

**PUBLIC MEETING
MUNICIPALITY OF HURON EAST
Tuesday, July 19th, 2016**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, July 19th, 2016 at 7:02 p.m. All members of Council were in attendance with the exception of Mayor Bernie MacLellan.

Also present for the public meeting were:

- Huron County Planning and Development Department Senior Planner Claire Dodds
- James Kraemer, applicant of the proposed rezoning application on Part Lot 34, Concession 5, Grey Ward

CALL TO ORDER

Deputy Mayor Joseph Steffler called the meeting to order at 7:02 p.m.

Moved by David Blaney and seconded by Alvin McLellan:

Adopt

Agenda

That the Agenda for the Public Meeting for Zoning By-Law Amendment 46 for 2016 dated July 19th, 2016 be adopted as circulated. Carried.

DISCLOSURE OF ELECTED OFFICIALS – PECUNIARY INTEREST

CAO/Clerk Brad Knight advised that the following provisions are contained in Ontario Regulation 545/06, Section 5(11) 5;

- i. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Huron East to the Ontario Municipal Board.
- ii. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Huron East before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal to the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Zoning By-Law Amendment

Part Lot 34, Concession 5, Grey Ward

CAO/Clerk Brad Knight explained the purpose and intent of the proposed by-law amendment. The by-law proposes to change the zoning from ‘Extractive Resource Zone (ER1)’ to ‘General Agriculture (AG1)’, ‘Natural Environment – Full Protection (NE1)’, ‘Natural Environment – Limited Protection (NE2)’ and ‘Natural Environment – Development Permitted – Special Zone (NE3-2)’. It was also noted that an aggregate licence has been surrendered on the property in accordance with the Ministry of Natural Resources and Forestry requirements.

The Clerk advised that the rezoning will permit the construction of a residence on the subject property in the cleared area to the south of the existing pond and to the east of the existing shed on the property. It was noted comments on the proposed zoning amendment were received from the following:

- Huron County Senior Planner Claire Dodds – report dated July 15th, 2016
- Maitland Valley Conservation Authority – correspondence dated July 15th, 2016
- Municipality of North Perth – correspondence dated July 19th, 2016

The Clerk advised that Huron County Senior Planner Claire Dodds was in attendance at the meeting to review her report and answer any questions of Council.

Senior Planner Claire Dodds attended before Council to present the report to Council on the proposed zoning amendment with the following points being highlights.

The circulated (NE3-2 zone (Natural Environment – Development Permitted – Special Zone) permits a dwelling and accessory buildings to be constructed at a minimum setback of 7.5 metres from the top-of-bank of a watercourse (pond). The property is approximately 20 hectares (50 acres) in size and the lands will continue to be used for Agriculture and Natural Environment purposes. Council were advised that now that the aggregate licence has been removed the property owners are interested in constructing a house within a clearing created by the extraction of the esker on the property. It was noted the property is currently zoned Extractive Resource (ER1). This zone states that “following rehabilitation and removal of the aggregate licence, where a building or structure is to be established on the rehabilitated lands, a rezoning to the appropriate zone is required prior to the establishment of a building or structure”.

In order to evaluate the impact of the proposed development on surrounding licensed gravel pits, an Aggregate Impact Assessment completed by RJ Burnside & Associates dated September 3rd, 2015 was submitted to support the rezoning application. Aggregate licences require an extraction setback of 30m between extraction and the boundary of adjacent residential properties. The proposed placement of new house on 45372 Cardiff Road complies with this setback and has no negative impact on the adjacent licensed pits.

The proposed zoning by-law amendment establishes a NE1 zone (Natural Environment – Full Protection) on the majority of the property – coinciding with the boundary of the existing Provincially Significant Wetland on the property. Portions of the property identified only as significant woodlot are proposed to be zoned NE2 (Limited Protection). The area at the front of the property (between the road and the woodlot) is proposed to be zoned AG1.

The zoning by-law amendment has established the boundaries of the NE3-2 zone to coincide with the boundaries of the clearing created by the extraction of the esker. It requires permitted structures to be established in accordance with the regulations of the Maitland Valley Conservation Authority and only permits the clearing of areas in accordance with the County of Huron Forestry Conservation By-Law. A special NE3 zone (NE3-2) has been proposed for this property which also establishes a setback from the top-of-bank from the pond. The proposed zone boundaries were developed with the assistance of Rachel White, the Huron County Stewardship Coordinator. As the area proposed for development has already been significantly disturbed due to the extraction which has taken place on the property and the proposed dwelling is outside the boundaries of the wetland; no Environmental Impact Statement was required to be submitted with this application. Ms. White

was satisfied that restricting development to the area zoned NE3-2 would have no negative impact on the natural heritage features on the property.

It was noted the Maitland Valley Conservation Authority have provided both verbal and written comments on this application. In order to address the concerns of the Conservation Authority, the Huron East Official Plan and the Provincial Policy Statement, it is recommended that the circulated zoning by-law amendment be modified by including a provision in the NE3-2 zone about flood proofing the dwelling to an elevation approved by Conservation Authority. The recommended modified NE3-2 zoning is as follows:

A dwelling constructed on the lands zoned NE3-2 shall be flood proofed to an elevation approved by the Conservation Authority.

Notwithstanding the provisions of Section 3.34 (Setbacks of Building and Structures Along Municipal Drains, Sinkholes and Natural Watercourses) to the contrary, on the lands zoned NE3-2, the minimum setback for a dwelling and accessory buildings from the top-of-bank of a natural watercourse (pond) shall be 7.5 metres.

The existing shed on the property and the lot area are deemed to comply with the provisions of the Huron East Zoning By-law. All other provisions of By-Law 52-2006 shall continue to apply.

Based on the nature of the proposed amendment to the zoning by-law, it is recommended that no further public notice be given and that Council pass a resolution under Section 34 (17) of the Planning Act stating that no further notice is required.

Senior Planner Claire Dodds advised that with the modifications identified above, the zoning by-law amendment conforms to the Huron East Official Plan, the County Official Plan, and is consistent with the Provincial Policy Statement and recommended approval of the zoning by-law amendment with modifications.

Maitland Valley Conservation Authority

The Maitland Valley Conservation Authority had no objection to the proposed by-law amendment, provided a condition be included that the “residence be flood proofed to an elevation approved by the Conservation Authority”. Prior to construction of the residence and septic system, and site grading on the property, MVCA must review and approve the proposed works. Authority approval is to ensure the work will not have an impact on the control of flooding, erosion, pollution or the conservation of land. A MVCA permit will be required for any construction or site alteration proposed within the regulated area.

Municipality of North Perth

The Municipality of North Perth advised they own property adjacent to the west of the subject property. The property owned by the Municipality of North Perth is licensed for aggregate extraction through the Ministry of Natural Resources and Forestry.

The Municipality of North Perth advised they have no objections to the proposed Zoning By-Law Amendment provided the amendment has no current or future impact on the licensed pit

owned by the municipality.

Senior Planner Claire Dodds advised that the proposed use is compatible with current and future extraction in the area.

Moved by Dianne Diehl and seconded by John Lowe:

Close

Meeting

That the Public Meeting for Zoning By-Law Amendment No 46 for 2016
be closed at 7:17 p.m. Carried.

Joseph Steffler, Deputy Mayor

Brad Knight, CAO/Clerk