

SPECIAL PLANNING ADVISORY COMMITTEE

MINUTES

Brant County Council Chambers
7 Broadway Street, Paris
Monday, December 15, 2008
7:00 p.m.

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

Regrets: Councillor Simons

Staff: Urbanski, Johnston, Pomponi, Davidson, Stone, Baycetch, Moore and Lehmann

Others: Mr. Chris Tyrrell and Ms. Nancy Reid, MMM Group Limited

Councillor Chambers in the Chair.

Chairman's Remarks

The Chairman welcomed attendees and advised that the special Planning Advisory Committee meetings scheduled to consider the various Official Plan submissions are not public hearings in the traditional sense. He noted that the agenda for the evening's meeting was composed of a list of individual submissions that the Committee would be considering as part of the recommendations contained in Staff Report PA-08-61. The Chairman advised that as a courtesy, those individuals with submissions appearing on the evening's agenda would be afforded an opportunity to speak to their respective submissions, should they so choose.

In an effort to facilitate a timely review of the submissions received, the Chairman requested that delegations limit their respective oral presentations to five minutes or less.

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That the oral presentations provided by delegations appearing on the agenda be limited to five minutes.

.Carried

Approval of Agenda

The Chairman noted that two additional items of correspondence, one received from First Urban and the other from Mr. Murray MacDonald, would be added to the agenda, under "Correspondence".

The Chairman noted that the delegation listed beside item 4(c) on the agenda had withdrawn her request to speak to Submission A-20.

The Chairman asked attendees if there was anyone else wishing to speak to any of the submissions appearing on the agenda. Mr. James Neven requested to speak to Submission A-34 and Committee granted his request.

Moved by – Councillor Schmitt
Seconded by – Councillor Hodge

That the agenda for the Special Planning Advisory Committee meeting of December 15, 2008, be approved, with additions.

.Carried

Official Plan Submissions:

Mr. James Neven, on behalf of Mr. James Rosebrugh and Mr. Bill Janssen – Submission A-34

Mr. James Neven reported that he represents Providence Free Reform Church and that the congregation is currently meeting in the St. George United Church. He advised that the Church is experiencing a significant increase in membership and that the St. George United Church is no longer large enough to accommodate their needs. He noted that Providence Freedom Reform Church is desirous of purchasing four acres of land on which they intend to build a new Church.

Mr. Dan Dignard, on behalf of Mr. and Mrs. Dan and Regina Schieman – Submission F-12

Mr. Dan Dignard reported that Mr. and Mrs. Dan and Regina Schieman are requesting to have the whole of their property considered within the Hamlet of Mount Vernon, as Village Residential lands. He noted that the latest documentation forwarded by the County to Mr. and Mrs. Schieman indicated that their request has been only partially promoted, with the inclusion of additional lots fronting onto Colborne Street.

Mr. Dignard reiterated that Mr. and Mrs. Schieman are desirous of having their entire farm property considered as Village Residential, suggesting that the proposed changes to the existing Official Plan would result in a remnant parcel of agricultural land, approximately twenty to twenty-five acres in size, surrounded by lands with a residential / hamlet / urban development potential. He noted that the north and south boundaries of the property feature natural boundaries, with wetlands to the north and Colborne Street to the south.

Committee reviewed a topical map of the subject property and discussion focused on lot depth conformity, abutting properties, self-contained services, frontage and Provincial limitations and restrictions with respect to plans of subdivision. Councillor Haggart expressed his opinion that the submission received from Mr. and Mrs. Schieman is not a frontage issue and that the staff recommendation is not necessarily reflective of the submission received.

In response to questions, Mr. Dignard reported that although Mr. and Mrs. Schieman do not have definitive intentions to develop the subject property at this time, they do have a large family that may want to be a part of the future of the Hamlet.

Mr. Paul lafrates – Submission A-5

Mr. lafrates reported that over the course of ten years, the neighbourhood surrounding his property has accommodated new residential development and that his particular neighborhood is comprised of various homes, the majority of which are situated on plots of one acre or less. He explained that the corner section formed by the homes is considered a “cluster zone”. He requested that the County consider an extension of the cluster zone designation, to include land frontage on County Road 22. He suggested that the new cluster zone could accommodate three new residential lots, approximately one acre each in size. Mr. lafrates noted that there would not be any further development possible beyond the southern boundary of the cluster zone, as any land remaining following the potential development would be required to be left undeveloped in order to satisfy an existing Ontario Hydro easement. Mr. lafrates further noted that the requested designation would compliment the existing characteristics of his neighbourhood and would enable infilling. In response to questions, Mr. lafrates noted that the requested three lots would front onto County Highway 22.

Mr. Larry Clarkson – Submission A-8

Mr. Clarkson expressed his opinion that he is not being afforded the opportunity to specifically discuss with Planning staff the reasons for the recommended denial of his submission. He reviewed the portion of Staff Report PA-08-61 dealing specifically with his submission and requested further information with respect to Planning staff’s assertion that that his submission conflicts with the *Places to Grow Act*, Provincial Policy Statement and the Official Plan. Mr. Clarkson reviewed a topical map of his property and noted that he is requesting that the Hamlet of Falkland be extended to include the balance of his lands, and that approximately seventeen acres be re-designated from Agricultural to Hamlet Residential, to allow for a plan of residential subdivision, consisting of five residential lots. Mr. Clarkson reported that enough frontage exists on the property to provide for a roadway to service the requested five residential lots. With respect to settlement area expansion, Mr. Clarkson noted that not all persons are desirous of living in a traditional subdivision setting and would prefer two acres of land, with individual servicing, and that his request would provide for that type of setting.

Mr. Rob van Poorten, J.H. Cohoon Engineering, on behalf of Mr. and Mrs. William Sharp – Submission A-22

On behalf of Mr. and Mrs. William Sharp, Mr. Rob van Poorten reported that the subject property is located on the south side of East River Road, east of the Hamlet of Glen Morris. He explained that Mr. and Mrs. Sharp are requesting that the frontage of their lands be re-designated to “Hamlet”. Mr. van Poorten reported that the subject property lies between Glen Morris and approximately seven to ten estate type residential lots created to the east. Mr. van Poorten explained that although Mr. and Mrs. Sharp understand the hesitancy to enlarge settlement areas, they wish to point out that it may be appropriate to allow estate type residential lots along the East River Road frontage of their lands, in an effort to link up the more intensive Glen Morris urban uses with the larger lot residential format previously permitted to the east. Mr. van Poorten advised that the balance of the subject property would continue to be used for its current agricultural use.

Mr. Wilbert Long, on behalf of Long Investments – Submission A-35

Mr. Long reported that he is requesting that the subject lands be re-designated from Agricultural to Rural Residential. He reported that there are two specific reasons for his request, the first being that several builders have approached him and requested that he undertake another development in the area, similar to Parisian Heights and the second reason being that he has lived and worked within the County of Brant since 1960 and is committed to seeing the community developed in a way that the community wishes it to be developed. Mr. Long provided Committee with a handout, detailing the following:

- history of Long Investments Inc.'s involvement in the area, over the past 52 years;
- opinion that his request is a mutually sound business venture, particularly given the tax base;
- issues regarding servicing;
- the abandoned agricultural ventures that neighbour the property to the east and to the north;
- opinion that the requested development would attract premium homes, creating a higher tax base;
- opinion that the requested development would include infrastructure that is already paid for and in place

Mr. Rob van Poorten, J.H. Cohoon Engineering and Mr. Edward Stevens – Submission A-38

Mr. van Poorten reported that the subject property is unique in that it is designated "Recreation" in the current and proposed Official Plan. He noted that the property is adjacent to and south of the Hamlet of Gobles. He reviewed the request of Mr. Stevens, that the Recreation designation which supported the now closed golf driving range, be amended to allow the establishment of estate residential lots in recognition that the current designation is a quasi-urban land use designation, allowing various commercial recreational uses, including community centres, arenas, etc. Mr. van Poorten noted that although it is recognized and appreciated that the County cannot, without appropriate justification, expand hamlet settlement areas, his client is of the belief that larger format residential lots would be appropriate, given the current and proposed land use capability of the subject property.

Mr. Stevens reported that he has owned the subject property for more than twenty three years and that the original intention of the golf driving range was to provide Mr. Stevens with the ability to, upon his retirement, teach golf. He reported that he will be unable to retire for quite some time and that he and his wife have not experienced the amount of business that they had been hoping for at the golf driving range. Mr. Stevens reported that the subject property is not appropriate for agricultural use.

Mr. Rob van Poorten, J.H. Cohoon Engineering, on behalf of Mr. and Mrs. Giovanni DeFelice – Submission A-40

On behalf of Mr. and Mrs. DeFelice, Mr. van Poorten reported that when the request was submitted in October of 2005, it was a request that the subject property be re-designated from its current Agricultural designation to Hamlet. He noted that neither the current, nor the proposed Official Plan recognizes Langford as a settlement area, but that the general area contains a range of land uses, including a church and a number of estate residential uses. Mr.

van Poorten further reported that the subject property is in close proximity to the Church, which is the centre of the Langford community and requested that consideration be given to the re-designation of the property to an appropriate category to allow for the establishment of some estate residential lots, noting the existence of a Rural Residential area further along Langford Church Road.

In response to questions, Mr. van Poorten noted that the specific number of estate residential lots being requested by Mr. and Mrs. DeFelice has not yet been determined.

Mrs. Jean Farquharson – Submission F-13

Mrs. Farquharson reported that she is requesting that the County continue to include as part of the urban settlement area of Paris, her farm on part of lots 15 and 16, Concession 1. She expressed her opinion that an error was made on the part of Planning staff not to continue to include the property within the Paris settlement area.

Mrs. Farquharson reviewed with Committee a copy of her correspondence, addressed to the Director of Development Services, and discussed the following:

- the history of the subject property, in particular that the subject property has been part of the Town of Paris since 1989;
- historical renegotiation of services;
- public library privileges;
- ward representation;
- the process of “grandfathering”;
- the downgrade in designation of property

Reports from Staff

Mr. Mark Pomponi, Chief Planning Official reviewed Staff report PA-08-61, and made particular reference to the following submissions:

- Submission A-6
Only those lands fronting onto Mt. Pleasant Road are being recommended for inclusion in the extension of the Mt. Pleasant Settlement Area.
- Submission A-34
Only a small portion of lands at the north end of the St. George cemetery are being recommended for inclusion in the extension of the St. George Settlement Area.
- Submission F-12
Only those portions of land fronting on Colborne Street West are being recommended for inclusion in the extension of the Burford Settlement Area and the designation will represent only those lands currently zoned for residential development.

PA-08-61 FIVE YEAR OFFICIAL PLAN UPDATE – SETTLEMENT EXPANSION REQUESTS

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following requests for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

A-3, A-6, A-20, A-34, F-12, F-18 and H-7

.No Vote – Amending Motion Follows

Councillor Coleman requested that submission F-12 be considered separately.

Councillor Haggart requested that submissions A-3, A-20, F-18 and H-7 be considered separately.

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following requests for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

Submission A-6 and Submission A-34

.Carried

Don and Norma Plant – Submission A-3

In response to questions from Councillor Haggart, the Chief Planning Official noted that the request includes all of the land holdings that front onto County Highway 21. Mayor Eddy expressed concern with use of the phrase “does not appear to conflict” and requested that staff refrain from using such an expression.

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following request for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

Submission A-3

.Carried

Lois Walker – Submission A-20

In response to questions from Councillor Haggart, the Chief Planning Official reported that the entire parcel of land is being recommended for approval. The Chief Planning Official reviewed separation distance and neighbouring designations.

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following request for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

Submission A-20

.Carried

Dan and Regina Schieman – Submission F-12

Councillor Coleman expressed concern with the absence of mention in Staff report PA-08-61 with respect to the livestock operation directly across from the subject property. The Chief Planning Official noted that the livestock operation was taken into consideration as part of the review of the submission and that future development may be restricted because of the livestock operation.

Mr. Dignard reviewed a topical map of the subject property and discussion focused on acreage, elevation, the type of livestock operation located across from the subject property, frontage, access and Minimum Distance Separation restrictions. In response to questions, the Chief Planning Official reported that a significant portion of the subject lands are zoned Village Residential and that accesses were restricted when the previously approved sites were being considered. He noted that as part of the proposed development, there may only be two additional driveways accessing Colborne Street and that the impact of two additional homes would be negligible.

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following request for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

Submission F-12

.Defeated – Amending Motion Follows

Grand Erie District School Board and Cecil Green – Submission F-18

In response to questions, the Chief Planning Official reported that the existing school is designated for future Hamlet Residential development. He noted that the school site could be

purchased for future development purposes and that formal applications would be required to be submitted with respect to the land owned by the Green family.

Moved by – Councillor Atfield
Seconded by – Councillor Wheat

That the County of Brant APPROVES the following request for Settlement Area Expansions submissions for consideration of the review of the 5 Year Update to the Official Plan:

Submission F-18

.Carried

Dan and Regina Schieman – Submission F-12

Moved by – Councillor Coleman
Seconded by – Councillor Wheat

That Submission F-12, received from Dan and Regina Schieman, be referred back to Planning staff for further review, with particular consideration being given to Minimum Distance Separation requirements, and further report to a future Planning Advisory Committee meeting.

.Carried

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following requests for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

A5, A8, A20, A22, A33, A35, A36, A37, A38, A40, B9, E7 A&B, E8 A&B; E9, F13, F14, F19, F20, H10 and H17.

.No Vote – Amending Motion Follows

Councillor Gatward requested that Submission F-13 be considered separately.

Councillor Coleman requested that Submissions A-5, A-22, A-38, A-40, B-9 and F-13 be considered separately.

Councillor Hodge requested that Submission A-20 be considered separately.

Mr. Paul Iafrates – Submission A-5

Councillor Coleman expressed concern that the submission is an example of infilling. In response to questions, the Chief Planning Official reported that the Minimum Distance Separation restrictions would apply for any livestock facility and would require an MDS calculation.

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-5

.Defeated – Amending Motion Follows

Mr. and Mrs. William Sharp – Submission A-22

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-22

.Carried

Mr. and Mrs. William Long – Submission A-35

Councillor Wheat suggested that Committee further consider the submission received from Mr. Long and noted that an approval would facilitate a potential, attractive subdivision to be constructed in future. Councilor Haggart suggested that a comprehensive area study be conducted, noting that the submission needs to be reviewed separate and apart from such an area study. In response to questions from Councillor Chambers, with respect to an area study and the County's policy regarding not expanding urban settlement areas, the Chief Planning Official reported that an area study would conflict with that policy, but that applications can always be submitted in future for amendments to the Official Plan and that if the submission is refused, it does not preclude any later applications.

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-35

.Carried

Mr. John Young – Submission A-37

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-37

.Carried

Mr. and Mrs. Edward and Judith Stevens – Submission A-38

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-38

.Defeated – Amending Motion Follows

Mr. and Mrs. Giovanni DeFelice – Submission A-40

Discussion focused on infilling, the facilities present in the area, the intent of the application and the potential for contradicting County planning principles.

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission A-40

.Carried

Joe and Araxie Ball – Submission B-9

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission B-9

.Carried

Alan and Jean Farquharson – Submission F-13

Discussion focused on Environmental Protection Areas, acreage and agriculture use. In response to questions, the Chief Planning Official reported that the map submitted by the applicant shows that the subject lands were included as part of the former Town of Paris. He noted that the designations appear to be 50% Agricultural and 50% Hazardous. The Chief Planning Official noted that although the property may have been included as part of the former Town of Paris, it may not have necessarily been designated for development. Mr. Steve Stone, Senior Planner, noted that the subject lands are not within the settlement boundary of Paris. Further discussion focused on urban settlement boundaries.

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission F-13

.Defeated – Amending Motion Follows

Jeff and Karen Biederman – Submission F-20

In response to questions from Councillor Hodge, the Chief Planning Official noted that the portion of lands designated as Industrial were re-designated approximately two to three years ago.

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following request for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

Submission F-20

.Carried

Moved by – Councillor Haggart
Seconded by – Councillor Schmitt

That the following submissions, requesting Settlement Area Expansions, as part of the 5 Year Update to the Official Plan, be referred to staff for further review and report.

Submissions A-5, A-38 and F-13

.Carried

Moved by – Councillor Schmitt
Seconded by – Councillor Atfield

That based upon Provincial Policy requirements and the plan for the Greater Golden Horseshoe, the County of Brant NOT SUPPORT the following requests for Settlement Area Expansions, as part of the 5 Year Update to the Official Plan:

A8, A33, A35, A36, A37, E7 A&B, E8 A&B; E9, F14, F19, F20, H10 and H17

.Carried

Mayor Eddy requested that in future, phrases such as “appears to be in conflict” or “appears not to be in conflict” not be included in reports from Planning staff. He noted that more definitive language needs to be included in staff reports of this nature.

Correspondence

Email from Mr. Murray MacDonald

Moved by – Councillor Coleman
Seconded by – Councillor Powell

That the following items of correspondence be received as information:

- i. Email from Mr. Murray MacDonald;
- ii. Letter from First Urban

.Carried

Adjournment and Next Meeting

The Committee adjourned at 9:04 p.m., on a motion of Councillors Coleman and Schmitt, to meet again on Wednesday, December 17, 2008 at 7:00 p.m., in Council Chambers, Paris.

Secretary