



## TOWNSHIP OF CLEARVIEW COMMITTEE OF ADJUSTMENT MEETING AGENDA

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**Wednesday, March 8, 2023**

**7:00 P.M.**

**Online via Zoom**

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### **1. CALL TO ORDER**

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#### Land Acknowledgement

I would like to begin our meeting by recognizing the First Nations, Metis and Inuit peoples of Canada as traditional stewards and caretakers of the land. We acknowledge that Clearview Township is located within the boundaries of Treaty 18, the traditional lands of the Anishinaabeg, Haudenosaunee, Tionontati, Wendat, and is the home of many First Nations, Metis, and Inuit peoples as part of an intricate nationhood that reaches across Turtle Island. At this time of truth and reconciliation, we welcome the opportunity to work together towards new understandings and new relationships and ask for guidance in all we do.

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### **2. CONFIRMATION OF MINUTES**

**2.1** Minutes of the Committee of Adjustment meeting held on February 8<sup>th</sup>, 2023.

### **3. DISCLOSURE OF PECUNIARY INTEREST**

### **4. APPLICATIONS**

**4.1** Consent File 23-B01 & 23-B02 - 3399 County Road 42 (Bhullar)

### **5. NEW BUSINES**

### **6. NEXT MEETING**

Tentatively scheduled for Wednesday, April 12, 2023

### **7. ADJOURNMENT**



## **Township of Clearview Committee of Adjustment Minutes**

Meeting held via Zoom and broadcast on YouTube on February 8, 2023, commencing at 7:00 p.m.

### **Members Present:**

Chuck Arrand, Chairman  
Daniel Fantin  
Gord Zeggil  
Marc Royal  
Robert McArthur

### **Staff Present:**

Nick Ainley, Community Planner  
Amy Cann, Director Planning & Building  
Christine Taggart, Secretary-Treasurer

### **1. Call to Order**

The Chairman called the meeting to order at 7:00 p.m.

### **2. Minutes**

2.1 Minutes of the Committee of Adjustment meeting held on January 16, 2023, and January 18, 2023.

**Moved by** D. Fantin

That the minutes of the Committee of Adjustment meetings held January 16, 2023, and January 18, 2023, be approved as circulated.

Carried.

### **3. Disclosure of Pecuniary Interest**

There was no disclosure of pecuniary interest.

### **4. Applications**

#### **4.1 Consent File 22-B21**

2265 Concession 11 South Nottawasaga – Todd & Cheryl Cenerini

The purpose and effect of the application is to sever one rural-residential lot from the subject lands.

PROPOSED SEVERED PARCEL: 100 metres of frontage overall, 1 hectare (2.5 acres) vacant land.

RETAINED LOT: approximately 200 metres of frontage overall, 38 hectares (95 acres) with dwelling and accessory building.

The Chairman announced the application and asked the Secretary-Treasurer to summarize the application and any correspondence received.

The Secretary read the notice of application and advised that circulation of the applications was mailed on December 22, 2022, to the applicant, appropriate agencies, and property owners within 60 metres. The Secretary summarized the comments received by Enbridge, Hydro One and Nottawasaga Valley Conservation Authority, having no concern or objection to the application. The Secretary read the peer review comments received by RJ Burnside & Associates Limited which requested updates and revisions to the Environmental Impact Study, including additional description and details about site conditions and proposed tree removals, buffer mapping, compensation plantings, and other points of clarification. She then read the comments from the County of Simcoe which stated they were not in support of the proposed consent however, if through a revised Environmental Impact Study the consultant is able to demonstrate that the proposed lot is outside of any key natural heritage features and the proposed building site is outside of the minimum 30 metre vegetation protection zone required as per the Growth Plan policy 4.2.4., County Planning Staff would consider that a refinement to the County Greenlands designation has been justified and the proposed consent to be in conformity with the Greenlands policies of the County Official Plan.

The Chairman asked Planning Staff to provide any additional information.

Mr. Ainley advised that staff had recommended deferral of the application at the January 18, 2023 meeting to allow time for the Environmental Impact Study, provided in support of the application, to be peer reviewed as well as having comments from the County of Simcoe. He confirmed that the information was received and allowed staff to prepare a report for Committee's consideration and was developed based on the information and findings submitted by the peer review consultant and the County of Simcoe.

The Chairman asked Mr. Pascuzzo if he had a presentation he would like to make.

Mr. Pascuzzo explained the proposed severance and stated that he understands the reasons for staff's recommendation with their reasons being that the consent does not conform to the Growth Plan or the County of Simcoe Official Plan. Mr. Pascuzzo stated that he is in attendance on behalf of the applicants to convince Committee to not accept the recommendation of the staff report and alternatively approve the consent application with conditions. He also stated that there could be a third option

to defer to get additional information. Mr. Pascuzzo stated that the Growth Plan Natural Heritage mapping has not been ground-truthed and is technically not in place until it has been designated in the County of Simcoe Official Plan and Township of Clearview Official Plan, neither of these exercises have been completed to date. Mr. Pascuzzo spoke to the County of Simcoe MCR (Municipal Comprehensive Review) being on hold and the possible dissolution of the County of Simcoe Planning Authority and their Official Plan based on Bill 23 changes. He commented that site specific environmental impact studies (EIS) can be completed to provide clarity on the natural heritage features in mapped areas. He then advised that a professional ecologist, Neil Morris, was retained by the applicants to complete an EIS for the property. He advised that the conclusions of the EIS were that the consent is consistent with the Provincial Policy Statement (PPS) and that Mr. Morris did not go into details of the Growth Plan and did not respond to it. Mr. Pascuzzo explained that the front portion of the proposed lot is outside of the wooded area and the rear portion of the lot is occupied by a wooded area. Mr. Pascuzzo advised that RJ Burnside requested additional information which he believes Mr. Morris will be able to provide in an updated report or verbally tonight. He then commented that the peer review report did not say that the consent should be refused and asked for additional information and an option would be for Committee to defer until their ecologist can provide the additional information to address the concerns; however, it is his opinion that is unnecessary to delay the decision as their ecologist's opinion that the consent will conform with the Growth Plan and the County of Simcoe Official Plan.

Mr. Morris confirmed that he completed the environmental impact study for the applicants which included multiple site visits. He explained that the report identifies anything that could be of concern and proceed to determine any risks of impacts. He spoke to the terms used for the different level of risk. Mr. Morris advised that he reviewed the peer review report and stated that there is nothing in the report that would have him change his conclusions. The chief conclusion of his report is that the consent could proceed without any negative, adverse impacts on natural features of interest.

The Chairman asked Committee if they had any questions or comments.

Member Royal asked Mr. Morris to explain how he can influence the objection of the Provincial Policy Statement. Mr. Morris answered that when he completes and environmental impact study it is the primary intent of getting the scientific information correctly gathered, presented, and interpreted. Mr. Morris stated that with respect to the policies he has encountered many situations where they are interpreted differently and question to which policy is relevant given the state of the Official Plan, there is a consistent lack of inconsistency. Mr. Morris stated that his interpretation is based on the ecology and function of the features and must consider the policies and there is some question in what constitutes an impact. He stated that he looks at the functional ecology of the entire property and surrounding lands and

come to a conclusion based on that perspective. He then spoke to the Greenlands designation mapping boundary. Mr. Morris stated that based on the proposed location of the building envelope there will be no impact on what is currently delineated as Greenlands.

Member Royal commented that he is still struggling with the Provincial Policy and the Growth Plan and asked Mr. Ainley or Mr. Pascuzzo to comment.

Mr. Pascuzzo commented that the natural heritage mapping has not been ground truthed and need to go through upper tier and Township Official Plans. Mr. Pascuzzo stated that he understands that the County of Simcoe could appeal the decision and advised that they have been through this process on other files with this Committee and there was not an appeal from the County of Simcoe, or it was withdrawn. He stated that they do not have clearance from the County of Simcoe but believes they could at a later date.

Mr. Ainley spoke to the Growth Plan policies and that the natural heritage mapping is not currently in effect, as indicated in the report, but would like to clarify that the EIS did ground truth the site and did identify that these lands are a significant woodlot, which is a key natural heritage feature, and argues that the ground truthing has been completed and has identified that there are key natural heritage features that prohibit development on the site and the is reason for concern and the recommendation. Mr. Ainley advised of the requirement for the EIS realizing that from a high level the mapping can vary, and the intent is that the EIS is to identify those features. While the report (EIS) from Mr. Morris indicates no significant impacts, from municipal staff's perspective on the review of the policy, it is not necessarily the impact, the Growth Plan clearly states that there is to be no development in key natural heritage features and a majority of the wooded area has been identified as that based on the information received to date. The County of Simcoe have also identified that severances are not permitted in the Greenlands designation, and that designation has not changed at this point.

Member Zeggil commented that in Mr. Morris's report he did not indicate that there was no impact on the environment in those areas of significance but questioned if he was now saying there is no impact. Mr. Morris answered that he doesn't think there is a change and that it is stated in the report several times that there is no meaningful impact on the natural heritage features. He commented that through the peer review it is fair that they pointed out some discrepancies. Mr. Morris advised that in one paragraph in the report that included information relevant to a different property, he was working on multiple reports, and will clarify that which may be the source of some of the confusion. Mr. Zeggil asked Mr. Morris if he is comfortable saying that the proposed lot is outside of any key natural heritage features and asked if he put that in writing to satisfy the County of Simcoe. Mr. Morris responded that it would depend on what is being referred to as key natural heritage features. Discussion

ensued regarding the County of Simcoe requirement and interpretation of what is the key natural heritage feature. Mr. Morris stated that the cultural woodland where the proposed building envelope would be by some people's definition would meet the criteria for significant woodlands but on other criteria it does not. Mr. Zeggil commented that he thinks it is a good application, however, given the County and Municipal Staff requiring clarification it is important we supply that and would lean towards deferring to allow time to satisfy the request of the County and the Township.

The Chairman asked if Committee had any other questions.

Member McArthur commented that he agrees with Member Zeggil's comments.

Member Fantin commented that he agrees that the application should be deferred.

The Chairman asked Mr. Pascuzzo what is the intent of the consent application? Mr. Pascuzzo advised that the Cenerini's intend to construct a residential home and sell the remaining lands. Mr. Pascuzzo advised that there is also a potential second severance to sever a parcel of land to be dedicated to the Escarpment group, no new lot would be created.

The Chairman asked members of Committee if they wish to make a motion.

Member Fantin asked Mr. Pascuzzo and Mr. Morris what kind of a time frame they would need to gather the information so they can add to the motion.

Mr. Pascuzzo advised that Mr. Morris is already preparing an update to the EIS but wants to make sure that everyone is aware that they are somewhat reliant on the peer review consultant.

The Secretary-Treasurer advised Committee that they are not required to set meeting date for the deferral in the motion and can use the wording 'to a subsequent meeting' to allow the applicant's agent and municipal staff time to coordinate the additional information and peer review.

The Chairman asked Mr. Ainley how long it would take the peer review consultant. Mr. Ainley advised that he believes review of the new information could take a few weeks but does not want to presuppose.

Mr. Morris commented that it would be more efficient for him to provide a detailed response to the peer review comments rather than revising the entire report.

Mr. Ainley advised that an addendum to the original EIS would be suitable.

It was then:

Moved by: G. Zeggil

That consent application 22-B21 be deferred to a subsequent meeting to allow the applicant time to provide more information to Township staff and the County of Simcoe.

Carried.

## **5. New Business**

None.

## **7. Next Meeting**

Tentatively scheduled for Wednesday, March 8, 2023.

## **8. Adjournment**

There being no further business, the Chairman adjourned the meeting at 7:54 pm.

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Chuck Arrand, Chair

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Christine Taggart, Secretary-Treasurer



CLEARVIEW

## COMMITTEE OF ADJUSTMENT

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File Number:	23-B01 and 23-B02
Department:	Community Planning and Development
Meeting Date:	March 8, 2023
Application:	Creation of Two Rural Lots – Project Number 2023-03 – 3399 County Road 42

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### RECOMMENDATION:

Be it recommended, that Committee of Adjustment of the Township of Clearview hereby:

Approves consent 23-B01 pertaining to the lands at 3399 County Road 42 where the severed parcel will have a lot frontage of 30 m and total lot area of 0.21 ha (2099 m<sup>2</sup>), and retained parcel will have a frontage of 101 m and approximately 21 ha lot area, subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including servicing by-law charges and payment of the fee of \$150.00 per lot for each Certificate of Consent to be issued.
2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable, for each lot created.
3. That the applicant pay a minimum of \$7073.33 per newly created lot to the municipality or an amount equal to the 5% Parkland Contribution as required by the Planning Act as a requirement of the approval. Please note that the flat rate number is a minimum as it is adjusted annually in accordance with the Statistics Canada Quarterly, Construction Price Statistics, based on the twelve-month period ending September 30<sup>th</sup>.
4. That any mortgage on the property be discharged from any lands being severed and that the solicitor provide an undertaking in writing that this condition will be fulfilled;
5. That the applicant be required to obtain a hydrogeological impact study completed by a qualified Engineer or Hydrogeologist proving that sufficient quality and quantity of water can be sourced on the lots, and that new wells will not adversely impact any existing neighbouring well. The conclusions of the study and implementation maybe done through the registration of an agreement registered on title of the lands. That the applicant be required to pay any costs associated with the peer review of this study.



6. That the applicant apply to the Committee of Adjustment and be successful in receiving a minor variance application to recognize that the retained parcel will be smaller than the minimum lot area in an Agricultural (AG) Zone.
7. That the applicant provide an overall grading plan for the newly severed lands, that will show the storm drainage of the lots which is to be prepared by a qualified Engineer, to the satisfaction of the Public Works Department. That the applicant be required to pay any costs associated with the peer review of this plan. That the approved plans be included in the development agreement.
8. That the applicant meet all of the requirements of the Simcoe County Engineering Department as required in their letter.
9. That prior to stamping the deeds, the applicant enter into and register on the severed lots, a Development Agreement pursuant to Section 51(26) and (27) of the Planning Act and pay to the Township the \$2000.00 agreement fee plus the costs of the Township's solicitor. The agreement will cover the severance application (23-B01). The development agreement is intended to give guidance prior to the issuance of building permit, the following items are to be completed pursuant to the terms of the Development Agreement to the Township satisfaction:
  - a. Individual lot grading and drainage plan for each lot to comply with the overall grading and drainage plan, which will also include verification that the underside of floor slab be entirely located a minimum of .4 metres above the seasonal high ground water levels;
  - b. Results of the hydrogeological impact study; and
  - c. Finalized elevations that are consistent with the Architectural Control Plan guidelines for Infilling Lots.

NOTES REGARDING CONSENT:

- As per Section 53(41) of the Planning Act, R.S.O., 1990, all conditions of this decision shall be fulfilled and the Certificate of Consent issued within two years of this date. If all of the conditions have been met and all the authorities concerned have so notified the Committee in writing, the Secretary-Treasurer is authorized to issue the Certificate of Consent.

AND FURTHER,

Approves consent 23-B02 pertaining to lands at 3399 County Road 42 where the severed parcel will have a lot frontage of 30 m and total lot area of 0.21 ha (2099 m<sup>2</sup>), and retained parcel will have a frontage of 101 m and approximately 21 ha lot area, subject to the following conditions:

1. That the applicant meet all the requirements, financial and otherwise of the Municipality including servicing by-law charges and payment of the fee of \$150.00 per lot for each Certificate of Consent to be issued.
2. That the applicant provides a description of the land which may be registered under the requirements of the Registry Act or Land Titles Act as applicable, for each lot created.

3. That the applicant pay a minimum of \$7073.33 per newly created lot to the municipality or an amount equal to the 5% Parkland Contribution as required by the Planning Act as a requirement of the approval. Please note that the flat rate number is a minimum as it is adjusted annually in accordance with the Statistics Canada Quarterly, Construction Price Statistics, based on the twelve-month period ending September 30<sup>th</sup>.
4. That any mortgage on the property be discharged from any lands being severed and that the solicitor provide an undertaking in writing that this condition will be fulfilled;
5. That the applicant be required to obtain a hydrogeological impact study completed by an qualified Engineer or Hydrogeologist proving that sufficient quality and quantity of water can be sourced on the lots, and that new wells will not adversely impact any existing neighbouring well. The conclusions of the study and implementation maybe done through the registration of an agreement registered on title of the lands. That the applicant be required to pay any costs associated with the peer review of this study.
6. That the applicant apply to the Committee of Adjustment and be successful in receiving a minor variance application to recognize that that the retained parcel will smaller than the minimum lot area in an Agricultural (AG) Zone.
7. That the applicant provide an overall grading plan for the newly severed lands, that will show the storm drainage of the lots which is to be prepared by a qualified Engineer, to the satisfaction of the Public Works Department. That the applicant be required to pay any costs associated with the peer review of this plan.
8. That the applicant meet all of the requirements of the Simcoe County Engineering Department as required in their letter.
9. That prior to stamping the deeds, the applicant enter into and register on the severed lots, a Development Agreement pursuant to Section 51(26) and (27) of the Planning Act and pay to the Township the \$2000.00 agreement fee plus the costs of the Township's solicitor. The agreement will cover the severance application (23-B02). The development agreement is intended to give guidance prior to the issuance of building permit, the following items are to be completed pursuant to the terms of the Development Agreement to the Township satisfaction:
  - a. Individual lot grading and drainage plan for each lot to comply with the overall grading and drainage plan, which will also include verification that the underside of floor slab be entirely located a minimum of .4 metres above the seasonal high ground water levels;
  - b. Results of the hydrogeological impact study; and
  - c. Finalized elevations that are consistent with the Architectural Control Plan guidelines for Infilling Lots.

**NOTES REGARDING CONSENT:**

- As per Section 53(41) of the Planning Act, R.S.O., 1990, all conditions of this decision shall be fulfilled and the Certificate of Consent issued within two years of this date. If all of the conditions have been met and all the

authorities concerned have so notified the Committee in writing, the Secretary-Treasurer is authorized to issue the Certificate of Consent.

## BACKGROUND:

### Subject Lands

The lands are located in the settlement area of Avening. The lands are a total of 21.495 ha (53 acres) in size. The property has frontage on County Road 42. The property has an existing house and accessory structure.

### The Proposal

The applicant is proposing to create two residential lots, within the settlement area of Avening, with frontage onto County Road 42. The retained parcel will contain the existing house and accessory structure.

The purpose and effect of the applications are to sever two residential lots:

- Lot 1 will have 30 m of frontage and 0.21 ha (0.50 acres) of vacant land;
- Lot 2 will have 30 m of frontage and 0.21 ha (0.50 acres) of vacant land;
- Retained lot will have approximately 101 m of frontage and approximate 21 ha (52 acres) with an existing dwelling and accessory structure.

### Existing Policy Framework

The subject lands are designated Rural and Agricultural within the Township of Clearview Official Plan (2001) and zoned Residential Hamlet (RS) and Agricultural (AG) within the Township of Clearview Zoning By-law 06-54, as amended.

### Public /Agency Comments

The following agencies have reviewed the notices and have no objections or comments:

- Scott McLeod, CBO;
- Bell Canada; and
- Hydro One

## COMMENTS AND ANALYSIS:

In considering an application for Consent, a review of the Provincial Policy Statement, A Place to Grow, County and Local Official Plans must be undertaken. The proposed consents must be assessed for consistency, conformity and compliance.

### Provincial Policy Statement (PPS, 2020)

The subject lands are located within the rural settlement area of Avening, which is located south east of Creemore. This settlement area is a historical community which has developed on private water and septic systems. The PPS promotes and directs that growth and

development should occur in settlement areas. The proposed two lots will add and be developed in the same manner as the existing development in the area. The lots will develop on private services, and if approved will add to the existing 30 residential homes in this community. To ensure an adequate quality and quantity of water for the well, and to ensure that the proposed new wells will not impact neighbouring wells in the area, a condition of the severance applications will require that the applicant obtain a hydrogeological impact study, showing that adequate quality and quantity of water can be obtained.

The creation of the two residential lots, will be compatible with the surrounding lands uses, which is mainly agricultural and residential lots. The proposed lots are not subject to the Minimum Distance Separation calculation since they are located in a settlement area. There will be no additional infrastructure required for the creation of these three lots, and the proposed two lots can be sustained by rural services.

The proposal is consistent with the Provincial Policy Statement (2020) issued under the *Planning Act*.

## Growth Plan (May 2019)

The Township of Clearview Official Plan has been in place since 2001, and allows for rural consents to create residential lots. The lands are located in the Avening settlement area boundary in both the Official Plan and Zoning By-law. The Growth Plan directs residential development to settlement areas but allows development on rural lands provided the lands are zoned and designated for that type of use as of June 16, 2006. As the lands were designated Rural in 2001 and the Rural designation permits residential severances, the zoning of the land to Residential Hamlet (RS) was established in 2006.

The creation of two residential lots is permitted by the Township of Clearview Official Plan, the subject land is designated Rural and the subject land is zoned Residential Hamlet (RS) Zone. The subject lands are located in the Hamlet of Avening, which is considered a rural settlement area.

The proposal is consistent with the Growth Plan (2019) issued under the *Planning Act*.

## County of Simcoe Official Plan (2008, as amended)

The County of Simcoe designates the subject lands within the Settlement Area. The subject lands are designated Rural in the Township of Clearview Official Plan and located within the settlement area boundary of Avening. This proposal can be considered minor rounding out of development within the settlement area of Avening. The proposed lots are appropriately sized to allow development on private services, and are of similar size to existing lots within Avening. The proposed lots do not constitute strip development under the County's definitions. There are limited opportunities for any further development within Avening due to the environmental constraints of the Mad River Flood Plain, which is located on much of the land to the south of the subject property.

The proposal conforms to the County of Simcoe Official Plan.

## Clearview Township Official Plan (2001)

The Hamlet of Avening is considered a secondary settlement area in the Township of Clearview Official Plan. The subject lands are designated Rural within the settlement area, and as such the policies permit a limited amount of residential growth. Specifically under the secondary uses policies in the Rural designation, non-agricultural residential uses are permitted by consent.

The subject lands are zoned Residential Hamlet (RS) and do not require a zoning amendment to establish a residential use, the proposal meets the Rural consent policies. There will be no adverse impacts to agricultural uses, as the proposed lots are located in a settlement area where Minimum Distance Separation is not applied. The proposed lots are under the 1 ha maximum size requirement and this proposal will not be promoting strip development. There have been no previous severances on these lands, and these lands are located in the settlement area and zoned to allow for future development. Development is permitted on these lands provided there is conformity to the Rural policies of the OP.

The proposed lots will front onto County Road 42, no municipal services will be required to be expanded, and no roads will need to be upgraded, the lands are located in the settlement area boundary and zoned for residential use. The proposed lots are within walking distance to the Carruthers Park located to the south of the subject lands and within Avening settlement area. In addition, the Avening Hall is also within walking distance, and located to the east across the County Road. There will be no traffic hazards as a result of the creation of these lots. A condition of approval is recommended requiring that the proposed new dwellings be subject to the Township's Architectural Control Guidelines. This requirement will help ensure consistency of the new development with the general character of the Avening hamlet.

The proposal conforms to the Township's Official Plan.

## Clearview Zoning By-law (06-54, as amended)

The proposed lots are described in the table below:

<b>Residential Hamlet (RS) Zone</b>	Lot 1 (Severed lot 23-B01)	Lot 2 (Severed lot 23-B02)	<b>Agricultural (AG) Zone</b>	Retained
Minimum Lot Area = 0.2 ha	2099 m <sup>2</sup> (0.21 ha)	2099 m <sup>2</sup> (0.21 ha)	Minimum Lot Area = 35 ha	21 ha
Minimum Lot Frontage = 25 m	30 m	30 m	Minimum Lot Frontage = 100 m	101 m

The proposed severed residential lots comply with the provisions of the Residential Hamlet (RS) Zone provisions; however, the retained lot does not comply to the lot area requirements. For that reason, as a condition of approval Staff recommend that a minor variance be required to consider that the retained parcel does not meet the current Agricultural (AG) minimum lot area of 35 ha.

The proposal will conform to the proposed general intent and purpose of the Township's Zoning By-law, subject to the recommended conditions.

## Clearview Strategic Plan:

Legislated review process.

## Communication Plan:

The Notice of Decision regarding this application will be distributed in accordance with the requirements of the Planning Act.

## Financial Impact:

This proposal has no financial impact on the municipality.

## Report Schedules:

- A. Location Map
- B. Proposed Consent Sketch

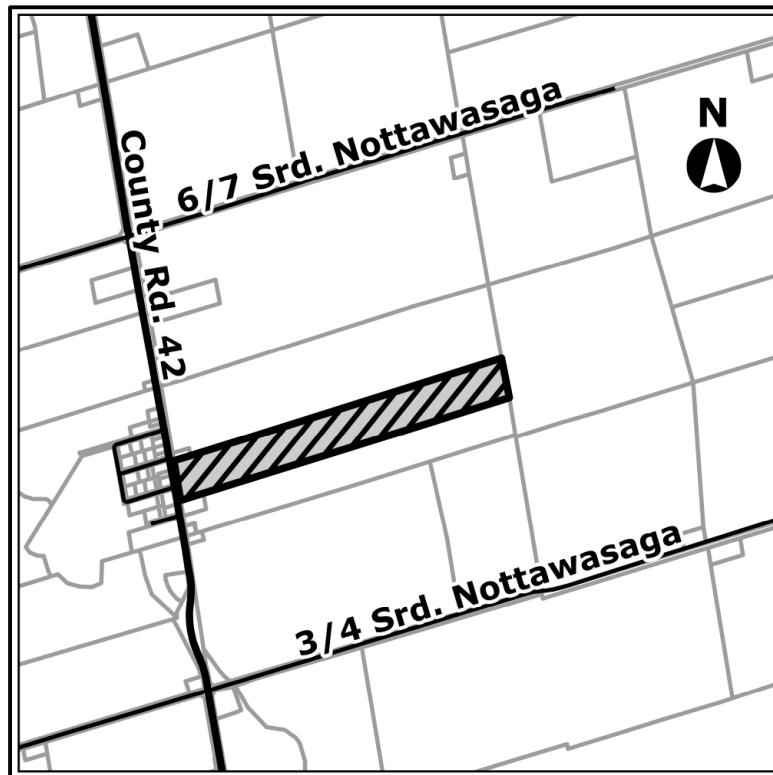
## Prepared By:

Rossalyn Workman, MURP, MCIP, RPP  
Community Planner, Policy and Approvals

## Reviewed By:

Amy Cann, M. Pl., MCIP, RPP  
Director of Planning and Building

A. Location Map



B. Proposed Consent Sketch

