

**Committee of Adjustment  
PLANNING REPORT**

**Application:** B7/23  
**Related Application(s):** SP1/22  
**Owner(s):** White Veal Meat Packers; Guido Tomasetti  
**Meeting Date:** May 26<sup>th</sup>, 2023  
**Prepared by:** Owen Curnew, Planning Technician

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**PROPERTY INFORMATION:**

<b>Municipal Address</b>	5136 9 <sup>th</sup> Line
<b>Legal Description</b>	PT E 1/2 LT 2 CON 8 ESSA TWP PT 1, 51R2929 ; ESSA
<b>Roll No.</b>	432101000206601
<b>Official Plan</b>	Agricultural & Commercial
<b>Zoning By-law</b>	Agricultural (A) & Commercial Agricultural with Special Provisions (C5-1)

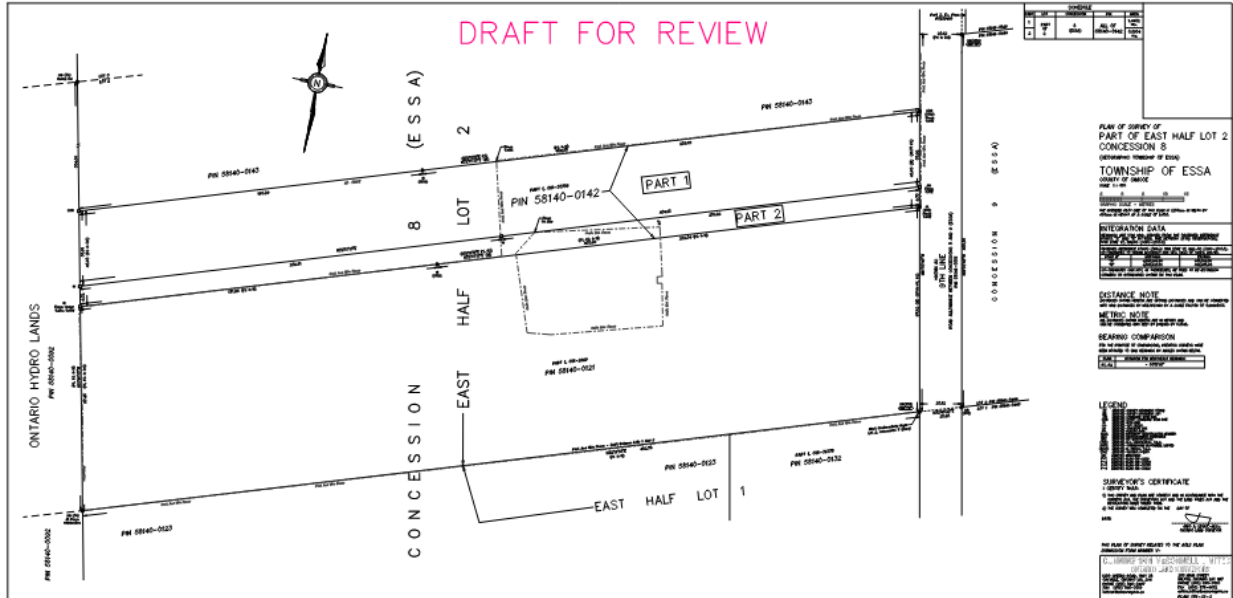
**RECOMMENDATION:**

**Planning Staff recommends APPROVAL of Application B7/23 based on Planning Policy and all considerations, with the following conditions:**

1. That a reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and copies provided to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Registry Office.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That all municipal taxes be paid up to date.
4. That the application satisfies any concerns from the NVCA.
5. That Planning Act Sections 50(3) and (5) will continue to apply to both parcels, post lot-line adjustment.
6. That the applicant's solicitor provides a legal opinion regarding the merger of the severed parcel with the adjoining parcel (ARN# 4321-01-002-06603) and that the applicant's solicitor provides an undertaking to register a Consolidation Application consolidating the

PINs for the severed parcel and adjoining parcel (ARN# 4321-01-002-06603).

**PROPOSAL:**



**REASON FOR THE APPLICATION:**

The applicant is proposing a lot line adjustment that would transfer approximately 1.5 hectares (3.7 acres) from the property legally known as PT E1/2 LT 2 CON 8 ESSA PT 1 51R33706; ESSA to the property known municipally as 5136 9<sup>th</sup> Line, which has a lot area of approximately 3.9 hectares (9.6 acres). The applicant is adjusting the lines to allow for a wider entrance to the rear of the property to satisfy the fire department’s concerns regarding adequate access for the emergency vehicles, which was discussed as a part of Site Plan Control Application File No. SP1/22.

**SITE INSPECTION DATE**

May 17<sup>th</sup>, 2023.

**PLANNING ANALYSIS**

**1. Provincial Policy Statement**

The Provincial Policy Statement 2020 (PPS) provides policies that direct development while protecting resources of provincial interest, public health, and safety and, the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The subject lands are located outside of a settlement area and are designated “Agricultural” by the

County Official Plan, therefore are classified as Prime Agricultural Lands in the context of the PPS.

Section 1.1.4 of the PPS contains policies that apply to lot creation in Rural Areas in Municipalities. No new lot is being created; the boundary lines of an existing lot are being adjusted.

***Therefore, the proposed boundary adjustment is consistent with the policies of the Provincial Policy Statement.***

## **2. Growth Plan for the Greater Golden Horseshoe (2005)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (“Growth Plan”) was prepared by the Province to guide the building of stronger, more prosperous communities through the management of growth. The Growth Plan contains various principles that guide decisions on how land is to be developed and provide direction on how to properly manage growth across the Greater Golden Horseshoe. These principles include building compact, vibrant, and complete communities, managing growth, protecting natural resources, optimizing the use of infrastructure, and providing for different approaches to managing growth that recognizes the diversity of communities.

Section 2.2.9 contains policies concerning Rural Areas

Neither of the above policies speak in any detail about lot creation or lot adjustment.

***As this is an existing lot that is used for rural purposes, and no new lot will be created the proposed consent application generally conforms to the Growth Plan.***

## **3. County of Simcoe Official Plan**

The County of Simcoe Official Plan, 2016 (“County OP”) was adopted by the County of Simcoe Council on November 25, 2008 and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject property is designated as “Agricultural” in accordance with Schedule 5.1.

General development policies for subdividing land across the County are contained in Section 3.3 of the County OP. Specifically, Section 3.3.4 of the County OP requires lots to have appropriate road access. No new lot will be created, the existing lot will utilize existing access and frontage on a year-round municipally maintained road.

Section 3.3.7 details development policies for consents in Agricultural areas:

In the Agricultural designation lot creation is discouraged. The proposed lot line adjustment would not create a new lot but simply transfer lands between two existing lots.

Due to the fact that this is an existing Agricultural lot that does not currently have active agricultural uses, the proposed severed lot will be used for Rural purposes and no new lot will be created.

**The proposed lot line adjustment is generally consistent with the stated objectives of the Agricultural designation in the County OP.**

#### **4. Township of Essa Official Plan**

The Township of Essa Official Plan, 2001 designates the subject property as “Agricultural” and “Commercial” in accordance with its Schedule A.

The goal of the Agricultural Designation is the promotion and protection of the agricultural resource base of the Township. This designation coincides with those lands which exhibit good agricultural capability which includes Class 1 to 4 lands as established by the Canada Land Inventory’s Soil Capability for Agriculture. The intent of this Plan is to preserve the agricultural community and to exclude non-agricultural or incompatible uses from areas designated Agricultural.

The goal of Commercial General – which would apply to this property – means that the predominant use of land in areas so designated shall be for the buying and selling of goods and services or business offices. Compatible institutional or industrial uses may also be permitted as an integral part or accessory to a permitted commercial use.

Section 26.3 I) of the Official Plan contains consent criteria applicable to all land use designations: *“Consents may be granted for technical reasons such as boundary adjustments, easements, rights-of-way, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld.”*

The lot line adjustment would not impact the Agricultural capability, community, and would not promote non-agricultural or incompatible uses on the lot.

The lot line adjustment would allow the continued Commercial use of the land.

The proposed boundary adjustment would not result in the creation of a new lot.

***Generally, the proposed lot line adjustment application conforms to the policy direction and intent of the Township’s Official Plan.***

#### **5. Township of Essa Zoning By-law (2003-50)**

The property is zoned ‘Agricultural (A)’ and ‘Commercial Agricultural with special provisions (C5-1)’ in the Township of Essa’s Zoning By-law 2003-50. The subject property is an existing lot used for

Commercial Agricultural purposes which is permissible in Section 23.4.1 of Essa Township's Zoning By-law 2003-50. The applicant proposes a lot line adjustment. No new lot would be created.

***The proposal generally complies with Township of Essa's Zoning By-law 2003-50.***

**AGENCY & DEPARTMENT COMMENTS:**

**Nottawasaga Valley Conservation Authority (NVCA)**

No comments provided within the circulation period.

**County of Simcoe**

No comments provided within the circulation period.

**CONCLUSION:**

Staff are recommending APPROVAL of this application since it generally complies with all appropriate provincial and municipal requirements.

**LIST OF STANDARD SEVERANCE CONDITIONS (Not Inclusive)**

Below is a list of the *Standard Conditions of Approval* which may be imposed by the Committee. Please note the list of conditions is not deemed inclusive, as other conditions from agencies, municipal departments, or the Committee itself may be imposed.

1. That the Nottawasaga Valley Conservation Authority approve of the application in writing, where required.
2. That the applicant satisfy the concerns of the Manager of Public Works, County Engineer, and/or the Ministry of Transportation, or other commenting agency ie. C.A.R.E., Railway Line, etc.
3. That the applicant obtain an entrance permit from the Manager of Public Works, County Engineer, and/or the Ministry of Transportation.
4. That a parcel of land be conveyed to the Municipality for road widening purposes, plus any necessary daylight triangle, free and clear of all encumbrances and at no cost to the Municipality, where required.
5. A reference plan of the severed parcel(s) be prepared by an Ontario Land Surveyor and be provided to the Secretary-Treasurer.
6. That the applicant provide to the Secretary-Treasurer of the Committee of Adjustment deeds, to be signed prior to registration of any lands.
7. That all municipal taxes be paid up-to-date.

Respectfully submitted,

Owen Curnew

Planning Technician  
Township of Essa