


PLANNING JUSTIFICATION

Applications For Consent and Rezoning

Mr. Elmer Bentley and Ms. Patricia Ruth
25 Prinyers Cove Crescent
Part Lot 31, Concession Bayside

Prepared By:
Ray Essiambre and Associates Ltd
April 8, 2021
[Updated October 30, 2022]



1. Introduction

When approvals are granted for the proposed severance and rezoning they will have the effect of creating one building lot that is intended to be used to construct a single family home and accessory uses on the retained parcel.

2. Location

The location of the property is shown in the image below.



3. Legal Description, Ownership, Pin Pages, Roll Number

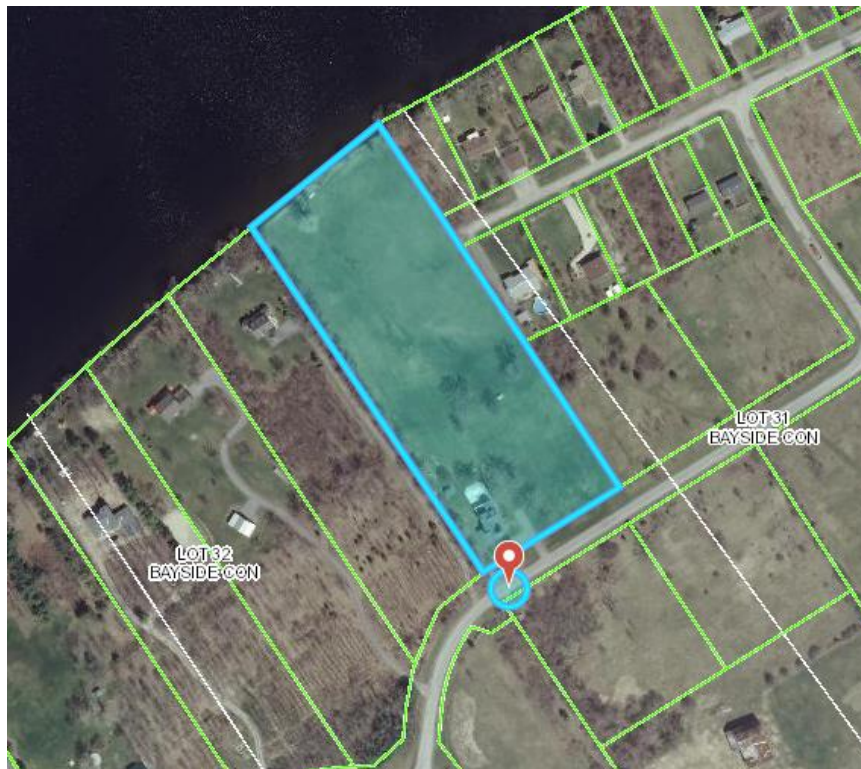
The legal description of the subject Property is; Plan 4944 Part Lot 31, Concession Bayside.

The property is owned jointly by Elmer Bentley and Patricia Ruth.

The pin page is included in Attachment 1.

The property is located in Ward 8.

The Assessment Roll number for the property is 135070102004300 and the property is shown in the image below.

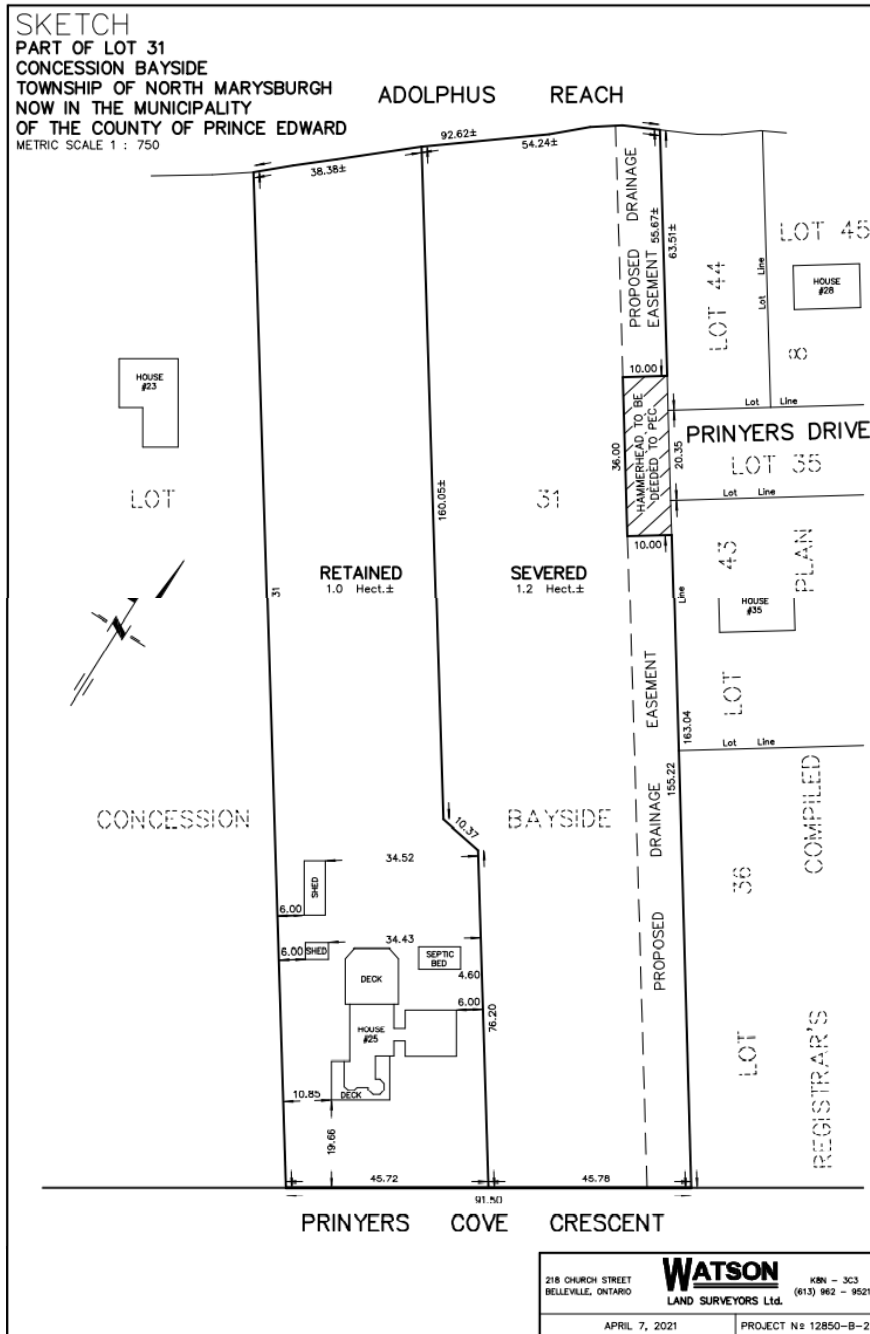


4. Application for Consent

4.1 Purpose of Consent

The application for consent, when it is approved, will have the effect of creating one new lot, and a retained parcel. A new single family residence will be constructed on the retained parcel. There

is currently a residence and accessory structures on the parcel to be severed. The image is the surveyor's sketch of the proposed severance.



4.2 Description of the Proposed Lot and Retained Parcel

The Severed Lot area is 1.2 ha.

The frontage is 45.7 m

The lot depth is 246 m

The Retained Parcel is 1.0 ha

The frontage of the Retained Parcel is 45.7 m

The lot depth is 237 m

The total area of the property is 2.2 ha

4.3 Lot Frontage

Total existing frontage (Prinyers Cove Cres.)	91 m
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Required frontage on a public road for each lot	44.8 m
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The proposed frontage for the retained parcel and the severed lot	45.7 m
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The frontage (45.7 m) on the severed and the retained parcel will be greater than the minimum required lot frontage (44.8 m) in the RR1 zone.

4.4 Lot Access

For By-law purposes, access to the property will be from Prinyers Cove Crescent. Access from Prinyers Drive is not required.

4.5 Hammerhead

Prinyers Drive terminates at the eastern boundary of the proposed retained parcel. The developer of the lots on Prinyers Drive did not provide a turning circle for municipal vehicles within that development. The County has asked Mr. Bentley to provide an areas for a hammerhead on his property for municipal vehicles to turn around. The land will be dedicated to the County and the owner will not be responsible for construction of the hammerhead.

4.6 Drainage Easement

The County has requested a 10 m easement along the east side of the Retained Parcel.

4.7 Off-set Lot Line

The County has requested a 10 m drainage easement and dedication of 10 m to facilitate a hammerhead. This reduces the area near the waterfront for siting a new residence in that area of the property. The lot needs to be wider in this area which is facilitated by a jog in the lot line.

The common lot line between the Severed Lot and the Retained Parcel is off-set at approximately 76 m north of Prinyers Cove Crescent. The off-set is needed to provide a 15 m setback from the existing septic bed as shown on the sketch of the proposed lot.

The off-set will result in a larger buildable area at the north end of the property near the waterfront. The off-set will also ensure that setbacks contained in the RR1 zone will be attained and no exceptions to the by-law will be required.

5. Technical Studies

5.1 Archaeological Assessment

A Stage 1/2 Archaeological Assessment was completed for 25 Prinyers Cove Crescent, Part Lot 31, Concession Bayside, Township of North Marysburgh, Now in the Municipality of the County of Prince Edward, Ontario. The study was conducted by Ground Truth Archaeology Limited.

The study area covered both the retained and proposed severance lot and was mainly lawn with an extant house in the southwest corner. One archaeological site (BaGf-30) was discovered during the pedestrian survey in the northwest corner of the property close to the shore.

The post-contact site BaGf-30 has cultural heritage value or interest and requires a Stage 3 archaeological assessment. The remainder of the study area was found to have no archaeological resources and is considered to have been cleared of all archaeological concerns.

The Archaeological Site will be protected through the zoning by-law amendment for the property that includes the OS-H Zone that prohibits development. The location of the OS-H zone is shown on the Zoning Schedule in Section 7.2 of this report.

5.2 Other Studies

No other Technical Studies were identified as being required during the Pre-consultation process.

6. Regularity Review

The following are planning policies that guide the process for approval of a consent application.

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

Comment: The consent will create one new lot and a retained parcel. 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.

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. The image below shows the portion of Schedule E and the subject site.



Shore Land Policies Section 4.4.2 Residential states in subsection c) no more than three lots per property (e.g. 2 severed lots and 1 retained lot) may be created in the Shore Land designation by the consent process.

Comment: The proposed consent will create a new lot that is intended to be used for a single family home. The proposed residential development is limited in scale and conforms to the PEC Official Plan policies.

6.3 Prince Edward County Official Plan and Consents

The OP Policies permit up to 3 lots to be created by consent from the land holdings. Below is the extract of Section Part V, 1.3.1 from the OP policies regarding consents.

General Strategies

- a) consents shall only be granted when it is clearly not necessary in the public interest that a Plan of Subdivision be registered.
- 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.

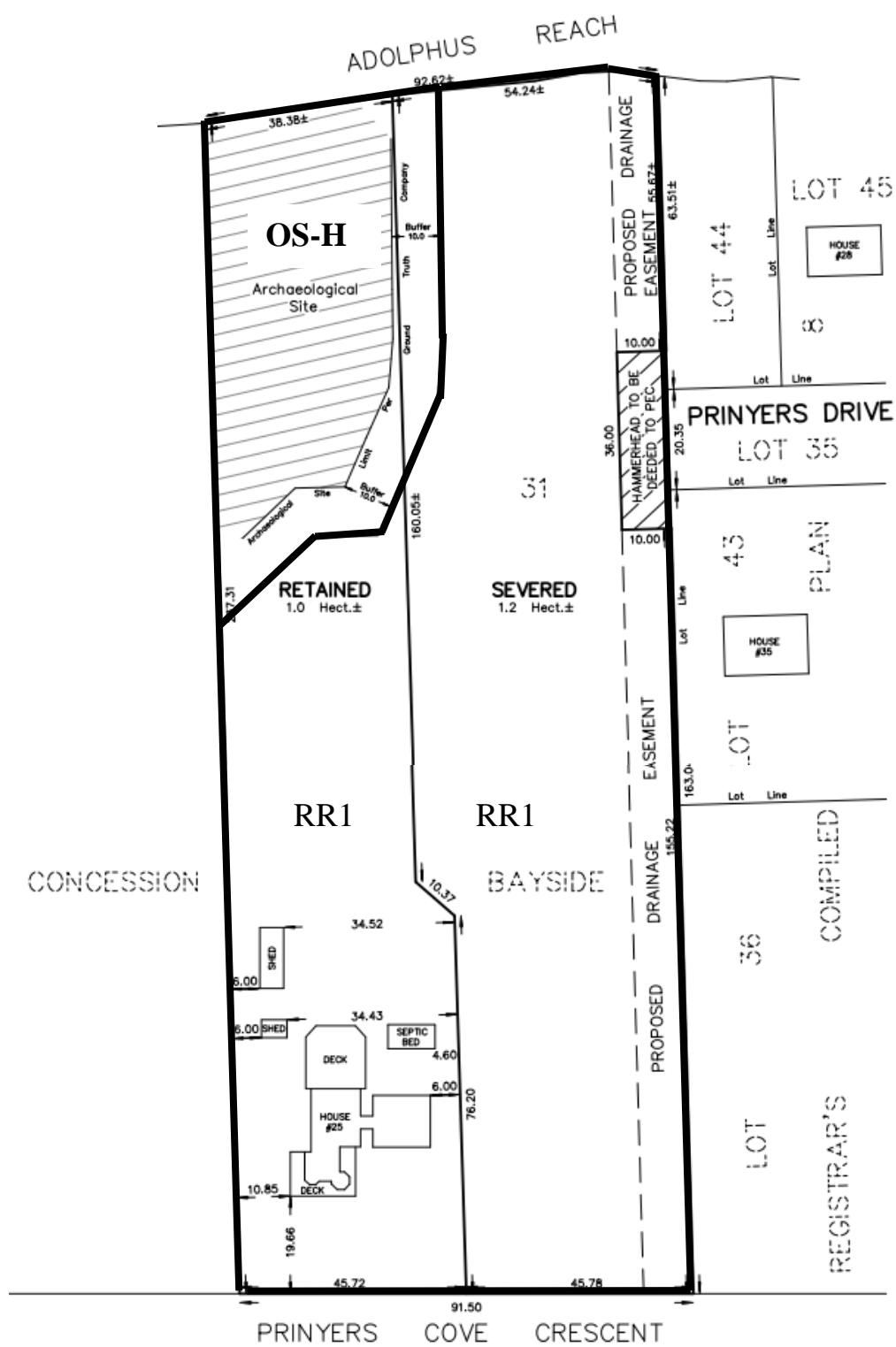
Comment: This application for consent conforms to policies of the Official Plan because the application is to create only one new lot and a retained parcel.

7. Zoning

7.1 Existing Zone - RU1



7.2 Proposed Zoning Schedule - RR1 and OS-H



7.3 Proposed Text for OS-H Zone

Notwithstanding any provisions of By-law No. 1816-2006 to the contrary, on the lands zoned OS-H Zone the following special provisions shall apply.

- (i) The permitted uses shall be limited to a Historical Site and passive private open space.
- (ii) No buildings, structures, development, site alteration, site disturbance and excavating shall be permitted within this zone.
- (iii) Prior to the removal of the "Holding" (H) a Stage 4 Archaeological Assessment will be required.

7.4 Zoning Compliance Table

Severed Lot - RR1 Zone

Lot Elements	Proposed Lot	RR1 Zone Requirements	Compliance
lot area	0.9 ha	0.8 ha	yes
frontage	45.7 m	44.8 m	yes

Retained Parcel RU2 Zone

Lot Elements	Proposed Retained Lot	RR2 Zone Requirements	Compliance
lot area	1.2 ha	0.8 ha	yes
frontage	45.7 m	44.8 m	yes

8. Conclusions

- 8.1 The proposed severance is consistent with the PPS.
- 8.2 The proposed severance conforms to the Official Plan of the Prince Edward County.
- 8.3 There are no barns in the vicinity of the proposed severance and no MDS calculation is required.
- 8.4 The proposed lot and the retained parcel conform to the minimum requirements of the proposed RR1 zone.
- 8.5 The proposed OS-H zone will provide protection for the Archeological Site.
- 8.6 The proposed severance and rezoning of the property are good planning.

Prepared by:



Ray Essiambre, Principal
Ray Essiambre and Associates Ltd.
October 30, 2022

Attachment 1 – Pin Page

PAGE 1 OF 1
 PREPARED FOR Ray Essiambre
 ON 2021/03/04 AT 09:57:28

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #47
 55086-0389 (LT)

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

PROPERTY DESCRIPTION: PT. LT. 31, CON. BAYSIDE N. MARYSBURGH PT. 1, 47R4944; PRINCE EDWARD

LAND REGISTRY OFFICE #47

55086-0389 (LT)

REGISTRY OFFICE #47

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

PROPERTY REMARKS:
 RECENTLY,
 FIRST CONVERSION FROM BOOK

ESTATE/QUALIFIER:
 LT CONVERSION QUALIFIED

FEE SIMPLE

CAPACITY SHARE

OWNERS' NAMES:
 BENTLEY, MERTON ELMER
 BENTLEY, PATRICIA RUTH BART

JTEN
 JTEN

PLN CREATION DATE:
 2007/11/19

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.			
47R4944	1990/07/24	PLAN REFERENCE			
EC50077	2018/09/04	TRANSFER	\$1,030,000	FINCHAM, PAUL FINCHAM, PAULA MARIE	BENTLEY, MERTON ELMER BENTLEY, PATRICIA RUTH BART

REMARKS: PLANNING ACT STATEMENTS.

Attachment 2 – Surveyor’s Sketch

