

**THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND  
MUNICIPAL PLANNING MEETING OF MAY 27<sup>TH</sup>, 2009- 7:00 P.M.**

Council met in the Municipal Planning meeting on Wednesday, May 27<sup>th</sup>, 2009, at 7:00 p.m. in the Council Chambers with Mayor William Finley presiding.

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

**Members Absent with Notification:** None

**Staff:** Terrence Korotki, Clerk/Administrator & Planning Coordinator

**Others:** Tammy Worden Heather Sadler  
Jim Worden Michelene Pendergrast  
Valerie McIntosh Don Pendergrast  
Luis Sinn Mary Lou Taylor  
Noemi Sinn Betty Carruthers  
Brian Box John Ritchie  
Joe Mihelcic

**I. CALL TO ORDER**

Mayor Finley called the meeting to order at 7:04 p.m.

**II. DISCLOSURES OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

Councillor Ritchie declared a pecuniary interest in respect to the Informal Consent Applications **AH-10/2009** and **AH-11/2009**. Councillor Ritchie is property co-owner with her husband John Ritchie.

Mayor Finley declared a pecuniary interest in respect to the Informal Consent Application for Jason Finley and Holly Jackson (**AH-13/2009**). Mayor Finley is the uncle of Jason Finley.

**III. APPROVAL OF AGENDA AS CIRCULATED**

Moved by Councillor Jeninga; seconded by Councillor Holmes,

"Be it resolved that the Agenda as circulated for the Municipal Planning Meeting of the Council of the Township of Alnwick/Haldimand of Wednesday, May 27<sup>th</sup>, 2009, be approved, CARRIED."

**IV. PUBLIC MEETING: 7:07 p.m.**

**MOTION TO COMMENCE A PUBLIC MEETING**

**Rezoning:**

Moved by Councillor Bennis; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, adjourn to a Public Meeting at 7:07 p.m., CARRIED."

7:08 p.m. – By-Law 40-2009 RE: James and Tammy Worden Part of Lot 35, Concession A, (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 April 30<sup>th</sup>, 2009 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 to, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

THE PURPOSE of the proposed amendment is to rezone the subject lands from Rural (RU) to Rural Residential Exception No. 224 (RR-224). The effect of the amendment is to allow as a permitted use the existing accessory building as a retail sales establishment for recreational vehicles (i.e. all-terrain vehicles (atv's); dirt bikes, go-karts and related accessories conducted for financial gain.

The Rural Residential Exception No. 224 (RR-224) Zone is to recognize the existing lot area which is insufficient for a Rural Residential (RR) Zone.

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 were individuals present objecting to this application or requesting clarification concerning this application, namely Betty Carruthers. Ms. Carruthers noted that the By-Law text says Lot 35, whereas the Agenda said Lot 36 and that the agenda should be amended to read "Lot 35." The second correction noted was that the text of the by-law notes the square footage of the accessory building should be illustrated in square footage, not square metres. The Clerk/Administrator advised that these corrections had been brought to his attention earlier this morning, (Wednesday, May 27<sup>th</sup>, 2009) in relation to the by-law.

Mrs. Carruthers advised that this proposed rezoning is opposite to their driveway.

Mrs. Mary Lou Taylor noted that the accessory building is only 40 feet from the side of their existing single-family dwelling house and in her opinion this is a dangerous spot to set up this type of business along County Road # 2. In her opinion, this business should not be permitted at this location.

Mrs. Micheline Pendergrast noted to Council that this is a very peaceful and quiet neighbourhood and she is concerned about the expansion of the business and the testing of these recreational vehicles on the property. She also noted concerns about delivery trucks arriving and vehicles being parked along County Road # 2. Mrs. Pendergrast advised that she and her husband are not happy with this planning proposal for the proposed business.

Mr. Jim Worden, applicant, advised that he has discussed matters relating to the existing entrance with Mr. Peter Nielsen, Construction/Design Manager, of the County of Northumberland and has confirmation to allow this business at its present location. Mr. Worden further advised that the existing building is a metal clad structure and noted that the concern in relation to gas storage stating that the gas is stored outside the accessory building.

Councillor Bennis commented that the present owners are operating a residential

driveway and enquired if a commercial entrance is required.

Mr. Worden advised that he has discussed this matter with Mr. Peter Nielsen who is of the opinion that the present entrance satisfies the needs of vehicular traffic entering onto this property for this proposed business venture.

Councillor Holmes noted his concern in respect to the matters that have been brought to Council's attention regarding the potential line of sight along County Road # 2. Councillor Holmes is of the opinion that delivery trucks and customers need to park off the roadway.

Mr. Worden advised that he would adhere to this request and bring this matter to the attention of his suppliers and customers.

Councillor Jeninga discussed the concerns that have been raised by the local residents.

Deputy Mayor McDonald commented that officially this property is an undersized lot and there is difficulty concerning the planning proposal due to the lack of lot area for the proposed use. Mayor Finley noted the difficulties that would arise in respect to the close proximity of the adjacent neighbour and noted that there should be restrictions as to operating times for the general public to attend the site. As well, the zoning should restrict ownership to only the present owners of this type of planning proposal. Mayor Finley was of the opinion that it should be incorporated into the text of the by-law that should there be a transfer of ownership or sale of the property, that this zoning designation should cease at that time.

Councillor Ritchie advised that, should Council approve this Zoning By-Law, the Council should reserve the right to repeal this Municipal By-Law should the owner contravene conditions stipulated.

Mayor Finley also noted his previously stated concerns in respect to the line of sight issues along County Road # 2 and the risk of speeding that occurs along this public highway. Mayor Finley also noted that the Municipal By-Law would have a bearing on the value of nearby homes and commented that he wished that this type of business venture could be in the rural area with land so that it could operate without such limitations.

Mayor Finley advised that he would request a recorded vote when the Municipal By-Law is tabled.

Mrs. Taylor noted that this planning proposal will impact their house and noted that there is a conservation area behind their house. Mrs. Taylor also stated her concerns in respect to the hours of operation for this proposed business.

Councillor Robins enquired if this by-law could be tabled this evening.

Mr. Worden, (applicant) illustrated pictures to the Councillors in respect to this proposed business venture.

The Planning Coordinator advised that the by-law can be revised to address the concerns raised at this public meeting, i.e. to restrict the hours of operation relating to this proposed business venture and also to illustrate a clause stating that the zoning would cease upon the sale of the land or transfer of the deed for this property.

A lengthy discussion ensued relating to the hours of operation and it was noted that it was the general consensus of those present that the Clerk/Treasurer & Planning Coordinator amend the text of the by-law to illustrate hours of operations being from Monday to Saturday 8 a.m. to 6 p.m. (Sunday Closed). The provision concerning the ceasing of zoning as a permitted use upon sale or transfer of the property is to be added to the text of the by-law.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Are 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 proposes to rezone 0.31 hectares (0.77 acres) from a Rural (RU) zone to a Rural Residential Exception (RR-224) zone to permit development of a retail sales establishment for recreational vehicles. The rezoning is also to recognize the insufficient lot area of the parcel for the RR zone.

The subject lands appear to be designated Environmental Protection in accordance with the Township's Official Plan. The Provincial Policy Statement (PPS) (Section 2.1) requires the protection of natural features and areas unless it can be demonstrated that there will be no long-term negative impacts on the natural features or their ecological functions.

The Environmental Protection designation in the Township's Official Plan is intended for preservation and conservation of the natural environment and does not permit buildings or structures other than those required for conservation purposes. However, Section 5.12.3 of the Township's Official Plan provides for detailed delineation of the Environmental Protection designation in consultation with the Conservation Authority at the time of a development application. Given the scale of mapping of the designation in the Official Plan, it is recommended that the applicant consult with the Conservation Authority to ensure that the proposed uses will be located outside environmentally sensitive lands and that adequate measures are implemented through zoning to protect any environmental features.

Provided it can be demonstrated through consultation with the Conservation Authority that the subject lands are not environmental constraint lands and that no adverse environmental impacts will result from the proposed development impacts, PRMPA recommends that Zoning Bylaw Amendment Application ZBA 40-2009 be approved as it is consistent with the Provincial Policy Statement and meets the intent of the Township's Official Plan with respect to rural commercial development in the Township.

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

**Ganaraska Region Conservation Authority:** Please be advised that the above noted application has been reviewed and given due consideration. With regard to matters under the jurisdiction of the Conservation Authority, there is no objection to the approval of the application.

**Letter dated May 13<sup>th</sup>, 2009 submitted by Mary Lou and George Taylor:**

"I am writing you to express my concerns about the rezoning of the Worden property (9919 County Road 2). The trucks that bring his deliveries do not pull into his driveway without first pulling into the westbound traffic lane before backing up. I have seen them take his products from the larger trucks that do not go onto his property but unload right on the shoulder of the highway. This is very dangerous as you cannot see over the hill until you are right on top of it. He has a lot of washout of gravel onto our property when there is a lot of rain as he has not graded or drained it properly. Noise will also be an issue because he does not just have all-terrain vehicles (atv's) but dune buggies and go-carts. There are not set hours for this operation either. People have been there as late as 9:00 p.m. running these machines. Please see pictures I have sent with this note. We are on vacation until May 24<sup>th</sup>, 2009. Thank You."

**County of Northumberland from Mr. Peter Nielsen:** - "In response to the above-noted circulation, please be advised that we have no concerns with the proposed consent application."

**Additional comments received from County of Northumberland by email transmission on January 30<sup>th</sup>, 2009:** "We have measured the visibility of the entrance to the Worden property and have confirmed that the sight distance meets the County's criteria of a minimum of 150 metres clear sight distance. As such, there are no concerns with the entrance and a hidden entrance sign is not required to be installed based on the County's sight distance criteria.

With respect to the installation of signs on the Worden property, provided all signs are installed fully on private property and not on the County's road allowance, the County will have no concerns or comments on the signage that the Township may consider permitting at this location. The County will not permit signs to be installed on the County's road allowance."

7:42 p.m. – **By-Law 41-2009** RE: John Krajnak - Part of Lots 3 and 4, Concession A, (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 April 29<sup>th</sup>, 2009 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 to, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

THE PURPOSE of the proposed amendment is to rezone the subject lands from Rural (RU) to Rural Residential (RR) to recognize the condition of Consent. The proposed severed parcel will be rezoned to Rural Residential (RR) to allow for the construction of a single-family dwelling house and garage in the future.

The retained parcel of land will be rezoned Rural Residential (RR) to allow for the construction of a single-family dwelling house and garage.

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 objecting to this application or requesting clarification concerning this application.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Are 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 lands from a Rural (RU) zone to a Rural Residential (RR) zone to permit the construction of a single detached dwelling house and garage. This zoning application has been made with the intent to fulfill a condition of

severance approval for the consent file AH-25/2008. The lands to be rezoned encompass 0.46 hectares (1.14 acres).

The lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits limited rural residential development. Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment.

Based on the above, PRMPA recommends that application no. ZBA 41-2009 be approved as it is consistent with the Provincial Policy Statement and meets the intent of the Township's Official Plan with respect to rural residential development in the municipality.

**Lower Trent Conservation Authority:** Lower Trent Conservation has **no concerns** with approval of the above noted application for zoning amendment. There do not appear to be any significant natural heritage or natural hazard features on the subject property.

**County of Northumberland:** No concerns.

7:45 p.m. – **By-Law 42-2009** Corservices Limited (Agent, Rachel Dunbrack) Part of Lots 21 and 22, Concession 2, (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 April 28<sup>th</sup>, 2009 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 to, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

THE PURPOSE of the proposed amendment is to rezone the subject lands from Rural (RU) to Rural Exception No. 457 (RU-457); Rural Exception No. 458 (RU-458) and Rural Exception No. 459 (RU-459). The effect of the amendment is to recognize the reduced lot area on the two (2) severed parcels of land and the retained parcel of land.

The parcel of land being rezoned Rural Exception No. 457 (RU-457) Zone is vacant land but will have a single-family dwelling house and garage erected in the future.

The parcel of land being rezoned Rural Exception No. 458 (RU-458) Zone is also vacant land but will have a single-family dwelling house and garage erected in the future.

The parcel of land being rezoned Rural Exception 459 (RU-459) has a single-family dwelling house, garage and agricultural building (barn) erected thereon. The Rural Exception No. 459 (RU-459) Zone is to recognize the increased front yard setback for the proposed single-family dwelling house and garage.

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 objecting to this application or requesting clarification concerning this application.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Are 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:** Lower Trent Conservation has **no concerns** with approval of the above noted application for zoning amendment. Schedule A to proposed By-law No. 42-2009 indicates no change to the Environmental Control (EC) zoning on the property and therefore Lower Trent is satisfied that the natural heritage features on the property will be sufficiently protected.

**Pine Ridge Municipal Planning Agency:** The application is to change the zoning on the subject lands from a Rural (RU) zone to three Rural Exception (RU-457, RU-458 and RU-459) zones. These zones will recognize the insufficient area on all three parcels and the insufficient front yard setback on the lands to be rezoned RU-459.

Two of the parcels are vacant and will be developed for residential purposes. The third parcel is currently developed with a dwelling, barn and garage. This zoning application has been made with the intent to fulfill a condition of severance approval for the consent files AH-20/2009 and AH-21/2009. The lands to be rezoned encompass 54.72 hectares (130.4 acres).

The lands are designated Rural and Environmental Protection in accordance with the Township's Official Plan. It is noted that the Environmental Control (EC) zoning on part of the subject lands is to be retained. It is recommended that development adjacent to the EC zone be undertaken in consultation with the Conservation Authority regarding setbacks etc. The Rural designation permits limited rural residential development. Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment.

Based on the above, PRMPA recommends that ZBA 42 -2009 be approved as it is consistent with the Provincial Policy Statement and meets the intent of the Township's Official Plan with respect to rural residential development in the municipality.

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

**County of Northumberland:** No concerns.

7:50 p.m. – **By-Law 43-2009** RE: Garry Jewell - Part of Lot 18, Concession 8, (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 April 29<sup>th</sup>, 2009 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 to, "Explain the purpose of the by-law, the reasons for the by-law and how the by-law proposes to accomplish the stated purpose."

THE PURPOSE of the proposed amendment is to rezone the subject lands from Rural Exception No. 92 (RU-92) to Rural Residential (RR) to recognize the

condition of consent. The proposed severed parcel will be rezoned to Rural Residential (RR) to allow for the construction of a single-family dwelling house

and garage in the future. The retained parcel of land is also vacant land and the Rural Exception No. 92 (RU-92) Zoning allows for the construction of a single-family dwelling house and garage in the future.

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 objecting to this application or requesting clarification concerning this application.

Mayor Finley asked the Planning Co-ordinator, Terrence Korotki, "Are 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:** Lower Trent Conservation has **no concerns** with approval of the above noted application for zoning amendment. This zoning application deals strictly with the severed lot under consent application AH-34/2007. This lot is outside of any natural heritage or natural hazard features and the associated 30 metre EIS recommended buffer for same. Therefore, Lower Trent has no issue with this application.

**Pine Ridge Municipal Planning Agency:** The application is to rezone a 0.405-hectare (1.0 acre) lot to a Rural Residential zone to permit the proposed use of the parcel for single detached residential purposes. The application fulfills a condition of Consent Application No. AH-34/2007.

The lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits limited rural residential development. Our review concludes that there are no Provincial Issues with respect to the proposed Zoning By-law amendment.

Based on the above, PRMPA recommends that Application No. ZBA43-2009 be approved as it is consistent with the Provincial Policy Statement and meets the intent of the Township's Official Plan with respect to rural residential development in the municipality.

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

**County of Northumberland:** No concerns.

**Minor Variances:**

7:55 p.m. – **MV-01-2009** RE: Bryan and Marian Box Concession - 4, Part Lot 6, (Lot 12, Plan 80); former Township of Alnwick, RE: Two (2) Variances

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 April 24<sup>th</sup>, 2009 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 to, "Explain the purpose, reasons for the minor variance proposed to accomplish the state of purpose."

Purpose:

NATURE OF RELIEF from Zoning By-Law No. 1001-73 (former Alnwick Township), as amended.

- To constructively enclose an existing deck attached to a seasonal dwelling house that is being constructed within 3.04 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 which is located on Part Lot 6, Concession 4, Part Lot 12 on Plan 80, former Township of Alnwick, now in the Township of Alnwick/Haldimand.
- To enclose the existing deck attached to the seasonal dwelling house in reducing the required setback of 38.0 metres to 11.58 metres from the 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.

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 requesting clarification or in opposition to this application.

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

The Planning Co-ordinator, Terrence Korotki, advised the following comments:

**Pine Ridge Municipal Planning Agency:** The minor variance application proposes to permit an addition to an existing deck attached to an existing seasonal dwelling unit which will reduce the required 6.0 metre (19.68 feet) side yard setback (east side) to 3.04 metres (10 feet), and which will reduce the required setback from the high water mark of Rice Lake from 38.0 metres (124.67) feet to 11.58 metres (37.99 feet). The existing deck on the cottage appears (according to the application) to be located 14.48 metres (47.5 feet) from the high water mark and 3.04 metres (10 feet) from the east property line.

According to the application, the property is zoned Seasonal Residential (SR). This zone permits seasonal residential dwellings and accessory buildings.

Section 2.4 of the Provincial Policy Statement (PPS) requires protection and enhancement of surface water resources. Development in close proximity to a water body has a negative impact on the quality of surface water and as such, setbacks from the high water mark are intended to protect and enhance water quality.

In this case, the required setback of 38 metres is being reduced to 11.58 metres. The existing deck is already located 14.48 metres from the high water mark. This requested variance will have further potential negative impacts on the quality of the surface water of Rice Lake. The requested setback cannot be said to be minor in nature, given the intended purpose of setbacks to protect surface water quality.

With respect to the side yard variance, it appears (according to the sketch accompanying the application) that the existing deck is already located at a distance of approximately 3.04 metres from the east property line. The proposed deck addition would extend the same encroaching building line into the side

yard. As PRMPA is not recommending support for the deck extension, the issue of the side yard variance for the deck extension is moot.

Therefore, PRMPA recommends that minor variance application MV-01/2009 not be supported, as it would conflict with the Provincial Policy Statement with respect to the protection and enhancement of surface water quality.

**Parks Canada:** "We have now had an opportunity to review the above-noted application for minor variance. From the standpoint of the operation of the Trent Severn Waterway there would appear to be no concern with this application. There was no drawing or survey attached to the application. However, should a new survey reveal that made land (fill) has been placed on the bed of the lake fronting this property, the made lake would be considered to be Federal Crown land under the jurisdiction and administration of Parks Canada Agency, Trent Severn Waterway. In addition, the upland property owner would be required to legitimize the use of the area of made land fronting this property through a license or acquisition of the made land.

It appears that this property fronts Parks Canada Agency/Trent Severn Waterway Administration Jurisdiction. Please be aware that should the applicant wish to undertake any shoreline or in-water works they will require the written approval of Parks Canada, prior to commencement of any work. Upon receipt of an application for shoreline for in-water works an in-depth review of the proposal will be carried out to ensure conformity with Parks Canada Policies.

**Alnwick/Haldimand Public Works Department:** No concerns.

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

**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 11.58 m to allow for the enclosing of an existing deck attached to 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. It would appear from review of our mapping and contour information that the flood hazard runs close to the shoreline and that there is approximately a 1 metre height difference between the water's edge and the front of the cottage. The applicant is advised that they must contact Mike Lovejoy at this office before they begin construction to determine the requirements for a Conservation Authority permit. Written permission must be given by Lower Trent Conservation prior to the issuance of a building permit.

#### **FISHERIES REVIEW**

Rice Lake is fish habitat and any alteration may require authorization under the federal Fisheries Act. Should alterations be proposed, the applicant should contact Parks Canada - Trent-Severn Waterway (750-750-4923) who will review the proposal for the potential harmful alteration, disruption or destruction of fish habitat.

#### **RECOMMENDATIONS**

Please be advised that Lower Trent Conservation has **no concerns** with approval of this application for minor variance. However, we request that:

1. The owner(s) be advised of the applicability of the Conservation Authority's Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation and to contact Mike Lovejoy at this office to determine permit requirements; and
2. The owner(s) be advised of the applicability of the Federal Fisheries Act.

Councillor Robins enquired as to safety concerns relating to the Minor Variance application.

Mr. Bryan Box, present as applicant, explained the existing topographical area and the elevation relating to Rice Lake in respect to concerns relating to flooding.

8:05 p.m. – **MV-02-2009** RE: John Bernard Leguard and Debra J. Leguard, Concession 4, Part Lot 5, (former Township of Alnwick), now in the Township of Alnwick/Haldimand Re: (4) Variances

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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 April 24<sup>th</sup>, 2009 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 the existing seasonal dwelling house in reducing the required setback of 38.0 metres to 18.0 metres from the 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 reconstruct the existing seasonal dwelling house within 2.43 metres of the required interior side yard setback (north side) instead of 6.0 metres as stipulated in Plate "C", Column "F", Line 11 of Restricted Area Zoning By-Law 1001-73.
- A variance to reduce the front yard depth from the requirement of 12.19 metres to 3.04 metres as stipulated in Plate "C", Column "F", Line 9 of the Restricted Area Zoning By-Law 1001-73.
- And a variance also to increase the maximum lot coverage from 10 % to 15 % for the reconstructed seasonal dwelling house as stipulated in Plate "C", Column "F", Line 14 in Zoning By-Law 1001-73 which is located on Part Lot 5, Concession 4, in the former Township of Alnwick.

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.

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

The Planning Co-ordinator, Terrence Korotki, advised the following comments:

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

**Pine Ridge Municipal Planning Agency:** The application is for a series of minor variances to permit an extension to an existing seasonal dwelling. The

notice of public hearing accompanying the application provides a summary of the requested variances and this review is based on the dimensions given in that

summary. It is proposed to reduce the required 6.0 metre (19.68 feet) interior side yard (north side) setback to 2.43 metres (7.8 feet), to reduce the required set-back from the high water mark of Rice Lake from 38.0 metres (124.67) feet to 18.0 metres (59.1 feet), to reduce the required 12.19 metre (39.99 feet) front yard setback to 3.04 metres (9.97 feet) and to increase the permitted maximum lot coverage from 10 per cent to 15 per cent.

According to the application, the property is zoned Seasonal Residential (SR). This zone permits seasonal residential dwellings and accessory buildings.

Section 2.4 of the Provincial Policy Statement (PPS) requires protection and enhancement of surface water resources. Development in close proximity to a water body has a negative impact on the quality of surface water and as such, setbacks from the high water mark are intended to protect and enhance water quality.

In this case, the required setback of 38 metres is being reduced to 18.0 metres. This requested variance will have further potential negative impacts on the quality of the surface water of Rice Lake. The requested setback cannot be said to be minor in nature, given the intended purpose of setbacks to protect surface water quality.

With respect to the side yard and front yard variances, it appears that the area is quite densely developed. It is felt that a further reduction in these yards (particularly the side yard) has the potential to negatively impact surrounding land uses. The same can be said of the variance to increase the maximum lot coverage. This intensification will place enhanced pressure on the natural environment of the shoreline of Rice Lake regarding the protection of water quality.

None of the requested variances can be said to be minor in nature. All variances will result in an intensity of use that cumulatively affect surrounding land uses and will not maintain the intent of the Official Plan and Zoning Bylaw regarding "recreational development that is compatible with the natural environment and surrounding land uses" (Section 2.3.4).

Therefore, PRMPA recommends that minor variance application MV-02/2009 not be supported, as it would conflict with the Provincial Policy Statement with respect to the protection and enhancement of surface water quality.

**Parks Canada:** "We have now had an opportunity to review the above-noted application for minor variance. From the standpoint of the operation of the Trent Severn Waterway there would appear to be no concern with this application. It appears that this property fronts Parks Canada Agency/Trent Severn Waterway Administration Jurisdiction. Please be aware that should the applicant wish to undertake any shoreline or in-water works they will require the written approval of Parks Canada, prior to commencement of any work. Upon receipt of an application for shoreline for in-water works an in-depth review of the proposal will be carried out to ensure conformity with Parks Canada Policies.

**Alnwick/Haldimand Public Works Department:** No concerns.

**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 18 m, to increase the maximum lot coverage from 10% to 15% and two other yard variances which are not significant to Lower Trent concerns. 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. It would appear from review of our mapping that the flood hazard runs close to the shoreline on this lot and that the proposed setback would be outside of this hazard and would also give a 6 metre offset from that hazard. The applicant is advised that they must contact Mike Lovejoy at this office before they begin reconstruction to determine the requirements for a Conservation Authority permit.

#### **FISHERIES REVIEW**

Rice Lake is fish habitat and any alteration may require authorization under the federal Fisheries Act. Should alterations be proposed, the applicant should contact Parks Canada - Trent-Severn Waterway (750-750-4923) who will review the proposal for the potential harmful alteration, disruption or destruction of fish habitat.

#### **RECOMMENDATIONS**

Please be advised that Lower Trent Conservation has **no concerns** with approval of this application for minor variance. However, we request that:

- 1) The owner(s) be advised of the applicability of the Conservation Authority's Development, Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation and to contact Mike Lovejoy at this office to determine permit requirements; and
- 2) The owner(s) be advised of the applicability of the Federal Fisheries Act.

There was an enquiry relating to the existing topography of the property and Councillor Holmes confirmed that he had visited the site and that the property is approximately 20 feet higher than the existing level of Rice Lake.

#### **MOTION TO ADJOURN THE PUBLIC MEETING**

Moved by Councillor Jeninga; seconded by Councillor Holmes

"Be it resolved that the Public Meeting be adjourned at \_\_\_\_\_ p.m. and further that the Municipal Planning Session reconvene at 8:14 p.m., \_\_\_\_\_ CARRIED."

#### **V. PLANNING DELEGATIONS: 8:00 P.M.**

8:15 to 8:56 p.m. – Nick McDonald (Planner, Meridian Planning Consultants Inc. (Steve Fournier, Project Coordinator) RE: Presentation of the County of Northumberland Growth Plan Study

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Mr. McDonald presented the "Overview of Presentation":

- Refresher on Growth Plan requirements
- Refresher on the products of the Northumberland Growth Management Strategy
- Dealing with the Schedule 3 Forecast in Northumberland
- Alternative population projections
- Employment projections and land needs
- Density in Greenfield areas
- Recommendations:
  - Population allocation should be based on 85/15 urban/rural split
  - Allocations should be generally based on capacities to support growth
  - Intensification target should be a minimum of 40%
  - Rules/policies are needed to control growth that may exceed forecast

Alternative projections (Ministry of Finance/PTG+) should be strongly considered

Future employment growth should be forecasted to grow by 1 job per 2.4 new persons instead of 1 job per 4 new persons

No additional land required for population or employment (exception is employment for Brighton)

Minimum density on Greenfield land should be 30.

That the following five principles provide the basis for an overall Growth Management Strategy that is designed to support the overall principles of the Growth Plan:

1. the majority of new growth is to be accommodated on lands that can be serviced by municipal water and sewage services;
2. Only population growth that can be serviced by existing wastewater treatment and sewage treatment infrastructure (i.e. where reserve capacity exists) should occur in urban areas;
3. Population growth through intensification shall be a priority within the built boundaries of the six fully serviced communities in the County;
4. There has to be a willingness to review the extent and location of Hamlet and Settlement Area designations in rural areas not serviced by full municipal services; and,
5. There has to be a willingness to further restrict rural lot creation in the form of consents in the local Official Plans on a go-forward basis.

Steve Fournier, Project Coordinator, advised that it is the interest of the Working Committee for the County of Northumberland pertaining to Growth Management Strategy Report that Councillors' comments be received by the end of June, 2009.

Mr. Fournier confirmed that the Working Committee would be meeting on Tuesday, June 8<sup>th</sup>, 2009 to discuss and review the comments that have been presented by the seven (7) municipalities relating to the Growth Management Study Report.

Mayor Finley enquired as to Council's comments relating to this presentation.

Councillor Jeninga enquired as to the population of the Hamlet of Grafton and Mr. Nick McDonald confirmed that the population base is approximately 860 people.

Councillor Jeninga discussed the comments as to reviewing the numbers every five (5) years and commented that there should be growth sustainability for rural areas in the County of Northumberland. Councillor Jeninga noted that municipalities such as the Township of Alnwick/Haldimand are losing growth to urban areas and further advised that Mr. McDonald review the impact on rural municipalities in respect to this Growth Management Strategy Report.

Councillor Bennis commented that, to his understanding, the final report will be sent to the Ministry of Energy and Infrastructure and enquired as to what they intend to do with this report.

Mr. N. McDonald stated that they would review and assess the merits of the Growth Management Strategy Report for the County of Northumberland.

Councillor Bennis commented that it is his opinion that the Province of Ontario controls growth through funding for infrastructure projects and that he is very apprehensive concerning this Growth Management Strategy study.

Mr. N. McDonald stated that funding from the Province of Ontario does not address new growth and that infrastructure funding formulae are only intended to address existing infrastructure.

Councillor Ritchie commented that through the 2001-2006 consensus concerning job expectancy it is to be noted that factories are closing and that people are losing their jobs.

Mr. McDonald noted that employment figures are based on assessing capacity based upon existing employment lands.

Councillor Holmes commented that he does not agree with the 18/15 urban/rural split and he questioned, "How are we going to stop people coming to the Township of Alnwick/Haldimand?" Councillor Holmes noted the restriction in respect to planning development in our municipality due to the policies of the Oak Ridges Moraine Conservation Plan and the existence of the County of Northumberland Forest.

Councillor Holmes advised Mr. McDonald and Mr. Fournier that this municipality is very limited as to what they can do in respect to future planning development.

Mr. McDonald commented that the numbers do not effect existing approvals that have been brought forth to the municipality in respect to planning development.

Councillor Holmes advised that this Strategy Report is totally unfair to our rural municipality. Councillor Ritchie also commented that the Report would have a substantial impact in respect to the rural area in the County of Northumberland.

Mr. McDonald commented that the present provincial plan has seen policies that focus first on urban areas, due to their existing infrastructure; secondly, settlement areas, and thirdly, rural areas.

Deputy Mayor McDonald acknowledged that Mr. N. McDonald is the messenger, but questioned, "How is the Province of Ontario going to monitor this program?"

Mr. McDonald advised that the County of Northumberland has more generous lot creation policies than any other area in the Greater Horseshoe Area. It is his opinion that development would be illustrated in the consent policies of each individual municipality and that this information is reviewed by the Ministry.

Councillor Robins is of the opinion that this Strategy would tax people in the future especially in the rural areas due to the lack of future growth. Councillor Robins was of the opinion that urban people will be utilizing our facilities in the future and that increased property taxation means that people will not be willing to live in rural areas such as the Township of Alnwick/Haldimand. Councillor Robins also commented that 15% allocation was not very much in respect to the County of Northumberland.

Councillor Benns noted that only approximately 8 % of the land base in the municipality is designated rural which allows lot creation, other than the settlement areas (Hamlet) in the Township of Alnwick/Haldimand.

Mayor Finley advised Mr. McDonald and Mr. Fournier that he intends to submit his comments in writing and advised that all other Councillors should do likewise, addressing copies as well to the Honourable Member of Provincial Parliament, Mr. Lou Rinaldi in respect to this proposed Growth Management Study Report for the County of Northumberland.

Mayor Finley enquired as to who selected the ratio 85/15 urban/rural split. Mr. N. McDonald confirmed that he was the sole source as decision maker concerning this ratio allocation in the Strategy Report.

Mayor Finley commented that he challenges Mr. N. McDonald concerning this assertion and stated that Growth Management Strategy Report is discriminatory to rural municipalities such as the Township of Alnwick/Haldimand.

Mayor Finley noted that the existing lots of record have environmental issues and the numbers given are not authentic relating to the Management Strategy Report. Mayor Finley commented that rural Canada is in deep trouble and the Greater Toronto Area (GTA) is controlling the "whole works" and further suggested that Mr. Lou Rinaldi, (M.P.P. – Northumberland) attend a future Council meeting to discuss the implications relating to this Growth Management Study Report as it affects the potential and capacity of our municipality.

8:41 to 9:00 p.m. – Heather Sadler, (EcoVue Consulting Ltd.) RE: Oak Heights Winery – Official Plan Amendment and Zoning Amendment Applications

The Clerk/Administrator & Planning Coordinator submitted to Council members email correspondence from Mr. Lloyd Lemon, Geologist, Jagger Hims Limited in respect to the municipal request for a Peer Review Hydrology Assessment pertaining to the Planning Proposal of Oak Heights Estates Winery in Concession 8, Part Lot 2, (former Township of Haldimand), now in the Township of Alnwick/Haldimand.

Moved by Councillor Jeninga; seconded by Councillor Bennis,

"Be it resolved that the Council of the Township of Alnwick/Haldimand acknowledge receipt of the email correspondence dated May 27<sup>th</sup>, 2009 from Lloyd Lemon, of Jagger Hims Ltd., CARRIED."

Ms. Heather Sadler also advised Council that she had also just received this correspondence from the Township hydrologist, requesting that this matter be discussed at the next Municipal Planning Meeting concerning comments received from their hydrologist, Mr. Thomas Grace. Ms. Sadler is requesting that the Council assess the merits of approving the Official Plan Amendment for this planning proposal at the next Municipal Planning Meeting.

**VI. FORMAL CONSENTS: 9:16 P.M.**

9:01 p.m. – Lorna Fernandez-Carney (Agent: Tim Post) File AH-06/2009 (Consent # 1) – Concession A, Part Lots 3, 4 (former Township of Haldimand) – RE: Non-Farm

Ms. Lorna Fernandez-Carney, through her Agent, Tim Post is requesting a severance for the creation of a lot. The severed lot will be approximately 11.87 acres and the retained parcel will be approximately 23.22 acres from a parcel of approximately 35 acres. The Planning Coordinator Terrence Korotki advised that the said lands are located on County Road # 2 and the proposed parcel is not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural and the Zoning classification is Rural (RU).

All Ministries and Agencies were circulated to and the following comments were received:

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

**Pine Ridge Municipal Planning Agency:** The consent application is to sever a 4.74-hectare (11.87 acre) lot that is currently vacant to be used for single detached residential purposes. The retained parcel encompasses 9.38 hectares (23.22 acres) and is currently developed with a dwelling house.

The subject lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits the creation of lots for non-farm

residential uses, provided that no more than two lots are created from any one holding. The number of lots shall be determined based on the size of the original parcel as it existed on January 1, 1990.

The Provincial Policy Statement permits limited residential development in the rural areas of the municipality. A single lot severance would be considered limited residential development.

Based on the above, PRMPA recommends that Consent Application AH-06/2009 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to lot creation in the rural areas of the municipality.

**Alnwick/Haldimand Public Works Department:** No concerns.

**County of Northumberland:** "In response to the circulation noted above, we have reviewed the application and would request that the following be included as conditions of consent:

That the applicant shall lay out and dedicate by deed to the County of Northumberland a 0.3 metre (1 foot) reserve along the frontage of the severed portions of County Road 2, save and except a gap of 10.0 metres in width to accommodate a new driveway entrance at a location to the satisfaction of the County of Northumberland. The purpose of this condition is to prohibit further entrances being made onto the adjacent County Roadway."

**Lower Trent Conservation Authority:** "We understand the purpose of the application AH-06/2009 is to sever 4.74 ha (11.87 a) leaving a retained of 9.38 ha (23.22 a). Concurrently, application AH-07/2009 seeks to consent to sever 4.04 ha (10.12 a) from the retained parcel.

#### **DESCRIPTION OF THE SUBJECT LANDS**

The property was site inspected on May 19, 2009. The overall topography of the property is sloping. The land slopes severely up from the road. The soils on the property are bondhead loam and the lot is heavily treed.

#### **PROVINCIAL POLICY STATEMENT**

The following sections of the Provincial Policy Statement apply to the subject lands:

##### 3.1 Natural Hazards (hazardous sites)

Provincial policy generally directs development outside of hazardous sites which are described as steep erodable slopes. Lower Trent Conservation is concerned with the slope stability once vegetation is removed. The slope's stability should be evaluated and an assessment should be undertaken prior to consent approval.

#### **RECOMMENDATIONS**

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 which illustrates that the slope is stable and that vegetation removal will not result in uncontrolled erosion of the slope.

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/Committee of Adjustment, defer Consent Application AH-06/2009 until the Agent has consulted with the representative from the Lower Trent Conservation Authority, CARRIED."

9:05 p.m. - Lorna Fernandez-Carney (Agent: Tim Post) File AH-07/2009 (Consent # 2) – Concession A, Part Lots 3, 4 (former Township of Haldimand) – RE: Non-Farm

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Ms. Lorna Fernandez-Carney, through her Agent, Tim Post is requesting a severance for the creation of a lot. The severed lot will be approximately 10.12 acres and the retained parcel will be approximately 22.56 acres from a parcel of approximately 35 acres. The Planning Coordinator Terrence Korotki advised that the said lands are located on County Road # 2 and the proposed parcel is not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural and the Zoning classification is Rural (RU).

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

**Pine Ridge Municipal Planning Agency:** The consent application is to sever a 4.08-hectare (10.12 acre) lot from a parcel encompassing 9.38 hectares (23.2 acres). The retained parcel encompasses 5.3 hectares (13.1 acres) and is vacant.

The subject lands are designated Rural in accordance with the Township's Official Plan. The Rural designation permits the creation of lots for non-farm residential uses, provided that no more than two lots are created from any one holding. The number of lots shall be determined based on the size of the original parcel as it existed on January 1, 1990.

The Provincial Policy Statement permits limited residential development in the rural areas of the municipality. A single lot severance would be considered limited residential development.

Based on the above, PRMPA recommends that Consent Application AH-07/2009 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to lot creation in the rural areas of the municipality.

**Alnwick/Haldimand Public Works Department:** No concerns.

**County of Northumberland:** "In response to the circulation noted above, we have reviewed the application and would request that the following be included as conditions of consent:

That the applicant shall lay out and dedicate by deed to the County of Northumberland a 0.3 metre (1 foot) reserve along the frontage of the severed portions of County Road. The purpose of this condition is to prohibit entrances to the property to be taken from the Township of Alnwick/Haldimand road allowance."

**Lower Trent Conservation Authority:** "We understand the purpose of the application AH-06/2009 is to sever 4.74 ha (11.87 a) leaving a retained of 9.38 ha (23.22 a). Concurrently, application AH-07/2009 seeks to consent to sever 4.04 ha (10.12 a) from the retained parcel.

#### **DESCRIPTION OF THE SUBJECT LANDS**

The property was site inspected on May 19, 2009. The overall topography of the property is sloping. The land slopes severely up from the road. The soils on the property are bondhead loam and the lot is heavily treed.

#### **PROVINCIAL POLICY STATEMENT**

The following sections of the Provincial Policy Statement apply to the subject lands:

##### **3.1 Natural Hazards (hazardous sites)**

Provincial policy generally directs development outside of hazardous sites which are described as steep erodable slopes. Lower Trent Conservation is concerned with the slope stability once vegetation is removed. The slope's stability should be evaluated and an assessment should be undertaken prior to consent approval.

#### **RECOMMENDATIONS**

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 which illustrates that the slope is stable and that vegetation removal will not result in uncontrolled erosion of the slope.

Moved by Councillor Bennis; seconded by Councillor Ritchie,

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, defer Consent Application AH-06/2009 until the Agent has consulted with the representative from the Lower Trent Conservation Authority, CARRIED.”

9:25 p.m. – Donald and Lynda Gardner, (Agent: Frances Aird) – File **AH-08/2009**, Concession 6, Part Lot 16, (former Township of Haldimand) – RE: Retirement Lot

Mr. and Mrs. Gardner are requesting a severance for the creation of a retirement lot. The severed lot will be approximately 1.50 acres and the retained parcel will be approximately 73.50 acres from a parcel of approximately 75 acres. The Planning Coordinator Terrence Korotki advised that the said lands are located on Silver Maple Road and the proposed parcel is located in the Oak Ridges Moraine Conservation Plan Area. The Oak Ridges Moraine Conservation Plan Area designation is Countryside Area and the Zoning classification is Rural (RU).

Frances Aird, Agent on behalf of Mr. and Mrs. Gardner advised that the property owners have lived on this farm for 23 years. Mr. Gardner has been a farmer all of his life. Ms. Aird commented to committee members that this consent application conforms to the Township Alnwick/Haldimand Official Plan and meets the criteria relating to consent policies for a retirement lot in the Oak Ridges Moraine Conservation Plan (ORMCP). The original lot was created through title

search in 1854 and there have been no previous consents on this original parcel of land. It was noted that a lot had been created to the north of this parcel in 1992. Ms. Aird is of the opinion that this proposed consent application meets all the requirements.

The Clerk/Administrator & Planning Coordinator read in its entirety the email correspondence received from Save the Oak Ridges Moraine (STORM) dated April 22, 2009 authored by Ms. Debbie Gordon, Executor Director. Ms. E. Omsted was granted permission from committee members to comment concerning this proposed consent application. Ms. E. Olmsted requested that Council address the written comments received from “STORM” and that the Council of the Township of Alnwick/Haldimand review Section 32 Sub Section 2,3, and 4 of the Oak Ridges Moraine Conservation Plan (ORMCP) relating to this proposed consent application for a retirement lot. Ms. E. Olmsted asked Council to show due diligence in reviewing this consent application.

Mr. Peter Josephs commented that he has reviewed the proposed consent application and has consulted with representative Mike Keene of the Ministry of Municipal Affairs and Housing (MMAH). In their opinion, this retirement lot conforms to the rural lot criteria as stipulated in the Oak Ridges Moraine Conservation Plan (OMRCP). In discussing this matter with the ministry's representative, the applicant and their agent, Mr. Peter Josephs advised that he believes that it complies as a rural lot as stipulated under the Oak Ridges Moraine Conservation Plan (OMRCP).

**Haliburton, Kawartha, Pine Ridge District Health Unit:** No objections. Any area of the sewage disposal system will likely require sand fill due to a high water table.

**Pine Ridge Municipal Planning Agency:** The consent application proposes to sever a 0.6-hectare (1.5 acre) lot which is currently vacant for farm retirement

purposes. The retained parcel is developed with a dwelling and two sheds and encompasses 29.7 hectares (73.5 acres).

The subject lands are located within the Oak Ridges Moraine Conservation Plan (ORMCP) and are designated Countryside-Rural Area. Within the Oak Ridges Moraine Conservation Plan, the creation of lots is restricted to a limited number of circumstances. The ORMCP permits a farm retirement severance from a rural lot, as defined in the ORMC Plan. A rural lot is defined as a lot that is at least 97.5 per cent of the land that is left in an original lot or an original half lot after the deduction of any land that is conveyed at any time for transportation, utilities or infrastructure, on or after November 16, 2001, or lands validly conveyed before June 27, 1970.

Information provided in the application is not sufficient to determine whether the subject lands constitute a 'rural lot' as defined (Section 32 (6)) in the Oak Ridges Moraine Conservation Plan.

If Council determines that the proposed severed parcel represents a 'rural lot', the application can be supported by the PRMPA as it would be consistent with the Provincial Policy Statement, would meet the intent of the Township's Official Plan and would conform to the policies of the Oak Ridges Moraine Conservation Plan with respect to the creation of farm retirement lots. A minimum distance separation calculation should be completed prior to approval of the consent. If Council determines that the proposed severed parcel represents a 'rural lot', the application can be supported by the PRMPA as it would be consistent with the Provincial Policy Statement, would meet the intent of the Township's Official Plan and would conform to the policies of the Oak Ridges Moraine Conservation Plan with respect to the creation of farm retirement lots. A minimum distance separation calculation should be completed prior to approval of the consent.

**Alnwick/Haldimand Public Works Department:** No concerns.

**Lower Trent Conservation Authority:** Lower Trent has no concerns with approval of application AH-09/2009. There do not appear to be any natural heritage or natural heritage features on the subject authority. The subject property is subject to the policies and regulations of the Oak Ridges Moraine Conservation Plan. It would appear that the proposal does comply with the policies of the Conservation Plan (Section 15(1)).

Moved by Councillor Jeninga; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment approve Consent Application # **AH-08/2009**, for Donald and Lynda Gardner, (Agent: Frances Aird) – in Concession 6, Part Lot 16, (former Township of Haldimand), now in the Township of Alnwick/Haldimand,

- Conditional upon payment of Development Charges Fee in the amount of **\$4,664.00;** CARRIED."

9:30 p.m. – David and Nancy Pierobon, (Agent: Nick Stanoulis) File **AH-09/2009** - Concession 4, Part Lot 9, (former Township of Alnwick) RE: Lot Addition

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Mr. and Mrs. Pierobon, through their Agent, Mr. Nick Stanoulis are requesting a severance for a lot addition. The Planning Coordinator Terrence Korotki advised that the said lands are located on Hampton Crescent and the proposed parcel is not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural Residential and the Zoning classification is Rural Residential (RR).

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

Could be made satisfactory by being added the DeSousa property so that the septic system is on the same property as the residence.

**Pine Ridge Municipal Planning Agency:** The consent application proposes to sever a 0.104-hectare (0.256 acres) parcel from an existing 39.1-hectare (96.6 acres) parcel for a lot addition to an existing rural residential parcel of unknown area (Lot 12, Plan 39M-799). The proposed lot addition is vacant. The benefiting parcel is developed with a dwelling and garage. It is not known from the application if the proposed retained lot is developed or vacant.

The lands are designated Rural in the Township's Official Plan. The Rural designation permits the creation of a lot addition for residential purposes. The Provincial Policy Statement permits limited residential development in the municipality.

Based on the above, PRMPA recommends that Consent Application AH-09/2009 be approved as it is consistent with the Provincial Policy Statement and complies with the Township's Official Plan with respect to the creation of lot additions for residential development in the rural areas of the municipality.

**Alnwick/Haldimand Public Works Department:** No concerns.

Moved by Councillor Holmes; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment approve Consent Application # **AH-09/2009**, as submitted by David and Nancy Pierobon, Agent: (Nick Stanoulis) - Concession 4, Part Lot 9, (former Township of Alnwick), now in the Township of Alnwick/Haldimand; CARRIED."

**VII. DELEGATION: 9:31 P.M.**

9:31 p.m. Nick Stanoulis RE: Shearer Point Estates Subdivisions – outstanding matters

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1. Garth Watson (Municipal Engineer) forwarded an e-mail correspondence on May 25<sup>th</sup>, 2009 Re: Engineering Opinion
2. Email correspondence dated May 18<sup>th</sup>, 2009 from Neil Jagger RE: Clearing and Maintenance of Ditches in Shearer Point Estates Subdivision
3. Email dated May 19<sup>th</sup>, 2009 from Eva and John DeSousa RE: Lot Grading and other issues – Shearer Point Estates Subdivision
4. Email dated May 19<sup>th</sup>, 2009 from Nick Stanoulis RE: Request for reply to email requesting confirmation that all final lot grading has been completed to satisfaction.
5. Email dated May 20<sup>th</sup>, 2009 from Gary Stanoulis, Stanoulis and Stanoulis RE: Request for Two-Year Extension to Draft Approval – Phase II – Rice Lake Estates (formerly known as Shearer's Point Estates) – MMAH File # 14T95007

Moved by Councillor Jeninga; seconded by Deputy Mayor McDonald,

“Be it resolved that the Council of the Township of Alnwick/Haldimand, acknowledge receipt of correspondence items relating to Shearer Point Estates Subdivision and that said items be received and filed, CARRIED.”

Moved by Councillor Robins; seconded by Deputy Mayor McDonald,

“Be it resolved that the Council of the Township of Alnwick/Haldimand support a two (2) extension of draft plan approval for phase II for the Rice Lake Estates formerly known as the Shearer Point Estates Residential Sub division in Concession 4, Part of Lots 8 and 9, in the former Township in Alnwick, now in the Township of Alnwick/Haldimand, CARRIED”

Mayor William Finley requested a recorded vote concerning the above motion.

<u>Councillors</u>	<u>Yeas</u>	<u>Nays</u>
Raymond Bennis	X	
Bill Holmes		X
Art Jeninga	X	
Deputy Mayor Dalton McDonald	X	
Cathie Ritchie	X	
Rosemarie Robins	X	
Mayor William Finley		X

The motion was **CARRIED** by a vote of 5 to 2.

**VIII. INFORMAL CONSENTS: 9:53 P.M.**

9:53 p.m. – Mike Peterkin, **AH-14/2009** – Concession A, Part Lot 32, (former Township of Haldimand) now in the Township of Alnwick/Haldimand RE: Non-Farm Consent – Discuss Lot Configuration Options

Mr. Peterkin is requesting a severance for creation of a lot. The approximate size of the lot will be 1.30 acres and the retained parcel will be approximately 8.10 acres from a parcel of land of approximately 9.40 acres.

The Planning Coordinator Terrence Korotki advised that that said lands are not located in the Oak Ridges Moraine Conservation Plan Area. The Official Plan designation is Rural and the Zoning is Rural Exception No. 400 (RU-400) as per Municipal By-Law 37-2005. The land is located on Lakeshore Road.

Moved by Councillor Bennis; seconded by Councillor Jeninga,

“Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee approve to circulate the Consent application **AH-14/2009** for a non-farm consent as submitted by Mr. Michael Peterkin, Concession A, Part Lot 32, (former Township of Haldimand), now in the Township of Alnwick/Haldimand, CARRIED.”

Councillor Ritchie declared a pecuniary interest in respect to the Informal Consent Applications **AH-10/2009 and AH-11/2009** and departed from the Council chambers at 9:57 p.m. (Councillor Ritchie is property co-owner with her husband John Ritchie.)

9:58 p.m. - John and Cathie Ritchie, (Agent: John Ritchie) **Consent # 1 (AH-10/2009** - Concession 1, Part Lot 31, (former Township of Haldimand), now in the Township of Alnwick/Haldimand RE: Non-Farm Consent

Mr. and Mrs. J. Ritchie are requesting a severance for creation of a lot. The approximate size of the lot will be 2.0 acres and the retained parcel will be approximately 15.14 acres from a parcel of land of approximately 17.14 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 Rural and the Zoning is Rural (RU). The lands are located on Danforth Road.

Moved by Councillor Jeninga; seconded by Deputy Mayor McDonald,

"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 application **AH-10/2009, (Consent # 1)** for a non-farm consent as submitted by John and Cathie Ritchie, (Agent: John Ritchie) Concession 1, Part Lot 31, (former Township of Haldimand), now in the Township of Alnwick/Haldimand, CARRIED."

10:00 p.m. John and Cathie Ritchie, (Agent: John Ritchie) **Consent # 2 (AH-11/2009)** - Concession 1, Part Lot 31, (former Township of Haldimand), now in the Township of Alnwick/Haldimand RE: Non-Farm Consent

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Mr. and Mrs. J. Ritchie are requesting a severance for creation of a lot. The approximate size of the lot will be 14.00 acres and the retained parcel will be approximately 3.14 acres from a parcel of land of approximately 17.14 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 Rural and the Zoning is Rural (RU). The lands are located on Danforth Road.

Moved by Deputy Mayor McDonald; 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 to circulate the Consent application **AH-11/2009, (Consent # 2)** for a non-farm consent as submitted by John and Cathie Ritchie, (Agent: John Ritchie) Concession 1, Part Lot 31, (former Township of Haldimand), now in the Township of Alnwick/Haldimand, CARRIED."

Councillor Ritchie returned to the Council chambers at 10:05 p.m.

10:06 p.m. – Joe Mihelcic (**AH-12/2009**) – Concession 1, Part Lot 29, (former Township of Haldimand), now in the Township of Alnwick/Haldimand RE: Non-Farm

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Mr. J. Mihelcic is requesting a severance for creation of a lot. The approximate size of the lot will be 2.01 acres and the retained parcel will be approximately 13.07 acres from a parcel of land of approximately 15.08 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 Rural and the Zoning is Rural Exception No. 72 (RU-72) as per Municipal By-Law 8-89. The lands are located on Gully Road.

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/Committee of Adjustment, approve to circulate the Consent application **AH-12/2009**, for a non-farm consent as submitted by Joe Mihelcic, Concession 1, Part Lot 29, (former Township of Haldimand), now in the Township of Alnwick/Haldimand, CARRIED."

Mayor William Finley declared a pecuniary interest pertaining to Informal Consent Application (**AH-13/2009**) for Jason Finley and Holly Jackson as the Mayor is Jason Finley's uncle. Mayor Finley departed from the Council chamber at 10:11 p.m.

**MOTION FOR DEPUTY MAYOR TO CHAIR MEETING**

Moved by Councillor Bennis; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand appoint Deputy Mayor Dalton McDonald as Chair of this portion of the Municipal Planning Meeting due to the pecuniary interest declared by Mayor Finley, CARRIED."

10:10 p.m. – Jason Finley and Holly Jackson (**AH-13/2009**) – Concession A, Part Lot 13, (former Township of Haldimand), now in the Township of Alnwick/Haldimand RE: Hamlet

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Mr. Jason Finley and Ms. Holly Jackson are requesting a severance for creation of a lot. The approximate size of the lot will be 2.085 acres and the retained parcel will be approximately 29.50 acres from a parcel of land of approximately 32.35 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). The lands are located on Hilltop Road (severed parcel) and Wicklow Road (retained parcel).

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/Committee of Adjustment, approve to circulate the Consent application **AH-13/2009**, for a non-farm consent as submitted by Jason Finley and Holly Jackson, Concession A, Part Lot 13, (former Township of Haldimand), now in the Township of Alnwick/Haldimand, CARRIED."

**MOTION FOR MAYOR FINLEY TO CHAIR MEETING**

Moved by Councillor Ritchie; seconded by Councillor Holmes,

"Be it resolved that Mayor Finley return to the Municipal Planning Meeting as Chair at 10:10p.m., CARRIED."

**IX. APPROVAL OF MINUTES: 10:19 P.M.**

Municipal Planning Meeting Minutes of April 22<sup>nd</sup>, 2009

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Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the Special Minutes of the Municipal Planning Session held on April 22<sup>nd</sup>, 2009, be adopted as printed and circulated, CARRIED."

**X. PLANNING BY-LAWS: 10:25 P.M.**

Moved by Councillor Jeninga; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand approve an amendment to By-Law 40-2009 to correct the wording, "square metres" to be changed to "square feet", CARRIED."

**By-Law No. 40-2009-** Being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for James and Tammy Worden, Lot 35, Concession A, (former Township of Haldimand), now in the Township of Alnwick/Haldimand.

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Moved by Councillor Ritchie; seconded by Councillor Bennis,

"Be it resolved that **By-Law No. 40-2009**, being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for James and Tammy Worden, Lot 35, Concession A, (former Township of Haldimand) 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 May, 2009, CARRIED."

**By-Law No. 41-2009-** Being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for John Krajnak, Part of Lots 3 and 4, Concession A, (former Township of Haldimand), now in the Township of Alnwick/Haldimand)

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Moved by Councillor Holmes; seconded by Councillor Ritchie,

"Be it resolved that **By-Law No. 41-2009**, being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for John Krajnak, Part of Lots 3 and 4, Concession A, (former Township of Haldimand), 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 May, 2009, CARRIED."

**By-Law No. 42-2009-** Being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for Corservices Limited (Agent, Rachel Dunbrack) Part of Lots 21 and 22, Concession 2, (former Township of Haldimand), now in the Township of Alnwick/Haldimand)

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Moved by Councillor Jeninga; seconded by Councillor Robins,

"Be it resolved that **By-Law No. 42-2009**, being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for Corservices Limited (Agent, Rachel Dunbrack) Part of Lots 21 and 22, Concession 2, (former Township of Haldimand), 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 May, 2009, CARRIED."

**By-Law No. 43-2009-** Being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for Garry Jewell - Part of Lot 18, Concession 8, (former Township of Haldimand), now in the Township of Alnwick/Haldimand

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Moved by Councillor Robins; seconded by Councillor Ritchie,

"Be it resolved that **By-Law No. 43-2009**, being a by-law to amend the Restricted Zoning By-Law No. 619 of the Township of Alnwick/Haldimand for Garry Jewell - Part of Lot 18, Concession 8, (former Township of Haldimand), 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 May, 2009, CARRIED."

**By-Law No. 58-2009 -** To Declare that a Portion of a Highway, Street or Walkway is assumed for Public Use (Road Widening Purposes), Portion of Part of Lot 21, Concession A, (former Township of Alnwick), now in the Township of Alnwick/Haldimand

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Moved by Councillor Bennis; seconded by Deputy Mayor McDonald,

"Be it resolved that **By-Law No. 58-2009**, To Declare that a Portion of a Highway, Street or Walkway is assumed for Public Use (Road Widening Purposes), Portion of Part of Lot 21, Concession A, (former Township of Alnwick), now in the Township of Alnwick/Haldimand be given a FIRST, SECOND and THIRD READING and FINALLY PASSED this 5<sup>th</sup> day of February, 2009. CARRIED."

**XI. MINOR VARIANCES: 10:45 P.M.**

**MV-01-2009** RE: Bryan and Marian Box; Concession 4, Part Lot 6, (Lot 12, Plan 80); former Township of Alnwick, RE: Two (2) Variances

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Moved by Councillor Bennis; seconded by Councillor Robins,

"Be it resolved that the Council of the Township of Alnwick/Haldimand, being the Land Division Committee/Committee of Adjustment, approve the Minor Variance for Bryan and Marian Box, **MV-01/2009**, Concession 4, Part Lot 6 (former Alnwick Township) now in the Township of Alnwick/Haldimand, CARRIED."

**MV-02-2009** RE: John Bernard Leguard and Debra J. Leguard, Concession 4, Part Lot 5, (former Township of Alnwick), now in the Township of Alnwick/Haldimand Re: (4) Variances

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Moved by Councillor Jeninga; 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 the Minor Variance for Bryan and Marian Box, **MV-01/2009**, Concession 4, Part Lot 6 (former Alnwick Township) now in the Township of Alnwick/Haldimand, CARRIED."

**XII. PLANNING COORDINATOR – NEW BUSINESS – 10:55 P.M.**

1. Correspondence from Anne Marie Steger dated May 20<sup>th</sup>, 2009 RE: Erich Falkenberg, Concession 10, Part Lot 25, (former Township of Haldimand), now in the Township of Alnwick/Haldimand – Re: Road Allowances

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Moved by Councillor Ritchie, and seconded by Councillor Bennis,

**WHEREAS** By-law No. 551 passed January 31, 1880, by the Township of Haldimand, enacted that the lands described as the public travelled road or highway being near the centre of Lot 25 in the tenth Concession in the Township of Haldimand be closed.

**AND WHEREAS** Erich Falkenberg and Magdalena Falkenberg obtained a conveyance as joint tenants, by Instrument Number 39678, on October 13, 1964, the property described secondly as part of Lot 25, Part of Road Allowance between Lots 24 and 25 and part of Road allowance between Concessions IX and X;

COMMENCING at a stone monument found planted in the southwest corner of said Lot 24, Concession X;

THENCE N 19° 42' 30" W along the west limit of said Lot 24, as defined by an old rail fence, 423.7 feet to a survey post planted

THENCE S 56° 15' 30" W along the southeast limit of said Public Road, a distance of 303.8 feet to an angle in same;

THENCE S 19° 40' 30" E along the East limit of said Public Road a distance of 351.5 feet to a point in the south limit of said Lot 25;

THENCE continuing S 19° 40' 30" E a further distance of 66.0 feet to an intersection with the south limit of the said Road Allowance between Concessions IX and X;

THENCE N 70° 00' E along the said south limit of Road Allowance 294.93 feet to an intersection with a line drawn S 19° 42' 30" E from the point of commencement;

THENCE N 19° 42' 30" W 66.0 feet to the said point of commencement.

The parcels as herein described and being shown outlined in yellow on the attached survey.

**AND WHEREAS** the secondly described parcel includes part of the road allowance that was closed by the said by-law 551 and was never conveyed to any of the holders of title.

**AND WHEREAS** Magdalena Falkenberg died in 1990 and Erich Falkenberg is the sole owner by right of survivorship.

**AND WHEREAS** Erich Falkenberg has enjoyed undisputed occupancy of these lands since the said conveyance.

**NOW THEREFORE**, the Council of the Corporation of the Township of Alnwick/Haldimand resolves as follows:

**BE IT RESOLVED** that the Mayor and Clerk for The Corporation of the Township of Alnwick/Haldimand, previously Township of Haldimand, confirm the closing of the said road allowance and sign a Transfer of Land to Erich Falkenberg of the lands described as follows:

1. Part of the Road Allowance between Lots 24 and 25 in Concession X and part of the Road Allowance between Concessions IX and X;

COMMENCING at a stone monument found planted in the southwest corner of said Lot 24, Concession X;

THENCE N 19° 42' 30" W along the west limit of said Lot 24, as defined by an old rail fence, 423.7 feet to a survey post planted;

THENCE S 56° 15' 30" W along the southeast limit of said Public Road, to the intersection of the south limit of the said public road with the west limit of the road allowance between Lots 24 and 25;

THENCE S 19° 42' 30" E along the west limit of said road allowance to a point which is 228.9 feet east of the intersection of the north limit of the road allowance between Concessions IX and X and the easterly limit of the public road;

THENCE N 70° 00' E a distance of 228.9 feet along the north limit of the road allowance between Concessions IX and X;

THENCE S 19° 40' 30" E a distance of 66 feet to an intersection with the south limit of the said Road allowance between Concessions IX and X;

THENCE N 70° 00' E along the said south limit of Road Allowance 294.93 feet to an intersection with a line drawn S 19° 42' 30" E from the point of commencement;

THENCE N 19° 42' 30" W a distance of 66 feet to the point of commencement,  
CARRIED.

2. Correspondence from Anne Marie Steger dated May 20<sup>th</sup>, 2009 RE: Leo and Betty Curtis, 7637 County Road # 45, Concession 9, Part Lots 22 and 23, (former Township of Haldimand), now in the Township of Alnwick/Haldimand – Re: Road Allowance

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Moved by Councillor Robins, and seconded by Deputy Mayor McDonald,

**WHEREAS** By-law No. 260 passed April 26, 1862, by the Township of Haldimand, enacted that the lands described as the south portion of the side line between Lots 22 and 23 in the 9<sup>th</sup> Concession, Township of Haldimand containing Fourteen chains, more or less, in length be sold and conveyed to Shem Parsons and that the Reeve and Clerk of the Municipality respectively shall sign any and every conveyance and document that may be necessary for the due conveyance of the Road to the said Shem Parsons.

**AND WHEREAS** Leo Gordon Curtis and Betty Marlene Curtis are the successors in title to the said Shem Parsons and are the current owners of the abutting property.

**AND WHEREAS** the said lands have been surveyed and are now described as Part of the Road Allowance between Lot 22 and Lot 23, Concession 9, Haldimand, South of Part 1, Plan 39R-11070 and North of County Road 29, Township of Alnwick/Haldimand, previously Township of Haldimand, designated as Part 2, Plan 39R-12057, PIN No. 51122-0131 (LT).

**AND WHEREAS** By-law 226, passed September 29, 1860, by the Township of Haldimand, enacted that the said original Side Road allowance between Lot Numbers 22 and 23 in the 9<sup>th</sup> Concession of the Township of Haldimand be conveyed to the said Shem Parsons his heirs and assigns forever, and that the Reeve of the Municipality shall sign, and that the seal of the Municipality shall be affixed to and that the Clerk of the Municipality shall sign any such conveyance as may be requisite for conveying the said original Side Road Allowance to the said Shem Parsons his heirs and assigns forever.

**AND WHEREAS** Leo Gordon Curtis and Betty Marlene Curtis are the successors in title to the said Shem Parsons and are the current owners of the abutting property.

**AND WHEREAS** the said lands have been surveyed and are now described as Road Allowance between Lot 22 and Lot 23, Concession 9, Haldimand, lying South East of Part 3, MCG517, now Township of Alnwick/Haldimand, designated as Part 6, Plan 39R-12057, PIN No. 51127-0118 (LT).

**NOW THEREFORE**, the Council of the Corporation of the Township of Alnwick/Haldimand resolves as follows:

**BE IT RESOLVED** that the Mayor and Clerk for The Corporation of the Township of Alnwick/Haldimand, previously Township of Haldimand, confirm the closing of the said road allowance and sign a Transfer of Land to Leo Gordon Curtis and Betty Marlene Curtis of the lands described as follows:

1. Part of the Road Allowance between Lot 22 and Lot 23, Concession 9, Haldimand, South of Part 1, Plan 39R-11070 and North of County Road 29, Township of Alnwick/Haldimand, previously Township of Haldimand, designated as Part 2, Plan 39R-12057, PIN No. 51122-0131 (LT).
2. Road Allowance between Lot 22 and Lot 23, Concession 9, Haldimand, lying South East of Part 3, MCG517, now Township of Alnwick/Haldimand, designated as Part 6, Plan 39R-12057, PIN No. 51127-0118 (LT), CARRIED."
3. Facsimile Transmission dated May 25<sup>th</sup>, 2009 from Wayne Fairbrother, Township Solicitor RE: Amendment to Existing Agreement with Ruthben Holdings and Shelter Valley Aggregates Ltd.

Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the facsimile correspondence dated May 25<sup>th</sup>, 2009 from Wayne Fairbrother, Township Solicitor regarding the Amendment to Existing Agreement with Ruthben Holdings and Shelter Valley Aggregates Ltd. be received and filed, CARRIED."

4. Letter dated May 20<sup>th</sup>, 2009 from Heather Sadler, Senior Planner, Ecovue Consulting Services RE: White Island Plan of Subdivision – New Conditions of Draft Plan

Moved by Councillor Holmes; seconded by Councillor Robins,

"Be it resolved that the letter dated May 20<sup>th</sup>, 2009 from Heather Sadler, Senior Planner, Ecovue Consulting Services in respect to the White Island Plan of Subdivision – New Conditions of Draft Plan be received and filed, CARRIED."

5. Letter from Irene Dunne, owner of property located at Part Lot 14, Concession 4, (former Township of Alnwick), now in the Township of Alnwick/Haldimand RE: Request to be advised of outcome of planning proposals in respect to Robins Pit

Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the letter from the Letter from Irene Dunne, owner of property located at Part Lot 14, Concession 4, (former Township of Alnwick), now in the Township of Alnwick/Haldimand in respect to a request to be advised of outcome of planning proposals in respect to Robins Pit be received and filed, CARRIED."

6. Report dated April, 2009 from Angelos Bacopoulos, Director of Transportation and Waste, County of Northumberland RE: BCF-CC Project No. 27681 Business Case – "Alternative Highway 401 Emergency Detour Route"

Moved by Councillor Bennis; seconded by Councillor Robins,

"Be it resolved that the report from Angelos Bacopoulos, Director of Transportation and Waste, County of Northumberland RE: BCF-CC Project No. 27681 Business Case – "Alternative Highway 401 Emergency Detour Route", be received and filed, CARRIED."

8. Email dated May 25<sup>th</sup>, 2009 from Wayne Fairbrother RE: Legal Opinion Pertaining to Shelter Valley Aggregates (previous Planning Meeting of April 22<sup>nd</sup>, 2009)

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Moved by Deputy Mayor McDonald; seconded by Councillor Jeninga,

“Be it resolved that the Email dated May 25<sup>th</sup>, 2009 from Wayne Fairbrother regarding his legal Opinion Pertaining to Shelter Valley Aggregates (previous Planning Meeting of April 22<sup>nd</sup>, 2009) be received and filed, CARRIED.”

**XIII. CORRESPONDENCE: 11:00 P.M.**

Wayne and Jean Carr – File **AH-04/2009**, Concession 4, Part Lot 4, (former Township of Haldimand), RE: Lot Addition Consent

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**Pine Ridge Municipal Planning Agency:** (Comments received May 4<sup>th</sup>, 2009 after Public Meeting held April 22<sup>nd</sup>, 2009 Meeting)

The application proposes to sever a 29.1-hectare (72-acre) lot addition, which is developed with two accessory buildings. The lot addition will be added to an existing parcel encompassing 1.15 hectares (2.65 acres), which is developed with

a dwelling unit. The retained lot encompasses approximately 4.0 hectares (10 acres) and is developed with a dwelling unit, garage and barn. It is understood that the accessory building described on the application sketch as a cabin will not be used as a permanent dwelling unit.

The lot addition, the benefiting parcel and the retained lands are all located within the Oak Ridges Moraine Conservation Plan (ORMCP). All are designated Natural Core Area. The Oak Ridges Moraine Conservation Plan (Section 32(1)) permits the addition of adjacent land to an existing lot, but only if the adjustment does not result in the creation of a lot that is undersized for the purpose for which it is being or may be used.

No new lots will be created as a result of this application. There are no Minimum Distance Separation formulae issues as the barn and dwelling units are existing buildings.

There is a watercourse on the benefiting lot and on the retained lot. Should any new development be proposed on the benefiting parcel, the applicant should ensure that there will be no adverse effects on the watercourse.

There are no other matters of Provincial concern. Based on the above, PRMPA recommends that Consent Application AH-04/2009 be approved, as it conforms to the Oak Ridges Moraine Conservation Plan with respect to lot additions.”

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, acknowledge receipt of the letter from Pine Ridge Municipal Planning Agency (PRMPA) in respect to Consent Application **AH-04/2009**, Concession 4, Part Lot 4, (former Township of Haldimand), RE: Lot Addition Consent and direct the Planning Coordinator to forward a copy of this correspondence to the applicants, Wayne and Jean Carr, CARRIED.”

Letter from Linda Laliberte, CAO/Secretary-Treasurer, Ganaraska Conservation Authority RE: Cobourg Watershed Plan

Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the letter from Linda Laliberte, CAO/Secretary-Treasurer, Ganaraska Conservation Authority in respect to the Cobourg Watershed Plan be received and filed, CARRIED."

Letter dated May 12<sup>th</sup>, 2009 from T. M. Robinson, T.M. Robinson Associates, Planning Consultants RE: "New Residential Development at Grafton"

Moved by Councillor Jeninga; seconded by Councillor Robins,

"Be it resolved that the letter dated May 12<sup>th</sup>, 2009 from T. M. Robinson Associates, Planning Consultants in respect to the "New Residential Development at Grafton" be received and filed, and that a copy of the letter is to be forwarded by Mr. Peter Josephs, (Municipal Planner) for his information, CARRIED."

Letter received May 11<sup>th</sup>, 2009 from Don and Lori Paterson RE: Wind Turbine at 189 Davidson Road

Moved by Deputy Mayor McDonald; seconded by Councillor Holmes,

"Be it resolved that the Council of the Township of Alnwick/Haldimand instruct the letter to be forwarded to Michael Godin, Municipal Chief Building Official/By-Law Enforcement Officer for his review and for him to provide comments for the Regular Council Meeting of Wednesday, June 17<sup>th</sup>, 2009, CARRIED."

Letter dated May 1<sup>st</sup>, 2009 from Don Dixon RE: Copy of Letter from Mr. L. Rinaldi, (M.P.P. – Northumberland) – Property at Concession 4, Lot 5 (Old Mill Road)

Moved by Councillor Ritchie; seconded by Councillor Holmes,

"Be it resolved that the letter dated May 1<sup>st</sup>, 2009 from Don Dixon, i.e. copy of Letter from Mr. L. Rinaldi, (M.P.P. – Northumberland) – Property at Concession 4, Lot 5 (Old Mill Road) be received and filed and that a letter of acknowledgement be directed to Mr. Dixon, CARRIED."

**XIV. BUSINESS FROM COUNCILLORS: 11:05 P.M.**

Information Package Received from Valerie McIntosh, resident RE: Nawautin Estates Subdivision – Shore Wells

Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the Council of the Township of Alnwick/Haldimand approve the creation of a Committee of Council entitled, "Nawautin Shore Well Committee" for the purpose of administrating and overseeing the repairing and upgrading of the existing shore wells as per Registered Agreement No. 211155. The Committee shall be comprised of the following members: Mr. Patrick McCoy, Mr. Luis Sinn, Ms. Valerie McIntosh and Mr. Bill Rowland. The Councillor representative shall be Raymond Bennis.

Motion lost.

A lengthy Council discussion ensued concerning the ownership and responsibility in respect to the maintenance and repairs relating to the existing shore wells along Lake Ontario.

The Clerk/Administrator Terrence Korotki explained the text in the Registered Water Agreement pertaining to this residential subdivision.

Moved by Councillor Ritchie; seconded by Councillor Bennis,

"Be it resolved that the Council of the Township of Alnwick/Haldimand allow the residents who require the use of the shore wells in Nawautin Estates Subdivision to retain a licensed contractor and sub contractors, (where required) who will be permitted to have access on municipal property or through the Registered Water Easement, to upgrade and repair the existing shore wells along Lake Ontario,  
CARRIED."

**XV. CONFIRMING BY-LAW**

**By-Law No. 56-2009** - Being a by-law to confirm the proceedings of the Municipal Planning Meeting held on Wednesday, May 27<sup>th</sup>, 2009 of the Council of the Township of Alnwick/Haldimand.

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Moved by Councillor Jeninga; seconded by Councillor Bennis,

"Be it resolved that **By-Law No. 56-2009**, being a by-law to confirm the proceedings of the Municipal Planning Meeting held on Wednesday, May 27<sup>th</sup>, 2009 of the Council of the Township of Alnwick/Haldimand, be read a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 27<sup>th</sup> day of May, 2009.  
CARRIED."

**XVI. ADJOURNMENT: 12:01 A.M.**

Moved by Councillor Bennis; seconded by Councillor Holmes,

"Be it resolved that the Municipal Planning Meeting of May 27<sup>th</sup>, 2009, be adjourned at 12:01 a.m.  
CARRIED."

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MAYOR, WILLIAM FINLEY

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TERRENCE KOROTKI, CLERK/ADMINISTRATOR