

Minutes of a regular meeting of the Council of the Municipality of Middlesex Centre held this date at the Municipal Office, Coldstream at 7:00 p.m.

ATTENDANCE**PRESENT**

Mayor Al Edmondson
Deputy Mayor Bannister
Councillor Filson
Councillor Brennan
Councillor Bloomfield
Councillor Ritchie
Councillor Berze

ALSO PRESENT

Cathy Saunders	Chief Administrative Officer/Clerk
Jim McConnell	Manager, Planning & Development Services
Marc Bancroft	Senior Planner
Ben Puzanov	Planner

Mayor Edmondson presided.

The reporters from the Age Dispatch and Banner were in attendance.

ADDITIONS TO THE AGENDA

None were disclosed by any of the members.

DISCLOSURE OF PECUNIARY INTEREST

None were disclosed by any of the members.

CONSENT AGENDA

Resolution #2009/105
Moved by John Brennan
Seconded by Clare Boomfield

1. THAT Council receive the Notices of the Committee of Adjustment Hearing to be held on May 25, 2009.

- Carried -

PUBLIC MEETING UNDER SECTIONS 34 AND 39 OF THE PLANNING ACT

1. Resolution #2009/106
Moved by Brian Ritchie
Seconded by Albert Bannister

THAT Council move into Public Meetings at 7:02 p.m. under Sections 34 and 39 of the Planning Act, R.S.O. 1990, c. P13, as amended.

- Carried -

2. **Application for a Zoning By-law Amendment from Mary P. Walls for lands described as Part of Lot 25, Concession 14; being Part 1 on Reference Plan 33R-14173 (geographic Township of London), Municipality of Middlesex Centre.**

Mayor Edmondson provided an introduction stating the purpose of the Public Meeting and stated the process following the Public Meeting. Planning staff confirmed that notice of the Public Meeting had been given in accordance with the Planning Act.

There were no members of the public in attendance regarding this application. Mr. John Walls, agent for the applicant was in attendance.

Ben Puzanov, Planner reviewed the application with Council and members of public present. He indicated that the purpose of the proposed temporary use by-law is to permit the existing single-detached dwelling to remain on the subject property for a period not to exceed one year while a new single detached dwelling is being constructed. The property is currently zoned Agricultural (A1) in accordance with the Middlesex Centre Comprehensive Zoning By-law 2005-005, which permits only one single detached dwelling per lot. Permission is therefore required to permit the construction of a new single detached dwelling while the existing single-detached dwelling remains on the subject property. The existing single-detached dwelling would be removed from the property when the new single-detached dwelling has received a final inspection to permit occupancy.

Comments from the County of Middlesex, the Deputy Chief Building Official and the Public Works and Engineering Department were provided to members of Council and the public.

There were no questions or comments from the public or members of Council.

The Mayor thanked those in attendance for their comments and indicated that a staff report regarding the application will be forwarded to the June 17, 2009 Planning and Development Services Committee for consideration.

3. **General Amendment to the Middlesex Centre Comprehensive Zoning By-law 2005-005 to generally allow park model trailers in campground uses and Pursuant to Part IV of The Municipal Act, R.S.O. 2001, as amended in the matter of the Consideration of a By-law for the Licencing, Regulating and Governing of Campgrounds in the Municipality.**

Mayor Edmondson provided an introduction stating the purpose of the Public Meeting and stated the process following the Public Meeting. Planning staff confirmed that notice of the Public Meeting had been given in accordance with the Planning Act.

There were approximately eleven persons in attendance at the meeting.

Marc Bancroft, Senior Planner provided an overview of the matters before Council. He indicated that the purpose and effect of the general amendment to the Comprehensive Zoning By-law is to permit park model trailers in a campground use. He indicated that currently, park model trailers are not permitted in a campground use according to the Zoning By-law and the effect of this amendment is to add a separate definition for "park model trailers" and to revise the "campground" definition to include park model trailers. He stated that the amendment also proposes a 1.5 metres (5 ft.) side yard and rear yard setback requirement for park model trailers. Mr. Bancroft also noted that a draft Licencing By-law to regulate campground facilities is also before the public for comment.

Comments from the County of Middlesex, Lower Thames River Conservation Authority, the Deputy Chief Building Official, the Public Works and Engineering Department and a letter from Patton Cormier & Associates was presented to members of the public and Council.

Ms. Carole Wiebe of MHBC Planning, on behalf of the owners of Oriole Park Inc. provided comments on behalf of her clients. Ms. Wiebe's comments are summarized as follows:

- She supports the initiative of Middlesex Centre to bring additional clarity to the zoning by-law by creating a separate definition for park model trailer. She indicated that her research on this matter found that a great number of municipalities include separate definitions for mobile homes and park model trailers.
- She noted that the definition proposed by staff for park model trailers makes reference to Section 3.39 of the Building Code; however the correct section is 9.39. She indicated however that in her opinion it is not essential to include this reference in the definition and instead reference to the CAN/CSA-Z241 Series should be used in the definition.
- She also suggested that the definition of Campground as being proposed by amended to read as follows: CAMPGROUND means the use of land, buildings or structures and comprising land used for seasonally recreational activity as grounds for camping including the parking and/or erection of tents, motor homes, travel trailers, or truck campers and the placing of park model trailer but not mobile homes and may include administrative offices, a Laundromat, recreation centre, and other related uses associated with the operation of a campground, and a private park. The use of such accommodation on a permanent year round basis shall not be permitted and any campground shall be closed from January 1 to March 31, inclusive. A campground does not include a mobile home park.
- Ms. Wiebe also expressed concern that the campground definition makes reference to the Municipal Act which implies that a campground must be licenced. She indicated that there are numerous campgrounds in Ontario that operate without a licence. She indicated that she has not been provided with a rationale for the need of a licencing by-law. She indicated that the time frame for which the campground can be opened can be controlled within the Zoning By-law.
- She indicated that the evolution of campgrounds has seen a change in camping patterns with people staying for longer periods of time at a single location. She indicated that in order for Oriole Park to remain competitive and provide the same types of services, the introduction of park model trailer will bring this site into conformity with the vast majority of other campgrounds in Ontario.
- She indicated that without flexibility to offer a significant number of campsites with the ability to accommodate park model trailers, Oriole Park will not be able to respond to the current and future requirements of the campground industry. She also noted that revenue from the campground users is needed to respond to the servicing upgrades to the site that are being required by the Ministry of Environment.
- Ms. Wiebe noted that given that there is only one campground in Middlesex Centre she did not understand the need for a licencing by-law.
- She requested that Council approve the Zoning By-law Amendment with changes she suggested and to not proceed with a licencing by-law.

Mr. Leigh Fishleigh, solicitor for Oriole Park Inc. indicated that in his opinion a licencing by-law is not required as the use of the land and the time period of operations for the campground can be regulated by the Zoning By-law. He indicated that very few municipalities utilize a licencing by-law to regulate campground uses. He indicated that in his opinion the Municipality would be more exposed to litigation with a licencing by-law in place. He indicated that it

should be left to the operator of the campground to regulate many of the regulations that are being proposed by the licencing by-law.

Mr. Fishleigh indicated that it is important for campgrounds to be closed for a season in order to ensure that the campground does not fall under the Residential Tenancy Act. He provided Council with a booklet of case law pertaining to this issue and recommended that the Municipality look at Centre Wellington for examples of regulating campground uses and park model trailers.

Mr. Fishleigh reviewed the Licence of Occupation agreement that is required to be signed by occupants of campgrounds. He indicated that this agreement provides protection to ensure that the campground is not occupied year round.

Ms. Wendy Nesseth, one of the owners of Oriole Park spoke and provided an overview of her understanding of the actions that have occurred over the last number of years with respect to this matter. She indicated that her family has operated the campground in a business like manner and has never been subject to a licencing by-law. She indicated that Oriole Park will fail as a business if the Municipality does not provide them with the ability to accommodate park model trailers on the property without regulations as being suggested in the licencing by-law.

Members of Council asked Ms. Nesseth to clarify her comment regarding not being subject to a licencing by-law. She indicated to her knowledge that they simply paid a \$25.00 a year fee but was not subject to a by-law. It was noted that former Township of Lobo did have a by-law licencing campgrounds, as did Middlesex Centre until the by-law expired.

The Mayor thanked those in attendance for their comments and indicated that application will be forwarded to the June 17, 2009 Planning and Development Services Committee for consideration.

Resolution #2009/107
Moved by John Brennan
Seconded by Ken Filson

THAT Council resume into general session at 8:10 p.m.

- Carried -

STAFF REPORTS

1. CORPORATE SERVICES DEPARTMENT

1.1 Report No. CDS006/09-DC - Recreational Infrastructure Canada (RInC) Program and Ontario Recreation (Ontario REC) Program Funding Projects

Council members requested clarification with respect to the costs of the Projects being recommended by staff for inclusion in the Recreation Infrastructure Canada (RInC) funding program. Staff indicated that in total, the funding being requested would be approximately \$350,000.00

Resolution #2009/108
Moved by Frank Berze
Seconded by Ken Filson

THAT Report Number CSD006-DC, dated May 15, 2009 and entitled "**Recreational Infrastructure Canada (RInC) Program and Ontario Recreation (Ontario REC) Program Funding Projects,**" be received.

THAT Council designates the compressors at the Ilderton arena, splash pad in Ilderton, relocation of baseball diamond in Heritage Park and upgrades to Delaware baseball diamond as its projects for applications for funding under the RInC Program and Ontario REC Program.

- Carried -

1.2 There were no further reports or inquiries.

CONFIRMING BY-LAW

Resolution # 2009/109

Moved by Clare Bloomfield

Seconded by Albert Bannister

THAT By-law Number 2009-040 being a By-law to confirm the proceedings of the Council meeting held on May 20, 2009 be approved and that this constitutes the first, second and third reading and By-law Number 2009-040 is hereby enacted.

- Carried -

ADJOURNMENT

There being no further business, this meeting of Council adjourned at 8:20 p.m. to meet again on Wednesday, June 3, 2009 at 4:00 p.m.

MAYOR

CLERK