



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

- A G E N D A -

Monday June 27, 2022

REGULAR MEETING OF COUNCIL

7:00 p.m., Council Chambers, Fingal /Video Link

1. CALL TO ORDER

2. ADDENDUM TO AGENDA

3. DISCLOSURE OF PECUNIARY INTEREST

4. ADOPTION OF MINUTES

- (a) Minutes of Regular Council Meeting of June 13, 2022

5. DELEGATION

6. DRAINAGE

- (a) **7:00 p.m. – Meeting to Consider the Report** – Luton Drain 2022

7. PLANNING

- (a) **7:15 p.m.** Public Meeting Official Plan Amendment OPA 2022-01 and Zoning By-law Amendment ZB A 2022-06 North/Turville –4485 Thomas Road/4509 Union Road
- (b) **7:45 p.m.** Committee of Adjustment MV 2022-05, 19 Rea Court, Alora Homes C/O Claude Farhat **(sent under separate agenda package)**
- (c) PLA 2022-19 ZBA 2022-04 Second Follow-Up Additional Dwellings Units Report.
- (d) PLA 2022-20 Request to Initiate Amendment to the Township of Southwold Official Plan
- (e) PLA 2022-21 Planning Pre-Application Consultation and Completeness of Planning Applications
- (f) PLA 2022-22 Site-Plan Control By-law

8. REPORTS

- (a) ENG 2022-27 Union Road – Request for No Parking Signs
- (b) ENG 2022-28 Memorandum of Understanding with Kettle Creek

- Conservation Authority – Transfer of Lands
- (c) CAO 2022-30 Delegation By-law Amendments
 - (d) CAO 2022-31 User Fee Amendment – Cash –in- Lieu of Parkland
 - (e) County Council Highlights – June 14th, 2022

9. CORRESPONDENCE

10. BY-LAWS

- (a) By-law No. 2022-45, being a By-law to amend By-law No. 2011-14, Additional Dwelling Units
- (b) By-law No. 2022-51, being a by-law to provide for drainage works – Luton Drain 2022
- (c) By-law No. 2022-54, being a by-law to adopt Southwold Official Plan Amendment 2022-01
- (d) By-law No. 2022-55, being a by-law to amend By-law No. 2011-14- North/Turville, 4485 Thomas Road/4509 Union Road
- (e) By-law No. 2022-56, being a by-law to amend By-law No. 2021-33, being a by- law to delegate authority.
- (f) By-law No. 2022-57, being a by-law to appoint Township Officials – M. Lant
- (g) By-law No. 2022-58, being a by-law to require consultation prior to submission of planning applications and delegation of authority for completeness of planning applications.
- (h) By-law No. 2022-59, being a By-law to designate the Township of Southwold as a Site Plan Control Area pursuant to Section 41 of the Planning Act R.S.O. 1990 as amended.
- (i) By-law No. 2022-60, being a by-law to enter into a memorandum of understanding with Kettle Creek Conservation Authority
- (j) By-law No. 2022-61, being a by-law to amend Cash-in-Lieu of Parkland Fees By-law No. 2021-73
- (k) By-law No. 2022-62, being a By-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on June 27, 2022

11. OTHER BUSINESS *(For Information Only)*

12. CLOSED SESSION

No Business

13. ADJOURNMENT: **NEXT REGULAR MEETING OF COUNCIL**
Monday July 11, 2022 @ 9:30 A.M.
Council Chambers, Fingal /Video Link

THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

MINUTES



Regular Council Meeting

Monday June 13, 2022

7:00 p.m. Council Chambers, Fingal/Via Video Link

PRESENT:	Mayor:	G. Jones
	Deputy Mayor:	R. Monteith
	Councillors:	S. Emons (absent 7:59 p.m. – 8:24 p.m.) P. North J. Pennings

ALSO PRESENT: Jeff Carswell, CAO/Clerk
Peter Kavcic, Dir. of Infrastructure & Development Serv.
(7:00 p.m.– 10:10 p.m.)
Paul Van Vaerenbergh, Public Works Superintendent (7:00 p.m. – 9:15 p.m.)
Brent Clutterbuck, Drainage Superintendent (7:00 p.m.– 9:10 p.m.)
Kevin Goodhue, Water/Wastewater Compliance Superintendent
(7:00 p.m. – 8:56 p.m.)
Jeff McArthur, Dir. of Fire Services/Fire Chief (7:00 p.m.– 9:28 p.m.)
Heather James, Planner (7:00 p.m.– 8:30 p.m.)
June McLarty, Corporate Services Clerk (7:00 p.m.– 9:28 p.m.)

Mayor Jones called the meeting to order at 7:00 p.m.

ADDENDUM TO THE AGENDA: None

DISCLOSURES:

There were no disclosures

ADOPTION OF MINUTES:

2022- 158 Councillor Pennings – Councillor North Minutes

THAT the Minutes of the Regular Council Meeting of May 24, 2022 are hereby adopted; and

THAT Council has reviewed the Minutes of the Minutes of the Young @ Heart Committee Meeting of March 29, 2022 and the Minutes of the Southwold History Committee Meeting of May 20, 2022

CARRIED

DRAINAGE:

**2022-159 Councilor Emons – Deputy Mayor Monteith Filing of the Report
– Luton Drain 2022**

THAT Council proceeds with the Luton Drain 2022 drainage works and it instructs the Clerk to send notice as required under Section 41(1) of the Drainage Act of its intention to proceed; and

THAT the Meeting to Consider the Report of Luton Drain 2022 will be held at the regular Council meeting on June 27, 2022 at 7:00 pm; and

THAT affected property owners will be able to attend this meeting either via a WebEx virtual meeting or telephone conference.

CARRIED

**2022-160 Deputy Mayor Monteith – Councillor Pennings Request for
Municipal Drain**

THAT Council send notice to the property owner that Council will not object to the owner of the property submitting a drainage petition under Section 4 of the Drainage Act; and

THAT the Township of Southwold will pay their fair assessments for the improved drainage that Bush Line will receive if a drain is petitioned for and constructed.

CARRIED

REPORTS:

Activity Report from the Director of Fire Services / Fire Chief

Jeff McArthur presented his report to Council.

Activity Report from the Director of Infrastructure and Development Services

Peter Kavcic presented his report to Council.

2022-161 Councillor Emons – Councillor Pennings Shedden and Fingal Local Road Improvement

THAT Council approve Option 2 for Shedden and Fingal local road improvements, which includes asphalt surface replacement and installation of curbs at intersections;

AND FURTHER THAT Council approve the strategic sidewalk connections to parks within Shedden and Fingal as contained in this report.

CARRIED

PLANNING:

7:15 p.m. Zoning By-law Amendment - ZBA 2022-05 J. and K. Hamilton, 10195 Sunset Road

In attendance: J. and K. Hamilton, C. and T. Smith, R. and L. Young, J. and P. Pettit

2022-162 Councillor Emons – Deputy Mayor Monteith Public Meeting ZBA 2022-05

THAT Council of the Township of Southwold now sits as a public meeting under the Planning Act to consider application to amend the zoning on the property owned by J. and K. Hamilton.

CARRIED

The Mayor stated that this is a public meeting as required by Section 34 of the Planning Act to afford any person an opportunity to make representation with respect to a proposed Zoning By-law Amendment to rezone the subject lands from Residential 1 (R1) to Residential 1 Special Provision (R1-32) to permit relief from Section 3.13 (D), (F), (G) and (H) home occupation regulations and to permit relief from Section 3.38 (G), (H), (I) and (L) parking and loading space regulations with a civic address of 10195 Sunset Road.

The Mayor asked if any member of Council have a disclosure of interest concerning this proposals. None were reported.

The Mayor asked the Clerk what method of notice and when was the notice given for this meeting. The Clerk responded that a sign was posted on the property by May 24th, 2022. Notices were mailed to property owners within 120 metres and emailed to Agencies on May 20th, 2022.

Planner Heather James presented her report to Council. She also reported that the applicants are no longer seeking relief from Section 3.38 (H) (I) the parking and loading space regulations to permit an increase in the driveway width from 8.0 m to 18.14m. Comments were received from staff and were detailed in the Planning Staff Report. Agency and public comments were also received and detailed in the Planning Staff Report. This zoning by-law amendment was brought forward after a complaint was filed with the Township. A letter was sent, and the owners were advised to come into compliance with the Zoning By-law. Ms. James also commented that even though it is a large garage and will be used for vehicle maintenance, it is attached to the house and is classified as part of the main building. This is allowed and it met the requirements for the lot coverage. Ms. James also reported that since the time of writing the planning staff report additional comments have been received from the neighbour Carl Smith. These comments and pictures have been provided to Council, Township staff and the owners and applicants. Mr. Smith was objecting to the zoning by-law amendment.

The Clerk reported that Staff comments were received, as detailed in the Planning Staff Report. Also Agency comments and public comments were received, as detailed in the planning staff report, at time of writing. Since that time, additional written comments have been received and have been provided to Council, Township staff and the owners and applicants.

The Mayor stated that before the floor is open to questions from the public, please be advised if any person from the public wishes to receive further information on the action of Council regarding the decision on the application for zoning by-law amendment, please ensure that they email their name, address, postal code and phone number to the planner or clerk by June 14th, 2022. Any person that has contacted the planner to be part of the public meeting will receive this further information automatically.

The Mayor asked if the owner and/or application is in attendance. If so, please identify yourself so that the Township has a record of your attendance at this public meeting, with your name and civic address.

The Owners/Applicants Kate and John Hamilton of 10195 Sunset Road, St, Thomas reported that when they bought the house 9 ½ years ago, they contacted the Township office and was informed there would be no issues as it was on a truck route. They would not have bought the house if they could not park their truck on their property. Mr. Hamilton reported that Mr. Smith has not talked to him about anything. Mr. Hamilton also reported that they will move the planting strip back, so it is at the allotted amount. Mr. Hamilton commented that Mr. Smith had put sonotubes, metal brackets and posts in the ground for a fence. Recycled asphalt was put down, so they didn't have to cut the grass. It can be removed and put it back to the 1 meter.

Ron and Lisa Young of 10165 Sunset Road commented that they have no issues. No excess noise or odor. It has been a pleasure to watch them develop a house into a beautiful family

home. They provide a service to the community as Kate Hamilton is a bus driver. It does not seem fair for a family to leave based on this. They support this application.

Carl and Tamara Smith of 10191 Sunset Road commented that the laneways are very close together and the Hamilton's laneway encroaches on their property at the back. Mr. Smith reported that on several occasions they have talked to the Hamiltons regarding the safety issues and the backing into the driveway and the blocking of view to exit their laneway. It has been discussed. Ms. Smith commented that they have a problem with the parking of all the vehicles including the motor home, toy hauler, school bus and transport carrier and the sounds they make. The large garage has blocked their view. She is also concerned about the safety of their grandchildren and how it has affected their quality of life. They know they are the only neighbours who are affected, and they are not confrontational so that is why they haven't said anything. Neighbours should look after one another. Mr. Smith commented that the By-laws were put in place for a reason so things like this doesn't happen. Ms. Smith commented they are not taking away their livelihood, they just want the convenience of parking their vehicles on their property. They don't want to see all the vehicles parked there.

John and Patricia Petit of 10185 Sunset Road commented that they have not experienced any noise, odor or emissions. The truck is out of town most of the week.

Kate Hamilton commented on some of the things the Smiths said. She has been parking the bus on the property for 9 ½ years. There are places for buses to be parked but the school bus company appreciates it when the bus is parked on the driver's property. As for the emissions on the transport vehicles, they are regulated. The truck is quiet compared to other vehicles and does not idle. The motor home is parked in the shop quite often, the car trailer is front of the shop and their personal vehicles are next to it. They don't park near the 911 sign and do not park where it may impede their vision or on the side of the road. They don't want their neighbours to feel unsafe. The vehicles are not running when the kids are playing. The Smiths' have a travel trailer that blocks a good portion of their view. The school bus is parked back as far as possible and is gone all summer long. It does affect their livelihood, if something was to happen to one of the vehicles on the trailer, it will come out of revenue. The transport trailer must be in their driveway. Mr. Hamilton reported that with regards to the 911 sign there is 29 feet of view at end of the Smith's driveway. The only time there is a vehicle that is parked that far out is on Thursday nights when hooking up motor home with the car trailer. Was asked to park back further. Tried to be respectful and got a permit for the shop. Mr. Hamilton offered to pay for ½ of the fence, if that was to help. The shop is going anywhere.

Mr. Smith commented that pictures have been sent and it shows everything we have been talking about. It blocks our view. Park vehicles in our way all the time. It is not about us but it is about the Township By-laws. The By-laws that are put in place and need to be enforced.

Deputy Mayor Monteith questioned the Smiths if any type of fence would help the situation they are experiencing. Mr. Smith responded not at this time because of Township Fencing By-law that is now in place. We were going to put an 8" high fence up but the Township By-law does not allow it. They started parking beyond where the fence was to go. A 6" fence would not do anything.

Councillor Emons questioned if Council can make an exception for an 8" fence. Mayor Jones responded that the by-law 6 feet is in place for various reason and permitting exceptions could cause other problems.

Deputy Mayor asked the Smiths if they had a permit for their fence before the fencing by-law was enacted. Mr. Smith responded no. No permits were required for the fence, when we started. That was 2 years ago. We were only going to go to a certain point and then they were parking beyond that. It would have been a huge expense to have a fence to cover the transport carrier and the bus end to end. A 6" fence would serve no purpose. It doesn't address the drainage issues or anything else. The yard is flooded all time because of the runoff. People say they don't smell or hear anything. Their laneway is not side by side, like we are. Since the shop was built the sound reverberate. The transport is there every night. It goes out every day but it comes back. It is what we must look at. We worry when we plow our partially gravel driveway in the winter, we worry about stone hitting the vehicles.

Councillor North asked the Hamiltons based on the information heard from the neighbours and concerns from Council is there any solution that you can suggest as a reasonable compromise to the Smiths. Ms. Hamilton responded that he cannot take our shop down and do not understand how they can see over to our property as they have hedges. Mr. Hamilton responded saying they don't want me parking too close to the road because it blocks their view and I can't park near the shop because of the noise. Ms. Hamilton responded that it is near the concrete pad. The noise will bounce off their travel trailer and not off the two building. Trying to make it so it is not disruptive. Not sure why it is a problem now. Don't understand why this is now a problem. There has always been a high-water table. The truck is not a loud truck. We don't know what we can do to make it more pleasing.

Deputy Mayor Monteith asked the Smiths, is there anything that could be jointly done with the Hamiltons to curb your concerns. Mr. Smith responded that all we are requiring is the Township uphold the by-laws that are in place. This not about the Smiths versus the Hamiltons, it is about the Hamiltons versus the Township of Southwold and the By-laws of the Southwold Township.

**2022-163 Councillor Emons – Councillor Pennings ZBA 2022-05, Hamilton,
10195 Sunset Road**

THAT Council of the Township of Southwold receive Report PLA 2022-14 regarding Zoning By-law Amendment Application ZBA 2022-05 – Recommendation Report; and

THAT Council of the Township of Southwold refuse the proposed Zoning By-law Amendment Application ZBA 2022-05 as the application is not consistent with the Provincial Policy Statement, does not conform to the County of Elgin Official Plan and does not conform to the Township of Southwold Official Plan.

CARRIED

The Mayor stated that please be advised the decision may be appealed to the Ontario Land Tribunal (formally the Local Planning Appeal Tribunal) by the applicant or another member of the public who have provided comments.

2022-164 Deputy Mayor Monteith – Councillor Pennings Adjournment of Public Mtg

THAT the public meeting to consider the application to amend the zoning on the property owned by J. and K. Hamilton ends at **7:56 p.m.**

CARRIED

2022-165 Deputy Mayor Monteith – Councillor North ZBA 2022-04

THAT Council defer the recommendation contained in Staff Report PLA 2022-15 Zoning By-law Amendment Application ZBA 2022-04 and further instruct staff to review and report back to Council on revised provisions for additional dwelling units, including increasing the permitted size, provisions that could applied in different zones (ie. Agricultural vs. Residential Zones), clarification on definitions (ie. Total Gross Floor Area, Primary Dwelling, etc.), and the intent of Provincial Policy for the intended size and scope of Accessory Dwelling Unit policy.

CARRIED

DELEGATION:

8:42 p.m. – 8:56 p.m.

OCWA - Mark Harris, Maegan Garber, Robin Trepanier

2022- 166 Deputy Mayor Monteith – Councillor Pennings OCWA 1st Quarter Reports

THAT Council of the Township of Southwold hereby receives the reports from Mark Harris and Maegan Garber, OCWA re: The Southwold Water Distribution System 1st Quarter Operations Report and the Talbotville

Wastewater Treatment Plant 1st Quarter Operations Report for information purposes.

CARRIED

PLANNING:

**2022-167 Councillor Emons – Councillor North Bill 109, More Homes
for Everyone Act, 2022**

THAT Council of the Township of Southwold receive Report PLA 2022-16 regarding Bill 109 Review of Provincial Changes;

AND THAT Council of the Township of Southwold directs Administration to prepare an amendment to By-law 2021-33, the Township's Delegation of Authority By-law to delegate all site plan approvals to the Chief Administration Officer/Clerk prior to July 1, 2022; and

AND THAT Council of the Township of Southwold directs Administration to prepare a Pre-Application Consultation By-law for Council's consideration in the near future.

CARRIED

REPORTS:

**2022-168 Councillor Emons – Deputy Mayor Monteith Settlement Sidewalk
Removals**

THAT Council approve the list of sidewalks to be removed in the settlement areas of Shedden and Fingal, and

THAT staff come back with a recommendation for the Lawrence Station sidewalks at a later date.

CARRIED

Activity Report from the Director of Building and Community Services

The Activity Report from the Director of Building and Community Services was presented to Council.

**2022- 169 Councillor Pennings – Deputy Mayor Monteith Christmas Holiday
Hours**

THAT Council approve closure of the Municipal Office from 5:00 p.m. Friday, December 23, 2022 and re-opening at 8:00 a.m. on Monday, January 2, 2023, with staff utilizing Vacation or Banked-Time for the days that are not statutory holidays during closure.

CARRIED

2022-170 Councillor Pennings – Councillor Emons Summer Council Meeting Schedule

THAT Council cancel the second regular Council meetings in July and August, 2022 (July 25, 2022 and August 22, 2022).

CARRIED

2022- 171 Councillor Pennings – Councillor North Memorial Bench Program

THAT Council approve the Memorial Bench Program attached as Schedule "A" to this report.

CARRIED

2022-172 Councillor Emons – Deputy Mayor Monteith Disconnecting from Work Policy

THAT Council approve the Disconnecting from Work Policy attached as Schedule "A" to this report.

CARRIED

Activity Report from the CAO/Clerk

Jeff Carswell presented his report to Council.

County Council Highlights – May 24, 2022

Mayor Jones presented the County Council Highlights.

CORRESPONDENCE:

- Fee Waiver Request – Girl Guides

Council reviewed the item under correspondence.

BY-LAWS:

- By-law No. 2022-52, being a by-law to amend By-law No. 2022-36, being a by-law to establish a tax levy for the year 2022
- By-law No. 2022-53, being a By-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on June 13, 2022

2022-173 Councillor Emons – Councillor Pennings By-laws

THAT By-laws Nos. 2022-52 and 2022-53 be read a first and second time.

CARRIED

2022-174 Councillor North – Deputy Mayor Monteith

THAT By-laws Nos. 2022-52 and 2022-53 be read a third time and finally passed.

CARRIED

OTHER BUSINESS:

- Municipality of Thames Centre RE: Information Report on School Enrollment.
- Resolution from the Town of Aurora RE: Private Member's Bill C-233, Keira's Law
- Resolution from the Municipality of Chatham- Kent RE: Retirement Home Funding

Councillor reviewed the items under Other Business.

CLOSED SESSION:

2022-175 Councillor Emons – Deputy Mayor Monteith Closed Session

THAT Council of the Township of Southwold now moves into a session of the meeting that shall be closed to the public at **9:28 p.m.** in accordance with Section 239 (2) of the Municipal Act, S.O. 2001, c. 25 for discussion of the following matters;

- Personal Matters about an identifiable individual, including municipal or local board members (section 239(2))(b) – Planner Update
- A proposed or pending acquisition or disposition of land by the municipality or local board (section (2)) (c) and a position, plan, procedure, criteria or instructions to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239 (2)(k)) – Talbotville Sanitary Easement and Talbotville Firehall Land
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (section 239 (2)) (f) – Talbotville Park

- Personal Matters about an identifiable individual, including municipal or local board members (section 239(2)) (b) – Director of Corporate Services/Treasurer Update

CARRIED

STAFF DIRECTION

Staff was directed by Council to the items that were discussed in the Closed Session.

ADJOURNMENT:

2022-176 Councillor Emons – Councillor North

Adjournment

THAT Council for the Township of Southwold adjourns this Regular meeting of Council at **10:29 p.m.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell

LUTON DRAIN 2022

Township of Southwold



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Our Job No. 208211

May 31, 2022

London, Ontario
May 31, 2022

LUTON DRAIN 2022

Township of Southwold

To the Mayor and Council of
The Township of Southwold

Mayor and Council:

We are pleased to present our report on the incorporation, improvement and reassessment of parts of the Luton Municipal Drain serving parts of Lots 39 to 42, Concession N.T.R.E. in the Township of Southwold.

AUTHORIZATION

This report was prepared pursuant to Sections 4 and 78 of the Drainage Act in accordance with instructions received from your Municipality with respect to a motion of Council. The incorporation and improvement were requested by affected landowners and by a petition signed by a majority of the owners in the area requiring drainage.

DRAINAGE AREA

The total watershed area as described above contains approximately 103.7 hectares. The area requiring drainage is described as the south parts of Lots 39 and 40, Concession N.T.R.E.

HISTORY

The Luton Drain was originally constructed pursuant to a report submitted by F.A. Bell, O.L.S., C. E., dated September 26, 1929 and consisted of 30 meters of open ditch and 1,402 meters of 350mm to 125mm tile, located from its outlet in the natural watercourse at the south edge of the bush north of the On Track right-of-way in Lot 41, southerly and westerly through Lot 40 and into Lot 39, around the north and west sides of the former sewage lagoons. The drain also included Branches A, B, C and D, consisting of 125mm to 175mm tile.

This report and drawing also refers to an existing Agreement Drain dated November 13, 1891. This drain outleted into the south edge of the bush area south of the On-Track right-of-way and from there ran south-westerly, crossing the line between the Lyle (Roll No. 7-085-50) and Hoffsuemmer Farms Ltd. (Roll No. 7-084) properties approximately 90 meters to the south of the Luton Drain and thence south-westerly into Lot 39, south of the old lagoons and into what is now the Elgin County Wastewater Treatment facility property (Roll No. 7-085).



HISTORY (cont'd)

In order to provide outlet for the Elgin Manor property and an emergency overflow for the former lagoons, Elgin County constructed a private 300mm tile in the location of the 1891 Agreement Drain and extended it downstream along the west side of the 1929 Luton Drain from the south side of the Lyle bush to the outlet in the watercourse. The plan and profile were shown on the Site Plan Mechanical Drawing M 9 of 9, stamped by J.G. Haywood, P.Eng., dated March 30, 1963.

The 1963 drawing also shows the replacement of the Luton Drain between the catchbasins at Sta. 0+183 and Sta. 0+371 (see attached plan and profile) with a new 300mm tile. It also appears that the portion of the drains under the On Track St. Thomas concrete railway culvert was constructed through this culvert with a single 500mm diameter CSP (or 450mm tile) rather than the twin 300mm vitrified concrete sewer pipe shown on the 1963 drawing.

EXISTING DRAINAGE CONDITIONS

At a site meeting held with respect to the project and through later discussions, the owners reported the following:

- that the Elgin Manor property (Roll No. 7-085-05), owned by Elgin County, has been redeveloped and rebuilt with a larger building and parking area
- that the Keystone Village Apartments have been constructed on the property (Roll No. 7-085-030) immediately west of the Elgin Manor property
- that storm drainage for each development is directed into a stormwater management facility (SWMF) on each property and the owners requested that the existing drains now providing outlet for the SWMF be incorporated as a municipal drain to provide legal drainage outlets

A field investigation and survey were completed. Upon reviewing our findings, we note the following:

- that the old sanitary lagoons have been replaced with a new treatment facility on the adjacent Elgin County property (7-085). This facility serves the Elgin Manor, Keystone Village Apartments, and the school on the south side of Final Line
- that the SWMF for the Keystone Village Apartments outlets into a maintenance hole (MH) with orifices and restricted flow. The MH is connected into the 300mm tile constructed in 1963 by Elgin County
- that a new 150mm to 100mm perforated plastic tile branch was constructed from the 1963 tile drain south to the SWMF on the northeast side of the Elgin Manor property. The pond is connected to the 100mm tile with a MH. This 100mm plastic tile is intended to function as flow restriction from the pond
- that overflow from both of the above ponds is intended to flow along the surface runs in the existing drain locations



EXISTING DRAINAGE CONDITIONS (cont'd)

- that the treated water discharge from the wastewater treatment plant is connected into the Main Drain tile
- that the existing Luton Drain on the Hoffsuemmer Farms Ltd. property (7-084) mainly serves the systematic tiling on that property, with minor surface flow (approximately 0.25 ha.) from Lyle Road and a residential property (7-084-01)
- that the existing Luton Drain on the Lyle (7-085-50), On Track St. Thomas (Roll No. 7-080-01), and Herman (Roll No. 7-089) properties is in good condition and works in conjunction with the 1963 private drain
- that the 1963 private drain is in good working condition
- that Branch B, which acts as a cross connection with the 1963 private tile, Branch C, and Branch D are in good working condition. There are no tiles from the upstream Hoffsuemmer Farms Ltd. property connected into Branch C, as this tiling is to the north, however surface water still flows to Branch C

Preliminary cost estimates and assessments were prepared, and an informal public meeting was held to review the findings and preliminary proposals. Further input and requests were provided by the affected owners at that time and at later dates.

DESIGN CRITERIA AND CONSIDERATIONS

The Drainage Coefficient method contained in the "DRAINAGE GUIDE FOR ONTARIO", Publication 29 by the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) is typically used to design municipal drains. The Drainage Coefficient defines a depth of water that can be removed in a 24-hour period and is expressed in millimetres per 24 hours. The coefficient of the existing Main Drain, with respect to capacity, was 19mm per 24 hours and 5mm per 24 hours for Branch A.

RECOMMENDATIONS

We are therefore recommending the following:

- that the existing 300mm private tile drain (1963) from the MH at the Keystone Village Apartment complex SWMF to the outlet, including related appurtenances, which has been cross-connected to the Luton Main Drain with Branch B, be incorporated as an improvement to the Luton Main Drain,
- that the existing Luton Drain 1929 from the outlet at Sta. -0+030 to the Hoffsuemmer/Lyle property line including the 30-meter open portion, Branch B, which is working in conjunction with the 1963 tile, and related appurtenances, be included as part of the Main Drain for future maintenance purposes



RECOMMENDATIONS (cont'd)

- that Branches C and D (1929), be included as part of this report for future maintenance purposes
- that the existing private 100mm and 150mm plastic tile now serving the Elgin Manor SWMF be incorporated as Branch A for future maintenance purposes
- that the remaining portion of the 1929 Luton Drain, including the old Branch A on the Hoffsuemmer Farms Ltd. property (7-084) be officially abandoned from municipal status pursuant to Section 19 of the Drainage Act. However, the affected owners may maintain it as a private drain if they so wish
- in accordance with Section 14(2) of the Drainage Act the existing surface waterway along the route of the tile drain shall be part of the drainage works for future maintenance. The width available for the waterway shall be equal to the maintenance working width shown on the drawings

SUMMARY OF PROPOSED DRAIN

The Luton Drain 2022 will consist of approximately 30 lineal meters of open ditch and approximately 910 lineal meters of 150mm to 350mm existing tile, including related appurtenances, and the incorporation of 1,818 lineal meters of 100mm to 300mm existing tile, including related appurtenances.

SCHEDULES

Four schedules are attached hereto and form part of this report, being Schedule 'A' - Allowances, Schedule 'B' - Cost Estimate, Schedule 'C' - Assessment for Construction, and Schedule 'D' - Assessment for Maintenance.

Schedule 'A' - Allowances. In accordance with Section 29 of the Drainage Act, allowances are provided for right-of-way along the route of the existing drains as defined below.

Schedule 'B' - Cost Estimate. This schedule provides for a detailed cost estimate of the work which is in the amount of \$ 31,100.00. This estimate includes engineering and administrative costs associated with this project.

Schedule 'C' - Assessment for Construction. This schedule outlines the distribution of the total estimated cost over the roads and lands which are involved.

Schedule 'D' - Assessment for Maintenance. In accordance with Section 38 of the Drainage Act, this schedule outlines the distribution of future repair and/or maintenance costs for portions of, or the entire drainage works.

Drawing No. 1, Job No. 208211 forms part of this report. They show and describe in detail the location and extent of the work to be done and the lands which are affected.



ALLOWANCES

RIGHT-OF-WAY: Section 29 of the Drainage Act provides for an allowance to the owners whose land must be used for the construction, repair, or future maintenance of a drainage works.

For tile drains where the owners will be able to continue to use the land, the allowance provides for the right to enter upon such lands, and at various times for the purpose of inspecting such drain, removing obstructions, and making repairs. Also, the allowance provides for the restrictions imposed on those lands to protect the right-of-way from obstruction or derogation. The amounts granted for right-of-way on tile drains is based on a percentage of the value of the land designated for future maintenance. Therefore, the amounts granted are based on \$6,750.00/ha. through cropped lands and \$2,625.00/ha. through bush. These values are multiplied by the hectares derived from the width granted for future maintenance and the applicable lengths. No right-of-way was previously provided for any of the existing drains being included/incorporated.

For open ditches, the allowance provides for the loss of land due to the construction provided for in the report. The amounts granted are based on the value of the land, and the rate used was \$45,000.00/ha. When any buffer strip is incorporated and/or created, the allowance granted is for any land beyond a 1.8-meter width deemed to have always been part of the drain. For existing open ditches, the right-of-way to provide for the right to enter and restrictions imposed on those lands is deemed to have already been granted.

ASSESSMENT DEFINITIONS

In accordance with the Drainage Act, lands that make use of a drainage works are liable for assessment for part of the cost of constructing and maintaining the system. These assessments are known as benefit, outlet liability and special benefit as set out under Sections 22 and 23 of the Act.

SECTION 22

Benefit as defined in the Drainage Act means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair, or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface water, or any other advantages relating to the betterment of lands, roads, buildings, or other structures.

Special Benefit is assessed to lands for which some additional work or feature has been included in the construction repair or improvement of a drainage works. The costs of such work are separated and assessed independently from the regular work.

SECTION 23

Outlet liability is assessed to lands or roads that may make use of a drainage works as an outlet either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek, or watercourse.



ASSESSMENT DEFINITIONS (cont'd)

In addition, a Public Utility or Road Authority shall be assessed for and pay all the increased cost to a drainage works due to the construction and operation of the Public Utility or Road Authority. This may be shown as either benefit or special assessment.

ASSESSMENT

A modified "Todgham Method" is typically used to calculate the assessments shown on Schedule 'C'- Assessment for Construction. This entails breaking down the costs of the drain into sections along its route. Special Benefit Assessments are then extracted from each section.

The remainder is then separated into Benefit and Outlet Assessments. The Benefit is distributed to those properties receiving benefit as defined under "Assessment Definitions", with such properties usually being located along or close to the route of the drain. The Outlet is distributed to all properties within the watershed area of that section on an adjusted basis. The areas are adjusted for location along that section, and relative run-off rates. Due to their different relative run-off rates, forested lands are assessed for outlet at lower rates than cleared lands. Also, roads, residential, and institutional properties are assessed for outlet at higher rates than cleared farmlands.

The actual cost of the work involving this report is to be assessed on a pro-rata basis against the lands and roads liable for assessment for special benefit, benefit, and outlet as shown in detail on Schedule 'C' - Assessment for Construction.

GRANTS

In accordance with the provisions of Section 85 of the Drainage Act, a grant **may** be available for assessments against privately owned parcels of land which are used for agricultural purposes and eligible for the Farm Property Class Tax rate. Section 88 of the Drainage Act directs the Municipality to make application for this grant upon certification of completion of this drain. The Municipality will then deduct the grant from the assessments prior to collecting the final assessments.

MAINTENANCE

Upon completion of construction, all owners are hereby made aware of Sections 80 and 82 of the Drainage Act which forbid the obstruction of or damage or injury to a municipal drain. This includes tree roots penetrating tiles from trees planted by owners or naturally occurring. For tiles through bush areas, we recommend the owner maintain the cleared space by either mowing (hay) or growing a crop over it. If no maintenance is completed over several years, we recommend the Municipality complete the mowing/clearing as part of maintenance at the discretion of the Drainage Superintendent.



MAINTENANCE (cont'd)

After completion, the Main Drains, Branch A, and Branch B shall be maintained by the Township of Southwold at the expense of all upstream lands and roads assessed in Schedule 'C' - Assessment for Construction and in the same relative proportions, with the exception that all special benefit assessments are to be removed, until such time as the assessment is changed under the Drainage Act.

After completion, Branch C and Branch D (1929) shall be maintained by the Township of Southwold at the expense of all upstream lands and roads assessed in Schedule 'D' - Assessment for Maintenance and in the same relative proportions until such time as the assessment is changed under the Drainage Act.

Special Benefit Assessments shall not be pro-rated for future maintenance purposes.

The existing portions of the 1929 Luton Drain included in this report shall be maintained in accordance with the grades and dimensions set out in the plans and specifications contained in the report dated September 26, 1929.

Repairs or improvements to any culvert or sub-surface crossing shall be the responsibility of the owners, entirely at their cost.

Respectfully submitted,

SPRIET ASSOCIATES LONDON LIMITED

M.P. DeVos, P. Eng.



MPD:bv



SCHEDULE 'A' - ALLOWANCES

LUTON DRAIN 2022

Township of Southwold

In accordance with Section 29 of the Drainage Act, we determine the allowances payable to owners entitled thereto as follows:

CON.	LOT	ROLL NUMBER (Owner)	SECTION 29 RIGHT-OF-WAY	TOTAL
MAIN DRAIN-LOWER PORTION & Br. B				
NTRE	Pt.40&41	7-085-50 (J. Lyle)	\$ 4,450.00	\$ 4,450.00
NTRE	Pt.39-41	7-089 (M. & S. Herman)	1,730.00	1,730.00
Total Allowances			\$ 6,180.00	\$ 6,180.00
TOTAL ALLOWANCES ON THE MAIN DRAIN-LOWER PORTION & Br. B				\$ 6,180.00
MAIN DRAIN-UPPER PORTION				
NTRE	Pt.39&40	7-084 (Hoffsuemmer Farms Ltd.)	\$ 3,310.00	\$ 3310.00
NTRE	Pt.39	7-085 (Elgin County)	450.00	450.00
Total Allowances			\$ 3,760.00	\$ 3760.00
TOTAL ALLOWANCES ON THE MAIN DRAIN-UPPER PORTION				\$ 3,760.00
BRANCH " A "				
NTRE	Pt.39&40	7-084 (Hoffsuemmer Farms Ltd.)	\$ 2,830.00	\$ 2830.00
NTRE	Pt.39&40	7-085-05 (County of Elgin)	80.00	80.00
Total Allowances			\$ 2,910.00	\$ 2910.00
TOTAL ALLOWANCES ON THE BRANCH " A "				\$ 2,910.00
TOTAL ALLOWANCES ON THE LUTON DRAIN 2022				\$ 12,850.00

SCHEDULE 'B' - COST ESTIMATE

LUTON DRAIN 2022

Township of Southwold

We have made an estimate of the cost of the proposed work which is outlined in detail as follows:

MAIN DRAIN-LOWER PORTION & Br. B

Allowances under Section 29 of the Drainage Act	\$ 6,180.00
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MAIN DRAIN-UPPER PORTION

Allowances under Section 29 of the Drainage Act	\$ 3,760.00
---	-------------

BRANCH " A "

Allowances under Section 29 of the Drainage Act	\$ 2,910.00
---	-------------

ADMINISTRATION

Conservation Authority Review Fee	\$ 300.00
Interest and Net Harmonized Sales Tax	\$ 602.00
Survey, Plan and Final Report	\$ 15,776.00
Expenses	\$ 1,072.00
Finalize	\$ <u>500.00</u>

TOTAL ESTIMATED COST	\$ <u><u>31,100.00</u></u>
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CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN-LOWER PORTION & Br. B						
NTRE	Pt.39&40	26.0	7-084 (Hoffsuemmer Farms Ltd.)	\$	\$ 1,562.00	\$ 1,562.00
* NTRE	Pt.39	0.05	7-084-01 (Parkona Properties Ltd.)		3.00	3.00
* NTRE	Pt.39	1.23	7-085 (Elgin County)		287.00	287.00
* NTRE	Pt.39&40	4.85	7-085-05 (County of Elgin)	2,040.00	630.00	2,670.00
* NTRE	Pt.39	2.53	7-085-30 (Diamond Residential)	2,040.00	329.00	2,369.00
* NTRE	Pt.39	0.15	7-085-35 (County of Elgin)		19.00	19.00
NTRE	Pt.40&41	38.4	7-085-50 (J. Lyle)	3,810.00	1,224.00	5,034.00
* NTRE	Pt.40&41	2.64	7-086 (C. & P. Vanderwyst)		103.00	103.00
NTRE	Pt.41&42	0.6	7-087 (D. Lyle & H. Heard)		23.00	23.00
NTRE	Pt.41&42	23.4	7-090-10 (J. Lyle)		805.00	805.00
NTRE	Pt.39-41	2.6	7-089 (M. & S. Herman)	1,150.00	34.00	1,184.00
* Right-of-Way		1.4	7-080-01 (On Track St. Thomas)	170.00	23.00	193.00
TOTAL ASSESSMENT ON LANDS				\$ 4,080.00	\$ 5,130.00	\$ 5,042.00
Fingal Line (Cty 16)				\$	\$ 49.00	\$ 49.00
Lyle Road					39.00	39.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 88.00	\$ 88.00
TOTAL ASSESSMENT ON THE MAIN DRAIN-LOWER PORTION & Br. B						\$ 14,340.00

Township of Southwold

* = Non-agricultural

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
MAIN DRAIN-UPPER PORTION						
NTRE	Pt.39&40	10.1	7-084 (Hoffsuemmer Farms Ltd.)	\$ 2,720.00	\$ 973.00	\$ 3,693.00
* NTRE	Pt.39	0.05	7-084-01 (Parkona Properties Ltd.)		4.00	4.00
* NTRE	Pt.39	1.23	7-085 (Elgin County)	390.00	852.00	1,242.00
* NTRE	Pt.39&40	4.85	7-085-05 (County of Elgin)	430.00	374.00	804.00
* NTRE	Pt.39	2.53	7-085-30 (Diamond Residential)	2,440.00	200.00	3,615.00
* NTRE	Pt.39	0.15	7-085-35 (County of Elgin)		58.00	58.00
TOTAL ASSESSMENT ON LANDS				\$ 2,870.00	\$ 3,310.00	\$ 9,416.00
Fingal Line (Cty 16)				\$	\$ 28.00	\$ 28.00
Lyle Road					46.00	46.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 74.00	\$ 74.00
TOTAL ASSESSMENT ON THE MAIN DRAIN-UPPER PORTION						\$ 9,490.00
BRANCH " A "						
NTRE	Pt.39&40	5.7	7-084 (Hoffsuemmer Farms Ltd.)	\$ 1,470.00	\$ 544.00	\$ 2,014.00
* NTRE	Pt.39&40	4.85	7-085-05 (County of Elgin)	2,190.00	1,070.00	5,112.00
TOTAL ASSESSMENT ON LANDS				\$ 2,190.00	\$ 2,540.00	\$ 7,126.00
Fingal Line (Cty 16)				\$	\$ 144.00	\$ 144.00
TOTAL ASSESSMENT ON ROADS				\$	\$ 144.00	\$ 144.00
TOTAL ASSESSMENT ON BRANCH " A "						\$ 7,270.00
TOTAL ASSESSMENT ON THE LUTON DRAIN 2022						\$ 31,100.00

SCHEDULE 'D' - ASSESSMENT FOR MAINTENANCE

LUTON DRAIN 2022

Township of Southwold

Job No. 208211

May 31, 2022

* = Non-agricultural

CON.	LOT	HECTARES AFFECTED	ROLL No. (OWNER)	BENEFIT	OUTLET	TOTAL
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LUTON DRAIN 1929 - BRANCH C

NTRE	Pt.39&40	1.5	7-084 (Hoffsuemmer Farms Ltd.)	12.5 %	12.5 %	25.0 %
NTRE	Pt.40&41	1.5	7-085-50 (J. Lyle)	62.5	12.5	75.0
				=====	=====	=====
				75.0 %	25.0 %	100.0 %
				=====	=====	=====

TOTAL ASSESSMENT ON THE LUTON DRAIN 1929 - BRANCH C

\$ 100.0 %

LUTON DRAIN 1929 - BRANCH D

NTRE	Pt.40&41	-	7-085-50 (J. Lyle)	40.0 %	%	40.0 %
NTRE	Pt.41&42	0.6	7-087 (D. Lyle & H. Heard)		0.9	0.9
NTRE	Pt.41&42	13.4	7-090-10 (J. Lyle)	10.0	49.1	59.1
				=====	=====	=====
TOTAL ASSESSMENT ON LANDS				50.0 %	50.0 %	100.0 %
				=====	=====	=====

TOTAL ASSESSMENT ON THE LUTON DRAIN 1929 - BRANCH D

\$ 100.0 %

SCHEDULE OF NET ASSESSMENT

LUTON DRAIN 2022

Township of Southwold

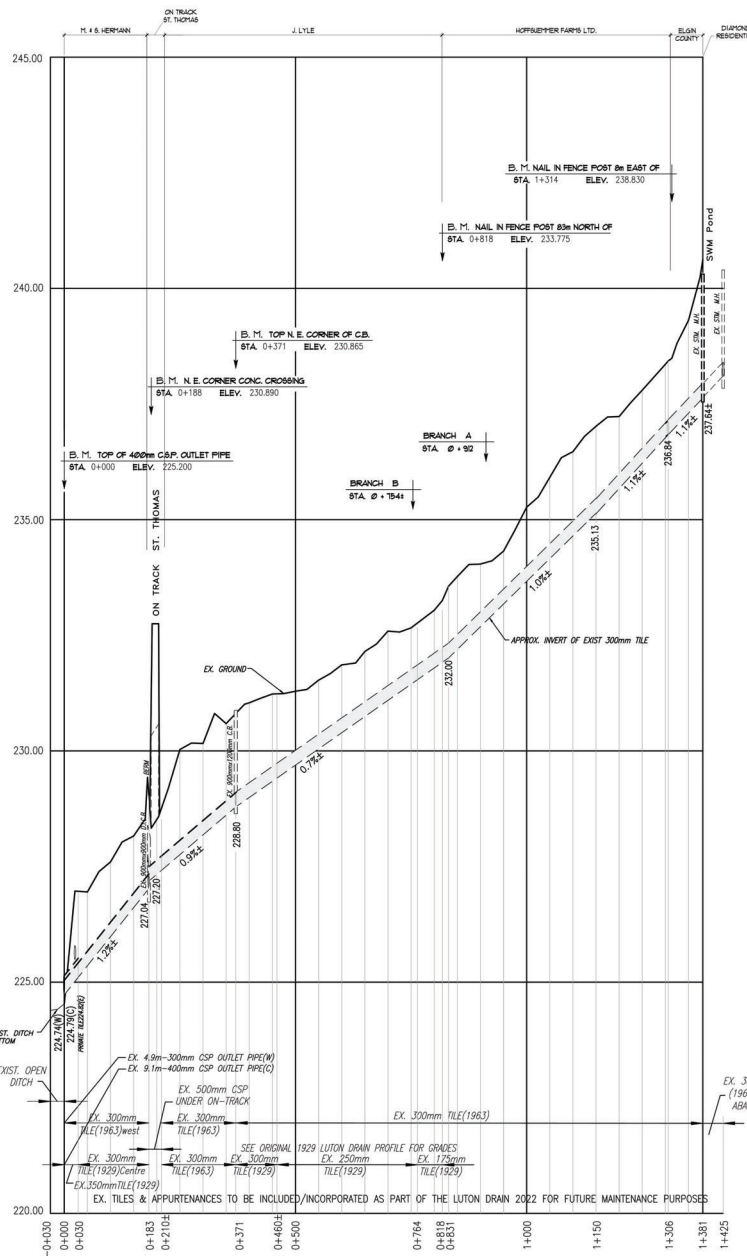
(FOR INFORMATION PURPOSES ONLY)

Job No. 208211

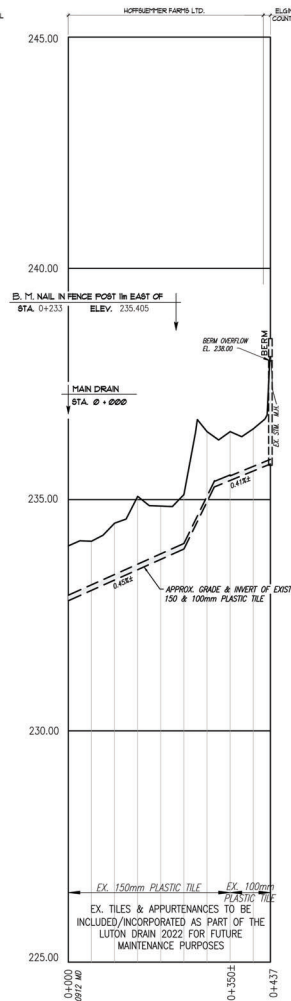
May 31, 2022

* = Non-agricultural

ROLL NUMBER (OWNER)	TOTAL ASSESSMENT	GRANT	ALLOWANCES	APPROX. NET
7-084 (Hoffsuemmer Farms Ltd.)	\$ 7,269.00	\$ 2,423.00	\$ 6,140.00	\$ -1,294.00
* 7-084-01 (Parkona Properties Ltd.)	7.00			7.00
* 7-085 (Elgin County)	1,529.00		450.00	1,079.00
* 7-085-05 (County of Elgin)	8,586.00		80.00	8,506.00
* 7-085-30 (Diamond Residential)	5,984.00			5,984.00
* 7-085-35 (County of Elgin)	77.00			77.00
7-085-50 (J. Lyle)	5,034.00	1,678.00	4,450.00	-1,094.00
* 7-086 (C. & P. Vanderwyst)	103.00			103.00
7-087 (D. Lyle & H. Heard)	23.00	8.00		15.00
7-090-10 (J. Lyle)	805.00	268.00		537.00
7-089 (M. & S. Herman)	1,184.00	395.00	1,730.00	-941.00
* 7-080-01 (On Track St. Thomas)	193.00			193.00
* Fingal Line (Cty 16)	\$ 221.00	\$	\$	\$ 221.00
* Lyle Road	85.00			85.00
TOTALS	\$ 31,100.00	\$ 4,772.00	\$ 12,850.00	\$ 13,478.00



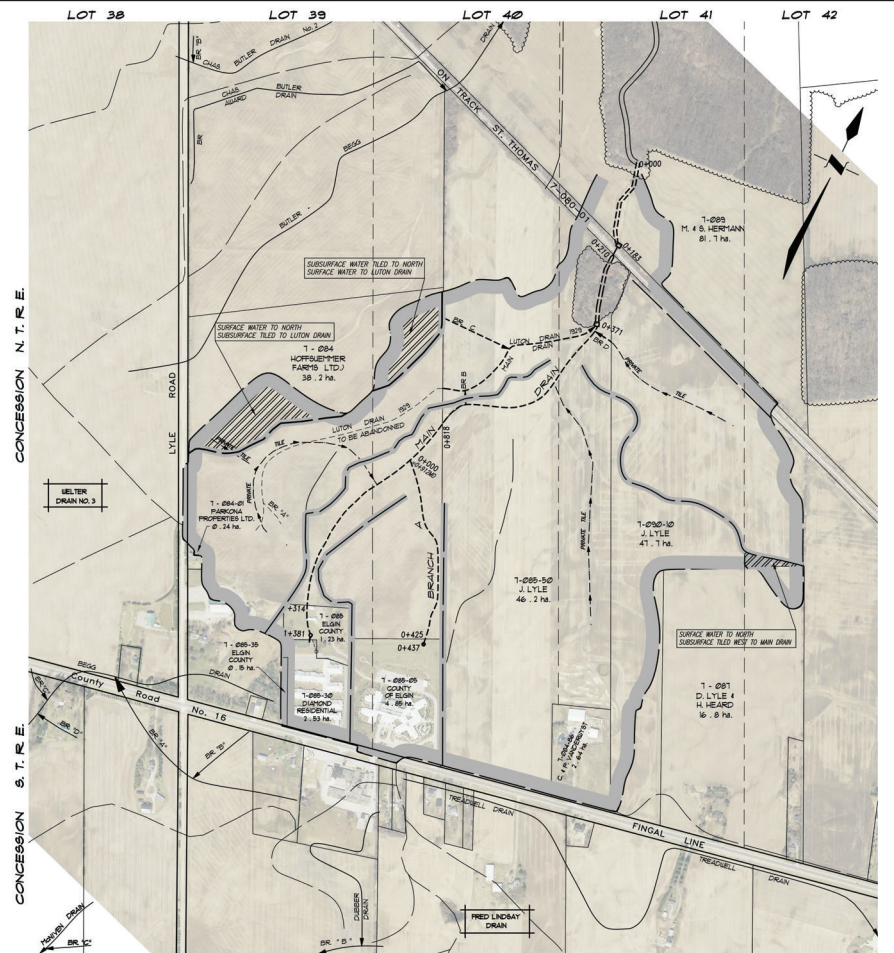
MAIN DRAIN PROFILE
SCALE: HOR 1:5,000
VERT. 1:50



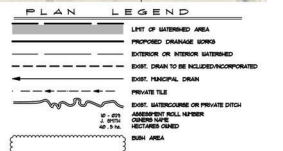
BRANCH A
SCALE: HOR 1:5,000
VERT. 1:50


GENERAL NOTES

THE WORKING WIDTH FOR PURPOSES OF FUTURE MAINTENANCE SHALL BE NOT EXCEED THE FOLLOWING
AVERAGE WIDTHS
OPEN PORTIONS-BUSH AREAS - 10 meters INCLUDING 3m BUFFER STRIP
CLOSED PORTIONS - 10 meters
CLOSED PORTIONS (THROUGH BUSH) - 34 meters (10m FROM EACH TIE)



PLAN SCALE 1:5,000





LUTON DRAIN 2022

TOWNSHIP OF SOUTHWOLD

Drainage Superintendent:		No.		REVISIONS		DATE	
BRENT CLUTTERBUCK							
519-169-2010							

Drawn By: BSA	Field Book: D-228	JOB No: 208211	Drawing No: 1 of 1
Date: MAY 31, 2022			

PLAN & PROFILE

SPRIET ASSOCIATES

CONSULTING ENGINEERS

105 NEW STREET - LONDON ONTARIO M5T 1A5



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-17

SUBJECT MATTER: Official Plan Amendment Application OPA 2022-01 and Zoning By-law Amendment Application ZBA 2022-06 – Recommendation Report

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-17 regarding Official Plan Amendment OPA 2022-01 and Zoning By-law Amendment Application ZBA 2022-06 – Recommendation Report;

THAT Council of the Township of Southwold adopt the proposed Official Plan Amendment Application OPA 2022-01, in accordance with the site-specific By-law contained within Appendix Two of Report PLA 2022-17 and forward the necessary documentation and By-law to the County of Elgin for approval;

AND THAT Council of the Township of Southwold approve the proposed Zoning By-law Amendment Application ZBA 2022-06, in accordance with the site-specific By-law contained within Appendix Two of Report PLA 2022-17.

Purpose:

The proposed Official Plan Amendment and Zoning By-law Amendment will redesignate and rezone a portion of the lands known municipally as 4485 Thomas Road, 10.1 ha (24.96 ac.) in area from Residential to Agricultural Area and from Settlement Reserve (SR) to Agricultural 1 Special Provision 64 (A1-64) to permit agricultural uses and to permit the existing undersized lot area, resulting in a settlement area boundary adjustment for North Port Stanley with 4509 Union Road.

The proposed Official Plan Amendment and Zoning By-law Amendment would also redesignate and rezone a portion of the lands known municipally as 4509 Union Road, 14.3 ha (35.34 ac.) in area from Agricultural Area to Residential and from Agricultural 3 Special Provision 2 (A3-2) to Settlement Reserve (SR) to permit agricultural uses only at this time, resulting in a settlement area boundary adjustment for North Port Stanley with 4485 Thomas Road. Within the proposed Residential designation, only 10.6 ha (26.19 ac.) are developable lands due to being adjacent to locally significant wetlands.

Approximately 2.8 ha (7 acres) comprising the northerly portion of the lands would retain its current Agricultural Area designation and A3-2 zoning. The proposed Residential designated lands are intended to be developed as a residential Plan of Subdivision in the near future.

Background:

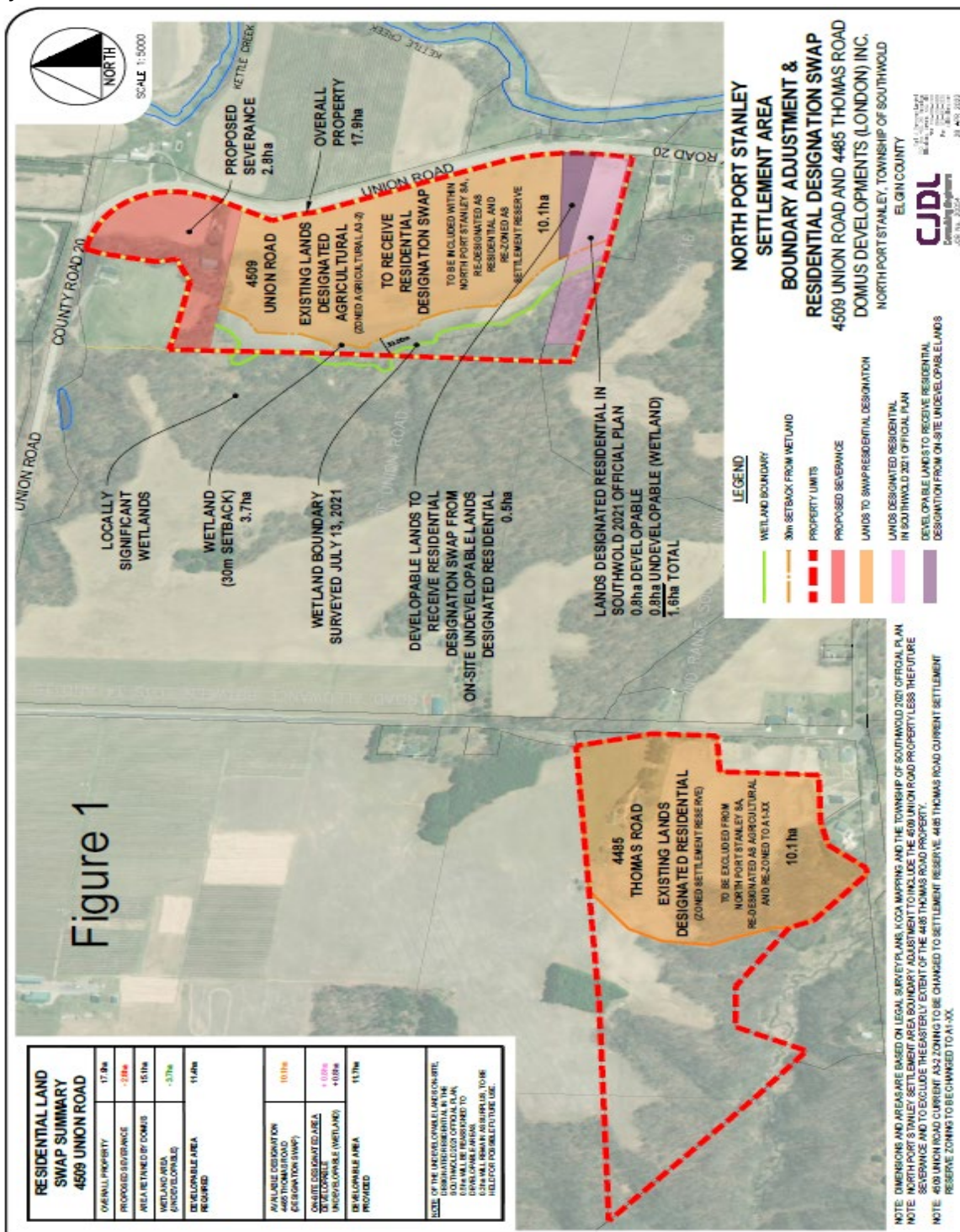
Below is background information, in a summary chart:

Applications	OPA 2022-01 and ZBA 2022-06	
Agent	Domus Development Inc.	
Owners	Peter and Deneen North	Frank Turville
Legal Description	Part of Lots 13 and 14, Range 2 SUR	Part of Lot 16, Range 1 and 2 SUR
Civic Address	4485 Thomas Road	4509 Union Road
Entrance Access	Thomas Road	Union Road
Water Supply	Municipal water service	Municipal water service
Sewage Supply	Privately owned and operated septic system	Privately owned and operated septic system
Existing Land Area	18.78 ha (46.41 ac)	17.9 ha (44.23 ac)
Buildings and/or Structures	Single detached dwelling and accessory buildings	Single detached dwelling and accessory buildings

Figure One below, depicts the lands of 4485 Thomas Road and 4509 Union Road:



Figure Two below, depicts the lands subject to the Official Plan Amendment and Zoning By-law Amendment.



The following reports and studies were submitted with the applications:

1. A Planning Justification Report for the proposed Official Plan Amendment and Zoning By-law Amendment to facilitate the land swap within the North Port Stanley Settlement Area, prepared by Barbara G. Rosser, MCIP, RPP, Planner;
2. Environmental Impact Study for 4509 Union Road, prepared by Vroom + Leonard;
3. A Preliminary Servicing Report, prepared by CJDLC Consulting Engineers for the proposed future subdivision at 4509 Union Road

Additional studies were submitted; however, they are related to the proposed subdivision and not directly related to the Official Plan Amendment and Zoning By-law Amendment applications.

The reports and studies related to the applications are available on the Southwold website:

<https://www.southwold.ca/en/business-and-development/current-planning-applications.aspx>

Comments/Analysis:

Planning Policy Review:

Planning authorities must have regard to matters of Provincial interest, the criteria of the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) and does not conflict with Provincial Plans. Within the Township of Southwold, they must also make decisions that conform to the County of Elgin Official Plan (CEOP) and Township of Southwold Official Plan (OP) and make decisions that represent good land use planning.

PPS

Under Section 3(5) of the *Planning Act*, the Township “shall be consistent with” matters of provincial interest as set out in the Provincial Policy Statements (PPS). In particular, Section 1.1.3.9, Section 2.1.5 and Section 2.1.8.

Section 1.1.3.9 states notwithstanding Section 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside of 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.

As shown on Figure Two, the adjustment to the settlement area boundary will not result in a net increase in land within the settlement areas as 10.1 ha will be removed and 14.3 ha will be added the settlement area, with only 10.1 ha of developable lands due to an adjacent locally significant wetland. The boundary adjustment will provide opportunities for a variety of residential housing development, which would support the municipality's ability to meet intensification targets. The Township currently has no redevelopment opportunities available. Prime agricultural areas have been addressed extensively in the planning justification report. In particular, the lands are not identified as part of specialty crop areas, both parcels are Class 3 prime agricultural lands and there are no other vacant lands with the settlement area or its immediate vicinity that could be considered as a reasonable alternative to avoid prime agricultural area and there are no livestock operations within 1 kilometre of the settlement area and 4509 Union Road requiring calculation of Minimum Distance Separation 1 (MDS 1) setbacks. The lands that will be added to the North Port Stanley Settlement Area will be serviced with municipal water service from the Township of Southwold and will be serviced with municipal sanitary service through a servicing agreement with the neighbouring Municipality of Central Elgin, which has a municipal sanitary service facility for the community of Port Stanley.

The lands to be added to the settlement area, 4509 Union Road contain a significant woodland, locally significant wetland, natural hazard lands and an Earth Science Area of Natural and Scientific Interest. As a result, policies 2.1.5 and 2.1.8 of the PPS indicate a requirement to demonstrate that there will be no negative impacts on the natural features or their ecological functions or upon adjacent lands to the features. An Environmental Impact has been prepared which concluded that there would be no

negative impacts on the natural heritage features of the subject property and natural heritage landscape identified in the Official Plan.

Therefore the proposed Official Plan Amendment and Zoning By-law Amendment is consistent with the PPS.

CEOP

The lands known municipally as 4485 Thomas Road are partially designated as Tier 2 Settlement Area (North Port Stanley) and Agricultural Area on Schedule 'A' Land Use with a portion of the lands subject to the Woodlands overlay on Appendix #1 Natural Heritage Features and Areas in the CEOP. The lands known municipally as 4509 Union Road are designated as Agricultural Area on Schedule 'A' Land Use with a portion of the lands subject to the Woodlands and Area of Natural and Scientific Interest overlay on Appendix #1 Natural Heritage Features and Areas in the CEOP.

Section B2.8.4 Amendments to this Plan for Settlement Area Expansions or New Settlement Areas states an amendment to this Plan may not be required in conjunction with an Amendment to a local Official Plan that provides for a minor settlement area boundary adjustment. The proposed settlement area boundary adjustment for North Port Stanley is minor as the lands to be added and the lands to be removed do not result in a settlement area expansion.

Section E4 Sanitary Sewers and Water encourages development on full municipal services. Development on the lands known as 4509 Union Road will be serviced with municipal water service from the Township and municipal sanitary service from the Municipality of Central Elgin.

The lands known municipally as 4509 Union Road a significant woodland, locally significant wetland, natural hazard lands and an Earth Science Area of Natural and Scientific Interest. No development is proposed within the significant woodland, locally significant wetland and natural hazard lands. Section D1.2.6 states development and site alteration shall not be permitted in significant woodlands and areas of natural and scientific interest and their adjacent lands unless it has been demonstrated through an Environmental Impact Study, that there will be no negative impacts on the natural features or their ecological functions. An Environmental Impact has been prepared which concluded that there would be no negative impacts on the natural heritage features of the subject property and natural heritage landscape identified in the Official Plan.

Therefore, the proposed Official Plan Amendment and Zoning By-law Amendment conforms to the CEOP.

OP

The lands known municipally as 4485 Thomas Road are partially designated Residential on Schedule 4D North Port Stanley and partially designated Agricultural Area on Schedule 4 Southwold Land Use with a portion of the lands subject to Significant Woodlands overlay on Schedule 2 Natural Heritage Features and Hazardous Lands overlay on Schedule 3 Natural Hazards. The lands known as 4509 Union Road are designated Agricultural Area on Schedule 4 Southwold Land Use with a portion of the lands subject Significant Woodlands and Area of Natural and Scientific Interest overlays and completely within the Hazardous Lands overlay on Schedule 3 Natural Hazards.

The proposed Official Plan Amendment would redesignate a portion of the lands known municipally as 4485 Thomas Road, 10.1 ha (24.96 ac.) in area from Residential to Agricultural Area and also redesignate a portion of the lands known municipally as 4509 Union Road, 14.3 ha (35.34 ac.) in area from Agricultural Area to Residential.

Section 3.2.2.5 Settlement Area Expansions outside of a Municipal Comprehensive Review states notwithstanding Policy 3.2.2.4 (Settlement Area Expansions), the Township may permit adjustments of the Settlement Area boundaries outside a comprehensive review provided:

- a) There is no net increase of land within the Settlement Areas;
- b) The adjustment would support the Township's ability to meet intensification and redevelopment targets;
- c) Prime agricultural areas are addressed in accordance with 3.2.2.4 d) and e); and,
- d) The Settlement Area to which lands would be added can be appropriately serviced and there is sufficient reserve infrastructure to service the lands.

The rationale for Section 3.2.2.5 was addressed in the PPS section of the report. Section 4.1 Natural Heritage has been addressed in the PPS section of the report. Development within the natural hazard areas of the 4509 Union Road will be addressed at the proposed draft plan of subdivision stage in consultation with Kettle Creek Conservation Authority (Section 4.2 Natural Hazards).

Therefore, this proposed Official Plan Amendment and Zoning By-law Amendment will conform to the OP, subject to the Official Plan Amendment coming into effect.

Township of Southwold Comprehensive Zoning By-Law 2011-14 (ZBL)

The lands known municipally as 4485 Thomas Road are zoned Settlement Reserve (SR) and Agricultural 1 (A1) with the entire parcel subject to the Natural Area and Adjacent Land constraint and a portion of the lands subject to Kettle Creek Conservation Authority Development Regulation, as shown on Schedule 'A' Maps 9 and 10 in the Township of Southwold Zoning By-law 2011-14.

The lands known municipally as 4509 Union Road are zoned Agricultural 3 Special Provision 2 (A3-2) with the entire parcel subject to the Natural Area and Adjacent Land constraint and Kettle Creek Conservation Authority Development Regulation, as shown on Schedule 'A' Map 9 in the Township of Southwold Zoning By-law 2011-14.

The proposed zoning by-law amendment will rezone a portion of the lands known municipally as 4485 Thomas Road, 10.1 ha (24.96 ac.) in area from Settlement Reserve (SR) to Agricultural 1 Special Provision 64 (A1-64) to permit agricultural uses and to permit the existing undersized lot area, resulting in a settlement area boundary adjustment for North Port Stanley with 4509 Union Road.

The proposed zoning by-law amendment will also rezone a portion of the lands known municipally as 4509 Union Road, 14.3 ha (35.34 ac.) in area from Agricultural 3 Special Provision 2 (A3-2) to Settlement Reserve (SR) to permit agricultural uses only at this time, resulting in a settlement area boundary adjustment for North Port Stanley with 4485 Thomas Road.

The draft zoning by-law amendment is attached to this report as Appendix Two for reference purposes.

Therefore, the proposal would be in compliance with the Zoning By-law, subject to the Zoning By-law Amendment being implemented.

Circulation Of The Application:

The application was circulated to the applicable commenting agencies and neighboring property owners within 120 meters of the subject lands on June 2, 2022, 25 days prior to the public meeting (minimum 20 days required).

Additional information related to the application is available on the website:

<https://www.southwold.ca/en/business-and-development/current-planning-applications.aspx>

The Township Departments were circulated for comments and no comments of concern were submitted.

Agency Comments

The zoning by-law amendment application was circulated to the Agencies for comment. At the time of submission of this report, no comments from the agencies were received.

Public Comments

At the time of submission of this report, two letters were submitted concerning the applications. The first letter was submitted by Doreen Shields, property owner at 4263 Union Road, which is adjacent to the 4509 Union Road. As part of the conditions for the proposed future draft plan of subdivision for 4509 Union Road, Ms. Shields is requesting for an eight foot in height fence (to be paid by the developer) between her property and 4509 Union Road. Further, Ms. Shields is requesting that any maintenance or repairs to drainage problems now and in the future not be charged to her. The fencing request will be considered as part of the future draft plan of subdivision. Any maintenance or repairs to a municipal drain that her property is assessed to will require her to pay her assessed share. Drainage for the proposed draft plan of subdivision will be the responsibility of the developer.

A second letter was submitted by Pol Associates Inc. (c/o William Pol, MCIP, RPP, Planner) on behalf of Great Lakes Farms (GLF) (Van de Gevel Farms Inc. – MaryAnne and Joe Van de Gevel). The Van de Gevels are property owners of 4602 and 5111 Union and orchard tenets of 4536 Union Road which abut and are in close proximity to 4509 Union Road. On the lands that the Van de Gevels own and rent, they have apple and peach tree orchards and grow strawberries. In the letter, Mr. Pol states that GLF intends to accept compatible development and remove any potential for nuisance complaints

from future non-agricultural neighbours. Further in the letter, GLF identifies the following land use planning concerns:

1. Orchard noise
2. Orchard trespass
3. Orchard drainage and farm drain maintenance
4. Orchard workers and farm equipment movement
5. Farm fresh produce membership

The concerns identified by GLF unfortunately cannot be addressed in the proposed Official Plan Amendment and Zoning By-law Amendment; however, it is possible for the concerns to be addressed at the draft plan of subdivision stage and possibly be incorporated as potential clauses within a subdivision agreement. More discussion and review will be required at the subdivision stage.

The submitted public letters are contained within Appendix One of this report.

Financial Implications:

None. Application fees were collected in accordance with the Township's Tariff of Fees By-law, as amended time to time.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.

☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the PPS and conform to the CEOP; and recommend that the request for the Official Plan Amendment be adopted and the Zoning By-law Amendment be approved, subject to no concerns being raised through any oral and written submissions being received since the writing of this report and at the public meeting.

Once a Council decision is made, a Notice for the Official Plan Amendment and Zoning By-law Amendment will be sent to those who have requested a copy/or attended the public meeting.

The Official Plan Amendment By-law and supporting documentation will be forwarded to the County of Elgin for approval. There will be a 20 day appeal period after the County of Elgin and the Township of Southwold approve both the Official Plan Amendment and Zoning By-law Amendment. Any appeals received by the County of Elgin and the Township of Southwold will be forwarded to the Ontario Land Tribunal (formerly the Local Planning Appeal Tribunal) for a hearing, in accordance with the *Planning Act*.

Respectfully submitted by:

**Heather James, MES (Pl.), MCIP, RPP
Planner**

Approved for submission by:

**Jeff Carswell
CAO/Clerk**

Appendices:

1. Appendix One: Received Comments
2. Appendix Two: Draft Official Plan Amendment OPA 2022-01 and Zoning By-law Amendment, ZBA 2022-06 By-laws

PLA 2022-17 APPENDIX ONE:
RECEIVED COMMENTS

To Heather June 22/22

I want on record a letter
of my wishes along my
property when this development
starts.

a fencing 8' high, cost not to
be charged to me, also drainage
now and in the future any
problems not to be charged to
me.

Plan on being at Mary Ann's
for the meeting.

Yours truly

Doreen Shultz
4263 Union Rd
Port Stanley
N5L 1S2

Pol Associates Inc
Land Use Planning Consultants
94 Rollingwood Circle
London ON N6G 1P7

June 21, 2022

Ms. Heather James, Planner
The Township of Southwold
35663 Fingal Line
Fingal Ontario
N0L 1K0

Dear Ms. James,

RE: 4509 Union Road OPA 2022-11 and ZBA 2022-06 from Agriculture to Settlement Reserve (SR) Zone to permit the future development of a Plan of Subdivision and Zoning By-law amendment

Pol Associates Inc. is retained by Great Lakes Farms (GLF) (Van de Gevel Farms Inc. owned by MaryAnne and Joe Van de Gevel) owners of 5111 Union Road and 4602 Thomas Road; and orchard tenants at 4536 Union Road. Two of these properties abut and are adjacent to the Subject Lands 4509 Union Road. The Van de Gevel family started farming in Southwold Township in 1958. They were one of the first in Ontario to start growing dwarf apple tree varieties. Farming apples and other horticulture in Southwold Township is GLF's vocation, passion, and family tradition. GLF grow 20.46 ha (50.56 ac) of apples and peaches and 1.21 ha (3.0 ac) of strawberries on 5111 Union Road; 10.6 ha (26.21 ac) of apples on 4602 Thomas Road; and approximately 7.5 ha (18.5 ac) of apples at 4536 Union Road. The orchard is expanding with 2.02 ha (5 ac) of trees planted in the spring of 2021 and 2.42 ha (6.0 ac) planted in the spring of 2022. The existing orchard area is 44.21 ha (109.24 ac) and expected to expand in the coming years.

GLF has invested in advanced orchard practices using trellises for trees, irrigation and liquid fertilization to produce the highest quality product. GLF will continue to plant, grow and harvest apples, peaches, strawberries and other horticultural produce, using normal farm practices. GLF MaryAnne Van de Gevel has met with representatives of Domus Developments to discuss the above noted planning applications. The goal for GLF is to accept compatible development and remove any potential for nuisance complaints from future non-agricultural neighbours.

Land Use Planning Concerns

Orchard noise is occasionally generated from wind machines used to circulate air in the orchard to avoid frost damage to apple, peach and strawberry blossoms. Orchard noise is also generated by sprayers and farm equipment. These noises may be unusual to residents in urban areas and have generated complaints in the past. Effective use of this equipment requires operation during the evening, night and early morning, under specific weather conditions. The operation of this equipment is normal farm practice. As part of the future subdivision and condominium approval we are requesting the County/Township include warning clauses on the title of all lots/units in the entire development warning of farm equipment/machinery noise.

Orchard trespass has occurred where hikers on the Elgin Hiking Trail in the wooded area abutting 4602 Thomas Road would wander off the trail into the orchard contrary to sound food safety practices. GLF has since prohibited hiking access to the wooded area and trail abutting the orchard. As part of the future subdivision and condominium approval we are requesting the developer install fencing, prohibit gates and erect signage to discourage potential trespass and food safety risks.

Orchard drainage and farm drain maintenance is a concern. In the past, residential development along Union Road has created downstream municipal drainage problems. These drainage issues were addressed under the Drainage Act incurring expenses for GLF. Any changes to the drainage pattern, volumes or quality of water must be addressed at the time of draft Plan Approval and not require future down stream drainage improvements, where any cost is apportioned to GLF.

Orchard workers and farm equipment movement along Union Road is a safety concern. Orchard workers use bicycles to get to the 4536 Union Road orchard. There are sharp turns and steep hills along Union Road where orchard equipment moves slowly. The proposed additional development may create traffic conflicts between normal farm practices equipment/workers movement and non-agricultural development. We are requesting the developer and the County/Township include a 1.5 m (5 foot) marked shoulder on both sides of Union Road to increase the safety of farm equipment movement; provide a safe lane for bicycle traffic; and to reduce road maintenance costs. Secondly, we are requesting the developer and the County/Township install slow moving farm equipment warning signage and share the road car/bicycle signage along Union Road.

Farm Fresh Produce membership is an idea where future new condominium and subdivision homeowners receive access to farm fresh produce. This idea has been discussed by the owners and the developer. The membership fees would entitle the homeowner to free/discounted local farm produce, including produce from GLF. This incentive would bring the residents out to the orchard and farms, creating an opportunity to build relationships between farmers and residents.

Pol Associates Inc
Land Use Planning Consultants
94 Rollingwood Circle
London ON N6G 1P7

Where residents have an understanding/relationship with the surrounding orchards, the potential of complaints will be reduced being a positive outcome for local agricultural producers.

These **Land Use Planning Concerns** may be addressed through this application, future planning applications and through public road upgrades. We look forward to continue working with the developer and the County/Township staff to build a positive relationship with our future neighbours.

Land use planning policies and legislation from the Province, Elgin County and Southwold Township all recognize the importance of maintaining and protecting agricultural lands and normal farm practices for future generations. This recognition applies specifically to GLF and the proposed residential development. The following documents support the above requests to address planning concerns by GLF for measures to allow residential development and implement complaint and trespass mitigation, address drainage concerns, transportation safety and build community.

- Provincial Policy Statement 2022 – Policy 2.3.1 Prime agricultural areas shall be protected for long term use for agriculture
- Elgin County Official Plan – Policy C2.1 e) to promote normal farm practices and to protect the right to farm
- Township of Southwold Official Plan – Policy 2.1 To protect agricultural areas for agricultural and resource uses, and enhance the agricultural economy within the Township; and To minimize the potential for future land use conflict
- Provincial - Security from Trespass and Protecting Food Safety Act, 2020
- Provincial - Farming and Food Protection Act, 2017

Please contact me should you have any questions regarding the above information. I will be making a presentation to Council at the public meeting June 27, 2022 on behalf of GLF setting out the above comments. Please add me to any future notice of decision or notice of public planning application meetings related to the Subject Lands.

Regards,



William Pol, MCIP, RPP
Principal Planner
Pol Associates Inc.
P 519-933-5152 E wpolassociates@gmail.com

cc. MaryAnne and Joe Van de Gevel
Domus Developments, Barb Rosser Planner

**AMENDMENT NO. 1
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF SOUTHWOLD**

SUBJECT: 4485 THOMAS ROAD AND 4509 UNION ROAD

JUNE 27, 2022



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-54

**Being a By-law to Adopt Amendment No. 1
to Township of Southwold Official Plan**

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD,
PURSUANT TO SECTION 17 OF THE PLANNING ACT, R.S.O. 1990 HEREBY
ENACTS AS FOLLOWS:**

1. That Amendment No. 1 to the Township of Southwold Official Plan, a copy of which is attached to and forms part of this By-law is hereby adopted.
2. That the Clerk is hereby directed to forward the adopted amendment together with the necessary support documentation to the County of Elgin for final approval.
3. That this By-law shall come into force and effect pursuant to the provisions and regulations of the Planning Act, R.S.O. 1990, c.P.13.

READ, ENACTED, SIGNED AND SEALED THIS ____th day of _____ 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell

Part A – The Preamble

Purpose

The purpose of this Amendment is to change the land use designation from Residential to Open Space.

Basis

The intent of this Amendment is to exchange lands with 4485 Thomas Road and with 4509 Union Road to facilitate a future residential subdivision development at 4509 Union Road.

The justification for amending the Township of Southwold Official Plan is based upon the following considerations.

The proposed lands exchange between 4485 Thomas Road and 4509 Union Road will result in a settlement area boundary adjustment. Within the proposed Residential designation, only 10.6 ha (26.19 ac.) are developable lands due to being adjacent to locally significant wetlands. Approximately 2.8 ha (7 acres) comprising the northerly portion of the lands would retain its current Agricultural Area designation and A3-2 zoning. The proposed Residential designated lands are intended to be developed as a residential Plan of Subdivision in the near future.

Part B – The Amendment

Introductory Statement

All of this part of the document entitled “Part B – The Amendment” and consisting of the following text and attached map designated as Schedule “A”, constitutes the Amendment No.1 to the Township of Southwold Official Plan.

Details of the Amendment

The Township of Southwold Official Plan is proposed to be amended as follows:

- (1) Schedule ‘4D’ North Port Stanley to the Township of Southwold Official Plan is hereby amended by removing lands described as Part of Lots 13 and 14, Range 2 SUR, Township of Southwold and adding to Schedule ‘4’ Southwold Land Use from ‘Residential’ designation to ‘Agricultural Area’ designation as outlined in the attached Schedule “A”.
- (2) Schedule ‘4’ Southwold Land Use to the Township of Southwold Official Plan is amended by removing lands described as Part of Lot 16 Range 1 and 2 SUR, Township of Southwold and adding to Schedule ‘4D’ North Port Stanley from ‘Agricultural Area’ designation to ‘Residential’ designation as outlined in the attached Schedule “A”.

4485 THOMAS ROAD
LANDS TO BE
REDESIGNATED
FROM
RESIDENTIAL
TO
AGRICULTURAL AREA

4509 UNION ROAD
LANDS TO BE
REDESIGNATED
FROM
AGRICULTURAL AREA
TO
RESIDENTIAL

This is Schedule "A" to By-law No. 2022-54
passed on the 27th day of June 2022.

MAYOR

C.A.O./CLERK

TOWNSHIP OF SOUTHWOLD
OFFICIAL PLAN
SCHEDULE 4 SOUTHWOLD LAND USE
AND SCHEDULE 4D NORTH PORT STANLEY



0 150 300
Meters





THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-55

Being a By-law to Amend By-law No. 2011-14

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

1. By-Law No. 2011-14, as amended, is further amended by removing lands legally described as Part of Lots 13 and 14, Range 2 SUR from Schedule A Map 10 and adding lands to Schedule A Map 9 as shown on Schedule "A", attached hereto and forming part of this By-law, from Settlement Reserve (SR) Zone to the Agricultural 1 Special Provision 64 (A1-64) Zone.
2. Subsection 5.4 Special Provisions of the By-law is amended by adding the following new Clause as 5.4(bl):

"(bm) A1-64 As Shown on Schedule A, Map 9

(i) Regulation

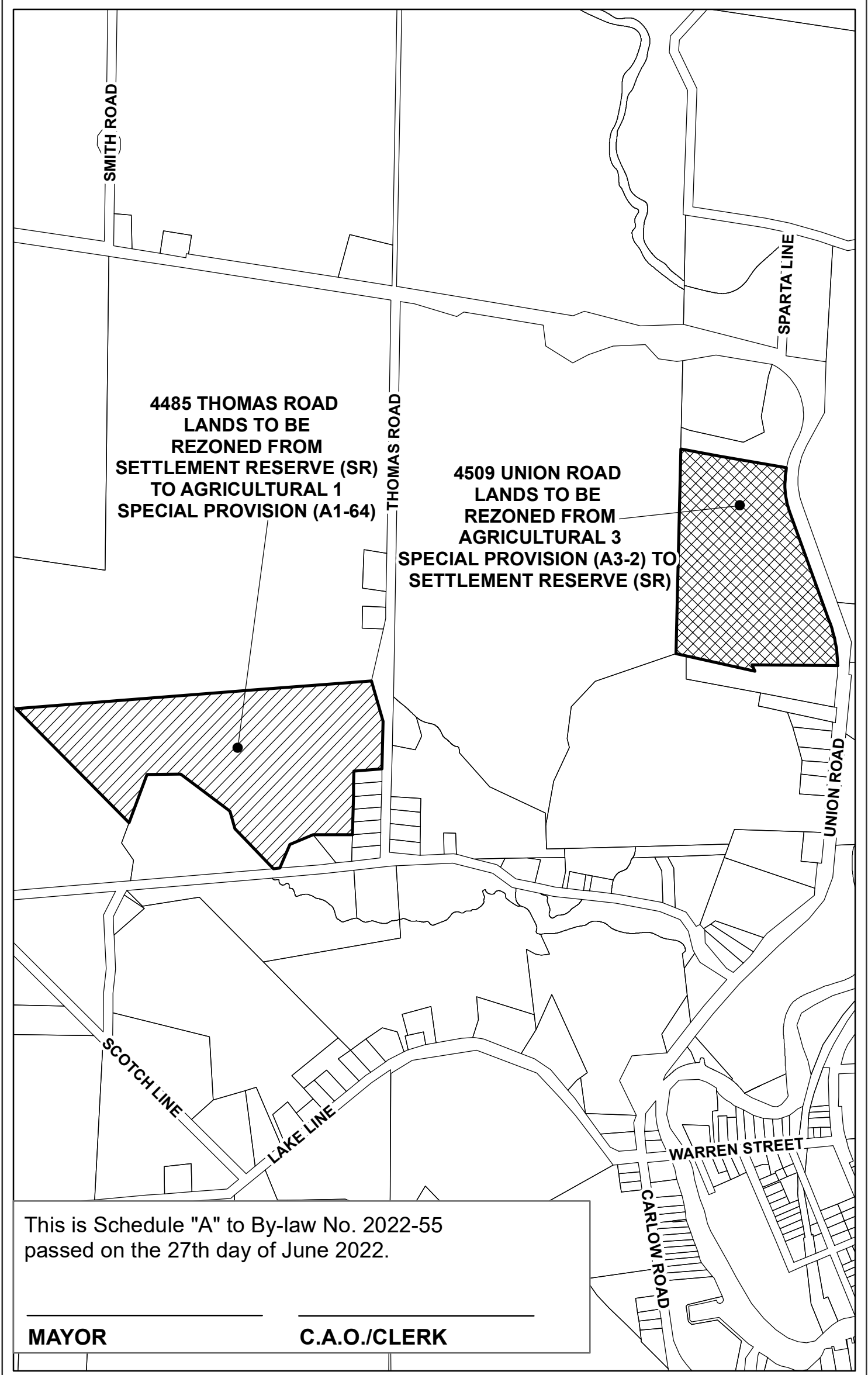
- Minimum Lot Area 18.0 hectares (44.48 ac.)"
3. By-law No. 2011-14, as amended, is further amended by removing the lands legally described as Part of Lot 16, Range 1 and 2 SUR from Schedule A Map 9 and adding lands to Schedule A Map 10 as shown on Schedule "A" attached hereto and forming part of this By-law, from Agricultural 3 Special Provision 2 (A3-2) to Settlement Reserve (SR) Zone.
4. (a) If no notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, this By-law shall thereupon come into force and shall take effect from the date of its final passing.

(b) If notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, the By-law does not come into force until approved by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal), or as otherwise provided by the Planning Act R.S.O., 1990.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS ___th day of _____ 2022.**

Mayor
Grant Jones

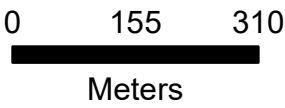
CAO/Clerk
Jeff Carswell



This is Schedule "A" to By-law No. 2022-55
passed on the 27th day of June 2022.

MAYOR

C.A.O./CLERK





TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-19

SUBJECT MATTER: Zoning By-law Amendment Application ZBA 2022-04 – Recommendation Report 2nd Update

Recommendations:

THAT Council of the Township of Southwold receive Report PLA 2022-19 regarding Zoning By-law Amendment Application ZBA 2022-04 – Recommendation Report;

AND THAT Council of the Township of Southwold approve the proposed Zoning By-law Amendment Application ZBA 2022-04, in accordance with the site-specific By-law contained within Appendix One of Report PLA 2022-19.

Purpose:

To provide Council with a second update on the additional dwelling units amendment.

Background:

At the June 13, 2022 Council meeting, the Planner provided Council with an update on the additional dwelling units amendment. At the meeting, Council had further discussion on the maximum total size for an additional dwelling unit. Staff recommended that the floor area of each additional dwelling unit(s) shall not exceed 40% of the gross floor area of the primary dwelling unit or a maximum floor area of 141.21 square metres (1,520 square feet), whichever is the lesser.

Council discussed the possibility of having two sizes for additional dwelling units, based on which zone the property was located in. Council also seemed interested in permitting larger additional dwelling units on Agriculturally zoned properties; dwellings that would be similar in size to the existing main dwelling. Council deferred the passage of the Zoning By-law Amendment and directed staff to conduct further review.

Comments/Analysis:

Staff have further reviewed the gross floor area definition in the Zoning By-law and have determined it is not appropriate for this amendment as it excludes a cellar and

recommend a new definition. The following definition is recommended for the proposed Zoning By-law Amendment:

“TOTAL HABITABLE FLOOR AREA” means the aggregate of the floor areas of all habitable rooms, hallways and basement spaces, which have a ceiling height of no less than 1,950 mm (6 feet 4 ¾ inches), except those reserved for mechanical systems.

An additional dwelling unit is not meant to provide second dwellings in agricultural areas. Notification for the additional dwelling unit amendment did not include the possibility of full-scale second dwelling units in the rural areas. Groups such as the OFA and the local agricultural community would likely have an interest in second dwellings on farm parcels and should be given the opportunity to comment on these types of proposals. This process will take additional time and goes beyond the intent of additional dwelling units.

The scope and magnitude of permitting additional dwelling units that are as large as the primary residence is not consistent with the Province’s plan and direction. The overarching principals of the Housing Supply Plan include:

- Speed – less time and paperwork – most surrounding areas have adopted additional dwelling unit policies. Not having additional dwelling unit policies adds time to potential developments
- Cost – reduce costs – not having additional dwelling unit policy is adding costs to potential development.
- Mix – encourage a mix of housing types. Southwold’s housing type is primarily single family residential of varying sizes – to satisfy this requirement we don’t need more single detached dwellings with an existing single detached dwelling, we need the basement apartments, small garden suites, apartments above garages, etc.
- Rent – need to increase rental supply and ensure it is affordable, smaller units would be more affordable
- Infrastructure – the intent is to use and maximize existing infrastructure – needing to add a new water service line and septic system for large rural units does not maximize use of existing infrastructure, even though it may be clustered with the existing dwelling

In reviewing the provincial direction, it is clear the intent is to provide opportunities to quickly bring smaller units, within existing buildings, in serviced areas online quickly, efficiently and affordably.

Further delays to adopting policies for additional dwelling units will result in planning application costs for residents wanting to move forward with additional dwelling units. There will also be costs associated with staff time to process Zone By-law Amendment applications. At present, there are several parties interested in moving forward with this and waiting for Council to approve the Zoning By-law Amendment.

While this amendment will not cover 100% of the possibilities it is close enough to cover some of the pent-up demand for additional dwelling units. There is still the option for a Minor Variance and Zoning By-law Amendment if needed and based on these applications it will be possible to determine future amendments to the additional dwelling unit policies that may be warranted.

Expanding the scope for large additional dwelling units in the rural area goes beyond this intent and should go through a proper planning review process so interested parties could comment. If Council wishes to pursue policies around second dwellings on agricultural properties, it would be appropriate to direct staff to proceed with a zoning by-law amendment related to second houses.

Summary/Conclusion:

Therefore, it is Planning Staff's opinion that the proposed Zoning By-law Amendment is consistent with the PPS, conforms to the CEOP and conforms to the OP; and recommends that the request for the Zoning By-law Amendment be approved.

Once a Council decision is made, Notice will be published in the West Elgin Chronicle and sent to those who have requested a copy and/or attended the public meeting. Also, once a Council decision is made, the decision is in force and effect as appeals are not permitted from the enactment of amendments to zoning by-laws to give effect to the official plan policies for additional dwelling units (Section 34(19.1) of the *Planning Act*).

Respectfully submitted by:

**Heather James, MES (Pl.), MCIP, RPP
Planner**

Approved for submission by:

**Jeff Carswell
CAO/Clerk**

Appendices:

1. Appendix One: Draft Zoning By-law Amendment, ZBA 2022-04



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-45

Being a By-law to Amend By-law No. 2011-14

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

1. By-law No. 2011-14, as amended, is further amended by adding the following definitions to Section 2.0:

"ADDITIONAL DWELLING UNIT" means a dwelling unit contained or attached to the primary dwelling unit and/or a secondary single detached dwelling unit on the same lot as the primary dwelling unit, accessory to the primary dwelling unit.

"TOTAL HABITABLE FLOOR AREA" means the aggregate of the floor areas of all habitable rooms, hallways and basements spaces, which have a ceiling height of no less than 1,950 mm (6 feet 4 $\frac{3}{4}$ inches), except those reserved for mechanical systems.

2. By-Law No. 2011-14, as amended, is amended by adding Section 3.48 Additional Residential Units after Section 3.47:

3.48 Additional Dwelling Units

The provisions of this section shall apply to all additional dwelling units, unless specified by type directly herein.

- (a) Additional dwelling units shall be permitted in ROWHOUSE DWELLING, SEMI-DETACHED DWELLING, SINGLE DETACHED DWELLING, and STREET ROWHOUSE DWELLING.

Rowhouse dwellings, semi-detached dwellings, single detached dwellings and street rowhouse dwellings containing an additional dwelling unit on the date of the passing of this by-law, may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the Building Code Act, 1992, S.O. 1992, c.23 permitting the erection, alteration, occupancy or use for the additional dwelling unit, and if the additional dwelling unit complies with the regulations of the Fire Protection and Prevention Act, 1997, S.O. 197, c.4.

- (b) No building or structure shall be erected or used for any purpose permitted by subsection 3.48 unless a municipal water supply system or private water supply system and a municipal sanitary supply system or private sanitary supply system are available to service the use.
- (c) A maximum of two (2) additional dwelling units shall be permitted per lot; including a maximum of one (1) additional dwelling unit in the primary dwelling and a maximum of one (1) additional dwelling unit in an accessory structure.
- (d) An additional dwelling unit shall not be permitted on a separate lot of record from the primary dwelling unit that it is accessory to.
- (e) An additional dwelling unit shall not be permitted within or upon regulated hazardous lands unless permission and/or a permit has been obtained by the associated Conservation Authority having jurisdiction for that area.
- (f) An additional dwelling unit may be permitted in an accessory structure on the same lot as the primary dwelling unit.
- (g) An additional dwelling unit in an accessory structure shall be located within the farm building or residential building cluster on lots zoned A1 and A3.

- (h) An additional dwelling unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory uses.
 - (i) The floor area of each additional dwelling unit(s) shall not exceed 40% of the total habitable floor area of the primary dwelling unit.
 - (j) An additional dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the dwelling unit that faces the frontage of the primary dwelling unit in the R1 and R2 Zones; and shall have no means of internal access to the primary dwelling unit.
 - (k) The minimum of one (1) parking space is required for each additional dwelling unit. Notwithstanding the provisions of subsection 3.38 (h)(iii), a parking space for an additional dwelling unit may be located in tandem with parking spaces provided for the primary dwelling unit.
 - (l) Additional dwelling units shall be required to conform to all Ontario Building Code and Ontario Fire Code Regulations.
3. (a) If no notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, this By-law shall thereupon come into force and shall take effect from the date of its final passing.
- (b) If notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, the By-law does not come into force until approved by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal), or as otherwise provided by the Planning Act R.S.O., 1990.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS _____ DAY OF _____, 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-20

SUBJECT MATTER: Request to Initiate Amendment to the Township of Southwold Official Plan

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-20 regarding Request to Initiate Amendment to the Township of Southwold Official Plan;

AND THAT Council of the Township of Southwold directs Administration to initiate an Official Plan Amendment for Lot R Plan 39, 37437 Lake Line to redesignate the lands from Agricultural to Residential and to bring the parcel into the North Port Stanley Settlement Area, Schedule 4D to the Official Plan to correct a mapping error.

Purpose:

To request Council to direct Administration to initiate an Official Plan Amendment for 37437 Lake Line to correct a mapping error.

Background:

In the previous Township of Southwold Official Plan, the lands known municipally as 37437 Lake Line were designated Residential with Woodlands and Hazard Lands overlays, as shown on Schedule 'A-4' North Port Stanley (see Appendix One). Due to a mapping error in the new Official Plan, these the lands were removed from the North Port Stanley Settlement Area and designated Agricultural Area as shown on Schedule 4 Southwold Land Use (see Appendix Two). The lands are zoned Settlement Reserve (SR) with the entire parcel subject to the Natural Area and Adjacent Lands constraint and the Conservation Authority Development Regulations.

The lands previously contained a vacant dwelling. In 2020, the owners, Jeffrey and Gillian Milcz applied for a zoning by-law amendment to construct a new dwelling on the lands with the long-term plans to sever the parcel into two parcels. The owners were able to replace the dwelling in the same location as the old dwelling without a zoning by-law amendment. The owners requested the Township to place the amendment on hold and utilize the amendment after a severance for the lands had been completed.

The lands currently contain a new two-storey single detached dwelling. A geotechnical slope stability assessment was completed to support the development in 2020 as well as future development on the lands. The owners have applied for a residential lot severance to subdivide the parcel into two parcels to build another dwelling. Preliminary comments received from Kettle Creek Conservation Authority indicate they do not anticipate to object to the severance application (see Appendix Three).

Township staff are requesting for Council to grant approval to staff to initiate an Official Plan Amendment to correct the mapping error that occurred as a result of the new Official Plan.

Financial Implications:

There will be minimal costs associated with this Official Plan Amendment.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- x Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Respectfully submitted by:

Heather James, MES (Pl.), MCIP, RPP
Planner

Approved for submission by:

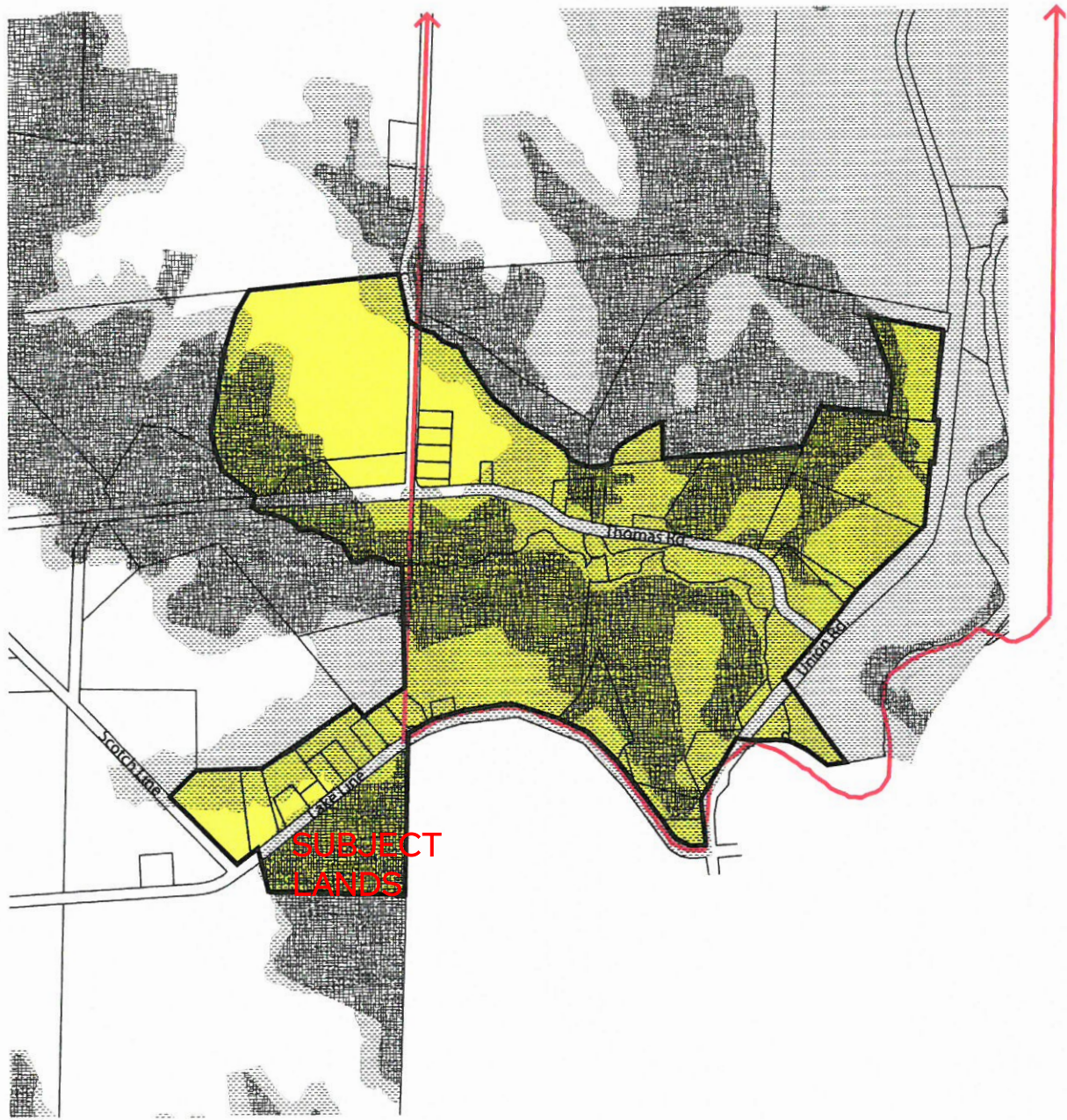
Jeff Carswell
CAO/Clerk

TOWNSHIP OF SOUTHWOLD

Official Plan
Schedule 'A-4'
North Port Stanley

July 26, 2013

- SETTLEMENT AREA BOUNDARY
- ANSI BOUNDARY
- RESIDENTIAL
- HAZARD LANDS (overlay)
- WOODLANDS (overlay)



0 100 200 300 400 500
DISTANCE IN METRES

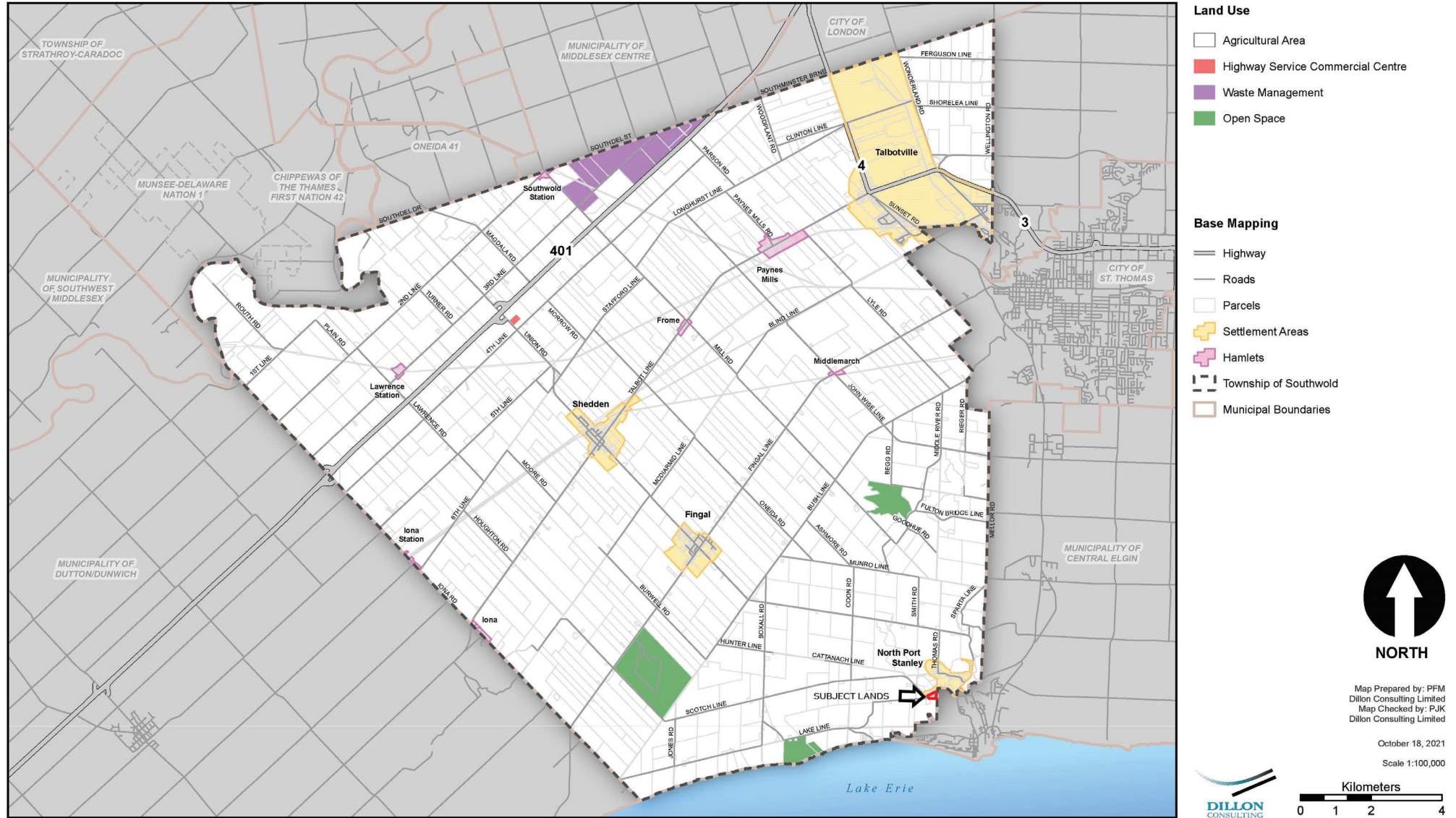


TOWNSHIP OF SOUTHWOLD OFFICIAL PLAN

SOUTHWOLD LAND USE

SCHEDULE 4

APPENDIX TWO: SOUTHWOLD OFFICIAL PLAN 2021



File Location: G:\Partners\Southwold\Planning\Official Plan\OP_2021\Working\Schedules\Sch4_Southwold_Land_Use_EB4C6E45-0709-459A-AE48-FB31094F1870\10\Sch4_Southwold_Land_Use_NH removed.mxd

APPENDIX THREE: KCCA Comments

From: [Joe Gordon](#)
To: [Heather James](#)
Subject: RE: 37437 Lake Line Southwold Severance
Date: June 9, 2022 4:05:42 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Heather

I have not seen the application circulation yet. The landowner has historical consulted with KCCA and there is a geotechnical slope stability assessment completed to support development of the proposed severed lands.

This an application that was previously postponed based on prior pre-consultation so that he could address reconstruction of the existing structure first which is now complete.

I do not anticipate any objections from KCCA on the application. But I will confirm once I receive the notice circulation.

Thank you,

Joe Gordon

Assistant Manager

Supervisor of Planning & Conservation Areas

Kettle Creek Conservation Authority

From: Heather James <planning@westelgin.net>
Sent: June 9, 2022 1:24 PM
To: Joe Gordon <joe@kettlecreekconservation.on.ca>
Subject: 37437 Lake Line Southwold Severance
Importance: High

Hello Joe,

The property owners (Jeffrey and Gillian Milcz) of 37437 Lake Line Southwold have applied for a residential lot severance for the subject lands. Has the owned consulted with you on this? Has the County circulated the severance application to you yet?

Thanks.

Heather James, MES (Pl.), MCIP, RPP
Planner



email planning@southwold.ca

tel 519-769-2010

cell 519-280-1028

Township of Southwold

35663 Fingal Line, Fingal, Ontario, N0L 1K0

southwold.ca



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TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-21

SUBJECT MATTER: Planning Pre-Application Consultation and Completeness of Planning Applications

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-21 regarding Planning Pre-Application Consultation and Completeness of Planning Applications;

AND THAT Council of the Township of Southwold approve a By-law for Planning Pre-Application Consultation and Delegation of Authority for Completeness of Planning Applications, in accordance with Appendix One of this report.

Purpose:

To present Council with a Planning Pre-Application Consultation and Delegation of Authority for Completeness of Planning Applications By-law, that would require Applicants to pre-consult with the Township of Southwold, prior to Planning Application submissions and reviewed for completeness by the Planner.

Background:

Introduction

The Province of Ontario initiated planning reform initiatives, such as the Planning and Conservation Lands Statute Law Amendment Act (Bill 51) which came into effect in 2006. Bill 51 made numerous amendments to the *Planning Act* which modified aspects of the land use planning process and provided additional tools for implementation of provincial policies. The objectives were to ensure a transparent and accessible planning process.

Further to Bill 51, the province introduced Bill 109 on March 30, 2022 and it was passed in the legislature and received royal assent on April 14, 2022. Bill 109 includes five

important changes to Section 41 of the Planning Act, including that municipalities may pass a by-law requiring pre-consultation prior to submission of a site plan application.

To achieve the objectives, Bill 51 sets out specific requirements that would allow for municipalities to require all proponents of development to consult with the municipality prior to submitting a planning application. Municipalities also have the authority to refuse to accept and process planning applications until they are considered complete. The consultation is only mandatory if the municipality passes a by-law requiring consultation. To-date, it does not appear that the Township of Southwold has passed such a by-law.

Comments/Analysis:

By-law Development

In considering By-law development, the following approach has been utilized:

- Identify: Consideration is provided pursuant to the *Planning Act*.
- Research: Review Municipalities and abutting Municipalities for best practices in Ontario.
- Engage: Internal Staff and County engagement on the draft has occurred.
- Assess: Review of the engagement feedback and revisions of regulations accordingly.
- Draft: A public draft has been developed, as attached to this Report.
- Re-Engage: Expand the consultation with Council for finalization.
- Finalize: A final draft is being considered by Council for enactment.
- Promote: Planner to communicate with the parties and use as a resource tool.

As part of the promotion Administration has created a draft webpage for Planning Pre-Application Consultation and draft form for Planning Pre-Application Consultation.

The draft by-law is broken down into the following section, for user-friendliness:

1. Definitions;
2. Pre-consultation Requirements;
3. Complete Planning Application Requirements;
4. Exemptions;
5. Administration; and
6. Enactment

Comments

A municipality may require an applicant to consult prior to submitting a planning application under the *Planning Act*. This consultation applies to the following planning applications:

- Official Plan Amendments;
- Zoning By-law Amendments;
- Site Plan Control Approval;
- Plans of Subdivision; and
- Plans of Condominium

In most cases, this is not a major change from the practices that the Township already has in place. Currently, all planning applications are reviewed by the Planner, and in some cases departments and commenting agencies, prior to progressing forward.

Planning Policy Review:

There are no provisions within the *Planning Act* regarding the enforcement of the pre-application consultation requirements. For instance, compliance with the pre-application consultation requirement is not a statutory requirement to a complete application. However, in practice, a municipality may not accept an application until consultation with municipal staff has taken place.

Bill 51 includes the enforcement of the requirement for a complete planning application, the consequences of not submitting a complete planning application, and a dispute resolution process at the Local Planning Appeal Tribunal (LPAT) for determining whether a planning application is complete. This also includes time periods for the completion of each of these steps.

A complete application includes any prescribed information identified in the specific Ontario Regulations for the planning application, as well as any additional information identified by the municipality in its Official Plan. This additional information may also be identified by the County of Elgin Official Plan and the Provincial Policy Statement.

The additional information may include, depending on the scope and nature of the proposal:

- Archeological Assessment
- Cultural Heritage Impact Assessment;
- Environmental Impact Assessment/Study;

- Geotechnical Report;
- Hydrogeological Report;
- Noise Attenuation Study;
- Planning Justification Report;
- Site Servicing Report;
- Stormwater Management Report; and
- Traffic Impact Study.

Prior to deeming an application complete, the *Planning Act* sets out that Council must receive all the information or material it needs to make a decision. Council also has the option to refuse to accept or process the application at this time. If the applicant is of the opinion that they have provided a complete application, the applicant may then apply to the LPAT to appeal. By delegating the authority to the Planner, this expedites the process since completeness is limited to 30 days.

Therefore, the Township can use the pre-application consultation to determine what constitutes a complete planning application in order to avoid delays. This up-front review will provide improved consultation with the public and commenting agencies, as all the relative information is available when the application is submitted and prior to the public hearing/meetings, if required.

This process benefits both the applicant and the Township. For the Township, it provides an opportunity to understand the nature of the application and sets out the expectations for studies and background materials. For the applicant, it provides an opportunity to understand the policy context of the Township and external agencies and authorities (ie. Conservation Authority, County and/or Province), clarifying study requirements and discuss possible issues in the processing of the application, in an expeditious manner.

Financial Implications:

There is no significant financial implications, as this practice has been occurring and is an applicant-based process for submission of the planning application, in which Administration's time is considered through the collection of fees pursuant to Section 69 of the *Planning Act*, in accordance with the Township's User Fees By-law, as amended time to time.

It is noted that some municipalities charge a separate fee for pre-consultation to recover Administration's time and some absorb it as part of the planning application fees for when they submit it to the Township.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- x Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Summary:

Administration encourages the pre-application consultation process in order to ensure that there is full public process in regard to planning applications at the municipal level. If a complete application is provided at the outset of the planning approvals process, the processing of the application should become faster and more efficient.

Although Consent and Minor Variance applications are not listed under the *Planning Act* requirement for consultation, it is recommended that they also be included in the By-law; and all planning/development matters.

In practice, the passing of the by-law would likely not have significant impacts on the current practice of the Township, however, pre-application consultation will assist in deeming an application complete and transparency to the planning process. This will ensure that the applicant does not file an application without necessary supporting documentation, as deemed required by the Township.

If a planning application is appealed to LPAT, the Tribunal is required not only to have regard for Council's decision, but the basis on which the decision is made. In order to ensure that LPAT has regard for Council's decision, Council should be able to demonstrate that its decision was fully supported by relevant information and that the information was considered by Council. This will also affect abutting property owners who are opposed to an application that requires public consultation, as they will have access to relevant information and evidence to support their opinions.

Administration recommends approval of the draft by-law, as shown in Appendix One, which requires pre-application consultation, allows for the identification of information and material necessary to process planning/development application prior to formal submission and deeming the application complete/incomplete.

Respectfully submitted by:

**Heather James, MES (Pl.), MCIP, RPP
Planner**

Approved for submission by:

**Jeff Carswell
CAO/Clerk**



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-58

Being a By-law to Require Consultation prior to Submission of Planning Applications and Delegation of Authority for Completeness of Planning Applications

WHEREAS Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act* R.S.O. 1990, as amended, allow municipalities to pass by-laws to require applicants to consult with the municipality prior to the submission of planning applications;

AND WHEREAS Sections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act* R.S.O. 1990, as amended, authorizes Council to review completeness of the planning applications;

AND WHEREAS the Council of the Corporation of the Township of Southwold deems it necessary to require pre-application consultation with Owners and/or Applicants submitting planning applications;

AND WHEREAS the Council of the Corporation of the Township of Southwold has deemed it expedient to delegate certain duties of the *Planning Act* R.S.O. 1990, relating to completeness of Planning Applications;

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

Planning Pre-Application Consultation and Delegation of Authority for Completeness of Planning Applications By-law

1. Definitions

In this By-law:

"Act" means the *Planning Act*, R.S.O. 1990 as amended from time to time;

"Applicant" means the Owner of the property that is the subject of Planning Act Application or the person who is authorized in writing by the Owner to make a Planning Act. Authorization is provided through declaration on the application form, which has been provided by the Township;

"Council" means the Council of the Township;

"County" means the Corporation of the County of Elgin;

"Township" means the Corporation of the Township of Southwold;

"Owner" means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;

"Planner" means the Planner of the Township, that is registered in accordance with the *Ontario Professional Planners Institute Act* and any successors thereto;

"Planning Application" means Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Draft Plan of Subdivision, Draft Plan of Condominium, Consent, Deeming By-law and Part-Lot Control By-law, pursuant to the Act; and any other Planning/Development matters;

"Pre-application Consultation" means Pre-consultation within this By-law;

"Pre-consultation" means the process for fulfilling the requirements set out in the Act and this By-law; and

"Province" means the Government of the Province of Ontario.

2. Pre-consultation Requirements

2.1. That the Owner or Applicant intending to make application to the Township of Southwold for a Planning Application be required to submit a pre-application consultation request to the Planner, prior to submitting a Planning Application.

2.2. That the Planner be authorized to identify the information and material necessary to process the Planning Application, prior to formal submission and deeming the Planning Application complete.

2.3. The Planner shall prepare a Record of Consultation and deliver it to the Applicant within the prescribed period set out in the Act of the date of the last consultation meeting.

3. Complete Planning Application Requirements

3.1. That the Owner or Applicant, with the Planning Application, shall submit the following:

3.1.1. Planning Application;

3.1.2. Required fees pursuant to the Township's General User Fees By-law pursuant to Section 69 of the Act;

3.1.3. Record of Consultation; and

3.1.4. Reports, Studies, Drawings and any information required in the Record of Consultation.

3.2. That the Planner is authorized to deem an application complete and incomplete within the prescribed period of time set out in the Act.

3.3. That in the absence of consultation, the Planner is authorized to deem a Planning Application incomplete and refuse to accept the Planning Application until such time as the pre-application consultation is completed in accordance with Section 2 of this By-law.

4. Exemptions

4.1. Despite, Section 2.1 the Planner can waive the requirements for pre-consultation on the Planning Application, if the Planner determines that there is no need for a pre-consultation prior to the Planning Application being submitted.

5. Administration

5.1. Abandoned Files

5.1.1. Any pre-consultation on a Planning Application shall submit the Planning Application, within one year of the date the Record of Consultation has occurred, otherwise will be considered to be abandoned and subsequently closed by the Township.

5.1.2. The Record of Consultation shall be considered to be abandoned and subsequently closed by the Township, if:

5.1.2.1. The Province has enacted legislative changes to the Act, that established new provisions;

5.1.2.2. The Province has issued a new Provincial Policy Statement, that established new provincial policy direction;

5.1.2.3. The County has adopted a County Official Plan, that establishes new land use policy direction;

5.1.2.4. The Township has adopted an Official Plan or Official Plan Amendment, that established new land use policy directions; and

5.1.2.5. The Township has enacted a Zoning By-law or Zoning By-law Amendment, that established changes to land use regulation.

5.1.3. Upon Section 4.1.1. or Section 4.2.2. of this By-law occurring, a new pre-consultation pursuant to Section 2 of this By-law, will be required for future consideration of the Planning Application.

5.2. Fees

5.2.1. Pre-consultation may be subject to a fee as set out in the Township's General User Fees By-law, as amended time to time.

6. Enactment

6.1. This by-law shall come into force and take effect upon the final passing thereof.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS DAY OF 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Heather James, MES (Pl.), MCIP, RPP, Planner

REPORT NO: PLA 2022-22

SUBJECT MATTER: Site Plan Control By-law

Recommendation(s):

THAT Council of the Township of Southwold receive Report PLA 2022-22 regarding Site Plan Control By-law;

THAT Council of the Township of Southwold repeal By-law No. 87-30 Site Plan Control By-law for the Township of Southwold;

AND THAT Council of the Township of Southwold approve a By-law for Site Plan Control, in accordance with Appendix One of this report.

Purpose:

To present Council with a Site Plan Control Area By-law to replace an existing Site Plan Control By-law.

Background:

In 1987, the Township of Southwold passed By-law No. 87-30 Site Plan Control By-law for the Township. The by-law designates all lands in the Township as a Site Plan Control Area and exempts agricultural buildings and structures and residential development containing less than five dwelling units from site plan control. This by-law is out of date and needs to be repealed and replaced with a new site plan control by-law.

The proposed Site Plan Control By-law will align planning and building reviews to aid in streamlining development through the Township approvals and Approval Authorities having jurisdiction (i.e. MTO, MECP, MNRF, County and LTVCA), as required. Site Plan Approval would be required prior to issuance of a building permit, in order to commence construction, as part as all applicable law requirements pursuant to the *Building Code Act*.

Site plan control is a way for municipalities to guide development on a site-specific basis, to ensure that:

- Developments are built and maintained in a proper manner;
- New developments meet certain standards of quality and appearance;
- Proper servicing and infrastructure is provided;
- There is safe and easy access for pedestrians and vehicles;
- The appearance and design features of buildings, and their sustainable design, are satisfactory;
- There is adequate landscaping, parking and drainage; and
- Nearby properties are protected from incompatible development through noise abatement, screening and landscape design.

Typically, site plan control involves the review of:

- Drawings that illustrate the physical arrangements of structures on the site and the location of access points, parking areas, pedestrian linkages, landscaping, lighting, fencing and signage; and
- Drawings for the development's municipal servicing (water, storm water drainage and sanitary) design.

Developments not requiring Site Plan Approval would be focused predominately on low density residential and agricultural uses, as further detailed in Section 4.1 of the Draft By-law, in accordance with the Southwold Official Plan policies.

Contrarily, developments requiring Site Plan Approval would include, but not limited to, industrial, commercial, institutional, agri-commercial, agri-industrial, medium and high-density residential development (being uses not listed under Section 4.1 of the By-law), for new, expansion, conversions and redevelopment.

Some examples of Developments that would undergo a Site Plan Review process, include but not limited to:

- New commercial and industrial development;
- Expansion of an existing school;
- Multi-unit apartment building;
- Townhouses; and
- Commercial greenhouses

Township staff have reviewed the draft by-law and comments have been incorporated into the draft by-law for Council's consideration.

Comments/Analysis:

Planning Policy Review:

Planning Act

Section 41 of the *Planning Act* states Council may, by by-law designate the whole or any part of such area as a site plan control area, provided the Official Plan contains policies describing the proposed site plan control area.

County of Elgin Official Plan

Policy Section F5 Site Plan Control states 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.

Township of Southwold Official Plan

The Township's Official Plan contains policies pertaining to site plan control. Section 7.21 Site Plan Control states all lands within the Township are designated as a proposed site plan control area. Council may, by By-law designate the whole or any part of the Township as a site plan control area. Low density residential development and agricultural buildings and structures are not normally subject to site plan control unless specifically indicated in the site plan control by-law. The site plan control by-law enables the Township to enter into site plan agreement with property owners for developments that require site plan control.

Financial Implications:

Site Plan Review is an applicant-based process and Administration's time is considered through the collection of fees in accordance with the Township's User Fees By-law, as amended from time to time.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☒ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☒ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Summary:

Planning Staff advises that the by-law is in compliance with the Planning Act and conforms to the policies of the County of Elgin Official Plan and Municipality of West Elgin Official Plan.

Planning Staff recommends that Council approve the draft by-law, as appended to this report.

Respectfully submitted by:

Heather James, MES (Pl.), MCIP, RPP
Planner

Approved for submission by:

Jeff Carswell
CAO/Clerk



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-59

Being a By-Law to designate the Township of Southwold as a Site Plan Control Area pursuant to Section 41 of the Planning Act R.S.O. 1990, as amended.

WHEREAS Section 41 of the *Planning Act* R.S.O. 1990, as amended, provides that where an area is described in the Township's Official Plan as a Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

AND WHEREAS the Official Plan for the Township of Southwold identifies lands in the entire Township as a Site Plan Control Area;

AND WHEREAS Section 41 (13) of the *Planning Act* R.S.O. 1990, as amended authorizes Council to (a) define any class or classes of Development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5); and (b) delegate to an appointed officer of the Township any of the Council's powers or authority under Section 41, except the authority to define any class or classes of Development as mentioned in clause 41 (13);

AND WHEREAS Council deems it advisable to exempt certain classes of Development from Site Plan control, and further to delegate certain powers and authority to an appointed officer of the Township;

AND WHEREAS Council has decided to repeal By-law No. 87-30, as the previous Site Plan Control By-law, and replace that by-law with the within by-law;

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD
HEREBY ENACTS AS FOLLOWS:**

Site Plan Control Area By-law

1. DEFINITIONS

In this By-law:

"Act" means the *Planning Act, R.S.O. 1990* as amended from time to time;

"Applicant" means the Owner of the property that is the subject of Site Plan approval or the person who is authorized in writing by the Owner to make an application for Site Plan approval. Authorization is provided through declaration on the application form, which has been provided by the Township;

"CAO" means the Chief Administrative Officer of the Township of Southwold;

"Chief Building Official" means the Chief Building Official of the Township appointed pursuant to the *Building Code Act*;

"Council" means the Council of the Township;

"County" means the Corporation of the County of Elgin;

"Development" means development as defined within Subsection 41(1) of the Act, as amended time to time;

"Development Application Review Team" means a working group made up of Township staff or consultants that provides review and comment about an application for approval under this by-law;

"Township" means the Corporation of the Township of Southwold;

"Owner" means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;

"Planner" means the Planner of the Township, which is registered in accordance with the *Ontario Professional Planners Institute Act* and any successors thereto;

"Province" means the Government of the Province of Ontario;

"Site Plan" means those plans and/or drawings as contemplated by subsection 41(4) of the Act; and

"Zoning By-law" means By-law No. 2011-14 of the Municipality and any successors thereto.

2. INTERPRETATION

- 2.1. The requirements of this By-law are in addition to requirements contained in any other applicable by-laws of the Township or applicable provincial or federal statutes or regulations.
- 2.2. This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 2.3. Nothing in this By-law or in any Site Plan Agreement entered into hereunder shall be construed as relieving any Owner of lands within the Site Plan Control Area from the obligation of complying fully with the provisions of the Zoning By-law, nor shall the Zoning By-law be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed hereby.
- 2.4. Terms used in this By-law, which are defined within the Zoning By-law are deemed to have the same meaning for consistency purposes, unless otherwise defined within this By-law.

3. SCOPE OF BY-LAW

- 3.1. The provisions of this By-law shall apply to all lands within the Township which are hereby designated as constituting a Site Plan Control Area pursuant to Section 41 of the Act.

4. EXEMPTIONS

- 4.1. The following classes of Development are hereby exempted from Site Plan control and may be undertaken without the approval of plans and drawings otherwise required under Section 5 hereof:
 - (a) Agricultural Service Dwellings;
 - (b) Additional Dwelling Units;
 - (c) Single Detached Dwellings;
 - (d) Modular Dwellings;
 - (e) Duplex Dwellings;

- (f) Triplex Dwellings;
- (g) Quadruplex Dwellings;
- (h) Semi-detached Dwellings;
- (i) Group Homes, Correctional;
- (j) Group Homes Type 1;
- (k) Group Home Type 2;
- (l) Tourist Homes;
- (m) Converted Dwelling;
- (n) Garden Suite;
- (o) Accessory buildings and structures;
- (p) Buildings and structures for Agricultural Use and accessory buildings, structures and uses to these Agricultural Uses, excepting that this exemption shall not apply to cannabis cultivation; cannabis cultivation and processing; cannabis processing; greenhouse, commercial; and nursery as defined on the Zoning By-law, or mushroom production facilities. For the purposes of clarity:
 - i. An accessory use may include a home occupation, provided that such use is clearly secondary and subordinate to the Agricultural Use;
 - ii. Agriculture-Related Uses are not exempt from Site Plan control or the provisions of this by-law whether or not they are located on a farm or on a separately held parcel.
 - iii. Agri-tourism uses are not exempt from Site Plan Control or the provisions of this by-law.
- (n) Site alteration where the conversion of vegetated or bare soil area to hard cover (gravel, paving, buildings) results in an increase of less than twenty percent (20%), calculated as the cumulative increase on the site since the effective date of this By-law;
- (o) Additions to buildings or structures that do not exceed twenty percent (20%) of the existing gross floor area as defined in the Zoning By-law of said building up to a maximum of 250 square metres gross floor area, calculated as the cumulative area of all additions to said building since the effective day of this By-law;
- (p) Underground storage tanks and septic systems;
- (q) Tents, marquees, trailers, mobile food outlets, and similar temporary structures to be erected for a period not exceeding 180 days, consisting of consecutive days and/or cumulative days in a calendar year;
- (r) Buildings or structures, and additions or alterations to buildings and structures, which are used for the purpose of enclosing staircases,

- passageways, entrances, porches, verandahs and similar structures; and mechanical equipment that is incidental or accessory to the main use;
- (s) Buildings and structures used for flood control, and preservation or Conservation of natural resources that are the result of an order, an approval or specific advisement of a Conservation Authority; or
 - (t) Any addition required in order to comply with the *Fire Protection and Prevention Act, 1997*, as amended.

5. REQUIREMENTS FOR SITE PLAN APPROVAL

- 5.1. No person shall undertake any Development, and no building permit shall be issued for any Development, within the Township's Site Plan Control Area unless the CAO under Section 6.2 of this by-law has first approved, in writing, one or both of the following:
- (a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 41(7)(a) of the Act, as amended from time to time, which at the time of passing this by-law are;
 - i. Widenings of highways that abut on the land;
 - ii. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - v. Facilities designed to have regard for accessibility for persons with disabilities;
 - vi. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - vii. Walls, fences hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other wastes material;

- ix. Easements conveyed to the Township for the construction, maintenance or improvement of watercourse, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land;
 - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land and from any buildings or structures thereon;
 - xi. Fire hydrants on the subject property and/or the closest fire hydrant(s) to the subject property.
- (b) The County has been advised of the proposed development and afforded a reasonable opportunity to require the Owner to provide to the satisfaction of and at no expense to the County any or all of the following:
- i. Widenings of highways and that abut the land;
 - ii. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land;
 - v. Facilities designed to have regard for accessibility for persons with disabilities.
- (c) Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 units, which drawings are sufficient to display:
- i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

- iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
- iv. matters related to exterior design, including without limitation, the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
- v. matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design;
- vi. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation, trees shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- vii. facilities designed to have regard for accessibility for persons with disabilities.

5.2. Plans and Drawing Requirements

Plans and Drawings submitted in accordance with this By-law or under any Site Plan Agreement are subject to the following:

- 5.2.1. Plans and Drawings may exclude the layout and design of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in clause 5.1 (c) iii.
- 5.2.2. Plans and Drawings may exclude the manner of construction and standards for construction.
- 5.2.3. All Drawings and Plans shall be submitted in a manner and a scale to show with clarity and accuracy all buildings, structures, facilities and works described in Section 5.1(a).

5.3. The Township may require an Owner or Applicant to produce studies, plans and calculations that validate the location, dimensions and nature of the buildings, structures, facilities and works proposed in Site Plans or drawings, requiring the following:

- (a) Such studies plans and calculations shall be completed by a qualified professional; and
- (b) The cost of any required studies plans, and calculations will be the responsibility of the Owner.

6. SITE PLAN PROCEDURES REVIEW AND APPROVAL

6.1. Site Plan Application Review

6.1.1. Pre-Consultation

Pursuant to subsection 41(3.1) of the Act, Applicants are required to consult with the Township prior to submitting plans and drawings for approval.

6.1.2. Development Application Review Team

All Plans submitted in accordance with this By-law or under any Site Plan Agreement required shall be reviewed by the Development Application Review Team and comments resulting from said review shall be provided in writing to the Planner, the Owner and/or the Applicant.

6.1.3. Review of Site Plan

- (a) Site Plan review shall be coordinated by the Township's Planner.
- (b) A determination of forms and documents that may constitute a complete application will be at the discretion of the Planner.

6.1.4. Site Plan Design Guidelines

Site Plan Design Guidelines adopted by Council of the Township, shall apply to all Development subject to this By-law, where applicable.

6.2. Site Plan Approval

6.2.1. Delegation of Site Plan Approval

For the purposes of this By-law, 'delegation' includes: Approval of Site Plans; the imposing of conditions; and the Approval and Execution of Site Plan Control Agreements and amendments thereto. The powers and authority given to Council under Section 41 of the Act, are hereby delegated to the Chief Administrative Officer/Clerk.

6.2.2. General Provisions of Delegation

The exercise of the powers, authority or appointment delegated in this By-law are subject to the following:

- (a) The Planner shall provide a decision, in writing, to the Owner and/or Applicant, in respect of the application that is either:
 - i. Approval;
 - ii. Approval with Conditions; or
 - iii. Refusal.
- (b) The Planner shall approve the plans and drawings referred to in Section 41(4) of the Act except where, in the opinion of the appointed delegate the proposed buildings, structures, facilities and works shown on the plans and drawings are not consistent with the Provincial Policy Statement, does not conform to the Official Plan of the County and Municipality, and other policy and By-laws approved by Council, including but not limited to, the Zoning By-law.

6.2.3. Conditions of Site Plan Approval

As a condition to the approval of any plans and/or drawings referred to in Section 5, the Planner may require that the Owner of the lands:

- (a) provide at no cost to the Township, any or all of the facilities and works required under Section 41(7)(a) of the Act and listed in Section 5.1(a) of this By-law;
- (b) Maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities or works mentioned in Section 5.1(a) including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- (c) Enter into one or more Agreements with the Township dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 5.1 of the by-law or with the provision and approval of the plans and drawings referred to in Section 6 of this by-law
- (d) Enter into one or more Agreements with the Township ensuring that Development proceeds in accordance with the approved plans and drawings.
- (e) Convey part of the land to the Township to the satisfaction of and at no expense to the Township for a public transit right of way.
- (f) Enter into one or more Agreements with the County dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 5.1 of the by-law or with the provision and approval of the plans and drawings referred to in Section 6 of this by-law.
- (g) Convey part of the land to the County to the satisfaction of and at no expense to the Township for a public transit right of way.

6.2.4. Appeals

Pursuant to Subsection (12) of the Act an appeal related to a decision, timing of a decision, or terms and requirements of any approval or agreement may be filed in accordance with the Act.

6.3. Fees

- 6.3.1. A fee for the review and approval of a Site Plan application is established by the Township through the User Fees By-law, and any successors thereto.
- 6.3.2. Additional fees may be collected by the Township as reimbursement for the Township's costs for additional professional assistance, legal or otherwise incurred during the review of the Site Plan Application as well as studies and engineering drawings. Owners and/or Applicants will provide acknowledgment of this reimbursement through declaration on the application form, which has been provided by the Township.

6.3.3. Fees referred to in this section are non-refundable.

7. ADMINISTRATION OF APPROVED SITE PLANS

7.1. Site Plan Agreements

7.1.1. Site Plan Agreements entered into as a condition of Site Plan Approval between the Owner and the Township, shall be in a registerable form and at the option of the Township may be registered against the land to which it applies, all at the expense of the Owner.

7.1.2. The Township may enforce the provisions of a Site Plan Agreement against the Owner of the lands in respect of which such Site Plan Agreement was entered into by the Township and, subject to the provision of the *Registry Act* and the *Land Titles Act*, and any and all subsequent Owners of the said lands.

7.2. Site Plan Amendments

7.2.1. Notwithstanding any other provisions to the contrary, the CAO/Clerk, in consultation of the Chief Building Official, shall be authorized to approve changes to the Approved Plans attached to a Site Plan Agreement, where requested by the Owner of the lands in respect of which the said Site Plan Agreement has been entered into by the Township. Such changes shall only be approved where they are considered by the Planner to be minor, which is determined in accordance with all of the following:

- (a) The amendment does not significantly alter:
 - i. The location, size or height of any buildings and structures;
 - ii. The design and appearance of the Development; and
 - iii. The location or function of any works required under Subsection (7)(a) of Section 41 of the Act.
- (b) There is no amendment to the Site Plan Agreement;
- (c) There is no amendment to any conditions of the Site Plan Approval; and

- (d) There is no change in the level of municipal servicing required by the Development.

7.3. Securities

7.3.1. Where a Site Plan Agreement has been entered into, the Township may require that the Owner provide financial security to ensure the satisfactory completion of certain works required by the Agreement and approved plans listed therein. Securities shall be calculated and collected as follows:

- (a) The amount of securities shall be determined by the Owner and be based on estimates of the works to be completed. The Township will review this estimate and may request additional securities be provided. Final determination of the amount of securities to be provided shall be made by the Township.
- (b) Prior to the issuance of a building permit securities will be collected that are equal to 100 percent of the estimated costs of structures, facilities and works to be completed on land owned by the Township, County and/or Province.
- (c) Prior to the issuance of an occupancy permit securities will be collected that are equal to 50 percent of the estimated costs of any unfinished works the Township deems necessary that are within the site and have been identified in approved plans, approved drawings and the Agreement, if the amount is over \$50,000. If the amount is under \$50,000, the Township requires 100 percent of estimated costs for the total cost of works within the site and that has been identified in the approved plans and drawings, and the Agreement.

7.3.2. Securities will be presented to the Township as an irrevocable letter of credit, cash or certified cheque to the satisfaction of the Township.

7.4. Release

7.4.1. The value of the any remaining security deemed necessary by the Township shall be repaid to the Owner when, in the opinion of the

Township all the terms and conditions of the Site Plan Agreement have been fulfilled.

- 7.4.2. It shall be the responsibility of the Planner to have discretion on the completeness of terms and conditions of the Agreement.

7.5. Rights of Entry

Unless prohibited by law, the Owner signing each Site Plan Agreement shall be required to agree to a provision whereby the CAO/Clerk, Chief Building Official, or other person to whom the CAO/Clerk delegates the responsibility, may enter on land subject to the Agreement to inspect same for compliance with the Agreement. Nothing in this provision authorizes the entry into any building. The right of entry described in this section is in addition to any statutory rights of entry the Township may otherwise specifically have.

7.6. Compliance and Enforcement

7.6.1. Concordance with Procedures

The provision of required facilities works, or matters shall be in accordance with the approved Site Plan and Site Plan Agreement.

7.6.2. Conformity to Plans

All buildings, structures, facilities and works shown on any Site Plans or drawings approved by the Township and attached to and forming part of a Site Plan Agreement shall be provided, erected, constructed, used and maintained in good repair in accordance with such plans at the sole risk and expense of the Owner of the lands.

7.6.3. Failure to Comply

In the event that an Owner of lands in respect of which a Site Plan Agreement was entered into, fails to comply with any of the provisions of such Site Plan Agreement, then the Planner may take any or all of the following steps:

- (a) Completion, to its satisfaction, any work required by the said Site Plan Agreement;
- (b) Apply all or any portion of the money deposited by the Owner with the Township in accordance with Subsection 7.3 hereof towards the payment of costs and expenses for the completion of any works required by the Site Plan Agreement on land owned by the Township, County and/or Province; and/or
- (c) Collect reimbursement from the Owner, in a like manner as municipal taxes, any expenses paid by the Township to complete works, left uncompleted by the Owner, where said works are referred to in the Site Plans, drawings or agreement and located on the Owner's lands and necessary for the function of the related works on the Township's lands.

7.7. Abandoned Files

Site Plans, drawings and agreements with no action for a period of 12 months will be considered to be abandoned and subsequently closed by the Township, upon which written notice will be given to the Owner by the Township. Upon entering abandoned and closed status, a new application with applicable fees is required for future consideration of the Development.

7.8. Violations and Penalties

Every person who contravenes Section 41 of the Act, or its successors thereto is guilty of an offence, and upon conviction is liable to the fines set out in Section 67(1) and (2) of the Act.

7.9 Lapsing of Approval

7.9.1. Lapsing Provisions

Site plan approval lapses,

- (a) Where a building permit is required for development:
 - i. At the expiration of one year from the date of approval if, within the one-year period, no building permit is issued for the development;

- ii. A building permit is issued for the development, but the Owner has not started construction within one year of date of approval.
 - iii. Upon the revocation of a building permit issued for the development, in accordance with the Township's Building By-law and Section 8(10) of the Building Code Act, 1992, as amended time to time.
- (b) Where no building permit is required but the Owner:
- I. Has not started development within one year of date of site plan approval; or
 - II. Has not completed the construction of the development within two years of the date of approval.
- (c) Where the Township has granted approval to the plan and drawings and an Agreement is necessary to implement the development, but no Agreement has been executed within one year of the said approval.

7.9.2. Notice of Lapsed Approval

Written Notice of lapse of approval shall be given by the Township to the Owner, that the approval has been revoked within 30 days of the approval lapsing; and where an Agreement has been executed and/or registered, the Agreement shall be terminated and Registration of a Notice that the approval is revoked.

7.9.3. Extension Requests

Written Request from the Owner to the Township 30 days prior to the lapse date of the approval, justifying the need for the extension and identifies what the Owner has completed since approval was given by the Township.

7.9.4. Extension Request Decision

The Township's Planner, shall review the request and advise if the request is granted or refused, based on the information received in the Notice from the Owner, while having regard to legislative, policy and regulatory changes that has occurred since the approval was given.

8. GENERAL PROVISIONS

- 8.1. This By-law may be referred to as the Township's Site Plan Control Area By-law.
- 8.2. 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 the By-law shall continue to be in force.

9. REPEALS, AMENDMENTS, TRANSITION AND ENACTMENT

- 9.1. By-law No. 87-30 is hereby repealed in its entirety.
- 9.2. This By-law shall come into effect upon the finally passing thereof.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS ___th day of _____ 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Peter Kavcic, Director of Infrastructure and Development Services

REPORT NO: ENG 2022-27

SUBJECT MATTER: Union Road – Request for No Parking Signs

Recommendation:

THAT Council recommend the County of Elgin amend its Traffic and Parking Regulation By-law to restrict parking on both sides of Union Road from 645m south of Talbot Line to 870m south of Talbot Line.

Purpose:

The purpose of the report is for Council to recommend to Elgin County to amend their by-law to incorporate a no parking zone along Union Road near the Shedden soccer fields.

Background:

Staff have noticed parents parking along Union Road during soccer games rather than using the Township parking lots. This poses a safety risk to all road users on Union Road because sight lines are constrained, and commuters are not able to see if soccer balls are kicked onto the road, or if a child chases that soccer ball. The Township has a new parking lot that parents can use to park their vehicles rather than parking along Union Road.



Staff are recommending that Council request Elgin County amend their Traffic and Parking Regulation By-law to incorporate a no parking zone along Union Road near the soccer fields as per the recommendation. The cost to supply the material and install the signs will be paid by the Township as per the Road Maintenance Agreement.

Financial Implications:

Township will be required to pay for material and labour to install the no parking sign.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☐ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☒ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☐ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Respectfully Submitted by:
Peter Kavcic, P.Eng.
Director of Infrastructure and
Development Services
"Submitted electronically"

Approved by:
Jeff Carswell, CAO/Clerk
"Approved electronically"



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Peter Kavcic, Director of Infrastructure and Development Services

REPORT NO: ENG 2022-28

**SUBJECT MATTER: Memorandum of Understanding with Kettle Creek
Conservation Authority – Transfer of Lands**

Recommendation:

THAT Council pass By-law No. 2022-60 to approve and execute a Memorandum of Understanding with the Kettle Creek Conservation Authority for the transfer of lands legally describe as Part Lot 40, Concession Southeast of North Branch of Talbot Road, Part 2, Plan 11R-10849.

Purpose:

The purpose of the report is for Council to approve the transfer of land within the Ridge Phase 3 to Kettle Creek Conservation Authority.

Background:

As part of the Ridge phase 3 development, the developer has agreed to design a cul-de-sac for Glengariff Drive as well as provide a pedestrian access point to the Deer Ridge Conservation Area, and transfer both of these lands to the Township.



Part 2 of the above image hatched in red, has been provided to the Township and the Township has been coordinating with Kettle Creek Conservation Authority to transfer this land. The memorandum of understanding between the Kettle Creek Conservation Authority and the Township will highlight the transfer of the lands and the maintenance requirements for this property. Following the execution of this memorandum of understanding, the Township will transfer the land to Kettle Creek Conservation Authority.

Financial Implications:

N/A

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☐ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety

☐ Exercising good financial stewardship in the management of Township expenditures and revenues.

☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Respectfully Submitted by:
Peter Kavcic, P.Eng.
Director of Infrastructure and
Development Services
"Submitted electronically"

Approved by:
Jeff Carswell, CAO/Clerk
"Approved electronically"



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Jeff Carswell, CAO/Clerk

REPORT NO: CAO 2022-30

SUBJECT MATTER: Delegation By-law Amendments

Recommendation:

That Council pass By-law No. 2022-56, being a by-law to amend the Delegation By-law.

Purpose:

To seek Council approval for amendments to Delegation By-law.

Background:

At the last meeting, Council adopted a recommendation in Report PLA 2022-16 to bring forward an amendment to the Delegation By-law for approval of Site Plan Control Agreements. This amendment was required under Bill 109, More Homes for Everyone Act, 2022.

Staff have also been maintaining a list of possible housekeeping amendments to the Delegation By-law to streamline operations and better align delegated authority with past Council direction.

Comments/Analysis:

Following are brief comments on the proposed amendments:

Item 1 – Housekeeping item, not included in original by-law, would provide additional clarity

Item 2 – As required by Bill 109, More Homes for Everyone Act. Reviewed in Report PLA 2022-16

Item 3 – Adds concurrence from CAO/Clerk and Director of Infrastructure and Development for items related to Consent Clearances, Subdivision Clearance, Extensions and Subdivision Red-lines

Item 4 – Adds Archeological monitoring and field liaison. These may be required for indigenous consultation. Previous agreements went to Council, but approval was also granted to the Director of Infrastructure and Development Services. These items clarifies the delegation and includes it with other delegations.

Items 5 and 6 – Housekeeping – reflects change in staff responsibilities

Item 7 – Add private utility and alternative locate agreements – these are administrative requirements needed to comply with locate regulations. Delegating this will streamline operations.

Financial Implications:

Minimal. Streamlines operations and provides efficiencies.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☐ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

Respectfully Submitted by:
Jeff Carswell, CAO/Clerk
"Submitted electronically"



TOWNSHIP OF SOUTHWOLD

Report to Council

MEETING DATE: June 27, 2022

PREPARED BY: Jeff Carswell, CAO/Clerk

REPORT NO: CAO 2022-31

SUBJECT MATTER: User Fee Amendment – Cash-in-Lieu of Parkland

Recommendation:

That Council pass By-law No. 2022-61, being a by-law to amend the User Fee By-law for Cash-in-Lieu of Parkland Fees.

Purpose:

To seek Council approval for amendments to the User Fee By-law.

Background:

Current provisions in the User Fee By-law are not clear with respect to Cash-in-Lieu of Parkland. The Planning Act permits 2% for Industrial/Commercial Development and 5% for other development. To simplify the residential severance process, a set rate is typically developed for these situations. The Township's rate is \$1,750.00

Comments/Analysis:

Current provisions for Cash-in-Lieu of Parkland are not explicit in that the \$1,750.00 fee applies only to residential severances. There is reference to Section 51.1 of the Planning Act which would refer to using 2% for Industrial/Commercial and 5% for other (residential) development. This confusion is further compounded by the Township's use of \$1,750.00/lot for residential subdivisions. To provide clarity, it is recommended the following amendments be made to the fee schedule.

Item #	Category	Sub-Category	Item	Fee	Notes
4.22	Planning	Cash-in-Lieu	Cash-in-Lieu of Parkland Fee - Residential Severance	\$1,750.00/ Residential Lot Created	Per severed lot. Applies to residential lot Severances/ Consents Only
4.23	Planning	Cash-in-Lieu	Cash-in-Lieu of Parkland Fee - All Subdivision of Land except Residential Severances	Industrial/ Commercial Purposes - 2% of land value All Other Purposes (Residential) - 5% of land value	As per the Planning Act Section 51.1

There is no change to the intent or past practice, but this provision will ensure clarity for staff and the development community. An amending by-law is included with the By-laws on the agenda.

Financial Implications:

None. Will clarify provisions and lead to less confusion related to planning applications.

Strategic Plan Goals:

The above recommendation helps the Township meet the Strategic Plan Goal of:

- ☐ Promoting residential, agricultural, commercial, and industrial development by ensuring policies and services are in place to support growth in The Township of Southwold.
- ☐ Promoting a healthy, naturally beautiful, and community-oriented municipality by encouraging and supporting involvement of volunteer organizations wishing to provide cultural and recreational activities in the Township of Southwold.
- ☐ Providing improved transportation and a strong commitment to asset management with a goal of maintaining the Township's infrastructure in the promotion of public safety
- ☐ Exercising good financial stewardship in the management of Township expenditures and revenues.
- ☒ Promoting public engagement, transparent government, and strong communications with all members of the community across various mediums for the strengthening of civic participation.

**Respectfully Submitted by:
Jeff Carswell, CAO/Clerk
"Submitted electronically"**

Elgin County Council Highlights



Transportation Master Plan – Road Rationalization

The County is currently developing its first comprehensive Transportation Master Plan (TMP). The TMP is a multi-phase study that will outline the policy directions and identify transportation infrastructure plans to meet the needs of the County's residents, businesses, and visitors through 2065. The TMP is now nearing the completion of Phase 2: Develop and Assess Network Alternatives and a second Public Information Centre to gain public feedback is scheduled for later this summer. A report was presented to County Council that provided progress to date and specifically addressed the study's development of identifying which roads should comprise the County's transportation network (road rationalization).

In this Issue

- Transportation Master Plan – Road Rationalization
- Fixing Long-Term Care Act
- 2022 Council Action Plan & Staff Operational Plan
- Highwheel Way Cycling Route – Aylmer to Port Bruce

Road use and function can change over time and road transfers between the County and its Local Municipal Partners have occurred throughout the history of Elgin County in order to best accommodate growth and demand changes.



Council directed staff to immediately advance the County Road Rationalization Study and meet with Local Municipal Partner staff and Mayors to discuss written feedback provided by Local Municipal Partners, examine draft Road Rationalization Study recommendations as prepared by IBI Group, and discuss jurisdictional impacts and concerns. Feedback received from Local Municipal Partners will be used to inform an Implementation Action Plan and / or Asset Transfer Protocol for consideration by the Elgin County Budget Committee and Elgin County Council in 2022.

The complete report regarding County of Elgin Road and Bridge Rationalization is included in the June 14, 2022 County Council Agenda Package.

Fixing Long-Term Care Act

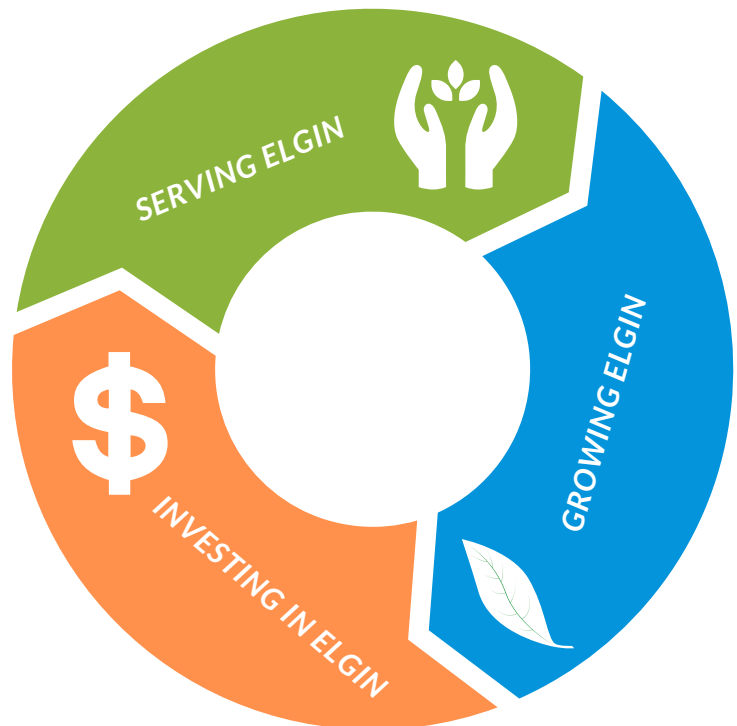
Council received a report that provided an overview of the new Fixing Long-Term Care Act, 2021 and Phase 1 of Regulations under the Act. The report highlighted changes and implementation status regarding the following items: Residents' Bill of Rights; Screening Measures for Staff, Volunteers and County Councillors; Quality; Enforcement; Increased Staffing: Four Hours of Direct Care; Emergency Planning; Medical Directors; Infection Prevention and Control; and, Resident Experience: Air Conditioning.

2022 Council Action Plan and Staff Operational Plan

Council approved its 2022 Action Plan which identifies key priorities for County Council, along with expected results, strategies, plans and initiatives that Council will deliver on to ensure exceptional service to the community. The actions contained in this plan link back to the strategic priorities set out in the 2020 – 2022 Council Strategic Plan.

In 2020, Council established performance measures to ensure the services and actions defined as part of the strategic planning process meet the needs of Elgin County residents. These performance measures help Council maintain focus on the quality of services and the benefits of those services to the community.

Challenging years lie ahead for Elgin County as it joins the rest of the country in recovering from the COVID-19 pandemic; however, Council remains committed to positioning itself to thrive in the long-term despite these difficulties.



A staff operational plan, with actions tied to the strategic objectives of Council was also approved by Council on June 14, 2022.

The 2022 Council Action and Staff Operational Plan can be reviewed as part of the June 14, 2022 County Council Agenda Package.

County to Launch Highwheel Way Cycling Route from Aylmer to Port Bruce

The County of Elgin will hold a ribbon cutting ceremony to celebrate the official launch of the Highwheel Way Cycling Route and the unveiling of the Doolittle Mural on June 28, 2022 at the Port Bruce Pavilion at 1:30p.m. This event coincides with Ontario Bike Month, a month dedicated by the Province to demonstrate the importance of cycling for maintaining healthy lifestyles, reducing traffic congestion, and increasing economic development through cycle tourism.

Cycling has become an ever-popular form of transportation within the County of Elgin for residents and visitors alike. When the County's Engineering Department created a cycle route on Imperial Road (Highway 73), from the Town of Aylmer to the village of Port Bruce, staff from the County's Economic Development and Tourism department leaped at the opportunity to brand this route. Drawing upon knowledge from other County departments, as well as politicians from the Town of Aylmer and the Township of Malahide, the name Highwheel Way: from Pedal to Paddle was formed. This name celebrates Elgin's cycling history through not only a branded bike route but also on a mural that honours a historic local cyclist, Mr. Doolittle.

Perry Doolittle, born on March 22, 1861, near Luton, a few miles north of Port Bruce, is thought to be the first person to have built and ridden a bicycle in the County. In the mid-1870s, Mr. Doolittle sought the expertise of a local blacksmith to help him build a high wheel bicycle, later became a competitive racer, and was part of a group that founded the Canada Wheelman's Association in St. Thomas.

Through funding received from the Estate of Donna Vera Evans Bushell, as a bequest to the Elgin County Museum, murals on the walls of the washroom building at Wannacott Park in Port Bruce now illustrate Mr. Doolittle on his high wheel bicycle and denote the beginning and end of the Highwheel Way cycle route. This mural was painted by an extraordinary local artist, Candy McManiman, a retired art teacher from the area.

"It's projects like these that bring together several departments, and history, to create something wonderful for all to enjoy for many years to come," said Mary French, Elgin County Warden. "Cycle tourism is an important component of Elgin's local economy. With several attractions and local businesses along this route, cyclists can immerse themselves in Elgin's rich culture and exceptional cuisine, all while exploring some of the most stunning views that Southwestern Ontario has to offer."

Members of the public are invited to attend the ribbon cutting ceremony:

What: Launch Event: Highwheel Way Cycle Route & Doolittle Mural

When: Tuesday, June 28, 2022

Where: Port Bruce Pavilion

Time: 1:30 pm

For the complete June 14, 2022 County Council Agenda Package
please visit the Elgin County [website](#).



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-45

Being a By-law to Amend By-law No. 2011-14

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

1. By-law No. 2011-14, as amended, is further amended by adding the following definitions to Section 2.0:

"ADDITIONAL DWELLING UNIT" means a dwelling unit contained or attached to the primary dwelling unit and/or a secondary single detached dwelling unit on the same lot as the primary dwelling unit, accessory to the primary dwelling unit.

"TOTAL HABITABLE FLOOR AREA" means the aggregate of the floor areas of all habitable rooms, hallways and basements spaces, which have a ceiling height of no less than 1,950 mm (6 feet 4 $\frac{3}{4}$ inches), except those reserved for mechanical systems.

2. By-Law No. 2011-14, as amended, is amended by adding Section 3.48 Additional Residential Units after Section 3.47:

3.48 Additional Dwelling Units

The provisions of this section shall apply to all additional dwelling units, unless specified by type directly herein.

- (a) Additional dwelling units shall be permitted in ROWHOUSE DWELLING, SEMI-DETACHED DWELLING, SINGLE DETACHED DWELLING, and STREET ROWHOUSE DWELLING.

Rowhouse dwellings, semi-detached dwellings, single detached dwellings and street rowhouse dwellings containing an additional dwelling unit on the date of the passing of this by-law, may continue to be used for that purpose if a building permit has been issued

under sections 8 or 10 of the Building Code Act, 1992, S.O. 1992, c.23 permitting the erection, alteration, occupancy or use for the additional dwelling unit, and if the additional dwelling unit complies with the regulations of the Fire Protection and Prevention Act, 1997, S.O. 197, c.4.

- (b) No building or structure shall be erected or used for any purpose permitted by subsection 3.48 unless a municipal water supply system or private water supply system and a municipal sanitary supply system or private sanitary supply system are available to service the use.
- (c) A maximum of two (2) additional dwelling units shall be permitted per lot; including a maximum of one (1) additional dwelling unit in the primary dwelling and a maximum of one (1) additional dwelling unit in an accessory structure.
- (d) An additional dwelling unit shall not be permitted on a separate lot of record from the primary dwelling unit that it is accessory to.
- (e) An additional dwelling unit shall not be permitted within or upon regulated hazardous lands unless permission and/or a permit has been obtained by the associated Conservation Authority having jurisdiction for that area.
- (f) An additional dwelling unit may be permitted in an accessory structure on the same lot as the primary dwelling unit.
- (g) An additional dwelling unit in an accessory structure shall be located within the farm building or residential building cluster on lots zoned A1 and A3.
- (h) An additional dwelling unit in an accessory structure shall be required to meet the regulations of the zone which apply to accessory uses.
- (i) The floor area of each additional dwelling unit(s) shall not exceed 40% of the total habitable floor area of the primary dwelling unit.

- (j) An additional dwelling unit shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the dwelling unit that faces the frontage of the primary dwelling unit in the R1 and R2 Zones; and shall have no means of internal access to the primary dwelling unit.
 - (k) The minimum of one (1) parking space is required for each additional dwelling unit. Notwithstanding the provisions of subsection 3.38 (h)(iii), a parking space for an additional dwelling unit may be located in tandem with parking spaces provided for the primary dwelling unit.
 - (l) Additional dwelling units shall be required to conform to all Ontario Building Code and Ontario Fire Code Regulations.
- 3.
 - (a) If no notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, this By-law shall thereupon come into force and shall take effect from the date of its final passing.
 - (b) If notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, the By-law does not come into force until approved by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal), or as otherwise provided by the Planning Act R.S.O., 1990.

READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND FINALLY PASSED THIS 27th DAY OF JUNE, 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell

By-law for Municipalities Not Within a Regional Municipality, the County of Oxford or The District Municipality of Muskoka – Form 5

Drainage Act, R.S.O. 1990, c. D.17, subs. 45(1)

Drainage By-law Number 2022-51

A by-law to provide for a drainage works in the Township of Southwold
in the County of Elgin.

Whereas the council of the Township of Southwold has procured a
report under section 4 and 78 of the *Drainage Act* for the construction and improvement
of the Luton drain;

And whereas the report dated 2022/05/31 has been authored by Mike DeVos, Spriet Associates
and the attached report forms part of this by-law;

And whereas the estimated total cost of the drainage work is \$31,100.00 ;

And whereas \$20,687.00 is the amount to be contributed by the Township
of Southwold for the drainage works;

And whereas (Complete this clause only if other municipalities are being assessed a share of the cost of the project.);

\$10,413.00 is being assessed in the County of Elgin
_____ is being assessed in the _____ of _____
_____ is being assessed in the _____ of _____
_____ is being assessed in the _____ of _____

And whereas the council is of the opinion that drainage of the area is desirable;

Therefore the council of the Township of Southwold
pursuant to the *Drainage Act* enacts as follows:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. BORROWING

The Corporation of the Township of Southwold
may borrow on the credit of the Corporation the amount of _____ being the amount necessary for
the construction and improvement of the drainage works.

This project will NOT be debentured.

6. CITATION

This by-law comes into force on the passing thereof and may be cited as the

" Luton Drain 2022 _____ by-law".

First reading 2022/06/27

Second reading 2022/06/27

Provisionally adopted this 27 day of June, 20 22

Name of Head of Council (Last, First Name)

Jones, Grant

Signature

Name of Clerk (Last, First Name)

Carswell, Jeff

Signature

Third reading _____

Enacted this _____ day of _____, 20 22

Name of Head of Council (Last, First Name)

Jones, Grant

Signature

Name of Clerk (Last, First Name)

Carswell, Jeff

Signature

I, Jeff Carswell

clerk of the Corporation of the Township of Southwold,

certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Name of Clerk (Last, First Name)

Jeff Carswell

Signature

Corporate Seal

Corporate Seal

**AMENDMENT NO. 1
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF SOUTHWOLD**

SUBJECT: 4485 THOMAS ROAD AND 4509 UNION ROAD

JUNE 27, 2022



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-54

**Being a By-law to Adopt Amendment No. 1
to Township of Southwold Official Plan**

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD,
PURSUANT TO SECTION 17 OF THE PLANNING ACT, R.S.O. 1990 HEREBY
ENACTS AS FOLLOWS:**

1. That Amendment No. 1 to the Township of Southwold Official Plan, a copy of which is attached to and forms part of this By-law is hereby adopted.
2. That the Clerk is hereby directed to forward the adopted amendment together with the necessary support documentation to the County of Elgin for final approval.
3. That this By-law shall come into force and effect pursuant to the provisions and regulations of the Planning Act, R.S.O. 1990, c.P.13.

READ, ENACTED, SIGNED AND SEALED THIS 27th day of June 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell

Part A – The Preamble

Purpose

The purpose of this Amendment is to change the land use designation from Residential to Open Space.

Basis

The intent of this Amendment is to exchange lands with 4485 Thomas Road and with 4509 Union Road to facilitate a future residential subdivision development at 4509 Union Road.

The justification for amending the Township of Southwold Official Plan is based upon the following considerations.

The proposed lands exchange between 4485 Thomas Road and 4509 Union Road will result in a settlement area boundary adjustment. Within the proposed Residential designation, only 10.6 ha (26.19 ac.) are developable lands due to being adjacent to locally significant wetlands. Approximately 2.8 ha (7 acres) comprising the northerly portion of the lands would retain its current Agricultural Area designation and A3-2 zoning. The proposed Residential designated lands are intended to be developed as a residential Plan of Subdivision in the near future.

Part B – The Amendment

Introductory Statement

All of this part of the document entitled “Part B – The Amendment” and consisting of the following text and attached map designated as Schedule “A”, constitutes the Amendment No.1 to the Township of Southwold Official Plan.

Details of the Amendment

The Township of Southwold Official Plan is proposed to be amended as follows:

- (1) Schedule ‘4D’ North Port Stanley to the Township of Southwold Official Plan is hereby amended by removing lands described as Part of Lots 13 and 14, Range 2 SUR, Township of Southwold and adding to Schedule ‘4’ Southwold Land Use from ‘Residential’ designation to ‘Agricultural Area’ designation as outlined in the attached Schedule “A”.
- (2) Schedule ‘4’ Southwold Land Use to the Township of Southwold Official Plan is amended by removing lands described as Part of Lot 16 Range 1 and 2 SUR, Township of Southwold and adding to Schedule ‘4D’ North Port Stanley from ‘Agricultural Area’ designation to ‘Residential’ designation as outlined in the attached Schedule “A”.

4485 THOMAS ROAD
LANDS TO BE
REDESIGNATED
FROM
RESIDENTIAL
TO
AGRICULTURAL AREA

4509 UNION ROAD
LANDS TO BE
REDESIGNATED
FROM
AGRICULTURAL AREA
TO
RESIDENTIAL

This is Schedule "A" to By-law No. 2022-54
passed on the 27th day of June 2022.

MAYOR

C.A.O./CLERK

TOWNSHIP OF SOUTHWOLD
OFFICIAL PLAN
SCHEDULE 4 SOUTHWOLD LAND USE
AND SCHEDULE 4D NORTH PORT STANLEY



0 150 300
Meters





THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-55

Being a By-law to Amend By-law No. 2011-14

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

1. By-Law No. 2011-14, as amended, is further amended by removing lands legally described as Part of Lots 13 and 14, Range 2 SUR from Schedule A Map 10 and adding lands to Schedule A Map 9 as shown on Schedule "A", attached hereto and forming part of this By-law, from Settlement Reserve (SR) Zone to the Agricultural 1 Special Provision 64 (A1-64) Zone.
2. Subsection 5.4 Special Provisions of the By-law is amended by adding the following new Clause as 5.4(bl):

"(bm) A1-64 As Shown on Schedule A, Map 9

(i) Regulation

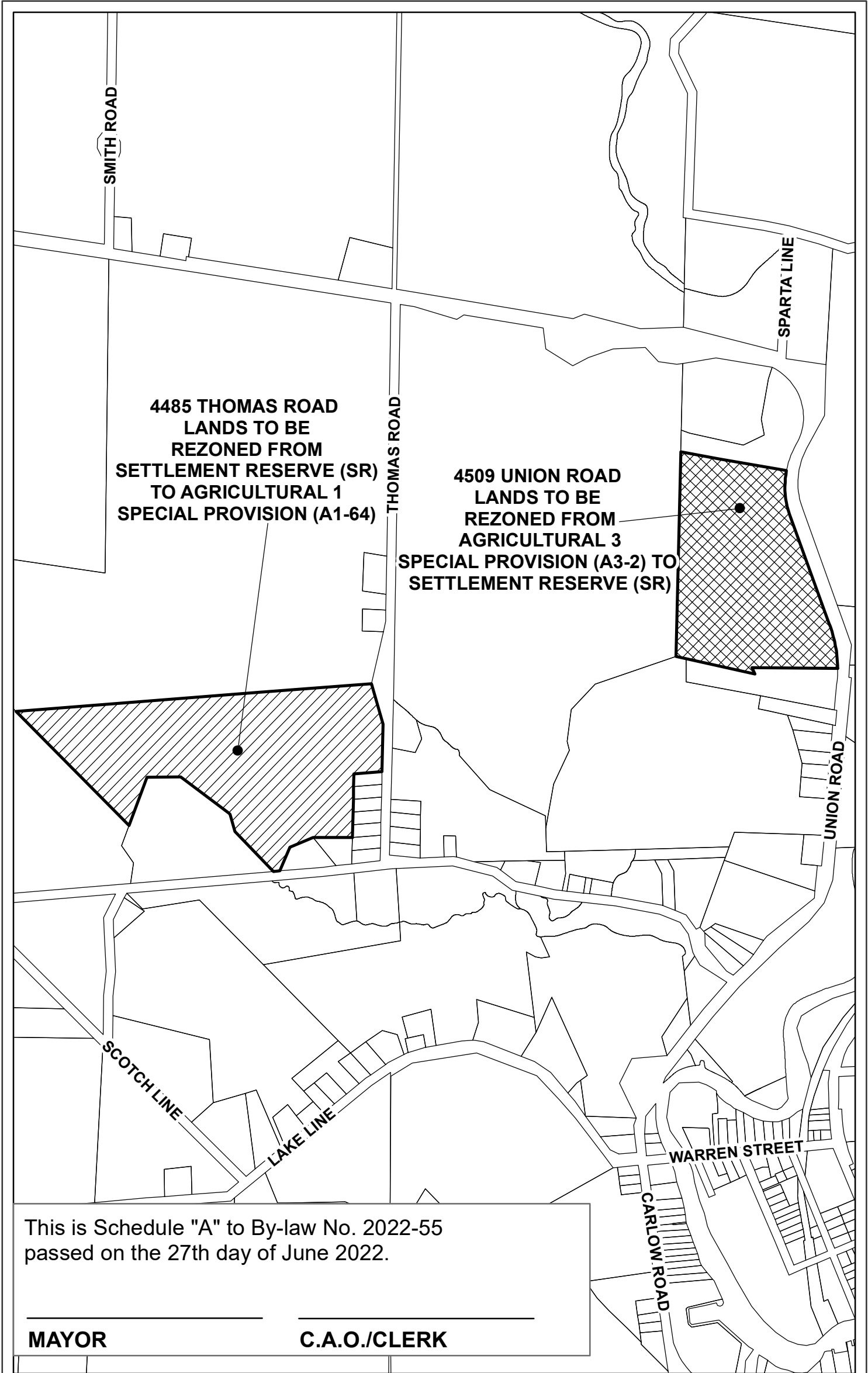
- Minimum Lot Area 18.0 hectares (44.48 ac.)"
3. By-law No. 2011-14, as amended, is further amended by removing the lands legally described as Part of Lot 16, Range 1 and 2 SUR from Schedule A Map 9 and adding lands to Schedule A Map 10 as shown on Schedule "A" attached hereto and forming part of this By-law, from Agricultural 3 Special Provision 2 (A3-2) to Settlement Reserve (SR) Zone.
4. (a) If no notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, this By-law shall thereupon come into force and shall take effect from the date of its final passing.

(b) If notice of appeal to this By-law is filed with the Clerk of the Corporation of the Township of Southwold within the time prescribed by the regulations, the By-law does not come into force until approved by the Ontario Land Tribunal (formerly Local Planning Appeal Tribunal), or as otherwise provided by the Planning Act R.S.O., 1990.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS ___th day of _____ 2022.**

Mayor
Grant Jones

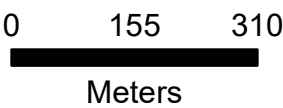
CAO/Clerk
Jeff Carswell



This is Schedule "A" to By-law No. 2022-55
passed on the 27th day of June 2022.

MAYOR

C.A.O./CLERK





THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-56

Being a By-law to amend By-law 2021-33, The Delegation of Authority By-law

WHEREAS Section 23.1 of the Municipal Act, 2001, S.O. 2001, c.25 authorizes municipality to delegate its powers and duties to a person or body, subject to certain restrictions;

AND WHEREAS the Council of the Township of Southwold has passed By-law No. 2021-33 to delegate its powers and duties;

AND WHEREAS the Council of the Township of Southwold desires to make amendments to the Delegation of Authority By-law;

NOW THEREFORE the Council of the Corporation of the Township of Southwold enacts as follows:

1. THAT By-law No. 2021-33, Schedule "A", be amended by adding the following:

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
25	Issue Charitable Donation Tax Receipts	Treasurer		

2. THAT By-law No. 2021-33, Schedule "B", Item #1 be amended by striking out *"Council still has authority over site plan where zoning amendment is required"* in column 5 – Conditions/Restrictions.
3. That By-law No. 2021-33, Schedule "B", Items #6, #10, #11, #12 and #16 be amended by adding *"Subject to concurrence from the CAO/Clerk and Director of Infrastructure and Development"* in Column 5 – Conditions/Restrictions for each Item.

4. THAT By-law No. 2021-33, Schedule "B", Section – Planning be amended by adding the following:

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
17	Archaeological Monitoring Services Agreements, Archeology Field Liaison Agreements and similar such agreements	Director of Infrastructure and Development Services		

5. THAT By-law No. 2021-33, Schedule "D", Section – Beautification – Item #1 be amended by striking out *"Public Works Superintendent"* in column 3 – Delegate and substituting therefore *"Director of Building and Community Services/Chief Building Official"*.

6. THAT By-law No. 2021-33, Schedule "D", Section – Cemeteries – Item #1 be amended by striking out *"Public Works Superintendent"* in column 3 – Delegate and substituting therefore *"Director of Building and Community Services/Chief Building Official"*.

7. THAT By-law No. 2021-33, Schedule "D", Section – Roadways be amended by adding the following:

#	Delegation	Delegate(s)	Legislative Authority	Conditions/Restrictions
12	Private Utility and Alternative Locate Agreements	Director of Infrastructure and Development Services		

READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF JUNE, 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-57

Being a By-law to appoint Township Officials

WHEREAS Section 286(1) of the Municipal Act, S.O. 2001, C.25, the Council of the Township of Southwold shall appoint a Treasurer;

AND WHEREAS Section 286(2) of the Municipal Act, S.O. 2001, C.25, the Council of the Township of Southwold may appoint Deputy Treasurers;

AND WHEREAS pursuant to Section 228(2) of the Municipal Act, S.O. 2001, C.25, the Council of the Township of Southwold may appoint Deputy Clerks;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD ENACTS AS FOLLOWS:

1. That Michele Lant be appointed as Treasurer and Deputy Clerk for the Corporation of the Township of Southwold effective June 27, 2022.
2. That Jeff Carswell be appointed as Deputy Treasurer for the Corporation of the Township of Southwold effective June 27, 2022.
3. That these appointments and duties shall be in accordance with the Municipal Act, S.O. 2001, C.25, other relevant legislation, current job descriptions and any other duties and responsibilities as assigned by Council.
4. That this by-law shall remain in full force and effect until repealed or amended.
5. That By-law No. 2020-04 and Section 1 of By-law No. 2022-47 be repealed effective June 27, 2022.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS 27TH DAY OF JUNE, 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-58

Being a By-law to Require Consultation prior to Submission of Planning Applications and Delegation of Authority for Completeness of Planning Applications

WHEREAS Sections 22(3.1), 34(10.0.1), 41(3.1) and 51(16.1) of the *Planning Act* R.S.O. 1990, as amended, allow municipalities to pass by-laws to require applicants to consult with the municipality prior to the submission of planning applications;

AND WHEREAS Sections 22(6.1), 34(10.4) and 51(19.1) of the *Planning Act* R.S.O. 1990, as amended, authorizes Council to review completeness of the planning applications;

AND WHEREAS the Council of the Corporation of the Township of Southwold deems it necessary to require pre-application consultation with Owners and/or Applicants submitting planning applications;

AND WHEREAS the Council of the Corporation of the Township of Southwold has deemed it expedient to delegate certain duties of the *Planning Act* R.S.O. 1990, relating to completeness of Planning Applications;

THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD HEREBY ENACTS AS FOLLOWS:

Planning Pre-Application Consultation and Delegation of Authority for Completeness of Planning Applications By-law

1. Definitions

In this By-law:

"Act" means the *Planning Act*, R.S.O. 1990 as amended from time to time;

"Applicant" means the Owner of the property that is the subject of Planning Act Application or the person who is authorized in writing by the Owner to make a Planning Act. Authorization is provided through declaration on the application form, which has been provided by the Township;

"Council" means the Council of the Township;

"County" means the Corporation of the County of Elgin;

"Township" means the Corporation of the Township of Southwold;

"Owner" means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;

"Planner" means the Planner of the Township, that is registered in accordance with the *Ontario Professional Planners Institute Act* and any successors thereto;

"Planning Application" means Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval, Draft Plan of Subdivision, Draft Plan of Condominium, Consent, Deeming By-law and Part-Lot Control By-law, pursuant to the Act; and any other Planning/Development matters;

"Pre-application Consultation" means Pre-consultation within this By-law;

"Pre-consultation" means the process for fulfilling the requirements set out in the Act and this By-law; and

"Province" means the Government of the Province of Ontario.

2. Pre-consultation Requirements

2.1. That the Owner or Applicant intending to make application to the Township of Southwold for a Planning Application be required to submit a pre-application consultation request to the Planner, prior to submitting a Planning Application.

2.2. That the Planner be authorized to identify the information and material necessary to process the Planning Application, prior to formal submission and deeming the Planning Application complete.

2.3. The Planner shall prepare a Record of Consultation and deliver it to the Applicant within the prescribed period set out in the Act of the date of the last consultation meeting.

3. Complete Planning Application Requirements

3.1. That the Owner or Applicant, with the Planning Application, shall submit the following:

3.1.1. Planning Application;

3.1.2. Required fees pursuant to the Township's General User Fees By-law pursuant to Section 69 of the Act;

3.1.3. Record of Consultation; and

3.1.4. Reports, Studies, Drawings and any information required in the Record of Consultation.

3.2. That the Planner is authorized to deem an application complete and incomplete within the prescribed period of time set out in the Act.

3.3. That in the absence of consultation, the Planner is authorized to deem a Planning Application incomplete and refuse to accept the Planning Application until such time as the pre-application consultation is completed in accordance with Section 2 of this By-law.

4. Exemptions

4.1. Despite, Section 2.1 the Planner can waive the requirements for pre-consultation on the Planning Application, if the Planner determines that there is no need for a pre-consultation prior to the Planning Application being submitted.

5. Administration

5.1. Abandoned Files

5.1.1. Any pre-consultation on a Planning Application shall submit the Planning Application, within one year of the date the Record of Consultation has occurred, otherwise will be considered to be abandoned and subsequently closed by the Township.

5.1.2. The Record of Consultation shall be considered to be abandoned and subsequently closed by the Township, if:

5.1.2.1. The Province has enacted legislative changes to the Act, that established new provisions;

5.1.2.2. The Province has issued a new Provincial Policy Statement, that established new provincial policy direction;

5.1.2.3. The County has adopted a County Official Plan, that establishes new land use policy direction;

5.1.2.4. The Township has adopted an Official Plan or Official Plan Amendment, that established new land use policy directions; and

5.1.2.5. The Township has enacted a Zoning By-law or Zoning By-law Amendment, that established changes to land use regulation.

5.1.3. Upon Section 4.1.1. or Section 4.2.2. of this By-law occurring, a new pre-consultation pursuant to Section 2 of this By-law, will be required for future consideration of the Planning Application.

5.2. Fees

5.2.1. Pre-consultation may be subject to a fee as set out in the Township's General User Fees By-law, as amended time to time.

6. Enactment

6.1. This by-law shall come into force and take effect upon the final passing thereof.

READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND FINALLY PASSED THIS 27th DAY OF JUNE 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-59

Being a By-Law to designate the Township of Southwold as a Site Plan Control Area pursuant to Section 41 of the Planning Act R.S.O. 1990, as amended.

WHEREAS Section 41 of the *Planning Act* R.S.O. 1990, as amended, provides that where an area is described in the Township's Official Plan as a Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

AND WHEREAS the Official Plan for the Township of Southwold identifies lands in the entire Township as a Site Plan Control Area;

AND WHEREAS Section 41 (13) of the *Planning Act* R.S.O. 1990, as amended authorizes Council to (a) define any class or classes of Development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5); and (b) delegate to an appointed officer of the Township any of the Council's powers or authority under Section 41, except the authority to define any class or classes of Development as mentioned in clause 41 (13);

AND WHEREAS Council deems it advisable to exempt certain classes of Development from Site Plan control, and further to delegate certain powers and authority to an appointed officer of the Township;

AND WHEREAS Council has decided to repeal By-law No. 87-30, as the previous Site Plan Control By-law, and replace that by-law with the within by-law;

**THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD
HEREBY ENACTS AS FOLLOWS:**

Site Plan Control Area By-law

1. DEFINITIONS

In this By-law:

"Act" means the *Planning Act, R.S.O. 1990* as amended from time to time;

"Applicant" means the Owner of the property that is the subject of Site Plan approval or the person who is authorized in writing by the Owner to make an application for Site Plan approval. Authorization is provided through declaration on the application form, which has been provided by the Township;

"CAO" means the Chief Administrative Officer of the Township of Southwold;

"Chief Building Official" means the Chief Building Official of the Township appointed pursuant to the *Building Code Act*;

"Council" means the Council of the Township;

"County" means the Corporation of the County of Elgin;

"Development" means development as defined within Subsection 41(1) of the Act, as amended time to time;

"Development Application Review Team" means a working group made up of Township staff or consultants that provides review and comment about an application for approval under this by-law;

"Township" means the Corporation of the Township of Southwold;

"Owner" means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property, as recorded in the local registry office;

"Planner" means the Planner of the Township, which is registered in accordance with the *Ontario Professional Planners Institute Act* and any successors thereto;

"Province" means the Government of the Province of Ontario;

"Site Plan" means those plans and/or drawings as contemplated by subsection 41(4) of the Act; and

"Zoning By-law" means By-law No. 2011-14 of the Municipality and any successors thereto.

2. INTERPRETATION

- 2.1. The requirements of this By-law are in addition to requirements contained in any other applicable by-laws of the Township or applicable provincial or federal statutes or regulations.
- 2.2. This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or by any governmental authority having jurisdiction to make such restrictions or regulations.
- 2.3. Nothing in this By-law or in any Site Plan Agreement entered into hereunder shall be construed as relieving any Owner of lands within the Site Plan Control Area from the obligation of complying fully with the provisions of the Zoning By-law, nor shall the Zoning By-law be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed hereby.
- 2.4. Terms used in this By-law, which are defined within the Zoning By-law are deemed to have the same meaning for consistency purposes, unless otherwise defined within this By-law.

3. SCOPE OF BY-LAW

- 3.1. The provisions of this By-law shall apply to all lands within the Township which are hereby designated as constituting a Site Plan Control Area pursuant to Section 41 of the Act.

4. EXEMPTIONS

- 4.1. The following classes of Development are hereby exempted from Site Plan control and may be undertaken without the approval of plans and drawings otherwise required under Section 5 hereof:
 - (a) Agricultural Service Dwellings;
 - (b) Additional Dwelling Units;
 - (c) Single Detached Dwellings;
 - (d) Modular Dwellings;
 - (e) Duplex Dwellings;
 - (f) Triplex Dwellings;
 - (g) Quadruplex Dwellings;

- (h) Semi-detached Dwellings;
- (i) Group Homes, Correctional;
- (j) Group Homes Type 1;
- (k) Group Home Type 2;
- (l) Tourist Homes;
- (m) Converted Dwelling;
- (n) Garden Suite;
- (o) Accessory buildings and structures;
- (p) Buildings and structures for Agricultural Use and accessory buildings, structures and uses to these Agricultural Uses, excepting that this exemption shall not apply to cannabis cultivation; cannabis cultivation and processing; cannabis processing; greenhouse, commercial; and nursery as defined on the Zoning By-law, or mushroom production facilities. For the purposes of clarity:
 - i. An accessory use may include a home occupation, provided that such use is clearly secondary and subordinate to the Agricultural Use;
 - ii. Agriculture-Related Uses are not exempt from Site Plan control or the provisions of this by-law whether or not they are located on a farm or on a separately held parcel.
 - iii. Agri-tourism uses are not exempt from Site Plan Control or the provisions of this by-law.
- (n) Site alteration where the conversion of vegetated or bare soil area to hard cover (gravel, paving, buildings) results in an increase of less than twenty percent (20%), calculated as the cumulative increase on the site since the effective date of this By-law;
- (o) Additions to buildings or structures that do not exceed twenty percent (20%) of the existing gross floor area as defined in the Zoning By-law of said building up to a maximum of 250 square metres gross floor area, calculated as the cumulative area of all additions to said building since the effective day of this By-law;
- (p) Underground storage tanks and septic systems;
- (q) Tents, marquees, trailers, mobile food outlets, and similar temporary structures to be erected for a period not exceeding 180 days, consisting of consecutive days and/or cumulative days in a calendar year;
- (r) Buildings or structures, and additions or alterations to buildings and structures, which are used for the purpose of enclosing staircases, passageways, entrances, porches, verandahs and similar structures; and mechanical equipment that is incidental or accessory to the main use;

- (s) Buildings and structures used for flood control, and preservation or Conservation of natural resources that are the result of an order, an approval or specific advisement of a Conservation Authority; or
- (t) Any addition required in order to comply with the *Fire Protection and Prevention Act, 1997*, as amended.

5. REQUIREMENTS FOR SITE PLAN APPROVAL

5.1. No person shall undertake any Development, and no building permit shall be issued for any Development, within the Township's Site Plan Control Area unless the CAO under Section 6.2 of this by-law has first approved, in writing, one or both of the following:

- (a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 41(7)(a) of the Act, as amended from time to time, which at the time of passing this by-law are;
 - i. Widenings of highways that abut on the land;
 - ii. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs;
 - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - v. Facilities designed to have regard for accessibility for persons with disabilities;
 - vi. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - vii. Walls, fences hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other wastes material;

- ix. Easements conveyed to the Township for the construction, maintenance or improvement of watercourse, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land;
 - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land and from any buildings or structures thereon;
 - xi. Fire hydrants on the subject property and/or the closest fire hydrant(s) to the subject property.
- (b) The County has been advised of the proposed development and afforded a reasonable opportunity to require the Owner to provide to the satisfaction of and at no expense to the County any or all of the following:
- i. Widening of highways and that abut the land;
 - ii. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - iii. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land;
 - v. Facilities designed to have regard for accessibility for persons with disabilities.
- (c) Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 units, which drawings are sufficient to display:
- i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

- iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
- iv. matters related to exterior design, including without limitation, the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
- v. matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design;
- vi. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation, trees shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- vii. facilities designed to have regard for accessibility for persons with disabilities.

5.2. Plans and Drawing Requirements

Plans and Drawings submitted in accordance with this By-law or under any Site Plan Agreement are subject to the following:

- 5.2.1. Plans and Drawings may exclude the layout and design of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in clause 5.1 (c) iii.
- 5.2.2. Plans and Drawings may exclude the manner of construction and standards for construction.
- 5.2.3. All Drawings and Plans shall be submitted in a manner and a scale to show with clarity and accuracy all buildings, structures, facilities and works described in Section 5.1(a).

5.3. The Township may require an Owner or Applicant to produce studies, plans and calculations that validate the location, dimensions and nature of the buildings, structures, facilities and works proposed in Site Plans or drawings, requiring the following:

- (a) Such studies plans and calculations shall be completed by a qualified professional; and
- (b) The cost of any required studies plans, and calculations will be the responsibility of the Owner.

6. SITE PLAN PROCEDURES REVIEW AND APPROVAL

6.1. Site Plan Application Review

6.1.1. Pre-Consultation

Pursuant to subsection 41(3.1) of the Act, Applicants are required to consult with the Township prior to submitting plans and drawings for approval.

6.1.2. Development Application Review Team

All Plans submitted in accordance with this By-law or under any Site Plan Agreement required shall be reviewed by the Development Application Review Team and comments resulting from said review shall be provided in writing to the Planner, the Owner and/or the Applicant.

6.1.3. Review of Site Plan

- (a) Site Plan review shall be coordinated by the Township's Planner.
- (b) A determination of forms and documents that may constitute a complete application will be at the discretion of the Planner.

6.1.4. Site Plan Design Guidelines

Site Plan Design Guidelines adopted by Council of the Township, shall apply to all Development subject to this By-law, where applicable.

6.2. Site Plan Approval

6.2.1. Delegation of Site Plan Approval

For the purposes of this By-law, 'delegation' includes: Approval of Site Plans; the imposing of conditions; and the Approval and Execution of Site Plan Control Agreements and amendments thereto. The powers and authority given to Council under Section 41 of the Act, are hereby delegated to the Chief Administrative Officer/Clerk.

6.2.2. General Provisions of Delegation

The exercise of the powers, authority or appointment delegated in this By-law are subject to the following:

- (a) The Planner shall provide a decision, in writing, to the Owner and/or Applicant, in respect of the application that is either:
 - i. Approval;
 - ii. Approval with Conditions; or
 - iii. Refusal.
- (b) The Planner shall approve the plans and drawings referred to in Section 41(4) of the Act except where, in the opinion of the appointed delegate the proposed buildings, structures, facilities and works shown on the plans and drawings are not consistent with the Provincial Policy Statement, does not conform to the Official Plan of the County and Municipality, and other policy and By-laws approved by Council, including but not limited to, the Zoning By-law.

6.2.3. Conditions of Site Plan Approval

As a condition to the approval of any plans and/or drawings referred to in Section 5, the Planner may require that the Owner of the lands:

- (a) provide at no cost to the Township, any or all of the facilities and works required under Section 41(7)(a) of the Act and listed in Section 5.1(a) of this By-law;
- (b) Maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities or works mentioned in Section 5.1(a) including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- (c) Enter into one or more Agreements with the Township dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 5.1 of the by-law or with the provision and approval of the plans and drawings referred to in Section 6 of this by-law
- (d) Enter into one or more Agreements with the Township ensuring that Development proceeds in accordance with the approved plans and drawings.
- (e) Convey part of the land to the Township to the satisfaction of and at no expense to the Township for a public transit right of way.
- (f) Enter into one or more Agreements with the County dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 5.1 of the by-law or with the provision and approval of the plans and drawings referred to in Section 6 of this by-law.
- (g) Convey part of the land to the County to the satisfaction of and at no expense to the Township for a public transit right of way.

6.2.4. Appeals

Pursuant to Subsection (12) of the Act an appeal related to a decision, timing of a decision, or terms and requirements of any approval or agreement may be filed in accordance with the Act.

6.3. Fees

6.3.1. A fee for the review and approval of a Site Plan application is established by the Township through the User Fees By-law, and any successors thereto.

6.3.2. Additional fees may be collected by the Township as reimbursement for the Township's costs for additional professional assistance, legal or otherwise incurred during the review of the Site Plan Application as well as studies and engineering drawings. Owners and/or Applicants will provide acknowledgment of this reimbursement through declaration on the application form, which has been provided by the Township.

6.3.3. Fees referred to in this section are non-refundable.

7. ADMINISTRATION OF APPROVED SITE PLANS

7.1. Site Plan Agreements

7.1.1. Site Plan Agreements entered into as a condition of Site Plan Approval between the Owner and the Township, shall be in a registerable form and at the option of the Township may be registered against the land to which it applies, all at the expense of the Owner.

7.1.2. The Township may enforce the provisions of a Site Plan Agreement against the Owner of the lands in respect of which such Site Plan Agreement was entered into by the Township and, subject to the provision of the *Registry Act* and the *Land Titles Act*, and any and all subsequent Owners of the said lands.

7.2. Site Plan Amendments

7.2.1. Notwithstanding any other provisions to the contrary, the CAO/Clerk, in consultation of the Chief Building Official, shall be authorized to approve changes to the Approved Plans attached to a Site Plan Agreement, where requested by the Owner of the lands in respect of which the said Site Plan Agreement has been entered into by the Township. Such changes shall only be approved where they are considered by the Planner to be minor, which is determined in accordance with all of the following:

- (a) The amendment does not significantly alter:
 - i. The location, size or height of any buildings and structures;
 - ii. The design and appearance of the Development; and
 - iii. The location or function of any works required under Subsection (7)(a) of Section 41 of the Act.
- (b) There is no amendment to the Site Plan Agreement;
- (c) There is no amendment to any conditions of the Site Plan Approval;
and

- (d) There is no change in the level of municipal servicing required by the Development.

7.3. Securities

7.3.1. Where a Site Plan Agreement has been entered into, the Township may require that the Owner provide financial security to ensure the satisfactory completion of certain works required by the Agreement and approved plans listed therein. Securities shall be calculated and collected as follows:

- (a) The amount of securities shall be determined by the Owner and be based on estimates of the works to be completed. The Township will review this estimate and may request additional securities be provided. Final determination of the amount of securities to be provided shall be made by the Township.
- (b) Prior to the issuance of a building permit securities will be collected that are equal to 100 percent of the estimated costs of structures, facilities and works to be completed on land owned by the Township, County and/or Province.
- (c) Prior to the issuance of an occupancy permit securities will be collected that are equal to 50 percent of the estimated costs of any unfinished works the Township deems necessary that are within the site and have been identified in approved plans, approved drawings and the Agreement, if the amount is over \$50,000. If the amount is under \$50,000, the Township requires 100 percent of estimated costs for the total cost of works within the site and that has been identified in the approved plans and drawings, and the Agreement.

7.3.2. Securities will be presented to the Township as an irrevocable letter of credit, cash or certified cheque to the satisfaction of the Township.

7.4. Release

7.4.1. The value of the any remaining security deemed necessary by the Township shall be repaid to the Owner when, in the opinion of the

Township all the terms and conditions of the Site Plan Agreement have been fulfilled.

- 7.4.2. It shall be the responsibility of the Planner to have discretion on the completeness of terms and conditions of the Agreement.

7.5. Rights of Entry

Unless prohibited by law, the Owner signing each Site Plan Agreement shall be required to agree to a provision whereby the CAO/Clerk , Chief Building Official, or other person to whom the CAO/Clerk delegates the responsibility, may enter on land subject to the Agreement to inspect same for compliance with the Agreement. Nothing in this provision authorizes the entry into any building. The right of entry described in this section is in addition to any statutory rights of entry the Township may otherwise specifically have.

7.6. Compliance and Enforcement

7.6.1. Concordance with Procedures

The provision of required facilities works, or matters shall be in accordance with the approved Site Plan and Site Plan Agreement.

7.6.2. Conformity to Plans

All buildings, structures, facilities and works shown on any Site Plans or drawings approved by the Township and attached to and forming part of a Site Plan Agreement shall be provided, erected, constructed, used and maintained in good repair in accordance with such plans at the sole risk and expense of the Owner of the lands.

7.6.3. Failure to Comply

In the event that an Owner of lands in respect of which a Site Plan Agreement was entered into, fails to comply with any of the provisions of such Site Plan Agreement, then the Planner may take any or all of the following steps:

- (a) Completion, to its satisfaction, any work required by the said Site Plan Agreement;
- (b) Apply all or any portion of the money deposited by the Owner with the Township in accordance with Subsection 7.3 hereof towards the payment of costs and expenses for the completion of any works required by the Site Plan Agreement on land owned by the Township, County and/or Province; and/or
- (c) Collect reimbursement from the Owner, in a like manner as municipal taxes, any expenses paid by the Township to complete works, left uncompleted by the Owner, where said works are referred to in the Site Plans, drawings or agreement and located on the Owner's lands and necessary for the function of the related works on the Township's lands.

7.7. Abandoned Files

Site Plans, drawings and agreements with no action for a period of 12 months will be considered to be abandoned and subsequently closed by the Township, upon which written notice will be given to the Owner by the Township. Upon entering abandoned and closed status, a new application with applicable fees is required for future consideration of the Development.

7.8. Violations and Penalties

Every person who contravenes Section 41 of the Act, or its successors thereto is guilty of an offence, and upon conviction is liable to the fines set out in Section 67(1) and (2) of the Act.

7.9 Lapsing of Approval

7.9.1. Lapsing Provisions

Site plan approval lapses,

- (a) Where a building permit is required for development:
 - i. At the expiration of one year from the date of approval if, within the one-year period, no building permit is issued for the development;

- ii. A building permit is issued for the development, but the Owner has not started construction within one year of date of approval.
 - iii. Upon the revocation of a building permit issued for the development, in accordance with the Township's Building By-law and Section 8(10) of the Building Code Act, 1992, as amended time to time.
- (b) Where no building permit is required but the Owner:
- I. Has not started development within one year of date of site plan approval; or
 - II. Has not completed the construction of the development within two years of the date of approval.
- (c) Where the Township has granted approval to the plan and drawings and an Agreement is necessary to implement the development, but no Agreement has been executed within one year of the said approval.

7.9.2. Notice of Lapsed Approval

Written Notice of lapse of approval shall be given by the Township to the Owner, that the approval has been revoked within 30 days of the approval lapsing; and where an Agreement has been executed and/or registered, the Agreement shall be terminated and Registration of a Notice that the approval is revoked.

7.9.3. Extension Requests

Written Request from the Owner to the Township 30 days prior to the lapse date of the approval, justifying the need for the extension and identifies what the Owner has completed since approval was given by the Township.

7.9.4. Extension Request Decision

The Township's Planner, shall review the request and advise if the request is granted or refused, based on the information received in the Notice from the Owner, while having regard to legislative, policy and regulatory changes that has occurred since the approval was given.

8. GENERAL PROVISIONS

- 8.1. This By-law may be referred to as the Township's Site Plan Control Area By-law.
- 8.2. 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 the By-law shall continue to be in force.

9. REPEALS, AMENDMENTS, TRANSITION AND ENACTMENT

- 9.1. By-law No. 87-30 is hereby repealed in its entirety.
- 9.2. This By-law shall come into effect upon the finally passing thereof.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS ___th day of _____ 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-60

Being a By-law to enter into a Memorandum of Understanding with the Kettle Creek Conservation Authority for the transfer of lands legally described as Part Lot 40, Concession Southeast of North Branch of Talbot Road, Part 2, Plan 11R-10849.

WHEREAS the Municipal Act, 2001 S.O. c 25, as amended, authorizes municipalities to enter into memorandum of understanding;

AND WHEREAS it is the desire of the Corporation of the Township of Southwold to enter into a memorandum of understanding relating to the transfer and maintenance of lands.

NOW THEREFORE the Council of the Corporation of the Township of Southwold enacts as follows:

1. THAT the Mayor and CAO/Clerk are authorized to sign on behalf of the Corporation of the Township of Southwold the Memorandum of Understanding attached to this By-law as Schedule "A".
2. This By-law shall come into force and effect upon the final passing thereof.

READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND FINALLY PASSED THIS 27TH DAY OF JUNE, 2022.

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell

MEMORANDUM OF UNDERSTANDING

B E T W E E N :

KETTLE CREEK CONSERVATION AUTHORITY

(“KCCA”)

-and-

THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

(“SOUTHWOLD”)

This Memorandum of Understanding (“MOU”) sets out the terms and understanding between the KCCA and SOUTHWOLD with respect to the following matter.

BACKGROUND:

1. Southwold and 1873828 Ontario Limited (“1873828”) entered into an Agreement dated February 8, 2022 and registered March 1, 2022 as Instrument No. CT211426 approving plans and drawings as submitted by 1873828 subject to certain conditions concerning the business of facilities, works or matters as permitted by subsection 41(7) of the *Planning Act*, R.S.O. 1990(c. P13) with respect to lands described as Part Lot 40, Concession Southeast of the North Branch of Talbot Road, Southwold, being PARTS 1 & 2 on Plan 11R-10849 as in D1347; subject to an easement over PART 2 on Plan 11R-10849 as in SW24828; Township of Southwold and being all of PIN 35156-0849(LT); (the “Agreement”);
2. Pursuant to the Agreement, 1873828 has agreed to convey to Southwold, those lands described as Part of Lot 40, Concession Southeast of the North Branch of Talbot Road (Geographic Township of Southwold) County of Elgin, designated as PARTS 1 & 2, on Plan 11R-10849 for road purposes as well as access to lands owned by KCCA.
3. Southwold has agreed in and for the consideration hereinafter noted, to transfer to KCCA, the land described as Part of Lot 40, Concession Southeast of the North Branch of Talbot Road (Geographic Township of Southwold) County of Elgin, designated as PART 2, Plan 11R-10849 (the “Lands”) which Lands will allow KCCA to provide public access and an entrance to the Deer Ridge Conservation Area located in Talbotville, Ontario (the “Transfer”)

4. In consideration for the Transfer and other good and valuable consideration, (the receipt and sufficiency of which is hereby acknowledged), KCCA agrees that the Lands will be used to provide public access, parking and information regarding Deer Ridge Conservation Area and at all times will be maintained in accordance with the standard operating procedures guidelines and policies of the KCCA in relation to the operation of its parks, recreation areas and conservation areas.

5. In addition to the maintenance, upkeep and repair of the Lands, the KCCA will ensure that the Lands will be included as part of the Deer Ridge Conservation Area and will provide that the insurance covering the Deer Ridge Conservation Area be extended to the Lands.

6. The transfer shall occur on or before the 2nd day of August, 2022.

IN WITNESS WHEREOF the parties hereto have executed this MOU dated at Fingal, Ontario this 27th day of June, 2022.

KETTLE CREEK CONSERAVATION AUTHORITY

Per: _____

Name:

Title:

Per: _____

Name:

Title:

I/We have authority to bind the Corporation.

**THE CORPORATION OF THE TOWNSHIP OF
SOUTHWOLD**

Per: _____

Name: Grant Jones

Title: Mayor

Per: _____

Name: Jeff Carswell

Title: CAO/Clerk

I/We have authority to bind the Corporation.

SCHEDULE “A”

Part of Lot 40, Concession Southwest of the North Branch of the Talbot Road
(Geographic Township of Southwold) County of Elgin described as PART 2, on 11R-
10849.



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY-LAW NO. 2022-61

Being a By-Law to amend Cash-in-Lieu of Parkland Fees By-law No. 2021-73

WHEREAS Section 391 of the Municipal Act, 2001, R.S.O.2001, c. 25, as amended, provides that the Council of a local municipality may pass by-laws to impose fees and charges;

AND WHEREAS Section 51.1 of the Planning Act, R.S.O. 1990, c. P.13, as amended, provides that municipalities may require the dedication of parkland or equivalent Cash-in-Lieu;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD ENACTS AS FOLLOWS:

1. That Schedule "A" to By-law No. 2021-73 be amended by deleting Items 4.22 and 4.23 and substituting therefore the following:

Item #	Category	Sub-Category	Item	Fee	Notes
4.22	Planning	Cash-in-Lieu	Cash-in-Lieu of Parkland Fee - Residential Severance	\$1,750.00/ Residential Lot Created	Per severed lot. Applies to residential lot Severances/ Consents Only
4.23	Planning	Cash-in-Lieu	Cash-in-Lieu of Parkland Fee - All Subdivision of Land except Residential Severances	Industrial/ Commercial Purposes - 2% of land value All Other Purposes (Residential) - 5% of land value	As per the Planning Act Section 51.1

2. This by-law comes into full force and effect on final passing.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME AND
FINALLY PASSED THIS 27TH DAY OF JUNE, 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell



THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

BY- LAW NO. 2022-62

Being a by-law to confirm the resolutions and motions of the Council of the Township of Southwold, which were adopted on June 27, 2022.

WHEREAS Section 5(3) of the Municipal Act, 2001, Chapter 25, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

WHEREAS it has been expedient that from time to time, the Council of the Corporation of the Township of Southwold should enact by resolution or motion of Council;

AND WHEREAS it is deemed advisable that all such actions that have been adopted by a resolution or motion of Council only should be authorized by By-law;

NOW THEREFORE the Council of the Corporation of the Township of Southwold hereby enacts as follows:

1. That the actions of the Council of the Township of Southwold at the Regular Meeting of Council held on June 27, 2022; in respect to each report, motion, resolution or other action passed and taken by the Council at its meetings, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. That the Mayor and the proper officers of the Corporation are hereby authorized and directed to do all things necessary to give effect to the said action, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary in that behalf and to affix the Corporate Seal of the Township of Southwold to all such documents.

**READ A FIRST AND SECOND TIME, CONSIDERED READ A THIRD TIME, AND
FINALLY PASSED THIS 27th DAY OF JUNE, 2022.**

Mayor
Grant Jones

CAO/Clerk
Jeff Carswell