

Planning Justification Report Lot Addition and Rezoning

Daniel Sprague
910 County Road 3
Prince Edward County



June 28, 2022

Ray Essiambre and Associates Ltd.

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1. Introduction

Ray Essiambre and Associates Ltd. (REAL) was retained on November 3, 2021 by Mr. Daniel Sprague to provide land use planning services for the properties at 910 County Road 3 and 22, 30, 36 Wannamaker Lane, Prince Edward County.

The planning assignment is to assist in obtaining municipal approvals to create three (3) residential lots from five (5) existing properties. This will require approval of an application for lot additions and an amendment to the Prince Edward County Comprehensive Zoning By-law.

2. Existing Conditions

2.1 Lot Fabric

The image below shows the existing lot fabric for the properties that are included in the lot a line adjustment. The lines in green are from the County's GIS mapping, which are the approximate location of the lots lines. The black lines are sourced from the plans shown in Land Titles. The Pin Map and Pin Pages are included in Attachment 1.

The lots are irregular in shape and access is provided from Wannamaker Lane that provides a shared access to four of the five lots. This lot pattern was historically permitted in the County but it is no longer desirable.



2.2 Lot Fabric and Existing Zoning

The subject properties have three zones RR1, LSR and LSR-13. The properties zoned LSR (Limited Service Residential) do not have frontage on a public road and they cannot be accessed by County vehicles. These properties do not benefit from receiving County services that are available to other properties with access to the County Road.



2.3 Access to Lots

Access to lots 1, 2, 3 and 4 is provided from Wannamaker Lane. Lot 5 has direct access to County Road 3. The house on Lot 5 has been demolished but the access from County Road 3 remains. The access to Lot 5 and the entrance to Wannamaker Lane that provides access to four lots are close and only a few meters apart.



House has been demolished

Existing Access 2

Existing Access 1
From Wannamaker Lane

3. The Proposal

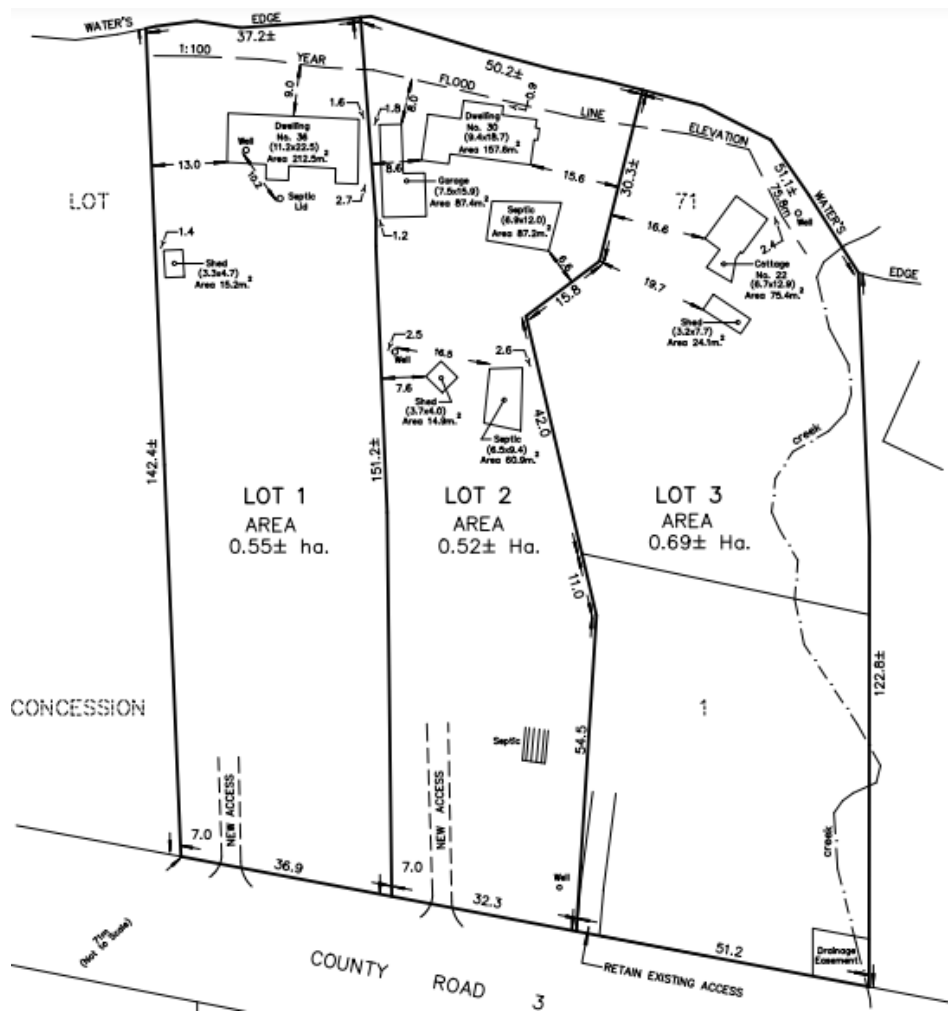
3.1 Description of Proposal

Mr. Sprague wants to improve the lot fabric, access and municipal services to lots on the subject land.

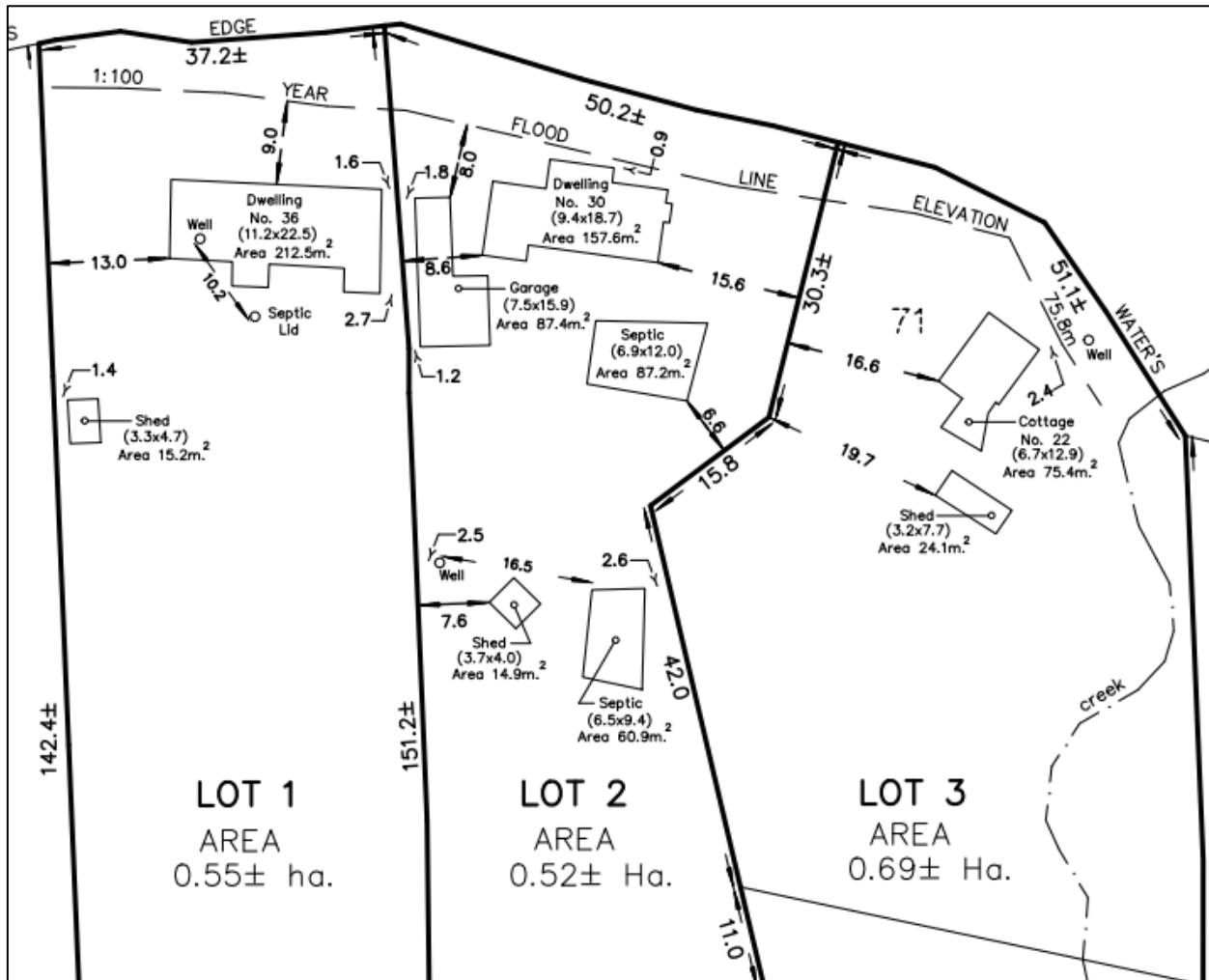
Mr. Sprague's proposal includes the following:

- Consolidate five small irregular shaped properties into three larger rectangular lots.
- Remove the private lane and eliminate shared access.
- Provide three separate accesses to 3 lots.

The proposed new lot fabric is shown in the Surveyor Sketch below.



**Surveyor's Sketch - Details of Existing Structures, Well and Septic
 North Portion of Site**

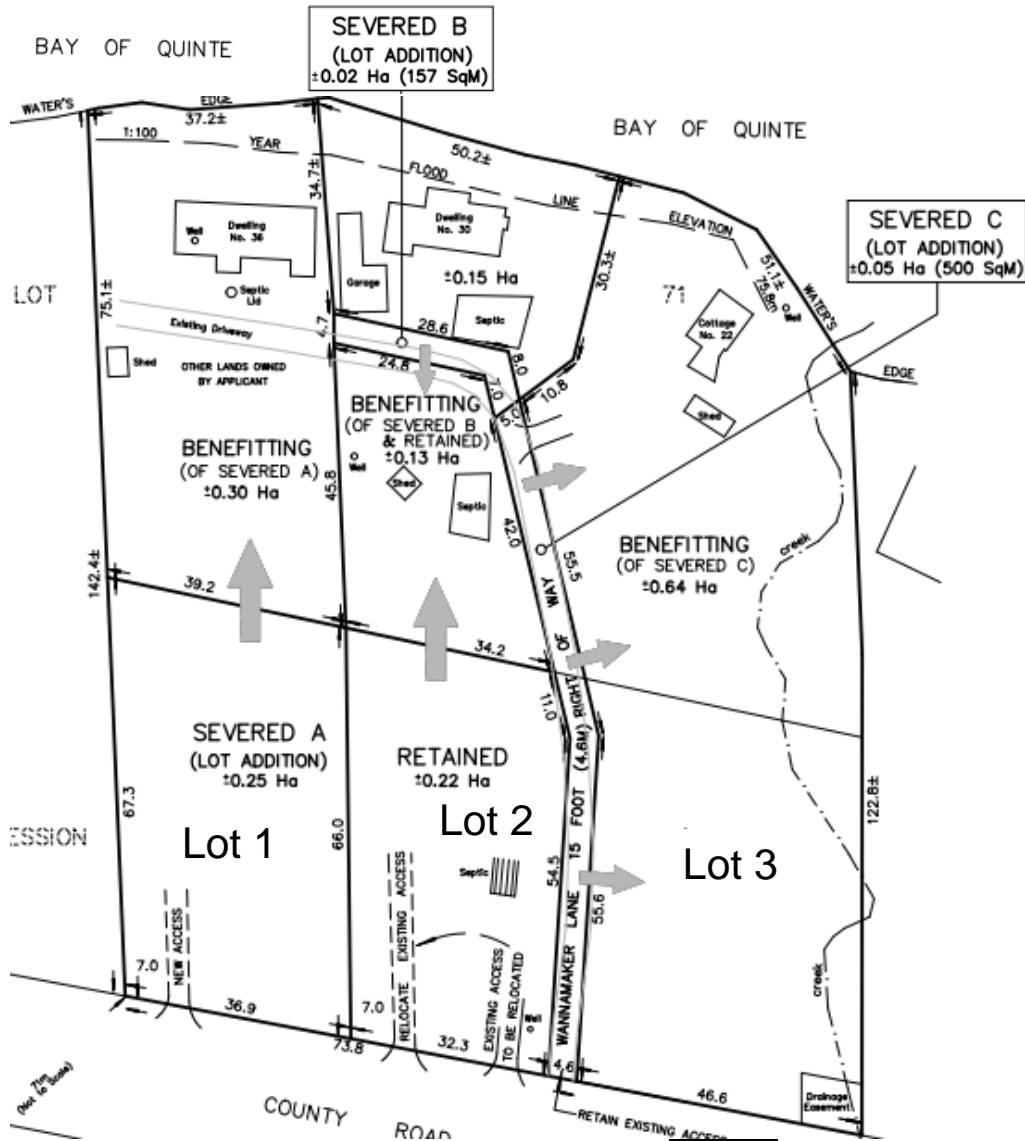


Description of Buildings/Structures on Subject Lands

	Lot 1 - 36 Wannamaker		Lot 2 - 30 Wannamaker			Lot 3 - 22 Wannamaker	
	Dwelling # 36	Shed	Dwelling # 30	Garage	Shed	Cottage # 22	Shed
Type of Building/Structure	Wood Frame	Wood Frame	Wood Frame	Wood Frame	Wood Frame	Wood Frame	Wood Frame
Dimensions of Building (gross floor area)	212 m ²	15.2 m ²	157.5 m ²	87.4 m ²	14.9 m ²	75.4 m ²	24.1 m ²
Floor Area of each use	212 m ²	15.2 m ²	157.5 m ²	87.4 m ²	14.9 m ²	75.4 m ²	24.1 m ²
Height of Building		1 storey		1 storey	1 storey		1 storey
# of Parking spaces provided	4		4			4	
Date of Building construction	1960's		1950's			1940's	

3.2 Methodology for Lot Line Adjustments

Below is an extract of a Sketch prepared by Watson and Associates that shows the severances and lot additions that will be required to reduce the lots from five (5) lots to three (3) lots. The entire Sketch is included in Attachment 2.



	Area Ha	
Lot 1	Severed A lot addition	0.25
	Benefiting of Severed Lot A	0.30
Lot 2	Retained of Severed Lot A	0.22
	Benefiting of Severed B and Retained	0.13
	Severed B	0.02
	Benefiting	0.15
Lot 3	Benefiting of Severed C	0.60
	Severed C	0.05
	Total land area	1.72

3.3 Application Requirements

The application requirements provided by the County in an e-mail dated March 14, 2022 are included in Attachment 3. Topics related to the proposal that the County wants addressed are the following:

- Planning Rationale - Please outline all applicable Provincial and Municipal Policies. In particular you will need to provide a rationale on how the proposed lot additions conform to Section 3.1.5 of the Official Plan.
- Environmental Impact Study- As per Section 3.1.5.4 of the County Official Plan. Please consult with MECP.
- Traffic Brief.

4. Policy Review

4.1 Provincial Policy Statements

4.1.1 Healthy Communities

Provincial Policy Statement & Official Plan Healthy Communities. The Ontario Provincial Policy Statement (PPS) states that healthy, livable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

1.1.1 Healthy, livable 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.

4.1.2 Rural Area

The property is located in a Rural Area as defined in Section 1.1.4 in the PPS (2020).

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 settlement areas, rural lands,

The property is currently subdivided into 5 small irregular shaped lots that are accessed by a private lane. The proposed lot line adjustment and reduction of the number of lots to 3, as well as elimination of the private lane, will return the property to a more rural setting and improve the rural character of the area. The proposal is consistent with PPS 1.1.4.1.

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

a) building upon the rural character, and leveraging rural amenities and assets.

In order to ensure efficient development and land use patterns in the Rural designation, the PPS encourages development that is compatible with the Rural landscape and that can be sustained by

Rural service levels (Section 1.1.5.4). The application proposes the reduction of five smaller lots to three lots. Four of the five lots are accessed by private lane and are not supported by municipal services. The 3 new lots that will result from the lot line adjustment will have access from County Road 3 that will provide public access; as well as the County will be able to provide municipal services at a higher level.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

4.2 Official Plan 2021

4.2.1 Official Plan Designation

The Official Plan designation of the subject property is Shore Land.

Policy 4.3.1.2 states, *The following uses may be permitted within this designation:*

a) Low density residential uses, limited to single-detached dwellings which may include second units and garden suites.

There is a single-detached dwelling on each of the lots that will be created. The three lots that will be created from five lots of record is low density development which conforms to the policies of the Official Plan.

4.2.2 Lot Creation

Five lots of record will be reduced to three lots through lot additions resulting in:

- a) lower density which conforms to the purpose and intent of the OP policies permitting low density residential uses.
- b) larger regular shaped lots that are compatible with the adjacent and surrounding lot fabric.
- c) no new building lots being created.

5.1.3 Land Division

20) The creation of lots may be permitted by severance (consent) if the proposed and retained lots:

- a) If the intent and purpose of this plan is maintained;*
- b) Achieve an appropriate lot configuration that is compatible with the surrounding community character and does not restrict the development of other parcels of land;*

4.2.3 Design Policies for Shore Lands (Section C.3 Design Policies for Shore Lands, Page 7)

4.2.3.1 Location and Design of Access

Section C.3 of the Official Plan speaks to the policies regarding the location and design of access for “new land use development” in the Shore Lands designation. The new lots will require a change in land use through the rezoning of lots from LSR to R1 zones.

The proposed lot additions and the rezoning of the lots is *News Development* as defined in the Glossary of Terms in the Official Plan.

3.1 Development - Definition

The creation of a new lot, a change in land use, or the construction of buildings and structures, requires approval under the Planning Act, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process. (Official Plan 5.3 Glossary of Terms, Page 158).

The three lots will have access from County Road 3.

f) Primary access for new residential and commercial development in the Shore Lands designation shall only be from a public road.

Policy f) requires that access for new development be from a public road which, in this case, is County Road 3. The intent of this policy is to prohibit the use of new private roads to access new development. **The proposed redesign of the lot fabric and rezoning is new development. Access to the three (3) new lots from a private lane is prohibited and access to the lots must be from County Road 3.**

Policy h) encourages the use of shared driveways as a means of reducing the number of private driveways. The primary reason to reduce the number of driveways is public safety. The policy encourages the use of a shared driveway but it does not prohibit a single driveway to each lot. A Traffic Brief has been prepared by the Greer Galloway Group that supports the use of single driveway access.

4.2.3.2 Traffic Brief

The following are selected extracts from the Traffic Brief prepared by the Greer Galloway Group. The Traffic Brief was submitted with the Applications. Key elements of the proposed entrance configuration are outlined below.

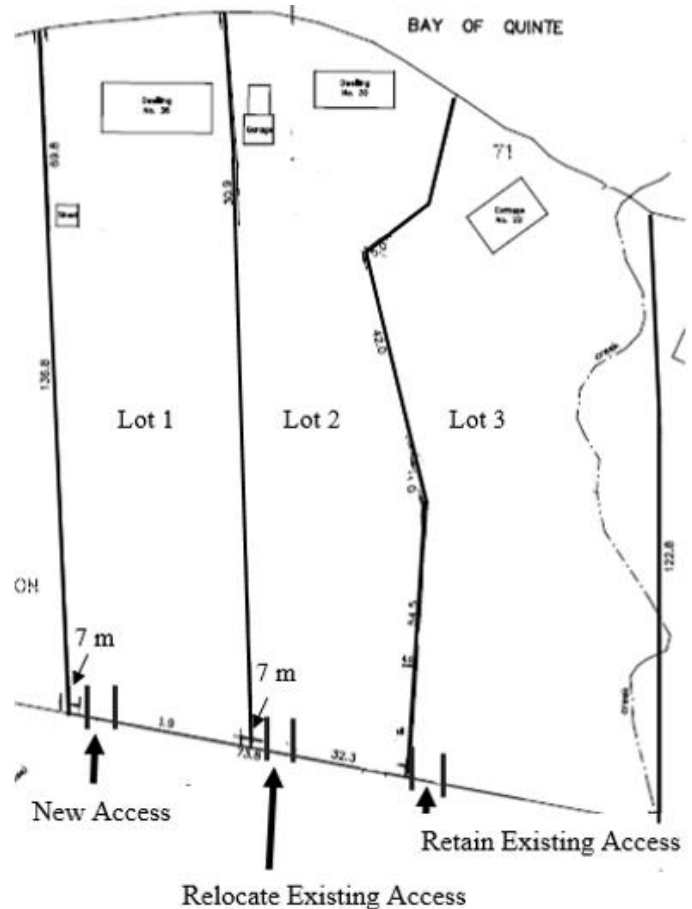
a) Existing Conditions

The subject area is comprised of the following properties:

- 910 County Road 3 (fronting onto County Road 3)
- 22 Wannamaker Lane (east waterfront lot)
- 30 Wannamaker Lane (centre waterfront lot)
- 36 Wannamaker Lane (west most waterfront lot)

b) Proposed Entrance Configuration

- a) 22 Wannamaker Lane (East Property): Use Wannamaker Lane Entrance – Wannamaker Lane’s entrance to County Road 3 will physically remain and become the new driveway for 22 Wannamaker.
- b) 30 Wannamaker Lane (Middle Property): Relocate Existing Driveway – The driveway at #910 County Road 3 will be relocated. – A new driveway will be constructed west of the former building footprint. – Improved spacing between the access will be provided
- c) 36 Wannamaker Lane (West Property): New Driveway – A new driveway will be constructed. – The driveway will be located on the west side of the lot consistent with the other 2 proposed lots as well as the existing lot to the west.



The Brief examined design elements such as: Trip Generation, Traffic Volumes and Entrance Levels, Traffic Counts, Entrance Sight Lines, Site Line Verification and Entrance Geometry.

c) Conclusion

Based on our observations; applicable standards; a lack of previous safety concerns; and our understanding that the proposed development expansion will maintain or reduce existing traffic activity, we believe the proposed entrance configuration will be acceptable for the proposed development.

4.2.3.3 Official Plan Section 3.1.5

Below are the policies of Section 3.1.5

a) Unmapped Natural Heritage Feature Policies

1) Buffering of watercourses is important to ensure the protection of these natural functions. Coldwater systems require larger buffers than warm-water systems:

a) All watercourses, together with a riparian zone extending a minimum 15 metres from their shorelines or top of bank, are to be protected; and

b) The shorelines of Lake Ontario, the Bay of Quinte and all inland lakes shall be protected by riparian zone/natural buffer of at least 30 metres from the normal high-water mark. With only minor exceptions, subject to the approval of the County, in consultation with Quinte Conservation and any agency having jurisdiction, grading will not be permitted within this riparian zone/natural buffer.

2) For new lot creation, development, including the septic system tile bed, must be set back a minimum of 30 metres from the high-water mark of the lake with non-disturbance of the native soils and very limited removal of the shoreline vegetation. It is the understanding in consideration of a severance (consents) that the lot must be able to meet the setback with no subsequent variance.

3) For existing lots of record, new development will be set back 30 metres if possible, otherwise as far back as the lot permits in consideration of topographical or geographical constraints.

4) Permitted development proposals must be supported with an Environmental Impact Study (EIS) in consultation with the MECP. This is to ensure water quality protection. The study will take into consideration the existing water quality of the water body, surface water run-off, impact and loadings of phosphorous from septic systems, type of soils, stormwater management and nature of vegetation.

5) These provisions do not apply to prohibit accessory shoreline structures and uses associated with permitted uses along the shoreline.

Discussion

The following is a discussion of Section 3.1.5 based on the results of the EIS prepared by the Greer Galloway Group. The EIS was submitted with the Applications.

Prince Edward County has identified the Woodlands within the County that are larger than 40 hectares in size.

The area where the properties are located is occupied with residential properties and agricultural land. There are no natural areas that qualify for significant natural features. Other significant natural features such as Area of Natural and Scientific Interest (ANSI), provincially significant wetlands and significant habitat for endangered or threatened species at risk, and significant wildlife habitat are not identified on the properties or adjacent lands.

Regulated Areas

Quinte Conservation regulates activities in natural and hazardous area subject to processes such as flooding, erosion, dynamic beaches, or unstable soil or bedrock. The subject properties are within the QC regulated area.

Mr. Sprague is proposing to sever, add and rezone five (5) properties into three (3) new properties with each property having access from County Road 3. Currently, two properties are occupied, one property has a cottage that is vacant, the fourth property has two sheds on it and the fifth property adjacent to County Road 3 does not have any building or structure on it.

The current residences are within 30 m from the high-water mark. These buildings were constructed in between 1940 and 1960's which is prior to the regulations.

The lot line adjustment will not result in any additional development. In future any development will be regulated and will need to conform to the 30 m buffer zone from the bay high-water mark and 15 m from the creek. The construction of the new driveways will be outside of the regulated areas.

Development-Related Impacts

Development related impacts are not expected as the current proposal is for the reconfiguration of the current lots only. As the existing dwellings are within the 30 m setback required to protect human structures from natural and hazardous areas, any future develop should comply with the applicable setbacks. Any proposed development in the east lot should consider the application of a 30 m setback from the Bay high-water mark and 15 m setback from the creek. For the other lots, a 30 m setback from the high-water should be applied if any development is proposed.

Groundwater Impacts are not expected because no new development is being proposed. Based on the proposed configuration of the lots, impacts to the creek are not expected. The existing lane will continue to provide access to this lot. For the other two lots, new accesses will be constructed; therefore, it has the potential for some trees to be removed.

Mitigation Measures

The proposed lots will result in bigger lot areas. If future development is proposed, the new lots will have more land available to accommodate development outside natural and hazardous areas.

Summary

The new lots are larger and will accommodate septic and existing water supply. There are no natural significant features on the properties. No species at risk were observed in the properties. Mitigation measures that are recommended will prevent impacts during construction of driveways.

5. Rezoning

5.1 Existing Zoning. The subject properties are zoned RR1, LSR and LSR-13.



5.2 Proposed Zoning

The proposed rezoning would have the effect of changing the LSR and LSR-13 zones to the RR1 zone as shown in the image below.



6. Summary

- 6.1 The proposal is to create three (3) larger residential lots from five (5) existing properties through a process of lot line adjustments and rezoning.
- 6.2 The creation of the 3 lots is consistent with the PPS and conforms to the policies of the Official Plan of Prince Edward County.
- 6.3 The zoning of the property will change from LSR to RR1 which is a change of use and is defined as new development that is subject to the access policies that prohibit access from a private laneway. Access to lots is only permitted from a public road which is County Road 3.
- 6.4 The EIS supports the lot line adjustment and the new development.
- 6.5 The Traffic Study supports the proposed new lot configuration and provides individual access to each lot from County Road 3.
- 6.6 The proposed severance and rezoning represents good land use planning

Attachment 1 – Pin Map and Pin Pages





LAND REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 1 OF 1

PREPARED FOR Donna Baker
 ON 2019/09/09 AT 16:28:02

LAND
 REGISTRY
 OFFICE #47

55007-0203 (L71)

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT L7 71 CON 1 AMELIASBURGH AS IN PE154944 (FIRSTLY); T/W PE154944, PRINCE EDWARD

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN PE46188. PLANNING ACT CONSENT AS IN PE36953.

ESTATE/QUALIFIER:

FEE SIMPLE

LT CONVERSION QUALIFIED

RECENTLY:

FIRST CONVERSION FROM BOOK

OWNERS' NAMES

VIEIRA, RYAN CARSON
 WELCH, REBECCA ANNE

CAPACITY SHARE

JTEN
 JTEN

PIN CREATION DATE:

2007/09/17

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
		** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **			
		**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO			
		SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *			
		AND ESCHEATS OR FORFEITURE TO THE CROWN.			
		** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF			
		IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY			
		CONVENTION.			
		** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.			
		**DATE OF CONVERSION TO LAND TITLES: 2007/09/17 **			
PE144276	1997/10/29	NOTICE			
		REMARKS: AIRPORT ZONING REGULATIONS			
EC50869	2018/11/01	TRANSFER	\$595,000	MURRAY, DONALD FREDERICK MURRAY, DEBORAH LOUISE	VIEIRA, RYAN CARSON WELCH, REBECCA ANNE
		REMARKS: PLANNING ACT STATEMENTS.			
EC50870	2018/11/01	CHANGE	\$445,000	VIEIRA, RYAN CARSON WELCH, REBECCA ANNE	THE TORONTO-DOMINION BANK



PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND
 REGISTRY
 OFFICE #47

55007-0200 (LTI)

PAGE 1 OF 1
 PREPARED FOR DonnaBaker
 ON 2019/09/09 AT 16:23:18

PROPERTY DESCRIPTION: PT LT 71 CON 1 AMELIASBURGH PT 1, 2 47R5393 EXCEPT PT 1, 2 47R6866, S/T PE131016; PRINCE EDWARD
 * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY REMARKS:
 RECENTLY:
 FIRST CONVERSION FROM BOOK
 CAPACITY SHARE
 TCOM 99%
 TCOM 1%

EIN_CREATION_DATE:
 2007/09/17

OWNERS' NAMES
 SPRAGUE, DANIEL MICHAEL
 STORENORE INC.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
** PRINTOUT	INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **				
**SUBJECT,	ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO				
**	SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *				
**	AND ESCHEATS OR FORFEITURE TO THE CROWN.				
**	THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF				
**	IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY				
**	CONVENTION.				
**	ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.				
**DATE OF CONVERSION TO LAND TITLES: 2007/09/17 **					
47R5303	1992/01/15	PLAN REFERENCE			
PE144276	1997/10/29	NOTICE			
	REMARKS: AIRPORT ZONING REGULATIONS				
EC41852	2016/12/08	TRANS PERSONAL REP	\$100,000	SPRAGUE, DANA MARIE	SPRAGUE, DANIEL MICHAEL STORENORE INC.



LAND REGISTRY OFFICE #47

PAGE 1 OF 1
 PREPARED FOR Donna Baker
 ON 2019/09/09 AT 16:24:41

55007-0202 (LT)

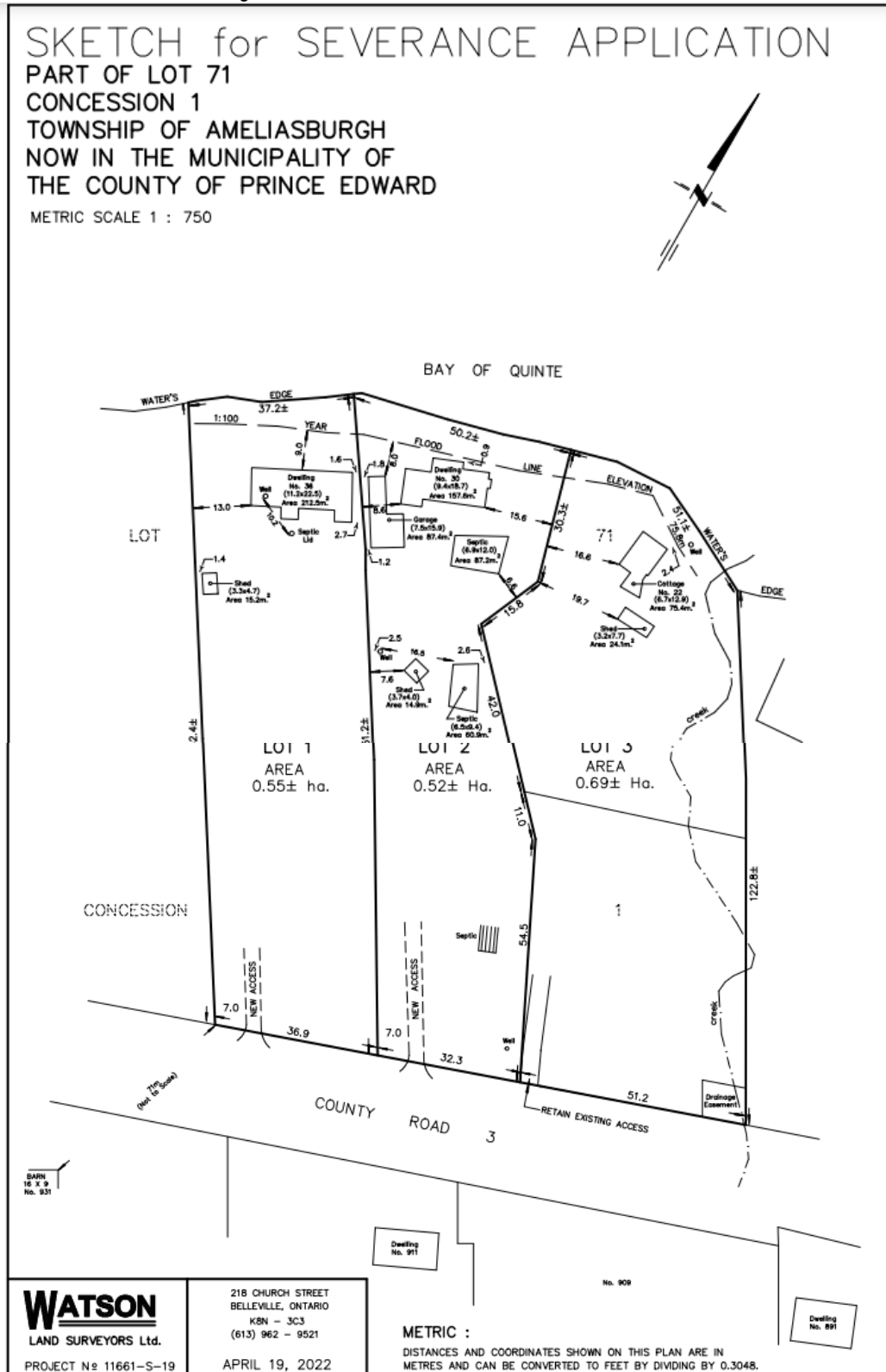
PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PROPERTY DESCRIPTION: PT 1/2 CON 1 AMELIASBURGH PT 1 47R5028 & PT 1, 2 47R6866; S/T PE148924; T/W PE130810; PRINCE EDWARD

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN PE148924.
 ESTATE/QUALIFIER: RECENTLY: FIRST CONVERSION FROM BOOK
 LT CONVERSION QUALIFIED
 OWNERS' NAMES: CAPACITY SHARE ROWN
 SPRAGUE, LISA
 PIN CREATION DATE: 2007/09/17

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
** PRINTOUT INCLUDES ALL DOCUMENT TYPES (DELETED INSTRUMENTS NOT INCLUDED) **					
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:					
**		SUBSECTION 4(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *			
**		AND ESCHEATS OR FOREFEITURE TO THE CROWN.			
**		THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY CONVENTION.			
**		ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.			
**		DATE OF CONVERSION TO LAND TITLES: 2007/09/17 **			
47R5028	1990/10/04	PLAN REFERENCE			
47R5393	1992/01/15	PLAN REFERENCE			
PE144276	1997/10/29	NOTICE			
REMARKS: AIRPORT ZONING REGULATIONS					
47R6866	1999/02/16	PLAN REFERENCE	\$377,500	MASON, JANE ELIZABETH MASON, LARRY ALBERT	SPRAGUE, LISA
EC15524	2010/08/12	TRANSFER	\$245,375	SPRAGUE, LISA	FIRST NATIONAL FINANCIAL GP CORPORATION
REMARKS: PLANNING ACT STATEMENTS					
EC15525	2010/08/12	CHARGE		SPRAGUE, LISA	FIRST NATIONAL FINANCIAL GP CORPORATION
EC15526	2010/08/12	NO ASSIGN RENT GEN		SPRAGUE, LISA	FIRST NATIONAL FINANCIAL GP CORPORATION

Attachment 2 Surveyor Sketch



Attachment 3 – Application Requirements

E-mail – March 14, 2022

Good morning,

Further to our phone conversation last week, I appreciate your patience I have been waiting for a response from First Nations groups however I have not heard anything from them. This does not mean they will not be requiring an Archeological Assessment but at this time I will not be asking for one but should a First Nations group require one, one will be required as part of the application.

In regards to the requirements of an application for the proposed lot additions the following will be required:

- Severance Sketch
- Planning Rationale - Please outline all applicable Provincial and Municipal Policies. In particular you will need to provide a rationale on how the proposed lot additions conform to Section 3.1.5 of the Official Plan.
- Environmental Impact Study- As per Section 3.1.5.4 of the County Official Plan. Please consult with MECP.
- Traffic Brief.

Please note that the information contained within this email is not meant to be exhaustive and the Municipality reserves the right to ask for additional materials if other requirements arise through the application process. Further, the materials that have been submitted are subject to staff and peer review. As such, the County may seek modifications to the submitted materials.

If you have any questions please let me know.

James Griffin