

THE CORPORATION OF THE TOWNSHIP OF HORTON
PUBLIC MEETING ON ZONING BY-LAW AMENDMENT APPLICATIONS FOR
FOR

**Jean Calberry and Earl Roffey
David St. Amour
Brent and Dianne Greer**

FEBRUARY 07, 2006

There was a Public Meeting held in the Municipal Council Chambers on Tuesday February 07, 2006 to hear public input into three zoning by-law applications. All members of Council were present.

1. Call to Order

Reeve Johnston called the meeting to order at 7:00 p.m.

2. Declaration of Pecuniary Interest

There was no declaration of pecuniary interest.

JEAN CALBERRY and EARL ROFFEY

3. Clerk's Report on Notice

The clerk reported to Council and the public present that as required by the Planning Act all property owners within 400 feet (120 meters) were mailed a notice of the public meeting. This resulted in sixteen property owners receiving notice. In addition seven agencies were also sent a copy of the notice for their comments.

4. i) Purpose of Amendment

Reeve Johnston stated that the purpose of this zoning by-law amendment is to rezone lands to permit the construction of a single detached dwelling on the retained parcel created by Consent Application B115/05.

The effect of this zoning by-law amendment is to rezone the subject lands from Rural (RU) to Rural-Exception Twenty-Eight (RU-E28). The exception provision establishes a 120 meter building setback from the boundary of the Horton Lake/Deil's Lake Provincially Significant Wetland.

The lands affected by this amendment are located on Burnstown Road in Part of Lot 2, Concession 2, Township of Horton.

ii) Reading of Written Comments

The CAO/Clerk reported that there were no written comments received.

iii) Public Participation

a) Questions from the Public

Fred Hansma, who is purchasing the subject property asked if the zoning on this property permitted a Granny Flat? The CAO/Clerk reported that the Zoning permits a duplex which is similar.

b) Comments in Support

There were no comments in support.

c) Comments in Opposition

There were no comments in opposition.

5. Council Members Comments

There were no comments from Council Members.

DAVID ST. AMOUR (former Horton Community Centre property)

6. Clerk's Report on Notice

The Clerk reported to the Council and public present that as required under the Planning Act he notified all property owners within 400 feet (120 meters) of the subject property resulting in ten property owners receiving notice. In addition he also sent notice to six agencies requesting their comments on this public meeting.

7. i) Purpose of Amendment

Reeve Johnston stated that the purpose of this zoning by-law amendment is to rezone lands to permit a change in use from a community facility (former Horton Community Centre) to residential use.

The effect of this zoning by-law amendment is to rezone the subject lands from Community Facility (CF) to Rural (RU) to Rural-Exception Twenty-Nine (RU-E29). The exception provision permits a garage/storage building prior to the establishment of the main use of the property (in other words, before a dwelling is built on the property). The garage/storage building is already existing on the property.

The lands affected by this amendment are located on Castleford Road in Part of Lots 10 and 11, concession 7, Township of Horton.

ii) Reading of Written Comments

There were no written comments received.

iii) Public Participation

a) Questions from the Public

There were no questions from the public.

b) Comments in Support

There were no comments in support.

c) Comments in Opposition

There were no comments in opposition.

8. Council Members Comments

There were no comments from Council Members.

BRENT AND DIANE GREER

9. Clerk's Report on Notice

The Clerk reported to the Council and the public present that as required by the Planning Act notices of this public meeting were sent to all property owners within 400 feet (120 meters) of the subject property resulting in fourteen property owners receiving notice. In addition six agencies received a copy of the notice for their comments.

10. i) Purpose of the Amendment

Reeve Johnston stated that the purpose of this zoning by-law amendment is to rezone lands to permit a processing yard for scrap metal.

The effect of this zoning by-law amendment is to rezone the subject lands from Rural (RU) to Rural-exception Twenty-Seven (RU-E27). The exception

provision permits a processing yard for scrap metal in addition to the uses normally permitted in the RU Zone. A “processing yard for scrap metal” is defined. Parking of trucks and trailers overnight and on weekends is considered accessory to the processing yard.

The lands affected by this amendment are located on Ruttan Road in Part of Lot 20, Concession 6, Township of Horton.

ii) Reading of Written Comment

The CAO/Clerk reported that he had received the following written comments from Ray and Regina Puhalski of 27 Ruttan Road, which stated in part “the definition processing yard for scrap metal requires further clarification as the current wording is not sufficient to protect the local environment. Our concern here is for the possible future transfer of ownership of these lands to new owners who may not interpret these words in the same manner as the current owners.” He suggested new wording for the by-law. The letter also states that there appears to be no expiry date for this by-law and this is a concern for future transfer of ownership of these lands and he suggested that the zoning be tied into the ownership of the property. If the property is sold the by-law disappears. And a comment on the condition of Ruttan Road for heavy traffic in the spring time, because of the road quality the road develops deep ruts.”

The Clerk pointed out to Council that this letter was received well ahead of this meeting and there was an opportunity for County staff to redraft a revision to the draft by-law which Mr. & Mrs. Puhalski will have an opportunity to comment on.

A letter was received from Rose Ruttan of Ruttan Road. The letter listed twenty-two questions or comments or statements with the final three comments being, “as far as I am concerned Lot 20 Concession 6 is no place for a processing yard for scrap metal, it is also along a public road, my answer is no and if I should run into health problems with the processing yard for scrap metal and whatever Greer is burning there with the scrap yard so close there will be more than Greer mentioned in the law suit”.

iii) Public Participation

a) Questions from the Public

Ray Puhalski asked what it takes to change the zoning back to the rural designation? The CAO/Clerk reported that it would take another zoning process such as we are going through now to change the land back to rural. He added that originally the Planning Committee wanted the applicant to apply only for a temporary use by-law which would rezone the property for three years and that would be renewable but they looked at the whole process being required every three years and choose only to apply for permanent zoning.

b) Comments in Support

Brent Greer junior, commented in support of the application. He said the purpose of this by-law is for the short term containment of metal, odd parts of loads that are resorted and put off to make a larger load. The purpose is not to have a large amount of material around, no processing on the site, other than cutting steel to make it shorter lengths, materials set aside for further trucking, they do not accept any material that contains liquid or hazardous material. Any vehicles that come in are already crushed before they arrive on the site. Boxes of trucks are sealed as per Ministry requirements. Their system is accepted by Environmental Agencies, they have burnt wood material in the past but there is no burning of tires or other environmental unfriendly products. Cutting of contaminated steel does not happen, there is no problem with the zoning running with the ownership of the property.

Ray Puhalski informed Council that he has no problem with the Greer ownership of the property. He noted that the Greer well is much closer to the site than any neighbouring wells. He was concerned about ownership, the Greers may not own the property forever and new owners may not have the same concern for the neighbourhood. Request the by-law be tied into the ownership of the property and not run with the land.

c) Comments in Opposition

Rose Ruttan asked how close was the site of this rezoning to her property? Suggested that this be put into a yard elsewhere in Lot 20 off River Road using an existing driveway on River Road. Water washes down the road now and cuts up the road, this may change that and add to it.

Brent Greer added that there is no base to the road and for several days in the spring the road is soup. Brent Greer Jr. said that during half-load times they do not travel with any loads at all, trucks are empty.

Ray Puhalski informed Council that he uses his backhoe to move snow from one side of the road to the other where there is no ditch to assist with the spring runoff.

The CAO/Clerk answered Mr. Puhalski's concerns about the temporary use.

11. Council Members Comments

Councillor Bennett, Chair of the Planning Committee, reiterated that the Committee originally urged the Greers to apply for a temporary use. The Greers originally applied for it to be in the Plantation across the road from this site. After a Site Inspection by the Committee they asked the Greers to change the location of the application to the current site, as they felt it was better screened from public view. He noted that the applicant could change the application to "temporary use" still, the advantage of this by-law is that we are defining the location where Greers can put the material. He added that he does not feel that there is an environmental problem with Greer using the property as he does.

Councillor Kingsbury said he was concerned with the issues raised by Mrs. Ruttan and on the word of Greer that they will not contaminate their own property.

Councillor Eady said that there is a need for a by-law officer to inspect the property once it is established. This way we will have the ability to control what is happening on the site. An inspection should take place every couple of months.

Reeve Johnston noted that this application will be subject to Site Plan Agreement. This sets out what Greer can do with the site. If he does everything as stated in our requirements Mrs. Ruttan's concerns should be satisfied. He noted we would have to be vigilant to ensure the land is developed as stated.

Mr. Puhalski asked if it was possible for the Township to have a side arrangement with Greer whereby Greer would enter into a zoning amendment to change the zoning back to Rural before they sold the property. The CAO/Clerk was authorized to check into this with our solicitor.

12. Close Meeting

Moved by Bob Hall
Seconded by Dave Bennett

That Council close the February 07, 2006 Public Meeting for zoning by-law amendments at 7:40 p.m.

Carried

Reeve

CAO/Clerk