

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING MEETING

APRIL 19, 2005

There was a meeting of the Planning Committee held in the Municipal Council Chambers on Tuesday April 19, 2005. Present were Chair Dave Bennett, and members Robert A. Johnston, Bob Hall, Don Eady , Bob Kingsbury, Judy Campbell and Jim Ferguson (5:05 p.m.).

1. CALL TO ORDER

Chair Bennett called the meeting to order at 4:40 p.m.

2. DECLARATION OF PECUNIARY INTEREST

Councillor Bennett declared pecuniary interest in item 10 - berms, swales on waterfront property

3. MINUTES OF MARCH 15, 2005 COMMITTEE MEETING

Chair Bennett reviewed the March 15, 2005, Committee Minutes.

4. BUSINESS ARISING

April 29, 2005 BR&E Meeting Arrangements

Councillor Eady informed the Committee that the office staff have sent an invitation out to all Horton businesses and farmers inviting them to the April 29, 2005 meeting. The evening before is an opportunity for tables and booths to be set up by people who will have information to present . The meeting starts at 9:00 a.m. on Friday morning. The County is hoping for 65 - 70 people to be present. The CAO/Clerk asked the Committee for input on the lunch. He was asked to get prices on lunch which will be \$6.00, split three ways between the County, Township of Admaston-Bromley and Horton. However, the meeting would tentatively be over at 11:00 a.m. - would they want lunch served at 11:00 a.m.? They said yes.

Property Standards Officer

Councillor Bennett noted that at the last meeting Jim McBain attended to discuss about a Property Standards Officer for the Township. At that time another meeting was to be arranged with Mr McBain to discuss alternatives his Company could offer. After discussion, the Committee agreed that the CAO/Clerk meet with Mr McBain and report back to the Committee the options available.

5. DELEGATIONS

4:35 Dennis Fridgen - New Amendments to Building Code Act

Mr Fridgen was present and reviewed the changes that have been made to the Ontario Building Code to come into effect July 1, 2005. He also reviewed the subsequent revisions that have been made by the Ministry of Municipal Affairs as the deadline approaches.

Mandatory Qualifications for Building Officials

Mr Fridgen informed the Committee that he has taken four courses and is registered for a fifth course in early May to become requalified under the requirements of the Code. This has been a requirement for all Inspectors to complete.

Development and Compliance with the Code of Conduct

Mr Fridgen pointed out that there is nothing out from the Province on this Code of Conduct at this point in time.

Use of a Common Building Permit Application Form

Mr Fridgen said this is the most contentious of all changes. The Application Form has gone from a two page document, that we have been using, (one page the application and one page for a sketch) to being a six page document. The concern is who is going to help people complete the application form. People have trouble completing the two page form now. There is concern through the Building Officials Association that it will be left for office staff to advise people on how to complete the document.

Mr Fridgen noted that two Municipalities, Admaston-Bromley being one of them and one in Western Ontario, both sent out resolutions calling for changes to the Form and to the process. Horton Council supported both of these resolutions. There were suggestions by members of the Committee that some handout material could be created setting out various classes of buildings and what part of the six page form would have to be completed.

Time Frames within which Decisions must be made on Issuing a Permit

Mr Fridgen said this is now mandatory and a permit has to be issued within ten days. However, this has never been a problem in Horton as a permit will be issued within two to three days if all materials are received. The other concern was forty-eight hours notice to make an inspection and if the forty-eight hours has expired and the inspection not been made the Contractor/Builder can go ahead with the next phase of his building.

Stages of Construction when a Building must be Inspected

Mr Fridgen pointed out that this is more for large buildings, office building, manufacturing buildings etc and does not really become an issue under house construction.

Authority for Municipalities to Allow Registered Code Agencies (RCAs)

Mr Fridgen noted that now a Registered Code Agency can become involved in situations where the local Chief Building Official feel they are not qualified. This would be in a major industrial building etc. Chair Bennett asked if the Township should amend our Building By-law Fees, so that we are able to recover the cost of a RCA from the Permit Holder? Mr Fridgen suggested holding off as there will be time after the new rules come into effect.

New Rules Governing Building Permit Fees to enhance Transparency

Mr Fridgen said this is to ensure to the public that the Township is not making money on the service of Building Permit, in other words costs must equal the Permit Fees brought in. A Financial Report is required each year and Mr Fridgen states he believes our current report meets this requirement.

In concluding his discussions, Mr Fridgen suggested that there maybe a need in the future to amend our own By-law to ensure that it conforms with the new Building Code.

Council thanked Dennis Fridgen for attending and informing the Committee of these new changes.

5:00 Dennis Cybulski - Outdoor Wood Furnace Retailer

Mr Cybulski, who sells and installs Outdoor Wood Furnaces, was present to inform the Committee about the concerns his industry faces and the issues surrounding nuisances created by outdoor wood burning stoves. Mr Fridgen was also present. The office staff had previously received information from the Townships of Whitewater, Bonnechere Valley, Greater Madawaska, Admaston/Bromley on their amendments to the Zoning By-law to control the location of outdoor wood burning furnaces. This list was reviewed by the Committee. After discussion, and reviewing the amendment process for a by-law, the Committee agreed that Horton requires a by-law to control possible nuisance complaints from neighbours. The

Committee will consider a by-law at their next meeting. The Committee thanked Mr Cybulski for attending.

6. NORMAN EADY ROAD CLOSING

Report from Sub-Committee

Chair Bennett reported that he and Bill Winters, acting as the Sub-Committee, met with Tom Reid and Norman Eady on April 11, 2005. A copy of the Minutes of the Sub-Committee meeting was presented to the Planning Committee, as well as a copy of the letter sent to both parties setting out the agreement that was reached. The Committee reviewed this agreement. Councillor Kingsbury questioned the issue of the Township paying the full cost of the survey (\$1,000.00). Council had previously directed that the Survey be split three ways and he was not informed prior to this meeting that a change had been made.

Reeve Johnston explained that both parties were giving up several non-monetary items in their agreement so he supported the Township paying the total cost of the survey. Councillor Bennett also supported this. After discussion about receiving Minutes ahead if there were changes it was agreed that in the future when a sub-committee is formed to negotiate that it be given parameters in which to carry out their negotiations and if a recommendation is made which is outside the parameters they come back to the Committee.

Moved by Robert A. Johnston

Seconded by Bob Hall

That the Planning Committee accept the Report of the Sub-Committee on the Norman Eady Road Closing Issues.

Carried on division.

Opposed: Councillor Kingsbury

7. SEVERANCE APPLICATION - B20/05 TERESA CHAPESKI

The Committee reviewed a severance application for Teresa Chapeski being one acre from her holding in Part 21 Concession 4 on Bennet-Lafont Road. The CAO/Clerk informed the committee that part of the one acre parcel is zoned as extractive industrial reserve (EMR) and a zoning amendment is required to change the zoning to rural. Chair Bennett suggested that the Public Works Superintendent check on any drainage issues that may be on the property to ensure that the ditches are deep enough etc as this is generally a wet area. The Committee agreed.

Chair Bennett asked the Committee members to view the site and report any concerns they have to the CAO/Clerk before the next Council Meeting at which time the actual recommendation will be considered.

8. ZONING AMENDMENTS

Tom Redmond - Commercial to Residential

The Committee reviewed the application of Tom Redmond to rezone the commercial property on the corner of Pucker Street and Burnstown Road to residential to permit the construction of a residence. The Committee supported this application.

Joe Charlebois - Tourist Commercial Reserve to Rural

Chair Bennett noted that the Township Committee had recommended approval of two severances subject to the rezoning that is now before us. The Committee supported the application.

Teresa Chapeski - EMR to Rural

Chair Bennett said this is the application to rezone the property that was required in No .7 of the Agenda when we talked about her severance application. The Committee supported the application.

9. DEFINE ROLE OF PLANNING COMMITTEE AND ISSUES TO BE DISCUSSED AND REVIEWED

Chair Bennett suggested that there is a need for this Committee to review and decide on what the role of the Committee should be, the issues and topics that are to be discussed and considered by the Committee. He suggested that this may take some time to consider and asked if the Committee would suggest a sub-committee be appointed to sit down review and draw up some guidelines and report back to the Committee.

After discussion, the Committee members agreed the whole committee should go through the process and it should be dealt with at the next Planning Meeting, as the sole topic for the meeting agenda. The Committee agreed. The CAO/Clerk was asked to check with neighbouring municipalities to see if they have any policies on the operation of a Planning Committee that we can use as a starting point.

Councillor Eady suggested that Dennis Fridgen, Chief Building Official, be present at all Planning Committee meetings. After discussion it was agreed that if an agenda item involved the Chief Building Official that he be invited to attend that meeting.

10 COMMITTEE MEMBERS CONCERNS

Councillor Eady - Discussion on Berms/Swales required on Waterfront Property to keep Water off Neighbours Property

Chair Bennett declared pecuniary interest and turned the Chair over to Reeve Johnston.

Reeve Johnston asked Councillor Eady to review his concerns. Councillor Eady said there are times when waterfront properties are raised and there is a need to ensure that swails or ditches are installed along the property lines to keep water from running from the high lots on to the neighbour's lots. Dennis Fridgen who was present, suggested that the Ontario Building Code controls this situation. The Code ensures that swails be installed so that this does not happen. After discussion the Committee agreed that the Code was the proper vehicle to control the situation. Councillor Eady expressed satisfaction that this would meet his concerns.

Reeve Johnston returned the Chair back to Councillor Bennett.

11. LEGAL COMMENTS ON BY-LAW 10 - 1859 ROAD CLOSINGS

The CAO/Clerk presented a copy of a legal opinion from Janet Bradley on the status of By-law 10 passed in 1859 which closed many roads as a result of the Government Road and Opeongo Road being constructed through private property. This issue is relevant as it involves the severance and road closure of Grant Phillips.

12. TARIFF OF FEES BY-LAW

The CAO/Clerk presented a copy of the current By-law 95-22 for Tariff of Fees., a draft by-law which the Committee can insert revised permit fee values and a draft by-law for requiring execution of an agreement when people bring in various planning applications, for review and consideration by the Committee.

After discussion the Committee agreed to recommend to Council that they increase the application fee for a Zoning Amendment from \$440.00 to \$500.00, for Minor Variance from \$285.00 to \$350.00. For Site Plan Control from \$390.00 to \$450.00 and for each application for subdivision \$150.00 to \$250.00. Further the by-law is to include the actual hourly rates now changed by various engineers, lawyers and technicians. It was noted by the Committee that a Public Meeting is required to change the fees and this is done at a regular Council Meeting prior to Council passing the amendments.

Moved by Judy Campbell
Seconded by Jim Ferguson

That the Planning Committee recommend to Council that they approve a by-law to increase the Planning Fees.

Carried.

Moved by Judy Campbell
Seconded by Bob Kingsbury

That the Planning Committee recommend to Council that they pass the by-law authorising an agreement be entered into for various planning applications.

Carried.

13. OTHER BUSINESS

Reeve Johnston asked what the status of the property standards by-law review was? Chair Bennett said, as discussed earlier in this meeting, they are waiting for a report from the CAO/Clerk, when he meets with Jim McBain on the issue of enforcement officer.

Reeve Johnston explained an issue involving his Mobile Home Park. The CAO/Clerk agreed to contact the Municipal Law Enforcement Officer, Dennis Fridgen, and advise him of Reeve Johnston's concerns.

Chair Bennett said the Property Standards By-law would be dealt with at the June meeting as the May meeting will only be for defining the role of the Planning Committee.

14. NEXT MEETING

The next meeting of the Planning Committee will be held on May 17, 2005 at 4:30 p.m.

15. CONFIRMING RESOLUTION

Moved by Don Eady
Seconded by July Campbell

That Council pass this confirming resolution to validate any actions or directions given during the open portion of this Council Meeting which are minor in nature and which were not set out in By-law of Resolution.

Carried.

16. ADJOURNMENT

Moved by Bob Hall
Seconded by Jim Ferguson

That the Planning Committee Meeting be adjourned at 6:30 p.m.

Chair

CAO/Clerk