



## TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

**Committee:** Committee of the Whole, Community Development

**Date:** March 3, 2025

**Department:** Community Development/ Planning

**Topic:** Consent Application B-6-25, Recommendation to Consent Granting Authority

**Purpose:** To review an application for consent to sever, B-6-25, which proposes to create a 1.22-hectare parcel of undeveloped land with 126 metres of road frontage on Groveton Road, located in the Rural Policy Area of the township. The retained parcel of undeveloped land will have 2.41 hectares of lot area with 253.2 metres of road frontage on Groveton Road.

**Summary:** The township's role in the review of this consent application is part of the United Counties of Leeds and Grenville, Consent Granting Authority decision making process. The townships review will look at the proposal and ensure that, in the opinion of the township, that it complies with the Townships Official Plan and its Zoning By-Law, as amended. Our recommendation will assist the Consent Granting Authority to render a decision and ensure conditions for provisional approval are applied.

**Background:** The owner/applicant (Penny Reid) submitted a consent application to sever a new rural lot on Groveton Road. The severed and retained parcels of land are each intended to be developed with a single detached dwelling on private services, in accordance with the Zoning By-Law requirements and Ontario Building Code. As part of the provisional approval process, specific conditions pertaining to development on the site will be applied through a Development Agreement which will be registered on title. The development agreement and all other applicable law will be reviewed through the building permit application process. Currently, there is no proposal to construct a dwelling on either lot.

The applicant pre-consulted with planning staff and a report dated September 18, 2024 was provided which outlined the townships policies and by-laws, provided a list of required studies to be submitted with the consent application and information on the consent process and where to obtain the application and fee on the County's website.

The pre-consultation report required the applicant to undergo an Environmental Impact Assessment and Minimum Distance Separation calculation and a copy submitted with the consent application. Planning staff confirm that a copy of the documents have been submitted with the consent application which will be discussed within this report.

**Policy Implications:** The subject land is designated as Rural Policy Area in the Township Official Plan and zoned Rural (RU) in Zoning By-Law Number 2022-37, as amended.

### Official Plan

The Rural Policy Area designation in the Official Plan (OP) provides policies to provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural and environmental resources, while providing opportunities for a modest amount of compatible development and a diversified rural economy (3.4.1) The OP permits limited, low-density residential development in the Rural Policy Area (3.4.2).

The implementation of the Official Plan through zoning regulations and development approvals shall be based on the following five principles:

**1. The Zoning By-law shall permit and zone a range of housing types and sizes, including additional residential units, subject to servicing constraints;**

The subject property is zoned Rural (RU) in Zoning By-Law Number 2022-37 and therefore subject to the provisions of Section 12. The RU zone permits a single dwelling, an accessory dwelling, accessory dwelling unit and other limited non residential use listed in Section 12.1.1. A residential use is permitted on a parcel of land greater than 0.4 hectares and having a minimum lot frontage of 45 metres while agricultural uses that includes the keeping of livestock are required to be on a parcel of land greater than 5 hectares in lot area.

The severed and retained lots and their proposed lot frontages and lot areas exceed 0.4 hectares which permits a residential use, subject to the provisions of the RU zone.

**2. Land division for the creation of residential lots is intended to be limited in nature and shall be permitted in accordance with the Land Division policies of Section 7.1;**

The United Counties of Leeds & Grenville is the approval authority for plans of subdivision, plans of condominium and consent applications. The division of land can take place in two ways: by plan of subdivision and by the consent (severance) process. The division of land by the consent process is intended for the creation of not more than two new lots, and for situations not related to the creation of new lots such as lot line adjustments and the creation of easements. Except in circumstances specifically contemplated in this Plan, where the division of land results in the creation of three or more new lots, it will likely be necessary to proceed by plan of subdivision.

The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law.

Notwithstanding the minimum lot area of generally 0.4 hectares, where any new lot is proposed to be less than 1.0 hectare and requires partial or private servicing, a hydrogeological assessment and terrain analysis may be required, to demonstrate that the lot can be adequately serviced for the long-term to the satisfaction of the Township.

The severed and retained parcels will be greater than 1.0 hectares, comply with the minimum road frontage requirement of 45 metres and will be developed with private on-site services, which are appropriate for the intended residential use. As part of the consent application process, South Nation Conservation Authority will inspect the property for a future sewage disposal system. Their comment will be provided to the County as part of their review process. The township does not require the establishment of a water source (well) however, one will be required through the building permit application process.

The owner is required to obtain an entrance permit from the township prior to establishing a new or altering an existing entrance. Each lot appears to have adequate sight lines and is not anticipated to have any negative impacts on traffic.

A road widening requirement will be requested as a condition of provisional approval. The applicant shall have their surveyor verify if the township road (Groveton Road) is 10 metres from the centerline of road along the severed and retained parcel. If it is determined that road widening is required, the applicant's lawyer shall draft an Acknowledgement and Direction document for the township to review and sign. The applicant's lawyer shall provide the township with a registered copy of the document for our files.

**3. Special regard shall be given to ensure adequate separation between residential uses and incompatible non-residential uses, including the application of Minimum Distance Separation formulae, where appropriate;**

The subject parcel is located in the rural area in the township which is developed with a mixture of residential, agricultural and farm related uses (including livestock). It was observed that there were a number of smaller barns were located to the north, south and west and a large livestock operation and barn to the east. A Minimum Distance Separation calculation was conducted (attached) on the following livestock facilities and it was determined that there are no MDS issues for the severed or retained lots as they are located outside of the calculated areas.

- i. 1680 Ventnor Road, large scale livestock operation;
- ii. 279 Groveton Road, small area in barn for 3 horses; and
- iii. 151 Groveton Road, small barn (unknown use)



MAP: Minimum Distance Separation

The subject lot is located within

**4. Development shall provide for the protection of natural and cultural heritage features in accordance with the relevant policies of the OP;**

Section 4.0 of the Official Plan provides policies regarding public health and safety. This section addresses matters relating to Natural Hazards and Human-Made Hazards.

The subject property is within an area designated as significant woodland and within areas of sand and gravel resources and bedrock resources, as per Schedule B, Development Constraint Mapping in the Official Plan.

The applicant submitted an Environmental Impact Study (EIS), prepared by BCH Environmental Consulting Inc, dated November 15, 2024. The applicant's initial intent was to create two new lots and retain a lot. However, through the completion of the EIS, it was determined that an area in the middle of the subject property has an area of wetland and species of trees requiring protection. The owner amended their concept drawing to only sever the northern portion and keep the middle area as part of the retained lot.

Section 10.0 of the EIS provides a recommendation and conclusion for future development on the severed and retained parcels. The areas outlined for protection are:

1. Mitigation for the species at risk and migratory birds Convention Act,;
2. Wetland Recommendations and Mitigation Measures;
3. Mitigation for Tree Protection; and
4. Additional Mitigation Measures.

The EIS concluded that the severed and retained parcels will have a developable area outside of the areas requiring protection.

Planning staff recommends as a condition of provisional approval, that a Development Agreement be registered on title between the land owner and the township which will register any warning clauses and reference to the EIS and its recommendations for future development.

The subject property is located within proximity of Sand and Gravel Resource Areas and Bedrock Resource Areas. Upon further review and confirming distances from the above resource areas and the severed and retained parcels, it was determined that the parcels are outside of the 300 metre influence area from a sand and gravel resource area and 500 metres from a bedrock resource area. No further action is required.

**5. When reviewing development applications, consideration shall be given to the criteria set out in the Development Criteria section of the OP.**

Section 6.8 of the Official Plan provides policies for Development Criteria. No new development is proposed on the severed or retained parcel. Any new development on either parcel is required to obtain a building permit and entrance permit from the township prior to construction or development.

In conclusion, Planning staff is satisfied that the consent application complies with the intent of the Official Plan, subject to our recommended conditions of provisional approval.

**Zoning By-Law**

The subject property is zoned Rural (RU) in Zoning By-Law 2022-37. As previously outlined in Items 1 and 2 of the 5 principles of zoning regulations and development approvals in the Official Plan section above. The severed and retained lots will comply with the minimum frontage and minimum lot area requirements for new rural lots to be developed with individual onsite well and sewage disposal systems, and that developable area has been identified in the EIS for intended residential development.

In conclusion, Planning staff is satisfied that the severed and retained parcels comply with the Zoning By-Law for their intended residential use, subject to our recommended conditions of provisional approval.

## Attachments

- a) Notice of Consent Application from Consent Granting Authority;
- b) Application and Sketch;
- c) Environmental Impact Study; and
- d) Minimum Distance Separation Calculation

**Financial Considerations:** The applicant has submitted the required fee for the severances to the Township.

**Recommendation:** That the Committee recommend in favour of severance application B-6-25; subject to the recommended conditions to be applied to any provisional approval (Notice of Decision) for both the severed and retained parcels of land.

A handwritten signature in blue ink, appearing to read 'T. Fisher', is written above a horizontal line.

Tim Fisher, Municipal Land Use Planner