

BRANT COUNTY COUNCIL

SPECIAL PUBLIC MEETING

FIVE-YEAR REVIEW OF THE OFFICIAL PLAN

South Dumfries Community Centre
Thursday, December 10, 2009
7:05 p.m.

Present: Mayor Eddy, Councillors Wheat, Schmitt, Simons, Haggart, Powell, Atfield, Chambers, Coleman and Gatward

Regrets: Councillor Hodge

Others: Chris Tyrell, John Kennedy and Nancy Reid, MMM Group

Staff: Johnston, Pomponi, Davidson, Moore, Carman and Boyd

Mayor Eddy, in the Chair, welcomed the public to the meeting and members of Council introduced themselves.

OVERVIEW OF DRAFT OFFICIAL PLAN

David Johnston, Director of Development Services, reviewed the process for the Official Plan Five Year Review, including a number of meetings held to garner public input and comments on draft versions of the document and to consider numerous submissions made on behalf of property owners and interested groups. Council's recommendations on these submissions have been incorporated into the final draft document presented this evening.

Mark Pomponi, Chief Planning Official, reviewed that comments made this evening will be consolidated and considered in a staff report to be presented at a future meeting. He noted that there will be one additional formal public meeting held under the Planning Act, before Council's final consideration of the Official Plan document.

Mr. Pomponi reviewed that there are significant changes between the draft document and the current County of Brant Official Plan, arising primarily from changes in Provincial legislation (Provincial Policy Statement, Places to Grow, Greater Golden Horseshoe, Bill 151), with which municipal planning documents now *must comply*. These changes result in a more prescriptive municipal planning process.

Mr. Pomponi reviewed the various sections of the Official Plan as follows:

- Section 1 – Introduction – outlines the framework for the Official Plan document.
- Section 2 – Planning Strategy – provides the policies and rationale for the designations.
- Section 3 – Land Use Designations – outlines the permitted uses and related details for each specific designation. Mr. Pomponi noted that the designations have been condensed from approximately 28 in the current Official Plan to 17.
- Section 4 – Special Policies – outlines regulations / details related to specific parcels of land which are not incorporated in the general land use designations.

- Section 5 – Infrastructure, Services and Facilities – outlines the County’s expectations with respect to servicing, transportation, community services, utilities, solid waste and capital works.
- Section 6 – Implementation and Administration – outlines procedural matters relating to the Official Plan. Mr. Pomponi highlighted the requirements of a “complete” application, which is an important provision related to timeframes under the Planning Act.
- Section 7 – Interpretation – includes definitions for various terms referenced in the document.

Mr. Pomponi reviewed the Land Use Mapping and other related schedules. He noted that the mapping is intended to be more specific, following identifiable property lines / features and providing clarity to owners on the designation and related permitted uses for their properties.

APPROVAL OF AGENDA

Moved by – Councillor Wheat

Seconded by – Councillor Schmitt

That the agenda for the Brant County Council Special Public Meeting Re: Five Year Review of the Official Plan be approved, noting a change in speaker from Waterous, Holden, Amey, Hitchon and removal of delegation 5(i) – First Urban.

.Carried

DELEGATIONS

Paris Grand Golf Course – West River Road South, Paris – Submission H-26 – Kendra Green, GSP Group, reported that this submission was originally made to recognize the golf course and associated uses on the property. Council approved the submission, however only the property north of West River Road South is shown on the map as Special Policy Area 1. She requested that the policy area be extended to the Golf North property south of West River Road South.

Pearson – East River Road, Glen Morris – Submission H-42 – Kendra Green, GSP Group, reported that this submission was originally made for a more logical reconfiguration of the Hamlets and Villages designation in Glen Morris. Council approved the submission, however the mapping has not be updated to reflect the change.

Tigercat Industries, Consolidated Drive, Paris – Submission H-60 – Bill Green, GSP Group, requested that a portion of the property be designated “Urban Reserve” to reflect the County’s comprehensive review of employment lands which suggests that this may be an area to consider for a different use. This would be consistent with the Urban Reserve designation applied to areas of North Paris and South Dumfries. Mr. Green acknowledged that an Area Study would be required to contemplate the best possible uses of the property.

Stevens – West Quarter Townline Road, Burford - Submission A-38 – Ted Stevens, requested that the County reconsider the submission to redesignate a portion of his property from recreational to rural residential. He noted that the lands were previously used as a golf driving range, which is no longer in operation and are not suitable for agricultural purposes. Mr. Stevens suggested that development of these lands for approximately 5 to 6 residential lots would be in keeping with the character of the community and would serve as infilling between his existing residence and the Hamlet of Gobles.

Brant Flyers – Use of Model Airplanes as a Recreational Use – Submission H-15 –Dennis Pybus requested the status of this submission.

Brant Agricultural Advisory Committee Recommendations – Gary Cain, Chair, presented the following recommendations from the Agricultural Advisory Committee:

1. Small scale commercial / industrial uses (CIUs) accessory to farm operations should be limited to a gross floor area of 250m². Employees should be limited to the farm owner / operator and five non-resident employees. CIUs should not include uses typically directed to the commercial and employment areas of the County. CIUs will require a zoning by-law amendment, which will be vetted through the Agricultural Advisory Committee.
2. One dwelling unit per lot should be maintained. The draft Official Plan will require criteria for permitting a second permanent dwelling unit such that the farmer needs to provide proof that he/she is a full-time operator and the home farm needs to be a minimum of 40 hectares with a sizeable hectarage of land leased. Second permanent dwellings will require a zoning by-law amendment, which will be vetted through the Agricultural Advisory Committee.
3. Garden suites should be further regulated by encouraging that they be attached to the existing dwelling. Where they are proposed to be detached or separated from the existing dwelling, they shall not exceed a gross floor area of 70m².
4. MDS1 variances should not be allowed when introducing new non-farm development into an agricultural area. MSDS2 variances will be considered for new and expanding livestock facilities only if it can be demonstrated that state-of-the-art environmental controls have been / will be incorporated into the farm operation. MSDS1 / MSDS2 variances will require a zoning by-law amendment, which will be vetted through the Agricultural Advisory Committee.

Dormitory as an Accessory Use – Rob Van Poorten, J.H. Cohoon Engineering, requested clarification on whether a public or private school, which is now a permitted use in a residential area, would be permitted to have a residential “dormitory” as an accessory use, referencing the private school in Burford.

Clarification on Number of Permitted Lots – Rob Van Poorten, J.H. Cohoon Engineering, expressed concern about an apparent discrepancy in the draft Official Plan, where properties designated “Suburban Residential” (including Mt. Pleasant, which has partial services) are limited to a maximum of five lots. He suggested that under Provincial Policy Statements, development on partial services is permitted in terms of infilling and rounding out, with no maximum lot constraint.

Stirling Bridge – Willow Street, Paris – Rob Van Poorten, J.H. Cohoon Engineering, expressed concern that the proposed urban residential designation applied to this property, permits medium density residential uses only subject to a series of “tests”, which are arbitrary and not appealable. He suggested that as this property is subject to an Ontario Municipal Board appeal, this change in designation may impact the development rights of the property, which currently allows medium density residential without said “tests”. Mr. Van Poorten suggested a Special Policy Area for this property, recognizing that the final use will be determined through the appeal.

Telephone City Aggregates, Pleasant Ridge Road, geographic Township of Brantford – Submission H-2(a) – Joseph Cohoon, J.H. Cohoon Engineering, requested the redesignation of these lands for residential use. He suggested that the lands not be designated as “Resource Development”, since they are not part of the licensed pit and not be designated “Agriculture” given the layout, soils and limited agricultural potential of the property. Mr. Cohoon expressed the opinion that residential development would be a logical transition between uses and is in keeping with the character of the community and adjacent residential uses.

Good – Mt. Pleasant Road, Mt. Pleasant - Allan Lovette, Waterous, Holden, Amey, Hitchon, requested the redesignation of a portion of these lands for residential use. He expressed the opinion that the subject lands are not a viable agricultural parcel and are bordered on two sides by residential uses.

Casale/Vano – East River Road, South Dumfries – Allan Lovette, Waterous, Holden, Amey, Hitchon, requested the redesignation of these lands (north east corner of East River Road and McLean School Road), as Rural Residential, which is consistent with lands redesignated to the east and south.

Cainsville Development – Tony Henrique, business owner in the Cainsville area, expressed concern about the apparent lack of support for the development and revitalization of the Cainsville business community. He noted that at one time, this was a vibrant and successful industrial area, whose potential is under-utilized because of servicing restrictions and no expansion to the urban settlement boundary being contemplated in the new Official Plan.

Poirier – Branchton Road, South Dumfries – Submissions A-14 and H-34 – Paul Poirier requested clarification on the status of this submission for the redesignation of lands for residential use. He suggested that the revised mapping be amended to clarify the location of the railway and bush areas of the property. Mr. Poirier expressed concern about the timeframe for final approval of the new Official Plan and requested notification of any further discussions / Provincial comments regarding his submissions.

Watts – Mount Pleasant Road – Submission H-52 – Mr. Watts requested the redesignation of a portion of this property for residential use. He advised that the bulk of this formerly successful agricultural property is now developed for residential use within the City of Brantford. Mr. Watts suggested that the rural residential development of the subject lands, surrounded on two sides by City of Brantford development and on one side by rural residential uses, would provide a smooth transition between urban and rural communities.

Cainsville / Brant East Development – Mabel Dougherty reviewed that the Cainsville and Airport industrial areas were originally developed to support the primarily agricultural surrounding communities. She suggested that given Cainsville's prime location in terms of access to Colborne Street East and Highway 403, the County should strive to support and expand the industrial base in this area as a means to improve its overall taxation ratios.

Proposed Development North of Lions Park, Paris – Ernie Csordas, representing the “Save Barker’s Bush” group, stated that at a meeting with the developer, the group was promised information from the archaeological studies by November 9. In response, Mark Pomponi, Chief Planning Official, advised that the County is not in receipt of the archaeological assessment at this time, but once it has been submitted, information will be provided to the group. Mr. Csordas expressed the opinion that the subject lands are not necessary for residential development and that there is considerable public support for saving the land as a unique, natural area.

Permitted Uses for Property on Highway 2, Falkland – Arie Vandenberg expressed concern about the potential marketing of a property for a commercial use that is not permitted, under an Ontario Municipal Board decision on the matter. He requested confirmation that nothing in the new County of Brant Official Plan would grant additional development rights to the property.

Implications of New Land Use Designations – Elizabeth Amaron, representative from the St. George Citizens' Association, expressed concern that with the implementation of condensed, broad, land use designations, there may be opportunities for inappropriate changes of use to proceed without proper public consultation and input. David Johnston, Chief Planning Official, noted that any change in use contemplated under the Official Plan would still be subject to the public Zoning By-law Amendment process under the Planning Act.

Development of Cainsville – Murray MacDonald suggested that a comprehensive area study is needed for the entire Cainsville / Brant East area to garner public input and develop a "big picture" vision for this community. He asked whether Cainsville could be considered as a community improvement area under the Official Plan. In response, Mark Pomponi, Chief Planning Official, advised that Cainsville could be considered for community improvements either through or outside of the Official Plan process.

Mr. MacDonald questioned whether direction with respect to an Urban Reserve designation for Cainsville has been incorporated into current mapping. Mr. Pomponi noted that maps presented this evening were prepared prior to that discussion.

Mr. MacDonald asked if it would be appropriate to establish a development designation with a "holding" provision for certain lands in Cainsville. Mr. Pomponi clarified that holding provisions are generally a Zoning By-law feature.

Protection of Agricultural Lands – Ella Haley, Sustainable Brant, reported that this group has been working for approximately three years, seeking enhanced policies for the protection of agricultural lands, including changes to Green Belt legislation and a reduction in growth allocation policies. She noted that her group has raised questions and issues over the years, not all of which have been formally responded to. Ms. Haley expressed concern about the extent of eventual build-out of the Cainsville / Brant East areas that would be possible if current development interests are included in the Official Plan. She suggested that the County investigate the creation of a food policy as a means to support local agricultural operations. Ms. Haley further suggested that the County consider increased provisions for the protection of the environment and heritage and to prohibit "dirty" industries in favour of those that support new, renewable energy. She stated that the City of Toronto is considering a ban on election campaign contributions from developers and suggested that the County of Brant take similar action.

Ms. Haley questioned whether the Mayor has a conflict of interest with respect to potential developments in the Cainsville / Brant East area. Mayor Eddy replied that he has no pecuniary interest or personal gain from development in Cainsville / Brant East.

Comments on Mapping and Text Matters – Howard Snodgrass, Snodgrass Consulting Services, reviewed a number of technical mapping and text matters to be addressed. He noted that discussions with staff on specific properties where he feels there has been a loss of development rights would be ongoing and may require further submission.

Mayor Eddy thanked all speakers for their presentations and input.

CORRESPONDENCE

Moved by – Councillor Haggart
Seconded by – Councillor Wheat

That the following correspondence be received and referred to staff for report:

1. Wendy Nott, Walker, Nott & Dragicevic – Brookfield Homes – Cochrane and Dunk Properties, North Paris;
2. James Hitchon, Waterous, Holden, Amey, Hitchon – Submission H-19 – Schulyer Hill Orchards;
3. Hugh Handy, GSP Group – Vinod Arora, 438 Brant Road;
4. Hugh Handy, GSP Group – Activa Group – Lots 7 and 8, Concession 2, west of St. George Road;
5. City of Brantford – Comments on Official Plan; and
6. Sobeys – Property West of Rest Acres Road.

.Carried

CLOSING REMARKS

Moved by – Councillor Chambers
Seconded by – Councillor Schmitt

That submissions received at the Official Plan Five Year Review Public Meeting of December 10, 2009 be received as information and referred to staff for compilation and consideration in a report.

.Carried

In response to a question, the Chief Planning Official advised that legally, any submission can be made for Council's consideration up until the final plan is approved. One alternative is for Council to establish a final deadline and refer any further submissions to the Official Plan Amendment process.

The meeting adjourned at 9:00 p.m.

Secretary