

**COMMITTEE OF ADJUSTMENT
AND PUBLIC MEETING
MINUTES**

A Public Meeting was held on Monday, February 4, 2013 in the Council Chambers to consider planning applications with a quorum present.

ROLL CALL

Present: Mayor Don Shipway
Deputy Mayor Chuck Hall
Councillor Ward One – Doreen McLinchey
Councillor Ward Two – Brian Ropp
Councillor Ward Three – Gord Moir
Councillor Ward Four- Andrew Hemming - Absent
Councillor Ward Five – Adrian Cornelissen
CAO - Linda Creaghe
Clerk – Jackie Tiedeman
Planner Barbara Rosser

DISCLOSURE OF PECUNIARY INTEREST

None

APPLICATIONS UNDER THE PLANNING ACT

The following applications were submitted as a package from the Ausable Bayfield Conservation Authority on various parcels of land they are hoping to dispose of. Several members of the public were present.

Planner Barbara Rosser then presented the applications stating that they had been received and circulated according to the Planning Act.

Description of Land: Part Lot 9, Con 7 ECR (former McGillivray Township)
Part Lots 1,2,3 Con 5 ECR (former McGillivray Township)
North Part East ½ Lot 1 Part Lots 1,2,3 Con 5 ECR (former McGillivray)
Part Lots 2,3,4,5 Con % WCR (former McGillivray)

Applicant: ABCA (Tom Prout)

The purpose and effect of the Official Plan Amendment is to change the designation of portions of the subject lands from Open Space to Agricultural Area in order to allow for severance of the lands for agricultural purposes.

The purpose and effect of Application B02/2013 would be to sever a parcel of land from an existing 59.68 hectare parcel of land located on the north side of West Corner Drive. The land to be severed would be approximately 31.8 hectares in size with 502.804 metres frontage. The retained parcel would be 27.88 hectares in size with 414.7 metres frontage. Both parcels are vacant of buildings and structures. An amendment to the zoning by-law will be required to permit the proposed lot area for the severed parcel which would not meet the 39 hectare minimum required within the General Agricultural (A1) Zone. The subject land is also the subject of an application under the Planning Act for an amendment to North Middlesex Zoning By-law No. 35 of 2004, as amended (Application ZBA #2/201).

The purpose and effect of Application B03/2013 would be to sever a parcel of land from an existing 97.1 hectare parcel of land located on the south side of McGuffin Hills Drive. The land to be severed would be approximately 12.1 hectares in size with 610 metres frontage. The retained parcel would be 85 hectares in size with 1328 metres frontage. Both parcels are vacant of buildings and structures. An amendment to the zoning by-law will be required to permit the proposed lot area for the severed parcel which would not meet the 39 hectare minimum required within the General Agricultural (A1) Zone. The subject land is also the subject of an application under the Planning Act (ZBA #3/2013)

The purpose and effect of Application B04/2013 would be to sever a parcel of land from an existing 73.2 hectare parcel of land located on the north side of McGuffin Hills Drive. The land to be severed would be approximately 30.2 hectares in size with 1015.4 metres frontage. The retained parcel would be 43 hectares in size with 687 metres frontage. Both parcels are vacant of buildings and structures. An amendment to the zoning by-law will be required to permit the proposed lot area for the severed parcel which would not meet the 39 hectare minimum required within the General Agricultural (A1) Zone. The subject land is also the subject of an application under the Planning Act (ZBA #4/2013)

The purpose and effect of Application B05/2013 would be to sever a parcel of land consisting of approximately 56.9 hectares from an existing 68.17 hectare farm parcel located on the north side of McGuffin Hills Drive. The severed parcel would be used for agricultural purposes. Two retained parcels are proposed: 10.8 hectares to contain a workshop and the emergency spillway for the Parkhill Dam and 0.47 hectares containing a single detached dwelling. The latter retained parcel is proposed on the basis of an executed offer to purchase from a corporation which stipulates that the surplus farm dwelling severance criteria would be met. An amendment to the zoning by-law will be required to rezone the severed parcel to prohibit future residential use of the severed farmland parcel in accordance with the policy of the North Middlesex Official plan relative to surplus farm dwelling severances as well as to rezone the 0.47 hectare retained parcel (residential) for residential use. The subject land is also the subject of an application under the Planning Act (ZBA #5/2013).

Ms. Rosser then proceeded with a review of the planning report dated January 31, 2013 which takes into consideration all comments received from agencies and the public to date. Ms. Rosser also explained that due to the fact that the ABCA applied for the application, an alternate Conservation Authority was contacted to review the applications and to provide comments. Concerns were raised from St. Clair pertaining to the applications with respect to the some of the areas proposed contain provincially significant wetland and development, which includes lot creation, shall not be permitted. As all the lands are under one Official Plan Amendment, it was recommended that it be denied.

Tom Prout, on behalf of the ABCA, responded to the comments by indicating that they would be willing to amend the zoning applications to prohibit future buildings being constructed on lands described under Consent Applications B02/2013 and B03/2013. He apologized for the error with respect to the mapping not indicating the extensive provincially significant wetland described under Consent application B04/2013 and will likely withdrawal the application after he updates the Board on this matter. He is in agreement with the recommendation to defer all the applications at this time. Mr. Prout indicated that he would prefer not to undertake an EIS on the other lands.

Members of the public expressed concern with the ABCA being able to submit applications for severing land which would result in parcels under the 39 hectare minimum. Farmers cannot do this so why should the CA.

Ms. Rosser replied that generally this is case. There are some instances that landowners have applied for severance of less than the 39 hectares however

additional planning applications have to be submitted to address the under sized lots and are generally due to road widening etc.

A concern was raised that this was a conflict of interest having another CA review the applications as they are all working together.

Ms. Rosser replied that in her opinion the review that was provided by St. Clair was very thorough and fair. She did not feel anything was overlooked.

Another concern was raised pertaining to how the applicant could qualify for a surplus farm dwelling severance.

Ms. Rosser advised that evidence was provided that the proposed severed lot with house would be surplus to the needs of the potential purchaser. There is not a definition of farmer in the zoning by-law to distinguish between an individual or a corporation. The municipality has dealt with this same circumstance on two other applications. A condition of the severance is that an affidavit be provided to include other lands owned by the applicant or potential purchaser showing that acquiring the additional residence would be surplus to the farming operation.

A statement was made by a member of the public that reference is made to the Parkhill Swamp and that this is not a swamp. Ms. Rosser replied that this wording was the MNR's not hers.

Members of the public indicated their frustration on how that land was acquired by the ABCA many years ago and that they should not be allowed to sever it now. The quality of trees planted by the ABCA was also mentioned.

Ms. Rosser recommended that the applicant be given the opportunity to address the issues brought forth as opposed to the applications being denied at this time.

HALL/ROPP: That with regard to the application for Official Plan Amendment, it is recommended that the proposed amendment would not be consistent with the PPS or in conformity with the Middlesex County Official Plan and the North Middlesex Official Plan based upon the foregoing analysis and current information. Accordingly, that Council defer its consideration of draft Official Plan Amendment No. 7 to allow the Applicant the opportunity to meet with municipal staff to determine the terms of reference and review for an EIS to address possible natural heritage feature impacts relevant to Application #1,2,3 and mitigating actions, if any. Technical assistance to the Municipality will be required either from the SCRCA or from a private, qualified consultant. This would be at the Applicant's expense. Also, with regard to the consent for land severance and zoning by-law applications, it is recommended that each application should be deferred at the current time until such time as the EIS is complete to the satisfaction of the Municipality and it is established whether the official plan amendment will proceed or be amended. Some modifications may be required to the consent and zoning by-law applications as a result of the EIS and to address the West Corners Drive road access concern.

CARRIED

MOIR/MCLINCHEY: That the public meeting adjourn and return to regular Meeting.

CHAIRPERSON

SECRETARY