



TOWNSHIP OF EDWARDSBURGH CARDINAL ACTION ITEM

Committee: Committee of the Whole, Community Development

Date: April 7, 2025

Department: Community Development/ Planning

Topic: Recommendation to Consent Granting Authority, Consent Application's B-22-25 and B-25-25

Purpose: The Committee of the Whole, Community Development, shall review and provide a recommendation to the Consent Granting Authority regarding two consent applications for the undeveloped property described as Part of Lot 27, Concession 8 with frontage on Buckwheat Road, and further described as Roll Number 070170105001900.

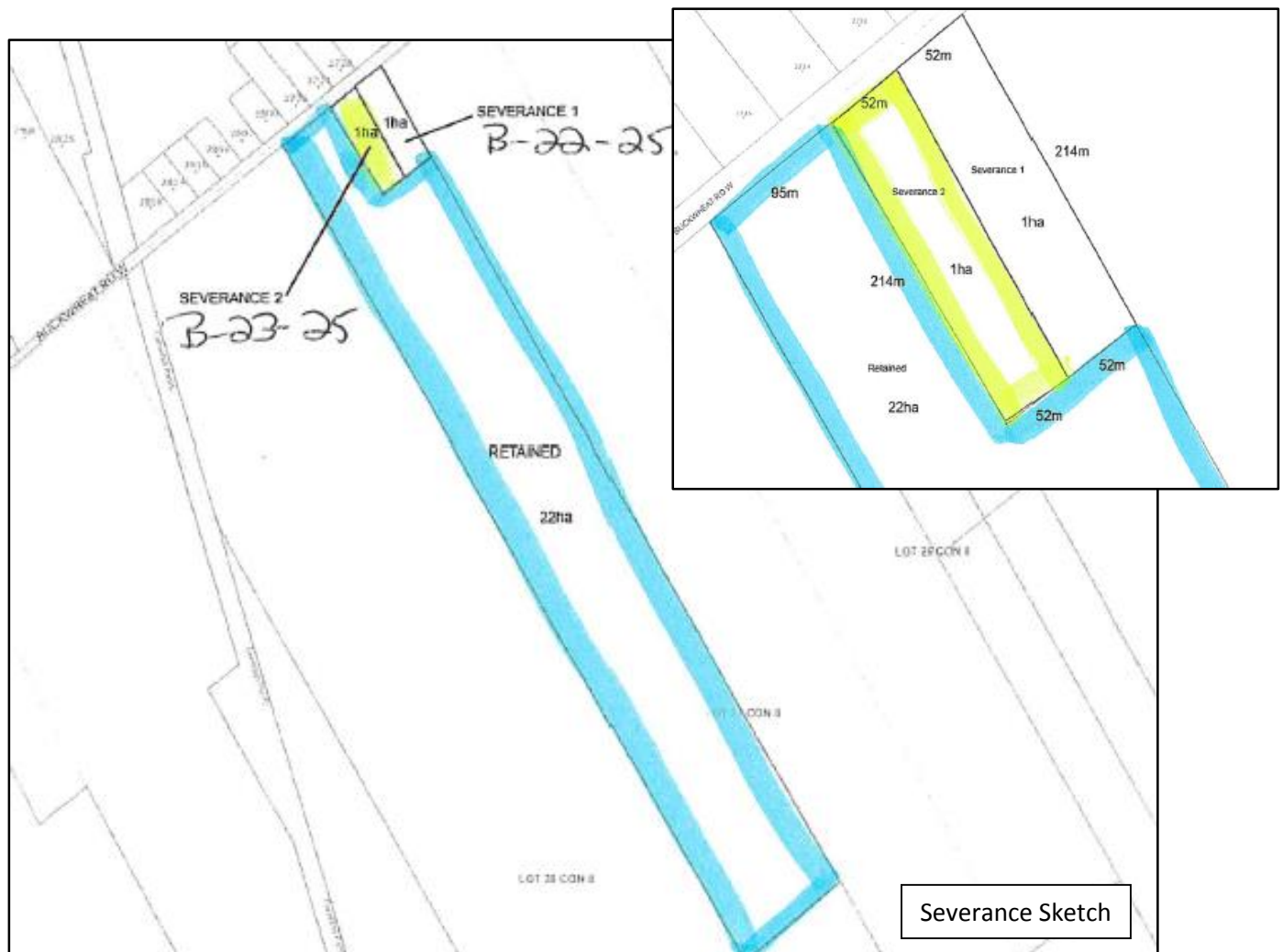
Consent Application Review Process: The Township's role in the review of this consent application is part of the United Counties of Leeds and Grenville, Consent Granting Authority decision making process. The townships review will look at the proposal and ensure that, in the opinion of the township,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

A Consent Granting Authority process chart is attached to this report which highlights the Townships' involvement in the consent approval process.

Summary of Application: Application B-22-25 (Severance 1) is a consent application for the purpose of severing a 1-hectare parcel of undeveloped land with approximately 52 metres of road frontage on the south side of Buckwheat Road for future residential development.

Application B-23-25 (Severance 2) is an additional consent application for the purpose of severing a 1-hectare parcel of undeveloped land with approximately 52 metres of road frontage on the south side of Buckwheat Road for future residential development.

The retained 22-hectare parcel of undeveloped land will maintain approximately 95 metres of road frontage on the south side of Buckwheat Road.



Background: The applicant pre-consulted with planning staff and a report dated October 10th, 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. It was determined that an Environmental Impact Study (EIS) was required as the subject property is within 120 metres of an Area of Natural and Scientific Interest (ANSI).

A Natural Heritage Site Assessment was submitted by the applicant, prepared by Ecological Services dated July 16, 2024. Section 4.0 of the assessment recommends mitigation measures to protect the natural features. The clauses can be applied to a Development Agreement which would be registered on title of the severed and retained parcel to inform future landowners. The owner/applicant amended the proposed lot lines to avoid potential impacts on the adjacent ANSI lands. A copy of the study was submitted with eh consent applications.

It was determined that there were a number of barns located in the area and that additional information was required to determine the Minimum Distance Separation (MDS) calculation from each livestock facility or manure storage facility. The required information was obtained and MDS calculations were completed. Copies of the MDS calculations were submitted with the consent applications.

A consent application for each new severed lot was submitted to the County (and all required application fees were paid).



Site Characteristics:

The subject property is a 26.2-hectare parcel of undeveloped land which is located on the south side of Buckwheat Road, directly south of 2724 Buckwheat Road. The property is located in the rural area of the township, north of the Village of Spencerville and is approximately 1,400 metres from County Road 44 and Highway 416.

The property is adjacent to:

- North – five residential lots, each containing a single detached dwelling;
- East – agricultural use and dwelling (2615 Buckwheat Road);
- South – undeveloped lot (2718 Dukelow Road); and
- West – ANSI designated lands (wetland) directly west on an agricultural lot (2806 Dukelow Road).



Township Policy Documents:

Official Plan

The subject properties are designated Rural Policy Area in the Official Plan, as amended.

Goal:

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.

Objectives:

- To promote a wide range of development opportunities that diversify the Township's rural economy;
- To provide opportunities to locate new or expanding uses that require separation from other uses;
- To provide for the protection of natural heritage features and their ecological functions.

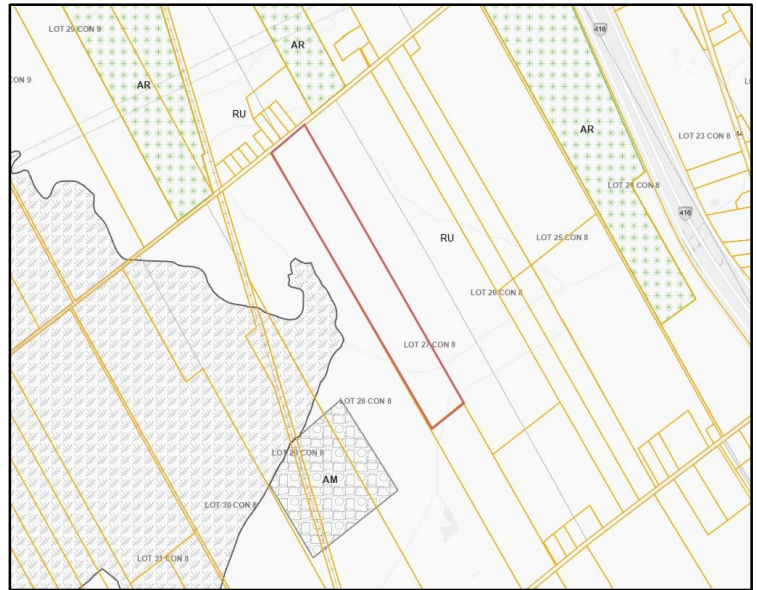
The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

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 the Township Zoning By-Law Number 2022-37, as amended. The RU zone permits a single dwelling, accessory dwelling unit and other non-residential uses related to the rural area. Any new development is required to be on private on-site services (well and sewage disposal system) and shall comply with the provisions of the Zoning By-Law.

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 section of this Plan.*

Consents are subject to the general Land Division Policies of Section 7.1 and specific Consent Policies of Section 7.1.3 of the Official Plan which include the following:



- i. The subject properties are located within a Rural Policy Area and have not received any prior consents to create a new residential lot from the original lot between December 6, 2003 to present. The parcel has not received any severances within the timeline and therefore may be eligible for the creation of two new residential lots, subject to the policies of the Official Plan and Zoning By-Law regulations.
- ii. Each lot will maintain road frontage on Buckwheat Road. Any new or altered entrances will require an entrance permit from the Township prior to installation or site work. It is recommended that a clause be included in a Development Agreement which will be registered on title, to inform future land owners.
- iii. The size and shape of each lot is appropriate for the long-term residential use of each property. The two severed lots comply with the minimum frontage requirement of 45 metre in the Rural (RU) zone in Zoning By-Law Number 2003-37. Each severed parcel will have a lot area of 1 hectare which complies with the minimum lot area requirement for new lot creation for residential purposes in the Rural Policy Area designation in the Official Plan.

The retained parcel will have a greater road frontage to accommodate an entrance from Buckwheat Road and internal driveway which will be outside of the ANSI influence area to the west. The 22-hectare parcel of land will have a developable area for a single detached dwelling and will also permit non-residential uses which is in-keeping with the rural area.

- iv. The subject lot is adjacent to an ANSI (Natural Hazard) to the west. A Natural Heritage Site Assessment was submitted by the applicant, prepared by Ecological Services dated July 16, 2024. Section 4.0 of the assessment recommends mitigation measures to protect the natural features. The ANSI will not have any impacts on the two severed lot however the reports recommendation in Section 4.0 recommends mitigation measures to protect the natural features from any adjacent development. It is recommended that the report and its recommendations be included as conditions in the Development Agreement which is to be registered on title of the severed and retained lands.
- v. Any new development on severed or retained parcels will be developed with private onsite services (well and sewage disposal system). This will be addressed through the Building Permit application process.
- vi. Cash-in-lieu of parkland is not requested as a condition of consent.
- vii. The proposal is not expected to have any negative impacts on the abutting lands, traffic or character of the Hamlet of Shanly. No new development is proposed, and the applications will only result in the creation of a new lot and alteration of existing lot lines which will have no visual impacts.

- viii. There are no negative impacts on any natural or human-made hazards and natural heritage features.
- ix. Buckwheat Road is a township road which is open and maintained for a 2km stretch from County Road 44 to 2900 Buckwheat Road. The remaining portion of Buckwheat Road to the west is an unopened and unmaintained road allowance.

Section 5.3, Transportation of the Official Plan provides policies about the roadway infrastructure. The management of the roadway infrastructure in the Township of Edwardsburgh Cardinal is shared between the Province, the County and the Township. The transportation system is composed of Provincial highways, County Roads, local roads and private roads and is shown on Schedule A of the Official Plan.

All roads (opened or unopened) have a dedicated minimum road allowance width. The minimum width is established to provide existing or future roadways with the required traveled portion of road, drainage and servicing.

As a condition of consent, the applicant shall have their surveyor verify the existing width of the township road (Buckwheat Road) and ensure that the width complies with the required minimum 10 metres from the centerline of road along the severed and retained parcels. If a road widening is required to bring the road width into compliance with the minimum road width, then the surveyor shall show any road widening as part or parts on the draft reference plan and provide written confirmation to the township that the road widening is required or if the roadway complies with the minimum requirement.

At the owner's expense, their lawyer shall draft the required transfer documents for the townships review and signature, to transfer the part or part(s) on the reference plan to the township, which are to be merged and used as a public highway, at the owner's expense.

- 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 (MDS) formulae, where appropriate;*

Any barns which are located within 1,500 metres of the subject property are to be investigated and confirmed if the structure is entirely or a portion of, is used as a livestock facility and/or if a manure storage facility is located on the property. The Minimum Distance Separation calculation is required to verify the setback distance of a livestock facility and manure storage facility to the new lot or new residential development. Due to the number of existing lots in the area, the MDS calculations for this consent application will be a Type B land use (four or more residential lots within a cluster).

There are three potential livestock facilities within proximity of the site. A site inspection and MDS calculations were conducted for each.

Structure 1, 2702 Buckwheat Road: The subject lot is developed with a single-family dwelling and multiple outbuildings. Upon inspection of the property conducted on October 8, 2024, it was observed that only one structure was considered a livestock facility. The structure is comprised of three sections. The first section to the west is a storage barn while the middle area appears to be mechanical and service area. The larger portion to the east, described as having the white bottom and red upper area is the livestock facility. The livestock facility is in good repair and is currently used for storage. Water and hydro service the barn. It appears the barn has its cattle stalls intact and waste trough. The barn can be converted easily and used for livestock therefore and MDS calculation is required.

No manure storage facility was observed on site.

The estimated livestock barn area is 263.8 square metres which could potentially house 71 beef, backgrounders in yard and barn. Any new residential development shall be located 314 metres from the closest point of the livestock facility to the potential residential development on the severed and retained parcels.

It appears that only a small corner occupying approximately 0.2 hectare of proposed Lot 1 will be within the required setback. The remaining 0.8 hectares is outside of the required setback for residential development. A copy of the calculation is attached.



Figure: Livestock Barn located within the larger portion only.



Figure 1: Purple area delineates MDS setback on Lot 1

Structure 2, 2615 Buckwheat Road: The subject lot is developed with an older single-family dwelling (farmhouse) and outbuildings. It was observed that an older barn was previously used as a livestock facility however no longer in use. The structure is in a state of disrepair with foundation crumbling and sections of the roof and walls missing. It was determined that MDS is not applied to this structure based on its condition.

Structure 3, 2900 Buckwheat Road: The subject lot is developed with a single-family dwelling and a number of outbuildings. A barn appears to be used as a livestock facility in the past. The planner did not enter the site and used GIS mapping to determine the distance of the barn. The former 202 square metre livestock facility is located approximately 424 metres from the closest point of the livestock facility to the retained lot and will therefore be outside of the MDS setback.

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

Schedule B of the Township's Official Plan shows significant woodlands on the subject property, and that it is adjacent (within 120m) of an Area of Natural and Scientific Interest (ANSI). Further south on the property, there are some mapped sand and gravel resources, and a portion of the land is adjacent to provincially significant woodlands. Surrounding land uses appear to be a mix of residential and agricultural.

The owner/applicant submitted a Natural Heritage Site Assessment, prepared by Ecological Services dated July 16, 2024 with the consent applications. Section

4.0 of the assessment recommends mitigation measures to protect the natural features:

i) Development on the proposed lots and the retained land should meet a minimum setback of 30 m from all the wetland communities. We recommend that development on the proposed lots remain within 60 m of the road (Figure 5), which will allow development on the proposed lots to meet the setback. Development is not presently proposed on the retained land, but there are opportunities for residential development that meet the 30 m setback.

ii) Woodland clearing should not occur within 30 m of the thicket swamp. Within 30 m of the meadow marsh and adjacent wetland to the east, the field should remain naturally vegetated and no hardened surfaces should be created. A farm lane to access the portion of retained land south of the severances is acceptable, although we do not recommend installing a paved road within 30 m of the wetland (a path of earth or gravel would not create a hardened surface).

iii) No tree removal (of live or dead-standing trees) should be undertaken between April 1 and September 30, to protect nesting birds and prevent harm to roosting bats.

As a condition of approval, the three recommendations above will be included as conditions in the Development Agreement, which is to be registered on title of the severed and retained properties.

In conclusion, Planning staff is satisfied that consent applications B-22-25 and B-23-25 comply with the intent of the Official Plan, subject to the recommended conditions of provisional approval.

Zoning By-Law

The subject property is zoned Rural (RU) in Zoning By-Law Number 2022-37, as amended. A single detached dwelling on private services is a permitted use on the severed lots. The retained 22 hectare parcel of land is permitted for both residential and non-residential permitted uses in the RU zone.

Each resulting lot will comply with the minimum frontage requirement and the minimum frontage requirements.

The proposed lot area and frontages of the severed lots are similar to existing residential lots along Buckwheat Road.

The retained lot complies with the frontage requirement and has a lot area which are similar to other non-residential lots which may continue agricultural/farming uses and a residential dwelling maintaining the character of the rural area.



In conclusion, planning staff is satisfied that each resulting lot as a result of consent applications B-22-25 and B-23-25, comply with the Zoning By-Law for their intended use, subject to the recommended conditions of provisional approval.

Attachments: The following documents are attached to the report for reference.

- a) Notice of Consent Application from Consent Granting Authority;
- b) Consent Sketch (New Lot), B-22-25;
- c) Consent Sketch (New Lot), B-23-25; and
- d) Consent Granting Authority Application Process (Chart).

Financial Considerations: The applicant submitted the required consent application fees to the Consent Granting Authority and that, the County has forwarded the Township's consent review fee for the applications.

Recommendation: That the Committee consider the following recommendations to the Consent Granting Authority, subject to any additional conditions placed by the Consent Granting Authority:

Application B-22-25: That the Committee recommends approval of severance application B-22-25 for the purpose of severing a 1-hectare parcel of undeveloped land with approximately 52 metres of road frontage on the south side of Buckwheat Road for future residential development, subject to the recommended conditions

1. Notice of Decision: That a copy of any decision notice be provided to the Township for our files.

2. Survey: That the owner/ applicant shall provide a paper and digital (PDF) copy of the final registered plan (R-Plan) to the Township Planning Department for our files, and that the plan meets the general intent of the approved consent sketch. It may be beneficial to have the draft plan provided to the township for review prior to registration.

3. Minimum Distance Separation: Any new residential development shall be located 314 metres from the closest point of the livestock facility at 2702 Buckwheat Road to the potential residential development on the severed parcel.

4. Road Widening: The owner/applicant shall have their surveyor confirm in writing to the Township that the existing width of the road allowance along the severed and retained parcels fronting on Buckwheat Road, is a minimum of 10 metres from centreline of road. If additional lands are required to bring the road allowance up to minimum standards, the additional land shall be shown as part or parts on a draft reference plan for the Townships review.

The owner/applicant shall have their lawyer prepare the required transfer documents and provide a copy to the Township for review and signature to have the lands assumed as a public highway. The preparation and registration of the documents shall be at the owner/applicant's expense.

5. Development Agreement: That a Development Agreement between the landowner and the Township be registered on title of the severed and retained parcel of land with the following clauses:

a. That the owner be advised that the subject lot is located in the rural area and may be in proximity to active or future agricultural operations and may experience odours, sounds and vehicle traffic associated with the standard operation of agricultural uses.

b. That the owner be advised that any new or expanding livestock facility or manure storage facility on a lot in the rural area or new residential dwelling is subject to Minimum Distance Separation (MDS) calculation.

c. That the owner be advised that any new or altered entrances require an entrance permit from the Township of Edwardsburgh Cardinal, prior to the commencement of any work.

d. That the owner(s) be advised that the severed and retained parcels are located within or adjacent to a flood plain or natural heritage feature, which is subject to required setbacks in the Township of Edwardsburgh Cardinal Zoning By-Law, as amended. Any proposed development or site alteration within 120 metres of the flood plain or natural heritage feature is subject to the review of the South Nation Conservation Authority and may require Conservation Development Permit prior to any development or site alteration.

e. That the owner(s) be advised that Township encourages the preservation and enhancement of existing natural vegetation on the site and limit the removal of any vegetation only to the proposed development area. The owner(s) may contact the Township of Edwardsburgh Cardinal or South Nation Conservation Authority for more information.

f. That the recommended mitigation measures provided in Section 4.0 of the Natural Heritage Site Assessment, prepared by Ecological Services dated July 16, 2024 be applied:

i) Development on the severed and the retained parcels shall meet a minimum setback of 30 metres from all the wetland communities, and that development on the proposed lots remain within 60 metres of the road (Figure 5), which will allow development on the proposed lots to meet the setback. Development is not presently proposed on the retained land, but there are opportunities for residential development that meet the 30 m setback.

ii) Woodland clearing should not occur within 30 m of the thicket swamp. Within 30 m of the meadow marsh and adjacent wetland to the east, the field should remain naturally vegetated and no hardened surfaces should be created. A farm lane to access the portion of retained land south of the severances is acceptable, although we do not recommend installing a paved road within 30 m of the wetland (a path of earth or gravel would not create a hardened surface).

iii) No tree removal (of live or dead-standing trees) should be undertaken between April 1 and September 30, to protect nesting birds and prevent harm to roosting bats.

AND;

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- b. That the owner be advised that any new or expanding livestock facility or manure storage facility on a lot in the rural area or new residential dwelling is subject to Minimum Distance Separation (MDS) calculation.
- c. That the owner be advised that any new or altered entrances require an entrance permit from the Township of Edwardsburgh Cardinal, prior to the commencement of any work.
- d. That the owner(s) be advised that the severed and retained parcels are located within or adjacent to a flood plain or natural heritage feature, which is subject to required setbacks in the Township of Edwardsburgh Cardinal Zoning By-Law, as amended. Any proposed development or site alteration within 120 metres of the flood plain or natural heritage feature is subject to the review of the South Nation Conservation Authority and may require Conservation Development Permit prior to any development or site alteration.
- e. That the owner(s) be advised that Township encourages the preservation and enhancement of existing natural vegetation on the site and limit the removal of any vegetation only to the proposed development area. The owner(s) may contact the Township of Edwardsburgh Cardinal or South Nation Conservation Authority for more information.
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Tim Fisher
Municipal Land Use Planner