



MINUTES

**Public Meeting Under the Planning Act
Tuesday, September 18, 2018
Council Chambers 6:00 p.m.**

COUNCIL PRESENT: All members of Council were in attendance this evening.

STAFF PRESENT: Lindsey Lee, CAO/Clerk
Angela Young, Deputy Clerk
Bruce Howarth, Senior Planner

MEDIA PRESENT: Nil.

1. Call to Order and Roll Call

A Public Meeting under the Planning Act was held at 6:00 p.m. to consider a proposed amendment to the Zoning By-Law for the Township of McNab/Braeside in accordance with the provisions of Section 34 of the Planning Act, 1990.

2. Declare Meeting Open

Deputy Mayor Armsden stated that this is a Public Meeting held by Council under Section 34 of The Planning Act, 1990 and is declared open and further advised this Public Meeting is to consider a comprehensive amendment to the Township of McNab/Braeside Zoning By-Law 2010-49 as requested by 2444681 Ontario Inc. - Robert Wachna for Part of Lot 9 Concession 7, Mill Ridge Road - Madawaska Shores Plan of Subdivision.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

Members were asked to state any pecuniary interest and the general nature thereof before the item is discussed. No disclosures of pecuniary interest were declared at this time.

Deputy Mayor Armsden Chaired the Public Meeting this evening.

4. Applicant

2444681 Ontario Inc. (Robert Wachna)

Pt Lot 9, Concession 7
Mill Ridge Road and the Madawaska River

5. Information Circulated

- 5.1 Notice of Application and Public Meeting
Application Sketch
County of Renfrew Planning Report
Draft By-Law

6. Clerks Notice of Circulation in accordance with the Requirements of the Planning Act

The public meeting is a requirement of the Planning Act. In accordance with the Planning Act, notice must be given at least 20 days before the public meeting is held. Deputy Mayor Armsden requested that the Clerk confirm the date the notice was circulated and calculate that we had the required 20 days notice.

The Deputy Clerk advised the Notice was circulated to all property owners within 120m of the subject property on August 24, 2018. The Notice was mailed to the agencies as required under the Planning Act. The Notice was published on the Township website on August 17, 2018 and on the website calendar and at the property site as verified by the Township's Chief Building Official.

Deputy Mayor Armsden stated that the 20 day notice having been given, declared the meeting properly constituted to transact its business.

Any person wishing to receive written notice of the Adoption of the Amendment being considered at this meeting must leave their name and mailing address with the Township Clerk by writing their name and address on the list posted at the back of the Council Chambers.

As required by Section 34 (14.5) of the Planning Act, Council is required to inform the public of who is entitled to appeal to the Local Planning Appeal Tribunal, under Sections 34(11) and (19):

Under Section 34(11) - If Council decides to refuse an application or refuses or neglects to make a decision on an application within 120 days of the Municipal Clerk receiving the application, the applicant or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the Clerk of the municipality.

Section 34 (19) – Not later than 20 days after the giving of notice of passing of the by-law, the applicant, any person or public body who made oral submissions at the public meeting or made a written submission to Council, before the by-law was passed or the Minister of Municipal Affairs and Housing, may appeal to the Local Planning Appeal Tribunal by filing an appeal with the Clerk of the municipality.

7. Clerks Reading of the Notice

Deputy Mayor Armsden requested the Clerk give a description and location of the Proposed Amendment.

The Deputy Clerk advised that the notice informed the public of the meeting date to be held on September 18th, 2018 at 6:00 p.m. for the proposed amendment for land located in Part of Lot 9, Concession 7, and are located at/on Mill Ridge Road and the Madawaska River.

The Deputy Clerk read that the purpose of this amendment is to rezone approximately 19 hectares of land to permit a proposed 30-lot residential plan of subdivision with water frontage on the Madawaska River.

The effect of the amendment is to rezone the proposed lots from Rural (RU) and Rural-Exception Twenty-Six (RU-E26) to Rural Residential (RR) and specific lots to various Rural Residential-Exception (RR-E) Zones and Environmental Protection (EP). The RR-E Zones apply to specific lots to permits standards such as reduced minimum lot frontages, reduced water setbacks from ravine water courses and setbacks from top of bank of the ravines. Two lots are proposed to each permit a model home. The EP Zone will re-align and prohibit buildings and structures and protect steep slopes. Lots 1 and 30 are proposed to be placed in a holding (-h) zone until such time as archaeological concerns are satisfactorily addressed. All other provisions of the Zoning By-law shall apply.

Subdivision Application 47T16002 is also being considered with this application.

The notice was dated August 23, 2018 and signed by Deputy Clerk, Angela Young for CAO/Clerk, Lindsey A. Lee.

Additional information regarding the Zoning By-Law amendment was available for inspection at the Township of McNab/Braeside Municipal Office during regular office hours.

8. Correspondence/Comments Received

- Agencies
- Planning Department
- Others

Deputy Mayor Armsden inquired if there were any written comments received.

The Deputy Clerk read comments received as follows:

Chris Vereyken - Chief Building Official commented that the model homes proposed for Lots 9 & 10 will need to meet the proposed subdivision lot grading and drainage Plan. The proposed lot survey will need to be completed to assure the location of the model homes meet the

minimum setbacks, and that a definition for model home is to be added to the Township Zoning By-Law.

Chris Vereyken - Septic Inspector commented that the proposed model homes proposed for Lots 9 & 10 cannot be hooked into sanitary services (well and septic) as there is an existing dwelling on the property and these model homes would be accessory to the dwelling and shall not be occupied.

Ontario Power Generation commented that they will provide more detailed comments and/or conditions after a more thorough review of the proposal.

Conseil des Ecoles Publiques de l'est de l'Ontario had no comments or concerns.

Enbridge - no objection to the proposed application, however, reserves the right to amend or remove development conditions.

Hydro One Distribution had no comments or concerns.

Ryan Frew, Director of Public Works commented that work has commenced on the roadway which is to service this proposed subdivision. No entrance permit application was received by the PW Department prior to commencement of this work and constructing the access from Mill Ridge Road. This work has also commenced prior to the Township receiving a full design submission for this proposed subdivision. As the design has not been submitted, existing sight lines at the intersection with Mill Ridge Road cannot be verified. Upon receipt and review of the proposed design, alterations to Mill Ridge Road may be required. It is recommended that no public use (i.e. construction of Model homes) be permitted until the final subdivision agreement (application #47T16002) has been approved and executed by the Developer and Township Council. At that time the roadway design and storm water design will be finalized and approved which upon construction will provide for safe access to the general public.

A planning report from the Township Planner was submitted with the Public Meeting Package for Council's information.

The Deputy Clerk advised there was no other correspondence received either to object or to support the proposed application.

Deputy Mayor Armsden inquired if Mr. Bruce Howarth wished to speak to the proposed amendment.

Mr. Howarth advised that the Developer for this Plan of Subdivision has received draft approval, and that the detailed design stage is next, this zoning by-law amendment will address some of the draft conditions.

9. Questions/Comments

- Members of the Public
- Applicant/Agent
- Members of Council

Deputy Mayor Armsden inquired if members of the Public wished to speak to the amendment.

Mr. Justin Villeneuve - 864 Mill Ridge - inquired if this Zoning amendment will affect his land to which the response was no.

Mr. Bill Sellars - 1233 Mill Ridge - inquired about the lands to the North, Mr. Howarth advised that these lands were not part of the subdivision.

Mr. Bill Sellars - inquired as to what was found on the lots that have the archaeological concerns on them. Mr. Howarth advised that the types of objects found cannot be disclosed at this time.

Rae-Anne Porter - 857 Mill Ridge - inquired if securities have been put in place to ensure that the other taxpayers in the Township are not left with a property that is partially developed and has two model homes on it. Mr. Howarth explained that the Township collects securities that are written into the draft approval conditions and outlined in the subdivision agreement. The purpose for the section in the Zoning amendment that deals with the model homes are that they are not to be occupied.

Rae-Anne Porter - Why are we making exceptions, why does the developer not just proceed with clearing his draft conditions and getting to final approval so that he can build houses? Mr. Howarth explained that this is a normal practice for a developer to put a model home up.

Shannon Jefferies - 864 Mill Ridge - Why are we permitting these model homes, if the development goes under and the model homes are then abandoned it may become a safety concern.

Mr. Bill Sellars - Why are we allowing two dwellings, Chair Armsden advised this is not really a dwelling as the model home cannot be occupied.

Cindy Sellars - 1233 Mill Ridge - inquired as to how the developer can build a road in with no permission. Mr. Howarth explained that anyone can build a temporary road on their property, and when the detailed design is completed and approved by the Township Engineer it will be accepted or modified to meet the approved design before acceptance.

Stan Klosowski - 835 Mill Ridge - stated that his property has been rezoned because of the subdivision. Mr. Klosowski also noted that this road access location is not safe for sight lines.

*Moved by Councillor Lang, seconded by Councillor Brum,
THAT Council agrees to extend the Public meeting Under the Planning Act for Wachna -
Madawaska Shores Zoning Amendment past the adjournment time of 30 minutes.*

CARRIED.

Mr. Sellars inquired if the property has changed ownership. The answer to this question was unknown.

Rae-Anne Porter inquired as to why the setbacks are being changed. Mr. Howarth explained the zoning by-law is implementing what the studies have recommended.

Shannon Jefferies advised that she did not understand that the subdivision has not had final approval and inquired as to the timeline on such. Mr. Howarth advised that this subdivision is at the draft approval stage and that the developer has 3 years before draft approval lapses or the developer can request an extension.

Ray-Anne Porter - this application is excluding Lots 1 & 30 and inquired if the surrounding neighbours will be notified when the conditions are met. Mr. Howarth advised that the holding zone is in place until the condition is met, and there is no notice provided once it is met.

Stan Klosowski inquired as to what the property is currently zoned. Mr. Howarth advised that the land is zoned Rural and Rural Exception 26.

Ann Bourski - 1063 Mill Ridge inquired as to what has changed to make the land across from lot 21 no longer EP and who checked on the Leda Clay issues in this area. Mr. Howarth advised that the information regarding the EP zoning was old MNR information and is not applicable now. The Leda Clay concerns were addressed in the geotechnical study that was done.

Shannon Jefferies inquired as to what determines if this amendment goes through. Mr. Howarth advised that it is a decision of Council.

Rae-Anne Porter stated that the developer could just as easily put up a trailer that shows what can be made available, at least then the trailer can be removed off site.

There were no further comments from the public.

Deputy Mayor Armsden inquired if the owner/agent for the property wished to speak to the amendment.

Mr. Robert Wachna thanked Council and stated that he is trying to proceed in a thoughtful way with good engineers. There is no plan to occupy the model homes and they are at the

developers' sole risk. The model homes are a marketing strategy to allow the project to go ahead and be successful.

Deputy Mayor Armsden inquired if Council Members had any questions or concerns at this point.

Councillor Lang inquired when OPG will send in their comments and should we not wait to hear from them as this is one of the more important agency comments for this land.

There were no other comments.

10. Further Information Requests List

Members of the public were requested to leave their name and mailing address on the list at the back of the Council Chambers should they wish to be notified with regards to the application.

11. Adjournment

Deputy Mayor Armsden advised that the Public meeting process is now completed. Council will give careful consideration to the arguments for/and or against the zoning amendment requested for this property.

A By-Law will be brought forward to the October 16th, 2018 meeting of Council for consideration of passing. The Public meeting was declared closed.

Deputy Mayor Armsden thanked everyone for their attendance.

The meeting adjourned at 6:53 p.m.

MAYOR

CAO/CLERK