



# Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

## Regular Meeting of Council

Monday, March 10, 2014

6:30 p.m.

Municipal Office Council Chambers, Kenilworth

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- Mayor Tout	
<b><u>O' CANADA</u></b>	
<b><u>PASSING AND ACCEPTANCE OF AGENDA</u></b>	
<b><u>DECLARATION OF PECUNIARY INTEREST</u></b>	
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THE CORPORATION OF THE UNITED TOWNSHIPS OF  
**HEAD, CLARA & MARIA**

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Phone: (613) 586-2526 | Fax: (613) 586-2596 | E-mail: [twpshcm@xplornet.com](mailto:twpshcm@xplornet.com)

Monday, February-10-14

The Honourable Kathleen Wynne, Premier  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

Dear Premier Wynne

At the regular meeting held on Friday, October 25, 2013, the Council of the United Townships of Head, Clara & Maria discussed and passed a resolution lobbying the provincial government to stop the roll out of mandatory on-site septic system inspections. Further Council requests that mandatory inspections only be required in known vulnerable areas adjacent to source water protection areas.

Council requests that the province sincerely consider the costs associated with such a program and ensure that any new regulations build in a funding mechanism as municipalities and property owners cannot continue to rely on the already strapped property tax base for additional provincially legislated programs and inspections.

Sincerely and on behalf of Council,

Melinda Reith  
Municipal Clerk

Enclosures: copy of resolution

cc: Hon. Linda Jeffrey, Minister of Municipal Affairs and Housing  
Mr. John Yakabuski, MPP Renfrew-Nipissing-Pembroke  
Jim Hutton, CAO, County of Renfrew  
AMO – Association of Municipalities of Ontario  
County Municipalities for support



**THE CORPORATION OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA**

Date: Friday, October 25, 2013

Resolution No.:25/10/13/004

Moved by:

*Jimi Galini*

Seconded by:

*D. Grills*

**WHEREAS** the provincial government regularly make sweeping regulations and policies without giving appropriate consideration to specific locations or the effects on smaller municipalities and the rights of individuals:

**AND WHEREAS** government regulations now control and limit many property owner rights and privileges restricting more and more as time goes on;

**AND WHEREAS** the Council of the United Townships of Head, Clara & Maria does recognize that legislation is required to protect the environment from some who may not maintain their properties appropriately;

**THEREFORE BE IT RESOLVED THAT** this Council does hereby lobby the provincial government to stop the process of mandatory on-site septic system inspections and to continue to only require them in known vulnerable areas adjacent to source water areas;

**AND FURTHER THAT** should regular and routine inspections become mandatory across the province that the province builds into any regulation the corresponding funding to compensate property owners and the small municipalities who cannot continue to rely on the property tax base to meet the constant downloading of responsibility without equivalent funding;

**AND FURTHER THAT** this resolution be circulated for support.

Carried

Defeated

Reeve

*R. Stewart*





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## Information Regarding On-Site Sewage Systems Maintenance Inspections

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### On-Site Sewage Systems Maintenance Inspections Implementation Materials

The Building Code (Ontario Regulation 350/06) was recently amended by Ontario Regulation 315/10 to establish and govern mandatory on-site sewage system maintenance inspection programs to be administered in certain areas by principal authorities, i.e., municipalities, health units and/or conservation authorities. The amendments also govern discretionary on-site sewage system maintenance inspection programs established by principal authorities.

These amendments help protect Ontario's drinking water and the natural environment, and support the implementation of the Clean Water Act, 2006 and the Lake Simcoe Protection Plan. The "in-force" date for many of these programs is January 1, 2011. The balance of the regulation, concerning certain areas around the Lake Simcoe shoreline and watershed, comes into effect January 1, 2016.

To support implementation of these regulations, the Ministry of Municipal Affairs and Housing has released inspection certificate forms for mandatory and discretionary inspection programs. These forms are to be issued by principal authorities and then completed and returned by third-party inspectors of on-site sewage systems. Principal authorities have the authority to decide whether to accept third-party inspection certificates.

The ministry has also released an Order to Comply form to be used in the case that an on-site sewage system is found to be in violation of the Building Code. This form is similar to other Prescribed Orders and Orders to Comply already mandated for use by principal authorities and registered code agencies.

These forms are available on the Ministry website under [Publications](#).

To assist principal authorities with implementation of the regulations, information regarding on-site sewage system maintenance inspections has been prepared for explanatory purposes. This document, developed jointly with the [Ministry of the Environment](#), describes a progressive audit approach to maintenance inspections for on-site sewage systems. Under this approach, initial inspections are designed to be non-intrusive tests and will generally avoid significant disturbance to the system and to the surrounding soil area. Where concerns are identified, further investigation may follow. This document has been prepared for explanatory purposes only and does not form part of the regulation.

This document is now available on the Ministry website under [Publications](#).

Maps illustrating select areas in which maintenance inspection programs will not be required within five years of January 1, 2011 have been prepared. To view maps, see [Lake Simcoe shoreline maps](#).

### **Mandatory On-site Sewage System Maintenance Inspection Programs**

Ontario Regulation 315/10 requires principal authorities to administer mandatory on-site sewage maintenance inspection programs within their areas of jurisdiction. The regulation defines the geographic areas where inspections of on-site sewage systems will be required and the timeframes within which inspections must be carried out.

Inspections of on-site sewage systems will be required in the following areas:

- In areas located within 100 metres of the Lake Simcoe shoreline and within 100 metres of other lakes or ponds and permanent rivers or streams in the Lake Simcoe watershed. Maps illustrating certain mandatory areas for maintenance inspections along the [Lake Simcoe shoreline](#) are available.
- The mandatory inspection program would also be required in parts of "vulnerable areas" located in source protection areas identified through the source protection planning process under the Clean Water Act, 2006. The "vulnerable areas" are in the process of being determined by local source protection committees and will be identified in Assessment Reports. These reports are to be approved by the Director of Source Protection Programs Branch of the Ministry of the Environment. The last Assessment Reports are due in December 2010, and anticipated to be approved in 2011. Inspections would be required in areas where on-site sewage systems subject to the BCA have been identified as a significant drinking water threat. For more information please refer to [Drinking Water Source Protection](#) page.

Inspections of on-site sewage systems must be carried out within the following timeframes:

- Inspections of on-site sewage systems located within 100 meters of certain portions of the Lake Simcoe shoreline would be required within five years of January 1, 2011 and every five years thereafter.
- Inspections of on-site sewage systems located within 100 metres of the balance of the Lake Simcoe shoreline and 100 metres of other lakes or ponds and permanent rivers or streams in the Lake Simcoe watershed, would be required within five years of January 1, 2016 and every five years thereafter.
- Inspections of on-site sewage systems located in "vulnerable areas" would be required within five years of January 1, 2011. Where the applicable assessment report or source protection plan is approved under the Clean Water Act after January 1, 2011, inspections would be required within five years of the report or plan's approval, and every five years thereafter.

### **Discretionary On-Site Sewage System Maintenance Inspection Programs**

The regulation also governs discretionary on-site sewage maintenance inspection programs established by principal authorities. The regulation provides that these programs shall apply to all on-site sewage systems in the area affected by the program, and that an inspector shall inspect all sewage systems affected by the program.

#### **Related Links**

- [Certificate - Mandatory Sewage System Maintenance and Discretionary Inspection Program](#)
- [Form - Order to Comply](#)
- [Lake Simcoe shoreline maps](#)
- [Information Regarding On-Site Sewage System Maintenance Inspections](#)

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- LAST MODIFIED: TUESDAY, SEPTEMBER 06, 2011

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Ministry of Community Safety  
and Correctional Services

Office of the Fire Marshal  
and Emergency Management

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communautaire et des Services  
correctionnels

Bureau du commissaire des incendies  
et de la gestion des situations d'urgence

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North York ON M2M 4J1  
Téléphone : 416 325-3100  
Télécopieur : 416 325-3119



February 12, 2014

Dear Mayor in Council:

As of January 1, 2014, Ontario became the first province to require the retrofit of automatic sprinklers in all vulnerable occupancies, which include care occupancies (e.g. group homes and supportive housing where residents need care for cognitive or physical disabilities and require assistance to evacuate), care and treatment occupancies (e.g. long-term care homes – formerly known as nursing homes, municipal homes for the aged and charitable homes) and licensed retirement homes (i.e. homes for seniors who may require assistance with daily living). I would like to clarify what this means for municipalities like yours.

Mandatory sprinklers are but one part of a comprehensive set of changes to the province's fire safety regulations. There are a number of other fire safety changes that are required, by law, in care occupancies, care and treatment occupancies and licensed retirement homes. These changes and the timelines for their completion are listed below.

Beginning January 1, 2014, the changes will be phased in as follows:

**In Care Occupancies and licensed Retirement Homes (within scope of Section 9.7 of Division B of the Fire Code)**

- Two months to install smoke alarms in individual sleeping rooms (**New & Deadline is March 1, 2014**);
- One year to install fire alarm monitoring and emergency lighting (**New & Deadline is January 1, 2015**);
- Two years to install self-closers and voice communication systems (**New & Deadline is January 1, 2016**);
- Five years to install automatic sprinklers (**New & Deadline is January 1, 2019**).

Refer to Section 9.7 for details, design options and exemptions.

**In Care and Treatment Occupancies (within scope of Section 9.4 of Division B of the Fire Code, excluding hospitals)**

- Eleven years to install sprinklers to coincide with the existing Long-Term Care Home Renewal Strategy for redevelopment (**New & Deadline is January 1, 2025**).

## **In Care Occupancies, Care and Treatment Occupancies and licensed Retirement Homes**

- Implementation of approved fire safety plan (**Now without exception & in effect as of January 1, 2014**)
- Carry out annual fire drills representing lowest staffing level scenario as approved by local fire services (**New & in effect as of January 1, 2014**)
- Sufficient number of supervisory staff available to assist residents to evacuate in an emergency (**Now without exception & in effect as of January 1, 2014**)
- Record keeping for training of supervisory staff on their roles and responsibilities within the fire safety plan (**New & in effect as of January 1, 2014**)
- All owners and operators or delegates responsible for implementing the approved fire safety plan to complete mandatory training in the next three years (**New & Deadline is January 1, 2017**)

## **For Fire Services (in respect to Care Occupancies, Care and Treatment Occupancies and licensed Retirement Homes)**

- Three years to complete mandatory training for all Chief Fire Officials responsible for approving facility fire safety plans (**New & Deadline is January 1, 2017**)
- Observation of annual fire drills based on approved scenario (**New & in effect as of January 1, 2014**)
- Annual fire safety inspections based on a standardized checklist (**New & in effect as of January 1, 2014**)
- Registry of Vulnerable Occupancies (**New & in effect as of January 1, 2014 – See below for details**)

The Office of the Fire Marshal and Emergency Management (OFMEM) is committed to providing support to municipalities through advice, assistance and hands-on training, if required. The following are a list of items to demonstrate how the OFMEM is doing this.

### **1. Training program/course acceptable to the Fire Marshal**

To meet the requirements for this mandatory training, facility owners and operators and Chief Fire Officials must have completed a training program/course acceptable to the Fire Marshal. For supervisory staff, there is an optional course. These courses are in the final stages of development. Registrants will be able to take the courses based on their preferred method of learning; online or in-class. English and French online courses will launch in April 2014. Registration for the English in-class learning will open in May/June with fall dates for regional delivery. All courses will be delivered by Public Services Health & Safety Association (PSHSA).

### **2. Registry of Vulnerable Occupancies**

The other piece to this comprehensive set of changes is the development of an OFMEM administered Registry of Vulnerable Occupancies. As part of this, the new regulatory requirements mandate fire departments to enter specific information about vulnerable occupancies in their municipality into the Registry after they have completed a site visit. The benefit of gathering this information in one place is that it will enable fire departments to track fire drills and inspections of vulnerable occupancies within their boundaries. Recently the OFMEM initiated a one-week online pilot program for municipal fire departments to test the usability of the online application that will host the Registry. Once feedback is received and incorporated, the online application will be available for use by all municipal fire departments. Distribution of passwords to individual fire departments allowing access to local records will follow shortly.

### **3. Training with Municipal Fire Departments**

Beginning in February, OFMEM Field Services staff will be attending some municipalities to speak about the new requirements with the local fire services. In exchange, the local fire service has made arrangements for OFMEM staff to visit care occupancies and care and treatment occupancies in the municipality with the local fire service to conduct inspections, witness fire drills and review the occupancy's fire safety plan among other items. Field staff will be able to use this hands-on experience to support advice and assistance they provide to other municipalities.

#### **Why are there two different phase-in times for sprinklers?**

I want to clarify this. Most private and government funded group homes and supportive housing captured under the new rules will have up to five years to install sprinklers. Licensed long-term care homes, such as nursing homes, will have an 11-year phase-in period to be completed by 2025.

This difference in phase-in periods is because older long-term care homes are part of a long-term redevelopment plan to bring the buildings up to more current standards. I must emphasize that these long-term care homes are already subject to a stricter set of fire safety requirements than those required in care occupancies and licensed retirement homes. In addition to the minimum staffing requirements to carry out evacuations in a fire emergency, physical barriers to fire (such as walls with a certain fire endurance), fire alarms, fire exits and emergency lighting, these long-term care homes are also required to have enhanced fire alarm monitoring and detection, and zone separations (pre-determined areas where residents are assisted to as part of a phased evacuation). The requirement for sprinklers builds on these existing strict requirements.

The mandatory sprinkler retrofit requirements have been included as part of a redevelopment plan for these long-term care homes. If not, construction costs could be duplicated by installing sprinklers in homes already scheduled to be redeveloped.

The new regulation allows five years in some cases, and 11 years in others, to meet the new sprinkler requirements, however, it does not necessarily mean that it will take that long to get all of these homes sprinklered. In fact, I am informed that at least 70 per cent of long-term care homes, and 60 per cent of retirement homes, are already sprinklered, and that others plan to proactively sprinkler well ahead of the compliance deadlines.

#### **Committed to Working Together**

This new strategy will help reduce impacts of fire on occupants and property through a multi-pronged approach of enhanced inspections, enhanced training and fire safety retrofits. It will also help the fire service be better able to pre-plan so that they will be better prepared to respond to a fire in one of these occupancies. Their role is a crucial part of this integrated strategy.

It remains the responsibility of facility owners and operators in all municipalities to ensure their buildings are in full compliance with the changes to Ontario's fire safety regulations. As listed above, mandatory sprinklers are but one part of these regulations.

My Office will continue to support municipalities, local fire services, facility owners and operators by providing advice and assistance, hands-on training and ongoing communication about upcoming deadlines to ensure all care occupancies, care and treatment occupancies and licensed retirement homes are in compliance with the new rules. To learn more about the work

that has been accomplished to date, visit the OFMEM website portal for Care Occupancies, Care and Treatment Occupancies and Retirement Homes or contact my Office at (416) 325-3100. To speak with us in person, join us at the ROMA/OGRA Conference on February 25. You are welcome to join us in the Wellington Room at the Strathcona Hotel, from 8:00 a.m. to 3:00 p.m. or drop by our exhibit in the Tudor Room on the Mezzanine Level of the Royal York Hotel. We would be happy to answer any of your questions about these requirements and any other initiatives being undertaken by the OFMEM.

We all have a role to play in keeping seniors and vulnerable Ontarians fire safe.

Sincerely,



Tadeusz (Ted) Wieclawek  
Ontario Fire Marshal and Chief of Emergency Management

- CC: All Ontario Fire Chiefs
- CC: Ontario Association of Fire Chiefs
- CC: Association of Municipalities of Ontario
- CC: Fire Fighter's Association of Ontario
- CC: Ontario Municipal Fire Prevention Officers Association
- CC: Ontario Professional Fire Fighters Association



105 Elgin St. West  
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February 11, 2014

Kathleen Wynne, Premier  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Wynne,

Please be advised that Council of the Corporation of the Town of Arnprior, at their meeting held on February 10, 2014, adopted Resolution No. 059-14, as follows:

"WHEREAS the Council of the Corporation of the Town of Arnprior recognizes that increased electricity rates are challenging for the economic competitiveness of the Town of Arnprior and its residents;

AND WHEREAS the County of Renfrew passed a resolution on November 27, 2013 encouraging the Government of Ontario to ensure that our electricity rates both in the short and long-term, allow our businesses to remain competitive in a global environment and ensure that the vulnerable residents of our communities are not overburdened by ever-increasing electricity rates;

AND WHEREAS the Council of the Corporation of the Town of Arnprior supports the County of Renfrew in its attempt to encourage the Government of Ontario to not approve any further rate increases for electricity;

AND WHEREAS it is estimated that electricity costs will increase by approximately 50% within the next five years;

AND WHEREAS an increase in electricity rates by the Ontario Energy Board will exacerbate an existing problem for industry and consumers with low or fixed incomes in Arnprior;

• WHERE THE RIVERS MEET •



THEREFORE BE IT RESOLVED THAT the Town of Arnprior urges in the strongest possible way that the Government of Ontario ensures that electricity rates both in the short and long-term, allow our businesses to remain competitive in a global environment and ensure that the vulnerable residents of our communities are not overburdened by ever-increasing electricity rates;

AND FURTHER BE IT RESOLVED THAT this resolution be sent to the Premier of Ontario, the Minister of Energy and Infrastructure, the Ontario Energy Board, the Ontario Power Authority, Associations of Municipalities (AMO), MPP John Yakabuski, Ontario Municipalities and Local Municipalities in Renfrew County for support.

AND FURTHER BE IT RESOLVED THAT the Town of Arnprior urges the Ontario Energy Board in the strongest possible way not to approve any further rate increases for electricity.”

Your assistance in ensuring our businesses stay competitive and our residents are not overburdened by ever-increasing electricity rates is greatly appreciated.

Respectfully,



Maureen Spratt, Clerk

- c Minister of Energy and Infrastructure
- Ontario Energy Board
- Ontario Power Authority
- AMO
- John Yakabuski, MPP Renfrew-Nipissing-Pembroke
- Ontario Municipalities (by email)
- Renfrew County Municipalities (by email)



Warren Mar  
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Town of Aurora  
100 John West Way, Box 1000  
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February 21, 2014

C03-C14-06

Randy Hillier, MPP Lanark-Frontenac-Lennox & Addington  
4 Market Square  
Napanee, ON K7R 1J3

Dear Mr. Hillier:

**Re: Introduction of Municipal Recall Election Legislation**

Please be advised that this matter was considered by Council at its meeting held on February 11, 2014 and in this regard Council adopted the following resolution:

WHEREAS there are few means to remove an elected official from office other than through the election process; and

WHEREAS the time between municipal election periods has grown to four years; and

WHEREAS significant damage can be caused in a four-year period should an elected official act to the detriment of the municipality; and

WHEREAS it is not the most effective use of time for municipal representatives to police one another through Codes of Conduct and Integrity Commissioners; and

WHEREAS the penalties that can be imposed through Codes of Conduct are relatively minor; and

WHEREAS there is a problem with Codes of Conduct and Integrity Commissioners being used for political purposes; and

WHEREAS Codes of Conduct have proven ineffective in curtailing detrimental behaviour; and

WHEREAS establishing Codes of Conduct and employing Integrity Commissioners can be an expensive endeavour; and



WHEREAS the detrimental behaviour of some elected officials reflects poorly upon all elected officials, especially if they are not held accountable for this behaviour; and

WHEREAS it is incumbent upon all elected representatives to maintain a high standard of integrity; and

WHEREAS Progressive Conservative MPP Randy Hillier has introduced a Private Member's Bill to introduce recall elections for provincially-elected officials but omits municipally-elected officials.

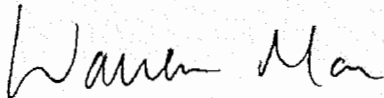
NOW THEREFORE BE IT HEREBY RESOLVED THAT the Town of Aurora formally requests that the Government of Ontario consider the implementation of recall legislation for municipally-elected officials; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to every municipality in the province of Ontario for endorsement; and

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to every Member of Provincial Parliament in the province of Ontario.

The above is for your information and any attention deemed necessary.

Yours truly,



Warren Mar,  
Director Legal & Legislative Services/Town Solicitor/Acting Town Clerk

WM/rm

Copy: Every Municipality in Ontario  
Every MPP in Ontario  
Mr. Geoffrey Dawe, Mayor, Town of Aurora  
Mr. Paul Pirri, Councillor, Town of Aurora

Ministry of Infrastructure

Ministère de l'Infrastructure

Ministry of  
Transportation

Ministère des  
Transports

Office of the Minister

Bureau du ministre

Ferguson Block, 3<sup>rd</sup> Floor  
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Toronto, Ontario  
M7A 1Z8  
416-327-9200  
www.ontario.ca/infrastructure  
www.mto.gov.on.ca

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77, rue Wellesley ouest  
Toronto (Ontario)  
M7A 1Z8  
416-327-9200  
www.ontario.ca/infrastructure  
www.mto.gov.on.ca



FEB 10 2014

M2013-6977

Mr. Randy Pettapiece, MPP  
Perth-Wellington  
55 Lorne Avenue East  
Stratford ON N5A 6S4

Dear Mr. Pettapiece,

Thank you for bringing the Township of Wellington North's resolution regarding Connecting Links to my attention. I appreciate the opportunity to respond.

The Ontario government is delivering on its 2013 Budget commitment for a new municipal infrastructure fund to help small, rural and northern municipalities address roads, bridges and other critical infrastructure.

Last year, the province indicated that it would not be proceeding with a dedicated Connecting Link funding program.

This summer the province undertook consultations with municipal stakeholders on the design of the new program and a potential permanent program for consideration in the 2014 Budget. We heard from more than 500 municipal representatives and developed the program based on their input.

The new \$100 million Small, Rural and Northern Municipal Infrastructure Fund has three parts:

- \$71 million for road, bridge, water and wastewater projects that are identified as priorities in municipal asset management plans
- \$25 million to fund 20 selected critical project proposals submitted under the Municipal Infrastructure Investment Initiative (MIII); and
- \$4 million for municipalities with populations under 5,000, in recognition of their limited capacity for asset management planning and related work.

.../2

The province is continuing to take consultation feedback into account as it considers options to make the Fund permanent in the 2014 Budget.

For more information, please visit [Ontario.ca/municipalinfastructure](http://Ontario.ca/municipalinfastructure). If you have any questions or comments regarding SRNMIF, please contact:

Small, Rural and Northern Municipal Infrastructure Fund – Capital  
Program  
c/o Rural Programs Branch  
Ministry of Rural Affairs  
1 Stone Road West, 4<sup>th</sup> Floor  
Guelph ON N1G 4Y2

E-mail: [new-municipal-infrastructure@ontario.ca](mailto:new-municipal-infrastructure@ontario.ca)  
Telephone: 1-877-424-1300 or TTY 1-855-696-2811

Thank you again for bringing this matter to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Glen Murray', with a long horizontal flourish extending to the right.

Glen Murray  
Minister

- c. Catharine More, Deputy Clerk, Township of Wellington North  
The Honourable Kathleen Wynne, Premier of Ontario



# K. SMART ASSOCIATES LIMITED

CONSULTING ENGINEERS AND PLANNERS

KITCHENER • SUDBURY • CHATHAM • NEW LISKEARD • RAINY RIVER

85 McIntyre Drive  
Kitchener, ON N2R 1H6

Tel: 519-748-1199  
Fax: 519-748-6100

February 11, 2014

RECEIVED

File No. 81044, 12-078

FEB 18 2014

Mayor and Council  
c/o Cathy More, Deputy Clerk  
Township of Wellington North  
Box 125  
Kenilworth ON N0G 2E0

TWP. OF WELLINGTON NORTH

**RE: MARVIN GINGRICH / WEST LUTHER DRAIN 60 BRANCH A**

Ladies and Gentlemen:

Mr. Marvin Gingrich is the owner of the W $\frac{1}{2}$  Lot 11, Concession 7, geographic Township of West Luther. This land is located northeast of Damascus and was the former Murray and Wilma Culp farm (see attached plan and aerial photo). The land is drained by West Luther Drain 60 and Branch A. Branch A is a tributary open ditch located fully on the W $\frac{1}{2}$  Lot 11, and which picks up water from some bush at the north end of Lot 11. It has not been maintained for some time and appears in relatively poor condition, being partly filled with silt and brush.

Mr. Gingrich has requested that the Municipality abandon Branch A for purposes of future maintenance.

This would have the effect that the Municipality would no longer be responsible for maintenance of Branch A or collect the costs of maintenance of Branch A from other upstream landowners in the watershed. The owner of the W $\frac{1}{2}$  Lot 11, Concession 7, currently Mr. Gingrich, would become responsible for any future work or costs on Branch A. The Main Drain would continue to be maintained by the Municipality in the normal manner.

Section 84 of the Drainage Act anticipates this situation and provides direction to Council on how to proceed (copy attached.)

Sections 84(1) and (2) state that Council shall give notice to other landowners in the drainage works of the landowner's request and Council's intention to abandon a portion of the works, which in this case would be Branch A. I recommend Council do this, and have provided a sample notice letter which you may wish to use or modify as Council and staff see fit. Any questions from landowners about cause and effect may be referred to myself.

Sections 84(3) and (4) provide that should there be a written request from a landowner within 10 days of mailing the notice, Council shall appoint an Engineer to prepare a report on the proposed abandonment.

114

Section 84(5) states that if no owner sends a notice to the Clerk within the 10 day period, Council may proceed by by-law to abandon the drainage works (Branch A).

If there are questions or discussions on the foregoing, please do not hesitate to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "Garth Noecker". The signature is written in a cursive, flowing style.

Garth Noecker, CET, CST  
Drainage Superintendent  
Township of Wellington North

mw

encl

cc: Marvin Gingrich

**DRAINAGE ACT, RSO 1990  
SECTION 84**

**Abandonment of all or part of drainage works**

84. (1) If three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, send a request asking for the abandonment of the whole or any part of the drainage works, the council of the initiating municipality shall, as soon as reasonably possible, send a notice to all of the owners of the land assessed for the drainage works stating its intention to abandon the drainage works or the part of the drainage works specified in the notice, unless, within 10 days of the date the municipality's notice was sent, any owner sends a notice to the clerk of the municipality requesting that the report of an engineer be made on the proposed abandonment. 2010, c. 16, Sched. 1, s. 2 (32).

**Same**

(2) The council of the initiating municipality may send a notice in accordance with subsection (1) of its intention to abandon a drainage works or the part of the drainage works specified in the notice, even if a request described in subsection (1) has not been sent to the municipality. 2010, c. 16, Sched. 1, s. 2 (32).

**Engineer's report may be required**

(3) If an owner sends a notice to the clerk within the 10-day period in accordance with subsection (1), the council shall appoint an engineer to examine the drainage works and report recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including the engineer's compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just. R.S.O. 1990, c. D.17, s. 84 (3); 2010, c. 16, Sched. 1, s. 2 (33).

**Procedures on report**

(4) All proceedings, including appeals, with respect to a report under subsection (1) shall be the same with necessary modifications as on a report for the construction of a drainage works. R.S.O. 1990, c. D.17, s. 84 (4).

**Abandonment by council**

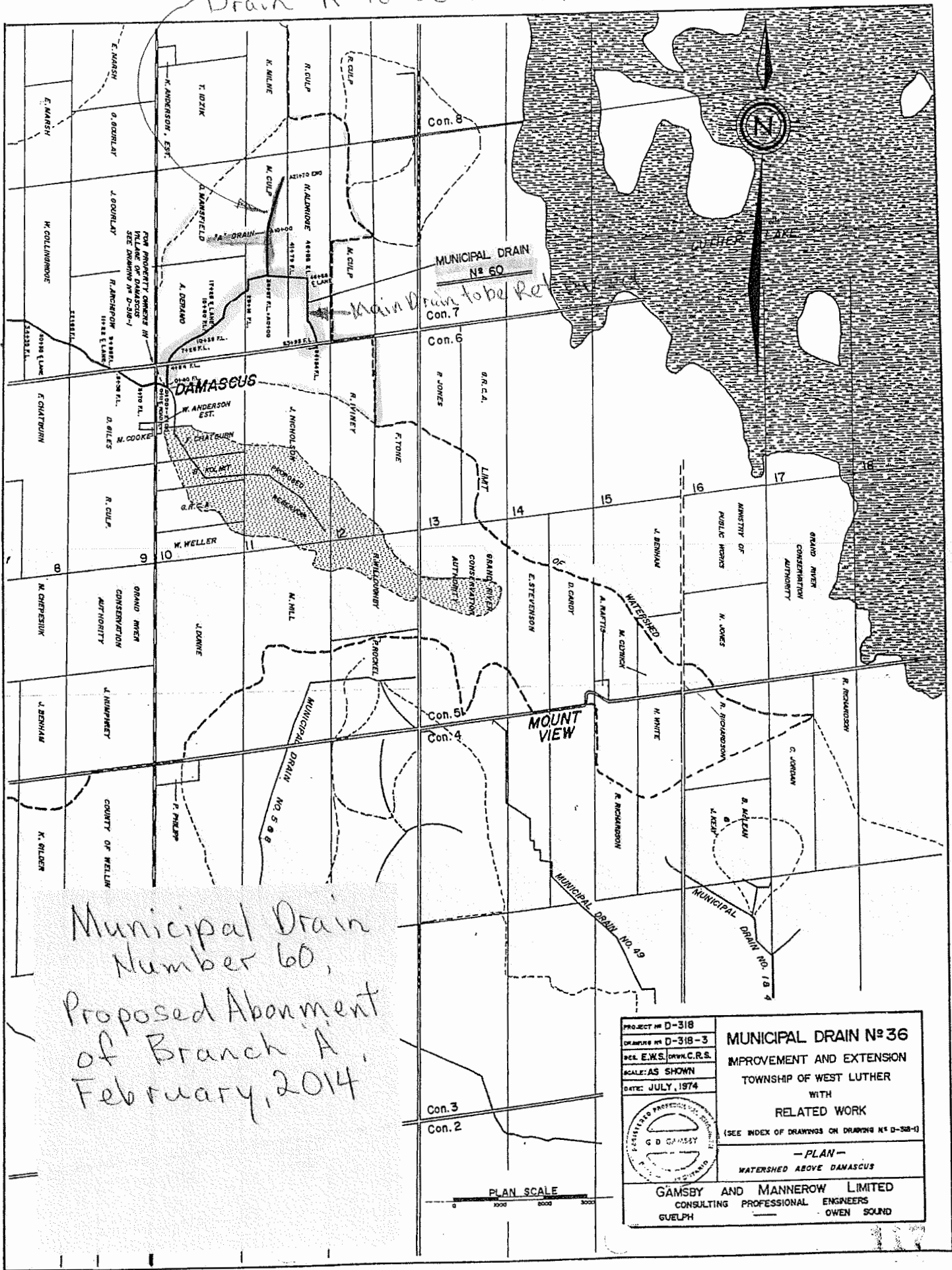
(5) If no owner sends a notice to the clerk within the 10-day period in accordance with subsection (1) or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works. R.S.O. 1990, c. D.17, s. 84 (5); 2010, c. 16, Sched. 1, s. 2 (34).

**Disbursement of remaining funds**

(6) Any money remaining to the credit of the drainage works after it is abandoned shall be divided proportionately among the owners of lands and roads assessed therefor. R.S.O. 1990, c. D.17, s. 84 (6).



Drain 'A' to be Abandoned



Municipal Drain  
Number 60,  
Proposed Abonment  
of Branch A,  
February, 2014

PROJECT # D-318	<b>MUNICIPAL DRAIN N° 36</b> IMPROVEMENT AND EXTENSION TOWNSHIP OF WEST LUTHER WITH RELATED WORK (SEE INDEX OF DRAWINGS ON DRAWING N° D-328-1) - PLAN - WATERSHED ABOVE DAMASCUS
DRAWING # D-318-3	
DES. E.W.S. DRWN. C.R.S.	
SCALE: AS SHOWN	
DATE: JULY, 1974	
<b>GAMSBY AND MANNEROW LIMITED</b> CONSULTING PROFESSIONAL ENGINEERS GUELPH OWEN SOUND	

# West Luther Drain 60 and Branch 'A'



## Legend

### Parcels

- Assessment Parcel
- Parcels Assessed at the Farm Tax Rate

### Libro Data

#### Administrative

- Conservation Authority
- Geographic Township
- Lot
- Ontario Public Sector Region
- Municipality
- Lower or Single Tier Municipality
- Upper Tier or District Municipality

#### Drain Classification - OFO Class Authorization Type

- A
- B
- C
- D
- E
- F

#### Environment/Base

- Drain Connection
- Power Lines
- AHSI
- HTS SON Grid
- OGI Map Sheet Index
- Quaternary Watersheds
- Secondary Watersheds
- Soils - Culture
- Tertiary Watersheds

#### Soils - CLT

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5
- Class 6
- Class 7
- Organic Soil
- Unclassified
- Water

#### Agricultural Tile Drainage - System Type

- Random
- Systemic

#### Soils - Drainage

- Not Applicable
- Imperfectly Drained
- Moderately Well Drained
- Fairly Drained
- Rapidly Drained
- Variable
- Very Poorly Drained
- Very Rapidly Drained
- Well Drained
- Water

#### Constructed Drain Type

- Closed/Toped
- Open or Unknown

#### Soils - Hydrological Soil Group

- A
- B
- C
- D

#### Central Drainage Class

- Fair
- Good
- Poor



0.8

0

0.8 Kilometers

Scale: 1: 15681

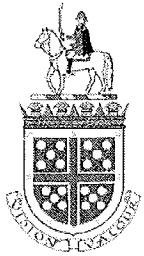


Ontario

© QUEEN'S PRINTER FOR ONTARIO, 2013

Map created: February 10, 2014

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture and Food (OMAF) and Ministry of Rural Affairs (MRA) shall not be liable in any way for the use or any information on this map, of, or reliance upon, this map.



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
T 519.837.2600  
F 519.823.1694  
1.800.663.0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH ON N1H 3T9

February 21, 2014

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W, Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Doug and Patricia Smith – Lot 7, Con. 11 (Arthur) – 9370 Conc. 11  
Prohibit Future Residential / Prohibit Livestock / Frontage / Side yard  
Zoning By-law Amendment**

I have adjusted the draft zoning amendment to permit 5 cows in the barn, rather than 2 horses.

I have spoken with both CBO Jones and Mr. Weber (the future owner), and both are satisfied with this approach.

I trust that these comments will be of assistance to Council in their consideration of this matter.

Sincerely,

Mark Van Patter, MCIP, RPP  
Manager of Planning and Environment

**C:** Angela Alaimo, Applicant's Solicitor

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 10-14**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF  
WELLINGTON NORTH (Part Lot 7, Concession 11 to 12,  
Geographic Township of Arthur – 9370 Concession 11 (D. and P.  
Smith))**

**WHEREAS**, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

**NOW THEREFORE** the Council of the Corporation of the Township of Wellington North enacts as follows:

1. **THAT** Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part of Lot 7, Concession 11 and 12, geographic Township of Arthur, as shown on Schedule "A" attached to and forming part of this By-law, from Agricultural (A) to **Agricultural Exception (A-160) and Agricultural Exception (A-161)**.
  
2. **THAT** Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following two new exceptions:

**"33.160 A-160  
Pt Lot 7, Con 11, 12**

**Notwithstanding Section 8.5.2.2 or any other section of this by-law to the contrary, the minimum required lot frontage for this zone shall be 10 m. (32.8 ft.).**

**33.161 A-161  
Pt Lot 7, Con 11, 12**

**Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted, subject to the requirements of Section 8.2 and the following:**

- a) **Notwithstanding Section 8.2.4 (c) and (d), the minimum side yard setbacks for the existing frame barn and metal clad shed shall be as existing. Reconstruction of these buildings, or the construction of other buildings or structures in the future, shall meet all of the requirements of this by-law, including Sections Section 8.2.4 (c) and (d).**
  - b) **The housing of livestock in the existing barn and shed is prohibited, save and except for the housing of a maximum of 5 cows.**
3. **THAT** the existing **Natural Environment (NE)** zone remains unchanged on the property.
  4. **THAT** except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
  5. **THAT** this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
10TH DAY OF MARCH, 2014.**

---

**RAYMOND TOUT,  
MAYOR**

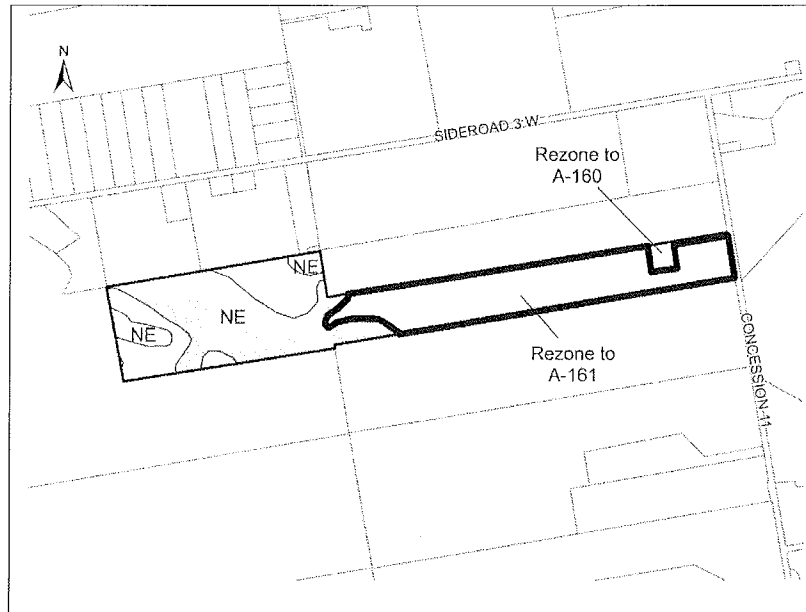
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**MICHAEL GIVENS,  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

**THE TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 10-14**

**Schedule "A"**



**Rezone from Agricultural (A) to Agricultural Exceptions (A-160) & (A-161)**

**Existing Natural Environment Zone Remains Unchanged**

**This is Schedule "A" to By-law No. 10-14  
Passed this 10th day of March, 2014**

---

**RAYMOND TOUT  
MAYOR**

---

**MICHAEL GIVENS  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

## ***EXPLANATORY NOTE***

### ***BY-LAW NUMBER 10-14***

#### **SUBJECT LAND**

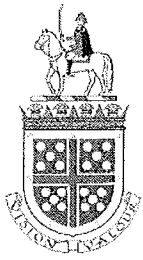
The property subject to the proposed amendment is described as Part Lot 7, Concession 11 & 12, Geographic Township of Arthur, with a civic address of 9370 Concession 11. The property is 42.36 hectares (104.67 acres) in size.

#### **THE PURPOSE AND EFFECT OF THE APPLICATION**

The “retained” residential (0.96 ha) portion of the subject lands is to be rezoned to Agricultural Exception (A-160) to provide relief for an insufficient frontage; 30.5 metres is required and only 10 metres is provided. The “severed” agricultural (41.4 ha) portion of the subject lands is to be rezoned to Agricultural Exception (A-161):

- to prohibit future residential development
- to prohibit livestock use of the existing barn and shed, except for the keeping of no more than 5 cows
- to provide relief for an insufficient sideyard for the existing barn and shed

This rezoning is a condition of severance application B89/13, that was granted provisional consent by the Wellington County Land Division Committee.



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

February 24, 2014

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W  
Kennilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Roger Villeneuve – Auto Repair, Body and Paint Shop  
8397 Line 10 - Monk  
Zoning By-law Amendment**

### **PLANNING OPINION**

This is a very difficult application to take a position on. It appears that some of the problem here is neighbour conflict. While I don't doubt that Mr. Villeneuve's shop does create some noise and paint fumes for Ms. Wooten, Mr. Villeneuve could legally open a farm implement repair shop or any other use permitted in the Agricultural Commercial zone. It may make some sense for Council to consider approving a temporary rezoning to see if Mr. Villeneuve can further mitigate adverse impacts or find an alternative location. I have provided a draft by-law that does this, but have left the period of time blank for Council to determine – 1, 2 or 3 years.

### **SITE VISIT**

CBO Darren Jones and I made a site visit and spoke with Ms. Wooten and Mr. Villeneuve separately.

#### Ellen Wooten

Ms. Wooten indicated that there was some noise from the shop from time to time. She noted a fan that was squeaking for a while. She also said that there were paint odours when Mr. Villeneuve paints and winds are from the south. She noted that she spends time in the back yard in the summer time and that the autobody use limits the enjoyment of her property. "I just don't want the use there" she noted. Her back yard is approximately 95 feet deep, back side of house to rear property line. It consists of lawn and some trees.



In her letter of January 15 to the Township she identifies some of the impacts – “*I am constantly assailed by fumes and noise and have not been able to enjoy my backyard for years*”. She states that painting occurs a couple days every week, and an exhaust fan runs 3 to 8 hours a day, sometimes on Saturday. She states that Mr. Villeneuve’s brother often works in the shop as well.

#### Roger Villeneuve

Mr. Villeneuve was upset that there was so much fuss. He said that there were no complaints for a considerable time after he put in the new air filter system. We noted the filter on our site visit; it is on the east wall. The actual shop is quite small. There is room for one vehicle on the left side and two on the right side, one behind the other. There were only two vehicles in there during the site visit. Both vehicles were antiques and both were being completely rebuilt. I got the impression that these two vehicles would be sitting there for some time. I did not get the impression that this was a regular body shops with a lot of cars coming and going.

The garage door opens to the west. The storage container that sits north of the shop has Mustang parts and will remain there only until the Mustang he is working on is completed. There is approximately 20 feet between the north side of the shop building and Ms. Wooten’s property boundary. There are a few trees along the boundary on Ms. Wooten’s side.

#### **ZONING ON VILLENEUVE AND BALCH PROPERTIES**

Mr. Villeneuve’s garage is zoned Agricultural Commercial (AC). Section 23.1 of the by-law permits the following uses in the AC zone:

- Agriculturally related Commercial or Industrial use
- Agricultural products Processing, Storing and Sales
- Companion Animal Office
- Commercial Greenhouse and/or Nursery
- Farm Implement Sales and Service
- Farm Supply Outlet
- Farm Produce Sales Outlet
- Fertilizer Processing Establishments
- Grain Drying Establishments
- Livestock Yards
- Veterinarian Clinic
- Accessory residential dwelling unit
- Accessory Uses, Buildings and Structures to the above permitted uses.

Some of the above have considerable potential to create nuisance noise and odors. Section 23.2.8 requires a setback of 50.2 feet between one of the above uses and a residential dwelling on another property. The Villeneuve garage is about 115 feet (air photo estimate). Things could be worse for Ms. Wooten and be legal at the same time. For instance, it would be legal right now for Mr. Villeneuve to fix tractors and other farm machinery. It is my understanding that the neighbour at the corner, Mr. Balch, who is also zoned Agricultural Commercial, fixes small motors (e.g. chainsaws and lawnmowers), and can at times create noise. Ms. Wooten lives in a mixed-use neighbourhood.

### **TEMPORARY USE**

Mr. Villeneuve in his February 17 letter to Wellington North, requests a temporary permit pending the outcome of the Wilson Quarry proposal. Council could approve a temporary rezoning for a period of up to three years. A temporary rezoning might allow Mr. Villeneuve time to see if he can mitigate the adverse effects of noise and paint odours or find an alternate location for his shop. Consideration should be given to putting up a buffer fence.

### **DRAFT ZONING AMENDMENT**

I have provided a draft zoning amendment for Council's review that would permit Mr. Villeneuve's shop for a temporary period, which I have left blank. The Planning Act allows up to 3 years; Council could choose 1, 2 or 3 years. I am maintaining the Agricultural Commercial zone and adding the autobody shop as a home industry.

I trust that these comments will be of assistance to Council in their consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Van Patter".

Mark Van Patter, MCIP, RPP  
Manager of Planning and Environment

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 13-14**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF  
WELLINGTON NORTH (Part of Lot 7, Concession 11, Geographic  
Township of West Luther, 8397 Line 10 - R. and A. Villeneuve)**

**WHEREAS**, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

**NOW THEREFORE** the Council of the Corporation of the Township of Wellington North enacts as follows:

1. **THAT** Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part of Lot 7, Concession 11, Geographic Township of West Luther, 8397 Line 10, as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural Commercial (AC) to Agricultural Commercial Exception (AC-156)**.
  
2. **THAT** a new Section 33.156 is added to Exception Zone 3 – Rural Areas, as follows:

**"33.156 - AC-156 Temporary Use**

**In addition to Section 23.1, Agricultural Commercial, a home industry in the form of an autobody and auto repair shop is permitted on the property, notwithstanding Section 6.14(b), for a Temporary Period of \_\_\_\_\_ Years, and subject to the following regulations:**

- a) **The size of the bodyshop and auto repair shop shall not exceed 111.48 sq. m. (1,200 sq. ft.).**
  
- b) **The only employee shall be the owner of the property.**
  
- c) **Notwithstanding Section 6.14(g), the home industry is permitted at its current setback from the interior side lot line and the neighbouring dwellings.**

- d) The owner is required to provide a buffer as per Section 3 of this by-law.
  - e) Except as otherwise provided above, the autobody and auto repair shop, shall comply with all other requirements of Section 6.14 for home industries.
  - f) That pursuant to Section 39(2) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the home industry autobody and auto repair shop is permitted only until March \_\_\_\_, 20\_\_.
3. **THAT** except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. **THAT** this By-law shall come into effect upon the final passing thereof pursuant to The Planning Act, R.S.O., 1990, as amended.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
10TH DAY OF MARCH, 2014.**

---

**RAYMOND TOUT,  
MAYOR**

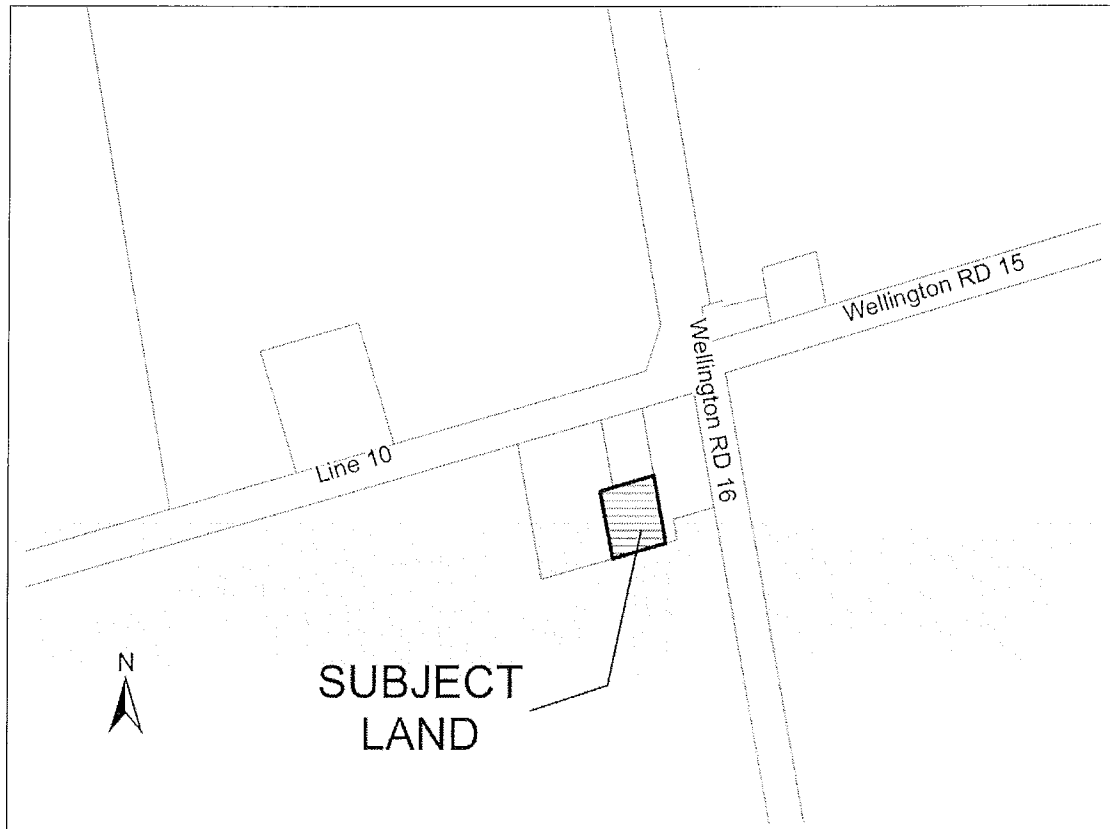
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**MICHAEL GIVENS,  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 13-14

Schedule "A"



from Agricultural Commercial (AC) to Agricultural Commercial Exception (AC-156)

This is Schedule "A" to By-law No. 13-14  
Passed this 10th day of March, 2014.

---

RAYMOND TOUT  
MAYOR

---

MICHAEL GIVENS  
CHIEF ADMINISTRATIVE OFFICER/CLERK

**EXPLANATORY NOTE**

**BY-LAW NUMBER 13-14**

**SUBJECT LAND**

The property subject to the proposed amendment is described as Lot 9, Concession 10, Geographic Township of West Luther, with a civic address of 8397 Line 10. The property is 0.5 hectares (1.25 acres) in size and is located in Monk.

**THE PURPOSE AND EFFECT OF THE APPLICATION**

The purpose and effect of the proposed amendment is to amend the zoning of the property to permit a home industry - auto repair, auto body and paint shop use - on the subject lands for a temporary period of \_\_\_\_\_ years. The use has been placed in an Agricultural Commercial Exception (AC-156) zone. It is considered to be a small scale home industry and is limited to its current size. Except for the owner, no other employees are permitted. A buffer is required between the existing garage and the neighbouring residence owned by Ellen Wooten.

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 14-14**

**BEING A BY-LAW TO AUTHORIZE AN AGREEMENT  
CONSENTING TO THE ASSIGNMENT OF A ROAD USE  
AGREEMENT**

**WHEREAS** By-law No. 83-13 passed by the council of the Township of Wellington North on the 30<sup>th</sup> day of September, 2013 authorized a road use agreement with WPD Springwood Wind Incorporated with respect to a wind energy development involving a road in the former Township of West Garafaxa in the Township of Wellington North linking County Road 109 with the project located in the Township of Centre Wellington

**AND WHEREAS** the road use agreement made as of the 2<sup>nd</sup> day of October, 2013 is being assigned to KfW IPEX-Bank GmbH as agents ("the agent") for lenders providing financing for the wind energy project.

**AND WHEREAS** the agent has requested Wellington North to acknowledge and consent to the assignment of the road use agreement to the agent by WPD Springwood Wind Incorporated as part of the security for the financing of the project.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH** enacts as follows:

1. The Corporation of the Township of Wellington North shall enter into an agreement with WPD Springwood Wind Incorporated and KfW IPEX-Bank GmbH acknowledging and consenting to the assignment of the road use agreement in the form of the draft agreement attached hereto as Schedule "A".
2. The Mayor and the Clerk of the Corporation are hereby authorized and directed to sign such agreement on behalf of the Township of Wellington North.

***READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 10<sup>TH</sup> DAY OF MARCH, 2014.***

---

**RAYMOND TOUT,  
MAYOR**

---

**MICHAEL GIVENS,  
CHIEF ADMINISTRATIVE OFFICER/CLERK**



**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 10<sup>TH</sup> DAY OF MARCH, 2014.**

---

**RAYMOND TOUT,  
MAYOR**

---

**MICHAEL GIVENS,  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

**DRAFT**

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER 14-14**

**SCHEDULE "A"**

**ACKNOWLEDGMENT AND CONSENT AGREEMENT  
ROAD USE AGREEMENT – TOWNSHIP OF WELLINGTON NORTH**

THIS AGREEMENT ("**Agreement**") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2014, between The Corporation of the Township of Wellington North ("**Township**"), wpd Springwood Wind Incorporated ("**Proponent**") and KfW IPEX-Bank GmbH, in its capacity as agent and security agent for and on behalf of the lenders under the Facilities Agreement (together with its successors and assigns in such capacity, "**Agent**").

- A. Township owns, manages or is legally responsible for Road Allowances, as more particularly defined in the Road Use Agreement (defined below) ("**Premises**").
- B. Township has entered into that certain Road Use Agreement made as of October 2, 2013 (together with all supplements, amendments and modifications thereto and waivers thereof, "**Road Use Agreement**") with the Proponent with respect to use of the Road Allowances and temporary reconstruction or realignment of certain portions thereof.
- C. Agent, Proponent and others have entered into a Facilities Agreement (as the same may be renewed, extended, amended, replaced, modified, supplemented or restated from time to time, "**Facilities Agreement**"), and to secure the obligations arising under such Facilities Agreement the Proponent has granted to the Agent, for its own benefit and the benefit of the lenders under the Facilities Agreement, an assignment of the Proponent's rights under, among other things, the Road Use Agreement, as the same may be renewed, extended, amended, replaced, modified, supplemented or restated from time to time (hereinafter referred to as "**Security**").

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Township Acknowledgments. Township acknowledges:
  - (a) the granting of the Security; and
  - (b) that the Agent is a "Secured Party" for the purposes of the Road Use Agreement, and, in such capacity, shall be entitled to all rights of a Secured Party as set forth in the Road Use Agreement.
  
2. Agent Provisions.
  - (a) Township agrees, for the benefit of the Proponent and the Agent, not to voluntarily terminate, agree to the voluntary termination of the Road Use Agreement or amend, modify or change the Road Use Agreement or otherwise take any action causing, consenting to or accepting any amendment, modification or change to the Road Use Agreement which would reduce, limit or impair the Security without the prior written consent of the Agent;

- (b) if the Township delivers any notice to the Proponent with respect to any breach of the terms of the Road Use Agreement by the Proponent, the Township shall use commercially reasonable efforts to deliver a copy of such notice to the Agent;
- (c) if the Township is entitled to terminate the Road Use Agreement, the Township will not exercise such right of termination unless and until it has given the Agent written notice of the event giving rise to the right to terminate the Road Use Agreement and has provided the Agent an opportunity to cure the applicable breach, such opportunity to be no less than 30 days longer than the applicable cure period provided to the Proponent for curing such breach. Notwithstanding the foregoing, if the Agent notifies the Proponent that it will foreclose on the Proponent's interest in the Wind Project (as defined in the Road Use Agreement) or otherwise take possession of the Proponent's interest in the Wind Project (as defined in the Road Use Agreement) and/or its interest in the Road Use Agreement, the Township will not exercise any remedies available to it and will permit the Agent a sufficient period of time as may be reasonably necessary for the Agent, with the exercise of due diligence, to foreclose or acquire the Proponent's interest in the Wind Project (as defined in the Road Use Agreement) and/or its interest in the Road Use Agreement and to perform or cause to be performed any of the covenants or agreements to be performed by the Proponent under the Road Use Agreement; and
- (d) any act or thing required to be performed by the Proponent under the Road Use Agreement performed by or on behalf of the Agent shall be deemed to be effective as though such act or thing was performed by the Proponent.

3. Further Assurances. The parties shall, at the expense of the Proponent, promptly execute and deliver, upon the request of and to the Agent, all such other and further documents, agreements, certificates and other instruments in compliance with or accomplishment of their respective covenants and agreements hereunder or under any document to be delivered pursuant hereto or otherwise necessary to make any recording, file any notice or obtain any consent, all as may be reasonably necessary and appropriate in connection herewith.

4. Modifications. The Township acknowledges that the Proponent and the Agent may extend, modify, renew or replace the Security without the consent of the Township.

5. Notices. All notices hereunder shall be in writing and shall be given by personal delivery, courier or electronic transmission addressed or sent as set out below:

to the Township:

Township of Wellington North  
7490 Sideroad 7W  
Kenilworth, Ontario  
N0G 2E0  
Attention: Debbie Zehr, Director of Public Works  
Fax No.: (519) 848-3228  
Emergency Telephone No.: (519) 321-9352

with a copy to:

Township of Wellington North  
7490 Sideroad 7W  
Kenilworth, Ontario  
N0G 2E0  
Attention: Michael Givens, Chief Administrative Officer  
Fax No.: (519) 848-3228  
Emergency Telephone No.: (519) 321-9935

to the Proponent:

c/o wpd Canada Corporation  
2233 Argentia Road, Suite 102  
Mississauga, Ontario  
L5N 2X7  
Attention: President  
Fax No.: (905) 813-7487  
Emergency Telephone No.: 1-888-712-2401

to the Agent:

Palmengartenstr. 5-9, 60325 Frankfurt  
Attention: Herrn Julian Droste  
Facsimile: +496974312944

6. Miscellaneous. This Agreement may be executed in any number of several counterparts, shall be governed and controlled by, and interpreted under, the laws of the Province of Ontario, and shall inure to the benefit of Agent and its successors and assigns and shall be binding upon Township and Proponent and their respective successors and permitted assigns (including any transferees of the Road Allowances).

**[signature page follows]**

IN WITNESS WHEREOF, this Agreement is entered into as of the date first set forth above.

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON  
NORTH**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:  
I/We have authority to bind the township

**KFW IPEX-BANK GMBH, as Agent**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:  
I/We have authority to bind the corporation

**WPD SPRINGWOOD WIND  
INCORPORATED**

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:  
I/We have authority to bind the corporation

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 15-14**

**A BY-LAW RESTRICTING THE WEIGHT OF VEHICLES PASSING  
OVER BRIDGES**

**AUTHORITY:** Highway Traffic Act, R.S.O. 1990, Chapter H.8, as amended,  
Part VIII, Sections 123, and 125.

**WHEREAS** Part VIII, Section 123, subsection 2 of the Highway Traffic Act, R.S.O. 1990, as amended provides that the municipal corporation or other authority having jurisdiction over a bridge may by by-law make regulations limiting the weight of any vehicle or combination of vehicles or any class thereof passing over such bridge;

**AND WHEREAS** it is deemed expedient to limit the weight of vehicles passing over bridges in the Township of Wellington North;

**NOW THEREFORE** the Council of the Township of Wellington North enacts as follows:

1. THAT no vehicle or combination of vehicles or any class thereof, whether empty or loaded, having a gross weight exceeding that set forth in Schedule A attached, shall be operated over these bridges.
2. THAT the penalties provided in Section 125 of the Highway Traffic Act shall apply to offences against this by-law.
3. THAT this by-law shall not become effective until a notice of the limit of the weight permitted legibly printed has been posted in a conspicuous place at each end of the bridge.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 10<sup>TH</sup> DAY OF MARCH, 2014.**

---

**RAYMOND TOUT,  
MAYOR**

---

**MICHAEL GIVENS,  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

**SCHEDULE A  
TO BYLAW NUMBER 15-14**

<b>STRUCTURE NO.</b>	<b>MTO SITE NO.</b>	<b>LOCATION</b>	<b>GROSS LOAD TONNES</b>
2051		<b>Concession 8 0.7 Km North of Sideroad 3 East</b>	12
2058		<b>Sideroad 13 0.5 Km South of Highway 89</b>	12
2028		<b>Sideroad 13 0.1 Km South of Highway 89</b>	12
2025		<b>Concession 6 South 0.5 Km South of Sideroad 9 West</b>	12

Bridge number and location are based on information from the current Bridge Report prepared by B. M. Ross and Associates Limited.

MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B7/14

APPLICANT

LOCATION OF SUBJECT LANDS

Andrew Hummel
8468 Sideroad 7
RR 2
Arthur, ON N0G 1A0

WELLINGTON NORTH (Mount Forest)
Lot 1 & Part of Lot 2
James Ellis Street
791 Waterloo Street

Proposed severance is 6300 square feet with 106' frontage, vacant land for proposed urban residential use.

Retained parcel is 6800 square feet with 102.6' frontage on Cork St. and 69.36' frontage on Waterloo St/. existing and proposed urban residential use with existing house.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 005 02400 0000

Does this description reasonably describe the parcel holdings? YES ( x ) NO ( )

If the answer is no, please provide new information:

Do you consider the proposal to conform to your Official Plan? YES ( ) NO ( )

What Section(s) does it conform to or contravene? (Please specify)

Horizontal lines for providing section information.

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES ( X ) NO ( )

(Please Specify) Section 12 – Zoning By-law 66-01

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES ( X ) NO ( )

(Please Specify) Section 12 – Zoning By-law 66-01.

If Necessary, would the Municipality be prepared to consider an Amendment to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or Minor Variance YES ( ) NO ( ) N/A ( )

Is proposal on an opened maintained year-round public road YES ( X ) NO ( )

If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road?

Please specify followed by a horizontal line.

Is the Proposed Lot(s) serviced now by the Municipal Water YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Water YES ( ) NO ( )

Is the Proposed Lot(s) serviced now by the Municipal Sewers YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Sewers YES ( ) NO ( )

Is there a Capital Works Project underway to service these lots in the near future YES ( ) NO ( )

Approximate Time of Servicing Availability: followed by a horizontal line.

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?



MUNICIPALITY COMMENTING FORM

FILE NO: B 7/14

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES ( ) NO ( )

n/a

Is there any further Information that may assist the Planning and Land Division Committee?  
(A letter may be attached if there is insufficient space to explain)

The applicant is proposing a semi-detached dwelling on the severed portion, he will require a minor variance for rear yard setback before a building permit can be issued.

Is the Municipality in support of this application? YES ( ) NO ( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

-THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.

-THAT the Owner receives approval from the applicable road authority for an entrance(s) to the severed parcel in accordance with the Township's entrance policy.

-THAT Owner satisfy the requirements in reference to parkland dedication.

-THAT the severed lot must have separate sewer and water connections (hookups) to the proposed semi and that all expenses associated with these hookups are the owners responsibility and is to be approved prior to installation to the satisfaction of the Director of Public Works.

Does the Municipality request a Notice of Decision YES (X) NO ( )

SIGNATURE: \_\_\_\_\_

TITLE: Deputy Clerk \_\_\_\_\_

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO \_\_\_\_\_

DATE: March 18, 2014 \_\_\_\_\_

County of Wellington Planning and Land Division Committee  
Deborah Turchet, Secretary-Treasurer  
Wellington County Administration Centre  
74 Woolwich Street, Guelph ON N1H 3T9

February 14, 2014

## NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

*APPLICATION SUBMITTED ON: February 7, 2014*

FILE NO. B7/14

### APPLICANT

Andrew Hummel  
8468 Sideroad 7  
RR#2  
Arthur ON N0G 1A0

### LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (Mount Forest)  
Lot 1 & Part of Lot 2  
James Ellis Street  
791 Waterloo St.

Proposed severance is 6300 square feet with 106' frontage, vacant land for proposed urban residential use.

Retained parcel is 6800 square feet with 102.6' frontage on Cork St. and 69.36' frontage on Waterloo St., existing and proposed urban residential use with existing house.

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,  
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

**March 19, 2014**

**Please note** that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

**Please also be advised** that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, you **must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public

**INFORMATION REGARDING THE APPLICATION** is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph ON N1H 3T9. Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

### **MAILED TO:**

Local Municipality – Wellington North County Planning

Conservation Authority – Saugeen Valley

Bell Canada County Clerk Roads

Neighbour - as per list verified by local municipality and filed by applicant with this application



<b>Application</b>	B7/14
<b>Location</b>	Part Lot 1 & 2, James Ellis Survey TOWNSHIP OF WELLINGTON NORTH
<b>Applicant/Owner</b>	Andrew Hummel

**PLANNING OPINION:** This proposal would create a vacant 585.3 m<sup>2</sup> (6,300ft<sup>2</sup>) parcel in the Urban Centre of Mt. Forest for a proposed semi-detached dwelling. A 632 m<sup>2</sup> (6,800 ft<sup>2</sup>) parcel would be retained with existing dwelling.

This application is consistent with Provincial Policy and would generally conform to the County Official Plan. We would have no other concerns, provided that the following matters are addressed as conditions of approval:

- 1) That safe driveway access and servicing can be provided to the satisfaction of the local municipality

**PLACES TO GROW:** The Places to Grow policies place an emphasis on intensification and optimizing the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states, "population and employment growth will be accommodated by focusing intensification in intensification areas". Intensification is defined as "the development of a property, site or area at a higher density than currently exists through,.....b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development".

**PROVINCIAL POLICY STATEMENT (PPS):** Section 1.1.3 of the Provincial Policy Statement directs growth to occur within settlement areas. The proposed lot creation is located within the Mt. Forest Urban Centre and is consistent with the PPS.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated RESIDENTIAL and is located within the built boundary of the Urban Centre of Mt. Forest.

Section 10.6.2, states that new lots may be created in Urban Centres provided that the lands are appropriately zoned. Lots may be created for a variety of community uses subject to the policies of this plan. Lot creation will normally proceed by plan of subdivision and will be based on the provisions of full urban services, wherever such services are available. We are satisfied that a plan of subdivision is not necessary for the creation the proposed lot.

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal...to accepted municipal standards" d) that all lots will have safe driveway access to an all-season maintained public road"

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Residential (R2). Both the minimum lot area and frontage requirements appear to be met. We note that the proposed building envelope shown on the retained lands does not meet the required rear yard setback. A minor variance will be required prior to the issuance of a building permit.

**SITE VISIT INFORMATION:** The subject property has not yet been visited.

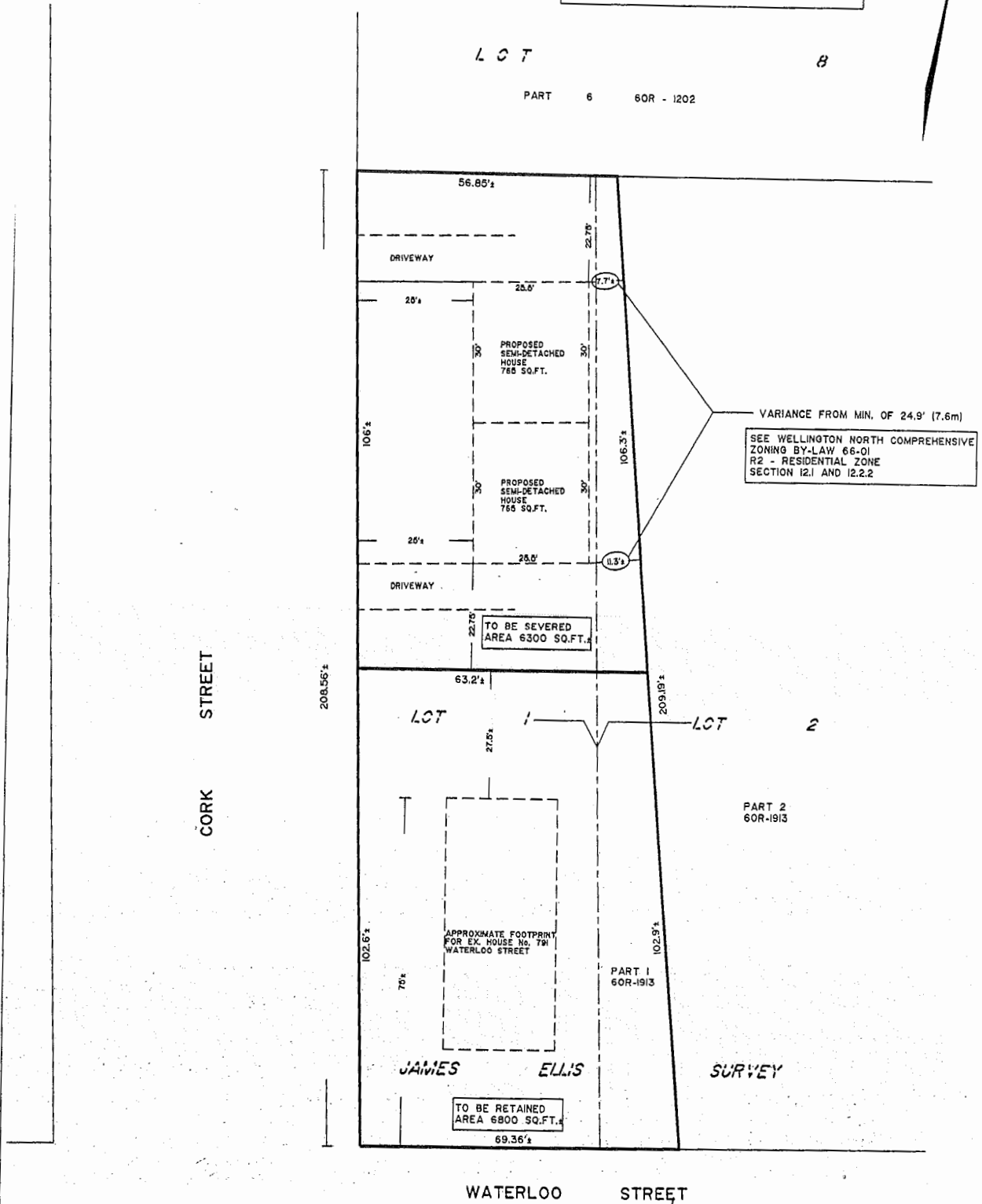
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Jameson Pickard, Junior Planner  
 March 4<sup>th</sup>, 2014

**JAMES ELLIS SURVEY**  
**TOWNSHIP OF WELLINGTON NORTH**  
 (FORMERLY TOWN OF MOUNT FOREST)  
**COUNTY OF WELLINGTON**

SCALE: 1 INCH = 20 FEET  
 DEREK GIBSON GRAHAM  
 PROFESSIONAL SURVEYOR

THIS IS NOT A PLAN OF SURVEY  
 ALL DIMENSIONS SUBJECT TO  
 FINAL FIELD SURVEY



Derek G. Graham Limited  
 Professional Land Surveying  
 Land Use Planning  
 7669 Colborne Street East  
 P.O. Box 295  
 Elora, Ontario  
 N0B 1S0  
 (519) 846-5533 (telephone)  
 (519) 846-8305 (fax)

PER: Ontario Land Surveyor	
ACAD DATE	FEBRUARY 5, 2014
FILE	2 JAMES ELLIS SURVEY MT. FOREST
NOTE: Valid only with endorsed seal.	



MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B8/14

APPLICANT

1373580 Ontario Ltd.
C/O Andrew Hummel
PO Box 947
Arthur, ON N0G 1A0

LOCATION OF SUBJECT LANDS

WELLINGTON NORTH (MOUNT FOREST)
Part Lot 8, James Ellis Survey
330, 340 & 350 Cork Street

Proposal is for a lot line adjustment of 13,097 square feet with 9.3m frontage (Part 3 on sketch) being Part of lot created by previous consent (1973) to be added to abutting 1373580 Ontario Ltd., (Part 4 on sketch) proposed urban residential.

Retained urban residential lot is Parts 1, 2 and section B158/13 on sketch.

NOTE: Application B158/13 completed after current application (B8/14), resulting in a retained parcel of Parts 1 and 2 on sketch.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 005 19010 0000

Does this description reasonably describe the parcel holdings? YES (X) NO ( )

If the answer is no, please provide new information: \_\_\_\_\_

Do you consider the proposal to conform to your Official Plan? YES ( ) NO ( )

What Section(s) does it conform to or contravene? (Please specify)

\_\_\_\_\_
\_\_\_\_\_

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES (X) NO ( )

(Please Specify) Section 12 of Zoning By-law 66-01.

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES (X) NO ( )

(Please Specify) Section 12 of Zoning Bylaw 66-01

If Necessary, would the Municipality be prepared to consider an Amendment to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or Minor Variance YES ( ) NO ( ) N/A ( )

Is proposal on an opened maintained year-round public road YES ( ) NO ( )

If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road?

Please specify \_\_\_\_\_
\_\_\_\_\_

Is the Proposed Lot(s) serviced now by the Municipal Water YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Water YES ( ) NO ( )

Is the Proposed Lot(s) serviced now by the Municipal Sewers YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Sewers YES ( ) NO ( )

Is there a Capital Works Project underway to service these lots in the near future YES ( ) NO ( )

Approximate Time of Servicing Availability: \_\_\_\_\_

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

**MUNICIPALITY COMMENTING FORM**

**FILE NO: B 8/14**

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES ( N/A ) NO ( )

Is there any further Information that may assist the Planning and Land Division Committee?  
(A letter may be attached if there is insufficient space to explain)

***See attached letter from Deverell & Lemaich dated September 12, 2013.***

Is the Municipality in support of this application? YES ( ) NO ( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

The Owner satisfies all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.

Does the Municipality request a Notice of Decision? YES ( X ) NO ( )

SIGNATURE: \_\_\_\_\_

TITLE: Deputy Clerk

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO

DATE: March 18, 2014



Application	B8/14
Location	Part Lot 8, James Ellis Survey TOWNSHIP OF WELLINGTON NORTH
Applicant/Owner	1373580 Ontario Ltd.

**PLANNING OPINION:** The proposed lot line adjustment would sever a vacant 1,217 m<sup>2</sup> (13,097 ft<sup>2</sup>) parcel and add it to an adjacent vacant parcel. The resulting lot would be 3,281 m<sup>2</sup> (0.8 ac). The retained lot is 2,233 m<sup>2</sup> (0.5 ac) shown as Part 1, Part 2 on the sketch. The end result is that three existing lots will become two.

This application is consistent with Provincial Policy and would generally conform to the Official Plan policies. We would have no concerns, provided that the following matters are addressed as conditions of approval:

- a) That the purchaser take title to the severed lands in the same manner as they hold their abutting land; and,
- b) That Subsection 50(3) of the Planning Act, R.S.O., 1990 be applied to any subsequent conveyance or any transaction involving the parcel of land that is the subject of this Consent; and,
- c) That application B8/14 if granted be dealt with by issuance of Certificate of Official before B158/13 is issued for consolidation.

**PLACES TO GROW:** No issue.

**PROVINCIAL POLICY STATEMENT (PPS):** No issues

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated RESIDENTIAL and is located in the Urban Centre of Mt. Forest. Section 10.6.3 outlines that "Lot line adjustments may be permitted where there is no adverse effect provided that basic lot patterns in an area are not unreasonably altered."

The matters under Section 10.1.3 were also considered including b) "that all lots can be adequately serviced with water, sewage disposal...to accepted municipal standards" d) that all lots will have safe driveway access to an all-season maintained public road"

**LOCAL ZONING BY-LAW:** The subject property is currently Zoned Residential (R2). It appears that both the minimum lot area and minimum frontage requirements can be met.

**SITE VISIT INFORMATION:** The subject property has not yet been visited.

Jameson Pickard, Junior Planner  
March 4<sup>th</sup>, 2014

**DEVERELL & LEMAICH LLP**  
**LAWYERS**

P.O. Box 460, 166 Main Street South  
Mount Forest, ON., N0G 2L0

Telephone (519) 323-1600  
Facsimile (519) 323-3877

GUILDFORD W. DEVERELL, B.A., LL.B., Q.C.  
(G.W. DEVERELL, Q.C., PROFESSIONAL CORPORATION)  
deverell@northwellington-law.ca

RICHARD J. LEMAICH, B.A., LL.B.  
(R.J. LEMAICH PROFESSIONAL CORPORATION)  
lemaich@northwellington-law.ca

NOEMI D. RAMIREZ, B.A., J.D. – Associate  
noemi@northwellington-law.ca

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*via email only*

September 12, 2013

1373580 Ontario Ltd.  
c/o Stephen Hummel  
458 Smith Street  
Arthur, ON., N0G 1A0

Dear Mr. Hummel:

**RE: 340 Cork Street, Mount Forest Drainage Ditch Inquiry**

We confirm that we act as solicitors for the Township of Wellington North and have been asked to respond to your email correspondence to Mayor Raymond Tout sent September 4, 2013 at 10:21 p.m. Our searches show that a deed for those parts of Lot 8 on the east side of Cork Street (Ellis Survey Mount Forest) being Parts 4, 5 and 6 on survey plan 60R.1202 were conveyed to 1373580 Ontario Ltd. on September 4, 2013 by deed number WC383712.

According to the deed these parts have the following addresses respectively – 330 Cork Street, 340 Cork Street and 350 Cork Street. Your inquiry relates to a municipal storm water open drainage ditch that Wellington County aerial photograph mapping indicates runs through the entire depth of the middle Part 5 (340 Cork Street) from approximately the northeasterly corner of Part 5 to approximately the southeasterly corner of Part 5 before crossing Cork Street through a constructed municipal culvert. This is an important ditch for the drainage of storm water and spring runoff for a substantial number of properties in Mount Forest.

Your inquiry also uses the words “municipal drain”. This drainage ditch is not a Municipal Drain created under Ontario’s *Drainage Act*. It is, as stated above an open municipal storm water drainage ditch (the term “storm water” having the broad meaning provided for in the *Ontario Water Resources Act* and regulation).

The Township of Wellington North claims an easement over the property of 1373580 Ontario Ltd. for this open drainage ditch, and other properties as well, by law. This is known as a *prescriptive easement* (also known as an easement by prescription). The Township of Wellington North (which includes the former Town of Mount Forest) acquired this prescriptive



easement decades ago due to the use and enjoyment of the easement that was continuous, uninterrupted, open, and peaceful for the minimum period of 20 years required for an easement by prescription. The use has continued for many years after acquiring the prescriptive easement continuously to the present date.

Regarding any development of Parts 4, 5 and 6 on Plan 60R1202 please be advised that the Township requires continued use of the easement going forward and requires that any development of the lands not interfere with this use.

We wish also to point out that under Section 53 of the *Ontario Water Resources Act* no person, including the Township, may alter any part of any works for the collection or transmission of storm water without obtaining the required provisional approval certificates if the storm water drains directly or indirectly into a storm sewer pond or water course amongst other things. For this and other reasons it may be impractical for the Township to change the lie or makeup of this storm water drainage ditch.

Yours very truly,

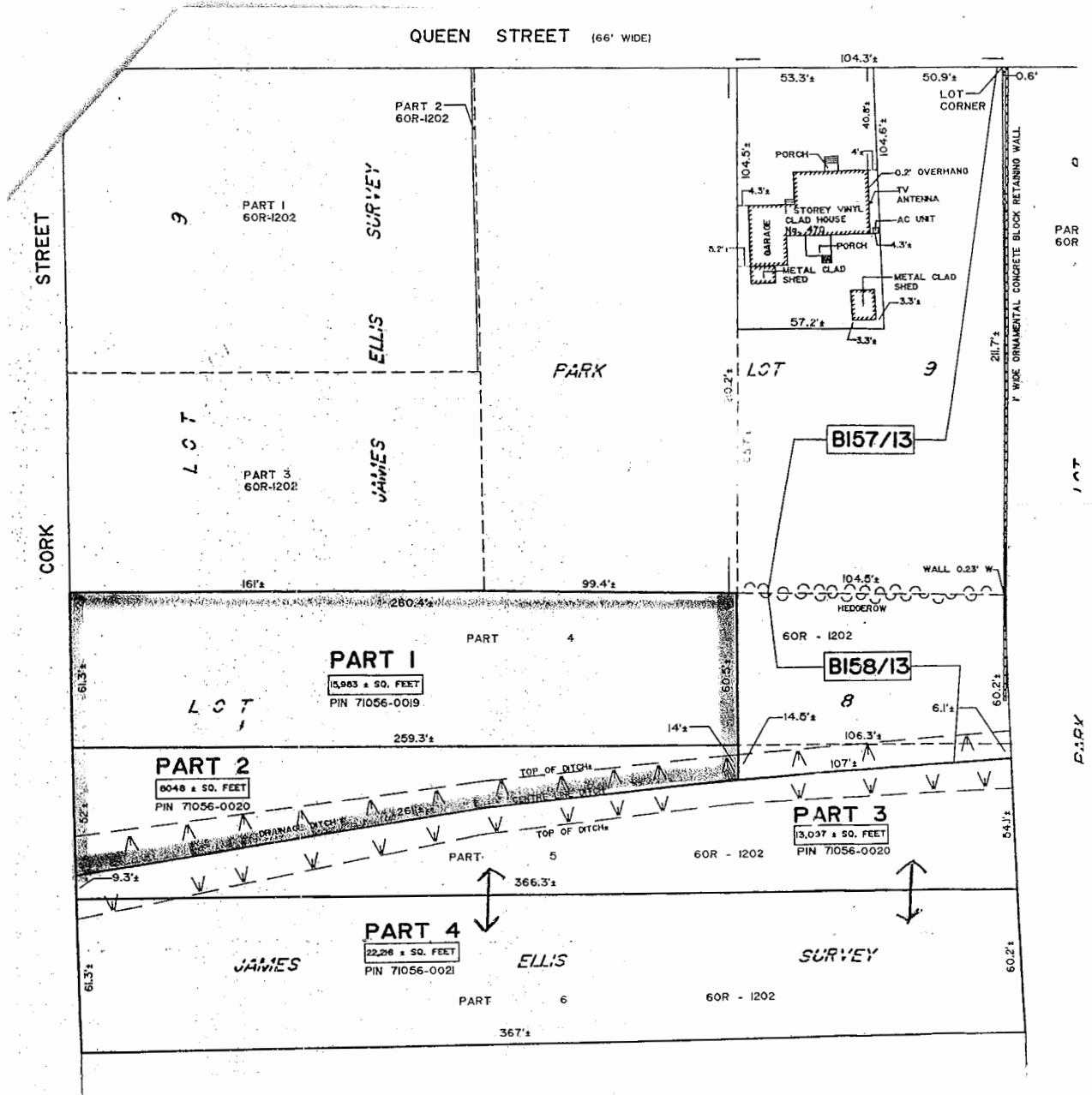
DEVERELL & LEMAICH LLP

Per:

A handwritten signature in black ink, appearing to read 'G. W. Deverell', written over a horizontal line.

G. W. Deverell

GWD/dgd



County of Wellington Planning and Land Division Committee  
Deborah Turchet, Secretary-Treasurer  
Wellington County Administration Centre  
74 Woolwich Street, Guelph ON N1H 3T9

February 14, 2014

## NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: February 7, 2014

FILE NO. B8/14

### APPLICANT

1373580 Ontario Ltd.  
c/o Andrew Hummel  
PO Box 947  
Arthur ON N0G 1A0

### LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (Mount Forest)  
Part Lot 8, James Ellis Survey  
330, 340 & 350 Cork Street

Proposal is for a lot line adjustment of 13,097 square feet with 9.3m frontage (Part 3 on sketch) being Part of lot created by previous consent (1973) to be added to abutting 1373580 Ontario Ltd., (Part 4 on sketch) proposed urban residential.

Retained urban residential lot is Parts 1, 2 and section B158/13 on sketch.

NOTE: Application B158/13 completed after current application (B8/14), resulting in a retained parcel of Parts 1 and 2 on sketch.

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,  
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

**March 19, 2014**

**Please note** that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

**Please also be advised** that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public

**INFORMATION REGARDING THE APPLICATION** is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph ON N1H 3T9. Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

### MAILED TO:

Local Municipality – Wellington North    County Planning    Conservation Authority - Saugeen

Bell Canada    County Clerk    Roads

Neighbour - as per list verified by local municipality and filed by applicant with this application

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MUNICIPALITY COMMENTING FORM

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

FILE NO: B13/14

APPLICANT

LOCATION OF SUBJECT LANDS

Powerline Ridge Farms Inc
5088 Perth Line 91
RR#2
Palmerston, ON N0G 2P0

WELLINGTON NORTH (West Luther)
Part Lot 6
Concession 9

Surplus Farm Dwelling Application

Proposed severance is 2.1 acres with 40' frontage (Parcel B on sketch) existing and proposed rural residential use with existing house and drive shed.

Retained parcel is 309 acres with 1949' frontage (Parcel A on sketch) existing and proposed agricultural use with existing barn and pole shed. Drive shed to be removed.

PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 015 16500 0000

Does this description reasonably describe the parcel holdings? YES ( ) NO (X)

If the answer is no, please provide new information: Lot 6, Pt. Lot 5, Concession 9

Do you consider the proposal to conform to your Official Plan? YES ( ) NO ( )

What Section(s) does it conform to or contravene? (Please specify)

\_\_\_\_\_
\_\_\_\_\_

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES (X) NO ( )

(Please Specify) Section 8 of Zoning By-law 66-01

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES (X) NO ( )

(Please Specify) Section 8 of Zoning By-law 66-01

If Necessary, would the Municipality be prepared to consider an Amendment to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or Minor Variance YES ( ) NO ( ) N/A ( )

Is proposal on an opened maintained year-round public road YES (X) NO ( )

If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road?

Please specify \_\_\_\_\_
\_\_\_\_\_

Is the Proposed Lot(s) serviced now by the Municipal Water YES ( ) NO (X)

Is the Retained Lot serviced now by Municipal Water YES ( ) NO (X)

Is the Proposed Lot(s) serviced now by the Municipal Sewers YES ( ) NO (X)

Is the Retained Lot serviced now by Municipal Sewers YES ( ) NO (X)

Is there a Capital Works Project underway to service these lots in the near future YES ( ) NO ( )

Approximate Time of Servicing Availability: \_\_\_\_\_

Are there any other servicing arrangements, Municipal easements or Municipal Drains on the subject lands?

MUNICIPALITY COMMENTING FORM

FILE NO: B 13/14

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES ( X ) NO ( )

Is there any further Information that may assist the Planning and Land Division Committee?  
(A letter may be attached if there is insufficient space to explain)

Is the Municipality in support of this application? YES ( ) NO ( )

What Conditions, if any, are requested by the Municipality if the Consent is granted?

*THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands.*

*THAT the Owner receive approval from the applicable road authority for an entrance to the retained parcel in accordance with the township's entrance policy.*

*THAT the Owner satisfy the requirements in reference to parkland dedication.*

*THAT the retained parcel be rezoned to prohibit new residential dwellings to the satisfaction of the local municipality and County of Wellington Planning and Development Department.*

Does the Municipality request a Notice of Decision YES ( X ) NO ( )

SIGNATURE: \_\_\_\_\_

TITLE: Deputy Clerk \_\_\_\_\_

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO \_\_\_\_\_

DATE: March 18, 2014 \_\_\_\_\_



<b>Application</b>	B13/14
<b>Location</b>	Part Lot 6, Concession 9 TOWNSHIP OF WELLINGTON NORTH
<b>Applicant/Owner</b>	Powerline Ridge Farms

**PLANNING OPINION:** This application would create a 0.8 ha (2.1 ac) rural residential parcel with existing dwelling and drive shed. A 125 ha (309 ac) agricultural parcel with existing barn and storage shed will be retained. This application has been submitted under the surplus farm dwelling policies.

This application is consistent with Provincial Policy and would generally conform to the Official Plan policies. We would have no concerns, provided that the following matters are addressed as conditions of approval:

- a) That the retained parcel be rezoned to prohibit new residential dwellings to the satisfaction of the local Municipality and County of Wellington Planning and Development Department; and,
- b) That zoning relief is obtained to the satisfaction of the local Municipality; and,
- c) That MDS1 compliance can be demonstrated to the satisfaction of the County of Wellington.

**PLACES TO GROW:** No issues.

**PROVINCIAL POLICY STATEMENT (PPS):** The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c). According to this policy, lot creation in prime agricultural areas may be permitted for a residence surplus to a farming operation as a result of farm consolidation, provided that there is a restriction against new residential dwellings on any vacant farmland parcel created by severance. Farm consolidation is defined as the acquisition of additional farm parcels to be operated as one farm operation.

Regarding Minimum Distance Separation (MDS), we would require a Farm Data Sheet for the barn on the retained lands so that the appropriate calculations can be completed and MDS compliance can be determined.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The Greenland designation represents hazard lands and is well removed from the proposed severance. According to Section 10.3.4, a severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- b) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- c) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- d) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- e) the surplus residence is habitable and is not expected to be demolished by a future owner; and
- f) the Minimum Distance Separation formula will be met; and
- g) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum." We have been provided with the necessary farm information form, which shows that the retained lands will be consolidated with a larger farming operation (1000 + ac) owned by the applicants.

The matters under Section 10.1.3 were also considered.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Agricultural (A) and Natural Environment (NE). The retained agricultural parcel will have to be rezoned to prohibit residential development to the satisfaction of the Township and County of Wellington. Further zoning relief will be required for the reduced frontage of the severed parcel.

**SITE VISIT INFORMATION:** The subject property has not yet been visited.

*Jameson Pickard*

Jameson Pickard, Junior Planner  
 March 4<sup>th</sup>, 2013

County of Wellington Planning and Land Division Committee  
Deborah Turchet, Secretary-Treasurer  
Wellington County Administration Centre  
74 Woolwich Street, Guelph ON N1H 3T9

February 14, 2014

## NOTICE OF AN APPLICATION FOR CONSENT

Ontario Planning Act, Section 53(4)

The County of Wellington Planning and Land Division Committee requests your written comments on this application for consent.

APPLICATION SUBMITTED ON: February 10, 2014

FILE NO. B13/14

### APPLICANT

Powerline Ridge Farms Inc.  
5088 Perth Line 91  
RR#2  
Palmerston ON N0G 2P0

### LOCATION OF SUBJECT LANDS:

WELLINGTON NORTH (West Luther)  
Part Lot 6  
Concession 9

### SURPLUS FARM DWELLING APPLICATION

Proposed severance is 2.1 acres with 40' frontage (Parcel B on sketch) existing and proposed rural residential use with existing house and drive shed.

Retained parcel is 309 acres with 1949' frontage (Parcel A on sketch) existing and proposed agricultural use with existing barn and pole shed. Drive shed to be removed.

**IF YOU WISH TO SUBMIT COMMENTS ON THIS APPLICATION,  
WE MUST HAVE YOUR WRITTEN COMMENTS BEFORE**

**March 19, 2014**

**Please note** that if the Comments are not received by the requested date, the Planning and Land Division Committee may proceed to consider the application, and may assume that you have no objection to this APPLICATION for CONSENT.

**Please also be advised** that if a person or public body that files an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

If you wish to be **NOTIFIED OF THE DATE AND TIME OF THE CONSIDERATION** of this application - **please make your request in writing** to the Planning and Land Division Committee before the "Comments Return Date" noted above.

If you wish to be **NOTIFIED OF THE DECISION** of the County of Wellington Planning and Land Division Committee in respect of this proposed consent, **you must make a request in writing** to the County of Wellington Planning and Land Division Committee. This will also entitle you to be advised of a possible Ontario Municipal Board Hearing. Even if you are the successful party, you should request a copy of the decision since the County of Wellington Planning and Land Division Committee's decision may be appealed to the Ontario Municipal Board by the applicant or another member of the Public

**INFORMATION REGARDING THE APPLICATION** is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office- 74 Woolwich St. Guelph ON N1H 3T9. Phone: (519) 837-2600 x2170 Fax: (519) 837-3875

### MAILED TO:

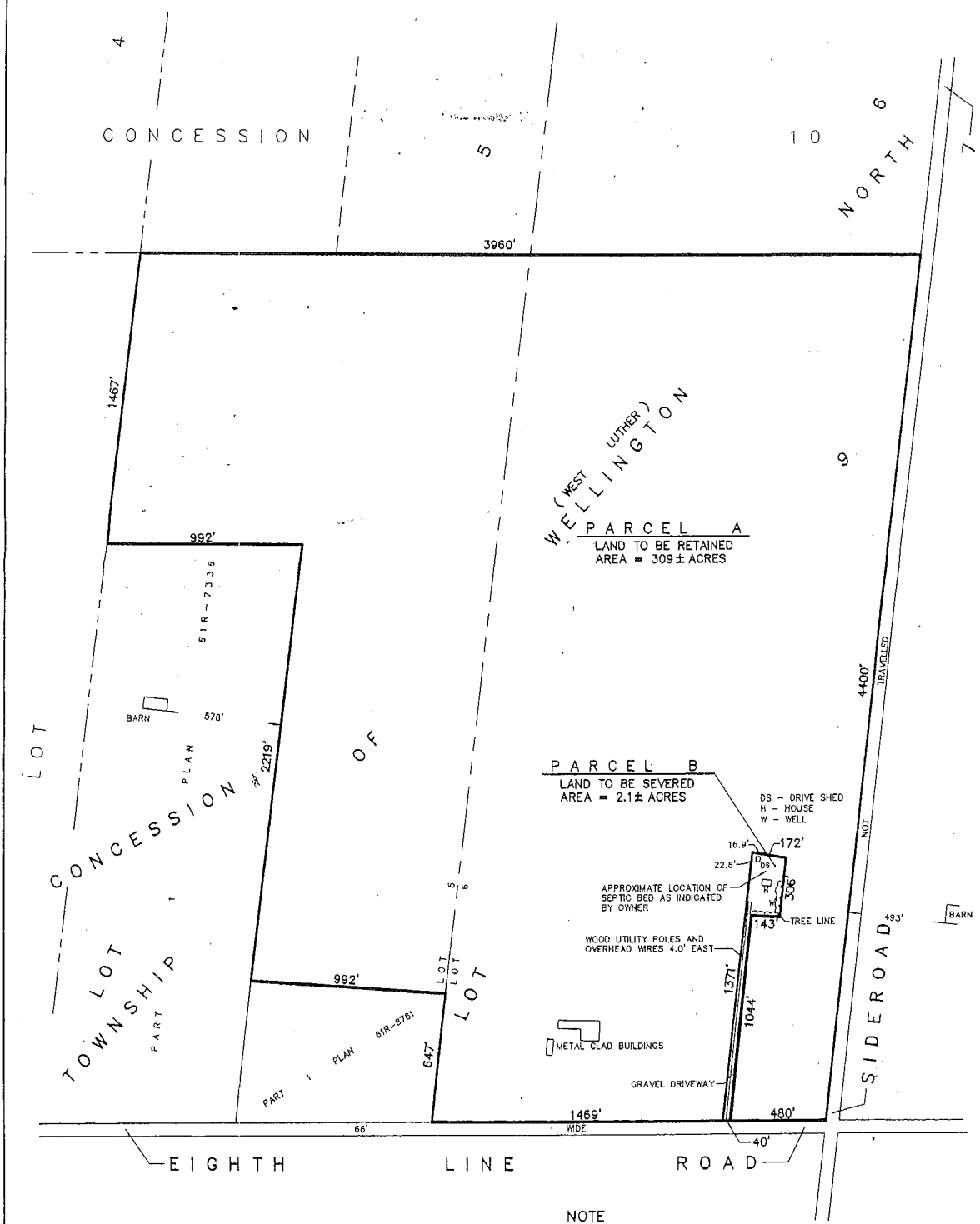
Local Municipality – Wellington North    County Planning    Conservation Authority - GRCA

Bell Canada    County Clerk    Roads

Neighbour - as per list verified by local municipality and filed by applicant with this application

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

**NOTE**  
 THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION. THE PROPERTY LIMITS SHOWN HAVE NOT BEEN SURVEYED.



**NOTE**  
 LIMITS OF PARCEL B WERE SET TO ENCOMPASS THE LAWN AREAS, TREES, HYDRO POLES AND THE DRIVEWAY PERTINENT TO THE USE OF THIS PARCEL.

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048





# Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

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## NEWS RELEASE

### RURAL MUNICIPALITIES BEING IGNORED?

KENILWORTH – Roads and related infrastructure are the lifeblood of the rural economy and are equally important to the people of rural Ontario as the TTC is to the people of Toronto.

Rural roadways took a major hit in January of 2013 when the Province announced to municipalities, including the Township of Wellington North, that the Connecting Link Program that has existed since 1927 was being eliminated. The Connecting Link program was established to ensure that local municipalities were not **solely responsible** for maintaining Provincial highways and bridges that were located in their communities but mainly serve **traffic that is not local**.

The Province has encouraged the Township and other municipalities to apply to other Provincial funding programs to offset the impact of eliminating the Connecting Link program. After incurring considerable expense and committing significant staff resources the Township has been unsuccessful in applications to the Municipal Infrastructure Investment Initiative (MIII) Capital Program and the Small, Rural and Northern Infrastructure Fund.

Although the Township did not apply for funding related to Connecting Link infrastructure, the Township did apply for an extremely important project that **met all the Provincial requirements**, involved a **partnership** with the County of Wellington and would have had a **significant impact on our small municipality**. If the Township had been told that only Connecting Link infrastructure would be considered as a priority, it may have impacted our application.

During the Township's recently completed Ontario Structure Inspection Manual-Inspection Report it was indicated that in order to ensure continued safe passage, repairs and rehabilitation in the amount of **\$1.16 million** are required on the Hopkins Bridge located on Provincial Highway #6 at the south end of Mount Forest. This is an extremely heavily travelled road and without Provincial financial support these repairs cannot proceed.

The lack of available funding could force the closing of bridges or establishing of load limits on heavily travelled Connecting Link infrastructure. These are not options the Township of Wellington North wishes to explore. We certainly do not want to disrupt the economies of the many communities that connect to ours with these roads but we, like many other rural municipalities, are already struggling in dealing with our infrastructure deficit and this is an additional financial burden dropped at the feet of rural taxpayers.

The Township has worked to establish lifecycle costs associated with the Connecting Link infrastructure in our municipality. Elimination of the Connecting Link Program will cost our Township approximately \$250,000 annually resulting in a **tax rate increase in excess of 4%**. It must be stressed that for our municipality every \$60,000 increase in tax levy results in an approximately 1% tax rate increase. Being solely responsible for Connecting Link infrastructure will have a dramatic impact on the Township of Wellington North's annual budget and subsequently the taxpayers of Wellington North.

The Township of Wellington North acknowledges the challenges being faced by the Provincial Government but the **downloading of a significant financial burden** is not the act of a **responsible Government**. Rural roads and bridges are extremely important to the rural economy which benefits us all. By choosing to now ignore them, the Province is sucking the lifeblood out of rural Ontario.

The Township of Wellington North, along with the many other municipalities with Connecting Link infrastructure in their communities, asks the Premier of Ontario to **reconsider the elimination of the Connecting Link program**.

Raymond Tout,  
Mayor  
Township of Wellington North

**THE CORPORATION OF THE  
TOWNSHIP OF WELLINGTON NORTH**

**BY-LAW NUMBER 16-14**

**BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE  
COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF  
WELLINGTON NORTH AT ITS REGULAR MEETING HELD ON  
MARCH 10, 2014.**

**AUTHORITY:** Municipal Act, 2001, S.O. 2001, c.25, as amended, Sections 5(3) and 130.

**WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 5(3), provides that the jurisdiction of every council is confined to the municipality that it represents and its powers shall be exercised by by-law.

**AND WHEREAS** the Municipal Act, 2001, S.O. 2001, c.25, as amended, Section 130 provides that every council may pass such by-laws and make such regulations for the health, safety and well-being of the inhabitants of the municipality in matters not specifically provided for by this Act and for governing the conduct of its members as may be deemed expedient and are not contrary to law.

**NOW THEREFORE** the Council of The Corporation of the Township of Wellington North hereby **ENACTS AS FOLLOWS:**

1. That the action of the Council at its Regular Meeting held on March 10, 2014 in respect to each report, motion, resolution or other action passed and taken by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by separate by-law.
2. That the Mayor and the proper officers of the Township are hereby authorized and directed to do all things necessary to give effect to the said action, or to obtain approvals where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary in that behalf and to affix the corporate seal of the Township to all such documents.
3. That this by-law, to the extent to which it provides authority for or constitutes the exercise by the Council of its power to proceed with, or to provide any money for, any undertaking work, project, scheme, act, matter or thing referred to in subsection 65 (1) of the Ontario Municipal Board Act, R.S.O. 1990, Chapter 0.28, shall not take effect until the approval of the Ontario Municipal Board with respect thereto, required under such subsection, has been obtained.
4. That any acquisition or purchase of land or of an interest in land pursuant to this by-law or pursuant to an option or agreement authorized by this by-law, is conditional on compliance with Environmental Assessment Act, R.S.O. 1990, Chapter E.18.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS 10TH DAY OF MARCH, 2014.**

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**RAYMOND TOUT  
MAYOR**

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**MICHAEL GIVENS  
CHIEF ADMINISTRATIVE OFFICER/CLERK**

## MEETINGS, NOTICES, ANNOUNCEMENTS

Tuesday, March 18, 2014	Public Works Committee	8:30 a.m.
Tuesday, March 18, 2014	Open House – Proposed Round-A-Bout in the Village of Arthur	6:00 p.m. – 8:00p.m.
Monday, March 24, 2014	Showcase 2014	4:00 p.m. – 7:00 p.m.
Monday, March 24, 2014	Public Meeting	7:00 p.m.
Monday, March 24, 2014	Regular Council Meeting	Following Public Meeting

**The following accessibility services can be made available to residents upon request with two weeks notice:**

**Sign Language Services – Canadian Hearing Society – 1-877-347-3427  
- Guelph location – 519-821-4242**

**Documents in alternate forms – CNIB – 1-800-563-2642**