

**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B11/23
Related Application(s): N/A
Owner(s): Ronald Moore
Meeting Date: January 26th, 2024
Prepared by: Owen Curnew, Development Planner

PROPERTY INFORMATION:

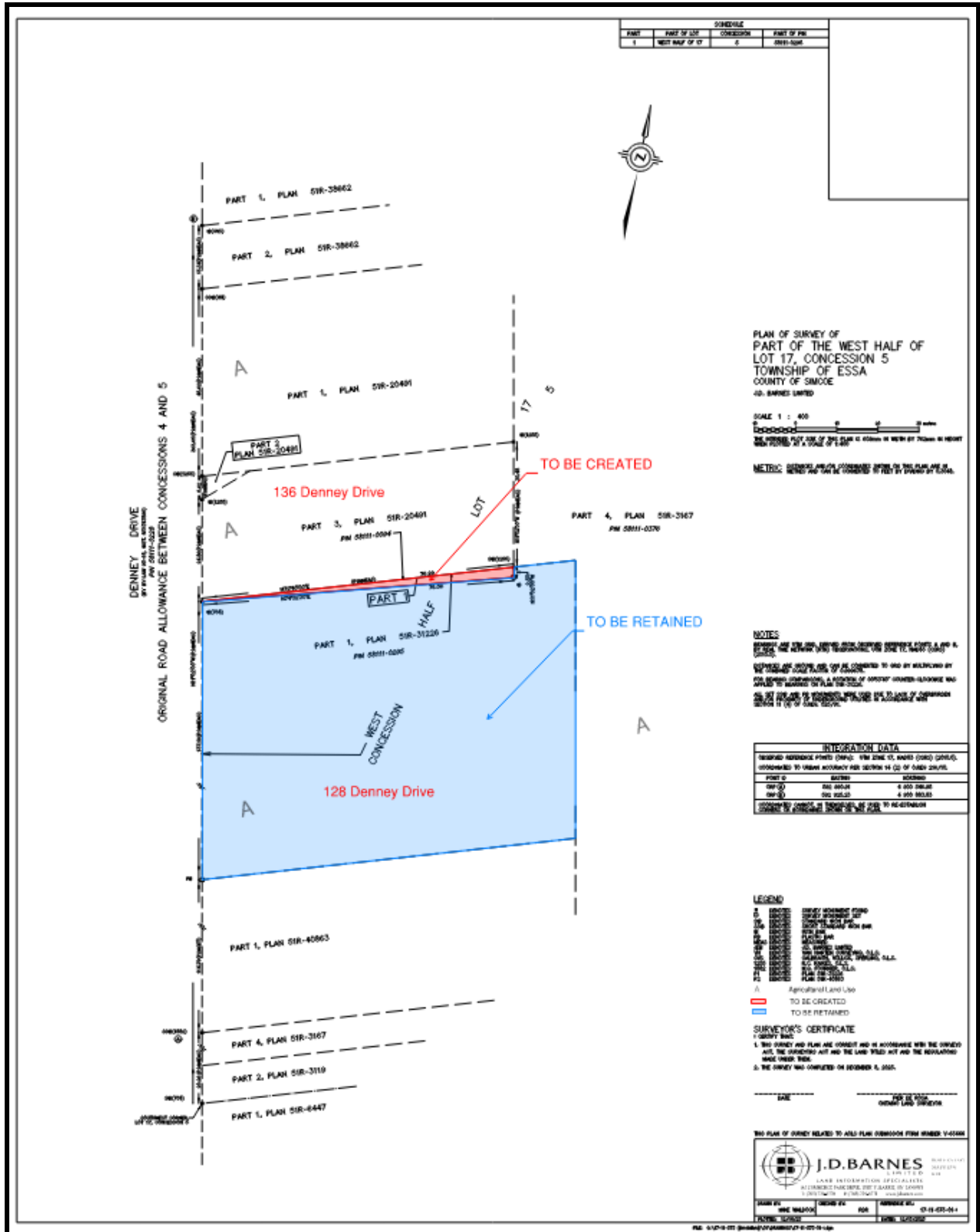
Municipal Address	128 & 136 Denney Drive
Legal Description	CON 5 PT LOT 17 RP 51R31226; PART 1 & CON 5 W PT LOT 17 RP;51R20491 PARTS 2 & 3
Roll No.	010-007-19304/19300
Official Plan	Agricultural
Zoning By-law	Agricultural (A)

RECOMMENDATION:

Planning Staff recommends **APPROVAL** of Application B11/23 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 Titles 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 Planning Act Sections 50(3) and (5) will continue to apply to the lot to be created (for both parcels).
4. That all municipal taxes be paid up-to-date.

PROPOSAL:



BACKGROUND:

The application was deferred on November 24th, 2023 to the January 26th, 2024 Committee of Adjustment meeting. Catherine Pan of Brookfield Properties has submitted a revised R-Plan that has been agreed upon by all parties involved, to satisfy the concerns surrounding the final lot line configuration.

REASON FOR THE APPLICATION:

The applicant is seeking Consent to sever a portion of land from the property known municipally as 128 Denney Drive to the property known municipally as 136 Denney Drive. Consent is being requested due to a well installation error which put the newly constructed well on 128 Denney Drive instead of 136 Denney Drive. The Consent application would remedy this error.

SITE INSPECTION DATE

November 14th, 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.

Section 3.3.5 states Consents for the purpose of legal or technical reasons and consolidation of land holdings may be permitted but shall not be for the purpose of creating new lots except as otherwise permitted in this Plan, Provincial policies and legislation.

The proposed lot line adjustment would not result in a new lot and would only transfer lands between existing properties.

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” 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.

Section 26.3 1) 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 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)’. The subject property is an existing lot used for Agricultural purposes which is permissible in Section 6.2 of Essa Township’s Zoning By-law (2003-50). The applicant proposes a lot line adjustment which would not change the uses nor result in the creation of a new lot.

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.

Respectfully submitted,

Owen Curnew
Development Planner
Township of Essa

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.