



# MEMO

<b>To:</b>	Erica Kellogg   Deputy Clerk – Planning & Development
<b>From:</b>	Patrick Townes, BA, BEd   Associate, MHBC Planning Jamie Robinson, BES, MCIP, RPP   Partner, MHBC Planning
<b>Date:</b>	September 16, 2024
<b>File:</b>	12153EI
<b>Subject:</b>	Woodruff Consent - Pre-Consultation (309 Miller Road)

## Overview:

This memo has been prepared following a review of a pre-consultation submission for a proposed Consent application, for the subject property located at 309 Miller Road. In accordance with the sketch provided with the pre-consultation application, the owner is proposing to create one new rural residential lot on the subject property. The sketch is attached to this memo.

The following applies to the subject property and the surrounding area:

- Designated Rural in the Official Plan;
- Aggregate and Mineral Resources area identified to the east in the Official Plan;
- ARA Licence (aggregate operation) to the west;
- Waste disposal site to the west;
- Fish habitat associated with the watercourse on the subject property;
- Located on a municipal road;
- Primarily zoned Rural (RU) in the Zoning By-law; and,
- Contains areas zoned Environmental Protection (EP) associated with the watercourse on the subject property.

## Proposed Consent:

The proposed severed lot has a lot area of approximately 4 hectares and a lot frontage of approximately 55 metres on Rocky Road. The remainder of the subject property and the proposed retained lot has a lot area of approximately 44 hectares and a large lot frontage on Miller Road.

## **Official Plan:**

Following a review of the proposed Consent, the relevant policies are included below:

### *5.2.2 Residential*

*Limited new permanent residential development shall be permitted in the Rural Areas, preferably in close proximity to other residential uses as infilling on existing roadways where school busing and municipal winter maintenance is presently being provided. Scattered or isolated development that would result in an increase in municipal servicing costs shall be discouraged. Residential subdivisions are not permitted in the Rural Areas*

*New lots should have a minimum lot size of 1.0 hectares (2.47 acres).*

### *5.2.7 Waste Disposal Sites*

*Only those sites approved by the Ministry of the Environment and the Municipality shall be used for the disposal or storage of solid or liquid waste. All such sites shall be operated according to the standards established by the Ministry of the Environment and the Municipality's approved Waste Management Master Plan.*

*New developments utilizing private sewage disposal and water supplies shall not locate within 500 metres of the perimeter of the fill area of an existing or former waste disposal site unless it has been demonstrated through the preparation of technical studies that there are no potential impacts associated with gas migration and ground water contamination*

### *7.1.1 Consent Criteria*

- i) in the Rural designation, new lots created by consent shall be limited to the following:
  - i) The Township will permit the creation of up to eight new lots per year. The new lots must comply with the regulations as set out in the implementing Zoning By-law.*
  - ii) two lots per original hundred acre lot;*
  - iii) one lot for each 50 acre parcel which existed as of the date of approval of this Plan; and*
  - iv) infilling between existing residences within 300 metres of each other on the same side of a municipal road or Provincial highway**

### *4.14.1 Resource Areas*

*Where development is proposed in or adjacent to an area of known mineral or aggregate resources, the development shall be set back and buffered sufficiently to ensure that it would not preclude or hinder the establishment of new operations,*

*expansion of existing operations or access to the resources, except where the following conditions are met:*

- 1) the resource use would not be feasible;*
- 2) the proposed land used or development serves a greater long term public interest; and,*
- 3) issues of public health, public safety and environmental impact are addressed. Adjacent is considered to be minimum of 300 metres for existing pits and aggregate reserves and a minimum of 500 metres for quarries.*

If the subject property existed prior to the adoption of the Official Plan (2012), it is eligible for the creation of one new lot based on the existing lot area exceeding the 50 acre requirement.

Further, the proposed severed lot and retained lot exceed the minimum lot area required in the Official Plan. The proposed severed lot is also located more than 500 metres from the waste disposal site to the west (approximately 1,000 metres).

There is fish habitat mapped on the subject property surrounding the watercourse. This area is zoned EP in the implementing Zoning By-law and development is prohibited in this area. No additional studies are required based on the zoning.

The owner or agent needs to address Section 4.14.1 of the Official Plan, due to the subject property being located within 300 metres of the licenced aggregate operation. Justification is required to demonstrate that the resource at this location would not be feasible for extraction and that the proposed rural residential lot is in the public interest.

Based on a review of the Official Plan, there is a policy basis to create one new lot on the subject property.

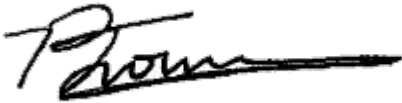
### **Zoning By-law:**

The regulations for the RU Zone are included in Section 4.6.2 of the Zoning By-law. The minimum lot area for a lot in the RU Zone is 10 hectares and the minimum lot frontage for a lot in the RU Zone is 134 metres. A Zoning By-law Amendment is required in order to rezone the subject property to the Rural Residential (RR) Zone – minimum lot area of 1 hectare and minimum lot frontage of 60 metres. An exception zone is required to permit a lot frontage of 55 metres.

**Summary:**

Following a review of the Official Plan, there is a policy basis for a new lot on the subject property. A Consent application is required to create the new lot, and a Zoning By-law Amendment application will also be required to rezone the subject property to the RR Zone and to recognize a reduced lot frontage of 55 metres. The rezoning will be recommended as a condition of provisional Consent.

Thank you,

**MHBC**A handwritten signature in black ink, appearing to read 'Patrick Townes', with a long horizontal flourish extending to the right.

Patrick Townes, BEd | Associate