee must ensure a proposal meets the intent of all guiding policy documents prior to making a decision. It is the opinion of staff that delegating the authority to administration to determine if a farm consolidation is occurring as a condition of Consent is not appropriate and would not meet the intent of the Provincial Policy Statement or Local Official Plan.

Given that proof of farm consolidation has not occurred and the applicant has stated they are not a farmer or own / operate other farmlands with a residence, staff consider the applicant's proposal, at this time, to be more accurately described as a severance in an agricultural area. Staff note that the Provincial Policy Statement 2020 prohibits the creation of new residential lots in prime agricultural areas except in accordance with policy 2.3.4.1 (c), being the surplus farm dwelling policies. Additionally, the County Official Plan and Local Official Plan generally require lands to be a minimum area of 40 hectares in agricultural areas, which is reflected as a minimum requirement in Lucan Biddulph's Comprehensive Zoning By-law. The applicant's proposed severance would not meet the intent of the County Official Plan or Local Official Plan for lot creation and would only be supportable through the surplus farm dwelling policies in all three guiding policy documents. Therefore staff is of the opinion that the proposal is premature until such time that the applicant can provide proof that a farm consolidation is occurring through the request.

In addition to demonstration of consolidation, the Provincial Policy Statement 2020 and Township of Lucan Biddulph Official Plan both state that surplus farm dwelling severances shall be limited to a minimum size needed to accommodate the use and appropriate sewage and water services. The subject property is approximately 41.4 hectare (102.3 acre) farm parcel. The applicant is requesting to sever a parcel that would have a frontage of approximately 277 metres (908.8 feet) along Stonehouse Line and an area of approximately 4.8 hectares (11.8 acres). The resultant remnant parcel would have an approximate frontage of 133 metres (436.4 feet) off Stonehouse Line and an area of 36.2 hectares (89.5 acres).

The applicant has noted that the requested size is appropriate given the inclusion of two forested areas, noted a recreational use and windbreak for the residence, a 0.6 hectare (1.56 acre) portion of farmland that contains a geothermal loop, the residential portion containing the house, detached accessory building (barn), and services, as well as an approximate 1.4 hectare (3.5 acre) portion containing two dug ponds, planted areas and two golf greens, for a total of 4.8 hectares (11.8 acres). Planning Staff have reviewed the proposed size and note that current activities do not supersede the designation and protections provided to agricultural parcels in the PPS, County Official Plan and Local Official Plan. As a prime agricultural area, the requested surplus farm dwelling severance land area far exceeds a size considered appropriate for their removal from an agricultural area.

As the Provincial Policy Statement and Local Official Plan seeks to limit the amount of lands necessary to support the residential use, as well as sanitary and water services for a surplus farm dwelling severance, Planning Staff are of the opinion that the proposed area is considered beyond what would reasonably be considered necessary to support the aforementioned activities. Additionally, the loss of potentially productive farmland is not in keeping with the intent of the policies. Staff also note that as a condition of consent, the lands would be required to be rezoned to a Surplus Dwelling Zone, which provides guidance of a maximum permissible area of 1.0 hectares in Lucan Biddulph's Comprehensive Zoning By-law. Given the above, Planning are recommending that the lot size be reduced to an area not exceeding the maximum permissible area of 1.0 hectares.

Planning staff are not satisfied that the criteria for the proposed severance of a surplus farm dwelling on the lands have been met and recommend that the application be deferred until such time as the applicant provides Committee with proof that a farm consolidation is occurring, and that the lands be reduced not to exceed the maximum permissible size of 1.0 hectare as required in the Surplus Dwelling Zone of the Lucan Biddulph Comprehensive Zoning By-law.

### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act. The following comments were received:

#### Agency Comments

1. Upper Thames River Conservation Authority: the UTRCA does not object to the application for consent but noted it was unclear how the applicant is consistent with 2.3.4.1 c) 1, given the large lot size being proposed.
2. Hydro One:  
No comments or concerns at this time.
3. Chief Building Official: provided the following comments,

- The barn should be removed. This property will be zoned residential which does not permit livestock. A barn of this size would be conducive to keeping livestock or storage for commercial uses/contractor's yard.
- Proposed lot is significantly sized. The in-ground heating system may be removed/relocated to allow for a lesser sized lot. Alternately, consider a servicing easement?
- Applicant to show location of septic system and well
- To reduce area of residential parcel, pond and woodlots should go with the retained farm
- Subject lands to have any/all concrete and construction debris removed and site to be confirmed to meet Tidy Yard By-law
- Plan shows that the farm has drainage pipes out-letting into the pond on residential parcel. Another reason for these ponds to go with the farm or consider municipal drain options? Also drainage from pond crosses front of residential parcel. Should review with drainage superintendent.

### Public Comments

At the time of writing the report, no formal written comments have been received from the public regarding the proposal. However Planning has received phone calls regarding the proposal expressing opposition. Additionally, a few individuals requested to attend the hearing.

### **Consent Recommendation:**

THAT consent application B-15/2020 for a surplus farm dwelling consent submitted by Joan and Moray Watson for lands legally described as Lot 32, Concession 10, in the Township of Lucan Biddulph, County of Middlesex and known municipally as 33799 Stonehouse Line, **BE DEFERRED** to provide an opportunity for the applicant to demonstrate that a farm consolidation is occurring and to limit the area of the proposed severance to the maximum permissible size in Lucan Biddulph's Comprehensive Zoning By-law's Surplus Dwelling Zone; and that the Planner provide a subsequent report for Council/Committee's consideration at a future meeting.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.

### **Attachments:**

1. Subject Location Map
2. Proposed Conveyed Land Plan.
3. UTRCA Correspondence.
4. Applicant's Supplemental Information



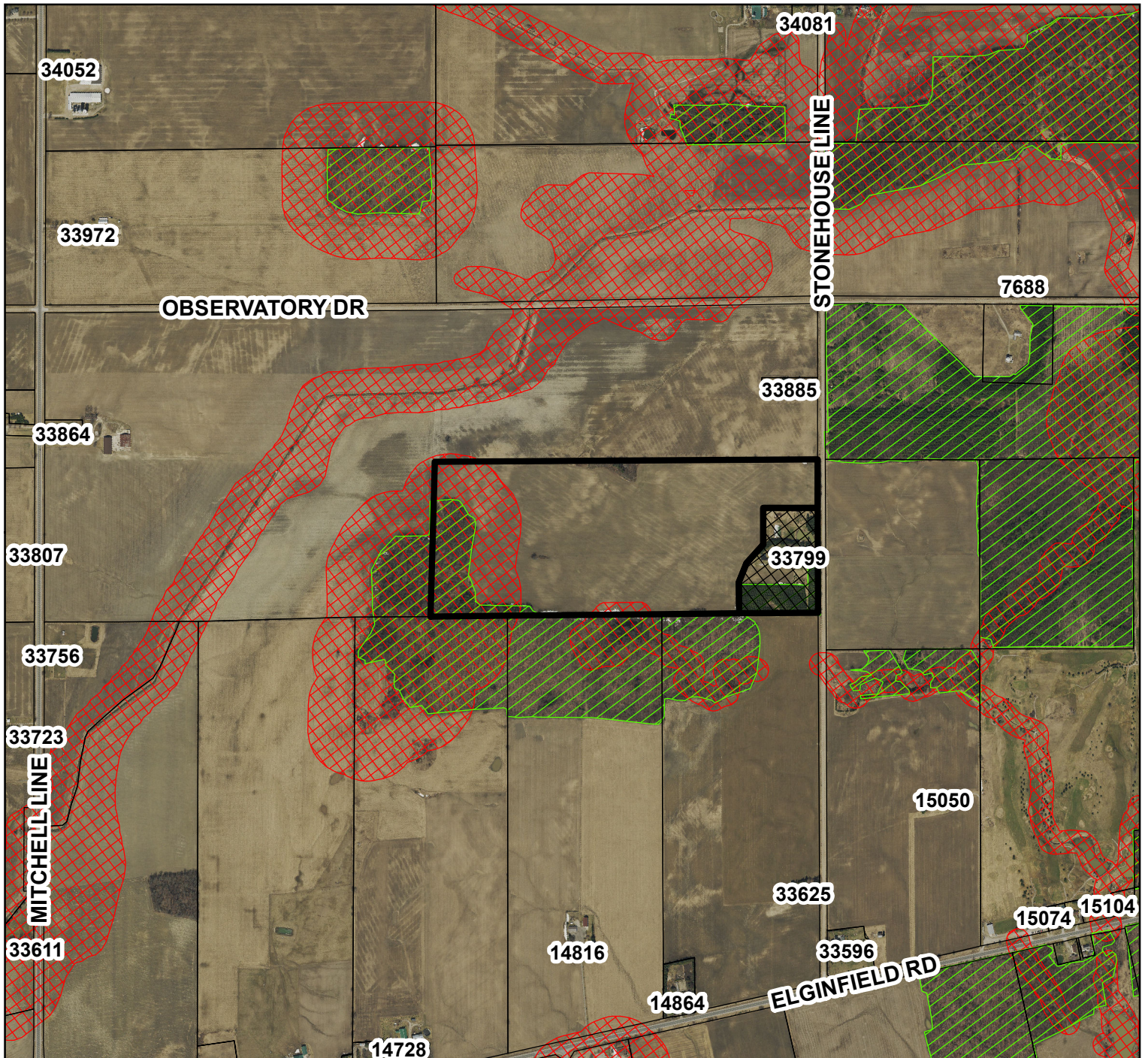
# APPLICATION FOR CONSENT: B15-2020

Moray and Joan Watson (Owners)


33799 Stonehouse Line  
Township of Lucan Biddulph



## Township of LUCAN BIDDULPH KEY MAP



Published by the County of Middlesex  
Planning Department  
399 Ridout Street North, London, ON N6A 2P1  
(519) 434-7321  
November 2020

-  Lands to be retained
-  Lands to be severed
-  Significant Woodlands (MNHS 2014)
-  CA Regulated Area

N  
W E  
S

1:15,000  
Metres  
0 90 180 270 360

ORTHOPHOTOGRAPHY: SWOOP 2015

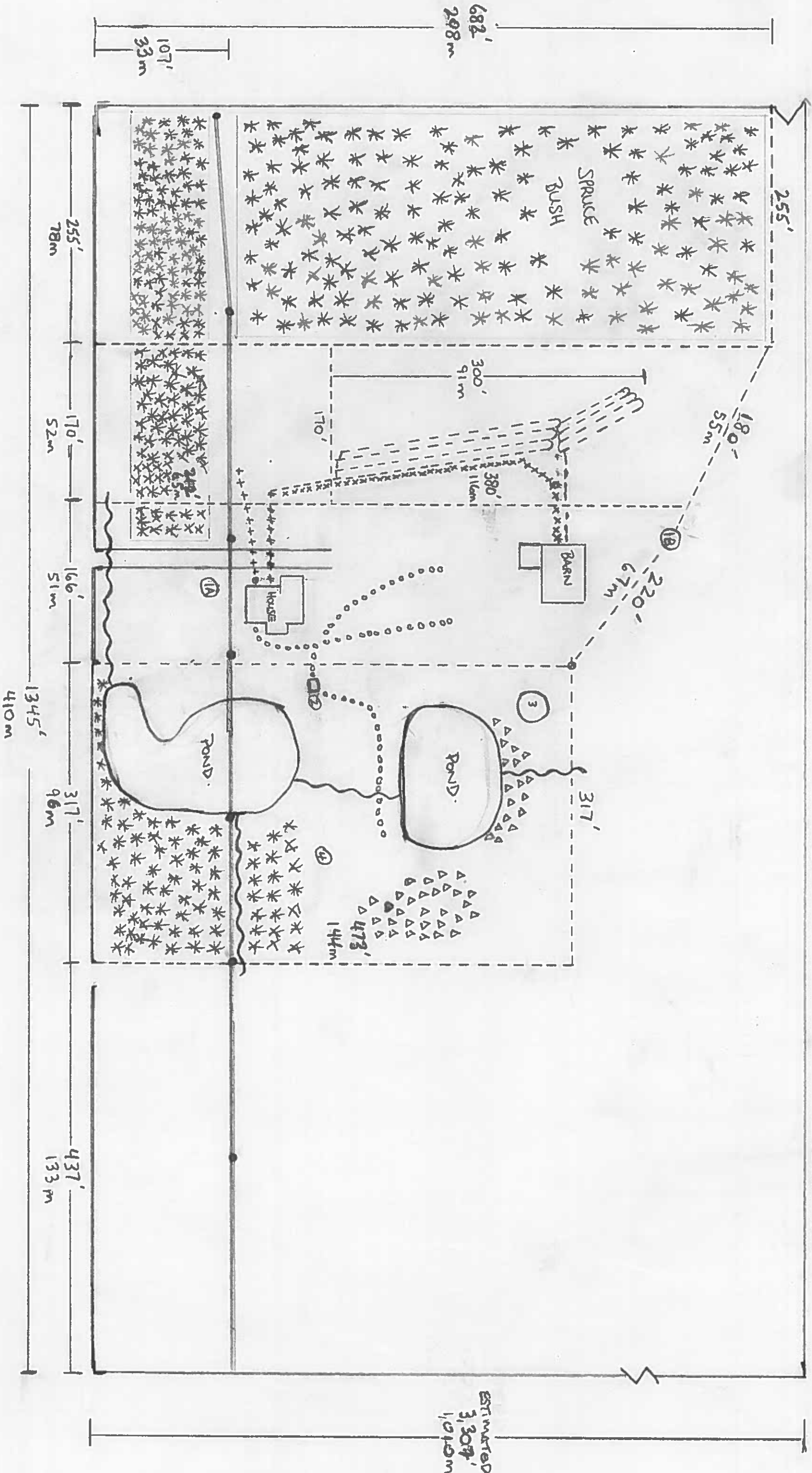
*Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.*







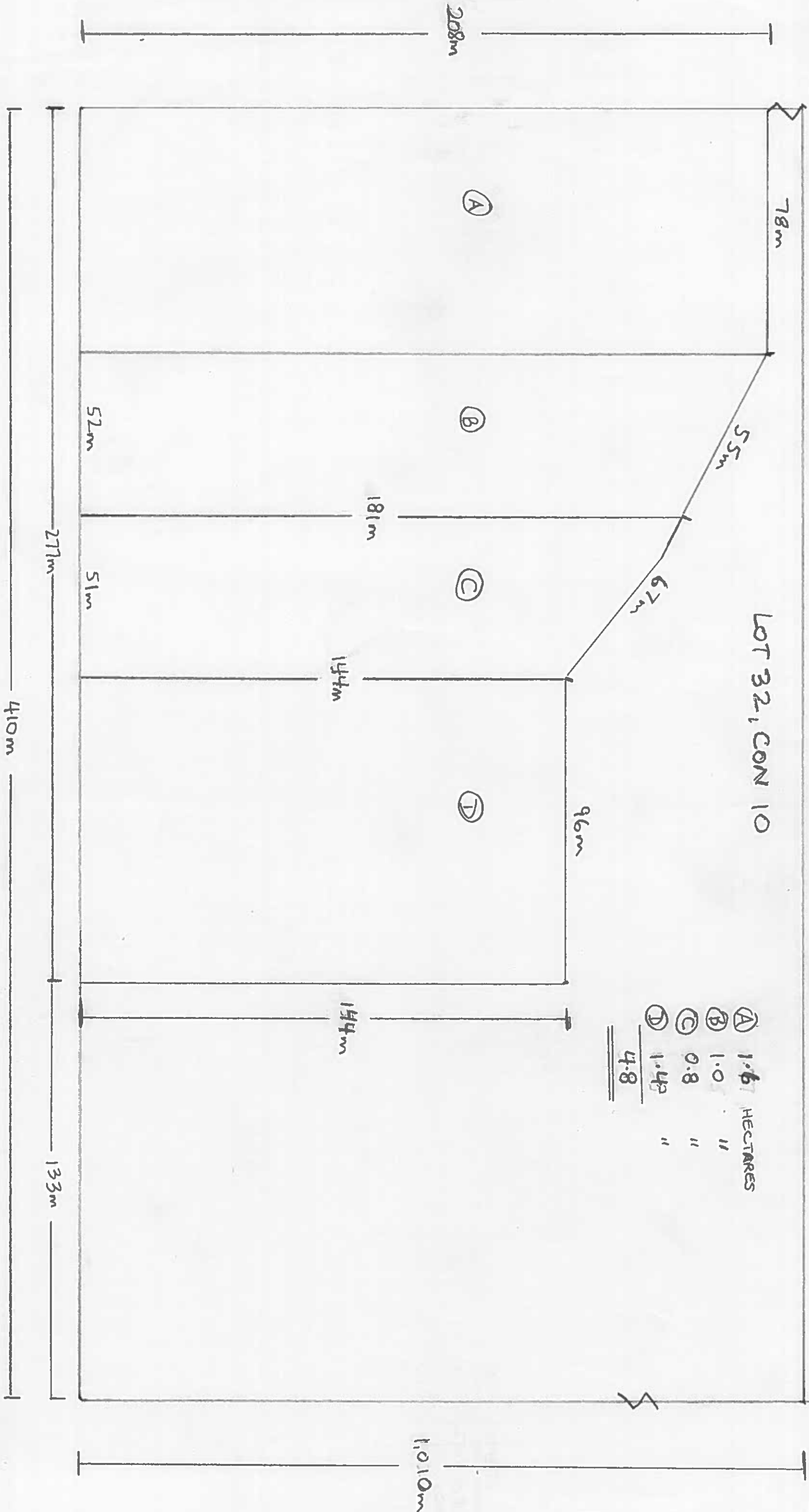
LOT 32, CON 10



- 00000 IRRIGATION LINES
- ~ DRAINAGE PIPE
- HYDRO LINE
- SEPTIC WEARING TILE
- xxx BURIED ELECTRIC CABLE
- nnn GEOTHERMAL GROUND LOOPS
- DRILLED WELL
- ① DIE WELL
- ② PUMPHOUSE
- ③ STONE FIREPIT
- ④ WINDMILL/POND AERATION
- \* TREES
- △ FRUIT BEARING SHRUBS

1" = 100 FT = 30.5 m

ESTIMATED  
3,307'  
1,010m





*"Inspiring a Healthy Environment"*

December 7, 2020

Township of Lucan Biddulph  
33351 Richmond Street  
P.O. Box 190  
Lucan, Ontario N0M 2J0

**Attention: Ron Reymer, CAO/Clerk, (via e-mail [rreymer@lucanbiddulph.on.ca](mailto:rreymer@lucanbiddulph.on.ca))**

Dear Mr. Reymer:

**Re: Application for Consent: B-15-2020**  
**Owner: Moray & Joan Watson**  
**Property Description: 33799 Stonehouse Line, Township of Lucan Biddulph, County of Middlesex, ON**

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The Upper Thames River Conservation Authority (UTRCA) has reviewed the above noted application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject property is located within a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### **PROPOSAL**

The purpose of the applications for consent is to sever a surplus farm dwelling (as a result of farm consolidation). The proposed lot to be severed is approximately 4.8ha (11.8ac).

### **CONSERVATION AUTHORITIES ACT**

The subject property is affected by an area of interference associated with a significant wetland. The UTRCA regulates development within the Regulation Limit in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. This regulation requires the landowner to obtain written approval from the UTRCA prior to undertaking any development or site alteration in the regulated area.

### **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL**

The UTRCA's Environmental Planning Policy Manual is available online at <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

The policies which are applicable to the subject lands include:

#### **3.2.2 General Natural Hazard Policies**

These policies direct new development, and site alteration, away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. Furthermore, the Authority does not support the fragmentation of hazard lands through lot creation. This policy is

UTRCA Comments:  
B-15-2020  
33799 Stonehouse Line

consistent with the Provincial Policy Statement (PPS, 2014) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

### **3.2.6 & 3.3.2 Wetland Policies (are both Hazard and Heritage Features)**

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study that there will be no negative impact on the hydrological and ecological function of the feature.

### **3.3.3 Woodland Policies**

The woodlands located on the subject property and adjacent to the subject property have been identified as Significant in the Middlesex Natural Heritage Study (2003) as well as in the updated Middlesex Natural Heritage Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (see note below) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

### **\*Note: Natural Heritage Reference Manual, Second Edition (OMNR, 2010)**

We note that Table 4-2 of the *Natural Heritage Reference Manual Second Edition* (OMNR, 2010) identifies adjacent lands from significant natural heritage features as being 120m from the feature for considering potential negative impacts. The *Natural Heritage Reference Manual* provides technical guidance for implementing the natural heritage policies of the *Provincial Policy Statement*, 2005. The UTRCA Environmental Planning Policy Manual (2006) predates the NHRM (2010) and the UTRCA considers the policies of the contemporary implantation manual in its review. This EIS should demonstrate no negative impacts on the ecological form and function of the features. These natural heritage areas should be located and avoided as inappropriate places for development.

## **DRINKING WATER SOURCE PROTECTION**

### **Clean Water Act**

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are not** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

## **RECOMMENDATION**

While the UTRCA does not object to the application for consent, it is unclear how the application is consistent with 2.3.4.1 c) 1, given the large lot size being proposed. The foregoing comments are providing for the information of the applicant and Council.

## **UTRCA REVIEW FEES**

In June 2006, the UTRCA's Board of Directors approved the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority*. This manual authorizes Authority Staff to collect fees for the review of Planning Act applications including applications for Consent (\$275.00 each). An invoice in the amount of **\$275.00** will be sent directly to the applicant under separate cover.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 228.



UTRCA Comments:  
B-15-2020  
33799 Stonehouse Line

Yours truly,  
UPPER THAMES RIVER CONSERVATION AUTHORITY.

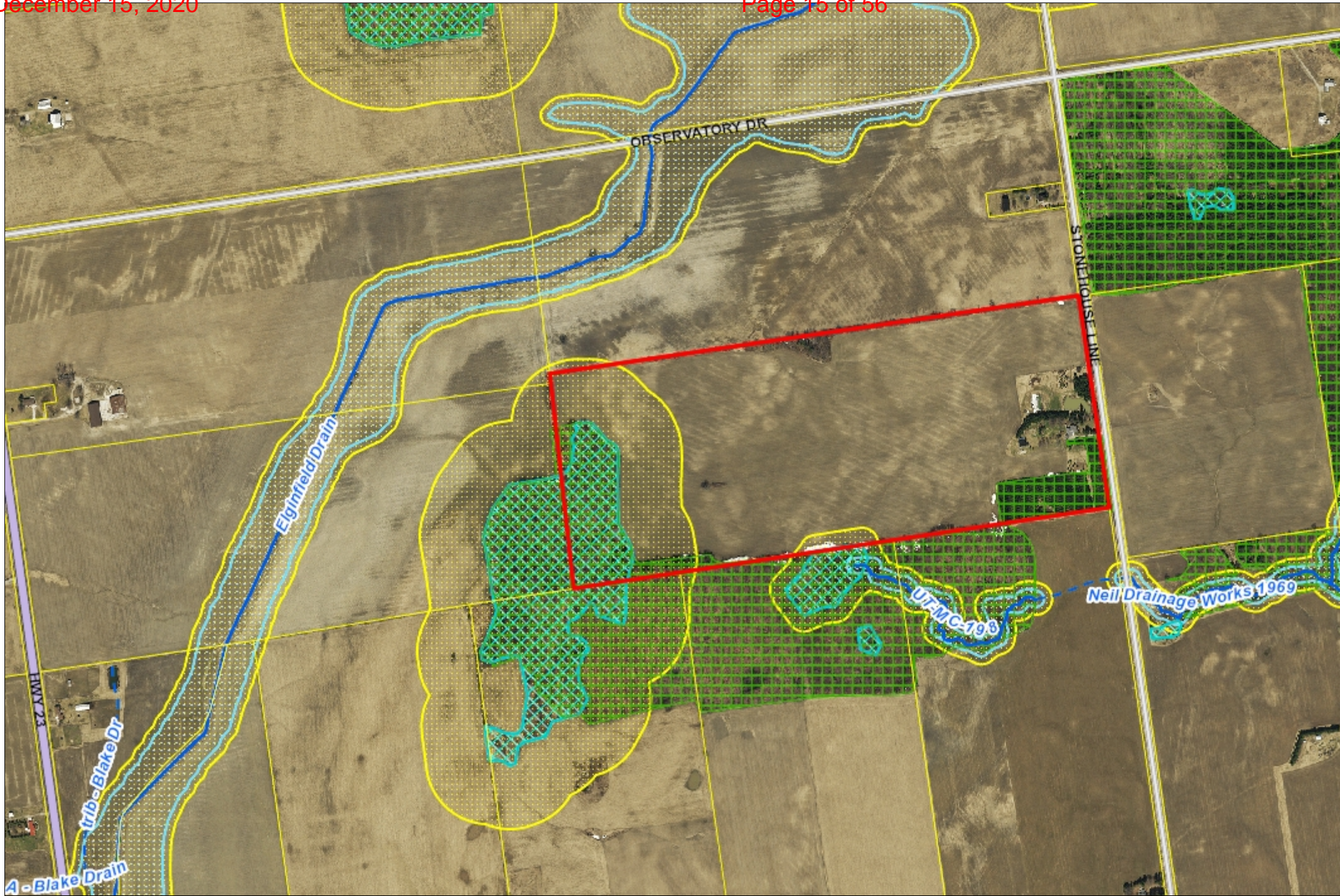


Spencer McDonald, MCIP, RPP  
Land Use Planner  
SM/sm

Enclosure: UTRCA Reg. limit mapping (please print on legal sized paper for the scales to be accurate)

c.c. Debra Kirk, UTRCA (via email: [kirkd@thamesriver.on.ca](mailto:kirkd@thamesriver.on.ca))  
Moray & Joan Watson, Owners (via email: [mowatson@quadro.net](mailto:mowatson@quadro.net))





## Regulation Limit

Regulation under s.28 of the *Conservation Authorities Act*  
 Development, interference with wetlands, and alterations to shorelines and watercourses. O.Reg 157/06, 97/04.

- ### Legend
- UTRCA Watershed (1:10K)
  - Assessment Parcel (MPAC)
  - Watercourse (UTRCA, 2015)
    - Open
    - Tiled
  - Middlesex NHSS Woodland (2014)
    - Candidate for Ecologically Important
    - Ecologically Important
    - Significant Ecologically Important
  - Wetland Hazard
  - Flooding Hazard
  - Regulation Limit 2018

The Regulation Limit depicted on this map schedule is a representation of O.Reg 157/06 under O.Reg 97/04.

The Regulation Limit is a conservative estimation of the hazard lands within the UTRCA watershed. In the case of discrepancies between the mapping and the actual features on a property, the text of Ontario Regulation 157/06 prevails and the jurisdiction of the UTRCA may extend beyond areas shown on the maps.

The UTRCA disclaims explicitly any warranty, representation or guarantee as to the content, sequence, accuracy, timeliness, fitness for a particular purpose, merchantability or completeness of any of the data depicted and provided herein.

The UTRCA assumes no liability for any errors, omissions or inaccuracies in the information provided herein and further assumes no liability for any decisions made or actions taken or not taken by any person in reliance upon the information and data furnished hereunder.

This map is not a substitute for professional advice. Please contact UTRCA staff for any changes, updates and amendments to the information provided.

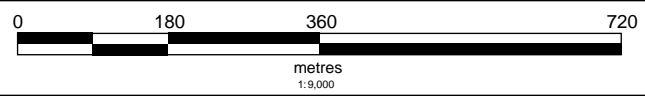
This document is not a Plan of Survey.

Sources: Base data, 2015 Aerial Photography used under licence with the Ontario Ministry of Natural Resources Copyright © Queen's Printer for Ontario; City of London.

Notes:  
33799 Stonehouse Line

Created By: SM December 2, 2020

\* Please note: Any reference to scale on this map is only appropriate when it is printed landscape on legal-sized (8.5" x 14") paper.



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Moray & Joan Watson  
Application for Consent  
WHAT WE ARE TRYING TO ACHIEVE

- . We are trying to sell our property (~ 41 ha) where we have lived, and made improvements, for the past 32 years. (See Appendix I: History, Lot 32 Concession 10)
  - . The marketplace for our property consists of:
    - i) Farmers, who would like to buy our arable land (~33 ha) but who place little value in the house and the contiguous lands which accommodate the use of the house; and
    - ii) Non-farmers, who would like to acquire the house and contiguous lands accommodating its use, but cannot afford to buy the arable lands as well.
  - . We have submitted a Consent Application to apply for provisional consent to sever the house and the land accommodating its use and intended purpose (~4.8 ha), from the remaining land used for farming/adjoining bush (~36.2 ha). The conditions of the provisional consent would include the requirement that before the granting/stamping of final consent we, as applicants, will provide such materials and information (including representations and warranties as needed) to satisfy Council that the severed farm lands will be acquired by a farmer as part of a farm consolidation where the dwelling is considered surplus to the farmer's farming operation.
  - . Note: Neither the Planning Act nor the Township Official Plan appear to give authority for the Consent Application itself to request the disclosures in Box 11 of the Application. (See Appendix II: Email from Applicant to Planner regarding Completeness of Application; and Appendix II-A: Schedule 1 to Reg 197/96 of the Planning Act)
- It is entirely consistent with Council's authority to provide provisional consents, that the transferee under an eventual farm consolidation not be known at the time the Consent Application is submitted.
- . The provisional consent would be in accordance with s 3.1.1.10 of the Township's Official Plan. The conditions of the provisional consent and the agreement (between the Township and the applicant) needed to govern the waiving of such conditions would be in accordance with the provisions of s 8.4.1 of the Township's Official Plan.

*What we are trying to achieve cont'd:*

Page 2

- . By obtaining a provisional consent to sever the house and the land accommodating its use, from the remaining land, uncertainty in the marketplace as to the size and description of the two prospective parcels would be removed, and allow the marketplace to determine the values of the two parcels.
- . With provisional consent in hand, we would then proceed to identify a farmer to acquire the farm lands and a non-farmer to acquire the house and lands accommodating its use, and enter into an agreement to sell the entire parcel to the two parties as joint owners. Before the closing of the sale we would provide to Council the agreed upon information/materials/representations/warranties required to remove the conditions from the provisional consent.

Following the closing of the joint purchase, the Consent would be granted/stamped and the resultant partitioning would devolve the farms lands to the farmer and the house and lands accommodating its use to the non-farmer.

- . Concurrent with perfecting the consent, zoning of the severed house/lands would be amended to Surplus Dwelling Zone. Minor variances would be granted to allow a lot size greater than 1 ha (Zoning Bylaw 12A.1.3) and to allow the height of the barn as an accessory building to exceed 4.5 metres (Zoning Bylaw 12.A.2.1)
- . Also concurrent with perfecting the consent, zoning of the farm lands would be amended to Agricultural A-3. Minor variances would be granted to allow a lot size smaller than 39 ha (Zoning Bylaw 6A.1.2) and to allow frontage of less than 150m (Zoning Bylaw 6A.1.3).
- . The proposed method of sale and partitioning would be efficient for the applicant's income tax purposes, and for the purchasers' land transfer tax purposes.



Moray & Joan Watson  
Submission In Support of Application for Consent  
WHY THE REQUESTED SEVERANCE IS APPROPRIATE

We are applying for provisional consent to sever a dwelling that will be surplus to the needs of a farming operation as a result of a farm consolidation. The proposed severed lot would be ~ 4.8 ha.

***Characteristics and Uses:***

Attached as Appendix III is a copy of a sketch submitted with the Consent Application showing the proposed 4.8 ha severance broken into 4 segments. A description of the characteristics and uses of those segments is as follows:

Segment A: 1.6 ha of spruce trees planted by the MNR in 1991 many of which are now over 40 ft tall. This is used as recreational space, with walking paths created/maintained and benches placed for sitting. Useful spot for walking dogs on blustery winter days.

Segment B: 1 ha in total.

The eastern .4 ha consisting of spruce trees planted in 1991 by MNR, a large fenced dog run/kennel, the dispersion tile for the septic system, the outlet/return lines connecting the geothermal loop field to the house, and part of the buried electrical line running power from the house to the barn.

The western .6 ha is arable land and part of the 33 ha currently leased out for farming. It contains the geothermal loop bed for the ground source heating system that has been the dwelling's primary heat source since 2009 (and provides air conditioning in summer), the remaining part of the buried electrical line to the barn, and part of drainage tile for dwelling graywater. This piece of field was excluded from the systematic drainage tiling that was undertaken in 2012 on the other 32.4 ha of arable lands.

Segment C: .8 ha containing the dwelling (circa 1880), drilled well located on front lawn, septic tank on south side of house connected to dispersion tile in Segment B, separate graywater drain leading west/south from house into tile in Segment B, gardens with in-ground irrigation system, and part of the spruce windbreak planted in 1991 and extending from north side of the house the north side of the barn.

This segment also contains the barn toward its westerly end and a dug well (not in use) between the barn and the western boundary of the segment. The barn is connected to its own geothermal loop bed in Segment B, and had infloor heating loops installed in the new floor that was poured in 2009. The barn was restored/renovated in 2007, was last used for livestock in the 1970's, and is currently used for storage/upkeep of the equipment used to maintain the property, and for recreational purposes.

As an accessory building in a Surplus Dwelling zone, the barn would meet the requirements of Zoning Bylaw 12A.2.1 , with the exception that a minor variance would be needed as the barn exceeds the permitted 4.5 metres in height.

Segment D: 1.4 ha containing ~ .7 ha of spruce trees planted in 1991 (inclusive of the part of the windbreak planted to the north of house/barn and not contained by Segment C) , ~ .13 ha of mixed conifers/deciduous trees/fruit bearing shrubs planted in 2007 by Upper Thames Conservation Authority, and a large landscaped armour stone/flagstone firepit.

This segment also includes two ponds with a combined surface area of ~ .33 ha. The new pond was excavated in 2006 in a depression that was scrubland north of the dwelling and the cause of flooding in the dwelling's basement during spring runoffs and storm surges. It has a buried overflow drainpipe that carries water under Segment C to the municipal ditch in Segment B, which has solved the flooding issue. The new pond has a recreational beach area, planting ledges for submerged aquatic plants, and is the source of water for the in ground irrigation system that supplies the vegetable garden and golf green/practice area (Segment D) and flower gardens/lawns (Segment C). The pumphouse for the irrigation system is located in the windbreak between Segments C and D.

The old pond (used to water livestock until the 1970's) was dredged in 2006 and connected by an underground drainage pipe to the new pond, as part of the runoff/stormwater management system.

No part of Segment D has ever been used for crop farming. It was fenced in pasture until the fencing was removed in the 1990's to facilitate maintenance.

***Compliance requirements:***

For the proposed severed dwelling lot to be granted consent, Council/Committee of Adjustments (hereafter the Council), must be satisfied, as required by s3 of the Planning Act, that their decision conforms with the Planning Act, R.S.O. 1990 and be consistent with the Provincial Policy Statement (PPS) of May 1, 2020. Council's decision must also conform to the Middlesex County Plan (County Plan) and to the Official Plan of the Township of Lucan Biddulph (Official Plan).

***Official Plan:***

- S 3.1.1.10 permits the severance from the balance of the farm of dwellings considered surplus to a farming operation as a result of farm consolidation. A 'farm consolidation' is simply defined as meaning 'the acquisition of farm parcels to be operated as one farm operation'. At such time as this premise is met, then the following matters must also be satisfied to conform with the Official Plan:
- a) The surplus dwelling complies with the requirements that it existed on Jan 1, 1999 and that it is in a sound and reasonable condition for human habitation.
  - b) The remaining farmland will be zoned agricultural and new buildings shall be prohibited thereon. These conditions will be met by application for rezoning to Agricultural -A3. Pursuant to Zoning Bylaw 6A, minor variances will also be needed to permit a frontage of 133m (minimum 150m required by 6A.1.3) and to permit a lot area of 36.2 ha (minimum 39 ha required by 6A.1.2).
  - c) The barn was last used for farming in the early 1980's, and for livestock in the 1970's. It is structurally sound and is already being employed for compatible non-farm accessory uses. It satisfies the requirements for severance along with the surplus dwelling. Pursuant to Zoning Bylaw 12A, a minor variance will be needed to permit a barn height of approx 10m (maximum 4.5m allowed by 12A.2.1).
  - d) The dwelling to be severed is well over a km away from any livestock operation and is unlikely to have a detrimental impact on the operation, expansion or flexibility of any such operation.
  - e) As a condition of consent an agreement will be made and registered on title advising future owners of potential for odours from farming operations.
  - f) The drilled well is wholly situated on the surplus dwelling lot being created,

and provides an abundant, potable and independent water supply.

- g) The septic system is without defect, operates effectively and is wholly contained on the proposed surplus dwelling lot.
- h) Vehicular access remains the same before and after the severance, and presents no issues.
- i) There are several conditions to be met with respect to the characteristics of the severed dwelling lot:
  - . Generally the lot should only be as large as needed to accommodate the on-site water well and sanitary waste disposal, however the frontage and size of the lot must also be suitable for the purpose intended. For the proposed lot to be suitable for its intended use it needs to be of sufficient size to accommodate the geothermal heating system (Segment B) and the pond/storm water drainage system (Segment D), in addition to the water well (Segment C) and septic system (Segments B and C). Current use of the property also includes use of the spruce bush for daily recreational purposes (Segment A).
  - . To the greatest extent possible the lot shall be regular in shape. The proposed lot is regular in shape, with the exceptions of the western boundary of Segment B (chosen to minimize loss of farm land while accommodating the geothermal system) and the western boundary of Segment C (chosen to follow the existing contour of the arable land while accommodating the dug well).
  - . The loss of productive agricultural land must be minimized. Only .6 ha of agricultural land would be lost; the portion of Segment B containing the geothermal loop bed.
 

Query: Is it permissible to grant a minor variance under Zoning Bylaw 12A.1.1 to permit the .6ha to be rented to the farmer of the severed farmland? If yes, there could potentially be no loss of agricultural land.
  - . The Zoning Bylaws must be satisfied, including those for minimum/maximum lot size. As previously noted, minor variances for maximum lot size and height of the barn would be required to satisfy Zoning Bylaws 12A.1.3 and 12A.2.1

*Why the proposed severance is appropriate cont'd:*

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- . S 8.4.1 requires that the creation of the new lot by severance or consent be evaluated by reference to the following:
  - a) Whether a plan of subdivision is necessary. This would not be the case since only two lots are being created, both fronting on an open public road and no other lots are being created by the same ownership adjacent to the proposed lots.
  - b) Whether the proposed use and severance is in conformity with the policies and land use designations of the Official Plan (see preceding analysis of s 3.1.1.10), and the County Plan (see below).
  - c) Whether the requirements of the Planning Act are satisfied (see below).
  - d) The effect of the PPS (see below).
  - e) Any input received from public agencies.

Of importance, and consistent with our application for provisional consent, the last paragraph of the section states that: “ *Issues arising out of the above evaluation may be addressed though conditions imposed to the granting of the severance, including entering into an agreement between the Municipality and the applicant pursuant to the Planning Act.* ”

County Plan:

- . The general conditions of S 4.5.3.2 for consent applications are met, since:
  - . The severed residential lot will front on an existing/maintained road allowance and will not create or substantially worsen traffic or access as there will be no change in use of or access to the road.
  - . The creation of the lot will not create servicing problems since the septic system is in good working order.
  - . The severed and retained lots will be of adequate size for their intended use, having regard for topography, and siting of the existing buildings and services and points of access (note that no new buildings, services or points of access are proposed).
  - . The Minimum Distance Separation Formula will be maintained.

- . The policies of S 4.5.3.4 to protect Agricultural Areas for agricultural uses are met, since:
  - a) Consent to sever a residence surplus to a farming operation will (at the time consent is perfected) be the result of a farm consolidation, the residence was built prior to January 1, 1999, and new dwellings will be prohibited on the vacant remnant parcel of farmland created by the severance (by operation of re-zoning of the farmland to Agricultural A-3); and
  - c) Although the remnant farm lot will be less than 'about 40 hectares' (~36.2 ha) it will (with the exception of .6 ha) include all of the arable land which has been farmed since 1991, and which has proven to be of a size appropriate to the crop farming carried out thereon, and is consistent with the agriculture and farm lot sizes common to the area.
  
- b) and d) - g) are not applicable.
  
- . S 2.2.1.2 provides among other things that the County supports the protection of existing woodlands and will continue to enforce the County Woodlands Conservation By-Law # 5738.

S 2 of By-Law # 5738 provides a general prohibition against destroying or injuring the trees in the 5 contiguous acres (~2 ha) of spruce bush located on Segment A and Segment B. This bush is protected because it meets the By-Law's size and density requirements for a 'woodland'.

Per Schedule C to the County Plan, the 5 acres is designated as a 'significant woodland', as determined by the Middlesex Natural Heritage Study of 2014. The 2014 study was undertaken to satisfy the objectives of S 2.1 of the PPS to identify natural heritage systems (and other natural features and areas) so that they will be protected for the long term.

Further to the above, the 5 contiguous acres of bush are protected from destruction or injury and are not supposed to be returned to agricultural use. Therefore the inclusion of Segment A in the proposed severance would not result in the loss of any land usable for farming.

The protection of the spruce bush comes with the proviso however, that the general prohibition of By-Law #5738 does not extend to someone who has owned the property for at least two years, and then destroys or injures the trees for their own use.

Planning Act:

- . S53(12) requires Council to give regard to the matters in s 51(24) in determining if provisional consent should be given. S 53(12) also confers the powers specified under s51(25) and (26) in respect of approval including the power to require the owner of the property being severed to enter into one or more agreements with the municipality as conditions of providing consent.
- . S51(24) requires *inter alia* that before giving provisional consent, the Council give regard to:
  - . The effect of granting provisional consent on the Provincial interests specified in s2, which include:
    - . Protection of ecological systems, including natural areas, features and functions.
    - . Protection of agricultural resources.
    - . The orderly development of safe and healthy communities.
    - . The adequate provision of a full range of housing, including affordable housing.
    - . The protection of the financial and economic well being of the Province and its municipalities.
    - . The mitigation of greenhouse gas emissions and adaptation to a changing climate.

The proposed severance would protect natural areas while having only a minor impact on existing agricultural resources. The severance would facilitate the continued occupation of a home that has been occupied for around 140 years, contributing to a safe/healthy community and a full range of housing. The economic well being of the municipality would be protected by diversifying the tax base and maximizing the assessed value of the severed parcels. The Council's concerns with adapting to climate change were raised at its Nov 3, 2020 meeting where it discussed potential green initiatives including tree planting; protecting the green initiatives already undertaken on the proposed severance would meet Provincial and municipal objectives.

- . S53(41) provides that when Council gives notice of provisional consent, that the applicant has one year thereafter to fulfill the conditions.
- . S53(43) provides that when a certificate of consent has been given (pursuant to s53(42)) that the transaction in respect of which the consent is given is to be carried

out within two years (or such earlier time specified by Council) or else the consent lapses.

Provincial Policy Statement:

For Council's decision to be consistent with the PPS, it must consider:

- . S1,1.4.1 which provides that healthy, integrated and viable rural areas should be supported by *inter alia*:
  - . Building upon rural character and leveraging rural amenities and assets.
  - . Encouraging the conservation and redevelopment of existing rural housing stock on rural lands.
  - . Conserving biodiversity and considering the ecological benefits provided by nature.
- . S2.1 which requires that natural features be protected and that natural heritage systems be identified and maintained, restored or improved (previously discussed under County Plan).
- . S2.2 which requires the protection of the quality and quantity of water by *inter alia*:
  - . Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features.
  - . Ensuring stormwater management practices minimize stormwater volumes/contaminant loads and maintain the extent of vegetative and pervious surfaces.

These objectives are aided by the ponds and drainage systems on Segment D.

- . S2.3.4.1 which generally discourages the creation of lots in prime agricultural areas, but permits them for, *inter alia*:
  - c) a *residence surplus to a farming operation* as a result of a farm consolidation, provided that:
    - 1. the new lot will be limited to a minimum size needed to accommodate the use **and** appropriate sewage and water services; and



2. [Council] ensures that new residential dwellings are prohibited on any remnant parcel of farmland. (Achieved by re-zoning the remnant parcel to Agricultural A-3.)

- . Pursuant to s 6.0, '*residence surplus to a farming operation*' is defined to mean, 'an existing habitable farm residence that is rendered surplus as a result of farm consolidation'. And '*farm consolidation*' is defined to mean 'the acquisition of additional farm parcels to be operated as one farm operation'.
- . Further to S2.3.4.1 c), the new lot created, while generally being limited in size, must be large enough to accommodate both the use of the surplus residence *and* appropriate sewage and water services. To accommodate its use the surplus dwelling lot needs connection to the geothermal loop bed (Segment B) to provide heat, and the preservation/maintenance of the ponds and drainage system (Segment D) to prevent flooding. The spruce bush on Segment A is used for recreational purposes and its inclusion in the proposed severance will not result in the loss of any land used for agricultural purposes, whereas its re-zoning as Surplus Dwelling is potentially beneficial to the PPS objective of protecting natural heritage features.

***Municipal Board Decision:***

- . Attached as Appendix IV is the September 2015 decision of the Ontario Municipal Board in the matter of Simcoe County v Essa Township (file number PL140802) Sep 14, 2015

This decision allowed for the proposed severance of a 35 ha agricultural lot (to be used for a farm consolidation) from the remaining 6.5 ha lot which contained a surplus residence, barn and drive shed.

The County had contended that consent was not appropriate and that it was not consistent with the 2014 PPS requirement that the size of the surplus dwelling lot be minimized. The County argued it was not appropriate to consent to the area of land needed to accommodate a water line (that supplemented the dwelling's main well), and that alternatively if the water line was considered necessary to the use of the dwelling that it could be included in an easement. The County also objected to inclusion of the .61ha of agricultural land, and contended that the proposed lot was oversized and a smaller lot should be consented to that protected more of the agricultural land.

The Board found:

- . That while s2.3.4.1 c) of the PPS seeks to limit lot size, no evidence came forward to indicate that this section is prohibitive, that it prescribes a maximum lot size, or that it should not be open to interpretation.
- . The Board concluded that the main intent of limiting lot size is to protect prime agricultural lands.
- . Although the Board shared some of the County's concerns about the size of the surplus dwelling lot, and that it seemed unnecessarily large in numeric terms, the size was to a great extent the function of including areas that were not considered to be prime agricultural lands (including 3 ha of valleyland). Spring runoff areas were not considered to be prime agricultural land but might be suitable for pasture. As well, the valleyland area was protected for environmental reasons and could not be developed for agricultural use. [In our case the protected spruce bush/natural heritage area in Segment A is akin to the protected valleylands.]
- . The Board concluded that the size of the surplus dwelling lot and the areas to be included must be considered in the context of the land's features, the existing and potential uses, and the capabilities of the lands.
- . The Board recognized that including the area accommodating the supplementary water line extended the surplus dwelling lot substantially and also resulted in .61 ha of agricultural land being cutoff from the other agricultural land being severed.
- . The Board found that the water line should be accommodated as it was part of the appropriate water services for the dwelling, noting also that the PPS provided little guidance as to how 'appropriateness' should be evaluated. [Similarly, the PPS provides little if any guidance on how to evaluate what is needed to accommodate 'use' of a surplus dwelling lot.] The Board found that the water line was needed for the normal function of the property. [Similarly the geothermal loop bed and ponds/drainage are needed for the normal function of our dwelling.]
- . The Board found that the removal of the .61 ha from agricultural use would have little impact on the protection of agricultural areas, due to the relatively small size of the field and its location, topography and quality. [Co-incidentally only .6ha of land is removed from agricultural use in our proposed severance.]

- . In granting provisional consent, the Board agreed with the Township's Manager of Planning and Development that the consent conformed with the County and Township Official Plans, that flexibility had been exercised in the applying the size provisions, and that the proposal appropriately protected agricultural lands and the rural character of the area.

***LPAT Decisions:***

- . We also cite two Local Planning Appeal Tribunal (LPAT) decisions:

1. 2442747 Ontario Ltd v Town of Essex (file number PL200116) Oct 21, 2020

Consent to sever for agricultural related purposes was allowed. Tribunal found consent was consistent with PPS requirement to minimize lot size to that needed to accommodate its use. The Tribunal noted that the newly created lot would be serviced by a municipal drain in addition to the requirements to have a municipally operated water supply, and to be of adequate size for the provision of private sanitary sewage treatment. [This supports the premise that drainage is an element to be evaluated in determining what is needed for the use of property.]

2. Merritt v Middlesex Centre (Township) (file number PL190170) Dec 4, 2019

Following refusal by the Municipality of Middlesex Centre of a consent application for a 1.65 ha severance of a residence surplus to a farming operation, a reduced lot of 1.43 ha was proposed and accepted by municipal council.

In allowing the related appeal for consent, the Tribunal evaluated the 'minimum size' requirement of PPS 2.3.4.1, and determined that: 'The *use* of the proposed severed lands includes the existing residence; garage; pool; landscaping, including the ponds; well, septic tank and field; winding driveway; and is effectively separated from the agricultural portion of the property by fencing and mature landscaped screening. These lands have not been in agricultural use for decades and are not required for agricultural purposes.' This decision supports the findings in PL140802 that PPS 2.3.4.1 should not be applied prohibitively, and that its main intent is to protect existing productive farmland.

HISTORY  
LOT 32 CONCESSION 10  
Township of Lucan Biddulph

- . 1837 - Original Crown Grant
- . 1854 - Acquired by Joshua Thompson
- . 1893 - Acquired by Daniel Flood
- . 1910 - Acquired by Thomas Harlton
- . 1915 - Acquired by Simon Leslie
- . 1942 - Inherited by Francis Stephen Leslie (aka Joseph) and sister Eva Leslie
- . 1964 - Leased to Gordon Leslie
- . 1979 - Francis Leslie acquires one-half interest from Eva Leslie
- . 1982 - Acquired by Gordon and Margaret Leslie
  
- . 1985 to 1991 - approx 87 acres (~35 ha) arable land leased to Michael Crunican.
  
- . 1988 - Acquired by Joan Annett and Moray Watson
  
- . 1991 - 7.5 acres (~3 ha) of spruce saplings planted by Ministry of Natural Resources advancing Provincial interest in reforestation/creation of woodlands. (5 contiguous acres to south of house, plus 2.5 contiguous acres to north of house including windbreak).
  
- . 1991 to present - approx 81.5 acres (~ 33 ha) arable land leased to Michael Crunican
  
- . 2005 - Storage barn demolished
  
- . 2006 - New half acre pond excavated in wetland area at bottom of watershed and old/existing one third acre pond (originally used to water dairy herd) dredged. Drainage system installed to connect ponds and carry overflow to municipal ditch south of house, thereby redirecting storm surges that previously flooded the basement of the dwelling.
  
- . Note: land on which ponds and the 2.5 contiguous acres of spruce saplings were planted was never used as farmland. Used for pasture, watering of livestock.
  
- . 2007 - One third of an acre of mixed conifers, deciduous trees and fruit bearing shrubs planted by Upper Thames Conservation Authority to north of ponds.
  
- . 2007 - Dairy barn renovated/restored.

*History cont'd:*

- . 2009 - Geothermal heating/cooling system installed supported by Government of Canada grants and Provincial Sales Tax rebates advancing Federal/Provincial interest in energy efficient homes. Separate ground loop systems to service house/barn installed in multiple 300 ft long trenches (5 feet deep) in field to south of house/barn. New concrete floor poured in barn with in-floor heating loops installed. Electrical service to barn from house buried in trenching used for geothermal loops.
- . 2012 - Approx. 80 acres (~32 ha) of arable land systematically tile drained. Arable land containing geothermal ground loops (approx 1.5acres/.6 ha) was left untilled.
- . 2018 - Irrigation system installed to service gardens to west of house and landscaped areas/vegetable garden north of house/windbreak. Half acre pond used as water source for system with utilities/pump located in shed located in windbreak.
- . 2018 - Armour-stone/flagstone fire pit installed north of windbreak/west of old pond.

## APPENDIX II

**Moray Watson**

---

**From:** "Moray Watson" <mowatson@quadro.net>  
**Date:** November 23, 2020 11:19 AM  
**To:** "Dan FitzGerald" <dfitzgerald@middlesex.ca>  
**Cc:** <rreymer@lucanbiddulph.on.ca>  
**Subject:** Requirements for a complete application

Good morning Dan.

In our email exchange on Friday, one of your objections to my application for consent was that '[t]here is no evidence that a farm consolidation is occurring. I can proceed with your application as applied, but I will not be able to recommend approval. The inference from this objection is that my application is somehow incomplete.

S 53(4) of the Planning Act provides that until council has received the information and materials specified under 53(2) and 53(3), **if any**, and any fees required under s 69/69.1, that council may refuse to accept or further consider the application for consent.

S 53(2) of the Act requires that the applicant provide council with the information and materials that are prescribed for purposes of the Act. The prescribed information is specified in Schedule 1 to Reg 197/96, and includes all of the information as set out in the Lucan Biddulph consent application in boxes 1 – 10 and 12-15 thereof. Schedule 1 does not however specify the information which is found in box 11 of the consent application. Box 11 asks for information that would eventually be required by council in order to give consent to the severance of a dwelling considered surplus to a farming operation as a result of a farm consolidation (as provided for in s3.1.1.10 of the Lucan Biddulph Official Plan).

S 53(3) of the Act provides that a council may require that a person that makes an application for consent provide any other information or material (beyond the prescribed information) that the council considers it may need, **but only if** the official plan contains provisions relating to requirements under this subsection. The Lucan Biddulph Official Plan does not contain provisions relating to the requirements under s 53(3), nor does it contain any provision that requires consent applications to include any information or materials beyond those specified in s 53(2) of the Act.

Further to the above, the information requested box 11 of the consent application is not information required by either s53(2) or 53(3). As such, since the fee under 69 has been submitted, and I have otherwise provided the information required under the Act, my consent application is complete for purposes of s 53(4) of the Act.

Box 11 information will eventually be needed by council in order to grant and stamp its approval of consent. Box 11 information is not however required for a consent application made to Lucan Biddulph to be considered complete.

I look forward to your reply,

Regards, Moray Watson

2020-11-28

- ~~2. An affidavit or sworn declaration by an employee of the local municipality or planning board certifying that the requirements for the giving of notice under clause 53 (5) (a) of the Act have been complied with. O. Reg. 197/96, s. 12.~~
- ~~13. Sections 5 to 9 apply, with necessary modifications, to applications for consent to the Minister. O. Reg. 547/06, s. 8.~~
- ~~13.1 For greater certainty, despite the amendments made to this Regulation by Ontario Regulation 176/16, this Regulation as it read immediately before those amendments came into force continues to apply in respect of the following:~~
  - ~~1. A notice given under section 53 of the Act, if it was given before the day Ontario Regulation 176/16 came into force.~~
  - ~~2. A record compiled under section 53 of the Act, if it was forwarded before the day Ontario Regulation 176/16 came into force. O. Reg. 176/16, s. 7.~~
- ~~13.2 For greater certainty, despite the amendments made to this Regulation by Ontario Regulation 72/18, this Regulation as it read immediately before those amendments came into force continues to apply in respect of the following:~~
  - ~~1. A notice given under section 53 of the Act, if it was given before the day Ontario Regulation 72/18 came into force.~~
  - ~~2. A record compiled under section 53 of the Act, if it was compiled before the day Ontario Regulation 72/18 came into force.~~
  - ~~3. An application under subsection 53 (1) of the Act, if the information and material set out in Schedule 1 were provided before the day Ontario Regulation 72/18 came into force. O. Reg. 72/18, s. 5.~~
- ~~14. OMITTED (REVOKES OTHER REGULATIONS AND PROVIDES FOR TRANSITION). O. Reg. 197/96, s. 14; O. Reg. 547/06, s. 9.~~
- ~~15. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THE ENGLISH VERSION OF THIS REGULATION). O. Reg. 197/96, s. 15.~~

SCHEDULE 1

INFORMATION AND MATERIAL TO BE INCLUDED IN AN APPLICATION FOR CONSENT UNDER SUBSECTION 53 (2) OF THE ACT

- 1. The name, address, telephone number and, if applicable, the e-mail address of the owner of the subject land, and of the agent if the applicant is the owner's authorized agent.
- 2. The date of the application.
- 3. The type and purpose of the proposed transaction (*for example, a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title*).
- 4. If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.
- 5. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, registered plan and lot numbers, reference plan and part numbers, and street names and numbers.
- 6. Whether there are any easements or restrictive covenants affecting the subject land.
- 7. If the answer to section 6 is yes, a description of each easement or covenant and its effect.
- 8. The following information, with respect to the land intended to be severed and the land intended to be retained:
  - (a) the frontage, depth and area, in metric units;
  - (b) the existing and proposed uses of the land;
  - (c) the existing and proposed buildings and structures on the land;



- (d) whether access to the land will be,
- (i) by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way, or
  - (ii) by water;
- (e) if access to the land will be by water only, the parking and docking facilities to be used and the approximate distance of these facilities from the land and the nearest public road;
- (f) whether water will be provided by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means; and
- (g) whether sewage disposal will be provided by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
9. The current designation of the subject land in the applicable official plans and an explanation of how the application conforms with the official plans.
10. If known,
- (a) whether the subject land has ever been the subject of an application for approval of a plan of subdivision under section 51 of the Act or a consent under section 53 of the Act; and
  - (b) if the answer to clause (a) is yes, the file number of the application and the status of the application.
11. Whether any land has been severed from the parcel originally acquired by the owner of the subject land.
12. If the answer to section 11 is yes, the date of the transfer, the name of the transferee and the uses of the severed land.
13. If known,
- (a) whether the subject land is the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an application for an approval of a plan of subdivision or a consent; and
  - (b) if the answer to clause (a) is yes, the file number of the application and the status of the application.
14. A sketch showing the following, in metric units:
- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
  - (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
  - (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
  - (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
  - (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
    - (i) are located on the subject land and on land that is adjacent to it, and
    - (ii) in the applicant's opinion, may affect the application;
  - (f) the current uses of land that is adjacent to the subject land (*for example, residential, agricultural or commercial*);
  - (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
  - (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and



(i) the location and nature of any easement affecting the subject land.

15. An explanation of how the application is consistent with policy statements issued under subsection 3 (1) of the Act.

16. Whether the subject land is within an area of land designated under any provincial plan or plans.

17. If the answer to section 16 is yes, an explanation of how the application conforms or does not conflict with the provincial plan or plans.

18. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application.

19. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

O. Reg. 547/06, s. 10; O. Reg. 72/18, s. 6.

FORM 1  
CERTIFICATE OF OFFICIAL  
*Planning Act*

FORM 1  
CERTIFICATE OF OFFICIAL  
*Planning Act*

Under subsection 53 (42) of the *Planning Act*, I certify that the consent of the .....  
of the ..... of ..... was given on ....., 20 ..... to the transaction to which this instrument relates.  
(approval authority)

.....  
(official)  
Dated this..... day of ....., 20 .....

O. Reg. 197/96, Form 1.

FORM 2  
CERTIFICATE OF OFFICIAL  
*Planning Act*

FORM 2  
CERTIFICATE OF OFFICIAL  
*Planning Act*

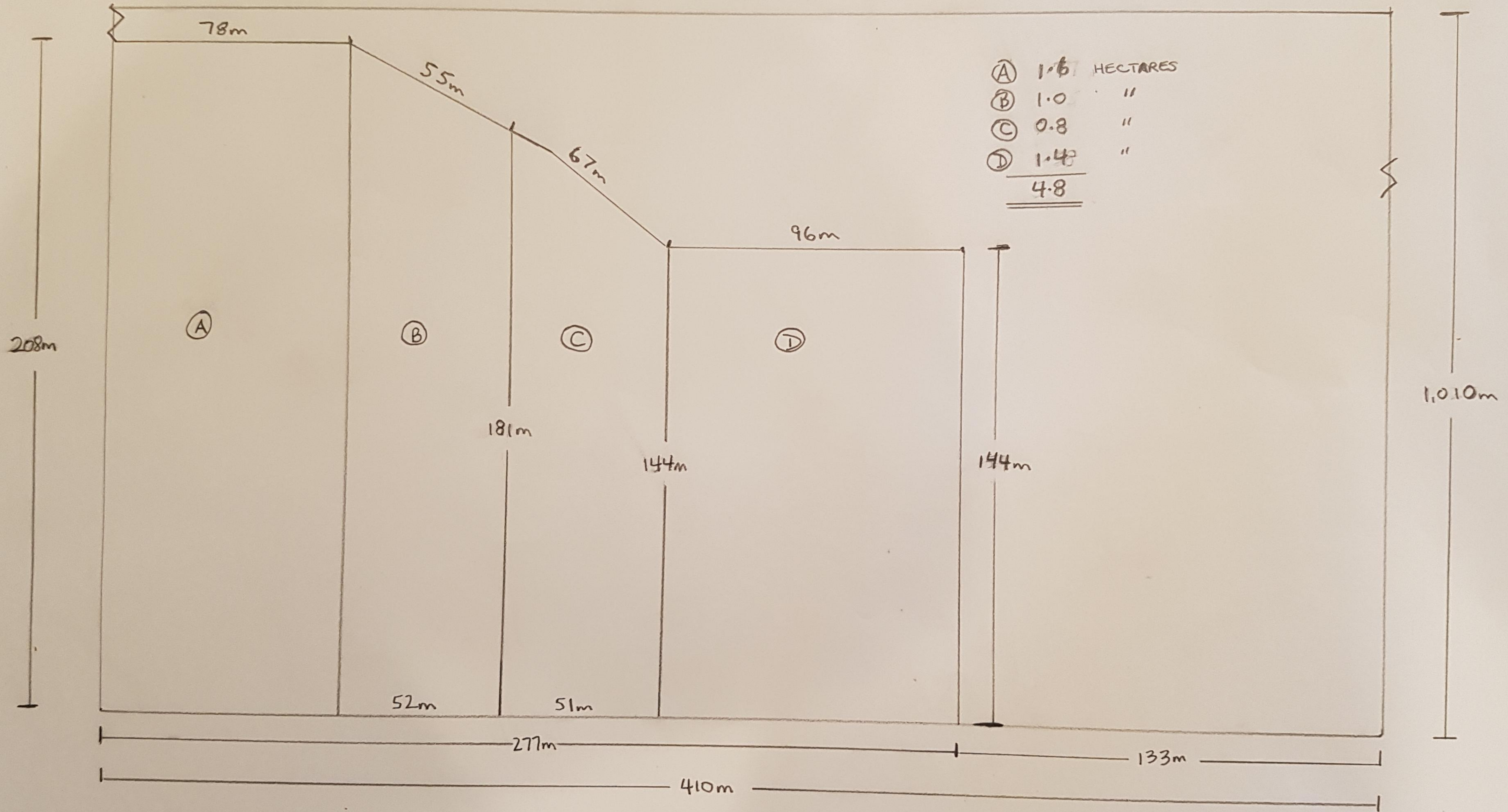
Under subsection 53 (42) of the *Planning Act*, I certify that the consent of the .....  
of the ..... of ..... was given on ..... 20 .....  
to a .....  
(approval authority)

(enter type of transaction above, i.e. conveyance, mortgage, etc.)  
of the following land (set out full description of land that is the subject of the consent): .....

.....  
(official)  
Dated this ..... day of ....., 20 .....

O. Reg. 197/96, Form 2.







**Ontario Municipal Board**  
 Commission des affaires municipales  
 de l'Ontario



**ISSUE DATE:** September 14, 2015

**CASE NO(S):** PL140802

**PROCEEDING COMMENCED UNDER** subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	County of Simcoe
Applicants:	Marilyne Ziegler and Andrew Ziegler
Subject:	Consent
Property Address/Description:	Part Lot 16, Concession 9
Municipality:	Township of Essa
Municipal File No.:	B8/14
OMB Case No.:	PL140802
OMB File No.:	PL140802
OMB Case Name:	Simcoe (County) v. Essa (Township)

**Heard:** January 19-21, 2015 in Essa Township

**APPEARANCES:**

**Parties**

**Counsel**

Marilyne and Andrew Ziegler	I. Rowe
County of Simcoe	M. Green

**DECISION DELIVERED BY C. CONTI AND ORDER OF THE BOARD**

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**INTRODUCTION**

[1] This is the decision for an appeal by the County of Simcoe (“County”) against the approval by the Committee of Adjustment of the Township of Essa (“Committee”) of

an application for consent by Marilynne and Andrew Ziegler (“Applicants”) for a property at Part Lot 16, Concession 9, Township of Essa (“Township”).

[2] The subject property is located within a rural area of the Township and is irregularly shaped with a frontage of approximately 163.68 metres (“m”) on 10<sup>th</sup> line and 365.76 m on County Road 21. Along the 10<sup>th</sup> line frontage there is an existing residential property to the south of the subject property. Another existing residential lot is located further to the south and occupies the corner of 10<sup>th</sup> Line and County Road 21.

[3] The application proposes to sever an agricultural lot approximately 35 hectares (“ha”) in size to be used for a farm consolidation and to leave a retained lot approximately 6.5 ha in size that contains a surplus residence, barn, and drive shed. The severed agricultural parcel will be conveyed to an area farmer who will use the land in conjunction with a larger agricultural operation.

[4] The severed parcel will maintain frontage on both roads as will the retained parcel. The southern part of the proposed retained lot along the County Road 21 frontage is characterized by valley land that contains a creek and a small wetland.

[5] The Applicants have used the land for a livestock operation for a number of years, but plan to retire from farming. They intend to continue living on the retained lands while selling the severed parcel to an area farmer as part of his farm consolidation.

## **ISSUE**

[6] The proposed consent must have regard for all of the provisions of s. 51 (24) and s. 53 (1) of the *Planning Act* (“Act”). The main dispute between the parties is the size of the proposed retained parcel and the inclusion of approximately 0.61 ha of prime agricultural land within this parcel. The County contends that the provisions of the Provincial Policy Statement (“PPS”) have become more restrictive regarding agricultural severances and proposal is not consistent with the 2014 PPS.

**EVIDENCE**

[7] The Board heard evidence on behalf of the Applicants from Andy van Niekerk, an Agri-Coach with Agri-Trend Agrology. Mr. van Niekerk is a professional agrologist and he was qualified by the Board as an expert in agrology.

[8] The Board also heard evidence on behalf of the Applicants from Scott Fischer, the farmer who intends to purchase the severed parcel as part of his farm consolidation.

[9] The Board heard evidence on behalf of the Applicants from Michael Jones, President and Senior Hydrogeologist with Azimuth Environmental Consulting Inc. Mr. Jones is a Professional Geoscientist who has over 25 years of experience. He was qualified by the Board as an expert in hydrogeology.

[10] Mr. Ziegler also testified on his own behalf.

[11] In addition, the Board heard evidence from Colleen Healey, Manager of Planning and Development with the Township who appeared under summons by the Applicants. Ms. Healey is a member of the Ontario Professional Planners Institute who has approximately 20 years of experience. She was qualified by the Board as an expert in land use planning.

[12] The Board heard evidence on behalf of the County from Tiffany Thompson, a planner with the County. Ms. Thompson is a Registered Professional Planner who has approximately nine years of experience. She was qualified by the Board as an expert in land use planning.

[13] The Board also heard evidence from Leon Radder and Ron Cochrane. Mr. Radder owns the residential properties immediately to the south of the 10<sup>th</sup> line frontage of the subject property. Mr. Cochrane is the brother of Norma Elaine Cochrane who owns the property at the corner of 10<sup>th</sup> Line and County Road 21. He was authorized by

Ms. Cochrane to speak on her behalf. Both Mr. Radder and Mr. Cochrane were granted participant status on consent.

## RELEVANT FACTS

[14] Based upon the submissions, the Board has determined that the following facts are relevant to this appeal.

[15] As noted above, the proposed consent is subject to the requirements of s. 51 (24) of the Act which states the following:

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*.

[16] The Board's decision and the decision of the approval authority must be consistent with the PPS. The proposal is located within an area that is considered a "prime agricultural area" under the PPS. The provisions of s. 2.3.4 of the PPS are particularly relevant to the creation of new lots in prime agricultural areas. This section states the following:

#### 2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use (s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
  - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
  - and
  - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

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

[17] The majority of the lands are designated as Agricultural in the Township Official Plan. The southern portion of the lands that contains valley area and wetland is designated as Environmental Floodprone Land (Exhibit 1, Tab 12).

[18] The lands are zoned Agricultural and Environmental Protection in the Township Zoning By-law (Exhibit 1, Tab 13).

[19] The majority of the subject lands are designated as Agricultural and Rural in the County Official Plan. A small part of the lands is designated as Greenland (Exhibit 12, Tab 4).

### **ISSUES, ANALYSIS AND FINDINGS**

[20] The Board has carefully considered all of the evidence and submissions of the parties and participants.

[21] The Applicants maintained that the consent is appropriate, it meets all requirements of s. 51 (24) of the Act and it is consistent with the provisions of the PPS. The Applicants contended that the lot size and configuration of the retained parcel are required to maintain an existing water line which provides water from the valley area in the southern part of the proposed retained parcel to help supply the toilets in the dwelling and other water needs on the subject property. The Applicants also maintained that lands to the west of the water line within the proposed retained parcel are not prime agricultural lands. They contended the valley and wetland area will be protected and that it is appropriate to include these areas within the retained residential parcel.

[22] The County contended that the consent is not appropriate and that it is not consistent with the 2014 PPS. The County noted the changes in the 2014 PPS from the 2005 PPS where lots created for a residence surplus to a farming operation because of farm consolidation must be limited to the minimum size required to accommodate the proposed use and appropriate services. The 2005 PPS did not include this restriction. The County contended that it is not appropriate to include the area of the water line in



the proposed lot. Alternatively, if the water line is required it could be included in an easement. The County also objected to the inclusion of approximately 0.61 ha of prime agricultural land within the retained lands. The County contended that the proposed lot is oversized and that a consent to create a smaller retained lot that protects more of the prime agricultural lands would be acceptable.

[23] Mr. Radder's testimony supported the proposal and expressed concern about agricultural uses occurring adjacent to his property. Mr. Cochrane did not oppose the proposal, but raised issues about the water line.

[24] After reviewing the evidence, the Board concludes that the main concerns raised by the County are the size of the proposed retained parcel and the inclusion of approximately 0.61 ha of prime agricultural lands within the retained land.

[25] From the evidence the Board understands that the designations in the Official Plans allow the proposed uses. The evidence of Ms. Healey was that the proposal complies with the Official Plans.

[26] The Board heard that the valleyland and wetland area that are proposed to be included in the retained lands are protected through provisions of the Official Plans and are under the jurisdiction of the Nottawasaga Valley Conservation Authority ("NVCA"). The wetland area is small and has not been classified as a provincially significant.

[27] Ms. Healey indicated that no other agency, including the NVCA objected to the proposed consent. The only objection came from the County which is a commenting agency, not the approval authority, with regard to consents in the Township.

[28] The Board heard that the County has included a policy in its new Official Plan that would limit the size of lots containing surplus farm residences to 1 ha. However, the Board heard that this section of the new Official Plan is under appeal before another panel of the Board and therefore, is not in effect and does not apply to the application.

[29] The County raised issues about conformity with both Official Plans, particularly related to the size of both the subject and retained parcels and the need to protect more agricultural land. These matters are addressed later in this decision.

[30] However, after reviewing the evidence and submissions, it is apparent that the provisions of the PPS that address the creation of surplus farm residence lots are the key policies to consider in making this decision. The main argument provided by the County was that the 2014 PPS imposes additional obligations on approval authorities to limit the size of surplus farm residence lots through the wording of s. 2.3.4.1 (c) 1 which states that the new lot will be limited to the minimum size necessary to accommodate the use and appropriate sewage and water services. The 2005 PPS in s. 2.3.4.1 (c) did not include this provision. The 2005 PPS included the wording in s. 2.3.4.1 (c) 2. of the 2014 PPS about preventing residential use of remnant agricultural parcels, but not the provision in s. 2.3.4.1 (c) 1.

[31] Through the evidence, the Board heard that the wording in s. 2.3.4.1 (c) 1 of the 2014 PPS regarding minimizing the lot size was part of a document prepared by the Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”) which was used to provide guidance to planning authorities when considering the creation of surplus farm residence lots under the 2005 PPS (Exhibit 12, Tab 21, p. 15 of 20). The need to minimize the size of surplus farm residence lots and potentially include areas for sewage and water service then, has been in place for some time as a result of this guideline. The difference now is that with its inclusion in the 2014 PPS, approval authorities are obligated to address this requirement in order to ensure consistency with the PPS, rather than simply be guided by this provision.

[32] While the Board recognizes that s. 2.3.4.1 (c) 1 of the PPS seeks to limit lot size, no evidence came forward at the hearing to indicate that this section is prohibitive, that it prescribes a maximum lot size, or that it should not be open to interpretation. From the evidence, the Board concludes that the intent is mainly to protect prime agricultural

lands, which are defined in the PPS as Canada Land Inventory Class 1, 2, and 3 lands or specialty crop areas, and to prevent their fragmentation (Exhibit 1, Tab 10, p. 87).

[33] The Board shares some of the County's concerns about the size of the retained parcel which is approximately 6.5 ha. In pure numeric terms it seems unnecessarily large. However, the size is to a great extent a function of including approximately 3 ha of valleyland area at the southern end of the retained parcel and including other areas that are not considered to be prime agricultural lands.

[34] Mr. van Niekerk conducted an assessment of the agricultural capability of the lands. He determined that the only portion of the proposed retained parcel that should be classified as prime agricultural land is the 0.61 ha field to the south east of the dwelling. He classified the lands to the west of the field and west of the water line as a spring runoff area and indicated that this area is not prime agricultural land and may be suitable for pasture. Furthermore, he indicated that the valleyland area is protected for environmental reasons and cannot be developed for agricultural use (Exhibit 1, Tab 20, p. 167). Mr. van Niekerk's classification was not disputed by the County.

[35] Furthermore, it was Ms. Healey's evidence that the size of the proposed retained parcel would not be unusual for a residential lot in a rural area of the Township. She maintained that the severance as approved by the Committee meets all applicable planning requirements and that by leaving areas out of the severed agricultural parcel that are not prime agricultural lands or are not easily accessible, additional capital will be available for agricultural purposes on the consolidated lands. However, in cross-examination she recognized that at the time of the hearing not many, if any, surplus farm residence lots had likely been created since the 2014 PPS came into effect.

[36] Correspondence from John O'Neill of OMAFRA to Mr. Ziegler and to Ms. Hamelin, who is a County planner, was provided in the evidence. The Board understands that Mr. O'Neill was under summons from Ian Rowe, but was not called to testify at the hearing. Marshall Green raised concern about Mr. Ziegler addressing

correspondence from Mr. O'Neill in his testimony (Exhibit 1, Tab 3A, Tab 3J and Exhibit 10). Since the correspondence could not be tested through the examination of Mr. O'Neill, the Board indicated that it would deal with this matter by assigning appropriate weight to the evidence. The Board can draw no conclusions from the correspondence about Mr. O'Neill's position on the proposed consent. However, the Board does conclude that the OMAFRA may not necessarily be opposed to including a small amount of prime agricultural land within a surplus farm residence lot.

[37] Based upon the above considerations, the Board concludes that the size of the lot and the areas to be included must be considered in the context of the land's features, the existing and potential uses, and the capabilities of the lands.

[38] In particular, a key consideration with regard to this appeal is intent of the words "appropriate sewage and water services" in s. 2.3.4.1 (c) 1 of the PPS and the way they should be applied in this application in relation to the water line which has provided a secondary source of water to the property.

[39] The Applicants maintained that the water line is part of the long established water service for the dwelling and that it should be included in the lot as part of the "appropriate" water service. The County maintained that the water line is not an essential part of the water service for the dwelling, it ends at a well structure that is beyond the Applicants' property and has been permitted through an agreement with an adjacent property owner (Mr. Cochrane's sister) that will expire in 2017. The County maintained that the water line could be put into an easement rather than being part of the lot, and there are other more appropriate ways of providing water services.

[40] The water line extends from the location of the dwelling approximately 200 m south and ends in a concrete caisson structure in the vicinity of Thornton Creek which runs through the valleyland area (Exhibit 12, Tab 3). The Board understands that this is not considered to be a well structure in that it does not collect ground water, but mainly

collects surface water from the creek. The 0.61 ha field comprised of prime agricultural land which is within the proposed retained parcel is located east of the water line.

[41] As noted earlier, s. 2.3.4.1 (c) 1 of the PPS states that the lot should be limited to the minimum size necessary to accommodate the use and appropriate sewage and water services. This provision is clearly stating that the size of the lot can be large enough to include the area where appropriate water services are located. The County has suggested that if the Board were to find that the water line is part of the “appropriate” water service for the lot that it should be placed in an easement, so that the 0.61 ha field that is prime agricultural land can still form part of the severed agricultural parcel. However, based upon the wording of s. 2.3.4.1 (c) it is appropriate to include areas providing water service within surplus farm residence lots.

[42] The Board recognizes that including the area of the water line in the retained parcel extends the lot a substantial distance to the south and results in a larger lot than might otherwise be necessary. Furthermore, if the retained parcel includes the area associated with the water line then the 0.61 ha field that classified as prime agricultural land will essentially be cut off from the proposed severed agricultural lot.

[43] However, the wording of the PPS clearly allows areas required for appropriate sewage and water services to be included in surplus farm residence lots. The Board concludes that if it is determined that drawing water from the creek through the water line is part of “appropriate” water service for the property then including the area of the water line in the retained lot would be consistent with s. 2.3.4.1 of the PPS.

[44] The PPS provides little guidance regarding what should be considered as “appropriate” water service.

[45] The Applicants maintained that the water line provides an essential secondary source of water for the residential use of the property. The Board heard that the water line provides water which services the barn and the toilets in the house. The main source of water to the house is provided by a traditional dug well.

[46] Mr. Ziegler testified that the water line was in place when he bought the house approximately eighteen years ago and it supplied water to the toilets and barn at that time. Mr. Cochrane, whose family originally owned the farm and sold it to Mr. Ziegler, confirmed that the water line was in existence well before Mr. Ziegler purchased the property, but could not confirm that it had supplied water to the toilets.

[47] Mr. Jones prepared a review (Exhibit 1, Tab 27) of a well assessment report undertaken by Mr. Ziegler. Mr. Jones considered the amount of water usage that would be required for the normal use of the rural residential lot which includes a five bedroom house, swimming pool, the need to water garden areas, and possibly to provide water to one or two horses. He concluded that the pumping tests, undertaken by Mr. Ziegler as part of the well assessment, were appropriate and that the dug well could meet the drinking water needs for the dwelling, but it would be marginal to meet the other required water use, particularly on heavy use days. It was Mr. Jones' expert opinion that a secondary source, such as that provided by the water line, is necessary to meet all water needs for the property.

[48] Furthermore, the Applicants' submissions indicated that the water line is a long established feature of the property and has been in place for over 50 years (Exhibit 1, Tab 26, p. 214).

[49] Mr. Green raised a number of concerns about the water line, including questions about whether it really provides an essential source of water. He also noted that agreement between the Applicants and Norma Elaine Cochrane (Exhibit 3) who owns the land where the well is currently located expires in 2017, it only references providing water to the barn, and according to correspondence from Counsel for Ms. Cochrane it will not be renewed.

[50] However, the Board heard that Mr. Ziegler has no intention of requesting an extension to the agreement, but simply intends to realign the southern section of the water line and move the well a short distance (approximately 15.24 m) into the

valleyland area on his own property (Exhibit 1, Tab 26, p. 213). This area would be included in the proposed retained parcel. A concrete caisson has already been installed in this area to essentially collect surface water from the creek which will then be connected to the water line to convey water to the house. The entire water line and well would be on the Applicant's property eliminating the need for any agreement.

[51] In addition, the Board also heard that nothing in the current agreement with Ms. Cochrane restricts use of the water to the barn or to a livestock operation.

[52] Furthermore, Mr. Ziegler indicated that he had contacted the Township and other relevant agencies about changes to the water line and connecting to the other concrete caisson and there were no objections. He provided correspondence from the Township, the Conservation Authority and other agencies to support this position (Exhibit 1, Tab 26, pp. 216 – 228). It appears from this correspondence that no approvals are required from these agencies for the proposed work or to draw water as proposed.

[53] After reviewing all of the submissions, the Board concludes that the area of the water line that provides a secondary water source to the property should be considered under the provisions of the PPS to be part of the appropriate water services for the retained parcel. If the evidence had demonstrated that the water line was only recently established, that it was not required for the normal function of the property, or that agencies had potential issues with taking water from the creek, the continued use of the water line or the Applicant's proposed changes to the system, then the Board might have reached a different conclusion.

[54] However, the evidence has demonstrated that the water line is a long established and important part of the water services for the property. Through the expert opinion of Mr. Jones, the Board concludes that the water line is required to provide water for some normal purposes of a typical residential use. It supplements the toilets in the house and is required at certain times for watering gardens, and for a swimming pool. Furthermore, it appears that the relevant agencies have no difficulty with its continued use and that no



approvals are required to realign the water line and connect it to the concrete caisson on the Applicants' property.

[55] Ms. Thompson noted that the definition of sewage and water services in the PPS refers to individual "on-site" sewage and water services (Exhibit 12, Tab 17, p. 48). She contended that since a portion of the water line and the concrete caisson that is currently in use are not on the Applicants' property, that they may not fall within the definition of being "on-site".

[56] The Board recognizes that the existing secondary water system does not entirely fit within the PPS definition. However, the majority of the water line is "on-site" and only a small section of the lower part of the water line and concrete caisson are outside of the Applicants' property. Furthermore, the entire water line and caisson will be on the proposed retained lot once the Applicants complete the proposed changes to the system.

[57] Based upon the above considerations, the Board finds that including an area in the vicinity of the water line in the proposed surplus farm residence lot is consistent with the PPS.

[58] With inclusion of the area over the water line the retained lot will extend from the location of the existing residence to the valleyland area in the south. This effectively cuts off the 0.61 ha field that is classified as prime agricultural land from the proposed severed agricultural parcel. This will essentially remove 0.61 ha of prime agricultural land from agricultural use.

[59] Given the emphasis in the PPS on protection of prime agricultural areas and avoiding the fragmentation of prime agricultural lands, the potential removal of the 0.61 ha field from agricultural use must be addressed.

[60] In reviewing the evidence, the Board concludes that the 0.61 ha field is already to some extent isolated by topography. The Board heard that because of slopes to the

west of the field and adjacent to the 10<sup>th</sup> Line that access by modern farm machinery to this field would be difficult. Mr. Fischer indicated that it would not be economical for him to farm this parcel.

[61] In view of difficulties in accessing the field, its relatively small size, the limited value that would be obtained in using the field for agricultural purposes, the lack of interest by Mr. Fisher in using the field, and the above findings about the legitimacy of including the water line area in the retained parcel, the Board finds that it is reasonable to include the field within the retained parcel. On balance and in consideration of all relevant factors, the removal of the field from potential agricultural use will have little impact on the protection of agricultural areas and on preventing the fragmentation of prime agricultural area.

[62] Mr. Green submitted the authority, *Montgomery v. Zorra (Township)* [2009] O.M.B.D. No. 1005 and contended that the Board found in that decision that areas of poorer agricultural capability should not be excluded from prime agricultural areas. However, in reviewing that decision, the Board notes that the proposal under consideration was to create two residential lots within the prime agricultural area under the 2005 PPS. The creation of those lots, which were not surplus farm residence lots, was prohibited under the 2005 PPS as it is under the 2014 PPS. The applicant in that case was using the lower agricultural capability as justification for removing the lands from the area identified as prime agricultural area. In the current case the PPS allows the creation of surplus farm residence lots within prime agricultural areas and there is no intent to remove any portion of the lot from the prime agricultural area.

[63] The County contended that the consent does not comply with the County and Township Official Plans. In her testimony, Ms. Thompson questioned whether size of the proposed agricultural parcel is 35 ha, indicating it may be closer to 32.5 ha. She indicated that s. 3.6.6 of the County Official Plan states that new lots for agricultural use should generally not be less than 35 ha (Exhibit 12, Tab 18, page 18). Furthermore, the Township Official Plan in s. 6.3.4 and s. 26.4.2 requires minimum lot sizes of

approximately 40 ha for agricultural use (Exhibit 12, Tab 20). Ms. Thompson contended that the proposed consent does not meet these size requirements and is contrary to the intent of the Official Plans to protect agricultural lands to the greatest extent possible.

[64] Ms. Thompson also raised concern about including an area of pasture and arable land within the proposed retained lot indicating that it may facilitate the continuation of agricultural use on residential lands. She contended that the Township Zoning By-law allows hobby farms as permitted uses in the Agricultural Zone which would continue to be the zoning for the retained parcel if the application is approved (Exhibit 1, Tab 13, p. 127).

[65] The exact size of the proposed agricultural parcel is not clear from the evidence and the Board acknowledges the possibility that it may be marginally smaller than 35 ha. However, in reviewing the provisions of the Official Plans about the size of agricultural parcels, both the County Official Plan and the Township Official Plan are not definitive and both plans use the term “generally” and/or “approximately” in identifying the preferable size of agricultural lots. These provisions allow for some variation in the size of agricultural lots that may be approved.

[66] The Board agrees with Ms. Healey’s opinion regarding conformity with both Official Plans. She maintained that flexibility has been exercised in applying the size provisions and that the proposal appropriately protects agricultural lands and the rural character of the area.

[67] Ms. Healey also indicated that the policies in the Township Official Plan require the protection of areas with an Environmental designation that applies to the valley and wetland area of the property. She maintained that including this area in the retained parcel will provide for protection of this area.

[68] Based upon the above considerations, the Board finds that the proposed consent complies with the provisions of both the County and Township the Official Plans.

[69] Ms. Healey addressed the provisions of s. 51 (24) of the Act. She contended that the size and configuration of the lot is appropriate for a rural area, that provincial interests are maintained, environmental features will be appropriately protected, and as noted above, the provisions of the Official Plans have been addressed. She maintained that all requirements of s. 51 (24) of the Act have been met.

[70] The County proposed an alternative configuration for the proposed lot which would reduce the size of approximately 1.06 ha and the road frontage to 30 m. (Exhibit 13). Ms. Healey noted that this would not comply with frontage requirements of 45 m in the By-law.

[71] The County also proposed a number of conditions, including one that would rezone the retained parcel to prohibit livestock uses (Exhibit 1, Tab 30). The Township had applied a condition to the proposed agricultural parcel to restrict livestock operations in response to comments from the County. Neither Ms. Thompson nor Ms. Healey indicated that this condition is necessary. It was Ms. Healey's contention that these matters could be dealt with through Minimum Distance Separation ("MDS") requirements and that the conditions to restrict livestock on either the severed or retained parcel are not necessary.

[72] Through cross-examination, Ms. Thompson acknowledged that rezoning the retained lands to prohibit livestock would prevent the Applicants from keeping even one horse on the property. The County wants to ensure that agricultural uses do not continue on the retained lands. However, the Applicants contended that the proposed rezoning was too restrictive and unnecessary.

[73] The Board agrees with the Applicants' submissions regarding the proposal to prohibit livestock on the retained parcel. Rural residential properties often include keeping a small number of horses, and the Board was not presented with any evidence that this would be prohibited by the relevant planning provisions. The County did not object to the existing barn being included within the retained parcel. It seems

inconsistent to allow the barn to be included in the residential lands and then prohibit all livestock.

[74] The Board agrees with Ms. Healey's evidence that matters related to restricting livestock uses can be dealt with through MDS requirements. According to the evidence, the proposed residential lot includes the only existing building which could house livestock and it is adjacent to the proposed agricultural parcel. Any expansion of the barn or the construction of new buildings that could house livestock will be subject to MDS provisions. Based upon these considerations, the Board finds that the proposed conditions to restrict livestock on either the retained or subject parcel are not required.

[75] The other conditions imposed by the Committee (Exhibit 1, Tab 5) were supported by the Applicants and the evidence provided by their experts. The Board adopts these conditions, as they may be amended by the above findings, and will apply them to the consent approval.

[76] It should be noted that s. 2.3.4.1 (c) 2 of the PPS requires that the proposed agricultural parcel be zoned to prohibit new residential dwellings. This applies to the proposed agricultural severed parcel and it is dealt through the conditions.

[77] Based upon the above findings, the Board will also impose a condition requiring that the Applicants obtain any required approvals for the proposed changes to the secondary water supply system and that the changes be implemented so that the system is entirely on the Applicants' property.

[78] Based upon consideration of all of the above, the Board accepts and agrees with the expert planning opinion provided by Ms. Healey and finds that the proposed consent is consistent with the PPS, it complies with all requirements of the County and Township Official Plans, it has regard of all provisions of s. 51 (24) of the Act. Furthermore, the Board finds that proposed consent complies with s. 53 (1) of the Act and the conditions included in the order below are reasonable pursuant to s. 51 (25) of the Act. Based



upon the above, the Board finds that all applicable planning requirements have been addressed and that the provisional consent should be given

[79] It should be noted that pursuant to s. 2.1 of the Act the Board must have regard for the decision of the approval authority for this application. The approval authority with regard to the consent is the Township and the Board's decision in this matter is consistent with the Township's decision.

[80] In arriving at the above findings, the Board must emphasize that nothing in this decision is contrary to the objectives of the PPS to protect prime agricultural areas and prime agricultural lands. The Board supports the County's general intent to minimize the size of surplus farm residence lots pursuant to the requirements of the 2014 PPS. This decision has been based upon the particular circumstances in this case. The proposed severance will facilitate a farm consolidation which benefits agricultural operations in the area. The size of the lot is largely a function of the existence of a long established and important secondary water system and the inclusion of areas that are not prime agricultural lands. In this case, the Board has found that these areas can be included in the residential lot without compromising the objectives of the PPS.

## **CONCLUSION**

[81] Based upon the evidence and submissions at this hearing and in view of the particular circumstances for the subject property and the application, the Board has found that the proposed consent is appropriate, it addresses all planning requirements and it is consistent with the PPS.

[82] Therefore, the Board will deny the County's appeal and the provisional consent will be given pursuant to the conditions imposed by the Committee as amended through the considerations discussed above. The appropriate order is provided below.

[83] It should be noted that pursuant to s. 53 (41) of the Act, the conditions applied to this consent must be fulfilled within one year of the date of issuance of the Board's decision or the application shall be deemed to be refused.

## **ORDER**

[84] The Board orders that the appeal is refused and the provisional consent is to be given subject to the following conditions:

1. That a reference plan of the severed parcel (s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township staff prior to the depositing in the Lands Titles Office.
2. That the Applicants provide to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up-to-date.
4. That the Applicants obtain any required approvals for the proposed changes to the secondary water supply system and that the Applicants implement the changes so that the system is entirely on the Applicants' property and within the proposed retained parcel.
5. That the agricultural lot shall be zoned to prohibit the future construction of a dwelling unit.

*"C. Conti"*

C. CONTI  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248



Planning Department  
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**Meeting Date: December 15, 2020**

**PLANNING INFORMATION REPORT**

**TO:** Chair and Members of Council  
Township of Lucan Biddulph

**FROM:** Dan FitzGerald MPI, Planner

**RE: Applications for Zoning Bylaw Amendment (ZBA 12/2020) and Draft Plan of Subdivision 39T-LB2002 also known as Timber Ridge Subdivision; filed by Dillion Consulting on behalf of 2219260 ONTARIO INC (Owner)  
Part of Lot 27, Concession 5, and Part of Lot 28, Concession 5 in the Township of Lucan Biddulph**

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**Purpose:**

The purpose of this report is to provide Council with background information regarding the proposed Zoning By-law Amendment and a Draft Plan of Subdivision for a property located east side of Saintsbury Line, adjacent (east) to the Ridge Crossing Subdivision, in the Village of Lucan.

A location map is included as Attachment 1.

**Proposed Plan of Subdivision:**

The applicant is proposing a plan of subdivision encompassing parts of two separate blocks of land. The plan of subdivision would include the following:

- 177 building lots for single-detached dwellings (8.3 hectares);
- 1 Block for medium density residential (4.07 hectares);
- An extension of Gilmore Drive across Saintsbury Line
- 4 new roads – listed as Street A, Street B, Street C, and Street D on the attached draft subdivision plan;
- 2 blocks (Block 181, 182) for future road extension considerations;
- 4 blocks (Block 179, 180, 183, 184) representing a 0.3 metre (1 foot) reserve to restrict access to remnant lands outside of the proposed subdivision;
- 1 block (Block 185) for future consideration of an extension of a residential building lot.

A copy of the proposed draft plan of subdivision is included as attachment 2.

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### **Proposed Zoning By-law Amendment:**

The Zoning By-law Amendment application submitted concurrently would change the zoning of the subject lands to facilitate the proposed Plan of Subdivision's consideration for residential development. The subject lands are currently zoned a Future Residential (FR) Zone as well as a 'site specific' Future Residential exception (FR-4) Zone of the Township of Lucan Biddulph Comprehensive Zoning By-law. The applicant's proposal would rezone a portion of the site to a site specific Residential First Density exception (R1-#) Zone for the proposed 177 single detached dwelling lots, which seeks reductions to the minimum lot size requirement and minimum frontage requirements. The remaining balance of lands are proposed to be a site specific Residential Third Density Exception (R3-#) Zone to permit multi unit/cluster townhouse forms of housing.

### **Background:**

The subject property's as a whole are approximately 80.1 hectares (198.1 acres) in area and is located on the east side of Saintsbury Line, adjacent (east) to the Ridge Crossing Subdivision. Subject to this application, the proposed development would consist of lands with an approximate area of 15.68 hectares (37.8 acres) that are currently within the existing settlement boundary of Lucan. The remainder of lands (64.42 hectares) noted above are outside of the Settlement Area of Lucan and do not formulate a part of this application. The lands are surrounded with existing agricultural (vacant) lands to the north, south and east, and an existing residential subdivision and low density single family homes to the west.

The lands are legally described as Part of Lot 27, Concession 5, and Part of Lot 28, Concession 5 and are municipally known as 34122 Saintsbury Line and 34190 Saintsbury Line. The lands are designated Settlement Area (Urban and Community) in the Middlesex County Official Plan, Residential in the Township of Lucan Biddulph Official Plan and zoned Future Residential (FR) Zone and a 'site specific' Future Residential exception (FR-4) Zone in the Township of Lucan Biddulph Comprehensive Zoning By-law.

As noted, the applicant is requesting draft plan approval for 177 single detached residential lots and a block, conceptually deigned for 78 townhouse dwelling units, on the lands. The proposal includes the extension of Gilmour Drive across Saintsbury Line, four (4) new road allowances, two (2) blocks for future road extension considerations, four (4) blocks to restrict access to the remnant lands, a one (1) block for future consideration of an extension of a residential building lot. The applicant's Planning Justification Report is included as attachment 3.

The applicant is proposing that the development be serviced in two separate phases. Phase 1, which would include 130 single detached dwelling units on the north side of the property, would drain to a proposed temporary storm pond across units 1 – 10 on the conceptual draft plan. Water would then be directed under Saintsbury Line, through an easement north of the ridge crossing development. The applicant is proposing that the remainder would be subject to completion of a new storm water pond located on Municipal lands as part of a regional storm water management strategy. In order to do so, the applicant would need approval from



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the municipality and adjacent land owner to cross their lands. Sanitary for the development is proposed to be connected to Kent Ave, across Saintsbury Line. Water is proposed to connect to an existing water service on Saintsbury Line.

### **Policy and Regulation:**

The Middlesex County Official Plan identifies Lucan as a settlement area and defers to the municipal official plan to delineate the boundaries of the settlement area. The lands are within the Settlement Area of Lucan and are designated as 'Residential' within the Township of Lucan Biddulph's Official Plan.

Further, as previously noted, the portion of lands to the north is currently zoned Future Residential (FR) Zone; whereas the portion of lands to the south are zoned a 'site specific' Future Residential exception (FR-4) Zone in the Township of Lucan Biddulph's Comprehensive Zoning By-law.

As such, the policies and provisions below are applicable to the lands.

### Provincial Policy Statement 2020 (PPS)

Generally, the PPS promotes healthy, liveable and safe communities by supporting efficient land use patterns that facilitate economic growth, create liveable communities, and protect the environment and public health and safety. According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include the following:

Section 1.1.1, which speaks to establishing and promoting healthy, liveable and safe communities. The following sub policies have been determine to be applicable:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

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- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

Section 1.1.3.1 speaks to Settlement Areas being the focus of growth and development, and their vitality and regeneration shall be promoted.

The following policies have been deemed applicable to the proposed development from section 1.1.3.2, which states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;

Section 1.1.3.3 of the PPS states, Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Section 1.1.3.4 states appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.1.3.6 states new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

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Section 1.4 of the PPS speaks to 'Housing'. More specifically, section 1.4.1 states 'to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and ...'

Section 1.5 of the PPS speaking to healthy, active communities being promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Section 1.6 of the PPS speaks to servicing. The PPS has a hierarchy for services, where municipal services are the preferred form of servicing.

Section 1.6.6.1a) states 'Planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services'.

### County of Middlesex Official Plan

The principal policies of the County of Middlesex's Official Plan that are applicable to the proposed development include the following:

The subject property is designated Settlement Area by the County of Middlesex Official Plan. Section 3.2 of the Plan directs growth to settlement areas, and promotes a variety of housing types within Settlement Areas.

Section 2.3.7 of the County of Middlesex Official Plan speaks to housing policies, and states that, 'it is the Policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County.' Further, subsection (a) promotes intensification and redevelopment, primarily within Settlement Areas, and in other areas where an appropriate level of physical services is or will be available in the immediately foreseeable future and subject to the policies of Section 2.3.6. In this regard, the County will require that 15 percent of all development occur by way of intensification and redevelopment'.

Section 2.3.8 of the County Official plan notes that urban areas shall be the focus for future residential growth on full services where warranted. Policies under this section further clarify

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that urban areas are the focus of growth and are expected to accommodate a significant portion of the projected growth. Also they state that new development shall be fully serviced by municipal or communal water and sewage disposal systems.

The County of Middlesex's Official Plan in section 2.4.5 discusses the servicing hierarchy similar to those discussed in the PPS. Specifically, the County encourages new development to proceed on the basis of full municipal services.

The County Official Plan provides a regional policy framework within which development proposals are to be evaluated. Section 3.2.1 of the County Official Plan dictates that growth within Middlesex is generally to be directed to the County's Settlement Areas in order to protect Agricultural Areas, protect natural heritage and promote efficient use of water and sewage services. It is noted that the detailed land use policies, and particularly those that pertain to development within settlement areas, are provided in the official plans of the County's member municipalities.

#### Township of Lucan Biddulph Official Plan

The principal policies contained in the Township of Lucan Biddulph's Official Plan that are applicable to the proposed development include:

The subject property is designated 'Residential' in the Township Official Plan. Section 2.1.1 of the township Official Plan provides the following related goals and objectives for development in the Village of Lucan:

- a) 'To encourage and direct the majority of population growth and residential development in the Municipality to the Village of Lucan'
- b) 'To ensure development and redevelopment in the Village is adequately serviced and that the necessary infrastructure is in place to accommodate such activity.'
- e) 'To maintain the essential quality of privacy, quiet enjoyment, public health and safety, and land use compatibility in residential areas'

Section 2.1.5 of the Township Official Plan provides guidance for areas to accommodate future residential development. It states undeveloped lands designated for residential purposes within existing developed areas shall be the focus of growth where opportunities exist for redevelopment and infilling.

Section 2.1.5.1 of the Township Official Plan notes areas designated 'Residential' shall primarily be singled unit detached dwellings. However other forms of development are also permitted including, but not limited to, low-rise and small-scale apartment buildings.

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Section 2.1.5.2 of the Township Official Plan states that the 'scale, density and form of new residential development shall respect and be sensitive to the 'small town' character of the Village. At the same time, it is recognized that multiple forms of residential development will provide the potential for more affordable housing as well as housing more able to meet the increasingly diverse needs and preferences of the community. To ensure compatibility with existing development, the density and height of new residential development will be limited.'

Section 2.1.5.3 of the Township Official Plan provides the following direction for evaluating plans of subdivision:

- a) the proposed development shall be a natural and logical extension of the developed area;
- b) unique or rare site features shall be preserved and enhanced;
- c) a variety of housing types and forms shall be encouraged;
- d) stormwater management shall be required to minimize the potential for adverse affects on the receiving watercourse and shall be sensitively integrated with the proposed development;
- e) municipal services shall be available;
- f) amenities for future residents (e.g. sidewalks, lighting) shall be provided and be well designed;
- g) the impact of the Buffer Area as shown on Schedule "A"; and,
- h) the requirements of Section 8.3.

Section 2.1.5.5 of the Township Official Plan notes that medium density residential development in the form of apartments will be encouraged to locate where direct or proximate access to arterial or collector roads is available; where they are close to commercial areas, schools, and parks; and where municipal services are available or capable of being made available. The policy further clarifies that intrusions into existing residential areas of predominantly single unit dwellings shall be discouraged and compatibility with the character and design of neighbourhood is expected. Appropriate buffering and setbacks shall be provided and standards for density, height, parking and landscaped open space shall be addressed in the Zoning By-law. The policy also notes that site plan control shall apply.

Section 2.1.5.6 of the Township Official Plan states Development proposals for large undeveloped parcels will be required to incorporate a range of housing types and densities, as permitted by this Plan, unless it is capable of being demonstrated that market, servicing, site conditions and neighbouring land use dictate otherwise.



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Section 2.1.5.7 of the Township Official Plan encourages housing forms and densities designed to be affordable to moderate and lower income households. It is the intent to meet a 20 percent target annually for housing affordability for new and infill development.

Schedule A of the Township Official Plan depicts the presence of a 300 metre grain elevator buffer area, which directly impacts the lands. As per section 5.4 of the Township Official Plan, it is identified that the Ministry of Environment has identified a potential influence of 300 m around the grain elevator located in Lucan due to the potential adverse impacts on sensitive land uses, such as residential and institutional. Section 5.4.1 further identifies that prior to approving any development within the Buffer Rea, technical studies shall be required to address the degree of adverse impacts and the measures which are capable of being undertaken to mitigate such impacts on sensitive land uses.

Section 8.3 of the Township Official Plan indicates that the approval of plans of subdivision shall be subject to the following criteria:

- a) The applicable land use designation and policies of the Township Official Plan and County of Middlesex Official Plan;
- b) The requirements of the Planning Act;
- c) The entering into of a subdivision agreement with the Municipality; and,
- d) The posting of sufficient financial security to ensure the protection of the Municipality.

Section 8.10 of the Township Official Plan provides guidance and clarify around the site plan control process. Site plan shall address such requirements as the proposed use, the location of the buildings and structures, proposed ingress and egress, parking area, landscaping, grading and drainage, external lighting, buffering and other measures to protect adjoin lands.

#### Township of Lucan Biddulph Zoning By-law No. 100-2003

A portion of the subject lands to the west is currently zoned a Future Residential (FR) Zone. The current zone permits the following:

Permitted Uses	<ul style="list-style-type: none"> <li>• Existing single unit dwelling</li> <li>• Home Occupation</li> </ul>
Minimum Lot Area	existing
Minimum Lot Frontage	existing
Minimum Lot Depth	existing
Permitted Buildings and Structures	existing

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Accessory Buildings and Structures	Maximum Lot Coverage	10% or 75m <sup>2</sup> whichever is lesser
	Maximum Height	One (1) storey or 5 m in height whichever is lesser
	Maximum Height of an Exterior Wall	3 m

A portion of the subject lands to the east is currently zoned a 'site-specific' Future Residential Exception (FR-4) Zone. The current zone permits the following:

Permitted Uses	<ul style="list-style-type: none"> <li>• Existing single unit dwelling</li> <li>• Home Occupation</li> </ul>	
Minimum Lot Area	7.6 ha	
Minimum Lot Frontage	325 m	
Minimum Lot Depth	existing	
Permitted Buildings and Structures	existing	
Accessory Buildings and Structures	Maximum Lot Coverage	10% or 75m <sup>2</sup> whichever is lesser
	Maximum Height	One (1) storey or 5 m in height whichever is lesser
	Maximum Height of an Exterior Wall	3 m

The applicant is proposing to rezone the north portion of the lands to 'site-specific' Residential First Density Exception (R1-#) Zone for the purpose of establishing 177 single detached residential units. The proposed site-specific Zoning By-law amendment for the north portion of the lands is as follows:

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Zoning Provisions for Single <b>Detached Dwelling</b>		Existing Provisions (Residential First Density (R1) Zone) (m = metres)	Proposed Provisions - Site Specific Residential First Density – exception (R1-#) Zone
Minimum Lot Area		460 m <sup>2</sup>	<b>400 m<sup>2</sup>*</b>
Minimum Lot Frontage		15 m	<b>12 m*</b>
Maximum Lot Coverage		40 %	40 %
Minimum Front Yard Depth		6 m	6 m
Minimum Side Yard Depth	Interior	1.2 m	1.2 m
	Exterior	3.5 m	3.5 m
Minimum Rear Yard Depth		7 m	7 m
Maximum Height		10 m	10 m
Minimum Floor Area		90 m <sup>2</sup>	90 m <sup>2</sup>
Max Dwelling Per Lot		1	1
Minimum Parking Spaces	Single Unit Dwelling	2	2
	Home Occupation	1	1

Note: \* indicates an exception from the current zoning provisions standards in the Residential First Density (R1) Zone

The applicant is proposing to rezone the south portion of the lands to a Residential Third Density Exception (R3-#) Zone for the purpose of establishing a block for a conceptually designed 78 unit townhouse development. The proposed Zoning By-law amendment for the south portion of the lands is as follows:

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Zoning Provisions for Single <b>Townhouse Dwellings</b>		Existing Provisions (Residential Third Density (R3) Zone) (m = metres)	Proposed Provisions - Site Specific Residential Third Density – exception (R3-#) Zone (m = metres)
Minimum Lot Area		1,500 m <sup>2</sup>	<b>350 m<sup>2</sup> per unit*</b>
Minimum Lot Frontage		30 m	<b>11.0m per unit*</b>
Maximum Lot Coverage		35%	<b>55%*</b>
Minimum Front Yard Depth		8.0 m	<b>6.0 m*</b>
Minimum Side Yard Depth	Interior	3 m	<b>1.2 m*</b>
	Exterior	8 m	<b>3.0 m*</b>
Minimum Rear Yard Depth		10 m	<b>9.5 m*</b>
Maximum Height		10 m	10 m
Minimum Parking Spaces		1.5 per dwelling unit	1.5 per dwelling unit
Minimum Outdoor Amenity Area		35% of lot area	<b>1350 m<sup>2</sup>*</b>

Note: \* indicates an exception from the current zoning provisions standards in the Residential Third Density (R3) Zone.

### **Consultation:**

Notice of the application has been circulated to agencies, as well as property owners in accordance to the requirements to the Planning Act. Additionally, the applicant hosting a public open house on December 1<sup>st</sup>, 2020. Comments from the public and meeting minutes from the open house are included as attachment 4 and 5.

### Public Comments:

To date, only one formal written comment has been received from the public. Concerns were raised on the lack of diversity on the product as well as the lack of park space within the proposal.

Applications for Zoning Bylaw Amendment (ZBA 12/2020) and  
Application for a Draft Plan of Subdivision 39T-LB2002  
Dillion Consulting on Behalf of 2219260 Ontario Inc.

### Agency Comments

At the time of writing of this report the following comments had been received:

a) Bell – requests the following to be included as conditions:

- a. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- b. The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost

b) Canada Post – provides the following comments:

- a. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
- b. Canada Post will provide mail delivery service to the Apartments through centralized Lock Box Assembly.
- c. The development includes plans for (a) multi-unit building(s) with a common indoor entrance(s). The developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.
- d. Please update our office if the project description changes so that we may determine the impact (if any).
- e. Should this application be approved, please provide notification of the new civic addresses as soon as possible.
- f. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB pads.

c) Chief Building Official – no objections to this application.

d) County Engineer – provides the following comments:

- a. The owner will be required to dedicate lands measured up to 18 m from the centerline of construction of County Road 47 (Saintsbury Line) to the County



Applications for Zoning Bylaw Amendment (ZBA 12/2020) and  
 Application for a Draft Plan of Subdivision 39T-LB2002  
 Dillion Consulting on Behalf of 2219260 Ontario Inc.

of Middlesex for the purposes of road widening if the right of way is not already to that width.

- b. The owner will be required to dedicate 0.3 m (1 foot) reserves along lots 1, 114 to 131 inclusive, and the medium density residential block to the County of Middlesex. Access to these parcels will be strictly limited to the internal road network.
  - c. A noise study should be conducted to determine and mitigate any negative impacts from the traffic on the County road.
  - d. Left and right turn lanes will be required at both road access points for the development. All costs associated with the design and construction of these lanes will be the responsibility of the developer.
  - e. Grading plans, servicing plans, and storm water management plans should be submitted to the County of Middlesex for approval. No negative impacts on the County road system will be permitted.
- e) Enbridge Gas – Enbridge Gas does not have an issue with the proposed subdivision. We do have two high pressure main running up the east side of Saintsbury that the developer should obtain approval from Enbridge for the new roads crossing them. It might create a concern if they are decreasing depth above these lines.

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

- f) Hydro One – We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.
- g) Thames Valley District School Board – provides the following comment:

Wilberforce Public School is currently operating above its on-the-ground capacity and, due to residential growth occurring in the area, enrolment is expected to continue to increase. Based on the above, TVDSB requests that the following clause be included as a condition of Draft Plan Approval for the proposed development:

“The Owner shall inform all Purchasers of residential lots by including a condition in all Purchase and Sale and/or Lease Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.”

Applications for Zoning Bylaw Amendment (ZBA 12/2020) and  
Application for a Draft Plan of Subdivision 39T-LB2002  
Dillion Consulting on Behalf of 2219260 Ontario Inc.

**Recommendation:**

**THAT** council receives the planning report as information.

**Attachments:**

- 1: Location Map
- 2: Proposed Draft Plan of Subdivision
- 3: Planning Justification Report
- 4: Public Comment
5. Public Open House Meeting Minutes



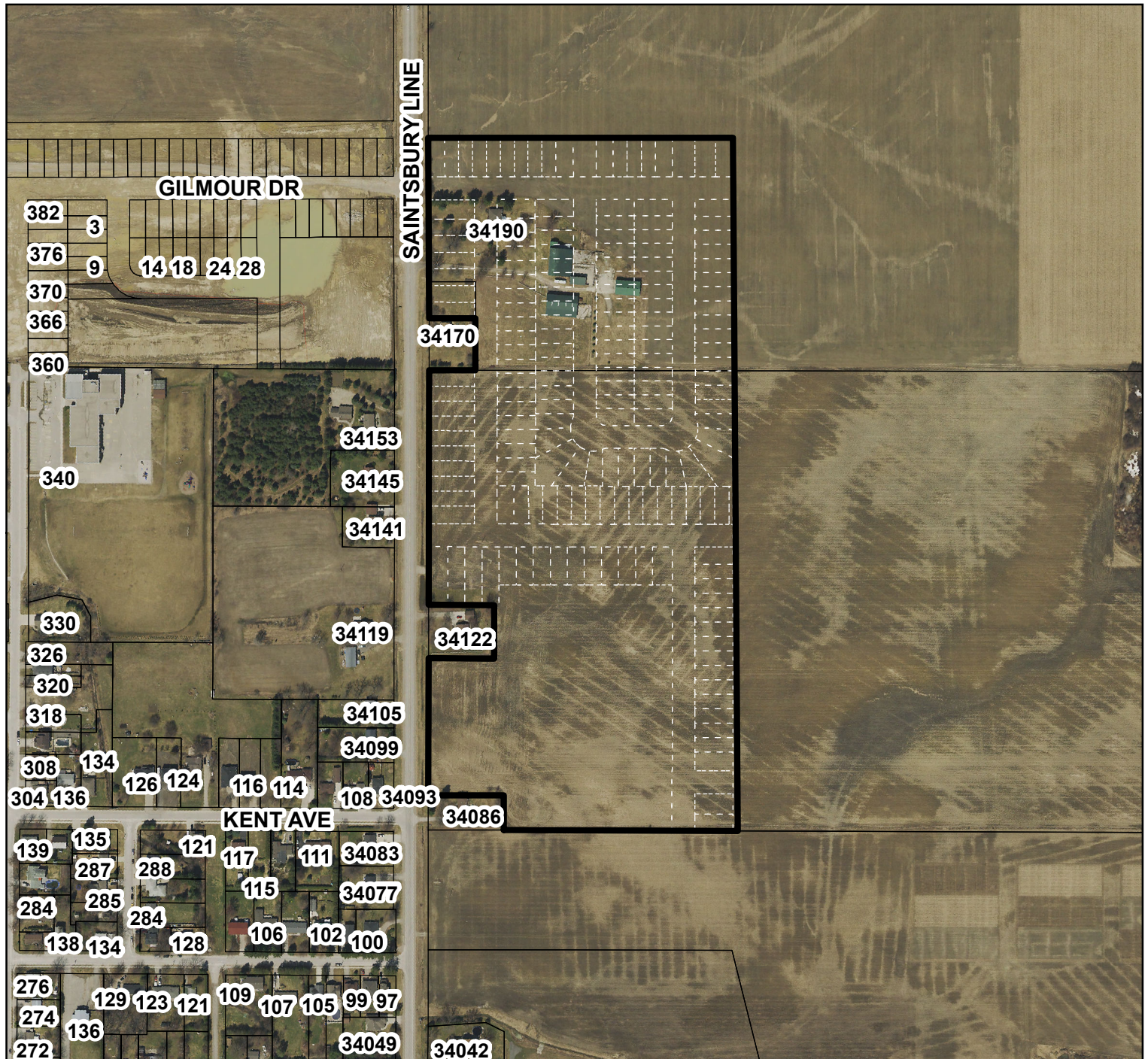
# APPLICATION FOR ZONING BY-LAW AMENDMENT: ZBA 12-2020

2219260 Ontario Inc. c/o Vita Campanale (owner)  
Dillon Consulting Limited c/o Jason Johnson (agent)


Lot 27 & 29, Concession 5  
34122 & 34190 Saintsbury Line  
Township of Lucan Biddulph



## Township of LUCAN BIDDULPH KEY MAP



Published by the County of Middlesex  
Planning Department  
399 Ridout Street North, London, ON N6A 2P1  
(519) 434-7321  
October 2020

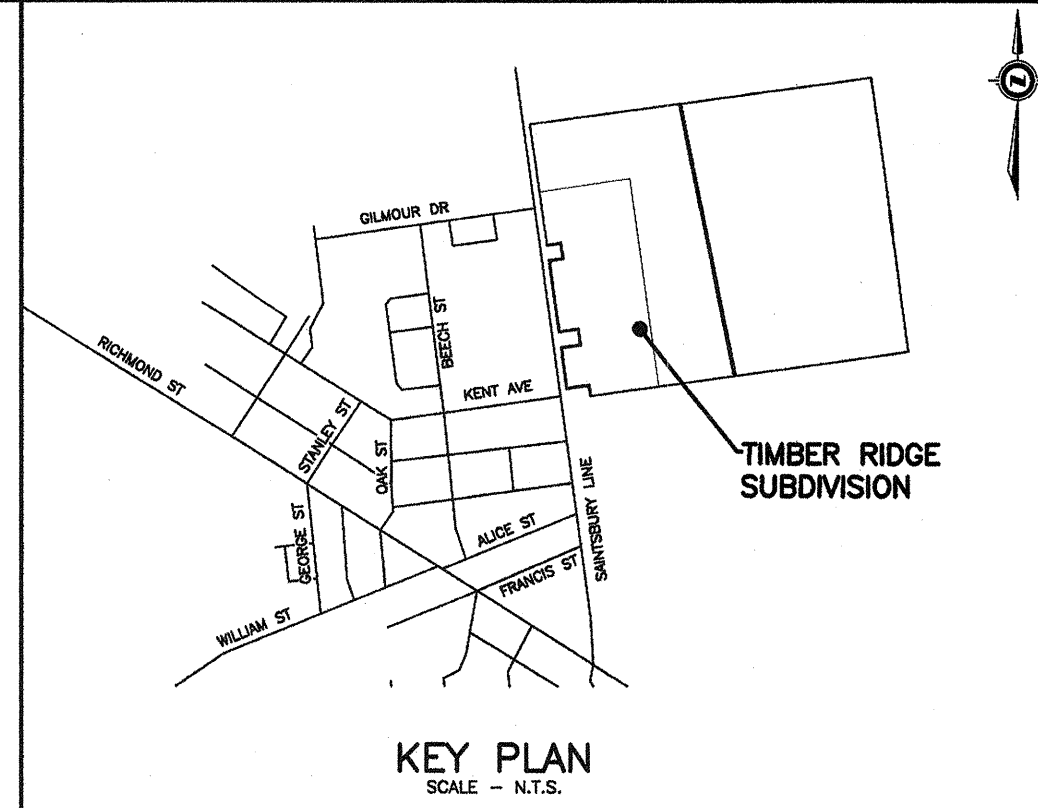
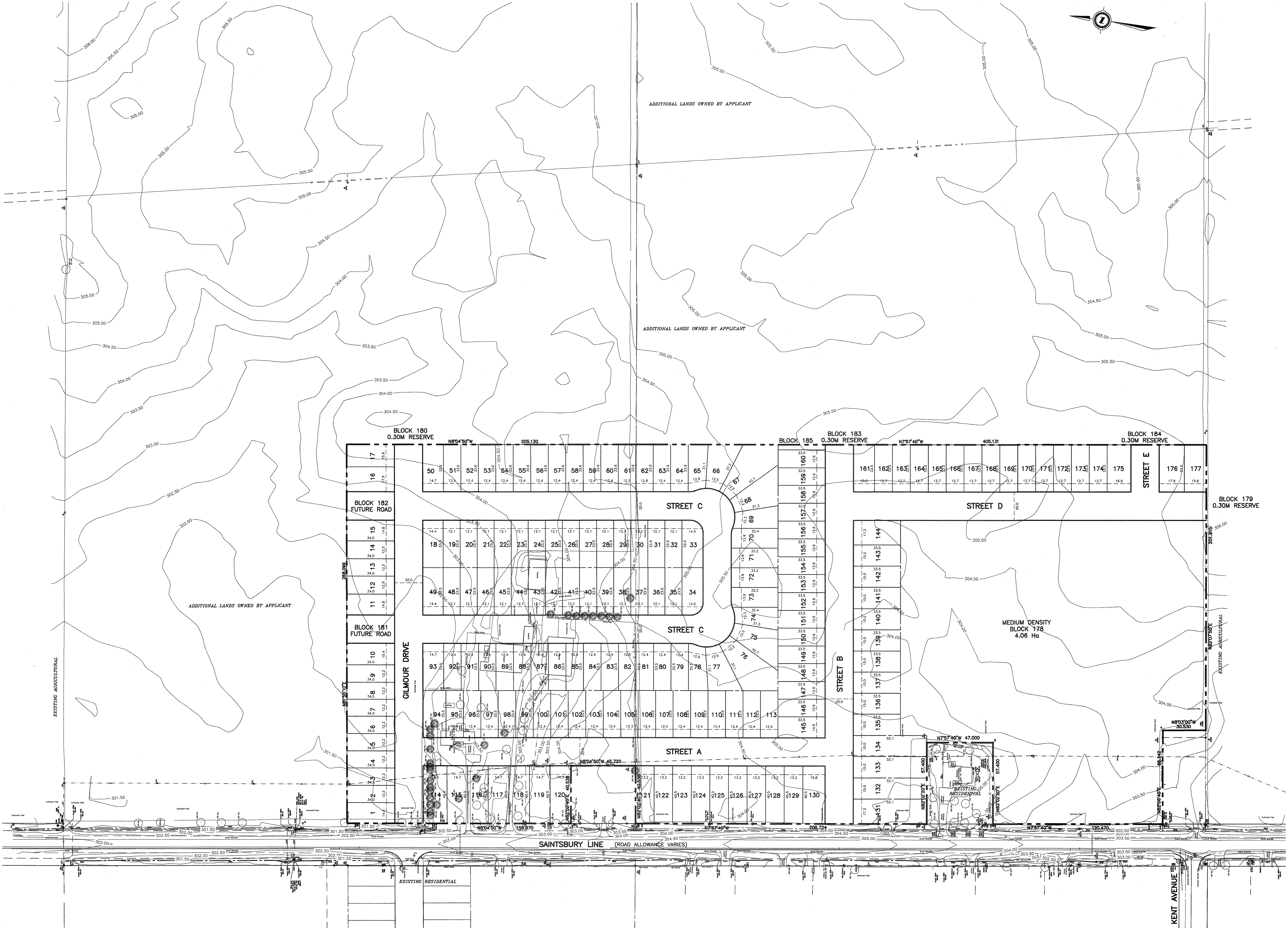
 Subject Lands



1:5,000  
0 30 60 90 120 Metres

ORTHOPHOTOGRAPHY: SWOOP 2015  
*Disclaimer: This map is for illustrative purposes only. Do not rely on it as being a precise indicator of routes, locations of features, nor as a guide to navigation.*





**DRAFT PLAN OF SUBDIVISION**

PART OF LOTS 27 AND 28  
CONCESSION 5  
(GEOGRAPHIC TOWNSHIP OF BIDDULPH)  
TOWNSHIP OF LUCAN BIDDULPH  
COUNTY OF MIDDLESEX

**OWNER'S CERTIFICATE:**  
I HEREBY SUBMIT THIS DRAFT PLAN OF SUBDIVISION.

*[Signature]* *Aug 27/20*  
VITO ZAMPARALE DATE  
SECRETARY  
2219260 ONTARIO INC.

I HAVE THE AUTHORITY TO BIND THE CORPORATION

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

*[Signature]* *AUGUST 27 2020*  
ROB WOOD DATE  
O.L.S., O.L.I.P.  
ARCHIBALD, GRAY & MCKAY LTD

**LAND USE SCHEDULE**

SINGLE FAMILY RESIDENTIAL - 177 LOTS	8.23 ha
BLOCK 178 - MEDIUM DENSITY RESIDENTIAL	4.06 ha
BLOCKS 185 - FUTURE LOT	0.01 ha
ROADS - GILMOUR STREET, STREETS A, B, C, D, E	3.24 ha
BLOCKS 181, 182 - FUTURE ROADS	0.14 ha
TOTAL AREA	15.68 ha

- REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT**
- |                          |                                     |
|--------------------------|-------------------------------------|
| (a) AS SHOWN ON PLAN     | (g) AS SHOWN ON PLAN                |
| (b) AS SHOWN ON PLAN     | (h) MUNICIPAL WATER                 |
| (c) AS SHOWN ON KEY PLAN | (i) TOPSOIL, FILL, SAND, SILT, CLAY |
| (d) AS SHOWN ON PLAN     | (j) AS SHOWN ON PLAN                |
| (e) AS SHOWN ON PLAN     | (k) MUNICIPAL SERVICES              |
| (f) AS SHOWN ON PLAN     | (l) AS SHOWN ON PLAN                |

PROJECT  
**TIMBER RIDGE SUBDIVISION**

**2219260 ONTARIO INC.**



No.	REVISION	DATE	BY

DRAWN: BP CHECKED: BP DATE: 2020-08-14

NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

SCALE: 1:250 METRES

PROJECT No. **20-2552**





2219260 ONTARIO INC.  
**Draft Plan and Zoning By-Law  
Amendment**

Planning Justification Report  
Timber Ridge Subdivision



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- B Provincial Policy Statement Policies
- C County of Middlesex - Official Plan Policies
- D Township of Lucan-Biddulph – Official Plan Policies
- E Township of Lucan-Biddulph - Zoning By-law

## 1.0 INTRODUCTION

### 1.1 Purpose

Dillon Consulting Limited (Dillon) has been retained by 2219260 Ontario Inc., herein referred to as the “Applicant”, to assist in obtaining the necessary planning approvals associated with a proposed residential development located east of Saintsbury Line, located in the Township of Lucan-Biddulph, within Middlesex County (refer to [Figure 1.0 - Location Map](#)).

The property is designated accordingly in the Middlesex County Official Plan, Township of Lucan-Biddulph Official Plan and Township of Lucan-Biddulph Zoning By-law 100-2003 as follows:

Middlesex County Official Plan – Schedule A: Land Use

Settlement Area (Urban and Community)

(Refer to [Figure 2.0 - Existing County of Middlesex Official Plan Designations](#)).

Township of Lucan-Biddulph Official Plan – Schedule A: Land Use & Transportation Plan – Lucan

- Residential

(Refer to [Figure 3.0 - Existing Township of Lucan-Biddulph Official Plan Designations](#)).

Township of Lucan-Biddulph Zoning By-law 100-2003 – Schedule B: Map No. 4

- Future Residential with an Exception Defined Area (FR, FR-4);
- Residential First Density (R1); and
- Agricultural Area (A1).

(Refer to [Figure 4.0 - Existing Township of Lucan-Biddulph Zoning Designations](#)).

The applicant is seeking to rezone the subject site to permit the proposed development of residential dwelling units including single detached and townhome dwelling units, to be consistent with the policies in the Official Plan. The applicant is requesting two (2) amendments to permit:

- 1) A site-specific residential zone similar to the Residential First Density (R1) zoning that would permit the development of single detached dwellings within the subdivision; and
- 2) A site specific residential zone similar to the Residential Third Density (R3) zoning that would permit the development of townhome units on the proposed medium density block.

The proposed development will also require Draft Plan of Subdivision approval. The Zoning By-law Amendment and Draft Plan of Subdivision can be processed concurrently. The applicant has submitted applications to this effect (Refer to [Appendix A – Development Applications](#)).

## 1.2 Description of Site

The subject site is located on the east side of Saintsbury Line in the Township of Lucan Biddulph and is comprised of two (2) parcels of land (refer to **Figure 1.0 - Location Map**). The lands are more specifically described as:

- Part of Lot 27, Concession 5, municipal address 34122 Saintsbury Line; and
- Part of Lot 28, Concession 5, municipal address 34190 Saintsbury Line.

The total site area under application is approximately 15.68 ha (38.75 acres) with 486.06m (1,594.68 ft.) of broken frontage on Saintsbury Line. Access to the site will be provided via Saintsbury Line with proposed connections to future development to the north, south and east.

## 1.3 Proposed Development

The applicant wishes to develop the site for 177 single detached dwellings and a medium density, townhouse block consisting of 78 units. The applicant intends to develop in phases with the single detached dwellings through the Draft Plan of Subdivision process, and the townhouse block through a Vacant Land Condominium exemption.

The subject site are currently vacant agricultural lands. The majority of the surrounding lands are developed as single detached dwellings, townhomes and agricultural uses (refer to **Figure 1.0 - Location Map**).

The proposed development is complimentary to the neighbouring residential uses and is similar in scale to the existing dwellings located to the east on Gilmour Drive, Gibson Crescent, Willow Avenue, Campanale Way, Hardy Court and Nicholson Street. The proposed development will exist in harmony with the existing residential developments (single detached and townhomes) in the surrounding neighbourhood. The proposed development also contributes to the mix of housing options in the surrounding neighbourhood and the Town of Lucan.

A Zoning By-Law Amendment application is required to permit the proposed residential subdivision. The applicant is requesting two (2) amendments from the existing Future Residential (FR, FR-4), Residential Density 1 (R1) and General Agricultural (A1) zones to permit:

- 3) the development of single detached dwellings with a site-specific provisions similar to those within the Residential First Density (R1) zone; and
- 4) the development of townhome units on the proposed medium density block with site specific provisions similar to those within the Residential Third Density (R3) zone.

Draft Plan of Subdivision approval is also required prior to the development of the subdivision, and has been submitted concurrently as part of this submission. Refer to **Figure 5.0 - Conceptual Development Plan** and **Appendix A – Development Applications**.

## 2.0 EXISTING LAND USE

### 2.1 Subject Site

The physical attributes of the site are as follows:

- A total site area of 15.68 ha ( 38.75 acres);
- The subject site is comprised of two separate parcels;
- An irregularly-shaped site with 486.06m (1,594.68 ft.) broken of frontage along Saintsbury Line;
- The majority of the site is vacant, with two existing single dwelling residences;
- Adjacent residential uses are present.

### 2.2 Surrounding Land Use

The surrounding land uses are varied as shown in [Figure 6.0 - Surrounding Land Uses](#) and are described as follows:

#### North

- Vacant Land - General Agricultural (A1);
- Fallon Drive;
- Agricultural Land – General Agricultural (A1); and
- Single Detached Dwelling – Rural Residential (RR).

#### East

- Agricultural Land - General Agricultural (A1)

#### South

- Vacant Land - Future Residential (FR) and Open Space (OS);
- Agricultural Land – General Agricultural (A1); and
- Low Density Residential – Residential First Density (R1).

#### West

- Low Density Residential – Residential First, Second and Third Density (R1, R1-3, R1-7, R2-1, R3-4, and R3-6);
- Benn Drain – Open Space (OS);
- Wilberforce Public School – Future Residential (FR); and
- Vacant Land – Future Residential (FR. FR-3).



## 3.0 PLANNING EVALUATION

To determine the feasibility and appropriateness of the proposed development, a comprehensive evaluation of the potential planning issues and impacts has been undertaken. The scope and level of detail of the planning evaluation has been based on:

- Provincial Policy Statement 2020;
- Middlesex County Official Plan policies and criteria;
- Township of Lucan-Biddulph Official Plan policies and criteria;
- Zoning By-Law regulations; and
- Visual inspections of the site and surrounding lands.

Recognizing that overlaps exist between the various policies and criteria in the Official Plan, the approach used attempts to consolidate the relevant policies and criteria, and identify and evaluate the potential planning and land use related issues associated with the proposed residential development.

### 3.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) promotes the development of ‘Strong, Healthy Communities’ through the redevelopment of lands for an appropriate mix of uses, which includes residential uses. The proposed uses must be “consistent with” the PPS and as a broad and general document, the applicants must, through analysis of the policies, determine how the proposed use is appropriate and advances the provinces’ interests. There are a number of sections of the PPS that apply to the proposed development.

Our analysis suggests that the following policies of the PPS are relevant to the application:

Policy 1.1.1, relating to sustaining healthy, liveable and safe communities;

Policy 1.1.3, relating to settlement areas;

Policy 1.2.6, relating to land use compatibility;

Policy 1.4, relating to housing;

Policy 1.6, relating to infrastructure and public service facilities;

Policy 1.7, relating to long-term economic prosperity; and

Policy 1.8, relating to energy conservation, air quality and climate change.

These policies are included in [Appendix B](#) and will be referenced throughout the remainder of this report.

### 3.2 County of Middlesex Official Plan

The County of Middlesex is the upper tier municipality for the Township of Lucan Biddulph. The County Official Plan (County OP) contains a holistic set of goals, objectives and policies to manage and direct the growth of Settlement Areas such as the Township's urban area. The primary goals of the County OP include:

- Directing the majority of growth and investment (infrastructure and community services and facilities) to the Settlement Areas;
- Creating and maintaining a balance between residential and employment growth in each of the Settlement Areas; and
- Promoting built forms and transportation systems that create more sustainable, efficient, healthy and livable communities.

The subject site is currently designated Residential in the County of Middlesex Official Plan, which provides for a broad range of land uses. The Official Plan policies state that settlement areas are directed to be the focus of growth and development in lower tier municipalities.

Our analysis suggests that the following policies and goals of the County of Middlesex OP are relevant to the application:

Policy 2.3, relating to growth management;

Policy 2.3.7, relating to housing policies;

Policy 2.3.8, relating to settlement areas;

Policy 2.4.2 relating to the transportation network;

Policy 2.4.5, relating to sanitary sewers and water;

Policy 3.2, relating to detailed land use policies for settlement areas;

Policy 4.5.1, relating to plan of subdivision; and

Policy 4.5.2, relating to site plan control.

Refer to **Figure 2.0 – Existing County of Middlesex Official Plan Designations** and **Appendix C –County of Middlesex Official Plan Policies**.

### 3.3 Township of Lucan-Biddulph Official Plan

The Township of Lucan-Biddulph Official Plan (Lucan OP) sets general directions for the future pattern of development envisioned for the Township for a twenty year planning period. The Lucan OP was adopted by Council in 2002 and since then, a series of amendments have been adopted by the Township and approved by the County as part of a Consolidated Version dated June 1, 2015. The Lucan OP aims to provide guidelines through to 2022.

The Township of Lucan-Biddulph has general development policies within its primary land use plan with respect to new residential development. The Subject Site is currently designated Residential in the Official Plan (refer to **Figure 3.0 – Existing Township of Lucan-Biddulph Official Plan Designations**). The following policies found in the Official Plan (refer to **Appendix D – Township of Lucan-Biddulph Official Plan Policies**) are relevant to the proposed development and the proposed Zoning By-Law Amendments:

Policy 2.1, relating to the development within the settlement area of Lucan;

Policy 2.1.5, relating to Residential policies within Lucan;

Policy 2.1.5.2, relating to scale, density and form;

Policy 2.1.5.3, relating to plans of subdivision;

Policy 2.1.5.5, relating to medium density residential housing;

Policy 2.1.9, relating to roads;

Policy 2.1.11, relating to sanitary sewage;

Policy 2.1.12, relating to stormwater management;

Policy 2.1.14, relating to active transportation;

Policy 8.3, relating to plans of subdivision/condominium; and

Policy 8.10, relating to site plan control.

These policies are included in **Appendix D** and will be referenced throughout the remainder of this report.

### 3.4 Township of Lucan-Biddulph Zoning By-law

The Township of Lucan-Biddulph Zoning By-law No. 100-2003 implements the policies of the Township of Lucan-Biddulph Official Plan by regulating built form and land uses throughout the Township.

The subject site is currently zoned Future Residential Zone (FR, FR-4), Residential First Density (R1) and General Agricultural (A1). The applicant is applying for a site specific Zoning By-law Amendment to create two (2) site specific residential zones to permit the development. Additional provisions specific to the subject site and proposed development will also be included in the proposed zoning. The table below identifies the proposed zoning:

Proposed Unit Types	Blocks/Lots	Proposed Zone	Zoning Provisions	Existing R1/R3	Proposed *bold indicates proposed amendment
Single Detached Dwellings	Lots 1-177	Site Specific R1 Zone	Min. Lot Area	460m <sup>2</sup>	400m <sup>2</sup>
			Min. Lot Frontage	15m	12m
			Max Lot Coverage	40%	40%
			Min. Front Yard Depth	6m	6m
			Min. Side Yard Depth		
			a) Interior	1.2m	1.2m
			b) Exterior (Corner)	3.5m	3.5m
			Min. Rear Yard Depth	7m	7m
			Max. Height	10m	10m
			Min. Floor Area	90 m <sup>2</sup>	90m <sup>2</sup>
			Max. No. Dwellings per lot	1	1
			Min. No. of Parking Spaces		
			a) single unit dwelling	2	2
			b) home occupation	1	1
Townhouse Dwellings	Block 178 (Units 1 – 78)	Site Specific R3 Zone	Min. Lot Area	1,500m <sup>2</sup>	350m <sup>2</sup> per unit
			Min. Lot Frontage	30m	11.0m per unit
			Max Lot Coverage	35%	55%
			Min. Front Yard Depth	8m	6.0m
			Min. Side Yard Depth		
			a) Interior	3m	1.2m
			b) Exterior(Corner)	8m	3.0m
			Min. Rear Yard Depth	10m	9.5m
			Max. Height	10m	10m
			Min. No. of Parking Spaces	1.5 per dwelling unit	1.5 per dwelling unit
			Min. Outdoor Amenity Area	35% of lot area	1350 sq.m.

These policies are included in [Appendix E](#) and will be referenced throughout the remainder of this report.

### 3.5 Planning Analysis and Considerations

Municipalities in Ontario are required under Section 3 of the Planning Act to ensure that planning matters and decisions are consistent with the Provincial Policy Statement (PPS). The PPS includes policies designed to build strong and healthy communities and are intended to direct efficient and resilient development and land use patterns. According to the PPS, healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range and mix of housing, avoiding development and land use patterns which cause environmental or public health and safety concerns, and promote cost effective development patterns to minimize land consumption and servicing costs (PPS, 1.1.1 (a)(b)(c)(e)). This proposed residential development is consistent with these policies by encouraging the use of vacant lands, proposing an intensification of land uses that can exist in harmony with the surrounding land uses, and by creating opportunities for increased municipal taxes.

The proposed development is for a residential subdivision with 177 single detached lots and one (1) medium density residential block to consist of 78 townhome units. Located in close proximity to existing residential uses (single detached and townhome dwellings to the west) the proposed development would increase residential density in the Lucan settlement area and promote efficient land use patterns, compactness, and walkability within the surrounding neighbourhood.

### 3.5.1 Location

With respect to settlement areas, the PPS recognizes that the vitality of these areas is critical to the long-term economic prosperity of communities. According to the PPS, settlement areas should be the focus of growth and development and that their regeneration shall be promoted (PPS, 1.1.3.1). The proposed development is located within a settlement area as identified in both the County of Middlesex and the Lucan-Biddulph Official Plans (County OP: Schedule A, LB OP: Schedule A).

The proposed development promotes growth and vitality within the settlement area (County OP, 2.3.1). It is located within an 'Urban Area', which are to be the main locations for future population growth in the County (County OP, 2.3.2 & 2.3.8.1). The proposed development promotes a dense land use pattern which efficiently uses land and resources and supports active transportation due to the site's proximity to Wilberforce Elementary School, various open space areas and a number of nearby commercial uses. The proposal provides for an opportunity for the intensification of lands at an appropriate location due to the availability of suitable, existing infrastructure and public service facilities to accommodate projected needs (County OP, 3.2.2). The proposed site location supports a cost effective development pattern which minimizes land consumption and reduces servicing costs (LB OP, 2.1.1).

The proposed development provides an opportunity for increased density as well as a range and mix of housing types (PPS, 1.4). Residential intensification, a healthy mixture of housing options and a range of densities should be promoted in the settlement area (LB OP, 2.1.5.1). The proposed development will also provide alternative forms of housing which will serve the needs of residents who may not wish or cannot afford to live in single detached dwellings.

### 3.5.2 Land Use

The PPS states that major facilities and sensitive land uses should be planned to ensure they are buffered and/or separated from each other (PPS, 1.2.6.1). This is to ensure that adverse effects from odour, noise and other contaminants are prevented or mitigated, and that the risk is minimized for public health and safety. The proposed development is located away from industry, airports, railway lines, or provincial highways, and as such will not require additional buffering.

It was determined that the proposed development will have no negative impact on the associated natural environment

This application proposes to develop a permitted use on the subject lands, which are currently designated Residential in the Lucan Official Plan (LB OP, 2.1.5). Medium density residential developments are currently permitted on lands designated Residential, and are encouraged to be located where direct or

proximate access to arterial or collector roads are available (LB OP, 2.1.5.5). The development is located along Saintsbury Line, a County collector road, with the direct access to the medium density portion of the development being from a proposed local road within the subdivision. A further review of the medium density development block will be completed through the site plan control process, as required (LB OP 2.1.5.5).

### 3.5.2.1 Housing

The PPS speaks to providing for an appropriate range and mix of housing types and densities required to meet the projected requirements of current and future residents of the regional market (PPS 1.4.1). The proposed development will provide the Village of Lucan with additional residential units that will help diversify the housing stock within the area (County OP, 2.3.7; LB OP, 2.1.5.1).

The proposal is a form of residential intensification that meets the social, health and well-being requirements of current and future residents, promotes increased densities which efficiently use land, resources, infrastructure and public service facilities and supports the use of active transportation (PPS 1.4.3 (b)(d); County OP 2.3.7.2). The proposed development will help enhance the housing stock of Lucan and provide residents with alternative housing options. The Lucan settlement area currently lacks alternative forms of housing, as the area is dominated by single detached dwellings.

The proposed development will help provide residents of the Village of Lucan with housing options that will allow the aging population to age in place and remain in the community (LB OP, 2.1.5). Additionally, the townhome units will also provide the opportunity for first-time home buyers to enter the housing market. It is noted that 'residential development has been traditionally and continues to be primarily in the form of low-density single unit detached dwellings thereby contributing to the 'small town' residential character of the Village, a demand exists for other housing types to meet the socio-economic needs of the community' (LB OP, 2.1.5). This will require that an affordable range of housing types (owned, rental, condo) are available, including single detached homes, semi-detached homes, townhomes, homes geared to seniors, etc.

The proposed development will help provide housing that is affordable to low and moderate income households (PPS, 1.4.3). The proposed development will provide an increased mix of options in the Lucan housing market. The proposed development is in conformity with the Township of Lucan Biddulph OP housing policies as it provides an alternative form of housing and intensification on a mostly vacant parcel of residential land (LB OP, 2.1.5.1 & 2.1.5.3).

### 3.5.3 Transportation System

The PPS encourages development that promotes a dense land use pattern to minimize the length and number of vehicle trips, and encourage the use of active transportation methods (PPS, 1.6.7.4 & 1.8.1 (b)). Given the site locality, and its close proximity to commercial, institutional, and recreational land uses, the proposed development will help to promote active transportation thus limiting and minimizing the length and number of vehicle trips (LB OP 2.1.14).



The subject site is located on a collector County Road (Saintsbury Line) as identified by Schedule 'A' of the Lucan Biddulph Official Plan. Collector Roads are designed to carry moderate volumes of traffic between arterial roads and local roads, while local roads are intended to function as distributors of traffic to the collector roads (County OP, 2.4.2.1 (b)(c); LB OP, 2.1.9). The proposed development includes two (2) access points located along Saintsbury Line. In addition, there are four (4) connection points located within the development to future phases of the subdivision, and two (2) blocks to be dedicated for future rights-of-ways. Local roads are commonly used in the Lucan settlement area for residential subdivisions, and the proposed development can be considered an appropriate use on a local road.

Direct access to Saintsbury Line is limited and thus connections to the County Road have been restricted to two (2) locations, and all proposed lots have been designed with reverse frontage and front onto the internal roads (County OP 2.4.2.2 (f) & 2.4.2.5). No driveway access to the individual dwellings are provided via Saintsbury Line. In addition, the County requires a setback of 33m from the centre line of the county road to all buildings (County OP, 2.4.2.4). As depicted on [Figure 5.0 - Conceptual Site Plan](#), the building envelopes reflect the required setback from Saintsbury Line.

#### 3.5.4 Infrastructure

The proposed development promotes the efficient use and optimization of existing municipal sewage and water services, and will ensure that the services provided comply with all regulatory requirements and protect human health and the natural environment (PPS, 1.6.6 (a) (b), 1.7.1 (b); County OP, 2.4.5; LB OP, 2.1.11 & 2.1.12). The proposed development will take advantage of existing municipal services.

#### 3.5.5 Urban Design

The proposed infill development is compatible with the surrounding area in terms of scale, massing, height, architectural proportions, siting, orientation, setbacks, parking and landscaped areas (LB OP 2.1.5.2).

These aspects of the development will be addressed more thoroughly during the Site Plan Approval stage of the development for the townhome dwellings.

#### 3.5.6 Draft Plan of Subdivision

The proposed single detached dwellings will be developed through the Draft Plan of Subdivision process, while the proposed, townhome dwellings will be developed through the Vacant Land Condominium and Site Plan Control process following the approval of the Plan of Subdivision (County OP, 4.5.1; LB OP, 2.1.5.3, 8.3, 8.10).

#### 3.5.7 Site Plan Control

The Lucan Biddulph OP designates the entire municipality as a Site Plan Control Area. The proposed townhome units will be subject to Site Plan Control and will be further reviewed following the adoption of the Zoning By-law Amendments, Draft Plan of Subdivision and Vacant Land Condominium approval (County OP, 4.5.2; LB OP, 8.10).

During the Site Plan Approval process, the applicant will submit any additional required studies, and drawings in order to confirm site suitability (LB OP, 2.1.5.2).

### 3.5.8 Economic Prosperity

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The proposed development optimizes the use of vacant lands, existing infrastructure, and public service facilities available within and adjacent to the subject site (PPS, 1.1.1 (e), 1.4.3 (c)). The proposed development provides real estate investment in Lucan that improves the quality of place, walkability, and aesthetic in the surrounding neighbourhood (LB OP, 2.1.14) by promoting growth in Lucan-Biddulph. The proposed development also supports and promotes private reinvestment within a settlement area (County OP, 2.3.8, 3.2).

### 3.5.9 Energy Conservation, Air Quality and Climate Change

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The proposed development is located approximately 1.0 km from the main street of the Lucan settlement area and is therefore within walking distance of nearby accessible amenities. Increased active transportation will result in decreased vehicular transportation, and ultimately reduced greenhouse gas emission while the increased density will also promote energy efficiency due to the sharing of services (PPS, 1.8(f)).

## CONCLUSIONS

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After reviewing relevant policies and guidelines, it is my professional opinion that the proposed residential development is consistent with the intent of the PPS providing residential infill in a quality, compact form within an already established residential area close to major public facilities and resources. The proposed development will efficiently utilize vacant land within the settlement boundary to meet the needs of a growing population.

The proposed application to amend the Official Plan and Zoning By-Law to permit the proposed residential uses for the following reasons:

1. The proposed uses are consistent with the Provincial Policy Statement, specifically policies regarding Settlement Areas, Intensification & Redevelopment and Housing, as outlined in Section 3;
2. The proposed uses are consistent with the residential policies of the County of Middlesex Official Plan outlined in Section 3;
3. The proposed Official Plan Amendment is consistent with the PPS policies regarding infill and redevelopment and is in keeping with the Residential policies as discussed in Section 3 of this report;
4. The proposed residential infill of vacant land is an appropriate and compatible extension of existing residential uses, and will provide a mix of housing in an area that lacks a variety of housing options;
5. The proposed development will improve the urban quality of the surrounding area;
6. The proposed development takes advantage of existing infrastructure and community facilities currently serving Lucan-Biddulph;
7. The proposed Zoning By-Law Amendment respects the land use capability and site suitability directives of the Zoning By-law supporting healthy, complete neighbourhoods. The proposed development can add to the vitality of the area while supporting the efficient use of land and existing infrastructure, as identified in Section 3 of this report;
8. The proposed single detached dwellings will be developed through the Draft Plan of Subdivision process which will also identify the proposed townhome block;
9. The proposed townhome dwellings will be developed through the Vacant Land Condominium and Site Plan process upon the approval of the Draft Plan of Subdivision. Specific design details for the townhome dwellings will be considered during the Site Plan Control process.



---


Melanie Muir, MCIP RPP  
Planner

# Figures







 SUBJECT SITE  
±15.68 ha (± 38.75 ac)

File Location:  
c:\pw working directory\projects 2020\32mam\dms18179\20-2552 pjf figures.dwg  
September, 08, 2020 9:24 PM

SOURCE: MIDDLESEX COUNTY AERIAL (2015)

MAP/DRAWING INFORMATION  
THIS DRAWING IS FOR INFORMATION PURPOSES ONLY.  
ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD  
BE VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: ESB  
CHECKED BY: MAM  
DESIGNED BY: ESB

SCALE: N.T.S.

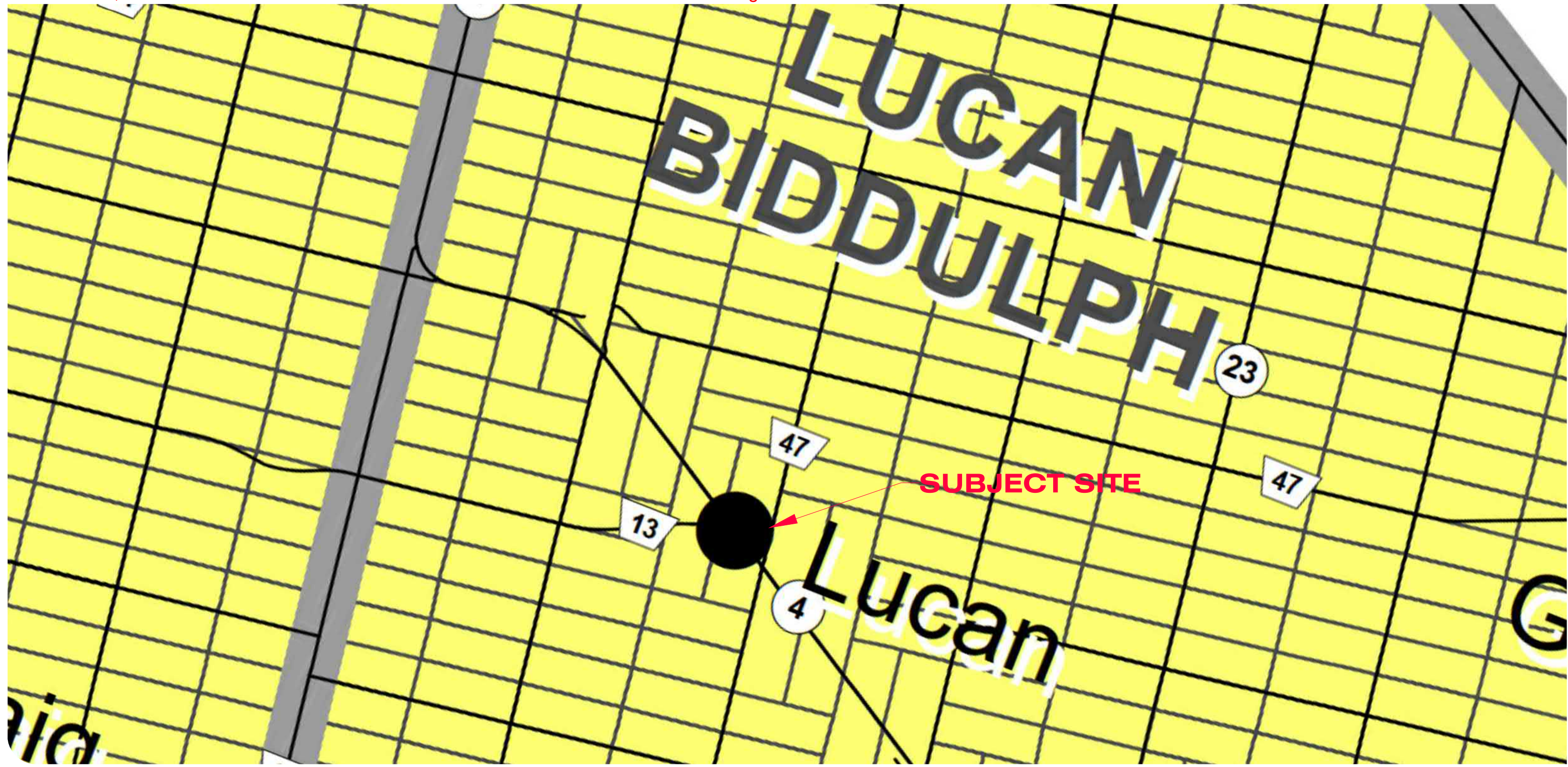


PROJECT: 20-2552  
STATUS: DRAFT  
DATE: 09/08/2020

**2219260 ONTARIO INC.**  
TIMBER RIDGE SUBDIVISION  
**PLANNING JUSTIFICATION REPORT**

**LOCATION MAP**  
FIGURE 1.0





**2219260 ONTARIO INC.**  
 TIMBER RIDGE SUBDIVISION

**PLANNING JUSTIFICATION REPORT**

**EXISTING COUNTY OF MIDDLESEX  
 OFFICIAL PLAN DESIGNATIONS  
 FIGURE 2.0**

SUBJECT SITE  
 ±15.68 ha (± 38.75 ac)

AGRICULTURAL

SETTLEMENT AREAS  
 (URBAN AND COMMUNITY)

File Location:  
 c:\pw working directory\projects 2020\32mam\dms18179\20-2552 pjr figures.dwg  
 September, 08, 2020 8:52 PM

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 CHECKED BY: MAM  
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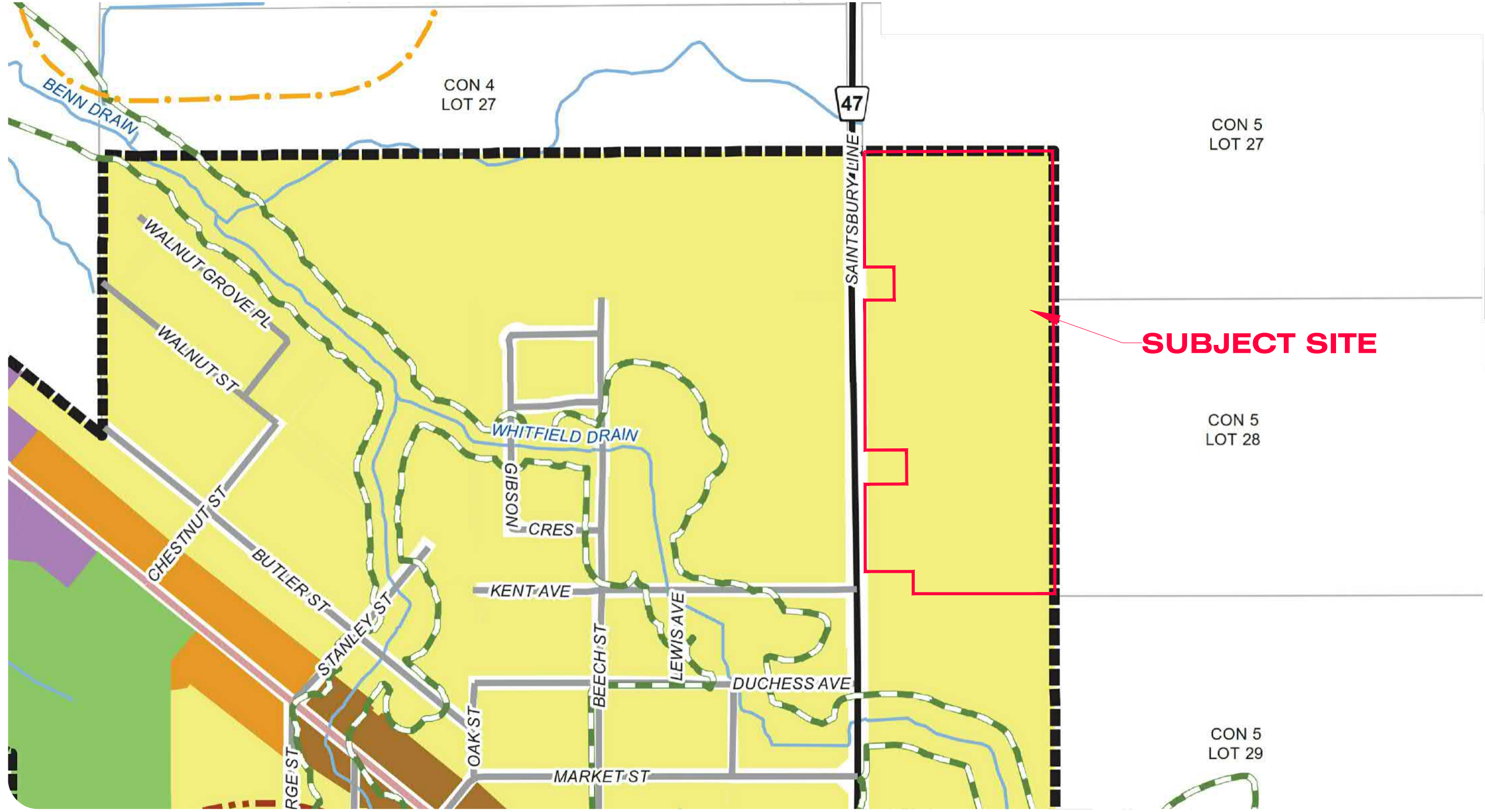
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PROJECT: 20-2552  
 STATUS: DRAFT  
 DATE: 09/08/2020

SOURCE: COUNTY OF MIDDLESEX OFFICIAL PLAN  
 -SCHEDULE A LAND USE





**SUBJECT SITE**

**2219260 ONTARIO INC.**  
TIMBER RIDGE SUBDIVISION

**PLANNING JUSTIFICATION REPORT**

**EXISTING TOWNSHIP OF LUCAN-BIDDULPH OFFICIAL PLAN DESIGNATIONS**  
FIGURE 3.0

SUBJECT SITE ± 15.68 ha (± 38.75 ac)	CENTRAL COMMERCIAL	MIXED USE RESIDENTIAL	RESIDENTIAL	PARKS AND OPEN SPACE	HIGHWAY COMMERCIAL
TOWNSHIP ROAD	COUNTY ROAD	PROVINCIAL ROAD	HAZARD LANDS	150M BUFFER FROM SANITARY SEWAGE LAGOON	

File Location:  
c:\pw working directory\projects 2020\32mam\dms18179\20-2552 pjr figures.dwg  
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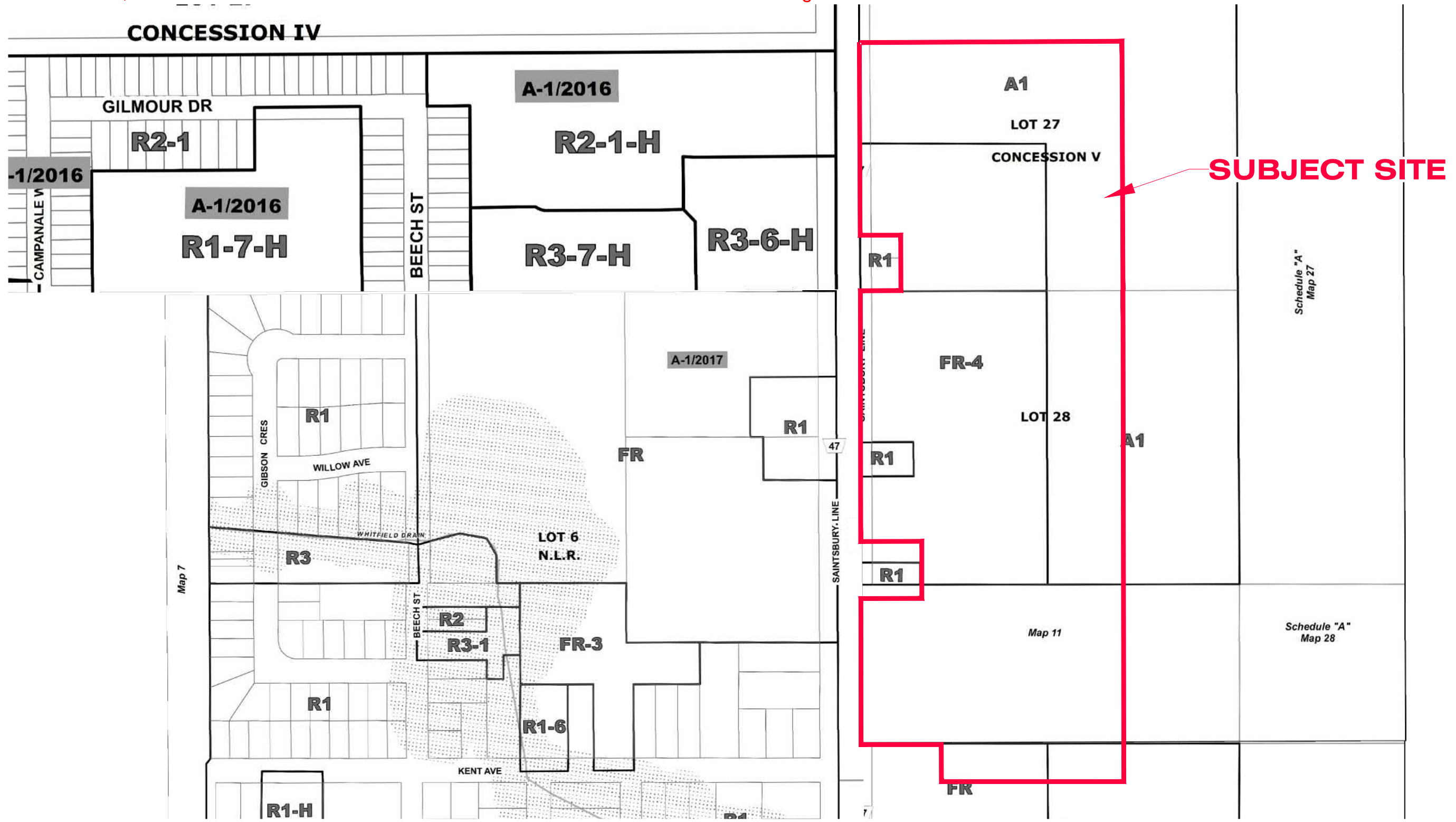
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THIS DRAWING IS FOR INFORMATION PURPOSES ONLY.  
ALL DIMENSIONS AND BOUNDARY INFORMATION SHOULD  
BE VERIFIED BY AN O.L.S. PRIOR TO CONSTRUCTION.  
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CHECKED BY: MAM  
DESIGNED BY: ESB

SCALE: N.T.S.



PROJECT: 20-2552  
STATUS: DRAFT  
DATE: 09/08/2020

SOURCE: TOWNSHIP OF LUCAN BIDDULPH OFFICIAL PLAN  
- LAND USE & TRANSPORTATION PLAN Schedule 'A'




**SUBJECT SITE**

**2219260 ONTARIO INC.**  
 TIMBER RIDGE SUBDIVISION

**PLANNING JUSTIFICATION REPORT**

**EXISTING TOWNSHIP OF LUCAN-BIDDULPH ZONING DESIGNATIONS**  
 FIGURE 4.0

 SUBJECT SITE  
 ±15.68 ha (± 38.75 ac)

- A1 - General Agricultural
- R1 - Residential First Density
- R2 - Residential Second Density
- R3 - Residential Third Density
- FR - Future Residential

File Location:  
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 September, 08, 2020 9:02 PM

SOURCE: TOWNSHIP OF LUCAN BIDDULPH  
 - ZONING SCHEDULE "B"

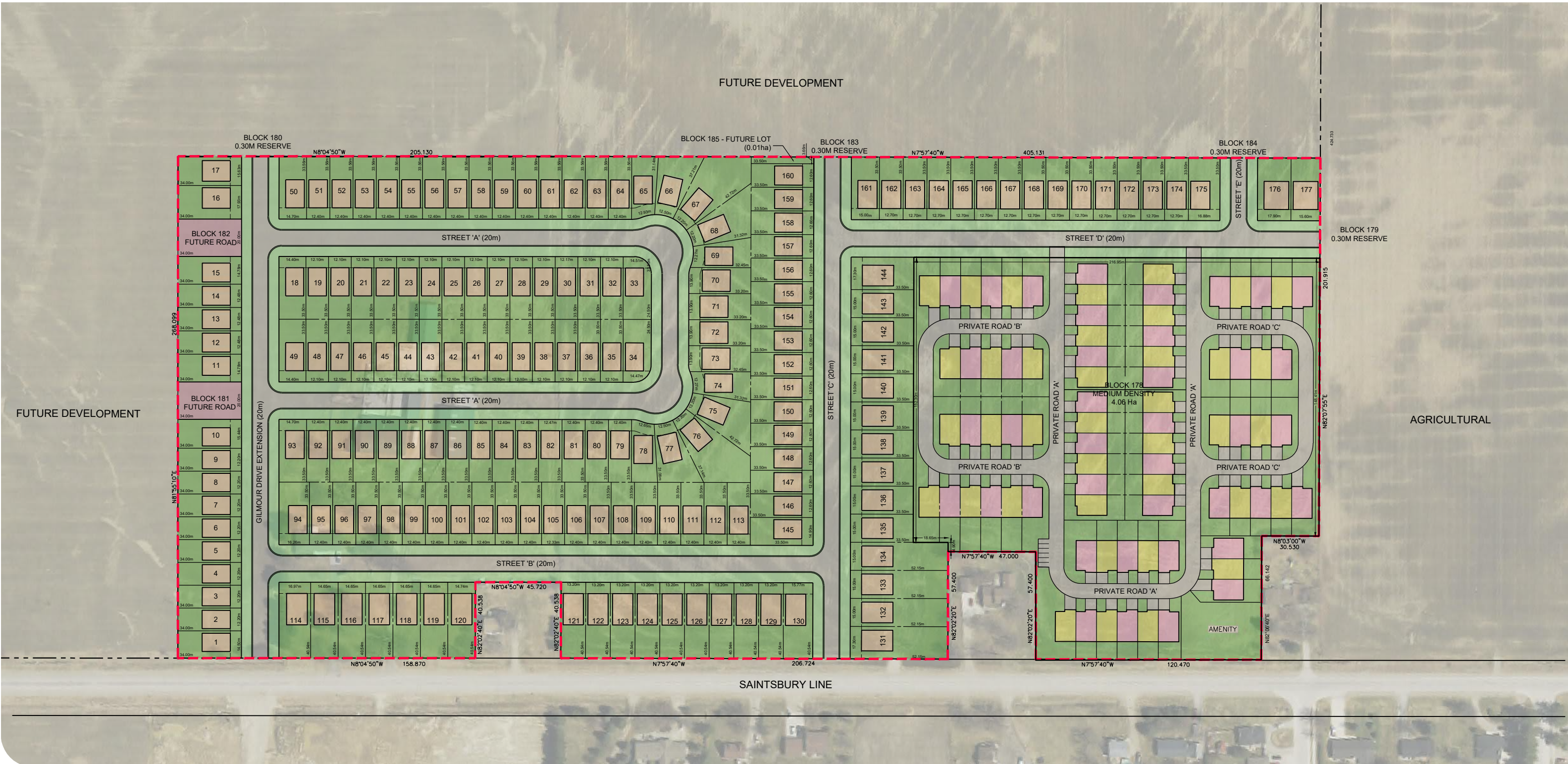
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SCALE: N.T.S.



PROJECT: 20-2552  
 STATUS: DRAFT  
 DATE: 09/08/2020






**22 19260 ONTARIO INC.**  
TIMBER RIDGE SUBDIVISION

**PLANNING JUSTIFICATION REPORT**

**CONCEPTUAL DEVELOPMENT PLAN**  
FIGURE 5.0

 SUBJECT SITE  
15.68 ha (38.75 ac)

 PROPOSED SINGLE  
DETACHED UNITS

 PROPOSED TOWNHOME  
UNITS

**PROPOSED TOWNHOME UNIT**  
WIDTH = 11m  
LENGTH = 17m

**PROPOSED MINIMUM SETBACKS**  
FRONT YARD DEPTH = 6.0m  
**BACK YARD DEPTH**  
-SINGLE = 7.0m  
-TOWNHOME = 9.5m  
**SIDE YARD DEPTH**  
-INTERIOR = 1.2m  
-EXTERIOR = 3.5m

File Location:  
c:\pw working directory\projects 2020\32mam\dms18179\202552 concept plan.dwg  
September, 08, 2020 8:31 PM

SOURCE: COUNTY OF MIDDLESEX AERIAL (2019)

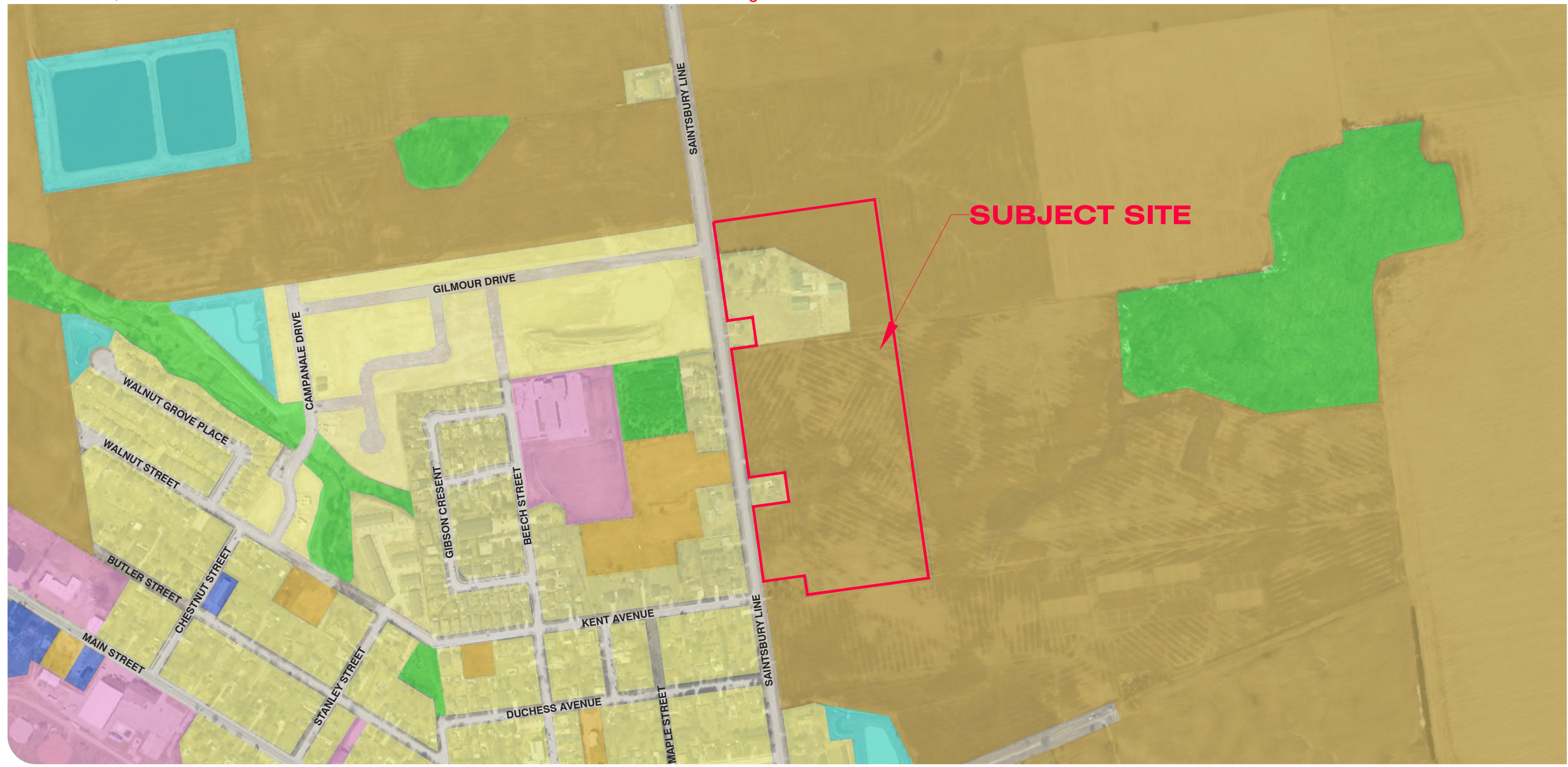
MAP/DRAWING INFORMATION  
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DIMENSIONS AND BOUNDARY INFORMATION SHOULD BE  
VERIFIED BY AN O.L.S PRIOR TO CONSTRUCTION.  
CREATED BY: LS  
CHECKED BY: JJ/MAM  
DESIGNED BY: BP

SCALE: 1:2000



PROJECT: 20-2552  
STATUS: DRAFT  
DATE: 09/04/2020





**2219260 ONTARIO INC.**  
 TIMBER RIDGE SUBDIVISION

**PLANNING JUSTIFICATION REPORT**

**SURROUNDING LAND USE**  
 FIGURE 6.0



File Location:  
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 September, 08, 2020 9:25 PM

SOURCE: MIDDLESEX COUNTY AERIAL (2015)

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 CREATED BY: ESB  
 CHECKED BY: MAM  
 DESIGNED BY: ESB

SCALE: 1:3000



PROJECT: 20-2552  
 STATUS: DRAFT  
 DATE: 09/08/2020



## Appendix A

### Development Applications



# Instructions for Zoning By-law Amendment Application

**PLEASE DETACH AND RETAIN THE FIRST TWO PAGES FOR FUTURE REFERENCE**

## BACKGROUND INFORMATION

This process pertains to an application for zoning by-law amendment pursuant to Section 34 of the Planning Act. Prior to the Municipality processing the application, it is required that a copy of the attached application form be completed including the required sketch and processing fee of \$1,500. The removal of a Holding symbol is \$200.

Acceptance of the application by the Township shall not be construed as relieving the applicant from the obligation to obtain any license, permit, authority or other approval required by the Township, the Conservation Authority having jurisdiction, or any other public authority or body.

The Township collects planning application review fees on behalf of the Upper Thames River Conservation Authority (\$150) and/or the Ausable Bayfield Conservation Authority (\$150) as the case may be. A septic review fee is also collected on behalf of the Municipality of Middlesex Centre (\$100), where applicable. These fees are payable at the time the application for a zoning by-law amendment is filed.

Please note:

- The application must be completed in metric units.
- The receipt of inaccurate information may cause delays in the processing of this application.
- Additional information, studies and/or reports may be required by the Municipality prior to approval being granted. The Municipality reserves the right to determine what information is necessary in order to properly process an application.

## APPLICATION SUBMISSION

Please submit the application, sketch and fee to:

Township of Lucan Biddulph  
270 Main Street,  
Box 190  
Lucan, ON  
N0M 2J0

Marc Bancroft, MPL, MCIP, RPP  
Senior Planner  
519.434.7321, ext 2292  
[mbancroft@middlesex.ca](mailto:mbancroft@middlesex.ca)



<b>APPLICATION PROCESS</b>	
<b>Step 1</b>	<b>Consult with Planning Staff:</b> Applicants are encouraged to meet with staff prior to submitting an application. Please contact the Senior Planner. Depending on the nature of the application, you may be required to submit studies in support of your proposal.
<b>Step 2</b>	<b>Application submission:</b> Complete the attached application form and include the submission of the required sketch and processing fee.
<b>Step 3</b>	<b>Complete application accepted:</b> The file is opened and timelines for processing are established provided the application is deemed complete. The application must be filed at least 25 days prior to a public meeting being held.
<b>Step 4</b>	<b>Notice of Public Meeting:</b> The application is circulated to the public, agencies and municipal departments. The public circulation applies to every property owner within 120 metres of the subject land and to every person and public body that has provided a written request for such notice. A “Possible Land Use Change” sign is erected on the subject land.
<b>Step 5</b>	<b>Public Meeting:</b> Township Council meetings are generally heard on the first and third Mondays of every month. The purpose of the meeting is to hear from members of the public. It is expected that you and/or your agent will attend the meeting to explain the reasons for your application. Council may grant or deny the application, or defer its decision. In the case of a deferral, the applicant and/or your agent will be notified by the Clerk of the date on which Council will further consider the application and/or the public meeting will resume.
<b>Step 6</b>	<b>Notice of Decision:</b> <ul style="list-style-type: none"> <li>○ If the By-law is passed, a notice is sent to the Owner and property owners within 120 metres of the subject land advising them of the passing of the Zoning By-law amendment.</li> <li>○ Where an amendment is refused, the owner and anyone who made written request to the Township Clerk for notice are informed of the decision.</li> <li>○ Where an application is referred back to staff, the owner should contact the Senior Planner to discuss the options and opportunities going forward, and for clarification of the referral.</li> </ul>
<b>Step 7</b>	<b>Appeal period:</b> Following the decision of Council and subject to the conditions specified in the Planning Act, an appeal may be made to the Ontario Municipal Board (OMB) by filing a notice of appeal with the Clerk of the Township. Visit <a href="http://www.omb.gov.on.ca">www.omb.gov.on.ca</a> for more information.
<b>Step 8</b>	<b>Enactment:</b> If no appeal is submitted, the Zoning By-law amendment is enacted and brought into force.

## APPEAL TO THE ONTARIO MUNICIPAL BOARD

If an application is made for a zoning by-law and Council fails to make a decision within 120 days after the day the application is deemed complete by Staff, the applicant may appeal to the Ontario Municipal Board (OMB) with respect to the consent application.

Anyone may appeal a decision of Council to the OMB within 20 days of the date of the Notice of the Passing of the Municipal Clerk by personally delivering or sending a Notice of Appeal to the Clerk of the Municipality and the required forms, downloadable from the OMB website ([www.omb.gov.on.ca/](http://www.omb.gov.on.ca/)). The appeal must set out the reasons for objecting to the decision, and must include a cheque in the amount of \$125.00, made payable to the Minister of Finance of Ontario. The Township Clerk will then prepare an appeal package and forward it to the OMB. The OMB will schedule a hearing and give written notice of the time and date in advance of the hearing. The decision of the OMB is considered final.

**For Office Use Only**

Date Received:

File Number:



## Zoning By-law Amendment Application

Pursuant to Section 34 of the Planning Act

**1. Applicant information****Registered owner(s) of the subject land**

Name: 2219260 Ontario Inc. c/o Vita Campanale

Address: 420 York Street

Town: London

Postal Code: N6B 1R1

Phone: 519-673-3391x600

Cell:

Fax:

Email: vito.campanale@century21.ca

**Authorized agent (authorized by the owner to file the application, if applicable)**

Name: Dillon Consulting Limited c/o Jason Johnson

Address: 130 Dufferin Avenue Suite 1400

Town: London, Ontario

Postal Code: N6A 5R2

Phone: 519-438-1288 ext.1222

Cell:

Fax: 519-667-2050

Email: jjohnson@dillon.ca

**2. If known, please indicate the names and addresses of the holders of any mortgages, charges or other encumbrances in respect of the subject land. Provide a separate sheet where needed.**

Name:

Address:

Town:

Postal Code:

Phone:

Cell:

Fax:

Email:

**3a. Current Official Plan land use designation:** Residential

**b. Please explain how this application conforms to the Official Plan?**

The subject site is currently designated *Residential Area* in the Middlesex County (County OP), which provides for a broad range of land uses. The Official Plan policies state that settlement areas are directed to be the focus of growth and development in local municipalities. Please see the attached Planning Justification Report.

**4a. Current Zoning:** FR, FR-4, R1 AND A1

**b. Please explain the nature and extent of the rezoning?**

The applicant is requesting that Zoning By-Law 100-2003 be amended to create TWO (2) site-specific residential zones on the subject site. Specifically, the site-specific zones would permit the development of single detached dwellings and townhouse dwellings on the subject site. The proposed zone would include the appropriate setbacks & other necessary zoning provisions. Please see the attached Planning Justification Report.

**c. Please provide the reason why the rezoning is requested?**

To permit the development of the subject site for a mix of single detached and townhome dwellings.

**5. Description of subject land**

Geographic Municipality: Township of Lucan	Lot(s)/Concession: Concession 5
Registered Plan:	Lot(s): 27 & 29
Reference Plan:	Part(s):
Street Address: 34122, 34190, & 0 Saintsbury Line	Municipal Roll Number: 395800001010300; 395800001010350; 395800001010500

**6. Dimensions of subject land (in metric units)**

Frontage: 486m (broken)	Depth: Irregular	Area: 15.68ha
-------------------------	------------------	---------------

**7. Access to subject land (please provide information for only those that apply to this property)**

Provincial Highway:	County Road: Saintsbury Line
Municipal Road: Gilmour Drive (extension)	Other Public Road:
Right of Way:	Water:



**8. Describe all existing uses of the subject land?**

- Residential
- Vacant Agricultural

**9. Please indicate whether there are any existing buildings or structures on the subject land?**

Yes\*  No

\*If yes, please complete the following table indicating the types of buildings and structures, including date of construction, that currently exist on the lot and the specified measurements (in metric units):

Type of Building / Structure	Date of construction	Distance from front lot line	Distance from rear lot line	Distance from side lot lines	Height	Floor Area
Residential	+/-25 yrs	56 m			2 storey	230 m <sup>2</sup>

**10. Describe all proposed uses of the subject land?**

177 residential detached dwellings and one (1) medium density block (78 townhomes)

**11. Please indicate whether any buildings or structures are proposed to be built on the subject land?**

Yes\*  No

\*If yes, please indicate the type of buildings or structures proposed on the subject land and the specified measurements (in metric units):

Type of Building / Structure	Distance from front lot line	Distance from rear lot line	Distance from side lot lines	Height	Floor Area
Single Detached Dwelling (177)	12m	7m	1.2m	10m	See attached Draft Plan of Subdivision

**12. Please indicate the date when the subject land was acquired by the current owner?**

June 2017

**13. Please indicate the length of time that the existing uses of the subject land have continued?**

+25 years

**14. Water Supply:** Water supply will be provided via?

<input checked="" type="checkbox"/>	publicly owned and operated piped water system	<input type="checkbox"/>	lake or other water body
<input type="checkbox"/>	privately owned well or communal well	<input type="checkbox"/>	other (please specify) _____

**15. Sewage Disposal:** Sewage disposal will be provided via?

<input checked="" type="checkbox"/>	publicly owned and operated sanitary sewage system	<input type="checkbox"/>	privy
<input type="checkbox"/>	privately owned individual or communal septic system	<input type="checkbox"/>	other (please specify) _____

**16. Please indicate if the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent produced per day as a result of the development being completed.**

Yes\*  No

\*If yes, have the following reports been submitted as part of the requested amendment?

<input type="checkbox"/>	servicing options report	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<input type="checkbox"/>	hydrogeological report	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**17. Storm Drainage:** Storm drainage will be provided via?

<input checked="" type="checkbox"/>	storm sewers	<input type="checkbox"/>	swales
<input type="checkbox"/>	municipal drainage ditches	<input type="checkbox"/>	other (please specify) _____

18. Indicate the minimum and maximum density and height requirements if applicable:		
	Minimum	Maximum
Height	N/A	N/A
Density	N/A	N/A

19. Is this an application to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement?	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>
--	-------------------------------	--

\*If yes, provide the current Official Plan policies, if any, dealing with the alteration or establishment of an area of settlement: *(please use a separate sheet)*

20. Does this application remove land from an area of employment?	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>
---	-------------------------------	--

\*If yes, provide the current Official Plan policies, if any, dealing with the removal of land from an area of employment: *(please use a separate sheet)*

21. Are the subject lands within an area where zoning with conditions applies?	Yes* <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
--	--	--

\*If yes, provide an explanation of how the proposed amendment complies with the Official Plan policy relating to the zoning with conditions: *(please use a separate sheet)*

22. If known, has the subject land ever been the subject of:		
An application for an amendment to the Official Plan under the <i>Planning Act</i> ? *If yes, provide the following: File No. _____ Status _____	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>
An application for an amendment to the Zoning By-law under the <i>Planning Act</i> ? *If yes, provide the following: File No. _____ Status _____	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>
A Minister's zoning order under the <i>Planning Act</i> ? *If yes, provide the following: Reg. No. _____ Status _____	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>
An application for approval of a Plan of Subdivision under the <i>Planning Act</i> ? *If yes, provide the following: File No. _____ Status _____	Yes* <input checked="" type="checkbox"/>	No <input type="checkbox"/>
An application for an application for Consent under the <i>Planning Act</i> ? *If yes, provide the following: File No. _____ Status _____	Yes* <input type="checkbox"/>	No <input checked="" type="checkbox"/>

23. Is this application is consistent with the Provincial Policy Statement (a copy of the Provincial Policy Statement is available at <a href="http://www.mah.gov.on.ca">www.mah.gov.on.ca</a> )?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
---	---	-----------------------------

**24. This application must be accompanied by a sketch showing the following information. Failure to supply this information will result in a delay in processing the application. Please fill out the checklist below to ensure you have included all the required information.**

- The boundaries and dimensions of the subject land.
- The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings and structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application (for example buildings, railways, roads, watercourses, drainage ditches, rivers or stream banks, wetlands, wooded areas, wells and septic tanks)
- The current uses on land that is adjacent to the subject land.
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- If access to the subject land will be by water only, the location of the parking and docking facilities to be used.
- The location and nature of any easements affecting the subject land.



STATUTORY DECLARATION

I, Jason Johnson of the City of London  
(Name) (Name of City, Town, Township, Municipality, etc.)

in the County of Middlesex  
(Name of County, Region or District)

SOLEMNLY DECLARE THAT

The information provided in this application as required under Section 34 of the Planning Act and Ontario Regulation 546/06 is true.

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

*in the City of London by the Applicant stated as being*

*Remar* Declared before me at the City

of London in the

County of Middlesex

this 8<sup>th</sup> day of Sept. 2020.  
in accordance with O.Reg 431/00.

A Commissioner of Oaths  
**Lynsey Nicole McMullan**  
Barrister & Solicitor, London, Ontario  
Commissioner of Oaths & Notary Public

Applicant or Authorize Agent\*

**AGENT AUTHORIZATION**

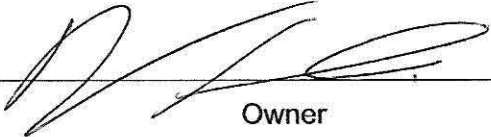
(Please complete the authorization for an agent to act on behalf of the owner of the subject land)

I, 2219260 QUTRIS INC, being the owner of the property described in Section 1 of  
(Name)

this application for zoning by-law amendment, hereby authorize Dillon Consulting (Jason Johnson)  
(Agent)

to act as my agent in matters related to this application for zoning by-law amendment.

Dated this 24 day of August 2020

  
Owner

# Approval Form D – Subdivisions and Condominiums

## Instructions

This form is to be used when submitting a proposed plan of subdivision or plan of condominium to the County of Middlesex as the Approval Authority. The County encourages those considering making an application to pre-consult. The County will organize and host a pre-consultation meeting where an applicant has an opportunity to discuss a proposal with staff from the County, the local municipality and affected agencies.

In accordance with Section 51(17) of the Planning Act, the prescribed information must be submitted to the approval authority. Filling out this form and attaching the accompanying information will help you meet the requirements of the Planning Act and Ontario Regulation 544/06. If additional space is needed to answer any of the questions, attach separate pages or reports. Please note that additional information may be required by the Approval Authority.

**A processing fee (see page 10) is required to accompany this application (made payable to the 'Treasurer – County of Middlesex').**

**All sections in this form marked \* must be completed before the application will be accepted. Failure to complete the entire application may result in delays in processing and in obtaining a decision.**

## Section One – General Information

Type of Application:    Subdivision                       Condominium                      Municipality

Has a pre-consultation meeting occurred?                       Yes                       No      Date December 12, 2019

## Section Two – Primary Contacts \*

Owner of Subject Lands: 2219260 Ontario Inc. c/o Vito Campanale

Address 420 York Street, London, Ontario

Postal Code N6B 1R1                      Telephone 519-673-3391 ext. 600

Fax \_\_\_\_\_                      E-mail vito.campanale@century21.ca

Are the subsurface rights owned by the same owner?                       Yes                       No

If not, indicate who owns the subsurface rights: \_\_\_\_\_

Applicant / Agent: Dillon Consulting Limited - Jason Johnson, P.Eng.

Address 130 Dufferin Avenue, Suite 1400, London, Ontario

Postal Code N6A 5R2                      Telephone 519-438-1288

Fax 519-672-8209                      E-mail jjohnson@dillon.ca

Specify to whom communications should be sent:                       Owner                       Agent

**Section Three – Secondary Contacts**

Surveyor: AGM - Gary McWhirter

Address 3514 White Oak Road, London, Ontario

Postal Code N6E 2Z9 Telephone 519-685-5300

Fax \_\_\_\_\_ E-mail gmcwhirter@agm.on.ca

Engineer: Dillon Consulting Limited - Jason Johnson, P.Eng.

Address 130 Dufferin Avenue, Suite 1400, London, Ontario

Postal Code N6A 5R2 Telephone 519-438-1288

Fax \_\_\_\_\_ E-mail jjohnson@dillon.ca

Solicitor: \_\_\_\_\_

Address \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone \_\_\_\_\_

Fax \_\_\_\_\_ E-mail \_\_\_\_\_

**Section Four – Location and Description \***

Municipal Address 34122, 34190, & 0 Saintsbury Line

Assessment Roll Number 395800001010300; 395800001010350; 395800001010500 Former Municipality Lucan Biddulph

Description of the land (such as lot & concession) Lots 27 and 29 Concession 5

Description of the land (such as reference or plan numbers) \_\_\_\_\_

Dimensions of the land: Frontage 486m Depth Irregular Area 15.68 ha

Are there any easements or restrictive covenants affecting the subject lands?  Yes  No

If yes, attach a copy of any deeds or documents and describe the nature and effect of the easement or restrictive covenant: \_\_\_\_\_

PARTS 1 AND 2, PLAN 33R-13680 AND PART 1, PLAN 33R-18968 SUBJECT TO AN EASEMENT AS IN 90954



**Section Five – Policy Context \***

Provide an explanation of how the plan is consistent with policy statements (including the Provincial Policy Statement) issued under subsection 3 (1) of the Planning Act. \_\_\_\_\_

Please see the attached Planning Justification Provided by Dillon Consulting Limited

If the subject land is within an area designated under any provincial plan or plans, provide an explanation of how the plan conforms or does not conflict with the provincial plan or plans. Not Applicable

Provide the current designation of the subject land in the County Official Plan and provide an explanation of how the draft plan conforms with the Official Plan. \_\_\_\_\_

Please see the attached Planning Justification Provided by Dillon Consulting Limited

Provide the current designation of the subject land in the local Official Plan and provide an explanation of how the draft plan conforms with the Official Plan. \_\_\_\_\_

Please see the attached Planning Justification Provided by Dillon Consulting Limited

If the plan does not conform to the municipality’s Official Plan, has an application for an amendment been made?

Yes  No

If YES, indicate the application file number and its status: \_\_\_\_\_

If NO, the plan may be premature.

What is the current zoning on the subject lands? Future Residential (FR,FR-4), Residential (R1), and Agricultural (A1)

Does the plan conform to the uses permitted under the local municipal Zoning By-law?  Yes  No

\*If the plan does not conform to the local Zoning By-law, has an application for an amendment been made?  Yes  No

\* If YES, indicate the application file number and its status: Concurrent

Do the subject lands contain any areas of archaeological potential?  Yes  No  Unknown

If the plan would permit development on land that contains known archaeological resources or areas of archaeological potential an **archaeological assessment** and a **conservation plan** for any identified archaeological resources must be attached.  Attached  Not Applicable

**Section Six – Proposed Land Uses \***

	Number of Units or Dwellings (as shown on the Plan)	Area in Hectares	Density (Units per Hectare)	Number of Parking Spaces	Number of Bedrooms	Tenure
<b>RESIDENTIAL</b>						
Detached Dwellings	177	8.24	21.5	N/A	N/A	N/A
Semi-detached dwellings				N/A		
Multiple Attached (Row / Townhouses)	1	4.06	18.7*	6	N/A	N/A
Apartments						
Seasonal						
Mobile Home						
Other Residential (Specify) Future Lot	1	0.01	N/A	N/A	N/A	N/A

Where a plan of subdivision / condominium application includes future development blocks, the lots/units for the development shall be equivalent to the anticipated future development yield for those blocks.

**NON-RESIDENTIAL**

Commercial						
Industrial						
Institutional (Specify) _____						
Park or Open Space			N/A	N/A		
Roads		3.10	N/A	N/A		
Other (Specify) Future Roads	2	0.278	N/A	N/A	N/A	N/A
0.3m Reserves	4	0.002	N/A	N/A	N/A	N/A
<b>TOTAL</b>	185	15.68	11.42	6	N/A	N/A
For Condominium Applications only, specify number of parking spaces for detached and semi-detached use						
Indicate if any of the units or dwellings are for specialized housing, being housing for groups such as senior citizens or the disabled.						

\*Note - Density based on potential 78 townhome units

### Section Seven - Condominium Applications \*

Has the local municipality approved a site plan?  Yes  No

Has a site plan agreement been entered into?  Yes  No

Has a building permit been issued?  Yes  No

Is the proposed development under construction?  Yes  No

If construction has been completed, indicate date of completion \_\_\_\_\_

Is this a proposal to convert an existing building containing residential rental units?  Yes  No

If YES, the number of units to be converted \_\_\_\_\_

Does this proposal comply with the Rental Housing Protection Act?  Yes  No

Indicate the type of condominium proposed (check only one)

- ( ) **Standard (Not Phased)** - The traditional condominium type.
- ( ) **Standard (Phased)** - A single standard condominium built in phases. **Provide** a summary of the number of units and common elements to be developed in each specific phase. Also provide a plan showing the units and common elements in each phase
- ( ) **Amalgamation** - Where two (2) or more existing standard condominium corporations amalgamate. **Provide** a plan showing the relationship of the previous condominiums to be amalgamated. Also provide file numbers, approval dates, etc.
- ( ) **Common Elements** - Where common elements are defined but the land is not divided into units. **Provide** a summary of the property ownerships and a plan showing the affected freehold properties outside the specific condominium site. Also provide a plan and a description of the common elements
- ( ) **Leasehold** - The initial term of the lease must be from 40 years to 99 years and a leasehold unit owner can sell a unit without the consent of the landowner. **Provide** information regarding the date the leases will be expiring and the intent of what happens at the end of the lease period
- ( ) **Vacant Land** - Each owner may decide what type of structure, if any, will be built on the lot. **Provide** information on proposed servicing and status of required permits etc. Also provide a plan which includes the proposed building envelopes
- ( ) **Exemption** - Where appropriate, a condominium may be exempt from the draft plan approval process. **Provide** a letter setting out the reasons in support of the request.
- ( ) **Amendment** – An amendment to an already approved and registered plan of condominium.

**Section Eight – Services \* (mark all that apply)**

- Municipal sanitary sewage system
- Private individual or communal septic system(s)
  - with greater than 4500 litres effluent produced per day
  - with less than 4500 litres of effluent produced per day
- Municipal piped water
- Private communal well system
- Individual private well(s)
- Municipal Storm Sewers
- Other, explain \_\_\_\_\_
- Provincial Highway       County Road       Municipal Road

Servicing reports attached: \_\_\_\_\_

A **hydrogeological report** is required to accompany this application if the plan would permit development of lots / units on privately owned and operated septic systems.

A **servicing options report** and a **hydrogeological report** is required to accompany this application if the plan would permit development of five or more lots / units on privately owned and operated wells or five or more lots / units on privately owned and operated septic systems or any development on privately owned an operated wells or septic systems where more than 4500 litres of effluent would be produced per day.

**Section Nine – Previous and Existing Uses**

What is the current use of the subject land? Agricultural & residential

What previous uses have there been on the subject land? Agricultural & residential

What are the current surrounding land uses? Agricultural and residential

Is there reason to believe the subject land may be contaminated by former uses on the site or adjacent sites?  
No

If YES, an Environmental Site Assessment may be necessary. Has an Environmental Site Assessment under the Environmental Protection Act been completed?       Yes       No

What information did you use to determine the answers to the Previous and Existing Uses questions?  
Discussion with owner, review of old aerial photographs





**Section Twelve – Owners Delegation of an Agent \***

I, 2219260 Ontario Inc. (Vito Campanale), being the registered owner(s)  
(name(s) of owner, individual or company)  
of the subject lands authorize Jason Johnson (Dillon Consulting Ltd.) to prepare this application on my/ our behalf.  
(Name of agent)

[Signature] Aug 24, 2020  
Signature of Owner(s) Date

**Section Thirteen – Affidavit or Sworn Declaration \***

I, Jason Johnson of the City of London in the  
(name) (municipality)  
Middlesex make oath and say (or solemnly declare) that the information  
(County)  
contained in this form and the accompanying material is true.

Remotely Sworn (or declared) before me at the City of London in the Middlesex, this 8<sup>th</sup>  
(municipality) (County)  
day of Sept., 2020, in accordance with O. Reg 431/20.

[Signature]  
Commissioner of Oaths  
**Lynsey Nicole McMullan**  
Barrister & Solicitor, London, Ontario  
Commissioner of Oaths & Notary Public

[Signature]  
Applicant

**Section Fourteen – Applicant's Consent for Release of Information \***

In accordance with provisions of the Planning Act, it is required that the application and all supporting documentation be available for public viewing. Therefore, in accordance with the above, I/We  
2219260 Ontario Inc., the applicant(s), hereby acknowledge that the information contained  
(Applicant)  
in this application and any supporting documentation provided by myself, my agents, consultants and solicitors will be part of the public record and will be available to the general public in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act.

[Signature] Sept 8, 2020  
Signature of Applicant Date

**YOUR SUBMISSION CHECKLIST:**

- Have you read The County of Middlesex Subdivision and Condominium Approvals Procedures – An Applicant’s Guide before completing this application form? X
- Have you discussed your proposal with the local municipality and County Planning Staff? X
- 12\* copies of this form, completed and signed X
- 5\* copies of any information or reports that accompany the application X
- 12\* full size (approx 24" x 36") folded copies of the plan signed by the owner(s) and an Ontario Land Surveyor (*Note: draft plan must indicate all items as required by Section 51(17) of the Planning Act*) X
- 6\* reduced copies of the plan (no larger than 11" x 17") X

**\* contact the Planning Department to confirm the number of required copies**

- Digital copies of the plan in .dwg AND .pdf formats X
- The application fee made payable by cheque to the ‘*Treasurer – County of Middlesex*’ (See page 10) X

**Forward to:**  
 County of Middlesex  
 Planning Department  
 399 Ridout Street North  
 London ON N6A 2P1

**For Help You May Contact:**  
 Planning Department  
 phone (519)434-7321 fax (519)434-0638  
 email: [planning@middlesex.ca](mailto:planning@middlesex.ca)

**Subdivision and Condominium Application Fee**

Plan of Subdivision / Condominium Application	1-20 lots/units \$4000 21-50 lots/units \$5000 51+ lots/units \$6000	
Plan of Condominium Exemption, Conversion, Amalgamation, or Amendment to a Final Approved Plan	\$2500	
<p>The applicant shall be required to reimburse the County for the fees and expenses, if any, of the County's peer review professionals related to technical studies determined necessary by the Director of Planning. Technical studies include, but are not limited to: engineering studies, hydrogeology studies, development assessment reports, soil studies and noise assessment studies.</p>		
<p>The applicant shall be responsible for all actual costs incurred by the County in relation to any Ontario Municipal Board activities unless the activities are as a result of an appeal by the applicant.</p>		
<p>It is noted that the local municipality and the conservation authority may also collect fees associated with their review of applications. It is the applicant's responsibility to pay any such fees.</p>		
<p>Where a plan of subdivision / condominium application includes future development blocks, the lots/units for the development shall be equivalent to the anticipated future development yield for those blocks.</p>		



# Appendix B

## Provincial Policy Statement Policies



## Part V: Policies

### 1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

#### 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

### 1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) efficiently use land and resources;
  - b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - d) prepare for the *impacts of a changing climate*;
  - e) support *active transportation*;
  - f) are *transit-supportive*, where transit is planned, exists or may be developed; and
  - g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
  - b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.
- 1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
- a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
  - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
  - c) in *prime agricultural areas*:
    1. the lands do not comprise *specialty crop areas*;
    2. alternative locations have been evaluated, and



- i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
  - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.

## 1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

## 1.2.6 Land Use Compatibility

1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

## 1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary *infrastructure* is provided to support current and projected needs.

## 1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
  2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

## 1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

## 1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.



- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
  - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

## 1.6.6 Sewage, Water and Stormwater

- 1.6.6.1 Planning for *sewage and water services* shall:
- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
    1. *municipal sewage services* and *municipal water services*; and
    2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available or feasible;
  - b) ensure that these systems are provided in a manner that:
    1. can be sustained by the water resources upon which such services rely;
    2. prepares for the *impacts of a changing climate*;
    3. is feasible and financially viable over their lifecycle; and
    4. protects human health and safety, and the natural environment;
  - c) promote water conservation and water use efficiency;
  - d) integrate servicing and land use considerations at all stages of the planning process; and
  - e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where *municipal sewage services* and *municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.
- 1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services* and *municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

1.6.6.3 Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* and *private communal water services* are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, *individual on-site sewage services* and *individual on-site water services* may be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the character of rural *settlement areas*. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the desired character of rural *settlement areas* and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of

sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

## 1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

## 1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

## 1.6.9 Airports, Rail and Marine Facilities

- 1.6.9.1 Planning for land uses in the vicinity of *airports*, *rail facilities* and *marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) *airports*, *rail facilities* and *marine facilities* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

- 1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

## 1.6.10 Waste Management

- 1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

*Waste management systems* shall be located and designed in accordance with provincial legislation and standards.



## 1.6.11 Energy Supply

- 1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and *renewable energy systems* and *alternative energy systems*, to accommodate current and projected needs.

## 1.7 Long-Term Economic Prosperity

- 1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;
- c) optimizing the long-term availability and use of land, resources, *infrastructure* and *public service facilities*;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- f) promoting the redevelopment of *brownfield sites*;
- g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- h) providing opportunities for sustainable tourism development;
- i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;
- j) promoting energy conservation and providing opportunities for increased energy supply;
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.

## 1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports, rail facilities and marine facilities*;
- e) encourage *transit-supportive* development and *intensification* to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
- g) maximize vegetation within *settlement areas*, where feasible.

## Appendix C

### County of Middlesex - Official Plan Policies

#### **2.2.4.5 Hazard Policies**

Development on, abutting or adjacent to lands affected by former mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known hazards are underway or have been completed.

Contaminated sites discovered during the planning or implementing of a development proposal will be restored as necessary prior to any activity associated with a development proposal continuing.

#### **2.2.5 Cultural Heritage & Archaeology**

This Plan supports the conservation of the County's archaeological cultural and built heritage resources. Development and site alteration on or adjacent to lands containing archaeological resources and/or significant built heritage resources shall maintain the heritage integrity of the site.

### **2.3 GROWTH MANAGEMENT**

#### **2.3.1 Introduction**

Growth Management is the second theme area of the Official Plan Policy Framework. It recognizes that the County will experience population and employment growth and redistribution over the planning period. This growth is important to the residents and to the future of the County and its constituent municipalities. Growth must be managed to minimize adverse impacts on the Natural System and agriculture and be phased to coincide with the availability of appropriate types and levels of services.

The Growth Management policy framework recognizes the need to provide for some growth in each local municipality. However, Settlement Areas have been established in keeping with the Resource Management and Physical Services and Utilities policies established in Sections 2.2 and 2.4. These priorities are essential for the long-term protection of the Natural System and agricultural land and the logical provision of services.

The Growth Management Hierarchy outlined in Section 2.3.2 is designed to provide opportunities for environmentally responsible growth which avoids conflicts with natural heritage features and hazards and the agricultural community. The Hierarchy also attempts to provide a degree of lifestyle choice to the residents of Middlesex County. Consequently, different levels of growth are anticipated in different areas of the County.

Urban development is the focus for future population growth. The County shall direct the majority of growth to designated settlement areas, in accordance with the Growth Management Hierarchy. In agricultural areas, development by consent will be limited and shall only take place in accordance with the consent policies set out in Section 4.5.3.



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In order to provide guidance in the implementation of the Growth Management policy framework, the following Growth Management Hierarchy has been established. The hierarchy builds on the framework of existing towns, villages, and hamlet communities. It is intended to promote healthy, diverse communities where County residents can live, work and enjoy recreational opportunities. In addition, the Hierarchy recognizes that growth will require investment in infrastructure. Every attempt should be made to make efficient use of existing infrastructure while creating and/or protecting opportunities for future infrastructure needs, as established in the Comprehensive Water Servicing Study prepared by Dillon Consultants, 1996, and Settlement Capability Reports completed in support of establishing the extent of Settlement Areas in local Official Plans. Whenever possible future development should proceed based on the provision of full municipal services. In all cases the amount, location and timing of development shall be dictated by the nature and availability of services necessary to support that development.

**2.3.2 Growth Management Hierarchy**

The Growth Management Hierarchy shall consist of the following types of Settlement Areas:

- Urban Areas
- Community Areas
- Hamlets in Agricultural Areas

Establishment of a Settlement Area shall be in accordance with the following criteria:

- a) **Urban Areas** shall demonstrate the potential to accommodate future growth through population projections and must either have full municipal services or demonstrate the potential to provide full municipal services, through a master servicing component of settlement capability report and/or completion of an Environmental Assessment (EA), pursuant to the Environmental Assessment Act.
- b) **Community Areas** shall demonstrate the potential to accommodate future growth through population projections, must currently serve a community function and must demonstrate the potential to provide a level of service necessary to support future growth through a master servicing component of a Settlement Capability Report and/or completion of an Environmental Assessment (EA) pursuant to the Environmental Assessment Act.
- c) **Hamlets in Agricultural Areas**, in the context of the Growth Management Hierarchy shall include existing locally designated hamlets not identified as Urban Areas or Community Areas. It is assumed that municipal services will not be provided in these areas and therefore future growth shall be commensurate with that level of service.

It is the goal of this Plan that future development within settlement areas proceed on the basis of full municipal services. Other methods of servicing (partial services) may be permitted on an interim basis where proper justification is provided.

Advancement within the Growth Management Hierarchy of this Plan, in keeping with the criteria established above, shall not require an amendment to this Plan unless such advancement is deemed to alter the County Growth Management Strategy.

### 2.3.3 Forecasting Growth

In order to establish a basis for designating sufficient land area for future growth, determining housing needs, determining future transportation requirements, and establishing priorities for municipal infrastructure in the County, population projections have been prepared for the planning period. These projections are intended to be used by the County and local municipalities as a guideline for managing growth and will be monitored throughout the planning period. It is not the intention of this plan that the population projections presented in Appendix B be incorporated into local Official Plans; however, when local Official Plans are updated or when applications which propose significant additional growth are considered, the projections presented in Appendix B should be used as a guideline for future growth and development.

The population projection, shown in 5 year increments, for the County is 71,502 (2006), 75,399 (2011), 78,558 (2016), 81,791 (2021) and 88,896 (2026). Detailed projections for the County and for each local municipality are included in Appendix B.

Changes to the population projections will not require an amendment to the Plan.

Given that the projections are influenced by many factors external to the County, prudence should be exercised when assessing specific development proposals in the context of these projections.

It is the intention of this Plan to ensure that adequate lands be available to accommodate the projected growth but that over commitments that would waste land and resources be avoided. Effective phasing of growth will be required to make the best use of existing infrastructure as well as ensure the logical extension of services in the future.

In 2005, it was determined that sufficient vacant land for residential and commercial development was designated in local official plans to accommodate the anticipated growth in the County over the planning period. Further, based on anticipated growth patterns, the existing designated land was located in the appropriate Settlement Areas. However, unanticipated circumstances may result in alterations to the expected growth patterns during the planning period thus requiring the designation of additional land for development. It is the intention of this Plan to use the population projections presented in Appendix B as a guide to the County's future growth and development. If over the planning period, a local municipality can not absorb the population projections outlined, nothing in this Plan shall restrict other municipalities from accommodating that growth, provided the appropriate services can be provided.

**MIDDLESEX COUNTY OFFICIAL PLAN****2.3.4 Economic Development**

Economic development is an important component of the County's Growth Management policy framework. Many long-term goals and objectives depend on economic activity and the opportunity for residents to live and work in the County.

Agriculture has been an economic mainstay in the County for many years and will continue to evolve as changes to the agricultural industry take place. In this time of change it is important that the County develop diversity in its economic base. The policies of this Plan are intended to protect the agriculture community while fostering new economic development opportunities. Through the policies of this plan the County will;

- a) monitor the supply of employment land to ensure that a sufficient supply is available throughout the County and particularly in those municipalities with access to provincial highways and major arterial roads;
- b) cooperate with local municipalities, the business community and other agencies to ensure that employment centres are served by modern infrastructure systems including road, rail, and telecommunications networks;
- c) encourage local municipalities to provide a balanced mix of housing to ensure a sufficient labour force and reduce the need for commuting;
- d) encourage local municipalities to promote a high standard of urban design to create healthy communities which attract investment;
- e) support local municipalities to promote economic development opportunities adjacent to Provincial 400 series highways where justified through an amendment to the local official plan; and,
- f) support the retention of educational, health, cultural and religious facilities to ensure that the County's communities are provided with those opportunities that facilitate growth and well-being. Such facilities provide a vital role in small communities and add economic vitality and a sense of place where quality of life is considered a major attraction for growth and development.

**2.3.5 General Policies**

The policies of this Plan are intended to promote communities that are diverse and have a sense of place. Lifestyle choice, economic vitality and protection of the natural environment are important components of the Growth Management policies.

Lands which are currently designated for development in local official plans are anticipated to be adequate to meet the growth projections for the planning period. New lot creation in Agricultural Areas will only be permitted in accordance with Section 4.5.3.

**MIDDLESEX COUNTY OFFICIAL PLAN**

The policies are structured to ensure that the local municipalities have adequate opportunity to plan for growth while recognizing the need to: protect agricultural land and natural resources; prevent land use conflicts; and provide services commensurate with the level of growth anticipated.

Growth shall be directed to the Settlement Areas conceptually identified on Schedule A.

Local municipalities shall define the limits of Settlement Areas in their official plans. Where a Settlement Area is not an incorporated municipality the limit of the Settlement Area shall be the urban development boundary established in the local Plan.

Local municipalities shall develop Growth Management Strategies and Settlement Capability Studies as parts of their official plans to rationalize the type, amount, location and timing of growth and development and to establish the basis for the provision of the services and the necessary infrastructure.

Prior to the expansion of the limits of an existing Settlement Area, the local municipality shall prepare a Comprehensive Review including, the appropriate background information necessary to justify the expansion. The background information should address:

- (a) population and employment projections;
- (b) the need for expansion relative to land availability in other areas of the municipality;
- (c) intensification and redevelopment capabilities;
- (d) impact on the Natural System, aggregate, mineral and petroleum resources, and agriculture;
- (e) availability of servicing;
- (f) whether the lands are specialty crop areas; and
- (g) alternative locations that avoid prime agricultural lands and alternative locations on lower priority agricultural lands in prime agricultural areas.

Local municipalities, through their official plans or secondary plans, shall prepare detailed policies to guide redevelopment of areas in transition or land that is under utilized.



**MIDDLESEX COUNTY OFFICIAL PLAN****2.3.6 Settlement Capability Study**

A Settlement Capability Study shall be prepared as part of a Comprehensive Review in support of the expansion of existing Settlement Areas. Expansion is deemed to be development beyond the Settlement Area boundary, established in the local official plan, as of the date of passing of this Plan. The Settlement Capability Study shall be completed to the satisfaction of the County in consultation with the Province and shall include the following:

- a) an analysis of the hydrology and hydrogeology of the area to determine the capability of surface and groundwater resources to provide sufficient quantity and quality of water supply on a sustainable basis;
- b) an assessment of the impact of future development on existing groundwater quantity and quality and on existing sources of drinking water, including municipal, communal and private wells;
- c) an assessment of the long-term sustainability of the soil, hydrologic and hydrogeologic conditions to accept sewage effluent;
- d) an identification of any existing restrictions to future development;
- e) an assessment of surface drainage;
- f) an assessment of the impact of new growth on the Natural System;
- g) an assessment of traffic and transportation services and needs; and
- h) an assessment of the existing servicing systems and their condition.

**2.3.7 Housing Policies**

It is the policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County. These policies may be elaborated upon within local municipal official plans.

The County supports:

- a) intensification and redevelopment, primarily within Settlement Areas, and in other areas where an appropriate level of physical services is or will be available in the immediately foreseeable future and subject to the policies of Section 2.3.6. In this regard, the County will require that 15 percent of all development occur by way of intensification and redevelopment;
- b) the provision of alternative forms of housing for special needs groups, where possible;

- c) the maintenance and improvement of the existing housing stock. This shall be encouraged through local maintenance and occupancy standards by-laws;
- d) the utilization of available programs and/or funding, if any, from applicable levels of government for assisted housing for households, including those with special needs, as well as programs to rehabilitate older residential areas; and
- e) housing accessible to lower and moderate income households. In this regard the County will require that 20 percent of all housing be affordable. In the case of ownership housing the least expensive is considered to be housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area. This 'benchmark' purchase price figure for 2005 is \$195,845 in the Middlesex regional market area. This 'benchmark' figure will change over time as a result of fluctuating mortgage costs, utility rates, and the vagaries of the housing market over which the County has no control. The County will; however, monitor the 'benchmark' on an annual basis.

In addition, the following policies shall apply:

- Councils of the local municipalities are encouraged to keep a housing inventory outlining the mix of housing by both type and tenure to reinforce the County housing policies.
- In the preparation of local official plans, Councils of local municipalities shall include policies and designations to implement the policies of this Plan, and the following:
  - i) appropriate criteria for intensification and redevelopment including site plan provisions, locational and land use compatibility criteria;
  - ii) policies to permit the conversion of larger single detached dwellings into multiple units;
  - iii) policies to preserve, improve, rehabilitate or redevelop older residential areas; and
  - iv) policies which permit, subject to appropriate criteria and conditions, apartments in houses.

#### **2.3.7.1 Adequate Supply of Land and Lots**

It is the goal of the County that at least a 3 year supply of draft approved and registered plans of subdivision lots be maintained, based on the consumption rates of the local municipalities. The County shall, in conjunction with the review of the County Official Plan, review the supply of vacant lots identified for residential development in draft approved and registered plans of subdivision and infill lots.

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Every local municipality shall provide to the County, at least every five years, a summary of the supply of vacant land designated for future residential development to allow the County to ensure that at least a ten year supply of land designated for future residential development is maintained, based on the most recent population projections.

The County will, in co-operation with the local municipalities, monitor the consumption rates of residential lands and residential growth.

**2.3.7.2 Number, Range and Mix of Housing Units**

Based on an overall permanent population increase of 17,394 people to the year 2026 and a projected average of 2.65 persons per unit, a total of approximately 6,560 additional residential units will be required throughout the County to house the increased population.

The mix of unit types and tenure shall be established by the local municipalities through their official plans. In the interim the following policies shall guide County Council and local Councils.

Local municipalities shall include policies in local official plans that will encourage a range of housing types, housing densities and housing options to meet the needs of their share of current and future County residents.

County Council encourages innovative housing and subdivision design and servicing standards as a means of reducing housing costs.

The County will permit prefabricated or portable manufactured housing units which meet the Ontario Building Code and/or Canadian Standards Association (CSA) Standards subject to policies of this Plan and the local official plan.

Local municipalities are encouraged to develop affordable housing targets that are generally consistent with the County's target which provides the opportunity for housing accessible to lower and moderate income households.

**2.3.7.3 Intensification and Redevelopment**

The County and local municipalities shall support opportunities to increase the supply of housing through intensification and redevelopment in appropriate locations, taking into account municipal services, transportation and environmental considerations. Housing intensification and redevelopment shall include, but not be limited to:

- a) the conversion of single detached dwellings, in appropriate locations, into multiple residential units;
- b) the creation of new residential units on vacant or underdeveloped lands through infilling in Settlement Areas;
- c) the creation of residential units above compatible commercial uses;

- d) accessory apartments; and
- e) boarding and lodging houses.

County Council shall encourage residential intensification and redevelopment in areas designated for residential use which comply with the following criteria:

- the physical potential of the existing building stock or sites can accommodate the identified forms of residential intensification;
- the existing or planned physical services can support new households in the area; and
- physical compatibility with the existing built form;

Local official plans shall consider site specific characteristics for neighbourhood compatibility in order to address matters related to the physical character of redevelopment projects. Such matters as building height, lot coverage and parking, should be addressed in local official plans to guide the approval of zoning, site plans, and/or minor variances which occur as a result of intensification and redevelopment projects.

#### **2.3.7.4 Implementation**

The County shall, within its legislative authority:

- support increased residential densities, adequate land supply and residential intensification and redevelopment; and
- support new and innovative planning and servicing standards.

#### **2.3.8 Settlement Areas**

The local municipality shall have the primary responsibility for detailed planning policy within the Settlement Areas, and those locally designated hamlets which form part of the Agricultural Area, as shown on Schedule A.

Urban Areas and Community Areas shall be the focus for future growth including residential, commercial and industrial development. These areas are characterized by a range of land uses and have full services or where warranted, partial services, as described in Section 2.3.2. Designated Hamlets in Agricultural Areas may accommodate a limited amount of the anticipated County growth and development.



**MIDDLESEX COUNTY OFFICIAL PLAN****2.3.8.1 Urban Areas**

Urban Areas either provide or demonstrate a strong potential to provide full municipal services. Urban Areas have the highest concentration and intensity of land uses in the County. Urban Areas are the focus for future growth and are expected to accommodate a significant portion of the projected growth over the planning period.

New development, other than infilling, shall be fully serviced by municipal or communal water and sewage disposal systems.

Where there is substantial vacant land between the built-up area and the Urban Area boundary, the local municipality shall ensure that development proceeds in a logical, phased manner.

Proposals to expand the boundary of an Urban Area as included in the local Official Plan shall require a comprehensive review and may require an amendment to the County Plan if such expansion is deemed to alter the County's Growth Management Strategy.

**2.3.8.2 Community Areas**

Community Areas are intended to serve the surrounding Agricultural Areas as well as provide an alternative to city or Urban Area living. Community Areas serve a community function but provide a more limited range of land uses and activities than in Urban Areas. The concentration and intensity of development is intended to be lower than in Urban Areas.

While Community Areas are intended to accommodate a portion of the County's future growth, certain Community Areas may experience more or less growth because of servicing, environmental and/or economic circumstances.

New development in Community Areas is intended to take place on municipal or communal services; however, in areas where new development is proposed and municipal or communal services are not currently available or will not be available in the immediate future, development may proceed on other than full municipal services, on an interim basis, where provided for in a master servicing strategy component of a Settlement Capability Study or Environmental Assessment pursuant to the Environmental Assessment Act. Such development should not preclude the efficient use of land should full services become available in the future and all servicing studies shall consider all servicing options.

In considering development applications in Community Areas, the local municipality shall ensure that the character of the Community Area and cultural heritage resources of the area is protected.

Where new development is proposed on a site part of which is identified as a Natural Heritage Feature in the Plan, then such Feature shall not necessarily be acceptable as part of the dedication for park purposes required under the Planning Act. Where an open water course is dedicated to the municipality adequate space shall be provided for maintenance operations.

### **2.3.11 Natural Hazards**

No buildings or structures, nor the placing or removal of fill of any kind whether originating on the site or elsewhere, nor grading shall be permitted in an area subject to the Conservation Authorities Fill, Construction and Alteration to Waterways Regulations, except where such buildings, structures or fill are intended for flood or erosion control or maintenance and management of the natural environment, recreational purposes or non-residential accessory farm buildings such as a sugar shack; and are approved by the County and the Conservation Authority. Remedial works required to stabilize slopes adjacent to river and stream systems will require written approval from the Conservation Authority having jurisdiction.

## **2.4 PHYSICAL SERVICE & UTILITIES**

### **2.4.1 Introduction**

Physical Services and Utilities is the third theme area of the Official Plan Policy Framework. These policies include the supply and distribution of water, the collection and disposal of sewage, the disposal of solid waste, electric power transmission lines and transportation networks. While the County only has authority over County Roads, it recognizes the importance of the other facilities and systems to serve daily activity and future growth and development.

The policy framework for physical services and utilities focuses on ensuring that the necessary physical services and facilities are available throughout the County, in order to accommodate future growth and development, while ensuring that the provision of such services and utilities is in keeping with the policies of Resource Management and Growth Management found in Sections 2.2 and 2.3.

### **2.4.2 Transportation Network**

#### **2.4.2.1 *Transportation Hierarchy***

The transportation network within the County includes a system of roads, highways and railways that are owned and operated by the Federal Government, the Province, the County, local municipalities, the public and private agencies. Schedule "B" shows the County Transportation Network.

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The County Road system provides inter-municipal service moving people and goods throughout the County. There is a need to plan the transportation network and specifically the County Road system in order to protect rights-of-way for future improvements and to recognize that there is a strong relationship between transportation and urban form.

**Classification of Roads**

All roads within the County can be classified as follows:

- provincial freeways and highways;
- county roads; and
- local roads

**a) Provincial Highways**

Provincial Highways 401 & 402 are limited access freeways that traverse Middlesex County. They provide for the needs of high volume traffic and link the major market areas between the United States, Southern Ontario and Quebec.

Provincial Highways 4, 7, and 23, generally serve as arterial roads. Therefore, direct private access to such highways should be avoided. Any access to such highways will require the approval of the Province.

**b) County Roads**

County roads generally function as arterial or collector roads and direct private access is controlled through By-law #5783 for the County of Middlesex. The County road system provides for the efficient movement of traffic between provincial freeways and highways and local roads. The County shall discourage development which would inhibit traffic movement along the County road system. The cumulative impact of individual private accesses to the County Road system compromises the underlying function of this transportation network.

The nature of road traffic along County roads can have an impact on adjacent land uses. The volumes, speeds and types of traffic can be a nuisance especially in residential areas. On County arterial roads, where speeds and volumes are higher, mitigating measures that attenuate noise and vibration factors shall be utilized. For high volume arterial roads, access shall be strictly controlled and where such roads abut residential areas, reverse frontage (back lotting) is encouraged. Agricultural, industrial, commercial and open space land uses are considered to be appropriate land uses adjacent to arterial County roads.

**c) Local Roads**

Local roads move traffic from arterial and collector roads to abutting properties. Local roads are generally under the authority of local municipalities. Transportation policies should be included in local official plans to protect the integrity of the local municipality's transportation network. Based on the volumes, types, and nature of the traffic, municipal roads may be classified as arterial, collector or local roads in the local official plan.

**2.4.2.2 General Policies**

The County shall:

- a) Minimize conflict between local and non-local traffic by defining a hierarchy of roads within the County. This hierarchy shall support the Growth Management policies established in Section 2.3;
- b) Allocate resources to ensure the transportation system meets the needs of the road users and growth policies of the County;
- c) Encourage integration of transportation facilities provided by local municipalities, adjacent municipalities and the Province;
- d) Review road corridors, in consultation with local municipalities and the Province, to determine if a change in classification is necessary. Transfer of road jurisdiction to the County shall not require an amendment to the Plan;
- e) Encourage safe, convenient and visually appealing pedestrian facilities in Settlement Areas;
- f) Limit direct access to County Roads where access is available by a local road;
- g) Ensure that development proposals that are likely to generate significant traffic are accompanied by a transportation study addressing the potential impact on the transportation network and surrounding land uses;
- h) Encourage the conversion of abandoned railway rights-of-way back to private ownership or to other appropriate public uses;
- i) Ensure where possible, compatible land uses adjacent to railway corridors and rail terminal facilities. New development may be required to provide appropriate safety measures such as setbacks, intervening berms, security fencing and noise and vibration studies satisfactory to the local municipality and in consultation with the railway company; and



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- j) Address the matter of cross boundary traffic with the City of London, adjacent Counties and municipalities by establishing a planned network of roads which considers and coordinates the road hierarchy across municipal boundaries.

**2.4.2.3 County Roads Right-of-Way Widths**

The following County Road minimum rights-of-way widths shall apply:

- |    |  |                             |
|----|--|-----------------------------|
| a) | Arterial roads   | 36-metre right-of-way width |
| b) | Collector roads  | 30-metre right-of-way width |
| c) | Arterial roads constructed to an urban standard within Settlement Areas  | 30-metre right-of-way width |
| d) | Collector roads constructed to an urban standard within Settlement Areas | 26-metre right-of-way width |

Where road right-of-way widths are less than those described above, the County may require, as a condition of consent, the dedication of lands for road widening purposes. In addition, road widening may be required as a condition of development pursuant to Section 41 of the Planning Act and Section 4.5.2 of this Plan. Right-of-way widths as described above are the largest widenings that may be obtained as a condition of development. Where County roads rights-of-way are less than those described, widenings may be taken equally from both sides of the road as measured from the centre line of the original road allowance. Where topographical features or other situations necessitate a larger widening on one side, no more than 50% of the required widening shall be required through site plan control.

**2.4.2.4 County Road Setbacks**

Generally, the following minimum setbacks shall apply where a building or structure is to be erected on a lot adjacent to a County road:

- |    |   |  |
|----|---|--|
| a) | arterial roads  | 38 metres from the centre line   |
| b) | collector roads   | 33 metres from the centre line   |
| c) | arterial and collector road located within urban, community and hamlets in agricultural areas | setback requirement stipulated in the local zoning by-law  |
| d) | open storage on a lot which abuts or fronts on a County road                                  | setback shall be equal to the main building setback on the lot stipulated in the local zoning by-law |

#### **2.4.2.5 Access to County Roads**

Access to any County road shall require the approval of the County Roads Department and will be subject to By-law #5783 of the County of Middlesex for access permits. The location of access driveways should not create a traffic hazard due to concealment by a curve, grade or other visual obstructions. Access driveways should be limited in number and designed to minimize the danger to vehicular and pedestrian traffic in the vicinity.

In order to maintain an effective and efficient transportation network, access to county roads will be strictly enforced. In this regard, any new development proposed adjacent to a county road will require the approval of the County Roads Department.

#### **2.4.3 Communication and Transmission Infrastructure**

The location of communication and transmission infrastructure can have a significant impact on the Natural System as well as the built environment. It is important that these facilities be designed and located to minimize negative impacts wherever possible.

##### **2.4.3.1 General Policies**

The County shall:

- a) Cooperate with local municipalities, the business community and other agencies to establish high quality electronic communication networks including fibre optics, and telecommunications;
- b) Ensure all communication corridors and transmission facilities are constructed, either above ground or underground to minimize the physical, visual and social impacts on the community and natural environment;
- c) Ensure, where possible, shared rights-of-way and/or existing transportation and utility corridors shall be used in order to reduce impacts on the community and natural environment;
- d) Ensure facilities are located to avoid the Natural System, where possible, and minimize the impact on Agricultural Areas. Where facilities must be located in these areas, consideration shall be given to the environmental implications associated with the development;
- e) Ensure that in Settlement Areas facilities are located underground or constructed with aesthetically pleasing towers;
- f) Encourage construction of facilities to be timed to minimize crop losses;
- g) Ensure the crossing of County Roads or road rights-of-way are approved by the County;

## 2.4.5 Sanitary Sewers and Water

The County of Middlesex does not fund or maintain sanitary sewer or water systems in the County. The County does however, promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal. The County encourages new development to proceed on the basis of full municipal services. Where partial municipal services are considered the supporting studies shall address all servicing options.

### 2.4.5.1 General Policies

The County shall:

- a) Encourage development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6;
- b) Encourage local municipalities with water and sanitary sewage systems to monitor treatment capacities and operational effectiveness and to provide such information to the County at least every five years;
- c) Encourage improvement of existing systems and the installation of new systems in Settlement Areas throughout the County, where technically and financially feasible;
- d) Cooperate with local municipalities, the Province and other public and/or private partners to negotiate innovative arrangements for the provision of water and sanitary sewage systems in the County;
- e) Require site specific development proposals to be accompanied by an evaluation of servicing options within the Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy:
  - i) extension from existing municipal system
  - ii) extension from existing communal system
  - iii) new municipal or communal system
  - iv) individual septic systems and private wells
- f) Evaluate local municipality needs for assistance with respect to the provision of water and sanitary sewage systems in accordance with the Growth Management framework established in Section 2.3;

**MIDDLESEX COUNTY OFFICIAL PLAN**

- g) Encourage the proper maintenance of private sewage treatment systems in the County in order to protect and improve ground and surface water quality and avoid system malfunctions and failures;
- h) Encourage the correction of failed systems;
- i) Encourage and promote the use of technological and other system improvements which may help achieve reduced volumes and/or improved quality of effluent; and
- j) Encourage local municipalities to implement suitable and economically viable methods of reducing urban storm water runoff and to improve its quality in the furtherance of the Resource Management policies of this Plan.

**2.4.6 Alternative & Renewable Energy Systems**

The County shall encourage the development of alternative and renewable energy systems, as a source of energy for the economic and environmental benefit of Middlesex County and the Province of Ontario. These systems significantly reduce the amount of harmful emissions to the environment when compared to conventional energy systems. The County encourages the use of wind, water, biomass, methane, solar and geothermal energy.

**2.4.6.1 Wind Energy Generation Systems**

The County supports the development of Wind Energy Generation Systems (WEGS) due to its increasing recognition as a viable alternative energy source. These policies are intended to accommodate such systems at both small and commercial scales.

Small Wind Energy Generation Systems (SWEGS) generally produce electricity only for the on-site domestic consumption of the property owner. The establishment of a SWEGS is generally considered to be an accessory use to the principle use of the property and therefore may be permitted, subject to the provisions of the municipal zoning by-law.

Commercial Wind Energy Generation Systems (CWEGS) are a more intensive land use and usually comprise more than one generating unit. CWEGS are intended to be connected to the provincial electrical transmission grid. The establishment of a CWEGS will not require an amendment to this Plan. The establishment of a CWEGS may require an amendment to the local official plan.

As it relates to the establishment of CWEGS, the County shall:

- a) Support the use of Site Plan Control for the location of road access, parking, accessory buildings, vegetative buffers, location of external facilities, storm water management / drainage and any other identified impact mitigation measures.



**MIDDLESEX COUNTY OFFICIAL PLAN****3.0 DETAILED LAND USE POLICIES****3.1 INTRODUCTION**

The detailed policies of this Plan apply to the lands designated on Schedule A. These policies shall be read and interpreted in conjunction with the Policy Framework established in Section 2, the policies of Sections 4 and 5 and Schedules A and C.

The detailed land use policies provide specific direction for growth and development within the County. Additional policy direction is provided through the local official plans.

The specific land use designations established through the policies of this Section include:

- Settlement Areas;
- Agricultural Areas; and
- Natural Environment Areas.

Any development on lands identified on Schedule A of this Plan must conform to the policies associated with the particular land use designation.

**3.2 SETTLEMENT AREAS****3.2.1 Introduction**

The Growth Management policies of this Plan, presented in Section 2.3, direct a significant portion of the County's future growth to Settlement Areas in order to:

- protect Agricultural Areas;
- protect the Natural System; and
- promote efficient use of water and sewage services.

The Settlement Area designation is comprised of two policy sections: Urban Areas, Community Areas. The criteria for establishment of Urban and Community Areas and the policy framework for these Areas are set out in Section 2.3. Detailed land use Policies related to Hamlets can be found in Section 3.3, Agricultural Areas.

**3.2.2 Development Policies**

New development in Settlement Areas is encouraged to proceed by Plan of Subdivision. Development by consent will be considered only in accordance with Section 4.5.3.

A Settlement Capability Study, as outlined in Section 2.3.6, shall be prepared in support of any new development in a Settlement Area which does not provide full municipal water and sanitary sewer systems.

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- i) municipal services;
- j) transportation;
- k) economic development; and
- l) other issues unique to the Settlement Area.

Local official plans shall contain, as a minimum, implementation policies dealing with the following issues:

- Amendments to the local Official Plan;
- Comprehensive Zoning By-laws and amendments;
- Minor variances;
- Non-conforming and non-complying uses;
- Plans of Subdivision;
- Site Plan Control;
- Consents;
- Property maintenance and occupancy standards;
- Public consultation;
- Servicing and phasing;
- Relationship to the County Official Plan; and
- Other by-laws pursuant to the Planning Act.

Secondary plans may be prepared as part of the local official plan to provide greater detail regarding land uses and specific development policies unique to each Settlement Area.

**3.2.4 Urban Areas****3.2.4.1 Permitted Uses**

The local official plans shall provide detailed land use policies for the uses permitted in Urban Areas. These uses shall include:

- a) A variety of housing types;
- b) Commercial uses;
- c) Industrial uses;
- d) Community Facilities;

- e) Natural System elements;
- f) Recreation and Open Space, including active and passive recreation activities; and
- g) Other specific land use designations necessary to reflect the unique needs and character of each Urban Area.

New livestock operations shall not be permitted in Urban Areas. No expansion of existing livestock operations shall be permitted beyond the existing requirements of the Minimum Distance Separation Formula II.

### **3.2.5 Community Areas**

#### **3.2.5.1 Permitted Uses**

- a) A variety of housing types;
- b) Commercial uses primarily serving the day-to-day needs of the residents of the community;
- c) Dry industrial uses;
- d) Community facilities;
- e) Recreation and Open Space, including active and passive recreation activities; and
- f) Other specific land use designations necessary to reflect the unique needs and character of the Community Area;
- g) Natural System elements

New livestock operations shall not be permitted in Community Areas. No expansion of existing livestock operations shall be permitted beyond the existing requirements of the Minimum Distance Separation Formula II.

### **3.3 AGRICULTURAL AREAS**

#### **3.3.1 Introduction**

The purpose of the Agricultural Areas designation is to protect and strengthen the agricultural community, a major economic component within the County, while recognizing the potential for a limited amount of development in existing locally designated hamlets. The Agricultural Areas policies protect agricultural lands from the intrusion of land uses that are not compatible with agricultural operations. These incompatible uses are most frequently identified as non-farm related residential dwellings on small lots. As a result, this Plan contains policies that limit the creation of new lots in Agricultural Areas.

**MIDDLESEX COUNTY OFFICIAL PLAN****4.3 LOCAL OFFICIAL PLANS**

It is the intent of the County, and a requirement of the Planning Act that local official plans shall conform to the County Plan and be one of the primary means of implementing the policies herein.

It is recognized, however, that some time may elapse between the adoption of the Plan and the modification of the local official plans to ensure conformity. The modifications may be part of the statutory review process, as defined under the Planning Act. In the event of a conflict between the provisions of a local official plan and the provisions of this Plan in the interim period, the provisions of this Plan shall prevail to the extent of that conflict.

Nothing in this Plan shall prevent the local municipalities from adopting more restrictive policies or standards than those outlined in this Plan. In addition, it is not the intention of this Plan to prevent the development of areas designated for non-agricultural development in local Official Plans, as of the date of passing of this Plan.

**4.4 LOCAL ZONING BY-LAWS**

When this Plan or any part thereof takes effect, every local zoning by-law shall be amended by the local municipalities to conform with this Plan pursuant to the Planning Act.

The Amendments to the zoning by-laws should occur after the local official plan has been amended to conform to this Plan.

Notwithstanding the above, this Plan is not intended to prevent the continuation, expansion, or enlargement of uses which do not conform to the designations and provisions of this Plan. At their sole discretion, Councils of the local municipalities may zone to permit the continuation, expansion or enlargement of legally existing uses, or variations to similar uses, provided that such uses:

- a) have no adverse effect on present uses of surrounding lands or the implementation of the provisions of this Plan;
- b) have regard for the MDS Formula as amended from time to time, if applicable; and
- c) are subject to any conditions that may be contained in a local official plan.

**4.5 DEVELOPMENT APPLICATIONS****4.5.1 Plan of Subdivision**

County Council shall approve only those plans of subdivision or condominium which comply with the provisions of this Plan and the applicable local official plan.

Under conditions of approval attached to plans of subdivision or condominium pursuant to the Planning Act:



- a) County Council shall require that the applicant(s) enter into appropriate agreements with the County or local municipality which may be registered against the title of the subject lands and which shall include such matters as services, financial requirements, County road facilities, dedication of land for public uses, exclusive of parks and other requirements to implement the provisions of this Plan; and
- b) the Council of the local municipality may require that the applicant(s) enter into appropriate agreements which shall be registered against the title of the subject lands, and may include such matters as, but not limited to, financial requirements, local roads, drainage, grading and landscaping, sidewalks and dedication of land for public uses and other requirements to implement the provision of this Plan and the local official plan.

#### **4.5.2 Site Plan Control**

County Council shall encourage the use of site plan control provisions of the Planning Act, to implement the policies and provisions of this Plan and the local official plans, and to coordinate and enhance the physical development of the local municipality.

Provisions for site plan control shall be detailed in the local official plans.

#### **4.5.3 Consent**

##### **4.5.3.1 Introduction**

The approval of consents to sever land in Middlesex County shall be in conformity with the relevant policies contained in this Plan, policies contained in local official plans, and the provisions of the Planning Act. Under no circumstances shall consents be granted for approval that are contrary to the policies of this Plan or the local official plan.

A plan of subdivision under the Planning Act is generally required when any of the following occur:

- more than 3 lots (two severed and one retained) from a land holding are being created unless the local official plan contains policies regarding the number of lots required for a plan of subdivision.
- lots created require a new road for the provision of access.
- the provision or extension of municipal servicing (water and/or sewers, including communal servicing) is required; or
- other matters that may arise during the review of the development proposed.

## Appendix D

### Township of Lucan-Biddulph – Official Plan Policies

#### **2.1.4.2 Buffering and Screening Measures**

To ensure industrial development does not detract from or conflict with existing or planned residential development; adequate buffering, screening and/or setback measures will be required.

#### **2.1.5 RESIDENTIAL**

*Areas designated for existing and future residential purposes in the Village of Lucan include existing residential development as well as lands for accommodating future residential development. While residential development has been traditionally and continues to be primarily in the form of low-density single unit detached dwellings thereby contributing to the ‘small town’ residential character of the Village, a demand exists for other housing types to meet the socio-economic needs of the community.*

*Undeveloped lands designated for residential purposes lie adjacent to existing residential areas to ensure contiguous development and the cost-efficient extension of services. Within existing developed areas, opportunities exist for redevelopment and infilling.*

##### **2.1.5.1 Land Use**

Within areas designated ‘Residential’ on Schedule “A”, the primary use of land shall be for single unit detached dwellings. Other dwelling types are also permitted including semi-detached dwellings, duplex dwellings, converted dwellings, accessory apartments, townhouses and low-rise and small-scale apartment buildings. Secondary uses may also be permitted provided they complement and are compatible with these areas and do not detract from their predominantly residential character. These uses may include churches, schools, neighbourhood parks, nursing and rest homes, and home occupations. The actual uses permitted shall be specified in, and regulated by the Zoning By-law.

##### **2.1.5.2 Scale, Density and Form**

The scale, density and form of new residential development shall respect and be sensitive to the ‘small town’ character of the Village. At the same time, it is recognized that multiple forms of residential development will provide the potential for more affordable housing as well as housing more able to meet the increasingly diverse needs and preferences of the community. To ensure compatibility with existing development, the density and height of new residential development will be limited.

### **2.1.5.3 Plans of Subdivision**

In evaluating plans of subdivision, the following factors shall be taken into consideration:

- a) the proposed development shall be a natural and logical extension of the developed area;
- b) unique or rare site features shall be preserved and enhanced;
- c) a variety of housing types and forms shall be encouraged
- d) stormwater management shall be required to minimize the potential for adverse affects on the receiving watercourse and shall be sensitively integrated with the proposed development;
- e) municipal services shall be available;
- f) amenities for future residents (e.g. sidewalks, lighting) shall be provided and be well designed;
- g) the impact of the Buffer Area as shown on Schedule “A”;
- h) the requirements of Section 8.3.

### **2.1.5.4 Conversions**

The conversion of single unit dwellings to multiple unit residential dwellings may be permitted provided the following conditions are met:

- a) adequate size of individual dwelling units;
- b) adequate yards for outdoor, landscaped open space and on-site parking;
- c) compatibility with neighbouring dwelling types;
- d) maintenance of the quality of the streetscape.

### **2.1.5.5 Medium Density Housing**

Medium density residential development in the form of townhouses, apartments and other forms of multiple unit housing shall be encouraged to locate where direct or proximate access to arterial or collector roads is available; where proximity exists to commercial areas, schools, and/or parks and open space; and where municipal services are available or capable of being made available. Intrusions into existing residential areas of predominantly single unit dwellings shall be discouraged and compatibility with the character and design of neighbouring development expected. Appropriate buffering and setbacks shall be provided where necessary to ensure compatibility. Standards regarding housing types, density, height, parking and landscaped open space shall be addressed in the Zoning By-law. Site plan control shall apply.

**2.1.5.6 Housing Mix**

Development proposals for large undeveloped parcels will be required to incorporate a range of housing types and densities, as permitted by this Plan, unless it is capable of being demonstrated that market, servicing, site conditions and neighbouring land use dictate otherwise.

**2.1.5.7 Affordable Housing**

The Township shall encourage housing forms and densities designed to be affordable to moderate and lower income households. The County has set a target that 20 percent of all housing be affordable based on an annual benchmark. The County will monitor and provide this figure on an annual basis.

**2.1.5.8 Supply of Building Lots**

The Municipality will attempt to maintain at all times, subject to limitations imposed as a result of servicing constraints and market demand, a minimum 10 year supply of land designated and available for residential development and intensification, and a 3 year supply of residential building lots.

**2.1.5.9 Home Occupations**

Home occupations shall be permitted provided they remain clearly secondary to the main residential use and are situated entirely within a dwelling or an attached garage, provided they are engaged in only by those residing in the dwelling and provided they do not create a nuisance or potential nuisance or detract in any way from the residential character of the area. The range or type of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law.

**2.1.5.10 Secondary Dwelling Units**

In the interest of increasing the number of affordable housing units within the Township, one secondary dwelling unit may be permitted, in addition to a proposed or existing single detached, semi-detached or townhouse dwellings where they are a permitted use in the Zoning By-law. Such unit may be located in the main building or within ancillary structures. The Zoning By-law shall have regard for the following requirements in order to permit such units:

- a) Parking,
- b) Yard requirements to ensure amenity space, and



- c) Minimum and maximum floor area.

### **2.1.5.11 Intensification and Redevelopment**

The Township supports intensification and redevelopment, most notably within Settlement Areas, as well as in areas where the appropriate levels of servicing are or will be available. As a result, the Township requires that 15 percent of development occur by the way of intensification and redevelopment.

The Township shall encourage intensification and redevelopment within the Village of Lucan on vacant or underutilized sites in order to efficiently utilize designated settlement area land and available municipal services.

Residential intensification and redevelopment is subject to the following policies:

- a) Forms of residential intensification and redevelopment shall only be permitted based on the level of water and wastewater servicing that is available in the Village of Lucan.
- b) Residential intensification and redevelopment may take the form of multi-unit dwellings, dwelling conversion, street infilling, rear yard infilling, and infill subdivisions.
- c) Residential intensification and redevelopment may only occur to a maximum density which maintains the minimum lot areas permitted in the Zoning By-law, and/or is deemed suitable by the Township to satisfy the proposed water supply and wastewater disposal systems.
- d) When considering proposals for residential intensification and redevelopment, and in addition to all other applicable development criteria in the Official Plan, the Township will ensure that:
  - i. For dwelling conversions, the exterior design of the dwelling is compatible with the surrounding area in terms of height, bulk, scale, and layout;
  - ii. For street infilling, the proposal is consistent with the established building line and setbacks of the surrounding area.

- iii. For rear yard infilling, the siting of buildings and parking areas must be done in a way which minimizes the impacts on neighbouring rear yards; allows for direct vehicular access provided to a public street with sufficient width to allow efficient vehicular use, on-site snow storage, and access and turn-around by emergency vehicles.
- iv. For infill subdivisions, measures shall be considered, to buffer and screen the development from surrounding residential uses.

Proposals for residential intensification and redevelopment will not be supported if it is determined that the proposal cannot satisfy the above criteria.

## **2.1.6 MIXED-USE RESIDENTIAL**

*The 'Mixed-Use Residential' designation extends along Main Street beyond the downtown core. It constitutes primarily an established residential area where a limited amount of commercial development has occurred often through the conversion of single unit dwellings. While the area has lost a degree of its residential quality, it is attractive particularly to commercial uses seeking visibility to passing traffic, accessible on-street parking and residential style accommodation. Lying between lands designated 'Central Commercial' and 'Highway Commercial', it serves to strengthen the distinct identity of these two areas and maintain the compactness of the downtown core.*

### **2.1.6.1 Land Use**

Within areas designated 'Mixed Use Residential' on Schedule "A", the conversion of single unit detached dwellings to commercial uses will be permitted provided the residential character of the dwelling and the streetscape is maintained and compatibility with neighbouring residential uses is maintained. Typical uses include apartments, bed and breakfast establishments, business and professional offices, studios, funeral homes, day care centres, group homes and institutional uses. The actual uses permitted shall be specified in, and regulated by the Zoning By-law.

### **2.1.6.2 Maintaining the Residential Character**

The residential character of the area and the streetscape shall be retained. On-site parking shall be restricted and landscaped open space shall be significant. Signage will be subdued. Demolition of existing dwellings and replacement with commercially designed buildings and insensitive additions to existing dwellings will be discouraged.

## **2.1.9 ROADS**

*The Village of Lucan is serviced by system of arterial, collector and local roads under the jurisdiction of the Municipality, the County and the Province. The function of the system is to ensure the efficient flow of traffic through and throughout the Village and access to abutting properties. The general location of arterial, collector and local roads is shown on Schedule “A”.*

### **2.1.9.1 Arterial Roads**

The primary function of arterial roads is to carry large to moderate volumes of all types of traffic at medium speeds through the Village. Main Street (Richmond Street – Highway No. 4), which virtually bisects the Village, is the only designated ‘Arterial Road’. Although a Provincial Highway, it is designated a ‘connecting link’ within the former Village limits. Within this area, the Municipality has jurisdiction over entrances, signage and land use.

### **2.1.9.2 Collector Roads**

The primary function of ‘Collector Roads’ is to carry moderate volumes of traffic between arterial roads and local roads. Collector roads in the Village consist of William Street/ Alice Street (County Road No. 13) and Saintsbury Line (County Road No. 47).

### **2.1.9.3 Local Roads**

All public roads, other than ‘Arterial Roads’ and ‘Collector Roads’ are designated ‘Local Roads’. The primary function of local roads is to provide direct access to abutting properties and to serve destination as opposed to through traffic. Most local roads will either have an origin or destination along their length.

### **2.1.9.4 Private Roads**

The creation of private roads will only be permitted in accordance with the provisions of the Condominium Act where reconstruction and maintenance are clearly and fully the responsibility of a condominium corporation.

### **2.1.9.5 Road Allowances**

The required road allowance shall be determined by the authority having jurisdiction. Generally, all local roads will have a minimum road allowance of 20 metres in width. A road allowance width less than 20 metres for a local road may be considered based on the length of the street, its traffic carrying characteristics and the form of development being proposed.

### **2.1.9.6 Design and Construction**

Existing local roads will be redesigned and improved to current standards as conditions dictate and as funds permit. New local roads created as a result of a consent or plan of subdivision shall be designed and constructed to the standards of the Municipality prior to assumption. Where new local roads intersect Main Street, Saintsbury Line, and William Street – Alice Street, the location and design of intersections or intersection improvements shall be subject to the approval of the Ministry of Transportation and the County of Middlesex as the case may be.

## **2.1.10 PUBLIC WATER SUPPLY SYSTEM**

*The Village of Lucan is serviced by a system of watermains connected to a pumping station, situated west of the Village at the intersection of William Street (County Road No. 13) and Denfield Road (County Road No. 20). This station receives its water from the Lake Huron Water Supply System. A storage tower is located on the west side of Queen Street north of William Street. The current water supply system not only serves the Village but rural residences and establishments along William Street outside the Village. The design capacity of the system is equivalent to an estimated 6000 persons, based on a daily per capita consumption of 450 litres. Connection to the Lake Huron Water Supply System and abandonment of the former well system has eliminated a major constraint to development in the Village.*

### **2.1.10.1 Connection to the System**

All development, new and existing, shall be connected to and serviced by the public water supply system.

**2.1.10.2 Monitoring**

The Municipality will undertake the necessary monitoring and improvements to the water supply system to ensure the continued supply of an adequate, safe and secure supply of water to residents and establishments within the Village.

**2.1.11 PUBLIC SANITARY SEWAGE SYSTEM**

*Similar to the water supply system, the sanitary sewage system servicing the Village of Lucan has been recently and substantially up-graded by the construction of a sewage treatment plant located on the north side of Fallon Drive and a major pumping station on Chestnut Street. The design capacity of the system is equivalent to an estimated 3000 persons. The upgrading from the former lagoon-type system lifted a development 'freeze' previously imposed by the Ministry of Environment. The lagoons, situated north of the Village, remain as an effective and cost-efficient stand-by system in the event of a failure at the plant, which would require it to be shut down pending repairs.*

**2.1.11.1 Connection to the System**

All new development shall be connected to and serviced by the public sanitary sewage system. The Municipality will endeavour to connect all existing dwellings and establishments to the system as opportunities arise.

**2.1.11.2 Servicing Studies Required**

Outside the Benn/Whitfield Drainage Area (with the exception of the upper reaches of the Whitfield Drain), servicing studies will be required prior to development to determine the optimal location of a required pumping station capable of servicing additional development in that watershed and the routing of the required forcemain to a suitable outlet either at the main pumping station or to a trunk main with adequate design capacity.

**2.1.11.3 Future Improvements**

The Municipality will undertake, at the appropriate time, those engineering and environmental studies necessary to determine improvements required to the sanitary sewage system to service a population beyond 3000 persons.



## **2.1.12 STORMWATER MANAGEMENT**

*While the Village of Lucan lies within the watershed of the Little Ausable River, there are a number of subwatersheds within the Village, the largest being the Benn/Whitfield Drainage Area. Others include the Engel Drain, Hardy Drain and the Haskett Drain. A Master Drainage Plan has been prepared for the Benn/Whitfield Drainage Area.*

### **2.1.12.1 Master Drainage Plan**

The Municipality will require the preparation of a master drainage plan, satisfactory to the Ausable Bayfield Conservation Authority and the Ministry of Environment, before approving any plan of subdivision or other significant development in the watersheds associated with the Engel Drain, Hardy Drain and the Haskett Drain as shown on Schedule “A”.

When considering the development of stormwater management facilities, the following shall be planned for:

- a) Minimize, or, where possible, prevent increases in contaminant loads;
- b) Minimize changes in water balance or erosion;
- c) Not increasing risks to human health and safety and property damage;
- d) Maximize the extent and function of green infrastructure, including but not limited to, vegetative and pervious surfaces; and
- e) Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

### **2.1.12.2 Watershed Boundaries**

Modifications to the boundaries of watersheds shown on Schedule “A” are anticipated as a result of minor re-grading to facilitate orderly development. Such modifications will be subject to the approval of the Municipality and the Ausable Bayfield Conservation Authority but will not require an amendment to this Plan.

#### **2.1.14 ACTIVE TRANSPORTATION**

It is the policy of this Plan to support and encourage the development of trails on both public and private lands for both pedestrian and other non-motorized forms of transportation which are aimed at promoting public health through outdoor activities. The development of any such systems should be designed in a manner which promotes inclusivity and accessibility. It is intended that such systems would provide linkages to parks and recreation facilities, institutional facilities and, existing and proposed public or private trail systems, both locally and regionally. In addition, it is further the policy of this Plan to support and encourage the development of sidewalks for pedestrian movement within the Village of Lucan.

#### **2.2 GRANTON**

*The Village of Granton, the second largest settlement after Lucan and the only other ‘Settlement Area’ formally recognized in the Township of Lucan Biddulph by the County of Middlesex Official Plan, is located in the east end of the Municipality. It functions primarily as a small rural dormitory/retirement community of single unit detached dwellings. Current population is in the order of 300 persons. Development of Granton occurred historically in a linear fashion along Main Street, also known as Granton Line (County Road No. 59), and to a lesser extent along the since abandoned (and now removed) CN railway.*

*The Village’s commercial core has been virtually abandoned being adversely affected by expanding retail facilities in the north end of the City of London, improved transportation and a small population base. Relatively compact, it was not long ago that the core included several retail and service uses. While opportunities exist for revitalization through the reuse and redevelopment of vacant commercial space, a larger resident population is required to sustain economic viability.*

### **8.2.2 When Not Required**

Amendments to the Plan will not be required in order to make minor adjustments to the boundaries of land use designations and the location of roads provided the general intent and spirit of the Plan is maintained. Such adjustments need not be reflected on the schedules.

### **8.2.3 Five Year Review**

The Municipality shall, not less frequently than every five years from the date of adoption of the Plan, convene at least one special meeting of Council, open to the public, in accordance with the Planning Act, for the purpose of determining the need for any amendments or revisions to the Plan.

### **8.2.4 Comprehensive Review**

A comprehensive review will be undertaken towards the end of the planning period unless circumstances warrant an earlier review including settlement boundary adjustments and employment land conversions. Studies in support of such a review may range in complexity based on the proposal and shall be conducted in accordance with the policies of the Provincial Policy Statement 2014.

## **8.3 PLAN OF SUBDIVISION/CONDOMINIUM**

Approval of a plan of subdivision by the Municipality shall be subject to the following criteria being satisfied:

- a) The applicable land use designation and policies of this Plan and the Official Plan of the County of Middlesex,
- b) The requirements of the Planning Act,
- c) The entering into of a subdivider's agreement with the Municipality,
- d) The posting of sufficient financial security to ensure the protection of the Municipality.

- c) whether with the general intent and purpose of the Zoning By-law are maintained;
- d) whether the variance is desirable for the appropriate use and development of the lands and neighbouring lands;
- e) whether compliance with the Zoning By-law would be unreasonable, undesirable or would impose undue hardship;
- f) whether the variance would result in a substantial detriment, hazard or nuisance that would detract from enjoyment, character or use of neighbouring lands.

In granting applications for minor variances, conditions may be imposed where the Committee deems it advisable to ensure the intent of the above-noted criteria are satisfied or will be satisfied.

## **8.9 INTERIM CONTROL**

Where the Municipality has directed that a review or study be undertaken in respect of the land use planning policies for any area in the Township, the Municipality may adopt an interim control by-law to prevent the potentially inappropriate development or use of land pursuant to the Planning Act. The by-law shall specify a time period (not to exceed one year) for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the by-law.

## **8.10 SITE PLAN CONTROL**

### **8.10.1 Scope**

New uses and significant expansion to existing uses, with the exception of low-density residential uses and agricultural uses other than intensive livestock operations, shall be subject to the site plan control provisions of the Planning Act.

### **8.10.2 Requirements**

A site plan, satisfactory to the Municipality, may be required indicating the proposed use, the proposed location of all buildings and structures, proposed ingress and egress, parking areas and loading areas, landscaping, grading and drainage, external lighting, buffering and other measures to protect adjoining lands. The location of any required well site, septic tank and tile field envelope (if applicable) and storm drainage provisions shall accompany every proposal.

**8.10.3 Agreement**

A site plan agreement pursuant to the site plan control provisions of the Planning Act shall be required in most instances. Where development is proposed adjacent to a County Road or Provincial Highway, the Municipality shall request the comments of the County of Middlesex and the Ministry of Transportation, as the case may be, prior to execution of the site plan agreement. The submission of drawings showing plan, elevation and cross-section views shall be required for new development, including residential buildings containing more than three dwelling units.

**8.10.4 Guidelines**

The Municipality may prepare and adopt guidelines to assist developers in preparing site plans for submission and approval by the Municipality.

**8.11 DEVELOPMENT CHARGES**

As a contribution towards the growth-related capital costs incurred or likely to be incurred by the Municipality as a result of new development taking place, the Municipality may levy a development charge or impost fee against such development. The amount of the levy, the type of development it applies to, the method of calculation, and the scheduling of payments shall be prescribed by by-law adopted in accordance with the Development Charges Act. A mechanism may be provided in the by-law which would allow for automatic adjustments in the levy as a result of inflation.

**8.12 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS**

The Township may prepare and adopt bylaws to ensure minimum standards of property maintenance and occupancy to protect public health, safety and welfare; to eliminate or avoid unsightly conditions and appearances with respect to buildings, lands and neighbourhoods; and to ensure adequate enjoyment of property. These by-laws may take the form of property maintenance and occupancy standards adopted under the Building Code Act or the clearing and cleaning of land adopted under the Municipal Act.



## Appendix E

### Township of Lucan-Biddulph - Zoning By-law

## 5. GENERAL AGRICULTURAL (A1) ZONE

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### 5.1 GENERAL USE REGULATIONS

#### 5.1.1 Permitted Uses

- agricultural use
- animal kennel
- bed and breakfast establishment
- converted dwelling
- forestry use
- home occupation
- portable asphalt plant
- single unit dwelling
- wayside pit or quarry

5.1.2 Minimum Lot Area 40 ha

5.1.3 Minimum Lot Frontage 150 m

5.1.4 Maximum Lot Coverage 20%

#### 5.1.5 Minimum Setback

- |    |  |      |
|----|--|------|
| a) | County Road No. 7<br>County Road No. 20  | 38 m |
| b) | County Road No. 13<br>County Road No. 47<br>County Road No. 50<br>County Road No. 59 | 33 m |
| c) | Township Road  | 28 m |

#### 5.1.6 Side Yard Width

- |    |   |   |
|----|---|---|
| a) | single unit dwelling  | 3 m   |
| b) | other permitted uses excluding accessory<br>buildings or structures | one-half the building height but not<br>less than 4.5 m |

#### 5.1.7 Rear Yard Depth

- |    |   |     |
|----|---|-----|
| a) | permitted uses excluding accessory<br>buildings or structures | 8 m |
|----|---|-----|

#### 5.1.8 Maximum Height

- |    |                                    |  |
|----|------------------------------------|--|
| a) | permitted uses excluding accessory |  |
|----|------------------------------------|--|

	buildings or structures	10.5 m
5.1.9	<u>Minimum Floor Area</u>	
	a) single unit dwelling	90 m <sup>2</sup>
5.1.10	<u>Minimum Ground Floor Area</u>	
	a) single unit dwelling	70 m <sup>2</sup>
5.1.11	<u>Maximum Number of Dwellings Per Lot</u>	1
5.1.12	<u>Sight Triangles on Corner Lots</u>	

Notwithstanding Section 4.21 of this By-law to the contrary, no building or structure shall be erected, and no driveway shall be located within the triangular space included between the street lines for a distance of forty-five (45) metres from their point of intersection.

## 5.2 SPECIAL USE REGULATIONS

### 5.2.1 Animal Kennels

The following provisions shall apply to animal kennels:

- |    |  |       |
|----|--|-------|
| a) | minimum distance from a dwelling located on a neighbouring lot | 150 m |
|----|--|-------|

### 5.2.2 Building and Structures, and Manure Storage Facilities for Livestock – Minimum Distance Separation

Livestock buildings and structures, and manure storage facilities shall not be altered, erected or used except in accordance with Minimum Distance Separation II (MDS II).

### 5.2.3 Converted Dwellings

The following provision shall apply to converted dwellings:

- |    |                                   |   |
|----|-----------------------------------|---|
| a) | maximum number of dwellings units | 2 |
|----|-----------------------------------|---|

### 5.2.4 Home Occupations

The following provisions shall apply to home occupations:

- |    |   |  |
|----|---|--|
| a) | a home occupation shall be permitted within a dwelling or within an accessory building; |  |
|----|---|--|

- b) outside storage shall be permitted in an interior side yard or a rear yard provided it does not exceed an area of one hundred (100) square metres and provided it is enclosed by a continuous fence with a minimum height of two (2) metres and a maximum height of two and one-half (2.5) metres;
- c) where the home occupation is conducted within the dwelling, the external character of the dwelling as a residence shall not change or a nuisance, particularly in regard to noise, odour, refuse, or parking shall not be created;
- d) where the home occupation is conducted within the dwelling, the total floor area of the dwelling including the basement area used for the home occupation shall not exceed twenty-five (25) percent of the total area of the dwelling or forty (40) square metres, whichever is the lesser;
- e) where the home occupation is conducted within an accessory building, the maximum floor area of the accessory building used for the home occupation shall not exceed two hundred (200) square metres;
- f) no external display or advertisement other than a sign which is a maximum size of one-half (0.5) square metre shall be permitted;
- g) the maximum number of persons engaged in the home occupation but who reside on a lot other than the lot on which the home occupation is conducted shall be limited to three (3).

#### 5.2.5 Portable Asphalt Plants

Portable asphalt plants shall not be erected or used closer than three hundred (300) metres from a dwelling located on a separate lot.

#### 5.2.6 Single Unit Dwellings – Minimum Distance Separation

Single unit dwellings shall not be erected or used except in accordance with Minimum Distance Separation I (MDS I). The foregoing shall not apply to the alteration of existing dwellings or the replacement of an existing dwelling with a new dwelling provided the new dwelling is situated no closer to a livestock building or structure or manure storage facility than the dwelling being replaced.

#### 5.2.7 Wayside Pit or Quarry

A wayside pit or quarry shall not be established within sixty (60) metres of a Residential First Density (R2) Zone, a Residential Second Density (R2) Zone, a Residential Third Density (R3) Zone, a Hamlet Residential (HR) Zone or a Rural Residential (RR) Zone.

#### 5.2.8 Accessory Buildings and Structures

Accessory buildings or structures shall not:

- a) be used for human habitation;

- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- c) be located closer than three (3) metres from a side lot line and a rear lot line;
- d) exceed a height of four (4) metres.

### 5.3 **EXCEPTIONS**

#### 5.3.1 a) Defined Area (*Farmgate Market*)

A1-1 as shown on Schedule "A", Map 9 to this By-law

#### b) Permitted Uses

market garden in addition to all other permitted uses of the A1 zone

#### 5.3.2 a) Defined Area (*D. Maguire*)

A1-2 as shown on Schedule "A", Map 14 to this By-law

#### b) Permitted Uses

custom grain handling facility  
 general industrial use in an existing shop for customized truck components  
 all other permitted uses of the A1 zone

#### c) Maximum Floor Area

existing shop 600 m<sup>2</sup>

#### 5.3.3 a) Defined Area (*General Airspray Ltd.*)

A1-3 as shown on Schedule "A", Map 20 to this By-law

#### b) Permitted Uses

landing strip in addition to all other permitted uses of the A1 zone

#### 5.3.4 a) Defined Area (*R. DeBrouwer*)

A1-4 as shown on Schedule "A", Map No. 27 to this By-law.

#### b) Permitted Uses

woodworking as a general industrial use in addition to  
 all other permitted uses of the A1 zone.

#### c) Maximum Floor Area of Buildings Devoted to Woodworking



main building	150 m <sup>2</sup>
accessory building	240 m <sup>2</sup>

5.3.5 a) Defined Area (*Frank Van Bussell & Sons Ltd.*)

A1-5 as shown on Schedule "A", Map 38 to this By-law

b) Permitted Uses

contractor's yard or shop in addition to all other permitted uses of the A1 zone

5.3.6 a) Defined Area (*M. O'Shea*)

A1-6 as shown on Schedule "A", Map 45 to this By-law

b) Permitted Uses

market garden in addition to all other permitted uses of the A1 zone

5.3.7 a) Defined Area (*Scott Farms/Kress et al*)

A1-7 as shown on Schedule "A", Map 8 and Schedule "B", Map 5, Map 6 and Map 12 to this By-law.

b) Buildings and Structures, and Manure Storage Facilities for Livestock-Minimum Distance Separation

Notwithstanding Section 5.2.2 of this By-law to the contrary, MDS II shall not apply in the case of:

- i) a manure storage facility for a 40-head heifer livestock operation on part of Lot 31, Concession II and zoned A1-7;
- ii) a bedded pack beef barn for a 500-head beef feeder livestock operation on part of Lot 30, Concession III, part of Lot 3, S.L.R. and part of Lot 4, S.L.R and zoned A1-7.

and a single unit dwelling on lands being part of Lot 31, Concession III and Part 1, R.P. 33-R-12030

~~5.3.8 a) Defined Area (*Frans Livestock Inc.*) Deleted by by-law #132-2008~~

~~A1-8 as shown on Schedule "A", Map 29 to this By-law.~~

~~b) Minimum Lot Area 19.5 ha~~

- 5.3.9 a) Defined Area (*Susan Waugh*)  
A1-9 as shown on Schedule "A", Map 61 to this By-law.
- b) Minimum Lot Area 30 ha
- 5.3.10 a) Defined Area (*Cliff Knip Farms Ltd. & A. Triebner*)  
A1-10 as shown on Schedule "A", Map 4 to this By-law.
- b) Minimum Lot Area 35 ha
- 5.3.11 a) Defined Area (*F. Hardy*)  
A1-11 as shown on Schedule "B", Map 3 to this By-law.
- b) Minimum Lot Area 20 ha
- 5.3.12 a) Defined Area (*J.Hardy*)  
A1-12 as shown on Schedule "A", Map No. 11 to this By-law.
- b) Minimum Lot Area 20 ha

## **7. RESIDENTIAL FIRST DENSITY (R1) ZONE**

---

### **7.1 GENERAL USE REGULATIONS**

#### 7.1.1 Permitted Uses

- home occupation
- single unit dwelling

7.1.2 Minimum Lot Area 460 m<sup>2</sup>

7.1.3 Minimum Lot Frontage 15 m

7.1.4 Maximum Lot Coverage 40%

7.1.5 Front Yard Depth 6 m

#### 7.1.6 Side Yard Width

- a) on an interior lot, the side yard width shall be 1.2 metres on both sides of a single unit dwelling;
- b) on a corner lot, the side yard width shall be 3.5 metres on the side abutting the street and 1.2 metres on the other side of a single unit dwelling.

#### 7.1.7 Rear Yard Depth

- a) single unit dwelling 7 m

#### 7.1.8 Maximum Height

- a) single unit dwelling 10 m

#### 7.1.9 Minimum Floor Area

- a) single unit dwelling 90 m<sup>2</sup>

7.1.10 Maximum Number of Dwellings Per Lot 1

#### 7.1.11 Minimum Number of Parking Spaces

- a) single unit dwelling 2
- b) home occupation 1

#### 7.1.12 Municipal Services

No dwelling shall be erected, used, or altered unless such dwelling is connected to a public water supply system and a public sanitary sewage system.

## 7.2 SPECIAL USE REGULATIONS

### 7.2.1 Accessory Buildings And Structures

Accessory buildings or structures shall not:

- a) be used for human habitation;
- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- c) be located closer than one (1) metre from a side lot line and a rear lot line;
- d) exceed a height of four (4) metres;
- e) exceed five (5) percent lot coverage.

### 7.2.2 Home Occupations

The following provisions shall apply to home occupations:

- a) a home occupation shall be restricted to entirely within the dwelling;
- b) no outside storage shall be permitted;
- c) the external character of the dwelling as a residence shall not change or a nuisance, particularly in regard to noise, odour, refuse, or parking shall not be created;
- d) the total floor area of the dwelling including the basement area used for the home occupation shall not exceed twenty-five (25) percent of the total area of the dwelling or forty (40) square metres, whichever is the lesser;
- e) no external display or advertisement other than a sign which is a maximum size of one-half (0.5) square metre shall be permitted.

## 7.3 EXCEPTIONS

### 7.3.1 a) Defined Area (Munro)

R1-1 as shown on Schedule "B", Map No. 15 to this By-law.

### b) Minimum Floor Area

one storey dwelling	150 m <sup>2</sup>
two storey dwelling	185 m <sup>2</sup>

### c) Front Yard Depth 30 m

### d) Number of Garage Bays 2

- 7.3.2 a) Defined Area (*Lucan Veterinary Clinic*)  
R1-2 as shown on Schedule “B”, Map No. 16 to this By-law.
- b) Permitted Uses  
animal clinic  
animal kennel  
one dwelling unit as an accessory use
- 7.3.3 a) Defined Area (*Loyens Subdivision*)  
R1-3 as shown on Schedule “B”, Map No. 3 and Map No. 7 to this By-law.
- b) Minimum Lot Frontage 13 m
- 7.3.4 a) Defined Area (*Francis Street, Lucan*)  
R1-4 as shown on Schedule “B”, Map No. 10 to this By-law.
- b) Front Yard Depth 4.5 m
- 7.3.5 a) Defined Area (*C. & C. Haskett*)  
R1-5 as shown on Schedule ‘B’, Map No. 9 to this By-law.
- b) Minimum Lot Frontage 7.5 m
- 7.3.6 a) Defined Area (*Jones*)  
R1-6 as shown on Schedule ‘B’, Map No. 8 to this By-law.
- b) Front Yard Depth 15 m
- c) Municipal Drain Setback  
Notwithstanding Section 4.13 of this By-law, no buildings or structures shall be erected within 17 m of the top-of- bank of a municipal drain.
- 7.3.7 a) Defined Area (*Ridge Crossing*)  
R1-7 as shown on Schedule ‘B’, Map No. 3 and Schedule “B”, Map No. 7 to this By-law.
- b) Minimum Lot Frontage 14 m



- 7.3.8 a) Defined Area  
R1-8 as shown on Schedule 'B', Map No. 11 to this By-law.
- b) Minimum Lot Frontage 14.5 m

## **9. RESIDENTIAL THIRD DENSITY (R3) ZONE**

---

### **9.1 GENERAL USE REGULATIONS**

#### 9.1.1 Permitted Uses

- apartment dwelling
- multiple-unit dwelling
- senior citizen home
- townhouse dwelling

9.1.2 Minimum Lot Area 1,500 m<sup>2</sup>

9.1.3 Minimum Lot Frontage 30 m

9.1.4 Maximum Lot Coverage 40%

9.1.5 Front Yard Depth 8 m

#### 9.1.6 Side Yard Width

- a) interior lot 3 m
- b) corner lot 8 m on the side abutting the street and 3 m on the other side

9.1.7 Rear Yard Depth 10 m

9.1.8 Maximum Height 10 m

9.1.9 Minimum Number of Parking Spaces 1.5 per dwelling unit

9.1.10 Minimum Outdoor Amenity Area 35% of the area of the lot

#### 9.1.11 Municipal Services

No dwelling shall be erected, used, or altered unless such dwelling is connected to a public water supply system and a public sanitary sewage system.

### **9.2 SPECIAL USE REGULATIONS**

#### 9.2.1 Accessory Buildings And Structures

Accessory buildings or structures shall not:

- a) be used for human habitation;
- b) be erected in the front yard or, in the case of a corner lot, in the exterior side yard;
- c) be located closer than one (1) metre from a side lot line and a rear lot line;
- d) exceed a height of four (4) metres;
- e) exceed five (5) percent lot coverage.

### 9.3 EXCEPTIONS

#### 9.3.1 a) Defined Area

R3-1 as shown on Schedule “B”, Map 8 to this By-law.

#### b) Side Yard Width

3 m on one side and 1.5 m on the other side

#### c) Maximum Number Of Dwelling Units 4

#### 9.3.2 a) Defined Area (6311 William Street)

R3-2 as shown on Schedule “B”, Map 10 to this By-law.

#### b) Permitted Uses

one dwelling unit  
personal care establishment

#### 9.3.3 a) Defined Area (Radcliffe Subdivision)

R3-3 as shown on Schedule “B”, Map 15 to this By-law.

#### b) Permitted Uses

multiple-unit dwelling  
townhouse dwelling

#### c) Minimum Lot Area 250 m<sup>2</sup>

#### d) Minimum Lot Frontage 10 m

#### e) Front Yard Depth 6 m

#### f) Side Yard Width

- |    |              |  |
|----|--------------|--|
| a) | interior lot | 0 m  |
| b) | corner lot   | 5 m on the side abutting the street<br>and 0 m on the other side |

#### g) Rear Yard Depth 7 m

#### 9.3.4 a) Defined Area (Nelson-Wolfe Developments Inc.)

R3-4 as shown on Schedule “B”, Map No. 7 to this By-law.

#### b) Permitted Uses

townhouse dwelling

9.3.5 a) Defined Area (*Lucan MacNeil Subdivision*)

R3-5-H as shown on Schedule "B", Map No. 11 to this By-law.

b) Permitted Uses

townhouse dwelling  
single unit dwelling

c) Single Unit Dwellings

The erection or alteration of single unit dwellings or the erection or alteration of buildings accessory thereto shall be permitted in accordance with the regulations of the Residential First Density (R1) Zone.

9.3.6 a) Defined Area (*Ridge Crossing*)

R3-6 as shown on Schedule 'B', Map No. 3 to this By-law.

b) Permitted Uses

townhouse dwelling

c) Front Yard Depth

6 m

d) Side Yard Width

i) On an interior lot, 1.5 m shall be required. Notwithstanding the foregoing, no side yard width shall be required between the common wall dividing individual dwelling units of a townhouse dwelling.

ii) On a corner lot, 3.5 m from the street line and 1.5 m on the other side.

e) Rear Yard Depth

7 m

9.3.7 a) Defined Area (*Ridge Crossing*)

R3-7 as shown on Schedule 'B', Map No. 3 to this By-law.

b) Permitted Uses

apartment dwelling

c) Maximum Lot Coverage

dwelling	35%
accessory buildings and structures	10%

Notwithstanding Subsection 2.74, uncovered decks and porches shall not be included in lot coverage.

- 9.3.9 a) Defined Area (2381414 Ontario Ltd.)  
R3-9 as shown on Schedule 'B', Map No. 3 to this By-law.
- b) Front Yard Depth 5 m
- c) Rear Yard Depth 9 m
- d) Maximum Height 12 m to a maximum of 3-storeys
- e) Minimum Number of Parking Spaces  
apartment dwelling 1.25 spaces per dwelling unit



## **13. FUTURE RESIDENTIAL (FR) ZONE**

---

### **13.1 GENERAL USE REGULATIONS**

#### 13.1.1 Permitted Uses

- existing single unit dwelling
- home occupation

13.1.2 Minimum Lot Area existing

13.1.3 Minimum Lot Frontage existing

13.1.4 Minimum Lot Depth existing

13.1.5 Permitted Buildings and Structures existing

#### 13.1.6 Accessory Buildings and Structures

- |    |   |   |
|----|---|---|
| a) | <u>Maximum Lot Coverage</u>               | 10% or 75 m <sup>2</sup> whichever is the lesser        |
| b) | <u>Maximum Height</u>                     | one (1) storey or 5 m in height whichever is the lesser |
| c) | <u>Maximum Height of an Exterior Wall</u> | 3 m   |

### **13.2 SPECIAL USE REGULATIONS**

#### 13.2.1 Existing Single Unit Dwellings

The alteration of existing single unit dwellings or the erection or alteration of buildings accessory thereto shall be permitted in accordance with the regulations of the Residential First Density (R1) Zone.

### **13.3 EXCEPTIONS**

#### 13.3.1 a) Defined Area (R. Pitt)

FR-1 as shown on Schedule "B", Map 11 to this By-law

#### b) Permitted Uses

market garden  
existing drive-in or take-out restaurant  
all permitted uses of the A1 zone

13.3.2 a) Defined Area (1659875 Ontario Ltd. – M. Radcliffe)

FR-2 as shown on Schedule “B”, Map 3 to this By-law

- b) Minimum Lot Area 16 ha
- c) Minimum Lot Frontage 200 m

13.3.3 a) Defined Area (Jones)

FR-3 as shown on Schedule “B”, Map 3 to this By-law

- b) Minimum Lot Area 1.15 ha
- c) Minimum Lot Frontage 33.27 m

13.3.4 a) Defined Area (Hodgins)

FR-4 as shown on Schedule “B”, Map 4 to this By-law

- b) Minimum Lot Area 7.6 ha
- c) Minimum Lot Frontage 325 m

13.3.5 a) Defined Area (Cabral)

FR-5 as shown on Schedule “B”, Map 8 to this By-law

- b) Special Provision

Notwithstanding Sections 7.1.12 and 13.2.1 of this By-law, there is no requirement for a single unit dwelling to be connected to the public sanitary sewage system.

**Dan FitzGerald**

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**To:** Cathy Burghardt-Jesson; Ron Reymer; Tina Merner  
**Cc:** Pat Ryan  
**Subject:** RE: Timber Ridge Development

**CAUTION:** This email originated from outside of the Lucan Biddulph email system. Please use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

To Mayor Cathy, Dave, Peter, Alex and Dan,

This is an open letter concerning the proposed Timber Ridge Development as well as future development in our community.

First off, I'm not opposed to the Timber Ridge Development and I'm certainly in favour of continued growth in our community. I do however feel that it's very important to consider what impact today's decisions may have fifteen to twenty years into the future. Unlike commercial property which can evolve, be reshaped and repurposed, residential developments are neighborhoods that will be part of our community for generations.

**Housing Diversity**

The proposed development plan and the subsequent application for a zoning bylaw amendment are all within the county's residential first density guidelines. But just because it conforms and is allowed, is it really the *best* for our community? The first phase of the development is currently proposing 177 single family homes, if the requested bylaw amendment is approved all will be built on 12-meter lots. Currently there are approximately 110 homes with the same frontage and lot size in the recently completed Ridge Crossing development. I get it, this type of home currently is in demand and the developer wants to put as many basements in the ground as possible. But looking at it from a community long range perspective should there not be more diversity in home and lot size in these developments?

We currently have apartments and townhouses planned and under construction. Does it not make sense to have lots available for homes with 15 to 16-meter frontage as well? With housing diversity, potential as well as current residents would be able to find a home or apartment that suits their needs within our community without looking elsewhere. I feel this diversity should in some way be steered and controlled by council and not be dictated by developers and/or market trends.

**Green Space**

At the recent virtual open house, I asked Jason Johnson from Dillon Consulting about the absence of green space in the proposed plan. Jason stated that none was planned but possibly could be incorporated in future development. He mentioned a walkway around a retention pond similar to Ridge Crossing. To me, it's a stretch to call a retention pond with a path useable green space. A neighborhood green space should be a place where kids can kick a ball, families and friends can gather, events held etc. A perfect example of this is the small park on Spencer Ave. If both phases of Timber Ridge are completed as proposed,

there would be approximately 253 households. That means at least, 600-800 residents—more than enough to merit a small park. Green space is not wasted space. It adds to a feeling of community and is a place to enjoy for generations to come.

As a long-time resident, I take great pride in our community and I want to see it grow and prosper. Please reach out if you have any comments or would like to discuss further.

Take care, stay safe.

Pat Ryan

**Dan Fitzgerald**

---

**To:** Tina Merner; Jeff Little; Ron Reymer  
**Subject:** RE: Timber Ridge Public Open House

Hi Tina,

The session wasn't recorded but please find below the notes taken from the meeting.

Please find below a list of attendees and discussion topics:

**Attendees**

- Pat Ryan (Resident)
- Gord and Joanny Hardy (Resident)
- Vito and Mike Frijia (Developer - Southside Group)
- Karen Hardy (Resident)
- Dan Fitzgerald (Middlesex County)
- Jason Johnson (Dillon)
- Melanie Muir (Dillon)
- Brendan Petersen (Dillon)

**Discussion Topics**

- Dillon Consulting provided a high-level overview of the proposed development:
  - 177 single detached dwellings & a medium-density townhouse block consisting of 78 units
  - There are two proposed SWM ponds, the first will be a shared pond with the Southside group on a piece of land, south of the development that the Township owns. The second pond will be an interim pond located on lots 1-10, with the full build-out of this pond occurring once the urban growth boundary is expanded and the developer moves forward with developing the remaining property.
- Pat Ryan requested that a wood fence be placed along the rear of lots 114-130. Dillon advised that this is a detailed design component and that the intent is for a fence to be constructed in this area.
- Pat Ryan noted he would like to see green space incorporated into the proposed development. Dillon noted that in the full build-out scenario a parkette is proposed for use by this and future phases of the development.
- Dillon noted that they expect a Transportation Impact Study to be a draft plan condition. This study would note potential upgrades required along Saintsbury Line to accommodate the additional traffic resulting from the proposed development.
- Dillon noted that there is limited capacity at the sewage treatment plant and that the Township is currently undertaking a review of their services including the sewage treatment plant.
- Frank Hardy noted that he has access to his property until January 2024. As a result, the earliest the developer could begin construction in this area is after this time.
  - - Vito Frijia requested that there be a meeting between the developers of this land and the Southside group to discuss the two developments and the shared SWM Pond.

The public meeting is currently scheduled for December 15, 2020, @ 6 pm.



Thanks,

Jason



**Jason Johnson**  
*Partner*  
**Dillon Consulting Limited**  
130 Dufferin Avenue Suite 1400  
London, Ontario, N6A 5R2  
T - 519.438.1288 ext. 1222  
F - 519.672.8209  
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[JJohnson@dillon.ca](mailto:JJohnson@dillon.ca)  
[www.dillon.ca](http://www.dillon.ca)

*Please consider the environment before printing this email*

# The Corporation of the Township of Lucan Biddulph Council Minutes

**Present:** Mayor C. Burghardt-Jesson, Deputy Mayor D. Manders, Councillor D. Regan, Councillor P. Mastorakos and A. Westman

**Also Present:** R. Reymer-CAO/Clerk, T. Merner-Deputy Clerk, L. deBoer-Economic Development Coordinator, J. Little-Public Works Manager, K. Langendyk-Treasurer, P. Smith-Parks & Recreation Manager, D. Fitzgerald-County Planner

**Call To Order**

Mayor C. Burghardt-Jesson called the meeting to order at 6:00 pm. The meeting took place electronically.

**Declaration of Pecuniary Interest & Nature Thereof**

a. <u>Member</u>	<u>Item #</u>
Deputy Mayor D. Manders	11 (c)

Nature of Conflict

Family member is an employee and position is on the salary grid

**Announcements**

Mayor C. Burghardt-Jesson opened the meeting with the following:

It's December 1st and the holiday season is upon us. As we prepare to celebrate holidays and traditions that are important to our families, I want to encourage you to support local wherever possible. Our retailers, service providers and restaurants have become creative and have done all they can to stay afloat during the last eight (8) months.

Did you know for every \$100 you spend at a local business, \$60 remains local? It is incredibly simple to #keepitlocal. Buy your turkey at Foodland, but the widget at Home Hardware, but the chair from Lucan Architectural, but the decor item from Emily Michelle, by the gift certificate from any one of our aestheticians or hair stylists. Finish it off with a gift certificate from one of our restaurants.

It's pretty easy, very friendly and the payback to Lucan Biddulph will be huge! So #keepitlocal. Lisa has worked with a number of our retailers to organize a Shop Local Festive Saturday event. This Saturday is the perfect day to knock some items off your list by supporting and shopping local!

**1/ In-Camera Session**

*Moved by D. Regan*

*Seconded by A. Westman*

*Resolved that Council adjourn its regular council meeting in order to conduct a closed session pursuant to Section 239 (2)(c) of the Municipal Act in regards to a proposed or pending acquisition of land, with R. Reymer, T. Merner, P. Smith, J. Little, D. Fitzgerald and L. deBoer remaining.*

CARRIED

**2/ Rise from In-Camera Session**

*Moved by D. Manders*

*Seconded by A. Westman*

*Resolved that the Council does now rise out of closed session and Council reconvene its regular meeting at 6:41 p.m.*

CARRIED

Staff was given direction regarding a property matter.

**Delegations**

- a) **Mari Veliz, Healthy Watershed Manager - Ausable Bayfield Conservation Authority (ABCA)**

Mari Veliz attended to present information of Monitory for Healthy Watersheds. She noted this imitative began in 2000 and it's a great service to address environmental

issues and combine community groups to help protect our water, soil and living things in the water shed area. Discussion took place regarding programs and education available such as the Species at Risk program. Ms. Veliz noted they have a great working relationship with Wilberforce Public School and many options for education and programs are available on the ABCA website.

Mayor C. Burghardt-Jesson thanked Ms. Veliz for the presentation at which time she exited the meeting.

**b) Francis Veilleux, Bluewater Recycling Association**

Francis Veilleux from Bluewater Recycling Association attended to give an update on the proposed regulations under the Resource Recovery and Circular Economy Act, 2016 which includes making producers responsible for blue box programs. He noted the new model means transitioning costs of the blue box program away from municipal taxpayers and making producers of products and packaging fully responsible for the waste they create. Mr. Veilleux further noted the transition period starts in 2023 with a changeover effect of April 1, 2024 when Producers will be expected to take over the existing collection system. Mr. Veilleux advised BRA hopes to be able to continue to provide this service but that is unknown at this time and producers have until July 1, 2021 to advise the government how they intend to service the collection system.

Discussion took place regarding a similar program in the province of BC, education and awareness for promotion for the collection system, potential risks for municipalities and requirements for producers.

Mayor C. Burghardt-Jesson thanked Mr. Veilleux for the presentation at which time he exited the meeting.

**Public Meeting Under Planning Act, R.S.O. 1990, c.P.13**

**3/ Committee of Adjustment**

*Moved by A. Westman*

*Seconded by D. Regan*

*Resolved that the Council of the Township of Lucan Biddulph adjourn its regular meeting at 7:41 pm in order sit as a Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, as amended.*

CARRIED

**a) B-13-2020 – 315 Main Street (c/o Westdell Development Corporation)**

D. Fitzgerald, County Planner reviewed report no. PL-22-2020. He noted the purpose of the Consent application is to sever a portion of land currently located within the village settlement area to accommodate the establishment of a commercial use. He further noted the purpose of the concurrent zoning bylaw application is to change lands from the A1 zone to a 'site specific' Highway Commercial exception (C2-11) zone and the remnant farm lands to a 'site specific' A1-# zone. D. Fitzgerald advised the public meeting for this application was previously held on October 20, 2020.

Mayor C. Burghardt-Jesson advised the Committee members that the applicant for the agent, Laverne Kirkness and Dave Traher of Westdell Development Corporation is in attendance to answer any questions they may have.

Discussion from the Committee followed regarding potential impact on the downtown core businesses and D. Fitzgerald advised discussion took place with developer regarding this concern. He advised that in this particular development minimum square footage is being implemented to tailor towards larger footprint developments which helps meet the intent of the highway commercial zone. Discussion also took place regarding conditions of the MTO, and who is responsible for the cost of turning lanes if required and future urbanization development such as sidewalks and street lights leading out to this development.

**4/ B-13-2020 (315 Main Street c/o Westdell Development Corporation)**

*Moved by D. Manders*

*Seconded by D. Regan*

*THAT Applications for Consent B-13/2020, filed by SBM Engineering and Planning c/o Laverne Kirkness on behalf of Paul and Sue Manders c/o Westdell Development Corporation, to sever a portion of lands currently located within the Village of Lucan Settlement Area from a larger portion of lands currently located outside of the Village of Lucan Settlement Area, with a frontage of approximately 220.2 metres (721.7 feet) on Main Street and an area of approximately 3.76 hectares ( 9.29 acres), and the remnant parcel having a frontage of*

approximately 251.68 metres (825.5 feet) on Richmond Street and an area of approximately 18.07 hectares (44.6 acres), from a property legally described as Part of Lots 3 and 4, Biddulph CON SLR, Part 1 of Reference Plan 33R20363, in the Township of Lucan Biddulph, County of Middlesex; **BE GRANTED** subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the Planning Act be issued within one year of the date of the notice of decision.
2. That the lands to be conveyed be rezoned to a site specific Highway Commercial Exception (C2-11-H-2) – Holding Zone, and the remnant parcel be rezoned to a site specific General Agricultural Exception (A1-13) Zone to recognize the reduced lot area requirement.
3. That the applicant pay any outstanding property taxes for the subject lands.
4. That the applicant pay \$1,000 cash-in-lieu of parkland dedication to the Township, being \$1,000 per lot to be severed.
5. That the applicant initiate and assume, if required, all engineering costs associated with the preparation of revised assessment schedule(s) for any municipal drain having jurisdiction in accordance with the Drainage Act, as amended, such costs to be paid in full to the appropriate engineering firm prior to submitting a registered copy of the transfer.
6. That the applicant's solicitor submits an Acknowledgment and Direction duly signed by the applicant.
7. That the applicant's solicitor submits an undertaking, in a form satisfactory to the Secretary-Treasurer, to register an electronic transfer of title consistent with the Acknowledgment and Direction and the decision of the Committee of Adjustment.
8. That appropriate zoning be in place and the by-law amendment come into full force and effect.
9. That the Owner obtains a Ministry of Transportation entrance permit to define the current agricultural use of the remnant lands.
10. That the Owner be required to establish and register an easement over the lands to be severed in favour of the Ministry of Transportation, in order that such easement eventually be redefined as a municipal road to serve any future development of the lands to be severed.

**Reasons:**

- Consistency with the Provincial Policy Statement would be maintained;
- Conformity with the County of Middlesex Official Plan and the Township of Lucan Biddulph Official Plan would be maintained;
- The requirements of the Township of Lucan Biddulph Zoning By-law are capable of being satisfied through an amendment thereto.

CARRIED

**5/ Public Meeting**

Moved by A. Westman

Seconded by D. Regan

Resolved that the Committee does now rise out and move into a Public Meeting at 7:57 pm under Section 34 of the Planning Act, R.S.O. 1990, as amended, to consider the following Zoning By-law Application.

CARRIED

**b) ZBA-10-2020 – 315 Main Street (c/o Westdell Development Corporation)**

Review and comments regarding the Zoning Bylaw Application took place during the report presented to the Committee of Adjustments, as noted above.

**6/ Adjourn Public Meeting**

Moved by A. Westman

Seconded by D. Regan

Resolved that the Council of the Township of Lucan Biddulph adjourn the public meeting at 7:58 p.m. and reconvene its regular meeting to continue with its deliberations.

CARRIED

**7/ ZBA-10-2020 315 Main Street (c/o Westdell Development Corporation)**

Moved by D. Manders

Seconded by D. Regan

THAT Application for Zoning By-law Amendment ZBA 10/2020, filed by SBM Engineering and Planning c/o Laverne Kirkness on behalf of Paul and Sue Manders C/O Westdell Development Corporation, for the lands legally described as Lots 3 and 4, Biddulph CON SLR, Part 1 of Reference Plan 33R20363, in the Township of Lucan Biddulph, County of Middlesex, be

*approved and that the implementing By-law be forwarded to Township Council for consideration.*

**CARRIED**

Mayor C. Burghardt-Jesson thanked the applicant for their investment in our Community at which time Mr. Kirkness and Mr. Traher exited the meeting.

### **Adoption of Minutes**

#### **8/ Minutes**

*Moved by D. Regan*

*Seconded by A. Westman*

*That the regular council minutes of November 17, 2020 and special meeting minutes of November 4, 2020 be approved as circulated.*

**CARRIED**

### **Business Arising**

All items were noted as ongoing.

### **Correspondence**

R. Reymer commented on the proposed changes to the Conservation Act and what this means for municipalities. D. Fitzgerald advised it is unknown what the regulations are at this time however the Ministry has advised the intentions are to streamline the land use planning process, give municipalities more control and alter the composition of the boards by limiting them to Council members and one agricultural member. He further noted it was discussed at County Council however no motion was made as Conservation Authorities typically deal with the lower-tier municipalities. R. Reymer noted some municipalities have begun to pass resolutions against the proposed regulation. Discussion took place regarding why the proposed changes and what it actually solves in the end. Staff was directed to draft a motion against the proposed regulations consistent with our neighbouring municipalities.

### **9/ Receive Communication Reports**

*Moved by P. Mastorakos*

*Seconded by A. Westman*

*That Items 9. 1) through 9. 18) (Correspondence) be received for information.*

**CARRIED**

### **Committee Reports**

*ABCA and UTRCA*

Councillor A. Westman advised draft budgets from both Conservation Authorities have been distributed and noted there is some impact to Lucan Biddulph's levy based on our assessment. Mayor C. Burghardt-Jesson added it is important to note that we are assessed for the entire municipality on both Conservation Authority levies which is why our increases look larger.

### **Staff Reports**

*CAO/Clerk*

R. Reymer noted staff training with Cindy McNair is taking place tomorrow regarding the Employee Code of Conduct and Respect in the Workplace policies and Council training will take place January 5, 2020. He further noted two new AED units have been ordered for placement at the library and municipal office locations.

### **Finance**

K. Langendyk reviewed report no. FIN-15-2020 regarding the 2021 Remuneration. She noted the same inflation rate would be applied to all positions and the recommended increase of 1% is comparable to other lower-tier municipalities across the County. She further noted the confidential salary grid will be brought forward at the December 15<sup>th</sup> Council Meeting.

### **Public Works**

J. Little advised that the green bin program has been completed and there was a further increase of approximately 35% usage this year with the total cost coming in at \$13,246.00. He added this is definitely a service that is appreciated and well used by residents. Discussion took place regarding usage increase, monitoring the site and if neighbouring municipalities are offering year long service of green waste collection.

J. Little noted the Saintsbury Line reconstruction currently underway by the MTO is close to wrapping up with paving scheduled to take place later this week.

J. Little noted a meeting took place with BM Ross Engineers regarding the Master Servicing Study and the final report has been delayed slightly with an estimated date of February, 2020.



He further noted that BM Ross has advised that with the current planning developments on the horizon, the Lucan sanitary system is basically reaching capacity and they are recommending we move forward with expansion of the Lucan waste water treatment plant.

*Parks & Recreation*

P. Smith advised the parent & tot as well as senior public skating programs are going well and more time slots have been added to accommodate the high interest of residents.

*Economic Development*

L. deBoer advised the Mayor’s Honour Roll nominations are now open. She further noted a special event is planned for Friday, December 4<sup>th</sup> at 5:30 p.m. which will be streamed live, the Santa Claus parade event takes place Saturday between 2 and 5pm in Lucan and 5pm in Granton and the Festive Holiday Shopping event for local businesses also takes place this Saturday.

**Councillor’s Comments**

Councillor P. Mastorakos noted he received comments from a resident regarding Lucan Biddulph being the least treed municipality in the County of Middlesex and a request to consider adding the requirement of tree planting by developers as new subdivisions are added in our community.

**Motions**

10/ Employee Christmas Gift Certificate

Moved by A. Westman

Seconded by D. Regan

*That the Council of the Township of Lucan Biddulph authorize and direct the Clerk to purchase \$75 Gift Certificates from local businesses to give to the Township’s employees for Christmas.*

CARRIED

11/ 2021 Remuneration Policy

Moved by A. Westman

Seconded by D. Regan

*That the Council of the Township of Lucan Biddulph adopt the following Human Resources policy:*

*Policy No. 101-19-2021 (Salary Grid Policy)*

CARRIED

12/ Confirming

Moved by D. Regan

Seconded by P. Mastorakos

*Resolved that if no one cares to speak to these By-laws on their First, Second and Third Reading, that they be considered to have been read a First time and Passed, read a Second time and Passed, read a Third time and Passed, that they be numbered:*

- *57-2020 Confirming By-law*
- *209-2020 ZBA (315 Main St - Westdell Development Corporation)*

CARRIED

13/ Adjournment

Moved by D. Regan

Seconded by D. Manders

*Resolved that the Council meeting be adjourned at 8:47 p.m.*

CARRIED

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MAYOR

CLERK

**Business Arising – Minutes of December 1, 2020**

<b>Discussion Item</b>	<b>Minutes Action</b>	<b>Follow-up</b>	<b>Date to be Completed/or Update on Status</b>
Proposed changes to the Conservation Authorities Act	Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act	Staff to prepare a resolution in opposition to the proposed changes	December 2020

**Previous Meetings**

<b>Discussion Item</b>	<b>Minutes Action</b>	<b>Follow-up</b>	<b>Date to be Completed/or Update on Status</b>
Lucan OPP station	OPP Inspector Dean Croker to provide point of contact info. with respect to longevity of Lucan OPP station	continue to lobby concern re longevity of Lucan OPP station	ongoing
Governance Training for Council	Staff to obtain quotes for a consultant to provide governance training and review roles and accountability of Councillors	Costs to be discussed during budget	Budget Discussion
Affordable Housing	Investigate available options for providing affordable housing in Lucan	Staff to provide information and options for consideration	ongoing
Feasibility Report – Phase 2 Community Centre Project	Campaign Coaches provided report regarding feasibility study conducted	Staff to provide report with recommendation	ongoing
Future Development Lands	Proceed with comprehensive review	Staff to provide updates	ongoing
Roads Analysis	Cost benefit analysis	Staff complete a cost benefit analysis report for council	ongoing

## North Huron's Paul Heffer joins local source protection committee as municipal representative

The Ausable Bayfield Maitland Valley Source Protection Committee (SPC) has welcomed its newest municipal member. As the new Central Grouping municipal representative, Paul Heffer (in photo, above right) represents the Township of North Huron; the Municipality of Huron East; and the Municipality of Morris-Turnberry, filling the position formerly held by long-time member David Blaney from Huron East.



Paul Heffer and his wife Gail have lived in Wingham for 40 years where they have raised three daughters.

“We have enjoyed having safe, potable drinking water which makes sitting on this committee very meaningful,” he said.

Paul Heffer is a Wingham resident and Township of North Huron councillor.

“Working in the agriculture sector for more than 40 years, I got to realize how important water is to every farmer,” he said.

The SPC creates local source protection plans that are approved by the Province of Ontario. The planning policies manage risk from 22 potential threats to drinking water such as fuel, chemicals, salt, waste oil, nutrients, pesticides and other activities near municipal wells. These policies protect our residential drinking water sources as one of several barriers of defence that keep our water safe and clean.

Matt Pearson, SPC Chair, welcomed the new municipal representative who attended his first video conferencing meeting on November 25. With David Blaney (in photo at bottom right) able to attend remotely from his new home in Pembroke, Chair Pearson thanked David, once again, for his years of service to the committee and wished him well in his future endeavours.



There are 12 members of the source protection committee. The 2020 committee includes Chair Matt Pearson and the following members: Municipal – Allan Rothwell (East); Paul Heffer (Central); Myles Murdock (North); Dave Frayne (South West); Economic – Rowland Howe (Industry); Philip Keightley (Commerce); Bert Dykstra (Agriculture); Mary Ellen Foran (Agriculture); Other – John Graham (Environment); Jennette Walker (Environment); Ian Brebner (Property Owner); and Alyssa Keller (Public-at-Large).

Committee members are working on a new series of videos to help people understand more about their drinking water. In the first video, Alyssa Keller, water operator at the Seaforth water treatment plant, takes you on a virtual tour. You may watch the Seaforth Open Well video now at this link:

- [Virtual Tour of Seaforth Water Treatment Facility](#)

. To find out more visit the source protection region website at link below:

- [Ausable Bayfield Maitland Valley Source Protection Region](#)

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## Salt management tips on Winter Wednesdays

Watch, on social media channels, on Wednesdays, for tips about how to manage salt application well in order to reduce impacts on drinking water sources.



Here is the most recent **#WinterWednesdays** tip:

Removing obstructions such as leaves and trash can encourage better drainage to avoid storm drains from freezing. Because some storm drains lead to rivers and lakes, never apply salt directly on frozen storm drains.

For more winter salt tips visit Smart About Salt:

- [Smart About Salt](#)

**#DrinkingWaterSources #WinterWednesdays**

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# MINUTES

## BOARD OF DIRECTORS MEETING

Thursday, November 19, 2020

Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

### DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, George Irvin, Dave Jewitt, Mike Tam, Marissa Vaughan, Alex Westman

### DIRECTORS ABSENT

Bob Harvey

### STAFF PRESENT

Geoff Cade, Tim Cumming, Abbie Gutteridge, Brian Horner, Ian Jean, Daniel King, Tracey McPherson, Kate Monk, Sharon Pavkeje, Meghan Tydd-Hrynyk, Mari Veliz, Ross Wilson

### OTHERS PRESENT

Adam Skillen, Skillen Investment Management

### CALL TO ORDER

Chair Doug Cook called the virtual meeting to order at 10:02 a.m. and welcomed everyone in attendance. He thanked staff for organizing the meeting and stated the procedures for voting and asking questions would be by show of hand.

### ADOPTION OF AGENDA

#### **MOTION #BD 90/20**

**Moved Alex Westman  
Seconded by George Irvin**

**“RESOLVED, THAT the agenda for the November 19, 2020 Board of Directors Meeting be approved,”**

**Carried.**

### DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

### DISCLOSURE OF INTENTION TO RECORD

Chair Cook stated that the meeting was being recorded for the public to view, and a link would be posted on the ABCA website.

ADOPTION OF MINUTES**MOTION #BD 91/20****Moved by George Irvin  
Seconded by Adrian Cornelissen**

**“RESOLVED, THAT the minutes of the Board of Directors virtual meeting held on October 15, 2020 and the motions therein be approved as circulated.”**

**Carried.**

BUSINESS OUT OF THE MINUTES

Proposed General Levy, Project Levy and Budget

General Manager, Brian Horner, reviewed the project and general levy totals and advised approval is by weighted vote.

2021 Proposed General Levy Vote

**MOTION #BD 92/20****Moved by Dave Jewitt  
Seconded by Ray Chartrand**

**“RESOLVED, THAT the 2021 General Levy be approved at \$1,109,679.”**

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Adelaide Metcalfe			✓
Bluewater	✓		
Central Huron	✓		
Huron East	✓		
Lambton Shores	✓		
Lucan Biddulph	✓		
Middlesex Centre			✓
North Middlesex	✓		
Perth South	✓		
South Huron	✓		
Warwick	✓		
West Perth	✓		

**The result was Yea 100% based on the current value assessment apportionment schedule.”**

**Carried.**

2021 Proposed Project Levy Vote

**MOTION #BD 93/20****Moved by Mike Tam**

**Seconded by Alex Westman**

**“RESOLVED, THAT the 2021 Project Levy be approved at \$226,691.”**

	<u>Yea</u>	<u>Nay</u>	<u>Absent</u>
Adelaide Metcalfe			✓
Bluewater	✓		
Central Huron	✓		
Huron East	✓		
Lambton Shores	✓		
Lucan Biddulph	✓		
Middlesex Centre			✓
North Middlesex	✓		
Perth South	✓		
South Huron	✓		
Warwick	✓		
West Perth	✓		

**The result was Yea 100% based on the current value assessment apportionment schedule.”**

**Carried.**

2021 Proposed Budget

**MOTION #BD 94/20**

**Moved by Ray Chartrand  
Seconded by George Irvin**

**“RESOLVED, THAT the proposed 2021 overall budget be approved.”**

**Carried.**

Update on Armstrong West Erosion Control Structure

Ross Wilson, Water & Soils Resource Coordinator provided an update on undertaking the repairs to the Armstrong West Erosion Control project along the shore of ‘Chicken Island’ in Lambton Shores. An investigation is required to assess if repair work is needed. At the September 17 Board of Directors meeting, staff were advised to obtain proposals from qualified engineering consultants. Staff received two proposals from qualified consultants: Ecosystem Recovery Inc. quoted at \$9,382 and Golder quoted at \$14, 800.

**MOTION #BD 95/20**

**Moved by Dave Jewitt  
Seconded by Alex Westman**

**“RESOLVED, THAT the Ausable Bayfield Conservation Authority accept the proposal from Ecosystem Recovery Inc. for \$9,382, and**

**FURTHER, THAT funds from the Armstrong West Erosion Control reserve for the structure be allocated to this work.”**

**Carried.**

**PRESENTATION**

Adam Skillen, Skillen Investment Management, presented an update on the investment portfolio, which has recovered and performed well since the spring downturn of the markets due to the COVID-19 pandemic. Canadian equity has performed very well and as such, the portfolio has become slightly skewed from the target of 65% bonds and 35% equity. Adam recommended rebalancing the portfolio to the target percentages.

**MOTION #BD 96/20**

**Moved by George Irvin  
Seconded by Ray Chartrand**

**“RESOLVED, THAT Skillen Investment Management rebalance the investment portfolio to the targets of 65% bonds and 35% equity.”**

**Carried.**

**PROGRAM REPORTS**

**1. (a) Development Review**

Meghan Tydd-Hrynyk, Planning & Regulations Officer, presented the Development Review report pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for 29 *Applications for Permission* and 12 *Minor Works Applications*.

**(b) Violations/Appeals Update**

Daniel King, Regulations Coordinator provided an update on some violation files. He advised the court date has been deferred until January 2021 for the charges at Beach o’ Pines in Municipality of Lambton Shores, due to backlogs in the court system. Staff are also working on an enforcement issue. At present they are looking at options available, including legal options, which they are investigating with the help of legal counsel.

**MOTION #BD 97/20**

**Moved by George Irvin  
Seconded by Ray Chartrand**

**“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report #1 – Development Review.”**

**Carried.**

## 2. Shoreline Protection Policy - Dynamic Beach Areas

Geoff Cade, Water & Planning Manager, brought forward some proposed updates to 2018 Shoreline Management Plan under *Development Guidelines – Shore Protection*. This policy applies only to new shoreline protection in dynamic beach areas south of the Lake Huron Water Supply System intake at Port Blake. Under this policy, new shoreline protection structures in dynamic beach areas are permitted subject to the following:

- Permitted to protect primary building
- Must be landward of the location of the 100 year lake level plus 15m wave uprush allowance
- Protection works for non-essential structures and features, including but not limited to accessory structures (e.g., gazebos, sheds, bunkies, decks stairs, etc.), lawns and /or other landscaping features are not permitted.
- Application shall include mandatory review by qualified Coastal Engineer, which shows that the proposed works will not aggravate natural hazards.

Due to high lake levels and moving sand, staff felt it reasonable to review the shore protection policy for dynamic beach areas. After consultation with ABCA's solicitor and Baird & Associates, staff are proposing to remove the requirement that protection is only permitted where a primary structure is in danger, but add further conditions to ensure the work will have limited impact in sensitive dynamic beach areas. Additionally, accessory structures in the wave uprush zone would need to be relocated landward. Additional setback criteria is also recommended for replacement of existing protection structures.

Several Directors expressed concerns with the proposed changes to the policy. Some thought the changes seemed more restrictive for applicants. There was also concern expressed that this would create more costs for applicants, considering the requirement of a peer review by a qualified coastal engineer. The Board also discussed concerns regarding changes to policy without public input.

**MOTION #BD 98/20**

**Moved by George Irvin  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the recommended changes to the *Development Guidelines – Shore Protection* policy in the 2018 Shoreline Management Plan be deferred, and**

**“FURTHER, THAT staff is directed to bring a report to the Board of Directors in the December meeting that provides additional options.”**

**Carried.**

## 3. Stewardship Funding Projects Review

Ian Jean, Forestry & Land Stewardship Specialist presented 4 fragile land retirement project applications eligible for funding assistance through the Canada Nature Fund, Forests Ontario and the Great Lakes Local Action Fund (application has been submitted, pending approval). Several more wetland projects and cover crop funding projects will be presented at the next Board of Directors meeting.

## 4. Port Frank's Gauge Repair Update

Ross Wilson reported that the altered shoreline, due to sustained high lake levels, has impacted the Port Franks hydrometric station. This site is critical for monitoring Lake Huron water levels, as well



as ice jam monitoring in Port Franks. A temporary repair was made on November 2, 2020 with rock riprap placed along the shoreline to protect and stabilize the structure. ABCA staff will continue to investigate more permanent solutions and report findings to the Board.

**MOTION #BD 99/20**

**Moved by Alex Westman**

**Seconded by Ray Chartrand**

**“RESOLVED, THAT the Stewardship Funding Projects Review and the update on the Port Frank’s Gauge Repair be received as presented.”**

**Carried.**

**5. Arkona Lion’s Museum and Information Centre Agreement**

Kate Monk, Stewardship, Lands & Education Manager, advised the Board that 10-year agreement between the ABCA, the Arkona Lion’s Club, and the Ausable Bayfield Conservation Foundation regarding the Arkona Lion’s Museum and Information Centre expires at the end of 2020. This agreement delineates the responsibilities each organization has regarding the management and maintenance of the museum. The Lion’s Club and the Foundation have already agreed to renew the agreement for another 10-year term.

**MOTION #BD 100/20**

**Moved by Dave Jewitt**

**Seconded by Alex Westman**

**“RESOLVED, THAT the agreement between the Ausable Bayfield Conservation Authority, Ausable Bayfield Conservation Foundation and Arkona Lion’s Club be renewed for a ten-year period of January 1, 2021 – December 31, 2030.”**

**Carried.**

**GENERAL MANAGER’S REPORT**

Brian Horner provided a written report with a brief update on the progress of various projects, staff training and development, upcoming meetings or events and general activities over the previous month. Included with this report was an update on the proposed changes to the *Conservation Authorities Act* and the *Planning Act*, as noted in Schedule 6 of Budget Bill 229. He made note of two emails from Conservation Ontario, which provided background on the Bill, the major concerns and a potential resolution prepared by Conservation Ontario to encourage member Municipalities for support. As such, he brought forward three recommendations: to support the position and recommendations of Conservation Ontario as described in the Proposed Resolution for Municipalities, to share the information with member municipalities and encourage their support, and that the Chair forward a letter to the Province reiterating concerns expressed by Conservation Ontario.

**MOTION #BD 101/20**

**Moved by Dave Jewitt**

**“RESOLVED, THAT the ABCA Board of Directors support the position and recommendations of Conservation Ontario as described in the Proposed Resolution for Municipalities.”**

**No Secunder.**

**MOTION #BD 102/20**

**Moved by George Irvin  
Seconded by Alex Westman**

**“RESOLVED, THAT the ABCA Board of Directors direct staff to share this information and the draft municipal resolution with member municipalities, encouraging their support and action.”**

**Carried.**

**MOTION #BD 103/20**

**Moved by Dave Jewitt**

**“RESOLVED, THAT the Chair forward a letter to the Minister of Finance, Minister of Natural Resources and Forestry, Minister of the Environment, Conservation and Parks, Minister of Municipal Affairs and Housing, and the Premier of Ontario as well as local MPPs, reiterating concerns expressed by Conservation Ontario.”**

**No Seconder.**

**COMMITTEE REPORTS**

**MOTION #BD 104/20**

**Moved by Doug Cook  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the minutes of the Source Protection Committee meeting held on September 30, 2020 and the motions therein be approved as circulated.”**

**Carried.**

**MOTION #BD 105/20**

**Moved by Ray Chartrand  
Seconded by George Irvin**

**“RESOLVED, THAT the minutes of the Arkona Lions Museum and Information Centre Committee meeting held on November 2, 2020 and the motions therein be approved as circulated.”**

**Carried.**

**MOTION #BD 106/20**

**Moved by Marissa Vaughan  
Seconded by Dave Jewitt**

**“RESOLVED, THAT the minutes of the Friends of the South Huron Trail Committee meeting held on November 2, 2020 and the motions therein be approved as circulated.”**

**Carried.**

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CORRESPONDENCE

- a) Reference: Thank you  
File: A.5.1  
Brief: A note of thanks from Judith Parker to the Ausable Bayfield Conservation Authority, Ausable Bayfield Conservation Foundation and Huron Tract Land Trust Conservancy Boards for the best wishes on her retirement on September 25, 2020.
- b) Reference: Donation  
File: C.17.1.1  
Brief: Correspondence from Hay Mutual Insurance in Zurich ON noting that they received funding to share with local organizations, not for profits and charities. They chose to donate \$2000 to the Ausable Bayfield Conservation Education Programs, with a note of thanks for the work that Ausable Bayfield Conservation Authority does in the community.

NEW BUSINESS

Dave Jewitt noted that an information session would be helpful with respect to the Shoreline Management Plan and associated policies. This would be a good refresher for shoreline Directors. Staff agreed that it would be a good idea and would set up a session.

Alex Westman informed the Board that some surplus land outside of Lucan was being considered for a new commemorative woods site, as there is no location in that area of the watershed. He will continue to keep the ABCA Board informed of progress.

Geoff Cade, Water & Planning Manager, informed the Board know that there is a new intake for the National Disaster Mitigation Program. Through this fund, there is \$20,000,000 available for various projects. There are several potential uses ABCA would have for this funding including the Port Franks Gauge Repair, floodplain mapping, and new gauges. As such, the ABCA would be submitting an application.

Ray Chartrand thanked Mari Veliz, Healthy Watersheds Manager, for her presentation to the Huron East Municipal Council about the projects and reporting that have been completed in 2020. Mari has made similar presentations to Municipal Councils, and will continue to do so over the coming months.

COMMITTEE OF THE WHOLE

None.

ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

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Doug Cook  
Chair

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Abigail Gutteridge  
Corporate Services Coordinator

*Copies of program reports are available upon request.  
Contact Abigail Gutteridge, Corporate Services Coordinator*



## BOARD OF DIRECTORS

Thursday, December 17, 2020

Ausable Bayfield Conservation Authority Administration Centre  
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

**10:00 a.m.**

### AGENDA

1. Chair's Welcome and Call to Order
2. Adoption of Agenda
3. Disclosure of Pecuniary Interest
4. Disclosure of intention to record this meeting by video and/or audio device
5. Adoption of Minutes from November 19, 2020

**10:10 a.m. DELEGATION:** Mr. Jacob Damstra – Shoreline Protection in a Dynamic Beach

6. Business Out of the Minutes
  - Dynamic Beach Shoreline Policy – Geoff Cade
7. **Program Reports**
  - Report 1: (a) Development Review (O Reg147/06) - Meghan Tydd-Hrynyk/Daniel King  
(b) Violations/Appeals Update – Geoff Cade/Daniel King
  - Report 2: National Disaster Mitigation Program Applications – Geoff Cade/Davin Heinbuck/Tommy Kokas
  - Report 3: Stewardship Funding Project Review – Angela Van Niekerk/Nathan Schoelier/Ian Jean
  - Report 4: ABCA Conservation Pass Program – Kate Monk/Nathan Schoelier
  - Report 5: Summary of ABCA Forest Management in 2020 – Ian Jean
  - Report 6: Lake Huron Resuspension Events – Mari Veliz
  - Report 7: Education Update – Nina Sampson/Denise Iszczuk
8. **Presentation:** *Conservation Education Year in Review* – Nina Sampson
9. **General Manager's Report**
10. **Committee Reports**
  - Source Protection Committee – Mary Lynn MacDonald
11. Correspondence
12. New Business
13. Committee of the Whole – legal matter
14. Adjournment

#### Upcoming Meetings and Events

December 24 (noon) – Jan 4 – Office Closed

February 18 – Board of Directors Annual Meeting at 10:00 a.m.



# General Manager's Report

## December 17, 2020

Prepared for the Board of Directors  
by Brian Horner

### Introduction

I am pleased to provide the Board of Directors with a brief update on ABCA projects, programs, new partnerships, funding opportunities and activities over the past couple of months. This report also includes information about Conservation Ontario and some of its activities on behalf of Ontario's 36 conservation authorities. If you have any questions please call me. *Note:* This is not an inclusive list, only some highlights.

### Conservation Ontario

Conservation Ontario is the network of 36 Conservation Authorities, local watershed management agencies that deliver services and programs that protect and manage water and other natural resources in partnership with the government, landowners and other organizations. Conservation Authorities promote an integrated watershed approach balancing human, environmental and economic need. Conservation Authorities are organized on a watershed basis.

On November 6<sup>th</sup> the Province introduced proposed changes to the *Conservation Authorities Act* (CA Act) as part of the 2020 Ontario Budget. The CA Act has been under review by the Province since April 2019. Earlier this year the Minister of Environment, Parks and Conservation (MECP) hosted a series of consultation meetings across the province with invited representatives primarily from municipalities, conservation authorities and agriculture, landowners and development sectors. Conservation Ontario was a presenter at these sessions.

The proposed changes were included in Schedule 6 of Bill 229. On November 23<sup>rd</sup> the Bill passed 2<sup>nd</sup> Reading and was referred to Standing Committee November 30 to December 2, 2020. Conservation Ontario, as well as a couple of CAs, were allowed to present after exhausted lobbying efforts. The Standing Committee made amendments including some around Board governance that may address some concerns raised by our municipal partners. On December 8<sup>th</sup> Bill 229 passed 3<sup>rd</sup> reading with many amendments remaining that may still remove and or hinder the CA's role in regulating development. Conservation Ontario and CAs will now be directing their attention to the regulations that provide the details around the changes to the *CA Act* and hope that the process includes the attention, assessment and public input that it deserves.

For a list of those supporting the removal of Schedule 6 from Bill 229, including AMO and OFA, go to the Conservation Ontario website [www.conservationontario.ca](http://www.conservationontario.ca) and follow the links under Conservation Authorities Act, coverage and responses to the *CA Act*.

### Projects, Programs and Studies

1. The Administration Centre continues to be closed to the public due to COVID-19. The majority of staff are now working in the office with some still working remotely from home. For this and other Notices of Disruptions visit the ABCA website ([abca.ca](http://abca.ca)) at this web page: [www.abca.ca/news/disruptions](http://www.abca.ca/news/disruptions). ABCA properties are open to the public.
2. ABCA continues to ensure the delivery of essential services and programs during this time. These services and programs include flood forecasting and warning; operation and maintenance of water control structures; communications; municipal support and property support. Staff continue to review development applications and issue permits as efficiently as possible.



3. The Risk Management Services Delegation Agreement with ABCA has been approved by all eight municipalities, and a document for signature is being circulated to all parties.
4. The Education Department held a number of school and non-profit programs over the last month, with proper protocols in place and through the use of virtual learning.
5. The Outdoor School, 6 week pilot program, starting on October 20th and the Oaks and Acorns 6 week program on October 16<sup>th</sup> came to an end at the end of November. Both programs were run with proper COVID-19 protocols in place and while numbers could have been higher they were considered a success as first time programs.
6. Phase One of the Stream Restoration at Southcott Pines is complete. The collaboration is between the neighborhood association, Ontario Streams and ABCA with Rosalind Chang being the lead staff member at the Authority. Old Ausable Channel (OAC) postcards have been made available to residents for actions they could take to help protect the channel.
7. With the cooperation from landowners, staff have completed or working towards completion of up to ten wetland restoration projects over the past couple months.
8. Nathan Schoelier has completed the fall inspections of cover crop fields enrolled in the Huron Clean Water Project with funding also coming from Canadian Nature Fund and the Erb Family Foundation. 4,000 acres of crops were enrolled in the program this year up from 3,000 the previous year.
9. Staff have been working on a number of Grant submissions for the next phase of the National Disaster Mitigation Program. Submissions include proposed upgrades for a number of gauges as well as a potential transition of our current flood forecasting model to a more modern model.

## **Training**

1. A number of staff continue to participate in the Provincial Flood Forecasting and Warning Workshops being held virtually.

## **Meetings and Special Events**

- 1 On November 25<sup>th</sup> the Ausable Bayfield Maitland Valley Drinking Water Source Protection Committee (SPC) met by Zoom. Paul Heffer was introduced as the new Municipal representative for the Central Grouping replacing long standing member David Blaney who stepped down.
- 2 The Education Department hosted two virtual special events: Owls in my Back Yard November 7<sup>th</sup> and Raptors: Amazing Birds of Prey November 21.
- 3 Mari Veliz has presented March 2020 Healthy Watershed reports to the majority of our member municipalities. The presentation will be given to remaining member municipalities in the new year.
- 4 Kate Monk attended webinars for Conservation Area Supervisors. The webinars replaced the annual in-person workshop. The experience of other CA's has been consistent with ABCA in that there has been a large increase in the numbers of visitors. The parks operated safely with COVID protocols for distancing, disinfecting and staff safety.
- 5 The Friends of the South Huron Trail and Arkona Lions Museum and Information Centre committees each met on November 2<sup>nd</sup> via Zoom. The Arkona Lions Club has renovated the displays, and are excited and hopeful about re-opening to the public in 2021.
- 6 Staff attended the SWOFFA (Southwestern Ontario Flood Forecasting Alliance) semi-annual meeting virtually on November 3<sup>rd</sup>. The meeting included representatives from 9 CAs. Topics of discussion included updates from the Provincial Flood Forecasting and Warning Committee, Lake Level Messaging and WISKI updates.

**CITY OF QUINTE WEST**

*Office of the Mayor  
Jim Harrison*



**P.O. Box 490  
Trenton, Ontario, K8V 5R6**

**TEL: (613) 392-2841  
FAX: (613) 392-5608**

November 19, 2020

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park, Toronto, ON M7A 1A1

**RE: Bill 229 - Protect, Support, and Recover from Covid-19 Act (Budget Measures), 2020**

Dear Premier Ford:

This letter will serve to advise that at a meeting of City of Quinte West Council held on November 16, 2020 Council passed the following resolution:

**Motion No. 20-222 – Bill 229 - Protect, Support, and Recover from Covid-19 Act (Budget Measures), 2020**

Moved by Cassidy  
Seconded by Alyea

That the Council of the City of Quinte West requests that the Province withdraw Schedule 6 from proposed Bill 229 pertaining to the Conservation Authorities Act;

And further requests that the Province consult with municipalities in relation to the above;

And further that this resolution be forwarded to the Premier of Ontario, the Minister of Environment, Conservation and Parks, Minister of Natural Resources and Forestry, Minister of Municipal Affairs and Housing, Bay of Quinte MPP Todd Smith and the Association of Municipalities of Ontario. **Carried**

We trust that you will give favourable consideration to this request.

Sincerely,

CITY OF QUINTE WEST

A handwritten signature in cursive script that reads "Jim Harrison".

Jim Harrison  
Mayor

cc: The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks  
The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
The Honourable Todd Smith, Bay of Quinte MPP  
Mr. Jamie McGarvey, President, Association of Municipalities of Ontario

November 18, 2020

Doug Ford, Premier  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)

To whom it may concern:

Re: Grey Highlands Council resolution re: Bill 229

Please be advised that the following resolution was passed at the November 18, 2020 meeting of the Council of the Municipality of Grey Highlands.

**2020-747**

**Cathy Little, Dane Nielsen**

**Whereas** the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act; and

**Whereas** the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications; and

**Whereas** we, the Municipality of Grey Highlands, rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act; and

**Whereas** the changes allow the Minister to make decisions without CA watershed data and expertise; and

Whereas the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and

**Whereas** these proposed changes will impact Ontario's ability to adapt to and mitigate the effects of climate change by undermining the work of conservation authorities to keep development out of high risk areas and protect natural infrastructure; and

**Whereas** municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs; and

**Whereas** municipalities believe that the appointment of municipal representatives on conservation authority Boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority Board should be elected as per the discretion of the conservation authority Board; and

**Whereas** the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed; and

**Whereas** conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative; and

**Whereas** changes to the legislation will create more administrative burden and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process; and

Whereas the combined contribution of municipal levy and self-generated revenues support 93% of the Grey Sauble Conservation Authority budget; and

**Whereas** the Provincial contribution to this budget is 7%, the majority of which is for Drinking Water Source Protection; and

**Whereas** municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water; now

**Therefore be it resolved that the Province of Ontario work with conservation authorities to address their concerns by removing Schedule 6 from Bill 229 which affects changes to the Conservation Authorities Act and the Planning Act; and**

**That the Province of Ontario delay enactment of clauses affecting municipal concerns; and**

**That the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority-municipal budget processes; and**

**That the Province respect the current conservation authority/municipal relationships; and**

**That the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.**

**CARRIED.**

Sincerely,



Raylene Martell

Director of Legislative Services/Municipal Clerk  
Municipality of Grey Highlands

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**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One P.O. Box 409 Markdale, Ontario N0C 1H0

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🌐 [www.greyhighlands.ca](http://www.greyhighlands.ca)

✉ [info@greyhighlands.ca](mailto:info@greyhighlands.ca)

Cc: Hon. Rod Phillips, Minister of Finance (rod.phillips@pc.ola.org)  
Hon. Jeff Yurek, Minister of Environment Conservation and Parks (jeff.yurek@pc.ola.org)  
Hon. John Yakabuski, Minister of Natural Resources and Forestry  
(john.yakabuski@pc.ols.org)  
Hon Bill Walker, MPP (bill.walker@pc.ola.org);  
Conservation Ontario (info@conservationontario.ca);  
Saugeen Valley Conservation Authority (j.hagan@svca.on.ca)  
Nottawasaga Valley Conservation Authority (mleung@nvca.on.ca)  
Grey Sauble Conservation Authority (t.lanthier@greysauble.on.ca)  
All Ontario Municipalities

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**The Municipality of Grey Highlands**

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🌐 [www.greyhighlands.ca](http://www.greyhighlands.ca)

✉ [info@greyhighlands.ca](mailto:info@greyhighlands.ca)





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November 26, 2020

Hon. Jeff Yurek  
Ministry of the Environment, Conservation and Parks  
777 Bay Street, Fifth Floor  
Toronto, ON M7A 2J3

Dear Minister Yurek,

**RE: Bill 229 Impact on Conservation Authorities and Proposed Amendments**

The Municipality has received communications from its Conservation Authorities in regards to Schedule 6 of Bill 229, Protect, Support and Recover from COVID-19 Act. Schedule 6 contains proposed changes to the Conservation Authorities Act

The Municipality is in support of the position taken by the Conservation Authorities and requests that the Ministry of the Environment, Conservation and Parks gives consideration to remove Schedule 6 from the omnibus bill which affords the time to properly review and address regulatory changes to improve efficiency and operation for the Conservation Authorities, while maintaining transparency and accountability.

In addition, at the meeting held on November 25, 2020, the Council of the Municipality of Middlesex Centre adopted the enclosed motion.

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

Sincerely,

Michael Di Lullo, MPA  
Chief Administrative Officer

cc: Hon. Monte McNaughton, Local MPP for Lambton-Kent-Middlesex  
James Hutson, Municipal Clerk  
Brian Horner, Ausable Bayfield Conservation Authority  
Elizabeth VanHooren, Kettle Creek Conservation Authority  
Mark Peacock, Lower Thames River Conservation Authority  
Brian McDougall, St. Clair Region Conservation Authority  
Ian Wilcox, Upper Thames River Conservation Authority

Encl.



**Changes to Ontario's Conservation Authorities Act  
Resolution by the Council of the Municipality of Middlesex Centre  
November 25, 2020**

**Resolution:** #220-305  
**Moved By:** Councillor Brad Scott  
**Seconded By:** Councillor Wayne Shipley

**WHEREAS** the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

**AND WHEREAS** the legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

**AND WHEREAS** we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

**AND WHEREAS** municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

**THEREFORE** be it resolved:

**THAT** the Council of the Municipality of Middlesex Centre is in support of the request from local Ontario Conservation Authorities that the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229);

**AND THAT** the Municipal Clerk and Chief Administrative Officer be directed to submit correspondence to the Ministry of the Environment, Conservation and Parks regarding this request.

CARRIED

Please see the resolution below that was passed by Orangeville Council last night.

Resolution 2020-426

Moved by Councillor Peters

Seconded by Mayor Brown

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

AND WHEREAS the Legislation introduces several changes and new sections that could remove and/or significantly hinder conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

AND WHEREAS the changes allow the Minister to make decisions without conservation authority watershed data and expertise;

AND WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

AND WHEREAS the budget that Orangeville spends on conservation authority work is a bargain for the services provided;

AND WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

AND WHEREAS it has been the Town of Orangeville's experience with the Credit Valley Conservation Authority that having a chair or vice-chair serve for more than one year has produced experienced individuals;

AND WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed;

AND WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED THAT: (i) the Province of Ontario repeal Section 6 of the Budget Measures Act (Bill 229), and (ii) that the Province continue to work with conservation authorities to find workable solutions to reduce red tape; AND

THAT this resolution be circulated to Premier Doug Ford, MPP Sylvia Jones, the Minister of the Environment, Conservation, and Parks Jeff Yurek, the Minister of Finance Rod Phillips, all Conservation authorities throughout Credit Valley, and all Ontario Municipalities

Carried

Thanks,

**Tracy Macdonald | Assistant Clerk | Corporate Services**  
**Town of Orangeville** | 87 Broadway | Orangeville ON L9W 1K1  
519-941-0440 Ext. 2256 | Toll Free 1-866-941-0440 Ext. 2256  
[tmacdonald@orangeville.ca](mailto:tmacdonald@orangeville.ca) | [www.orangeville.ca](http://www.orangeville.ca)



November 26, 2020

Sandy Levin, Chair  
Upper Thames River Conservation Authority  
1424 Clarke Road  
London, ON N5V 5B9

Dear Mr. Levin

**RE: Conservation Authority Act Changes**

At the regular meeting of Town Council that was held on November 24 2020, the Council of the Town of St. Marys received correspondence from the Upper Thames River Conservation Authority (the “UTRCA”) requesting the Council of the Town of St. Marys to support the UTRCA’s request for Minister Phillips, Minister Yurek, and Minister Yakabuski to reconsider Schedule 6 of Bill 229.

Council considered the UTRCA request and passed the following resolution:

**Resolution 2020-11-24-04**

**THAT** the correspondence from Upper Thames River Conservation Authority regarding Conservation Authority Act Changes be received; and

**THAT** the Town of St. Marys does not support the UTRCA’s request for Minister Phillips, Minister Yurek, and Minister Yakabuski to reconsider Schedule 6 of Bill 229 regarding the *Conservation Authorities Act*.

In their consideration to not support the UTRCA’s request, Council made a number of comments which generally fall into one of the following categories:

1. Consultation: Council does not agree with the UTRCA position that further consultation is needed on the proposed legislative changes. The Province undertook a significant and comprehensive consultation program in 2019. At that time municipalities, conservation authorities and the general public were invited to solicit feedback on issues, concerns, and changes to the *Conservation Authorities Act*. Council trusts that the proposed legislative changes reflect the feedback that was received.
2. Processing of Applications: Council agrees that the legislation should include specific deadlines for conservation authority decisions within the regulations. The Province has included a similar 120-day decision deadline for municipalities within the *Planning Act*, and we believe that it is not unreasonable for conservation authorities to be held to a similar standard. These changes will





establish an accountability measure for conservation authorities to ensure that applications are not delayed by the approval process.

3. **Creation of Red Tape in Appeals:** Council does not agree with the UTRCA position that having the LPAT hear appeals will cause red tape. It is Council's position that the legislative changes will provide clarity for applicants about the rules of appeal. Too often appeals must be heard by an internal committee of the conservation authority, and that the process is one that only favors the conservation authority. Establishing the LPAT as an independent third-party for appeals is a familiar process for municipalities, and Council believes that it is appropriate for conservation authorities to be held to a same standard. Council believes this is a positive step in creating transparency and fairness in the appeals process that will provide clarity for the applicant.
4. **Creation of Red Tape due to Service Agreements:** Council does not agree with the UTRCA position that service agreements will cause red tape. Council supports the legislative changes that define mandatory services and require service agreements for non-mandatory services. Despite the Town's repeated requests for fiscal constraint, Council has observed scope creep in conservation authority services coupled with year over year increases to their budgets. This is a welcome change that will return to Council the fundamental ability to set the service level for their community, and the fundamental ability to decide how precious taxpayer dollars are spent within their community.
5. **Members of Authority and their Duty:** Council welcomes the change that requires Board members to be members of Council. Council does not agree with the UTRCA position that this will an undue increase in a member's workload. Further, Council supports the legislative changes that require a member of the Board to act on behalf of their municipality. Too often Board members only consider the interests of the conservation authority in their decision making. Council welcomes any change that will require a Board member to be flexible and supportive of municipalities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Al Strathdee", is written over a horizontal line.

Al Strathdee  
Mayor



RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on December 2, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2020-362:** Moved by Councillor Sepulis and  
Seconded by Councillor Goyda

**That Council receive Correspondence items 10.5, 10.6, 10.7, and 10.8 and Consent Agenda item 6.4 regarding the Proposed Amendments to the Conservation Authorities Act through Bill 229 be received; and**

**Whereas the Township of Puslinch Council has been copied on the following correspondence related to proposed amendments to the Conservation Authorities Act (CA Act), contained in Schedule 6, Bill 229**

- (a) Conservation Halton Letter to Ontario Premier dated Nov. 17, 2020**
- (b) Hamilton Conservation Authority to Ontario Premier and Ministers dated Nov. 23, 2020**
- (c) Grand River Conservation Authority to Ontario Premier dated Nov. 24, 2020; and**

**Whereas Council at it's meeting of Nov. 18 passed the following motion:**

**GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and**

**GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and**

**GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.**

**BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to**



**withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

**Be it resolved that the Township of Puslinch Council supports the views expressed in the above noted letters from Conservation Halton, the Hamilton Conservation Authority and the Grand River Conservation Authority who provide vital services to the Township of Puslinch; and**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, AMO, ROMA and all Ontario Municipalities.**

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Deputy Clerk

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

---

## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:



## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## 2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal

directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*.



'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, "to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

November 24, 2020

**BY EMAIL**

**To: Grand River Watershed Member Municipalities**

**Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)**

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I am writing on behalf of the Grand River Conservation Authority (GRCA) to provide you with an update on our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

On Monday, November 23, 2020, the GRCA General Membership held a special board meeting to review and discuss the Province's proposed changes to the Conservation Authorities Act and the Planning Act through Schedule 6 in Bill 229.

While the GRCA board expressed support for the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, the board also voiced deep concern that some of the proposed changes may have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

At the meeting, board members passed a motion requesting staff to send *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229* to the Premier of Ontario, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, as well as all watershed MPPs, watershed municipalities, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association. The report outlines the proposed changes in five key areas of concern for the GRCA: Objects, Powers and Duties; Regulatory; Enforcement; Governance and Other.

Please find attached the GRCA board report, as well as a letter that has been sent to the Province detailing our concerns. The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;
- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;

- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

We would encourage our watershed municipalities to contact their local MPPs and ask that the Province of Ontario work with conservation authorities to address these concerns, before the changes are enacted.

We look forward to continuing our productive partnership with our watershed municipalities, as we work together to address local issues and opportunities that benefit the entire watershed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Jowett', written in a cursive style.

Helen Jowett, Chair  
Grand River Conservation Authority

cc Association of Municipalities of Ontario, Rural Ontario Municipalities Association



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

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November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
Office of the Premier  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

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Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;



- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

---

## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## 2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal



directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*.

'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, "to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer





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November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
Office of the Premier  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

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Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;

- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament



A Healthy Watershed for Everyone

November 23, 2020

### Via Email

Honourable Doug Ford, Premier of Ontario  
Honourable Rod Phillips, Minister of Finance  
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks  
Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Honourable Steve Clark, Minister of Municipal Affairs and Housing

### **Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act) - Schedule 6 – Conservation Authorities Act***

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the



representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson  
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors  
City of Hamilton Mayor and Council  
Township of Puslinch Mayor and Council  
Ted Arnott, MPP Wellington – Halton Hills  
Andrea Horwath, MPP Hamilton Centre  
Paul Miller, MPP Hamilton East – Stoney Creek  
Sandy Shaw, MPP Hamilton West – Ancaster – Dundas  
Donna Skelly, MPP Flamborough – Glanbrook  
Monique Taylor, MPP Hamilton Mountain





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Protecting the Natural  
Environment from  
Lake to Escarpment

The Honourable Doug Ford  
Premier of Ontario

The Honourable Jeff Yurek  
Minister of the Environment, Conservation, and Parks  
Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips  
Minister of Finance  
Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that

further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**  
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**  
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**  
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**  
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars** Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

**In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery.** Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit ([CEOoffice@hrca.on.ca](mailto:CEOoffice@hrca.on.ca)) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS



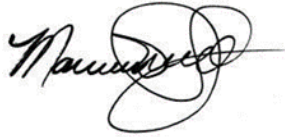
Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Minister of Municipal Affairs and Housing

Ted Arnott  
MPP Wellington—Halton Hills

Jane McKenna  
MPP Burlington

Effie J. Triantafilopoulos  
MPP Oakville North—Burlington

Stephen Crawford  
MPP Oakville

Parm Gill  
MPP Milton

Andrea Horwath  
MPP Hamilton Centre

Sandy Shaw  
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto  
MPP Mississauga—Lakeshore

Donna Skelly  
MPP Flamborough-Glanbrook



RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on November 18, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2020-331:** Moved by Councillor Bulmer and  
Seconded by Councillor Sepulis

**That the Consent Agenda items 6.2, 6.3, 6.10, 6.11, 6.12, and 6.13 be received; and**

**GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and**

**GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and**

**GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.**

**BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing,**





**the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Deputy Clerk



For Immediate Release

November 12, 2020

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## **Cause for Alarm Over Proposed Changes to the *Conservation Authorities Act***

BURLINGTON— Conservation Halton (CH) has reviewed the Province’s proposed changes to the *Conservation Authorities Act* (CA Act) which were released last week in the 2020 Ontario Budget (Bill 229). CH is encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains. CH remains fully supportive of the Province’s stated intent to modernize the watershed-based scope, good governance, service delivery and sustainability of all Conservation Authorities (CAs). CH is, however, concerned that some of the proposed amendments will significantly diminish the ability of CAs to ensure that both people and property are safe from natural hazards, while also protecting Ontario’s environment.

The proposed amendments would grant new powers to the Minister of Natural Resources and Forestry that would allow the Minister to make decisions regarding permit applications and appeals in place of the CA, without the non-partisan technical input and expertise of CAs. Bill 229 also proposes amendments to the *Planning Act*, which if passed, would prohibit CAs from appealing a municipal planning decision to the Local Planning Appeal Tribunal (LPAT) or becoming a party to an appeal before LPAT. While there are currently checks and balances in place to ensure the safe development of communities, CH is concerned that new amendments will allow circumvention that leaves the possibility for development decisions that are both unsafe and negatively impact the environment.

“There are a number of disappointing proposed changes that have the potential to undermine conservation authorities and our ability to make science-based watershed management decisions in the interest of public health and safety,” said Hassaan Basit, CEO of Conservation Halton. “Living through the pandemic, we have seen first-hand just how important our environment and wetlands are to our residents. We do not want to see any decisions made that increase the risks from natural hazards, especially as we continue to work to mitigate climate change and conserve our watershed to allow for responsible growth today, without sacrificing the right of future generations to do the same.”

CH views the governance changes calling for municipal councillors to make up the sole membership of the Board, while also being instructed to represent the interests of their respective municipalities, and not those of the CA or watershed residents, extremely problematic. This will create an environment in which fiduciary duties and responsibilities to the conservation authority are not upheld.

Further, CH is disappointed in the proposed removal of the un-proclaimed stop work orders and limitations on power to entry provisions that this government had previously agreed to grant CAs. The removal of this tool takes away the ability to enforce regulations that keep life and property safe. It also diminishes the ability to address environmental violations early and work with stakeholders to remedy problems, leaving no tools but to pursue costly and time-consuming charges through the courts when violations occur.

While CH waits for updated regulations to better understand how the proposed amendments are to be implemented, it is concerned that there may be many unintended consequences that put the environment and communities at risk, through opaque and financially costly decisions.

As a result of these collective concerns, CH encourages residents of the watershed, its network of supporters, and partner municipalities to reach out to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, as well as their local MPPs over the next two weeks to request that they review and address its concerns before this Bill is enacted.

-30-

*Conservation Halton is the community based environmental agency that protects, restores, and manages the natural resources in its watershed. The organization has staff that includes ecologists, land use planners, engineers, foresters and educators, along with a network of volunteers, who are guided by a Board of Directors comprised of municipally elected and appointed citizens. Conservation Halton is recognized for its stewardship of creeks, forests and Niagara Escarpment lands through science-based programs and services.*

#### Media Contact

Stephanie Bright  
Public Relations Specialist  
Conservation Halton  
Email: [sbright@hrca.on.ca](mailto:sbright@hrca.on.ca)



## **For Immediate Release: Friday, November 13, 2020**

### **HCA's preliminary response to the Province's proposed changes to the Conservation Authorities Act**

On November 5, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill of the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operation, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall.

Hamilton Conservation Authority (HCA) staff have reviewed the proposed changes and support enhanced conservation transparency and accountability which is already undertaken by making key documents publicly available; including meeting agendas, meeting minutes, and annual audits. We are encouraged that the Province has reconfirmed our purpose to provide for conservation, restoration source water protection and natural resources management.

However, while we wait for updated regulations to better understand how the changes are to be implemented, we are concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation on our Board.

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits in place of the conservation authority. An appeal process already exists to applicants directly to the HCA Board. Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.

The Province also proposes an amendment to the Planning Act, which if passed, would not allow conservation authorities to appeal a municipal planning decision to the LPAT to represent our interests, unless requested through an agreement with the municipality or the Province. To date, this has not been an issue with the Hamilton Conservation Authority but is an important tool to have. This could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.



A Healthy Watershed for Everyone

Conservation authorities have long requested for the ability to issue stop work orders to protect environmentally sensitive areas. The updated Act removes un-proclaimed provisions for this enhanced enforcement and only retains the current tools such as fines and possible prosecution and these existing tools do not provide the ability to effectively stop any significant threats and impacts.

If passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. These members provide expertise in varied fields and provide input on HCA programs and services from a citizen's point of view. The proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality and not the conservation authority and its watershed. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces, and that protection, is for our community. We will continue promoting our vision of a healthy watershed for everyone. HCA staff will also continue to work collaboratively with all parties to better understand and determine what these changes will mean for conservation authorities in general and for the protection of our watersheds.

Public consultation is not required on these proposals as it has been incorporated as part of the budget. We encourage our watershed residents, municipal partners and supporters to reach out to the Premier, the Minister of Environment, Conservation and Parks and the Minister of Natural Resources and Forestry as well as their local MPP's to ask them to address the concerns outlined above, before the Bill is enacted.

#### **Media Contact:**

Councillor Lloyd Ferguson, HCA Chair  
905-973-1359  
[lloyd.ferguson@hamilton.ca](mailto:lloyd.ferguson@hamilton.ca)

Lisa Burnside, HCA CAO  
905-525-2181, ext. 126  
[Lisa.Burnside@conservationhamilton.ca](mailto:Lisa.Burnside@conservationhamilton.ca)

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.



*Coronation Park*  
RESIDENTS ASSOCIATION

November 14, 2020

Hon. Doug Ford  
Hon. Jeff Yurek  
Hon. John Yakabuski  
Hon. Steve Clark  
MPP Stephen Crawford

**Re: Bill 229 - Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020. Schedule 6:Conservation Authorities Act**

As voting citizens, we register our strong objections to Schedule 6 of Bill 229 and recommend it not be enacted in its present form, and be withdrawn in its entirety from Bill 229.

We are shocked to find our legislators using a Bill purported to be a plan for recovery from a global pandemic as a vehicle to undermine the powers of our Conservation Authorities (CA) and jeopardize our protected forests and wetlands.

As Canadians, we are deeply troubled by the ever increasing regularity of our provincial government's propensity toward omnibus bills which limit opportunities for debate and scrutiny. Indeed, we find on the same day the government tabled Bill 229, an Environmental Registry of Ontario (ERO) bulletin titled *Updating the Conservation Authorities Act*3 (ERO # 019-2646) was also posted stating that public consultation is not required under Ontario's Environmental Bill of Rights, 19934 (EBR), because the proposed amendments form part of a budget.

It is shameful to think that as our collective focus is on dealing with Covid-19 and its severe impacts on our lives and livelihoods, our elected officials table legislation to make substantive changes to environmental laws while sidestepping the public's EBR rights.

At a time when it is becoming increasingly more evident that we need climate resilience, it appears the package of amendments as proposed in Schedule 6 are likely to set back watershed planning and implementation of an ecosystem-based approach by decades. Conservation Authorities are a vital line of defence for the natural spaces that mitigate flood risk, provide precious land for hiking, fishing and escape into nature and are an essential habitat for the many species of wildlife, including endangered species that call Ontario home. If we lose these spaces, we can't get them back.

The majority of the Schedule 6 amendments are regressive in nature and are completely contradictory to fulfilling both the purpose of the Conservation Authorities Act and the desire to set the course for more climate resilient communities in the future.

If enacted, Schedule 6 would

- give direct decision making power over proposed development in environmentally sensitive areas, to the Minister of Natural Resources and allow the Minister to make decisions regarding permit applications and appeals in place of the Conservation Authority, thereby eliminating the non-partisan technical input and expertise of CAs.
- allow developers to appeal conservation authority decisions directly to the Minister.
- prohibit CAs from appealing a municipal planning decision to the Local Planning Appeal Tribunal (LPAT) or becoming a party to an appeal before LPAT.
- have the potential to undermine conservation authorities and their ability to make science-based watershed management decisions in the interest of public health and safety.
- institute governance changes to CA boards to have municipal councillors comprise the sole membership, while being instructed to represent the interests of their respective municipalities, and not those of the CA or watershed residents. This will create an environment in which fiduciary duties and responsibilities to the conservation authority are not upheld.
- narrow the CAs authority from providing “programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (CAAct, s20(1)) to only one of three categories: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other programs and services (new CAAct provision 20(1)).

As constituents of Ontario, we have not be able to protect our population against a deadly pandemic, however we are able to direct our elected officials to take decisive steps to effectively protect, restore and manage our watersheds, protected forests and wildlife habitats thereby ensuring a climate resilient Ontario.

Our direction is to withdraw Schedule 6 in its entirety from Bill 229.

Respectfully,

**Pamela Knight**  
President

**Donald Cox**  
Vice President

cc: Oakville Town Council Members  
A. Gohel



905.336.1158  
Fax: 905.336.7014  
2596 Britannia Road West  
Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

Protecting the Natural  
Environment from  
Lake to Escarpment

The Honourable Doug Ford  
Premier of Ontario

The Honourable Jeff Yurek  
Minister of the Environment, Conservation, and Parks  
Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips  
Minister of Finance  
Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that

further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**  
CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**  
CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**  
CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**  
The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- **These amendments compromise our ability to create jobs & deliver services without tax dollars**  
Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

**In conclusion, we do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery.** Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit ([CEOoffice@hrca.on.ca](mailto:CEOoffice@hrca.on.ca)) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS



Town of Oakville

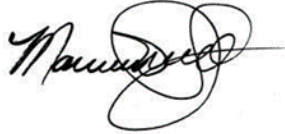
Mayor Gordon Krantz



Town of Milton



Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Minister of Municipal Affairs and Housing

Ted Arnott  
MPP Wellington—Halton Hills

Jane McKenna  
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MPP Oakville North—Burlington

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Sandy Shaw  
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto  
MPP Mississauga—Lakeshore

Donna Skelly  
MPP Flamborough-Glanbrook

**Courtenay Hoytfox**

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**From:** Susan Fielding [REDACTED]  
**Sent:** Tuesday, November 17, 2020 4:05 PM  
**To:** John Sepulis; James Seeley; Jessica Goyda; Sara Bailey; Matthew Bulmer; Glenn Schwendinger; Courtenay Hoytfox; Mayor Chris White  
**Subject:** Comments of Conservation Authority Proposed Changes

Good afternoon Mayor and Councillors:

I was asked to share this email and I ask it be added to tomorrow's agenda along with the other correspondence from Hamilton and Halton Conservation Authorities. Any support you would consider lending to the concerns outlined would be most appreciated. The following email is from Councillor Tom Jackson, a long-time member of Hamilton Council and on the Hamilton Conservation Authority Board.

**Subject:** Province's Proposal to Eliminate Volunteer Citizen Members on THE HCA Board!!

Dear Mayor Eisenberger and Councillor (HCA Chairman) Ferguson....I heard with dismay and disappointment the above announcement in the last 48 hours!! IF The Province wishes to move forward on this, it will be an absolute shame and disservice to our encouragement of Citizen engagement and participation on an august Board such as the HCA. It boggles my mind why they would even consider going down this path??!! With all due respect to elected members of local Council....to have hypothetically an 11 member HCA Board of only politicians might as well make the HCA a Standing Committee of City Council. One of the treasures I have truly enjoyed over the years has been working alongside volunteer citizen appointees on any Task Force/Board/Advisory Committee, etc., because of the "blend" of elected and non-elected Board members sitting at the same table, assisting in the advancement (and preservation) of that Organization/Service/Agency's mandate/vision/goals TOGETHER!! Plus...on this current Board of 11 voting members, IF The Province's proposal is not withdrawn, 6 less citizens will have the chance to serve their Community on a dynamic and esteemed Board via the appointment process of City Council!! To conclude, if a resolution of our City Council is in order to forward MY (Hopefully OUR) objection to this misguided proposal, I am willing to assist with the motion OR instead to support anyone else that wishes to lead. Thanks for listening. Thoughts?? Councillor Jackson...P.S...HCA CAO Burnside or E.A. Tellier....Can you kindly ensure please that my email is forwarded to the citizen members of the HCA Board?? Thanks in advance. Councillor Jackson....P.P.S...(BTW Council Colleagues...this has nothing to do with the fact I am on the Board currently and do not wish other members of Council to possibly join. For what its worth...I left the Board after the 2014 Civic election to allow a new member of Council to join then.). Just sharing...  
Councillor Tom Jackson

--

Susan Fielding

[REDACTED]

**Courtenay Hoytfox**

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**From:** Glenn Schwendinger  
**Sent:** Wednesday, November 18, 2020 9:00 AM  
**To:** John Sepulis  
**Cc:** Courtenay Hoytfox  
**Subject:** RE: We Need Your Support: Changes to the Conservation Authorities Act

**From:** Conservation Halton <[web@hrca.on.ca](mailto:web@hrca.on.ca)>  
**Reply-To:** Conservation Halton <[web@hrca.on.ca](mailto:web@hrca.on.ca)>  
**Date:** Tuesday, November 17, 2020 at 6:29 PM  
**To:** John Sepulis <[jsepulis@puslinch.ca](mailto:jsepulis@puslinch.ca)>  
**Subject:** We Need Your Support: Changes to the Conservation Authorities Act

[View this email in your browser](#)

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***To our Conservation Halton friends:***

I hope you and your family are keeping well. I am writing to you today to ask for your support.

This year has been challenging for us all, but it has also given us an opportunity to take a step back and focus on the important things in life. If there has been any silver lining to our experience living through this pandemic, we have to say that it has been the spirit of community and renewed appreciation for nature that we have seen through the watershed over this past year.

On November 5, 2020, the provincial government tabled Bill 229 *Protect, Support, and Recover from COVID-19 Act (Budget Measures), 2020*. This piece of legislation encompasses more than just a budget in response to COVID-19 as its name might suggest. There have been several proposed **changes** to the *Conservation Authorities Act* within this Bill that we are concerned about. It is not a well-thought-out piece of legislation. We are hoping you can use your voice to support us in

expressing these concerns to the Province. **Since the Province has picked a fast-track process to pass this Bill, timing is of the essence. We need our allies, customers, and supporters to act today by emailing the Premier and your local MPP and by getting loud on social media.**

**Our concerns with proposed CA Act amendments:**

**1) Ability for Developers to bypass CAs:** Conservation Halton has a legislated responsibility to ensure development does not occur in flood hazard areas and that our creeks, valleys and wetlands are not adversely impacted. We work hard to ensure new development is balanced and that our communities are safe and livable, with ample greenspace. The amendments proposed by the Provincial government outline a process whereby developers and others can go around Conservation Authorities to have permits approved by the Province directly.

**2) Ability of CH to continue to offer Parks:** We are proud to provide opportunities in recreation and education on our conservation lands to members of our community—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished.

**3) Ability for CH to remain above politics and special interests:** The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions

with integrity, based solely on our core responsibilities and remains apolitical, yet innovative and solution oriented. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest.

**4) Ability to monitor, restore and grow our natural areas:** Conservation Halton's mission is to help protect the natural environment, from lake to escarpment, for the benefit and enjoyment of present and future generations. Protecting and maintaining our natural heritage in turn benefits human, ecological, and economic health. We inherited our natural spaces from the generations before us and will pass them on to our children and future generations. Our duty as stewards is what continues to inspire us to use science to study and inform us about climate change impacts to our communities and mitigation strategies. Should the new amendments pass, our ability to make independent science-based decisions in the interest of the community will be significantly limited, our wetlands, valleys, and water will be at risk, and our ability to remedy violations that put our environment and communities in danger will be minimal.

### **How You Can Help**

Please raise your voice with ours! We've sent a [letter](#) to the Premier, members of Cabinet and our local MPPs and need you to do the same. Click the green button to send your local MPP, the Minister of Municipal Affairs and Housing, The Minister of the Environment Conservation and Parks, and the Minister of Finance a letter asking them to hold off on making unilateral changes without public consultation. Be sure to follow us on social media where we plan to keep the conversation going!

[Click here to support Conservation Halton](#)



Thank you again for your continued support of our environment and community.

Yours in conservation,

Hassaan Basit  
President and CEO

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You are receiving this email because you have previously indicated that you wanted to hear from us. Please be advised that we have just switched e-news providers and you may have been re added to this after unsubscribing. If this is the case, please unsubscribe to update your profile.

**Our mailing address is:**

Conservation Halton  
2596 Britannia Road West  
Burlington, On L7P 0G3  
Canada

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This email was sent to [jsepulis@puslinch.ca](mailto:jsepulis@puslinch.ca)

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▪

**From:** [peter.julian@parl.gc.ca](mailto:peter.julian@parl.gc.ca) <[peter.julian@parl.gc.ca](mailto:peter.julian@parl.gc.ca)>  
**Sent:** Thursday, November 26, 2020 5:55:58 PM  
**To:** Cathy Burghardt-Jesson <[cbjesson@lucanbiddulph.on.ca](mailto:cbjesson@lucanbiddulph.on.ca)>  
**Subject:** Request regarding Bill C-213 The Canada Pharmacare Act

Mayor BURGHARDT-JESSON  
LUCAN BIDDULPH

Dear Mayor BURGHARDT-JESSON,

We are writing to you today seeking the City Council of LUCAN BIDDULPH's formal endorsement of Bill C-213, the *Canada Pharmacare Act*.

Introduced in February 2020, [the Canada Pharmacare Act](#) is ground-breaking new federal legislation based on the recommendations of the Hoskins Advisory Council on the Implementation of National Pharmacare and modelled on the *Canada Health Act*.

The *Canada Pharmacare Act* specifies the conditions and criteria that provincial and territorial prescription drug insurance programs must meet to receive federal funding. This includes the core principles of public administration, comprehensiveness, universality, portability, and accessibility.

Universal public drug coverage has been recommended by commissions, committees, and advisory councils dating as far back as the 1940s. Immediately following the last election, the New Democratic Party of Canada began working to draft a legislative framework to enable the implementation of a universal, comprehensive and public pharmacare program. The *Canada Pharmacare Act* is the first piece of legislation introduced by the New Democrat Caucus in the current Parliament.

As you know, across Canada, people are making impossible choices every day because they cannot afford their prescription medications. Over the past year alone, one-in-four Canadians were forced to avoid filling or renewing a prescription due to cost or take measures to extend a prescription because they could not afford to keep the recommended dosage schedule.

Even those with private coverage are seeing their employer-sponsored benefits shrink – a trend that has accelerated due to the economic impacts of COVID-19. In fact, Canadians are twice as likely to have lost prescription drug coverage as to have gained it over the past year.

Simply put, universal public pharmacare will extend prescription drug coverage to every single Canadian, while saving billions every year. The final report of the Hoskins Advisory Council found that, once fully implemented, universal public pharmacare will reduce annual system wide spending on prescription drugs by \$5 billion. Businesses and employees will see their prescription drug costs reduced by \$16.6 billion annually and families will see their out of pocket drug costs reduced by \$6.4 billion a year.

Although a recent study from Angus Reid Institute found near universal support for pharmacare among the Canadian public, powerful vested interests in the drug and insurance industries are lobbying to block this critical program in order to protect their profits.

Indeed, the *Canada Pharmacare Act* is reaching a crucial period in the legislative process. The first hour of debate on this bill took place in Parliament on November 18, 2020. The second hour of debate and the first vote will be held in February 2021. This legislation could be enacted by next spring, allowing millions of Canadians who are struggling to pay for medication to receive the support they desperately need.

That's why we need your help to secure the adoption of the *Canada Pharmacare Act* in Parliament. We are asking your City Council to join other municipalities across Canada to formally endorse Bill C-213. We will be publicizing this support nationally.

For more information on C-213 and to sign the e-petition, please visit our website:

[www.pharmacarec213.ca](http://www.pharmacarec213.ca)

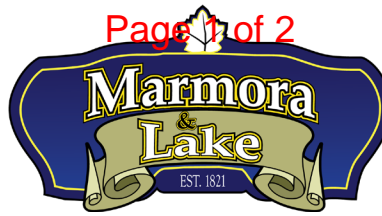
Thank you very much for your consideration. Please feel free to contact us if you require further detail.

We look forward to hearing from you.

Sincerely,  
Peter Julian, MP  
New Westminster-Burnaby

Jenny Kwan, MP  
Vancouver East

Don Davies, MP  
Vancouver Kingsway



City of Belleville  
Corporate Services Department  
169 Front Street, Belleville ON  
K8N 2Y8

SENT BY EMAIL

November 25, 2020

Re: Council Resolution – Accessibility for Ontarians with Disabilities Act  
– Website support

Further to the Meeting of Council on November 17, 2020 Council of the Corporation of the Municipality of Marmora and Lake passed the following motion:

**MOTION2020NOV17-260**

Moved by Councillor Bernie Donaldson

Seconded by Councillor Ron Derry

WHEREAS Section 14(4) of O. Reg 191/11 under the Accessibility for Ontarians with Disabilities Act requires designated public sector organizations to conform to WCAG 2.0 Level AA by January 1, 2021; and

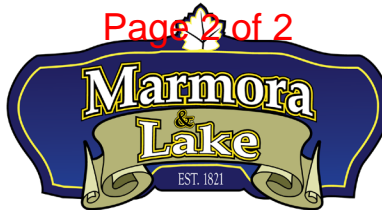
WHEREAS the City remains committed to the provision of accessible goods and services; and

WHEREAS the City provides accommodations to meet any stated accessibility need, where possible; and

WHEREAS the declared pandemic, COVID-19, has impacted the finances and other resources of the City; and

WHEREAS the Accessibility for Ontarians with Disabilities Act contemplates the need to consider technical or economic considerations in the implementation of Accessibility Standards;

BE IT THEREFORE RESOLVED THAT the Corporation of the Municipality of Marmora and Lake requests that the Province of Ontario consider providing funding support and training resources to municipalities to meet these compliance standards; and



THAT this resolution is forwarded to the Premier of the Province of Ontario, Prince Edward-Hastings M.P.P., Todd Smith, Hastings -Lennox & Addington M.P.P., Daryl Kramp, the Association of Municipalities of Ontario and all Municipalities within the Province of Ontario.

FURTHER THAT the Municipality of Marmora and Lake supports the resolution passed by the City of Belleville.

**Carried**

I trust this is the information you require, however, should additional information or clarification be required do not hesitate to contact me at your convenience.

Sincerely,

Jennifer Bennett,  
Deputy Clerk  
613-472-2629 ext. 2232  
[jbennett@marmoraandlake.ca](mailto:jbennett@marmoraandlake.ca)

cc: The Honourable Doug Ford  
Todd Smith, MPP Prince Edward-Hastings  
Daryl Kramp, MPP Hastings – Lennox & Addington  
Association of Municipalities of Ontario  
All Municipalities within the Province of Ontario



44816 Harriston Road, RR 1, Gorrie On N0G 1X0  
Tel: 519-335-3208 ext 2 Fax: 519-335-6208  
[www.howick.ca](http://www.howick.ca)

December 3, 2020

The Honourable Ernie Hardeman  
Minister of Agriculture, Food and Rural Affairs

By email only [minister.omafra@ontario.ca](mailto:minister.omafra@ontario.ca)

Dear Mr. Hardeman:

Please be advised that the following resolution was passed at the December 1, 2020 Howick Council meeting:

**Moved by Councillor Hargrave; Seconded by Councillor Illman:**

**Be it resolved that Council request the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations under the Act that would require tile drainage contractors file farm tile drainage installation plans with the local municipality; and further, this resolution be forwarded to Minister of Agriculture, Food and Rural Affairs, Huron-Bruce MPP Lisa Thompson, Perth-Wellington MPP Randy Pettapiece, Rural Ontario Municipal Association, Ontario Federation of Agriculture, Christian Farmers Federation Of Ontario, Land Improvement Contractors of Ontario, Drainage Superintendents of Ontario and all Ontario municipalities. Carried. Resolution No. 288/20**

If you require any further information, please contact this office, thank you.

Yours truly,

*Carol Watson*

Carol Watson, Clerk  
Township of Howick





**Howick**  
TOWNSHIP

44816 Harriston Road, RR 1, Gorrie On N0G 1X0  
Tel: 519-335-3208 Fax: 519-335-6208  
[www.howick.ca](http://www.howick.ca)

## **Background Information to the Township of Howick Resolution No. 288-20 Requesting Amendments to the Agricultural Tile Drainage Installation Act**

### **Rational for Proposed Amendments**

Over the years, Howick Township staff have received many requests for tile drainage information on farmland. Usually these requests come after a change in ownership of the farm. Some of these drainage systems were installed recently but many are 30 to 40 or more years old. Many were installed by contractors who are no longer in business or who have sold the business and records are not available.

Information is generally available if the tile was installed under the Tile Drain Loan Program because a drainage plan is required to be filed with the municipality. If the tile system was installed on a farm without using the Tile Drain Loan Program, there likely are no records on file at the municipal office.

The other benefits to filing tile drainage plans with the municipality are identified in Section 65 of the Drainage Act.

- 65(1) – Subsequent subdivision of land (severance or subdivision)
- 65(3) – Drainage connection into a drain from lands not assessed to the drain
- 65(4) – Drainage disconnection of assessed lands from a drain
- 65(5) – Connecting to a municipal drain without approval from council

Section 14 of the Act states:

(1) “The Lieutenant Governor in Council may make regulations,

(a) providing for the manner of issuing licences and prescribing their duration, the fees payable therefor and the terms and conditions on which they are issued;

(a.1) exempting classes of persons from the requirement under section 2 to hold a licence, in such circumstances as may be prescribed and subject to such restrictions as may be prescribed;

(b) Repealed: 1994, c. 27, s. 8 (5).

(c) establishing classes of machine operators and prescribing the qualifications for each class and the duties that may be performed by each class;



**Howick**  
TOWNSHIP

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[www.howick.ca](http://www.howick.ca)

- (d) providing for courses of instruction and examinations and requiring licence holders or applicants for a licence under this Act to attend such courses and pass such examinations;
- (e) prescribing the facilities and equipment to be provided by persons engaged in the business of installing drainage works;
- (f) prescribing standards and procedures for the installation of drainage works;
- (g) prescribing performance standards for machines used in installing drainage works;
- (h) prescribing forms and providing for their use;
- (i) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1990, c. A.14, s. 14; 1994, c. 27, s. 8 (4, 5)."

I believe it would be beneficial if a regulation required the installer, of agricultural drainage, to file a plan of the drainage system with the municipality following completion of the work.

While most of Section 14 deals with contractor, machine and installer licences, I think that Section 14(f) or 14(i) may allow a regulation change. This would be a better solution than an amendment to the Act.

### **Recommendations:**

- Request by municipal resolution that the Ministry of Agriculture, Food and Rural Affairs amend the Tile Drainage Installation Act and/or the regulations, under the Act, that would require tile drainage contractors file all farm tile drainage installation plans in the Municipality where the installation took place
- Send the municipal resolution to:
  - Minister of Agriculture, Food and Rural Affairs
  - Lisa Thompson, MPP Huron Bruce
  - Randy Pettapiece, MPP Perth Wellington
  - Rural Ontario Municipal Association [roma@roma.on.ca](mailto:roma@roma.on.ca)
  - [OFA](#)
  - [CFFO](#)
  - All Ontario municipalities
  - the Land Improvement Contractors of Ontario (LICO), and
  - the Drainage Superintendents Association of Ontario (DSAO)

Wray Wilson, Drainage Superintendent  
Township of Howick  
[drainage@howick.ca](mailto:drainage@howick.ca)



**Nando Iannicca**  
Regional Chair & CEO

10 Peel Centre Dr.  
Suite A, 5th Floor  
Brampton, ON L6T 4B9  
905-791-7800 ext. 4310

November 26, 2020

The Honourable Rod Phillips  
Minister of Finance  
95 Grosvenor St.  
Toronto, ON M7A 1Y8

Dear Minister Phillips:

**Re: Motion Regarding Property Tax Exemptions for Veteran Clubs**

Each year on November 11<sup>th</sup> we pause to remember the heroic efforts of Canadians who fought in wars and military conflicts and served in peacekeeping missions around the world to defend our freedoms and secure our peace and prosperity. One way that the Province and Ontario municipalities have recognized veterans and veteran groups is by exempting their properties from property taxation.

In late 2018, your government introduced a change to the *Assessment Act* that exempted Royal Canadian Legion Ontario branches from property taxes effective January 1, 2019. Veterans clubs however were not included under this exemption. While veterans' clubs in Peel are already exempt from Regional and local property taxes, they still pay the education portion of property taxes.

To address this gap, your government has proposed in the 2020 budget bill (*Bill 229*) to amend the *Assessment Act* that would provide a full property tax exemption to veterans' clubs retroactive to January 1, 2019. The Region of Peel thanks you for introducing this change in recognition of our veterans.

At its November 12, 2020 meeting, Peel Regional Council approved the attached resolution regarding this exemption and look forward to this change coming into effect as soon as possible after Bill 229 is passed. This would ensure that veteran clubs benefit from the exemption in a timely way.

I thank your government for moving quickly to address this gap and for your support of veterans.

Kindest personal regards,

Nando Iannicca,  
Regional Chair and CEO

CC: Peel-area MPPs  
Ontario Municipalities  
Stephen Van Ofwegen, Commissioner of Finance and CFO



**Nando Iannicca**  
Regional Chair & CEO

10 Peel Centre Dr.  
Suite A, 5th Floor  
Brampton, ON L6T 4B9  
905-791-7800 ext. 4310

### **Resolution Number 2020-939**

Whereas each year on November 11, Canadians pause to remember the heroic efforts of Canadian veterans who fought in wars and military conflicts, and served in peacekeeping missions around the world to defend our freedoms and democracy so that we can live in peace and prosperity;

And whereas, it is important to appreciate and recognize the achievements and sacrifices of those armed forces veterans who served Canada in times of war, military conflict and peace;

And whereas, Section 6.1 of the Assessment Act, R.S.O. 1990, c. A31 as amended, Regional Council may exempt from Regional taxation land that is used and occupied as a memorial home, clubhouse or athletic grounds by persons who served in the armed forces of His or Her Majesty or an ally of His or Her Majesty in any war;

And whereas, through By-Law Number 62-2017 Regional Council has provided an exemption from Regional taxation to Royal Canadian Legions and the Army, Navy and Air Force Veterans Clubs that have qualified properties used and occupied as a memorial home, clubhouse or athletic grounds;

And whereas, local municipal councils in Peel have provided a similar exemption for local property taxes;

And whereas, Royal Canadian Legion branches in Ontario are exempt from all property taxation, including the education portion of property taxes, under Section 3 (1) paragraph 15.1 of the Assessment Act, and that a municipal by-law is not required to provide such an exemption;

And whereas, the 2020 Ontario Budget provides for amendments to the Assessment Act to apply the existing property tax exemption for Ontario branches of the Royal Canadian Legion, for 2019 and subsequent tax years, to Ontario units of the Army, Navy and Air Force Veterans in Canada;

Therefore, be it resolved, that the Regional Chair write to the Minister of Finance, on behalf of Regional Council, to request that upon passage of the 2020 Ontario Budget, the amendment to the Assessment Act be implemented as soon as possible;

And further, that copies of this resolution be sent to Peel-area Members of Provincial Parliament as well as to all Ontario municipalities for consideration and action.



Municipality of Southwest Middlesex

December 7, 2020

Please be advised that the Council of Southwest Middlesex passed the following resolution at it's November 25, 2020 Council meeting:

Drainage Matters: CN Rail

Moved by Councillor McGill  
Seconded by Councillor Vink

“WHEREAS municipalities are facilitators of the provincial process under the *Drainage Act* providing land owners to enter into agreements to construct or improve drains, and for the democratic procedure for the construction, improvement and maintenance of drainage works; and

WHEREAS municipal drain infrastructure and railway track infrastructure intersect in many areas in Ontario; and

WHEREAS coordination with national railways is required for the construction or improvement of drains that benefit or intersect with national railways; and

WHEREAS the national railways have historically participated in the process for construction, improvement and maintenance of drainage works; and

WHEREAS currently municipalities are experiencing a lack of coordination with national railways on drainage projects; and

WHEREAS the lack of coordination is resulting in projects being significantly delayed or cancelled within a year; and

WHEREAS municipal drains remove excess water to support public and private infrastructure and agricultural operations;

THEREFORE be it resolved that the Province of Ontario work with the Federal Minister of Transportation to address concerns regarding municipal drainage matters and need for coordination with the national railways; and

THAT Council circulate the resolution to the Provincial Ministers of Agriculture, Food, and Rural Affairs, and Municipal Affairs and Housing, and the Federal Minister of Transportation, the local MP and MPP, the Association of Municipalities of Ontario, and all municipalities.”

Municipality of Southwest Middlesex Resolution #2020-274

Carried

Sincerely,

A handwritten signature in cursive script, reading "Jillene Bellchamber-Glazier".

Jillene Bellchamber-Glazier  
CAO-Clerk

Cc: The Honorable Marc Gardeau, Minister of Transport  
The Honorable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs  
Monte McNaughton, MPP Lambton-Middlesex-London  
Lianne Rood, MP Lambton-Kent-Middlesex  
The Association of Municipalities of Ontario  
All Ontario Municipalities





Legislative Services  
111 Erie Street North  
Leamington, ON N8H 2Z9  
519-326-5761  
clerks@leamington.ca

November 23, 2020

SENT VIA EMAIL

**RE: Support of Municipality of Tweed Resolution 343 regarding Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines**

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, November 17, 2020 enacted the following resolution:

**No. C-355-20**

WHEREAS federal parliament passed the Cannabis Act S.C. 2018, c. 16; and

WHEREAS pharmaceutical companies and industries are required to follow strict regulations and governing legislation including Narcotic Control Regulations C.R.C., c 1041 and Controlled Drugs and Substances Act (Police Enforcement) Regulations SOR/9-234 in order to produce medicinal products pursuant to a licence issued by Health Canada; and

WHEREAS Health Canada issues registrations and certificates for individual medicinal cannabis production without municipal consultation and regardless of land use planning regulations or other municipal regulations that may be in place; and

WHEREAS municipalities are authorized under the Planning Act, R.S.O. 1990, C. P 13 to pass a comprehensive zoning by-law that is in compliance with the appropriate County Official Plan which must be in compliance with the Provincial Policy Statement; and

WHEREAS the Provincial Policy Statement, Official Plan and Zoning By-Law in effect for each area is designed to secure the long-term safety and best use of the land, water and other natural resources found in that area's natural landscape; and

WHEREAS section 128 of the Municipal Act, 2001, S.O. 2001, c. 25 authorizes a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances; and

WHEREAS The Corporation of the Municipality of Leamington has passed Comprehensive Zoning By-Law 890-09 and By-law 35-18, regulating certain matters related to cannabis which limits Part II Cannabis Facilities to Industrial Zones; and

WHEREAS The Corporation of the Municipality of Leamington has not been consulted by Health Canada prior to the issuance of registrations or certificates for the production of cannabis by individuals within the Municipality; and

NOW THEREFORE BE IT RESOLVED THAT The Corporation of the Municipality of Leamington requests that immediate action be taken by all levels of government to require that those individuals who may be issued a registration or certificate to produce medical cannabis adhere to the same strict regulations and legislation as licensed pharmaceutical companies and industries;

AND FURTHER, that the Association of Municipalities of Ontario advocate with the Federation of Canadian Municipalities to the Government of Canada that similar regulations and guidelines for medical cannabis licensing in alignment with other pharmaceutical industries;

AND FURTHER, that the distribution of medical cannabis be controlled through pharmacies in consistent with other medications;

AND FURTHER, that all properties which are the subject of an application to produce cannabis be disclosed in advance to the municipalities within which the property is situated; and

AND FURTHER, that this resolution be circulated to the Prime Minister of Canada, Health Canada, the Premier of the Province of Ontario, the Minister of Municipal Affairs and Housing, the Ontario Provincial Police, the Association of Municipalities of Ontario, and all upper, lower and single tier municipalities within the Province of Ontario.

Carried



Sincerely,  
Brenda M. Percy, Clerk

cc: The Right Honourable Justin Trudeau, Prime Minister  
Health Canada  
Honourable Doug Ford, Premier  
Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Ontario Provincial Police  
Association of Municipalities of Ontario  
All Ontario Municipalities



December 3, 2020

### **In This Issue**

- Report out on November 27th AMO Board meeting.
- Municipal Information & Data Analysis System (MIDAS).
- Accessible municipal websites.
- Rowan's Law Phase 2 proclamation date moved to July 2021.
- Follow ROMA for chance to win 2021 ROMA Conference pass!
- Investments 101 - Online training.
- Careers with AMO, Augusta, Durham and Orillia.

### **AMO Matters**

AMO President Graydon Smith [recaps the highlights](#) of the November 27, 2020 AMO Board meeting.

370 of 444 municipalities in Ontario have now posted on [MIDAS](#) their 2019 Financial Information Returns (FIRs), and 444 have posted their 2018 FIRs. Access to MIDAS is free and available to all Ontario municipalities, creating opportunities to generate reports and compare data. Browse the [MIDAS brochure](#) to see what it can do for you. To get access, email [midasadmin@amo.on.ca](mailto:midasadmin@amo.on.ca).

Need an AODA compliant municipal website in time for January 1, 2021? AMO's partner [eSolutionsGroup](#) has you covered. eSolutionsGroup is [offering](#) members engaging and accessible websites on a budget. Contact [Karen Mayfield](#), eSolutionsGroup President, for more information.

### **Provincial Matters**

Given the impacts/restrictions that sport organizations and facilities are experiencing, the Ministry of Heritage, Sport, Tourism and Culture has extended Phase 2 of the implementation of the [proclamation date](#) of [Rowan's Law](#) to July 1, 2021. All other legislative and regulatory requirements will remain the same. See FAQs [here](#).

### **Eye on Events**

ROMA is giving away a free registration to its [2021 conference](#). For a chance to win, follow ROMA on [Twitter](#) and 'like' the ROMA [Facebook](#) page by midnight Thursday, December 10.

### **ONE Investment**

Learn at your pace from your place in 2020 [by registering online](#) for the Investments

101 course. The course is developed to educate municipal staff on the fundamentals of investing and discusses options available to municipalities under the Legal List and Prudent Investor Standard.

### **Careers**

Policy Intern - AMO. Assisting senior advisors and the Director of Policy, the successful candidate will support AMO's policy development process. Please apply in confidence to: [careers@amo.on.ca](mailto:careers@amo.on.ca) by Friday, December 18, 2020 at 12 noon.

Chief Administrative Officer - Township of Augusta. The Township is a thriving rural community, situated along the St. Lawrence River, serving a population of approximately 7,350 residents. For a full description of the position, please see the Township's website. Please forward a complete resume by no later than 4:30 p.m. December 14, 2020 to: Ray Morrison, CAO/Treasurer, Township of Augusta, 3560 County Road 26, Prescott, ON, K0E 1T0. Email: [rmorrison@augusta.ca](mailto:rmorrison@augusta.ca).

Business Analyst - Region of Durham. Position Status: Temporary up to 18 months. Job ID#: 13481. Reports to: myDurham 311 Program Manager. The myDurham 311 Project is an enterprise project focusing on modernizing the customer experience through an innovative approach to contact centres, face-to-face engagements and digital channels. To learn more about this opportunity, please visit Durham Region Job Postings and apply online directly to Job ID# 13481 on or before December 17, 2020.

Supervisor, Asset Maintenance (Two-Year Contract) - City of Orillia. Department: Environment & Infrastructure Services. Please apply through the City's on-line portal at City of Orillia Employment Opportunities. Applications will be accepted until December 21, 2020 at noon.

Director, Diversity, Equity & Inclusion - Region of Durham. The Director of Diversity, Equity, and Inclusion, a newly created position, reports to the Chief Administrative Officer. To explore this opportunity further, please contact Kristen Manning at Odgers Berndtson at [kristen.manning@odgersberndtson.com](mailto:kristen.manning@odgersberndtson.com), or submit your resume and letter of interest online to Odgers Berndtson Opportunities by January 6th, 2021.

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### **About AMO**

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component of Ontario's and Canada's political system. Follow [@AMOPolicy](https://twitter.com/AMOPolicy) on Twitter!

### **AMO Contacts**

AMO Watch File Tel: 416.971.9856  
Conferences/Events

Policy and Funding Programs

LAS Local Authority Services

MEPCO Municipal Employer Pension Centre of Ontario

ONE Investment

Media Inquiries Tel: 416.729.5425

Municipal Wire, Career/Employment and Council Resolution Distributions

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\*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.



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December 10, 2020

### **In This Issue**

- Accessible municipal websites.
- Ontario seeking input on Draft Water Quantity Framework Guidance.
- ROMA Conference 2021: Connecting you to provincial leaders.
- Want to reduce stress this lockdown holiday season? It's possible.
- Webinar: Struggling with your meeting management system? eSCRIBE can help.
- Municipal Group Buying Program saves thousands!
- Investments 101 - Online training.
- Careers with AMO, Ontario Public Service, Durham and Toronto.

### **AMO Matters**

Need an AODA compliant municipal website in time for January 1, 2021? AMO's partner [eSolutionsGroup](#) has you covered. eSolutionsGroup is offering members engaging and accessible websites on a budget. Contact [Karen Mayfield](#), eSolutionsGroup President, for more information.

### **Provincial Matters**

Earlier this year, Ontario finalized its Water Quantity Framework, establishing priority water uses, updating provincial authority to manage uses in stressed watersheds and establishing the ability for municipalities to formally consider their support for new or expanded water bottling operations. The draft guidance is open to comment on the EBR until February 5, 2021. AMO will be reviewing for broad municipal considerations. Municipal officials are encouraged to review and submit comments.

### **Eye on Events**

The ROMA Conference is an important opportunity to connect with provincial leaders. As in past years, this year's conference will feature Ministers' Forums, main stage addresses by key ministers and party leaders. Start off 2021 with important provincial updates and insights that will help you plan for the year ahead. Early Bird rates end December 31, 2020.

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### **Careers**

[Policy Intern - AMO](#). Assisting senior advisors and the Director of Policy, the successful candidate will support AMO's policy development process. Please apply in confidence to: [careers@amo.on.ca](mailto:careers@amo.on.ca) by Friday, December 18, 2020 at 12 noon.

[Director, Statistics Integration Branch \(Ministry of Finance\) - Ontario Public Service](#). Location: Toronto. Job Term: 1 Permanent. Job Code: XEXE2 - Executive 2. Please apply online, only, by Wednesday, December 16, 2020, by visiting [Ontario Public Service Careers](#). Please follow the instructions to submit your application. Faxes are not being accepted at this time.

[Director, Business Affairs - Region of Durham](#). Job ID 13758. Reports to: Commissioner & Medical Officer of Health. To learn more about this opportunity, please visit [Durham Region Job Postings](#) and apply online directly to Job ID #13758 no later than December 31, 2020.

[Director, Office of Emergency Management - City of Toronto](#). Reports to the Toronto Fire Chief / General Manager of Emergency Management. If you are interested in exploring this opportunity, please submit a resume and letter of interest online at [Odgers Berndtson Opportunities](#). To acquire more information about the role, please contact Margaret Campbell at [Margaret.Campbell@odgersberndtson.com](mailto:Margaret.Campbell@odgersberndtson.com) or Joanne McMullin at [Joanne.McMullin@odgersberndtson.com](mailto:Joanne.McMullin@odgersberndtson.com).

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### **About AMO**

AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. AMO supports strong and effective municipal government in Ontario and promotes the value of municipal government as a vital and essential component

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Lucan Biddulph Fire Area Board  
November 19<sup>th</sup>, 2020

## **LUCAN-BIDDULPH FIRE AREA BOARD**

**Present:** Chief, Ron deBrouwer  
Deputy Chief, Tim Shipley  
Township of Lucan Biddulph, Cathy Burghardt-Jesson  
Daniel Regan  
David Goddard

**Also Present:** Secretary-Treasurer, Ron Reymer

### **Call to Order**

The Chair called the meeting to order at 4:05 p.m. The meeting was held in the Council Chambers of the Township of Lucan Biddulph 270 Main St. in Lucan

### **Disclosure of Pecuniary Interest & Nature Thereof**

None

### **1/ Minutes**

*Moved by D. Regan*

*Seconded by C. Burghardt-Jesson*

*Resolved that the minutes of the March 5<sup>th</sup>, 2020 meeting be adopted, as circulated.*

**CARRIED**

### **Fire Chief's Report**

Chief Ron deBrouwer's report was reviewed at this time covering such topics as:

Fire Calls;

- Donations received from Adam Finch, the Lucan Businessmen's Golf Tournament and the Lucan Biddulph Fire Fighter's Association;
- Equipment Purchases;
- Repair to the Rescue Truck;
- Chief's Office renovation;
- Working on aerial truck agreement with South Huron;
- Ailsa Craig fire will now automatically respond to any structure fire calls in N.Mdlsx coverage area of our current agreement;
- Fire Fighter Chris Yule has retired after 20yrs with the Department; and
- Future fire gear purchases.

The Chief noted that he had a lengthy phone interview with the Ontario Fire Marshall's office last week with a follow up call today. All went well. He was able to answer the questions. The OFM representative seemed happy with the discussion and

Lucan Biddulph Fire Area Board  
November 19<sup>th</sup>, 2020

no large issues were raised.

### 2/ Fire Chief's Report

*Moved by C. Burghardt-Jesson*

*Seconded by D. Regan*

*Resolved that the Lucan Biddulph Fire Area Board receive the Fire Chief's report, as presented.*

**CARRIED**

### Treasurer's Report

At this time the list of year to date expenditures was reviewed. Mr. Reymer noted one correction to the list (one invoice was listed incorrectly as it was a Biddulph-Blanshard Fire expense, not Lucan Biddulph's).

### 3/ Expenditures As Paid

*Moved by D. Regan*

*Seconded by C. Burghardt-Jesson*

*Resolved that the Lucan Biddulph Fire Area approve payment of the attached lists of payables totalling \$72,412.73 as paid.*

**CARRIED**

Mr. Reymer reviewed the 2019 year-end unaudited financial statements.

### 4/ YTD Financial Report

*Moved by C. Burghardt-Jesson*

*Seconded by D. Regan*

*Resolved that the Lucan Biddulph Fire Area Board receive the YTD financial report, as presented.*

**CARRIED**

### Review of Community Risk Assessment Data

It was noted by the Chair that this report is due to be updated every five years. The last one was done in 2016.

A question was raised as to whether or not we should be listing known propane/oxygen/acetylene storage areas such as the one at 33351 Richmond St. The OFM's office will be asked to advise us in this regard. The last three years of fire data will be input into this document so that it's ready for submission in 2021.

It was noted that information from Biddulph-Blanshard Fire is also needed in order to complete this document.

Lucan Biddulph Fire Area Board  
March 5<sup>th</sup>, 2020

A general discussion was had at this time with regards to some of the information i.e. include tornadoes/severe weather into the list of probable hazards.

A number of amendments/changes were suggested that will be incorporated into the final document.

### **Review of Code of Conduct Policy and the Respect in the Workplace (Harassment & Violence Policy)**

At this time the Board reviewed the following two draft policies:

- HR-01-2020 Code of Conduct; &
- HR-02-2020 Respect in the Workplace (Harassment & Violence)

#### **5/ Adoption of Policies**

*Moved by C. Burghardt-Jesson*

*Seconded by D. Regan*

*Resolved that the Lucan Biddulph Fire Area Board adopt the following policies, as presented:*

*Policy HR-01-2020 (Employee Code of Conduct)*

*Policy HR-02-2020 (Respect in the Workplace (Harassment & Violence))*

*CARRIED*

#### **Other Business**

Chief deBrouwer lead a general discussion regarding:

1. An aerial ladder truck. Do we need one, what would trigger that need? Would it fit in the existing fire hall?
2. Is there really a need for two fire halls in our municipality?
3. Should we be looking at a Fire Master Plan?
4. Should we be updating the fire component of the Development Charges to pay for some of these things?

#### **6/ In-Camera Session**

*Moved by C. Burghardt-Jesson*

*Seconded by D. Regan*

*Resolved that the Board move to an in-camera session at this time without the Chief or Deputy Chief to discuss a personnel matter about an identifiable individual.*

*CARRIED*

Lucan Biddulph Fire Area Board  
November 19<sup>th</sup>, 2020

**7/ Rise from In-Camera Session**

*Moved by D. Regan*

*Seconded by C. Burghardt-Jesson*

*Resolved that the in-camera session does now rise and the Board meeting resume at 6:13p.m.*

CARRIED

**8/ Bonus Payment**

*Moved by C. Burghardt-Jesson*

*Seconded by D. Regan*

*Resolved that the Lucan Biddulph Fire Area Board authorize the payment of a bonus to the Chief and Deputy Chief retroactive to January 1<sup>st</sup>, 2020 as directed during the in-camera discussion.*

CARRIED

Chair D. Goddard noted that he, the Chief, Deputy Chief and D. Regan attended the "Essentials of Municipal Fire Protection" course in 2019.

**9/ Adjournment**

*Moved by D. Regan*

*Seconded by C. Burghardt-Jesson*

*Resolved that the meeting be adjourned at 6:20 p.m.*

CARRIED

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Chair

---

Secretary-Treasurer



**The Biddulph Blanshard Fire Board****Regular Meeting Minutes****November 26<sup>th</sup>, 2020**

A meeting of the Biddulph Blanshard Fire Board was held on this date in the Board Room of the Biddulph Blanshard Fire Hall, 511 Station Street, Granton, Ontario at 6:00 p.m.

Present: Fire Chief Steve Toews, Deputy Fire Chief Mike Fletcher, Robert C. Wilhelm, Sam Corriveau, Cathy Burghardt-Jesson, Alex Westman and Norm Bilyea.

Also Present: Ron Reymer, Secretary-Treasurer.

**Call to Order**

Chair C. Burghardt-Jesson called the meeting to order at 6:00 p.m.

**Disclosure of Pecuniary Interest & Nature Thereof**

None

**1/ Minutes**

*Moved by R. Wilhelm*

*Seconded by A. Westman*

*RESOLVED: That the minutes of the meeting held on May 13<sup>th</sup>, 2020 be adopted as circulated.*

*CARRIED*

**Treasurer's Report**

Mr. Reymer and the Chief reviewed the list of accounts as paid as well as the year to date financial statement.

**2/ Accounts as Paid**

*Moved by A. Westman*

*Seconded by S. Corriveau*

*RESOLVED: That the Biddulph Blanshard Fire Board approve the following as paid accounts:*

<i>Township General Account via cheque</i>	<i>\$36,848.27</i>
<i>Biddulph-Blanshard Fire Account via cheque</i>	<i>\$ 0.00</i>
<i>Biddulph-Blanshard Fire Account – online</i>	<i>\$ 5,660.33</i>
<i>Total</i>	<i>\$42,508.60</i>

*CARRIED*

The Chief and Deputy Chief were instructed to summarize all Covid related expenses at year end and send to both Township Treasurers for the purpose of outlining to the Province what expenses were incurred to offset the money the Province gave to each municipality in Ontario to cover Covid related costs.

It was noted that even with the pandemic, the 2020 budget looks pretty respectable.

### **3/ Financial Report**

*Moved by N. Bilyea*

*Seconded by S. Corriveau*

*RESOLVED that the Financial report be received*

*CARRIED*

### **Chief's Report**

Deputy Chief Fletcher reviewed the callouts since the last meeting.

Mr. Reymer was asked to review the highway callouts with Chief Toews to ensure that all possible revenues are pursued.

It was also noted that any personnel issues with OPP should be documented and forwarded to the municipal office for follow up with the Inspector.

The Chief noted that the pandemic has certainly changed how practices are conducted but that everyone is in good health and spirits remain high.

The department is very happy with the cellphone paging system as it has an invaluable mapping function that is able to pinpoint the location of each fire fighter.

### **Other Business**

Mr. Reymer reviewed the Simplified Risk Assessment document and reviewed the data within it. It was noted that this document needs to be updated every 5yrs and is due sometime in 2021. It was also noted that department data for the portion of Lucan Biddulph that this department covers is needed for 2017, 2018 & 2019.

Mr. Reymer also reviewed the following two policies which are required to be passed by the Fire Area Board as an employer:

- Policy HR01-2020 (Employee Code of Conduct)
- Policy HR02-2020 (Respect in the Workplace (Harassment and Violence))

Mr. Reymer also noted that Township staff will be reaching out to the Chief to arrange for training for fire department personnel on both of these policies.

**4/ HR Policies**

*Moved by R. Wilhelm*

*Seconded by A. Westman*

*RESOLVED that the Biddulph-Blanshard Fire Area Board adopt the following two policies:*

- Policy HR01-2020 (Employee Code of Conduct)
- Policy HR02-2020 (Respect in the Workplace (Harassment and Violence))

*CARRIED*

At this time Chair Burghardt-Jesson reported that the Lucan Biddulph Fire Area Board had increased both the Chief and Deputy Chief's annual wage at their meeting last week. This was to recognize the greatly increased paperwork burden that they are shouldering.

**5/ Annual Salary Adjustment**

*Moved by N. Bilyea*

*Seconded by R. Wilhelm*

*RESOLVED that the Biddulph Blanshard Fire Area Board increase the Chief's wage to \$12,000/yr and the Deputy Chief's wage to \$3,000/yr retroactive to January 1<sup>st</sup>, 2020.*

*CARRIED*

R. Wilhelm stated that Stratford's fire radios are not up to date so Perth County is looking into upgrades. Mr. Wilhelm would like the Chief and Deputy Chief of Biddulph-Blanshard Fire to have input into any decision that they end up making in regards to the fire radios for the County of Perth.

**6/ Adjournment**

*Moved by N. Bilyea*

*Seconded by R. Wilhelm*

*RESOLVED: That the Board meeting be adjourned at 7:31pm.*

*CARRIED*

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Chair

Secretary-Treasurer



# Memo

**To:** Mayor and Council  
**From:** Tina Merner, Deputy Clerk  
**Report No.:** CL-11-2020  
**Subject:** Face Mask By-law extension  
**Date:** December 15, 2020

## **PURPOSE:**

To extend the Face Mask By-law passed by Township of Lucan Biddulph on July 24, 2020.

## **BACKGROUND:**

In an effort to prevent the spread of COVID-19 Lucan Biddulph passed By-law 33-2020 on July 24, 2020 wherein face coverings are required to be worn in all enclosed public places in the Township of Lucan Biddulph.

On October 3rd, 2020, the Ontario government updated Regulation 364/20 with new, stricter mask regulations. Masks are now mandatory throughout the province in all indoor public areas, on transit, and in workplaces where physical distancing isn't possible. This applies to everyone over the age of two.

Lucan Biddulph's current bylaw expires on December 31, 2020.

## **DISCUSSION:**

In an effort to continue to prevent the spread of COVID-19 staff is recommending that the current Face Mask By-law be revised to remain in effect during the declared state of emergency with no set expiry date. This will give bylaw enforcement staff further enforcement measures along with the mandated orders of the province.

## **IMPACT TO BUDGET:**

N/A

## **STRATEGIC PLAN:**

This report does not align with any specific action item in the strategic plan.

**RECOMMENDATION:**

That Council pass By-law 58-2020 wherein the Face Mask By-law passed by Lucan Biddulph Council will remain in effect during the declared state of emergency with no set expiry date.

**Attachments:**

By-law 58-2020 (proposed changes highlighted in yellow)

*Tina Merner*

Tina Merner  
Deputy Clerk

# Township of Lucan Biddulph

## BY-LAW 58-2020

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### **A BY-LAW TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS WITHIN ENCLOSED PUBLIC SPACES IN THE TOWNSHIP OF LUCAN BIDDULPH**

**WHEREAS** the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

**WHEREAS** Novel Coronavirus is present within Middlesex County, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

**WHEREAS** on March 17, 2020, an emergency was declared by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, and has been extended pursuant to section 7.0.7 of the Emergency Management and Civil Protection Act (“the Act”), due to the health risks to Ontario residents arising from COVID-19; and

**WHEREAS** an emergency was declared by the Municipality’s Head of Council On March 17, 2020 pursuant to the Act; and

**WHEREAS** the Province of Ontario has enacted O. Re. 263/20 (STAGE 2 CLOSURES) under subsection 7.0.2(4) (or as current) of the Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including advice, recommendations and instructions from public health officials; and

**WHEREAS** the Municipality has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the Municipality, and the health, safety and well-being of persons; and

**WHEREAS** the following is deemed necessary, as there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the Township of Lucan Biddulph within enclosed public spaces; and

**WHEREAS** it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance; and

**WHEREAS** physical distancing is difficult to maintain in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations requiring businesses and organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a necessary, recognized, practicable and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the Township of Lucan Biddulph;

**AND WHEREAS** subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

**AND WHEREAS** subsection 11(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety



and well-being of persons; and the protection of persons and property, including consumer protection;

**AND WHEREAS** subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

**AND WHEREAS** subsection 436(1) of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

**AND WHEREAS** subsection 444(1) of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LUCAN BIDDULPH AS FOLLOWS:**

#### **DEFINITIONS**

1. In this By-law, the following terms shall have the following meanings:

**"Council"** means the Municipal Council of the Township of Lucan Biddulph;

**"Establishment"** means any of the following:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, including restaurants or the sale of any food or beverage, mall, plaza or similar structure which contains multiple places of business;
- (b) churches, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- (e) community service agencies providing services to the public;
- (f) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (i) concert venues, theatres, cinemas, and all other entertainment facilities;
- (j) municipal buildings.

**"Mask or Face Covering"** means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers;

“**Officer**” means a police officer; a person appointed by Council as a municipal by-law enforcement officer; an officer, employee or agent of the municipality whose responsibility includes enforcement of this By-law;

"**Operator**" means a person or organization responsible for or otherwise controlling the operation of an Establishment;

“**Person**” or any expression referring to a person or people means an individual over the age of twelve (12) and also includes a partnership, limited partnership and a corporation and its directors and officers, and all heirs, executors, assignees and administrators.

2. Despite section 1 above, the following premises are not an Establishment for purposes of this By-law even if they would otherwise fall within the definition of an Establishment:
  - (a) schools, post-secondary institutions, and child care facilities;
  - (b) private transportation and public transportation;
  - (c) professional offices that are not open to the public and are open by appointment only;
  - (d) indoor areas of buildings that are accessible to employees only;
  - (e) hospitals, independent health facilities and offices of regulated health professionals;
  - (f) portions of community centres arenas or other buildings that are being used for the purpose of day camps for children or for the training of amateur or professional athletes; and
  - (g) school transportation vehicles.

#### **APPLICATION OF THIS BY-LAW**

3. This By-law shall apply to all establishments and persons in the Municipality.
4. For the purposes of this By-law, an Establishment means any portion of a building that is located indoors.

#### **OPERATOR RESPONSIBILITY UNDER THIS BY-LAW**

5. (a) The Operator of an Establishment that is open to the public, may adopt a policy as noted under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
  - (b) The Operator of the Establishment should, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
6. (a) The policy should include the following exemptions from the requirement to wear a Mask or Face Covering:
  - (1) children under twelve years of age;
  - (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
  - (3) persons who are unable to place or remove a Mask or Face Covering without assistance;

- (4) a person engaged in a sport or other strenuous physical activity;
  - (5) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier; and
  - (6) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
  - (c) Subject to the exemptions in section 6(a), the policy shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
  - (d) Operators of child care facilities or day camps should take reasonable measures to ensure that staff wear a face covering to the fullest extent possible while providing services and care.
  - (e) Operators of congregate living settings, including group homes and retirement homes should take reasonable measures to encourage residents to wear a face covering while in common areas and those accessible to the public.
  - (f) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 6(a).
7. The Operator should conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

**ALL PERSONS ENTERING OR REMAINING  
IN THESE PREMISES SHALL WEAR A  
MASK OR FACE COVERING WHICH COVERS  
THE NOSE, MOUTH AND CHIN AS REQUIRED  
UNDER TOWNSHIP OF LUCAN BIDDULPH  
BY-LAW 33-2020**

8. The Operator should ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.

#### **INSPECTION AND ENFORCEMENT**

9. This By-law shall be enforced by:
- (a) An Ontario Provincial Police Officer;
  - (b) A municipal by-law enforcement officer appointed by Lucan Biddulph; and
  - (c) Such other person designated from time to time by Lucan Biddulph.
10. An Officer may enter on land or buildings at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the Municipal Act, 2001 for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) an order or other requirement made under this By-law; or
  - (b) an order made under section 431 of the Municipal Act, 2001.

11. Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.
12. Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding five hundred dollars (\$500.00), exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.
13. Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:
  - (a) prohibiting the continuation or repetition of the offence by the person or operator convicted; and
  - (b) requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.

#### **ADMINISTRATION**

14. This By-law shall come into force immediately upon receiving first, second and third reading by the Municipal Council and shall remain in effect until the withdrawal of the state of emergency declared by the Corporation of the Township of Lucan Biddulph is lifted.
15. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be of full force and effect.
16. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the Emergency Management and Civil Protection Act.
17. That this By-law comes into effect on the day it is passed.
18. That By-law No. 33-2020 be repealed.

PASSED and ENACTED this 15<sup>th</sup> day of December, 2020.

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Cathy Burghardt-Jesson, Mayor

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Ron Reymer, Clerk



# Memo

**To:** Mayor and Council  
**From:** Kathryn Langendyk – Treasurer  
**Report #:** FIN-16-2020  
**Subject:** ICIP COVID Funding  
**Date:** December 15, 2020

## **BACKGROUND:**

On October 28, 2020, Ontario announced the COVID-19 Resilience Infrastructure Stream (“COVID stream”) under the Investing in Canada Infrastructure Program (ICIP) in Ontario.

Under the COVID stream, approximately \$250 million in combined federal-provincial funding will be dedicated to local governments across the Province. The allocation for Lucan Biddulph is \$100,000.

The federal government has indicated that investments under this stream are to support public infrastructure, defined as tangible capital assets, including temporary infrastructure related to pandemic response, primarily for public use and/or benefit. As such, eligible projects include:

- Retrofits, Repairs, and Upgrades
  - For municipal, provincial, territorial and indigenous buildings, health infrastructure, and educational infrastructure;
- COVID-19 Response Infrastructure
  - Including measures to support physical distancing
- Active Transportation Infrastructure
  - Including parks, trails, foot bridges, bike lanes and multi-use paths;
- Disaster Mitigation and Adaptation
  - Including natural infrastructure, flood and fire mitigation, tree planting and related infrastructure.

Municipalities will not be required to cost-share under this stream. The federal government will cover 80% of the total eligible costs associated with any approved project and Ontario will cover 20%, however, total eligible costs for all submitted projects cannot exceed the municipal allocation noted above.

Municipalities will have the opportunity to submit projects for review and approval, but eligible costs associated with any given project cannot exceed \$10 million.

There is a project cap based on the municipal allocation:

- 1 project submission for those receiving a maximum of \$100,000

Applications for single projects must be submitted to the province through the Transfer Payment Ontario (TPON) system by December 21, 2020.

Funding announcements are expected in the spring of 2021, pending federal approval timelines.

Projects must start construction by September 30, 2021 and be completed by December 31, 2022.

**DISCUSSION:**

Staff are proposing to build a sand/salt storage shed at the public works shop that would be eligible under this ICIP Funding.

The Township has shared a sand storage facility with the Ministry of Transportation. Our storage need is very small and this arrangement has worked well for over ten years.

However, due to the COVID-19 pandemic, we need to end this sharing arrangement. Therefore, we need to construct our own storage area.

**IMPACT TO BUDGET:**

The sand/salt storage project is proposed in the 2021 capital budget. The ICIP funding allocated would cover the cost of this project.

**STRATEGIC PLAN:**

This matter does not align with any specific strategic priority.

**RECOMMENDATION:**

THAT Treasurer report FIN-16-2020 re: ICIP COVID Funding be received;  
AND THAT the following project be put forward for funding under the ICIP COVID Funding allocation:

- Public Works Sand/Salt storage shed at the public works shop

Respectfully submitted by:

*Kathryn Langendyk*

Kathryn Langendyk  
Treasurer



# Memo

**To:** Mayor and Council

**From:** Jeff Little, Manager of Public Works

**Report No.:** PW-36-2020

**Subject:** Emergency Winter Maintenance Service Memorandum of Understanding

**Date:** December 10, 2020

**BACKGROUND:** The Township of Lucan Biddulph and all other Middlesex County municipalities including the County itself are taking precautions to limit the impact of the COVID-19 pandemic on winter maintenance operations. Due to the uncertainty of the spread of the virus there may be times when unavailability of staff will create challenges to provide basic winter maintenance services.

**DISCUSSION:** Minimum maintenance standards as regulated under the Highway Traffic act, provides the guidance to municipalities for winter maintenance activity. The possibility of staff/operators absence due to COVID-19 could make it a challenge to meet these standards. This issue has been discussed at length by the County Engineer and the local public works officials and it was agreed that a memorandum of understanding (MOU) would be beneficial if any assistance was needed to provide basic winter maintenance services on roads not directly under the jurisdiction of the municipality or the County providing the service. While the resolution would provide some protection for liability due to winter maintenance activities there is still a risk that any lawsuit against the County would include the local municipality, and vice versa. A formal agreement would give better protection but due to the joint declared emergencies the opinion of the Public Works Manager is that the risk is acceptable considering the danger of not providing winter maintenance assistance. The municipality requesting assistance would need to take best efforts to provide advance notice (ideally by email) to the supporting service provider of at least 12 hours. They would also need to agree to provide compensation for any costs incurred for provision of this service. The MOU would expire either at the end of the winter season (April 15, 2021) or if the local municipality or County lifted their emergency declaration. A mutual declared emergency is critical for the defense against any potential liability as the COVID-19 pandemic is the key basis for entering into this arrangement. It is recommended that this resolution also be approved by each municipality wishing to participate in this service for the 2020-2021 winter season.

**IMPACTS TO BUDGET:** Financial impact would be determined per an event.

**STRATEGIC PLAN:** Not Applicable.

**RECOMMENDATION:** That the attached resolution regarding Emergency Maintenance Service Memorandum of Understanding be approved by Council.

**ATTACHMENTS:** Resolution Memorandum of Understanding

*Jeff Little*

Jeff Little  
Public Works Manager

## RESOLUTION

### Re: Emergency Winter Maintenance Services Memorandum of Understanding

#### WHEREAS:

- A. In and around March 2020 a worldwide pandemic regarding the Novel Coronavirus 19 commenced (“**COVID-19**”);
- B. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the “**EMCPA**”) related to COVID-19;
- C. On March 17, 2020, a Declaration of Emergency was made by the County of Middlesex and each of the local municipalities within the geography of the County, being The Corporation of the Township of Adelaide Metcalfe, The Corporation of the Township Of Lucan Biddulph, the Municipality of Middlesex Centre, The Corporation of the Municipality of North Middlesex, The Corporation of the Municipality of Southwest Middlesex, The Corporation of the Municipality of Strathroy Caradoc, The Corporation of the Municipality of Thames Centre, and The Corporation of the Village of Newbury (the “**Local Municipalities**”), pursuant to section 4(1) of the *EMCPA* related to COVID-19 (the “**Emergency**”);
- D. The upper-tier municipality, The Corporation of the County of Middlesex (the “**County**”) and the Local Municipalities, due to the nature of the Emergency, wish to assist each other with winter maintenance upon request should the circumstances of the Emergency require it and the appropriate resources exist;
- E. The County and the Local Municipalities acknowledge that jurisdiction over any highway subject to this resolution remains that of the municipality which established the highway by by-law, but that the municipality providing the winter maintenance services is responsible for the services provided; and
- F. Where the term Claims is used in this resolution, “**Claims**” shall mean any claim, action, allegation, cause of action, loss, expense, costs (including legal costs), fine, penalty, liability, damages, interest, and/or judgment (including but not limited to, costs and expenses incidental thereto).

#### NOW THEREFORE:

- 1. The above recitals are true and the same are hereby incorporated into this Resolution.
- 2. County Council hereby authorizes each of the Local Municipalities to perform sanding, salting, snowplowing and/or winter patrol operations (“**Winter Maintenance Services**”) on highways under the jurisdiction of the County, should the County Engineer or his or her designate, request such services at any time during the Emergency.
- 3. Township Council does hereby authorize Municipal staff to perform Winter Maintenance Services on highways under the jurisdiction of the county and/or a Local Municipality, at the request of the county and/or the Local Municipality, at any time during the Emergency, if in the opinion of the Public Works Manager, the municipality has sufficient resources to perform such work.

4. The municipality requesting Winter Maintenance Services will make best efforts to provide the municipality from which the services are being requested with twelve (12) hours written notice (includes e-mail) of the need for the provision of Winter Maintenance Services and for each request to specify, in writing, (a) the highways or portions of highways for which assistance is required; and (b) the length of time for which assistance is required.
5. Any Winter Maintenance Services provided by the county or any municipality within the geography of Middlesex County shall be provided for the whole width of the highway and in accordance with all applicable laws, including the "Minimum Maintenance Standards for Municipal Highways" established under Ontario Regulation 239/02 of the *Municipal Act 2001*, SO 2001, c 25, as amended or replaced, and the Ontario Traffic Manual, as amended or replaced.
6. The county and/or the local municipality requesting assistance shall be responsible for all expenses incurred by the municipality performing the Winter Maintenance Services, save and except for the costs to repair any damage caused to a highway as a result of the Winter Maintenance Services, which shall be borne by the municipality performing the services.
7. The county and/or the local municipality performing the Winter Maintenance Services shall be responsible and liable for Claims attributed to direct damages caused by its provision of Winter Maintenance Services and shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.
8. The Municipality does hereby release and agrees to indemnify, defend and save harmless the county and/or other Local Municipalities, their respective Councillors, officers, employees, legal counsel, and agents, from and against any Claims attributed to direct damages caused by its provision of the Winter Maintenance Services. The County shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.
9. This resolution comes into effect immediately upon its passing and expires at the earliest of the County repealing its Emergency Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the *EMCPA* or April 15, 2021.
10. In the event the county and/or a local municipality repeals its respective Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the *EMCPA*, no Emergency Winter Maintenance Services will be provided to that municipality.
11. Township Council may at any time, by resolution, terminate the authorization contained in this resolution.

# Memo

**To:** Mayor and Council

**From:** Paul Smith, Manager of Parks and Recreation

**Report No:** PR-16-2020

**Subject:** ABCA watershed low impact projects – Municipal recreational land

**Date:** December 15th, 2020

**Background:** The ABCA wetlands department reached out to the Parks and Recreation and Public Works department to discuss potential project opportunities after initial conversations with the Parks and Recreation department in regards to floating island wetlands in the storm water management ponds. The Federal government has since released funding for wetland projects to protect endangered species with a focus on recreational land impacts and educational components. Funds would to be applied through the Habitat Stewardship Program

Staff met with representatives of the ABCA at the most recreationally active and largest storm water management pond off of Campanale to review potential projects to reduce development impact utilizing passive recreational land.

This site can serve as an educational and demonstration land for future storm water management sites that can be implemented into development policies and demonstration for low impact community programs that residents can participate in on private residences, reducing impact to the local water shed and water treatment costs. The Little Ausable and the species located in its watershed are affected by all of the community and future development.

**Discussion:** Reducing sedimentation and nutrient loading into local watercourses is important as all of our bodies of water are connected and the runoff from agriculture and developed areas will eventually end up in our drains, creeks and rivers. A key goal of these individual projects is to protect the habitat for the Black Redhorse, a federally listed Species at Risk (SAR) that only exists in a handful of watersheds in Canada, including the Little Ausable. This fish needs clear, non-polluted water. Holding back the water upstream and allowing water to slow down and filter through plants and soil will help to improve water quality downstream in the river. Other Species at Risk that will be helped by this project

include: Northern Sunfish, Rainbow (mussel), Wavy-rayed Lampmussel as well as various turtle species. Birds and insects (including pollinators) rely on healthy habitats and native species as well. Species at Risk are automatically protected under federal and provincial legislation, and there are many incentives to encourage people and municipalities to do the best they can to enhance and protect their habitats. Reducing the speed of water entering the watercourse, will reduce erosion and reduce the cost of maintenance over time.

These improvements further enhance and provide valuable areas for people to play, walk, run, ride and spend time outdoors with family, mitigate the effects of climate change, flash flooding and reduce the amount of water ponding on surfaces such as driveways, sidewalks, roads. This will result in less need for road salt/sand, saving money and reducing harm to the environment.

A key part of the project is educational, promotion for residents to access programs, funding and incentives through the ABCA to lower their impact on the water shed will be valuable. Demonstration areas and educational campaigns partnered with the Township will be a strong aspect of this proposal. For example, rainwater can be harvested locally and used to water lawns, gardens and other outdoor purposes instead of using clean, treated water to do so.

The ABCA has provided an excellent quantified example of how low impact watershed projects can have a reduced water treatment costs (for example, the following table shows the relative cost of removing 1 kg of phosphorous from water using Water and Sediment Control Basins (WASCoBs) and cover crops, compared to waste water treatment plants. For Lucan, the methods would be different and so the net cost per kg P reduced would vary. \*note, the WWTP cost has such a large variation because it shows the costs of various urban wastewater treatment plants surveyed). It simply shows that a mix of methods will yield the best results and that every bit helps to reduce the WWTP costs, especially proper vegetative cover.

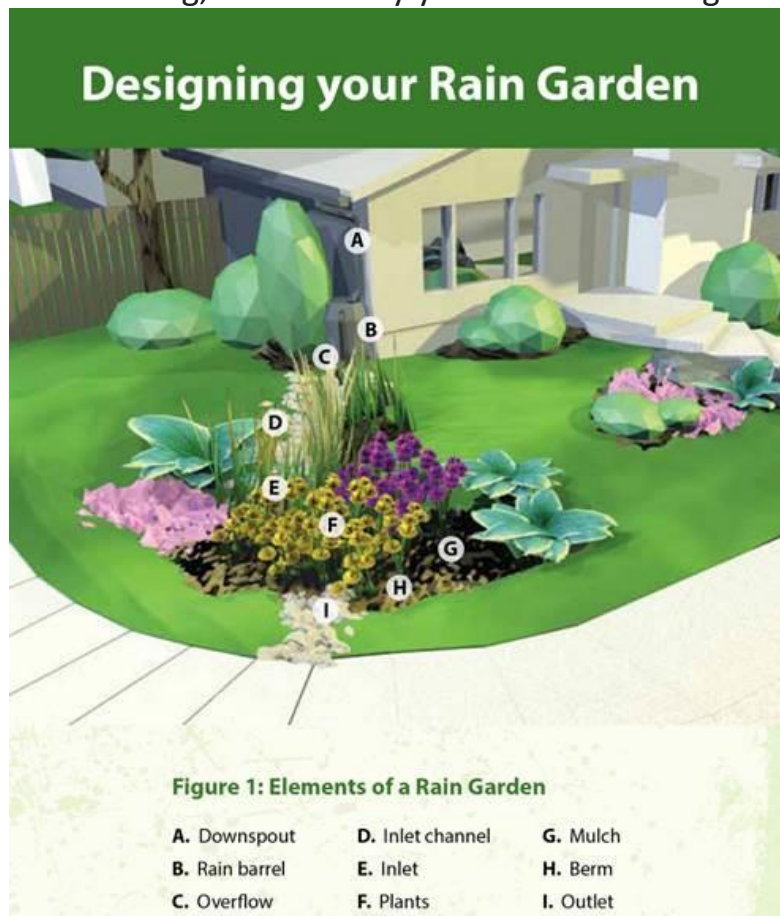
Method	WASCoBs	Cover Crops	WWTP
Cost to remove Phosphorus	\$208 / kg P reduced	\$88.50 / kg P reduced	\$50-750 /kg P removed

(Made with data from: Watershed Evaluation Group, University of Guelph. 2017. SWAT modelling and assessment of agricultural BMPs in the Gully Creek watershed.)

Some examples of potential enhancement projects discussed to fit under funding and educational promotions are as follows (all projects have potential for residents to participate on private property in partnership with the ABCA):

### 1) Rain gardens

Surface water is filtered as it absorbs into the ground and the nutrients are taken up by native plant species in the garden. Rain gardens also create habitat for birds, bees, butterflies, and other wildlife; they reduce downstream flooding; and beautify your home and neighbourhood.



2) Bio swales: This is proposed for the southeast corner of the storm water management pond where the path leads down to the corner of the pond. There is already a natural curve and depression existing in this location and It could be planted with native plants to help slow and filter water, as well as providing habitat for animals, pretty colours and aesthetic value. It is

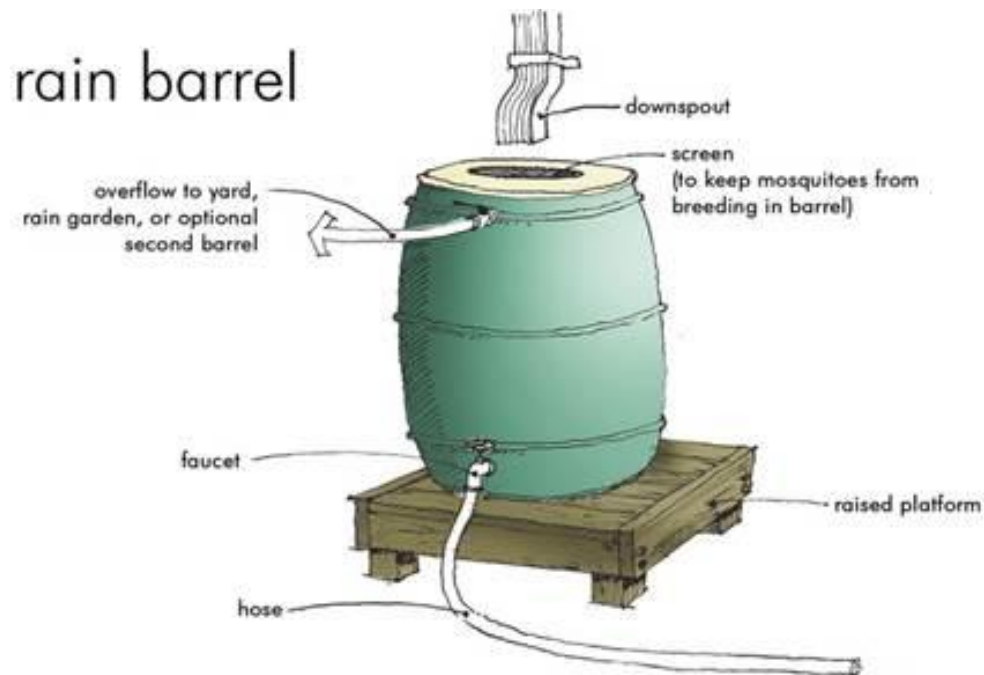


also an important feature to be outlined in an education campaign, as bio swales are very helpful low impact way of conveying storm water, while also trapping and treating it.



There are also potential if successful to work with the ABCA to apply this method to other road side ditches and drains adding beautification/functionality/removal of invasive species and reduced cost and impact of mowing.

- 3) Rainwater harvesting systems, such as rain barrels. These can go on private property through promotional campaigns partnered with the ABCA. These can also be placed on public land to water the gardens if the desire was to show how rainwater harvesting and recycling of free water can be done by individuals and businesses.



- 4) A horizontal swale/grassed strip or buffer of shrubs about halfway down the slope on the north side of the storm water pond is proposed to improve filtration/slow down flow and reduce erosion. The erosion around the storm water management ponds not only affects the impact on the water shed but can be costly for equipment maintenance and upkeep of fill material.
- 5) Removal of the Phragmites on the northern most point of the pond and planting of native emergent vegetation removes an invasive species from our parkland and creates a more beneficial and appealing habitat in the pond.
- 6) Some Floating Treatment Wetlands will be installed in the pond to help filter out pollutants and act as a demonstration of things that can be done to mitigate our impact on local watercourses.
- 7) Education of land-water linkages is integral for a growing developing community. Especially when climate change is such an important issue. Everything we do impacts the water. If there are negative impacts, it can reduce property value, increase flooding, increase salt/sand needed, kill off native species and host invasive species, reduce beneficial recreational uses and increase treatment costs.

With potential development of the Lucan Biddulph Community Forest and proximity of Wilberforce public school as well as trail development being noted as a key recommendation in the Parks and Recreation masterplan. Potential trails linking the storm water pond and the Lucan Biddulph Community Forest north of Fallon either fragmented or whole along the drain system would create an ideal space for the community to gather, learn about protection of species and promote responsible stewardship. Connectivity of these valuable educational opportunities has piqued the interest of the ABCA as opportunities for educational activities are limited on school grounds. There is potential for multi-year multiple project growth in Lucan Biddulph in partnership with the ABCA.

- 8) Around the storm water management pond there is potential to construct viewing platforms/decks to encourage people to stick to certain areas and reduce trampling and erosion elsewhere, while promoting a good area for passive recreation and education.

The ABCA will be applying for \$30 000 through HSP (Habitat Stewardship Program) and asking the Council of Lucan Biddulph for their support and partnership to commit a matching \$30 000 in funds over a 3-year period. The money from Lucan Biddulph would cover “in kind” municipal staff wages and up to 50% of the project cost for projects implemented on municipal land. The support in matching these funds is what the ABCA would require to be successful in applying for the HSP grant money. It is important to note any funds the Municipality of Lucan Biddulph would provide/contribute from any external tree grants that the municipality might get would count towards the \$30 000.

Through a strong educational program, not only can the community reduce its impact on the watershed but can also reduce the financial impact on water treatment and maintenance.

Currently in the watershed report card Lucan Biddulph falls under D – Poor for forest covering and C- Fair for ground water quality.

Key actions listed on the report card are:

- To maximize forest interior by connecting small woodlots to larger tracts and squaring up existing woodlots by planting trees along the forest edge.
- Manage storm water by installing rain gardens and rain barrels and watching for the Yellow Fish Road TM program work done in Lucan.
- Continue to evaluate the cumulative effects of nutrient management planning at the watershed scale.

As funding became available quickly the deadline for application is December 18<sup>th</sup> 2020.

Notable contribution to this report and project:

***Rosalind Chang***

**Healthy Watersheds Technician**

*Angela Van Niekerk*  
Wetland Specialist

*Mari Veliz*  
Healthy Watersheds Manager

**Recommendation:**

That the Council of Lucan Biddulph direct staff to compose a letter of support for the ABCA to apply for Habitat Stewardship Program funding with a commitment of \$30,000 “in kind” municipal staff wages and up to 50% of the project cost for projects implemented on municipal land over a three-year period.

**Alignment to Strategic plan:**

**Strategic Direction 2: Managing and Maximizing Growth**

16. Develop strategies for managing growth.

17. Identify new infrastructure priorities and prepare strategies to secure funding

**Strategic Direction 3: Healthy Community**

17. Actively support and promote physical activity and healthy communities through participation in the local and regional programs and initiatives.

**Strategic Direction 5: Community Pride**

35. Create and implement a community beautification strategy.

Attractive, vibrant and functional spaces can improve community well-being and pride, catalyze economic growth and facilitate cultural and tourism opportunities.



Paul Smith  
Manager of Parks and Recreation

# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

RESOLVED That the Council of the Township of Lucan Biddulph receive the attached accounts as paid for information, as follows:

November 2020	\$511,215.91
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RESOLUTION CARRIED

\_\_\_\_\_  
MAYOR

## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
025288	11/03/2020 Invoice Nov 2, 2020	003319	ANDREW CHRISTIE 11/02/2020 TOOLS/SKOP SUPPLIES	139.65
025289	11/03/2020 Invoice 637659	003395	ARC-1 WELDING SUPPLIES 10/08/2020 TOOLS/SKOP SUPPLIES	179.67
025290	11/03/2020 Invoice 6797	001016	AUSABLE BAYFIELD CONSERVATION 10/20/2020 LEVY	37,941.00
025291	11/03/2020 Invoice 19342 Invoice 19412 Invoice 19341	001622	B M ROSS & ASSOCIATES 10/06/2020 COMMUNITY GROWTH PROJECT 10/22/2020 ENGINEERING 10/06/2020 LUCAN SANITARY	8,289.00 2,301.03 3,359.49
025292	11/03/2020 Invoice 14358 Invoice 14367	001019	BANNER PUBLICATIONS 10/14/2020 PUBLIC TENDER 10/28/2020 TAX SALE	289.65 289.65
025293	11/03/2020 Invoice 1239	003349	BERG CHILLING SYSTEMS 10/01/2020 MAINTENANCE CONTRACTS	1,175.20
025294	11/03/2020 Invoice 20-10846	002823	BLUEWATER PIPE 10/21/2020 VAN DEUSEN DRAIN	1,778.62
025295	11/03/2020 Invoice 193240	002483	CITY OF LONDON 10/08/2020 WATER	15,775.72
025296	11/03/2020 Invoice 58941	001199	CLARENCE CARTER & SONS 10/01/2020 GRAVEL	1,193.28
025297	11/03/2020 Invoice 27620 Invoice 27621 Invoice 27661 Invoice 27814 Invoice 27933 Invoice 27612 Invoice 27636 Invoice 27644 Invoice 27681 Invoice 27688 Invoice 27712 Invoice 27720 Invoice 27731 Invoice 27766 Invoice 27801 Invoice 27805 Invoice 27623 Invoice 27624 Invoice 27633 Invoice 27680 Invoice 27693 Invoice 27713 Invoice 27724 Invoice 27745 Invoice 27772 Invoice 27786 Invoice 27792	001277	CLARKE'S FOOD MART 08/04/2020 FUEL 08/04/2020 FUEL 08/10/2020 FUEL 09/01/2020 FUEL 09/29/2020 FUEL 08/01/2020 FUEL 08/06/2020 FUEL 08/07/2020 FUEL 08/12/2020 FUEL 08/12/2020 FUEL 08/17/2020 FUEL 08/18/2020 FUEL 08/18/2020 FUEL 08/23/2020 FUEL 08/28/2020 FUEL 08/29/2020 FUEL 08/04/2020 FUEL 08/04/2020 FUEL 08/06/2020 FUEL 08/12/2020 FUEL 08/13/2020 FUEL 08/17/2020 FUEL 08/18/2020 FUEL 08/19/2020 FUEL 08/24/2020 FUEL 08/26/2020 FUEL 08/27/2020 FUEL	78.21 40.00 53.00 27.11 35.00 84.00 172.01 84.75 107.26 88.01 90.01 74.90 170.85 88.34 111.46 90.00 8.18 123.33 54.43 100.18 31.28 91.81 63.12 12.99 59.55 31.32 77.43



## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
	Invoice 27808		08/31/2020 FUEL	105.51
	Invoice 27830		09/03/2020 FUEL	78.61
	Invoice 27833		09/04/2020 FUEL	177.80
	Invoice 27852		09/09/2020 FUEL	70.01
	Invoice 27868		09/14/2020 FUEL	101.68
	Invoice 27869		09/14/2020 FUEL	80.01
	Invoice 27875		09/15/2020 FUEL	99.63
	Invoice 27892		09/19/2020 FUEL	75.01
	Invoice 27901		09/21/2020 FUEL	169.59
	Invoice 27922		09/26/2020 FUEL	75.02
	Invoice 27938		09/29/2020 FUEL	108.46
	Invoice 27823		09/02/2020 FUEL	26.00
	Invoice 27849		09/08/2020 FUEL	104.51
	Invoice 27851		09/09/2020 FUEL	59.84
	Invoice 27872		09/14/2020 FUEL	90.00
	Invoice 27874		09/15/2020 FUEL	53.40
	Invoice 27890		09/18/2020 FUEL	16.48
	Invoice 27929		09/28/2020 FUEL	79.55
025298	11/03/2020	001060	DAVE MOORE FUELS LTD.	271.09
	Invoice 342021		09/08/2020 R&M BUILDING	271.09
025299	11/03/2020	001263	DILLON CONSULTING LIMITED	1,998.29
	Invoice 225201		10/19/2020 STORM POND MONITORING	1,009.54
	Invoice 225290		10/21/2020 STORM POND MONITORING	988.75
025300	11/03/2020	003417	DOUG TREVITHICK	452.00
	Invoice 0764		09/25/2020 STUMP REMOVAL	452.00
025301	11/03/2020	003111	EMCO WATERWORKS	25.71
	Invoice 37931158-00		10/23/2020 R&M EQUIPMENT	25.71
025302	11/03/2020	003415	FINCH CHEVROLET CADILLAC BUICK GMC LTD.	42,407.50
	Invoice 122889		10/28/2020 PW TRUCK	42,407.50
025303	11/03/2020	003416	HC&C CONTRACTING	29,428.59
	Invoice 4348		10/15/2020 MAINTENANCE	22,309.59
	Invoice 4352		10/20/2020 MAINTENANCE	7,119.00
025304	11/03/2020	001481	HETEK SOLUTIONS INC	158.20
	Invoice INV0037128		10/13/2020 R&M EQUIPMENT	158.20
025305	11/03/2020	001100	Huron Tractor	101.70
	Invoice H14562		10/21/2020 BACKHOE	101.70
025306	11/03/2020	003330	JEFF LITTLE	127.11
	Invoice Oct 30 2020		10/30/2020 SAFETY FOOTWEAR	127.11
025307	11/03/2020	003168	JEFF STAPLETON	210.00
	Invoice 22		10/29/2020 SENIORS FITNESS	210.00
025308	11/03/2020	001119	K.L. ELECTRIC	145.49
	Invoice 13299		10/19/2020 MARKET ST PARK	145.49
025309	11/03/2020	001721	LAVIS CONTRACTING CO. LTD	26,983.12
	Invoice HLA-240-2020-0245		10/30/2020 RELEASE HOLDBACK	26,983.12
025310	11/03/2020	003047	LIBRO CREDIT UNION	649.16

## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
	Invoice Oct 2020		10/27/2020 RRSP [REDACTED]	649.16
025311	11/03/2020	001998	LOCAL AUTHORITY SERVICES LTD.	791.87
	Invoice PF-1278-03661		10/27/2020 COLOURED DIESEL	791.87
025312	11/03/2020	002191	LOYENS, TRACY	63.28
	Invoice Oct 29 2020		10/29/2020 SUPPLIES - RETIREMENT PARTY	63.28
025313	11/03/2020	003419	MAGGIE SMITH	52.53
	Invoice Oct 29 2020		10/29/2020 SUPPLIES - RETIREMENT PARTY	52.53
025314	11/03/2020	002621	MAGUIRE, KELLY	1,073.50
	Invoice 95		10/31/2020 Property Maintenance	1,073.50
025316	11/03/2020	001412	MOBIL SERVICES INC.	322.05
	Invoice 67287		10/05/2020 LINE PAINTING	322.05
025317	11/03/2020	003022	ORKIN CANADA CORPORATION	91.53
	Invoice C-2211803		10/20/2020 MAINTENANCE CONTRACTS	91.53
025318	11/03/2020	001882	PBS BUSINESS SYSTEMS	107.35
	Invoice 106756		10/09/2020 MISC. EXPENSE	107.35
025319	11/03/2020	002894	POSTMEDIA	423.75
	Invoice 425176		10/24/2020 Advertising	423.75
025320	11/03/2020	001195	PROMECHANICAL TRUCK REPAIRS	2,457.23
	Invoice 75825		10/22/2020 SERVICE	276.85
	Invoice 75851		10/23/2020 SERVICE	156.74
	Invoice 75856		10/27/2020 SERVICE	2,023.64
025321	11/03/2020	002424	PUBLICATIONS ONTARIO	169.50
	Invoice 2463		10/19/2020 TAX SALE ADVERTISEMENT	169.50
025322	11/03/2020	001040	SCRIMGEOUR & COMPANY	5,085.00
	Invoice Oct 29 2020		10/29/2020 INTERIM AUDIT	5,085.00
025323	11/03/2020	003108	SOMMERS GENERATOR SYSTEMS	1,237.35
	Invoice 53099-00		10/22/2020 R&M EQUIPMENT	1,237.35
025324	11/03/2020	001372	SPRIET ASSOCIATES	537.32
	Invoice 20-0531		10/19/2020 SEVERANCE APPLICATION	184.19
	Invoice 20-0515		10/13/2020 SEVERANCE APPLICATION	353.13
025325	11/03/2020	001933	STRONGCO EQUIPMENT	462.28
	Invoice 90944989		10/07/2020 GRADER	18.43
	Invoice 90943806		10/05/2020 GRADER	147.51
	Invoice 90944408		10/06/2020 GRADER	296.34
025326	11/03/2020	003389	SYLVITE AGRI-SERVICES LTD.	327.12
	Invoice GD37265		09/08/2020 HARD TOP MAINTENANCE	306.12
	Invoice GD38611		09/21/2020 HARD TOP MAINTENANCE	21.00
025327	11/03/2020	001270	TREASURER, COUNTY OF MIDDLESEX	6,324.99
	Invoice IVC-2020-01238		09/30/2020 3RD QUARTER	6,324.99
025328	11/03/2020	001691	TRY RECYCLING INC.	4,059.65
	Invoice 0000188275		10/24/2020 SPECIAL PICK UP	1,560.16

## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
	Invoice 0000188088		10/17/2020 SPECIAL PICK-UP	2,499.49
025329	11/03/2020	001713	WFS LTD.	69.95
	Invoice 5344324		10/24/2020 TOOLS/SHOP SUPPLIES	69.95
025330	11/03/2020	003414	[REDACTED]	165.62
	Invoice Oct 21/2020		10/21/2020 REFUND - OVERPAYMENT	165.62
025331	11/03/2020	003418	MJ'S ROADHOUSE	344.65
	Invoice 1045*		10/29/2020 JOANNE'S RETIREMENT	344.65
025332	11/17/2020	001002	ABOVE AND BEYOND PROMOTIONS INC.	892.96
	Invoice 62341		11/09/2020 COVID-19 MASKS	644.78
	Invoice 62246		10/28/2020 CLOTHING	248.18
025333	11/17/2020	001622	B M ROSS & ASSOCIATES	4,271.98
	Invoice 19432		10/26/2020 R&M OCWA	3,769.91
	Invoice 19436		10/26/2020 LUCAN SANITARY EXPANSION	502.07
025334	11/17/2020	003349	BERG CHILLING SYSTEMS	959.79
	Invoice 1270		10/31/2020 MAINTENANCE CONTRACTS	959.79
025335	11/17/2020	002823	BLUEWATER PIPE	471.84
	Invoice 20-10956		11/04/2020 DRAIN REPAIRS - SAINTSBURY	471.84
025336	11/17/2020	002743	BRITTNEY MCKINNON	678.00
	Invoice Nov 2020		10/19/2020 FACE MASKS	678.00
025337	11/17/2020	003290	BUREAU VERITAS CANADA 2019 INC.	372.90
	Invoice CP10220949		10/20/2020 TEST BREATHING AIR-COMPRESSOR	372.90
025338	11/17/2020	002517	CANADA'S FINEST COFFEE	240.00
	Invoice IN348890		10/22/2020 SUPPLIES	240.00
025339	11/17/2020	001546	CEDAR SIGNS	1,277.53
	Invoice 2020/3170		11/09/2020 ROAD SIGNS	1,277.53
025340	11/17/2020	001199	CLARENCE CARTER & SONS	76.57
	Invoice 59022		11/03/2020 STUMPF DRAIN	76.57
025341	11/17/2020	002637	COMPUGEN INC.	308.99
	Invoice 9255900		11/04/2020 PHOTOCOPIER CHARGES	308.99
025342	11/17/2020	003111	EMCO WATERWORKS	114.98
	Invoice 379203000148		10/28/2020 R&M EQUIP	114.98
025343	11/17/2020	001408	HYDE PARK EQUIPMENT LTD	173.82
	Invoice IM86823A		07/28/2020 MOWER MAINTENANCE	173.82
025344	11/17/2020	002920	INDUSTRIAL CHOICE SUPPLY	350.30
	Invoice 70-63190		11/05/2020 SUPPLIES & MATERIALS	350.30
025345	11/17/2020	003422	KENDRA CRAIG	1,695.00
	Invoice 1864		11/09/2020 FIRST AID/CPR TRAINING	1,695.00
025346	11/17/2020	002998	KTI LIMITED	10,981.13
	Invoice INV129378		11/04/2020 Meters	4,811.09
	Invoice INV129189		10/28/2020 Meters	6,170.04

## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
025347	11/17/2020	003404	LANGFORD AUTO APC	72.39
	Invoice 1312087		10/28/2020 SUPPLIES	-13.31
	Invoice 1312076		10/27/2020 TOOLS/SHOP SUPPLIES	21.45
	Invoice 1311674		10/06/2020 R&M EQUIP	35.64
	Invoice 1311216		11/09/2020 SHOP SUPPLIES	28.61
025348	11/17/2020	001129	LANGFORD LUMBER	427.20
	Invoice 2153825		10/14/2020 MAINTENANCE SUPPLIES	23.63
	Invoice 1052172		10/07/2020 MAINTENANCE SUPPLIES	60.95
	Invoice 1052558		10/13/2020 MAINTENANCE SUPPLIES	117.37
	Invoice 1052560		10/13/2020 PARKS MAINTENANCE	30.72
	Invoice 1053368		10/23/2020 MAINTENANCE SUPPLIES	27.03
	Invoice 2154378		10/28/2020 MAINTENANCE SUPPLIES	66.58
	Invoice 0478941		10/01/2020 DRAIN REPAIRS	14.67
	Invoice 0479262		10/08/2020 ROADSIDE DRAINAGE	52.34
	Invoice 1053315		10/23/2020 R&M EQUIPMENT	26.94
	Invoice 1054906		11/12/2020 ENGINE REPAIR	5.40
	Invoice 2152497		09/16/2020 SHOP SUPPLIES	1.57
025349	11/17/2020	001913	LERNERS LLP	4,130.15
	Invoice 40029161		10/28/2020 FARMLAND LEASE	2,655.50
	Invoice 40029153		10/28/2020 PRIVACY REQUEST MEDIATION	1,474.65
025350	11/17/2020	001998	LOCAL AUTHORITY SERVICES LTD.	664.76
	Invoice PF-1286-03681		11/10/2020 DIESEL - COLOURED	664.76
025351	11/17/2020	002584	LUCAN AUTOMOTIVE	672.35
	Invoice 0850		09/30/2020 FLOWER TRUCK	672.35
025352	11/17/2020	001795	LUCAN FOODLAND	2,689.38
	Invoice 20190928		01/01/2020 CANTEEN/VENDING	20.96
	Invoice 20190823		01/01/2020 BAR SUPPLIES	67.88
	Invoice 20190312		01/01/2020 PROGRAM EXPENSES	8.96
	Invoice 068090815		01/01/2020 BAR SUPPLIES	65.28
	Invoice 06809-4640		01/01/2020 VENDING SUPPLIES	24.98
	Invoice 068091104		01/01/2020 VENDING SUPPLIES	14.96
	Invoice 06809-5316		01/01/2020 CANTEEN/VENDING SUPPLIES	10.96
	Invoice 06809-7623		01/01/2020 CANTEEN/VENDING	4.19
	Invoice 06809-6701		01/01/2020 BAR SUPPLIES	32.93
	Invoice 06809-6351		01/01/2020 CLEANING/PAPER SUPPLIES	7.89
	Invoice 06809-6344		01/01/2020 BAR SUPPLIES	45.99
	Invoice 068090630		01/01/2020 CANADA DAY 2019	571.80
	Invoice 20190712		01/01/2020 BACONFEST 2019	29.43
	Invoice 20190712*		01/01/2020 BACONFEST 2019	149.06
	Invoice 20190919		01/01/2020 EMERGENCY MGMT MEETING	58.45
	Invoice 06809-5674		01/01/2020 STAFF CHRISTMAS 2019	97.58
	Invoice 06809-4427		01/01/2020 STAFF CHRISTMAS - GIFT CARDS	1,125.00
	Invoice 06809-10038		01/01/2020 STRATEGIC PLANNING MEETING	43.89
	Invoice 06809-9792		01/01/2020 CAPITAL BUDGET/COUNCIL	84.75
	Invoice 20191122		01/01/2020 CAO MEETING	57.04
	Invoice 06809-7184		10/29/2020 JOANNE'S RETIREMENT	24.19
	Invoice 20190828		01/01/2020 OFFICE SUPPLIES	2.99
	Invoice 20190815		01/01/2020 CROSSING GUARD LUNCHEON	58.56
	Invoice 20190523		01/01/2020 LUNCH FOR D. KESTER	23.70
	Invoice 20190427		01/01/2020 TOWN CLEAN UP-PITCH IN DAY	57.96
025353	11/17/2020	003250	MINISTRY OF FINANCE	52,288.00

## Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
			Invoice 200210201238201	10/02/2020 OPP CSPT GRANT -2,282.00
			Invoice 202610201220025	10/31/2020 SEPT OPP 54,570.00
025354	11/17/2020	003297	MINISTRY OF FINANCE	6,793.40
			Invoice 1-118753016-6	11/01/2020 TILE DRAIN LOAN 6,793.40
025355	11/17/2020	001945	MUNICIPALITY OF MIDDLESEX CENTRE	17,564.10
			Invoice 625127	10/23/2020 JULY-SEPT 2020 17,564.10
025356	11/17/2020	003421	OETC-LIVE	345.00
			Invoice 001	11/04/2020 TRAINING - ANDREW 345.00
025357	11/17/2020	002856	ONTARIO ASSOCIATION OF FIRE CHIEFS	288.15
			Invoice 260	11/13/2020 OAFIC MEMBERSHIP 2021 288.15
025358	11/17/2020	001843	ONTARIO CLEAN WATER AGENCY	26,177.04
			Invoice INV00000005685	10/30/2020 SLUDGE DISPOSAL 994.70
			Invoice INV00000005683	10/30/2020 CAPITAL BILLING 12,130.80
			Invoice INV00000005831	11/01/2020 CONTRACTED SERVICES 13,051.54
025359	11/17/2020	002626	ONTARIO ONE CALL	219.05
			Invoice 202016667	10/31/2020 ONE CALL 219.05
025360	11/17/2020	003213	PICKARD CONSTRUCTION	715.10
			Invoice 89487	10/31/2020 SIGNS 715.10
025361	11/17/2020	002894	POSTMEDIA	423.75
			Invoice 426863	10/31/2020 Advertising 423.75
025362	11/17/2020	001849	PRINCESS AUTO	302.81
			Invoice 1780431	10/23/2020 TOOLS/SHOP SUPPLIES 302.81
025363	11/17/2020	003301	PRO FLEET CARE	1,299.50
			Invoice 771	08/27/2020 REPAIRS & MAINTENANCE 1,299.50
025364	11/17/2020	001195	PROMECHANICAL TRUCK REPAIRS	2,503.94
			Invoice 75894	10/29/2020 SERVICE 318.78
			Invoice 75895	10/29/2020 SERVICE 1,282.76
			Invoice 75952	05/11/2020 SERVICE 670.16
			Invoice 75940	10/31/2020 SERVICE 131.98
			Invoice 75885	10/27/2020 BACKHOE 100.26
025365	11/17/2020	002380	QMI-SAI CANADA LIMITED	1,723.25
			Invoice IN315011	11/09/2020 AUDIT 1,723.25
025366	11/17/2020	001735	QUADIENT LEASING CANADA LTD.	129.94
			Invoice 6239095	11/01/2020 POSTAGE MACHINE RENTAL 129.94
025367	11/17/2020	001602	R & S GRAHAM CONTRACTING LTD.	46,212.58
			Invoice Progress Payment 1	11/03/2020 HODGINS DRAIN 46,212.58
025368	11/17/2020	003423	RSJ CONSTRUCTION LTD	1,188.00
			Invoice 187987	11/12/2020 OVERPAYMENT BUILDING PERMIT 1,188.00
025369	11/17/2020	003420	SCOTIA BANK RETAIL SERVICE CENTRE	1,391.62
			Invoice Atkinson	11/04/2020 ██████████ - REFUND 1,391.62
025370	11/17/2020	002024	SHRED-IT INTERNATIONAL ULC	186.71

Accounts Payable

Bank Of Montreal - General Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
	Invoice 8101141437		11/07/2020 PAPER SHREDDING	186.71
025371	11/17/2020	001628	SOUTHWOLD DIVERSIFIED LTD.	12,969.35
	Invoice 065343		10/30/2020 STREETLIGHTS R&M	12,969.35
025372	11/17/2020	001691	TRY RECYCLING INC.	3,613.49
	Invoice 0000188690		11/07/2020 SPECIAL PICK-UP	2,409.70
	Invoice 0000188495		10/31/2020 SPECIAL PICK-UP	1,203.79
025379	11/17/2020	002735	[REDACTED]	330.71
	Invoice Nov 2020		11/05/2020 REFUND OVERPAYMENTS	330.71
025380	11/17/2020	002960	WASTE CONNECTIONS OF CANADA INC.	248.44
	Invoice 7120-0000846003		10/31/2020 MAINTENANCE	248.44
025381	11/17/2020	001713	WFS LTD.	184.40
	Invoice 5349047		11/02/2020 COVID-19	184.40
Cheque Register Total -				<u>412,076.43</u>



## Accounts Payable

Invoices Paid Online Municipal Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
001732	11/06/2020 Invoice Oct 2020	002986	MASTERCARD - BB FIRE 10/31/2020 MASTERCARD PURCHASES	860.53
001733	11/06/2020 Invoice Oct 2020	002985	MASTERCARD - MUN. OFFICE 10/31/2020 MASTERCARD PURCHASES	1,579.77
001734	11/27/2020 Invoice 115102580	002478	BELL CONFERENCING 11/09/2020 Office Telephone	13.61
001735	11/27/2020 Invoice Nov 2020	002574	BELL MOBILITY 11/08/2020 Cell Phones	248.30
001736	11/27/2020 Invoice 1120-1224	002474	BELL PWB 227-1224 11/01/2020 P.W. Building Phone	176.76
001737	11/27/2020 Invoice 1120-0565	003331	BELL, ARENA 227-0565 11/01/2020 FIRE LINE	49.87
001738	11/27/2020 Invoice 100187 Invoice 25272 Invoice 25266 Invoice 100188	001028	BLUEWATER RECYCLING ASSOC 10/31/2020 YD WASTE LIFT 11/05/2020 OCTOBER DISPOSAL 11/05/2020 NOV AUTOMATED 10/31/2020 YD WASTE LIFT	20,365.02
001739	11/27/2020 Invoice 1020-5250	002453	HYDRO, CROSSING LT. 315250 10/22/2020 Hydro One, Crossing Lights	95.11
001740	11/27/2020 Invoice 1120-7124	002439	HYDRO, MUSEUM 927124 11/05/2020 Hydro One, Museum	160.71
001741	11/27/2020 Invoice 1020-2711	002731	HYDRO, OFFICE/LIBRARY 2711 10/22/2020 Municipal Office/Library	1,167.81
001742	11/27/2020 Invoice 1120-0821	002566	HYDRO, PWB 210821 11/06/2020 Hydro One, Public Works Bldg.	676.72
001743	11/27/2020 Invoice 1120-7254	002436	HYDRO, SCOUT HALL 407254 11/05/2020 Hydro One, Scout Hall	132.17
001744	11/27/2020 Invoice 1020-6868-2 Invoice 1120-6868-1	002570	HYDRO, ST. LIGHTS 116868 10/23/2020 Hydro One, Street Lights 11/03/2020 Hydro One, Street Lights	1,510.47
001745	11/27/2020 Invoice 1120-4780	003403	HYDRO, ST. LIGHTS 494780 11/03/2020 Hydro One, Ridge Crossing 1	39.18
001746	11/27/2020 Invoice 1020-8601	002569	HYDRO, ST. LIGHTS 538601 10/20/2020 Hydro One, 0 Watson St.	446.37
001747	11/27/2020 Invoice 1120-3502	003289	HYDRO, ST. LIGHTS 693502 11/03/2020 Hydro, St. Lights Ind Park	33.23
001748	11/27/2020 Invoice 1020-7958	002451	HYDRO, ST. LIGHTS 807958 10/21/2020 Hydro One, 1 Conc. Lot 25	129.81
001749	11/27/2020 Invoice 1120-3632	002441	HYDRO, WATER TOWER 493632 11/05/2020 Hydro One, Water Tower	250.27

## Accounts Payable

Invoices Paid Online Municipal Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
001750	11/27/2020 Invoice Oct 2020	001168	MINISTER OF FINANCE 10/31/2020 OCT 2020 EHT REMITTANCE	2,280.15
001751	11/27/2020 Invoice Oct 2020	002616	OMERS 10/31/2020 OMERS	20,682.47
001752	11/27/2020 Invoice 1120-10324606	002702	QUADRO - MUN. OFFICE/PARKS&REC. 11/06/2020 Mun. Office/Parks&Rec.	1,097.02
001753	11/27/2020 Invoice Oct 2020 Invoice Nov 2020 Group	001983	RWAM INSURANCE ADMINISTRATORS 10/31/2020 COST PLUS 11/01/2020 GROUP PREMIUM	3,331.12 2,703.13
001754	11/27/2020 Invoice 1020-5002	002585	STAPLES - OFFICE 10/30/2020 Office Supplies	1,155.88
001755	11/27/2020 Invoice 1020-2145	002691	U. GAS - OFFICE/LIBRARY 2145 10/29/2020 OFFICE/LIBRARY HEAT	231.74
001756	11/27/2020 Invoice 1120-1545	002469	U. GAS PW BLDG. 1545 11/09/2020 Public Works Heat	470.02
001757	11/27/2020 Invoice Oct 2020	001231	WSIB 10/31/2020 WSIB	3,145.63
Cheque Register Total -				63,032.87

### Accounts Payable

Invoices Paid Online - Water Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
000301	11/27/2020 Invoice 1120-1017	002476	BELL, LW BOOSTER STN 227-1017 11/01/2020 Water Booster Station Telephon	222.43
000302	11/27/2020 Invoice 1020-6133	002618	HYDRO, 34395 GRANTON LINE, LW 10/14/2020 Granton Water Supply	420.44
000303	11/27/2020 Invoice 1120-7813	002455	HYDRO, L.WATER 027813 11/03/2020 Hydro One, Water Booster Stn.	3,506.92
000304	11/27/2020 Invoice 1120-9957	002461	HYDRO, L.WATER 049957 10/30/2020 Hydro One, 4 Conc. Lot 30	33.82
Cheque Register Total -				4,183.61

## Accounts Payable

Invoices Paid Online - Sewer Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
000594	11/30/2020 Invoice 1120-1409	002477	BELL L. SEWER 227-1409 11/01/2020 Lucan Sewer Telephone	315.27
000595	11/30/2020 Invoice 1120-1393	002473	BELL L. SEWER 227-1393 11/01/2020 Nicoline Dev. Telephone	68.79
000596	11/30/2020 Invoice 1120-10226077	003001	HAY COMMUNICATIONS 11/01/2020 Alarm System	79.10
000597	11/30/2020 Invoice 1020-2687	002440	HYDRO, L. SEWER 232687 10/27/2020 Hydro One, Chestnut St. Pmp. S	503.40
000598	11/30/2020 Invoice 1120-6752	002444	HYDRO, L. SEWER 416752 11/03/2020 Hydro One, 6242 Fallon Dr.	14,747.73
000599	11/30/2020 Invoice 1020-7325	002567	HYDRO, L.S. 577325 10/21/2020 Hydro One 34195 Granton Line	652.52
000600	11/30/2020 Invoice 1120-0419	002568	HYDRO, L.S. PUMP 780419 11/05/2020 Hydro One, Joseph St. Pump	43.56
000601	11/30/2020 Invoice 1120-10304555	002564	QUADRO, L. SEWER 555 11/06/2020 Lucan Sewer Telephone	386.30
000602	11/30/2020 Invoice 1120-1292	002467	U. GAS L. SEWER 1292 11/09/2020 Heat - Lucan Sewer	199.67
000603	11/30/2020 Invoice 1120-6155	003044	U. GAS SEWER 6155 11/09/2020 34195 Granton Line Gas	346.59
Cheque Register Total -				17,342.93

## Accounts Payable

ARENA BANK Cheque Register By Date

11/01/2020 thru 11/30/2020

Cheque Number	Cheque Date	Vendor Nbr	Payee	Cheque Amount
000721	11/27/2020 Invoice 1020-5990	002443	HYDRO, ARENA 425990 10/26/2020 Hydro One 263 Main Arena	12,543.63
000722	11/27/2020 Invoice 1120-9687	002456	HYDRO, ARENA 889687 11/05/2020 Hydro One, 263 Main St. BLDG.	98.16
000723	11/27/2020 Invoice 1120-7734	002449	HYDRO, ARENA LIGHT 857734 11/05/2020 Hydro One, 263 Main St. Light	80.64
000724	11/27/2020 Invoice 1120-2579	002457	HYDRO, GRANTON PK 512579 11/09/2020 Hydro One, High St. Light 2	35.42
000725	11/27/2020 Invoice 1120-1433	002458	HYDRO, GRANTON PK. 201433 11/09/2020 Hydro One, High St. Light 1	119.70
000726	11/27/2020 Invoice 1120-7345	002435	HYDRO, MARKET PARK 117345 11/05/2020 Hydro One, Market St. Park	89.60
000727	11/27/2020 Invoice 1120-8334	002442	HYDRO, SPLASH PAD 018334 11/05/2020 Hydro One, Splash Pad	42.35
000728	11/27/2020 Invoice 1020-9008	002767	STAPLES - ARENA 10/20/2020 ARENA - SUPPLIES	88.12
000729	11/27/2020 Invoice 1020-2022	002463	U. GAS ARENA 2022 10/29/2020 Heat-Pool,Arena,LionsShed	970.29
000730	11/27/2020 Invoice 1020-2061	002563	U. GAS ARENA 2061 10/29/2020 Heat-MainHall&Daycare	423.26
000731	11/27/2020 Invoice 1020-2137	002464	U. GAS SENIOR CTR 2137 10/29/2020 HEAT - SENIOR CENTRE	88.90
Cheque Register Total -				14,580.07

# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

RESOLVED:

That the regular council meeting minutes of December 1, 2020 be approved as circulated/amended.

RESOLUTION CARRIED

\_\_\_\_\_  
MAYOR



**TOWNSHIP OF LUCAN BIDDULPH**  
**RESOLUTION**

DATE December 15th, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**RE: Changes to Ontario’s Conservation Authorities Act**

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

AND WHEREAS the legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities’ role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities’ work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority’s work to ensure safe drinking water;

NOW THEREFORE be it resolved:

THAT the Council of the Township of Lucan Biddulph is in support of the request from local Ontario Conservation Authorities that the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229);

AND THAT the Municipal Clerk and Chief Administrative Officer be directed to submit correspondence to the Ministry of the Environment, Conservation and Parks regarding this request.

RESOLUTION CARRIED

\_\_\_\_\_  
Mayor

# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

RESOLVED:

That the Council of the Township of Lucan Biddulph accepts the Treasurer's recommendation as presented in report no. FIN-16-2020.

RESOLUTION CARRIED

\_\_\_\_\_  
MAYOR

# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**RE: Emergency Winter Maintenance Services Memorandum of Understanding**

**WHEREAS:**

- A. In and around March 2020 a worldwide pandemic regarding the Novel Coronavirus 19 commenced (“**COVID-19**”);
- B. On March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the “**EMCPA**”) related to COVID-19;
- C. On March 17, 2020, a Declaration of Emergency was made by the County of Middlesex and each of the local municipalities within the geography of the County, being The Corporation of the Township of Adelaide Metcalfe, The Corporation of the Township Of Lucan Biddulph, the Municipality of Middlesex Centre, The Corporation of the Municipality of North Middlesex, The Corporation of the Municipality of Southwest Middlesex, The Corporation of the Municipality of Strathroy Caradoc, The Corporation of the Municipality of Thames Centre, and The Corporation of the Village of Newbury (the “**Local Municipalities**”), pursuant to section 4(1) of the *EMCPA* related to COVID-19 (the “**Emergency**”);
- D. The upper-tier municipality, The Corporation of the County of Middlesex (the “**County**”) and the Local Municipalities, due to the nature of the Emergency, wish to assist each other with winter maintenance upon request should the circumstances of the Emergency require it and the appropriate resources exist;
- E. The County and the Local Municipalities acknowledge that jurisdiction over any highway subject to this resolution remains that of the municipality which established the highway by by-law, but that the municipality providing the winter maintenance services is responsible for the services provided; and
- F. Where the term Claims is used in this resolution, “**Claims**” shall mean any claim, action, allegation, cause of action, loss, expense, costs (including legal costs), fine,

penalty, liability, damages, interest, and/or judgment (including but not limited to, costs and expenses incidental thereto).

**NOW THEREFORE:**

1. The above recitals are true and the same are hereby incorporated into this Resolution.
2. County Council hereby authorizes each of the Local Municipalities to perform sanding, salting, snowplowing and/or winter patrol operations ("**Winter Maintenance Services**") on highways under the jurisdiction of the County, should the County Engineer or his or her designate, request such services at any time during the Emergency.
3. Township Council does hereby authorize Municipal staff to perform Winter Maintenance Services on highways under the jurisdiction of the county and/or a Local Municipality, at the request of the county and/or the Local Municipality, at any time during the Emergency, if in the opinion of the Public Works Manager, the municipality has sufficient resources to perform such work.
4. The municipality requesting Winter Maintenance Services will make best efforts to provide the municipality from which the services are being requested with twelve (12) hours written notice (includes e-mail) of the need for the provision of Winter Maintenance Services and for each request to specify, in writing, (a) the highways or portions of highways for which assistance is required; and (b) the length of time for which assistance is required.
5. Any Winter Maintenance Services provided by the county or any municipality within the geography of Middlesex County shall be provided for the whole width of the highway and in accordance with all applicable laws, including the "Minimum Maintenance Standards for Municipal Highways" established under Ontario Regulation 239/02 of the *Municipal Act 2001*, SO 2001, c 25, as amended or replaced, and the Ontario Traffic Manual, as amended or replaced.
6. The county and/or the local municipality requesting assistance shall be responsible for all expenses incurred by the municipality performing the Winter Maintenance Services, save and except for the costs to repair any damage caused to a highway as a result of the Winter Maintenance Services, which shall be borne by the municipality performing the services.
7. The county and/or the local municipality performing the Winter Maintenance Services shall be responsible and liable for Claims attributed to direct damages caused by its provision of Winter Maintenance Services and shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.
8. The Municipality does hereby release and agrees to indemnify, defend and save harmless the county and/or other Local Municipalities, their respective Councillors, officers, employees, legal counsel, and agents, from and against any Claims attributed to direct damages caused by its provision of the Winter Maintenance Services. The

County shall not be responsible, accountable or liable for any indirect, consequential or special damages as a result of performing Winter Maintenance Services.

9. This resolution comes into effect immediately upon its passing and expires at the earliest of the County repealing its Emergency Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the *EMCPA* or April 15, 2021.
10. In the event the county and/or a local municipality repeals its respective Declaration of Emergency related to COVID-19 pursuant to section 4(1) of the *EMCPA*, no Emergency Winter Maintenance Services will be provided to that municipality.
11. Township Council may at any time, by resolution, terminate the authorization contained in this resolution.

RESOLUTION CARRIED

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MAYOR

# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

**RESOLVED:**

That if no one cares to speak to these By-laws on their First, Second and Third Reading, that they be considered to have been read a First time and Passed, read a Second time and Passed, read a Third time and Passed, that they be numbered:

- 58-2020 Face Mask By-law
- 59-2020 Confirming By-law
- 210-2020 ZBA (Malbrecht)

RESOLUTION CARRIED

\_\_\_\_\_  
MAYOR



# TOWNSHIP OF LUCAN BIDDULPH RESOLUTION

DATE: December 15, 2020

RESOLUTION NO. \_\_\_\_\_

MOVED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

RESOLVED:

That the Council meeting be adjourned at \_\_\_\_\_ p.m.

RESOLUTION CARRIED

\_\_\_\_\_  
MAYOR

# Township of Lucan Biddulph

## BY-LAW 58-2020

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### **A BY-LAW TO IMPOSE TEMPORARY REGULATIONS REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS WITHIN ENCLOSED PUBLIC SPACES IN THE TOWNSHIP OF LUCAN BIDDULPH**

**WHEREAS** the spread of COVID-19 has been declared a pandemic by the World Health Organization on March 11, 2020; and

**WHEREAS** Novel Coronavirus is present within Middlesex County, and it causes the disease COVID-19 that is readily communicable from person to person and carries a risk of serious complications such as pneumonia or respiratory failure, and may result in death; and

**WHEREAS** on March 17, 2020, an emergency was declared by means of Order in Council 518/2020 for purposes of s.7.1 of the Emergency Management and Civil Protection Act, and has been extended pursuant to section 7.0.7 of the Emergency Management and Civil Protection Act (“the Act”), due to the health risks to Ontario residents arising from COVID-19; and

**WHEREAS** an emergency was declared by the Municipality’s Head of Council On March 17, 2020 pursuant to the Act; and

**WHEREAS** the Province of Ontario has enacted O. Re. 263/20 (STAGE 2 CLOSURES) under subsection 7.0.2(4) (or as current) of the Act to permit certain businesses to reopen for attendance by members of the public subject to conditions, including advice, recommendations and instructions from public health officials; and

**WHEREAS** the Municipality has the authority to pass by-laws respecting matters related to the economic, social and environmental well-being of the Municipality, and the health, safety and well-being of persons; and

**WHEREAS** the following is deemed necessary, as there exists a pressing need for establishments to implement appropriate measures and regulations to better prevent the spread of COVID-19 and protect the health, safety and well-being of the residents of the Township of Lucan Biddulph within enclosed public spaces; and

**WHEREAS** it is believed that the existence of an enforceable temporary by-law requirement will help to educate the public on the importance of a properly worn mask or face covering and encourage voluntary compliance; and

**WHEREAS** physical distancing is difficult to maintain in enclosed public spaces, the Medical Officer of Health has advised that the following temporary regulations requiring businesses and organizations that have enclosed spaces open to the public adopt a policy to ensure that persons wear a mask or face covering as it is a necessary, recognized, practicable and effective method to limit the spread of COVID-19 and thereby help protect the health, safety and well-being of the residents of the Township of Lucan Biddulph;

**AND WHEREAS** subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“*Municipal Act, 2001*”) provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

**AND WHEREAS** subsection 11(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety

and well-being of persons; and the protection of persons and property, including consumer protection;

**AND WHEREAS** subsections 425(1) and 429(1) of the *Municipal Act, 2001* authorize a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and to establish a system of fines for offences under a by-law;

**AND WHEREAS** subsection 436(1) of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

**AND WHEREAS** subsection 444(1) of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LUCAN BIDDULPH AS FOLLOWS:**

#### **DEFINITIONS**

1. In this By-law, the following terms shall have the following meanings:

**"Council"** means the Municipal Council of the Township of Lucan Biddulph;

**"Establishment"** means any of the following:

- (a) premises or any portion thereof which are used as a place of business for the sale or offering for sale of goods or services, including restaurants or the sale of any food or beverage, mall, plaza or similar structure which contains multiple places of business;
- (b) churches, temples, or other places of worship;
- (c) community centres including indoor recreational facilities;
- (d) libraries, art galleries, museums, aquariums, zoos and other similar facilities;
- (e) community service agencies providing services to the public;
- (f) banquet halls, convention centres, arenas, stadiums, and other event spaces;
- (g) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
- (h) common areas of hotels, motels and other short-term rentals, such as lobbies, elevators, meeting rooms or other common use facilities; and
- (i) concert venues, theatres, cinemas, and all other entertainment facilities;
- (j) municipal buildings.

**"Mask or Face Covering"** means a mask, balaclava, bandana, scarf, cloth or other similar item that covers the nose, mouth and chin without gapping. A Face Covering may include, but is not required to be, a medical mask such as surgical masks, N95 or other similar masks worn by healthcare workers;

**“Officer”** means a police officer; a person appointed by Council as a municipal by-law enforcement officer; an officer, employee or agent of the municipality whose responsibility includes enforcement of this By-law;

**"Operator"** means a person or organization responsible for or otherwise controlling the operation of an Establishment;

**“Person”** or any expression referring to a person or people means an individual over the age of twelve (12) and also includes a partnership, limited partnership and a corporation and its directors and officers, and all heirs, executors, assignees and administrators.

2. Despite section 1 above, the following premises are not an Establishment for purposes of this By-law even if they would otherwise fall within the definition of an Establishment:
  - (a) schools, post-secondary institutions, and child care facilities;
  - (b) private transportation and public transportation;
  - (c) professional offices that are not open to the public and are open by appointment only;
  - (d) indoor areas of buildings that are accessible to employees only;
  - (e) hospitals, independent health facilities and offices of regulated health professionals;
  - (f) portions of community centres arenas or other buildings that are being used for the purpose of day camps for children or for the training of amateur or professional athletes; and
  - (g) school transportation vehicles.

#### **APPLICATION OF THIS BY-LAW**

3. This By-law shall apply to all establishments and persons in the Municipality.
4. For the purposes of this By-law, an Establishment means any portion of a building that is located indoors.

#### **OPERATOR RESPONSIBILITY UNDER THIS BY-LAW**

5. (a) The Operator of an Establishment that is open to the public, may adopt a policy as noted under this By-law to ensure that no member of the public is permitted entry to, or otherwise remains within, any enclosed space within the Establishment unless the member of the public is wearing a Mask or Face Covering, in a manner which covers their mouth, nose and chin.
  - (b) The Operator of the Establishment should, upon request, provide a copy of the policy for inspection by any person authorized to enforce this By-law.
6. (a) The policy should include the following exemptions from the requirement to wear a Mask or Face Covering:
  - (1) children under twelve years of age;
  - (2) persons with an underlying medical condition which inhibits their ability to wear a Mask or Face Covering;
  - (3) persons who are unable to place or remove a Mask or Face Covering without assistance;

- (4) a person engaged in a sport or other strenuous physical activity;
  - (5) employees and agents of the person responsible for the Establishment within an area designated for them and not for public access, or within or behind a physical barrier; and
  - (6) persons who are reasonably accommodated by not wearing a Mask or Face Covering in accordance with the Ontario Human Rights Code.
- (b) The policy shall permit the temporary removal of a Mask or Face Covering where necessary for the purpose of receiving services, or while actively engaging in an athletic or fitness activity.
  - (c) Subject to the exemptions in section 6(a), the policy shall require that employees wear a Mask or Face Covering when working in the enclosed public space.
  - (d) Operators of child care facilities or day camps should take reasonable measures to ensure that staff wear a face covering to the fullest extent possible while providing services and care.
  - (e) Operators of congregate living settings, including group homes and retirement homes should take reasonable measures to encourage residents to wear a face covering while in common areas and those accessible to the public.
  - (f) The policy shall not require employees or members of the public to provide proof of any of the exemptions set out in section 6(a).
7. The Operator should conspicuously post at all entrances to the Establishment clearly visible signage containing the following text:

**ALL PERSONS ENTERING OR REMAINING  
IN THESE PREMISES SHALL WEAR A  
MASK OR FACE COVERING WHICH COVERS  
THE NOSE, MOUTH AND CHIN AS REQUIRED  
UNDER TOWNSHIP OF LUCAN BIDDULPH  
BY-LAW 33-2020**

8. The Operator should ensure that all persons working at the Establishment are trained in the requirements of the policy and this By-law.

#### **INSPECTION AND ENFORCEMENT**

9. This By-law shall be enforced by:
- (a) An Ontario Provincial Police Officer;
  - (b) A municipal by-law enforcement officer appointed by Lucan Biddulph; and
  - (c) Such other person designated from time to time by Lucan Biddulph.
10. An Officer may enter on land or buildings at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the Municipal Act, 2001 for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (a) an order or other requirement made under this By-law; or
  - (b) an order made under section 431 of the Municipal Act, 2001.

11. Every person who contravenes any provision of this By-law is guilty of an offence, and on conviction is liable to a fine as provided for in the Provincial Offences Act.
12. Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding five hundred dollars (\$500.00), exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.
13. Where a person or operator has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order:
  - (a) prohibiting the continuation or repetition of the offence by the person or operator convicted; and
  - (b) requiring the person or operator convicted to correct the contravention in the manner and within the period that the court considers appropriate.

#### **ADMINISTRATION**

14. This By-law shall come into force immediately upon receiving first, second and third reading by the Municipal Council and shall remain in effect until the withdrawal of the state of emergency declared by the Corporation of the Township of Lucan Biddulph is lifted.
15. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of Council that the remainder of this By-law shall continue to be of full force and effect.
16. This By-law shall not be interpreted so as to conflict with a provincial or federal statute, regulation, or instrument of a legislative nature, including an order made under the Emergency Management and Civil Protection Act.
17. That this By-law comes into effect on the day it is passed.
18. That By-law No. 33-2020 be repealed.

PASSED and ENACTED this 15<sup>th</sup> day of December, 2020.

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Cathy Burghardt-Jesson, Mayor

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Ron Reymer, Clerk



# Township of Lucan Biddulph

## BY-LAW NO. 59-2020

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### Being a by-law to confirm proceedings of the Council of The Corporation of the Township of Lucan Biddulph

WHEREAS under Section 5(1) of the *Municipal Act, 2001, S.O. 2001 c. 25*, the powers of a municipality shall be exercised by its council.

AND WHEREAS under Sub-Section 3 of Section 5 of the *Municipal Act, 2001, S.O. 2001 c. 25*, the powers of every Council of a municipality shall be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of The Council of the Corporation of the Township of Lucan Biddulph at the December 15, 2020 meeting be confirmed and adopted by By-law.

THEREFORE the Council of the Corporation of the Township of Lucan Biddulph enacts as follows:

1. That the action of the Council of the Corporation of the Township of Lucan Biddulph in respect of all motions and resolutions and all other action passed and taken by the Council of the Corporation of the Township of Lucan Biddulph, documents and transactions entered into during the December 15, 2020 meeting of Council, are hereby adopted and confirmed, as if the same were expressly included in this By-law.
2. That the Mayor and proper officials of The Corporation of the Township of Lucan Biddulph are hereby authorized and directed to do all things necessary to give effect to the action of the Council of the Corporation of the Township of Lucan Biddulph during the said December 15, 2020 meeting referred to in Section 1 of this By-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the action taken by this Council as described in Section 1 of this By-law and to affix the Corporate Seal of the Corporation of the Township of Lucan Biddulph to all documents referred to in said Section 1.

Read a FIRST, SECOND and THIRD time and FINALLY PASSED  
December 15, 2020.

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MAYOR

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CLERK

**TOWNSHIP OF LUCAN BIDDULPH**

**BY-LAW NO. 210-2020**  
**BEING A BY-LAW TO AMEND THE LUCAN BIDDULPH**  
**COMPREHENSIVE ZONING BY-LAW NO. 100-2003**

**Catharina Agatha Alida Malbrecht**  
**34237 Mitchell Line**

WHEREAS the Council of the Corporation of the Township of Lucan Biddulph deems it advisable to amend Comprehensive Zoning By-law No. 100-2003;

AND WHEREAS this By-law is consistent with the Provincial Policy Statement and in conformity with the County of Middlesex Official Plan and the Township of Lucan Biddulph Official Plan;

NOW THEREFORE the Council of the Corporation of the Township of Lucan Biddulph enacts as follows:

1. THAT Schedule "A", Map No. 36 to the Comprehensive Zoning By-law No. 100-2003 is hereby amended by changing from the General Agricultural (A1) Zone to the Surplus Dwelling (SD) Zone those lands outlined in heavy solid lines and described as SD on Schedule "A" attached hereto and forming part of this By-law, being Part of Lots 27 and 28, Concession 8, Parts 2 and 3 of Registered Plan 33R12037 in the Township of Lucan Biddulph, in the County of Middlesex.
2. THAT Schedule "A", Map No. 36 to the Comprehensive Zoning By-law No. 100-2003, is hereby amended by changing from the General Agricultural (A1) Zone to a site specific Agricultural (A3-12) Zone those lands outlined in heavy solid lines and described as A3-12 on Schedule "A" attached hereto and forming part of this By-law, being Part of Lots 27 and 28, Concession 8, Parts 2 and 3 of Registered Plan 33R12037 in the Township of Lucan Biddulph, in the County of Middlesex.
3. THAT Section 12A.3 being the Exceptions of the Surplus Dwelling (SD) Zone is amended with the addition of the following:
 

"12A.3.3	a)	<u>Defined Area</u> ( <i>Malbrecht</i> )	
			A3-12 as shown on Schedule "A", Map No. 36 to this By-law.
	b)	<u>Minimum Lot Area</u>	31.9 ha
	c)	<u>Minimum Lot Frontage</u>	125.3 m
4. THIS By-law comes into force and takes effect upon the day of passing in accordance with the provisions of Section 34 of the Planning Act, R.S.O 1990, c. P.13.

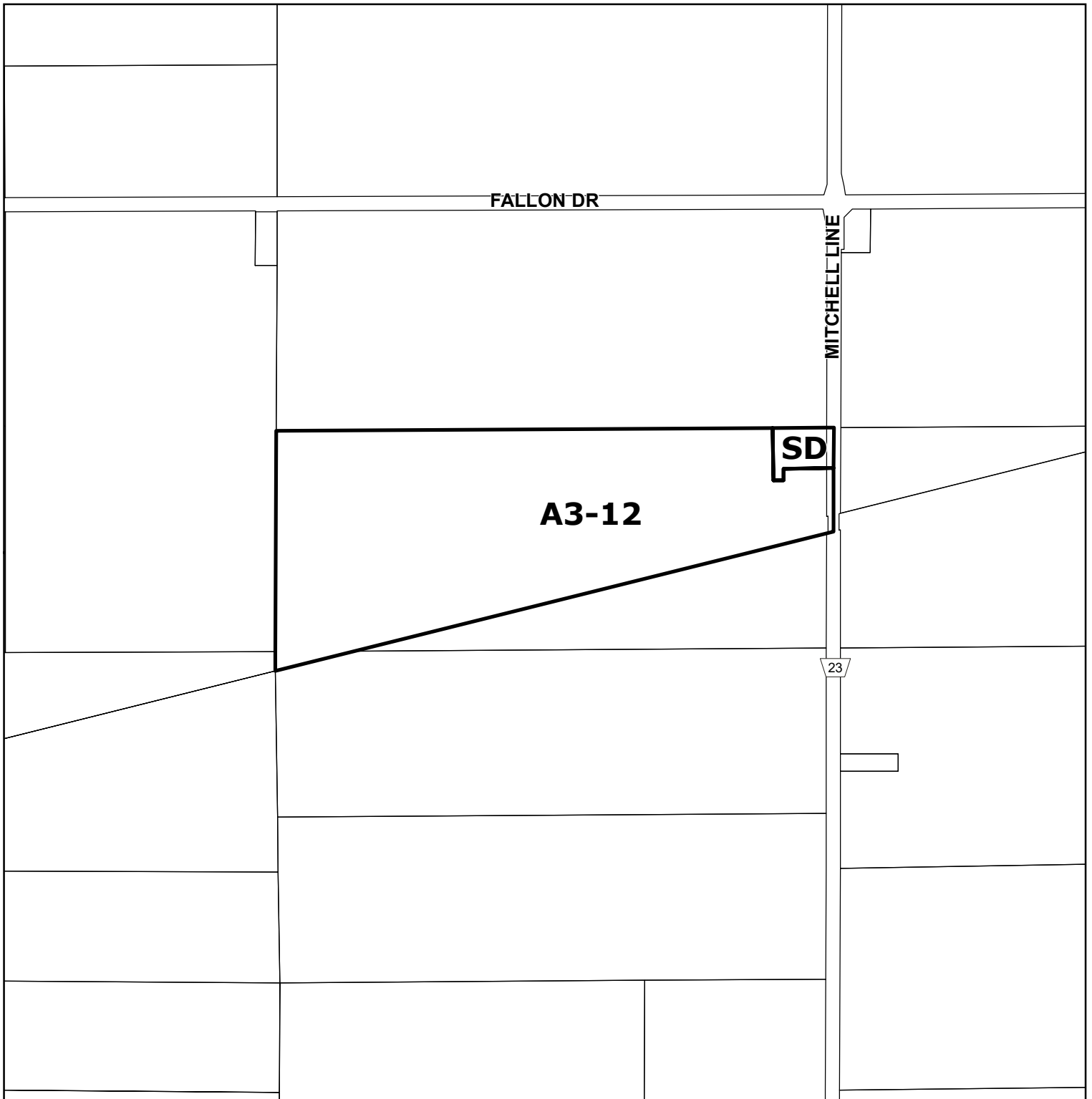
**READ A FIRST TIME AND PASSED, READ A SECOND TIME AND PASSED AND READ A THIRD TIME AND PASSED THIS 15<sup>TH</sup> DAY OF DECEMBER, 2020.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



**Township of LUCAN BIDDULPH**



THIS IS SCHEDULE "A" TO BY-LAW No. 210-2020  
PASSED THIS 15th DAY OF December, 2020.

