

**For Office Use Only:**

File Number	_____	Application Fee	_____
Related File Number	_____	Conservation Authority Fee	_____
Pre-consultation Meeting	_____	Well & Septic Info Provided	_____
Application Submitted	_____	Planner	_____
Complete Application	_____	Public Notice Sign	_____

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

- ☐ Consent/Severance/Boundary Adjustment
- ☐ Surplus Farm Dwelling Severance and Zoning By-law Amendment
- ☐ Minor Variance
- ☐ Easement/Right-of-Way

**Property Assessment Roll Number:** \_\_\_\_\_**A. Applicant Information****Name of Owner** \_\_\_\_\_

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 \_\_\_\_\_

Town and Postal Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Cell Number \_\_\_\_\_

Email \_\_\_\_\_

**Name of Applicant** \_\_\_\_\_

Address \_\_\_\_\_

Town and Postal Code \_\_\_\_\_

Phone Number \_\_\_\_\_

Cell Number \_\_\_\_\_

Email \_\_\_\_\_

**Name of Agent**

Address

Town and Postal Code

Phone Number

Cell Number

Email

Please specify to whom all communications should be sent. Unless otherwise directed, all correspondence and notices in respect of this application will be forwarded to the owner and 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):

Municipal Civic Address:

Present Official Plan Designation(s):

Present Zoning:

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:

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, and height on your attached sketch which must be included with your application:

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

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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, and height on your attached sketch which must be included with your application:

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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:

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

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9. Existing use of abutting properties:

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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:

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### C. Purpose of Development Application

Note: Please complete all that apply. **Failure to complete this section will result in an incomplete application.**

#### 1. Site Information (Please refer to Zoning By-law to confirm permitted dimensions)

	Existing	Permitted	Provision	Proposed	Deficiency
Lot frontage					
Lot depth					
Lot width					
Lot area					
Lot coverage					
Front yard					
Rear yard					
Height					
Left Interior side yard					
Right Interior side yard					
Exterior side yard (corner lot)					
Parking Spaces (number)					
Aisle width					
Stall size					
Loading Spaces					
Other					



2. Please explain why it is not possible to comply with the provision(s) of the Zoning By-law:

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3. **Consent/Severance/Boundary Adjustment:** Description of land intended to be severed in metric units:

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Width: \_\_\_\_\_

Lot Area: \_\_\_\_\_

Present Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

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: \_\_\_\_\_

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Description of land intended to be retained in metric units:

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Width: \_\_\_\_\_

Lot Area: \_\_\_\_\_

Present Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Buildings on retained land: \_\_\_\_\_

4. **Easement/Right-of-Way:** Description of proposed right-of-way/easement in metric units:

Frontage: \_\_\_\_\_

Depth: \_\_\_\_\_

Width: \_\_\_\_\_  
Area: \_\_\_\_\_  
Proposed Use: \_\_\_\_\_

**5. Surplus Farm Dwelling Severances Only:** List all properties in Norfolk County, which are owned and farmed by the applicant and involved in the farm operation

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

Owners Name: \_\_\_\_\_  
Roll Number: \_\_\_\_\_  
Total Acreage: \_\_\_\_\_  
Workable Acreage: \_\_\_\_\_  
Existing Farm Type: (for example: corn, orchard, livestock) \_\_\_\_\_  
Dwelling Present?: ☐ Yes ☐ No If yes, year dwelling built \_\_\_\_\_  
Date of Land Purchase: \_\_\_\_\_

**Note: If additional space is needed please attach a separate sheet.**

**D. All Applications: 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 (for example: gas station, or petroleum storage):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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:

\_\_\_\_\_  
\_\_\_\_\_

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. All Applications: 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:

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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:

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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:

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

4. All Applications: 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. All Applications: Servicing and Access

1. Indicate what services are available or proposed:

### Water Supply

- |  |   |
|--|---|
| <input type="checkbox"/> Municipal piped water | <input type="checkbox"/> Communal wells         |
| <input type="checkbox"/> Individual wells      | <input type="checkbox"/> Other (describe below) |
- 

### Sewage Treatment

- |   |   |
|---|---|
| <input type="checkbox"/> Municipal sewers                               | <input type="checkbox"/> Communal system        |
| <input type="checkbox"/> Septic tank and tile bed in good working order | <input type="checkbox"/> Other (describe below) |
- 

### Storm Drainage

- |   |                                       |
|---|---------------------------------------|
| <input type="checkbox"/> Storm sewers           | <input type="checkbox"/> Open ditches |
| <input type="checkbox"/> Other (describe below) |                                       |
- 

2. Existing or proposed access to subject lands:

- |   |   |
|---|---|
| <input type="checkbox"/> Municipal road | <input type="checkbox"/> Provincial highway     |
| <input type="checkbox"/> Unopened road  | <input type="checkbox"/> Other (describe below) |

Name of road/street:

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## G. All Applications: Other Information

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

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

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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.

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## **H. Supporting Material to be submitted by Applicant**

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 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. Existing and proposed easements and right of ways
4. Parking space totals – required and proposed
5. All dimensions of the subject lands
6. Dimensions and setbacks of all buildings and structures
7. Location and setbacks of septic system and well from all existing and proposed lot lines, and all existing and proposed structures
8. Names of adjacent streets
9. Natural features, watercourses and trees

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:

- ☐ On-Site Sewage Disposal System Evaluation Form (to verify location and condition)
- ☐ Environmental Impact Study
- ☐ Geotechnical Study / Hydrogeological Review
- ☐ Minimum Distance Separation Schedule
- ☐ Record of Site Condition

Your development approval might also be dependent on Ministry of Environment Conservation and Parks, 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. 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.

### 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.

### 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.

Kimberly Ann Deruysscher  
Owner/Applicant/Agent Signature

May 24/2022  
Date

### J. Owner's Authorization

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

I/We Kimberly Ann Deruysscher am/are the registered owner(s) of the lands that is the subject of this application.

I/We authorize G. Douglas Vallee Limited 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.

Kimberly Ann Deruysscher  
Owner

May 24/2022  
Date

Kimberly Ann Deruysscher  
Owner

May 24/2022  
Date

**\*Note:** If property is owned by an Ontario Ltd. Corporation, Articles of Incorporation are required to be attached to the application.



**K. Declaration**

I, Scott Puillandre of Paris Ontario

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:

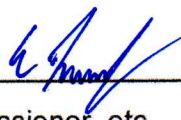
THE REGIONAL MUNICIPALITY OF  
NIAGARA

  
Owner/Applicant/Agent Signature

In THE CITY OF NIAGARA FALLS

This 30<sup>th</sup> day of MAY

A.D., 20 22

  
A Commissioner, etc.

**ELDON FRASER DARBYSON,**  
a Commissioner, etc., Province of Ontario,  
for G. Douglas Vallee Limited.  
Expires March 28, 2025.



# 4661 Highway 59 - Courtland Planning Justification Report

**G. Douglas Vallee Limited on behalf of  
Devon Schultz**  
Consent Application

DECEMBER 15

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**G. Douglas Vallee Limited**  
Authored by: Scott Puillandre, CD, MSc  
Reviewed by: Eldon Darbyson, BES, MCIP, RPP



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## 1.0 Introduction

G. Douglas Vallee Limited has been retained by Devon Schultz to make an application for a boundary adjustment (consent) at 4661 Highway 59, Courtland (Subject Lands). The subject lands are a small rural residential parcel located on the west side of Highway 59, approximately 1500m south of the urban area of Courtland. The proposed boundary adjustment application would see approximately 0.34ha of land, severed from the larger agricultural parcel at 4681 Highway 59 (Retained Lands), and added to the subject lands located at 4661 Highway 59.

As shown on Appendix A, the subject lands are a small rural residential lot (Part 1), currently occupied by a single detached dwelling / accessory building with existing encroachment issues. It is proposed to sever Part 2 and Part 3 from the retained lands (Part 4), and add them to subject lands (Part 1) as a minor boundary adjustment.

The resultant lot sizes would be as follows:

- Subject Lands (Part 1): 0.41ha – 1.01ac
- Retained Lands (Part 4): 16.7ha – 41.3ac

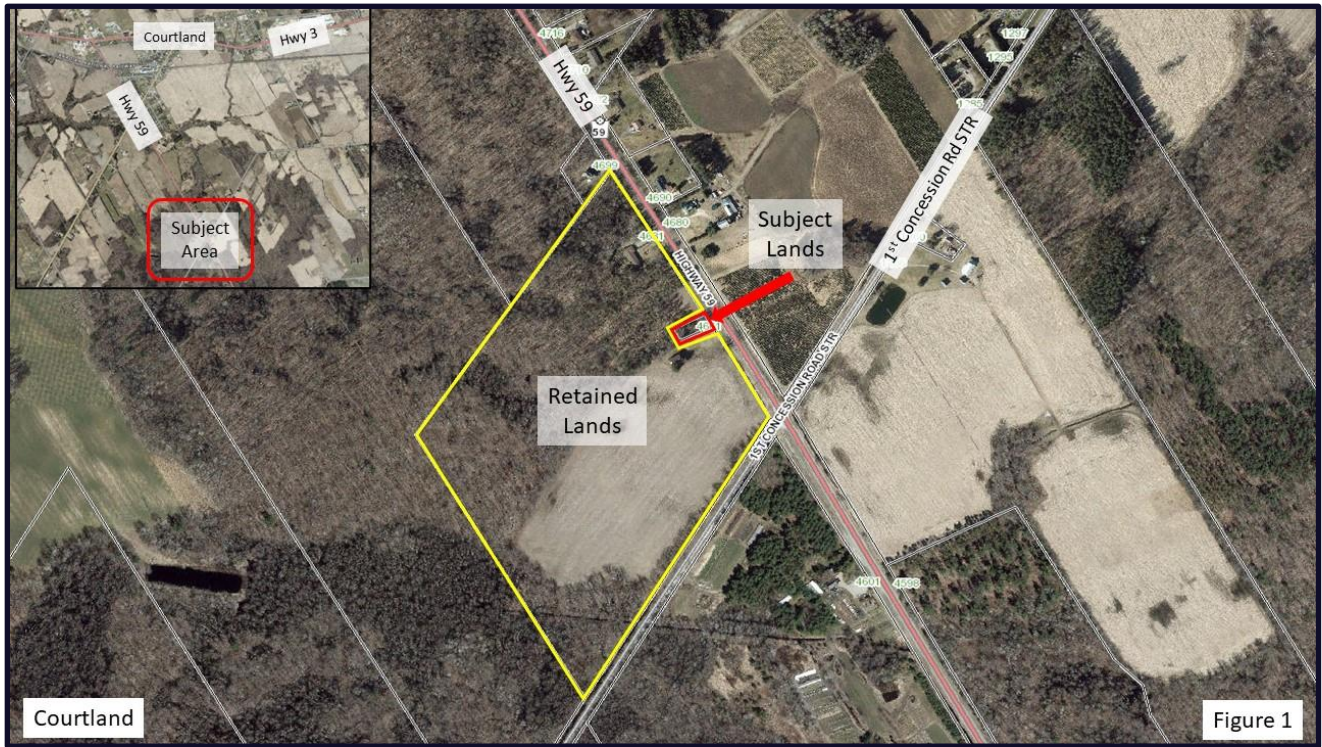
The boundary adjustment is required for legal and technical reasons in order to resolve existing encroachment issues and provide the necessary area to safely support a dwelling and proposed accessory building with private services. This application is requesting only enough land to achieve a functional lot layout to support the rebuild, of the Schultz's family home.

This application:

- Requests minimal land to safely support the proposed structures and private services;
- Is consistent with the Provincial Policy Statement;
- Maintains the general intent and purpose of the Norfolk County Official Plan and Zoning Bylaw;
- Will respect the significant Natural Heritage Feature through appropriate setbacks;
- Represents good planning.



**Figure 1.1 – Subject Lands**



**Figure 1.2 – Street View**



## 2.0 The Application

The purpose of this planning justification report is to provide information to Norfolk County staff and the Committee of Adjustment, when considering the boundary adjustment application for the subject lands.

**Table 2.1: Zoning By-law Amendments**

<b>Current Parts</b>	<b>Area</b>
<b>Part 1 (Subject Lands)</b> <ul style="list-style-type: none"> <li>- 4661 Hwy 59</li> <li>- Existing Single Detached Dwelling / shed</li> <li>- Undersized Rural Residential lot</li> </ul>	0.071ha (0.17ac)
<b>Part 2 (Severed Lands)</b> <ul style="list-style-type: none"> <li>- 4681 Hwy 59</li> <li>- Vacant land</li> <li>- Non-cultivated – maintained as open landscaped area (manicured grass)</li> <li>- Part of larger agricultural parcel (Part 4)</li> </ul>	0.20ha (0.49ac)
<b>Part 3 (Severed Lands)</b> <ul style="list-style-type: none"> <li>- 4681 Hwy 59</li> <li>- Vacant land</li> <li>- Non-cultivated – maintained as open landscaped area (manicured grass)</li> <li>- Part of larger agricultural parcel (Part 4)</li> </ul>	0.14ha (0.35ac)
<b>Part 4 (Retained Lands)</b> <ul style="list-style-type: none"> <li>- 4681 Hwy 59</li> <li>- Existing single detached dwelling and accessory buildings</li> <li>- Cultivated agricultural land and forested area</li> <li>- Agricultural parcel</li> </ul>	16.7ha (41.3ha)
<b>Final Proposed Lot Areas</b>	<b>Retained Lands – 16.7ha (41.3ac)</b>  <b>Subject Lands – 0.41ha (1.01ac)</b>

## 3.0 Site description

The subject lands are a small rural residential lot approximately 0.071ha in area, located on the west side of Highway 59, just south of the urban area of Courtland. The subject lands are occupied by a single detached dwelling and accessory building which were construed in the 1970's. As shown on Appendix A and C, both the dwelling and accessory structure have existing encroachment issues.

The applicant's family owns both 4681 and 4661 Highway 59. The applicant and their family sold their home in Tillsonburg and have moved back to the family farm (4661 Highway 59). They are seeking to replace the existing dwelling with a new home for their family. The applicants aging mother still lives on the home farm parcel located at 4681 Highway 59.

For illustrative purposes, a concept site design has been provided at Appendix B, which shows a potential footprint for the proposed replacement of the existing dwelling and residential accessory building.

The topography of the subject lands is mainly flat with large trees near the existing dwelling and no identifiable water features. The lands are located immediately adjacent to a significant woodlot, which will remain as part of the retained agricultural parcel.

## 4.0 Surrounding Uses

As shown in Figure 1.1 on page 3, the surrounding land uses are predominantly agricultural in nature with a number of rural residential lots located to the north, along Highway 59.

## 5.0 Supporting Information

Appendices to this report include the following:

- Appendix A – Severance Sketch (G. Douglas Vallee Limited)
- Appendix B – Concept Building Plan (G. Douglas Callee Limited)
- Appendix C – Severance Sketch (Jewitt and Dixon Ltd.)
- Appendix D – Letter of Opinion (Vroom + Leonard)

## 6.0 Planning Review

### 6.1 Planning Act

Section 2	Lists matters of provincial interest to have regard to.
Section 3	Requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.
Section 53	Permits a Committee of Adjustment to make decisions on applications for changes to land configuration in the form of Consents.

### 6.2 Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) was recently updated and took effect on May 1, 2020. The PPS provides policy direction for appropriate land use planning and development patterns to achieve healthy, livable, and resilient communities that will protect resources of provincial interest, public health and safety, the quality of the natural and built environment, and will facilitate economic growth.

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important.

Section 2.3.1 of the PPS requires that prime agricultural areas shall be protected for long-term use for agriculture. Section 2.3.2 specifies that “Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.



An agricultural system is defined as:

*“A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:*

- a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and*
- b) An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.”*

*Prime agricultural areas are defined as:*

*“areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province”.*

The subject lands are Class 3 soils, which is considered prime agricultural land. The subject application will only be removing 0.34ha (0.84ac) of land from the agricultural parcel, which is not actively engaged in agricultural production. As shown in Figure 1.2, the severed lands are maintained as manicured lawn. The proposed application will not negatively impact the current or future operation of the farm parcel, and the long-term protection of the agricultural system at large. The existing barn is accessed from the south side and will not interfere with the proposed adjusted parcel.

The subject lands are within a Prime Agricultural area as defined by the Provincial Policy Statement, 2020 (PPS). While the creation of new residential lots in prime agricultural areas is not permitted, Section 2.3.4.2 specifically states:

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

Section 6.0 of the PPS defines Legal or technical reasons as:

*“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.”*

As shown on Appendix A, there are encroachment issues with the existing dwelling and accessory building on the subject lands. From a purely legal perspective, a boundary adjustment to resolve the encroachment issues would be permitted under the PPS. Additionally, the applicant is seeking to establish their future family home on an existing undersized lot of record and requires sufficient lot area for the replacement dwelling, proposed residential accessory building and supporting private services. Furthermore, Appendix A illustrate a brown dashed line which represents the existing agricultural crop lands and remains outside of the manicured lawn area associated with the existing dwelling.

As shown on Figure 1.2 above the requested lands are maintained as manicured lawn area and not actively engaged in agricultural production. Appendix B provides a concept building plan for the proposed final lot showing approximate locations of potential future structures.

All proposed structures are permitted uses and meet respective zoning provisions under the Norfolk County Zoning Bylaw. From a technical perspective, the additional lot area is required in order to provide sufficient space for the structures, septic systems, and well.



### **6.2.1 Summary of PPS Review**

The proposed consent is seeking to add 0.34ha (084ac) of land (Parts 2 and 3 on Appendix A) to an existing lot of record as a minor boundary adjustment. The PPS does not provide an upset limit on what constitutes a “minor boundary adjustment” as this is left to interpretation and to be applied on a case-by-case basis.

The proposed boundary adjustment is seeking to resolve existing encroachment issues and to allow for a sufficient lot area to safely support; the replacement of an existing dwelling, and the construction of a new accessory building and on-site private services. As shown on Appendix A and B the proposed boundary adjustment will not result in a fragmentation of the agricultural parcel or the natural heritage feature.

The proposed application is a lot adjustment being conducted for legal and technical reasons as defined by the PPS, and is minor in nature. In this instance, a decision by the Committee of Adjustment to approve this application will be consistent with the PPS 2020.

### **6.3 Norfolk County Official Plan (NCOP)**

The subject lands are designated Agriculture in accordance with Schedule B-20 of the NCOP. On the adjacent retained lands are significant woodlands as identified on Schedule C-3.

Given the proposed application is adjacent to a natural heritage feature, the policies of Section 3.5.3 and 9.6.3.2 were reviewed as part of this application. A Letter of Opinion from Vroom + Leonard has been submitted with this application. This report has concluded there are no potential direct, indirect, or cumulative impacts to be addressed as a result of the proposed severance. As a result of this letter of opinion, these policies have been satisfied.

Section 4.4 of the Official Plan (Promoting Agriculture) states, “It is important to protect prime agricultural land which is the resource base upon which the local agricultural economy depends”. To protect the further development of Norfolk County’s agricultural industry and to provide support to local farmers, the County may protect the agricultural land base and discourage or prohibit those uses that unnecessarily take agricultural land out of production.

Section 6.7 of the Official Plan also discusses Agricultural Land. It states: “The land base dedicated to agricultural production must be protected and the use of the land must be predominantly agriculturally oriented. [...] The main threat to the preservation of the rural character lies in the potential influx of large numbers of incompatible uses into the agricultural areas. Although a certain degree of rural non-farm growth provides benefits to the community, the extent of such development should be limited”. Section 6.7.1 acknowledges, “Where growth and development occur, it is likely that land with significant agricultural productivity will need to be utilized. Priority shall be given to less productive agricultural land for non-agricultural development, where it is feasible and practical to do so”.

While the proposed boundary adjustment is taking place on lands within a prime agricultural area, the subject application is seeking only a minor boundary adjustment. As outlined above, the existing residential use of the property is being maintained. The proposed severed lands are not actively engaged in agriculture and the retained parcel will remain sufficiently large enough for current and future agricultural uses.

In this insistence the subject application does not offend the policies of Section 4.4 of 6.7.

Section 7.2.3 (Agricultural Lot Creation and Lot Adjustment Policies) States in subsection a) vi), “That consent to sever land may be considered for: “technical reasons including minor boundary adjustments”.

The proposed boundary adjustment is seeking to resolve existing encroachment issues on a lot of record, and to allow for a sufficient lot area to safely support the enlargement / replacement of an existing dwelling, the construction of a new accessory building with associated on-site private services. As shown on Appendix A and B, the proposed boundary adjustment will not result in a fragmentation of the agricultural parcel or the natural heritage feature.

The proposed boundary adjustment meets the intent of this policy and is permitted under Section 7.2.3 a) vi. of the official plan.

### **6.3.1 Summary of Official Plan review**

The proposed consent application is permitted under the policies of the official plan, as it is being conducted for legal and technical reasons, and is considered minor in nature. The final lot configuration will not impact the agricultural operation of the retained land or result in fragmentation of the natural heritage feature. A report completed by Vroom + Leonard has concluded there are no potential impacts; direct, indirect, or cumulative, as a result of the proposed severance.

In this instance a decision by the Committee of Adjustment to approve this application will be consistent with the NCOP.

## **6.4 Norfolk County Zoning Bylaw**

The subject and the retained lands are zoned Agriculture in accordance with Schedule A-19 of the Norfolk County Zoning Bylaw. Section 12.1 of the Zoning By-Law outlines permitted uses in the Agricultural zone. Among those uses include a single detached dwelling and accessory uses.

There are no building or structures being proposed at this time as part of this planning application. As shown on Appendix A and below, there are no zoning deficiencies being created as a result of the proposed boundary adjustment. The garage/workshop on the retained lands will maintain a 3.0m interior side yard as required under Section 12.0 of the Zoning Bylaw

Table 6.4.1 provides a comprehensive review of the required provisions under Section 12.1.2 of the Norfolk County Zoning Bylaw. All measurements are shown on the supporting Appendices.

**Table 6.4.1 – Section 12.1.2 Agricultural Zone Provisions**

Provision	Required	Provided	Comments
<b>minimum lot area:</b> i) lot 40 hectares  ii) residential lot surplus to a farm operation	i) 40ha  ii) 2,000m <sup>2</sup>	Subject Lands: 0.41ha  Retained Lands: 16.7ha	These provisions are generally related to the requirements for the creation of a new lot.
<b>minimum lot frontage</b>	30.0m	Subject Lands: 99.21m  Retained Lands: 270.0m	Zoning provision met
<b>minimum front yard:</b>	13.0m	Min 13.0m	Zoning provision met
<b>minimum exterior side yard:</b>	13.0m	Subject Lands: NA  Retained Lands: 300m	Zoning provision met
<b>minimum interior side yard:</b>	3.0m	Min 3.0m	Zoning provision met
<b>minimum rear yard:</b>	9.0m	Min 9.0m	Zoning provisions met
<b>maximum building height:</b>	11.0m	Max 11.0m	Zoning provisions met

#### 6.4.2 – Summary of Zoning Bylaw Review

There are no buildings or structures being proposed with this planning application. However, as shown on Appendix B, the land requested as part of the boundary adjustment is required to safely support a functional lot layout for future buildings with private services.

Based on our experience, the general industry standard for a rural residential lot with private services is 1.0ha (2.5ac). This application has been designed to balance the intent of policy with the technical requirements for private services. As such, the building permit process will be used to control requirements for any future private services.

The proposed boundary adjustment complies with the provisions of the Norfolk County Zoning Bylaw.

## 7.0 Conclusion

As shown on Appendix A and B, the proposed boundary adjustment is being conducted to resolve existing encroachment issues and provide sufficient lot area for a dwelling and accessory building with private services. The final lot configuration will not negatively impact current or future agricultural operation of the retained land or result in fragmentation of the natural heritage feature.

The proposed boundary adjustment is in keeping with the policies of the Provincial Policy Statement, is supported by the policies of the Official Plan, and maintains the intent of the zoning bylaw.

Given the factors outlined in this report, it is respectfully requested that the Norfolk County Committee of Adjustment approve the requested consent.

Report prepared by:




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Scott Puillandre, CD, MSc  
 Planner  
**G. DOUGLAS VALLEE LIMITED**  
 Consulting Engineers, Architects & Planner

Report reviewed by:




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Eldon Darbyson, BES, MCIP, RPP  
 Director of Planning  
**G. DOUGLAS VALLEE LIMITED**  
 Consulting Engineers, Architects & Planners

## Appendices

**Appendix A – Severance Sketch (G. Douglas Vallee Limited)**

**Appendix B – Concept Building Plan (G. Douglas Vallee Limited)**

**Appendix C – Severance Sketch (Jewitt & Dixon Ltd.)**

**Appendix D – Letter of Opinion (Vroom + Leonard)**

## Appendix A – Severance Sketch



**G. DOUGLAS VALLEE LIMITED**  
Consulting Engineers, Architects & Planners

[illegible]

SKETCH FOR  
SEVERANCE APPLICATION  
OF PART OF  
LOT 161 (20), CONCESSION 1, S.T.R.  
IN THE GEOGRAPHIC  
TOWNSHIP OF MIDDLETON  
IN  
NORFOLK COUNTY  
SCALE: 1 : 500  
JEWITT AND DIXON LTD.  
DECEMBER 6, 2021



DWELLING

59.01

TOTAL PROPOSED  
AREA = 4086 sq.m (1.0 acre)

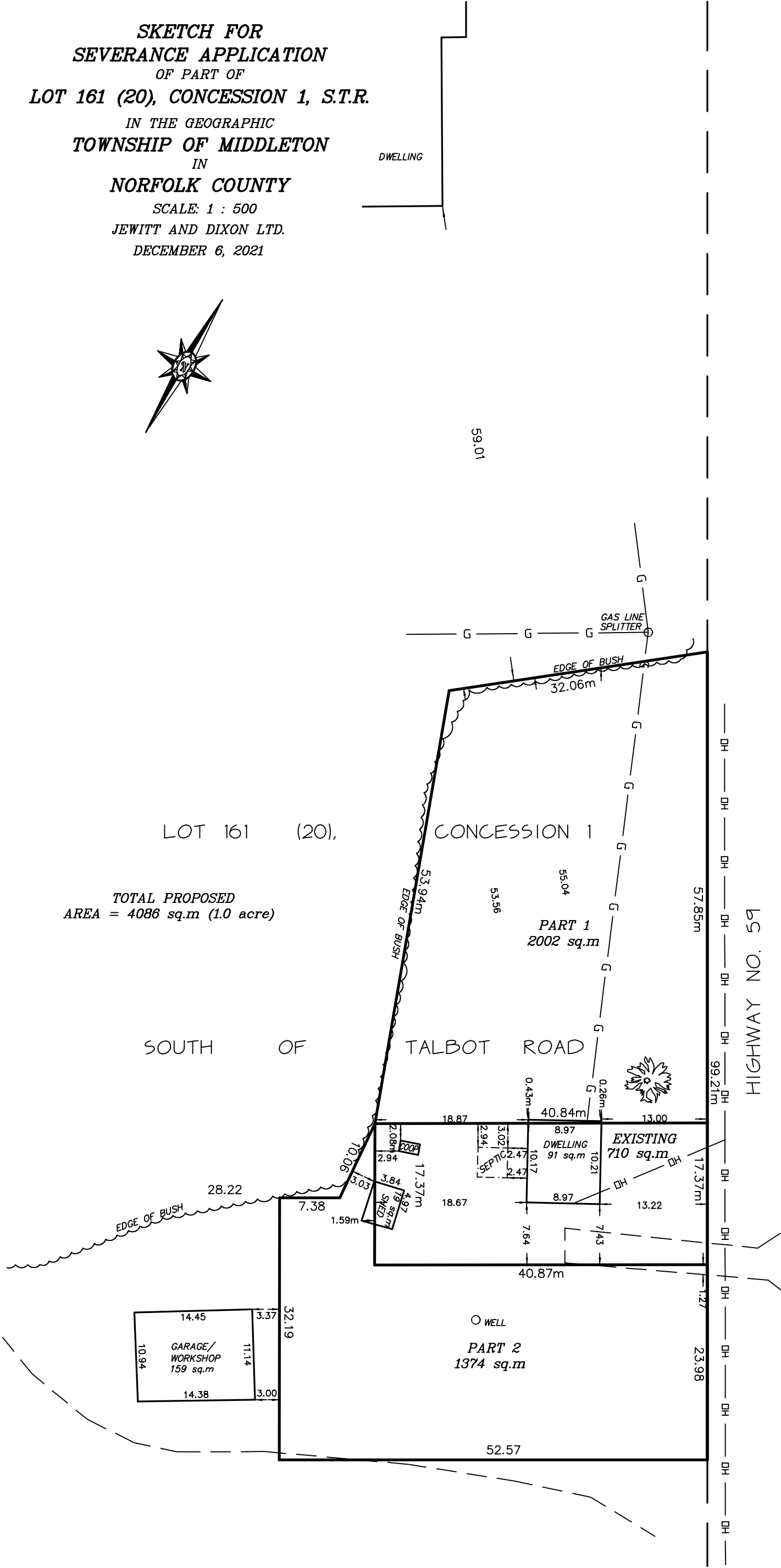
LOT 161 (20),  
CONCESSION 1  
SOUTH OF TALBOT ROAD

PART 1  
2002 sq.m

EXISTING  
710 sq.m

PART 2  
1374 sq.m

HIGHWAY NO. 59



NOTE:

THIS PLAN IS IN METRIC AND CAN BE CONVERTED  
TO IMPERIAL BY MULTIPLYING BY 3.2808

CAUTION:

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT  
BE USED FOR PURPOSES OTHER THAN THE  
PURPOSE INDICATED IN THE TITLE BLOCK.

**JEWITT AND DIXON LTD.**  
**ONTARIO LAND SURVEYORS**

R.R.1, SIMCOE, ONTARIO, N3Y 4J9  
(51 PARK ROAD)

PHONE: (519) 426-0842 FAX: (519) 426-1034  
E-mail: [surveyors@amtelecom.net](mailto:surveyors@amtelecom.net)

**LETTER OF OPINION - REVISED**

4661 Highway 59  
Norfolk County, ON



## **1.0 PLANNING SEQUENCE**

The contents of this report pertain to a boundary adjustment proposed regarding the legal parcel at 4661 Highway 59, Courtland in Norfolk County, ON (Figures 1 & 2). This report has been prepared on behalf of Devon Schultz (the proponent) and his planner Scott Puillandre (G. Douglas Vallee Ltd.).

This work program is triggered by municipal and provincial requirements related to the proposed severance occurring on or within 120 m of lands designated as Significant Woodlands and Significant Natural Area by the Norfolk County Official Plan (OP) Schedule "C-3" Natural Heritage map (Figure 4).

We have been informed that Norfolk County has requested that a Scoped Environmental Impact study be completed for the proposed boundary adjustment in compliance with Section 7.2.4 (b) and 3.5.1 (b) of the OP.

Vroom + Leonard attended the site in August 2022 to review its attributes in relation to the work program historically required by the regulatory groups based on our experience within this jurisdiction and others.

There are no naturally occurring ELC communities or habitat on the existing subject lands, or the proposed new parcel as they have been altered for human use over half a century ago. In our opinion, given the lack of naturalness on-site and lack of proposed site alteration, there is no need for any life science inventory work to be conducted. Given the minor nature of the proposed boundary adjustment, we feel this Letter of Opinion (LOP) addressing natural heritage in the adjacent lands will satisfy the County's requirements.

Norfolk County (the municipality) reviewed the September 2022 version of this report and requested that we update the report to address potential development on-site with the same land use.

This report will be sent to Norfolk County (the municipality), who will subsequently circulate it to the other parties, if any, involved for their review.

## **1.1 PROPERTY DESCRIPTION & PROPOSED ALTERATION**

The subject lands are located at 4661 Highway 59, south of Courtland (Figure 1). More specifically, the subject lands are located on the southwest side of Highway 59 (Figure 2).

The existing legal parcel is  $\pm 0.0715$  ha / 0.177 ac in size. Currently, the existing legal parcel contains maintained lands with an existing residential dwelling and shed surrounded by maintained lawns, ornamental gardens and plantings. According to the Norfolk County Official Plan (OP) 2022 Schedule "B-20" Land Use Plan, the primary land use is "Agricultural" (Figure 3).

For the purposes of our study, the study area extends 120 m from the subject lands, consistent with the Significant Wildlife Habitat Technical Guide OMNR, 2000 and Section 3.5.2 of the Norfolk County OP.

The adjacent land use to the south and east is agricultural, with Natural Heritage features present to the north and west. Natural areas exist within the 120 m study area including

Significant Woodland. The Significant Woodland is connected to a 700+ ha continuum which includes a wetland complex outside of the study area to the north and west. This woodland and wetland feature is considered a Significant Natural Area known as the Courtland Swamp.

The proponent intends to sever "Part 1" and "Part 2", 0.02 ha and 0.1374 ha respectively, from the adjacent 17.42 ha lot to be added to the existing legal parcel (Figure 7). The proponent is not proposing any new development, vegetation removal, or grade alterations to facilitate the boundary adjustment.

## **1.2 PLANNING CONSIDERATIONS**

### **1.2.1 Federal Considerations**

Given there are no aquatic features in the study area, a fisheries assessment and DFO involvement are not required for the proposed boundary adjustment.

### **1.2.2 Provincial Considerations**

The *Provincial Policy Statement* (PPS) 2020 states that "Natural Heritage features and areas shall be protected for the long term" (PPS, 2014, 2.1.1). Additionally, Section 2.1.2 states that "The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features."

Several stipulations are outlined by the Provincial Policy Statement (PPS, 2020) regarding development within 120 m of a Natural Heritage area. The PPS defines seven natural heritage features where development and site alteration are not permitted in or within 120 m unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. These seven natural heritage features and their applicability to the proposed development include:

Significant Wetlands and Significant Coastal Wetlands	Not present
Significant Woodlands	Present in adjacent lands
Significant Valleylands	Not present
Significant Wildlife Habitat (SWH)	To be discussed in this study
Significant areas of natural and scientific interest (ANSI's)	Not present
Fish Habitat	Not present
Habitat of endangered or threatened species	To be discussed in this study

The Ministry of Environment, Conservation, and Parks (MECP) has taken over the responsibility of the Endangered Species Act (ESA), 2007. The MECP protocol consists of conducting a self-screening and submitting an Information Gathering Form (IGF) if a project is likely to contravene the ESA and require permitting. In our opinion and experience, there is no need to send this letter to the MECP for their review given there is no proposed development as part of this application, only a boundary adjustment.

### **1.2.3 Municipal Considerations**

The Norfolk County OP (2022), Section 3.5.1, states that:

" b) Development and site alteration shall not be permitted on lands adjacent to the natural heritage features and areas, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions that cannot be adequately mitigated."

The Norfolk County OP, Section 3.5.2, regards adjacent habitat as lands within 120 m of a designated Natural Heritage area. Section 1.3 of the OP (2022) states that its goals include:

"...ensuring the protection, enhancement, diversification and connectivity of Norfolk's Natural Heritage Features, natural heritage functions, and species habitat, as well as the protection of water quality and quantity."

The existing legal parcel and proposed new parcel are designated as "Agricultural" according to the Norfolk County OP Schedule "B-20" Land Use mapping. According to the OP Schedule "C-3" Natural Heritage mapping, the adjacent woodland to the north and west is designated as Significant Woodlands and Significant Natural Area. The Significant Natural Area extends beyond the study area and also contains a Provincially Significant Wetland 180 m beyond the proposed new parcel.

The OP states the Natural Heritage areas on-site must be further investigated to demonstrate that the proposed development will not negatively impact these features and/or their functions in a negative or unalterable manner.

The Norfolk County Official Plan Section 9.7.1 also states that:

" The County may consider waiving the requirement for the preparation of an Environmental Impact Study where one or more of the following applies:

- a) A development is subject to a duplicate or similar process, such as an environmental assessment (EA) where the EA addresses the same minimum requirements as an EIS;
- b) A development is minor in nature; for example, no new building or structure is proposed;
- c) A building or structure is being renovated or reconstructed on the same or similar footprint;
- d) The site conditions for a development are such that the preparation of an Environmental Impact Study would serve no useful purpose for the protection of natural heritage features in the context of the proposed development."

In our opinion, the nature of a boundary adjustment, which remains outside of the Natural Heritage feature should be considered minor. No site alteration is anticipated, therefore no impact on natural heritage features are anticipated.

#### **1.2.4 Conservation Authority Considerations**

The Long Point Region Conservation Authority (LPRCA) regulates abiotic factors relating to Natural Hazard lands, wetlands, watercourses, and adjacent lands. There are no designated Natural Hazard lands, wetlands, or watercourses on-site; and the regulated adjacent lands which extend 30 m from the Provincially Significant Wetland are not within the proposed new parcel. As a result, we assume an LPRCA permit will not be required.

## **2.0 BACKGROUND INFORMATION: THE SITE AND ADJACENT LANDS**

As previously mentioned, the proponent intends to adjust the boundary of a small rural parcel to increase. The proposed new parcel includes culturally maintained lands.

## **2.1 Physical and Hydrological Features**

The following information and analysis are based on database screenings and on-site investigations in August 2022 by the authors.

According to the OMAFRA AgMaps database, the soils on site are Plainfield soils. With reference to the Soils of the Regional Municipality of Haldimand-Norfolk (Volume 1 and 2), Plainfield soils have developed on a metre or more of wind-blown eolian sands. Textures are predominantly fine sand throughout, although loamy fine sand and sand occur fairly often in the surface A horizons, and loamy fine sand may occur in the lower B horizons. Plainfield soils are rapid to well-drained and rapidly permeable. The grades on-site are relatively flat.

The subject lands are located within the Long Point Source Protection Area subwatershed. The LPRCA 2018 Watershed Report Card states that this watershed has insufficient data on groundwater quality conditions and fair surface water quality conditions.

The MECP Source Protection Information Atlas provides the following conditions for the subject lands:

“Source Protection Area: **Long Point**  
 Wellhead Protection Area: **No**  
 Wellhead Protection Area E (GUDI): **No**  
 Intake Protection Zone: **No**  
 Issue Contributing Area: **No**  
 Significant Groundwater Recharge Area: **Yes**  
 Highly Vulnerable Aquifer: **Yes** ; score is **6**  
 Event Based Area: **No**  
 Wellhead Protection Area Q1: **No**  
 Wellhead Protection Area Q2: **No**  
 Intake Protection Zone Q: **No**”

Ontario Well Records within the subject lands indicated the groundwater is  $\pm 3.05$  m below grade. Red sand was found from 0-2.4 m, followed by 5.22m of grey sand where water was reached.

## **2.2 Natural Heritage Attributes, Processes and Ecological Linkages**

The following information and analysis are based on database screening and a single site visit in August 2022 by the authors, and database and literature reviews. A single site visit was deemed acceptable by the authors due to the minor nature of the application which involves no anticipated impacts on the adjacent Natural Heritage features.

The LPRCA 2018 Watershed Report Card states that this watershed has poor wetland cover and fair forest conditions.

### **2.2.1 Vegetative Attributes**

According to the MNRF Ecological Land Classification (ELC 1998 & 2008) there is no natural habitat present on-site. There are two habitat types present in the adjacent Significant Woodland within the 120 m study area (Figure 6).

1. FOD5-9 Dry - Fresh Sugar Maple - Red Maple Deciduous Forest Type
2. FOD9-2 - Fresh - Moist Oak - Maple Deciduous Forest Type

The **FOD5-9** Ecosite is dominated by Sugar Maple and Red Maple, with Ash, Scots Pine, Red Oak and White Oak associates. The trees are spaced approximately 1-3 m apart, with an average diameter at breast height (dbh) of 20-40 cm. The shrublayer consists of predominately Sugar Maple and Red Maple saplings, as well as Ash saplings, and Red Oak saplings. The groundlayer is sparsely vegetated with small patches of Virginia Creeper, Wood Fern and Canada Mayflower.

The **FOD9-2** Ecosite includes the transitional area between the FOD5-9 Community and the Courtland Swamp Complex. It is dominated by Silver Maple, Red Maple, Red Oak, and White Oak with Trembling Aspen and Ash associates. The trees are spaced approximately 2-4 m apart, with an average dbh of 15-40 cm. The shrublayer in this ecosite consisted of Wild Sasparilla, Multiflora Rose, Alternate Leaf Dogwood, Northern Spicebush, as well as Ash and American Beech saplings. The groundlayer is 100% vegetated within this ecosite. Groundlayer species recorded include Sensitive Fern, Ostrich Fern, Bladder Sedge, Solomon's Plume, Lesser Periwinkle and Interrupted Fern.

The edges that border the agricultural field contains common weedy edge species.

#### *Diversity*

The vegetation on site is anthropogenic in nature and lacks diversity as a result.

The adjacent Significant Woodland and wetland features are quite diverse, with good structural diversity between the canopy layers, shrublayers and groundlayer. There is a complex microtopography that supports an array of microclimactic habitats that may support a variety of species. There is also a combination of natural heritage features, including upland forest and wetlands. For these reasons, diversity is moderate to high.

#### *Significant Floral Species*

Recommended by the MECP/MNRF, an NHIC 1 km<sup>2</sup> grid data search identifying species that have been historically recorded in the general area was conducted. According to the NHIC 1 km<sup>2</sup> mapping, there are no records of floral SAR in the general area.

### **2.2.2 Faunal Attributes**

#### *Linkage and Size*

The adjacent woodland is on the periphery of a significantly large 700+ ha patch. Interior habitat is defined as habitat more than 100 meters from the edge of the woodland (The Natural Heritage Reference Manual 2010) and is recognized as important for area-sensitive species. Based on the size and shape of the adjacent Natural Heritage Area, there is interior habitat present in 100 m from the edge of the proposed new parcel which likely supports area-sensitive species or habitats.

#### *Disturbance*

There is some evidence of previous logging within the adjacent woodland/swamp as well as dumping of brush and other waste materials along the edges of the woodland. Despite this, the woodlands and swamp are of moderate to high quality with low levels of disturbance.

#### *Significant Faunal Species*

According to the NHIC 1 km<sup>2</sup> mapping, six faunal SAR were historically recorded in the general area. These species are discussed in relation to the subject lands below:

Snapping Turtle [SC], Midland Painted Turtle [COSEWICK: SC/COSSARO: Not Ranked], Blandings Turtle [THR]: There is no open water features within the subject lands or 120 m study area that would be required for SAR turtle species. Although females will travel considerable distances overland to lay eggs, they typically search for gravel and sand sites along stream beds and occasionally use human-made gravel features. None of these nesting features are found on-site.

Eastern Hog-nosed Snake [THR]: Given the sandy soils and mix of open and woodland habitat within the study area, SAR snakes, including Eastern Foxsnake [END] and Eastern Hog-nosed Snake [THR], and Gray Ratsnake [END], could all be encountered on-site. These species hibernate in rocky outcrops and on occasion human-made structures. They often lay eggs in compost piles, manure piles, and rotting logs. These species and their habitat are protected. There is potential for hibernacula sites, and there is ample downed woody debris for potential nesting within the 120 m study area.

Cerulean Warbler [THR]: This species requires mature deciduous forests with large and tall trees and an open understory, wet bottomland forests, upland locations on dry ridges, and older second-growth deciduous forests. They are area-sensitive species and have not been found in woodlots smaller than 10 ha (COSEWIC, 2003). The adjacent Significant Woodlands and Swamp complex is greater than 700 ha, providing a mix of upland deciduous forest and swamp habitats, and is considered suitable habitat for this species.

Grass Pickerel [SC]: There are no open water features on the subject lands or in the 120 m study area required for this species.

During field investigations, Eastern Wood-Pewee [SC] was observed and recorded within the 120 m study area. The Significant Woodlands also likely support Red-headed Woodpecker [THR] and Wood Thrush [SC]. These species are urban tolerant, often found in edge habitats and hedgerows.

#### *Significant Wildlife Habitat*

We have reviewed the Significant Wildlife Habitat Guideline for region 7E in comparison to the vegetation/habitat features on-site. Given to the large size, presence of interior habitat and combination of upland and wetland deciduous forest containing large trees, this area is candidate for a number of Significant Wildlife Habitats, noted below. However, the proposed boundary adjustment remains outside of the natural heritage feature that supports SWH.

- \_ Bat Maternity Colonies
- \_ Deer Winter Congregation Areas
- \_ Amphibian Breeding Habitat (Woodland)

- \_ Woodland Area-Sensitive Bird Breeding Habitat
- \_ Special Concern and Rare Wildlife Species

#### *Representativeness*

In our opinion, the floral and marginal faunal habitat provided within the subject lands are not significant to the local and regional landscape. There are no uncommon regional landscape features present.

The adjacent Natural Heritage features are significant to the local and regional landscape.

### **3.0 CONCLUSIONS ON POTENTIAL DIRECT AND INDIRECT IMPACTS**

As previously noted, this LOP is triggered by municipal requirements related to the proposed boundary adjustment occurring adjacent to Natural Heritage Areas. No site alteration or construction is proposed by the boundary adjustment. Additionally, the new parcel will fully consist of the maintained lands, and no Natural Heritage areas extend onto the new parcel.

Logically, there are no potential direct, indirect or cumulative impacts to be addressed at the present time given that no site alteration or construction is proposed as part of the severance. Similarly, it is easy to conclude that no adverse, nor unalterable impacts on Natural Heritage features would occur as part of the proposed boundary adjustment.

It is accepted that the adjacent natural heritage feature is highly significant and should be protected for any direct or indirect impact.

#### **3.1 Potential Direct and Indirect Impacts**

In the event of construction occurring on-site, whether it be a new single-family dwelling, an addition to the existing dwelling, a shop, a pool, or a new septic system. We provide the following potential impact assessment and mitigations.

Potential direct and indirect impacts of the proposed low-density residential development on the Natural Heritage within the study area include:

##### *Surface and Groundwater*

- \_ Diversion of surface flows.
- \_ Change in quality and quantity of groundwater/highly vulnerable aquifer.

##### *Flora and Fauna*

- \_ Indirect disruption of wildlife breeding.
- \_ Effect on mortality/stress of vegetation by construction equipment/sedimentation.
- \_ Changes in vegetation composition as a result of environmental changes.
- \_ Effects of contaminants on vegetation and wildlife during construction.

##### *Soils and Geology*

- \_ Erosion or compaction during construction.
- \_ Deposition of sediment on adjacent properties.

##### *Temporary Impacts During Construction*

\_Temporary effects from noise and dust.

### **3.2 Recommendations and Mitigation**

#### *Surface and Groundwater*

Surface flows should be maintained into adjacent natural heritage features. Therefore, major grade changes that would divert surface flows away from the Significant Woodland should be avoided.

As noted in Section 2.1 the subject lands are triggered as considered a significant groundwater recharge area, there is evidence of shallow groundwater demonstrated by the Ontario Well Record, and 30 m southeast there is a provincially significant wetland. Potential development can create impervious surfaces that can affect the hydrology supporting the adjacent Natural Heritage features. However, the footprint of the construction would be marginal on these functions given the surrounding land use provide ample opportunity for groundwater recharge. For these reasons, groundwater infiltration is not a significant concern on-site.

Given the data shows there is shallow groundwater, any private sewage disposal systems (PSDS) proposed in the future should be designed with Advanced Treatment Leachfield (ATL) technology. Additionally, the PSDS should be raised above the groundwater table, to ensure the protection of the highly vulnerable aquifer. Lastly, earthworks and construction should avoid the wet spring and fall months and take place when the water level would be at its lowest and soil conditions would be the driest to avoid interruption of the groundwater table and compaction of the moisture-sensitive soils.

#### *Setbacks*

Again, there is no potential for direct impact on the Natural Heritage features as they are outside of the proposed new boundary. However, construction could impact the adjacent vegetation via excavation severing roots, compaction of soils over roots reducing the flow of oxygen and nutrients, and sedimentation covering adjacent vegetation.

In our experience and based on arboricultural literature reviews, when roots have the opportunity, they will graft onto the roots of other members of the ELC community, regardless of species. Intergrafting of roots with surrounding trees provides resilience to the impacts of the proposed adjacent development. Additionally, given trees are a maximum of 40 cm diameter at breast height within the edge of this community, a setback of 5 m from dripline would be acceptable to protect the critical root zone of trees within the edge of the Significant Woodland.

Installation of silt fences installed at the 5 m dripline setback would protect the abutting Natural Heritage feature from sediment and erosion and would serve as a guide for no heavy machinery to pass through and therefore protect roots from excavation and soil compaction. All protective fencing should be maintained until all heavy construction work is complete.

### **3.3 Conclusion**

The conclusion of this report is that there are no adverse or unalterable impacts on the Natural Heritage features of the subject land and the Natural Heritage in the County's OP. This remains



true as long as the mitigative measures noted in this report are followed if construction with the same land use and intensity is proposed in the future.

Shae-Lynn Dehens  
Paige Vroom, MSc. (Aquatic)



VROOM + LEONARD

Biologists & Landscape Architects

Paige Vroom / MSc. Aquatic  
Mike Leonard / OALA

519-909-9872 / paigevroom@gmail.com  
519-671-5267 / mlla@isp.ca

Figure 1: General Site Location



## VROOM + LEONARD

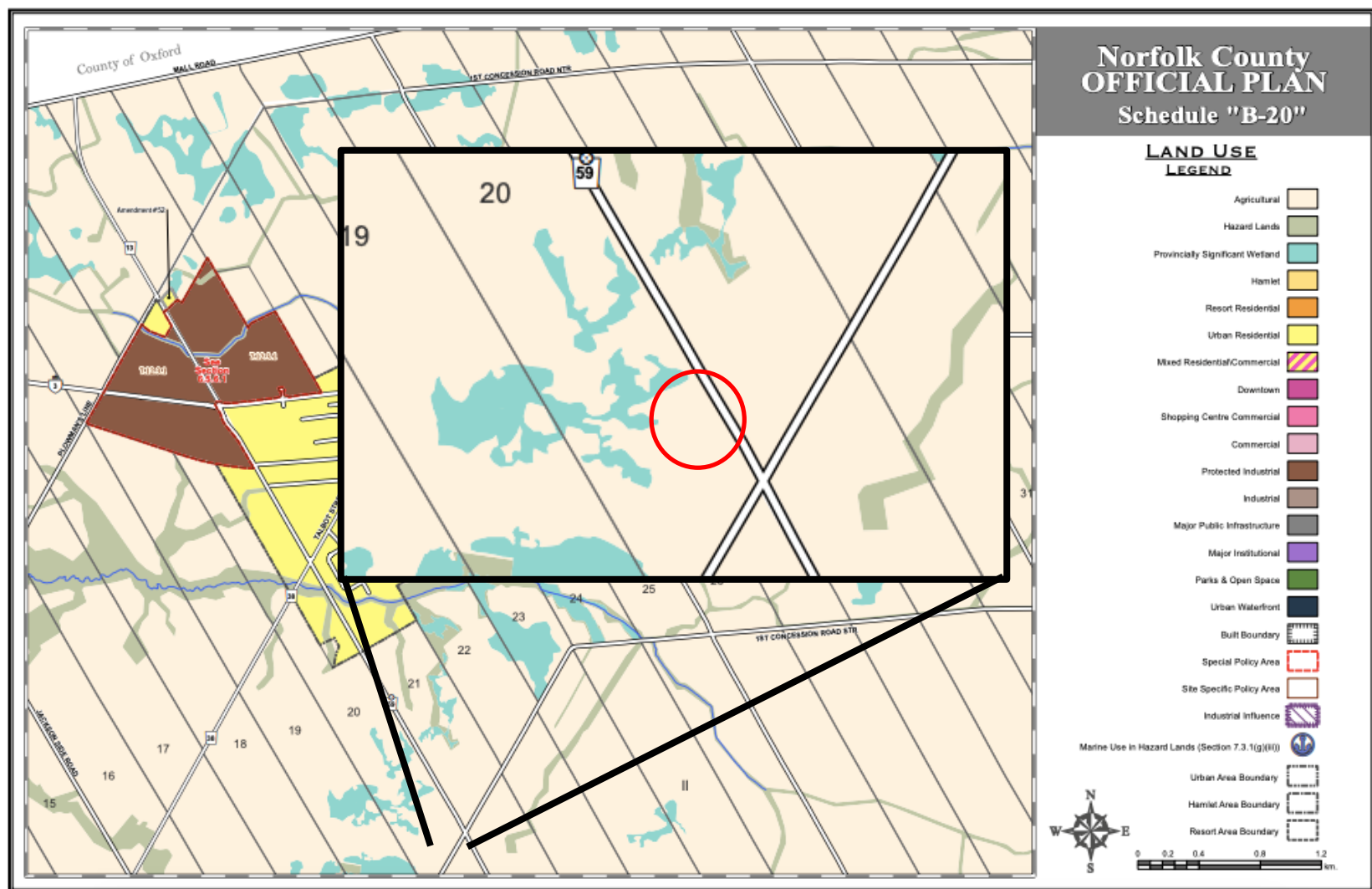
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## Figure 2: Specific Site Location

(Yellow = Study Area, Red = Legal Parcel, Magenta = Proposed New Parcel, Green = Significant Woodlands, Blue = Provincially Significant Wetland)



VROOM + LEONARD

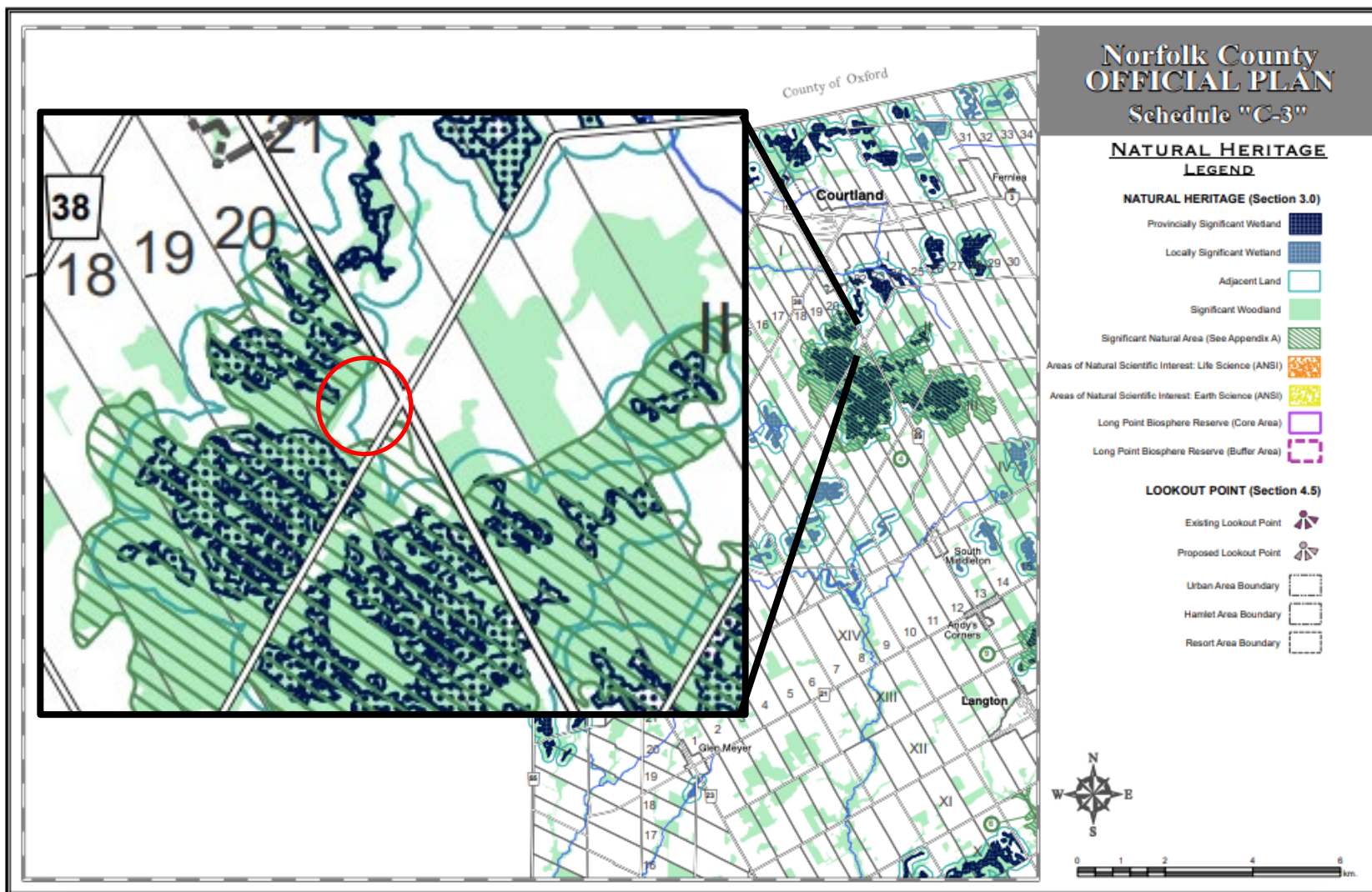
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Figure 3: Norfolk County Schedule "B-20" Land Use Plan





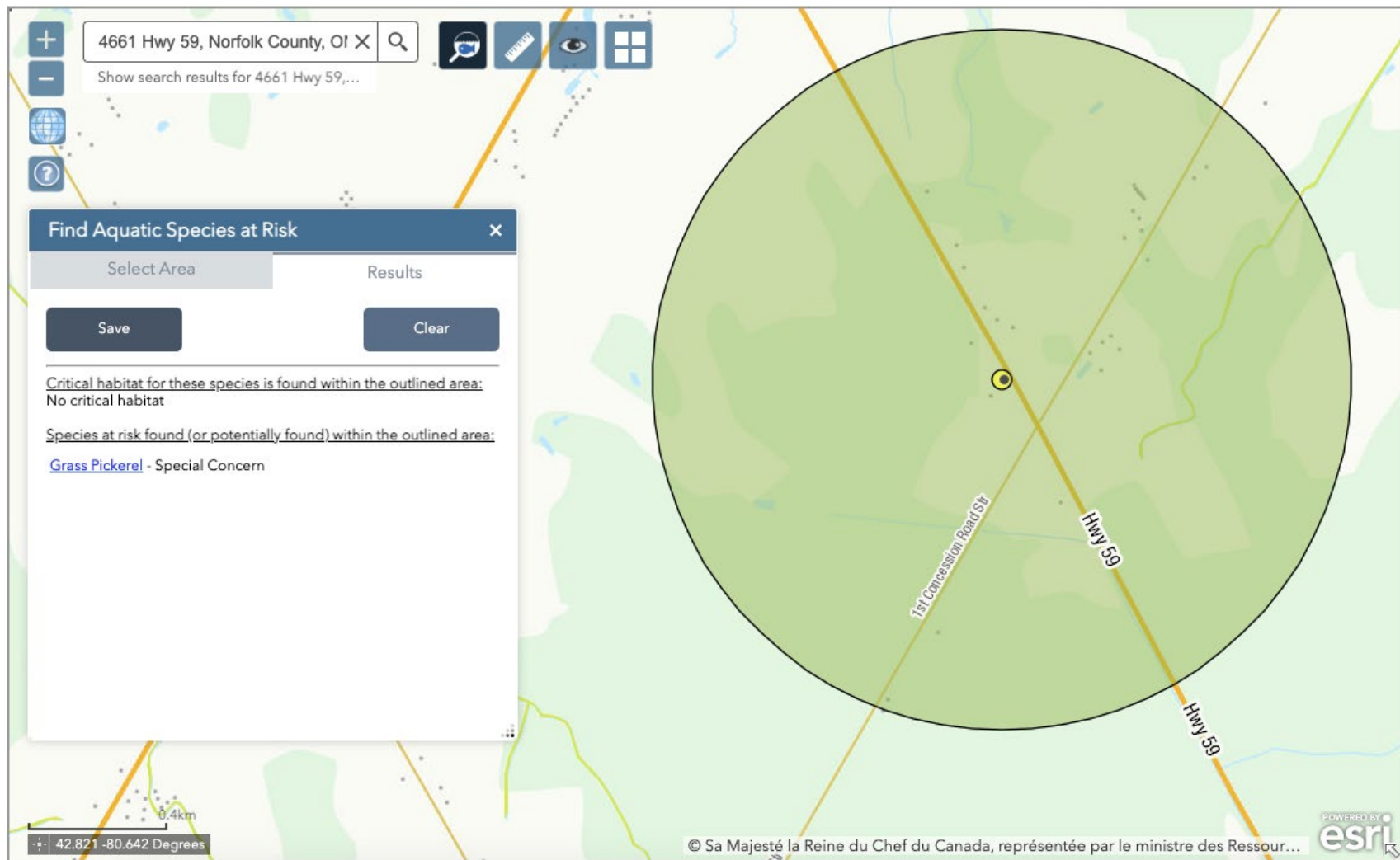
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Figure 4: Norfolk County Schedule "C-3" Natural Heritage Plan



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Figure 5: DFO Aquatic SAR Mapping





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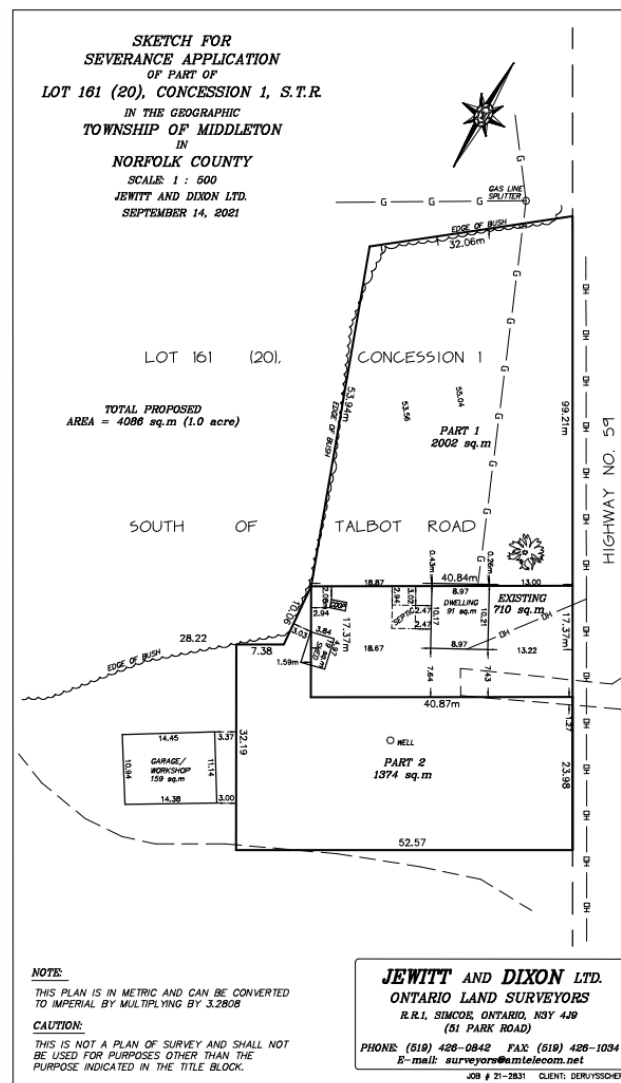
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## Figure 6: ELC Map

(Orange = FOD5-9 – Dry - Fresh Sugar Maple - Red Maple Deciduous Forest Type,  
Purple = FOD9-2 – Fresh - Moist Oak - Maple Deciduous Forest Type)



VROOM + LEONARD

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Mike Leonard / OALA

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519-671-5267 / mlla@isp.ca

Figure 7: Concept Plan





VROOM + LEONARD

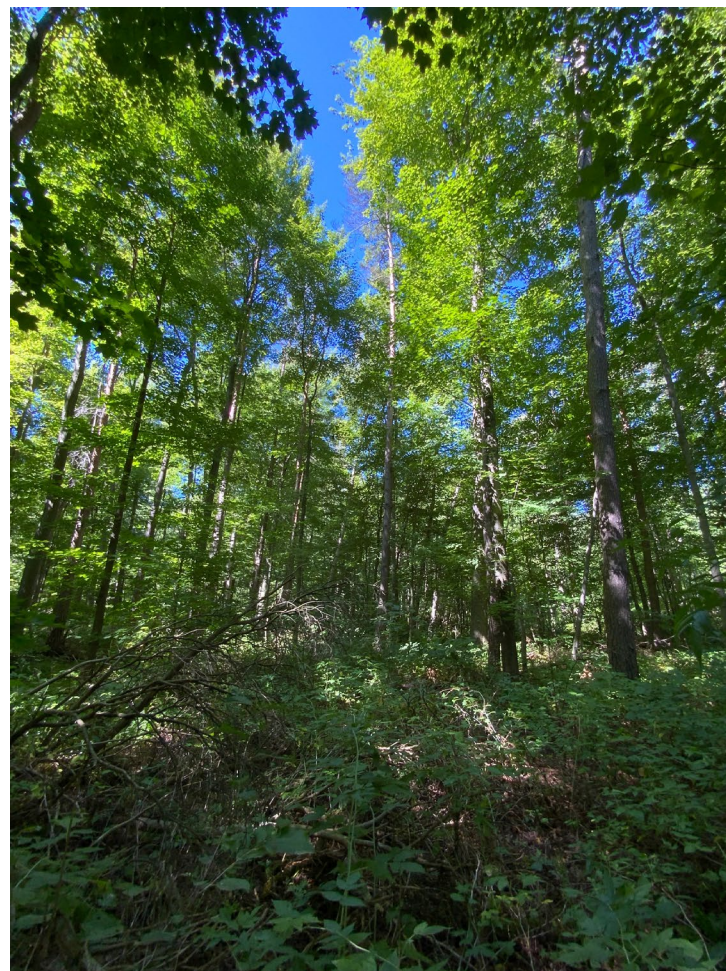
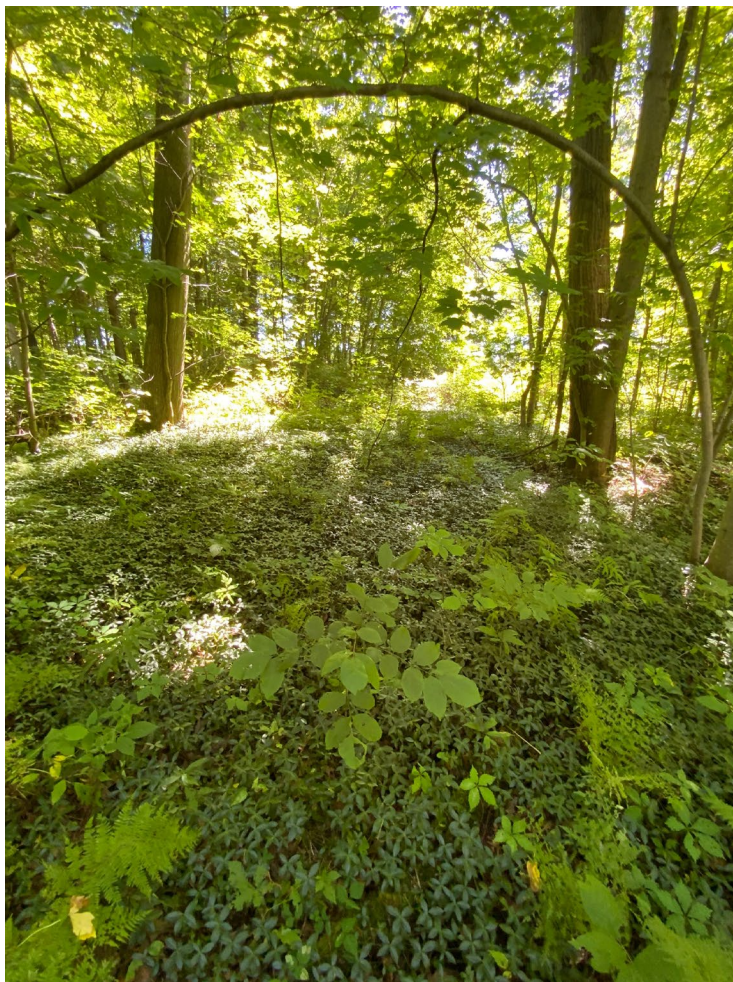
Biologists & Landscape Architects

Paige Vroom / MSc. Aquatic  
Mike Leonard / OALA

519-909-9872 / paigevroom@gmail.com  
519-671-5267 / mlla@isp.ca

Figure 8: Site Photos





VROOM + LEONARD

Biologists & Landscape Architects

Paige Vroom / MSc. Aquatic  
Mike Leonard / OALA

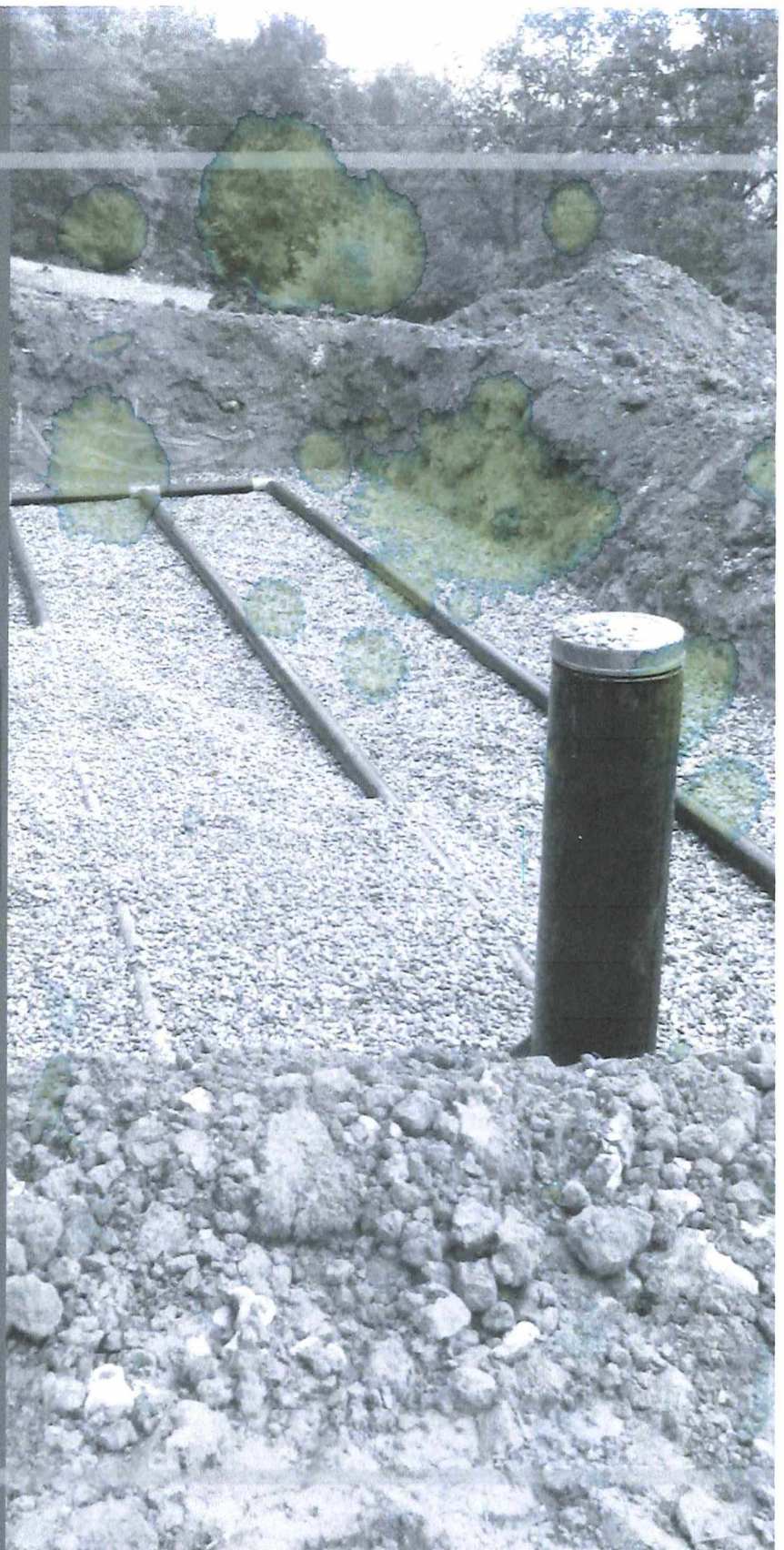
519-909-9872 / paigevroom@gmail.com  
519-671-5267 / mlla@isp.ca

Figure 9: Site Photos



# Existing On-Site Sewage System

## Evaluation Form



Norfolk County Building Department  
Community Development Division  
185 Robinson Street, Suite 200 Simcoe, Ontario, N3Y 5L6  
[norfolkcounty.ca](http://norfolkcounty.ca)





# Evaluation of On-Site Sewage Systems

## INSTRUCTIONS

1. Please complete the following form by checking appropriate lines and filling in blanks.
2. This Evaluation Form must be completed by a "Qualified" person engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems.
3. If sewage system malfunctions are found during an evaluation (surfacing or discharge of improperly treated sewage effluent) which indicate a possible health hazard or nuisance, orders may be issued for correction.
4. Evaluations should be scheduled accordingly so as not to delay the application process.
5. Completed Forms **MUST** be submitted as part of a "complete" Planning Application. Failure to meet this date may cause the application to be deferred.
6. Evaluation Forms will become part of the property records of Norfolk County Building Department.
7. No On-Site Sewage System Evaluation will be conducted where:
  - a. snow depth exceeds two (2) inches, or
  - b. grass and brush exceeds twelve (12) inches
8. The comments that are given as a result of this evaluation are rendered without complete knowledge or observation of some of the individual components of the sewage system and applies only to the date and time the evaluation is conducted.

### Collection of Personal Information.

Personal information submitted in this form is collected under the authority with the Municipal Freedom of Information and Protection Act, or for the purpose stated on the specific form being submitted. The information will be used by the Building Department administration for its intended submitted purpose.

Questions about the collection of personal information through this form may be directed to:

Norfolk County's Chief Building Official,  
185 Robinson Street, Simcoe, ON N3Y 5L6, 519-426-5870 ext. 2218,

Information and Privacy Coordinator,  
50 Colborne Street South, Simcoe ON N3Y 4H3, 519-426-5870 ext. 1261,

## Worksheet A: Dwellings - Daily Design Flow Calculations (Q)

A) Residential Occupancy		(Q) Litres	Total
Number of Bedrooms	1 Bedroom	750	
	2 Bedrooms	1100	1100
	3 Bedrooms	1600	
	4 Bedrooms	2000	
	5 Bedrooms	2500	
Subtotal (A)			1100

B) Plus Additional Flow for:			
<b>Note:</b> Use the largest additional flow calculation to determine Daily Design Flow (Q). If none apply Subtotal (B) is zero.			
	Quantity	(Q) Litres	Total
Either	Each bedroom over 5	500	
Or	Floor space for each 10m <sup>2</sup> over 200m <sup>2</sup> up to 400m <sup>2</sup>	100	
	Floor space for each 10m <sup>2</sup> over 400m <sup>2</sup> up to 600m <sup>2</sup>	75	
	Floor space for each 10m <sup>2</sup> over 600m <sup>2</sup>	50	
Or	Each Fixture Unit over 20 fixture Units (Total of Worksheet B - 20 = Quantity)	50	
Subtotal (B)			
Subtotal A+B=Daily Design Flow (Q)			

## Worksheet B: Dwellings Fixture Unit Count

Fixtures	Units	How Many?	Total
Bath group (toilet, sink, tub or shower) with flush tank	6.0	X	1 = 6
Bathtub only(with or without shower)	1.5	X	=
Shower stall	1.5	X	=
Wash basin / Lavatory (1.5 inch trap)	1.5	X	=
Water closet (toilet) tank operated	4.0	X	=
Bidet	1.0	X	=
Dishwasher	1.0	X	=
Floor Drain (3 inch trap)	3.0	X	=
Sink (with/without garbage grinder, domestic and other small type single, double or 2 single with a common trap)	1.5	X	1 = 1.5
Domestic washing machine	1.5	X	1 = 1.5
Combination sink and laundry tray single or double (installed on 1.5 inch trap)	1.5	X	1 = 1.5
Other:			
Total Number of Fixture Units:			9

1. Refer to Ontario Building Code Division B Table 7.4.9.3 for a complete listing of fixture types and units.
2. Where the laundry waste is not more than 20% of the total daily design flow, it may discharge to the sewage system. OBC 8.1.3.1(2)
3. Sump pumps are not to be connected to the sewage system. Connection to sewage system may lead to a hydraulic failure of the system.

<b>Property Information</b>	
Municipal Address	
Assessment Roll Number	
Date of Evaluation	

<b>Evaluators Information</b>			
Evaluators Name:	VICTOR KUPI		
Company Name:	KUPI EXCAVATING LTD		
Address:	293 WINDHAM RD 12 SIMCOE		
Phone:	519-429-9593		
Email			
BCIN #	12582	17028	
<b>Purpose of Evaluation</b>	<input type="checkbox"/> Consent <input type="checkbox"/> Zoning <input checked="" type="checkbox"/> Minor Variance <input type="checkbox"/> Site Plan <input type="checkbox"/> Building Permit Application <input type="checkbox"/> Other _____		
<b>Building Information</b>	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Agricultural		
Gross building area: (m <sup>2</sup> ):	92.9 sq Metres		
Number of bedrooms:	2		
Number of fixture units:	9		
Daily Design Flow: (Litres)	1100		
Is the building currently occupied?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, how long?		
<b>Site Evaluation</b>			
Soil type, percolation time (T)			
Site slope	<input type="checkbox"/> Flat <input checked="" type="checkbox"/> Moderate <input type="checkbox"/> Steep		
Soil condition:	<input type="checkbox"/> Wet <input checked="" type="checkbox"/> Dry		
Surface discharge observed	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Odour detected:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Weather at time of evaluation:	Cloudy		
<b>System Description</b>			
<input type="checkbox"/> Class 1 - Privy <input type="checkbox"/> Class 2- Greywater <input type="checkbox"/> Class 3 - Cesspool <input checked="" type="checkbox"/> Class 4 - Leaching Bed <input type="checkbox"/> Class 5 - Holding Tank			
<b>Type of leaching bed. Class 4 -Leaching Bed only – Complete &amp; attach Worksheet E</b>			
<input type="checkbox"/> A. Absorption Trench	<input checked="" type="checkbox"/> B. Filter Bed	<input type="checkbox"/> C. Shallow Buried Trench	
<input type="checkbox"/> D. Advance Treatment System	<input type="checkbox"/> E. Type A Dispersal Bed	<input type="checkbox"/> F. Type B Dispersal Bed	
<b>Existing Tank Size (litres):</b>			
<input checked="" type="checkbox"/> Pre-cast Concrete 3600 LTR		<input type="checkbox"/> Plastic <input type="checkbox"/> Fibreglass	
<input type="checkbox"/> Wood		<input type="checkbox"/> Other (specify): Pump: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> In ground system	<input type="checkbox"/> Raised Bed system Height raised above original grade (metres)		
<b>Setbacks (metres)</b>	<b>Tank</b>	<b>Distribution Pipe</b>	
Distance to buildings & structures	7' 7"	33' 7"	
Distance to bodies of water	100 +	100 +	
Distance to nearest well	50'	50'	
Distance to proposed property lines	Front: 89' Rear: 46'	Left: 18' 3" Right: 29' 6"	Front: 115' Rear: 10' Left: 25' 9" Right: 10' 6"

# Worksheet E: Leaching Bed Calculations (Class 4)

<b>Complete One of A, B, C, D, E, F</b>		
<input type="checkbox"/> <b>A. Absorption Trench</b>		
Total length of distribution pipe	<b>Conventional</b> $(Q \times T) \div 200 =$ _____ m <b>Type I leaching chambers</b> $(Q \times T) \div 200 =$ _____ m <b>Type II leaching chambers</b> $(Q \times T) \div 300 =$ _____ m <b>Configured as:</b> _____ runs of _____ m Total: _____ m	
<input type="checkbox"/> <b>B. Filter Bed</b>		
<b>Effective Area</b> If $Q \leq 3000$ litres per day use $Q \div 75$ If $Q > 3000$ litres per day use $Q \div 50$ Level II-IV treatment units, use $Q \div 100$ <b>Distribution Pipe</b> <u>3"</u> <b>Contact Area</b> = $(Q \times T) \div 850$ <b>Mantel</b> (see Part 1)	<b>Effective area:</b> <u>1100</u> (Q) $\div$ <u>75</u> (75, 50, or 100) = <u>18</u> m <sup>2</sup> <b>Configured as:</b> <u>4.57</u> m x <u>3.96</u> m <b>Number of beds</b> <u>1</u>  <b>Number of runs:</b> <u>5</u> <b>Spacing of runs:</b> <u>30"</u> <b>Contact Area:</b> ( _____ (Q) X _____ (T)) $\div$ 850 = <u>18</u> m <sup>2</sup>	
<input type="checkbox"/> <b>C. Shallow Buried Trench</b>		
Percolation time (T) of soil in minutes:	Length of distribution pipe (metres)	$(L) =$ _____ (Q) $\div$ _____ (75, 50, 30) = _____ m <b>Configured as:</b> _____ runs of _____ m Total: _____ m
1 < T ≤ 20	Q ÷ 75 metres	
20 < T ≤ 50	Q ÷ 50 metres	
50 < T < 125	Q ÷ 30 metres	
<input type="checkbox"/> <b>D. Advance Treatment System</b>		
Provide description of system.		
<input type="checkbox"/> <b>E. Type A Dispersal Bed</b>		
<b>Stone Layer</b> If $Q \leq 3000$ litres per day, use $Q \div 75$ If $Q > 3000$ litres per day, use $Q \div 50$ <b>Sand Layer</b> 1 < T ≤ 15 use $(Q \times T) \div 850$ T > 15 use $(Q \times T) \div 400$	<b>Stone Layer</b> = _____ (Q) $\div$ _____ (75 or 50) = _____ m <sup>2</sup>  <b>Sand Layer</b> = ( _____ (Q) x _____ (T)) $\div$ (850 or 400) = _____ m <sup>2</sup>	
<input type="checkbox"/> <b>F. Type B Dispersal Bed</b>		
Area = $(Q \times T) \div 400$ <b>Linear Loading Rate (LLR)</b> T < 24 minutes, use 50 L/min If T ≥ 24 minutes, use 40 L/min  <b>Distribution Pipe</b>	<b>Area</b> = ( _____ (Q) x _____ (T)) $\div$ 400 = _____ m <sup>2</sup> <b>Pump chamber capacity</b> = _____ L <b>Length</b> $(Q \div \text{LLR}) =$ _____ m <b>Bed configuration</b> = _____ m x _____ m = _____ m <sup>2</sup> <b>Number of Beds</b> = _____  <b>Configured as:</b> _____ runs of _____ m Total: _____ m	

## Worksheet C: Other occupancies types

Camp for the Housing of Workers	Number of Employees	(Q) Litres	Total
<b>Note:</b> building size, number of bedrooms and fixture count are not required for a Camp for the Housing of Workers		250	
Daily Design Flow (Q)			

### Other Occupancy Daily Design Flow Calculation (Q)

To calculate the daily design flow for occupancies, please refer to Ontario Building Code Division B – Part 8 Table 8.2.1.3.B

Establishment	Operator Example: number of seats, per floor area, number of employees/students	Volume Litres	Total
Daily Design Flow (Q)			

## Work Sheet D: Septic Tank Size

Minimum septic tank size permitted by the Ontario Building Code is 3600 litres.

Minimum holding tank size permitted by the Ontario Building Code is 9000 litres.

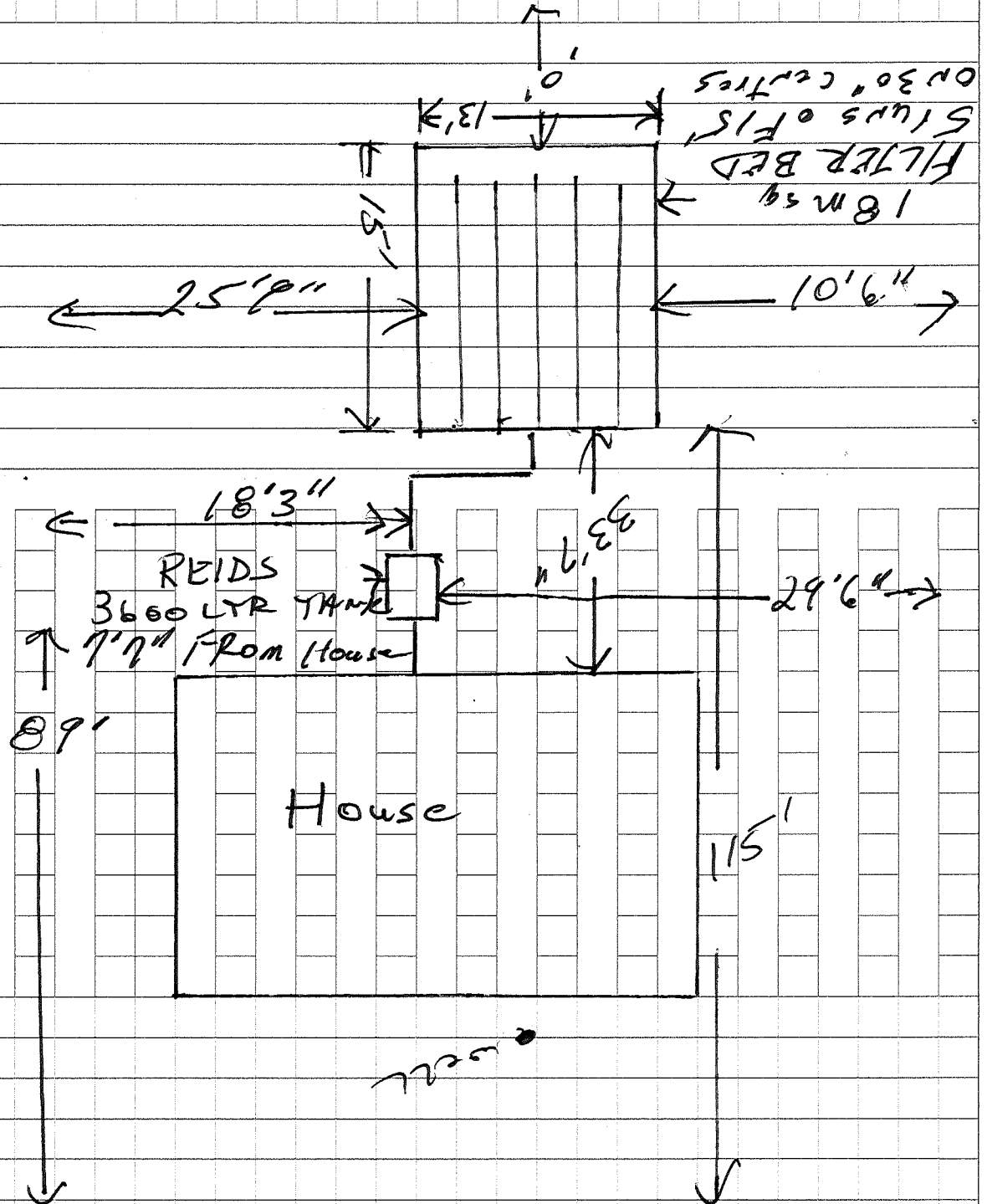
Occupancy type	Daily Design Flow (Q)	Minimum tank size (L)
<b>Residential Occupancy</b> house, apartment, camp for housing of workers	1100	X 2 = 2200
<b>All Other Occupancies</b>		X 3 =
<b>Holding Tank</b>		X 7 =



# Worksheet G: Septic Plot Plan

Please provide the following information on this work sheet:

1. Location of sewage system and its components (e.g. tank, leaching bed, pump chamber)
2. Location of all buildings, pools and wells on the property and neighbouring properties
3. Locate and show minimum clearances for treatment units and distribution piping of items. Ontario Building Code, Division B, Table 8.2.1.6.A. and 8.2.1.6.B.
4. Location of property lines, easements, and utility corridors.



## Worksheet F: Cross Sectional Drawings

### Subsoil Investigation – Test pit

1. Soil sample to be taken at a depth of
2. Test pit to be a minimum 0.9m

Indicate level of rock and ground water level below original grade.

Original grade

0.5m

1.0m

1.5m

Soil and subgrade investigation.

Indicate soil types

T6P5012

SAND

### Cross sectional drawings are required for all septic systems

1. Location of existing grade.
2. Measurements to each component, distances to water table
3. Label each septic component.

GRASS

TOP SOIL 6"

SAND 12"

○ ○ ○ ○ ○

Pipe 3"

← TILE BED

STONE 15"

FILTER SAND

30"

EXISTING SAND  
900 mm

water table

## Overall System Rating

- ☐ System working properly / no work required.
- ☐ System functioning / Maintenance required.
- ☐ System functioning / Minor repairs required
- ☐ System failure / Replacement required.

Additional Comments:

Note: Any repair or replacement of an on-site sewage system requires a building permit.

Contact the Norfolk County Building Department at (519) 426-5870 ext. 6016 for more information.

## Verification

### Owner:

The owner is responsible for having a site evaluation conducted of the above mentioned property. Neither the evaluation nor the approval thereof shall exempt the owner(s) from complying with the Ontario Building Code or any other applicable law.

I, Deann Schultz (the owner of the subject property) hereby authorize the above mentioned evaluator to act on my behalf with respects to all matters pertaining to the existing onsite sewage system evaluation.

Owners Signature:

Date:

### Evaluator:

I, VICTOR KUPI declare that this site evaluation is accurate as of the date of inspection. No determination of future performance can be made due to unknown conditions, future water usage over the life of the system, abuse of the system and/or inadequate maintenance, all of which can affect the life of the system. This evaluation does not grant or imply any guarantee or warranty of the future performance of the sewage system. The undersigned takes no responsibility for the accuracy of existing or proposed property lines, whether measured or implied.

Evaluator Signature:

Date: NOV 15 2022

## Building Department Review

Comments:

Building Inspectors Name:

Building Inspector Signature:

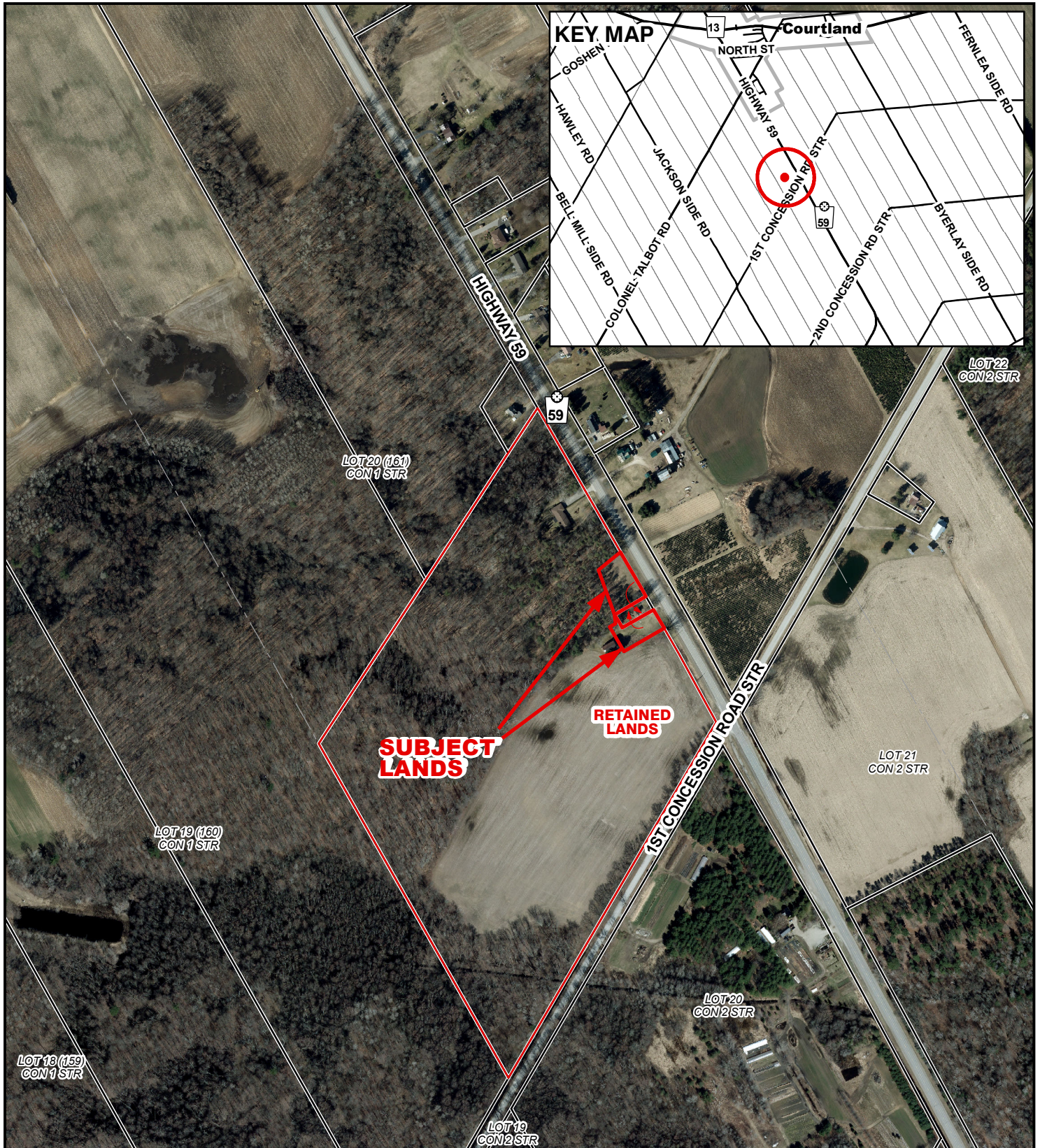
Date:







**MAP A**  
**CONTEXT MAP**  
Geographic Township of MIDDLETON

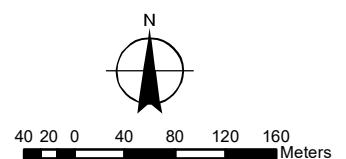
BNPL2022306



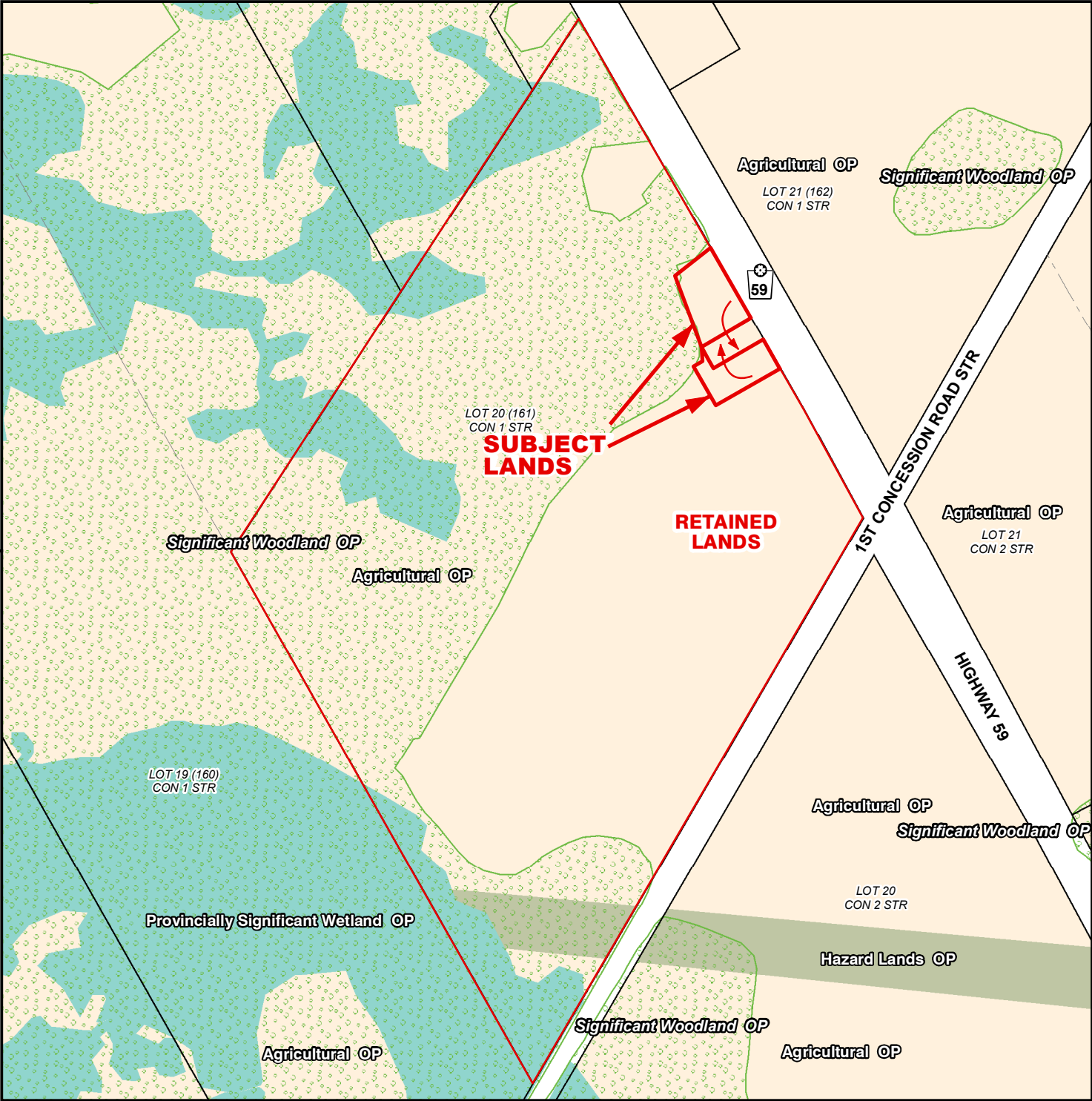
**Legend**

-  Subject Lands
-  Lands Owned
- 2020 Air Photo



1/4/2023











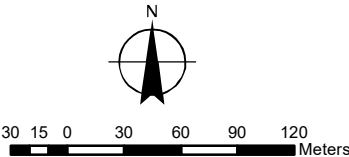
**Legend**

-  Subject Lands
-  Lands Owned

**Official Plan Designations**

-  Agricultural
-  Hazard Lands
-  Provincially Significant Wetland
-  Significant Woodland

1/4/2023

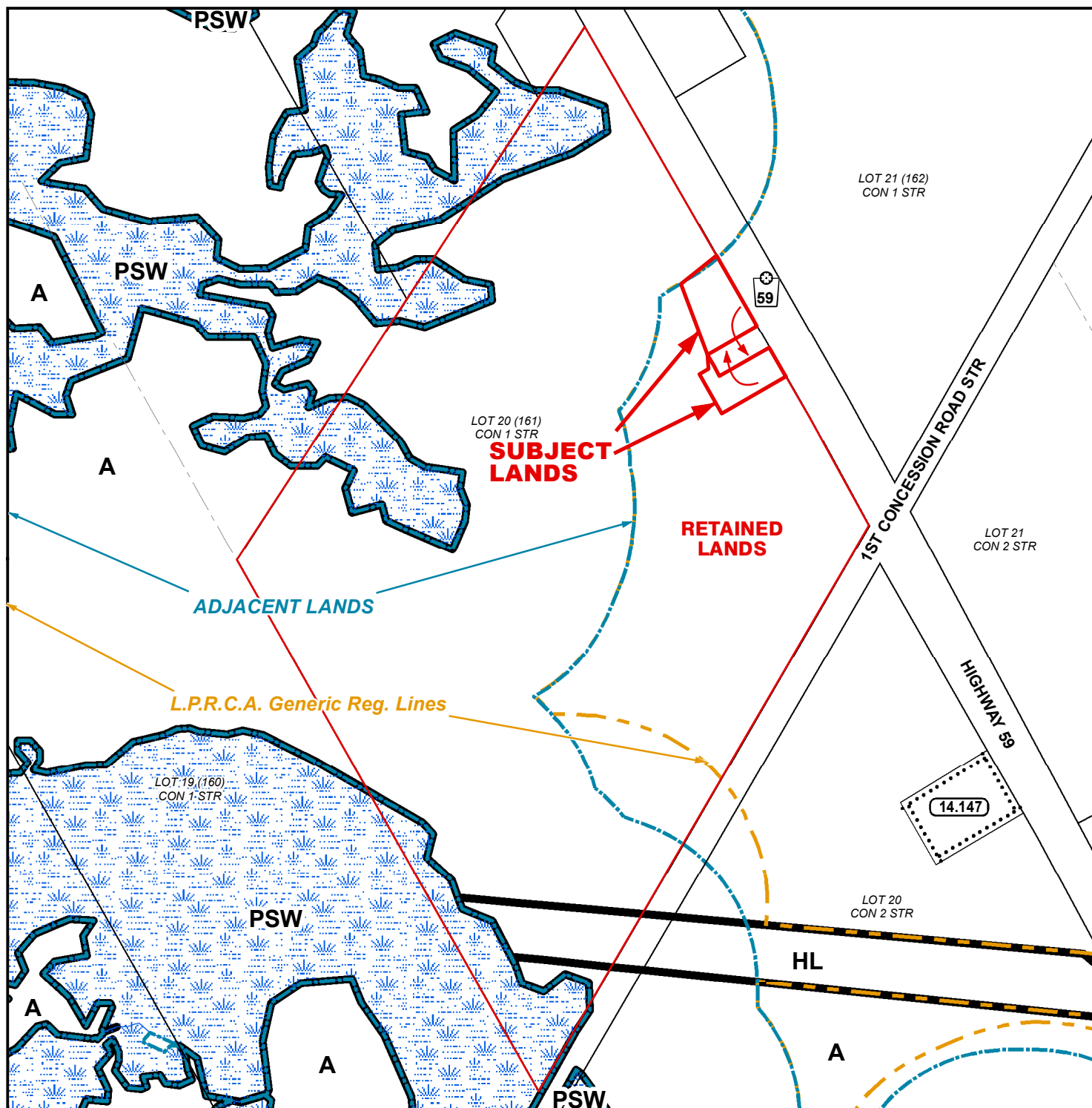


# MAP C

## ZONING BY-LAW MAP

Geographic Township of MIDDLETON

BNPL2022306



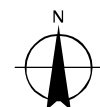
### LEGEND

- Subject Lands
- Lands Owned
- Adjacent Lands
- Wetland
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

1/4/2023

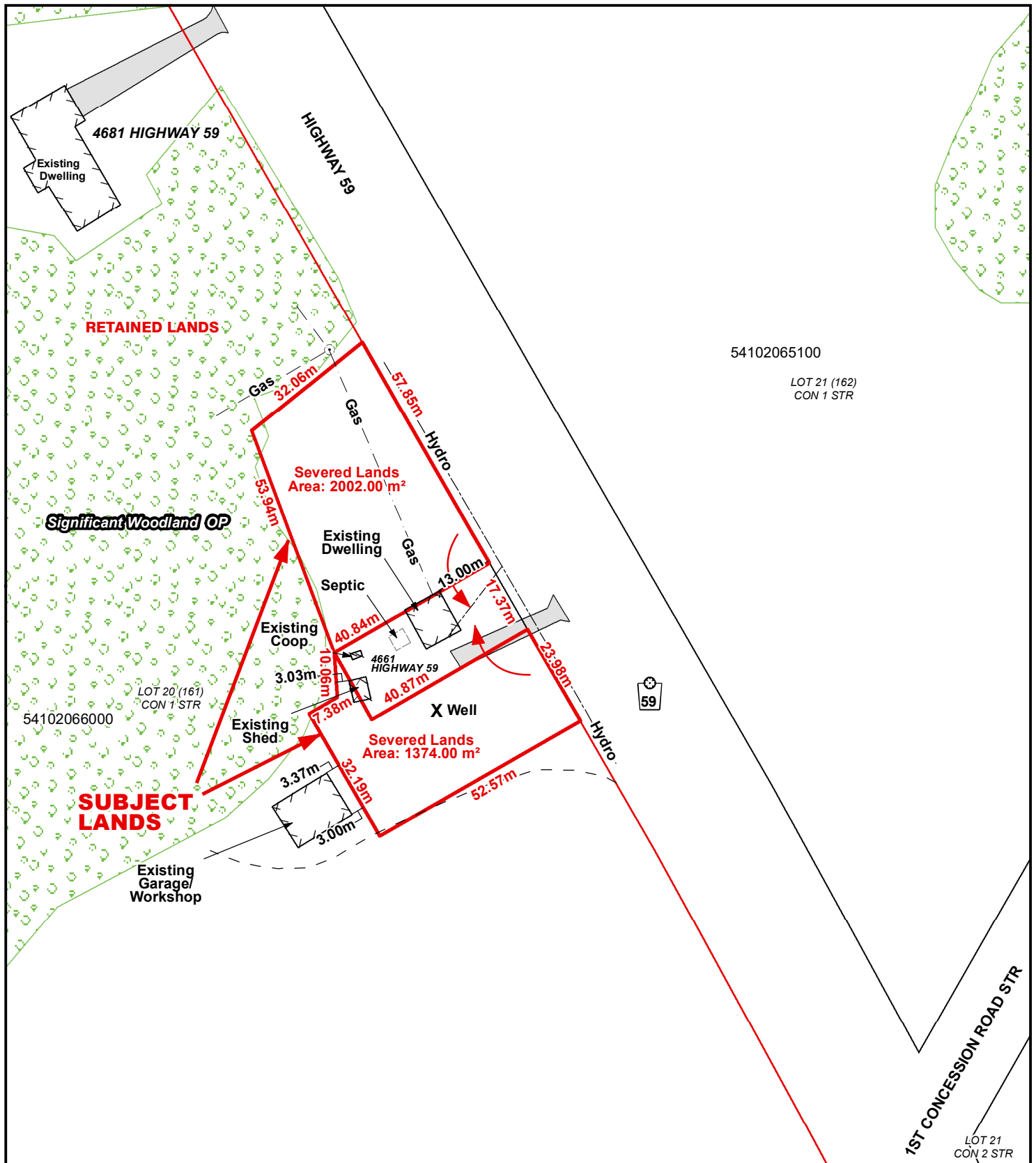
- (H) - Holding
- A - Agricultural Zone
- HL - Hazard Land Zone
- PSW - Provincially Significant Wetland Zone



30 15 0 30 60 90 120 Meters

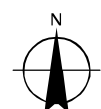
# CONCEPTUAL PLAN

Geographic Township of MIDDLETON



## Legend

- Subject Lands
- Lands Owned



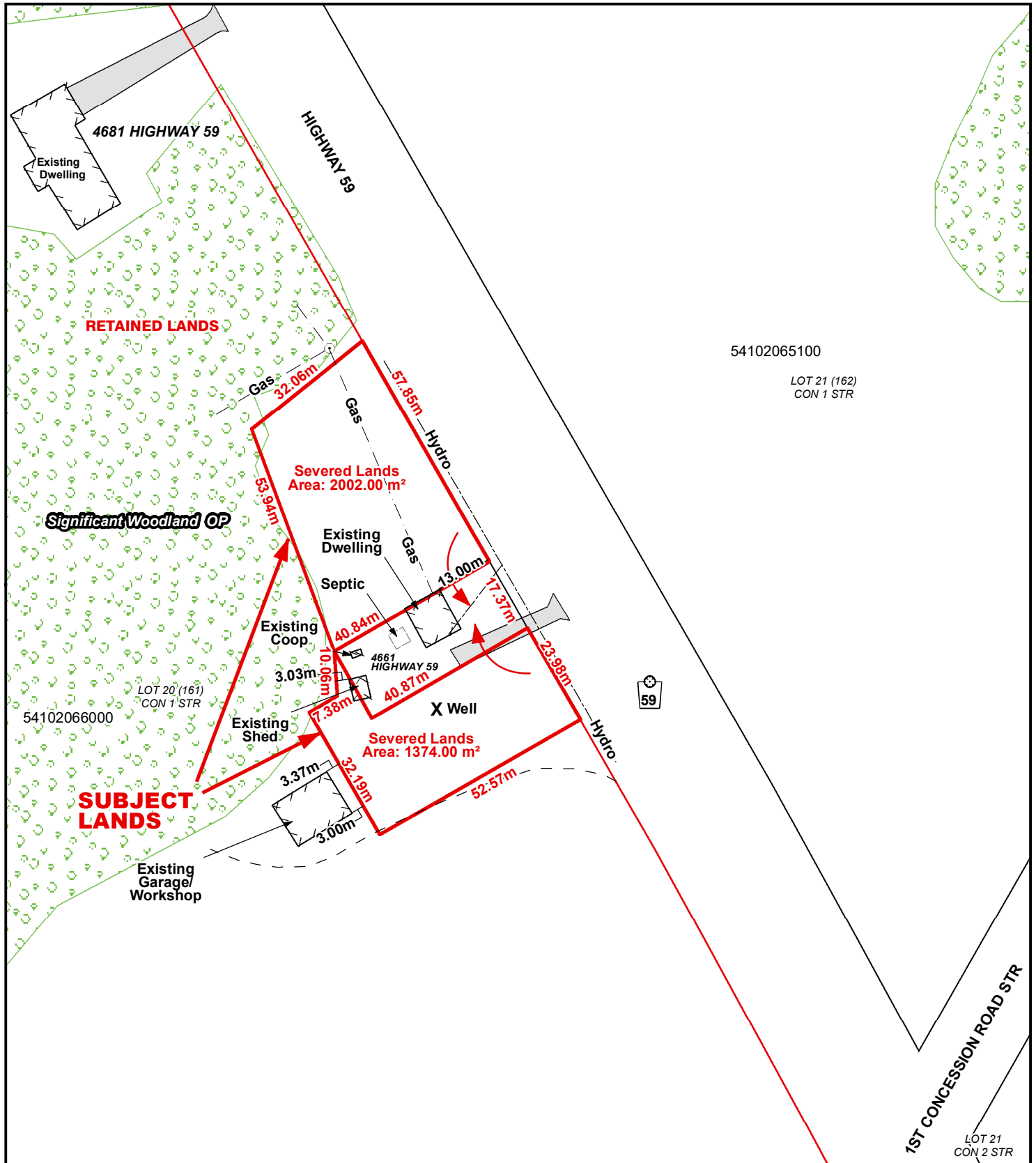
10 5 0 10 20 30 40 Meters

1/4/2023



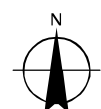
## CONCEPTUAL PLAN

Geographic Township of MIDDLETON



### Legend

- Subject Lands
- Lands Owned



10 5 0 10 20 30 40 Meters

1/4/2023