



**THE CORPORATION OF THE TOWNSHIP OF HORTON
COUNCIL MEETING – APRIL 16th, 2024 – 4:00 P.M.
HORTON MUNICIPAL CHAMBERS
2253 JOHNSTON RD.**

1. CALL TO ORDER

2. LAND ACKNOWLEDGEMENT

“As we gather today, I would like to acknowledge, on behalf of Council and our community that we are meeting on the traditional territory of the Algonquin People. We would like to thank the Algonquin People and express our respect and support for their rich history, and we are extremely grateful for their many and continued displays of friendship. We also thank all the generations of people who have taken care of this land for thousands of years.”

3. DECLARATION OF PECUNIARY INTEREST

4. CONFIRMATION OF COUNCIL AGENDA

5. DELEGATIONS &/OR PUBLIC MEETINGS

5.1 4:00 p.m. Delegation – Jacob Hanlon – Food Cycler

PG.3

6. MINUTES FROM PREVIOUS MEETINGS

6.1 March 26th, 2024 – Public Meeting – Tomlinson

PG.4

6.2 April 2nd, 2024 – Regular Council

PG.14

7. BUSINESS ARISING FROM MINUTES

8. COMMITTEE REPORTS:

8.1 TRANSPORTATION & ENVIRONMENTAL SERVICES COMMITTEE
▪ **CHAIR HUMPHRIES**

8.1.1 Chair's Report – April 3rd, 2024

PG.17

9. CORRESPONDENCE SUMMARY

9.1 INFORMATION CORRESPONDENCE – NONE

9.2 ACTION CORRESPONDENCE – NONE

10. BY-LAWS

10.1 2024-05 Backyard Chickens By-law

PG.20

11. NOTICE TO FILE MOTION FOR NEXT COUNCIL MEETING

12. COUNCIL/STAFF MEMBERS CONCERNS

13. RESOLUTIONS

14. IN CAMERA (Closed) SESSION (as required) - NONE

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15. CONFIRMING BY-LAW 2024-16

PG.24

16. ADJOURNMENT



Appendix "B" - Procedural By-law 2019-41

DELEGATION REQUEST TO ATTEND REGULAR COUNCIL

Meeting Date: _____

Name: _____

Address: _____

Telephone #: _____

E-Mail Address: _____

Number of Persons Attending: _____

Spokesperson: _____

REASON FOR DELEGATION REQUEST

Signature

RETURN TO AGENDA

THE CORPORATION OF THE TOWNSHIP OF HORTON

Second Public Meeting**Official Plan Amendment 40 (OPA 40)
Zoning By-Law Amendment****MHBC Planning (Agent)
R.W. Tomlinson Ltd.****March 26th, 2024
Horton Community Centre, 1005 Castleford Rd.
6:00 p.m.**

There was a Second Public Meeting held on March 26th, 2024, at the Horton Community Centre to discuss R.W. Tomlinson's Zoning By-law Amendment and Official Plan Amendment Applications. Present was Mayor David Bennett, Deputy Mayor Daina Proctor, Councillor Glen Campbell, Councillor Doug Humphries, and Councillor Tom Webster. Horton Township Staff present was Hope Dillabough, CAO/Clerk, and Nichole Dubeau, Executive Assistant-Recording Secretary. Renfrew County Staff present was Bruce Howarth, Manager of Planning Services, and Lindsey Bennett, Planner. Also present was Neal Deruyter, MHBC Planning, Craig Bellinger, Tomlinson Group, and Sue Cumming, Public Engagement Specialist and Facilitator.

1. CALL TO ORDER

Mayor David Bennett called the Public Meeting to Order at 6:02 p.m.

2. LAND ACKNOWLEDGEMENT

Mayor Bennett read the Land Acknowledgement in its entirety.

3. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

Mayor Bennett introduced Sue Cumming – Public Engagement Specialist and Facilitator. Ms. Cumming reviewed the guidelines and agenda for the meeting and introduced Lindsey Bennett and Neal Deruyter.

4. PURPOSE OF AMENDMENTS & UPDATED PLANNING REPORT – LINDSEY BENNETT, COUNTY OF RENFREW PLANNER

Lindsey Bennett, County of Renfrew Planner reviewed the purpose of the Official Plan Amendment and Zoning By-law Amendment. The Official Plan amendment application proposes to amend Schedule A to the Official Plan to redesignate 28.1 hectares of a 69.5-hectare property from Rural to Mineral Aggregate to permit a Class A pit below the water table. Approximately 41.4 hectares of the property is already designated Mineral Aggregate.

The Zoning By-law amendment application proposes to amend Schedule A to the Zoning By-law to rezone the subject lands from Extractive Industrial Reserve (EMR), Rural (RU) and Rural – Exception Nine (RU-E9) to Extractive Industrial – Exception Two (EM-E2). An exception zone is required to reduce the interior side yard width, exterior side yard width, and rear yard depth setbacks.

The submission includes:

- Planning Report & Aggregate Resources Act, MHBC Planning, November 2022
- Water Report (Level 1 and 2), WSP/Golder Associates Ltd., November 2022
- Maximum Predicted Water Table Report, WSP/Golder Associates Ltd., November 10, 2022
- Natural Environment Report & Environmental Impact Statement, McKinley Environmental Solutions, November 2022
- Acoustic Assessment Report, Freefield Ltd., November 2022

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- Stage 1 Archaeological Assessment, Paterson Group, March 2021
- Stage 2 Archaeological Assessment, Matrix Heritage, June 2021
- Traffic Impact Assessment, Castleglenn Consultants, November 2022
- ARA Site Plan, MHBC Planning, November 2022

The following studies were peer reviewed by Cambium on behalf of the County and Township:

- Noise Impact Assessment, prepared by Freefield Ltd., dated November 2022
- Water Report (Hydrogeological Level 1 and 2 Report), WSP/Golder Associates Ltd., November 2022
- Maximum Predicted Water Table Report, WSP/Golder Associates Ltd., November 10 2022

The Natural Environment Report and Environmental Impact Study, prepared by McKinley Environmental, dated November 2022, was peer reviewed by Azimuth Environmental.

The County of Renfrew recommended that the Official Plan Amendment and Zoning By-law Amendment be approved.

Ms. Bennett stated that that there are a few next step options for the Township which included:

For the Official Plan Amendment:

- a) Council of the Township of Horton pass a resolution not supporting the Official Plan amendment; or
- b) Council of the Township of Horton provide a resolution of support in regards to the Official Plan amendment for the County of Renfrew's consideration.

The position of the Township of Horton will be forwarded to the County of Renfrew for consideration when making a decision to approve or not approve the proposed amendment.

For the Zoning By-law Amendment:

- a) Council may refuse the zoning by-law amendment, or
- b) Council may approve the zoning by-law amendment after the adoption of the Official Plan amendment by the County of Renfrew.

The Township of Horton may provide any comments to the Ministry of Natural Resources and Forestry (MNR) for consideration in the Aggregate Resources Act (ARA) process. The Township can recommend the following conditions to be included on the site plan:

1. An Acoustic Audit to be completed within 6 months of permanent processing operations being active. The audit should be conducted by a qualified acoustical engineer and provided to the Township/County and MECP. If an ECA is issued the noise mitigation and audits will follow the requirements of the ECA.
2. Sound emissions from all processing equipment to be used on-site will be measured to verify that they comply with the levels outlined in the Noise Study. Alternatively, for any mobile equipment they will have, and comply with, appropriate Environmental Compliance Approvals for Mobile Equipment.

5. PRESENTATION – MHBC PLANNING & TOMLINSON LTD.

Neal Deruyter – MHBC Planning presented for Council and the Public. Mr. Deruyter summarized the purpose of both the Official Plan Amendment and Zoning By-law Amendment, and that Tomlinson has applied for applications under the Planning Act and the Aggregate Resources Act to permit a new sand and gravel pit. He stated that the applications were submitted November of 2022, that Tomlinson hosted an Information Session April 4th, 2023 and went door-to-door to residents handing out information sheets. The first Public Meeting was held June 15th, 2023 at the Horton Community Centre. The application was thoroughly

reviewed by various Provincial Ministries as well as expert peer reviewers on behalf of Township and County. The following agencies and peer reviewers signed off on the Storyland Pit application:

- Ministry of Environment, Conservation and Parks for Groundwater, Surface Water and Species at Risk
- Ministry of Citizenship and Multiculturalism for the Archaeology
- Cambium for Water Resources
- Azimuth for the Ecology
- County of Renfrew Public Works for Traffic on Storyland Road

Mr. Deruyter stated that substantial changes have been made to the site plan including the Operations Plan, Operating Conditions and Rehabilitation Plan directly in response to concerns from the community. The changes to the application are to ensure full protection of the on-site wetland and has been removed from the proposed licensed boundary of the pit. Turtle exclusion fencing is now required around wetland feature and silt fencing will be installed between the edge of the wetland and berm prior to construction of the berm, as well as increased berm heights around the pit, there will be additional noise restrictions including restrictions on operating equipment. Prior to pit operations, coniferous tree screens will be planted between property line and berms adjacent to houses and the pit will be subject to a maximum disturbed area to ensure progressive rehabilitation is occurring in timely manner.

6. PUBLIC PARTICIPATION – QUESTIONS AND COMMENTS

Members of the public were asked to state their name and address before asking their questions and stating their concerns.

Marcel Oostendarp – 18 Ruttan Road. Stated that the residents are only seeing the changes that Tomlinson has made to the application now and they need time to review and process the information. He questioned when the next public meeting would be held to address the changes.

Karen Oostendarp – 18 Ruttan Road. Questioned the rehabilitation of the pit. She stated at the June meeting she questioned the same thing and would like to know how many pits have been rehabilitated and how they can be assured that this site will be rehabilitated.

Craig Bellinger – Tomlinson Group. Stated that only one site has surrendered its license in his history with the company. He added that the company does “progressive rehabilitation” that rehabilitates as they move through each phase of extraction.

Karen Oostendarp – 18 Ruttan Road. Questioned who is responsible for overseeing the rehabilitation.

Craig Bellinger – Tomlinson Group. Stated that the Ministry of Natural Resources and Forestry has inspectors that come for site visits. Additionally, they must submit annual compliance reporting to the Ministry of Natural Resources and Forestry that states how much aggregate has been extracted and how much land has been rehabilitated.

Marc Comtois – 2304 Eady Road. Stated that it is unfair for residents to receive the information now and that they have no time to review it. He questioned what the follow-up will be to ensure the noise, traffic, and water will be monitored.

Neal Deruyter – MHBC Planning. Stated that there have been several audits completed. There is a requirement for an acoustic audit within 6 months of being operational and if Tomlinson does not comply, changes must be made. The requirement for water monitoring, including wetlands is an annual report that gets submitted to MNRF and to the Municipality. He added that all of the changes on the site plans have been circulated and put on the online for everyone’s review.

Marc Comtois – 2304 Eady Road. Questioned how long the quality control will last.

Neal Deruyter – MHBC Planning. Stated that as long as the pit is active and licensed, there is continuous monitoring.

Jennifer Comtois – 2304 Eady Road. Questioned what the requirements are for the trees that will be planted and how far in advance they will be planted.

Neal Deruyter – MHBC Planning. Stated that before operating on site, the trees must be planted. He added that the noise mitigation is through the berms and the trees are a visual barrier.

Jennifer Comtois – 2304 Eady Road. Questioned when the final decision was being made and what the timeline was.

Lindsey Bennett – County of Renfrew. Stated that they are waiting for a resolution from the Township for the Zoning By-law Amendment that stated approval or refusal, and then the Official Plan Amendment would be brought forward to County Council for a resolution.

Mayor Bennett stated that as Council, they want to make sure that the public has all the information in front of them and all of their questions and concerns addressed. Council wants to make sure that that the decision they make is livable for residents.

Sue Cumming – Public Engagement Specialist and Facilitator, reviewed the potential timeline and questioned, for information purposes only, if the pit was approved in the next 5-6 months, what would the timeline be to start work at the location.

Craig Bellinger – Tomlinson Group. Stated that if approved tomorrow, the site would not open if there is no demand for the material extracted in the area. Once the 417 expansion comes to Renfrew, Tomlinson would be bidding on the project and that would initiate the start.

Marcel Oostendarp – 18 Ruttan Road. Stated that there was a Tomlinson pit located on Lochwinnoch Road and questioned why it couldn't be used for the work on the 417.

Craig Bellinger – Tomlinson Group. Stated that the size of that particular pit is too small regarding capacity for extraction and the material is not compatible. The Lochwinnoch pit is only licensed for 20,000 tonnes and is predominantly clay and the Storyland pit would be licensed for 1,000,000 tonnes on the high end.

Marcel Oostendarp – 18 Ruttan Road. Questioned if the Township denies the Zoning Amendment, what would happen to the pit application.

Neal Deruyter – MHBC Planning. Stated that Tomlinson could then appeal the decision, which it would then go to the Ontario Land Tribunal for a decision, but Tomlinson has been willing to work with the Township.

Kayla Rekowski – 1514 Garden of Eden Road. Stated that with the different pits along highway 17, has there been collaboration to supply what is needed from the existing pits.

Craig Bellinger – Tomlinson Group. Stated that companies do buy materials off of each other, but it is not just one site that is used depending on the material. He added that during the bidding project, it is better to have material coming from along the project route rather than from a distance.

Kayla Rekowski – 1514 Garden of Eden Road. Stated that there is availability to source what is required now from the current pits along the highway 17 corridor and is concerned regarding the magnitude and scale of the proposed pit. She added that she is happy to hear that it would be native trees planted around the berms but is concerned of the endangered butternut trees that would be cut down

and not be replaced and is unsure why the decision wasn't made to avoid the butternut area.

Neal Deruyter – MHBC Planning. Stated that they are keeping the existing tree lines as much as possible, but the butternuts are scattered throughout the areas. Some trees are not retainable due to cankers. In agreement with MNRF only a certain number of trees are required to be replanted that meet the specific criteria.

Craig Bellinger – Tomlinson Group. Stated that Tomlinson looked at pits in the area to see what could be purchased, but there is no guarantee of what is left to be extracted from them and it is more valuable purchasing land and starting fresh to guarantee capacity.

Kayla Rekowski – 1514 Garden of Eden Road. Questioned why only one pit has been rehabilitated in the 50+ operations.

Craig Bellinger – Tomlinson Group. Stated sites are still being used and progressive rehabilitation happens as they move through each phase of extraction.

Kayla Rekowski – 1514 Garden of Eden Road. Questioned what the repercussion is to Tomlinson is if the rehabilitation plan is not followed.

Neal Deruyter – MHBC Planning. Stated that it is not a fine, but a Ministry issued Order. MNRF would go off the site plan and enforce if it is not followed. Under the ARA, if rules are not followed there is a risk of a license fine or suspension, or could be as bad as revoking the license entirely.

Tim Chapeski – 549 Storyland Road. Stated he is opposed to the pit. He questioned Mayor Bennett how Council moves forward.

Mayor Bennett stated that a motion of council is needed, and it would be a majority vote. He added that Council wants to work with residents on their valid concerns.

Tim Chapeski – 549 Storyland Road. Stated that he needs answers and that residents have had no time to review the information. He added that at the last meeting wells had not been tested and wants to know about the water quality impact.

Craig Bellinger – Tomlinson Group. Stated that the material is not changed, it is extracted, screened, and put back in the ground, with nothing being added to it. He added that the finer material goes back into the pond and larger material is taken out and that there is no change to the water quality.

Tim Chapeski – 549 Storyland Road. Stated that he has worked in a quarry for 30 years and metals are added to the water and pumped out.

Craig Bellinger – Tomlinson Group. Stated that quarries operate differently than pits. He added that at this pit, all the water stays on site and there is no pumping to get the water out. Slowly the pond gets bigger as we go because the material will be taken out.

Tim Chapeski – 549 Storyland Road. Questioned leaching water through the sand and how Tomlinson was going to stop it. He added that these are the same questions that weren't answered before.

Craig Bellinger – Tomlinson Group. Stated that this site is drawing water into it and suggested the Water Table 1 report and 2 report be read. It has been available for review since the fall of 2023.

Rose Lesk – 554 Storyland Road. Stated that she hasn't received an answer on wells and what will happen if it goes dry and who is responsible for fixing it.

Craig Bellinger – Tomlinson Group. Stated that after the last meeting, they had WSP Canada Inc. go to 28 houses to check water quality and well depth. Out of

those 28 houses, only 14 people allowed them to do the testing analysis and reports were sent to the property owners. Once the pit is operational, if there is an issue, someone from Tomlinson and a qualified engineer will evaluate the property by water sampling, water availability, and ground level water measurements. A report would then be prepared and sent to the Ministry of Environment (MOE) for review. If it was deemed Tomlinson's responsibility, they would replace well. There is a legal requirement under the Environmental Protection Act that if someone impacts your well, they're responsible to repair and potentially replace, if required.

Rose Lesk – 554 Storyland Road. Stated that the diesel fuel from the trucks will go into the ground and into the well water.

Craig Bellinger – Tomlinson Group. Stated that Tomlinson has a Spill Contingency Plan and fuel stages. All sites have storage for fuel and the plans are monitored and if there are any spills, they must be reported to MOE.

Rose Lesk – 554 Storyland Road. Questioned the height of the berms because she'll have to climb them to get a picture of the sunset. She added that she was not aware of the water testing happening and did not give anyone permission to come onto her property.

Neal Deruyter – MHBC Planning. Stated that he and Craig will contact WSP to get a list of whose water was tested, with any corresponding notes and information to review.

Martin Lesk – 554 Storyland Road. Questioned the berm height and who is going to compensate them for the loss of the value of their house.

Neal Deruyter – MHBC Planning. Stated that property values are not taken into consideration for planning decisions as per the Planning Act. He added with respect to the properties in the area, the lands have been identified as high-quality aggregate and the extraction on the site is not happening right behind the house right away, it will be phased in. He stated that the berm heights and sizes can be discussed further.

Kayla Rekowski – 1514 Garden of Eden Road. Questioned if a full panel testing or just bacterial testing was done for the well water samples.

Craig Bellinger – Tomlinson Group. Stated that there is a certain criterion to test for with regards to this.

Kayla Rekowski – 1514 Garden of Eden Road. Questioned if testing was done on the sand as it can be detrimental.

Craig Bellinger – Tomlinson Group. Stated that there are radon reserves in the area and that it was tested for.

Tyler Anderson – 38 Ruttan Road. Questioned if there was going to be crushing on site.

Craig Bellinger – Tomlinson Group. Stated that there will only be drilling, but some small crushing to sample.

Tyler Anderson – 38 Ruttan Road. Stated that breaking up rock exposes faces of rock and can potentially change of chemistry that is naturally occurring, and this could re-enter into the water source.

Craig Bellinger – Tomlinson Group. Stated that it is the same material that was extracted from the ground, it is just broken down into finer pieces.

Tyler Anderson – 38 Ruttan Road. Questioned the environmental compliance issues that Tomlinson may have previously encountered.

Craig Bellinger – Tomlinson Group. Stated that he is not aware of any within the pits and quarries section.

Tyler Anderson – 38 Ruttan Road. Stated he is looking for accountability for compliance.

Craig Bellinger – Tomlinson Group. Stated there is nothing outstanding at this time and is in compliance with everything.

Tyler Anderson – 38 Ruttan Road. Questioned the material to be used at the pits for the berms, the quality, and how many truckloads of backfill soil.

Craig Bellinger – Tomlinson Group. Stated that it depends on the phase they are in and the function of operation at the time for rehabilitating. He added that the material on site could also be used.

Marcel Oostendarp – 18 Ruttan Road. Questioned that if an asphalt plant goes on site, does a new permit need to be pulled or zoning changed.

Lindsey Bennett – County of Renfrew. Stated that in the zoning it is permitted, but certain permits would be needed to operate.

Craig Bellinger – Tomlinson Group. Added that a portable asphalt plant could be on the property if it met the zoning criteria, but the MOE only allows it to be operational for 60 days per year. He also added that there are rules in place in the Environmental Compliance Approval (ECA) to protect residents.

Marcel Oostendarp – 18 Ruttan Road. Questioned if Tomlinson runs asphalt plants and stated that they normally run 24/7 to get a job done.

Craig Bellinger – Tomlinson Group. Stated that there are a couple plants, but they must adhere to when they can operate, close lanes, etc. and must follow the environmental rules as well.

John Proctor – 40 Grantham Road. Stated at the last public meeting, Kathryn Lindsay questioned the Indigenous consultation and questioned what was said in the consultation.

Bruce Howarth – County of Renfrew. Stated that Tomlinson has multiple applications, including the Official Plan Amendment, Zoning By-law Amendment and third A RA submitted to the Ministry. Consultations through the ARA process have been done through the Ministry and the County and Township haven't taken part in the process, but all has been done through the ARA process.

Neal Deruyter – MHBC Planning. Stated that under the ARA, the Crown has a responsibility for duty to consult. Before the Ministry makes any decisions on the license, the Indigenous Communities need to be consulted, but due to the protection of privacy and ensuring the protection of information of the Indigenous Community, the information cannot be shared. He added that the MNRF can be asked for a list of Indigenous Communities that were consulted.

John Proctor – 40 Grantham Road. Stated that the Indigenous communities could have said no, and Mr. Deruyter will not say.

Neal Deruyter – MHBC Planning. Stated that the Indigenous communities could have said yes, and he still cannot say.

Jennifer Comtois – 2304 Eady Road. Stated that with the increased traffic on Storyland Road turning onto Highway 17, a set of lights should be installed.

Bruce Howarth – County of Renfrew. Suggested that all questions and comments come through the County Planning Staff to ensure that Council and staff can all be kept in the loop.

Graham Brown – 134 Airth Boulevard. Questioned if the traffic on Eady Road would be increased with trucks.

Craig Bellinger – Tomlinson Group. Stated that their trucks are only permitted on hauling roads, which is Storyland Road to Highway 17.

Kayla Rekowski – 1514 Garden of Eden Road. Provided a map of the current proposed site to Council. She stated that it can be easy to forget there are residents that are in the area and that will be affected. She thanked Tomlinson for replying to comments and questions in June and thinks that Tomlinson has met the minimum requirements. She stated that the maximum annoyance to residents if project proceeds will be the acoustics, increased traffic, and increased noise. She added that the species at risk survey was done in 2021, which was three years ago, and the endangered whippoorwills were not included in the study.

Rose Lesk – 554 Storyland Road. Questioned if there was going to be any blasting on site.

Craig Bellinger – Tomlinson Group. Stated that there would not be any blasting and that it is in writing as per the site plan it will only be digging, and they would need an entirely different license to operate.

Rose Lesk – 554 Storyland Road. Stated that people move out to the country for peace and quiet, but there is going to be dust, noise, and no wildlife anymore, and they may as well just die.

7. COUNCIL MEMBERS COMMENTS AND QUESTIONS

Mayor Bennett thanked everyone for coming out and opened questions up for Council members.

Deputy Mayor Proctor thanked everyone for coming out and stated that it is an important topic for discussion, and she is going to ask questions that she didn't feel were addressed. She questioned if there was a time when a pit has sat dormant and not been rehabilitated.

Craig Bellinger – Tomlinson Group. Stated that the company does "progressive rehabilitation" that rehabilitates as they move through each phase of the site onto the next as part of their site plan, which is monitored by MNR. He added that there are sites that aren't fully rehabilitated yet because there is still material available for extraction, and the license won't be taken away if it's not being used or material isn't extracted for a period of time. He stated that Ross Pit off of Moodie Drive in Ottawa can be seen on Google Earth and the rehabilitation can be seen.

Deputy Mayor Proctor stated that the zoning over the last 40 years has gone back and forth from Rural to Extractive Industrial and is looking for clarification for the designation.

Neal Deruyter – MHBC Planning. Stated that through the zoning of the Official Plan and Zoning By-law, what is currently in place on a property today does not mean that it cannot be changed to meet the needs and use of someone else. Through a severance approval 20 years ago, it was determined that the area was actually the highest quality material as identified on the mapping. He added that under the County Official Plan Amendment structure, if going beyond designation it must be justified for the change, and that he feels like Tomlinson has done that with all of the studies they have done.

Deputy Mayor Proctor stated that if there are future amendments, it could be a nuance to be articulated in the documents and that she finds it misleading with a 40-year designation. She further questioned what the due process is and when does the Township need to bring forward a decision.

Bruce Howarth – County of Renfrew. Stated that under the Planning Act, when someone submits an application, if a decision is not made within 120 days, the applicant can appeal the non-decision to the Ontario Land Tribunal. He added that

the 120-days is well passed, and the applicant can decide to appeal at any time. Council does not have an obligation to make a decision or to pass the by-law, but if Tomlinson does not feel that the application is being progressed, they can start the appeal process, and this does not set good precedence for Council. He added that Tomlinson has been working with the County and Township and has not appealed the non-decision. Township Council is to make a decision on the Zoning Amendment, and then it would go to the County Council for decision on the Official Plan Amendment.

Councillor Campbell thanked everyone for coming out. He stated that no one likes change unless it's good change. He questioned if there has been a legitimate complaint that has come over the years through the process, the method in which it was brought forward, the subject of complaint, and what was done to rectify it.

Craig Bellinger – Tomlinson Group. Stated that there have been no complaints yet regarding water and water quality as it pertains to pits. In quarry operations, there have been questions/complaints about the water draw down and wells drying up. He stated that the first step is to consult and schedule a time to go to the property. He added that they prefer it to be a consultant and not Tomlinson to ensure there is no pressure from the company. The second is to check their pumping system and pressure in the house, water depth, etc. but there has never been an issue when they had to replace a well or water quality issues. There was a noise complaint regarding operations, but they met with the neighbour several times and a solution was established. He added that Tomlinson tries to go above and beyond, and they have Public Liaison Committees to discuss what's going on in the sites and operations. Members of the public and Council can be part of this Committee.

Councillor Campbell stated that it is a hard decision for Council and a lot of residents have lived here all their lives. He added that should this go ahead; Council wants to ensure that Tomlinson is a good partner.

Councillor Humphries questioned how much money does Tomlinson pay towards MNRF per tonne.

Craig Bellinger – Tomlinson Group. Stated it was \$0.24 per tonne, which gets divided between the County, Township, MNRF, and education.

Councillor Humphries questioned if the pit could be used as a pumping source for the fire department and how can Tomlinson help the Township and Community.

Craig Bellinger – Tomlinson Group. Stated that it is common for Fire Departments to have a key to access the site for a standpipe or pond to fill their trucks on site. He added that Tomlinson is involved hugely in the communities that they are operating in, such as donating funds to build rinks, outdoor parks, and to the girls and boys clubs of Canada, and donations to food banks, and the creation of jobs in the community.

Councillor Webster thanked everyone for coming. He stated that all residents in the affected area should have their water tested by Tomlinson, not just the 14 of the 28 residents contacted. He added that that water testing kits provided by the Health Unit can also be provided to the residents for testing. He questioned the use of a portable asphalt plant on site.

Craig Bellinger – Tomlinson Group. Stated that it is common for a portable asphalt plant at pits and quarries but is not beneficial for them because they can only operate 60 days out of the year. He added that Tomlinson would also need approval from MNRF for a portable asphalt plant.

Bruce Howarth – County of Renfrew. Stated that under the Provincial Policy Statement portable asphalt and portable concrete plants shall be permitted without the need for an official plan amendment and/or zoning amendment application. It has been recognized that it is a valuable service, and operators are allowed to bring in these without the amendments. The Provincial Policy Statement has taken

the decision outside of council's authority, but permanent plants are a different situation.

Councillor Webster stated that in the current Zoning By-law, the setback from the extraction area is 150 metres, but Tomlinson is reducing that now to 30 metres, which is closer to the existing houses. He questioned if Tomlinson was willing to negotiate a higher setback than 30 metres.

Neal Deruyter – MHBC Planning. Stated that the 30-metre setback from the extraction area is under the Aggregate Resource Act, and they have had a full suite of studies completed to address the potential impacts with respect to the 150-metre setback. He added that that the Official Plan does not have a separation distance for pits and quarries and is dependent upon studies for justification.

Craig Bellinger – Tomlinson Group. Stated that Tomlinson has met all the criteria set out in the studies to justify the 30-metre setback and they are not interested to increase it. He added that Tomlinson is willing to work with the public and can set up public information sessions for each step moving forward.

Councillor Webster questioned what the heights of the trees being planted were going to be.

Craig Bellinger – Tomlinson Group. Stated he didn't believe the heights were determined but is open for discussion with residents and Council.

Deputy Mayor Proctor stated that the information was more specific tonight and are aligning to regulations and requirements. She added that it was great that Provincial and County guidelines are being met, but that we live here. The Zoning By-law states 150 metres and is currently in effect and should be followed. She added that there is some homework and reading to do, especially with the number of active and inactive pits in the area. She thanked everyone and appreciated everyone's involvement.

Mayor Bennett thanked everyone for coming to the meeting and ensured that everyone was being heard. He stated that this was not a "done deal" and that Council wants to protect residents. He added that the lights issue at the intersection of Highway 17 and Storyland Road is an MTO issue and the engineering is being done at the present time, and this council will be working with MTO to try and come up with a solution that works. He added that Council knows that there are concerns about what's happening and that they want to make sure they are addressed. He stated that if there are any concerns to call him directly, or the Deputy Mayor or Councillor's. He apologizes that he believed the communications were not out soon enough, but next time he will go door to door to notify everyone.

8. **ADJOURNMENT**

Mayor Bennett adjourned the public meeting at 8:49 p.m.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

THE CORPORATION OF THE TOWNSHIP OF HORTON

REGULAR COUNCIL MEETING
APRIL 2ND, 2024

There was a Regular Meeting of Council held in the Council Chambers on Tuesday April 2nd, 2024. Present were Mayor David Bennett, Deputy Mayor Daina Proctor, Councillor Glen Campbell, and Councillor Doug Humphries. Staff present was Hope Dillabough, CAO/Clerk, and Nichole Dubeau, Executive Assistant – Recording Secretary.

Councillor Tom Webster sent his regrets.

1. CALL TO ORDER

Mayor Bennett called the meeting to order at 4:00 p.m.

2. LAND ACKNOWLEDGEMENT

Mayor Bennett read the Land Acknowledgement in its entirety.

3. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest.

4. CONFIRMATION OF COUNCIL AGENDA

Moved by Councillor Campbell

RESOLUTION NO. 2024-37

Seconded by Councillor Humphries

THAT Council adopt the Agenda for the April 2nd, 2024 Regular Council Meeting.

Carried

5. DELEGATIONS &/or PUBLIC MEETINGS – NONE

6. MINUTES

6.1 March 19th, 2024 – Regular Council

6.2 March 19th, 2024 – Public Meeting – OPA

6.3 March 19th, 2024 – Public Budget Meeting

Moved by Deputy Mayor Proctor

RESOLUTION NO. 2024-38

Seconded by Councillor Humphries

THAT Council approve the following Minutes:

- March 19th, 2024 – Regular Council
- March 19th, 2024 – Public Meeting – OPA
- March 19th, 2024 – Public Budget Meeting

Carried

7. BUSINESS ARISING FROM MINUTES

There was no business arising from the minutes.

8. COMMITTEE REPORTS:

8.1 PLANNING COMMITTEE

Public Advisory member Bob Johnston was present.

8.1.1 Building Report

Council members reviewed the report.

8.1.2 Planning Files Update

Council members reviewed the report.

8.1.3 Staff Report – Tomlinson Update

CAO/Clerk Hope Dillabough reviewed the report. There was Council discussion on the next steps to take. Ms. Dillabough is to bring forward to the May 7th meeting for Council decision.

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9. CORRESPONDENCE SUMMARY**9.1 INFORMATION CORRESPONDENCE – NONE****9.2 ACTION CORRESPONDENCE**

9.2.1 Resolution in Support – Social and Economic Prosperity Review
Council members were in agreeance to support the resolution.

10. BYLAWS – NONE**11. NOTICE TO FILE MOTION FOR NEXT COUNCIL – NONE****12. COUNCIL/STAFF MEMBERS CONCERNS**

Deputy Mayor Proctor requested that the price of pickleball be reduced to reflect the prices of the surrounding municipalities. Councillor Humphries stated that it will be added to the next Recreation Committee Agenda.

13. RESOLUTIONS

Moved by Deputy Mayor Proctor
Seconded by Councillor Humphries

RESOLUTION NO. 2024-39

THAT Council receive the following reports as information:

- Building Report
- Planning Files Update
- Staff Report – Tomlinson Update

Carried

Moved by Councillor Campbell
Seconded by Councillor Humphries

RESOLUTION NO. 2024-40

WHEREAS current provincial-municipal fiscal arrangements are undermining Ontario's economic prosperity and quality of life;

AND WHEREAS nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year;

AND WHEREAS municipal revenues, such as property taxes, do not grow with the economy or inflation;

AND WHEREAS unprecedented population and housing growth will require significant investments in municipal infrastructure;

AND WHEREAS municipalities are being asked to take on complex health and social challenges – like homelessness, supporting asylum seekers and addressing the mental health and addictions crises;

AND WHEREAS inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;

AND WHEREAS property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income redistribution programs for those most in need;

AND WHEREAS the province can, and should, invest more in the prosperity of communities;

AND WHEREAS municipalities and the provincial government have a strong history of collaboration;

NOW THEREFORE, BE IT RESOLVED THAT the Township of Horton requests the Province of Ontario commit to undertaking with the Association of

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Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;

AND FURTHER THAT a copy of this motion is sent to the Premier of Ontario, Doug Ford; the MPP, John Yakabuski; and all municipalities in Ontario.

Carried

14. IN CAMERA (Closed) SESSION

Moved by Councillor Campbell

RESOLUTION NO. 2024-41

Seconded by Deputy Mayor Proctor

THAT Council went into a Closed Session Meeting at 4:41 p.m. to discuss the following items pursuant to Section 239(2) (b) of the Municipal Act;

- (b) Personal matters about an identifiable individual, including municipal or local board employees – By-law Enforcement

Carried

Moved by Deputy Mayor Proctor

RESOLUTION NO. 2024-42

Seconded by Councillor Humphries

THAT Council came out of Closed (In-Camera) Session at 5:59 p.m. and discussed items pursuant to Section 239(2) (b) of the Municipal Act pertaining to:

- (b) Personal matters about an identifiable individual, including municipal or local board employees – By-law Enforcement

Carried

15. CONFIRMING BYLAW

Moved by Councillor Campbell

RESOLUTION NO. 2024-43

Seconded by Deputy Mayor Proctor

THAT Council enact By-law 2024-15– Confirming By-Law.

Carried

16. ADJOURNMENT

Mayor Bennett declared the meeting adjourned at 6:00 p.m.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

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Township of Horton COUNCIL / COMMITTEE REPORT

Title: TES Committee Chair's Report – April 3 rd , 2024	Date: April 16 th , 2024
	Council/Committee: Council
	Author: Nikky Dubeau, Executive Assistant
	Department: TES

RECOMMENDATIONS:

THAT Council accept the TES Committee Chair's Report as information.

BACKGROUND:

Committee Member Resignation

Chair Humphries reviewed the report. There was Committee agreeance to keep TES as its own committee and advertise and recruit a new member, or two. Mayor Bennett requested that Chair Humphries reach out to past Committee Member Rick Lester to see if he would be interested in joining again. The Committee thanked Bob Kingsbury for the input and knowledge over the last two years.

Moved by Councillor Webster

Seconded by Tyler Anderson

THAT the TES Committee accept the resignation of Robert Kingsbury effective March 26th, 2024.

Carried

Millenium Trail Stone Dust

Public Works Manager Adam Knapp reviewed the report. The funds received from MTO for the purchase of a portion of the Millennium Trail to accommodate the Twinning of Highway 17 were directed into the recreation reserves and allocated to the trail.

Moved by Tyler Anderson

Seconded by Councillor Webster

THAT the TES Committee recommend to Council that an upset amount of \$3,039.46 be purchased for stone dust as spot repairs on Horton Township's portion of the Millennium Trail;

AND THAT this be funded from the Recreation Reserves.

Carried

GICB Grant Application

Public Works Manager Adam Knapp reviewed the report. Councillor Webster stated that the Ontario Building Code is being updated and all of the requirements made for Covid-19 are included in the updated version.

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Current Grant Applications Submitted

Public Works Manager Adam Knapp reviewed the report.

2024 PW Projects & Annual Requirements for Sustainability

Public Works Manager Adam Knapp reviewed the report.

Award PW 2024-01 Supply of Screened Winter Sand

Moved by Tyler Anderson

Seconded by Councillor Webster

THAT the TES Committee recommend to Council to award PW 2024-01, Supply of Screened Winter Sand to McCrea Excavating for the total upset limit of \$40,900.00 including HST;

AND THAT this be funded from the 2024 Operating Budget.

Carried

Award PW 2024-02 Supply and Haul of Granular "M"

Moved by Councillor Webster

Seconded by Tyler Anderson

THAT the TES Committee recommend to Council to award PW 2024-02, Supply and Haul of Granular "M" to B.R. Fulton Construction Limited for the total upset limit of \$55,000 including HST;

AND THAT this be funded from the 2024 Capital Budget.

Carried

Award PW 2024-03 Surface Treatment of Various Roads

Moved by Councillor Webster

Seconded by Tyler Anderson

THAT the TES Committee recommend to Council to award PW 2024-03 Surface Treatment of Various Roads to Greenwood Paving Limited for the total upset limit of \$170,000.00 including HST;

AND THAT this be funded from the 2024 Capital Budget.

Carried

Award PW 2024-04 Street Sweeping

Moved by Tyler Anderson

Seconded by Councillor Webster

THAT the TES Committee recommend to Council to award PW 2024-04, Street Sweeping Services to B.R. Fulton Construction Limited for the total upset limit of \$8,000 including HST;

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AND THAT this be funded from the 2024 Operating Budget.

Carried

Stolen Speed Sign

Moved by Councillor Webster

Seconded by Tyler Anderson

THAT the TES Committee recommend to Council to purchase a replacement EV-11 Digital Radar Speed Sign and 4 Apple Air Tag Trackers for an upset limit of \$5,000 including HST;

AND THAT this be funded from the Roads Equipment Reserve.

Carried

New/Other Business

Public Works Manager Adam Knapp stated the excavator delivery date has been pushed back to June. He also summarized the purpose and benefits of the Private Road Grant Program. There was committee discussion regarding who in the area would be available to do the work on the roads for residents. Mr. Knapp is to contact local contractors to see who could be hired by resident's and compile a list for information purposes and inquiries.

ALTERNATIVES: N/A

FINANCIAL IMPLICATIONS: N/A

CONSULTATIONS: N/A

Prepared by: Nikky Dubeau, Executive Assistant

Reviewed by: Hope Dillabough, CAO/Clerk

Reviewed by: Adam Knapp, Public Works Manager

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THE CORPORATION OF THE TOWNSHIP OF HORTON
BY-LAW 2024-05

BEING A BY-LAW TO REGULATE BACKYARD CHICKENS

WHEREAS Section 10(2) of the Municipal Act, 2001 authorizes councils of municipalities to pass by-laws with respect to the keeping of animals;

WHEREAS the Council of the Township of Horton recognizes the benefits of backyard chickens and deems it desirable to permit them;

AND WHEREAS Council of the Township of Horton considers it advisable to pass such a by-law;

NOW THEREFORE Council of the Township of Horton enacts as follows:

1. Definitions:

1.1 In this by-law,

"Agricultural Property" means a property that is zoned Rural with the appropriate acreage that would designate a farm use in the zoning by-law.

"Animal" means any member of the animal kingdom, other than a human.

"Animal Control Officer" means an authorized employee or agent of the Township of Horton who is responsible for the enforcement of the provisions of this by-law.

"At Large", in the case of a chicken, means being outside a coop or run and not on their owner's property.

"By-Law Enforcement Officer" means a person or a person employed by a third party contractor appointed by the Township of Horton for the purposes of enforcing the provisions of this by-law and other municipal by-laws and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P. 15, Section 15.

"Chicken" means a domestic fowl kept for its eggs or meat, but not a Rooster.

"Chicken Run" means covered secure enclosure that allows backyard chickens access to outdoors.

"Coop" means a fully enclosed weatherproof building where backyard chickens are kept and which the interior of includes nest boxes for egg laying, perches for the chickens to sleep on and food and water containers.

"Front Yard" means a yard extending across the full width of the lot between the front lot line and the nearest main walls of the main building or structure on the lot.

"Keep" means to have temporary or permanent custody or control of an animal, and "keeps" and "kept" have corresponding meanings.

"Minor" means a person who has not attained the age of eighteen years.

"Owner" includes any person who possesses, harbours, or keeps an animal or chicken and, where an owner is a minor, includes the person who is responsible for the custody of the minor.

"Property" means a parcel of land and any buildings or other structures on the land.

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“Rear Yard” means a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot.

“Residential Property” means a property that is zoned for residential use in the zoning by-law that applies to the property (Residential one, Residential two)

“Rural” means a property that is zoned Rural in the zoning by-law that applies to the property.

“Veterinarian” means a person licensed under the Veterinarian’s Act;

“Zoning By-Law” means a by-law passed under Section 34 of the Planning Act that restricts the use of land.

2. Application:

2.1 Except otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and to the owners of such backyard chickens.

3. Administration:

3.1 By-Law Enforcement is responsible for the administration and enforcement of this by-law.

3.2 Except as otherwise provided, the regulations established by this by-law apply to all backyard chickens within the boundaries of the Township and the owners of backyard chickens.

4. Regulations for the Keeping of Chickens:

4.1 a) No person shall keep backyard chickens anywhere within the Township unless they are compliant with this by-law

b) Every person who has a chicken coop shall allow, at any reasonable time, an animal control officer or other authorized employee or agent of the Township to inspect the property, to determine whether all requirements of this by-law are being complied with.

c) The total area of all chicken coops are to be less than 160 square feet (15 square meters) and must be limited to one story and less than 10 feet high. If the chicken coop is larger than the aforementioned, a building permit shall be applied for.

d) Chicken coops and chicken runs shall be located in the rear yard and shall be a distance of a least 3.0 metres

e) Chicken coops shall not be attached to a building and shall not contain plumbing unless a building permit is obtained.

f) Chicken coops and runs shall be located at least 7.5 metres from any church or business.

g) Chicken coops and runs are not permitted in any front or side yard.

h) For Residential One (R1), Residential Two (R2), and Limited Service Residential (LSR) zoned properties, a maximum of 6 backyard chickens will be permitted.

i) For Rural zoned properties the following applies:

- 0.5-2 acres – a maximum of 10 backyard chickens will be permitted
- 2-5 acres – a maximum of 20 backyard chickens will be permitted
- Over 5 acres of property – no maximum

j) Tenants must obtain permission from the property owner to keep backyard chickens on the owner's property.

k) The owner of the backyard chickens must reside on the property where the backyard chickens are kept.

l) Home slaughter of backyard chickens is prohibited and any deceased backyard chickens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.

m) Backyard chickens shall be kept in their coops between 9 p.m. and 6 a.m.

n) Chicken coops and chicken runs shall be maintained in a clean condition and the coop shall be kept free of obnoxious odors, substances and vermin.

o) Stored manure shall be kept in an enclosed structure such as a compost bin, and no more than three cubic feet shall be stored at any one time.

p) No owner shall cause or permit their chicken to become a public nuisance by persistently clucking.

q) No owner shall cause or permit their chicken to be at large.

4.2 The regulations set out in section 4.1 do not apply to a Rural zoned property with a farm use that is 25 acres or greater, as per the Township's Comprehensive Zoning By-Law.

4.3 This By-Law prohibits the keeping of Roosters, unless the property is a Rural zoned property with a farm use that is 25 acres or greater as per the Township's Comprehensive Zoning By-Law.

5. Offence and Penalty Provisions

5.1 Every person who contravenes any provision of this by-law and any person who fails to comply with an order issued under this by-law is guilty of an offence and upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

5.2 Every owner of an animal who contravenes any provision of this by-law or whose animal contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty as provided for in the Provincial Offences Act and to any other applicable penalties.

5.3 If this by-law is contravened and a conviction entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

6. Validity

6.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision of this by-law authorized by law

be applied and enforced in accordance with its terms to the extent possible according to law.

7. Commencement:

7.1 This by-law comes into force on the final day of passing.

BE IT FURTHER ENACTED that all by-laws, or parts thereof and all or any Resolutions of Council contrary thereto, or inconsistent herewith, be and the same are hereby repealed.

READ a First and Second Time this 16th day of April, 2024.

READ a Third Time and Passed this 16th day of April, 2024.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2024-16

A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE TOWNSHIP OF HORTON AT THE REGULAR COUNCIL MEETING HELD APRIL 16TH, 2024

WHEREAS Subsection 5(1) of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended, provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 5(3) of the said Municipal Act provides that the powers of every Council are to be exercised by by-law;

AND WHEREAS it is deemed expedient and desirable that the proceedings of the Council of the Corporation of the Horton at this meeting be confirmed and adopted by by-law;

THEREFORE the Council of the Township of Horton enacts as follows:

1. That the actions of the Council at the meeting held on the 16th day of April, 2024, and in respect of each motion, resolution and other action passed and taken by the Council at its said meetings, is, except where the prior approval of the Ontario Municipal Board or other body is required, hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this by-law.
2. That the Head of Council and proper officers of the Corporation of the Township of Horton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain appropriate approvals where required, except where otherwise provided, and to affix the Corporate Seal of the Corporation of the Township of Horton to all such documents.
3. That this By-Law shall come into force and take effect upon the passing thereof.

READ a first time the 19th day of December, 2023.

READ a second time the 16th day of January, 2024.

READ a third and final time and passed this 16th day of April, 2024.

MAYOR David M. Bennett

CAO/CLERK Hope Dillabough

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