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Public Hearings Committee – May 07, 2024

Subject: Application ZNPL2024067 proposing to amend from Rural Industrial to Agricultural for the lands described as 151 Highway 6.

Report Number: CD 24-038
Division: Community Development
Department: Planning
Ward: Ward 4
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-038 for development application(s) ZNPL2024067 be received for information; and

That any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on April 17, 2024.

Discussion:

The applicant is proposing a zoning by-law amendment to satisfy a condition of approval for a boundary adjustment (BNPL2022150) benefitting the abutting residential lands to the east with civic address 459 Port Ryerse Road. BNPL2022150 was approved by the Committee of Adjustment on July 20, 2022. The staff report for the Committee of Adjustment report is Attachment D to this report, noting that staff recommended refusal to the boundary adjustment for various reasons articulated in that report.

The effect of this application will be to ensure the lands being severed are zoned consistently with the benefitting residential parcel. Figure 1 illustrates the lands to be severed and lands benefitting through BNPL2022150.

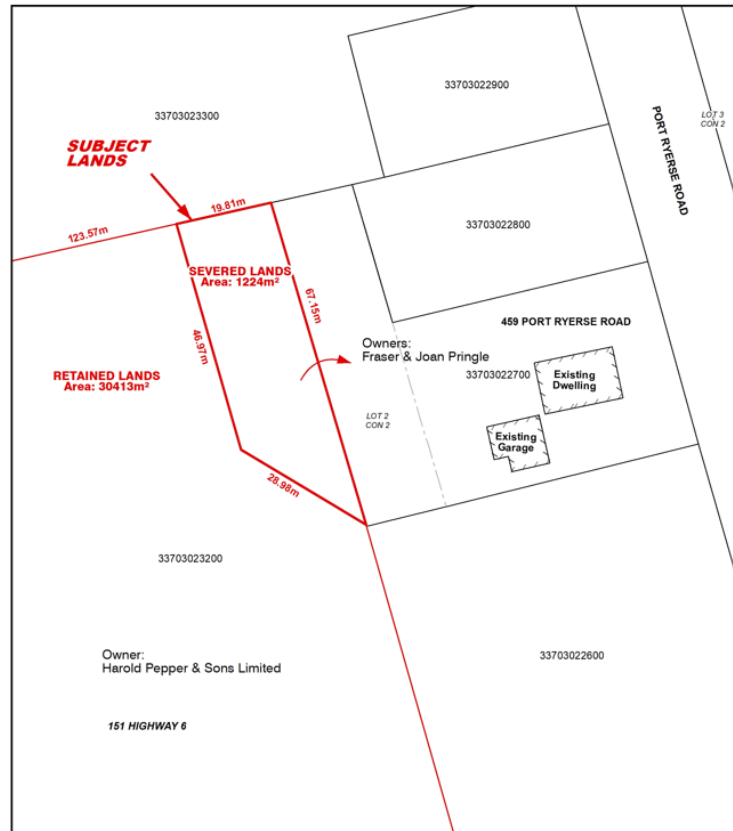


Figure 1. Lands to be severed through BNPL2022150

These properties were subject of a similar exercise through paired boundary adjustment and zoning by-law amendment applications (BNPL2013016, ZNPL2013015) which were approved by Committee and Council in March of 2013.

An overview summary of the development application(s) that have been submitted for the subject property at 459 Port Ryerse Road is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any technical or public feedback to date and overview of development considerations. The draft by-law amendment is included as Attachment C.

The Planning recommendation reports for BNPL2022150 and BNPL2013016 is included as Attachment D.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority “Sustaining Norfolk” and “Building Norfolk”.

Explanation: Policy conformity and boundary adjustments affect responsible growth in Norfolk and its financial sustainability.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, “complete” development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Technical Comments
Attachment C Planning Policy Overview
Attachment D BNPL2022150, BNPL2013016 Planning Reports
Attachment E Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Reviewed By:
Tricia Givens, M.Sc.(PI), MCIP, RPP
Director, Planning
Community Development Division

Prepared By:
Hannelore Yager, MScPl.
Planner
Community Development Division

Attachment A - Report CD 24-038
Development Application Overview

151 Highway 6,

Application File Numbers: ZNPL2024067

Applicant: Harold Pepper and Sons Ltd.

Agent: Maria Kinkel, MHN Lawyers LLP

Statutory Public Hearing

Date:

May 7, 2024

Site Context

Characteristics:

- Located west of the intersection of Port Ryerse Road and Highway 6
- Privately serviced
- Subject lands occupied by landscaping business
- Subject of previous applications BNPL2013016, ZNPL2024067, BNPL2022150

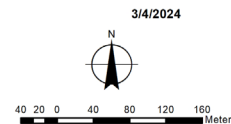
Surrounding Land:

- Residential to east
- Surrounding lands primarily agricultural

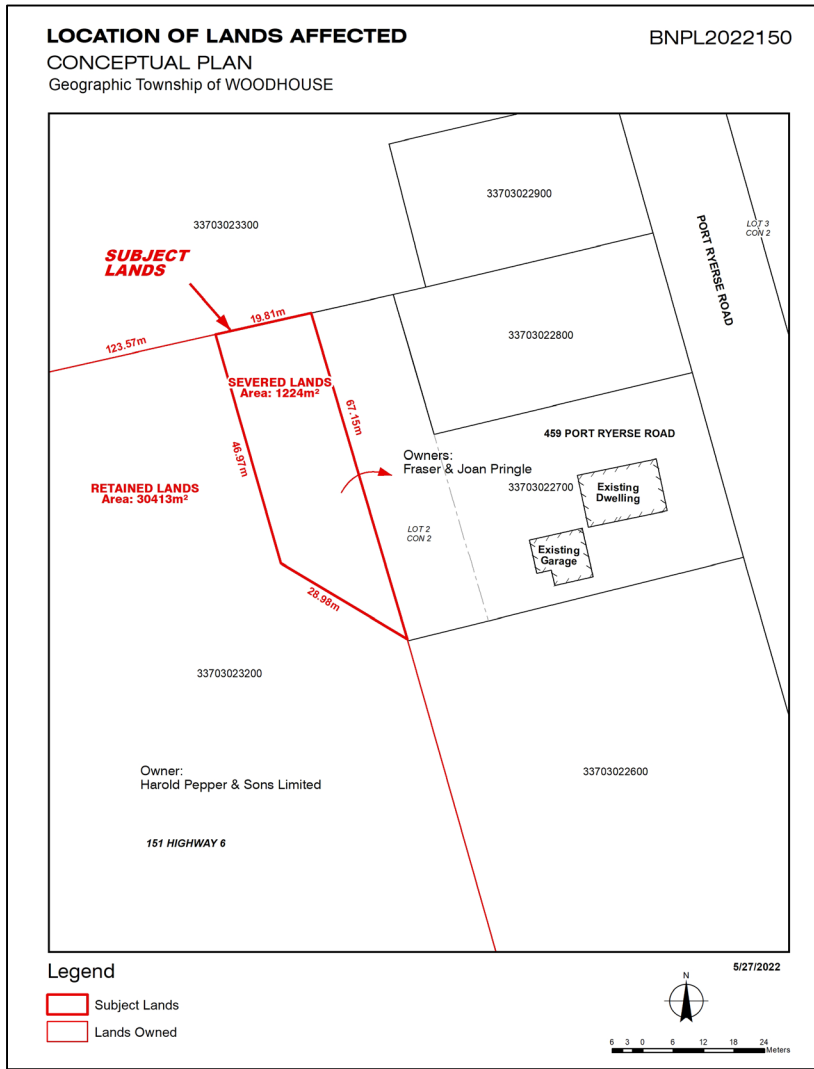
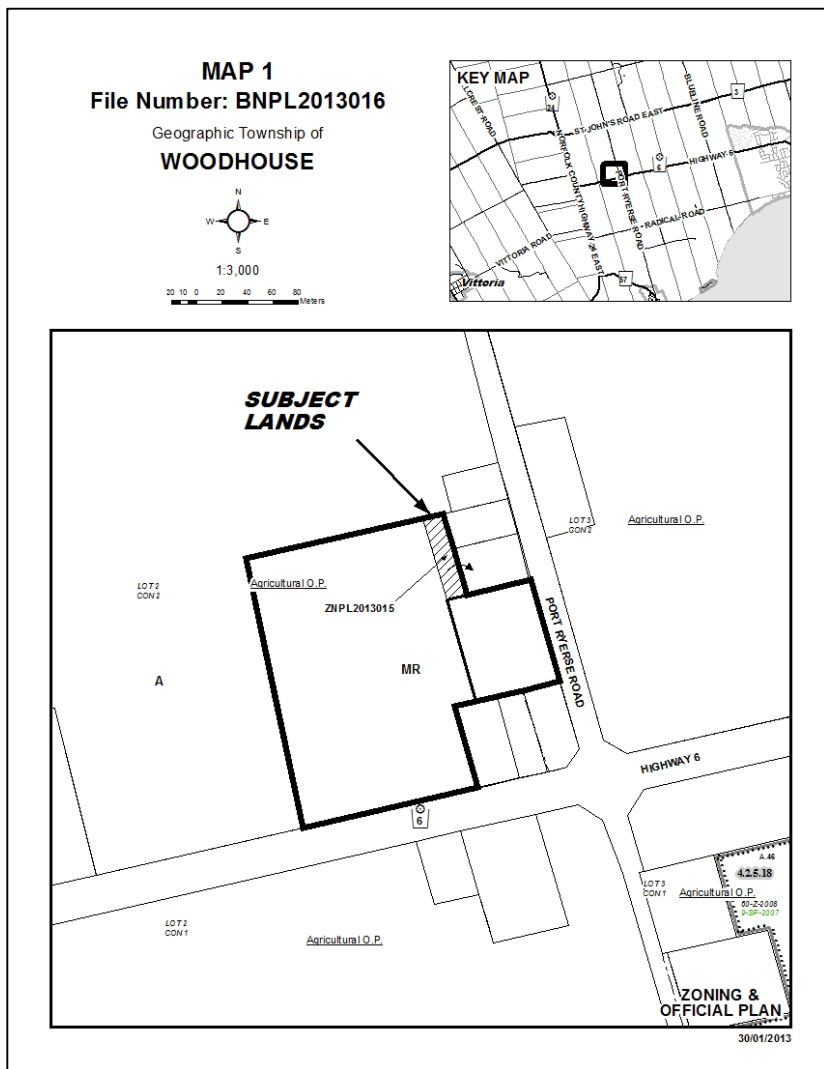


Legend

- Subject Lands
 - Lands Owned
- 2020 Air Photo



Site Context: File History



MAP B
OFFICIAL PLAN MAP
 Geographic Township of WOODHOUSE

ZNPL2024067



Legend

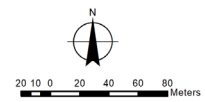
Official Plan Designations

Subject Lands (Red outline)

Lands Owned (Pink outline)

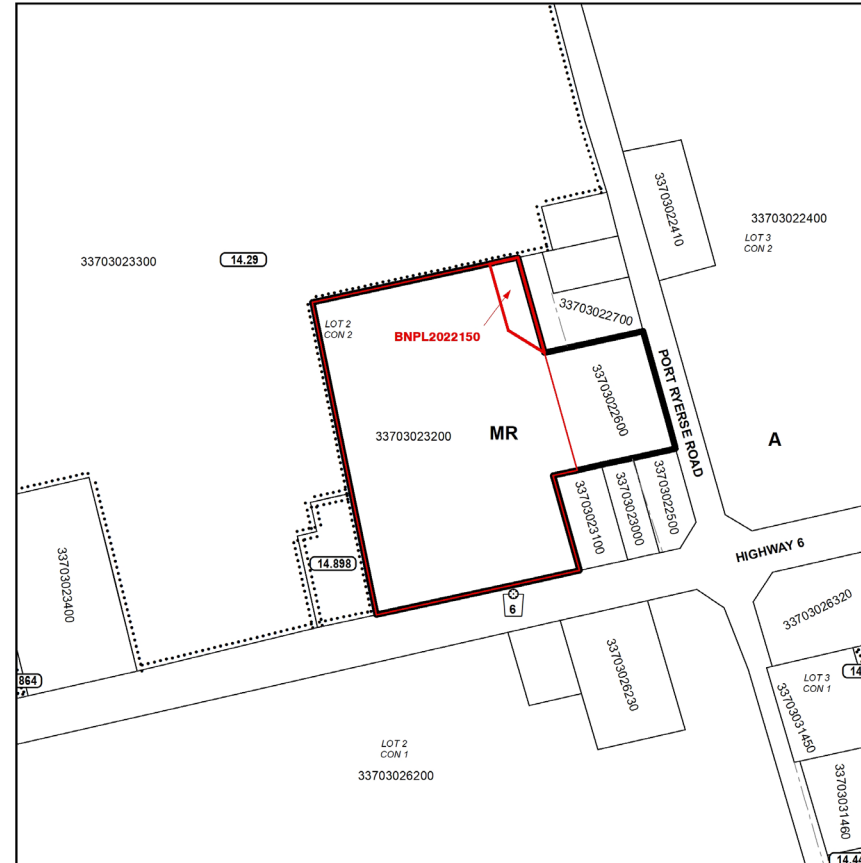
Agricultural OP (Orange fill)

3/4/2024



MAP C
ZONING BY-LAW MAP
 Geographic Township of WOODHOUSE

ZNPL2024067



LEGEND

ZONING BY-LAW 1-Z-2014

Subject Lands (Red outline)

Lands Owned (Pink outline)

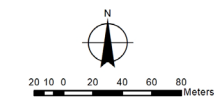
(H) - Holding

A - Agricultural Zone

MR - Rural Industrial Zone

FROM: MR
TO: A

3/4/2024



Development Proposal

MAP D

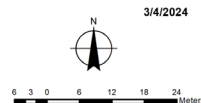
CONCEPTUAL PLAN
Geographic Township of WOODHOUSE

ZNPL2024067



Legend

- Subject Lands
- Lands Owned



Key Features:

- Re-zoning submitted to meet condition of approval of boundary adjustment BNPL2022150
- Subject lands occupied by landscaping business
- Lands to benefit are residential; single detached dwelling on private services

Proposed Zoning Amendment:

- From Rural Industrial (MR) to Agricultural (A)

Preliminary Review

Technical Reports

- None required.

Consultation Comments to Date:

- No key concerns identified by staff as of the writing of this report.

Public Input

- None received as of the writing of this report.

Preliminary Considerations



Agriculture: Prime agricultural land shall be protected from the intrusion of incompatible uses, non-farm related rural development shall not be permitted except in accordance with 7.2.3 of the Official Plan or an existing lot of record.



Jobs/Employment: Application will facilitate removal of lands that could potentially be used for expansion of landscaping business or future businesses permitted as of right in the MR zone.



Industrial: No Record of Site Condition required for transition from rural-industrial use (landscaping business) to residential use.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff Report CD 24-038 for development application ZNPL2024068 be received for information;

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Technical Comments

Building Department

The building department has reviewed the proposal and has NO comments or conditions.

No Ontario Building Code review has been completed at this time and will be done at permit application stage.

Please reach out to the building department as you get closer to having the planning and applicable approvals in place and staff will be happy to assist you with information on preparing for the building and septic permit stage of the project.

All general permitting inquires: by email: permits@norfolkcounty.ca or by phone: 226-NORFOLK (226-667-3655) Ext 6016

Zoning Department

No comments from zoning.

GIS Department

Norfolk GIS has no requirements at this time.

Development Engineering Department

Development Engineering has reviewed application **ZNPL2024067** and have no comments.

Attachment C – Planning Policy Overview

Planning Act

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as

- (b) the protection of the agricultural resources of the Province;
- (h) the orderly development of safe and healthy communities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (p) the appropriate location of growth and development;

PPS

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural lands and prime agricultural areas. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- c) accommodating an appropriate range and mix of housing in rural settlement areas;
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;

f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

2.3 Agriculture

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.

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

Agriculture-related uses: means those farm related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.2 Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Planning Comment:

The subject lands are Class 3 soils therefore are prime agricultural lands. Property is also predominantly surrounded by agricultural land base and can be understood as being within the *prime agricultural area* and *rural area* of Norfolk County.

Subject lands are occupied by a business which sells landscaping materials (mulch, stone, garden soil) to general public.

The PPS does not outline permitted uses in *rural areas* – instead it provides guidance on how healthy, integrated and viable rural areas are supported. This includes leveraging rural amenities and assets, accommodating a mix of housing, supporting redevelopment of housing stock, and supporting the diversification of economic base and economic activities in *prime agricultural areas*.

The effect of this application will not be to increase the mix of housing or redevelop housing; it will be increasing the size of an existing residential lot by removing a portion of land from a *prime agricultural area* that is zoned to permit industrial or commercial-oriented *agricultural-related uses*.

Permitted uses in *prime agricultural areas* include *agricultural-related uses*.

Residential lots may be created in accordance with lot creation and lot adjustment policies of 2.3.4. Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

The purpose of the boundary adjustment is to transfer a portion of the subject lands to a residential parcel. The severance application identifies that the legal or technical reason for the adjustment is have the legal boundary reflect the *de facto* use of the lands which have been maintained as a lawn or grassed area by the property owner of the lands to benefit. The boundary adjustment was not proposed to facilitate a new permitted use (e.g. additional dwelling unit) or improved attenuation of septage as is sometimes the case for under-sized lots.

Official Plan

4.3 Locations of Economic Activity

Economic activity takes many forms. However, some types of economic activity have locational requirements that need to be met in order to provide an optimal environment for economic success

- b) Industrial land shall be focused in Urban Areas and will be located adjacent to or in close proximity to Provincial Highways and arterial roads, where an appropriate level of municipal services are provided. Notwithstanding the foregoing, rural industrial and commercial operations shall be permitted in accordance with the policies of Section 7.2 (Agricultural Designation) of this Plan.

4.4 Promoting Agriculture

Agriculture is the dominant use of land in the County. Agricultural production contributes significantly to the County's economic vitality. The total market value of all farm capital assets amounts to several billion dollars. Agriculture is a significant source of income and employment within the County. Agricultural purchases of equipment, supplies and services contribute significantly to many other sectors of the local economy. It is important to protect prime agricultural land which is the resource base upon which the local agricultural economy depends.

It is the policy of this Plan to promote the further development of Norfolk County's agricultural industry and to provide support to local farmers. To support this policy, the County may undertake the following measures:

- d) Encourage the development of agriculture-related activities that store, distribute, process, mill, or sell farm produce or which repair farm machinery or directly sell supplies to farmers;
- e) Ensure that there is capacity in the County's industrial areas for the establishment of manufacturing and warehouse operations that further clean, process, store and distribute agricultural produce at a scale or volume that cannot be carried out at the farm level;
- f) Encourage the establishment of services that support the agricultural community at locations that best serve agricultural operations;

6.7. Agricultural Land

The County will preserve and foster, as one of its primary objectives, a thriving agricultural industry and the associated rural lifestyle. The land base dedicated to agricultural production must, therefore, be protected and the use of the land must be predominantly agriculturally oriented, with natural resource extraction as an important secondary component.

The main threat to the preservation of the rural character lies in the potential influx of large numbers of incompatible uses into the agricultural areas. Although a certain degree of rural non-farm growth provides benefits to the community, the extent of such development should be limited.

a) The County is committed to the protection of prime agricultural land. The County recognizes, however, that where growth and development occur, it is likely that land with significant agricultural productivity will need to be utilized. Priority shall be given to less productive agricultural land for non-agricultural development, where it is feasible and practical to do so.

e) Where a new settlement area or the expansion of an existing settlement area or the development of a non-agricultural use in the Agricultural Designation is proposed, the impact on agricultural operations shall be assessed and appropriate mitigation

measures identified. Such assessments shall include a description of the agricultural areas and uses, identify agricultural operations that may be impacted including potential limitations on future farming options, identify mitigation measures to avoid or reduce impacts and identify the potential net impact on agriculture.

7.2 Agricultural Designation

The Agricultural Designation is intended to strengthen the agricultural community in the County. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to agricultural practices. The policies of the Agricultural Designation are also intended to provide the opportunity for businesses that support agricultural operations to locate on farms or in close proximity to farms.

7.2.1 Permitted Uses

h) The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features:

iv) Agriculture-related commercial and industrial operations, subject to the policies of Section 7.2.2 (Agricultural Designation – Land Use Policies);

j) Non-farm related rural residential development shall not be permitted, except in accordance with Section 7.2.3 (Agricultural Designation - Lot Creation and Lot Adjustment Policies) or on an existing lot of record, subject to the other applicable policies of this Plan.

7.2.3 Agricultural Lot Creation and Lot Adjustment Policies

a) Consent to sever land may be considered for the following purposes:

vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan

Planning Comment

The subject lands are located on an arterial road.

The amendment from MR zone to A zone would not enable any new use that is inconsistent with the Agricultural Designation as it pertains to permitted, existing residential uses established through lot creation and lot adjustment in *prime agricultural areas*.

However, the proposed amendment from the MR zone to A zone would also remove a range of permitted uses on the subject lands which are consistent policies in the Official Plan as it pertains to the Agricultural designation, Promoting Agriculture, and Agricultural Land, and Economic activity.

Cumulatively, the total removal of MR-Zoned land through BNPL2013016 (1,092 sq. m.) and BNPL2022150 (1,224 sq. m) would be approximately 2,316 sq. m. (0.57 ac), resulting in a retained parcel having a lot area of approximately 7.5 acres.

Conversely, through application BNPL2022150 the residential lot benefitting will increase from current lot area of 3075 sq. m. (0.76 ac) to 4,340 sq. m. (1.07 acre). It is staff's understanding that the justification for the boundary adjustment is to reflect the maintenance of a grassed / lawn area and the application will not address any deficiency in the Zoning By-law for a residential lot in the Agricultural Zone, facilitate a new permitted use, or technical requirement such as improving an existing or future septic system's ability to attenuate nitrates.

Zoning By-Law

Section 7.5.1. of the Zoning By-Law outlines permitted uses for the Rural Industrial (MR) zone which describe a range of industrial and commercially orientated agricultural-related uses. Section 7.5.2. outlines provisions affecting land, buildings and structures in the MR zone. Lands within the MR zone are also subject to site plan control through section 3.38 of the Zoning By-Law.

Section 12.1.1. and 12.1.2. of the Zoning By-Law outlines permitted uses and provisions for the Agricultural Zone.

Planning Comment:

Planning department staff added as a condition of approval for BNPL2022150 that the lands proposed to be severed be re-zoned from Rural Industrial to Agricultural. The effect of this zoning by-law amendment would be that Zone would be consistent for the lands to benefit, remove the permissions and requirements of the MR Zone, and remove requirement for site plan control.



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Committee of Adjustment – July 20, 2022

Applicant: FRASER PRINGLE
Roll Number: 33103370302320000
Location: WDH CON 2 PT LOT 2 (151 Hwy 6, Simcoe)

Report Type: Boundary Adjustment
File Number: BNPL2022150

Proposal: An application has been received to sever a parcel of land having no frontage, an irregular width of 19.812 metres, an irregular depth of 67.14 metres, and having an area of 1,224 square metres and retaining a parcel having an area 3.04 hectares as a boundary adjustment. Severed lands to be added to the rural residential parcel immediately to the east, Roll # 33703022700. Final lot size: 4,340 square metres.

Staff Recommendation:

That Application BNPL2022150 for consent to permit a boundary adjustment, as described in the report, **BE REFUSED**.

Reason: This application is not consistent with the Provincial Policy Statement, does not comply with the policies of the Norfolk County Official Plan regarding the boundary adjustments within the agricultural designation and does not meet the intent of the Zoning By-law.

Public Meeting Details

A public meeting is a statutory requirement in accordance with the *Planning Act*, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to Committee of Adjustment making its final decision on the application.

Site Characteristics

The subject lands are located at the north west corner of the intersection of Highway 6 and Port Ryerse Road. The area of the subject lands is approximately 1,224 square metres, with no frontage. As shown in the figure below, the subject lands are occupied by grass. The retained lands is occupied by a landscape supply, soil and mulch establishment, single detached dwelling and accessory structures. The benefiting lands are occupied by a single detached dwelling, detached garage and accessory structure.



Figure 1. Location of proposed boundary adjustment

Planning Application Analysis:

Planning Act Considerations

Section 2 of the *Planning Act* outlines those land use matters that are of provincial interest and for which all county planning decisions shall have regard. The provincial interests that apply to development on this site are the protection of the agricultural resources of the Province; the conservation and management of natural resources and the mineral resource base; the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the protection of public health and safety as well as the appropriate location of growth and development.

Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.

PPS Section 2, entitled Wise Use and Management of Resources, outlines that Ontario's long-term prosperity, environmental health and social well-being is dependant on conserving biodiversity and protecting natural heritage, water, agricultural, cultural heritage and archeological resources. Specifically regarding agriculture, Section 2.3 directs that prime agricultural areas are to be protected for the long-term. Prime agricultural areas are those where prime agricultural lands predominate and consist of land identified as Class 1, 2 and 3 by the Canada Land Inventory.

Policy 2.3.4.1, Lot Creation and Lot Adjustments outlines that lot creation in prime agricultural areas is discouraged and lists four circumstances where it may be considered. Additionally, policy 2.3.4.2 permits lot adjustments in prime agricultural areas for legal or technical *reasons*, which is defined as "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot".

Planning Comment: The subject lands are designated Agricultural by the Norfolk County Official Plan and are located in an area where prime agricultural land predominates. As indicated by PPS policy 2.3.4.2, minor boundary adjustments are permitted for legal or technical reasons. The property owner of 459 Port Ryerse Road has been maintaining the lands proposed to be severed and added to their property. Staff do not consider this as a legal or technical reason as defined by the PPS. Given the landscaping business that exists on the proposed retained lands, it is staff's opinion that the proposed boundary adjustment will increase the potential for land use conflict between the residential use and the landscaping business located on the agricultural parcel.

In conclusion, it is staff's opinion that the proposed application does not meet the intent of the PPS on the basis that policy 2.3.4.2 has not been satisfied to permit the boundary adjustment as no legal or technical reason has been provided.

Official Plan Considerations

Existing Land Use Designation: "Agricultural Designation"

The majority of land within Norfolk County is designated Agricultural, reflecting the dominance of agriculture within the area. Lands designated as Agricultural are predominantly comprised of Class 1, 2 and 3 soil capability as identified by the Canada Land Inventory, which satisfy the provincial requirement to be considered as prime agricultural land. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to agricultural practices. Agriculturally related uses are also permitted within the land use designation.

Norfolk County Official Plan Section 7.2.3 outlines policies regarding agricultural lot creation and lot adjustments. Consent to sever land may be considered for the a currently habitable farm dwelling that is deemed surplus to a farming operation as the result of farm consolidation of agricultural properties located within Norfolk County and

adjacent municipalities subject to the policies of Sections 7.2.3 b) and c). The Official Plan also permits consent applications for “technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan”.

Staff are of the professional opinion that the proposed boundary adjustment is not minor and not consistent with the Agricultural designation.

The General Consent to Sever Land policies of Official Plan Section 9.6.3.2 that application to the application are addressed in Table 1.

Table 1: Section 9.6.3.2 Evaluation of General Consent to Sever Land Policies

9.6.3.2 Policy Criteria	Staff Evaluation
d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available, the soil conditions, and other factors. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured, in accordance with Section 9.6.3.1 (Minor Variances) of this Plan.	The proposed boundary adjustment will add land to the adjacent residential parcel. The proposed severed land is zoned Rural Industrial (MR). If the boundary adjustment is approved, the residential parcel will have dual zoning, which is not considered appropriate in this instance. It is recommended by staff that the severed lands stay with the industrial property to act as a buffer with the residential parcel. At a minimum, the zoning of the severed lands ought to be amended prior to the Committee of Adjustment considering this application.
g) On the granting of an application for consent, conditions may be imposed on the severed and retained parcels.	Recommended conditions are included as Attachment 1 for the Committee of Adjustment to consider.
i) Subject to the specific policies of this Plan, consents may be permitted for the purposes of making lot boundary corrections, for the purposes of granting easements, for conveyances and consolidations, and other such administrative or technical matters, provided that such matters are minor in nature. The County shall support the consolidation of undersized lots.	The application is not proposing a lot boundary correction as the neighbours have agreed to a situation where one neighbour would maintain a portion of the adjacent lot. An agreement between neighbours is not consistent with making a “lot boundary correction” as there is no error in the lot line location. It is staff’s professional opinion that the proposed boundary adjustment does not satisfy this policy.

In summary, it is the professional opinion of staff that the proposed boundary adjustment does not meet the overall intent and purpose of the Official Plan.

Zoning By-Law Considerations

Existing Zoning: Benefiting Lands: “Agricultural Zone (A)”
 Severed Lands: “Rural Industrial Zone (MR)”
 Retained Lands: “Rural Industrial Zone (MR)”

Uses permitted in the “Agricultural Zone” as outlined in the Zoning By-law, include, but are not limited to, single detached dwellings, home occupations, home industries, accessory residential dwelling units, farms and farm process, accessory to a farm.

Section 7.5 identifies a number of permitted uses within the “Rural Industrial” Zone, including commercial greenhouse, fertilizer dealership, flour mill, fuel storage depot, grain elevator and drying facilities and a saw mill.

The proposed boundary adjustment is proposing to sever a portion of a parcel zoned Rural Industrial and merge it with a parcel zoned Agricultural. The zoning of the severed lands permits additional uses that are not consistent with a rural residential lot. Prior to the boundary adjustment being considered by the Committee of Adjustment, Council should make a decision regarding the zoning on the severed lands. Despite the existing area being maintained as part of a rear yard for the residential parcel, the lands are intended to for rural industrial uses, with ought to be protected to ensure that land use compatibility concerns are reduced wherever possible. The proposed boundary adjustment may impact the long term use of the existing operation on the subject lands.

In summary, it is the professional opinion of staff that the proposed boundary adjustment does not meet the overall intent and purpose of the Zoning By-law.

Consultations:

Notice Provisions

Pursuant to the requirements of the *Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”)*, a notice of the statutory public meeting was posted on the subject lands 14 days in advance of the Public Meeting. Notifications were mailed to neighbours 60 m on July 6, 2022; and a yellow notification sign was posted on the site on June 17, 2022.

Public Comments: No public input has been received for this application and therefore was not considered as part of the recommendation.

Technical Circulation Comments

The application has been circulated to various internal departments and external agencies for review and comments.

Building Inspector – The building department has reviewed the proposal and has NO comments or conditions.

Zoning Administrator – No further comments from zoning

Development Engineering – Development Engineering has reviewed application **BNPL2022150** and have no comments.

Forestry – No comment from Forestry at this time

GIS Services – No requirements.

Fire – No comments received.

Paramedic Services – No comments received.

Hydro One – No comments received.

Enbridge Gas – Thank you for your correspondence with regard to the proposed Severance. Enbridge Gas Inc, (formerly Union Gas Ltd.), does have service lines running within the area which may or may not be affected by the proposed severance.

Should the proposed severance impact these services, it may be necessary to terminate the gas service and relocate the line according to the new property boundaries. Any Service relocation required due to a severance would be at the cost of the property owner. Also, should future gas service be required to either the severed or retained parcel, a request for gas service needs to be submitted to the Attachment Centre at 1-866-772-1045.

Canada Post – Please be advised that Canada Post does not have any comments on this application for severance and boundary adjustment as this will not affect mail delivery.

Conclusion:

It is the professional opinion of planning staff that the subject application is not consistent with the policies of the PPS, does not conform to the Official Plan as it relates to consent to sever policies in the Agricultural designation and does not meet the general intent of the zoning by-law. Staff do not support this application and recommend that it be refused.

Attachments

Attachment 1 – Proposed Conditions of Approval
Map Location Map

Map A
Map B
Map C

Prepared By:
Jennifer Catarino, MCIP, RPP
Senior Planner
For more information, call:
519-426-5870 ext. 8013

CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - a. Proof that property taxes are paid and up to date, or payment of any outstanding taxes;
2. That a zoning by-law amendment application for the severed lands changing the zoning from Rural Industrial Zone (MR) to Agricultural Zone (A) be approved by Norfolk County Council and confirmation provided to the Secretary Treasurer.
3. That a one square foot portion of land presently owned by: **PRINGLE JOHN FRASER & PRINGLE JOAN ARLENE** (assessment roll number **33703022700**) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands and that the costs for completing same be at the expense of the applicant, if determined necessary by the applicant's solicitor.
4. That the severance subject of this application not be completed prior to the lands identified by assessment roll number **33703023200** being transferred to **PRINGLE JOHN FRASER & PRINGLE JOAN ARLENE** and that evidence of this transaction submitted to the Secretary-Treasurer prior to the issuance of the Certificate of Official.
5. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
6. That the severed parcel becomes part and parcel of the abutting lands presently owned by **PRINGLE JOHN FRASER & PRINGLE JOAN ARLENE** assessment roll number **33703022700**.
7. That the solicitor acting in the transfer provides their undertaking in the following manner:

“In consideration of the Certificate of Official, I undertake to ensure that at the time of the registration of the said Certificate of Official or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed”.
8. Receipt of three copies of the registered reference plan for the severed parcel of land from the solicitor acting in the transfer.

9. Receipt of three copies of the deed for the severed parcel of land, or if filling by electronic registration, receipt of the PIN print-out and three copies of the Transfer in Preparation from the solicitor acting in the transfer.
10. That the solicitor acting in the transfer provides an undertaking to provide the Secretary- Treasurer with a copy of the first page of the Receipted Transfer upon the completion of the electronic registration.
11. That the included conditions must be fulfilled and the Certificate of Official for consent be issued by the Secretary-Treasurer on or before the lapsing date noted below after which time the consent will lapse.

LAPSING DATE:

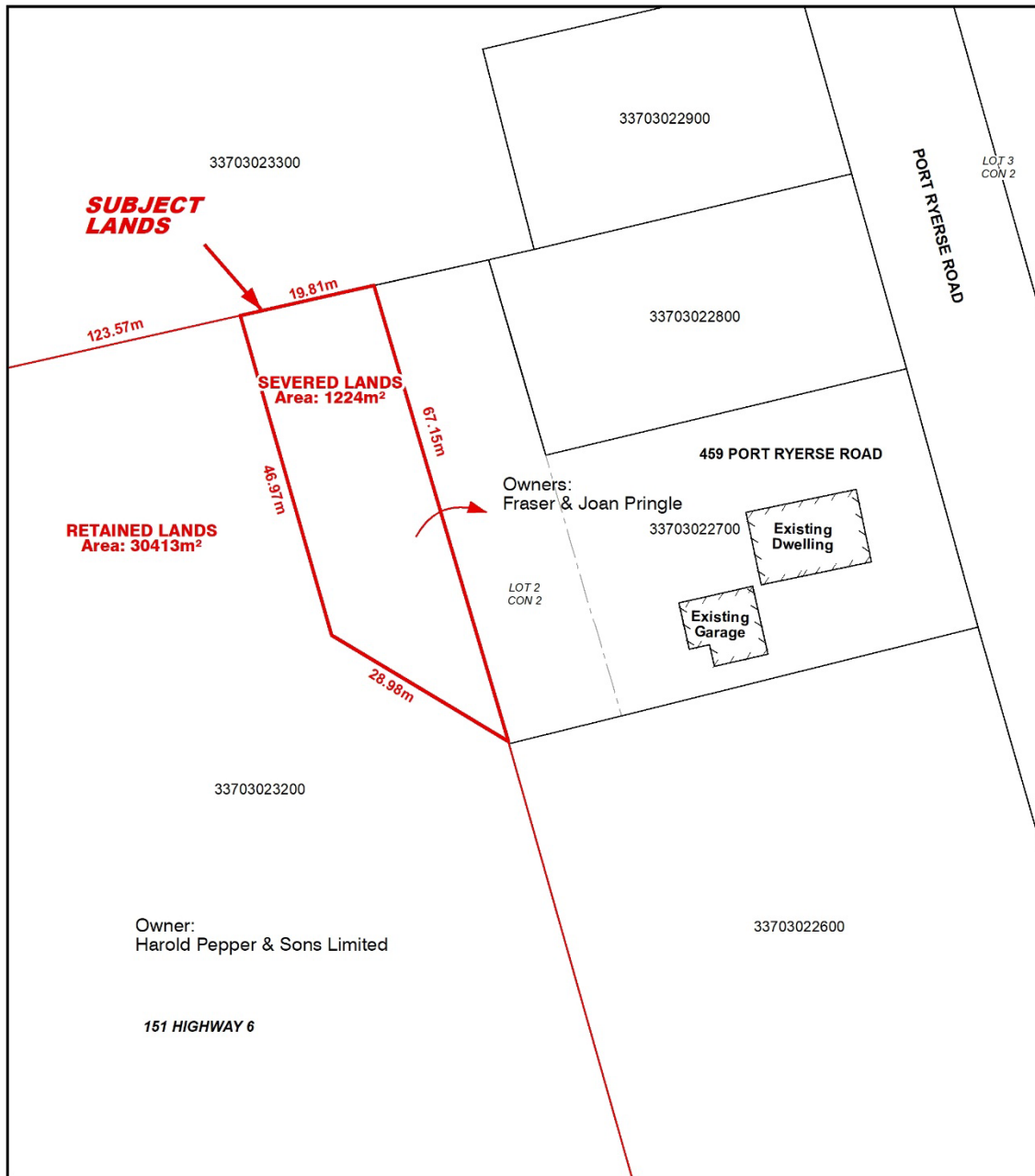
JULY 20, 2023 subject to any extensions as necessitated by the potential impacts due to the Covid-19 pandemic.

LOCATION OF LANDS AFFECTED

BNPL2022150

CONCEPTUAL PLAN

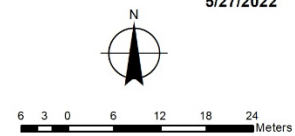
Geographic Township of WOODHOUSE



Legend

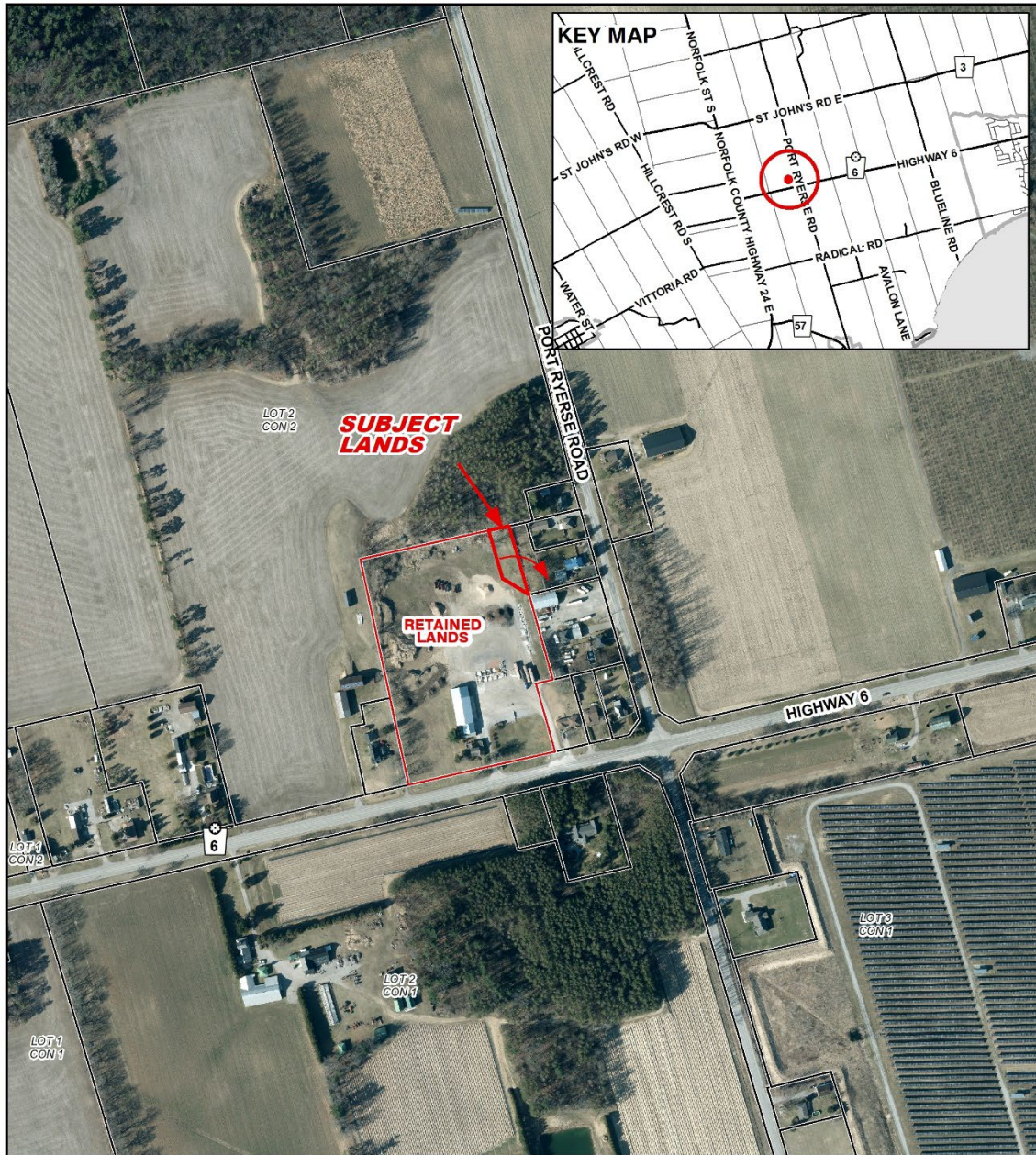
-  Subject Lands
-  Lands Owned

5/27/2022



MAP A
CONTEXT MAP
Geographic Township of WOODHOUSE

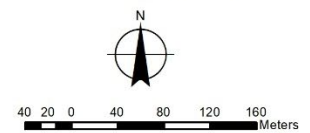
BNPL2022150



Legend

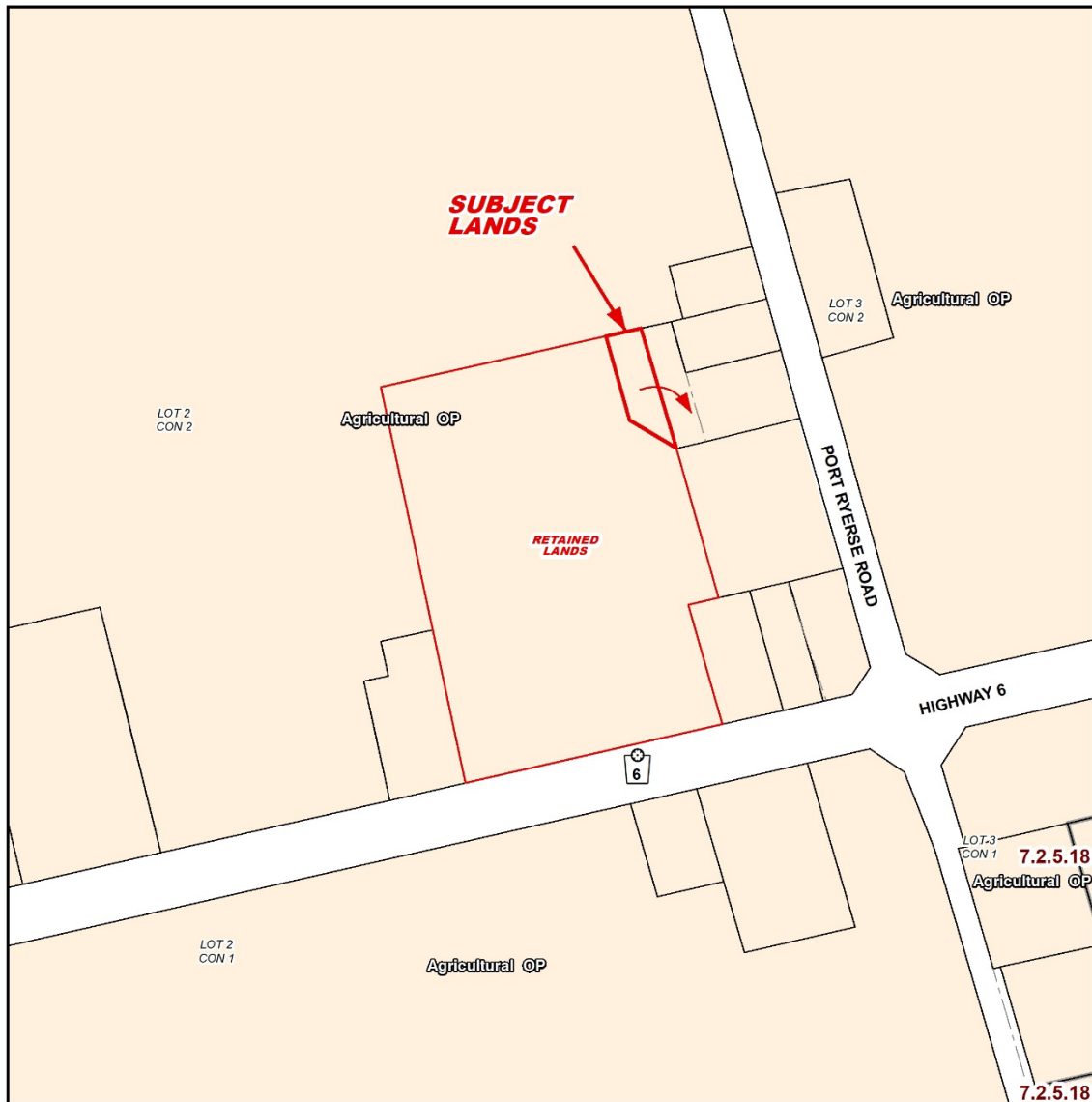
-  Subject Lands
-  Lands Owned
- 2020 Air Photo

5/27/2022



MAP B
OFFICIAL PLAN MAP
Geographic Township of WOODHOUSE

BNPL2022150



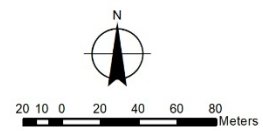
Legend

- Subject Lands
- Lands Owned

Official Plan Designations

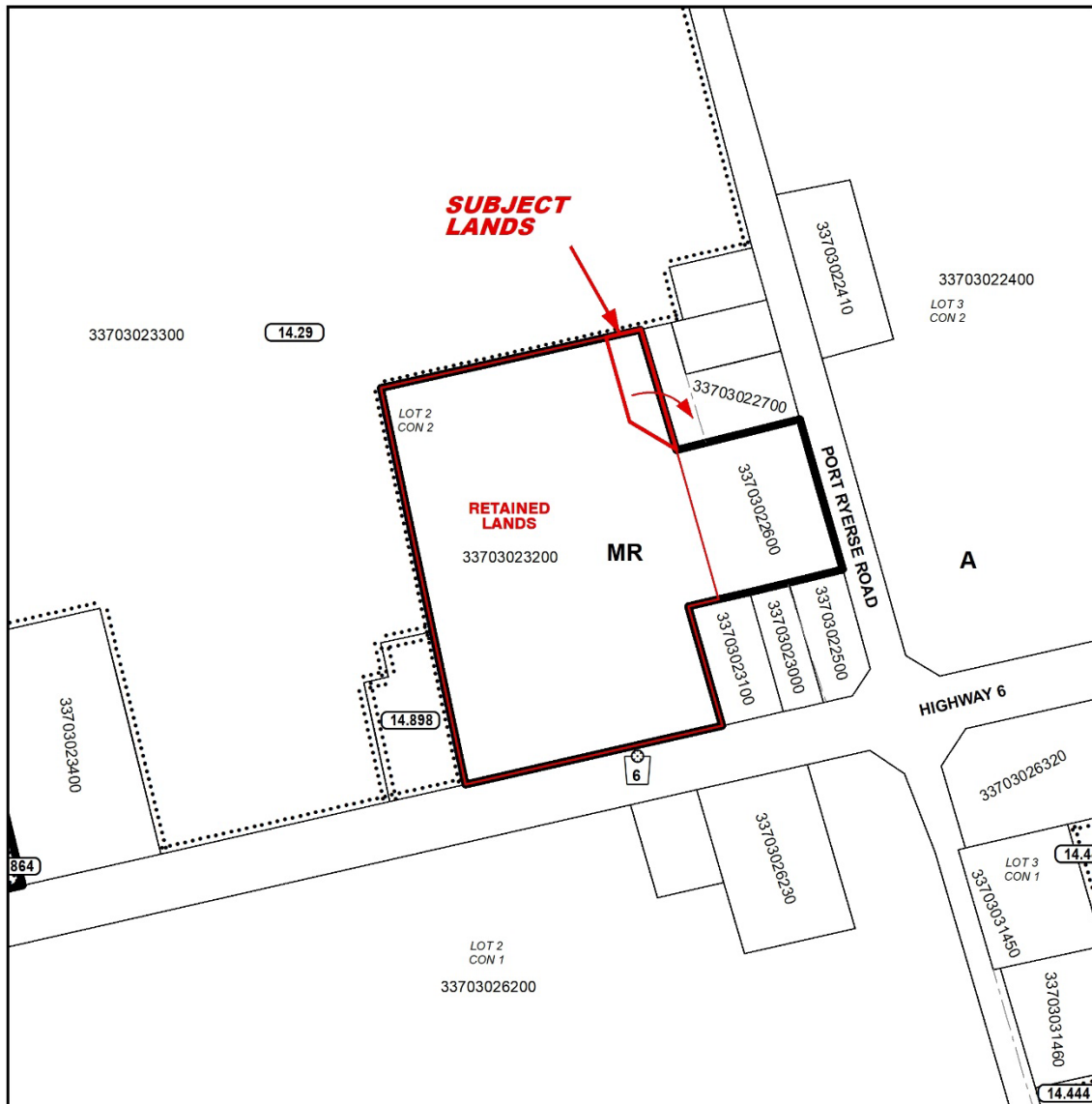
- Agricultural

5/27/2022



MAP C
ZONING BY-LAW MAP
Geographic Township of WOODHOUSE

BNPL2022150



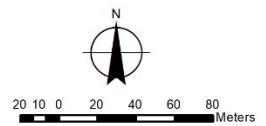
LEGEND

- Subject Lands
- Lands Owned

ZONING BY-LAW 1-Z-2014

- (H) - Holding
- A - Agricultural Zone
- MR - Rural Industrial Zone

5/27/2022





**COMMITTEE OF ADJUSTMENT
REPORT REGARDING AN APPLICATION FOR
CONSENT**

FILE NUMBER: BNPL2013016

MEETING DATE: March 21, 2013
APPLICANT(S): J. FRASER PRINGLE
AGENT(S): CLINE BACKUS NIGHTINGALE & MCARTHUR - MARIA KINKEL
ROLL NUMBER: 3310337030232000000
LOCATION: WDH CON 2 PT LOT 2 RP, 37R1311 PART 1 (151 Hwy #6)

PROPOSAL:

An application has been received to sever a parcel of land having no frontage, a depth of 16.7m (55ft), a width of 66.6m (218.5ft) and having an area of 0.27acres (0.11 ha) as a boundary adjustment. Lands to be added to existing lot located at 459 Port Ryerse Road. Final Lot size 0.76 acres (0.30ha)

PLANNING STAFF RECOMMENDATION:

That Application **BNPL2013016 BE APPROVED**, subject to the attached conditions

REASON: The application complies with the policies in the Norfolk County Official Plan regarding technical severances and boundary adjustments.

SITE FEATURES AND LAND USE: The subject lands are approximately 0.27 acres (0.11 ha) in size and are located at the north east corner of 151 Highway # 6, west of Port Dover. There are no buildings located on the subject lands. The lands are grassed with some trees. The subject lands are surrounded by residential lots to the east, a woodlot to the north, an agricultural trucking business to the west and farmland to the south.

PERTINENT CIRCULATION COMMENTS:

Building Inspector (Sewage System Review) – no concerns

Fire – no comment at this time

Forestry Division - The Norfolk Forest Conservation Service has identified no concerns with this application.

GIS Section – no requirements

Public Works and Environmental Services – no requirements

COMMUNITY PLANNING COMMENTS

The subject lands are designated for Agricultural purposes in the Norfolk County Official Plan and zoned General Industrial 'MG' in the City of Nanticoke Zoning By law NW 1-2000. It should be noted that the applicants have also submitted a Zoning By-law Amendment application which proposes to down zone the subject lands from General Industrial 'MG' to Agricultural 'A'. Planning staff anticipate this application to be heard at a Council meeting in April 2013.

The applicants are proposing to sever a 0.27 acre (0.11 ha) parcel of land located at the north east corner of 151 Highway #6. The lands are to be added to an existing residential lot located at 459 Port Ryerse Road. The agent has indicated that the purpose of the boundary adjustment is essentially to reflect the current use, as the property owners of 459 Port Ryerse Road have been using the strip of land for gardening and other agricultural purposes. The agent also indicated that the current use will not be changing.

The Norfolk County Official Plan and the Provincial Policy Statement permits lot adjustments for legal or technical reasons. Planning staff is of the opinion that the proposed boundary adjustment meets the requirements of the Norfolk County Official Plan as it is a technical boundary adjustment. Furthermore, the increase in size of the residential lot will further allow for sufficient space to dilute nitrates from the onsite sewage disposal system. Planning staff is of the opinion that the final proposed lot size of 0.76 acres is appropriate in this instance.

Planning staff support this application and recommend it be approved, subject to the attached conditions, as it is a technical severance that upholds the intent of the Norfolk County Official Plan.



Kayla Rell, B.A, M.A
Planner

SUBJECT TO THE FOLLOWING CONDITIONS:

1. Receipt of a letter from Norfolk County indicating that their requirements, financial or otherwise have been satisfied including:
 - a) Cash-in-lieu of parkland dedication be paid in accordance with Section 51.1 of the Planning Act, R.S.O. 1990, c.p. 13 (\$350.00 - amount may be revised from time to time).
 - b) Payment of any outstanding taxes.
 - c) Drainage assessment reapportionment be undertaken pursuant to Section 65 of the Drainage Act, R.S.O. 1990 at the applicant's expense (\$_____)
 - d) Road widening.
2. Receipt of a letter from the Building Inspector (Part 8) indicating their requirements have been satisfied
3. Receipt of a letter from the Public Works and Environmental Services Department indicating that their requirements have been satisfied concerning an entrance permit.
4. Receipt of a letter from the Public Works and Environmental Services Department indicating that the applicant has entered into the necessary agreement with the County regarding road construction.
5. Receipt of a letter from the Planning and Economic Development Department indicating that the applicant has entered into the necessary agreement regarding a comprehensive grading plan to address surface drainage of the property satisfying the Public Works and Environmental Services Department.
6. Where the property is registered in Land Titles and where an agreement is required, that the solicitor acting in the transfer provide an undertaking to register the agreement once the deed has been filed and provide Norfolk County with a second original registered copy of said agreement.
7. Receipt of a letter from the Secretary-Treasurer indicating that the zoning of the retained lands has been amended to meet the requirements of Section 2.3.4.1 (c) of the Provincial Policy Statement.
8. Receipt of a letter from the Secretary-Treasurer indicating that a new civic address has been assigned to the **severed** parcel.
9. Receipt of a letter from the Secretary-Treasurer indicating that a new civic address has been assigned to the **retained** parcel.
10. That the severance subject of this application not be completed prior to the lands identified by Assessment Roll No. _____ being transferred to

and that evidence of this transaction submitted to the Secretary-Treasurer prior to the issuance of the certificate.

11. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
12. That the severed parcel becomes part and parcel of the abutting lands presently owned by **John Fraser Pringle & Joan Arlene Pringle** Roll No. **3310-337-030-227**
13. That the solicitor acting in the transfer provide his undertaking in the following manner: "In consideration of the Certificate by the Official I undertake to ensure that at the time of the registration of the said Certificate or deed upon which time it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed".
14. That a one square foot portion of land presently owned by:
_____ (Roll No. _____) be conveyed to the abutting road allowance owned by Norfolk County (registered copy of document for conveyance and reference plan required) for the purposes of consolidating the subject lands and that the costs for completing same be at the expense of the applicant.
15. Receipt of a letter from the Public Works and Environmental Services Department indicating that water and sewer connections have been installed to the severed and retained parcels.
16. Subject to approval of the required Minor Variance Application No.:
17. That a survey be submitted showing the required front, rear and side yard measurements of all existing buildings on the (severed or retained) parcel in accordance with all zone provisions to the satisfaction of the Planning & Economic Development Department.
18. Receipt of five copies of the registered reference plan for the severed parcel of land.
19. Receipt of three copies of the deed for the severed parcel of land, or if filing by electronic registration, receipt of the PIN print-out and *three* copies of the Transfer in Preparation.
20. That the solicitor acting in the transfer provide an undertaking to provide the Secretary-Treasurer with a copy of the first page of the Receipted Transfer upon completion of the electronic registration.
21. That the above conditions must be fulfilled and the Certificate for consent be issued on or before the lapsing date noted below after which time the consent will lapse.

LAPSING DATE: **March 21, 2014**



The Corporation of Norfolk County

By-Law 2024-

Being a By-law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Concession 2 Part Lot 2, Woodhouse.

Whereas Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended; and

Whereas this By-Law conforms to the Norfolk County Official Plan; and

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

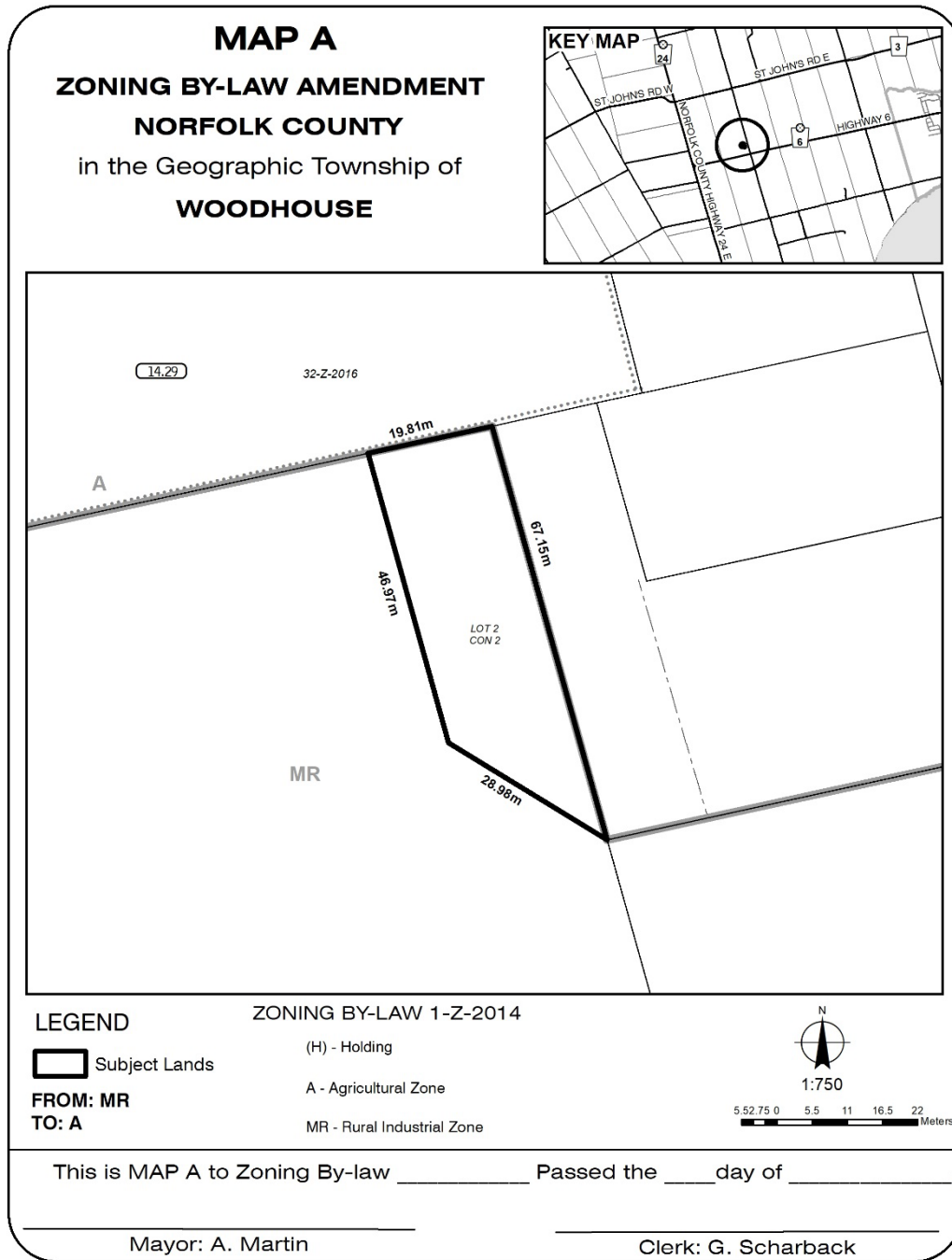
Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands on Map A (attached to and forming part of this By-Law) from Rural Industrial Zone (MR) to Agricultural Zone (A).
2. That the effective date of this by-law shall be the date of passage thereof.

Enacted and passed this ____ day of _____, 20_____.

Mayor

County Clerk



Applicant Harold Pepper and Sons Ltd.
 File Number ZNPL2024067
 Report Number CD 24-040
 Assessment Roll Number 3310337030232000000