

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING COMMITTEE

September 15, 2009

There was a meeting of the Planning Committee held in the Municipal Council Chambers on Tuesday September 15, 2009. Present were Chair Dave Bennett, Mayor Robert A. Johnston, Councillor Don Eady, John Berkhout, Mae Craig, Jim Ferguson, Rene Labreque, Bob Lockwood and Bill Winters. Absent were Deputy Mayor Hall, Councillor Kingsbury and John Wilson. Staff Members present Rose Curley Administrative Assistant and Mackie McLaren CAO/Clerk.

1. CALL TO ORDER

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

2. DECLARATION OF PECUNIARY INTEREST

Bill Winters declared pecuniary interest in Agenda item 12 - Tom Orr Development and Rene Labreque declared pecuniary interest in item 6, correspondence with Daniel Aubert.

3. MINUTES: JULY 21, 2009 PLANNING COMMITTEE MEETING

JULY 21, 2009 COMMITTEE OF ADJUSTMENT MEETING

Chair Bennett reviewed the Planning Committee Meeting and Committee of Adjustment Minutes which had been approved by Council.

4. BUSINESS ARISING

There was no business arising.

5. DELEGATIONS:

4:35 Lana Bulmer – Commercial trucks parking on street in Cotieville

Ms Bulmer was present to inform Council of her concerns with commercial trucks parked on Harold Street by Peter Smith. She said she and Mr Smith have been good neighbours, however, the trucks do a night run for an Ottawa newspaper, they warm up at night and come back early in the morning. The trucks park entirely on the paved roadway and it is dangerous. She presented copies of photographs which she had taken from her house and from the road.

Chair Bennett noted that in May 2009, we had given Mr Smith 120 days to find alternate parking for his commercial vehicles and that expires shortly. Ms Bulmer says she believes he will not try to find alternate parking until the 120 days are up.

Rene Labreque suggested that there may be a clause in the Highway Traffic Act about obstructing roadways, that he offered to research. Ms Bulmer said that she called the OPP who came out and only told him that one truck was parked in the wrong direction.

Rene Labreque asked if there was a noise by-law concern? Rose Curley noted that we have winter parking regulations which he adheres by parking his trucks in his driveway.

Bob Lockwood suggested we check our zoning by-law to see if trucks are allowed to be parked at that location as part of our commercial use in the zoning by-law.

John Berkhout noted that for safety reasons the Township should require the two trucks not to park on the street. Bob Lockwood agreed, but we have to find a way to correct it properly.

Councillor Eady asked if the Township could draft a by-law specifically banning overnight parking of commercial vehicles only rather than all vehicles.

Ms Bulmer restated that the vehicles are parked all day and they are gone at night. Rene Labreque pointed out that probably Ms Bulmer would have some civil remedies due to reduction in property values, property noise, a cumulative effect.

Councillor Eady asked if surrounding municipalities should be contacted to find out if they would have a solution?

Bob Lockwood commented that a citation would only be temporary, we would have to look at a further solution. He asked if the police had seen the photographs? Ms Bulmer said no.

Ms Bulmer requested a fast solution for this problem.

Bill Winters suggested sending Mr Smith a further letter to advise that the 120 days are over. Mae Craig suggested that the OPP become involved. John Berkhout asked if the Ottawa Citizen, the newspaper Mr Smith contracts with for delivery, should be concerned about the potential liability? The Committee agreed that the OPP should be invited to the next Committee Meeting. The CAO/Clerk was authorized to contact the Ottawa Citizen to inform them of potential liability.

Ms Bulmer thanked the Committee Members for hearing her concerns.

4:40 Tom McEvoy – Minimum Distance Separation Concern on Severance Proposal

Mr McEvoy did not attend the meeting.

5:00 Paul and Brenda Babin – Proposed Agreement to join lots to permit garage

Mrs Brenda Babin was present. She informed the Committee that she and her husband have purchased a house on Humphries Road and that her parents have bought the vacant lot next door which will eventually be transferred to their names. They want to build a garage on the vacant lot but the Zoning By-law does not permit that. They have discussed the possibility of combining the two lots into one lot which would then permit the garage but these lots are recently severed so the certificate does not permit the combining of the two lots. David Stewart, lawyer in Renfrew, has provided a draft agreement to consider the two lots as one as a potential solution and she petitioned the Committee to give consideration to treat the two separate lots as one lot.

Bob Lockwood said that this seemed similar to a situation on Thomson Road. The CAO/Clerk reviewed this situation with the Committee where the Committee refused the Mitchell Fleugal application for rezoning to permit a garage on a lot by itself when the lot with the house on it seemed large enough to hold the garage.

Mrs Babin reported that the garage will be 32' x 48' and she cannot locate it on her house lot due to the location of the well and septic system and a rock outcrop behind her house.

Rene Labreque reviewed the real estate laws confirming that once a severance always a severance rule applies in this situation. Chair Bennett asked about an agreement with a substantial security to ensure that the owners follow through with the Zoning Amendment. Rene Labreque said if the agreement could be conditional upon the owner applying for a zoning bylaw and providing a hefty deposit, he would support that.

Mrs Babin asked what the chances were of the Zoning By-law being refused? Chair Bennett said this is always a concern. What she is proposing i.e. a garage is suitable for the area. Mrs Babin asked what the deposit would be? Chair Bennett said in the past \$5,000 which is returned once the zoning is completed.

The CAO/Clerk reported that the proposed agreement did not meet the satisfaction of the Township Solicitor as they had not seen a solution in this manner. Rene Labreque suggested that it may be possible that Mrs Babin's solicitor can prove to the Township Solicitor what he proposes is possible.

After discussion the following resolution was put forward.

Moved by Don Eady, seconded by Bob Lockwood

That the Planning Committee recommend to Council that they enter into an agreement with Brenda and Paul Babin for the issuance of a building permit with a security deposit of \$5,000 to permit the construction of a garage while a zoning amendment is being processed.

Carried.

5:30 Tom Orr – Unopened Road Allowance

Chair Bennett noted that Mr Orr contacted the Municipal Office after the Agenda package was prepared and was invited to this meeting. Bill Winters declared pecuniary interest and did not take part in the discussion.

Chair Bennett informed the Planning Committee that an offer from Mr Orr in the amount of \$1,000 per acre for real estate value of the unopened road allowance was reviewed at the Public Works Committee earlier this month. The Public Works Committee recommended an appraisal of the property be carried out as proof of the value of the unopened road allowance.

Tom Orr asked who decides the worth of the property if it is to be sold? Chair Bennett said Public Works Committee would recommend to Council. He noted that the Public Works Committee Members are split on what is offered and what is the actual value, therefore the suggestion of an appraisal came forward.

Mr Orr said he is concerned about the length of time this is taking, so he will inform his planners that he will not include a road allowance in his proposal providing that he can get an easement from the Township to cross this road allowance.

Rene Labreque noted that as a public body we had an obligation to ensure to the public that the price is an accurate number. Bob Lockwood asked if this would set him back in his planning? Mr Orr said he closed ownership of the property sale yesterday. Mayor Johnston noted that we can get an appraisal next week so that we can have a response for the Council meeting October 6, 2009.

Bob Lockwood confirmed that we have to do our due diligence. There was discussion about the value of land under previous road closings. The latest road allowance closing leading to water was Hugh Stevenson and that sold for \$652.53 per acre, which is an old figure determined fifteen years ago or so, that was the result of a legal action between two property owners and a Judge's orders to close the road allowance.

Chair Bennett suggested that we were within thirty days away from a Council decision on an amount. Tom Orr noted that he has started the archaeological study process. He has done phase 1 but now we need to

do a phase 2 which will cost \$63,000 and involve digging holes on his property to investigate what they find in the soil. Tom Orr asked for the staff to research what the easement opportunities are to cross the road allowance. Mr Orr left the meeting.

6. CORRESPONDENCE

Dan Aubert – comment on Peter Tippins Consent Application

Rene Labreque had declared pecuniary interest and left the meeting room.

After discussion it was agreed that there was no reason that the underground wire concerned in Mr Aubert's letter had to be removed. A hydro pole can be planted on the other side of the right of way as a brace.

Mr Labreque returned to the meeting.

Ontario Waste Management Association – information on Green Energy Act

Biomass Innovation Centre – Conference in North Bay

Ottawa Valley Tourist Association – small Business Meetings

Bob Hall – newspaper article – solar farm near Arnprior

AMO Green Energy Act – Approved Regulation Consultations

7. Consent B112/09 – Tom McEvoy

Chair Bennett informed the Committee that this Consent application was what Mr McEvoy was to attend the meeting to discuss, as the Planning Report suggests that the application cannot proceed due to the Minimum Distance Separation formula. The closest barn has one horse requiring a separation of 202 metres which intersects this lot and under the Planning Act the severance is therefore, not permitted. After discussion the following resolution was put forward.

Moved by John Berkhout, seconded by Jim Ferguson

That Planning Committee recommends to Council that application B112/09 be refused because it can not meet the requirement of the Minimum Distance Separation formula.

Carried.

Bob Lockwood left the meeting at 6:10 p.m.

8. RAY CUNNINGHAM SITE PLAN AGREEMENT – AUTHORIZE COUNCIL TO EXECUTE

The CAO/Clerk reported that Mr Cunningham has provided the required securities and he has signed the agreement along with his daughter, who actually owns the property. The Committee now must recommend to Council that they execute the Site Plan Agreement.

Moved by Mae Craig, seconded by Bill Winters

That Planning Committee recommends to Council that they execute the Ray Cunningham Site Plan Agreement.

Carried.

9. HAROLD DEACON SITE PLAN AGREEMENT – SEPT 30 DEADLINE

Chair Bennett reported that at a Site Meeting this Spring at Mr Deacon's property, Mr Deacon was given to September 30, 2009 as a deadline to carry out much of the required improvements to the property for the commercial use, to reduce the required securities. This item will be placed on the Agenda for the October meeting.

10. DEREK MCGRIMMON – FURTHER AMENDMENT TO SITE PLAN AGREEMENT FOR SELF STORAGE BUILDING

The CAO/Clerk reported that this is the third amendment that Mr McGrimmon has submitted for the layout of his self storage buildings. In this case he wants to enlarge a building shown on the Site Plan that was 30 ft wide by 100 ft and he

wants to construct a 40 ft wide by 100 ft building. The CAO/Clerk recommended that the Committee support this request but further that the Committee also require Mr McGrimmon to produce a new Site Plan as there are too many changes on the original plan.

Moved by Rene Labreque, seconded by John Berkhout

That Planning Committee recommends to Council that they amend the Site Plan Agreement for Derek McGrimmon to permit the building in question to be enlarged by ten feet in width. Further, that Mr McGrimmon be required to prepare a new Site Plan over the next several months.

Carried.

11. PETER SMITH – COMMERCIAL VEHICLES PARKED ON HAROLD STREET

The Committee had discussed this earlier under delegations.

12. TOM ORR DEVELOPMENT – PROPOSAL TO PUBLIC WORKS RE PRICE PER ACRE FOR CLOSED ROAD ALLOWANCE

The Committee had discussed this earlier under delegations.

13. OTHER BUSINESS

Mae Craig informed the Committee that she supported Kent Storie's concerns with the ANSI designation in the draft Comprehensive Zoning By-law on his property. The CAO/Clerk passed around a copy of Google Earth Map of the property showing the Lochwinnoch landslide that has the ANSI designation.

All Committee Members offered concern with the designation on Mr Storie's property and urged him to submit a comment by the September 30, 2009 deadline.

14. NEXT MEETING

The next meeting will be Tuesday October 20, 2009 at 4:30 p.m.

15. CONFIRMING RESOLUITON

Moved by Mae Craig, seconded by Rene Labreque

That the Committee pass this confirming resolution to validate 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.

16. ADJOURNMENT

Moved by Bill Winters, seconded by Jim Ferguson

That this Committee meeting be adjourned at 6:35 p.m.

Carried.

Chair

CAO/Clerk