

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND  
MUNICIPAL PLANNING MINUTES OF FEBRUARY 27, 2008- 7:00 P.M.**

Council met in the Municipal Planning Meeting on Wednesday, February 27, 2008 at 7:00 p.m. in the Council Chambers at the Municipal Office in Grafton, with Mayor William Finley presiding.

**Members Present:** Mayor William Finley  
Deputy Mayor Dalton McDonald  
Councillors: Raymond Bennis  
Walter Broegelmann  
Bill Holmes  
Art Jeninga  
Cathie Ritchie

**Staff Present:** Terrence Korotki, Clerk/Administrator/Planning Co-ordinator  
Robin van de Moosdyk, Deputy Clerk

**Others:** Peter A. Josephs, Municipal Planner  
Heather Watson, Ecovue Consulting Services  
Carol Gelinas, resident  
Mike Taynor, Oak Heights Estate Winery  
Ryan Moore, Oak Heights Estate Winery  
Roger Hardy, Oak Heights Estate Winery  
Ian Fraser, Owner Oak Heights Estate Winery  
Dave Melles, resident  
Betty Carruthers, resident  
Donna Spreitzer, resident  
Scott Mabury, resident  
Heinz Dudichum, resident  
Christian Dudichum, resident  
Peter and Sandra Jaynes, residents  
Carl Bevan, resident  
John McMurdo, resident  
Helen Elder, resident  
Elisabeth LaFontaine, resident  
Paul Peterson, resident  
Kathleen Parker, resident  
Lynda Gowling, resident

**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**

Mayor Finley declared a pecuniary interest pertaining to the Informal Consent Applications **AH-08/2008** and **AH-09/2008** of Bonnie Finley, as this is his sister-in-law.

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

**MOTION TO COMMENCE A PUBLIC MEETING**

Moved by Councillor Broegelmann, seconded by Councillor Jeninga;

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

7:03 p.m. - Dave Melless and Marlene Poynton, **MV-01/2008**, Concession 7, Part Lot 20 (former Alnwick Township) now in the Township of Alnwick/Haldimand RE: Relief from High Water Mark and reduction in Interior side yard.

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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 the Public Meeting was circulated on January 31, 2008 to property owners within two hundred feet (200') of the subject property and all affected ministries and agencies.

Mayor Finley asked the Planning Co-Ordinator, Terrence Korotki, "Explain the purpose, reasons for the minor variance proposed to accomplish the state of purpose."

Purpose:

NATURE OF RELIEF from Zoning By-Law 1001-73 (former Alnwick Township), as amended.

- To reconstruct a seasonal dwelling house in reducing the required setback of 38.0 metres to 19.20 metres from a high water mark of Rice Lake as stipulated in Zoning By-Law 1001-73 as amended by By-Law 1053-76, Section 7, Subsection 0.
- To allow for the reconstruction of a seasonal dwelling house that is being constructed within 5.48 metres of the required interior side yard setback (east side) instead of 6.0 metres as stipulated in Plate "C", Column "F", Line 11 of Restricted Area Zoning By-Law 1001-73.

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

There was no one present requesting clarification or in opposition to this application.

Mr. Melles was in attendance in favour of the 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:

- **Lower Trent Conservation Authority:** We understand that the purpose of the application is to reduce the required setback from the high water mark of Rice Lake from 38 m to 19.2 m and to reduce the required interior side yard setback from 6 m to 5.48 m to allow the reconstruction of a seasonal dwelling. According to the Conservation Authority's flood plain mapping at this location, a portion of the subject property falls within the regulatory flood line. The regulatory flood elevation in this area is 187.9 m. Lower Trent is unsupportive of any new development occurring within this flood elevation. Provincial policy Section 3.1.2 states development and site alteration shall not be permitted within a floodway (floodplain). The Conservation Authority's Regulation 163/06 also states that development should be setback a minimum of 6 metres from the flood elevation for the purposes of emergency measures. The application as submitted also does not demonstrate this requirement. Lower Trent Conservation **requests that the application for minor variance be deferred.** Staff does not feel that sufficient information has been provided. Staff requests a detailed survey/site plan illustrating the flood elevation and it's relation to the proposed structure. The site plan should show all structures with dimension and setbacks existing and proposed. We also request details on the existing and proposed sewage disposal system including location.
- **Parks Canada:** No concern.

- **Haliburton Kawartha Pine Ridge District Health Unit:** No objection.
- **Alnwick/Haldimand Public Works Department:** Private Road no concerns.

It was requested by Councillor Bennis to have correspondence, authored by the Planning Co-ordinator, Terrence Korotki, be forwarded to the Lower Trent Conservation Authority advising that the applicant is not changing the existing footprint of development on this parcel of land and that the setbacks will remain status quo. Mayor Finley suggested that the applicant contact the Lower Trent Conservation Authority with regards to the comments and concerns and schedule an on-site meeting in which members of Council could attend.

7:16 p.m. - Carol Gelinas, **By-Law 15-2008**, Concession 5, Part Lot 22, (former Alnwick Township) now in the Township of Alnwick/Haldimand RE: Non- Farm

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 February 5, 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 subject property has a land area of approximately 14.52 hectares from which a 6.62 hectare parcel is to be created by consent to land severance. The severed parcel to result from severance consent application A/H-26/2007 is vacant land but is to be used for rural purposes, including a residential use. The retained parcel resulting from the consent to land severance has a single family dwelling house, detached garage and an accessory building erected thereon. For the Rural Exception No. 46 (RU-46) Zone, lot frontage shall be calculated along Clark Road.

The proposed Zoning By-Law Amendment would change the Zone category from Rural (RU) to Rural Exception No. 46 (RU-46); Rural Exception No. 47 (RU-47) and Environmental Control (EC). The Rural Exception No. 46 (RU-46) Zone and Rural Exception No. 47 (RU-47) Zone will recognize that these parcels of land have insufficient lot area for a Rural (RU) Zone. The area to be rezoned Environmental Control (EC) is based upon the recommendation of the Lower Trent Conservation Authority in their facsimile transmission of November 20<sup>th</sup>, 2007.

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 no one present, requesting clarification concerning this application.

Ms. Gelinas was present in favour of 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:

- **Pine Ridge Municipal Planning Agency:** This zoning application has been made with the intent to fulfill a condition of severance application AH-26/2007. The purpose of the rezoning is to change the zoning on the subject land from Rural (RU) Zone to Rural Exception Zone No. 46 (RU-46), Rural Exception Zone No. 47 (RU-47), and Environmental Control. The intent of the application is to recognize the lot area of the severed and retained portions and to recognize the environmentally sensitive area. Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment. The lands are designated as Rural in the accordance with the Township Official Plan. Based on the above, PRMPA recommends that Rezoning Application AH-15/2008 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to Rural development in the municipality.
  
- **Lower Trent Conservation Authority:** We understand that the purpose of application is to rezone both the subject property from Rural (RU) Zone to Rural Exception No. 46 (RU-46) & No. 47 (RU-47) and Environmental Control (EC) Zones. Lower Trent's comments relative to the consent application (AH-26-2007) for this subject property recommended that a portion of the property be placed in an (EC) zone. This recommendation was made to protect and mitigate negative impacts on water quality, fish habitat or any flooding impacts associated with the identified watercourse on the subject property. We note that the Notice of Hearing and Schedule "A" to by-law 15-2008 reflects our original recommendation for (EC) zoning.

Please be advised that Lower Trent Conservation has **no concerns** with the approval of the zoning by-law amendment as presented.

- **Haliburton Kawartha Pine Ridge District Health Unit:** No objections.

7:22 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.

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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 February 5, 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 Rural (RU) and Environmental Control (EC) to Rural Residential Exception No. 224 (RR-224). The Amendment will permit the subject property to be developed for one single family dwelling house. All provisions of the Rural Residential (RR) Zone of By-Law 619 will apply to the subject property, with the exception of the following two special provisions: (1) The maximum building height shall be 16.76 metres, with a special definition of building height. The Rural Residential (RR) Zone permits a maximum building height of 10.76 metres.

(2) A maximum of two (2) dwelling units shall be permitted in a 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 no one present, requesting clarification concerning this application.

Mr. Erich Falkenburg was present in favour of this application.

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

Deputy Mayor McDonald asked if the Alnwick/Haldimand Fire Department were circulated for comments with respect to this application. The Clerk/Administrator/Planning Co-ordinator stated that Fire Chief Wright verbally stated that he did not support this application for development due to the height of the proposed dwelling in respect to the provision of fire protection service available by his department.

Deputy Mayor McDonald requested that the Fire Chief be requested to provide his comments in written form.

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

- **Haliburton Kawartha Pine Ridge District Health Unit:** No objections.
- **Alnwick/Haldimand Public Works Department:** Township would require sufficient lands to meet the 66 feet road width requirement if this has not been obtained.
- **Lower Trent Conservation Authority:** Lower Trent does not in general support lands being removed from EC zoning unless it can be demonstrated that no negative impacts will occur to the feature(s) being protected or that the need for EC zoning is void. In this case, we are of the opinion that the EC zoning is appropriate. The slope's stability has not be evaluated and an assessment should be undertaken prior to a zoning change. Therefore, with the information provided Lower Trent Conservation Authority can not support the approval of this zoning amendment. Lower Trent recommends that the application, at a minimum be deferred in order for the applicant to provide geotechnical documentation to the satisfaction of Lower Trent Conservation Authority which illustrates that the slope is stable and that vegetation removal will not result in uncontrolled erosion of the slope and possible sediment laden runoff entering the watercourse. The documentation should also demonstrate that the proposed location of the dwelling is in compliance with the required setbacks from the erosion hazard.
- **Pine Ridge Municipal Planning Agency:** The application is to change the zoning on the subject land from Rural (RU) and to a Hamlet Rural Residential Exception No. 224 (RR-224). The purpose of the application is to rezone the property to permit the construction of a dwelling house with 2 dwelling units. The proposed property will contain special provisions to permit an increase in height to 16.76 metres. Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment. The lands are designated as Rural Residential in the accordance with the Township Official Plan. Based on the above, PRMPA recommends that Rezoning Application 16-2008 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to Rural development in the municipality.

➤ **Letter of objection from Roberta Markus, Janet Markus and Terry Ellen Markus dated February 26, 2008:**

We, Roberta, Janet and Terry Ellen Markus are writing this letter to oppose the Zoning By-Law Amendment No. 619 for the lands described above. We are asking that this letter be presented to the Council of the Township of Alnwick/Haldimand at the public meeting scheduled for Wednesday, February 27, 2008 at 7:20 p.m. at the Municipal Office in Grafton.

We own a farm down the hill from the proposed building site. We have been residents of this farming community for over 40 years. Last year or so we noticed that the site in question had all the trees and underbush removed to make way for a change. We wondered if the removal of the trees was legal.

The following are some of our reasons why we are opposing the change in the Zoning By-law No. 619 from Rural and Environmental Control to Rural Residential Exception No. 224. We are also opposing the special provisions for the site which include increasing the maximum height of the building to 16.76 metres and allowing two dwellings to be permitted on a single building site.

1. We are concerned that the property in question may be on the Oak Ridges Moraine. If that is the case, no development will be able to take place according to Provincial Laws for Environmental Protection.
2. Our property and our neighbours' properties are located down the hill from the proposed development. We need assurances from the property owner and the Township of Alnwick/Haldimand that the new development will not impact our well water resources or contaminate our water or lands. Can you give us a guarantee that this will not occur or any other adverse effects? What kinds of considerations have been made for the building's water, septic system, run off etc.? How will the potential erosion problems be dealt with on and around the site?
3. Within our community, most of the residential dwellings are low rise buildings. The proposed structure will be a prominent building that would superimpose itself onto the surrounding rural landscape. Buildings should blend in and not stick out like sore thumbs, especially in a rural setting. We do not want a large structure dominating our rural landscape.
4. By placing another house so close to the existing house on Packer Road you create more housing density on a rural road. Generally speaking, most of the homes in our community are randomly spaced throughout the country side. By adding another one so close you are inadvertently creating strip housing. The Council may want to consider what that means and what that kind of precedent this would set for our rural community.
5. Packer Road is a nominally marginal road especially in the section between our property and the proposed site. If the project goes ahead how will the residents access their property? Will they come from County Road No. 9 or First Line? If they hope to get to it from the First Line and Parker Road the Township will need to spend a considerable amount of money improving the road. They will also need to consider year round upkeep and maintenance. More traffic on this marginal road would be very disruptive to use and our neighbours in the way of additional noise, dust, etc.

As long time residents of Packer Road we are opposed to the proposed Zoning By-Law Amendment and its special provisions. We want to ask the Council to seriously consider what kind an impact this development would have on our rural community from an environmental and aesthetic point of view today and in the future. We would appreciate being updated on the progress of this Zoning By-Law."

- **Peter A. Josephs, Municipal Planner Report:** Mr. Joseph stated that he would support a regular Rural Residential zoning with development being in compliance with the provisions of the Rural Residential Zoning. However, there are substantial concerns received from the Lower Trent Conservation Authority that must be addressed.

7:55 p.m. – Mr. Gary Ford, **By-Law No. 19-2008**, Part of Lot 23, Concession A, Hamlet of Grafton (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

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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 February 5, 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 Hamlet Commercial (C3) and Hamlet Residential (HR) to a Hamlet Commercial Exception (C3-Exception) Zone. The Zoning By-law Amendment will rezone the southern part of the property, which was added to the property by a related application for consent, from Hamlet Residential (HR) to the Hamlet Commercial Exception (C3-Exception) Zone. The Zoning By-law Amendment will also contain special provisions to permit a single family dwelling house on the subject property as an accessory use to permitted Hamlet Commercial uses.

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 no one present, requesting clarification concerning this application.

Mr. Ford was present in support of the By-Law.

Mr. Ford stated that is going to decommission well and has advised the Health Unit of this action.

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:

- **Pine Ridge Municipal Planning Agency:** The application is to change the zoning on the subject land from Hamlet Commercial (C3) and Hamlet Residential (HR) to a Hamlet Commercial Exception (C3-Exception) Zone. The purpose of the application is to rezone the southern portion of the property which was added to the property by a related consent application. The proposed property will contain special provisions to permit a single family dwelling house.

Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment. The lands are designated as Hamlet in the accordance with the Township Official Plan.

Based on the above, PRMPA recommends that Rezoning Application 19-2008 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to Rural development in the municipality.

- **Lower Trent Conservation Authority:** We understand that the purpose of the application is to rezone the subject property from Hamlet Commercial (C3) and Hamlet Residential (HR) to Hamlet Commercial Exception (C3-9) Zone to permit the construction of a single detached dwelling on the subject property as an accessory use.

LTC provided a letter dated November 21, 2007 to the municipality relative to consent application AH-27/2007, which proposed a lot addition to this subject property. Same letter provided comments on a watercourse within close proximity to the subject property and indicated that the Conservation Authority would recommend that those lands within 30 metres of the watercourse should be zoned Environmental Control (EC). The attached map shows that this EC zoning would fall partly on the applicant's property. Therefore, Lower Trent would only support this application with addition of the EC zoning as shown on the attached map.

We also restate the applicability of the Conservation Authority's Regulations 163/06 and the federal Fisheries Act for any type of proposed development within 30 metres of the top of bank of the watercourse.

- **Northumberland County:** No concerns
- **Haliburton Kawartha Pine Ridge District Health Unit:** The Health Unit would object to the Zoning By-Law Amendment as there does not appear to be sufficient space to install a sewage system which would meet the requirement of the Ontario Building Code based on the information provided.

Mr. Josephs stated that the concerns from the Health Unit would be addressed with the decommissioning of the well. However, there is still a concern with the submission of the Certificate of the Ministry of Environment regarding the previous gas station use of this property, which needs to be addressed.

#### **MOTION TO ADJOURN THE PUBLIC MEETING – 8:05 P.M.:**

Moved by Councillor Broegelmann, seconded by Councillor Holmes;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee and the Committee of Adjustment, adjourn the Public Meeting and reconvene to the Municipal Planning Meeting at 8:05 p.m.

CARRIED."

#### **IV. FORMAL CONSENT(S) – 8:06 P.M.:**

8:06 p.m. – Francis Prentice, **AH-01/2008**, Concession A, Part Lot 21 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Hamlet.

Mr. Prentice is requesting a severance for the creation of a lot. The approximate size of the lot will be 1.0 acres and the retained parcel will be approximately 29.08 acres from a parcel of approximately 30.08 acres. The Planning Coordinator, 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). All ministries and agencies were contacted and the following comments were received:

- **Pine Ridge Municipal Planning Agency:** The consent application proposes the severance of two 1 acre lots (approximate) to be used for single family residential purposes. The retained parcel contains an existing residential dwelling and will be approximately 29.08 acres. The subject lands are designated Hamlet in accordance with the Township's Official Plan. The Hamlet designation permits the creation of lots for non-farm residential uses, provided that the owner has held the property for a minimum of three years. Based on the above, PRMPA recommends that Consent Applications AH-01/2008 and AH-02/2008 be approved.
- **Lower Trent Conservation Authority:** Lower Trent is not prepared to support the approval of consent application AH-01/2008 and further is highly concerned with the approval of application AH-02/2008 without an assessment of the potential negative impacts on the provincially significant wetland – Grafton Swamp. Having said this, we understand that the proposed lot under application AH-02/2008 is outside of the 120 metre area of influence designated by provincial and municipal policy.
- **Haliburton Kawartha Pine Ridge District Health Unit:** The final size and location of the sewage system to be determined prior to issuance of a building permit. A fully raised leaching bed is likely due to the high water table/clay soil in the area.
- **Alnwick/Haldimand Public Works Department:** An entrance is allowed only at location approved by the Public Works Superintendent at the expense of the property owner.

Moved by Councillor Broegelmann, seconded by Councillor Jeninga;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, defer the Consent Application for Mr. Francis Prentice, **AH-01/2008**, Concession A, Part Lot 21 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Hamlet, until such time as the applicant has had an opportunity to address the concerns of the Lower Trent Conservation Authority. CARRIED."

8:15 p.m. – Francis Prentice, **AH-02/2008**, Concession A, Part Lot 21 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Hamlet.

Mr. Prentice is requesting a severance for the creation of a lot. The approximate size of the lot will be 1.0 acres and the retained parcel will be approximately 29.08 acres from a parcel of approximately 30.08 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). All ministries and agencies were contacted and the following comments were received:

- **Pine Ridge Municipal Planning Agency:** The consent application proposes the severance of two 1 acre lots (approximate) to be used for single family residential purposes. The retained parcel contains an existing residential dwelling and will be approximately 29.08 acres. The subject lands are designated Hamlet in accordance with the Township's Official Plan. The Hamlet designation permits the creation of lots for non-farm residential uses, provided that the owner has held the property for a minimum of three years. Based on the above, PRMPA recommends that Consent Applications AH-01/2008 and AH-02/2008 be approved.
- **Lower Trent Conservation Authority:** Lower Trent is not prepared to support the approval of consent application AH-01/2008 and further is highly concerned with the approval of application AH-02/2008 without an assessment of the potential negative impacts on the provincially significant wetland – Grafton Swamp. Having said this, we understand that the proposed lot under application AH-02/2008 is outside of the 120 metre area of influence designated by provincial and municipal policy.

- **Haliburton Kawartha Pine Ridge District Health Unit:** The final size and location of the sewage system to be determined prior to issuance of a building permit. A fully raised leaching bed is likely due to the high water table/clay soil in the area.
- **Alnwick/Haldimand Public Works Department:** An entrance is allowed only at location approved by the Public Works Superintendent at the expense of the property owner.

Moved by Councillor Ritchie, seconded by Councillor Bennis;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve Consent Application for Mr. Francis Prentice, **AH-02/2008**, Concession A, Part Lot 21 (former Haldimand Township) now in the Township of Alnwick/Haldimand,

- Conditional upon an amendment to Restricted Area Zoning By-Law 619 coming into force and effect;
- Conditional upon payment of a **\$4,550.00** Residential Development Fee;
- Conditional upon payment of **\$4,079.00** Communal Water System Development Fee.
- Conditional upon payment of **\$436.99** for one streetlight as a contribution to the installation of streetlights in the Hamlet of Grafton

CARRIED."

8:17 p.m. – Carl Bevan, **AH-03/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Lot Addition.

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Mr. Bevan is requesting a severance for the creation of a lot. The approximate size of the lot will be 50.0 acres and the retained parcel will be approximately 90.0 acres from a parcel of approximately 140.0 acres. The Planning Coordinator, Terrence Korotki advised that the said lands are located in the Oak Ridges Moraine Conservation Plan area. The Official Plan designation is Rural and the Zoning is Rural (RU). All ministries and agencies were contacted and the following comments were received:

- **Pine Ridge Municipal Planning Agency:** The consent application proposes the severance of one 50 acre lot (approximate) to be added to the adjacent property. The retained parcel is vacant rural land and is approximately 90 acres in area. The subject lands are located within the Oak Ridges Moraine Conservation Plan and properly designated in Township's Official Plan. With the Oak Ridges Moraine Conservation Plan, the creation of lots is restricted to a limited number of circumstances. Specifically, the Plan permits the addition of adjacent land to an existing lot if the adjustment does not result in the creation of a lot that is undersized. In this case the size of the land being added is appropriate for the proposed use. Based on the above, PRMPA recommends that Consent Applications AH-03/2008 be approved.
- **Lower Trent Conservation Authority:** Lower Trent have no concerns with approval of the above noted application for consent (lot addition) provided that:
  - The applicant is advised of the applicability of the Development, Interference to Wetlands and Alterations to Watercourses Regulations and the federal Fisheries Act; and
  - The current EC zone remains in place on the steep slope and that during the Municipality's upcoming Comprehensive Zoning By-law review that the watercourses be zoned Environmental Control, (see map attached).
- **Alnwick/Haldimand Public Works Department:** N/A.
- **Haliburton Kawartha Pine Ridge District Health Unit:** Severed property is being added to a neighbour's farm as a lot addition. Retained is for continued farming. No new buildings lots are being created.

Moved by Councillor Broegelmann, seconded by Councillor Holmes;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve Consent Application for Carl Bevan, **AH-03/2008**, Concession 6, Part Lot 6 (former Haldimand Township) now in the Township of Alnwick/Haldimand,

- Conditional upon the submission and approval of a Consent Application for a thirty-three (33') foot Right-of-way Easement being Registered on Title to permit access to this parcel of land. CARRIED."

8:25 p.m. – David and Molly Pelton, **AH-04/2008**, Concession 8, Part Lot 15 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Conservation lands under the ORMCP Policies

Mr. and Mrs. Pelton are requesting a severance for the creation of a lot. The approximate size of the lot will be 1.0 acres and the retained parcel will be approximately 71.0 acres from a parcel of approximately 72.0 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located in the Oak Ridges Moraine Conservation Plan area. The Official Plan designation is Rural and the Zoning is Rural (RU).

The Planning Co-ordinator, Terrence Korotki advised that this is a technical consent in order to permit a Right-of-way to permit an easement for access for the lands which are to be conveyed to the Northumberland Land Trust. All ministries and agencies were contacted and the following comments were received:

- **Lower Trent Conservation Authority:** Lower Trent Conservation has **no concerns** with approval of the above noted application for consent. However, we recommend the following:
  1. The landowner(s) be advised of the applicability of the Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation.
  2. The existing Environmental Control (EC) zoning be maintained.
  3. The landowner(s) is encouraged to use Best Management Practices when carrying out any clearing of the wooded areas on the retained lands.
- **Pine Ridge Municipal Planning Agency:** The consent application proposes the severance of a 52.85 acre lot (approximate) to be added to the adjacent property and a right of way to be created over the retain lands to access the severed portion. The subject lands are located within the Oakridges Moraine Conservation Plan and properly designated in Township's Official Plan. With the Oakridges Moraine Conservation Plan, the creation of lots is restricted to a limited number of circumstances. Specifically, the Plan permits the addition of adjacent land to an existing lot if the adjustment does not result in the creation of a lot that is undersized. In this case the size of the land being added is appropriate for the proposed use. Based on the above, PRMPA recommends that Consent Applications AH-04/2008 and AH-05/2008 be approved.
- **Haliburton Kawartha Pine Ridge District Health Unit:** The severed property is being conveyed to land Trust for Natural Heritage Conservation.
- **Alnwick/Haldimand Public Works Department:** Not applicable.

Moved by Councillor Ritchie, seconded by Councillor Jeninga;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve Consent Application for David and Molly Pelton, **AH-04/2008**, Concession 8, Part Lot 15 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED."

8:28 p.m. – David and Molly Pelton, **AH-05/2008**, Concession 8, Part Lot 15 (former Haldimand Township) now in the Township of Alnwick/Haldimand RE: Right-of-Way Easement

Mr. and Mrs. Pelton are requesting a severance for the creation of a Right-of-way Easement. The approximate size of the lot will be 1.0 acres and the retained parcel will be approximately 71.0 acres from a parcel of approximately 72.0 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located in the Oak Ridges Moraine Conservation Plan area. The Official Plan designation is Rural and the Zoning is Rural (RU).

The Planning Co-ordinator, Terrence Korotki advised that this is a technical consent in order to permit a Right-of-way to permit an easement for access for the lands which are to be conveyed to the Northumberland Land Trust. All ministries and agencies were contacted and the following comments were received:

- **Lower Trent Conservation Authority:** Lower Trent Conservation has **no concerns** with approval of the above noted application for consent. However, we recommend the following:
  1. The landowner(s) be advised of the applicability of the Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation.
  2. The existing Environmental Control (EC) zoning be maintained.
  3. The landowner(s) is encouraged to use Best Management Practices when carrying out any clearing of the wooded areas on the retained lands.
- **Pine Ridge Municipal Planning Agency:** The consent application proposes the severance of a 52.85 acre lot (approximate) to be added to the adjacent property and a right of way to be created over the retained lands to access the severed portion. The subject lands are located within the Oak Ridges Moraine Conservation Plan and properly designated in Township's Official Plan. With the Oak Ridges Moraine Conservation Plan, the creation of lots is restricted to a limited number of circumstances. Specifically, the Plan permits the addition of adjacent land to an existing lot if the adjustment does not result in the creation of a lot that is undersized. In this case the size of the land being added is appropriate for the proposed use. Based on the above, PRMPA recommends that Consent Applications AH-04/2008 and AH-05/2008 be approved.
- **Haliburton Kawartha Pine Ridge District Health Unit:** The severed property is to create a right-of-way access to a newly created agricultural property.
- **Alnwick/Haldimand Public Works Department:** An entrance is allowed only at location approved by the Public Works Superintendent at the expense of the Property Owner.

Moved by Councillor Bennis, seconded by Councillor Holmes;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve Consent Application for David and Molly Pelton, **AH-05/2008**, Concession 8, Part Lot 15 (former Haldimand Township) now in the Township of Alnwick/Haldimand. CARRIED."

**V. INFORMAL CONSENT(S) 8:29 P.M.:**

8:10 p.m. – Heinz Dudichum, **AH-06/2008**, Concession 3, Part Lot 11 (former Township of Alnwick) now in the Township of Alnwick/Haldimand RE: Non-Farm.

Mr. Dudichum is requesting a severance for the creation of one residential lot. The approximate size of the lot will be 1.03 acres and the retained parcel will be approximately 59.8 acres from a parcel of approximately 61.0 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located on Wideview Drive 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).

Moved by Councillor Broegelmann, seconded by Councillor Ritchie;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division/Committee of Adjustment, approve the circulation of Consent Application for Heinz Dudichum, **AH-06/2008**, Part of Lot 11, Concession 3, (former Township of Alnwick) now in the Township of Alnwick/Haldimand.

CARRIED."

8:30 p.m. – Clarence and Jean Jaynes (Agent: Peter Jaynes) **AH-07/2008** replaces 06/2007, Concession 3, Part Lot 18 (former Township of Haldimand) now in the Township of Alnwick/Haldimand RE: Non – Farm.

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.

Moved by Councillor Jeninga, seconded by Councillor Ritchie;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division/Committee of Adjustment, approve the circulation of Consent Application for Clarence and Gene Jaynes, Agents: Peter and Sandra Jaynes, **AH-07/2008**, Part of Lot 18, Concession 3, (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

CARRIED."

Mr. Jaynes asked if Council would give consideration to the waiving of the Consent Application Fee of \$400.00.

Moved by Councillor Ritchie, seconded by Councillor Jeninga;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve the waiving of the Consent Application Fee in the amount of \$400.00 for Mr. and Mrs. Clarence Jaynes, Agents: Peter and Sandra Jaynes for Consent application **AH-07/2008**; and further that this decision by resolution of Council does, in no way, set or establish any future precedence within the Municipality of the Township of Alnwick/Haldimand, with respect to such Planning Applications. CARRIED."

Mayor Finley declared a pecuniary interest pertaining to the Informal Consent Applications of Bonnie Finley, as this is his sister-in-law and departed from the meeting at 8:39 p.m.

#### **MOTION –DEPUTY MAYOR MCDONALD TO CHAIR MEETING**

Moved by Councillor Broegelmann, seconded by Councillor Ritchie;

"Be it resolved that Deputy Mayor McDonald be approved to Chair the Municipal Planning Meeting at this time, due to the pecuniary interest declared by Mayor Finley.

CARRIED."

8:40 p.m. – Bonnie Finley **AH-08/2008**, Concession A, Part Lot 13 (former Township of Haldimand) now in the Township of Alnwick/Haldimand RE: Hamlet.

Mrs. Finley is requesting a severance for the creation of one residential lot. The approximate size of the lot will be 1.57 acres and the retained parcel will be approximately 41.19 acres from a parcel of approximately 42.76 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located on County Road #2 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).

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division/Committee of Adjustment, approve the circulation of Consent Application for Bonnie Finley, **AH-08/2008**, Part of Lot 13, Concession A, (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

CARRIED.”

8:41 p.m. – Bonnie Finley **AH-09/2008**, Concession A, Part Lot 13 (former Township of Haldimand) now in the Township of Alnwick/Haldimand RE: Hamlet.

Mrs. Finley is requesting a severance for the creation of one residential lot. The approximate size of the lot will be 1.57 acres and the retained parcel will be approximately 41.19 acres from a parcel of approximately 42.76 acres. The Planning Co-ordinator, Terrence Korotki advised that the said lands are located on County Road #2 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).

Moved by Councillor Ritchie, seconded by Councillor Holmes;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division/Committee of Adjustment, approve the circulation of Consent Application for Bonnie Finley, **AH-09/2008**, Part of Lot 13, Concession A, (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

CARRIED.”

**MOTION-MAYOR FINLEY RETURN TO CHAIR MEETING:**

Moved by Councillor Broegelmann, seconded by Councillor Holmes;

“Be it resolved that Mayor Finley return to the Municipal Planning Meeting as Chair at 8:42 p.m.

CARRIED.”

**VI. FORMAL MINOR VARIANCE(S) – 8:42 P.M.:**

Dave Melless and Marlene Poynton, **MV-01/2008**, Concession 7, Part Lot 20 (former Alnwick Township) now in the Township of Alnwick/Haldimand RE: Relief from High Water Mark and reduction in Interior side yard.

Moved by Councillor Bennis, seconded by Councillor Holmes;

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, defer the Minor Variance for Dave Melless and Marlene Poynton, **MV-01/2008**, Concession 7, Part Lot 20 (former Alnwick Township) now in the Township of Alnwick/Haldimand to reconstruct a seasonal dwelling house in reducing the required setback of 38.0 metres to 19.20 metres from a high water mark of Rice Lake as stipulated in Zoning By-Law 1001-73 as amended by By-Law 1053-76, Section 7, Subsection 0; and to allow for the reconstruction of a seasonal dwelling house that is being constructed within 5.48 metres of the required interior sideyard setback (east side) instead of 6.0 metres as stipulated in Plate “C”, Column “F”, Line 11 of Restricted Area Zoning By-Law 1001-73.

CARRIED.”

**VII. PLANNING DELEGATIONS – 8:42 P.M.:**

8:42 p.m. - Ms. Lynda Cowling – RE: Upgrade of Canning Factory Road.

Ms. Cowling was present to discuss the upgrading of Canning Factory Road to Municipal Standards as a required as a Condition of Consent previous approved.

Ms. Cowling was of the opinion that she should only have to upgrade the required 450 feet which would be the required frontage for the severed lots which were approved by Council. Ms. Cowling was also of the opinion that she should not have to pay for the upgrade of all of Canning Factory Road as it would be of no benefit to her in the future, only for possible future development on the north side of Canning Factory Road.

Mayor Finley stated that this matter would be brought forward on the March 6, 2008 Regular Council Session for discussion with the Public Works Superintendent, Mr. Cam Ward.

8:52 p.m. – Mr. John McMurdo, Agent for Helen Elder RE: Proposed Consent Application in Hamlet of Burnley Concession 7, Part Lot 7

Mr. McMurdo provided Council with a brief overview of the above-noted Consent Application and advised that the existing garage on the property would be removed when warmer weather arrived. Mr. McMurdo also advised that the applicant would be willing to provide a 13 foot conveyance of lands along the east side of the property for possible future road purposes.

Mayor Finley advised Mr. McMurdo to contact the Planning Co-ordinator, Terrence Korotki to schedule an appointment for the completion and submission of the appropriate planning application forms.

8:58 p.m. – John DeGraauw – Proposed consent – Hamlet of Grafton RE: Lacks frontage and acreage.

Mr. DeGraauw was present and provided a brief overview of the above-noted proposed Consent Application. It was noted that Council had concerns with the lack of acreage for this proposal and suggested that the applicant give consideration to adjusting the proposed lot lines to address this concern. It was also agreed that the Council would schedule an on-site meeting with Mr. DeGraauw during the Spring Road Tour.

Council Break 9:08 p.m. – 9:18 p.m.

**VIII. PLANNING DELEGATIONS – 9:18 P.M.:**

**9:18 p.m. - Heather Watson, Ecovue Consulting:**

Report received from Ecovue Consulting Services dated February 19, 2008 RE: Application for Official Plan Amendment 337 Covert Hill Road, Oak Heights Estate Winery.

Ms. Watson introduced the representatives of the Oak Heights Estates Winery in attendance, as follows; Mr. Ian Fraser, Owner; Roger Hardy, Site Manager; Riley Moore, Assistant Manager and Mike Taynor.

Ms. Watson provided the following Planning Report with respect to the Oak Heights Estate Winery, Planning Application Proposals:

### **The Proposal**

Mr. Ian Fraser is proposing to expand the range of uses permitted at the Oak Heights Estate Winery at 337 Covert Hill Road (**Figure 1 Site Location Map**). These uses will include a dwelling for the vintner (wine maker), a banquet hall for up to 250 persons, a bed and breakfast and accessory buildings such as a gazebo. The proposed banquet hall would accommodate weddings, banquets, private dinners and business meetings for groups greater than 50 people.

This report has been prepared in support of an application to be filed with the Township of Alnwick/Haldimand for an Amendment to the Official Plan, under Section 34 of the Planning Act, to allow the expanded permitted uses. In addition, an implementing amendment to the Comprehensive Zoning By-law for the Township of Alnwick/Haldimand, under Section 34 of the Planning Act, will also proceed in parallel with the Official Plan Amendment application.

### **Existing Land Uses**

The subject property comprises all of Lot 2, Concession 8 in the former Township of Alnwick and is located at the southeast corner of the intersection of County Road 29 and Covert Hill Road. The property is identified by Roll Number 070-056 and the municipal address is 337 Covert Hill Road. The total area of the property is approximately 40.47 hectares (100 acres), with frontage on County Road 29 of approximately 402.27 metres.

The southern portion of the subject property is located on the Oak Ridges Moraine and can be characterized as rolling terrain. The northern portion of the subject property is not within the Moraine boundary and can be described as relatively flat to gently sloping. The subject property contains an existing farm house with an attached garage, production building (winery) and pole barn.

The land surrounding the subject property is used predominantly for rural and agricultural purposes. Lands to the north are beyond the Oak Ridges Moraine boundary as identified in the Oak Ridges Moraine Conservation Plan. Lands to the east and west are within the Moraine area and are designated as Natural Core, Countryside and Environmental Zone.

### **Proposed Site Development**

Mr. Ian Fraser is proposing to expand the existing facilities on the site by constructing a dwelling for the vintner, a banquet hall, and a bed & breakfast on the property **Figure 2 - Site Plan**. The proposed uses will allow for large gatherings of 200 to 250 people. This expansion was part of the Oak Heights Estate Winery long term business plan; however, due to a large request for these types of facilities, the Winery is accelerating their plans. The dimensions of existing and proposed buildings are located in Table 1 Dimensions & Area of existing and proposed Buildings in metres. All buildings will be 4.27 meters (46 feet) in height.

**Table 1 Dimensions & Area of Existing and Proposed Buildings in Meters**

<b>Building</b>	<b>Dimensions</b>	<b>Area (sq m.)</b>
Existing Farm House	7.62 x 15.24 m	116
Existing Production Building	7.32 x 22.86 m	167
Existing Pole Barn	9.75 x 14.63 m	143
Proposed Banquet Hall	10.67 x 24.38 m	260
Proposed Dwelling for Winemaker	4.88 x 7.32 m	36
Storage Area Attached to Winemakers	9.75 x 7.32 m	71
Proposed Horse Barn (Stables)	9.14 x 15.24 m	139

A horse barn will be constructed on the property, however because this is a permitted use within the current Official Plan designation and Zoning, an amendment to both documents is not required.

**Environmental Considerations**

Portions of the subject property are located within the Oak Ridges Moraine and are designated as Natural Core. The Oak Ridges Moraine is a significant landform within southern Ontario. Lands which fall within the Moraine are protected through the Oak Ridges Moraine Conservation Plan and its accompanying regulation.

A topographical survey conducted by Sylvester & Brown Ltd in 2007 has confirmed that the locations of the existing and proposed buildings are not located within the Oak Ridges Moraine boundary. As a result the conditions and policies of the Oak Ridges Moraine Conservation Plan do not apply.

Within the south east corner of the property contains part of a Life Science Area of Natural and Scientific Interest (ANSI). These areas are protected by the Provincial Policy Statement, Section 2.1. However the ANSI is located far more than 120 metres away from the ANSI and the development would not result in any negative impacts.

A tributary to Salt Creek flows through the south end of the subject property. The Ministry of Natural Resources has classified this tributary as a Cold Water Stream Segment A. Similarly, the location of this tributary is far removed from the location of the existing and proposed buildings. The majority of the subject property is in a vegetated state, as a result, there are no concerns regarding impacts on water quality or quantity.

**Policy Considerations**

Land use policies and regulations affecting the subject lands include the Planning Act R.S.O. 1990, as amended, and the associated Provincial Policy Statement at the provincial level, as well as the Township of Alnwick/Haldimand Official Plan.

### **Provincial Policy Statement Considerations**

The Provincial Policy Statement (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the Township of Alnwick/Haldimand to uphold the policies of the Provincial Policy Statement, pertaining to land use planning and development. These planning authorities must be consistent with key provincial interests including agricultural lands, mineral resources, natural heritage, natural hazards, water quality and quantity and cultural heritage.

#### **XII. Sewage and Water**

Section 1.6.4 addresses sewage and water services for new development and growth. Specifically, Policy 1.6.4.1 a) 2) states that Planning for sewage and water services shall direct and accommodate expected growth in a manner that promotes the efficient use of existing: private communal sewage services and private communal water services, where municipal sewage and water services are not available. Currently the subject property is serviced by private communal sewage and water. There is an existing 4500 litre septic tank and tile bed on the property. In order to accommodate the proposed developments on the subject property, the septic system will be upgraded to handle 11,356.2 litres (3,000 gallons) in addition to meet the proposed new demands. The existing tile bed and tank for the main house will remain intact. The drawings and plans for the new system will be completed by Dobri Engineering Ltd. Grace and Associates Inc. have also been retained to complete a Hydrogeological Study for the proposed expansion (See Appendix A).

- The proposal is consistent with Section 1.6.4 of the Provincial Policy Statement

#### **XIII. Agricultural Lands**

The subject property is not considered a Prime Agricultural area, additionally; the subject property is designated as Rural and as such, the policies of Section 2.3.1 respecting protection of agricultural lands do not apply.

- The proposal is consistent with Section 2.3.1 of the Provincial Policy Statement

#### **XI. Natural Heritage Resources**

According to Section 2.1 of the PPS, natural heritage features and areas are to be protected for the long term. Natural heritage features include significant wetlands, significant wildlife habitat, significant woodlands, significant valleylands, significant habitat of endangered or threatened species and significant areas of natural or scientific interest (ANSI's).

ANSI's are areas containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, education and natural heritage appreciation.

The subject property contains portions of a Life Science Area of Natural and Scientific Interest (ANSI). The area proposed for the additional uses is located more than 120 metres from the ANSI - the development would not result in any negative impacts on the ANSI.

A tributary to Salt Creek flows through the south end of the subject property. The Ministry of Natural Resources has classified this tributary as a "Cold Water Stream Segment A". The location of this tributary is far removed from the location of the existing and proposed buildings and no development or site alterations are proposed in any fish habitat.

- The proposal is consistent with Section 2.3.1 of the Provincial Policy Statement

## **XII. Water**

Planning authorities in the Province are required to ensure that applications made under the Planning Act, are consistent with protection, improvement or restoration of water quality and quantity by under Section 2.2.1 of the PPS. New development can only be permitted where it has been demonstrated that surface water features, groundwater features, hydrologic functions and natural heritage features will not be adversely impacted.

The subject property is approximately 40.47 hectares. The majority of the subject property is vegetated allowing for infiltration of water and limiting the effects erosion and sedimentation. As a result there are no expected impacts on the quality and quantity of water resources. Erosion and sedimentation controls will be installed prior to construction of the new buildings, if required by the municipality.

- The proposal is consistent with Section 2.2 of the Provincial Policy Statement

## **XIII. Mineral Resources**

There are no identified mineral and aggregate resource reserves or extraction operations in the vicinity of the subject lands.

- The proposal is consistent with Section 2.4 of the Provincial Policy Statement

## **XIV. Cultural Heritage and Archaeology**

Development and site alteration is permitted where it can be demonstrated that there will be no adverse impact on significant built heritage resources and cultural heritage landscapes, as stated in Section 2.6 of the PPS. It is necessary for the proponent to demonstrate that no significant resources are located on the site, or alternatively that these resources can be conserved and the associated heritage integrity of the site maintained. Typically, an archaeological assessment is not required for minor changes in land use, where potential is low.

- The proposal is consistent with Section 2.6 of the Provincial Policy Statement

## **XV. Natural Hazards**

Section 3.1 of the PPS addresses natural and man-made hazards which may affect land use and development. Section 3.1.1 b) requires that development be directed to areas outside of hazardous lands adjacent to river, stream and inland lakes systems which are impacted by flooding hazards.

As previously mentioned tributary to Salt Creek traverses a portion of the southern area of the subject property. The location of this tributary is far removed from the existing and proposed buildings and due to the rolling terrain of the subject property there is no risk of flooding to the existing and proposed buildings.

- The proposal is consistent with Section 3.1 of the Provincial Policy Statement

## **Official Plan of the Township of Alnwick/Haldimand**

The subject property is designated as Rural and Oak Ridges Moraine on Schedule "A" to the Official Plan for the Township of Alnwick/Haldimand. The areas of each designation on the subject lands are identified on *Figure 3 – Official Plan Designations* of this report. Section 5.10 of the Township of Alnwick/Haldimand states as the purpose of the Rural designation, is "to direct low intensity rural uses into these areas, thereby protecting Agricultural Resource Lands from incompatible non-agricultural development."

The permitted uses within the Rural designation are listed in Section 5.10.2 of the Official Plan. These uses include agricultural uses, agriculture-related uses, agri-businesses, small scale commercial and industrial uses, residential and secondary farm uses.

The existing winery operation on the subject property can be described as a combination of agricultural use (the growing of grapes), an agri-related use and an agri-business. As a result the existing winery operation is permitted under the Rural land use designation. However, the proposed new uses, particularly a permanent facility for weddings, banquets etc. accommodating up to 250 people is not characteristic of the small-scale commercial uses that are permitted in this designation.

As a result, application for a site-specific policy within the Rural designation is being made. This site-specific policy would reflect the proposed uses while respecting the rural nature of the surrounding lands and respecting the intent and purpose of the Rural designation.

### **ZONING BY-LAW CONSIDERATIONS**

The purpose of a Zoning By-law is to implement the policies of the municipality's Official Plan and to provide specific provisions, which dictate the number and types of structures, setbacks, lot requirements et cetera. The subject property is zoned the Rural Special District 129 (RU-129) Zone, the Rural – Special District 92 (RU-92) Zone and the Environmental Control (EC) Zone on Plate "A1" Map C2 of the former Township of Haldimand Comprehensive Zoning By-law, as shown on Figure 1 - Zoning Categories.

The two Rural zones (RU-129 & RU-92) on the subject property do not permit the proposed uses, especially the 'assembly hall' (i.e. the banquet hall). According to the Zoning By-Law, an assembly hall is only permitted in the Community Facility (CF) and Hamlet Commercial (C3) zones. Due to the rural and agricultural nature and use of the subject property and neighbouring properties these zoning designations are not appropriate, therefore, a site specific amendment to the Township's Zoning By-Law is required. The zoning amendment will be drafted to take into account both the existing agricultural use and the proposed uses (i.e. banquet hall, bed & breakfast and second dwelling for the vintner).

The portions of the property which are currently zoned Environmental Control (EC) will remain as such. As no development or site alteration will occur in this area.

### **Summary**

The foregoing report is intended to provide documentation in support of an application for an amendment to the Official Plan for the Township of Alnwick/Haldimand. The proposed amendment to Official Plan would permit the proposed uses (i.e. banquet hall, bed & breakfast and dwelling for the vintner) within the Rural Designation. In parallel an implementing Amendment to the Township of Haldimand Zoning By-Law No. 619 is being applied to allow this change.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, receive and acknowledge the proposed Official Plan Amendment and Zoning By-Law Amendment as submitted by the Oak Heights Estate Winery, Owner, Mr. Ian Fraser by Planning Consultant, Ms. Heather Watson of Ecovue Consulting Services; and further that the Notice of Public Meeting be prepared by Mr. Peter A. Josephs, Municipal Planner and forwarded to the Planning Co-ordinator for circulation and advertising purposes, as required by *The Planning Act*. CARRIED."

**9:35 p.m. - Peter Josephs, Municipal Planner:**

Mr. Josephs and Ms. Watson provided the following update with respect to the New Comprehensive Zoning By-Law in progress:

Over the past several months, EcoVue Consulting Services Inc., and Peter Josephs of Peter A. Josephs and Associates have been developing the text and schedules for the Township of Alnwick-Haldimand's new Comprehensive Zoning By-law. This Memo is intended to provide Council with an update on the project.

**New Mapping:**

EcoVue now completed the preparation of a new base map for the Township's Zoning By-law. The base map incorporates the most recent parcel fabric information.

A key map has been established which identifies the extent or area covered by each of the 11x17 inch maps that will constitute Schedule "A" to the Zoning By-law. The available environmental protection mapping has also been transferred to the new base map and has updated these areas to more accurately delineate areas which are subject to limitations from natural hazards and natural heritage features.

The new zone mapping is being developed using a modified colour design which incorporates colour and symbol zone identification. Watercourses on the base map are shown in *royal blue*, Rice Lake is identified in *pale blue* and the areas within the Oak Ridges Moraine are *sand brown*. Areas within the Environmental Protection (EP) Zone are coloured *pale green*. Road networks are identified as either major roadways (*red*) or local roads (*dark brown*). The balance of zones are identified by letters representing the applicable zone categories (RU, A, RR, SR, etc.). The use of a combination of colour-and-letter identifications results in maps which are clear and easy to read and also appropriate for both colour and black & white copies.

Next steps for mapping include introduction of the Agricultural (A) and Rural (RU) zones to reflect the designations in the new Official Plan, and the introduction of other zone categories. These components of the map cannot be added until the zone categories have been determined and the numerous site specific zones have been redefined.

Copies of three sample area maps, depicting EP Zone areas, Oak Ridges Moraine Areas, and the zone classification text (i.e. RU, A, M) will be provided for Council at the meeting on February 27, 2008. A copy of the key map will also be provided at that time.

**Text of the By-law:**

The text of the new Zoning By-law is currently being prepared. The By-law will contain separate sections pertaining to:

- Interpretation and Administration
- Zone Classifications
- Definitions (General Terms)
- Definition (Oak Ridges Moraine Terms)
- General Provisions
- Regulations for Individual Zone Categories
- Penalties and Adoption

The following list summarizes the proposed Zone Categories in the new Zoning By-law:

<b><i>Rural/Agricultural Zones Symbol</i></b>	<b><i>Zone</i></b>
Rural Zone	RU
Agricultural Zone	A
<b><i>Residential Zones</i></b>	
Rural Residential Zone	RR
Hamlet Residential Zone	HR
Shoreline Residential Zone	SR
Limited Service Residential Zone	LSR
<b><i>Commercial Zones</i></b>	
General/Highway Commercial Zone	GC
Hamlet Commercial Zone	HC
Resort Commercial Zone	RC
<b><i>Industrial Zones</i></b>	
General Industrial Zone	MG
Extractive Industrial Zone	ME
Waste Disposal Industrial Zone	MD
<b><i>Community/Open Space Zones</i></b>	
Community Facility Zone	CF
Open Space Zone	OS
Development Zone	D
<b><i>Environmental Zones</i></b>	
Environmental Protection Zone	EP
<b><i>Oak Ridges Moraine Zones</i></b>	
Oak Ridges Moraine Environmental Zone	ORME
Oak Ridges Moraine Environmental Plan Review Zone	ORMEPR
Oak Ridges Moraine Core Zone	ORMC
Oak Ridges Moraine Linkage Zone	ORML
Oak Ridges Moraine Countryside Zone	ORMCO
Oak Ridges Moraine Mineral Extractive Zone	ORMME

The various zone categories are intended to implement the Township's Official Plan. Zone categories will correspond to the appropriate Official Plan land use designations.

The Oak Ridges Moraine zone categories are based on the previously-approved By-laws No. 31-2006 and 32-2006, including the Minister's approval modifications of February 2007 for those By-laws. For the most part, the Oak Ridges Moraine zone provisions and mapping will be retained as approved by the province in 2007, but with minor revisions to fit the context of the new Comprehensive Zoning By-law. However, the "ORM Rural Settlement Zone" of the Oak Ridges Moraine zoning by-laws will not be required in the new Comprehensive By-law, since we are preparing more detailed zone mapping for the Hamlet areas on the Moraine.

We are currently in the process of reviewing the main zone categories and the many zoning by-law amendments and special zone categories from By-laws 619 and 1001-73 to determine how they will be applied to the new Zoning By-law. Previous zoning amendments on the Oak Ridges Moraine will not be applied, since they were repealed with the ORM zoning by-laws.

A key step will be to meet with staff of the Conservation Authorities to review the proposed Environmental Protection (EP) zone areas, in particular the EP areas along Rice Lake and Lake Ontario. This meeting will be arranged shortly.

The General Zone provisions of the By-law are being prepared, and will be reviewed with Township staff shortly.

Mayor Finley thanked Mr. Josephs and Ms. Watson for the preliminary update regarding this matter.

Memorandum from Peter A. Josephs & Associates, Municipal Planner dated February 22, 2008 RE: McQuillan Development Proposal.

Email/Memo from Peter A. Josephs dated February 27, 2008 RE: McQuillan Subdivision – Archaeological Investigation Blocks “D” and “E”.

Moved by Councillor Jeninga, seconded by Councillor Ritchie;

“Be it resolved that the Memorandum from Peter A. Josephs & Associates, Municipal Planner dated February 22, 2008 and Email/Memo from Peter A. Josephs dated February 27, 2008 RE: McQuillan Subdivision Proposal and Archaeological Investigation Blocks “D” and “E”, be deferred to a Special Meeting that is yet to be determined regarding this Planning Application. CARRIED.”

It was noted to Council that Ms. Judy Snider, Risk Manager of the County of Northumberland has requested a meeting to review the use of the unopened Road Allowances within the Northumberland Forest, on Tuesday, March 4, 2008.

**IX. APPROVAL OF MINUTES – 10:35 p.m.**

Municipal Planning Meeting Minutes of November 28, 2007.

Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

“Be it resolved that the Minutes of the Municipal Planning Meeting of November 28, 2007, be adopted. CARRIED.”

Municipal Planning Meeting Minutes of January 23, 2008.

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

“Be it resolved that the Minutes of the Municipal Planning Meeting of January 23, 2008, be adopted with corrections. CARRIED.”

**X. BUSINESS ARISING FROM PREVIOUS MINUTES 10:38 P.M.:**

There was no business arising from previous minutes.

XI. BY-LAWS – 10:40 P.M.:

**By-Law No. 15-2008 –** Being a by-law to amend Restricted Area By-Law No. 1001-73, Township of Alnwick/Haldimand owned by Carol Gelinas, Concession 5, Part Lot 22 (former Township of Alnwick) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Holmes, seconded by Councillor Broegelmann;

“Be it resolved that **By-Law No. 15-2008**, being a by-law to amend Restricted Area By-Law No. 1001-73, Township of Alnwick/Haldimand owned by Carol Gelinas, Concession 5, Part Lot 22 (former Township of Alnwick) now in the Township of Alnwick/Haldimand, be given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 27<sup>th</sup> day of February. CARRIED.”

**By-Law No. 16-2008 –** Being a by-law to amend Restricted Area By-Law No. 619, Township of Alnwick/Haldimand owned by Erich Falkenburg, Concession 10, Part Lot 25 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Bennis, seconded by Councillor Broegelmann;

“Be it resolved that **By-Law No. 16-2008**, being a by-law to amend Restricted Area By-Law No. 619, Township of Alnwick/Haldimand owned by Erich Falkenburg, Concession 10, Part Lot 25 (former Township of Haldimand) now in the Township of Alnwick/Haldimand, be deferred. CARRIED.”

**By-Law No. 19-2008 –** Being a by-law to amend Restricted Area By-Law No. 619, Township of Alnwick/Haldimand owned by Gary Ford, Concession “A”, Part Lot 23 (former Township of Haldimand) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Jeninga, seconded by Councillor Ritchie;

“Be it resolved that **By-Law No. 19-2008**, being a by-law to amend Restricted Area By-Law No. 619, Township of Alnwick/Haldimand owned by Gary Ford, Concession “A”, Part Lot 23 (former Township of Haldimand) now in the Township of Alnwick/Haldimand, be deferred. CARRIED.”

XII. CORRESPONDENCE – 10:41 P.M.:

Letter from the Lower Trent Conservation Authority dated February 8, 2008 RE: Conditions of Consent – Poole, Part Lot 8, Concession 3 (former Alnwick Township) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Ritchie, seconded by Deputy Mayor McDonald;

“Be it resolved that the Letter from the Lower Trent Conservation Authority dated February 8, 2008 regarding the Conditions of Consent, Poole, Part Lot 8, Concession 3 (former Alnwick Township) now in the Township of Alnwick/Haldimand, be received and filed. CARRIED.”

Letter from the Lower Trent Conservation Authority dated February 8, 2008 RE: Hydrogeological Report Phase 1 & 2 for Proposed McQuillan Subdivision, Part Lots 5, 6, & 7, Concessions "B" and "C" (former Haldimand Township) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Bennis, seconded by Councillor Ritchie;

"Be it resolved that the letter from the Lower Trent Conservation Authority dated February 8, 2008 regarding the Hydrogeological Report Phase 1 & 2 for Proposed McQuillan Subdivision, Part Lots 5, 6, & 7, Concessions "B" and "C" (former Haldimand Township) now in the Township of Alnwick/Haldimand, be deferred to the special meeting to held pertaining to the McQuillan Subdivision, of which a date has not been determined. CARRIED."

Letter from the Lower Trent Conservation Authority dated January 24, 2008 RE: Environmental Impact Study for Proposed McQuillan Subdivision, Part Lots 5, 6, & 7, Concessions "B" and "C" (former Haldimand Township) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Bennis, seconded by Councillor Ritchie;

"Be it resolved that the letter from the Lower Trent Conservation Authority dated January 24, 2008 regarding the Environmental Impact Study for Proposed McQuillan Subdivision, Part Lots 5, 6, & 7, Concessions "B" and "C" (former Haldimand Township) now in the Township of Alnwick/Haldimand, be deferred to the special meeting to held pertaining to the McQuillan Subdivision, of which a date has not been determined. CARRIED."

Letter addressed to Mr. Bernie Fuhrmann, Woellmann Development Services dated February 1, 2008 as authored by Mr. Peter A. Josephs RE: Robins Pit Proposal, Part Lot 14, Concession 4 (former Township of Alnwick) now in the Township of Alnwick/Haldimand.

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Moved by Councillor Holmes, seconded by Councillor Ritchie;

"Be it resolved that the letter addressed to Mr. Bernie Fuhrmann, Woellmann Development Services dated February 1, 2008 as authored by Mr. Peter A. Josephs regarding the Robins Pit Proposal, Part Lot 14, Concession 4 (former Township of Alnwick) now in the Township of Alnwick/Haldimand, be deferred to Municipal Planning Meeting of March 27, 2008 in order to discuss with Mr. Peter Josephs, Municipal Planning. CARRIED."

Resolution for 2008 Canada Day Celebrations Funding Request:

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

"Be it resolved that the Council of the Township of Alnwick/Haldimand authorize the application for funding package submitted by the Alnwick/Haldimand Canada Day Committee to the "Celebration Canada Committee" of the Ontario Department of Canadian Heritage to address the cost of holding the Canada Day Celebrations to be hold on Sunday, June 29<sup>th</sup>, 2008 in the Hamlet of Grafton, Ontario. CARRIED."

Letter from Ste. Anne's Spa dated February 27, 2008 RE: Application for Approval of Municipal and Private Sewage Works – Renewal of Original Certificate of Approval which was granted in 2002.

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Moved by Councillor Ritchie, seconded by Councillor Jeninga;

"Be it resolved that the Clerk/Administrator/Planning Co-ordinator, Terrence Korotki, be approved to sign the Application for Renewal of the Original Certificate of Approval obtained in 2002 by Ste. Anne's Spa for a Private Sewage Works. CARRIED."

Letter from the Ontario Municipal Board dated February 21, 2008 RE: Memorandum of Oral decision delivered by M.A. Sills on January 16, 2008 and Order of the Board – Jaynes By-Law No. 100-2007.

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Moved by Councillor Jeninga, seconded by Councillor Broegelmann;

“Be it resolved that the Letter from the Ontario Municipal Board dated February 21, 2008 regarding the memorandum of Oral decision delivered by M.A. Sills on January 16, 2008 and Order of the Board – Jaynes By-Law No. 100-2007, be received and filed. CARRIED.”

Letter from Totten Sims Hubicki dated February 26, 2008 RE: Canning Factory Road Upgrade – Condition of Consent Applications AH 11, 12 and 13/2007.

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Moved by Councillor Broegelmann, seconded by Councillor Holmes;

“Be it resolved that the letter from Totten Sims Hubicki dated February 26, 2008 regarding the upgrading of Canning Factory Road, be deferred to the Regular Council Session of March 6, 2008 in order to review this matter with the Public Works Superintendent, Mr. Cam Ward. CARRIED.”

**XIII. BUSINESS FROM COUNCILLORS – 10:49 P.M.:**

Councillor Ritchie:

Councillor Ritchie inquired as to the status of the Accessibility Sign(s) Report. The Deputy Clerk, Robin van de Moosdyk advised that this report would be brought forward for discussion of the Regular Council Session Agenda of March 6, 2008.

Councillor Holmes:

Councillor Holmes advised that the issues relating to garbage collection on Shearer Point Road have been clarified in a satisfactory manner for all parties.

Councillor Holmes noted that Ms. Sarah Dick of the Ministry of the Environment contacted him with regards to the Application for a Permit-to-take-Water by Ducks Unlimited and have satisfied his concerns relating to this matter. There is no water drawing to be conducted. It is strictly normal water runoff and snowmelt, which would be held in the low lying areas of the said lands. The large amount of water taking per day as specified on the application had to be noted to take into account the 100 year storm possibility. The latest of the Notice to advise the Township was due to huge workloads at this time.

Mayor Finley:

Mayor Finley suggested that Members of Council attending the ROMA/OGRA Conference could provide a brief overview of the sessions that they attended during the three day conference event. Mayor Finley stated that there may be another funding program which maybe beneficial to the Roseneath Revitalization Committee.

**IX. QUESTIONS FROM THE PRESS/PUBLIC/GALLERY – 10:56 P.M.:**

Mrs. Carruthers inquired as to Council being notified by the Ministry of Environment regarding another Permit-to-take-Water by Ice Otter Springs, formerly CJC Bottling. Mayor Finley responded stating that there has been no notice received by the Township to date regarding this matter to his knowledge, which was confirmed by the Clerk/Administrator/Planning Co-ordinator, Terrence Korotki.

**MOTION TO ADJOURN TO COMMITTEE OF THE WHOLE IN CAMERA**

Moved by Councillor Bennis, seconded by Councillor Broegelmann;

"Be it resolved that the Council of the Township of Alnwick/Haldimand adjourn to a Committee of the Whole In Camera Session in accordance with Section 239(2)(b) of the Municipal Act 2001, as amended at 10:57 p.m. CARRIED."

The purpose of this Committee of the Whole In Camera session is to respond to a request of a ratepayer to obtain a copy of Solicitor/Client privilege correspondence.

**MOTION TO RECONVENE TO THE MUNICIPAL PLANNING SESSION**

Moved by Councillor Jeninga, seconded by Councillor Bennis;

"Be it resolved that the Council of the Township of Alnwick/Haldimand reconvene to the Municipal Planning Meeting at 11:10 p.m. CARRIED."

**Grant or Deny Request for Correspondence:**

It was determined by a review of Council member's opinion to deny the requested information pertaining to Client/Solicitor correspondence with respect to ownership of lands adjacent the Rice Lake Estates Subdivision, and further that the Clerk/Administrator/Planning Co-ordinator was to review this matter with the Municipal Solicitor.

**CONFIRMING BY-LAW – 11:11 P.M.:**

**By-Law No. 22-2008** - Being a by-law to confirm the proceedings of The Municipal Planning Meeting of February 27, 2008.

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Moved by Councillor Ritchie, seconded by Councillor Holmes;

"Be it resolved that **By-Law No. 22-2008**, being a by-law to confirm the proceedings of the Municipal Planning Meeting of February 27, 2008, be given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 27<sup>th</sup> day of February, 2008. CARRIED."

**X. ADJOURNMENT – 11:12 P.M.:**

Moved by Councillor Ritchie, seconded by Councillor Jeninga;

"Be it resolved that the Municipal Planning Meeting of February 27<sup>th</sup>, 2008, be adjourned at 11:12 p.m. CARRIED."

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MAYOR, WILLIAM FINLEY

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CLERK/ADMINISTRATOR/PLANNING CO-ORDINATOR,  
TERRENCE KOROTKI