

**THE CORPORATION OF THE MUNICIPALITY OF
CHATHAM-KENT**

PLANNING MEETING

COUNCIL CHAMBERS, CHATHAM-KENT CIVIC CENTRE

September 15, 2008

6:00 P.M.

1. CALL TO ORDER

Present were: Mayor Randy Hope, Councillors Clarke, Crew, Faas, Fluker, Herman, King, McGregor, Parsons, Pinsonneault, Robbins, Stirling, Sulman, Vercouteren and Weaver

Regrets: Councillors Brown, Gilbert, Pickard

2. APPROVAL OF SUPPLEMENTARY AGENDA

The Municipal Clerk noted that a letter was received from the Engineer for 1174506 Ontario Ltd, regarding the Links of Kent subdivision, asking for a deferral of application 4 (k) until the October 20, 2008 Planning Council meeting in order for the Public Utilities Commission and the Engineering Department to carry out a review of the Sanitary Sewer Station #17. The Municipal Clerk noted that an email from Mike and Melissa DeWaal, a petition from the residents of the Indian Creek area and a letter from Zelinka Priamo Ltd, dated September 15, 2008 was also received.

Councillor King moved, Councillor Stirling seconded:

“That application #4 (k) be deferred to the October 20, 2008 Planning Meeting.”

The Mayor put the Motion

Motion Carried

3. DISCLOSURES OF PECUNIARY INTEREST (DIRECT OR INDIRECT) AND THE GENERAL NATURE THEREOF

Councillor McGregor declared a conflict of interest with regard to Item # 4 (g) Peaceful Acres Ltd., 9786 Sugar Beet Line, Lot 4, Concession 3, Phil & Janet Richards as he was acting for the interested parties.

4. PLANNING SERVICES

The Municipal Clerk reviewed the procedure to be followed during the meeting. Mr. Robert Brown, Storey Samways Planning Ltd. explained for members of the public that if any person or public body that files an appeal of a decision of The Corporation of the Municipality of Chatham-Kent in respect of a proposed planning application does not make any oral submission at the public meeting or any written submission to The Corporation of the Municipality of Chatham-Kent before the proposed Zoning By-law Amendment is approved, the Ontario Municipal Board may dismiss all or part of the appeal.

He also advised that information on Council's actions would be published on the municipal website (www.chatham-kent.ca). All persons receiving notice of this meeting will receive a Notice of the Passing of a By-law, relating to any of the planning applications presented here tonight, if approved, including appeal procedures. Any other person who wishes to receive a Notice of Passing or a Notice of Council's decision must submit a written request to the Municipal Clerk.

- (a) Zoning By-law Amendment (File D-28 RO/59/08/A)
Authier Farms Ltd., c/o Brian Paul Authier
Talbot Trail
Part of Lot 190, Concession TRS
Community of Romney (West Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as not being present at the meeting.

Councillor Fluker moved, Councillor King seconded:

“That:

- 1. Council approve consent application B-67/08 to sever and convey a 0.783 acre parcel of land in Part of Lot 190, Concession TRS, as a lot addition to an abutting rural residential lot located at 3299 Talbot Trail, in the Community of Romney, subject to the following conditions:**
 - a) that the zoning by-law be amended to:**
 - i) rezone the receiving lot and the severed lot addition to rural residential and recognize the reduced front yard of the dwelling, the reduced rear yard setback of the detached accessory building, and to increase the maximum lot coverage to 10%;**
 - b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - c) that the lot addition to be severed, shown on the applicant’s sketch as “PART 2”, be conveyed to the owner of the abutting residential lot (Roll No. 3650 010 003 16900) and Section 50 (3 or 5) applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;**
 - d) that the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
- 2. Council approve zoning amendment application D-28 RO/59/08/A and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (b) Combined Consent (File B-65/08) and
Zoning By-law Amendment (File D-28 RA/57/08/G)
Gregory Scott Guy & Kelly Lynn Russell-Guy
6467 Middle Line
Part of Lot 8, Concession 11
Community of Raleigh (South Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicants were noted as not being present at the meeting.

Councillor Herman moved, Councillor Stirling seconded:

“That:

1. **Council approve consent application B-65/08 concerning Part of Lot 8, Concession 11, in the Community of Raleigh, to dispose of a surplus dwelling (6467 Middle Line) on a 1.73 acre lot, subject to the following conditions:**
 - a) **that the zoning by-law be amended to:**
 - b) **rezone the surplus dwelling lot to recognize the non-farm use, lot frontage and lot area;**
 - c) **rezone the retained farm parcel to recognize the reduced lot frontage and prohibit future dwellings;**
 - d) **that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - e) **that the applicant(s) demonstrate that the septic system on the severed lot is functioning in accordance with Municipal Protocol;**
 - f) **that the retained farmland be conveyed to Gregory Scott Guy & Kelly Lynn Russell-Guy, as outlined in the Agreement of Purchase and Sale;**
 - g) **that the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
2. **Council approve the zoning amendment application D-28 RA/57/08/G and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (c) Combined Consent (File B-62/08) and
Zoning By-law Amendment (File D-28 HO/54/08/S)
Edward Lawrence Scott
13654 Golf Course Line
Lot 17, Concession 11
Community of Howard (East Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as not being present at the meeting.

Councillor Stirling questioned whether there would be a provision on title informing any perspective purchaser(s) of the minimum distance separation limitation. Mr. Brown noted that there would be no provision or warning clause registered on title.

Councillor Pinsonneault moved, Councillor Vercouteren seconded:

“That:

1. **Council approve consent application B-62/08 concerning Lot 17, Concession 11, in the Community of Howard, to dispose of a surplus dwelling on a 0.82 acre parcel located at 13654 Golf Course Line, subject to the following conditions:**
 - a) **that the zoning by-law be amended to:**
 - b) **rezone the surplus dwelling lot to rural residential;**

- c) prohibit future dwellings on the retained farm parcel;
 - d) that the applicant(s) demonstrate that the septic system on the surplus dwelling lot is functioning in accordance with Municipal Protocol;
 - e) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;
 - f) that the necessary deed, transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.
2. Council approve the zoning amendment application D-28 HO/54/08/S and adopt the by-law to implement the consent.”

The Mayor put the Motion.

Motion Carried

- (d) Combined Consent (File B-66/08) and
Zoning By-law Amendment (File D-28 RI/58/08/G)
Bernard J. Goodal
Henry Street, Part of Lot 8, Concession 10
Plan 245, Lots 16 to 21, RP 24R 5548, Parts 2 to 5
Community of Ridgetown (East Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as not being present at the meeting.

Councillor Vercooterren moved, Councillor Pinsonneault seconded:

“That:

1. Council approve consent application B-66/08 to sever and convey a 64.0' x 93.2' parcel of land, shown as part of Part 2, Plan 24R 5548 on the applicant's sketch, as a lot addition to the abutting property at 106 Main Street West, in the Community of Ridgetown, subject to the following conditions:
 - a) that the lot addition to be severed, shown as part of Part 2, Plan 24R 5548 on the applicant's sketch, be rezoned to “R2, Residential Zone 2;”
 - b) that the parcel to be severed (shown as part of Part 2, Plan 24R 5548) be conveyed to and placed in the same name of the owner of the neighbouring property at 106 Main Street West, (Roll # 3650 240 002 03800), and Section 50 (3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;
 - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.
2. Council approve the zoning amendment application D-28 RI/58/08/G and adopt the by-law to implement the consent.”

The Mayor put the Motion.

Motion Carried

- (e) Combined Consent (File B-64/08) and
Zoning By-law Amendment (File D-28 ZO/56/08/L)
Wayne & Mary Jane Lambrecht
30701 Zone Road 6
Part Lots 14 & 15, Concession 7
Community of Zone (East Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicants were noted as not being present at the meeting.

Councillor Pinsonneault moved, Councillor Faas seconded:

“That:

- 1. Council approve consent application B-64/08 concerning Part of Lots 14 and 15, Concession 7, in the Community of Zone, to dispose of a surplus dwelling (30701 Zone Road 6) subject to the following conditions**
 - a) that the zoning by-law be amended to:**
 - i) rezone the surplus dwelling lot to an appropriate rural residential classification;**
 - ii) rezone the retained farm parcel to prohibit future dwellings;**
 - b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
- 2. Council approve the zoning amendment application D-28 ZO/56/08/L and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (f) Combined Consent (File B-63/08) and
Zoning By-law Amendment (File D-28 ZO/55/08/S)
Shane Sloan
7303 Lambton Line
Part of Lot 15, Concession 6
Community of Zone (East Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Councillor Pinsonneault moved, Councillor Vercooterren seconded:

“That:

- 1. Council approve consent application B-63/08 concerning Part of Lot 15, Concession 6, in the Community of Zone, to dispose of a surplus dwelling (7303 Lambton Line) subject to the following conditions:**
 - a) that the zoning by-law be amended to:**

- i) **rezone the surplus dwelling lot to an appropriate rural residential classification;**
 - ii) **rezone the retained farm parcel to recognize the reduced lot area and prohibit future dwellings;**
- b) **that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - c) **that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
2. **Council approve the zoning amendment application D-28 ZO/55/08/S and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (g) Combined Consent (File B-54/08) and
Zoning By-law Amendment (File D-28 CA/49/08/P)
Peaceful Acres Ltd.
9786 Sugar Beet Line
Lot 4, Concession 3
Community of Camden (North Kent)

Councillor McGregor declared a conflict of interest and removed himself from discussion and voting on the matter.

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Councillor Faas moved, Councillor Weaver seconded:

“That:

1. **Council approve consent application B-54/08 concerning Lot 4, Concession 3, in the Community of Camden, to dispose of a surplus dwelling (9786 Sugar Beet Line) on a 0.96 acre lot, subject to the following conditions:**
- a) **that the zoning by-law be amended to:**
 - i) **rezone the surplus dwelling lot to the appropriate rural residential classification, and recognize the reduced lot area and front yard of the dwelling;**
 - ii) **recognize the reduced lot area and prohibit the construction of any new dwellings on the retained farm parcel.**
 - b) **that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - c) **that the applicant enter into a registered agreement with the Municipality to provide a temporary water service to the severed parcel at the applicant’s expense (as per August 15, 2008 letter, attached as Appendix “A”);**
 - d) **that the applicant(s) demonstrate that the septic system on the severed lot is functioning in accordance with Municipal Protocol;**

- e) that the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.

2. Council approve the zoning amendment application D-28 CA/49/08/P and adopt the by-law to implement the consent.”

The Mayor put the Motion.

Motion Carried

- (h) Combined Consent (File B-101/07) and
Zoning By-law Amendment (File D-28 CH/75/07/K)
Birgit Kroon
5732 Bluewater Line
Part of Lot 1, Concession 1 (Gore)
Community of Chatham (Township) (North Kent)

The Mayor asked if any person from the public had an interest in the application. There was a member from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Mr. Brown presented the report to Council.

Councillor Stirling questioned the purpose for the severance. Mr. Brown indicated that the initial proposal was for the creation of two lots. He noted once the applicant become aware that the Ministry of Natural Resources identified there was potential for the presents of snakes and turtles on the site and was requesting that the creation of any lots would require an Environmental Assessment, she was then not prepared to move forward. Mr. Brown indicated that as a possible alternative to the lot creation proposal the cottage would be left on a smaller lot, severed off and then could be either sold or conveyed to a son or daughter to be used for their own use. He noted that as an open space area, a dwelling could not be constructed on it and the remaining natural portion of the site would be preserved.

Councillor Parsons questioned what restriction if any a prospective owner would have if the open space lot was sold and whether they could apply for a rezoning for a residential building. Mr. Brown noted that a rezoning could be applied for and that the Ministry of Natural Resources' request for an Environmental Impact Assessment would still be required.

Ms. Betty Knowles, 5756 Bluewater Line, addressed Council. Ms. Knowles questioned why restrictions were being imposed on the severed land. Ms. Knowles indicated that the Building Inspector had informed her that a dwelling could be constructed on the severed property. She questioned why the property was limited to a trailer rather than zoned to allow for a dwelling and asked if at some future date a dwelling could be constructed on this property. Mr. Brown noted that the restriction was placed on the property because the Environmental Impact Assessment was something Mrs. Kroon did not want to complete. Mr. Brown noted that the Provincial Policy dictates that if lots are created on lands where there were potential environmental impacts, an Environmental Impact Assessment needs to be completed to demonstrate any negative impacts. Mrs. Kroon was not prepared to complete this assessment and that was the reason why restrictions were put in place.

In response to Councillor Robbins question, Mr. Brown noted that if in the future an Environmental Impact Assessment was completed, the status of this particular lot could be changed.

Mrs. Kroon, 5732 Bluewater Line, addressed Council. Mrs. Kroon noted her original proposal was the creation of two (2) lots. She indicated that she was not in a financial position to complete the required 10 ft of fill and therefore had to go with an alternative proposal of rezoning to open space.

Councillor Weaver noted that Council needed to ensure that the open space classification was necessary. Mr. Brown identified that if Mrs. Kroon wanted to create lots on this property today an Environmental Impact Assessment would have to come first before coming to Council. The Ministry of Natural Resources would have to review the Assessment first and indicate that there would be no negative impact. Mr. Brown indicated that money up front was required to do the Environmental Impact Assessment with no guarantee of a positive outcome before even coming to Council. He noted that Mrs. Kroon indicated she was not in position at the present time to move forward with the Environmental Impact Assessment.

Councillor Weaver questioned what would happen if the property was not rezoned to an open space classification. Mr. Brown noted that the Ministry of Natural Resources would probably request the Ministry of Municipal Affairs and Housing to appeal Council's decision.

Councillor Faas moved, Councillor King seconded:

“That:

- 1. Council approve consent application B-101/07 concerning Part of Lot 1, Concession 1 (Gore), in the Community of Chatham (Township) to create one (1) new open space lot, subject to the following conditions:**
 - a) that the zoning by-law be amended to:**
 - i) rezone the severed parcel to an appropriate open space classification and permit the use of the lands for seasonal recreational purposes;**
 - b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessments under the Drainage Act related to the subject lands;**
 - c) that the applicant(s) demonstrate that the septic system on the retained parcel is functioning in accordance with Municipal Protocol;**
 - d) that the applicant complete an archaeological assessment on the severed lands and obtain a Certificate of Clearance from the Ministry of Culture;**
 - e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
- 2. Council approve the zoning amendment application D-28 CH/75/07/K and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (i) Combined Consent (File B-61/08) and
Zoning By-law Amendment (D-28 DO/52/08/M)
Clifford Marchand
8091 Pine Line
Part of Lot 20, Concession 5
Community of Dover (North Kent)

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Councillor Weaver moved, Councillor Faas seconded:

“That:

- 1. Council approve consent application B-61/08 concerning Part of Lot 20, Concession 5, in the Community of Dover, to dispose of a surplus dwelling (8091 Pine Line) and four outbuildings on a 6.603 acre lot, subject to the following conditions:**
 - a) that the zoning by-law be amended to:**
 - i) rezone the surplus dwelling lot to agricultural residential and recognize the reduced front yard;**
 - ii) prohibit future dwellings on the retained farm parcel and recognize its reduced lot area and lot frontage;**
 - b) that the applicant(s) pay \$85 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
 - c) that the retained farmland be conveyed to ALO Inc., as outlined in the Agreement of Purchase and Sale;**
 - d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies) prior to certification.**
- 2. Council approve the zoning amendment application D-28 DO/52/08/M and adopt the by-law to implement the consent.”**

The Mayor put the Motion.

Motion Carried

- (j) Condominium Conversion (Files D-12 C/02/08/E and 36 CDM-08502)
Emma Heights Inc.
200 Emma Street
Part of Lot 1, Plan 521
Community of Chatham (City)**

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as not being present at the meeting.

Councillor Crew questioned what evidence the municipality had to prove that the supply of affordable housing was not being affected. Mr. Brown noted that the conversion from apartment to condominium affectively does not impact for a couple of reasons. He indicated that the current vacancy rate is approximately 7 ½ to 8% in Chatham-Kent. The benchmark in the Official Plan was 2½% before a justification is needed. Mr. Brown noted that even if it was below the 2½% mark there was protection built into the Tenant Protections Act where if an individual was living in this building and it was converted to a condominium they were basically guaranteed to have life tenancy in this building until such time they moved out. Mr. Brown noted that most of these conversions that take place were simply a change of tenure that an individual may buy two (2) or three (3) units and continue to rent them out to the same people.

Councillor Crew questioned why a property owner would change a regular apartment unit into a condominium. Mr. Brown noted the main reasons were: (i) the age of the building - a condominium conversion was one way of getting some money into the building to upgrade windows, doors, roof, etc, and (ii) for tax saving reasons.

Councillor Faas noted that because of the new Homeowners Program this would be a good opportunity for the Director of Social Housing to contact the tenants in that building.

Councillor Herman questioned the *“parking is less than required”* comment in the Council report. Mr. Brown noted that the existing parking was being grandfathered under the current by-law and considered a legal non-compliance.

Councillor Robbins moved, Councillor Clarke seconded:

“That:

- 1. Council exempt the application for condominium conversion, Files D-12 C/02/08/E and 36 CDM-08502, at 200 Emma Street, in the Community of Chatham (City), from the provisions of Sections 51 and 51.1 of the Planning Act and that Council issue a Certificate of Exemption under Section 9(3) of the Condominium Act, S.O.1998, c.19, subject to the following condition:**
 - a) that the applicant’s company guarantee that there are sufficient funds in the Condominium Reserve Fund under Section 93 of the Condominium Act to cover the costs of the necessary repair work of the common elements as outlined in the Engineering Report dated March 24, 2008, prepared by Carson Dunlop Weldon & Associates Ltd., to the satisfaction of the Municipality, specifically those repairs outlined in the attached cost estimate. (see Appendix “A”)**

The Mayor and Clerk be authorized, by by-law, to sign the condominium description, when the conditions are satisfied.”

The Mayor put the Motion

Motion Carried

- (k) Draft Plan of Subdivision (36T-08503) and Zoning By-law Amendment (D-28 RA/41/08/O) 1174506 Ontario Ltd. 120 Indian Creek Road West Part of Lots 22 & 23, Concession 3 EB Lot 2, Plan 476, Part 1, RP 24R 5007 & Part 1, RP 24R 1419 Community of Raleigh (South Kent)**

The application was deferred as per the request from the Engineer for 1174506 Ontario Ltd, until the October 20, 2008 Planning Council meeting, in order for the Public Utilities Commission and the Engineering Department to carry out a review of the Sanitary Sewer Station #17.

- (l) Gengrowth Wind Turbine Project – Removal of the “H”**

**MUNICIPALITY OF CHATHAM-KENT
COMMUNITY AND DEVELOPMENT SERVICES
PLANNING SERVICES**

TO: Mayor and Members of Council

FROM: Marsha Coyne, MCIP, RPP
Senior Planner, Planning Services

DATE: September 8, 2008

SUBJECT: Gengrowth Wind Turbine Project – Removal of the “H”

RECOMMENDATIONS

It is recommended that:

1. The zoning amendment application D-28 HO/97/07/G to remove the “H” – Holding symbol from the Front Line wind turbine project, in the Community of Howard, and the adopting by-law be approved.
2. The zoning amendment application D-28 HA/96/07/G to remove the “H” – Holding symbol from the Bisnett Line wind turbine project, in the Community of Harwich, and the adopting by-law be approved.
3. The zoning amendment application D-28 DO/98/07/G to remove the “H” – Holding symbol from the Marsh Line wind turbine project, in the Community of Dover, and the adopting by-law be approved.
4. The zoning amendment application D-14 TE/19/07/G to remove the “H” – Holding symbol from the Swanton Line wind turbine project, in the Community of Tilbury East, and the adopting by-law be approved.
5. The execution of the Road User Agreement by the Mayor and Clerk be authorized by Council.

BACKGROUND

At a special Planning meeting on April 14, 2008, Council approved four site-specific zoning by-law amendments for the Gengrowth LP1 wind turbine projects. Each of these projects is for the construction of five commercial wind turbines under the Ontario Power Authority Standard Offer Program. The four projects are as follows: Bisnett Line, Swanton Line, Front Line and Marsh Line. The four amending by-laws included an “H” – Holding Symbol, requiring the applicant to submit the following documents to the Municipality for review and approval by Council:

- site plan agreement
- decommissioning plan
- operational management plan
- construction management plan
- road maintenance agreement
- emergency response plan
- certificate of approval for noise emission
- post construction avian monitoring protocol
- noise complaint protocol

Council also requested that the above-noted documents be submitted for review 30 days prior to the applicant’s request for the removal of the “H” - Holding Symbol. On August 15, 2008 Council was circulated a copy of the above-noted agreements, plans and protocols.

The Site Plan Agreement, Road User Agreement and the Certificates of Approval for noise emission for the Bisnett Line project and the Front Line project were provided to Council in a draft form on August 15, 2008.

COMMENTS

The final Site Plan Agreement, Road User Agreement and the Certificates of Approval for the noise emission for the Bisnett Line project and Front Line project have been completed and are attached as follows:

- The Site Plan Agreement is attached as Schedule “A”
- The Road User Agreement is attached as Schedule “B”
- The Bisnett Line Project Certificate of Approval for noise emission is attached as Schedule “C”
- The Front Line Project Certificate of Approval for noise emission is attached as Schedule “D”

The following will be included in the registered Road User Agreement, which will ensure that the proponent fully implements and carries out all the required protocols and plans to the satisfaction of the Municipality:

- Emergency Response Plan
- Construction Management Plan
- Operational Management Plan
- Post Construction Avian Monitoring Protocol
- Decommissioning Plan
- Noise Complaint Protocol

All of the plans, agreements and protocols requested by Council prior to the removal of the “H” – Holding Symbol have been submitted to Council for review. The applicant has requested that the “H” – Holding Symbol be removed in order to proceed with the development of the four wind turbine projects.

Administration is satisfied with all of the required plans, agreements and protocols submitted to Council and recommend the removal of the “H” – Holding Symbol from the four GenGrowth LP1 wind turbine projects.

COMMUNITY STRATEGIC PLAN

The recommendations in this report support the following objectives and strategic directions:

B. Economy – We are a prosperous community.

B2 Make Chatham-Kent a business-friendly community and a desirable leisure destination.

B4 Encourage the continued growth of a diversified and sustainable economic base.

C. Environment – We are a green community.

C1 Develop pride in the community for its environmental assets.

C4 Promote responsible consumption of non-renewable resources.

Desired Outcomes

- Increase the diversity of area investments, entrepreneurs and skilled workforce.
- Identify Chatham-Kent as a location for new investment.

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

CONSULTATION

Fire Services has reviewed the emergency response plan and supports the documents as submitted.

Infrastructure and Engineering Services, Building, Enforcement and Licensing Services and Chatham Kent Energy have reviewed the decommissioning plan, operational management plan, construction management plan and the noise complaint protocol and support the documents as submitted.

The post construction avian monitoring protocol was developed by Gengrowth in consultation with Environment Canada and the Ministry of Natural Resources. Administration has confirmed that the methodology outlined in the protocols is supported by these agencies.

FINANCIAL IMPLICATIONS

Based on the estimate of the proponent and the experience of the other projects in Ontario, there are a number of financial benefits:

- Local permanent jobs – these are estimated at ten persons per 100MW. This would amount to one position each for the Gengrowth projects, or four in total.
- Construction jobs – these are calculated to be about 4,000 man-hours per turbine or about 40 person-years for the four projects.
- Total Developer investment is approximately \$2.4 million per megawatt or about \$96 million for the Gengrowth projects.
- Local construction materials – the value of local materials purchased for construction is about \$90,000 per turbine or \$1.8 million for the Gengrowth projects.
- Landowner compensation is estimated at \$10,000 per turbine per year, or \$200,000.
- Property tax is estimated at \$2,400 per megawatt, or about \$96,000 for the Gengrowth projects.

Any public works associated with road and other infrastructure improvements necessary to accommodate these projects can be addressed through the municipal permit/approval process and will be done at no expense to Chatham-Kent.

Prepared by:

Reviewed by:

Marsha Coyne, MCIP, RPP
Senior Planner, Planning Services

Ralph Pugliese, MCIP, RPP, DPA
Director, Planning Services

Reviewed by:

Reviewed by:

Evelyn Bish, BA
Acting General Manager
Community and Development Services

C.D. Weldon
Chief Administrative Officer

The Mayor asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Councillor Sulman questioned whether all the properties were at least one (1) kilometre from Lake Erie, Lake St. Clair and Rondeau Bay. The Senior Planner indicated that the closest was on Bisnett Line at 1,300 metres.

In response to Councillor Parsons question, the Senior Planner noted that none of the wind turbine locations had changed.

Councillor Herman questioned if this application was approved what the next step would be. The Senior Planner noted that the next step would be to finalize the Road Use Agreements, to collect the site plan deposits and then the building permits could be issued. She noted that construction could begin as soon as the Road Use Agreements were signed.

Councillor Stirling moved, Councillor King seconded:

“That:

- 1. The zoning amendment application D-28 HO/97/07/G to remove the “H” – Holding symbol from the Front Line wind turbine project, in the Community of Howard, and the adopting by-law be approved.**
- 2. The zoning amendment application D-28 HA/96/07/G to remove the “H” – Holding symbol from the Bisnett Line wind turbine project, in the Community of Harwich, and the adopting by-law be approved.**
- 3. The zoning amendment application D-28 DO/98/07/G to remove the “H” – Holding symbol from the Marsh Line wind turbine project, in the Community of Dover, and the adopting by-law be approved.**
- 4. The zoning amendment application D-14 TE/19/07/G to remove the “H” – Holding symbol from the Swanton Line wind turbine project, in the Community of Tilbury East, and the adopting by-law be approved.**
- 5. The execution of the Road User Agreement by the Mayor and Clerk be authorized by Council.”**

The Mayor put the Motion

Motion Carried

5. READING OF BY-LAWS

Municipal Clerk noted that the By-law to amend Zoning By-law No. Z-5200-88, as amended, of the former Township of Raleigh (1174506 Ontario Ltd (Links of Kent)) was deferred and removed from the By-law Reading.

(a) FIRST READING

Councillor Vercouteren moved, Councillor Pinsonneault seconded:

“That the By-laws be taken as read for the first time.”

The Mayor put the Motion.

Motion Carried

(b) SECOND READING

Councillor Vercouteren moved, Councillor Pinsonneault seconded:

“That the By-laws be taken as read for the second time.”

The Mayor put the Motion.

Motion Carried

(c) **COUNCIL TO GO INTO COMMITTEE, IF REQUIRED, TO DISCUSS BY-LAWS**

(d) **RESUMPTION OF COUNCIL**

(e) **THIRD AND FINAL READING**

- i. By-law to amend Zoning By-law No. 42-1988, as amended, of the former Township of Romney (Authier Farms Ltd., c./o Brian Paul Authier) (Hansen #4921)
- ii. By-law to amend Zoning By-law No. Z-5200-88, as amended, of the former Township of Raleigh (Gregory Scott Guy & Kelly Lynn Russell-Guy) (Hansen #4902)
- iii. A By-law to amend Zoning By-law No. 86-65, as amended, of the former Township of Howard (Edward Lawrence Scott) (Hansen #4897)
- iv. By-law to amend Zoning By-law No. 75-20, as amended, of the former Township of Ridgetown (Bernard J. Goodal) (Hansen #4908)
- v. By-law to amend Zoning By-law No. 30-77, as amended, of the former Township of Zone (Wayne & Mary Jane Lambrecht) (Hansen #4918)
- vi. By-law to amend Zoning By-law No. 30-77, as amended, of the former Township of Zone (Shane Sloan) (Hansen #4898)
- vii. By-law to amend Zoning By-law No. 16-41, as amended, of the former Township of Camden (Peaceful Acres Ltd.) (Hansen #4813)
- viii. By-law to amend Zoning By-law No. 92-50, as amended, of the former Township of Chatham (Birgit Kroon) (Hansen #4263)
- ix. By-law to amend Zoning By-law No. 90-40, of the former Township of Dover (Clifford Marchand) (Hansen #4883)
- x. By-law to amend Zoning By-law No. Z-5200-88, as amended, of the former Township of Raleigh (1174506 Ontario Ltd. (Links of Kent)) (Hansen #4778)
Deferred and Removed
- xi. By-law to amend Zoning By-law No. 86065 of the former Township of Howard (Gengrowth LP1) (Hansen #4046)
- xii. By-law to amend Zoning By-law No. 5296 of the former Township of Harwich (Gengrowth LP1) (Hansen #4046)
- xiii. By-law to amend Zoning By-law No. 2470-86 of the former Township of Tilbury (Gengrowth LP1) (Hansen #4046)
- xiv. By-law to amend Zoning By-law No. 90-40 of the former Township of Dover (Gengrowth LP1) (Hansen #4046)
- xv. By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Chatham-Kent at its meeting held on the 15th, day of September, 2008

Councillor Herman moved, Councillor King seconded:

“That the By-laws be taken as read for the third time and finally passed.”

The Mayor put the Motion.

Motion Carried

6. RESOLUTION COUNCIL IN CLOSED SESSION & ADJOURNMENT

Moved by Councillor Robbins, seconded by Councillor Pinsonneault.

“That Chatham-Kent Council adjourn to its next Meeting to be held at 6:00 p.m. on Monday, September 22, 2008 and that Chatham-Kent Council authorize itself to meet in closed session prior to such Meeting to discuss any matters permitted by The Municipal Act.”

The Mayor put the Motion.

Motion Carried

The meeting adjourned at 6:51 p.m.

Mayor – Randy Hope

Clerk – Elinor Mifflin

:wm