

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING COMMITTEE - July 13, 2011

There was a Meeting of the Planning Committee held in the Municipal Council Chambers on Wednesday July 13, 2011. Present were Chair Robert Kingsbury, Mayor Don Eady, Mae Craig, John Berkhout, Jim Ferguson, David Brown, Councillor Margaret Whyte and Councillor Glen Campbell. Councillor Jamie Larone from 5:20 p.m. Staff present was Mackie McLaren, CAO/Clerk.

1. **CALL TO ORDER**
Chair Kingsbury called the meeting to order at 4:30 p.m.
2. **DECLARATION OF PECUNIARY INTEREST**
There was no declaration of pecuniary interest by Members of the Committee.
3. **MINUTES OF JUNE 8, 2011 COMMITTEE MEETING**
Chair Kingsbury briefly reviewed the June 8, 2011 Committee Meeting minutes which had been approved by Council.
4. **BUSINESS ARISING**
There was no business arising.
5. **DELEGATIONS**
4:35 – Bernie & Lydia Pleau – Minor Variance Application
The CAO/Clerk reviewed a minor variance application received from Mr. & Mrs. Pleau to permit an addition to an existing cottage which has not non-conforming use on their property at Catherine Lake. Chair Kingsbury noted that there was no mention of the \$10,000 security that two other property owners in the immediate area have paid in order to build new residences. Is there a difference? Chair Kingsbury asked if this was a renovation to add an addition. Mrs. Pleau replied it is an addition with cosmetic changes i.e. Paint and flooring in the main seasonal residence. The CAO/Clerk informed the committee that a minor variance would not have resolved the zoning issues on the other two properties, one was vacant and a new house was built. The second property had a cottage which was removed and a new house built in its place.

Mayor Eady noted that the issue is with the legal access to Garden Lake Trail and Pane Lane and Florence Lane. The property owners have been using this access road but it is not a registered road as our zoning by-law requires. This problem has existed for over 10 years; would be in favor of no fees including the application fee of \$350 dollars. He said there are no consequences to the Township; it is still a private road. There have been two attempts by property owners', including the Pleau's to resolve the road registration issue unsuccessfully. Jim Ferguson said he agreed with Mayor Eady as did David Brown and Mae Craig.

Councillor Whyte asked why there was requirement for \$10,000 security. Chair Kingsbury explained that was the security demanded by Council for the two property owners who took a building permit out for a permanent residence on a road that did not meet the registration status. The security is kept until the road actually has that status. After further discussion the following resolution was presented:

Moved by David Brown, Seconded by Jim Ferguson that the Planning Committee recommend to council that they receive the minor variance application of Bernie and Lydia Pleau and proceed to a public meeting. Further, the application fee of \$350 dollars be waived. The Committee accepts that the addition to the existing Pleau cottage is different than the two new residences recently constructed using a \$10,000 security agreement and therefore deems that this security agreement does not apply.

Carried.

The CAO/Clerk then briefly discussed a suggestion he had made to Charles Cheesman by that the zoning be changed for the access road leading to Garden and Catherine Lake. The zoning by-law requires a registered Right-of-Way. The suggestion is to remove the requirement for it to be registered. It would just be a right of way that would meet the requirements of the Road Access Act. The Committee briefly discussed the suggestion and the following resolution was put forward:

Moved by Mae Craig, Seconded by John Berkhout that the CAO/Clerk seek a planning and legal opinion on their proposal to rezone to remove the requirement of a registered right of way for access roads leading to Garden and Catherine Lake.

Carried.

Mayor Eady asked about the timing for a public meeting for the Minor Variance. The CAO/Clerk reported that the next opportunity would be the September Planning Committee meeting. Mayor Eady suggested there was more haste required than this. After discussion the Committee agreed to meet Wednesday August 17th as a special meeting to hear the Pleau Minor Variance Public Meeting at 5:00 p.m.

4:55 – Eric Draper – Zoning Amendment

Mr. Draper was present and presented a draft development plan for 23 residential lots on the Goshen side of the pipeline on his property. He pointed out that a portion of lots 10&11 belong to the Township gravel pit which he proposed to purchase from the Township. It would require the Township moving the pit zone further back on the Township's property on the east side of the pipeline in order for him to get the 150m setback for his residential development. He suggested that the Ministry of Natural Resources would not require much rehabilitation of the pit but does not know what the cost would be. He offered to rehabilitate the pit at a reduced purchase price.

Chair Kingsbury said the Planning Committee hasn't heard back from the Public works committee on a site inspection that was carried out at Mr. Draper's request earlier in May. Councillor Campbell, Chair of the Public Works Committee, noted that the sketch provided tonight is much better than we had before and we have a Public Works meeting next Wednesday July 20, at which time he will bring this issue forward.

Chair Kingsbury asked if there would be any phases. Mr. Draper said no, one phase. Councillor Campbell asked if Mr. Draper would be severing and selling the lots or developing the lots. Mr. Draper said he will be developing the lots. Councillor Campbell pointed out that there is timber on the Township property. Mr. Draper said any building on that section would be closer to the new internal road. Councillor Whyte asked what the lot sizes were for lots 14 – 23. Mr. Draper said minimum 1 acre. He added that the soil is good for water and septic. Mayor Eady said the portion of the gravel pit would have to be appraised by an appraiser to establish a sale price. Chair Kingsbury suggested the Planning Committee wait until Public Works Committee have reviewed the proposal and provided a comment. The Committee agreed.

5:10 – Al Harris - Time Line For Construction of Garage & Residence

Mr. Harris was present before the Committee and explained his plans to start a commercial garage have changed and he will be using it for residential purposes even though the garage will remain the same size. He requires that the garage be constructed before his house; he has items to be stored. The House will follow within a year approximately. He understood that a rezoning is necessary to permit the garage before the house is in place under a zoning by-law and is willing to enter into an agreement with the Township with \$5000 security to permit him to start construction of the garage before the zoning is in place. David Brown asked when Mr. Harris might start construction of his house, Mr. Harris said starting next spring. However he needs to sell his current house first. Councillor Whyte asked why he would not go with a commercial designation as discussed a year ago. Mr. Harris said there is less paper work involved, it is a beautiful lot. He would not just be building a garage; he would be building his house as well. He noted that the site plan produced a year ago notes parking spaces in front of the garage which will be deleted. David Brown asked if it would be possible to retain the \$5000 security until the building permit for the house is issued. Mr. Harris said he has spent approximately \$5000 on his plans for his new home. After discussion Mr. Harris agreed that the \$5000 security could be kept until the garage is complete.

Moved by John Berkhout, Seconded by Jim Ferguson that the Planning Committee agrees to process the zoning amendment application for Al Harris to construct a garage on his property prior to the construction of his home. Further, the Planning Committee recommend to Council that they enter into an agreement with a \$5000 security deposit to permit Mr. Harris to start constructing the garage prior to the zoning amendment being in place. The \$5000 security is to be returned when the zoning is in effect and the garage has been completed.

Carried on Division.

Opposed: Margaret Whyte

Dwight & Margaret McMillan

Chair Kingsbury noted for the record that prior to the start of the meeting at 4:00 p.m. the members met at 513 Blue Jay Lane, property owned by Dwight and Margaret McMillan for site inspection to their request to waive the \$5000 security deposit for an agreement to occupy their current cottage while they construct a new residence. Chair Kingsbury informed the Committee that he spoke with a committee member who could not attend the meeting this afternoon who suggested that the security deposit is an important part of the agreement.

Mayor Eady said he had a complaint from a neighbor of Mr. McMillan who was concerned that the MacMillans' raised their lot 5 or 6 feet above his neighbor's lot which is causing a drainage concern on the neighbor's property. He doesn't want to see the old cottage turned into a bunk house or living accommodation once the new house is occupied. The \$5000 security would be used by the Township to remove the kitchen and bathroom and septic hookups if the owner did not do this himself.

John Berkhout asked how close to the river the new building would go. Mae Craig said she asked this question and the current cottage would be moved back for temporary accommodations and the new building will be constructed on the same footprint. She asked if their rights would be retained. Mayor Eady noted that the relocated cottage is only temporary but sees on the plot plan there is to be a future garage. He suggests we keep the \$5000 security until the garage is constructed.

Councillor Larone asked if this is similar to a temporary mobile brought in after a fire. Is there a plan in place that the owner has to follow after they occupy their house to remove the temporary residence? Chair Kingsbury suggested unhook the septic system connection remove the kitchen and bathroom. The CAO/Clerk suggested the agreement include these requirements. The Committee requested the CAO/Clerk check with the County Planner and the Chief Building Official about retaining rights if the cottage is removed from its current site. Councillor Whyte suggested that everyone should be treated the same and the Township should stand behind their by-laws. Fees should be fair for everyone and treated equally. After discussion the Committee agreed that they would require \$5000 security as part of the agreement and that the CAO/Clerk examine whether the nonconforming rights enjoyed by the current cottage would be lost the cottage is removed.

5:30 – Vern Barr – Proposal to Construct a Marina

Mr. Barr did not attend the Meeting

6. CONSENT APPLICATIONS

Earl Roffey – Lot Addition Severance B36/11

The Committee Members reviewed the County Planning Report.

Moved by Jamey Larone, Seconded by Mae Craig that Planning Committee recommend to Council that they support the approval of Consent Application B36/11 for Earl Roffey for a lot addition severance to be added to property owned by Morgan Snow. No conditions.

Carried.

Ray Breton – new lot B49/11

The Committee Members reviewed the County Planning Report. Mr. Breton was present in the audience and was invited to discuss his application.

Moved by Mae Craig, Seconded by David Brown that the Planning Committee recommend to Council that they support the approval of Consent Application B 49/11 to sever a new lot from his holding. Conditions: Lot Development Charge and Consent Agreement.

Carried.

Peter Tippins – new lot B65/11

The Committee Members reviewed the County Planning Report. The CAO/Clerk advised the Committee Members that Mr. Tippins had appeared before the Committee to discuss this lot and the need to reduce the minimum lot frontage before he submitted the application to the Land Division Committee. Mr. Tippins has made application to amend the zoning by-law to reduce the frontage.

Moved by David Brown, Seconded by Jim Ferguson that the Planning Committee recommend to Council that they support the approval of Consent Application B65/11 for Peter Tippins to sever a 1 acre lot from his holding. Conditions: Lot Development Charge, Consent Agreement and Zoning by-law amendment.

Carried.

7. CORRESPONDENCE

There was no correspondence to review.

8. HAROLD DEACON SITE PLAN CONCERNS

Chair Kingsbury expressed concern that Mr. Deacon has not followed the parking and storage requirements in the site plan agreement. He also pointed out that he has added a deck around the swimming pool and there was no amendment to the site plan. He requested that the agreement be enforced.

Mayor Eady said the Township has to enforce the agreement as Mr. Deacon is aware of his requirements under the agreement.

Councillor Larone questioned how many parking spaces are included in the plan. He was advised 7 in the front and 7 in the back yard. Councillor Larone noted that he has seen more vehicles than this and also there is the issue with cars parked across Johnston Road that maybe from Mr. Deacon's property. He agreed that the agreement was signed for a reason and Committee has to follow up to control the planning approval process.

David Brown expressed gratitude to Chair Kingsbury for bringing up the issue. He said he is aware that there are different vehicles on other property. This property makes Horton look terrible.

Councillor Campbell noted that there is a no work and storage area but the big log truck is always parked out in the no work zone having repairs done to it. He is concerned that Mr. Deacon is doing a lot of cutting and welding work in the no work area near the tires in the compound which he believes is too close. He is also concerned with the condition of the vehicles in the back parking lot which is adjacent to his father's field. The vehicles could leak fluid that would contaminate the field.

Councillor Whyte suggested that we have the Fire Chief and the Chief Building Official/Municipal Law Enforcement Officer inspect the property and make a report. She asked if fluids are collected and removed from the site. The CAO/Clerk said Mr. Deacon had a contract with Stinson to pickup up the oil and antifreeze when the agreement was signed.

Moved by Marg Whyte, Seconded by David Brown that the Chief Building Official and the Fire Chief carry out an inspection of property located at 1256 Castleford Road to ensure if it conforms to the Site Plan Agreement and to requirements of a commercial garage.

Carried.

Moved by David Brown, Seconded by Mae Craig that the Chief Building Official investigate the vehicles that stored for long periods on property located at 2082 Johnston Road to determine if the vehicles are an infraction under our Property Standards By-law.

Carried.

9. COUNTY'S KARST REVIEW POLICY – GEORGE & ROBERT SMITH SEVERENCE

The Committee Members reviewed a report from the CAO/Clerk informing the Committee that the Committee's response to the County on their policy to inspect for potential Karst rock geological feature has now held up a severance application for Robert and George Smith. The policy required three test holes to be dug – 2 in the area of the dwelling and 1 in the area of the septic system at least 1 metre deep to determine if there is Karst rock in areas identified by MNR as potential Karst sites.

The CAO/Clerk told the Committee Members that the applicant went ahead and had the test holes dug and inspected by the Chief Building Official. No rock was found. He asked the Committee for support to follow the same process if another applicant encounters the same County demands in the future. The Committee Members supported this process.

10. PROPERTY STANDARDS BY-LAW – INFORMATION FROM JAMES MCBAIN

The Committee Members reviewed the correspondence from Jim McBain on his company's services as Municipal Law Enforcement Officer for other municipalities. Chair Kingsbury said he supported accepting hiring an Officer but we have no budget for this in 2011.

David Brown suggested that the Township should put an advertisement in the newspaper inviting applications. Chair Kingsbury said the Township would require specialized municipal by-law enforcement experience. Mr. Brown said that there could possibly be someone with those qualifications locally.

Mayor Eady said we pay \$1200 per year now. The CBO, who is our current Municipal Law Enforcement Officer, would welcome the services of someone else. He said it would be a good idea to advertise and we can keep Mr. McBain's company profile and consider it with the resumes received.

Councillor Whyte said part of the new position would be licenced security for licenced events at the Community Centre. McBain's company offers licenced security for these types of events.

Councillor Larone said there is a need to patrol the boat launch to ensure people have purchased a season pass or are putting money into the donation box. He said he is not open to advertising for resumes.

Moved by David Brown, Seconded by Mae Craig that the Planning Committee recommends to Council that they advertise for a By-law Enforcement Officer.
Carried.

11. OTHER BUSINESS

David Brown said he noticed on the agenda that someone was proposing a Marina in Horton Township along the Ottawa River. He said there is a need for this business. Chair Kingsbury suggested Vern Barr be invited to attend the next Committee Meeting to discuss his proposal.

12. NEXT MEETING

The Committee agreed that the next Committee Meeting would be August 17, 2011 at 5:00 p.m.

13. CONFIRMING RESOLUTION

Moved by Glen Campbell, seconded by Mae Craig that the Committee pass this confirming resolution to cover any actions or directions given during the open portion of this Committee Meeting which are minor in nature and which were not set out in By-law or Resolution.

Carried.

14. ADJOURNMENT

Moved by Jim Ferguson, Seconded by Marg Whyte that this Committee Meeting be adjourned at 6:39 p.m.

Carried.

Chair

CAO/Clerk