

ATTACHMENT 2

– Draft Official Plan Amendment No. 26

PART B - THE AMENDMENT

All of the Amendment entitled PART B- THE AMENDMENT consisting of the attached text and map constitutes Amendment No. 26 to the Official Plan of the Township of Ramara.

1. Schedule 'A' entitled "Land Use Plan" of the Official Plan of the Township of Ramara is hereby amended by redesignating certain lands located in Part of Lot 15, Concession A, in the Township of Ramara (the former Township of Rama) from "Rural" to "Rural Special Policy XX" as shown on "Map 1" attached hereto.

↑
9.4.10.5
2. That section 9.4.10 is hereby amended by adding a special policy as follows:

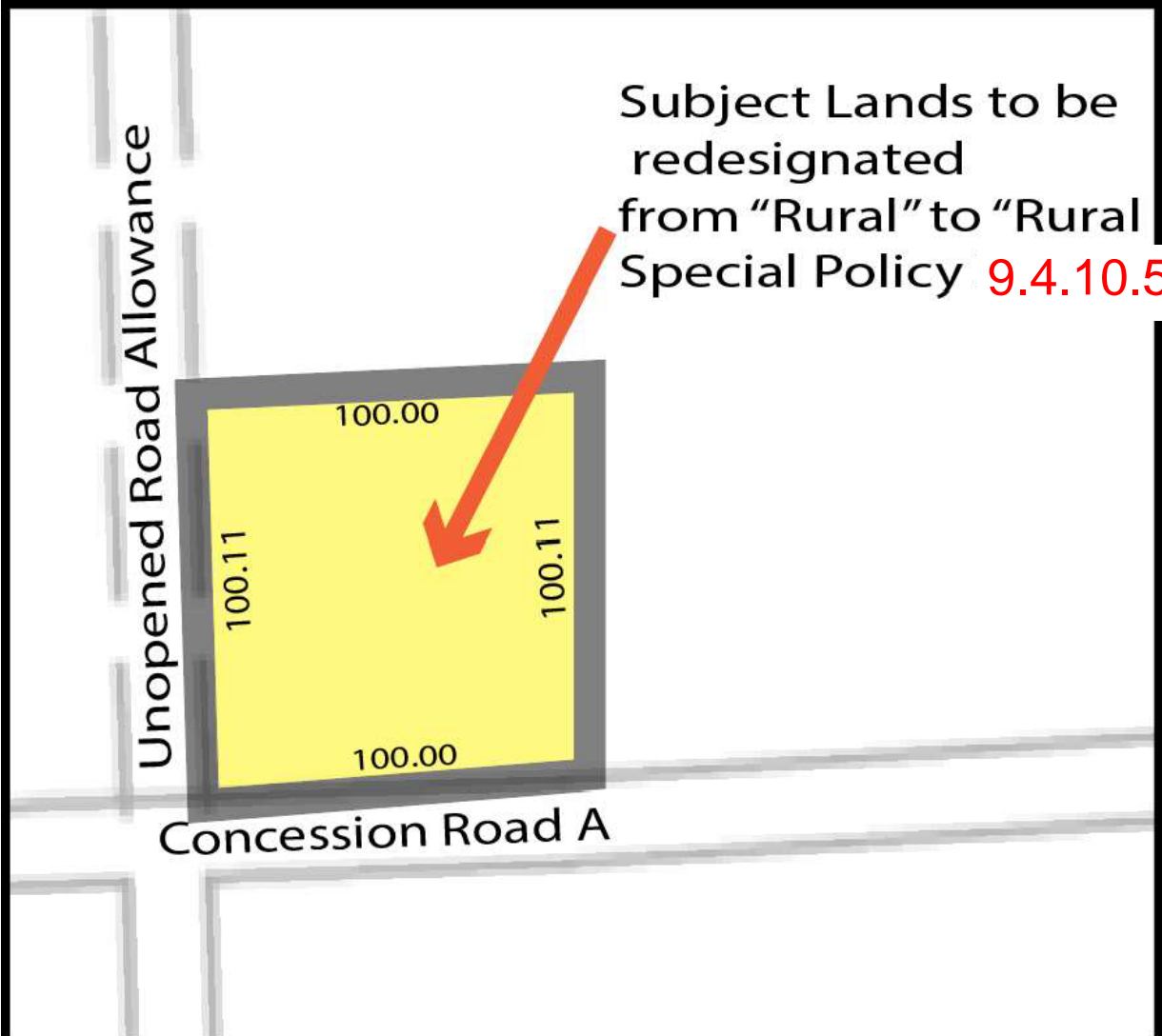
9.4.10.5 Part Lot 15, Concession A, (Rama)

Notwithstanding Policy 9.4.8.4, the creation of two new lots for a single detached dwellings is permitted from a property as it legally existed on the date of Passage of this Official Plan Amendment.

Amendment No. ## shall be implemented by means of a Zoning By-law passed pursuant to the provisions of Section 34 of the *Planning Act*.

The provisions of the Official Plan of the Township of Ramara, as amended from time to time, shall apply in regard to the interpretation of this amendment.

MAP 1 TO OFFICIAL PLAN AMENDMENT 26



Rural Special Policy 9.4.10.5

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 23, 2024

CASE NO(S): OLT-23-001002

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: BayCity Custom Homes
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit two new and additional residential lots via severances on the subject property
Reference Number: OP-1/23
Property Address: 2864 Concession Road A
Municipality/UT: Township of Ramara
OLT Case No.: OLT-23-001002
OLT Lead Case No.: OLT-23-001002
OLT Case Name: Vocella v. Ramara (Township)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: BayCity Custom Homes
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit a reduction in the required minimum lot frontage from 45 m (147.6 ft) to 33.33 m (109.3 ft)
Reference Number: Z-4/23
Property Address: 2864 Concession Road A
Municipality/UT: Township of Ramara
OLT Case No.: OLT-23-001003
OLT Lead Case No.: OLT-23-001002

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: BayCity Custom Homes
Subject: Consent

Description: To create two new residential lots
 Reference Number: B-17/23
 Property Address: 2864 Concession Road A
 Municipality/UT: Township of Ramara
 OLT Case No.: OLT-23-001213
 OLT Lead Case No.: OLT-23-001002

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: BayCity Custom Homes
 Subject: Consent
 Description: To create two new residential lots
 Reference Number: B-16/23
 Property Address: 2864 Concession Road A
 Municipality/UT: Township of Ramara
 OLT Case No.: OLT-23-001212
 OLT Lead Case No.: OLT-23-001002

Heard: July 9, 2024 by Video Hearing

APPEARANCES:

Parties

BayCity Custom Homes

Township of Ramara

Counsel

Patrick Maloney

John Ewart

DECISION DELIVERED ON BY S. DEBOER AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal was an Appeal by Bayside Custom Homes pursuant to s. 22(7) and s. 34(11) and s. 53(19) of the *Planning Act* (“Act”) due to the Township of Ramara (“Township”) Committee of the Whole’s (“COTW”) refusal of the Official Plan Amendment (“OPA”), the Zoning By-law Amendment (“ZBA”), and the Consent (“Consent”) Applications.

[2] The Subject Property (“SP”) pertaining to the Applications is Municipally known as 2864 Concession Road A in the Township. The SP is designated “Rural” as per Schedule “A” of the Township’s Official Plan (“TOP”). The rural designation permits a single detached dwelling on a rural lot. The SP has a frontage of approximately 100 metres (“m”) and a depth of approximately 100.11m for a total lot area of approximately 10, 011 square metres. The SP is located approximately 600m east of Lake Simcoe on the north side of Concession Road A and to the east of Side Road 15.

[3] The SP is generally rural in nature, consisting of mostly wooded lands and have not been used for agricultural use in the past. To the west of the SP is an unopened road allowance with vacant lands located just west of the road allowance. Further west is a shoreline residential area consisting of a 66-lot subdivision on private services - 37 of those lots remain empty. To the west of the subdivision are dwellings that are on Lake Simcoe. To the southwest of the SP there is a rural residence that is surrounded by agricultural lands.

BACKGROUND OF THE APPLICATIONS

[4] On June 28, 2022, the Appellant attended a Pre-application Meeting with the Township, the Township’s consulting planning experts (D.W. Wills Associates Limited) and the County of Simcoe regarding the Appellant’s proposal to sever the SP into four residential lots. The proposed lots would be serviced by private well and private septic systems.

[5] A second Pre-consultation Meeting occurred with the above noted Parties on July 27, 2022, with a revised proposal which included a reduction of the total requested lots from a total of four lots to three lots. These lots would once again, be serviced by private well and private septic systems.

[6] Applications for the OPA and ZBA were submitted on February 13, 2023. The Township and the Appellant’s Land Planning Professional – Mr. Jesse Auspitz –

continued dialogue and the OPA and ZBA Applications were deemed complete on April 24, 2023.

[7] A Notice of a Public Meeting concerning the Applications was circulated on May 3, 2023. The Statutory Public Meeting was scheduled to take place on May 29, 2023. Peer review comments were received from the Township's Engineering Consultant – EXP Services – Township departments, the Lake Simcoe Conservation Authority and the County of Simcoe and sent to the Applicant on May 18, 2023. Mr. Auspitz responded to the comments on May 18, 2023. Additional comments from the Township and their representatives were sent to the Applicant on May 25, 2023. Mr. Auspitz responded to these additional comments on May 29, 2023, the same day as the Public Meeting. No public comments were received in support or opposition to the Applications.

[8] On August 28, 2023, the Applications were presented to the COTW with a Staff Report that recommended refusal of the Applications. The COTW considered the Applications and then sent a Notice of Refusal to the Applicant on September 8, 2023.

[9] The Applicant notified the Township of its intent to appeal the decision to the Tribunal on September 22, 2023.

[10] The Applicant then prepared a Consent Application pertaining to the SP. The Consent Application was received on October 3, 2023. The Application was heard at the Committee of Adjustment ("COA") meeting on November 7, 2023. The Staff Report attached to the Application had a recommendation of refusal for the Application. The COA refused the Application at the meeting of November 7, 2023. The Appellant notified the Township of its intent to appeal the Consent Application to the Tribunal on November 22, 2023.

THE HEARING

[11] At the commencement of the Hearing, the Tribunal marked the Joint Document Book as Exhibit 1 to the Hearing. The Parties presented four witnesses – two witnesses representing the Township and two witnesses representing the Appellant. All the witnesses were qualified to give expert opinion evidence in their areas of expertise.

Jennifer Stong

[12] The Parties agreed to bring forth Jennifer Stong before the Tribunal to provide factual non-opinion evidence to the background and history of the Applications. Jennifer Strong is a Planner who is employed by the Township and Ms. Strong had taken part in the application process. The result of this factual evidence has been summarized above in the background section of this Decision.

Jayme Campbell

[13] Mr. Campbell was qualified to give expert opinion evidence in the area of hydrogeology as it relates to private servicing or water services. Mr. Campbell was retained by the Appellant to provide a hydrogeological study pertaining to the SP. Mr. Campbell was brought before the Tribunal to answer questions pertaining to the issue concerning if the three lots can be safely and adequately serviced by private water service systems.

[14] Mr. Campbell gave opinion that the Report that he provided to the Township met all the criteria contained in the Township's terms of reference and met the requirements of the hydrogeologic assessment. The recommendations in the original Report were that the SP did not have adequate well water availability due to the geological makeup of the ground below the SP. The quality and quantity of well water available does not meet the minimum standards required for private wells. As such, it was his opinion that potable water should be provided by cisterns. The water would be provided to the

cisterns by private water suppliers and transported to the site. There would be an option to allow rainwater gathering to fill the cisterns as well as by private water suppliers.

[15] After comments were submitted by the Township's expert peer reviewer EXP Services Inc., a final Report was drafted by Mr. Campbell which eliminated the option of rainwater gathering to fill the cisterns. The cisterns could only be filled by private suppliers of potable water.

[16] Mr. Campbell's overall opinion – which was included in the final report submitted to the Township – was that the proposed three separate lots on the SP could be properly serviced by private sewage systems and that potable water should be serviced by cisterns only. It was his recommendation that the cisterns be located a minimum of 15m away from each private sewage system and each private sewage system should meet the minimum standard of a level IV/tertiary treatment standard.

[17] Mr. Campbell noted that the Township's peer reviewer EXP Services Inc. stated that the Appellant has demonstrated that the proposed severed lots can be serviced in a technically acceptable manner. EXP Services Inc. was satisfied that the proposed Applications met the requirements of the OPA and the ZBA.

Jesse Auspitz

[18] The Appellant presented Mr. Auspitz who was qualified to give expert opinion evidence in the area of land use planning. Mr. Auspitz was retained in August of 2022 by the Appellant pertaining to their Applications. Mr. Auspitz confirmed with the Tribunal that he was not a part of the two pre-consultation meetings that occurred in June and July of 2022. However, Mr. Auspitz was part of the final application process that was deemed complete on May 3, 2023.

[19] Mr. Auspitz confirmed that there were not any public comments made by residents concerning the Applications.

[20] Concerning the relevant issues before the Tribunal, Mr. Auspitz gave the following opinions:

Do the Applications for OPA, ZBA, and Consent have appropriate regard for matters of Provincial interest set out in Section 2 of the Act, as amended?

[21] It was Mr. Auspitz's opinion that the Applications have regard for Provincial interests. The Applications pertain to a SP that is not being used for agricultural purposes. The SP is rural in nature, Municipal services are not available and therefore the items in s. 2 of the Act pertaining to Municipal services do not apply nor need regard concerning to the Applications. The Applications would facilitate further residential development in a similar scale to what is in the adjacent area. These adjacent developments use the same private water systems as to what is being proposed before the Tribunal. It was his opinion that the intensification of the proposed three lots would not result in any significant impacts to the surrounding area. He did confirm that the proposed three lots would have a frontage less than the minimum 45m required in a Rural "RU" Zone. However, they would be compatible with the surrounding area and the proposed three lots would have a frontage that is similar to other lots in the area. Mr. Auspitz opined that the Applications have due regard for Provincial interest as per s.2 of the Act.

Does the Consent have appropriate regard to matters under Section 51(24) of the Act?

[22] Mr. Auspitz opined that the SP currently allows for a residential dwelling to be built with the use of private water services – including the use of a cistern – as-of-right. Private water services, including the cistern, will not impact the quality or quantity of ground water since there will not be any wells drilled on the SP. The Applications do require an OPA due to the reduced lot frontage proposed, however, the lots would be compatible with the area and do reflect other residential lots in the area.

Is the Application for OPA, ZBA & Consent consistent with the Provincial Policy Statement (2020) (“PPS”)?

[23] Mr. Austpiz opined that the Applications would create three lots where there is an existing single oversized lot intended for residential development. The three lots can be safely serviced by private water systems. The proposed three lots will not require any Municipal water services and are not dependent on the Township for these services. The proposed lots are compatible with the area and the lot size and frontages will coexist with similar residential developments in the area. The submitted supporting documentation demonstrates that the proposed lots can be serviced by the proposed private services. Each of the proposed dwellings would be set back far enough from the front lot line and far enough from each other as to not cause any undue harm to the road and/or each other.

[24] It was Mr. Auspitz’s opinion that single detached dwellings are the preferred form for the proposed lots and would only be used for residential purposes. The OPA and ZBA Applications are required for the requested frontage reduction from the current 100m to a frontage of approximately 33.33m per lot. The proposed lot sizes are consistent and compatible with other lot frontages in the area.

[25] In Mr. Auspitz’s opinion the SP is not within a settlement area and Municipal services are not available. The proposal before the Tribunal is a modest form of intensification with private services that is compatible with the surrounding area.

Do the Applications conform to the Growth Plan for the Greater Golden Horseshoe (2020) (“GGH”)?

[26] Mr. Auspitz opined that the SP is not within a *Settlement Area* as per the GGH. The intensification of the SP does conform to the GGH, specifically Policy 2.2.9, 6 which allows for new multiple lot or residential development on a Rural lot as the proposal is creating a total of three residential lots.

[27] It was Mr. Auspitz's opinion that the SP will allow for the development of new multiple dwelling lots for residential development that will not cause any undue affect to the rural area nor to the surrounding existing dwellings.

[28] It was Mr. Auspitz's opinion that the proposed land instruments are the correct instruments to be used to facilitate the development of three residential lots as where one residential lot currently exists and that the instruments do conform to the GGH.

Do the Applications conform to the COP?

[29] Mr. Auspitz opined that the land instruments do conform to the COP. Policy 3.7.11 permits up to three lots in a Rural Area for residential development. The proposed three lots are consistent and compatible with the existing lots and dwellings in the area. The proposed three lots are not taking away any lands that are being currently used for agriculture nor are there any environmental restrictions on the SP itself to prevent a residential development from occurring. The proposed three lots would have private water and sewage services, which are permitted as per the COP.

[30] In Mr. Auspitz's opinion, the County of Simcoe did not have any issues or concerns about the Applications and the Applications conformed to the Polices of the COP.

Do the Applications conform to the TOP?

[31] It was Mr. Auspitz's opinion that the proposal does not represent a rural residential cluster as the total number of lots is only three, whereas the cluster designation only applies to a proposal of four or more residential lots. An OPA and ZBA is required to permit the development of three residential lots whereas only one residential lot was previously approved. Once the OPA and ZBA are approved, then the Applications would be in conformity with the TOP.

[32] Mr. Auspitz opined that the land instruments propose private water and sewage systems, which have been approved in a technical fashion from the Township's engineering experts. Any further technical issues can be resolved at the building permit stage, as was the recommendation of the Township's engineering expert.

[33] It was Mr. Auspitz's opinion that the proposal before the Tribunal does not result in a fragmentation of land parcels that could be used for agriculture. The proposal allows for an appropriate intensification of the SP. The lots can be serviced using private water and sewage systems and would create new housing stock in the area. Therefore, the proposal before the Tribunal will conform to the general intent of the TOP if it is approved by the Tribunal.

Do the Applications represent good land use planning?

[34] Mr. Auspitz gave opinion that the proposal before the Tribunal does not break up an existing large land parcel. The SP itself has been previously designated for a residential use. The Applications would allow for an appropriate form of intensification on an existing oversized residential lot. The proposed three lots would be similar in size and shape to other existing lots in the area. It has been confirmed through the submitted documents and commentary that the proposal before the Tribunal has demonstrated that private water and sewage systems – including the use of a cistern – is an appropriate method considering the hydrogeological conditions that exist on the SP. Based on all the information brought before the Tribunal, the Applications do represent an efficient use of the SP and represents good land use planning. The Applications should be approved by the Tribunal on an interim basis with the following conditions attached to the Decision:

1. Satisfying the requirements of the Township of Ramara, financial and otherwise, including the payment of any outstanding taxes and the payment of cash in lieu of parkland;

2. Provisions of a registerable legal description on the parcels to be severed together with an electronic copy of the applicable reference plan;
3. That the owner entered into a Consent Agreement with the Township of Ramara pursuant to Section 51(26) of the Act to include access, servicing, grading surface water drainage, and any other matters that the Township of Ramara considers appropriate for the orderly and appropriate development of the land; and
4. A development agreement be put in place requiring that offers and agreements of purchase and sale or lease shall include a warning clause advising future owners that water supply will be by cistern and is required to be located a minimum of 15 m from each sewage disposal infrastructure system.

Diana Keay

[35] Ms. Keay was the expert Land Planner brought forth by the Township. Ms. Keay and her firm have been involved with the proposal since June 2022. Her evidence before the Tribunal would focus on two areas that she opined were non-conforming from a policy perspective. The areas of focus were:

1. The Consent is not a proper form of lot creation.
2. Using cisterns should not be the sole form of water for the SP.

[36] Ms. Keay opined that the Consent Application does not meet the criteria of s. 2 of the Act as the Application is not a safe and efficient use of water, is not an orderly development of safe and healthy communities, nor is it an appropriate location of growth and development. The SP does not have access to Municipal water services and only private water services are available. The groundwater at the SP cannot service a private

well and the only option available is the use of a cistern which relies on a private delivery water source.

[37] Ms. Keay gave opinion that the Consent Application is premature since the Lands Needs Assessment completed in 2022 stated that there were sufficient lands available within the Township's settlement area to support the estimated projected growth. The PPS states that projected growth is to be directed to settlement areas and growth in rural areas is to be limited to manage proper growth.

[38] In Ms. Keay's opinion, given the existing ground water and surface water issues within the Township in general, the SP is not suitable for the proposed development nor does the SP have adequate municipal services to support the Applications. Ms. Keay opined that with her evidence as presented, the Applications do not have regard for the Provincial interest as per s. 2 of the Act and should be refused by the Tribunal.

[39] Concerning the PPS, it was Ms. Keay's opinion that the Applications will create a land use pattern that may cause environmental or public health concerns due to the need of the use of cisterns on the SP. Ms. Keay continued to opine that the Applications do not meet s. 1.1.4 of the PPS as they do not build upon the current rural character of the area and the applications do not leverage rural amenities and assets.

[40] In her opinion the Applications do not meet s. 1.1.5.2, 1.1.5.4, and 1.1.5.5 of the PPS as the Applications are not locally appropriate, are not compatible with the rural landscape and is to be considered inappropriate within the planned or future infrastructure context.

[41] As for s. 1.4.3 of the PPS, Ms. Keay opined that the Applications are not located in an area where appropriate levels of infrastructure are available. The Applications do not showcase an efficient use of lands or density where infrastructure is available and does not maintain public health and safety.

[42] Concerning s. 1.6.6 of the PPS, Ms. Keay opined that the Applications do not promote a use of existing private communal systems since new private services would be required for the residential dwellings to be built. The Applications are not within the settlement area and is not considered to be infilling in nature. The Applications will not maintain the desired rural character of the area and as such, do not meet the policies of the PPS and should not be approved.

[43] Concerning the GGH, the Applications are not in a settlement area, and in rural areas, the GGH permits development of lands based of the management of resources, resource-based recreational uses or uses that are deemed appropriate in settlement areas. The Applications do not meet any of these requirements and should not be approved based on not conforming to the GGH.

[44] Focusing on the COP, Ms. Keay opined that the COP give similar policy direction as the PPS and GGH. Residential severances are permitted where the rural character of the area is maintained and do not adversely affect any agricultural operations. The COP allows for limited residential development in accordance with the servicing hierarchy as established in the PPS and GGH. Ms. Keay opined that the COP directs that if a local plan is more restrictive in nature, the more restrictive plan takes precedence. In this case, the TOP is more restrictive in nature and does take precedence to the COP.

[45] As for the TOP, it was Ms. Keay's opinion that the creation of the three lots would compound the issue concerning safe groundwater or surface water availability to the area. One lot and dwelling are permitted at this time as per the TOP. This lot maintains the rural character of the area and allowing the Applications to allow for the creation of three lots would not maintain the rural character of the area. The Consent Application would create an undue increase in the concentration of development in a rural area where limited residential development is permitted. If the SP was within a settlement area, then the proposal before the Tribunal could be warranted.

[46] It was Ms. Keay's opinion that the Applications do not represent good land use planning. The Applications do not pose a benefit to the community or the greater good. The Applications cannot be sustained by rural service levels to ensure a consistent water supply. Also, there is a surplus of available lots in the area to support the projected growth and these lots are not needed to support local housing stock. The Applications seek to permit an increase in the number of residential lots where there is an existing adequate number of residential lots available. The Applications would put more of a strain on the Township's existing water fill station and may result in a disruption of the closest reliable water source.

[47] Concerning the question pertaining to the adequacy and safety of the proposed lots being serviced by private water systems, it was Ms. Keay's opinion that even though the use of cisterns and private sewage systems are allowed as per the PPS, GGH and COP, and an option to be considered in the TOP, the Applications would create undue pressure on the Township's filling station operation. The availability of water at the fill station is limited and at times, not available at all due to maintenance or operational issues. There are already 37 approved lots that may require cisterns for a water source and any future lots will once again create extra pressure that the Township's fill station may not be able to service.

[48] It was Ms. Keay's overall opinion that the creation of the two extra lots does not conform to Provincial and Municipal Policies. There are existing surplus lots available, and the addition of these lots could create undue pressure on the Township's water supply station and may affect the availability of a safe water supply for all the residents in the area. The Applications do not qualify as an infill or rural cluster development and cannot be considered an appropriate use of the lands nor can it be considered good land use planning. The Applications should not be approved by the Tribunal.

FINDINGS AND ANALYSIS

[49] When rendering a decision, the Tribunal must take into account the evidence that was presented before it. The Tribunal must have regard for the decision that was made by Council, and the items presented before it, including any public comments.

[50] The Applications are requesting a reduced lot frontage from approximately 100.0m to three lots of approximately 33.3m each. It was noted and apart of the pre-consultation notes and in the testimony of Mr. Auspitz that the minimum lot frontage for a rural lot is 45m. Therefore, the SP has enough frontage as-of-right to create two lots without the need an OPA or ZBA, however, the Consent Application would still be required.

[51] The Tribunal finds that the expert opinion evidence provided by Mr. Campbell has proven that a well cannot sustain a dwelling on each lot. However, the use of cisterns is common in the area and a cistern can provide enough fresh potable water to satisfy the daily requirements of each proposed lot. Mr. Campbell opined that the size of the cistern would provide for an average of 45 to 60 days of water supply, depending on the average use of water per day.

[52] As for the Township's concerns pertaining to the filling station, the Appellant has proven that there are other filling stations available other than the Township's filling station. If there is a need for the cisterns to be filled and the Township's filling station is not available, then it would be the residential owner's responsibility to have their water supplier retrieve water from another source.

[53] The Township's Engineering Professional agreed that the use of cisterns pertaining to the Applications have technically met their requirements and concerns. Any further requirements could be dealt with at the building permit stage.

[54] The Tribunal asked the Township's Planning Expert about what is allowed to be

built on the SP without the Applications. It was Ms. Keay's opinion that a single dwelling can be built with a cistern as their water source. Therefore, the question becomes will the Tribunal's approval of two extra lots conform to the above stated policies and will the use of cisterns provide undue pressure on the Township's water filling station? Based on the evidence provided, the Tribunal prefers the evidence of the Appellant's witnesses. The Tribunal understands the Township's concerns pertaining to the water filling station, however, there are other adequate options available for the residents to use if the local water station is not available.

[55] The Township did confirm that the SP can have a dwelling with the use of a cistern as-of-right. The Township's engineering experts agreed that the use of a cistern and a stage IV sewage system can be used from a technical perspective. That same expert agreed that any further issues pertaining to the location and size of the private water systems can be dealt with at the building permit stage.

[56] The Tribunal finds that the evidence has demonstrated that the SP could create two lots with a Consent Application and without the need of an OPA or ZBA. Therefore, the Tribunal must now analyze if a third lot is an appropriate intensification level of the SP. Based on the evidence, the Tribunal agrees with the Appellant's witnesses that the Consent Application would result in three lots that would be similar in nature to the surrounding area. The Consent Application will be compatible to the surrounding area and will not cause any undue pressure on the water filling station. The Appellant's witnesses have proven that there are other sources of water available that could be transported to the SP if needed.

[57] The Tribunal finds that the Applications have regard for matters of Provincial interest as per s. 2 of the Act. The Applications have demonstrated their consistency with the PPS, conforms to the GGH, the COP and the TOP. The Tribunal finds that the

Applications are representative of good land use planning and should be approved with conditions recommended by Mr. Auspitz.

ORDER

[58] **THE TRIBUNAL ORDERS THAT** the Appeal is allowed, and the provisional consent is to be given subject to the conditions listed below in **Attachment 1**.

[59] **THE TRIBUNAL ORDERS THAT** the Appeal is allowed, in part, and the Official Plan of the Township of Ramara is amended as set out in **Attachment 2** to this Order.

[60] **THE TRIBUNAL ORDERS THAT** the appeal against the Township of Ramara Zoning By-law No. 2005.85 is allowed in part and Zoning By-law No. 2005.85 is amended as set out in **Attachment 3** to this Order.

Steve Deboer
MEMBER

“Steve deBoer”

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1**Draft Conditions of Approval for Consent Applications (FILES B-16/23 and B-17/23)**

1. Satisfying the requirements of the Township of Ramara, financial and otherwise, including the payment of any outstanding taxes and the payment of cash in lieu of parkland;
2. Provisions of a registerable legal description on the parcels to be severed together with an electronic copy of the applicable reference plan;
3. That the owner enter into a Consent Agreement with the Township of Ramara pursuant to Section 51(26) of the Planning Act to include access, servicing, grading surface water drainage, and any other matters that the Township of Ramara considers appropriate for the orderly and appropriate development of the land; and
4. A development agreement be put in place requiring that offers and agreements of purchase and sale or lease shall include a warning clause advising future owners that water supply will be by cistern and is required to be located a minimum of 15 metres from each sewage disposal infrastructure system.

ATTACHMENT 2**– Draft Official Plan Amendment****PART B - THE AMENDMENT**

All of the Amendment entitled PART B- THE AMENDMENT consisting of the attached text and map constitutes Amendment No. ## to the Official Plan of the Township of Ramara.

1. Schedule 'A' entitled "Land Use Plan" of the Official Plan of the Township of Ramara is hereby amended by redesignating certain lands located in Part of Lot 15, Concession A, in the Township of Ramara (the former Township of Rama) from "Rural" to "Rural Special Policy XX" as shown on "Map 1" attached hereto.
2. That section 9.4.10 is hereby amended by adding a special policy as follows:

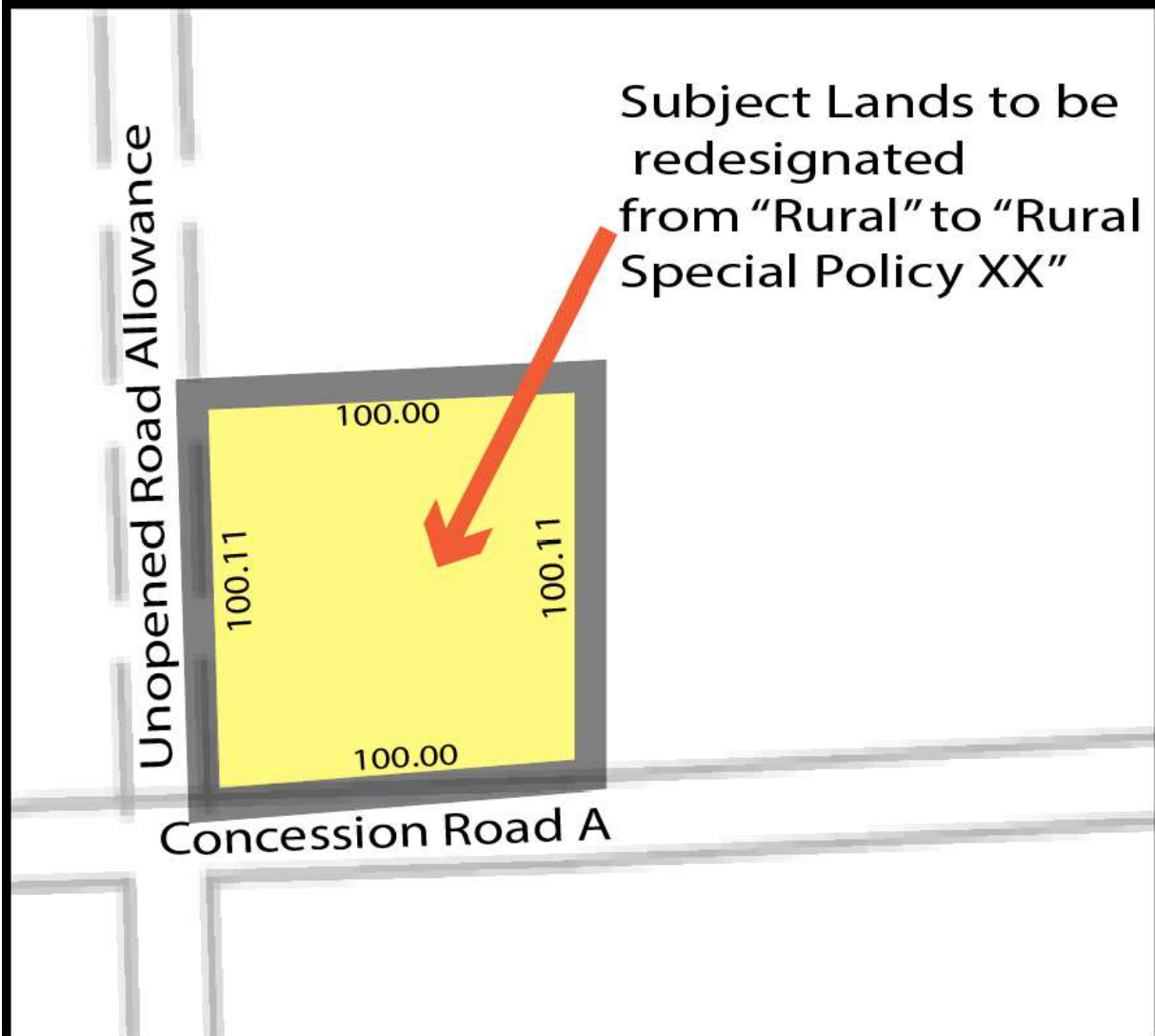
9.4.10.5 Part Lot 15, Concession A, (Rama)

Notwithstanding Policy 9.4.8.4, the creation of two new lots for a single detached dwellings is permitted from a property as it legally existed on the date of Passage of this Official Plan Amendment.

Amendment No. ## shall be implemented by means of a Zoning By-law passed pursuant to the provisions of Section 34 of the *Planning Act*.

The provisions of the Official Plan of the Township of Ramara, as amended from time to time, shall apply in regard to the interpretation of this amendment.

MAP 1 TO OFFICIAL PLAN AMENDMENT



Rural Special Policy XX

ATTACHMENT 3**– Draft Zoning By-law Amendment**

THE CORPORATION OF THE TOWNSHIP OF RAMARA
BYLAW NUMBER 2023. XX
A BYLAW TO AMEND ZONING BYLAW #2005.85
(2864 Concession Road A)

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides for the enactment of zoning bylaws and amendments thereto;

AND WHEREAS the Council of the Corporation of the Township of Ramara deems it advisable to further amend Bylaw 2005.85 for the Township of Ramara as it relates to the Part of Lot 15, Concession A, Mara, known municipally as 2864 Concession Road A;

NOW THEREFORE, THE Council of the Corporation of the Township of Ramara enacts as follows:

1. That Schedule “A”, of Zoning Bylaw 2005.85 are hereby further amended by rezoning the land identified on the attached Map 1 to Rural Exception XX (RU-XX) from “Rural (RU)” and reducing the required lot frontage from 45 metres to 33.33 metres.
2. That this Bylaw shall come into force and take effect on the date of passing thereto, subject to the provisions of section 34 of the *Planning Act*, as amended.

BYLAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS XX DAY OF XXXX 2023.

Basil Clarke, Mayor

Jennifer Connor, Clerk

MAP 1 TO ZONING BY-LAW AMENDMENT



Rural Exception XX (RU - XX)