

18 October 2023

19012

Central Elgin Planning Office  
9 Mondamin Street  
St. Thomas, Ontario  
N5R 2T9

RE: PLANNING JUSTIFICATION LETTER  
APPLICATIONS FOR LAND SEVERANCES  
APPLICATION FOR ZONING BY-LAW AMENDMENT  
DOUG TARRY LIMITED  
42399 SOUTHDALINE  
MUNICIPALITY OF CENTRAL ELGIN  
COUNTY OF ELGIN

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ATTENTION: MR. KEVIN MCCLURE, MCIP, RPP, PLANNER

Dear Sir:

This planning justification letter provides a planning impact analysis regarding the proposed land severances and associated zoning bylaw amendment pertaining to a parcel of land located at 42399 Southdale Line (i.e. the **"subject property"**) within the Municipality of Central Elgin, County of Elgin. The subject property is shown on Figure 1: Key Map and is owned by Doug Terry Limited. It is designated primarily Residential by the Municipality of Central Elgin Official Plan (**"OP"**) with very small areas of Natural Heritage and Natural Hazard along the property's southern boundary. Figure 2: OP Designation Overlay shows the designations of the OP on the property. The subject property is zoned as Open Space Zone 2 (OS2) by the Township of Yarmouth Zoning By-law 1998, as amended (**"ZB"**) which applies in this area of Central Elgin.

The subject property is within the jurisdiction of the Kettle Creek Conservation Authority (**"KCCA"**) and is located within the KCCA Regulation Limits. The KCCA Regulation Limit generally coincides with the Natural Hazard designation identified on Figure 2. Permits and approval from KCCA will be required for any development within the KCCA Regulations Limits.

A formal pre-consultation meeting took place on 30 March 2023 with Central Elgin Planning Staff and the County of Elgin. A follow-up consultation meeting took place on 27 April 2023. The legal description of the subject property is Part 1 on Plan 11R-446 and is Part of Lot 2, Concession 6, Township of Yarmouth, County of Elgin.

## **1.0 BACKGROUND**

The subject property is located on the southeast corner of Hawk's Gate and Southdale Line as depicted on Figure 1 and is within the Community of Norman Lyndale. The total area of the subject property is 1821.09 square metres (0.18 hectares) and it is currently vacant having until recently contained a single detached dwelling and accessory building recently demolished. Two existing drains run along the south side of the subject property, which would be retained on the proposed Parcel "D". There are two existing drinking water wells located on the subject property which would be decommissioned at a future date.

South and west of the subject property is the previously approved draft plan of subdivision for Eagle Ridge Phase 2. Phase 1 of Eagle Ridge is located further southeast of the subject property.





Figure 1: Key Map



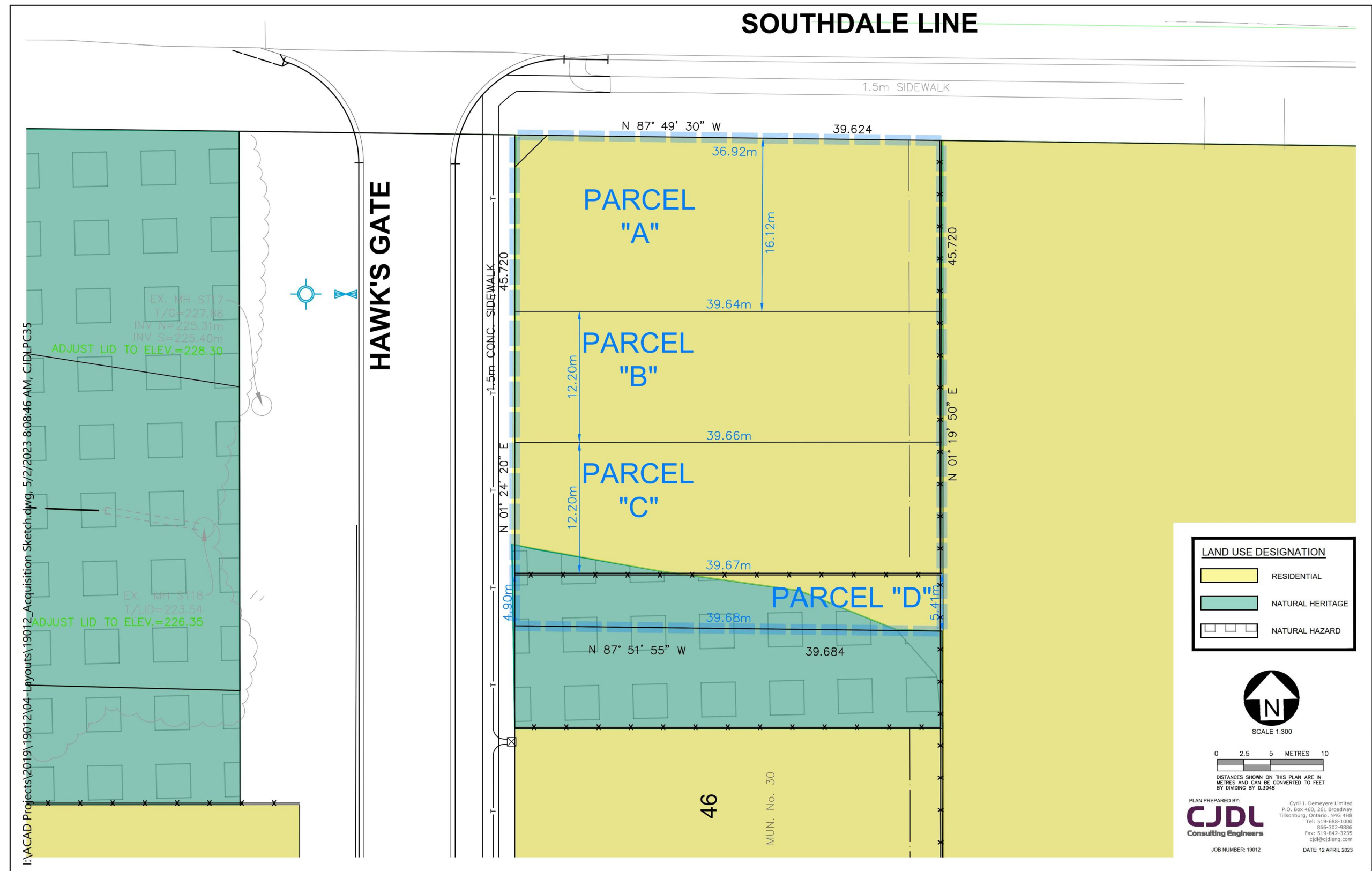


Figure 2: OP Designation Overlay

Easterly adjacent to the subject property are existing single detached dwellings with frontage on and direct laneway access from Southdale Line and north of the subject property is agricultural farmland that is within the City of St. Thomas. Southdale Road is the municipal boundary between the City of St. Thomas and the Municipality of Central Elgin. Eagle Ridge Phase 2 is proposed to be single detached dwellings. Figures 3, 4 and 5 herein show the land severances proposed from the subject property in detail.

The proposed land severance applications for 42399 Southdale Line would result in the creation of 4 new lots in two separate applications as follows:

- Parcel "A" would be 635.9 square metres with a frontage of 16.12 metres, there would also be a 3 by 3 metres daylight corner and 0.3 metre reserve on the north side of the lot along Southdale Line.
- Parcel "B" would be 483.7 square metres with a frontage of 12.20 metres.
- Parcel "C" would be 483.9 square metres with a frontage of 12.20 metres.
- Parcel "D" would be 204.5 square metres with a frontage of 4.98 metres and would be conveyed to the Municipality of Central Elgin for the purposes of the stormwater management block.

Severance application #1 would sever Parcel "B" from Parcels "A" and "C" combined which would be "retained." Severance application #1 would also implement a proposed 3.0-metre storm drainage easement along the eastern boundary of Parcels "A", "B" and "C". Please refer to Figure 3 which shows the proposed application #1.

Severance application #2 would sever Parcel "D" from Parcel "C" which would be "retained." Severance application #2 would also implement a proposed irregular storm drainage easement on the southwest corner of the proposed Parcel "C". Proposed Parcel "D" would be merged with the southerly Block 76 on Plan 11M-263 which is a stormwater management block owned by the Municipality of Central Elgin and will become a drainage corridor and include the majority of the Natural Hazard designation and the area regulated by the KCCA. Please refer to Figure 4 which shows the proposed application #2. Figure 5 shows the frontage and area of each lot.

The subject property currently does not contain any existing trees or vegetation. As part of the Eagle Ridge Subdivision - Phase 2 underground servicing, the street was constructed through the existing ravine in order to connect the Hawk's Gate right-of-way to Southdale Line.

The ravine crossing design included the construction of a 1200mm diameter culvert, which was sized to convey the 100-year storm under Hawk's Gate from the area tributary to the existing ravine. A sloped channel was constructed on the upstream end of the culvert to convey surface drainage to the culvert and allow for single detached residential development on the north and south side of the channel. The channel side slopes do not exceed 2.4H:1V at its steepest point and are considered geotechnically stable. (refer to section 6.1 of this letter for geotechnical comments)



The proposed severances would also require a zoning bylaw amendment ("ZBA") which would be very similar to the R1-81 zoning applicable to the Eagle Ridge Phase Two subdivision south of the subject property. The only difference is an increased exterior side yard along Southdale Line. The proposed rezoning from OS2 to R1-XX would be as follows:

#### 9.2.2.XX

- 9.2.2.XX.1. *Defined Area:* R1-XX, as Shown on Zoning Map Part X(X).
- 9.2.2.XX.2 *Permitted Uses:* a) Single Detached Dwelling  
b) Accessory Uses.
- 9.3.3.XX.3 *Permitted Buildings and Structures* Buildings and structures for the uses permitted b Subsection 9.2.2.80.2.
- 9.3.3.XX.4 *Services Required:* In this zone, no building or structures shall be erected or used for any purpose permitted by subsection 9.2.2.80.2 unless the following municipal services are available to service the building or structure and the land on which it is situate:  
i) a water supply system, and  
ii) a sanitary sewage system and a storm sewage system
- 9.3.3.XX.5 *Lot Area:* 380 square metres.
- 9.2.2.XX.6 *Lot Frontage:* 12 metres.
- 9.2.2.XX.7 *Coverage:* 40% maximum
- 9.2.2.XX.8 *Front Yard Depth:* 6 metres.
- 9.2.2.XX.9 *Rear Yard Depth:* 7 metres.
- 9.2.2.XX.10 *Side Yard Depth:* a) Interior side yard – 1 metre.  
**b) Exterior side yard – 5.0 metres.**
- 9.2.2.XX.11 *Height:* a) 11 metres for the main building.  
b) 6 metres for detached accessory buildings and structures.
- 9.2.2.XX.12 *Ground Floor Area:* a) 1 storey dwelling – 74 square metres.  
b) 1-1/2 storey dwelling – 60 square metres.  
c) 2 storey dwelling – 42 square metres.
- 9.2.2.XX.13 *Off-Street Parking:* 2 parking spaces per dwelling unit
- 9.2.2.XX.14 *Exceptions:* The provision of subsection 9.2.1 (General Regulations) shall not apply to the area defined in subsection 9.2.2.XX.1."

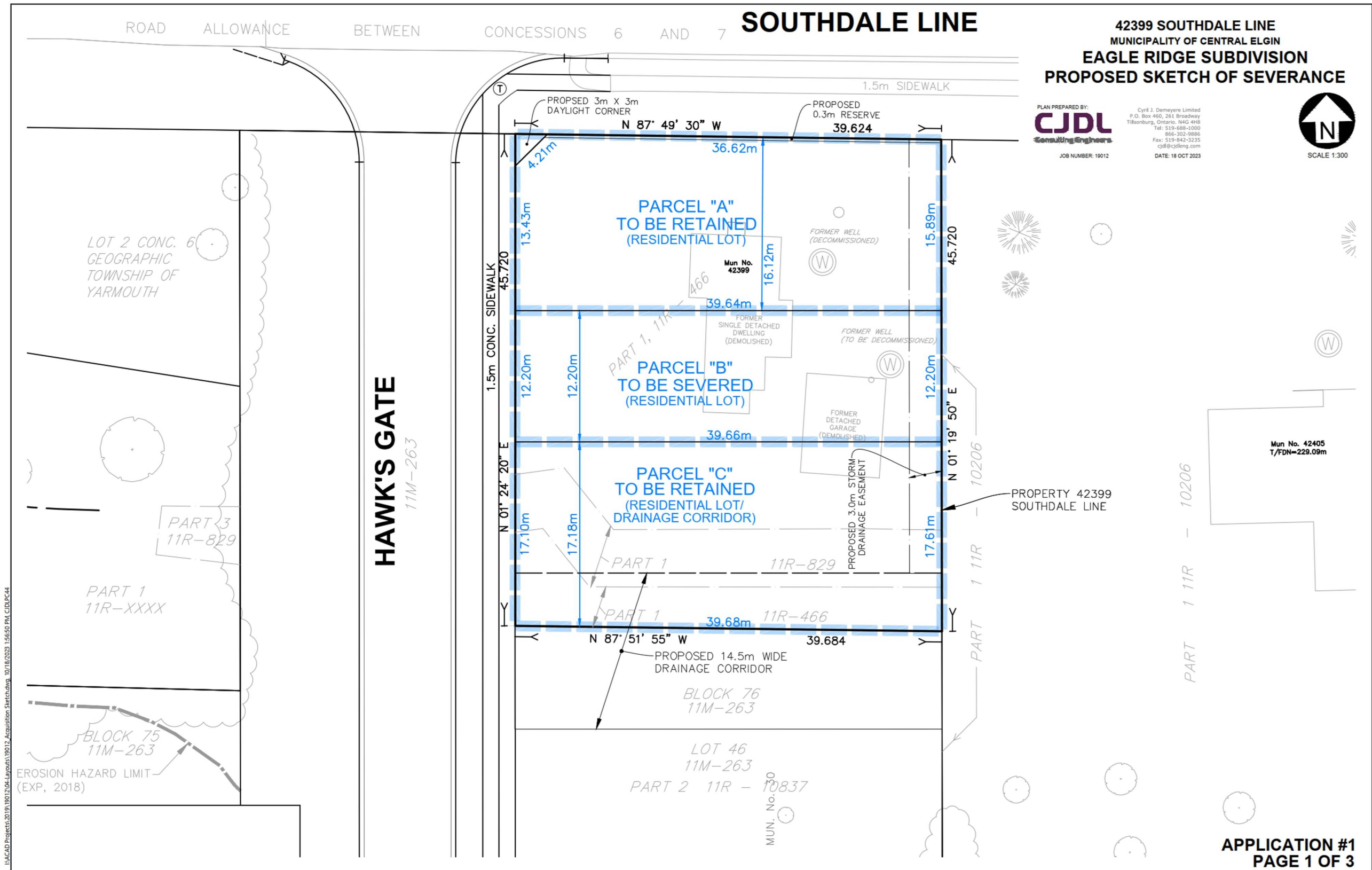
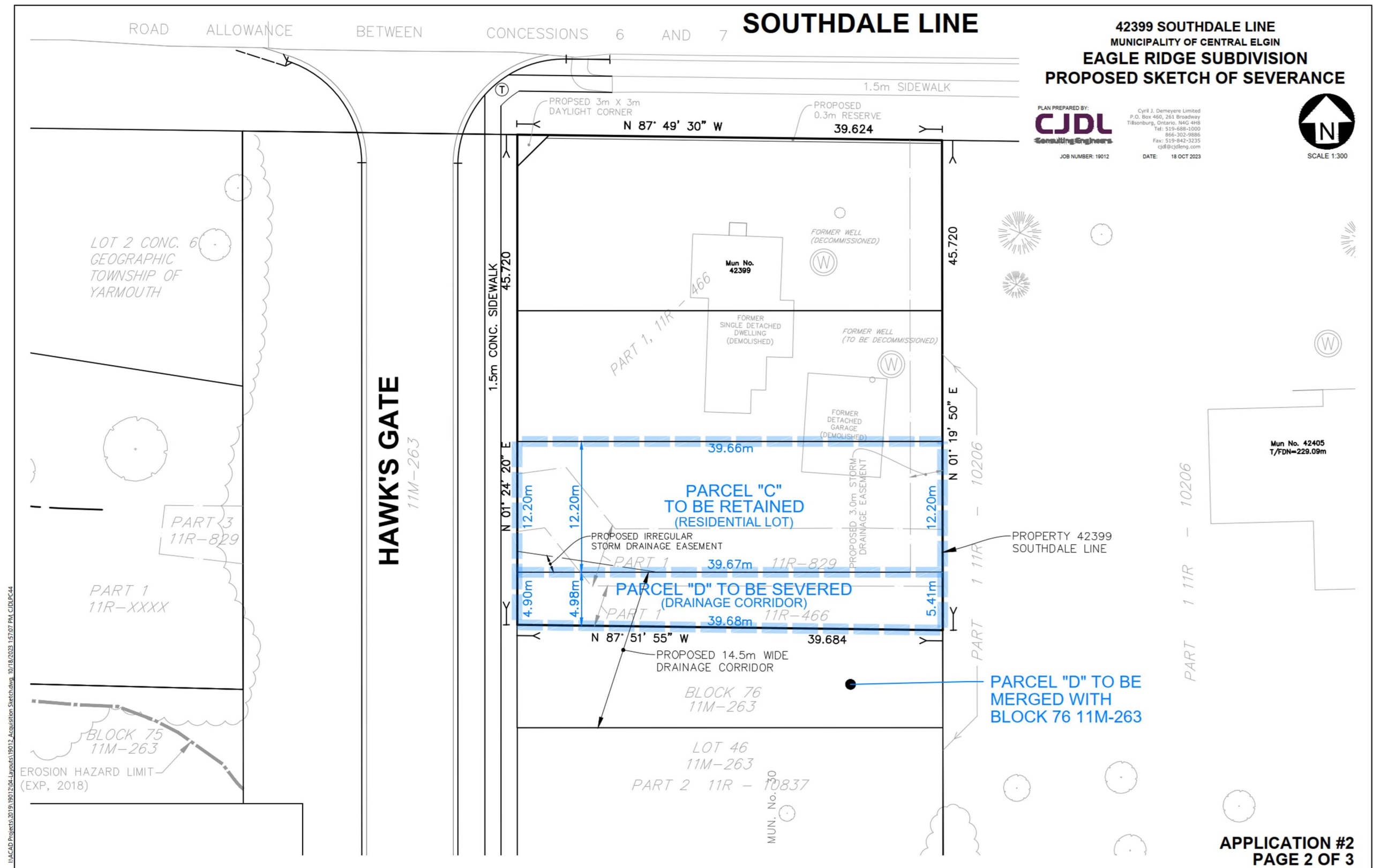


Figure 3: Proposed Severance Sketch Page 1 of 3





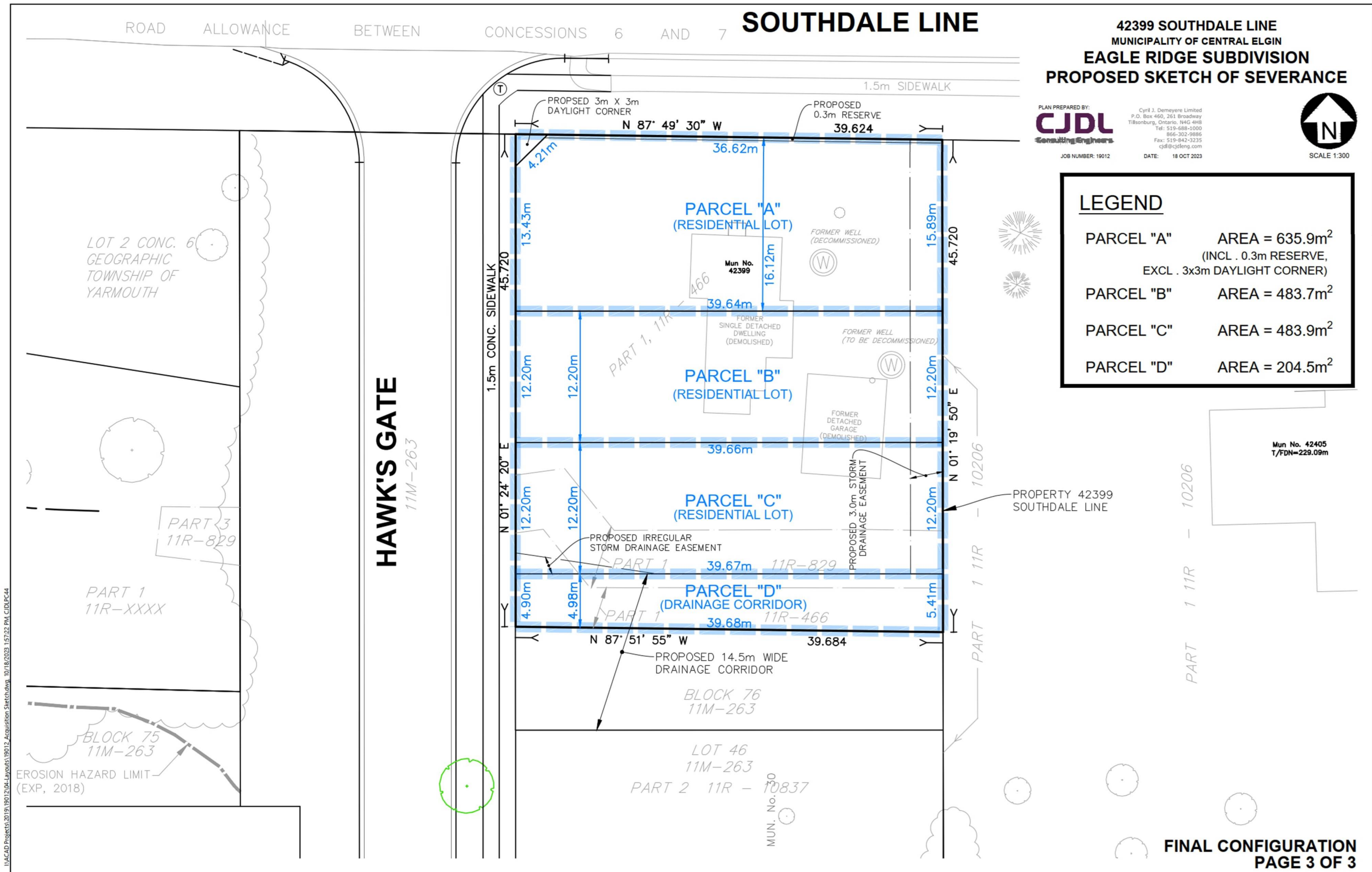


Figure 5: Proposed Severance Sketch Page 3 of 3



## **2.0 PROVINCIAL POLICY STATEMENT (PPS)**

The PPS 2020 came into effect 1 May 2020 and provides policy direction on matters of provincial interest related to land use planning and development within the Province of Ontario under the Planning Act. Decisions of municipalities regarding applications for consent for severance and proposed ZBAs are required to be consistent with the applicable policy under the Planning Act legislative authority. The proposed severance application to create 4 new lots under Section 53 of the Planning Act and associated ZBA would be consistent with the PPS as follows:

- The proposed consent to sever 42399 Southdale would result in a relatively compact lot layout of the subject property and residential use that would be compatible with existing development in the vicinity further to PPS Section **1.1.1 b).**
- The proposed development of the subject property would complete the pattern of development anticipated within this area of Norman Lyndale, would not prevent future expansion, making cost-effective use of existing municipal services further to PPS Section **1.1.1 d) and e).**
- The proposed development would be connected to full municipal services which ensures it would have the necessary infrastructure to meet the needs of the proposed development further to PPS Section **1.1.1. g).**
- Norman Lyndale is one of the primary, fully serviced settlement areas of Elgin County intended to be the focus of growth and development and the proposed development would be an enhancement to its vitality and regeneration further to PPS Section **1.1.3. and 1.1.3.1.**
- The proposed development will be an efficient use of land as the lots are designed in a compact form and is adjacent to full municipal services which avoids the need for unjustified and uneconomical expansion of infrastructure further to PPS Section **1.1.3.2 a) and b)**
- The proposed development would also extend sidewalks on the east side of Hawks Gate to Southdale Line within the Eagle Ridge Phase 2 subdivision which would provide pedestrian/active transportation opportunities further to PPS Section **1.1.3.2 e).**
- The proposed lots would be compact in form and are within a built-up area of Norman Lyndale and adjacent to existing single detached dwellings east of the property further to PPS Section **1.1.3.6.**
- The proposed development would add to the housing supply in the County of Elgin and the Municipality of Central Elgin and more specifically Norman Lyndale. It would assist in meeting the needs of current and future residents through the development of lands that are designated as Residential and available for development further to PPS Section **1.4.1 a).**
- As noted, the proposed development would be connected to full municipal services including sanitary sewers and municipal water services which are readily available and the preferred form of servicing for settlement areas further to PPS Section **1.6.6.2.**
- An EIS Addendum was prepared by Vroom & Associates and the conclusions confirm that the proposed land severances and associated rezoning from OS2 to a site-specific R1-XX zone would not negatively impact the on-site/surrounding natural heritage features or their ecological

functions impact of the Natural Heritage designation that is on the southern boundary. Therefore, the Natural Heritage features on the west side of Hawks Gate would continue to be protected for the long term further to PPS Section 2.1.1.

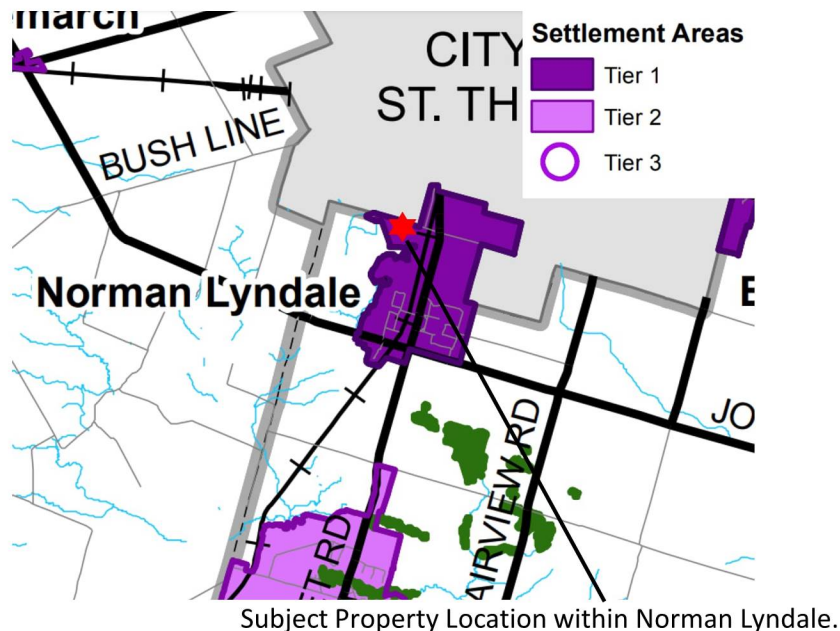
- In formal pre-consultation KCCA required a geotechnical investigation be prepared. Accordingly, a geotechnical investigation letter was prepared by EXP dated October 2023, the conclusions of which confirm that the proposed slope pertaining to the drainage corridor is stable further to PPS Section 3.1.1 b).

**Conclusion:** Based on the foregoing analysis, the proposed development would be consistent with the PPS.

### **3.0 COUNTY OF ELGIN OFFICIAL PLAN (COP)**

The COP was approved by the Ministry of Municipal Affairs and Housing on 9 October 2013 with modifications that were consolidated in February of 2015. The COP is currently undergoing a COP review and update with draft policy changes recently released for public review and comment. Norman Lyndale is currently one of the County's **Tier 1** settlement areas within the hierarchy of settlement areas set out within Schedule 'A' Land Use of the plan. Section B2.5 of County OP States: *"Tier 1 settlement areas generally have the largest populations in the county and as a consequence have full municipal services. (municipal water and sewage services) The boundaries of these settlement areas are shown on Schedule A of this plan, settlement areas are central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas."*

Schedule 'A' Land Use Plan County OP excerpt:



The subject property would make use of an underutilized property for purposes permitted by the OP to the extent feasible and would be connected to full municipal services readily available conforming with COP Section A4.4 Infrastructure.



The proposed development of the property by land severance with the associated rezoning would conform with COP Section **B2.6 New Development in Existing Settlement Areas a) through d)**, as follows:

- It would serve as a logical extension to the existing built-up area of Norman Lyndale, as it is surrounded by existing residential both south and east of the subject property. The lots would be relatively compact and single detached homes proposed on the lots would be appropriately sized for full services thereby minimizing land consumption conforming with COP Section **B2.6 a)**;
- The proposed development would have compact lot sizes similar to those of the previously approved Eagle Ridge Phase Two, and is located within a Tier 1 Settlement area conforming with COP Section **B2.6 b)**;
- The proposed development includes single detached dwellings conforming with COP Section **B2.6 c)**;
- The proposed development would be connected to full municipal services which would be used as efficiently as possible conforming with **B2.6 d)**;
- The other key policies addressed throughout this section of the report ensure the proposed development conforms with COP **B2.6 e)**.

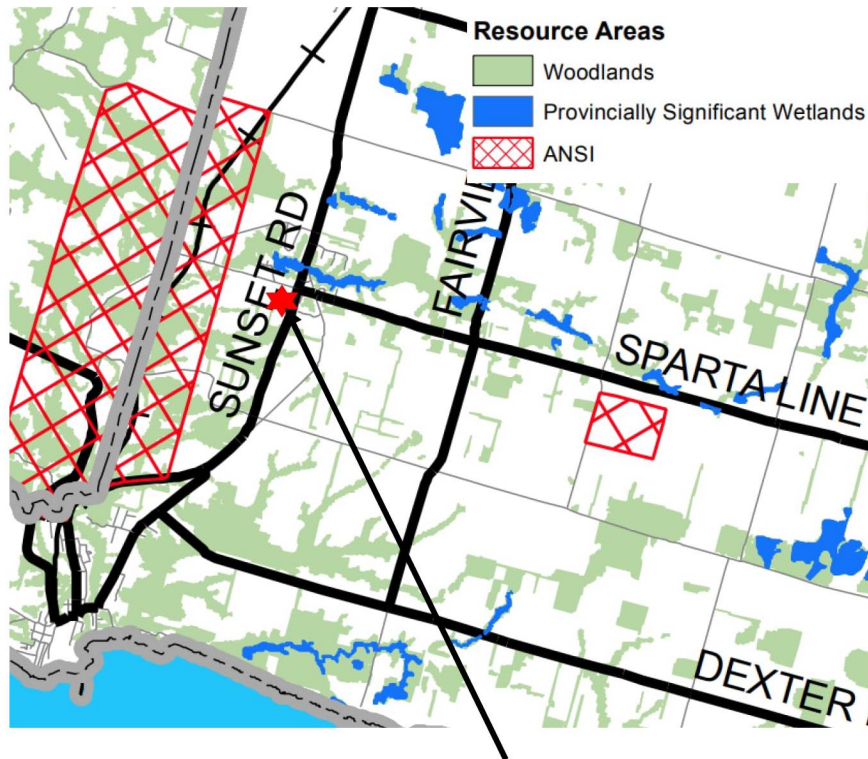
In terms of other relevant COP policies, those of Section **C1.1.1 Residential Areas** are largely reflective of the foregoing **B2.6** policies. The proposed single detached dwellings to be created by land severance are in conformity with these policies as the proposed residential development would:

- Complement the built character of an existing residential area south and east of the subject property while enhancing the entrance to Eagle Ridge Phase Two subdivision with three proposed single detached dwellings to COP Section **C1.1.1 a)**.
- Provide an option for residential intensification within Norman Lyndale by making efficient use of nearby servicing infrastructure and developing the property at a higher residential density than previously existed further to COP Section **C1.1.1 c)**.
- Promote the efficient use of currently underutilized land and the proposed development would increase residential density in the area. Single detached homes are appropriate for the size of the lots and compatible with low-density development south and east further to COP Section **C1.1.1 d)**.

The proposed development is an option for residential intensification since the proposed residential density of Norman Lyndale would be increased per the proposed zoning from what is existing and, therefore, contribute to the 15 percent development target for residential intensification. Moreover, the subject property would be connected to full municipal services conforming with COP Section **C1.3.2 General Policies a)**.

Appendix #1 Natural Heritage Features and Areas identifies woodlands along a portion in the southern portion of the subject property within Parcel "D" and a slight portion of Parcel "C". As noted, there are no trees or areas of vegetation currently on the property. In addition, an EIS Addendum prepared states that there would be no negative, adverse, or unalterable impacts on the natural heritage features located on the subject property from the proposed development conforming with COP Section **D1.2.2.1. Significant Woodlands, D1.2.6 Development and Site Alternation b) i)**, and **D1.2.7 Adjacent Lands**.

Appendix #1 Natural Heritage Features and Areas County OP excerpt:



Subject Property Location within Norman Lyndale.

The previous EIS and the EIS Addendum conform with the requirements of COP Section **D1.2.8 Environmental Impact Studies**.

The proposed development through consent under COP Section **E1.2.3 New Lots by Consent** would conform with COP Section **E1.2.3.1 General Criteria a) through i)** as follows:

- a) *fronts on and will be directly accessed by a public road that is maintained on a year-round basis;*
  - The proposed development fronts onto Hawks Gate which is a local road maintained year round conforming with COP Section **E1.2.3.1 a)**.
- b) *does not have direct access to a Provincial Highway or County Road, unless the Province or the County permits a request for access;*
  - The proposed severance has 1-foot reserves along Sparta Line which would prevent driveway access onto Sparta Line which is a Collector Road conforming with COP Section **E1.2.3.1 b)**.
- c) *will not cause a traffic hazard; County of Elgin Official Plan February, 2015 79*
  - The proposed development is minor in that it would only have 3 new residential laneways if approved and, therefore, would not cause a traffic hazard conforming with COP Section **E1.2.3.1 c)**.
- d) *has adequate size and frontage for the proposed use in accordance with the local municipal Zoning By-law;*
  - The proposed lots would be sized similarly to the existing Eagle Ridge Phase Two development south of the subject property with a ZBA submitted concurrently from OS2 to a site-specific R1-XX conforming with COP Section **E1.2.3.1 d)**.



- e) *notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;*
  - A ZBA will be submitted concurrently with the applications for severance and the ZBA can be included as a condition of approval of the consents under COP Section **E1.2.3.1 e).**
- f) *can be serviced with an appropriate water supply and means of sewage disposal, provided there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services;*
  - The proposed development would utilize readily available municipal services conforming with COP Section **E1.2.3.1 f).**
- g) *will not have a negative impact on the drainage patterns in the area;*
  - The proposed development would improve drainage patterns in the area with a new drain and filling of the ravine on the proposed lot “D” conforming with COP Section **1.2.3.1 g).**
- h) *will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;*
  - Each new lot proposed would have laneway access onto Hawks Gate conforming with COP Section **1.2.3.1 h).**
- i) *will not have a negative impact on the significant features and functions of any natural heritage feature; in this regard, lots should be restricted in size in order to conserve other lands in larger blocks for natural heritage purposes;*
  - The EIS addendum prepared by Vroom and Leonard confirms the proposed development would not negatively impact the natural heritage features identified on a small portion the property conforming with COP Section **1.2.3.1 i).**
- j) *will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;*
  - The proposed development will not affect the quality and quantity of groundwater for other uses in the area as it would be connected to full municipal services and a storm drain conforming with COP Section **1.2.3.1 j).**
- k) *will not have an adverse effect on natural hazard processes such as flooding and erosion;*
  - If approved, the proposed Parcels “A-C” would contain single detached dwellings and the proposed Parcel “D” would be utilized for drainage in concert with Block 76 and would be conveyed to the Municipality of Central Elgin as a condition of severance,
- l) *conform with the local Official Plan; and,*
  - The following section of this letter addresses how the proposed development conforms with the Central Elgin OP conforming with OP Section **1.2.3.1 l)**

The proposed lots “A” through “C” would be single detached dwellings with the slope of the drainage channel considered stable as stated in the Geotechnical letter prepared by EXP (conclusions found in Section 6.1 of this letter) conforming with COP Section **D3.4 a), b), and d).**

As the proposed development would utilize full municipal services readily available conformity would exist with COP Section **E4 Sanitary Sewers and Water.**

**Conclusion:** Based on the foregoing analysis, the proposed development would be in conformity with the COP.

#### **4.0 THE MUNICIPALITY OF CENTRAL ELGIN OFFICIAL PLAN (OP)**

The OP was adopted by Council on 18 August 2022 and approved with modifications by the County of Elgin on 10 January 2023.

The subject property is primarily designated as Residential and, reflective of the COP, with a limited area of Natural Heritage and Natural Hazard designation on the south side of the subject property on the proposed lot “D” and the southwest corner of proposed lot “C” as per Schedule “E” of the OP (see enclosures). The property is located on the southeast corner of Southdale Line and Hawks Gate. Southdale Line is classified as a Collector Road per the OP Schedule “E1” (see enclosures).

It is located within Norman Lyndale which is one of six Communities in Central Elgin and has full municipal services. The proposed land severances and associated rezoning would result in a compact urban form achieving cost-effective development as services are readily available and the proposed development would be located adjacent to the southerly Eagle Ridge Phase Two Subdivision. Sidewalks also exist south of the subject property promoting active transportation and they would be extended along Hawk Gate conforming with OP Section **2.1.1 Urban Settlement Areas**.

The proposed development would be an opportunity for Residential Intensification as a higher density is proposed than what currently exists on the subject property and the proposed development is an infill development conforming with OP Section **2.3.2 Residential Intensification**.

Under OP Section **2.3.2.1 Residential Intensification – Policies** criteria:

- The proposed development is adjacent to the built-up area of Norman Lyndale with existing low-density residential south and east of the subject property. It is also within the built area limits on Schedule “E” of the OP conforming with OP Section **2.3.2.1. a)**;
- The proposed development would be connected to full municipal services conforming with OP Section **2.3.2.1. b)**;
- The proposed residential intensification complies with the relevant policies of Section **4.0** of the OP and no requirement for consideration of community design under OP Section **2.10.3** was indicated during consultation conforming with OP Section **2.3.2.1 d)**.

Cash-in-lieu of parkland would be an appropriate condition of the consents to sever conforming with OP Section **2.5.1.2 Parks – Policies c)**.

The consent to sever would be integrated and connected to the previously approved Eagle Ridge Phase Two via sidewalks to be extended along Hawks Gate promoting active transportation and making Norman Lyndale a safer and healthier community conforming with OP Section **2.8.5.4**.

The EIS Addendum was prepared to address the policies of OP Section **3.4**.

The majority of the subject property as mentioned is designated as Residential. Proposed Parcels “A”, “B” and “C” would be developed for single detached dwellings as permitted by OP Section **4.3.1 a)**.

The proposed development would comprise a density of 16.6 units per net hectare which is under the maximum 22 units per hectare for low-density residential areas and would be 1 or 2-storey not exceeding 11 metres in height which would be compatible with existing surrounding land uses east and west conforming with OP Section **4.3.2 Density b) 1**.



The proposed development would create 3 new residential lots with Parcel “D” to be conveyed to the Municipality. Therefore, OP Section **5.3.9.1 Consents** – Policies providing criteria for consents applies. The proposed development conforms with OP Section **5.3.9.1 Consents – Policies a) through e)** as follows:

- It would create 4 new lots (3 new residential lots) which is less than 5 lots allowable from a single, original parcel conforming with OP Section **5.3.9.1 a).**
- A ZBA will be concurrently submitted for the proposed consent to sever conforming with OP Section **5.3.9.1 b).**
- The proposed development would conform with OP Section **5.3.9.1 c)** as follows:
  - Proposed lots A-D will have frontage onto Hawk Gate conforming with OP Section **5.3.9.1 c) 1.**
  - Since there are only 4 lots being proposed there would be no traffic hazards conforming with OP Section **5.3.9.1 c) 2.**
  - If required, reduction of the daylight corner through the ZBA may be a condition of consent conforming with OP Section **5.3.9.1 c) 3.**
  - The proposed development would not restrict future development of other parcels conforming with OP Section **5.3.9.1 c) 4.**
  - The lots would be adequately sized as per the rezoning of each lot conforming with OP Section **5.3.9.1 c) 5.**
  - A concurrent ZBA is submitted with the consent application conforming with OP Section **5.3.9.1 c) 6.**
  - As mentioned, Cash-in-lieu of parkland will apply conforming with OP Section **5.3.9.1 c) 8.**

Central Elgin would require approval of the ZBA as a condition of the consent conforming with OP Section **5.3.9.1 d).**

The Addendum to the EIS supports the proposed development and the area designated Natural Hazard is largely contained within the proposed parcel “D” conforming with OP Section **5.3.9.1 e) 1. and 2.**

Although proposed Parcel “C” has a very small portion of Natural Heritage and Natural Hazard areas on the southwest corner, the proposed building envelopes would not be within these areas. Further, the EIS Addendum discussed in Section 6.2 of this letter stipulates the proposed development would have no unalterable impacts on the surrounding natural heritage features identified on the proposed lot “C” conforming with OP Section **3.1.1 b).**

There are no trees or any vegetation on the subject property so it would not be feasible to utilize the natural heritage features as a means to enhance community design beyond the drainage work discussed in Section 1.0 of this letter conforming with OP Section **3.1.1. g).**

The large majority of proposed Lot “D” is identified as Natural Hazards accordingly OP Section **3.2** applies. It is to be merged with Block 76 which is a drainage block within Eagle Ridge Phase 2 and be utilized for drainage purposes and stormwater management with no residential development which would conform with OP Section **3.2.1 d).**

It was confirmed through a geotechnical investigation letter (Section 6.1 of this letter) that the proposed drainage lot “D” would have a stable slope. Moreover, the building envelope for Parcel “C” would be located outside the Natural Hazard overlay as shown on Figure 2 of this letter conforming with OP Section **3.2.2 b) 1. and 2.**

The proposed development maintains the County of Elgin Policies as addressed in Section 3.0 herein and there would be adequate services conforming with OP Section **5.3.9.1 e) 1-4.**

**Conclusion:** Based on the foregoing analysis, the proposed development would be in conformity with the OP.

## **5.0 TOWNSHIP OF YARMOUTH ZONING BYLAW (ZB)**

As noted, the subject property is zoned as Open Space Zone 2 (OS2) in the ZB as per Schedule “B” Section 3, Map Part 5 (see enclosures). The OS2 zone is permissive of the following as per ZB Section

### **8.3.1.1. Permitted Uses:**

- (a) *Farm uses;*
- (b) *Rural-residential uses lawfully used for such purposes on the day of the passing of this by-law;*
- (c) *Home Occupations;*
- (d) *Accessory Uses.*

The proposed Parcels “A, B, and C would be developed for single detached dwelling use which is not permitted in the OS2 zone and, therefore, a ZBA is required to a site-specific R1. The southerly adjacent Eagle Ridge Phase Two is zoned as R1-81 under ZB Section **9.2.2.81**. The requested 3 single detached dwellings are proposed to zoned similarly with the exception of the exterior side yard at 5.0 m vs 3.5 m as previously indicated.

ZB Section **7.17** and **7.1.7.2** apply to daylight corners and prohibit the erection of a building or structure on a corner lot within 6 metres of the intersection of the front lot line and the exterior lot line on a corner lot. The proposed development would propose a 3 by 3 metre daylight corner rather than a 6 by 6-metre daylight corner which is consistent with the first two phases of the Eagle Ridge subdivision which, if necessary, can be addressed as an element of the rezoning.

The proposed parcel “D” has frontage of 4.98 metres and a lot area of 204.5 square metres which are under the minimum requirements in the R1-81 zone. However, as was discussed in pre-consultation, proposed lot “D” would merge with Block 76 on 11M-263 giving it adequate frontage and lot area to stay in compliance with the ZB.

**Conclusion:** Based on the foregoing analysis, the proposed development would be in conformity with the ZB subject to rezoning.

## **6.0 SUPPORTING STUDIES**

### **6.1 Geotechnical Investigation Letter**

EXP has prepared a geotechnical investigation letter dated October 2023 which concludes that the slopes of the open channel are considered stable and all work completed on the east side of Hawks Gate has no adverse impact on surrounding areas and is considered acceptable. Please refer to the geotechnical investigation letter for further conclusions about the slope and drain work.

### **6.2 Environmental Impact Study Addendum**

Vroom + Associates’ Addendum to the 2017 Environmental Impact Study (EIS) for the Eagle Ridge subdivision dated 21 June 2023 concludes as follows with regard to the proposal relative to the Natural Heritage designation on the south portion of the site:

*“Natural Heritage policy direction within the Municipality of Central Elgin Official Plan (2023) directs that the test of “no negative impact to the natural heritage features and/or their ecological functions” (OP Section 3.1.1) be satisfied in order to permit development and site alteration in these areas. The woodlands on-site are small ( $\pm 12$  m in width), planted/early successional in nature, demonstrate low*



*quality, and do not facilitate connection to the larger wooded ravine feature west of Hawks Gate. Because they contribute little to the greater Natural Heritage of the area, their removal will not result in any significant impact on the functions of the remaining surrounding natural heritage.*

*Again, it is our opinion that the proposed rezoning, severance and future residential use of the subject lands will not negatively impact the on-site/surrounding natural heritage features or their ecological functions.” (page 5 of EIS Addendum)*

## **7.0 CONCLUSION**

Based on the foregoing analysis and supporting information submitted it is my opinion that the proposed applications for land severance and ZBA for the subject property would:

1. Be consistent with the Provincial Policy Statement;
2. Conform with the Elgin County Official Plan;
3. Conform with the Municipality of Central Elgin Official Plan;
4. Conform and comply with the Township of Yarmouth Zoning By-law 1998, as amended, subject to rezoning.
5. Make efficient and appropriate use of the subject property and efficient use of available full municipal services;
6. Representative of sound land use planning in Norman Lyndale and provide an opportunity for infill development and residential intensification within Central Elgin;
7. Have no negative impacts on the environment nor any natural hazard concerns.

If you have any further questions, or if any additional information is required, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read "Trevor Benjamins". The signature is written in a cursive, flowing style with a long horizontal line extending from the top of the first letter.

Trevor Benjamins  
CPT, Planner  
OPPI Pre-Candidate  
Cyril J. Demeyere Limited.

TB/kc



# Schedule "E"

To The Official Plan of  
The Municipality of  
Central Elgin  
**Community of  
Norman Lyndale**  
LAND USE PLAN

**Land Use Designation**

- Agricultural
- Residential
- Local Commercial
- Office Professional
- Community Facility
- Natural Heritage
- Natural Hazard
- Special Policy Area 1  
St Thomas Psychiatric Hospital

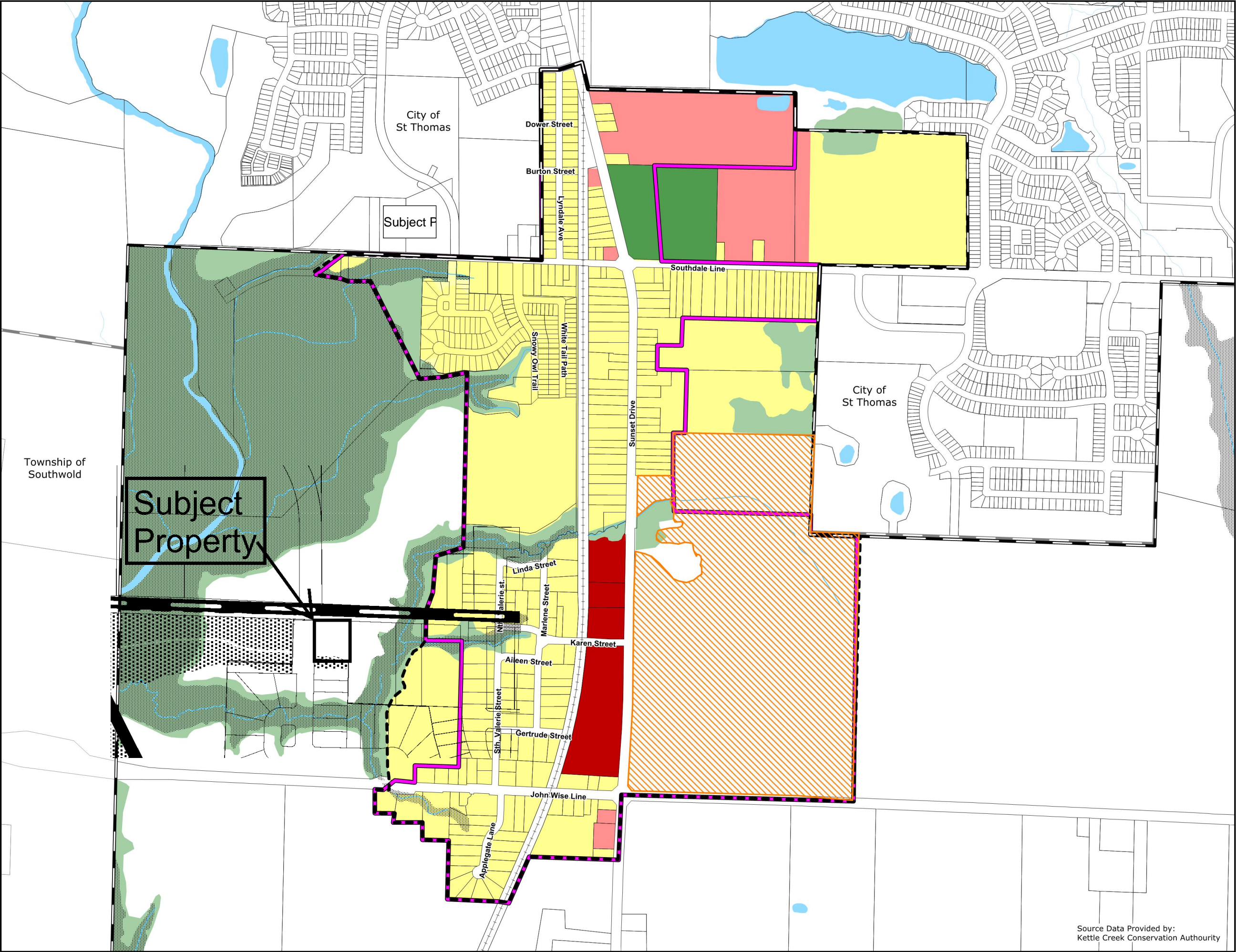
NOTE: Modification No. 28  
under Section 17(34) of the  
*Planning Act*

**Map Legend**

- Urban Settlement Area
- Built Area Limits
- Municipal Boundary
- Railway
- Watercourses
- Waterbodies



Adopted by Council August 18 2022



Source Data Provided by:  
Kettle Creek Conservation Authority



**Schedule "E1"**  
To The Official Plan of  
The Municipality of  
Central Elgin  
**Community of  
Norman Lyndale**  
**ROADS CLASSIFICATION  
and WIDENING**

**Roads Classification**

- Municipal**
- Collector
  - Local
  - Road Widening
- County**
- County Road
- Provincial**
- Provincial Highway

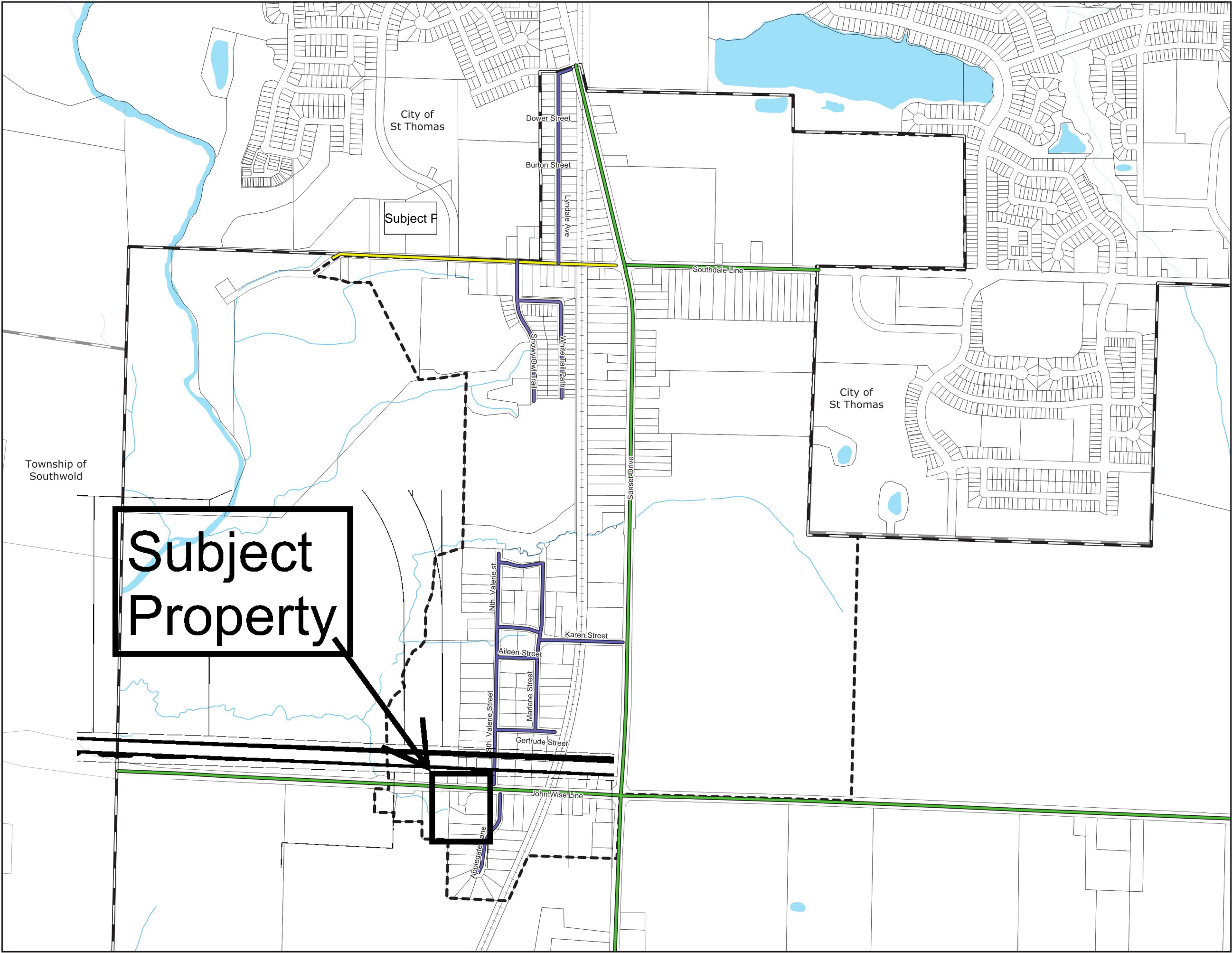
- Map Legend**
- Urban Settlement Area
  - Municipal Boundary
  - Railway
  - Watercourses
  - Waterbodies



200 0 200 400

**Metres**

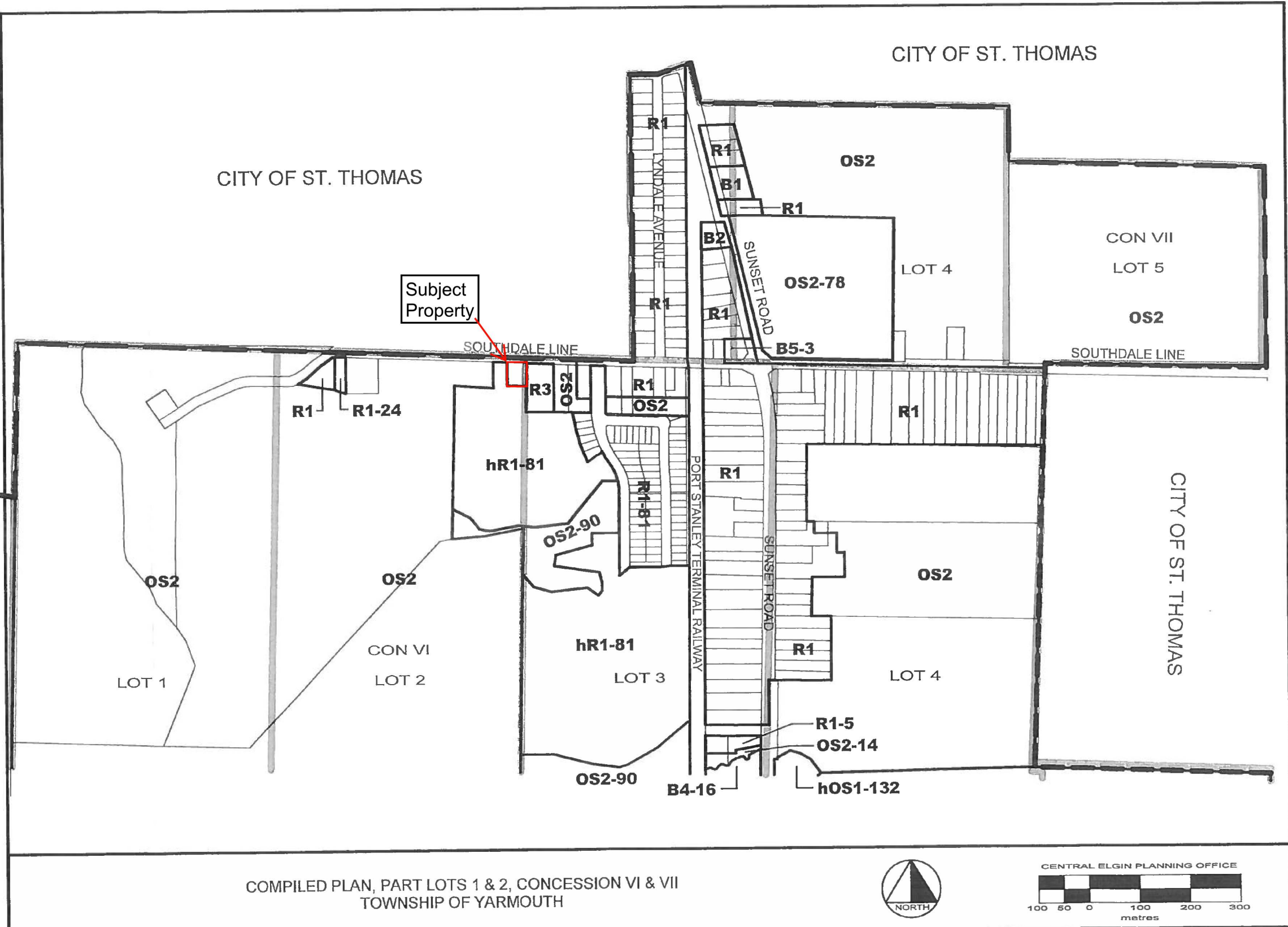
Adopted by Council August 18 2022



TOWNSHIP OF YARMOUTH BY-LAW NO. 1998  
ZONING MAP AND SCHEDULES

SECTION 3

MAP PART 5



THIS IS SCHEDULE "B" TO BY-LAW NO. 2578  
PASSED THIS 12th DAY OF April, 2021.

*Paul Shipway*  
Paul Shipway, CAO/Clerk

*Sally Martyn*  
Sally Martyn, Mayor