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Chase Road and Swamp College Road Lot Addition:



Proposal of Lot Addition at 82 Chase Road, Prince Edward County, Hillier ON



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Purpose

PEC Farms is proposing an approximately 0.4 hectare lot addition from the subject lands described as Part of Lot 6, Concession 2 Lake Side, former Township of Hillier, County of Prince Edward (subject property) to 82 Chase Road. The benefitting lands are municipally known as 82 Chase Road, an undersized rural residential lot. The requested lot addition constitutes a minor lot adjustment to bring an undersized lot more into conformity with the rural residential policies of the Official Plan.

Site Characteristics

The subject property, owned by PEC Farms, is a vacant parcel of land approximately 60 hectares in area and consisting of a mix of environmentally protected wetland and farmland used for growing cash crops. The northern portion of the property is bisected from east to west by an unnamed creek. Hubbs Creek traverses the property at the southeast corner and its associated wetland area dominates the south portion of the property adjacent to a residential cluster.

The benefitting parcel is approximately 0.2 hectare (1/2 acre) in area and is located on the northeast corner of Swamp College Road and Chase Road. The property has been developed with a single detached dwelling. The property is located in an existing residential cluster north of the Village of Wellington. The non-farm residential lots generally range in area from 0.2 hectare to 1 hectare in area with the majority of the lots being greater than 0.4 hectare.

Existing Official Plan Land Use Designations:

The subject property is designated 'Prime Agriculture' and 'Environmental Protection' in the current County of Prince Edward Official Plan. The benefitting parcel is within the 'Prime Agricultural' designation.

The proposed lot addition will include both the 'Prime Agricultural' and 'Environmental Protection' land use designations.

Existing Zoning:

The subject property is zoned Environmental Protection 'EP' Zone and Rural 'UR2' Zone in the County of Prince Edward Comprehensive Zoning By-Law No. 1816-2006.

The benefitting property is zoned Rural Residential 'RR1' Zone in the County of Prince Edward Comprehensive Zoning By-Law No. 1816-2006.

Zone Data Chart Rural Residential (RR1) Zone:

Zone Provision (Regulations for Permitted Residential Uses)	Required	Existing for Benefitting Lands (approximate)	Conforms Yes/No
Minimum lot area	0.38 ha (0.94 ac)	0.21 ha	No
Minimum lot frontage	44.8 metres	27.2 metres	No
Minimum front yard	15 metres	53 metres	Yes
Minimum exterior side yard	15 metres	6 metres	No
Minimum interior side yard	3 metres	7.68 metres	Yes
Minimum rear yard	12 metres	5 metres	No

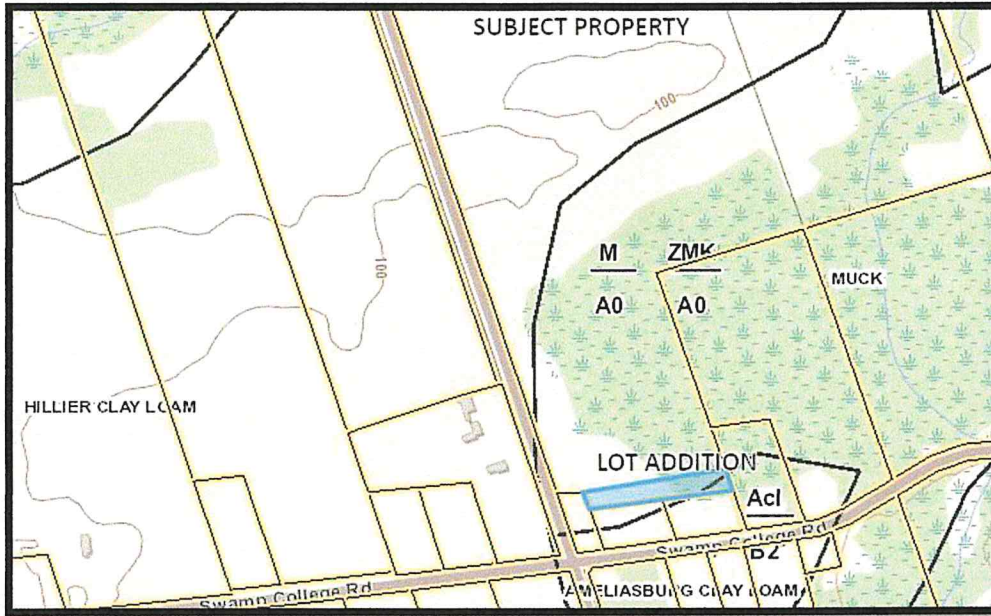
The benefiting parcel is an existing legal non-conforming lot of record.

Review and Analysis:

A lot addition does not create a new lot. A lot addition changes the configuration of the properties subject to the consent and the benefiting lands. The intended result is not to create a new separate and independently conveyable parcel of land but a minor lot adjustment to create a more usable rural residential lot consistent with the lot sizes of the surrounding rural residential land uses within the residential cluster. The lands proposed to be conveyed include a small area of farmland that is designated Prime Agriculture and a lowland area not suitable for agricultural uses within the Environmental Protection designation. The environmental protection area will remain unchanged. The total area of farmland that would be conveyed to the rural residential parcel is approximately 0.26 hectare in area. The lot addition will result in a flag shaped lot which is less desirable than a more regular rectangular shaped lot. However, to do so would have resulted in the proposed lot addition extending north parallel to Chase Road and occupying more prime agricultural land. The proposed lot configuration is a compromise minimize any potential impacts on the agricultural use. The additional advantage of the proposed lot configuration is that it creates a buffer between the residential cluster to the south and the active farm use. Activities such as spreading manure will have less of a direct adverse impact, especially if the manure is liquid. Liquid manure when sprayed behaves like an aerosol and spreads farther distances coating homes cars and outdoor amenities, such as pools. There are no setback requirements from sensitive uses for spreading manure on fields.

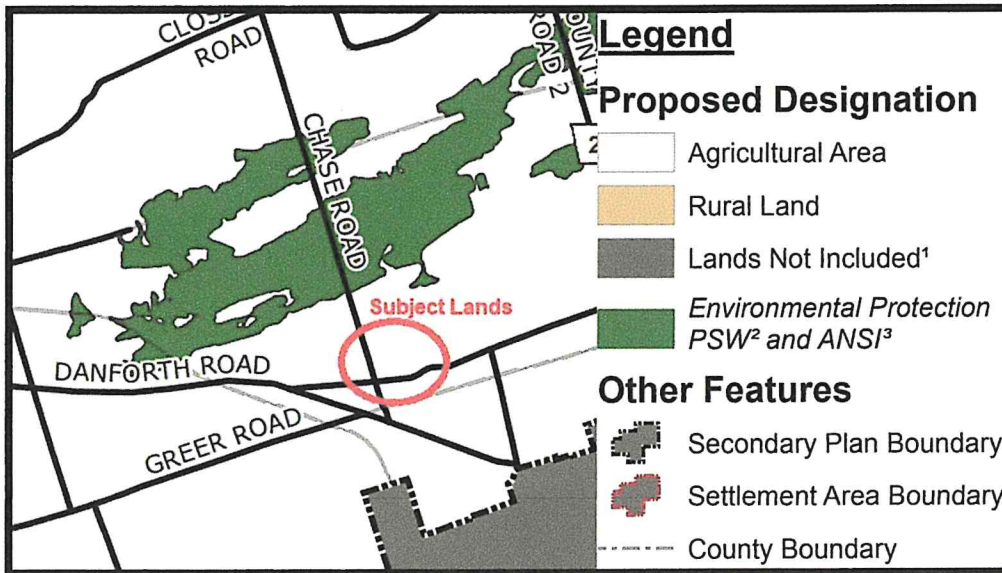
The subject property was reviewed against the soil code and soil symbol provided by the Ontario Ministry of Agriculture, Food and Rural Affairs Land Inventory of Ontario (LIO) mapping. The lands subject to the proposed severance are M/A0 ZMK/A0 with the soil label name, "muck". This soil code describes the subject lands as subclass M which is defined as being, "Moisture deficiency: soils in this subclass have lower moisture holding capacities and are prone to droughtiness." The majority of the Prime Agriculture lands on the subject property are coded Hc/B1 HIL/B1 with the soil label Hillier Clay Loam.

Figure 1: Soil Classifications



The Land Evaluation and Area Review (LEAR) map (2018) identifies the subject lands as Agricultural Area, including the wetland area within the EP land use designation and Zone. This is because the LEAR evaluation does not assess muck or organic soils only mineral soils. Organic soils are not included in the Canada Land Inventory soil classification (<https://sis.agr.gc.ca/cansis/nsdb/cli/classdesc.html>). Consequently, the LEAR evaluation is not a good reference for determining the suitability of this location for crop production since the evaluation could not be applied.

Figure 2: PEC LEAR MAPPING EXCERPT



Provincial Policy Statement:

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

The benefitting property is an undersized lot. The proposed lot addition is a minor boundary adjustment and may be considered necessary to bring it more into conformity with the policies for infill residential lots in the Official Plan and the appropriate zone category. The total percentage area of the subject property proposed to be conveyed to 82 Chase Road is approximately 0.66% and only 0.44% is within the Prime Agriculture land use designation. The application of the policy regarding minor lot adjustments is applied to the lands within the prime agricultural designation. The proposed lot addition will significantly increase the size of the existing undersized rural residential parcel but in the context of the subject property may be considered a minor lot adjustment.

Official Plan:

The Consent policies of the Official Plan differentiates between parcels created by consent for the purpose of new lot creation and those created as lot additions (see Section 1.3.1, General Strategies, Consent). It is normal practice as a Condition of Consent to require a lot addition to be tied to the benefitting parcel so that they cannot be sold as separate conveyable lots.

The Prime Agricultural land use designation also includes the following relevant residential policies governing the pattern of development. Section 5.4.2 a) iv) permits consents, "for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other purposes that do not create a new lot." The minimum lot area for an infill lot is 0.4 hectare; and the subject property is an undersized lot with a lot area of approximately 0.2 hectare (see Sub-Section 5.4.2 c), Official Plan). The proposed lot addition would bring the existing residential lot into conformity with the minimum lot area for rural residential parcels within the 'Prime Agricultural' land use designation.

For the purpose of comparison policies of the Official Plan will permit, under specific circumstances, the severance within the Prime Agricultural designation to create a new residential lot 0.4 hectare in area (Section 5.4.2 b), Official Plan). The proposed lot addition, which is also permitted in the PPS and the Official Plan, would only include 0.26 hectare of land within the prime agricultural designation. The impact of the proposed severance on the Prime Agricultural designation is less than the County's infill policy.

The current Official Plan includes policies for non-conforming uses and specifically permits lot additions to existing non-conforming uses. Section 1.10.1 of the Official Plan states, "A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the Zoning By-law. In such a case, the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-law." The Official Plan does not exclude undersized rural residential lots within the Prime Agricultural land use designation from application of this policy.

The proposed lot addition conforms to the non-conforming uses policies of the existing Official Plan.

New Official Plan:

The subject property and the benefitting lands (82 Chase Road) are designated 'Agricultural Area' in the new Official Plan recently adopted by County Council in February 2021. This plan had not received Ministerial Approval at the time of the writing of this planning response (June 01, 2021).

Similar to the policies of the current Official Plan Sub-section 4.2.3 9), Policies, states, "Lot adjustments may be permitted for technical or legal reasons such as minor boundary adjustments, easements, rights of way, or other purposes that do not create a new building lot." For the same reasons previously identified in this planning response the proposed lot addition is appropriate in order to bring the benefitting lands more in keeping with the minimum lot area desired for rural non-farm residential lots and expressed in the policies of the new Official Plan.

Further, the non-conforming policies include, "Non-complying lots may be enlarged. When a non-complying lot has been enlarged as permitted, the resultant lot may be deemed to comply with the provisions of lot frontage and lot area as stipulated in the implementing Zoning By-Law. The yard setbacks and lot coverage related to any existing buildings on the resultant lot may also be deemed to comply with any other guidelines, regulations and/or performance standards of the Municipality (Sub-section 5.1.12 (7), Non-conforming, new Official Plan)."

The proposed lot addition conforms to the applicable policies of the new Official Plan. The policies recognize the need for consents within the Agricultural Area for legal and technical reasons and well as specifically permitting the enlargement of "non-complying" lots.

Conclusion:

In conclusion, the retained parcel will not be adversely affected by the proposed lot addition for two reasons as provided below:

- a) The location of the proposed lot addition is at the southerly limit of the subject property with the majority of the tillable area situated to the north. The resulting lot configuration of the severed and retained parcels will not inhibit access to the 'Prime Agricultural' land or compromise existing and future farm operations. The farmed portion of the subject property remains a contiguous parcel; and
- b) The portion of farmland proposed to be conveyed to 82 Chase Road is narrow and an irregular shape. Farming this section is constrained by the proximity of the Environmental Protection area and the adjacent cluster of the more sensitive non-farm residential uses.

The proposed lot addition from the subject property to 82 Chase Road conforms to the applicable policies of the current Official Plan and the new Official Plan for the County of Prince Edward. The application for Consent to enlarge an existing undersized lot that has already been developed is appropriate and constitutes good land use planning.

