



**Township of East Garafraxa
Regular Council Meeting Minutes**

**August 27, 2024, 4:00 p.m.
Electronic/Virtual**

Council Members: Mayor Guy Gardhouse
Deputy Mayor John Stirk
Councillor Lenora Banfield
Councillor Dave Halls
Councillor Jeremy Zukowski

Staff/Consultants: Peter Avgoustis, CAO
Alan Selby, Treasurer
Jessica Kennedy, Clerk
Shannon Peart, Administration/Clerk's Dept.
Jennifer Maestre, Township Planning Consultant, Fotenn
Consultants Inc.

1. Opening of Meeting

Meeting was called to order.

2. Approval of Agenda

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: The agenda be approved as circulated.

CARRIED

3. Disclosure of Pecuniary Interest and General Nature Thereof

Nothing at this time.

4. Approval of Minutes

4.1 Council Meeting Minutes

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Banfield

BE IT RESOLVED THAT: Council do hereby adopt the minutes of the Regular Council Meeting held on July 23, 2024, as circulated.

CARRIED

4.2 Business arising from Minutes

Nothing at this time.

5. Public Question Period

Nothing at this time.

6. Delegation(s) / Presentation(s) / Petition(s)

6.1 5:30 p.m. - Petition for Reimbursement of GRCA Review Fees (Frank Laszlo)

Mr. Laszlo attended the meeting and addressed Council regarding his request for reimbursement of the Grand River Conservation Authority (GRCA) fee of \$465.00 associated with reviewing Zoning By-Law Amendment Application file Z3-24 for property located at 072148 10th Line. Mr. Laszlo provided a history of the property and explained that a Zoning By-Law Amendment in 1996 rezoned a portion of the property to allow for the relocation of the dwelling. The property was later rezoned to Environmental Protection under the Township's Comprehensive Zoning By-Law 60-2004 in relation to conservation authority mapping. Zoning By-Law Amendment Application file Z3-24 was submitted to rezone a portion of the property from Environmental Protection to site-specific Rural Residential where the existing dwelling and accessory building are located. The GRCA fee was charged for reviewing the amendment application.

Council directed staff to include the matter on the following Council meeting agenda for consideration. Mr. Laszlo will be notified of the decision.

7. Statutory Public Meeting(s) - 4:00 p.m.

Mayor Gardhouse provided instructions on how members of the public can participate during the Public Meeting.

Resolution

Moved by: Councillor Banfield

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: Council do now hold a Statutory Public Meeting pursuant to the Planning Act, R.S.O. 1990, c. P.13, to consider the following application(s):

Consent Application B5-24 and Zoning By-Law Amendment Application Z6-24 by applicant John Cox, J L Cox Planning Consultants, owners James (Jim) and Deborah Kortleve for property location 182198 20 Sideroad, West Part Lot 20 Parcels 6 and 7, Concession 12; and

Consent Application B6-24 by applicant Daniel Ceron, ACCIO Land Use Planning Solutions Inc., owners Robert Morris and Janice Davenport for property location 351335 17th Line, West, Pt Lot 6, Concession 18.

CARRIED

7.1 Consent Application B5-24 and Zoning By-Law Amendment Application Z6-24

Jennifer Maestre, Township Planning Consultant, was in attendance and went over the PowerPoint presentation. The purpose of the Consent application is to sever 1.0 hectares (2.47 acres) from an existing 8.1 hectares (20 acres) site. The retained parcel will be 7.1 hectares (17.55 acres) and will contain the existing dwelling and existing accessory structure. The purpose of the Zoning By-Law Amendment application is to rezone the proposed severed lands from Environmental Protection (EP) to Rural Residential (RR) zone.

The property is designated Rural and Environmental Protection under the Township Official Plan and zoned Environmental Protection (EP) and Rural Residential (RR) under Township Zoning By-Law 60-2004, as amended. The applications were circulation in accordance with the Planning Act.

Comments were received from the following:

- **Grand Valley & District Fire Department:**
No comments regarding the severing of land at this time.
- **Enbridge Gas:**
Does not object to the proposed application(s) however, they reserve the right to amend or remove development conditions.
- **Stovel & Associates Inc.:**
Reviewed the proposed application, including the Farm Data Sheet and MDS 1 calculation. They have no concerns.
- **R.J. Burnside & Associates Limited:**
No significant concerns with the proposed consent from a natural heritage perspective. However, note the following: The building envelope shown on Figure 4 of the EIS is generally acceptable but the setback from the Cavinet drain must be confirmed by GRCA. Trees and shrubs should be removed outside of the bird nesting season from April 1 to August 31 of any year.
- **R.J. Burnside & Associates Limited, Drainage Superintendent:**
Further confirmation from the Drainage Superintendent will be required to confirm whether the drain needs to be cleaned prior to completing the severance and any construction on the severed parcel so that equipment doesn't need to use the new yard for the severed parcel or the driveway of the retained parcel. It is unclear

when the last time the drain has been maintained, but it has been some time. It appears the boundary line for the severance is the top of the bank of the drain and not the centreline, which is desirable. However, it should be confirmed that this is in fact the case so that the drain will not impact both properties.

- **Fotenn Planning + Design, Planning Consultant on behalf of Township:** The proposed severance will be reviewed against the Township's Official Plan policies for severances in Section 5.2.4 b). "5.2.4 b) In addition, new lots may be created to permit infilling in rural residential areas where the following conditions exist: i) a lot may be created between two existing non-farm agricultural dwellings which are on similar sized lots on the same side of the road and are not more than 100 metres apart, or a single lot extension of an existing cluster of three or more lots each having less than 100 metres of frontage on the same side of the road, and where such dwellings existed prior to January 1st, 2003; ii) creating lots of approximately 2 hectares in size within existing clusters of existing lots of 4 hectares to 12 hectares as of the date of adoption of this Plan." Based on the review, it appears that the severed lands do not meet the minimum size requirements of 2 ha for Rural Residential infilling areas and does not comply with the Township's Official Plan. It is understood that there is a constrain impacting the size of the severed lands due to the presence of the existing municipal drain. An Official Plan Amendment could be pursued and would need to demonstrate how the reduced lot area conforms with the objectives of the Official Plan.

The following comments were received following the posting of the presentation and were verbally noted at the meeting:

- **Public/Resident Comments:** Indicated concerns with the state of the municipal drain and noted that the drain may need cleaning in the future. Costs regarding drain cleanout are assessed to impacted property owners. Indicated the proposed severed parcel has had water/flooding issues in the past and potential issues in the future.
- **County of County** Indicated no major concerns regarding the applications. County severance policies defer to local Official Plans for lots sizes in rural areas.

It is anticipated that the applications will come back to Council for decision tentatively on September 24, 2024. It was noted that should the applications be approved, a draft Zoning By-law Amendment (ZBA) would be brought back to a future Council meeting for passage once the registered reference plan has been received. Appeal procedures were noted.

Applicant John Cox was in attendance and addressed Council. Mr. Cox noted the size and location of the proposed lot are restricted by the Canivet

Municipal Drain. Mr. Cox noted that the property designation change from Environmental Protection to Rural in Township initiated Official Plan Amendment No. 8 (OPA8) which included updated Conservation Authority mapping with respect to environmental areas but was not amended in the corresponding Township Zoning By-Law which is why the Zoning By-Law Amendment application was required. An Environmental Impact Study was submitted as required in the pre-consultation meeting. Mr. Cox noted that the Official Plan Amendment was not included in the pre-consultation meeting nor was required to deem the applications complete. Have reviewed comments received and does not have any issues with the required conditions from agencies regarding drain cleanout and septic lot suitability. The Planning Justification Report noted the applicable Official Plan policies including the 2-ha requirement, size of the proposed lot is restricted by the municipal drain, Official Plan policy notes that natural heritage features should not be fragmented, other policies were noted that related to creation of a new lot being in a cluster of lots with a similar frontage and appearance, proposed lot will be similar to other properties in the area. Meets other objectives of the plan including Minimum Distance Separation (MDS) requirements. Application fully complies with the Township Zoning By-Law. Mr. Cox's opinion is that there is basis for the conclusion that the applications conform to the general intent of the Official Plan because overall it achieves consistency with Township policies.

Property owners were in attendance. There were no public questions at the Public Meeting.

7.1.1 Notice of Complete Applications and Public Meeting

7.1.2 Fotenn Consultants Inc. Presentation

7.2 Consent Application B6-24

Jennifer Maestre, Township Planning Consultant, was in attendance and went over the PowerPoint presentation. The purpose of the application is to sever 1.016 hectares (2.511 acres) from an existing 2.03 hectares (5.022 acres) site for future residential development. The proposed retained parcel will be 1.016 hectares (2.511 acres) and will contain the existing dwelling and existing accessory building. The subject property is municipally known as 351335 17th Line, legal description of West Part Lot 6, Concession 18.

The property is designated Rural under the Township Official Plan and zoned Rural Residential (RR) under Township Zoning By-Law 60-2004, as amended. The application was circulated in accordance with the Planning Act.

Comments were received from the following:

- **Credit Valley Conservation Authority (CVC):**
The property is no located within CVC's regulated area. CVC approval is not required for development on the property.

- **R.J. Burnside & Associates Ltd:**
Road widening would be required in accordance with the Township's Official Plan policies as the existing road allowance only appears to be 23 meters while Township standards require 26 meters wide road allowances.
- **County of Dufferin:**

Building Services:
Require a condition be added to the decision that the applicant provide an approved letter of lot suitability for the installation of a sewage system by the County of Dufferin Building Department for the proposed severed lot.

Planning Division:
The County requested the applicant resubmit the Planning Justification Report (PJR) with the MDS 1 (AgriSuite Calculation) included as part of Appendix 1. Prior to development, the applicant shall confirm that the Credit Valley Conservation (CVC) has no concerns regarding the presence of a significant groundwater recharge area and highly vulnerable aquifer on the subject lands.

Public Works:
No comments on the proposal.
- **Fotenn Planning + Design on behalf of the Township:** The proposed severance will be reviewed against the Township's Official Plan policies for severances in Section 5.2.4 b), which state: In addition, new lots may be created to permit infilling in rural residential areas where the following conditions exist: i. a lot may be created between two existing non-farm agricultural dwellings which are on similar sized lots on the same side of the road and are not more than 100 metres apart, or a single lot extension of an existing cluster of three or more lots each having less than 100 metres of frontage on the same side of the road, and where such dwellings existed prior to January 1st, 2003; ii. creating lots of approximately 2 hectares in size within existing clusters of existing lots of 4 hectares to 12 hectares as of the date of adoption of this Plan. Based on the review, it appears that the severed lands do not meet the minimum size requirements of 2 ha for Rural Residential infilling areas and does not comply with the Township's Official Plan. Fotenn is also reviewing the application for compliance with Minimum Distance Separation.
- **Adjacent Property Owner Mr. Hasson:** Comments were received via email from an adjacent property owner in response to the public notification mail out. The property owner requested clarification regarding applicable policies and procedures. They raised concerns about severing the 5-acre (2 ha) lot in half, as well as the minimum separation distance of the proposed severed lot from the buildings on their property. Additionally, they expressed concern regarding the suitability of the proposed severed lot for future

development, particularly in the context of potential waterlogging issues on-site.

It is anticipated that the application will come back to Council for decision tentatively on September 24, 2024. Appeal procedures were noted.

Applicant Daniel Ceron, ACCIO Land Use Planning Solutions Inc. was in attendance and addressed Council. Mr. Ceron noted that he has requested a meeting with the Township Planning Consultants to discuss their interpretation and is requesting that the decision on the matter be deferred pending the meeting. Comments received will be addressed in writing.

Discussion ensued regarding Minimum Distance Separation (MDS) calculations and impacts on adjacent properties. Township Planning Consultants to contact adjacent property owner Mr. Hasson for clarification on the agricultural building on his property. The County of Dufferin Planning Department is reviewing the submitted MDS documents and it is anticipated that they will provide comments.

There were no public questions at the Public Meeting.

7.2.1 Notice of Complete Application and Public Meeting

7.2.2 Fotenn Consultants Inc. Presentation

7.3 Adjourn Public Meeting

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: Council do hereby adjourn the Public Meeting and resume regular business.

CARRIED

8. Unfinished Business

Nothing at this time.

9. Notice of Motion(s)

Nothing at this time.

10. Staff / Consultant Report(s)

10.1 Planning Act Decision(s)

10.1.1 Zoning By-Law Amendment Z3-24

Fotenn Consultants Inc. Planning Report dated August 15, 2024

Resolution

Moved by: Deputy Mayor Stirk

Seconded by: Councillor Banfield

BE IT RESOLVED THAT: Fotenn Consultants Inc. Planning Report dated August 15, 2024 be received;

And that Zoning By-Law Amendment Application File Z3-24 be approved;

And further that Council adopt a Zoning By-law Amendment to rezone a portion of the subject lands, 072148 10th Line, East Half Part Lot 13, Concession 10, from Environmental Protection (EP) to Rural Residential Exception Forty Four (RR-44) in accordance with Attachment D to the Planning Report.

10.1.2 Consent Application B4-24 and Zoning By-Law Amendment Application Z4-24

Fotenn Consultants Inc. Planning Report dated August 15, 2024

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: The Consultant Planning Report dated August 15, 2024 be received;

And that Consent Application B4-24, 023083 East Garafraxa-Erin Townline, East Part Lot 1, Concession 14, be APPROVED, subject to conditions as set out in the staff memo dated August 19, 2024, and considering any additional comments received prior to Council's decision;

And that Zoning By-Law Amendment Application Z4-24, 023083 East Garafraxa-Erin Townline East Part Lot 1, Concession 14, be APPROVED;

And further that a Zoning By-Law Amendment be brought forward to Council for adoption, following receipt of a registered reference plan, to rezone a portion of the lands from Agricultural to Rural Residential.

10.1.2.1 Consent Application Conditions Memo

Staff Memo dated August 19, 2024

Resolution

Moved by: Councillor Zukowski

Seconded by: Councillor Banfield

BE IT RESOLVED THAT: The Consultant Planning Report dated August 15, 2024, be received;

And further that Consent Application B4-24 by applicants Kristine Loft, Loft Planning Inc. and Jacqueline Sava on behalf of owners Troy Gibeau and Matthew Miller for consent (lot boundary adjustment) to sever approximately 0.41 hectares (1 acre) from 023083 East Garafraxa-Erin Townline, East Part Lot 1, Concession 14, to be consolidated with the beneficiary lands 023135 East Garafraxa-Erin Townline be approved, subject to following conditions:

1.	Payment of any property taxes, as of the date of the issuance of the Certificate of Clerk, with respect to the property that is subject to the application.
2.	Section 50(3) or (5) of the Planning Act shall apply and consolidation of parcels required. Severed area of approximately 0.41 hectares (1 acre) to be consolidated with the beneficiary lands 023135 East Garafraxa-Erin Townline.
3.	Conservation Authority Approval for the severed and retained parcels.
4.	Removal of the existing residential entrance on Dufferin County Road 24 (Trafalgar) and restoration of the County's right of way to its original condition, to the satisfaction of the County of Dufferin.
5.	Zoning By-Law Amendment required for the served and retained lands: Severed: to rezone the severed lands to Rural Residential Exception Forty-Five (RR-45) to recognize the undersized lot; and Retained: to rezone the retained lands from Agricultural (A) zone to Agricultural Exception Seventeen (A-17) to recognize the existing legal non-conforming accessory building.
6.	Reference Plan; Digital and Paper formats required for the severed and retained parcels. A copy of the draft plan shall be circulated to the Township for review prior to registration.
7.	Consent Agreement to be registered on title on the severed and retained parcels.
8.	Consent Agreement to include requirement for fencing around boundaries of the severed parcel (beneficiary lands), with exception of road frontage, when required by adjacent landowner.
9.	Road widenings: 9.1. Road widening required on the severed parcel along Dufferin County Road 24 (Trafalgar), in accordance with County of Dufferin Land

	<p>Transfer Figure, to be deeded to the County of Dufferin.</p> <p>9.2. Road widening required on the retained and severed parcels along the East Garafraxa-Erin Townline to be deeded to the Township of East Garafraxa.</p> <p>Road widening(s) shall be conveyed to the appropriate road authority, in accordance with applicable road authority policies.</p> <p>If road widening has been obtained at an earlier date, condition(s) would not apply.</p> <p>Any unregistered road widenings to be deeded to the Township or appropriate road authority.</p>
10.	Certificate of Title to be supplied, showing no encumbrances on the land for road widening purposes.
11.	That all conditions be fulfilled, and Certificate of Official be issued within two years of the date of Notice of Decision was given, failing to do so will cause the application to be null and void.
12.	Any road widenings, easements, survey costs, legal costs and any other transactions pertaining to this application shall be borne by the applicant.

REASON(S) FOR APPROVAL: The application is in conformity with Official Plan policies and represents good and orderly planning.

CARRIED

10.2 Budget Update at July 31, 2024

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Banfield

BE IT RESOLVED THAT: Council receive the Budget Update at July 31, 2024 report dated August 12, 2024, for information.

CARRIED

10.3 Development Charges By-Law 32-2019 Amendment to Delete the Expiry Date

Resolution

Moved by: Councillor Banfield

Seconded by: Deputy Mayor Stirk

BE IT RESOLVED THAT: Council receive the Development Charges By-Law 32-2019 Amendment to Delete the Expiry Date report dated August 20, 2024; and

THAT Council pass an amending By-Law to By-Law 32-2019, a By-Law for the Imposition of Development Charges, to delete Section 10 which specifies that the By-Law will expire on August 31, 2024.

10.4 Price's Corner Union Cemetery

Resolution

Moved by: Deputy Mayor Stirk

Seconded by: Councillor Halls

BE IT RESOLVED THAT: Council receive the Price's Corner Union Cemetery report dated August 12, 2024; and

That Council direct staff to move forward with the plan of survey project, to be prepared by an Ontario Land Surveyor, for the Price's Corner Union Cemetery property; and

Further that the project costs in the amount of \$6,000 be taken from the Cemetery Reserve Account.

10.5 eScribe Meeting Management Software Implementation Status Update

Resolution

Moved by: Councillor Zukowski

Seconded by: Deputy Mayor Stirk

BE IT RESOLVED THAT: Council receive the eScribe Meeting Management Software Implementation Status Update report dated August 12, 2024, for information.

10.6 Hybrid Conference Meeting System Implementation Update

Resolution

Moved by: Councillor Banfield

Seconded by: Councillor Halls

BE IT RESOLVED THAT: Council receive the Hybrid Conference Meeting System Implementation Update report dated August 21, 2024, for information.

11. County of Dufferin Business

11.1 County Council Meeting(s)

[August 22, 2024 Special Council Meeting Agenda Package \(link\)](#)

Discussion ensued regarding the County Municipal Comprehensive Review and approval received from the Ministry. Township Official Plan will need to

come into conformity with the County plan within a prescribed period. It is anticipated that notice will be provided by the County.

Discussion ensued regarding various roundabout projects in Wellington County. Mayor Gardhouse requested a Notice of Motion for the next Council meeting to petition the County of Dufferin to review the potential for a roundabout at the intersection of East Garafraxa-Erin Townline, Trafalgar Road (Dufferin County Road 24), and Wellington Road 24 to improve traffic flow and safety.

11.2 County Committee Meeting Agendas - August 22, 2024

[Infrastructure and Environmental Services](#) (link)

[General Government Services](#) (link)

[Health and Human Services](#) (link)

[Community Development and Tourism](#) (link)

12. Local Boards and Committees

Nothing at this time.

13. General Business and Correspondence

13.1 Information Item(s)

Extracted from the Information Items Package (if any).

Nothing at this time.

13.2 Resident Correspondence dated July 24, 2024

13.3 Provincial Policy Statement

13.3.1 News Release dated August 20, 2024

Updated [Provincial Planning Statement](#) (PPS) (link)

14. New Business

14.1 Grand Valley and District Santa Claus Parade Committee Sponsorship Request

Resolution

Moved by: Councillor Banfield

Seconded by: Councillor Halls

BE IT RESOLVED THAT: Council do hereby support the Grand Valley and District Santa Claus parade in the amount of \$200.00.

CARRIED

14.2 Community Living Dufferin 70th Celebration

Community Living Dufferin has requested that Council members attend the event scheduled for Saturday, September 7, 2024. Correspondence regarding the event will be sent to Council, and members should inform the Clerk if they are able to attend.

15. Closed Meeting

A recess was held from 5:04 p.m. to 5:16 p.m. Agenda item 6.1. was dealt with following the recess and, items 6.1 and 17. were dealt with prior to going into Closed Session.

Closed Meeting was held from 5:25 p.m. to 7:07 p.m.

Resolution

Moved by: Councillor Halls

Seconded by: Deputy Mayor Stirk

BE IT RESOLVED THAT: a Closed Meeting of Council be held pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason(s):

15.1 Marsville Water System Expansion

Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15.2 By-Law Enforcement Matter

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

15.3 Community Risk Assessment

The security of the property of the municipality or local board.

15.4 Maintenance Gravel Program

Personal matters about an identifiable individual, including municipal or local board employees; and

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

15.5 Organizational Structure and Compensation Review

Personal matters about an identifiable individual, including municipal or local board employees; and Labour relations or employee negotiations.

15.6 Adoption of Closed Meeting Minutes

CARRIED

16. Rise and Report from Closed Meeting

Mayor Gardhouse left the meeting during the Closed Session and did not return. Deputy Mayor Stirk Chaired the remainder of the Council Meeting.

Resolution

Moved by: Councillor Banfield

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: Council do hereby resume regular business in open session. Staff and Consultants directed in accordance with Closed Meeting discussions; and

Further that Council adopts the Community Risk Assessment (CRA) dated June 18, 2024, as prepared by Emergency Management Group (EMG).

CARRIED

17. By-Law(s)

17.1 Zoning By-Law Amendment (File Z3-24 - Laszlo)

Resolution

Moved by: Councillor Halls

Seconded by: Deputy Mayor Stirk

BE IT RESOLVED THAT: Leave be given to introduce a By-Law, being a By-Law to further amend Zoning By-Law 60-2004, as amended, to the lands municipally known as 072148 10th Line, East Half Part Lot 13, Concession 10, within the Township of East Garafraxa, and that it be given the necessary readings and be passed and numbered 33-2024

CARRIED

17.2 Development Charges Amending By-Law

Resolution

Moved by: Councillor Banfield

Seconded by: Deputy Mayor Stirk

BE IT RESOLVED THAT: Leave be given to introduce a By-Law, being a By-Law to Amend By-Law 32-2019 for the Imposition of Development Charges, and that it be given the necessary readings and be passed and numbered 34-2024.

CARRIED

18. Confirming By-Law

Resolution

Moved by: Councillor Halls

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: Leave be given to introduce a By-Law, being a By-Law to Confirm the Proceedings of the Council of the Corporation of the Township of

East Garafraxa at its meeting held on August 27, 2024, and that it be given the necessary readings and be passed and numbered 35-2024.

CARRIED

19. Adjournment

Resolution

Moved by: Councillor Banfield

Seconded by: Councillor Zukowski

BE IT RESOLVED THAT: Council do now adjourn to meet again for the Regular Electronic Council Meeting on Tuesday, September 10, 2024, at 2:00 p.m., or at the call of the Chair.

CARRIED

Council meeting adjourned at 7:13 p.m.

Mayor

Clerk