



COMMITTEE OF ADJUSTMENT

REPORT N° AMÉ-20-65-R

Date received	23/09/2020
Date of meeting	21/10/2020
Submitted by	Nicolas Denis
Subject	Consent – Creation of a new lot
File Number	D-10-901
Owners	Daniel Lalonde
Agent	Marc Daigneault
Legal Description	Part of Lot 7, Concession 2

1) **GENERAL INFORMATION:**

Designation of the Official Plan of the United Counties of Prescott and Russell: Rural Policy Area

Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland: N/A

Designation of the Official Plan of Bourget:
N/A

Classification of Zoning By-law No. 2016-10:
Rural (RU) Zone

Services :

Municipal Water: No
Municipal Sewer: No
Road Access: Henrie Road

An appeal may be made to the LPAT if no decision is made within 90 days (21/12/2020).

2) **PURPOSE :**

The owner has requested consent in order to create a new residential lot. The proposed new lot would have a frontage of 47.24 m on Henrie Road, a depth of approximately 150 m and an area of 3.33 acres (1.33 ha). The retained lot will maintain 47.64 m along Henrie Road, a depth of approximately 150 m and an area of 3.3 acres (1.33 ha). This

application is a resubmission of consent application B-CR-006-2017. Also, this application is concurrent with the consent application D-10-900, which also seeks to create a new residential lot on western portion of the subject property.

3) **CONSENT REQUESTED :**

	Frontage	Depth	Area
(A) Severed parcel	47.24 m	150 m	1.33 ha
(B) Retained parcel	47.64 m	150 m	1.33 ha

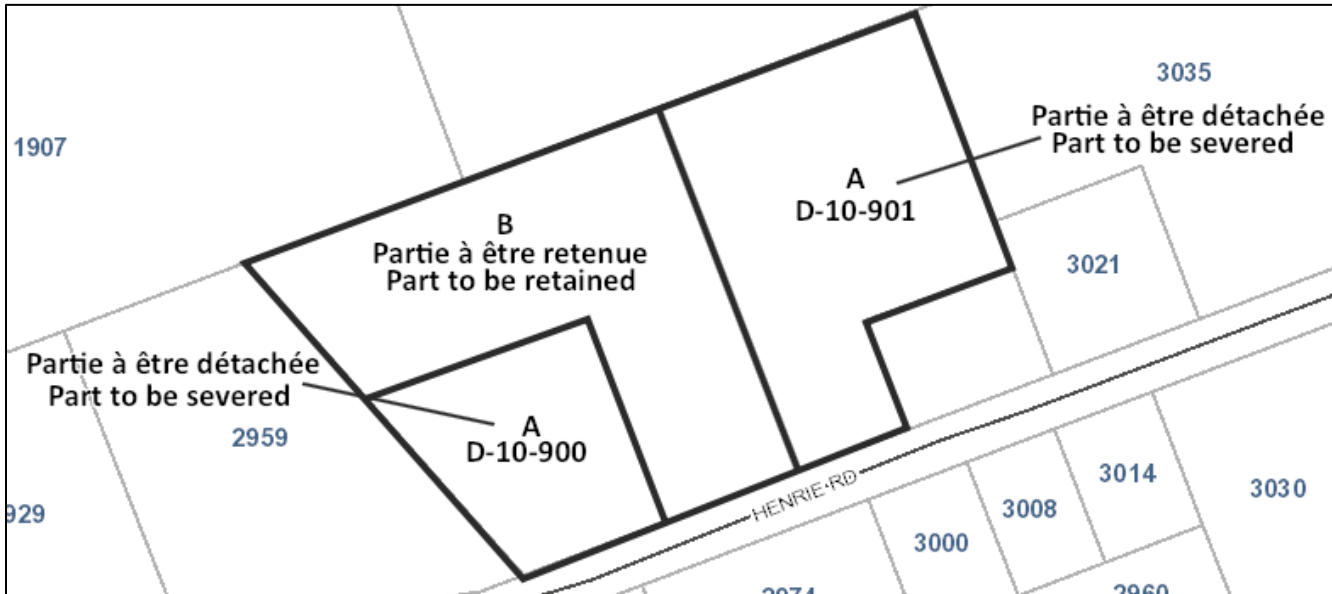


Figure 1 (Keymap)

4) **CONDITIONS AND COMMENTS RECEIVED :**

Finance :

No comments.

Protective Services :

No comments.

Community Services :

No comments.

Construction :

No comments.

Infrastructure Services :

No comments.

United Counties of Prescott and Russell :

See attached document.

South Nation Conservation :

See attached document.

Planning Services :

On September 23rd 2020, Mr. Marc Daigneault on behalf of Mr. Daniel Lalonde submitted a complete consent application in order to create a new residential lot. The proposed new lot would have a frontage of 47.24 m on Henrie Road, a depth of approximately 150 m and an area of 3.33 acres (1.33 ha). The retained lot will maintain 47.64 m along Henrie Road, a depth of approximately 150 m and an area of 3.3 acres (1.33 ha).

Also, this application is concurrent with the consent application D-10-900, which also seeks to create a new residential lot on the western portion of the subject property. According to Section 7.4.2 of the Official Plan of the United Counties of Prescott and Russell, the creation of two new lots is permitted on a lot that existed before June 22nd 1999. According to our files, no lots were created on this property since 1999.

It is important to note that this application is a resubmission of consent application B-CR-006-2017. On April 27th 2017 the Committee of adjustment approved the original consent application and a notice of no appeal was sent on May 17th, 2017. Unfortunately, the owner did not complete the prescribed conditions within the one year timeframe and the consent application was deemed to have lapsed. Consequently, the owner requires a new approval from the Committee of adjustment in order to continue the process of severing his property.

The subject property is located within the "*Rural Policy Area*" on Schedule "A" of the Official Plan of the United Counties of Prescott and Russell. The proposed residential uses on the property are permitted.

In addition, the subject property contains significant woodland as per Schedule "B" of the Official Plan of the United Counties of Prescott and Russell. According to Section 5.5.6 of the Official Plan, an environmental impact study is required in order to ensure that there will be no negative impact on the environment or the ecological functions of the habitat.

The detached and retained parcels are also located within a Mineral Aggregate Resource Area sand - gravel according to Schedule "E" of the Official Plan of the United Counties of Prescott and Russell. When the applicant last submitted an application for consent for the creation

of this lot, the Schedule in question was under appeal. Since then, the appeal has been resolved and it is now required by the policies of the Official Plan to appropriately study the impact of any lot creation in regards to the possible extraction or access of this resource. This is explained in Section 4.3.5.1 b) of the Official Plan, which states:

"Development, including changes in land use and the creation of new lots for residential, commercial, institutional, recreational or industrial development in areas located within Mineral Aggregate Resource Areas, which would preclude or hinder the establishment of mineral aggregate operations or access to the resources, will be prohibited except where:

i) extraction of the resource would not be feasible; or

ii) the proposed land use or development serves a greater long-term public interest; and

iii) issues of public health, safety and environmental impact are appropriately addressed. "

Thus, the owner will be responsible to provide the City of Clarence-Rockland a Mineral Aggregate Resource study in order to demonstrate that the proposed lot creation will not preclude or hinder the establishment of mineral aggregate operations or access to the resources.

Also, the subject property is located within a "Rural (RU) Zone" according to schedule "A" of the City of Clarence-Rockland Zoning By-law 2016-10. The proposed residential uses on the property are permitted.

The application was deemed complete on September 30th, 2020. A notice of public meeting was sent to different agencies and to the property owners within 60 meters of the subject property on September 30th, 2020. A sign has also been posted on the property.

5) **DEPARTMENTAL RECOMMENDATION :**

THAT the Committee of Adjustment approve the consent application submitted by Daniel Lalonde, file number D-10-901, concerning the property described as Part Lot 7, Concession 2, subject to the following conditions:

1. That the applicant provide to the City of Clarence-Rockland one original paper copy of a registered Reference Plan (plan of survey) that identifies the severance D-10-901 as approved by the Committee, as well as one copy to be submitted electronically in PDF and DWG format directly to the United Counties of Prescott and Russell and to the City of Clarence-Rockland.

2. That the applicant(s) provide to the Approval Authority of the City of Clarence-Rockland a hydrogeological study and terrain analysis, to be prepared by a professional engineer, to demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with the replacement area. This report shall be prepared by a qualified professional at the applicant's expense, and shall be reviewed and approved by South Nation Conservation.
3. That the applicant(s) provide to the Approval Authority of the City of Clarence-Rockland an Environmental Impact Study for the Significant Woodland, to be prepared by a professional in the field, to demonstrate that there will be no negative impacts on the natural features or on the ecological functions for which the features are identified. This report shall be prepared by a qualified professional at the applicant's expense, and shall be reviewed and approved by South Nation Conservation.
4. That the applicant(s) provide(s) to the Approval Authority of the City of Clarence-Rockland a Mineral Aggregate Impact Assessment, to be prepared by a qualified professional in the field, in order to satisfy Policy 4.3.5.1 b) of the Official Plan of the United Counties of Prescott and Russell. This assessment shall be prepared by a qualified professional, at the applicant's expense, in order to provide a professional opinion as to the viability of the resources that would be potentially affected by the proposed development (lot creation) and shall be reviewed and approved by the Approval Authority.
5. That the applicant provide to the Approval Authority of the City of Clarence-Rockland a Transfer/Deed of land conveying the severed land for use for the issuance of a Certificate of Consent.
6. That each condition be fulfilled and that the Consent Approval Authority of the City of Clarence-Rockland be notified in writing within one (1) year of the date of the Decision by the departments and/or agencies having imposed the said conditions.