

April 16, 2008 - Special

The Special meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, April 16, 2008 and called to order by Mayor Ted Linley at 7:00 p.m. The meeting was called to address matters in the March 12 Planning Report and a matter recently received from Smelter Bay Aggregates requesting full load hauls during half-load season.

PRESENT WERE: Mayor Ted Linley; Councillors Gord Campbell, Fred Eldner, Al Pritchard, David Ratz and Archie Roach.

ALSO PRESENT: Clerk/Administrator Deborah Tonelli, Deputy Clerk Beverly Eagleson

Deputy Clerk Eagleson acted as Clerk for the Meeting.

The letter from Smelter Bay Aggregates was addressed.

Council reviewed a report including photographs, provided by the Public Works Superintendent providing background and current information on this request. Council discussed the request, damages to the road that have occurred at the subject pit entrances and repairs required which although have been promised during last year have still not been attended to at the hour of the meeting. Council reviewed the draft resolution and requested that a deadline of July 31, 2008 be implemented to guarantee that repairs are undertaken this year and that the resolution indicate that repairs will only be undertaken by the Municipality as a last resort should the Company not make repairs in a time period satisfactory for the safety and protection of the traveling public. Council concurred that until the actual repairs have taken place and review of the road conditions at the end of the half load period, that the road can withstand the full load hauling during half load season, this agreement shall not be renewed other than for the current year and may have to continue on an annual basis.

08-08-01

D. Ratz

F. Eldner

WHEREAS on April 9, 2008, Council received correspondence dated April 4, 2008, from Smelter Bay Aggregates Inc. requesting that half-load hauling restrictions be waived in favour of Smelter Bay for the portion of Brownlee Road noted in By-law 07-14;

AND WHEREAS the Public Works Superintendent has reported to Council that damage has occurred on Brownlee Road at the pit entrance;

AND WHEREAS the Public Works Superintendent also reported to Council that there has been verbal commitment from the Plant Manager of Smelter Bay Aggregates to repair the noted damage to the road as well as to make improvements at the pit entrances to Brownlee Road to eliminate recurrence of the damage;

AND WHEREAS Council desires to consider the request and to work with Smelter Bay to see its operations start up as soon as possible after the slow winter season;

AND WHEREAS Council must put the interest and safety of the general travelling public as its primary concern;

NOW THEREFORE BE IT RESOLVED THAT in order for Council to consider to permit temporary approval for the full load hauling occurring in 2008, during the half-load restriction period by Smelter Bay Aggregates Inc. and their contractors/sub-contractors, until terms can be established and an agreement can be executed by by-law for 2008, the following conditions must be agreed to and committed in writing by Smelter Bay Aggregates Inc.:

1. That repairs to the existing damage on Brownlee Road be made as soon as possible;
2. That improvements be made to property entrances and the section of road where loaders and trucks cross the road and turn onto the road, to avoid future damages
3. That Smelter Bay Aggregates Inc. shall abide by the same terms and conditions of the agreement executed in 2007 to waiver half-load restrictions
4. And that, as a last resort, where in the interest of public safety and in the opinion of the Public Works Superintendent, should any damages noted with the Company not be repaired in a time

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period acceptable to the Public Works Superintendent, he/she shall have the authority of Council, to undertake the repairs, whether permanent or temporary in nature, with all costs for material, labour and equipment for said repairs and works to be charged to Smelter Bay Aggregates Inc. Entrance improvements must be completed by Smelter Bay Aggregates no later than July 31, 2008 and all ongoing road repairs must be carried out on a continual basis;

AND THAT upon receipt of written acknowledgement and agreement of the above conditions, Smelter Bay Aggregates shall be granted temporary approval to continue full load hauling during half load restriction period on the noted section of Brownlee Road until such time as a formal agreement can be executed as soon as is practically possible and approved by by-law, preferably at the regular meeting of Council to be held April 23, 2008 but no later than May 14, 2008;

AND THAT whereby the repairs and improvements undertaken must be reviewed in order to determine and ensure that in the interest of public safety, the conditions of the road can hold up on an annual basis, being subjected to the heavy operations (continual heavy truck and loader traffic, early spring heavy truck and loader traffic), Council shall not in 2008, consider a long term waiver to approve full load hauling during half-load restriction period on the noted section of road until such review presents satisfactory determination.

AND THAT failing receipt of written agreement from Smelter Bay Aggregates Inc., of the conditions noted above, by Monday, April 21, 2008, Smelter Bay Aggregates Inc. and all their subsidiary operations utilizing the noted portion of Brownlee Road, shall cease all full load hauling during the 2008 half-load restriction period. CARRIED.

PLANNING PROGRAM BUDGET

As the original Planning Program Budget of \$41,700.00 has been exhausted except for approximately \$100.00, Glenn Tunnock of Tunnock Consulting Ltd. provided correspondence outlining the items remaining to complete the planning program to implement a new Official Plan and Zoning By-law for the Municipality. Council discussed the correspondence and hurdles that have been experienced in bringing the Planning Program to its current status. Although it appears that the additional funds shall be required to complete the planning documents, considering the number of years it has taken to reach this stage and the hours of Council and staff labour and time in bringing the draft to a suitable document for content and format and considering the costs of inflation for supplies and labour since undertaking the program, Council felt that it should proceed with completion of the document. Council also compared that the additional cost quoted along with the Planning Program quote was still far below the other quotes received at the time of commencing this planning program.

08-08-02 THAT we approve a budget of \$5,000.00 to provide for the completion of the Planning Program to implement a New Official Plan and Zoning By-law for the Municipality of Huron Shores as outlined in the April 16, 2008 quote received via email from **Tunnock Consulting Ltd.** CARRIED.

Council proceeded to discuss resolutions of recommendations brought forward from the Ad Hoc Planning Committee regarding the Draft Official Plan as a result of Ministry of Municipal Affairs and Housing partial comments on the draft document.

RURAL/SETTLEMENT AREAS

The Ministry had identified that Iron Bridge and Little Rapids should be identified in the Official Plan as settlement areas. Council discussed the rural nature of our entire municipality and the premise for proposing that without piped services, there wasn't significant settlement within our boundaries warranting identification of settlement areas. Council discussed how it could deal with permitting smaller lots for more intensified development in an area such as Iron Bridge, should at some point in the future it be identified that piped services are required. As the Official Plan is to

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be reviewed every 5 years, an amendment could be considered in conjunction with a 5 year review, or it could be escalated by Amendment to the Plan should conditions appear that require the more intensified development to improve or warrant the feasibility of affordable piped services. Council discussed their options of having Glenn Tunnock defend this issue should MMAH persist with their recommendation to identify settlement areas and Council could continue to defend their position and take it to the OMB if approval should not be granted by MMAH.

08-08-03

D. Ratz
A. Pritchard

WHEREAS no piped services are provided by the Municipality of Huron Shores to any area of the Municipality of Huron Shores;
AND WHEREAS it is anticipated that any future development shall be very rural in nature;
NOW THEREFORE BE IT RESOLVED THAT Council remain committed to not recognize Iron Bridge and Little Rapids as “settlement areas” as we consider ourselves to be a “RURAL” community;
AND THAT Planning Consultant Glenn Tunnock be instructed to discuss with MMAH and defend this position. CARRIED.

FARM VACATION

The Ad-hoc Committee identified that although MMAH recommended striking the Farm Vacation it still desires to permit Farm Vacation dwelling units on agriculturally active lands. The Ad Hoc group, in order to give some assurance to MMAH on the purpose of the policy, attempted to identify a separation distance and density that would be more favourable to MMAH. In doing so, it was recommended to allow for one unit for every 50 acres on a given farm, which actually differs from what currently is stated in the Draft Official Plan. Council discussion ensued on the reasons that this would not be favoured by MMAH.

08-08-04

A. Roach
G. Campbell

WHEREAS it becomes increasingly difficult for farmers in Northern Ontario to sustain their farming businesses based solely on agricultural activities;
AND WHEREAS Council desires to attempt to provide land uses compatible with farming operations to help sustain our agricultural industry;
NOW THEREFORE BE IT RESOLVED THAT Council remain committed to allowing for a second dwelling unit on farms to permit Farm Vacation Land Use provided the location does not interfere with normal farming practices;
AND THAT Planning Consultant Glenn Tunnock be instructed to discuss with MMAH and defend this position. CARRIED.

INDUSTRIAL – LANDS ADJACENT TOWN OF THESSALON

Council reviewed the recommendation of the Ad Hoc Committee to persevere in establishing the Industrial area just east of the Town of Thessalon. It was discussed that a significantly large industry would more than likely have on-site servicing for their facility. It was also noted that this particular area being rural in nature could minimize possible land use conflicts with respect to sensitive land uses, and the attractive proximity of this location to the identified settlement of the Town of Thessalon is a good fit for this land use.

08-08-05

F. Eldner
D. Ratz

WHEREAS the Municipality of Huron Shores jointly with the Town of Thessalon have had discussions and expended energy, time and money to provide for an area suitable to meet long term needs for potential industrial development;
AND WHEREAS the Municipality has been committed for some years, and has expended time energy and resources to improve the roads and access to this area in anticipation of attracting new industrial development to this region;
AND WHEREAS the lands are part of and located adjacent to lands on which the Thessalon Sewage Lagoon is located in the Municipality of

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Huron Shores;
AND WHEREAS the subject lands are in very close proximity to the settlement area of the Town of Thessalon with more dense population than any area of the Municipality of Huron Shores;
AND WHEREAS it could very well be that any industrial development attracted to this area would implement on-site services for both water and sewer;
NOW THEREFORE BE IT RESOLVED THAT Council remains committed to providing for this industrial park area east of the Town of Thessalon in our Planning Documents;
AND THAT Planning Consultant Glenn Tunnock be instructed to discuss with MMAH and defend this position. CARRIED.

IN-FILL DEVELOPMENT

Council discussed the Ad Hoc Committee recommendation to change the Draft Official Plan to provide for policy to permit in-fill lot development on private and/or dedicated unassumed roads. The Committee had recommended that this change be implemented, requiring that crossing of private property must be addressed by requiring that legal easements be registered on title to ensure the easement approval for all time from one property to another (not from one owner to another). Council concurred that it desired to entertain this policy change. Deputy Clerk asked for clarification that some form of documentation, signed by the granting landowner agreeing to legalizing an easement (existing or proposed), must be provided prior to a formal application for consent for severance or subdivision being filed, in order that many hours of review, investigation by staff, etc. are not expended where the owner of the land being crossed, may not agree to committing to providing a legal easement. Those present concurred. It was also understood that in addition to the preliminary documentation prior to making application, that the easement requirement would be a condition of draft approval for any planning application filed.

08-08-06
D. Ratz
F. Eldner

WHEREAS the Ad Hoc Planning Committee has recommended that the Draft Planning Documents be amended to permit infill lot development on private roads;
AND WHEREAS Council desires to permit such infill lot development;
NOW THEREFORE BE IT RESOLVED THAT infill lot development on private roads be permitted subject to the applicant agreeing in writing that no change in public services can be expected;
AND THAT the applicant shall be responsible to provide written proof that there is a registered right-of-way or can be a registered right-of-way for access across the private land used as access to the existing and proposed properties;
AND THAT Planning Consultant Glenn Tunnock be instructed to amend the Planning Documents accordingly, discuss with MMAH and defend this position. CARRIED.

There was further discussion on assumption of the road or having it registered to the Municipality. Staff advised that Council would have no obligation to assume the easement and that there would be no need to have the easement registered in the name of the municipality, as it would not be a public road, but would continue as a private road. It would only assure that future landowners would have the right to cross a private property within the registered easement without fear of a future landowner of the property being crossed denying or attempting to deny access to properties registered access by the registered easement.

Clarification was made that where a property fronts a public road and a severance is requested, was a different matter than that discussed above. The Municipality shall continue to make, as a condition of severance, that the public road be surveyed and transferred to the Municipality where the Municipality has not obtained title by registration, but by virtue of having conducted maintenance on the said section of road.

COTTAGE ROAD STANDARD

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The Ad Hoc Committee had requested that Council give consideration to investigate establishing a Cottage Road Standard that would allow for cottage lot development.
Staff requested that Council defer trying to implement such a policy in this document and that it be investigated and discussed in conjunction with a 5-year review.

08-08-07
A. Roach
A. Pritchard

WHEREAS the Ad Hoc Planning Committee has asked that Council consider establishing a Cottage Road Standard with criteria different from the Municipal Road Standard established this year;
AND WHEREAS Council appreciates that investigation into this policy could be very time-consuming and complicated;
AND WHEREAS Council desires to see the 2007 Draft Official Plan adopted as soon as possible;
AND WHEREAS there are a number of items yet to be discussed and worked through with the Ministry regarding the Draft Official Plan;
AND WHEREAS there are recommendations that Council desires to entertain that will have to be incorporated into the Draft Official Plan currently, that could be time-consuming;
NOW THEREFORE BE IT RESOLVED THAT at this time, Council defer entertaining any consideration for a Cottage Road Standard for this 2007 Draft Official Plan, to permit satisfactory time for research and possible drafting;
AND THAT this recommendation be deferred to the Public Works Committee for consideration in the future;
AND THAT based on the findings and research, should Council desire to consider or implement such a standard, it could be incorporated into a future review (five or ten year review) of Huron Shores Planning Documents.

CARRIED.

TRAVEL TRAILERS

The Ad Hoc Planning Committee had requested that Council consider amending the draft official plan to permit travel trailers with conditions attached for licensing on a monthly fee basis for a minimum number of months. The Committee was attempting to allow for the land use while generating revenues to offset public service costs associated with the vacant land being used i.e. waste disposal, recycling, etc.
Council reviewed the current policies drafted in the Official Plan and discussed the permission for a travel trailer in conjunction with building construction on the subject lands.

08-08-Defeated
F. Eldner
A. Pritchard

WHEREAS the Ad Hoc Planning Document Committee has recommended that travel trailers be permitted on vacant land subject to a licensing fee;
AND WHEREAS Council desires to permit short term use of travel trailers/recreation vehicles on vacant land;
NOW THEREFORE BE IT RESOLVED THAT we permit one travel trailer on a vacant parcel of land by establishing a permit system at a fee per month (\$100.00/month) with a minimum fee per year (\$600.00) based on a six month period with an additional allotment permitted for 2 months maximum, being added on at the per month rate (\$100.00) for each month of extension.

Recorded Vote:
E.W. Linley Yea
G. Campbell Nay
F. Eldner Yea
J. Fullerton Abs
A. Pritchard Yea
D. Ratz Nay

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L. (Gil) Reeves	Abs
A. D. Roach	Nay
K. Weber	Abs

08-08-Defeated

A. Pritchard

F. Eldner

WHEREAS a Travel Trailer Motion considered above was defeated to a tie vote;

AND WHEREAS it was suggested that the item be reviewed at the regular meeting of Council where there may be a full complement of Council to consider the resolution;

AND WHEREAS a full complement of Council may not result in a tie vote;

BE IT RESOLVED THAT we recommend that the defeated travel trailer motion be reconsidered at the regular meeting of Council to be held April 23, 2008.

Recorded Vote:

E.W. Linley	Yea
G. Campbell	Nay
F. Eldner	Yea
J. Fullerton	Abs
A. Pritchard	Yea
D. Ratz	Nay
L. (Gil) Reeves	Abs
A. D. Roach	Nay
K. Weber	Abs

08-08-08

D. Ratz

F. Eldner

THAT we do adjourn at 9:10 p.m.

CARRIED.

MAYOR

CLERK