MUNICIPALITY OF MORRIS-TURNBERRY
COUNCIL CHAMBERS
41342 Morris Road
Tuesday, September 18th, 2018  7:30 pm

AGENDA

Public Notice - Published in the Wingham Advance and Citizen Newspaper – July 25th, 2018
Posted on the Website –  July 18th, 2018
Agenda placement on the counter – September 14th, 2018
Notice placed on the front door –  August 8th, 2018

RECORDING EQUIPMENT: Excerpt from the Procedural By-law Section 28.1:
At the meetings of Council or a Committee, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by the members of the public, including accredited and other representatives of any news whatsoever, may be permitted and shall be subject to the approval of the Council and/or direction of the Mayor or Committee Chair, unless otherwise decided by the Council or a Committee, prior to the Call to order of the meeting.

Disclosure of recording equipment:
The Mayor or designate shall ask the members of the gallery if anyone wishes to request approval for the use of recording equipment, etc., as stated in the Council Procedural By-law. Please disclose Name and type of equipment to be used.

1) Call to order: Mayor Paul Gowing

2) Agenda:
   To add items to the agenda, please state item and nature of item
   ** Items must be added to the agenda to be discussed in ‘Other Business’

Adoption of Agenda:
Moved by  Seconded by
“That the agenda for the meeting of September 18th, 2018 be adopted as circulated or amended or”
Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
3) **Declaration of Pecuniary Interest:**
Does any member wish to declare a pecuniary interest?
   - State interest and nature

4) **Minutes:**

   4.1 Minutes
   Are there any errors or omissions to the minutes of the September 4th, 2018 Council Meeting?

   Moved by [Name]          Seconded by [Name]
   “That the minutes of the September 4th, 2018 Council Meeting, be adopted as circulated or as amended.”
   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated

5) **Business from the Minutes**

   Is there any business from the minutes to be discussed.

6) **Accounts**

   6.1 Account List:
   A copy of the September 18th, 2018 account listing is attached.

   A copy of the September 4th, 2018 account list is attached for Council’s information with the correction of the explanation of the Township of North Huron expense, listed as High Speed Internet and should be Water & Sewer billings.

   Moved by [Name]          Seconded by [Name]
   "That the 2018 Accounts dated September 18th, 2018 be approved for payment in the amount of $ _________**, or
   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated

   6.2 Pay Report
   Moved by [Name]          Seconded by [Name]
   "That the Council of the Municipality of Morris-Turnberry accept the pay reports, dated September 5th, 2018 or **.”
   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated
7) Planning-
   7.1 Site Plan and Zoning By-law Amendment 7:30 pm

   Jennifer Burns – Huron County Planner will be in attendance.

   The Public meeting was held April 3rd, 2018 and a motion to defer was made.

   Motion April 3, 2018:
   Motion: 161-2018  Moved by Jamie Heffer  Seconded by Sharen Zinn
   “That the Council of the Municipality of Morris-Turnberry hereby defers consideration of
   the By-law to rezone Plan 162 Pt Lot 71 (30 McCrea St) from CF (Community Facility)
   to VR2-1 (Village Residential – Medium Density – Special Provisions), for further
   information and address concerns of the neighbours.”
   Disposition Carried

   Information for Council review:
   Notice of Meeting attached
   Site Plan attached
   Planning Report by Jennifer Burns attached
   Stormwater Management Design Report attached
   Planning Opinion Report attached
   Lot and Grading Plan attached

1. Presentation by Scott Patterson - Senior Planner – Labreche Patterson &
   Associates Inc. - representing Dave Franken

2. Deputation - Steven Sek - property owner of 44 Hamilton Street
   Presentation is attached attached

   to be presented at the meeting.

4. Deputation – Chris Palmer – property owner of 33 Jane Street
   Presentation is attached attached
   (Note the deputation request was received past the deadline for deputations, however
   Mayor Gowing approved the insertion of the deputation in the agenda).

   At the June 5th, 2018 Council meeting, a motion was passed that the amendment to the
   site plan is considered as minor in nature, as shown below.

   Motion June 5, 2018:
   Motion: 297-2018  Moved by John Smuck  Seconded by Sharen Zinn
   “That the Council of the Municipality of Morris-Turnerry hereby gives direction to the
   Clerk that the revised site plan for 30 McCrea Street, Belgrave is considered to be minor
   in nature.”
   Disposition Carried
7.1.1 **By-law:** The council has the option to give consideration to the By-law or defer the By-law for an amendment.

1. **Deferral:** That the zoning amendment be deferred due to the following.
   Moved by ____________________ Seconded by ____________________
   “That the Council of the Municipality of Morris-Turnberry hereby defers consideration of the By-law to rezone Plan 162 Pt Lot 71 (30 McCrea St) from CF (Community Facility) to VR2-1 (Village Residential – Medium Density – Special Provisions), for further information or otherwise.”
   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated
   ** If Council pass the motion Item No. 7.1 to defer the amendment, then Items 7.2, 7.3, 7.4 will be deferred also.

2. **No Further Notice is required:** (Pending any changes)
   If an amendment to the by-law is required, the council should consider a motion under Section 34(17) no further notice is required.
   Moved by ____________________ Seconded 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 Plan 162 Pt Lot 71, 30 McCrea Street; 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. 66-2018 or otherwise.”
   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated

3. **Informed Decision:**
   Moved by ____________________ Seconded 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 Plan 162 Part Lot 71 (30 McCrea St), 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 Plan 162 Part Lot 71 (30 McCrea St), former Township of Morris; and

   Any discussion
   Is everyone in Favour or Opposed
   Disposition Carried or Defeated
4. By-law - Zoning By-law Amendment: attached

Moved by Seconded by
“That By-law No. 66-2018 be passed as given first, second, third and final readings, being a by-law to rezone Plan 162 Pt Lot 71 (30 McCrea St) from CF (Community Facility) to VR2-1 (Village Residential – Medium Density – Special Provisions). The rezoning is to allow for a single storey multiple dwelling (up to 4 dwelling units) to be constructed and to recognize reduced property frontage of 18.5m (61 ft). The minimum interior side yard setback is 9m from the west property line and 22m from the east property line. The minimum rear yard setback is 45m and the maximum building height is 9m. The subject property is approximately 0.5 ha (1.3 acres) in size and is subject to site plan control.”
or

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

7.2 Consent Applications: 8:30 pm

7.2.1 Consent Application - 85641 Clegg Line, Lot 5 Concession 3, Morris
Copy of the application, checklist and Planning report are attached. attached

Moved by Seconded by
“That the Council of the Municipality of Morris-Turnberry recommend consent for File # C 49/18 with the conditions as noted on the planning report or ”

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

7.2.2 Consent Application - 41928 Orange Hill Road, Lot 10 Concession 5, Turnberry
Copy of the application, checklist and Planning report are attached. attached

Moved by Seconded by
“That the Council of the Municipality of Morris-Turnberry recommend consent for File # C 50/18 with the conditions as noted on the planning report or ”

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
7.3 AG 4 Properties: requested by John Smuck
1. Permitted uses
2. Number of Animal Units

8) Property Standards Report
Kirk Livingston will present the report.

Moved by
"That the Council of the Municipality of Morris-Turnberry receive the Property Standards
Report, as submitted September 18th, 2018 or ."

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

9) Business:
9.1 Furnace
Report is attached.

Moved by
"That the Council of the Municipality of Morris-Turnberry approve the report to upgrade
the furnace for the municipal office and be considered for the 2019 budget
or ."

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

9.2 RED Program
Report is attached.

Moved by
"That the Council of the Municipality of Morris-Turnberry do hereby approve the RED –
Rural Economic Development Program application, for submission under the ‘Planning
Category’ for an Industrial Land Strategy Study, which will include:
1. D6/NPC-300 study
2. Archaeological assessment
3. Servicing Study, to include the Reserve Capacity
   for the area of ‘North Brussels’ within the boundaries of Huron East and Morris-
   Turnberry
   or ."

Seconded by
Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
9.3 Wayfinding Program/County of Huron
Moved by Seconded by
"That the Council of the Municipality of Morris-Turnberry receive the Signage Report as submitted on September 18, 2018"

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

10) Public Works:
Mike Alcock will be in attendance.

1. Operations Report
Letter from the Municipality of South Bruce is attached for Council’s information.
Moved by Seconded by
"That the Council of the Municipality of Morris-Turnberry receive the Operations Report dated September 18th, 2018"

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

2. Storage Building Tender Report

Moved by Seconded by
That the Council of the Municipality of Morris-Turnberry accept the tender of: Domm Construction in the amount of $108,883.20 including HST

or

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

3. Forestry Services Tender

Moved by Seconded by
That the Council of the Municipality of Morris-Turnberry accept the tender of: Eccles Forestry Ltd. in the amount of $2,950 plus HST

or

Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
4. Quotation for a grader mounted roller/packer

Moved by  
Seconded by

"That the Council of the Municipality of Morris-Turnberry accept the quotation submitted by Neilon Custom Metal Works for a New roller/packer for the 2017 John Deere grader in the amount of $19,000 (excluding HST)

or

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

11) By-Law:

11.1 Bylaw to authorize Site Plan agreement
for Part of Lot 66,67 Plan 162, Hamlet of Belgrave

Moved by  
Seconded by

"That By-Law No. 67-2018 be adopted as given first, second, third and final readings being a by-law to authorize a site plan agreement with Reinhardt Rental Holdings Ltd. and Joe Reinhardt Construction Ltd. and Michael Stephen DeGroot and Tracy Grace DeGroot for Part of Lot 66,67 Plan 162, Hamlet of Belgrave, Municipality of Morris-Turnberry

or

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

12) Council Reports:

Jamie Heffer:

Sharen Zinn:

Jim Nelemans:
Dorothy Kelly

John Smuck

Mayor Paul Gowing:

13) Items for Information
   1. In the Trenches Newsletter
   2. Thank you – Amanda Morrison

14) Minutes
   There were no minutes for review.

15) Other Business:
   Items must be added to the agenda to be discussed in ‘Other Business’

16) Additions to the agenda for the next meeting:
   1. Is there any business to add to the agenda for the next or any following meeting?

BREAK
17) Closed Session:
   Confidential Matters:
   1. Employee Matter

17.1 Enter into Closed Session:
Moved by ____________________________ Seconded by ____________________________
“That the Council adjourn the Public Session of Council and enter into a Closed to the Public
Session for the following matters:
   1. Employee Matter

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

17.2 Adjourn the Closed Session:
Moved by ____________________________ Seconded by ____________________________
“That the Council adjourn the Closed to the public session and re-enter regular open session of
council.”
Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated

17.3 Report to the Public from Closed Session.

17.4 Action from the Closed Session: (if required)
   1. Moved by ____________________________ Seconded by ____________________________

 Any discussion
Is everyone in Favour or Opposed
Disposition Carried or Defeated
18) By-law No. 65-2018 Confirming By-law attached

Moved by Seconded by
"That By-law No. 65-2018 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 September 18th, 2018."

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

19) Adjournment:
Moved by Seconded by
"That the meeting be adjourned at pm. and this is deemed to be a hour meeting."

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

Next Meetings:

1. Brussels Fair Tuesday, September 18, 2018 Opening Ceremonies
   Wednesday September 19, 2018 11:30 am Parade
2. Workman Municipal Drain Tribunal Wednesday September 26, 2018 9 am
3. Regular Council Meeting Tuesday October 2nd, 2018 7:30 pm
NOTICE OF AN APPLICATION FOR CONSENT FOR SEVERANCE

DATE: July 25, 2018

File #C49-18

TO:

Owner: James MacEwen  Applicant: Wayne & Linda Hopper
Nancie Michie, Clerk-Treasurer - Municipality of Morris-Turnberry
Huron County Health Unit
Jenn Burns, Planner, Huron County Planning Department

Enclosed is a copy of an application for Consent for your review and comments to the Huron County Planning & Development Department.

LOCATION OF PROPERTY

Municipality: Morris-Turnberry
Address: 85641 Clegg Line
Owner: James MacEwen

Lot 5, Concession 3, Morris Ward
Applicant: Wayne & Linda Hopper
Solitor: John Schenk

PURPOSE AND EFFECT

The purpose and effect of this application is for an addition to a lot. The proposed land to be severed is approximately 4 acres (1.62 ha) consisting of a house, shop and two storage sheds. The vacant land to be retained is approximately 96 acres (38.85 ha) consisting of agricultural land. It is proposed the land being severed will rectify and enlarge the current severance completed in 1976 in order to include the farm buildings (shop and two storage sheds).

LAST DAY FOR RECEIVING COMMENTS

We would appreciate your comments by August 8, 2018 as to whether or not your department or agency has any comments to this severance and whether or not any conditions should be imposed. All comments should be addressed to the Attention of Lisa Finch, Land Division Administrator at the following by e-mail address lfinch@huroncounty.ca or by regular mail to the address above and to the Attention of Lisa Finch, Land Division Administrator. We will assume you have no objections to the application if no comments are received by the time specified. If this does not provide you with sufficient opportunity to consider the application, please advise.

DECISION AND APPEAL

If you wish to be notified of the decision in respect to the proposed consent, you must make a written request to the Huron County Planning & Development Department c/o Ms. Lisa Finch, Land Division Administrator, Huron County Consent Granting Authority at 57 Nepier Street, 2nd Floor, Goderich, Ontario, N7A 1W2.

If a person or public body, that files an appeal of a decision in respect to the proposed consent, does not make written submission to the Huron County Planning Department before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

"Planning with the community for a healthy, viable and sustainable future."
1. PRE-SUBMISSION CONSULTATION
Applicants are strongly encouraged to contact the County and speak/meet with the Planner assigned to the Municipality before submitting an application for information specific to their application.

Date of Applicant’s consultation meeting with County Planner assigned to Municipality: **JUNE 19 2018**

2. APPLICATION INFORMATION

<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>Name of Owner</th>
</tr>
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<tbody>
<tr>
<td>WAYNE &amp; LINDA HOPPER</td>
<td>MacEwen</td>
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<table>
<thead>
<tr>
<th>Telephone Numbers</th>
<th></th>
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<tbody>
<tr>
<td>Home</td>
<td>Work</td>
</tr>
<tr>
<td>Fax</td>
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<tr>
<td>Email</td>
<td></td>
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<thead>
<tr>
<th>Solicitor name (if known)</th>
<th>Address</th>
<th>Tel: 519-357-4500</th>
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<tbody>
<tr>
<td>JOHN SCHENK</td>
<td>WINGHAM</td>
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</table>

 Correspondence to be sent to: [ ] to all parties, or [ ] applicant, and/or [ ] owner.

3. LOCATION OF THE SUBJECT PROPERTY – SEVERED & RETAINED

<table>
<thead>
<tr>
<th>Municipality:</th>
<th>Ward:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MORRIS TURBERRY</td>
<td>Morris</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Concession:</th>
<th>Lot Number(s):</th>
</tr>
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<tbody>
<tr>
<td>3</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Registered Plan:</th>
<th>Lot(s) Block(s):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reference Plan:</th>
<th>Part Number(s):</th>
</tr>
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<table>
<thead>
<tr>
<th>Municipal Address (911 number and street/road name):</th>
<th>Street Number:</th>
</tr>
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<tbody>
<tr>
<td>85641 CLEGG LINE</td>
<td></td>
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<table>
<thead>
<tr>
<th>Roll # (if available):</th>
</tr>
</thead>
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a) Are there any right-of-way easements or restrictive covenants affecting the severed or retained land?  Yes [ ] No [ ]

If Yes, describe the location of the right-of-way or easement or covenant and its effect:

b) Is any of the severed or retained land in Wellhead Protection Area C?  Yes [ ] No [X] Unknown [ ]

If Yes, please obtain a Restricted Land Use Permit from the Risk Management Official. If Unknown, please consult with your Municipal Planner and obtain a Restricted Land Use Permit if necessary.
4. PURPOSE OF THE APPLICATION
Type of proposed transaction: (Check appropriate box)

[ ] creation of a new lot
[XX] addition to a lot
[ ] an easement
[ ] other purpose (please specify)

Other: [ ] change
[ ] lease
[ ] correction of title

Briefly, describe the proposed transaction.

[ ] to rectify and enlarge current severance to include farm out buildings.

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

WAYNE & LINDA HOPPER

If a surplus severance, provide legal description and locations of other farm holdings of owner/purchaser.

If a lot addition, identify the lands to which the parcel will be added.

Municipality: Morris-Turnbury
Concession: 3
Registered Plan: ____________________________
Reference Plan: ____________________________
Name of Street/Road: Clegg
Ward: Morris's
Lot Number(s): 5
Lot(s) Block(s): ____________________________
Part Number(s): ____________________________
Street Number: 85641

5. DESCRIPTION OF SUBJECT LAND

Description land intended to be severed:

a) Frontage: @ 147 m
Depth: @ 136 m
Area: @ 44 acres
Existing Use(s) residential
Proposed Use(s) residential
Existing Building(s) or Structure(s) house, shop
and a storage shed
Proposed Building(s) or Structures n/a

b) Type of access: (check appropriate space)
[ ] provincial highway
[ ] county road
[XX] municipal road, maintained all year
[ ] municipal road, seasonally maintained
[ ] other

Description of land intended to be retained:

a) Frontage: @ 484 m + @ 390 m
Depth: @ 410 m
Area: 96 acres
Existing Use(s) AG
Proposed Use(s) AG
Existing Building(s) or Structure(s) n/a
Proposed Building(s) or Structures n/a

b) Type of access: (check appropriate space)
[ ] provincial highway
[ ] county road
[XX] municipal road, maintained all year
[ ] municipal road, seasonally maintained
[ ] other
6. **LAND USE**

a) What is the existing Official Plan designation of the property? **Agriculture**

b) What is the zoning of the property? **AG14 (TBD)**

c) Are any of the following uses or features on the subject land or within 500 metres of the subject land? Please respond “yes” or “no” to each use or feature.

<table>
<thead>
<tr>
<th>Use or Feature</th>
<th>On the Subject Land (yes or no)</th>
<th>With 500m of subject land, unless otherwise specified (indicate approximate distance) (yes or no)</th>
</tr>
</thead>
<tbody>
<tr>
<td>An agricultural operation, including livestock facility or stockyard</td>
<td>NO</td>
<td></td>
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<tr>
<td>A landfill</td>
<td>NO</td>
<td></td>
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<tr>
<td>A sewage treatment plant or waste stabilization plant</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A provincially significant wetland (Class 1, 2 or 3 wetland)</td>
<td>NO</td>
<td></td>
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<tr>
<td>A provincially significant wetland within 120m of the subject lands</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Flood plain</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A rehabilitated mine site</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A non-operating mine site within 1 km of the subject land</td>
<td>NO</td>
<td></td>
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<tr>
<td>An active mine site</td>
<td>NO</td>
<td></td>
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<tr>
<td>An industrial or commercial use (specify the use(s))</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>A former industrial or commercial use</td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>An active railway line</td>
<td>NO</td>
<td></td>
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<tr>
<td>A municipal airport</td>
<td>NO</td>
<td></td>
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</tbody>
</table>
### APPLICATION FOR CONSENT

<table>
<thead>
<tr>
<th>An underground storage tank or buried waste</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>A current Environmental Site Assessment for the site or has one been prepared within the last 5 years. If yes, please submit with application.</td>
<td>NO</td>
</tr>
</tbody>
</table>

7. **HISTORY OF PROPERTY**

   a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of the Planning Act or a consent under Section 53 of the Planning Act? Yes, No, Unknown [□]

   If Yes, and known, provide file number of the application and the decision made on the application.

   File Number: ________________________________

   Decision: ________________________________

   b) If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

   **Surplus Farmhouse Service Connected in 1976.**

   c) Is the subject land reserved for manure applications under the nutrient management plan or manure agreement that was submitted to the municipality? Yes [□] No [X]

   d) Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes [X] No [□] Unknown [□]

   If Yes, provide for each severed, the date of transfer, the name of the transferred and the land use.

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8. **PROVINCIAL POLICY**

   Is the application consistent with the provincial policy statement issued under Section 3 (1) of the Planning Act? Yes [□] No [X] Unknown [□]

9. **NATURAL HERITAGE**

   Has the Planner advised the Applicant that this application needs to be reviewed by the Huron County Stewardship Coordinator for comments on Natural Heritage matters.

   Yes [□] (submit a fee of $204.00 made payable to the Treasurer, County of Huron) No [X]

10. **HEALTH UNIT REVIEW:** Please answer **Section A OR Section B**, depending on the type of servicing available.

    **Section A**—Where **SANITARY SEWERS** are available.

    | Is the property within 183 metres (600 feet) of an abattoir (slaughter house) | Yes [□] No [X] |

    **Section B**—Where **SEPTIC SYSTEMS** are available.

    | The application is for the creation of a new lot for which the primary use will be a new dwelling (other than a new dwelling on a farm). | Yes [□] No [X] |
    | The severed parcel contains a residence or other building(s) serviced by an on-site sewage system? | Yes [X] No [□] |
    | If you answered Yes; is the on-site sewage system older than 5 years of age? | Yes [X] No [□] |
    | If you answered Yes; has the on-site sewage system been inspected by a licensed contractor within the past 3 years? | Yes [□] No [X] |
    | If you answered Yes; you are required to provide a certificate of inspection with your application. | |
    | If you answered No; you will be required to have an inspection carried out and provide a certificate of inspection as a condition of consent (severance) approval. | |
    | Is the property less than .4 hectares (1 acre) in area? | Yes [□] No [X] |
    | Does the property have less than .2 hectares (1/2 acre) of "useable land"** for a septic tank and leach bed? See definition of "useable land" below. | Yes [□] No [X] |
APPLICATION FOR CONSENT

| I am uncertain of the location of the existing septic tank and tile bed on the property. | Yes [ ] No [X] |
| There will be more than one dwelling unit on each lot. | Yes [ ] No [X] |
| An industrial or commercial use is proposed which will require a septic system. | Yes [ ] No [X] |
| It the property within 183 metres (600 feet) of an abattoir (slaughter house)? | Yes [ ] No [X] |
| The application is for a new Plan of Subdivision. | Yes [ ] No [X] |

"Usable Land" means an area of land with suitable original soil for the installation of a Class 4 subsurface sewage disposal system, free of any buildings, structures, swimming pools, etc. and such land is or will be used solely for a septic tank and tile bed and any future replacement of the tile bed, and which area is at least 3 metres (10 feet) from any property line, at least 15 metres (50 feet) from any drilled well, at least 30 metres (100 feet) from any dug well, at least 15 metres (50 feet) from any top-of-bank of a watercourse or lake, not located in a flood plain, not located in an environmentally sensitive area, and does not contain field tile or other artificial drainage. (Other restriction may apply according to legislation).

Note: Regardless of the results from Section A or B, some applications may require comments from the Health Unit as identified through the planning process. In these cases, the relevant fee shall apply.

If the answer to any question in Section B is "Yes" the Health Unit comments will be required and a fee must be submitted with your application: Cheque should be made payable to the Treasurer, County of Huron.

Health Unit Review Fee: $__________
Severance resulting in 2 lots or fewer: $268.00
Severance resulting in 3 lots or more: $509.00
Total Paid $__________

11. SKETCH CHECKLIST

The application shall be accompanied by a clean, legible sketch showing the following information. Failure to supply this information will result in a delay in processing the application.

Please do not use pencils for completing sketch as they do not copy well.

Please check the boxes indicating that your sketch provides the following information:

☐ boundaries and dimensions of the land that is to be severed and the part that is to be retained;
☐ boundaries and dimensions of any land owned by the owner of the subject land that abuts the severed and retained land;
☐ distance between the subject land and the nearest township lot line and/or landmark, such as a railway crossing or bridge;
☐ location of all land previously severed from the parcel;
☐ location of all wells, including abandoned wells, on neighbouring properties within 30m of lot lines of both the severed and retained lands subject to this consent application
☐ location of all natural and artificial features in the subject land and adjacent lands such as railways, roads, watercourses, drainage ditches, field drains, river or stream banks, wetlands, wooded areas and the location and nature of any easement affecting the subject land;
☐ location of all buildings, all wells, including abandoned wells and all components of a sewage system (i.e. septic tanks and weeping beds, communal sewage systems) on the severed and retracted lands, and the distance of each to the proposed new lot line;
☐ location of all buildings, wells, abandoned wells and all components of a sewage system (i.e. septic tanks and weeping beds) on the severed and retained lands, and the distance of each to the proposed new lot line;
☐ existing uses on adjacent land such as residential, agricultural and commercial uses;
☐ location of beach access - if the property is a recreational property, adjacent to or in proximity to the waterfront;
☐ location and nature of any easements affecting the property.
☐ whether sewage disposal will be provided by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
12. **APPLICANT'S/OWNER'S DECLARATION**

(This must be completed by the Person Filing the Application for the proposed development site.)

I, WAYNE HOPPER of the MORRIS TURNBERRY

In the Region/County/District HURON COUNTY solemnly declare that all of the statements contained in this application and supporting documentation are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act." I hereby acknowledge and accept the requirements and costs referred to in Notes listed.

**NOTES:**

Please be advised the responsibility for filing a complete application rests solely with the owner/applicant. Anything not requested or applied for in this application and subsequently found to be necessary (which may require another application(s) and fee(s)) are the sole responsibility of the owner/applicant. The County/Municipality will address only the application as applied for, and any items that are not included in the application are not the responsibility of the County/Municipality.

All studies required to support this application shall be at the expense of the applicant and included at the time of submission as a complete application. Where the County/Municipality incurs costs for the peer review of any consultants' reports or fees for legal opinions, the County/Municipality will be reimbursed such costs by the applicant.

In the event of third-party appeals to applications approved by the County/Municipality, the applicant may be responsible for some or all of the legal and other costs incurred by the County/Municipality, at the discretion of the County/Municipality.

DECLARED before me at:

Region/County/District HURON COUNTY

In the Municipality of MORRIS TURNBERRY

This 21st day of JUNE 2018

( Nomee)

Signature

WAYNE HOPPER

Please Print name of Applicant

Commissioner of Oaths

Municipality of Morris-Turnberry
PO Box 310,41342 Morris Road,
BRUSSELS, ON NOG 1H0
TO: PLANNING & DEVELOPMENT DEPT.  

57 NAPIER STREET,  

GODERICH ON N7A 1W2  

FILE: C49-18  

Owner: James MacEwen  

Applicant: Wayne & Linda Hopper  

Pt Lot 5 Con 3, Morris, Municipality of Morris-Turnberry  

<table>
<thead>
<tr>
<th>MUNICIPAL CONTROLS</th>
<th>YES or NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this transaction in conformity with your Official Plan?</td>
<td>Yes</td>
</tr>
<tr>
<td>Have you a Restricted Area (Zoning) By-law in effect under the Act?</td>
<td>Yes</td>
</tr>
<tr>
<td>If so, is this transaction in conformity with it?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Which of these services will be available and are connected to this land?</td>
<td></td>
</tr>
<tr>
<td>municipal water</td>
<td>No</td>
</tr>
<tr>
<td>sanitary sewers</td>
<td>No</td>
</tr>
<tr>
<td>Electricity &amp; garbage collection</td>
<td>Yes</td>
</tr>
<tr>
<td>911 Addressing</td>
<td>Yes</td>
</tr>
<tr>
<td>If municipal water and septic sewers are available, but not connected, please note.</td>
<td>N/A</td>
</tr>
<tr>
<td>Do the lots have direct access to a public road which is open and maintained by the municipality?</td>
<td>Yes-Clegg Line</td>
</tr>
<tr>
<td>Are the lots concerned subject to assessment under The Drainage Act?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does Council wish to impose Section 65 of the Drainage Act by the appointment of an engineer [65(1)] or by mutual agreement [65(6)]?</td>
<td>Yes</td>
</tr>
<tr>
<td>What is the surrounding land presently used for?</td>
<td></td>
</tr>
<tr>
<td>to the north</td>
<td>to the east</td>
</tr>
<tr>
<td>to the south</td>
<td>to the west</td>
</tr>
</tbody>
</table>

| If this application results in a new building lot, does Council consider the location to be satisfactory taking into account the rest of the municipality? | N/A |
| Does Council foresee any new demands for municipal services as a result of this kind of application? | No |
| Does Council intend to provide any new municipal services as a result of this kind of application? | No |
| Have the taxes been paid in full on the property subject to this severance? | Yes |

<table>
<thead>
<tr>
<th>RECOMMENDATIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does Council wish to recommend that up to 5% of the land be set aside for public purposes under Sec. 42(1) of the Act?</td>
<td>No</td>
</tr>
<tr>
<td>OR, alternatively, does Council wish to seek authorization to accept cash to the value of 5% land under Sec. 42(6) of the Act?</td>
<td>No</td>
</tr>
<tr>
<td>Having regard to the matters noted in the attached letter, does Council recommend consent be given?</td>
<td></td>
</tr>
</tbody>
</table>

Why? The application conforms to Section 3.4 (4) of the Morris-Turnberry Official Plan.
Should consent be granted, what conditions, if any would Council wish to see attached?

1. That the severed parcel be zoned to AG 4.
2. That an entrance be installed for the retained lands, prior to finalizing the consent.
3. Drainage Agreement is required with a fee of $200.00.

DATE: August 7, 2018  SIGNED-Clerk-
Consent Application Report – File C49/18

<table>
<thead>
<tr>
<th>Owner/Applicant</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne &amp; Linda Hopper</td>
<td>Sept. 12, 2018</td>
</tr>
<tr>
<td>(James McEwan)</td>
<td></td>
</tr>
<tr>
<td>Property Address:</td>
<td></td>
</tr>
<tr>
<td>85641 Clegg Line,</td>
<td></td>
</tr>
<tr>
<td>Brussels ON</td>
<td></td>
</tr>
<tr>
<td>Property Description:</td>
<td></td>
</tr>
<tr>
<td>Con 3 Lot 5, Morris Ward</td>
<td></td>
</tr>
</tbody>
</table>

**Recommendation:** That provisional consent be:
- ☑ recommended for approval with the attached conditions (and any additional municipal conditions)
- □ deferred to allow the applicant to provide additional information
- □ recommended for denial (referred to the County Committee of the Whole Day 1 for a decision)

**Purpose:**
- ☑ enlarge abutting lot
- □ create new lot
- □ surplus farm dwelling
- ☑ right-of-way / easement
- □ other:

<table>
<thead>
<tr>
<th>Area of Severed Property:</th>
<th>Official Plan Designation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5 acres</td>
<td>Agriculture</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area of Retained Property:</th>
<th>Zoning: Agriculture – Small Holding (AG4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>96 acres</td>
<td></td>
</tr>
</tbody>
</table>

**Review:** This application:
- ☑ Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);
- ☑ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) Planning Act);
- ☑ Conforms with section 51(24) of the Planning Act;
- ☑ Conforms with the Huron County Official Plan;
- ☑ Conforms with the Morris Turnberry Official Plan (S.3.4 (9))
- ☑ Complies with the Morris Turnberry Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and

- ☑ Has no unresolved objections/concerns raised (to date) from agencies or the public.

(Applications that are unable to meet all of the foregoing criteria will be referred to the County Committee of the Whole Day 1 for a decision)

**Agency Comments:**

<table>
<thead>
<tr>
<th></th>
<th>Not Received</th>
<th>No Objections</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron County Health Unit</td>
<td></td>
<td>☑</td>
<td>No concerns have been raised regarding this application. The lots have sufficient space for the septic system and contingency bed. Approval of application with condition.</td>
</tr>
<tr>
<td>Municipal Staff</td>
<td>☑</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 1- **Subject Property**: Yellow = Current property boundary; Blue = Proposed enlarged property boundary; Red = Proposed boundary of retained farmland.
Figure 2- Severed Parcel: Yellow = Current property boundary; Blue = Proposed enlarged property boundary (Note: The grain elevator on the southern edge of the subject property have been removed).

Additional Comments:
- This application is for a proposed minor lot enlargement for a small farm parcel. The subject property was previously severed from the surrounding farmland and farm buildings. The applicant wishes to enlarge their lot to include these farm buildings that surround their residence in order to store farm equipment that is used in the operation of other neighbouring farmland owned by the applicants. Since this property has previously been subject to a severance, Morris-Turnberry council agreed to take a 1' by 1' square from the yellow portion of the property. This effectively breaks the original severance to allow for the lot enlargement to effectively take place.
- This application proposes to enlarge the subject parcel from 0.88 acres to approximately 4.75 acres.
- The Provincial Policy Statement (PPS) 2014 allows for severances in the agricultural area subject to a list of criteria, including for legal or technical reasons, such as minor lot enlargements, provided no new lot is created.
- The Morris Turnberry Official Plan and the Huron County Official Plan contain criteria for the severing of farmland:
  - The Morris Turnberry and Huron County Official Plan both permit severances for minor lot boundary adjustments.
- Severances for agricultural purposes may be granted provided that the lots will have suitable agricultural operations either by themselves or in conjunction with other lands owned by the operator. These operations must also be suitable for long term agricultural use and flexibility.

- This severance will not impact the agricultural use of the retained farmland and as such, the application conforms to the Morris-Turnberry and Huron County Official Plans.

- S.3.21 of the Morris-Turnberry Zoning By-law provides policy for Minor Lot Enlargements. Where lands are severed and merged on title with abutting lands, the zoning on the abutting lands property shall apply to the lands to be merged on title. Thus, the zoning of the abutting lands (see blue in Figure 2) will automatically take on the zoning of the original parcel (see yellow in Figure 2) and the entire enlarged parcel will be zoned AG4.

- The Huron County Health Unit has commented upon this application and has not raised any concerns. The HCHU has advised that the applicant ensure that they provide a letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel.

- No concerns have been raised by Morris-Turnberry staff at this time.

- The applicant has made it known that they are seeking to create a right-of-way for the property that will ensure that the owner of the surrounding farmland is able to access to property. This right-of-way is proposed to be located at the southern edge of the property and if this application is approved, the right-of-way is proposed to be 15m wide by the length of the property (approximately 136m).

- In light of the above comments, the proposed consent is recommended for approval with the following conditions:

**Recommended Conditions**

*Note: The list below may not contain all Municipal conditions and should be reviewed by Morris-Turnberry Council.*

**Expiry Period**

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

**Municipal Requirements**

2. All municipal requirements, financial or otherwise, be met to the satisfaction of the Municipality (for example: servicing connections, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures).

3. The sum of $300 be paid to the Municipality as cash-in-lieu of parkland.

4. 911 addressing for the subject lands be dealt with to the satisfaction of the Municipality.

**Merging**

1. The severed land merge on title with the surrounding abutting property upon issuance of the certificate under Section 53(42) of the Planning Act, RSO 1990, as amended.

2. A firm undertaking be provided to the satisfaction of the County from the solicitor acting for the parties indicating that:
   a. the severed land and the abutting property will be consolidated into one P.I.N. under the Land Titles system; or
   b. where consolidation is not possible as the parcels to be merged are registered in two different systems (e.g. the Registry or Land Titles system), a notice will be registered in both systems indicating that the parcels have merged with one another and are considered to be one parcel with respect to Section 50 (3) or (5) of the Planning Act, R.S.O. 1990, C P.13 as amended.
Survey/Reference Plan

5. Provide to the satisfaction of the County and the Municipality:
   a) a survey showing the lot lines of the severed parcel and the location of any buildings thereon, and
   b) a reference plan based on the approved survey.
   c) the right-of-way be shown as a part on the reference plan.

Zoning

6. Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Storm Water and Drainage

7. Section 65 of the Drainage Act be addressed to the satisfaction of the Municipality.

Septic System Inspection

8. A letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land be provided to the satisfaction of the Huron County Health Unit and the Municipality.

Other

9. If a new entrance for the retained lands is required, that an access/entrance permit be obtained to the satisfaction of the Municipality.

10. A one square foot portion of the abutting property to which the severed land is to be merged be conveyed to the Municipality. A survey is to be provided showing the one square foot parcel as a separate part on the reference plan.

Sincerely,

“original signed by”

________________________

Eric Steele
Student Planner

“original signed by”

________________________

Jenn Burns
Planner
NOTICE OF AN APPLICATION FOR CONSENT FOR SEVERANCE

DATE: July 26, 2018

File # C50-18

TO:

- Owner/Applicant: Jim Jutzi (1742841 Ontario Ltd.)
- Nancy Nichie, Clerk-Treasurer - Municipality of Morris-Turnberry
- Huron County Health Unit
- Jenn Burns, Planner, Huron County Planning Department

Enclosed is a copy of an application for Consent for your review and comments to the Huron County Planning & Development Department.

LOCATION OF PROPERTY

Municipality: Morris-Turnberry
Address: 41928 Orange Hill Road
Owner/Applicant: Jim Jutzi (1742841 Ontario Ltd.)
Solicitor: Robert Johns

Lot 10, Concession 5

PURPOSE AND EFFECT

The purpose and effect of this application is for the creation of a new lot under the surplus farm residence policies. The proposed lands to be severed is approximately 1.68 acres (0.68 ha) consisting a house and driving shed. The vacant farmland to be retained is approximately 98.32 acres (39.79 ha).

LAST DAY FOR RECEIVING COMMENTS

We would appreciate your comments by August 9, 2018 as to whether or not your department or agency has any comments to this severance and whether or not any conditions should be imposed. All comments should be addressed to the Attention of Lisa Finch, Land Division Administrator at the following by e-mail address LFinch@huroncounty.ca or by regular mail to the address above and to the Attention of Lisa Finch, Land Division Administrator. We will assume you have no objections to the application if no comments are received by the time specified. If this does not provide you with sufficient opportunity to consider the application, please advise.

DECISION AND APPEAL

If you wish to be notified of the decision in respect to the proposed consent, you must make a written request to the Huron County Planning & Development Department of Ms. Lisa Finch, Land Division Administrator, Huron County Consent Granting Authority at 57 Napier Street, 2nd Floor, Goderich, Ontario, N7A 1W2.

If a person or public body, that files an appeal of a decision in respect of the proposed consent, does not make written submission to the Huron County Planning Department before it gives or refuses to give a provisional consent, then the Local Planning Appeal Tribunal may dismiss the appeal.

ADDITIONAL INFORMATION

Further information regarding this application will be available to the public for inspection between 8:30 a.m. to 4:30 p.m. - Monday to Friday at:

Huron County Planning & Development Department
57 Napier Street, 2nd Floor, Goderich, Ontario N7A 1W2

Alternatively, you may review the application at the local municipal office.

"Planning with the community for a healthy, viable and sustainable future."
APPLICATION FOR CONSENT
COUNTY OF HURON

1. PRE-SUBMISSION CONSULTATION
Applicants are strongly encouraged to contact the County and speak/meet with the Planner assigned to the Municipality before submitting an application for information specific to their application.

Date of Applicant’s consultation meeting with County Planner assigned to Municipality: Jan 16/18

2. APPLICATION INFORMATION

<table>
<thead>
<tr>
<th>Name of Applicant</th>
<th>Name of Owner</th>
<th>Check if same as Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Dutzi</td>
<td>1792841 Ontario Ltd</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone Numbers</th>
<th>Telephone Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home: 519-887-9052</td>
<td>Home:</td>
</tr>
<tr>
<td>Work: 519-887-6122</td>
<td></td>
</tr>
<tr>
<td>Fax: 519-887-9690</td>
<td></td>
</tr>
<tr>
<td>Cell: 519-357-0103</td>
<td>Fax:</td>
</tr>
<tr>
<td>Email: <a href="mailto:jimgutzi@bruseltransport.ca">jimgutzi@bruseltransport.ca</a></td>
<td>Cell:</td>
</tr>
<tr>
<td>Address: 85811 Brussels Line, R2Z-Bluevale ON</td>
<td>Email:</td>
</tr>
<tr>
<td>Postal Code: NOG 1G0</td>
<td>Address:</td>
</tr>
</tbody>
</table>

Solicitor name (if known): Robert Johns

Correspondence to be sent to: [ ] to all parties, or [ ] applicant, and/or [X] owner.

3. LOCATION OF THE SUBJECT PROPERTY – SEVERED & RETAINED (Complete applicable lines)

Municipality: Morris-Turnberry

Concession: 5

Registered Plan: ____________________________________________

Reference Plan: ____________________________________________

Municipal Address (911 number and street/road name): 41928 Orange Hill Rd.

Ward: ____________________________
Lot Number(s): 10
Lot(s) Block(s): ____________________________
Part Number(s): ____________________________
Street Number: ____________________________
Roll # (if available) 4060 4180 000 01180 0000

a) Are there any right-of-way easements or restrictive covenants affecting the severed or retained land? Yes [ ] No [X]
If Yes, describe the location of the right-of-way or easement or covenant and its effect: ____________________________

b) Is any of the severed or retained land in Wellhead Protection Area C? Yes [ ] No [X] Unknown [ ]
If Yes, please obtain a Restricted Land Use Permit from the Risk Management Official. If Unknown, please consult with your Municipal Planner and obtain a Restricted Land Use Permit if necessary.

Application for Consent
Updated December 28, 2017
4. PURPOSE OF THE APPLICATION
Type of proposed transaction: (Check appropriate box)

<table>
<thead>
<tr>
<th>Transfer:</th>
<th>creation of a new lot</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>addition to a lot</td>
</tr>
<tr>
<td></td>
<td>an easement</td>
</tr>
<tr>
<td></td>
<td>other purpose (please specify)</td>
</tr>
</tbody>
</table>

Other: □ charge  □ lease  □ correction of title

Briefly, describe the proposed transaction.

Sever surplus farm residence from farmland for

potential sale

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

If a surplus severance, provide legal description and locations of other farm holdings of owner/purchaser.

See attached list

If a lot addition, identify the lands to which the parcel will be added.

Municipality: ____________________________

Concession: ____________________________

Registered Plan: _________________________

Reference Plan: _________________________

Name of Street/Road: ____________________

Ward: ____________________________

Lot Number(s): _________________________

Lot(s) Block(s): _________________________

Part Number(s): _________________________

Street Number: _________________________

5. DESCRIPTION OF SUBJECT LAND

<table>
<thead>
<tr>
<th>Description land intended to be severed:</th>
<th>Description of land intended to be retained:</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Frontage: 67 m</td>
<td>a) Frontage: 360 m</td>
</tr>
<tr>
<td>Depth: 97.5 m</td>
<td>Depth: 1034 m</td>
</tr>
<tr>
<td>Area: 0.68 ha</td>
<td>Area: 39.79 ha</td>
</tr>
<tr>
<td>Existing Use(s) residence</td>
<td>Existing Use(s) farmland</td>
</tr>
<tr>
<td>Proposed Use(s) residence</td>
<td>Proposed Use(s) farmland</td>
</tr>
<tr>
<td>Existing Building(s) or Structure(s)</td>
<td>Existing Building(s) or Structure(s)</td>
</tr>
<tr>
<td>house + driving shed</td>
<td>Proposed Building(s) or Structures</td>
</tr>
<tr>
<td>Proposed Building(s) or Structures</td>
<td>b) Type of access: (check appropriate space)</td>
</tr>
<tr>
<td></td>
<td>☐ provincial highway</td>
</tr>
<tr>
<td></td>
<td>☐ county road</td>
</tr>
<tr>
<td></td>
<td>☒ municipal road, maintained all year</td>
</tr>
<tr>
<td></td>
<td>☐ municipal road, seasonally maintained</td>
</tr>
<tr>
<td></td>
<td>☐ other</td>
</tr>
<tr>
<td>c) Type of water supply proposed: (check appropriate space)</td>
<td></td>
</tr>
<tr>
<td>☐ publicly owned and operated piped water system</td>
<td></td>
</tr>
<tr>
<td>privately owned and operated individual well</td>
<td></td>
</tr>
<tr>
<td>☐ dug ☒ drilled</td>
<td></td>
</tr>
</tbody>
</table>

Application for Consent
Updated December 28, 2017
6. **LAND USE**

a) What is the existing Official Plan designation of the property? **AG1 + NE2** Agriculture and Natural Environment + Mineral Aggregates

b) What is the zoning of the property? **AG1 + NE2** Agriculture and Natural Environment + Mineral Aggregates

c) Are any of the following uses or features on the subject land or within 500 metres of the subject land? Please respond “yes” or “no” to each use or feature.

<table>
<thead>
<tr>
<th>Use or Feature</th>
<th>On the Subject Land (yes or no)</th>
<th>With 500m of subject land, unless otherwise specified (Indicate approximate distance) (yes or no)</th>
</tr>
</thead>
<tbody>
<tr>
<td>An agricultural operation, including livestock facility or stockyard</td>
<td>no</td>
<td>Yes rea of property</td>
</tr>
<tr>
<td>A landfill</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A sewage treatment plant or waste stabilization plant</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A provincially significant wetland (Class 1, 2 or 3 wetlands)</td>
<td>no</td>
<td>N/A</td>
</tr>
<tr>
<td>A provincially significant wetland within 120m of the subject lands</td>
<td>no</td>
<td>2 Yes rea of property</td>
</tr>
<tr>
<td>Flood plain</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A rehabilitated mine site</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A non-operating mine site within 1 km of the subject land</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>An active mine site</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>An industrial or commercial use (specify the use(s))</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A former industrial or commercial use</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>An active railway line</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A municipal airport</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>An underground storage tank or buried waste</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>A current Environmental Site Assessment for the site or has one been prepared within the last 5 years. If yes, please submit with application.</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>
7. HISTORY OF PROPERTY

a) Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 51 of the Planning Act or a consent under Section 53 of the Planning Act? Yes ☐ No ☒ Unknown ☒

If Yes, and known, provide file number of the application and the decision made on the application.

File Number: ___________________________________________________________

Decision: ______________________________________________________________

b) If this application is a re-submission of a previous consent application, describe how it has been changed from the original application.

_______________________________________________________________________

_______________________________________________________________________

c) Is the subject land reserved for manure applications under the nutrient management plan or manure agreement that was submitted to the municipality? Yes ☐ No ☒

d) Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? Yes ☐ No ☒ Unknown ☒

If Yes, provide for each severed, the date of transfer, the name of the transferred and the land use.

_______________________________________________________________________

8. PROVINCIAL POLICY

Is the application consistent with the provincial policy statement issued under Section 3 (1) of the Planning Act? Yes ☐ No ☒ Unknown ☒

9. NATURAL HERITAGE

Has the Planner advised the Applicant that this application needs to be reviewed by the Huron County Stewardship Coordinator for comments on Natural Heritage matters.

Yes ☐ (submit a fee of $200.00 made payable to the County of Huron) No ☒

10. HEALTH UNIT REVIEW: Please answer Section A OR Section B, depending on the type of servicing available.

Section A – Where SANITARY SEWERS are available.

Is the property within 183 metres (600 feet) of an abattoir (slaughter house)? Yes ☐ No ☒

Section B – Where Septic Systems are available.

The application is for the creation of a new lot for which the primary use will be a new dwelling (other than a new dwelling on a farm). Yes ☒ No ☒

The severed parcel contains a residence or other building(s) serviced by an on-site sewage system? Yes ☒ No ☒

If you answered Yes; is the on-site sewage system older than 5 years of age? Yes ☒ No ☒

If you answered Yes; has the on-site sewage system been inspected by a licenced contractor within the past 3 years? Yes ☒ No ☒

If you answered Yes; you are required to provide a certificate of inspection with your application. Yes ☒ No ☒

If you answered No; you will be required to have an inspection carried out and provide a certificate of inspection as a condition of consent (severance) approval. Yes ☒ No ☒

Is the property less than .4 hectares (1 acre) in area? Yes ☒ No ☒

Does the property have less than .2 hectares (1/2 acre) of "useable land" for a septic tank and tile bed? See definition of "useable land" below. Yes ☒ No ☒

I am uncertain of the location of the existing septic tank and tile bed on the property. Yes ☒ No ☒

There will be more than one dwelling unit on each lot. Yes ☒ No ☒

An industrial or commercial use is proposed which will require a septic system. Yes ☒ No ☒

If the property within 183 metres (600 feet) of an abattoir (slaughter house)? Yes ☒ No ☒

The application is for a new Plan of Subdivision. Yes ☒ No ☒
"Usable Land" means an area of land with suitable original soil for the installation of a Class 4 subsurface sewage disposal system, free of any buildings, structures, swimming pools, etc. and such land is or will be used solely for a septic tank and tile bed and any future replacement of the tile bed, and which area is at least 3 metres (10 feet) from any property line, at least 15 metres (50 feet) from any drilled well, at least 30 metres (100 feet) from any dug well, at least 15 metres (50 feet) from any top-of-bank of a watercourse or lake, not located in a flood plain, not located in an environmentally sensitive area, and does not contain field tile or other artificial drainage. (Other restriction may apply according to legislation).

Note: Regardless of the results from Section A or B, some applications may require comments from the Health Unit as identified through the planning process. In these cases, the relevant fee shall apply.

If the answer to any question in Section 8 is "Yes" the Health Unit comments will be required and a fee must be submitted with your application: Cheque should be made payable to County of Huron.

Health Unit Review Fee: $268.00
Severance resulting in 2 lots or fewer: $268.00
Severance resulting in 3 lots or more: $509.00
Total Paid $2,348.00

11. SKETCH CHECKLIST

The application shall be accompanied by a clean, legible sketch showing the following information. Failure to supply this information will result in a delay in processing the application. Please do not use pencils for completing sketch as they do not copy well.

Please check the boxes indicating that your sketch provides the following information:

☐ boundaries and dimensions of the land that is to be severed and the part that is to be retained;
☐ boundaries and dimensions of any land owned by the owner of the subject land that abuts the severed and retained land;
☐ distance between the subject land and the nearest township lot line and/or landmark such as a railway crossing or bridge;
☐ location of all land previously severed from the parcel;
☐ location of all wells, including abandoned wells, on neighbouring properties within 30m of lot lines of both the severed and retained lands subject to this consent application
☐ location of all natural and artificial features in the subject land and adjacent land such as railways, roads, watercourses, drainage ditches, field drains, river or stream banks, wetlands, wooded areas and the location and nature of any easement affecting the subject land;
☐ location of all buildings, all wells, including abandoned wells and all components of a sewage system (i.e. septic tanks and weeping beds, communal sewage systems) on the severed and retained lands, and the distance of each to the proposed new lot line;
☐ location of all buildings, wells, abandoned wells and all components of a sewage system (i.e. septic tanks and weeping beds) on the severed and retained lands, and the distance of each to the proposed new lot line;
☐ existing uses on adjacent land such as residential, agricultural and commercial uses;
☐ location of beach access - if the property is a recreational property, adjacent to or in proximity to the waterfront;
☐ location and nature of any easements affecting the property.
☐ whether sewage disposal will be provided by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means.
12. APPLICANT'S/OWNER'S DECLARATION
(This must be completed by the Person Filing the Application for the proposed development site.)

[Name of Applicant] of the [Name of Town, Township, etc.]

In the Region/County/District [Region] solemnly declare that all of the statements contained in this application and supporting documentation are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the “Canada Evidence Act.” I hereby acknowledge and accept the requirements and costs referred to in Notes listed.

NOTES:
Please be advised the responsibility for filing a complete application rests solely with the owner/applicant. Anything not requested or applied for in this application and subsequently found to be necessary (which may require another application(s) and fee(s)) are the sole responsibility of the owner/applicant. The County/Municipality will address only the application as applied for, and any items that are not included in the application are not the responsibility of the County/Municipality.

All studies required to support this application shall be at the expense of the applicant and included at the time of submission as a complete application. Where the County/Municipality incurs costs for the peer review of any consultants' reports or fees for legal opinions, the County/Municipality will be reimbursed such costs by the applicant.

In the event of third-party appeals to applications approved by the County/Municipality, the applicant may be responsible for some or all of the legal and other costs incurred by the County/Municipality, at the discretion of the County/Municipality.

DECLARED before me at: [Town or City]
Region/County/District [Region]
In the Municipality of [Municipality]

This [Day] day of [Month], [Year]

[Signature]

Commissioner of Oaths

Patricia Ann Good, a Commissioner, etc.,
Province of Ontario, for Donnelly Murphy Lawyers Professional Corporation
Expires November 20, 2020
TO: PLANNING & DEVELOPMENT DEPT.  
FILE: C50/18
Owner: 1742841
Ontario Ltd.
Applicant: Jim Jutzi

57 NAPIER STREET,  
GODERICH ON N7A 1W2
Lot 10  Con 5
Turnberry, Municipality of
Morris-Turnberry

<table>
<thead>
<tr>
<th>MUNICIPAL CONTROLS</th>
<th>YES or NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this transaction in conformity with your Official Plan?</td>
<td>Yes</td>
</tr>
<tr>
<td>Have you a Restricted Area (Zoning) By-law in effect under the Act?</td>
<td>Yes</td>
</tr>
<tr>
<td>If so, is this transaction in conformity with it?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDITIONAL INFORMATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Which of these services will be available and are connected to this land?</td>
<td>No</td>
</tr>
<tr>
<td>municipal water</td>
<td></td>
</tr>
<tr>
<td>sanitary sewers</td>
<td>No</td>
</tr>
<tr>
<td>Electricity &amp; garbage collection</td>
<td></td>
</tr>
<tr>
<td>911 Addressing</td>
<td>Yes</td>
</tr>
<tr>
<td>If municipal water and septic sewers are available, but not connected, please note.</td>
<td>N/A</td>
</tr>
<tr>
<td>Do the lots have direct access to a public road which is open and maintained by the municipality?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are the lots concerned subject to assessment under The Drainage Act?</td>
<td>Yes</td>
</tr>
<tr>
<td>Does Council wish to impose Section 65 of the Drainage Act by the appointment of an engineer [65(1)] or by mutual agreement [65(6)]?</td>
<td>Yes</td>
</tr>
<tr>
<td>What is the surrounding land presently used for?</td>
<td>agricultural</td>
</tr>
<tr>
<td>to the north</td>
<td>to the east</td>
</tr>
<tr>
<td>to the south</td>
<td>to the west</td>
</tr>
<tr>
<td>If this application results in a new building lot, does Council consider the location to be satisfactory taking into account the rest of the municipality?</td>
<td>N/A</td>
</tr>
<tr>
<td>Does Council foresee any new demands for municipal services as a result of this kind of application?</td>
<td>No</td>
</tr>
<tr>
<td>Does Council intend to provide any new municipal services as a result of this kind of application?</td>
<td>No</td>
</tr>
<tr>
<td>Have the taxes been paid in full on the property subject to this severance?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RECOMMENDATIONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Does Council wish to recommend that up to 5% of the land be set aside for public purposes under Sec. 42(1) of the Act?</td>
<td>No</td>
</tr>
<tr>
<td>OR, alternatively, does Council wish to seek authorization to accept cash to the value of 5% land under Sec. 42(6) of the Act?</td>
<td>$300.00</td>
</tr>
<tr>
<td>Having regard to the matters noted in the attached letter, does Council recommend consent be given?</td>
<td></td>
</tr>
</tbody>
</table>
Why? The application conforms to Section 3.4 (9) of the Morris-Turnberry Official Plan.

Should consent be granted, what conditions, if any would Council wish to see attached?
1. That the severed parcel be zoned to AG 4.
2. Drainage agreement is required and a fee of $200.00
3. That an entrance be installed for the retained lands, prior to finalizing the consent.
4. That a fee of $300.00 be paid, cash in lieu of parkland.

DATE: August 17, 2018

SIGNED-Clerk-
Consent Application Report – File C050/18

Owner/Applicant: Jim Jutzi (1742841 Ontario Ltd.) Date: September 12, 2018
Property Address: 41928 Orange Hill Road
Property Description: Concession 5, Lot 10, Turnberry Ward

Recommendation: That provisional consent be:

✓ recommended for approval with the attached conditions (and any additional municipal conditions)

___ deferred to allow the applicant to provide additional information

___ recommended for denial (referred to the County Committee of the Whole Day 1 for a decision)

Purpose:

___ enlarge abutting lot

___ create new lot

✓ surplus farm dwelling

___ right-of-way / easement

___ other:

<table>
<thead>
<tr>
<th>Area Severed:</th>
<th>Official Plan Designation: Agriculture, Natural Environment, Extractive Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.68 ha (1.68 acres)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area Retained:</th>
<th>Zoning: General Agriculture (AG1), Natural Environment (NE2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>39.79 ha (98 acres)</td>
<td></td>
</tr>
</tbody>
</table>

Review: This application:

✓ Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);

✓ Does not require a plan of subdivision for the proper and orderly development of the municipality (s. 53(1) Planning Act);

✓ Conforms with section 51(24) of the Planning Act;

✓ Conforms with the Huron County Official Plan;

✓ Conforms with the Morris Turnberry Official Plan (S.3.4 (9))

✓ Complies with the Morris Turnberry Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance); and

✓ Has no unresolved objections/concerns raised (to date) from agencies or the public.

(Applications that are unable to meet all of the foregoing criteria will be referred to the County Committee of the Whole Day 1 for a decision)

Agency Comments:

<table>
<thead>
<tr>
<th>Agency Comments</th>
<th>Not Received</th>
<th>No Objections</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Huron County Health Unit</td>
<td>✓</td>
<td></td>
<td>It has been determined that both lots have sufficient space for the septic system and contingency bed. Application to be approved with condition included within this report.</td>
</tr>
<tr>
<td>Municipal Staff</td>
<td>✓</td>
<td></td>
<td>No concerns have been raised by municipal staff. Application to be approved with conditions.</td>
</tr>
</tbody>
</table>
Subject Property: Blue = Retained parcel; Red = Severed parcel
Severed Parcel: Red = Severed parcel

Additional Comments:

- This application is for the purpose of proposing to sever a surplus farm dwelling and a storage shed from the remaining farmland. It has been determined that the subject residence is surplus to the farmer’s needs, as the owner currently owns another farm parcel with a house, located at 85188 Brussels Line.

- The Provincial Policy Statement (PPS) 2014 permits the severance of surplus farm dwellings provided that the new lot will be kept to a minimum size that is needed in order to accommodate sewage and water services for the property and that no residence be permitted to be constructed on the retained parcel. This application is consistent with these criteria. This shall be fulfilled through the severance provisions within the Morris-Turnberry Official Plan to automatically rezone the severed and retained to prohibit the construction of a residence on the retained parcel.

- Under the Huron County Official Plan and the Morris-Turnberry Official Plan, there are several criteria that need to be met:
  - The proposed severed parcel consists of 0.68 hectares (1.68 acres) of land with a residence and a drive shed. The proposed retained parcel is 39.78 hectares (98 acres) of agricultural land. This conforms to minimum lot size requirements for severed agricultural land.
  - The residence must be a minimum of 15 years old and is habitable.
There has been no previous severance on the property for residential purposes before June 28, 1973.

The retained lands must be a minimum of 19 hectares and that the area of the severed parcel limited to a minimum size that is still greater than 1 acre to support the residence and the necessary.

Where the residence is within 300 metres of an existing aggregate operation or aggregate deposit, an assessment of potential impacts may be required. An Aggregate Impact Assessment was completed and it was determined that the proposed severance would not sterilize or constrain the extraction of the potential aggregate resource located on the subject property.

Since there are no barns located on the severed or retained parcel and within the Morris-Turnberry Official Plan Minimum Distance Separation (MDS) does not apply to separately titled lots, Minimum Distance Separation has not been applied to this application.

The severed parcel be rezoned in order to prohibit the construction of a residence on the retained parcel.

This application is in conformity with all of the above criteria.

- Morris-Turnberry staff have no objections to the proposed consent, however have provided the following comments:
  1. That the severed parcel be zoned to AG 4.
  2. That an entrance be installed for the retained lands, prior to finalizing the consent.
  3. That a fee of $300.00 be paid, cash in lieu of parkland.
  4. That a Drainage agreement be entered into by the parties and a fee of $200.00 be paid.

These comments have been addressed through the conditions that are attached to the approval of this application.

- The Huron County Health Unit (HCHU) has commented on the application and have raised no concerns with the application, as the lot has sufficient space for the septic system and contingency bed. The HCHU has commented that the applicant is to provide a letter from a licensed contractor that ensures the tank has been pumped and is properly functioning.

- In light of the above comments, the proposed consent is recommended for approval with the following conditions:

  **Recommended Conditions**
  *Note: The list below may not contain all Municipal conditions and should be reviewed by Morris-Turnberry Council.*

**Expiry Period**

1. Conditions imposed must be met within one year of the date of notice of decision, as required by Section 53(41) of the Planning Act, RSO 1990, as amended. If conditions are not fulfilled as prescribed within one year, the application shall be deemed to be refused. Provided the conditions are fulfilled within one year, the application is valid for two years from the date of notice of decision.

**Municipal Requirements**

2. All municipal requirements, financial or otherwise, be met to the satisfaction of the Municipality (for example: servicing connections, cash-in-lieu of park dedication, property maintenance, compliance with zoning by-law provisions for structures).

3. The sum of $300 be paid to the Municipality as cash-in-lieu of parkland.

4. 911 addressing for the subject lands be dealt with to the satisfaction of the Municipality.
Survey/Reference Plan

5. Provide to the satisfaction of the County and the Municipality:
   a) a survey showing the lot lines of the severed parcel and the location of any buildings thereon, and
   b) a reference plan based on the approved survey.

Zoning

6. Where a violation of any municipal zoning by-law is evident, the appropriate minor variance or rezoning be obtained to the satisfaction of the Municipality.

Storm Water and Drainage

7. Section 65 of the Drainage Act be addressed to the satisfaction of the Municipality.

Septic System Inspection

8. A letter from a licensed contractor advising that the tank has been pumped and is functioning properly for the severed parcel of land be provided to the satisfaction of the Huron County Health Unit and the Municipality.

Other

9. If a new entrance for the retained lands is required, that an access/entrance permit be obtained to the satisfaction of the Municipality.

Note
The applicant is hereby advised that the severed parcel will be automatically rezoned to recognize the residential parcel (e.g. AG4-Special) and the retained farmlands will be automatically rezoned to prohibit a new residence (e.g. AG2-Special) in the Municipal Zoning By-law.

Sincerely,

"original signed by"

Eric Steele
Student Planner

"original signed by"

Jenn Burns
Planner
Report to the Council of Morris-Turnberry:

Subject: Furnace/Air Conditioning Problem

Executive Summary:

As the Council is aware from the September 4th council meeting, there has been a problem with the air conditioner freezing up and therefore not working. Gabel from Listowel has inspected the site and has reported that the furnace does not sufficient capacity to push enough air through, therefore the air conditioner freezes and will not work. The furnace is only capable of giving 1200 CSM of air flow. For the air conditioner in place, 1600 CSM is required for a 4T air conditioner. The furnace is 12 years old, installed by Montgomery’s in 2006. It doesn’t have the capacity for the cooling of the work area. The work area in the office and number of staff has changed in 12 years. This has been an ongoing problem since 2006.

Gabel is recommending a replacement in the spring of 2019.

Therefore, this item should be considered in the 2019 budget.

Thank you.

Submitted by:

Nancy Michie
Report to the Council of Morris-Turnberry:

Subject- RED Program

Executive Summary:

Update on the RED program:

On September 4th a report was presented to the council in regards to a potential joint RED application with the Municipality of Huron East for the North end of Brussels. The Council instructed that staff could proceed to meet with Huron East on the matter.

A meeting was held with Huron East on September 11th and the following is the proposal for council’s consideration.

That a joint RED application be submitted to include the North end of Brussels to prepare lands to be shovel ready.

Studies being considered are:

1. Archaeological Study
2. D-6/NPC Study – noise and dust factor
3. Servicing

The area to be studied is shown on the attach mapping. (A comparison of 1978 mapping is attached). There are 6 properties owned privately.

The municipalities will submit the application and should it be successful, then a meeting will be held with the applicable property owners.

A motion of support of the application is required:

Draft motion:

“That the Council of the Municipality of Morris-Turnberry do hereby approve the RED- Rural Economic Development Program application, for submission under the ‘Planning Category’ conduct research and analysis, for an Industrial Land Strategy Study, which will include:

1. D6/ NPC-300 study
2. Archaeological assessment
3. Servicing Study, to include the Reserve Capacity for the area of ‘North Brussels’ within the boundaries of Huron East and Morris-Turnberry.”

Thank you.

Submitted by:

Nancy Michie
Report to the Council of Morris-Turnberry:

Subject-

Executive Summary:

I attended a meeting on Monday September 10, 2018 sponsored by the Huron County Economic Development. Huron County is investigating a signage program, project is to adopt the RT07 sign system for Huron County. The project is for Wayfinding signage. They would like all signage in Huron County to conform. It may take 5-10 years to complete. There will be signage for gateway and directions. They are starting with a pilot project in Bayfield this year.

The proposal is that all gateway signs- re: Township of Selwyn, Shown below, will have the Ontario West Coast on the bottom of the sign.

If a municipality has signs currently, they won’t be asked to remove them, however, if they propose new signage, they would like to see this program.

The timeline is:
1. Design development October 18th
2. Location plan for Bayfield October 18th
3. Cost estimates October 25th
4. Documents for a tender package- November 25th

Therefore, Morris-Turnberry proposed new gateway signage under the Main Street program which was approved and funding has been received. We have until 2020 for the completion of that program.

My recommendation is to delay the Morris-Turnberry signage until we know more details and costs for the Wayfinding program.

Thank you.

Submitted by:

Nancy Michie
Report to the Council on September 18th, 2018
Subject: Operations Report
Presented by: Mike Alcock

- **Recommendation:** That the Council of the Municipality of Morris-Turnberry receive the Public Works Operations Report for information

---

**Executive Summary:**

This report is intended to provide Council with an outline of Public Works Staff operations:

- Routine Road Patrols and regular maintenance activities continue to get completed as scheduled and / or as required.
- Paving was completed on B-Line from August 7th to 9th, followed by Shoulder gravel in the same area the following week. The project included patching an area on Black Line that was washed out earlier in the year.
- The students worked hard all summer, until the end of August when their contracts were completed.
- On August 16th, 2018 the Municipality of Morris-Turnberry received a letter from the Municipality of South Bruce indicating that they were not interested in partnering with the Municipality of Morris-Turnberry and the other interested partner(s) to place hard surface on Turnberry-Culross boundary road at this time.
- Winter sand was hauled, mixed and stacked in to the storage sheds at both Morris and Turnberry Shops early this week.
- Preparation of the storage building site has started by stripping any gravel and deleterious material. Following that, gravel will be placed, compacted and certified to the underside of footings, then placed and compacted to granular base grade.
- Progress on the Class EA for the Abraham Line Bridge is well underway. Comments have been received from agencies and adjacent property owners. Comments from agencies will require additional investigations to satisfy their concerns. By late October the Consultant should be ready to meet with staff to discuss the alternatives. Following that the results will be presented to Council followed by a public meeting in November.
- Ditching was completed on Salem Road near B-Line to improve drainage and prevent ditch and road water from damaging the adjacent properties.
- We received a 3-Day demo on a piece of brushing equipment from Jade Equipment. The equipment mounts on a grader. Following the demo, we rented the equipment for 1 additional week. We were pleased with the performance of the equipment. Regular brushing improves safety and decreases both winter and summer road maintenance.

- The impact of the emerald ash borer is really starting to hit the Municipality of Morris-Turnberry. Public works staff have been cutting many dead and diseased ash trees in addition to other trees that need removal.

- The construction for the Wingham and Area Industrial Land Strategy and servicing project on Arthur Street and North Street is near completion but has been on hold for some time. The contractor has been waiting for Hydro One to remove a guy wire since the first week of July that is preventing them from completing the water main. Paving should be complete by the end of September.

- The first round of fall grading has been completed in preparation for wetter weather.

- Public works staff has completed checking the retro-reflectivity of all required signs.

- The Public Works Department will require 1 Seasonal Part Time Road Operator and 1 Casual Part Time Road Operator for the upcoming winter season. We have One Part Time Seasonal Road Operator returning. The add will be in local papers and on the website next week.

- Fall Waste Pickup will be scheduled for Tuesday October 9th, and Monday November 5th, 2018.

Thank you.

[Signature]

Mike Alcock,
Director of Public Works
August 16, 2018

Municipality of Morris-Turnberry
Attn: Nancy Michie
PO Box 310,
41342 Morris Rd.,
Brussels, ON N0G 1H0

Re: Request for Support for hard Surfacing the Turnberry Culross Boundary Rd.

Dear Nancy,

The Municipality of South Bruce Council met at their regular session of Council on August 14, 2018 at which time they reviewed the request seeking South Bruce’s interest and support for hard surfacing the Turnberry Culross Boundary Road.

Please be advised the Municipality of South Bruce are not interested in partnering on the above noted project at this time.

Should you have any questions concerning this matter, I may be contacted at the Municipal Office.

Sincerely,

[Signature]

Leanne Martin, CAO/Clerk
Municipality of South Bruce
Report to the Council on September 18th, 2018
Subject: Tender for the Construction of a 40’ x 60’ Unheated Storage Building
Presented by: Mike Alcock

- **Recommendation:** That the Council of the Municipality of Morris-Turnberry accept the tender of:
  
  DOMM Construction Ltd. for the construction of a 40’ x 60’ Unheated Storage Building to be located at 41342 Morris Road.

- and authorize the Mayor Administrator Clerk-Treasurer to execute the tender and all other required documents.

**Executive Summary:**
The approved 2018 Public Works Budget includes $100,000 for the construction of a 30’ x 40’ Storage Addition to replace the temporary storage devices that are in use at the rear of property.

Several options were explored, and Council opted to tender for a standard construction only contract for a 40’ x 60’ storage building.

The tender closed at 12:00 noon on September 11, 2018 at the Municipality of Morris-Turnberry Office. 19 firms received tender document and 3 contractors submitted completed tender forms for the tender.

**Comments:**
Prior to tendering for this structure Morris-Turnberry Council considered several options of building type and size as well as 2 options for contract type. On June 19th, 2018 Council authorized staff to engage a qualified building designer to design a 40’ x 60’ Unheated Storage Shed to meet the needs of the Municipality.

**The approved motion is as follows:**
“That the Council of the Municipality of Morris-Turnberry instruct the Director of Public Works to engage a qualified building designer through the informal quotation process, to design a 40’x60’ wood frame steel clad standalone storage building; and that the building not exceed $110,000.00.” Disposition Carried

Several Quotes for design services were reviewed and the Lowest price of $700 provided by Birk’s Drafting Solutions was selected.

At the Council meeting on August 7th, 2018 Council was updated on the project, shown a rendering of the shed from the preliminary design drawings, and informed that the tender would be advertised in the local papers once the design was finalized.
Birks Drafting solutions provided the finalized design with revisions on August 20, 2018 and the ad for a qualified contractor to construct the storage building was advertised in the local papers and on the Municipal Website on August 22, 2018.

The following table summarizes the bids received and the actual cost to the Municipality:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Base Price including allowances and contingency Excluding HST</th>
<th>Applicable HST (1.76%)</th>
<th>Actual Cost including 1.76% HST</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOMM Construction</td>
<td>$107,000.00</td>
<td>$1,883.20</td>
<td>$108,883.20</td>
</tr>
<tr>
<td>Caldwell Construction</td>
<td>$115,160.00</td>
<td>$2,026.82</td>
<td>$117,186.82</td>
</tr>
<tr>
<td>VanPelt Construction</td>
<td>$255,500.00</td>
<td>$4,496.80</td>
<td>$259,996.80</td>
</tr>
</tbody>
</table>

Domm Construction has satisfactorily completed many similar projects in the local area for other customers, in addition to the Turnberry shed located on B-Line Road for Turnberry Township.

If awarded, DOMM Construction would complete the footings and foundation this fall to allow for an early start to constructing the remainder of the building next spring.

**Budget:**

The Municipality of Morris-Turnberry included $100,000.00 for the construction of an Unheated Storage Building in the Approved 2018 Public Works budget. The approved motion from the June 19th, council meeting authorized up to $110,000.00 to have the building designed and constructed.

The bid price includes contingency allowances for unforeseen and improvements of $10,000 and an electrical allowance of $7,500 for all required electrical work.

The budget impact including design, construction and the affective rate of HST (assuming no unforeseen circumstance arise) is expected to be $99,419.52.

Site preparation, granular material, final grading, and building department obligations will be completed by Municipal Staff using Municipal equipment, stockpiled materials and a rented compactor. The cost for this work is estimated at approximately $10,000, but the impact to the overall municipal budget is estimated at approximately $3,000.

Thank you.

[Signature]

Mike Alcock
Director of Public Works
Recommendation: That the Council of the Municipality of Morris-Turnberry accept the Proposal of:

Eccles Forestry Ltd. to provide professional forestry services for the creation of a Forest Management Plan, Marking Services, advice on invasive species and Harvest Supervision at Lot 15 Concession 5 in the Geographic Township of Morris (Morris-Turnberry Landfill and buffer property).

And authorize the Mayor and Administrator, Clerk-Treasurer to execute the tender and all other required documents.

Executive Summary:
At the August 7th, Council Meeting, Morris-Turnberry Council authorized proceeding with requesting proposals from qualified forestry consultants to prepare a Forest Management Plan and provide other professional forestry services regarding the Morris-Turnberry Landfill and buffer properties.

In 2016 the Municipality of Morris-Turnberry applied for funding under the Huron Clean Water Fund to prepare forest management plans for the Morris-Turnberry Landfill and Buffer properties. The Municipality was successful with their application, but circumstances prevented the Municipality from going ahead with the project at that time. In July of 2018 the Maitland Valley Conservation Authority contacted the Public Works Department to see if the Municipality was wanting to proceed with the project.

The project is not included in the 2018 Landfill Budget. By completing this project the Municipality may create a new source of revenue, either now, or in the future.

Five Qualified Forestry Consulting Firms were invited to submit proposals for the proposed project. Two of those firms provided sealed proposals to provide professional forestry services on the properties in question in accordance with the RFP documentation.

Comments:
Proposals were received by the Municipality of Morris-Turnberry until 12:00 noon on September 11th, 2018. Proposals were opened publicly with members of Morris-turnberry Staff present.
The following table summarizes the actual initial cost to the Municipality:

<table>
<thead>
<tr>
<th>Professional Forestry Consultant</th>
<th>Base Price Including Transportation Excluding HST</th>
<th>Applicable HST (1.76%)</th>
<th>Huron Clean Water Project Funding</th>
<th>Actual Cost including 1.76% HST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eccles Forestry Ltd.</td>
<td>$2,950.00</td>
<td>$51.92</td>
<td>$1,500.96</td>
<td>$1,500.96</td>
</tr>
<tr>
<td>Lands and Forests Consulting</td>
<td>$3,350.00</td>
<td>$58.96</td>
<td>$1,686.88</td>
<td>$1,722.08</td>
</tr>
</tbody>
</table>

All of the Consultants invited to participate in the RFP are recommended by the Huron County Forest Conservation Officer and the MVCA.

**Budget:**
This project was not included in the 2018 Landfill Budget.

The budget impact to engage the recommended Forestry Consultant to complete the scope of work is $1,500.96 (including 1.76% HST) after receiving funding from the Huron County Clean Water Program Fund.

Thank you.

Mike Alcock
Director of Public Works
Report to the Council on September 18th, 2018
Subject: Quotation for a grader mounted roller / packer
Presented by: Mike Alcock

- **Recommendation:** That the Council of the Municipality of Morris-Turnberry accept the tender of:

  Neilson Custom Metal Works for a New roller / packer to be supplied and installed on the 2017 John Deere grader for $19,000.00 (excluding HST) F.O.B. the Morris-Turnberry shop at 65 B-Line Road, Wingham.

- and authorize the Administrator Clerk-Treasurer to execute the purchase order and any other required documents.

---

**Executive Summary:**
The approved 2018 Public Works Budget includes $20,000 for the purchase of a roller / packer to be outfitted on the rear of a grader. At the Council meeting on August 7th, 2018, Morris-Turnberry Council authorized the Public Works Department to obtain 2 solicited quotes from vendors that can supply the equipment.

2 quotations were received for the specified equipment. The equipment available from each manufacturer is considered equivalent and appropriate to the needs of the Municipality of Morris-Turnberry.

**Comments:**

Compacting gravel as it is placed or graded results in gravel savings, improved ride and improved safety. After a season of using the used roller that was purchased last winter Public Works Staff all agree that there is a benefit to using a roller after grading and applying fresh maintenance gravel.

The following table summarizes the actual initial cost to the Municipality:

<table>
<thead>
<tr>
<th>Supplier</th>
<th>Base Price Including Transportation</th>
<th>Applicable HST (1.76%)</th>
<th>Actual Cost including 1.76% HST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neilson Custom Metal Works</td>
<td>$19,000.00</td>
<td>$334.40</td>
<td>$19,334.40</td>
</tr>
<tr>
<td>Raglan Industries</td>
<td>$21,755.40</td>
<td>$382.90</td>
<td>$22,138.30</td>
</tr>
</tbody>
</table>
Budget:
The Municipality of Morris-Turnberry included $20,000 for the purchase of a new roller / packer attachment for a grader in the Approved 2018 Public Works budget. The budget impact for the recommended roller / packer will be $19,334.40 (including 1.76% HST).

Thank you.

[Signature]

Mike Alcock
Director of Public Works
THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW No. 67-2018

"Being a by-law to adopt a Site Plan Agreement for
Reinhardt Rental Holdings Ltd.
and
Joe Reinhardt Construction Ltd.
and
Michael Stephen DeGroot and Tracy Grace DeGroot"

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 Site Plan Agreement with
Reinhardt Rental Holdings Ltd. and Joe Reinhardt Construction Ltd. and Michael
Stephen DeGroot and Tracy Grace DeGroot;

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

1. That the Site Plan Agreement with Reinhardt Rental Holdings Ltd. and with
Joe Reinhardt Construction Ltd. for Part of Lot 86,87 Plan 162, being:
   1- Part 1 on Registered Plan 22R-6075
   2- Part 2 on Registered Plan 22R-6075
   3- Part 3 on Registered Plan 22R-6075
   4- Part 4 on Registered Plan 22R-6075
as attached hereto, is hereby adopted.

2. That the Mayor and Clerk are hereby authorized to sign the Site Plan Agreement
on behalf of the Municipality.
3. That this by-law hereby rescinds and repeals By-law No. 59-2018 of the
Municipality of Morris-Turnberry;
4. That this By-law takes effect upon the date of final passing.

Read a First and Second Time 18th day of September, 2018.
Read a Third Time and Finally Passed 18th day of September, 2018.

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. 67-2018 for the Municipality of Morris-Turnberry, duly passed
by Council on the 18th day of September, 2018.

Nancy Michie, Clerk
CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

SITE PLAN AGREEMENT

between

Reinhardt Rental Holdings Ltd. and
Joe Reinhardt Construction Ltd. and
Michael Stephen DeGroot and
Tracey Grace DeGroot

and

THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

Dated the 18th day of
September, 2018

The Corporation of the Municipality of Morris-Turnberry

41342 Morris Road
PO Box 310,
Brussels, ON N0G 1H0
THIS SITE PLAN AGREEMENT made in triplicate on the 18th day of September, 2018 A.D.

BETWEEN:

THE CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY
(hereinafter referred to as the “Morris-Turnberry”)
OF THE FIRST PART

- and -

Reinhardt Rental Holdings Ltd.
(hereinafter referred to as the “Owner”)
OF THE SECOND PART

-and-

Michael Stephen DeGroot and Tracy Grace DeGroot
(hereinafter referred to as the “Owner”)
OF THE THIRD PART

-and-

Joe Reinhardt Construction Ltd.
(hereinafter referred to as the “Owner”)
OF THE FOURTH PART

WHEREAS the Morris-Turnberry has designated lands within the municipality as areas under site plan control pursuant to Section 41 of the Planning Act.

AND WHEREAS the Owner desires to develop the subject lands in accordance with the plan attached hereto.

AND WHEREAS Morris-Turnberry require the Owner to enter into this Agreement as a condition of site plan approval.

NOW THEREFORE WITNESSETH THAT in consideration of other good and valuable consideration and the sum of two dollars ($2.00) paid by each of the parties to the other, the receipt and sufficiency of which are hereby acknowledged, the Owner and the Municipality covenant, declare and agree as follows:

SECTION 1 – LANDS TO BE BOUND

1.0 The Lands to be bound by the terms and conditions of the Agreement (“the Subject Lands”), are located in the Municipality of Morris-Turnberry, and are more particularly described in Schedule “A” attached hereto.

SECTION 2 – COMPONENTS OF THIS AGREEMENT

2.0 The text and the following Schedules appended to this Agreement constitute the components as follows:

Schedule “A” – Legal Description of the Subject Lands being developed
Schedule “B” – Site Plan
Schedule “C” – Lot Grading / Drainage Plan
SECTION 3 – REGISTRATION OF AGREEMENT

3.1 This Agreement shall be registered on title to the Subject Lands as provided for by Section 41 (10) of the Planning Act, R.S.O., 1990, as amended, at the expense of the Owner of the "Second and Fourth Part";

3.2 The Owners agree that all documents required herein shall be submitted in a form acceptable to the Municipality and suitable for registration as required.

SECTION 4 – BUILDING PERMITS

4.1 The Owners agree not to request the Chief Building Official to issue a building permit to carry out the development until such time as this Agreement has been registered on title to the Subject Lands and a registered copy of same has been provided to the Municipality.

4.2 It is agreed that if the Owner fails to apply for a building permit for Part 1 RP 22R-6075, to implement this agreement within twelve (12) months from the date upon which the building permit would be available, then Morris-Turnberry, at its option has the right to terminate said Agreement and require that a new Site Plan Agreement be submitted for approval and execution.

SECTION 5 – PROVISIONS TO THIS AGREEMENT

5.1 The Owners further covenants and agrees to develop the Subject Lands in accordance with the Site Plan attached as Schedule "B" and that no work will be performed on the Subject Lands except in conformity to all provisions of this Agreement.

5.2 The Owners shall be addressing grading and drainage to the satisfaction of the Director of Public Works and the Chief Building Official for the Municipality of Morris-Turnberry, and to the satisfaction of the Public Works Department for the County of Huron, pursuant to Schedule ‘C’, as attached hereto, to this By-law.

5.3 The owners agree to develop the site plan in accordance with the following:

- **Surfacing:** Entrance/exit driveways, vehicle parking areas and vehicle manoeuvring areas shall be surfaced with a stable dust inhibiting surface (crushed stone, concrete, asphalt pavement or similar hard surface).

- **Snow Removal:** All snow that is removed from the entrance/exit driveways, internal driveways, vehicle parking areas, and vehicle manoeuvring areas shall be removed from the subject property in a timely fashion or stored neatly on site. Snow will not be stored on boulevards, on any abutting road allowance, or stored in a manner to prevent visibility at any entrances.

- **Lighting:** Exterior and/or outdoor lighting provided with the use of the subject property shall occur in accordance with the approved lighting plan and shall be located, installed and oriented to prevent glare on the adjacent properties and roadways.

- **Drainage:** Surface water shall be controlled in such a manner that ensures there is no new or additional run-off onto adjacent properties and road right of ways.

- **Landscaping:** The Owner shall complete and maintain landscaping and planting on the lands in accordance with the approved site plan to the satisfaction of the Municipality.

- **Signage:** Any proposed signage must be designed in accordance with the County of Huron Signage By-law.

- **Fencing:** There is a municipal requirement for fencing of the property or a planting strip pursuant to Section 3.33 of the Morris-Turnberry Zoning By-law.
• **Entrance:** The owner shall make application to the County of Huron, for an entrance from London Road and/or the Municipality of Morris-Turnberry for entrance from Parker Drive.

### 5.4 Connection to the Water and Sewer Services

The Owners agree to terms for the Connection to the Water Services, as follows:

- That the Owners agree to pay the Connection charge of $1,000 per lot to the Belgrave Water System.
- That the Owners agree to pay the Capital charge of $6,974.56 per lot to the Belgrave Water System.
- That the Owners agree to submit an application and connection fees of $50.00 per lot for connection into the Belgrave Water System.

### 5.5 The Owner of the Second and Fourth Parts agrees to pay to Morris-Turnberry, the cost of its Municipal Solicitor and Municipal Engineer's invoices for reviewing of plans and specifications, preparation of agreements and consultations for all work associated with the preparation and implementation of the site plan agreement.

### SECTION 7 – BINDING PARTIES, ALTERATION, AMENDMENT, EFFECT, NOTICE, PENALTY

6.1 This Agreement may only be amended or varied by a written document of equal formality herewith duly executed by the parties hereto and registered against the title to the Subject Lands.

6.2 The Owners further agree to complete the items detailed on Schedule "B" and "C" to the satisfaction of the Municipalities within two (2) years of the date of registration of this Agreement.

6.3 Following completion of the works as evidenced in writing by the Municipality, the Owner shall maintain to the satisfaction of the Municipality, and at the sole expense of the Owner, all the facilities or works shown on Schedule "B" and "C".

6.4 If the Owner fails to complete the items detailed on Schedule "B" and "C" within the prescribed time period, or fails to maintain them as set out above, Morris-Turnberry, its their servants, agents and contractors shall have the right to enter onto the Subject Lands after thirty (30) days of the last notice of mailing to the Owner, to complete such works as Morris-Turnberry deems necessary in its sole discretion, and all expenses incurred by North Huron in doing such work shall become a charge against the Subject Lands, and may be recovered by court action or in a like manner as taxes. The Owner agrees that Morris-Turnberry shall not be liable to compensate the Owner, occupant, or any other person having an interest in the property for such actions or by reason of anything done or not done by or on behalf of Morris-Turnberry under the provisions of this Agreement.

6.5 This Agreement shall inure to the benefit of and be binding upon the respective successors and assigns of each of the Parties hereto.

6.6 The Agreement shall come into effect on the date of execution by the Municipality.

6.7 The Owners acknowledge that this Agreement is entered into under the provision of Section 41(7) (c) of the Planning Act, R.S.O., 1990, as amended.
6.8 Any notice required to be given pursuant to the terms hereto shall be in writing and mailed or delivered to the other at the following address:

To the Owner:
Joe Reinhardt Construction Ltd.,
Reinhardt Rental Holdings Ltd.
42337 Howick Turnberry Road,
PO Box 1506,
WINHAM, ON N0G 2W0

And
Michael Stephen DeGroot
Tracy Grace DeGroot
40 John Street,
BELGRAVE, ON N0G 1E0

To the Municipality of Morris-Turnberry:
The Corporation of the Municipality of Morris-Turnberry
41342 Morris Road, PO Box 310,
Brussels, ON N0G 1H0

Section 7 SECURITIES:

In order to protect the Municipality in respect of its liability for holdback of costs under Section 17 of the Construction Lien Act (Ontario), as amended, and to ensure due performance of all work required under this agreement, the Owner of the 'Second and Fourth Parts' shall deposit with the Municipality prior to the issuance of a building permit, a deposit cheque, in the form and content satisfactory to the Municipality, in the amount of $5,000.00, which will be held on file until completion of the project, to the satisfaction of the Chief Building Official and municipal engineer. If an extension is required, a current deposit cheque in the amount of $5,000.00 must be submitted to the Municipality.

IN WITNESS WHEREOF the Owner, Morris-Turnberry have caused their corporate seals to be affixed over the signatures of their respective signing officers.

SIGNED, SEALED AND DELIVERED
And
Joe Reinhardt Construction Ltd.,
Reinhardt Rental Holdings Ltd.
in the presence of
I/we have the authority to bind the Corporation.

'Joseph Gerard Reinhardt'

Michael Stephen DeGroot
Tracy Grace DeGroot

And
Tracy Grace DeGroot
(The Corporation of the Municipality of Morris-Turnberry)

Mayor Paul Gowing

Clerk Nancy Michie
SCHEDULE "A"
LEGAL DESCRIPTION OF SUBJECT LANDS

Note: It is understood and agreed that this Schedule forms part of the Municipality's Agreement.

Part of PIN 41331-0269 (LT)
Part of Lot 66 Plan 162
Being Part 1 on Registered Plan 22R-6075
Former Township of Morris
Municipality of Morris-Turnberry
Owner: Reinhardt Rental Holding Ltd.

and

Part of PIN 41331-0267 (LT)
Part of Lot 66 Plan 162
Being Part 2 on Registered Plan 22R-6075
Former Township of Morris
Municipality of Morris-Turnberry
Owner: Michael Stephen DeGroot and Tracy Grace DeGroot

and

Part of PIN 41331-0268 (LT)
Part of Lot 67 Plan 162
Being Part 3 on Registered Plan 22R-6075
Former Township of Morris
Municipality of Morris-Turnberry
Owner: Joe Reinhardt Construction Ltd.

and

Part of PIN 41331-0270 (LT)
Part of Lot 67 Plan 162
Being Part 4 on Registered Plan 22R-6075
Former Township of Morris
Municipality of Morris-Turnberry
Owner: Reinhardt Rental Holdings Ltd.

From time to time, farmers can find themselves caught by a development or issue that sneaks up on them.

Changes to Ontario's Endangered Species Act (ESA) and the manner in which they are being enforced may be viewed in much the same way. With little information or fanfare, municipalities and counties have been told that if endangered species are found in the drains and drainage ditches adjacent to farms, they have to protect those at-risk species.

Failure to do so could result in fines up to $1 million for municipalities or $250,000 for individuals.

What's distressing beyond the penalties is that farmers are being told that what they're doing or what they've done to improve water quality from their fields is not a priority: saving endangered species is.

The changes that have been most daunting actually took effect July 1, 2015. Prior to that, there was an agreement signed between the municipalities and the MNRF securing a series of best management practices and that municipalities agreed to follow when doing drain maintenance and during projects to repair or improve existing drains. After that date, the Ministry cancelled those agreements.

Part of the challenge is that reaching any final solution is like aiming at a moving target: the registry of endangered species is always being redefined and reworked. But the MNRF isn't helping identify practices needed for safeguarding those species. It is now the job of the municipality or county to find the biologists or environmental specialist with the necessary expertise to develop a workable framework.

There are also concerns relating to additional costs and administration of timelnes.

Who's behind this? Is it a matter of offloading or downloading costs from the province on to the budgets of the municipalities? The provincial ministry involved is being pressured by environmentalists and special interest groups to protect species that 20 years ago were little more than afterthoughts.

Changes implemented via ESA may be achieving results contrary to the act's intent. Landowners may simply eliminate the habitat of the endangered species to avoid the costs and management.

How this plays out across the province is of particular interest to the Land Improvement Contractors of Ontario (LICO). LICO has been involved in research into habitat improvement and maintenance and research into water quality and phosphorus-loading of soils.

Peter Johnson, an agronomist for Real Agriculture, is also the environmental advocate for LICO. While he acknowledges that protecting endangered species is always a priority, the challenge comes when the goal is promoted as the only outcome to be considered. Drains were installed to improve or increase agricultural production, he says, which helps build the economy and creates jobs, along with reducing watercourse pollution.

"High levels of production in agriculturally productive areas actually protect endangered species in other areas."

The key is getting more people involved. Drainage contractors and farmers must do more to familiarize themselves with the directives that they're expected to incorporate.

"The value of drainage cannot be overstated, and the value of the agricultural sector to this province is massive. We need to work together to protect endangered species, but not to be hamstrung by a narrow vision that costs too much or where the bureaucracy essentially grinds all things to a halt."
Sufficient Outlet:
A LICO member asked me for a definition of the term “sufficient outlet”. This lead to a series of questions:

a) Why should the subject of “sufficient outlet” be important to a tile drainage contractor?
The answer to this question stems from court decisions. When surface water is collected, the courts often follow the principal outlined in the 1897 appeal court decision in Ostrom v. Sills. In this decision, the judge writes the following:

“Generally speaking, the upper proprietor may dispose of the surface water upon his land as he may see fit but he cannot by artificial drains and ditches, collect it or the water stagnant pools or pond upon his premises and cast it in a body upon the proprietor below him to his injury. He cannot collect and concentrate such waters and put them through an artificial ditch in unusual quantities upon his adjacent proprietor.”

This means that if surface water (including tile drainage) is collected and directed onto a lower property, the property owner (and the contractor?) could potentially be held liable for the damages that result. The collected water must be brought to a sufficient outlet.

b) What is the definition of a “sufficient outlet”? Who decides?
In the development of municipal drains in Ontario, the Drainage Act defines “sufficient outlet” as “...a point at which water can be discharged safely so that it will do no damage to lands or roads...”. Although the Drainage Act does not regulate tile drainage systems installed on private agricultural land, this definition still provides a good direction for tile drainage contractors. The legal sufficiency of an outlet under common law can only be decided by a judge.

c) What are some examples of sufficient outlets?
Examples of sufficient outlets include:
- Municipal drains, but only for the area of land that is actually assessed into the municipal drain; before connecting to a municipal drain, contractors should contact the drainage superintendent about connection conditions (e.g. a 1 ft. freeboard).
- Natural watercourses, but only for the land that is in the watershed of the natural watercourse. Permits may still be required from the local conservation authority.
- Mutual agreement drains.
Roadside ditches or other private ditches may have the capacity to handle the flow from a tile drainage system, but they are private systems. They are not a legal outlet unless the owner of the private system grants permission for the connection. Even with permission, caution is advised. These private systems often drain across another property owner or owners, and these other owners may be of the opinion that the connection is causing damages on their property. So even with permission, the potential liability could still extend further downstream.

d) Are there other sources of information on the common law as it relates to water?
There is an excellent book entitled “Water Law in Canada – the Atlantic Provinces” which contains a chapter on surface water and another chapter on riparian rights. John Johnston obtained permission from the publisher to post a scan of these chapters on the LICO website. You can find them here: www.drainage.org/reference_publications.html

Licensing Updates:
As of August 13, 2018, there were 101 licensed tile drainage contractors in Ontario. There are 221 licensed machines and 450 machine operators (263 Class A).

Remember, you are supposed to have your licenses with you when performing your work as a business or if you are operating a machine. Here’s a suggestion – it seems that no one goes anywhere anymore without their phone. Why not take a picture of your license with your phone?
Municipality of Morris-Turnberry,

Thank you for the picture frame and sub-way gift card that you donated to the Brussels Agricultural Society Fall Fair Ambassador Competition on August 11th, 2018. I look forward to representing the community for the upcoming year.

Sincerely,

Amanda Morrison
CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 65-2018

"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 September 18th, 2018;

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 September 18th, 2018 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 18th day of September, 2018, 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 18th day of September, 2018.

Mayor, Paul Gowing

Clerk, Nancy Michie