

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING COMMITTEE MEETING

DECEMBER 19, 2006

There was a meeting of the Planning Committee held in the Municipal Council Chambers on Tuesday December 19, 2006. All members were present.

1. CALL TO ORDER

Chair Bennett called the meeting to order at 4:30 p.m.

2. DECLARATION OF PECUNIARY INTEREST

Chair Bennett declared pecuniary interest on Agenda item 12 – Wassing Legal Action.

3. MINUTES OF: NOVEMBER 21, 2006 COMMITTEE MEETING  
NOVEMBER 21, 2006 COMMITTEE OF ADJUSTMENT MEETING  
DECEMBER 12, 2006 SUB-COMMITTEE MEETING ON GREER  
SITE PLAN AGREEMENT

Chair Bennett reviewed the Committee Meeting Minutes. He noted that the November 21, 2006 Meetings had already been approved by Council, the December 12, 2006 had not.

Moved by Bob Kingsbury, seconded by Judy Campbell

The Planning Committee approve the December 12, 2006 Sub-Committee Meeting Minutes.

**Carried.**

4. BUSINESS ARISING

Councillor Kingsbury referred to the November 21, 2006 Meeting Minutes, and asked if the Trailer has been removed from a residence in Horton? Councillor Bennett informed the Committee that his business had been asked for a quote to move the mobile home. The purchase of the mobile home by a company in Cardinal, Ontario, has been completed, however, it will take five days to receive all the MTO permits. They may not be able to move the trailer until after Christmas. There is an option that it could be relocated to another site for storage for a few days until the paper work is complete.

5. DELEGATIONS

4:30 Kevin Mask – OMB Decision on Jamieson Pit Asphalt Plant  
Claims Decision not Carried Out

Mr. Ron Mask was present, representing his brother Kevin Mask. Mr. Mask presented the following documents:

- March 1, 2000, letter from the OMB re the OMB decision on the Jamieson Gravel Pit and Asphalt Plants,
- December 21, 2000 letter from MOE on a water taking permit for Jamieson Pit, and
- October 12, 2005 letter from MOE concerning stone washing, importation of stone and fuel tanks at Jamieson Pit.

Mr. Mask asked the Committee to rezone the portion of the Jamieson Gravel Pit that is EMR so that the whole Pit is zoned EM extractive industrial.

The CAO/Clerk discussed the EM and EMR zone designations. The Asphalt Plant does sit in the EMR zoned portion of the property. The CAO/Clerk reviewed the Pits and Quarries Act, which supersedes the Township's zoning by-law designations as the entire property is licensed under the Pits and Quarries Act. This means the entire pit was grandfathered including the EMR into the gravel pit, when the Ministry of Natural Resources licensed this property.

Chair Bennett reviewed non-conforming status and what that meant to this property. The CAO/Clerk informed the Committee and Mr. Mask that eventually the property will be zoned EM as a part of the review of the new comprehensive Zoning By-law that will be prepared during the 2007 and 2008.

Water Taking

Mr. Mask referred to the October 12, 2005 letter. He noted that the Company is now pumping water out of the ground, washing their gravel and pumping it back into the ground, which they believe is not satisfactory or legal. There must be a separate pond for the dirty water to be pumped into.

Chair Bennett suggested that the MOE and the MNR would be the responsible Ministries to control this.

Mr. Mask asked for the Committee's help in requiring the operator to use this water properly. He added that the Ministry people see no problem with the method of washing now, however the Company draws stone into the Site to be washed and he is concerned that they could be bringing in contaminants with this material and did want the water table contaminated.

Chair Bennett suggested that the Committee could ask the Ministries if the Pit Owner is following the Provincial rules. Councillor Eady questioned if there were certain monitoring tests that MOE and other agencies would require the Operator to carry out? If this was so could we get copies?

Chair Bennett suggested that we invite Jason Schieffer of MOE who was the author of the October 12, letter to our next Committee meeting.. The Committee members agreed. The Committee thanked Mr. Mask for attending.

4:45 Peter Prince – Hydrogeological Report for Severance proposal at Old Drive In Property

Mr. Prince presented his Hydrogeological Report, that the Committee required, concerning the water table and soil conditions of the property where he has four severances proposed. He pointed out that the hydrogeological Report satisfies the concerns of the Committee that septic systems can be installed, however, they must be built above the ground. Councillor Eady asked what type of residences would be built on the lots? Mr Prince suggested single family high ranch type homes.

Moved by Judy Campbell, seconded by Bill Winters

That the Planning Committee recommend to Council that they support the severance applications of Peter Prince (Horizon Homes) to sever four lots on the old Drive-In Property on Pinnacle Road, subject to the construction of septic systems as per the Hydrogeological Report.

**Carried.**

5:45 Mark Virgin – Need for Drainage Study for Severance Proposal

Mr. Virgin was present. Chair Bennett reported to the Committee of the Sub-Committee's meeting with Mr. Virgin at his property on Goshen Road. The Township has now agreed to ditch in front of Mr. Virgin's farm, to reverse the flow of water to the other side of the road. Mr Virgin says that he does not believe there is any further drainage concern on his property. The builders will build up the lot to build their house and this will solve the drainage concerns. He does not know why the Township needs a drainage study, as there has been no water since the Township ditched the other side of Goshen Road.

Councillor Kingsbury noted that the Township dealt with a severance earlier this evening where the Committee requested the developer carry out a hydrogeological report and this report set out the type of septic systems that must be constructed. It gives everyone including the Developer a comfort level.

Mr. Virgin said that all the Township has to do is make a condition of severance that the elevation of the property be a certain height. He has seen this done before, as he is in the contracting business.

Chair Bennett said that in his opinion a Drainage Study is required as a condition of Consent Approval. It is his recommendation that this condition be placed on our approval. He added that in the Spring the Township will take elevation shots and the Township will guarantee that there will be no water going onto the property from the Township ditch. Mr. Virgin said he would like to go through the Drainage Act to see what recourse he has for damages to his property from the Township putting water on his property previously.

Chair Bennett said that we are only dealing with the severance issue. The Township has to be sure that the lots are proper developable lots. Mr. Virgin pointed out several properties that have been developed over the years that did not require a study. Chair Bennett said that after the Building Code Act was amended in the late nineties onus was put upon municipalities to ensure development concerns are met.

Darlene Heaslip added that the Committee has a process which we must follow. She understands that Mr. Virgin who is in the business does not see a problem but we must have everyone follow the same process.

Moved by Bob Kingsbury, seconded by Judy Campbell

That the Planning Committee recommend to Council that they support the consent application of Mark Virgin and Michele Leavoy-Virgin, subject to the following condition:

That the applicant enter into a consent agreement pursuant to section 51 & 53 of the Planning Act, and that a drainage study, to ensure that the lots can be developed by septic systems and wells, be completed by the applicants.

Prior to a vote being taken on this resolution, Mr. Virgin asked about relocating the centre lot to a higher elevation. The centre lot being the lowest of the three lots. Chair Bennett said the Committee would consider any option that Mr. Virgin put forward and would request a revised sketch. Mr. Virgin said he would rather do this than complete a study. He knows he will have to raise up the lot levels before he sells them. After this discussion the vote was called, Reeve Johnston requested a recorded vote.

Reeve Johnston	- for	Councillor Eady	- against
Councillor Kingsbury	- for	Deputy Reeve Hall	- against
Jin Ferguson	- for		
Darleen Heaslip	- for		
Judy Campbell	- for		
Chair Bennett	- for		

The resolution was carried seven votes to two.

**Carried.**

Chair Bennett added that if Mr. Virgin was to change the location of the lot the Committee would entertain it.

6. BRENT & DIANE GREER SITE PLAN AGREEMENT - REPORT ON DECEMBER 12 2006, SUB -COMMITTEE MEETING

Chair Bennett reported on a subcommittee Meeting December 12, at which time the Committee met with Diane Greer and Mrs Rose Ruttan. The final Site Plan has now been accepted by both parties and Mrs Ruttan has signed off.

Moved by Judy Campbell, seconded by Jim Ferguson

That the Planning Committee recommend to Council that they execute the Greer Site Plan Agreement.

**Carried.**

7. REPORT FROM SUB-COMMITTEE ON TOUR OF DRAPER GRAVEL PIT AND MANUFACTURING PLANT RE ZONING APPLICATION

Chair Bennett reviewed the Site Visit to the Draper property. He suggested it would be in order to proceed with the zoning amendment. Some conditions to ensure the building code has been met would be required.

Moved by Darlene Heaslip, seconded by Judy Campbell

That the Planning Committee recommend to Council that they receive the zoning application of 629995 Ontario Incorporated (Eric Draper) to rezone a portion of Lot 2, Concession 5 to Industrial to support manufacturing uses that are currently on the property and that the County Planning Department be requested to prepare the notifications and draft by-law on condition that the buildings currently on the property are certified by a consulting engineer as building permits were not issued for either building.

Secondly, that as a septic permit was not issued for the building that an engineer approval be secured for it as well.

**Carried.**

8. SITE PLAN AGREEMENTS

RONA

Chair Bennett noted Mr. Lockwood has completed the drainage as required by the Committee. There are several issues that still need to be completed.

Jason Ryan

Chair Bennett noted that we are still waiting for Mr. Ryan to forward a revised sketch of this property that was agreed upon at the last Planning Committee meeting. After discussion the following resolution was put forward.

Moved by Bob Kingsbury, seconded by Jim Ferguson

That the developers of RONA and Jason Ryan Maintenance be requested to complete the Site Plan Agreement Documentation with supporting documents by February 28, 2007.

**Carried.**

9. CONSENT APPLICATION

B178-06 - Laura Martin

The Committee reviewed the application for Mrs Martin.

Moved by Bill Winters, seconded by Bob Hall

That the Planning Committee recommend to Council that they support application B178/06 for Laura Martin subject to a Consent Agreement.

**Carried.**

10. ZONING APPLICATION – WALLACE & VALERIE MILLER

Chair Bennett reviewed the application for rezoning which is a condition of Consent Application B 91/06 which is now approved, subject to this zoning amendment.

Moved by Judy Campbell, seconded by Darlene Heaslip

That the Planning Committee recommends to Council that they receive the application for rezoning from Wallace and Valerie Miller and that they request the County Planning Department to prepare the notices and draft by-law.

**Carried.**

11. PESTICIDE/HERBICIDE USE IN COTIEVILLE

Chair Bennett noted that Councillor Kingsbury had requested that this item be placed on the Agenda at a previous Council meeting. Councillor Kingsbury said that people in Cotieville have contacted him expressing concern about the use of pesticides and herbicides round Cotieville and they are concerned that contaminants may get into the

wells in Coteville. In some cases people spraying herbicides and pesticides have dug-wells themselves.

Deputy Reeve Hall suggested that education may be a component of this solution. Councillor Eady suggested a public meeting with a Weed Spraying Company be held to provide information to the members of the public. After discussion the Committee agreed to request the CAO/Clerk research MOE guidelines on pesticide use and review by-laws controlling pesticides and herbicides that other municipalities have passed.

## 12. REPORT ON WASSING LEGAL ACTION

Chair Bennett declared pecuniary interest and left the chair. Reeve Johnston assumed the chair.

The CAO/Clerk informed the Committee of where the Wassing action was. Following the mediation meeting of December 5, 2006, he learned that Dave Bennett has made an offer to Mr. Wassing to purchase his property. Dave Bennett informed the Committee that he put his offer in with a condition that the legal action be dropped against the two municipalities, Horton and Whitewater Region. After negotiation Mr. Wassing has now agreed to drop the action providing the Townships do not seek costs from him for this action. The Townships have to respond by December 21, 2006. The Closing of the property will be March 31, 2007.

Darlene Heaslip asked what happened to the original concern that Wassing had about the right of way? Dave Bennett said he would propose holding a general meeting to advise people that he would not push the right of way issue but if they wanted a registered right of way they could go ahead. Darlene Heaslip suggested that ratepayers using the right of way be informed that if they do not proceed at this time and solve the right of way issue they will be on their own in the future.

Dave Bennett asked if the Committee would want to proceed with costs against Mr. Wassing? Councillor Eady said the action was brought on by the Township sending in a garbage truck. He would support not going after costs. Deputy Reeve Hall suggested that for this public meeting that Dave Bennett will hold, that someone research the costs of a lawyer and a survey to carry out the right of way. After discussion the following resolution was put forward.

Moved by Judy Campbell, seconded by Darlene Heaslip

That providing the property transaction is completed, the Planning Committee recommends to Horton Council that they not proceed with any legal action for costs against Harko Wassing, now that he has committed to withdraw the legal action against the Township.

**Carried.**

Chair Bennett assumed the chair.

## 13. REQUEST TO PURCHASE TOWSHIP PROPERTY ON SERVICE ROAD

Chair Bennett informed the Committee that the Township has received a request from the neighbouring owner of a lot that the Township has secured under Tax Sale arrangements on Service Road. Reeve Johnston said he is very familiar with this property as he and a partner developed the right of way in front of this lot and several properties further in. He has looked at the property which appears to be a good building lot, with the majority of the lot a high building area. He suggests that we go to the owner of the right of way – Gary Burke – and secure a proper right of way to create access to this lot and then sell the property on the open market.

Chair Bennett said there is a problem with the property, even if we do get the right of way secured, it is on a private road. Being a private road it could not get a building permit for a residence, under our Zoning By-law and the option to rezone the property to limited service residential is not available as the land is not on water. To develop this lot as a

residential lot would be in conflict of our Zoning By-law, he would not support it. He suggested that we get an appraisal of the property and sell it as is.

Reeve Johnston left the meeting at 6:10 p.m. for another engagement. After further discussion the following resolution was passed.

Moved by Judy Campbell, seconded by Jim Ferguson

That the Planning Committee recommend to Council that they declare the Township lot, in Lot 27, Concession 4, on Service Road as surplus, and that Council appoint an appraiser to carry out an appraisal of this property to determine its value for sale purposes.

**Carried**

14. ADD ONE NEW PUBLIC MEMBER TO THE COMMITTEE

Chair Bennett informed the Committee that Council is considering adding one more person to the ratepayer portion of this Committee for a total number of five and an advertisement is in the paper to this effect along with other Committees. The Committee Members reviewed this and supported the increase in the membership.

15. REPORT TO PLANNING COMMITTEE ON HARVEY HOUSE RETIREMENT HOME

Chair Bennett reviewed the Clerk's Report on Harvey House Retirement Home in the RU Zone. The Report indicates that the use of the property for a retirement home meets the Zoning By-law. Councillor Kingsbury is concerned that there has not been a request for a Fire Inspection yet and there appears to be at least one senior living in the Residence.

Darlene Heaslip in reviewing the Planning Opinion noted that this is similar to her husband and herself accepting foster children into their home.

Jim Ferguson asked about regulations Admaston-Bromley required Kevin Dick to meet for a Senior's residence.

It was agreed that as the Fire Committee is meeting tomorrow evening that Chief Corbin be asked to carry out an inspection of the Harvey House Retirement Home to ensure that it meets all fire regulations.

16. COMPREHENSIVE ZONING BY-LAW – REQUEST COUNTY PREPARE WORK PLAN AND COST ESTIMATE

The CAO/Clerk reviewed the need for a comprehensive zoning by-law. We are at least three years overdue, however the County Planning Staff did not have time to do this three years ago, time is not available.

Moved by Bill Winters, seconded by Bob Hall

That the Planning Committee recommend to Council that they request the County Planning Department to prepare a Work Plan and Cost Estimate to prepare a Comprehensive Zoning By-law in 2007 and 2008.

**Carried.**

17. PUBLIC PRESENTATIONS IN FEBRUARY – ONTARIO HYDRO and OTTAWA RIVER KEEPER

Chair Bennett informed the Committee that Council wants input on whether a presentation should be arranged with Ontario Hydro to discuss the numerous power outages in our community and with the condition of the Ottawa River with the Ottawa River Keeper. The Committee reviewed this suggestion and supported the endeavor.

Moved by Don Eady, seconded by Bill Winters

That the Planning Committee recommend to Council that Council organize Public meetings with Ontario Hydro to review the numerous power outages in our community and with the Ottawa River Keeper to discuss the concerns and conditions of the Ottawa River as soon as possible.

**Carried.**

18. OTHER BUSINESS

Deputy Reeve Hall asked what is happening with the zoning question on Harold Deacon's property on Castleford Road? The CAO/Clerk was requested to check with our By-law Enforcement Officer to see what arrangements he had made.

19. NEXT MEETING

The next meeting of the Committee will be Tuesday January 16, 2007 at 4:30 p.m.

20. CONFIRMING RESOLUTION

Moved by Darlene Heaslip, seconded by Don Eady

That the Committee pass this confirming resolution to validate any action or directions given during the open portion of this Human Resources Committee which are minor in nature and where not set out in By-law or Resolution.

**Carried.**

21. ADJOURNMENT

Moved by Judy Campbell, seconded by Jim Ferguson

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

**Carried.**

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Chair

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CAO/Clerk