

PLANNING JUSTIFICATION

Applications
Consent and Rezoning
For
Sheila and Manuel Silva
2511 County Road 15,
Prince Edward County



October 5, 2022

Ray Essiambre and Associates Ltd.
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1. INTRODUCTION

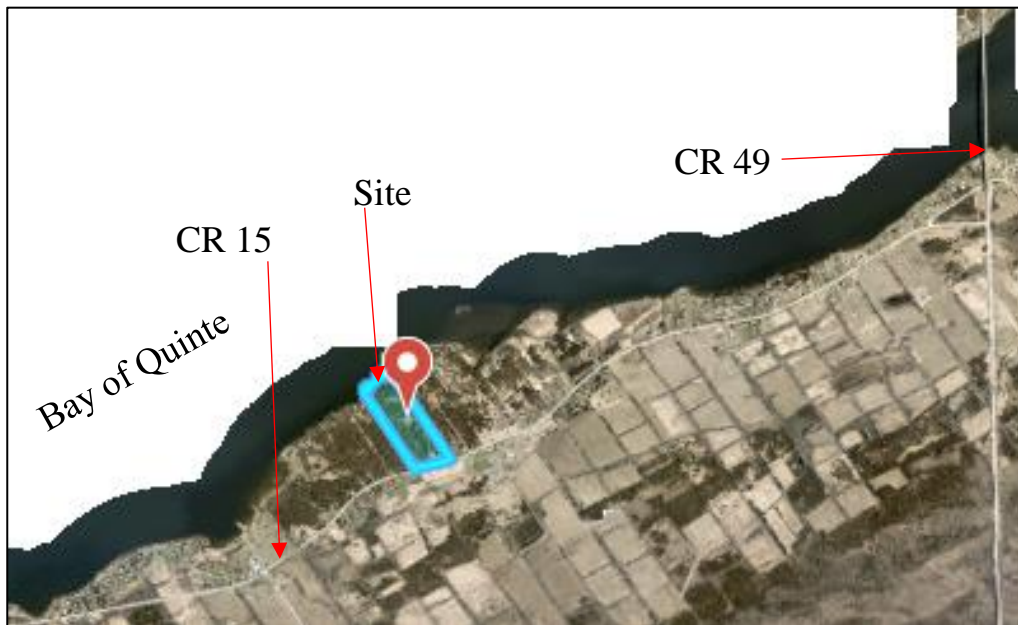
Ray Essiambre and Associates Ltd. (REAL) has been retained by Sheila and Manuel Silva to obtain a severance and a rezoning for a property at 2511 County Road 15, in Prince Edward County. When approved, the applications for Consent and Rezoning will create one lot and a retained parcel.

2. LOCATION OF PROPERTY

The property is located at 2511 County Road 15 which is on the north side of County Road 15. The location of the property is shown in Figure 1 below.

The legal description is Part of Lot 13 Concession 1, W.P.G. The Roll Number is 135091801004700. The Pin Map and Pin Page are included in Attachment 1.

Figure 1 - Location



3.2 Description of the Proposed Lot and Retained Parcel

- Severed Lot area is 5.0 ha
- Severed Lot frontage is 72.8 m
- Severed Lot depth is 584.5 m
- Area of Retained Parcel is 5.0 ha
- Frontage of the Retained Parcel is 124.8 m
- The total area of the original property is 10.0 ha

3.3 Existing Uses of the Property and Zoning Compliance

- There is an existing single family home on the property that is approximately 158 m²
- The setback of the house to the easterly property line is 18.5 m which is greater than the minimum requirement of 7.5 m in the RU1 Zone.
- The front yard setback of the existing house to the right of way on County Road 15 is 7.1 m which is less than the setback requirement of 15 m. The new site specific zone for the retained parcel will have a reduced front yard setback to recognize the existing setback.
- The area of the severed and retained parcels will be 5.0 ha which is less than the required 10 ha minimum lot area in the RU1 Zone. The new site specific zone for the retained and severed parcels will have a reduced minimum lot area of 5.0 ha.

4. ZONING

4.1 Existing Zoning.

The existing zoning of the property is RU1, Rural 1 zone which permits residential uses such as;

- one single detached dwelling
- home business
- rural home business
- private home day care
- bed and breakfast establishment
- group home
- uses, buildings and structures accessory to the foregoing permitted residential uses
- accessory farm accommodation
- one second unit or one garden suite

Non-residential uses are also permitted in the RU1 zone. A complete list of the permitted uses in the RU1 zone are contained in Attachment 3.

Figure 3 shows the existing RU1 zone on the property.

Figure 3 – Existing RU1 Zone



4.2 Proposed Zoning

The proposed zoning is shown in Figure 4.

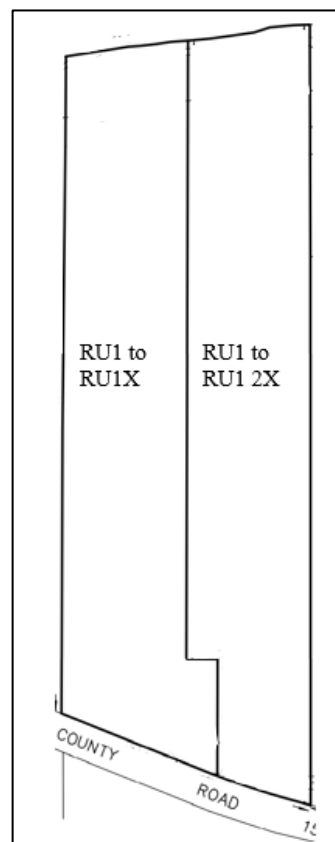
The RU1X zone will contain the following exceptions to the provisions of the RU1 zone:

- Minimum lot area will be 5.0 ha
- The minimum front yard setback will be 7 m.

The RU1 2X zone will contain the following exceptions to the provisions of the RU1 zone:

- Minimum lot area will be 5.0 ha

Figure 4 – Proposed Zoning



5. TECHNICAL STUDIES

5.1 Hydrogeological Report

ASC Environmental Inc. (ASC) was retained by Sheila and Manuel Silva (Client) to conduct a hydrogeological assessment in advance of a proposed land severance located along County Road 15, Prince Edward County, Ontario. The location of the test well is shown as TW1 on Drawing No. 2

Figure 5 – Test Well



The purpose of the hydrogeological study was to assess whether groundwater quality and quantity is sufficient to support the proposed severance for residential land use purposes and assess the potential impact that the potential single-family residential development may have on existing neighbouring wells.

Based on the observations from the drawdown versus time relationship and recovery time, it is concluded that the long-term yield of TW1 is sufficient to meet normal domestic requirements in accordance with the MECP Procedure D-5-5 and the Conditions of Provisional Consent.

Based on the observation of well measurements during the pumping tests, the adjacent domestic water supply wells will not be significantly influenced by the proposed land severance.

5.2 Archeological Assessment

In February 2022, AS&G Archeological Consultants was retained by Sheila and Manuel Silva (Client) to conduct a Stage 1 and Stage 2 Archeological assessment. No artifacts of significance were found and no additional investigation is recommended. Attachment 4 contains a letter dated September 28, 2022 from the Ministry of Citizenship and Multiculturalism (MCM) Archaeology Program Unit confirmed the Archeological Study was entered into the Ontario Public Register of Archaeological Reports.

6. POLICY REVIEW

The following are planning policies that guide the process for approval of applications for consent and rezoning of the subject property.

6.1 Provincial Policy Statement 2020 (PPS)

The PPS permits limited residential development on Rural Lands as stated in policy 1.1.5 c). The subject site is designated Rural in the County's Official Plan and therefore permits residential uses. Below is an extract from the PPS.

1.1.5 Rural Lands in Municipalities

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses*

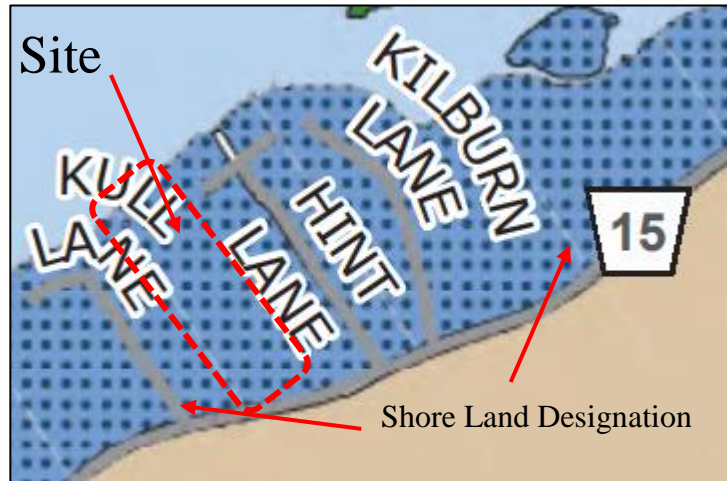
The consent and rezoning will create one new lot, a retained parcel on a parcel that will be zoned to permit limited residential development. It is the intent that a new residence will be built on the new lot. Since the new lot will be used for the construction of a single residential dwelling, the proposed development is locally appropriate and consistent with the PPS.

The proposed consent and rezoning application is consistent the policies of the PPS.

6.2 Prince Edward County Official Plan (OP) Designation

In the Official Plan (OP) for Prince Edward County, Schedule E: Land Use Map shows the designation of the subject property within the area designated “Shore Land”. Figure 6 shows the portion of Schedule A-2 and the subject site.

Figure 6 – Schedule A2



4.3.1 Shore Land Designation

4.3.1.2 Policies

1) 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;
- c) Existing agricultural, agriculture-related and on-farm diversified uses and expansions thereof;

The proposed consent will create a new lot and a retained parcel that has limited single-detached dwellings, second units and garden suites. The proposed residential development is limited in scale and conforms to the PEC Official Plan policies. The severed lot and retained parcels will remain zoned RU1 which is an agricultural zone and consistent with Policy 4.3.1.2 1) c).

6.3 Prince Edward County Official Plan and Consents

The Official Plan contains policies that guide the division of land including the policy below about dividing land by consent.

5.1.3 Land Division

Severances (Consents)

15) To avoid fragmented land patterns, a maximum of two lots (including the retained lot) may be created by consent from any land holding, subject to the applicable policies of this Plan. A land holding is defined as any property as it existed on January 23, 1998.

The application for consent conforms to policies of the Official Plan because the application is to create only one new lot and a retained parcel.

7. CONCLUSIONS

1. The proposed severance is consistent with the PPS.
2. The proposed severance conforms to the Official Plan of Prince Edward County.
3. The proposed site specific zoning that includes modifications to the Provisions of the RU1 zone will be consistent with the purpose and intent of the RU1 zone.
4. The results of the Hydrogeological Report are favourable for development.
5. The Stage 1 and Stage 2 Archeological Study concludes that are no artifacts of significance on the site and no further investigation is required.
6. The proposed severance and rezoning are good planning.

Prepared By:
Ray Essiambre, Principal
Ray Essiambre and Associates Ltd.
October 5, 2022.

ONLAND

PAGE 1 OF 1
PREPARED FOR Ray Essiambre
ON 2022/09/13 AT 12:00:48

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER



LAND
REGISTRY
OFFICE #47

55042-0353 (LT)

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

PROPERTY DESCRIPTION: FT LT 13 CON 1 WEST OF GREEN POINT SOPHTASBURGH AS IN P185145 N OF COUNTY RD #15; S/T 888877; PRINCE EDWARD

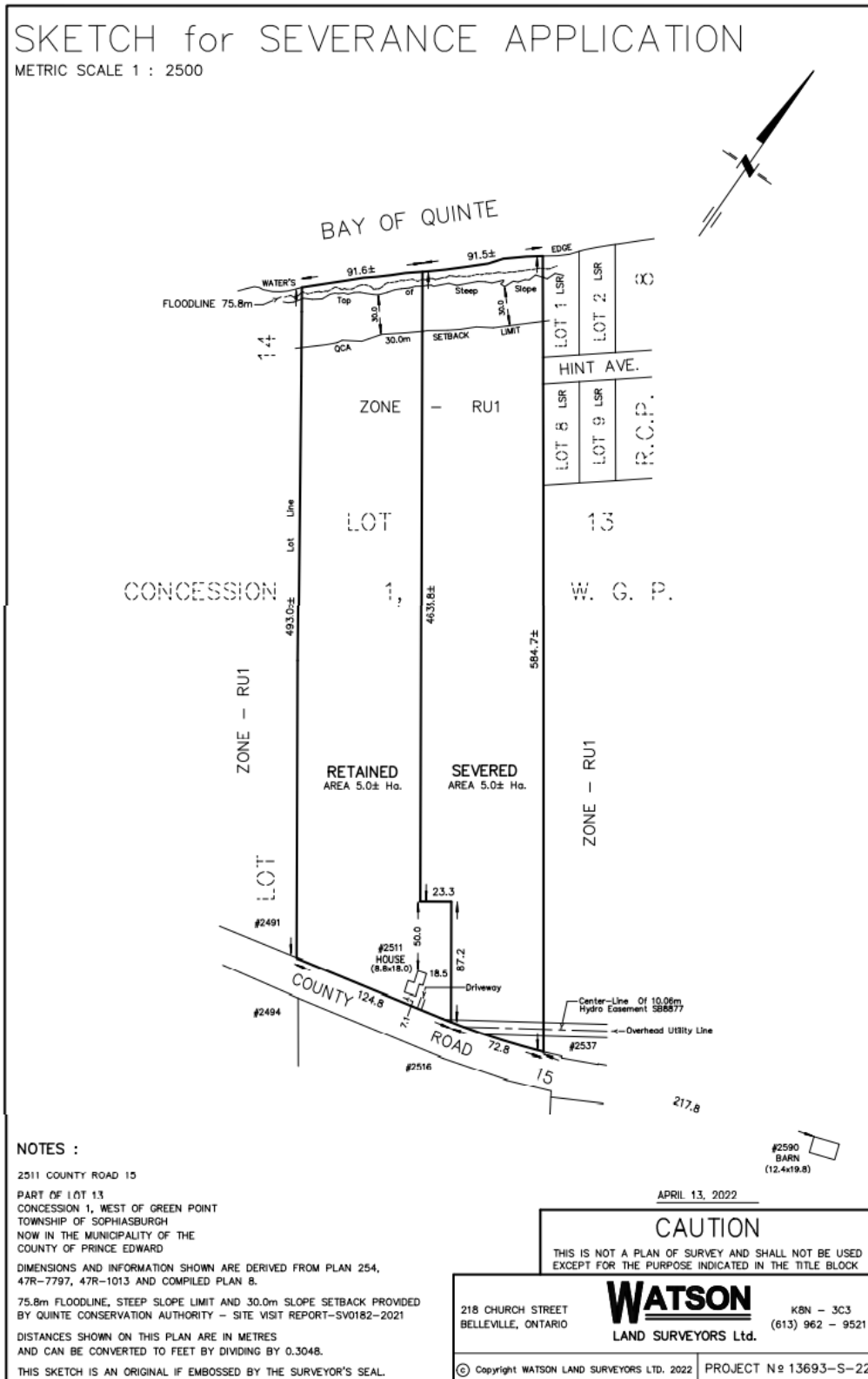
PROPERTY REMARKS:
ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
FIRST CONVERSION FROM BOOK
CAPACITY SHASE
OWNERS' NAMES:
ANANTHAN, SHEILA KRISHNA
JITEN
SILVA, CARLOS MANUEL

FIN CREATION DATE:
2007/09/17

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CHRY/ CHRO
** 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 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 **						
888877	1937/04/27	TRANSFER EASEMENT			HYDRO- ELECTRIC POWER COMMISSION OF ONTARIO	C
FE44249	1970/05/13	BYLAW				C
EC65007	2021/09/21	TRANSFER	\$1,500,000	BOWEN, LARRY ALLAN PATRICK	ANANTHAN, SHEILA KRISHNA SILVA, CARLOS MANUEL	C
		REMARKS: PLANNING ACT STATEMENTS.				

Attachment 2 – Surveyors Sketch



Attachment 3 – RU1 Zone

SECTION 7 RURAL 1 (RU1) ZONE No person shall within any Rural 1 (RU1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

7.1 PERMITTED RESIDENTIAL USES

- 7.1.1 one single detached dwelling
- 7.1.2 home business
- 7.1.3 rural home business
- 7.1.4 private home day care
- 7.1.5 bed and breakfast establishment
- 7.1.6 group home
- 7.1.7 uses, buildings and structures accessory to the foregoing permitted residential uses
- 7.1.8 accessory farm accommodation
- 7.1.9 one second unit or one garden suite

7.2 PERMITTED NON-RESIDENTIAL USES

- 7.2.1 agriculture
- 7.2.2 commercial greenhouses
- 7.2.3 conservation area, including low impact outdoor recreation activities, nature study and wildlife areas, or other similar use as provided for the preservation of the natural environment
- 7.2.4 equestrian centre
- 7.2.5 farm
- 7.2.6 farm produce outlet
- 7.2.7 forestry and reforestation
- 7.2.8 garden and nursery sales and supply establishment
- 7.2.9 kennel
- 7.2.10 maximum of two windmills in accordance with the provisions of Section 4.33 of this By-law
- 7.2.11 outdoor furnace in accordance with the provisions of Section 4.32 of this By-law
- 7.2.12 wayside pit and wayside quarry, in accordance with provisions of Section 4.21 of this By-law
- 7.2.13 public uses or utilities in accordance with the provisions of Section 4.23 of this By-law
- 7.2.14 uses, buildings and structures accessory to the foregoing permitted nonresidential uses
- 7.2.15 farm winery (Amending By-law No. 2433-2009)
- 7.2.16 mobile restaurant (Amending By-law No. 3064-2012)

REGULATIONS FOR PERMITTED USES

- 7.3.1 Minimum Lot Area 10 ha (24.7 ac.)
- 7.3.2 Minimum Lot Frontage 60 m (200 ft.)
- 7.3.3 Minimum Front Yard 15 m (50 ft.)
- 7.3.4 Minimum Exterior Side Yard 15 m (50 ft.)
- 7.3.5 Minimum Interior Side Yard 7.5 m (25 ft.)
- 7.3.6 Minimum Rear Yard 15 m (50 ft.)
- 7.3.7 Maximum Lot Coverage (all buildings and structures) 10 %

- 7.3.8 Minimum Landscaped Open Space 30 %
- 7.3.9 Maximum Height of Buildings 10 m (33 ft.)
- 7.3.10 Maximum Number of Dwelling Units Per Lot 1
- 7.3.11 Minimum Dwelling Unit Area Requirement 90 m² (970 sq. ft.)

Attachment 4 Letter from Ministry

Ministry of Citizenship and Multiculturalism (MCM)

Archaeology Program Unit
Programs and Services Branch
Heritage, Tourism and Culture Division
5th Floor, 400 University Ave.
Toronto ON M7A 2R9
Tel.: (416) 414-7787
Email: Jessica.Marr@ontario.ca

Ministère des Affaires civiques et du Multiculturalisme (MCM)

Unité des programmes d'archéologie
Direction des programmes et des services
Division du patrimoine, du tourisme et de la culture
5e étage, 400 ave. University
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Sep 28, 2022

Helen Haines (P124)
AS&G Archaeological Consulting
16 Clanwilliam Scarborough ON M1R 4R2

RE: Entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "Stage 1 and 2 Archaeological Assessment of 2511 County Road 15 (Formerly Part of Lot 13, Concession 1 West of Green Point, Geographic Township of Sophiasburgh, Prince Edward County), Now in the Municipality of Prince Edward County", Dated Sep 27, 2022, Filed with MHSTCI Toronto Office on N/A, MHSTCI Project Information Form Number P124-0099-2022, MHSTCI File Number 0016235

Dear Dr. Haines:

The above-mentioned report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, has been entered into the Ontario Public Register of Archaeological Reports without technical review.¹

Please note that the ministry makes no representation or warranty as to the completeness, accuracy or quality of reports in the register.

Should you require further information, please do not hesitate to send your inquiry to Archaeology@Ontario.ca

cc. Archaeology Licensing Officer
Manuel Silva, not applicable
Dale Egan, County of Prince Edward