

THE CORPORATION OF THE TOWNSHIP OF HORTON

PLANNING COMMITTEE MEETING

JULY 24, 2007

There was a meeting of the Planning Committee held in the Municipal Council Chambers on Tuesday July 24, 2007. Present were Chair Dave Bennett, Mayor Robert A Johnston, Councillor Robert A Kingsbury, Councillor Don Eady, Mae Craig, John Wilson and Jim Ferguson. Absent were Deputy Mayor Bob Hall, Darlene Heaslip, Bill Winters and Judy Campbell.

1. CALL TO ORDER

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

2. DECLARATION OF PECUNIARY INTEREST

Don Eady declared pecuniary interest on the 4:35 appointment.

3. MINUTES – JUNE 19, 2007 COMMITTEE MINUTES

JULY 5, 2007 DRAPER ZONING MEETING WITH NEIGHBOURS

Chair Bennett reviewed the Meeting Minutes with the Committee Members. The June 19, 2007 Minutes had already been approved by Council, the July 5, 2007 have not.

Moved by Don Eady, seconded by Jim Ferguson

That the Planning Committee approves the July 5, 2007 Committee Meeting Minutes.

Carried.

4. BUSINESS ARISING FROM MINUTES

Bruce Reid – Paul Lavigne

Chair Bennett reported that he has now spoken with Bruce Reid. Mr. Reid has agreed to meet with Committee Members next week during the morning. Chair Bennett will contact him on Sunday evening to confirm date and time.

Animal Pound

Chair Bennett said that the meeting scheduled with Renfrew had been cancelled and a new date has not been set.

Community Improvement plan – Meeting in Kingston

The CAO/Clerk said that following the last meeting he made a request for an appointment to meet the Ministry of Municipal Affairs Planning Staff while at the Eastern Ontario Municipal Conference in Kingston in September 2007. Confirmation has not been received.

5. DELEGATIONS

4:35 Eady/Reid Petition Drain Application

Councillor Don Eady had declared pecuniary interest and left the room.

Present were Gerald Vander Ploeg, neighbour farmer, Norman Eady, applicant, Dell O'Brien, solicitor for Mr. Eady, Tom Reid, farmer, Claude Taillon, Engineer Township of Horton and Beulah Reid land owner.

Chair Bennett introduced the people in attendance and informed them that Council had received a petition for Norman Eady for a Drainage Works and Council had requested the item be referred to Planning Committee for review of the application and to discuss the process of Petition Drain under the Drainage Act.

Claude Taillon reviewed the steps involved in the Drainage Act. Ministry of Natural Resources should be notified first – to comment on whether an environmental appraisal is required. Appoint an engineer – Council may ask the

Engineer for a preliminary report which lists options and costs but no apportionments. The Engineer holds an on-site meeting. The Engineer considers that the Petition is valid, i.e. proper signatures etc. There are many points where appeals can be filed to the Drainage Tribunal throughout the steps. Council then holds a meeting to review the Engineering Report to consider a by-law. At this point petition signatories may withdraw from the Petition but they will be subject to costs. If the Petition proceeds the By-law is passed. Notice is sent to each property owner in the drainage area. Rate payers have the right to appeal their apportionment to Council, the by-law is given third reading and work begins.

We are currently at the stage of Council deciding whether to accept or not accept the Petition. Mr. Taillon pointed out that Mr. Eady has signed a Petition, but his wife is also a joint owner and she must sign the Petition as well. The Engineer will still have to decide if the proper ownership representing 60% of the area of drainage is included on the Petition.

Councillor Kingsbury asked who pays for the appeals that could happen along the way? Mr. Taillon said that the original petitioners are responsible for costs if the process is stopped. Del O'Brien said that it is unlikely that the Tribunal would assess costs against the Municipality

Mr. O'Brien said that he supports the outline given by the Engineer. He noted that the Act requires a petition of at least 60% of the land owners of the area requiring drainage. This is critical as it is possible one petitioner can meet the 60% area. It is not just the watershed – it is the area requiring drainage. He noted that the drainage area is considered a basin and all landowners that have water draining into this basin are involved. The Drainage Act is designed to ensure that the drainage of the property owner with the lowest elevation in this drainage basin has an outlet. Apportionments involve more issues than just acreage. There is a 30% grant for agricultural drainage improvements to cover the cost of engineering available for this project.

Mayor Johnston asked who decides if the drain is going to be an underground drain or an open ditch? Mr. Taillon said is it up to the engineer to take all costs into consideration. John Wilson noted that with only one person signed – do we know if he owns 60% of the acreage requiring drainage? Mr. Taillon said the engineer is the only person who can decide this.

Mr. O'Brien said it is very important to get an experienced drainage engineer. Mr. Taillon added that the agriculture grant is strictly for land that is in agricultural production and the farmer has to be entitled to the farm business number.

Councillor Kingsbury asked why we got to this point? Norman Eady said the problem was when Mr. Tom Reid dug a ditch to put in a pond, it put water onto his property. Tom Reid said that when it was pointed out to him by Norman Eady that he had caused damage to Mr. Eady, he filled in the drainage ditch and dug a retention pond to hold the water back. He had input from an engineer about percolation being permitted through the berm on the line fence. Councillor Kingsbury asked why the ponds were dug? Tom Reid said to drain his land so he could use it sooner. With the recent heavy rain the ponds have worked well. The largest area of his land is bush and he does not plan to make any changes in the bush. There are springs in the bush which require drainage.

Mr. Taillon asked if the drain was re-instated to its original position – would this satisfy both property owners? Tom Reid said there was always a depression through his property. Mr. Taillon said that we may have to look at a pumping station. Mr. O'Brien said that once you did a trench you become liable for water.

Mayor Johnston had a question as an example – what happens if a farmer dams up a stream at the entrance to his property? Mr. O'Brien said that the Drainage Act was brought in to keep this from happening. Mr. Taillon added that once you channel water you have to take it to an outlet.

Mayor Johnston asked how is the apportionment cost decided? Mr. O'Brien said that the cost is determined on outlet and benefit. Mr. Taillon added that there are also damage to land and crops that are assessed. Mayor Johnston asked what the taxpayers pay? Mr. O'Brien said that they do not pay anything unless the drain goes through Township property or through a road allowance.

Tom Reid asked if the Municipality would pay in a circumstance when a Township ditch outlets through a farm? Mr. O'Brien said yes, in this scenario.

John Wilson commented that as we do not know the size of the drainage area it could involve more people than the three landowners present. Mr. Taillon agreed. Mr. Wilson asked if the Township decides not to accept the Petition and the farmer appeals – could the Tribunal assess costs to the Township? Mr. O'Brien said yes – the Tribunal could assess costs in that case.

Chair Bennett thanked everyone for attending and for gaining knowledge on the Drainage Act Process and that the next step will be consideration by the Planning Committee on the Petition, with a recommendation to Council.

5:25 Brian Vander Ploeg – To Permit Two Residences on Farm

Gerald Vander Ploeg, Brian's father and owner of the farm was present. He described that there was a second house on the property which has not been used as a house since the 1980s when his parents moved to Bonnechere Manor. His son Brian would like to construct a second residence on the farm, where he works full time.

Moved by Mae Craig, seconded by Robert A. Johnston

That Planning Committee recommend to Council that they receive the zoning application of Gerald Vander Ploeg and authorize the County Planning Department to prepare the necessary notices and By-law amendment.

Carried.

6. 1300074 ONTARIO INC (VALLEY SALES & EQUIPMENT)
SITE PLAN AGREEMENT AMENDMENT

The Committee reviewed a draft Site Plan that has been submitted by Valley Sales. It was agreed that there was not enough information on the document. After discussion Council authorized Chair Bennett to contact the owner to discuss the details we require on the Site Plan. Chair Bennett said that he may take the CAO/Clerk with him for this meeting.

7. SEVERANCE B59/07 ANTHONY DOTA

The Committee reviewed the severance application of Anthony Dota B 59/07 on Burnstown Road, Thompson Hill. The Planning Report indicates there are no planning issues.

Moved by Mae Craig, seconded by Jim Ferguson

That Planning Committee recommends to Council that they recommend approval of Consent B59/07 for Anthony Dota to the Renfrew County Land Division Committee.

Carried.

8. OUTDOOR WOOD FURNACE – NEW TECHNOLOGY – NO SMOKE?

The CAO/Clerk reported that a ratepayer was considering installing an Outdoor Wood Furnace, but could not meet the 100 metre setback. The ratepayer reported that there is new technology available where outdoor furnaces are smokeless, in this case they should be permitted with setbacks less than 100 metres. The CAO/Clerk asked if any of the members had information or were aware of this new technology. The Committee

members said that they were not, and there was no suggestion that any changes be made to the by-law.

9. RENFREW POWER GENERATION INC

– STUDY FOR POWER STATION AT FIRST CHUTE

The Committee received an information package that the Township received on the proposal of Renfrew Power Generation to construct a dam and power generation station at First Chute, on the Bonnechere River in Horton Township. Chair Bennett asked the members to review the document for discussion at the next meeting.

10. OTHER BUSINESS

Eady Drain

Chair Bennett asked for comments from Committee Members. John Wilson suggested that we contact MNR first, before we appoint a Drainage Inspector as suggested. However, he suggested that we should wait until Willis Eady signs the Petition before we make contact with the Ministry of Natural Resources. The Committee agreed to table the Petition until the proper Petition, i.e. both names, has been received.

11. NEXT MEETING

The Committee agreed not to meet in August. The next meeting will be Tuesday September 18, 2007 at 4:30 p.m.

12. CONFIRMING RESOLUTION

Moved by Jim Ferguson, seconded by John Wilson

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.

13. ADJOURNMENT

Moved by John Wilson, seconded by Jim Ferguson

That this Committee meeting be adjourned at 6:10 p.m.

Carried.

Chair

CAO/Clerk