

For Office Use Only:

File Number

Related File Number

Pre-consultation Meeting

Application Submitted

Complete Application

Public Notice Sign

CPNPL209284

Aug 13/19

Aug 14/19

SPRT Meeting

Application Fee

Conservation Authority Fee

OSSD Form Provided

Planner

\$3821

N/A

Alisha

Check the type of planning application(s) you are submitting.

Official Plan Amendment



Zoning By-Law Amendment



Temporary Use By-law



Draft Plan of Subdivision/Vacant Land Condominium



Condominium Exemption



Site Plan Application



Consent/Severance



Minor Variance



Easement/Right-of-Way



Extension of a Temporary Use By-law



Part Lot Control



Cash-in-Lieu of Parking



Renewable Energy Project or Radio Communication Tower

Property Assessment Roll Number: 336070282000000 and others

336 67028100, 27910, 27930, 27800, 28500, 27627920

A. Applicant Information**Name of Owner**

Norfolk Cherry Company. Ltd.

It is the responsibility of the owner or applicant to notify the planner of any changes in ownership within 30 days of such a change.

Address

c/o Schuyler Farms, 383 Fourteenth St. E. ,

Town and Postal Code

Simcoe, ON, N3Y 4K3

Phone Number

519-428-7968

Cell Number

Email



Name of Applicant same as owner

Address _____
Town and Postal Code _____
Phone Number _____
Cell Number _____
Email _____

Name of Agent David Roe, Civic Planning Solutions Inc.

Address 599 Larch Street

Town and Postal Code Delhi, ON N4B 3A7

Phone Number 519-582-1174

Cell Number _____
Email dfrfez@me.com

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence, notices, etc., in respect of this application will be forwarded to the agent noted above.

☐ Owner ☒ Agent ☐ Applicant

Names and addresses of any holder of any mortgagees, charges or other encumbrances on the subject lands:

B. Location, Legal Description and Property Information

1. Legal Description (include Geographic Township, Concession Number, Lot Number, Block Number and Urban Area or Hamlet):
Townsend - Concession 12, Part Lots 7, 8 and 9

Municipal Civic Address: 551 Concession 13 Townsend

Present Official Plan Designation(s): Agricultural

Present Zoning: Agricultural, Hazard Land

2. Is there a special provision or site specific zone on the subject lands?

☐ Yes ☒ No If yes, please specify:

3. Present use of the subject lands:
cherry processing facility and orchard

4. Please describe **all existing** buildings or structures on the subject lands and whether they are to be retained, demolished or removed. If retaining the buildings or structures, please describe the type of buildings or structures, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

551 Conc. 13 Townsend - complex of 5 buildings, total 2,600m² floor area

567 Conc. 13 Townsend - storage building, 1,800m² floor area

5. If an addition to an existing building is being proposed, please explain what will it be used for (e.g. bedroom, kitchen, bathroom, etc.). If new fixtures are proposed, please describe.

n/a

6. Please describe **all proposed** buildings or structures/additions on the subject lands. Describe the type of buildings or structures/additions, and illustrate the setback, in metric units, from front, rear and side lot lines, ground floor area, gross floor area, lot coverage, number of storeys, width, length, height, etc. on your attached sketch which must be included with your application:

nothing proposed

7. Are any existing buildings on the subject lands designated under the *Ontario Heritage Act* as being architecturally and/or historically significant? Yes ☒ No ☐

If yes, identify and provide details of the building:

8. If known, the length of time the existing uses have continued on the subject lands:
-

9. Existing use of abutting properties:
agricultural and residential

10. Are there any easements or restrictive covenants affecting the subject lands?

☒ Yes ☐ No If yes, describe the easement or restrictive covenant and its effect:
access right of way to adjacent parcel

C. Purpose of Development Application

Note: Please complete all that apply.

1. Please explain what you propose to do on the subject lands/premises which makes this development application necessary:
amend Section 4.2.3 Agricultural Lot Creation and Lot Adjustment Policies to permit on a site specific basis the relocation of a previous residential severance to another location on the subject lands (commonly referred to as a lot swap severance). The purpose of which is to relocate the residential to a lower quality agricultural location.
2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law/and or Official Plan:
the present official plan does not specifically provide for this type of severance.
3. Does the requested amendment alter all or any part of the boundary of an area of settlement in the municipality or implement a new area of settlement in the municipality? ☐ Yes ☒ No If yes, describe its effect:
4. Does the requested amendment remove the subject land from an area of employment? ☐ Yes ☒ No If yes, describe its effect:
5. Does the requested amendment alter, replace, or delete a policy of the Official Plan? ☐ Yes ☒ No If yes, identify the policy, and also include a proposed text of the policy amendment (if additional space is required, please attach a separate sheet):

6. Description of land intended to be severed in metric units:

Frontage: to be finalized

Depth: to be finalized

Width: to be finalized

Lot Area: 4068m² (1 acre)

Present Use: Agricultural

Proposed Use: Residential

Proposed final lot size (if boundary adjustment):

If a boundary adjustment, identify the assessment roll number and property owner of the lands to which the parcel will be added:

Description of land intended to be retained in metric units:

Frontage: 1241.7m

Depth: 817m

Width: 1560m

Lot Area: 63.9ha + 0.8ha (added parcel)

Present Use: Agricultural

Proposed Use: Agricultural

7. Description of proposed right-of-way/easement:

Frontage:

Depth:

Width:

Area:

Proposed use:

8. Name of person(s), if known, to whom lands or interest in lands to be transferred, leased or charged (if known):

9. Site Information**Existing****Proposed**

Please indicate unit of measurement, i.e. m, m² or %, etc.

Lot frontage	1304m	
Lot depth	817m	
Lot width	1564m	
Lot area	64.3ha	
Lot coverage		
Front yard		
Rear yard		
Left Interior side yard		
Right Interior side yard		
Exterior side yard (corner lot)		
Landscaped open space		
Entrance access width		
Exit access width		
Size of fencing or screening		
Type of fencing		

10. Building Size

Number of storeys		
Building height		
Total ground floor area		
Total gross floor area		
Total useable floor area		

11. Off Street Parking and Loading Facilities

Number of off street parking spaces		
Number of visitor parking spaces		
Number of accessible parking spaces		
Number of off street loading facilities		

12. Multiple Family Residential (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe: _____

Type

Number of Units

Floor Area per Unit in m²

Bachelor	_____	_____
One bedroom	_____	_____
Two bedroom	_____	_____
Three bedroom	_____	_____
Townhouse	_____	_____

Other facilities provided (e.g. play facilities, underground parking, games room, swimming pool etc.):

13. Commercial/Industrial Uses (if applicable)

Number of buildings existing: _____

Number of buildings proposed: _____

Is this a conversion or addition to an existing building? ☐ Yes ☐ No

If yes, describe:

Indicate the gross floor area by the type of use (e.g. office, retail, storage, etc.):

Seating Capacity (for assembly halls, etc.): _____

Total number of fixed seats: _____

Describe the type of business(es) proposed: _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Is open storage required: ☐ Yes ☐ No

Is a residential use proposed as part of, or accessory to commercial/industrial use?

☐ Yes ☐ No If yes please describe:

14. Institutional (if applicable)

Describe the type of use proposed: _____

Seating capacity (if applicable): _____

Number of beds (if applicable): _____

Total number of staff proposed initially: _____

Total number of staff proposed in five years: _____

Maximum number of staff on the largest shift: _____

Indicate the gross floor area by the type of use (e.g. office, retail, storage, etc.):

15. Describe Recreational or Other Use(s) (if applicable)

D. Previous Use of the Property

1. Has there been an industrial or commercial use on the subject lands or adjacent lands? ☒ Yes ☐ No ☐ Unknown
If yes, specify the uses (example: gas station, petroleum storage, etc.):
cherry processing facility
2. Is there reason to believe the subject lands may have been contaminated by former uses on the site or adjacent sites? ☐ Yes ☒ No ☐ Unknown
3. Provide the information you used to determine the answers to the above questions:
knowledge of owner
4. If you answered yes to any of the above questions in Section D, a previous use inventory showing all known former uses of the subject lands, or if appropriate, the adjacent lands, is needed. Is the previous use inventory attached? ☐ Yes ☐ No

E. Provincial Policy

1. Is the requested amendment consistent with the provincial policy statements issued under subsection 3(1) of the *Planning Act*, R.S.O. 1990, c. P. 13? ☐ Yes ☒ No

If no, please explain:

the proposed amendment to permit a lot relocation is not specifically permitted by the PPS, the proposed amendment will result in preserving good agricultural land for agricultural use, which is the overall intent of the Agricultural policies of the PPS.

2. It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals, including the Endangered Species Act, 2007. Have the subject lands been screened to ensure that development or site alteration will not have any impact on the habitat for endangered or threatened species further to the provincial policy statement subsection 2.1.7? ☐ Yes ☐ No

If no, please explain:

not completed at this time

3. Have the subject lands been screened to ensure that development or site alteration will not have any impact on source water protection? ☐ Yes ☐ No

If no, please explain:

Note: If in an area of source water WHPA A, B or C please attach relevant information and approved mitigation measures from the Risk Manager Official.

4. Are any of the following uses or features on the subject lands or within 500 metres of the subject lands, unless otherwise specified? Please check boxes, if applicable.

Livestock facility or stockyard (submit MDS Calculation with application)

☐ On the subject lands or ☐ within 500 meters – distance _____

Wooded area

☒ On the subject lands or ☐ within 500 meters – distance _____

Municipal Landfill

☐ On the subject lands or ☐ within 500 meters – distance _____

Sewage treatment plant or waste stabilization plant

☐ On the subject lands or ☐ within 500 meters – distance _____

Provincially significant wetland (class 1, 2 or 3) or other environmental feature

☐ On the subject lands or ☐ within 500 meters – distance _____

Floodplain

☐ On the subject lands or ☐ within 500 meters – distance _____

Rehabilitated mine site

☐ On the subject lands or ☐ within 500 meters – distance _____

Non-operating mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Active mine site within one kilometre

☐ On the subject lands or ☐ within 500 meters – distance _____

Industrial or commercial use (specify the use(s))

☒ On the subject lands or ☐ within 500 meters – distance _____

Active railway line

☐ On the subject lands or ☐ within 500 meters – distance _____

Seasonal wetness of lands

☐ On the subject lands or ☐ within 500 meters – distance _____

Erosion

☐ On the subject lands or ☐ within 500 meters – distance _____

Abandoned gas wells

☐ On the subject lands or ☐ within 500 meters – distance _____

F. Servicing and Access

1. Indicate what services are available or proposed:

Water Supply

- ☐ Municipal piped water
☐ Communal wells
☒ Individual wells
☐ Other (describe below)
-

Sewage Treatment

- ☐ Municipal sewers
☐ Communal system
☒ Septic tank and tile bed
☐ Other (describe below)
-

Storm Drainage

- ☐ Storm sewers
☒ Open ditches
☐ Other (describe below)
-

2. Existing or proposed access to subject lands:

☒ Municipal road

☐ Provincial highway

☐ Unopened road

☐ Other (describe below)

Name of road/street:

G. Other Information

1. Does the application involve a local business? ☒ Yes ☐ No

If yes, how many people are employed on the subject lands?

2. Is there any other information that you think may be useful in the review of this application? If so, explain below or attach on a separate page.

H. Supporting Material to be submitted by Applicant

All digital files must be received in the following naming format:

Developmentname Plannname Engineersplannumber yr.m.da [date received or stamped]

For example: DairyQueenPD Site 11979-1 17.12.21

Reports and studies can be renamed in the following format:

Developmentname Reportname Reportpreparer yr.m.da [date received or created]

For example: DairyQueenPD Traffic WSP 17.12.15

In order for your application to be considered complete, **folded** hard copies (number of paper copies as directed by the planner) and an **electronic version (PDF) of the properly named site plan drawings, additional plans, studies and reports** will be required, including but not limited to the following details:

1. Concept/Layout Plan
2. All measurements in metric
3. Key map
4. Scale, legend and north arrow
5. Legal description and municipal address
6. Development name
7. Drawing title, number, original date and revision dates
8. Owner's name, address and telephone number

9. Engineer's name, address and telephone number
10. Professional engineer's stamp
11. Existing and proposed easements and right of ways
12. Zoning compliance table – required versus proposed
13. Parking space totals – required and proposed
14. All entrances to parking areas marked with directional arrows
15. Loading spaces, facilities and routes (for commercial developments)
16. All dimensions of the subject lands
17. Dimensions and setbacks of all buildings and structures
18. Gross, ground and useable floor area
19. Lot coverage
20. Floor area ratio
21. Building entrances, building type, height, grades and extent of overhangs
22. Names, dimensions and location of adjacent streets including daylighting triangles
23. Driveways, curbs, drop curbs, pavement markings, widths, radii and traffic directional signs
24. All exterior stairways and ramps with dimensions and setbacks
25. Retaining walls including materials proposed
26. Fire access and routes
27. Location, dimensions and number of parking spaces (including visitor and accessible) and drive aisles
28. Location of mechanical room, and other building services (e.g. A/C, HRV)
29. Refuse disposal and storage areas including any related screening (if indoors, need notation on site plan)
30. Winter snow storage location
31. Landscape areas with dimensions
32. Natural features, watercourses and trees
33. Fire hydrants and utilities location
34. Fencing, screening and buffering – size, type and location
35. All hard surface materials
36. Light standards and wall mounted lights (plus a note on the site plan that all outdoor lighting is to be dark sky compliant)
37. Business signs (make sure they are not in sight lines)
38. Sidewalks and walkways with dimensions
39. Pedestrian access routes into site and around site
40. Bicycle parking
41. Architectural elevations of all building sides
42. All other requirements as per the pre-consultation meeting

In addition, the following additional plans, studies and reports, including but not limited to, **may** also be required as part of the complete application submission:

- ☐ Zoning Deficiency Form
- ☐ On-Site Sewage Disposal System Evaluation Form
- ☐ Architectural Plan
- ☐ Buildings Elevation Plan
- ☐ Cut and Fill Plan
- ☐ Erosion and Sediment Control Plan
- ☐ Grading and Drainage Control Plan (around perimeter and within site) (existing and proposed)
- ☐ Landscape Plan
- ☐ Photometric (Lighting) Plan
- ☐ Plan and Profile Drawings
- ☐ Site Servicing Plan
- ☐ Storm water Management Plan
- ☐ Street Sign and Traffic Plan
- ☐ Street Tree Planting Plan
- ☐ Tree Preservation Plan
- ☐ Archaeological Assessment
- ☐ Environmental Impact Study
- ☐ Functional Servicing Report
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Noise or Vibration Study
- ☐ Record of Site Condition
- ☐ Storm water Management Report
- ☐ Traffic Impact Study – please contact the Planner to verify the scope required Site

Plan applications will require the following supporting materials:

1. Three (3) complete sets of the site plan drawings folded to 8½ x 11 and an electronic version in PDF format
2. Letter requesting that the Holding be removed (if applicable)
3. A cost estimate prepared by the applicant's engineer
4. An estimate for Parkland dedication by a certified land appraiser
5. Proof that property taxes to be paid up to date

6. Proof of insurance:

a. Commercial General Liability satisfactory to the County must include:

- i. A limit of liability not less than two million dollars (\$2,000,000) per occurrence
- ii. The Corporation of Norfolk County shall be named as an additional insurer
- iii. The policy shall contain a provision for cross liability in respect of the name insurer
- iv. Non-owned automobile coverage with a limit of at least two million dollars (\$2,000,000) including contractual non-owned coverage
- v. Errors and omissions liability with a limit of at least two million dollars (\$2,000,000)
- vi. Products and completed operations coverage
- vii. Certificate of Insurance must be in the same name as that on the PIN and site plan agreement

b. Certificate of Insurance for Professional

c. Certificate of Insurance for Owner

7. Written Legal Description of the Property and the Property Identification Number (PIN)
8. Postponement (if there are mortgagees)
9. Transfers/easements or agreements related to the subject lands

Standard condominium exemptions will require the following supporting materials:

- ☐ Plan of standard condominium (2 paper copies and 1 electronic copy)
- ☐ Draft condominium declaration

Your development approval might also be dependent on Ministry of Environment and Climate Change, Ministry of Transportation or other relevant federal or provincial legislation, municipal by-laws or other agency approvals.

All final plans must include the owner's signature as well as the engineer's signature and seal.

I. Development Agreements

A development agreement may be required prior to approval for site plan, subdivision and condominium applications. Should this be necessary for your development, you will be contacted by the agreement administrator with further details of the requirements including but not limited to insurance coverage, professional liability for your engineer, additional fees and securities.

J. Transfers, Easements and Postponement of Interest

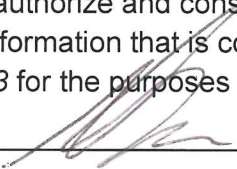
The owner acknowledges and agrees that if required it is their solicitor's responsibility on behalf of the owner for the registration of all transfer(s) of land to the County, and/or transfer(s) of easement in favour of the County and/or utilities. Also, the owner further acknowledges and agrees that it is their solicitor's responsibility on behalf of the owner for the registration of postponements of any charges in favour of the County.

K. Permission to Enter Subject Lands

Permission is hereby granted to Norfolk County officers, employees or agents, to enter the premises subject to this application for the purposes of making inspections associated with this application, during normal and reasonable working hours.

L. Freedom of Information

For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, I authorize and consent to the use by or the disclosure to any person or public body any information that is collected under the authority of the *Planning Act, R.S.O. 1990, c. P. 13* for the purposes of processing this application.



Owner/Applicant Signature



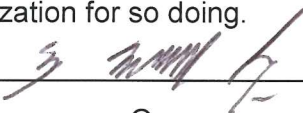
Date

M. Owner's Authorization

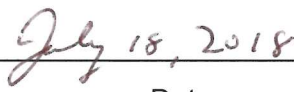
If the applicant/agent is not the registered owner of the lands that is the subject of this application, the owner(s) must complete the authorization set out below.

I/We Norfolk Cherry Company Ltd. am/are the registered owner(s) of the lands that is the subject of this application for site plan approval.

I/We authorize David Roe, Civic Planning Solutions Inc to make this application on my/our behalf and to provide any of my/our personal information necessary for the processing of this application. Moreover, this shall be your good and sufficient authorization for so doing.



Owner



Date

Owner

Date

N. Declaration

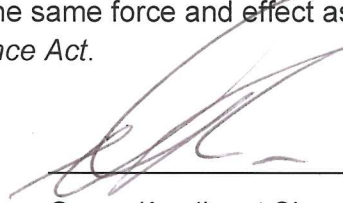
I, David Roe of Norfolk County

solemnly declare that:

all of the above statements and the statements contained in all of the exhibits transmitted herewith are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

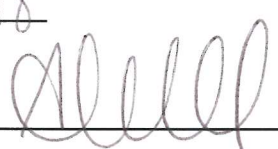
Declared before me at:

185 Robinson St.


Owner/Applicant Signature

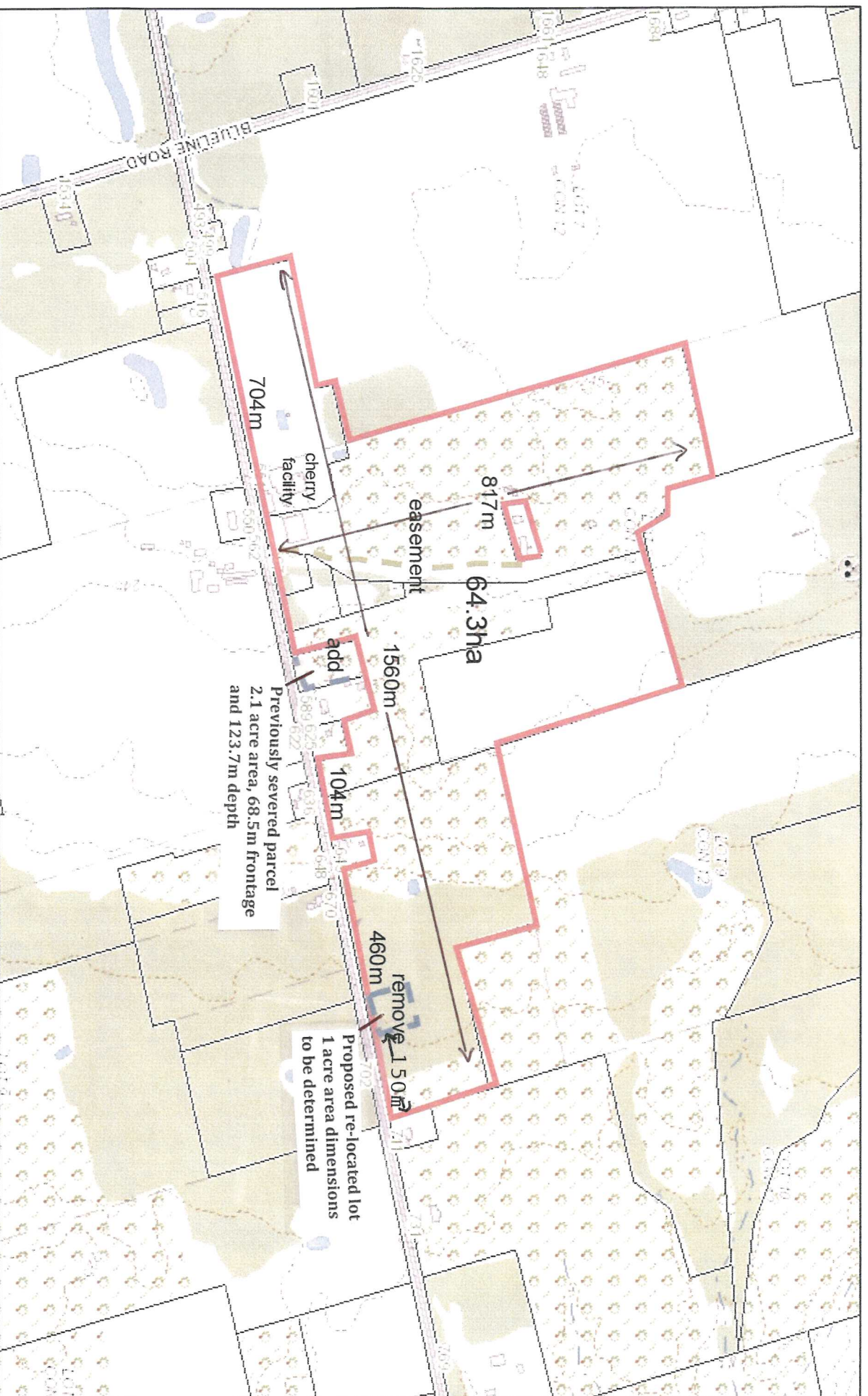
In Simcoe, ON

This 24th day of August

A.D., 2018

A Commissioner, etc.

ALISHA KATHLEEN CULL, a
Commissioner, etc., Province of Ontario.
for the Corporation of Norfolk County.
Expires April 28, 2019.

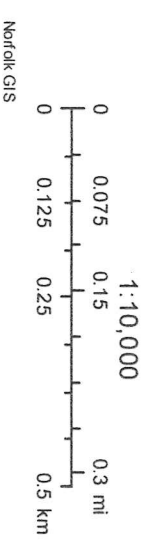
MAP NORFOLK - Community Web Map



7/16/2018, 8:53:31 AM

Land Parcels

Plan Lines



**Planning Justification Report
Proposed Official Plan Amendment
Norfolk Cherry Company
Norfolk County**

1.0 The Proposal

The applicant is proposing a site specific official plan amendment to permit a residential lot relocation on their lands. The purpose of this amendment is to permit a lot re-location or “lot swap” severance on the subject lands.

The lands owned by the Norfolk Cherry Company, legally described as part of Lots 7,8 and 9, Concession 12 geographic Township of Townsend. They are located on the north side of Concession 13 Townsend Road and are composed of 64.3 hectares of primarily cherry orchards with a cherry processing facility. Total frontage of these lands are 1268 metres.

The applicant is proposing to sever a one acre parcel located on the east side of the property. This parcel is presently a tree area and not actively used as part of the agricultural operation. The parcel to be added to the farm parcel is a 2 acre parcel which is currently part of the cherry orchard. Cherries are considered to be a high values agricultural crop. Both parcels are Class 2 CLI soil capability classification for agriculture. The dominate land use in this area is agricultural, with orchards being the principal use. There are six (6) non-farm residential dwellings also located in the area.

The goal of the applicant is to add a previous severed 2 acre parcel which is presently used as part of the existing cherry orchard and sever a one acre treed area which is presently not used agricultural purposes.

The previously severed lot Roll # 33607027805000, Concession 12, Townsend, RP 37R10496, Part 1, Owner - Norfolk Cherry Company Ltd. and Max Marshall Schuyler. Lot Area - 2.1 acres, Lot Frontage – 225 ft. (68.5m) Lot Depth 406 ft. (123.7m). The lot to severed being part of – Roll # 336070276000000, Concession 12 Townsend, Part Lot 9, RP37R8914 Part 4. Owner - Norfolk Cherry Company Ltd. Lot Area – 1 acre, frontage and depth to be determined. To be located within wooded area as shown of attached sketch.

2.0 Agricultural Lot Re-location (lot swap) Severances

This is a severance policy issue that County Council has discussed and dealt with over the last ten years. Prior to the 2014 PPS, Norfolk County Committee of Adjustment approved a number of these types of severances with issue. County planning staff consistently recommended refusal on the basis that there was no clear policy within the PPS to permit such severances. In 2014, the Norfolk County Committee of Adjustment refused a lot re-location severance for Schuyler Farms . This decision was appealed to the Ontario Municipal Board by the applicant. The Board denied this appeal on the basis that the PPS definition does not in the Boards opinion provide for an interpretation to permit this type of severance. It should be noted that Provincial staff provided evidence in support of County Staff's position at the hearing. There was a second hearing on a similar lot re-location severance that was again refused by the OMB.

As part of the 5-year review of the Norfolk County Official Plan, County Council included an amendment to permit lot re-location severances subject to meeting a set of criteria. It is the writer's understanding that this policy amendment was not supported by staff and was ultimately rejected by the Ministry of Municipal Affairs and Housing.

Norfolk County Council included the following policy change as part of 1-OP-2018:

Sections 7.2.3 a) Agricultural Lot Creation and Lot Adjustment Policies

vi) Technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan. The relocation of an existing vacant residential-related lot to another location on an adjacent farm parcel from which the lot was originally severed or to another farm parcel shall not be considered as a technical reason and shall be subject to Section 7.2.3 d).

Section 7.2.3 d)

A residential-related lot relocation consent application shall be subject to all of the following criteria:

i) The farm parcel from which the residential-related lot was originally severed from will be improved for agricultural production because of the lot relocation;

ii) Residential-related lot is to be relocated to a different location on the original farm parcel from which it was severed;

iii) The soils of the proposed lot to which the existing residential-related lot is to be relocated are of the same or lesser soil capability class for agriculture;

iv) The proposed lot shall be a maximum of 0.4 hectares;

v) The residential-related lot that is to be consolidated with the farm parcel because of the relocation has not been built upon and can be integrated into the farm operation;

vi) The proposed lot location complies with the MDS formula and does not potentially limit an existing agricultural livestock operation;

vii) The area to which the lot is to be relocated is adjacent to an existing residential lot cluster where one exists;

viii) The area to which the lot is to be relocated minimizes potential traffic hazards;

ix) Any portion of the area to which the lot is to be relocated is not within a Provincially Significant Wetland, Hazard Lands identified on Schedule "B" to this Plan or an Aggregate Resource Area, identified on Schedule "C" to this Plan where the aggregate resource has not yet been extracted;

x) Where any portion of the area to which the lot is to be relocated is in or on adjacent land to the Natural Heritage Features identified on Schedule "C" and/or Tables 1 and 2 or on Schedule "G" and Table 6 of the Lakeshore Special Policy Area Secondary Plan, the proposed lot relocation shall not be approved unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan; and

xi) No minor variance or zoning change of Official Plan Amendment shall be permitted to relocate a residential-related lot.

Based upon the history of lot re-location severances in Norfolk County and the recent rebuke by the Province in not supporting Council's proposed amendment to County's Official Plan, it would appear to be pointless to proceed further with this endeavor. However, the writer, while in attendance at the Oxford County Committee of Adjustment witnessed the approval by Oxford County of a lot re-location severance. In this case, the proponent had applied for a site specific Official Plan amendment to approve the policy to permit the severance. A review of the Oxford County application it was noted that the Official Plan amendment application had been circulated to the Province as part of the application review process. The Province did not provide any comments with respect to the application and did not appeal Council's decision nor did the Province appeal the Oxford County Land Division decision to approve the severance. This is a very different scenario than the Province's actions with respect to similar applications in Norfolk County where

the Province has appeared at OMB hearings in support of planning staff position. The PPS is a province wide policy document, however, it's implementation has not been consistent, other municipalities are permitting lot re-location severances and others not, the Province is not objecting to lot re-location severances in some municipalities and not in others. A copy of the Oxford County decision was provided to Norfolk County planning staff. Additional copies are available upon request.

4.0 Review of the Provincial Policy Statement 2014 (PPS)

2.3 Agriculture

- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

2.3.3 Permitted Uses

- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

- 2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 *Lot creation in prime agricultural areas is discouraged and may only be permitted for:*

- a) *agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;*
- b) *agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*
- c) *a residence surplus to a farming operation as a result of farm consolidation, provided that:*
 - 1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
 - 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and*
- d) *infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.*

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

2.3.4.3 *The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1(c).*

6.0 Definitions

Legal or technical reasons:

means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Planning Comments:

The position that Planning Staff and the Province have taken is that there is not a specific policy to permit a lot re-location or “lot swap”. The proposed amendment to the Norfolk County Plan as set out in 1-OP-2018 did establish a clear policy to permit such a severance together with the set of criteria to ensure that the relocation would be better from an agricultural perspective, which is the main thrust of the PPS policies. The OMB in its decisions against the proposed re-location

severances did not consider that the proposed lot locations would be a better from an agricultural perspective, but were fixated on the specific policies related to lot creation, concluding that there was not a specific policy to permit such a severance.

5.0 Review of the Norfolk County Official Plan

4.2.3 Agricultural Lot Creation & Lot Adjustment Policies

The following policies apply to land designated Agricultural.

- a) *Consent to sever land may be considered for the following purposes:*
 - i) *the assembly or disassembly of agricultural lots for agriculture uses, subject to the policies of Section 4.2.4 (Agricultural Lot Size Policies);*
 - ii) *agriculture-related commercial and industrial uses in accordance with the policies of Section 4.2.2(d) (Agricultural Designation –Land Use Policies);*
 - iii) *agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;*
 - iv) *infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;*
 - v) *a currently habitable farm dwelling existing prior to August 24, 1978 surplus to a farming operation as a result of farm consolidation, subject to the policies of Sections 4.2.3(b) and (c);*
 - vi) *technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-agricultural lot is created which would not be in conformity with the policies of this Plan.*

Planning Comments:

The policies of the Norfolk County Official Plan related to lot creation within Prime Agricultural Areas are similar or more stringent than the policies setout in Section 2.3.4.1.of the PPS. The proposed policies of 1-OP-2018 would have address the applicants situation as he could have proceeded with the proposed lot re-location. The proposed lot re-location severance will meet the criteria as follows:

<i><u>i) The farm parcel from which the residential-related lot was originally severed from will be improved for agricultural production because of the lot relocation;</u></i>	The previously severed lot is presently being used as part of the cherry orchard . Cherries are considered to be a high valued agricultural crop. The lot is 2 acres in size and is 100% used for
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	agricultural purposes
<u>ii) Residential-related lot is to be relocated to a different location on the original farm parcel from which it was severed;</u>	The re-located lot to be severed is located East of the previously severed lot on the same farm parcel. This location is not actively farmed and is partially tree covered. The proposed lot will be 1 acre in size. The proposed location is 150m from the east property line. (see sketch)
<u>iii) The soils of the proposed lot to which the existing residential-related lot is to be relocated are of the same or lesser soil capability class for agriculture;</u>	Both the previously severed lot and that re-located lot are Class 2 CLI
<u>iv) The proposed lot shall be a maximum of 0.4 hectares;</u>	The proposed lot will be 1 acre in size.
<u>v) The residential-related lot that is to be consolidated with the farm parcel because of the relocation has not been built upon and can be integrated into the farm operation;</u>	The previously severed lot has been integrated into the farm operation.
<u>vi) The proposed lot location complies with the MDS formula and does not potentially limit an existing agricultural livestock operation;</u>	There are no MDS issues in this location.
<u>vii) The area to which the lot is to be relocated is adjacent to an existing residential lot cluster where one exists;</u>	The proposed location for the re-located lot is surrounded by a treed area and removed from active orchard lands. This will lessen potential impacts for both the re-located lot and the nearby orchard .
<u>viii) The area to which the lot is to be relocated minimizes potential traffic hazards</u>	There are no potential traffic issues at either location.
<u>ix) Any portion of the area to which the lot is to be relocated is not within a Provincially Significant Wetland, Hazard Lands identified on Schedule "B" to this Plan or an Aggregate Resource Area, identified on Schedule "C" to this Plan where the aggregate resource has not yet been extracted;</u>	There are no known issues with respect to this issue.

<p><u>x) Where any portion of the area to which the lot is to be relocated is in or on adjacent land to the Natural Heritage Features identified on Schedule "C" and/or Tables 1 and 2 or on Schedule "G" and Table 6 of the Lakeshore Special Policy Area Secondary Plan, the proposed lot relocation shall not be approved unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 3.5 (Natural Heritage Systems) and Section 11 (Lakeshore Special Policy Area Secondary Plan) of this Plan; and</u></p>	<p>There are no know issues with respect to this issue.</p>
<p><u>xi) No minor variance or zoning change of Official Plan Amendment shall be permitted to relocate a residential-related lot.</u></p>	<p>There is no planning applications required.</p>

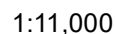
6.0 Norfolk County Zoning By-law 1-Z – 2014

The subject lands are zoned Agricultural Zone A in the Norfolk County Zoning By-law 1-Z – 2014. The proposed severance will comply with the uses and provisions of the Agricultural A zone.

7.0 Opinion Summary

The purpose of this application is to request County Council to approve on a site specific basis through the County's Official Plan to permit a individual lot re-location severance based upon the merits of the application which demonstrates the greater benefit to the agricultural industry. The proposed lot re-location meets the criteria proposed in Council's amendment 1-OP-2018. This amendment application will be circulated to the Province for their comment. If this amendment is approved, the Province will have the option to refer council's decision to the Local Planning Appeal Tribunal (LPAT).

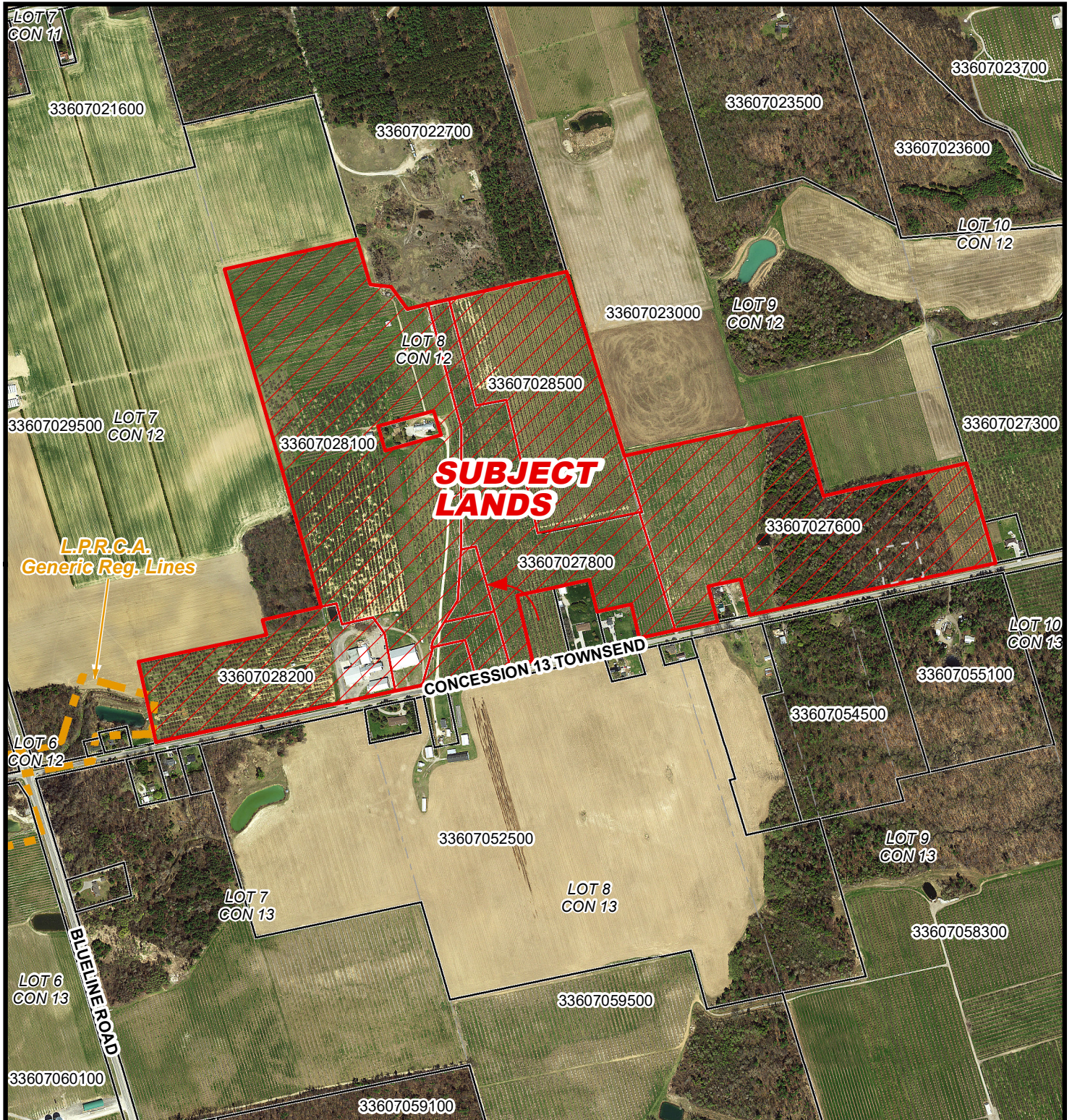
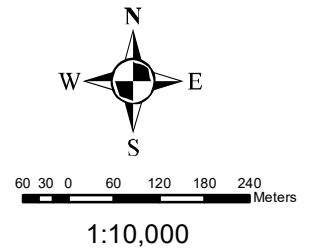
Geographic Township of TOWNSEND



MAP 3

File Number: OPNPL2019284

Geographic Township of TOWNSEND



MAP 4

File Number: OPNPL2019284

Geographic Township of TOWNSEND

