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**COMMITTEE OF ADJUSTMENT
PLANNING REPORT**

Application: B1-26
Related Application(s): N/A
Owner(s): Tom Smith
Meeting Date: February 27th, 2026
Prepared by: Joe Nethery, MCIP, RPP
Consultant Planner for the Township of Essa

PROPERTY INFORMATION:

Municipal Address	8800 and 8866 Smith Road, Essa
Legal Description	Lot 21, Concession 6
Roll No.	432101000810200
Official Plan	Township: Rural and Environmental – Flood Prone Areas County: Agricultural
Zoning By-law	Agricultural (A) and Environmental Protection (EP) Zone

RECOMMENDATION:

The consultant planner writing on behalf of the Township recommends **APPROVAL** of Application B1-26 based on Planning Policy and all considerations, with the following conditions:

1. That a copy of a registered reference plan for the subject land indicating the severed and retained parcels be prepared by an Ontario Land Surveyor and submitted to the Secretary-Treasurer. The plan should be approved by Township Staff prior to depositing it in the Land Registry Office. The new lot line to be drawn by the surveyor is to generally conform to the figure (including dimensions and size) included in the conclusion of this report.
2. That the applicant provides to the Secretary-Treasurer of the Committee of Adjustment copies of transfer documentation associated with the lands.
3. That the applicant obtain a zoning by-law amendment to implement the severance, permit the use, and provide any associated relief from the Zoning By-law in accordance with the recommendation of this report.
4. That all municipal taxes be paid up to date, and any relevant municipal permits for the properties are obtained.

5. **That the applicant satisfies the comments or conditions from the Nottawasaga Valley Conservation Authority, being that the new lot design avoids hazardous lands hazardous lands adjacent to rivers and streams impacted by flooding hazards and/or erosion hazards.**
6. **That all external cost associated with the application be borne by the applicant.**

USE OF THE TOWNSHIP'S CONSULTANT:

On December 10, 2025, Council approved Staff Report PD020-25 which authorizes staff to utilize Third-Party Planning Consulting services at cost to the applicant where small Planning Applications are deemed to require higher-than normal work output.

Changes to the *Planning Act* review timelines coupled with an increase in the number of Ontario Land Tribunal appeals at the Township has necessitated the Planning Department to utilize third-party consulting services through a Council-approved budget. In this case, the consultant planner's costs are being recovered by the applicant.

These services are typically applied to larger files that have multiple, simultaneous *Planning Act* applications, or small but complex applicant requests to assist staff with maintaining overall development workload well.

Due to the more complex nature of this consent application for 8800 and 8866 Smith Road that includes natural heritage features regulated by the Nottawasaga Valley Conservation Authority (NVCA) and two existing residential dwellings, I have been retained by the Township of Essa to prepare this report on behalf of the Planning Department for this application.

PROPOSAL:

The applicant has submitted a Consent application for 8800 and 8866 Smith Road which is located east of 6th Line and north of 30th Sideroad. The severance would formally create two separate parcels of land with the severed lot having an area of 0.31 hectares (0.76 acres) and the retained lot having an area of 13.2 hectares (32.6 acres) in size, the majority of which is being actively farmed. The severed lot would have approximately 205 metres (670 feet) of frontage along Smith Road and a depth of approximately 400 metres (1,300 feet). The retained lot would have approximately 340 metres (1,115 feet) of frontage along Smith Road and a depth of approximately 600 metres (1,970 feet).

A context map and zoning conformity check is provided on the following page.

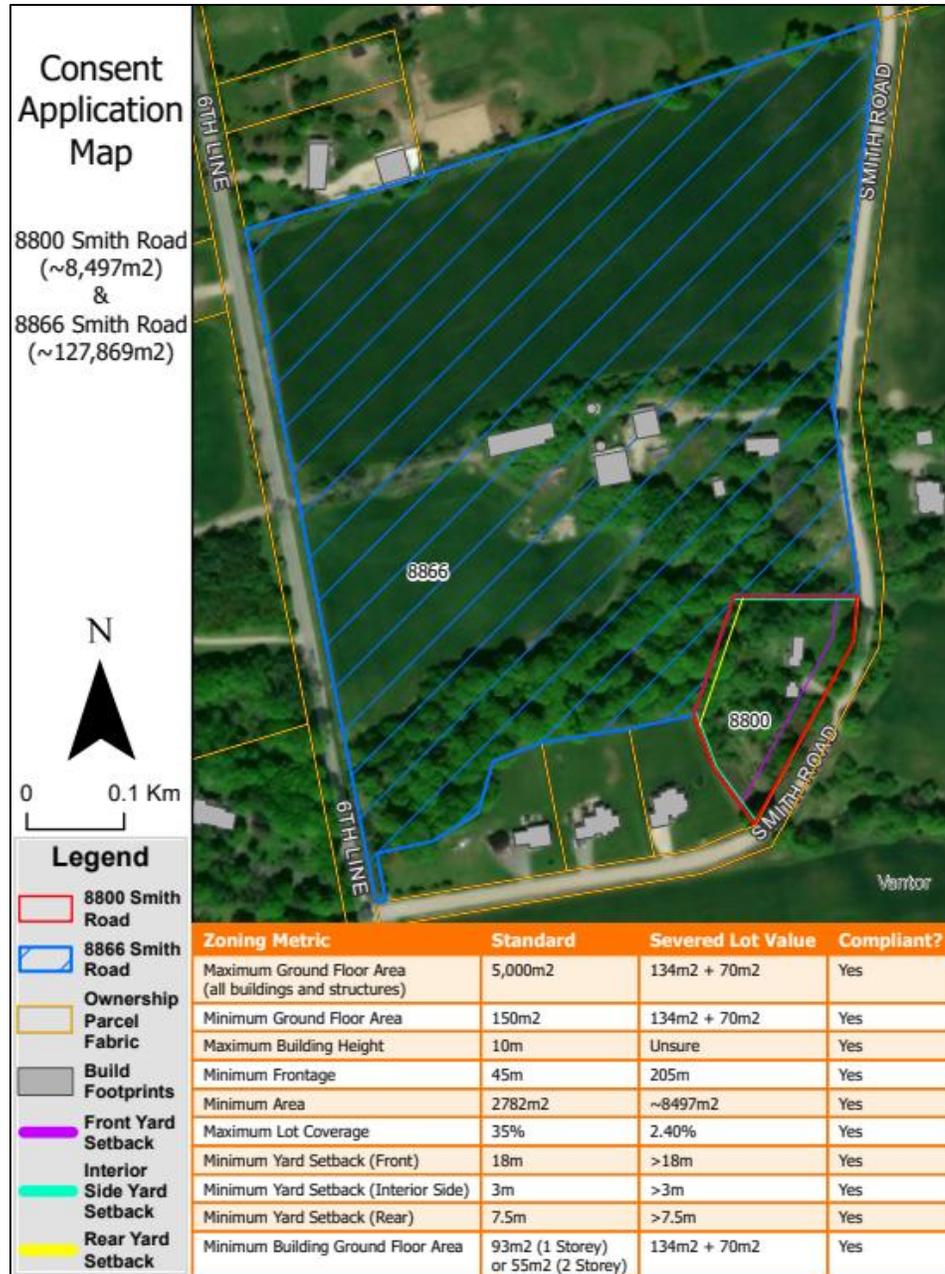


Figure 1: Airphoto and Zoning Conformity Review (applicant's submission)

REASON FOR THE APPLICATION:

The property currently operates as an agricultural use, but is unique in having two existing and separate detached dwelling units. The first dwelling on this property (8866 Smith Road) initially operated as a hostelry/inn on what was Old Sunnidale Road prior to the formation of Essa Township. It is north of the watercourse and wooded feature, and integrated with the agricultural operation on site. This part of the property has access onto both Smith Road and 6th Line. The dwelling is serviced by private water services and private sewage services (well

and septic). The property also contains several sheds and silos to support the farming operation.

The second residential dwelling is at the core of this application for consent to sever. Erected in 1969, it is located to the south of the watercourse and wooded feature (8800 Smith Road). It also is serviced by private water services and private sewage services (well and septic). The dwelling has frontage and access onto Smith Road.

The watercourse and wooded feature crossing the property is subject to the Nottawasaga Valley Conservation Authority's regulated area (under O. Reg. 41/24). The regulation applies to the regulatory floodplain and a small, regulated slope surrounding the floodplain. The property also contains a vast area of mature trees which surround both existing residential dwellings.

There has been previous severances from the farm parcel, with three detached dwellings on individual lots located further south along Smith Road (all to the south of the watercourse).

The application proposes to create a new lot to formalize the existing conditions and uses on the remaining farm parcel.

DATE OF SITE INSPECTION:

A site visit of the subject lands and the surrounding area was conducted on February 12, 2026. The lands were reviewed for their context in terms of the adjacent land uses, existing lot fabric in the area, and any potential impact that may be caused from the severance. Both watercourses and associated valleys are heavily treed with mature coverage. Lands to the north are actively farmed. The proposed lands to be severed are occupied by the dwelling unit, yard and driveway.

Both parcels have access off of Smith Road with driveways leading to each residential dwelling. The proposed lands to be severed are occupied existing dwelling at 8800 Smith Road has a modest footprint and is one storey—being a converted trailer home.

The required signage under the Planning Act was posted on the wire fence noting the file number and nature of the request to the Town for a consent to create one (1) new lot.

PLANNING ANALYSIS

1. Provincial Planning Statement (2024)

The Provincial Planning Statement ("PPS") 2024 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Planning Statement sets the policy foundation for regulating the development and use of land province-wide, helping

achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The subject lands are located outside of a settlement area and are designated “Agricultural” by the County Official Plan, therefore are part of a Rural Areas in Municipalities in the context of the PPS.

Section 2.5.1 – Rural Areas in Municipalities – Subsections 1 (c) and 1 (g) state that healthy, integrated and viable rural areas should be supported by accommodating an appropriate range and mix of housing in rural settlement areas and conserving biodiversity and considering the ecological benefits provided by nature.

Section 4.1 – Natural Heritage – Subsections (1) and (2) state that natural features and areas shall be protected for the long term and 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 ground water features.

Section 4.1 – Natural Heritage Subsection (8) states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The proposed severance will not involve any new development, physical changes, or site alteration to the existing landscape or natural heritage features on any part of the lands subject to the application. The existing watercourses, floodplains and extensive treed area will remain untouched and unchanged as the proposed severance does not come with a proposal for new construction. The dwelling units already exist.

By severing the land and creating an additional lot, the natural lands and features would inherently be protected from future large-scale development such as residential development. It also continues a pattern of development on the north side of Smith Road, with dwellings between the wooded feature and road.

Section 4.3.1 – Subsection 3 provides priority order for protection of agricultural lands: special crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2 and 3 lands, and lastly any associated Class 4 through 7 lands.

Section 4.3.2 – Subsection 3 outlines new land uses in prime agricultural areas, including the creation of lots as a permitted use.

Section 4.3.3 – Subsection 1 c) – Lot Creation and Lot Adjustments – states that lot

creation in prime agricultural areas may only be permitted in accordance with one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services are provided and that the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.

Section 5.2.2 – Subsection (b) generally directs development to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Nottawasaga Valley Conservation Authority comments are described in more detail in the Department and Agency Comments section of this report. In short, a redesigned lot concept shall be required to demonstrate that lot lines do not cross over into natural hazards to demonstrate consistency with this policy.

The PPS also provides a definition of Development which includes, among other qualifiers, the creation of a new lot or the construction of buildings and structures requiring approval under the *Planning Act*.

The proposal constitutes “development” in the Provincial framework. At the same time, the context for this application is highly unique and requires consideration of the policies as a whole and a recommendation built on the balance of policy.

As previously noted, the property has two existing detached dwellings at present. The totality of Provincial, County (to be discussed later) and Township policy all serve to discourage or prohibit two primary dwelling units on one parcel of land. If this was a circumstance where a farm consolidation was happening, one of the dwelling units would be considered surplus and eligible for a severance (to be discussed in greater detail in the Township of Essa Official Plan section below). In this case, no new development or residential dwelling is proposed. The lands in question are shown as Class 5, 6 and 7 according to the Canada Land Inventory, meeting the criterion for lowest priority protection.

The result of the severance shall be that no additional detached dwellings could be constructed on the remnant parcel. The severed lot is kept to a minimum size necessary to accommodate the use and appropriate sewage and water services. It would be compliant with the minimum lot area for the Agricultural (A) Zone that is required to implement the severance.

The proposed severance would formalize a land use and condition that has existed for some time and through the implementing zoning by-law amendment would support the conservation and preservation of the natural features by maintaining those on the retained lands (farm). The context of the property and application make this situation similar as though a farm consolidation severance was occurring, and aligned to County

Policy: providing for only one detached dwelling on the lot.

The proposed severance is generally consistent with the policies of the Provincial Planning Statement, 2024, upon provision of an updated concept consistent with the recommendations of this report and subject to passage of an implementing zoning by-law amendment.

2. County of Simcoe Official Plan

The County of Simcoe Official Plan (“County OP”) was adopted by the County of Simcoe Council on November 25, 2008, and was fully approved by the Ontario Municipal Board in December 2016. Within the County OP, the subject lands are designated as “Agricultural” in accordance with Schedule 5.1. Per Section 3.6.5 of the County OP, lands in this designation are considered to be prime agricultural lands, which limits permitted uses and development potential to generally only agricultural uses. This does include residential uses.

Section 3.6.7 of the County OP limits lot creation to only a few circumstances. Some of those, including for agricultural uses, agriculture-related uses, and infrastructure do not apply this application. Subsection (c) does permit consideration of a residence surplus to a farming operation as a result of farm consolidation, provided that:

- i. The new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services, and should be an approximate size of 1 hectare.
- ii. **That new** residential dwellings are prohibited on any remnant parcel of farmland created by the severance (emphasis added).



Excerpt from Township GIS of the Simcoe County Official Plan.

Greenlands

Agricultural

(Red outline is the subject property)

As noted above, the unique context of the property is similar to a farm consolidation severance. The definition of “residence surplus to a farming operation” provides context around two dwellings units on a single farm operation:

“RESIDENCE SURPLUS TO A FARMING OPERATION means an existing farm residence that is rendered surplus as a result of farm consolidation (farm consolidation means the

acquisition of additional farm parcels to be operated as one farm operation).”

The Smith Road property contains one farm operation. As previously noted, the property has two existing detached dwellings at present. The structure on the southern property that is to be severed has existed since 1969 and serves as a residential converted mobile home. The totality of Provincial, County and Township policy all serve to recognize the undesirability of two dwelling units existing on one lot or one a farm operation.

This is supported by County OP Section 3.3.1:

“In the Rural, Agricultural, and Greenlands designations, only one detached dwelling may be located on a lot as permitted in this Plan and subject to appropriate local municipal official plan, zoning and municipal by-laws.”

The baseline circumstance here is that the County Official Plan prohibits two primary dwelling units on one parcel of land. By providing for one primary detached dwelling to be located on two lots, the proposed severance would end this unique circumstance and bring the two dwellings into conformity with this policy of the County OP.

As noted above, there is no new development potential or dwelling proposed. As per 3.6.7 ii) the policy refers specifically to new residential development. The severed lot is kept to a minimum size necessary to accommodate the use and appropriate sewage and water services. No new dwellings could be constructed on the remnant parcel (only those associated with the existing dwelling units).

Section 3.8.16 states that, “Legally existing uses within the Greenlands system will be recognized and can continue in accordance with Sections 3.3.15 and 4.12.6 of this Plan and the applicable policies of the local municipal official plan.” The lands are not located within the Greenlands designation of the County OP. However, the lands subject to the application are zoned Environmental Protection (EP) in the Township’s Zoning By-law and the Environmental Area designation applies. As a legal use, the detached dwelling is permitted to be recognized in a Greenlands system. The implementing zoning by-law amendment can provide for the use and limit future development potential accordingly to protect and enhance the natural heritage features on site.

While the County OP would follow the PPS definition of “Development”, it is important to note the local context in this situation. The local lot fabric, presence of the natural features and open land at top of bank, history of severances in the area, differing policy designations, and previously approved severances immediately adjacent to the subject lands, and that no new dwelling unit potential is being created is important to considering this application. No new services are required, no physical change to the land is proposed, and no new development potential created.

The proposed Severance would formalize an existing land use that has remained constant for a number of years. No new development, removal of natural features or

site alteration would occur as part of the severance. The severance would bring the lot into conformity with the County OP limiting detached dwellings to one per lot. Therefore, the proposed consent is generally consistent with the intent and purpose of the County of Simcoe's Official Plan, upon provision of an updated concept consistent with the recommendations of this report and subject to passage of an implementing zoning by-law amendment.

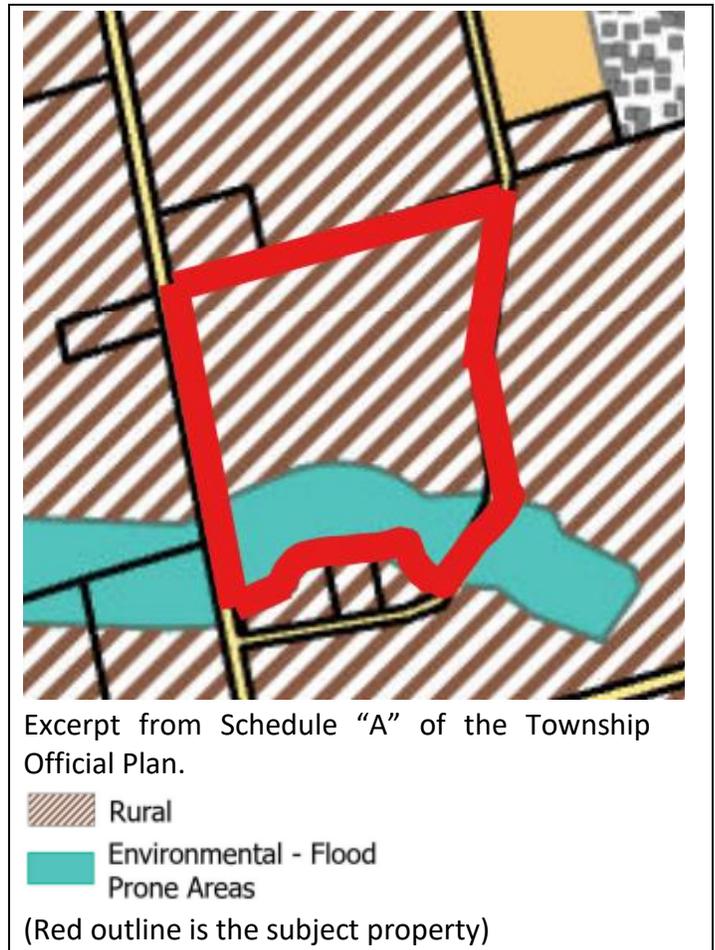
Section 3.3.14 states that the creation of new lots shall comply with the appropriate Minimum Distance Separation Formulae (MDS). Local municipalities are permitted to determine the appropriate application of the Formulae. MDS I application shall be discussed in the Township OP section below.

3. Township of Essa Official Plan

The Township of Essa Official Plan (“Township OP”) designates the subject lands as “Rural” and “Environmental – Flood Prone Areas” on Schedule “A”. Environmental – Flood Prone Areas is one of three categories under the Environmental Areas within the Township OP. These lands are comprised of the major rivers, streams and defined flood plain lands.

Section 26.2.2 states that when considering applications for consent, the Township shall be satisfied that the approval of the consent:

- Will not contravene the need to protect and preserve prime agricultural land,
- The need to preserve the natural heritage features of the Township,
- The need to restrict development in areas where potential hazards exist,
- The need to minimize the potential pollution of water, land and air, and
- The need to assume that the development is not detrimental to the rural nature of the Township.



Section 26.3.1 provides policies that are applicable to severances for new building lots. A severance for the purpose of creating a new building lot may be permitted provided that it is in conformity with the following criteria and the other policies of this Section, as summarized below.

Policy	Response
a) The proposed severance must comply with the intent and policies of the Plan	As summarized throughout, the proposal conforms to the Township OP.
b) A registered Plan of Subdivision is not necessary in the public interest	As a one-lot severance, a Plan of Subdivision is not appropriate.
c) The lot size and dimensions conform to the requirements of the Zoning By-law	Subject to an implementing zoning by-law amendment and redesign as described in this report, the severed lands would meet the requirements for a residential lot in the Township Zoning By-law.
d) The proposed lot fronts on a public road maintained year-round by the Municipality	Smith Road is a local road maintained year-round.
e) The lot is in a location where no traffic hazard would be created because of limited sight lines or curves or grades	No new driveway is proposed to access the existing local road.
f) It must be established that soil and drainage conditions are suitable to permit the proper siting of buildings and to permit an adequate means of sewage disposal	Existing well and septic are provided.
g) The lot to be severed is of sufficient size to support any necessary private water and sewage services	Related to the above, any new septic to be designed shall require compliance with OBC standards.
h) An area large enough for the proper siting of buildings and sewage disposal system is available outside of a flood plain as identified by the Nottawasaga Valley Conservation Authority	Room exists outside of the flood plain. Comments from the Nottawasaga Valley Conservation Authority on this point require confirmation that the lot can be designed as such.
i) The proposed severance is in compliance with the Minimum Distance Separation Formulae requirements and does not create any conflicts or potential conflicts with the surrounding agricultural uses	As the dwelling unit already exists, and could be rebuilt, any compliance issue already exists. A Minimum Distance Separation calculation will be required as part of the implementing Zoning By-law Amendment.

Policy	Response
j) New residential lots created by consent shall have access only from local or collector roads. Direct access to County roads is not permitted for any new residential lot created after June 30, 1996, except for a farm retirement lot or within a settlement area.	Smith Road is a local road.
k) The creation of lots considered to be in filling is permitted where the distance between two existing residences located on the same side of the road is 100 metres or less. The creation of strip or linear development shall be prevented wherever possible.	The infill policy does not apply. The dwelling unit and driveways already exist, and no new detached dwelling unit potential is created through the proposal.
l) [Technical severance reasons]	The policy is not applicable.
m) The portion of the lot to be created or retained, which is within an Environmental designation of the County Greenlands, will be zoned to permit only those uses permitted in the Enviro designations. These policies encourage the retention of the function or feature of the Environmentally Protected lands to remain on one ownership.	While the lands are not designated Greenlands in the County OP, the policy is informative around overall intent. In this case, the existing natural heritage features will be protected from future potential development by both maintaining the feature as part of the retained farmlands, and through the implementing zoning by-law amendment. As there is no construction as part of this proposal, the existing watercourses and regulated floodplains will be preserved and left in their natural state.

The lands are not located within the Greenlands designation of the County OP. However, the Environmental Protection (EP) Zone does apply to the lands to be severed. The specific use permissions are discussed in detail below, but the required implementing zoning by-law amendment can and should be used to implement this policy to protect the natural heritage features on the subject lands.

Section 26.2 provides general policies for severances with the Township. Section 26.2.2 states that when considering applications for consent, the Township shall be satisfied that the approval of the consent will not contravene a number of requirements, including:

- The need to protect and preserve prime agricultural land.
- The need to preserve the natural heritage features.
- The need to restrict development in areas where potential hazards exist.
- The need to minimize the potential pollution of water, land and air.
- The need to assume that the development is not detrimental to the rural nature of the Township.
- The need to minimize the extension of municipal services.
- The Minimum Distance Separation Formulae.
- The prevention of strip development on grid roads.

The proposed severance at 8800 and 8866 Smith Road would not contravene any of these requirements set out by Section 26.2.2. The severance occupies a natural triangle of land separated from agricultural land via natural features, would not result in any new detached dwelling development potential, and preserves the natural heritage features on the retained lands. The existing development context makes for a unique circumstance where two dwelling units exist on a lot (outside of the framework set by the County OP). The severed lot can also be designed to meet zoning minimums. As part of the implementing zoning by-law amendment, a Minimum Distance Separation calculation shall be required to verify findings.

Section 26.5.1 of the Official Plan speaks to consents in Rural Areas within the Township. It states, "Consents to sever may be permitted in areas designated as Rural subject to the policies of Section 26.2 and 26.3. Lots severed in areas designated as Rural should be of size, shape and location so as to maximize the potential for future surrounding agricultural use. In the areas designated Rural, rural-residential severances may be permitted provided they do not create any conflicts, or potential conflicts with the surrounding agricultural uses." Section 26.5.1 further provides that "One severance maybe permitted on a lot which existed on October 22, 1985 and which is at least 20 hectares in size".

The property and both of the existing residential dwellings at 8800 and 8866 Smith Road have existed since 1969 and the parcel is greater than 20 hectares in size. The dwelling exists, is functionally separated from working farms by the watercourses and public roads, and can exist in a form consistent in character with the previously severed lots further south along Smith Road.

Section 21.3.2 (c) – Environmental Flood Prone Areas stipulates that all future development in areas where watercourses exist shall be subject to policies of the Plan to retain and enhance the natural state of these watercourses which includes limiting alterations within the existing flood plain, protecting, maintaining and nurturing the natural vegetation within the existing flood plain and adjacent slopes and the adoption of an ecosystems approach to management so as to ensure no net loss of habitat. The reduced lot area being recommended further helps to protect the wooded feature.

As no new development is proposed, the natural state of these watercourses is protected and maintained and the natural vegetation within the existing flood plain and adjacent slopes is preserved with no net loss of habitat. An updated concept would need to confirm that natural hazards are avoided.

The site-specific Zoning By-law Amendment would contain specific amendments to the Environmental Protection (EP) Zone or rezone lands outside of the regulatory floodplain to Agricultural (A), either of which would permit the existing residential dwellings and limit development potential to implement the environmental policies of the County OP and Township OP. Special provisions may be required to fully implement the necessary zoning, which will be addressed through that future required application.

Section 7.3.2 states that development will be established in accordance with the Minimum Distance Separation (MDS) Formulae. Again, the site presents as a unique circumstance within the policy framework: the dwelling unit already legally exists, but the cumulative policy framework and Township Zoning By-law does require an MDS analysis for the creation of a new lot. An MDS analysis has not been submitted with the application. The question of permitting future development can be addressed through a condition of approval and tied to the implementing zoning by-law amendment.

The proposed Consent will result in the creation of a new lot to formalize the existing residential dwelling on the property to the south and support the protection and preservation of the natural heritage features on the property. No new or additional dwelling is proposed. Therefore, the proposed consent application, coupled with an implementing zoning by-law amendment, is generally consistent with the intent and purpose of the Township OP, upon provision of an updated concept consistent with the recommendations of this report and subject to passage of an implementing zoning by-law amendment.

4. Township of Essa Zoning By-law 2003-50

The northern portion of the subject lands are currently zoned Agricultural (A) in the Township of Essa Zoning By-law 2003-50 ("Zoning By-law"). The lands to the south, with the 8800 Smith Road municipal address, are zoned almost entirely as "Environmental Protection (EP) Zone".

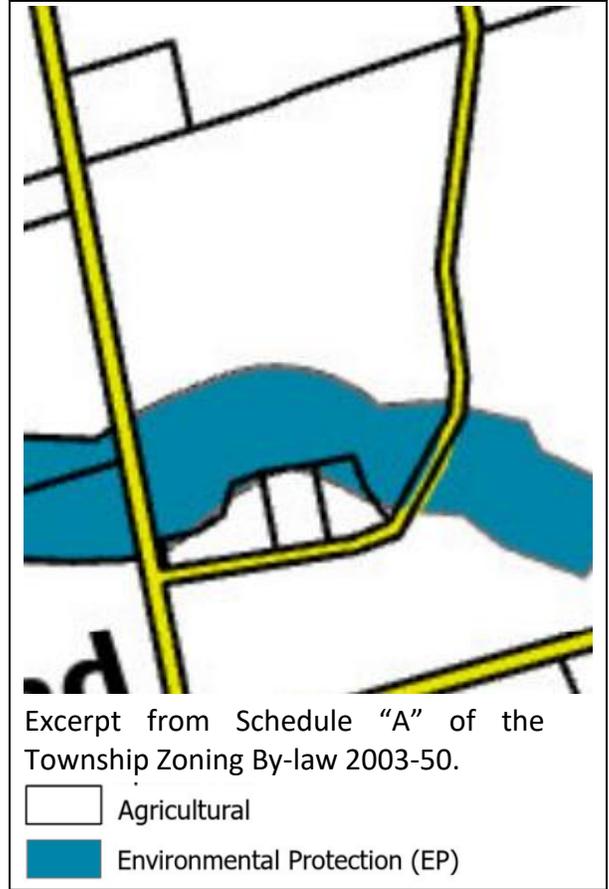
Section 6.3 of the Zoning By-law outlines Agricultural Zone regulations such as minimum lot area, minimum lot frontage and setback requirements. The Agricultural (A) Zone permits a number of agricultural uses in addition to a residential dwelling.

In terms of the existing residential dwelling on the northern property (8866 Smith Road) a primary dwelling in the Agricultural (A) Zone has the same requirement as a primary dwelling in the R1 Zone. It appears that the retained lot would meet all relevant provisions and maintain conformance with the Zoning By-law.

Section 32.2 of the Zoning By-law provides three permitted uses in the Environmental Protection (EP) Zone:

- a) Preservation or conservation uses.
- b) Flood and erosion control works as approved by the Nottawasaga Valley Conservation Authority.
- c) Where a residential dwelling exists on a lot covered (in whole or in part) by the EP Zone, new buildings and structures accessory to a residential use are permitted to be erected, subject to the same regulations (for accessory buildings or structures) as set out in Sections 4, 5 and 6.

There are no zone standards for the Environmental Protection (EP) Zone, as lot creation is not intended for this Zone. Therefore, the new lot and existing residential dwelling would not meet the Zoning By-law requirements. Rezoning to a different Zone category is recommended as a condition of approval.



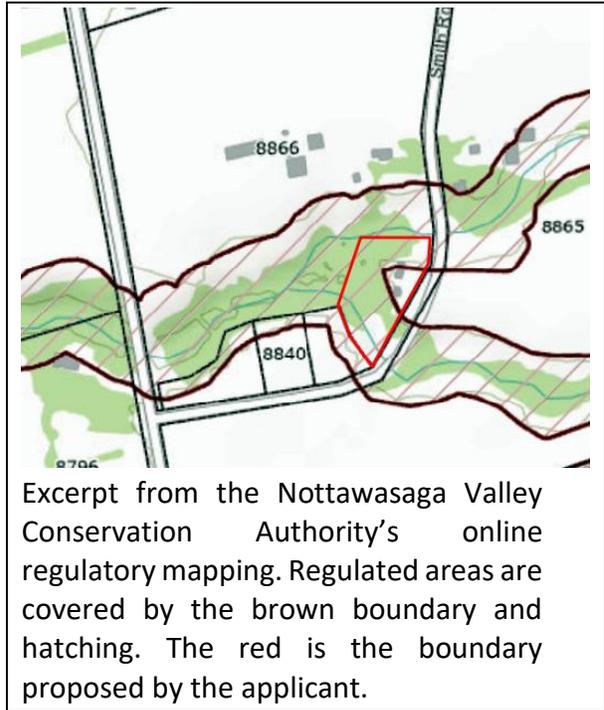
A Minimum Distance Separation (MDS) calculation is also required for lands to be rezoned, per Section 5.2.1 of the Zoning By-law. This can be required as part of addressing conformity to the Township Zoning By-law, and addressed through that application.

Accordingly, an implementing zoning by-law amendment is recommended to implement site specific standards for the lot and dwelling unit in the EP zone such as lot size, lot frontage, setbacks, building height, coverage etc. Furthermore, the site specific amendment would ensure that all natural heritage features and relevant setbacks are protected from development. A site-specific provision can be written to provide for this protection, in conformity with the policies as outlined above.

A condition of approval is recommended to require a Zoning By-law Amendment Application to the Township of Essa to permit the residential land use in keeping with the intent of the Township OP. The Zoning By-law Amendment will also contain site-specific regulations with regards to development standards and provisions within the Agricultural (A) and Environmental Protection (EP) Zones, and any zone standards if required (including Minimum Distance Separation calculations).

5. Nottawasaga Valley Conservation Authority Planning and Regulation Guidelines (2009)

As noted, the southern portion of the subject lands and most of the lands proposed to be severed are regulated by the Nottawasaga Valley Conservation Authority and are identified as Flood Prone Areas. The Authority's Planning and Regulations Guidelines permits Minor Additions within Natural Hazard Areas (Flood Prone Areas) despite the direction for development to be generally directed areas out of these areas.



Section 3.1.3(b) notes that where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows. Portions of the lands to be severed appear to be located outside of the regulatory floodplain, although the County OP, Township OP and Township Zoning designations suggest otherwise. The lands outside of the floodplain should be placed in an appropriate zoning category as part of the amendment to implement the severance, if approved.

Of importance is the requirement for any minor additions to be situated away from the environmental features located within the subject lands. Building within the Nottawasaga Valley Conservation Authority Regulated Area would require a development permit to proceed.

It is to be noted that in discussions with the Township, the lot to be severed must follow the limit and line of the natural feature so as to ensure its protection and that natural hazards are avoided by the new lot lines.

DEPARTMENT AND AGENCY COMMENTS:

Comments have been received from the Nottawasaga Valley Conservation Authority, dated February 20, 2026. Noting that the comments have been prepared using the concept provided by the applicant, they raise concerns over the confirmation and accurate representation of the natural hazard features of the site. All proposed lot lines should be outside of these natural hazards. If that cannot be achieved based on current data, technical studies can support the application:

1. A flood hazard study should be completed in support of the proposed development.
2. A meander erosion hazard study should be completed in support of the proposed development.

The request of the Nottawasaga Valley Conservation Authority is to defer a decision on the application pending resolution of the above.

The core element of these concerns relate to longstanding policies in the Provincial Planning Statement relating to avoiding development on hazard lands which include lands adjacent to rivers, streams and erosion hazards. Staff at the Nottawasaga Valley Conservation Authority have not been part of conversations with the applicant about redesigning the lot. Ultimately, the required redesign of the conceptual lot will need to occur in a matter that addresses these concerns, and can be addressed through the implementing Zoning By-law stage of development.

Note that an approval with conditions does not guarantee that the lot will be created. The applicant will have work to do to demonstrate that these policies are met through the redesign of the lot, and will require an implementing zoning by-law amendment to be passed by Council (already being recommended by the consultant planner). If these do not happen, the consent approval will lapse and the lot shall not be required.

PUBLIC COMMENTS:

At the time of preparing this report, no public comments were received for this application. Should comments be received, this information will be provided to the Committee. A notice sign was posted on the property and the required mailing completed.

CONCLUSION:

An alternate lot configuration is recommended, as shown on the following page, so as to minimize the size of the parcel to best protect the natural features on the lands. The proposed area of approximately 0.3 hectares (0.75 acres) will meet the Agricultural (A) zone by-law requirement of a minimum lot area of 2,782 square metres.

An implementing zoning by-law amendment is required to implement the severance.

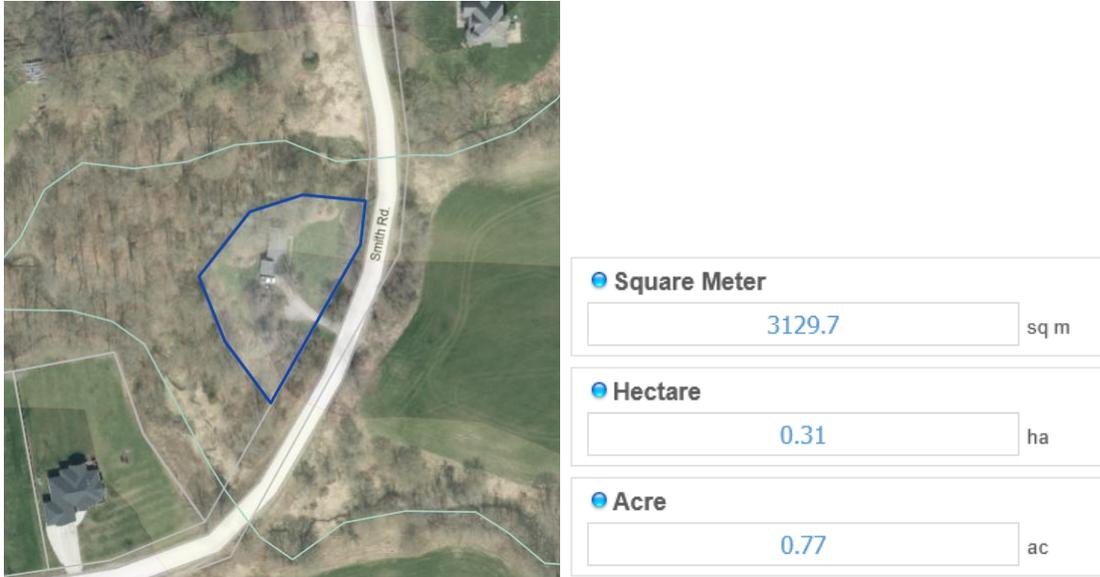


Figure 2: Recommended orientation of the proposed severance (including site statistics).

By “wrapping” the residential dwelling and following the natural features and lines of the lands, it ensures that should any minor additions occur at this property in the future, the environmental features are protected. Any potential new minor additions as permitted via the NVCA policies would be required to occur away from the environmental features and instead towards the municipal roadway. The lot lines also need to avoid any hazard lands, whether based upon current data or through the completion of technical studies that support the location of the future lot line, to satisfy NVCA comments.

The consultant planner is recommending **APPROVAL** of this application, **subject to the conditions listed in this report, including obtaining a zoning by-law amendment** to recognize the residential use in an Agricultural (A) Zone (potentially with site-specific standards) and to ensure conformity with the County OP and Township OP.

Upon final passing of the zoning by-law amendment, the proposed severance will generally be in keeping with all relevant planning policies and staff considers the approval of said application to be good planning and in the public interest.

Respectfully submitted,

Joe Nethery, MCIP, RPP
Consultant Planner on behalf of the Planning Department
Township of Essa