

THE CORPORATION OF THE TOWNSHIP OF HORTON

Bryan Mehlenbacher - ZONING AMENDMENT

PUBLIC MEETING

August 17, 2011 – 4:30 p.m.

There was a public meeting held in the Municipal Council Chambers on Wednesday, August 17, 2011 regarding the zoning amendment application for Bryan Mehlenbacher. There were approximately 10 people in attendance.

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.

3. Clerk's Report on Notice

The CAO/Clerk reported that as required by the Planning Act all property owners within 400 feet (120 metres) were mailed notice of this Public Meeting. This resulted in ten property owners receiving notice and in addition six agencies were also sent notice for their comments. A notice of this Public Meeting was also posted on the property.

4. i) Purpose of Amendment

The purpose of the amendment is to rezone the severed parcels in consent applications B07/09(1), B08/09(2), B09/09(3), B10/09(4) and B11/09(5) to reduce the minimum required separation distance for a dwelling from any Extractive Industrial (EM) or Extractive Industrial Reserve (EMR) Zone from 150 metres to 60 metres and to rezone the retained parcel in the above noted applications to prohibit the existing barns from housing livestock. The effect of the amendment is to rezone the retained parcel from Rural (RU) to Rural-Exception Thirty Four (RU-E34) and the 5 severed lots from RU to Rural-Exception Thirty Five (RU-E35). This amendment is a condition of the granting of these severance applications. All other provisions of the By-law shall apply.

ii) Reading of Written Comments

The CAO/Clerk reported that he received a letter from Ontario Power Generation noting that they had no concerns or comments regarding this application.

iii) Public Participation

a) Questions from Public

Mr. Richard Walker, a farmer who owns property across from the Mehlenbacher's, was present and had several questions/concerns regarding the application. Mr. Brian Whitehead, planning consultant with Jp2g, was also present and introduced Mike Fadyk, planning consultant, Jp2g who was attending for observation purposes. Mr. Walker asked the following questions to which Mr. Whitehead responded to:

1. Mr. Walker asked for clarification regarding where the reduced setbacks of 60 metres begins. He noted that he has an EMR designation on part of his property and he asked if this would affect

where aggregate could be extracted from should he use it as a pit in the future.

Mr. Whitehead reviewed the zoning application and the reasons for this application. He referred to a map he had and showed Mr. Walker where the building envelope for each lot begins. This is where the reduced setbacks would begin. It is up to the purchaser to decide how far back on the property they want to build but they do have to conform to the 60 metre setback. He hopes that the purchasers would build back further to take advantage of the scenic area surrounding these lots. He also noted that if Mr. Walker's property was used in the future for aggregate purposes it would be subject to a site plan and pit licence and the setbacks for his pit would be specified in those documents.

2. Mr. Walker asked why the berm was changed from a material berm to a vegetative berm. He also asked for specifics on what type of berm is being constructed.

Mr. Whitehead noted that his firm had carried out an aggregate impact assessment and as a result of that a material berm was recommended to address noise/visibility issues due to farming operations and the possibility of a pit operation next to these lots. It was at a recent planning committee meeting that his client was asked by the Planning Committee to consider a different type of berm for aesthetic purposes. The material berms can become eyesores and the Committee said that it would prefer a denser vegetative berm. The tree berm would consist of 2 rows of coniferous trees to create a 40 ft. buffer along Pinnacle Road. A berm of deciduous trees would be placed along the other property lines.

3. Mr. Walker asked if there is a general provision in our by-law that addresses the fact that this is an agricultural area and residents would be subject to manure smells, and other farm activities. He has a fully functional livestock farm and he does not want his operation to become subject to complaints regarding his farming activities.

Mr. Whitehead referred to a Consent agreement that is one of the conditions for these severances. The agreement is between the owner of the lot and the Township. It addresses the fact that Horton is a rural community and as such residents are subject to odours and noises related to an agricultural community. A specific condition of the agreement on these lots further addresses the activities of an Aggregate operation. This agreement ensures that potential buyers are aware of the on goings within their immediate area and the Township as a whole. The agreement is registered on title and therefore if the property is re-sold the conditions of this agreement will carry over to future owners.

b) Comments in Support

There were no comments in support.

c) Comments in Opposition

There were no comments in opposition.

5. Information on who is entitled to appeal Council's decision to the Ontario Municipal Board under Sections 34 (11) and (19) of O. Reg 545/06

The CAO/Clerk read the following:-

Section 34(11) – if Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the municipal clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the clerk of the municipality.

Section 34 (19) – Not later than 20 days after giving notice of passing of the by-law the applicant, any person or public body who made oral submission at the public meeting or made written submission to the Council, before the by-law passed or the Minister of Municipal Affairs and Housing, may appeal to the Ontario Municipal Board by filing an appeal with the clerk of the Municipality.

6. Council Members Comments

There were no comments from Council Members.

Moved by Bob Kingsbury
Seconded by Jamey Larone

That Council close the Public Meeting re: Mehlenbacher zoning by-law amendment at 4:56 p.m.

Carried.

CHAIR

SECRETARY