

THE CORPORATION OF THE TOWNSHIP OF SOUTHWOLD

MINUTES



Regular Council Meeting

Monday June 27, 2022

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

PRESENT: Mayor: G. Jones
Deputy Mayor: R. Monteith
Councillors: S. Emons
J. Pennings

ALSO PRESENT: Jeff Carswell, CAO/Clerk
Peter Kavcic, Dir. of Infrastructure & Development Services.
(7:00 p.m.– 9:05 p.m.)
Corey Pemberton, Director of Building & Community Services
(7:00 p.m.– 8:57 p.m.)
Brent Clutterbuck, Drainage Superintendent (7:00 p.m.–7:13 p.m.)
Heather James, Planner (7:00 p.m.– 8:57 p.m.)
June McLarty, Corporate Services Clerk (7:00 p.m.– 9:05 p.m.)

ABSENT: Councillor: P. North

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- 177 Deputy Mayor Monteith – Councillor Emons Minutes

THAT the Minutes of the Regular Council Meeting of June 13, 2022 are hereby adopted.

CARRIED

DRAINAGE:

Luton Drain 2022

In attendance: Deren Lyle

2022- 178 Deputy Mayor Monteith – Councillor Emons

**Mtg to Consider
Report Luton
Drain 2022**

THAT the Meeting to Consider the report for the Luton Drain forms at
7:00 p.m.

CARRIED

The Chairman stated that this is the Meeting to Consider the Report for the Luton Drain 2022, dated May 31, 2022 prepared by the Engineer Mike DeVos of Spriet Associates. This report was submitted to the Clerk of the Township of Southwold on March 9, 2022. Council received this report and decided to proceed with this report at our meeting on June 13, 2022. The purpose of this meeting is to allow the landowners and other affected parties to be given the opportunity to voice their concerns relating to any aspect of this report. Matters dealing specifically with assessments including where any land or road has been assessed too high or too low, any land or road that should have been assessed but has not been, or the land use was not duly considered will be dealt with by the Court of Revision at a date to be determined after the passing of a Provisional By-Law.

The Chairman asked the Clerk if everyone notified of this meeting to consider the report of the Engineer in an appropriate way that were required to be notified under the Drainage Act. The Clerk responded yes, on June 16, 2022 all landowners and affected parties required to be notified under Section 41 of the Drainage Act were sent by regular mail, notice of the date and time and location of this meeting. The notice included a copy of the report of the engineer for the Luton Drain 2022, dated May 31, 2022. Also included in the notice was a letter explaining that this meeting would be held virtually.

Mike DeVos from Spriet and Associates presented the May 31, 2022 report to Council.

The Chairman asked if Council had any questions. There were no questions from Council. The Chair then asked if any landowners or affected parties had any questions or concerns. There were none from the Landowners or affected parties.

2022-179

Deputy Mayor Monteith – Councillor Pennings

Luton Drain 2022

THAT the Report on the Luton Drain 2022 prepared by Spriet Associates pursuant to Sections 4 and 78 of the Drainage Act, dated May 31, 2022 be accepted by Council of the Township of Southwold; and

THAT Council authorizes staff to initiate the tender process, if required, for the construction and improvement of the Luton Drain 2022; and

THAT Court of Revision for the Luton Drain 2022 will be held virtually at 7:00 p.m. on August 8, 2022; and

THAT Council consider provisional By-law No. 2022-51.

CARRIED

The Chairman stated that the Clerk will be mailing a copy of the Provisional By-Law duly passed tonight to the Landowner and affected parties as required by Section 46 of the Drainage Act along with the notice of The Court of Revision for the Luton Drain 2022 (By-Law 2022-51) will be held virtually the same as this meeting on August 8, 2022 at 7:00pm. Any owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds: any land or road has been assessed an amount that is too high or too low, any land or road that should have been assessed has not been assessed, due consideration has not been given to the use being made of the land by a written notice setting out the grounds of the appeal at least 10-days before the first sitting of the Court of Revision to the Chief Administrative Officer/Clerk of the Township of Southwold. Further under Section 48 of the Drainage Act any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that, the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof and/or the drainage works should be modified on grounds to be stated and/or the compensation or allowances provided by the engineer are inadequate or excessive may appeal to the Tribunal, and in every case a notice of appeal shall be served within 40 days of the mailing of the Provisional By-Law.

The Chairman concluded that a fact sheet is available that explains the appeals that are available to landowners under the Drainage Act as well as the required forms are available for pick up at the Township of Southwold Office or they could be sent to you by regular mail or email.

2022-180

Councillor Pennings – Councillor Emons

**Adjournment of Mtg
to Consider Report –
Luton Drain 2022**

THAT the Meeting to Consider the Report for the Luton Drain 2022 hereby adjourns and the regular meeting of Council reconvenes at **7:08 p.m.**

CARRIED

REPORTS:

**2022- 181 Deputy Mayor Monteith – Councillor Emons Union Road –
Request for No Parking Signs**

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.

CARRIED

**2022-182 Deputy Mayor Monteith – Councillor Pennings Memorandum of
Understanding – KCCA**

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.

CARRIED

PLANNING:

7:15 p.m. Official Plan Amendment and Zoning By-law Amendment – OPA 2022-01 and ZBA 2022-06 North/Turville 4485 Thomas Road/4509 Union Road

In attendance: D. Lunn, B. Rosser, J. Van De Gevel, D. Shields, W. Pol, A. Muirhead, D. Lyle, M. Mescia, K. Tugwood.

**2022-183 Councillor Pennings – Councillor Emons Public Meeting OPA
2022-01 and ZBA 2022-06**

THAT Council of the Township of Southwold now sits as a public meeting under the Planning Act to consider application to amend the Official Plan and zoning on the properties owned by Peter and Deneen North and Frank Turville C/O Domus Development Inc.

CARRIED

The Mayor stated that is a public meeting as required by Sections 16 and 34 of the Planning Act to afford any person an opportunity to make representation with respect to a proposed Official Plan Amendment and Zoning By-law Amendment to redesignate and rezone a portion of the lands known as 4485 Thomas Road from residential to agricultural area and from settlement reserve (SR) to Agricultural 1 Special Provision 64 (A1-64) to permit agricultural uses and permit the existing undersized lot area; and also redesignate and rezone a portion of the lands known as 4509 Union Road from Agricultural Area to

Residential and from Agricultural 3 Special Provision 2 (A3-2) to Settlement Reserve (SR) to permit Agricultural uses only as this time resulting in a settlement area boundary adjustment for North Port Stanley.

The Mayor asked if any members of Council have a disclosure of interest concerning the proposals. None were declared.

The Mayor asked what method of notice and when was the notice given to the public for this meeting. The Clerk responded that a sign was posted on the properties by June 7th, 2022. Notices were mailed to property owners within 120 metres and emailed to Agencies on June 2nd, 2022.

Planner Heather James presented her report to Council. Ms. James noted in her report that only 10.6 ha (26 acres) of the proposed residential designation are developable lands due to being adjacent to locally significant wetlands. Ms. James read a letter that was received on Monday June 27, 2022 from the Elgin Federation of Agriculture. The letter stated they have concerns regarding the land swap and the impact on the agricultural lands. Ms. James also read letters received from resident D. Shields and William Pol, Planning Consultant for Great Lakes Farms. Both letters address concerns about these applications.

The Mayor asked the Clerk if any comments have been received from Staff. The Clerk responded yes, staff comments were received as detailed in the Planning Staff Report.

The Mayor asked the Clerk if we received any written submissions on this application. The Clerk responded no agency comments were received, at the time of writing. 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 applications for the Official Plan Amendment and Zoning By-law Amendment, please ensure that they email their names, address and postal code and phone number to the Planner or Clerk by June 28, 2022. Any person that has contacted the Planner to be part of the public meeting today will receive this further information automatically.

Barbara Rosser, Land Use Planner on behalf of the authorized agent, Domus Development Inc reported that they have read and agree with the Township's Planner planning report. Several reports and studies were submitted in support of the applications. Ms. Rosser noted to Council that in preparation of her report to the developer a Stage One Traffic Impact Assessment and Spray Drift Scenario Report were included. These reports were prepared to better understand the agricultural operations and what impacts could likely be anticipated with regards to the proposed the development coming out of the land swap and identify any mitigated measures that will need to be taken. The OFA draft Agricultural

Impact Assessment Guidance report was also used. These studies concluded that no traffic will be impacted and as long as best practice for spraying have been met, there should be any problems. Ms. Rosser noted that OFA document from 2018 is a draft and did not take in account of land swaps. The Provincial Policy Statement for land swaps can into effect in 2020. This part of Southwold abuts a larger settlement area of Port Stanley and existing development. It is not a new settlement area but a boundary adjustment with no net gain. The new Southwold Official Plan extended the settlement area boundary into the southern part 4509 Union Road property.

Ms. Rosser also reported that Domus Developments Inc have conducted discussions with Great Lakes Farms and have agreed in principle the need for normal farming measures. A suggestion the wording for a warning clause as for normal farming practices could be included in the development agreement for the draft plan of approval. More information would be provided to purchasers as an understanding of what occurs on an orchard operation. The drainage would be the responsibility of the developer and shouldn't impact neighbouring properties. Fencing would be appropriate measures for 4263 Union Road. It is noted that 4509 Union Road is more serviceable than 4485 Thomas Road. The next step is the adopting of the Official Plan Amendment and passing of Zoning By-law Amendment. A severance application for the northern 2.8 ha would be submitted for 4509 Union and would be preparing plan of subdivision and plan of condominium for approximate 200 units. Domus Department Inc. is quite respectful of the concerns brought to them from by Great Lakes Farms and wants to work with the neighbours.

William Pol provided a presentation on land use planning comments on behalf of Great Lakes Farms. He provided a brief history and future plans for Great Lake Farms. Great Lakes Farms goals are to work cooperatively with the Township and the developer to maintain and continue to expand good farming practices and develop good relationships. Reduce complaints. Be good neighbours for new residents. He commented on the concerns regarding wind machines, spraying and trespassing. The wind machine is one of the possible reasons why we there is a request for the warning clause to be place on the titles for the properties. Concerns were also raised about farm equipment and workers. A request for signage for slow moving vehicles and the potential for widening of Union Road by 1.5 m for a shoulder was also suggested. Building a new relationship between the farming community and these new residents would be good as well. An idea for a farm fresh produce membership entitling you to discounts and buying from local communities was also made. Mr. Pol commented that farming is important part of the community and there is provincial legislation that supports it. The Official Plan is in place to protect agricultural lands. Appreciates the efforts that Domus Developments has done and would like to continue that relationship. Great Lakes Farms would like to continue to operate using normal farm practices, continue to expand their operation and work with the Township and Domus Developments.

Donna Lunn, Elgin Federation of Agriculture commented that the EFA are supportive of the Township's efforts for the need for housing requires for future growth but keeping in mind the agriculture impacts. She reported that under the Provincial Policy Statement

that land swap is allowed. Supports Great Lakes Farms ensuring the safety and security of their farm operation in the future. The Ontario Federation of Agriculture has a document that can be shared with new residents, and it can be edited to meet our specific requirements.

Mayor Jones commented that on behalf of Council, we take our agriculture lands and farmers very seriously. We have included clauses in development agreement that state to what was presented now and will continue to do so.

**2022-184 Deputy Mayor Monteith – Councillor Pennings OPA 2022-01 and
ZBA 2022-06, North/Turville
4485 Thomas Road/4509 Union Road**

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;

AND 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.

CARRIED

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

**2022-185 Councillor Pennings – Councillor Emons Adjournment
of Public Mtg**

THAT the public meeting to consider the application to amend the Official Plan and zoning on the property owned by the Official Plan and zoning on the properties owned by Peter and Deneen North and Frank Turville C/O Domus Development Inc. ends and the regular meeting of Council reconvenes at **8:06 p.m.**

CARRIED

8:08 p.m. Committee of Adjustment MV 2022-05

Alora Homes (Anthony Caputo) C/O Claude Farhat, 19 Rea Court

In attendance: C. Farhat

2022- 186 Councillor Emons – Deputy Mayor Monteith MV 2022-05

THAT the regular Council meeting adjourn to sit as a Committee of Adjustment to hear minor variance application MV 2022-05, filed by Alora Homes (Anthony Caputo) C/O Claude Farhat at **8:08 p.m.**

CARRIED

**2022-187 Deputy Mayor Monteith – Councillor Pennings Adjournment of
C of A**

THAT the meeting of the Committee of Adjustment to hear application MV 2022-05, filed by Alora Homes (Anthony Caputo) C/O Claude Farhat adjourns and the regular meeting of council reconvenes at **8:15 p.m.**

CARRIED

BREAK 8:15 p.m. – 8:18 p.m.

**2022- 188 Councillor Pennings – Councillor Emons ZBA 2022-04
Recommendation Report 2nd Update**

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.

CARRIED

**Deputy Mayor Monteith – Councillor Pennings Request to Initiate
Amendment to the
Twp. Of Southwold OP**

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.

CARRIED

**Councillor Pennings – Councillor Emons Planning Pre-Application
Consultation and Completeness
of Planning Applications**

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.

CARRIED

**Deputy Mayor Monteith – Councillor Emons Site Plan Control
By-law**

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.

CARRIED

REPORTS:

2022-192 Councillor Pennings – Deputy Mayor Monteith Delegation By-Law Amendment

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

CARRIED

2022-193 Councillor Pennings – Councillor Emons User Fee Amendment Cash – in-Lieu of Parkland

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.

CARRIED

County Council Highlights – June 14, 2022

Mayor Jones presented the highlights to Council.

BY-LAWS:

- By-law No. 2022-45, being a By-law to amend By-law No. 2011-14, Additional Dwelling Units
- By-law No. 2022-51, being a by-law to provide for drainage works – Luton Drain 2022
- By-law No. 2022-54, being a by-law to adopt Southwold Official Plan Amendment 2022-01
- By-law No. 2022-55, being a by-law to amend By-law No. 2011-14- North/Turville, 4485 Thomas Road/4509 Union Road
- By-law No. 2022-56, being a by-law to amend By-law No. 2021-33, being a by-law to delegate authority.
- By-law No. 2022-57, being a by-law to appoint Township Officials – M. Lant
- 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.
- 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.
- By-law No. 2022-60, being a by-law to enter into a memorandum of understanding with Kettle Creek Conservation Authority
- By-law No. 2022-61, being a by-law to amend Cash-in-Lieu of Parkland Fees By-law No. 2021-73
- 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

2022-194 Deputy Mayor Monteith – Councillor Pennings By-laws

THAT By-laws Nos. 2022-45, 2022-51, 2022-54, 2022-55, 2022-56, 2022-57, 2022-58, 2022-59, 2022-60, 2022-61 and 2022-62 be read a first and second time.

CARRIED

2022-195 Councillor Emons – Councillor Pennings By-laws

THAT By-laws Nos. 2022-45, 2022-54, 2022-55, 2022-56, 2022-57, 2022-58, 2022-59, 2022-60, 2022-61 and 2022-62 be read a third time and finally passed.


CARRIED

ADJOURNMENT:

2022-196 Councillor Pennings – Deputy Mayor Monteith Adjournment

THAT Council for the Township of Southwold adjourns this Regular meeting of Council at **9:05 p.m.**

CARRIED



Mayor
Grant Jones



CAO/Clerk
Jeff Carswell