



Municipality of Calvin

Regular Meeting Agenda

September 29, 2022
at 7:00 P.M.

Electronic Meeting ID: 834 7974 8543

- 1. Call to Order**
- 2. Approval of the Change In Meeting Date**
- 3. Approval of Agenda**
- 4. Declarations of Disqualifying Interest (Pecuniary)**
- 5. Approval of the Minutes of the Most Recent Meeting(s)**
September 13, 2022
- 6. Council Direction From the Previous Meeting- September 13, 2022- Nil**
- 7. Delegations**
 - Shawn Findall ; Employee benefits package
- 8. Legislative Matters**
 - a. Consent Agenda (includes items of correspondence not requiring administrative reports/action, committee reports not requiring any action by Council - matters that are for information purposes only). – NIL**
 - b. By-Laws for Consideration- Nil**
 - c. Public Hearings: Planning/Zoning Matter**
Draft Zoning By-law Amending By-Law 2022-056 & Report
 - d. Committee (Internal/External Reports)**
- 8. Administrative Matters- Nil**
New Business/Reports from Officers/Employees on Various Issues
(Including reports from Departments which require Council approval- NIL
- 9. Leadership Issues**
 1. Direction to Amend the Procedure Bylaw
 2. Direction to Amend the Record Retention Bylaw
 3. Motion from Councillor Cross

10. CLOSED SESSION

Moving into Closed Session (Resolution)

PURPOSE

Closed Session matters pursuant to Section 239 of the *Municipal Act*, to consider, as follows:

Pursuant to section 239 (b) personal matters about an identifiable individual, including municipal board employees; (d) labour relations or employee negotiations; (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and (f) advice that is subject to solicitor-client privilege including communications necessary for that purpose to discuss:

1. Lalonde legal matter
2. Order from the Ministry of Labour
3. Treasurer position
4. Clerk Position

Adjournment of Closed Session (Resolution)

11. Confirmatory By-law No. 2022-057

12. Adjournment



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-303

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby approve the change in date for the regular council meeting to today September 29, 2022.”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-304

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby approve the agenda as circulated.”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-305

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby approve the minutes of the Regular Council meeting of September 27, 2022”

Result Options.

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input type="checkbox"/>	<input type="checkbox"/>

Minutes

Regular Meeting of Council
Municipality of Calvin
September 13, 2022
7:00 p.m.
ELECTRONIC MEETING
Meeting ID: 880 9221 6354

The regular meeting of Council was held this date by Zoom electronic meetings (due to Covid-19 pandemic).

ATTENDANCE

Council: Mayor Pennell
Councillor Cross
Councillor Castelijn
Councillor Shippam

Staff: Mary Stock- Deputy Clerk
Jacob Grove-Landfill & Recreation Manager

1. CALL TO ORDER

Chair Mayor Pennell called the meeting to order at "7:01" pm.

2. APPROVAL OF AGENDA

2022-296: Approval of Agenda

Moved By: Councillor Castelijn

Seconded By: Councillor Cross

NOW THEREFORE BE IT RESOLVED THAT:

"Council for the Corporation of the Municipality of Calvin hereby approve the agenda as circulated and amended."

"Carried"

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. DECLARATIONS OF DISQUALIFYING INTEREST (PECUNIARY) - "NIL"

4. APPROVAL OF MINUTES OF THE MOST RECENT MEETINGS

2022-297: Approval of Minutes

Moved By: Councillor Castelijn

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby approve the minutes for the Regular Council Meeting August 23, 2022.”

“Carried”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. COUNCIL DIRECTION FROM PREVIOUS MEETINGS- August 23, 2022 - NIL

6. DELEGATIONS-NIL

7. LEGISLATIVE MATTERS

A) 2022-298: Approve Consent Agenda

Moved By: Councillor Castelijn

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“BE IT RESOLVED THAT Council for the Corporation of the Municipality of Calvin hereby receive the Consent Agenda Items of September 13, 2022 as circulated, less any items requested for separate review and discussion.”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

B) By-Laws for Consideration- NIL

C) Public Hearings: Planning/Zoning Matters- NIL

D) Committee (Internal/External Reports)

2022-299: Zoning By-Law Amendments

Moved By: Councillor Shippam
Seconded By: Councillor Casteljin

NOW THEREFORE BE IT RESOLVED THAT:

“BE IT RESOLVED THAT Council for the Corporation of the Municipality of Calvin hereby direct staff to proceed with the drafting of a formal amendment to zoning By-Law 2022-19 for consideration by Council that revisits Sections 4.21 Minimum Distance Separations and Special Setbacks and 4.21.2 Pits and Quarries.”

Recorded Vote:

“Carried”

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Administrative Matters

2022-300: Adopting the 2022 Estimate and Striking tax rates for 2022

Moved By: Councillor Cross
Seconded By: Councillor Casteljin

WHEREAS

Council adopted Bylaw 2022-047 adopting the 2022 estimates and striking tax rates for 2022;

Bylaw 2022-047 establishes that taxes become due and payable on the 31st day of August 2022 and that failure to pay results in penalties and interest being applied;

AND

Final property tax bills were not able to be produced and mailed twenty-one days (21) as outlined in Bylaw 2022-047 and in accordance with the *Municipal Act*.

Now therefore be it resolved:

That Council for the Corporation of the Municipality of Calvin directs that the due date of October 18, 2022 be established as the due date for the payment of the final tax bill and that penalties and interest not be applied until November 21, 2022.

Recorded Vote:

“Carried”

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

9. Leadership Issues- NIL

10. Closed Session: Nil

11. Confirmatory By-Law 2022-055

2022-301 Confirmatory By-law

Moved By: Councillor Cross

Seconded By: Councillor Casteljin

NOW THEREFORE BE IT RESOLVED THAT:

“By-Law No. 2022-055 being a By-Law to confirm the proceedings of the Regular Meeting of Council held Tuesday, September 13, be read and adopted.”

“Carried”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

13. Adjournment:

2022-302: Adjournment

Moved By: Councillor Casteljin

Seconded By: Councillor Shippam

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin adjourns this meeting at 7:22 pm.”

“Carried”

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Mayor Ian Pennell, Chair

Mary Stock, Municipal Deputy Clerk



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-306

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby approve and accept to renew the Employee Benefits on October 1, 2022”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam

Mary

From: Shawn Flindall <shawn@onelifewealth.ca>
Sent: Monday, August 15, 2022 1:01 PM
To: Mary; luciepaulviel@gmail.com
Cc: Shawn Flindall
Subject: Employee Benefits Plan Renewal October 1st 2022

Hi Mary

I've just completed the negotiations for your employee benefits renewal on October 1st.

The plan renews every year on October 1st with renewal rates adjusted based on claims history (premiums paid vs. claims paid) as well as member demographics (M/F, average age).

Claims have been progressively increasing over the past few years:

- Average annual drug claims have gone from \$7,000 per year to \$9,000 per year (on \$9,500 of drug premiums paid)
- Dental claims have gone from \$1,000 per year to \$4,000 per year (on \$3,000 of dental premiums paid)

These are hefty increases in claims.

As such, the premium needs to increase to compensate.

The carrier originally asked for a 30% premium increase (about \$10,000 per year) but I have been able to mitigate that to a 12% increase (about \$4,500 per year).

Canada Life has held this plan for many years and is very committed to doing all they can to help with the premium, given the significant increases in claims. They've done a very good job with the new premium given those claims increases.

We did take your plan to a full market RFP 2 years ago and there was no other carrier even close to the premium that Canada Life is offering.

Please have a look at this information and let me know your thoughts.

Thanks!

Shawn

*Shawn Flindall B.A., CFP
Certified Financial Planner
Specializing in Employee Benefits and Pensions
Gallagher Benefit Services Canada/Onelife Wealth Management (North Bay) Inc.
1104 O'Brien St., North Bay, ON P1B 5X6
705-474-7526 x227*

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Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-307

Moved By: Choose an item.

Seconded By: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“BE IT RESOLVED THAT By-Law 2022-056, being a By-Law to adopt the proposed amendment to Zoning By-Law 2002-19 be read a First time this 27th day of September.”

Result: Choose an item.

Recorded Vote: Choose an item.

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input type="checkbox"/>	<input type="checkbox"/>

Municipality of Calvin

REPORT DATE: September 27, 2022
ORIGINATOR: Colleen Hannigan – E4m Municipal Governance and Planning Consultant
SUBJECT: Zoning By-Law No. 2022-19 Background for a discussion of an amendment By-law No. 2022-056 at first reading, re Compatibility between Extractive Industrial (Aggregate) and Sensitive Land Uses

RECOMMENDATION:

That Council proceed with first reading tonight followed by a public meeting and possible adoption of this proposed amendment to Zoning By-law 2022-19 at the Oct 11th Council meeting.

EXECUTIVE SUMMARY:

This report follows the update brought to Council on September 13th regarding the new Zoning By-law No. 2022-19 which was passed by Council and subsequently came into effect on July 12, 2022.

Serious concerns have arisen with:

- the wording in the first paragraph of Section 4.12 entitled “Minimum Distance Separation and Special Setbacks, and
- the wording in Section 4.12.2 regarding the influence area and the minimum distance separation from sensitive land uses both being set at 1,000m with respect to pits and quarries.

In recent discussion with a Ministry of Natural Resources representative and further review of the guidelines, it has been confirmed that some flexibility could be included particularly with respect to properties that would become effectively undevelopable under the existing wording, possibly even where studies have been undertaken to reduce those setbacks.

Staff are proposing a rewording of Section 4.12 that would meet the intent of the provincial Aggregate Resources Act as well as the guidelines referred to in D-1: Land Use and Compatibility, and D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses. The new wording would also remain consistent with Calvin’s East Nipissing Official Plan (OP) while providing options for those properties falling within the 1,000 metre setbacks noted in the OP.

The MX Zone that was included on the zoning map covering a potential aggregate resource to the east of Donald Rd,

There were also a number of other items that were not included in the final version of the current by-law that have been added to this general amendment by-law. These include:

- the 500m influence area respecting waste management facilities
- permitting a detached private garage as a principal use in the R and LSR Zones, and
- the MX zoning of a licensed property that had been taken off the zoning map

FINANCIAL/STAFF CONSIDERATIONS: E4m’s time in assisting staff with the preparation of this newest amendment particularly due to staff’s workload in this peak building season.

BACKGROUND: The protection of our natural resources and land to accommodate our waste management facilities and other industrial uses with inherent off-site impacts are an important aspect of long-term land use planning. In an attempt to protect both **industrial uses** and **sensitive uses** from one another as set out in provincial guidelines and the Official Plan, the current wording in the zoning by-law became extremely restrictive with respect to minimum separations with little flexibility to allow

forms of mitigation similar to those included in the wording of the previous zoning by-law and in the intent of the new Official Plan.

(Note: The pertinent wording in the following OP excerpts (italicized) has been bolded and in some cases underlined as well, for the purposes of this report.)

Section 6.0 Resource Management, of the **East Nipissing Official Plan** adopted by the Calvin Council in 2021, reads as follows.

6.1 Keynote Resource Management Policy

*To protect agricultural, mineral, **mineral aggregate**, forestry, water, cultural heritage, and archaeological resources for their economic, environmental and social benefits.*

6.4 Mineral Aggregates

1. The intent of the Plan is to recognize and protect mineral aggregate resources and existing extraction operations from development and land uses that could interfere with the current or future development of these resources...

*2. **Incompatible land uses will not be permitted within the influence area or separation distances set out in Section 2.9 and Table 2 of the Plan including development and activities which would preclude or hinder the establishment of new operations or access to mineral aggregate resources except where:***

- **The resource use would not be feasible; or***
- **The proposed land use or development serves a greater long-term public interest; and***
- **Issues of public health, public safety and environmental impact are addressed.***

The matters set out in sub-clause 2 shall be addressed through a technical study (Mineral Aggregate Resource Assessment) conducted by a qualified professional.

2.9 Land Use Compatibility

All development including major facilities shall be planned to ensure that land uses are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants and to minimize the risk to public health and safety. Major facilities include airports, transportation infrastructure corridors, rail lines and facilities, sewage treatment facilities, waste management systems, industries, energy generation facilities and transmission systems, resource extraction activities such as mineral aggregate and mining operations, and livestock facilities.

*Table 2 sets out a list of major facilities and other land uses, **the influence area where exposure to nuisance factors by residents and other sensitive land uses should be minimized and the minimum separation distances designed to ensure land use compatibility.** All standards shall be applied on a reciprocal basis between land uses to ensure that whether the major facility or the sensitive land use is constructed first, that the alternative land use or use which is installed secondly is **appropriately separated and protected from any adverse effects.***

Due to some unavoidable off-site impacts and the resultant push back from adjacent sensitive uses, policies have been strengthened across the province to help minimize these impacts. Separation is a cost-effective (would avoid a technical study) solution. The intent of the provincial guideline and the local Official Plan is to not allow “**development and activities which would preclude or hinder the establishment of new operations or access to mineral aggregate resources.**”

Justification for Reduced Minimum Distance Separation (MDS)

The **Provincial Guideline D-1** referred to in Table 2 of the OP provides some flexibility in interpretation by stating the following:

Compliance with Existing Zoning and Official Plan Designation (2.3.2)

This guideline does not normally affect a change in land use, an expansion, or new development, for either a facility or a sensitive land use which is in compliance with existing zoning, and the official plan designation, except for plans of subdivision and condominium and/or severances. In these exceptional situations, Ministry staff may require studies (see Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses, Sections 4.6, "Studies" and 4.7, "Mitigation"), and the identification of any necessary mitigative measures to prevent or minimize any potential 'adverse effects'.

The Aggregate Resources Act contains specific setbacks that are a requirement for Pits and Quarry Permits as shown in the following table.

Aggregate Resources Act Relevant Permit Requirements for Mitigation of Off-site Impacts by Permit Holder

Within 15m	Excavation shall not occur within 15 metres from any part of the boundary of the site, except for the following
Within 30m	Excavation shall not occur within 30 metres from any part of the boundary of the site that abuts, <ul style="list-style-type: none"> • the highway, • land that is used for residential purposes at the time the licence or permit is issued, or • land that is restricted to residential use by a zoning by-law in place when the licence or permit is issued, or • any body of water that is not the result of excavation below the water table.
Within 90m of a sensitive use existing at the time of permit issue	A stockpile of aggregate, topsoil or overburden, a processing plant or area or a building or structure shall not be located within the 90m setback from an existing sensitive use
Within 300m of a sensitive use	Equip any processing equipment that creates dust with dust suppressing or collection devices
	The holder of a wayside permit shall mitigate the amount of dust generated at the site of the pit or quarry to minimize any off-site impact
Within 500m of a sensitive use	Must mitigate the amount of noise emitted at the source with appropriate noise attenuation devices and site design
Within 1,000m of a sensitive use	Apply water or other approved dust suppressant on roads and processing areas
	Shall mitigate the amount of dust generated at the site of the pit or quarry to minimize any off-site impact
	Shall monitor all blasts for ground vibration and blast overpressure and prepare blast monitoring reports in accordance with provincial guidelines on limits on blast overpressure and ground vibration for blasting operations
Within 2,000m of a sensitive use	No blasting shall occur on a holiday, or between 6 p.m. and 8 a.m.

According to the provincial guidelines and the current Official Plan, the preference is the simple distance compliance with the guideline, which is laid out at the 1,000m for both the Influence Area and the Minimum Distance Separation (MDS) in Section 2.9 and Table 2 of the Official Plan unless a study has determined otherwise. This distance basically allows a pit or quarry to operate without any required mitigation on their part as outlined in the Aggregate Resources Act.

However, these documents do provide options for technical studies or development design features to ensure compatibility. An example given in guideline D-6 says that if the sensitive use property is large enough an increased yard setback for the actual sensitive use on that property could be included in the required separation distance. Or, in other words, if the area within the MDS wasn't used for a sensitive use even though it was zoned for such a use, development could occur on that property. Rewording of how distance can be measured needs to be clear in the rewording.

All Rural (R), Limited Service Rural (LSR) and Commercial Recreational (CR) zoned properties in the Township of Calvin are currently zoned for some form of sensitive use and many of them are already developed. To say that without doing a study these properties cannot be developed at all because they lie within the 1,000m influence area and can't comply with the MDS is often not practical or fair to the Township or the property owners.

In order to remain consistent with current provincial and local OP policy, and to protect property owners from an incompatible adjacent use they may or may not have been aware of, or from not being able to develop at all, options for mitigation and minimization of off-site impacts of the MX uses, now or in the future, need to be incorporated back into the wording of the new Zoning By-law.

A purchaser or developer can then be aware of exactly what their development options are. Properties within the Influence Area could easily be flagged and purchasers/developers would be aware up front and asked to acknowledge this at building permit stage. Permit applicants could also be encouraged to incorporate some design features that attempt to mitigate or minimize the negative impacts from the existing or potential future MX zone uses.

The Minimum Distance Separation (MDS) could be reduced in Calvin from the guideline of 1,000m set in the provincial policy statement and the OP to something that better reflects the Aggregate Resources Act. For example, a 300m MDS for a quarry which involves blasting to operate, would tell the current or future aggregate permit holder that they would be looking at specific mitigating measures in order to develop their operation at less than those distances. The same could apply to the development of a sensitive use at less than the MDS.

When MX zoned boundaries abut a property where a sensitive use would normally be allowed, the shared lot line equals 0m separation between the two properties. Therefore, it is impossible to meet any required setbacks for new use/development on either of the lands as specified in the by-law. By allowing the required Ministry setback in the MX zone (15 or 30m for example) and the distance from the lot line to the actual sensitive use on the adjacent property, to be added together to meet the 70m MDS for a pit or 300m for a quarry, would enable adjacent properties to be developed. If the 70m still cannot be met, then a study could be required, or Council approval could be sought through a by-law amendment. In these circumstances mitigation measures and maximum possible separation on the sensitive land use property are the only ways that the impacts of their incompatibility can be minimized. Since these properties already permit certain uses it is not the intent of the guideline to render one entirely undevelopable for a sensitive use unless there is an exceptional reason to do so.

With respect to subdivision, condominium or severance applications, the municipality or the Ministry may or may not require a study and new lots within the MDS may not be approved by the Committee of Adjustment. These would be dealt with on a site-by-site basis.

Waste Management Facilities – Section 4.21.1

In the new zoning by-law, the 500m Influence Area was deleted, leaving only 30m setback with respect to Waste Management Zones. The Influence Areas are still indicated on the By-law's map schedule and it is recommended the former wording be re-instated in this amendment.

Proposed Re-wording for Pits and Quarries

Each section below shows the existing By-law wording in italics, crossed out, followed by the proposed wording indented and in bold print for Council's consideration.

4.21 Minimum Distance Separation (MDS) and Special Setbacks

Despite the zoning regulations in this By-law, no person shall use any land, building or structure unless the use, building or structure complies with the following:

The following apply despite the zoning regulations found in this By-law.

4.21.2 Pits and Quarries (MX Zone)

1. No sensitive land use shall be permitted within 1,000 m [3,280.8 ft.] of the zone boundary of a pit measured as the shortest horizontal distance between the lot line of the sensitive land use and the zone boundary of the pit or the nearest face of the excavation, whichever is the closest.

2. No sensitive land use shall be permitted within 1,000 m [3,280.8 ft.] of a quarry measured as the shortest horizontal distance between the lot line of the sensitive land use and the zone boundary of the quarry or the nearest face of the excavation, whichever is the closest.

1. When applying to develop a property where the proposed sensitive use (e.g. residential use, daycare centre, educational or health facility) on that property is located within the Influence Area of 1,000m of an MX zone boundary, the owner shall, on the Township form provided, acknowledge the existence of the nearby MX Zone and its potential impact on the development being applied for, on the building permit application.

2. No sensitive land use shall be permitted within 70m [230ft.] of a pit or 300m [984ft.] of a quarry measured as the shortest horizontal distance between the location on the lot of the sensitive land use building being applied for and including the required setback of the MX use of the pit or quarry, unless a technical study is undertaken by a qualified professional concluding:

- the resource use would not be feasible; or**
- the proposed land use or development serves a greater long-term public interest;**
- and**
- issues of public health, public safety and environmental impact are addressed, and appropriate measures have been undertaken to mitigate adverse or potential adverse impacts such as visual impacts, noise, dust, traffic or ground water quality or quantity.**

3. In the case of applications for subdivision, condominium or severance, further studies as outlined in the Official Plan, may be required. A covenant shall be registered on the title deed of any approved lots within the Influence Area of an MX Zone to ensure future owners are aware of potential offsite impacts of licensed aggregate extraction activities.

Proposed Map Schedule Changes

The zoning map schedule in relation to current property development has also been reviewed by Staff. Portions of some of the designated areas for aggregate potential in the OP lie in environmentally sensitive areas including wetlands, streams, and adjacent water bodies. Staff are therefore recommending that these MX zones that are not currently licenced for extraction be reduced in size. This will in turn will minimize the setback impacts to sensitive land use development in the surrounding area.

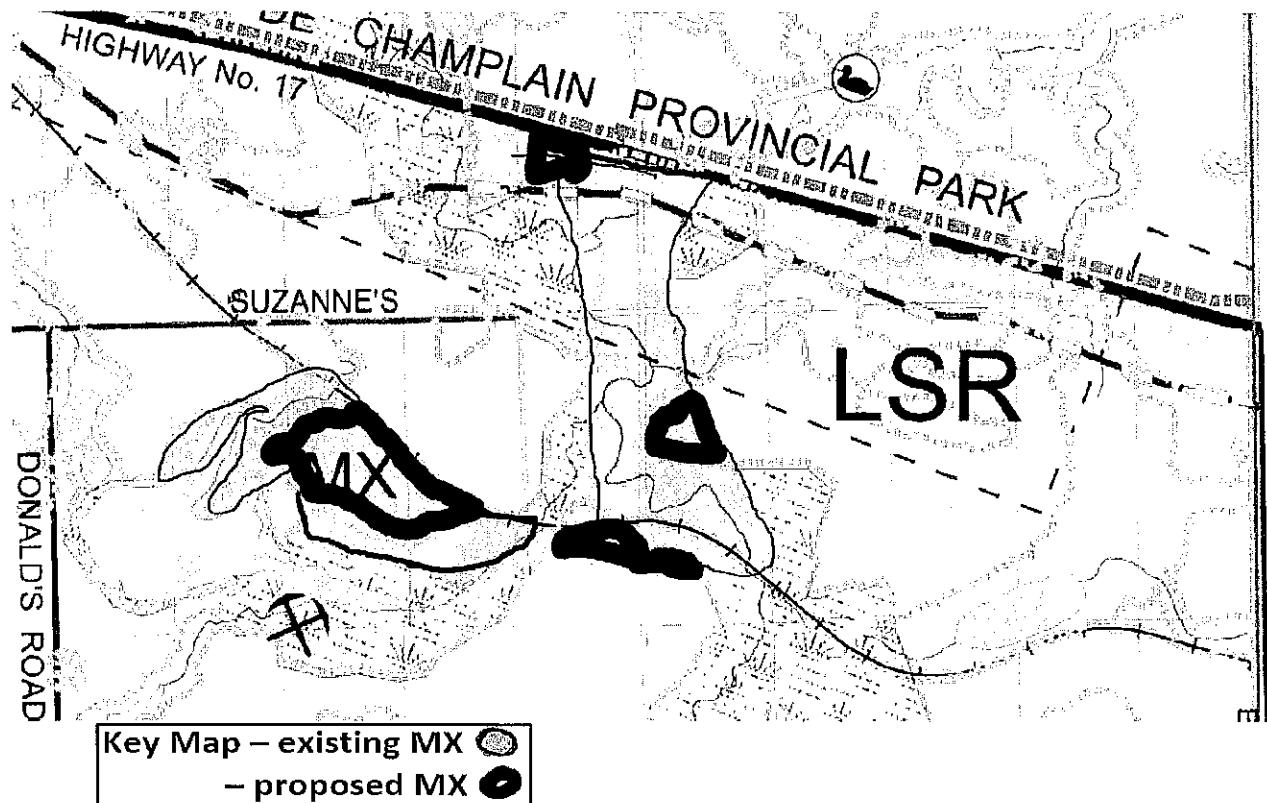
In addition, the licensed MX zone just north of Smith Lake, on Lots 18 & 19, Concession 8, was deleted from the current mapping and is recommended to be put back into the MX Zone so that people are aware there is an existing license on this area.

ANALYSIS/RATIONALE FOR RECOMMENDATION: These changes appear to address the concerns brought forward with respect to overly restrictive wording in the newly adopted Calvin Township By-law respecting development compatibility.

ALTERNATIVES FOR CONSIDERATION: Alternatives recommended for consideration will be based on discussion during this Special Council meeting.

NEXT STEPS: First Reading to be passed at this Council meeting. Notice was given to owners of MX-zoned properties on September 21st and advertised in the Mattawa Recorder the same week. A Public Meeting is scheduled for the October 11th Council meeting.

APPENDICES: Proposed eastern MX Zone Map Schedule changes



**THE CORPORATION OF THE MUNICIPALITY
OF CALVIN
By-Law No. 2022-056**

**BEING A BY-LAW TO AMEND
ZONING BY-LAW BY-LAW NO. 2022-019**

WHEREAS pursuant to the provisions of the Planning Act, RSO 1990, Section 34, the Council of a Municipality may enact by-laws regulating the use of lands and the erection of buildings and structures thereon;

AND WHEREAS Council requested a further review of changes made in the new by-law.

NOW THEREFORE, the Council of the Corporation of the Municipality of Calvin enacts the following amendments to By-law No. 2022-19, as follows:

1. That the wording in the introduction of **Section 4.21 Minimum Distance Separation and Special Setbacks**, be replaced by the following:

“The following apply despite the zoning regulations found in this By-law.”

2. That the following wording be added to **Section 4.21.1 Waste Management Facility** as 1. with the remaining numbering being adjusted accordingly:

“1. The influence area shall be 500 m [1,640 ft] from a sensitive land use (e.g. residential use, daycare centre, educational or health facility) measured as the shortest horizontal distance between the location on the lot of the sensitive land use building being applied for and the licenced waste management facility. Within the influence area, no sensitive land use shall be permitted unless the appropriate study is undertaken, to the satisfaction of the approval authority, to demonstrate that the proposed development will not negatively be impacted by the waste management facility (e.g., leachate migration, methane gas, rodents, vermin, odour, litter, noise, etc.);”

3. That the wording in **Section 4.21.2 Pits and Quarries**, of By-law 2022-019 be replaced by the following:

“1. When applying to develop a property where the proposed sensitive use (e.g. residential use, daycare centre, educational or health facility) on that property is located within the Influence Area of 1,000m of an MX zone boundary, the owner shall, on the Township form provided, acknowledge the existence of the nearby MX Zone and its potential impact on the development being applied for, on the building permit application.

2. No sensitive land use shall be permitted within 70m [230ft.] of a pit or 300m [984ft.] of a quarry measured as the shortest horizontal distance between the location on the lot of the sensitive land use building being applied for and including the required setback of the MX use of the pit or quarry, unless a technical study is undertaken by a qualified professional concluding:

- ***the resource use would not be feasible; or***

- *the proposed land use or development serves a greater long-term public interest;*
- and*
- *issues of public health, public safety and environmental impact are addressed, and appropriate measures have been undertaken to mitigate adverse or potential adverse impacts such as visual impacts, noise, dust, traffic or ground water quality or quantity.*

3. In the case of applications for subdivision, condominium or severance, further studies as outlined in the Official Plan, may be required. A covenant shall be registered on the title deed of any approved lots within the Influence Area of an MX Zone to ensure future owners are aware of potential offsite impacts of licensed aggregate extraction activities."

4. That Lots 18 & 19, Concession 8, be rezoned MX.
5. That the changes to the MX zone boundaries on Lots 5, 6, 7, 8, & 9 Concession 6 and Lots 5 & 6 Concession 7, as shown on the **Key Map** attached hereto and being part of this By-law, replace the associated MX zone involving the same lots, shown on the map schedule for Zoning By-law 2022-019.
6. That **Detached Private Garage** be added to the principal **Permitted Uses** in **Rural (R) and Limited Service Rural (LSR) Zones**.
7. That By-law No. 2022-056 shall come into effect subject to the requirements of the *Planning Act*.

Read a first time this 27th day of September, 2022.

Public Meeting held the _____ day of _____ 2022.

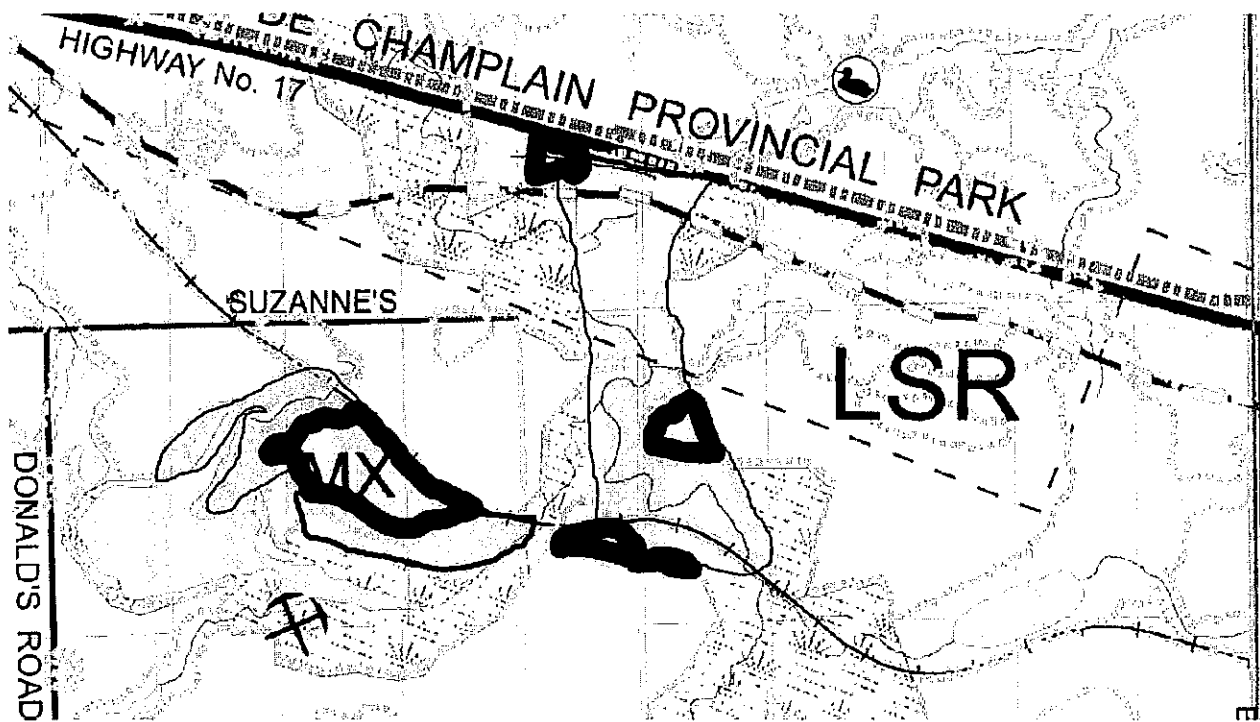
Read a second, third and finally passed this _____ day of _____, 2022.

Mayor

Clerk

Certified that the above is a true copy of By-law No. 2022-050 as enacted and passed by the Council of the Corporation of the Municipality of Calvin on the _____ day of _____, 2022.

Clerk



Key Map – existing MX 
 – proposed MX 



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-308

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby give direction to E4M to revise and amend the Procedural By-Law”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam

E4m Report

PREAMBLE: One of the items of outstanding Council business noted by the outgoing Clerk-Treasurer was an updated Procedure Bylaw.

E4m has been providing Municipal Support to the Municipality of Calvin since February 18, 2022, and has made/is making recommendations regarding:

- adopting the agenda format that has been prepared by George Cuff,
- capitalizing on the use of a meeting management software,
- updating electronic meeting provisions to include hybrid options upon the approval of Council; and
- monthly rather than twice-a-month regular Council meetings.

PURPOSE: E4m is seeking direction from Council to present a draft Procedure Bylaw at the first Council meeting in October 2022.

RECOMMENDATION: That Council directs E4m to provide a draft amended and modernized Procedure Bylaw for Council's Consideration and further that current Council members be consulted regarding any concerns with the current Procedure Bylaw that have been previously raised.

LEGAL AUTHORITY: Municipalities are required to adhere to the *Municipal Act*, as such municipalities are permitted to pass bylaws within their spheres of jurisdiction and are required to adopt a procedure bylaw in accordance with section 238

OPTIONS:

1. Council can continue to operate with the current procedure bylaw.
2. Council can update/modernize their current bylaw.



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-309

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby give direction to E4M to revise and amend the Record Retention By-Law”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam

E4m Report

PREAMBLE: Recently, consultants with E4m attended the Municipality of Calvin Township Office to assist/train new employees regarding records management. At that time, it was noted that the Municipality's record retention bylaw is out of date and requires a review and amendment.

E4m has been providing Municipal Support to the Municipality of Calvin since February 18, 2022, and has reviewed the record retention bylaw and has noted the following concerns:

- The current bylaw does not address electronic records (including Council and staff emails) which are producible under the *Municipal Freedom of Information and Protection of Privacy Act* and other legislation,
- The current bylaw unreasonably mandates the permanent retention of records not required by provincial or federal law which have no value for future decision-makers;
- The current bylaw does not mandate a scheduled review and update; and
- The current bylaw does not explicitly identify how the records will be maintained.

PURPOSE: E4m is seeking direction from Council to present a draft updated Record Retention Bylaw at the first Council meeting in October 2022.

RECOMMENDATION: That Council directs E4m to provide a draft amended and modernized Records Retention Bylaw for Council's Consideration.

LEGAL AUTHORITY: Municipalities are required to adhere to the *Municipal Act*, as such municipalities are permitted to pass bylaws within their spheres of jurisdiction and are required to retain municipal records and may adopt a records retention bylaw in accordance with section 255 which allows for the municipality to destroy records after the pre-determined retention period.

OPTIONS:

1. Council can continue to operate with the current record retention bylaw.
2. Council can update/modernize their current bylaw.



Corporation of the Municipality of Calvin

Council Resolution

Date: September 29, 2022

Resolution Number: 2022-310

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby resolve that E4M provide a report to council detailing charges incurred, investigations, education and office help”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam

Mary

From: Sandy Cross <councillorcross1@gmail.com>
Sent: Friday, September 23, 2022 9:32 AM
To: Mary
Subject: Motion for next Council meeting

As the term of council is winding down I would like put forth a motion for the up coming meeting that the Mayor request a up to date report/ analysis for all charges incurred for the municipality billed by E4M and Wishart and Peggy Lovelace and associates for Investigations and education and in house office help. and to have this report available in our package for out first October meeting

Thank You

Councillor Cross



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-311

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby move into closed session at xxx P.M. pursuant to Section 239 of the *Municipal Act*, to consider, as follows:

Pursuant to section 239 (b) personal matters about an identifiable individual, including municipal board employees; (d) labour relations or employee negotiations; (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and (f) advice that is subject to solicitor-client privilege including communications necessary for that purpose to discuss:

1. Lalonde legal matter
2. Order from the Ministry of Labour
3. Treasurer position
4. Clerk Position

For the purposes of a legal matter, property matter, human resources matters and education and training.

Result Carried

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input type="checkbox"/>	<input type="checkbox"/>



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-312

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin hereby move back into open session at XXX P.M. and report that Council discussed a legal matter, litigation/Security of property of the Municipality, education and training, labor relations and gave direction to staff.

Result Options.

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input type="checkbox"/>	<input type="checkbox"/>



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-313

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“By-Law No. 2022-257 being a By-Law to confirm the proceedings of the Regular Meeting of Council held September 27, 2022 be read and adopted”

Result Options.

Recorded Vote:

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Pennell	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Castelijn	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Cross	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Shippam	<input type="checkbox"/>	<input type="checkbox"/>

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BYLAW NUMBER 2022-057

BEING A BYLAW TO CONFIRM THE PROCEEDINGS OF COUNCIL

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Preamble

Council for the Corporation of the Municipality of Calvin ("Council") acknowledges that many of the decisions it makes during a meeting of Council, regular, special, or otherwise, are done by resolution. Section 5 (3) requires that Council exercise their powers by Bylaw.

Council further acknowledges that the passing of resolutions are more expedient than adopting Bylaws for each decision.

Decision

Council of the Corporation of the Municipality of Calvin decides it in the best interest of the Corporation to confirm its decisions by way of Confirmatory Bylaw.

Direction

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin directs as follows:

1. The Confirmatory Period of this By-Law shall be for the Regular Council meeting of August 23, 2022.
2. All By-Laws passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
3. All resolutions passed by the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
4. All other proceedings, decisions, and directives of the Council of the Corporation of the Municipality of Calvin during the period mentioned in Section 1 are hereby ratified and confirmed.
5. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution __2022-313_____ this 23RD Day of August, 2022.

MAYOR

CLERK



Corporation of the Municipality of Calvin Council Resolution

Date: September 29, 2022

Resolution Number: 2022-314

Moved by: Choose an item.

Seconded by: Choose an item.

NOW THEREFORE BE IT RESOLVED THAT:

“Council for the Corporation of the Municipality of Calvin adjourn this meeting at _____ p.m.”

Result Options.

Recorded Vote:

Member of Council

In Favour

Opposed

Mayor Pennell

Councillor Castelijn

Councillor Cross

Councillor Shippam