

TOWNSHIP OF NORTH DUMFRIES

Application Information for Consent

Step One

Land owners who are considering making an application to create a lot are required to arrange a pre-submission meeting with the Township Planner, the Region of Waterloo, the Grand River Conservation Authority, and their agent (if applicable).

At this meeting the proposed application will be reviewed and discussed. This is an opportunity for the applicant to understand the process, including a general timeline and the requirements of the application.

Step Two

The applicant must now decide if they want to enter the process and submit a formal application including the supporting information and the appropriate fees. One Application Fee is required for each severed parcel or lot to be created, excluding one retained lot. The applicant should take the time to understand requirements and the information needed to process his/her application.

For almost every type of application, it is recommended that the applicant obtain advice from a qualified consultant. Assistance may be necessary to prepare a "Complete Application". At a minimum, professional help may be beneficial to ensure all applications are complete and accurate. With more detailed / complex applications, additional studies will be required and must be completed by qualified professionals.

For applications for severances within the Beverly Area of the Township, a zone change will be required in almost every case. The land owner is required to obtain approval for the zone change prior to applying for a severance.

Attached for information are selected policies from the Township Official Plan concerning severances.

When all forms and required studies are complete, the applicant may submit the materials to the Township for processing. Staff will review the materials to ensure all items are submitted as previously identified in the pre-submission meeting. If the package is deemed to be a "Complete Application", staff will accept the materials for processing in accordance with the Planning Act.

Step Three

Generally there will be four parties reviewing the application. The Township of North Dumfries will receive the application and then circulate it to the Regional of Waterloo, the Conservation Authority and the Hydro Electric Commission of Cambridge and North Dumfries for their comments. The following will outline what each agency will be considering when reviewing the application

The Township of North Dumfries will accept the application and forward it to the Township Planner for comments and recommendations. The Township Planner will consider the following:

- the need for the proposed change, such as its compatibility with existing land uses,
- the conformity with the Township Official Plan and Zoning By-law, and whether an amendment to either document is necessary;
- the need for input from other Township departments such as the Engineering, Road, Recreation or Fire Departments;
- the effect on the Township services and facilities, this could require reviewing the housing, transportation, infrastructure and service policies;
- the implication the amendment may have on other policies of the Plan, the proposal cannot conflict with the current policies in the Official Plan of the Region or the Township;
- the Townships and Regions ability to achieve goals and policies expressed in this Plan, or on other Township or Regional policies, programs or interests, the proposal cannot hinder the ability of other policies to meet their goals.
- The Township will review any recent OMB decision that may affect the application.

The Region of Waterloo is responsible for many planning activities. This includes following regional and provincial policies. Due to a recent transfer of responsibility many comments that were once prepared by the appropriate Ministry are now prepared by the Region.

Ministry of Citizenship, Culture and Recreation (MCCCR) wants the Region to consider the need for an impact study on the cultural heritage landscape built heritage resources, and the need for an archeological assessment of a property.

- The primary goal of an Archeological Study is to identify and protect heritage resources early in the planning process. If moderate to high archaeological potential has been identified the Region will require the applicant to submit an archaeological assessment. This requirement may be a condition of approval. If this occurs the applicant will have to retain a Consultant Archaeologist to conduct the study. This study will then have to be sent to the Region and the Ministry of Citizenship, Culture, and Recreation, the Ministry is the approval authority.
- ***Ministry of Natural Resources*** wants the Region to be concerned with the mineral resources, natural resources, public health and safety, and imposing and clearing conditions required to protect these provincial interests.

- *Environmental Impact Statements (EIS)*: If an EIS is required the applicant will have to submit a document. The contents of the EIS may be scoped depending on the scale of the development proposal.
- *Ministry of Environment and Energy* wants the Region to be concerned with identifying the need, assessing the adequacy and provide comments on soil contamination, groundwater protection, servicing capacity, storm water management, ecosystem studies, and others.
- The goal of a Noise Study is to protect the enjoyment of residential property. Regional Staff will identify the need for a noise at the earliest stage possible. If require the study will be submitted to the Regional Engineering Department, where mitigation measure may be imposed as a condition of approval.
- Road widening may be required to secure the designated Regional Road Allowance. The Region is entailed to ask for up to 17 feet of road winding. Anything over this limit is negotiated between the Regional and the applicant.
- *Ministry of Agriculture, Food and Rural Affairs (OMAFRA)* wants the Region to be identify the need for, and assess the adequacy of the Minimum Distance Separation (MDS), identify prime agricultural soils, identify the need for studies regarding farm viability, agricultural assessments and background reports.
- Justification Study when redesignating agricultural lands to a non-farm use

Grand River Conservation Authority (GRCA) will consider flood plains, wetlands and any regulated land designated by mapping. The GRCA will assists in the developing the terms of reference and reviewing the EIS.

The Hydro-Electric Commission of Cambridge and North Dumfries will consider if the proposed are is currently services and if that level of servicing will have to be altered for the proposal and comment on whether the energy requirements for the proposal is acceptable.

After comments have been received and consideration of all of the above mentioned is completed the Township Planner will submit a report either recommending the application for approval or denial.

Step Four

The application can either be approved or denied. A denied applicant can be appealed. As well, an approved applicant can be appealed by a concerned party who has been involved in the process. The approval process will identify various conditions which must be addressed before the deed can be "stamped" by the Township.

Township of North Dumfries Official Plan Policies

2.8 RURAL AREA NON-FARM-RELATED DEVELOPMENT

2.8.1 Non-farm-related Residential Development

- 2.8.1.1 The household forecast for the Township's Rural Area to the year 2016 is contained in Table 2. Non-farm-related residential development within the Rural Area will be in accordance with the policies of Section 2.8.1 of this Plan.
- 2.8.1.2 The creation of lots for non-farm-related residential uses will not be permitted within the Rural Area except in accordance with Policies 2.8.1.4, 2.8.1.5 and 2.8.1.6.
- 2.8.1.3 Notwithstanding the provisions of Policies 5.1.1.6 and 5.1.3.2 of the Regional Official Policies Plan, a new farm or new lot will not be deemed to have been created where consent is given for the following purposes:
- a) to create or alter any easement or right-of-way;
 - b) to correct or confirm valid title for a lot which has been previously recognized and held in distinct and separate ownership;
 - c) to make minor adjustment to the legal boundaries of lots so as to conform to existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on abutting lots;
 - d) to make a lot boundary adjustment between two abutting non-farm lots recognized by the Township Zoning By-law that does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act; or
 - e) to make a lot boundary adjustment between an abutting farm and non-farm lot which results in a substantial increase in the long term agricultural viability of the farm operation, and does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.

- 2.8.1.4 New non-farm-related residential lots may be created within the *Beverly Northern and Southern Areas of the Township* designated as shown on Map 2A of this Plan, subject to the following:
- a) within the Beverly Southern Area, a hydrogeological study undertaken in compliance with the Region's Guidelines for Hydrogeological Studies for Privately Serviced Developments as approved by the Regional Commissioner of Engineering;
 - b) the minimum size for any new or retained lots for which a hydrogeological report has been completed will be as determined by the report, but will not be less than 0.4 hectares;
 - c) where a hydrogeological report has not been completed, the minimum size for any new or retained lots will be 1 hectare;
 - d) a lot size up to a maximum of 1.2 hectares may be considered, except where natural features or existing lot patterns justify the inclusion of additional lands
 - e) the proposed lot is not located on Prime Agricultural Lands;
 - f) conformity with the Minimum Distance Separation;
 - g) impacts of the proposed development on the Environmental Areas in accordance with policies contained in Chapter 6 of this Plan;
 - h) compliance with the Ministry of Environment and Energy's Guidelines on Land Use Compatibility;
 - i) no additional direct access to a Regional road will be permitted;
 - j) the creation of new lots will not be permitted from non-farm-related lots, or farm-related non-residential lots, created after January 1, 1973
 - k) the maximum number of new lots that may be permitted from a farm or lot as it existed on January 1, 1973, will be determined as follows:
 - i) one lot from a farm or lot containing two hectares or less;
 - ii) two lots from a farm or lot containing more than two hectares and up to ten hectares; and
 - iii) three lots from a farm or lot containing more than ten hectares.

- 2.8.1.5 Where two or more farms are to be merged in title into one ownership, a lot may be created for a residential dwelling surplus to the needs of the merged farm provided the dwelling is designated in this Plan as a heritage property under the Ontario Heritage Act, subject to:
- a) a lot size of up to 1.2 hectares, except where natural features or existing lot patterns justify inclusion of additional lands; and
 - b) the issuance of a Regional Road access permit where access to a Regional Road is required.
- 2.8.1.6 The creation of one or more new lots for the purposes of infilling non-farm-related residential units within any existing settlement which has not been designated within this Plan as a Rural Settlement Area, may be permitted subject to the following criteria:
- a) that non-farm-related residential lots only be created between two existing non-farm-related residential units or lots that are separated by a distance of not more than 100 metres on the same side of an open public road. The measurement of such 100 metres shall be as determined according to the following:
 - i) measurement is established between two points located along the centre-line of the existing right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;
 - ii) the distance between the two points is measured along the public road through intersecting public roads;
 - iii) the point of reference on an adjoining and undeveloped non-farm-related residential lot is determined by the mid-point along the public road; and
 - b) conformity to the Minimum Distance Separation.

8.7 DEVELOPMENT APPLICATION REVIEW

- 8.7.1 The Township will provide comments to the Region, adjacent Municipalities or other applicable agencies with respect to matters of Township significance or interest relating to development applications submitted in accordance with the Planning Act or other Provincial or Federal legislation. These comments will be provided in accordance with the procedures established by the Province, the Ontario Municipal Board or other legal authority.
- 8.7.2 Preliminary Official Plan Amendments and Zone Change Applications will not be accepted for circulation by the Township in the absence of a complete application satisfying the requirements of all applicable legislation, and will not be approved prior to the completion of appropriate environmental assessments in accordance with the Environmental Assessment Act.

- 8.7.3 The Township encourage in consultation with the Region and other appropriate agencies, the review of draft approved subdivisions every three years to determine if the draft approval should be maintained, and as a result of this review, modify the conditions of draft approval as required.
- 8.7.4 The Township Council may consider delegating, where appropriate, approval authority and the ability to recommend conditions of approval to appropriate delegates as a means to streamline the development approvals process.
- 8.7.5 The Township will require pre-submission consultation between the applicant, the Township, the Region and other appropriate agencies prior to submission of a development application in accordance with the Planning Act.
- 8.7.6 The Township may deem applications to amend this Plan and amendments to the Township Zoning By-law premature for acceptance for processing under the Planning Act in the absence of demonstrated pre-consultation between the applicant, the Township, the Region and other appropriate agencies.
- 8.7.7 The Township will only recommend approval of consent applications where:
- a) the proposed development conforms to the policies of this Plan and the Regional Official Policies Plan;
 - b) the severed and retained parcels conform to the requirements of the Township Zoning By-law or that a minor variance has been approved by the Committee of Adjustment;
 - c) the severed and retained parcels have frontage on an existing open road of a standard satisfactory to the Township, and that no new road (other than road widenings) will be required; and
 - d) that the proposed development conforms to the provisions of Section 53(1) of the Planning Act.
- 8.7.8 The Township encourages the concurrent submission and processing of related development applications.
- 8.7.9 The Township in consultation with the Region and other appropriate agencies will develop guidelines for the review of development applications which:
- a) establish and monitor general time frames and procedures for development approvals;
 - b) identify means of increasing the efficiency and effectiveness of the planning approval process;
 - c) update approval procedures based on the review; and
 - d) annually prepare a report to Council on the results of the review.
- 8.7.10 The Township will maintain a Development Applications in Process Status Report and report to Council annually with the results.

TOWNSHIP OF NORTH DUMFRIES

CONSENT APPLICATION FEE = \$300.00

ADDITIONAL CONSENT APPLICATION FEES

If planning, engineering, legal and/or any other third party expert fees are incurred by the Township of North Dumfries (the "Township") pertaining to an application, the Applicant is to submit the balance upon receipt of an invoice for the same.

NOTE:

Owners of lands located within the Beverly North and South Areas as designated by the Waterloo Regional Official Policies Plan and the Township's Official Plan should first apply for an amendment to the Township's comprehensive Zoning By-law No. 689-83, as amended. In such cases, the following additional Township fees are applicable.

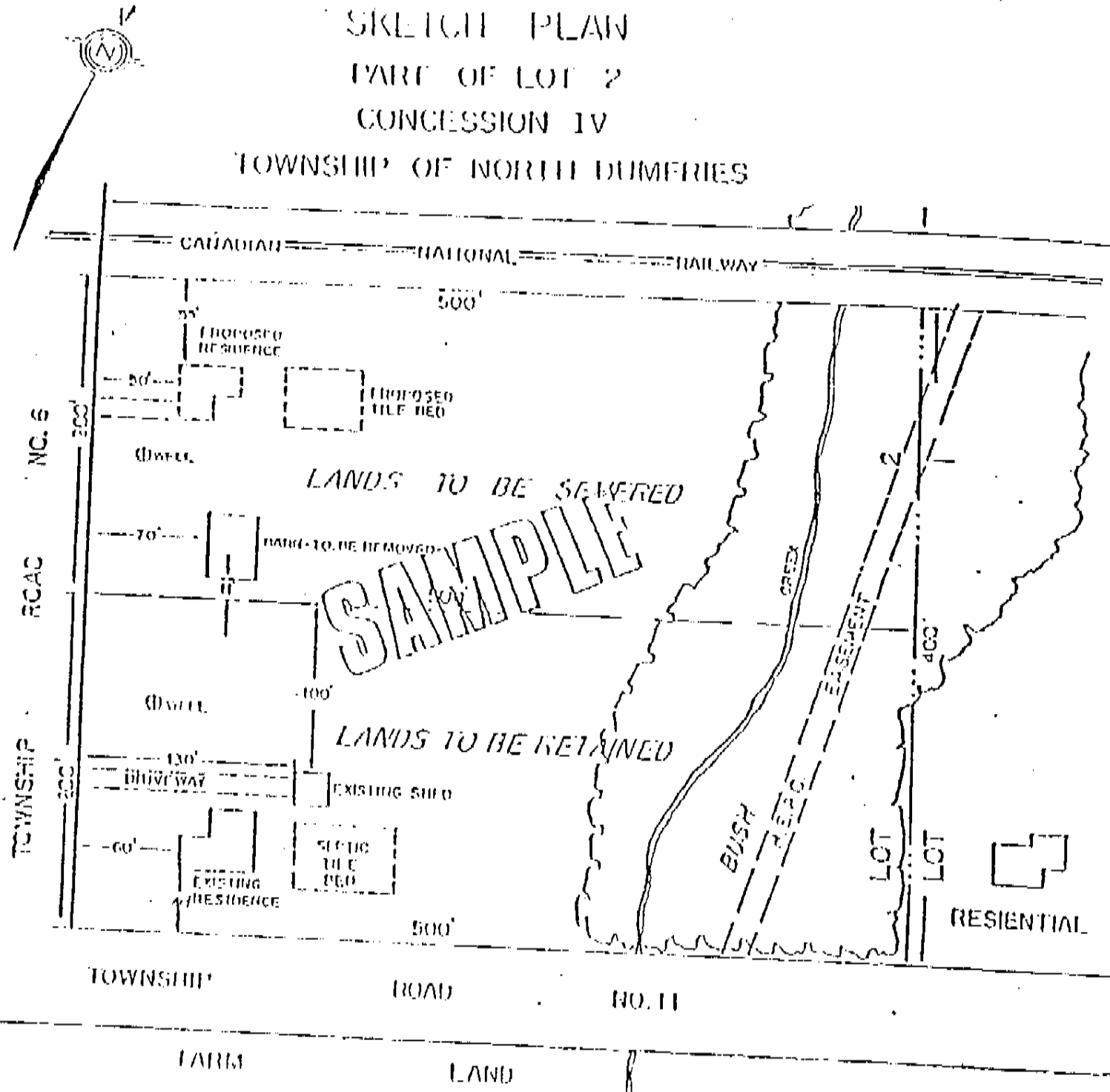
RE-ZONING APPLICATION FEE = \$3,000.00

ADDITIONAL RE-ZONING APPLICATION FEES

If planning, engineering, legal and/or any other third party expert fees are incurred by the Township pertaining to an application, the Applicant is to submit the balance upon receipt of an invoice for the same.

LOT GRADING PLAN
 SKETCH PLAN
 PART OF LOT 2
 CONCESSION IV
 TOWNSHIP OF NORTH DUMFRIES

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- Each copy of the application must be accompanied by a sketch showing,
- abutting land owned by the grantor; its boundaries and dimensions;
 - the distance between the grantor's land and the nearest township lot line or appropriate landmark (e.g., bridge, railway crossing, etc.);
 - the parcel of land that is the subject of the application, its boundaries and dimensions, the part of the parcel that is to be severed, the part that is to be retained and the location of all land previously severed;
 - the approximate location of all natural and artificial features on the subject land (e.g., buildings, railways, highways, watercourses, drainage ditches, banks, slopes, swamps, wooded areas, wells and septic tanks).



5. Land Severances

What is a land severance?

A land severance is the authorized separation of a piece of land to form two new adjoining properties. This is commonly known as a consent. It is required if you want to sell, mortgage, charge or enter into any agreement for (at least 21 years) a portion of your land. If the two parts are split already, by a road or railway for example, consent is not needed.

Most municipalities with an approved official plan have specific policies and requirements for land severance. In addition to the division of land, rights-of-way, easements and any change to your existing property boundaries also require land severance approval.

If several severances are intended in the same area, a plan of subdivision may be more appropriate. It is up to the consent-granting authority in your area to decide whether a consent is the best approach or if a plan of subdivision is necessary for the proper and orderly development of your community. (See Subdivisions, No. 4 in the series.)

Why do I need approval to sever my land?

The indiscriminate division of land without anyone's approval could have a long-term, negative impact on your community. For example, it could result in over-extension of municipal services, such as snow plowing, school busing and garbage collection. Or it might result in damage to the natural environment, because lots are too small to accommodate adequate sewage disposal systems.

Official approval is required to ensure that:

- land severances are considered within an established community planning framework
- new lots and new land uses do not conflict with the overall future planning goals and policies of your community
- consideration is given to the effects of the division of land on the site, on the neighbours and on the community as a whole

Once a severance has been approved, the new land parcels may be sold or resold without further approval. The only exception is if the consent-granting authority has specified otherwise at the time of approval.

Where do I go for a land severance?

The approval of severances can rest with one of a number of different governing bodies. Depending on the area, consent-granting authority may be carried out by the county, regional, metropolitan or district council, which may delegate the function to a local or area municipality, a land division committee or to a municipal planning authority. The local or area municipality may, in turn, use a by-law to delegate its approval functions to a committee of council, an appointed officer or to a committee of adjustment. In northern Ontario, outside the major urban centres the Minister of Municipal Affairs and Housing grants

consents, although this power is often delegated to a planning board. (See Northern Ontario, No. 7 in the series.)

To determine the consent-granting authority in your area, contact your municipal clerk or secretary-treasurer of the planning board.

What is the process for a severance application?

Before you apply for a land severance, you should consult with municipal staff and/or the consent-granting authority in your area. They will be able to tell you how to apply, what supporting material you must submit (e.g. sketches, plans), if there are any special land severance requirements set out in the official plan and what other permits and approvals (e.g. a septic tank permit) may be required.

When applying for a land severance, you may be charged a fee for processing the application. To determine the processing fee in your area, contact the appropriate consent-granting authority. As an applicant, you are usually required to fill out a consent application form provided by the consent-granting authority.

A typical application form contains both the information which is prescribed by minister's regulation as well as additional information which the consent-granting authority may require. The more information provided, the less likely delays will occur in the review.

If you do not provide all the information prescribed by minister's regulation, the consent-granting authority may refuse to accept or to further consider your application. Also, the 60-day time frame for making a decision does not begin until all the prescribed information is received. You are encouraged to contact the appropriate consent-granting authority if you need help in assessing what information is required.

The consent-granting authority must give notice of application before a decision is made. Notice of application is given at least 14 days in advance of a decision by the consent-granting authority, usually through local newspapers or by mail. Any person or public body may submit his or her views to the consent-granting authority.

The consent-granting authority may consult with agencies, boards, authorities or commissions before making a decision.

When the consent-granting authority has decided on your application, it is required to send a notice of decision approving or refusing the application within 15 days of the decision being made, to any person or public body requesting to be notified. When a notice of decision is given, a 20-day appeal period follows.

How is the severance application evaluated?

In considering each application for land severance, the consent-granting authority evaluates the merits of each proposal against criteria such as:

- conformity with the official plan and compatibility with adjacent uses of land
- compliance with local zoning by-laws
- suitability of the land for the proposed purpose, including the size and shape of the lot(s) being created
- adequacy of vehicular access, water supply, sewage disposal
- the need to ensure protection from potential flooding

In considering a consent application, the consent-granting authority shall have regard to the Provincial Policy Statement.

The Provincial Policy Statement contains clear, overall policy directions on matters of provincial interest related to land use planning and development. The "shall have regard to" rule means that the consent-granting authority is obliged to consider the application of a specific policy statement when carrying out its planning responsibility. It is expected that the consent-granting authority will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances. (See The Planning Act, No. 1 in the series, and the Provincial Policy Statement. Both may be obtained through the government offices listed at the end of this guide.)

What about conditions of severance approval?

A severance approval may have certain conditions attached to it including requirements for road widenings, parkland dedication, or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the municipality to provide future services or facilities. Severance conditions must be met within one year.

When all the conditions have been met by the applicant, a certificate is issued by the authority, and the severance goes into effect.

If the transaction originally applied for -- sale of property, for example -- is not carried out within two years of the date of the certificate, the severance is considered lapsed. An earlier lapsing date can be specified by the consent granting-authority at the time of the severance decision.

How can you get involved?

If you are concerned about a severance application that may affect you, you should:

- find out as much as possible about the application
- discuss your concerns with the consent-granting authority
- write the consent-granting authority

If the consent-granting authority knows about your concerns early in the process, it can take them into account before making a decision on the severance application.

What rights of appeal do you have?

Appeals to the Ontario Municipal Board (OMB) can be made in three different ways:

1. Any person or public body may appeal a consent-granting authority's decision and any condition within 20 days of the notice of decision.
2. The applicant may appeal if no decision is made within 60 days from the date of receipt of the application by the consent-granting authority containing the prescribed information.
3. Any person or public body may appeal any changed conditions imposed by the consent-granting authority within 20 days after the notice of changed conditions has been given. Appeals must be filed with the consent-granting authority, accompanied by reasons for the appeal and the fee required by the OMB.

The OMB is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See the Ontario Municipal Board, No. 6 in the series.)

What are the powers of the Ontario Municipal Board?

When a decision is appealed, the OMB will hold a hearing where you will have the chance to present your case. The OMB can make any decision that the consent-granting authority could have made on the application.

The OMB also has the power to dismiss an appeal without holding a hearing. For more information, see the Ontario Municipal Board, No. 6 in the series.

Appealing a planning decision to the OMB is a serious matter. It can take considerable time, effort and in some cases, money for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days or even weeks.

The OMB will make a decision based on the facts presented at a hearing.

What other approvals may be required?

In addition to the planning approvals and building permit which are needed for a building project, there are other permits and approvals required in particular circumstances. For example, a septic tank permit is required for a new septic system. In cottage areas, a permit may be required from the Ministry of Natural Resources before you do any construction in the water (for example, a dock or boathouse with solid foundation).

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