

Council supports land division rulings

By PAUL DORSEY
Herald staff writer
Town council has decided to accept two Halton Land Division Committee (LDC) rulings that had been recommended for appeal last week, contrary to the advice of its planning staff.

Town staff advised council last Tuesday night to launch appeals against recent LDC decisions which granted severances to Colin and Emilia Cousens of RR3, Georgetown and James Clark of RR2 Norval, but strong support offered by some council members persuaded council to let the rulings go unchallenged.

A third severance before council last week, which had been sanctioned in February by the Ontario Municipal Board (OMB), came under attack from neighbors of the site in question, on Park Avenue in Georgetown.

ASKED COUNCIL
John Carter asked council on behalf of several residents of the area to take steps to ensure that the new house proposed for construction on the site is architecturally compatible with neighboring homes, many of which were built in the nineteenth century. He also asked council to protect the maple trees that partially line the site.
Despite reservations over

the feasibility of imposing design controls on the new house, council authorized the preparation of a site agreement that will include some controls on the severed lot.

The LDC approved Mr. and Mrs. Cousens' application to sever their half-hectare property near Sideroad 17 despite notice filed by Brian Murdoch, Halton Hills' assistant planning director, that the severance would contravene policies of the Esqueusing official plan.

Mr. Murdoch said Mr. Cousens is not a "bona fide farmer" and thus does not qualify for such a severance according to the official plan. He also contended the application would see a new house built on the severed lot adjacent to the Cousens' existing home, extending the "urbanization" of the rural area.

ACCOMPLISH NOTHING
Councilors Russ Miller and Pat Patterson told council last week that they had visited the Cousens property and discovered that the land was useless for farming and thus need not be preserved for agriculture. To appeal the LDC decision, Coun. Miller said, would accomplish nothing, instead putting the couple through "a good deal of trouble" to pursue a case which he said they "have a good chance of winning".

Coun. Patterson agreed that the owner in question "will frankly raise nothing but taxes". Mr. Cousens cited several sections of the Ontario Planning Act which support the LDC ruling. He also cited the support of neighbors and pointed out that the term "bona fide farmer" is difficult to define, even though he readily admitted that he does not "fit that category".

The staff recommendation to appeal the ruling failed to win the support of a majority of councilors. In favor were councilors Harry Levy and Marilyn Serjeantson, who wondered aloud why council repeatedly ignores the advice of its planning staff in severance matters.

The same two councilors were joined by Coun. Mike Armstrong in supporting a similar recommendation for the severance granted James Clark, but again constituted a minority.
In appraising the Clark ap-

plication, Mr. Murdoch noted that the owner has already been granted one severance on his 100-acre property off Winston Churchill Boulevard near Norval.

HAD SEVERANCE
"Mr. Clark has already had a severance under the 'bona fide farmer' provision of the Esqueusing official plan, thereby nullifying this privilege," Mr. Murdoch reported. "It is also noted that the applicant does not appear to be retiring but is merely selling a portion of his farm holdings while retaining his 39.82 hectare home farm."

The planner further reported that Mr. Clark's agent had told the LDG that the town planning staff had no objections to the severance and that the lands in question have no bearing upon a proposed industrial park currently under consideration. Both statements are wrong, Mr. Murdoch said.

Mr. Clark is one of 12 property owners in Concession 11 who

presented council with a proposal for an industrial development that would occupy their lands just east of Georgetown. Mr. Clark told council last week that the group is still waiting for a council decision on the proposal, but assured members that his current intention for the smaller severed parcel is to retire. He was asked whether he is willing to retire on property that may eventually be adjacent to a large industrial park.

"I've lived beside a barnyard for the past 40 years," Mr. Clark commented. "I don't see any problem living beside any industrial area."

Coun. Patterson told council that Mr. Clark is "on the verge

of retiring" and deserves the severance to which he is entitled according to the new regional official plan. "I think the planning department should get out there in the country and see what the problems are," he said.

"The Land Division decision was unanimous," Coun. Miller added. "I think any farmer should be allowed a couple of separations off his 100-acre parcel, especially for the kind of uses Mr. Clark has in mind."

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