

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND
MUNICIPAL PLANNING MEETING OF APRIL 23RD, 2008- 7:00 P.M.**

Council is to meet in the Municipal Planning Meeting on Wednesday, April 23rd, 2008 at 7:00 p.m. in the Council Chambers at the Municipal Office in Grafton, with Mayor William Finley presiding.

Members Present:

Members Absent with Notification:

Staff Present:

Others:

I. CALL TO ORDER

Mayor Finley called the meeting to order at 7:01 p.m.

II. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

III. PUBLIC MEETING- 7:02 P.M.:

MOTION TO COMMENCE A PUBLIC MEETING

Moved by
Seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, commence the Public Meeting at 7:02 p.m. CARRIED."

7:02 p.m. – Mr. E. Falkenburg **By-Law No. 16-2008**, Part of Lot 25, Concession 10 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "By what method what date and what notice of this meeting was sent?"

Notification:

The notice of Public Meeting was circulated on March 31, 2008 to property owners within four hundred (400') feet of the subject property and all affected ministries and agencies.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

Purpose:

The purpose of the proposed Zoning By-law Amendment is to amend By-law No. 619 of the former Township of Haldimand by changing the zoning on the subject lands from the Rural (RU) Zone and the Environmental Control (EC) Zone to the Rural Residential (RR) Zone. The Amendment will permit the subject property to be developed for one single family dwelling house.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Is there anyone present other than the applicant in support of this zoning by-law amendment?"

The Planning Co-ordinator, Terrence Korotki, advised that there was one present, requesting clarification concerning this application.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Is there any written comments received?"

The Planning Co-ordinator, Terrence Korotki advised the following comments were received from the following ministries and agencies:

MOTION TO ADJOURN THE PUBLIC MEETING

Moved by

Seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, reconvene to the Municipal Planning Meeting at 7:10 p.m. CARRIED."

IV. FORMAL CONSENT(S) 7:10 P.M.:

7:10 p.m. – Clarence and Gene Jaynes, **AH-07/2008**, replaces File AH-06/2007, Concession 3, Part Lot 18 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

The following commentary and comments were presented at the Municipal Planning Meeting held on March 26, 2008:

Mr. and Mrs. Jaynes, Agents: Peter and Sandra Jaynes, are requesting a severance for the creation of one residential lot. The approximate size of the lot will be 2.60 acres and the retained parcel will be approximately 5.10 acres from a parcel of approximately 7.80 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located on County Road #23 and that the lands are not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural and the Zoning is Rural (RU). Mr. and Mrs. Jaynes have owned the lands for approximately 43 years. All ministries and agencies were circulated and the following comments were received:

- **County of Northumberland:** No concerns.
- **Haliburton Kawartha Pine Ridge District Health Unit:** No objections.
- **Letter from 5512623 Ontario Limited dated March 18, 2008:** I am a resident of this Township and I own lands adjacent to the lands subject to the above application. I believe that my lands are affected by this decision. I own a portion of a Provincially Significant Wetland (PSW) known as the Shelter Valley Wetland Complex, which I purchased for conservation purposes from the applicant. This wetland complex extends through the applicant's lands and through my lands. Our lands are situated entirely with the Rice Lake Plains Natural Area. Much of the wetland complex is designed as an ANSI.

For almost a year I have been requesting that Council require an Environmental Impact Study (EIS) prior to making any decisions with respect to new land uses for properties in close proximity to this PSW and to the streams running to the PSW. So far, Council has refused to take my requests into consideration. I AGAIN request that Council defer its deliberation on this consent application until such time as an EIS has been completed and reviewed to ensure that not only is the PSW protected but enhanced. As EIS must be conducted prior to the approval of an application for severance on lands within 120 metres of a Provincially Significant Wetland pursuant to section 5.12.8 of the Township of Alnwick/Haldimand Official Plan (OP) approved in June 2007. I have attached pages 89 and 90 of the OP for your review.

The lands subject to this application are part of a parcel of land extending into lot 19, all described in one deed. This application will permit two new lots of record in addition to the 34 acres conveyed to me in 2005. Furthermore, the Jaynes contemplate additional severances on environmentally sensitive lands in lots 19 and 20, also in close proximity to this wetland complex. In addition, an application has been submitted by another landowner to Council for three new houses immediately across from the PSW.

I have many objections to this application. I have briefly set forth some of my objections below and I reserve my rights to make further objections.

1. This is NOT a non-farm consent application. This applicant has been farming these lands for some fifty years. The land use has been agricultural for more than fifty years. The farm has farm buildings, sheds, crops, and livestock. The farm house is located on fields which have been used as a hayfield and which are on the same deed as most of the rest of the farm. The applicant has not disclosed these abutting lands showing the boundaries and dimensions. Peter Josephs, the municipal planning consultant, has written a memorandum on October 22, 2007 to the Township with respect to the complicated zoning of this farm. This property has never been used for any purpose other than agricultural. This property, including the retained and severed portions, has always been assessed as farm taxable. Most of the adjoining properties are also agricultural.
2. The previous application for consent was deemed refused by the provisions of the Planning Act. Furthermore, the applicants did not comply with the conditions of severance. This new application attempts to sever an irregular parcel with dimensions of 444 frontage and 509 feet depth compared to the previous application where the dimensions were 495 frontage by 459 feet depth. This brings the severed lot another 50 feet closer to my lands and 50 feet closer to the PSW to the south. The severed and retained portions are clearly within the mapped regulation limit of the Ontario Regulation 163 for 06, shown on the attached map.
3. The application is erroneous and contains material misstatements. The applicants should have answered the questions indicating the following:
 - On the severed and retained lands, there is an agricultural operation, there is a watercourse, there is a seasonally wet area, and there is slope.
 - Within 500 metres of the severed and retained lands, there are Provincially Significant Wetlands and there are at least two natural gas and petroleum pipelines.

The contents of this application have been sworn to be correct, yet it contains material misstatements. This application has been sent to various agencies for comments containing erroneous information. The agencies' comments should be reviewed carefully in light of such material misrepresentations and a correct application should be re-circulated so that the agencies can make informed decisions. Council should reject this application on the grounds that the applicant has submitted a misleading and erroneous application. Furthermore, it is even more imperative that an EIS be required as the applicants and their agents seem to be in denial that there are wetlands in the immediate vicinity of their lands, which require protection. The PSW extends through lots 20, 19, 18 and 17 to the south, east and west.

4. The 2005 Provincial Policy Statement requires that new land uses, such as the creation of new lots, must comply with the Minimum Distance Separation (MDS) calculation. This application does not meet the MDS test. The MDS guidelines must be rigorously enforced in a severance application and cannot contemplate that a minor variance could be brought at the time of rezoning.
5. This new consent application is dated February 2008 and is subject to the provisions of the Township's Official Plan effective June 2007, wherein enhancement and preservation of the environment is one of the basic objectives set forth in s 2.3.3. In addition to the other policies of s. 5.12, development and site alteration, which includes specifically the creation of new lot requiring approval under the Planning Act, shall only be permitted within 120 metres of a PSW following the completion of an EIS in accordance with the guidelines of the Minister of Natural Resources, as set forth attached in s. 5.12.8.1 According to the Report Card on the Shelter Valley Creeks Subwatershed, PSWs comprise only 2% of the total land area of the 119 km sq of the watershed. The Shelter Valley Creek which traverses the property is a valuable cold water trout stream.
6. This severance application is inconsistent with the Places to Grow Act, 2005. Currently there are two subdivision proposals with over 130 lots property for Alnwick/Haldimand with hundreds of vacant lots of record also available for development. Potential development on these lots far exceed the Township's growth targets. Between the years 2006 and 2011, the proposed population increase for Alnwick/Haldimand is from 6,435 people to 6,725 people, or an increase of 290 people over five years. Assuming 2.3 people per household, this would be 126 new residences in five years, and an average of about 25 new residences per year. Planned and approved development currently exceeds these growth targets.

An EIS is required prior to any decision of Council. Furthermore, this consent application should not be approved for the above reasons.

- **Pine Ridge Municipal Planning Agency:** The subject lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits the creation of lots for single family residential uses. The Provincial Policy Statement (PPS) also permits limited residential development in the rural areas of the municipality provided there are no conflicts with the Growth Plan for the Greater Golden Horseshoe.

The sketch supplied by the applicant indicates a barn located on the adjacent lands. The PPS requires that new lots be in conformity with the Minimum Distance Separation Formula (MDS).

Based on the above, PRMPA recommends that Consent Applications AH-07/2008 be approved.

- **Lower Trent Conservation Authority:** It is our understanding that a major concern of the appellants was the absence of an Environmental Impact Study (EIS) on the original consent. The Township of Alnwick/Haldimand's Official Plan policy (in compliance with the Provincial Policy Statement) states that development within 120 metres of a provincially significant wetland must have an evaluation of the ecological function of the lands and it must be demonstrated that there will be no negative impacts on the natural features and their ecological functions as a result of the proposed development. The definition of development under the PPS includes the creation of a new lot. It would appear that the proposed severed lot and its building envelope would be outside the 120 metre "area of influence" of the PSW, and therefore Lower Trent did not recommend the completion of an EIS. Based on the concerns of the pending appeal of by-law 39/2007, the Municipality may deem it prudent to require an evaluation to be completed on the retained parcel. Lower Trent would offer to review the EIS on the Municipality's behalf and provide comments on same.

Mr. Terrace Good was present and stated the following: "I am the president of 512623 Ontario Limited, the owner of the lands to the south. I have been a resident in this community for 20 years during which, I have become involved in the protection of environmentally sensitive lands. I have written a letter to Council voicing my concerns with this application. I have purchased 160 acres at the head water of the Shelter Valley Creek. I have purchased 24 acres of forest adjacent to the Northumberland County Forest. I am the owner of an ANSI called the "Grafton Swamp" according to my MPAC assessment notice on Boomerang Road and I purchased 37 acre parcel which contains a Provincially Significant Wetland known as the Shelter Valley Wetland Complex. It is also an ANSI. For a year I have been requesting Council to ensure that an Environmental Impact Study is done to ensure that this wetland is protected.

FOR THE RECORD, I continue to object to this severance. I request written notice of this decision please afford me the protection of the environment under the Official Plan.

Mrs. Olmsted stated that the heading listed on the agenda for this application for this evenings meeting states it replaces file number AH-06/2007. However, under the Provisions of the Planning Act, this new application does not in fact replace any previous file.

Mrs. Olmsted noted that the lands in question, with respect to frontage and depth are not listed the same for both file numbers, the signs have not been posted correctly even though the survey stakes are present. Mrs. Olmsted asked clarification as to which dimensions are the applicants actually wanting to use. If they use the dimensions as noted on the application presented tonight, then the proposed severed property would be another fifty feet (50') closer to the existing ANSI owned by Mr. Good. Mrs. Olmsted also inquired as to the correctness of the agency comments and have they noted to revised dimensions of the proposed severed lands.

Councillor Bennis asked Mr. Jaynes the approximate distance between the proposed severed lands and the nearest pipeline to the south. Mr. Jaynes stated that it was approximately 1,500 metres away.

Mrs. Olmsted stated that in her review of the Consent Application Form, the applicant does not state the distance from the pipeline to the retained portion, which is in very close proximity.

Deputy Mayor McDonald suggested that the application be circulated to the Trans Canada Pipeline for their review and comments with respect to their lines in this location and in relation to this application.

Councillor Benns asked Mr. Good and Mrs. Olmsted that if the applicants were to have the Environmental Impact Study completed and then reviewed and commented on by the Lower Trent Conservation Authority and it was in favour of the applicants, would they abide by the findings and conclusions, pertaining this matter. Mrs. Olmsted stated that during the appeal they confirmed they would accept mediation if the Environmental Impact Study was completed. Mrs. Olmsted noted that there is also a question with respect to the Minimum Distance Separation Calculation and was it calculated with the old dimensions from the previous severance or has it been completed with the new dimensions being used.

THE FOLLOWING ADDITIONAL INFORMATION HAS BEEN RECEIVED WITH RESPECT TO THIS PLANNING APPLICATION:

Moved by
seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, Consent Application **AH-07/2008**, for Clarence and Gene Jaynes, Part Lot 18, Concession 3 (former Township of Haldimand) now in the Township of Alnwick/Haldimand, until such time as additional information and clarification has been obtained. CARRIED."

V. INFORMAL CONSENT(S) – 7:20 P.M.:

7:20 p.m. – Jason and Jenn Kelly, **AH-10/2008**, Concession A, Part Lot 14 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Lot Addition.

Mr. and Mrs. Kelly are requesting a severance for the creation of a lot addition. The approximate size of the lot will be 0.10 acres and the retained parcel will be approximately 4.71 acres from a parcel of approximately 4.81 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are not located in the Oak Ridges Moraine Conservation Plan area. The Official Plan designation is Hamlet and the Zoning is Rural (RU).

Moved by
seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. and Mrs. Kelly, **AH-10/2008**, Concession A, Part Lot 14 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED."

7:30 p.m. – Carl Bevan, **AH-11/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Easement/Right-of-way.

Mr. Bevan is requesting a severance for the creation of an easement/right-of-way. The approximate size of the easement/right-of-way will be 2.3 acres and the retained parcel will be approximately 2.3 acres from a parcel of approximately 4.6 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are not located in the Oak Ridges Moraine Conservation Plan area.

Moved by
seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. Bevan, **AH-11/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED."

7:40 p.m. – Mike Dejardins, **AH-12/2008**, Concession 2, Part Lot 18 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Non-Farm.

Mr. Dejardins is requesting a severance for the creation of a lot. The approximate size of the lot will be 2.50 acres and the retained parcel will be approximately 3.5 acres from a parcel of approximately 6.0 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are not located in the Oak Ridges Moraine Conservation Plan area.

Moved by
seconded by

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve to circulate the Consent for Mr. Dejardins, **AH-12/2008**, Concession 2, Part Lot 18 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED."

VI. APPROVAL OF MINUTES – 7:50 P.M.:

Municipal Planning Meeting Minutes of March 26, 2008.

Moved by
Seconded by

"Be it resolved that the Minutes of the Municipal Planning Meeting of March 26, 2008, be adopted. CARRIED."

Working Session Notes of Friday, April 11, 2008, as prepared by Mr. Peter A. Josephs, Municipal Planner (if available from Mr. Josephs)

Moved by
Seconded by

"Be it resolved that the Notes of the Working Session of Friday, April 11, 2008 with respect to the McQuillan Subdivision Planning Proposal and as prepared by Peter A. Josephs, Municipal Planner, be received and filed. CARRIED."

VII. BUSINESS ARISING FROM PREVIOUS MINUTES- 7:55 P.M.

VIII. CORRESPONDENCE – 8:00 P.M.:

Letter from Mr. Michael Connelly dated March 16, 2008 addressed to the
Municipal Property Assessment Corporation RE: Bill 122/Lots of Record.

Moved by
Seconded by

“Be it resolved that (Council direction required)

Letter from the Ontario Municipal Board dated March 19, 2008 RE: Withdrawal
of appeal by Mallory.

Moved by
Seconded by

“Be it resolved that the letter from the Ontario Municipal Board dated March 19,
2008 regarding the withdrawal of the appeal by Mallory, be received and filed.
CARRIED.”

Letter from Clark Consulting Services dated April 14, 2008 RE: Latest Concept
Plan for the McQuillan Lands.

Moved by
Seconded by

“Be it resolved that (Council direction required)

Letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 RE:
Growth Plan for the Greater Golden Horseshoe 2006 – Size and Location.

Moved by
Seconded by

“Be it resolved that (Council direction required)

Letter from the Ministry of Public Infrastructure Renewal dated April 2, 2008 RE:
Growth Plan for the Greater Golden Horseshoe 2006 – Places to Grow – Built
Boundaries.

Moved by
Seconded by

“Be it resolved that (Council direction required)

Letter from the Ministry of Municipal Affairs and Housing dated April 4, 2008 RE: Draft Official Plan Amendment, Concession 8, Part of Lot 2, County Road 29 and Covert Hill Road.

Moved by
Seconded by

"Be it resolved that (Council direction required)

Email from the Ontario Municipal Board dated April 11, 2008 RE: Confirmation of Meeting Room – Tuesday, June 3rd and 4th, 2008 for Allan/Betty Smith Merge 2 Lots.

Moved by
Seconded by

"Be it resolved that (Council direction required)

Letter from the Ganaraska Region Conservation Authority dated April 9, 2008 RE: Managing the Cobourg Creek Watershed – development of watershed plan by the end of 2008 and establishment of a Technical Review Committee.

Moved by
Seconded by

"Be it resolved that (Council direction required)

Information Sessions notice from the International Joint Commission Release of proposed new Order of Approval and plan for regulation of the levels and flows in the Lake Ontario-St. Lawrence River system through the dam at Cornwall-Massena.

Moved by
Seconded by

"Be it resolved that (Council direction required)

IX. NEW BUSINESS – 8:10 P.M.:

County of Northumberland Growth Management Planning Study Update

X. BUSINESS FROM COUNCILLORS – 8:25 P.M.:

XI. QUESTIONS FROM THE PRESS/PUBLIC/GALLERY – 8:40 P.M.:

CONFIRMING BY-LAW

By-Law No. 43-2008 - Being a by-law to confirm the proceedings of the Municipal Planning Session of April 23, 2008.

Moved by
Seconded by

"Be it resolved that **By-Law No. 43-2008**, being a by-law to confirm the proceedings of the Municipal Planning Session of April 23, 2008, be given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 23rd day of April, 2008. CARRIED."

XII. ADJOURNMENT – 8:50 P.M.:

Moved by
Seconded by

"Be it resolved that the Municipal Planning Meeting of April 23, 2008, be adjourned at 8:50 p.m. CARRIED."