



Meeting Date: January 22, 2020

Submitted by: Tim Williams, Senior Planner

Report No: PLA-03-2020

Subject: Consent Applications (B-03/20, B-04/20 and B-05/20), Denfield Estates Inc. -23779 to 23859 Denfield Road (33M-744), Brecon Farms Limited- 15777 Fifteen Mile Road, Donna Layng- 15750 Fifteen Mile Road

Recommendation:

THAT Consent Applications B-03/20, B-04/20 and B-05/20, filed by Denfield Estates Inc., Brecon Farms Limited, Donna Layng respectively in order to establish stormwater maintenance and access easements as well as driveway access easements in favour of the Denfield Estate Inc. subdivision (23779 to 23859 Denfield Road). The easements are located on three properties legally described as 33M-744 and Concessions 14 and 15 Part Lot 29, (geographic Township of London), Municipality of Middlesex Centre, known municipally as 12750 and 12777 Fifteen Mile Road and 23779 to 23859 Denfield Road; be **GRANTED**.

FURTHER THAT Consent B-03/20 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-03/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.

5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B-03/20 be paid in full.

FURTHER THAT Consent B-04/20 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-04/20 and that this plan be approved by the Municipality prior to being deposited with the Land Registry Office.
4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B-04/20 be paid in full.

FURTHER THAT Consent B-05/20 be subject to the following conditions:

1. That the Certificate of Consent under Section 53(42) of the *Planning Act* shall be given within one year of the date of the notice of the decision. The request for the Certificate of Consent shall be accompanied by a written submission that details how each of the conditions of severance has been fulfilled.
2. That the fee for the Certificate of Consent be paid in accordance with the Municipality's Fees and Charges By-law.
3. That a draft reference plan be prepared by an Ontario Land Surveyor for the purposes of facilitating the transaction of Consent B-05/20 and that this plan

be approved by the Municipality prior to being deposited with the Land Registry Office.

4. That the Owners' solicitor provide a Transfer in Preparation to the Municipality, together with a deposited reference plan and a Schedule describing the land to be transferred, for the purposes of the issuance of a Certificate of Consent.
5. That the Owners' solicitor submit an undertaking in a form satisfactory to the Municipality to register an electronic transfer of title consistent with the Consent decision.
6. That any outstanding property taxes for the subject lands of Consent B-05/20 be paid in full.

AND FURTHER THAT the reasons for granting Consent applications B-03/20, B-04/20 and B-05/20 include:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the County of Middlesex Official Plan and the Middlesex Centre Official Plan; and
- The proposal complies with the Middlesex Centre Comprehensive Zoning By-law.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a proposal to create easements for stormwater for the Denfield Estates Inc. subdivision and driveway access points for each of the newly created residential lots in the subdivision.

Background:

As Committee will recall, the Denfield Estates Inc. subdivision was recently registered. The subdivision is located within the Hamlet of Denfield and fronting onto the west side of Denfield Road one property north of Fifteen Mile Road. A location map is included as Attachment 1.

The purpose and effect of the consent applications are to create two sets of easements, the first to allow for the conveyance of stormwater from the subdivision across adjacent properties to the municipal drain south of Fifteen Mile Road (Parts 1 and 2 of Draft R-Plan number 2). The second are easement for access and maintenance over the driveways. This will allow the future driveways to function as "twined" driveways (Parts 1 to 10 of Draft R-Plan number 1). This is proposed to reduce the number of driveway access points on to Denfield Road. The easements will ensure driveway maintenance and access is maintained in perpetuity. Draft R-Plan number 1 and 2 are included as Attachment 2.

More specifically the B-03/2020 application by Denfield Estates is requesting an easement over Parts 1 to 10 (of Draft Plan number 1) in favour of the adjacent property for maintenance and access. The application is also looking to establish a stormwater easement over Parts 11 and 14 (of Draft Plan number 1) to allow for stormwater to travel through this Part as an overland flow.

Application B-04/2020 by Brecon Farms Limited is requesting an easement over Part 2 (of Draft Plan number 2) to allow for stormwater to travel in this Part through a buried stormwater pipe.

Application B-05/2020 by Donna Layng is requesting an easement over Part 1 (of Draft Plan number 2) to allow for stormwater to travel in this Part through a buried stormwater pipe.

The subject lands are currently used for agricultural purposes. If the applications were approved, 15750 and 15777 Fifteen Mile Road lands would continue with agricultural use. The easements would allow for the lots within the subdivision to be development with the previously approved residential single detached dwellings.

Policy Regulation:

The subdivision lands are located within a Settlement Area according to the County of Middlesex Official Plan and is designated Residential by the Middlesex Centre Official Plan. The land is zoned Hamlet Residential First Density (HR1). The Agricultural Lands (12750 and 12777 Fifteen Mile Road) are Agricultural Area according to the County of Middlesex Official Plan and is designated Agricultural Area by the Middlesex Centre Official Plan. The land is zoned Agricultural (A1).

Provincial Policy Statement (PPS):

Section 3 of the Planning Act requires all decisions made under the Act “to be consistent with” the Provincial Policy Statement (PPS). The following PPS policies are relevant to the proposed development and need to be considered when evaluating the subject applications.

Section 1.1.3 of the PPS speaks to Settlement Areas, which identifies settlement areas as the focus of growth and development. Section 1.1.3.3 of the PPS states, ‘Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

County of Middlesex Official Plan:

The County of Middlesex Official Plan speaks to consents and easements in section 4.5.3. This section reviews the criteria for consent applications and confirms that, “Easements, consents for lot additions/adjustments and severances for land assembly which facilitate subsequent development by plan of subdivision are not necessarily subject to the following policies and shall be evaluated based on site specific considerations established in local official plans provided such policies maintain the minimum standards set out in this Plan.”

Middlesex Centre Official Plan:

Middlesex Centre’s Official Plan designates the subject lands as ‘Residential’ and ‘Agricultural’. The ‘Residential’ designation residential dwellings are permitted in a variety of forms, including single detached dwellings. The ‘Agricultural’ Areas are intended to be used predominantly for agriculture and agriculture related uses. This includes all forms of farming, including the principal farm dwelling, related buildings and structures, practices and uses of land.

Consultation:

Notice of the applications has been circulated to agencies, as well as property owners in accordance to the requirements of the Planning Act.

Public Comments:

At the time of writing the subject report, no comments or concerns had been received from the public regarding this proposal.

Agency Comments:

The following comments were received at the time of writing this report;

The Municipality’s Department of Public Works and Engineering have reviewed has reviewed the subject application and had no concerns and/or requirements.

Hydro One has reviewed the subject application and had no concerns and/or requirements.

Analysis:

The Provincial Policy Statement, County Official Plan and the Municipality’s Official Plan generally permit lot creation within Settlement Areas, subject to servicing and compatibility. The easements simply implement the previously approved subdivision and rezoning applications.

Planning staff have reviewed the proposal and find the proposal establishes easements necessary to ensure orderly development of the subdivision. The original subdivision approval envisioned the easements by including reference to their need in the subdivision agreement and the three consent applications are the method in which the applicants have chosen to secure the necessary rights.

The establishment of the easements will not change the conformity with the Middlesex Centre Comprehensive Zoning by-law.

Given the above, planning staff are recommending that the subject applications be approved.

This opinion is provided prior to the public meeting and without the benefit of potentially receiving all comments from agencies or members of the public. Should new information arise regarding this proposal prior to or at the public meeting, the Council is advised to take such information into account when considering the application.

Attachment #1 – Location Map



