

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B4/23
Related Application(s): N/A
Owner(s): Anthony Musso
Meeting Date: May 26th, 2023
Prepared by: Owen Curnew, Planning Technician

PROPERTY INFORMATION:

Municipal Address	8786 8 th Line
Legal Description	PT E PT LT 32 CON 7 ESSA AS PT 1 51R20038 EXCEPT PTS 1 & 2 EXPROPRIATION PLAN SC1193872 TOWNSHIP OF ESSA
Roll No.	432101000812900
Official Plan	Rural & Aggregate Potential
Zoning By-law	Rural (RL) & Potential Aggregate Industrial (M2)

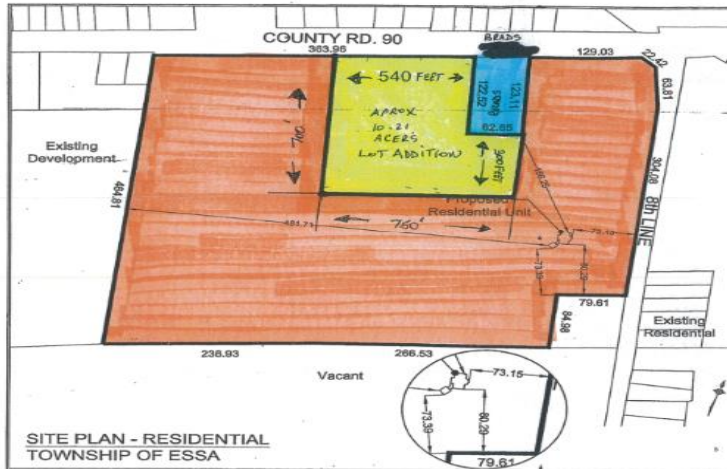
RECOMMENDATION:

Planning Staff recommends APPROVAL of Application B4/23 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 (5413 County Road 90) and that the applicant's solicitor provides an undertaking to register a Consolidation Application consolidating the PINs for

the severed parcel and adjoining parcel (5413 County Road 90).

PROPOSAL:



- to be severed.
- proposed lot to gain severed lands.
- retained

REASON FOR THE APPLICATION:

The applicant is proposing a lot line adjustment that would transfer approximately 4.14 hectares (11.25ac) from the property municipally known as 8786 8th Line to the property municipally known as 5413 County Road 90. The retained lot (8786 8th Line) would be approximately 21.2 hectares (52.1 acres). The proposed lot (5413 County Road 90) would be approximately 4.75 hectares (11.7 acres).

SITE INSPECTION DATE

May 17th, 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 “Greenlands” and “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” and “Greenlands” 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.

Section 3.8.15 details development control policies for land located outside of settlement areas. This policy states that existing residential uses may continue:

“...the following uses may be permitted in the Greenlands designation...viii. Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approval date of this policy (May 9, 2016).

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 and Greenlands designation in the County OP.

4. Township of Essa Official Plan

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

A goal of the Rural Designation is to protect the viability of these existing agricultural operations and through the policies established, retain the natural landscape and rural character of the Township by preventing uncontrolled and scattered development.

A goal of the Aggregate Potential Designation is to ensure that mineral aggregate resources remain available to meet the needs of consumers and can be mined in a manner which minimizes the disturbances to the community and natural environment.

Section 26.3 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 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 ‘Rural (RL)’ and ‘Potential Aggregate Industrial (M2)’ in the Township of Essa’s Zoning By-law 2003-50. The subject property is an existing lot used for rural purposes. 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.

COMMENTS:

Nottawasaga Valley Conservation Authority (NVCA)

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the proposed lot boundary adjustment and based upon our mandate and policies under the Conservation Authorities Act. Given the comments above, the NVCA has no objections to the approval of the application. Please feel free to contact the undersigned at extension 233 or tboswell@nvca.on.ca should you require any further information or clarification on any matters contained herein.

County of Simcoe

Please consider this correspondence as an update, and to replace the comments previously provided on May 3rd, 2023 in regards to the subject lands located at 8786 8th Line and 5413 County Road 90 in the Township of Essa.

Based on the additional information provided to the County by the applicant, it is now understood that this application is a severance intended to add approximately 4.14 hectares (10.25 acres) of land from 8786 8th Line to the abutting property at 5413 County Road 90, and that no new additional lot would be created.

The lands to be severed are primarily designated as Greenlands on Schedule 5.1, Land Use Designations of the County Official Plan, and it is now known that the proposed use for the lands to be severed will be for outdoor passive recreational purposes that will be accessory to the existing residential unit.

As per County of Simcoe Official Plan section 3.8.15, The following uses may be permitted in the Greenlands designation:

- i. Agricultural uses;
- ii. Agriculture-related uses;
- iii. On-farm diversified uses;
- iv. Forestry on public lands or in County forests in accordance with an approved management plan and sustainable forest practices;
- v. Forestry on private lands as permitted by the County's Forest Conservation Bylaw or by a local municipality's tree bylaw under the Municipal Act, 2001;
- vi. Mineral aggregate operations, if approved through a local Official Plan amendment;
- vii. Outdoor passive recreational uses; and

viii. Subject to demonstrating that the lands are not within a prime agricultural area, residential dwelling units on lots which were approved prior to the approval date of this policy (May 9, 2016).

County of Simcoe Official Plan policy 3.3.2 states that the Subdivision of land by plan of subdivision or consent, or plans of condominium, are permitted only for the land uses permitted in the designation or that maintain the intent of the Plan's objectives and policies.

The County Planning staff has now been informed that the applicant is considering using the lands that will be added to the lot at 5413 County Road 90 for passive recreational purposes. Please note that, as per County of Simcoe Official Plan policy 3.8.15 (vii), outdoor passive recreational uses are permitted on Greenlands. Taking this into account, and considering that no new additional lot will be created, the lands will continue to be used as their current use, and that the objectives of the County's Greenlands designation will not be compromised; the County Planning Department would have no objection to the proposed severance.

Planning Comments

No objection.

Transportation & Engineering Comments

No comments received.

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