



**Minutes
The Township of Cavan Monaghan
Regular Council Meeting**

**Monday, May 15, 2023
12:00 p.m.
Council Chambers**

Those members in attendance were:

Council	Matthew Graham Nelson Edgerton Gerry Byrne Lance Nachoff	Mayor Councillor Councillor Councillor
Staff	Yvette Hurley Cindy Page Karlie Cornish-Tkalec Drew Hutchison Wayne Hancock John Connolly Chris Allison Brigid Ayotte	CAO Clerk Deputy Clerk/Corporate Services Administrator Engineering Technician Director of Public Works Executive Director of Planning and Development Park & Facilities Manager Economic Development Communications Officer

Those members absent:

Ryan Huntley Deputy Mayor

1. Call to Order

Mayor Graham called the meeting to order at 12:00 p.m.

2. Land Acknowledgement

Mayor Graham recited the Land Acknowledgement.

3. Approval of the Agenda

R-2023-137

Moved by: Nachoff

Seconded by: Byrne

That the agenda for the Regular Council meeting be approved as presented.

Carried

4. Disclosure of Pecuniary Interest and the General Nature Thereof

There were no pecuniary interests noted.

5. Closed Session

5.1 Resolution to move into Closed Session

R-2023-138

Moved by: Nachoff

Seconded by: Byrne

That the Council for the Township of Cavan Monaghan move into Closed Session under Section 239(2) of the Municipal Act (2001), as amended, to consider:

a proposed or pending acquisition or disposition of land by the municipality or local board.

Carried

5.2 Minutes of the Closed Session held May 1, 2023

5.3 Report - Public Works 2023-14 Proposed Property Acquisition

Council reconvened at 1:00 p.m. (12:28 p.m.)

6. Report from Closed Session

There was no report from Closed Session.

7. Delegations

7.1 Rod Dew, Service Concerns

R-2023-139

Moved by: Byrne

Seconded by: Nachoff

That the delegation from Rod Dew regarding service concerns be received for information.

Carried

8. Public Meetings

8.1 Resolution to open the Public Meeting

R-2023-140

Moved by: Byrne

Seconded by: Nachoff

That the Public Meeting be opened.

Carried

8.2 Report PEB 2023-22 Kennedy Official Plan and Zoning By-law Amendments Public Meeting Report - File Nos. OPA-01-23 and ZBA-01-23

Karen Ellis, Director of Planning spoke to the applications received on behalf of Bob Kennedy from Marnie Saunders of D.M. Wills Associates Limited, for a Official Plan Amendment and Zoning By-law Amendment pertaining to an existing agricultural land holding at 1657 Mount Pleasant Road in part of Lot 22, Concession 13 (Cavan). The Township received the Applications on March 6, 2023 and deemed them complete on April 6, 2023. File numbers OPA-01-23 and ZBA-01-23 were assigned to the Applications.

The proposed development includes the establishment of two (2) on-farm diversified uses. The proposed uses include a light metal working shop and an electrician's shop. The proposed uses are to be established in an existing building on the property with a gross floor area of approximately 429 square metres (4,618 square feet). The proposed uses are anticipated to operate on a regular 9 a.m. to 5 p.m. Monday to Friday schedule. Additional use may occur for special events on an in-frequent basis such as emergency repairs. Together with the building space, a dedicated parking area is proposed. The existing gravel driveway will be used to access the parking area and building. The total lot area dedicated to proposed on-farm diversified uses (building and parking area) is approximately 0.17 hectares (0.43 acres).

The purpose and effect of the Official Plan Amendment is to add a policy to the Agricultural designation in the Township Official Plan, as it affects the subject lands, to permit the establishment of two (2) on-farm diversified uses in an existing building on the property.

A Zoning By-law Amendment application is required to implement the Official Plan Amendment. The purpose of the Zoning By-law Amendment is to change the zoning on a portion of the property from the Agricultural (A) Zone to the Agricultural Exception Nineteen (A-19) Zone. Special regulations for the proposed on-farm diversified uses are included in the A-19 Zone. A pre-consultation meeting for this Application was held with Township Planning, Building, Fire and Public Works Staff and Otonabee Conservation Staff and Mr. Kennedy on March 24, 2022. Township Staff confirmed the need for official plan and zoning by-law amendment applications and the supporting planning justification report, archaeological assessment, and traffic impact study that addresses Provincial, County and Township policy frameworks.

ORCA Staff confirmed that the area of the property to be used for on-farm diversified uses is beyond 120 metres (400 feet) of natural heritage features or key hydrologic features.

As such, an environmental impact study is not required for these Applications. Supporting documentation for the Applications includes a Planning Justification Report (PJR) prepared by D.M. Wills Associates

Limited and dated February 2023, a Traffic Impact Study prepared by D.M. Wills Associates Limited dated October 2022, and a Stage 1 and 2 Archaeological Assessment prepared by Northeastern Archaeological Associates Ltd. and dated January 17, 2023. The Township also received a letter from the Ministry of Citizenship and Multiculturalism letter confirming that the Archaeological Report was entered into the Ontario Public Register of Archeological Reports without technical review.

As of the date of the writing of this Report, Township Staff received two (2) telephone inquiries about the Applications.

Township Staff have no objections to the Applications. The Building and Fire Departments noted that a building permit will be required for the change of use and renovation. On-site water for firefighting may be required depending on the Ontario Building Code classification of the building. Peterborough Public Health has confirmed that there is no record of a permit for a private septic system for the agricultural building. The servicing of the building will be reviewed at the site plan approval and building permit stages of the approvals processes.

The Kawartha Pine Ridge District School Board reviewed the Applications and did not identify any concerns or issues related to their mandate.

Peterborough County Public Works require the completion of a peer review of the Traffic Impact Study (TIS). The signing of a peer review agreement by the Applicant is required to initiate the peer review. The County is waiting for the Applicant to sign the required Agreement and provide the necessary financial deposit. County Public Works Staff will provide comments to the Township when the peer review process is complete. Otonabee Conservation no longer provides review or comment on applications filed after January 1, 2023 with regard to conformance to natural heritage policy. The Authority has confirmed that the Applications are consistent with Section 3.1 of the Provincial Policy Statement (PPS) regarding natural hazards. The subject lands are not located in a vulnerable area as per the Source Protection Plan. A permit is not required from the Authority for the new development. And, the Authority is satisfied that the proposed development/changes will not have any impacts on the adjacent Authority owned lands.

Ms. Ellis spoke to the Minimum Distance Separation (MDS) formulae as it applies to the application noting that it may not necessarily need to be calculated as the application appears to be a low human occupancy and low traffic generation usage. At this time Staff are requiring additional information to confirm this information is accurate.

8.3 Questions/Comments from members of Council

Councillor Byrne questioned what the definition of item 9 in the proposed OPA means "meet any other requirement deemed necessary by the Township of Cavan Monaghan, Peterborough County, and/or commenting agency".

Councillor Byrne questioned if Staff was aware if there is a working septic system and well on the property.

Mayor Graham wanted to confirm the different thresholds of enforcement to MDS requirements and that based on the explanation that the MDS would probably not prevent this viable opportunity from moving forward.

8.4 Questions/Comments from members of the Public

Marnie Saunders, D.M. Wills Associates Limited

8.5 Consideration of the Report

R-2023-141

Moved by: Byrne

Seconded by: Nachoff

That Council review and consider all verbal and written comments received at the public meeting; and

That the draft Official Plan Amendment and Zoning By-law Amendment be presented to Council at a future date for consideration.

Carried

8.6 Resolution to close the Public Meeting

R-2023-142

Moved by: Byrne

Seconded by: Nachoff

That the Public Meeting be closed.

Carried

8.7 Resolution to open the Public Meeting

R-2023-143

Moved by: Edgerton

Seconded by: Nachoff

That the Public Meeting be opened.

Carried

8.8 Biglieri Group Presentation - Complying with Bill 109 and Bill 23

Rachelle Larocque, Senior Associate of the Biglieri Group presented to Council the regulations to comply with Bill 109 and Bill 23 and the proposed amendments to the Official Plan and Zoning By-law, including a variety of other by-laws that will be affected with the Bill 109 and Bill 23 regulations.

8.9 Report - PEB 2023-23 OPA-02-23 and ZBA 02-23 Implementing Provincial Legislation under Bill 109 and Bill 23

John Connolly, Executive Director of Planning and Development reiterated the background and process to date as noted in the presentation and the

Provincial Legislation changes under Bill 109 and Bill 23. Mr. Connolly spoke to the impacts of the potential required By-law changes.

8.10 Questions/Comments from members of Council

Councillor Byrne questioned with the proposed changes to Bill 23 does the property have to have wastewater to qualify for the additional units.

Councillor Byrne inquired if the penalty timeframe was business days or calendar days, and the logic behind the decision.

Councillor Edgerton questioned why everything has to occur in one place with water and sewer services so expensive to operate and why the expansions could not take place on lands with wells and septic.

Mayor Graham questioned the pre application fees and if there are guidelines and parameters to assist with establishing the fees.

Mayor Graham inquired about the new process with the Delegation of Site-Plan Control to Staff and asked if a report with the site plan applications will be coming to Council for information and for transparency to the Public.

Councillor Byrne questioned how the calculation works when determining parkland.

Councillor Byrne questioned the site planning process around 10 units or less, if incrementally done and how the rules would apply to a developer.

Councillor Byrne is reluctant to see Council give up any more controls on how our community is developed and is worried about the implications.

8.11 Questions/Comments from members of the Public

Al Steel, 1622 Tapley ¼ Line, Cavan
Marnie Saunders, D.M. Wills Associates Limited
Nicolaas Rykers, 1308 Morton Line, Cavan

R-2023-144

Moved by: Byrne

Seconded by: Nachoff

That Council review and consider all verbal and written comments received at the public meeting; and

That the draft Official Plan Amendment, Zoning By-law and other by-law amendments be presented to Council at a future date for consideration.

Carried

8.13 Resolution to close the Public Meeting

R-2023-145

Moved by: Byrne

Seconded by: Edgerton

That the Public meeting be closed.

Carried

9. Minutes

9.1 Minutes of the Regular Meeting held May 1, 2023

9.2 Minutes of the Special Meeting held May 4, 2023

R-2023-146

Moved by: Nachoff

Seconded by: Byrne

That the minutes of the Regular Meeting held May 1, 2023 and the Special Meeting held May 4, 2023 be approved as presented.

Carried

10. Minutes from Committees and Boards

10.1 Millbrook Valley Trails Advisory Committee Meeting Minutes February 27 and March 27, 2023

R-2023-147

Moved by: Nachoff

Seconded by: Byrne

That the minutes of the Millbrook Valley Trails Advisory Committee Meetings February 27 and March 27, 2023 be approved as presented.

Carried

10.2 Millbrook Downtown BIA Board of Management Minutes April 6, 2023

R-2023-148

Moved by: Edgerton

Seconded by: Nachoff

That the minutes of the Millbrook Downtown BIA Board of Management meeting held April 6, 2023 be received for information.

Carried

11. Reports

11.1 Report - PEB 2023-24 Bill 97 - Helping Homebuyers, Protecting Tenants Act, 2023- ERO Posting Comments

R-2023-149

Moved by: Byrne

Seconded by: Nachoff

That Council receive Report Planning 2023-24 Bill 97 – Helping Homebuyers, Protecting Tenants Act, 2023 for information;
That Council direct Staff to provide correspondence (a letter to the ERO) outlining Council's concerns with respect to Bill 97; and
That a letter outlining Council's comments be submitted to the Environmental Registry of Ontario (ERO) as the Township's formal written

submission regarding Bill 97 prior to the commenting deadline of June 5, 2023.

Carried

11.2 Report - CAO Report and Capital Status (YH)

R-2023-150

Moved by: Byrne

Seconded by: Nachoff

That Report - CAO Report and Capital Status be received for information.

Carried

11.3 Council/Committee Verbal Reports

Councillor Edgerton spoke to the Municipal Revitalization and Heritage Advisory Committee meeting held on May 12 where the Committee provided their comments as part of the preparation process of the Park and Recreation Master Plan 2035.

Mayor Graham noted that there is a Cavan Monaghan Public Library Board meeting tonight, May 15 at 7:00 p.m.

R-2023-151

Moved by: Byrne

Seconded by: Nachoff

That Council receive the Council/Committee verbal reports for information.

Carried

12. General Business

There was no General Business.

13. Correspondence for Information

13.1 Letter from The Honourable Graydon Smith, Minister of Natural Resources and Forestry Re: Spongy Moth Outbreak

R-2023-152

Moved by: Edgerton

Seconded by: Nachoff

That Council direct Staff to add the information from The Honourable Graydon Smith, Minister of Natural Resources and Forestry regarding the Spongy Moth Outbreak to the Township website.

Carried

14. Correspondence for Action

There was no Correspondence for Action.

15. By-laws

15.1 By-law No. 2023-32 being a by-law to execute an agreement with Behan Main Street Reconstruction

R-2023-153

Moved by: Nachoff

Seconded by: Byrne

That By-law No. 2023-32 being a by-law to execute an agreement with Behan Main Street Reconstruction be read a first, second and third time and passed this 15th day of May signed by the Mayor and Clerk and the Corporate Seal attached.

Carried

16. Unfinished Business

There was no unfinished business.

17. Notice of Motion

There were no notices of motion.

18. Confirming By-law

18.1 By-law No. 2023-33 being a by-law to confirm the proceedings of the meeting held May 15, 2023

R-2023-154

Moved by: Byrne

Seconded by: Nachoff

That By-law No. 2023-33 being a by-law to confirm the proceedings of the meeting held May 15, 2023 be read a first, second and third time and passed this 15th day of May signed by the Mayor and Clerk and the Corporate Seal attached.

Carried

19. Adjournment

R-2023-155

Moved by: Nachoff

Seconded by: Byrne

That the Regular Council Meeting of the Township of Cavan Monaghan adjourn at 3:16 p.m.

Carried



Matthew Graham
Mayor



Cindy Page
Clerk