

PLANNING ADVISORY COMMITTEE

SPECIAL MEETING

MINUTES

Brant County Council Chambers
7 Broadway Street, Paris
Wednesday, January 19, 2009
7:03 p.m.

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

Regrets: Councillor Haggart

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

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

Councillor Schmitt in the Chair.

Approval of Agenda

Moved by – Councillor Powell
Seconded by – Councillor Wheat

That the agenda for the Special Planning Advisory Committee meeting of January 19, 2009, be approved.

.Carried

Official Plan Submissions:

Submissions A14 & H34 - Mary and Paul Poirier

Mr. Poirier noted the following:

- process to change the land use designation was commenced in 2005;
- more than 50% of the property consists of CN railway corridor, which he and Mrs. Poirier purchased in the early 1990's;
- entire ground composition is red and blue clay, with the exception of the railway bed;
- irregular narrow shape of property is not conducive to farming;
- property has never been utilized as farmland

Mr. Poirier provided Committee with a map of the subject property and reviewed the following:

- significant amount of residential development in the immediate area surrounding the subject property;
- MPAC considers the property residential in nature and for many years has taxed Mr. and Mrs. Poirier accordingly

Mr. Poirier reviewed comments received from County staff and discussed several reasons why he feels that his request should be approved, including the cost to remove the abandoned railway corridor, the topography of the property, the soil composition and the negligible effect that building another home on the subject property would have on the surrounding lands.

Submission A1 – Howard Snodgrass, Agent for Mr. Murray McCrea

Mr. Snodgrass reviewed the location, topography and history of the subject lands. Mr. Snodgrass noted that in 2000, County Council had committed to designating the subject lands as estate residential and requested that Committee set aside the recommendation of Planning staff and address Submission A1 separately.

Submission A17 - Stuart Sharp

Mr. Sharp reviewed the history of the subject property and previous Official Plan reviews. He noted that the lands surrounding the subject property are designated as Estate Residential and expressed his belief that Planning staff's recommendation to not approve his request is discriminatory.

Submission A18(a) - Rob van Poorten, Agent for John Sharp

Mr. van Poorten reviewed with Committee a topographical map of the subject property and noted that an approval of the request would facilitate a "rounding out" type of residential development.

Submission F7 - Rob van Poorten, Agent for Demco Farms Ltd.

Mr. van Poorten reviewed the specific location of the subject property and noted that the lands located on Mill Street, from County Highway #53, north to Whiteman's Creek, are designated on both sides of Mill Street as Estate Residential. He explained that a small corner of the subject property is already designated as Estate Residential and that the request is to designate the frontage of the subject property along Mill Street to Estate Residential.

Submission F16 - Doug and Laura Axford

Mr. Axford expressed his belief that Planning staff has misread his application. Mr. Axford reviewed the history of the subject property and provided Committee with a detailed map of the subject property.

Mr. Axford reviewed the reasons provided by Planning staff for their recommendation that the application not be approved, and noted the following:

- he and Mrs. Axford are not requesting any additional access to Highway 24;
- he and Mrs. Axford are not requesting any additional lands / lots;
- there is significant separation between the working fields and the subject property;
- he and Mrs. Axford are not requesting new development;
- he and Mrs. Axford are not aware of any active livestock operation within one kilometer of the subject property;
- the subject property is not prime agricultural land;

- a re-designation of the subject property would not, in his opinion, have any effect on surrounding agricultural activities;
- a re-designation of the subject property would not, in his opinion, result in an ability to add additional housing and / or development;
- a re-designation of the subject property is sensible in that it would conform with adjoining land uses

Submission F42 - Michael Chute

Mr. Chute reviewed the history of his submission and the merits of same. Mr. Chute reviewed a map of the subject property and asked that Committee draw its attention to the hills and valleys which exist on the subject property, noting that the extreme topography makes farming impossible. He noted that the computer-generated "ER" circle that has been superimposed on the excerpt from the OP & ZB Schedules does not include the Estate Residential designation that presently exists on his property. He reviewed the history of his acquisition of the lands and noted that the entire frontage of his property is designated Estate Residential. Mr. Chute explained that the lands designated as Estate Residential along Hammond Road are conducive to farming and requested that he be permitted to transfer the Estate Residential designation that currently exists along Hammond Road to the agriculturally unproductive lands along McBay and Barton Road.

Submission H8 - Brian Smith, Agent for Heron Ridge Homes

Mr. Smith reviewed the submission of Heron Ridge Homes and noted the following:

- the proposal is to designate approximately five hectares of land for estate residential use for two dwellings;
- the lands are adjacent to the North of an existing eight lot residential development currently under construction;
- much of the land in the surrounding areas along McLean School Road is designated as Estate Residential;
- there is no vehicular access to the property for farm machinery other than via the existing estate residential area to the South;
- Highway 24 is adjacent to the East of the subject property but no accesses of any type are permitted, including agricultural accesses;
- his opinion that there is no practical way for the subject lands to be used for agricultural purposes;
- the lands are stoney and have irregular and / or steep topography

Mr. Smith noted that the five hectares of land can presently be used for a building lot for a new home with access through the adjacent estate residential area roads. To use the lands in an efficient manner and in a form compatible to the surrounding uses, Mr. Smith noted that it is proposed that permission be granted to construct two dwellings on the land at the end of each cul-de-sac in the adjacent estate residential area. Mr. Smith further noted that the additional homes would generate significant tax revenue.

Mr. Smith explained that although he understands Planning staff's recommendation to not approve the request for a re-designation, he believes that in the interest of using land efficiently, and, given the existing and growing estate residential character of the area as well as the fact

that the land, in his opinion, has no viable or practical use for farming, that a re-designation to Estate Residential would be appropriate.

Reports from Staff

The Chief Planning Official noted that Provincial Policy Statement requires planning decisions to be made in accordance with its policies, and that those policies do not permit new residential lot creation. The Chief Planning Official further noted that poor soil quality and / or a personal opinion that certain lands are not "prime agricultural land" does not form any part of the criteria contained within Provincial Policy Statement and cannot be used as a basis for justification for a re-designation.

In response to a question regarding lands in the Regional Municipality of Waterloo that have been slated for re-designation from Agricultural to Estate Residential, the Chief Planning Official reported that the Regional Municipality of Waterloo completed a planning report outlining the various re-designations and that County Planning staff is of the opinion that the findings of that report are not consistent with Provincial Policy Statement. The Chief Planning Official noted that poor soil quality does not and should not automatically result in a re-designation from Agricultural to Estate Residential. Mayor Eddy requested that CAO Urbanski liaise with the CAO for the Regional Municipality of Waterloo, in order to obtain a copy of the planning report issued by the Regional Municipality of Waterloo.

PA-09-01 5 Year Official Plan Update – Estate Residential Requests – D. Johnston and M. Pomponi

Moved by – Councillor Atfield
Seconded by – Councillor Powell

That the County of Brant approve request F38 for designation of the site to an estate residential designation, as part of the review of the 5 Year Update to the Official Plan.

.Carried

Moved by – Councillor Coleman
Seconded by – Councillor Gatward

That Submissions H2(a), H2(b) and H2(c) be deferred to February 4, 2009.

.Carried

Moved by – Councillor Atfield
Seconded by – Councillor Powell

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following requests for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

A17, A27(a), A27(b), A28, C4, D2, E1(a), E1(b), E1(c), E1(d), F22, F23, F24, F34, H3(a) & (b), H5, H16 and H18.

.Carried

Councillor Wheat requested that Submissions A1, A14 & H34, A17, A18 and F16 be reviewed separately, noting that Submission F16 is not a request for an additional building lot.

Councillor Simons requested that Submission A1 be reviewed separately.

Councillor Powell requested that Submission H8 be reviewed separately.

Councillor Chambers requested that Submission A13 be reviewed separately.

Councillor Hodge requested that Submission F7 be reviewed separately.

Councillor Coleman requested that Submission F42 be reviewed separately.

Councillor Gatward requested that Submissions A13, A14&H34, A17, A18 and F16 be reviewed separately, noting that she wishes to see Submission A13 referred to Planning staff for further review.

With respect to Submission A1, Councillor Chambers noted that in 2000, County Council made a commitment to Mr. McCrea to designate the site for estate residential, and expressed his belief that that commitment needs to be honored.

Moved by – Councillor Chambers
Seconded by – Mayor Eddy

That as a corrective action, the County of Brant approve Submission A1 for designation of the site to an estate residential designation, as part of the review of the 5 Year Update to the Official Plan.

.Carried

With respect to Submission A13, Councillor Gatward expressed her belief that before a definitive decision can be made, further review and consideration must be given to the City-owned lands that abut the property. Councillor Coleman expressed concern that the map provided by Planning staff does not provide a complete, up to date representation of the subject area.

Moved by – Councillor Gatward
Seconded by – Councillor Coleman

That Submission A13 be referred to Planning staff, for further review and report.

.Defeated

Moved by – Councillor Chambers
Seconded by – Councillor Atfield

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following request for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

Submission A13

.Carried

Submissions A14 & H34

Councillor Wheat noted that he is familiar with the lands included in Submissions A14 & H34. He reviewed the topography of the subject property and expressed his belief that the lands could not be successfully farmed. Councillor Coleman expressed his support for the application, given the amount of surrounding Estate Residential uses. In response to a question from Councillor Gatward, regarding a previous Rural Residential designation, Mr. Steve Stone, Senior Planner, noted that staff could further review that information.

Moved by – Councillor Coleman
Seconded by – Councillor Chambers

That Submissions A14 & H34 be referred to Planning staff, for further review and report.

.Carried

Submission A17

In response to a question from Councillor Chambers, Councillor Wheat noted that there is an abundance of land surrounding the subject property that is designated as Estate Residential. Discussion focused on consistency, past practice, surrounding uses and viable farming practices.

Moved by – Councillor Wheat
Seconded by – Councillor Coleman

That Submission A17 be referred to Planning staff, for further review and report.

.Carried

Submission A18(a)

Councillor Chambers expressed the importance of Committee consistency when dealing with individual properties. In response to a question from Councillor Coleman, regarding the applicant's future plans for development, Mr. van Poorten noted that he could not comment at this time. Councillor Gatward noted that there is no servicing at the subject property and that Provincial Policy Statement prohibits residential development over five lots, in the absence of available servicing.

Moved by – Councillor Wheat
Seconded by – Councillor Coleman

That Submission A18(a) be referred to Planning staff, for further review and report.

.Defeated

Moved by – Councillor Gatward
Seconded by – Councillor Atfield

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following request for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

Submission A18(a)

.Carried

Submission F7

In response to a question from Councillor Hodge, Mr. van Poorten reviewed the portion of the subject property that is currently designated as Estate Residential and noted that approximately two building lots could be accommodated within that space. Mr. van Poorten further noted that although the submission was requesting the re-designation of the entire property, it is now a request for the re-designation for the frontage along Mill Street only, which could feasibly accommodate seven or eight future building lots.

Moved by – Councillor Hodge
Seconded by – Councillor Chambers

That Submission F7 be referred to Planning staff, for further report and clarification with respect to what is specifically being requested.

.Defeated

Moved by – Councillor Wheat
Seconded by – Councillor Atfield

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following request for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

Submission F7

.Carried

Submission F16

In response to a question from Councillor Atfield, Mr. Axford reported that it is his understanding that it would be advisable to obtain an Estate Residential designation now, in the event that in future, he or a future owner should want to construct a residence on the subject property. Councillor Wheat noted that the submission is unique in that the applicant is not requesting a

building lot, but rather a re-designation in order to facilitate the conformation of the subject property with the adjoining lands.

Councillor Chambers noted that a designation does not run with the owner of the property, it runs with the property. He further noted that if the property changes hands in the future, it is important that the subject property be designated properly. Councillor Chambers expressed his non-support for the request, noting that although the present owners of the property have suggested that there will be no future development, this is not a guarantee.

Moved by – Councillor Chambers
Seconded by – Councillor Simons

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following request for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

Submission F16

.Defeated

Moved by – Councillor Wheat
Seconded by – Councillor Coleman

That Submission F16 be referred to Planning staff, for further review and report.

.Carried

Submission F42

Various Committee members noted that the submission has merit and is unique in terms of policy setting and relocating existing designations on the same property. It was noted that such relocation would result in the aggregate Estate Residential designation remaining the same and at the same time offering an efficient manner in which to preserve agricultural lands.

Moved by – Councillor Coleman
Seconded by – Councillor Chambers

That Submission F42 be referred to Planning staff, for further review and report.

.Carried

Submission H8

Discussion focused on the subdivision that currently exists in the vicinity of the subject lands, the history of the submission, the composition of the soil on the subject property, the interpretation of Provincial Policy Statement, limited residential development, unregulated growth, wetlands, access, and designation in accordance with property lines.

Councillor Chambers suggested that there may be merit, in terms of policy, that rather than designating lands in accordance with property lines, that they be designated in accordance with

property areas. The Chief Planning Official noted that the difficulty lies in defining the limits of an area. He further noted that the interpretation of the “broad brush” approach is that it is flexible, but poses problems in terms of defining the limit of any particular area.

Moved by – Councillor Wheat
Seconded by – Mayor Eddy

That given the current Provincial Policy Statement of March 2005, the County of Brant not approve the following request for estate residential for consideration as part of the review of the 5 Year Update to the Official Plan:

Submission H8

.Carried

Other Business

Councillor Chambers requested that Planning staff review interpretative designations, for Committee’s consideration and discussion at a future meeting.

Adjournment and Next Meeting

The Committee adjourned at 9:26 p.m., on a motion of Councillors Wheat and Atfield, to meet again on Wednesday, January 21, 2009 at 7:00 p.m., in Council Chambers, Paris.

Secretary