

Haldimand County Committee of Adjustment Consent

Meeting Date:	January 23, 2024
File Number:	PLB-2023-189
Property Roll Number:	2810-158-001-54200-0000
Applicant:	William James Stewart and Ai Jin
Agent:	Richard P. Startek
Property Location:	Concession 1, Part Lot 16, Geographic Township of Rainham, known municipally as 1475 Lakeshore Road

Recommendation

That application PLB-2023-189 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a parcel of land as a boundary adjustment. The severed lands, to be taken from 1475 Lakeshore Rd. will contain an area of approximately 0.09 hectares (0.22 acres). The benefitting lands (1469/1471 Lakeshore Rd.) currently have an area of approximately 0.23 ha (0.56 acres) which would increase to 0.32 ha. (0.79 acres) if the lot addition is approved. The retained parcel will have an approximate area of 48 hectares (118 acres). The reason for the adjustment is to add lands to the benefitting lands for personal use.

Site Features and Land Use: The subject lands are part of a larger parcel measuring approximately 48 hectares (118 acres) in area, with approximately 92 metres (approximately 301 feet) of frontage on Lakeshore Road. The majority of the lands are agricultural and actively farmed, with the exception of some parts of the property which

are hazard lands located at the north and the south end of the property. The lands to be severed and the benefitting lands fall within the hazard lands to the south. The lands to be severed are a vacant grassed area.

The benefitting lands, 1469/1471 Lakeshore Road, are occupied by an existing dwelling used for residential purposes and served by private water and septic services.

Surrounding land uses include: agricultural lands to the north, residential uses to the east and west, and Lakeshore Road and a strip of land with some accessory structures along the Lake Erie shoreline to the south.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments.

Haldimand County Planning & Development – Development Technologist: No comments.

Haldimand County Emergency Services: No comment received.

Haldimand County Water and Wastewater Engineering & Compliance: No comment received.

Long Point Region Conservation Authority: No comment or concerns.

Ministry of Transportation: No comment received.

Hydro One: No comment received.

Municipal Property Assessment Corporation: No comment received.

Mississaugas of the Credit: No comment or concerns.

Six Nations: No comment received.

Public: No comment received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The subject property and the benefitting lands are designated Agricultural with a Lakeshore Hazard Lands overlay at the south along Lakeshore Road. Long Point Region Conservation Authority has raised no concerns with respect to the proposed application in the hazard lands. Any additional future development of 1469/1471 Lakeshore Road would require a permit from the Long Point Region Conservation Authority.

The policies of the PPS are highly protective of agricultural land. Section 2.3.4 of the PPS sets out policies with respect to Lot Creation and Lot Adjustments in Agricultural Areas.

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

The PPS includes the following definition for legal or technical reasons:

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

Staff are satisfied that the proposed lot adjustment is minor in this situation. The lands to be severed have not historically been farmed, and are located within a hazard zone. In this case the lot addition to an existing lot within a hazard area will increase options for new septic bed when it is required in the future. Staff are satisfied that the subject application is consistent with the policies of the PPS.

A Place to Grow, 2020

A Place to Grow does not have policies specifically addressing lot additions in agricultural areas.

Staff are of the opinion that the subject application does not conflict with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated Agricultural with a Lakeshore Hazard Lands overlay at the south along Lakeshore Road as shown on Haldimand County Official Plan Schedule A3.

The OP includes policies for lot creation in Section 5.H of the OP. Boundary adjustments are specifically addressed in section 5.H.3.c):

"Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm."

The definition in the Haldimand County OP echoes that of the Provincial Policy Statement, making an exception for boundary adjustments that are minor.

Staff are satisfied that the proposed boundary adjustment is minor in this situation. The lands to be severed have not historically been farmed, and are located within a hazard overlay. In this case the lot addition to an existing lot within a hazard area will increase options for new septic bed when it is required in the future. Staff are satisfied that the subject application maintains the general intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject property is zoned Agricultural (A) with a Natural Hazard Lands overlay primarily at the north and south ends of the subject property. The lot addition is proposed at the south end of the property within the Natural Hazard Lands overlay.

The purpose of the subject application is to increase the area of the benefitting lands. Staff note that the increased lot area would make it easier in the future to expand the existing septic system or provide sufficient space to locate a new septic system.

The proposed retained lot, as well as the benefitting lands, meet the zoning standards.

Planning staff are of the opinion that the proposed boundary adjustment conforms with the Zoning By-law.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on January 1, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any

requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:

the Dylas

John Douglas, MCIP, RPP Senior Planner 905-318-5932 ext. 6252

Reviewed by:

Alisha Cull, BES, MCIP, RPP Supervisor, Planning & Development 905-318-5932 ext. 6208

IF <u>APPROVED</u>, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 4. That the severed parcels become part and parcel of the abutting lands presently owned by Maria and Vincenzo Ditrapani and further identified as Roll # 2810-158-001-54000.
- 5. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
- 6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 30 metres (98.4 feet), and an area of 0.09 hectare (0.22 acre). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and GIS@haldimandcounty.on.ca. The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.

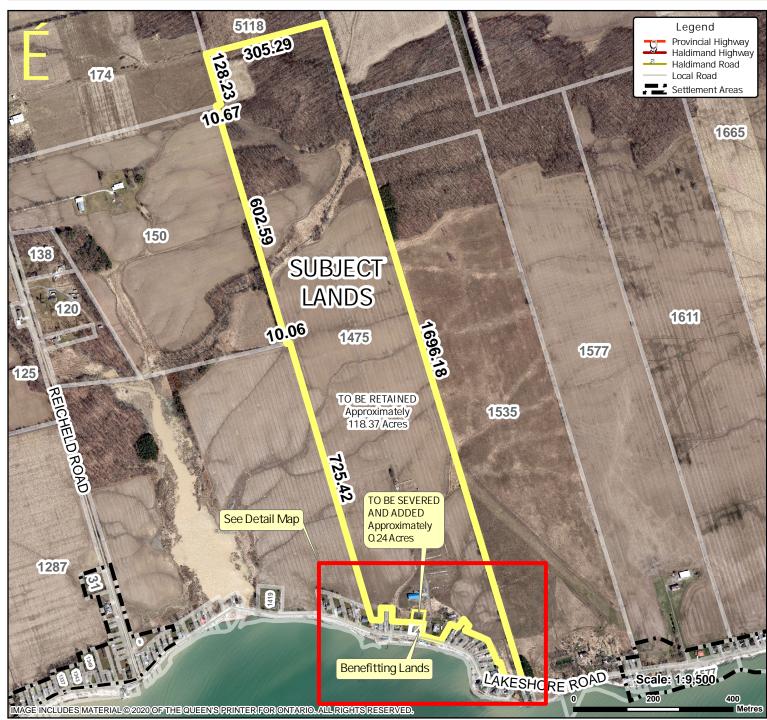
The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	50000.0000000
False_Northing:	0.0000000
Central_Meridian:	-81.0000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.0000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 23, 2026, after which time this consent will lapse.

File No. PLB-2023-189 Stewart-Jin Assessment Roll No. 2810-158-001-54200-0000

Location Map FILE #PLB-2023-189 APPLICANT: Stewart and Jin



Haldimand

Location:

1475 LAKESHORE ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RAINHAM CON 1 PT LOT 16

Property Assessment Number:

2810 158 001 54200 0000

<u>Size:</u>

118.61 Acres

Zoning:

A (Agriculture)

HALDIMAND COUNTY, IT'S EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

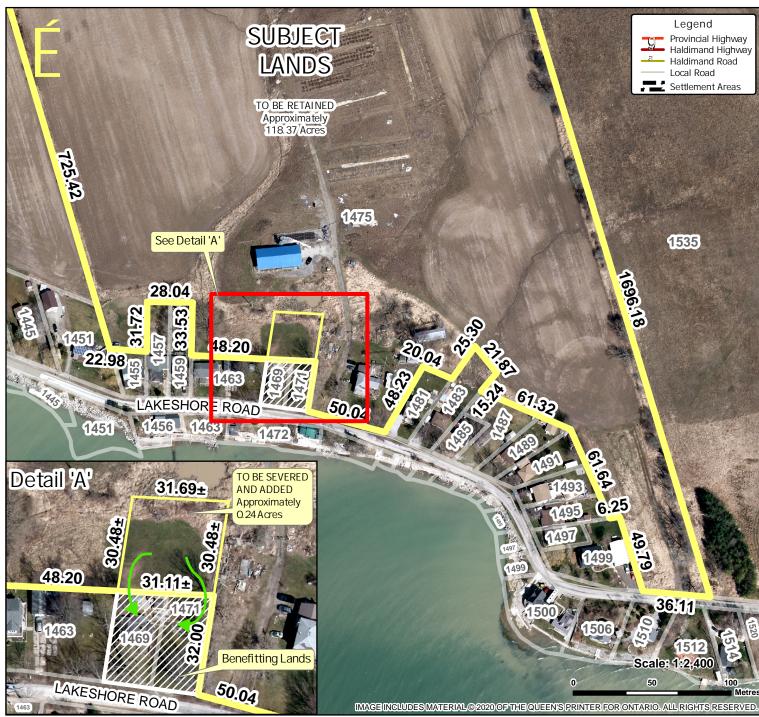




PREPARED BY HALDIMAND COUNTY PLANNING & DEVELOPMENT DIVISION, GIS SECTION. Dec 2023

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Detail Map FILE #PLB-2023-189 APPLICANT: Stewart and Jin



Haldimand

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1475 LAKESHORE ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

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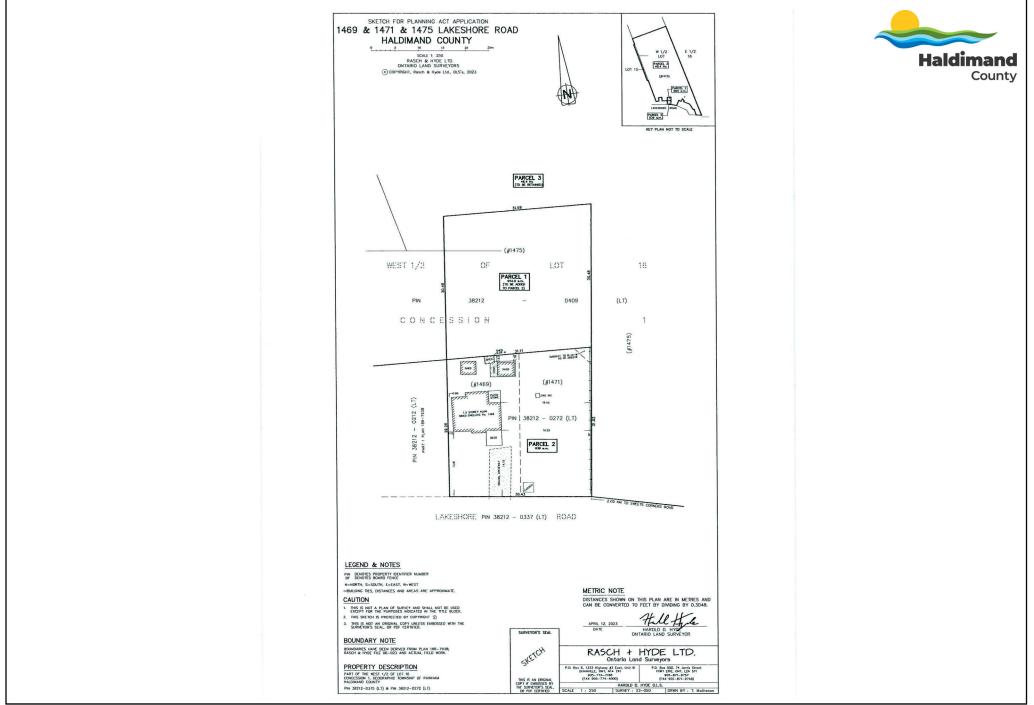




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Owner's Sketch FILE #PLB-2023-189 APPLICANT: Stewart and Jin



PREPARED BY HALDIMAND COUNTY PLANNING & DEVELOPMENT DIVISION, GIS SECTION. Dec 2023

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Haldimand County Committee of Adjustment Consent

Meeting Date:	January 23, 2024
File Number:	PLB-2023-195
Property Roll Number:	2810-152-005-28450-0000
Applicant:	Peter and Connie Stubbs
Agent:	Kimi Stubbs
Property Location:	Seneca Range 3 WPR Lot 6 Concession 1, Grand River Part Lots 30 and 31, Geographic Township of Seneca, known municipally as 245 Mines Road

Recommendation

That application PLB-2023-195 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicants propose to sever a parcel of land as a boundary adjustment. The severed lands will contain an area of approximately 2.79 hectares (6.9 acres). The retained parcel will have an approximate area of 123.83 hectares (305.9 acres). The reason for the adjustment is to add space for a proposed horse farm.

Site Features and Land Use: The subject lands are vacant and in active agricultural production. The lands are part of a larger 123.83 hectare (305.9 acre) farm parcel. Surrounding land uses are agricultural and residential in nature.

Existing Intensive Livestock Operations: Not applicable. Minimum Distance Separation Report has been requested by Building & Municipal Enforcement to ensure the new barn will not create conflicts with surrounding uses.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: Supply MDS report by qualified person for property on preliminary survey to show distances (number of horses required and other animals for report) from future barn.

Haldimand County Planning & Development – Development Technologist: No comments.

Haldimand County Emergency Services: No comment received.

Haldimand County Water and Wastewater Engineering & Compliance: No comment received.

Grand River Conservation Authority: No comment received.

Ministry of Transportation: No comment received.

Hydro One: No comment received.

Municipal Property Assessment Corporation: No comment received.

Mississaugas of the Credit: No comment received.

Six Nations: No comment received.

Public: No comment received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS states that prime agricultural areas shall be protected for long-term use for agriculture. Permitted uses are agricultural uses, agriculture-related uses, and on-farm diversified uses.

Lot creation is permitted for agricultural uses, provided that the lots are of a size appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Lot adjustments are permitted for legal or technical reasons, which are defined as "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." The proposed boundary adjustment would allow the subject lands to function as a horse farm, which is appropriate in the agricultural area. The applicant has provided details about the proposed horse farm and its viability, as well as how the lands will maintain future agricultural flexibility. The subject application is consistent with the PPS.

A Place to Grow, 2020

The policies of A Place to Grow, 2020 generally echo those of the PPS in terms of lot creation in prime agricultural areas. The subject application is consistent with A Place to Grow, 2020.

Haldimand County Official Plan (OP)

The subject lands are designated "Agriculture" in the OP. The Agriculture designation permits all forms of farming, including the raising of livestock.

The OP states that consent to sever land in the Agriculture designation generally may be considered in accordance with the following criteria:

- a) The parcel to be severed and the parcel to be retained are both for agricultural use and are a minimum of 40 hectares in size;
- b) Severances for individual, small-scale agriculturally-related uses may be permitted provided that the severance of these uses meet MDS requirements, does not form strip development and the size of the parcel is limited to the amount of land specifically required for the use.
- c) Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm.

The proposed minor boundary adjustment would result in an enlarged parcel that would allow for the establishment of a new agricultural use. It would not be 40 hectares, but it would convert the existing residential use to an agricultural use which is more appropriate in the Agriculture designation. As outlined above, the lands are large enough to maintain flexibility in the future. The subject application conforms to the intent of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned "Agricultural (A)" in the Zoning By-law. The Zoning By-law requires a minimum lot area of 2 hectares (5 acres) to keep livestock, which would be met through this application. All other provisions will be met as well. The subject application conforms to the requirements of the Zoning By-law.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on December 21, 2023.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:

Alisha Cull, BES, MCIP, RPP Supervisor, Planning & Development 905-318-5932 ext. 6208

IF <u>APPROVED</u>, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. That the owner provide a satisfactory Minimum Distance Separation Report to the Building & Municipal Enforcement Services Division demonstrating that the proposed horse barn will comply with the requirements.
- 4. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 5. That the severed parcels become part and parcel of the abutting lands presently owned by Kimi Stubbs-Klein and further identified as Roll # 2810-152-005-28450.
- 6. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
- 7. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 178.31 metres (585.00 feet), and an area of 2.79 hectare (6.90 acre). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gistickets@haldimandcounty.on.ca. The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.

The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.0000000
False_Northing:	0.0000000
Central_Meridian:	-81.0000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.0000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983

Prime Meridian: Angular Unit: Greenwich Degree

8. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 23, 2026, after which time this consent will lapse.

File No. PLB-2023-195 Stubbs Assessment Roll No. 2810.152.005.28450

Location Map FILE #PLB-2023-195 APPLICANT: Stubbs





Location:

245 MINES ROAD **GEOGRAPHIC TOWNSHIP OF SENECA** WARD 3

Legal Description:

SEN RANGE 3 WPR LOT 6 CON 1 GRND RIVER PT LOTS 30 AND 31 Property Assessment Number:

2810 152 005 28400 0000

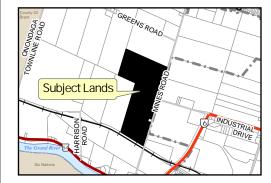
Size:

192 Acres

Zoning:

A (Agriculture), HCOP Natural Environment Wetland Area, GRCA Regulated Lands and Wetland

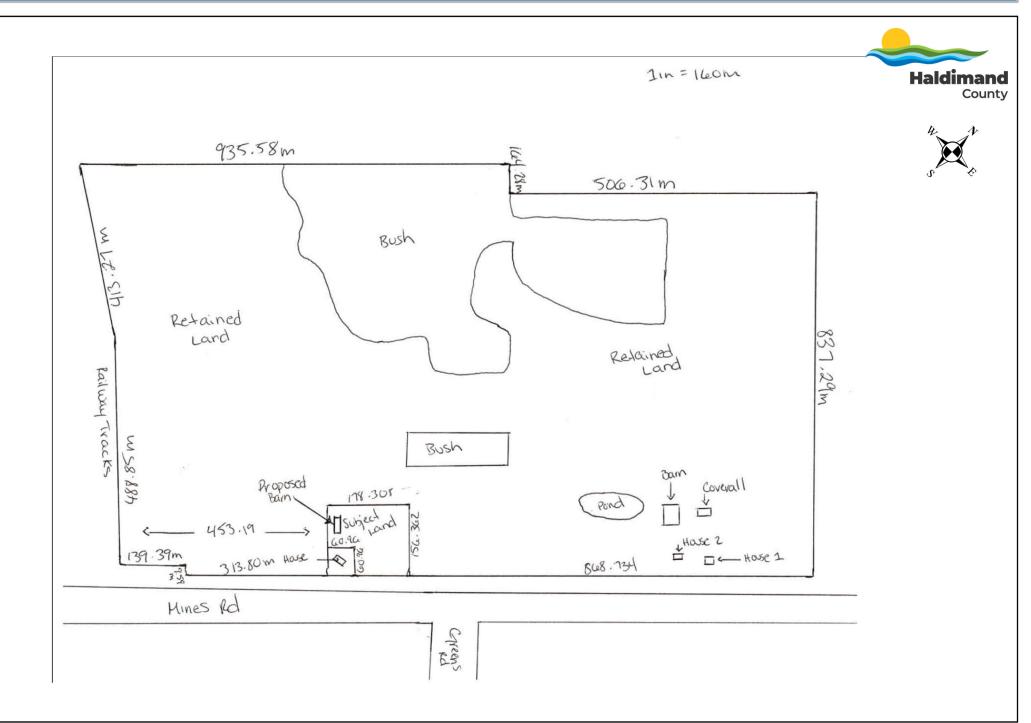
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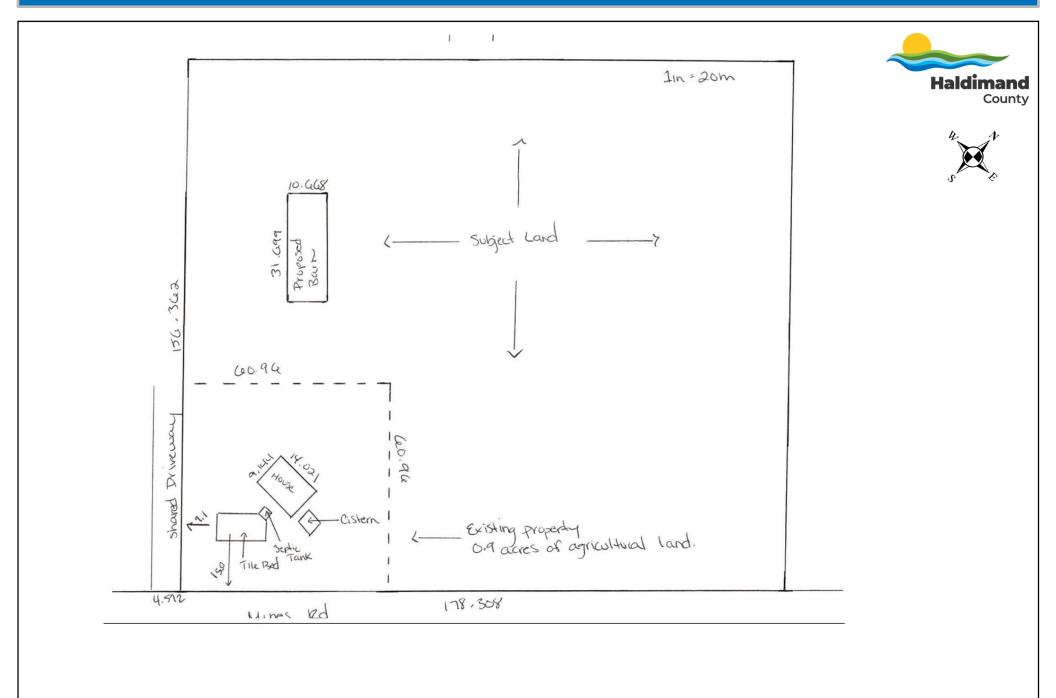


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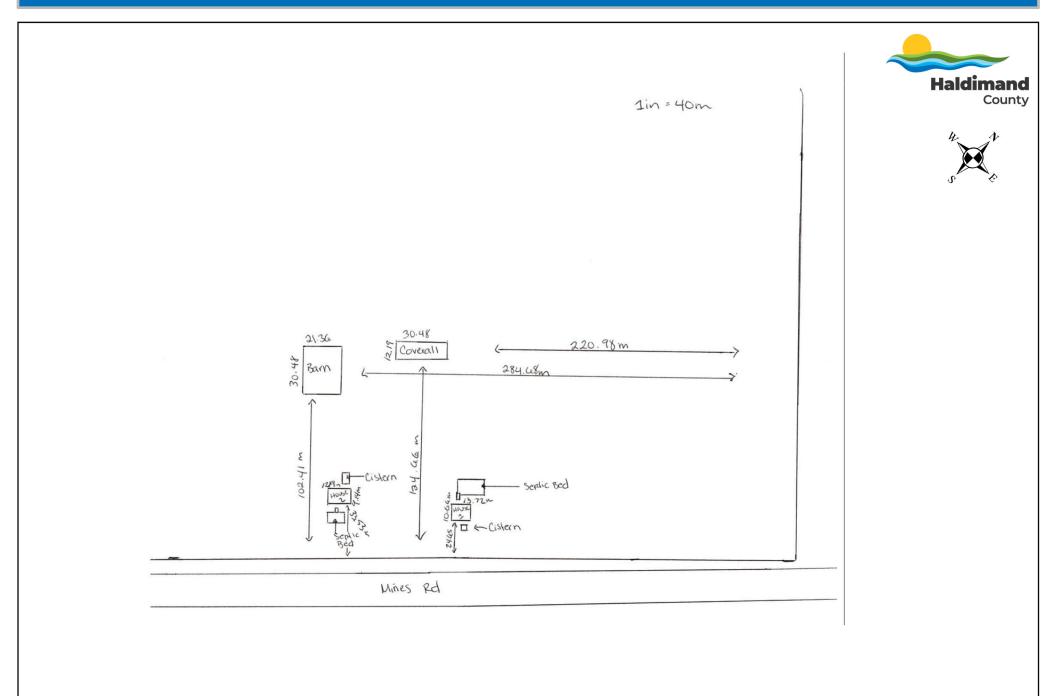
Owner's Sketch 1of3 FILE #PLB-2023-195 APPLICANT: Stubbs



Owner's Sketch 2of3 FILE #PLB-2023-195 APPLICANT: Stubbs



Owner's Sketch 3of3 FILE #PLB-2023-195 APPLICANT: Stubbs





Haldimand County Committee of Adjustment Consent

Meeting Date:	January 23, 2024
File Number:	PLB-2023-201
Property Roll Number:	2810-158-001-54200
Applicant:	William James Stewart & Ai Jin
Agent:	Michael Mclachlin
Property Location:	Concession 1, Part Lot 16, Geographic Township of Rainham, known municipally as 1475 Lakeshore Road

Recommendation

That application PLB-2023-201 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever a parcel of land as a boundary adjustment and execute a partial discharge of a mortgage. The severed lands, to be taken from 1475 Lakeshore Road, will contain an area of approximately 0.18 hectares (0.44 acres). The benefitting lands (1463 Lakeshore Rd.) currently have an area of approximately 0.43 ha (1.06 acres) which would increase to 0.61 ha. (1.5 acres) if the lot addition is approved. The retained parcel will have an approximate area of 48 hectares (118 acres). The reason for the adjustment is to add lands to the benefitting lands.

Site Features and Land Use: The subject lands are part of a larger 48 hectares (118 acres) in area, with approximately 92 metres (approximately 301 feet) of frontage on Lakeshore Road.

The majority of the larger parcel are agricultural and actively farmed, with the exception of some parts of the property which are hazard lands located at the north end of the property, and the south end of the property. The lands to be severed and the benefitting lands fall within the hazard lands to the south. The lands to be severed are currently a vacant, unmaintained grassed area.

The benefitting lands are occupied by an existing dwelling used for residential purposes and served by private water and septic services.

Surrounding land uses include: agricultural lands to the north, residential uses to the east and west, and Lakeshore Road and a strip of land with some accessory structures along the Lake Erie shoreline to the south.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments.

Haldimand County Planning & Development – Development Technologist: No comments.

Haldimand County Emergency Services: No comment received.

Haldimand County Water and Wastewater Engineering & Compliance: No comment received

Niagara Peninsula Conservation Authority: No comment received

Ministry of Transportation: No comment received

Hydro One: No comments.

Municipal Property Assessment Corporation: No comment received

Mississaugas of the Credit: No comment received

Six Nations: No comment received

Public: No comment received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The subject property and the benefitting lands are designated Agricultural with a Lakeshore Hazard Lands overlay at the south along Lakeshore Road. Long Point Region Conservation Authority has raised no concerns with respect to the proposed application in the hazard lands. Future additional development of 1463 Lakeshore Road would require a permit from the Long Point Region Conservation Authority.

The policies of the PPS are highly protective of agricultural land. Section 2.3.4 of the PPS sets out policies with respect to Lot Creation and Lot Adjustments in Agricultural Areas.

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

The PPS includes the following definition for legal or technical reasons:

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

Staff are satisfied that the proposed lot adjustment is minor in this situation. The lands to be severed have not historically been farmed, and are located within a hazard zone. In this case the lot addition to an existing lot within a hazard area will increase options for new septic bed when it is required in the future. Staff are satisfied that the subject application is consistent with the policies of the PPS.

A Place to Grow, 2020

A Place to Grow does not have policies specifically addressing lot additions in agricultural areas.

Staff are of the opinion that the subject application does not conflict with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The subject lands are designated Agricultural with a Lakeshore Hazard Lands overlay at the south along Lakeshore Road as shown on Haldimand County Official Plan Schedule A3.

The OP includes policies for lot creation in Section 5.H of the OP. Boundary adjustments are specifically addressed in section 5.H.3.c):

"Severances for legal or technical reasons, including minor boundary adjustments, easements or rights-of-way or other purposes that do not create an additional separate lot or in agricultural areas do not compromise the functionality and/or viability of a farm."

The definition in the Haldimand County OP echoes that of the Provincial Policy Statement, making an exception for boundary adjustments that are minor.

Staff are satisfied that the proposed boundary adjustment is minor in this situation. The lands to be severed have not historically been farmed, and are located within a hazard zone. In this case the lot addition to an existing lot within a hazard area will increase options for new septic bed when it is required in the future. Staff are satisfied that the subject application maintains the general intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The subject property is zoned Agricultural (A) with a Natural Hazard Lands overlay primarily at the north and south ends of the subject property. The lot addition is proposed at the south end of the property within the Natural Hazard Lands overlay.

The purpose of the subject application is to increase the area of the benefitting lands. Staff note that the increased lot area would make it easier in the future to expand the existing septic system or provide sufficient space to locate a new septic system.

The proposed retained lot, as well as the benefitting lands, meet the zoning standards.

Planning staff are of the opinion that the proposed boundary adjustment conforms with the Zoning By-law.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on December 21, 2023.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:

the Dylas

John Douglas, MCIP, RPP Senior Planner 905-318-5932 ext. 6252

Reviewed by:

Alisha Cull, BES, MCIP, RPP Supervisor, Planning & Development 905-318-5932 ext. 6208

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- 3. That Section 50(3) or (5) of the Planning Act shall apply to any subsequent conveyance or transaction.
- 4. That the severed parcels become part and parcel of the abutting lands presently owned by Cindy Newhall and further identified as Roll # 2810-158-001-53900.
- 5. That the solicitor acting in the transfer provide his/her undertaking in the following manner: in consideration of the Certificate by the official I undertake to ensure by a subsearch of the abstract book that at the time of the registration of the said Certificate or deed upon which it has been affixed, the name of the registered owner of the abutting lands is the same as that of the Grantee in the said deed and a copy of the transfer will be provided to the Secretary-Treasurer, once registered.
- 6. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 0.00 metres (0.00 feet), and an area of 0.18 hectare (0.44 acre). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gistickets@haldimandcounty.on.ca. The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office.

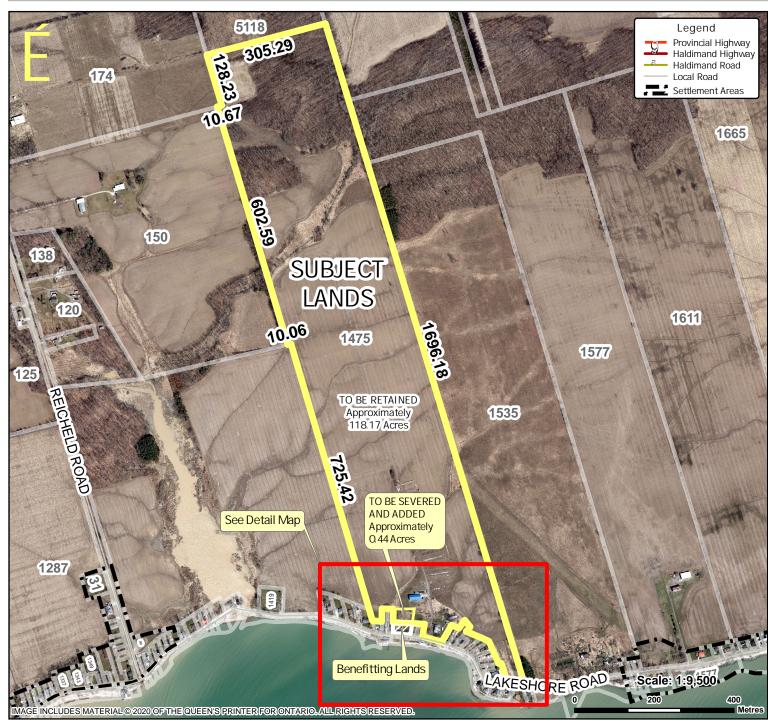
The AutoCad drawings need to be georeferenced for the following Coordinate System:

Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.0000000
False_Northing:	0.0000000
Central_Meridian:	-81.0000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.0000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983
Datum:	D_North_American_1983
Prime Meridian:	Greenwich
Angular Unit:	Degree

7. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 23, 2026, after which time this consent will lapse.

File No. PLB-2023-201 Steward-Jin Assessment Roll No. 2810-158-001-54200-0000

Location Map FILE #PLB-2023-201 APPLICANT: Stewart and Jin



Haldimand County

Location:

1475 LAKESHORE ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RAINHAM CON 1 PT LOT 16

Property Assessment Number:

2810 158 001 54200 0000

<u>Size:</u>

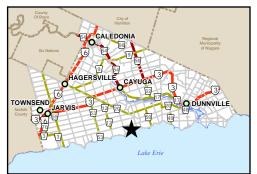
118.61 Acres

Zoning:

A (Agriculture)

HALDIMAND COUNTY, IT'S EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.

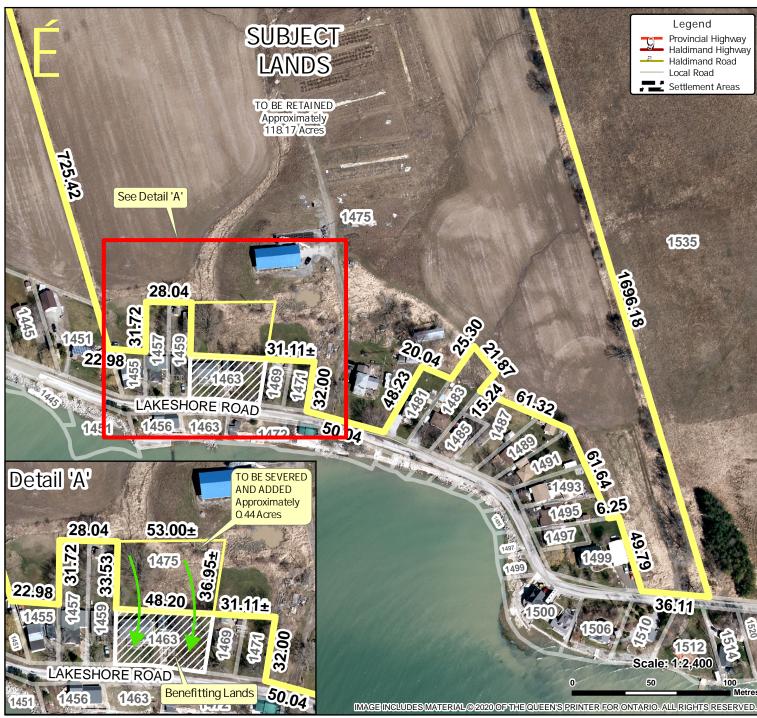




PREPARED BY HALDIMAND COUNTY PLANNING & DEVELOPMENT DIVISION, GIS SECTION. Dec 2023

Path: T:\Planning and Economic Development\PD\GIS\Applications\2023\PLB\PLB-2023-201 (Stewart-Jin)\PLB2023201\PLB2023201.aprx

Detail Map FILE #PLB-2023-201 APPLICANT: Stewart and Jin



Haldimand

Location:

1475 LAKESHORE ROAD GEOGRAPHIC TOWNSHIP OF RAINHAM WARD 2

Legal Description:

RAINHAM CON 1 PT LOT 16

Property Assessment Number:

2810 158 001 54200 0000

<u>Size:</u>

118.61 Acres

<u>Zoning:</u>

A (Agriculture)

HALDIMAND COUNTY, IT'S EMPLOYEES, OFFICERS AND AGENTS ARE NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS OR INACCURACIES WHETHER DUE TO THEIR OWN NEGLIGENCE OR OTHERWISE. DO NOT USE FOR OPERATING MAP OR DESIGN PURPOSES. ALL INFORMATION TO BE VERIFIED.



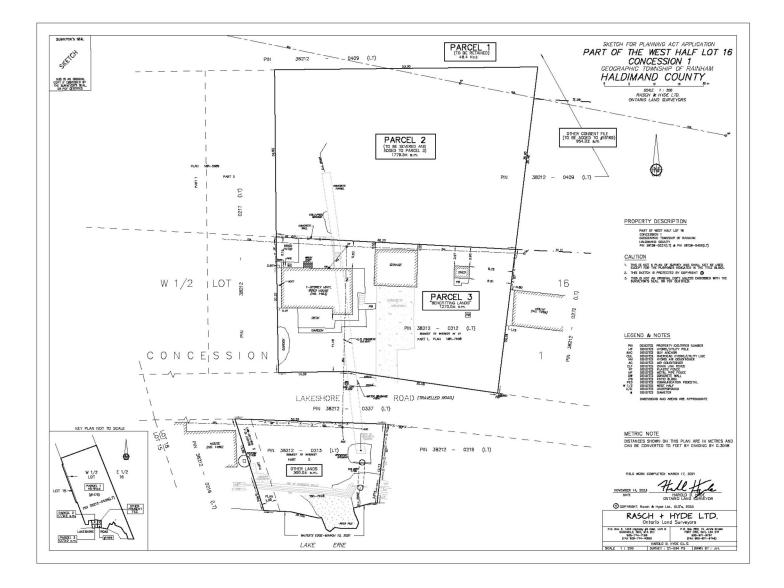


PREPARED BY HALDIMAND COUNTY PLANNING & DEVELOPMENT DIVISION, GIS SECTION. Dec 2023

Path: T:\Planning and Economic Development\PD\GIS\Applications\2023\PLB\PLB-2023-201 (Stewart-Jin)\PLB2023201\PLB2023201.aprx

Owner's Sketch FILE #PLB-2023-201 APPLICANT: Stewart and Jin







Haldimand County Committee of Adjustment Consent

Meeting Date:	January 23, 2024
File Number:	PLB-2023-210
Property Roll Number:	2810-023-001-18100-0000
Applicant:	Wilfred and Fiona Westerveld
Agent:	Paul and Sarah Westerveld
Property Location:	MLT CON 2 PT LOT 11, known municipally as 679 Diltz Road

Recommendation

That application PLB-2023-210 be approved, subject to the attached conditions. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicants propose to sever a lot containing an existing surplus farm dwelling and accessory structures. The severed lands will measure approximately 121.7 metres (399.3 feet) by 49.4 metres (162.1 feet) and will contain an area of approximately 0.6 hectares (1.5 acres).

Site Features and Land Use: The subject lands are 0.6 hectares (1.5 acres) in size and are part of a larger 27.3 hectare (67.5 acre) farm parcel. The subject lands contain a single detached dwelling and a barn. Surrounding land uses are agricultural and residential in nature.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comment received.

Haldimand County Planning & Development – Development Technologist: Entrance permit is required for the retained parcel. Daylight triangle (sight triangle) is required for the retained parcel 10m X10m Arterial to Arterial Road (the corner of Diltz Road and Comfort Road). No building or any type of structure can be built in that triangle as per Zoning By-Law section 4.54.

Haldimand County Emergency Services: No comment received.

Niagara Peninsula Conservation Authority: As there are regulated watercourses including a possible flooding hazard in the area of the proposed severance the NPCA will require a review fee.

Hydro One: No comment received.

Municipal Property Assessment Corporation: No comment received.

Mississaugas of the Credit: No comment received.

Six Nations: No comment received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The subject lands are designated 'Agricultural' and are located in the prime agricultural area of the county. The PPS discourages lot creation in the prime agricultural area. The PPS, however, permits lot creation for a residence surplus to a farming operation as a result of farm consolidation, if the new lot will meet the minimum size requirement to accommodate the use and appropriate sewage and water service. The planning authority is required to ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by severance. The application is consistent with the PPS.

A Place to Grow, 2020

A Place to Grow does not provide information or criteria on surplus farm dwelling. The application, therefore, is consistent with A Place to Grow.

Haldimand County Official Plan (OP)

The Official Plan echoes the PPS while providing additional details. The OP states that a severance may be granted for a habitable farm dwelling of a minimum age of 10 years, calculated from the date of occupancy of the dwelling made surplus through farm consolidation where it is part of a farm holding containing two or more habitable dwellings and where each farm is located within the County. No new residential dwelling shall be permitted on the retained lands. The farm dwelling located on the subject lands was constructed greater than 10 years ago. The criteria for such lot creation can be found in Section H(4):

a) The severance shall generally be 0.4 hectares to 0.6 hectares (1 acre to 1.5 acres) in size and shall minimize the amount of agricultural land or productive forest land taken out of production. Consideration of varying the size of the parcel include ensuring farm fields are not fragmented, environmental and topographical features are recognized and the location of the surplus farm dwelling in relation to the existing farm buildings and structures;

Planning Comment: The proposed severance is 0.6 hectares (1.5 acres) in size and meets the standard set out in the OP.

 b) No severance shall be granted unless the proposed lot can be serviced by an onsite sanitary sewage system designed and installed as per the Ontario Building Code;

Planning Comment: The proposed lot will be serviced by a cistern for water supply and a septic tank for sewage treatment. A new sewage system was installed on the property and certified on May 13, 2022.

c) No severance shall be granted unless it is shown that it will not adversely affect the operation or viability of the farm operation on the remaining lands;

Planning Comment: It is the opinion of planning staff that the proposed lot will not adversely affect the operation or viability of the farm operation on the surrounding or remaining lands.

d) Severances that do not meet the Minimum Separation Distance formulae, as amended, shall not be permitted;

Planning Comment: No livestock were observed within the area of the subject site at the time of site inspection. Therefore, Minimum Distance Separation does not apply to this proposal.

 e) Severances shall not be permitted within 300 metres from licensed pits and 500 metres from licensed quarries and must be well removed from waste disposal sites and other potential land use conflicts;

Planning Comment: The proposed lot is not located within 300 metres of licensed pits or 500 metres of licensed quarries. It is well removed from waste disposal site and other potential land use conflicts. The proposed severance meets the standard set out in the OP.

f) The lot created by severance shall be located with safe and direct access to a permanently maintained public road;

Planning Comment: The severed lot will have frontage on an existing public road, known municipally as Diltz Road.

g) Potential impacts on natural environment areas and/or cultural resources shall be assessed and addressed, where necessary.

Planning Comment: The proposed application is not anticipated to have an adverse or negative impact on the surrounding natural or cultural resources.

The subject application conforms to the OP policies relating to surplus farm dwelling severances.

Haldimand County Zoning By-law HC 1-2020

The subject lands are zoned 'Agricultural (A)' Zone. The proposal complies with the Zoning By-law provisions. The retained farmlands will automatically be rezoned to remove a dwelling as a permitted use in accordance with Provincial policy.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted in accordance with the *Planning Act, R.S.O. 1990, c. P.13* on January 6, 2024.

The applicant has satisfied the public consultation requirements as per the Provincial legislation.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:

Alisha Cull, BES, MCIP, RPP Supervisor, Planning & Development 905-318-5932 ext. 6208

IF <u>APPROVED</u>, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the subject property. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
- 4. That the review fee required by Niagara Peninsula Conservation Authority be paid.
- 5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of 121.7 metres (399.3 feet), and an area of 0.6 hectare (1.5 acre). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to ctang@haldimandcounty.on.ca and gistickets@haldimandcounty.on.ca. The draft plan must be approved by the Secretary-Treasurer prior to depositing to the Land Registry Office. The AutoCad drawings need to be georeferenced for the following Coordinate System: Projected Coordinate System: NAD 1983 UTM Zone 17N Projection: Transverse Mercator 500000.00000000 False Easting: False Northing: 0.00000000 Central Meridian: -81.00000000 Scale Factor: 0.99960000 Latitude Of Origin: 0.00000000 Linear Unit: Meter Geographic Coordinate System: GCS North American 1983 D North American 1983 Datum: Prime Meridian: Greenwich Angular Unit: Degree
- 6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before January 23, 2026, after which time this consent will lapse.

File No. PLB-2023-210

Westerveld Assessment Roll No. 2810-023-001-18100-0000

Location Map FILE #PLB-2020-034 APPLICANT: Westerveld



Haldimand County

Location:

679 DILTZ ROAD GEOGRAPHIC TOWNSHIP OF MOULTON WARD 5

Legal Description:

MLT CON 2 PT LOT 11

Property Assessment Number:

2810 023 001 18100 0000

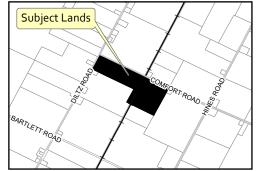
<u>Size:</u>

67.5 Acres

Zoning:

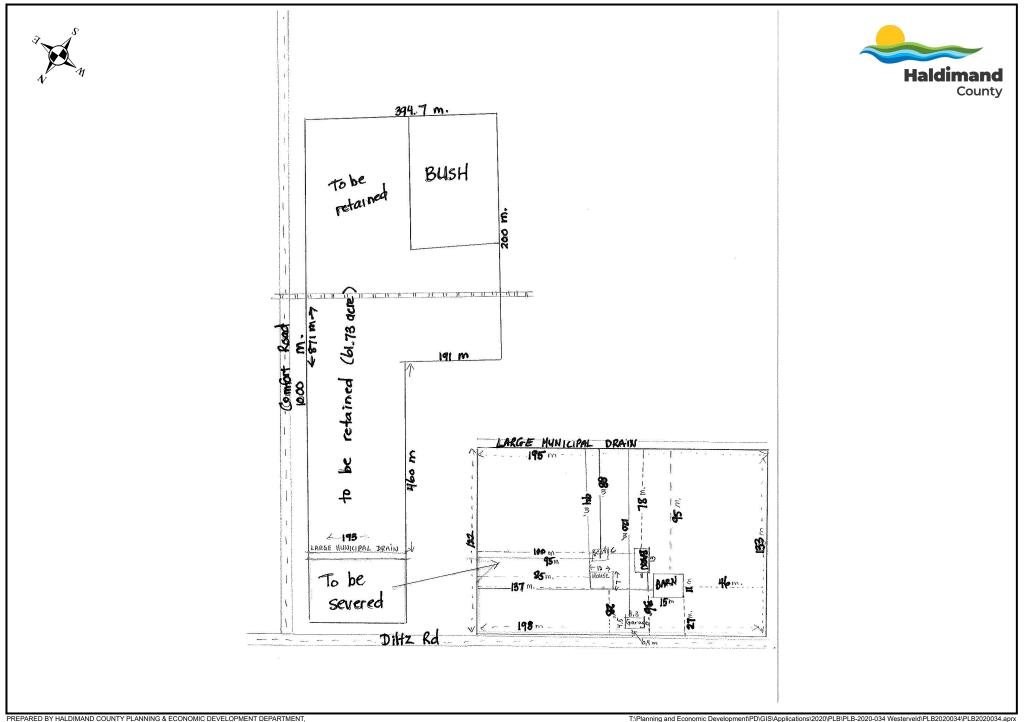
A (Agricultural)

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Owner's Sketch FILE #PLB-2020-034 APPLICANT: Westerveld



GIS & GRAPHICS SECTION. Feb 2020



January 23, 2024

MEMORANDUM

File No.:	PLA-2023-177
TO:	Committee of Adjustment
FROM:	John Douglas, Senior Planner
SUBJECT:	Resubmission of a Previously Deferred Application
LOCATION:	Concession 4 South of Dover Road, Part Lots 22, 23 and 24, Registered Plan 18R6608 Part 5 and Part of Parts 1, 2 and 3, Geographic Township of Dunn, known municipally as 36 Lighthouse Drive

Committee of Adjustment Chair and Members,

Minor variance application PLA-2023-177 was first heard by Committee of Adjustment on December 19, 2023, and the application was deferred. The deferral was due to the failure to post the public notice sign within the legislated timeline required by the Planning Act. Planning staff recommended deferral of the application due to the sign issue. As the sign has now been posted appropriately, staff recommend that the application be approved. Please note that the address on the initial Planning Report of 96 Lighthouse Drive was incorrect. The correct address is identified as 36 Lighthouse Drive in above Location.

Attached to this memo is the staff report from December 19, 2023. An updated public notice sign was posted on the subject property on December 21, 2023.

Regards,

John Douglas Senior Planner Planning & Development Division



Haldimand County Committee of Adjustment Consent

Meeting Date:	December 19, 2023	
File Number:	PLB-2023-177	
Property Roll Number:	2810-021-003-04500	
Applicant:	Allan and Monica Augustine	
Agent:	Ritee Haider	
Property Location:	Concession 4 South of Dover Road, Part Lots 22, 23 and 24, Registered Plan 18R6608 Part 5 and Part of Parts 1, 2 and 3, Geographic Township of Dunn, known municipally as 96 Lighthouse Drive	

Recommendation

That application PLB-2023-177 be deferred because the Public Notice Sign was not posted within the timeline required by the *Planning Act*. The application is consistent with the Provincial Policy Statement, 2020 and A Place to Grow, 2020, and conforms to the intent of the Haldimand County Official Plan and Haldimand County Zoning By-law HC 1-2020.

Details of the Submission

Proposal: The applicant proposes to sever lands located within the hamlet of Port Maitland for future residential development. The severed lands (shown as "Parcel 1" on the applicant's sketch) will have a frontage of approximately 490.58 metres (1609.5 feet) along Lighthouse Drive, and contain an area of approximately 5.88 hectares (14.5 acres). The retained parcel (shown as "Parcel 2" on the applicant's sketch) will contain an area of approximately 42.65 hectares (105.4 acres).

Site Features and Land Use: The subject site is approximately 48.5 hectares (119.85 acres) in area, and the entire south lot line has frontage along Lighthouse Drive, some of which is within the hamlet of Port Maitland. The north lot line of the subject property runs along Kings Row. Most of the subject property is farmed agricultural land.

Part of the subject property is occupied by Riverine Hazard lands located in the middle of the property towards the east lot line. A significant portion of the east side of the property is hazard land regulated by the Grand River Conservation Authority.

The Hamlet of Port Maitland settlement area boundary runs from east to west across the middle of the property. Approximately two thirds of the way through the property, the settlement area boundary dips south to the Lake Erie shoreline. For the most part, the northern edge of the settlement area boundary lies to the south the of the Riverine Hazard lands.

An easement for a 900mm water main runs from east to west through the middle of the subject property. The easement is located to the south of the Riverine Hazard lands, and runs roughly along and just south edge of the settlement area boundary. The location of the easement is shown on the applicant's sketch.

The proposed severed lot (shown as Part 1 on the Applicant's sketch) includes all the of the subject lands located in the settlement area boundary, from the south edge of the easement to Lighthouse Drive.

Surrounding land use include: residential, institutional (church and cemetery), then Lake Erie to the south; residential uses to the east; and, predominantly agricultural uses to the north and west.

Existing Intensive Livestock Operations: Not applicable.

Agency & Public Comments

Haldimand County Building & Municipal Enforcement: No comments or concerns.

Haldimand County Planning & Development – Development Technologist: Direct runoff to watercourse assurances (in lieu of grading plan), and an entrance permit for the severed lot.

Haldimand County Emergency Services: No comments received.

Haldimand County Water and Wastewater Engineering & Compliance: No comments received.

Grand River Conservation Authority: No comments received at this time.

Ministry of Transportation: No comments received.

Hydro One: No comments.

Municipal Property Assessment Corporation: No comments received.

Mississaugas of the Credit: No comments received.

Six Nations: No comments received.

Public: No comments received.

Planning Analysis

Provincial Policy Statement, 2020 (PPS)

The PPS is highly protective of agricultural lands and generally directs new development to existing settlement areas. The subject property is located within the settlement area boundary for the hamlet of Port Maitland. Staff are of the opinion that the subject application is consistent with the policies of the PPS.

A Place to Grow, 2020

Like the PPS, A Place to Grow directs development to existing settlement areas. Staff are of the opinion that the proposed consent to sever a new lot conforms with the policies of A Place to Grow.

Haldimand County Official Plan (OP)

The subject property is designated Hamlet on Schedule C.16 of the Haldimand County Official Plan (OP).

Section 5.H.2 of the Official Plan outlines the general criteria for consent and states that new lot creation by consent shall be guided by the following:

 a) The size of any parcel of land created by consent should be appropriate for the use proposed and the intent and purpose of the Official Plan and Zoning By-law are maintained;

Staff comment: With an area of approximately 5.88 hectares (14.5 acres) for the severed lot and an area of approximately 42.65 hectares (105.4 acres) for the retained lot, staff are satisfied that both lots are appropriately sized.

b) The creation of new lots for development shall only be granted in accordance with the relevant servicing policies contained in this Plan;

Staff comment: The proposed severed and retained lots, would be serviced by private water (cistern), and septic system. Staff are satisfied that the subject application conforms with this policy.

c) The proposed severed and retained land fronts on an existing public road that is of a reasonable standard of construction and access would not create a traffic hazard because of limited sight lines on curves or grades. Direct access from provincial highways or arterial roads should be restricted where possible and residential lots should, where possible, have access only from collector or local roads; and

Staff comment: The proposed severed and retained lots would have frontage on Lighthouse Drive, a publicly owned and maintained road. A condition of consent would be to obtain an entrance permit for the severed lot from the Roads Division.

d) Not more than five lots are being created.

Staff comment: This application would result in two lots where there is currently one, the severed lot plus the retained lot.

Subject to the attached conditions, staff are satisfied that the application meets the general intent and purpose of the Official Plan.

Haldimand County Zoning By-law HC 1-2020

The proposed severed and retained lots significantly exceed the minimum lot size (0.1855 hectares or 0.46 acres) and minimum lot frontage (30.0 metres or 98.4 feet) requirements for the Hamlet Residential (RH) Zone in Table 6.2a of Haldimand County Zoning By-law HC 1-2020.

Staff are satisfied that the subject application conforms to the standards of the Zoning By-law.

Notice Sign, Public Consultation, and Applicant Discussion

A public notice sign was posted on December 11, 2023, not in accordance with the *Planning Act, R.S.O. 1990, c. P.13*.

The applicant has not satisfied the public consultation requirements as per the Provincial legislation.

Staff have contacted the applicant and discussed the recommendations as set out in this report. Staff have confirmed with the applicant that he/she understands the nature

of and content contained within the recommendations as well as any requirements/conditions relating to such. A copy of the staff report has been provided to the applicant.

Prepared by:

- Uglas

John Douglas, MCIP, RPP Senior Planner 905-318-5932 ext. 6252

Reviewed by:

Alisha Cull, BES, MCIP, RPP Supervisor, Planning & Development 905-318-5932 ext. 6208

IF <u>APPROVED</u>, THIS APPLICATION WILL BE SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. That the Haldimand County requirements, financial or otherwise, be satisfied. This will include taxes paid up to date, a parkland dedication fee in accordance with By-law 2349/22 and a fee for deed stamping in accordance with the Haldimand County User Fees By-law.
- 2. That the owner's solicitor provide an undertaking to Haldimand County agreeing that if there are any changes proposed to the wording on the certificate after stamping of the certificate by the County, prior to the registration of the certificate; that the Secretary-Treasurer or designate must approve the change prior to registration of the certificate.
- 3. Receipt of a letter from the Planning and Development Division, indicating that their requirements, regarding surface drainage of the property, have been satisfied. Typically the county would require a full lot grading to be designed, in lieu of that, the proponent shall provide the Planning and Development Division with a letter assuring that all storm water from this parcel will be discharged toward the roadway, or a large body of water (lake, river, stream or other conveyance system), not adjacent properties. This is required as the new development as proposed, has the potential to increase the volume or rate of the storm runoff and may impact abutting landowners. A sample form letter can be provided. Contact the Development & Design Technologist at 905-318-5932, ext. 6253, for further clarification.
- 4. Receipt of a letter from the Roads Operations Division indicating that they will issue an entrance permit for the severed lot. In lieu of a letter, a copy of permit(s) may be provided to the Secretary-Treasurer. Entrance permits may be required for existing, severed, and / or retained parcels. Permits may be obtained from the County's Roads Operations Division Support staff at 905-318-5932, Ext. 8601 for details.
- 5. Receipt of a copy of the registered reference plan of the severed parcel, with a frontage of approximately 490.58 metres (1609.5 feet) and contain an area of approximately 5.88 hectares (14.5 acres). Also, prior to the signing of the certificate, an electronic version of the reference plan in AutoCAD.dwg in format shown below, indicating the consent file number and name of the applicant, must be emailed to <u>dscott@haldimandcounty.on.ca</u> and <u>astowart@haldimandcounty.on.ca</u>. The draft plan must be approved by the Secretary.

<u>astewart@haldimandcounty.on.ca</u>. <u>The draft plan must be approved by the Secretary-</u> <u>Treasurer prior to depositing to the Land Registry Office.</u>

The AutoCad drawings need to be georeferenced for the following Coordinate System:

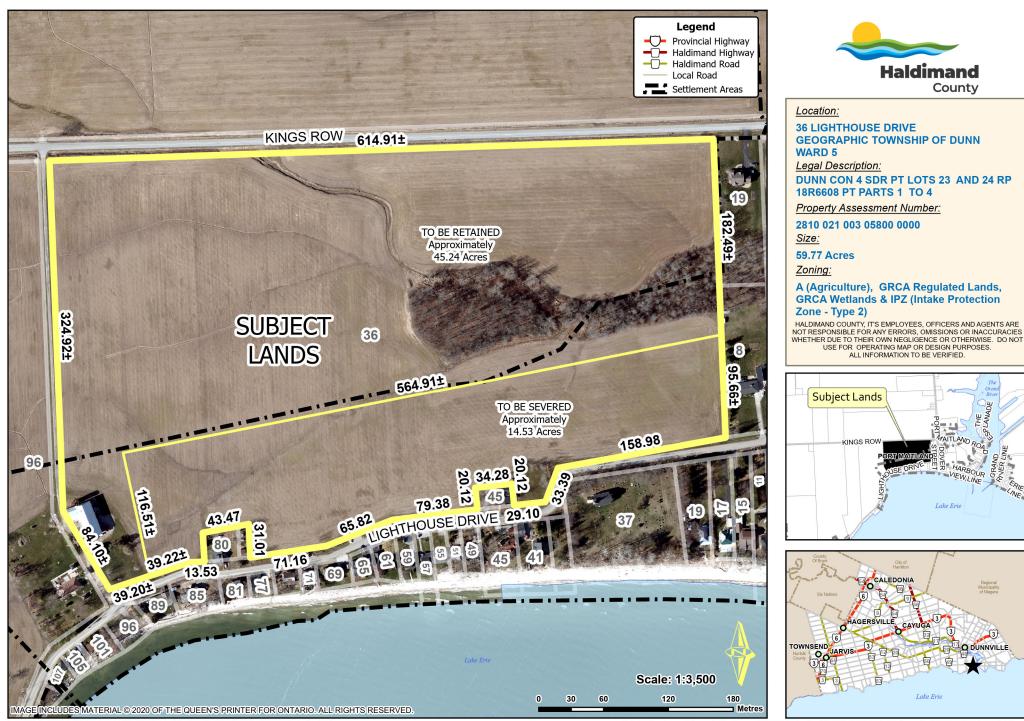
Projected Coordinate System:	NAD_1983_UTM_Zone_17N
Projection:	Transverse_Mercator
False_Easting:	500000.0000000
False_Northing:	0.0000000
Central_Meridian:	-81.0000000
Scale_Factor:	0.99960000
Latitude_Of_Origin:	0.0000000
Linear Unit:	Meter
Geographic Coordinate	System:GCS_North_American_1983

Datum: Prime Meridian: Angular Unit: D_North_American_1983 Greenwich Degree

6. That the above conditions must be fulfilled and the Document for conveyance be presented for stamping/issuance of the certificate on or before December 19, 2025, after which time this consent will lapse.

File No. PLB-2023-177 AUGUSTINE, Allan and Monica Assessment Roll No. 2810-021-003-04500

Location Map FILE #PLB-2023-177 APPLICANT: Augustine



Owner's Sketch FILE #PLB-2023-177 APPLICANT: Augustine



