

Type of Decision									
Meeting Date	Friday, March 27, 2015				Report Date	Tuesday, March 24-15			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

Municipal Report – Severance McKernan - Report #27/03/15/1202

Subject:

Council review of a Planning Report from the County re: a request for severance in Deux Rivieres.

RECOMMENDATION:

That Council approve the severance meeting the Planning Act and Official Plan requirements and working with the applicant to resolve the frontage issue either through a shared drive or private drive as per HCM Zoning By-Law.

WHEREAS Council and staff have reviewed the attached Planning Report for file number B173/14 and have acknowledged planning concerns listed under Recommendation 5 (a).

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby provide consent for the severance noting that the conditions in section 5 (a) **must be met/are waived** namely:

1. That an environmental assessment/review be undertaken to address the concerns with the closed disposal site; and
2. That favourable comments are received from MTO;

AND FURTHER THAT Council recognizes that:

1. the property is sufficient in size and shape to accommodate a new dwelling, septic and well and those facts will be supported by our Building Inspector;
2. the applicant has agreed to amend the application to bring the severed lot to the edge of the unopened Road Allowance;
3. minimum frontage will be created through amendment to the application, or a shared and deeded driveway or private drive.

BACKGROUND/EXECUTIVE SUMMARY:

Details are contained in the attached documents:

- A. County Planning Report and attached map (please pay attention to pages 3-4)
- B. Emails and responses to/from Bruce Howarth, County Planning Department
- C. Detailed map of property showing retained and severed
- D. Map of property showing retained and severed

- E. Map of property showing amended boundary to meet unopened road allowance
- F. Municipal Report (to be completed by Clerk reflecting Council's decision)

In 2014 Matthew McKernan purchased the property on Dunlop Crescent previously known as Hilltop cottages. Matt has been to speak with me a number of times since last year about his purchase and his subsequent request for severance.

The original property was actually two pieces. Upon purchase, his plans were somewhat different and his lawyer suggested merging the parcels into one.

Since that time, Matt has decided to keep the existing buildings as a home with cottages on one smaller parcel. He plans to sever and build a large home on the separate larger retained piece. We have worked out logistics for dwelling, septic and well. The challenges have now been identified in Mr. Howarth's comments from the county attached.

In my email to Bruce you can see that we have attempted to simplify this process; to no avail.

Previous municipal reports, although infrequent have been straightforward and I have completed them simply using existing by-laws and policies. This one, being more involved, requires Council input. Council's role is to make recommendations for the County Land Division Committee.

If the planner's recommendations are not complied with; this issue would go to the Land Division Committee for consideration. If Council agrees that the planner's recommendations all be met; the property owner would need to pay to have them completed. The request for approval for severance would be stopped until all conditions have been met.

Since we have never been through this process before; I have no idea what weight Council's decisions will have on the Land Division Committee.

Council needs to decide whether or not to follow the County's recommendations.

The Clerk has concerns with the fact that had Mr. McKernon not joined these two properties in 2014, upon his lawyer's advice, none of this would be an issue. Sale of land would not have triggered these studies or need for reports.

Simply because the properties were joined and are now being separated again; the Planning Act rules apply. Should the property owner be required to pay for these studies to have his property revert to the condition it was prior to the purchase and merger?

Options/Discussion:

Council could decide to recommend this severance or not; increase/waive requirements or not. The consent from the County makes recommendations which Council is recommended but not obligated to follow. It is my understanding that all recommendations would then go to the County Land Division Committee for final decision

From Bruce's most recent email...

“Yes Township Council can choose to disregard my recommendations. The role the County Planning Department is to make decisions on straight forward consent applications. For files that are contested, the Planning department role is to provide recommendations to the County Land Division committee who would make the final decision.

The Head Clara Maria Council acts as a commenting agency to the County (whether it is for a staff decision or land division decision). Through the municipal response form, the Township provides their comments for the County to take into consideration when making a decision on a consent application.”

Bruce

Financial Considerations/Budget Impact:

There is no financial impact on the municipality aside from a potential increase in taxation should a new building be erected on the severed property. There are no costs with this process.

The costs would be to the property owner who would be required to pay for studies and

Policy Impact:

As per policy.

Others Consulted:

Bruce Howarth, County Planner; Alana Zadow, Secretary County Land Division Department; Matthew McKernan, property owner.

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk