

**Committee of Adjustment
PLANNING REPORT**

Application: B3/23
Related Application(s): B2/23
Owner(s): James Worsnop
Meeting Date: Friday, March 24th, 2023
Prepared by: Owen Curnew, Planning Technician

PROPERTY INFORMATION:

Municipal Address	8786 10 th Line
Legal Description	PT E 1/2 LT 31 CON 9 ESSA TWP AS IN RO911463 LYING N OF PT 1, 51R28505 ; ESSA
Roll No.	432101000819604
Official Plan	Agricultural
Zoning By-law	Agricultural (A)

RECOMMENDATION:

Planning Staff recommends APPROVAL of Application B3/23 based on Planning Policy and all considerations.

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 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 satisfy concerns (if any) from the NVCA.

PROPOSAL



REASON FOR THE APPLICATION:

Application B3/23 has been submitted for Consent to sever a dwelling excess to a farming

operation, resulting in the creation of a new lot. The subject lands are described as PT E 1/2 LT 31 CON 9 ESSA TWP AS IN RO911463 LYING N OF PT 1, 51R28505 ; ESSA and municipally known as 8786 10th Line.

The subject property is zoned 'Agricultural (A) Zone' according to the Township's Zoning By-Law 2003-50. The subject lands are designated 'Agricultural' in the Township of Essa's Official Plan.

The subject property has a proposed lot area of 35.58 hectares (~86 acres). The severance will create a new lot – which the surplus dwelling will reside – with a lot area of .311 hectares (~.8 acres).

SITE INSPECTION DATE

March 9th, 2023.

PLANNING ANALYSIS

1. Provincial Policy Statement

The Provincial Policy Statement (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.

Section 2.3 of the PPS outlines policies for Agricultural land uses.

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

Severance Application B3-23 proposes to create a new residential lot because of a farm consolidation, and a dwelling excess to a farming operation.

Section 2.3.4 outlines criteria for lot creation and adjustments.

Section 2.3.4.1c) a residence surplus to a farming operation as a result of farm consolidation, provided that:

1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and

2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province or based on municipal approaches which achieve the same objective.

There is an existing dwelling on the proposed lot to be severed.

The retained lands will be used for farming purposes. As such, the proposed severance is generally 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 4.2.6 outlines the policies concerning development in an agricultural area.

Section 4.2.6.5 states: The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

The proposed severance is to create a new residential lot that is excess to a farming operation. The retained lands will continue to be used for agricultural purposes.

Also, the Growth Plan directs development to settlement areas except where the Plan permits otherwise. As outlined in Section 2.2.9 (3) of the Growth Plan, development outside of settlement areas may be permitted on rural lands provided that it is compatible with the rural landscape and surrounding local land uses, will be sustained by rural services and will not negatively affect agricultural uses.

The proposed severance is compatible with the rural landscape, surrounding land uses, is sustained by rural services, and will not negatively affect agricultural uses.

The proposed severance generally conforms with the intent and purpose of the Growth Plan.

3. County of Simcoe Official Plan

The County of Simcoe Official Plan (“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 Agricultural in accordance with Schedule 5.1.

Section 3.6.7c) allows for the creation of a lot surplus to a farming operation.

*3.6.7 In the Agricultural designation lot creation is discouraged and may only be permitted for:
c) a residence surplus to a farming operation as a result of farm consolidation, provided that:*

i. the new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services, and should be an approximate size of 1 hectare; and

ii. new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. To ensure that no new residential dwellings are permitted on the remnant parcel, municipalities may use approaches such as zoning to prohibit the development of a dwelling unit(s), and/or the municipality may enter into agreements imposed as a condition to the approval of lot creation and the agreements may be registered against the land to which it applies; or

The proposed new lot would be approximately .311 hectares in size, and no new residential dwellings will be constructed on the retained parcel.

It may be appropriate to ask the applicant to reduce to size of the lot so it better reflects the County Official Plan's suggestion that lots created as a result of severing the surplus dwelling be limited to approximately 1 hectare in size.

The proposed consent is generally consistent with the intent and purpose of the County of Simcoe's Official Plan.

4. Township of Essa Official Plan

The Township of Essa Official Plan ("Township OP") designates the subject property as "Agricultural" in accordance with Schedule "A" Land Use Designations. The proposed severance under Consent Application B3/23 is within the Agricultural designation.

Section 26.2 outlines the general consent policies. Section 26.2.2 contains the criteria in which consents are to be reviewed against. A review of the proposed consents against the criteria listed under Section 26.2.2 is as follows:

When considering applications for consent, the Township shall be satisfied that the approval of the consent will not contravene:

- ***The need to protect and preserve prime agricultural land;***

The retained lands will remain agricultural. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The need to preserve natural heritage features of the Township;***

The proposed new lot is not located within lands containing natural heritage features. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The need to restrict development in areas where potential hazards exist;***

The proposed new lot is not located within lands containing potential hazards. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The need to minimize the potential pollution of water, land and air;***

The proposed new residential lot already has a dwelling unit on it, and the retained lands will continue to be used as farm land and therefore will have no effect on the pollution of water land and air. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The need to assume that the development is not detrimental to the rural nature of the Township;***

The proposed new residential lot will have no detrimental impact on the rural nature of the Township. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The need to minimize the extension of municipal services;***

The proposed residential lot will have no effect on municipal services as the existing dwelling unit is privately serviced. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The Minimum Distance Separation formulae; and,***

The proposed new residential lot will comply with the Minimum Distance Separation (MDS) formulae. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

- ***The prevention of strip development on grid road.***

The proposed new residential lot will not create a strip development scenario. As such, it is

the opinion of Planning Staff that the above-noted criterion is satisfied.

Further, Section 26.3 contains the criteria that apply to proposed consents in all land use designations. A review of the proposed new residential lot against the criteria listed under Section 26.3.1 is as follows:

a) The proposed severance must comply with the intent and policies of the Official Plan;

Planning Staff have reviewed the proposed severance against the intent and policies of the Official Plan and are of the opinion that the proposed severance complies. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

b) A registered Plan of Subdivision is not necessary in the public interest;

Generally, a Plan of Subdivision is required when four (4) or more lots are proposed to be created. This is a proposed severance to create one (1) new residential lot. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

c) The lot size dimensions conform to the requirements of the Zoning By-law;

Application B3/23 proposes to sever a 0.084 Ha (1.98 Ac) parcel of land and the retained lands would have an area of 16.84 Ha (41.612 Ac). As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

d) The proposed lot fronts on a public road maintained year-round by the Municipality;

The proposed new residential lot would have access to 10th Line, which is a public road and is maintained year-round by the Township. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

e) The lot is in a location where no traffic hazard would be created because of limited sight lines or curves or grades;

Planning Staff have not received any comments indicating that the location of the proposed newly created lot will create any traffic hazards. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

f) It must be established that soil and drainage conditions are suitable to permit the proper siting of buildings and to permit an adequate means or sewage disposal;

The proposed residential lot would have no effect on soil drainage, or sewage disposal. As such, it is the opinion of Planning Staff that the above-noted criterion is not applicable.

g) The lot to be severed is of sufficient size to support any necessary private water and sewage services;

The proposed severed lot follows the minimum dimension provisions of the Township's Zoning By-law. No private water and sewage services will be affected by the proposed creation of the new lot. The lot contains a dwelling with existing private sewage and water services. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

h) An area large enough for the proper siting of buildings and sewage disposal system is available outside of a flood plain as identified by the Nottawasaga Valley Conservation Authority;

The NVCA has been circulated on the application and at the time of writing this has not provided comments. It is the opinion of Planning Staff that the above-noted criterion is satisfied.

i) The proposed severance is in compliance with the Minimum Distance Separation Formulae requirements and does not create any conflicts or potential conflicts with the surrounding agricultural uses;

No existing livestock barns are located near the location of the proposed new lot. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

j) New residential lots created by consent shall have access only from local or collector roads. Direct access to County roads is not permitted for any new residential lot created after June 30, 1996, except for a farm retirement lot or within a settlement area;

Existing access is already established on 10th Line. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

k) The creation of lots considered to be in filling is permitted where the distance between two existing residences located on the same side of the road is 100 metres or less. The creation of strip or linear development shall be prevented wherever possible;

The proposed new lot will not result in strip development as it already contains a

dwelling unit. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

l) Consents may be granted for technical reasons such as boundary adjustments, easements, right-of-ways, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld; and,

The proposed Consent is for a consolidation of a dwelling excess to an existing farming operation. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

m) The portion of the lot to be created or retained, which is within an Environmental designation of the County Greenlands, will be zoned to permit only those uses permitted in the Enviro designations. These policies encourage the retention of the function or feature of the Environmentally Protected lands to remain on one ownership.

This proposed consent for a new lot does not fall under the “Greenlands” designation. As such, it is the opinion of Planning Staff that the above-noted criterion is satisfied.

Housing exists on both lots proposed to be severed and retained. The presence of these existing buildings will, in essence, prevent the development of future housing on the subject property. That is, the proposed severed and retained lots each already have a primary residential dwelling.

The proposed Consent is generally consistent with the intent and purpose of the Township’s Official Plan.

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

The property is zoned Agricultural (A) Zone in the Township of Essa’s Zoning By-law 2003-50. The subject property is an existing agricultural lot used for agricultural related uses.

The proposed consent (severance) is generally consistent with the intent and purpose of the Township of Essa’s Zoning By-law 2003-50.

COMMENTS:

Nottawasaga Valley Conservation Authority (NVCA)

A majority of the proposed retained lands are located within a Nottawasaga Valley Conservation Authority (NVCA) regulated area. As of the time of this report this office has yet to receive any

comments from the NVCA regarding the proposed severance.

CONCLUSION:

Staff are recommending approval of this application since it generally complies with all appropriate provincial and municipal requirements. Standard conditions of approval apply:

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
Essa Township