

Date: April 22, 2021

Revision Date: June 06, 2021

Municipal Address: No municipal Address

Legal Description: Part of Lots 73 and 74, Concession 5 Township of Hillier Now in the Municipality of the County of Prince Edward

Prepared By: Asterisks Engineering Inc.

Purpose:

The purpose of this brief is to provide a policy review of the proposed new non-farm residential lot on the property legally described as Part of Lots 73 and 74, Concession 5 Township of Hillier Now in the Municipality of the County of Prince Edward. The proposed new lot was reviewed against the relevant Official Plan policies and schedules. A search of available parcel registration information was also completed as part of the review. Recommendations and opinions resulting from this review are offered with respect to whether the lot location and configuration on the subject property can be supported from a land use planning perspective.

Proposal:

The owner has proposed to sever a non-farm residential lot from the subject property with an approximate area of 1.35 hectares (3.34 acres) per lot. The lot would be located on the southeast corner of the property and accessed by Burr Road, a rural service road.

Site Description:

The subject property is a vacant parcel of land approximately 21 hectares in area with approximately 180 metres of frontage on Burr Road and 380 metres on a travelled portion of Ivy Ridge Road (unopened road allowance). The property is a vacant parcel of land and is dominated by a second growth treed area. There is also a cleared field, which is located on the northwest portion of the property. The cleared portion of the subject property is approximately 5 hectares in area. The bush is primarily deciduous with some coniferous trees interspersed throughout. The subject property does not appear to be farmed at this time based upon review of aerial photography. A site visit was not conducted for this review.

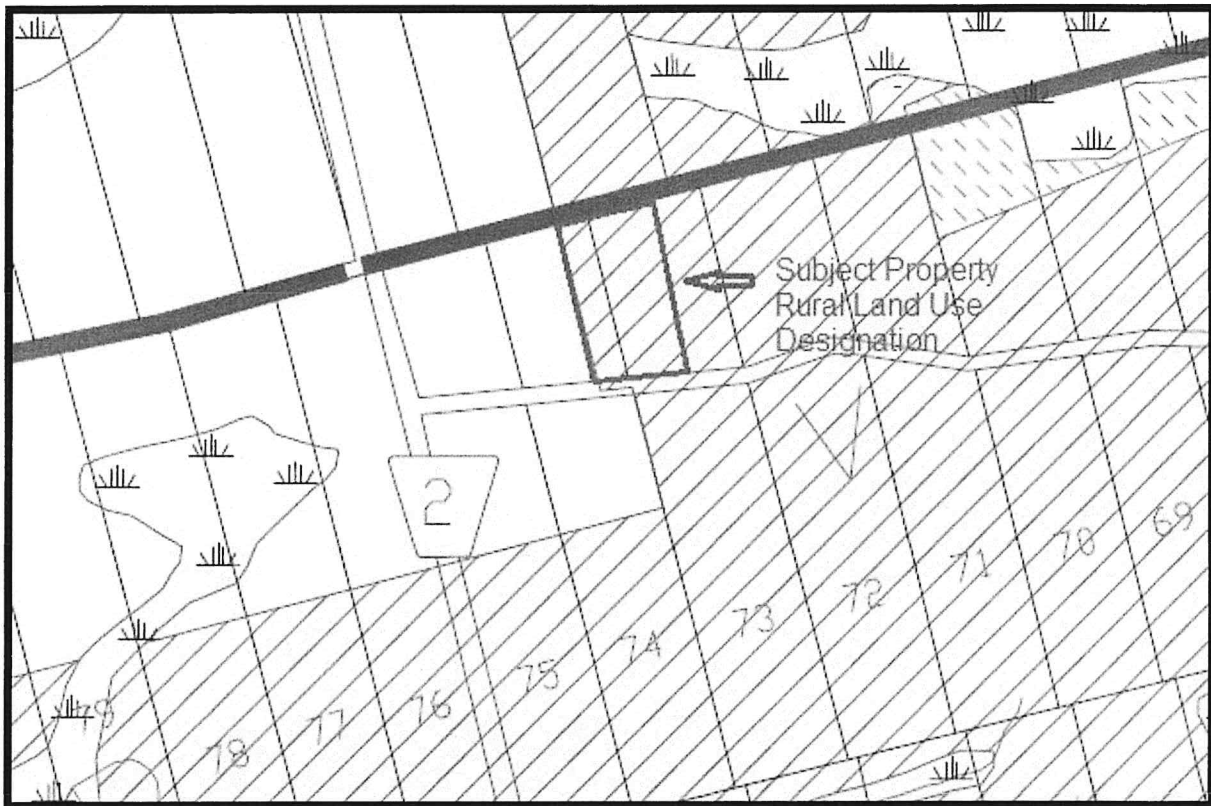
Official Plan Land Use Designation:

The subject property is designated 'Rural' in the County of Prince Edward Official Plan. The 'Rural' land use designation boundary appears to occupy all of Part Lot 73 and Part of Lot 74, Concession 5 of the subject property (see graphic and refer to Schedule E, Land Use Designation, County of Prince Edward Official Plan).

The location of the land designation boundary is approximate and there is latitude in the interpretation of the location of land use designation boundaries to permit minor

adjustments provide that the overall intent of the Plan is preserved (see Section 2.3, Land Use Boundary and Roads, County of Prince Edward Official Plan). The 'Rural' land use boundary at this location approximates the west property line of the subject lands.

Schedule 'E' Excerpt County of Prince Edward Official Plan



Rural:

The 'Rural' land use designation appears to be applied to all of the subject property. The 'Rural' land use designation permits a limited amount low density residential development (see Sections 6.3.1 and 6.3.2, County of Prince Edward Official Plan).

Consents within the 'Rural' land use designation permit the creation of up to 3 lots (combined severed and retained) provided the size and configuration of the lots cannot be subject to additional subdivision (see Section 6.4.1 a), County of Prince Edward Official Plan).

Any new lot creation by consent outside of the settlement areas must conform to Minimum Distance Separation 1 calculation of the Ontario Ministry of Food, Agriculture and Rural Affairs (OMAFRA) Minimum Distance Separation Guideline. This is required to verify that there is a buildable area outside of the prescribed setback resulting from the MDS 1 calculation. An MDS 1 calculation was completed from the barn located at

1097 Burr Road. The barn is approximately 255 square metres in area. The beef cow was used as the livestock for the calculation because it is equivalent to 1 livestock unit and simplifies the calculation process. The calculated MDS 1 separation from the barn is 176 metres. The concept Consent sketch provided in the pre-consultation submission includes this setback.

The minimum lot area for non-farm residential lots is 0.8 hectare (2 acres) in area (see Section 6.4.2 c), County of Prince Edward Official Plan). To accommodate the required minimum building envelope of 0.5 hectare, as per the MDS Guideline, a 1.34 hectares lot has been proposed.

Location of Proposed New Lot:

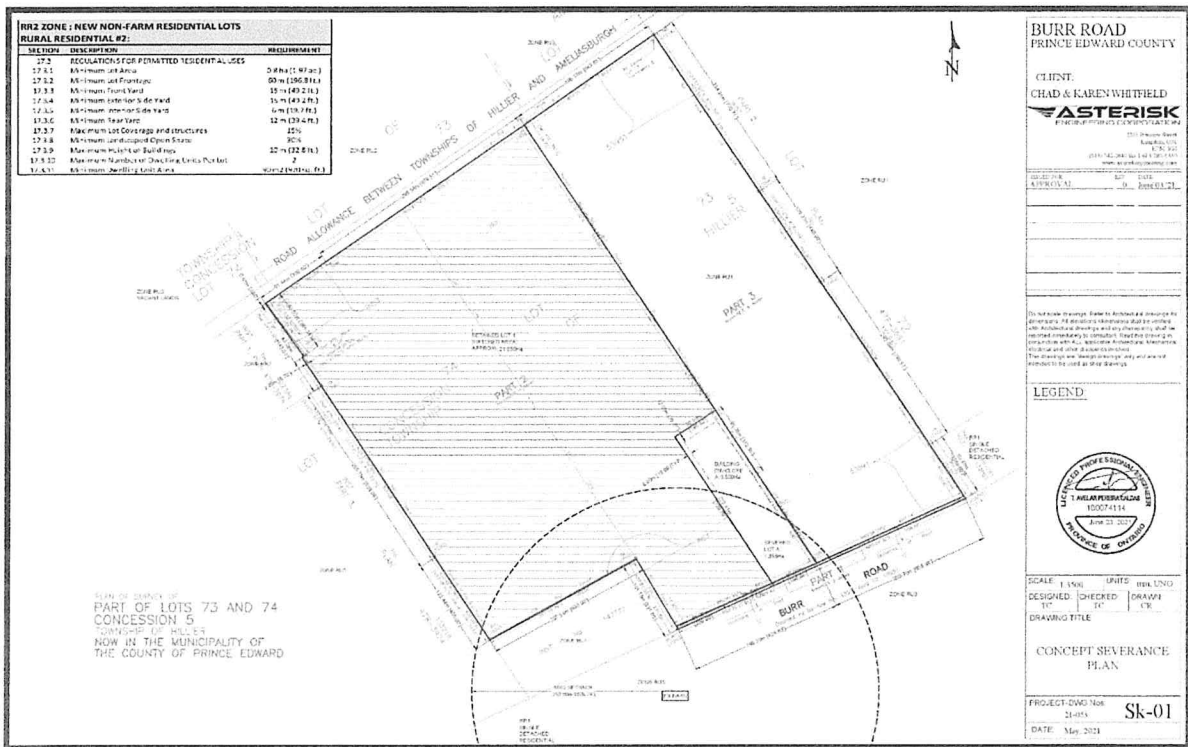


Table: Official Plan Policies Part V, Section 1.3, Consent, County of Prince Edward

	Official Plan Policies	Notes
	General Strategies (Section 1.3.1)	
b)	in order to avoid creating a subdivision by the consent process, the County will not allow a land holding to be fragmented over time. In this respect, except as may be permitted by Part V, Section 1.1.3, a maximum of three lots (including the retained lot) may be created by consent from any land holding. A land holding is defined as any property as it existed as of January 23, 1998, the day the Ministry approved the Official Plan;	The parcel municipally known as 1078 Burr Road was severed from the subject property and registered on title November 02, 1998 (Instrument Number 147777). See the excerpt inserted into this report below. Consequently, one additional parcel may be severed from the subject property.
e)	the size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created as a result of a consent shall be less than that prescribed in the respective land use designations in Part IV of this Plan, except for parcels created as lot additions or for technical reasons;	The minimum lot size for a severance in the 'Rural' land use designation is 0.8 hectare (2 acres). The lot proposed to be severed is 1.34 hectares and will satisfy this minimum lot area requirement in the Official Plan.
f)	the configuration of both the severed and retained parcels shall be appropriate for the existing and proposed uses and will avoid the creation of parcels that are long and narrow or parcels that have a small amount of frontage resulting in development occurring behind existing houses;	The proposed severed lots are rectangular in shape and are consistent with the existing lot fabric for residential lots in the surrounding area.
g)	the area and frontage of any parcel of land created by consent will be compatible with the pattern of surrounding parcels;	The subject property has approximately 180 metres of front on Burr Road. The 'Rural' land use designation stipulates a minimum lot area but not a minimum lot frontage. There is enough frontage to provide for

	Official Plan Policies	Notes
		the minimum lot frontage of the Rural Residential 1 'RR1' Zone or Rural Residential 2 'RR2' Zone categories in the County of Prince Edward Comprehensive Zoning By-Law 1816-2006.
i)	adequate on-site services for sewage disposal and water supply for all uses must be provided to the satisfaction of the County, the Ministry of the Environment and Energy and/or the local Health Unit;	This is a standard requirement for all consents and will likely be applied as a Condition of Consent.
j)	no consent shall be given where residential development on the severed lot will take place in such a manner as to contravene the Minimum Distance Separation Formula as amended from time to time;	This is a standard requirement for all consents and can be determine prior to the submission of an application for Consent to the County.
l)	no consent shall be given for a parcel of land, which is subject to flooding or erosion, or other physical hazard, when the use of the parcel requires that a building be erected. The advice of the local Conservation Authority and/or the Ministry of Natural Resources will be sought in this regard;	<p>A portion of the subject property is identified in Schedule A, Environmentally Sensitive Areas of the Official Plan as being within a significant recharge area.</p> <p>Section 1.2.1d), Recharge Areas are areas where water enters the groundwater system. The level to which water rises in a well due to hydrostatic pressure is at its highest in the aquifer. Future development in the regional County recharge areas should be restricted to types, which will not produce any contamination of groundwater supplies.</p> <p>The proposed non-farm residential lot will have little to</p>

	Official Plan Policies	Notes
		no effect on the recharge area with respect to risk of contaminating ground water. A new residential lot can be created fronting onto Burr Road outside of the recharge area.
	Administration (Section 1.3.2)	
a)	all applications for consent shall be accompanied with an Ontario Land Surveyor's sketch showing to scale the dimensions of the lots (severed and retained) to be created by the proposed consent. In addition, existing buildings and setbacks from the property lines and major topographic and land features such as an escarpment, creek or wetland should be shown. For those applications, which constitute an addition to a holding, the surveyor's sketch shall show the location, size, use and ownership of the lot to be enlarged;	The county requires that the concept severance sketch be completed by an Ontario Land Surveyor.
b)	where there are any questions relative to the information contained in a severance application or if further information is required to assess the appropriateness of the use relative to any matter including traffic site lines and drainage patterns, the County may require that the applicant provide clarification to itself and the appropriate commenting agency through professional sources prior to making any decisions;	This policy permits the County to hire a peer reviewer to review the supporting materials for the Consent (ex. Hydrogeological study)
c)	no more than two lots shall be created (i.e. including severed and retained) as a result of any one severance application;	A separate application is required for each new lot proposed on the subject property.
	Access (Section 1.3.3)	

	Official Plan Policies	Notes
a)	<p>applications for consent, which would result in landlocking a parcel, will be denied. All new lots shall front onto and gain direct access from an existing public road, which reflects a reasonable standard of pavement or gravel construction and is maintained year-round by the County or Province. New building lots shall not be permitted where their access is proposed from an unopened or seasonally maintained municipal road allowance or from an existing or new private right-of-way, save and except for infill lots along an existing private right-of-way in the Shore Land designation;</p>	<p>The proposed lot conforms to this policy. The proposed lot will have frontage and access onto Burr Road a municipally maintained road.</p>
c)	<p>consents should not contribute to ribbon or strip residential development and should not preclude the comprehensive planned development of an area. Notwithstanding this, consents to permit infill lots may be permitted in accordance with the policies of this Plan;</p>	<p>The creation of one new lot on Burr Road would not result in ribbon development along that road. The existing lot fabric is dominated by larger historic farm lots with smaller non-farm residential lots interspersed at irregular intervals along the length of the road.</p>
e)	<p>no consent shall be given which is contrary to established County policy regulating access onto County Roads;</p>	<p>This policy precludes any support being obtained from the County's Planning Division for a new lot without frontage on a municipally owned and maintained road.</p>

Parcel Register Excerpt

133218	TRANSFER	94 09 15	THISTLE, David George Bruce THISTLE, Anne Felicity	BROOKS, Dennis Gordon BROOKS, Reta Karlin, JT.	\$149,900.	PARTS 3,4,5 & 6; subject to easement over PART 4, as in No. 59348, & with easement over PART 7, as set out in No. 106647, all on 47R-3974. Planning Statements.
133219	CHARGE	94 09 15	BROOKS, Dennis Gordon	SOPIHA MORTGAGE CORP.	\$113,425.	AS IN NO. 133218.
141576	CHARGE	97 02 17	COLE, Sharon Anne	BANK OF MONTREAL		MORT. NO. 12236.
143889	CHARGE	97 09 24	COLE, James Melvin COLE, Sharon Anne	QUINTE SAVINGS & CREDIT UNION LTD.	\$32,000.	PART 1 on 47R-9541 with easement over PART 1 on 47R-1334. As in No. 87421.
145778	MORT.	98 07 27	COLE, James Melvin COLE, Sharon Anne	SOPIHA MORTGAGE CORP.		Amending Mort. No. 130970.
147777	TRANSFER	98 11 02	SHEA, Gregory Graham McGREGOR, Patricia Joan	RANDALL-WOOD, Deborah Ann MALTEY, Patricia Ann, JT.	\$149,000.	Part 6 O.D., shown on plan attached No. 42960. As in no. 117048. Planning Act Statements.
147778	CHARGE	98 11 02	RANDALL-WOOD, Deborah Ann MALTEY, Patricia Ann	BANK OF MONTREAL	\$137,463.	AS IN NO. 147777.
150176	CHARGE	1999 07 23	BROOKS, Dennis Gordon BROOKS, Reta Karlin	THE BANK OF NOVA SCOTIA	\$109,500.	AS IN NO. 133218.

FORM 1

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Conclusion:

The applicable provincial and municipal policies governing the creation of new lots through the Consent process were reviewed against the proposed new lots. The following comments are a result of that review process:

- 1) The Official Plan only permits the creation of 1 lot (1 severed and a retained) from a parcel of land that existed prior to January 23, 1998. The proposed lot configuration conforms to the applicable provincial and official plan policies.
- 2) It is recommended that one new non-farm residential lot be proposed fronting onto Burr Road.
- 3) A revised Concept Consent Sketch with one lot fronting onto Burr Road has been generated to be included in the submission to the Planning Division for pre-consultation.