

Township of Gillies

Official Plan Consent Information

2.3 LOT CREATION

- 2.3.1 The division of land shall take place by consent only. Subdivision of land by new plans of subdivision shall not be permitted. Development by new plans of subdivision does not maintain the rural character and environment of the Township and tends to promote a level of development which the municipality does not wish to encourage at this time. The Municipality also has no desire to provide for additional growth in the existing hamlet area of Hymers due to the location of lands which may be prone to flooding along the Whitefish River which traverses the village.
- 2.3.2 Consents shall only be granted that conform with the policies of this Plan and provided that:
- (a) the retained and severed lot(s) can be adequately and safely serviced by private water supply and private sanitary sewage disposal systems in accordance with Ministry of Environment Guidelines ;
 - (b) there shall be written evidence from a licensed well driller or master plumber, of the establishment on the lot to be severed, of a source of water having a flow of at least two (2) gallons of water per minute after one (1) hour of pumping from the subject water source at the rated flow;
 - (c) there shall be a written report from a recognized testing laboratory that the water source of the subject land is potable;
 - (d) the soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and the installation of private sewage disposal systems, including a confirmation of sufficient reserve sewage system capacity and/or demonstration of septage treatment. Confirmation can be in the form of a letter supplied by a holder of a Certificate of Approval for a facility, indicating that the required capacity exists.
 - (e) the lands front onto a public road that is maintained year round by the Township or the Ministry of Transportation and is of an acceptable standard of construction as determined by the Township;
 - (f) no traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
 - (g) the consent does not result in land use conflicts with existing nearby uses;
 - (h) the requirements of the Minimum Distance Separation I criteria shall be adhered to when a consent is being proposed in proximity to existing livestock operations;
 - (i) the lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development. A lot size with a minimum area of approximately 2 hectares and a minimum frontage of approximately 100 metres is deemed to be adequate;
 - (j) the consent does not result in land locked parcel(s) being created;

- (k) a parcel held under unity of ownership as of October 1, 1997 is not subdivided by consent into more than two (2) parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way;
- (l) where only one consent has been granted from a parcel held under unity of ownership as of October 1, 1997, the potential for an additional consent in conformity with this Plan shall remain with the retained parcel unless the retained parcel cannot be severed under the existing provisions of this Plan and the Zoning By-law.

2.3.3 Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the Zoning By-law:

- (a) boundary corrections or adjustments;
- (b) lot enlargements;
- (c) discharge of mortgage;
- (d) road widening and road allowances; and
- (e) easements.

2.3.4 Consents for non-aggregate uses shall not be permitted in areas of high or moderate aggregate resource potential unless it can be demonstrated to the satisfaction of the Ministry of Natural Resources and the Municipality of the Township of Gillies that:

- (a) extraction of the resource is not feasible;
- (b) the proposed use serves a greater long-term interest of the general public than does aggregate extraction; or
- (c) the proposed use does not significantly preclude or hinder future extraction of the resource; and
- (d) issues of public health, safety and environmental impact are addressed.

2.3.5 Consents for non-aggregate use may be permitted on lands within 90 metres abutting high or moderate aggregate resource areas provided:

- (a) there is no negative impact on an existing or future aggregate extraction operation;
- (b) no negative land use impact will result from the existing or future aggregate use on the non-aggregate use, i.e. noise, vibration, dust, traffic impacts; and
- (c) a study be required for lands within 300 metres of an existing pit and within 1000 metres of an existing quarry to indicate no negative impact on the future of the operation.

2.3.6 Consents shall not be permitted in mineral resource areas that precludes or hinders future access to, and use of these resources, unless it can be demonstrated to the satisfaction of the Ministry of Northern Development and Mines and the Township of Gillies that:

- (a) the use of the resource is not feasible; and

- (b) the existing or proposed use serves the greater long-term interest than the resource; and
- (c) issues of public health, safety and environmental impact are addressed.

2.3.7 Consents shall not be permitted in agricultural areas except for the following:

- (a) for agricultural parcels ;
- (b) for agricultural related uses being those farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and require close proximity to the farm operation;
- (c) for a severance of a habitable residence surplus to an agricultural operation as a result of farm consolidation;
- (d) residential infilling;
- (e) for a farm retirement lot meaning one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994 , and has owned and operated the farm operation for a substantial number of years;
- (f) for infrastructure that cannot be accommodated through easements or rights-of-way; and
- (g) for legal or technical reasons.

Consents regarding these exceptions in agricultural areas shall be to the satisfaction of the Township of Gillies.

2.3.8 Residential infilling in agricultural areas means the creation of a residential lot between two existing non-farm residences on separate lots which are situated on the same side of the road and not more than 100 metres apart.

2.3.9 Consents shall not be permitted in any hazardous site that could be unsafe as a result of naturally occurring or man-made hazards unless it can be demonstrated that the hazard will not result in public health, safety or potential property damage to the satisfaction of the Lakehead Region Conservation Authority, Ministry of Natural Resources, Ministry of Northern Development and Mines and/or the Ministry of the Environment and the Township of Gillies.

A hazardous site may include unstable lands or areas subject to change as a result of:

- (a) previous use such as sites used for petroleum operations;
- (b) sites prone to erosion, unstable slopes and steep banks;
- (c) unstable soils or bedrock; and
- (d) sites containing orphaned wells, suspended wells, capped wells, underground caverns and areas of mineral development and/or extraction.

2.3.10 The following may be considered as conditions of consent by the Township of Gillies:

- (a) that the Zoning By-law be amended, if required;
- (b) that approval be obtained from an approval authority recognized and designated by the Township of Gillies for the suitability of operating a sewage disposal system;
- (c) written evidence from a licensed well driller or a master plumber, of the establishment on the lot to be severed, of a source of water having a flow of at least two (2) gallons of water per minute after one (1) hour of pumping from the subject water source at the rated flow;
- (d) a written report from a recognized testing laboratory that the water source on the subject land is potable;
- (e) that any necessary land for road widening, allowances or easements be dedicated to the township or appropriate authority;
- (f) that the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the township; and
- (g) 5 % parkland dedication or equivalent cash in lieu, as provided for in the Planning Act, may be requested by Council by a specific resolution identifying why such a request is desired, and making such a request.
- (h) an appropriate setback from all watercourses be established to the satisfaction of the Lakehead Region Conservation Authority.
- (i) any other condition reasonable to the granting of the consent.