

THE CORPORATION OF THE TOWNSHIP OF HORTON

**PLANNING COMMITTEE MEETING – NOVEMBER 19, 2013**

There was a Planning Committee meeting held in the Municipal Council Chambers on Tuesday, November 19, 2013. Present were Committee Members: Chair Bob Kingsbury, Mayor Don Eady, Councillor Margaret Whyte, Councillor Glen Campbell, David Brown, Bob Lockwood (<sup>left at 6:10</sup>), John Berkhout, Jim Ferguson and Mae Craig. Staff: Mackie McLaren, CAO/Clerk and Rose Curley, Administrative Assistant. Absent: Councillor Jamey Larone and Committee Member John Wilson.

1. CALL TO ORDER

Chair Kingsbury called the meeting to order at 4:00 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest by staff or committee members or staff.

3. ADDITIONS TO AGENDA AND APPROVE AGENDA

Moved by Margaret Whyte, Seconded by Bob Lockwood

That the Planning Committee approves the agenda for the November 19, 2013 Planning Committee meeting.

Carried.

4. MINUTES:

4.1 October 15, 2013 – Regular Planning Committee Meeting

4.2 October 15, 2013 - - Public Mtg – A04/13 (DeLeeuw)

4.3 October 22, 2013 – Noise Sub Committee Meeting

Committee members reviewed the above minutes. David Brown referred to the Economic Summit and stated that he is not in favour of this committee, as several years ago when a group of investors asked for support from the County Committee when there was an opportunity to bring a soybean development company to the Township, they didn't receive the support they wanted. Mayor Eady noted that this committee needs to be analyzed as there are several areas that could provide economic benefits to the Township. For example there are over 1795 direct jobs in health care and the Dr. Recruitment initiative works tirelessly to ensure that these jobs are kept in our community.

Councillor Whyte asked if any more research has been done on sleep cabins. Mackie McLaren, CAO/Clerk said that he will report back once he researches this.

5. BUSINESS ARISING:

There was no business arising.

6. DELEGATIONS:

6.1 4:00 p.m. - Ambrose Burchat – Property Standards Issues – Cotieville

Ambrose Burchat was present before the Committee to discuss a complaint he had submitted regarding the enforcement of our property standards by-law in the Cotieville area. Chair Kingsbury outlined our

process for addressing property standards complaints. As the by-law states it is “complaint driven”. The Township has contracted the services of Municipal Law Enforcement Services Inc. to investigate complaints related to property standards and municipal by-laws. They are paid for a monthly minimum stipend equal to 10 hours of service. Any hours exceeding that are an additional cost to the Township.

Mr. Burchat noted that he might have to take his complaint further as the bylaw isn't being enforced as per Section 8.2.1 of Property Standards Bylaw.

Chair Kingsbury noted that residents are already having difficulty meeting their tax obligations due to financial hardship and that our tax arrears are high. If we were to increase our property standard enforcement costs this could place a further burden on taxpayers. Mr. Burchat said that this is not his problem. It is our duty to enforce bylaws and we are negligent in this.

Mr. Jim McBain, Municipal Bylaw Officer said that he serves other municipalities and they are all “complaint driven”. He noted that after receiving Mr. Burchat's complaint he did drive through the Cotieville area and did an evaluation. He has compiled a list of properties that he will be contacting to start the compliance process. He said that it is up to Council how the bylaw is monitored and that it is hard to do random areas.

Mr. Burchat said that he wants the Township to enforce our bylaws.

Councillor Whyte noted that there are a lot of property standards issues. This Council has become more proactive in this respect and revised our by-law and hired Municipal Enforcement Services. Mr. Burchat said that he hasn't seen this in his area.

Councillor Campbell said that Mr. McBain is very competent. We updated the bylaw and the decision was to enforce on a complaint driven basis. Now that we have received a complaint he will see progress.

Bob Lockwood asked Mr. Burchat how he felt we should be proactive? Mr. Burchat said that education on property standards, much in the way we educate our residents about waste management would be very beneficial. We could direct ratepayers to our by-law on the website.

Mayor Eady noted that the by-law is enforced, as it is complaint driven. Also, the draft-bylaw was posted on our website and advertised in the paper for public input.

Mr. Burchat said he is happy with the by-law, but not the enforcement.

Chair Kingsbury thanked Mr. Burchat for his suggestion and said that they will put information in the tax bill and an ad in Horton Corner. The Committee agreed with this.

## 6.2 4:15 p.m. - Harold Deacon - Site Plan Amendments

Mr. Deacon was present before the Planning Committee to review his site plan amendments. Committee members agreed that the site plan is well laid out. There are a lot of components to this site plan for such a small property. Once this plan is accepted by the Committee they expect full compliance as this hasn't happened with the current site plan. Mr. Deacon said he understood this and due to personal issues he has been unable to comply, but he will comply to this one.

Councillor Glen Campbell noted that he is speaking on his father's behalf (Stan Campbell), as his Dad owns property next to Mr. Deacon. There are concerns regarding the fill and trees on the berm lot line next to his father's property. There will be leakage from vehicles and this could contaminate the field/ground. Also with the fill settling it is encroaching on the fence. Mr. Deacon said that he will remove some fill to solve this problem. Mr. Campbell also noted that he rents out this property for crops and with 10 vehicles being parked there it creates a high potential for contaminants in the field. Mr. Deacon said that these vehicles are in running condition or they would be in the garage for repair. Mayor Eady noted that contamination is a huge concern as the rules have changed. If the property gets contaminated it will be worthless.

Jim McBain, Municipal Bylaw Officer noted that throughout his work in the past few years he has learned that it important to have site plans tied into the zoning and property standards bylaws.

After further discussion the Committee requested that Mr. Deacon bring back a revised site plan with the items discussed. Also, they requested that Mr. Deacon meet with Mackie McLaren, CAO/Clerk and Rose Curley, Administrative Assistant to draw up a new site plan agreement that outlines firm completion dates, penalties and tieback to the zoning and property standards bylaws.

Moved by Bob Lockwood, Seconded by John Berkhout

That the Planning Committee authorizes staff to draft a revised site plan agreement for Harold Deacon's property which will include a tieback to the zoning by-law and penalties.

Discussion:

Mayor Eady noted that the Chief Building Official would have to be involved with future construction of buildings.

Carried.

6.3 4:45 p.m. - Chad Newberry re: Transfer of Township Road Allowance (Grantham Road)

Chad Newberry was present before the Committee regarding his request for the Township to transfer a road allowance on Grantham Road to him and his wife. Mackie McLaren, CAO/Clerk said that this request had initially been taken to Public Works Committee and they requested that it be sent to the Planning Committee. Mr. McLaren provided some background information on previous transfers. He said that there was an old 1859 bylaw that gave property owners the unused concessions roads that were closed in lieu of property they had given up for Government Road, now River Road and the Opeongo Road. Transfers were previously done for Grant Phillips, His Ministries and others with the Township paying for all associated costs.

Committee members expressed concerns about transferring a waterfront property with 33 ft. frontage with no costs to the owner receiving it.

Mr. Newberry said that it was only just before closing that he was made aware of this road allowance. He had inquired with Mr. McLaren, CAO/Clerk about what his options were as he didn't want to end up with a road allowance next to his property, similar to Farrell's Landing. He was informed by Mr. McLaren that similar transfers had been done before. He would not have proceeded with the purchase if he had thought there was an issue with the transfer.

After discussion, the Committee requested Mr. McLaren to get an estimate of survey costs. They also requested that he research if any other adjoining neighbours have rights to this road and the initial decision to transfer the road allowances.

6.4 5:15 p.m. - Renee Ellison – Medical Marijuana Growing Facility

Ms. Renee Ellison and James McNeil, her real estate agent were present before the Committee to discuss their proposed medical marijuana growing facility. The initial buildings size would be 8,000 sq. ft., possibly increasing to 16,000 sq. ft. over time. They have identified some property within the Township that would suit their needs. The property is zoned Rural in our Zoning By-law.

Mackie McLaren, CAO/Clerk reported that he has asked Charles Cheesman, Renfrew County Planner and Janet Bradley, Township lawyer for their opinion on the zoning requirements/definitions.

For the reasons described in more detail above, there is no clear answer as to whether the Medical Marijuana Production Facility use is currently permitted as a farm in the Rural Zone. The lawyer outlined the following options:

1. *Consider the Medical Marijuana Production Facility use a “Farm” for the purposes of the By-law and permit the construction of such facilities without any special land use planning regulation over and above what would be required for more traditional farm uses;*
2. *Recommend that proponents of Medical Marijuana Production Facilities apply for a site specific zoning by-law amendment which would provide the Township land use planner with an opportunity to consider what mitigation measures are appropriate in the circumstances (e.g. setbacks from adjacent residential uses etc...); or,*
3. *Amend the Zoning By-law to introduce a new form of land use to accommodate a Medical Marijuana Production Facility, to adopt appropriate performance standards and regulations for such a use and to identify which zones in the Township can appropriately accommodate Medical Marijuana Production Facilities.*

Issues that may arise pursuant to the Building Code or any environmental regulation as a result of this type of use were not considered in this opinion. The focus was only on whether a Medical Production Marijuana Facility would be permitted in the Rural zone under the By-law.

Ms. Ellison informed the Committee that her solicitor, Mr. Alan Cohen of Soloway Wright has provided her his opinion that this use would be considered an agricultural use under the City of Ottawa zoning by-law where she was first looking to establish her facility.

Mackie McLaren, CAO/Clerk noted that he had contacted MPAC regarding the taxation proponent, and they reported that regardless of the zoning, MPAC would tax this as “Industrial” property. After discussion, the Committee noted that unfortunately they could not make a firm decision today to enable her to start her business immediately. Further research would have to be carried out to enable the Committee and Council to make a good decision for all parties involved.

Chair Kingsbury thanked the Ms. Ellison and her real estate for attending the Committee.

7. CONSENT APPLICATIONS:

7.1 Consent Application No. B79/13 – 1694005 Ontario Inc. (P.Prince)

The Committee reviewed Consent Application No. B79/13 – 1694005 Ontario Inc. (P.Prince). After discussion, the following resolution was put forward:

Moved by Mae Craig, Seconded by John Berkhout

That the Planning Committee recommends that Council supports Consent Application No. B79/13 – 1694005 Ontario Inc. (P.Prince) to sever 19.25 ha from his holding in Part Lot 20 Concession 5 subject to the following conditions:

- Lot Development Charge
- Consent agreement that includes the conditions set out in the Planning Justification Report.

Carried On Division

Opposed: David Brown

8. CORRESPONDENCE:

8.1 E-Mail from Rick Rougier re: rezoning for 1555 Whitton Road

The Committee reviewed the above e-mail for information purposes. Unfortunately, his comments were received too late as the zoning amendment has already been approved. His concerns were that the current driveway at 1555 Whitton Road will be used as a common driveway for both the existing and the new severed property. There are already significant traffic and turnaround issues at this entrance.

9. **PUBLIC MEETING - NOISE BY-LAW - 6:30 p.m.**

9.1 Draft Noise Bylaw

Chair Kingsbury reported at 6:30 p.m. that the Planning Committee will now proceed into a public meeting regarding the Township of Horton's draft noise by-law.

10. OTHER BUSINESS

10.1 Update on Henry Moore Severance Application

Mackie McLaren, CAO/Clerk reported that Mr. John Pallen and Henry Moore were present at a recent Public Works Committee meeting to discuss the possibility of bringing the gravel portion of Jamieson Lane up to Municipal Standards. After discussion, the Public Works Committee agreed to recommend to Council that the Township enter into an agreement with the owners once details are worked out. Mr. McLaren noted that Mr. Moore and Mr. Pallen both have severances pending. There was a meeting on November 25, 2013 at the Land Division Committee, County of Renfrew to discuss Mr. Moore's application. This has been postponed to a later date.

11. NEXT MEETING

The next Planning Committee meeting will be held on Tuesday, December 10, 2013 at 4:00 p.m. in the Municipal Council Chambers.

12. ADJOURNMENT

Moved by Glen Campbell, Seconded by Mae Craig

That the Planning Committee meeting be adjourned at 7:10 p.m.

Carried.

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CHAIR

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SECRETARY