Call to order:

Council in Attendance:
Paul Gowing, Mayor
Jamie Heffer, Councillor
Dorothy Kelly, Councillor
Jim Nelemans, Councillor
John Smuck, Councillor
Sharen Zinn, Councillor

Purpose: Special meeting authorized by Motion No. 428-2017 to deal with Planning Matters.

Agenda:
Adoption of Agenda:
Moved by
Seconded by
"That the agenda for the meeting August 22nd, 2017 be adopted as circulated or amended."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

Declaration of Pecuniary Interest:
Does any member wish to declare a pecuniary interest?
State interest and nature
4) Business:

1. Planning: 7:00 pm
Craig Metzger and Jennifer Burns – Huron County Planners

4.1 Enter into a Public Meeting:
Move by Seconded by
"That the regular session of council be adjourned and enter into a Committee of Adjustment Meeting under Section 45 of the Planning Act."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

4.2 Committee of Adjustment: Minor Variance 7:00 pm
Jennifer Burns – Huron County Planner

4.2.1 Motion to enter into a Committee of Adjustment Meeting
Move by Seconded by
"That the Council adjourn the regular session of Council and enter into a Committee of Adjustment meeting, to consider a minor variance application."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

4.2.2 Committee of Adjustment Meeting attached
Subject Lands: Part of South Part of Lot 4, Concession 8, Morris 40452 A Moncrieff Road

1. Call to order - by Mayor Paul Gowing
2. Purpose of the Public Meeting – Mayor Gowing

PURPOSE AND EFFECT:
To reduce the (MDS) Formulae setbacks to allow the construction of a residence on
Part of the South Part of Lot 4 Concession 8, 40452 ‘A’ Moncreiff Road,
1. from the Pig Barn North Part of Lot 4 Concession 9, 40451 Moncreiff Road
and 2. from the Chicken Barn South Part of Lot 3 Concession 8, 40316 Moncrieff Road
and 3. from the Outdoor Manure Storage South Part of Lot 3 Concession 8, 40316 Moncrieff Road
Consideration: The Committee must consider the variance under the following aspects:

1. Is the variance minor?

2. Will the application maintain the appropriate development of the lands?

3. Will the application maintain the general intent of the Morris-Turnberry Zoning By-law 45-2014?

4. By-law and the Municipality of Morris-Turnberry Official Plan?

3. County Planning Department – Report by Jenn Burns attached

4. Comments Received – Nancy Michie

5. Applicants comments –

6. Public comments –

7. Council comments and questions –

8. Explanation of the Process following the Public Meeting by Mayor Gowing
   If the By-law is passed, the Secretary is required to send Notice of Decision, to all persons and agencies notified of this Public Meeting. There is a 20 day objection period from the time Notice of Decision has been mailed by first class mail, wherein submissions/letters of objections or support in respect to the passing of the by-law, will be received by the Clerk.

9. Adjournment:
   Moved by Seconded by
   “That the meeting be adjourned and re-enter regular session of council.”

Disposition
4.2.3 Decision:

Moved by Seconded by
“That the Committee of Adjustment of the Municipality of Morris-Turnberry hereby grants approval to the minor variance for Part of the South Part of Lot 4 Concession 8, Morris, 40452 ‘A’ Moncreiff Road, Municipality of Morris-Turnberry or

Conditions:

Reason for Decision:
The Committee considered the variance to be minor, and to maintain the appropriate development of the lands and to maintain the general intent of the Morris-Turnberry Zoning By-law and the Morris-Turnberry Official Plan or

""

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

4.2.4 Adjournment:

Moved by Seconded by
“That the meeting be adjourned and re-enter regular session of council.”

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
4.3 **Zoning By-law Amendment:**
Applicant - William Walton Haines
40573 Jamestown Road - and 86301 Clegg Line
Part of the North Part of Lot 5, Concession 2, Morris
Craig Metzger and Jennifer Burns – Huron County Planner will be in attendance

4.3.1 **Enter into a Public Meeting:**
Moved by [Name] Seconded by [Name]
"That the regular session of council be adjourned and enter into a Public Meeting under Section 34 of the Planning Act"," or
Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

4.3.2 **Re: Zoning By-law Amendment attached**

1. **Call to order** - by Mayor Paul Gowing

2. **Purpose of the Public Meeting** – Mayor Gowing

**PURPOSE AND EFFECT**
This application proposes to rezone Part Lot 5 Concession 2, Morris (86301 Clegg Line) from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The -H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.
3. County Planning Department - Report is attached

4. Comments Received –
   1. Rachel White – Biologist County of Huron attached
   2. Nicolle Smith – R J Burnside attached
   3. Maitland Valley Conservation Authority attached

5. Oral submissions at a public meeting or make written submissions to the Municipality of Morris-Turnberry before the by-law is passed,

6. Applicants comments –

7. Public comments –

8. Morris-Turnberry Council comments and questions –

9. Explanation of the Process following the Public Meeting by Mayor Gowing
   If the By-law is passed, the Clerk is required to send Notice of Passing of the By-law, to all persons and agencies notified of this Public Meeting. There is a 20 day objection period from the time Notice of Passing of the by-law has been mailed by first class mail, wherein submissions/letters of objections or support in respect to the passing of the by-law, will be received by the Clerk.

10. Adjournment:
    Moved by Seconded by
    “That the meeting be adjourned and re-enter regular session of council.”

    Any discussion
    Is everyone in Favour or Opposed
    Disposition Carried or Defeated
4.3.3 **By-law:** The council has the option to give consideration to the By-law or defer the By-law for an amendment.

If an amendment to the by-law is required, the council should consider a motion under Section 34 (17) no further notice is required.

1. **No Further Notice is required:**  
   (Pending any changes)

   **Moved by**  
   "That the Council of the Municipality of Morris-Turnberry has held a public meeting pursuant to Section 34 (12) of the Planning Act, 1990, with respect to a proposed zoning by-law amendment for Concession 2, Part of the north part Lot 5, 86301 Clegg Line, former Township of Morris; and
   
   *Whereas* certain changes have been made to the proposed by-law following circulation;
   
   *Now therefore,* the Council of the Municipality of Morris-Turnberry hereby resolves that pursuant to Section 34(17) of the Planning Act, 1990, no further notice is to be given in respect to the proposed By-law No. 81-2017

   or

   Any discussion

   Is everyone in Favour or Opposed

   Disposition  
   Carried or Defeated

2. **Informed Decision:**

   **Moved by**  
   "That the Council of the Municipality of Morris-Turnberry has considered all oral and/or written submissions made in regards to the corresponding Zoning By-law for Concession 2, Part of the north part Lot 5, 86301 Clegg Line, former Township of Morris;
   
   *Now therefore,* the Council of the Municipality of Morris-Turnberry hereby resolves that the information has assisted the Council to make an informed decision in regards to the Zoning By-law for Concession 2, Part of the north part Lot 5, 86301 Clegg Line, former Township of Morris;

   or

   Any discussion

   Is everyone in Favour or Opposed

   Disposition  
   Carried or Defeated
3. 1. By-law- Zoning By-law Amendment: attached

Moved by Seconded by
"That By-law No. 81-2017 be passed as given first, second, third and final readings, being a by-law to rezone Concession 2, Part of the north part Lot 5, 86301 Clegg Line, former Township of Morris, from ER (Extractive Resources), ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) or ."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

Or

2. Deferral: That the zoning amendment be deferred due to the following.

5) Garden Suite Agreement: attached
A copy of the Garden Suite agreement is attached for review.

Moved by Seconded by
"That By-law No. 80-2017 be passed as given first, second, third and final readings, being a by-law to adopt a Garden Suite Agreement for the North Part of Lot 15 Concession 4, Geographic Township of Morris, Municipality of Morris-Turnberry or ."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
6) By-law No. 82-2017 Confirming By-law

Moved by Seconded by

"That By-law No. 82-2017 be passed as given first, second, third and final readings, being a by-law to Confirm the actions of the Municipality of Morris-Turnberry for the meeting August 22nd, 2017."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

7) Adjournment:

Motion No. -17

Moved by Seconded by

"That the meeting be adjourned at pm."

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
Municipality of Morris-Turnberry Committee of Adjustment

Notice of Public Meeting Concerning A Proposed Minor Variance
Planning Act RSO 1990 c. P. 13, s. 45 (5)

TAKE NOTICE that the Committee of Adjustment for the Municipality of Morris-Turnberry will hold a public meeting on:

TUESDAY August 22, 2017 at 7:00 pm

at the Municipality of Morris-Turnberry Municipal Council Chambers, 41342 Morris Road, to consider a proposed minor variance under Section 45 (2) of the Planning Act RSO 1990, as described below and shown on the attached map.

APPLICANT: John C Nesbit and Krista E. Nesbit

LOCATION OF PROPERTY: Part of the South Part Lot 4 Concession 8, Morris; 40452 'A' Moncrieff Road

PURPOSE AND EFFECT:
To reduce the (MDS) Formulae setback, to allow the construction of a residence on Part of the South Part Lot 4 Concession 8, 40452 'A' Moncrieff Road, from the Pig Barn North Part of Lot 4 Concession 9 40451 Moncrieff Road, a reduction of 21.54%
and 2. from the Chicken Barn South Part of Lot 3 Concession 8 40316 Moncrieff Road, a reduction of 7.5%
and 3. from the Outdoor Manure Storage South Part of Lot 3 Concession 8 40316 Moncrieff Road, a reduction of 8.98%.

EXISTING ZONING BY-LAW PROVISIONS:
This property is zoned AG 1 - General Agriculture and NE 2 Natural Environment

PROPOSED MINOR VARIANCE:
To reduce the (MDS) Formulae setbacks from existing agricultural structures to the proposed new residence, of:
335 feet from the Pig Barn at North Part of Lot 4 Concession 9, 40451 Moncrieff Road
A reduction of 21.54%
100 feet from the Chicken Barn at South Part of Lot 3 Concession 8, 40316 Moncrieff Road
A reduction of 7.5%
120 feet from the Outdoor Manure Storage located adjacent to the Chicken Barn at South Part of Lot 3 Concession 8, 40316 Moncrieff Road
A reduction of 8.98%.
Minimum Distance Separation (Residential)
Section 4.6 of the Morris-Turnberry Zoning By-law states that:
Notwithstanding any other provision of this by-law to the contrary, no residential, community facility, commercial, industrial or recreational building or structure, located on a separate lot shall be established unless it complies with the Minimum Distance Separation (MDS) Formulae.

PUBLIC HEARING- You are entitled to attend this public hearing in person to express your views about this application or you may be represented by counsel for that purpose. If you are aware of any person interested in or affected by this application who has not received a copy of this notice, you are requested to inform that person of this hearing. If you wish to make written comments on this application, they may be forwarded to the secretary-treasurer of the committee at the address shown below, prior to the hearing.

FAILURE TO ATTEND- If you do not attend at the hearing, it may proceed in your absence and, except as otherwise provided in the Planning Act, you will not be entitled to any further notice in the proceedings.

NOTICE OF DECISION- If you wish to be notified of the decision of the Committee of Adjustment in respect to this application, you must submit a written request to the committee of Adjustment. This will also entitle you to be advised of a possible Ontario Municipal board hearing in the event the decision on this application is appealed.

ADDITIONAL INFORMATION relating to the proposed minor variance is available for inspection between 9:00 a.m. and 5:00 p.m. at the Municipal Office.

Dated at the Municipality of Morris-Turnberry this 2nd day of August, 2017.

Nancy Michie, Secretary-Treasurer
Municipality of Morris-Turnberry
Attn: Committee of Adjustment
41342 Morris Rd,
PO Box 310, Brussels, ON N0G 1H0
Telephone: 519-887-6137 Ext 21
Email: nmichie@morristurnberry.ca
Amended by By-law 01-2016

Municipality of Morris-Turnberry
Schedule A

Key Map - Morris (Southwest)

See Morris (Northwest)

Property subject to Minor Variance

MUNICIPALITY OF CENTRAL HURON

138,000
To: Municipality of Morris-Turnberry  
From: Jennifer Burns, Planner  
Date: August 18, 2017  
Re: Application for Minor Variance on 40452 'A' Moncrieff Road  
Owners/Agent: John and Krista Nesbit

RECOMMENDATION  
It is recommended that application for a minor variance on 40452 'A' Moncrieff Road be approved subject to the following conditions:  
1. the new house be located within the footprint contained on the sketch that accompanied the application;  
2. build the new house as per the most recent submitted elevation drawings; and  
3. the variance approval is valid for a period of 18 months from the date of the Committee’s decision.

PURPOSE AND DESCRIPTION  
This application proposes to reduce required MDS distances to construct a new home. The specific requested variance is:  
1. to reduce the required MDS distance between the proposed new home and a neighbouring hog barn at 40451 Moncrieff Road from the required 1550' to 1220' (a 21.54% reduction).  
2. to reduce the required MDS distance between the proposed new home and a neighbouring poultry barn at 40316 Moncrieff Road from the required 1350' to 1250' (a 7.5% reduction).  
3. to reduce the required MDS distance between the proposed new home and the outdoor manure storage located at 40316 Moncrieff Road from the required 1350' to 1230' (a 8.98% reduction).

COMMENTS RECEIVED  

<table>
<thead>
<tr>
<th>Person/Agency</th>
<th>Summary of Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morris-Turnberry Staff</td>
<td>No Concerns</td>
</tr>
<tr>
<td>Neighbours</td>
<td>None Received</td>
</tr>
</tbody>
</table>

REVIEW  
The subject property is designated Agriculture and Natural Environment in the Morris-Turnberry Official Plan and zoned Agriculture (AG1) and Natural Environment (NE2) in the Morris-Turnberry Zoning By-law (Key Map- Morris Southwest). See Figures 1-2 below for an air photo and site sketch of the subject property.
Figure 1. Subject Parcel – Air Photo (subject property= blue)
Figure 2. Site Plan with MDS Distances
The subject property is an agricultural parcel with an existing bank barn and old shed. The proposed minor variance will permit the construction of a new residential dwelling on an existing farm parcel.

The applicant has requested variances to reduce the required MDS distance between the proposed new home and neighbouring chicken barn from the required 1350' to 1230', to the hog barn across the road from the required 1555' to 1220' and to the outdoor manure storage from the required 1555' to 1240'.

The applicant stated that it is not possible to comply with the zoning by-law because the grading of the land requires the house to be in the proposed location as it is level and dry. The proposed location situates the house in proximity to the road, taking less land out of production. Furthermore, if the applicant were to build a new home in compliance with the current MDS distances, the house would be situated further to the rear of the farm and would be more challenging to access. The grade and elevation of the land changes going towards the rear of the farm. Moving the house further to the rear does not provide a suitable location for the foundation of a house. Thus, the applicant is requesting a minor variance so that they can build a house on level ground and in proximity to the road.

Minor variances are required to satisfy four tests under the Planning Act before they can be approved. To be approved the requested variance must be:

1) minor,
2) desirable for the appropriate development or use of the land, building or structure,
3) maintain the general intent and purpose of the zoning by-law, and
4) maintain the general intent of the official plan.

Reduce the required MDS distance between the proposed new home and a neighbouring hog barn from 1555' to 1220' (by 21.54%)

The application is proposing to reduce the required MDS setback to construct a new home on the subject property. The required MDS setback to the hog barn across the road is proposed to be reduced by 21.54%. The applicant is part of the family that owns the barn creating the required MDS setback and the applicants are planning to return to the farm to work with the family operation. Any future purchaser of the proposed house on the subject property would be living directly across the road from an existing hog operation and thus, reducing the MDS to a neighbouring hog barn in the same ownership does not create any additional impact from a planning perspective. There are no foreseen adverse impacts to the neighbouring properties.

Reduce the required MDS distance between the proposed new home and a neighbouring poultry barn at 40316 Moncrieff Road from the required 1350 feet to 1250 feet (a 7.5% reduction); and to reduce the MDS distance between the proposed new home and the outdoor manure storage from the required 1350 feet to 1230 feet (by 8.98%).

The application is proposing to reduce the required MDS setback from the neighbouring poultry barn and outdoor manure storage. There is an existing house to the west of the proposed new dwelling, which is closer to the poultry barn/manure storage creating an MDS setback distance for the subject application. The house (40452 B Moncrieff Road) creates a much greater MDS issue for the poultry farmer than the proposed house to the east of 40452B. The house at 40452B Moncrieff Road reduces expansion capabilities in terms of MDS setbacks for the poultry farm more than the proposed dwelling. Therefore, given the location of the house at 40452B Moncrieff Road, constructing a new dwelling in the proposed location will not create further adverse impacts for the poultry farmer to the west. The poultry farmer has been consulted by the applicant, and has not submitted any concerns at the time of writing this report.

Staff commented on the application and have no concerns.

This application meets all four tests for a minor variance. There are no foreseen adverse impacts to surrounding properties, the MDS setback reduction is minimal and therefore the application is deemed
to be minor. The proposed development is desirable for the subject property as the use of the subject property will continue to be agricultural as intended by the Morris-Turnberry Official Plan and the Morris-Turnberry Zoning By-law. Consequently, the variances maintain the intent of both the Official Plan and Zoning By-law.

The variances requested are both minor and appropriate both in terms of their impact on the surrounding properties. As the four tests for a minor variance have been met, it is recommended that the requested variances be approved with conditions.

Please note this report is prepared without the benefit of input from the public as may be obtained through the hearing. The Committee should carefully consider any comments and/or concerns expressed at the hearing prior to making their decision on this application.

Sincerely,

Jennifer Burns
Planner
PUBLIC MEETING CONCERNING A PROPOSED
ZONING BY-LAW AMENDMENT
AFFECTING THE MUNICIPALITY OF MORRIS-TURNBERRY

TAKE NOTICE that Council of the Municipality of Morris-Turnberry will hold a public meeting on Tuesday, August 22, 2017 at 7:00 p.m. in the Council Chambers of the Municipality of Morris-Turnberry municipal office, 41342 Morris Road, Brussels to consider a proposed Zoning By-law Amendment under Section 34 of the Planning Act, R.S.O. 1990, as amended. The amendment affects the Morris-Turnberry Zoning By-law.

BE ADVISED that the Council of the Corporation of the Municipality of Morris-Turnberry considered this application to be complete on August 2, 2017.

ANY PERSON may attend the public meeting and/or make written or verbal representation either in support or in opposition to the proposed zoning by-law amendment.

IF a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Morris-Turnberry before the by-law is passed, the person or public body is not entitled to appeal the decision of the Municipality of Morris-Turnberry to the Ontario Municipal Board.

IF a person or public body does not make an oral submission at a public meeting or make written submissions to the Municipality of Morris-Turnberry before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

IF you wish to be notified of the decision of the Municipality of Morris-Turnberry on the proposed zoning by-law amendment, you must make a written request to the Municipality of Morris-Turnberry at the address listed below.

ADDITIONAL INFORMATION relating to the proposed by-law amendment is available for inspection during regular office hours at the Municipality of Morris-Turnberry, Municipal Office, 41342 Morris Road, Brussels (519-887-6137) and the Huron County Planning and Development Department, 57 Napier Street, 2nd floor, Goderich (519-524-8394 ext. 3).

Dated at the Municipality of Morris-Turnberry this 2nd day of August, 2017.

Nancy Michele, Administrator Clerk-Treasurer
Municipality of Morris-Turnberry,
PO Box 310, Brussels, ON NOG 1H0
(519)-887-6137
PURPOSE AND EFFECT
This application proposes to rezone Part Lot 5 Concession 2, Morris (86301 Clegg Line) from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The -H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.
WHEREAS the Municipal Council of the Corporation of the Municipality of Morris-Turnberry considers it advisable to amend Morris-Turnberry Zoning By-law 45-2014, as amended, of the Corporation of the Municipality of Morris-Turnberry; and

NOW THEREFORE the Council of the Corporation of the Municipality of Morris-Turnberry ENACTS as follows:

1. This by-law shall apply to Part Lot 5, Concession 2, Morris, in the Municipality of Morris-Turnberry and is comprised of Schedules 1-3.

2. By-law 45-2014 is hereby amended by changing from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2 (Extractive Resources – Special Zone with a Holding Symbol) the zone symbol of the lands identified as ‘zone change to ER1-2-H’ on the attached Schedule 3.

3. Section 12.5 of By-law 45-2014 is hereby amended by the addition of the following:

   12.5.2 ER1-2
   Notwithstanding the provisions to the contrary, in the area zoned ER1-2 the uses permitted in the AG1 zone are also permitted and the AG1 zone provisions apply to those uses with the exception that the minimum side yard depth for livestock buildings is 24 metres.

4. Key Map – Morris (Northwest), By-law 45-2014 is hereby amended as shown on the attached Schedule 3 of this by-law.

5. All other provisions of By-law 45-2014 shall apply.

6. This by-law shall come into force pursuant to Section 34(21) of the Planning Act, RSO 1990, as amended.

READ A FIRST TIME ON THE DAY OF , 2017.
READ A THIRD TIME AND PASSED THIS DAY OF , 2017.

Paul Gowing, Mayor

Nancy Michie, Administrator Clerk-Treasurer
By-law - 2017 has the following purpose and effect:

1. Part Lot 5 Concession 2, Morris (86301 Clegg Line) is rezoned from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The –H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.

2. This by-law amends the Municipality of Morris-Turnberry Zoning By-law 45-2014. All other zone provisions apply.

3. The location map and key map showing the location to which this by-law applies are found on the following pages and are entitled Schedule 2 and Schedule 3.
SCHEDULE 3
THE CORPORATION OF THE
MUNICIPALITY OF MORRIS-TURNBERRY
DRAFT BY-LAW - 2017

Municipality of Morris-Turnberry
Schedule A
Detail

August 02, 2017

Zone change from NE2 (Natural Environment Limited Protection) to ER1-2 (Listeract Resources - Special Zone with a holding symbol)

Zone change from LR1 (Listeract Resources) to LR1.2.11 (Listeract Resources - Special Zone with a holding symbol)
To: Municipality of Morris-Turnberry  
From: Jennifer Burns, Planner  
Craig Metzger, Senior Planner  
Date: August 17, 2017  
Re: Application for rezoning: Part Lot 5 Concession 2, Morris (86301 Clegg Line), Municipality of Morris-Turnberry  
Owner: Bill Haines  
Applicant: Haines Beef Farms

RECOMMENDATION
It is recommended that the application for zoning by-law amendment be approved. The --H holding symbol is to be removed when the following are satisfied:

- A scoped Environmental Impact Study is received, the MVCA and the County Biologist has reviewed the study and an agreement to implement the recommendations of that study has been entered into with the Municipality.
- A legally binding restoration plan is put in place on the subject property to ensure that the removal of established tree cover is mitigated. This plan should be approved by the county and by a registered professional forester retained by the property owners.

BACKGROUND
This application proposes to rezone Part Lot 5 Concession 2, Morris (86301 Clegg Line) from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The --H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.

"Planning with the community for a healthy, viable and sustainable future."
The applicants would like to construct a new beef barn on the northwest side of the property. The barn will house cattle and the manure will also be stored inside the facility. There are no concerns regarding Minimum Distance Separation (MDS) to neighbouring properties.

The Provincial Policy Statement 2014 (PPS) supports agricultural development in agricultural areas provided that MDS is met. The property is currently used for agriculture and the proposed development will allow for a new livestock facility to be constructed. No MDS concerns were identified when processing the application. The subject location of the proposed
The subject property is designated Proposed Mineral Aggregates and Non-Prime Agricultural in the Morris-Turnberry Official Plan. S.5.3.3 of the Official Plan states that buildings and structures (related to agriculture) are encouraged and shall be permitted on lands designated Mineral Aggregate. Agricultural and natural environment uses before and after mineral aggregate extraction are encouraged by the plan. A supportive aggregate impact assessment was completed and the consultant determined that the proposed rezoning would not have any negative impact on extractive resources in the future. The assessment noted that the area identified on site as a Primary Aggregate Resource with No Constraints in the Morris-Turnberry Official Plan may not contain sufficient quantity of good quality aggregate to warrant the pursuit of a commercial licensed pit. The report concluded that based on professional assessment of aggregate data from a variety of sources, the proposed rezoning of the site from ER1 to AG1 to allow for the construction of a cattle barn will not have a negative impact or significantly sterilize the deposit from future public use.

The location of the proposed livestock facility is zoned NE2, ER1 in the Morris Turberry Zoning By-law and designated Proposed Mineral Aggregates in the Morris Turnberry Official Plan. If the rezoning is approved and the cattle barn be constructed, the application will meet the intent of the Zoning By-law. This application proposes to construct a livestock building on land designated Extractive Resources, and continue/expand agricultural uses on the site and is therefore in conformity with the Official Plan.

There is no anticipated adverse impact from the construction of the proposed barn. The barn will be situated on a property that is currently used for agriculture. Agricultural uses have existed on the property for over 70 years. Furthermore, 26m (85 ft) of treed area will remain around the proposed barn to screen from the neighbouring property. The barn is a new type of facility whereby the manure will be stored inside and there are no concerns regarding MOS.

A site visit was completed with Dave Pullen, County Forester. Dave’s comments are as follows:
- two acres of tree cover have been removed in the area of the proposed barn on this site since the 2015 aerial photos were taken.
- from aerial photography and comparison of adjacent tree cover on the site, the two acre area appears to have been a woodland under the Huron County Forest Conservation Bylaw.
- of the area removed, 1.35 acres was a white pine plantation that was planted approximately 30 years ago under the Woodlands Improvement Act by Ministry of Natural Resources using public funds.
- while it may not now be feasible to replant trees on the area of tree removal, there should be a legally binding restoration plan put in place on the subject property to ensure that the removal of established tree cover is mitigated. This plan should be approved by the county and by a registered professional forester retained by the property owners.
Rachel White, County Biologist has indicated that to support the proposed development, the applicant must demonstrate that the proposed development has no negative impact on the natural heritage features or their ecological function. A memorandum from a qualified environmental consultant that includes the following information would address this requirement:

- Characterization of the current features within the area adjacent to where the barn is proposed to be constructed (at least 50 m from the edge of the cleared area), taking into account the linkages between features.
- Assessment of the possible impact the barn would have on the existing natural heritage features, and recommendations for how the impacts can be mitigated.
- Recommendations for a reforestation or naturalization of other areas on the property that are equal to or greater than the forested area that was cleared.

A holding symbol has been included as the area where the applicants would like to construct the beef barn is currently zoned NE2 (Natural Environment- Limited Protection). Since this area has potential to be of environmental/natural significance, the –H holding symbol will be removed once a supportive scoped Environmental Impact Study, which can be in the form of a memorandum from a qualified environmental consultant as outlined by the County’s Biologist is received and the applicant agrees to implement the recommendations of that review.

The applicants have retained Nicholle Smith, a Senior Terrestrial Ecologist with R.J. Burnside. Ms. Smith has provided preliminary comments and does not foresee any adverse impacts to the natural heritage features or functions located on or adjacent to the site at this time. In addition, Ms. Smith has indicated that additional mitigation measures including best management practices, erosion and settlement control and design will be included in a more detailed memorandum to follow. It is recommended that the holding symbol be removed once this memorandum is received and an agreement with the applicant to ensure that the recommendations of the study are implemented has been entered into with the Municipality.

The MVCA has delegated responsibility to represent the provincial interest on natural hazards. The Maitland Valley Conservation Authority (MVCA) has commented on the subject application in respect to the natural hazards on the subject property. The MVCA recommends that the proposed zoning amendment is in general conformance with the natural hazard policies of the Provincial Policy Statement (PPS, 2014.), provided the H-symbol is not removed until MVCA has reviewed the EIS and confirms potential hazard lands do not affect proposed development. It is recommended that prior to the municipality entering into an agreement with the applicant to ensure that the recommendations of the study are implemented, that the MVCA review the study and have the opportunity to comment further.

Municipal Staff have commented and have no concerns with the proposed zoning amendment.

At the time of writing this report, no comments have been received from neighbouring property owners.
It is recommended that the application for zoning by-law amendment be **approved**. The –H holding symbol is to be removed when the following are satisfied:

- A scoped Environmental Impact Study is received, the MVCA and the County Biologist has reviewed the study and an agreement to implement the recommendations of that study has been entered into with the Municipality.
- A legally binding restoration plan is put in place on the subject property to ensure that the removal of established tree cover is mitigated. This plan should be approved by the county and by a registered professional forester retained by the property owners.

Please note this report is prepared without the benefit of input from the public as may be obtained through the public meeting. Council should carefully consider any comments and/or concerns expressed at the public meeting prior to making their decision on this application.

Sincerely,

Jennifer Burns, Planner
FYI - will let you know when I hear from the MNR regarding the Haines property.

Thanks,

Jennifer Burns, MSc. | Planner  
Huron County Planning & Development Department  
57 Napier Street, Goderich, ON, N7A 1W2  
T. 519.524.8394 x 3 | F. 519.524.5677 | Email: jburns@huroncounty.ca

From: Jennifer Burns <jburns@huroncounty.ca>  
Sent: Monday, August 14, 2017 2:31 PM  
To: Nancy Michie  
Cc: Kirk Livingston  
Subject: FW: Barn at Morris, N Pt Lt 5, Con 2  
Attachments: regulations_map.pdf; Haines Info for MNR.docx; Morris Pt Lot 5 Conc 2 Morris - Natural Heritage.pdf  
Importance: High

FYI - will let you know when I hear from the MNR regarding the Haines property.

Thanks,

Jennifer Burns, MSc. | Planner  
Huron County Planning & Development Department  
57 Napier Street, Goderich, ON, N7A 1W2  
T. 519.524.8394 x 3 | F. 519.524.5677 | Email: jburns@huroncounty.ca

From: Rachel White  
Sent: Monday, August 14, 2017 2:26 PM  
To: 'Marriott, David (MNRF)'  
Cc: Laurence, Anne Marie (MNRF); Craig Metzger; Jennifer Burns  
Subject: Barn at Morris, N Pt Lt 5, Con 2  
Importance: High

Dear Dave,

This e-mail is a follow up to our phone conversation this afternoon regarding a rezoning application to allow the construction of a livestock barn at the North Part of Lot 5, Concession 2, Morris Township.

There are several attachments to this e-mail:
- Regulations map provided by the Maitland Valley Conservation Authority
- Background information and photos of the site (aerial and on the ground)
- Natural heritage comments provided to the Municipality of Morris-Turnberry

You'll note from the e-mail below that Anne-Marie Laurence has been circulated on this file as well (2 hours ago). I've cc'd Anne-Marie so she has the additional background information.

There are records of species at risk in the area. We would like to request technical comments from the MNRF regarding the potential impacts of this development on species at risk.

The public meeting for this application will be held on August 22nd. If technical comments were received before that date that would be much appreciated, although I realize this is a very tight timeline so we would understand if comments were received after that date.

Thank you,
Rachel
From: Erin Gouthro [mailto:egouthro@mvca.on.ca]
Sent: Monday, August 14, 2017 12:08 PM
To: 'richard@peakbuilder.ca' <richard@peakbuilder.ca>
Cc: annemarie.laurence@ontario.ca; Kirk Livingston <klivingston@morristurnberry.ca>; Waite, Deane (MNRF) (deane.waite@ontario.ca) <deane.waite@ontario.ca>
Subject: Inquiry Barn at Morris, N Pt Lt 5, Con 2

Importance: High

Richard;

Be advised based on the site plan submitted with the proposed barn 77’6” to the south of the existing shed there are no MVCA regulated areas where the barn is proposed. Therefore, MVCA does not require further review.

If the plan changes please recirculate MVCA

Be further advised of the following:

1) MVCA mapping shows Species at Risk Mapping in proposed location of the barn. I have copied Anne Marie Laurence on the file from the Ministry of Natural Resources. I would strongly advise contacting OMNR to ensure you don’t run afoul of the Endangered Species Act. I have also copied the Conservation Officer Dean Waite

2) MVCA advises you to contact the Morris-Turnberry for zoning. The proposed location is likely zoned natural environment and therefore does not allow for Beef Barns in that location. I have copied Kirk Livingston to this end.

I trust you will do your due diligence to follow up on the above issues.

Erin Gouthro
Regulations Officer
Maitland Valley Conservation Authority
519-335-3557, Ext. 242; Fax: 519-335-3516
1093 Marietta Street, P.O. Box 127
Wroxeter, ON
N0G 2X0
BACKGROUND
This application proposes to rezone Part Lot 5 Concession 2, Morris (86301 Clegg Line) from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The –H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.

SUBJECT PROPERTY (outlined in Blue)
Photos of the Property

Looking north to Jamestown Rd at the proposed site of the new barn.

Proposed site of the new barn.
We discussed the above-noted planning application by phone on Wednesday August 2, 2017. My understanding is the applicant, William Haines, would like to rezone a portion of the property currently zoned NE2 and ER1 to ER1-Special* to permit the construction of a livestock barn. The proposal is for the livestock barn to be constructed within an area that was formerly a mature pine plantation, but has recently been cleared.

Provincial and Municipal policies protect natural heritage features (natural environment) including woodlands, wetlands, wildlife habitat, among others. For the County to support this development, the applicant must demonstrate that the proposed new development would have no negative impact on the natural heritage features or their ecological function.

To do that, we require a memorandum from a qualified environmental consultant that includes the following information:

- Characterization of the current features within the area adjacent to where the barn is proposed to be constructed (at least 50 m from the edge of the cleared area), taking into account the linkages between features.
- Assessment of the possible impact the barn would have on the existing natural heritage features, and recommendations for how the impacts can be mitigated.
- Recommendations for a reforestation or naturalization of other areas on the property that are equal to or greater than the forested area that was cleared.

The memorandum will be reviewed by the County of Huron.

Thank you. If you have any questions about the comments I have provided, please feel free to call, or send an e-mail.
Hello Nicholle,

Thank you for your preliminary comments regarding the Haines property, they have been very helpful thus far. As per my phone message, it has come to our attention that Species at Risk is an important consideration for the property and will need to be addressed. We have had preliminary conversations with the MNR and they have suggested that you get in touch with them directly.

Please let me know if you have any further questions or concerns.

Kind Regards,

Jenn Burns

Jennifer Burns, MSc. | Planner
Huron County Planning & Development Department
57 Napier Street, Goderich, ON, N7A 1W2
T. 519.524.8394 x 3 | F. 519.524.5677 | Email: jburns@huroncounty.ca

---

Hello Nancy,

Thank you for getting in touch with me regarding this site. I completed a site visit yesterday to determine the baseline conditions on the site and to determine the location of the proposed 600 head cattle barn. The landowners were very helpful and showed me all of the pertinent aspects of the property.

The development proposal for this location includes the construction of a cattle barn to accommodate 600 head with self-contained indoor manure storage to accommodate the removal of 3 old barns with inferior environmental controls. The barn is to be located in an area of the site which has been previously cleared of a mature Red Pine plantation and graded using local materials. No additional site preparation activities are anticipated prior to commencement of construction activities.

The location of the barn provides a 30m buffer to both the remaining Pine plantation and the natural deciduous forest community, which is dominated by Sugar maple, White ash and poplar species. The proposed development does not include any potential for runoff of manure to the adjacent natural habitats, based on the containment structures associated with the barn. All barn lighting and access, including by machinery, will be limited to the front of the barn, away from the forested areas.

More sensitive features on the site, including a wet forest/swamp community and a seasonal drainage feature which flows through a culvert under the historic rail line are located more than 100m from the barn. As a result of the proposed buffers and appropriate spill containment measures, the proposed development is not expected to result in any adverse effects to the natural heritage features or functions located on or adjacent to the site. Additional mitigation...
measures, including best management practices, erosion and sediment control and design details will be included in a more detailed memorandum, to follow.

This email has been drafted to address your recommendation below and every effort will be made to complete the final memorandum for submission for August 22, 2017.

I hope that at this time this email is satisfactory for your interim needs and please do not hesitate to contact me if you have any questions.

Best regards,
Nicholle Smith
MEMORANDUM

TO: Craig Metzger, Senior Planner, County of Huron, via email
CC: Nancy Michie, Administrator, Clerk-Treasurer, Municipality of Morris-Turnberry, via email
Rachel White, Stewardship Coordinator, County of Huron, via email
Kirk Livingston, C.B.O, Municipality of Morris-Turnberry, via email
Erin Gouthro, Resource Planner / Regulations Officer, MVCA, via email
Brandi Walter, Environmental Planner/Regulations Officer, MVCA

FROM: Brandi Walter, Environmental Planner/Regulations Officer, MVCA
DATE: August 16, 2017
SUBJECT: Application for Zoning Amendment
Part Lot 5, Concession 2, Municipality of Morris-Turnberry, Geographic Township of Morris, County of Huron; 86301 Clegg Line

The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted proposed amendment with respect to natural hazards and groundwater features in accordance with our “Memorandum of Understanding” with the County of Huron; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards. We have also screened the application for proposed development located within MVCA’s Ontario Regulation 164/06 regulated area. Based on our review, we offer the following comments.

It is our understanding the purpose of the application is to rezone a portion of the lands from ER1 (Extractive Resources) and NE2 (Natural Environment - Limited Protection) to ER1-2-H (Extractive Resources - Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed. The H-symbol is to be removed once a supportive scoped Environmental Impact Study (EIS) is received and an agreement to implement the recommendations of that study has been entered into with the Municipality.

Natural Hazards:

Based on our desktop review of resource mapping, there appears to be an unevaluated, potential wetland on the subject property. See attached map. Wetlands are flood prone areas subject to unstable, organic soils not suitable for development.

It appears, based on the attached site plan, the proposed livestock structure is located outside of the unevaluated hazard land / wetland. However, to confirm the above, MVCA recommends the scoped EIS assess the area identified as potential wetland on the attached MVCA mapping.

If a wetland is confirmed by the EIS, all development should be located outside of wetland and set back far enough to avoid the hazards associated with wetlands.
As such, in order to provide further comment on the potential hazard land / wetland on the subject property, we request review of the draft EIS document. After which, MVCA can provide further direction to the Township regarding potential development in and adjacent to this feature.

**MVCA: Ontario Regulation 164/06:**

As noted above, the property features an unevaluated, potential wetland.

Wetlands plus 30 metres to the wetland boundary are MVCA regulated areas, pursuant to Ontario Regulation 164/06 made under the Conservation Authorities Act (R.S.O., 1990, chapter C.27). Subject to the Regulation, development (construction, reconstruction, filling, grading) interference, and alteration within Authority regulated lands requires permission from MVCA, prior to undertaking the work.

In order to confirm the regulatory status of the potential wetland, we reiterate our request: that the potential wetland be evaluated; and that, the draft EIS document be submitted to us for review.

**Groundwater Resources:**

The subject property is not affected by a wellhead protection area, vulnerable aquifer or a significant groundwater recharge area.

**Recommendation:**

The proposed zoning amendment is in general conformance with the natural hazard policies of the Provincial Policy Statement (PPS, 2014.), provided the H-symbol is not removed until MVCA has reviewed the EIS and confirms potential hazard lands do not affect proposed development.

**MVCA Fees:**

MVCA has not received our $225.00 fee for review of this application. As such, will invoice the applicant directly. Feel free to contact this office if you have any questions.

Thank you for the opportunity to comment at this time.
Ontario Regulation 164/06
Regulated Features

Middle Maitland Sub Basin
CON 2 PT N PT LOT 5 AND N PT;OF S PT LOT 5
Geographic Township of Morris
Morris-Turnberry
Huron County
86391 CLEGG LINE

Legend

Floodplain
15 metre Floodplain Allowance
Watercourses
15 metre Watercourse Buffer
Locally Significant Wetland (LSW)
Unevaluated Wetland

Copyright (c) Queen's Printer 1992, 2015
Aerial Photography taken in 2015 by Fugro Geospatial.
This map is for illustrative purposes only. Information contained herein is not a substitute for professional advice or site survey and is subject to change without notice. The Maitland Valley Conservation Authority bears no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

Planning & Regulations - Development - 2017 - General Inquiries
Date: August 16, 2017
Produced by: Brandi Walter
Robert Gibson Consulting Services Inc. was retained by Mr. Bill Haines to prepare an Aggregate Impact Assessment for the proposed rezoning of land noted above. This property is situated within a Primary Aggregate Resource with No Constraints as identified in the Official Plan Appendix dated 2006 titled “Sterilized, Constrained and Unconstrained Aggregate Resources” mapping for the Municipality of Morris-Turnberry.

The proposed rezoning is located within the North Part of Lot 5 and the North Part of South Part Lot 5, Concession 2 of the Municipality of Morris-Turnberry (Morris Ward) in the County of Huron (Figure 1). The property is located immediately west of Clegg Line travelling south from Jamestown Road for an approximate distance of 1500 metres. The area subject to rezoning is approximately 102.5 acres (41.5 hectares) in size and is currently zoned as ER1 - Extractive Resources and Mr. Haines is proposing to rezone the site to AG1 - General Agriculture to allow for construction of a cattle barn.

RESOURCE ASSESSMENT

A review of the Aggregate Resources Inventory Paper (ARIP) for the County of Huron compiled by the Ontario Geological Survey in 2004 was undertaken. The aggregate mapping (Figure 2) shows a portion of the site containing an aggregate deposit identified as a Selected Sand and Gravel Resource Area of Primary Significance in the Municipality of Morris-Turnberry. This particular aggregate resource area (18C) is described as one of three south trending esker formations running diagonally across the former Township of Morris. These eskers have historically been the site of extensive aggregate extraction and continue to be a source of aggregate for commercial purposes as there are two licensed pits actively operating within Resource Area 18C. The ARIP describes the deposit as having pit faces varying in depth of 3 – 8 metres. Gravel content in the pit areas ranged from
30% to 80% with an overall estimated average of 40%. The flanks of the eskers are characterized by sand and pebbly gravel with areas of excessive fine-textured sediment which would limit the usage of the aggregate within those areas. The esker formation is surrounded by a large mass of sand and gravel of tertiary significance identified as “Undifferentiated Ice-Contact Stratified Drift (IC)” and having a depth greater than 6 metres. These types of deposits are generally defined as glaciofluvial deposits formed either by contact with glacial ice or deposited by glacial meltwaters carrying the material beyond the ice margin. This specific deposit is identified as sand containing less than 35% gravel which would indicate that it may have resulted from meltwaters as the glaciers receded.

The surface area of the mapped Primary Resource Area that remains unlicensed is 33.3 hectares (82 acres) in size. Assuming an average depth of 5 metres, the possible aggregate resource available in Area 18C would be 1.7 million cubic metres (3 million tonnes). Approximately half of the deposit is mapped as being contained within the Haines property.

Table 2 of the Aggregate Resource Inventory Paper (Appendix A) identifies a permit for a wayside pit (W9-187) that was issued for the subject property. No records of the wayside pit were available from the Ministry of Natural Resources and Forestry; however, Table 2 has some limited details of the pit and describes it as having a face height of 6-7 metres with a gravel content of only 10% indicating it was very sandy material.

Aggregate Resource Mapping for the Municipality of Morris-Turnberry (Figure 3) produced by the County of Huron Planning and Development Department GIS Services identifies that a portion of the area proposed to be rezoned is located within an area of a Primary Aggregate Resource with No Constraints.

SITE ASSESSMENT

A physical inspection of the property was conducted on July 28, 2017 by the author of this assessment. The onsite inspection and subsequent viewing of 2017 vintage aerial photography of the aggregate deposit, indicates that previous aggregate extraction activities have occurred within the subject lands along Clegg Line. An area of the site along the western margin of the property that was observed to have been recently disturbed showed a significant amount of sand and silt material with little gravel or cobbles.

During the site inspection it was noted that several rural residential units are situated in proximity of the subject lands.
A review of the Municipality of Morris-Turnberry Zoning By-Law, Schedule “A”, Key Map-Morris Northwest (Figure 4) shows the present zoning of the site as ER1-Extractive Resources. The zoning of the surrounding land base is a mixed combination of AG1-Agriculture and NE2-Natural Environment (Limited Protection). The two licensed pits, located east of the site are zoned as ER1-Extractive Resources.

Land use designation mapping in Schedule “B” of the Municipality of Morris-Turnberry Secondary Plan (Figure 5) identifies the site as being partially located within an area designated as Proposed Mineral Aggregates and the remainder as Agriculture (Non Prime). The surrounding lands have a varied combination of land use designations including Mineral Aggregates (Existing), Proposed Mineral Aggregates, Agriculture, Agriculture (Non-Prime) and Natural Environment.

CONCLUSION

It is reasonable to conclude that the area identified on site as a Primary Aggregate Resource with No Constraints in the Morris-Turnberry Official Plan may not contain a sufficient quantity of good quality aggregate to warrant the pursuit of a commercial licensed pit. These conclusions are based on my visual observations of the site and the review of published data relating to the aggregate resource as previously discussed in this report.

Given the limited size and location of the proposed cattle operation in relation to the overall aggregate resource, it is expected that the proposed rezoning would have minimal impact on the future availability of the aggregate resource for public use. The proposed AG1 zone does allow for wayside permits for public authorities as a permitted use.

In order to minimize any possible sterilization of the aggregate resource, it is recommended that any viable aggregate material on site be utilized during the construction of the cattle barn.

In order to reduce potential impacts and minimize the sterilization of the nearby aggregate resource, buffers and/or setbacks could be established to separate the proposed cattle operation and any future aggregate extraction operation.

In conclusion, based on our assessment and the review of aggregate data from a variety of sources described in this report, it is my professional opinion that the proposed rezoning of the site from ER1-Extractive Resource to AG1-General Agriculture to allow for the construction of a cattle barn will not have a negative impact or significantly sterilize the aggregate deposit from future public use.
We trust this report has been completed within the terms of reference and is sufficient for your immediate requirements. If you have any questions or wish to discuss this further, please feel free to give me a call at (519) 894-0273.

Robert J. Gibson

August 3, 2017
Figure 1 Site Map

BILL HAINES REZONING PROPOSAL

N. Part Lot 5 and N. Part of S., Part Lot 5,
Con. 2 Municipality of Morris-Tumby
County of Huron

PREPARED BY:

Document Path: H:\BOB_GIBSON\9107 - GIBSON - Haines Aggregate Assessment\gis\mx\Figure 1 Site Map.mxd Date Saved: August 2, 2017

© 2013 DigitalGlobe Image courtesy of USGS EarthExplorer Geographics SIO © 2017 Microsoft Corporation
Subject Lands
Selected sand and gravel resource area, primary significance
Selected sand and gravel resource area, secondary significance
Sand and gravel deposit, tertiary significance

Licensed Pit Boundary with property number - Table 2
Unlicensed sand or gravel pit with property number - Table 2

Source: Ontario Geological Survey, Aggregate Resources inventory Paper 177, Huron County, 2004

Figure 2 Aggregate Resources

BILL HAINES REZONING PROPOSAL
N. Part Lot 5 and N. Part of S. Part Lot 5,
Con. 2 Municipality of Morris-Tumberry
County of Huron

PREPARED BY:

15 IDLEWOOD DRIVE
KITCHENER, ON N2A 1H9
PHONE: (519) 894-0273
FAX: (519) 894-9926

Save: August 2, 2017

Document Path: H:\BOB_GIBSON\19107 - GIBSON - Haines Aggregate Assessment\gis\Figure 2 Aggregate Resources.mxd
Figure 3 Aggregate Assessment

BILL HAINES REZONING PROPOSAL
N. Part Lot 5 and N. Part of S. Part Lot 5, Con. 2 Municipality of Morris-Turnberry County of Huron

PREPARED BY:
ROBERT GIBSON
15 IDLEWOOD DRIVE
KITCHENER, ON N2A 1H9
PHONE: (519) 894-0273
FAX: (519) 894-9525

Aggregate Resources
- Active Pit
- Primary - No Constraints
- Secondary - No Constraints


LOCATION OF LAND PROPOSED FOR REZONING
Figure 4 Zoning Map

BILL HAINES REZONING PROPOSAL
N. Part Lot 5 and N. Part of S. Part Lot 5, Con. 2 Municipality of Morris-Tumberry
County of Huron

PREPARED BY:

SOURCE:
Schedule "A" Municipality of Morris-Tumberry Zoning By-Law,
Key Map - Morris (Northwest)
Revision Date July 5, 2017

Subject Lands
Zone (AG1 unless otherwise noted)
ER1 Extractive Resource
Zone - NE2 (Limited Protection)
Conservation Authority
River/Stream

0 500 M N
1:20,000
<table>
<thead>
<tr>
<th>Pit No.</th>
<th>Owner/Operator</th>
<th>Licenced Area (Hectares)</th>
<th>Face Height (Metres)</th>
<th>% Gravel</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>252</td>
<td>Winters</td>
<td>-</td>
<td>3-4.5</td>
<td>75</td>
<td>P1-24</td>
</tr>
<tr>
<td>253</td>
<td>Unknown</td>
<td>-</td>
<td>4-7</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>254</td>
<td>Unknown</td>
<td>-</td>
<td>4</td>
<td>50-60</td>
<td></td>
</tr>
<tr>
<td>255</td>
<td>McCutcheon</td>
<td>-</td>
<td>3</td>
<td>Variable</td>
<td>W9-81</td>
</tr>
<tr>
<td>256</td>
<td>Unknown</td>
<td>-</td>
<td>3.6</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>257</td>
<td>Hyslop</td>
<td>-</td>
<td>3.6</td>
<td>45</td>
<td>W9-148</td>
</tr>
<tr>
<td>258</td>
<td>Hyslop</td>
<td>-</td>
<td>3-7.5</td>
<td>36-60</td>
<td>W9-16</td>
</tr>
<tr>
<td>259</td>
<td>Adams</td>
<td>-</td>
<td>6</td>
<td>65</td>
<td>W9-181</td>
</tr>
<tr>
<td>260</td>
<td>McCreary</td>
<td>-</td>
<td>-</td>
<td>50-55</td>
<td>W9-130</td>
</tr>
<tr>
<td>261</td>
<td>Unknown</td>
<td>-</td>
<td>2.4</td>
<td>10-20</td>
<td>W9-148</td>
</tr>
<tr>
<td>262</td>
<td>Earl Reichard</td>
<td>-</td>
<td>4.5</td>
<td>40%</td>
<td>W9-17</td>
</tr>
<tr>
<td>263</td>
<td>Unknown</td>
<td>-</td>
<td>6-8</td>
<td>70</td>
<td></td>
</tr>
<tr>
<td>264</td>
<td>Unknown</td>
<td>-</td>
<td>12-15</td>
<td>50-70</td>
<td></td>
</tr>
<tr>
<td>265</td>
<td>Unknown</td>
<td>-</td>
<td>1</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>266</td>
<td>Vogan</td>
<td>-</td>
<td>4-5</td>
<td>20</td>
<td>W9-52</td>
</tr>
<tr>
<td>267</td>
<td>Unknown</td>
<td>-</td>
<td>2.4-3</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

**Morris Township**

**Licenced Pits**

<table>
<thead>
<tr>
<th>Pit No.</th>
<th>Owner/Operator</th>
<th>Licenced Area (Hectares)</th>
<th>Face Height (Metres)</th>
<th>% Gravel</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>268</td>
<td>P. Jarchuk</td>
<td>5.00</td>
<td>12-14</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>269</td>
<td>D &amp; I Wattam Construction Ltd.</td>
<td>40.50</td>
<td>5-7</td>
<td>45-75</td>
<td></td>
</tr>
<tr>
<td>270</td>
<td>Joe Kerr Ltd.</td>
<td>21.40</td>
<td>6-8</td>
<td>45-80</td>
<td></td>
</tr>
<tr>
<td>271</td>
<td>Gordon Nicholson</td>
<td>41.00</td>
<td>8-10</td>
<td>55-60</td>
<td></td>
</tr>
<tr>
<td>272</td>
<td>Joe Kerr Ltd.</td>
<td>11.00</td>
<td>8-12</td>
<td>59</td>
<td></td>
</tr>
<tr>
<td>273</td>
<td>C. Yuill</td>
<td>20.00</td>
<td>8-10</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>274</td>
<td>George Radford Construction Ltd.</td>
<td>30.00</td>
<td>4-20</td>
<td>65-80</td>
<td></td>
</tr>
<tr>
<td>275</td>
<td>R.S. Procter</td>
<td>32.00</td>
<td>7</td>
<td>75</td>
<td></td>
</tr>
<tr>
<td>276</td>
<td>Hugh Ives</td>
<td>40.00</td>
<td>10-15</td>
<td>45-65</td>
<td></td>
</tr>
<tr>
<td>277</td>
<td>Mark Lichty</td>
<td>32.00</td>
<td>4-5</td>
<td>40-50</td>
<td></td>
</tr>
<tr>
<td>278</td>
<td>K. Jorritsma</td>
<td>2.30</td>
<td>6-7</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>279</td>
<td>K. Jorritsma</td>
<td>1.20</td>
<td>6-7</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>280</td>
<td>John McKercher</td>
<td>6.00</td>
<td>8</td>
<td>50-65</td>
<td></td>
</tr>
<tr>
<td>281</td>
<td>John McKercher</td>
<td>5.20</td>
<td>6-10</td>
<td>60-80</td>
<td></td>
</tr>
</tbody>
</table>

**Unlicenced Pits**

<table>
<thead>
<tr>
<th>Pit No.</th>
<th>Owner/Operator</th>
<th>Licenced Area (Hectares)</th>
<th>Face Height (Metres)</th>
<th>% Gravel</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>282</td>
<td>W. Wesseling</td>
<td>-</td>
<td>4.5</td>
<td>Variable</td>
<td>W9-93</td>
</tr>
<tr>
<td>283</td>
<td>D. Golley</td>
<td>-</td>
<td>4-5</td>
<td>50-70</td>
<td></td>
</tr>
<tr>
<td>284</td>
<td>Unknown</td>
<td>-</td>
<td>2-3</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>285</td>
<td>W. Haines</td>
<td>2</td>
<td>6-7</td>
<td>10</td>
<td>W9-187</td>
</tr>
<tr>
<td>286</td>
<td>H. Kerr</td>
<td>-</td>
<td>2.4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>287</td>
<td>Michie</td>
<td>-</td>
<td>5-6</td>
<td>60</td>
<td>W9-190</td>
</tr>
<tr>
<td>288</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>289</td>
<td>Unknown</td>
<td>-</td>
<td>3-6</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>290</td>
<td>R. Huber</td>
<td>-</td>
<td>4-5</td>
<td>10-20</td>
<td></td>
</tr>
<tr>
<td>291</td>
<td>Unknown</td>
<td>-</td>
<td>4-5</td>
<td>10-20</td>
<td></td>
</tr>
<tr>
<td>Pit No.</td>
<td>Owner/Operator</td>
<td>Licensed Area (Hectares)</td>
<td>Face Height (Metres)</td>
<td>% Gravel</td>
<td>Remarks</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------</td>
<td>--------------------------</td>
<td>---------------------</td>
<td>----------</td>
<td>---------</td>
</tr>
<tr>
<td>292</td>
<td>Jacklin Construction</td>
<td>-</td>
<td>1-8</td>
<td>40-60</td>
<td>W9-151</td>
</tr>
<tr>
<td>293</td>
<td>G. Vancamp</td>
<td>-</td>
<td>-</td>
<td>10</td>
<td>W9-165</td>
</tr>
<tr>
<td>294</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>295</td>
<td>Shortreed</td>
<td>-</td>
<td>7.5-9</td>
<td>44</td>
<td>S4-46</td>
</tr>
<tr>
<td>296</td>
<td>Bell's</td>
<td>-</td>
<td>10</td>
<td>-</td>
<td>S4-50</td>
</tr>
<tr>
<td>297</td>
<td>Unknown</td>
<td>-</td>
<td>10</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>298</td>
<td>Unknown</td>
<td>-</td>
<td>3</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>299</td>
<td>T. Bernard</td>
<td>-</td>
<td>-</td>
<td>73</td>
<td>S4-130</td>
</tr>
<tr>
<td>300</td>
<td>I. Gascho</td>
<td>-</td>
<td>2.4-3</td>
<td>50</td>
<td>W9-8</td>
</tr>
<tr>
<td>301</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>302</td>
<td>Schwartzentruber</td>
<td>-</td>
<td>2.7</td>
<td>40</td>
<td>W9-194</td>
</tr>
<tr>
<td>303</td>
<td>H. Johnson</td>
<td>-</td>
<td>2.4</td>
<td>40</td>
<td>W9-193</td>
</tr>
<tr>
<td>304</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>305</td>
<td>R. Somer</td>
<td>-</td>
<td>10</td>
<td>70</td>
<td>S4-147</td>
</tr>
<tr>
<td>306</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>307</td>
<td>McCall</td>
<td>-</td>
<td>-</td>
<td>30</td>
<td>S4-60</td>
</tr>
<tr>
<td>308</td>
<td>J. Blake</td>
<td>-</td>
<td>6</td>
<td>30</td>
<td>S4-105</td>
</tr>
<tr>
<td>309</td>
<td>Unknown</td>
<td>-</td>
<td>3</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>310</td>
<td>A. Henderson</td>
<td>-</td>
<td>9-10</td>
<td>45-60</td>
<td>W9-91</td>
</tr>
<tr>
<td>311</td>
<td>A. Cardiff</td>
<td>-</td>
<td>3-7</td>
<td>50-65</td>
<td>W9-195</td>
</tr>
<tr>
<td>312</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>313</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>314</td>
<td>Breckenridge</td>
<td>-</td>
<td>4.5</td>
<td>25</td>
<td>W9-124</td>
</tr>
<tr>
<td>315</td>
<td>Wheeler</td>
<td>-</td>
<td>3-6</td>
<td>33</td>
<td>W9-30</td>
</tr>
<tr>
<td>316</td>
<td>D. Chapman</td>
<td>-</td>
<td>1.5-4.5</td>
<td>10</td>
<td>W9-180</td>
</tr>
<tr>
<td>317</td>
<td>Unknown</td>
<td>-</td>
<td>-</td>
<td>20</td>
<td></td>
</tr>
</tbody>
</table>

Grey Township

<table>
<thead>
<tr>
<th>Licenced Pits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pit No.</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>318</td>
</tr>
<tr>
<td>319</td>
</tr>
<tr>
<td>320</td>
</tr>
<tr>
<td>321</td>
</tr>
<tr>
<td>322</td>
</tr>
<tr>
<td>323</td>
</tr>
<tr>
<td>324</td>
</tr>
<tr>
<td>325</td>
</tr>
<tr>
<td>326</td>
</tr>
<tr>
<td>327</td>
</tr>
<tr>
<td>328</td>
</tr>
<tr>
<td>329</td>
</tr>
<tr>
<td>330</td>
</tr>
<tr>
<td>331</td>
</tr>
<tr>
<td>332</td>
</tr>
<tr>
<td>333</td>
</tr>
<tr>
<td>334</td>
</tr>
</tbody>
</table>
SUMMARY OF QUALIFICATIONS

Robert Gibson Consulting Services Inc.

Robert J. Gibson

Robert Gibson Consulting Services have been preparing site plans for aggregate licence applications and site plan amendments since February, 1997.

Prior to establishing his private consulting service business, Mr. Robert Gibson had over 23 years experience working with the Ontario Ministry of Natural Resources. Mr. Gibson spent 15 years as an Inspector with the Aggregate Resources Program in the Cambridge MNR District Office administering licence applications and monitoring compliance of licensed pits and quarries in Wellington County and the Regional Municipality of Halton.

Mr. Gibson received approval by the Ministry of Natural Resources to prepare site plans under Section 8(4) of the Aggregate Resources Act on February 6, 1997.
WHEREAS the Municipal Council of the Corporation of the Municipality of Morris-Turnberry considers it advisable to amend Morris-Turnberry Zoning By-law 45-2014, as amended, of the Corporation of the Municipality of Morris-Turnberry; and

NOW THEREFORE the Council of the Corporation of the Municipality of Morris-Turnberry ENACTS as follows:

1. This by-law shall apply to Part Lot 5, Concession 2, Morris, in the Municipality of Morris-Turnberry and is comprised of Schedules 1-3.

2. By-law 45-2014 is hereby amended by changing from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2 (Extractive Resources – Special Zone with a Holding Symbol) the zone symbol of the lands identified as ‘zone change to ER1-2-H’ on the attached Schedule 3.

3. Section 12.5 of By-law 45-2014 is hereby amended by the addition of the following:

    12.5.2 ER1-2
    Notwithstanding the provisions to the contrary, in the area zoned ER1-2 the uses permitted in the AG1 zone are also permitted and the AG1 zone provisions apply to those uses with the exception that the minimum side yard depth for livestock buildings is 24 metres.

4. Key Map – Morris (Northwest), By-law 45-2014 is hereby amended as shown on the attached Schedule 3 of this by-law.

5. All other provisions of By-law 45-2014 shall apply.

6. This by-law shall come into force pursuant to Section 34(21) of the Planning Act, RSO 1990, as amended.

READ A FIRST TIME ON THE 22nd DAY OF August, 2017.
READ A SECOND TIME ON THE 22nd DAY OF August, 2017.
READ A THIRD TIME AND PASSED THIS 22nd DAY OF August, 2017.

Paul Gowing, Mayor

Nancy Michie, Administrator Clerk-Treasurer
By-law No. 81 - 2017 has the following purpose and effect:

1. Part Lot 5 Concession 2, Morris (86301 Clegg Line) is rezoned from ER1 (Extractive Resources) and NE2 (Natural Environment – Limited Protection) to ER1-2-H (Extractive Resources – Special Zone with a Holding Symbol) to allow for agricultural uses to continue and for livestock buildings to be constructed on the subject property with a reduced side yard setback for a livestock building from 30 metres to 24 metres. The -H holding symbol is to be removed once a supportive scoped Environmental Impact Study is received and an agreement to implement the recommendations of that study has been entered into with the Municipality. The area being rezoned is 44.5 hectares (110 acres) and contains a barn, shed and straw shed.

2. This by-law amends the Municipality of Morris-Turnberry Zoning By-law 45-2014. All other zone provisions apply.

3. The location map and key map showing the location to which this by-law applies are found on the following pages and are entitled Schedule 2 and Schedule 3.
Property to which this amendment applies
SCHEDULE 3
THE CORPORATION OF THE
MUNICIPALITY OF MORRIS-TURNBERRY
BY-LAW No. 81 - 2017

Zone change from NE2 (Natural Environment Limited Protection) to ER1-2-M (Extractive Resources - Special Zone with a holding symbol)

Zone change from ER1 (Extractive Resources) to ER1-2-11 (Extractive Resources - Special Zone with a holding symbol)

REVISION DATE
August 02, 2017

Municipality of Morris-Turnberry
Schedule A
Detail

JAMESTOWN ROAD

AG2

AG3

ER1

NE3

ynamtown Road

AG2

AG3

ER1

NE3
THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW No. 80 - 2017

"Being a by-law to adopt a Garden Suite Agreement with “Brian Calvin Workman and Jo-Anne Workman”

WHEREAS Section 5 of the Municipal Act, R.S.O. 2001, as amended, provides that a municipal power shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Council of the Corporation of the Municipality of Morris-Turnberry deems it expedient to enter into a Garden Suite Agreement with Brian Calvin Workman and Jo-Anne Workman;

NOW THEREFORE Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. That the Garden Suite Agreement with Brian Calvin Workman and Jo-Anne Workman, attached hereto, is hereby adopted.

2. That the Mayor and Clerk are hereby authorized to sign the Garden Suite Agreement on behalf of the Municipality.

3. That this By-law takes effect upon the date of final passing, for the property noted in Schedule ‘A’ of the agreement.

Read a First and Second Time 22nd day of August, 2017.
Read a Third Time and Finally Passed 22nd day of August, 2017.

Paul Gowing , Mayor
Nancy Michie, Clerk

I, Nancy Michie, Clerk of the Municipality of Morris-Turnberry, hereby certifies that this is a true copy of By-law No. 80-2017, for the Municipality of Morris-Turnberry, duly passed by Council on the 22nd day of August, 2017.

Nancy Michie, Clerk
SCHEDULE TO A DOCUMENT GENERAL
AGREEMENT MADE UNDER SECTION 39.1
OF THE PLANNING ACT, R.S.O. 1990

THIS AGREEMENT made this 22nd day of August, 2017

BETWEEN:

Brian Calvin Workman and Jo-Anne Workman
(Hereinafter called the “Owners”)

AND

Scott Frederick Zehr
(Hereinafter called the “Garden Suite Occupant”)

AND

THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY
(Hereinafter called the “Municipality”)

WHEREAS the Owners are the owners of the lands described in Schedule “A” attached hereto and made part hereof;

AND WHEREAS the Garden Suite Occupant is the person who is to temporarily occupy the said garden suite located on the lands described in Schedule “A” attached hereto;

AND WHEREAS the Owners have requested that the Municipality amend Zoning By-law No. 45-2014 to permit the establishment of a garden suite on the subject land as a temporary use, as set out in the Zoning Amendment By-law No. 76-2017;

AND WHEREAS Section 39 of the Planning Act, R.S.O. 1990, as amended, permits a municipality to adopt By-laws to authorize the temporary use of a Garden Suite;

AND WHEREAS the Municipality, Owners, and Garden Suite Occupant considers it desirable and appropriate to enter into an agreement regarding the Garden Suite;

NOW THEREFORE WITNESSETH that in consideration of the premises and the sum of ONE ($1.00) DOLLAR paid to the Municipality by the Owners (receipt whereof is hereby acknowledged), and in consideration of the Municipality approving the requested Zoning By-law Amendment for the establishment of a garden suite on the lands described in Schedule “A” attached hereto, the parties hereto agree as follows:

1. This Agreement affects the lands described in Schedule “A” attached hereto, and the Owners hereby consent to the registration of this Agreement against the title of the subject land. The Municipality shall be responsible for the registration. The Owners agree to pay all costs associated with same. The Municipality Clerk shall provide the Owners with a copy of the Agreement, as registered, within 30 days of the signing of the Agreement.

2. The Owners hereby agree to obtain the required approvals and/or respect conformity requirements for such matters as Zoning By-law regulations, Building Code Requirements, Septic System Requirements, as well as any other applicable approval which is required by law, prior to the placement of a Garden Suite on the subject land. For the purpose of this Agreement, a “Garden Suite” means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed and constructed to be portable.

One garden suite, being a double wide modular home with a maximum area of 136 m² may be placed on the property described in Schedule “A”.

3. The Garden Suite shall be located in the Garden Suite area as shown on the Site Plan sketch attached hereto as Schedule “B”. Schedule “B” shall form part of this Agreement.
4. Driveway access to the Garden Suite shall be by the existing driveway access to the principal dwelling situated on the subject land and as shown on the attached Schedule "B".

5. Water supply for the Garden Suite shall be from the existing well serving the principal dwelling on the subject land and as shown on the attached Schedule "B".

6. A new septic system shall be installed to serve the Garden Suite. The septic system shall be decommissioned to the satisfaction of the Municipality upon the removal of the Garden Suite.

7. The Owners hereby agree and warrant that the Garden Suite Occupant is to be the only person who will reside in the Garden Suite and further that the Owners will not permit any other person(s) to reside in the Garden Suite.

8. The Garden Suite Occupant hereby agrees and warrants that they shall be the only person who will occupy the Garden Suite and further will not permit any other person(s) to reside in the Garden Suite.

9. The Owners and the Garden Suite Occupant hereby agree that the Garden Suite shall not be established on the subject property and will not be occupied until such time that the necessary Zoning By-law Amendment has come into force.

10. After the establishment of the Garden Suite on the subject land, the Owners agree to maintain it as developed. Any changes to the Garden Suite and/or the immediate site of the Garden Suite must first be approved in writing by the Municipality. Amendments to this Agreement and associated Site Plan sketch may be required.

11. The Owners agree to remove the Garden Suite from the subject land within three months of the Garden Suite Occupant vacating the Garden Suite.

12. The Garden Suite Occupant hereby undertakes and agrees to vacate the said Garden Suite on or before August 22nd, 2037 (20 years from the temporary zoning by-law amendment taking effect). The Parties to this Agreement hereby acknowledge and agree that this Agreement shall expire once the said Garden Suite has been removed.

13. The Owners and the Garden Suite Occupant agree and warrant that they will not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the statutory authority or right of the Municipality to require and enforce each and every term, condition and covenant herein and confirm that this provision may be pleaded by the Municipality in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

14. The Owners, successors and assigns, hereby covenant to indemnify and save harmless the Municipality against any legal liability for losses, damages, claims, actions, demands, suits, and costs arising directly or indirectly from anything done by them or the Garden Suite Occupant or any of their servants, contractors or agents in connection with the performance under this Agreement.

15. Upon the removal of the garden suite from the subject land, the land shall be returned to the original state that existed prior to the establishment of the Garden Suite.

16. The Owners hereby agree to comply with each of the provisions of this Agreement and agree to provide to the Municipality security in the amount of $1,500.00 to assure performance of the terms and conditions of this Agreement and the said security shall be either:

(a) A cash deposit with the "Municipality";

(b) Any irrevocable letter of credit from a Chartered Bank of Canada or financial institution, in a form and upon such terms and conditions as may be approved by the Municipality; or

(c) Any other security in such a form negotiated with and approved by the Municipality which the Municipality deems to be sufficient security for the purpose of this Agreement and as otherwise provided herein.
17. The Owners agree that the Municipality, or its agents, may enter upon the subject property for the purpose of enforcing the terms of this Agreement and further that the Municipality may, at its sole discretion, use any or all of the $1,500.00 deposit referred to above to cover the cost of enforcing any and/or all terms of this Agreement. If the Municipality’s enforcement costs exceed $1,500.00, the Owners acknowledge and agree that the Municipality shall recover the additional expenses in a like manner as municipal taxes as provided for in Section 427 (3) of the Municipal Act, S.O. 2001 c. 25.

18. A cash or cheque deposit submitted to the Municipality shall be deposited by the Municipality and the remainder of unused funds shall be refunded to the Owner, upon completion of the agreement, to the satisfaction of the Chief Building Official.

IN WITNESS WHEREOF the Owners and Garden Suite Occupant have set their hand and the Municipality has hereunto affixed its corporate seal under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED
In the Presence of

PROPERTY OWNERS

Per: ____________________________  
Brian Calvin Workman

Per: ____________________________  
Jo-Anne Workman

GARDEN SUITE OCCUPANT

Per: ____________________________  
Scott Frederick Zehr

THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

Per: ____________________________  
Paul Gowing, Mayor

Per: ____________________________  
Nancy Michie, Administrator Clerk-Treasurer

“We have the authority to bind the Corporation.”
SCHEDULE “A”

Legal Description of the Lands to Which this Agreement Shall Apply

North Part of Lot 15, Concession 4, Geographic Township of Morris, Municipality of Morris-Turnberry

85453 Clyde Line

PIN 41330- 0060
CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 82-2017

"CONFIRMATORY BY-LAW"

Being a by-law of the Corporation of the Municipality of Morris-Turnberry to confirm the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry, for the meeting, dated August 22nd, 2017;

WHEREAS by Section 8 of the Municipal Act 2001, S.O. 2001, c. 25- A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS by Section 5. (3 ) of the Municipal Act 2001, S.O. 2001, c. 25 – 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;

AND WHEREAS it is deemed expedient that the proceedings of the Council of the Corporation of the Municipality of Morris-Turnberry for the August 22nd, 2017 meeting, be confirmed and adopted by By-law;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY ENACTS AS FOLLOWS:

1. The action of the Council of the Corporation of the Municipality of Morris-Turnberry at its meeting held the 22nd day of August, 2017, in respect of each recommendation contained in the Minutes and each motion and resolution passed and other action taken by the Council of the Corporation of the Municipality of Morris-Turnberry at the meeting, is hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law;

2. The Mayor and proper officials of the Corporation of the Municipality of Morris-Turnberry hereby authorized and directed to all things necessary to give effect to the action of the Council to the Corporation of the Municipality of Morris-Turnberry referred to in the preceding section thereof;

3. The Mayor and Administrator Clerk-Treasurer are authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of the Corporation.

Read a first, second and third time and passed this 22nd day of August, 2017.

Mayor, Paul Gowing   Clerk, Nancy Michie